

When recorded, return to:

Town of Prescott Valley  
7401 E. Civic Circle  
Prescott Valley, AZ 86314  
Attn: Ivan Legler

### **SPECIAL WARRANTY DEED**

For Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, YK COMMERCIAL REALTY, LLC, an Arizona limited liability company ("Grantor"), hereby grants, sells and conveys to TOWN OF PRESCOTT VALLEY, a municipal corporation of Arizona ("Grantee"), that real property located in Yavapai County, Arizona and legally described on Exhibit A attached hereto and incorporated herein by this reference (the "Property"), but reserving unto Grantor (i) all oils, gases, geothermal resources, coal, ores, minerals, fertilizer and fossils of every kind which may be in or upon such Property, as well as the right to enter the Property to inspect, explore or extract any such items, and (ii) all water rights, claims or title to water relating to or appurtenant to the Property, as well as the right to enter the Property to inspect, explore or extract water. By acceptance of this Special Warranty Deed, Grantee agrees on its own behalf and on behalf of all future owners of all or any portion of the Property that the Property may be used only for public recreation and open space purposes and for the location of necessary public water utilities, such as tanks, pumps, and pipes. The Property may not be subdivided in any manner. The restrictions on use and subdivision contained in the preceding sentence will run with the land and bind all future owners of all or any portion of the Property.

SUBJECT TO: current taxes not yet due and payable, assessments and any other liens arising therefrom, all reservations in patents, deed restrictions, if any, all easements, rights of way, covenants, conditions, restrictions, encroachments, liens, encumbrances, obligations and liabilities as may appear of record, and all other matters that can be determined by a visual inspection or a complete and accurate survey of the Property.

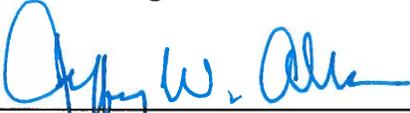
Notwithstanding any warranty which may otherwise be implied from the use of any word, phrase or clause herein, Grantor warrants title to the Property, subject to the matters referred to above, only against its own acts, but not the acts of any others.

DATED as of this \_\_\_\_\_ day of September, 2013.

[SIGNATURE PAGE FOLLOWS]

**YK COMMERCIAL REALTY, LLC**, an  
Arizona limited liability company  
("YK")

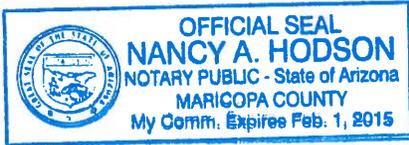
By: Kitchell Development Company,  
an Arizona corporation  
Its Manager

By   
\_\_\_\_\_  
Jeffrey W. Allen  
President

STATE OF ARIZONA        )  
                                  ) ss.  
County of Maricopa        )

The foregoing document was acknowledged before me this 3<sup>rd</sup> day of September, 2013, by Jeffrey W. Allen, the President of Kitchell Development Company, an Arizona corporation, the Manager of YK COMMERCIAL REALTY, LLC, an Arizona limited liability company, on behalf of said limited liability company.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.



  
\_\_\_\_\_  
Notary Public

EXHIBIT A  
LEGAL DESCRIPTION

[SEE ATTACHED]

**PARCEL 1**

A portion of Section 21, Township 14 North, Range 1 West of the Gila and Salt River Meridian, Yavapai County, Arizona, described as follows:

**BEGINNING** at the southeast corner of Section 21 as identified by a 2" aluminum cap stamped "ARIZONA ENGR. CO. LS 13010 LS 18297";

thence, along the south line of Section 21, North 88°56'22" West, 1,336.08 feet to the east line of Victorian Estates Unit II as shown on final plat recorded in Book 30 of Maps and Plats, Pages 59-60 in the Yavapai County Recorder's Office;

thence, along the east line of Victorian Estates Unit II, North 01°00'07" East, 198.83 feet to the northeasterly corner of Lot 167 as shown on the final plat of Victorian Estates Unit II;

thence, along the northerly line of Victorian Estates Unit II, North 89°01'52" West, 13.55 feet to an angle point in the northerly line of Lot 167;

thence, continuing along the northerly line of Victorian Estates Unit II, North 81°33'09" West, 42.06 feet to an angle point in the northerly line of Lot 167;

thence, continuing along the northerly line of Victorian Estates Unit II, North 87°46'26" West, 40.25 feet to the westerly sideline of the first 20.00 wide sewer easement described in Book 2691 of Official Records, Pages 79-82 in the Yavapai County Recorder's Office;

thence, along the westerly sideline of said easement, North 01°02'04" East, 22.99 feet;

