



MEMORANDUM Planning Division - CC Memo No. 14-114

DATE: OCTOBER 23, 2014

TO: MAYOR AND COUNCIL

THRU: RICH DLUGAS, CITY MANAGER RD
MARSHA REED, ASSISTANT CITY MANAGER MMR
JEFF KURTZ, PLANNING ADMINISTRATOR DDT for JK
KEVIN MAYO, PLANNING MANAGER DDT for KM

FROM: ERIK SWANSON, SENIOR CITY PLANNER ES

SUBJECT: DVR14-0017/PPT14-0015 CHANDLER PATHWAYS OF ARIZONA
Introduction and Tentative Adoption of Ordinance No. 4577

Request: Rezoning from Planned Area Development (PAD) for commercial retail uses to PAD for an assisted living memory care facility, along with Preliminary Development Plan approval for site layout and building architecture and Preliminary Plat approval

Location: Northwest corner of Chandler Heights and Lindsay roads

Applicant: Ed Bull; Burch & Cracchiolo, P.A.

RECOMMENDATION

Planning Commission and Planning Staff, upon finding consistency with the General Plan and Southeast Chandler Area Plan (SECAP), recommend approval with conditions.

BACKGROUND

The subject site is located at the northwest corner of Chandler Heights and Lindsay roads. Directly north of the site is the Avian Meadows single-family residential subdivision that is currently under construction. West is vacant land currently within the jurisdiction of Maricopa County. South, across Chandler Heights Road is the Valencia II master-planned residential community. East, across Lindsay Road are the Environmental Education Center and the South Police Substation. The site was rezoned in late 2007 for a commercial retail development, however, development never occurred.

SITE LAYOUT/BUILDING ARCHITECTURE

The development proposes nine residential buildings designed around a central outdoor gathering area. Each building contains ten residential rooms, a dining and kitchen area, great room, and general amenities required for residential living. Additionally, each residential building includes an outdoor patio area. Medical staff is present on-site and in the building 24 hours a day. A loop road surrounds the residential buildings.

Throughout the site, each building is interconnected via sidewalks internal to the residential buildings as well as on the perimeter of the buildings, creating easy access throughout the site. Centrally to the site, the retention area is designed with a 6:1 slope (typical retention areas have a 4:1 slope) allowing for residents to enter the amenity area. Just east of the centralized retention area is an outdoor courtyard area where residents can gather as well as where community outdoor activities will occur.

The residential buildings are designed in a manner to relate to the agrarian and residential nature of the surrounding area and the SECAP. Each building is single-story and designed to look like homes in an effort to foster a residential feel to the project. The buildings incorporate concrete tiles, Exterior Finish and Insulation System (E.F.I.S.), and stone veneer materials to present a residential feel. Additionally, all windows are framed with faux shutters.

In order to address visitor parking, and in an effort to inhibit an institutional feel to the development, parking stalls are provided along the perimeter of the buildings and designed so that visitors to the residential buildings can park in front of the particular building they are visiting. Green screens are provided along the street frontages to screen the parking stalls.

A relatively minor sign package is included. The request is for three wall mounted signs. All signs will be located on and incorporated into a green screen element. The main sign will be located along the perimeter wall at the intersection. Details are provided for a couple of different widths for the sign background; however the wording of the sign is limited to 100 square feet. Similarly, two smaller signs are provided at the either entrance to the site, and serve the purpose of bringing awareness of the entrance drive to visitors of the site.

DISCUSSION

Planning Commission and Planning Staff support the Rezoning and PDP request citing that the use and design of the development is consistent with the design objectives of the SECAP. Additionally, housing options for Chandler's aging population is very limited in this area of Chandler and this development presents an opportunity currently unrealized in the area.

As part of the request, there are some requested deviations as outlined in the development book. The deviations include relief from landscape setbacks along the western property boundary and at the intersection, and relief from the 50' building setback along Lindsay Road for minor building encroachments. Details explaining the deviations are outlined on pages 5 and 6 of the development booklet.

Planning Commission and Planning Staff are supportive of the deviations. As Planning Staff has reviewed the deviations in light of the site design, Planning Staff is comfortable with the deviations based on the general layout of the buildings and angled orientations presented. If all of the buildings were designed to be parallel to the arterials in a squared fashion, the deviations would be eliminated; however Planning Staff finds that the angled orientation of the buildings presents a better design and layout.

PUBLIC/NEIGHBORHOOD NOTIFICATION

- This request was noticed in accordance with the requirements of the Chandler Zoning Code.
- A neighborhood meeting was held on Thursday, August 21, 2014; two neighbors attended and were in general support of the request.

At the time of this writing, Planning Staff has received two telephone calls relating to the project. The first caller initially had concerns due to the assisted living type nature of the request, but once details were provided about the size and design of the development the callers concerns were addressed. The second caller expressed similar concerns about an assisted living development in the area and what it would do to property values in the surrounding area.

PLANNING COMMISSION VOTE REPORT

Motion to Approve:

In Favor: 6 Opposed: 0 Absent: 1 (Baron)

RECOMMENDED ACTIONS

Rezoning

Planning Commission and Planning Staff, upon finding consistency with the General Plan and SECAP, recommend approval of DVR14-0017 CHANDLER PATHWAYS OF ARIZONA, Rezoning from PAD for commercial retail to PAD for an assisted living memory care facility, 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 the Development Booklet, entitled "CHANDLER PATHWAYS" and kept on file in the City of Chandler Planning Division, in File No. DVR14-0017, modified by such conditions included at the time the Booklet was approved by the Chandler City Council and/or as thereafter amended, modified or supplemented by the Chandler City Council.

Preliminary Development Plan

Planning Commission and Planning Staff, upon finding consistency with the General Plan, recommends approval of DVR14-0017 CHANDLER PATHWAYS, Preliminary Development Plan approval for site layout and building architecture, subject to following conditions:

1. Landscaping shall be in compliance with current Commercial Design Standards.
2. The landscaping shall be maintained at a level consistent with or better than at the time of planting.
3. The landscaping in all open-spaces and rights-of-way shall be maintained by the adjacent property owner or property owners' association.
4. Preliminary Development Plan approval does not constitute Final Development Plan approval; compliance with the details required by all applicable codes and conditions of the City of Chandler and this Preliminary Development Plan shall apply.
5. Development shall be in substantial conformance with the Development Booklet, entitled "CHANDLER PATHWAYS" and kept on file in the City of Chandler Planning Division, in File No. DVR14-0017, modified by such conditions included at the time the Booklet was approved by the Chandler City Council and/or as thereafter amended, modified or supplemented by the Chandler City Council.

