



BOARD OF SUPERVISORS AGENDA ITEM REPORT

Requested Board Meeting Date: November 22, 2016

Title: Restrictive Covenant in favor of Pima County encumbering a portion of the City of Tucson's Avra Valley Property. File No. Acq--0454.

Introduction/Background:

The City of Tucson ("City") owns 3,615 acres of land in Avra Valley (the "Avra Valley Property") and has constructed its Central Avra Valley Storage and Recovery Project (the "Project") upon a portion of the Property (the "Project Parcel"). The Army Corps of Engineers granted City a Section 404 permit upon the condition that the City provide onsite mitigation land consisting of 213.3 acres within the Avra Valley Property (the "Mitigation Land") which are intended to remain in an undeveloped, natural state in perpetuity. The Restrictive Covenant on the Mitigation Land is intended to effectuate restrictions in compliance with the Permit.

Discussion:

In order to accommodate City in its compliance with the conditions of the Permit, County has agreed to be named Grantee under the Restrictive Covenant with the right to enforce the terms of the Restrictive Covenant against the City or any successor owner of the Mitigation Land.

Conclusion:

If the Restrictive Covenant is executed and recorded by County, the Mitigation Land will remain in its undeveloped, natural state in perpetuity. County will have the right to enforce the terms of the Restrictive Covenant; and the City will have complied with the conditions imposed in connection with the grant of its Section 404 Permit.

Recommendation:

Staff recommends that the Board of Supervisors approve and execute the Restrictive Covenant on the Mitigation Land to comply with the conditions imposed on the City in connection with the grant of its Section 404 Permit.

Fiscal Impact:

None

Board of Supervisor District:

- 1 2 3 4 5 All

Contact: Michael D. Stofko

Department: Real Property Services

Telephone: 724-6667

Department Director Signature/Date: [Signature]

10-18-2016

Deputy County Administrator Signature/Date: [Signature]

11/1/16

County Administrator Signature/Date: [Signature]

11/2/16

CERTIFICATE OF CLERK
City of Tucson

State of Arizona }
County of Pima } ***ss***

I, Roger W. Randolph, the duly appointed and qualified City Clerk of the City of Tucson, Arizona, do hereby certify pursuant to Tucson Code § 2-102, that the following is a true and correct copy of Mayor and Council Resolution No. 22637, which was passed and adopted by the Mayor and Council of the City of Tucson, Arizona, at a meeting held on September 20, 2016, at which a quorum was present.

In Witness Whereof, I have hereunto set my hand and affixed the seal of the City of Tucson, Arizona on September 29, 2016.

*Total of 3 pages certified.
(Exhibits not included)*


City Clerk

ADOPTED BY THE
MAYOR AND COUNCIL

September 20, 2016

RESOLUTION NO. 22637

RELATING TO TUCSON WATER (TW) AND REAL PROPERTY; AUTHORIZING AND APPROVING THE RECORDING OF A RESTRICTIVE COVENANT ON CENTRAL AVRA VALLEY STORAGE AND RECOVERY PROJECT (CAVSARP) PROPERTY; AND DECLARING AN EMERGENCY.

WHEREAS, prior to construction of the CAVSARP facilities, TW engaged SWCA Environmental Consultants (SWCA) to perform a comprehensive Biological Assessment (BA) of the CAVSARP project area to assess possible impacts to the Cactus Ferruginous Pygmy Owl (CFPO); and

WHEREAS, the BA and a supplemental addendum thereto were submitted to the Army Corps of Engineers as a requirement of TW obtaining a Section 404 permit; and

WHEREAS, the resulting Biological Opinion proposed TW set aside multiple areas of land designated for critical habitat to mitigate any effects on the CFPO, the intent being to protect the set aside with a restrictive covenant in perpetuity; and

WHEREAS, TW and SWCA developed a Management Plan (MP) for the long-term management of mitigation lands in consultation with U.S. Fish and Wildlife

Services (FWS), including all the set aside proposed in the BA, as well as addition set aside recommended by FWS; and

WHEREAS, TW was granted a Section 404 permit and EPA approval to proceed with CAVSARP construction as a direct result of the commitments agreed to in the BA and MP; and

WHEREAS, TW is now required to formalize the commitments made in the BA and MP and, specifically, record the restrictive covenant on CAVSARP property in perpetuity.

THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF TUCSON, ARIZONA, AS FOLLOWS:

SECTION 1. The Restrictive Covenant, attached to this Resolution as Exhibit 1, is authorized and approved.

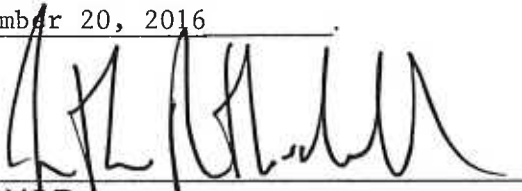
SECTION 2. The Mayor is hereby authorized and directed to execute, and the City Clerk is hereby authorized and directed to attest to, the aforementioned Exhibit 1, and any and all documents necessary to effectuate the above-contemplated action for and on behalf of the City of Tucson.

SECTION 3. The various City officers and employees are authorized and directed to perform all acts necessary or desirable to give effect to this Resolution.

SECTION 4. WHEREAS, it is necessary for the preservation of the peace, health, and safety of the City of Tucson that this Resolution become immediately

effective, an emergency is hereby declared to exist and this Resolution shall be effective immediately upon its passage and adoption.

PASSED, ADOPTED AND APPROVED BY THE MAYOR AND COUNCIL OF THE CITY OF TUCSON, ARIZONA, September 20, 2016.



MAYOR

ATTEST:




CITY CLERK

APPROVED AS TO FORM:

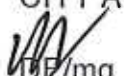


CITY ATTORNEY

REVIEWED BY:



CITY MANAGER


DP/img
8/30/16

When Recorded, Please Return To:

Michael D. Stofko
Pima County Real Property Services
201 North Stone Avenue, 6th Floor
Tucson, AZ 85701-1215

RESTRICTIVE COVENANT

1. **PARTIES.** This Restrictive Covenant is made by THE CITY OF TUCSON, a municipal corporation (“*Declarant*” or “*City*”) in favor of PIMA COUNTY, a body politic and corporate of the State of Arizona (“*County*”).

2. BACKGROUND AND PURPOSE.

2.1. Declarant is the owner of that certain real property located in Pima County, legally described in the attached **Exhibit A** and depicted in **Exhibit A-1** (the “*Avra Valley Property*”), consisting of approximately 3,615 acres.

2.2. Declarant has constructed, according to plans previously identified in the U.S. Fish and Wildlife Environmental Assessment, the Central Avra Valley Storage and Recovery Project (the “*Project*”) upon a portion of the Avra Valley Property. That portion of the Avra Valley Property upon which the Project was constructed is depicted in **Exhibit B** (the “*Project Parcel*”).

2.3. The Army Corps of Engineers has granted Declarant a Section 404 Permit (the “*Permit*”) to construct the Project upon the Project Parcel. As a condition of the Permit, Declarant is required to provide on-site mitigation land (the “*Mitigation Land*”). The Mitigation Land is intended to remain in an undeveloped natural state to comply with the U.S. Fish and Wildlife Biological Assessment, Supplements, and associated Management Plan.

