



**Stephanie Garcia Richard
Commissioner of Public Lands
State of New Mexico**

Amendment #1 to BL-2248

This agreement to amend the above referenced business lease dated **May 12, 2015** is entered into by and between the Commissioner of Public Lands, hereinafter referred to as "Lessor", and **City of Santa Fe**, whose address is **P.O. Box 909, Santa Fe, NM 87504**, hereinafter referred to as "Lessee".

Lessor and Lessee covenant and agree as follows:

Paragraph 9 is hereby amended to change the permitted uses to read as follows:

9. PERMITTED USES.

A. The purpose of this lease is to promote economic development in City of Santa Fe that benefits Lessee and Lessor and that is consistent with Lessor's Trust responsibilities. Accordingly, the following are considered to be "Permitted Uses" under this Lease: **construction of a fire station; developing and extending infrastructure to the Lease Premises to allow for economic development; marketing and promoting the Lease Premises to entities that may foster economic development through job creation, generation of gross receipts tax, or other methods; seeking authorized Subleases of the Lease Premises that will promote the goal of fostering economic development.** Subject to the terms and conditions of this Lease, Lessee may authorize occupation and use of the Lease Premises through the issuance of Subleases for economic development projects and activities selected by Lessee ("Permitted Uses."), subject to the terms and conditions herein related to subleasing. Lessee acknowledges that no Sublease is valid until it is approved by Lessor.

B. Lessor and Lessee acknowledge that, due to the long Term, additional or new Permitted Uses not currently anticipated may become necessary or desirable. Lessor and Lessee will negotiate diligently and in good faith to amend this Lease and any other documents and agreements as may be necessary or desirable to reasonably authorize and facilitate such additional or new Permitted Uses as Lessor finds to be in the best interests of the Trust.

C. Lessor and Lessee acknowledge that Lessor is not subject to any municipal or county ordinances and regulations that may on the Effective Date or thereafter regulate zoning and use of the Lease Premises. Nevertheless, Lessor and Lessee agree that such ordinances and regulations may provide appropriate guidelines for the use of the Lease

Premises and, therefore, shall be complied with by Lessee, including permit requirements imposed under such ordinances and regulations, except where Lessor deems the same in conflict with the best interests of the Trust. Lessor and Lessee shall cooperate and use their best efforts to obtain any and all appropriate governmental approvals, including state, county and municipal approvals, as may be necessary or advisable, to facilitate Lessee's use of the Lease Premises. This Section 9.C shall not, however, grant to any third party or to any government or municipal agency, the right to enforce this Section 9.C.

D. Lessee consents to an easement (the Easement) across the Lease Premises described in **Exhibit A**, attached hereto. The easement is in recordable form encumbering the land therein identified within which Storm River, LLC, a New Mexico limited liability company, 124 E. Marcy Street, Santa Fe, NM 87501, may install and must maintain, at its expense, the storm water drainage structure more particularly identified in **Exhibit B**, attached hereto. Easement Grantee, Storm River, LLC, shall indemnify and hold harmless the City of Santa Fe from and against any and all claims for damages asserted against the City of Santa Fe arising out of the negligence of Easement Grantee, occurring within the Easement, subject to such limitations as may be set by law. The drainage easement created hereby shall terminate in the event that Lessee, elects to create a different drainage route and structure within the land described in Commercial Lease No. BL-2248, with the intent that the different drainage route and structure will drain all surface water emanating from the land described in Commercial Lease No. BL-2248. Lessee's consent to the Easement is evidenced in **Exhibit C**, attached hereto.

All other paragraphs of said lease shall remain unchanged.

The foregoing amendments to said lease shall be effective on the date approved by the Commissioner of Public Lands.

2023/03/14 10:00:00 AM
RECORDED
2023/03/14 10:00:00 AM

Executed in duplicate.

