

**AMENDMENT NO. 1 TO
LEASE AGREEMENT BETWEEN SANTA FE COUNTY
AND THE PUEBLO OF POJOAQUE
FOR A SOLID WASTE TRANSFER STATION**

THIS AMENDMENT is made and entered into on the 4th day of MAY, 2016, by and between Santa Fe County, a political subdivision of the state of New Mexico (hereinafter "Lessee"), and the Pueblo of Pojoaque, a federally recognized Indian tribe (hereinafter "Lessor").

WHEREAS, the Lessor and Lessee entered into a Business Lease No. 5000011034, dated September 8, 2009 (the "Lease Agreement"), wherein the Lessor agreed to lease 9.28± of real property to the Lessee specifically described in the Lease Agreement by reference to "Exhibit A"; and

WHEREAS, the purpose of the Lease Agreement is for the Lessee to construct, operate and maintain a solid waste transfer station for use by Santa Fe County residents and residents of Pojoaque Pueblo; and

WHEREAS, pursuant to SECTION TWENTY-SIX of the Lease Agreement (Modification of Agreement), the Lessor and Lessee mutually agree to amend the Lease Agreement to revise the boundaries of the leased premises, establish an area of nonexclusive right-of-way access easement for use by the Lessor, Lessee, and any third party lessee of the Lessor, and replace Exhibit A with a new "Exhibit A-1" depicting the revised leased premises.

NOW, THEREFORE, IT IS MUTUALLY AGREED AS FOLLOWS:

1. SECTION ONE of the Lease Agreement (DEMISE, DESCRIPTION, AND USE OF PREMISES), paragraph A. is deleted in its entirety and replaced with:

A. Lessor leases to Lessee and Lessee hires from Lessor, for the purpose of setting up a solid waste transfer station to protect the health, safety and welfare of Santa Fe County residents, including residents of the Pueblo of Pojoaque, the premises which is legally described and identified in that certain survey identified as "*Parcel A Jacona Waste Transfer Station Lease Site (Santa Fe County) Area = 349,682 Sq. Feet± 8.0276±*" and prepared by Larry W. Medrano, N.M.P.S. No. 11993, certified MAY 9, 20 16 attached hereto as Exhibit A-1 and made a part hereof.

2. SECTION ONE of the Lease Agreement (Demise, Description, and Use of Premises), new paragraphs "C" and "D" are inserted to read:

C. The Lessor and Lessee agree that the area depicted in Exhibit A-1 as "*Parcel B Jacona Waste Transfer Station Site*" is not included as part of the above-described leased premises and Parcel B is retained by Lessor for Lessor's purposes as Lessor deems appropriate.

D. The Lessor and Lessee agree that the area depicted in Exhibit A-1 as "*Shared Access Easement Granted by this Document*" is an area to which Lessor grants to Lessee a nonexclusive access easement. The area of *Shared Access Easement* is reserved for access by Lessee, Lessor and any future lessee of Parcel B described above. Lessor confirms that Lessee maintains a nonexclusive access right-of-way from NM 502 to the leased premises and that such access right-of-way from NM 502 to the leased premises may be used by Lessee, Lessor and any future lessee of Parcel B described above.

3. All other provisions and Sections of the Lease Agreement not specifically amended by this Amendment No. 1 shall remain in full force and effect.

4. Lessor and Lessee agree that the amendments described in this Amendment No. 1 do not violate Lessee's quiet and peaceable possession of the leased premises as provided in **SECTION FOUR** (Warranties of Title and Quiet Possession) of the Lease Agreement.

5. This Amendment No. 1 may be executed in any number of counterparts and delivered by facsimile or electronic transmission, each of which shall be deemed an original but all of which together shall constitute one and the same instrument.

IN WITNESS WHEREOF, the parties have executed this Amendment No. 1 as of the date first written above.