2.4. Pursuant to the terms of the Permit, Declarant has agreed to designate the following property as Mitigation Land:

2.4.1. Those portions of the Avra Valley Property described in **Exhibit C** and depicted in **Exhibit C-1** consisting of approximately 213.3 acres.

2.5. The Mitigation Land may at times be referred to hereinafter, as the “***Restricted Property.***”

2.6. The restrictions on development imposed upon the Restricted Property by this Covenant (the “Restrictions”) are intended to fulfill the conditions of the Permit, and are being imposed for the protection of the cactus ferruginous pygmy-owl and related habitat.

3. NATURE OF COVENANT.

3.1. This Covenant is effective when it is executed by Declarant and County, and, subject to the terms of Section 6.1, will run with the Restricted Property in perpetuity and be binding on all successor owners of any interest in the Restricted Property.

3.2. The Restrictions will remain in effect notwithstanding any future annexation of all or any portion of the Restricted Property by a municipality.

4. DECLARANT’S COVENANTS.

4.1. Restrictions on Development of the Restricted Property. The Restricted Property has no existing dwellings and is in an undeveloped natural state as of the date of this Covenant. The Restricted Property must be maintained as natural open space in its undeveloped natural state. No improvements may be constructed on the Restricted Property. All lot splitting of the Restricted Property is expressly prohibited.

4.2. Restoration Enhancement Not Prohibited. The Restrictions set forth in Paragraph 4.1 above shall not be interpreted to prohibit any activities by Declarant or Declarant’s assignee to restore, improve, or otherwise enhance the conservation values of the Restricted Property. Such activities include, but are not limited to, removal of non-native or invasive species, riparian restoration, improving habitat conditions for endangered species and managed burns.

4.3. Management. Declarant must take all reasonable and necessary steps to maintain the Restricted Property as natural open space.

4.4. Waiver of Claim. Declarant, for themselves and their successors and assigns, hereby waives any claim for diminution in value, including any claim under A.R.S. § 12-1134, arising out of any action by County in connection with or related to this Covenant. Declarant hereby agrees to indemnify, defend, and hold County, and its officers, employees and agents harmless from and against any and all claims, causes of action, demands, losses, costs, and expenses related to the imposition of the Covenant or any enforcement of it against Declarant or its successors and assigns by County or its successors or assigns.

5. COUNTY RIGHT TO ENFORCE.

5.1. Enforcement by County. This Covenant may be enforced by County against Declarant and any successor owner of any interest in the Restricted Property.

5.2. Access by County. County, including all employees, contractors, subcontractors, agents and representatives of County, shall have the right to enter the Restricted Property at any time in order to monitor compliance with, and to enforce the terms of, this Covenant. County, including all employees, contractors, subcontractors, agents and representatives of County, as the agent of Declarant, shall have the right of ingress and egress to the Restricted Property.

5.3. Hold Harmless. Declarant will not be liable for any injury to County employees or agents occurring on the Restricted Property in the course of an entry to the Restricted Property, unless such injury results from the negligent acts or omissions or from the intentionally tortious conduct of Declarant, or a City employee, contractor, subcontractor, agent or representative. County hereby agrees to indemnify, defend, and hold Declarant, and its officers, employees and agents harmless from and against any and all claims, causes of action, demands, losses, costs, and expenses arising out of County's exercise of its right of access to the Restricted Property, but only to the extent they result from the negligent acts or omissions or from the intentionally tortious conduct of a County employee, contractor, subcontractor, agent or representative in the course of such an entry.

5.4. Remedies. County may enforce the terms of this Covenant through any available legal or equitable remedy, including but not limited to damages, injunctive relief, and specific performance requiring Declarant to cease and desist all activity in violation of this Covenant.

5.5. No Waiver. The failure of County to insist upon the full and complete performance of any of the terms and conditions of this Covenant, or to take any action permitted as a result the failure, will not be construed as a waiver or relinquishment of County's right to insist upon full and complete performance of the terms and conditions of this Covenant, either in the past or in the future.

6. MISCELLANEOUS AND GENERAL PROVISIONS.

6.1. Termination. If the Permit terminates according to its terms, then this Covenant will be deemed terminated and of no further force or effect. If this Covenant is terminated pursuant to this section 6.1, County will execute and record a release of this Covenant upon request by Declarant.

6.2. Governing Law. The laws and regulations of the State of Arizona govern this

Covenant, and any disputes under this Covenant. Any action relating to this Covenant will be brought in a court of the State of Arizona in Pima County.

6.3. Recordation. This Covenant will be recorded in the office of the Pima County Recorder and County may re-record it at any time.

6.4. Severability. Each provision of this Covenant stands alone, and any provision of this Covenant found to be prohibited by law will be ineffective to the extent of the prohibition without invalidating the remainder of this Covenant.

6.5. Notice. Any notice required or permitted to be given under this Covenant must be in writing and must be served by delivery or by certified mail upon the other party as follows:

If to Declarant:

Director
Tucson Water Department
P.O. Box 27210
Tucson, AZ 85726-7210

If to County:

Attn: Chris Cawein, Director
Natural Resources Parks & Recreation Department
3500 W. River Road
Tucson, AZ 85741
Phone: 520-724-5256
Email: chris.cawein@pima.gov

with a copy to:

Pima County Real Property Services
201 N Stone Ave, 6th Flr
Tucson, AZ 85701-1207
Facsimile: 520-740-6763

or any other address that a party designates by written notice to the other party.

6.6 Attorney's Fees. In the event of litigation regarding this Covenant, the prevailing party shall be entitled to receive its reasonable attorney's fees and costs of suit.

[Signature Page to Follow]

The parties have executed this Covenant as of the dates set forth below.

DECLARANT:

CITY OF TUCSON,
A municipal corporation



Mayor, Jonathan Rothschild

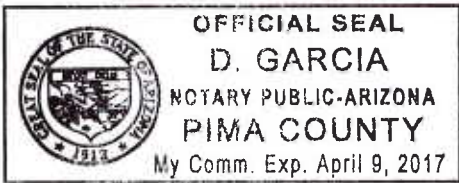
ATTEST:




City Clerk, Roger W. Randolph

STATE OF ARIZONA)
) ss.
County of Pima)

The foregoing instrument was acknowledged before me this 20th day of September, 2016 by Jonathan Rothschild, Mayor of the City of Tucson, a municipal corporation.






Notary Public

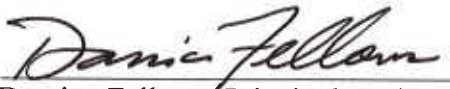
My Commission Expires: 4/9/17

APPROVED AS TO CONTENT



Timothy Thomure, P.E., Director
Tucson Water

APPROVED AS TO FORM



Damian Fellows, Principal Assistant
City Attorney, City of Tucson

PIMA COUNTY, a body politic and corporate of the State of Arizona:

Chair, Pima County Board of Supervisors

Date


ATTEST:

Clerk of the Board

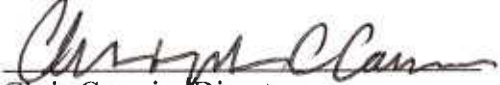
Date

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

 10/5/16

Tobin Rosen
Deputy County Attorney



Chris Cawein, Director
Natural Resources Parks & Recreation

State of Arizona)
) ss
County of Pima)

This instrument was acknowledged before me this ____ day of _____,
20__, by _____, as _____ of _____.

