

Agreement for Right of Entry and Construction Easement

This Agreement is entered into for valuable consideration this ____ day of _____, 2012 by and between the Town of Chino Valley (the “Town”) and the Town of Prescott Valley, Yavapai County, City of Prescott, and the Yavapai-Prescott Indian Tribe, members of the Upper Verde River Watershed Protection Coalition, (hereinafter the “Coalition”), formed under the Intergovernmental Agreement recorded on May 23, 2007, with the Yavapai County Recorder #B-4509 P-87;

RECITALS:

The Town is a member of the Coalition and is interested in assisting the Coalition with the development of rainfall source water capture, aquifer recharge and harvesting pilot projects (the “Projects”) as approved by the Coalition Board. The Coalition needs a location at which to construct improvements related to the foregoing projects. The Town has property well suited to such activities and the Town and the Coalition desire to arrange for the use of such site by the Coalition.

WHEREFORE the parties covenant and agree as follows:

1. The Town hereby grants to the Coalition members, their employees, agents, and designees, the right to enter upon and to construct improvements upon the property located within the Town of Chino Valley along Rodeo Drive and Santa Fe Trail, also known as APN 306-01-019B, as further shown on the map attached as Exhibit “A” (the “Property”). The right of entry and grant of a construction easement is for the purpose of engineering, constructing, monitoring, and measuring the performance of the improvements associated with the source water capture, harvesting and recharge facilities Pilot Projects of the Coalition as defined in the project plans prepared by Civiltec Engineering, Inc. and attached as Exhibit “B” hereon.

2. The right of entry and construction easement shall commence upon the date of the full execution of this document and shall continue for a period of 5 years unless terminated sooner due to agreement between the parties, the completion or discontinuation of the projects or a material breach of this Agreement. Said right of entry and easement may be extended for up to three (3) additional one (1) year periods.

3. Prior to the termination of its right of entry, the Coalition members shall repair and restore the Property to a like and equivalent condition as existed prior to the construction activity. During the period of its right of entry, the Coalition members shall maintain the Property in a neat and safe condition.

4. Coalition members shall not use, suffer or permit the use at or on or the discharge of any hazardous substance on or about the Property nor shall it utilize the property in any manner or for any purpose that violates State, local or Federal Law. [Hazardous substances are as defined under State and Federal Law.] The Coalition members shall have no responsibility or liability for environmental contamination or

pollution on or about the Property which it did not cause or contribute to or which pre-existed this Agreement.

5. The Coalition members shall be responsible for complying with all applicable governmental rules, laws and regulations in its use of and improvements on the Property and shall obtain all permits which may be required for such activities. The Town shall waive fees for any permits that may be required to be obtained from the Town.

6. The Coalition members consisting of the City of Prescott, Town of Prescott Valley, Yavapai Prescott Indian Tribe, and County of Yavapai shall maintain and provide Town evidence of a Commercial General Liability insurance policy with a reputable company in the amount of not less than One Million Dollars (\$1,000,000.00) for injuries sustained by one person, and Two Million Dollars (\$2,000,000.00) per occurrence and property damage and loss coverage of Five Hundred Thousand Dollars (\$500,000.00). The Town shall be named as an additional insured under such policy. Town shall have no liability for loss or damage to Coalition member's Property or improvements on the property and Coalition members shall be responsible for insuring and the costs of insuring its personal property and improvements to the Property in such amounts as it may determine.

7. The Coalition members agree to hold Town harmless and indemnify it for, from and against any liability, losses, claims, fees, costs or damages caused by, or arising from the Coalition member's intentional or negligent acts or those of the Coalition member's agents, employees, contractors and representatives regarding or on or about the Property.

8. This document may be signed in any number of separate copies, each of which shall be effective as an original, but all of which taken together shall constitute a single document. An electronic transmission or other facsimile of this document or any related document shall be deemed an original and shall be admissible as evidence of the document and the signer's execution.

