



OPEN SPACE MANAGEMENT PLAN



AN ADDENDUM TO THE
1999 OPEN SPACE PLAN



MANAGEMENT POLICIES AND STRATEGIES
FOR PRESCOTT'S OPEN SPACE PRESERVES

DRAFT - JULY 2001



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Introduction

The term Open Space is used in many forms and means different things to different people. Within Prescott specifically, open space is used within the Planned Area Development (PAD) process, whereby a minimum 20% of a specific subdivision or development is set aside as open space (i.e., typically steep slopes and drainages). Open Space is also used to describe vacant lots or undeveloped areas within the City, or the vast Prescott National Forest to the south and west of Prescott.

This management plan specifically addresses the open space areas illustrated within the 1999 City of Prescott Open Space Plan. These areas are defined as open space that meet a certain criterion that merit land conservation. The geographical areas identified within the Plan must have geological, biological, scenic, recreational, cultural, and/or historical significance. These areas include mountains, canyons, creeks and riparian areas, (often referred to as Prescott's Greenways), grasslands, forests, and granite formations. These areas help define Prescott's personality, contribute to overall quality of life, and attract many residents and visitors to the Prescott area. These areas also provide refuge from the accelerating pace of day-to-day life, and provide a legacy for the future generations to enjoy. These areas also require management and oversight.

This City of Prescott - Open Space Management Plan is intended to serve as an addendum to the 1999 City of Prescott Open Space Plan. It is designed to accomplish the following:

- ◆ Specify importance of open space preservation as identified in various plans
- ◆ Summarize the Open Space Program
- ◆ Complement and further detail many actions within the Open Space Plan
- ◆ Provide clear management objectives and interim actions that apply to the Open Space Program as a whole
- ◆ Provide management direction for smaller and less complex preserves that may not have a specific management plan
- ◆ Identify specific roles and responsibilities of area organizations and the City of Prescott
- ◆ Identify roles for potential future agreements
- ◆ Provide recommendations for developing specific preserve management plans (e.g., Badger "P" Mountain Preserve Management Plan)
- ◆ Provide organizational recommendations for future open space management

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To further specify, Chapter 1 provides an overview of Prescott's open space; Chapter 2 specifies overall policy and management objectives, and interim measures; Chapter 3 illustrates specific stewardship responsibilities; Chapter 4 specifies contents for specific management plans, and Chapter 5 explores the long-term role of the City of Prescott.

This Plan is not intended to duplicate the information found within the Open Space Plan. It does, however, provide needed details to specific topics. Additionally, this Plan is not designed to establish an order in which open space parcels are acquired, since conservation of many areas is occurring simultaneously. Furthermore, this Plan does not attempt to provide management requirements for private open space as identified and allocated through the subdivision or Planned Area Development process. This topic is better addressed through development agreements and city zoning codes.

Public Involvement for this Document

Discussions of open space management began in late 2000, and a questionnaire was sent by the City of Prescott to 24 member organizations of the Open Space Alliance of Central Yavapai County. Responses to the questionnaire provided a foundation for this document. Discussions on open space management increased immediately upon acquisition of the first open space parcels in early 2001. A preliminary draft of this document was developed and mailed to approximately 45 open space advocates (to include the 24 member organizations) in February 2001. Two public workshops were held; the first in conjunction with the City of Prescott, Parks, Recreation, and Library Committee in late March 2001, and the second as an evening public workshop at the Prescott Public Library in June 2001. Numerous comments were received on the preliminary draft plan, and for the most part, were consistent with one another. These comments and suggestions have been incorporated into this document.



Chapter 1: Overview of Prescott's Open Space

Open space conservation is not a new concept in Prescott. Significant open space acquisition has been accomplished through the purchase of Willow and Watson Lakes, Acker Park, and the lots on Thumb Butte. Please see the City of Prescott Open Space Plan for details on pre-1999 accomplishments.

Foundations for Open Space Preservation in Prescott

Various planning efforts, with much public participation, have provided the foundation for open space conservation or protection.

The **1997 City of Prescott General Plan** - Vision Statement specifies "We value open space and the natural environment. Natural landmarks, the National Forest, open space, ridgelines, hilltops, rock outcroppings, natural vegetation and wildlife, riparian areas, trees, lakes, viewsheds, parks and trails are all important and contribute to how we define Prescott."

Additionally, the Plan specifies under Economic Development - Tourism Development and Promotion "Preserve and protect from development significant geological features in the area including Thumb Butte, Granite Dells, and Glassford Hill" and "Continue development and implementation of priority open space preservation projects."

Under the Community Quality Element - Community Environmental Goals, the Plan states "Protect and preserve open space natural areas," "Retain the existing high quality natural environment," and "Protect riparian areas, woodlands, unusual terrain such as ridgelines and rock outcroppings and access to natural areas and open space." Many additional details are found within the environmental implementation strategies.

The **1998 Prescott Focused Future Action Plan for Economic Development** specifies under Quality-of-Life Strategies "Expand efforts to acquire and/or preserve open space areas (e.g., lakes and waterways, riparian areas) within the community through efforts such as:

- ◆ Conservation easements
- ◆ Greenbelts*
- ◆ Tree planting
- ◆ Encouragement of cluster housing
- ◆ Expansion and development of City Parks
- ◆ Riparian restoration and protection".

*Areas between communities that preserve community identity.

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The **1999 City of Prescott Open Space Plan** outlined a number of goals and objectives to provide additional foundation for open space preservation.

Goal:

Protect remaining open space of significance in the Prescott area.

Objective: Identify open space parcels of significance.

Objective: Continue to evaluate existing parcels of open space to determine most appropriate mechanism for preservation.

Objective: Initiate a collaborative venture between the private, public, and non-profit sectors.

Goal:

Achieve a community and/or region-wide balance between development and open space preservation.

Objective: Continue long-range comprehensive planning efforts that include open space as a vital component.

Objective: Explore and continue long-range regional cooperation.

Goal:

Maintain the biological, cultural, visual, and recreational integrity of protected and unprotected tracts of open space.

Objective: Using the expertise within city staff and amongst all organizations and entities within the Open Space Alliance, continue to steward all components of protected and unprotected tracts of open space.

Objective: Maintain preservation of habitats and ecosystems within existing open space.

Open Space Program Summary

The geographical areas identified within the 1999 City of Prescott Open Space Plan are very diverse. These areas were selected because of their significant characteristics. It was quickly acknowledged upon adoption of the Open Space Plan that a funding source was necessary to preserve specific areas. A voter-approved sales tax extension initiative in May 2000 allows 1/2 of the 1% sales tax revenues (split with road improvements) to be used for open space acquisition. Many organizations working with the City of Prescott contributed to the successful voter-approved initiative. To summarize, up to \$40.7 million can be used to preserve open space. The sales tax is scheduled to expire in 2015.

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Within the Prescott open space initiative, the term acquisition is used broadly to allow flexibility. Additionally, the 11 areas identified (please see Chapter 3) within the initiative all have merit and unique characteristics, and are not prioritized in order to allow flexibility as opportunities (e.g., willing sellers) arise. Some areas are a specific location (e.g., Badger "P" Mountain, Glassford Hill), while others represent a broader geographical area (e.g., Prescott's Greenways, Granite Dells), thereby requiring working with multiple landowners.

