



# BOARD OF SUPERVISORS AGENDA ITEM REPORT

Requested Board Meeting Date: 11/12/2024

\*= Mandatory, information must be provided

Click or tap the boxes to enter text. If not applicable, indicate "N/A".

**\*Title:**

Remove and Replace Pima County Flood Control District MSCP Master Covenant with Pima County MSCP Master Covenant

**\*Introduction/Background:**

In October 2016 the Pima County Board of Supervisors and the Regional Flood Control District ("District") Board of Directors approved Master Restrictive Covenants (the "MSCP Covenants") to preserve land with significant undisturbed natural open space and to protect these lands for use as mitigation of incidental take covered by the County's Section 10 Permit under the Endangered Species Act. Occasionally, property covered by the Covenants are transferred between the Pima County ("County") and District which in turn requires the Covenants to be amended to align with the new property ownership.

**\*Discussion:**

The County and District have agreed to exchange ownership of property already encumbered by the Covenants. An amendment is needed to remove and replace Covenants to align with County and District ownership. This action will result in no loss of protected acreage and the total acreage encumbered by the MSCP Covenants will remain the same.

**\*Conclusion:**

The Arizona Land and Water Trust ("ALWT") as the Beneficiary under the Covenants has signed the proposed amendments. The US Fish and Wildlife Service as the monitors of the MSCP Covenants has given its written approval to the proposed changes to the Covenants.

**\*Recommendation:**

Staff recommends Board approval of the two attached Covenant Amendments. Approval will remove and replace Covenants to align with current County and District ownership.

**\*Fiscal Impact:**

There is no cost to update the MSCP to add or remove properties as proposed above.

**\*Board of Supervisor District:**

1  2  3  4  5  All

Department: Real Property Services

Telephone: 724-6306

Contact: Jeffrey Teplitsky

Telephone: 724-6306

Department Director Signature: \_\_\_\_\_

Date: 10/24/2024

Deputy County Administrator Signature: \_\_\_\_\_

Date: 10/25/2024

County Administrator Signature: \_\_\_\_\_

Date: 10-29-24

**COMBINED  
AMENDMENT NO. 3 TO  
COUNTY MSCP MITIGATION LAND MASTER COVENANT  
AND  
SITE SPECIFIC AGREEMENT**

1. **DEFINED TERMS.** For purposes of this Amendment, the following terms have the meanings set forth below:

1.1. District: the Pima County Flood Control District, a political taxing subdivision of the State of Arizona

1.2. County: Pima County, a political subdivision of the State of Arizona

1.3. Beneficiary: the Arizona Land and Water Trust, Inc., an Arizona nonprofit corporation

1.4. County MSCP Mitigation Land Master Covenant: the Master Restrictive Covenant for the Pima County MSCP Mitigation Land recorded November 8, 2016, Sequence No. 20163130354, and Amendment No.1 recorded March 7, 2019, Sequence No. 20190660392, and Amendment #2 recorded December 21, 2020, Sequence No. 20203560399 records of the Pima County Recorder, between District, County and Beneficiary.

1.5. Effective Date: The date this Amendment is executed by all of the parties hereto.

2. **SITE SPECIFIC AGREEMENT.** Section 2 of the County MSCP Mitigation Land Master Covenant states the intent of the Parties to record a Site Specific Agreement (SSA) with a legal description for each referenced property to cause such property to be a restricted under the terms of the Master Covenant. By attaching legal descriptions of the referenced properties as Exhibit D, this Amendment shall satisfy the intent of the Parties under said Section 2 and the recordation of a separate SSA is not required.

3. **RECORDING.** Once executed by all of the parties hereto, this Amendment will be recorded in the Office of the Pima County Recorder, Pima County Arizona.

**4. MODIFICATION OF COUNTY MSCP MITIGATION LAND MASTER COVENANT.** District, County and Beneficiary hereby agree to modify the terms of the County MSCP Mitigation Land Master Covenant as follows:

4.1. Exhibits A, B and C to County MSCP Mitigation Land Master Covenant Amended. Exhibits A, B and C are hereby amended to add the properties listed in Exhibit A, identified on Exhibit B, and depicted on Exhibit C to this Amendment (the “Additional Properties”). In accordance with Section 2 of the MSCP Mitigation Land Master Covenant and intent of the parties, the Additional Properties are described by Exhibit D to this Amendment. The Additional Properties, together with all of the properties in the County MSCP Mitigation Land Master Covenant, are subject to the terms and conditions of the County MSCP Mitigation Land Master Covenant.

4.2. Section 1.3 Amended as to Additional Properties Only. In Section 1.3 the reference to “imagery by Pictometry or Pima Association of Governments dated 2015 or 2016, whichever is more recent,” is hereby amended to state “imagery by Pictometry or Pima Association of Governments dated 2019 or 2020, whichever is more recent,” provided that this change will only apply to the Additional Properties.

**5. REMAINING TERMS UNCHANGED.** Except as modified as provided in this Amendment, all of the terms and conditions of the County MSCP Mitigation Land Master Covenant shall remain in full force and effect.

**6. EFFECTIVE DATE.** This Amendment shall be effective as of the Effective Date.

*[Rest of Page Intentionally Left Blank]*

*[Signature Pages Follow]*

IN WITNESS WHEREOF, the parties hereto have executed this Amendment on the day, month and year written below.

**COUNTY:**

**Pima County, a political subdivision of the State of Arizona:**

\_\_\_\_\_  
Chair, Board of Supervisors

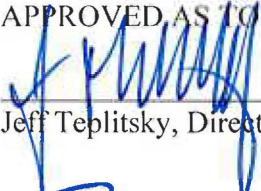
\_\_\_\_\_  
Date


ATTEST:

\_\_\_\_\_  
Clerk of Board of Supervisors

\_\_\_\_\_  
Date

APPROVED AS TO CONTENT:

  
\_\_\_\_\_  
Jeff Teplitsky, Director, Real Property Services

 10/25/2024  
\_\_\_\_\_  
Carmine DeBonis, Deputy County Administrator

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Rachelle Barr, Deputy County Attorney

STATE OF ARIZONA     )  
                                  ) §  
COUNTY OF PIMA     )

This instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2024,  
by \_\_\_\_\_ as Chair of the Pima County  
Board of Supervisors.

\_\_\_\_\_  
Notary Public

**DISTRICT:**

**Pima County Flood Control District, a political taxing authority of the State of Arizona**

\_\_\_\_\_  
Chair, Board of Directors

\_\_\_\_\_  
Date


**ATTEST:**

\_\_\_\_\_  
Clerk of Board of Directors


\_\_\_\_\_  
Date

**APPROVED AS TO CONTENT:**

  
\_\_\_\_\_  
Jeff Teplitsky, Director, Real Property Services

 10/25/2024  
\_\_\_\_\_  
Carmine DeBonis, Deputy County Administrator

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Rachelle Barr, Deputy County Attorney

STATE OF ARIZONA     )  
  ) §  
COUNTY OF PIMA     )

This instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2024,  
by \_\_\_\_\_ as Chair of the Pima County  
Flood Control District Board.

\_\_\_\_\_  
Notary Public

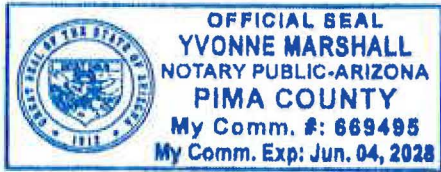
**BENEFICIARY: The Arizona Land and Water Trust, an Arizona nonprofit corporation**

*[Signature]*  
Diana Freshwater, President

9/26/24  
Date

STATE OF ARIZONA     )  
                                  ) §  
COUNTY OF PIMA     )

This instrument was acknowledged before me this 26 day of September, 2024,  
by Diana Freshwater as President, The Arizona Land and Water Trust.

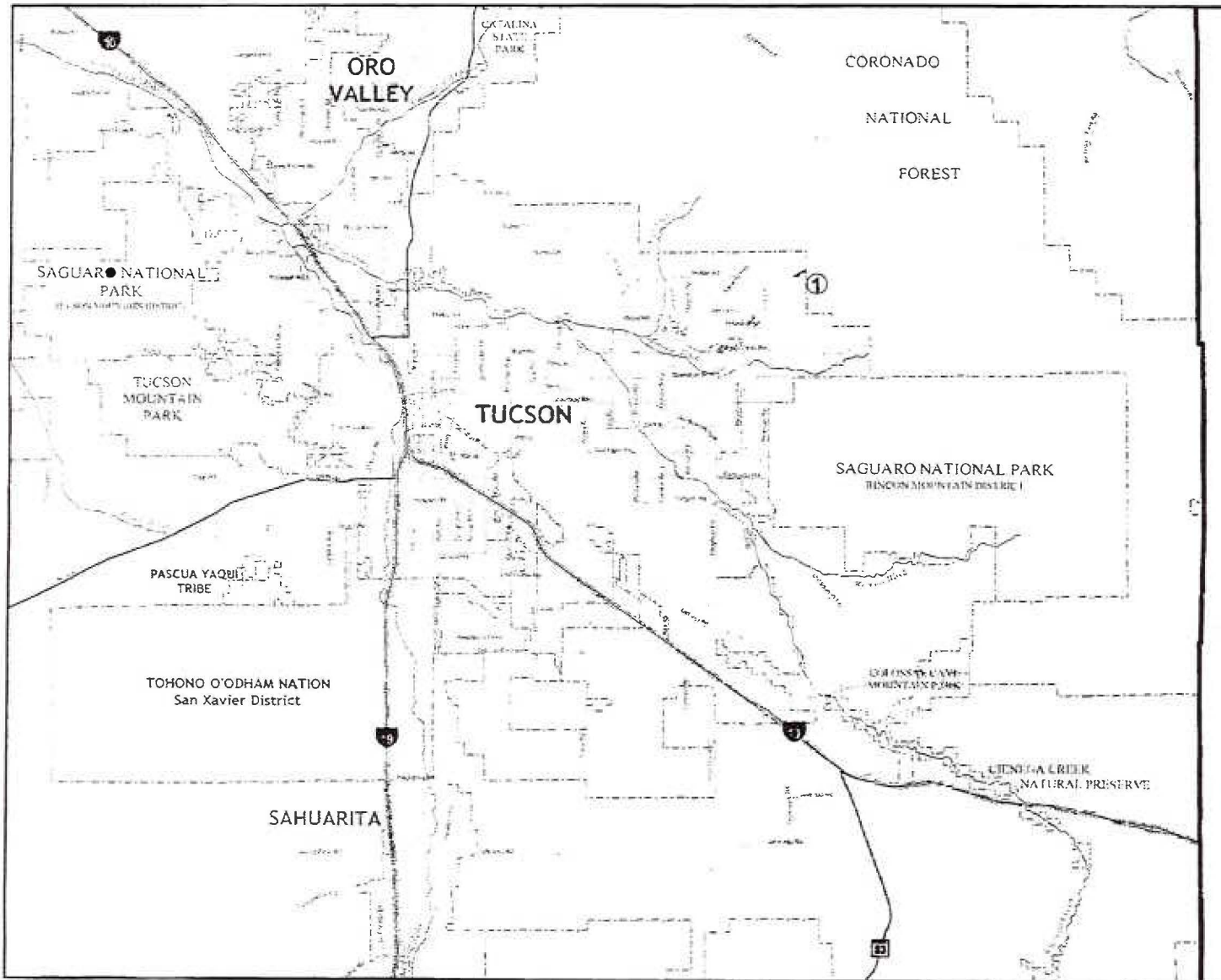


*Yvonne Marshall*  
Notary Public

**EXHIBIT A**  
**Additional Properties**

**Parcel(s) to be added to Master Restrictive Covenants for Regional Flood Control District  
MSCP Mitigation Land  
MSCP Mitigation Land Restrictive Covenants: Pima County Flood Control District Owner  
& Grantor**

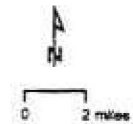
<b>Property</b>	<b>APN</b>	<b>Acres</b>	<b>Map ID</b>
Horsehead	205-29-0170	5.020	1
Horsehead	205-29-0180	3.410	1
Horsehead	205-29-0190	3.390	1
Horsehead	205-29-0200	3.390	1
Horsehead	205-29-003D	8.370	1
Horsehead	205-29-003A	8.020	1



## EXHIBIT B

**MSCP Restrictive Covenant  
Amendment #2 Properties:  
FCD Owner & Grantor;  
Pima County Grantee**

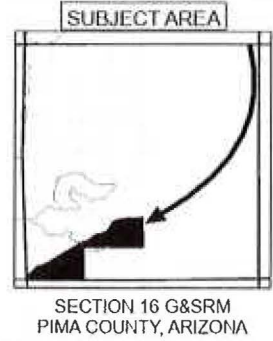
Property to Add	Map ID	Acres
Agua Caliente Wash	1	31.4



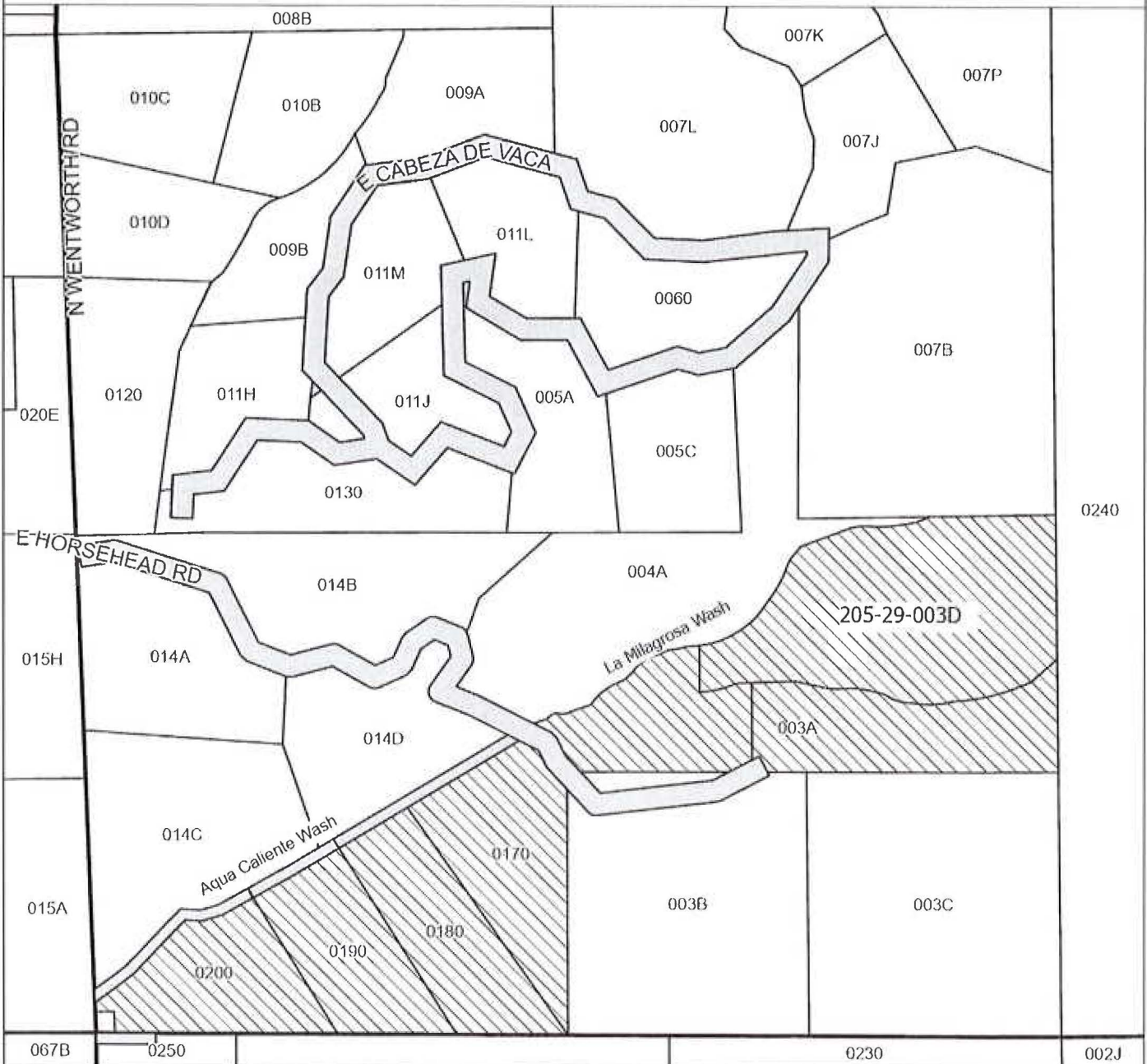


**EXHIBIT C**

**SECTION 16  
TOWNSHIP 13 SOUTH  
RANGE 16 EAST**



SECTION 16 G&SRM  
PIMA COUNTY, ARIZONA



24025

**PIMA COUNTY DEPARTMENT OF TRANSPORTATION  
ENGINEERING INFORMATION MANAGEMENT**

NOT TO SCALE

DRAWN BY: J TAYLOR

DATE: AUG 2024

**Legend**



-  Parcels
-  Ingress/Egress Easements

EXHIBIT D  
(Page 1 of 10)

LEGAL DESCRIPTIONS

PARCEL 1: (205-29-003A)

THAT PORTION OF LOTS 11 AND 12 OF SECTION 16, TOWNSHIP 13 SOUTH, RANGE 16 EAST, GILA AND SALT RIVER MERIDIAN, PIMA COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

BEGINNING AT POINT 19 DESCRIBED IN PARCEL 3 OF THAT DEED OF DEDICATION RECORDED IN THE OFFICE OF THE COUNTY RECORDER, PIMA COUNTY, ARIZONA, IN BOOK 2438 OF DOCKETS AT PAGE 400;

THENCE SOUTH 62 DEGREES 33 MINUTES WEST ALONG THE CENTERLINE OF SAID DEED OF DEDICATION, A DISTANCE OF 50 FEET TO THE TRUE POINT OF BEGINNING;

THENCE CONTINUE ALONG THE CENTERLINE OF SAID DEED OF DEDICATION THRU THE FOLLOWING COURSES:

THENCE SOUTH 62 DEGREES 33 MINUTES WEST A DISTANCE OF 100 FEET TO POINT 18;

THENCE SOUTH 83 DEGREES 25 MINUTES 30 SECONDS WEST A DISTANCE OF 329.9 FEET TO POINT 17;

THENCE NORTH 43 DEGREES 04 MINUTES WEST A DISTANCE OF 161.04 FEET TO POINT 16;

THENCE NORTH 26 DEGREES 19 MINUTES WEST A DISTANCE OF 58.25 FEET TO POINT 15;