Grantor and Upper Verde River Watershed
Protection Coalition member

Town of Chino Valley (a municipal
corporation of Arizona)

Chris Marley, Mayor

Date

ATTEST:

Jami Lewis, Town of Chino Valley Clerk

APPROVED AS TO FORM:

_____,
Town of Chino Valley Attorney

Upper Verde River Watershed Protection
Coalition member

Yavapai County

Carol Springer, Supervisor Date

ATTEST:

Julie Ayers, Clerk of the Board, Yavapai County

APPROVED AS TO FORM:

Dave Hunt, Board Attorney, Yavapai County

Upper Verde River Watershed Protection
Coalition member

Yavapai-Prescott Indian Tribe

Ernest Jones, President

Date

ATTEST:

Tribal Clerk

APPROVED AS TO FORM:

Tribal Attorney

Upper Verde River Watershed Protection
Coalition member

City of Prescott (a municipal corporation of
Arizona)

Marlin Kuykendall, Mayor Date

ATTEST:

Liz Burke, City of Prescott Clerk

APPROVED AS TO FORM:

Gary Kidd, City of Prescott Attorney

Upper Verde River Watershed Protection
Coalition member

Town of Prescott Valley (a municipal
corporation of Arizona)

Harvey C. Skoog, Mayor
7501 E. Civic Circle
Prescott Valley, AZ 86314
928-759-3100

ATTEST:

Diane Russell, Town of Prescott Valley Clerk

APPROVED AS TO FORM:

Ivan Legler, Town of Prescott Valley Attorney

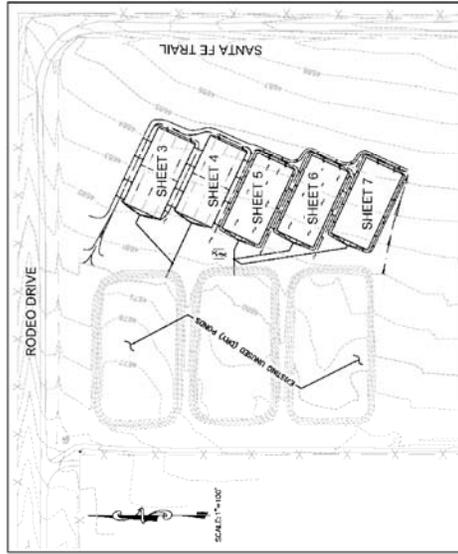
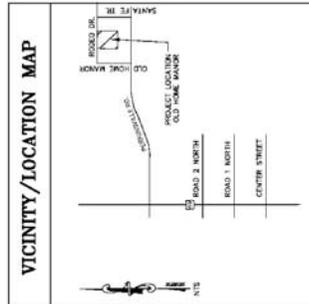


Exhibit "A" - Map of Area subject to right of entry and temporary construction easement

Exhibit “B” – Project Plans



U.V.R.W.P.C. RECHARGE AND SOURCE WATER CAPTURE PILOT PROJECT OLD HOME MANOR, CHINO VALLEY, ARIZONA



OWNER:
UPPER VERDE RIVER WATERSHED PROTECTION COALITION

ENGINEER:
CIVILTEC CONSULTANTS, INC.
1000 N. WILLOW CREEK ROAD
TUSCUMPHOUC, AZ 85629
PHONE: 939-771-2377
WWW.CIVILTEC.COM

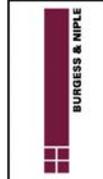
BENCHMARK:
TOWN OF CHINO VALLEY CONTROL NETWORK
PUSHING CREEK
ELEVATION: 5100.00
EASTING: 1000000.00
NORTHING: 1000000.00

INDEX OF SHEETS:

1	COVER SHEET
2	WADSWORTH AND DEPAUL PLANS
3	RECHARGE AND SOURCE WATER CAPTURE PILOT PROJECT
4	RECHARGE AND SOURCE WATER CAPTURE PILOT PROJECT
5	RECHARGE AND SOURCE WATER CAPTURE PILOT PROJECT
6	RECHARGE AND SOURCE WATER CAPTURE PILOT PROJECT
7	RECHARGE AND SOURCE WATER CAPTURE PILOT PROJECT
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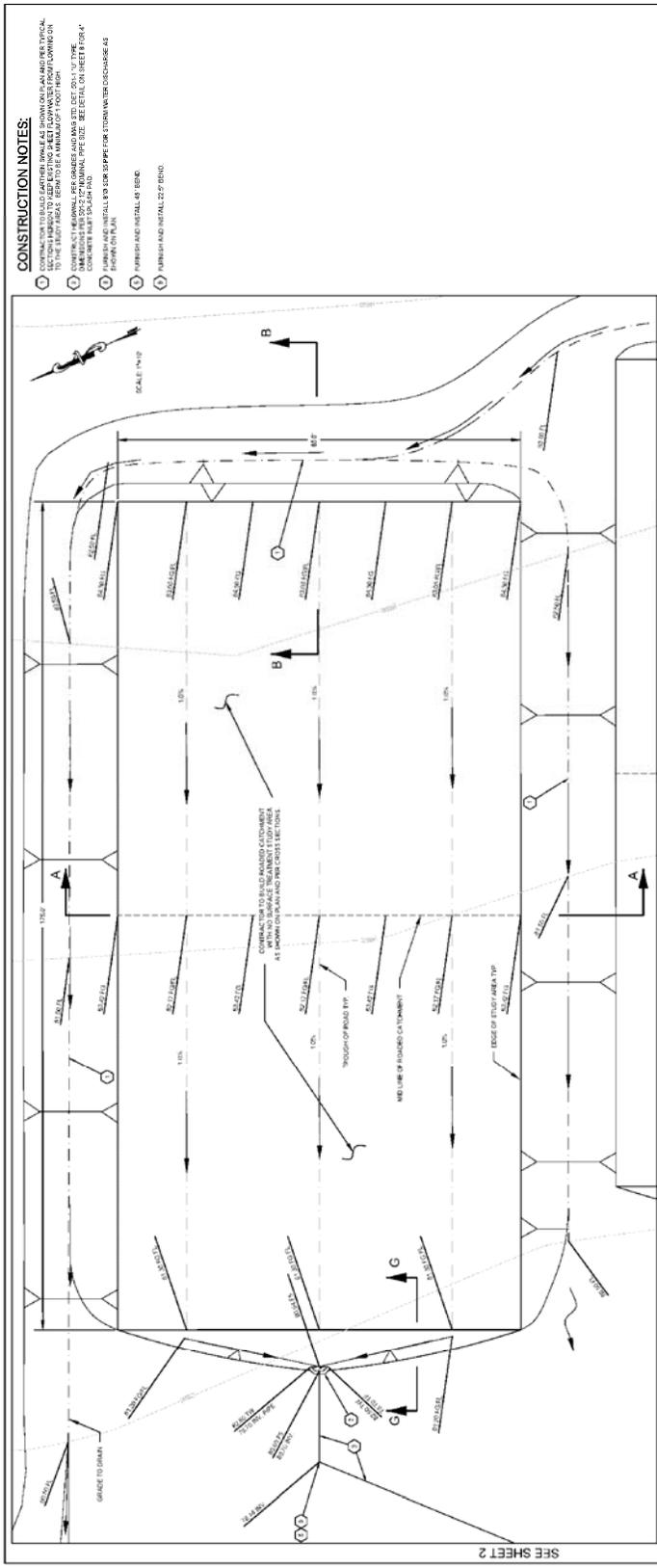
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Zone 12N
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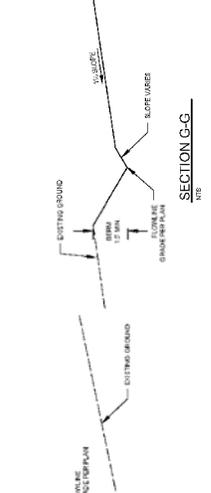
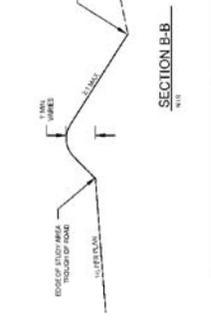
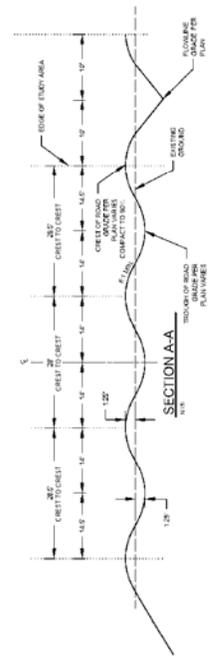


CIVILTEC CONSULTANTS, INC.
250 N. WILLOW CREEK ROAD
TUSCUMPHOUC, AZ 85629
PHONE: 939-771-2377
WWW.CIVILTEC.COM

YAVAPAI COUNTY, ARIZONA
COVER SHEET
UPPER VERDE RIVER WATERSHED PROTECTION COALITION
RECHARGE AND SOURCE WATER CAPTURE PILOT PROJECT
DRAWN BY: [Name]
CHECKED BY: [Name]
DATE: [Date]
SHEET 1 OF 10

