

RESOLUTION 2021-026

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, COCHISE COUNTY, ARIZONA; REAFFIRMING VISTA 2030, THE CITY OF SIERRA VISTA GENERAL DEVELOPMENT PLAN, ACCEPTING A SEWER LINE EASEMENT FROM PLAZA VISTA MALL AND DUTCH BROS.; AND AUTHORIZING AND DIRECTING THE CITY MANAGER, CITY CLERK, CITY ATTORNEY OR THEIR DULY AUTHORIZED OFFICERS AND AGENTS TO TAKE ALL STEPS NECESSARY TO CARRY OUT THE PURPOSES AND INTENT OF THIS RESOLUTION.

WHEREAS, 629 Sierra Vista Retail, LLC. and AV Sierra Vista 90, LLC, a Delaware limited liability company, desire to dedicate a certain sewer line, located on properties identified as parcels 107-16-031C and 107-16-031B, to the City of Sierra Vista as an easement in conformance with Development Code requirements; and

WHEREAS, the City desires to acquire the easement offered to the City by, 629 Sierra Vista Retail, LLC. and AV Sierra Vista 90, LLC, a Delaware limited liability company; and

WHEREAS, it is settled policy of the City Council that dedication is considered as satisfactorily assured when documents granting the required easement have been accepted for recordation by the City Council pursuant to the City of Sierra Vista Development Code.

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

SECTION 1

That the settled policy of the City Council, accepting the deed for recordation for the dedication of a sewer line easement, be, and hereby is, reaffirmed.

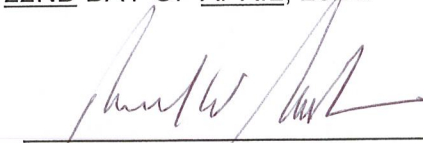
SECTION 2

That the document attached hereto and made a part hereof, from, 629 Sierra Vista Retail, LLC. and AV Sierra Vista 90, LLC, a Delaware limited liability company, for a sewer line easement located in Section 31, Township 21 South, Range 21 East, on parcels 107-16-031C and 107-16-031B, be, and hereby is, accepted.

SECTION 3

The City Manager, City Clerk, City Attorney, or their duly authorized officers and agents are hereby authorized and directed to take all steps necessary to carry out the purposes and intent of this resolution.

PASSED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, ARIZONA THIS 22ND DAY OF APRIL, 2021.

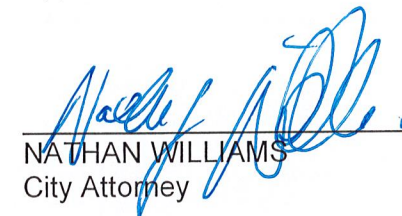


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FREDERICK W. MUELLER  
Mayor


Approved As To Form:

Attest:



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NATHAN WILLIAMS  
City Attorney



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JILL ADAMS  
City Clerk

Prepared By: Jeff Pregler

Attachments  
Exhibit A – Easement

When Recorded, Mail To:  
CYPRESS CIVIL ENGINEERING, INC.  
2030 East Speedway Boulevard, Suite 110  
Tucson, AZ 85719

This Space for Use by Recorder

Section 31, Township 21 S, Range 21 East, Gila & Salt River Base and Meridian

**GRANT OF SEWER EASEMENT**

For and in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration, receipt of which is hereby acknowledged, the undersigned, hereinafter referred to as Grantor, does hereby grant, convey, quit claim and release unto, CITY OF SIERRA VISTA, AN ARIZONA MUNICIPAL CORPORATION, hereinafter referred to as Grantee, a 20.00-foot wide easement in perpetuity for ingress and egress, installation and maintenance of sanitary sewer facilities and appurtenances, across, over, under and through a certain property, more particularly described as follows, to wit:

**See also Exhibit 'A' attached**

A PORTION OF PARCEL NO. I, "MINOR LAND DIVISION FOR PLAZA VISTA MALL", BOOK 60 AT PAGE 02 & 02A, AND PORTIONS OF LOTS 1A AND 1B, "MINOR LAND DIVISION FOR PARCEL NO. I OF PLAZA VISTA MALL", BOOK 61 AT PAGE 12, RECORDS OF COCHISE COUNTY, ARIZONA, LYING WITHIN THE SOUTHWEST QUARTER OF SECTION 31, TOWNSHIP 21 SOUTH, RANGE 21 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, COCHISE COUNTY, ARIZONA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A BRASS CAP IN HANDHOLE MARKING THE SOUTHWEST CORNER OF SAID SECTION 31 FROM WHICH ANOTHER BRASS CAP IN HANDHOLE MARKING THE WEST QUARTER CORNER OF SAID SECTION 31 BEARS NORTH 00 DEGREES 01 MINUTE 07 SECONDS WEST 2647.53 FEET;

THENCE NORTH 00 DEGREES 01 MINUTE 07 SECONDS WEST 1438.81 FEET ALONG THE WEST LINE OF SAID SOUTHWEST QUARTER TO A COTTON PICKER SPINDLE AT THE MONUMENT LINE OF CHARLESTON ROAD;

THENCE SOUTH 89 DEGREES 44 MINUTES 34 SECONDS EAST 373.90 FEET ALONG SAID MONUMENT LINE;

THENCE NORTH 00 DEGREES 15 MINUTES 26 SECONDS EAST 50.00 FEET TO THE SOUTH LINE OF SAID PARCEL NO. I AND THE POINT OF BEGINNING;

THENCE NORTH 00 DEGREES 15 MINUTES 26 SECONDS EAST 19.80 FEET;

THENCE NORTH 04 DEGREES 00 MINUTES 19 SECONDS WEST 163.89 FEET;

THENCE NORTH 33 DEGREES 38 MINUTES 20 SECONDS WEST 251.75 FEET;

THENCE NORTH 56 DEGREES 21 MINUTES 40 SECONDS EAST 20.00 FEET;

THENCE SOUTH 33 DEGREES 38 MINUTES 20 SECONDS EAST 257.04 FEET;

THENCE SOUTH 04 DEGREES 00 MINUTES 19 SECONDS EAST 169.92 FEET;  
THENCE SOUTH 00 DEGREES 15 MINUTES 26 SECONDS WEST 20.55 FEET TO  
THE SOUTH LINE OF SAID PARCEL NO. 1;

THENCE NORTH 89 DEGREES 44 MINUTES 34 SECONDS WEST 20.00 FEET  
ALONG SAID SOUTH LINE TO THE POINT OF BEGINNING.

COMPRISING 8,830 SQUARE FEET OR 0.203 ACRES MORE OR LESS.

ALL easements are subject to any and all prior Easements, Right-of-Ways, Covenants and  
Restrictions of record, or not of record, that may otherwise legally exist.

Together with the right of ingress and egress to and from the said right of way and the right to  
use existing roads for the purpose of constructing, inspection, repairing, and maintaining said sewer  
facilities and appurtenances and the removal or replacements of same, in whole or in part, at will.

Grantee agrees to work with due care in the exercise of its rights on the property and to restore it  
to reasonably the same condition which existed before the work was performed. Except as provided  
above, Grantee agrees to pay for all damages that may be caused by the exercise of the rights herein  
granted.

Grantor reserves the right to use the easement for purposes which will not interfere with the City  
of Sierra Vista's full enjoyment of the rights hereby granted, provided that the Grantor shall not erect  
or construct any buildings or other structure(s) upon, over or in said easement, which will in any  
manner interfere with the use of or access to said easement by the City of Sierra Vista.

Grantor will not be responsible for any costs associated with the maintenance or repair of  
the sewer/easement going forward. \_\_\_\_\_

Grantor covenants that they own the above described land and that said land is free and clear of  
encumbrances and liens except as may be disclosed in the public records.

