

# CITY OF TEMPE DEVELOPMENT REVIEW COMMISSION

Meeting Date: 08/23/2022

Agenda Item: 3

**ACTION:** Request a Preliminary Subdivision Plat consisting of five (5) lots and a street dedication for CARVANA located at 1275 West Rio Salado Parkway. The applicant is Wood Patel & Associates, Inc.

**FISCAL IMPACT**: There is no fiscal impact on City funds.

**RECOMMENDATION:** Approve, subject to conditions

BACKGROUND INFORMATION: CARVANA (PL210061) is located on the south east corner of Priest Drive and Rio Salado Parkway, inclusive of eleven lots, five which will be conveyed by the City of Tempe and one with an existing office building. The site is zoned General Industrial District and site is within the Character Area Three Planning Area. The eastern side the site is within State Plat Number Twelve, and the remainder has never been platted. On September 9, 2021 City Council approved a Planned Area Development Overlay and Development Plan Review to replace existing PADs for Tempe Landing and Riverside Office III. The resulting new PAD requires a preliminary and final subdivision plat to reconfigure the parcels into new lots based on the new site configuration. The approved project adds two new office buildings, two parking structures, and relocates the first street connection to Rio Salado Parkway further east with a signalized intersection adjacent to the existing Riverside II offices to the east. The portion of the site north of the First Street alignment is located within the Rio Salado Overlay District. To fulfill the conditions of approval of the Planned Area Development, the applicant is requesting approval of the Preliminary Subdivision Plat from the Development Review Commission. To complete the process, a Final Subdivision Plat will be presented to City Council. The request includes the following:

SBD220007 Preliminary Subdivision Plat consisting of five (5) lots and a street dedication.



Property Owner

Applicant

Zoning District Gross / Net site area

Lot 1 Lot 2 Lot 3 Lot 4

Lot 5

Matt Brucker, Verde Opportunity Health, LLC &

Verde Opportunity Tempe, LLC

Gabriel Rios, Wood Patel & Associates, Inc.

GID PAD

15.31 acres / 13.99 net acres

2.6526 acres 2.0076 acres 2.1475 acres 3.1724 acres 2.5435 acres

**ATTACHMENTS:** Development Project File

STAFF CONTACT(S): Diana Kaminski, Senior Planner (480) 858-2391

Department Director: Jeff Tamulevich, Community Development Director

Legal review by: N/A

Prepared by: Diana Kaminski, Senior Planner Reviewed by: Suparna Dasgupta, Principal Planner

#### COMMENTS

This site is located on the south east corner of Priest Drive and Rio Salado Parkway, south of 202 Freeway and Salt River Channel, east of Sky Harbor International Airport and west of Tempe Town Lake and Downtown Tempe. The Tempe Public Works facility is across the street to the north, an office complex and hotel are located west of Priest, Sunset Neighborhood with residential uses is located directly south of the site, and Riverside II Office center is adjacent to the property to the east. The site is located within the Character Area 3 Downtown Tempe Rio Salado ASU Northwest Neighborhoods Character Planning Area. The proposed development requires relocation of the First Street leg connection to Rio Salado, moving this to the eastern end of the site and providing a new entrance for the offices to the east. A development and disposition agreement has been entered into for conveyance of the existing First Street leg and city parcels, with dedication of new right of way for the new public street connection. A traffic signal is proposed at this location to facilitate traffic movements for the development and neighborhood from the south, and for public works solid waste services from the north.

#### Conclusion

Based on the information provided and the above analysis, staff recommends approval of the requested Preliminary Subdivision Plat. The properties will have access to public streets and conform to the technical standards of the Tempe City Code for Subdivisions, Chapter 30.

#### **CONDITIONS OF APPROVAL:**

EACH NUMBERED ITEM IS A CONDITION OF APPROVAL. THE DECISION-MAKING BODY MAY MODIFY, DELETE OR ADD TO THESE CONDITIONS.

- A final subdivision plat is required for this development and shall be recorded prior to issuance of building permits.
   Alternatively, the Owner's execution of a Covenant and Agreement to Hold Property as One Parcel may be permitted in lieu of recording the subdivision plat while the plat is being finalized. If this occurs, the final plat must be recorded prior to issuance of the first Certificate of Occupancy.
- 2. Provide evidence of a cross drainage agreement to the Planning division prior to recordation of the final subdivision plat.
- 3. The property owner shall record an off-site refuse agreement between all lots and provide evidence of such agreement to the Planning Division prior to recordation of the subdivision plat.
- 4. The property owner shall sign and submit an agreement providing an easement for a common driveway for City emergency and trash collection vehicles among and between all lots and submit recordable exhibits, when necessary, to the Planning Division prior to recordation of the subdivision plat.
- 5. The plat shall provide a note to reference the cross-access agreement between and among all lots. Provide evidence of such agreement to the Planning Division prior to recordation of the final subdivision plat.
- 6. The property owner shall record a Parking Affidavit(s) with the Community Development Department for shared use of the parking between all lots to satisfy the minimum required parking spaces for each new lot. The completed (but unrecorded) affidavit shall be submitted to the Planning Division prior to recordation of the final subdivision plat.

#### **CODE/ORDINANCE REQUIREMENTS:**

THE BULLETED ITEMS REFER TO EXISTING CODE OR ORDINANCES THAT PLANNING STAFF OBSERVES ARE PERTINENT TO THIS CASE. THE BULLET ITEMS ARE INCLUDED TO ALERT THE DESIGN TEAM AND ASSIST IN OBTAINING A BUILDING PERMIT AND ARE NOT AN EXHAUSTIVE LIST.

DEADLINE: Preliminary Subdivision Plat approval shall be valid for a period of twelve (12) months from the date of Commission approval. Failure to submit a Final Subdivision Plat application within 12 months shall make the Preliminary Plat null and void.

PL220061 – CARVANA Page 2

#### **HISTORY & FACTS:**

1930-1964

According to Maricopa County historic aerials, the site was located within the alluvial overflow of the Salt River, the northern portion being used for agricultural purposes and the southern portion along Priest remaining natural desert topography. A few small buildings, potentially residences, were constructed on the north eastern portion during this time.

1954

State Plat Number 12 was amended, including lots 15-19 located on the north side of First Street, at the east end of this proposed development site. These five lots would later be purchased by the City of Tempe. The remainder of the properties within this development have parcel lines and numbers assigned by the assessor's site but are part of a land patent area which has never been platted.

1969

The first street alignment connected to Priest Drive, with residential development occurring in the neighborhood to the south. Sand and gravel mining operations are visible in aerial photos to the north of Rio Salado Parkway.

1976

The first sign of the power utility corridor is visible in aerial images on this property and buildings are constructed at the north west corner of what is now Rio Salado Parkway and Priest, however Rio Salado Parkway was not developed at this time, First Street was the connecting intersection with Priest.

1986

Residential uses north of First Street were removed sometime between 1982 and 1986. The neighborhood to the south was fully developed. The Public Works maintenance yard and buildings were developed to the north.

1991

First Street was relocated to abandon the western end connecting to Priest Drive and to create a north/south leg connecting to Rio Salado Parkway. Tempe bought the property for a water treatment plant.

August 26, 1998

Board of Adjustment (BA980237) took the following actions on a request for a hotel at 235 South Priest Drive in the I-1, Light Industrial District:

- a. Denied a variance to allow building materials other than reinforced concrete or masonry in the I-1 District.
- b. Granted a use permit to allow a 156-room hotel on 4.98 acres in an Industrial District.
- c. Approved a variance to increase the maximum allowable building height for the proposed hotel from 30' to 50' in the I-1 District. The height variance was specific to the hotel lapsed on August 27, 1999 when the hotel project was not completed.

Note: the hotel site included the southern portion of the proposed Tempe Landing site. At the time of the hotel proposal, First Street connected directly to Priest Drive.