THENCE NORTH 63 DEGREES 19 MINUTES WEST TO THE POINT OF INTERSECTION WITH THE CENTERLINE OF SAID DEED OF DEDICATION AND THE CENTERLINE OF THE AGUA CALIENTE WASH, SAID POINT ALSO BEING ON THE WESTERLY EXTENSION OF THE SOUTHEASTERLY LINE OF THAT PROPERTY CONVEYED TO GEORGE S. ANDERSSSEN AND ESTHER K. ANDERSSSEN, HUSBAND AND WIFE, AS RECORDED IN SAID RECORDER'S OFFICE IN BOOK 2462 OF DOCKETS AT PAGE 56;

THENCE EASTERLY ALONG SAID AGUA CALIENTE WASH AND THE SOUTHEASTERLY LINE OF SAID ANDERSSSEN PROPERTY TO A POINT OF CONVERGENCY OF SAID AGUA CALIENTE WASH AND THE LA MILAGROSA WASH;

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THENCE EASTERLY ALONG THE CENTERLINE OF SAID LA MILAGROSA WASH TO A POINT OF INTERSECTION WITH A LINE THAT IS PARALLEL WITH AND 900 FEET WEST OF THE EAST LINE OF SAID LOT 12;

THENCE SOUTHERLY AND PARALLEL WITH SAID EAST LINE OF LOT 12 TO A POINT OF INTERSECTION WITH THE CENTERLINE OF SAID AGUA CALIENTE WASH;

THENCE EASTERLY ALONG THE CENTERLINE OF SAID AGUA CALIENTE WASH TO A POINT OF INTERSECTION WITH A LINE THAT BEARS NORTHERLY AND PARALLEL WITH THE EAST LINE OF SAID LOT 12 FROM THE TRUE POINT OF BEGINNING;

THENCE SOUTHERLY AND PARALLEL WITH THE EAST LINE OF SAID LOT 12 TO THE TRUE POINT OF BEGINNING;

EXCEPT ALL THAT PART LYING WITHIN SAID DEED OF DEDICATION AS RECORDED IN BOOK 2438 OF DOCKET'S AT PAGE 400;

PARCEL 2: (205-29-003A):

ALL THAT PORTION OF LOT 12 OF SECTION 16, TOWNSHIP 13 SOUTH, RANGE 16 EAST, GILA AND SALT RIVER MERIDIAN, PIMA COUNTY, ARIZONA, LYING SOUTH OF THE CENTERLINE OF THE AGUA CALIENTE WASH.

EXCEPT THAT PART LYING WITHIN THE SOUTHEAST QUARTER OF SAID LOT 12;

ALSO EXCEPT ALL THAT PORTION OF THE SOUTHWEST ONE FOURTH OF LOT 12 OF SECTION 16, TOWNSHIP 13 SOUTH, RANGE 16 EAST, GILA AND SALT RIVER MERIDIAN, PIMA COUNTY, ARIZONA, LYING SOUTHERLY OF THE SOUTHERLY RIGHT OF WAY, AND ITS EASTERLY EXTENSION OF THAT ROADWAY DESCRIBED IN THAT DEED OF DEDICATION RECORDED IN THE OFFICE OF THE COUNTY RECORDER, PIMA COUNTY, ARIZONA, IN BOOK 2438 PAGE 400;

FURTHER EXCEPT THAT PART LYING WITHIN THAT ROADWAY DESCRIBED IN THAT DEED OF DEDICATION RECORDED IN THE OFFICE OF THE COUNTY RECORDER, PIMA COUNTY, ARIZONA, BOOK 2438 OF DOCKET'S AT PAGE 400;

AND ALSO EXCEPT ANY PART LYING WITHIN ABOVE DESCRIBED PARCEL 1.

EXHIBIT D  
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PARCEL 3:

A NON- EXCLUSIVE RIGHT OF INGRESS AND EGRESS OVER A 20 FOOT RIGHT OF WAY ALONG THE NORTH BOUNDARY OF SECTION 29;

THENCE NORTHERLY ALONG THE EAST BOUNDARY OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 20;

THENCE ALONG THE WEST BOUNDARY OF SECTION 21, TO SAID SECTION 16, ALL IN TOWNSHIP 13 SOUTH, RANGE 16 EAST, GILA AND SALT RIVER MERIDIAN, PIMA COUNTY, ARIZONA AS SHOWN IN DEED RECORDED IN DOCKET 4836 AT PAGE 522;

AND

A NON- EXCLUSIVE RIGHT OF INGRESS AND EGRESS OVER THE WEST 20 FEET OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER (OR LOT 11) OF SECTION 16, AND OVER AND ACROSS A PRESENTLY (ON AUGUST 13, 1974) EXISTING 20 FOOT GRADED ROADWAY LYING IN LOTS 10, 3 AND 2 OF SAID SECTION 16, ALL IN TOWNSHIP 13 SOUTH, RANGE 16 EAST, GILA AND SALT RIVER MERIDIAN, PIMA COUNTY, ARIZONA, AS SHOWN IN DEED RECORDED IN DOCKET 4836 AT PAGE 522.

PARCEL 4: (205-29-0170):

THAT PORTION OF LOT 11 IN SECTION 16, TOWNSHIP 13 SOUTH, RANGE 16 EAST, GILA AND SALT RIVER MERIDIAN, PIMA COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 11;

THENCE NORTH 1 DEGREES 55 MINUTES WEST ALONG THE WEST LINE OF SAID LOT, 99.00 FEET TO THE CENTERLINE OF THE AGUA CALIENTE WASH;

THENCE ALONG SAID CENTERLINE AS FOLLOWS:

THENCE NORTH 53 DEGREES 04 MINUTES EAST, 142.50 FEET;

THENCE NORTH 43 DEGREES 22 MINUTES EAST, 209.10 FEET;

THENCE SOUTH 87 DEGREES EAST, 53.30 FEET;

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THENCE NORTH 72 DEGREES 55 MINUTES EAST, 53.80 FEET;

THENCE NORTH 60 DEGREES 55 MINUTES EAST, 218.70 FEET;

THENCE NORTH 59 DEGREES 05 MINUTES EAST, 108.34 FEET;

THENCE NORTH 59 DEGREES 05 MINUTES EAST, 220.10 FEET TO THE TRUE POINT OF BEGINNING, SAID POINT ALSO BEING THE NORTHEAST CORNER OF THAT PROPERTY CONVEYED TO EDWARD A. WARDEN AND MARY WARDEN, HUSBAND AND WIFE BY DEED RECORDED IN DOCKET 3104, PAGE 49;

THENCE CONTINUE NORTHEASTERLY ALONG SAID CENTERLINE OF AGUA CALIENTE WASH TO A POINT OF INTERSECTION WITH THE CENTERLINE OF THAT ROADWAY EASEMENT DESCRIBED IN THAT DEED OF DEDICATION RECORDED IN DOCKET 2438, PAGE 400;

THENCE SOUTHEASTERLY, ALONG THE CENTERLINE OF SAID DEED OF DEDICATION TO A POINT ON THE EAST LINE OF SAID LOT 11;

THENCE SOUTHERLY, ALONG SAID EAST LINE OF LOT 11 TO THE SOUTHEAST CORNER THEREOF;

THENCE WESTERLY ALONG THE SOUTH LINE OF SAID LOT TO THE SOUTHEAST CORNER OF SAID WARDEN PROPERTY;

THENCE NORTH 32 DEGREES 30 MINUTES WEST, ALONG THE NORTHEAST LINE OF SAID WARDEN PROPERTY, 718.77 FEET TO THE TRUE POINT OF BEGINNING;

EXCEPT ALL THAT PART OF THE ABOVE-DESCRIBED PARCEL LYING WITHIN THE PROPERTY DESCRIBED IN DEED OF DEDICATION RECORDED IN DOCKET 2438, PAGE 400.

(JV ARB 23)

PARCEL 5: (205-29-0180):

THAT PORTION OF LOT 11 IN SECTION 16, TOWNSHIP 13 SOUTH, RANGE 16 EAST, GILA AND SALT RIVER MERIDIAN, PIMA COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 11;

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THENCE NORTH 1 DEGREES 55 MINUTES WEST, ALONG THE WEST LINE OF SAID LOT, 99.00 FEET TO THE CENTERLINE OF THE AGUA CALIENTE WASH;

THENCE ALONG SAID CENTERLINE AS FOLLOWS:

THENCE NORTH 53 DEGREES 04 MINUTES EAST, 142.50 FEET;

THENCE NORTH 43 DEGREES 22 MINUTES EAST, 209.10 FEET;

THENCE SOUTH 87 DEGREES EAST, 53.30 FEET;

THENCE NORTH 72 DEGREES 55 MINUTES EAST, 53.80 FEET;

THENCE NORTH 60 DEGREES 55 MINUTES EAST, 218.70 FEET;

THENCE NORTH 59 DEGREES 05 MINUTES EAST, 108.34 FEET TO THE TRUE POINT OF BEGINNING;

THENCE NORTH 59 DEGREES 05 MINUTES EAST, 220.10 FEET;

THENCE LEAVING SAID CENTERLINE SOUTH 32 DEGREES 30 MINUTES EAST, 718.77 FEET TO THE SOUTH LINE OF SAID LOT 11;

THENCE SOUTH 88 DEGREES 52 MINUTES 20 SECONDS WEST, ALONG SAID SOUTH LINE 257.59 FEET;

THENCE NORTH 32 DEGREES 30 MINUTES WEST, 590.75 FEET TO THE TRUE POINT OF BEGINNING.