To further explain, the language in the City Council Resolution and voter-approved initiative allows flexibility for fee simple purchase, leasing, purchase of development rights, and conservation easements (either purchased or donated). Perhaps the most misunderstood component of open space conservation is the myth that all land must be acquired through fee simple purchase, when, in fact, many mechanisms exist as specified within the Open Space Plan.

Upon voter approval of the initiative, the City of Prescott received immediate assistance from The Trust for Public Land (TPL), a national non-profit organization specializing in land conservation and real estate negotiations. TPL negotiated the first three (two geographical areas) time-sensitive acquisitions in late 2000. These first open space preserves established following the initiative were the 32-acre hill east of Thumb Butte (approximately \$1.7 million) and the 25-acre Granite Dells Preserve-East (approximately \$350,000). All were fee simple acquisitions and were completed in March 2001.

Connections to Actions within Open Space Plan

Without duplicating the Tools for Success component within the 1999 Open Space Plan, the following information is intended to provide more detail on specific topics. It is important to note that there are many interim measures that can provide open space preservation, and some examples are provided throughout this document. Additionally, there are many steps involved in open space conservation, and the required process for State Trust Land is quite different from that for private lands.

These interim measures and steps are best characterized in two categories; areas where fee simple acquisition is proposed, and areas which will remain in private ownership yet merit pro-active open space measures, such as conservation easements. The following information does not include all the steps involved in the land acquisition process, and is followed by a summary of "key" interim measures that merit consideration.

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Areas for Fee Simple Acquisition

These areas may best be defined as those where various options have been explored, and fee simple acquisition is determined to be the best strategy. This can be attributed to multiple factors, such as the following: The parcel is complementary to already existing open space; the landowner will only entertain fee simple acquisition (such as the hill east of Thumb Butte); financial hardship for landowner requiring immediate sale (such as Granite Dells Preserve - East); the integrity of the open space is in danger of land uses incompatible with open space conservation; the landowner is mandated (e.g., Arizona State Land Department) to maximize revenue from the land; and/or the parcel provides outstanding passive recreational and educational opportunities that can best be managed by the City of Prescott (instead of a private landowner accepting the liability of public access).

Private Land

Pre-acquisition:

Once landowners are identified and necessary research is conducted, discussions can begin either by the City of Prescott or a private third party (e.g., The Trust for Public Land, Central Arizona Land Trust, etc.). At this stage, a representative knowledgeable in real estate law and tax expertise is essential. A comprehensive appraisal by a qualified appraiser is recommended if time allows. In addition, as with the first acquisitions in 2001, a phase I environmental assessment (i.e., hazardous material survey, aerial photo survey, etc.) is very important. If the acquisition is being initiated by a local non-profit organization, consultation with and endorsement by Prescott City Council and staff are critical to ensure funds exist for acquisition. If funds are not currently available, but commitment from the City of Prescott for the specific acquisition exists, the landowner may be willing to sell an option to the property to allow time for open space acquisition funds to accrue.

Upon Acquisition:

Once the property is acquired, a few immediate steps are essential as the transition into management occurs. Through consultation with the respective surveyor and using the legal description, placement of permanent boundary markers ensures that all adjacent landowners, as well as the visiting public are fully aware of boundaries. This will reduce risk of encroachment by adjacent landowners, as well as risk of trespassing onto private land by the visiting public.

Also following acquisition, City staff may initiate annexation of parcel into the City (if not already within City limits) and initiate process for placing the Natural Open Space District Zoning designation on the property. For additional protection of the preserve, a conservation easement (please see Appendices A & B) can be placed on the property.

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In this case, a steward of the conservation easement may be determined, such as, the Central Arizona Land Trust managing conservation easements for the city-owned parcels on the east slope of Thumb Butte. This ensures compliance with the easement in perpetuity.

State Trust Land

Pre-acquisition:

Once State Trust Land has been reclassified "as suitable for conservation purposes" following the petition process, the respective petitioner has 3-5 years to purchase or lease the selected preserve. Additional time extensions are possible if the petitioner is demonstrating progress in setting aside funds. During this period of time, if the preserve has existing lessees, a coordination plan is required. This coordination plan must be adopted by the State Land Commissioner. Development of a coordination plan also presents the opportunity to develop a comprehensive management plan at the same time. Once a coordination plan is completed, the petitioner may initiate the next two steps: submitting to the Arizona State Land Department an application to purchase, and submitting a Growing Smarter Land Conservation Fund grant application to Arizona State Parks (at the same time, demonstrating the required 50% matching funds). A complex acquisition and appraisal process through Arizona State Land Department follows.

Areas to Remain in Private/State Ownership

Private Land

Not all private land identified in the Open Space Plan needs to be purchased in order to preserve its open space qualities. In some cases, the landowner may be willing to entertain other conservation measures, such as a conservation easement, or sale or contribution of development rights. In this case, the property remains on the County tax rolls and financial benefits exist for the landowner. If public access is desired, however, a trail or public access easement may also be necessary. Additionally, after close consultation with affected landowners, City staff or other qualified individuals may initiate the process for placing the Natural Open Space District Zoning designation on the property if the owner is agreeable.

State Trust Land

Once an area has been reclassified as "suitable for conservation purposes" under the Arizona Preserve Initiative (API) Program, Growing Smarter Land Conservation Grants may also be used to lease State Trust lands under A.P.I. for conservation, or for purchasing the development rights. In spite of the monies being available for this purpose, Arizona State Land Department has yet to develop a program to lease lands for conservation or purchase development rights under A.P.I., and it prefers outright fee simple acquisition of the API lands, at this time. NOTE: If a statewide voter-approved initiative is passed, these areas will very likely remain in State ownership, with potential City management.

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“Key” Interim Measures

While the previous information presents various complimentary actions that can take place, the following information summarizes the “key” interim measures that provide near-term stewardship/management for Prescott’s open space. These include the following:

- ◆ Initiate permanent conservation measures for all areas identified
- ◆ Develop site-stewardship (e.g., neighborhood) groups
- ◆ Mark physical boundaries as soon as acquisitions occur
- ◆ Conduct a wildfire fuels inventory and mitigation plan for each targeted area
- ◆ Develop specific priorities for each of the identified areas
- ◆ Conduct public opinion surveys to obtain information that will assist in identifying education and outreach priorities
- ◆ Conduct education and outreach for Prescott’s open space, to include, but not limited to the following:
 - Develop an informational packet that contains information on benefits of open space, comparisons to other cities, open space’s connection to quality of life, importance of open space, uniqueness of various open space preserves, and economic benefits.
 - Work with area schools and educational groups (e.g., Highlands Center)
 - Add a “Prescott Outdoors” section to the City Page newsletter
 - Work with Prescott Newspapers on a series of features
 - Create geographical feature signs that identify various areas (e.g., such as the creek identification signs)
 - Work with real estate magazines
 - Work with the Chamber of Commerce
 - Create open space display cases at the Public Library and City space at Gateway Mall
 - Create attractive posters (e.g., for sale or promotional giveaways)
 - Develop a slideshow (illustrated talk) for a potential speakers’ bureau, and also for use at area theaters (prior to movie)





Chapter 2: Overall Management Objectives

Management objectives establish an overall policy applicable to all Open Space Preserves, but do not provide site-specific management objectives. This is due to the tremendous diversity of the geographical areas identified within the Open Space Plan. Therefore, specific management plans will be necessary for larger, more complex preserves (please see Chapter 4).