Signatures on Following Pages

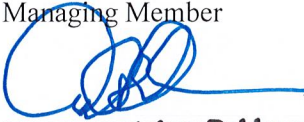
IN WITNESS WHEREOF, the undersigned have executed this Grant of Sewer Easement this 12th day of April, 2021

**GRANTOR:**

**629 SIERRA VISTA RETAIL, LLC,**  
a Delaware limited liability company

By: SPT Friedman Sierra Vista JV, LLC,  
a Delaware limited liability company  
Its: Sole Member

By: SPT Sierra Vista Partner, LLC,  
a Delaware limited liability company  
Its: Managing Member

By:   
Name: Adam Behlman  
Its: Vice President

**ACKNOWLEDGMENT**

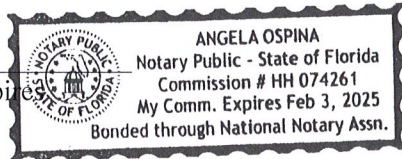
STATE OF Florida )  
.SS  
COUNTY OF Miami-Dade )

Before me, a Notary Public in and for the County of miami-dade, and State of Florida, on this day personally appeared Adam Behlman as vice President of SPT Sierra Vista Partner, LLC, the managing member of SPT Friedman Sierra Vista JV, LLC, the sole member of 629 Sierra Vista Retail, LLC, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged that she/he executed the same for the purpose and consideration therein expressed.

Given under my hand and seal of office this 16<sup>th</sup> day of April, 2021

  
Notary Public Angela Ospina

02-03-25  
My Commission Expires



This Space for Use by Recorder

CAV SIERRA VISTA 90, LLC, a Delaware limited liability company

By: California Gold Development Corporation, a California corporation  
Its: Manager

By: *Scot L. Patterson*  
Scot L. Patterson  
Its: President

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA )  
                                  ) SS  
COUNTY OF Tuolumne )

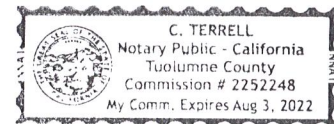
On April 16<sup>th</sup>, 2021, before me, C. Terrell, Notary Public, personally appeared Scot L. Patterson, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature *C. Terrell*

(Seal)



# EXHIBIT "A"

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	2122 W. Lone Cactus Dr. Ste. 11, Phoenix, AZ 85027 623-869-0223 (office) 623-869-0726 (fax) www.superiorsurveying.com info@superiorsurveying.com
	DATE: 3/31/2021 JOB NO.: 202007040

SCALE: 1"=30'



STATE HIGHWAY 90 (PUBLIC)

ONLY

NEW BUILDING

PROPOSED PRIVATE SEWER SERVICE

PROPOSED PUBLIC MANHOLE

PROPOSED 20' PUBLIC SEWER EASEMENT

PROPOSED PUBLIC SEWER

FUTURE BUILDING #2

PROPOSED 20' PUBLIC SEWER EASEMENT

EXISTING PUBLIC SEWER MANHOLE #31D1061 PER PN 05D027A RIM= 4467.54 EX INV (S)=4455.64 NEW INV (N)=4455.84

EXISTING PUBLIC SEWER  
PROPOSED 20' PUBLIC SEWER EASEMENT

PROJECT OVERVIEW PLAN

	CYPRESS PROJECT NO: 20.091 2030 east speedway boulevard suite #110 tucson, arizona 85719 ph: 520.499.2456 e: info@cypresscivil.com	<b>OWNER/DEVELOPER</b> ACCELERATED DEVELOPMENT SERVICES 2415 EAST CAMELBACK ROAD, #400 PHOENIX, ARIZONA 85016 PH: (602) 682-8153	<b>SEWER EXHIBIT for DUTCH BROS - SIERRA VISTA</b>	1 OF 1
	<b>SITE ADDRESS</b> NEC HWY 90 & CHARLESTON RD SIERRA VISTA, ARIZONA 85635			