(JV ARB 15)

**PARCEL 6:**

AN EASEMENT FOR INGRESS AND EGRESS AND UTILITIES OVER A STRIP OF LAND 30 FEET IN WIDTH LYING APPROXIMATELY 80 FEET SOUTHEASTERLY FROM THE CENTERLINE OF SAID AGUA CALIENTE WASH AND PARALLELING SAID WASH IN A NORTHEASTERLY DIRECTION FROM THE NORTHEASTERLY LINE OF THE HEREIN DESCRIBED PARCEL (PARCEL 5) TO THE WESTERLY RIGHT-OF-WAY LINE OF THAT CERTAIN ROADWAY AS SET FORTH IN DEED OF DEDICATION RECORDED IN DOCKET 2438, PAGE 400.

EXHIBIT D  
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PARCEL 7: (205-29-0190):

THAT PORTION OF LOT 11 IN SECTION 16, TOWNSHIP 13 SOUTH, RANGE 16 EAST, GILA AND SALT RIVER MERIDIAN, PIMA COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 11;

THENCE NORTH 1 DEGREES 55 MINUTES WEST, ALONG THE WEST LINE OF SAID LOT, 99.00 FEET TO THE CENTERLINE OF THE AGUA CALIENTE WASH;

THENCE ALONG SAID CENTERLINE AS FOLLOWS:

THENCE NORTH 53 DEGREES 04 MINUTES EAST, 142.50 FEET;

THENCE NORTH 43 DEGREES 22 MINUTES EAST, 209.10 FEET;

THENCE SOUTH 87 DEGREES EAST, 53.30 FEET;

THENCE NORTH 72 DEGREES 55 MINUTES EAST, 53.80 FEET;

THENCE NORTH 60 DEGREES 55 MINUTES EAST, 44.51 FEET TO THE TRUE POINT OF BEGINNING;

THENCE NORTH 60 DEGREES 55 MINUTES EAST, 174.19 FEET;

THENCE NORTH 59 DEGREES 05 MINUTES EAST, 108.34 FEET;

THENCE LEAVING SAID CENTERLINE SOUTH 32 DEGREES 30 MINUTES EAST, 590.75 FEET TO THE SOUTH LINE OF LOT 11;

THENCE SOUTH 88 DEGREES 52 MINUTES 20 SECONDS WEST, ALONG SAID SOUTH LINE, 330.50 FEET TO A POINT DISTANT 630 FEET FROM THE SOUTHWEST CORNER OF SAID LOT 11;

THENCE NORTH 32 DEGREES 30 MINUTES WEST, 432.07 FEET TO THE TRUE POINT OF BEGINNING.

(JV ARB 22)

EXHIBIT D  
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PARCEL 8:

AN EASEMENT FOR INGRESS, EGRESS AND UTILITIES OVER A STRIP OF LAND 30 FEET IN WIDTH LYING APPROXIMATELY 80 FEET SOUTHEASTERLY FROM THE CENTERLINE OF SAID AGUA CALIENTE WASH AND PARALLELING SAID WASH IN A NORTHEASTERLY DIRECTION FROM THE NORTHEASTERLY LINE OF PARCEL 7 HEREIN TO THE WESTERLY RIGHT-OF-WAY LINE OF THAT CERTAIN ROADWAY AS SET FORTH IN DEED OF DEDICATION RECORDED IN DOCKET 2438, PAGE 400, IN SECTION 16, TOWNSHIP 13 SOUTH, RANGE 16 EAST, GILA AND SALT RIVER MERIDIAN, PIMA COUNTY, ARIZONA.

PARCEL 9: (205-29-0200):

THAT PORTION OF LOT 11 IN SECTION 16, TOWNSHIP 13 SOUTH, RANGE 16 EAST, GILA AND SALT RIVER MERIDIAN, PIMA COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 11;

THENCE NORTH 01 DEGREES 55 MINUTES WEST, ALONG THE WEST LINE OF SAID LOT, 99.00 FEET TO THE CENTERLINE OF THE AGUA CALIENTE WASH;

THENCE NORTHEASTERLY ALONG SAID CENTER LINE AS FOLLOWS:

THENCE NORTH 53 DEGREES 04 MINUTES EAST, 142.50 FEET;

THENCE NORTH 43 DEGREES 22 MINUTES EAST, 209.10 FEET;

THENCE SOUTH 87 DEGREES EAST, 53.30 FEET;

THENCE NORTH 72 DEGREES 55 MINUTES EAST, 53.80 FEET;

THENCE NORTH 60 DEGREES 55 MINUTES EAST, 44.51 FEET;

THENCE LEAVING SAID CENTER LINE SOUTH 32 DEGREES 30 MINUTES EAST, 432.07 FEET TO THE SOUTH LINE OF LOT 11;

THENCE SOUTH 88 DEGREES 52 MINUTES 20 SECONDS WEST, ALONG SAID SOUTH LINE, 630.00 FEET TO THE POINT OF BEGINNING.

EXCEPT FROM SAID LOT 11 THE WEST 48 FEET OF THE SOUTH 48 FEET THEREOF.

(JV ARB 13)



EXHIBIT D  
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PARCEL 10:

AN EASEMENT FOR INGRESS, EGRESS AND UTILITIES OVER A STRIP OF LAND 30 FEET IN WIDTH LYING APPROXIMATELY 80 FEET SOUTHEASTERLY FROM THE CENTER LINE OF SAID AGUA CAUENTE WASH AND PARALLELING SAID WASH IN A NORTHEASTERLY DIRECTION FROM THE NORTHEASTERLY LINE OF PARCEL 4 HEREIN TO THE WESTERLY RIGHT-OF-WAY LINE OF THAT CERTAIN ROADWAY AS SET FORTH IN DEED OF DEDICATION RECORDED IN DOCKET 2438, PAGE 400, IN SECTION 16, TOWNSHIP 13 SOUTH, RANGE 16 EAST, GILA AND SALT RIVER MERIDIAN, PIMA COUNTY, ARIZONA.

PARCEL 11:

AN EASEMENT FOR INGRESS, EGRESS AND UTILITIES OVER A PORTION OF THAT PARTICULAR PARCEL AS DESCRIBED IN DOCKET 8907 AT PAGE 1571 THEREIN, RECORDS OF PIMA COUNTY, ARIZONA, SAID DESCRIBED PARCEL BEING A PORTION OF THE NORTHWEST ONE-QUARTER OF SECTION 21, TOWNSHIP 13 SOUTH, RANGE 16 EAST, GILA AND SALT RIVER MERIDIAN, PIMA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF THE AFOREMENTIONED SECTION 21, SAID CORNER BEING COINCIDENT WITH THE NORTHWEST CORNER OF THE AFOREMENTIONED DESCRIBED PARCEL;

THENCE UPON THE NORTH LINE OF SAID SECTION 21, SAID NORTH LINE BEING COINCIDENT WITH THE NORTH LINE OF SAID DESCRIBED PARCEL, NORTH 89 DEGREES 00 MINUTES 20 SECONDS EAST, A DISTANCE OF 162.45 FEET;

THENCE LEAVING SAID NORTH LINE, UPON A LINE EASTERLY OF AND PARALLEL WITH THE WEST LINE OF SAID SECTION 21, SOUTH 00 DEGREES 11 MINUTES 51 SECONDS EAST, A DISTANCE OF 30.00 FEET;

THENCE UPON A LINE SOUTHERLY OF AND PARALLEL WITH SAID NORTH LINE, SOUTH 89 DEGREES 00 MINUTES 20 SECONDS WEST, A DISTANCE OF 162.45 FEET TO A POINT ON THE WEST LINE OF THE AFOREMENTIONED DESCRIBED PARCEL;

THENCE UPON SAID WEST LINE, SAID WEST LINE BEING COINCIDENT WITH THE WEST LINE OF THE AFOREMENTIONED SECTION 21, NORTH 00 DEGREES 11 MINUTES 51 SECONDS WEST, A DISTANCE OF 30.00 FEET TO THE TRUE POINT OF BEGINNING.

EXHIBIT D  
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PARCEL 12: (205-29-003D):

THAT PORTION OF LOT 12 OF SECTION 16, TOWNSHIP 13 SOUTH, RANGE 16 EAST, GILA AND SALT RIVER BASE AND MERIDIAN, PIMA COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

BEGINNING AT POINT 19 AS DESCRIBED IN PARCEL 3 OF THAT DEED OF DEDICATION RECORDED IN THE OFFICE OF THE COUNTY RECORDER, PIMA COUNTY, ARIZONA, IN BOOK 2438 OF DOCKETS AT PAGE 400;

THENCE SOUTH 62 DEGREES 33 MINUTES WEST ALONG THE CENTERLINE OF SAID DEED OF DEDICATION, A DISTANCE OF 50 FEET;

THENCE NORTHERLY AND PARALLEL WITH THE EAST LINE OF SAID LOT 12 TO THE POINT OF INTERSECTION WITH THE CENTERLINE OF THE AGUA CALIENTE WASH, SAID POINT BEING THE TRUE POINT OF BEGINNING;

THENCE WESTERLY ALONG THE CENTERLINE OF SAID AGUA CALIENTE WASH TO A POINT OF INTERSECTION WITH A LINE THAT IS PARALLEL WITH AND 900 FEET WEST OF THE EAST LINE OF SAID LOT 12;

THENCE NORTHERLY, PARALLEL WITH AND 900 FEET WEST OF THE SAID EAST LINE OF SAID LOT 12, TO THE POINT OF INTERSECTION WITH THE CENTERLINE OF THE LA MILAGROSA WASH AND THE SOUTHEASTERLY LINE OF THAT PROPERTY CONVEYED TO GEORGE S. ANDERSEN AND ESTHER K. ANDERSON, HUSBAND AND WIFE, BY DEED RECORDED IN BOOK 2462 OF DOCKETS AT PAGE 56 IN SAID RECORDER'S OFFICE;

THENCE NORTHEASTERLY ALONG THE CENTERLINE OF SAID LA MILAGROSA WASH AND THE SOUTHEASTERLY LINE OF SAID ANDERSEN PROPERTY TO THE POINT OF INTERSECTION OF SAID CENTERLINE WITH THE NORTH LINE OF SAID LOT 12;

THENCE EASTERLY ALONG THE NORTH LINE OF SAID LOT 12 TO THE NORTHEAST CORNER THEREOF;

THENCE SOUTHERLY ALONG THE EAST LINE OF SAID OF SAID LOT 12 TO A POINT OF INTERSECTION WITH THE CENTERLINE OF SAID AGUA CALIENTE WASH;

THENCE WESTERLY ALONG THE CENTERLINE OF SAID AGUA CALIENTE WASH TO THE TRUE POINT OF BEGINNING.