thence, along the northwesterly sideline of said easement, South 73°52'46" East, 84.79 feet;

thence, continuing along the northwesterly sideline of said easement, North 22°29'27" East, 102.90 feet;

thence, continuing along the northwesterly sideline of said easement, North 47°06'06" East, 117.10 feet;

thence, continuing along the northwesterly sideline of said easement, North 85°24'42" East, 292.47 feet;

thence, continuing along the northwesterly sideline of said easement, North 66°56'07" East, 262.22 feet;

thence, continuing along the northwesterly sideline of said easement, North 54°01'11" East, 294.06 feet;

thence, continuing along the northwesterly sideline of said easement, North 40°24'37" East, 187.45 feet;

thence, continuing along the northwesterly sideline of said easement, South 68°11'26" East, 57.87 feet;

thence, departing the northwesterly sideline of said easement, North 40°38'12" East, 354.84 feet;

thence, North 00°00'01" East, 350.38 feet;

thence, North 42°45'05" East, 63.51 feet;

thence, North 18°51'03" East, 74.30 feet;

thence, North 07°06'44" East, 65.68 feet to the east line of Section 21, from which point the east quarter corner, as identified by a 2 ½" brass cap in concrete, is North 01°06'45" East, 903.18 feet;

thence, along the east line of Section 21, South 01°06'45" West, 1,627.94 feet to  
the **POINT OF BEGINNING**.

This description yields 19.69 acres.

I certify that, I, Thomas G. Callahan, am a Registered Land Surveyor in the State  
of Arizona, that this description was prepared under my direction and contains  
adequate information to allow retracement thereof.



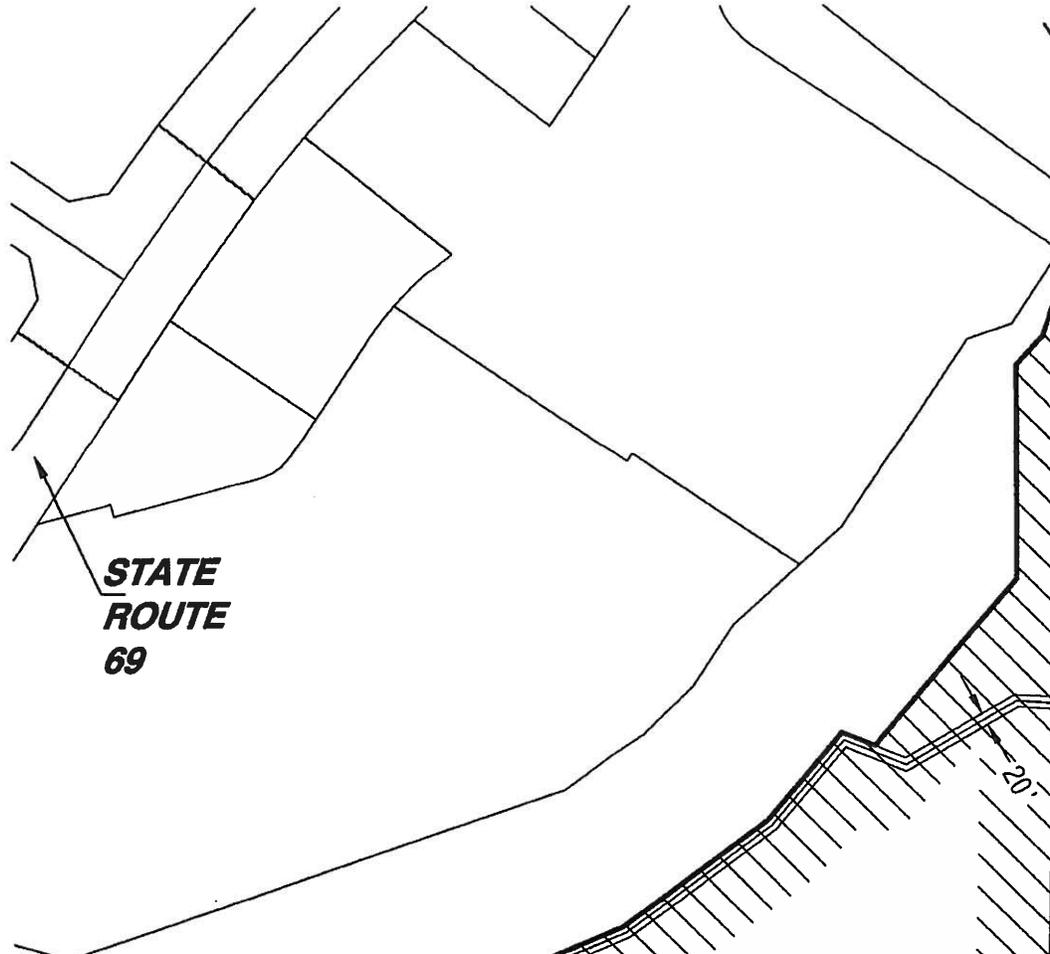
# EXHIBIT

A PORTION OF SECTION 21,  
T. 14 N., R. 1 W.,  
G. & S. R. M.