Preliminary Plat

Planning Commission and Staff recommend approval of Preliminary Plat PPT14-0015 CHANDLER PATHWAYS OF ARIZONA, subject to the following condition:

1. Approval by the City Engineer and Planning Administrator with regard to the details of all submittals required by code or condition.

PROPOSED MOTIONS

Rezoning

Move to introduce and tentatively adopt Ordinance No. 4577 approving DVR14-0017 CHANDLER PATHWAYS OF ARIZONA, Rezoning from PAD for commercial retail to PAD for an assisted living memory care facility, subject to the conditions recommended by Planning Commission and Planning Staff.

Preliminary Development Plan

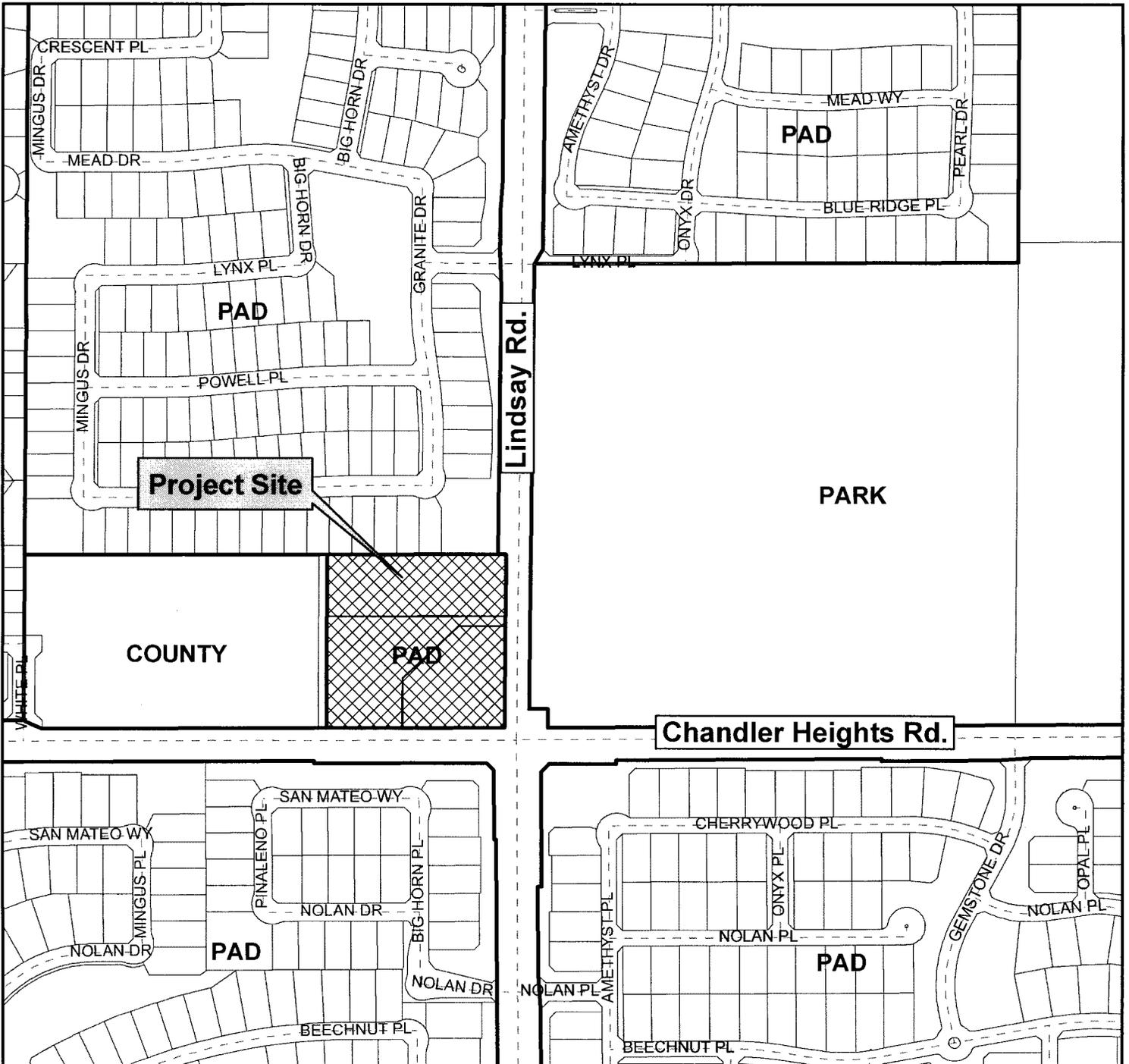
Move to approve DVR14-0017 CHANDLER PATHWAYS OF ARIZONA, Preliminary Development Plan approval for site layout and building architecture, subject to the conditions recommended by Planning Commission and Planning Staff.

Preliminary Plat

Move to approve PPT14-0015 CHANDLER PATHWAYS OF ARIZONA, Preliminary Plat approval, subject to the condition recommended by Planning Commission and Staff.

Attachments

1. Vicinity Maps
2. Site Plan
3. Representative Elevation/Floor Plan
4. Sign Exhibit
5. Preliminary Plat
6. Ordinance No. 4577
7. Development Booklet



Chandler Heights Rd.

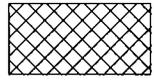
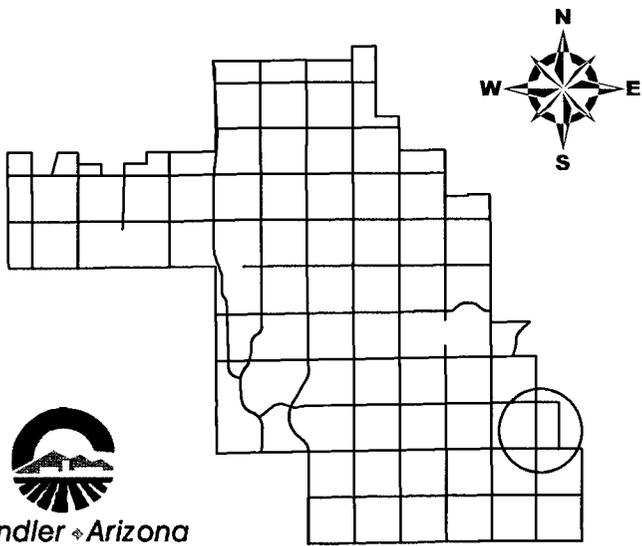
Lindsay Rd.