EXHIBIT D  
(Page 10 of 10)

PARCEL 12:

AN UNDEFINED 30 FOOT EASEMENT FOR INGRESS, EGRESS AND UTILITIES OVER AN EXISTING ROADWAY RUNNING IN A NORTHERLY AND SOUTHERLY DIRECTION AND BEGINNING APPROXIMATELY 50 FEET EAST OF POINT 18 OF PARCEL 3 OF A FORESAID DEED OF DEDICATION.

**AMENDMENT NO. 3 TO DISTRICT MSCP  
MASTER COVENANT**

1. **DEFINED TERMS.** For purposes of this Amendment, the following terms have the meanings set forth below:

1.1. District: the Pima County Regional Flood Control District, a political taxing subdivision of the State of Arizona

1.2. County: Pima County, a political subdivision of the State of Arizona

1.3. Beneficiary: the Arizona Land and Water Trust, Inc., an Arizona nonprofit corporation

1.4. District MSCP Master Covenant: the Master Restrictive Covenant for the District MSCP Mitigation Land recorded 11-8-2016, Sequence No. 20163130353, Amendment No.1 recorded March 7, 2019, Sequence No. 20190660391, and Amendment No. 3 recorded December 21, 2020, Sequence No. 20203560398 records of the Pima County Recorder, between District, County and Beneficiary

1.5. Effective Date: The date this Amendment is executed by all of the parties hereto

2. **MODIFICATION OF DISTRICT MSCP MASTER COVENANT.** District, County and Beneficiary hereby agree to modify the terms of the District MSCP Master Covenant as follows:

2.1. Exhibits A, B and C to District MSCP Master Covenant Amended. Exhibits A, B and C are hereby amended to remove and release the properties listed in Exhibit A, identified on Exhibit B, depicted on Exhibit C and described by Exhibit D to this Amendment (the “Released Properties”).

3. **REMAINING TERMS UNCHANGED.** Except as modified as provided in this Amendment, all of the terms and conditions of the District MSCP Master Covenant shall remain in full force and effect.

4. **EFFECTIVE DATE.** This Amendment shall be effective as of the Effective Date.

IN WITNESS WHEREOF, the parties hereto have executed this Amendment on the day, month and year written below.

COUNTY: PIMA COUNTY, a political subdivision of the State of Arizona:

\_\_\_\_\_  
Chair, Board of Supervisors

\_\_\_\_\_  
Date

ATTEST:

\_\_\_\_\_  
Clerk of Board of Supervisors

\_\_\_\_\_  
Date

APPROVED AS TO CONTENT:

  
\_\_\_\_\_  
Jeffrey Teplitsky, Director, Real Property Services

 10/25/2024  
\_\_\_\_\_  
Carmine DeBonis, Deputy County Administrator

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Rachelle Barr, Deputy County Attorney

STATE OF ARIZONA     )  
                                  ) §  
COUNTY OF PIMA     )

This instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2024,  
by \_\_\_\_\_ as Chair of the Pima County  
Board of Supervisors.

\_\_\_\_\_  
Notary Public

**DISTRICT: Regional Flood Control District**

\_\_\_\_\_  
Chair, Board of Directors

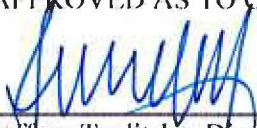
\_\_\_\_\_  
Date


ATTEST:

\_\_\_\_\_  
Clerk of Board of Directors


\_\_\_\_\_  
Date

APPROVED AS TO CONTENT:

  
\_\_\_\_\_  
Jeffrey Teplitsky, Director, Real Property Services

 10/25/2024  
\_\_\_\_\_  
Carmine DeBonis, Deputy County Administrator

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Rachelle Barr, Deputy County Attorney

STATE OF ARIZONA        )  
                                  ) §  
COUNTY OF PIMA        )

This instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2024,  
by \_\_\_\_\_ as Chair of the Pima County  
Flood Control District Board.

\_\_\_\_\_  
Notary Public

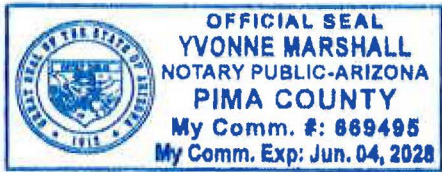
**BENEFICIARY: The Arizona Land and Water Trust, an Arizona nonprofit corporation**

*Diana Freshwater*  
Diana Freshwater, President

9/26/24  
Date

STATE OF ARIZONA     )  
                                  ) §  
COUNTY OF PIMA     )

This instrument was acknowledged before me this 26 day of September, 2024,  
by Diana Freshwater as President, The Arizona Land and Water Trust.



*Yvonne Marshall*  
Notary Public

**EXHIBIT A**

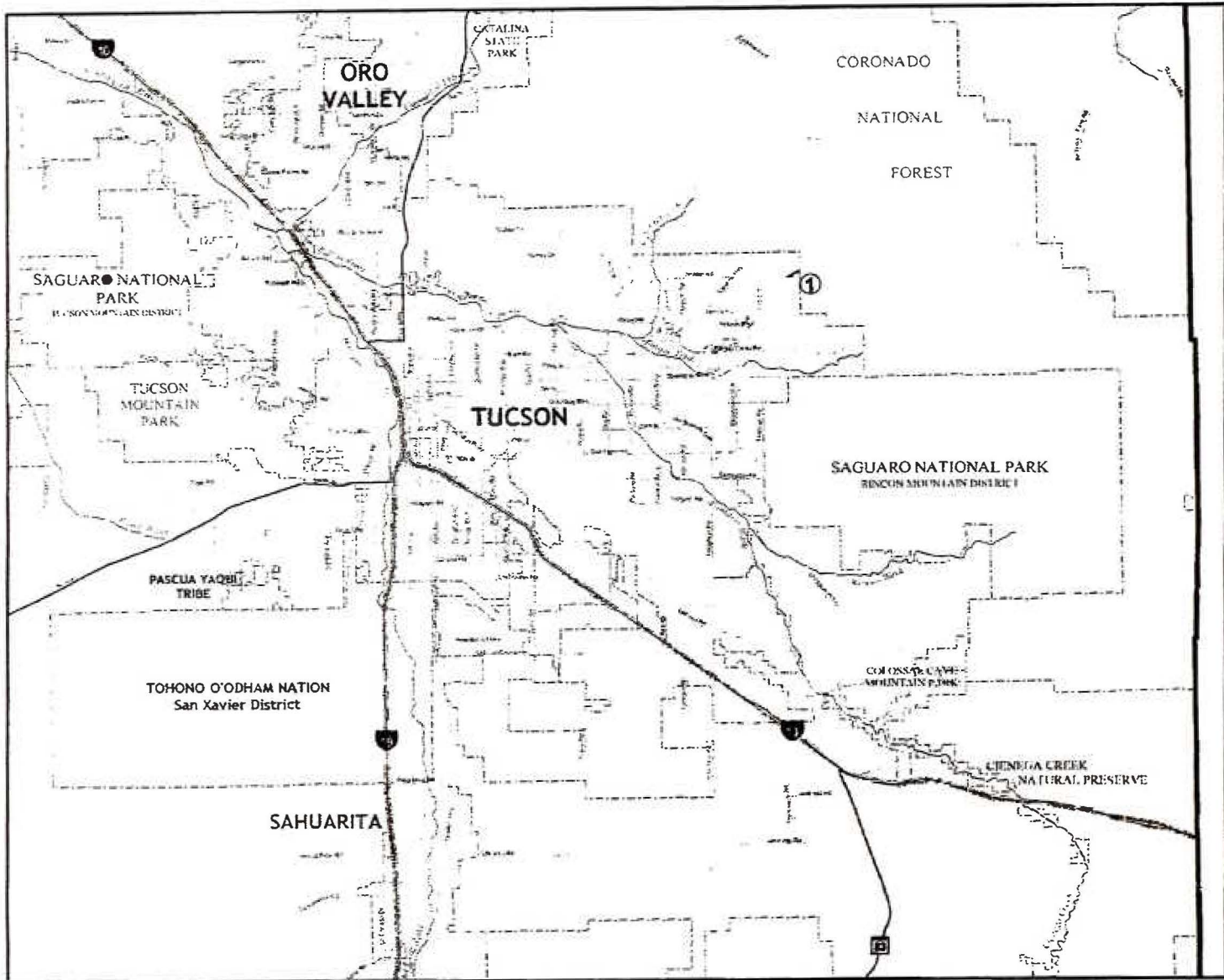
**Removed Properties**

**Parcel(s) to be removed and released from Master Restrictive Covenants for Regional Flood Control District MSCP Mitigation Land**

