

**TOWN OF PRESCOTT VALLEY
REQUEST FOR COUNCIL ACTION
Date: December 17, 2009**

SUBJECT: PUE Easement for the Crossroads Terrace Business Park.

SUBMITTING DEPARTMENT: Public Works

PREPARED BY: Boyd Robertson, Deputy Public Works Director, for
Neil Wadsworth, Utilities Director

AGENDA LOCATION: Comments/Communications , Consent , Work/Study ,
New Business , Public Hearing , Second Reading

ATTACHMENTS: PUE Easement for the Crossroads Terrace Business Park.

SUMMARY/BACKGROUND: As a part of the development of the Crossroads Terrace Business Park a Public Utility Easement is required across the development property for maintenance and operations of the utility lines installed as a part of the development. This action is for approval and acceptance of this easement.

OPTIONS ANALYSIS: The Council may vote to:

- 1.) Approve the Easement, **OR**
- 2.) Not approve the Easement, **AND/OR**
- 3.) Direct staff to pursue other options.

ACTION OPTION: Motion to approve the easement as attached. **VOTE.**

RECOMMENDATION: Staff recommends approval as required for a PUE easement for the Crossroads Terrace Business Park.

FISCAL ANALYSIS: There is not a direct fiscal impact as a result of approving this easement with the exception of minor recording fees and a minimal payment of \$10.00.

REVIEWED BY:

Management Services Director _____ Town Clerk _____

Town Attorney _____

Town Manager _____

COUNCIL ACTION:

Approved Denied Tabled/Deferred Assigned to _____

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

**TOWN OF PRESCOTT VALLEY
PUBLIC UTILITY EASEMENT**

KNOW ALL MEN BY THESE PRESENTS:

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

**CROSSROADS TERRACE BUSINESS PARK
325 W. GURLEY ST., PRESCOTT, AZ. 86301**

hereinafter referred to as GRANTOR, 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 survey, erect, construct, install, and lay, and thereafter use, operate, inspect, repair, maintain, replace, and remove public utility improvements and facilities, together with the manhole structures, pipelines, conduits, poles 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

together with the right of full and free ingress and egress for the purposes herein specified, and the right to authorize, permit and license public utility companies to use the easement jointly with the GRANTEE for their utility purposes.

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 easement 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.

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; shall not install any fences; and shall not alter ground level by cuts or fills within the limits of said easement without the express written permission of the GRANTEE.

GRANTEE shall have the right to erect, maintain and use gates in all fences which now cross 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 28 day of October, 2009

GRANTOR:

Sammy N. Malouff
(Signature of Owner/Officer/Agent)

(Signature of Owner/Officer/Agent)

STATE OF Arizona)
) §
COUNTY OF Yavapai)

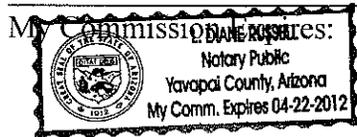
The foregoing instrument was acknowledged before me this 28 day of October, 2009, by Sammy N. Malouff
Print - (Name of Owner/Officer/Agent)

Manager of Market St. Partners II. L.L.C.
(Title) (Name of Corporation/Company/LLC)

a(n) Arizona L. L. C.
(State or place of incorporation) Write in type: Corporation/Company/LLC

On behalf of said Market Street Partners.
Write in type: Corporation/Company/LLC

L. Diane Russel
Notary Public



**CROSSROADS TERRACE BUSINESS PARK
CROWNPOINTE DRIVE EASEMENT**

AN EASEMENT FOR INGRESS, EGRESS, PUBLIC AND PRIVATE UTILITIES, OVER, UNDER, ACROSS, AND THROUGH THAT PORTION OF TRACT "C" OF THE GLASSFORD REGIONAL MARKET PLACE ACCORDING TO THE PLAT OF RECORD IN THE OFFICE OF THE COUNTY RECORDER OF YAVAPAI COUNTY, ARIZONA RECORDED IN BOOK 40 OF MAPS AND PLATS, PAGE 84 AND ALSO DEPICTED AS CROWNPOINTE DRIVE IN BOOK 181 OF LAND SURVEYS, PAGE 29 OF OFFICIAL RECORDS, YAVAPAI COUNTY. ALSO, BEING A PORTION OF SECTION 21, TOWNSHIP 14 NORTH RANGE 1 WEST OF THE GILA AND SALT RIVER MERIDIAN, TOWN OF PRESCOTT VALLEY, YAVAPAI COUNTY, ARIZONA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF TRACT "C" OF THE GLASSFORD REGIONAL MARKET PLACE, THENCE ALONG THE WEST LINE OF SAID TRACT "C" AND THE EASTERLY RIGHT OF WAY OF MARKET STREET, N.00°40'42"E., A DISTANCE OF 57.69 FEET TO A POINT OF INTERSECTION WITH THE SOUTHERLY RIGHT OF WAY OF SAID CROWNPOINTE DRIVE EASEMENT, SAID POINT BEING THE TRUE POINT OF BEGINNING:

THENCE N.00°36'04"E., A DISTANCE OF 85.67 FEET;

THENCE S.42°29'15"E., A DISTANCE OF 21.00 FEET;

THENCE S.89°23'56"E., A DISTANCE OF 129.27 FEET TO A POINT OF CURVE TO THE LEFT HAVING A RADIUS OF 25.00 FEET AND A CENTRAL ANGLE OF 89°24'44"; THENCE NORTHEASTERLY ALONG THE ARC A DISTANCE OF 39.01 FEET;

THENCE N.01°11'20"E., A DISTANCE OF 451.30 FEET TO A POINT OF CURVE TO THE RIGHT HAVING A RADIUS OF 527.50 FEET AND A CENTRAL ANGLE OF 04°50'41"; THENCE NORTHERLY ALONG THE ARC A DISTANCE OF 44.60 FEET;

THENCE N.06°02'01"E., A DISTANCE OF 366.48 FEET TO A POINT OF CURVE TO THE LEFT HAVING A RADIUS OF 472.50 FEET AND A CENTRAL ANGLE OF 11°40'51"; THENCE NORTHERLY ALONG THE ARC A DISTANCE OF 96.33 FEET;

THENCE N.55°23'28"W., A DISTANCE OF 19.71 FEET TO THE POINT OF CURVE OF A NON TANGENT CURVE TO THE RIGHT, OF WHICH THE RADIUS POINT LIES S.15°54'42"E., A RADIAL DISTANCE OF 270.00 FEET; THENCE EASTERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 16°30'47", A DISTANCE OF 77.82 FEET;

THENCE S.89°23'56"E., A DISTANCE OF 7.28 FEET;

THENCE S.41°50'11"W., A DISTANCE OF 19.94 FEET TO THE POINT OF CURVE OF A NON TANGENT CURVE TO THE RIGHT, OF WHICH THE RADIUS POINT LIES S.84°13'26"W., A RADIAL DISTANCE OF 527.50 FEET; THENCE SOUTHERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 11°48'35", A DISTANCE OF 108.73 FEET;

THENCE S.06°02'01"W., A DISTANCE OF 126.93 FEET;

THENCE CONTINUE SOUTHERLY ALONG SAID LINE S.06°02'01"W., A DISTANCE OF 185.30 FEET;

THENCE CONTINUE SOUTHERLY ALONG SAID LINE S.06°02'01"W., A DISTANCE OF 54.25 FEET TO A POINT OF CURVE TO THE LEFT HAVING A RADIUS OF 472.50 FEET AND A CENTRAL ANGLE OF 04°50'41"; THENCE SOUTHERLY ALONG THE ARC A DISTANCE OF 39.95 FEET;

THENCE S.01°11'20"W., A DISTANCE OF 222.63 FEET;

THENCE CONTINUE SOUTHERLY ALONG SAID LINE S.01°11'20"W., A DISTANCE OF 180.64 FEET TO THE POINT OF CURVE OF A NON TANGENT CURVE TO THE LEFT, OF WHICH THE RADIUS POINT LIES S.88°48'49"E., A RADIAL DISTANCE OF 99.00 FEET; THENCE SOUTHERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 06°37'51", A DISTANCE OF 11.47 FEET;

THENCE S.05°26'40"E., A DISTANCE OF 57.49 FEET TO THE POINT OF CURVE OF A NON TANGENT CURVE TO THE RIGHT, OF WHICH THE RADIUS POINT LIES S.84°33'09"W., A RADIAL DISTANCE OF 61.00 FEET; THENCE SOUTHWESTERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 103°13'24", A DISTANCE OF 109.90 FEET;

THENCE N.81°38'55"W., A DISTANCE OF 55.32 FEET TO A POINT OF CURVE TO THE LEFT HAVING A RADIUS OF 99.00 FEET AND

A CENTRAL ANGLE OF 07°03'34"; THENCE WESTERLY ALONG
THE ARC A DISTANCE OF 12.20 FEET;

THENCE N.89°23'56"W., A DISTANCE OF 81.11 FEET;

THENCE S.43°41'23"W., A DISTANCE OF 21.00 FEET TO THE TRUE
POINT OF BEGINNING.

CONTAINING 68,767.47 SQUARE FEET OR 1.58 ACRES, MORE OR
LESS.



EXP: 03-11

