



**MEMORANDUM                      Transportation & Development – PZ Memo No. 12-034**

**DATE:**            APRIL 23, 2012  
**TO:**                PLANNING AND ZONING COMMISSION  
**THRU:**           R.J. ZEDER, TRANSPORTATION & DEVELOPMENT DIRECTOR  
                          JEFF KURTZ, PLANNING ADMINISTRATOR  
                          KEVIN MAYO, PLANNING MANAGER  
**FROM:**            BILL DERMODY, SENIOR CITY PLANNER  
**SUBJECT:**        PDP10-0019/PPT12-0003 CALABRIA

**Request:**        Preliminary Development Plan (PDP) for a single-family subdivision site layout and landscaping. Preliminary Plat approval for a single-family residential subdivision.

**Location:**       Southwest corner of Brooks Farm and Cooper Roads

**Applicant/  
Owner:**         Pinnacle Ridge Holdings, LLC

**Project Info:**   Single-family subdivision with 97 lots on 30 acres, minimum lot size 7,590 square feet, density of 3.21 dwelling units per acre

**RECOMMENDATION**

Staff, finding consistency with the General Plan, Southeast Chandler Area Plan, and Residential Development Standards, recommends approval of the Preliminary Development Plan (PDP) and Preliminary Plat, subject to conditions.

**BACKGROUND**

The application requests PDP approval for conceptual site layout and community landscaping for a new single-family subdivision on approximately 30 acres at the southwest corner of Brooks Farm and Cooper Roads. The subject site currently contains an inactive palm tree farm with a small single-family home fronting Cooper Road. To the south are a farm house and narrow farm field. Single-family homes surround the property to the west, north, and east. The site received its PAD zoning and Preliminary Development Plan (PDP) approval in 2002 for a 47-lot single-family subdivision. The zoning was extended in 2003, 2006, and 2009. Fires occurred on the

site in 2009 and 2011. The applicant has committed to removing the palm trees immediately following this PDP hearing process in order to reduce the fire hazard.

The proposed site layout for this gated subdivision includes primary vehicular access via Brooks Farm Road on the north and exit-only/emergency access via Tower Avenue on the west. Streets are private and generally form a ring around the rectangular-shaped site. The main entrance, which has a faux guard house in its center median and textured paving, terminates quickly at the centralized open space where it splits east and west. The subdivision's functional open space forms a T, comprising the subdivision's central spine in both the north/south and east/west orientations and allowing the open space to be accessible within one (1) block of every residence. Open space amenities include a tot lot, a basketball court, a soccer field, two ramadas, and a community garden. Lot sizes range from 7,590 to 14,785 square feet in size. Minimum setbacks are generally 20' in the front, 20' in the rear (30' for two-stories), and 5'/10' on the sides. Side-entry garages and forward-set livable areas have a reduced minimum front yard setback of 15'. Additionally, porches can extend up to 10' into the rear yard setback and 5' into the front yard setback.

Both internally and externally, the project features stylized 6'-high theme walls with two-tone stucco panels, stone columns, and brick caps. Also, wrought iron view fencing is integrated into the wall in two locations along Cooper Road and adjacent to the Brooks Farm entrance to allow views into the site's open space.

The proposed landscaping features Ironwood and Date Palm trees highlighting the main entrance from Brooks Farm Road, with groupings of Pistache, Chinese Elm, Chitalpa, and Mulga trees forming the main presence along Cooper Road. The Cooper Road frontage has an approximately 45'-wide landscape tract with, generally, a double row of trees. Sufficient western shade is provided to the tot lot by a grouping of Sissoo trees.

The proposal meets the Residential Development Standards (RDS) for subdivision diversity by providing all eight (8) required diversity elements and the minimum 10 optional elements. Details of element provision are contained in the attached Development Booklet. Housing product is not part of this application and will therefore require a future PDP application, under which it will be evaluated against the RDS for architectural diversity.

The subject site is designated by the Southeast Chandler Area Plan (SECAP) for Traditional Suburban Character, which allows for single-family residential subdivisions of up to 3.5 dwelling units per acre such as proposed. For projects proposing 2.5 to 3.5 dwelling units per acre, the SECAP recommends that certain density incentive amenities be provided that increase subdivision quality above the city-wide baseline provided by the RDS. The subject development, with a proposed density of 3.21 dwelling units per acre, provides all six (6) of the density incentive amenities recommended by the SECAP. Details of SECAP density incentive compliance are provided in the attached Development Booklet.

The applicant has researched the possibility of salvaging and relocating the site's existing fan palm trees, but found it cost prohibitive.

### **DISCUSSION**

Staff finds the proposed subdivision to be of a high quality and compatible with the area. The quality design, particularly the generous open space amenities provision, warrants the requested density and allows the neighborhood to be sustainable in the long-run.

### **PUBLIC/NEIGHBORHOOD NOTIFICATION**

- This request was noticed in accordance with the requirements of the Chandler Zoning Code.
- A neighborhood meeting was held April 12, 2012 at Santan Junior High. Thirteen (13) neighbors attended. The applicant's representative gave an overview of the project. Neighbors asked a variety of questions related to the project, including especially road improvements and the specific plan for palm tree removal. Neighbors stated concerns with how the tree removal could drive the scorpions into the neighborhood. The applicant agreed to further research various tactics for scorpion control in this situation and meet again with interested neighbors on April 30.
- At the time of this writing, Staff is not aware of any opposition to the request, though neighbor concerns regarding traffic control and scorpion removal are noted.