November 17, 1999

Design Review Board (DRB99327) approved the building elevations, site plan and landscape plan for Wilson Electric Corporate Headquarters located at 235 South Priest Drive in the I-1, Light Industrial District and Rio Salado Overlay District. This is the existing office building at the south east corner of the proposed development site.

March 15, 2005

Redevelopment Review Commission approved building elevations, site plan and landscape plan for two office buildings that make up Plaza del Rio Phase I (Now Riverside Office Plaza Phase I) located at 1061 West Rio Salado Parkway in the General Industrial District and is within the Rio Salado Overlay District.

May 17, 2006 Design Review Board approved building elevations, site plan and landscape plan for two office buildings that make up Riverside Office Plaza Phase II located at 1215 and 1255 West Rio Salado Parkway in the General Industrial District and is within the Rio Salado Overlay District. January 4, 2007 Project Review Committee of the Rio Salado Advisory Commission recommended approval of Riverside Office Plaza Phase III. The presentation by planning staff using drawing exhibits from the PAD06015 submittal describe a proposed 77'-0" high office building and a two-level parking garage. The Committee determined the use is appropriate and the project furthers the goals of the Rio Salado District. January 23, 2007 Development Review Commission approved the request for Riverside Office Plaza Phase III, for a Development Plan (DPR06136) including site plan, building elevations and landscape plan, and approved a recommendation to City Council of a Planned Area Development Overlay (PAD06015) for 6.96 acres located at 1275 West Rio Salado Parkway. March 01, 2007 City Council approved a Planned Area Development Overlay to allow a height increase from 35'-0" to 77'-0" for Riverside Office Plaza Phase III, consisting of a four-story office building and a twolevel parking garage, located at 1275 West Rio Salado Parkway. May 03, 2007 City Council approved a request for a final subdivision plat to combine seven adjacent parcels into one lot on 6.968 net acres. This approval was allowed to expire for lack of recordation of the plat within one year of the City Council approval. January 3, 2008 Rio Salado Advisory Commission recommended approval of Tempe Landing Office Development based on review of the preliminary P.A.D. March 25, 2008 Rio Salado Advisory Commission recommended approval of Tempe Landing Office Development based on review of the revised P.A.D. The Development Review Commission recommended approval of the P.A.D. Overlay request to April 22, 2008 the City Council for Tempe Landing located at 125 South Priest Drive in the GID, General Industrial District and the Rio Salado Overlay District. May 15, 2008 The City Council introduced and held the first public hearing for a Planned Area Development Overlay for Tempe Landing located at 125 South Priest Drive. June 5, 2008 City Council held the second and final public hearing for Tempe Landing PAD Overlay. The approval included two six-story office buildings totaling 420,406 s.f. with a seven-story parking structure of 516,892 s.f. located behind the office building on 7.68 acres at the corner of Rio Salado and Priest. The lot coverage was 46%, landscape area was 34%, building heights for the offices were 101' and for the garage was 96'. Setbacks to the north on Rio Salado were 30'11", to the west on Priest were 46'1", to the east were 25'6", to the south were 30'6". The site was approved for 1,568 vehicle parking spaces and 56 bicycle parking spaces. August 26, 2008 The Rio Salado Advisory Commission recommended approval of the revised Riverside Office Plaza Phase III. The presentation by planning staff of Site Plan Review drawing exhibits that were later developed into the PAD08021 submittal describe a 60'-0" high office building and a 75'-0" tall hotel. This proposal replaces a proposed 77'-0" high office building and a two-level parking garage. Commission determined the revised use is appropriate and the project furthers the goals of the Rio Salado District.

Development Review Commission approved the Riverside Office Plaza Phase III Development Plan Review including site plan, building elevations and landscape plan, and approved a Use Permit to

January 13, 2009

allow a hotel in the General Industrial District, and recommended approval to City Council for an Amended Planned Area Development Overlay to allow a maximum 77'-0" tall five-story hotel and a maximum 52'-0" tall three-story office with no parking structure located at 1275 West Rio Salado Parkway in the General Industrial District with a Planned Area Development Overlay and is within the Rio Salado Overlay District.

February 05, 2009

The City Council held the first public hearing for Riverside Office Plaza Phase III for an Amended Planned Area Development Overlay to allow a maximum 77'-0" tall hotel and a maximum 52'-0" tall office. The project is located at 1275 West Rio Salado Parkway in the General Industrial District with a Planned Area Development Overlay and is within the Rio Salado Overlay District or the six parcels located east of the First Street vertical leg connection to Rio Salado Parkway:

With the exception of the office building in the south east corner, none of the other entitlements were developed and the site has remained vacant.

June 22, 2021

Development Review Commission recommend approval (6-1 vote, Commissioner Amorosi dissenting) of the request for a Planned Area Development Overlay and a Development Plan Review for one existing office building, two new three-story office buildings and two parking structures for a total of 784,665 s.f. for CARVANA located at 1275 West Rio Salado Parkway. The applicant is Butler Design Group. (PL210061) subject to conditions and with removal of condition number four, related to parking.

July 1, 2021 City Council introduced and held a first public hearing on the above request.

August 5, 2021 City Council was scheduled for a second and final public hearing on the above request, the applicant

requested to continue until the September 9th, 2021 hearing date.

August 24, 2021 Development Review Commission reheard the case at the request of the applicant, due to changes

in meeting formats and advertising of the hearings. The Commission had two new members who had not previously heard the case. After discussion, the Commission recommend approval (6-1

vote. Commissioner Amorosi in dissent due to the removal of condition #4)

September 9, 2021 City Council was rescheduled for a second and final public hearing on this request, the requested

PAD and DPR was approved.

August 23, 2022 Development Review Commission is scheduled for a Preliminary Subdivision Plat in conformance

with the conditions of approval of the Planned Area Development.

#### **ZONING AND DEVELOPMENT CODE REFERENCE:**

Section 6-307, Subdivisions, Lot Splits and Adjustments



## **DEVELOPMENT PROJECT FILE**

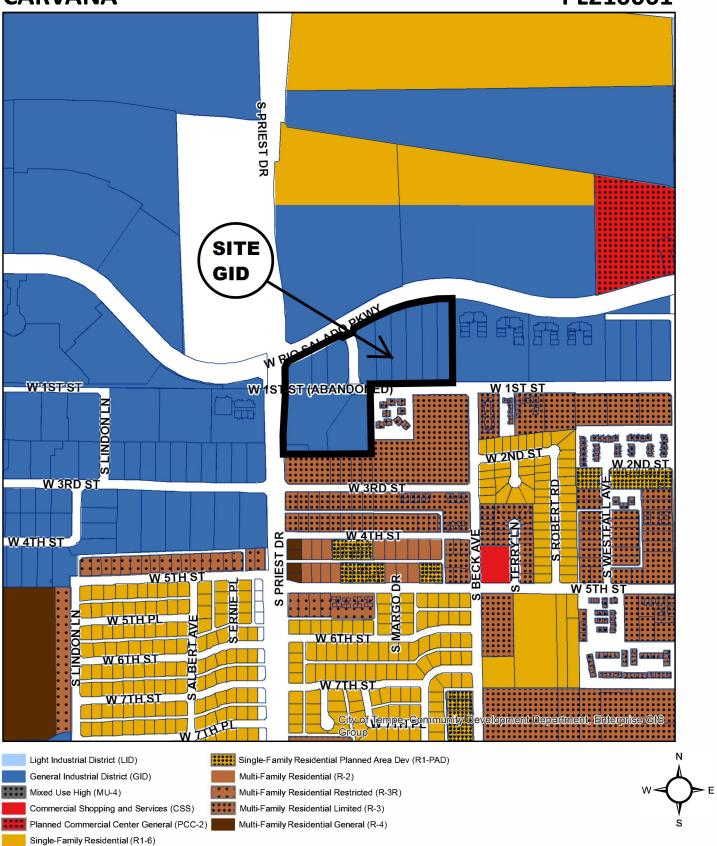
for CARVANA (PL210061)

