

When recorded please return to:

BOARD OF SUPERVISORS

Clerk of the Board

219 East Cherry Ave

Flagstaff, AZ 86001

Official Records of Coconino County
Patty Hansen - Recorder 08/17/2020 01:30 PM
COCONINO COUNTY BOARD OF SUPERVISOR

3883384

Pgs: 9
\$15.00



RESOLUTION 2020-58

**A RESOLUTION OF THE COCONINO COUNTY BOARD OF SUPERVISORS
APPROVING A UTILITY FIBER EASEMENT TO DW TOWER, ON A PORTION OF
FORT TUTHILL COUNTY PARK, ASSESSOR PARCEL NUMBER 116-13-008A**

WHEREAS, Fort Tuthill County Park has been challenged by inadequate cell phone coverage due to its topography and distance from existing cellular service; and

WHEREAS, the lack of adequate cell phone service at Fort Tuthill County Park, creates concern for public safety due to unreliable cell phone service during events, partner operations and for park users; and

WHEREAS, On April 7, 2020 the Board of Supervisors approved an agreement with DW Tower, LLC to construct a cellular tower at Fort Tuthill County Park; and

WHEREAS, a Utility Fiber Easement is needed for DW Tower, LLC to construct and maintain the cellular tower; and

WHEREAS, the Utility Fiber Easement, attached and incorporated herein, reflects the portion of County property necessary for DW Tower, LLC to construct and maintain the cellular tower;

NOW THEREFORE BE IT RESOLVED that the Coconino County Board of Supervisors does hereby approve the Utility Fiber Easement to DW Tower, LLC, on a portion of Fort Tuthill County Park.

PASSED AND ADOPTED this 11th day of August, 2020.


AYES: 5
NOS: 0
ABSENT: 0

COCONINO COUNTY BOARD OF SUPERVISORS


Elizabeth C. Archuleta, Chair

(SEAL)

ATTEST:


Lindsay Daley, Clerk of the Board

APPROVED AS TO FORM.


Rose Winkeler, Deputy County Attorney



When recorded, please return to :
DW Tower, LLC
1603 Golf Course Road SE, Suite A4
Rio Rancho, NM 87124
SE¼ 6 20N 7E
35.139934, -111.691682
APN 116-13-008A
NE-20-40
WA523913
DAM/AJS

UTILITY (FIBER) EASEMENT

COCONINO COUNTY, a Political Subdivision of the State of Arizona, (hereinafter called "Grantor"), is the owner of the following described real property located in Coconino County, Arizona (hereinafter called "Grantor's Property"):

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

Grantor, for and in consideration of One Dollar (\$1.00) and other valuable consideration, receipt of which is hereby acknowledged, does hereby grant and convey to **DW Tower, L L C**, a Delaware limited liability company, (hereinafter called "Grantee"), and to its successors and assigns, a non-exclusive right, privilege, and easement at locations and elevations, in, upon, over, under, through and across, a portion of Grantor's Property described as follows (herein called the "Easement Premises"):

SEE EXHIBIT "B" ATTACHED HERETO AND MADE A PART HEREOF

Grantee is hereby granted the right within the Easement Premises to: construct, reconstruct, replace, repair, operate and maintain fiber lines and conduit, together with appurtenant facilities and fixtures for use in connection therewith, for the transmission and distribution of fiber telecommunications to, through, across, and beyond Grantor's Property; install, operate and maintain telecommunication wires, cables, conduits, fixtures and facilities incidental to supplying fiber or for Grantee's own use (said telecommunication lines, facilities and fixtures collectively herein called "Grantee Facilities"); utilize the Easement Premises for all other purposes connected therewith; and permit the installation of the wires, fixtures, conduits, or cables of any other company.

Grantee is hereby granted the right, but not the obligation, to trim, prune, cut, and clear away trees, brush, shrubs, or other vegetation on, or adjacent to, the Easement Premises whenever in Grantee's judgment the same shall be necessary for the convenient and safe exercise of the rights herein granted.

Grantee shall at all times have the right of full and free ingress and egress to and along the Easement Premises for the purposes herein specified.