(S&D)

Notary Public

EXHIBIT A

Exhibit A

Legal description of real properties located in Pima County owned by Declarant

Retired Farm	Parcel Number	Section, Township, Range	Legal Description
98	21110050	041411	S2 SW4 & S2 S2 N2 SW4 F 50 AC R 50 AC SEC 4 T14S R11E
	21100010	041411	N2 N2 SW4 & N2 S2 N2 SW4 EXC TRI PAR IN NE4 SW4 R 53.15 AC P 4-4-14-11
	21117010B	091411	S80' W374' N2 S2 NE4 .69 AC SEC 9-14-11
	21117015A	091411	NW4 R 160 AC SEC 9 T14S R11E
Wallis	21113006B	051411	TRI PCL ADJ TO NE COR NE4 NE4 SEC 5-14-11 2.11 AC
	21116006A	051411	ALL OF SEC 5 EXC RDS & EXC TRI PCL ADJ TO NE COR 635.26 AC; ALL OF SEC 8 640 AC T14S R11E
Cactus Milewide	21114007C	061411	ALL OF SEC 6 EXC N449' OF NE4 OF LOT 3 & LOT 1 & NE4 NW4 OF SEC 7 ALL IN T14S R11E EXC SAN JOAQUIN RD 734.01 AC SEC 6 T14S R11E
	21114007D	061411	N449' OF NE4 OF LOT 3 OF SEC 6
	213320250	311311	ALL 635.04 AC AVID 635.04 AC SEC 31 T13S R11E
Davison	208450060	251310	SE4 EXC SE4 SW4 SE4 150 AC AVID 150 AC SEC 25 T13S R10E
	208450070	251310	SE4 SW4 SE4 10 AC AVID 10 AC SEC 25 T13S R11E
	208450080	251310	E2 SW4 & SW4 SW4 120 AC AVID 120 AC SEC 25 T13S R11E
	208450090	251310	NW4 SW4 40 AC AVID 40 AC SEC 25 T13S R10E
	213310240	301311	S2 329.31 AC SEC 30 T13S R11E

