

**ORDINANCE NO. 2016-09**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF, AUTHORIZING THE CITY OF FLAGSTAFF TO ENTER INTO A THIRD AMENDMENT TO DEVELOPMENT AGREEMENT AMENDING THE DEVELOPMENT AGREEMENT WITH NESTLE PURINA PETCARE COMPANY TO ALLOW TEMPORARY EXTENSION OF AGREEMENT AND UNDERLYING LEASE; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES, SEVERABILITY, AND ESTABLISHING AN EFFECTIVE DATE**

**RECITALS:**

WHEREAS, the City of Flagstaff desires to enter into a Third Amendment to Development Agreement with Nestle Purina Petcare Company and to temporarily extend the underlying lease of property for the reasons set forth therein.

**ENACTMENTS:**

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FLAGSTAFF AS FOLLOWS:**

**SECTION 1. In General.**

The Third Amendment to the Development Agreement between the City of Flagstaff and Nestle Purina Petcare Company attached hereto is hereby approved. The Mayor of the City of Flagstaff is hereby authorized to execute the Third Amendment of the Development Agreement on behalf of the City and all other associated documents.

**SECTION 2. Repeal of Conflicting Ordinances.**

All ordinances and parts of ordinances in conflict with the provisions of this ordinance or any part of the code adopted herein by reference are hereby repealed.

**SECTION 3. Severability.**

If any section, subsection, sentence, clause, phrase or portion of this ordinance or any part of the code adopted herein by reference is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

**SECTION 4. Effective Date.**

This ordinance shall become effective thirty (30) days following adoption by the City Council.

PASSED AND ADOPTED by the City Council of the City of Flagstaff this 1<sup>st</sup> day of March, 2016.

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MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

APPROVED AS TO FORM:

\_\_\_\_\_  
CITY ATTORNEY

Attachment: Third Amendment to Development Agreement, with attached Exhibit 1 Third Amendment to Lease and related legal descriptions (Exhibits A, B, C, D)

WHEN RECORDED, RETURN TO:

Elizabeth Burke, City Clerk  
City of Flagstaff  
211 West Aspen Avenue  
Flagstaff, Arizona 86001

**THIRD AMENDMENT  
TO  
DEVELOPMENT AGREEMENT**

The City of Flagstaff, a political subdivision of the state of Arizona ("City") and Nestle Purina Petcare Company, a Missouri corporation ("Purina") enter into this Third Amendment to the Development Agreement effective this 1st day of March, 2016.

**RECITALS:**

- A. In 2003 the City of Flagstaff ("City") and Nestle Purina Petcare Company ("Purina") entered into a Development Agreement recorded on June 25, 2003 as Instrument No. 3207666, Official Records of Coconino County, Arizona ("Development Agreement") in connection with Purina's expansion of its pet food manufacturing and warehousing facility located in the City of Flagstaff on that real property legally described in Exhibit A ("Original Property").
- B. Pursuant to the Development Agreement, title to the Original Property and Purina's manufacturing facility located thereon (the "Facility") were conveyed to the City and leased back by the City to Purina under the terms and conditions of a Government Property Lease entered into pursuant the provisions of A.R.S. § 42-6201, *et seq.* (the "Lease"). The form of Lease was recorded along with the original Development Agreement in Instrument No. 3207666, Official Records of the Coconino County, Arizona ("Lease").
- C. In 2008 as approved in Ordinance No. 2008-16 the City and Purina entered into a First Amendment to Development Agreement recorded on June 26, 2008 as Instrument No. 3491226, Official Records of the Coconino County, Arizona ("First Amendment") in connection with approximately 34.28 net acres of additional real property legally described in Exhibit B attached hereto ("Additional Property") for the purpose constructing a 94,000 square foot warehouse space addition, and parking facilities for employees and trailers, all as part of a further expansion of the Facility.
- D. Pursuant to the First Amendment, title to the Additional Property and the expanded Facility ("Expanded Facility") were conveyed to the City and leased back by the City to Purina under the terms and conditions of the Lease (which was also amended). The First Amendment to the Lease was recorded on January 16, 2009, Instrument No.

3510882, Official Records of the Coconino County, Arizona (“First Amendment to Lease”).

- E. In 2009 pursuant to the First Amendment, the City purchased approximately two (2) acres of the Additional Property from Purina as legally described in Exhibit C attached to this Ordinance (“Fire Station Parcel”), and as conveyed by Special Warranty Deed recorded on June 16, 2009 as Instrument No. 351083 in the Official Records of the Coconino County, Arizona.
- F. In 2015 pursuant to the Development Agreement, Purina conveyed real property to the City for Industrial Drive by Quit Claim deed as recorded on January 1, 2015 as Instrument No. 3711317, Official Records of the Coconino County, Arizona, and as legally described in Exhibit D attached hereto (“Industrial Drive Parcel”).
- G. The original purposes of the Development Agreement as amended by the First Amendment were to help fund expansions of the Purina facilities (“Expansions”) so as to provide new stable, good-paying employment opportunities for Flagstaff residents; provide for purchase of the Fire Station Parcel, and conveyance of the Industrial Drive Parcel; and provide certain other benefits (collectively “Benefits”) via Purina’s projected total tax savings of \$3,928,964.00. This total represents the actual tax savings under the original Development Agreement of \$481,964.00, plus the projected tax savings under the First Amendment of \$3,447,000.00.
- H. The parties have been performing the terms and conditions of the Development Agreement (as amended) and underlying Lease (as amended), and these agreements are scheduled to expire on or about October 14, 2015.
- I. Purina’s actual tax savings under the First Amendment are \$2,522,770.00, or approximately \$924,230.00 less than projected.
- J. The Purina Expansions have enabled a substantial increase in production of pet food at the Facility, and there are associated emissions to the atmosphere.
- K. Purina has a Clean Air Act permit from the Arizona Department of Environmental Quality and currently is in compliance with applicable laws, rules and regulations regarding emissions to the atmosphere.
- L. On September 15, 2015 pursuant to A.R.S. § 42-6203.A.4 the City and Purina entered into a Second Amendment to Development Agreement in order to temporarily extend the Agreement and underlying Lease for a period commencing on October 14, 2015 and continuing for up to six (6) months (April 15, 2016) to further the original purposes of the Development Agreement and to explore the feasibility of voluntary installation of equipment at the Purina Facility to measurably minimize odor.

- M. Purina has conducted technical research but the parties require additional time to explore the feasibility of voluntary installation of equipment at the Purina Facility to measurably minimize odor.

## AGREEMENT

NOW THEREFORE, IN CONSIDERATION FOR THE MUTUAL PROMISES CONTAINED HEREIN, THE PARTIES AGREE AS FOLLOWS:

1. Extension Period. The Development Agreement (as amended) is hereby extended to October 15, 2016, unless sooner terminated ("Extension Period.") Either party may terminate this Third Amendment upon giving at least five (5) days written notice to the other party.
2. Third Amendment to Lease. The term of the Lease (as amended) shall be extended to be coterminous with the Development Agreement Extension Period. To accomplish this, the parties shall execute a Third Amendment to Lease in the form attached hereto as Exhibit 1. The City of Flagstaff will record the Third Amendment to Development Agreement and the Third Amendment to Lease following execution.
3. Research. During the Extension Period, at its own expense, Purina will explore whether it is financially and technically feasible to purchase and install equipment at the Purina facility in Flagstaff to mitigate odor from the Purina Facility ("Research"). Upon completion of the Research, the parties will explore whether it is appropriate to extend the Development Agreement for a longer period of time.
4. Contingency. If the parties do not enter into an agreement to extend the term of the Development Agreement prior to expiration of the Extension Period the City and Purina hereby agree that the Development Agreement (as amended) and the Lease (as amended) shall be deemed to have terminated as of October 14, 2015 and that title to the Original Property, the Additional Property and the Facility (as expanded in accordance with the First Amendment) currently leased by the City to Purina shall have automatically reverted to Purina as of October 15, 2015 and that Purina will be placed in the same financial position for purposes of property tax and the government property lease excise tax as if the transfer of title to the Original Property, the Additional Property and the Facility (as expanded in accordance with the First Amendment) currently leased by the City to Purina had occurred as of October 15, 2015. The parties agree to take commercially reasonable good faith efforts to achieve that financial equilibrium set forth in the immediately preceding sentence.
5. Effect. All other terms and conditions of the Development Agreement (as amended) shall remain in effect.

NESTLE PURINA PETCARE COMPANY

\_\_\_\_\_

By: \_\_\_\_\_

Its: \_\_\_\_\_

CITY OF FLAGSTAFF

\_\_\_\_\_

By: Mayor Nabours

Attest:

\_\_\_\_\_

By: Elizabeth Burke, City Clerk

Approved as to form:

\_\_\_\_\_

By: \_\_\_\_\_

City Attorney's Office

Attachments: Exhibit 1, with attached Exhibits A, B, C, D

S:\Legal\Civil Matters\2014\2014-626 Purina Scrubbers Air Quality\Third Amendment - Extension 2-3-6.docx

**EXHIBIT "A" [REDACTED]**

**Legal Description of Property**



# Landmark Engineering & Surveying, Inc.

sedona

FOUNDED 1979

flagstaff

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Wm. Tod Graham I.R.L.S.  
president

January 6, 2003  
Job No.: 102509

## LEGAL DESCRIPTION PURINA WEST PARCEL

A parcel of land being a portion of the "Purina Tract" as described in Exhibit "A" of that certain document recorded in Docket 476, Pages 41-46 (rec.) of the Coconino County Recorder's Office and being situated in the North half of Section 8, Township 21 North, Range 8 East of the Gila and Salt River Meridian in Coconino County, Arizona, said parcel being more particularly described as follows:

Commencing at a  $\frac{3}{4}$ " O.D. iron pipe with no identification found in a handhole at the Northwest corner of said Section 8 and from which a square headed bolt found at the West quarter corner of said Section 8, lies S  $01^{\circ}10'00''$  E (basis of bearings per rec.) a distance of 2,665.67 feet;

