

Pinal County
Public Works Department
PO Box 727
Florence, AZ 85132

EXEMPT ARS 11-1134.A2

TEMPORARY CONSTRUCTION EASEMENT AND AGREEMENT

Project: Kenworthy/**Combs/Schnepf Road Project**

Assessor's Parcel No. **104-64-003Y**

This Temporary Construction Easement and Agreement ("Easement") is entered into this ____ day of _____, 2023, by and between the following parties, and shall become effective upon acceptance by the Pinal County Board of Supervisors.

GRANTOR: Andrea J. Gillispie and Harvey H. Gillispie, wife and husband

GRANTEE: Pinal County, a political subdivision of the State of Arizona

RECITALS:

- A. GRANTOR represents that it is the owner of the parcels of real property ("Property") as legally described on Exhibit "A" and "B" attached hereto and incorporated herein.
- B. The subject Property is so situated that it must be utilized for the construction of certain features of the Combs Road Project ("Project").

NOW, THEREFORE, GRANTOR, who is in possession of the Property, hereby grants to GRANTEE a permit for a Right-of-Entry and a Temporary Construction Easement upon the following terms and conditions:

- 1. Each and every recital set forth is incorporated in the full text hereof as though fully restated.

2. GRANTEE agrees this Easement will remain in effect from July 1, 2023, through December 31, 2014, or completion of the Project, but in no event to exceed beyond **December 31, 2024.**
3. A Right-of-Entry and Temporary Construction Easement and Agreement is hereby granted to GRANTEE on, over, under and across the Property. GRANTOR hereby reserves all such rights and privileges in the Property as may be used and enjoyed by GRANTOR without interfering with or abridging the rights conveyed to GRANTEE, and subject also to all existing easements for public roads and highways, public utilities, and pipelines.
4. GRANTEE will have the driveway open at all times during construction and signage will be provided that business is open during construction.
5. The purpose of this Temporary Construction Easement and Agreement is to allow GRANTEE to construct road improvements and driveway connection, including all incidental purposes consistent therewith, in connection with the Project.
6. All tools, equipment, supplies and other property taken upon or placed upon the land by GRANTEE, shall remain the property of GRANTEE, and may be removed by GRANTEE at any time within the period of this Easement.
7. GRANTOR hereby covenants that he is granting this Temporary Construction Easement and Agreement only to the extent of any interest he may have in the Property.
8. GRANTEE agrees to indemnify GRANTOR for all direct damages to the real property, personal property, or physical injury to persons or the property of GRANTOR, as described in Exhibit "A" caused by or arising from the proximate result of the activities of GRANTEE, its officers, employees, agents, or contractors in the exercise of GRANTEE'S rights pursuant to the terms of this Easement.
9. GRANTEE shall have the right to authorize, permit, and license the use of the Property for utilities or other public purposes not inconsistent with its use as a temporary construction easement and right-of-entry as determined by GRANTEE.
10. This Easement shall run with the land and shall be binding upon the parties.

RECOMMENDED FOR APPROVAL:

Jeff Serdy, Chairman of the Board of Supervisors

ATTEST:

Clerk/Deputy Clerk of the Board

APPROVED AS TO FORM:

Deputy County Attorney

EXHIBIT "A"

LEGAL DESCRIPTION
TEMPORARY CONSTRUCTION EASEMENT
APN 104-64-003Y

A portion of Parcel "C" as shown in Book 03, Page 395, records of Pinal County, located in the Northeast quarter of Section 33, Township 2 South, Range 8 East of the Gila and Salt River Base and Meridian, Pinal County, Arizona, more particularly described as follows;

Commencing at the Northeast corner of Section 33, a brass cap flush, located at the intersection of Combs Road and Schnepf Road, from which the East quarter corner of said Section 33, a brass cap flush, bears South 00 degrees 13 minutes 02 seconds East, a distance of 2641.12 feet;

Thence South 00 degrees 13 minutes 02 seconds East, along the East line of said Section 33, a distance of 600.00 feet, to the Northeast corner of said Parcel "C";

Thence, departing said East line, South 89 degree 33 minutes 12 seconds West, along the North line of said Parcel "C", a distance of 40.00 feet and to the **POINT OF BEGINNING**;

Thence departing said North line, South 00 degrees 13 minutes 02 seconds East, a distance of 16.08 feet;

Thence South 89 degrees 46 minutes 58 seconds West, a distance of 5.00 feet;

