



May 3, 2011

Ms. Jacqueline Cyr
8196 E. Manley Drive
Prescott Valley, Arizona 86314

Re: Letter of Agreement for Pedestrian and Public Utility Easement
Lot # 1195, Prescott Valley Unit # 4; APN 103-02-221
8196 E. Manley Drive, Prescott Valley, AZ 86314

Project: Robert Rd. Improvements, Spouse Dr. to Tranquil Blvd., CIP # 412B

Dear Ms. Cyr,

We have had a number of discussions with you about obtaining a Pedestrian and Public Utility Easement. This letter is to clarify and confirm our mutual understanding and agreement of the proposed Pedestrian and Public Utility Easement (subject to approval by the Prescott Valley Town Council) for the purpose of constructing the next phase of the Robert Road Improvements, Spouse Drive to Tranquil Boulevard, CIP # 412B.

The Town of Prescott Valley will:

- Remove the existing wood fence on the east side of your parcel (50-feet) and replace with new wood fence in like kind and relocate to outside of the Pedestrian & Public Utility Easement (5 feet from back of sidewalk). Portion of existing wood fence south of vehicle gate (approx. 25 feet) will be replaced with 4 foot high chain link fence. Remove existing 12 foot wide wood vehicle gate connected to fence on east side and replace with new wood vehicle gate in like kind. This fence relocation and vehicle gate replacement will be done during the Robert Road Improvements, Spouse Dr. to Tranquil Boulevard, Project.
- Provide Construction Plan, as enclosed and dated 2/18/2011, to remediate impacts caused by the project to your driveway and landscaping
- Provide Cost Proposal Letter from Fann Contracting, Inc. dated March 28, 2011 for removals, grading, base, paving, and concrete driveway, as a basis to determine costs to remediate impacts caused by the project to your driveway and landscaping, as enclosed
- Pay to Jacqueline Cyr \$6,550.00 to remediate impacts caused by the project to your driveway and landscaping
- Remove existing landscaping, including any irrigation lines within the limits of the Pedestrian and Public Utility Easement
- Provide Notary services, for your convenience, to notarize the easement

Ms. Jacqueline Cyr will:

- Execute the Pedestrian and Public Utility Easement, as enclosed, free and clear of any encumbrances not otherwise agreed to by both parties
- Contract directly with a contractor of your choice for planned improvements on your property

It is further understood that:

- This proposal is subject to the approval of the Prescott Valley Town Council.

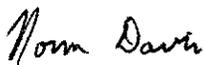
Ms. Jacqueline Cyr, if you agree and approve the above terms for the proposed Pedestrian and Public Utility Easement, please so indicate your agreement and approval in the space provided below.

An original, and a copy, of the Pedestrian and Public Utility Easement are enclosed. Please review the easement and if you approve, please sign the original, have your signature notarized and return it to us in the enclosed self-addressed stamped envelope.

Upon receipt of the signed and notarized easement, Town staff will prepare the proposed Pedestrian and Public Utility Easement and associated information for presentation to the Town Council for their review and approval. If they accept the Pedestrian and Public Utility Easement, the Town will record the fully executed easement and mail a check to you, per the terms of this Letter of Agreement.

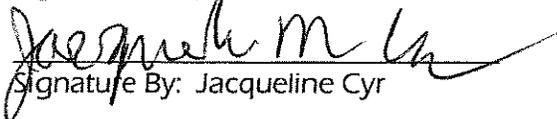
I look forward to our mutual resolution of this matter. If you have any questions or need additional information, please call or email me.

