Santa Fe County
**Arroyo Hondo Trail**

Irrevocable Right to Enter Property

Property owner:
Century Bank
Att'n: Bob Bidal
P.O. Box 1507
Santa Fe, NM 87504

The Board of County Commissioners ("BCC") of Santa Fe County, New Mexico, a political subdivision of the State of New Mexico ("County") plans to develop a bicycle/pedestrian trail along the Arroyo Hondo from the NM 599 Rail Runner Station to the Santa Fe Community College with connections north to Fire Place Rd., the future I-25/Cerrillos Rd Interchange and along Richards Ave. to the future Southeast Connector. The trail will be known as the **Arroyo Hondo Trail**. As part of its development of the Arroyo Hondo Trail, the County requests permission from property owners within the project area for Santa Fe County and its agents or contractors to enter a portion of your property where required to conduct preliminary inspection and project development activities for the Arroyo Hondo Trail Project. These inspection and project development 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 Arroyo Hondo Trail Project.

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

| | UPC | Property Address | Legal Text |
|---|---|---|---|
| 1 | 1051094020204000000 | 4 Willow Back Rd. Santa Fe, NM 87508 | T16N R9E S16 Tract A Open Space |
| 2 | 1051094006115000000 | 4 Willow Back Rd. Santa Fe, NM 87508 | T16N R9E S16 Tract B Open Space |
| 3 | 1051094037038000000 | | T16N R9E S16 Tract C Open Space |

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 property owner for any physical injury to and for substantial interference with possession or use of property caused by its entry and activities upon the property made in carrying out that activities allowed under this Right to Enter. The County's maximum liability however will not exceed the fair market value of the affected or injured 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 this Right to Enter is terminated by the County through the filing of a release. The County shall file a release upon (i) the County's purchase of the Property for purposes of the Arroyo Hondo Trail, or (ii) the County's determination of which portion of the Property and/or property rights the County will acquire for purposes of completing, operating and maintaining the Arroyo Hondo Trail.

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 Arroyo Hondo Trail Project.

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

**Santa Fe County**

Katherine Miller — Date: 2-1-2016

Katherine Miller
Santa Fe County Manager

**Approved as to form:**

Gregory S. Shaffer — Date: 1-19-16

Gregory S. Shaffer
Santa Fe County Attorney

**Property Owner**

Robert C. Bidal, EVP — Date: 01/08/16

Century Bank
By Robert C. Bidal, Executive Vice President



1/22/16

**Acknowledgement**

STATE OF NEW MEXICO )
) ss:
County of SANTA FE )

This instrument was acknowledged before me this 8th day of January, 2016, by Robert C. Bidal, Executive Vice President for Century Bank, a New Mexico Bank..

Notary Public

My Commission Expires: June 12, 2017

ANGELA B. MAES
NOTARY
PUBLIC
STATE OF NEW MEXICO

SFC-RE_CD 005

Rev. 20141001

UPC No.: 1051094020204

Project Name: AHTrail