

MEMORANDUM Transportation & Development – CC Memo No. 11-008

DATE: JANUARY 24, 2011

TO: MAYOR AND CITY COUNCIL

THRU: RICH DLUGAS, ACTING CITY MANAGER *RD*
 PATRICK MCDERMOTT, ASSISTANT CITY MANAGER *m*
 R.J. ZEDER, TRANSPORTATION & DEVELOPMENT DIRECTOR *RJ*
 JEFF KURTZ, PLANNING ADMINISTRATOR *J*
 KEVIN MAYO, PLANNING MANAGER *KA*

FROM: BILL DERMODY, SENIOR CITY PLANNER *BD*

SUBJECT: DVR10-0020 AZ 202

Request: Action on the existing Planned Area Development (PAD) zoning to extend the conditional schedule for development, remove, or determine compliance with the three year schedule for development or to cause the property to revert to the former PAD zoning

Location: Northwest corner of Arizona Avenue and the Loop 202 Santan Freeway

Applicant: Withey Morris PLC

Project Info: Approximately 45.0 gross acres with two office buildings (four and six stories in height) totaling 361,414 square feet and 82,758 square feet of retail/restaurant/bank uses to be constructed in three phases; the newer PAD zoning includes a mid-rise overlay allowing heights up to 120'

RECOMMENDATION

Upon finding the request to be consistent with the General Plan, Planning Commission and Staff recommend approval of extending the timing condition for an additional three (3) years.

EXTENSION OF THE TIMING CONDITION

The application requests a time extension for an approximately 45-acre parcel located at the northwest corner of Arizona Avenue and the Loop 202 Santan Freeway. The Planned Area Development (PAD) zoning approval was granted for a period of three (3) years, which expired

on August 23, 2010. The three-year extension would be calculated to begin from the previous approval's expiration date, resulting in an extension to August 2013.

The City has the following options when a zoning district's timing condition expires. The City could, by administrative action, extend the timing condition for another period of time, eliminate the timing condition, or by legislative action revert the zoning to its former zoning classification. If the requested timing extension is approved, all other conditions in the original approval would remain in effect.

BACKGROUND

The subject site is currently vacant and used for agricultural purposes. The site is the last undeveloped quadrant of the Loop 202/Arizona Avenue interchange and occupies all of the agricultural land bounded by Arizona Avenue, Pecos Road, the Loop 202 San Tan Freeway, and the existing Stonebridge Ranch Apartment Complex. The other three interchange quadrants have been developed as retail power centers anchored by Wal-Mart, Sam's Club, and Kohl's. To the north across Pecos Road is an apartment complex along Arizona Avenue with single family homes to the west of it. The northeast corner of Arizona Avenue and Pecos is occupied by the Pecos Lounge bar.

The subject site received PAD zoning for office, retail, and hotel uses in 1987 as part of a larger master plan that included the adjacent Stonebridge Ranch Apartment Complex. The zoning was extended in 1989 and was vested when the apartments were constructed in 2000. The site's zoning was amended in 2007 to allow a mid-rise overlay with heights up to 120' – no changes to the uses were requested. The question at hand in the subject application is whether to extend the 2007 PAD zoning, eliminate the timing condition, or revert to the 1987 PAD zoning that did not include the mid-rise overlay.

No changes are requested to the development plans that were approved by Council in 2007. The development's approved Preliminary Development Plan (PDP) calls for two office buildings (four and six stories in height) totaling approximately 360,000 square feet to be located in the site's interior, plus approximately 80,000 square feet of retail/restaurant/bank uses located mostly around the perimeter. The project is to be constructed in three phases.

MID-RISE DEVELOPMENT POLICY CONFORMANCE

The application requests an extension of zoning approval for a mid-rise overlay to construct buildings over 45 feet in height. The previously approved four- and six-story office buildings are 59 and 87 feet high, and future buildings could be up to 120 feet high (subject to separate PDP approval). Mechanical equipment and architectural embellishments do not count toward the overall building height.

Under the Mid-Rise Development Policy, the site is eligible for mid-rise consideration given its adjacency to the Loop 202 Santan Freeway and lack of planned or existing single-family residential development within 300 feet on the south side of Pecos Road.

As in 2007, Planning Commission and Staff continue to believe that allowing mid-rise buildings at the subject location enhances the sustainability of this infill site and surrounding area by facilitating a cohesive, mixed-use employment center at a key freeway interchange near the

redeveloping downtown. The high-quality office and mix of retail services proposed in this application are made possible by the density and height requested, as is the abundance of pedestrian-oriented open space. Furthermore, the buildings are designed so as to minimize the visual impact of their heights through substantial horizontal and vertical variation, curved walls, and creative massing of forms constructed of various building materials—they are not vertically-oriented monoliths. The mid-rise buildings help to create a positive identity for the project and for a key freeway interchange.

PUBLIC/NEIGHBORHOOD NOTIFICATION

- The request was noticed in accordance with the requirements of the Chandler Zoning Code, including that property owners within ¼ mile and Registered Neighborhood Organizations within ½ mile were notified by mail.
- A neighborhood meeting was held on December 1, 2010 at the Tumbleweed Recreation Center. No citizens attended. As allowed for by the Zoning Code, the Zoning Administrator waived the usual Mid-Rise Development Policy requirement for a second neighborhood meeting due to the routine nature of the application and lack of neighborhood interest.
- As of this writing, Staff is not aware of any opposition to the request.

