

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

Coconino County APN: 111-01-009M

IRREVOCABLE RIGHT OF ENTRY

Project Name: Highway 180 Culvert Project (the "Project")

WHEREAS, the City of Flagstaff desires to immediately commence construction of a new drainage way for Schultz Creek to flow into the Rio de Flag;

WHEREAS, the existing Schultz Creek drainage way along the west side of Fort Valley Road/Highway 180 to Coconino Estates subdivision does not have capacity to carry spring runoff and summer flood waters;

Sandra Claire-Roy-Mailloux, as personal representative of the Estate of James Scott Roy, ("GRANTOR"), for valuable consideration, the sufficiency and receipt of which is hereby acknowledged, hereby grants and conveys to the City of Flagstaff, an Arizona municipal corporation ("CITY" or "GRANTEE"), its successors and assigns, an Irrevocable Right of Entry ("IROE") over, under, upon and across approximately 1.04 acres of vacant land legally described in Exhibit A attached hereto ("the Property"),

SUBJECT TO the following terms and conditions:

A. THE CITY AGREES:

1. To pay GRANTOR the sum of \$10.00 for this IROE ("IROE Payment").
2. To offer and pay just compensation for the Property, which shall be no less than FIVE HUNDRED THOUSAND DOLLARS (\$500,000.00), and no less than just compensation as determined by appraisal.
3. To negotiate in good faith with GRANTOR to enter into a mutually agreeable Purchase and Sale Agreement for the Property, under which terms the Property shall be paid over a period of ten (10) years in ten (10) equal installments, with a 5% annual interest rate on the balance owed. The first installment is due upon close of escrow. CITY will issue a Promissory Note secured by a Deed of Trust, and any such other documents as appropriate to complete the transaction. Notwithstanding the foregoing, upon written request of GRANTOR, CITY shall pay any balance due.
4. To obtain an appraisal of the Property to establish just compensation for the Property.
5. To consider any information or appraisal provided by GRANTOR related to just compensation for the Property. If the parties are unable to agree upon the just compensation to be paid for the Property within a reasonable period of time, then CITY may commence a condemnation action in Coconino County Superior Court for the purpose of acquiring the Property Interests and GRANTOR will have the opportunity, in that condemnation action, to seek just compensation for the taking of the Property.

6. If the parties agree upon the just compensation to be paid for the Property, GRANTOR has been paid, and the Property has been transferred to CITY, this IROE shall terminate.
7. To hold GRANTOR harmless from liability against all loss, expense, damage, or claims caused by the sole negligence of the CITY, its employees, or contractors, arising out of the use of GRANTOR's property by the CITY, its employees, or contractors, pursuant to this IROE; provided, however, the foregoing does not apply with regard to any damage or injury caused by the acts or omissions of GRANTOR or any agent thereof.

B. THE GRANTOR AGREES:

1. To allow the CITY on an irrevocable basis to enter onto Property for construction of a new drainage way to carry Schultz Creek water flow to the Rio de Flag.
2. To accept the sum of \$10.00 as payment in full for the IROE.
3. To negotiate in good faith with CITY to enter into a mutually agreeable Purchase and Sale Agreement for the Property as contemplated herein.
4. By signing this IROE, Grantor has waived its right to challenge or contest the CITY'S authority to condemn the Property needed for the Project if the parties are unable to reach a mutually acceptable Purchase and Sale Agreement. GRANTOR further agrees that, within ten (10) calendar days after commencement of the condemnation action, the parties will in good faith work out the terms of a stipulation to entry of an Order for Immediate Possession ("OIP"), with the cash, bond, or warrant amount equal to no less than the appraised value as determined by the appraiser retained by CITY. Upon entry of the OIP, this IROE shall terminate.
5. That it owns and has lawful possession of the Property; that it has a good and lawful right to convey the land; and that, together with its secured lender, if any, it will warrant the title and quiet possession thereto against the lawful claim of all persons, subject to easements of record.
5. To cause its secured lender, if any, to consent to the terms herein and to confirm its consent by its signature below.

(Signature pages follow)

GRANTOR

[Signature]
By: Sandra C. Roy Mailloux
Title: Its authorized representative

STATE OF ARIZONA)
) ss.
County of Coconino)

On this day, April 14th, 2023, before me, a Notary Public, personally appeared Sandra C. Roy Mailloux, who proved to me on the basis of satisfactory evidence to be the person claimed to be, and who acknowledged to have executed the foregoing instrument for the purposes contained therein.

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

[Signature]
Notary Public

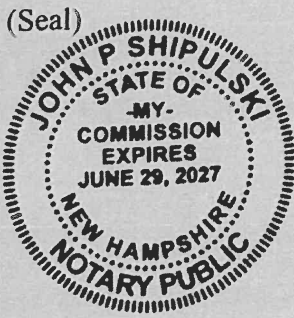


EXHIBIT "A"

NO. 271-092-122066

PARCEL 1:

A parcel of land, situated in Section 4, Township 21 North, Range 7 East, Gila and Salt River Base and Meridian, Coconino County, Arizona, being a part of that certain parcel described at Docket 1785, Pages 238-240 (R1), Coconino County Recorders Office, and as shown on Record of Survey recorded at Book 8, Page 94, Coconino County Recorders Office (said plat being the basis for this description), being more particularly described as follows:

Beginning for reference at the Southwest corner of said Section 4;

Thence North 89 degrees 39 minutes 27 seconds East (R1), a distance of 1762.74 feet (R1) to the Southwest corner of (R1);

Thence North 10 degrees 25 minutes 43 seconds West (North 10 degrees 20 minutes 00 seconds West) a distance of 301.61 feet to the Northwest corner of (R1);

Thence North 58 degrees 59 minutes 32 seconds East (North 59 degrees 01 minutes 12 seconds East), a distance of 200.00 feet to the TRUE POINT OF BEGINNING;

Thence North 58 degrees 59 minutes 32 seconds East (North 59 degrees 01 minutes 12 seconds East), a distance of 250.69 feet, to a Northeast corner of (R1);

Thence South 31 degrees 24 minutes 39 seconds East (South 32 degrees 35 minutes, 30 seconds East), a distance of 180.55 feet (179.00 feet), to an angle point of (R1);

Thence South 58 degrees 59 minutes 32 seconds West, a distance of 250.82 feet;

Thence North 31 degrees 22 minutes 12 seconds West, a distance of 180.55 feet, back to the TRUE POINT OF BEGINNING.

