

**AMENDMENT TO DRAINAGE COVENANT**  
**ATRISCO BUSINESS PARK**  
**City Project # 4383.93**  
**Drainage File # K-10/D30**

WHEREAS, the City of Albuquerque ("City") and Coca-Cola/Dr. Pepper of Albuquerque ("Owner") entered into a Drainage Covenant ("Covenant") on August 21, 1995, which was recorded on September 25, 1995 in the records of the Bernalillo County Clerk at Book 95-23, pages 1540 thru 1546, as Document # 95097099, wherein the Owner agreed to satisfactorily construct and maintain certain drainage facilities; and

WHEREAS, the Owner has requested that a portion of the real property encumbered with the Covenant and identified as Tracts S-1A and S-2A-2 Atrisco Business Park Unit 2 be released from the Agreement;

THEREFORE, the Owner and the City agree to amend the Covenant as follows:

1. The City does hereby release and discharge the following described real property from all obligations under the Covenant:

- a) Tract S-2A-2 as shown on plat of Tracts S-2A-1 and S-2A-2 Atrisco Business Park, Unit 2, recorded December 23, 1998 in Bk. 98C at pg. 363 as Doc. # 1998-165532 records of Bernalillo County, New Mexico.
- b) Tract S-1A as shown on Plat of Tracts S-1A and S-2A Atrisco Business Park, Unit 2, filed for record February 28, 1995 in Volume 95C at Folio 69 as records of Bernalillo County, New Mexico.

2. Other Terms Unchanged: Except as amended herein, the terms and conditions of the Covenant will remain unchanged and will continue in full force and effect unless there is a conflict between the terms and conditions of this Amendment, and the terms and conditions of the Covenant, in which case the terms and conditions of the Amendment to the Covenant will control.

OWNER:

By (Signature)

Name: Jim Bungun

Title: Vice President

Dated: 5/30/02

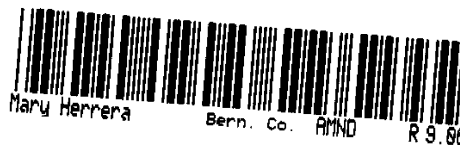
CITY OF ALBUQUERQUE:

[Signature]

City Engineer, Public Works Department

Dated: 6-21-02

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Approved by:

Fred J. Aguirre 6/21/02  
City Engineer

SUBDIVIDER'S NOTARY

STATE OF NEW MEXICO )  
 ) ss  
COUNTY OF BERNALILLO )

This instrument was acknowledged before me on 20<sup>02</sup> day of MAY 30, 2002 by (Name of person:) JIM BURTON, (title or capacity, for instance, "President" or "Owner":) VICE PRESIDENT of (subdivider") UNSER LLC.

[Signature]  
Notary Public

My Commission Expires:

5-16-06

CITY'S NOTARY

STATE OF NEW MEXICO )  
 )  
COUNTY OF BERNALILLO )

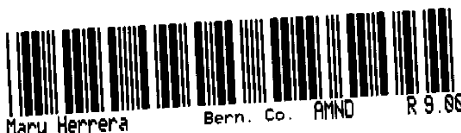
This instrument was acknowledged before me on 21<sup>st</sup> day of June, 2002, by Fred J. Aguirre, City Engineer, Public Works Department of the City of Albuquerque, a municipal corporation, on behalf of said corporation.

Gloria W. Saavedra  
Notary Public

My Commission Expires:

11-15-2003

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