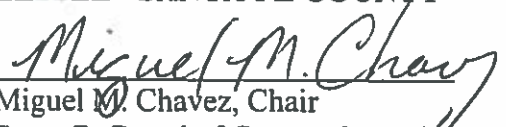
LESSOR - PUEBLO OF POJOAQUE



Joseph M. Talachy
Governor

Date: 5/25/16

LESSEE - SANTA FE COUNTY



Miguel M. Chavez, Chair
Santa Fe Board of County Commissioners

ATTESTATION:

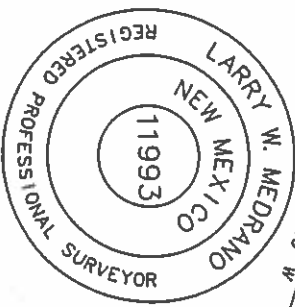

Geraldine Salazar
Santa Fe County Clerk

Approved as to form:


Gregory S. Shaffer
County Attorney

Date: 5-4-16

REC'D CLERK RECORDED 05-02-2016



Surveyor's Certificate

I, LARRY W. MEDRANO, A REGISTERED PROFESSIONAL SURVEYOR UNDER THE LAWS OF THE STATE OF NEW MEXICO, HEREBY CERTIFY THAT THIS EXHIBIT (UN-CLASSIFIED SURVEYING SURVEY) WAS PREPARED FROM FIELD NOTES OF AN ACTUAL SURVEY MEETING THE MINIMUM REQUIREMENTS FOR THIS CLASSIFICATION OF SURVEY AS PER THE MINIMUM STANDARDS FOR LAND SURVEYING IN NEW MEXICO AS ADOPTED BY THE N.M. BOARD OF LICENSURE FOR ENGINEERS AND SURVEYORS, AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