Grantor shall maintain clear areas that extend: 1) 3 feet from and around all edges of all switching cabinet pads and 2 feet from and around all edges of all transformer pads and other equipment pads, and 2) a clear operational area that extends 10 feet immediately in front of all transformer, switching cabinet and other equipment openings, and 3) a 6 feet by 6 feet hot-stick operating area off the front left corner of all transformers. No obstructions, trees, shrubs, large landscape rocks, fences, fixtures, or permanent structures shall be placed by Grantor within said clear areas; nor shall Grantor install landscape irrigation or sprinkler systems within said clear areas. Landscape irrigation or sprinkler systems installed adjacent to the clear areas shall be installed and maintained so that the transformers, switching cabinets or any other equipment do not get wet by spray or irrigation.

Grantor shall not locate, erect or construct, or permit to be located, erected or constructed, any building or other structure or drill any well within the limits of the Easement Premises; nor shall Grantor plant or permit to be planted any trees within the limits of the Easement Premises without the prior written consent of Grantee. However, Grantor reserves the right to use the Easement Premises for purposes that are not inconsistent with Grantee's easement rights herein conveyed and which do not interfere with or endanger any of the Grantee Facilities, including, without limitation, granting others the right to use all or portions of the Easement Premises for utility or roadway purposes and constructing improvements within the Easement Premises such as paving, sidewalks, landscaping, and curbing. Notwithstanding the foregoing, Grantor shall not have the right to lower by more than one foot or raise by more than two feet the surface grade of the Easement Premises, and in no event shall a change in the grade compromise Grantee's minimum cover requirements or interfere with Grantee's operation, maintenance or repair.

~~Grantee agrees that following any installation, excavation, maintenance, repair, or other work performed by Grantee within the Easement Premises, the affected area will be restored by Grantee to as close to original condition as is reasonably possible, at the expense of Grantee; and that Grantee shall indemnify Grantor, to the extent required by law, for any loss, cost or damage incurred by Grantor as a result of any negligent installation, excavation, maintenance, repair or other work performed by Grantee within the Easement Premises.~~

The easement granted herein shall not be deemed abandoned except upon Grantee's execution and recording of a formal instrument abandoning the easement.

The covenants and agreements herein set forth shall extend and inure in favor and to the benefit of, and shall be binding on the heirs, administrators, executors, successors in ownership and estate, assigns and lessees of Grantor and Grantee.

IN WITNESS WHEREOF, COCONINO COUNTY, a Political Subdivision of the State of Arizona, has caused this Utility Easement to be executed by its duly authorized representative, this 11 day of August, 2020.

COCONINO COUNTY,
a Political Subdivision of the State of Arizona

By: Elizabeth C. Archuleta
Printed Name

Its: Chair, Board of Supervisors
Title

[Handwritten Signature]
Signature

STATE OF Arizona }
 } ss.

County of Coconino }

This instrument was acknowledged before me this 11 day of August, 2020
by Elizabeth Archuleta, Chair of Board of Supervisors (Grantor).

IN WITNESS WHEREOF I hereunto set my hand and official seal.

Notary Seal:

[Handwritten Signature]
Notary Public Signature

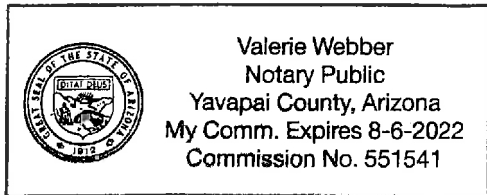


EXHIBIT "A"

(LEGAL DESCRIPTION OF GRANTOR'S PROPERTY)
AS RECORDED IN INSTRUMENT NUMBER 3001237 C.C.R.

