

#13
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Chandler • Arizona
Where Values Make The Difference

MEMORANDUM

Planning and Development – CC Memo No. 07-309

DATE: DECEMBER 20, 2007

TO: MAYOR AND CITY COUNCIL

THRU: W. MARK PENTZ, CITY MANAGER
DOUG BALLARD, PLANNING AND DEVELOPMENT DIRECTOR
JEFF KURTZ, ASSISTANT PLANNING AND DEVELOPMENT DIRECTOR
BOB WEWORSKI, PLANNING MANAGER

FROM: JODIE M. NOVAK, MEP, SENIOR CITY PLANNER

SUBJECT: DVR07-0013 APPLEBY ROAD PROPERTY
Introduction and Tentative Adoption of Ordinance No. 4009

Request: Rezoning from AG-1 (Agricultural) to PAD (Planned Area Development) to allow a light industrial business park with Conceptual Preliminary Development Plan (PDP) on approximately 35 acres

Location: Southwest corner of Appleby Road and the Consolidated Canal, just west of McQueen Road on the south side of Appleby Road

Applicant: Bruce Dunn with Paragon Development Group, LLC

Project Info: Approximately 35 acres planned for a light industrial business park

RECOMMENDATION

Upon finding the Rezoning and conceptual Preliminary Development Plan request to be consistent with the General Plan and Airpark Area Plan, Planning Commission and Staff recommend approval.

BACKGROUND

Appleby Road Property is a planned light industrial business park development located at the southwest corner of Appleby Road and the Consolidated Paseo Canal, west of McQueen Road and the landfill site. Adjacent land uses include a City water reclamation facility on the north side of Appleby Road, several existing single-family residences in the County on the north and south sides of Appleby Road, and County parcels with a tree farm, landscaping company, dog kennel, and a manufactured home storage business on both sides of the street. The site's eastern side abuts the Consolidated Paseo Canal. Properties south of the subject site are zoned Planned

Area Development (PAD) for light industrial, office, and self-storage uses including Centre Pointe Business Park and JMK Self-Storage.

The 35-acre parcel is proposed for light industrial development allowing for uses permitted as a matter of right within the I-1 (Planned Industrial) zoning district. The light industrial uses may include multi-story buildings up to a maximum height of 45 feet. The application requests Rezoning approval with Conceptual Preliminary Development Plan (PDP) approval, changing the zoning from Agricultural (AG-1) to PAD to allow for a light industrial business park.

The Chandler Airpark Area Plan identifies the property as appropriate for Light Industrial use which is defined as low intensity uses such as small manufacturing, warehousing, and distribution, back office space, and high tech uses. The Light Industrial land use has a maximum Floor Area Ratio (FAR) of 0.32. FAR is the ratio of the total floor area of a building to the total land area of the site. The typical site size in the Light Industrial land use is 10 to 200 acres. This rezoning request implements the Area Plan by introducing a light industrial development on a 35-acre parcel. The development will be designed in a campus-like layout for an industrial/business park environment. The minimum lot size is 1-acre (43,560 square feet).

The application request includes Conceptual PDP approval for a development planned to develop in a single-phase or multiple phases. The Conceptual PDP identifies land use, roads, open spaces, and design quality expectations. Development Design Standards for the project identify some specific design criteria as well as other generalized design objectives that will be implemented. The standards would then be incorporated into all future development on the site, which would be reviewed by Staff for permit on an administrative level. The standards include pictorial representations of perimeter walls, intersection corner design, typical lot layout, and building design.

The primary focus of the Development Design Standards is to implement a campus-like environment with individual lot arrangements of buildings, open spaces, and access points. Exact lot subdivision, access points, and open space paths will be a function of administrative review and approval. Standards allow for the development to be reviewed at an administrative level versus individual PDP cases being filed for each lot within the development.

The development will include a pedestrian link to the Consolidated Paseo Canal pathways and incorporate the Consolidated Paseo Canal guidelines for building locations, views, and landscaping. Guidelines include screening equipment and materials from view with a 6-foot high masonry wall, preserve significant view corridors from streets and public areas, and limit length of solid fence walls to provide visually open areas.

