

When recorded, mail to:
City Clerk *pickup*
City of Flagstaff
211 W. Aspen
Flagstaff, AZ 86001

Exempt Pursuant to
A.R.S. § 11-1134(A)(3)

QUIT CLAIM DEED
Subject to Covenants and Conditions

For good and valuable consideration, including specifically the representation that a Veterans' Home is to be constructed by Grantee on the certain property described below, the receipt and sufficiency of which are hereby acknowledged, CITY OF FLAGSTAFF, a municipal corporation organized and existing under and by virtue of the laws of the State of Arizona ("Grantor"), hereby quit-claims to THE STATE OF ARIZONA, acting by and through the Arizona Department of Veterans' Services ("Grantee"), all of Grantor's rights, title, or interest in the following described real property situated in Coconino County, Arizona:

Approximately ten (10) acres of land located on East Gemini Drive, Flagstaff, Arizona 86001 as legally described and depicted in Exhibit A and A-1 attached hereto and incorporated herein by reference ("Property");

SUBJECT TO current taxes and other assessments, reservations in patents and all easements, rights of way, encumbrances, liens, covenants, conditions, restrictions, obligations and liabilities as may appear of record, and matters which a correct and accurate survey of the Property would disclose;

PROVIDED THAT THIS CONVEYANCE IS SUBJECT TO the following covenants and conditions ("Covenants and Conditions"):

1. The Property shall be used only (a) as provided in the certain License Agreement being entered into simultaneously with the filing of this Quit Claim Deed, and (b) after the termination of the certain Licensing Agreement, for the construction of and use as an Arizona Veterans' Home ("Veterans' Home") at Grantee's cost and expense.
2. Fee title to the Property shall automatically revert to Grantor, Grantor shall have sole ownership of such Property, and Grantee forfeits all right, title and interest to the Property without further consideration to Grantee, if any of the following occurs:
 - a. Grantee is unable to secure a federal conditional grant letter for federal funds necessary for construction of the Veterans' Home on or before January 1, 2021; or
 - b. Grantee sells, conveys, leases, encumbers or otherwise transfers any of the Grantee's right, title or interest in all or any of the Property without prior approval of the

Flagstaff City Council in its sole discretion; or

- c. After the contemplated Veterans' Home comes into use, Grantee ceases to operate the Veterans' Home on the Property; or
- d. The Veterans' Home is not initially constructed with a minimum of sixty (60) beds; or
- e. The Veterans' Home exceeds two (2) stories in height and/or thirty-five (35) feet above natural grade; or
- f. The Veterans' Home fails to comply with City of Flagstaff Outdoor Lighting Standards.

IN THE EVENT the Property reverts to Grantor, all of Grantee's right, title and interest to any improvements, structures, or fixtures ("Facilities") then existing in or on the Property shall automatically vest in Grantor, and Grantee shall forfeit all its right, title and interest in the Facilities unless the parties mutually agree in writing upon other disposition; provided, however, the federal government may retain right, title and/or an interest in the Facilities pursuant to the federal grant for the Veterans' Home.


GRANTOR MAY ENFORCE the foregoing Covenants and Conditions by injunction, specific performance, or any other remedy available at law or equity.

THE COVENANTS AND CONDITIONS SHALL RUN WITH THE LAND and shall be binding upon and inure to the benefit of the parties hereto and their respective successors and assigns.

Dated this 6th day of December, 2016.

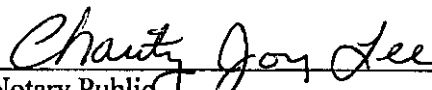
GRANTOR:

CITY OF FLAGSTAFF


By: Hon. Gerald W. Nabours, Mayor

STATE OF ARIZONA)
) ss.
County of Coconino)

This instrument was acknowledged before me this 6th day of December, 2016, by Hon. Gerald W. Nabours, on behalf of Grantor.


Notary Public

My commission expires:

January 10, 2020



ATTEST:

Elizabeth Burke
Elizabeth Burke City Clerk

APPROVED AS TO FORM BY:

John G. ...
City Attorney's Office

GRANTEE HEREBY ACCEPTS AND AGREES TO the foregoing Quit Claim Deed and the Covenants and Conditions therein.

GRANTEE:

STATE OF ARIZONA, acting by and through the Arizona Department of Veterans' Services

By: Wanda A. Wright
Director of the Arizona Department of Veterans' Services

STATE OF ARIZONA)
) ss.
County of Maricopa)

This instrument was acknowledged before me this 7th day of December, 2016, by Wanda A. Wright, on behalf of Grantee.

Tera Scherer
Notary Public

My commission expires:
6/25/18



Attachments: Exhibit A and A-1 legal description and map

**EXHIBIT "A"****LEGAL DESCRIPTION:**

A portion of that parcel of land described in Docket 1668, Page 237 of the Records of Coconino County, Arizona, situated in the Southwest $\frac{1}{4}$ of Section 11, Township 21 North, Range 7 East, Gila and Salt River Meridian, Coconino County, Arizona, said parcel being more particularly described as follows:

From the Southwest section corner of said Section 11, said point being a found BLM Cap, thence S 89° 59' 42" E, along the South section line of said Section 11, for a distance of 650.39 feet to a non-tangent point of curvature on the East Right-of-Way line of Gemini Drive, from which the South $\frac{1}{4}$ of said Section 11, a found Cap 14671, bears S 89° 59' 42" E a distance of 2003.11 feet;

Thence Northeasterly along said East Right-of-Way line, along a curve to left, having a central angle of 2° 10' 02" and a radius of 800.04 feet, for a distance of 30.26 feet, the chord of said curve bears N 07° 22' 02" E a distance of 30.26 feet, to a non-tangent point, said point being the TRUE POINT OF BEGINNING;

Thence S 89° 59' 47" E for a distance of 585.88 feet to a set $\frac{1}{2}$ " rebar w/Cap 14671;

Thence N 14° 29' 46" W for a distance of 331.22 feet to a set $\frac{1}{2}$ " rebar w/Cap 14671;

Thence N 13° 18' 11" W for a distance of 564.50 feet to a set $\frac{1}{2}$ " rebar w/Cap 14671;

Thence N 74° 43' 21" W for a distance of 453.31 feet to a set $\frac{1}{2}$ " rebar w/Cap 14671, said point being a non-tangent point of curvature on the East Right-of-Way line of said Gemini Drive;

Thence Southeasterly along said East Right-of-Way line, along a curve to the right, having a central angle of 35° 04' 06" and a radius of 350.00 feet, for a distance of 214.22 feet, the chord of said curve bears S 17° 52' 10" E a distance of 210.89 feet, to a set $\frac{1}{2}$ " rebar w/Cap 14671;

Thence S 00° 21' 10" E, along said East Right-of-Way line, for a distance of 696.45 feet to a set $\frac{1}{2}$ " rebar w/Cap 14671, said point being a point of curvature;

Thence Southwesterly along said East Right-of-Way line, along a curve to the right, having a central angle of 06° 37' 18" and a radius of 800.04 feet, for a distance of 92.46 feet, the chord of said curve bears S 02° 58' 22" W a distance of 92.41 feet, to the TRUE POINT OF BEGINNING,

Said parcel contains 10.0000 acres of land, more or less, including any easements of record over the above described parcel, as shown on EXHIBIT "A-1", which is made a part hereof by this reference.

NES # 16-097



P. O. Box 1401 / Flagstaff, Arizona 86001-5308 / (928) 774-5058

EXHIBIT "A-1"

