

#5

NOV 20 2008



Chandler • Arizona
Where Values Make The Difference

MEMORANDUM

Planning & Development - CC Memo No. 08-207

DATE: NOVEMBER 6, 2008

TO: MAYOR AND CITY COUNCIL

THRU: W. MARK PENTZ, CITY MANAGER
JEFF KURTZ, ACTING PLANNING & DEVELOPMENT DIRECTOR *JK*

FROM: KEVIN MAYO, ACTING PLANNING MANAGER *KM*

SUBJECT: DVR08-0031 TRE VICINO
Introduction and Tentative Adoption of Ordinance No. 4116

Request: Amend the Planned Area Development (PAD) zoning to eliminate a zoning condition requiring copper supply plumbing for a residential single-family subdivision

Location: South and east of the southeast corner of Knox Road and Arizona Avenue

Applicant: Bob Mitchell
D.R. Horton, Inc.

Project Info: Approximately 50-acres, 315 total housing units, net density of 6.7 dwelling units per acre

RECOMMENDATION

Upon finding the request to be consistent with the General Plan and in conformance with current building code, Planning Commission and Staff recommend approval.

BACKGROUND

The subject site received a General Plan amendment in November 2004 re-designating the site from Employment and Strip Commercial to Low-Medium Density Residential. The Low-Medium Density Residential category permits residential developments with an allowed density of 3.5-12 dwelling units per acre. Following the General Plan Amendment, the property received Conceptual PAD zoning approval in December 2004 rezoning the site from General Industrial District (I-2) and Regional Commercial District (C-3) to Planned Area Development (PAD), with conceptual PDP approval for a Low-Medium Density Residential Development.

The approval established an aggregate maximum density of 9 dwelling units per acre, with the potential to increase the density to 12 dwelling units per acre subject to approval through the Preliminary Development Plan (PDP) process. The PAD zoning was extended in July 2008 and included PDP approval for the site layout and housing product including a total of 315 homes comprised of three different "for-sale" housing product types with a density of 6.7 dwelling units per acre.

The application requests a zoning amendment to eliminate zoning condition No. 10 of Ordinance No. 3641 which requires copper plumbing for those lines under water pressure. The homebuilder is requesting to eliminate the stipulation to allow the use of an alternative plumbing material, cross-linked polyethylene (pex) piping.

On January 27, 2005 Council adopted the 2003 International Code (I-Code). Pex piping is specifically addressed in the I-Code and is a permitted material. Currently the use of any other material, other than copper, for lines under water pressure is prohibited through a zoning condition. Even though pex piping is an approved material, it may not be used in a subdivision where copper plumbing has already been conditioned without the developer returning to Council to have the zoning condition removed.

Every national plumbing code now permits the installation of pex as an approved hot and cold-water distribution system. The use of any material other than copper is prohibited through zoning condition. Therefore, even though pex is an approved material, it may not be used in a subdivision where copper has already been conditioned without the developer returning to Council to have the zoning condition removed. Pex may be used in future subdivisions if the copper stipulation is not in place.

There are many positives that arise from the use of pex plumbing over copper plumbing. Pex plumbing is more flexible allowing for easier maneuverability and installation. Pex plumbing is freeze resistant and can withstand temperatures up to 180 degrees for plumbing uses. Pex plumbing is corrosive resistant and non-toxic.

PUBLIC / NEIGHBORHOOD NOTIFICATION

- This request was noticed in accordance with the requirements of the Chandler Zoning Code.
- As of the date of this memo, Staff is not aware of any opposition or concerns with this request.

PLANNING COMMISSION VOTE REPORT

Motion to Approve.