The streetscape includes specific street corner landscape themes that vary within the development. Perimeter landscaping will be in conformance with landscaping requirements including low-water use plants with a lush desert theme and turf to accentuate entries. Sidewalks will be patterned near intersections and meander within tree groupings along the streets. Screen walls shielding parking lots from the street view will be uniform in certain design characteristics such as a materials, colors, decorative wall-cap, column designs, and varied heights and/or

breaks in the wall. Screen walls will also integrate with the individual building designs through the use of common materials and color used in the building's architecture.

Buildings will be designed with a consistent character theme throughout the development. Building materials include brick, tilt-up or pre-cast concrete with painted surfaces, stucco with reveals or other designs to break-up large wall planes, granite or other natural stone, ceramic tile, sloped roofs with concrete tile or metal roofing materials, glass windows, architectural concrete block such as split-face or scored block, and architectural metal elements. Each building will have a minimum of two paint colors that are desert hues and earth tones.

Access to the site will be from Appleby Road and Pinelake Way. Right-of-way dedications and improvements will occur at the time of development. Appleby Road is a planned collector street currently unimproved that extends westward to Arizona Avenue. Pinelake Way is a planned collector street that will align with the existing Pinelake Way south of Ocotillo Road. As part of zoning approvals for industrial development to the south, a conceptual road plan was adopted. The road plan indicates locations for collector streets in the area coordinated with the Centre Pointe Business Park and JKM Self-Storage sites to the south. Pinelake Way will serve the subject site as well as other developments.

The Development Booklet requests building and freestanding monument signage to be reviewed through a separate PDP. However, Staff is of the opinion that in lieu of a separate PDP, the development's signs shall comply with Sign Code and be reviewed at the time of building and site construction. Sign Code provides for sign size, amount, type of signage, and quality standards. The applicant agrees to individually mounted, halo-illuminated or non-illuminated reverse pan-channel lettering for all building signs and center identification monument signs. Corporate logos are permitted on buildings. Monument signage will be designed to compliment the building architecture with building materials and colors.

The current property owner does not intend to develop the site and plans to market the site to a developer following Council approval of the rezoning and Conceptual PDP.

AIRPORT COMMISSION

The Airport Commission reviewed the zoning amendment request in accordance with the Airport Conflicts Evaluation Process at their October 10, 2007 meeting. The Airport Manager has issued a conflicts evaluation report indicating that the Airport Commission found that the development request does not constitute a conflict with the existing or planned airport uses on the condition that no Use Permits shall be approved to allow facilities where large numbers of people would gather, single-family residential, or multi-family residential uses. See attached.

The site is being zoned PAD to allow uses permitted as a matter of right in the I-1 zoning district in which uses requiring a Use Permit are not permitted without an amendment to the PAD zoning.

DISCUSSION

Staff is of the opinion that the proposed light industrial business park is in conformance with the Airpark Area Plan, which allows for light industrial development. The Development Design Standards allow for the development to be reviewed at an administrative level versus individual PDP cases being filed for each lot within the development. The design details for site layout, subdivision, and buildings associated with the industrial park development will be identified with the project's construction plans. Business park identification signs and individual corporate signage including building signage will be in compliance with Sign Code, and individual mounted halo-illuminated or non-illuminated reverse pan-channel lettering will be applied on all building signs and center identification monument signs.

PUBLIC / NEIGHBORHOOD NOTIFICATION

- This request was noticed in accordance with the requirements of the Chandler Zoning Code.
- A neighborhood meeting was held on Monday, September 10, 2007. No area property owners attended the meeting.
- Staff is not aware of any opposition or concern with the request. Staff did receive a couple of phone calls from residents along Appleby Road inquiring about the development and plans for the area.

PLANNING COMMISSION VOTE REPORT

Motion to Approve.

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

Planning Commission recommended the addition of four conditions, numbers 16 through 20 below. The conditions address future road improvements and on-site improvements relative to commercial design standards including signage, landscaping, and pedestrian and sitting area features.

