



# Flood Control District Of Maricopa County

## INVITATION FOR PUBLIC AUCTION

### PUBLIC AUCTION OF EXCESS VACANT LAND

265 ACRES +/-

**FCD Parcel #: H-2646-EX**

**Located West of Cave Creek Road, South of Jomax**



November 1, 2016  
1:00 PM

**Flood Control District**  
Of Maricopa County  
Office Building  
2801 W. Durango Street  
Phoenix, Arizona 85009

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## **GENERAL INFORMATION:**

The **FLOOD CONTROL DISTRICT OF MARICOPA COUNTY (DISTRICT)** will hold a public auction of vacant land at 1:00pm on November 1, 2016. The subject property is located west of Cave Creek Road, south of Jomax Road, Phoenix, Arizona, and the Assessor's parcels numbers of the property as of this public notice are 212-15-001L, 001M, 002Q, 003A, 004A and 004B. **The minimum acceptable bid will be \$25,900,000.00. The title will transfer by a Special Warranty Deed.**

**A. Assessor's Parcel Nos:** 212-15-001L, 001M, 002Q, 003A, 004A and 004B as of 8/29/16

**B. Location:** West of Cave Creek Road, South of Jomax Road, Phoenix, Arizona

**C. Size of Property:** approximately 265+/- gross acres (see item J below)

**D. Shape of Property:** irregular

**E. Present use:** vacant land

**F. Zoning:** R1-18 and R1-6, City of Phoenix (see City of Phoenix Nov 1, 2002 Zoning Stipulations letter, within appraisal, attached).

**G. Transfer Document: Special Warranty Deed** (See Exhibit "A-2")

**H. Conditions of Transfer:** The property will be sold "**AS IS, WHERE IS**" and title must close within the time period set forth in this public notice.

**I. Fee Reimbursement Amount:** A reimbursement amount for an appraisal fee of \$4,350.00 plus a preliminary title report fee of \$750.00, shall be paid to the **DISTRICT** by successful bidder as part of escrow in addition to the bid price.

**J. Survey:** An ALTA survey and title report of the subject property is available for review. It is each bidder's responsibility to perform their own due diligence and at their own discretion obtain a new ALTA survey and/or title insurance policy should they be the successful bidder.

**1. RESERVATIONS AND ENCUMBRANCES:** Title will transfer subject to the following reservations and encumbrances:

**A.** Reserving unto the Flood Control District of Maricopa County, a 20-foot wide Operation and Maintenance Road Easement (O&M) over and across the South 230.00 feet of the

Northeast quarter of the Northwest quarter and also the North half of the Northeast quarter of Section 10, and described in the attached Legal Description for Excess Land;

- B.** Reserving unto the Flood Control District of Maricopa County a Roadway Easement as described in Exhibit "B" of the attached Legal Description for Excess Land; and
- C.** Reserving unto the Flood Control District of Maricopa County, Flowage Easements as described in Exhibits "C1 and C2" of the attached Legal Description for Excess Land.
- D.** Easement: to City of Phoenix for park purposes and park amenities, recording No. 2002-0640313, recorded 6-24-02 (23.853 acres, more or less). The District reserves the right to flow water over this area. For information on the park please contact Claire Miller at 602-495-5507.
- E.** Access requirements: Per the zoning stipulations, access to this parcel from Cave Creek Road will have to be obtained from the Arizona State Land Department prior to any construction or development on the property. State Land contact: Max Masel, 602-542-4017.
- F.** Roadway Dedication: The City of Phoenix will require a roadway dedication through the subject property. See letter dated August 17, 2015 from City of Phoenix to Flood Control District.

**A recent title report and an ALTA survey are provided herein for reference only. The District makes no representation or warranty based upon these documents.**

**Refer to Exhibits A-1, A-2, A-3, B-1, B-2, C1-1, C1-2, C2-1 and C2-2 for maps and legal descriptions**

## **2. INSPECTIONS:**

There will be NO testing, digging, or excavation of the subject property without obtaining a DISTRICT Right-of-Way use permit from the DISTRICT's Right of Way Permitting department. Contact Shelby Brown at (602) 506-4583 for more information regarding the DISTRICT's Right of Way permitting process.

### **3. BIDDING:**

All bidding is open to the public without regard to race, age, sex, religion, national origin, handicap, or marital status. To bid on behalf of another party, the purported agent must have a properly prepared and notarized special power of attorney. All potential bidders shall, at the time of registration, present a bid security deposit in the form of a cashier's check, certified check or money order in the amount of \$25,000.00 made payable to the Flood Control District of Maricopa County. Such deposit shall be converted to the earnest money deposit of the successful bidder. The bid security deposits of the unsuccessful bidders will be returned at the conclusion of the public auction process. During the public auction, bids shall be made in increments of no less than \$50,000.00.

### **4. PUBLIC AUCTION DATE/TIME:**

The public auction will begin promptly at **1:00 P.M. local time, Tuesday, November 1, 2016**, in the Adobe Conference Room within the offices of the **FLOOD CONTROL DISTRICT OF MARICOPA COUNTY** at 2801 West Durango Street, Phoenix, Arizona 85009. (A map denoting the bidding location is provided at end of this public notice.) **Please arrive one hour prior to the beginning of the auction for registration.** Entrance to the bidding location is on the south side of the building.

Questions may be submitted through the "CONTACT US", Real Estate, link at <http://mcdot.maricopa.gov/technical/real-estate/property-mgmt.aspx>, at least ten (10) days prior to the date of the public auction. Questions and answers will be posted to <http://mcdot.maricopa.gov/technical/real-estate/property-mgmt.aspx>.

### **5. EARNEST MONEY AND COMPLIANCE:**

The signed documents will be submitted to the Board of Directors of the Flood Control District of Maricopa County for the Board's consideration. The balance of the bid price and additional fees will be deposited with the escrow company within one hundred and twenty (120) days following approval of the transfer to the successful bidder auction by the Board of Directors of the **DISTRICT**. The Board of Directors of the Flood Control District of Maricopa County may cancel this public auction process at any time prior to opening escrow.

The successful bidder will sign the SUCCESSFUL BIDDER ACKNOWLEDEMENT as individual, firm/LLC or corporation. If the successful bidder is other than an individual, the successful bidder shall provide proof of authorization to do business in the State of Arizona and shall provide appropriate authorization of the acts taken in bidding at the auction and closing escrow.

A Purchase Contract, in substantially the form attached, will be entered into by **DISTRICT** as Seller and the successful bidder (and/or assignee or successor) as Buyer.

## **6. DEFAULT AND SUBSTITUTION:**

In the event the successful bidder fails to close title for any reason (default"), **fifty percent (50%)** of the bid security deposit shall be forfeited to the **DISTRICT** and any interest, legal or equitable in the property shall be forfeited and shall revert to the **DISTRICT**. The **DISTRICT** will return to the bidder the remaining 50% of the bid security deposit, without interest, within **180 days** of the closing date. Upon default, the **DISTRICT** may then sell to the second highest bidder at the price bid by the second highest bidder, assuming the second highest bidder meets all other bid requirements, including deposit of the (10%) bid security deposit, within 72 hours of notification by the District. The second highest bidder shall then pay the balance of their bid price within ninety (90) days of notification by the District.

## **7. INDEMNITY:**

All bidders agree to indemnify and hold harmless the **DISTRICT**, its officers, agents, and employees from any and all claims, liabilities, and causes of action occasioned by this public auction.

## **8. FUNDS AT CLOSING:**

The **DISTRICT** shall procure and make available upon request, a preliminary title report, the cost of which shall be split equally between **DISTRICT** and successful bidder through escrow. **The successful bidder shall pay all other closing costs**, i.e. owner's policy, title and escrow fees, etc. The balance of the bid amount and closing costs shall be made payable to **EMPIRE TITLE AGENCY** unless otherwise directed.

## **9. CONVEYANCE:**

Upon approval of the sale by the Board of Directors of the Flood Control District of Maricopa County, the successful bidder shall receive title by Special Warranty Deed as well as possession of the property at close of escrow.

## **10. BIDDER ACKNOWLEDGEMENT:**

By registering to bid, each bidder expressly warrants that neither he/she nor their associates has directly or indirectly entered into any agreement, participated in any collusion or otherwise taken any action in restraint of free competitive bidding in connection with this public auction.

## **11. SELLER REPRESENTATIONS:**

The **DISTRICT** makes no representations whatsoever regarding conditions or features of the subject property. The **DISTRICT** further makes no representation as to zoning, access to parcel, availability of utilities, or development potential of the site.

The **DISTRICT** reserves the right to reject any and all bids for any reason prior to or following the auction.

The **DISTRICT** is a political subdivision of the State of Arizona, and therefore is exempt from paying real property taxes. Upon completion of the recording of the conveyance deed to the successful bidder, and the change of the records at the office of the Maricopa County Assessor, a tax bill may be due by the new owner of record for the balance of calendar year of the purchase.

**SUCCESSFUL BIDDER ACKNOWLEDGEMENT: INDIVIDUAL**

**FCD Parcel No.:** FCD H-2646-EX

**ASSESSOR PARCEL NOS:** 215-15-001L, 001M, 002Q, 003A, 004A & 004B as of 8/29/16

**LOCATION:** West of Cave Creek Road, South of Jomax

**LEGAL DESCRIPTION:** See attached Exhibit "A"

**MINIMUM AMOUNT OF BID:** \$25,900,000.00

**MINIMUM INCREMENTAL BID AMOUNT: \$50,000.00**

**BIDDER REGISTRATION AMOUNT: \$25,000.00**

The bidder hereby acknowledges receipt of and agrees to the information and conditions set forth in this Invitation for Public Auction, and that this bid is based on the following Addenda:

The Undersigned certifies that the Invitation for Public Auction has been carefully examined, and also that the successful bidder has had the opportunity to inspect the property. The Undersigned further declares that the amount bid and the bidding process are understood and that at no time will misunderstanding of the Invitation for Public Auction be pleaded.

**Date:** \_\_\_\_\_

**IF BY AN INDIVIDUAL**

**Name** \_\_\_\_\_

**Street** \_\_\_\_\_

**City and State** \_\_\_\_\_

**Telephone** \_\_\_\_\_

**SUCCESSFUL BIDDER ACKNOWLEDGEMENT: FIRM OR PARTNERSHIP**

**FCD PARCEL NO:** FCD H-2646-EX

**Assessor Parcel Nos.** 212-15-001L, 001M, 002Q, 003A, 004A and 004B as of 8/29/2016

**LOCATION:** West of Cave Creek Road, south of Jomax Road

**LEGAL DESCRIPTION:** See attached Exhibit "A"

**MINIMUM AMOUNT OF BID:** \$25,900,000.00

**MINIMUM INCREMENTAL BID AMOUNT: \$50,000.00**

**BIDDER REGISTRATION AMOUNT: \$25,000.00**

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The Undersigned certifies that this Invitation for Public Auction has been carefully examined, and also that the successful bidder has had the opportunity to inspect the property. The Undersigned further declares that the amount bid and the bidding process are understood and that at no time will misunderstanding of the Invitation for Public Auction be pleaded.