### **RECOMMENDED ACTION**

Staff, upon finding consistency with the General Plan, Southeast Chandler Area Plan, and Residential Development Standards, recommends approval of PDP in case PDP10-0019/PPT12-0003 CALABRIA subject to the following conditions:

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "Calabria", kept on file in the City of Chandler Planning Services Division, in File No. PDP10-0019, except as modified by condition herein.
2. Compliance with original conditions adopted by the City Council as Ordinance No. 3401 in case DVR02-0028 CALABRIA, except as modified by condition herein.
3. The landscaping in all open-spaces and rights-of-way shall be maintained by the adjacent property owner or homeowners' association.

Staff recommends approval of the Preliminary Plat subject to the following condition.

1. Approval by the City Engineer and Director of Transportation & Development with regard to the details of all submittals required by code or condition.

### **PROPOSED MOTIONS**

#### **Preliminary Development Plan**

Move to recommend approval of PDP case PDP10-0019 CALABRIA subject to the conditions recommended by Staff.

#### **Preliminary Plat**

Move to recommend approval of Preliminary Plat case PPT12-0003 CALABRIA subject to the condition recommended by Staff.

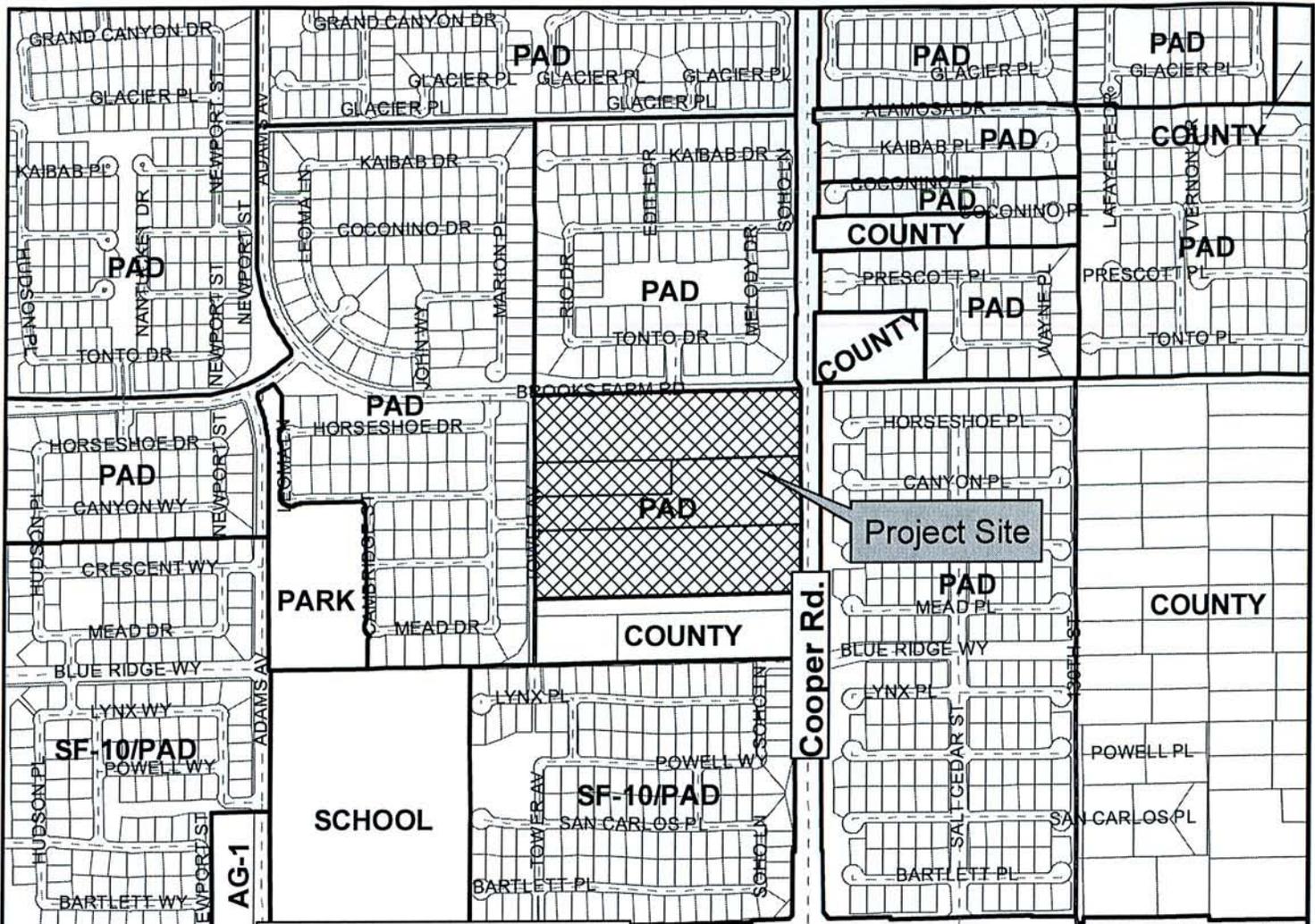
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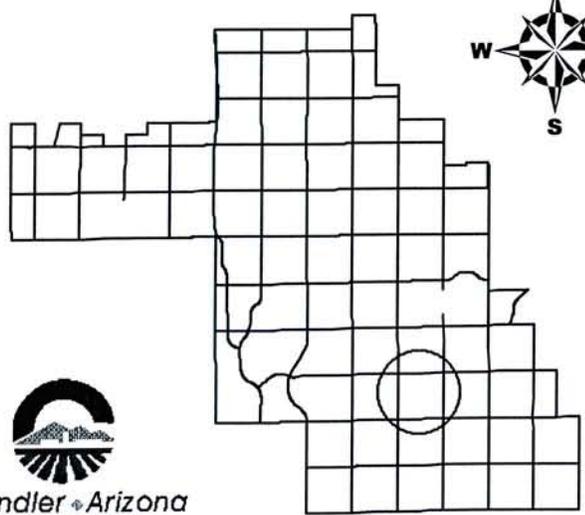
**Attachments**