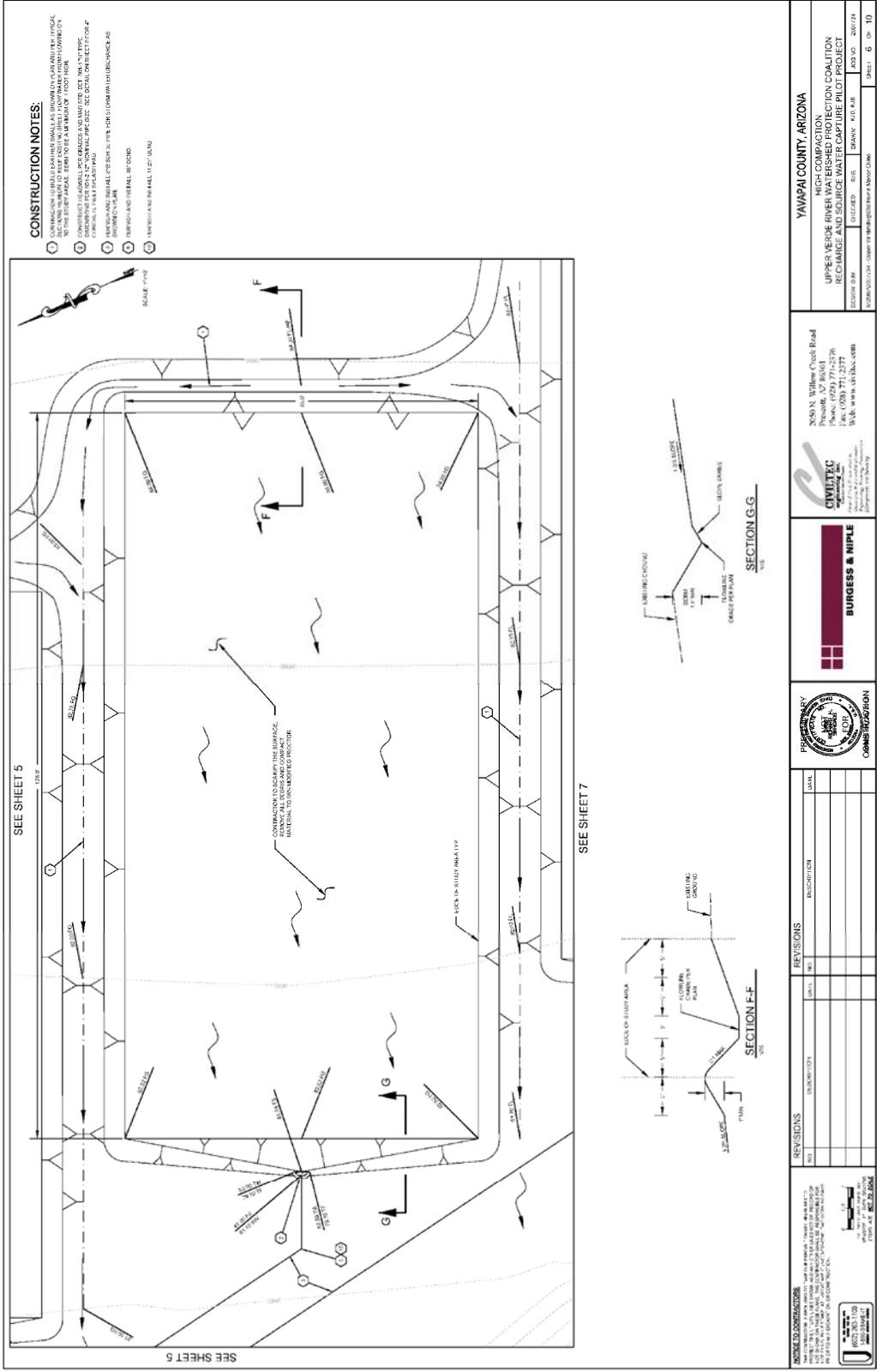


SEE SHEET 4



- CONSTRUCTION NOTES:**
- 1. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE STANDARD SPECIFICATIONS FOR PUBLIC WORKS, LATEST EDITION, AS APPLICABLE TO THE STATE OF ARIZONA.
 - 2. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE STANDARD SPECIFICATIONS FOR PUBLIC WORKS, LATEST EDITION, AS APPLICABLE TO THE STATE OF ARIZONA.
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<p>2000 N. Wilson Creek Road Phoenix, AZ 85028 Phone: (602) 774-2276 Fax: (602) 774-2277 www.burness-nipler.com</p>		<p>YAVAPAI COUNTY, ARIZONA ROADWAY CATCHMENT WITH NO SURFACE TREATMENT RECHARGE AND SOURCE WATER CAPTURE PILOT PROJECT</p>													
<p>PROJECT NO. 2022-001774</p>	<p>DATE 08/15/24</p>	<p>DRAWN: J.L.O. JLB</p>	<p>SCALE: 1/4" = 1'-0"</p>												
<p>REVISIONS</p> <table border="1"> <thead> <tr> <th>NO.</th> <th>DESCRIPTION</th> <th>DATE</th> <th>NO.</th> <th>DESCRIPTION</th> <th>DATE</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>		NO.	DESCRIPTION	DATE	NO.	DESCRIPTION	DATE							<p>DATE: 08/15/24</p> <p>SCALE: 1/4" = 1'-0"</p>	
NO.	DESCRIPTION	DATE	NO.	DESCRIPTION	DATE										
<p>SEE SHEET 2</p>															



CONSTRUCTION NOTES:

- 1. CONSTRUCTION SHALL BE SHOWN ON PLAN AND IN PROFILE TO THE EXISTING GRADE. TO BE A MINIMUM 1 FOOT HIGH.
- 2. CONCRETE SHALL BE 4000 PSI AND SHALL BE 4\"/>

YAVAPAI COUNTY, ARIZONA
 HIGH COMPACTON
 UPPER VEINDE RIVER WATERSHED PROTECTION COALITION
 RECHARGE AND SOURCE WATER CAPTURE PILOT PROJECT
 DESIGN DATE: 01/14/2014
 DRAWN: K.S.D./J.B.
 CHECKED: J.S.
 DATE: 01/14/2014
 SHEET: 6 OF 10

2620 N. Willow Creek Road
 Phoenix, AZ 85028
 Phone: (602) 771-2376
 Fax: (602) 771-2377
 Web: www.chiltec.com

CIVILTEC
 CONSULTING ENGINEERS

BURGESS & NIPLÉ
 ENGINEERS ARCHITECTS

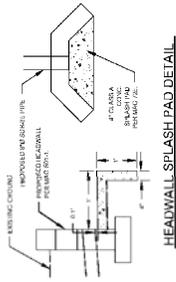
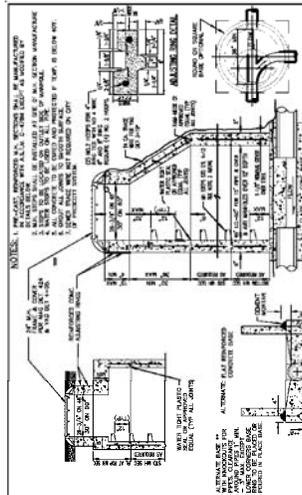
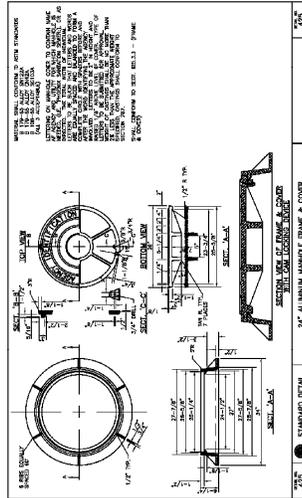
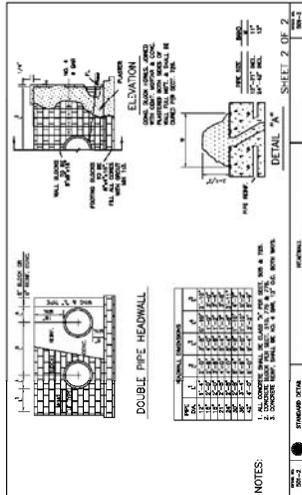
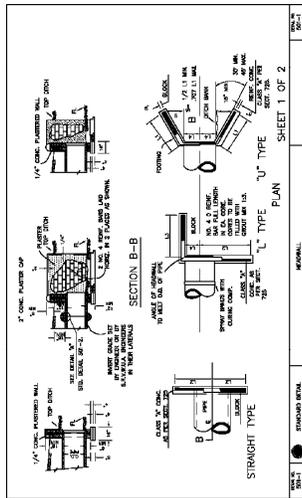


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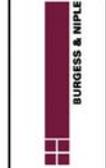
SECTION F-F
 SEE SHEET 5

SECTION G-G
 SEE SHEET 7



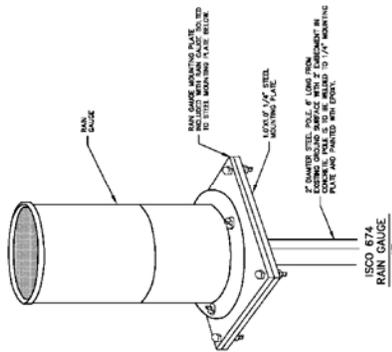
NOTICE TO CONTRACTORS
 THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL, STATE AND FEDERAL AGENCIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL, STATE AND FEDERAL AGENCIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL, STATE AND FEDERAL AGENCIES.