RECOMMENDATION

Planning Commission and Staff, upon finding consistency with the General Plan and Airpark Area Plan, recommend approval of DVR07-0013 APPLEBY ROAD PROPERTY, subject to the following conditions:

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "Appleby Business Park", kept on file in the City of Chandler Planning Services Division, in File No. DVR07-0013, 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. 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.
8. The landscaping in all open-spaces and rights-of-way shall be maintained by the adjacent property owner or a property owners' association.
9. 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 Appleby Road Property development shall use treated effluent to maintain open space, common areas, and landscape tracts.

10. The landscaping shall be maintained at a level consistent with or better than at the time of planting.

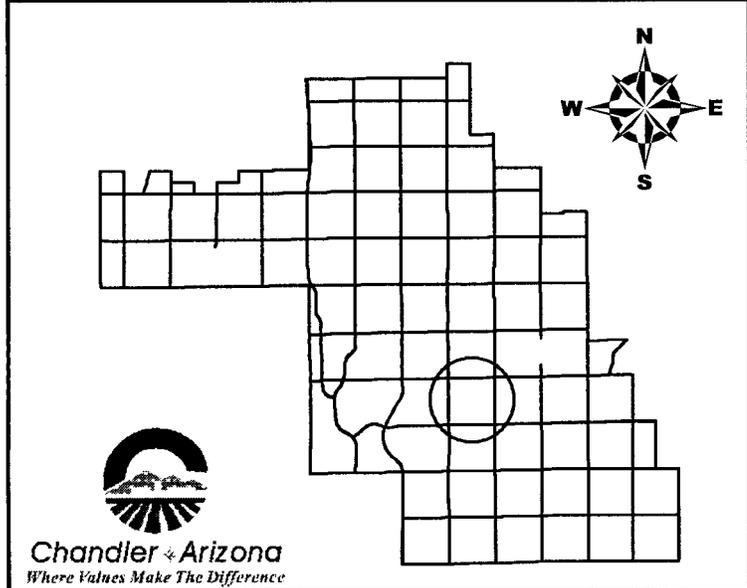
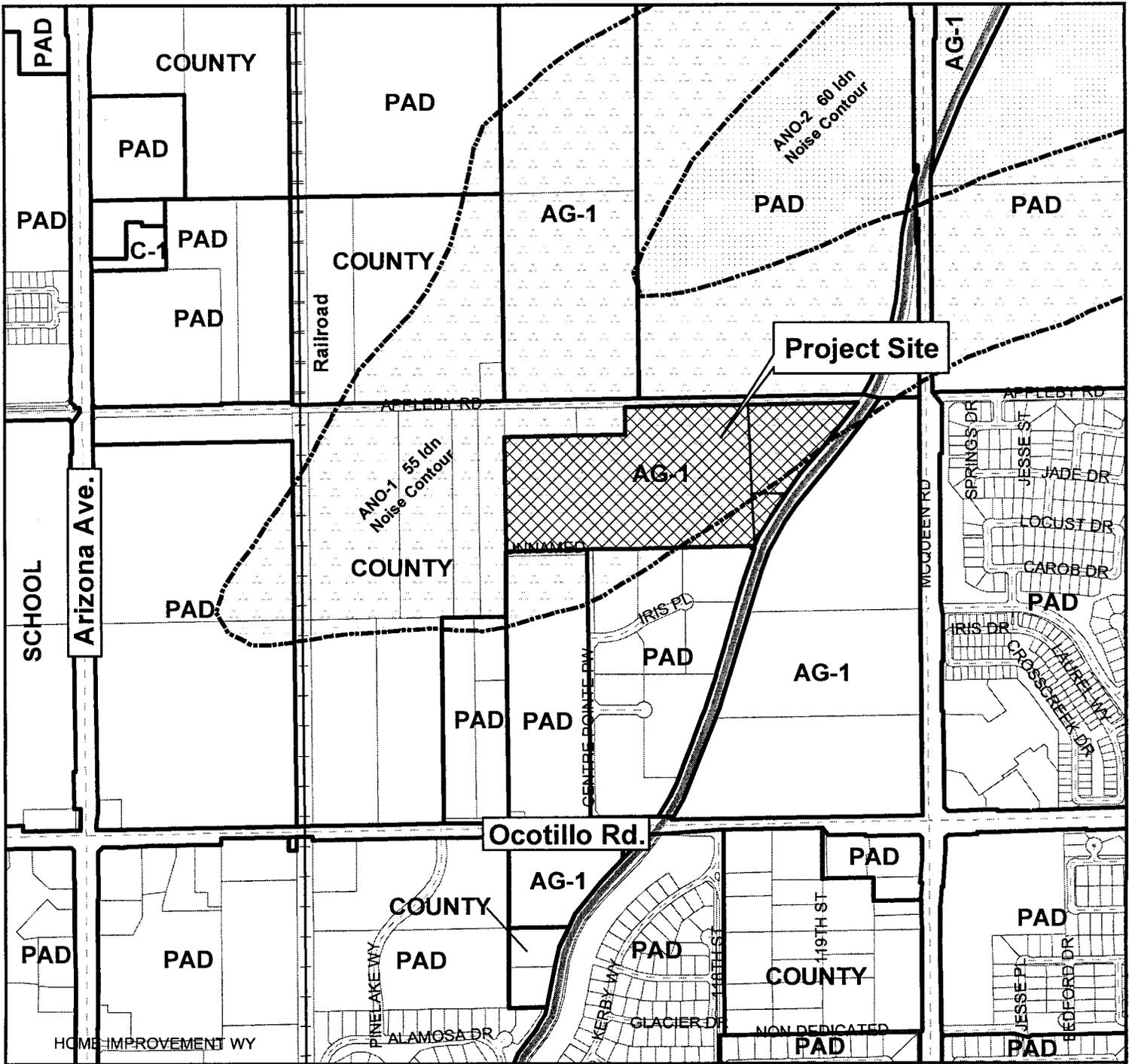
11. The site shall be maintained in a clean and orderly manner.
12. The parking space canopies shall incorporate building materials, forms, and colors to match the development.
13. Sign packages, including free-standing signs as well as wall-mounted signs, shall be designed in coordination with landscape 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.
14. Freestanding monument signs shall be designed to compliment the building architecture with building materials and colors.
15. Business park identification signs and individual corporate signage including building signage shall be in compliance with Sign Code, and individually mounted, halo-illuminated or non-illuminated reverse pan-channel lettering shall be applied on all building signs and center identification monument signs.
16. The development is required to have public roadway access to either Arizona Avenue or Ocotillo Road with a paved roadway, per standards of the Chandler Transportation Plan.
17. All landscaping along arterial and collector streets shall be in conformance with the commercial design standards.
18. No raceway signage allowed.
19. All buildings to incorporate pedestrian sitting areas with water and/or art features. Pedestrian areas to be well shaded by mature landscaping.
20. Applicant to work with Staff to provide landscape design features at all public street entrances within the use of Date Palms and Mexican Palo Verde trees.