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

RECOMMENDED ACTION

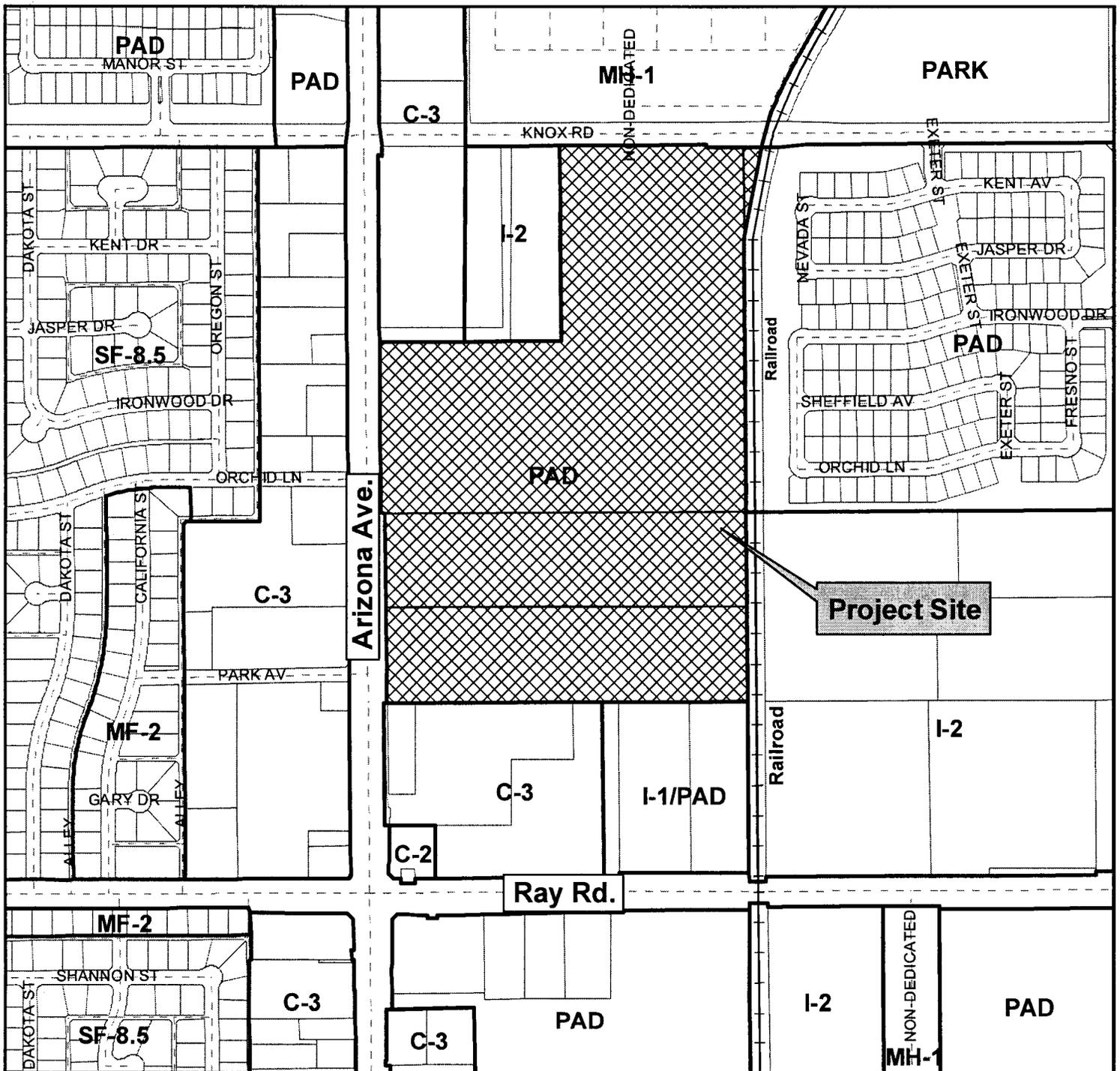
Planning Commission and Staff, upon finding consistency with the General Plan, recommend approval to eliminate the zoning condition, Condition No. 10, requiring copper plumbing for lines under water pressure.

PROPOSED MOTION

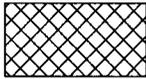
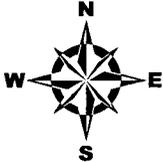
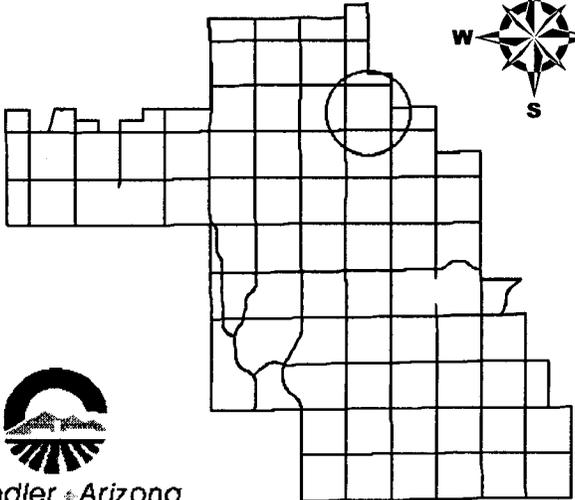
Move to introduce and tentatively adopt Ordinance No. 4116 approving DVR08-0031 TRE VICINO Rezoning amendment from PAD to PAD as recommended by Planning Commission and Staff.