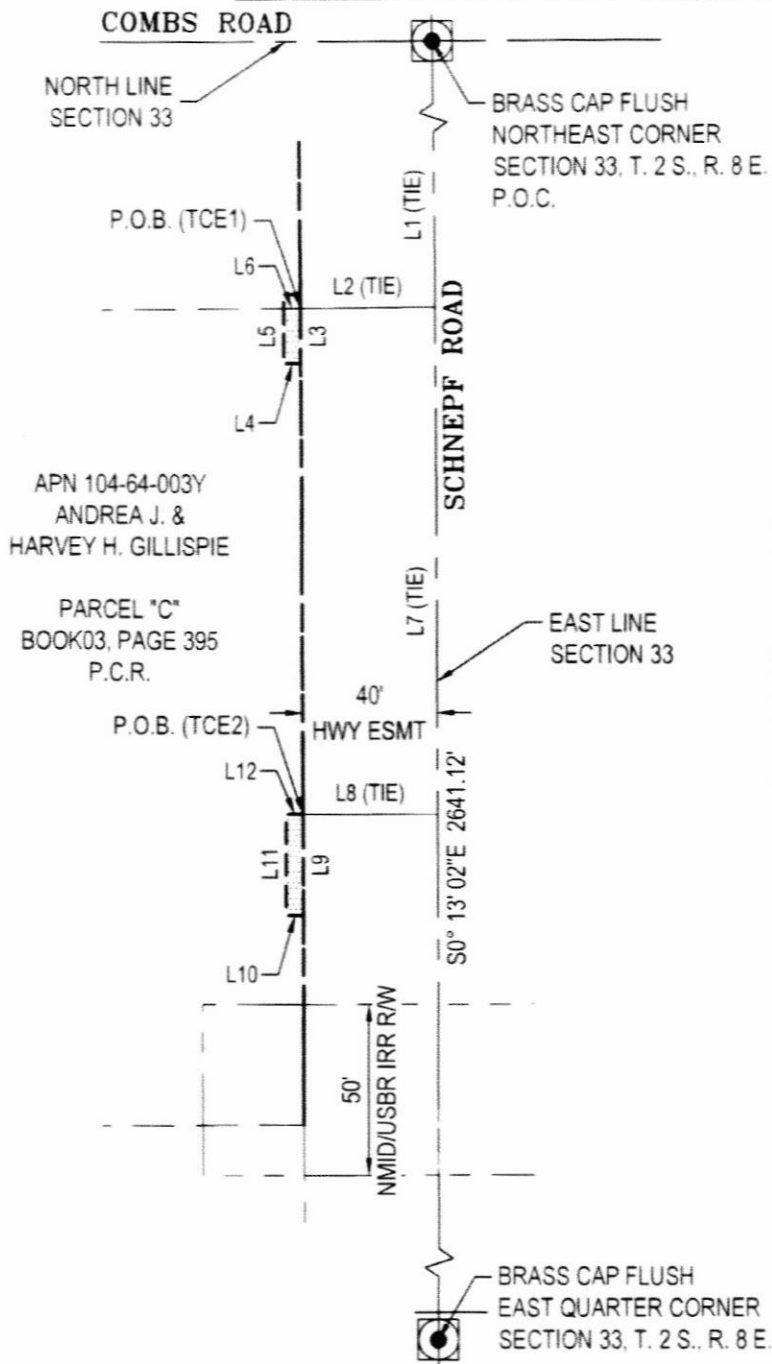
Thence North 00 degrees 13 minutes 02 seconds West, a distance of 16.06 feet to a point on said North line of Parcel "C";

Thence North 89 degrees 33 minutes 12 seconds East, along said North line a distance of 5.00 feet to the **POINT OF BEGINNING**.

Containing 80.35 square feet as shown on the attached exhibit which by this reference is made a part hereof.



EXHIBIT A - APN 104-64-003Y



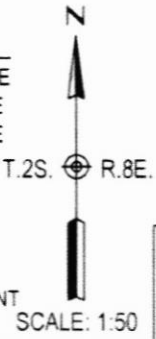
| LINE TABLE | | |
|------------|---------------|---------|
| LINE | BEARING | LENGTH |
| L1 | S00° 13' 02"E | 600.00' |
| L2 | S89° 33' 12"W | 40.00' |
| L3 | S00° 13' 02"E | 16.08' |
| L4 | S89° 46' 58"W | 5.00' |
| L5 | N00° 13' 02"W | 16.06' |
| L6 | N89° 33' 12"E | 5.00' |
| L7 | S00° 13' 02"E | 748.85' |
| L8 | S89° 46' 58"W | 40.00' |
| L9 | S00° 13' 02"E | 30.00' |
| L10 | S89° 46' 58"W | 5.00' |
| L11 | N00° 13' 02"W | 30.00' |
| L12 | N89° 46' 58"E | 5.00' |

APN 104-64-003Y
 ANDREA J. &
 HARVEY H. GILLISPIE

PARCEL "C"
 BOOK03, PAGE 395
 P.C.R.