PROPOSED MOTION

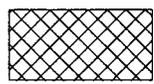
Move to introduce and tentatively adopt Ordinance No. 4009 approving DVR07-0013 APPLEBY ROAD PROPERTY Rezoning from AG-1 (Agricultural District) to PAD (Planned Area Development with Conceptual Preliminary Development Plan, subject to the conditions recommended by Planning Commission and Staff.

Attachments

1. Vicinity Maps
2. Land Use Plan
3. Airpark Area Plan
4. Airport Conflicts Evaluation
5. Development Booklet, Exhibit A
6. Ordinance No. 4009

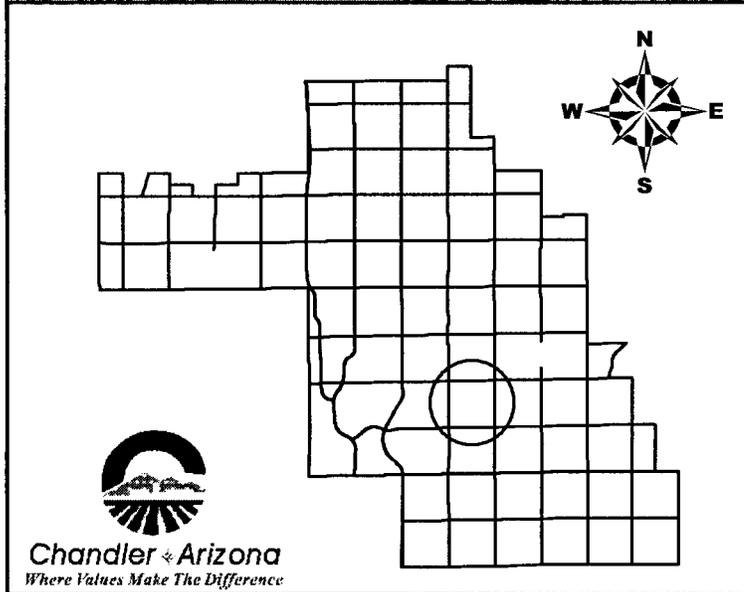
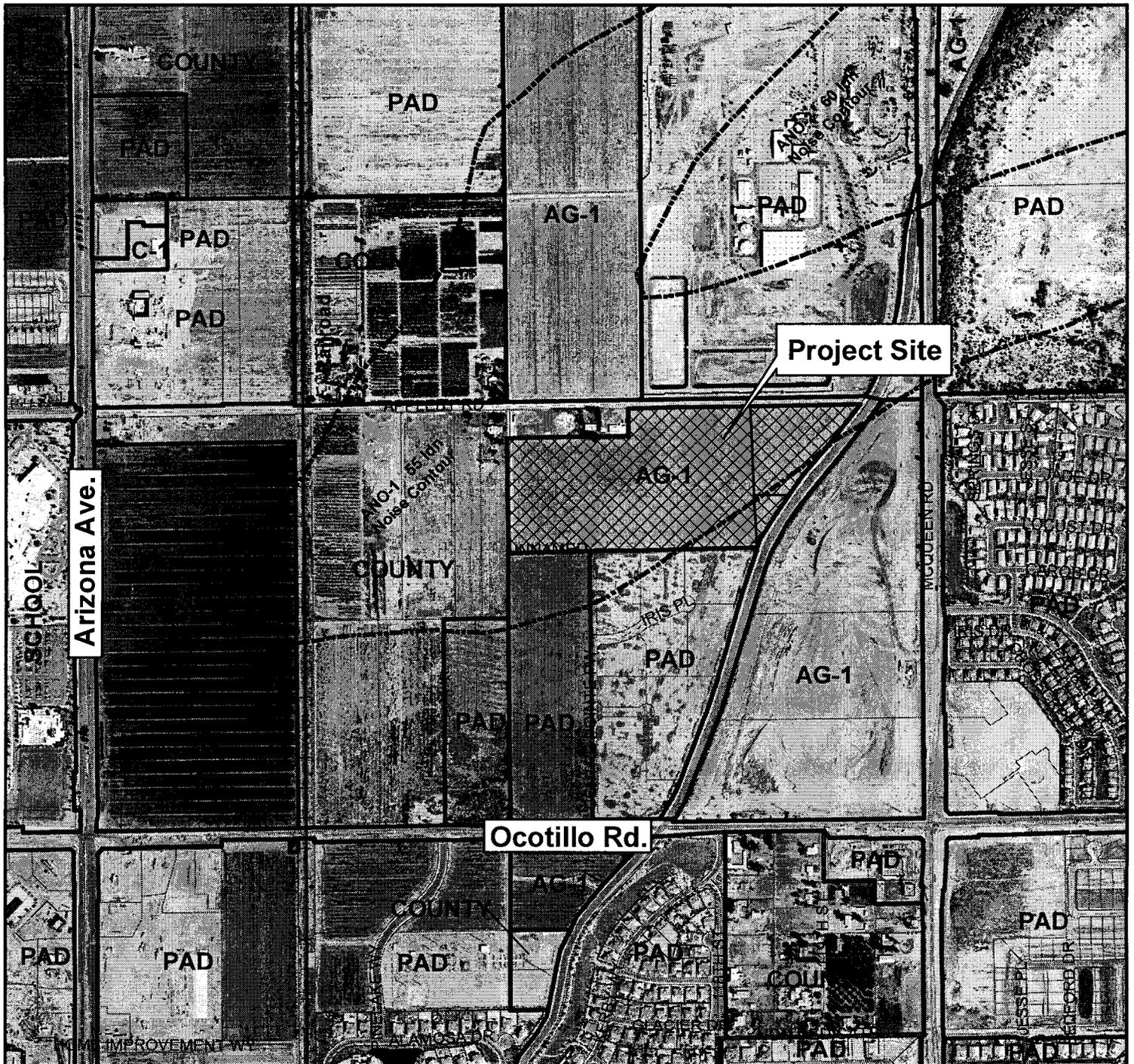


Vicinity Map



DVR07-0013

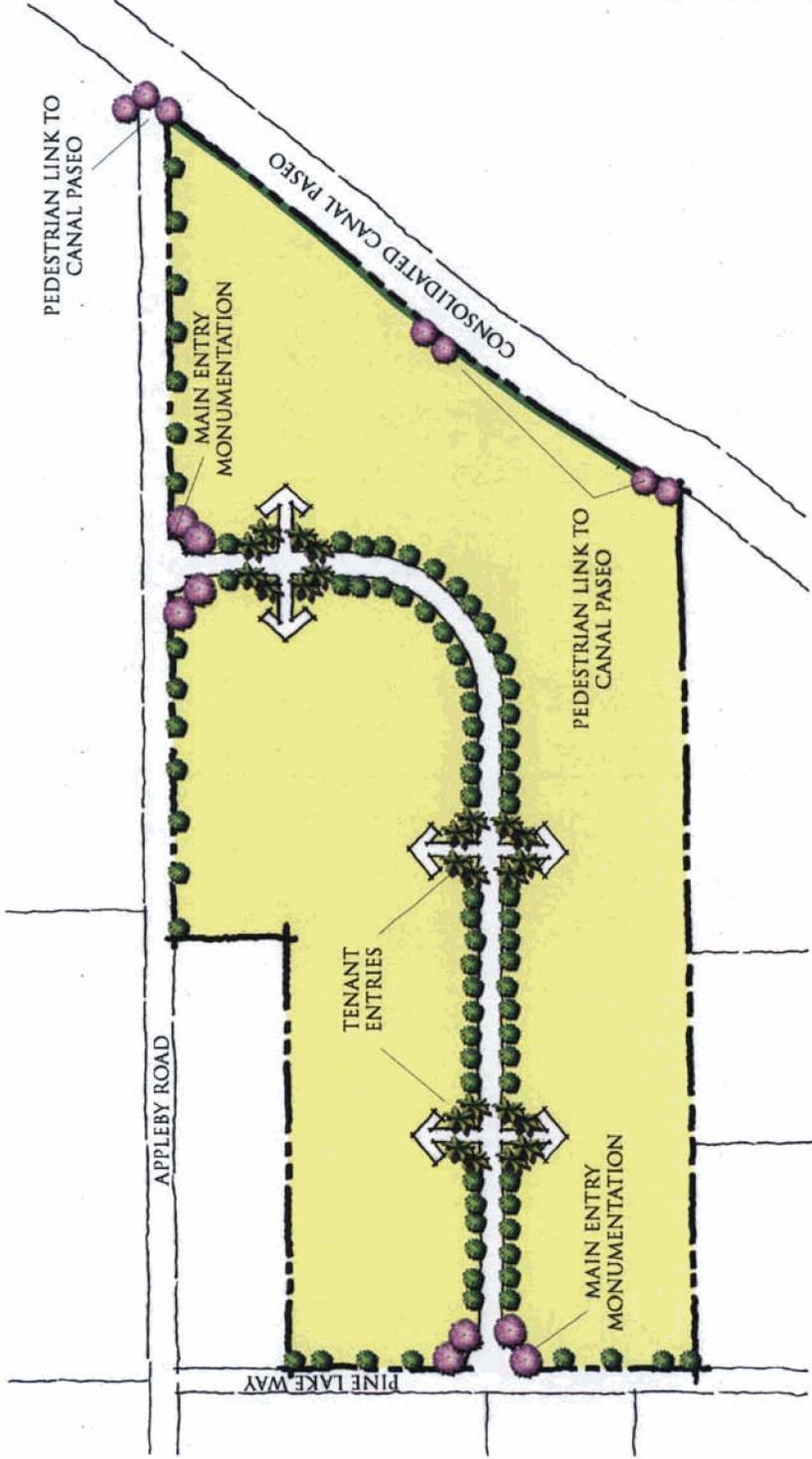
Appleby Road Property



Vicinity Map

 DVR07-0013

Appleby Road Property



PROJECT SUMMARY

SITE INFORMATION:

AREA: 35.5 Acres
 APN: 303-41-012A, 303-41-025,
 303-41-009
 ZONING: Light Industrial

"Boundary is not derived from surveyed base -
 verify with engineer."



KTGY GROUP, INC.
 10000 W. CENTRAL EXPRESSWAY
 SUITE 200
 GILBERT, ARIZONA 85225
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11-30-2007

CONCEPTUAL LAND USE PLAN

Appleby Business Park

Gilbert, Arizona

PARAGON DEVELOPMENT GROUP, LLC.
 96 West Boston Street, Suite 205
 Chandler, Arizona 85225-7873

KTGY NO. 20071023



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MEMORANDUM Public Works – Airport, Staff Memo No. AP08-018

DATE: OCTOBER 12, 2007
TO: JEFF KURTZ, ASST PLANNING AND ZONING DIRECTOR
FROM: GREG CHENOWETH, AIRPORT MANAGER *[Signature]*
SUBJECT: Airport Conflicts Evaluation – Airport Commission findings for the proposed Paragon Group project at SWC of Appleby Road and Consolidate Canal

The Airport Commission discussed the proposed Paragon Group project referred to as the Appleby Business Park, at their regular meeting of October 10, 2007.

Finding: The Commission determined that the Paragon Group project does not constitute a conflict with the existing or planned airport uses on the condition that no future use permits be approved for facilities where large numbers of people would gather, or for single or multi-family dwelling uses.

Conflict(s) Cited: In Chapter 35, Article XXI of the City Code, the Table of Permitted Uses for Nonresidential Districts shows the potential uses possible in an I-1 district (the type of uses requested by the applicant). The point for conflict lies in some of the potential uses shown as requiring a Use Permit. There are several references to uses that would include facilities where large numbers of people could gather to include (but are not limited to) uses such as assembly halls, coliseums and stadiums. Also indicated as being acceptable with a Use Permit are single or multi-family residential uses.

The potential for conflict cited was that the proximity of the project to the extended centerlines of the runway will present a conflict if future Use Permits are approved allowing facilities where a) large numbers of people would gather or b) for single or multi-family dwelling uses.

Conflict Resolution(s): The Commission determined the resolution to the potential conflicts is to stipulate in the project zoning approval that no Use Permits be considered in the future that would allow facilities designed to accommodate large numbers of persons nor single or multi-family dwellings.

The applicant's representative in attendance at the meeting in which the Airport Conflict Evaluation was conducted, stated that the applicant is not planning for any types of uses expressed as being a concern for potential conflict.

Commission Members in Attendance: Stan Olivier, David Church, Chelle Daly, Gary DeHoff, Schuyler McCorkle and Mike Wigfield. This attendance represented a quorum.

In compliance with the Airport Conflicts Evaluation Process, the Commission voted 6-0 to forward a report to the Planning Administrator and City Council indicating the findings noted above.

cc: Bob Weworski, Planning Manager
 Jodie Novak, Sr. City Planner

ORDINANCE NO. 4009

AN ORDINANCE OF THE CITY OF CHANDLER, ARIZONA, AMENDING THE ZONING CODE AND MAP ATTACHED THERETO, BY REZONING A PARCEL FROM AG-1 TO PAD (DVR07-0013 APPLEBY ROAD PROPERTY) 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 AG-1 to PAD, subject to the following conditions:

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "Appleby Business Park", kept on file in the City of Chandler Planning Services Division, in File No. DVR07-0013, 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. 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.
8. The landscaping in all open-spaces and rights-of-way shall be maintained by the adjacent property owner or a property owners' association.
9. 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 Appleby Road Property development shall use treated effluent to maintain open space, common areas, and landscape tracts.

