

**Tierra de Sueños
Unit Five
Deed Restrictions to Park Land Dedication**

Part A. WHEREAS Tierra de Sueños Inc. is the owner of Tierra de Sueños Units one through seven (1-7), located in Lot four (4) and Section thirty one (31), Township sixteen (16) South, Range ten (10) East, N.M.P.M., Alamogordo, Otero County, New Mexico.

And, Whereas, Tierra de Sueños Inc. desires to dedicate land to the City of Alamogordo described as 'Tierra de Sueños Park tract A, Tierra de Sueños Unit Five, Otero County New Mexico', including easements as shown on the plat of Tierra de Sueños Unit five (5), hereafter referred to as 'Park Area',

And, Whereas, this land dedication is in excess of the minimum dedication required by the ordinances of the City of Alamogordo,

And, Whereas, the sole purpose of this dedication is to provide an area that may be developed into a public park or similar recreational area,

And, Whereas, the terms of this dedication were reviewed by the Planning and Zoning Commission of the City of Alamogordo, and approved in conjunction with the acceptance of Tierra de Sueños Unit five (5) by the Alamogordo City Commission on December 19, 2002,

Now, Therefore, the following restrictions shall be applied to the 'Park Area'.

Part B. RESTRICTIONS TO LAND USE

1. The 'Park Area' may be used for the sole and exclusive use as a public park or similar public recreational area.
2. Utilities such as water sprinklers, lighting, parking etc. may be installed for the sole purpose of the park and recreational facilities use only.
3. The 'Park Area' may be used to detain storm water so long as such detained water promotes, not precludes, the use of the 'Park Area' as a park.
4. No part of the 'Park Area' may be sold, traded, bartered, leased, or deeded to any other entity except Tierra de Sueños inc.
5. Any other use of the 'Park Area' is expressly forbidden.

Part C. MODIFICATIONS TO THESE RESTRICTIONS

1. Any modification to, or variance from, these restrictions on the use of the 'Park Area' must be approved in writing by Tierra de Sueños Inc.
2. Tierra de Sueños Inc. is under no obligations to approve any variances or modifications to these restrictions.

Part D. AUTHORITY.

1. The representatives, or agents, for Tierra de Sueños Inc. shall be Tommy L. French, or James W. French or their lawful heirs.

Part E. ATTEST.

IN WITNESS WHEREOF, the said owners have caused this instrument to be executed on this 15 day of ~~August~~ ^{August}, 1997 ~~2003~~.

Tierra de Sueños Inc.

by

[Signature]
Tommy L. French
President

Attest

[Signature]
James W. French
Secretary

CORPORATE ACKNOWLEDGMENT

State of New Mexico
County of New Mexico

The foregoing instrument was acknowledged before me this 15 day of Jan, 2003
~~of 1997~~ by Tommy L. French, President of Tierra de Sueños Inc., a New Mexico
Corporation, for and on behalf of said corporation.

[Signature]
Notary Public

My Commission Expires:

My Commission Expires 8-18-03

STATE OF NEW MEXICO } S.S.
 OTERO COUNTY }
 FILED FOR RECORD IN MY OFFICE
 This 16th day of January, 2003
 At 3:30 o'clock PM and duly recorded
 in Book No. 1054 Page 685-686
 The records of Otero County, New Mexico
 County Clerk, Otero County, New Mexico
 by *[Signature]* Deputy Page 2 of 2

#519

