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NORMA R. MARQUART, County Recorder

By *Paul Ethridge*

Deputy

BEFORE THE BOARD OF SUPERVISORS

OF

YAVAPAI COUNTY, STATE OF ARIZONA

In the Matter of the Application)
of) EXTENSION OF PUBLIC
SHAMROCK WATER COMPANY, an Arizona) SERVICE FRANCHISE
Corporation.) AREA

BE IT RESOLVED by the Board of Supervisors of
Yavapai County, Arizona, that:

WHEREAS, SHAMROCK WATER COMPANY, an Arizona Corpor-
ation, hereinafter designated as the Grantee, pursuant to
§40-283 Arizona Revised Statutes, filed an application with
the Board of Supervisors of Yavapai County, Arizona, bearing
date of April 21, 1972, praying for a license or franchise for
a period of twenty-five (25) years to construct, maintain and
operate water lines for transmission and delivery of water for
domestic use within unincorporated areas of the County, and

WHEREAS, the time and place for hearing on said
application was set for 1:30 o'clock P. M. on the 15th day of
May, 1972, at the Office of the Board of Supervisors in the
Yavapai County Courthouse in Prescott, Arizona, and

WHEREAS, the Board of Supervisors gave public
notice of its intention to make such grant by publishing a
notice of hearing thereon in the Prescott Courier, a newspaper
of general circulation published within the County, for at
least once a week for three weeks prior to the day set for
consideration of such action, said notice having been published

1 in said newspaper in its issues of April 28, May 5 and May 12,
2 1972, and

3 WHEREAS, said application came on regularly for
4 hearing at the aforesaid time and place and no petition having
5 been filed by qualified electors of the County petitioning the
6 Board of Supervisors to deny such privilege, and it appearing
7 to be best for public safety and welfare to impose restrictions
8 and limitations,

9 NOW THEREFORE, the Board of Supervisors of
10 Yavapai County, Arizona, does hereby grant unto SHAMROCK WATER
11 COMPANY, an Arizona Corporation and its successors and assigns,
12 if assignment be permitted, subject to the terms, conditions and
13 limitations hereinafter contained, the right, privilege, license
14 and franchise to construct, maintain and operate water lines, pipe
15 lines, and mains, for a period of twenty-five (25) years from
16 the date hereof, for the transmission and delivery of water for
17 domestic use along, upon, under and across the public highways,
18 roads, thoroughfares, alleys and public ways (excepting State
19 Highways) within the following described portion of Yavapai
20 County, Arizona:

21 PARCEL 1:

22 All that portion of Section 21, Township 14
23 North, Range 1 West, Gila and Salt River Base
24 and Meridian, more particularly described as
follows:

25 BEGINNING at the section corner common to Sections
26 16, 17, 20 and 21, above Township and Range, thence
27 North 89°56' East for 3983.63 feet to an iron pin
28 and TRUE POINT OF BEGINNING of this description.
thence South 0°05' East for 2637.86 feet to an
iron pin and Southwest corner of this parcel:
Thence East for 676.14 feet to an iron pin: thence
South 0°10'10" East for 148.26 feet to an iron pin

1 on the Northerly right of way line of U. S.
2 Highway 69; thence Easterly along the right
3 of way line of U. S. Highway 69 for 746.12 feet to
4 the S.C. STA. 4672 plus 05.00; thence Easterly
5 along a curve on the right of way line for
6 6.94 feet to an iron pin and Southeast Corner
7 of this parcel; thence North 0°10'10" West for
8 2,477.72 feet to an iron pin and Northeast cor-
9 ner of this parcel; Thence South 89°56' West
10 for 1,357.11 feet to the POINT OF BEGINNING.

11 EXCEPT and portion thereof within MOUNTAIN
12 SHADOWS SUBDIVISION #1, according to the plat
13 of record in the office of the Recorder of
14 Yavapai County, Arizona, in Book 7 of Maps,
15 page 36.

16 ALSO EXCEPT any portion thereof lying within
17 the Northwest Quarter (NW 1/4) of Section 22,
18 Township 14 North, Range 1 West, Gila and Salt
19 River Base and Meridian.