10. The landscaping shall be maintained at a level consistent with or better than at the time of planting.
11. The site shall be maintained in a clean and orderly manner.
12. The parking space canopies shall incorporate building materials, forms, and colors to match the development.
13. 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.
14. Freestanding monument signs shall be designed to compliment the building architecture with building materials and colors.
15. Business park identification signs and individual corporate signage including building signage shall be in compliance with Sign Code, and individually mounted, halo-illuminated or non-illuminated reverse pan-channel lettering shall be applied on all building signs and center identification monument signs.
16. The development is required to have public roadway access to either Arizona Avenue or Ocotillo Road with a paved roadway, per standards of the Chandler Transportation Plan.
17. All landscaping along arterial and collector streets shall be in conformance with the commercial design standards.
18. No raceway signage allowed.
19. All buildings to incorporate pedestrian sitting areas with water and/or art features. Pedestrian areas to be well shaded by mature landscaping.

20. Applicant to work with Staff to provide landscape design features at all public street entrances within the use of Date Palms and Mexican Palo Verde trees.

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 ____ day of _____, 2008.

ATTEST:

CITY CLERK

MAYOR

PASSED AND ADOPTED by the City Council this ____ day of _____, 2008.

ATTEST:

CITY CLERK

MAYOR

CERTIFICATION

I, HEREBY CERTIFY, that the above and foregoing Ordinance No. 4009 was duly passed and adopted by the City Council of the City of Chandler, Arizona, at a regular meeting held on the ____ day of _____, 2007, and that a quorum was present thereat.

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY *GAB*

PUBLISHED:

'A'

December 4, 2006

LEGAL DESCRIPTION FOR
PBI ARIZONA MINT LP
APPLEBY ANNEXATION PARCEL

That part of the Southeast Quarter of Section 15, Township 2 South, Range 5 East of the Gila and Salt River Meridian, Maricopa County, Arizona, more particularly described as follows:

Commencing at the 5/8" bar marking the South Quarter Corner of said Section 15, from which the Brass Cap in handhole marking the Southeast Corner of said Section 15 bears North 89°37'17" East, a distance of 2,613.92 feet;

Thence North 00°00'00" East, along the West line of the Southeast Quarter of said Section 15, a distance of 2,645.73 feet to the 1/2" bar marking the Center of said Section 15;

Thence North 89°36'22" East, along the North line of the Southeast Quarter of said Section 15, a distance of 755.00 feet to a point on a line which is parallel with and 755.00 feet Easterly, as measured at right angles, from the West line of the Southeast Quarter of said Section 15, said point being the True Point of Beginning;

Thence continuing North 89°36'22" East, along said North line, a distance of 1,465.90 feet to the Westerly right-of-way line of the Consolidated Canal as recorded in Book 215 of Maps, Page 8, Maricopa County Records;

Thence along said Westerly right-of-way line of the Consolidated Canal the following courses:

Thence South 38°13'50" West, a distance of 390.69 feet;
Thence South 41°40'14" West, a distance of 211.87 feet;
Thence South 37°49'08" West, a distance of 96.67 feet;
Thence South 34°28'52" West, a distance of 223.85 feet;
Thence South 30°56'11" West, a distance of 155.16 feet;

Thence South 19°10'05" West, a distance of 54.96 feet to the centerline of the Heady Lateral;

Thence South 89°10'28" West, departing said Westerly right-of-way line along said centerline, a distance of 1,554.56 feet to a point on the West line of the Southeast Quarter of said Section 15;

Thence North 00°00'00" East, along said West line, a distance of 718.18 feet to a point on a line which is parallel with and 200.00 feet Southerly, as measured at right angles, from the North line of the Southeast Quarter of said Section 15;

Legal Description for
PBI Arizona Mint LP
Appleby Annexation Parcel
December 4, 2006

Thence North $89^{\circ}36'22''$ East, departing said West line along said parallel line, a distance of 755.00 feet to a point on a line which is parallel with and 755.00 feet Easterly, as measured at right angles, from the West line of the Southeast Quarter of said Section 15;

Thence North $00^{\circ}00'00''$ East, along last said parallel line, a distance of 200.00 feet to the True Point of Beginning.

Containing 35.501 Acres, more or less.

Section corners described in this legal description are depicted on an ALTA/ACSM Land Title Survey of Part of the Southeast Quarter, Section 15, T.2 S., R.5 E., prepared by Weckerly & Associates, Job No. 050507, dated 06/24/05, by Dennis L. Dyer, R.L.S. No. 32778. No field work was performed on this project under my direction or supervision as a basis for the preparation of this legal description.