PATENT NO. 53-101160.01

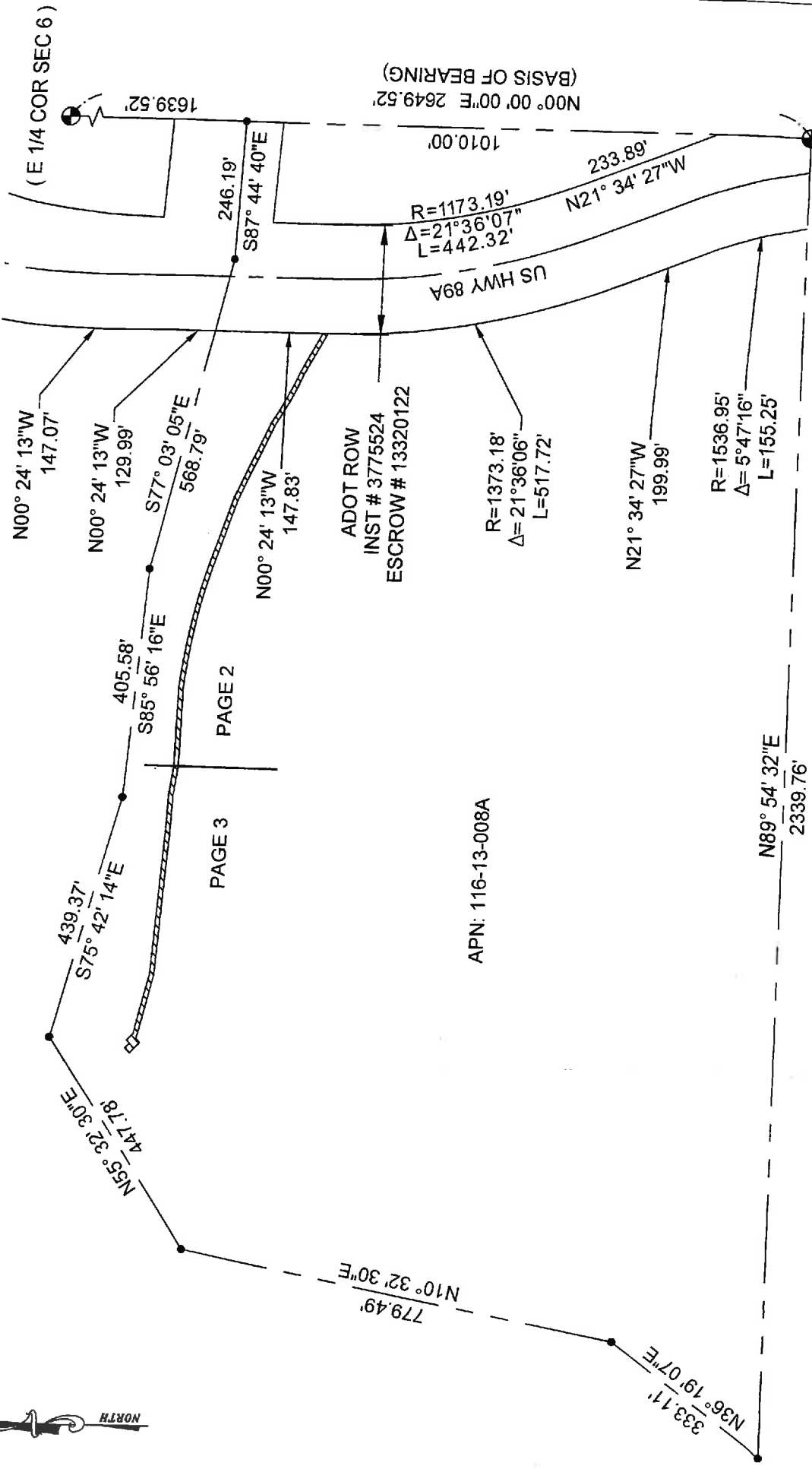
That part of the South half of the Southeast Quarter (S2SE4) of Section 6, Township 20 North, Range 7 East, Gila and Salt River Meridian, Coconino County, Arizona, more precisely described as follows:

PARCEL "A"

BEGINNING at the Southeast corner of said Section 6;
THENCE Due North along the East line of said Section, a distance of 1010.00 FT;
THENCE N87°44'40"W, a distance of 246.19 FT;
THENCE N77°03'05"W, a distance of 568.79 FT;
THENCE N85°56'16"W, a distance of 405.58 FT;
THENCE N75°42'14"W, a distance of 439.37 FT;
THENCE S55°32'30"W, a distance of 447.48 FT;
THENCE S10°32'30"W, a distance of 779.49 FT;
THENCE S36°19'07"W, a distance of 333.11 FT to a point on the South line of said Section 6;
THENCE N89°54'32"E, along said South line, a distance of 2339.76 FT to the PLACE OF BEGINNING.