**Date:** \_\_\_\_\_

**IF BY A FIRM OR PARTNERSHIP:**

\_\_\_\_\_  
Firm Name

**By:** \_\_\_\_\_

\_\_\_\_\_  
Telephone

**Name and Address of Each Member:**

\_\_\_\_\_  
Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
Name

\_\_\_\_\_  
Address

The name and address of each member of the firm or partnership must be shown.

**SUCCESSFUL BIDDER ACKNOWLEDGEMENT: CORPORATION**

**Parcel No.:** FCD H-2646-EX

**Assessor Parcel Nos.** 212-15-001L, 001M, 002Q, 003A, 004A and 004B as of 8/29/2016

**LOCATION:** West of Cave Creek Road, South of Jomax Road

**LEGAL DESCRIPTION:** See attached Exhibit "A"

**MINIMUM AMOUNT OF BID:** \$25,900,000.00

**MINIMUM INCREMENTAL BID AMOUNT: \$50,000.00**

**BIDDER REGISTRATION AMOUNT: \$25,000.00**

The successful bidder hereby acknowledges receipt of and agrees to the information and conditions set forth in this Invitation for Public Auction, and that this bid is based on the following Addenda:

The Undersigned certifies that this Invitation for Public Auction has been carefully examined, and also that the successful bidder has had the opportunity to inspect the property. The Undersigned further declares that the amount bid and the bidding process are understood and that at no time will misunderstanding of the Invitation for Public Auction be pleaded.

**Date:** \_\_\_\_\_

**IF BY A CORPORATION:**

\_\_\_\_\_  
**Corporation Name**

\_\_\_\_\_  
**Corporation Address**

By: \_\_\_\_\_

\_\_\_\_\_  
Telephone

\* **Incorporated under the Laws of the State of** \_\_\_\_\_

**Names and Addresses of Officers:**

\_\_\_\_\_  
President

\_\_\_\_\_  
Address

\_\_\_\_\_  
Secretary

\_\_\_\_\_  
Address

\_\_\_\_\_  
Treasurer

\_\_\_\_\_  
Address

\*Provide names, titles, and business address of the President, Secretary, and Treasurer, and Board resolution authorizing signer of deed and escrow documents.

Date

When recorded, Interoffice Mail to:  
Maricopa County  
Real Estate Services  
2801 W. Durango St.  
Phoenix, AZ 85009 (LLA)

**EXEMPT ARS § 11-1134, A3**

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**C-69-01-026-B-00**

**SPECIAL WARRANTY DEED**

Project: Cave Buttes Dam  
FCD Parcel #: H-2646-EX  
Assessor's Parcel Nos.: 212-15-001L, -001M, -002Q,  
-003A, -004A, and -004B

**The Flood Control District of Maricopa County, a municipal corporation and political subdivision of the State of Arizona, GRANTOR**, for the sum of XXXXXXXX Dollars and XX/100 Dollars (SXXXXX.00), and other valuable consideration, receipt and sufficiency of which are hereby acknowledged, paid by \_\_\_\_\_, **GRANTEE**, herein has granted, sold, and conveyed and by this Deed does grant, sell, and convey unto the said **GRANTEE** all that certain real property situated in the County of Maricopa, State of Arizona, described as follows:

See Attached Exhibit "A"  
Attached hereto and incorporated herein

The **GRANTOR** hereby conveys unto **GRANTEE** all warranties of title of any nature whatsoever that **GRANTOR** owns; provided, however, **GRANTOR** warrants title as against all of its acts and not other acts.

This property is conveyance subject to: assessments, reservations, easements, rights-of-way, and deed restrictions as may appear on record.

Parcel No. **212-15-001L, 2Q, 3A & 212-15-004A**  
**CAVE BUTTES DAM**  
Item No. **H-2646-EX**

LEGAL DESCRIPTION FOR **EXCESS LAND**

A portion of land lying within the Northwest quarter (NW4), the Northeast quarter (NE4) and the Southeast quarter (SE4) of Section 10 - T4N, R3E, G&SRB&M, Maricopa County, Arizona, said portion being described as follows:

**COMMENCING** at the Northeast corner of said Section 10; thence along the East line of the Northeast quarter (NE4) of said section 10, South 00°08'39" West a distance of 200.00 feet to a point on the South line of the North 200 feet of said NE4 and the **TRUE POINT OF BEGINNING**; thence continuing along said East line, South 00°08'39" West a distance of 2433.00 feet to the East quarter corner of said section 10; thence along the South line of said NE4, South 89°56'54" West a distance of 850.45 feet; thence South 66°35'48" West a distance of 504.57 feet; thence South 67°11'24" West a distance of 998.95 feet; thence North 47°26'01" West to a point on the West line of the SE4 of said section 10, a distance of 534.17 feet, said point lies North 00°23'49" West a distance of 2461.58 feet from the South quarter corner of said section 10; thence along said West line, North 00°23'49" West a distance of 224.75 feet to the center of said section 10; thence along the East-West mid-section line, South 89°57'21" West a distance of 225.37 feet; thence North 45°18'48" West a distance of 980.17 feet; thence South 64°37'41" West a distance of 813.36 feet; thence South 24°33'55" East to a point on the South line of the Northwest quarter (NW4) of said Section 10, a distance of 375.76 feet; thence along the South line of the Northwest quarter of said section 10, South 89°57'21" West a distance of 1108.14 feet to the West quarter corner of said section; thence North 00°05'15" West along the West line of the Northwest quarter (NW4) of said Section 10, a distance of 495.23 feet; thence North 89°59'17" East to a point on the East line of the West 33.00 feet of the Northwest quarter of said Section 10, a distance of 33.00 feet; thence along said East line, North 00°05'15" West to a point on the South line of the NW4NW4 of said Section 10, a distance of 825.39 feet; thence along the South line of said NW4NW4, North 89°58'41" East a distance of 1273.24 feet to the Southeast corner of said NW4NW4;

**EXHIBIT "A-1"**

Page 1 of 2

H-2646-EX (cont'd):

thence along the East line of said NW4NW4, North 00°00'48" West a distance of 1320.11 feet to the Northeast corner of said NW4NW4; thence along the North line of the NW4 of said section 10, South 89°59'59" East 1307.94 feet to the North quarter corner of said section 10; thence along the North line of the NE4 of said section 10, South 89°54'59" East a distance of 33.14 feet; thence parallel with and 2600 feet West of the East line of said NE4, South 00°08'39" West a distance of 200.00; thence along the South line of the North 200 feet of said NE4, South 89°54'59" East a distance of 2600.00 feet to the **POINT OF BEGINNING**.

Containing 11,535,932 square feet or 264.83 acres more or less.

**RESERVING** unto the Flood Control District of Maricopa County, a 20-Foot wide Operation and Maintenance Road Easement (O&M) over and across the South 230.00 feet of the Northeast quarter of the Northwest quarter and also the North half of the Northeast quarter of said Section 10.

**AND RESERVING** unto the Flood Control District of Maricopa County", a Roadway Easement as described in Exhibit "B".

**AND RESERVING** unto the Flood Control District of Maricopa County", Flowage Easements as described in Exhibits "C1 and C2".

The location and construction of the Reservation herein described are to be mutually agreed upon between Grantor and Grantee, their successors, and assigns. Any development plan must be submitted to Grantor for Grantor's review and acceptance to ensure permanent easement rights, which acceptance shall not be unreasonably withheld.

FLOOD CONTROL DISTRICT OF MARICOPA COUNTY		
Prelim: 10-03-00	Chk: <i>[Signature]</i> 8/30/2016	Appr:
Rev: 6-21-02; 3-16-06; 12-23-2014; 4-30-2015; 8-30-2016		
Maricopa County Public Works - Real Estate Division		



**EXHIBIT "A-1"**





**LEGAL DESCRIPTION: CAVE BUTTES ROADWAY PARCEL**

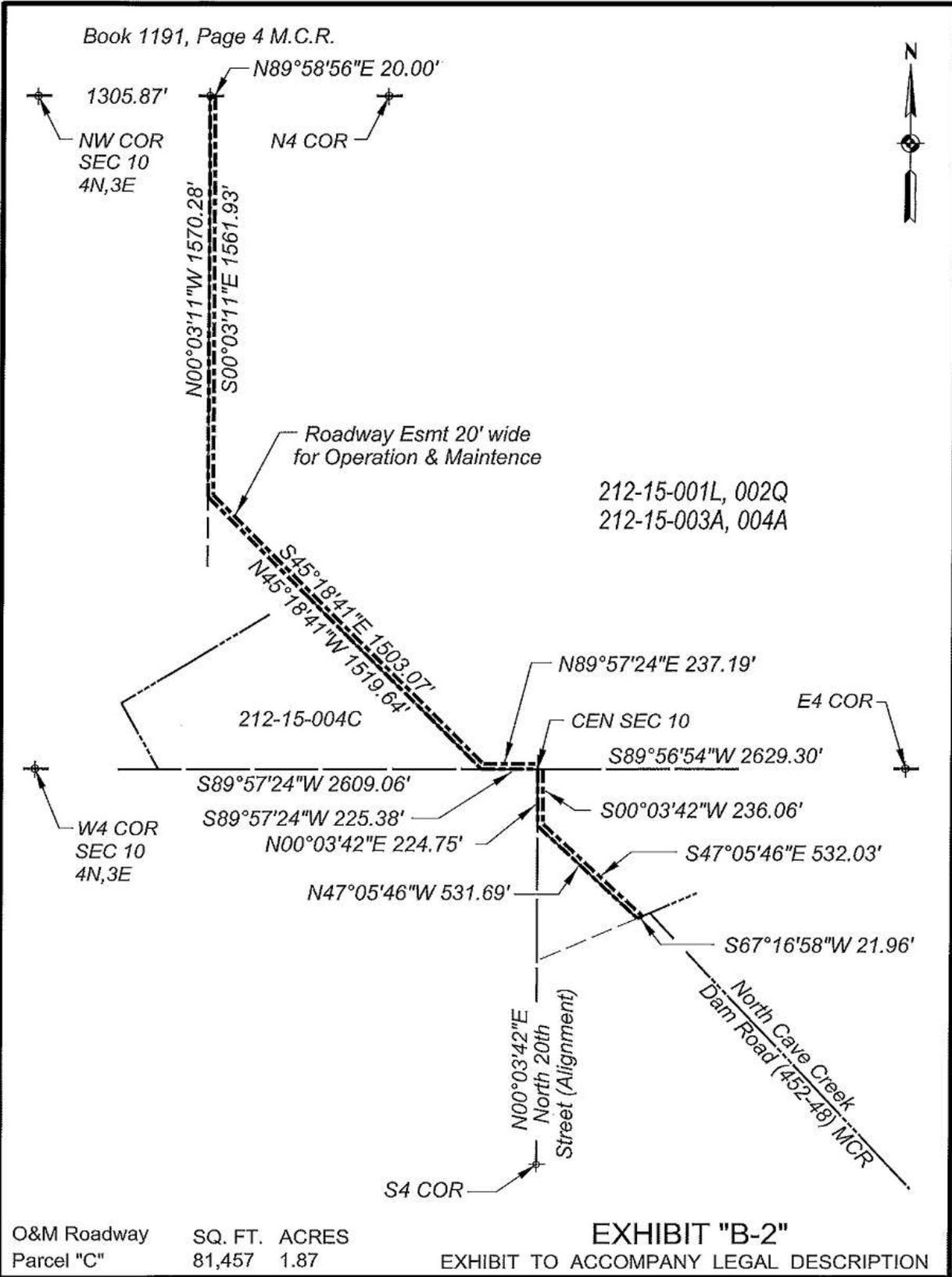
A parcel of land 20 feet in width located in the NW1/4 SE1/4 and the NE1/4 NW 1/4 of Section 10, Township 4 North, Range 3 East of the Salt River Meridian, Maricopa County, Arizona being more completely described as follows:

Beginning at the center quarter corner of said section thence S 89° 57' 24"W, a distance of 225.38 feet along the East-West centerline of said section, also being the southerly boundary line of the N1/2 of said section; thence N 45°18'41"W a distance of 1519.64 feet to a point on the westerly boundary line of said NE1/4 NW1/4; thence N 00°03'11"W, a distance of 1570.28 feet along said line to a point on the northerly boundary line of said section; thence N 89°58'56"E, a distance of 20.00 feet along said line; thence S 00°03'11" E, a distance of 1561.93 feet; thence S 45°18' 41"E, a distance of 1503.07 feet; thence N 89°57' 24" E, a distance of 237.19 feet; thence S 00° 03' 42"W, a distance of 236.06 feet; thence S 47°05'46"E, a distance of 532.03 feet; thence S 67°16' 58"W, a distance of 21.96 feet; thence N 47° 05'46"W, a distance of 531.69 feet; thence N 00°03'42"E, a distance of 224.75 feet to the Point of Beginning. This parcel as described contains 1.87 Acres.



Expires 6-30-16

**EXHIBIT "B-1"**





LEGAL DESCRIPTION: CAVE BUTTES PROPOSED FLOWAGE EASEMENT PARCEL A

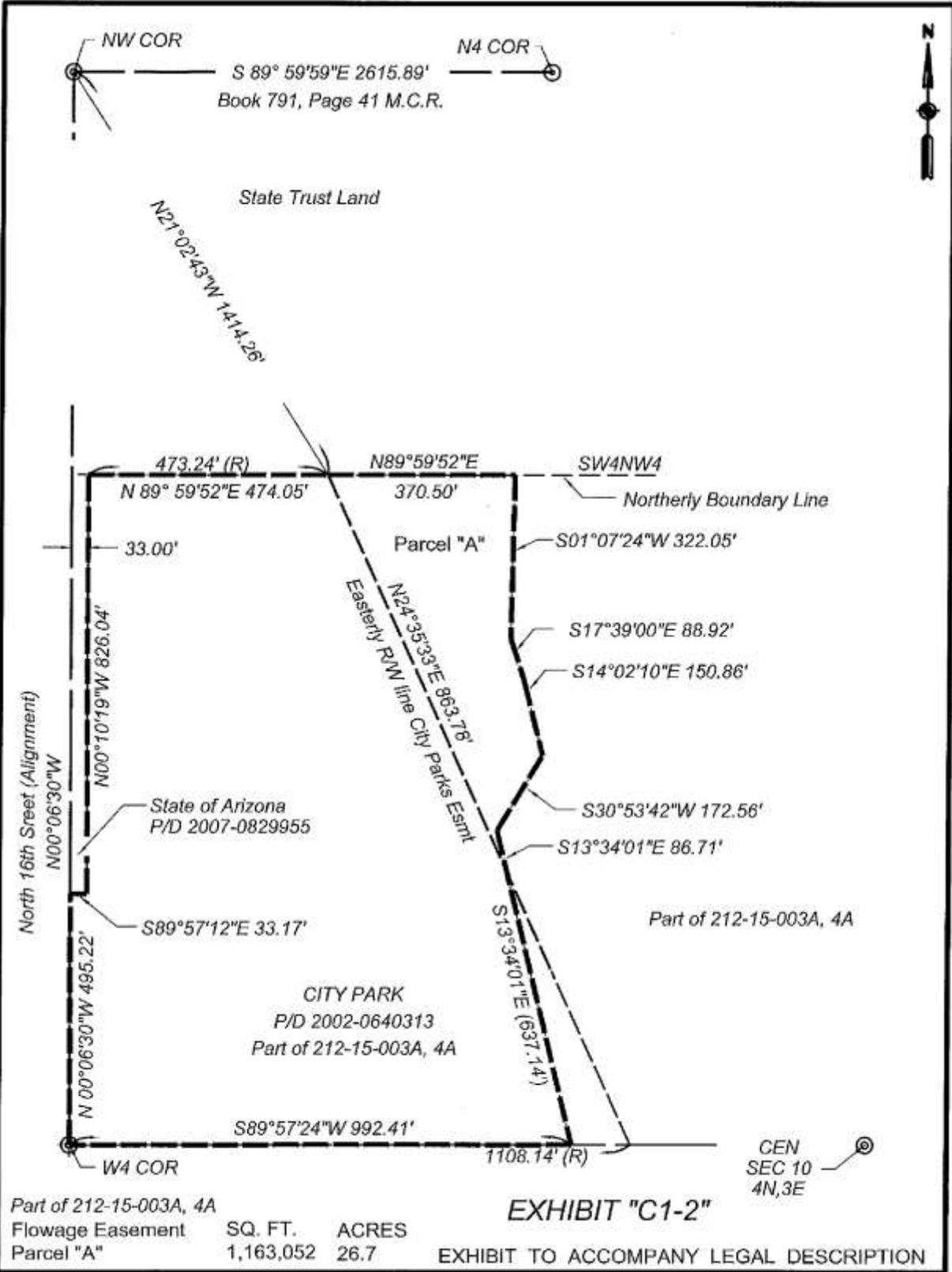
A parcel of land located in the SW ¼ NW1/4 Section 10 Township 4 North, Range 3 East of the Salt River Meridian, Maricopa County, Arizona being more completely described as follows:

Beginning at a point on the northerly boundary line of said SW 1/4 NW1/4 from which the Northwest Corner of Section 10 bears N 21°02' 43" W, a distance of 1414.26 feet; thence N 89°59'52"E a distance of 370.50 feet along said northerly line; thence S 01°07'24"W, a distance of 322.05 feet; thence S 17°39'00"E a distance of 88.92 feet; thence S 14°02'10"E, a distance of 150.86 feet; thence S 30°53'42"W, a distance of 172.56 feet; thence S 13°34'01"E, a distance of 637.14 feet to a point on the southerly boundary line of said SW1/4NW1/4; thence S 89°57'24"W a distance of 992.41 feet along said line to a point on the westerly boundary line of said section; thence N 00°06'30"W, a distance of 495.22 feet along said line; thence S 89°57'12"E, a distance of 33.17 feet; thence N 00°10'19"W, a distance of 826.04 feet to a point on the northerly boundary line of said SW1/4 NW1/4; thence N 89°59'52"E, a distance of 474.05 feet along said line to the Point of Beginning. This parcel as described contains 26.7 Acres.



Expires 6-30-16

*EXHIBIT "C1-1*





**LEGAL DESCRIPTION: CAVE BUTTES PROPOSED FLOWAGE EASEMENT PARCEL B**

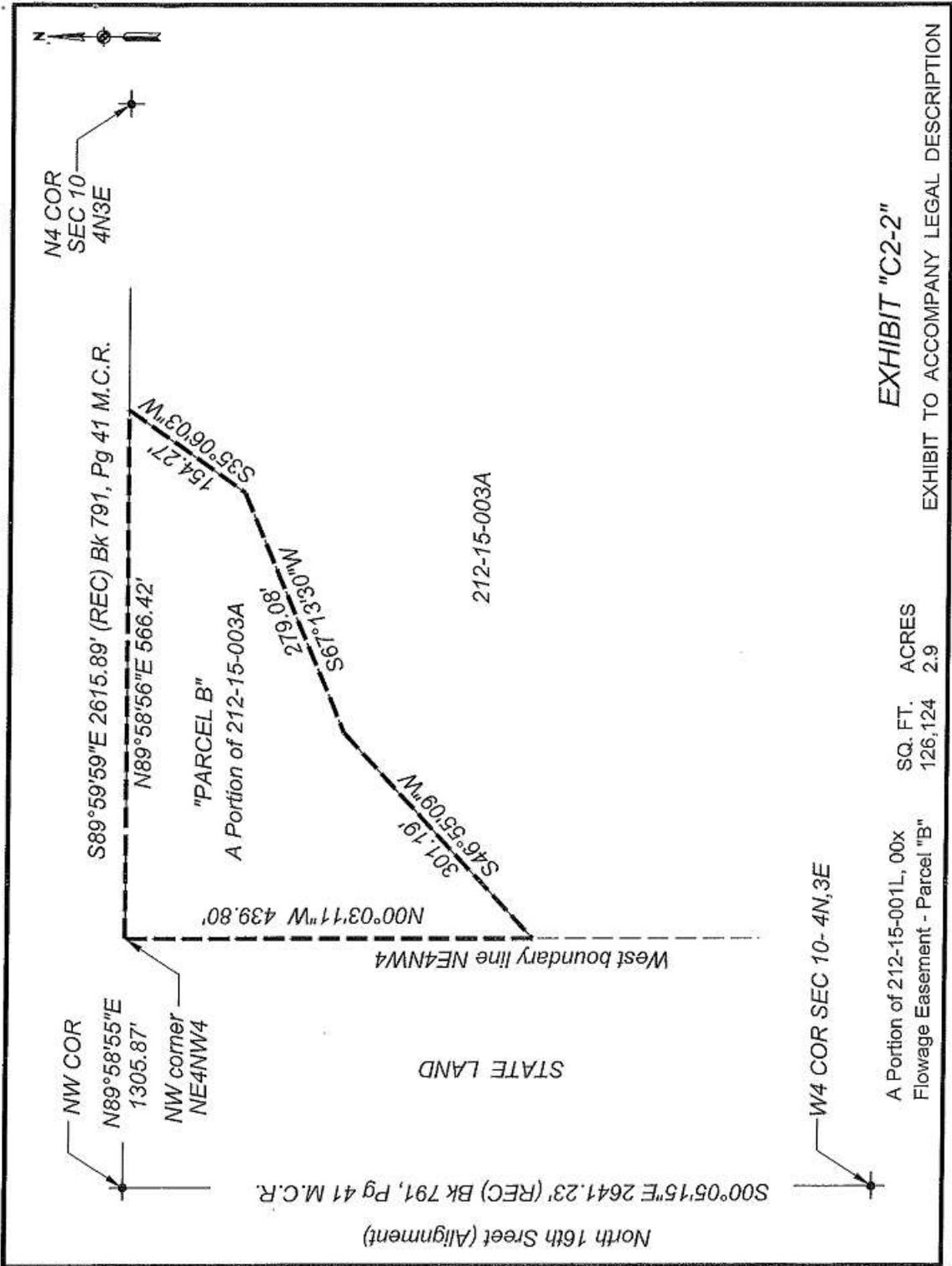
A parcel of land located in the NE ¼ NW1/4 Section 10, Township 4 North, Range 3 East of the Salt River Meridian, Maricopa County, Arizona being more completely described as follows:

Beginning at the Northwest corner of said NE1/4 NW1/4 from which the Northwest corner of said section bears N 89°58'55"W, a distance of 1305.87 feet; thence N 89°58'56"E, a distance of 566.42 feet along the northerly boundary line of said NE1/4 NW1/4, thence S 35°06'03"W, a distance of 154.27 feet; thence S 67°13'30"W a distance of 279.08 feet; thence S 46°55'09"W, a distance of 301.19 feet to a point on the westerly boundary line of said NE1/4 NW1/4; thence N 00°03'11"W, a distance of 439.80 feet along said line to the Point of Beginning. This parcel as described contains 2.9 Acres.

