

**After recording, return to:
City Clerk
City of Flagstaff
211 W. Aspen Avenue
Flagstaff, AZ 86001**

**FIRST AMENDMENT TO
UTILITY EASEMENT**

THIS FIRST AMENDMENT TO UTILITY EASEMENT AGREEMENT is entered into by and between CITY OF FLAGSTAFF, an Arizona municipal corporation (“Grantor”) and ARIZONA PUBLIC SERVICE COMPANY, an Arizona public service corporation (“Grantee”).

Grantor and Grantee hereby agree to, and amend, that certain Utility Easement recorded in the official records of Coconino County on August 28, 2008 at document No. 3498165 (“the Easement”), for valuable consideration, the receipt and sufficiency of which is hereby acknowledged, consent and agree to amend the Easement as follows:

1. The Utility Easement area is hereby modified and shall now consist of the property legally described and depicted in the attached Exhibit A.
2. This First Amendment shall be binding on the successors and assigns of the parties.
3. Except as specifically amended hereby, all terms and conditions of the Easement shall remain in full force and effect. In the event of any conflict between the terms and conditions of this First Amendment and the terms and conditions of the Easement, the terms and conditions of this First Amendment shall control

IN WITNESS WHEREOF, Grantor and Grantee have caused this Utility Easement Amendment to be executed this ____ day of _____, 2021.

GRANTOR: City of Flagstaff

Paul Deasy, Mayor

GRANTEE: Arizona Public Service Company

BY:

STATE OF ARIZONA)
)ss
County of Coconino)

ACKNOWLEDGMENT. On this ____ day of _____ 2021, before me, a Notary Public, personally appeared _____, known to be or satisfactorily proven to be the person whose name is subscribed to the foregoing instrument and acknowledged that (s)he executed the same for the purposes therein contained.

Notary Public

My Commission Expires:

STATE OF ARIZONA)
)ss
County of Coconino)

ACKNOWLEDGMENT. On this ____ day of _____ 2021, before me, a Notary Public, personally appeared _____, known to be or satisfactorily proven to be the person whose name is subscribed to the foregoing instrument and acknowledged that (s)he executed the same for the purposes therein contained.

Notary Public

My Commission Expires:

January 13, 2021

LEGAL DESCRIPTION FOR
ELDEN SUBSTATION
INGRESS, EGRESS AND PUBLIC UTILITY EASEMENT

That part of the Southwest Quarter of Section 7, Township 21 North, Range 7 East of the Gila and Salt River Meridian, Coconino County, Arizona, more particularly described as follows:

Commencing at the Brass Cap in hand hole marking the intersection of the monument lines of Cedar Street and Gemini Drive, from which an Aluminum Cap stamped "Gemini" bears North $31^{\circ}06'11''$ West, a distance of 1,292.81 feet;

Thence North $89^{\circ}40'50''$ East, along the monument line of said Gemini Drive, a distance of 300.00 feet to the beginning of a tangent curve of 300.00 foot radius, concave Southerly;

Thence Easterly, along said monument line and along said curve, through a central angle of $35^{\circ}02'52''$, a distance of 183.51 feet;

Thence North $37^{\circ}07'35''$ East, departing said monument line, a distance of 50.04 feet to the True Point of Beginning;

Thence continuing North $37^{\circ}07'35''$ East, a distance of 45.64 feet to the beginning of a tangent curve of 159.54 foot radius, concave Southerly;

Thence Easterly, along said curve, through a central angle of $69^{\circ}21'15''$, a distance of 193.12 feet;

Thence South $73^{\circ}31'10''$ East, a distance of 81.96 feet to the beginning of a tangent curve of 54.30 foot radius, concave Northerly;

Thence Easterly, along said curve, through a central angle of $40^{\circ}26'41''$, a distance of 38.33 feet;

Thence North $66^{\circ}02'25''$ East, a distance of 70.10 feet to the beginning of a tangent curve of 69.30 foot radius, concave Southerly;

Thence Easterly, along said curve, through a central angle of $40^{\circ}26'16''$, a distance of 48.91 feet to a point on the Westerly line of the Elden Substation as recorded in Docket 1038, Page 837, Records of Coconino County, Arizona;

Thence South $16^{\circ}28'50''$ West, along said Westerly line, a distance of 30.00 feet to a point on a 39.30 foot radius non-tangent curve, whose center bears South $16^{\circ}28'34''$ West;

