

Santa Fe County
Santa Fe River Greenway

Irrevocable Right to Enter Property

Property owner:
Prajna Foundation
Contact Person: Jeff Harbour
2361 Santa Barbara Drive
Santa Fe, NM 87505

The Board of County Commissioners ("BCC") of Santa Fe County, New Mexico, a political subdivision of the State of New Mexico ("County") plans to complete a river restoration project and construct a public multi-use trail approximately 8 miles along the Santa Fe River from Frenchy's Field to the Waste Water Treatment Plant near NM 599. The river restoration and trail will be known as the **Santa Fe River Greenway**. As part of its planning of the Santa Fe River Greenway, the County requests permission from property owners along the affected segment of the Santa Fe River for Santa Fe County and its agents or contractors to enter a portion of your property where necessary to conduct activities necessary for preliminary inspection and planning development activities for the Santa Fe River Greenway Project. These inspection and planning activities are part of the County's due diligence in determining what real property or property interests need to be acquired by Santa Fe County for the completion of the Santa Fe River Greenway Project.

Property description or other property identification (*attach exhibit if appropriate*):

UPC: 1051098301057000000

Property Address: 2639 Agua Fria Street

Legal Text: PROBATE #SF 83-45 (P) 411 LOT 1 & 415 LOT 1 T17N R 9E S28 SHC 410 LOT 1

A. Upon the execution of this Agreement by the parties, Santa Fe County, its employees, agents, contractors shall have the right to enter onto and exit from the Property described above and carry out any necessary preliminary work, including archaeological, environmental assessment, hydrologic, hydraulic, topographic and geological surveys, survey and appraisals, and all due diligence necessary for the County's acquisition of an easement, fee interest or other interest in all or a portion of the Property. The County, its employees, agents or contractor shall make every effort to minimize the impact of these activities on the owner's Property and perform such activities in a manner so as to cause the least possible disturbance to the possession of the owner.

B. The County agrees to compensate the owner for any damage caused by or resulting from ingress and egress and the acts performed by the County, its employees, agents and contractor and compensate the owner for any damage to the owner's property caused by the acts performed under the terms of this Agreement. The County's maximum damage shall not exceed the fair market value of the affected or damaged portion of the owner's property.

C. This Right to Enter Agreement shall be a covenant that runs with the land. As such it shall pass to any subsequent owner of the Property who succeeds to the interest of the Property

owner named herein until such time that the County releases this Right to Enter by recording a release with the Santa Fe County Clerk.

D. Term of Agreement and Terms of Entry and Use.

1. This Right to Enter shall be in effect from the date of signature until September 1, 2017.

2. Ingress and egress by the County, its employees, agents or consultants shall occur between the hours of 7:00 a.m. and 6:00 p.m. Monday through Friday, except County recognized holidays.

3. The County, its employees, agents and contractor(s) shall enter upon and exit the Property solely for the purposes of engaging in archaeological, environmental assessment, hydrologic, hydraulic, topographic and geological surveys, survey and appraisals, and all due diligence necessary for the County's determination to acquire an easement, fee interest or other interest in all or a portion of the Property for the Santa Fe River Greenway Project.

Each party to this Agreement has caused it to be executed on the date indicated below.

Santa Fe County

[Signature]
Katherine Miller, Manager

Date: [Signature]

Approved as to form:

[Signature]
Gregory S. Shaffer
Santa Fe County Attorney *of 10/9/15*

Date: 10/1/15

Property Owner

[Signature]

Date: 8/28/2015

PARCEL 6 DESCRIPTION

ALL THAT PORTION OF TRACT 1, DESCRIBED WITHIN WARRANTY DEED RECORDED AS BOOK 1858 PAGE 750-752 AS SHOWN ON BOUNDARY SURVEY PLAT FOR PRAJNA FOUNDATION AND FRANCES H. HARWOOD RECORDED AS BOOK 466 PAGE 37 IN THE OFFICE OF THE SANTA FE COUNTY CLERK, SAID PARCEL LYING WITHIN LOT 8 SECTION 28, TOWNSHIP 17 NORTH, RANGE 9 EAST, N.M.P.M., CITY AND COUNTY OF SANTA FE, NEW MEXICO

WHICH PORTION MAY BE MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST WESTERLY CORNER OF PARCEL 6, AN ANGLE POINT OF THE AFORESAID PARENT PROPERTY MARKED BY A REBAR WITH CAP L.S. 12130 WHICH LIES N14°38'29"W 152.94 FEET FROM A BRASS CAP MARKING THE NORTHEAST CORNER OF SHC 415 AND THE NORTHWEST CORNER OF SHC 411-1