Project Site

PARK

COUNTY

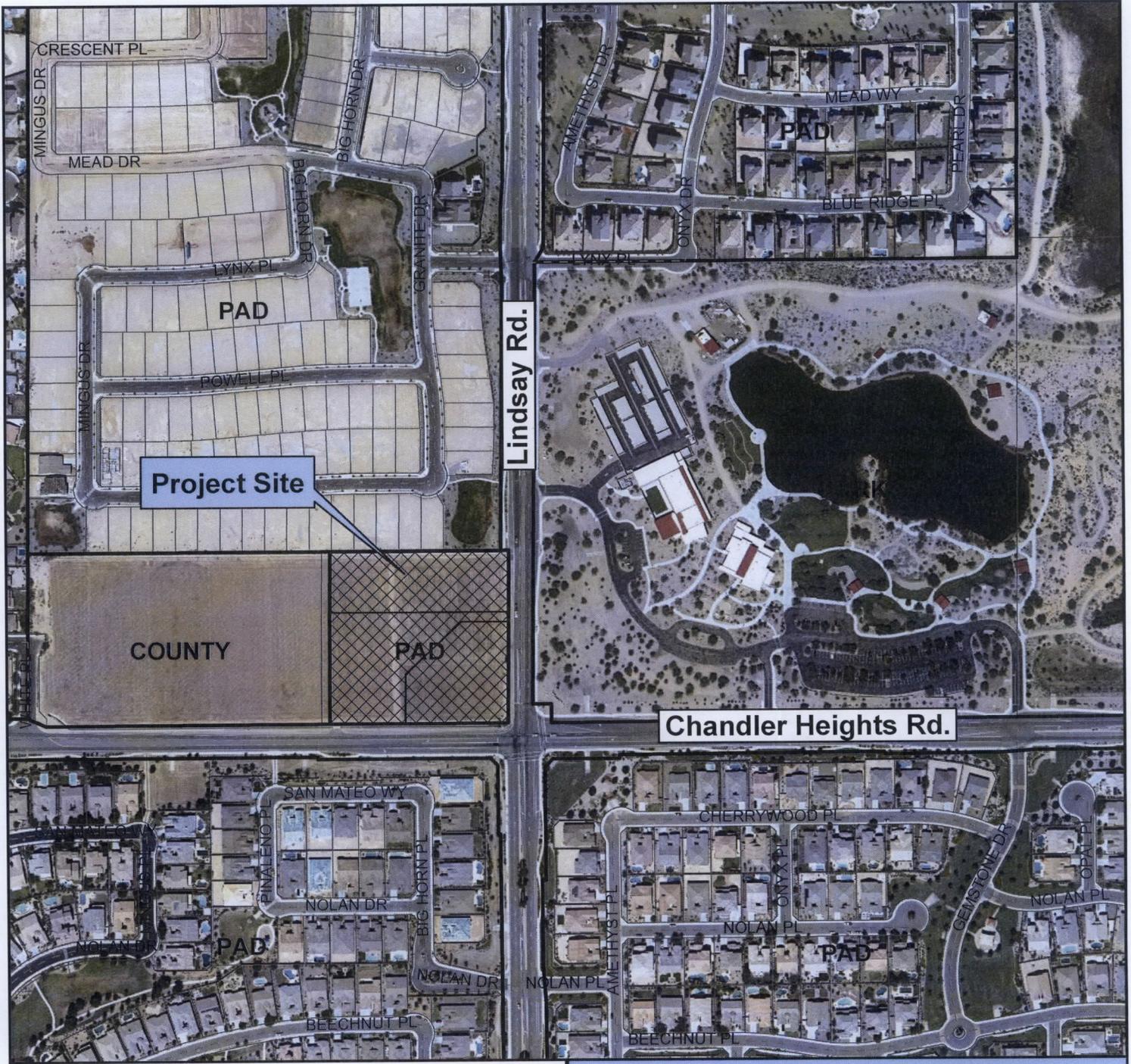
Vicinity Map



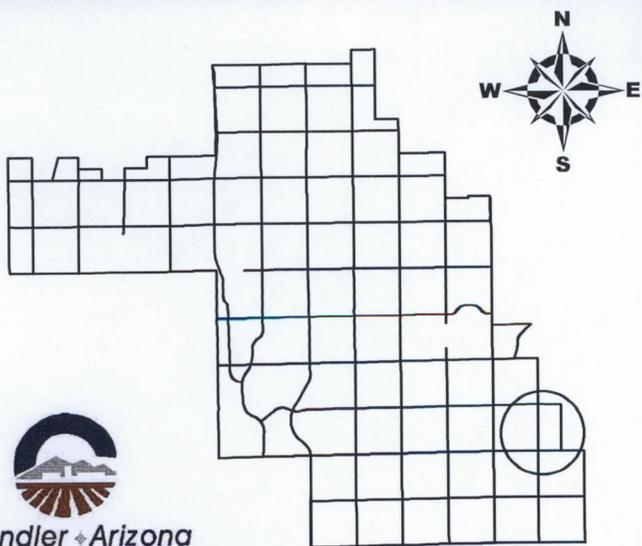
DVR14-0017

Chandler Pathways of Arizona





Vicinity Map



DVR14-0017

Chandler Pathways of Arizona



PROJECT DATA

PROJECT ADDRESS:
 3841-74-60487/1 AND N
 3841-74-60487/2 AND N
 3841-74-60487/3 AND N
 3841-74-60487/4 AND N
 3841-74-60487/5 AND N
 3841-74-60487/6 AND N
 3841-74-60487/7 AND N
 3841-74-60487/8 AND N
 3841-74-60487/9 AND N
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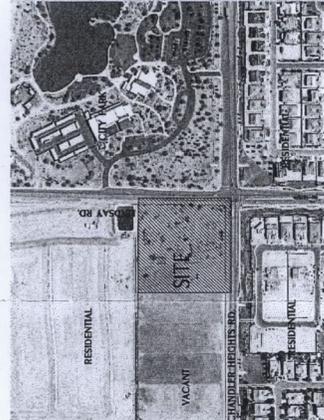
BUILDING CODE ANALYSIS

37'-0" FRANKFURT (1 STORY)
 V-A FULLY SPRINKLERED
 (SPRINKLER SUBSTITUTION FOR 1 HOUR CONSTRUCTION)

NOTES

1. ALL SITE IMPROVEMENTS INCLUDING LANDSCAPE AND SITE CLEANUP SHALL BE COMPLETED PRIOR TO COMMENCEMENT OF CONSTRUCTION FOR ANY BUILDINGS WITHIN A PHASE.
2. ALL EXISTING UTILITIES SHALL BE DELETED FROM THE PROJECT SHALL BE DELETED TO OR GREATER THAN THE HIGHEST POINT OF THE EXISTING UTILITIES.
3. ALL EXISTING UTILITIES SHALL BE DELETED TO OR GREATER THAN THE HIGHEST POINT OF THE EXISTING UTILITIES.
4. THE FIRE DEPARTMENT DOUBLE CHECK ASSEMBLY SHALL BE PAINTED TO MATCH EXISTING DOUBLE CHECK ASSEMBLY.
5. ALL EXISTING UTILITIES SHALL BE DELETED TO OR GREATER THAN THE HIGHEST POINT OF THE EXISTING UTILITIES.
6. ALL EXISTING UTILITIES SHALL BE DELETED TO OR GREATER THAN THE HIGHEST POINT OF THE EXISTING UTILITIES.

PARK ZONING PARKS

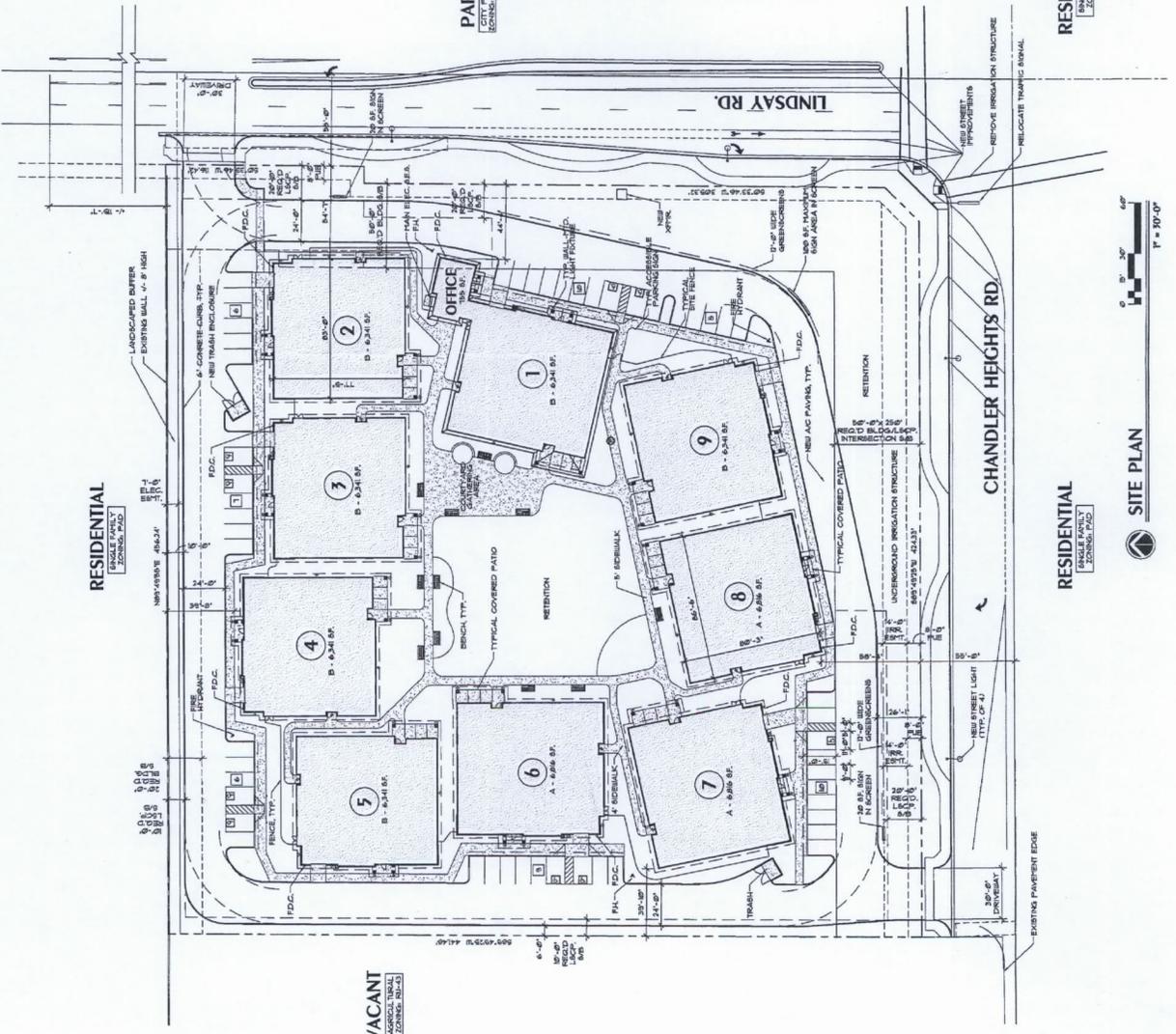


CONTEXT AERIAL



VICINITY MAP

NO SCALE



1" = 30'-0"

SITE PLAN



RESIDENTIAL
 ZONING MAP

RESIDENTIAL
 ZONING MAP

A1.1

- JOB NO. PDG-1689
- DATE: 04/14/14
- REVISION:
- DATE BY:
- CHECKED BY:
- SCALE:

CHANDLER PATHWAYS OF ARIZONA
 ASSISTED LIVING AND MEMORY CARE NEIGHBORHOOD



12545 N. 4th Ave. Suite 105 Scottsdale, Arizona 85258 480.451.9773

MATERIAL AND COLOR-SCHEDULE

SYMBOL	MATERIAL	COLOR	MANUFACTURER	REMARKS
1	PAINT/STUCCO	LIMARILANDS	DANN EDWARDS	
2	ENAMELED METAL	WHITE	LITONIA LIGHTING	
3	BRICK VENEER	BRK-5 HITTES	ARIZONA BRICK CO	
4	PAINT/SHUTTERS	UNCLY FINISHES	DANN EDWARDS	
5	PAINT/ROOFING/CASSETT	BLACK ROOF	DANN EDWARDS	
6	PAINT/FASCIA	ANCHOR GRAY	DANN EDWARDS	
7	CONCRETE TILE	RELIANCE	MADE IN MEXICO	
8				
9				