1. Vicinity Maps
2. Site Plan
3. Landscape Plan
4. Preliminary Plat
5. Ordinance No. 3401
6. Exhibit A, Development Booklet



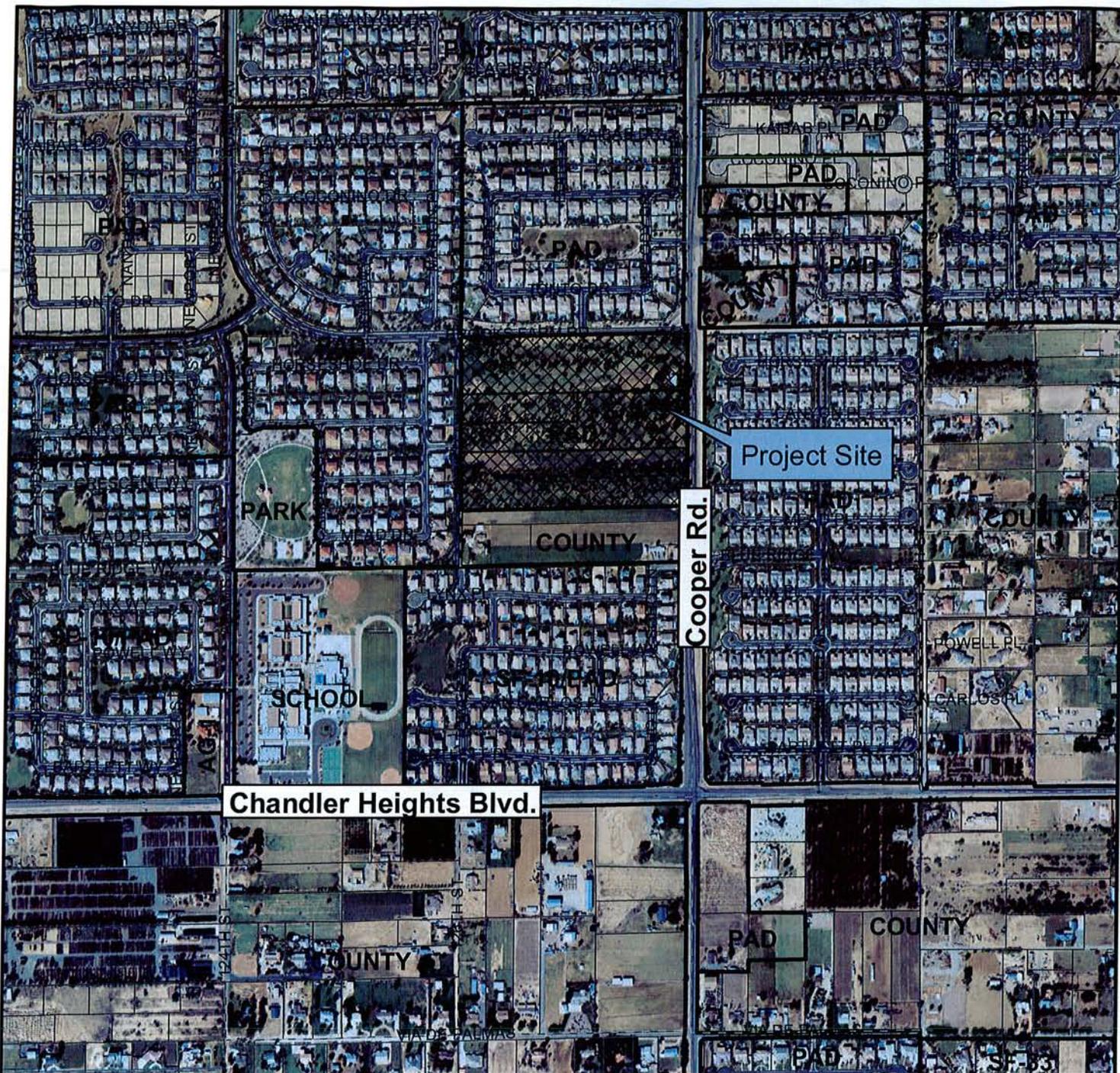
**Chandler Heights Blvd.**

**Vicinity Map**



**PDP10-0019**

**Calabria**

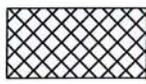


**Chandler Heights Blvd.**

**Cooper Rd.**

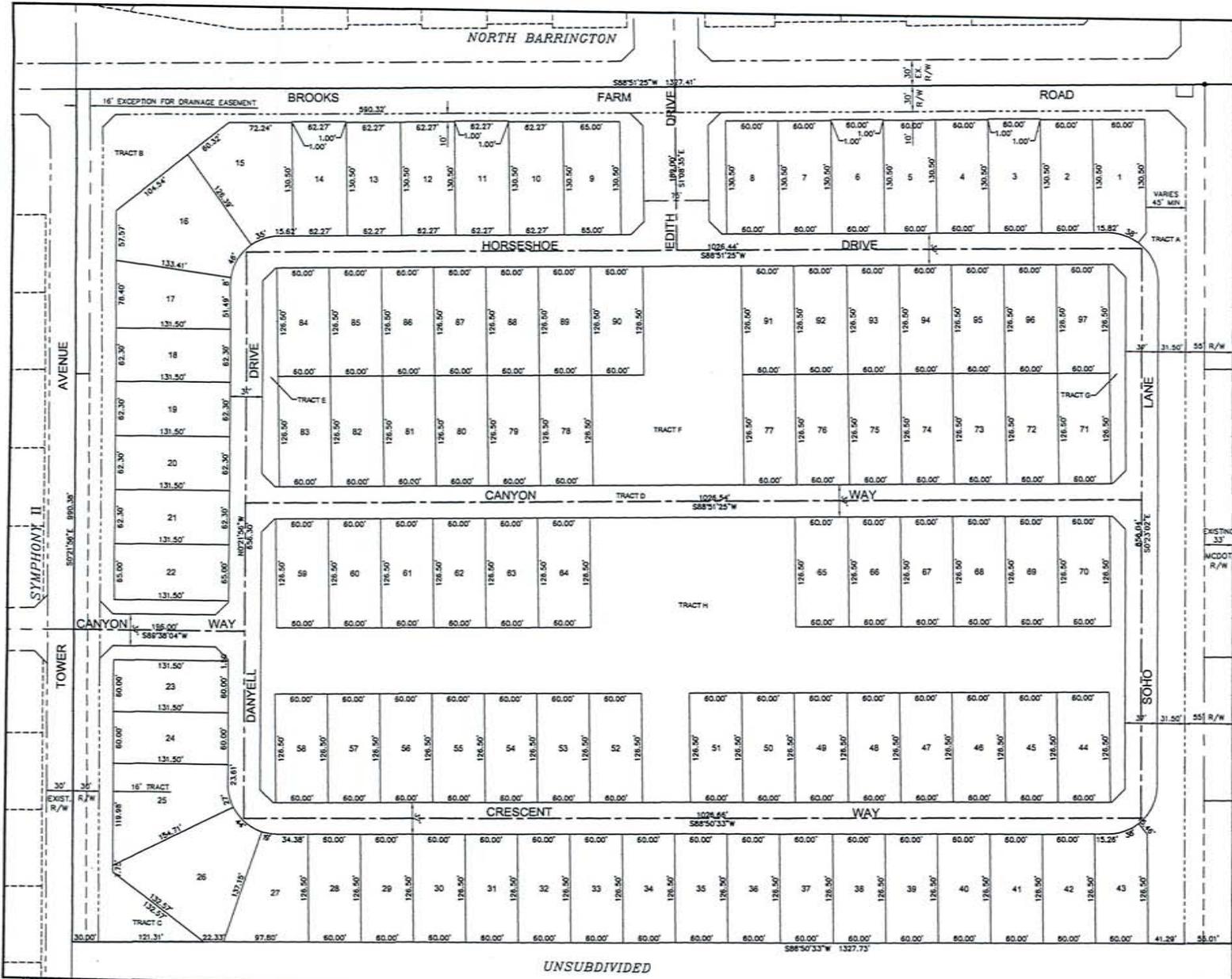
**Project Site**

## Vicinity Map

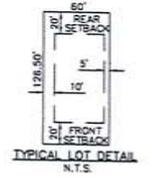
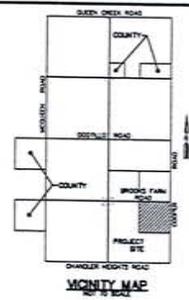


**PDP10-0019**

**Calabria**



UNSUBDIVIDED



GROSS ACREAGE	30.18±
No. OF LOTS	97
TYPICAL LOT SIZE	60'x126.50'
DENSITY	3.21 DU/AC
AVG. LOT SIZE	7,949 SF
MIN. LOT SIZE	7,590 SF
MAX. LOT SIZE	14,586 SF
% OPEN SPACE	18.7%

602-263-1100  
 1-800-STAKE-IT  
 (SERVICES AVAILABLE IN CALIFORNIA)



**RITTOCH-POWELL & ASSOCIATES**  
 Civil Engineering and Survey Consulting  
 3838 N. CENTRAL AVE. SUITE 1250  
 PHOENIX, AZ 85012 (602) 263-1177

NO.	BY	DATE	REASON	APPR.	DATE

CALABRIA

SITE PLAN

DESIGNED	DRAWN	CHECKED	DATE	SHEET NO.	TOTAL SHEETS