Thence from said Northwest corner of Section 8, S  $01^{\circ}10'00''$  E (rec. same) a distance 2,567.77 (2,573.23 rec.) feet along the West line of said North half of Section 8 to a point on the North right-of-way line of Interstate Highway 40 (I-40) and from which a 60d nail with no identification was found lying S  $88^{\circ}19'56''$  W a distance of 0.57 foot;

Thence N  $88^{\circ}19'56''$  E (N  $87^{\circ}30'55''$  E rec.) a distance of 124.09 (125.81 rec.) feet along said North right-of-way line to an Arizona Highway Department (A.H.D.) brass cap right-of-way monument found in concrete at the beginning of a non-tangent curve;

Thence Easterly along said North right-of-way line being a curve to the right and concave to the South having a chord bearing and length of N  $78^{\circ}06'43''$  E = 107.80 feet, radius of 14,523.95 (rec. same) and central angle of  $0^{\circ}25'31''$ , an arc distance of 107.80 (106.09 rec.) feet to a  $\frac{1}{2}$ " re-bar with plastic cap stamped "LS-14184" set at the Southwest corner of said "Purina Tract" which is the POINT OF BEGINNING;

Thence N  $01^{\circ}10'00''$  W (rec. same) a distance of 533.05 (527.54 rec.) feet along the West boundary of said "Purina Tract", which is a line that lies 230.00 feet East of and parallel with said West line of the North half of Section 8, to a  $\frac{1}{2}$ " re-bar with plastic cap stamped "LS 14184" set at an angle point in said West boundary;

Thence N  $26^{\circ}36'03''$  W (rec. same) a distance of 535.54 (rec. same) feet to a  $\frac{1}{2}$ " re-bar with plastic cap stamped "LS 14184" set at the intersection of said West line of the North half of Section 8 with the South right-of-way line of the Burlington Northern and Santa Fe Railway (BNSF) (formerly Atchison, Topeka and Santa Fe Railway);

Thence N  $84^{\circ}23'13''$  E (N  $84^{\circ}23'24''$  E rec.) a distance of 177.33 (198.30 rec.) feet along said South right-of-way line of the BNSF Railway to a  $\frac{1}{2}$ " re-bar with plastic cap stamped "LS 14184" set at a Point of Curvature;

Thence Easterly along said South right-of-way line of the BNSF Railway being a tangent curve to the right and concave to the South having a radius of 2,764.93 (rec. same) and central angle of  $2^{\circ}00'00''$ , an arc distance of 96.51 (96.52 rec.) feet to a  $\frac{1}{2}$ " re-bar with plastic cap stamped "LS 14184" set at a Point of Compound Curvature;



Thence Easterly along said South right-of-way line of the BNSF Railway being a tangent curve to the right and concave to the South having a radius of 1,332.69 (rec. same) and central angle of 12°00'00", an arc distance of 279.12 (rec. same) feet to a ½" re-bar with plastic cap stamped "LS 14184" set at a Point of Compound Curvature;

Thence Easterly along said South right-of-way line of the BNSF Railway being a tangent curve to the right and concave to the South having a radius of 2,764.93 (rec. same) and central angle of 2°00'00", an arc distance of 96.51 (96.52 rec.) feet to a ½" re-bar with plastic cap stamped "LS 14184" set at a Point of Tangency;

Thence S 79°36'47" E (S 79°40'09" E rec.) a distance of 510.00 feet along said South right-of-way line of the BNSF Railway to a point that lies 100.0 feet southerly of the centerline of the South Main (Westbound) rails of said BNSF Railway;

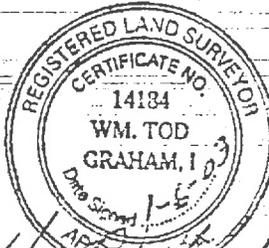
Thence S 79°36'47" E (S 79°40'09" E rec.) a distance of 413.49 feet along said South right-of-way line of the BNSF Railway, which lies 100.0 feet southerly of and parallel with said centerline of the South Main (Westbound) rails, to a ½" re-bar with plastic cap stamped "LS 14184" set at the intersection of said South right-of-way line with the Northerly projection of the centerline of steel columns aligned along the East wall of the Purina building as it existed in November of the year 2002;

Thence S 10°22'23" W a distance of 364.83 feet along said centerline projection and said centerline of steel columns to an angle point in said East wall;

Thence N 79°37'37" W a distance of 115.06 feet along said centerline of steel columns to an angle point in said East wall;

Thence S 10°22'23" W a distance of 331.18 feet along said centerline of steel columns and the southerly projection of said centerline to a ½" re-bar with plastic cap stamped "LS 14184" set on said North right-of-way line of I-40;

Thence Westerly along said North right-of-way line of I-40, being a non-tangent curve to the left and concave to the South having a chord bearing and length of S 80°27'22" W - 1,080.42 feet, radius of 14,523.95 (rec. same) feet and central angle of 4°15'47", an arc distance of 1,080.67 feet to the POINT OF BEGINNING.



# Landmark Engineering & Surveying, Inc.

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FOUNDED 1979

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Wm. Tod Graham I.R.L.S.  
president

January 6, 2003  
Job No.: 102509

## LEGAL DESCRIPTION PURINA EAST PARCEL

A parcel of land being a portion of the "Purina Tract" as described in Exhibit "A" of that certain document recorded in Docket 476, Pages 41-46 (rec.) of the Coconino County Recorder's Office and being situated in the North half of Section 8, Township 21 North, Range 8 East of the Gila and Salt River Meridian in Coconino County, Arizona, said parcel being more particularly described as follows:

Commencing at a ¾" O.D. iron pipe with no identification found in a handhole at the Northwest corner of said Section 8 and from which a square headed bolt found at the West quarter corner of said Section 8, lies S 01°10'00" E (basis of bearings per rec.) a distance of 2,665.67 feet;

Thence from said Northwest corner of Section 8, S 01°10'00" E (rec. same) a distance 2,567.77 (2,573.23 rec.) feet along the West line of said North half of Section 8 to a point on the North right-of-way line of Interstate Highway 40 (I-40) and from which a 60d nail with no identification was found lying S 88°19'56" W a distance of 0.57 foot;

Thence N 88°19'56" E (N 87°30'55" E rec.) a distance of 124.09 (125.81 rec.) feet along said North right-of-way line to an Arizona Highway Department (A.H.D.) brass cap right-of-way monument found in concrete at the beginning of a non-tangent curve;

Thence Easterly along said North right-of-way line being a curve to the right and concave to the South having a chord bearing and length of N 78°06'43" E - 107.80 feet, radius of 14,523.95 (rec. same) and central angle of 0°25'31", an arc distance of 107.80 (106.09 rec.) feet to a ½" re-bar with plastic cap stamped "LS 14184" set at the Southwest corner of said "Purina Tract";

Thence N 01°10'00" W (rec. same) a distance of 533.05 (527.54 rec.) feet along the West boundary of said "Purina Tract", which is a line that lies 230.00 feet East of and parallel with said West line of the North half of Section 8, to a ½" re-bar with plastic cap stamped "LS 14184" set at an angle point in said West boundary;

Thence N 26°36'03" W (rec. same) a distance of 535.54 (rec. same) feet to a ½" re-bar with plastic cap stamped "LS 14184" set at the intersection of said West line of the North half of Section 8 with the South right-of-way line of the Burlington Northern and Santa Fe Railway (BNSF) (formerly Atchison, Topeka and Santa Fe Railway);

Thence N 84°23'13" E (N 84°23'24" E rec.) a distance of 177.33 (198.30 rec.) feet along said South right-of-way line of the BNSF Railway to a ½" re-bar with plastic cap stamped "LS 14184" set at a Point of Curvature;

Thence Easterly along said South right-of-way line of the BNSF Railway being a tangent curve to the right and concave to the South having a radius of 2,764.93 (rec. same) and central angle of 2°00'00", an arc distance of 96.51 (96.52 rec.) feet to a ½" re-bar with plastic cap stamped "LS 14184" set at a Point of Compound Curvature;

Thence Easterly along said South right-of-way line of the BNSF Railway being a tangent curve to the right and concave to the South having a radius of 1,332.69 (rec.



same) and central angle of 12°00'00", an arc distance of 279.12 (rec. same) feet to a ½" re-bar with plastic cap stamped "LS 14184" set at a Point of Compound Curvature;

Thence Easterly along said South right-of-way line of the BNSF Railway being a tangent curve to the right and concave to the South having a radius of 2,764.93 (rec. same) and central angle of 2°00'00", an arc distance of 96.51 (96.52 rec.) feet to a ½" re-bar with plastic cap stamped "LS 14184" set at a Point of Tangency;

Thence S 79°36'47" E (S 79°40'09" E rec.) a distance of 510.00 feet along said South right-of-way line of the BNSF Railway to a point that lies 100.0 feet southerly of the centerline of the South Main (Westbound) rails of said BNSF Railway;

Thence S 79°36'47" E (S 79°40'09" E rec.) a distance of 413.49 feet along said South right-of-way line of the BNSF Railway, which lies 100.0 feet southerly of and parallel with said centerline of the South Main (Westbound) rails, to a ½" re-bar with plastic cap stamped "LS 14184" set at the intersection of said South right-of-way line with the Northerly projection of the centerline of steel columns aligned along the East wall of the Purina building as it existed in November of the year 2002, said intersection being the POINT OF BEGINNING ;

Thence S 10°22'23" W a distance of 364.83 feet along said centerline projection and said centerline of steel columns to an angle point in said East wall;

Thence N 79°37'37" W a distance of 115.06 feet along said centerline of steel columns to an angle point in said East wall;

Thence S 10°22'23" W a distance of 331.18 feet along said centerline of steel columns and the southerly projection of said centerline to a ½" re-bar with plastic cap stamped "LS 14184" set on said North right-of-way line of I-40;

Thence Easterly along said North right-of-way line of I-40, being a non-tangent curve to the right and concave to the South having a chord bearing and length of S 89°31'08" E - 3,989.06 feet, radius of 14,523.95 (rec. same) feet and central angle of 15°47'11"; an arc distance of 4,001.70 feet to a point on the East line of said North half of Section 8, from which an A.H.D. brass cap right-of-way monument found in concrete lies S 81°37'31" E a distance of 0.19 foot;

Thence N 00°21'19" E a distance of 9.94 feet along said East line of the North half of Section 8 to a ½" re-bar with plastic cap stamped "LS 14184" set on said South right-of-way line of the BNSF Railway which lies 100.0 feet southerly of and parallel with said centerline of the South Main (Westbound) rails; and from said set re-bar, an A.H.D. brass cap right-of-way monument found in concrete lies N 01°35'58" E a distance of 2.48 feet;

Thence N 79°36'47" W (N 79°40'09" W & N 79°43'03" W rec.) a distance of 3,812.96 feet along said South right-of-way line of the BNSF Railway to the POINT OF BEGINNING.