LESSEE:

CITY OF SANTA FE


Signature

ALAN M. WEBBER
Printed name of signatory

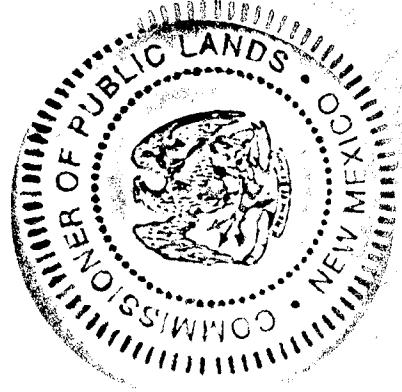
MAYOR
Title of signatory

LESSOR:

NEW MEXICO COMMISSIONER OF
PUBLIC LANDS


STEPHANIE GARCIA RICHARD

01/10/2020
Date



State of NEW MEXICO

County of Santa Fe

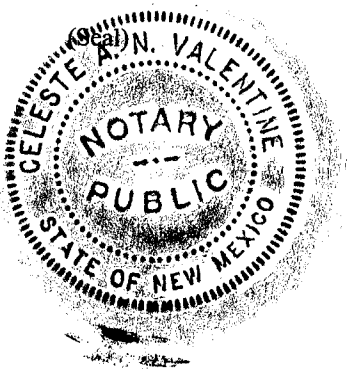
This instrument was acknowledged before me on the 1st day of November (month), 2019

by Alan M. Webber (name(s) of person(s)) as Mayor

(type of authority, e.g., officer, trustee, etc.) of

City of Santa Fe (name of party on behalf of whom instrument

was executed.)



Celeste A. N. Valentine
Signature of notarial officer

My commission expires: June 15, 2020

SEC CLERK RECORDED 01/15/2020

CITY OF SANTA FE:


ALAN WEBBER, MAYOR

DATE: 11/20/19

ATTEST:


VIOLENDAY VIGIL, CITY CLERK

APPROVED AS TO FORM: 10/30/19


ERIN K. MCSHERRY, CITY ATTORNEY

APPROVED:



MARY MCCOY, FINANCE DIRECTOR

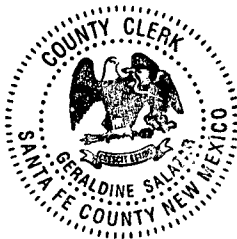
BL-2248 (CITY OF SANTA FE)

COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

AMENDMENT NO. 1
PAGES: 7

I Hereby Certify That This Instrument Was Filed for
Record On The 13TH Day Of January, 2020 at 02:28:56 PM
And Was Duly Recorded as Instrument # 1906595
Of The Records Of Santa Fe County

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



75964

NORTH

SALE 1=100

EYORS CERTIFICATE

STATE DELINEATION OF A FIELD SURVEY COMPLETED UNDER MY DIRECTION ON FEB. 23RD, 2014, AND ARE SUBJECT TO THE BEST OF MY KNOWLEDGE AND BELIEF, MEET THE STANDARDS FOR PROFESSIONAL LAND SURVEYORS IN NEW MEXICO.

A. CHATROOP
N.M.P.L.S. #11011

IDED CERTIFICATE

ENTER THAT THIS PAY AND THE NOTES HEREON
 ISSUED ON 5/11/15 TO REMIND THE EXPYED
 REVENUE DUTY-OR STATE OF NEW MEXICO
 NT NO. R-13977 TOGETHER WITH CURRENT CONDITIONS
 TING NEW MEXICO STATE TRUST LANS SHOWN HEREON,
 E AND CORRECT TO THE BEST OF MY KNOWLEDGE AND
 BELIEF THE STANDARDS FOR PROFESSIONAL LAND
 PRACTICING IN NEW MEXICO.

A CHATROOP
N.M.P.L.S. #11011

AT REFERENCES

44-38861-1005 AND ARE RECORD DOCUMENTS FOR THIS PLAT.

DATA SURVEY PREPARED FOR WSCONCE CEMETARY
IN K. MCCLINTOCK MAR 5/11597, AND

OF THE COUNTY CLERK SANTA FE COUNTY, NEW MEXICO.

THE NORTH, NORTH EAST, OF THE NEW MEXICO PRINCIPAL HEADQUARTERS
ALSO DEPUTY ASSISTANT AND SUPERVISOR OF SECTION AND SUPERVISOR
OF THE UNITED STATES DEPARTMENT OF THE INTERIOR BUREAU OF LAND
MANAGEMENT, NEW MEXICO ACCEPTED 12/02/1983.