EXHIBIT A-1

CAVSARP Farm Property

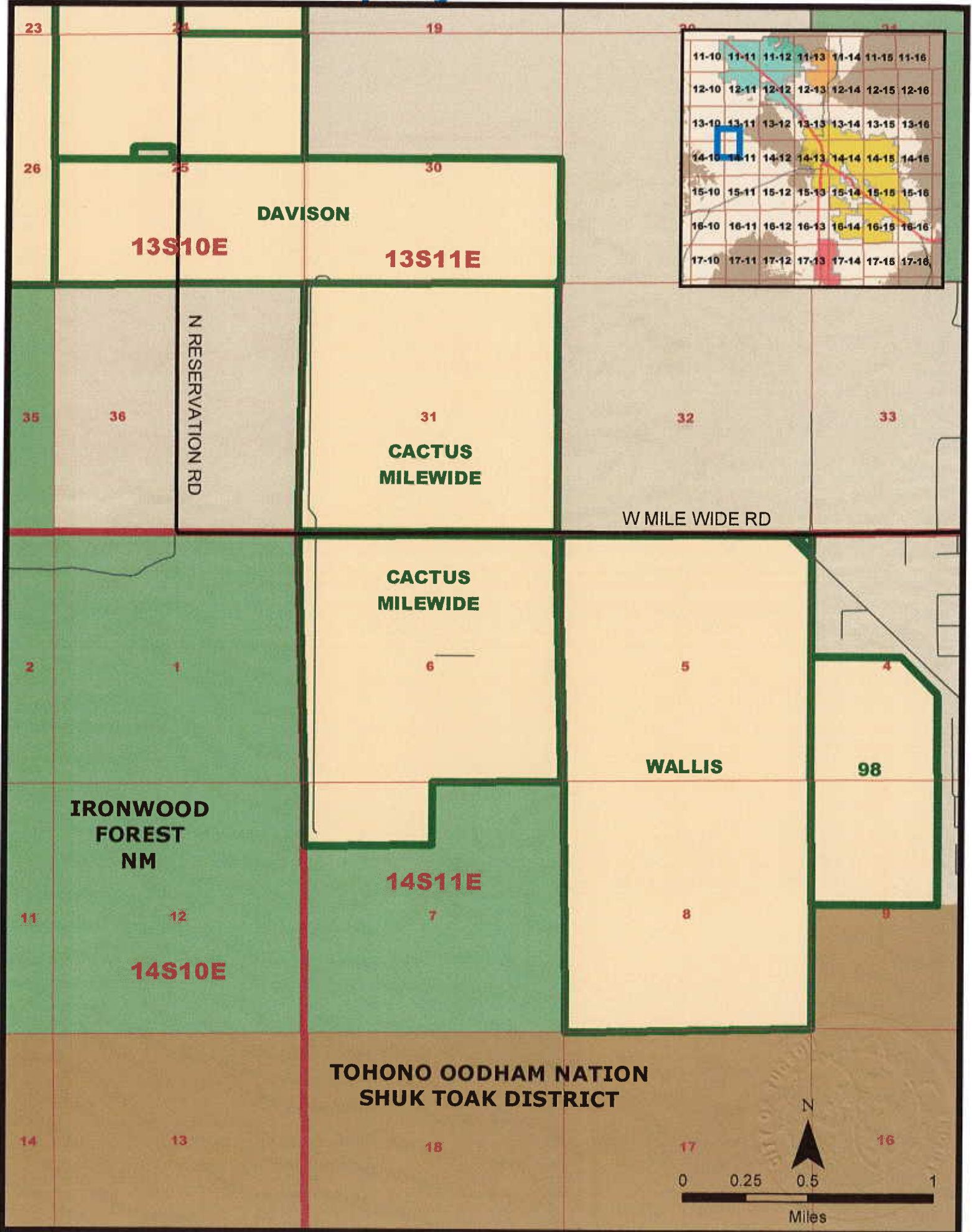


EXHIBIT B

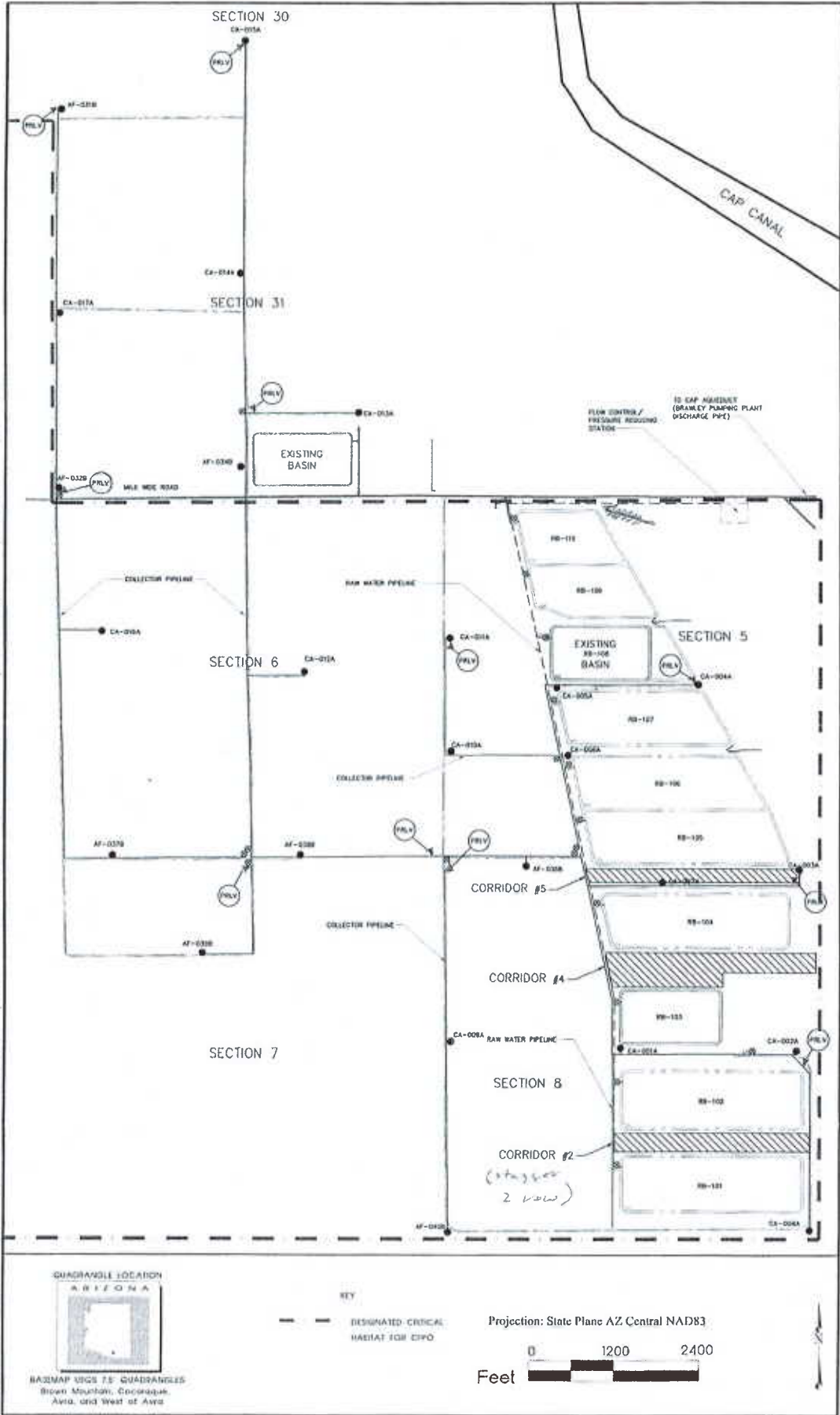


Figure 1. Site plan for CAVSARP recharge-recovery project.

EXHIBIT C



CITY OF
TUCSON
Tucson Water Department
Planning and Engineering

August 25, 2016
SR 2941
Section 5
Set Aside
Page 1

**DESCRIPTION OF
CONSERVATION SET ASIDE**

That portion of Section 5, Township 14 South, Range 11 East, Gila and Salt River Meridian, Pima County, Arizona, lying Easterly of the following described line:

COMMENCING at a ½” rebar, the location being described as the Northwest corner of Section 4 of said Township 14 South, Range 11 East in Book 37, Page 12, Record of Surveys recorded in the Pima County Recorder’s office, Pima County, Arizona, from which a ¾” open pipe described as being the Southwest corner of Section 9 of said Township 14 South, Range 11 East in said Book 37, Page 12, Record of Surveys bears South 00°30’01” East, a distance of 10,514.83 feet, the line between said monuments hereinafter called the ‘Monument Line’;

THENCE North 90°00’00” West, 2,837.75 feet to the **POINT OF BEGINNING**;

THENCE South 00°00’00” E, 86.02 feet;

THENCE South 04°53’03” East, 94.73 feet;

THENCE South 22°29’45” East, 108.95 feet;

THENCE South 29°40’13” East, 3,725.80 feet;

THENCE South 27°48’40” East, 1,038.45 feet;

THENCE South 24°12’47” East, 427.18 feet;

THENCE South 19°13’35” East, 348.01 feet;

THENCE South 11°10’34” East a distance of 91.19 feet, more or less to the South line of the Southeast One-Quarter (SE1/4) of said Section 5 for a **POINT OF TERMINUS**.

EXCEPT:

The North 80.00 feet of said Section 5;



CITY OF
TUCSON
Tucson Water Department
Planning and Engineering

August 25, 2016
SR 2941
Section 5
Set Aside
Page 2

ALSO EXCEPT:

That portion of San Joaquin Road Right of Way lying within said Section 5.

Containing 171.81 acres, more or less.

Prepared for and on behalf of:

CITY OF TUCSON WATER DEPT.-
PLANNING AND ENGINEERING.

Donald P. Pomeroy Jr.
Donald P. Pomeroy Jr.,
AZ RLS 35544



Expires 12/31/18



CITY OF
TUCSON
Tucson Water Department
Planning and Engineering

August 25, 2016
SR 2941
Section 9
Set Aside
Page 1

**DESCRIPTION OF
CONSERVATION SET ASIDE**

All of that portion of the Northwest One-Quarter (NW1/4) of Section 9, Township 14 South, Range 11 East, Gila and Salt River Meridian, Pima County, Arizona,

EXCEPT The North 80.00 feet of the South 739.43 feet of the Northwest One-Quarter (NW1/4) of said Section 9.

The included portion containing 155.351 acres, more or less.

Prepared for and on behalf of:

CITY OF TUCSON WATER DEPT.-
PLANNING AND ENGINEERING.

A handwritten signature in blue ink that reads "Donald P. Pomeroy Jr." with a stylized flourish at the end.

Donald P. Pomeroy Jr.,
AZ RLS 35544



Expires 12/31/18



CITY OF
TUCSON
Tucson Water Department
Planning and Engineering

August 25, 2016
SR 2941
Section 4
Set Aside
Page 1

**DESCRIPTION OF
CONSERVATION SET ASIDE**

All of that portion of the Southwest One-Quarter (SW1/4) of Section 4, Township 14 South, Range 11 East, Gila and Salt River Meridian, Pima County, Arizona,

EXCEPT:

BEGINNING at a lead capped pipe, the location being described as the Center of said Section 4 in Book 37, Page 12, Record of Surveys recorded in the Pima County Recorder's office, Pima County, Arizona, from which a 1/2" rebar LS bears South 89°34'00" West, a distance of 2,648.83 feet;

THENCE South 89°34'00" West, along the North line of said Southwest One-Quarter (SW1/4), a distance of 739.02 feet;

THENCE South 43°03'22" East, a distance of 1,093.69 feet more or less to the East Line of said Southwest One-Quarter (SW1/4);

THENCE North 00°32'52" West along said East line, a distance of 804.78 feet to the **POINT OF BEGINNING**.

