

When recorded, return to:
City Clerk
City of Flagstaff
211 W. Aspen Avenue
Flagstaff, Arizona 86001

DEVELOPMENT AGREEMENT

This Development Agreement is entered into this ____ day of _____, 2019 by and between Flag Holdings, LLC, an Arizona limited liability company ("Owner") and the City of Flagstaff, Arizona, a municipal corporation ("City"), and shall be effective upon the date as specified in Section 1 below.

RECITALS:

- A. The City has authority to enter into this Development Agreement with landowners and persons having an interest in real property in the City, pursuant to A.R.S. § 9-500.05;
- B. Owner owns vacant land located along the west side of Fourth Street in Flagstaff, Arizona;
- C. In March 2018, the City obtained immediate possession of a strip of Owner's land pursuant to an order of the Coconino County Superior Court in condemnation proceeding, *City of Flagstaff vs. Flag Holdings, LLC, First Fidelity Bank* (CV2018-00085) (the "Property").
- D. The Property is needed for a public use: widening Fourth Street from two lanes to four lanes, adding missing sidewalks, bicycle lanes, and extending the Flagstaff Urban Trail System and related improvements.
- E. Within the next five years City plans call for widening Fourth Street and constructing a Flagstaff Urban Trail System on the Property, in coordination with an Arizona Department of Transportation ("ADOT") project to widen the Fourth Street bridges crossing interstate highway I-40, all collectively referred to as the "Fourth Street Corridor Complete Street Project."
- F. In January 2019, Owner obtained final site plan approval from the City of Flagstaff for development of the remaining portion of Owner's land adjacent to the Property.
- G. Pursuant to A.R.S. § 9-500.05 the City is willing to vest Owner's development rights under the approved Site Plan for the period of time as provided for in this agreement, to allow Owner to coordinate its development with the Fourth Street Corridor Complete Street Project, thereby minimizing traffic congestion and inconvenience to the traveling public along Fourth Street.
- H. In consideration for a final order of condemnation for the Property, the City has agreed to pay Owner \$74,610 and has agreed to enter into this Development Agreement.

NOW, THEREFORE, in consideration of the mutual promises contained herein, and for other consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

1. Effective Date. This Agreement shall not become effective, and no party will have any obligation under this Agreement, unless the Coconino County Superior Court enters a final order of condemnation vesting in the City of Flagstaff fee simple title to the property legally described in Exhibit A, attached hereto and incorporated by reference. The effective date of this Development Agreement shall be the date the final order of condemnation is entered.

2. Site Plan – Vested Right. The City hereby agrees that the Site Plan for Owner’s Tiny House Village, Project No. PZ-18-00017-01, located at 1411 North Fourth Street as approved in January 2019 (“the Site Plan”) shall be valid until one year after the City’s completion of the improvements denoted as “By the City” in the approved Site Plan and the installation of the traffic signal per paragraph 3 below. The Site Plan is attached hereto as Exhibit B. Owner shall have the vested right to develop its property legally described in Exhibit C (“Owner’s Property”) pursuant to all the terms, conditions, and stipulations of the Site Plan until it expires. The City will construct the improvements shown on the Site Plan as “By the City” at City’s expense as part of the Fourth Street Corridor Complete Street Project; provided, however Owner is responsible for paying the sewer line connection and capacity fees and water line connection and capacity fees in effect at time of connection (see City Code, Chapters 7-03, 7-08).

3. Traffic Signal. When the City moves forward with widening Fourth Street, City at its own expense will install a new traffic signal at the Fourth Street/Solier Avenue intersection, including traffic signalization required to serve the driveway for Owner’s development, subject to the following conditions:

- (1) The City will install the traffic signal at a time reasonable and convenient for City based on construction schedules for the Fourth Street Complete Street Project, which are subject to change.
- (2) The traffic signal shall be installed pursuant to the approved Site Plan.
- (3) A certificate of occupancy will not be issued for Owner’s development until traffic signalization for Owner’s driveway and development is installed and operational.

Because the City is unable to guarantee when the traffic signal will be installed, Owner at its own cost may install traffic signalization and/or other improvements needed for its development in conformance with the approved Site Plan and City requirements prior to completion of the Fourth Street Complete Street Project.

4. Notices. Any notice given under this Agreement shall be in writing and will be deemed given (1) on the date hand delivered to the party at the address set forth below during normal business hours, or (2) four days after the notice was deposited in the U.S. Mail, registered or certified, return receipt requested, to the address set forth below, with sufficient postage.

To City:

City Manager
City of Flagstaff
211 West Aspen Avenue
Flagstaff, Arizona 86001

To Flag Holdings, LLC

David Carpenter
Flag Holdings, LLC
495 S. River Run Road, Suite 100
Flagstaff, Arizona 86001

5. Development Agreement Fee. City shall invoice, and Owner shall promptly pay the City the \$5,000.00 development agreement fee following the effective date of this Agreement.