Thence Westerly, along said curve, through a central angle of $40^{\circ}26'09''$, a distance of 27.74 feet;

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Thence South $66^{\circ}02'25''$ West, a distance of 58.02 feet; to the beginning of a tangent curve of 17.05 foot radius, concave Easterly;

Thence Southerly, along said curve, through a central angle of $99^{\circ}07'10''$, a distance of 29.50 feet;

Thence South $33^{\circ}04'45''$ East, a distance of 58.02 feet to the beginning of a tangent curve of 39.30 foot radius, concave Northeasterly;

Thence Southeasterly, along said curve, through a central angle of $40^{\circ}26'09''$, a distance of 27.74 feet to a point on the Westerly line of said Elden Substation;

Thence South $16^{\circ}28'50''$ West, along said Westerly line, a distance of 30.00 feet to a point on a 69.30 foot radius non-tangent curve, whose center bears North $16^{\circ}28'59''$ East;

Thence Northwesterly, along said curve, through a central angle of $40^{\circ}26'16''$, a distance of 48.91 feet;

Thence North $33^{\circ}04'45''$ West, a distance of 70.10 feet to the beginning of a tangent curve of 54.30 foot radius, concave Southwesterly;

Thence Northwesterly, along said curve, through a central angle of $40^{\circ}26'41''$, a distance of 38.33 feet;

Thence North $73^{\circ}31'10''$ West, a distance of 81.96 feet to the beginning of a tangent curve of 129.54 foot radius, concave Southerly;

Thence Westerly, along said curve, through a central angle of $69^{\circ}21'15''$, a distance of 156.80 feet;

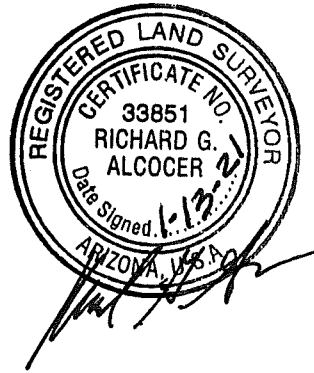
Thence South $37^{\circ}07'35''$ West, a distance of 15.58 feet;

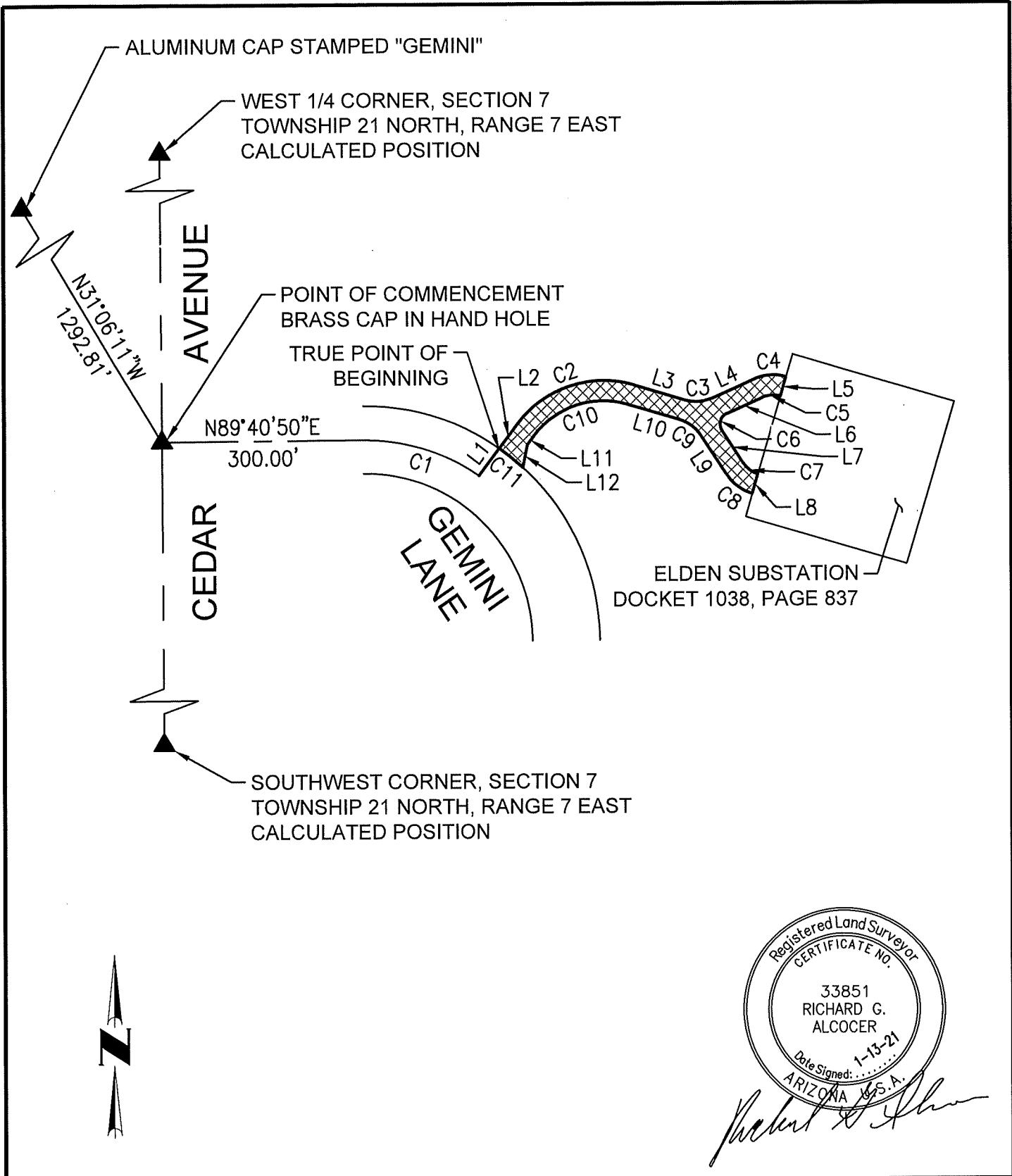
Thence South $11^{\circ}37'38''$ West, a distance of 34.73 feet; to a point on a 350.00 foot radius non-tangent curve, whose center bears South $42^{\circ}26'16''$ West;

