

Staff Summary Report

Development Review Commission Date: 05/26/09

Agenda Item Number: ____

SUBJECT: Hold a public meeting for a Preliminary Subdivision Plat for TERRACE LOTS, located at 903 South Rural Road.

DOCUMENT NAME: DRCr_Terrace Lots_052609 **PLANNED DEVELOPMENT (0406)**

COMMENTS: Request for **TERRACE LOTS (PL090027)** (City of Tempe, Arizona Board of Regents, Kenneth L. Olmstead and Steve L. Nielsen, property owner; John Scott, RLS, applicant) for Preliminary Subdivision Plat on 3.89 acres, located at 903 South Rural Road in the CSS, Commercial Shopping and Services District, R-4, Multi-Family Residential General District and R/O, Residential/Office District. The request includes the following:

SBD09001 – Preliminary subdivision plat for lot lines adjustment (three (3) lots and one (1) tract).

PREPARED BY: Jon Christopher, Planner II (480-350-8436)

REVIEWED BY: Lisa Collins, Development Services Planning Director (480-350-8989) 

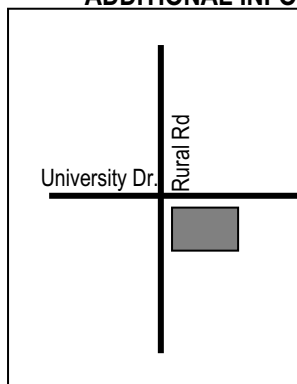
LEGAL REVIEW BY: N/A

DEPARTMENT REVIEW BY: N/A

FISCAL NOTE: N/A

RECOMMENDATION: **Staff – Approval, subject to conditions**

ADDITIONAL INFO:



Gross/Net site area	3.89 acres
Number of Lots	3
Number of Tracts	1

The applicant's site is located south of University Drive and east of Rural Road along the Metro Light Rail Transit alignment (Terrace Road). The preliminary subdivision plat is to make lines adjustments to three (3) lots.

PAGES:

1. List of Attachments
- 2-3. Comments
- 4-6. Reason for Approval / Conditions of Approval
7. History & Facts / Zoning & Development Code Reference

ATTACHMENTS:

1. Location Map
2. Aerial Photo
3. Letter of Explanation
- 4-6. Subdivision plat

COMMENTS:

The site includes property south of University Drive and just east of Rural Road along the Metro Light Rail Transit (Terrace Road) alignment. The final subdivision plat will dedicate a new right of way for the Terrace Road re-alignment for the Metro Light Rail Transit System on the behalf of the City of Tempe and Arizona Board of Regents. The adjustment would also abandon a portion the current right way for Terrace Road and the remaining portion of the plat would create one new developable parcel.

REASONS FOR APPROVAL:

1. The Amended Subdivision Plat conforms to the technical standards of Tempe City Code Chapter 30, Subdivisions.

CONDITIONS OF APPROVAL:

1. The Subdivision Plat shall be put into proper engineered format with appropriate signature blanks and recorded with Maricopa County Recorder's Office through the City of Tempe's Development Services Department on or before May 26, 2010. Failure to record the plat or before May 28, 2010, which is one (1) year from the date of City Council approval, shall make the approval of the plat null and void.

HISTORY & FACTS:

June 27, 1990	The Board of adjustment of City of Tempe approved request by Pepper and Salt Game Room for two use permits. One use permit to allow a pool hall and the other use permit is to allow operate a video arcade. The project is located at 903 South Rural in the C-2 (existing now CSS), General Commercial District.
August 02, 1994	The Hearing Officer of the City of Tempe approved a use permit request by Mail Boxes, Etc # 2440 to allow a postal station and mail box rental facility at 903 South Rural Road in the C-2 (existing now CSS), General Commercial District.
August 17, 1994	The Hearing Officer of the City of Tempe approved a use permit request by Heartland Mini – Mart to allow a convenience store in the C-2 (now CSS), General Commercial District.
April 05, 1999	The Tempe Development Services Department Services Design Review Board Staff has approved request for a building elevation modification for Cinnamon Tree Center located at 903 South Rural Road.
December 07, 1999	The Hearing Officer of the City of Tempe approved a use permit request by the Sound Factory to allow the sales of clothing and compact discs in a 1,512 s.f. retail area at 903 South Rural, suite 105 in the C-2 (existing now CSS), General Commercial District.
September 04, 2001	The Hearing Officer of the City of Tempe approved a variance request by Sierra Plaza to eliminate two (2) required parking lot landscape islands along the east property line of the site. This is to allow the installation of two (2) additional parking spaces. This site is located at 903 South Rural Road, in the C-2 (existing now CSS), General Commercial District.
October 02, 2001	The Hearing Officer of the City of Tempe approved a variance request by Sierra Plaza to reduce the required off-street parking from 63 to 40 spaces located at 903 South Rural Road in the C-2 (existing now CSS), General Commercial District.
June 15, 2004	The Hearing Officer of the City of Tempe approved a use permit request by Sierra Plaza – Praia Indian Cuisine LLC to allow an Indian cuisine restaurant located at 903 South Rural Road, Suite 108 in C-2 (existing now CSS), General Commercial District.

