

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

SUBJECT: PUE Easement for the Puerta Vallarta Restaurant.

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 Puerto Vallarta Restaurant.

SUMMARY/BACKGROUND: As a part of the development of the Southside CFD a Public Utility Easement is required across the restaurant property for maintenance and operations of the water and sewer lines installed as a part of the CFD project. 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 Southside CFD project across the Puerto Vallarta Restaurant property.

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:

RJ Garcia, LLC

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 –

[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:

(Legal Description attached.)

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)

DAVA AND ASSOCIATES

310 EAST UNION STREET PRESCOTT, ARIZONA 86303
928 778-7587

A portion of Section 28, Township 14 North, Range 1 East of the Gila and Salt River Meridian, Yavapai County, Arizona, also being a portion of the parcel recorded in Book 4277 of Official Records, Page 385 in the Yavapai County Recorder's Office, described as follows:

COMMENCING at the most northerly corner of the parcel recorded in Book 4277 of Official Records, Page 385 as identified by a ½" rebar with an unreadable tag;

thence, along the southwesterly right-of-way line of State Route 69, along a curve to the right, having a chord bearing South 36°15'12" East, a chord length of 301.92 feet, a radius of 9,449.12 feet, a central angle of 1°49'51", and an arc length of 301.93 feet to the **POINT OF BEGINNING**.

Thence, continuing along the southwesterly right-of-way line of State Route 69, continuing along a curve to the right, having a chord bearing South 35°16'06" East, a chord length of 23.00 feet, a radius of 9,449.12 feet, a central angle of 0°08'22", and an arc length of 23.00 feet to the most easterly corner of the parcel recorded in Book 4277 of Official Records, Page 385 as identified by a 1/2" rebar with a cap stamped "RLS 22776";

thence, along the southeasterly line of the parcel recorded in Book 4277 of Official Records, Page 385, South 54°48'15" West, 127.24 feet to the most southerly corner of said parcel;

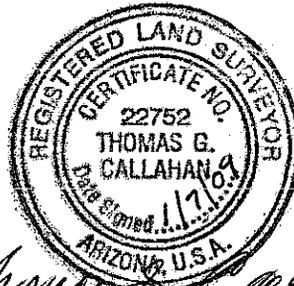
thence, along the southwesterly line of said parcel, North 35°08'36" West, 27.58 feet;

thence, departing the southwesterly line of said parcel, South 88°03'24" East, 7.58 feet to a point in a line 23.00 northwesterly of and parallel with the southeasterly line of said parcel;

thence, along said parallel line, North 54°48'15" East, 121.14 feet to the **POINT OF BEGINNING**.

Containing approximately 2,940 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.

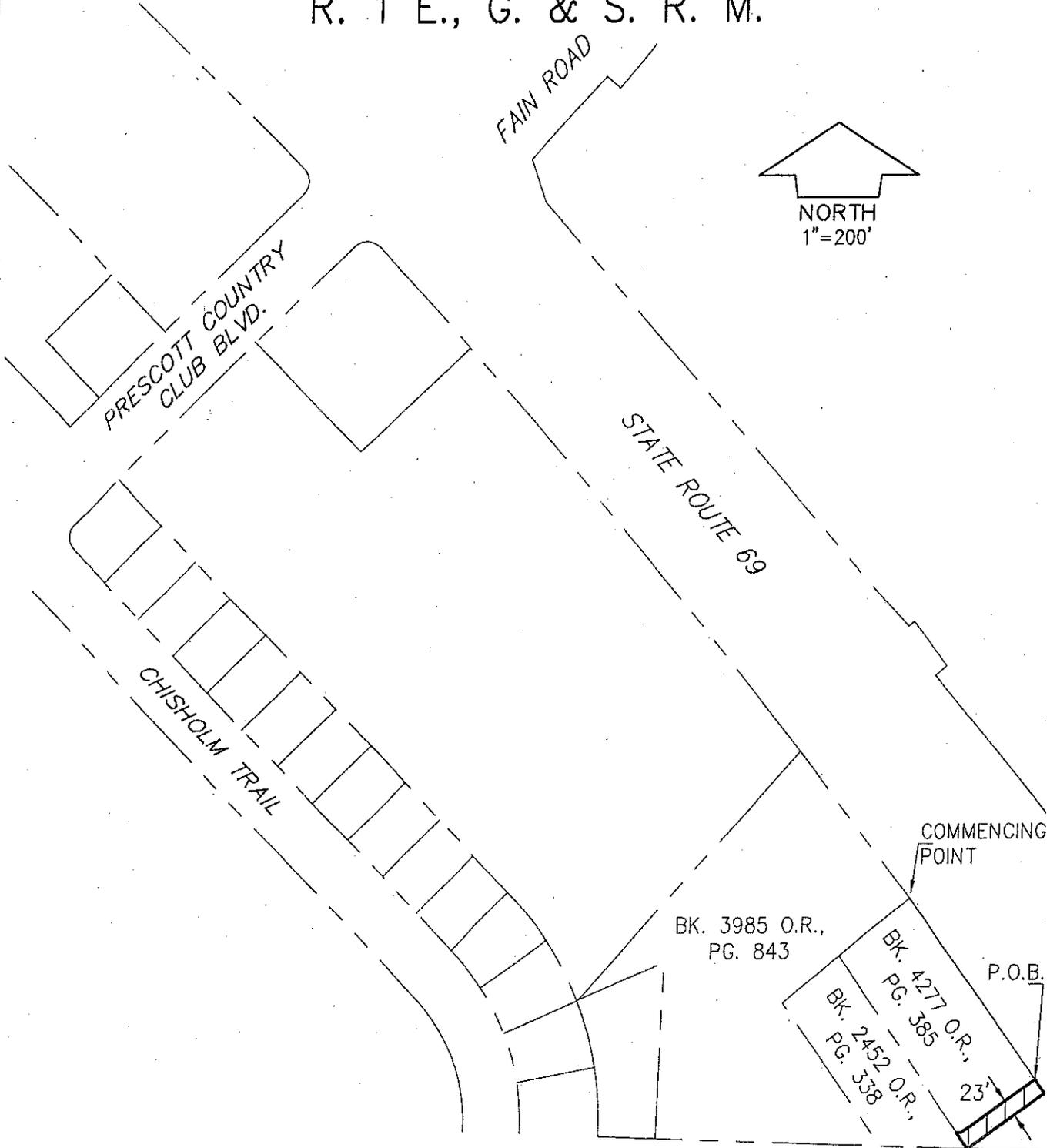


Thomas G. Callahan

EXPIRES 6/30/2011

EXHIBIT

A PORTION OF SEC. 28, T. 14 N.,
R. 1 E., G. & S. R. M.



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

...374SCFDI\ACAD\DWG\DESCS\40216384F.DWG B.K. 06/13/2007
SEE ...374SCFDI\WORD\40216384F.DSC

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.

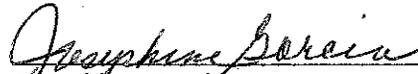
The grant and other provisions of this easement shall constitute a covenant running with the land for the benefit of the GRANTEE, its successors and assigns.

IN WITNESS WHEREOF, the GRANTOR has executed this instrument this 19th day of November, 2009

GRANTOR:



Rodolfo Garcia



Josephine Garcia

STATE OF Arizona)
) ss:
COUNTY OF Yavapai)

The foregoing instrument was acknowledged before me this 19th day of November, 2002 by JULIA A. BOWERS

Julia A. Bowers
Notary Public

My Commission Expires:
Dec 11, 2009



STATE OF Arizona)
) ss:
COUNTY OF Yavapai)

The foregoing instrument was acknowledged before me this 19th day of November, 2004, by JULIA A BOWERS

Julia A. Bowers
Notary Public

My Commission Expires:
Dec. 11, 2009