The included portion containing 153.481 acres, more or less.

Prepared for and on behalf of:

CITY OF TUCSON WATER DEPT.-
PLANNING AND ENGINEERING.

Donald P. Pomeroy Jr.

Donald P. Pomeroy Jr.,
AZ RLS 35544



Expires 12/31/18



CITY OF
TUCSON
Tucson Water Department
Planning and Engineering

**DESCRIPTION OF
CONSERVATION SET ASIDE**

That portion of Section 8, Township 14 South, Range 11 East, Gila and Salt River Meridian, Pima County, Arizona, described as follows:

COMMENCING at a ½” rebar, the location being described as the Northwest corner of Section 4 of said Township 14 South, Range 11 East in Book 37, Page 12, Record of Surveys recorded in the Pima County Recorder’s office, Pima County, Arizona, from which a ¾” open pipe described as being the Southwest corner of Section 9 of said Township 14 South, Range 11 East in said Book 37, Page 12, Record of Surveys bears South 00°30’01” East, a distance of 10,514.83 feet, the line between said monuments hereinafter called the ‘Monument Line’;

THENCE South 00°30’01” East along said Monument Line’, a distance of 8,938.99 feet;

THENCE North 90°00’00” West, 204.45 feet to the **POINT OF BEGINNING**;

THENCE South 00°48’35” East, 259.01 feet;

THENCE North 89°49’19” West, 2,706.50 feet;

THENCE North 00°02’42” East, 257.04 feet;

THENCE South 89°51’47” East, 2,702.63 feet to the **POINT OF BEGINNING**.

Containing 16.019 acres, more or less.

Prepared for and on behalf of:

CITY OF TUCSON WATER DEPT.-
PLANNING AND ENGINEERING.

Donald P. Pomeroy Jr.,
AZ RLS 35544



Expires 12/31/18



CITY OF
TUCSON
Tucson Water Department
Planning and Engineering

August 25, 2016
SR 2941
Corridor 4
Set Aside
Page 1

**DESCRIPTION OF
CONSERVATION SET ASIDE**

That portion of Section 8, Township 14 South, Range 11 East, Gila and Salt River Meridian, Pima County, Arizona, described as follows:

COMMENCING at a ½” rebar, the location being described as the Northwest corner of Section 4 of said Township 14 South, Range 11 East in Book 37, Page 12, Record of Surveys recorded in the Pima County Recorder’s office, Pima County, Arizona, from which a ¾” open pipe described as being the Southwest corner of Section 9 of said Township 14 South, Range 11 East in said Book 37, Page 12, Record of Surveys bears South 00°30’01” East, a distance of 10,514.83 feet, the line between said monuments hereinafter called the ‘Monument Line’;

THENCE South 00°30’01” East along said Monument Line’, a distance of 6,436.30 feet;

THENCE North 90°00’00” West, 407.83 feet to the **POINT OF BEGINNING**;

THENCE South 00°06’26” West, 252.50 feet;

THENCE South 89°58’55” West, 899.76 feet;

THENCE South 00°06’26” West, 174.73 feet;

THENCE South 89°48’43” West, 1,567.23 feet;

THENCE North 12°20’06” West, 443.35 feet;

THENCE South 89°59’23” East, 2,562.49 feet to the **POINT OF BEGINNING**.

Containing 21.180 acres, more or less.

Prepared for and on behalf of:

CITY OF TUCSON WATER DEPT.-
PLANNING AND ENGINEERING.

Donald P. Pomeroy Jr.

Donald P. Pomeroy Jr.,
AZ RLS 35544



Expires 12/31/18

310 W. Alameda • P.O. Box 27210 • Tucson, AZ 85726
(520) 791-4361 • FAX (520) 791-5426
Skip.pomeroy@tucsonaz.gov • www.tucsonaz.gov



CITY OF
TUCSON
Tucson Water Department
Planning and Engineering

August 25, 2016
SR 2941
Corridor 5
Set Aside
Page 1

**DESCRIPTION OF
CONSERVATION SET ASIDE**

That portion of Section 8, Township 14 South, Range 11 East, Gila and Salt River Meridian, Pima County, Arizona, described as follows:

COMMENCING at a ½” rebar, the location being described as the Northwest corner of Section 4 of said Township 14 South, Range 11 East in Book 37, Page 12, Record of Surveys recorded in the Pima County Recorder’s office, Pima County, Arizona, from which a ¾” open pipe described as being the Southwest corner of Section 9 of said Township 14 South, Range 11 East in said Book 37, Page 12, Record of Surveys bears South 00°30’01” East, a distance of 10,514.83 feet, the line between said monuments hereinafter called the ‘Monument Line’;

THENCE South 00°30’01” East along said Monument Line’, a distance of 5,391.61 feet;

THENCE North 90°00’00” West, 332.44 feet to the **POINT OF BEGINNING**;

THENCE South 03°01’15” West, 145.35 feet;

THENCE South 89°59’45” West, 2,817.38 feet;

THENCE North 12°33’41” West, 164.76 feet;

THENCE South 89°41’26” East, 2,860.91 feet to the **POINT OF BEGINNING**.

Containing 9.968 acres, more or less.

Prepared for and on behalf of:

CITY OF TUCSON WATER DEPT.-
PLANNING AND ENGINEERING.

Donald P. Pomeroy Jr.

Donald P. Pomeroy Jr.,
AZ RLS 35544



Expires 12/31/18



CITY OF
TUCSON
Tucson Water Department
Planning and Engineering

**DESCRIPTION OF
CONSERVATION SET ASIDE**

That portion of Section 5, Township 14 South, Range 11 East, Gila and Salt River Meridian, Pima County, Arizona, described as follows:

COMMENCING at a ½” rebar, the location being described as the Northwest corner of Section 4 of said Township 14 South, Range 11 East in Book 37, Page 12, Record of Surveys recorded in the Pima County Recorder’s office, Pima County, Arizona, from which a ¾” open pipe described as being the Southwest corner of Section 9 of said Township 14 South, Range 11 East in said Book 37, Page 12, Record of Surveys bears South 00°30’01” East, a distance of 10,514.83 feet, the line between said monuments hereinafter called the ‘Monument Line’;

THENCE South 00°30’01” East along said Monument Line’, a distance of 3,554.95 feet;

THENCE North 90°00’00” West, 1,076.39 feet to the **POINT OF BEGINNING**;

THENCE South 29°27’34” East, 129.31 feet;

THENCE South 89°45’33” West, 2,536.28 feet;

THENCE North 12°23’11” West, 114.74 feet;

THENCE North 88°25’11” East, 548.18 feet;

THENCE South 89°53’04” East, 1,949.31 feet to the **POINT OF BEGINNING**.

Containing 6.864 acres, more or less.

Prepared for and on behalf of:

CITY OF TUCSON WATER DEPT.-
PLANNING AND ENGINEERING.