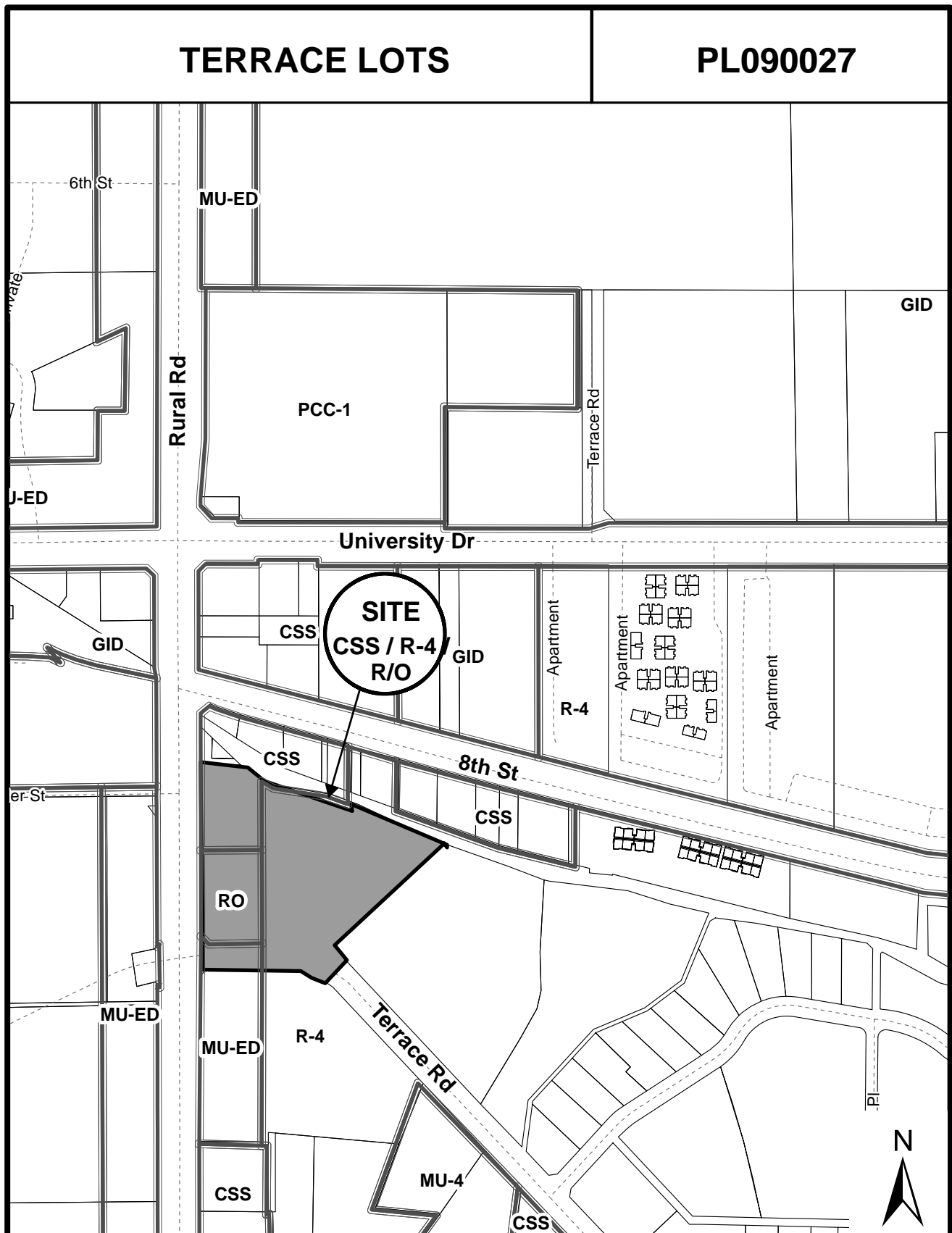
DESCRIPTION: Owners – City of Tempe / Arizona Board of Regents
Applicant – Kenneth L. Olmstead

Zoning
Existing zoning – CSS, R-4, R/O

<u>Site Data:</u>	
Lot 1	1.07 ac (4,661s.f.)
Lot 2	1.70 ac (7,402 s.f.)
Lot 3	0.98 ac (4,289 s.f.)
Tract	0.14 ac (610 s.f.)
Total Net Site area	3.89 acres (16,962 s.f.)

