

**SPECIAL WARRANTY DEED
WITH COVENANTS OF CONSERVATION**

THIS GRANT OF DEED with conservation restrictions is made this _____ day of _____, 2022, by the CITY OF GALLUP, a New Mexico municipal corporation, P. O. Box 1270, Gallup, New Mexico 87305, (“Grantor”), in favor of the CITY OF GALLUP, a New Mexico municipal corporation, P.O. Box 1270, Gallup, New Mexico 87305 (“Grantee”).

WITNESSETH:

WHEREAS, Grantor is the sole owner in fee simple of certain real property in Cibola County, New Mexico, more particularly described below and incorporated by this reference (the “Property”); and,

WHEREAS, pursuant to a Settlement Agreement with the Pueblo of Zuni, the Grantor purchased the Property to prevent any development of the Property that may adversely affect the Rio Nutria; and

WHEREAS, the Property possesses scenic, open space, hunting and/or recreational values (collectively, “conservation values”) of great importance to Grantor, the people of Gallup and McKinley County, the Pueblo of Zuni, and the people of the State of New Mexico; and,

WHEREAS, Grantor is conveying the Property to Grantee in order to preserve and protect the conservation values of the Property in perpetuity; and,

WHEREAS, Grantee agrees by accepting this deed to preserve and protect in perpetuity the conservation values of the Property for the benefit of future generations to come.

NOW, THEREFORE, in consideration of the above and the mutual covenants, conditions, and restrictions contained herein, and pursuant to the laws of the State of New Mexico, Grantor hereby grants and conveys to Grantee the following described real property:

Tract numbered One (1), BEAR RIDGE SUBDIVISION, a subdivision located in Section 17, Township 12 North, Range 15 West, Cibola County, New Mexico, as the same is shown and designated on the Plat thereof filed in the Office of the County Clerk of Cibola County, New Mexico on February 4, 2016 in Book 24, Page 2428, Cabinet D-171 (containing 158 acres, more or less)

SUBJECT TO Reservations contained in the Patent No. 326484 from the United States of America to Atlantic and Pacific Railroad Company.

SUBJECT TO Reservations contained in Warranty Deed from Ronald Boyett and Mary Ellen Burns Boyett, his wife to McGaffey Ponderosa Ranches, LTD. recorded April 4, 1979 in Book 258, Page 7358, Valencia County, New Mexico

SUBJECT TO Reservations contained in Warranty Deed from McGaffey Ponderosa Ranches, LTD. to McGaffey Pines, recorded April 4, 1979 in Book 258, Page 7361, Valencia County, New Mexico.

SUBJECT TO Mutual Easement Agreement between Jeanne Coplen, James Devine and Richard Thomas Krouth Revocable Trust recorded March 3, 2016 in Book 24, Page 3035, Cibola County, New Mexico.

SUBJECT TO Easements as shown on the Plat filed February 4, 2016 in Book 24, Page 2428 (D-171) in the Office of the County Clerk of Cibola County, New Mexico.

SUBJECT TO the Property being used forever in its natural, scenic, and open space condition and to prevent any use of the Property that will impair or interfere with the conservation values of the Property. Grantor intends that this deed will confine the use of the Property to public enjoyment activities, including, without limitation, those involving recreation, hunting and similar outdoor activities.

SUBJECT TO the Grantee and its successors or assigns preserving and protecting the conservation values of the Property which shall be open to the public; and, preventing any activity on or use of the Property that is inconsistent with the intent herein, including preventing any development that may adversely affect the Rio Nutria, including and specifically prohibiting the drilling of any water wells on the Property.

NO AUTOMATIC REVERTER: If circumstances arise in the future such as render the purpose of this deed impossible to accomplish, this grant of deed to Grantee can only be terminated or extinguished and reverted to Grantor, or its successor or assign by a court of competent jurisdiction governed by the laws of the State of New Mexico.

THIS DEED and the conditions hereunder run with the land and are binding upon the Grantee, the CITY OF GALLUP, the Grantor, the CITY OF GALLUP, and their successors and assigns, and the provisions hereof are enforceable by the Pueblo of Zuni, or any government or governmental agency, federal or state, that can show in a court of competent jurisdiction, it has a relevant interest in the land, or can show it is a third party beneficiary of this deed.

TO HAVE AND TO HOLD unto Grantee, its successors, and assigns forever.

WITH SPECIAL WARRANTY COVENANTS.

IN WITNESS WHEREOF, Grantor and Grantee have set their hands on the day and year first above written.

GRANTOR:
CITY OF GALLUP

By: _____
Louie Bonaguidi, Mayor

Attest: _____
Alfred Abeita, City Clerk

**GRANTEE:
CITY OF GALLUP**

By: _____
Louis Bonaguidi, Mayor

Attest: _____
Alfred Abeita, City Clerk

STATE OF NEW MEXICO)
) ss.
COUNTY OF MCKINLEY)

The foregoing instrument was acknowledged before me this _____ day of _____, 2022, by Louie Bonaguidi, Mayor of the CITY OF GALLUP, a New Mexico municipal corporation, for and on behalf of said corporation, both as grantor and grantee.

Notary Public

My commission expires:
