

WARRANTY DEED

The ALBUQUERQUE ACADEMY, a New Mexico non-profit corporation, Grantor, grants to the CITY OF ALBUQUERQUE, a New Mexico municipal corporation, Grantee, the following described real estate situated in Bernalillo County, New Mexico:

All that portion of the Elena Gallegos Grant, lying east of a line depicted on a subdivision plat entitled "Summary Plat of a Portion of the Elena Gallegos Grant" (the "Summary Plat"), recorded in the office of the County Clerk of Bernalillo County, New Mexico, on June 29, 1982, said line being the western limits of the tract described herein being further described as follows:

BEGINNING at the closing corner between secs. 35 and 36 of T. 11 N., R. 4 E., NMPM, on the south boundary of said Grant; thence N. 00°03'21" E., 2,670.40 feet to a point; thence N. 00°03'21" E., 1,244.73 feet to the projected section corner common to secs. 25, 26, 35, and 36; thence continuing along the projected section line common to said secs. 25 and 26, N. 00°17'37" E., 1,346.11 feet to a point; thence leaving said section line and continuing S. 84°40'00" E., 178.00 feet to a point; thence S. 53°20'00" E., 218.00 feet to a point; thence N. 52°50'00" E., 364.00 feet to a point; thence East 225.00 feet to a point; thence N. 66°00'00" E., 1,244.14 feet to a point; thence N. 06°12'25" W., 1,765.08 feet to a point; thence N. 07°27'00" W., 2,008.00 feet to a point; thence S. 80°38'00" W., 984.00 feet to a point; thence S. 64°45'00" W., 621.00 feet to the projected section corner common to secs. 23, 24, 25, and 26; thence N. 00°44'22" W., 1,382.97 feet to the southeast corner of Sandia Heights South, Unit 14, as the same is shown and designated on the plat filed in the office of the County Clerk of Bernalillo County, New Mexico, on February 12, 1975; thence continuing along the easterly boundary of said Unit 14, N. 00°04'20" E., 1,951.64 feet to the northeast corner of said Unit 14, said corner also being the southeast corner of Sandia Heights South, Unit 10, as the same is shown and designated on the plat filed in the office of the County Clerk of Bernalillo County, New Mexico, on March 11, 1974; thence continuing along the easterly boundary of said Unit 10, N. 00°02'31" E., 1,493.53 feet to the northeast corner of said Unit 10, said corner also being the southeast corner of Sandia Heights South, Unit 3, as the same is shown and designated on the plat filed in the office of the County Clerk of Bernalillo County, New Mexico, on August 3, 1971; thence continuing along the easterly boundary of said Unit 3, N. 00°03'29" E., 1,867.10 feet to the northeast corner of said Unit 3, said corner also being the

southeast corner of Sandia Heights South, Unit 2, as the same is shown and designated on the plat filed in the office of the County Clerk of Bernalillo County, New Mexico, on October 20, 1970; thence continuing along easterly boundary of said Unit 2, N. $00^{\circ}03'29''$ E., 1,869.70 feet to the northeast corner of said Unit 2, said corner also being the southeast corner of Sandia Heights South, as the same is shown and designated on the plat filed in the office of the County Clerk of Bernalillo County, New Mexico on June 20, 1966; thence continuing along the easterly boundary of said Sandia Heights South, N. $00^{\circ}03'29''$ E., 1,725.76 feet to the Northwest corner of the tract herein described, said corner being a point on the northerly boundary of the Elena Gallegos Grant.

Less and excepted therefrom:

A certain tract of land situated within the boundaries of the parcel being conveyed, depicted on the Summary Plat as "Tract C, Bear Canyon Scenic Easement Area", and being more particularly described by New Mexico State plane grid bearings (Central Zone) and ground distances as follows:

Beginning at the southwest corner of the tract herein described, the TRUE POINT OF BEGINNING, from whence the closing corner of secs. 35 and 36, T. 11 N., R. 4 E., NMPM (having New Mexico State plane coordinates, Central Zone, $X = 431,287.46$; $Y = 1,504,207.17$), on the south boundary of the Elena Gallegos Grant, bears S. $40^{\circ}02'20''$ W., 7,105.15 feet; thence, N. $01^{\circ}05'39''$ W., 860.00 feet to the northwest corner of the tract herein described, thence continuing along the northerly boundary of the tract herein described, N. $77^{\circ}27'19''$ E., 1,447.55 feet to a point; thence, S. $64^{\circ}18'38''$ E., 2,801.07 feet to a point; thence, N. $43^{\circ}01'28''$ E., 3,065.96 feet to a point; thence, N. $77^{\circ}27'19''$ E., 500.00 feet to the northeast corner of the tract herein described; thence, S. $07^{\circ}24'44''$ W., 1,923.59 feet to a point; thence, S. $39^{\circ}56'46''$ W., 4,099.01 feet to the most southerly corner of the tract herein described; thence, N. $29^{\circ}36'19''$ W., 2,409.57 feet to a point; thence, N. $75^{\circ}08'13''$ W., 2,514.52 feet to the TRUE POINT OF BEGINNING, containing 270 acres, more or less.

Containing, after recognizing the exception, 7,665.84 acres, more or less, with warranty covenants.