LARRY W. MEDRANO
N.M.P.S. No. 11993

DATE _____

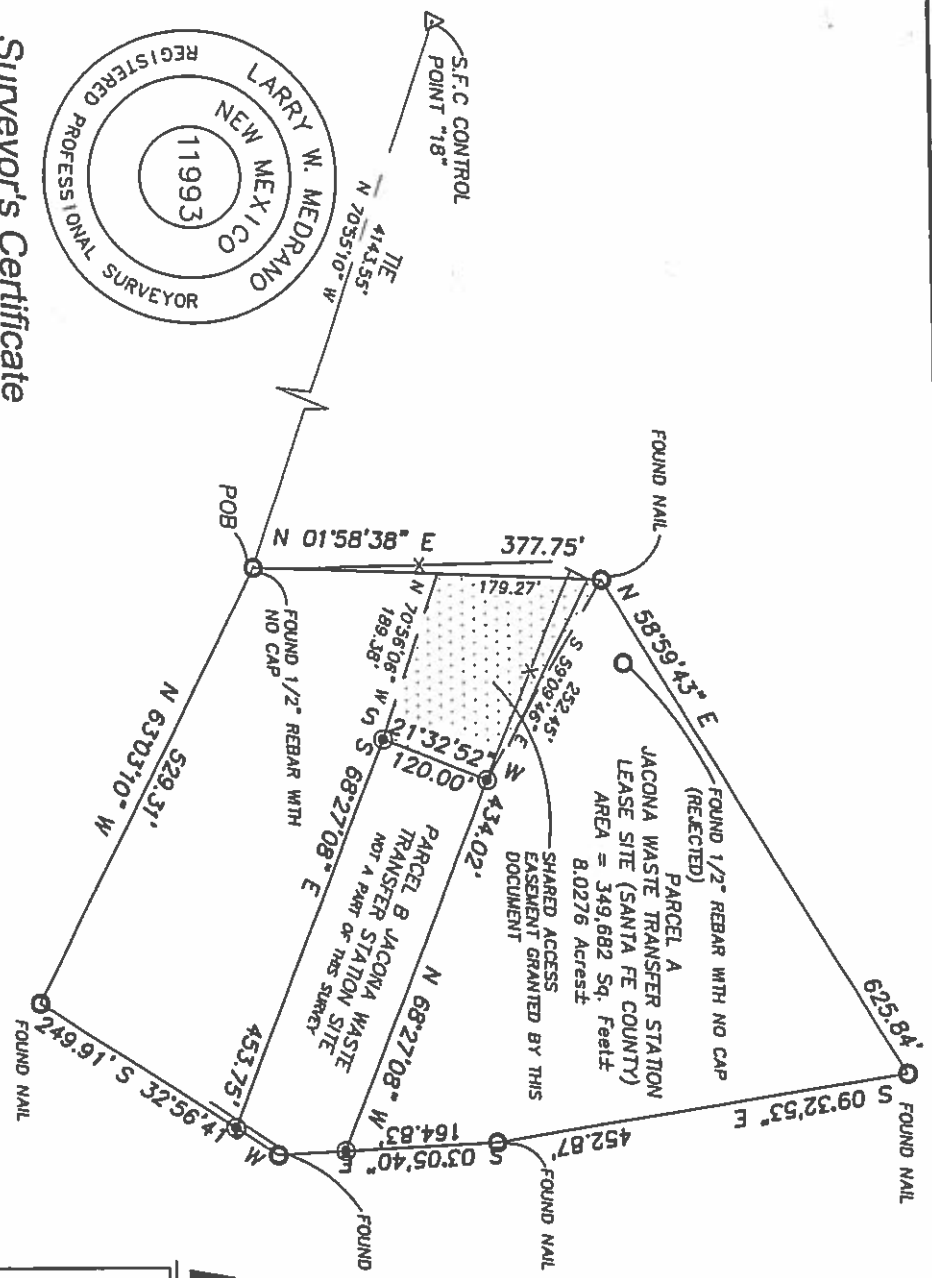
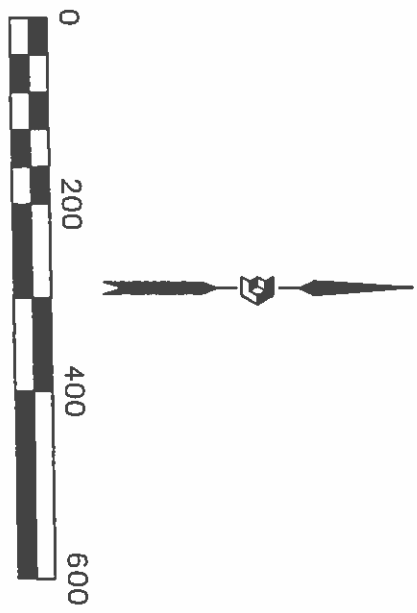


Exhibit A-1 (page 1 of 3)