Attachments

1. Vicinity Maps
2. Preliminary Plat
3. Original Ordinance No. 3641
4. Ordinance No. 4116



Vicinity Map

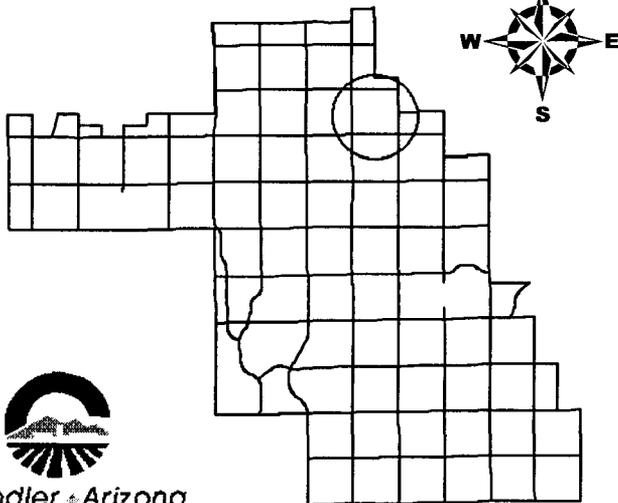


DVR08-0031

Tre Vicino



Vicinity Map



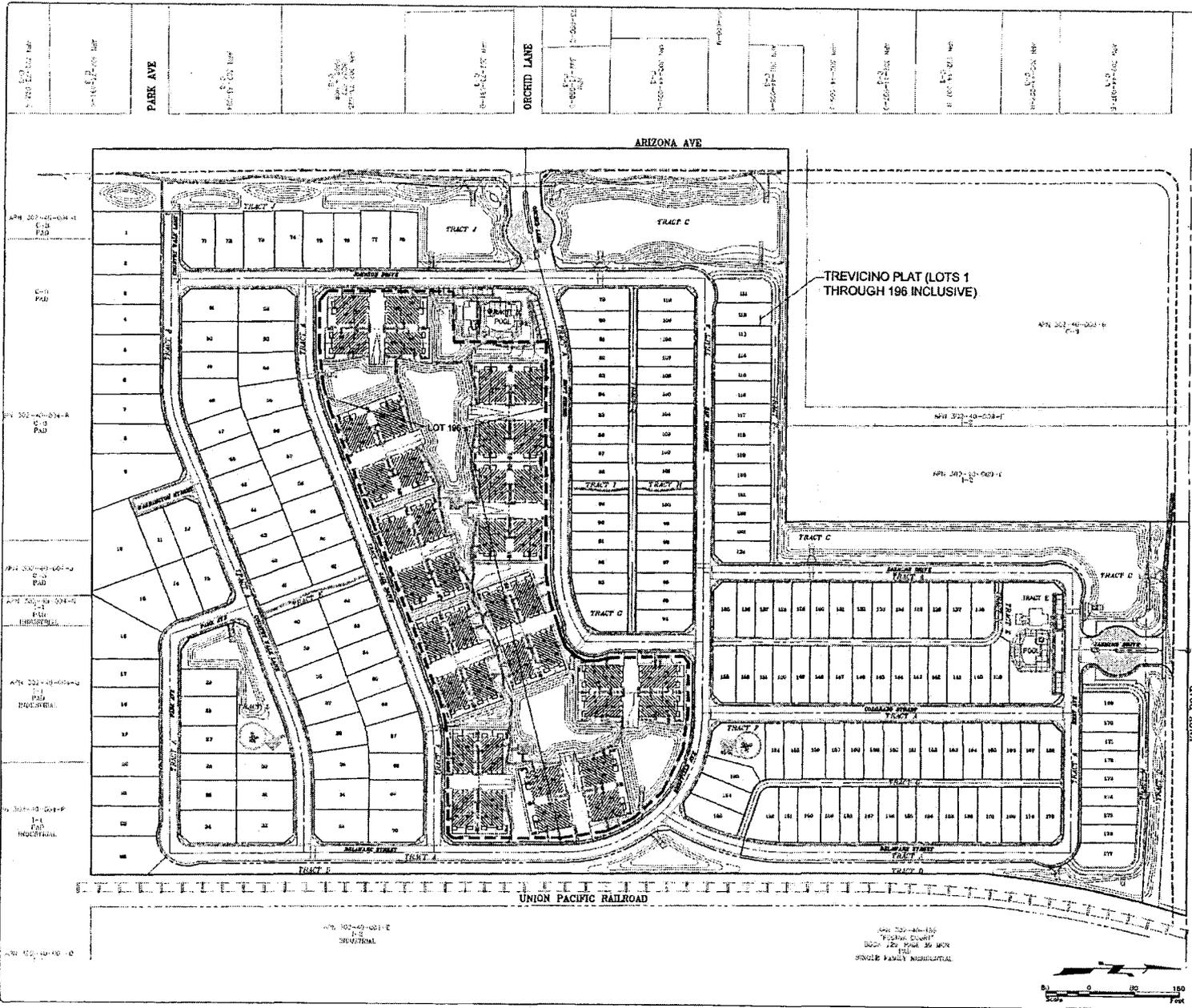
DVR08-0031

Tre Vicino



Chandler, Arizona
Where Values Make The Difference

CITY OF CHANDLER 8/1/2008



NOTE: "TREVICINO" SUBDIVISION INCLUDES LOTS 1 THROUGH 196 AND A POOL/REC BUILDING IN TRACT B AND TRACT E.

"THE MANORS @ TREVICINO" WILL BE A CONDOMINIUM PLAT, A RESUBDIVISION OF LOT 196 OF "TREVICINO"

ATWELL-HICKS DEVELOPMENT CONSULTANTS
 Planning, Engineering, Surveying, and Construction Services
 4700 E. SUPERIOR, SUITE 200, MESA, AZ 85205
 TEL: 480.944.8888 FAX: 480.944.8889