Purposes of Prescott's Open Space

Open Space shall be used only for the following purposes:

- ◆ Conservation of natural areas characterized by unique biological attributes
- ◆ Conservation of scenic areas or vistas
- ◆ Conservation of significant geological features
- ◆ Conservation of areas containing significant prehistoric or historic features
- ◆ Conservation of land for passive recreational use, such as non-motorized trail activities, bicycle and transportation trail connectivity and opportunities to expand the bicycle/pedestrian transportation system, wildlife viewing, photography, educational groups, and other forms of passive recreation compatible with the setting*
- ◆ Conservation of land to prevent encroachment on floodplains
- ◆ Conservation of ecosystems and wildlife habitat

To further define protecting the integrity of the open space preserves, these properties shall be protected from sale and/or development in perpetuity.

*Acceptable passive recreational amenities (subject to specific management plans) can include non-motorized trails, trail signs, interpretive signs and kiosks, benches for rest areas, wildlife viewing overlooks, vault or composting toilets, parking, hitching rails and corrals, photovoltaic lighting for parking, photovoltaic emergency telephones, and electric gates and treadles to close parking areas at a specific time. These amenities shall be determined through a specific management plan for the respective preserve.

Management Objectives Common to all Open Space

Wildfire/Vegetation Management:

The current City Fire Department policy on wildfire and vegetation management applies to all City-owned open space preserves, and is as follows: Any open space owned by the City or others, within the city, should be required to complete a vegetation management plan and modify the vegetation on such property so as to keep fire from leaving or entering such properties.

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The Zone distance criteria should be recommended for private properties. Vegetation modification zones should be installed around the perimeter of such public properties. Where a Preserve abuts other open space (e.g., Badger "P" Mountain adjacent to the Prescott National Forest), there shall be consistency with wildfire and vegetation management of the jurisdiction responsible for the adjoin land.

Motorized Access:

No new road construction shall be encouraged. Motor vehicles shall be limited to existing roads only, and used only for emergency, wildfire prevention, utility maintenance (see below) on specified easements, and for administrative uses by the City or contract management agency.

Maintenance of Utilities:

Where existing non-City utilities exist already within an open space preserve, access shall occur on specified easements only. Utility companies shall be required to minimize all impacts (e.g., heavy equipment, etc.). Where limbing or tree removal occurs for power line maintenance, all material cut shall be removed from the site. Where City utilities are being maintained, such as sewerline maintenance along creeks, an attempt shall be made to minimize impact to the riparian area.

Management of Non-native or Diseased Vegetation Species:

Many proposed open space preserves (e.g., Prescott's Greenways) have many non-native vegetation species, which in some cases are preventing native species from becoming reestablished. These areas will continue to be evaluated, and restoration projects will be initiated, as the need is determined. In areas where densities of vegetation (e.g. ponderosa pine) have allowed trees to become vulnerable to disease, thinning may be necessary to ensure survival of vegetation and access to trails.

Wildlife:

Arizona Game and Fish Department (AGFD) shall manage all wildlife species with Prescott's open space preserves. AGFD possesses the necessary expertise to proactively manage and monitor game and non-game species, and are given that authority by State Law.

Maintenance of Facilities by Lessees:

Grazing lessees (e.g., Glassford Hill Preserve, Badger "P" Mountain Preserve) shall be permitted to continue necessary maintenance of stock tanks, fences, gates, windmills, etc. Communication site lessees shall be permitted to continue necessary maintenance of communication sites. Motorized travel for all lessees shall occur on existing roads only.

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Public Access:

Public access may not be denied in cases where public funding (e.g., sales tax revenues for open space acquisition) is being used for acquisition. Public access, however, needs to be managed proactively to limit volume and types of public access. This can require formal guided tours, permit systems, and more on-site presence (volunteer patrols or site stewards, by the various organizations in the Prescott area). With a projected population of 205,000 persons in the tri-city area by 2015, and as the Prescott National Forest become increasingly crowded, Prescott's open space preserves will likely see increased visitation, and must be managed for the general public benefit.

Trail systems can assist in channeling visitors away from sensitive flora, fauna, or prehistoric/historic sites, but will not prevent cross-country travel entirely. Educational programs, such as, Tread Lightly! and Leave-no-Trace shall be used to curb resource degradation. By law, every attempt shall be made to allow persons with disabilities the opportunity to experience the open space preserves. Topography is a limiting factor in many cases; however, some special accommodations can be made through Prescott Parks and Recreation's Special Needs Program.

Prehistoric & Historic Resources:

Various laws afford protection of prehistoric and historic resources, such as buildings, ruins, human remains and sacred and ceremonial objects. Every attempt must be made to inventory and assess prehistoric and historic resources within all targeted open space areas, especially prior to increases in public access.

Boundary/Encroachment Management:

By accurately marking boundaries according to legal descriptions, a variety of pro-active management practices can be initiated. This includes avoiding encroachment (i.e., whether intentional or accidental) by adjacent property owners and avoiding trespass issues (from the visiting public) onto adjacent private land.

Stewardship:

While ultimate management of public land in these open space preserves will rest with the City of Prescott, many opportunities exist for area non-profit organizations or organized neighborhood groups to play a strong stewardship role. These stewardship responsibilities can be formal partnerships, similar to the 25-year agreement between the City of Prescott and Prescott Creeks Preservation Association for management of the Watson Woods Riparian Preserve. Formal agreements such as these specify specific roles and responsibilities of the City and non-profit partner. Less formal partnerships can also exist, such as a neighborhood group adopting a section of a creek (e.g., Creekwatch Program).

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Regardless of the formality, various groups and organizations can provide much needed day-to-day stewardship of selected areas. This can include volunteer patrols, trail construction and maintenance, resource inventories, vegetation restoration, providing educational opportunities, monitoring types and volume of visitation, writing grant proposals, and many other opportunities. Monitoring of all contracts and agreements will be a city staff function.



Chapter 3: Specific Stewardship Responsibilities

When looking at the day-to-day management and stewardship of Prescott's open space preserves, one common viewpoint is compare the strengths of city government to the strengths of non-profit organizations, and craft joint management/stewardship agreements (a.k.a., partnerships) that capture the strengths of each. An example of where this is already working is the 25-year agreement between the City of Prescott and Prescott Creeks Preservation Association for the Watson Woods Riparian Preserve. Formal agreements such as this specify the roles and responsibilities of each party, require continual monitoring, and provide accountability.

During one of the public workshops for this document, an exercise was performed to identify the strengths of the City and non-profit organizations for partnerships. The results of this exercise are captured in the following information:

Strengths of the City of Prescott

- ◆ Ability to promote the economic and tourism benefits of the preserves to the community
- ◆ Ability to identify and promote the increased property values near preserves
- ◆ Ability to provide city staff, resources, and expertise for management
- ◆ Ability to provide continuity in management over an extended period of time
- ◆ Ability to provide knowledge and electronic information (e.g., Geographic Information Systems) of land uses
- ◆ Ability to provide opportunities for resource-based work for youth as reduced incentives for crime (e.g., such as Youth Conservation Corps)
- ◆ Ability to provide a positive image in conserving the City's natural characteristics
- ◆ Ability to provide buffers for noise abatement/pollution (conserving solitude)
- ◆ Ability to provide gateways and/or public access to new or existing public lands
- ◆ Ability to absorb the liability of public access
- ◆ Ability to provide police and fire protection
- ◆ With paid staff, provide ability to avoid "burnout" of volunteers

Strengths of Non-Profit Organization Partners

- ◆ Ability to initiate voter referendums for complimentary efforts
- ◆ Ability to accomplish tasks without government beaurocracy
- ◆ Ability to provide expertise (e.g., biological) that city government may not have