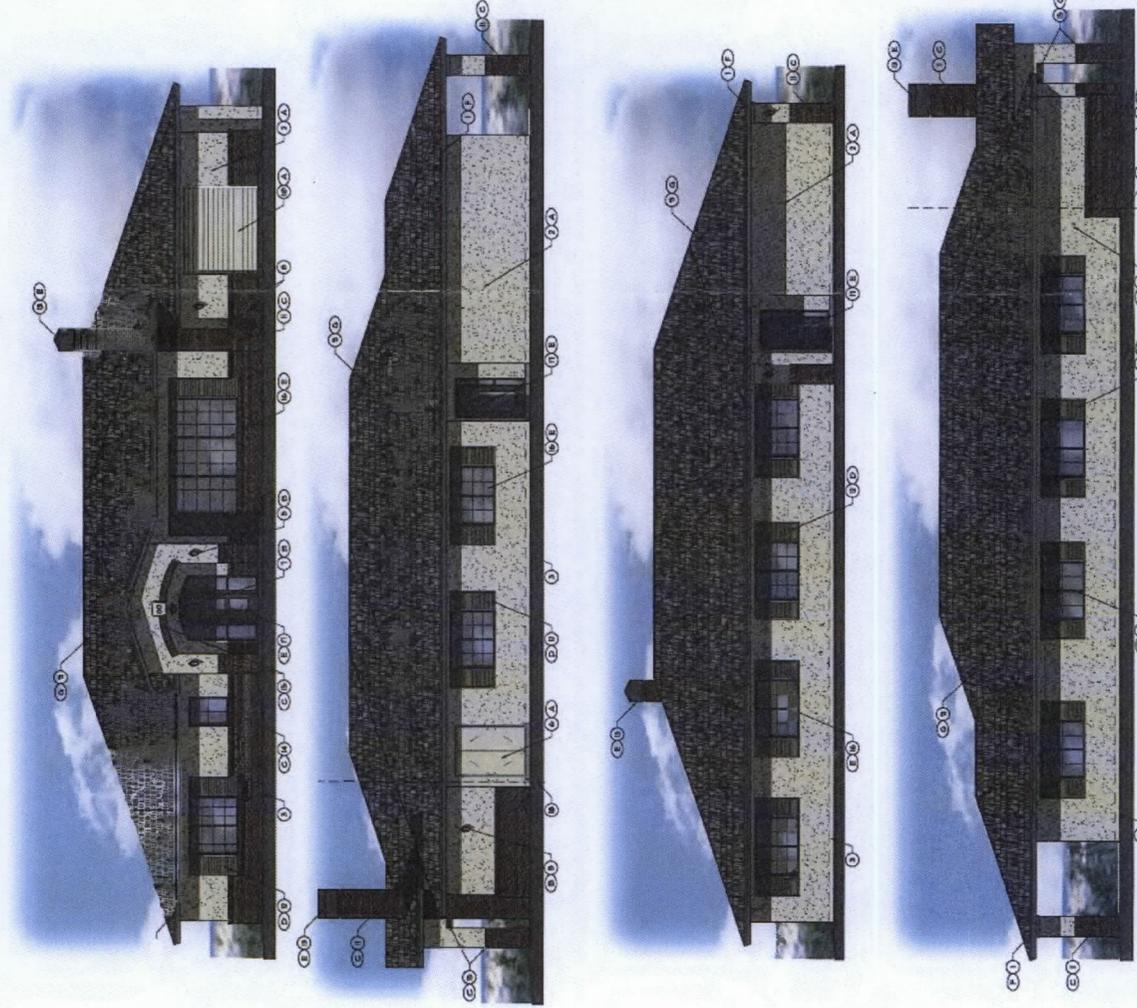
- KEY NOTES**
1. PAINTED SHEET METAL FLASHING OVER PAINTED WOOD FASCIA
 2. PAINTED SHEET METAL FLASHING OVER PROPEL WALL
 3. PAINT GRADE
 4. CONTROL JOINT
 5. DECORATIVE WALL LIGHT FIXTURE
 6. DECORATIVE PENDANT LIGHT FIXTURE
 7. ROOF DRAIN AND OVERFLOW DRAIN
 8. 4" THK. ANCHORED VENEER BRICK
 9. 4" THK. ANCHORED VENEER BRICK
 10. 4" THK. ANCHORED VENEER BRICK
 11. 4" THK. ANCHORED VENEER BRICK
 12. 4" THK. ANCHORED VENEER BRICK
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 17. 4" THK. ANCHORED VENEER BRICK
 18. 4" THK. ANCHORED VENEER BRICK
 19. 4" THK. ANCHORED VENEER BRICK
 20. 4" THK. ANCHORED VENEER BRICK

FRONT

RIGHT

REAR

LEFT



EXTERIOR ELEVATIONS - PLAN "B"

1/8" = 1'-0"