Donald P. Pomeroy Jr.,
AZ RLS 35544



Expires 12/31/18



CITY OF
TUCSON
Tucson Water Department
Planning and Engineering

**DESCRIPTION OF
CONSERVATION SET ASIDE**

That portion of Section 5, Township 14 South, Range 11 East, Gila and Salt River Meridian, Pima County, Arizona, described as follows:

COMMENCING at a 1/2" rebar, the location being described as the Northwest corner of Section 4 of said Township 14 South, Range 11 East in Book 37, Page 12, Record of Surveys recorded in the Pima County Recorder's office, Pima County, Arizona, from which a 3/4" open pipe described as being the Southwest corner of Section 9 of said Township 14 South, Range 11 East in said Book 37, Page 12, Record of Surveys bears South 00°30'01" East, a distance of 10,514.83 feet, the line between said monuments hereinafter called the 'Monument Line';

THENCE South 00°30'01" East along said Monument Line', a distance of 1,743.52 feet;

THENCE North 90°00'00" West, 2,085.78 feet to the **POINT OF BEGINNING**;

THENCE South 09°05'32" East, 49.36 feet;

THENCE North 89°51'39" West, 1,869.49 feet;

THENCE North 12°20'13" West, 110.68 feet;

THENCE South 89°25'55" East, 607.42 feet

THENCE South 89°18'14" East, a distance of 1,279.94 feet to the **POINT OF BEGINNING**.

Containing 2.765 acres, more or less.

Prepared for and on behalf of:

CITY OF TUCSON WATER DEPT.-
PLANNING AND ENGINEERING.

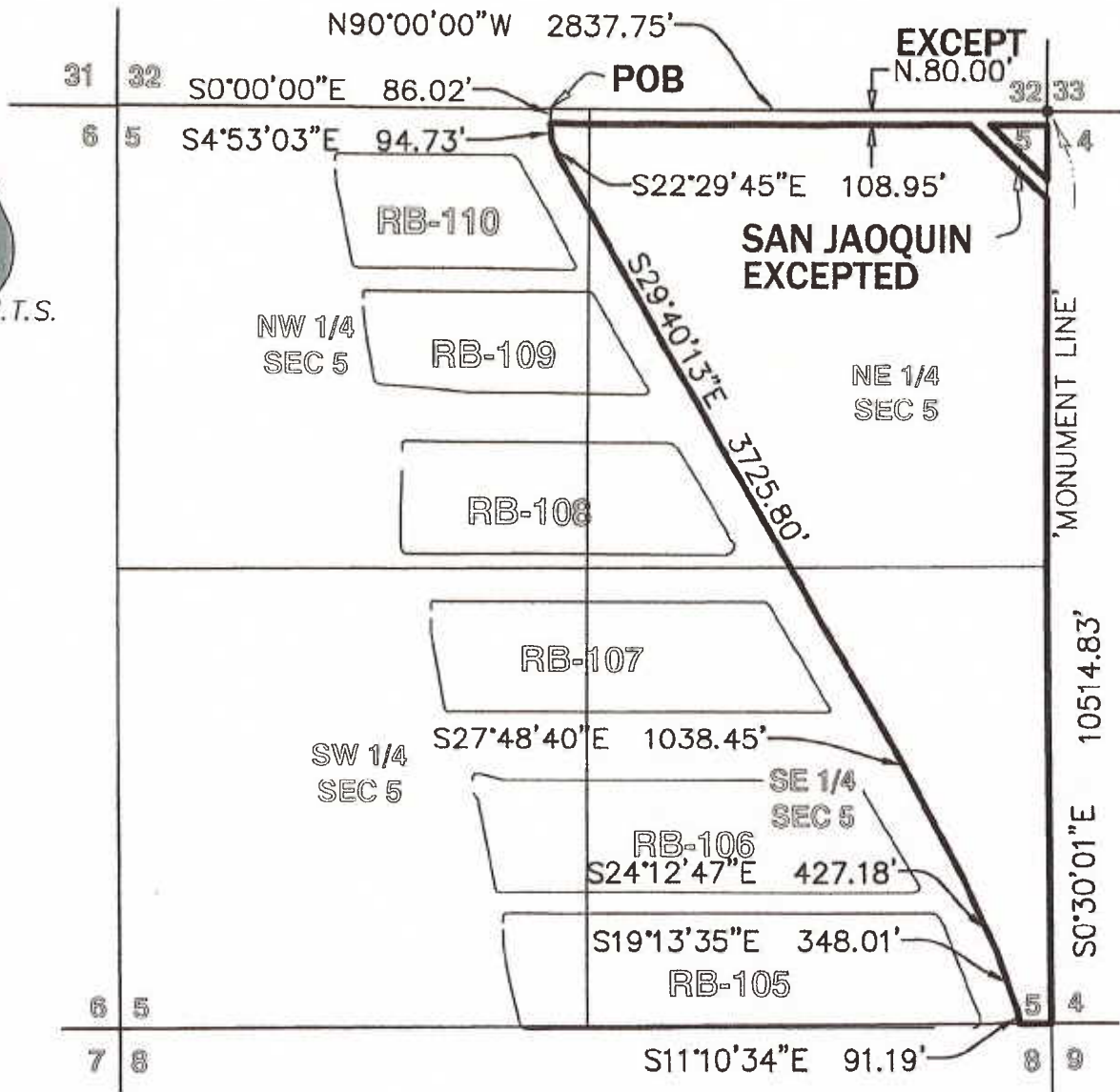
Donald P. Pomeroy Jr.

Donald P. Pomeroy Jr.,
AZ RLS 35544



Expires 12/31/18

EXHIBIT C-1



Expires 12/31/2018

3/4" OPEN PIPE
BK 37, PG 12 ROS



310 W. ALAMEDA
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TUCSON, AZ 85726
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SECTION 5
DATE: 08/25/2016
DRAWN BY: DPP