Reserving unto the Grantors, their heirs, successors and assigns an easement for ingress, egress and utilities over the Southwesterly 60 feet of the Southeasterly 30 feet thereof.

Also known as Lot 3 as depicted on the map shown in the Combination/Split Request Form recorded September 11, 1995 in Docket 1802, Page 125

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PARCEL 2:

An easement for ingress, egress and utilities over the Northwesterly 30 feet of the Southwesterly 60 feet and over the Southwesterly 30 feet and also the South 40 feet of the following described property:

A parcel of land situated in Section 4, Township 21 North, Range 7 East, Gila and Salt River Base and Meridian, Coconino County, Arizona, being a part of that certain parcel described at Docket 1785, Pages 238-240 (R1), Coconino County Recorders Office and as shown on Record of Survey recorded at Book 8, Page 94 Coconino County Recorders Office (said plat being the basis for this description), being more particularly described as follows:

Beginning for reference at the Southwest corner of said Section 4;

Thence North 89 degrees 39 minutes 27 seconds East (R1), a distance of 1762.74 feet (R1);

Thence North 89 degrees 51 minutes 26 seconds East (North 89 degrees 39 minutes 27 seconds East) a distance of 360.00 feet to the TRUE POINT OF BEGINNING;

Thence North 31 degrees 22 minutes 12 seconds West, a distance of 286.50 feet;

Thence North 58 degrees 59 minutes 32 seconds East (North 59 degrees 01 minutes 12 seconds East) a distance of 350.80 feet;

Thence South 31 degrees 22 minutes 12 seconds East, a distance of 495.26 feet, to the South line of (R1);

Thence South 89 degrees 36 minutes 08 seconds West (South 89 degrees 39 minutes 27 seconds West), a distance of 204.48 feet;

Thence South 89 degrees 41 minutes 14 seconds West (South 89 degrees 39 minutes 27 seconds West), a distance of 184.33 feet;

Thence South 89 degrees 51 minutes 26 seconds West (South 89 degrees 39 minutes 27 seconds West), a distance of 20.53 feet back to the TRUE POINT OF BEGINNING.

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PARCEL J:

An easement for ingress, egress and public utilities over the South 40 feet of the following described property:

A parcel of land situated in Section 4, Township 21 North, Range 7 East, of the Gila and Salt River Base and Meridian, Coconino County, Arizona, being a part of that certain parcel described at Docket 1785, Pages 238-240 (R1), Coconino County Recorders Office, and as shown on Record of Survey recorded at Book 8, Page 94, Coconino County Recorders Office (said plat being the basis for this description), being more particularly described as follows:
Beginning for reference at the Southwest corner of said Section 4:

Thence North 89 degrees 39 minutes 27 seconds East (R1), a distance of 1762.74 feet (R1);

Thence North 89 degrees 51 minutes 26 seconds East (North 89 degrees 39 minutes 27 seconds East) a distance of 380.53 feet;

Thence North 89 degrees 41 minutes 14 seconds East (North 89 degrees 39 minutes 27 seconds East), a distance of 184.33 feet;

Thence North 89 degrees 36 minutes 08 seconds East (North 89 degrees 39 minutes 27 seconds East), a distance of 204.48 feet to the TRUE POINT OF BEGINNING;

Thence North 31 degrees 22 minutes 12 seconds West, a distance of 495.26 feet to the North line of (R1);

Thence North 58 degrees 59 minutes 32 seconds East (North 59 degrees 01 minutes 12 seconds East) a distance of 179.88 feet, to the Northeast corner of (R1);

Thence South 32 degrees 36 minutes 04 seconds East, a distance of 8.29 feet;

Thence South 57 degrees 24 minutes 30 seconds West (South 57 degrees 24 minutes 14 seconds West), a distance of 7.00 feet (R1);

Thence South 32 degrees 35 minutes 30 seconds East (South 32 degrees 35 minutes 36 seconds East), a distance of 307.92 feet (R1);

Thence South 30 degrees 42 minutes 53 seconds East (South 30 degrees 43 minutes 09 seconds East), a distance of 244.21 feet (R1);

Thence South 57 degrees 24 minutes 30 seconds West (South 57 degrees 24 minutes 14 seconds West), a distance of 7.00 feet (R1);

Thence South 32 degrees 35 minutes 30 seconds West (South 32 degrees 35 minutes 46 seconds East), a distance of 33.00 feet (R1);

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Thence North 57 degrees 24 minutes 30 seconds East (North 57 degrees 24 minutes 14 seconds East), a distance of 22.00 feet (R1);

Thence South 32 degrees 35 minutes 30 seconds East (R1), a distance of 16.97 feet;

Thence South 89 degrees 54 minutes 46 seconds West (South 89 degrees 57 minutes 47 seconds West), a distance of 36.10 feet (36.08 feet);

Thence South 89 degrees 36 minutes 08 seconds West (South 89 degrees 39 minutes 27 seconds West), a distance of 188.99 feet, back to the TRUE POINT OF BEGINNING.