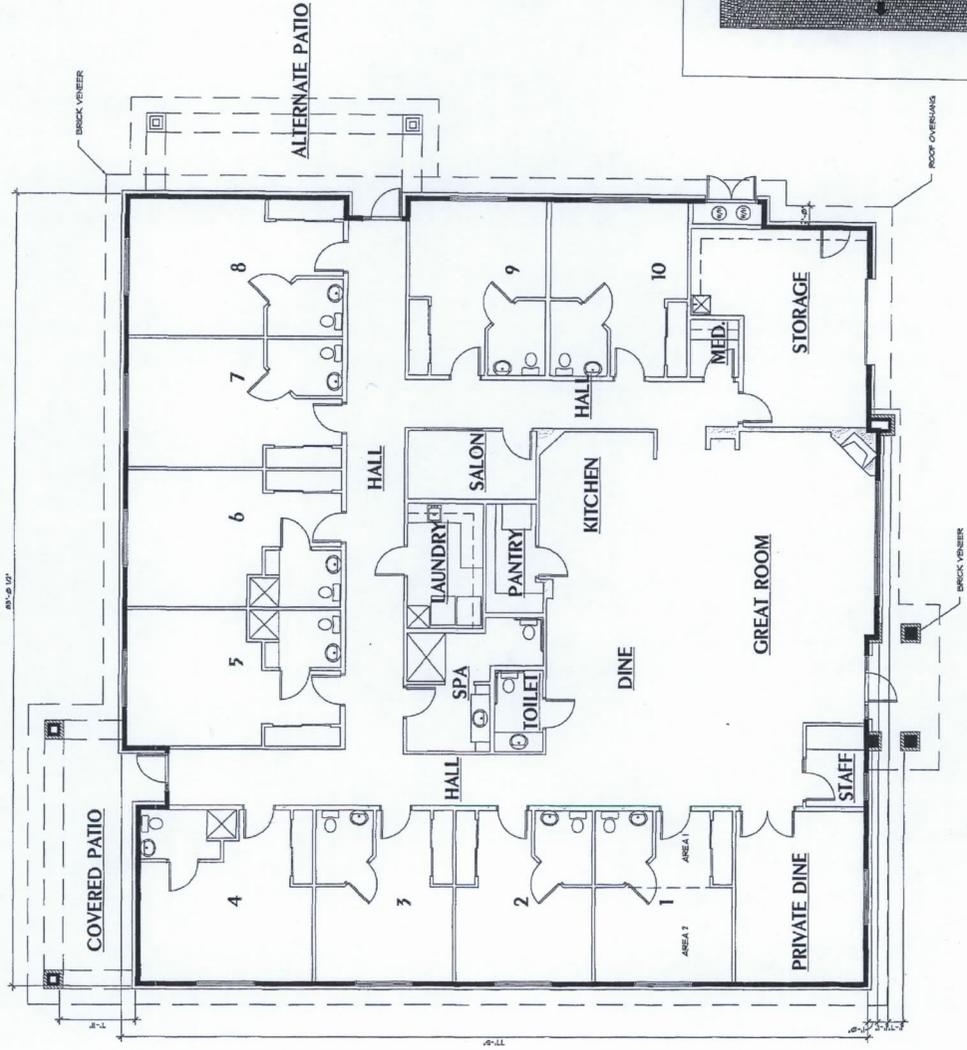
JOB NO. PDG-1659
 DATE: 04/14/14
 REVISION:
 DRAWN BY:
 VED. BY:
 SHEET NO.

A3.2

CHANDLER PATHWAYS OF ARIZONA
 ASSISTED LIVING AND MEMORY CARE NEIGHBORHOOD

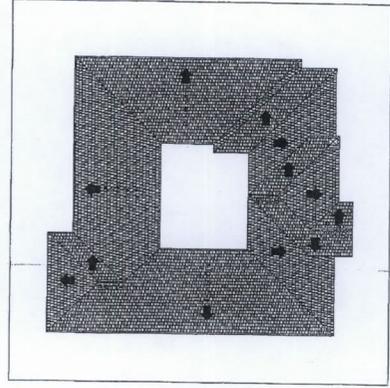
phoenix design group

10245 N 46th Place, Suite 100, Scottsdale, Arizona 85258 480.435.8773



FLOOR PLAN "B"

UNIT	AREA 1	AREA 2
1	181.7 SF.	142 SF.
2	181.7 SF.	142 SF.
3	181.7 SF.	142 SF.
4	259.6 SF.	216.7 SF.
5	71 SF.	138 SF.
6	71 SF.	138 SF.
7	180.9 SF.	138 SF.
8	181.7 SF.	142 SF.
9	86 SF.	142 SF.
10	86 SF.	142 SF.
BUILDING AREA: 6,341.4 S.F.		



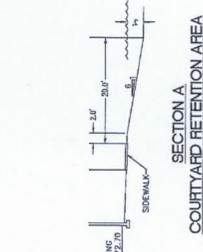
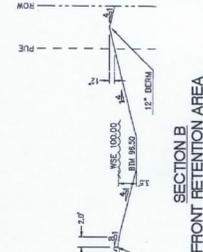
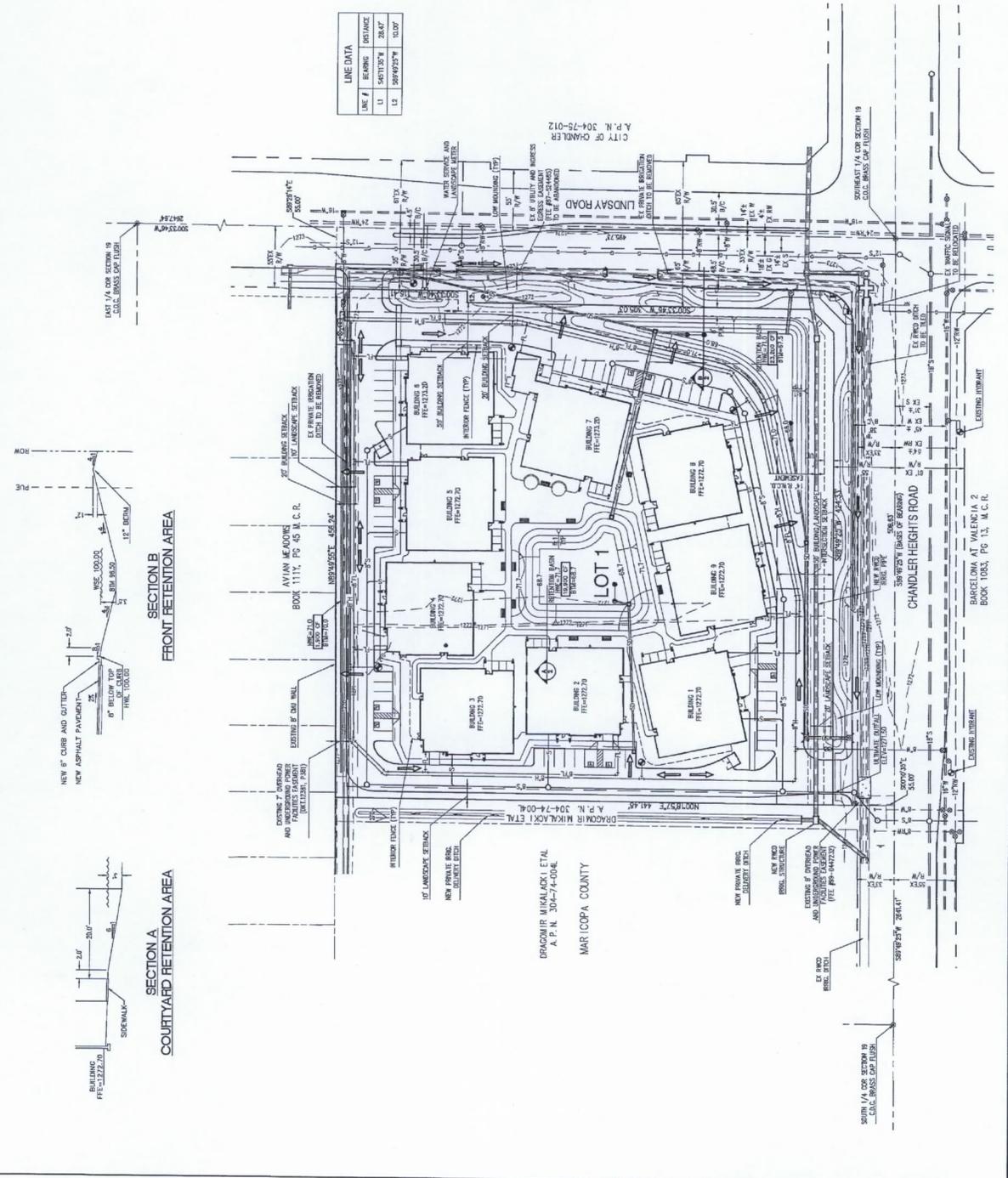
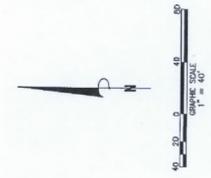
ROOF PLAN "B"