THENCE N30°35'57"E, 396.43 FEET;

THENCE N61°50'57"E, 125.12 FEET;

THENCE N15°39'03"W, 50.19 FEET;

THENCE N42°37'57"E, 58.58 FEET;

THENCE S15°46'27"E, 70.25 FEET;

THENCE S40°07'08"W, 554.56 FEET;

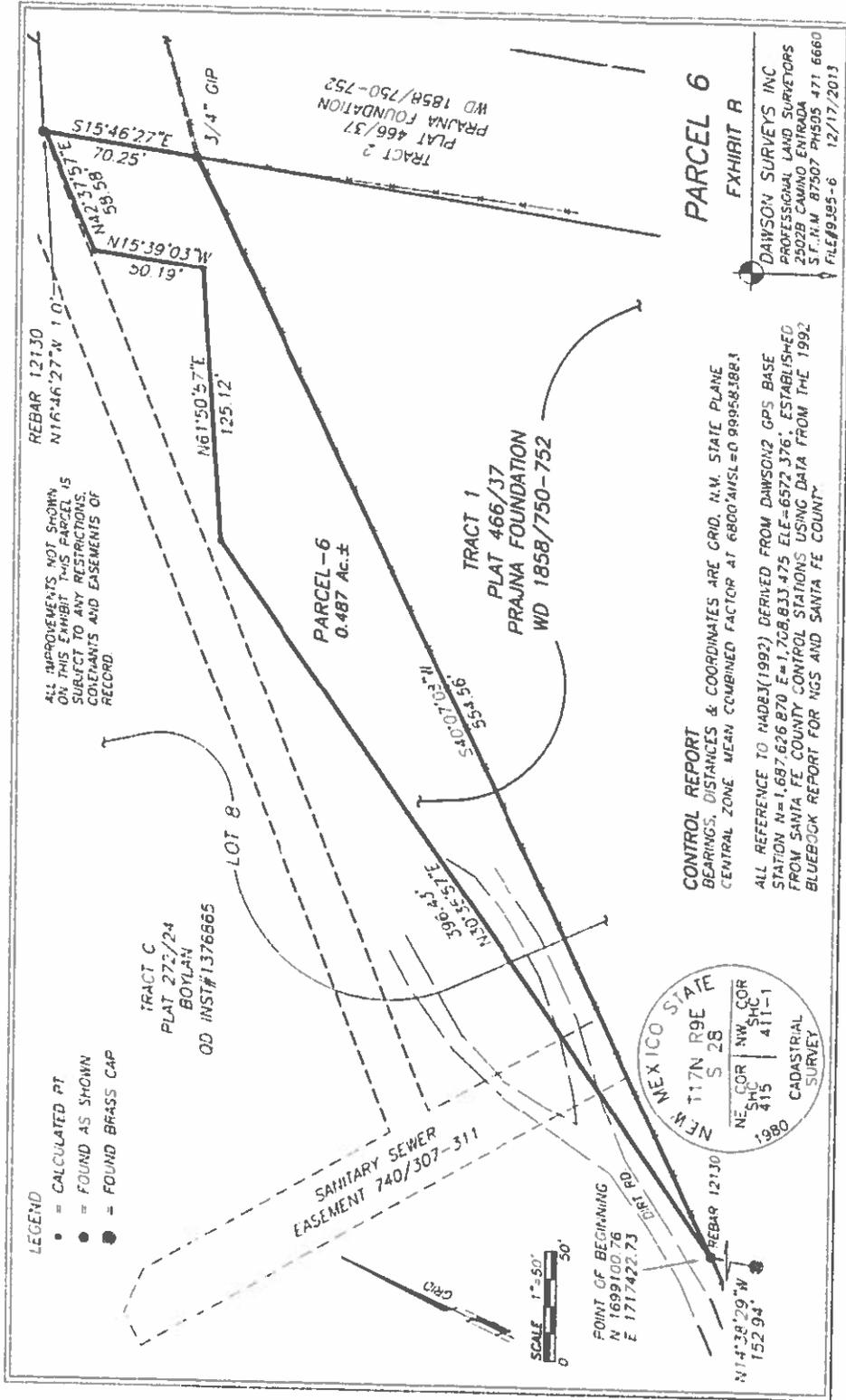
MORE OR LESS TO THE POINT OF BEGINNING, CONTAINING 0.487 Ac., MORE OR LESS, AS SHOWN MORE COMPLETELY ON EXHIBIT B ATTACHED HERETO.