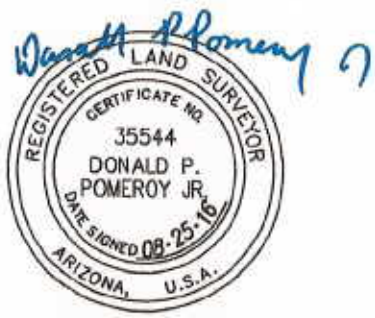
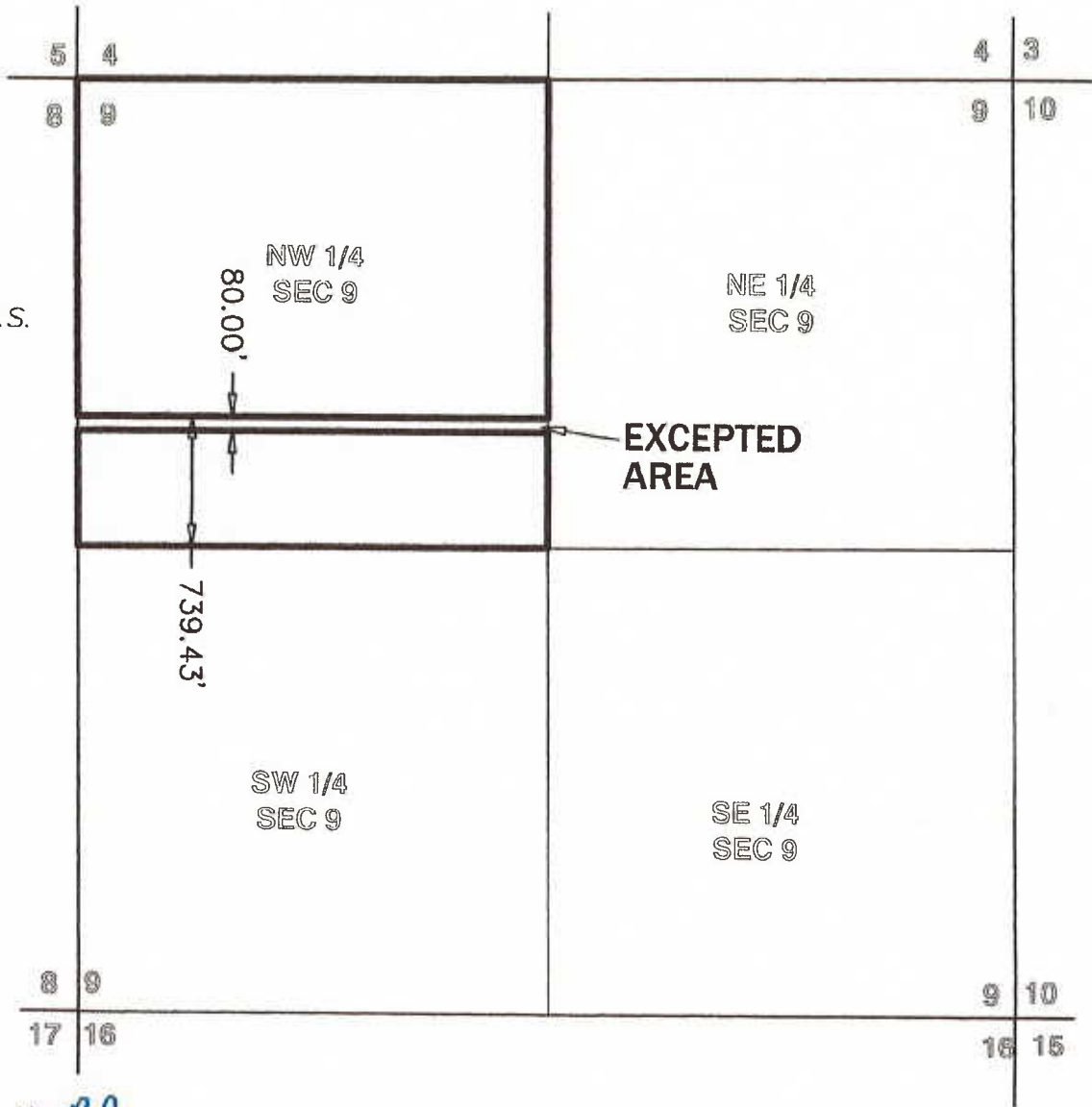
A DEPICTION OF
CONSERVATION SET-ASIDE
AREA

SECTION 05, TOWNSHIP 14 SOUTH,
RANGE 11 EAST G&SRM, PIMA
COUNTY, ARIZONA

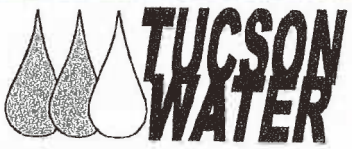
SR 2941
SHEET 1 OF 1



Scale: N.T.S.



Expires 12/31/2018



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SECTION 9
 DATE: 08/25/2016
 DRAWN BY: DPP

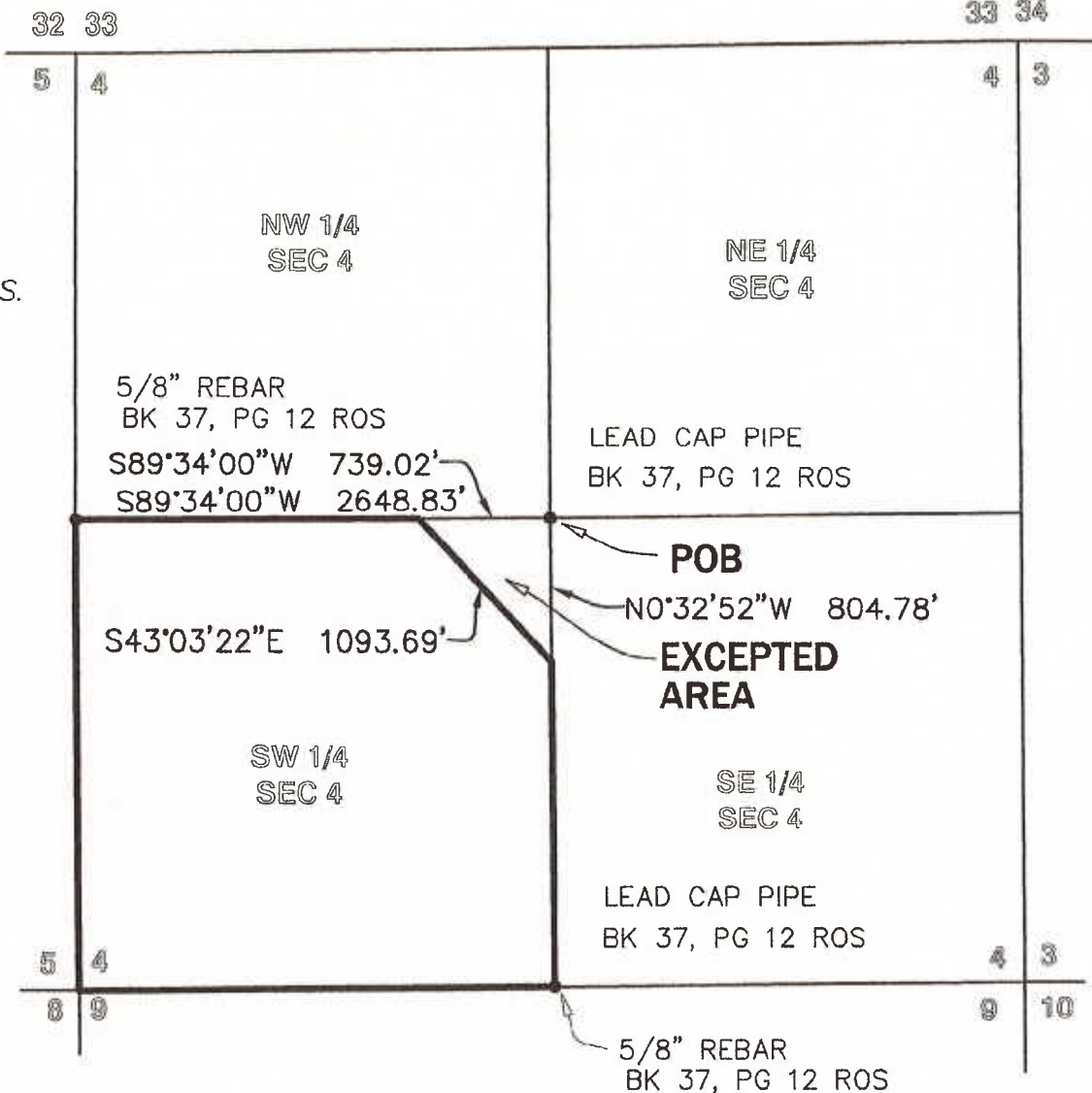
A DEPICTION OF
**CONSERVATION SET-ASIDE
 AREA**

SECTION 09, TOWNSHIP 14 SOUTH,
 RANGE 11 EAST G&SRM, PIMA
 COUNTY, ARIZONA

SR 2941
 SHEET 1 OF 1



Scale: N.T.S.