6. General Provisions.

6.1 Further Assurances. Each party, promptly upon the request of the other, will take such further actions and will execute, acknowledge, and deliver to the other any and all further instruments as may be necessary or proper to carry out the purpose and intent of this Agreement.

6.2 Successors and Assigns. All rights and obligations of this Agreement will constitute covenants that run with the land and will be binding on all of Owner's respective successors and assigns, and upon the City of Flagstaff, its successors and assigns, if any.

6.3 Entire Agreement. This Agreement contains the entire understanding and agreement between the parties with respect to the subject matter hereof and supersedes any prior written or oral understandings or agreements between the parties.

6.4 Modification of Agreement. This Agreement may be amended by written agreement of the parties. All amendments must be recorded in the official records of the Coconino County Recorder within ten (10) days following execution, per A.R.S. § 9-500.05(D).

6.5 Default. Failure of a party to perform a material obligation of this Agreement shall constitute a breach by that party of this Agreement; provided, however that the non-breaching party shall give written notice of the breach to the breaching party, and the breaching party shall have a reasonable period of time to cure the breach. In the event of default and failure to cure, the parties shall have all remedies available at law or in equity, including specific performance; provided, however in the event City does not proceed with construction of the traffic signal due to non-appropriation or loss of funding for the Fourth Street Complete Street Project, the City's liability for monetary damages to Owner shall not exceed \$15,000. City shall not be liable for special damages or lost profits to Owner under any circumstances.

6.6 Challenge. Any legal challenge to the Development Agreement, whether by referendum or initiative, and not under the control of City, shall not be deemed a default by City.

6.7 Waiver. A party's delay in exercising any right or remedy under this Agreement shall not constitute a waiver thereof. A party's waiver of the other party's breach of this Agreement shall not be construed as waiving any other preceding or subsequent breach of this Agreement.

6.8 Reservation of Development Rights. Owner reserves the right to develop Owner's Property pursuant to all City land use development codes, standards, procedures and requirements existing at the time. Owner is not required to develop Owner's Property pursuant to the approved Site Plan, and, if circumstances change, may decide to apply for a new Site Plan.

6.9 Governing Law. This Agreement shall be governed by and construed in accordance with the laws of the State of Arizona.

6.10 Conflict of Interest. This Agreement is subject to the cancellation under A.R.S. § 38-511.

6.11 Venue. Except as otherwise agreed by the parties, any litigation brought by either party against the other to enforce the provisions of this Agreement must be filed in the Coconino County Superior Court.

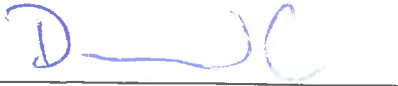
6.12 Attorneys Fees. In the event any action at law or in equity is instituted between the parties in connection with this Agreement, the prevailing party in the action will be entitled to its reasonable attorneys' fees and costs from the non-prevailing party incurred in connection with the prosecution or defense of such action, in an amount as determined by the court applying the factors of A.R.S. § 12-341.01.B.

6.13 No Third Party Beneficiaries. This Agreement is entered into for the sole benefit of, and may be enforced solely by, the parties, and none of the terms, provisions, conditions, and obligations are for the benefit of or may be enforced by any third party.

6.14 Compliance with All Laws. Each party will comply with all applicable Federal, State, County, and City laws, regulations, and policies in performance of this Agreement.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed by its duly authorized representatives.

FLAG HOLDINGS, LLC



By: David Carpenter, Managing Member

CITY OF FLAGSTAFF

Coral Evans, Mayor

Attest:

City Clerk

Approved as to form:

City Attorney

EXHIBITS:

- Exhibit A Legal description of Property obtained by City
- Exhibit B Site Plan
- Exhibit C Legal description of Owner's Property

S:\Legal\Civil Matters\2017\2017-449 Fourth Street FUTS Project\Development Agreement FHLLC 1-25-19.docx

EXHIBIT A

(Legal Description of Property
Obtained by City)

**Right of Way Dedication
APN 107-16-008S**

A portion of Coconino County Assessor's Parcel Number 107-16-008S, in the City of Flagstaff, in Section 13, Township 21 North, Range 7 East of the Gila and Salt River Base and Meridian, Coconino County, Arizona, more particularly described as follows:

Commencing at the centerline intersection of 4th Street and Sparrow Avenue occupied by a 2" diameter aluminum cap with illegible stamping from which a 3" City of Flagstaff brass cap, without stamping, in the centerline of 4th Street bears S21°39'21"W 637.28 feet distant (Basis of Bearings);

thence N11°57'41"W 72.63 feet to a ½" rebar with plastic cap marked "AZTECH RLS 23369" at the most southerly corner of said parcel and POINT OF BEGINNING;

thence N42°52'47"W 25.17 feet along the southwesterly line of said parcel;

thence departing said line, northerly 563.70 feet along a curve to the left with a radial bearing of N73°00'33"W having a radius of 539.50 feet through a central angel of 59°51'57";

thence N42°52'30"W 85.02 feet to the southerly right of way of Interstate 40;

thence N47°07'34"E 19.40 feet along said right of way to a ½" rebar with plastic cap marked "AZTECH RLS 23369" at the most northerly corner of said parcel;

thence departing said right of way S42°43'45"E 101.97 feet to a ½" rebar with plastic cap marked "AZTECH RLS 23369" and a non-tangential curve to the right;

thence southerly 583.74 feet along said curve with a radial bearing of S47°05'20"W having a radius of 535.00 feet through a central angel of 62°30'56" to the POINT OF BEGINNING.

END OF DESCRIPTION

City File No. 03-13002

Descriptive Title: FOURTH ST. FVTS #1A

ACCEPTED
CITY OF FLAGSTAFF
ENGINEERING DIV.
GM 11/8/2017
INT DATE

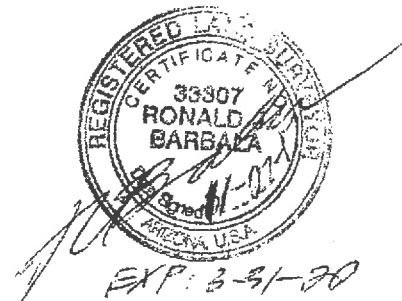


EXHIBIT B

(City Approval Letter and Site Plan)



City of Flagstaff

Community Development

January 15, 2019

David Carpenter
Flagstaff Holdings LLC
495 South River Run Road
Flagstaff, AZ 86001

RE: Flagstaff Tiny House Village Site Plan Approval (PZ-18-00017-01)

Dear Mr. Carpenter:

As of the date of this correspondence, the City of Flagstaff Inter-Division Staff (IDS) has approved Project No. PZ-18-00017-01 for the proposed development of a Manufactured Home Park located at 1411 North Fourth Street. The Coconino County Assessor Parcel Number for the subject property is 107-16-0085. The approval is subject to the attached Conditions of Approval.

Unless modified to comply with the Conditions of Approval, development shall substantially conform to the approved plans as follows:

- Site Plan, Area Map prepared by Mogollon Engineering & Surveying, Inc. dated November 29, 2018
- Landscape Plan included in the submittal
- Community Center Floor Plan and Elevations prepared by Shapes and Forms Architects, Inc. dated July 10, 2018
- Typical Exterior Material Palette prepared by Updesign Studio dated July 10, 2018
- Clayton Homes Destination Camping & Resort Living packet included in the submittal
- Outdoor Lighting Plans prepared by VoltaUS Consulting revised January 14, 2019

The next step in the development process is Civil Improvement Plan ("Civil") review. Prior to Civil submittal, please contact the Development Engineering Project Manager assigned to the project, Jeremy DeGeyter, to schedule a meeting to discuss the application submittal requirements, the review process, and timing of reviews. Jeremy can be reached at (928) 213-2706 or via e-mail at JDeGeyter@flagstaffaz.gov.

We look forward to working with you and your development team through the review process, building permit review process, and construction/completion of the approved project. Should you have any questions, comments, or concerns, please do not hesitate to contact me.

Sincerely;

Alexandra Pucciarelli
Planning Development Manager
City of Flagstaff Current Planning
P: (928) 213-2640
apucciarelli@flagstaffaz.gov

Attachment: Conditions of Approval



City of Flagstaff
Community Development
Substantive Review Comments

Project Name: Tiny House Village
Project No.: PZ-18-00017-01
Project Address: 1411 North Fourth Street

Date: January 15, 2019

Application Type: Site Plan Review
Review Type: Substantive 3rd Submittal

Project Manager: Alaxandra Pucciarelli
E-mail: apucciarelli@flagstaffaz.gov
Phone: (928) 213-2640

Status of Review: Approved w/ Conditions
In accordance with ARS 9-835(J), the Substantive Review of the application is complete and the application has been approved subject to the following conditions and comments. This correspondence is being transmitted on Day 41 of the 52-day Substantive Review Timeframe.

CONDITIONS OF RESUBMITTAL/COMMENTS:

Substantive Current Planning: Current Planning, Alaxandra Pucciarelli Approved 01/15/2019

Conditions of Approval:

1. None

General Comments:

1. Staff will coordinate with the applicant to provide an extended Site Plan Approval as necessary considering the construction projects planned for Fourth Street.

Future Submittal Requirements:

1. Sign Permit will be required at Building Permit submittal.
2. Outdoor Lighting Permit will be required at Building Permit submittal.