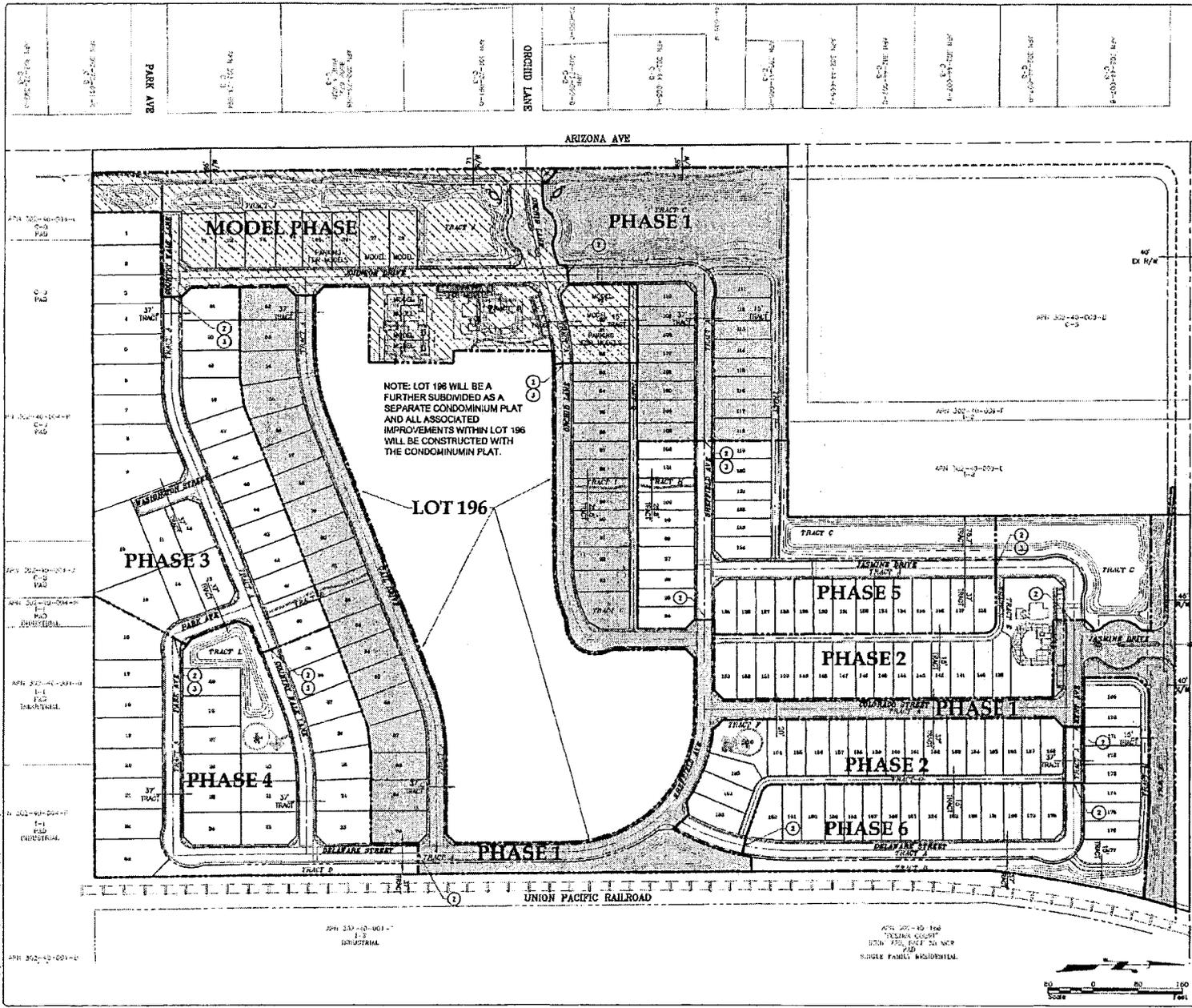
PROJECT: TREVICINO
 SUBDIVISION PLATTING LIMITS

811

JOB NO. 07001855
 SHEET NO. P102
 CADS FILE NO. 07001855P01

SHEET NO. 2 OF 5

C.C.C. LOG NO. P102-008



CONSTRUCTION NOTES

- 1) THE MASS GRADING FOR THE ENTIRE SUBDIVISION IS TO BE COMPLETED IN PHASE 1. THE MASS GRADING FOR THE ENTIRE SUBDIVISION IS TO BE COMPLETED IN PHASE 1.
- 2) WATER AND SEWER TO BE INSTALLED IN PHASE 1 AND CONNECTED TO THE MAIN LINES.
- 3) TEMPORARY FENCE AND SIGNAGE TO BE INSTALLED FOR THE ENTIRE PERIOD OF CONSTRUCTION.

CONSTRUCTION PHASING PLAN:
THE PURPOSE OF THIS SHEET IS TO SHOW:

- 1) THE LOCATION OF THE MODELS AND ASSOCIATED PARKING
- 2) LIMITS OF OTHER CONSTRUCTION PHASE LINES
- 3) LOCATION OF "NO-PARKING" ZONES

NO PARKING ZONE

- NOTES:
- 1) THERE ARE NO EXISTING BUILDINGS OR STRUCTURES ON THIS SITE.
 - 2) EXCEPT FOR LOCAL IRRIGATION DITCHES SERVING THIS PROPERTY ONLY, THERE ARE NO WELLS, STREAMS, DRAINAGE BASINS OR OTHER WATER FEATURES ON THIS SITE.
 - 3) THE EXISTING IRRIGATION DITCHES WILL BE ABANDONED BY THE PROJECT.
 - 4) NO PORTION OF THIS SITE IS WITHIN A FEMA 100-YEAR FLOOD ZONE.

811
Call before you dig

THE LOCATION OF EXISTING UNDERGROUND UTILITIES ARE SHOWN AS AN APPROXIMATION AND SHOULD BE VERIFIED BY THE CONTRACTOR. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE LOCATION OF ALL UTILITIES BEFORE CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE LOCATION OF ALL UTILITIES BEFORE CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE LOCATION OF ALL UTILITIES BEFORE CONSTRUCTION.