**LOT AREAS**

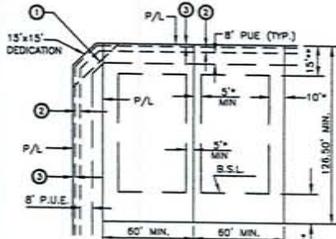
LOT	AREA	LOT	AREA
1	8532.78	46	8222.50
2	8482.50	47	8222.50
3	8547.50	48	8222.50
4	8482.50	49	8222.50
5	8547.50	50	8222.50
6	8482.50	51	8222.50
7	8482.50	52	8222.50
8	8814.01	53	8222.50
9	8814.01	54	8222.46
10	8885.59	55	8222.50
11	8885.59	56	8222.50
12	8885.59	57	8222.50
13	8848.72	58	8222.50
14	84221.91	59	8222.50
15	12628.57	60	8222.50
16	8878.00	61	8222.50
17	8878.00	62	8222.50
18	8878.00	63	8222.50
19	8878.00	64	8222.50
20	8878.16	65	8222.50
21	8547.50	66	8222.50
22	8547.50	67	8222.50
23	14072.28	68	8222.50
24	14785.88	69	8222.50
25	8624.21	70	8222.50
26	8222.50	71	8222.50
27	8222.50	72	8222.50
28	8222.50	73	8222.50
29	8222.50	74	8222.50
30	8222.50	75	8222.50
31	8222.50	76	8222.50
32	8222.50	77	8222.50
33	8222.50	78	8222.50
34	8222.50	79	8222.50
35	8222.50	80	8222.50
36	8222.50	81	8222.50
37	8222.50	82	8222.50
38	8222.50	83	8222.50
39	8245.41	84	8222.50
40	8222.50	85	8222.50
41	8222.50	86	8222.50
42	8222.50	87	8222.50
43	8222.50	88	8222.50
44	8222.50	89	8222.50
45	8222.50	90	8222.50