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# Landmark Engineering & Surveying, Inc.

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Wm.Tod Graham I.R.L.S.  
president

January 6, 2003  
Job No.: 102509

## LEGAL DESCRIPTION PURINA EASEMENT

A strip of land 50.00 feet wide being a portion of the "Purina Tract" as described in Exhibit "A" of that certain document recorded in Docket 476, Pages 41-46 (rec.) of the Coconino County Recorder's Office and being situated in the North half of Section 8, Township 21 North, Range 8 East of the Gila and Salt River Meridian in Coconino County, Arizona, said strip of land being more particularly defined as lying 25.00 feet on each side of the following described centerline:

Commencing at a ¾" O.D. iron pipe with no identification found in a handhole at the Northwest corner of said Section 8 and from which a square headed bolt found at the West quarter corner of said Section 8, lies S 01°10'00" E (basis of bearings per rec.) a distance of 2,665.67 feet;

Thence from said Northwest corner of Section 8, S 01°10'00" E (rec. same) a distance 2,567.77 (2,573.23 rec.) feet along the West line of said North half of Section 8 to a point on the North right-of-way line of Interstate Highway 40 (I-40) and from which a 60d nail with no identification was found lying S 88°19'56" W a distance of 0.57 foot;

Thence N 88°19'56" E (N 87°30'55" E rec.) a distance of 124.09 (125.81 rec.) feet along said North right-of-way line to an Arizona Highway Department (A.H.D.) brass cap right-of-way monument found in concrete at the beginning of a non-tangent curve;

Thence Easterly along said North right-of-way line being a curve to the right and concave to the South having a chord bearing and length of N 78°06'43" E -107.80 feet, radius of 14,523.95 (rec. same) and central angle of 0°25'31", an arc distance of 107.80 (106.09 rec.) feet to a ½" re-bar with plastic cap stamped "LS 14184" set at the Southwest corner of said "Purina Tract";

Thence N 01°10'00" W (rec. same) a distance of 35.42 feet along the West boundary of said "Purina Tract", which is a line that lies 230.00 feet East of and parallel with said West line of the North half of Section 8, to the POINT OF BEGINNING of centerline (side lines of strip begin on said West boundary of the "Purina Tract");

Thence N 75°42'07" E a distance of 237.77 feet;

Thence N 80°14'11" E a distance of 384.51 feet;

Thence N 82°03'30" E a distance of 469.59 feet to the point of terminus of centerline on the East boundary of the "Purina West Parcel", said point lies N 80°27'22" E a distance of 1,080.42 feet, thence N 10°22'23" E a distance of 45.84 feet from said Southwest corner of the "Purina Tract" (side lines of strip end on said East boundary of the "Purina West Parcel").

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# LANDMARK ENGINEERING & SURVEYING, INC.

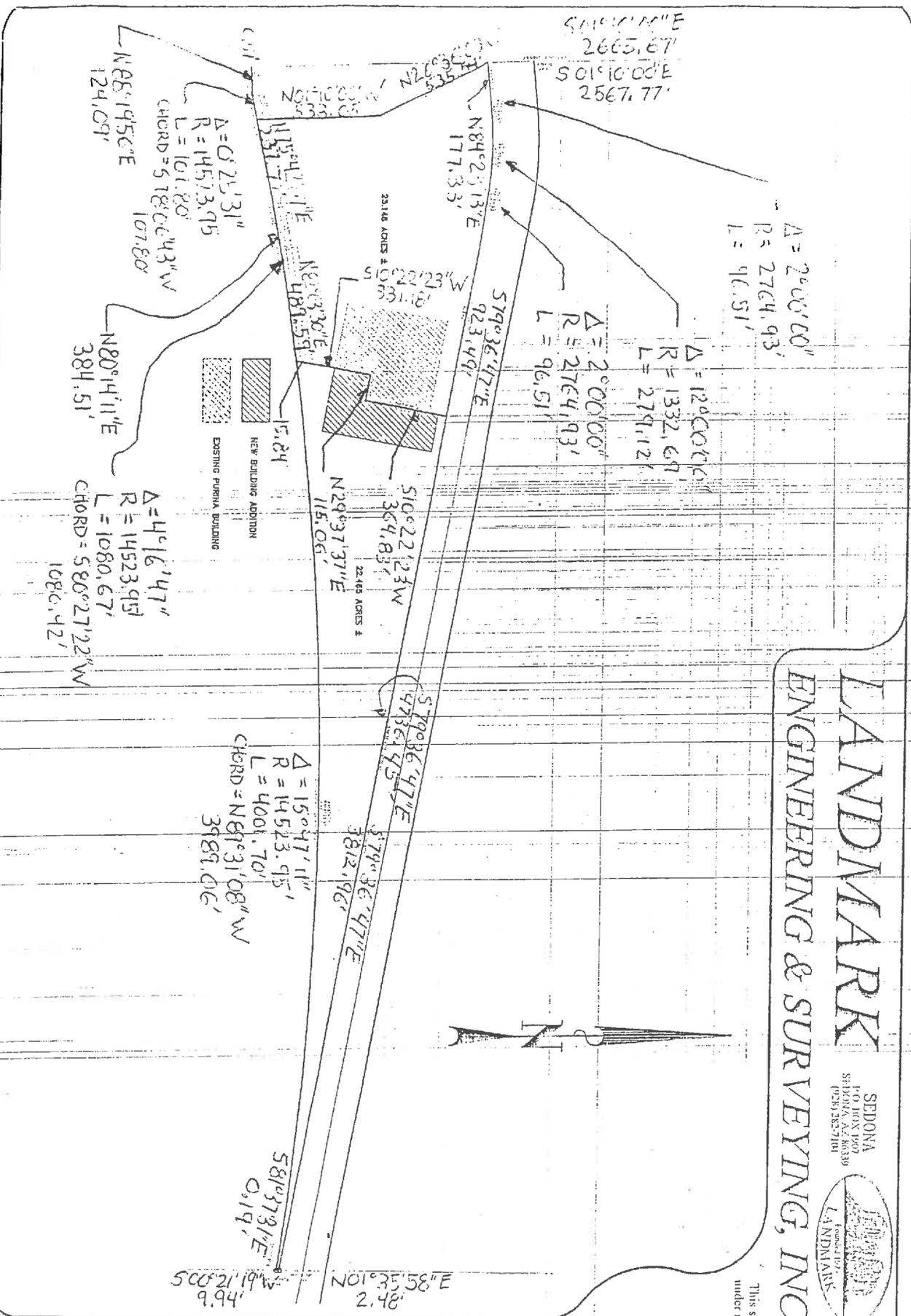
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(928) 282-7101



FLAGSTAFF  
1515 E. HIGHLAND AVE.  
FLAGSTAFF, AZ 86001  
(928) 774-1955

www.landmarkes.com

This survey was performed under my direct supervision



Date: January 07, 2001

Revisions:

Project Manag  
Survey Crew

C.A.D. by: J. Rogers  
Checked by: T. Graham  
Contour Interv: N. A.

Scale: 1" = 400'

Project Name: 102509

File Name: boundary.dwg

Sheet: 1 of 1

Job No.: 102509

Scale: 102509

EXHIBIT "B"

PARCEL 1 AS DESCRIBED IN DOCKET 662, PAGE 74 (HEREINAFTER REFERRED TO AS R1) WHICH IS ALL OF THAT PORTION OF THE SOUTH HALF OF THE NORTHEAST QUARTER OF SECTION 7, TOWNSHIP 21 NORTH, RANGE 8 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN IN COCONINO COUNTY, ARIZONA LYING SOUTH OF THE SOUTHERLY RIGHT OF WAY LINE OF THE BNSF/ATSF RAILROAD AND NORTHERLY OF THE INTERSTATE 40 RIGHT OF WAY AND OFF RAMP AS SHOWN ON THE ADOT RIGHT-OF-WAY MAP PROJECT #1-40-4-701, SHEET 5 OF 5 DATED 1973 (HEREINAFTER REFERRED TO AS R2) AND EAST OF U.S. HIGHWAY 89, ALSO KNOWN AS THE CONTINENTAL DRIVE OVERPASS, AND EXCEPT THAT CERTAIN PARCEL OF LAND SET FORTH IN A SPECIAL WARRANTY DEED TO ADOT AND RECORDED IN INSTRUMENT 3390420 (HEREINAFTER REFERRED TO AS R6) MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING, FOR REFERENCE, AT THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 7, A POINT FROM WHICH THE NORTHEAST CORNER OF SECTION 7 BEARS NORTH 01 DEGREES 10 MINUTES 00 SECONDS WEST, A DISTANCE OF 2,662.66 FEET AWAY (BASIS OF BEARING AS PER R1);

THENCE NORTH 01 DEGREES 10 MINUTES 00 SECONDS WEST ALONG THE EAST LINE OF SECTION 7 A DISTANCE OF 94.89 FEET TO THE INTERSECTION OF THE EAST LINE OF SECTION 7 WITH THE NORTHERLY RIGHT-OF-WAY LINE OF INTERSTATE 40 AND THE TRUE POINT OF BEGINNING OF THIS DESCRIPTION;

THENCE SOUTH 82 DEGREES 13 MINUTES 08 SECONDS WEST ALONG SAID NORTHERLY RIGHT-OF-WAY LINE A DISTANCE OF 486.55 FEET TO A POINT HEREINAFTER REFERRED TO AS "POINT A";