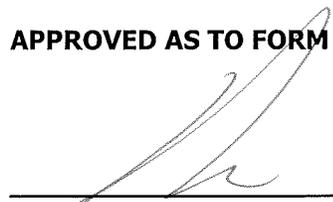


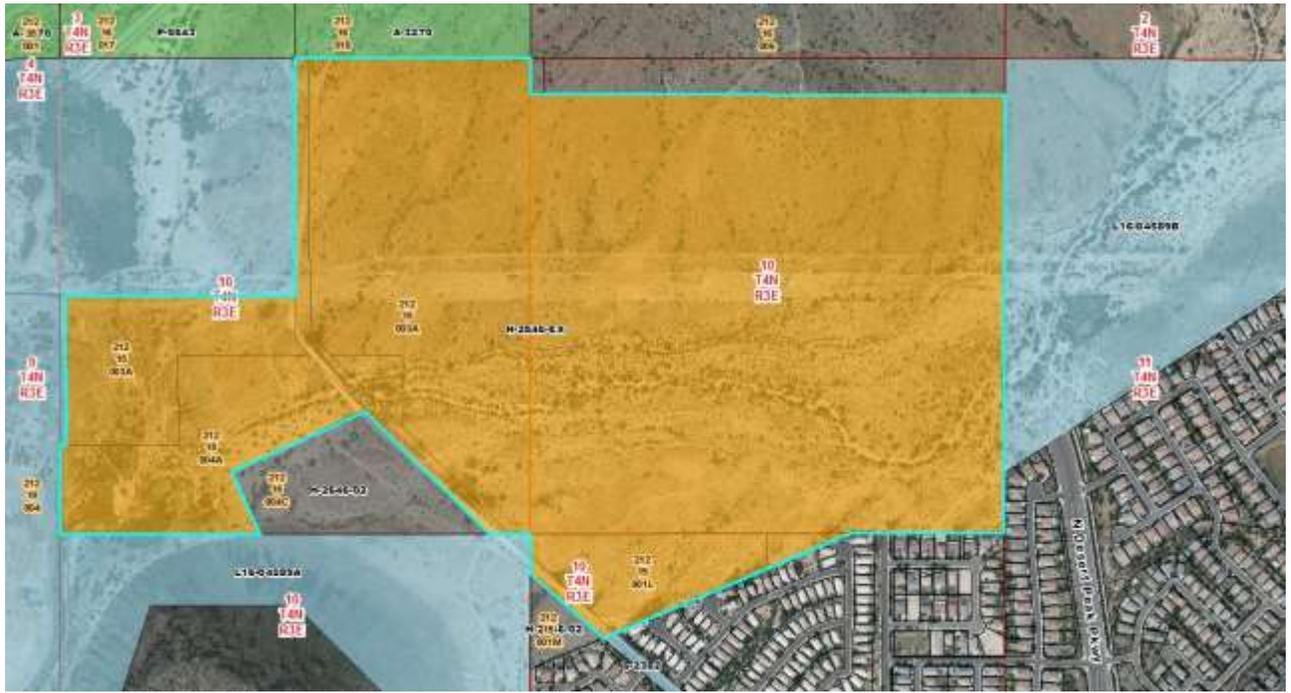
Expires 6-30-16

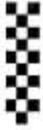
**EXHIBIT "C2-1"**



**APPROVED AS TO FORM**

  
\_\_\_\_\_ *9/2/14*  
**District Legal Counsel** **Date**





Mar. 23. 2016 2:40PM

No. 0489 P. 1/10



### City of Phoenix

STREET TRANSPORTATION DEPARTMENT  
FLOODPLAIN MANAGEMENT  
200 WEST WASHINGTON STREET, 5<sup>th</sup> floor  
PHOENIX, AZ 85003-1611  
PHONE: (602) 262-4960 FAX: (602) 262-7322

### FLOODPLAIN DETERMINATION

Date: 3-23-16 OS# 46-51 Elevation Certificate No  
 Property Owner: Flood Control District of Maricopa County  
 Property Address: unaddressed City: See attached Phone: 85024  
 Legal or APN (required for apts & condos): 212-15-003A 5706-4161  
 Requested by: L. Ambs Phone: 602-506-4747 Fax: 602-506-8780  
 Company Name & Address: Flood Control District of Maricopa County

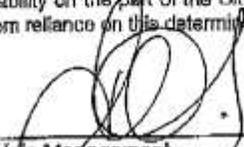
FIRM COMMUNITY NUMBER: 040051 MAP NUMBER & SUFFIX: 04013C  
 PANEL NUMBER & SUFFIX: 1285L EFFECTIVE DATE OF FIRM: 10-16-13

Based upon the above information, a determination of the property's exact location cannot be made on the FIRM or is outside the Phoenix city limits. Please call: \_\_\_\_\_ at \_\_\_\_\_ for information on this property.

The property is located on the Flood Insurance Rate Map (FIRM) in ZONE \_\_\_\_\_ In Zones Shaded X and Unshaded X, properties are outside the delineated 100-year floodplain. Flood insurance is available, but not required by the Federal Insurance Administration, for buildings concerned with a federally insured loan. Flood insurance is optional at the discretion of the owner or lending institution.

The property is located within a SPECIAL FLOOD HAZARD AREA (SFHA) in ZONE AE FEDERAL LAW REQUIRES FLOOD INSURANCE AS A CONDITION OF A FEDERALLY INSURED LOAN OR MORTGAGE SECURED BY BUILDINGS WITHIN A SPECIAL FLOOD HAZARD AREA (SFHA) ZONE.

NOTE: This determination is based on the most current edition of the Flood Insurance Rate Map (FIRM) of the Federal Emergency Management Agency. This letter does not imply that the referenced property will or will not be free from flooding or damage. A property in a Special Flood Hazard Area may be damaged by a flood greater than that predicted on the FIRM or from a local drainage problem not shown on the map. This letter does not create liability on the part of the City Of Phoenix, or any officer or employee thereof, for any damage that may result from reliance on this determination.

  
 \_\_\_\_\_  
 Floodplain Management  
 Revised: October 2013

03-24-16  
 \_\_\_\_\_  
 Date



**City of Phoenix**  
PLANNING & DEVELOPMENT DEPARTMENT

FLOOD CONTROL DISTRICT	
RECEIVED	
AUG 31 '15	
CH & GM	FINANCE
PIO	P.E.D.
ADMIN	C & M
FMS	P & F/M
ENG	FILE
CONTRACTS	
ROUTING	

August 17, 2015

Mr. William D. Wiley, P.E.  
Chief Engineer and General Manager  
Flood Control District of Maricopa County  
2801 West Durango Street  
Phoenix, AZ 85009

RE: APRIL 13, 2015 PINNACLE PEAK ALIGNMENT MEETING

Dear Mr. Wiley:

This letter is in response to the July 14, 2015 letter to Mr. Ray Dovalina and Mr. Alan Stephenson. City of Phoenix staff concurs with the results of the April 13, 2015 meeting and discussion regarding the alignment of Pinnacle Peak Road. The General Plan map only shows conceptual alignment and City of Phoenix staff will work with the final purchaser of the land to appropriately design the portion of Pinnacle Peak Parkway through the subject property to connect with the existing alignment of Desert Peak Parkway to more closely align the actual alignment proximate to the power line corridor so long as a safe connection is made to the existing right-of-way and other adopted street standards are met. Attached for your reference is an aerial exhibit showing recent development in close proximity to the subject property.

As a correction to the July 14, 2015 letter, it is our understanding that the subject property was rezoned from R1-18 RUPD and R1-6 RUPD (not R1-8 RUPD and R1-10 RUPD) in Maricopa County under case Z2000126. As part of the annexation process the subject property was annexed into the City of Phoenix under the R1-18 and R1-6 (not R1-10 and R1-8) as the equivalent zoning. Attached for your reference is the approval letter and zoning sketch map for Z-43-02 (Annexation-254).