PARCEL "B"

BEGINNING at a point from which the Southeast corner of said Section 6 bears S52°30'27"E, a distance of 2136.79 FT;
THENCE S55°32'30"W, a distance of 424.26 FT;
THENCE N10°32'30"E, a distance of 300.00 FT;
THENCE S79°27'30"E, a distance of 300.00 FT to the PLACE OF BEGINNING.



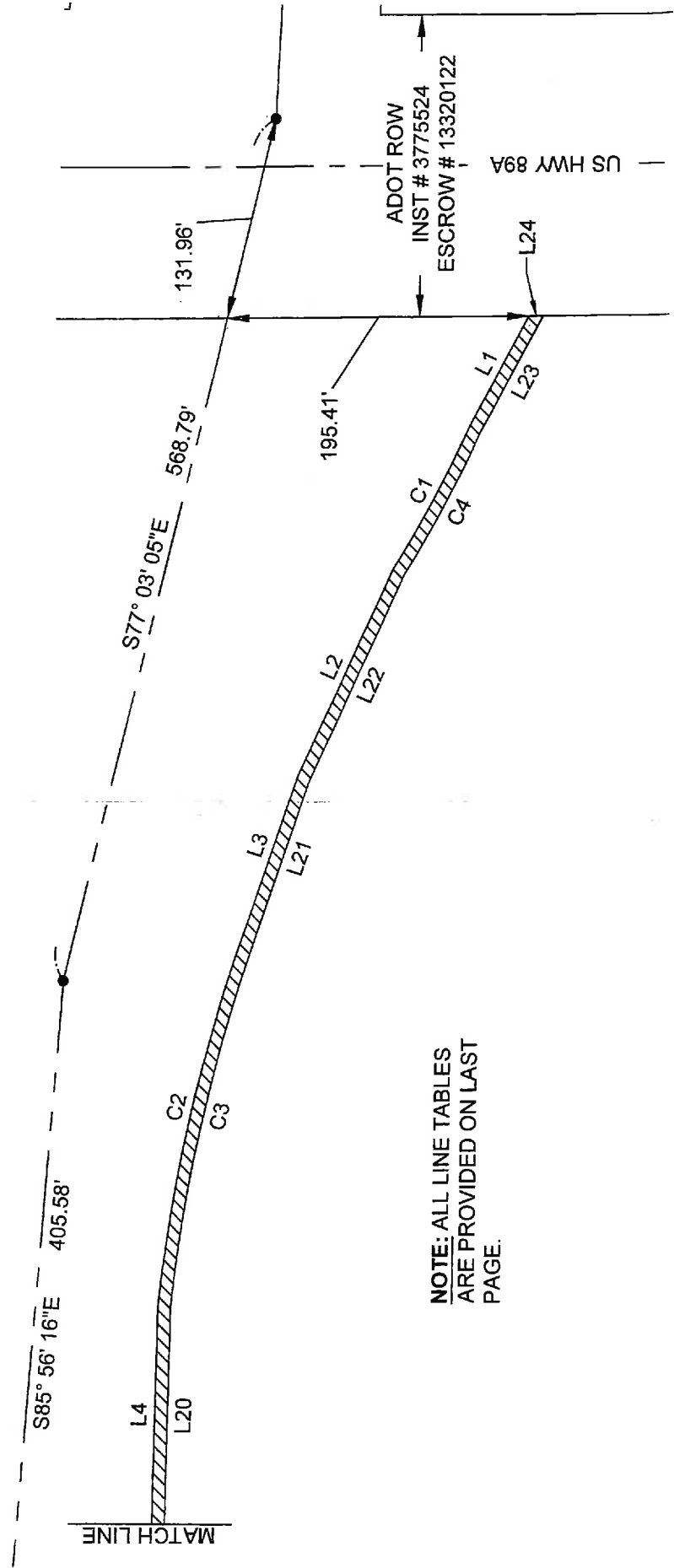
SURVEYORS NOTES:
 -ALL BEARINGS ARE NAD1983, STATE PLANE GRID, ARIZONA CENTRAL ZONE (0202)
 -ALL DISTANCES ARE GROUND DISTANCES

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LEGEND

	EASEMENT AREA
	PROPERTY LINE
	PROPERTY CORNER
	MONUMENT

	EXHIBIT "B"	
	JOB # WA526913	DATE: 3/3/20
SE 1/4 SEC 6	T 20 N	R 7 E
SCALE: 1" = 100'		
R/W: DEE MCGRATH		
SURVEY: JOHNSON / FAULKNER		
DRAWN BY: FAULKNER SHEET 1 OF 4		



NOTE: ALL LINE TABLES
ARE PROVIDED ON LAST
PAGE.