Substantive Engineering: Jeremy DeGeyter Approved with Conditions 12/06/2018

Conditions of Site Plan Approval

1. On Sheet 2 of 3, please update callouts to indicate that the City of Flagstaff will stub water and sewer lines to edge of Right-of-Way (ROW) as part of planned 4th Street Widening Project. Developer will connect to provided stub outs.

Future Submittal Requirements

Civil Plans, Grading Permit, Public Improvements/ROW Permit.

Substantive Fire Prevention: Fire Prevention, Kent Snide Approved 09/26/2018

No Comments

Substantive Public Works: Adam Miele Approved 10/02/2018

No Comments



City of Flagstaff
Community Development
Substantive Review Comments

Substantive Stormwater: Douglas Slover Approved with Conditions 10/03/2018

Conditions of Site Plan Approval

1. Curve numbers for undeveloped forest shall be per ADWR, Oak Creek Flood Warning System Hydrology Report, TR 90-4, September 1990 per section 3.2 of the SMDM. Therefore the Ponderosa Pine forest area would have a CN lower than 75 based on the reference material listing a Fair Coverage with D soils as a CN of 75 and applicant/designer lists Good cover condition. Update CN.
2. 2 year detention is not required with the implementation of the ROCV requirement.
3. On sheet No. 1, provide the elevation of the maximum ponding depth of the Extended detention basin. (6876.5 +/- per C-8 of the PDR)
4. Figure No. 4 of the shows the drainage boundary at the property line. How is the entry way drive intended to drain to a centerline catchbasin, even with inverted roadway crown? Show area of drive isle onsite that will likely not reach the centerline catchbasin or provide a trench drain.
5. Provide Pad elevations or flow arrows showing intent of drainage for the 25-foot x 45-foot travel trailer spots nearest the EDB.

General Recommendations and Comments:

1. Entry drive catchment boundary will need to be discussed in final drainage report.

Future Submittal Requirements:

1. Provide Final Drainage Report with Civil submittal.
2. Include responses to Condition comments with Civil submittal.

Substantive Traffic: Traffic, Reid Miller Approved with Conditions 09/28/2018

Offsite Public Improvements

Public Improvements for the Tiny House development include the requirement of relocating 2-traffic signals on Fourth St. and the installation of a new traffic signal (4-leg,) that serves the Tiny House access driveway. Therefore, prior to obtaining permits for construction of the Tiny House development one or the other of the following must occur:

1. The City shall agree in writing to design and construct said improvements in advance or concurrently with the Tiny House development construction and the improvements must be constructed and approved prior to issuing building permits within the development.
2. In the event the developer wants to move forward in advance of #1 above, there shall be construction plans submitted by the developer and approved by the City for the relocation of the 2-signals and for the new signal. Additionally, there shall be surety submitted by the developer for these improvements. In this case, the developer is obligated to construct said improvements along with all other improvements associated with the development prior to allowing units on site.

Substantive Water Services: Jim Davis Approved 09/24/2018

General Comments:

1. Applicant is required to pay standard Connection and Buy-in Fees as well as applicable water wet tap and sewer tap fees. Water wet taps and sewer taps must be paid prior to the taps being made. Connection and Buy-in fees must be paid 2 weeks prior to new meter installation. Contact the Customer Service Department (928) 213-2253. Sewer capacity fees for the trailer park will be based on a per unit basis at \$3,723 per unit. Water capacity fees will be based on the size of the water meter.



City of Flagstaff
Community Development
Substantive Review Comments

Substantive Housing: Jennifer Mikelson Approved 09/18/2018
No Comments

Substantive Building & Safety: Victoria St. Clair Approved with Conditions 10/02/2018
Conditions of Approval