Diego J. Sisneros
DIEGO J. SISNEROS, N.M.P.L.S. 13986



12/17/2013

EXHIBIT A

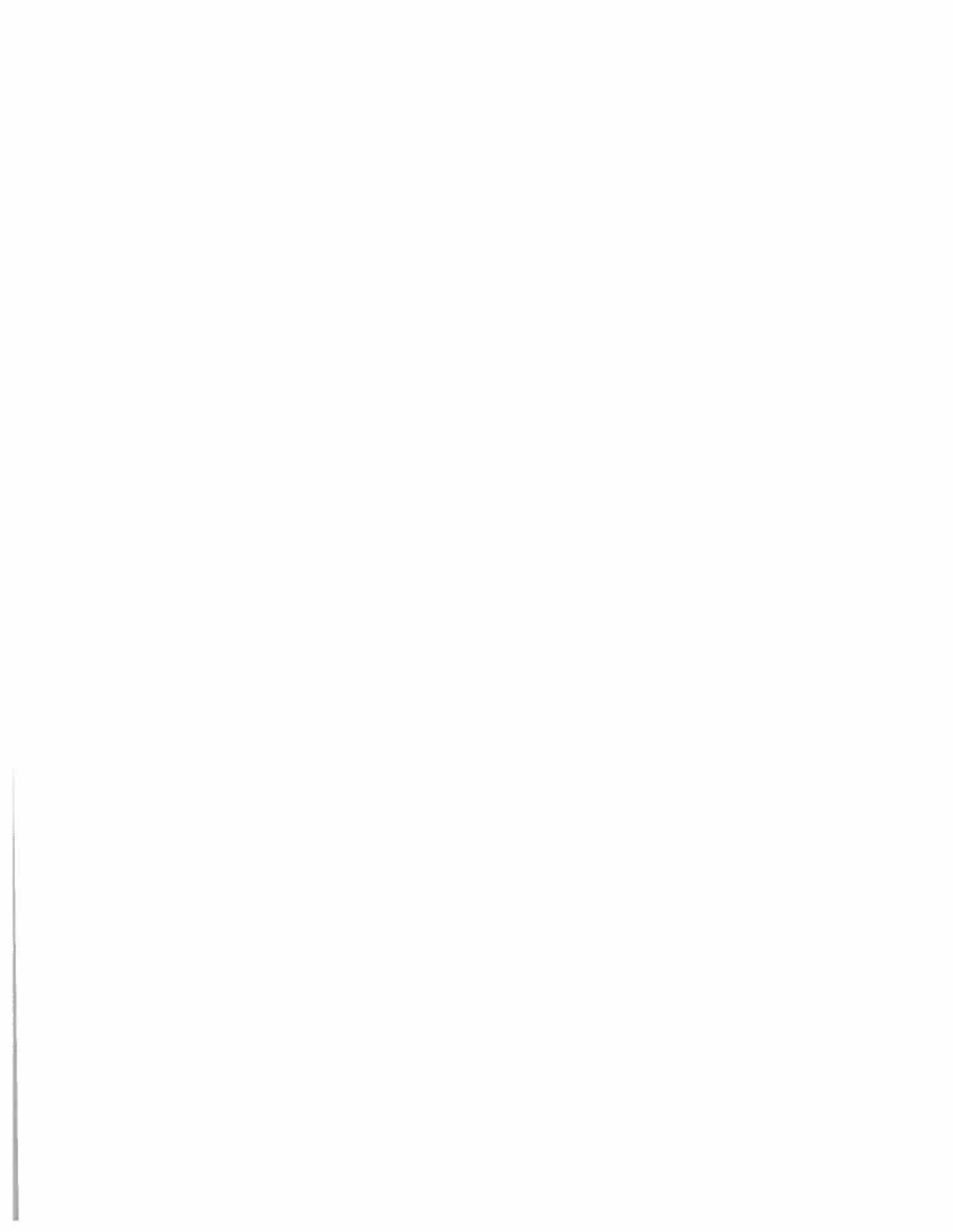


11/1/2013

Rev. 20141222

UPC No.: 1051098301057000000

Project Name: Santa Fe River Greenway



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Santa Fe River Greenway

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Property owner:
Prajna Foundation
Contact Person: Jeff Harbour
2361 Santa Barbara Drive
Santa Fe, NM 87505