ZONING AND DEVELOPMENT CODE REFERENCE:

Section 6-307, Subdivision, Lot Splits and Adjustments



Location Map

TERRACE LOTS

University Drive

Rural Road

Terrace Road / Light Rail

Lot 1

Lot 2

Lot 3

Tract A

Tract B

Tract C

Tract D

Tract E

Tract F

Tract G

Tract H

Tract I

Tract J

Tract K

Tract L

Tract M

Tract N

Tract O

Tract P

Tract Q

Tract R

Tract S

Tract T

Tract U

Tract V

Tract W

Tract X

Tract Y

Tract Z

Tract AA

Tract AB

Tract AC

Tract AD

Tract AE

Tract AF

Tract AG

Tract AH

Tract AI

Tract AJ

Tract AK

Tract AL

Tract AM

Tract AN

Tract AO

Tract AP

Tract AQ

Tract AR

Tract AS

Tract AT

Tract AU

Tract AV

Tract AW

Tract AX

Tract AY

Tract AZ

Tract BA

Tract BB

Tract BC

Tract BD

Tract BE

Tract BF

Tract BG

Tract BH

Tract BI

Tract BJ

Tract BK

Tract BL

Tract BM

Tract BN

Tract BO

Tract BP

Tract BQ

Tract BR

Tract BS

Tract BT

Tract BU

Tract BV

Tract BW

Tract BX

Tract BY

Tract BZ

Tract CA

Tract CB

Tract CC

Tract CD

Tract CE

Tract CF

Tract CG

Tract CH

Tract CI

Tract CJ

Tract CK

Tract CL

Tract CM

Tract CN

Tract CO

Tract CP

Tract CQ

Tract CR

Tract CS

Tract CT

Tract CU

Tract CV

Tract CW

Tract CX

Tract CY

Tract CZ

Tract DA

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Tract IA

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Tract IC

Tract ID

Tract IE

Tract IF

Tract IG

Tract IH

Tract II

Tract IJ

Tract IK

Tract IL

Tract IM

Tract IN

Tract IO

Tract IP

Tract IQ

Tract IR

Tract IS

Tract IT

Tract IU

Tract IV

Tract IW

Tract IX

Tract IY

Tract IZ

Tract JA

Tract JB

Tract JC

Tract JD

Tract JE

Tract JF

Tract JG

Tract JH

Tract JI

Tract JJ

Tract JK

Tract JL

Tract JM

Tract JN

Tract JO

Tract JP

Tract JQ

Tract JR

Tract JS

Tract JT

Tract JU

Tract JV

Tract JW

Tract JX

Tract JY

Tract JZ

Tract KA



TERRACE LOTS (PL090027)

**ARIZONA
ENGINEERING
COMPANY**

Civil Engineering • Land Surveying
Water & Wastewater Operations and Maintenance

January 22, 2009

Mr. Jon Christopher
City of Tempe
Development Services Department
31 E. 5th Street, Garden Level
Tempe, AZ 85281

Project Number: 08TEMPE03
Project Name: Terrace Lots

Jon,

The parcels of land associated with this project are located south of University Drive and just east of Rural Road along the new Metro Light Rail Transit System alignment and the new alignment of Terrace Road. Arizona Engineering working on the behalf of the City of Tempe and the Arizona Board of Regents has prepared the attached subdivision plat.

The intent of the attached plat is to create an instrument which will dedicate a new right of way for Terrace Road and the Metro Light Rail Transit System, abandon a portion of the current right of way for Terrace Road, and to reapportion the remaining acreage of the existing parcels land into new developable parcels. This plat will also provide continuous ownership and right of way to operate the Metro Light Rail Transit System.

The attached subdivision/survey plat shows the location of the new right of way for Terrace Road and the Metro Light Rail Transit System and the location of the proposed reapportioned parcels to be owned by the City of Tempe and the Arizona Board of Regents.

Please let me know as soon as possible if you have any question or comments.

Very truly yours,

ARIZONA ENGINEERING COMPANY

John J. Scott, R.L.S.
jscott@arizonaengineering.com

TERRACE LOTS

A PLAT OF A PORTION OF THE NORTHWEST QUARTER OF SECTION 23, TOWNSHIP 1 NORTH, RANGE 4 EAST, GILA AND SALT RIVER BASELINE AND MERIDIAN, MARICOPA COUNTY, ARIZONA.

DEDICATION:

KNOW ALL MEN BY THESE PRESENTS:

THAT CITY OF TEMPE, A MUNICIPAL CORPORATION, AND THE ARIZONA BOARD OF REGENTS, AS OWNERS, HAVE PLATED UNDER THE NAME OF "TERRACE LOTS" A PLAT OF A PORTION OF THE NORTHWEST QUARTER OF SECTION 23, TOWNSHIP 1 NORTH, RANGE 4 EAST, GILA AND SALT RIVER BASELINE AND MERIDIAN, MARICOPA COUNTY, ARIZONA AND HEREBY PUBLISHES THIS PLAT OF "TERRACE LOTS" AND DECLARES THAT SAID PLAT SETS FORTH THE LOCATION AND GIVES THE DIMENSIONS OF THE LOTS, STREETS, AND EASEMENTS CONSTITUTING THE SAME AND THAT EACH LOT AND STREET SHALL BE KNOWN BY THE NUMBER OR NAME GIVEN TO EACH RESPECTIVELY ON SAID PLAT AND HEREBY DEDICATES TO THE CITY OF TEMPE AND THE ARIZONA BOARD OF REGENTS FOR PUBLIC USE AS SUCH, THE STREETS, PUBLIC UTILITIES, DRAINAGE AND RETENTION EASEMENTS AS SHOWN ON SAID PLAT AND IS INCLUDED IN THE ABOVE DESCRIBED PREMISES.