**MSCP Mitigation Land Restrictive Covenants: Pima County Flood Control District, Owner**

<b>Property</b>	<b>APN</b>	<b>Acres</b>	<b>Map ID</b>
Horsehead	205-29-0170	5.020	1
Horsehead	205-29-0180	3.410	1
Horsehead	205-29-0190	3.390	1
Horsehead	205-29-0200	3.390	1
Horsehead	205-29-003D	8.370	1
Horsehead	205-29-003A	8.020	1

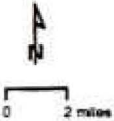




**EXHIBIT B**

**MSCP Restrictive Covenant  
Amendment #2 Properties:  
FCD Owner & Grantor;  
Pima County Grantee**

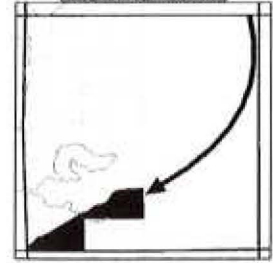
Property to Add	Map ID	Acres
 Agua Caliente Wash	1	31.4



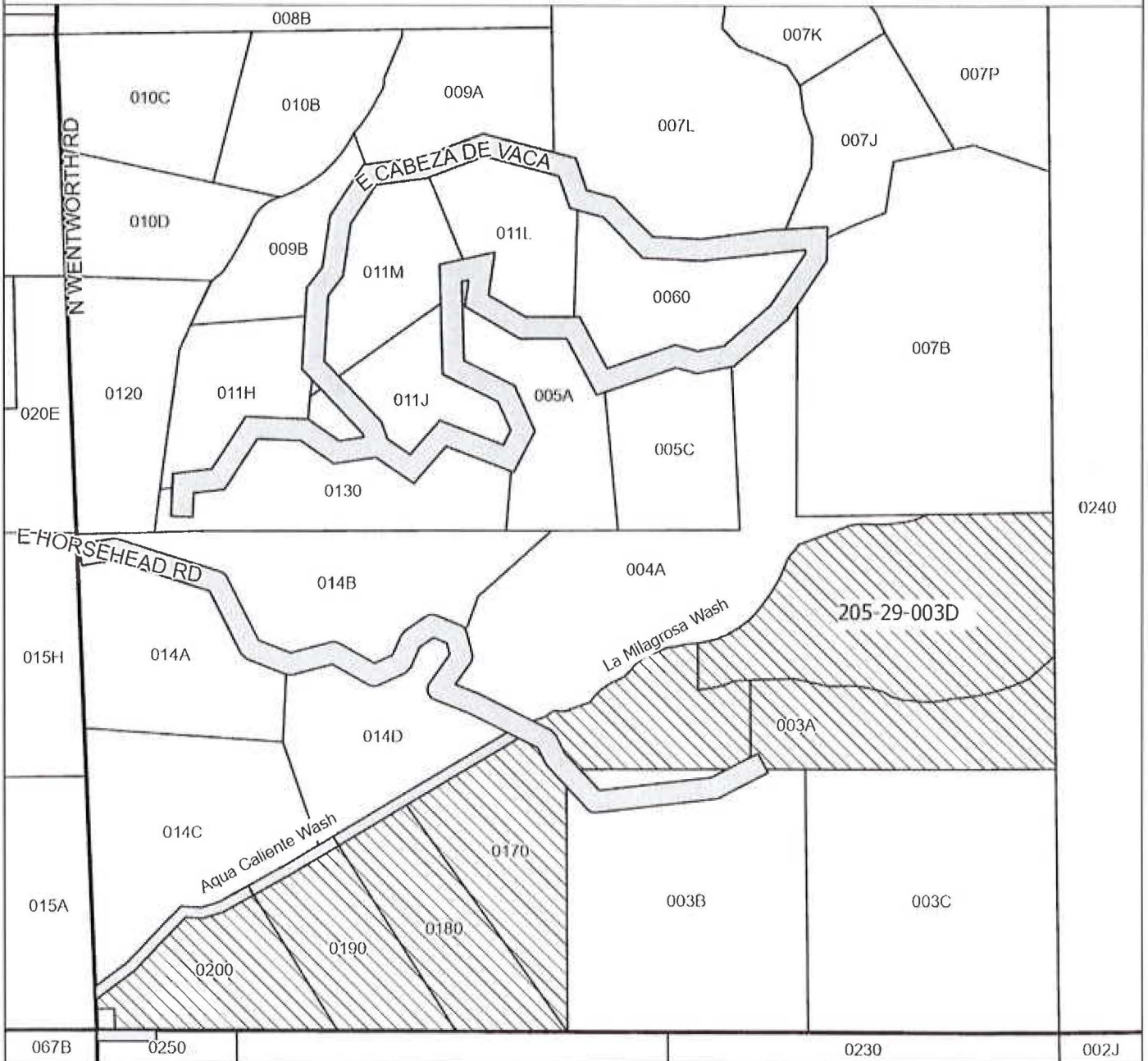
**EXHIBIT C**

**SECTION 16  
TOWNSHIP 13 SOUTH  
RANGE 16 EAST**

SUBJECT AREA



SECTION 16 G&SRM  
PIMA COUNTY, ARIZONA



24025

**PIMA COUNTY DEPARTMENT OF TRANSPORTATION  
ENGINEERING INFORMATION MANAGEMENT**

NOT TO SCALE

DRAWN BY: J TAYLOR

DATE: AUG 2024

**Legend**

- Parcels
- Ingress/Egress Easements

EXHIBIT D  
(Page 1 of 10)

LEGAL DESCRIPTIONS

PARCEL 1: (205-29-003A)

THAT PORTION OF LOTS 11 AND 12 OF SECTION 16, TOWNSHIP 13 SOUTH, RANGE 16 EAST, GILA AND SALT RIVER MERIDIAN, PIMA COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

BEGINNING AT POINT 19 DESCRIBED IN PARCEL 3 OF THAT DEED OF DEDICATION RECORDED IN THE OFFICE OF THE COUNTY RECORDER, PIMA COUNTY, ARIZONA, IN BOOK 2438 OF DOCKETS AT PAGE 400;

THENCE SOUTH 62 DEGREES 33 MINUTES WEST ALONG THE CENTERLINE OF SAID DEED OF DEDICATION, A DISTANCE OF 50 FEET TO THE TRUE POINT OF BEGINNING;

THENCE CONTINUE ALONG THE CENTERLINE OF SAID DEED OF DEDICATION THRU THE FOLLOWING COURSES:

THENCE SOUTH 62 DEGREES 33 MINUTES WEST A DISTANCE OF 100 FEET TO POINT 18;

THENCE SOUTH 83 DEGREES 25 MINUTES 30 SECONDS WEST A DISTANCE OF 329.9 FEET TO POINT 17;

THENCE NORTH 43 DEGREES 04 MINUTES WEST A DISTANCE OF 161.04 FEET TO POINT 16;

THENCE NORTH 26 DEGREES 19 MINUTES WEST A DISTANCE OF 58.25 FEET TO POINT 15;

THENCE NORTH 63 DEGREES 19 MINUTES WEST TO THE POINT OF INTERSECTION WITH THE CENTERLINE OF SAID DEED OF DEDICATION AND THE CENTERLINE OF THE AGUA CALIENTE WASH, SAID POINT ALSO BEING ON THE WESTERLY EXTENSION OF THE SOUTHEASTERLY LINE OF THAT PROPERTY CONVEYED TO GEORGE S. ANDERSSSEN AND ESTHER K. ANDERSSSEN, HUSBAND AND WIFE, AS RECORDED IN SAID RECORDER'S OFFICE IN BOOK 2462 OF DOCKETS AT PAGE 56;

THENCE EASTERLY ALONG SAID AGUA CALIENTE WASH AND THE SOUTHEASTERLY LINE OF SAID ANDERSSSEN PROPERTY TO A POINT OF CONVERGENCY OF SAID AGUA CALIENTE WASH AND THE LA MILAGROSA WASH;

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(Page 2 of 10)

THENCE EASTERLY ALONG THE CENTERLINE OF SAID LA MILAGROSA WASH TO A POINT OF INTERSECTION WITH A LINE THAT IS PARALLEL WITH AND 900 FEET WEST OF THE EAST LINE OF SAID LOT 12;

THENCE SOUTHERLY AND PARALLEL WITH SAID EAST LINE OF LOT 12 TO A POINT OF INTERSECTION WITH THE CENTERLINE OF SAID AGUA CALIENTE WASH;

THENCE EASTERLY ALONG THE CENTERLINE OF SAID AGUA CALIENTE WASH TO A POINT OF INTERSECTION WITH A LINE THAT BEARS NORTHERLY AND PARALLEL WITH THE EAST LINE OF SAID LOT 12 FROM THE TRUE POINT OF BEGINNING;

THENCE SOUTHERLY AND PARALLEL WITH THE EAST LINE OF SAID LOT 12 TO THE TRUE POINT OF BEGINNING;

EXCEPT ALL THAT PART LYING WITHIN SAID DEED OF DEDICATION AS RECORDED IN BOOK 2438 OF DOCKETS AT PAGE 400;

PARCEL 2: (205-29-003A):

ALL THAT PORTION OF LOT 12 OF SECTION 16, TOWNSHIP 13 SOUTH, RANGE 16 EAST, GILA AND SALT RIVER MERIDIAN, PIMA COUNTY, ARIZONA, LYING SOUTH OF THE CENTERLINE OF THE AGUA CALIENTE WASH.