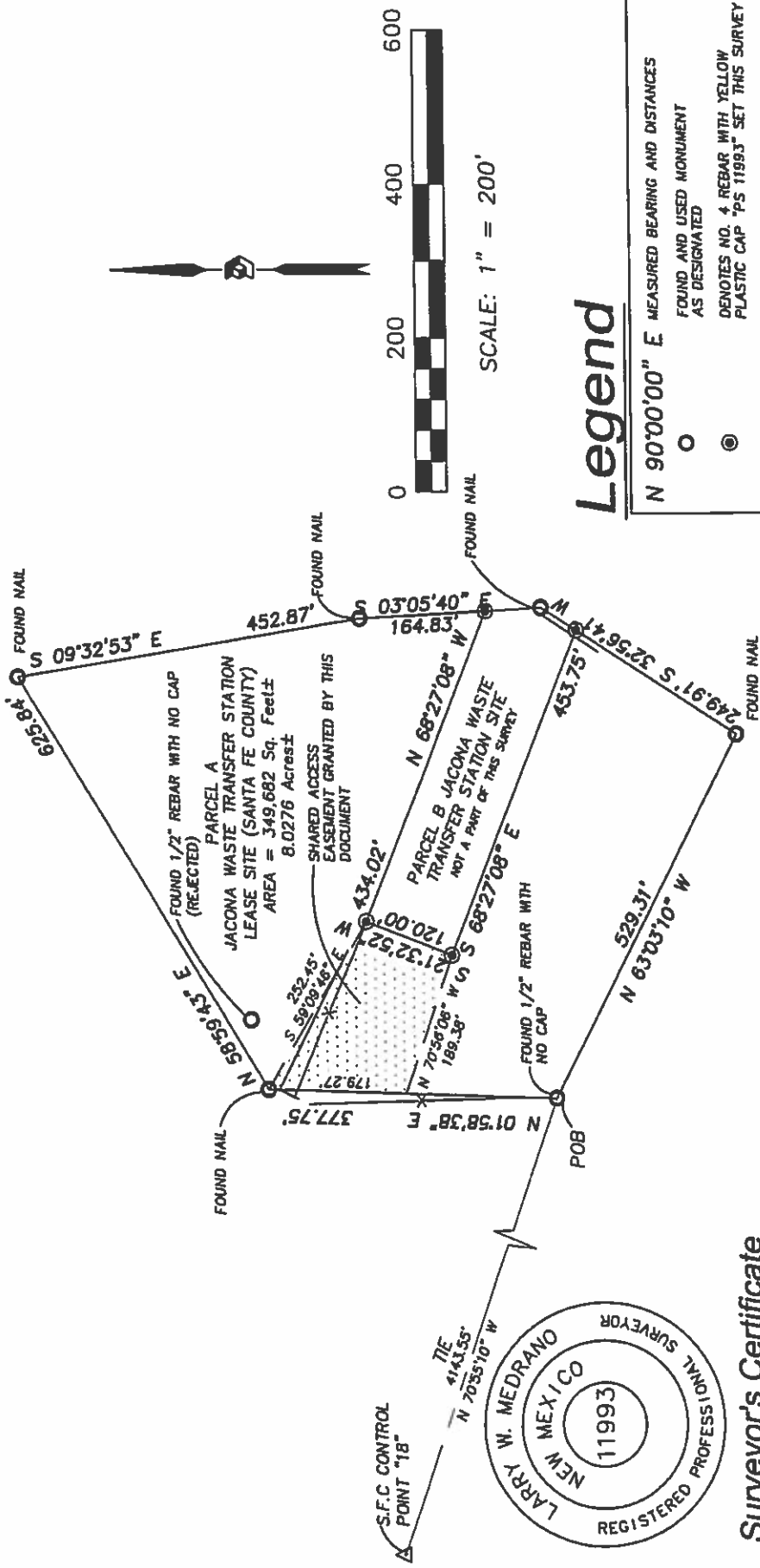
Legend

N 90°00'00" E	MEASURED BEARING AND DISTANCES
○	FOUND AND USED MONUMENT AS DESIGNATED
⊙	DENOTES NO. 4 REBAR WITH YELLOW PLASTIC CAP "PS 11993" SET THIS SURVEY
△	FOUND ALUMINUM AGRS MONUMENT AS DESIGNATED
X	WIRE FENCE

PRECISION
SURVEYS, INC.

OFFICE LOCATION:
2000 W. 10TH ST. SUITE 100
ALBUQUERQUE, NM 87102
TEL: 505.261.7000
FAX: 505.261.7001

157100EX



Legend

- N 90°00'00" E MEASURED BEARING AND DISTANCES
- FOUND AND USED MONUMENT AS DESIGNATED
- DENOTES NO. 4 REBAR WITH YELLOW PLASTIC CAP "PS 11993" SET THIS SURVEY
- △ FOUND ALUMINUM AGRS MONUMENT AS DESIGNATED
- X — WIRE FENCE

OFFICE LOCATION
2016 05 16
ALBUQUERQUE, NM 87102
MAILING ADDRESS
PO Box 10033
ALBUQUERQUE, NM 87179
TEL: 505.844.1700 FAX: 505.844.1700



