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\$4.50
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\$5
\$1
\$

3795654 BK 4212 PG 66
Yavapai County, Arizona
Patsy Jenney-Colon, Recorder
12/02/2004 02:19P PAGE 1 OF 8
CITY OF PRESCOTT
RECORDING FEE 4.50
SURCHARGE 0.00
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Caption: PUBLIC TRAIL EASEMENT

DO NOT REMOVE
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Ordinance No. 4424 - Exhibit "9" - Foothills Property
Owners Association, Inc.

PUBLIC TRAIL EASEMENT

KNOW ALL MEN BY THESE PRESENTS:

For good and valuable consideration, **Foothills Property Owners Association, Inc.**, hereinafter called "Grantor", hereby grants unto the City of Prescott, a municipal corporation of the State of Arizona, hereinafter referred to as the "City", its successors or assigns, a fifteen-foot wide public trail easement for MILE-HIGH TRAIL SYSTEM, and the right to maintain the following described trail, together with the right of ingress and egress over and through same, more particularly described in the attached Exhibit "A", subject to the following conditions:

The City shall use its best efforts to keep said easement free from trash, waste and other debris (except for litter originating outside of the easement).

This easement shall run with the land, and shall be perpetual unless earlier abandoned or vacated by the Grantee. Grantor agrees not to obstruct or construct any buildings or other improvements upon said easement.

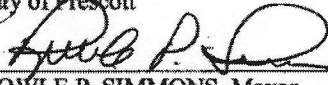
DATED this 13th day of September, 2004.

GRANTOR:

By: 
 Name: GEORGEY K. STOKER
 Title: PRESIDENT, FOOTHILLS PROPERTY OWNERS ASSOCIATION

ACCEPTED AND AGREED TO by the Mayor and Council of the City of Prescott this 26th day of OCTOBER, 2004.

City of Prescott


 ROWLE P. SIMMONS, Mayor

ATTEST:

APPROVED AS TO FORM:

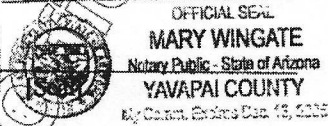

 Marie L. Watson
 City Clerk


 John R. Moffitt
 Prescott City Attorney

SEAL

STATE OF ARIZONA)
) ss.
 County of Yavapai)

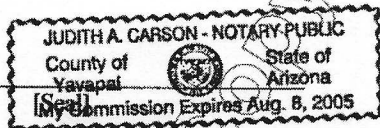
The foregoing instrument was acknowledged before me this 13th day of September, 2004, by Geoffrey Stokes, the president of Porthills Property Assoc., personally known to me or proven to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument, and acknowledged that he/she executed it.



Notary Public *Mary Wingate*

STATE OF ARIZONA)
) ss.
 County of Yavapai)

The foregoing instrument was acknowledged before me this 29th day of October, 2004, by Rowle P. Simmons, Mayor of the City of Prescott, personally known to me or proven to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument, and acknowledged that he executed it.



Judith A. Carson
 Notary Public

EASEMENT DESCRIPTION:**THE FOOTHILLS**

AN EASEMENT FOR A NON-VEHICULAR TRAIL, 15 FEET IN WIDTH 7.5 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE, SAID EASEMENT IS LOCATED IN A PORTION OF SECTION 3 AND SECTION 10, TOWNSHIP 13 NORTH, RANGE 2 WEST, GILA & SALT RIVER BASE AND MERIDIAN, YAVAPAI COUNTY, ARIZONA.

COMMENCING AT THE NORTHWEST CORNER OF LOT 73 WHERE IT INTERSECTS THE SPRING TRAIL RIGHT-OF-WAY AS DEPICTED IN BOOK 34 OF MAPS AND PLATS PAGE 96 OF OFFICIAL RECORDS ON FILE IN THE OFFICE OF THE YAVAPAI COUNTY RECORDER, YAVAPAI COUNTY, ARIZONA. THENCE ALONG THE SOUTHWESTERLY LINE OF LOT 73 SOUTH 20 DEGREES 01 MINUTES 20 SECONDS EAST, A DISTANCE OF 141.81 FEET; THENCE SOUTH 61 DEGREES 40 MINUTES 24 SECONDS WEST, A DISTANCE OF 5.05 FEET TO THE TRUE POINT OF BEGINNING OF SAID EASEMENT;

THENCE SOUTH 61 DEGREES 56 MINUTES 47 SECONDS EAST, A DISTANCE OF 101.77 FEET;

THENCE NORTH 88 DEGREES 30 MINUTES 21 SECONDS EAST, A DISTANCE OF 38.70 FEET;

THENCE SOUTH 50 DEGREES 21 MINUTES 19 SECONDS EAST, A DISTANCE OF 261.18 FEET;

THENCE SOUTH 30 DEGREES 33 MINUTES 40 SECONDS EAST, A DISTANCE OF 48.30 FEET;

