

Santa Fe County  
Santa Fe River Greenway

Irrevocable Right to Enter Property

Property owner:  
Richard A. Gutierrez  
3419 Agua Fria Street  
Santa Fe, NM 87501  
505-501-4273

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. 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.

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

UPC: 1050097255251000000

Property Address: 3419 Agua Fria Street

Legal Text: Portion of Tract 4, Small Holding Claim 433, Section 32, Township 17 North, Range 9 East

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 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 Santa Fe River Greenway, 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 Santa Fe River Greenway.

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.

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

Santa Fe County

  
Katherine Miller, Manager

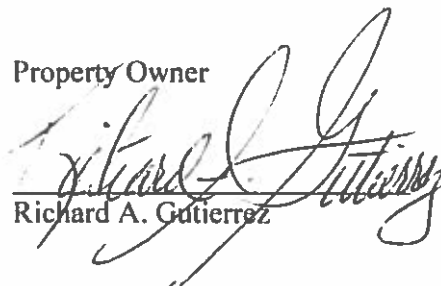
Date: 10/1/15

Approved as to form:

  
GREGORY S. SHAFFER  
Santa Fe County Attorney *10/4/15*

Date: 10/1/15

Property Owner

  
Richard A. Gutierrez

Date: 9/1/2015

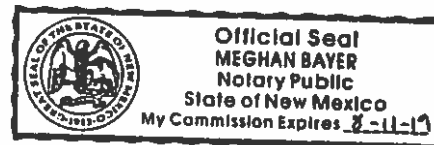
## Acknowledgement

[illegible]

This instrument was acknowledged before me this 1 day of September 2015, by  
Richard A. Gutierrez.

Meaghan Bryan  
Notary Public

My Commission expires: August 11, 2019



**PARCEL B-31 DESCRIPTION**

ALL THAT PORTION OF THE PARCEL OF LAND DESCRIBED IN THE WARRANTY DEED RECORDED IN BOOK 1634 ON PAGE 980 IN THE OFFICE OF THE SANTA FE COUNTY CLERK WITHIN TRACT 4, SMALL HOLDINGS CLAIM 433, SECTION 32, TOWNSHIP 17 NORTH, RANGE 9 EAST, NMPM, CITY AND COUNTY OF SANTA FE, NEW MEXICO,

WHICH PORTION MAY BE MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF THE SAID PARCEL,

THENCE N68°40'46"E, 162.65 FEET;

THENCE S15°57'14"E, 128.35 FEET;

THENCE S73°13'11"W, 161.98 FEET;

THENCE N15°56'28"W, 115.47 FEET;

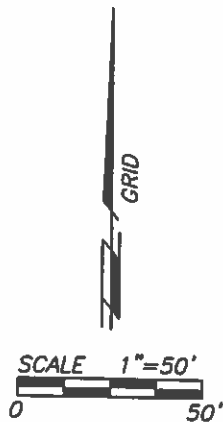
MORE OR LESS TO THE POINT OF BEGINNING, CONTAINING 0.45 ACRES, MORE OR LESS, AS SHOWN MORE COMPLETELY ON EXHIBIT B, ATTACHED HERETO.

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



11/22/2013

EXHIBIT A



#### LEGEND

- = CALCULATED PT.
- = FOUND AS SHOWN
- (B-#) = PARCEL NUMBER

#### CONTROL REPORT

BEARINGS, 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.

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

## PARCEL B-31

### EXHIBIT B

DAWSON SURVEYS INC.  
 PROFESSIONAL LAND SURVEYORS  
 2502B CAMINO ENTRADA  
 S.F., N.M. 87507 PH505 471 6660  
 FILE#9151B-31 11/12/2013