Sincerely,

Alan Stephenson  
Planning & Development Director

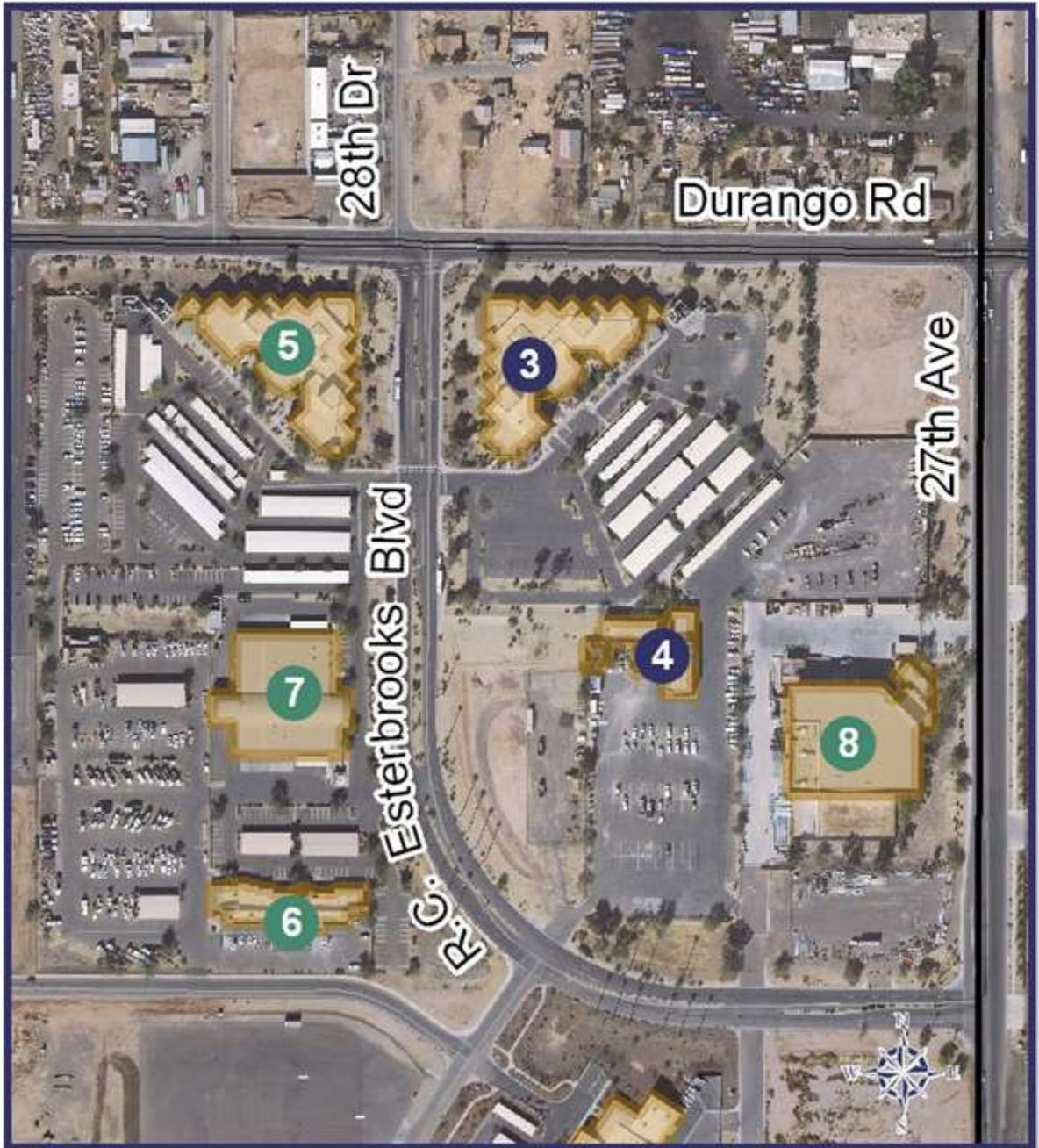
Ray Dovalina  
Streets Transportation Director

Attachments:  
Aerial Exhibit  
Z-43-02-1 (ANX-254) Approval Letter and Sketch Map



## Flood Control District Location and Surrounding County Facilities

- 3 Flood Control Administration
- 4 Flood Control Operations
- 5 Transportation Administration
- 6 Transportation Operations
- 7 Transportation Traffic Operations
- 8 Distribution Center



Flood Control District of Maricopa County 2801 West Durango Street Phoenix, Arizona 85009 (602) 506-1501

**APPRAISAL REPORT**

**A 264.83 Acre Tract of Desert Land  
Located At the North End of  
Cave Buttes Dam Road  
Phoenix, Arizona 85024**

**Cave Buttes Dam  
FCD Project No. 350.01.01  
Item No. H-2646-EX**

**PREPARED FOR:  
FLOOD CONTROL DISTRICT OF MARICOPA COUNTY  
2801 WEST DURANGO STREET  
PHOENIX, AZ 85009**

**ATTENTION: MS. LISA AMOS**

**DATE OF REPORT**

**MAY 12, 2016**

**DATE OF VALUATION:**

**APRIL 14, 2016**

**DATE OF INSPECTION:**

**APRIL 14, 2016**

**WAYNE HARDING, MAI  
CERTIFIED GENERAL REAL ESTATE APPRAISER  
CERTIFICATE NO. 30471**

**HARDING & ASSOCIATES  
9420 EAST DOUBLETREE RANCH ROAD SUITE C-110  
SCOTTSDALE, ARIZONA 85258  
TELEPHONE (480) 609-7090  
FAX (480) 609-7150**

## HARDING & ASSOCIATES

Professional Real Estate Valuation  
9420 East Doubletree Ranch Road Suite C-110  
Scottsdale, Arizona 85258  
Telephone (480) 609-7090  
Fax (480) 609-7150  
E-mail: wayne.harding@cox.net

May 12, 2016

Ms. Lisa Amos  
Maricopa County Public Works  
Real Estate Division  
2801 West Durango Street  
Phoenix, AZ 85009

RE: Appraisal of a 264.83 acre tract of vacant desert land located at the north end of Cave Buttes Dam Road in Phoenix, Arizona 85024.

Dear Ms. Amos:

At your request, the above-referenced tract of vacant land that is owned by the Flood Control District of Maricopa County (FCDMC) in north Phoenix, Arizona has been appraised. It has a total area of 264.83 acres and is irregular in shape. It was acquired several decades ago by FCDMC as a part of the Cave buttes Dam flood control complex and was recently identified as excess land. The subject property lies to the south of Cave Buttes Dam and north of existing subdivisions. As it is now excess land, FCDMC is seeking to dispose of it through public auction. As a result, they have had the property appraised in order to establish a minimum bid for the auction.

The purpose of the appraisal is to estimate the market value of the land, as of the date of valuation. The client is the FCDMC. The intended user is the client as well as members of the public interested in bidding on the property. The intended use is to assist FCDMC in disposing of the site as excess land, specifically by establishing a minim bid for public auction. It may not be used for any other purpose or by any other party without the written consent of Harding & Associates. It is noted that we have not performed any services, as an appraiser or in any other capacity, regarding the property that is the subject of this report within the three-year period immediately preceding acceptance of this assignment.

The property was inspected and analyzed for the purpose of estimating market value, as defined in this report, as of April 14, 2016. The report is prepared to conform to the 2016-2017 edition of the Uniform Standards of Professional Appraisal Practice (USPAP) and the appraisal guidelines of FCDMC as I understand them. It contains a description of the property appraised and the analysis of the data leading to the value stated. The data, opinions, and conclusions discussed are subject to the assumptions and limiting conditions in the addenda of this report.

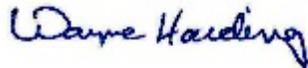
As a conclusion of the analysis, the estimated value of the subject property, as of April 14, 2016, is:

**THIRTY MILLION FOUR HUNDRED SIXTY THOUSAND DOLLARS**  
**(\$30,460,000)**

Data used to support the value conclusion is presented and discussed in the accompanying report. It is also noted that no environmental hazards are known to be influencing the subject property, although the entire tract was not inspected. The underlying assumptions and limiting conditions pertaining to this report are contained in the first exhibit in the Addenda. These assumptions and limiting conditions are an integral part of the report and are only placed at the end to facilitate reading of the report, not to minimize their importance.

Respectfully,

HARDING & ASSOCIATES

A handwritten signature in blue ink that reads "Wayne Harding". The signature is written in a cursive style.

By: Wayne Harding, MAI  
Certified General Real Estate Appraiser #30471

## SUMMARY OF SALIENT FACTS AND CONCLUSIONS

<b>Type of Property:</b>	Vacant desert land with subdivision potential.
<b>Location:</b>	At the north end of Cave Buttes Dam Road Phoenix, Arizona 85024.
<b>Purpose of the Appraisal:</b>	The purpose of this appraisal is to estimate market value of the fee simple interest in the subject property.
<b>Intended Use:</b>	To assist the Flood Control District of Maricopa County (FCDMC) in disposing of the property as excess land.
<b>Intended Users:</b>	FCDMC, its employees and representatives, as well as members of the public interested in bidding on the property.
<b>Hypothetical Conditions:</b>	None.
<b>Extraordinary Assumptions:</b>	None.
<b>Legal Description:</b>	The legal description provided by the client is shown in Exhibit 3 of the addenda following the ALTA survey.
<b>Site Area:</b>	264.83 gross acres.
<b>Tax Parcel Numbers:</b>	212-15-001L, 212-15-002Q, 212-15-003A, and 212-15-004A
<b>Zoning:</b>	A combination of R1-6 and R1-18, residential with a 6,000 square foot lot size and residential with an 18,000 square foot minimum lot size, respectively, by the City of Phoenix.
<b>Site Improvements:</b>	None other than rough graded roads and a culvert bridge crossing one wash.
<b>Highest &amp; Best Use:</b>	Develop with a residential subdivision as allowed by zoning.
<b>Estimated Value of Total Property:</b>	\$30,460,000
<b>Date of Valuation:</b>	April 14, 2016
<b>Date of Inspection:</b>	April 14, 2016

**Appraisal Reporting  
Standards:**

This report is drafted to adhere to the 2016-2017 edition of the Uniform Standards of Professional Appraisal Practice (USPAP) plus the appraisal guidelines of the FCDMC as I understand them.

**Appraiser:**

Wayne Harding, MAI  
Harding & Associates  
9420 East Doubletree Ranch Road, Suite C-110  
Scottsdale, Arizona 85258  
(480)609-7090

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## **INTRODUCTION**

This is an appraisal of a 264.83 acre tract of vacant desert land that is owned by the Flood Control District of Maricopa County (FCDMC) as excess land. It was acquired several decades ago by FCDMC as a part of the Cave Buttes Dam flood control complex and has remained as idle land. As demand for residential development has pushed into this area, FCDMC is seeking to dispose of it through public auction. As a result, they have had the property appraised in order to establish a minimum bid for the auction. An aerial photo of the parcel is shown on page two and ground level photos of the site are shown in the addenda. Plat maps and exhibits are provided throughout the report and in the addenda to aid in better visualizing the site.

### **Scope of Work**

The purpose of this appraisal is to estimate market value of the subject property. The client is the FCDMC. The intended user is the client as well as members of the public interested in bidding on the property. The intended use of this report is to assist the FCDMC in disposition of the site as excess land. There are no hypothetical conditions or extraordinary assumptions of the report. It is noted I have not performed any services, as an appraiser or in any other capacity, regarding the property that is the subject of this report within the three-year period immediately preceding acceptance of this assignment.

## **PROPERTY IDENTIFICATION**

### **Tax Parcel Numbers**

212-15-001L, 212-15-002Q, 212-15-003A, and 212-15-004A

### **Owner of Record**

The owner of record for the subject parcel, according to the title report provided by the client, is:

Flood Control District of Maricopa County  
2801 West Durango Street  
Phoenix, AZ 85009

### **Legal Description**

The legal description of the subject property is lengthy and is shown on pages following the ALTA survey in Exhibit 3 of the addenda.

### **Development History**

The property is vacant desert land. Other than power lines, sewer lines, a gas line and other municipal improvements, the site is otherwise undeveloped.



## **Five Year Chain of Title**

The subject parcel has been under the ownership of the FCDMC for several decades.

## **Current Listing Price and Offerings**

The property is not presently listed for sale according to the client and, although there has reportedly been interest in acquiring it, there have been no formal offers to purchase it as yet.

