When Recorded Mail To:
Town of Prescott Valley
7501 E. Civic Circle
Prescott Valley, AZ 86314

TOWN OF PRESCOTT VALLEY
DRAINAGE EASEMENT – TYPE 2

KNOW ALL MEN BY THESE PRESENTS:

That, in consideration of Ten Dollars ($10.00) and other good and valuable consideration paid to:

FAIN FAMILY LIMITED PARTNERSHIP UI and
NORMAN WILLIAM FAIN II and NANCY LEE FAIN REVOCABLE TRUST
DTD 5-11-90 UI
3001 Main Street, Ste. 2B
Prescott Valley, AZ 86314

hereinafter called GRANTOR, is the owner of the following described real property located in Yavapai County, Arizona (hereinafter called "Grantor's Property") by the Town of Prescott Valley, a municipal corporation of Arizona, its successors and assigns, hereinafter referred to as GRANTEE, the receipt of which consideration is hereby acknowledged, the GRANTOR does hereby grant, bargain, sell, transfer, and convey unto the GRANTEE, its successors and assigns, a perpetual easement with the right to construct, maintain, operate, replace and repair, channels and other works of drainage or flood control, together with the attendant customary uses, and all other necessary and appurtenant structures and facilities upon, along, over, under, across and through the land of the GRANTOR located in Yavapai County, Arizona, said land being more particularly described as follows:

SEE EXHIBIT "A", attached hereto and made a part hereof

together with the right of full and free ingress and egress for the purposes herein specified.

The consideration hereinabove recited shall constitute payment in full for any damages to the land of the GRANTOR, its heirs, successors, and assigns, by reason of the installation, operation, and maintenance of the structures or improvements referred to herein. The GRANTEE covenants to maintain the constructed drainage facilities in good repair so that no unreasonable damage will result from its use to the adjacent land of the GRANTOR, its heirs, successors and assigns. The GRANTOR covenant(s) to maintain the easement free of weeds and trash.

Exempt from Affidavit of Value pursuant to ARS §11-1134(A)(2) and (3)

GRANTOR shall not erect, construct or permit to be erected or constructed, any building or other structure; shall not plant any trees; shall not drill any well; and shall not alter ground level by cuts or fills within the limits of said easement without the express written permission of the GRANTEE. Notwithstanding the above, GRANTOR may construct walls and fences within the limits of said easement so long as openings are included to allow overflow surface runoff to pass through. GRANTOR is expressly responsible for any costs to relocate or replace such walls and fences as a result of GRANTEE'S exercise of its rights hereunder. GRANTEE is not responsible for any damage to GRANTOR resulting from impedance of storm water runoff by such walls and fences.

GRANTEE shall have the right to erect, maintain and use gates in all fences within said easement and trim, cut, and clear away trees or brush whenever in its judgment the same shall be necessary for the convenience and safe exercise of the rights hereby granted.

The grant and other provisions of this easement shall constitute a covenant running with the land for the benefit of the GRANTEE, its successors and assigns.

IN WITNESS WHEREOF, the GRANTOR has executed this instrument this 5th day of November, 2015.

GRANTOR:

Norman W. Fain II
Signature

Signature

STATE OF Arizona)
) §
COUNTY OF Yavapai)

The foregoing instrument was acknowledged before me this 5th day of November, 2015, by Norman W. Fain II
Print - *(Name of Owner/Officer/Agent)*

Member / Trustee of Fain Family Limited Partnership and Norman William Fain II and Nancy Lee Fain Rev. Trust
(Title) *(Name of Corporation/Company/LLC)*

a(n) _____
(State or place of incorporation)

_____
Write in type: Corporation/Company/LLC

On behalf of said _____
Write in type: Corporation/Company/LLC

Julie L. Warren
Notary Public

My Commission Expires

JULIE L. WARREN
Yavapai County
My Commission Expires
December 1, 2016

EXHIBIT "A"

DAVA & ASSOCIATES, INC. **PLANNING • ENGINEERING • SURVEYING**

310 E. Union Street, Prescott, AZ 86303 (928) 778-7587

DRAINAGE EASEMENT

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

COMMENCING at the west intersection of the centerline of Civic Circle and Lakeshore Drive as shown on Sheet 1 of the record of survey recorded in Book 187 of Land Surveys, Pages 2-6 in the Yavapai County Recorder's Office as identified by a 3" brass cap stamped "LS 22752";

thence, along the centerline of Lakeshore Drive, South 89°58'20" West, 146.25 feet, from which point the point of tangency of an arc is South 89°58'20" West, 9.25 feet;

thence, departing the centerline of Lakeshore Drive, South 00°01'40" East, 50.00 feet to the south right-of-way line of Lakeshore Drive and the south line of the second parcel recorded in Book 3425 of Official Records, Page 62 in the Yavapai County Recorder's Office;

thence, along the south right-of-way line of Lakeshore Drive and the south line of the second parcel recorded in Book 3425 of Official Records, Page 62, North 89°58'20" East, 7.39 feet to the **POINT OF BEGINNING**.