## **ATTACHMENTS:**

- 1-3. Site Context (Location Map, Aerial and Aerial with Site Plan Overlay)
- 4. Applicant's Letter of Explanation
- 5. Existing Approved Site Plan (For Reference)
- 6-7. Existing Subdivision Plats for reference (For Reference)
- 8-12. Preliminary Subdivision Plat



CARVANA PL210061





CARVANA PL210061



## **Aerial Map**



CONTEXTUAL AERIAL MAP

5017 East Washington St. #107 Phoenix, Arizona 85034 Phone 602-957-1800



♥

VERDE investments

CARVANA

CARVANA

SEC OF RIO SALADO BLVD AND PRIEST DR. TEMPE, AZ

Case # | Plan Check #: 02/22/2021

Revisions

05/10/2021

Project Number Drawn By

CONTEXT AERIAL MAP

DR10



January 5, 2022

1630 S Stapley Dr #219 Mesa AZ 85204 P: 480.834.3300 F: 602.335.8580 www.woodpatel.com

### SUBDIVISION PLAT PROJECT NARRATIVE Carvana Corporate Campus

WP# 205165

Darrel E. Wood, PE, RLS Ashok C. Patel, PE, RLS, CFM Michael T. Young, PE, LEED AP James S. Campbell, PE, LEED GA Thomas R. Gettings, RLS Darin L. Moore, PE, LEED GA Jeffrey R. Minch, PE, CFM Robert D. Gofonia, PE, RLS

Carvana Corporate Campus is located at the southeast corner of Rio Salado Parkway and Priest Drive in the City of Tempe. This commercial development will consist of new office buildings, parking structures, and improvements consistent with a (commercial) corporate campus. The project will be constructed in several phases and is being developed by Verde Investments, Inc. The purpose of this plat is to combine all existing parcels/lots into (6) lots/tract and dedicate public right-of-way.

Civil and other design submittals are under separate review and are intended to coincide with this plat submittal and approval.

Sincerely,

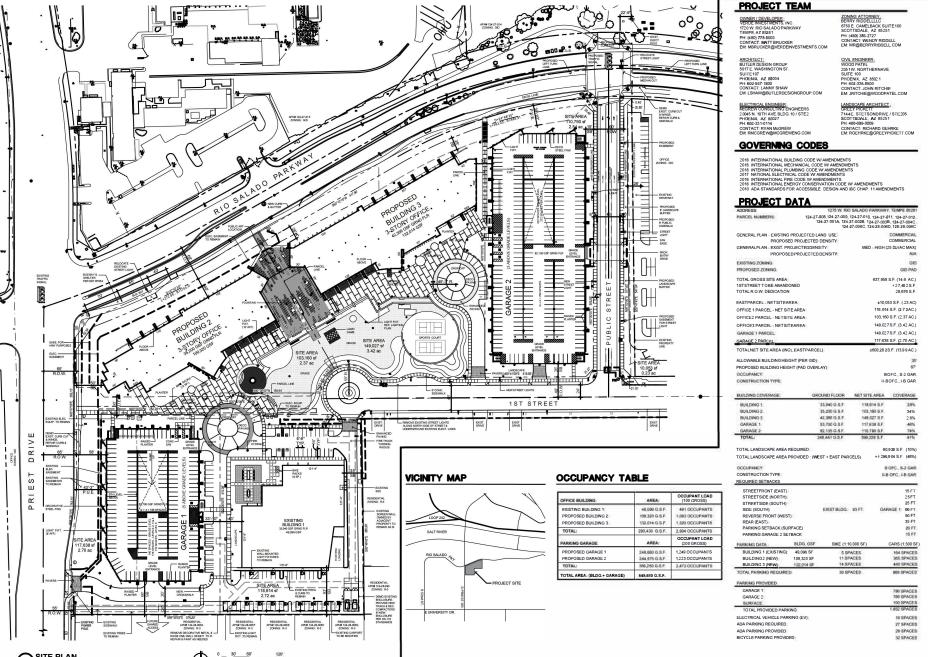
Wood, Patel & Associates, Inc.



Gabriel S. Rios, RLS Survey Project Manager

GSR/as

\phx-filesvr-admin\Y-Drive\WP\General Correspondence\205165 Carvana Corporate Campus Subdivision Plat Project Narrative 01-05-22.docx





**DR09** 

CARVANA

SEC OF RIO SALADO BLVD. AND PRIEST DR. TEMPE, AZ

02/22/2021

05/10/2021

19051

LS + TV SITE PLAN

Butler Design Group Inc

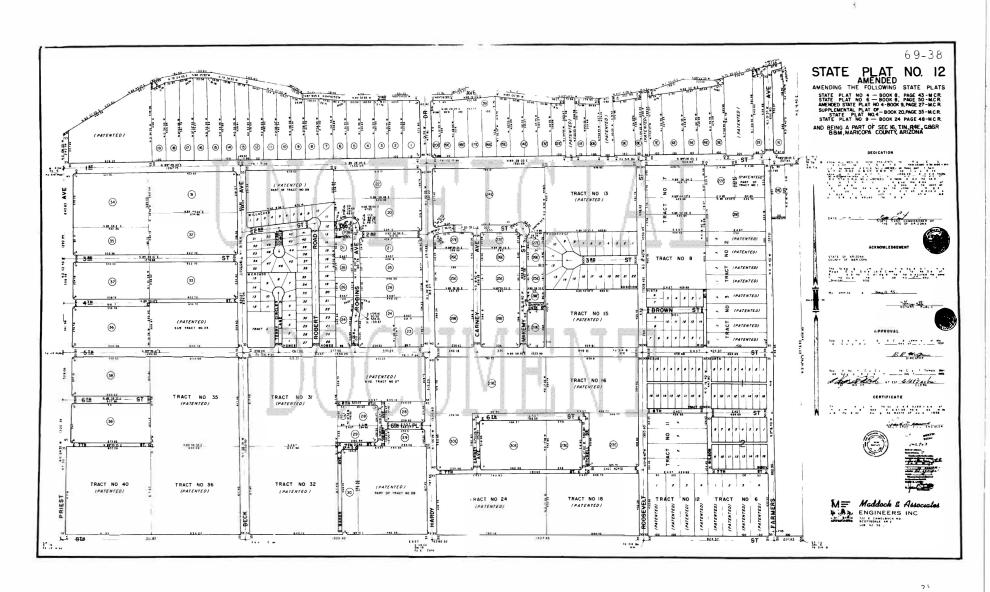
5017 Fast Washington St #107

24099 JEFFREY L. CUTBERTH

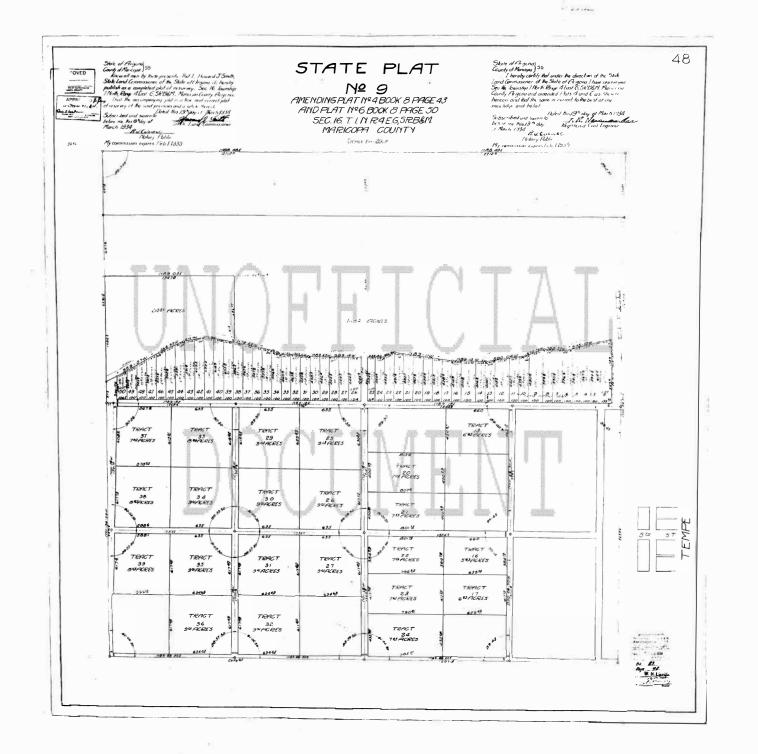
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VERDE investments, inc