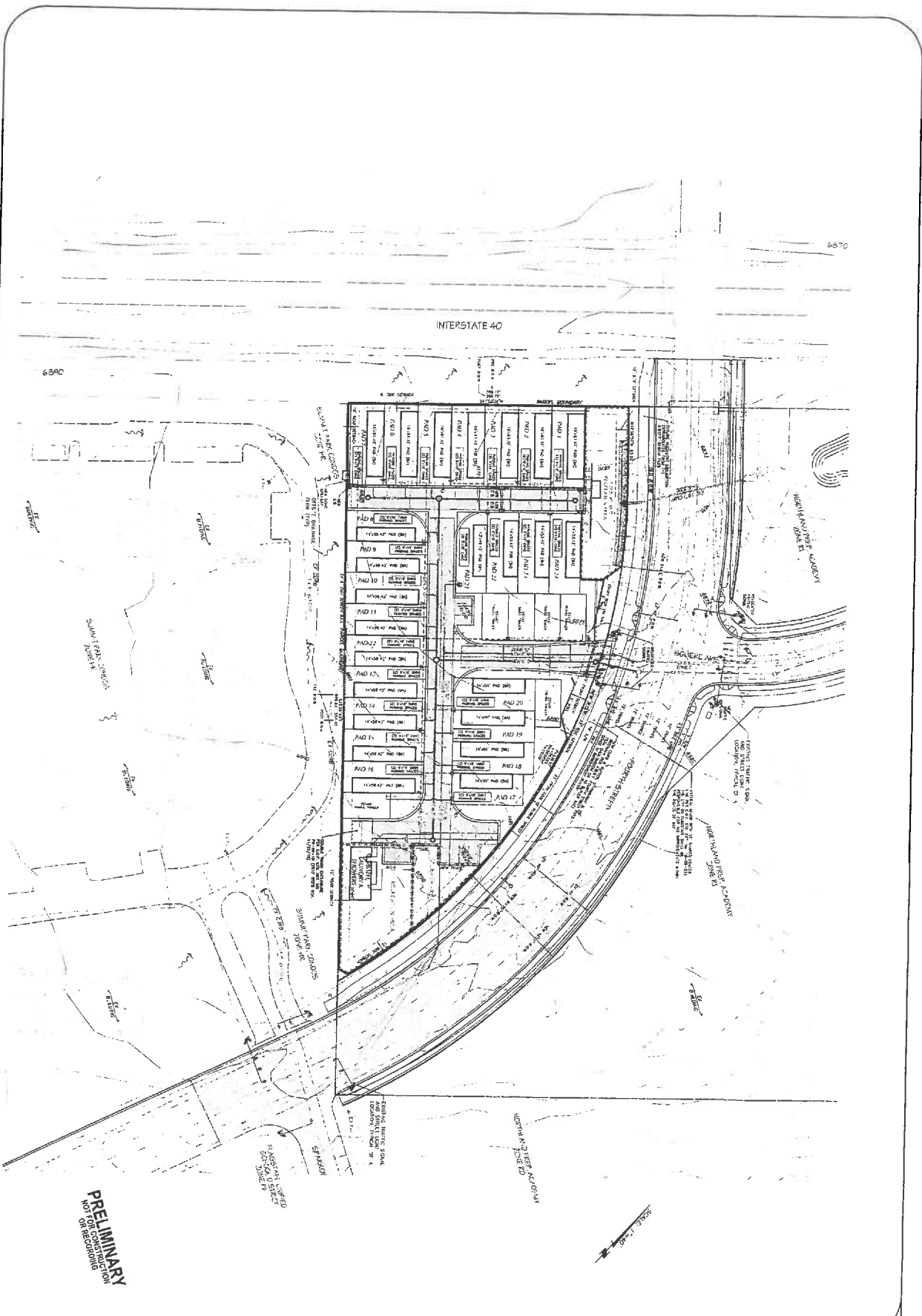
- 1) Each manufactured home unit will require the submittal of an Application for Manufactured or Factory Built Buildings Permit. This application and submittal requirements/checklist is available at the Community Development front counter or online at <https://www.flagstaff.az.gov/494/Building-Safety>
- 2) The electrical service for each manufactured home unit will require an Over-the-Counter Permit. This application is available at the Community Development front counter or online at <https://www.flagstaff.az.gov/494/Building-Safety>
- 3) If a permanent foundation (concrete slab, masonry stem wall) is desired for any manufactured home unit, residential building permit for the foundation is required. Foundations will be reviewed under the codes adopted by the City of Flagstaff. The residential building permit application and submittal requirements are available at the Community Development front counter or online at <https://www.flagstaff.az.gov/494/Building-Safety>
- 4) The "Bath, Laundry, and Showers" building is considered commercial. A commercial building permit is required. The services of an Arizona Registered Design Professional is required. The building permit will be reviewed under the 2012 International Building Code (IBC) and ICC A117.1-2009 Accessible and Usable Buildings and Facilities as well as any other applicable codes adopted by the City of Flagstaff. The commercial building permit application and submittal requirements are available at the Community Development front counter or online at <https://www.flagstaff.az.gov/494/Building-Safety>

General Comments:

- 1) Each manufactured home unit is required to comply with Arizona Department of Housing and U.S. Department of Housing and Urban Development (HUD) standards and requirements. <https://housing.az.gov/manufactured-housing>
- 2) Each manufactured home unit as well as accessory structures (carports, ramadas, gazebos, storage sheds, etc.) is subject to the fire separation requirements of the 2012 IRC Section 302.

Future Submittal Requirements:

- 1) A geotechnical investigation report with foundation recommendations is required for submittal of building permits when the project is commercial or more than two residential units.
- 2) Civil and Grading plans are required to be submitted separately. Do not include in plans submitted for building permit.
- 3) An approved building permit will not be issued for the project until a Rough Grading Certificate has been received and approved by the Engineering Department.
- 4) Exterior wall fire-resistive construction, opening area, and opening protection along the South portion of the "Bath, Laundry, and Showers" building shall comply with 2012 IBC Tables 602 and 705.8.
- 5) Building area and heights for the "Bath, Laundry, and Showers" building shall comply with 2012 IBC Section 504.
- 6) The Building & Safety Program reserves the right to make additional comments during actual plan submittal and review of building permit applications.