## **Owner Contact and Site Inspection**

The client is the owner and they are aware that the property is being appraised so no owner contact was necessary. The property was inspected on April 14, 2016. This is also the date of valuation.

## **Marketing Period**

Given the availability of competing properties that were observed in the market that are available for sale around the time of the date of valuation, the estimated time required to market the property today is six to nine months. This conclusion is based upon the assumption that the property is properly marketed by a professional brokerage specializing in this type of property and at a price that is equal to or near the value concluded in this appraisal.

## **Exposure Period**

Based upon information seen in the market, the estimated exposure time required to sell the subject parcels on the open market is also six to nine months based upon analysis of prevailing market conditions on the date of valuation for this property type, as well as discussions with market participants and observers, and by comparison with marketing periods of the sales included in this report, where available. Again, this conclusion is based upon the assumption that the property is properly marketed by a professional brokerage specializing in this type of property and at a price that is equal to or near the value concluded in this appraisal.

## **Easements and Encumbrances**

Both an ALTA Survey and three separate title reports were provided by the client for the subject property. All are shown in the addenda. The exceptions to title compiled on the ALTA from the three title reports come to a total of 57. Many of these have no impact and some have little to no impact. The most significant easements include three parallel easements that run east-west through the middle of the property, including a series of high-voltage power lines, an underground trunk natural gas line, and a city of Phoenix sewer line. These three easements are shown in photos in the addenda and are evident on the aerial photos of the property as well. On the aerial photo the high-voltage power line follows the strip that is without desert cover. The gas line runs parallel to it to the north and the sewer line runs parallel to it to the south.

Other easements of note include a right-of-way for Cave Creek Dam Road, a waterline easement near the northeast corner of the property, and various other utility line and accessory easements. The client will be placing easements on the property at the time of transfer to; 1) provide continued legal access along Cave Creek Dam Road, and ; 2) allow flood water flowage over the west end of the property and a triangular area at the northwest corner. These easements are shown in Exhibit 7 of the addenda.

The flowage easements are 26.7 acres and 2.9 acres in size, respectively, totaling 29.6 acres. The bulk of the west flowage easement is also shown on the easement sketch as being within a City of Phoenix park easement. Since the flowage easement precludes any building, it is the more restrictive of the two easements.

It is assumed that there are no adverse restrictions or easements which would affect the utility or marketability of the subject parcel. In the event that an updated title report shows adverse restrictions or easements, the appraiser reserves the right to review the value indicated in this appraisal and to alter the value conclusion, if necessary.

### **Hazardous Wastes**

No toxic waste or contaminants are known to exist on the site as of the time of inspection, although the entire site was not inspected. However, this does not mean that such materials do not exist either on or under the subject parcel. The appraiser is without the expertise to identify or detect such substances. Because of the liability generated if toxic wastes or contaminants are found on the site, it is strongly recommended that a specialist in the detection of toxic waste be retained and the property checked for possible contamination.

If a toxic waste or contaminant is detected, the value estimates concluded in this report are no longer valid. If a reappraisal is required, it will be made at an additional charge and upon receipt of any additional information requested, including descriptions of the toxic waste or contaminant and the cost of removal.

### **DEFINITION OF MARKET VALUE**

The definition of market value applied in this assignment, pursuant to the Arizona Revised Statute 12-1122, is as follows:

"...'Market Value' means the most probable price estimated in terms of cash in United States dollars or comparable market financial arrangements which the property would bring if exposed for sale in an open market, with reasonable time allowed in which to find a purchaser, buying with knowledge of all of the uses and purposes to which it was adopted and for which it was capable."

## **PROPERTY RIGHTS APPRAISED**

The **fee simple estate** of the subject property is appraised, which is defined as:

“Absolute ownership unencumbered by any other interest or estate, subject only to the limitations imposed by the governmental powers of taxation, eminent domain, police power, and escheat.”<sup>1</sup>

No personal property is included within the value estimate.

### **Tenant Information**

No leases impact the property. Therefore, no leasehold interests are noted.

### **Date of Inspection and Valuation**

The property was inspected on April 14, 2016. The date of valuation is also April 14, 2016.

## **APPRAISAL PROCESS**

The scope of this appraisal involves a specific process in order to form an opinion of the market value of fee simple interest in the subject property. The process includes the following steps: 1) inspection of the subject property to identify the physical, locational and economic characteristics of the property relative to competing properties; 2) research and investigation of public records relating to the property and competing properties to identify legally permitted uses and availability of public amenities; 3) performing a search of public records and other sources to identify sales of competing property in the market; 4) analysis of the sales data to identify those sales most similar to the subject property; 5) formulating an opinion of the highest and best use of the subject property, and; 6) analysis of the sales comparison approach. Since the cost and income approaches apply to improved properties, they are not applicable in this case. The sales comparison approach is discussed in the Valuation section of this report.

### **Extent of Data Collection Process**

The scope of this appraisal recognizes one approach to market value; the sales comparison approach. Since the cost and income approaches apply to improved properties, they are not analyzed here. The sales comparison approach is discussed in the Valuation section of this report. The data collected and employed in the analysis is referenced throughout the report and typically includes the source of the data and its overall significance.

---

<sup>1</sup> The Appraisal Institute, *Dictionary of Real Estate Appraisal* - 4th Ed, 2002, page 113

In order to analyze the forces affecting the subject market and the property's competitive position within the market, a number of independent investigations were conducted. Regularly updated data from published data services for the subject market and competing properties was referenced to gain current information on market conditions. Current sales data was gathered on numerous comparable properties from throughout western metropolitan Phoenix and recorded affidavits of property value were checked to verify preliminary information. From this search, the most comparable properties were selected for use supporting a value estimate for each subject site.

Data used in the discussion of the Arizona and Phoenix metro area was gathered from many sources including Phoenix daily newspapers, publications by Arizona State University and the University of Arizona, and from other sources. Neighborhood data was collected by driving the area and making observations on location, nature, and condition of surrounding improvements and features.

Observations discussed in the site description section are based upon physical inspection. All sales data analyzed in this report were confirmed from one or more of the following sources:

Costar Comps  
Maricopa County Records  
Affidavits of Property Value  
RealQuest Real Estate Data Service  
Owners or their representatives  
Buyers and Sellers or their Agents

From these investigations and data sources, the most relevant information was selected for analysis in supporting an estimate of value for the subject property. The next section discusses broad economic and real estate market trends influencing the subject property. The subject neighborhood and site are described subsequently.

## **REGIONAL DESCRIPTION**

### **Location**

The subject property is located on the northern fringe of metropolitan Phoenix. It lies within the City Limits of Phoenix, two miles north of the Loop 101 Freeway between Cave Creek Road and North Seventh Street. It is approximately 12 miles northwest of downtown Phoenix. Phoenix is located near the central part of the state of Arizona and is the largest city within the desert southwest of the U.S. It is a regional center for goods and services and also serves as the capital of Arizona and county seat of Maricopa County. It is situated near the center of a large, flat valley known as the Valley of the Sun. Surrounding areas are mainly mountainous terrain, with minimal developed population outside of incorporated rural communities.

### **Population**

The 2010 population figures provided by the US Bureau of Census show the state population as of April 1, 2010 is 6,392,017, This is a 24.6% increase over the April 1, 2000 census figure reported at 5,130,632. It also equates to an annualized growth rate of 2.22%. These figures demonstrate the state's historically strong growth, which had continued at a very strong rate until 2009 when the severe recession has curbed the rate of growth to nearly zero for about three years. It has begun to return to a rapid population growth although not yet to the point where it was in the early 2000's. Arizona State population estimates for July 1, 2014 are 6,667,241 for the entire state, 4,008,651 for Maricopa County. July 1, 2015 figures are 6,758,251 for the state and 4,076,438 for the county. These figures reflect a net growth year over year of 91,010 residents for the state and 67,787 residents for the county. These numbers are the root driver of many aspects of the Arizona economy. The renewed strength in this growth rate bodes well for the State's economy.

The Phoenix metropolitan area consists of the area within Maricopa County and a small portion of Pinal County to the southeast and is made up of approximately twenty municipal governments as well as some unincorporated areas. The metro area accounts for more than 59% of the total state population, making it the center of trade, transportation, government and nearly all goods and services offered in the state. Metropolitan Phoenix was ranked the 33<sup>rd</sup> largest metropolitan area in the United States in 1970. According to 2010 Census figures, it has risen to the 14<sup>th</sup> largest metropolitan area in the nation.

### **Economy & Employment**

During the periods of strong growth Arizona and Maricopa County has maintained a very low unemployment rate, typically about 0.2 to 0.5 percent under the national average. However, following housing market burst and the subsequent virtual halt in new construction, unemployment in the state and the county has spiked and remained high relative to the national average. The February 2016 unemployment rate in Arizona is reported at 5.4% compared to the national rate of 5.0% for the same period.

## **Government**

The state of Arizona has been active in its economic development through its state Commerce Department, with a constant effort to lure employers into the state. The regional government, through joint efforts of the communities within Maricopa County, has also taken a strong, favorable stance toward more economic development and has a coordinated effort to improve economic and transportation conditions in the area. Prior to the recession these efforts have resulted in strengthening job growth and unemployment figures, however during the recession they have only helped to minimize the negative impacts of the current trend.

## **Transportation**

The metropolitan Phoenix area is provided with an excellent transportation system made up of existing freeways, a series of new freeways that were recently completed or are under construction and an extensive network of federal and state highways that connect Phoenix to all areas in the west and Midwestern United States. Interstate 10 connects Phoenix directly with Los Angeles and the rest of southern California to the west and Tucson, New Mexico and Texas to the east. Interstate 17 runs north from downtown Phoenix to the city of Flagstaff in northern Arizona where it connects with Interstate 40. Interstate 40 is also a major east-west route through the southwest that is a major freight transportation corridor for products moving in and out of southern California.

The Outer Loop Freeway system encircles the northern and southeastern boundaries of the metropolitan area. Upon its completion in 2007/2008, it spawned new growth as it provided improved access to outlying areas. Segments of this freeway include the Red Mountain and San Tan Freeways which now provide increased freeway access to the southeastern portion of the metropolitan area. The northern segment includes the Loop 101 which also is referred to as the Pima Freeway to the northeast and the Agua Fria Freeway to the northwest. The final quarter of the circular freeway pattern is planned for construction in 2016-2018 and will be part of the Loop 202 referred to as the South Mountain Freeway. Existing freeways were also upgraded by adding new lanes to improve safety and to increase traffic volume between 2009 and 2012, including segments of both Interstates 17 and 10 and SR 51. HOV lanes were also added to the Loop 101 in this area north of I-10. All of these improvements have enhanced transportation quality significantly in the communities within the metro area.