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Property description or other property identification (*attach exhibit if appropriate*):

UPC: 1051098350076000000

Property Address: Vacant Land, Agua Fria Street, Santa Fe, NM

Legal Text: BK 475 PG 379 T17N R 9E S28 1.781 AC TR 2 CARRILLO REPLAT WEST PORT
PROBATE #SF 83-45(P)

A. Upon the execution of this Agreement by the parties, Santa Fe County, its employees, agents, contractors shall have the right to enter onto and exit from the Property described above and carry out any necessary preliminary work, including archaeological, environmental assessment, hydrologic, hydraulic, topographic and geological surveys, survey and appraisals, and all due diligence necessary for the County’s acquisition of an easement, fee interest or other interest in all or a portion of the Property. The County, its employees, agents or contractor shall make every effort to minimize the impact of these activities on the owner’s Property and perform such activities in a manner so as to cause the least possible disturbance to the possession of the owner.

B. The County agrees to compensate the owner for any damage caused by or resulting from ingress and egress and the acts performed by the County, its employees, agents and contractor and compensate the owner for any damage to the owner’s property caused by the acts performed under the terms of this Agreement. The County’s maximum damage shall not exceed the fair market value of the affected or damaged portion of the owner’s property.

C. This Right to Enter Agreement shall be a covenant that runs with the land. As such it shall pass to any subsequent owner of the Property who succeeds to the interest of the Property owner named herein until such time that the County releases this Right to Enter by recording a release with the Santa Fe County Clerk.

D. Term of Agreement and Terms of Entry and Use.

1. This Right to Enter shall be in effect from the date of signature by the parties until September 1, 2017.

2. Ingress and egress by the County, its employees, agents or consultants shall occur between the hours of 7:00 a.m. and 6:00 p.m. Monday through Friday, except County recognized holidays.

3. The County, its employees, agents and contractor(s) shall enter upon and exit the Property solely for the purposes of engaging in archaeological, environmental assessment, hydrologic, hydraulic, topographic and geological surveys, survey and appraisals, and all due diligence necessary for the County's determination to acquire an easement, fee interest or other interest in all or a portion of the Property for the Santa Fe River Greenway Project.

Each party to this Agreement has caused it to be executed on the date indicated below.

Santa Fe County

Katherine Miller
Katherine Miller, Manager

Date: _____

Approved as to form:

Gregory S. Shaffer
Gregory S. Shaffer
Santa Fe County Attorney

Date: 10/1/15

Property Owner

Thomas J. Harbauer

Date: 8/28/2015

PARCEL 7 DESCRIPTION

ALL THAT PORTION OF TRACT 2, DESCRIBED WITHIN WARRANTY DEED RECORDED AS BOOK 1858 PAGE 750-752 AS SHOWN ON BOUNDARY SURVEY PLAT FOR PRAJNA FOUNDATION AND FRANCES H. HARWOOD RECORDED AS BOOK 466 PAGE 37 IN THE OFFICE OF THE SANTA FE COUNTY CLERK, SAID PARCEL LYING WITHIN LOT 8 SECTION 28, TOWNSHIP 17 NORTH, RANGE 9 EAST, N.M.P.M., CITY AND COUNTY OF SANTA FE, NEW MEXICO

WHICH PORTION MAY BE MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF PARCEL 7, WHICH LIES S62°27'30"W 313.20 FEET FROM A 1" IRON PIPE
THENCE S10°43'19"W, 88.84 FEET;
THENCE N15°46'27"W, 71.25 FEET;
THENCE N62°27'30"E, 40.49 FEET;
MORE OR LESS TO THE POINT OF BEGINNING, CONTAINING 0.032 Ac.(1412sq.ft.), MORE OR LESS, AS SHOWN MORE COMPLETELY ON EXHIBIT B ATTACHED HERETO.