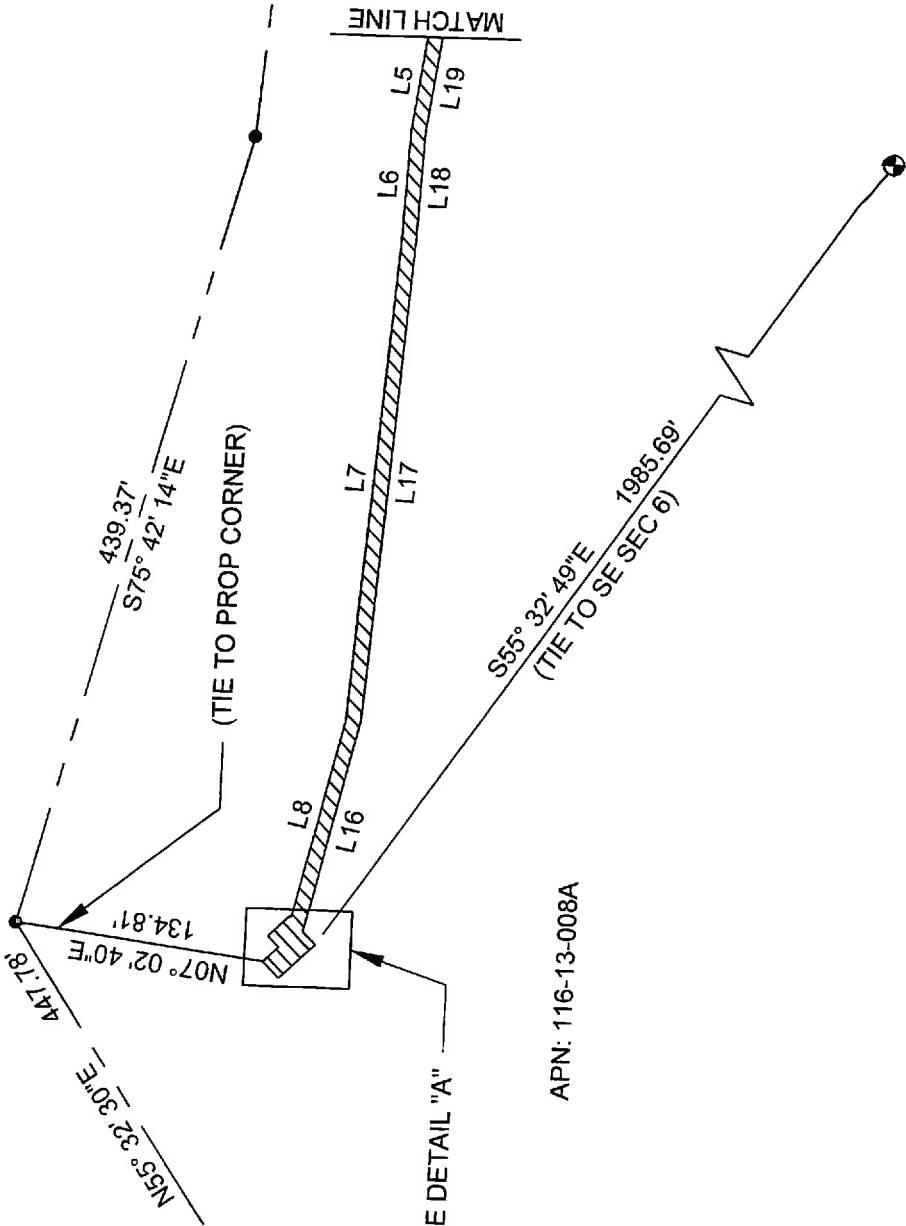
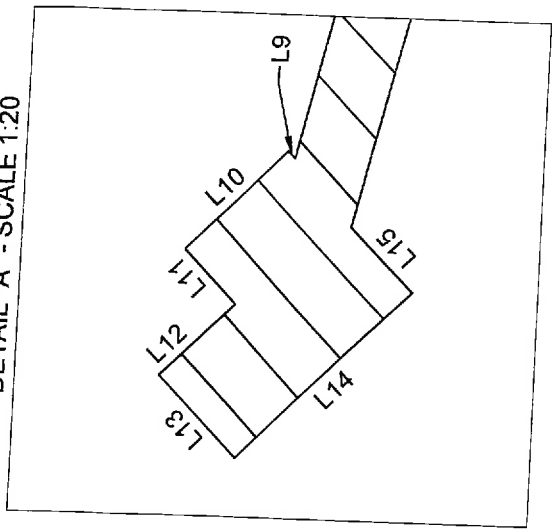
	EXHIBIT "B"	
	JOB # WA526913	DATE: 3/3/20
	SE 1/4 SEC 6 T 20 N R 7 E	
	SCALE: 1" = 100'	
R/W: DEE MCGRATH		
SURVEY: JOHNSON/FAULKNER		
DRAWN BY: FAULKNER SHEET 2 OF 4		

