

Future Ownership and Operation of Public Infrastructure

All applicable Public Infrastructure will be dedicated to the appropriate Governmental Agency by Westland DevCo, LP (“DevCo”) or its designee and operated as provided in the Development Agreements and Supplemental District Development Agreements. Except as otherwise provided in the Development Agreements or Supplemental District Development Agreements, DevCo proposes the following general provisions to govern the ownership and operation of Public Infrastructure:

A. Roadway and Storm Drain Infrastructure and Public Parks/Trails

DevCo or its designee shall dedicate to the County all real and personal property, as identified in the Summary of Planned Improvements incorporated in this Application, which the County deems reasonably necessary, free and clear of all liens, claims and encumbrances as a condition of the County’s acceptance of the roadway and storm drain infrastructure and public parks/trails. Conveyance of the real and personal property shall be made by a “paper” conveyance.

Upon the issuance of a certificate of completion and acceptance the County shall accept, own, operate and maintain the Public Infrastructure and the Additional Improvements which are identified for dedication to the County.

B. Water and Sewer System Infrastructure

DevCo or its designee shall dedicate to the Albuquerque Bernalillo County Water Utility Authority (“ABCWUA”) all real and personal property, as identified in the Summary of Planned Improvements incorporated in this Application, which ABCWUA deems reasonably necessary free and clear of all liens, claims and encumbrances as a condition of ABCWUA’s acceptance of the Water and Sewer System infrastructure. Conveyance of the real and personal property shall be made by a “paper” conveyance.

Upon the issuance of a certificate of completion and acceptance ABCWUA shall accept, own, operate and maintain the Public Infrastructure and the Additional Improvements which are identified for dedication to ABCWUA.

Regional Drainage Infrastructure

DevCo or its designee shall dedicate to the Albuquerque Metropolitan Arroyo Flood Control Authority (“AMAFCA”) all real and personal property, as identified in the Summary of Planned Improvements incorporated in this Application, which the AMAFCA deems reasonably necessary free and clear of all liens, claims and encumbrances as a condition of AMAFCA’s acceptance of the Regional Drainage Infrastructure. Conveyance of the real and personal property shall be made by a “paper” conveyance.

Upon the issuance of a certificate of completion and acceptance AMAFCA shall accept, own, operate and maintain the Public Infrastructure and the Additional Improvements which are identified for dedication to AMAFCA.

C. Interstate 40 Interchange Infrastructure

DevCo or its designee shall dedicate to the State of New Mexico Department of Transportation (NMDOT) all real and personal property which the NMDOT deems reasonably necessary free and clear of all liens, claims and encumbrances as a condition of the NMDOT’s acceptance of the Interchange Infrastructure. Conveyance of the real and personal property shall be made by a “paper” conveyance.

Upon the issuance of a certificate of completion and acceptance the NMDOT shall accept, own, operate and maintain the Public Infrastructure and the Additional Improvements which are identified for dedication to the NMDOT.

E. Any other private improvements shall be owned, operated, and maintained by DevCo, its designee or the assigns of DevCo or its designees.