OWNERSHIP OF INSTRUMENTS OF SERVI



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ATTACHMENT 7

#### PRELIMINARY PLAT

## CARVANA CORPORATE CAMPUS

A PORTION OF LOTS 15-19 AND LOT 34 OF STATE PLAT 12 AND A PORTION OF LOTS 34 AND 45-50 OF STATE PLAT 9 AND A PORTION OF THE SOUTHWEST QUARTER OF SECTION 16, ALL LOCATED WITHIN THE WEST HALF OF SECTION 16, TOWNSHIP 1 NORTH, RANGE 4 EAST OF THE GILA AND SALT RIVER MERIDIAN. MARICOPA COUNTY. CITY OF TEMPE. ARIZONA



#### DEDICATION

VERDE OPPORTUNITY HEALTH LLC, AN ARIZONA LIMITED LIABILITY COMPANY, VERDE OPPORTUNITY TEMPE LLC, AN ARIZONA LIMITED LIABILITY COMPANY, VAUGHAN STREET, LLC, AN ARIZONA LIMITED LIABILITY COMPANY AND CITY OF TEMPE, A MUNICIPAL CORPORATION, AS OWNERS; HAVE PLATTED UNDER THE NAME OF "CARVANA CORPORATE CAMPUS". LOCATED WITHIN THE WEST HALF SECTION 16. TOWNSHIP 1 NORTH, RANGE 4 EAST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, CITY OF TEMPE, ARIZONA, AND HEREBY PUBLISH THIS PLAT OF "CARVANA CORPORATE CAMPLIS" AND DECLARE THAT SAID PLAT SETS FORTH THE LOCATION AND GIVES THE DIMENSIONS OF THE LOT, STREETS AND EASEMENTS CONSTITUTING THE SAME AND THAT THE LOT AND STREET SHALL BE KNOWN BY THE NUMBER OR NAME GIVEN TO EACH RESPECTIVELY ON SAID PLAT AND HEREBY DEDICATES TO THE CITY OF TEMPE FOR PUBLIC USE SUCH STREETS AND EASEMENTS AS SHOWN ON SAID PLAT AND IS INCLUDED IN THE ABOVE DESCRIBED PREMISES.

#### OWNERS/DEVELOPER

VERDE OPPORTUNITY HEALTH LLC VERDE OPPORTUNITY TEMPE LLC 1720 WEST RIO SALADO PARKWAY TEMPE ARIZONA 85281 CONTACT: SEVEN JOHNSON PHONE: (480) 778-5003

VAUGHAN STREET, LLC 303 WEST BERRIDGE LANE PHOENIX ARIZONA 85013 CONTACT: TOM MEISSNER PHONE: (602) 692-5095

CITY OF TEMPE, A MUNICIPAL CORPORATION

#### BENCHMARK

THE VERTICAL DATUM FOR THIS SURVEY IS BASED ON CITY OF TEMPE CONTROL POINT #104, A 3-INCH CITY OF TEMPE BRASS CAP FLUSH LOCATED AT THE INTERSECTION OF RIO SALADO PARKWAY & PRIEST DRIVE, HAVING AN ELEVATION OF 1147.69', CITY OF TEMPE NGVD 29 DATUM

#### BASIS OF BEARING

BASIS OF BEARING IS THE WEST LINE OF THE SOUTHWEST QUARTER OF SECTION 16, TOWNSHIP 1 NORTH, RANGE 4 EAST OF THE GILA AND SALT RIVER MERIDIAN, HAVING A BEARING OF SOUTH 01°33'40" EAST FROM CITY OF TEMPE CONTROL POINT #104 TO CITY OF TEMPE CONTROL POINT #106.

#### UTILITY COMPANIES

SALT RIVER POWER DISTRICT SRVWUA ARIZONA PUBLIC SERVICE CENTURYI INK EL PASO NATURAL GAS CO. SOUTHWEST GAS CO. COX CABLE T.V. AIR PRODUCTS

#### LEGAL DESCRIPTION (PRIOR TO SUBDIVISION) (CONTINUES ON SHEETS 2 AND 3) PARCEL NO. 1:

LOT 48 OF STATE PLAT NO. 9. SECTION 16. TOWNSHIP 1 NORTH. RANGE 4 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, PER MAP RECORDED IN BOOK 23 OF MAPS, PAGE 48 IN THE OFFICE OF THE MARICOPA COUNTY RECORDER;

EXCEPT THAT PORTION DESCRIBED AS FOLLOWS

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 48:

THENCE NORTH 60 DEGREES 22 MINUTES 02 SECONDS EAST TO THE NORTHEAST CORNER OF SAID LOT 48,

THENCE SOUTH 00 DEGREES 56 MINUTES 09 SECONDS EAST ALONG THE EAST LINE OF SAID LOT 48, 138.29 FEET

THENCE SOUTH 60 DEGREES 12 MINUTES 12 SECONDS WEST, 54.27 FEET TO A POINT OF CURVE; THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 1702.02 FEET, A CENTRAL ANGLE OF 02 DEGREES 00 MINUTES 47 SECONDS, AN ARC LENGTH OF 59.80 FEFT AND A CHORD WHICH BEARS SOUTH 61 DEGREES 12 MINUTES 36 SECONDS WEST TO A POINT ON THE WEST LINE OF SAID LOT 48

THENCE NORTH 01 DEGREES 02 MINUTES 59 SECONDS WEST 137.31 FEET TO THE POINT OF BEGINNING

#### CERTIFICATION

THIS IS TO CERTIFY THAT THE SURVEY OF THE PREMISES DESCRIBED AND PLATTED HEREON WAS MADE UNDER MY DIRECTION DURING THE MONTH OF DECEMBER 2021; THAT THE SURVEY IS TRUE AND COMPLETE AS SHOWN; THAT THE MONUMENT SHOWN ACTUALLY EXIST OR WILL BE SET AS SHOWN; THAT THE POSITIONS ARE CORRECTLY SHOWN AND THE SAID MONUMENTS ARE SUFFICIENT TO ENABLE THE SURVEY TO BE

GABRIFL S. RIOS REGISTERED LAND SURVEYOR #48932 WOOD, PATEL & ASSOCIATES, INC 1630 SOUTH STAPLEY DRIVE - SUITE 219 MESA ARIZONA 85204 (480) 834-3300 SURVEYOR@WOODPATEL.COM

#### NOTES

THIS SUBDIVISION IS LOCATED WITHIN THE CITY OF TEMPE AND HAS BEEN DESIGNATED AS HAVING AN ASSURED WATER SUPPLY IN ACCORDANCE WITH ARS 45-578.

RIO SALADO PARKWA

VICINITY MAP

SEC 16

T1N, R4E

- LOT CORNERS TO BE SET WITH 1/2" REBAR AND CAP OR TAG, WOODPATEL LS48932, OR OTHER MONUMENT THAT MEETS ARIZONA BOUNDARY SURVEY MINIMUM STANDARDS.
- ALL NEW AND EXISTING, AS WELL AS ON-SITE AND OFF-SITE UTILITY LINES (OTHER THAN 3) TRANSMISSION LINES) SHALL BE PLACED UNDERGROUND.
- ANY RETENTION SYSTEM AS SHOWN ON THE GRADING AND DRAINAGE PLANS SHALL RETAIN THE 100-YEAR DESIGN STORM RUNOFF AND SHALL BE THE SOLE RESPONSIBILITY OF THE PROPERTY OWNER TO:(1) REGULARLY INSPECTTHE SYSTEM (AT LEAST ANNUALLY), AND (2) MAINTAIN THE SYSTEM IN A CONDITION THAT WILL ALLOW THE SYSTEM TO STORE AND DISSIPATE THE VOLUME OF STORM WATER AS SHOWN ON THE DESIGN PLANS. THE FOREGOING RESTRICTION CANNOT BE CHANGED WITHOUT PRIOR WRITTEN CONSENT OF THE CITY OF TEMPE ENGINEER.
- CROSS DRAINAGE WILL BE MAINTAINED ACROSS ALL LOTS.