Sincerely,



Norm Davis, P.E. - Public Works Director
Phone: (928) 759-3070
Email: ndavis@pvaz.net

Agreed and Approved:



Signature By: Jacqueline Cyr

Owner of Lot # 1195, Prescott Valley Unit # 4, APN # 103-02-221

Enclosures:

Original Pedestrian and Public Utility Easement – to be returned to the Town
Copy of Pedestrian and Public Utility Easement – for your records
"Cyr Residence Site Plan" by Dava & Associates, Inc., dated 2/18/2011
Copy of Cost Proposal Letter from Fann Contracting, Inc., dated March 28, 2011

CC:

Diane Russell, Town Clerk
Ron Pine, P.E., Engineer, Public Works
Ray Smith, P.E., R.L.S., Engineering Division Manager
Neil Wadsworth, P.E., Utilities Division Manager
Kimberly J. Moon, P.E., Capital Projects Coordinator
File

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

**TOWN OF PRESCOTT VALLEY
PEDESTRIAN AND 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:

**CYR JACQUELINE
8196 E. MANLEY DRIVE, PRESCOTT VALLEY, AZ 86314**

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 A.) public right-of-way for the passage of pedestrian traffic (sidewalk and/or multi-use path), and B.) 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" attached hereto and made part hereof

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. At the same time, GRANTOR shall maintain the sidewalk and/or multi-use path free of obstructions.

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 4th day of May, 2011.

GRANTOR:

Jacqueline M. Ly
Signature

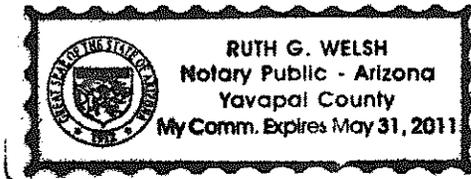
Signature

STATE OF Arizona)
COUNTY OF YAVAPAI) ss:

The foregoing instrument was acknowledged before me this 4th day of May, 2011, by _____