PLANNING COMMISSION VOTE REPORT

Motion to Approve:

In Favor: 6 Opposed: 0

RECOMMENDED ACTION

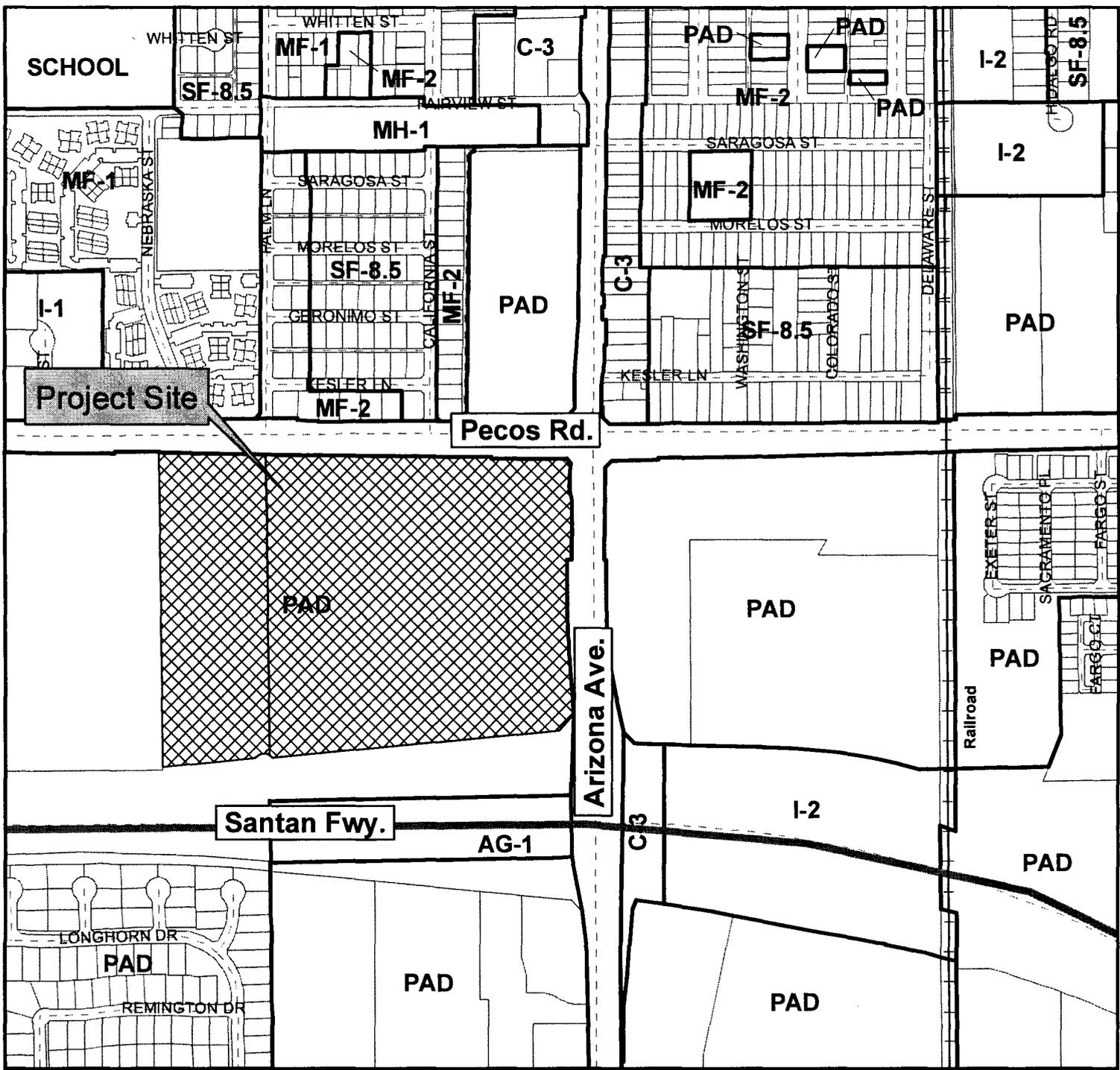
Planning Commission and Staff, upon finding consistency with the General Plan, recommend approval to extend the timing condition for three (3) years with all of the conditions in the original approval remaining in effect.

PROPOSED MOTION

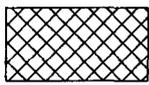
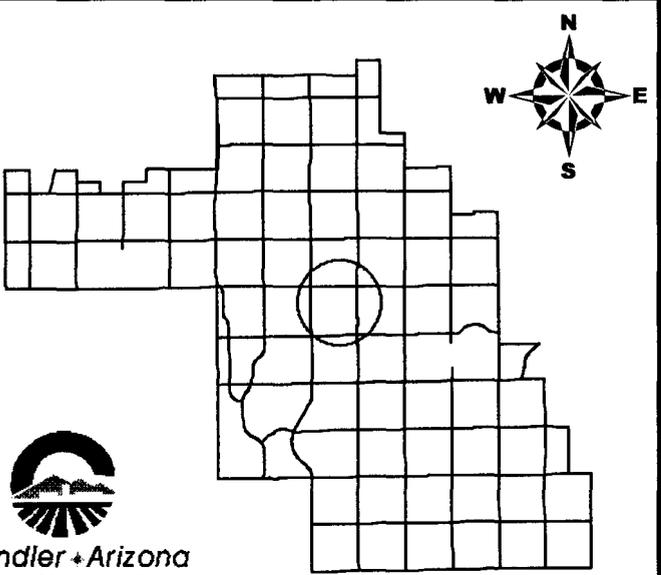
Move to approve extension of the timing condition for case DVR10-0020 AZ 202 for an additional three (3) years, in which the zoning would be in effect until August 2013, with all of the conditions in the original approval remaining in effect as recommended by Planning Commission and Staff.