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- ◆ Ability to maintain a consistent mission without outside pressure
- ◆ Ability to initiate public education and benefits of open space preserves
- ◆ Ability to provide "institutional" knowledge from long-term residents affiliated with non-profit organizations
- ◆ Ability to have consultants donate their services as a tax-deductible contribution
- ◆ Ability to apply for grant funding and foundation monies not available to governmental entities

In late 2000, a questionnaire was sent to 24 member organizations of the Open Space Alliance of Central Yavapai County requesting the official viewpoint of respective organizations relative to open space management. Specifically, the questionnaire requested the desired role of their organization for each of the 11 geographical areas, potential management role of the City of Prescott, and other ideas/comments relative to open space preservation. The questionnaire was sent to the following organizations:

- ◆ Open Space Alliance of Central Yavapai County (OSA)
- ◆ Prescott Open Spaces
- ◆ Central Arizona Land Trust (CALT)
- ◆ Prescott Alternative Transportation (PAT)
- ◆ Prescott Creeks Preservation Association (PCPA)
- ◆ Friends of "P" Mountain - Class of '58
- ◆ Prescott Audubon
- ◆ Sierra Club - Yavapai Group
- ◆ Yavapai Trails Association (YTA)
- ◆ Western Yavapai Conservation Education Center
- ◆ Friends of J.S. Acker
- ◆ Green Map/Earth Day
- ◆ The Nature Conservancy
- ◆ Highlands Center
- ◆ Yavapai Heritage Foundation
- ◆ Prescott Paddle America Club
- ◆ Prescott Area Wildland Urban Interface Commission
- ◆ American Trails
- ◆ Keep Prescott Beautiful
- ◆ Prescott National Forest
- ◆ Prescott National Forest Friends
- ◆ Sharlot Hall Historical Society of Arizona
- ◆ The Pulmonary Foundation
- ◆ Student Environmental Network of Prescott College
- ◆ Manzanita Village Cohousing

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Responses from the organizations responding to the questionnaire are best summarized according to each geographical area, as well as recommendations for the City's management role for each. Additionally, many groups expressed an interest in a stewardship role for a specific area, while ultimate management responsibility rests with the City of Prescott. Coordination of the roles below will ultimately rest with the City of Prescott, and will be a substantial undertaking requiring additional staff. Following are the various geographical areas, followed by the organizations and respective roles:

Glassford Hill Preserve

Sierra Club

Assist with Acquisition and Preservation; stewardship

CALT

Provide stewardship

Highlands Center

Plan for educational opportunities

Western Yavapai Conservation Education Center

Assist with acquisition & preservation, education, communication with lessees

PAT

Provide public awareness and outreach

OSA

Conduct planning, provide public awareness and outreach

Yavapai Heritage Foundation

Public awareness and outreach, serve in an advisory capacity

City of Prescott/Town of Prescott Valley

Provide support, assist potential Friends group, provide staff support, write grants for acquisition, monitor A.P.I. process, conduct planning, provide volunteer management, oversee overall management of Preserve, and potentially provide supplemental funds for management partnership

Badger "P" Mountain Preserve

CALT

Provide stewardship

Friends of "P" Mountain

Assist with acquisition and preservation, provide stewardship

Highlands Center

Plan for educational opportunities

PAT

Assist with acquisition and preservation, provide stewardship, provide planning, provide public awareness and outreach, assist with Gateway Mall Trail development

OSA

Assist with acquisition & preservation, conduct planning, and provide public awareness & outreach

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Yavapai Heritage Foundation

Provide public awareness and outreach, serve in an advisory capacity

City of Prescott

Support Friends group, provide staff support, write grants for acquisition, monitor A.P.I. process, conduct planning, provide volunteer management, oversee overall management of Preserve, and potentially provide supplemental funds for management partnership

Prescott's Greenways

PCPA

Implement interpretive signing, provide stewardship, manage Watson Woods, assist with acquisition & preservation, conduct planning, provide public awareness and outreach, conduct research, conduct restoration, co-lead Creekwatch or Friends of the Creeks program with Prescott College

Sierra Club

Assist with acquisition & preservation, provide stewardship, conduct planning, provide public awareness and outreach

Prescott Audubon & Prescott Open Spaces

Provide stewardship of Granite Creek from Sixth Street to Reservation Boundary (seven acres – confluence w/ North Fork Granite Creek), conduct bird counts citywide

OSA

Take lead role in Prescott's Greenways program to begin engaging land owners along Granite Creek and one mile of Miller Creek, provide public awareness and outreach, conduct planning, provide stewardship

PAT

Participate in Prescott's Greenways program with long-term stewardship role, assist with greenway trail construction and maintenance, provide promotion of efforts, conduct fundraising, assist with acquisition & preservation, assist with stewardship, conduct planning, provide public awareness and outreach

Yavapai Heritage Foundation

Provide public awareness and outreach, serve in an advisory capacity

City of Prescott

Develop creek preservation corridor plan as component of new General Plan, support above organizations with all efforts, conduct greenway trail construction and maintenance, provide greenway management, initiate patrols through bike officers and park rangers, write grants, potentially provide supplemental funds for management partnership, use caution when performing utility maintenance

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Granite Dells Preserve (East and West)

CALT

Provide stewardship

Highlands Center

Plan for educational opportunities

PCPA

Provide riparian expertise for Willow and Granite Creeks

PAT

Conduct public awareness and outreach

OSA

Conduct planning, provide public awareness and outreach

Yavapai Heritage Foundation

Conduct public awareness and outreach, serve in an advisory capacity

City of Prescott

Support potential Friends group, provide staff support, coordinate with The Trust for Public Land, oversee overall management of Preserve, continue communication with rock climbing advocates (YMCA) to serve as stewards, potentially provide supplemental funds for management partnership

Hill East of Thumb Butte

(not yet named as of 7/01)

CALT

Provide stewardship, conduct planning, monitor forthcoming conservation easements, prepare annual monitoring reports

Prescott Open Spaces

Provide stewardship

Highlands Center

Plan for educational opportunities

PAT

Provide public awareness and outreach

OSA

Conduct planning, provide public awareness and outreach

Yavapai Heritage Foundation

Provide public awareness and outreach, serve in an advisory capacity

City of Prescott

Support potential Friends group, provide staff support, potentially provide supplemental funds for management partnership, coordinate conservation easements with CALT

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Mesa East of Watson Woods

(Storm Ranch Land Facing Lake on West End of Mesa)

CALT

provide stewardship

Highlands Center

Plan for educational opportunities

Western Yavapai Conservation Education Center

Provide stewardship, implement educational opportunities

PAT

Provide public awareness and outreach

OSA

Conduct planning, conduct public awareness and outreach, assist with acquisition & preservation

Yavapai Heritage Foundation

Provide public awareness and outreach, serve in an advisory capacity

City of Prescott

Negotiate conservation easement in exchange for water allocation if land is sold (or) purchase development rights

Watson Lake Wildlife Corridor

CALT

Provide stewardship

Highlands Center

Plan for educational opportunities

PCPA

Provide riparian expertise

PAT

Provide public awareness and outreach

OSA

Conduct planning, provide public awareness and outreach, assist with acquisition & preservation

Yavapai Heritage Foundation

Provide public awareness and outreach, serve in an advisory capacity

City of Prescott

Negotiate conservation easement in exchange for water allocation if land is sold (or) purchase development rights, manage as complementary open space to Glassford Hill Preserve, support potential Friends group, provide staff support, potentially provide supplemental funds for management partnership