NORTH  
1"=300'

21 22



**STATE  
ROUTE  
69**

SEWER EASEMENT  
PER BK. 2691,  
PG. 79

AREA  
DESCRIBED

POINT OF  
BEGINNING

21 22  
28 27

**VICTORIAN ESTATES  
UNIT II**

**DAY & ASSOCIATES, INC.**  
310 EAST UNION STREET  
PRESCOTT, ARIZONA 86303  
928-778-7587

542KDC\C3D\SURVEY\PARCEL-1.DWG B.K. 08/02/2013  
SEE 542KDC\WORD\PARCEL-1.DSC

## PARCEL 7

A portion of Tract B as shown on the final plat of Yavapai Hills At Prescott Valley as recorded in Book 40 of Maps and Plats, Page 41 in the Yavapai County Recorder's Office. Also being a portion of Section 21, Township 14 North, Range 1 West of the Gila and Salt River Meridian, Yavapai County, Arizona, described as follows:

**COMMENCING** at the most northeasterly corner of said Tract B, which is also a point in the westerly right-of-way line of Market Street as shown on the final plat of Yavapai Hills At Prescott Valley;

thence, along the northerly line of Tract B, North  $89^{\circ}44'39''$  West, 283.54 feet to the **POINT OF BEGINNING**.

Thence, departing the northerly line of Tract B, and along a non-tangent curve to the left, having a chord bearing South  $55^{\circ}21'37''$  West, a chord length of 450.01 feet, a radius of 600.87 feet, a central angle of  $43^{\circ}58'58''$ , and an arc length of 461.25 feet;

thence, South  $00^{\circ}29'18''$  West, 399.51 feet to the southerly line of Tract B and the northerly right-of-way line of Sundog Ranch Road as shown on the final plat of Yavapai Hills At Prescott Valley;

thence, along the southerly line of Tract B, along a non-tangent curve to the left, having a chord bearing South  $80^{\circ}32'53''$  West, a chord length of 58.63 feet, a radius of 1,155.00 feet, a central angle of  $2^{\circ}54'32''$ , and an arc length of 58.64 feet;

thence, along the southwesterly line of Tract B, North 52°54'57" West, 44.58 feet;

thence, along the westerly line of Tract B, also being the easterly right-of-way line of Granite View Drive as shown on the final plat of Yavapai Hills At Prescott Valley, along a non-tangent curve to the right, having a chord bearing North 03°05'16" East, a chord length of 167.53 feet, a radius of 600.87 feet, a central angle of 16°01'36", and an arc length of 168.07 feet;

thence, continuing along the westerly line of Tract B, North 11°06'04" East, 14.18 feet;

thence, continuing along the westerly line of Tract B, along a curve to the left, having a chord bearing North 06°35'24" West, a chord length of 76.10 feet, a radius of 125.21 feet, a central angle of 35°22'57", and an arc length of 77.32 feet;

thence, continuing along the westerly line of Tract B, along a curve to the left, having a chord bearing North 47°09'29" West, a chord length of 93.69 feet, a radius of 120.51 feet, a central angle of 45°45'12", and an arc length of 96.23 feet to the easterly sideline of Tract C as shown on the final plat of Yavapai Hills At Prescott Valley;

thence, continuing along the westerly line of Tract B, which is also the easterly sideline of Tract C, North 01°53'53" West, 340.48 feet;

thence, continuing along the westerly line of Tract B, along a curve to the right, having a chord bearing North 27°21'28" East, a chord length of 131.95 feet, a radius of 135.00 feet, a central angle of 58°30'42", and an arc length of 137.86 feet;

thence, continuing along the westerly line of Tract B, North 56°36'49" East, 39.65 feet;

thence, continuing along the westerly line of Tract B, along a curve to the left, having a chord bearing North 43°13'33" East, a chord length of 37.51 feet, a radius of 81.00 feet, a central angle of 26°46'32", and an arc length of 37.85 feet to the center quarter section line;

thence, along the center quarter section line, South 00°34'28" West, 187.22 feet to the center quarter corner;

thence, along the northerly line of Tract B, South 89°44'39" East, 426.46 feet to the **POINT OF BEGINNING.**