THENCE CONTINUING SOUTH 82 DEGREES 13 MINUTES 08 SECONDS WEST ALONG SAID NORTHERLY RIGHT-OF-WAY LINE A DISTANCE OF 286.32 FEET TO A POINT WHICH LIES ALONG THE EAST-WEST MID-SECTION LINE OF SECTION 7;

THENCE SOUTH 89 DEGREES 50 MINUTES 25 SECONDS WEST ALONG SAID EAST-WEST MID-SECTION LINE, A DISTANCE OF 24.83 FEET TO THE BEGINNING OF A NON-TANGENT CURVE, CONCAVE TO THE NORTHEAST;

THENCE ALONG SAID CURVE, THE ARC LENGTH OF WHICH IS 236.69 FEET, THROUGH A CENTRAL ANGLE OF 12 DEGREES 22 MINUTES 28 SECONDS, THE RADIUS OF WHICH IS 1,095.92 FEET, WITH A CHORD BEARING OF NORTH 71 DEGREES 22 MINUTES 37 SECONDS WEST, AND WITH A CHORD LENGTH OF 236.23 FEET;

THENCE NORTH 66 DEGREES 35 MINUTES 27 SECONDS WEST A DISTANCE OF 150.22 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE SOUTH;

THENCE ALONG SAID CURVE, THE ARC LENGTH OF WHICH IS 428.93 FEET, THROUGH A CENTRAL ANGLE OF 35 DEGREES 47 MINUTES 31 SECONDS, THE RADIUS OF WHICH IS 686.63 FEET, WITH A CHORD BEARING OF NORTH 84 DEGREES 31 MINUTES 14 SECONDS WEST, AND WITH A CHORD LENGTH OF 421.99 FEET, TO THE SOUTHEASTERLY CORNER OF SAID R6;

THENCE NORTH 44 DEGREES 48 MINUTES 59 SECONDS WEST, A DISTANCE OF 423.39 FEET TO THE NORTHEASTERLY CORNER OF R6;

THENCE SOUTH 45 DEGREES 11 MINUTES 28 SECONDS WEST, A DISTANCE OF 40.00 FEET TO A POINT WHICH LIES ALONG THE EASTERLY RIGHT-OF-WAY LINE OF US HIGHWAY 89, ALSO KNOWN AS THE CONTINENTAL DRIVE OVERPASS;

THENCE NORTH 44 DEGREES 04 MINUTES 37 SECONDS WEST ALONG SAID EASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 220.05 FEET TO THE SOUTHWESTERLY CORNER OF THAT CERTAIN PARCEL OF LAND AS RECORDED IN INSTRUMENT 3263227;

THENCE NORTH 57 DEGREES 11 MINUTES 14 SECONDS EAST, A DISTANCE OF 227.12 FEET TO THE BEGINNING OF A CURVE, CONCAVE TO THE SOUTHEAST;

THENCE ALONG SAID CURVE THE ARC LENGTH OF WHICH IS 185.05 FEET, THROUGH A CENTRAL ANGLE OF 24 DEGREES 24 MINUTES 32 SECONDS, THE RADIUS OF WHICH IS 434.37 FEET, WITH A CHORD BEARING OF NORTH 69 DEGREES 24 MINUTES 18 SECONDS EAST, AND WITH A CHORD LENGTH OF 183.65 FEET, TO THE SOUTHEASTERLY CORNER OF SAID INSTRUMENT 3263227;

THENCE NORTH 01 DEGREES 04 MINUTES 11 SECONDS WEST A DISTANCE OF 109.74 FEET TO THE NORTHEASTERLY CORNER OF SAID INSTRUMENT 3263227, SAID POINT BEING THE BEGINNING OF A NON-TANGENT CURVE, CONCAVE TO THE SOUTHEAST;

THENCE ALONG SAID CURVE, THE ARC LENGTH OF WHICH IS 324.48 FEET, THROUGH A CENTRAL ANGLE OF 07 DEGREES 23 MINUTES 37 SECONDS, THE RADIUS OF WHICH IS 2,514.51 FEET, WITH A CHORD BEARING OF SOUTH 72 DEGREES 50 MINUTES 29 SECONDS WEST, AND WITH A CHORD LENGTH OF 324.25 FEET;

THENCE SOUTH 69 DEGREES 08 MINUTES 29 SECONDS WEST A DISTANCE OF 191.45 FEET, TO THE NORTHWESTERLY CORNER OF SAID INSTRUMENT 3263227, SAID POINT BEING LIES ALONG THE EASTERLY RIGHT-OF-WAY LINE OF US HIGHWAY 89, ALSO KNOWN AS THE CONTINENTAL DRIVE OVERPASS;

THENCE NORTH 43 DEGREES 46 MINUTES 26 SECONDS WEST ALONG SAID EASTERLY RIGHT-OF-WAY LINE A DISTANCE OF 54.29 FEET TO A POINT WHICH LIES ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF THE BNSF/ATSF RAILROAD RIGHT-OF-WAY;

THENCE NORTH 69 DEGREES 09 MINUTES 46 SECONDS EAST ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 561.60 FEET TO AN ANGLE POINT;

THENCE NORTH 84 DEGREES 23 MINUTES 34 SECONDS EAST ALONG SAID SOUTHERLY RIGHT OF WAY LINE, A DISTANCE OF 1,679.81 FEET TO A POINT WHICH LIES ALONG THE EAST LINE OF SECTION 7;

THENCE SOUTH 01 DEGREES 10 MINUTES 00 SECONDS EAST ALONG SAID EAST LINE, A DISTANCE OF 1,037.83 FEET TO THE POINT OF BEGINNING.

EXCEPTING THAT CERTAIN PARCEL OF LAND AS RECORDED IN INSTRUMENT 3417898 AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING, FOR REFERENCE, AT THE ABOVE REFERENCED "POINT A";

THENCE NORTH 07 DEGREES 46 MINUTES 52 SECONDS WEST A DISTANCE OF 50.59 FEET TO A FOUND 1/2 INCH REBAR AND THE TRUE POINT OF BEGINNING;

THENCE SOUTH 82 DEGREES 28 MINUTES 39 SECONDS WEST, A DISTANCE OF 147.62 FEET TO THE BEGINNING OF A CURVE, CONCAVE TO THE NORTH;

THENCE ALONG SAID CURVE, THE ARC LENGTH OF WHICH IS 330.15 FEET, THROUGH A CENTRAL ANGLE OF 27 DEGREES 57 MINUTES 31 SECONDS, THE RADIUS OF WHICH IS 676.58 FEET, WITH A CHORD BEARING OF NORTH 83 DEGREES 32 MINUTES 02 SECONDS WEST, AND WITH A CHORD LENGTH OF 326.88 FEET;

THENCE NORTH 07 DEGREES 32 MINUTES 26 SECONDS WEST A DISTANCE OF 422.82 FEET;

THENCE NORTH 82 DEGREES 31 MINUTES 11 SECONDS EAST A DISTANCE OF 464.96 FEET;

THENCE SOUTH 07 DEGREES 31 MINUTES 15 SECONDS EAST A DISTANCE OF 501.49 FEET TO THE POINT OF BEGINNING.

EXCEPTING THAT CERTAIN PARCEL OF LAND AS RECORDED IN SPECIAL WARRANTY DEED AS 2008-3491528 OF OFFICIAL RECORDS AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PARCEL NO. 1:

THE FOLLOWING IS A DESCRIPTION OF A PARCEL OF LAND, BEING A PORTION OF THE PARCEL DESCRIBED IN DOCKET 652, PAGE 74, COCONINO COUNTY RECORDS (CCR), SITUATE IN SECTION 7, TOWNSHIP 21 NORTH, RANGE 8 EAST, OF THE GILA AND SALT RIVER BASE AND MERIDIAN, FLAGSTAFF, COCONINO COUNTY, ARIZONA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF THE PARCEL DESCRIBED IN INSTRUMENT 3314041 (CCR);

THENCE SOUTH 07 DEGREES 32 MINUTES 25 SECONDS EAST (BASIS OF BEARINGS) ALONG WESTERLY LINE OF THE PARCEL DESCRIBED IN INSTRUMENT 3314041 A DISTANCE OF 420.55 FEET TO A POINT WHICH IS THE BEGINNING OF A NON-TANGENT CURVE, CONCAVE TO THE NORTHEAST HAVING A RADIUS OF 674.58 FEET AND TO WHICH BEGINNING A RADIAL LINE BEARS SOUTH 20 DEGREES 28 MINUTES 30 SECONDS WEST;

THENCE NORTHWESTERLY 33.78 FEET THROUGH A CENTRAL ANGLE OF 02 DEGREES 52 MINUTES 08 SECONDS;

THENCE ON A NON-TANGENT LINE NORTH 64 DEGREES 56 MINUTES 15 SECONDS WEST A DISTANCE OF 47.56 FEET TO THE BEGINNING OF A NON-TANGENT CURVE CONCAVE TO THE NORTHEAST HAVING A RADIUS OF 273.00 FEET AND TO WHICH A RADIAL LINE BEARS SOUTH 23 DEGREES 20 MINUTES 25 SECONDS WEST;

THENCE NORTHWESTERLY AND NORTHERLY 316.20 FEET THROUGH A CENTRAL ANGLE OF 66 DEGREES 21 MINUTES 45 SECONDS TO THE BEGINNING OF A REVERSE CURVE CONCAVE TO THE WEST HAVING A RADIUS OF 399.77 FEET;

THENCE NORTHERLY 110.67 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 15 DEGREES 51 MINUTES 39 SECONDS, TO A POINT ON THE SOUTHERLY LINE OF THE PROPOSED RIGHT-OF-WAY OF INDUSTRIAL DRIVE REALIGNMENT.