Thence, continuing along the south right-of-way line of Lakeshore Drive and the south line of the second parcel recorded in Book 3425 of Official Records, Page 62, North 89°58'20" East, 52.82 feet;

thence, departing the south right-of-way line of Lakeshore Drive and the south line of the said second parcel, South 00°01'40" East, 42.00 feet to a point on a line 42.00 feet southerly of and parallel with the south right-of-way line of Lakeshore Drive and the south line of the said second parcel;

thence, along said parallel line, South 89°58'20" West, 52.82 feet;

thence, departing said parallel line, North 00°01'40" West, 42.00 feet to the **POINT OF BEGINNING**.

This description yields approximately 2,219 square feet.

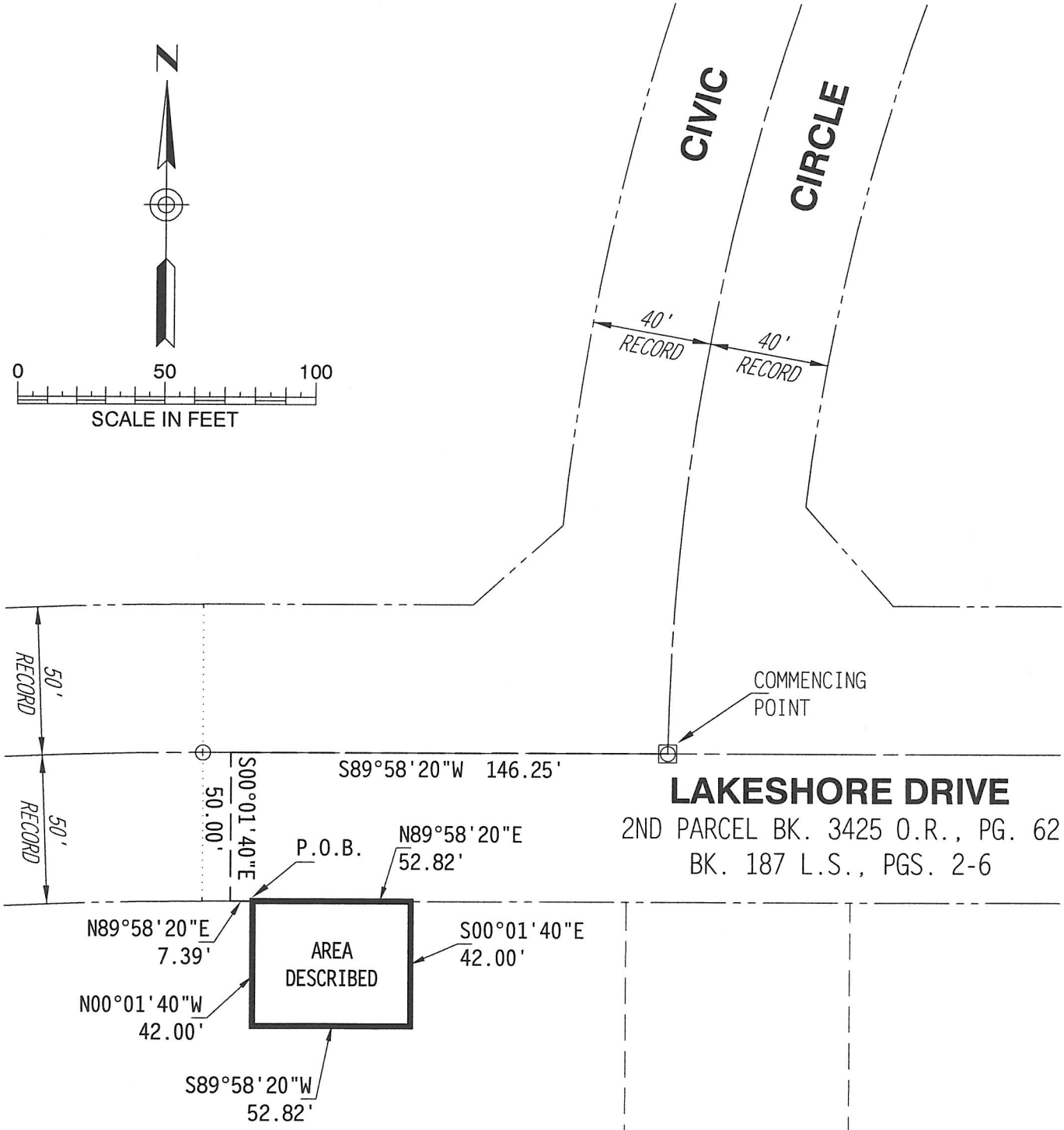
I certify that, I, Thomas G. Callahan, am a Registered Land Surveyor in the State of Arizona, that this description was prepared under my direction and contains adequate information to allow retracement thereof.

REGISTERED LAND SURVEYOR
CERTIFICATE NO.
22752
THOMAS G.
CALLAHAN
Date Signed 10.12.15
ARIZONA, U.S.A.

Expires 06/30/2017

EXHIBIT

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



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

374LKSCV\C3D\SURVEY\DESC-DRAIN-01.DWG BK 09/22/2015
SEE 374LKSCV\WORD\DESC-DRAIN-01.DSC