- LEGEND**
- BRASS CAP FLUSH
 - MONUMENT AS NOTED
 - FIRE HYDRANT
 - FOUND 1/2" REBAR
 - EXISTING WELL
 - EXISTING MANHOLE
 - SECTION LINE
 - BOUNDARY LINE
 - MONUMENT
 - POINT OF BEGINNING
 - PUBLIC UTILITY CASHEMONT
 - FINISH FLOOR ELEVATION
 - DIRECTION OF DRAINAGE
 - RETENTION VOLUME PROVIDED
 - HIGH WATER ELEVATION
 - DOUBLE DETECTOR CHECK VALVE
 - FIRE HYDRANT
 - FIRE SPRINKLER
 - SANITARY SINK
 - RECLAIMED WATER
 - WATER
 - WATER MAIN
 - WATER MAIN & BACK FLOW DEVICE
 - STORM WATER DRYWELL
 - CATCH BASIN

LINE DATA	
LINE #	BEARING DISTANCE
L1	S46°13'30"W 28.44'
L2	S89°42'25"W 10.00'

- NOTES**
1. CURB ELEVATION IN LANSRAY ROAD TO BE CONSTRUCTED WITH THIS PROJECT.
 2. FUTURE MEDIAN IN CHANDLER HEIGHTS ROAD NOT SHOWN ON THIS PLAN.



ORDINANCE NO. 4577

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) FOR COMMERCIAL TO PAD FOR AN ASSISTED LIVING MEMORY CARE FACILITY IN CASE DVR14-0017 (CHANDLER PATHWAYS OF ARIZONA) 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 Exhibit 'A'

Said parcel is hereby rezoned from Planned Area Development (PAD) for commercial and to PAD for an assisted living memory care facility, 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 the Development Booklet, entitled "CHANDLER PATHWAYS" and kept on file in the City of Chandler Planning Division, in File No. DVR14-0017, modified by such conditions included at the time the Booklet was approved by the Chandler City Council and/or as thereafter amended, modified or supplemented by the Chandler City Council.

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 Division 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 of the City of Chandler, Maricopa County, Arizona, this _____ day of _____, 2014.

ATTEST:

CITY CLERK

MAYOR

PASSED AND ADOPTED by the City Council of the City of Chandler, Arizona this ____ day
of _____, 2014.

ATTEST:

CITY CLERK

MAYOR

CERTIFICATION

I, HEREBY CERTIFY, that the above and foregoing Ordinance No. 4577 was duly passed and
adopted by the City Council of the City of Chandler, Arizona, at a regular meeting held on the
____ day of _____, 2014, and that a quorum was present thereat.

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY (ksm)

PUBLISHED:

EXHIBIT 'A'

LEGAL DESCRIPTION CHANDLER PATHWAYS

PARCEL NO. 1:

The South half of the North half of the South half of the Southeast quarter of the Southeast quarter of Section 19, Township 2 South, Range 6 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona;

EXCEPT any portion lying within the following described property conveyed in Deed recorded in Document No. 2004-1310137, described as follows:

COMMENCING at the Southeast corner of said Section 19, being marked by a 1/2 inch bar;

THENCE North 89 degrees 51 minutes 40 seconds West, (basis of bearings) along the Southerly line of the said Southeast quarter of Section 19, a distance of 531.20 feet to the TRUE POINT OF BEGINNING;

THENCE continuing North 89 degrees 51 minutes 40 seconds West, 789.55 feet to the Southwest corner of the Southeast quarter of the Southeast quarter of said Section 19 and from which point the South quarter corner of said Section 19, being marked by a Maricopa County brass cap, bears North 89 degrees 51 minutes 40 seconds West, 1320.75 feet distant therefrom;

THENCE North 00 degrees 38 minutes 04 seconds East, 496.62 feet to the Northwest corner of the South half of the North half of the South half of the Southeast quarter of the Southeast quarter of said Section 19;

THENCE South 89 degrees 51 minutes 12 seconds East, along the Northerly line of the said South half of the North half of the South half of the Southeast quarter of the Southeast quarter of Section 19, a distance of 789.55 feet to a point from which the Northeast corner of the said South half of the North half of the South half of the Southeast quarter of the Southeast quarter of Section 19 bears South 89 degrees 51 minutes 12 seconds East, 533.24 feet distant therefrom;

THENCE South 00 degrees 38 minutes 04 seconds West, being parallel with the Westerly line of the said Southeast quarter of the Southeast quarter of Section 19, a distance of 496.51 feet to the TRUE POINT OF BEGINNING; AND

EXCEPT any portion lying within the following land conveyed in Deed recorded in Document No. 2005-0672589, described as follows:

COMMENCING at the Southeast corner of said Section 19, being marked by a 1/2 inch rebar;

THENCE North 89 degrees 51 minutes 40 seconds West (basis of bearings) along the Southerly line of the Southeast quarter of Section 19, a distance of 509.20 feet to the TRUE POINT OF BEGINNING;

THENCE continuing North 89 degrees 51 minutes 40 seconds West, 22.00 feet to a point from which the South quarter corner of said Section 19, being marked by a Maricopa County brass cap, bears North 89 degrees 51 minutes 40 seconds West, 2110.30 feet distant therefrom;

THENCE North 00 degrees 38 minutes 04 seconds East, being parallel with the Westerly line of the Southeast quarter of the Southeast quarter of said Section 19, a distance of 496.51 feet to a point on the Northerly line of the South half of the North half of the South half of the Southeast quarter of the Southeast quarter of said Section 19 and from which point the Northwest corner of the said South half of the North half of the South half of the Southeast quarter of the Southeast quarter of Section 19 bears North 89 degrees 51 minutes 12 seconds West, 789.55 feet distant therefrom;

THENCE South 89 degrees 51 minutes 12 seconds East, 22.00 feet to a point from which the Northeast corner

of the said South half of the North half of the South half of the Southeast quarter of the Southeast quarter of Section 19 bears South 89 degrees 51 minutes 12 seconds East, 511.24 feet distant therefrom;

THENCE South 00 degrees 38 minutes 04 seconds West, 496.51 feet to the TRUE POINT OF BEGINNING.

PARCEL NO. 2:

The South half of the South half of the Southeast quarter of the Southeast quarter of Section 19, Township 2 South, Range 6 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona;

EXCEPT that part of the Southeast quarter of said Section 19, described as follows:

BEGINNING at the Southeast corner of Section 19;

THENCE West (assumed bearing) along the South line of said Section 19, a distance of 306.60 feet;

THENCE North 00 degrees 26 minutes 00 seconds East and parallel to the East line of said Section 19, a distance of 166.18 feet;

THENCE North 47 degrees 13 minutes 30 seconds East, a distance of 202.80 feet;

THENCE East and parallel to the South line of said Section 19, a distance of 158.77 feet to a point on the East line of said Section 19;

THENCE South 00 degrees 26 minutes 00 seconds West along said line, 303.89 feet to the POINT OF BEGINNING; AND

EXCEPT any portion lying within the following described property conveyed in Deed recorded in Document No. 2004-1310137, described as follows:

COMMENCING at the Southeast corner of said Section 19, being marked by a 1/2 inch bar;

THENCE North 89 degrees 51 minutes 40 seconds West, (basis of bearings) along the Southerly line of the said Southeast quarter of Section 19, a distance of 531.20 feet to the TRUE POINT OF BEGINNING;

THENCE continuing North 89 degrees 51 minutes 40 seconds West, 789.55 feet to the Southwest corner of the Southeast quarter of the Southeast quarter of said Section 19 and from which point the South quarter corner of said Section 19, being marked by a Maricopa County brass cap, bears North 89 degrees 51 minutes 40 seconds West, 1320.75 feet distant therefrom;

THENCE North 00 degrees 38 minutes 04 seconds East, 496.62 feet to the Northwest corner of the South half of the North half of the South half of the Southeast quarter of the Southeast quarter of said Section 19;

THENCE South 89 degrees 51 minutes 12 seconds East, along the Northerly line of the said South half of the North half of the South half of the Southeast quarter of the Southeast quarter of Section 19, a distance of 789.55 feet to a point from which the Northeast corner of the said South half of the North half of the South half of the Southeast quarter of the Southeast quarter of Section 19 bears South 89 degrees 51 minutes 12 seconds East, 533.24 feet distant therefrom;

THENCE South 00 degrees 38 minutes 04 seconds West, being parallel with the Westerly line of the said Southeast quarter of the Southeast quarter of Section 19, a distance of 496.51 feet to the TRUE POINT OF BEGINNING; AND

EXCEPT any portion lying within the following land conveyed in Deed recorded in Document No. 2005-

0672589, described as follows:

COMMENCING at the Southeast corner of said Section 19, being marked by a 1/2 inch rebar;

THENCE North 89 degrees 51 minutes 40 seconds West (basis of bearings) along the Southerly line of the Southeast quarter of Section 19, a distance of 509.20 feet to the TRUE POINT OF BEGINNING;

THENCE continuing North 89 degrees 51 minutes 40 seconds West, 22.00 feet to a point from which the South quarter corner of said Section 19, being marked by a Maricopa County brass cap, bears North 89 degrees 51 minutes 40 seconds West, 2110.30 feet distant therefrom;

THENCE North 00 degrees 38 minutes 04 seconds East, being parallel with the Westerly line of the Southeast quarter of the Southeast quarter of said Section 19, a distance of 496.51 feet to a point on the Northerly line of the South half of the North half of the South half of the Southeast quarter of the Southeast quarter of said Section 19 and from which point the Northwest corner of the said South half of the North half of the South half of the Southeast quarter of the Southeast quarter of Section 19 bears North 89 degrees 51 minutes 12 seconds West, 789.55 feet distant therefrom;

THENCE South 89 degrees 51 minutes 12 seconds East, 22.00 feet to a point from which the Northeast corner of the said South half of the North half of the South half of the Southeast quarter of the Southeast quarter of Section 19 bears South 89 degrees 51 minutes 12 seconds East, 511.24 feet distant therefrom;

THENCE South 00 degrees 38 minutes 04 seconds West, 496.51 feet to the TRUE POINT OF BEGINNING.

PARCEL NO. 3:

That part of the Southeast quarter of said Section 19, Township 2 South, Range 6 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, described as follows:

BEGINNING at the Southeast corner of Section 19;

THENCE West (assumed bearing) along the South line of said Section 19, a distance of 306.60 feet;

THENCE North 00 degrees 26 minutes 00 seconds East and parallel to the East line of said Section 19, a distance of 166.18 feet;

THENCE North 47 degrees 13 minutes 30 seconds East, a distance of 202.80 feet;

THENCE East and parallel to the South line of said Section 19, a distance of 158.77 feet to a point on the East line of said Section 19;

THENCE South 00 degrees 26 minutes 00 seconds West along said line, 303.89 feet to the POINT OF BEGINNING;

EXCEPT the South 33 feet and the East 33 feet thereof.