

RESTRICTIVE COVENANTS

EE 10584

ROGER L. COPPLE

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SANTA FE, NEW MEXICO 87501

(505) 982-4004

September 10, 1982

Professional Land Surveying
1404 Second Street
Santa Fe, New Mexico 87501

ATTN: Gary Dawson

Re: Bechtel National, Inc./United States Department of Energy -
Contract No. DE-AC05-810R20722-FUSRAP

Dear Mr. Dawson:

As required by the terms of Purchase Contract No. 14501-01/04-PC-19 which involves the captioned contract I have prepared and enclose the following items:

1. Surveyor's Certificate (Exhibit A): This is a modification of the standard certification form, and it should be used in order that the Survey Plat may be filed for public record in Los Alamos and Santa Fe Counties in accordance with Section 14-8-16(b), NMSA, 1978. When the plat is recorded, Section 47-1-46, NMSA, 1978, permits description of the land by reference to the recorded plat.

2. Reservation and Exception (Exhibit B): This reservation and exception is designed for use in a document transferring title from a United States governmental entity to county, private or state ownership when a specific regulation prohibiting use by the grantee has not been adopted.

3. Burden On Title (Exhibits C): This form is designed for use in lieu of that in Exhibit B in a document transferring title from a United States governmental entity to county, private or state ownership when a specific regulation prohibiting use by the grantee has been adopted. This form could be used only after the Notice of Restriction has been filed for record.

4. Notice of Restriction (Exhibit D): This document is for

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filing in the office of the County Clerks of Los Alamos and Santa Fe Counties after a specific regulation prohibiting use by a grantee or others is prepared and becomes effective 30 days after publication in the Federal Register. See 10 Code of Federal Regulations, Section 160 for an example.

With certain exceptions, to be entitled to be filed for record in the office of a County Clerk an instrument must be acknowledged. Section 14-8-4, NMSA, 1978. The plat, instruments which contain language in forms Exhibit B or C, and the notice form Exhibit D are not listed in the exceptions; and therefore, acknowledgments are required for recording.

Sincerely yours,



Roger L. Copple

RLC:nad
Enc: a/s

There is EXCEPTED from this conveyance and RESERVED unto the grantor or its successors in name, title or authority until the year 2142 the exclusive right to make excavation of any type, including grading, ditching or drilling, upon any part of the land described in the Survey Plat which was recorded in Book ____ at page ____ of the Plat Records of Los Alamos County, New Mexico and Book ____ at page ____ of the Plat Records of Santa Fe County, New Mexico; and by acceptance of delivery of this instrument the grantee and its successors in right or title agree that for the protection of the environment, people and property they are prohibited from and shall prohibit others from exercising the exclusive right excepted and reserved unto the grantor.

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This conveyance is made subject to the Notice of Restriction on Use of Real Property which is recorded in Book _____ at page _____ of the Miscellaneous Records of Los Alamos County, New Mexico and Book _____ at page _____ of the Miscellaneous Records of Santa Fe County, New Mexico.