**TRACT AREAS**

TRACT	AREA (SF)	DESCRIPTION
A	43793.76	RETENTION/LANDSCAPING
B	28715.98	RETENTION/LANDSCAPING
C	11882.18	RETENTION/LANDSCAPING
D	176132.27	PRIVATE STREET
E	4337.43	LANDSCAPING
F	36234.98	RETENTION/LANDSCAPING
G	4367.78	LANDSCAPING
H	139802.83	RETENTION/LANDSCAPING
TOTAL	421645.38	

**PRELIMINARY PLAT  
CALABRIA**

A PORTION OF THE SOUTHEAST QUARTER OF SECTION 23 T.2 S., R 5 E.,  
G.&S.R.M. MARICOPA COUNTY, ARIZONA



- 1 30' x 30' VISIBILITY EASEMENT
- 2 3.5' WATERLINE & STREETLIGHT EASEMENT
- 3 1.5' SIDEWALK EASEMENT
- \* - TOTAL SIDE YARD SETBACK IS 15'.

- \*\* - 30' MIN. REAR YARD SET BACK FOR 2-STORY HOMES.
- 15' MIN. FRONT YARD SET BACK TO LINEABLE AREA
- 20' MIN. FRONT YARD SET BACK TO GARAGE
- PORCHES CAN EXTEND INTO REAR SET BACK BY 10'
- PORCHES CAN EXTEND INTO FRONT SET BACK BY 5'

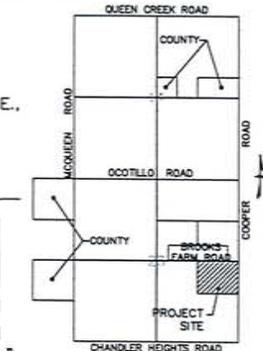
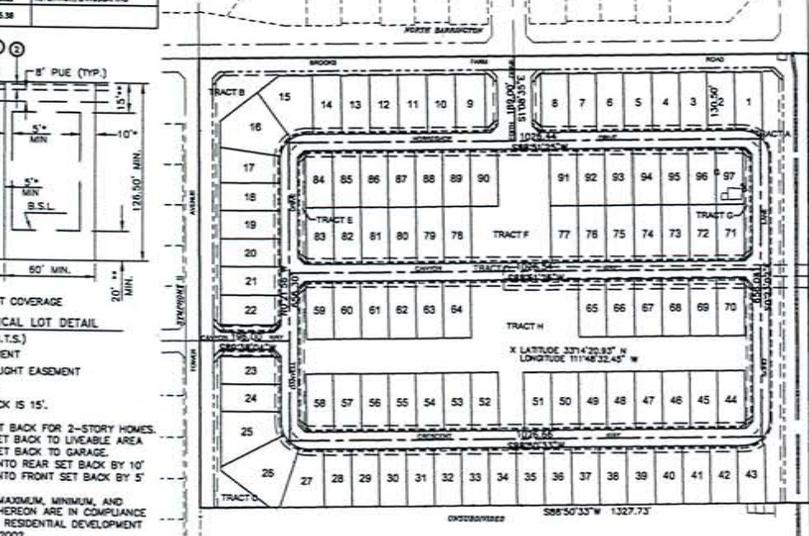
I HEREBY CERTIFY THAT THE MAXIMUM, MINIMUM, AND AVERAGE LOT AREAS SHOWN HEREON ARE IN COMPLIANCE WITH THE "CITY OF CHANDLER RESIDENTIAL DEVELOPMENT STANDARDS" DATED MAY 23, 2002.