Exhibit A-1 (page 1 of 3)

157100EX

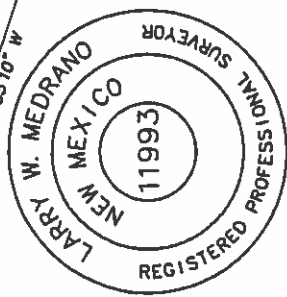
Surveyor's Certificate

I, LARRY W. MEDRANO, A REGISTERED PROFESSIONAL SURVEYOR UNDER THE LAWS OF THE STATE OF NEW MEXICO, HEREBY CERTIFY THAT THIS EXHIBIT (UN-CLASSIFIED SURVEYING SURVEY) WAS PREPARED FROM FIELD NOTES OF AN ACTUAL SURVEY MEETING THE MINIMUM REQUIREMENTS FOR THIS CLASSIFICATION OF SURVEY AS PER THE N.M. BOARD OF LICENSURE FOR ENGINEERS AND SURVEYORS, AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

Digitally signed by Larry Medrano
Location: Albuquerque, NM
Date: 2016.05.16 16:45:22-0600

DATE

LARRY W. MEDRANO
N.M.P.S. No. 11993



9182/28/98 0200028 X8120 025

Exhibit A-1

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Legal Description- Parcel A Jacona Waste Transfer Station Lease Site

A CERTAIN PARCEL OF LAND DESIGNATED HEREIN AS PARCEL A JACONA WASTE TRANSFER STATION SITE, LYING AND SITUATE WITHIN THE POJOAQUE PUEBLO GRANT, IN PROJECTED SECTION 18, TOWNSHIP 19 NORTH, RANGE 9 EAST, NEW MEXICO PRINCIPAL MERIDIAN, VICINITY OF JACONA, SANTA FE COUNTY, NEW MEXICO, AS THE SAME IS SHOWN AND DESIGNATED ON THE PLAT FILED IN THE OFFICE OF THE COUNTY CLERK OF SANTA FE COUNTY, NEW MEXICO ON NOVEMBER 19, 2009, BOOK 710, PAGE 035, SAID PARCEL BEING MORE PARTICULARLY DESCRIBED BY NEW MEXICO STATE PLANE COORDINATE GRID SYSTEM BEARINGS (CENTRAL ZONE-NAD83) AND GROUND DISTANCES (US SURVEY FOOT) AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF DESCRIBED PARCEL, MARKED BY A FOUND ½ INCH REBAR WITH NO CAP, FROM WHENCE A TIE TO S.F.C. CONTROL POINT "18", BEARS N 70°55'10" W, A DISTANCE OF 4,143.55 FEET; THENCE FROM SAID POINT OF BEGINNING N 01°58'38" E, A DISTANCE OF 377.75 FEET TO AN ANGLE POINT MARKED BY A FOUND NAIL; THENCE N 58°59'43" E, A DISTANCE OF 625.84 FEET THE NORTHERNMOST CORNER OF DESCRIBED PARCEL MARKED BY A FOUND NAIL; THENCE S 09°32'53" E, A DISTANCE OF 452.87 FEET TO AN ANGLE POINT MARKED BY A FOUND NAIL; THENCE S 03°05'40" E, A DISTANCE OF 164.83 FEET TO AN ANGLE POINT MARKED BY A SET NO. 4 REBAR WITH YELLOW PLASTIC CAP "PS 11993"; THENCE N 68°27'08" W, A DISTANCE OF 434.02 FEET TO AN ANGLE POINT MARKED BY A SET NO. 4 REBAR WITH YELLOW PLASTIC CAP "PS 11993"; THENCE S 21°32'52" W, A DISTANCE OF 120.00 FEET TO AN ANGLE POINT MARKED BY A SET NO. 4 REBAR WITH YELLOW PLASTIC CAP "PS 11993"; THENCE S 68°27'08" E, A DISTANCE OF 453.75 FEET TO AN ANGLE POINT MARKED BY A SET NO. 4 REBAR WITH YELLOW PLASTIC CAP "PS 11993"; THENCE S S 32°56'41" W, A DISTANCE OF 249.91 FEET TO THE SOUTHEAST CORNER OF DESCRIBED PARCEL MARKED BY A FOUND NAIL; THENCE N 63°03'10" W, A DISTANCE OF 529.31 FEET TO THE POINT OF BEGINNING, CONTAINING 8.0276 ACRES (349,682 SQUARE FEET) MORE OR LESS, ALL AS SHOWN ON ATTACHED EXHIBIT "A-1".