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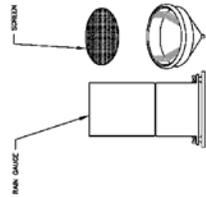


BURGESS & NIPLE, INC.
 100 N. WILSON AVENUE, SUITE 100
 PHOENIX, AZ 85012
 PHONE: (602) 771-2576
 FAX: (602) 771-2377
 WWW: WWW.BURGESSANDNIPLE.COM

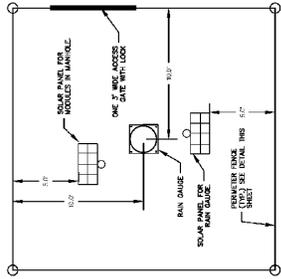
YAVAPAI COUNTY, ARIZONA
 MISCELLANEOUS DETAILS
 UPPER MERIDIAN WATER BISHOP PROTECTION COLLOCATION
 RECONSTRUCTION AND SOUNDING WATER BISHOP PROTECTION COLLOCATION
 SHEET 3 OF 10



ISCO 874
RAIN GAUGE

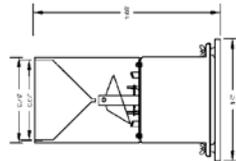


TYPICAL RAIN GAUGE
COMPONENTS

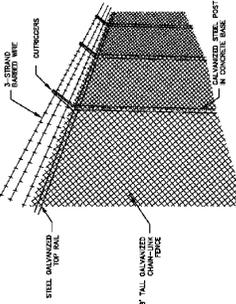


TYPICAL RAIN GAUGE AND SOLAR
PANEL FENCING PLAN VIEW

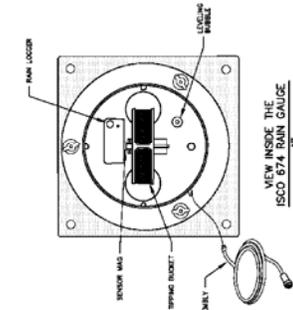
NOTE: REFER TO THE CIVILTEC DIRECT INSTALLATION AND
OPERATION MANUAL FOR THE ISCO 874 RAIN GAUGE AND SOLAR PANEL
INSTALLATION. REFER TO THE CIVILTEC DIRECT INSTALLATION AND
OPERATION MANUAL FOR THE ISCO 874 RAIN GAUGE AND SOLAR PANEL
INSTALLATION FOR PERFORMANCE AND WARRANTY INFORMATION.



PLAN AND PROFILE OF
ISCO 874 RAIN GAUGE



TYPICAL PERIMETER FENCE
FOR RAIN GAUGE
AND SOLAR PANELS



VIEW INSIDE THE
ISCO 874 RAIN GAUGE

SCALE AND DIMENSIONS <small>NOT TO SCALE UNLESS OTHERWISE NOTED. THIS DRAWING IS FOR INFORMATION ONLY. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING ALL DIMENSIONS AND CONDITIONS OF THE PROJECT BEFORE PROCEEDING WITH CONSTRUCTION.</small> 1" = 10'-0"	REVISIONS NO. 1 DATE 05/10/2017 DESCRIPTION 1.00	REVISIONS NO. 1 DATE 05/10/2017 DESCRIPTION 1.00	 JAMES R. HINKLE PROFESSIONAL ENGINEER STATE OF ARIZONA LICENSE NO. 10000	 BURGESS & MIPLE ENGINEERS ARCHITECTS 2020 N. Willow Creek Road Phoenix, AZ 85024 Phone: (602) 771-2376 Fax: (602) 771-2377 Web: www.cbllc.com	YAVAPAI COUNTY, ARIZONA RAIN GAUGE AND FENCING DETAILS UPPER VEIDE RIVER WATERSHED PROTECTION COALITION RECHARGE AND SOURCE WATER CAPTURE PILOT PROJECT DRAWN BY: J.R.H. CHECKED BY: J.R.H. DATE: 05/10/2017 SHEET: 10 OF 10
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