SHEET NO. 3 OF 3

PRELIMINARY
NOT FOR CONSTRUCTION
OR FOR PERMITS

DATE: 11/29/18
DESIGNED BY: FWE
DRAWN BY: FWE
CHECKED BY: KVM

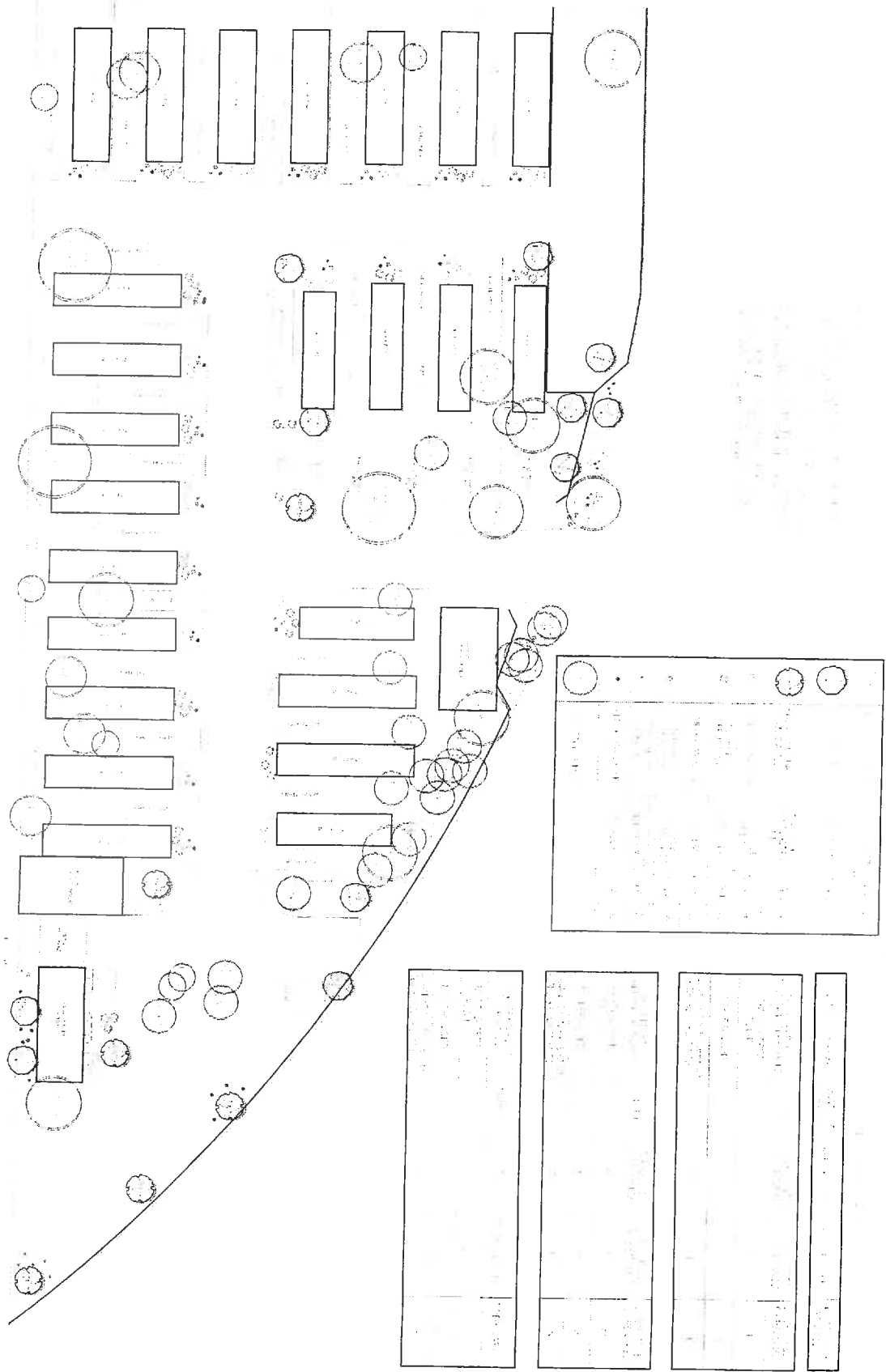
| | | |
|----------------------|------------------|---|
| PROJECT NO: 17268 | REV: 01 | REV. SIGN: PER C.O.F. COMMENTS DATED 11/29/18 |
| IN: 1/4" = 1'-0" | VERT. SCALE: N/A | PER C.O.F. COMMENTS DATED 11/29/18 |
| HOR. SCALE: 1" = 30' | | |