ACKNOWLEDGMENT:

ON THIS _____ DAY OF _____, 2009 BEFORE ME, THE UNDERSIGNED, PERSONALLY APPEARED _____, WHO ACKNOWLEDGED HIMSELF TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE INSTRUMENT WITHIN, AND WHO EXECUTED THE FOREGOING INSTRUMENT FOR THE PURPOSES THEREIN CONTAINED.

IN WITNESS WHEREOF, I HERETO SET MY HAND AND OFFICIAL SEAL

BY: _____ MY COMMISSION EXPIRES _____

THE CITY OF TEMPE, A MUNICIPAL CORPORATION

BY: _____ DATE: _____
HUGH HALLMAN
ITS: MAYOR

ACKNOWLEDGMENT:

ON THIS _____ DAY OF _____, 2009 BEFORE ME, THE UNDERSIGNED, PERSONALLY APPEARED _____, WHO ACKNOWLEDGED HIMSELF TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE INSTRUMENT WITHIN, AND WHO EXECUTED THE FOREGOING INSTRUMENT FOR THE PURPOSES THEREIN CONTAINED.

IN WITNESS WHEREOF, I HERETO SET MY HAND AND OFFICIAL SEAL

BY: _____ MY COMMISSION EXPIRES _____

ARIZONA BOARD OF REGENTS

BY: _____ DATE: _____
ITS: _____

LEGAL DESCRIPTION: (PRIOR TO SUBDIVISION)
SEE PAGE 2

OWNERS/DEVELOPERS:

CITY OF TEMPE
31 EAST FIFTH STREET
TEMPE, ARIZONA 85281

ARIZONA BOARD OF REGENTS
2020 NORTH CENTRAL AVENUE, SUITE 230
PHOENIX, ARIZONA 85004

BENCH MARK:

CITY OF TEMPE BRASS CAP IN HANDHOLE AT THE INTERSECTION OF UNIVERSITY DRIVE AND RURAL ROAD, SAID POINT BEING THE NORTHEAST CORNER OF SECTION 22.
ELEVATION 1166.36 (CITY OF TEMPE DATUM # 150)

BASIS OF BEARINGS:

THE BEARING OF NORTH 89°18'41" EAST ALONG THE SECTION LINE FROM THE NORTH QUARTER CORNER OF SECTION 22, MONUMENTED WITH A BRASS CAP IN HANDHOLE (CITY OF TEMPE BENCHMARK # 143), AT THE INTERSECTION OF UNIVERSITY DRIVE AND COLLEGE AVENUE, TO THE NORTHEAST CORNER OF SECTION 22, MONUMENTED WITH A BRASS CAP IN HANDHOLE (CITY OF TEMPE BENCHMARK # 150), AT THE INTERSECTION OF UNIVERSITY DRIVE AND RURAL ROAD).

APPROVALS:

APPROVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA ON THIS _____ DAY OF _____, 2009.

BY: _____ MAYOR _____ DATE _____

ATTEST: _____ CITY CLERK _____ DATE _____

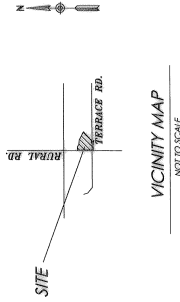
BY: _____ CITY ENGINEER _____ DATE _____

BY: _____ DEVELOPMENT SERVICES _____ DATE _____

CERTIFICATION:

THIS IS TO CERTIFY THAT THE SURVEY OF THE PREMISES DESCRIBED AND PLATTED HEREON WAS MADE UNDER MY DIRECT SUPERVISION DURING THE MONTH OF NOVEMBER, 2008; THAT THE SURVEY IS TRUE AND COMPLETE AS SHOWN; THAT THE MONUMENTS SHOWN ACTUALLY EXIST OR WILL BE SET AS SHOWN; THAT THE POSITIONS ARE CORRECTLY SHOWN AND THE SAID MONUMENTS ARE SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED.

JOHN J. SCOTT, R.L.S. R.L.S. #37496 DATE _____



VICINITY MAP
NOT TO SCALE

LEGEND

- RIGHT OF WAY LINE
- PROPERTY LINE
- SECTION LINE
- MONUMENT LINE
- SUBDIVISION CORNER PIN TO BE SET
- FOUND BRASS CAP IN HAND HOLE
- PROPERTY CORNER PIN TO BE SET
- CALCULATED POSITION
- MARICOPA COUNTY RECORDER
- M.C.R.

NOTES:

- 1.) THIS SUBDIVISION IS LOCATED WITHIN THE CITY OF TEMPE AND HAS BEEN DESIGNATED AS HAVING AN ASSURED WATER SUPPLY.
- 2.) LOT CORNERS TO BE SET WITH 5/8" REBAR WITH ALUMINUM CAP MARKED "ARIZONA ENG CO. LS18010, LS37496" UNLESS OTHERWISE NOTED ON THE PLAT.
- 3.) ALL NEW AND EXISTING, AS WELL AS ON-SITE AND OFF-SITE UTILITY LINES (OTHER THAN TRANSMISSION LINES) SHALL BE PLACED UNDERGROUND.