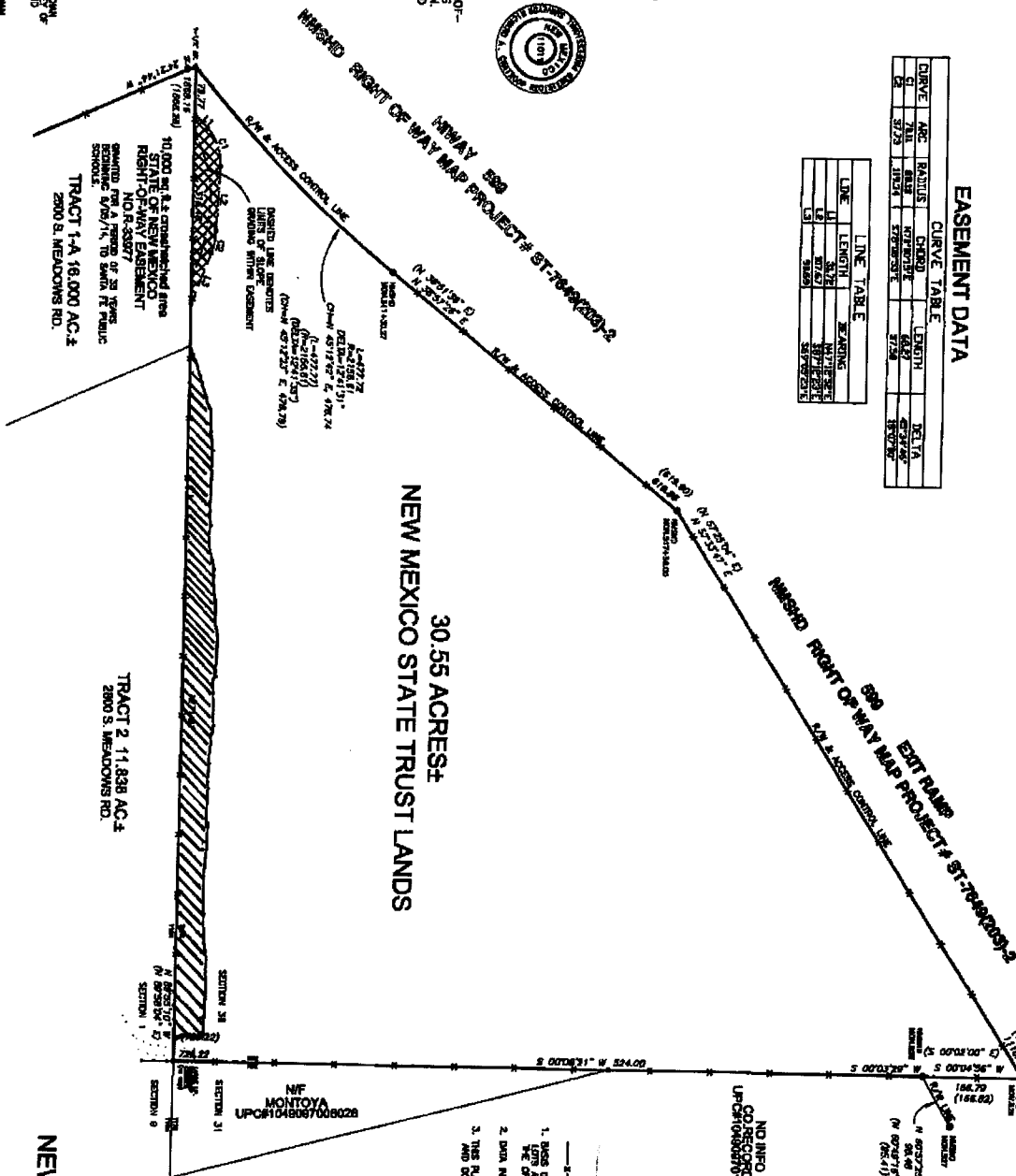
UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
1515 W. 10TH AVE., NEW MEXICO 87207-2507

FIELD STONE HIGHWAY DEPARTMENT RIGHT OF WAY MAP NEW MEXICO PROJECT
 1984(203) - 3 SANTA FE COUNTY SHEETS 3 & 4 OF 13, BY THOMAS C.
 MOORE MAP L55778, FINAL MAP DATE APRIL 15, 1984, NOT RECORDED.

| CURVE TABLE | | | | | |
|-------------|-------|--------|--------------|--------|-----------|
| CURVE | ARC | RADIUS | CHORD | LENGTH | DELTA |
| C1 | 74.11 | 84.88 | NOT RELEVANT | 64.47 | 43°34'46" |
| C2 | 37.23 | 112.4 | 57.01 | 37.56 | 18°07'37" |

| LINE TABLE | | |
|------------|--------|-----------------|
| LINE | LENGTH | BEARING |
| 11 | 38.72 | N 41° E 29.7' |
| 12 | 307.67 | S 87° E 23.1' |
| 13 | 93.69 | S 87° 05' 23" E |