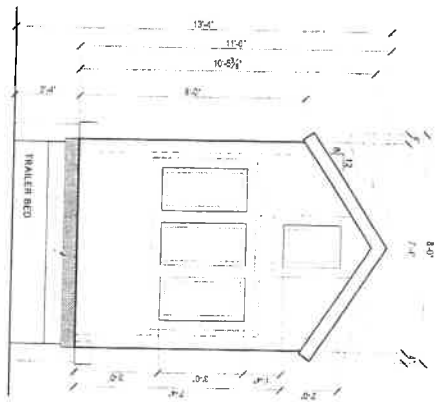
PRELIMINARY
NOT FOR CONSTRUCTION
OR FOR PERMITS

Mogollon
ENGINEERING
& SURVEYING
INC.
211 N. Santa Fe Avenue
Flagstaff, Arizona 86001
Phone: 928-214-0212

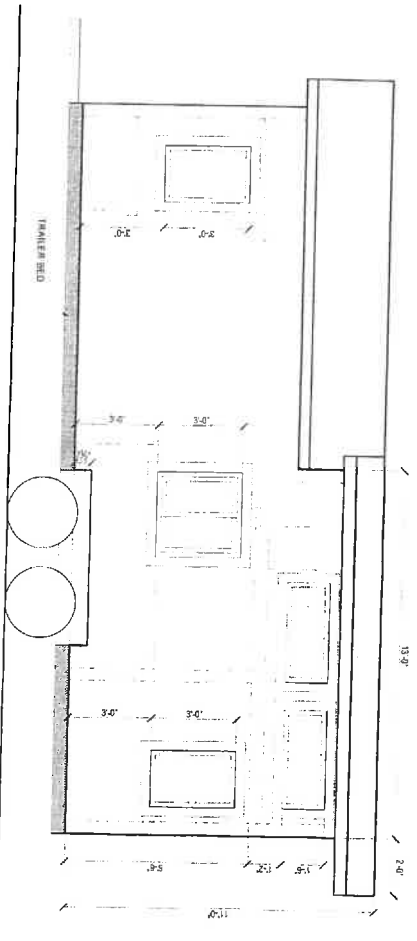
FLAGSTAFF
TINY HOUSE VILLAGE
SITE PLAN - AREA MAP

11/29/18
MES#17265





FRONT ELEVATION
SCALE 1/2" = 1'-0"



SIDE ELEVATION
SCALE 1/2" = 1'-0"



TYPICAL EXTERIOR MATERIAL PALETTE
SCALE N.T.S.



CONSTRUCTION
 TINY HOUSE VILLAGE | HOPE
 DESCRIPTION | DATE

ARCHITECTURE
 UPDESIGN STUDIO
 3015 S. GARDEN STREET
 FLAGSTAFF, ARIZONA 86001

UPDESIGN studio
 ARCHITECTURE
 3015 S. GARDEN STREET
 FLAGSTAFF, ARIZONA 86001

JOB NO. 16417

TINY HOUSE VILLAGE | HOPE
 DESCRIPTION | DATE

SHEET TITLE
 ELEVATIONS

A1.1


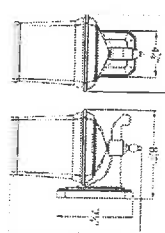
AFX

**Broken Quartz LED Crown Light
Snow Shield**

Features:
 - The AFX LED Crown Light is made of high quality, shatter resistant quartz glass.
 - The AFX LED Crown Light is made of high quality, shatter resistant quartz glass.
 - The AFX LED Crown Light is made of high quality, shatter resistant quartz glass.

Specifications:
 - Material: High Quality Quartz Glass
 - Color: Clear
 - Finish: Polished
 - Mounting: Flush Mount
 - Voltage: 120V AC
 - Power: 100W
 - Dimensions: 12" H x 12" W x 12" D

Ordering Information:
 - Model: AFX-120
 - Color: Clear
 - Finish: Polished

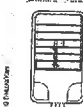
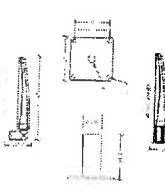
3. FIXTURE TYPES W/1 & W/2 (FULLY SHIELDED)

BEACON

LED Downlight

Features:
 - The Beacon LED Downlight is made of high quality, shatter resistant quartz glass.
 - The Beacon LED Downlight is made of high quality, shatter resistant quartz glass.

Specifications:
 - Material: High Quality Quartz Glass
 - Color: Clear
 - Finish: Polished
 - Mounting: Flush Mount
 - Voltage: 120V AC
 - Power: 100W
 - Dimensions: 12" H x 12" W x 12" D

2. FIXTURE TYPES SA & SA1

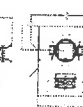
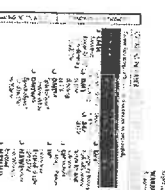
escollie

**4" LED Downlight
LF45L
12V-27V
Dim Dimming**

LifeFrame

Features:
 - The LifeFrame 4" LED Downlight is made of high quality, shatter resistant quartz glass.
 - The LifeFrame 4" LED Downlight is made of high quality, shatter resistant quartz glass.