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Dalke Rock Formations and Petroglyphs

CALT

Negotiate preservation of property through close consultation with The Trust for Public Land, coordinate acquisition if feasible, provide stewardship, conduct planning, and provide public awareness and outreach

Prescott College

Assume lead on management and stewardship through close consultation with CALT

Highlands Center

Plan for educational opportunities

PAT

Provide public awareness and outreach

OSA

Conduct planning, provide public awareness and outreach, assist with acquisition & preservation

Yavapai Heritage Foundation

Provide public awareness and outreach, serve in an advisory capacity

City of Prescott

As of 2001, role is unknown

State Land Hill - Section 32 (and any other State Lands in PEAP approved under the A.P.I. program)

OSA

Lead attempt to add acreage under API program, conduct planning, conduct public awareness and outreach, assist with acquisition & preservation

PAT

Provide public awareness and outreach

Highlands Center

Plan for educational opportunities

Yavapai Heritage Foundation

Provide public awareness and outreach, serve in an advisory capacity

Western Yavapai Conservation Education Center

Provide stewardship, implement educational opportunities

City of Prescott

Through API process, acquire hill within section 32 (with possible additional acreage), continue cleanups and patrols of Prescott Mesas area, support potential Friends group, provide staff support, potentially provide supplemental funds for management partnership

🌲 OPEN SPACE MANAGEMENT PLAN 🌲



Indian Hill

Highlands Center

Plan for educational opportunities

PAT

Provide public awareness and outreach

OSA

Conduct planning, provide public awareness and outreach, assist with acquisition & preservation

Yavapai Heritage Foundation

Provide public awareness and outreach, serve in an advisory capacity

City of Prescott

Negotiate conservation easement in exchange for water allocation if land is sold (or) purchase development rights; manage as complementary open space to Pioneer Park

West Side of Palmer Hill

Allow Crystal Creek Homes to develop (responsibly), since open space values are already severely degraded.



Chapter 4: Management Plans for Specific Preserves

Specific management plans will be needed for most of the open space preserves. These management plans will afford the opportunity to adequately inventory resources and characteristics, compile research already completed, engage Prescott residents with public participation, identify opportunities and threats to these preserves, and establish a blueprint for future management and stewardship by the City of Prescott and respective non-profit organizations. These planning efforts will ideally be facilitated by contracted professional planning firms, and will include, but are not limited to, the following actions and elements:

Public Participation:

This shall include coordination among landowners, lessees, governmental entities, non-profit organizations, civic groups, and schools.

Inventory Resources:

Ideally, specific management plans shall include the following resource inventories:

◆ Past Research - In some cases, research has been accomplished and compiled, such as Prescott College's Creeks Repository which includes decades of resource inventories and various plans that address Prescott's Greenways.

- ◆ Climate
- ◆ Geology
- ◆ Soils
- ◆ Prehistoric and historic resources
- ◆ Hydrology
 - Groundwater
 - Water quality
 - Wetlands
 - Flood Plains
 - Water Rights
- ◆ Wildlife
 - Reptiles
 - Amphibians
 - Birds
 - Mammals
 - Insects
- ◆ Vegetation
 - Native
 - Exotic
 - Noxious Weeds
 - Wildfire mitigation/Fuels Reduction

◆ OPEN SPACE MANAGEMENT PLAN ◆



- ◆ Significant features
- ◆ Adjacent land uses
- ◆ Air Quality
- ◆ Water Quality
- ◆ Ownership
- ◆ Mapping – GIS
- ◆ Zoning
- ◆ Recreation (Current and Potential)
- ◆ Existing or Potential Trail Corridors (to further the Mile-High Trail System and Bike/Ped System)
- ◆ Visitor Management (Current and Potential)
- ◆ Addressing future threats
- ◆ Management
 - Site Stewardship (Current and Potential)
 - City Management (budget, staff, resources, materials budget)
 - Partnerships
- ◆ Volunteer Opportunities
- ◆ Potential Grant Sources



Chapter 5: Potential Organizational Recommendations For Future Open Space Management

Many municipalities have and are creating open space divisions within city government. The City of Boulder, Colorado, for example, began open space management in 1967. Today, Boulder's Open Space and Mountain Parks Division employs 74 staff. This includes staff for acquisition, planning, management, trail planning and construction, and park rangers. This presents one scenario, and other municipalities are also planning for and managing significant open space.

The City of Prescott may need to consider additional staff in the future to meet the demands of managing additional open space acreage, demands from area residents, additional trail systems, and the outdoor recreation needs of the tri-city area's growing population. Additionally, various types of expertise will be needed to meet future demands. While volunteers have and will continue to play a large role in trails and open space, and some professional services can be contracted out, coordinating these efforts may require professional staff. This also includes coordinating the efforts of the organizations listed in Chapter 3.

The organization of these endeavors could take many forms, including a potential Natural Resources Division, or another agency may manage the open space. The following areas should be given specific and adequate attention:

- ◆ Open Space Acquisition
- ◆ Open Space Management Planning
- ◆ Open Space Preserve Management (on-site)
- ◆ Law Enforcement/Resource Protection
- ◆ Site Stewardship coordination and training

- ◆ Trail Planning and Coordination
- ◆ Trail Design and Construction
- ◆ Trail Maintenance
- ◆ Adopt-a-Trail coordination

- ◆ Greenways (Creeks) Planning, Management, Stewardship, and Restoration
- ◆ Natural Parks Management (e.g., Stricklin Park)
- ◆ Volunteer Coordination
- ◆ Fundraising & Grantwriting
- ◆ Outdoor recreation planning and management (e.g., rockclimbing, camping, etc.)

🌲 OPEN SPACE MANAGEMENT PLAN 🌲



While volunteers have and will continue to assist the City of Prescott in the above areas at no cost, quite often special skills and expertise are needed that require payment for services (e.g., either through additional city positions and/or through contracted consultants). Additionally, the City will continue to utilize Prescott and Yavapai College students as internships, however, these students need (and deserve) adequate mentoring and direction to achieve a quality educational experience and be of service to the City of Prescott. Therefore, all volunteers require supervision, coordination, and recognition.

While no specific recommendation is being made at this time (2001), the above items should be considered in future planning and budget cycles.



APPENDIX A

INFORMATION ON CONSERVATION EASEMENTS



Open Space Alliance
Conservation Easement Program Requirements

February 6, 2001

A conservation easement is a grant of restrictions or development rights on one's property to an appropriate third party. The grant must be of significant importance and must meet the following requirements in order to qualify for an income or estate tax deduction.

1. The easement must meet certain criteria developed by the Grantee and the IRS:
 - A. The Grantee should have specific goals set forth preliminarily to meet the purpose of the organization and this easement must come under those internal criteria in order to further the organization's purpose.
 - B. In order to qualify for tax deductibility an easement must be
 1. donated in perpetuity
 2. given to a qualified organization such as a land trust or public agency
 3. given "exclusively for conservation purposes", such as
 - (a) preservation of land for outdoor recreation by or the education of the general public
 - (b) the protection of a relatively natural habitat of fish, wildlife, or plants or similar ecosystem
 - (c) the preservation of open space (including farmland and forest land) where such preservation is –
 - (1) for the scenic enjoyment of the general public, or
 - (2) pursuant to a clearly delineated federal, state or local governmental conservation policy and will yield a significant public benefit, or
 - (d) the preservation of an historically important land area or a certified historic structure

2. Criteria for Resource Category 3 – Open Space for Scenic Enjoyment

Scenic enjoyment of the general public

Ability of the public to see the easement

Significant public benefit –Factors: uniqueness; intensity of land development in the vicinity; consistency of proposed open space use with public programs; consistency of proposal with existing private conservation programs in area; likelihood that development of property would lead to degradation of scenic character of area; opportunity for general public to use the property or to appreciate its scenic values; importance of property in preserving a local or regional landscape or resource that attracts tourism or commerce to the area; cost to donee of enforcing; population density in area of property; and consistency with legislatively mandated program identifying particular parcels of land for future protection.