*L.D. H...*  
REGISTERED CIVIL ENGINEER 4/5/12 DATE

AVERAGE	7948.08
MAXIMUM	14086.40
MINIMUM	7390.00

**NOTES**

- LANDSCAPE TRACTS SHALL BE LANDSCAPED BY THE DEVELOPER. A HOMEOWNERS ASSOCIATION SHALL BE FORMED AND SHALL BE RESPONSIBLE FOR MAINTENANCE OF ALL TRACTS.
- WHERE THE RUNOFF FROM A 10 YEAR STORM CANNOT BE CONVEYED WITHIN THE STREETS, STORM DRAIN PIPES SHALL BE PROVIDED.
- ALL FINISHED FLOORS WILL BE DESIGNED TO PROTECT THEM FROM A STORM HAVING A FREQUENCY OF 100 YEARS.
- ALL SEWER LINES SHALL BE 8" IN DIAMETER UNLESS OTHERWISE NOTED.
- THE IMPROVEMENTS SHOWN ON THIS PLAT WILL NOT BE FULLY APPROVED BY THE CITY AND THE CERTIFICATE OF OCCUPANCY WILL NOT BE ISSUED UNTIL THE OVERHEAD UTILITY LINE UNDERGROUNDING AND POWER POLE RELOCATION HAVE BEEN SATISFIED.
- EXISTING CONCRETE IRRIGATION DITCHES TO BE REMOVED, AS NOTED.
- THIS SUBDIVISION SHALL COMPLY WITH THE RESIDENTIAL DEVELOPMENT STANDARDS, DATED MAY 23, 2002.
- THIS SUBDIVISION IS LOCATED WITHIN FLOOD ZONE X AS DELINEATED ON FEMA MAP NUMBER 04013C03035H, SEPTEMBER 30, 2005.
- THE FINAL PLAT FOR THIS SUBDIVISION WILL NOT BE APPROVED OR RECORDED UNTIL A RECLAIMED WATER USE AGREEMENT IS EXECUTED BY THE DEVELOPMENT AND APPROVED BY THE CITY.
- THE IMPROVEMENTS SHOWN ON THIS SET OF PLANS WILL NOT BE FULLY APPROVED BY THE CITY AND THE CERTIFICATE OF OCCUPANCY WILL NOT BE ISSUED UNTIL THE IRRIGATION FACILITY UNDERGROUNDING REQUIREMENTS HAVE BEEN SATISFIED.



**LEGAL DESCRIPTION**  
A PORTION OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER SECTION 23, TOWNSHIP 2 SOUTH, RANGE 5 EAST OF THE GILA AND SALT RIVER, MARICOPA COUNTY, ARIZONA.

**ASSESSOR PARCEL NUMBERS (APN)**  
303-45-002-P, 303-45-002-R, 303-45-002-S & 303-45-002-X

**SITE DATA**  
GENERAL PLANNING DISTRICT ZONING - EXISTING ZONING - PROPOSED  
NUMBER OF LOTS 90  
LOT COVERAGE 50%  
AVERAGE LOT AREA 7,949 S.F.  
MAX LOT AREA 14,586 S.F.  
MIN LOT AREA 7,590 S.F.  
GROSS AREA 30.18 ACRES  
GROSS DENSITY 3.21 DU/ACRE  
NET AREA 27.38 ACRES  
LANDSCAPE AREA 5.64 ACRES

**LEGEND**

DESCRIPTION	EXISTING	PROPOSED
WATER LINE & VALVE	---	---
FIRE HYDRANT	---	---
SEWER LINE & MANHOLE	---	---
EXISTING FENCE	---	---
TELEPHONE BOX	---	---
OVERHEAD ELECTRIC LINES	---	---
CONTOUR LINE	---	---
STREETLIGHT	---	---
DRAINAGE FLOW DIRECTION	---	---
30'X30' VISIBILITY EASEMENT	---	---
3.5' W/L AND S/L EASEMENT	---	---
1.5' SIDEWALK EASEMENT	---	---
BOUNDARY LINE	---	---
PUBLIC UTILITY EASEMENT	---	---
RIGHT-OF-WAY LINE	---	---
MONUMENT LINE	---	---

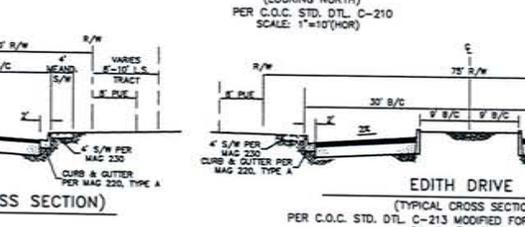
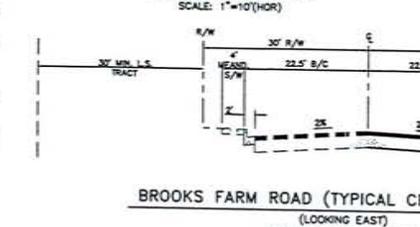
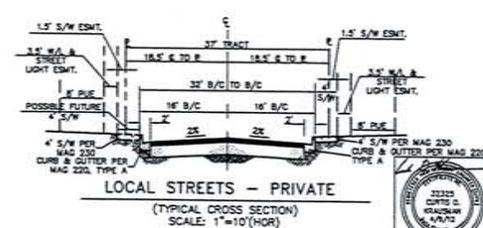
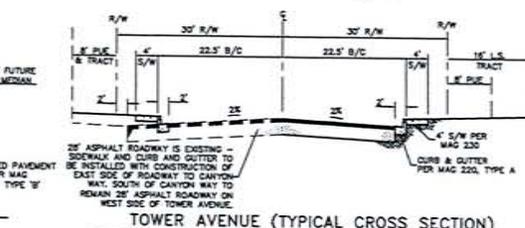
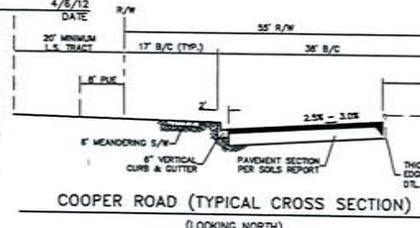
**BENCHMARK #49A**  
3 INCH CITY OF CHANDLER BRASS CAP IN CONCRETE, FLUSH LOCATED AT THE INTERSECTION OF LYNX PLACE AND 50th LANE. NAVD 88 DATUM ELEV=1242.34. LEGACY CITY OF CHANDLER NSVD29 DATUM ELEVATION IS 1240.36'. A DIFFERENCE OF 1.98' LOWER THAN THE NAVD 88 DATUM.