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AREA = 153.481 ACRES ±



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SECTION 04
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SECTION 04, TOWNSHIP 14 SOUTH,
RANGE 11 EAST G&SRM, PIMA
COUNTY, ARIZONA

SR 2941
SHEET 1 OF 1



Scale: N.T.S.

1/2" REBAR
BK 37, PG 12 ROS

8938.99'
MONUMENT LINE

RB-102

N90°00'00"W
204.45'
POB

S89°51'47"E 2702.63'

10514.83'

N0°02'42"E 257.04'

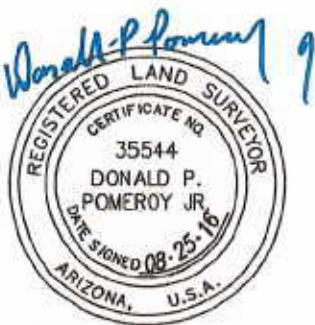
S0°48'35"E 259.01'

N89°49'19"W 2706.50'

RB-101

S0°30'01"E

AREA = 16.019 AC ±



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3/4" OPEN PIPE
BK 37, PG 12 ROS



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CORRIDOR 2
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SECTION 08, TOWNSHIP 14 SOUTH,
RANGE 11 EAST G&SRM, PIMA
COUNTY, ARIZONA

SR 2941
SHEET 1 OF 1



Scale: N.T.S.

1/2" REBAR
BK 37, PG 12 ROS

6436.30'
MONUMENT LINE

RB-104

N90°00'00"W
407.83'

S89°59'23"E 2562.49'

10514.83'

N12°20'06"W 443.35'

S0°06'26"W 252.50'

POB

S89°58'55"W 899.76'

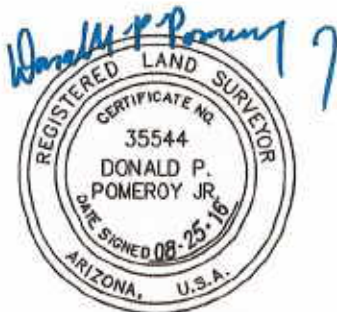
S89°48'43"W 1567.23'

S0°06'26"W 174.73'

RB-103

S0°30'01"E

AREA = 21.180 AC ±



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3/4" OPEN PIPE
BK 37, PG 12 ROS



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CORRIDOR 4
DATE: 08/25/2016
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A DEPICTION OF CONSERVATION SET-ASIDE AREA

SECTION 08, TOWNSHIP 14 SOUTH,
RANGE 11 EAST G&SRM, PIMA
COUNTY, ARIZONA

SR 2941
SHEET 1 OF 1



Scale: N.T.S.

1/2" REBAR
BK 37, PG 12 ROS

5391.61'
MONUMENT LINE
10514.83'
S0°30'01"E

RB-105

POB

S89°41'26"E 2860.91'

N90°00'00"W

332.44'

S89°59'45"W 2817.38'

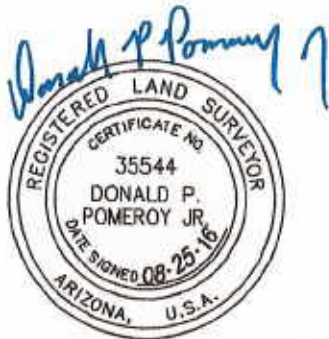
S3°01'15"W

145.35'

N12°33'41"W 164.76'

RB-104

AREA = 9.968 AC ±



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3/4" OPEN PIPE
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CORRIDOR 5
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SECTION 08, TOWNSHIP 14 SOUTH,
RANGE 11 EAST G&SRM, PIMA
COUNTY, ARIZONA

SR 2941
SHEET 1 OF 1



Scale: N.T.S.

1/2" REBAR
BK 37, PG 12 ROS

3554.95'
MONUMENT LINE

RB-107

N88°25'11"E 548.18'

S89°53'04"E 1949.31'

POB

N90°00'00"W

1076.39'

S89°45'33"W 2536.28'

S29°27'34"E
129.31'

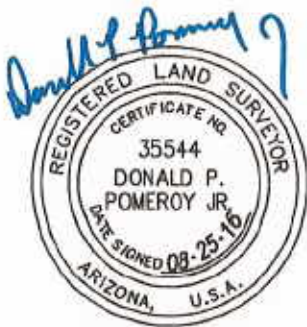
10514.83'

N12°23'11"W 114.74'

RB-106

S0°30'01"E

AREA = 6.864 AC ±



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CORRIDOR 6
DATE: 08/25/2016
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SECTION 05, TOWNSHIP 14 SOUTH,
RANGE 11 EAST G&SRM, PIMA
COUNTY, ARIZONA

SR 2941
SHEET 1 OF 1



Scale: N.T.S.

1/2" REBAR
BK 37, PG 12 ROS

1743.52'

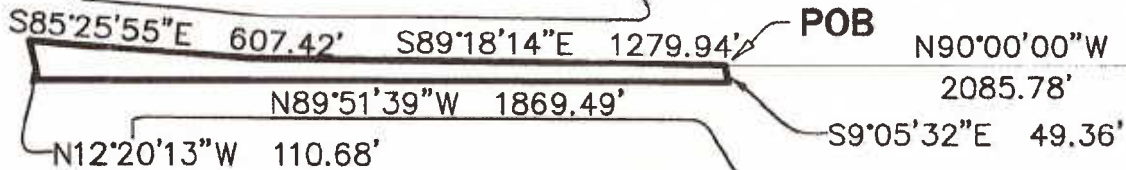
MONUMENT LINE

10514.83'

S0°30'01"E

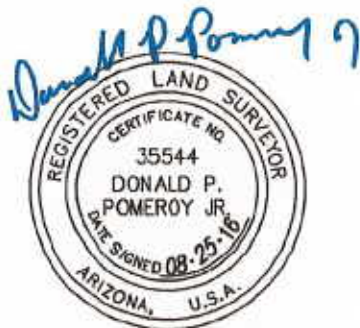
3/4" OPEN PIPE
BK 37, PG 12 ROS

RB-109



RB-108

AREA = 2.765 AC ±



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CORRIDOR 7
 DATE: 08/25/2016
 DRAWN BY: DPP

**A DEPICTION OF
 CONSERVATION SET-ASIDE
 AREA**

SECTION 05, TOWNSHIP 14 SOUTH,
 RANGE 11 EAST G&SRM, PIMA
 COUNTY, ARIZONA

SR 2941
 SHEET 1 OF 1