

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:

**Robert J. Henning and Loreen T. Henning, husband and wife.
5456 N. Poke 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 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” FOR THE LEGAL DESCRIPTION AND THE EASEMENT
DESCRIPTION, 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)

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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 12
day of September, 2012.

GRANTOR:

Robert J. Henning
Signature

Loreen Henning
Signature

TOWN OF PRESCOTT VALLEY
DRAINAGE EASEMENT – TYPE 2

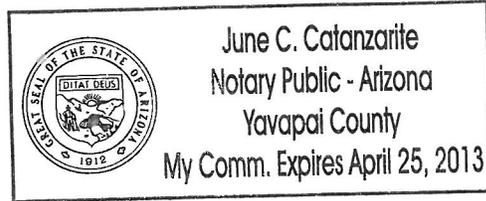
Robert J. Henning and Loreen T. Henning, husband and wife.
5456 N. Poke Drive
Prescott Valley, AZ 86314

STATE OF Arizona)
County of Yavapai) ss:

The foregoing instrument was acknowledged before me this 12th day of
September, 2012, by June C. Catanzarite.

June C. Catanzarite
Notary Public

My Commission Expires:
4-25-2013



STATE OF Arizona)
County of Yavapai) ss:

The foregoing instrument was acknowledged before me this 12th day of
September, 2012, by June C. Catanzarite.

June C. Catanzarite
Notary Public

My Commission Expires:
4-25-2013

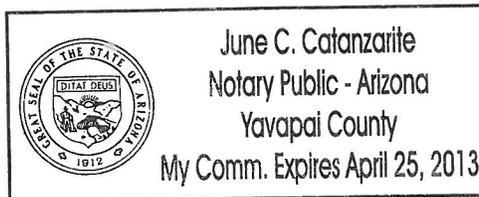


EXHIBIT A

LEGAL DESCRIPTION

A 5.00 foot wide Drainage Easement located in Section 1, Township 14 North, Range 1 West, of the Gila and Salt River Base and Meridian, Yavapai County, Arizona, more particularly described as follows:

The north 5.00 feet of lot 5660, Prescott Valley Unit 15, as recorded in book 14 maps and plats, page 33, Yavapai County Recorder's Office, Yavapai County, Arizona.

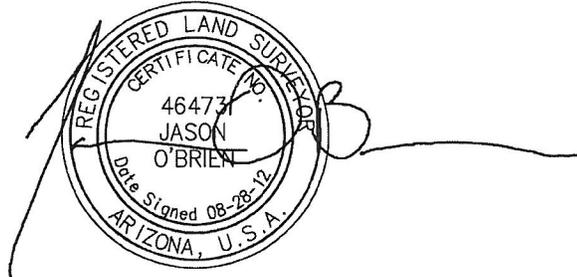
Containing 692.29 square feet more or less.

08/28/12

LE #523-09

Unit15 5660 Drainage.doc

JASON O'BRIEN, R.L.S.



EXPIRES 6/30/13

MAP TO ACCOMPANY
LEGAL DESCRIPTION