SUBJECT TO:

1. The following restriction on use applicable to a portion of the parcel being conveyed, such portion being depicted on the Summary Plat as "Tract B, 640 Acre Park Site" (the

"Park Property"). The Park Property shall be used solely by the City as a City park. The City will limit use of the Park Property to passive recreation uses which will include only the installation, construction, maintenance and use of picnic benches, tables, shelters, barbecue grills, drinking water facilities, associated minor recreation facilities (such as volley ball or horseshoe pitching facilities), restrooms, access roads, parking lots, hiking trails, trail heads, a trailer or other residence for a residential caretaker, and electric power facilities associated with the specified uses, all as specifically designated by the City. If the Park Property is ever used for purposes other than those enumerated here, the Academy may give written notice to the City of such improper use by certified mail addressed to "Chief Administrative Officer, City of Albuquerque, Post Office Box 1293, Albuquerque, New Mexico 87103." If such use is not terminated by the City within sixty (60) days of delivery of such notice, the Academy may reenter and terminate the City's estate in the Park Property.

2. Reservation by Grantor of all interest in and to all mineral rights (other than those reserved by the United States of America by Patent) and all oil and gas rights which mineral and oil and gas rights are subject to the regulations of the Secretary of Agriculture (36 CFR 251.15) "Conditions, Rules and Regulations to Govern Exercise of Mineral Rights Reserved in Conveyances to the United States" as the same may be amended from time to time; provided that no surface occupancy for the purpose of extracting minerals or oil and gas shall occur in the exercise of the rights reserved in this paragraph 2 on the portion of the lands herein conveyed that are included within the Sandia Mountain Wilderness so long as such lands within the Sandia Mountain Wilderness are withdrawn from all forms of surface entry or appropriation under the mining laws and from the operation of the mineral leasing laws of the United States, but the preceding clause shall not prohibit Grantor from non-motorized entry at any time upon the lands conveyed within the Sandia Mountain Wilderness to explore and prospect for minerals and oil and gas using non-surface disturbing methods or from appropriating minerals or oil and gas from such lands within the Sandia Mountain Wilderness by methods other than actual surface entry from the Sandia Mountain Wilderness lands; and provided further that if the mining and/or mineral leasing laws at any time permit entry onto and appropriation from the Sandia Mountain Wilderness lands for the purpose of mining or mineral or oil and gas extraction, Grantor, its successors and assigns may enter upon such lands of the Sandia Mountain Wilderness for the purpose of mining or extracting minerals and oil and gas to the extent permitted by law.
3. Reservation by Grantor of an fifty (50) foot access roadway easement to and from the excepted parcel of 270 acres described preceding (and depicted on the Summary Plat as "Tract C, Bear Canyon Scenic Easement Area"), within and along the Bear Canyon Access Road Easement, depicted on the Summary Plat.
4. An easement, outstanding in the City of Albuquerque, for the existing Embudito Canyon training dike, as recorded on September 26, 1978, Misc. Bk. 641, pages 101-104, records of the County Clerk of Bernalillo County.

- 5. An easement, outstanding in the Albuquerque Metropolitan Arroyo Flood Control Authority, for construction and maintenance of the Upper Bear Canyon Training Dike, as recorded on April 25, 1979, Misc. Bk. 684, pages 789-792, records of the County Clerk of Bernalillo County, together with rights of access along the Access Road Easement to the Training Dike as depicted on the Summary Plat.
- 6. Rights of the United States and third persons, if any, under the following reservations contained in the patent for the Elena Gallegos Grant:

a. " * * * title to any gold, silver, or quicksilver mines or minerals of the same, but all such mines and minerals shall remain the property of the United States with the right of working the same."

* * *

b. " * * * limitations and terms of the Act of Congress of March 3, 1891."

- 7. Rights, if any, of claimants under mesne mining claims

WITNESS our hands and seals this 22nd day of July, 1982.

ALBUQUERQUE ACADEMY
a New Mexico non-profit corporation

Richard G. Elkins
President, Board of Trustees

CITY OF ALBUQUERQUE,
a New Mexico municipal corporation

Harry E. Kinney
Harry E. Kinney, Mayor

ATTEST:

Cynthia Ludi

STATE OF NEW MEXICO)
) ss.
COUNTY OF BERNALILLO)

The foregoing instrument was acknowledged before me this 22nd day of July, 1982, by Richard G. Elkins, President, Board of Trustees, on behalf of the Albuquerque, Academy.

Jan Trusche
Notary Public

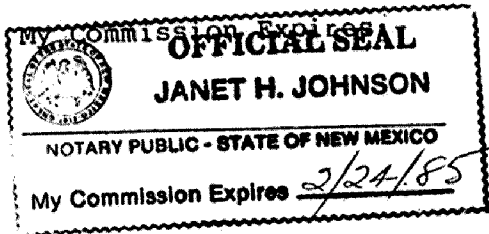
My Commission Expires:

Sept 8 1984

STATE OF NEW MEXICO)
) ss.
COUNTY OF BERNALILLO)

The foregoing instrument was acknowledged before me
this 23rd day of July, 1982, by Harry E.
Kinney, Mayor, on behalf of the City of Albuquerque.

Janet H. Johnson
Notary Public



STATE OF NEW MEXICO
COUNTY OF BERNALILLO
FILED FOR RECORD

'82 JUL 23 AID:43

D/66-A 175-179
BY *TERRY C. GULP*
CO. CLERK & RECORDER
DEPUTY

Lee Bunch