Attachments

1. Vicinity Maps
2. Narrative
3. Site Plan
4. Ordinance No. 3951



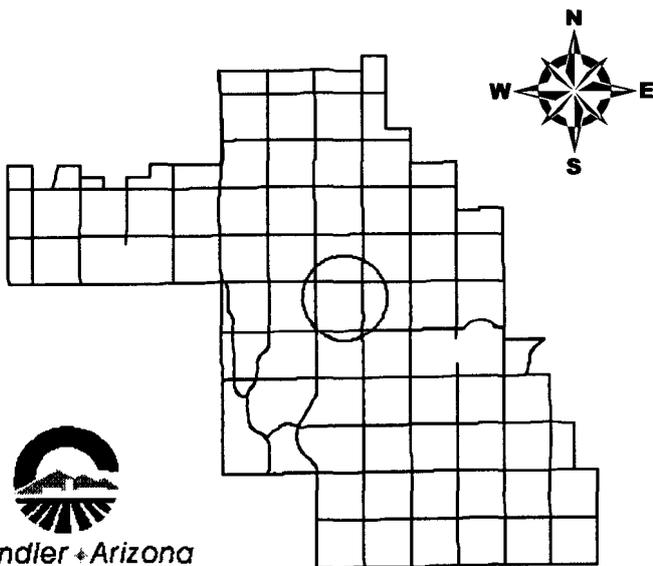
Vicinity Map



DVR10-0020
Arizona 202



Vicinity Map



DVR10-0020

Arizona 202



Chandler + Arizona
Where Values Make The Difference

CITY OF CHANDLER 9/8/2010

DVR07-0009/PPT07-0032 AZ 202 TIME EXTENSION

**PAD ZONING (WITH A MID-RISE OVERLAY/ PDP/PRELIMINARY PLAT EXTENSION FOR APPROVED
DVR07-0009/PPT07-0032 AZ 202**

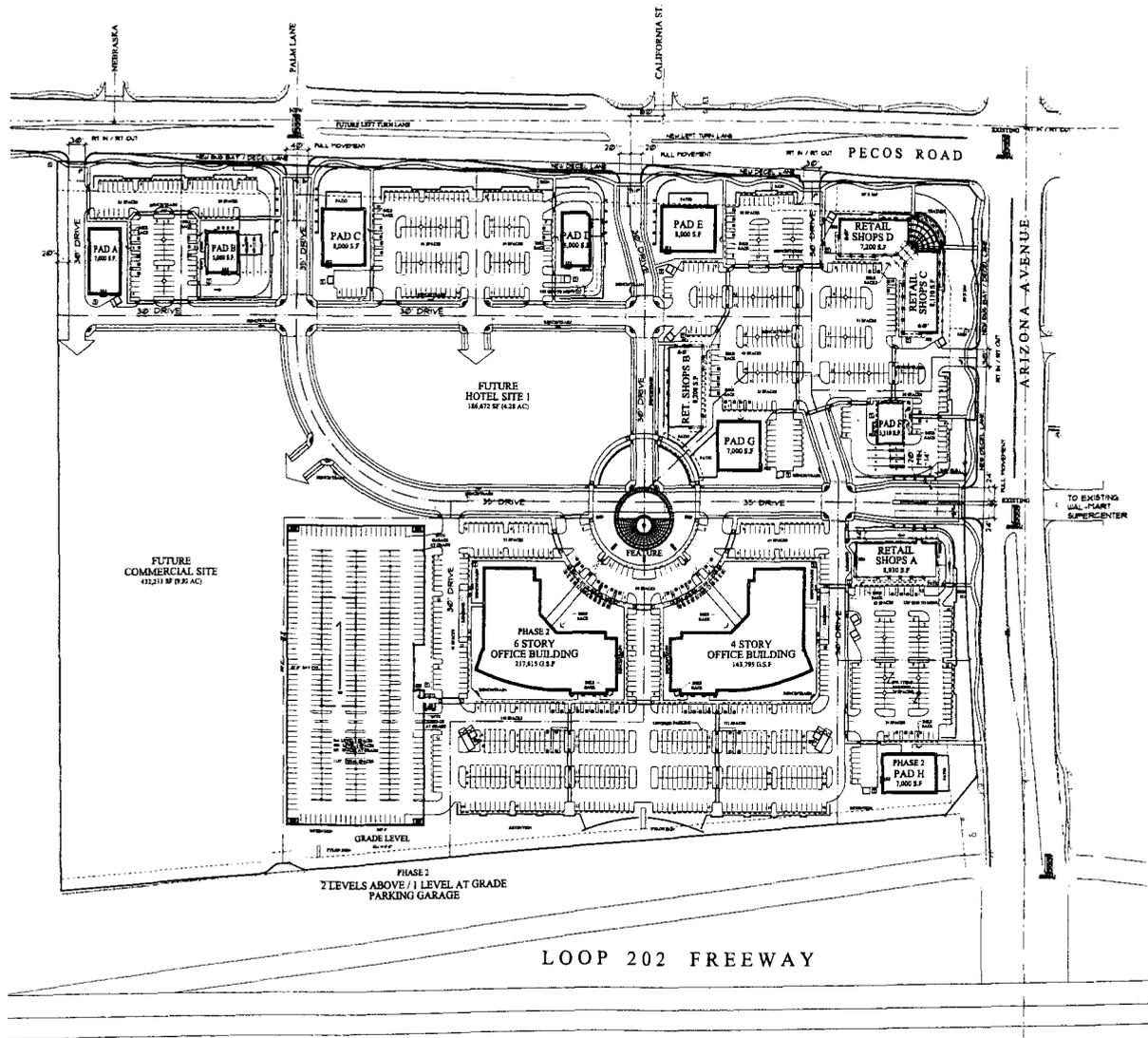
REQUEST

The subject property is located at the northwest corner of Arizona Avenue and the Loop 202 Freeway and encompasses approximately 45 acres (the "Property"). The Property is currently zoned PAD (Planned Area Development) with a mid-rise overlay for additional building height, as well as an approved Preliminary Development Plan (PDP) and a Preliminary Plat for approval of an office, retail and hotel level development with late hour businesses: as approved in Case No. DVR07-0009/PPT07-0032 AZ 202. Stipulation No. 6 in that Case, as set forth in Ordinance No. 3951, states "construction shall commence above foundation walls within three (3) years of the effective date of the ordinance granting this rezoning or the City shall schedule a public hearing to take administrative action to extend, remove or determine compliance with the schedule for development or take legislative action to cause the property to revert to its former zoning classification."

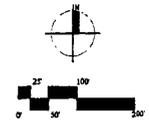
Although it was the intent at the time of the rezoning approval that construction would commence within the three (3) year period, market conditions and other unforeseeable circumstances have forced the delay in construction. As you know, we are experiencing the largest downturn in the economy in 50 years. Market conditions have made it impossible to secure the requisite financing to initiate construction of this project. These conditions were unexpected, uncontrollable and not the result of any actions of the owner. These same conditions have delayed many capital intensive projects. While we share the goal of proceeding with this project as quickly as possible, it is imperative that the project be built when conditions make it possible and wise to do so.

The initial PAD/PDP application was strongly supported by Staff and had no opposition. This application simply requests an additional 3 year time period to commence construction for all the above – referenced approvals.

PAD SITE DATA	
PAD A	
SITE AREA	: 59,623 SF (1.37 AC)
BLDG AREA	: 7,000 SF (REST.)
LOT CVG	: 12%
PKG REQ'D	: 5.5:1000 =
	38 SPACES
PKG PROV'D	: 62 SPACES
PAD B	
SITE AREA	: 54,589 SF (1.25 AC)
BLDG AREA	: 5,000 SF (BANK)
LOT CVG	: 9%
PKG REQ'D	: 5.5:1000 =
	27 SPACES
PKG PROV'D	: 29 SPACES
PAD C	
SITE AREA	: 83,234 SF (1.91 AC)
BLDG AREA	: 8,000 SF (REST.)
LOT CVG	: 10%
PKG REQ'D	: 5.5:1000 =
	44 SPACES
PKG PROV'D	: 91 SPACES
PAD D	
SITE AREA	: 72,599 SF (1.67 AC)
BLDG AREA	: 5,000 SF (REST.)
LOT CVG	: 7%
PKG REQ'D	: 5.5:1000 =
	27 SPACES
PKG PROV'D	: 24 SPACES
PAD E	
SITE AREA	: 77,096 SF (1.77 AC)
BLDG AREA	: 8,000 SF (REST.)
LOT CVG	: 10%
PKG REQ'D	: 5.5:1000 =
	44 SPACES
PKG PROV'D	: 92 SPACES
PAD F	
SITE AREA	: 53,431 SF (1.22 AC)
BLDG AREA	: 3,310 SF (BANK)
LOT CVG	: 6%
PKG REQ'D	: 5.5:1000 =
	18 SPACES
PKG PROV'D	: 26 SPACES
PAD G	
SITE AREA	: 53,064 SF (1.22 AC)
BLDG AREA	: 7,000 SF (REST.)
LOT CVG	: 13%
PKG REQ'D	: 5.5:1000 =
	38 SPACES
PKG PROV'D	: 35 SPACES
PAD H	
SITE AREA	: 66,626 SF (1.53 AC)
BLDG AREA	: 7,000 SF (REST.)
LOT CVG	: 13%
PKG REQ'D	: 5.5:1000 =
	38 SPACES
PKG PROV'D	: 74 SPACES



SHOPS SITE DATA	
SHOPS A	
SITE AREA	: 64,240 SF (1.47 AC)
BLDG AREA	: 8,910 SF (REST./REST.)
LOT CVG	: 14%
PKG REQ'D	: 5.5:1000 =
	49 SPACES
PKG PROV'D	: 53 SPACES
SHOPS B	
SITE AREA	: 49,531 SF (1.14 AC)
BLDG AREA	: 8,208 SF (REST./REST.)
LOT CVG	: 17%
PKG REQ'D	: 5.5:1000 =
	43 SPACES
PKG PROV'D	: 43 SPACES
SHOPS C & D	
SITE AREA	: 102,981 SF (2.36 AC)
BLDG AREA	: 15,310 SF (REST./REST.)
LOT CVG	: 15%
PKG REQ'D	: 5.5:1000 =
	84 SPACES
PKG PROV'D	: 81 SPACES
OFFICE SITE DATA	
PHASE I OFFICE	
SITE AREA	: 286,304 SF (6.63 AC)
BLDG AREA	: 143,799 GROSS SF
LOT CVG	: 12%
PKG REQ'D	: 1,200 = 719 SPACES
PKG PROV'D	: 217 SPACES (SURFACE) + 74 SPACES (TEMP-IT) = 611 SPACES (4.25:1000 PER GSF)
PHASE II OFFICE	
SITE AREA	: 317,393 SF (7.29 AC)
BLDG AREA	: 217,615 GROSS SF
LOT CVG	: 11% (30% INCL GAR.)
PKG REQ'D	: 1,200 = 693 SPACES
PKG PROV'D	: 1157 SPACES (GARAGE) (5.32:1000 PER GSF)
OFFICE TOTAL	
PKG REQ'D	: 719 SPACES = 1089 SPACES (5.0:1000 PER GSF)
PKG PROV'D	
	: 611 SPACES (SURFACE) + 1157 SPACES (GARAGE) = 74 SPACES (TEMP-IT) + 1694 SPACES (4.81:1000 PER GSF)
SHARED PKG.	
	: 114 SPACES (AT RETAIL) + 1808 SPACES (OFFICE) (5.0:1000 PER GSF)



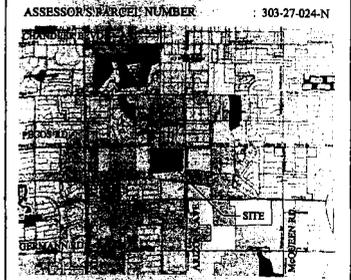
SITE DATA

NET SITE AREA	: 1,954,751 SF (44.87 ACRES)
BUILDING AREA	: 444,172 GSF
GROUND FLR. BUILDING AREA	: 148,640 GSF
% COVERAGE (N.I.C. GARAGE)	: 7.6%
F.A.R.	: 23
MULTI STORY OFFICE =	361,414 GSF
RESTAURANT PADS =	42,000 GSF
SHOPS =	32,448 GSF
BANK =	8,310 GSF
RETAIL/PAD/BANK OVERALL PKG =	640 SPACES PROV. 7.73 / 1000 (GSF)
OFFICE OVERALL PKG =	1694 SPACES PROV. 4.69 / 1000 (GSF) + SHARED 114 SPACES = 1808 SPACES 5.00 / 1000 (GSF)

OWNER INFORMATION

MERIDIAN WEST
1048 N. 44th Street, Suite 201
Phoenix, AZ 85018
CONTACT: GREG GRENKO

VICINITY MAP



ASSESSOR'S PARCEL NUMBER : 303-27-024-N
DATE: 07/11/07
JOB NUMBER: 0665
0665-2729

MASTER SITE PLAN 23

ORDINANCE NO. 3951

AN ORDINANCE OF THE CITY OF CHANDLER, ARIZONA, AMENDING THE ZONING CODE AND MAP ATTACHED THERETO, BY REZONING A PARCEL FROM PLANNED AREA DEVELOPMENT (PAD) TO PAD AMENDED (DVR07-0009 AZ 202) LOCATED WITHIN THE CORPORATE LIMITS OF THE CITY OF CHANDLER, ARIZONA.

WHEREAS, application for rezoning involving certain property within the corporate limits of Chandler, Arizona, has been filed in accordance with Article XXVI of the Chandler Zoning Code; and

WHEREAS, the application has been published in a local newspaper with general circulation in the City of Chandler, giving fifteen (15) days notice of time, place and date of public hearing; and

WHEREAS, a notice of such hearing was posted on the property at least seven (7) days prior to said public hearing; and

WHEREAS, a public hearing was held by the Planning and Zoning Commission as required by the Zoning Code

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Chandler, Arizona, as follows:

SECTION I. Legal Description of Property:

See Attachment 'A'

Said parcel is hereby rezoned from Planned Area Development (PAD) to PAD Amended subject to the following conditions:

1. Right-of-way dedications to achieve full half-widths, including turn lanes and deceleration lanes, per the standards of the Chandler Transportation Plan.
2. Undergrounding of all overhead electric (less than 69kv), communication, and television lines and any open irrigation ditches or canals located on the site or within adjacent right-of-ways and/or easements. Any 69kv or larger electric lines that must stay overhead shall be located in accordance with the City's adopted design and engineering standards. The aboveground utility poles, boxes, cabinets, or similar appurtenances shall be located outside of the ultimate right-of-way and within a specific utility easement.
3. Future median openings shall be located and designed in compliance with City adopted design standards (Technical Design Manual # 4).

4. Completion of the construction of all required off-site street improvements including but not limited to paving, landscaping, curb, gutter and sidewalks, median improvements and street lighting to achieve conformance with City codes, standard details, and design manuals.
5. The developer shall be required to install landscaping in the arterial street median(s) adjoining this project. In the event that the landscaping already exists within such median(s), the developer shall be required to upgrade such landscaping to meet current City standards.
6. Construction shall commence above foundation walls within three (3) years of the effective date of the ordinance granting this rezoning or the City shall schedule a public hearing to take administrative action to extend, remove or determine compliance with the schedule for development or take legislative action to cause the property to revert to its former zoning classification.
7. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "AZ 202", kept on file in the City of Chandler Planning Services Division, in File No. DVR07-0009, except as modified by condition herein.
8. Approval by the Director of Planning and Development of plans for landscaping and perimeter walls and the Director of Public Works for arterial street median landscaping.
9. Sign packages, including free-standing signs as well as wall-mounted signs, shall be designed in coordination with landscape plans, planting materials, storm water retention requirements, and utility pedestals, so as not to create problems with sign visibility or prompt the removal of required landscape materials.
10. The source of water that shall be used on the open space, common areas, and landscape tracts shall be reclaimed water (effluent). If reclaimed water is not available at the time of construction, and the total landscapable area is 10 acres in size or greater, these areas will be irrigated and supplied with water, other than surface water from any irrigation district, by the owner of the development through sources consistent with the laws of the State of Arizona and the rules and regulations of the Arizona Department of Water Resources. If the total landscapable area is less than 10 acres in size, the open space common areas, and landscape tracts may be irrigated and supplied with water by or through the use of potable water provided by the City of Chandler or any other source that will not otherwise interfere with, impede, diminish, reduce, limit or otherwise adversely affect the City of Chandler's municipal water service area nor shall such provision of water cause a credit or charge to be made against the City of Chandler's gallons per capita per day (GPCD) allotment or allocation. However, when the City of Chandler has effluent of sufficient quantity and quality which meets the requirements of the Arizona Department of Environmental Quality for the purposes intended available to the property to support the open space, common areas, and landscape tracts available, Chandler effluent shall be used to irrigate these areas.

In the event the owner sells or otherwise transfers the development to another person or entity, the owner will also sell or transfer to the buyer of the development, at the buyer's option, the water rights and permits then applicable to the development. The limitation that the water for the development is to be owner-provided and the restriction provided for in the preceding sentence shall be stated on the final plat governing the development, so as to provide notice to any future owners. The Public Report, Purchase Contracts, and Final Plats shall include a disclosure statement outlining that the Able Engineering development shall use treated effluent to maintain open space, common areas, and landscape tracts.

11. The landscaping shall be maintained at a level consistent with or better than at the time of planting. The site shall be maintained in a clean and orderly manner.
12. Palm trees and associated landscaping shall be provided in the medians adjacent to the project near the intersection of Pecos Road and Arizona Avenue. The landscape design shall be consistent with the median landscaping at the intersection of Chandler Boulevard and Arizona Avenue.
13. Additional shade trees shall be placed in the central fountain area in order to enhance comfort for the pedestrian-oriented seating areas.
14. Any patio additions to Retail Shops B, C, or D or to Pad G must maintain generous public pedestrian spaces and pedestrian pathways of at least six feet in width.
15. The monument sign's sign panels shall have an integrated or decorative cover panel until a tenant name is added to the sign.
16. The landscaping in all open-spaces and rights-of-way shall be maintained by the adjacent property owner or property owners' association.
17. Applicant will update the Category 1 Traffic Study and identify any necessary improvements to be made.
18. The median break at the driveway across from California Street must be left-in only access, in accordance with City of Chandler Standard Detail No. C-226 as amended to address safety concerns.
19. The applicant shall work with staff to provide stronger pedestrian connections from Pads A, B, C, and D to the site's center and between the pads.
20. All ground-mounted equipment shall be painted to match adjacent buildings and screened from view.
21. An easement not to exceed 12' in width shall be provided along the southeastern property boundary along Arizona Avenue in order to aid future road construction by others at the

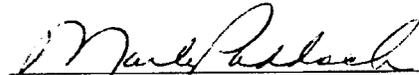
Arizona Avenue/Loop 202 Santan Freeway interchange. The developer and future land owners shall not be responsible for said construction or associated relocation of site elements.

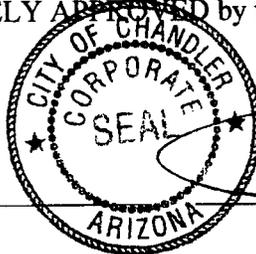
SECTION II. Except where provided, nothing contained herein shall be construed to be an abridgment of any other ordinance of the City of Chandler.

SECTION III. The Planning & Development Department of the City of Chandler is hereby directed to enter such changes and amendments as may be necessary upon the Zoning Map of said Zoning Code in compliance with this ordinance.

INTRODUCED AND TENTATIVELY APPROVED by the City Council this 23rd day of August 2007.

ATTEST:


CITY CLERK

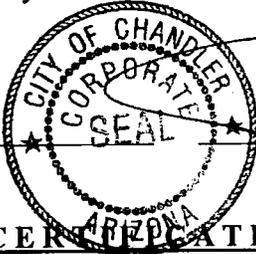


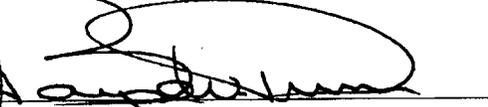

MAYOR

PASSED AND ADOPTED by the City Council this 6th day of September 2007.

ATTEST:

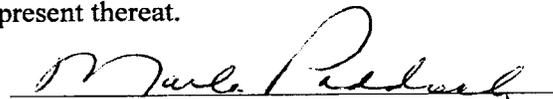

CITY CLERK



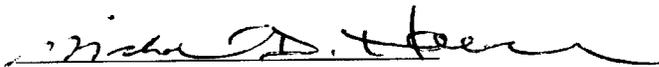

MAYOR

CERTIFICATION

I, HEREBY CERTIFY, that the above and foregoing Ordinance No. 3951 was duly passed and adopted by the City Council of the City of Chandler, Arizona, at a regular meeting held on the 6th day of September 2007, and that a quorum was present thereat.


CITY CLERK

APPROVED AS TO FORM:


CITY ATTORNEY

PUBLISHED: September 14 and 21, 2007

EXHIBIT "A"

LOT 1, SECTION 4, TOWNSHIP 2 SOUTH, RANGE 5 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA;

EXCEPT THE NORTH 33.00 FEET; AND

EXCEPT THE EAST 33.00 FEET; AND

EXCEPT THE EAST 45.00 FEET OF THE NORTH 63.00 FEET OF LOT 1, SECTION 4, TOWNSHIP 2 SOUTH, RANGE 5 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA;

EXCEPT THE NORTH 33.00 FEET; AND

EXCEPT THE EAST 33.00 FEET; AND

EXCEPT THAT PORTION OF LOT 1, SECTION 4, TOWNSHIP 2 SOUTH, RANGE 5 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 4;

THENCE SOUTH 00 DEGREES 22 MINUTES 27 SECONDS EAST, 33.03 FEET ALONG THE EAST LINE OF SAID SECTION 4;

THENCE DEPARTING SAID EAST LINE SOUTH 89 DEGREES 37 MINUTES 33 SECONDS WEST, 45.00 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF ARIZONA AVENUE AND THE POINT OF BEGINNING;

THENCE SOUTH 00 DEGREES 22 MINUTES 27 SECONDS EAST, 30.00 FEET ALONG SAID WESTERLY RIGHT-OF-WAY LINE;

THENCE NORTH 89 DEGREES 35 MINUTES 18 SECONDS EAST, 12.00 FEET;

THENCE SOUTH 00 DEGREES 22 MINUTES 27 SECONDS EAST, 1400.77 FEET TO THE SOUTH LINE OF SAID LOT 1;

THENCE DEPARTING SAID WESTERLY RIGHT-OF-WAY SOUTH 89 DEGREES 04 MINUTES 50 SECONDS WEST, 13.24 FEET ALONG SAID SOUTH LINE OF LOT 1;

THENCE DEPARTING SAID SOUTH LINE NORTH 04 DEGREES 21 MINUTES 47 SECONDS WEST, 537.40 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE NORTHEAST HAVING A RADIUS OF 3884.72 FEET;

THENCE NORTHERLY 339.29 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 05 DEGREES 00 MINUTES 15 SECONDS;

THENCE NORTH 00 DEGREES 38 MINUTES 28 SECONDS EAST, 311.49 FEET;

C:\WINNT\TEMP\notes5DD50F\A06094 LOT-1 EXHIBIT-A text.doc

THENCE NORTH 14 DEGREES 44 MINUTES 07 SECONDS WEST, 41.48 FEET;
THENCE NORTH 00 DEGREES 38 MINUTES 28 SECONDS EAST, 75.00 FEET;
THENCE NORTH 08 DEGREES 15 MINUTES 17 SECONDS EAST, 83.03 FEET;
THENCE NORTH 44 DEGREES 53 MINUTES 07 SECONDS WEST, 42.03 FEET;
THENCE SOUTH 89 DEGREES 35 MINUTES 18 SECONDS WEST, 87.09 FEET;
THENCE NORTH 84 DEGREES 42 MINUTES 04 SECONDS WEST, 100.50 FEET;
THENCE NORTH 88 DEGREES 24 MINUTES 25 SECONDS WEST, 200.12 FEET TO THE SOUTHERLY
RIGHT-OF-WAY LINE OF PECOS ROAD;
THENCE NORTH 89 DEGREES 35 MINUTES 18 SECONDS EAST, 454.98 FEET ALONG SAID
SOUTHERLY RIGHT-OF-WAY LINE TO THE POINT OF BEGINNING;

EXCEPT

THAT PORTION OF LOT 1 OF SECTION 4, TOWNSHIP 2 SOUTH, RANGE 5 EAST, GILA AND SALT
RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, LYING WEST OF THE EXISTING WEST RIGHT
OF WAY LINE OF ARIZONA AVENUE AND SOUTH AND EAST OF THE FOLLOWING DESCRIBED
LINE:

LINE DESCRIPTION:

COMMENCING AT A CITY OF CHANDLER (C.O.C.) BRASS CAP IN A HAND HOLE MARKING THE
NORTHEAST CORNER OF SAID SECTION 4 FROM WHICH A C.O.C. BRASS CAP IN A HAND HOLE
MARKING THE EAST QUARTER CORNER OF SAID SECTION 4 BEARS SOUTH 00 DEGREES 22
MINUTES 08 SECONDS EAST 2788.00 FEET;
THENCE ALONG THE NORTH LINE OF SAID SECTION 4, SOUTH 89 DEGREES 35 MINUTES 04
SECONDS WEST 16.97 FEET TO THE SURVEY CENTERLINE OF SAID ARIZONA AVENUE;
THENCE ALONG SAID SURVEY CENTERLINE OF ARIZONA AVENUE SOUTH 00 DEGREES 38
MINUTES 45 SECONDS WEST 514.56 FEET;
THENCE NORTH 89 DEGREES 21 MINUTES 15 SECONDS WEST 65.00 FEET TO SAID EXISTING
WEST RIGHT OF WAY LINE OF ARIZONA AVENUE AND THE POINT OF BEGINNING FOR THIS
LINE DESCRIPTION;
THENCE CONTINUING NORTH 89 DEGREES 21 MINUTES 15 SECONDS WEST 17.00 FEET;
THENCE SOUTH 00 DEGREES 38 MINUTES 45 SECONDS WEST 75.56 FEET;
THENCE ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 3901.72 FEET, A LENGTH OF
340.77 FEET;

THENCE SOUTH 04 DEGREES 21 MINUTES 30 SECONDS EAST 71.09 FEET TO A POINT
HEREINAFTER CALLED POINT "A";

THENCE CONTINUING SOUTH 04 DEGREES 21 MINUTES 30 SECONDS EAST 135.00 FEET;

THENCE SOUTH 39 DEGREES 46 MINUTES 12 SECONDS WEST 88.25 FEET;

THENCE SOUTH 84 DEGREES 46 MINUTES 14 SECONDS WEST 1169.47 FEET;

THENCE NORTH 65 DEGREES 15 MINUTES 24 SECONDS WEST 27.85 FEET;

THENCE SOUTH 84 DEGREES 46 MINUTES 04 SECONDS WEST 23.25 FEET;

THENCE SOUTH 53 DEGREES 46 MINUTES 53 SECONDS WEST 27.03 FEET;

THENCE SOUTH 84 DEGREES 46 MINUTES 14 SECONDS WEST 429.29 FEET;

THENCE NORTH 89 DEGREES 14 MINUTES 08 SECONDS WEST 833.05 FEET TO THE POINT OF
ENDING ON THE NORTH-SOUTH MIDSECTION LINE OF SAID SECTION 4 BEING SOUTH 00
DEGREES 55 MINUTES 16 SECONDS EAST 1325.07 FEET FROM A BRASS CAP IN A HANDHOLE
MARKING THE NORTH QUARTER CORNER OF SAID SECTION 4;

EXCEPT

THAT PORTION OF THE NORTHEAST QUARTER OF SECTION 4, TOWNSHIP 2 SOUTH, RANGE 5
EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA,
BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 4, SAID CORNER BEING
MONUMENTED WITH A BRASS CAP IN HAND HOLE;

THENCE SOUTH 89 DEGREES 35 MINUTES 03 SECONDS WEST, ALONG THE NORTH LINE OF
SAID NORTHEAST QUARTER, A DISTANCE OF 1326.02 FEET TO THE NORTHWEST CORNER OF
GLO LOT 1 OF SAID SECTION 4, SAID CORNER BEING MONUMENTED WITH A BRASS CAP
FLUSH;

THENCE SOUTH 00 DEGREES 39 MINUTES 09 SECONDS EAST, ALONG THE WEST LINE OF SAID
GLO LOT 1 A DISTANCE OF 33.00 FEET TO THE TRUE POINT OF BEGINNING;

THENCE NORTH 89 DEGREES 35 MINUTES 03 SECONDS EAST, PARALLEL WITH AND 33.00 FEET
SOUTH OF SAID NORTH LINE A DISTANCE OF 825.88 FEET TO THE MOST WESTERLY CORNER
OF THAT CERTAIN PARCEL DESCRIBED IN INSTRUMENT 97-0044507, RECORDS OF SAID
COUNTY;

THE NEXT FIVE CALL FOLLOW THE BOUNDARY OF SAID CERTAIN PARCEL;

THENCE SOUTH 88 DEGREES 24 MINUTES 40 SECONDS EAST, A DISTANCE OF 200.12 FEET;