Page 6 of 8

LEGEND

- EASEMENT AREA
- PROPERTY LINE
- PROPERTY CORNER

SURVEYORS NOTES:
 -ALL BEARINGS ARE
 NAD1983, STATE PLANE
 GRID, ARIZONA CENTRAL
 ZONE (0202)
 -ALL DISTANCES ARE
 GROUND DISTANCES



APN: 116-13-008A


SEE DETAIL "A"

NOTE: ALL LINE TABLES
ARE PROVIDED ON LAST
PAGE.

SURVEYORS NOTES:
-ALL BEARINGS ARE
NAD1983, STATE PLANE
GRID, ARIZONA CENTRAL
ZONE (0202)
-ALL DISTANCES ARE
GROUND DISTANCES

LEGEND

-  EASEMENT AREA
-  PROPERTY LINE
-  PROPERTY CORNER
-  MONUMENT

	EXHIBIT "B"		
	JOB # WA526913	DATE: 3/3/20	
SE 1/4 SEC 6	T 20 N	R 7 E	
SCALE: 1" = 100'			
R/W: DEE MCGRATH			
SURVEY: JOHNSON / FAULKNER			
DRAWN BY: FAULKNER			SHEET 3 OF 4

LINE TABLE		
LINE	BEARING	DISTANCE
L1	S62°02'00"E	80.11'
L2	S65°46'42"E	147.43'
L3	S71°43'52"E	96.63'
L4	S89°11'42"E	140.45'
L5	S82°20'11"E	51.05'
L6	S87°38'30"E	59.54'
L7	S86°10'32"E	258.68'
L8	S77°12'18"E	109.90'
L9	N44°57'23"E	1.09'
L10	N45°02'37"W	15.50'

LINE TABLE		
LINE	BEARING	DISTANCE
L11	S44°57'23"W	8.21'
L12	N45°02'37"W	11.19'
L13	S44°57'23"W	12.33'
L14	S45°02'37"E	26.17'
L15	N44°57'23"E	9.68'
L16	S77°15'53"E	116.97'
L17	S86°10'32"E	258.59'
L18	S87°38'30"E	59.27'
L19	S82°20'11"E	51.16'
L20	S89°11'42"E	140.60'

LINE TABLE		
LINE	BEARING	DISTANCE
L21	S71°43'52"E	96.27'
L22	S65°46'42"E	146.49'
L23	S62°02'00"E	84.28'
L24	S00°24'13"E	9.09'

CURVE TABLE			
CURVE	RADIUS	LENGTH	DELTA
C1	737.81'	103.36'	8°01'35"
C2	1059.57'	251.94'	13°37'25"
C3	1051.57'	249.77'	13°36'33"
C4	745.81'	103.80'	7°58'28"

SURVEYORS NOTES:
 -ALL BEARINGS ARE
 NAD1983, STATE PLANE
 GRID, ARIZONA CENTRAL
 ZONE (0202)
 -ALL DISTANCES ARE
 GROUND DISTANCES

LEGEND

N/A




EXHIBIT "B"

JOB # WA526913 DATE: 3/3/20
 SE 1/4 SEC 6 T 20 N R 7 E
 SCALE: 1" = 100'

R/W: DEE MCGRATH
 SURVEY: JOHNSON / FAULKNER
 DRAWN BY: FAULKNER SHEET 4 OF 4