Specifications:
 - Material: High Quality Quartz Glass
 - Color: Clear
 - Finish: Polished
 - Mounting: Flush Mount
 - Voltage: 120V AC
 - Power: 100W
 - Dimensions: 12" H x 12" W x 12" D

1. FIXTURE TYPE R4

VoltaUS CONSULTING

2633 E. Indian School Rd., Ste. 210, Phoenix, AZ 85016
 Tel. (480) 659-0511, VoltaUS.com

HOPE

PHOENIX, ARIZONA
 JUL 17/18
 JUL 17/18

FLAGSTAFF TINY HOUSE VILLAGE

1411 N. FOURTH STREET
 COCONINO COUNTY, ARIZONA

| NO. | DATE | REVISIONS |
|-----|----------|-------------------|
| 1 | 01/14/19 | CITY COMMENTS |
| 2 | 12/28/18 | ISSUED FOR PERMIT |

SITE LIGHTING CUTSHEETS

E1.2

EXHIBIT C

(Legal Description of Owner's Property)

EXHIBIT C
OWNER'S PROPERTY

That certain real property located in Coconino County, State of Arizona:

The following is a description of a parcel of land, being a portion of Parcel 2 of Docket 621 Page 562, Coconino County Records (CCR), situate in the SW ¼ of section 13, Township 21 North, Range 7 East, G. & S.R.M., Flagstaff, Coconino County, Arizona, being more particularly described as follows:

BEGINNING at the west corner of said Parcel 2 which is a point on the southeasterly Right-of-Way line of Interstate 40;

THENCE North 47°03'07" East along the southeasterly line of Interstate 40 a distance of 288.17 feet to a point on the southwest Right-of-Way of Fourth Street;

THENCE South 42°56'53" East along the southwest line of Fourth Street a distance of 101.96 feet to the beginning of a curve concave to the southwest, and having a radius of 535.00 feet;

THENCE southeasterly and southerly along said curve along west line of Fourth Street a distance of 583.86 feet through a central angle of 62°31'41" to a point on the southwesterly line of said Parcel 2;

THENCE on a non-tangent line, North 42°56'43" West along the southwest line of said Parcel 2 a distance of 576.63 feet to the POINT OF BEGINNING;

EXCLUDING that portion as legally described in the attached document labeled "Right of Way Dedication APN 107-16-008S," which portion has been acquired by the City of Flagstaff, Arizona, pursuant to a Final Order of Condemnation, as recorded on _____, 2019 in the records of the Coconino County Assessor, recording no.: _____.

**Right of Way Dedication
APN 107-16-008S**

A portion of Coconino County Assessor's Parcel Number 107-16-008S, in the City of Flagstaff, in Section 13, Township 21 North, Range 7 East of the Gila and Salt River Base and Meridian, Coconino County, Arizona, more particularly described as follows:

Commencing at the centerline intersection of 4th Street and Sparrow Avenue occupied by a 2" diameter aluminum cap with illegible stamping from which a 3" City of Flagstaff brass cap, without stamping, in the centerline of 4th Street bears S21°39'21"W 637.28 feet distant (Basis of Bearings);

thence N11°57'41"W 72.63 feet to a ½" rebar with plastic cap marked "AZTECH RLS 23369" at the most southerly corner of said parcel and POINT OF BEGINNING;

thence N42°52'47"W 25.17 feet along the southwesterly line of said parcel;

thence departing said line, northerly 563.70 feet along a curve to the left with a radial bearing of N73°00'33"W having a radius of 539.50 feet through a central angel of 59°51'57";

thence N42°52'30"W 85.02 feet to the southerly right of way of Interstate 40;

thence N47°07'34"E 19.40 feet along said right of way to a ½" rebar with plastic cap marked "AZTECH RLS 23369" at the most northerly corner of said parcel;

thence departing said right of way S42°43'45"E 101.97 feet to a ½" rebar with plastic cap marked "AZTECH RLS 23369" and a non-tangential curve to the right;

thence southerly 583.74 feet along said curve with a radial bearing of S47°05'20"W having a radius of 535.00 feet through a central angel of 62°30'56" to the POINT OF BEGINNING.

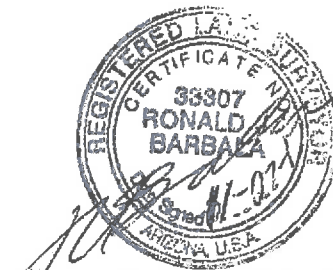
END OF DESCRIPTION

City File No. 03-13002

Descriptive Title. FOURTH ST. FUTURE #1A

ACCEPTED
CITY OF FLAGSTAFF
ENGINEERING DIV.

GM 11/8/2017
INT DATE



EXP: 3-31-20