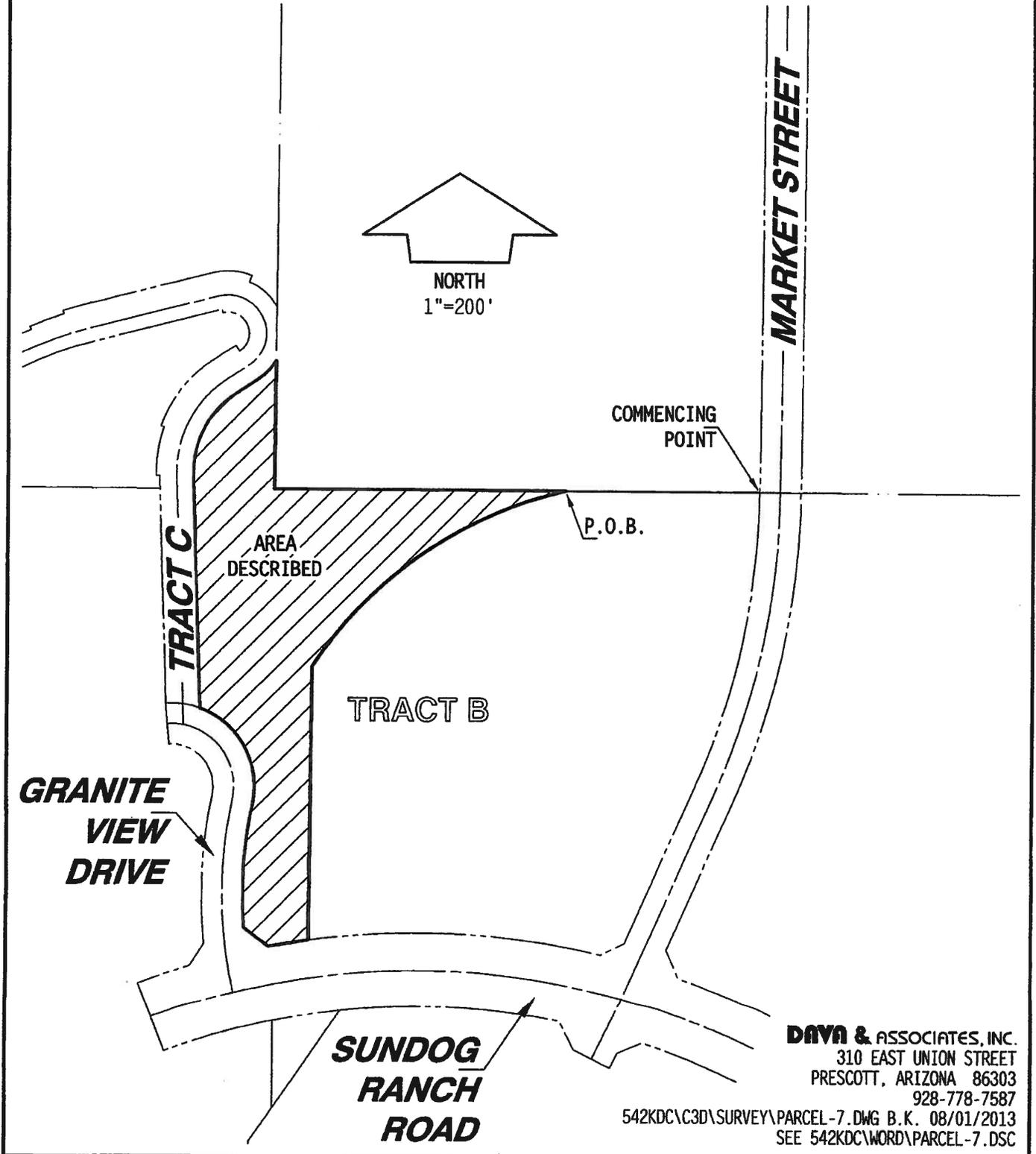
This description yields 3.12 acres.

I certify that, I, Thomas G. Callahan, am a Registered Land Surveyor in the State of Arizona, that this description was prepared under my direction and contains adequate information to allow retracement thereof.



# EXHIBIT

A PORTION OF SECTION 21,  
T. 14 N., R. 1 W.,  
G. & S. R. M.



**DAVA & ASSOCIATES, INC.**  
310 EAST UNION STREET  
PRESCOTT, ARIZONA 86303  
928-778-7587

542KDC\C3D\SURVEY\PARCEL-7.DWG B.K. 08/01/2013  
SEE 542KDC\WORD\PARCEL-7.DSC