ATWELL-HICKS DEVELOPMENT CONSULTANTS
Engineering Planning Erosion Control
Surveying Environmental Water Resources
4703 E. Southern Avenue, Mesa, AZ 85206
PH: 480.219.8831 FX: 480.231.4058

TREVICINO
CHANDLER, ARIZONA

CONSTRUCTION STAGING PLAN PH01

JOB NO. 07001555
FILE CODE: 07001555-SP
CADD FILE NO. 07001555PH01
SHEET NO. 3 OF 5

C.O.C. LOG NO. PT08-0008

#8

JAN 13 2005

APPROVED BY
CHANDLER CITY COUNCIL

JAN 13

ORDINANCE NO. 3641

CITY CLERK'S OFFICE

AN ORDINANCE OF THE CITY OF CHANDLER, ARIZONA, AMENDING THE ZONING CODE AND MAP ATTACHED THERETO, BY REZONING A PARCEL FROM GENERAL INDUSTRIAL DISTRICT (I-2) AND REGIONAL COMMERCIAL DISTRICT (C-3) TO PLANNED AREA DEVELOPMENT (PAD) (DVR04-0005 TRE VICINO) 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 I-2 and C-3 to PAD, subject to the following conditions:

1. Right-of-way dedications to achieve full half widths for Arizona Avenue and Knox Road, including turn lanes and deceleration lanes, per the standards of the Chandler Transportation Plan.

2. Undergrounding, if applicable, of all overhead electric (under 69KV), communications and television lines and any open irrigation ditches or canals located on the site or within adjacent right-of-ways and/or easements in accordance with City adopted design and engineering standards.
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, where applicable, 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. The developer shall be required to install landscaping in the arterial street median adjoining this project to meet current City standards. 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.
5. 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.
6. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "Tre Vicino" kept on file in the City of Chandler Current Planning Division, in file no. DVR04-0005, except as modified by condition herein.
7. 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.
8. The landscaping in all open spaces and rights-of-way as well as all perimeter fences and view walls, shall be maintained by the adjacent property owner or homeowners' association.
9. Approval by the Director of Planning and Development of plans for landscaping (open spaces and rights-of-way) and perimeter walls, and by the Public Works Director for arterial street median landscaping.
10. The homes shall have all copper plumbing lines for those lines under pressure.

APPROVED AS TO FORM:

D.O.
CITY ATTORNEY

PUBLISHED:

LEGAL DESCRIPTION

PARCEL NO. 1:

THE NORTH HALF OF THE NORTH HALF OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 22, TOWNSHIP 1 SOUTH, RANGE 5 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA.

PARCEL NO. 2:

THE SOUTH HALF OF THE NORTH HALF OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 22, TOWNSHIP 1 SOUTH, RANGE 5 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA.

PARCEL NO. 3:

THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 22, TOWNSHIP 1 SOUTH, RANGE 5 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA;

EXCEPT THE WEST 687.77 FEET OF THE NORTH 723.00 FEET.

PARCEL NO. 4:

A PARCEL OF LAND LOCATED IN THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 22, TOWNSHIP 1 SOUTH, RANGE 5 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, LYING WEST OF THE WEST RIGHT-OF-WAY OF THE SOUTHERN PACIFIC RAILROAD, DESCRIBED AS FOLLOWS:

BEGINNING 1334.7 FEET EAST AND 45.0 FEET SOUTH OF THE WEST QUARTER CORNER OF SECTION 22;

THENCE NORTH 89 DEGREES 42 MINUTES 40 SECONDS EAST, 62.7 FEET;

THENCE SOUTHWESTERLY ALONG THE WESTERLY RIGHT-OF-WAY LINE OF THE SOUTHERN PACIFIC RAILROAD ON A 3 DEGREES 9 MINUTES CURVE TO THE LEFT (THE CURVE HAVING A RADIUS OF 1818.91 FEET AND A CENTRAL ANGLE OF 10 DEGREES 09 MINUTES 20 SECONDS), A DISTANCE OF 322.4 FEET;

THENCE NORTH 0 DEGREES 27 MINUTES 20 SECONDS WEST, 316.0 FEET TO THE **POINT OF BEGINNING**;

EXCEPT THAT PART OF THE ABOVE DESCRIBED PARCEL NOS. 3 AND 4, AS CONVEYED TO THE CITY OF CHANDLER BY DEED RECORDED AT DOCUMENT NO. 87-668407 AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING FOR A TIE AT THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 22;

THENCE SOUTH 89 DEGREES 42 MINUTES 40 SECONDS WEST (ASSUMED BEARING) ALONG THE EAST-WEST MIDSECTION LINE OF SAID SECTION 22, A DISTANCE OF 130.11 FEET;

THENCE SOUTH 00 DEGREES 17 MINUTES 20 SECONDS EAST, A DISTANCE OF 40.00 FEET TO THE TRUE POINT OF BEGINNING;