**DEVELOPER**  
PINNACLE RIDGE HOLDINGS, LLC  
3321 E BASILENE ROAD  
GILBERT, ARIZONA 85234  
PAUL D. GUZAS  
PH (480) 852-4492

**ENGINEER**  
RITCOCH-POWELL & ASSOCIATES  
3838 N. CENTRAL AVE., SUITE 1250  
PHOENIX, AZ 85012  
PHONE: (602) 263-1177  
FAX: (602) 277-6286  
CURTIS KRAUSMAN, P.E.  
MOBILE: (602) 694-2796

**UTILITIES**

UTILITY	CITY OF CHANDLER
WATER	CITY OF CHANDLER
SEWER	CITY OF CHANDLER
ELECTRIC	S.P.P.
TELEPHONE	QWEST
CABLE T.V.	COX COMMUNICATIONS
REFUSE COLLECTION	CITY OF CHANDLER



**RITCOCH-POWELL & ASSOCIATES**  
Civil Engineering and Surveying Consultants  
3838 N. CENTRAL AVE. SUITE 1250  
PHOENIX, AZ 85012 | (602) 263-1177

NO.	BY	DATE	REVISION	APPR.	DATE

**CALABRIA**

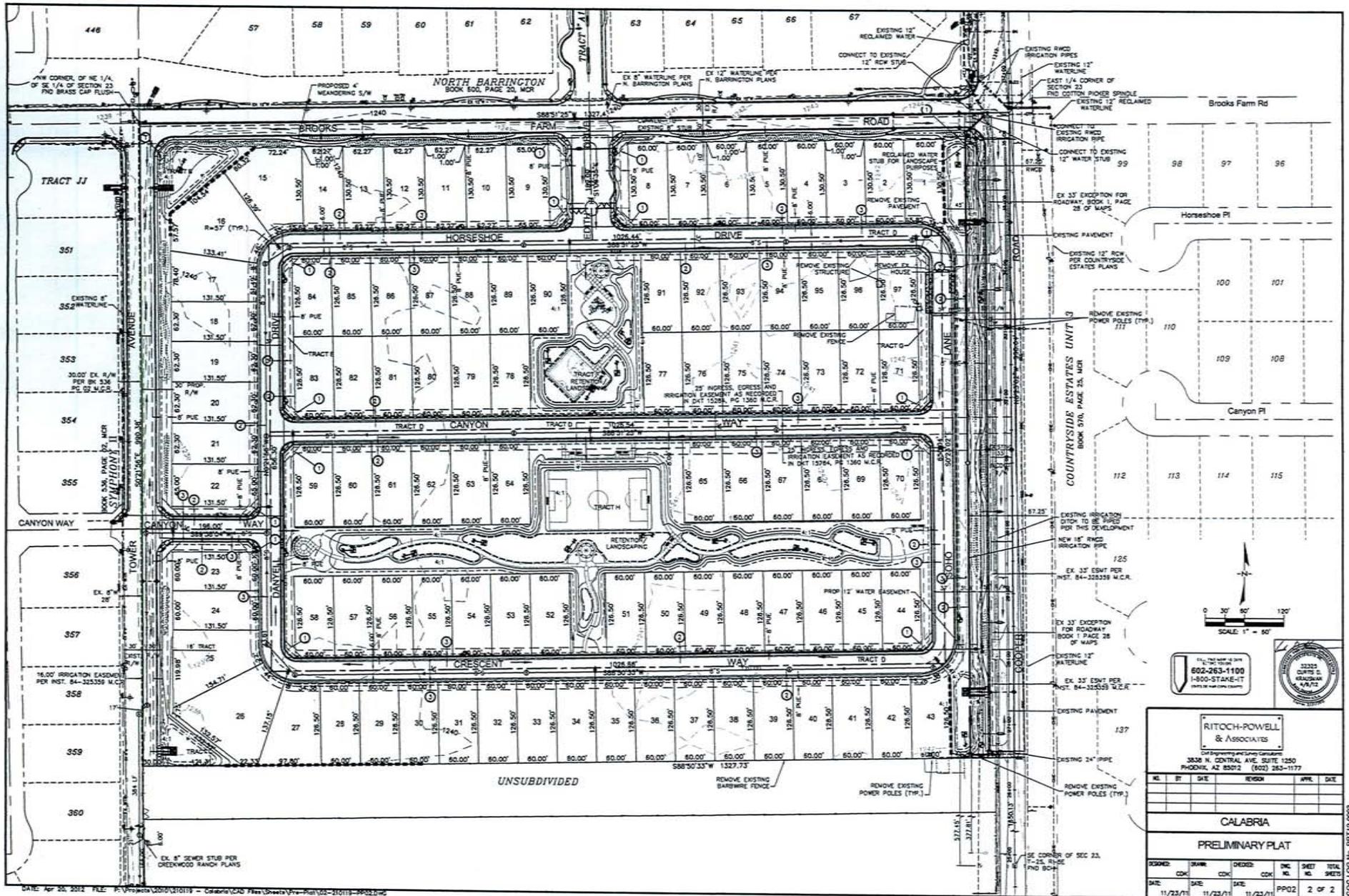
**PRELIMINARY PLAT**

SCALE: 1"=10'(HOR)

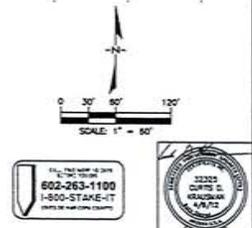
DATE: 11/23/11

11/23/11 11/23/11 11/23/11

PP01 1 OF 2



DATE: Apr 20, 2012 FILE: P:\Projects\2010\1010119 - Calabria\CAD Files\Sheets\Pre-Plat\02-1010119-PP02.DWG