EXCEPT THAT PART LYING WITHIN THE SOUTHEAST QUARTER OF SAID LOT 12;

ALSO EXCEPT ALL THAT PORTION OF THE SOUTHWEST ONE FOURTH OF LOT 12 OF SECTION 16, TOWNSHIP 13 SOUTH, RANGE 16 EAST, GILA AND SALT RIVER MERIDIAN, PIMA COUNTY, ARIZONA, LYING SOUTHERLY OF THE SOUTHERLY RIGHT OF WAY, AND ITS EASTERLY EXTENSION OF THAT ROADWAY DESCRIBED IN THAT DEED OF DEDICATION RECORDED IN THE OFFICE OF THE COUNTY RECORDER, PIMA COUNTY, ARIZONA, IN BOOK 2438 PAGE 400;

FURTHER EXCEPT THAT PART LYING WITHIN THAT ROADWAY DESCRIBED IN THAT DEED OF DEDICATION RECORDED IN THE OFFICE OF THE COUNTY RECORDER, PIMA COUNTY, ARIZONA, BOOK 2438 OF DOCKETS AT PAGE 400;

AND ALSO EXCEPT ANY PART LYING WITHIN ABOVE DESCRIBED PARCEL 1.

EXHIBIT D  
(Page 3 of 10)

PARCEL 3:

A NON- EXCLUSIVE RIGHT OF INGRESS AND EGRESS OVER A 20 FOOT RIGHT OF WAY ALONG THE NORTH BOUNDARY OF SECTION 29;

THENCE NORTHERLY ALONG THE EAST BOUNDARY OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 20;

THENCE ALONG THE WEST BOUNDARY OF SECTION 21, TO SAID SECTION 16, ALL IN TOWNSHIP 13 SOUTH, RANGE 16 EAST, GILA AND SALT RIVER MERIDIAN, PIMA COUNTY, ARIZONA AS SHOWN IN DEED RECORDED IN DOCKET 4836 AT PAGE 522;

**AND**

A NON- EXCLUSIVE RIGHT OF INGRESS AND EGRESS OVER THE WEST 20 FEET OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER (OR LOT 11) OF SECTION 16, AND OVER AND ACROSS A PRESENTLY (ON AUGUST 13, 1974) EXISTING 20 FOOT GRADED ROADWAY LYING IN LOTS 10, 3 AND 2 OF SAID SECTION 16, ALL IN TOWNSHIP 13 SOUTH, RANGE 16 EAST, GILA AND SALT RIVER MERIDIAN, PIMA COUNTY, ARIZONA, AS SHOWN IN DEED RECORDED IN DOCKET 4836 AT PAGE 522.

PARCEL 4: (205-29-0170):

THAT PORTION OF LOT 11 IN SECTION 16, TOWNSHIP 13 SOUTH, RANGE 16 EAST, GILA AND SALT RIVER MERIDIAN, PIMA COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 11;

THENCE NORTH 1 DEGREES 55 MINUTES WEST ALONG THE WEST LINE OF SAID LOT, 99.00 FEET TO THE CENTERLINE OF THE AGUA CALIENTE WASH;

THENCE ALONG SAID CENTERLINE AS FOLLOWS:

THENCE NORTH 53 DEGREES 04 MINUTES EAST, 142.50 FEET;

THENCE NORTH 43 DEGREES 22 MINUTES EAST, 209.10 FEET;

THENCE SOUTH 87 DEGREES EAST, 53.30 FEET;

EXHIBIT D  
(Page 4 of 10)

THENCE NORTH 72 DEGREES 55 MINUTES EAST, 53.80 FEET;

THENCE NORTH 60 DEGREES 55 MINUTES EAST, 218.70 FEET;

THENCE NORTH 59 DEGREES 05 MINUTES EAST, 108.34 FEET;

THENCE NORTH 59 DEGREES 05 MINUTES EAST, 220.10 FEET TO THE TRUE POINT OF BEGINNING, SAID POINT ALSO BEING THE NORTHEAST CORNER OF THAT PROPERTY CONVEYED TO EDWARD A. WARDEN AND MARY WARDEN, HUSBAND AND WIFE BY DEED RECORDED IN DOCKET 3104, PAGE 49;

THENCE CONTINUE NORTHEASTERLY ALONG SAID CENTERLINE OF AGUA CALIENTE WASH TO A POINT OF INTERSECTION WITH THE CENTERLINE OF THAT ROADWAY EASEMENT DESCRIBED IN THAT DEED OF DEDICATION RECORDED IN DOCKET 2438, PAGE 400;

THENCE SOUTHEASTERLY, ALONG THE CENTERLINE OF SAID DEED OF DEDICATION TO A POINT ON THE EAST LINE OF SAID LOT 11;

THENCE SOUTHERLY, ALONG SAID EAST LINE OF LOT 11 TO THE SOUTHEAST CORNER THEREOF;

THENCE WESTERLY ALONG THE SOUTH LINE OF SAID LOT TO THE SOUTHEAST CORNER OF SAID WARDEN PROPERTY;

THENCE NORTH 32 DEGREES 30 MINUTES WEST, ALONG THE NORTHEAST LINE OF SAID WARDEN PROPERTY, 718.77 FEET TO THE TRUE POINT OF BEGINNING;

EXCEPT ALL THAT PART OF THE ABOVE-DESCRIBED PARCEL LYING WITHIN THE PROPERTY DESCRIBED IN DEED OF DEDICATION RECORDED IN DOCKET 2438, PAGE 400.

(JV ARB 23)

PARCEL 5: (205-29-0180):

THAT PORTION OF LOT 11 IN SECTION 16, TOWNSHIP 13 SOUTH, RANGE 16 EAST, GILA AND SALT RIVER MERIDIAN, PIMA COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 11;

EXHIBIT D  
(Page 5 of 10)

THENCE NORTH 1 DEGREES 55 MINUTES WEST, ALONG THE WEST LINE OF SAID LOT, 99.00 FEET TO THE CENTERLINE OF THE AGUA CALIENTE WASH;

THENCE ALONG SAID CENTERLINE AS FOLLOWS:

THENCE NORTH 53 DEGREES 04 MINUTES EAST, 142.50 FEET;

THENCE NORTH 43 DEGREES 22 MINUTES EAST, 209.10 FEET;

THENCE SOUTH 87 DEGREES EAST, 53.30 FEET;

THENCE NORTH 72 DEGREES 55 MINUTES EAST, 53.80 FEET;

THENCE NORTH 60 DEGREES 55 MINUTES EAST, 218.70 FEET;

THENCE NORTH 59 DEGREES 05 MINUTES EAST, 108.34 FEET TO THE TRUE POINT OF BEGINNING;

THENCE NORTH 59 DEGREES 05 MINUTES EAST, 220.10 FEET;

THENCE LEAVING SAID CENTERLINE SOUTH 32 DEGREES 30 MINUTES EAST, 718.77 FEET TO THE SOUTH LINE OF SAID LOT 11;

THENCE SOUTH 88 DEGREES 52 MINUTES 20 SECONDS WEST, ALONG SAID SOUTH LINE 257.59 FEET;

THENCE NORTH 32 DEGREES 30 MINUTES WEST, 590.75 FEET TO THE TRUE POINT OF BEGINNING.

(JV ARB 15)

**PARCEL 6:**

AN EASEMENT FOR INGRESS AND EGRESS AND UTILITIES OVER A STRIP OF LAND 30 FEET IN WIDTH LYING APPROXIMATELY 80 FEET SOUTHEASTERLY FROM THE CENTERLINE OF SAID AGUA CALIENTE WASH AND PARALLELING SAID WASH IN A NORTHEASTERLY DIRECTION FROM THE NORTHEASTERLY LINE OF THE HEREIN DESCRIBED PARCEL (PARCEL 5) TO THE WESTERLY RIGHT-OF-WAY LINE OF THAT CERTAIN ROADWAY AS SET FORTH IN DEED OF DEDICATION RECORDED IN DOCKET 2438, PAGE 400.

EXHIBIT D  
(Page 6 of 10)

PARCEL 7: (205-29-0190):

THAT PORTION OF LOT 11 IN SECTION 16, TOWNSHIP 13 SOUTH, RANGE 16 EAST, GILA AND SALT RIVER MERIDIAN, PIMA COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 11;

THENCE NORTH 1 DEGREES 55 MINUTES WEST, ALONG THE WEST LINE OF SAID LOT, 99.00 FEET TO THE CENTERLINE OF THE AGUA CALIENTE WASH;

THENCE ALONG SAID CENTERLINE AS FOLLOWS:

THENCE NORTH 53 DEGREES 04 MINUTES EAST, 142.50 FEET;

THENCE NORTH 43 DEGREES 22 MINUTES EAST, 209.10 FEET;

THENCE SOUTH 87 DEGREES EAST, 53.30 FEET;

THENCE NORTH 72 DEGREES 55 MINUTES EAST, 53.80 FEET;

THENCE NORTH 60 DEGREES 55 MINUTES EAST, 44.51 FEET TO THE TRUE POINT OF BEGINNING;

THENCE NORTH 60 DEGREES 55 MINUTES EAST, 174.19 FEET;

THENCE NORTH 59 DEGREES 05 MINUTES EAST, 108.34 FEET;

THENCE LEAVING SAID CENTERLINE SOUTH 32 DEGREES 30 MINUTES EAST, 590.75 FEET TO THE SOUTH LINE OF LOT 11;

THENCE SOUTH 88 DEGREES 52 MINUTES 20 SECONDS WEST, ALONG SAID SOUTH LINE, 330.50 FEET TO A POINT DISTANT 630 FEET FROM THE SOUTHWEST CORNER OF SAID LOT 11;

THENCE NORTH 32 DEGREES 30 MINUTES WEST, 432.07 FEET TO THE TRUE POINT OF BEGINNING.