#### FLOOD PLAIN CERTIFICATION

ACCORDING TO FEMA FLOOD INSURANCE RATE MAP NO. 04013C2240M DATED SEPTEMBER 18, 2020, THE SUBJECT PROPERTY IS LOCATED IN OTHER AREAS OF FLOOD HAZARD ZONE X. OTHERAREAS OF FLOOD HAZARD ZONE X IS DESCRIBED AS: "0.2% ANNUAL CHANCE FLOOD HAZARD, AREAS OF 1% ANNUAL CHANCE FLOOD WITH AVERAGE DEPTH LESS THAN ONE FOOT OR WITH DRAINAGE AREAS OF LESS THAN ONE SQUARE MILE."

CAMPU

CORPORATE

RVANA

S

CAD TECHNICIAN NOT TO SCALE 08/08/2022 JOB NUMBER WP# 205165 SHEET

1 OF

DS200257 SBD220007 REC22019

THE SOUTH 142.00 FEET OF LOTS 49 AND 50, STATE PLAT NO. 9, SECTION 16, TOWNSHIP 1 NORTH, RANGE 4 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, PER MAF RECORDED IN BOOK 23 OF MAPS PAGE 48 IN THE OFFICE OF THE MARICOPA COUNTY RECORDER

EXCEPTING THEREFROM THAT PORTION DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 49:

THENCE SOUTH 01 DEGREES 02 MINUTES 59 SECONDS EAST ALONG THE EAST LINE OF SAID LOT 49. A DISTANCE OF 137.31 FEET TO A POINT ON A CURVE

THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 1702.02 FEET, A CENTRAL ANGLE OF 06 DEGREES 23 MINUTES 32 SECONDS, AN ARC LENGTH OF 189.89 FEET, AND A CHORD WHICHBEARS SOUTH 65 DEGREES 24 MINUTES 45 SECONDS WEST TO A POINT 30.00 FEET EAST OF THE WEST LINE OF SAID LOT 50: THENCE SOUTH 35 DEGREES 59 MINUTES 05 SECONDS WEST TO A POINT ON THE WEST LINE OF SAID LOT 50. A DISTANCE OF 51.21 FEET:

THENCE NORTH 00 DEGREES 07 MINUTES 15 SECONDS EAST TO A POINT 142.00 FEET NORTH OF THE SOUTH LINE OF SAID LOT 50. A DISTANCE OF 58.00 FEET:

THENCE NORTH 89 DEGREES 41 MINUTES 54 SECONDS EAST PARALLEL TO AND 142.00 FEET NORTH OF THE SOUTH LINE OF SAID LOT 50 TO A POINT 17:00 FEET EAST OF THE WEST LINE OF SAID LOT 50. A DISTANCE OF

THENCE NORTH 00 DEGREES 07 MINUTES 15 SECONDS EAST PARALLEL TO AND 17.00 FEET EAST OF SAID WEST LINE TO A POINT ON THE NORTHERN LINE OF SAID LOT 50, A DISTANCE OF 95.60 FEET;

THENCE NORTH 60 DEGREES 22 MINUTES 02 SECONDS EAST, A DISTANCE OF 210.34 FEET TO THE POINT OF

#### PARCEL NO. 3

LOTS 49 AND 50, STATE PLAT NO. 9, SECTION 16, TOWNSHIP 1 NORTH, RANGE 4 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, PER MAP RECORDED IN BOOK 23 OF MAPS, PAGE 48 IN THE OFFICE OF THE MARICOPA COUNTY RECORDER

EXCEPTING THEREFROM THE SOUTH 142.00 FEET: ALSO

EXCEPTING THEREFROM THAT PORTION DESCRIBED AS FOLLOWS:

REGINNING AT THE NORTHEAST CORNER OF SAID LOT 49:

THENCE SOUTH 01 DEGREES 02 MINUTES 59 SECONDS EAST ALONG THE EAST LINE OF SAID LOT 49, 137.31 FEET TO A POINT ON A CURVE:

THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 1702.02 FEET, A CENTRAL ANGLE OF 06 DEGREES 23 MINUTES 32 SECONDS, AN ARC LENGTH OF 189.89 FEET, AND A CHORD WHICH BEARS SOUTH 65 DEGREES 24 MINUTES 45 SECONDS WEST TO A POINT 30.00 FEET EAST OF THE WEST LINE OF SAID LOT 50; THENCE SOUTH 35 DEGREES 59 MINUTES 05 SECONDS WEST TO A POINT ON THE WEST LINE OF SAID LOT 50,

THENCE NORTH 00 DEGREES 07 MINUTES 15 SECONDS EAST, 58.00 FEET TO A POINT 142.00 FEET NORTH OF THE SOUTH LINE OF SAID LOT 50:

THENCE NORTH 89 DEGREES 41 MINUTES 54 SECONDS EAST PARALLEL TO AND 142.00 FEET NORTH OF THE SOUTH LINE OF SAID LOT 50, 17,00 FEET, TO A POINT 17,00 FEET EAST OF THE WEST LINE OF SAID LOT 50: THENCE NORTH 00 DEGREES 07 MINUTES 15 SECONDS EAST PARALLEL TO AND 17.00 FEET EAST OF SAID WEST LINE, 95,60 FEET, TO A PAINT ON THE NORTHERN LINE OF SAID LOT 50:

THENCE NORTH 60 DEGREES 22 MINUTES 02 SECONDS EAST, 210.34 FEET TO THE POINT OF BEGINNING

LOTS 45, 46 AND 47, STATE PLAT NO. 9, SECTION 16, TOWNSHIP 1 NORTH, RANGE 4 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, PER MAP RECORDED IN BOOK 23 OF MAPS, PAGE 48 IN THE OFFICE OF THE MARICOPA COUNTY RECORDER;

EXCEPTING THEREFROM THAT PORTION DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 47:

THENCE NORTH 60 DEGREES 22 MINUTES 02 SECONDS EAST ALONG THE NORTH LINE OF SAID LOTS 47 AND 46, 151.03 FEET TO A POINT ON THE NORTH LINE OF SAID LOT 46;

THENCE NORTH 64 DEGREES 49 MINUTES 39 SECONDS EAST, CONTINUING ALONG SAID NORTH LINE OF LOT 46 AND LOT 45, 186.09 FEETTO THE NORTHEAST CORNER OF SAID LOT 45;

THENCE SOUTH 00 DEGREES 42 MINUTES 26 MINUTES EAST ALONG THE EAST LINE OF SAID LOT 45, 120.93

THENCE SOUTH 60 DEGREES 12 MINUTES 12 SECONDS WEST, 155.06 FEET,

THENCE SOUTH 16 DEGREES 56 MINUTES 32 SECONDS WEST 29 18 FEET TO A POINT ON A CURVE-THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 319 48 FEET. A CENTRAL ANGLE OF 23

DEGREES 35 MINUTES 42 SECONDS, AN ARC LENGTH OF 131.56 FEET, AND A CHORD WHICH BEARS SOUTH 12 DEGREES 37 MINUTES 09 SECONDS EAST TO ITS POINT OF TANGENCY:

THENCE SOUTH 00 DEGREES 49 MINUTES 18 SECONDS EAST, 155.71 FEET TO A POINT OF CURVE;

THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 41.00 FEET, A CENTRAL ANGLE OF 89 DEGREES 28 MINUTES 48 SECONDS, AN ARC LENGTH OF 64.03 FEET, AND A CHORD WHICH BEARS SOUTH 45 DEGREES 33 MINUTES 42 SECONDS EAST, TO ITS POINT OF TANGENCY ON THE SOUTH LINE OF SAID LOT 45;

THENCE SOUTH 89 DEGREES 41 MINUTES 54 SECONDS WEST ALONG THE SOUTH LINE OF SAID LOTS 45 AND 46. 122.15 FEET TO A POINT ON A CURVE:

THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 59.00 FEET, A CENTRAL ANGLE OF 25 DEGREES 31 MINUTES 33 SECONDS, AN ARC LENGTH OF 26.92 FEET, AND A CHORD WHICH BEARS NORTH 19 DEGREES 16 MINUTES 31 SECONDS EAST TO A POINT OF REVERSE CURVE

#### LEGAL DESCRIPTION (PRIOR TO SUBDIVISION) (CONTINUED)

THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 41.00 FEET, A CENTRAL ANGLE OF 32 DEGREES 51 MINUTES 36 SECONDS, AN ARC LENGTH OF 23.51 FEET AND A CHORD WHICH BEARS NORTH 15 DEGREES 36 MINUTES 30 SECONDS EAST, TO ITS POINT OF TANGENCY;

THENCE NORTH 00 DEGREES 49 MINUTES 18 SECONDS WEST, 148.87 FEETTO A POINT OF CURVE; THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 253.48 FEET, A CENTRAL ANGLE OF 22 DEGREES 11 MINUTES 18 SECONDS, AN ARC LENGTH OF 98 16 FEET AND A CHORD WHICH BEARS NORTH 11 DEGREES. 54 MINUTES 57 SECONDS WEST TO A POINT ON A LINE:

THENCE NORTH 72 DEGREES 27 MINUTES 27 SECONDS WEST, A DISTANCE OF 27.19 FEET TO A POINT; THENCE SOUTH 60 DEGREES 12 MINUTES 12 SECONDS WEST, TO A POINT ON THE WEST LINE OF SAID LOT 47, 83,37 FEET:

THENCE NORTH 00 DEGREES 56 MINUTES 09 SECONDS WEST, 138.29 FEETTO THE POINT OF BEGINNING;

#### PARCEL NO. 5:

LOT 34, OF STATE PLAT NO. 12 AMENDED, OF SECTION 16, TOWNSHIP 1 NORTH, RANGE 4 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, ACCORDING TO BOOK 69 OF MAPS, PAGE 38. RECORDS OF MARICOPA COUNTY, ARIZONA:

EXCEPTING THE FOLLOWING DESCRIBED PROPERTY:

THAT PORTION OF THE SOUTHWEST QUARTER AT SECTION 16, TOWNSHIP 1 NORTH, RANGE 4 EAST OF THE GILA AND SALT RIVER BASE MERIDIAN, MARICOPA COUNTY, ARIZONA, DESCRIBED AS COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 16, SAID CORNER ALSO BEING THE CENTERLINE INTERSECTION OF PRIEST DRIVE AND UNIVERSITY DRIVE;

THENCE NORTH 00 DEGREES 16 MINUTES 00 SECONDS WEST (ASSUMED BEARING) ALONG THE CONSTRUCTION CENTERLINE OF PRIEST DRIVE. A DISTANCE OF 1642.66 FEET TO AN INTERSECTION WITH THE CENTER! INES OF PRIEST DRIVE AND 4TH STREET, SAID INTERSECTION ALSO BEING ON A POINT OF CURVATURE CONCAVE TO THE WEST AND HAVING A RADIUS OF 1200,00 FEET:

THENCE NORTHWESTERLY ALONG SAID CONSTRUCTION CENTERLINE OF PRIEST DRIVE, THROUGH A CENTRAL ANGLE OF 04 DEGREES 38 MINUTES 01 SECONDS, A DISTANCE OF 97.05 FEET TO A POINT OF

THENCE NORTH 04 DEGREES 54 MINUTES 01 SECONDS WEST ALONG SAID CONSTRUCTION CENTERLINE. A DISTANCE OF 200.00 FEET TO A POINT OF CURVATURE CONCAVE TO THE EAST AND HAVING A RADIUS OF

THENCE NORTHERLY ALONG SAID CONSTRUCTION CENTERLINE, A DISTANCE OF 97.50 FEET TO A POINT OF TANGENCY:

THENCE NORTH 00 DEGREES 16 MINUTES 00 SECONDS WEST ALONG SAID CONSTRUCTION CENTERLINE OF PRIEST DRIVE, A DISTANCE OF 517.26 FEET TO AN INTERSECTION WITH THE WESTERLY PROLONGATION OF THE NORTH LINE OF SAID LOT 34:

THENCE NORTH 89 DEGREES 18 MINUTES 40 SECONDS EAST ALONG SAID PROLONGATION OF AN INTERSECTION WITH A LINE PARALLEL TO AND 75.00 FEET EAST OF THE CONSTRUCTION LINE OF SAID PRIEST DRIVE AND THE TRUE POINT OF BEGINNING:

THENCE SOUTH 03 DEGREES 46 MINUTES 09 SECONDS WEST, A DISTANCE OF 285,47 FEET TO A POINT ON THE EXISTING EAST RIGHT-OF-WAY LINE OF PRIEST DRIVE, SAID EAST RIGHT-OF-WAY LINE ALSO BEING THE WESTERLY LINE OF THAT CERTAIN ROAD RIGHT-OF-WAY ABANDONED BY THE CITY OF TEMPE IN ORDINANCE NO. 911. RECORDED IN DOCKET 15785, PAGE 734, RECORDS OF MARICOPA COUNTY, ARIZONA THENCE NORTH 00 DEGREES 16 MINUTES 00 SECONDS WEST, A DISTANCE OF 265.00 FEET ALONG SAID

WESTERLY LINE TO AN ANGLE POINT: THENCE NORTH 45 DEGREES 12 MINUTES 40 SECONDS EAST, A DISTANCE OF 28.18 FEETTO THE TRUE POINT

OF BEGINNING:

EXCEPTING THEREFROM 1/16TH OF ALL GAS, OIL, METAL AND MINERAL RIGHTS AS RESERVED TO THE STATE OF ARIZONA IN RECORDED PATENT TO SAID LAND.

#### LEGAL DESCRIPTION (PRIOR TO SUBDIVISION) (CONTINUED)

PARCEL NO. 6

ALL THAT PORTION OF THE FOLLOWING PROPERTY LYING WESTERLY OF THE NORTHERLY AND SOUTHERLY PROLONGATIONS OF PARCEL NO. 1 HEREIN, AS ABANDONED IN INSTRUMENT RECORDED IN DOCKET 15785, PAGE 734. DESCRIBED AS FOLLOWS:

THAT PORTION OF THE SOUTHWEST QUARTER OF SECTION 16 TOWNSHIP 1 NORTH, RANGE 4 FAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, DESCRIBED AS COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 16, SAID CORNER ALSO BEING THE CENTERLINE INTERSECTION OF PRIEST DRIVE AND UNIVERSITY DRIVE:

THENCE NORTH 00 DEGREES 16 MINUTES WEST (ASSUMED BEARING) ALONG THE CONSTRUCTION CENTERLINE OF PRIEST DRIVE, 1042.66 FEET TO AN INTERSECTION WITH THE CENTERLINES OF PRIEST DRIVE AND 4TH STREET. SAID INTERSECTION ALSO BEING ON A POINT OF CURVATURE CONCAVE TO THE WEST AND HAVING A RADIUS OF 1200.00 FEET;

THENCE NORTHWESTERLY ALONG SAID CONSTRUCTION CENTERLINE OF PRIEST DRIVE THROUGH A CENTRAL ANGLE OF 4 DEGREES 38 MINUTES 01 SECONDS, A DISTANCE OF 97.05 FEET TO A POINT OF TANGENCY:

THENCE NORTH 04 DEGREES 54 MINUTES 01 SECONDS WEST ALONG SAID CONSTRUCTION CENTERLINE 200.00 FEET TO A POINT OF CURVATURE CONCAVE TO THE EAST AND HAVING A RADIUS OF 1200.00 FEET; THENCE NORTHERLY ALONG SAID CONSTRUCTION CENTERLINE, 97.05 FEET TO A POINT OF TANGENCY; THENCE NORTH 00 DEGREES 16 MINUTES WEST ALONG SAID CONSTRUCTION CENTERLINE OF PRIEST DRIVE, 517.26 FEET TO AN INTERSECTION WITH THE WESTERLY PROLONGATION OF THE NORTH LINE OF LOT 34, STATE PLAT NO. 12 AMENDED, A SUBDIVISION ACCORDING TO BOOK 69 OF MAPS, PAGE 38, RECORDS OF MARICOPA COUNTY, ARIZONA;

THENCE NORTH 89 DEGREES 18 MINUTES 40 SECONDS EAST ALONG SAID PROLONGATION TO AN INTERSECTION WITH A LINE PARALLEL TO AND 75.00 FEET EAST OF THE CONSTRUCTION LINE OF SAID PRIEST DRIVE AND THE POINT OF BEGINNING OF SAID ABANDONMENT DESCRIBED HEREIN: THENCE SOUTH 45 DEGREES 12 MINUTES 40 SECONDS WEST 28 18 FEET TO AN INTERSECTION WITH A LINE PARALLEL TO AND 55.00 FEET EAST OF SAID CONSTRUCTION CENTERLINE OF PRIEST DRIVE: THENCE SOUTH 00 DEGREES 16 MINUTES EAST, PARALLEL TO SAID CONSTRUCTION CENTERLINE, A DISTANCE OF 497.26 FEETTO A POINT OF CURVATURE CONCAVE TO THE EAST AND HAVING A RADIUS OF 1145.00 FEET:

THENCE SOUTHERLY ALONG SAID CURVE 39 FEET, MORE OR LESS, TO AN INTERSECTION WITH A LINE PARALLEL TO AND 45.00 FEET NORTH OF THE CONSTRUCTION CENTERLINE OF THIRD STREET; THENCE SOUTHEASTERLY TO AN INTERSECTION WITH A LINE PARALLEL TO AND 75.00 FEET EAST OF SAID CONSTRUCTION CENTERLINE OF PRIEST DRIVE, SAID INTERSECTION BEING 25.00 FEET, PERPENDICULAR DISTANCE, NORTH OF THE CONSTRUCTION CENTERLINE OF SAID THIRD STREET AND THE WESTERLY PROLONGATION OF THE SOUTH LINE OF LOT 35 OF SAID STATE PLAT NO. 12 AMENDED;

THENCE NORTH 89 DEGREES 48 MINUTES 10 SECONDS EAST ALONG SAID PROLONGATION TO AN INTERSECTION WITH THE SOUTHWESTERLY POINT OF CURVATURE WITH THE SOUTH LINE OF SAID LOT 35, SAID CURVE HAVING A RADIUS OF 12.14 FEET CONCAVE TO THE NORTHEAST;

THENCE NORTHWESTERLY ALONG SAID CURVE AND LOT LINE OF SAID LOT 35, A DISTANCE OF 12.14 FEET TO A POINT OF TANGENCY WITH THE WEST LINE OF SAID LOT 35;

THENCE NORTH 00 DEGREES 16 MINUTES WEST ALONG THE WEST LINE OF SAID LOTS 35 AND 34 TO A POINT OF CURVATURE AT THE NORTHWEST CORNER OF SAID LOT 34, SAID CURVE CONCAVE TO THE SOUTHEAST AND HAVING A RADIUS OF 12.09 FEET;

THENCE NORTHEASTERLY ALONG SAID CURVE AND LOT LINE, 18.90 FEET TO THE POINT OF TANGENCY WITH THE NORTH LINE OF SAID LOT 34-

THENCE WESTERLY ALONG THE WESTERLY PROLONGATION OF THE NORTH LINE OF SAID LOT 34 TO THE POINT OF REGINNING

EXCEPTING FROM PARCEL NOS. 5 AND 6 ABOVE, THE FOLLOWING DESCRIBED PROPERTY:

THAT PORTION OF THE SOUTHWEST QUARTER AT SECTION 16, TOWNSHIP 1 NORTH, RANGE 4 EAST OF THE GILA AND SALT RIVER BASE MERIDIAN, MARICOPA COUNTY, ARIZONA, DESCRIBED AS COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 16, SAID CORNER ALSO BEING THE CENTERLINE INTERSECTION OF PRIEST DRIVE AND UNIVERSITY DRIVE:

THENCE NORTH 00 DEGREES 16 MINUTES 00 SECONDS WEST (ASSUMED BEARING) ALONG THE CONSTRUCTION CENTERLINE OF PRIEST DRIVE, 1642.66 FEET TO AN INTERSECTION WITH THE CENTERLINES OF PRIEST DRIVE AND 4TH STREET, SAID INTERSECTION ALSO BEING ON A POINT OF CURVATURE CONCAVE TO THE WEST AND HAVING A RADIUS OF 1200.00 FEET:

THENCE NORTHWESTERLY ALONG SAID CONSTRUCTION CENTERLINE OF PRIEST DRIVE, THROUGH A CENTRAL ANGLE OF 04 DEGREES 38 MINUTES 01 SECONDS, A DISTANCE OF 97.05 FEET TO A POINT OF

THENCE NORTH 04 DEGREES 54 MINUTES 01 SECONDS WEST ALONG SAID CONSTRUCTION CENTERLINE. 200.00 FEET TO A POINT OF CURVATURE CONCAVE TO THE EAST AND HAVING A RADIUS OF 1200.00 FEET; THENCE NORTHERLY ALONG SAID CONSTRUCTION CENTERLINE, 97.50 FEET TO A POINT OF TANGENCY; THENCE NORTH 00 DEGREES 16 MINUTES 00 SECONDS WEST ALONG SAID CONSTRUCTION CENTERLINE OF PRIEST DRIVE, 517.26 FEET TO AN INTERSECTION WITH THE WESTERLY PROLONGATION OF THE NORTH LINE OF LOT 34, STATE PLAT NO. 12 AMENDED, A SUBDIVISION ACCORDING TO BOOK 69 OF MAPS, PAGE 38. RECORDS OF MARICOPA COUNTY, ARIZONA:

THENCE NORTH 89 DEGREES 18 MINUTES 40 SECONDS EAST ALONG SAID PROLONGATION CO AN INTERSECTION WITH A LINE PARALLEL TO AND 75.00 FEET EAST OF THE CONSTRUCTION LINE OF SAID PRIEST DRIVE AND THE TRUE POINT OF BEGINNING;

THENCE SOUTH 03 DEGREES 46 MINUTES 09 SECONDS WEST, 285.47 FEET TO A POINT ON THE EXISTING EAST RIGHT OF WAY LINE OF PRIEST DRIVE, SAID EAST RIGHT OF WAY LINE ALSO BEING THE WESTERLY LINE OF THAT CERTAIN ROAD RIGHT OF WAY ABANDONED BY THE CITY OF TEMPE IN ORDINANCE NO. 911 AND RECORDED IN DOCKET 15785, PAGES 734 AND 735, MARICOPA COUNTY RECORDS; THENCE NORTH 00 DEGREES 16 MINUTES 00 SECONDS WEST, 265.00 FEET ALONG SAID WESTERLY LINE TO

AN ANGLE POINT

THENCE NORTH 45 DEGREES 12 MINUTES 40 SECONDS EAST, 28.18 FEETTO THE TRUE POINT OF BEGINNING.