THENCE NORTH 68 DEGREES 18 MINUTES 56 SECONDS EAST ALONG THE SOUTHERLY LINE OF THE PROPOSED RIGHT-OF-WAY OF INDUSTRIAL DRIVE REALIGNMENT A DISTANCE OF 74.91 FEET TO THE BEGINNING OF A CURVE, CONCAVE TO THE NORTHWEST HAVING A RADIUS OF 255.98 FEET;

THENCE NORTHEASTERLY ALONG THE SOUTHERLY LINE THE PROPOSED RIGHT-OF-WAY OF INDUSTRIAL DRIVE REALIGNMENT 153.03 FEET THROUGH A CENTRAL ANGLE OF 34 DEGREES 15 MINUTES 08 SECONDS;

THENCE SOUTH 07 DEGREES 32 MINUTES 26 SECONDS EAST A DISTANCE OF 97.27 FEET TO THE TRUE POINT OF BEGINNING.

PARCEL NO. 2:

THE FOLLOWING IS A DESCRIPTION OF A 2.00 FOOT WIDE STRIP OF LAND, BEING A PORTION OF THE PARCEL DESCRIBED IN DOCKET 662, PAGE 74, COCONINO COUNTY RECORDS (CCR) (BASIS OF BEARINGS IS THE NORTH LINE OF THE PARCEL DESCRIBED IN INSTRUMENT 3314041), SITUATE IN SECTION 7, TOWNSHIP 21 NORTH, RANGE 8 EAST, OF THE GILA AND SALT RIVER BASE AND

MERIDIAN, FLAGSTAFF, COCONINO COUNTY, ARIZONA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF THE PARCEL DESCRIBED IN INSTRUMENT 3314041 (CCR); WHICH IS THE BEGINNING OF A NON-TANGENT CURVE, CONCAVE TO THE NORTHEAST HAVING A RADIUS OF 676.58 FEET AND TO WHICH BEGINNING A RADIAL LINE BEARS SOUTH 20 DEGREES 21 MINUTES 37 SECONDS WEST;

THENCE NORTHWESTERLY 35.27 FEET THROUGH A CENTRAL ANGLE OF 02 DEGREES 59 MINUTES 11 SECONDS;

THENCE ON A NON-TANGENT LINE NORTH 64 DEGREES 56 MINUTES 15 SECONDS WEST A DISTANCE OF 47.56 FEET TO THE BEGINNING OF A NON-TANGENT CURVE CONCAVE TO THE NORTHEAST HAVING A RADIUS OF 275.00 FEET AND TO WHICH A RADIAL LINE BEARS SOUTH 23 DEGREES 20 MINUTES 48 SECONDS WEST;

THENCE NORTHWESTERLY AND NORTHERLY 318.49 FEET THROUGH A CENTRAL ANGLE OF 66 DEGREES 21 MINUTES 22 SECONDS TO THE BEGINNING OF A REVERSE CURVE CONCAVE TO THE WEST HAVING A RADIUS OF 397.77 FEET;

THENCE NORTHERLY 109.92 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 15 DEGREES 49 MINUTES 59 SECONDS, TO A POINT ON THE SOUTHERLY LINE OF THE PROPOSED RIGHT-OF-WAY OF INDUSTRIAL DRIVE REALIGNMENT.

THENCE ON A NON-TANGENT LINE NORTH 68 DEGREES 18 MINUTES 56 SECONDS EAST ALONG THE SOUTHERLY LINE OF THE PROPOSED RIGHT-OF-WAY OF INDUSTRIAL DRIVE REALIGNMENT A DISTANCE OF 2.01 FEET TO THE BEGINNING OF A NON-TANGENT CURVE, CONCAVE TO THE WEST HAVING A RADIUS OF 399.77 FEET AND TO WHICH BEGINNING A RADIAL LINE BEARS NORTH 73 DEGREES 50 MINUTES 31 SECONDS EAST;

THENCE SOUTHERLY 110.67 FEET THROUGH A CENTRAL ANGLE OF 15 DEGREES 51 MINUTES 39 SECONDS TO THE BEGINNING OF A REVERSE CURVE CONCAVE TO THE EAST HAVING A RADIUS OF 273.00 FEET;

THENCE SOUTHEASTERLY AND SOUTHERLY 316.20 FEET THROUGH A CENTRAL ANGLE OF 66 DEGREES 21 MINUTES 45 SECONDS;

THENCE ON A NON-TANGENT LINE SOUTH 64 DEGREES 56 MINUTES 15 SECONDS EAST A DISTANCE OF 47.56 FEET TO THE BEGINNING OF A NON-TANGENT CURVE CONCAVE TO THE NORTHEAST HAVING A RADIUS OF 674.58 FEET AND TO WHICH A RADIAL LINE BEARS SOUTH 23 DEGREES 20 MINUTES 39 SECONDS WEST;

THENCE SOUTHEASTERLY 34.07 FEET THROUGH A CENTRAL ANGLE OF 02 DEGREES 53 MINUTES 38 SECONDS;

THENCE SOUTH 07 DEGREES 34 MINUTES 32 SECONDS EAST ALONG WESTERLY LINE OF THE PARCEL DESCRIBED IN INSTRUMENT 3314041 A DISTANCE OF 2.26 FEET TO THE TRUE POINT OF BEGINNING.

PARCEL 2 AS DESCRIBED IN DOCKET 662, PAGE 75 (HEREINAFTER REFERRED TO AS R1) WHICH IS ALL OF THAT PORTION OF SECTION 8, TOWNSHIP 21 NORTH, RANGE 8 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN IN COCONINO COUNTY, ARIZONA LYING NORTH OF THE NORTHERLY RIGHT-OF-WAY LINE OF INTERSTATE 40, SOUTH OF THE SOUTHERLY RIGHT-OF-WAY LINE OF THE BNSF/ATSF RAILROAD RIGHT-OF-WAY AND WEST OF THAT CERTAIN PARCEL OF LAND KNOWN AS THE RALSTON PURINA PROPERTY AS RECORDED IN INSTRUMENT 3242297, HEREINAFTER REFERRED TO AS R5, SAID PARCEL OF LAND IS MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING, FOR REFERENCE, AT THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 8, A POINT FROM WHICH THE NORTHWEST CORNER OF SECTION 8 BEARS NORTH 01 DEGREES 10 MINUTES 00 SECONDS WEST, A DISTANCE OF 2662.66 FEET AWAY (BASIS OF BEARING AS PER R1);

THENCE NORTH 01 DEGREES 10 MINUTES 00 SECONDS WEST ALONG THE WEST LINE OF SECTION 8 A DISTANCE OF 94.89 FEET TO THE INTERSECTION OF THE WEST LINE OF SECTION 8 WITH THE NORTHERLY RIGHT-OF-WAY LINE OF INTERSTATE 40 AND THE TRUE POINT OF BEGINNING OF THIS DESCRIPTION;

THENCE NORTH 01 DEGREES 10 MINUTES 00 SECONDS WEST ALONG THE WEST LINE OF SECTION 8 A DISTANCE OF 1,037.83 FEET TO THE NORTHWEST CORNER OF SAID RALSTON PURINA PROPERTY;

THENCE SOUTH 26 DEGREES 36 MINUTES 03 SECONDS EAST A DISTANCE OF 535.54 FEET TO AN ANGLE POINT ALONG THE WEST LINE OF THE RALSTON PURINA PARCEL;

THENCE SOUTH 01 DEGREES 10 MINUTES 00 SECONDS EAST A DISTANCE OF 533.05 FEET TO THE SOUTHWEST CORNER OF SAID RALSTON PURINA PARCEL, SAID POINT BEING THE BEGINNING OF A NON-TANGENT CURVE, CONCAVE TO THE SOUTH;

THENCE ALONG SAID CURVE, THE ARC LENGTH OF WHICH IS 107.47 FEET, THROUGH A CENTRAL ANGLE OF 00 DEGREES 25 MINUTES 26 SECONDS, THE RADIUS OF WHICH IS 14,523.95 FEET, WITH A CHORD BEARING OF SOUTH 78 DEGREES 03 MINUTES 40 SECONDS WEST, AND WITH A CHORD LENGTH OF 107.47 FEET;

THENCE SOUTH 88 DEGREES 20 MINUTES 38 SECONDS WEST A DISTANCE OF 124.43 FEET TO THE POINT OF BEGINNING.

EXHIBIT "C"

PARCEL 1 AS DESCRIBED IN DOCKET 662, PAGE 74 (HEREINAFTER REFERRED TO AS R1) WHICH IS ALL OF THAT PORTION OF THE SOUTH HALF OF THE NORTHEAST QUARTER OF SECTION 7, TOWNSHIP 21 NORTH, RANGE 8 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN IN COCONINO COUNTY, ARIZONA LYING SOUTH OF THE SOUTHERLY RIGHT OF WAY LINE OF THE BNSF/ATSF RAILROAD AND NORTHERLY OF THE INTERSTATE 40 RIGHT OF WAY AND OFF RAMP AS SHOWN ON THE ADOT RIGHT-OF-WAY MAP PROJECT #1-40-4-701, SHEET 5 OF 5 DATED 1973 (HEREINAFTER REFERRED TO AS R2) AND EAST OF U.S. HIGHWAY 89, ALSO KNOWN AS THE CONTINENTAL DRIVE OVERPASS, AND EXCEPT THAT CERTAIN PARCEL OF LAND SET FORTH IN A SPECIAL WARRANTY DEED TO ADOT AND RECORDED IN INSTRUMENT 3390420 (HEREINAFTER REFERRED TO AS R6) MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING, FOR REFERENCE, AT THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 7, A POINT FROM WHICH THE NORTHEAST CORNER OF SECTION 7 BEARS NORTH 01 DEGREES 10 MINUTES 00 SECONDS WEST, A DISTANCE OF 2,662.66 FEET AWAY (BASIS OF BEARING AS PER R1);

THENCE NORTH 01 DEGREES 10 MINUTES 00 SECONDS WEST ALONG THE EAST LINE OF SECTION 7 A DISTANCE OF 94.89 FEET TO THE INTERSECTION OF THE EAST LINE OF SECTION 7 WITH THE NORTHERLY RIGHT-OF-WAY LINE OF INTERSTATE 40 AND THE TRUE POINT OF BEGINNING OF THIS DESCRIPTION;