<b>RITCOCH-POWELL &amp; ASSOCIATES</b>					
3838 N. CENTRAL AVE. SUITE 1250 PHOENIX, AZ 85012 (602) 282-1177					
NO.	BY	DATE	REVISION	APP.	DATE
<b>CALABRIA</b>					
<b>PRELIMINARY PLAT</b>					
DESIGNED	DRAWN	CHECKED	INCH. NO.	SHEET NO.	TOTAL SHEETS
DATE	DATE	DATE	PP02	2	2
11/23/11	11/23/11	11/23/11			

COC-LOG-16; PPT12-0003

ORDINANCE NO. 3401

OFFICIAL FILE COPY  
CITY OF CHANDLER  
CITY CLERK

AN ORDINANCE OF THE CITY OF CHANDLER, ARIZONA, AMENDING THE ZONING CODE AND MAP ATTACHED THERETO, BY REZONING A PARCEL FROM COUNTY R-43 ZONING TO INITIAL CITY ZONING PAD (RESIDENTIAL) (DVR02-0028 CALABRIA) 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 County R-43 Zoning to Initial City Zoning PAD (Residential), subject to the following conditions:

1. 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.

## Note:

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 Calabria development shall use treated effluent to maintain open space, common areas, and landscape tracts.

2. Right-of-way dedications to achieve full half widths for all streets, including turn lanes and deceleration lanes, per the standards of the Chandler Transportation Plan.
3. 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.
4. Future median openings shall be located and designed in compliance with City adopted design standards (Technical Design Manual # 4).
5. 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.
6. 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.
7. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "Calabria" kept on file in the City of Chandler Planning Services Division, in File NoDVR02-0028, except as modified by condition herein.
8. The covenants, conditions and restrictions (CC & R's) to be filed and recorded with the subdivision shall mandate the installation of front yard landscaping within 180 days from the date of occupancy with the homeowners' association responsible for monitoring and enforcement of this requirement.
9. The landscaping in all open-spaces and rights-of-way shall be maintained by the adjacent property owner or a homeowners' association.

10. Approval by the Director of Planning and Development of plans for landscaping (open spaces and rights-of-way) and perimeter walls and the Director of Public Works for arterial street median landscaping.

11. The homes shall have all copper plumbing for those lines under water pressure.

SECTION II. Except where provided, nothing contained herein shall be construed to be and 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 26<sup>th</sup> day of September 2002.

ATTEST:



Mulata Paddach  
CITY CLERK

[Signature]  
MAYOR

PASSED AND ADOPTED by the City Council of the City of Chandler, Arizona, this 10<sup>th</sup> day of October 2002.

ATTEST:



Mulata Paddach  
CITY CLERK

[Signature]  
MAYOR

**CERTIFICATION**

I, HEREBY CERTIFY, that the above and foregoing Ordinance No. 3401 was duly passed and adopted by the City Council of the City of Chandler, Arizona, at a regular meeting held on the 10<sup>th</sup> day of October 2002, and that a quorum was present thereat.

Mulata Paddach  
CITY CLERK

APPROVED AS TO FORM:

Dennis M. O'Neill  
CITY ATTORNEY

PUBLISHED:

**EXHIBIT "A"**  
**DESCRIPTION**  
**SWC BROOKS FARM & COOPER**

That portion of the Northeast quarter of the Southeast quarter of Section 23, Township 2 South, Range 5 East of the Gila and Salt River Meridian, Maricopa County, Arizona, described as follows:

COMMENCING at the northeast corner of said Southeast quarter;

Thence South 89 degrees 14 minutes 38 seconds West along the north line of said southeast quarter a distance of 33.00 feet to the **POINT OF BEGINNING**.

Thence South 00 degrees 00 minutes 00 seconds East along the west line of the east 33.00 feet of said Southeast quarter, a distance of 330.02 feet;

Thence North 89 degrees 14 minutes 17 seconds East a distance of 33.00 feet to the east line of said Southeast quarter;

Thence South 00 degrees 00 minutes 00 seconds along the east line of the southeast quarter, a distance of 330.01 feet;

Thence South 89 degrees 13 minutes 56 seconds West a distance of 33.00 feet to the west line of the east 33.00 feet of said southeast quarter;

Thence South 00 degrees 00 minutes 00s East along said west line, a distance of 165.01 feet;

Thence North 89 degrees 13 minutes 46 seconds East a distance of 33.00 feet to said east line;

Thence South 00 degrees 00 minutes 00 seconds East along said east line a distance of 165.01 feet to the southerly line of the south half of the north half of the south half of the northeast quarter of said southeast quarter;

Thence 89 Degrees 13 Minutes 35 Seconds West along said southerly line a distance of 1327.89 feet to the westerly line of the easterly half of said southeast quarter;

Thence North 00 degrees 01 minutes 16 seconds East along said westerly line a distance of 660.32 feet;

Thence North 89 degrees 14 minutes 17 seconds East a distance of 16.00 feet;

Thence North 00 degrees 01 minutes 16 seconds East along a line parallel with and 16.00 feet easterly of said westerly line a distance of 330.15 feet to the north line of said southeast quarter;

Thence North 89 degrees 14 minutes 38 seconds East along said north line, a distance of 1278.52 feet to the **POINT OF BEGINNING**.

The above described parcel contains 29.68 acres more or less.

This description is based upon an A.L.T.A./A.C.S.M. Land Title Survey for Vanderbilt Farms prepared by Brady, Aulerich & Associates, Inc. Dated 7/27/00, Job No. 000614 and is not the result of a land survey by CMX.

Prepared by: CMX, L.L.C.  
Project No. 6720  
July 1, 2002



*Paul M. Sowers*