20 PARCEL 2:

21 Lots 1 through 19, MOUNTAIN SHADOWS SUBDIVISION
22 # 1, according to the plat of record in the of-
23 fice of the Recorder of Yavapai County, Arizona,
24 in Book 7 of Maps, page 36.

25 A public service franchise was originally granted to SHAMROCK
26 WATER COMPANY by the Board of Supervisors of Yavapai County,
27 Arizona, on March 22, 1965, and thereafter various extensions of
28 the public service franchise area have been granted by the Board
of Supervisors. This franchise shall constitute a further exten-
sion of the public service franchise area of Grantee.

RESTRICTIONS AND LIMITATIONS

1. All rights and privileges hereunder are granted
under the express condition that the Board of Supervisors shall
have the power at any time to impose such additional and further
restrictions and limitations and to make such regulations on
such highways, roads, thoroughfares, alleys, and public ways
as may be deemed best for the public safety, welfare and

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1 convenience.

2 2. All rights and privileges hereunder shall be exer-
3 cised so as to not interfere or conflict with any easements or
4 rights-of-way heretofore granted by said Board of Supervisors
5 and now in force.

6 3. All rights and privileges hereunder shall be exer-
7 cised so as not to interfere or conflict with any easement,
8 either public or private, of whatsoever nature, which has been
9 acquired in or to the proper use of said highways, roads,
10 thoroughfares, alleys, and public ways, or any portion thereof.

11 4. All rights and privileges hereunder shall be exer-
12 cised so as not to interfere or conflict with or endanger in any
13 way the proper use by the public of said highways, roads,
14 thoroughfares, alleys, and public ways or any portion thereof.

15 5. Grantee shall bear all expenses, including damages
16 and compensation to any legally aggrieved third parties, in-
17 curred or expended for the alteration of the course, direction,
18 surface, grade or alignment of any of the said highways, roads,
19 thoroughfares, alleys, and public ways necessarily made by or
20 for Grantee for the purpose of exercising any right under this
21 franchise, and Grantee shall maintain its water lines, pipe
22 lines and mains at its own cost and expense and will make all
23 necessary repairs from time to time as the same may be needed
24 without the necessity of notice from Yavapai County, but in the
25 event Grantee shall fail to make any repairs within thirty days
26 from the time same become necessary, Yavapai County may cause
27 the same to be made and Grantee shall pay Yavapai County the
28 cost or reasonable value thereof, but if in the sole judgment

1 of the County, emergency repairs become necessary the County may
2 accomplish or contract for same without notice or delay, and Gran-
3 tee shall pay Yavapai County the cost or reasonable value
4 thereof.

5 6. All water mains and other portions of the distri-
6 buting system to be installed and operated by Grantee shall be
7 placed in such manner and location as the Board of Supervisors
8 or its duly authorized agents may designate.

9 7. Grantee shall indemnify Yavapai County and save it
10 harmless from all costs, expenses and liabilities in connection
11 with the granting of this franchise and exercise of the same
12 by Grantee.

13 8. The rights of any person claiming to be injured
14 or damaged in any manner by Grantee or by the exercise of any
15 right or privilege hereunder shall not be affected hereby.

16 9. This franchise shall not be deemed to be exclusive
17 and the Board of Supervisors hereby expressly reserves the
18 right and power from time to time to grant similar franchises
19 and privileges over the same territory and highways, roads,
20 thoroughfares, alleys, and public ways.

21 10. This franchise is granted upon the express condi-
22 tion subsequent that a Certificate of Convenience and Necessity
23 be procured from the Arizona Corporation Commission within six
24 months from the date of granting of this franchise; and if such
25 Certificate is not granted within six months from said date,
26 then this franchise to be void, otherwise to be in full force
27 and effect for the time herein specified.

28 Upon motion of Supervisor *Brunt*,

1 which was unanimously carried, the foregoing resolution granting
2 the aforescribed franchise was duly passed and adopted by the
3 Board of Supervisors of Yavapai County, at a regular session
4 of said Board held on the 15th day of May, 1972.
5
6

7 Bert Owens
8 Chairman of the Board of Supervisors
9 Yavapai County, Arizona

10 ATTEST:

11 Lucile Johnson
12 Clerk, Yavapai County Board of
13 Supervisors

14 APPROVED AS TO FORM:

15 James B. Musgrave
16 Yavapai County Attorney
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