Diego J. Sisneros
DIEGO J. SISNEROS, N.M.P.L.S. 13986

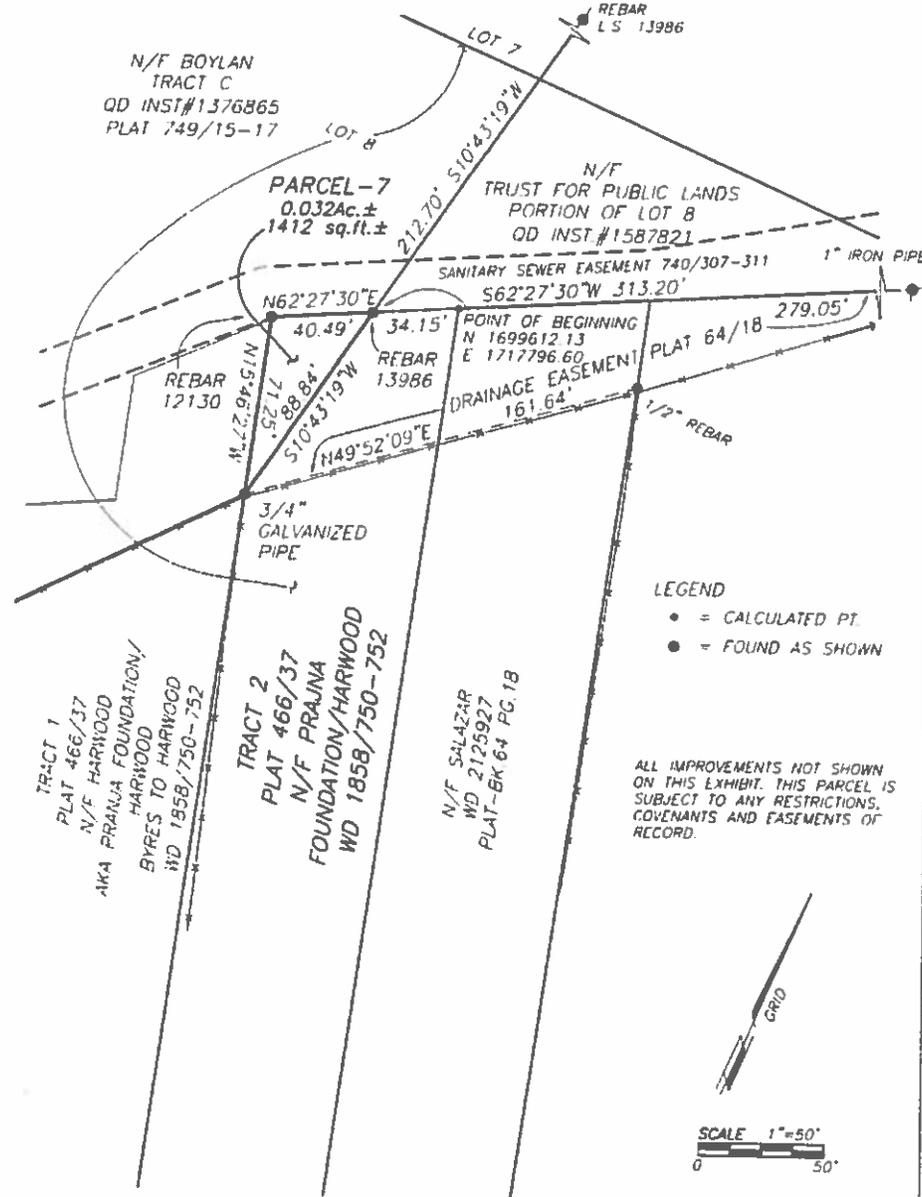


EXHIBIT A

CONTROL REPORT

BLARINGS, DISTANCES & COORDINATES ARE GRID, N.M. STATE PLANE
CENTRAL ZONE. MEAN COMBINED FACTOR AT 6800' AMSL = 0.999583883

ALL REFERENCE TO NAD83(1992) DERIVED FROM DAWSON2 GPS BASE
STATION N=1,687,626.870 E=1,708,833.475 ELE=6572.376'
ESTABLISHED FROM SANTA FE COUNTY CONTROL STATIONS USING DATA
FROM THE 1992 BLUEBOOK REPORT FOR NGS AND SANTA FE COUNTY



- LEGEND**
- = CALCULATED PT.
 - = FOUND AS SHOWN

ALL IMPROVEMENTS NOT SHOWN
ON THIS EXHIBIT. THIS PARCEL IS
SUBJECT TO ANY RESTRICTIONS,
COVENANTS AND EASEMENTS OF
RECORD.



**PARCEL 7
EXHIBIT B**

DAWSON SURVEYS INC.
PROFESSIONAL LAND SURVEYORS
2502B CAMINO ENTRADA
S.F. N.M. 87507 PH505 471 6660
FILE #9385-7 12/17/2013