THENCE NORTH 89 DEGREES 42 MINUTES 40 SECONDS EAST, PARALLEL WITH AND 40.00 FEET SOUTH OF THE EAST-WEST MIDSECTION LINE OF SAID SECTION 22, TO THE EAST LINE OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 22, A DISTANCE OF 130.00 FEET MORE OR LESS;

THENCE SOUTHERLY ALONG THE EAST LINE OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 22, A DISTANCE OF 5.00 FEET;

THENCE NORTH 89 DEGREES 42 MINUTES 40 SECONDS EAST, PARALLEL WITH AND 45.00 FEET SOUTH OF THE EAST-WEST MIDSECTION LINE OF SAID SECTION 22, TO THE WESTERLY RIGHT-OF-WAY LINE OF THE SOUTHERN PACIFIC RAILROAD, A DISTANCE OF 63.00 FEET, MORE OR LESS;

THENCE SOUTHERLY ALONG THE WESTERLY RIGHT-OF-WAY LINE OF THE SOUTHERN PACIFIC RAILROAD TO THE SOUTH LINE OF THE NORTH 50.00 FEET OF THE SOUTHWEST QUARTER OF SAID SECTION 22, A DISTANCE OF 5.00 FEET, MORE OR LESS;

THENCE WESTERLY, A DISTANCE OF 192.00 FEET, MORE OR LESS, TO THE TRUE POINT OF BEGINNING; AND

EXCEPT ANY PORTION OF THE ABOVE DESCRIBED PARCEL NOS. 1, 2, 3, AND 4, LYING WITHIN THAT CERTAIN STRIP OF LAND AS CONVEYED TO THE ARIZONA EASTERN RAILROAD COMPANY AND MORE PARTICULARLY DESCRIBED IN DEED RECORDED IN BOOK 101 OF DEEDS, PAGE 256.

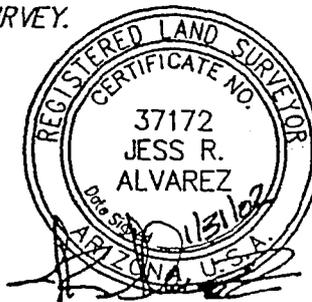
CERTIFICATE OF SURVEY

TO:

1) DRHI, INC., A DELAWARE CORPORATION

2) FIRST AMERICAN TITLE INSURANCE COMPANY

THIS IS TO CERTIFY THAT, TO THE BEST OF MY KNOWLEDGE AND BELIEF, THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE (i) IN ACCORDANCE WITH "MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/ACSM LAND TITLE SURVEYS" JOINTLY ESTABLISHED AND ADOPTED BY ALTA, ACSM AND NSPS IN 1999, AND INCLUDES ITEMS 1, 2, 3, 4, 8, 10 AND 11A OF TABLE A THEREOF, AND (ii) PURSUANT TO THE ACCURACY STANDARDS (AS ADOPTED BY ALTA AND ACSM AND IN EFFECT ON THE DATE OF THIS CERTIFICATION) OF AN URBAN CLASS SURVEY.



JESS R. ALVAREZ, R.L.S. 37172

DATE

ORDINANCE NO. 4116

AN ORDINANCE OF THE CITY OF CHANDLER, ARIZONA, AMENDING THE ZONING CODE AND MAP ATTACHED THERETO, BY AMENDING A PORTION OF A PARCEL ZONED PLANNED AREA DEVELOPMENT (PAD) TO ELIMINATE ZONING CONDITION NO. 10 OF ORDINANCE NO. 3641 REQUIRING COPPER PLUMBING AS APPROVED IN CASE DVR04-0005 TRE VICINO, 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 Properties:

See Attachment 'A'.

Said parcel is hereby rezoned to delete Condition No. 10 of Ordinance No. 3641 requiring copper plumbing in case DVR04-0005 Tre Vicino.

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.

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PARCEL NO. 3:

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EXCEPT THE WEST 687.77 FEET OF THE NORTH 723.00 FEET.

PARCEL NO. 4:

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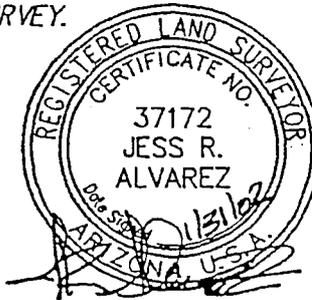
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