THENCE SOUTH 82 DEGREES 13 MINUTES 08 SECONDS WEST ALONG SAID NORTHERLY RIGHT-OF-WAY LINE A DISTANCE OF 486.55 FEET TO A POINT HEREINAFTER REFERRED TO AS "POINT A";

THENCE CONTINUING SOUTH 82 DEGREES 13 MINUTES 08 SECONDS WEST ALONG SAID NORTHERLY RIGHT-OF-WAY LINE A DISTANCE OF 286.32 FEET TO A POINT WHICH LIES ALONG THE EAST-WEST MID-SECTION LINE OF SECTION 7;

THENCE SOUTH 89 DEGREES 50 MINUTES 25 SECONDS WEST ALONG SAID EAST-WEST MID-SECTION LINE, A DISTANCE OF 24.83 FEET TO THE BEGINNING OF A NON-TANGENT CURVE, CONCAVE TO THE NORTHEAST;

THENCE ALONG SAID CURVE, THE ARC LENGTH OF WHICH IS 236.69 FEET, THROUGH A CENTRAL ANGLE OF 12 DEGREES 22 MINUTES 28 SECONDS, THE RADIUS OF WHICH IS 1,095.92 FEET, WITH A CHORD BEARING OF NORTH 71 DEGREES 22 MINUTES 37 SECONDS WEST, AND WITH A CHORD LENGTH OF 236.23 FEET;

THENCE NORTH 66 DEGREES 35 MINUTES 27 SECONDS WEST A DISTANCE OF 150.22 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE SOUTH;

THENCE ALONG SAID CURVE, THE ARC LENGTH OF WHICH IS 428.93 FEET, THROUGH A CENTRAL ANGLE OF 35 DEGREES 47 MINUTES 31 SECONDS, THE RADIUS OF WHICH IS 686.63 FEET, WITH A CHORD BEARING OF NORTH 84 DEGREES 31 MINUTES 14 SECONDS WEST, AND WITH A CHORD LENGTH OF 421.99 FEET, TO THE SOUTHEASTERLY CORNER OF SAID R6;

THENCE NORTH 44 DEGREES 48 MINUTES 59 SECONDS WEST, A DISTANCE OF 423.39 FEET TO THE NORTHEASTERLY CORNER OF R6;

THENCE SOUTH 45 DEGREES 11 MINUTES 28 SECONDS WEST, A DISTANCE OF 40.00 FEET TO A POINT WHICH LIES ALONG THE EASTERLY RIGHT-OF-WAY LINE OF US HIGHWAY 89, ALSO KNOWN AS THE CONTINENTAL DRIVE OVERPASS;

THENCE NORTH 44 DEGREES 04 MINUTES 37 SECONDS WEST ALONG SAID EASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 220.05 FEET TO THE SOUTHWESTERLY CORNER OF THAT CERTAIN PARCEL OF LAND AS RECORDED IN INSTRUMENT 3263227;

THENCE NORTH 57 DEGREES 11 MINUTES 14 SECONDS EAST, A DISTANCE OF 227.12 FEET TO THE BEGINNING OF A CURVE, CONCAVE TO THE SOUTHEAST;

THENCE ALONG SAID CURVE THE ARC LENGTH OF WHICH IS 185.05 FEET, THROUGH A CENTRAL ANGLE OF 24 DEGREES 24 MINUTES 32 SECONDS, THE RADIUS OF WHICH IS 434.37 FEET, WITH A CHORD BEARING OF NORTH 69 DEGREES 24 MINUTES 18 SECONDS EAST, AND WITH A CHORD LENGTH OF 183.65 FEET, TO THE SOUTHEASTERLY CORNER OF SAID INSTRUMENT 3263227;

THENCE NORTH 01 DEGREES 04 MINUTES 11 SECONDS WEST A DISTANCE OF 109.74 FEET TO THE NORTHEASTERLY CORNER OF SAID INSTRUMENT 3263227, SAID POINT BEING THE BEGINNING OF A NON-TANGENT CURVE, CONCAVE TO THE SOUTHEAST;

THENCE ALONG SAID CURVE, THE ARC LENGTH OF WHICH IS 324.48 FEET, THROUGH A CENTRAL ANGLE OF 07 DEGREES 23 MINUTES 37 SECONDS, THE RADIUS OF WHICH IS 2,514.51 FEET, WITH A CHORD BEARING OF SOUTH 72 DEGREES 50 MINUTES 29 SECONDS WEST, AND WITH A CHORD LENGTH OF 324.25 FEET;

THENCE SOUTH 69 DEGREES 08 MINUTES 29 SECONDS WEST A DISTANCE OF 191.45 FEET, TO THE NORTHWESTERLY CORNER OF SAID INSTRUMENT 3263227, SAID POINT BEING LIES ALONG THE EASTERLY RIGHT-OF-WAY LINE OF US HIGHWAY 89, ALSO KNOWN AS THE CONTINENTAL DRIVE OVERPASS;

THENCE NORTH 43 DEGREES 46 MINUTES 26 SECONDS WEST ALONG SAID EASTERLY RIGHT-OF-WAY LINE A DISTANCE OF 54.29 FEET TO A POINT WHICH LIES ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF THE BNSF/ATSF RAILROAD RIGHT-OF-WAY;

THENCE NORTH 69 DEGREES 09 MINUTES 46 SECONDS EAST ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 561.60 FEET TO AN ANGLE POINT;

THENCE NORTH 84 DEGREES 23 MINUTES 34 SECONDS EAST ALONG SAID SOUTHERLY RIGHT OF WAY LINE, A DISTANCE OF 1,679.81 FEET TO A POINT WHICH LIES ALONG THE EAST LINE OF SECTION 7;

THENCE SOUTH 01 DEGREES 10 MINUTES 00 SECONDS EAST ALONG SAID EAST LINE, A DISTANCE OF 1,037.83 FEET TO THE POINT OF BEGINNING.

EXCEPTING THAT CERTAIN PARCEL OF LAND AS RECORDED IN INSTRUMENT 3417898 AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING, FOR REFERENCE, AT THE ABOVE REFERENCED "POINT A";

THENCE NORTH 07 DEGREES 46 MINUTES 52 SECONDS WEST A DISTANCE OF 50.59 FEET TO A FOUND 1/2 INCH REBAR AND THE TRUE POINT OF BEGINNING;

THENCE SOUTH 82 DEGREES 28 MINUTES 39 SECONDS WEST, A DISTANCE OF 147.62 FEET TO THE BEGINNING OF A CURVE, CONCAVE TO THE NORTH;

THENCE ALONG SAID CURVE, THE ARC LENGTH OF WHICH IS 330.15 FEET, THROUGH A CENTRAL ANGLE OF 27 DEGREES 57 MINUTES 31 SECONDS, THE RADIUS OF WHICH IS 676.58 FEET, WITH A CHORD BEARING OF NORTH 83 DEGREES 32 MINUTES 02 SECONDS WEST, AND WITH A CHORD LENGTH OF 326.88 FEET;

THENCE NORTH 07 DEGREES 32 MINUTES 26 SECONDS WEST A DISTANCE OF 422.82 FEET;

THENCE NORTH 82 DEGREES 31 MINUTES 11 SECONDS EAST A DISTANCE OF 464.96 FEET;

THENCE SOUTH 07 DEGREES 31 MINUTES 15 SECONDS EAST A DISTANCE OF 501.49 FEET TO THE POINT OF BEGINNING.

EXCEPTING THAT CERTAIN PARCEL OF LAND AS RECORDED IN SPECIAL WARRANTY DEED AS 2008-3491528 OF OFFICIAL RECORDS AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PARCEL NO. 1:

THE FOLLOWING IS A DESCRIPTION OF A PARCEL OF LAND, BEING A PORTION OF THE PARCEL DESCRIBED IN DOCKET 652, PAGE 74, COCONINO COUNTY RECORDS (CCR), SITUATE IN SECTION 7, TOWNSHIP 21 NORTH, RANGE 8 EAST, OF THE GILA AND SALT RIVER BASE AND MERIDIAN, FLAGSTAFF, COCONINO COUNTY, ARIZONA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF THE PARCEL DESCRIBED IN INSTRUMENT 3314041 (CCR);

THENCE SOUTH 07 DEGREES 32 MINUTES 25 SECONDS EAST (BASIS OF BEARINGS) ALONG WESTERLY LINE OF THE PARCEL DESCRIBED IN INSTRUMENT 3314041 A DISTANCE OF 420.55 FEET TO A POINT WHICH IS THE BEGINNING OF A NON-TANGENT CURVE, CONCAVE TO THE NORTHEAST HAVING A RADIUS OF 674.58 FEET AND TO WHICH BEGINNING A RADIAL LINE BEARS SOUTH 20 DEGREES 28 MINUTES 30 SECONDS WEST;

THENCE NORTHWESTERLY 33.78 FEET THROUGH A CENTRAL ANGLE OF 02 DEGREES 52 MINUTES 08 SECONDS;

THENCE ON A NON-TANGENT LINE NORTH 64 DEGREES 56 MINUTES 15 SECONDS WEST A DISTANCE OF 47.56 FEET TO THE BEGINNING OF A NON-TANGENT CURVE CONCAVE TO THE NORTHEAST HAVING A RADIUS OF 273.00 FEET AND TO WHICH A RADIAL LINE BEARS SOUTH 23 DEGREES 20 MINUTES 25 SECONDS WEST;

THENCE NORTHWESTERLY AND NORTHERLY 316.20 FEET THROUGH A CENTRAL ANGLE OF 66 DEGREES 21 MINUTES 45 SECONDS TO THE BEGINNING OF A REVERSE CURVE CONCAVE TO THE WEST HAVING A RADIUS OF 399.77 FEET;

THENCE NORTHERLY 110.67 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 15 DEGREES 51 MINUTES 39 SECONDS, TO A POINT ON THE SOUTHERLY LINE OF THE PROPOSED RIGHT-OF-WAY OF INDUSTRIAL DRIVE REALIGNMENT.