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Thence Northwesterly, along said curve, through a central angle of $07^{\circ}22'00''$, a distance of 45.00 feet to the True Point of Beginning.

Containing 17,853 Square Feet or 0.410 Acres, more or less.





Richard G. Alcocer

SCALE 1" = 200'
EXHIBIT
4550 North 12th Street
Phoenix, Arizona 85014
Phone 602-264-6831
<http://www.cvlci.com>

ARIZONA PUBLIC SERVICE
ELDEN SUBSTATION
INGRESS, EGRESS &
PUBLIC UTILITY EASEMENT

1 OF 3

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**FIRST AMENDMENT TO INGRESS
AND EGRESS EASEMENT**

RECITALS

- A. Pursuant to City of Flagstaff Council Ordinance No. 1377 dated June 4, 1985, The City of Flagstaff, an Arizona Municipal Organization (“The City”) granted to Arizona Public Service Company an access easement (“Original Easement”) to its substation as set forth in Docket 1039, Pages 344 & 345, Records of Coconino County, Arizona.
- B. Pursuant to City of Flagstaff Council Resolution No. 2000-57, The City of Flagstaff granted a revocable ingress and egress easement (“Wireless Easement”) to US West Wireless LLC recorded in the official records of Coconino County, Arizona on August 9, 2000 at Document No. 3059722 across the lands described in the Original Easement
- C. The City desires to amend the Wireless Easement

NOW, THEREFORE, the City, for valuable consideration, the receipt and sufficiency of which is hereby acknowledged, amends the Wireless Easement as follows:

1. The premises through and across which the Wireless Easement is granted are situated in the County of Coconino, State of Arizona and described as follows:

Over and across that parcel of land owned by Grantor, Assessor Parcel Number 109-02-001S, as legally described and depicted in the attached “Exhibit A”.

2. Grantee, its successors and assigns shall have the right and privilege to use the Wireless Easement to the extent such use is not inconsistent or in conflict with the use and rights granted by that certain Utility Easement to Arizona Public Service Company, an Arizona corporation recorded in the official records of Coconino County on August 28, 2008 at Document No. 3498165 and any amendment thereto.
3. This Amendment shall be binding on the successors and assigns of the parties.
4. Except as specifically amended hereby, all terms and conditions of the Easement shall remain in full force and effect. In the event of any conflict between the terms and conditions of this Amendment and the terms and conditions of the Easement, the terms and conditions of this Amendment shall control