Other factors: Does land contain unique or outstanding physiographic characteristics? Is the property of sufficient size that its scenic attributes are

likely to remain intact, even if adjacent properties are developed? Is the owner able to make an appropriate contribution to the easement's monitoring fund?

Illustrations from IRC Regulations under §170(a) of significant public benefit: "The preservation of an ordinary tract of land would not in and of itself yield a significant public benefit, but the preservation of ordinary land areas in conjunction with other factors that demonstrate significant public benefit or preservation of a unique land area for public enjoyment would yield a significant public benefit." For example, a vacant downtown lot, if it is to be used as a public garden; preservation of farmland for flood control; preservation of unique natural land formation for enjoyment of general public; preservation of woodland along a public highway pursuant to government program to preserve the appearance of the area to maintain scenic view from the highway; preservation of stretch of undeveloped property located between public highway and the ocean in order to maintain the scenic ocean view from the highway.

3. Requirements for Qualified Organization to accept easement

Must be governmental unit or a publicly supported charitable organization under IRC 501(c)(3) or an organization controlled by one of the two.

Organization must have commitment and resources to enforce easements.

Easement is transferable only to other qualified organizations.

Because of the obligation to perpetually enforce the easements, there should be a Back-Up Grantee.

If the Qualified Organization is a publicly supported charitable organization, it must continue to meet the public support requirements so that it does not fall into the category of a private foundation. This means that at least 10% of its support must come from government grants or public donations. (more likely one-third)

4. Summary of Issues for OSA to consider to accept conservation easements:

A. To qualify as a 501(c)(3) publicly supported charitable organization and have sufficient public support.

B. To develop policies and criteria for land to be accepted.

C. To have the staff and organization necessary to review proposals, know whether or not they would meet the criteria for the organization and qualify for the tax benefits; oversee inventories of the land, appraisals, drafting of proper documents; monitoring and enforcing easements.

D. To market the concept and the organization to keep the public support and stay in existence financially and with members and staff willing to commit to an ongoing venture.

E. That the parcels to be accepted be of sufficient public benefit.

APPENDIX B

SAMPLE CONSERVATION EASEMENT



Recording Requested by:
FIRST AMERICAN TITLE

When recorded mail to:

City of Prescott
Attn: John Moffit, City Attorney
P.O. Box 2059
Prescott, AZ 86302-2059

BK	FEE
	12
MAP	\$4
	\$5
PCL	\$1
\$	1

3292299 BK 3783 PG 231
Yavapai County
Patsy Jenney-Colon, Recorder
09/28/2000 04:28P PAGE 1 OF 12
FIRST AMERICAN TITLE INS CO
RECORDING FEE 12.00
SURCHARGE 4.00
POSTAGE 1.00

Escrow No. 250-510-320366

CAPTION HEADING: CONSERVATION EASEMENT

CONSERVATION EASEMENT

KNOW ALL MEN BY THESE PRESENTS:

For good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, The City of Prescott, a municipal corporation, hereinafter called "Grantor", hereby grants unto the Central Arizona Land Trust, an Arizona non-profit corporation, hereinafter referred to as the "Grantee" or the "Trust", a Conservation Easement, binding the property more particularly identified in the attached Exhibit "A" (hereinafter referred to as the "Property"), to the following terms and conditions:

1. PURPOSES

It is the purpose of this Easement to preserve and protect in perpetuity and, in the event of their degradation or destruction, to enhance and restore the open space and significant natural features and values of the Property. It is further the specific purpose of this Easement to conserve important habitat for wildlife; to protect rare or unique native plants currently known or later identified; and to conserve the diverse forest, meadow, and riparian vegetative communities and the wildlife inhabiting these communities. In achieving these purposes, it is the intent of the Easement to permit the continuation of such uses of the Property as may be conducted consistent with the conservation values protected herein.

The Property preserved hereby as natural land may not be converted or directed to any uses other than those provided herein.

2. RIGHTS OF THE TRUST

The rights conveyed to the Trust by the Easement are the following:

A. To identify, to preserve and protect in perpetuity, and in the event of their degradation or destruction to restore the open space and significant natural ecological features and values of the Property.

B. To perform such activities on the Property as the Trust reasonably determines are necessary or convenient to carry out these rights granted by this

Easement.

C. To enter upon the Property to enforce the rights herein granted, to study and make scientific observations of its ecosystems, and to determine that Grantor's activities are in compliance with the terms of the Easement, all in a manner that does not unreasonably disturb the use of the Property by Grantor consistent with the Easement. The Trust shall also have the right of immediate entry to the Property if, in its sole judgment, such entry is necessary to prevent damage to or the destruction of the conservation values protected by the Easement.

D. To enjoin any activity on or any use of the Property that is inconsistent with the Easement and to enforce the restoration of such areas or features of the Property as may be damaged by such activities.

3. INCONSISTENT USES OF THE PROPERTY

The following uses and practices on the Property shall be prohibited:

A. The storage, dumping or other disposal of toxic and/or hazardous materials or of non-compostable refuse.

B. Those uses specifically prohibited in Exhibit "B", attached hereto and made a part hereof.

Notwithstanding anything in this Easement to the contrary, this prohibition does not make the Trust an owner of the Property, nor does it permit the Trust to control any use of the Property by the Grantor; provided, however, that the Trust may bring an action to protect the conservation values of the Property, as described in this Easement.

4. REMEDIES, BREACH AND RESTORATION

In the event a violation of any restriction contained herein by Grantor comes to the attention of the Trust, the Trust shall notify Grantor in writing of the violation. Grantor shall have thirty (30) days after the receipt of such notice to undertake actions, including restoration of the Property, that are reasonably calculated to correct the conditions caused by such violation. If Grantor fails to take such corrective action, the Trust may at its discretion undertake such actions, including appropriate legal proceedings, as are reasonably necessary to effect such

corrections, and the cost of the corrections shall be paid by Grantor.

5. CHANGE OF CONDITIONS

The fact that any use of the Property that is expressly prohibited by this Easement, or any other use as determined to be inconsistent with the purpose of this Easement, may become greatly more economically valuable than permitted uses, or that neighboring properties may in the future be put entirely to uses that are not permitted thereunder, has been considered by the Grantor in granting this Easement.

It is Grantor's belief that any such changes will increase the benefit to the public of the continuation of this Easement, and it is the intent of both Grantor and the Trust that any changes should not be assumed to be circumstances justifying the termination or extinguishment of this Easement pursuant to this paragraph.