THENCE NORTH 68 DEGREES 18 MINUTES 56 SECONDS EAST ALONG THE SOUTHERLY LINE OF THE PROPOSED RIGHT-OF-WAY OF INDUSTRIAL DRIVE REALIGNMENT A DISTANCE OF 74.91 FEET TO THE BEGINNING OF A CURVE, CONCAVE TO THE NORTHWEST HAVING A RADIUS OF 255.98 FEET;

THENCE NORTHEASTERLY ALONG THE SOUTHERLY LINE THE PROPOSED RIGHT-OF-WAY OF INDUSTRIAL DRIVE REALIGNMENT 153.03 FEET THROUGH A CENTRAL ANGLE OF 34 DEGREES 15 MINUTES 08 SECONDS;

THENCE SOUTH 07 DEGREES 32 MINUTES 26 SECONDS EAST A DISTANCE OF 97.27 FEET TO THE TRUE POINT OF BEGINNING.

PARCEL NO. 2:

THE FOLLOWING IS A DESCRIPTION OF A 2.00 FOOT WIDE STRIP OF LAND, BEING A PORTION OF THE PARCEL DESCRIBED IN DOCKET 662, PAGE 74, COCONINO COUNTY RECORDS (CCR) (BASIS OF BEARINGS IS THE NORTH LINE OF THE PARCEL DESCRIBED IN INSTRUMENT 3314041), SITUATE IN SECTION 7, TOWNSHIP 21 NORTH, RANGE 8 EAST, OF THE GILA AND SALT RIVER BASE AND

MERIDIAN, FLAGSTAFF, COCONINO COUNTY, ARIZONA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF THE PARCEL DESCRIBED IN INSTRUMENT 3314041 (CCR); WHICH IS THE BEGINNING OF A NON-TANGENT CURVE, CONCAVE TO THE NORTHEAST HAVING A RADIUS OF 676.58 FEET AND TO WHICH BEGINNING A RADIAL LINE BEARS SOUTH 20 DEGREES 21 MINUTES 37 SECONDS WEST;

THENCE NORTHWESTERLY 35.27 FEET THROUGH A CENTRAL ANGLE OF 02 DEGREES 59 MINUTES 11 SECONDS;

THENCE ON A NON-TANGENT LINE NORTH 64 DEGREES 56 MINUTES 15 SECONDS WEST A DISTANCE OF 47.56 FEET TO THE BEGINNING OF A NON-TANGENT CURVE CONCAVE TO THE NORTHEAST HAVING A RADIUS OF 275.00 FEET AND TO WHICH A RADIAL LINE BEARS SOUTH 23 DEGREES 20 MINUTES 48 SECONDS WEST;

THENCE NORTHWESTERLY AND NORTHERLY 318.49 FEET THROUGH A CENTRAL ANGLE OF 66 DEGREES 21 MINUTES 22 SECONDS TO THE BEGINNING OF A REVERSE CURVE CONCAVE TO THE WEST HAVING A RADIUS OF 397.77 FEET;

THENCE NORTHERLY 109.92 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 15 DEGREES 49 MINUTES 59 SECONDS, TO A POINT ON THE SOUTHERLY LINE OF THE PROPOSED RIGHT-OF-WAY OF INDUSTRIAL DRIVE REALIGNMENT.

THENCE ON A NON-TANGENT LINE NORTH 68 DEGREES 18 MINUTES 56 SECONDS EAST ALONG THE SOUTHERLY LINE OF THE PROPOSED RIGHT-OF-WAY OF INDUSTRIAL DRIVE REALIGNMENT A DISTANCE OF 2.01 FEET TO THE BEGINNING OF A NON-TANGENT CURVE, CONCAVE TO THE WEST HAVING A RADIUS OF 399.77 FEET AND TO WHICH BEGINNING A RADIAL LINE BEARS NORTH 73 DEGREES 50 MINUTES 31 SECONDS EAST;

THENCE SOUTHERLY 110.67 FEET THROUGH A CENTRAL ANGLE OF 15 DEGREES 51 MINUTES 39 SECONDS TO THE BEGINNING OF A REVERSE CURVE CONCAVE TO THE EAST HAVING A RADIUS OF 273.00 FEET;

THENCE SOUTHEASTERLY AND SOUTHERLY 316.20 FEET THROUGH A CENTRAL ANGLE OF 66 DEGREES 21 MINUTES 45 SECONDS;

THENCE ON A NON-TANGENT LINE SOUTH 64 DEGREES 56 MINUTES 15 SECONDS EAST A DISTANCE OF 47.56 FEET TO THE BEGINNING OF A NON-TANGENT CURVE CONCAVE TO THE NORTHEAST HAVING A RADIUS OF 674.58 FEET AND TO WHICH A RADIAL LINE BEARS SOUTH 23 DEGREES 20 MINUTES 39 SECONDS WEST;

THENCE SOUTHEASTERLY 34.07 FEET THROUGH A CENTRAL ANGLE OF 02 DEGREES 53 MINUTES 38 SECONDS;

THENCE SOUTH 07 DEGREES 34 MINUTES 32 SECONDS EAST ALONG WESTERLY LINE OF THE PARCEL DESCRIBED IN INSTRUMENT 3314041 A DISTANCE OF 2.26 FEET TO THE TRUE POINT OF BEGINNING.

PARCEL 2 AS DESCRIBED IN DOCKET 662, PAGE 75 (HEREINAFTER REFERRED TO AS R1) WHICH IS ALL OF THAT PORTION OF SECTION 8, TOWNSHIP 21 NORTH, RANGE 8 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN IN COCONINO COUNTY, ARIZONA LYING NORTH OF THE NORTHERLY RIGHT-OF-WAY LINE OF INTERSTATE 40, SOUTH OF THE SOUTHERLY RIGHT-OF-WAY LINE OF THE BNSF/ATSF RAILROAD RIGHT-OF-WAY AND WEST OF THAT CERTAIN PARCEL OF LAND KNOWN AS THE RALSTON PURINA PROPERTY AS RECORDED IN INSTRUMENT 3242297, HEREINAFTER REFERRED TO AS R5, SAID PARCEL OF LAND IS MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING, FOR REFERENCE, AT THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 8, A POINT FROM WHICH THE NORTHWEST CORNER OF SECTION 8 BEARS NORTH 01 DEGREES 10 MINUTES 00 SECONDS WEST, A DISTANCE OF 2662.66 FEET AWAY (BASIS OF BEARING AS PER R1);

THENCE NORTH 01 DEGREES 10 MINUTES 00 SECONDS WEST ALONG THE WEST LINE OF SECTION 8 A DISTANCE OF 94.89 FEET TO THE INTERSECTION OF THE WEST LINE OF SECTION 8 WITH THE NORTHERLY RIGHT-OF-WAY LINE OF INTERSTATE 40 AND THE TRUE POINT OF BEGINNING OF THIS DESCRIPTION;

THENCE NORTH 01 DEGREES 10 MINUTES 00 SECONDS WEST ALONG THE WEST LINE OF SECTION 8 A DISTANCE OF 1,037.83 FEET TO THE NORTHWEST CORNER OF SAID RALSTON PURINA PROPERTY;

THENCE SOUTH 26 DEGREES 36 MINUTES 03 SECONDS EAST A DISTANCE OF 535.54 FEET TO AN ANGLE POINT ALONG THE WEST LINE OF THE RALSTON PURINA PARCEL;

THENCE SOUTH 01 DEGREES 10 MINUTES 00 SECONDS EAST A DISTANCE OF 533.05 FEET TO THE SOUTHWEST CORNER OF SAID RALSTON PURINA PARCEL, SAID POINT BEING THE BEGINNING OF A NON-TANGENT CURVE, CONCAVE TO THE SOUTH;

THENCE ALONG SAID CURVE, THE ARC LENGTH OF WHICH IS 107.47 FEET, THROUGH A CENTRAL ANGLE OF 00 DEGREES 25 MINUTES 26 SECONDS, THE RADIUS OF WHICH IS 14,523.95 FEET, WITH A CHORD BEARING OF SOUTH 78 DEGREES 03 MINUTES 40 SECONDS WEST, AND WITH A CHORD LENGTH OF 107.47 FEET;

THENCE SOUTH 88 DEGREES 20 MINUTES 38 SECONDS WEST A DISTANCE OF 124.43 FEET TO THE POINT OF BEGINNING.



EXHIBIT [REDACTED] "D"

**LEGAL DESCRIPTION (Industrial Drive):**

A parcel of land, said parcel being a portion of Parcel 1 as described in Instrument No. 3510883 (R) of the Records of Coconino County, Arizona, situated in the Northeast 1/4 of Section 7, Township 21 North, Range 8 East, Gila and Salt River Meridian, Coconino County, Arizona, said parcel of land being more particularly described as follows:

**BEGINNING** at the point described as "The Northwesterly corner of said Instrument 3263227, said point being lies along the Easterly Right-of-Way line of U.S. Highway 89, also known as the Continental Drive Overpass" in (R), thence N 43° 36' 39" W, along said Easterly Right-of-Way line of U.S. Highway 89, for a distance of 54.27 feet to the South Right-of-Way line of Burlington Northern Santa Fe Railroad;

thence N 69° 20' 45" E, along said South Right-of-Way line, for a distance of 561.61 feet to a point;

thence N 84° 34' 36" E, along said South Right-of-Way line, for a distance of 429.36 feet to a point of curvature;

thence Southeasterly and Southerly along a curve to the right, having a central angle of 90° 00' 00" and a radius of 255.92 feet, for a distance of 402.00 feet, the chord of said curve bears S 50° 25' 24" E for 361.92 feet, to a point of compound curve;

thence Southerly and Southwesterly along a curve to the right, having a central angle of 39° 38' 47" and a radius of 255.98 feet, for a distance of 177.13 feet, the chord of said curve bears S 14° 23' 59" E for 173.62 feet, to point on said curve, said point being the Northeast parcel corner of Exception Parcel No. 1 described in Instrument No. 3510883;

thence continue Southwesterly along the Northerly parcel line of said Parcel 1, along a curve to the right, having a central angle of 34° 15' 08" and a radius of 255.98 feet, for a distance of 153.03 feet, the chord of said curve bears S 51° 20' 57" W for 150.76 feet, to a point of tangency;

thence S 68° 28' 31" W, along said Northerly parcel line, for a distance of 76.99 feet to a nontangent point of curvature, said point being the Easterly easement line of a 50 foot easement described in Docket 547. Page 696;

thence Northerly along said Easterly Easement line, along a curve to the left, having a central angle of 13° 42' 57" and a radius of 397.90 feet, for a distance of 95.25 feet, the chord of said curve bears N 22° 48' 03" W for 95.02 feet, to a nontangent point;

thence S 69° 51' 20" E for a distance of 22.56 feet to a point;

thence N 68° 28' 31" E for a distance of 62.26 feet to a point of curvature;

thence Northeasterly and Northerly along a curve to the left, having a central angle of 73° 53' 55" and a radius of 175.98 feet, for a distance of 226.97 feet, the chord of said curve bears N 31° 31' 33" E for 211.57 feet, to a point of compound curve;

thence Northerly and Northwesterly along a curve to the left, having a central angle of 90° 00' 00" and a radius of 175.92 feet, for a distance of 276.33 feet, the chord of said curve bears N 50° 25' 24" W for 248.79 feet, to a point of tangency;

thence S 84° 34' 36" W for a distance of 377.23 feet to a point of curvature;

thence Southwesterly along a curve to the left, having a central angle of 06° 02' 13" and a radius of 558.50, for a distance of 58.85 feet, the chord of said curve bears S 81° 33' 29" W for 58.82 feet, to a nontangent point on the East parcel line of a parcel of land described in Instrument No. 3263227 (R1);

thence N 00° 51' 02" W, along said East parcel line, for a distance of 8.27 feet to the Northeast parcel corner of said Parcel (R1), said point being a nontangent point of curvature;

thence Southwesterly along the North parcel line of said Parcel (R1), along a curve to the left, having a central angle of 03° 26' 05" and a radius of 2514.58 feet, for a distance of 150.74 feet, the chord of said curve bears S 74° 59' 38" W for 150.72 feet, to a point;

thence continue Southwesterly along said North parcel line, along said curve to the left, having a central angle of 03° 57' 32" and a radius of 2514.58 feet, for a distance of 173.74 feet, the chord of said curve bears S 71° 17' 50" W for 173.71 feet, to a point of tangency;

thence S 69° 19' 04" W, along said North parcel line, for a distance of 191.45 feet to the POINT OF BEGINNING,

said parcel contains 2.7458 acres of land, more or less, including any easements of record over the above described parcel, as shown as PARCEL 1 on that "Right-of-Way" map recorded in Instrument No. \_\_\_\_\_, which is made a part hereof by this reference.

NES # 09-032 Industrial Drive

ACCEPTED  
CITY OF FLAGSTAFF  
ENGINEERING DIV.  
DC  
INT  
10/08/13  
DATE



Right-of-Way  
Descriptive Title

City File No. 03-09008



**EXHIBIT "A"**

**LEGAL DESCRIPTION (Parcel 2):**

A strip of land, 10 feet in width, said strip of land being a portion of Parcel 1 as described in Instrument No. 3510883 (R) of the Records of Coconino County, Arizona, situated in the Northeast 1/4 of Section 7, Township 21 North, Range 8 East, Gila and Salt River Meridian, Coconino County, Arizona, said strip of land being Northerly, Easterly and Southerly of the following described line:

FROM the point described as "The Northwesterly corner of said Instrument 3263227, said point being lies along the Easterly Right-of-Way line of U.S. Highway 89, also known as the Continental Drive Overpass" in (R), thence N 43° 36' 39" W, along said Easterly Right-of-Way line of U.S. Highway 89, for a distance of 54.27 feet to the South Right-of-Way line of Burlington Northern Santa Fe Railroad;

thence N 69° 20' 45" E, along said South Right-of-Way line, for a distance of 561.61 feet to a point;

thence N 84° 34' 36" E, along said South Right-of-Way line, for a distance of 429.36 feet to a point of curvature, said point being the TRUE POINT OF BEGINNING;

thence Southeasterly and Southerly along a curve to the right, having a central angle of 90° 00' 00" and a radius of 255.92 feet, for a distance of 402.00 feet, the chord of said curve bears S 50° 25' 24" E for 361.92 feet, to a point of compound curve;

thence Southerly and Southwesterly along a curve to the right, having a central angle of 39° 38' 47" and a radius of 255.98 feet, for a distance of 177.13 feet, the chord of said curve bears S 14° 23' 59" E for 173.62 feet, to point on said curve, said point being the Northeast parcel corner of Exception Parcel No. 1 described in Instrument No. 3510883;

thence continue Southwesterly along the Northerly parcel line of said Parcel 1, along a curve to the right, having a central angle of 34° 15' 08" and a radius of 255.98 feet, for a distance of 153.03 feet, the chord of said curve bears S 51° 20' 57" W for 150.76 feet, to a point of tangency;

thence S 68° 28' 31" W, along said Northerly parcel line, for a distance of 76.99 feet to a nontangent point of curvature, said point being the Easterly easement line of a 50 foot easement described in Docket 547. Page 696, said point being the END OF SAID STRIP OF LAND;

the Easterly easement line being extended or shortened to intersect with the Southerly Railroad Right-of-Way line at the North end and the Easterly easement line at the South end,

said parcel contains 0.1808 acres of land, more or less, including any easements of record over the above described parcel, as shown as PARCEL 2 on that "Right-of-Way" map recorded in Instrument No. \_\_\_\_\_, which is made a part hereof by this reference.

NES # 09-032 Industrial Parcel 2



ACCEPTED  
CITY OF FLAGSTAFF  
ENGINEERING DIV.  
DC  
INT  
10/26/13  
DATE

SLOPE EASEMENT  
Descriptive Title

City File No. 03-09008



EXHIBIT "A"

LEGAL DESCRIPTION (Parcel 3):

A strip of land, 8 feet in width, said strip of land being a portion of Parcel 1 as described in Instrument No. 3510883 (R) of the Records of Coconino County, Arizona, situated in the Northeast 1/4 of Section 7, Township 21 North, Range 8 East, Gila and Salt River Meridian, Coconino County, Arizona, said strip of land being Northerly, Easterly and Southerly of the following described line:

FROM the point described as "The Northwesterly corner of said Instrument 3263227, said point being lies along the Easterly Right-of-Way line of U.S. Highway 89, also known as the Continental Drive Overpass" in (R), thence N 43° 36' 39" W, along said Easterly Right-of-Way line of U.S. Highway 89, for a distance of 54.27 feet to the South Right-of-Way line of Burlington Northern Santa Fe Railroad;

thence N 69° 20' 45" E, along said South Right-of-Way line, for a distance of 561.61 feet to a point;

thence N 84° 34' 36" E, along said South Right-of-Way line, for a distance of 429.36 feet to a point of curvature;

thence Southeasterly and Southerly along a curve to the right, having a central angle of 90° 00' 00" and a radius of 255.92 feet, for a distance of 402.00 feet, the chord of said curve bears S 50° 25' 24" E for 361.92 feet, to a point of compound curve;

thence Southerly and Southwesterly along a curve to the right, having a central angle of 39° 38' 47" and a radius of 255.98 feet, for a distance of 177.13 feet, the chord of said curve bears S 14° 23' 59" E for 173.62 feet, to point on said curve, said point being the Northeast parcel corner of Exception Parcel No. 1 described in Instrument No. 3510883;

thence continue Southwesterly along the Northerly parcel line of said Parcel 1, along a curve to the right, having a central angle of 34° 15' 08" and a radius of 255.98 feet, for a distance of 153.03 feet, the chord of said curve bears S 51° 20' 57" W for 150.76 feet, to a point of tangency;

thence S 68° 28' 31" W, along said Northerly parcel line, for a distance of 76.99 feet to a nontangent point of curvature, said point being the Easterly easement line of a 50 foot easement described in Docket 547. Page 696;

thence Northerly along said Easterly Easement line, along a curve to the left, having a central angle of 13° 42' 57" and a radius of 397.90 feet, for a distance of 95.25 feet, the chord of said curve bears N 22° 48' 03" W for 95.02 feet, to a nontangent point, said point being the TRUE POINT OF BEGINNING;

thence S 69° 51' 20" E for a distance of 22.56 feet to a point;

thence N 68° 28' 31" E for a distance of 62.26 feet to a point of curvature;

thence Northeasterly and Northerly along a curve to the left, having a central angle of 73° 53' 55" and a radius of 175.98 feet, for a distance of 226.97 feet, the chord of said curve bears N 31° 31' 33" E for 211.57 feet, to a point of compound curve;

thence Northerly and Northwesterly along a curve to the left, having a central angle of 90° 00' 00" and a radius of 175.92 feet, for a distance of 276.33 feet, the chord of said curve bears N 50° 25' 24" W for 248.79 feet, to a point of tangency;

thence S 84° 34' 36" W for a distance of 377.23 feet to a point of curvature;

thence Southwesterly along a curve to the left, having a central angle of 06° 02' 13" and a radius of 558.50, for a distance of 58.85 feet, the chord of said curve bears S 81° 33' 29" W for 58.82 feet, to a nontangent point on the East parcel line of a parcel of land described in Instrument No. 3263227 (R1), said point being the **END OF SAID STRIP OF LAND**;

the Westerly easement line being extended or shortened to intersect with the Easterly parcel line of said Parcel (R1) at the North end and the Easterly easement line at the South end,

said strip of land contains 0.1864 acres of land, more or less, including any easements of record over the above described parcel, as shown as **PARCEL 3** on that "Right-of-Way" map recorded in Instrument No. \_\_\_\_\_, which is made a part hereof by this reference.

NES # 09-032 Industrial Parcel 3

ACCEPTED  
CITY OF FLAGSTAFF  
ENGINEERING DIV.  
PC 10/08/13  
INT DATE



SLOPE EASEMENT  
Descriptive Title  
City File No. 03-09008