| LEGEND | |
|-----------|------------------------|
| — — — — — | EXISTING MONUMENT LINE |
| - - - - - | EXISTING EASEMENT LINE |
| - - - - - | EXISTING PROPERTY LINE |
| - - - - - | EXISTING R/W LINE |
| - - - - - | NEW R/W LINE |
| - - - - - | NEW TCE LINE |
| - - - - - | NEW TCE |
| [] | P.O.B. |
| [] | P.O.C. |



TRACE
 CONSULTING

TC# 210106.03, DATE: 12/7/2022

Mapcheck 1: 104-64-003Y TCE1 MAPCHECK

Closure Summary

Precision, 1 part in: 914159.258'
Error distance: 0.000'
Error direction: N60° 38' 33.19"W
Area: 80.35 Sq. Ft.
Square area: 80.350
Perimeter: 42.140'

Point of Beginning

Easting: 818597.5770'
Northing: 807225.2757'

Side 1: Line

Direction: S00° 13' 02.00"E
Angle: [-000.2172 (d)]
Deflection angle: [179.7828 (d)]
Distance: 16.080'
Easting: 818597.6380'
Northing: 807209.1958'

Side 2: Line

Direction: S89° 46' 58.00"W
Angle: [-090.0000 (d)]
Deflection angle: [090.0000 (d)]
Distance: 5.000'
Easting: 818592.6380'
Northing: 807209.1769'

Side 3: Line

Direction: N00° 13' 02.00"W
Angle: [-090.0000 (d)]
Deflection angle: [090.0000 (d)]
Distance: 16.060'
Easting: 818592.5771'
Northing: 807225.2368'

Side 4: Line

Direction: N89° 33' 12.00"E
Angle: [-090.2294 (d)]
Deflection angle: [089.7706 (d)]
Distance: 5.000'
Easting: 818597.5770'
Northing: 807225.2757'



EXHIBIT "B"

LEGAL DESCRIPTION
TEMPORARY CONSTRUCTION EASEMENT
APN 104-64-003Y

A portion of Parcel "C" as shown in Book 03, Page 395, records of Pinal County, located in the Northeast quarter of Section 33, Township 2 South, Range 8 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, more particularly described as follows;

Commencing at the Northeast corner of Section 33, a brass cap flush, located at the intersection of Combs Road and Schnepf Road, from which the East quarter corner of said Section 33, a brass cap flush, bears South 00 degrees 13 minutes 02 seconds East, a distance of 2641.12 feet;

Thence South 00 degrees 13 minutes 02 seconds East, along the East line of said Section 33, a distance of 748.85 feet;

Thence, departing said East line, South 89 degree 46 minutes 58 seconds West, a distance of 40.00 feet and to the **POINT OF BEGINNING**;

Thence South 00 degrees 13 minutes 02 seconds East, a distance of 30.00 feet;

Thence South 89 degrees 46 minutes 58 seconds West, a distance of 5.00 feet;

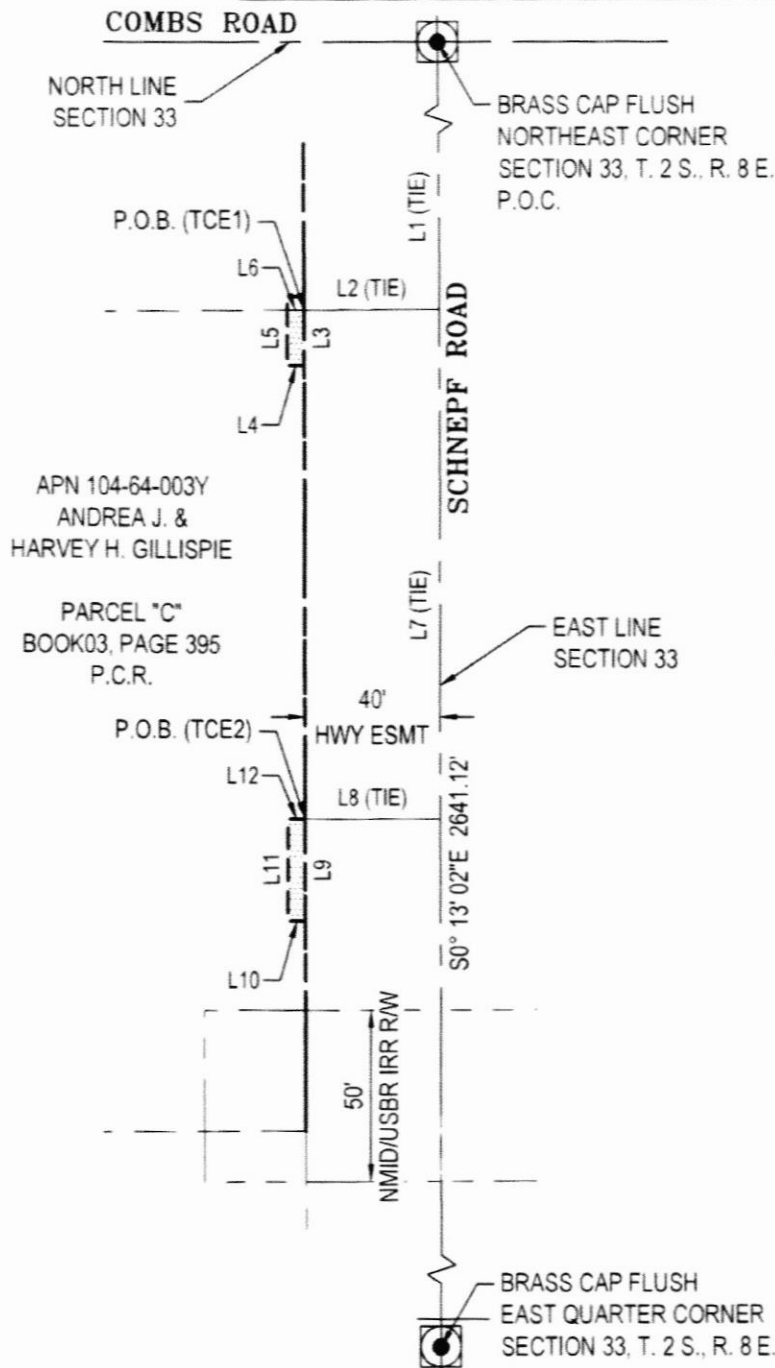
Thence North 00 degrees 13 minutes 02 seconds West, a distance of 30.00 feet;