Ruth G. Welsh
Notary Public

My Commission Expires: 5/31/2011

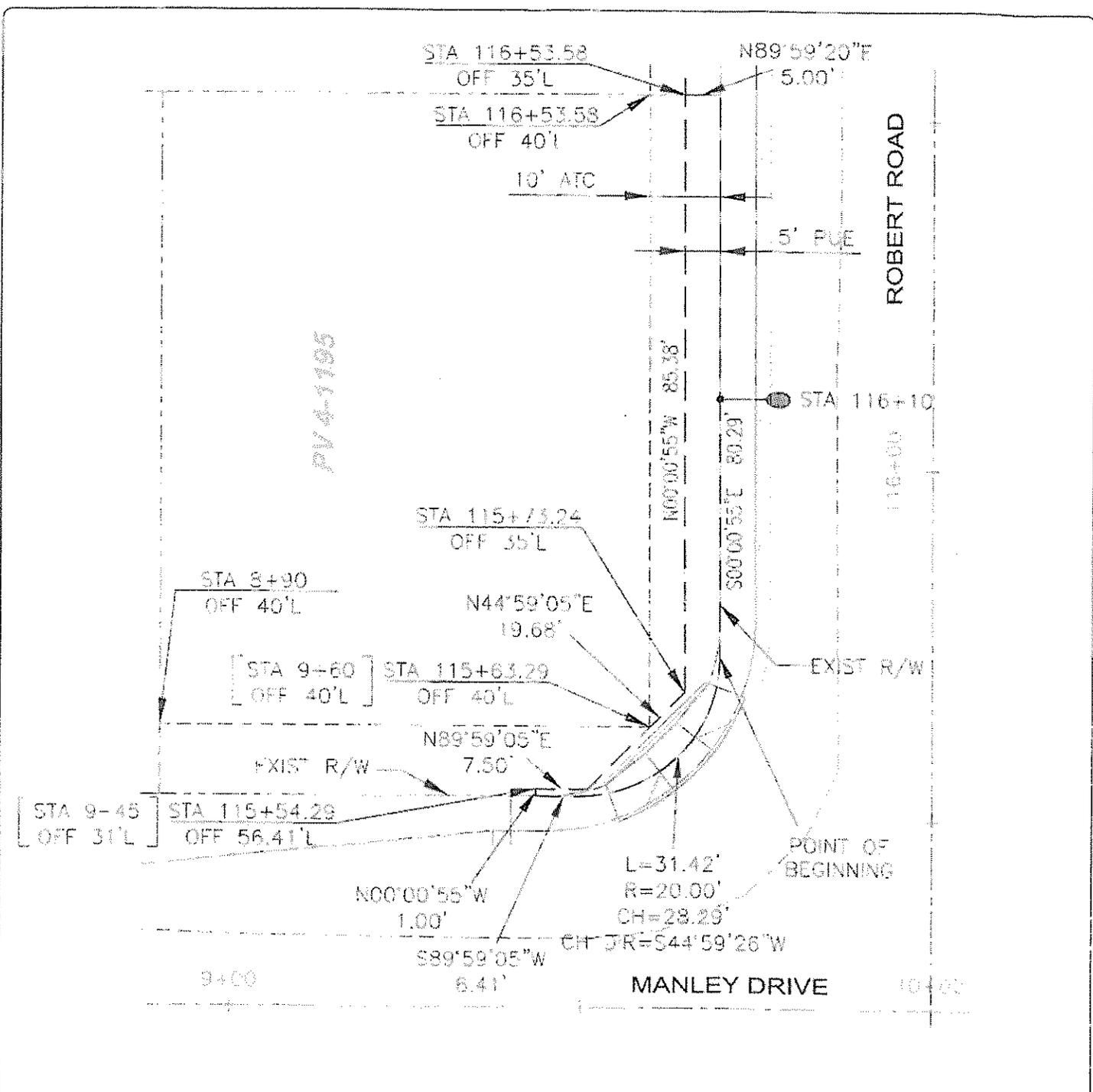


STATE OF Arizona)
COUNTY OF YAVAPAI) ss:

The foregoing instrument was acknowledged before me this 4th day of May, 2011, by _____

Ruth G. Welsh
Notary Public

My Commission Expires: 5/31/2011



SCALE 1:20
 LOT NUMBER: 1195
 LOT ADDRESS: 8196 E MANLEY DR
 AP: 103-02-221



NOTE:
 ALL THE STATIONING ARE REFERENCE TO ROBERT ROAD C/L (AND MANLEY DRIVE C/L)

PROJECT NO.	0212925
DATE	04/2008
SHEET	1 OF 2

EXHIBIT A
 ROBERT ROAD IMPROVEMENTS
 PART B
 PRESCOTT ARIZONA



LEGAL DESCRIPTION

LOT NUMBER: 1195
LOT ADDRESS: 8196 E MANLEY DR.
AP: 103-02-221
PRESCOTT VALLEY UNIT 4
OWNER: JACQUELINE CYR

PUE - A TRACT OF LAND LOCATED IN LOT 1195 OF PRESCOTT VALLEY UNIT 4 AS RECORDED IN BOOK 12 OF MAPS & PLATS PAGE 74 OF OFFICIAL RECORDS, YAVAPAI COUNTY ARIZONA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE POINT OF CURVATURE (P.C.) ON THE EAST LINE OF SAID LOT 1195; THENCE SOUTHWESTERLY ON SAID EAST LINE ON A 20.00 FT. RADIUS CURVE TO THE RIGHT, 31.42 FT. [LONG CHORD BEARS S44°59'26"W (ASSUMED BEARING), 28.29 FT.] TO THE POINT OF TANGENCY (P.T.) ON THE SOUTH LINE OF SAID LOT 1195; THENCE S89°59'05"W ON SAID SOUTH LINE, 6.41 FT.; THENCE N00°00'55"W, 1.00 FT.; THENCE N89°59'05"E, 7.50 FT.; THENCE N44°59'05"E, 19.68 FT.; THENCE N00°00'55"W, 85.38 FT. TO A POINT ON THE NORTH LINE OF SAID LOT 1195; THENCE N89°59'20"E ON SAID NORTH LINE, 5.00 FT. TO A POINT ON SAID EAST LINE; THENCE S00°00'55"E ON SAID EAST LINE, 80.29 FT. TO THE POINT OF BEGINNING, CONTAINING 0.01 ACRES, MORE OR LESS.

PUE = PERMANENT UTILITY EASEMENT

REV No	0212925
DATE	04/2008
SHEET	2 OF 2

EXHIBIT A
**ROBERT ROAD IMPROVEMENTS
PART B**
PRESCOTT ARIZONA