THENCE SOUTH 53 DEGREES 46 MINUTES 37 SECONDS EAST, A DISTANCE OF 70.75 FEET;

THENCE SOUTH 73 DEGREES 56 MINUTES 04 SECONDS EAST, A DISTANCE OF 188.36 FEET;

THENCE SOUTH 57 DEGREES 37 MINUTES 06 SECONDS EAST, A DISTANCE OF 101.54 FEET;

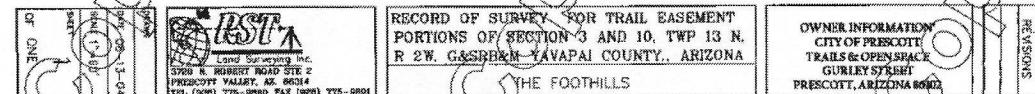
THENCE SOUTH 50 DEGREES 54 MINUTES 44 SECONDS EAST, A DISTANCE OF 181.20 FEET;

THENCE SOUTH 61 DEGREES 27 MINUTES 54 SECONDS EAST, A DISTANCE OF 135.80 FEET;

THENCE SOUTH 44 DEGREES 10 MINUTES 56 SECONDS EAST, A
DISTANCE OF 32.94 FEET TO THE POINT OF ENDING, SAID POINT BEING
ON THE EAST LINE OF THE TRACT "A" OPEN SPACE ON SAID PLAT OF
RECORD.

SAID EASEMENT IS FULLY CONTAINED WITHIN THE SUBJECT PARCEL
AND THE SIDELINES OF SAID EASEMENT LENGTHENED OR SHORTENED
ACCORDINGLY TO TERMINATE AT THE PROPERTY LINE OF THE SUBJECT
PARCEL.





11/2/04 & 11/4/04

ORDINANCE NO. 4424

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF PRESCOTT, YAVAPAI COUNTY, ARIZONA, AUTHORIZING THE ACCEPTANCE OF EASEMENTS FROM KENT AND STACEY GRAUSTEIN, CARL KARCHNER ENTERPRISES, MCDONALD'S CORPORATION (52/02), CHARLES AND ALICE KRING, JEFFREY AND LINDA VAN DE VISSE, THE WILLIAMS FAMILY TRUST, THOMAS AND DIANE VIGNE, FOOTHILLS PROPERTY OWNERS' ASSOCIATION, INC., AND TRI-SAC LLC FOR THE CITY'S MILE-HIGH TRAIL SYSTEM.

WHEREAS, the owners of certain properties have agreed to grant easements to the City for its Mile-High Trail System under certain terms and conditions;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PRESCOTT AS FOLLOWS:

SECTION 1. THAT the City of Prescott will accept an easement for a portion of a public trail from Kent S. and Stacey S. Graustein, upon the terms and conditions as set forth in the attached Exhibit "1."

SECTION 2. THAT the City of Prescott will accept an easement for a portion of a public trail from Carl Karchner Enterprises, upon the terms and conditions as set forth in the attached Exhibit "2."

SECTION 3. THAT the City of Prescott will accept an easement for a portion of a public trail from McDonald's Corporation (52/02), upon the terms and conditions as set forth in the attached Exhibit "3."

SECTION 4. THAT the City of Prescott will accept an easement for a portion of a public trail from Charles N. and Alice Kring, upon the terms and conditions as set forth in the attached Exhibit "4";

SECTION 5. THAT the City of Prescott will accept an easement for a portion of a public trail from Jeffrey Van de Visse and Linda J. Van de Visse upon the terms and conditions as set forth in the attached Exhibit "5."

SECTION 6. THAT the City of Prescott will accept easements for a portion of a public trail from the Williams Family Revocable Trust, upon the terms and conditions as set forth in the attached Exhibits "6" and "7."

SECTION 7. THAT the City of Prescott will accept an easement for a portion of a public trail from Thomas David Vigne, Jr. and Diane D. Vigne, upon the terms and conditions as set forth in the attached Exhibit "8."

SECTION 8. THAT the City of Prescott will accept an easement for portions of a public trail from Foothills Property Owners' Association, Inc., upon the terms and conditions as set forth in the attached Exhibit "9."

ORDINANCE NO. 4424 -- continued:

SECTION 9. THAT the City of Prescott will accept an easement for portions of a public trail from TRI-SAC LLC, upon the terms and conditions as set forth in the attached Exhibit "10."

SECTION 10. THAT it is hereby ordered that the attached easements be recorded in the Office of the Yavapai County Recorder.

PASSED, APPROVED AND ADOPTED by the Mayor and Council of the City of Prescott, Arizona, on this 26th day of OCTOBER, 2004.



ROWLE P. SIMMONS, Mayor

ATTEST:



MARIE L. WATSON
City Clerk

APPROVED AS TO FORM:



JOHN R. MOFFITT
City Attorney