WOOD PATEL 807.335.6500

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#### LEGAL DESCRIPTION (PRIOR TO SUBDIVISION) (CONTINUED)

#### PARCEL NO. 7

A PORTION OF THE WEST HALF OF SECTION 16, TOWNSHIP 1 NORTH, RANGE 4 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE WEST QUARTER CORNER OF SAID SECTION 16;

THENCE NORTH 89 DEGREES 34 MINUTES 04 SECONDS EAST A DISTANCE OF 127.13 FEET TO THE TRUE POINT OF REGINNING.

THENCE NORTH 00 DEGREES 25 MINUTES 56 SECONDS WEST A DISTANCE OF 33.00 FEET

THENCE NORTH 89 DEGREES 34 MINUTES 04 SECONDS EAST A DISTANCE OF 398.00 FEET TO A PAINT ON A NONTANGENT CURVE TO THE LEFT, COMCAVE NORTHEASTERLY WHOSE RADIUS BEARS SOUTH 84 DEGREES OF MINUTES 34 SECONDS EAST A DISTANCE OF 59.00 FEET:

THENCE SOUTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 96 DEGREES 29 MINUTES 04 SECONDS, AN ARC LENGTH OF 99.35 FEET;

THENCE SOUTH 00 DEGREES 25 MINUTES 56 SECONDS EAST A DISTANCE OF 7.42 FEET;

THENCE SOUTH 89 DEGREES 34 MINUTES 04 SECONDS WEST A DISTANCE OF 456.71 FEET

THENCE NORTH 00 DEGREES 25 MINUTES 56 SECONDS WEST A DISTANCE OF 40.00 FEET TO THE TRUE POINT OF BEGINNING:

EXCEPTING FROM PARCEL NOS. 1 THROUGH 7 ABOVE, ANY PORTION OF THOSE PREMISES CONVEYED TO HOF-BILTMORE RIO SALADO II, LL.C., AN ARIZONA LIMITED LIABILITY COMPANY IN SPECIAL WARRANTY DEED RECORDED IN DOCUMENT NO. 2005-0258150, RECORDED OF MARICOPA COUNTY, ARIZONA.

#### PARCEL NO. 8

LOTS 45 AND 46, OF STATE PLAT NO. 9, SECTION 16, TOWNSHIP 1 NORTH, RANGE 4 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, ACCORDING TO BOOK 23 OF MAPS, PAGE 48, RECORDS OF MARICOPA COUNTY, ARIZONA;

EXCEPTING THEREFROM THAT PORTION LYING NORTH AND WEST OF THE FOLLOWING DESCRIBED LINE:

#### BEGINNING AT THE NORTHWEST CORNER OF LOT 47:

THENCE NORTH 60 DEGREES 22 MINUTES 02 SECONDS EAST ALONG THE NORTH LINE OF SAID LOTS 47 AND 46, A DISTANCE OF 151.03 FEET TO A POINT ON THE NORTH LINE OF SAID LOT 46;

THENCE NORTH 64 DEGREES 49 MINUTES 39 SECONDS EAST, CONTINUING ALONG SAID NORTH LINE OF LOT 46 AND LOT 45, A DISTANCE OF 1860.9 FEET TO THE NORTHEAST CONTRECT 95 AND LOT 45; THENCE SOUTH 00 DEGREES 42 MINUTES 28 MINUTES EAST ALONG THE EAST LINE OF SAID LOT 45, A

DISTANCE OF 120.93 FEET TO THE TRUE POINT OF BEGINNING OF SAID LINE; THENCE SOUTH 60 DEGREES 12 MINUTES 12 SECONDS WEST, A DISTANCE OF 155.06 FEET;

THENCE SOUTH BUILDING BEES 12 MINUTES 12 SECONDS WEST, A DISTANCE OF 193.06 FEET;
THENCE SOUTH 16 DEGREES 56 MINUTES 32 SECONDS WEST, A DISTANCE OF 29.18 FEET TO A POINT ON A CURVE:

THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 319.48 FEET, A CENTRAL ANGLE OF 23 DEGREES 35 MINUTES 42 SECONDS, AN ARC LENGTH OF 131.56 FEET, AND A CHORD WHICH BEARS SOUTH 12 DEGREES 37 MINUTES 09 SECONDS EAST TO ITS POINT OF TANGENCY;

THENCE SOUTH 00 DEGREES 49 MINUTES 18 SECONDS EAST, A DISTANCE OF 155.71 FEET TO A POINT OF

THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 41.00 FEET, A CENTRAL ANGLE OF 89 DEGREES 28 MINUTES 48 SECONDS, AN ARC LENGTH OF 64.03 FEET, AND A CHORD WHICH BEARS SOUTH 45 DEGREES 33 MINUTES 42 SECONDS EAST, TO ITS POINT OF TANGENCY ON THE SOUTH LINE OF SAID LOT, SAID POINT BEING THE TERMINUS OF SAID LINE.

#### LEGAL DESCRIPTION (PRIOR TO SUBDIVISION) (CONTINUED)

#### PARCEL NO. 9

LOTS 15, 16, 17, 18 AND 19, OF STATE PLAT NO. 12 AMENDED, ACCORDING TO BOOK 69 OF MAPS, PAGE 38, RECORDS OF MARICOPA COUNTY, ARIZONA;

EXCEPTTHAT PORTION CONVEYED IN WARRANTY DEED RECORDED IN DOCUMENT NO. 87-502434, RECORDS OF MARICOPA COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

#### BEGINNING ATTHE NORTHWEST CORNER OF SAID LOT 19:

THENCE NORTH 64 DEGREES 49 MINUTES 39 SECONDS EAST ALONG THE NORTH LINE OF SAID LOT 19, A DISTANCE OF 109.00 FEET;

THENCE NORTH 79 DEGREES 36 MINUTES 39 SECONDS EAST CONTINUING ALONG SAID NORTH LINE OF SAID LOT 19 AND SAID LOTS 18 AND 17, A DISTANCE OF 183.20 FEET;

THENCE SOUTH 88 DEGREES 23 MINUTES 15 SECONDS EAST ALONG THE NORTH LINE OF SAID LOTS 17, 16 AND 15, A DISTANCE OF 152.45 FEET;

THENCE SOUTH 79 DEGREES 22 MINUTES 00 SECONDS EAST ALONG THE NORTH LINE OF SAID LOT 15 TO THE NORTHEAST CORNER OF SAID LOT 15, A DISTANCE OF 69.08 FEET;

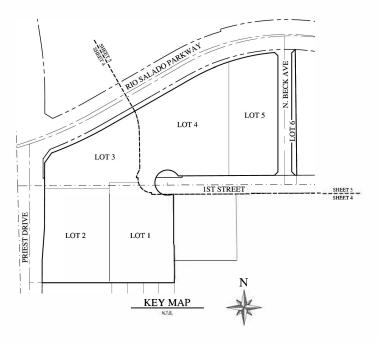
THENCE SOUTH 00 DEGREES 42 MINUTES 36 SECONDS EAST ALONG THE EAST LINE OF SAID LOT 15, A DISTANCE 10.69 FEET TO A POINT ON A CURVE;

THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 889.93 FEET, A CENTRAL ANGLE OF 32 DEGREES 65 MINUTES 30 SECONDS, AN ARC LENGTH OF 989.45 FEET, AND A CHORD WHICH BEARS SOUTH 76 DEGREES 14 MINUTES 57 SECONDS WEST TO ITS POINT OF TANGENCY;

THENCE SOUTH 60 DEGREES 12 MINUTES 12 SECONDS WEST TO THE WEST LINE OF SAID LOT 19, A DISTANCE OF 23.57 FEET;

THENCE NORTH 00 DEGREES 42 MINUTES 26 SECONDS WEST A DISTANCE OF 76.99 FEET TO THE TRUE POINT OF BEGINNING;

EXCEPTING THEREFROM 1/16TH OF ALL GAS, OIL, METAL AND MINERAL RIGHTS AS RESERVED TO THE STATE OF ARIZONA IN RECORDED PATENT TO SAID LAND.



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