FLOOD PLAIN CERTIFICATION:

THIS IS TO CERTIFY THAT THE ABOVE SUBJECT PROPERTY LIES WITHIN ZONE "SHADED X" AS DESIGNATED ON THE FLOOD INSURANCE RATE MAP, MAP NUMBER 04013C 2170 G, DATED SEPTEMBER 30, 2005. AREAS OF 0.2% ANNUAL CHANCE FLOOD: AREAS OF 1% ANNUAL CHANCE FLOOD WITH AVERAGE DEPTHS OF LESS THAN 1 FOOT OR WITH DRAINAGE AREAS LESS THAN 1 SQUARE MILE; AND AREAS PROTECTED BY LEVEES FROM 1% ANNUAL CHANCE FLOOD.

SHEET 1 OF 3



Civil Engineering
Land Surveying
1000 North 11th Street, Suite 101
Flagstaff, Arizona 86001-6309
Phone: (908) 764-0001
Fax: (908) 764-0002
Residence: (908) 764-0003
www.arizonaengineering.com

DATE: APRIL 2009
DRAWN BY: J. J. SCOTT
CHECKED BY: J. J. SCOTT
SCALE: 1"=40'

REC09002

SBD09001

DS090078

DS090078

SBD09001

REC09002

TERRACE LOTS

LEGAL DESCRIPTION (PRIOR TO SUBDIVISION):
(LEGAL DESCRIPTIONS FIDELITY NATIONAL TITLE COMMITMENT FOR TITLE INSURANCE, COMMITMENT NO. FID8012410, EXHIBIT "ONE").
THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF MARICOPA, STATE OF ARIZONA, AND IS DESCRIBED AS FOLLOWS:

PARCEL NO.1: (132-73-0448)
THAT PART OF THE NORTHWEST QUARTER OF SECTION 23, TOWNSHIP 1 NORTH, RANGE 4 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 23; THENCE SOUTH (ASSUMED BEARING), ALONG THE WEST LINE OF SAID SECTION 23, A DISTANCE OF 469.80 FEET;

THENCE EAST, A DISTANCE OF 50.00 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF RURAL ROAD;

THENCE SOUTH, ALONG THE EAST RIGHT-OF-WAY LINE OF RURAL ROAD, A DISTANCE OF 92.71 FEET, RECORDED (92.59 FEET, MEASURED);

THENCE EAST, A DISTANCE OF 5.00 FEET TO THE POINT OF BEGINNING;

THENCE EAST, A DISTANCE OF 99.95 FEET, RECORDED (99.99 FEET, MEASURED) TO A POINT ON THE NORTHERLY LINE OF THAT CERTAIN ALLEY ABANDONED IN DOCKET 7592, PAGE 139, RECORDS OF MARICOPA COUNTY, ARIZONA;

THENCE SOUTH 57 DEGREES 48 MINUTES EAST, ALONG SAID ABANDONED ALLEY, A DISTANCE OF 45.04 FEET;

THENCE SOUTH, A DISTANCE OF 165.34 FEET, RECORDED (165.33 FEET, MEASURED);

THENCE WEST, A DISTANCE OF 155.00 FEET, RECORDED (155.03 FEET, MEASURED) TO A POINT 5.00 FEET EAST OF THE EAST RIGHT-OF-WAY LINE OF RURAL ROAD;

THENCE NORTH, 5.00 FEET EAST OF AND PARALLEL WITH THE EAST RIGHT-OF-WAY OF RURAL ROAD, A DISTANCE OF 200.00 FEET;

RECORDED (199.99 FEET, MEASURED) TO THE POINT OF BEGINNING.
(CONTINUED ON SHEET 2)

(LEGAL DESCRIPTIONS FIDELITY NATIONAL TITLE COMMITMENT FOR TITLE INSURANCE, COMMITMENT NO. FID8012410, EXHIBIT "ONE").
THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF MARICOPA, STATE OF ARIZONA, AND IS DESCRIBED AS FOLLOWS:

PARCEL NO. 2: (CURRENT DEED OF RECORD INSTRUMENT #2004-1130271, 2004-1187403)

THE WEST 155.00 FEET OF THE FOLLOWING DESCRIBED PROPERTY:

THAT PART OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 23, TOWNSHIP 1 NORTH, RANGE 4 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, AND THAT PORTION OF THE ABANDONED ALLEY AS SET FORTH IN INSTRUMENT RECORDED IN DOCKET 7592, PAGE 139, RECORDS OF MARICOPA COUNTY, ARIZONA, LYING WITHIN SAID NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 23, TOWNSHIP 1 NORTH, RANGE 4 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 23 (INTERSECTION OF UNIVERSITY DRIVE AND RURAL ROAD);

THENCE SOUTH (ASSUMED), ALONG THE MONUMENT LINE OF RURAL ROAD AND ALSO THE WEST LINE OF SAID SECTION 23, A DISTANCE OF 1044.25 FEET TO A POINT AT THE INTERSECTION OF RURAL ROAD AND TERRACE DRIVE;

THENCE NORTH 89 DEGREES 56 MINUTES 16 SECONDS EAST, ALONG THE MONUMENT LINE OF TERRACE DRIVE, A DISTANCE OF 256.31 FEET;

