

## **AMENDMENT ONE TO THE AGREEMENT FOR THE CONSTRUCTION AND TRANSFER OF OWNERSHIP OF FIRE HYDRANTS**

This Amendment is made and entered into this \_\_\_\_ day of \_\_\_\_\_, 2022 between Pinal County, Arizona, a political subdivision of the State of Arizona ("Pinal") and Arizona Water Company, an Arizona corporation (the "Company").

### **RECITALS**

- A. Pinal is authorized to enter into this Agreement pursuant to A.R.S. §§11-251 and 36-1403.
- B. On May 26, 2021, Pinal County entered into an Agreement for the Construction and Transfer of Ownership of Fire Hydrants ("Original Agreement") in order to complete a project for Water System Improvements for the installation of fifty-one (51) public fire hydrants and over 9,800 linear feet of water lines within the Community ("Fire Hydrant Project"). Funding agreement Number B-20-UC-04-0503 includes funding for the Project.
- C. The Original Agreement included a form of Bill of Sale for the transfer of ownership of the improvements constructed as part of the Fire Hydrant Project as Exhibit A based on pre-construction estimates.
- D. On October 31, 2022, the fire hydrant project was completed and approved by the Pinal County Public Works Department which resulted in a change in the quantities and represented in the As-builts provided by the contractor to Public Works and Arizona Water.
- E. The scope of the improvements required for the Fire Hydrant Project reflected in the As-builts differs slightly from the pre-construction estimates therefore the form of the Bill of Sale in Exhibit A is being amended to reflect the actual infrastructure being transferred as reflected in the As-builts.

**NOW, THEREFORE**, in order to accurately reflect the scope of the Fire Hydrant Project and the amount of infrastructure being transferred, Pinal and the Company agree as follows:

### **AGREEMENT**

Exhibit A to the Agreement for Construction and Transfer of Ownership of Fire Hydrants entered into between Pinal County and the Company on May 26, 2021 is replaced with Exhibit A attached to this Amendment. All of terms and provisions contained in the Original Agreement remain unchanged.



EXHIBIT A

BILL OF SALE

KNOW ALL MEN BY THESE PRESENTS:

That PINAL COUNTY, a political subdivision of the State of Arizona in consideration of the sum of Ten Dollars (\$10.00), the right to any applicable refunds under the Agreement for the Construction and Transfer of Ownership of Fire Hydrants within an area known as Hopi Hills, and other good and valuable considerations, to it in hand paid by ARIZONA WATER COMPANY, an Arizona corporation, the receipt whereof is hereby acknowledged, does hereby grant, bargain, convey, transfer, assign and deliver unto the ARIZONA WATER COMPANY all of its right, title and interest in and to the following described property which was installed to provide water service to an area known as Hopi or Indian Hills located in a portion of Township 5 South Range 6 East Sections 19 and 20, Pinal County, Arizona:

Table with 3 columns: QUANTITY, SIZE, DESCRIPTION. Rows include: 4,906 LF 6-inch Ductile Iron Water Main; 1,379 LF 8-inch Ductile Iron Water Main; 81 LF 12-inch Ductile Iron Water Main; 50 6-inch Fire Hydrant.

PINAL COUNTY and ARIZONA WATER COMPANY agree that the following terms and conditions shall apply to this Bill of Sale and that they shall be true and correct as of the Date of Execution of this Bill of Sale:

- 1. PINAL COUNTY is the lawful owner of said property, and has the right to sell it.
2. Said property is free and clear of all liens, encumbrances, and claims.
3. Said property is in good operating condition.

IN WITNESS WHEREOF, PINAL COUNTY a, political subdivision of the State of Arizona has caused this Bill of Sale to be executed this \_\_\_ day of \_\_\_, 202\_.

By: Jeffrey McClure
Its: Chairman of the Board of Supervisors

STATE OF ARIZONA )
) ss.
County of )

On this the \_\_\_ day of \_\_\_, \_\_\_ before me, the undersigned Notary Public, personally appeared Stephen Q. Miller who acknowledged himself to be the Chairman of the Board of Supervisors of Pinal County, a political subdivision of the State of Arizona, and that he, as such officer, being authorized so to do, executed the foregoing instrument, for the purpose therein contained, by signing the name of said corporation by himself as such officer.

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

Notary Public

My Commission Expires: