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SEP 13 2012

**ORDINANCE NO. 4386**

AN ORDINANCE OF THE CITY OF CHANDLER, ARIZONA, AMENDING THE ZONING CODE AND MAP ATTACHED THERETO, BY REZONING A PARCEL FROM PAD TO PAD (DVR12-0003 THE ENCLAVE) 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 PAD to PAD, subject to the following conditions:

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "The Enclave", kept on file in the City of Chandler Planning Services Division, in File No. DVR12-0003, except as modified by condition herein.
2. 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.

3. Right-of-way dedications to achieve full half-widths, including turn lanes and deceleration lanes, per the standards of the Chandler Transportation Plan.
4. 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.
5. Future median openings shall be located and designed in compliance with City adopted design standards (Technical Design Manual # 4).
6. 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.
7. 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.
8. 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



**CERTIFICATION**

I, HEREBY CERTIFY, that the above and foregoing Ordinance No. 4386 was duly passed and adopted by the City Council of the City of Chandler, Arizona, at a regular meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 2012, and that a quorum was present thereat.

\_\_\_\_\_  
CITY CLERK

APPROVED AS TO FORM:

\_\_\_\_\_  
CITY ATTORNEY *GAB*

PUBLISHED:

## MEASURED LEGAL DESCRIPTION

PARCEL NO. 1:

THAT PART OF THE WEST HALF OF SECTION 27, TOWNSHIP 2 SOUTH, RANGE 5 EAST, OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 27, BEING MARKED BY A BRASS CAP IN HANDHOLE, FROM WHICH THE NORTH QUARTER CORNER OF SAID SECTION 27, BEING MARKED BY A BRASS CAP IN HANDHOLE, BEARS NORTH 89 DEGREES 11 MINUTES 57 SECONDS EAST, 2647.60 FEET;

THENCE ALONG THE NORTH LINE OF SAID SECTION 27 NORTH 89 DEGREES 11 MINUTES 57 SECONDS EAST, 66.57 FEET;

THENCE DEPARTING SAID NORTH LINE SOUTH 00 DEGREES 48 MINUTES 03 SECONDS EAST, 55.00 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF CHANDLER HEIGHTS ROAD AND ALSO THE **POINT OF BEGINNING**;

THENCE ALONG SAID SOUTH RIGHT-OF-WAY LINE NORTH 89 DEGREES 11 MINUTES 57 SECONDS EAST, 641.71 FEET;

THENCE DEPARTING SAID RIGHT-OF-WAY LINE SOUTH 00 DEGREES 18 MINUTES 40 SECONDS EAST, 10.00 FEET;

THENCE NORTH 89 DEGREES 11 MINUTES 57 SECONDS EAST, 650.02 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF THE SOUTHERN PACIFIC RAILROAD;

THENCE ALONG SAID WEST RIGHT-OF-WAY LINE SOUTH 00 DEGREES 18 MINUTES 40 SECONDS EAST, 572.50 FEET;

THENCE DEPARTING SAID WEST RIGHT-OF-WAY LINE SOUTH 76 DEGREES 31 MINUTES 59 SECONDS WEST, 90.12 FEET;

THENCE SOUTH 00 DEGREES 21 MINUTES 15 SECONDS EAST, 25.00 FEET;

THENCE SOUTH 76 DEGREES 30 MINUTES 10 SECONDS WEST, 1235.86 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF ARIZONA AVENUE;

THENCE ALONG SAID RIGHT-OF-WAY NORTH 00 DEGREES 21 MINUTES 15 SECONDS WEST, 898.89 FEET TO THE **POINT OF BEGINNING**.

EXCEPT:

THAT PART OF THE WEST HALF OF SECTION 27, TOWNSHIP 2 SOUTH, RANGE 5 EAST, OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 27, BEING MARKED BY A BRASS CAP IN HANDHOLE, FROM WHICH THE NORTH QUARTER CORNER OF SAID SECTION 27, BEING MARKED BY A BRASS CAP IN HANDHOLE, BEARS NORTH 89 DEGREES 11 MINUTES 57 SECONDS EAST, 2647.60 FEET;

THENCE ALONG THE NORTH LINE OF SAID SECTION 27 NORTH 89 DEGREES 11 MINUTES 57 SECONDS EAST, 1358.77 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF THE SOUTHERN PACIFIC RAILROAD;

THENCE DEPARTING SAID NORTH LINE AND CONTINUING ALONG SAID WEST RIGHT-OF-WAY LINE SOUTH 00 DEGREES 18 MINUTES 40 SECONDS EAST, 65.00 FEET TO THE **POINT OF BEGINNING**;

THENCE ALONG SAID WEST RIGHT-OF-WAY LINE SOUTH 00 DEGREES 18 MINUTES 40 SECONDS EAST, 85.00 FEET;

THENCE DEPARTING SAID RIGHT-OF-WAY LINE SOUTH 89 DEGREES 11 MINUTES 57 SECONDS WEST, 74.00 FEET;  
THENCE SOUTH 00 DEGREES 18 MINUTES 40 SECONDS EAST, 289.90 FEET;  
THENCE NORTH 89 DEGREES 11 MINUTES 57 SECONDS EAST, 74.00 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF THE SOUTHERN PACIFIC RAILROAD;  
THENCE CONTINUING ALONG SAID WEST RIGHT-OF-WAY LINE SOUTH 00 DEGREES 18 MINUTES 40 SECONDS EAST, 197.60 FEET;  
THENCE DEPARTING SAID WEST RIGHT-OF-WAY LINE SOUTH 76 DEGREES 31 MINUTES 59 SECONDS WEST, 90.12 FEET;  
THENCE SOUTH 00 DEGREES 21 MINUTES 15 SECONDS EAST, 25.00 FEET;  
THENCE SOUTH 76 DEGREES 30 MINUTES 10 SECONDS WEST, 552.96 FEET;  
THENCE NORTH 00 DEGREES 02 MINUTES 07 SECONDS WEST, 738.84 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF CHANDLER HEIGHTS ROAD;  
THENCE ALONG SAID SOUTH RIGHT-OF-WAY LINE NORTH 89 DEGREES 11 MINUTES 57 SECONDS EAST, 622.58 FEET TO THE **POINT OF BEGINNING**.

SAID PARCEL CONTAINS A GROSS AREA OF 963,966 SQUARE FEET OR 22.1296 ACRES, MORE OR LESS.

## EXHIBIT "A"

THAT PART OF THE WEST HALF OF SECTION 27, TOWNSHIP 2 SOUTH, RANGE 5 EAST, OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 27, BEING MARKED BY A BRASS CAP IN HANDHOLE, FROM WHICH THE NORTH QUARTER CORNER OF SAID SECTION 27, BEING MARKED BY A BRASS CAP IN HANDHOLE, BEARS NORTH 89 DEGREES 11 MINUTES 57 SECONDS EAST, 2647.60 FEET;

THENCE ALONG THE NORTH LINE OF SAID SECTION 27 NORTH 89 DEGREES 11 MINUTES 57 SECONDS EAST, 94.42 FEET;

THENCE DEPARTING SAID NORTH LINE SOUTH 00 DEGREES 48 MINUTES 03 SECONDS EAST, 75.00 FEET TO THE **POINT OF BEGINNING**;

THENCE NORTH 89 DEGREES 11 MINUTES 57 SECONDS EAST, 180.01 FEET;

THENCE NORTH 00 DEGREES 21 MINUTES 18 SECONDS WEST, 4.00 FEET;

THENCE NORTH 89 DEGREES 11 MINUTES 57 SECONDS EAST, 364.94 FEET;

THENCE NORTH 00 DEGREES 48 MINUTES 03 SECONDS EAST, 6.00 FEET;

THENCE NORTH 89 DEGREES 11 MINUTES 57 SECONDS EAST, 718.82 FEET;  
THENCE SOUTH 00 DEGREES 18 MINUTES 40 SECONDS EAST, 572.50 FEET;  
THENCE SOUTH 76 DEGREES 31 MINUTES 59 SECONDS WEST, 90.12 FEET;  
THENCE SOUTH 00 DEGREES 21 MINUTES 15 SECONDS EAST, 25.00 FEET;  
THENCE SOUTH 76 DEGREES 30 MINUTES 10 SECONDS WEST, 1235.86 FEET;  
THENCE NORTH 00 DEGREES 21 MINUTES 15 SECONDS WEST, 64.55 FEET;  
THENCE NORTH 01 DEGREES 49 MINUTES 40 SECONDS EAST, 105.33 FEET;  
THENCE NORTH 00 DEGREES 21 MINUTES 18 SECONDS WEST, 384.11 FEET;  
THENCE NORTH 89 DEGREES 11 MINUTES 57 SECONDS EAST, 4.00 FEET;  
THENCE NORTH 00 DEGREES 21 MINUTES 18 SECONDS WEST, 305.01 FEET;  
THENCE NORTH 44 DEGREES 25 MINUTES 19 SECONDS EAST, 28.39 FEET TO THE **POINT OF BEGINNING.**

SAID PARCEL CONTAINS A NET AREA OF 948,728 SQUARE FEET OR 21.7798 ACRES, MORE OR LESS.