6. SUBSEQUENT SALE, EXCHANGE OR INVOLUNTARY CONVERSION

Grantor and the Trust agree that the granting of this Easement immediately vests the Trust with a property right and the fair market value of this property right is 50% percent of the full fair market value of the Property. Grantor and the Trust further agree that the proportion of the Easement's value to the value of the Property, as unencumbered by the Easement, shall remain constant, so that should this Easement be extinguished by a change in conditions, the Trust shall be entitled to a portion of the proceeds from any subsequent sale, exchange or involuntary conversion. The Trust's share of the proceeds shall be 50% of the value of the Property at the time of such sale, exchange or involuntary conversion.

7. AMENDMENT

If circumstances arise under which an amendment to or modification of the Easement would be appropriate, Grantor and the Trust may jointly amend the Easement. Any such amendment shall be recorded in the official records of Yavapai County, Arizona.

8. EXTINGUISHMENT

If circumstances arise in the future that render the purpose of this Easement impossible to accomplish, this Easement can only be terminated or extinguished, whether with respect to all or part of Grantor's Land, by judicial proceeding in a court of competent jurisdiction, or by mutual agreement of the parties hereto.

9. INTERPRETATION

The provisions of this Easement shall be liberally construed to effectuate their purpose of preserving and protecting habitat for wildlife, unique native plants, and diverse forest, meadow and riparian vegetative communities. No remedy or election given by any provision in this Easement shall be deemed exclusive unless so indicated, but it shall, wherever possible, be cumulative with all other remedies at law or in equity. The parties acknowledge that each party and its counsel have reviewed and revised this Easement and that no rule of construction that ambiguities are to be resolved against the drafting party shall be employed in the interpretation of this Easement. This Easement shall be interpreted in accordance with the laws of the State of Arizona.

10. MISCELLANEOUS

A. Binding Effect.

Grantor intends that the Easement shall run with and burden title to the Property in perpetuity, and shall bind Grantor, its successors, and assigns.

B. Severability.

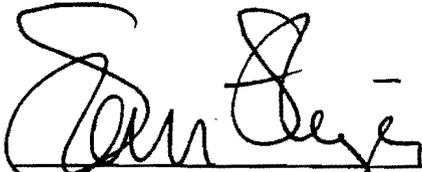
If any provision of this Easement or the application thereof to any person or circumstance is found to be invalid, the remainder of the provisions hereof and the application of such provision to persons or circumstances other than those to which it is found to be invalid, shall not be affected thereby.

C. Entire Agreement.

This instrument sets forth the entire agreement of the parties with respect to the Easement and supersedes all prior discussions, negotiations, understandings, or agreements relating to the Easement, all of which are merged herein. No alteration or variation of this instrument shall be valid or binding unless contained in an amendment that complies with paragraph 9 above.

TO HAVE AND TO HOLD the said Easement unto the said Trust, its successors and assigns, forever.

DATED this 18th day of September, 2000.

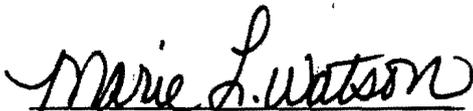


SAM STEIGER, Mayor

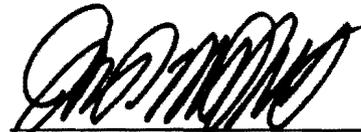
ATTEST:

SEAL

APPROVED AS TO FORM:



MARIE L WATSON
City Clerk



JOHN R MOFFITT
City Attorney

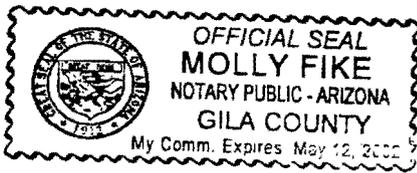
ACCEPTED:
CENTRAL ARIZONA LAND TRUST

By: 

Name: Rebecca L. Kullberg
Title: President of the Board
Central Az. Land Trust

STATE OF ARIZONA)
) ss.
County of Yavapai)

The foregoing instrument was acknowledged before me this 27th day of September, 2000, by REBECCA RUFFNER, the President of the Central Arizona Land Trust, personally known to me or proven to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument, and acknowledged that he executed it.



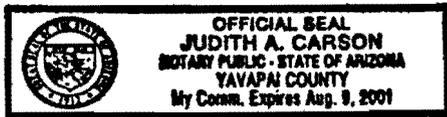
[Seal]

Molly Fike

Notary Public

STATE OF ARIZONA)
) ss.
County of Yavapai)

The foregoing instrument was acknowledged before me this 18th day of September, 2000, by Sam Steiger, the Mayor of the City of Prescott, personally known to me or proven to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument, and acknowledged that he executed it.



[Seal]

Judith A. Carson

Notary Public

EXHIBIT "A"

No. 250-510-320366

PARCEL 1:

Lots 313 and 314, IDYLWILD TRACT recorded in Book 2 of Maps and Plats, Page 14 and in Book 2 of Maps and Plats, Page 22.

PARCEL 2:

An easement for ingress, egress and utilities, located in a portion of Lot 311, IDYLWILD TRACT, as recorded in Book 2 of Maps and Plats, Page 14, Yavapai County Recorder's Office, Yavapai County, Arizona, said Easement being 20.00 feet in width, 10.00 feet each side of the following described center line;

BEGINNING at the Southwest corner of said Lot 311;

Thence North 55.41 feet along the Westerly line of said Lot 311 to the TRUE POINT OF BEGINNING;

Thence North 54 degrees, 48 minutes East, 61.91 feet;

Thence North 32 degrees, 24 minutes, 55 seconds East, 63.69 feet;

Thence North 12 degrees, 18 minutes, 55 seconds East, 67.96 feet to a point on the Northerly line of said Lot 311.

EXHIBIT "B"

1. PROHIBITED RECREATIONAL USES

A. The use of any motorcycles, snowmobiles, off-road vehicles, or any other motorized vehicles off existing roadways, except for property-maintenance or emergency public service purposes.

B. The establishment or maintenance of any commercial or industrial activity, including but not limited to game farms, commercial hunting operations, motels or hotels, trailer or recreational vehicle parks. Commercial and industrial uses shall not include agricultural, forestry, scientific, educational and Bed and Breakfast uses, all as specifically provided for herein, and any commercial activity that can be conducted from existing or authorized structures in a manner that is otherwise consistent with the conservation purposes of the Easement.

2. PROHIBITION OF MINERAL EXTRACTION

A. Filling, excavating, dredging, mining, drilling, and the exploration for or extraction of minerals, hydrocarbons, soils, sand, gravel, rock or other materials on or below the surface of the Property, except for purposes otherwise specifically provided for in this Easement.

B. The exploration for or extraction of oil, gas, hydrocarbons, minerals, soils, sand, gravel, rock or other materials on or below the surface of the Property.

3. DAMAGE TO NATIVE VEGETATION PROHIBITED

A. The conversion of native vegetation to new exotic cover species, and/or the introduction of non-native plant or animal species.

B. The cutting, removal, or destruction of native vegetation.

4. BUILDINGS PROHIBITED

A. The construction or placement of any buildings, camping accommodations, mobile homes, house-trailers, permanent tent facilities, quonset huts or similar structures, guest ranch facilities, ranch structures other than permitted

fencing, bridges, boat ramps, or billboards, signs, or other advertising, and/or other structures or improvements, except as expressly provided herein.

B. Construction or placement of any buildings, temporary living quarters of any sort, mobile homes, signs, billboards or other advertising materials, or utility towers or other structures, except as provided for in the Easement and except that vehicular campers owned by Grantor or guests may be parked on the Property as appropriate to accommodate normal visitation.