Legal Description-Parcel B (Retained by Lessor; not part of leased premises describe above)

A CERTAIN PARCEL OF LAND COMPRISING A PORTION OF THE JACONA WASTE TRANSFER STATION SITE, LYING AND SITUATE WITHIN THE POJOAQUE PUEBLO GRANT, IN PROJECTED SECTION 18, TOWNSHIP 19 NORTH, RANGE 9 EAST, NEW MEXICO PRINCIPAL MERIDIAN, VICINITY OF JACONA, SANTA FE COUNTY, NEW MEXICO, AS THE SAME IS SHOWN AND

2020 JUL 16 RECORDED 16/07/2016

Exhibit A-1

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DESIGNATED ON THE PLAT FILED IN THE OFFICE OF THE COUNTY CLERK OF SANTA FE COUNTY, NEW MEXICO ON NOVEMBER 19, 2009, BOOK 710, PAGE 035, DESIGNATED HEREIN AS PARCEL B, BEING MORE PARTICULARLY DESCRIBED BY NEW MEXICO STATE PLANE COORDINATE GRID SYSTEM BEARINGS (CENTRAL ZONENAD83) AND GROUND DISTANCES (US SURVEY FOOT) AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF DESCRIBED PARCEL, MARKED BY A SET NO. 4 REBAR WITH YELLOW PLASTIC CAP "PS 11993", FROM WHENCE A TIE TO S.F.C. CONTROL POINT "18" BEARS N 75°03'26" W, A DISTANCE OF 4,290.79 FEET; THENCE FROM SAID POINT OF BEGINNING S 68°27'08" E, A DISTANCE OF 434.02 FEET TO THE NORTHEAST CORNER OF DESCRIBED PARCEL, MARKED BY A SET NO. 4 REBAR WITH YELLOW PLASTIC CAP "PS 11993", THENCE S 03°05'40" E, A DISTANCE OF 73.18 FEET TO AN ANGLE POINT MARKED BY A FOUND NAIL; THENCE S 32°56'41" W, A DISTANCE OF 54.56 FEET TO THE SOUTHEAST CORNER OF DESCRIBED PARCEL, MARKED BY A SET NO. 4 REBAR WITH YELLOW PLASTIC CAP "PS 11993"; THENCE N 68°27'08" W, A DISTANCE OF 453.75 FEET TO THE SOUTHWEST CORNER OF DESCRIBED PARCEL, MARKED BY A SET NO. 4 REBAR WITH YELLOW PLASTIC CAP "PS 11993"; THENCE N 21°32'52" E, A DISTANCE OF 120.00 FEET TO THE POINT OF BEGINNING, CONTAINING 1.2498 ACRES (54,440 SQUARE FEET) MORE OR LESS, ALL AS SHOWN ON THE ATTACHED EXHIBIT A-1.

COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

LEASE (N/C)
PAGES: 7

I Hereby Certify That This Instrument Was Filed for
Record On The 2ND Day Of June, 2016 at 02:51:22 PM
And Was Duly Recorded as Instrument # 1795342
Of The Records Of Santa Fe County

Witness My Hand And Seal Of Office
Geraldine Salazar
Deputy *Laura Hernandez* County Clerk, Santa Fe, NM



REC. CLERK RECORDED 06/02/2016