January 13, 2021

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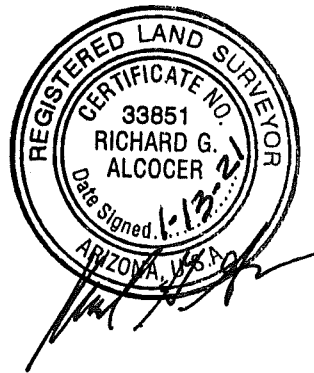
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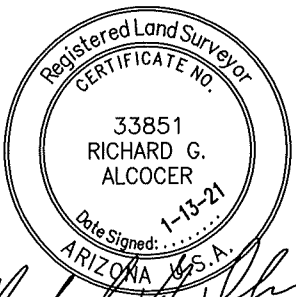
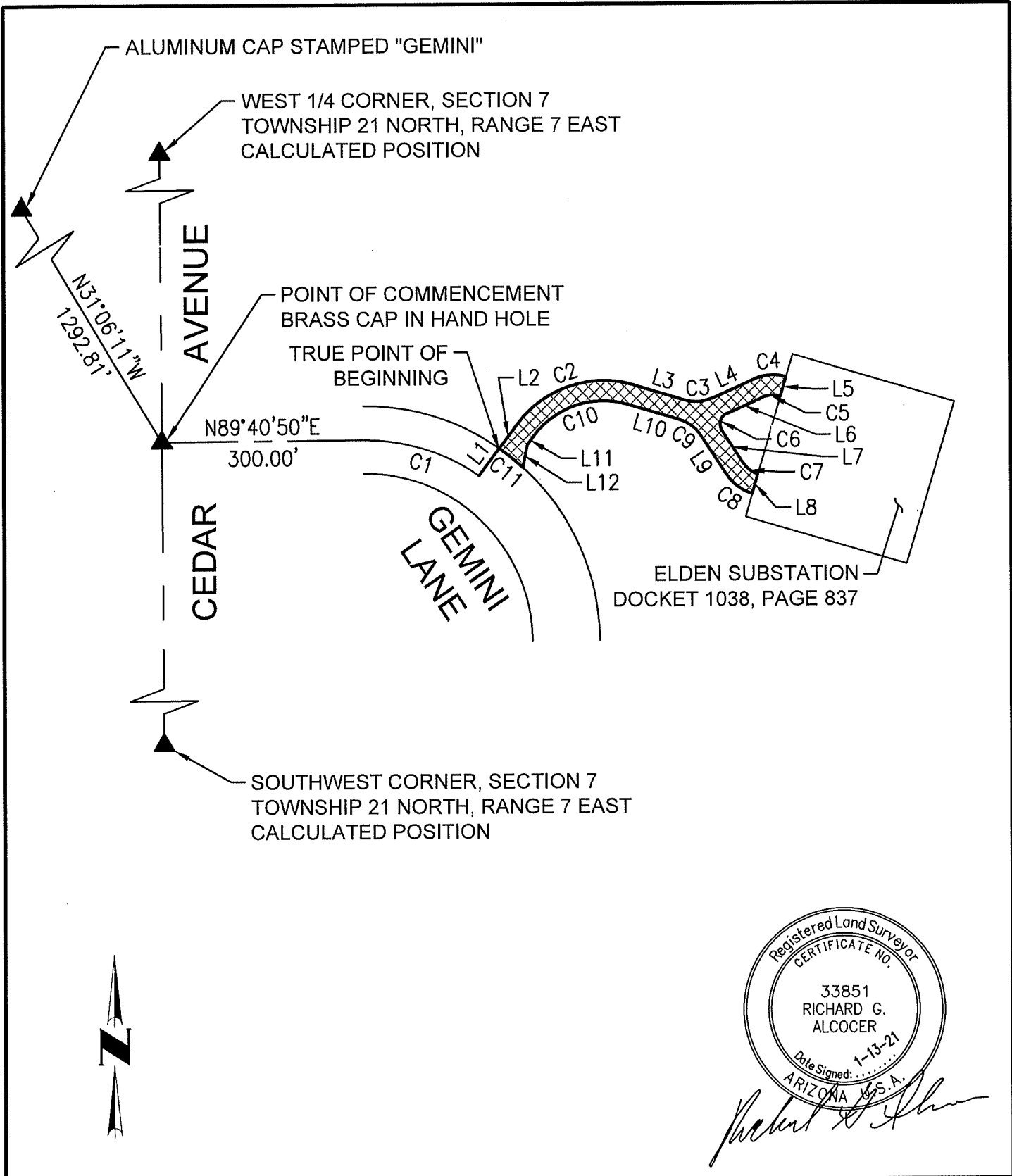
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