THENCE NORTH 00 DEGREES 03 MINUTES 44 SECONDS WEST, A DISTANCE OF 33.00 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF TERRACE DRIVE AND THE POINT OF BEGINNING;

THENCE SOUTH 89 DEGREES 56 MINUTES 16 SECONDS WEST, ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF TERRACE DRIVE, A DISTANCE OF 191.35 FEET;

THENCE NORTH 45 DEGREES 01 MINUTES 52 SECONDS WEST, A DISTANCE OF 141.13 FEET TO A POINT ON THE EASTERN RIGHT-OF-WAY LINE OF RURAL ROAD;

THENCE NORTH, ALONG SAID EASTERN RIGHT-OF-WAY LINE, A DISTANCE OF 240.74 FEET;

THENCE EAST, A DISTANCE OF 155.00 FEET;

THENCE SOUTH 57 DEGREES 48 MINUTES 00 SECONDS EAST, A DISTANCE OF 32.56 FEET;

THENCE SOUTH 85 DEGREES 12 MINUTES 00 SECONDS EAST, A DISTANCE OF 141.95 FEET;

THENCE SOUTH 44 DEGREES 31 MINUTES 00 SECONDS EAST, A DISTANCE OF 74.65 FEET;

THENCE SOUTH 42 DEGREES 18 MINUTES 00 SECONDS EAST, A DISTANCE OF 207.70 FEET;

THENCE SOUTH 69 DEGREES 08 MINUTES 00 SECONDS EAST, A DISTANCE OF 27.33 FEET;

THENCE NORTH, ALONG SAID EASTERN RIGHT-OF-WAY LINE, A DISTANCE OF 240.74 FEET;

THENCE EAST, A DISTANCE OF 155.00 FEET;

THENCE NORTH, A DISTANCE OF 165.34 FEET;

THENCE SOUTH 57 DEGREES 48 MINUTES 00 SECONDS EAST, A DISTANCE OF 32.56 FEET;

THENCE SOUTH 85 DEGREES 12 MINUTES 00 SECONDS EAST, A DISTANCE OF 141.95 FEET;

THENCE NORTH 44 DEGREES 31 MINUTES 00 SECONDS EAST, A DISTANCE OF 74.65 FEET;

THENCE SOUTH 42 DEGREES 18 MINUTES 00 SECONDS EAST, A DISTANCE OF 207.70 FEET;

THENCE SOUTH 69 DEGREES 08 MINUTES 00 SECONDS EAST, A DISTANCE OF 27.33 FEET;

THENCE SOUTH 46 DEGREES 48 MINUTES 30 SECONDS WEST, A DISTANCE OF 395.63 FEET TO A POINT ON A NON-TANGENT CURVE TO THE LEFT, CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 283.00 FEET

AND A RADIAL POINT WHICH BEARS SOUTH 23 DEGREES 01 MINUTES 46 SECONDS WEST;

THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 23 DEGREES 05 MINUTES 30 SECONDS, A DISTANCE OF 114.06 FEET TO THE POINT OF BEGINNING;

EXCEPT THAT PART OF SAID WEST 155.00 FEET, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE WEST LINE OF SAID NORTHWEST QUARTER WITH THE CENTER LINE OF TERRACE ROAD AS SHOWN ON THE PLAT OF AMENDED FINAL P.A.D. FOR LA MANCHA ACCORDING TO BOOK 187 OF MAPS, PAGE 23;

THENCE NORTH (ASSUMED), ALONG SAID WEST LINE AND ALONG THE CENTERLINE OF RURAL ROAD, A DISTANCE OF 65.00 FEET;

THENCE EAST, A DISTANCE OF 55.00 FEET TO THE POINT OF BEGINNING, SAID POINT BEING THE EAST RIGHT-OF-WAY LINE OF RURAL ROAD;

THENCE SOUTH, ALONG EAST RIGHT-OF-WAY LINE OF RURAL ROAD, A DISTANCE OF 33.00 FEET; SAID POINT BEING 33.00 FEET NORTH OF THE CENTERLINE OF TERRACE ROAD;

THENCE EAST, PARALLEL WITH TERRACE ROAD, A DISTANCE OF 155.00 FEET;

THENCE NORTH, PARALLEL WITH RURAL ROAD A DISTANCE OF 12.00 FEET;

THENCE WEST, PARALLEL WITH TERRACE ROAD A DISTANCE OF 135.00 FEET;

THENCE NORTHWESTERLY, A DISTANCE OF 28.28 FEET TO THE POINT OF BEGINNING;

AND EXCEPT THAT PART OF SAID WEST 155.00 FEET, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A PORTION OF LAND LOCATED IN THE NORTHWEST QUARTER OF SECTION 23, TOWNSHIP 1 NORTH, RANGE 4 EAST OF THE GILA AND SALT RIVER BASE MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF RURAL ROAD AND UNIVERSITY DRIVE, SAID POINT BEING THE NORTHWEST CORNER OF SECTION 23;