(JV ARB 22)



EXHIBIT D  
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PARCEL 8:

AN EASEMENT FOR INGRESS, EGRESS AND UTILITIES OVER A STRIP OF LAND 30 FEET IN WIDTH LYING APPROXIMATELY 80 FEET SOUTHEASTERLY FROM THE CENTERLINE OF SAID AGUA CALIENTE WASH AND PARALLELING SAID WASH IN A NORTHEASTERLY DIRECTION FROM THE NORTHEASTERLY LINE OF PARCEL 7 HEREIN TO THE WESTERLY RIGHT-OF-WAY LINE OF THAT CERTAIN ROADWAY AS SET FORTH IN DEED OF DEDICATION RECORDED IN DOCKET 2438, PAGE 400, IN SECTION 16, TOWNSHIP 13 SOUTH, RANGE 16 EAST, GILA AND SALT RIVER MERIDIAN, PIMA COUNTY, ARIZONA.

PARCEL 9: (205-29-0200):

THAT PORTION OF LOT 11 IN SECTION 16, TOWNSHIP 13 SOUTH, RANGE 16 EAST, GILA AND SALT RIVER MERIDIAN, PIMA COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 11;

THENCE NORTH 01 DEGREES 55 MINUTES WEST, ALONG THE WEST LINE OF SAID LOT, 99.00 FEET TO THE CENTERLINE OF THE AGUA CALIENTE WASH;

THENCE NORTHEASTERLY ALONG SAID CENTER LINE AS FOLLOWS:

THENCE NORTH 53 DEGREES 04 MINUTES EAST, 142.50 FEET;

THENCE NORTH 43 DEGREES 22 MINUTES EAST, 209.10 FEET;

THENCE SOUTH 87 DEGREES EAST, 53.30 FEET;

THENCE NORTH 72 DEGREES 55 MINUTES EAST, 53.80 FEET;

THENCE NORTH 60 DEGREES 55 MINUTES EAST, 44.51 FEET;

THENCE LEAVING SAID CENTER LINE SOUTH 32 DEGREES 30 MINUTES EAST, 432.07 FEET TO THE SOUTH LINE OF LOT 11;

THENCE SOUTH 88 DEGREES 52 MINUTES 20 SECONDS WEST, ALONG SAID SOUTH LINE, 630.00 FEET TO THE POINT OF BEGINNING.

EXCEPT FROM SAID LOT 11 THE WEST 48 FEET OF THE SOUTH 48 FEET THEREOF.

(JV ARB 13)

EXHIBIT D  
(Page 8 of 10)

PARCEL 10:

AN EASEMENT FOR INGRESS, EGRESS AND UTILITIES OVER A STRIP OF LAND 30 FEET IN WIDTH LYING APPROXIMATELY 80 FEET SOUTHEASTERLY FROM THE CENTER LINE OF SAID AGUA CAUENTE WASH AND PARALLELING SAID WASH IN A NORTHEASTERLY DIRECTION FROM THE NORTHEASTERLY LINE OF PARCEL 4 HEREIN TO THE WESTERLY RIGHT-OF-WAY LINE OF THAT CERTAIN ROADWAY AS SET FORTH IN DEED OF DEDICATION RECORDED IN DOCKET 2438, PAGE 400, IN SECTION 16, TOWNSHIP 13 SOUTH, RANGE 16 EAST, GILA AND SALT RIVER MERIDIAN, PIMA COUNTY, ARIZONA.

PARCEL 11:

AN EASEMENT FOR INGRESS, EGRESS AND UTILITIES OVER A PORTION OF THAT PARTICULAR PARCEL AS DESCRIBED IN DOCKET 8907 AT PAGE 1571 THEREIN, RECORDS OF PIMA COUNTY, ARIZONA, SAID DESCRIBED PARCEL BEING A PORTION OF THE NORTHWEST ONE-QUARTER OF SECTION 21, TOWNSHIP 13 SOUTH, RANGE 16 EAST, GILA AND SALT RIVER MERIDIAN, PIMA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF THE AFOREMENTIONED SECTION 21, SAID CORNER BEING COINCIDENT WITH THE NORTHWEST CORNER OF THE AFOREMENTIONED DESCRIBED PARCEL;

THENCE UPON THE NORTH LINE OF SAID SECTION 21, SAID NORTH LINE BEING COINCIDENT WITH THE NORTH LINE OF SAID DESCRIBED PARCEL, NORTH 89 DEGREES 00 MINUTES 20 SECONDS EAST, A DISTANCE OF 162.45 FEET;

THENCE LEAVING SAID NORTH LINE, UPON A LINE EASTERLY OF AND PARALLEL WITH THE WEST LINE OF SAID SECTION 21, SOUTH 00 DEGREES 11 MINUTES 51 SECONDS EAST, A DISTANCE OF 30.00 FEET;

THENCE UPON A LINE SOUTHERLY OF AND PARALLEL WITH SAID NORTH LINE, SOUTH 89 DEGREES 00 MINUTES 20 SECONDS WEST, A DISTANCE OF 162.45 FEET TO A POINT ON THE WEST LINE OF THE AFOREMENTIONED DESCRIBED PARCEL;

THENCE UPON SAID WEST LINE, SAID WEST LINE BEING COINCIDENT WITH THE WEST LINE OF THE AFOREMENTIONED SECTION 21, NORTH 00 DEGREES 11 MINUTES 51 SECONDS WEST, A DISTANCE OF 30.00 FEET TO THE TRUE POINT OF BEGINNING.

EXHIBIT D  
(Page 9 of 10)

PARCEL 12: (205-29-003D):

THAT PORTION OF LOT 12 OF SECTION 16, TOWNSHIP 13 SOUTH, RANGE 16 EAST, GILA AND SALT RIVER BASE AND MERIDIAN, PIMA COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

BEGINNING AT POINT 19 AS DESCRIBED IN PARCEL 3 OF THAT DEED OF DEDICATION RECORDED IN THE OFFICE OF THE COUNTY RECORDER, PIMA COUNTY, ARIZONA, IN BOOK 2438 OF DOCKETS AT PAGE 400;

THENCE SOUTH 62 DEGREES 33 MINUTES WEST ALONG THE CENTERLINE OF SAID DEED OF DEDICATION, A DISTANCE OF 50 FEET;

THENCE NORTHERLY AND PARALLEL WITH THE EAST LINE OF SAID LOT 12 TO THE POINT OF INTERSECTION WITH THE CENTERLINE OF THE AGUA CALIENTE WASH, SAID POINT BEING THE TRUE POINT OF BEGINNING;

THENCE WESTERLY ALONG THE CENTERLINE OF SAID AGUA CALIENTE WASH TO A POINT OF INTERSECTION WITH A LINE THAT IS PARALLEL WITH AND 900 FEET WEST OF THE EAST LINE OF SAID LOT 12;

THENCE NORTHERLY, PARALLEL WITH AND 900 FEET WEST OF THE SAID EAST LINE OF SAID LOT 12, TO THE POINT OF INTERSECTION WITH THE CENTERLINE OF THE LA MILAGROSA WASH AND THE SOUTHEASTERLY LINE OF THAT PROPERTY CONVEYED TO GEORGE S. ANDERSEN AND ESTHER K. ANDERSON, HUSBAND AND WIFE, BY DEED RECORDED IN BOOK 2462 OF DOCKET'S AT PAGE 56 IN SAID RECORDER'S OFFICE;

THENCE NORTHEASTERLY ALONG THE CENTERLINE OF SAID LA MILAGROSA WASH AND THE SOUTHEASTERLY LINE OF SAID ANDERSEN PROPERTY TO THE POINT OF INTERSECTION OF SAID CENTERLINE WITH THE NORTH LINE OF SAID LOT 12;

THENCE EASTERLY ALONG THE NORTH LINE OF SAID LOT 12 TO THE NORTHEAST CORNER THEREOF;

THENCE SOUTHERLY ALONG THE EAST LINE OF SAID OF SAID LOT 12 TO A POINT OF INTERSECTION WITH THE CENTERLINE OF SAID AGUA CALIENTE WASH;

THENCE WESTERLY ALONG THE CENTERLINE OF SAID AGUA CALIENTE WASH TO THE TRUE POINT OF BEGINNING.

EXHIBIT D  
(Page 10 of 10)

PARCEL 12:

AN UNDEFINED 30 FOOT EASEMENT FOR INGRESS, EGRESS AND UTILITIES OVER AN EXISTING ROADWAY RUNNING IN A NORTHERLY AND SOUTHERLY DIRECTION AND BEGINNING APPROXIMATELY 50 FEET EAST OF POINT 18 OF PARCEL 3 OF A FORESAID DEED OF DEDICATION.