In 2013 (most recent data) Phoenix's Sky Harbor International Airport was ranked as the 9<sup>th</sup> busiest airport in the U. S. up from 10<sup>th</sup> in 2012, according to the Airports Council International. Terminal Four was completed in 1990 at a cost of \$100 million and can accommodate over 20 million passengers annually. It provides direct international flights to Mexico, Europe, the Pacific and the Far East. Another new terminal is planned for the area west of Terminal 4 where Terminals 2 and 3 now sit. This project is in the early planning stages, however and will not be completed for at least 8-10 years. In addition to Sky Harbor Airport, there are eight other airports in the metro area serving the needs of smaller airlines and private aircraft. Deer Valley Airport, located in north Phoenix, does not offer commercial service but is home to several flight schools and is a corporate and private aircraft. It is ranked 20<sup>th</sup> on the list of busiest airports in the U.S. in 2013.

Other transportation includes two railroads (Union Pacific and BNSF), bus lines, transcontinental truck lines, heavy equipment haulers and automobile transporters. There are also interstate truck lines, intrastate truck lines, and express carriers. A new regional light rail system is in its early stages of development and is discussed below in the neighborhood description.

## **Climate**

Climatic conditions have been an important factor in attracting many permanent residents and temporary visitors to the area. In spite of its reputed hot summers, the mild, dry winters make Phoenix a popular winter vacation destination. It is also the home of spring training camp for several major league baseball franchises. As a result, there are numerous resort hotels and conference centers serving a growing visitor population, concentrated mainly in the winter and spring seasons.

Temperatures in the summer months are consistently among the hottest in the country, however overall weather conditions include sunshine about 85% of the year. As a result, the area is a very desirable location for residents of the cold areas of the north, which has provided a stable source of winter visitors and new residents over the last fifteen years. This factor has also contributed to the employment and population growth booms of the past three decades.

## **Leisure & Retail Environments**

Metropolitan Phoenix offers plentiful recreational and leisure opportunities. It is world-renowned for its excellent golf courses, which exceeds 100 in the metropolitan area. It also offers professional sports teams in basketball, football, hockey and baseball. Other leisure activities include horse racing, dog racing, museums and theaters, zoos and gardens, and abundant bars and restaurants. Due to the warm climate and mountainous settings, there are many forms of outdoor recreational activities that include hiking, golf, tennis, bicycling, swimming, jogging, outdoor team sports, etc. Metropolitan Phoenix is also less than two hours away from large lakes and streams for water sports and fishing as well as mountainous areas for camping, hiking and skiing.

The Phoenix and Scottsdale areas are also widely known as an excellent location for fine shopping. Most major high end department stores have stores along the Camelback Road Corridor, including, Saks Fifth Avenue, Dillard's, Robinson's, Niemann Marcus and the Broadway. Nordstrom's has two large stores in Scottsdale and Chandler. There is also a strong presence of discount stores, concentrated mainly in power centers, or retail complexes made up mainly of large spaces for discount stores and warehouse-type retailers. There are also ample retail stores and outlets located within many neighborhood shopping centers and regional malls which are anchored by most known major national retailers.

There are sufficient health care facilities that serve the metropolitan area which provides medical treatment for practically all areas of specialty. Some of these medical facilities include a Veterans Administration hospital, cardiovascular treatment hospital/centers, the Mayo Clinic (one of three in the nation), several regional hospitals, several 24 hour emergency outpatient clinics, and numerous private practices throughout the area.

## **Education**

There are numerous public and private educational institutions throughout the metropolitan area from kindergarten through university level. In addition to 45 public elementary, junior high and high school facilities, there are seven community colleges, Arizona State University (ASU), and several private universities, including the renowned American Graduate School of International Management, specializing in international business. ASU offers bachelors through doctorates and law degree programs with an annual enrollment of over 57,000 students, making it the sixth largest university in the nation. The University of Arizona is located in Tucson, about 120 miles south of the metropolitan area. Northern Arizona University is located in Flagstaff, located 120 miles north of Phoenix in the mountainous northern area of the state.

Due to the access to reasonably affordable higher education in the state, the metropolitan area has earned a reputation as having a well-educated work force from an employer's standpoint. This has been an important feature in attracting several large corporations to the area, benefitting the economy and adding to the job growth seen over the last several years.

## **Overview of Real Estate Markets**

The Phoenix residential home market tends to have broad swings in its growth cycle. After a period of record-setting growth in 2003-2005, the residential home market languished in a period of over-supply that started in early 2007 and appeared to bottom out in late 2011. As a result, new home construction had ground to nearly a halt by all of the major production home builders during this period. However, as demand has begun to catch up with supply, new home construction began to recover in late 2012 and into 2013, with many submarkets showing signs of strength. Appreciation figures published in the media in 2013 indicated macro appreciation rates of over 20%, however these figures are somewhat misleading since they are skewed heavily by prices at the low end of the market that have seen extremely strong appreciation due to the severe previous declines in value in this market segment that are now being overcome. Home builders reacted by purchasing lots and vacant land on which to develop residential subdivisions and started paying a much higher price for raw land in areas where all needed utilities for development are readily available. By early 2014, however, the residential home market leveled off somewhat and as a result the purchase of lots and land by home builders slowed again as the anticipated surge in new home demand failed to materialize to the level many builders were anticipating.

The residential market is now seeing a moderate and fairly steady absorption of new homes, mainly on in-fill tracts and on the outer fringes of the metropolitan area similar to the subject location. This rate of growth is expected to be maintained through the end of 2015 and start to see some increases in 2016-2018 according to local economists.

The retail and office markets also suffered significant decline over the same period, with similar root causes. Although their vacancy rates are declining in many areas, rents have not begun to rise again, making new construction unfeasible in most areas, especially in the west valley. These submarkets are also starting to show signs of early recovery in the strongest areas, while others are expected to remain over-supplied for at least another year before they recover to the point where widespread new construction resumes.

The industrial market has seen the strongest recovery of the commercial/industrial market area. Although smaller spaces are still suffering from high vacancy, there has been strong enough demand for spaces larger than 200,000 square feet to see several large complexes be developed, mainly in the southwest Phoenix submarket. Land values have begun to see appreciation in the largest tracts and the pace and number of industrial land acquisitions has quickened, all indicating a return to healthier conditions in this market segment.

The speculative development land market experienced a tremendous run up in values during the period from 2004 through 2007 in part as a result of strong profits created by the home builders who sought new sites for future subdivisions. Another key component of this run up was a large amount of buyers from Las Vegas who were cashing out of developments in Nevada where available new developable land was drying up. These buyers created rapid appreciation in several future development areas including land surrounding Surprise, Goodyear and Maricopa. However, this upward trend in value came to an abrupt halt somewhere between September 2005 and June 2006, depending on the location and upon the reliability of sales data that can be used to draw a conclusion on the change in the trend.

It is widely agreed that the market had stopped appreciating sometime in 2006 and has shown a strong decline in value since that time, with an increase in the rate of decline since late 2008, then slowing again in 2010. Overall most of the speculative land market saw a decline of between 70% and 90% in areas where the trend could be measured between late 2007 and early 2012. Virtually all markets have begun to recover, showing at least modest gains in most areas, however recently most outlying areas have again leveled off due to uncertainty that remains in the minds of land buyers and developers.

## **Summary of Regional Description**

The Phoenix metropolitan area has grown into a center for government, transportation, and commerce for most of the southwestern United States. Its warm climate, affordable housing, cultural and recreational amenities, and economic diversity are expected to result in continued population and employment growth over the next several years once the national recession is weathered. Each of the segments of its real estate market are in varying stages of recovery after having suffered through a period of dramatic correction between 2007 and 2012 that followed a period of rapid growth and appreciation. Uncertainty remains in most areas, although the residential land and industrial land markets are showing stability in most areas, and some appreciation in the best market locations.

## **NEIGHBORHOOD DESCRIPTION**

The subject property is located in a largely undeveloped area of north Phoenix, about twenty miles north of the central business district of Phoenix. The area is characterized by a combination of level valley floor areas and steep hills that protrude through the valley floor. Most of the land holdings in this area are owned by various state and local government agencies and as such the area remains almost entirely undeveloped.

### **Boundaries**

The neighborhood boundaries are concluded to be the Pinnacle Peak Road alignment to the south, Seventh Street to the west, Cave Creek Road to the east and Sonoran Desert Drive to the north. The distance between the Pinnacle Peak Road alignment to the south and Sonoran Desert Drive to the north is three to five miles. The width of the neighborhood between Seventh Street and Cave Creek Road is two to five miles. The area that lies within these boundaries is essentially similar, mainly vacant desert land, although land at three of the corners has seen residential or industrial development.

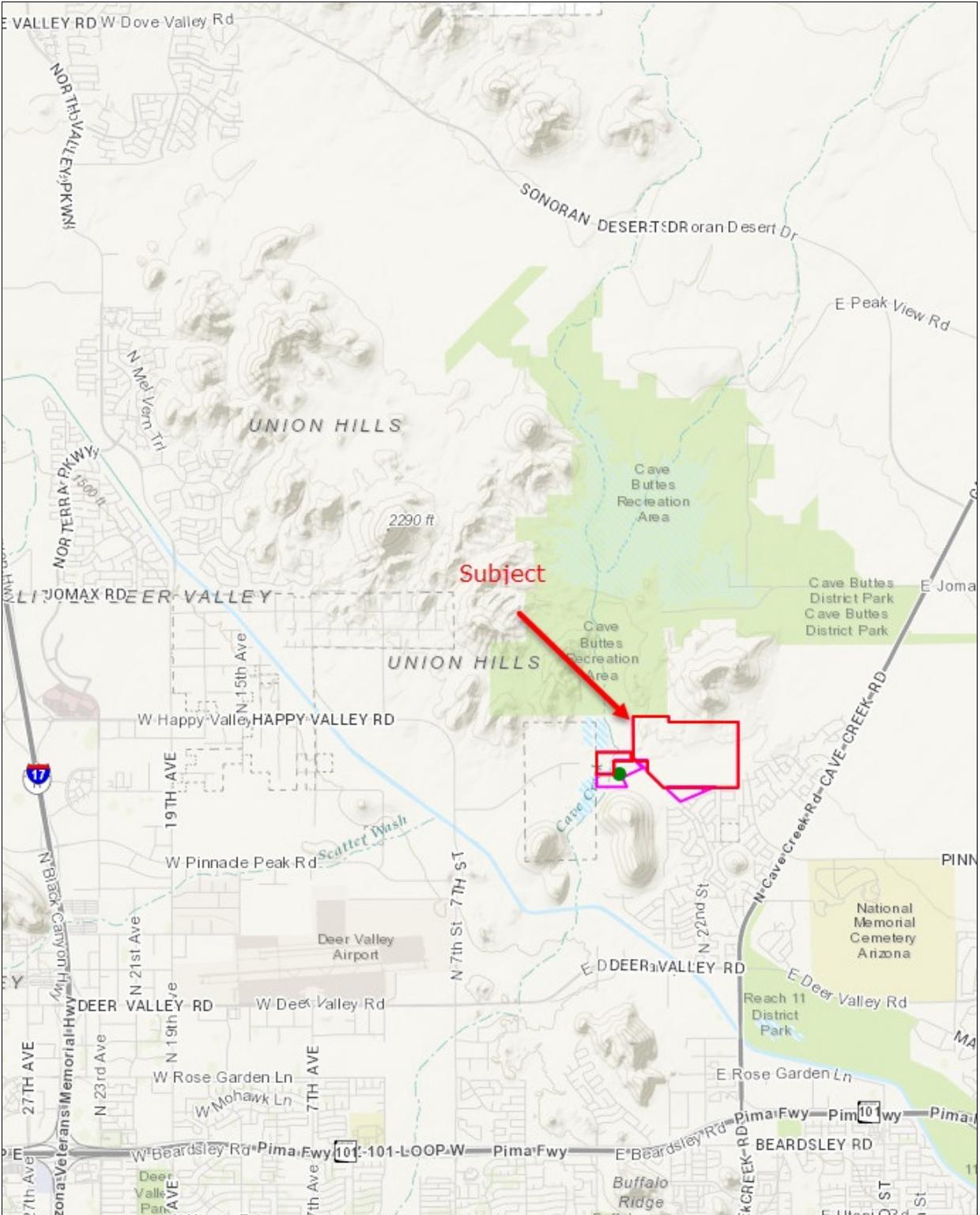
### **Topographic and Man-made Features**