THENCE SOUTH 00 DEGREES 03 MINUTES 28 SECONDS EAST, ALONG THE CENTERLINE OF SAID RURAL ROAD AND THE WEST LINE OF SECTION 23, A DISTANCE OF 841.88 FEET;

THENCE NORTH 89 DEGREES 54 MINUTES 32 SECONDS EAST, A DISTANCE OF 56.00 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF RURAL ROAD AND THE POINT OF BEGINNING;

THENCE NORTH 61 DEGREES 33 MINUTES 32 SECONDS EAST, A DISTANCE OF 61.92 FEET;

THENCE SOUTH 43 DEGREES 19 MINUTES 15 SECONDS EAST, A DISTANCE OF 146.73 FEET;

THENCE SOUTH 00 DEGREES 05 MINUTES 28 SECONDS EAST, A DISTANCE OF 61.87 FEET;

THENCE SOUTH 44 DEGREES 31 MINUTES 00 SECONDS EAST, A DISTANCE OF 74.65 FEET;

THENCE SOUTH 42 DEGREES 18 MINUTES 00 SECONDS EAST, A DISTANCE OF 207.70 FEET;

THENCE SOUTH 69 DEGREES 08 MINUTES 00 SECONDS EAST, A DISTANCE OF 27.33 FEET;

THENCE SOUTH 46 DEGREES 48 MINUTES 30 SECONDS WEST, ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF TERRACE DRIVE, A DISTANCE OF 191.35 FEET;

THENCE NORTH 45 DEGREES 01 MINUTES 52 SECONDS WEST, A DISTANCE OF 141.13 FEET TO A POINT ON THE EASTERN RIGHT-OF-WAY LINE OF RURAL ROAD;

THENCE NORTH, ALONG SAID EASTERN RIGHT-OF-WAY LINE, A DISTANCE OF 240.74 FEET;

THENCE EAST, A DISTANCE OF 155.00 FEET;

THENCE SOUTH 57 DEGREES 48 MINUTES 00 SECONDS EAST, A DISTANCE OF 32.56 FEET;

THENCE SOUTH 85 DEGREES 12 MINUTES 00 SECONDS EAST, A DISTANCE OF 141.95 FEET;

THENCE SOUTH 44 DEGREES 31 MINUTES 00 SECONDS EAST, A DISTANCE OF 74.65 FEET;

THENCE NORTHWESTERLY, ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 4 DEGREES 49 MINUTES 39 SECONDS, A DISTANCE OF 23.86 FEET;

THENCE SOUTH 43 DEGREES 19 MINUTES 15 SECONDS EAST, A DISTANCE OF 135.84 FEET TO A POINT ON THE SOUTHWESTERLY LINE OF SAID TERRACE ROAD AND A POINT OF CURVE OF A CURVE WHOSE 217.00 FOOT RADIUS BEARS SOUTH 32 DEGREES 24 MINUTES 03 SECONDS WEST AND CONCAVE SOUTHWESTERLY;

THENCE NORTHWESTERLY, ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 32 DEGREES 33 MINUTES 12 SECONDS, A DISTANCE OF 123.29 FEET;

THENCE NORTH 89 DEGREES 50 MINUTES 51 SECONDS WEST, ALONG SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 191.57 FEET;

THENCE SOUTH 44 DEGREES 32 MINUTES 42 SECONDS WEST, A DISTANCE OF 141.15 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF RURAL ROAD;

THENCE NORTH 00 DEGREES 05 MINUTES 28 SECONDS WEST, A DISTANCE OF 227.55 FEET TO THE POINT OF BEGINNING.

(LEGAL DESCRIPTIONS FIDELITY NATIONAL TITLE COMMITMENT FOR TITLE INSURANCE, COMMITMENT NO. FID8012411, EXHIBIT "ONE").

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF MARICOPA, STATE OF ARIZONA, AND IS DESCRIBED AS FOLLOWS:

PARCEL NO.1: (CURRENT DEED OF RECORD DOCKET 15750, PAGE 259)

THAT PART OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 23, TOWNSHIP 1 NORTH, RANGE 4 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, AND THAT PORTION OF THE ABANDONED ALLEY AS SET FORTH IN INSTRUMENT RECORDED IN DOCKET 7592, PAGE 139, RECORDS OF MARICOPA COUNTY, ARIZONA, LYING WITHIN SAID NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 23, TOWNSHIP 1 NORTH, RANGE 4 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 23 (INTERSECTION OF UNIVERSITY DRIVE AND RURAL ROAD);

THENCE SOUTH (ASSUMED), ALONG THE MONUMENT LINE OF RURAL ROAD AND ALSO THE WEST LINE OF SAID SECTION 23, A DISTANCE OF 1044.25 FEET TO A POINT AT THE INTERSECTION OF RURAL ROAD AND TERRACE DRIVE;

THENCE NORTH 89 DEGREES 56 MINUTES 16 SECONDS EAST, ALONG THE MONUMENT LINE OF TERRACE DRIVE, A DISTANCE OF 256.31 FEET;

THENCE NORTH 00 DEGREES 03 MINUTES 44 SECONDS WEST, A DISTANCE OF 33.00 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF TERRACE DRIVE AND THE POINT OF BEGINNING;