Thence North 89 degrees 46 minutes 58 seconds East, a distance of 5.00 feet to the **POINT OF BEGINNING**.

Containing 150.00 square feet as shown on the attached exhibit which by this reference is made a part hereof.



EXHIBIT B - APN 104-64-003Y



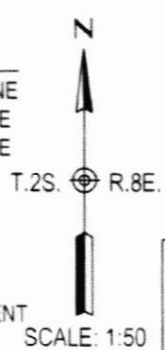
| LINE TABLE | | |
|------------|---------------|---------|
| LINE | BEARING | LENGTH |
| L1 | S00° 13' 02"E | 600.00' |
| L2 | S89° 33' 12"W | 40.00' |
| L3 | S00° 13' 02"E | 16.08' |
| L4 | S89° 46' 58"W | 5.00' |
| L5 | N00° 13' 02"W | 16.06' |
| L6 | N89° 33' 12"E | 5.00' |
| L7 | S00° 13' 02"E | 748.85' |
| L8 | S89° 46' 58"W | 40.00' |
| L9 | S00° 13' 02"E | 30.00' |
| L10 | S89° 46' 58"W | 5.00' |
| L11 | N00° 13' 02"W | 30.00' |
| L12 | N89° 46' 58"E | 5.00' |

APN 104-64-003Y
ANDREA J. &
HARVEY H. GILLISPIE

PARCEL "C"
BOOK 03, PAGE 395
P.C.R.



| LEGEND | |
|--------|------------------------|
| — | EXISTING MONUMENT LINE |
| - - - | EXISTING EASEMENT LINE |
| --- | EXISTING PROPERTY LINE |
| --- | EXISTING R/W LINE |
| --- | NEW R/W LINE |
| --- | NEW TCE LINE |
| [] | NEW TCE |
| P.O.B. | POINT OF BEGINNING |
| P.O.C. | POINT OF COMMENCEMENT |



TRACE

CONSULTING

TC# 210106.03, DATE: 12/7/2022

Mapcheck 2: 104-64-003Y TCE2 MAPCHECK

Closure Summary

Precision, 1 part in: 70000000.000'
Error distance: 0.000'
Error direction: N00° 00' 00.00"E
Area: 150.00 Sq. Ft.
Square area: 150.000
Perimeter: 70.000'

Point of Beginning

Easting: 818598.1406'
Northing: 807076.5876'

Side 1: Line

Direction: S00° 13' 02.00"E
Angle: [-000.2172 (d)]
Deflection angle: [179.7828 (d)]
Distance: 30.000'
Easting: 818598.2544'
Northing: 807046.5878'

Side 2: Line

Direction: S89° 46' 58.00"W
Angle: [-090.0000 (d)]
Deflection angle: [090.0000 (d)]
Distance: 5.000'
Easting: 818593.2544'
Northing: 807046.5688'

Side 3: Line

Direction: N00° 13' 02.00"W
Angle: [-090.0000 (d)]
Deflection angle: [090.0000 (d)]
Distance: 30.000'
Easting: 818593.1407'
Northing: 807076.5686'

Side 4: Line

Direction: N89° 46' 58.00"E
Angle: [-090.0000 (d)]
Deflection angle: [090.0000 (d)]
Distance: 5.000'
Easting: 818598.1406'
Northing: 807076.5876'