EASEMENT DATA



LEGEND AND NOTES

- DENOTES POINT FOUND AS NOTED
- DENOTES POINT SET WAS SURVEY
- DENOTES POINT CALCULATED
- DENOTES MONUMENT

DEMOGRAPHIC TRENDS

1. DOES IT RELY ON A "BOUNDARY SURVEY OF EXISTING DATA IT CAN BE SEEN" IN REGARD TO CHARTER, MAPS & 11011 AND THE OFFICE OF THE STATE PLAT CLERK IN PLAT 62301, PAGE 02.
2. DATA IN () IS FROM PLAT NETWORKS WHERE IT DIFFERS FROM
3. THIS PLAT IS SUBJECT TO ANY ELEMENTS, RESERVATIONS AND CONDITIONS OF RECORD.

PUBLIC LAND SURVEY NOTE
 T. 12S. R. 1E. S. 1E.

THE ESCARPMENT AREA IDENTIFIED HEREON LIES ALONG THE SOUTHERN EDGE OF AND IS WRITTEN BEI/4 AND THE S&W/4 OF T 2S1/4 OF SECTION 35 T17N, R9E, N&W/4, SANTA FE COUNTY, NEW MEXICO.

BOUNDARY SURVEY OF

30.55 ACRES±

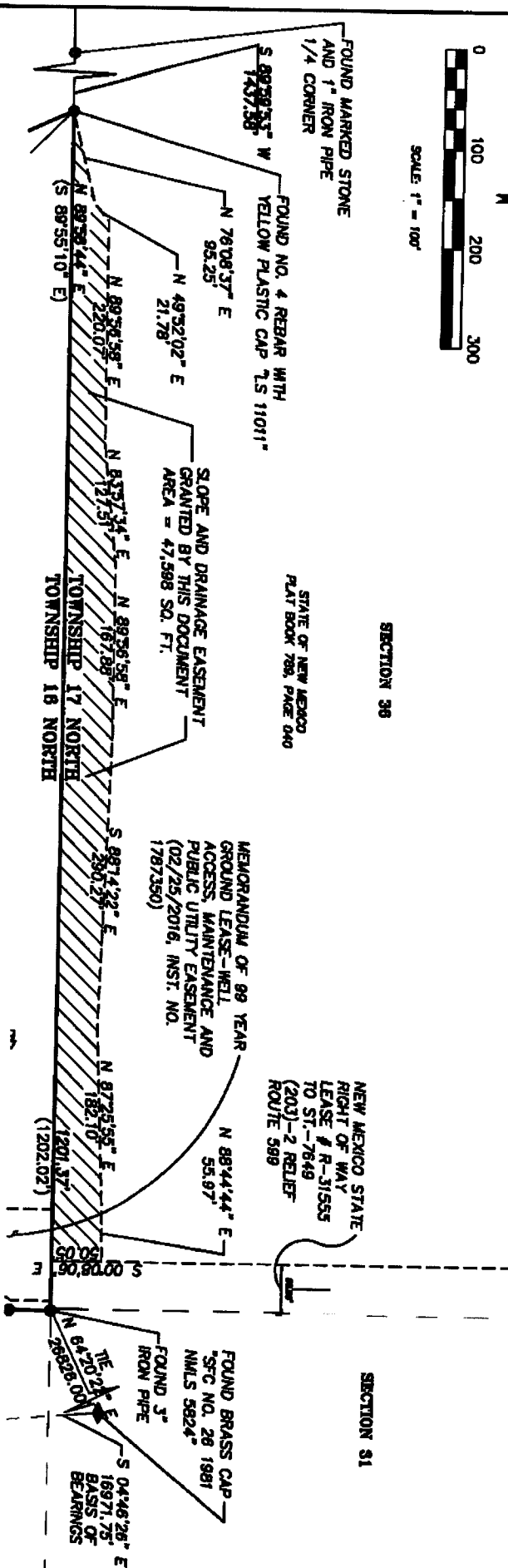
NEW MEXICO STATE TRUST

LYNNB WITHIN SECTION 36, T17N, R9E, NLM
SANTA FE COUNTY, NEW MEXICO.

**RICK CHATROOP
PROFESSIONAL LAND SURVEYOR
NEW MEXICO REGISTRATION NO.**

EXHIBIT A
FOR GRAPHIC PURPOSES--NOT TO SCALE

**Easement Exhibit of
Slope and Drainage Easement
Section 36, Township 17 North, Range 8 East, N.M.P.M.,
New Mexico State Land
Santa Fe, Santa Fe County, New Mexico
May 2019**



Surveyors Certificate

I, LARRY E. ARNDSON, A REGISTERED PROFESSIONAL SURVEYOR UNDER THE LAWS OF THE STATE OF NEW HAMPSHIRE, HEREBY CERTIFY THAT THE ABOVE-SIGNED SURVEY WAS PREPARED FROM FIELD NOTES OF AN ACTUAL SURVEY ACCORDING TO THE USUAL REQUIREMENTS FOR THE CLASSIFICATION OF SURVEY AS PER THE USUAL STANDARDS FOR LAND SURVEYING IN NEW HAMPSHIRE AS REQUIRED BY THE N.E. BOARD OF LICENSING FOR SURVEYORS AND ENGINEERS, AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

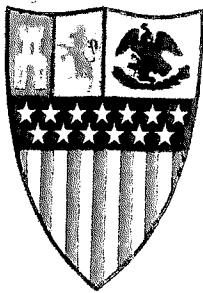
Joseph W. McKee

DATE: _____

NEW HAMPSHIRE BOARD OF LICENSING FOR SURVEYORS AND ENGINEERS
1000 State Street, Concord, New Hampshire 03301
I hereby certify that the above is a true and correct copy of the
Certificate of Survey No. 11983-3
Date: 07/11/83

LARRY E. ARNDSON
NEW HAMPSHIRE
REGISTERED PROFESSIONAL SURVEYOR
11983

EXHIBIT B
FOR GRAPHIC PURPOSES--NOT TO SCALE



City of Santa Fe, New Mexico

200 Lincoln Avenue, P.O. Box 909, Santa Fe, NM 87504-0909

www.santafenm.gov

Alan Webber, Mayor

NM State Land Office
James Bordegaray
Commercial Resources Division Director
310 Old Santa Fe Trail
Santa Fe, NM 87501

Councilors:

Signe I. Lindell, Mayor Pro Tem, District 1
Renee Villarreal, District 1
Peter N. Ives, District 2
Carol Romero-Wirth, District 2
Roman "Tiger" Abeyta, District 3
Chris Rivera, District 3
Mike Harris, District 4
JoAnne Vigil Coppler, District 4

August 13, 2019

Re: South Meadows Apartments

Dear Mr. Bordegaray:

This letter serves as acknowledgement that the City of Santa Fe is in agreement with the request by Storm River, LLC, a New Mexico limited liability company, for an easement on 1.09± acres of the overall 30.55± acre tract of land for the purpose of constructing a drainage structure to carry storm water through a culvert across South Meadows Road to the Santa Fe River, as included in the First Amendment to Commercial Lease No. BL-2248. Generally, this structure is located on the south end of 30.55 acre State Land Office tract that is leased by the City of Santa Fe for institutional and economic development purposes. It is the purpose of this drainage structure to capture the historic runoff from the State Land Office parcel and direct it to a new culver to carry storm water under South Meadows Road. This runoff currently crosses under South Meadows Road and eventually drains to the Santa Fe River via a different set of culverts that do not have adequate capacity. Easement Grantee, Storm River, LLC, shall indemnify and hold harmless the City of Sana Fe from and against any and all claims for damages asserted against the City of Santa Fe arising out of the negligence of Easement Grantee, occurring within the Easement, subject to such limitations as may be set by law.

It is understood that under the First Amendment to Commercial Lease No. BL-2248 the City has the right to remove this drainage structure and provide for a comprehensive storm water management system as the development of the State Land Office property takes place. But, until this time Storm River, LLC is responsible for the installation, maintenance, expense, and liability of the drainage structure. Exhibit A is a description of the easement relative to the entirety of the State Land Office tract. The exhibit describing the boundary of the easement for the drainage structure is attached as Exhibit B.

Sincerely,

Erik Litzenberg, City Manager

Encl.

Cc: Kevin Kellogg, City of Santa Fe Asset Director
Peter Kerwick, Attorney for Storm River, LLC
Andréa Salazar, Assistant City of Santa Fe Attorney

EXHIBIT C