THENCE SOUTH 89 DEGREES 56 MINUTES 16 SECONDS WEST, ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF TERRACE DRIVE, A DISTANCE OF 191.35 FEET;

THENCE NORTH 45 DEGREES 01 MINUTES 52 SECONDS WEST, A DISTANCE OF 141.13 FEET TO A POINT ON THE EASTERN RIGHT-OF-WAY LINE OF RURAL ROAD;

THENCE NORTH, ALONG SAID EASTERN RIGHT-OF-WAY LINE, A DISTANCE OF 240.74 FEET;

THENCE EAST, A DISTANCE OF 155.00 FEET;

THENCE SOUTH 57 DEGREES 48 MINUTES 00 SECONDS EAST, A DISTANCE OF 32.56 FEET;

THENCE SOUTH 85 DEGREES 12 MINUTES 00 SECONDS EAST, A DISTANCE OF 141.95 FEET;

THENCE SOUTH 44 DEGREES 31 MINUTES 00 SECONDS EAST, A DISTANCE OF 74.65 FEET;

THENCE SOUTH 42 DEGREES 18 MINUTES 00 SECONDS EAST, A DISTANCE OF 207.70 FEET;

THENCE SOUTH 69 DEGREES 08 MINUTES 00 SECONDS EAST, A DISTANCE OF 27.33 FEET;

THENCE SOUTH 44 DEGREES 48 MINUTES 30 SECONDS WEST, A DISTANCE OF 395.63 FEET TO A POINT ON A NON-TANGENT CURVE TO THE LEFT, CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 283.00 FEET AND A RADIAL POINT WHICH BEARS SOUTH 23 DEGREES 01 MINUTES 46 SECONDS WEST;

THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 23 DEGREES 05 MINUTES 30 SECONDS, A DISTANCE OF 114.06 FEET TO THE POINT OF BEGINNING;

EXCEPT THE WEST 155.00 FEET THEREOF.

PARCEL NO.2: (CURRENT DEED OF RECORD INSTRUMENT #2003-1370210)

A PORTION OF LAND LOCATED IN THE NORTHWEST QUARTER OF SECTION 23, TOWNSHIP 1 NORTH, RANGE 4 EAST OF THE GILA AND SALT RIVER BASE MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF RURAL ROAD AND UNIVERSITY DRIVE, SAID POINT BEING THE NORTHWEST CORNER OF SECTION 23;

THENCE SOUTH 00 DEGREES 05 MINUTES 28 SECONDS EAST, ALONG THE CENTERLINE OF SAID RURAL ROAD AND THE WEST LINE OF SECTION 23, A DISTANCE OF 861.88 FEET;

THENCE NORTH 89 DEGREES 54 MINUTES 32 SECONDS EAST, A DISTANCE OF 55.00 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF RURAL ROAD AND THE POINT OF BEGINNING;

THENCE NORTH 61 DEGREES 33 MINUTES 32 SECONDS EAST, A DISTANCE OF 61.92 FEET;

THENCE SOUTH 43 DEGREES 19 MINUTES 15 SECONDS EAST, A DISTANCE OF 146.73 FEET;

THENCE SOUTH 00 DEGREES 05 MINUTES 28 SECONDS EAST, A DISTANCE OF 61.87 FEET;

THENCE SOUTH 00 DEGREES 09 MINUTES 09 SECONDS EAST, A DISTANCE OF 12.00 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF TERRACE ROAD;

THENCE NORTH 89 DEGREES 50 MINUTES 51 SECONDS EAST, A DISTANCE OF 46.48 FEET TO THE BEGINNING OF TANGENT CURVE HAVING A 283.00 FOOT RADIUS AND IS CONCAVE SOUTHEASTERLY;

THENCE NORTHEASTERLY, ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 4 DEGREES 49 MINUTES 39 SECONDS, A DISTANCE OF 23.86 FEET;

THENCE SOUTH 43 DEGREES 19 MINUTES 15 SECONDS EAST, A DISTANCE OF 135.84 FEET TO A POINT ON THE SOUTHWESTERLY LINE OF SAID TERRACE ROAD AND A POINT OF CURVE OF A CURVE, WHOSE 217.00 FOOT RADIUS BEARS SOUTH 32 DEGREES 24 MINUTES 03 SECONDS WEST AND CONCAVE SOUTHWESTERLY;

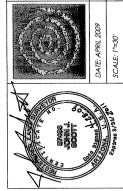
THENCE NORTHWESTERLY, ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 32 DEGREES 33 MINUTES 12 SECONDS, A DISTANCE OF 123.29 FEET;

THENCE NORTH 89 DEGREES 50 MINUTES 51 SECONDS WEST, ALONG SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 191.57 FEET;

THENCE SOUTH 44 DEGREES 52 MINUTES 42 SECONDS WEST, A DISTANCE OF 141.15 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF RURAL ROAD;

THENCE NORTH 00 DEGREES 05 MINUTES 28 SECONDS WEST, A DISTANCE OF 227.55 FEET TO THE POINT OF BEGINNING.

SHEET 2 OF 3



A. RIZONA
ENGINEERING
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