THENCE SOUTH 84 DEGREES 42 MINUTES 19 SECONDS EAST, A DISTANCE OF 100.49 FEET;
THENCE NORTH 89 DEGREES 35 MINUTES 03 SECONDS EAST, A DISTANCE OF 87.09 FEET;
THENCE SOUTH 44 DEGREES 53 MINUTES 22 SECONDS EAST, A DISTANCE OF 42.03 FEET;
THENCE SOUTH 08 DEGREES 15 MINUTES 02 SECONDS WEST, A DISTANCE OF 43.13 FEET;
THENCE DEPARTING SAID BOUNDARY OF CERTAIN PARCEL NORTH 41 DEGREES 04 MINUTES
57 SECONDS WEST, A DISTANCE OF 24.56 FEET;
THENCE SOUTH 89 DEGREES 35 MINUTES 03 SECONDS WEST, PARALLEL WITH AND 104.00
FEET SOUTH OF SAID NORTH LINE A DISTANCE OF 307.60 FEET;
THENCE NORTH 00 DEGREES 24 MINUTES 58 SECONDS WEST, A DISTANCE OF 10.00 FEET;
THENCE SOUTH 89 DEGREES 35 MINUTES 03 SECONDS WEST, PARALLEL WITH AND 94.00 FEET
SOUTH OF SAID NORTH LINE A DISTANCE OF 149.80 FEET;
THENCE NORTH 89 DEGREES 16 MINUTES 03 SECONDS WEST, A DISTANCE OF 762.47 FEET TO A
POINT ON SAID WEST LINE OF GLO LOT 1;
THENCE NORTH 00 DEGREES 39 MINUTES 09 WEST, ALONG SAID WEST LINE A DISTANCE OF
45.72 FEET TO THE TRUE POINT OF BEGINNING.

EXHIBIT "A"

A PORTION OF LOT 2 OF SECTION 4, TOWNSHIP 2 SOUTH, RANGE 5 EAST GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID LOT 2;

THENCE SOUTH 00 DEGREES 16 MINUTES 39 SECONDS WEST (SOUTH 00 DEGREES 16 MINUTES 20 SECONDS WEST, RECORD), ALONG THE EAST LINE OF SAID LOT 2, A DISTANCE OF 33.00 FEET TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF PECOS ROAD, SAID POINT BEING THE TRUE POINT OF BEGINNING;

THENCE CONTINUING SOUTH 00 DEGREES 16 MINUTES 39 SECONDS WEST, ALONG THE EAST LINE OF SAID LOT 2, A DISTANCE OF 1316.88 FEET TO A POINT;

THENCE NORTH 89 DEGREES 29 MINUTES 05 SECONDS WEST, PARALLEL WITH THE NORTH LINE OF SAID LOT 2, A DISTANCE OF 1319.72 FEET (1320.40 FEET, RECORD) TO A POINT ON THE WEST LINE OF SAID LOT 2, (SAID WEST LINE ALSO BEING THE NORTH-SOUTH MID-SECTION LINE OF SAID SECTION 4);

THENCE NORTH 00 DEGREES 01 MINUTES 02 SECONDS EAST, ALONG THE WEST LINE OF SAID LOT 2, A DISTANCE OF 1316.91 FEET TO A POINT ON THE AFOREMENTIONED SOUTH RIGHT OF WAY LINE OF PECOS ROAD;

THENCE SOUTH 89 DEGREES 29 MINUTES 05 SECONDS EAST, ALONG SAID SOUTH RIGHT OF WAY LINE, A DISTANCE OF 1325.70 FEET (1325.74 FEET, RECORD), TO THE TRUE POINT OF BEGINNING;

EXCEPT THE WEST 890.00 FEET, AS MEASURED ALONG THE NORTH LINE THEREOF; AND ALSO

EXCEPT THAT PORTION LYING SOUTH OF THE NORTH LINE OF PROPERTY DESCRIBED IN FINAL ORDER OF CONDEMNATION RECORDED AS 2004-1080917 OF OFFICIAL RECORDS; AND ALSO

EXCEPT THAT PORTION TAKEN BY FINAL ORDER OF CONDEMNATION RECORDED AS 2004-1228051 OF OFFICIAL RECORDS, DESCRIBED AS FOLLOWS:

THAT PORTION OF GLO LOT 2 OF SECTION 4, TOWNSHIP 2 SOUTH, RANGE 5 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID LOT 2, SAID CORNER BEING MONUMENTED WITH A BRASS CAP FLUSH;

THENCE SOUTH 00 DEGREES 39 MINUTES 09 SECONDS EAST ALONG THE EAST LINE OF SAID LOT 2, A DISTANCE OF 33.00 FEET TO THE TRUE POINT OF BEGINNING;

THENCE CONTINUING SOUTH 00 DEGREES 39 MINUTES 09 SECONDS EAST ALONG SAID EAST LINE A DISTANCE OF 45.72 FEET;

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THENCE NORTH 89 DEGREES 16 MINUTES 03 SECONDS WEST, A DISTANCE OF 435.10 FEET TO A POINT ON THE EAST LINE OF STONEBRIDGE RANCH APARTMENTS ACCORDING TO BOOK 595 OF MAPS, PAGE 18, RECORDS OF SAID COUNTY;

THENCE NORTH 00 DEGREES 55 MINUTES 20 SECONDS WEST, ALONG LAST SAID EAST LINE A DISTANCE OF 37.00 FEET;

THENCE NORTH 89 DEGREES 35 MINUTES 03 SECONDS EAST PARALLEL WITH AND 33.00 FEET SOUTH OF THE NORTH LINE OF SAID LOT 2, A DISTANCE OF 435.15 FEET TO THE TRUE POINT OF BEGINNING; AND

EXCEPT ALL MINERALS, COAL, CARBONS, HYDROCARBONS, OIL, GAS, CHEMICAL ELEMENTS AND COMPOUNDS, WHETHER IN SOLID, LIQUID OR GASEOUS FORMS, AND ALL STEAM AND OTHER FORMS OF THERMAL ENERGY ON, IN OR UNDER THE LAND AS RESERVED BY PROPERTY RESERVE ARIZONA, LLC, AN ARIZONA LIMITED LIABILITY COMPANY IN DEED RECORDED OCTOBER 10, 2006 AS 06-1336201 OF OFFICIAL RECORDS.