5. SUBDIVISION PROHIBITED

A. The partition, division, subdivision, or de facto subdivision of the Property.

6. PROHIBITION OF ROADS, TRAILS AND ACCESS

A. Construction of roads or vehicle trails.

B. The construction of any new roads or vehicle trails.

C. Nothing contained herein shall be construed as affording the public access to any portion of the land subject to this Conservation Easement.

7. CHEMICALS PROHIBITED

A. The application of biocides, defoliants, or chemical fertilizers.

B. The application or release of agricultural chemicals or other chemicals to the land, vegetation or air.

8. BUSINESSES PROHIBITED

A. The establishment or maintenance of any commercial or industrial activity, including but not limited to game farms, commercial hunting operations, motels or hotels, trailer or recreational vehicle parks. Commercial and industrial uses shall not include agricultural, forestry, scientific, educational and Bed and Breakfast uses, and any commercial activity that can be conducted from existing or authorized structures in a manner that is otherwise consistent with the conservation purposes of the Easement.

9. FENCING ALLOWED

A. To construct, maintain, and repair at the Trust's cost fences bounding the Property and such other fences, gates, and other enclosures or exclosures as the Trust deems necessary or advisable to protect ecologically sensitive areas on the Property.

B. To fence, in a reasonable manner, all or a portion of the Property at the Trust's sole discretion to protect the conservation purposes for which this Easement was granted. The cost of any such fencing shall be borne by the Trust. The type and location of the fence must be approved by the Grantor, whose permission shall not be unreasonably withheld.

C. Maintenance, repair, and reconstruction of existing fencing and construction of new fences. Fences may not exclude or prevent wildlife from moving through the Property, but other fencing may exclude wildlife from newly-seeded areas and temporary vegetative restoration areas.

D. To construct a boundary fence around Grantor's property, provided that such fence shall be constructed entirely of wood and in such a manner as to not restrict or impede wildlife movement into or out of Grantor's property.

E. To maintain and repair existing improvements, such as fences, roads, and trails, and in the event of the destruction of any such improvements, to replace said improvements with others of similar design, size, function, location and materials.

F. Fencing shall be designed and constructed in a manner which minimizes any adverse effect on the native vegetation, wildlife and habitat on Grantor's land.

10. ALLOWANCE OF NATIVE WILDLIFE INTRODUCTION

A. Subject to prior approval by the Trust, the augmentation of existing native wildlife populations or the introduction or reintroduction of native wildlife species.

11. ALLOWANCE OF CONSTRUCTION AND MAINTENANCE OF ROADS AND TRAILS

A. Maintenance and improvement of existing roads as necessary for authorized uses of the Property, provided that the roads and trails on the Property may only be improved to the minimum standard necessary for agricultural or property management purposes.

B. To maintain and minimally improve the existing trails, provided that all improvement shall be confined to widening existing trails through minimal brush clearing and trimming.

12. DEVELOPMENT OF WATER RESOURCES ALLOWED

A. Maintenance, repair, and reconstruction of existing agricultural and residential water facilities; development of new water resources and facilities for these uses; and development of water gaps along stream courses or other facilities to provide livestock access to water; all of which shall be done in a manner that does not cause significant or long-term impairment of water quality, stream habitat or riparian values.

13. ALLOWED RECREATIONAL USES

A. Any passive recreational uses, including but not limited to, hiking, horseback riding, canoeing, swimming, picnicking and bird watching, which do not have an adverse effect on the Property. Passive recreational uses do not include the use of motorcycles, dune buggies, all-terrain vehicles, motorboats or other types of motorized vehicles.

14. SEED COLLECTION

A. Collection of native plant seeds is authorized, provided that such collection is conducted in a manner that does not significantly disrupt the ecological health of the site.

Recording Requested by:
FIRST AMERICAN TITLE

When recorded mail to:

City of Prescott
Attn: John Moffitt, City Attorney
P.O. Box 2059
Prescott, AZ 86302-2059

BK	FEE
	\$3
MAP	\$4
PCL	\$5
	\$1
\$	16

3292298 BK 3783 PG 230
Yavapai County
Patsy Jenney-Colon, Recorder
09/28/2000 04:28P PAGE 1 OF
FIRST AMERICAN TITLE INS CO
RECORDING FEE 5.00
SURCHARGE 4.00
POSTAGE 1.00

EXEMPT FROM FILING PURSUANT TO ARS 11-1134 A 3

WARRANTY DEED

Escrow No. 250-510-320366

For the consideration of TEN AND NO/100 DOLLARS, and other valuable considerations, I or we,

CENTRAL ARIZONA LAND TRUST, INC., an Arizona non-profit corporation

the GRANTOR

does hereby convey to

THE CITY OF PRESCOTT, a Municipal corporation

the GRANTEE

the following described real property situate in Yavapai County, Arizona:

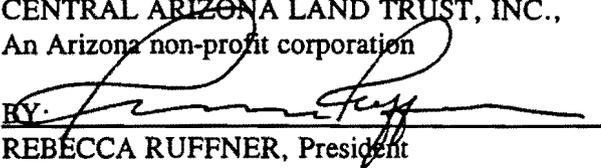
SEE EXHIBIT "A" ATTACHED HERETO AND BY THIS REFERENCE MADE A PART HEREOF.

SUBJECT TO: Existing taxes, assessments, covenants, conditions, restrictions, rights of way and easements of record.

And the GRANTOR binds itself and its successors to warrant the title against its acts and none other, subject to the matters above set forth.

DATED: September 27, 2000

CENTRAL ARIZONA LAND TRUST, INC.,
An Arizona non-profit corporation

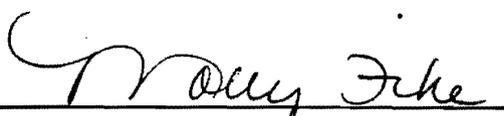
BY: 
REBECCA RUFFNER, President

STATE OF ARIZONA)
) ss.
County of Yavapai)

On 9-27-00, before me, the undersigned Notary Public, personally appeared REBECCA RUFFNER, President of CENTRAL ARIZONA LAND TRUST, INC., an Arizona non-profit corporation, personally known to me (or 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.

WITNESS my hand and official seal.

My Commission Expires: 5-12-02



Notary Public

FAT-AZ 6056A (Rev. 4/4/2000)MLF

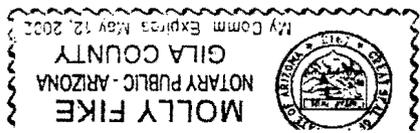


EXHIBIT "A"

No. 250-510-320366

PARCEL 1:

Lots 313 and 314, IDYLWILD TRACT recorded in Book 2 of Maps and Plats, Page 14 and in Book 2 of Maps and Plats, Page 22.

PARCEL 2:

An easement for ingress, egress and utilities, located in a portion of Lot 311, IDYLWILD TRACT, as recorded in Book 2 of Maps and Plats, Page 14, Yavapai County Recorder's Office, Yavapai County, Arizona, said Easement being 20.00 feet in width, 10.00 feet each side of the following described center line;

BEGINNING at the Southwest corner of said Lot 311;

Thence North 55.41 feet along the Westerly line of said Lot 311 to the TRUE POINT OF BEGINNING;

Thence North 54 degrees, 48 minutes East, 61.91 feet;

Thence North 32 degrees, 24 minutes, 55 seconds East, 63.69 feet;

Thence North 12 degrees, 18 minutes, 55 seconds East, 67.96 feet to a point on the Northerly line of said Lot 311.