As mentioned, the area is mainly level undeveloped desert land. However, the Union Hills are located along the west border of the neighborhood and form a natural western barrier to Cave Creek which flows southwesterly through the area. Near the south end of the Union Hills, the creek runs between the hills and forms a logical location for damming the creek. Since Cave Creek is subject to periodic and heavy flood waters from the north that in the past have flooded some of the developed portions of metropolitan Phoenix, this location has been dammed in two places to aid in flood control of the metropolitan area. The more northern dam is concrete and is known as Cave Creek Dam. Less than a mile downstream a large earthen dam known as the Cave Buttes Dam provides additional flood control. There are several steep hills that jut above the valley floor in this area that provide some view amenities.

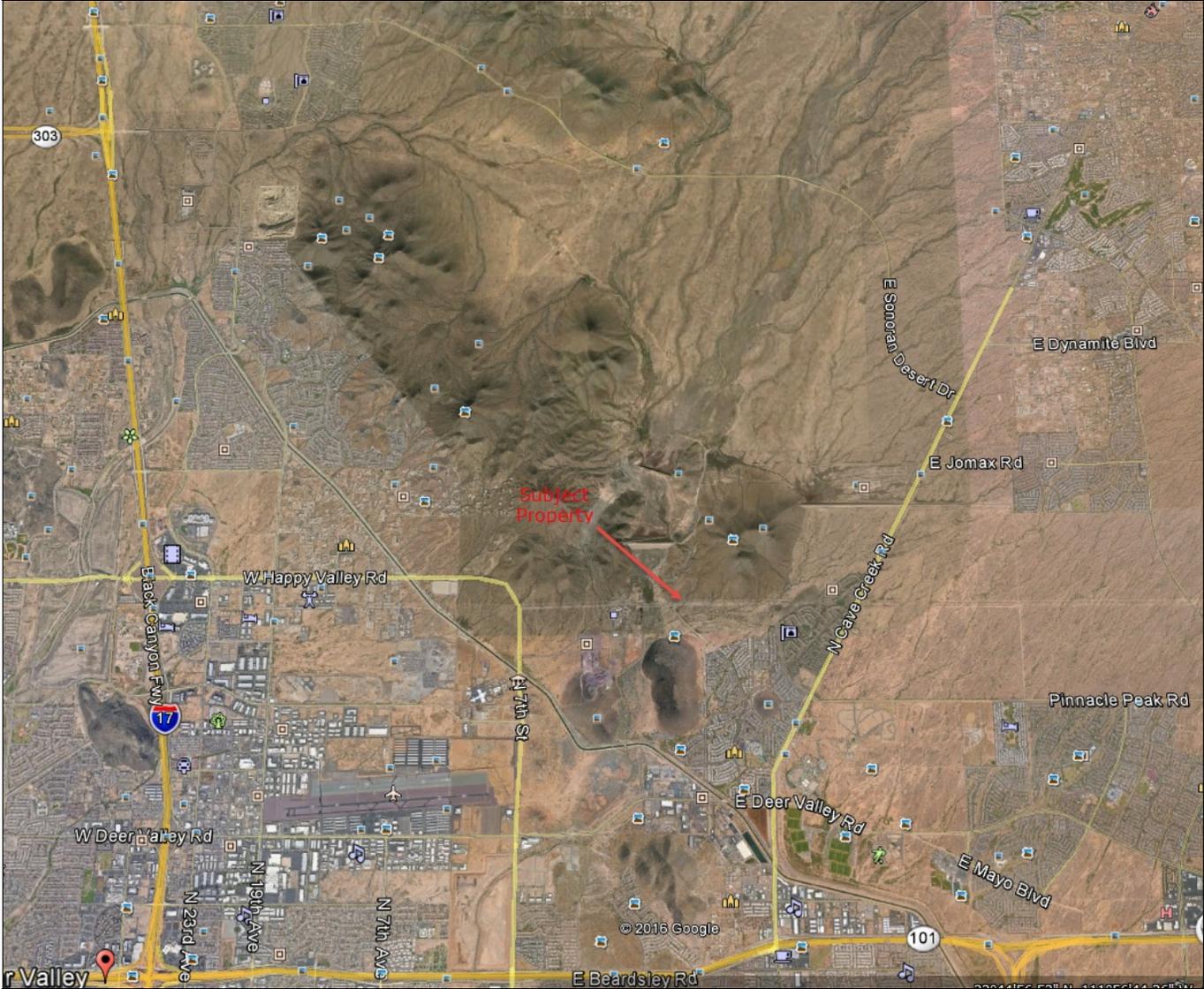
A man-made feature in this area is the Central Arizona Project (CAP) Canal. It cuts through the southwest corner of the neighborhood and runs generally northwest to southeast. The canal carries water from the Colorado River through the Phoenix metro area, then south to agricultural users in Pinal County and ultimately to Tucson. It is a modern canal with concrete walls and fencing along both banks. Another man-made feature is a large set of high-voltage power lines that run east-west over the southern portion of the neighborhood, just south of the Happy Valley Road alignment. They also cross through the subject property.

Just southwest of the subject neighborhood is the Deer Valley Airport. This 914-acre facility was opened in 1959 and includes an 8,208-foot runway and a 4,500-foot long runway. Approximately 1,100 aircraft can be accommodated on-site with traffic volume averaging almost 380,000 takeoffs and landings per year. In addition to air transportation, the airport generates valuable employment within and outside the neighborhood and is the nucleus of a large, desirable industrial district. It continues to grow to the point where industrial uses are starting to spill over into the southwestern portion of the subject neighborhood.

# NEIGHBORHOOD MAP



AERIAL PHOTO



Other man-made features include a limited number of roadways that provide access to the neighborhood. North-south arterials include Seventh Street along the west side of the neighborhood and Cave Creek Road along the east side. Seventh Street is only two lanes of asphalt-paved roadway, and very limited street improvements north to Deer Valley Road. Cave Creek Road runs diagonally to the northeast and is four lanes over a portion of the area and two lanes near the north end of the neighborhood.

There are no east-west arterial streets in the neighborhood to date, although there are future plans to extend Pinnacle Peak Road west through the neighborhood from Cave Creek Road as far as Seventh Street. Current plans have the street running north from the existing end of Desert Peak Drive, just southeast of the subject, then bending west through the subject parcel, continuing on to Seventh Street. These plans remain conceptual, however, and no plans for constructing it are in place, nor funded.

Besides man-made features, the subject neighborhood includes many areas of rolling hills and steep peaks. Union Hills is a small range located between Seventh Street and Cave Creek Road (24th Street), north of Happy Valley Road. Other hills are scattered about, but generally located on either sides of Cave Creek. Several material extraction firms operate gravel and rock mines on these hills throughout the area.

## **Amenities**

Given the industrial and undeveloped nature of the neighborhood, there are limited amenities in most of this area at the present time. Schools, shopping, governmental services, and medical services are all located outside the neighborhood. Two larger retail power centers are located at Happy Valley Road and Interstate 17.

Electricity and telephone services are not available to most of the north end of the subject neighborhood given its undeveloped nature. They are provided mainly in the south, east and west fringe areas only. Water and sewer services are still limited to these areas as well. The southeast corner, just south of the subject, does have all normal utilities to it, including water, sewer, power, phone, natural gas and cable communications. This will allow the subject fairly easy access to these utilities once it is to the point of developing it.

## **Life Cycle**

Since most of the land in the neighborhood is under government control, it has seen very limited growth. Large portions of north end of the Union Hills were planned to be incorporated into a mountain preserve by the City of Phoenix following the Arizona Preserves Initiative, a voter approved initiative passed in 2002. Much of the other area owned by the Flood Control District of Maricopa County lies within flood prone land and is not suited for normal development. Other portions of the land in the area is held in trust by the Arizona State Land Trust. Much of the level portions of the trust land is suited for development and may be auctioned over the next several years for private development, similar to the subject property.

As urban growth pressure is starting to resume in strength, it is expected that the area to the southwest will see strong suburban growth over the next one to four years given its proximity to freeways, new housing, and the Deer Valley Airport. Development in the area was previously prompted by USAA, a large national insurer and financial services group, purchased nearly 500 acres from the State Land Trust at the northeast corner of Happy Valley Road and Interstate 17 and developed a large corporate headquarters there in the early 2000's. Land along Cave Creek Road has also seen some subdivision development on tracts in private ownership, including the land south of the subject, demonstrating strong demand for this use in the area.

## **Summary**

The subject neighborhood is generally an undeveloped area located twenty miles north of downtown Phoenix. Most of the area remains as undeveloped desert, with steep hills protruding through the valley floor in several areas. Development has occurred along the southwest and east sides of the neighborhood but the area is otherwise mainly rural desert land. The subject adjoins existing subdivisions to the south and southeast, benefitting the subject by its presence of utilities and streets to the subject site.

## **SITE DATA**

### **Assessor's Parcel Numbers**

The subject consists of four Maricopa County assessor's parcel numbers. They are 212-15-001L, 212-15-002Q, 212-15-003A, and 212-15-004A.

### **Location**

The subject is located at the north dead-end of Cave Buttes Dam Road. It has no street address.

### **Site Size, Dimensions and Shape**

The subject tract is rather irregular in shape. Total area according to the legal description shown in Exhibit 7 is 264.83 acres. It is 5,181 feet wide east to west and 2,433 feet deep north to south along its east border. Depths vary due to the odd shape. The engineer's sketch, assessor's plat and two aerial photos of the site are shown on the following pages.

### **Topography and Cover**

The site is generally level with a very slight slope downward to the south and west. Cover of nearly all of the subject parcel is native Sonoran desert, with a combination of scrub brush, native cactus and trees, and native grasses.

### **Access**

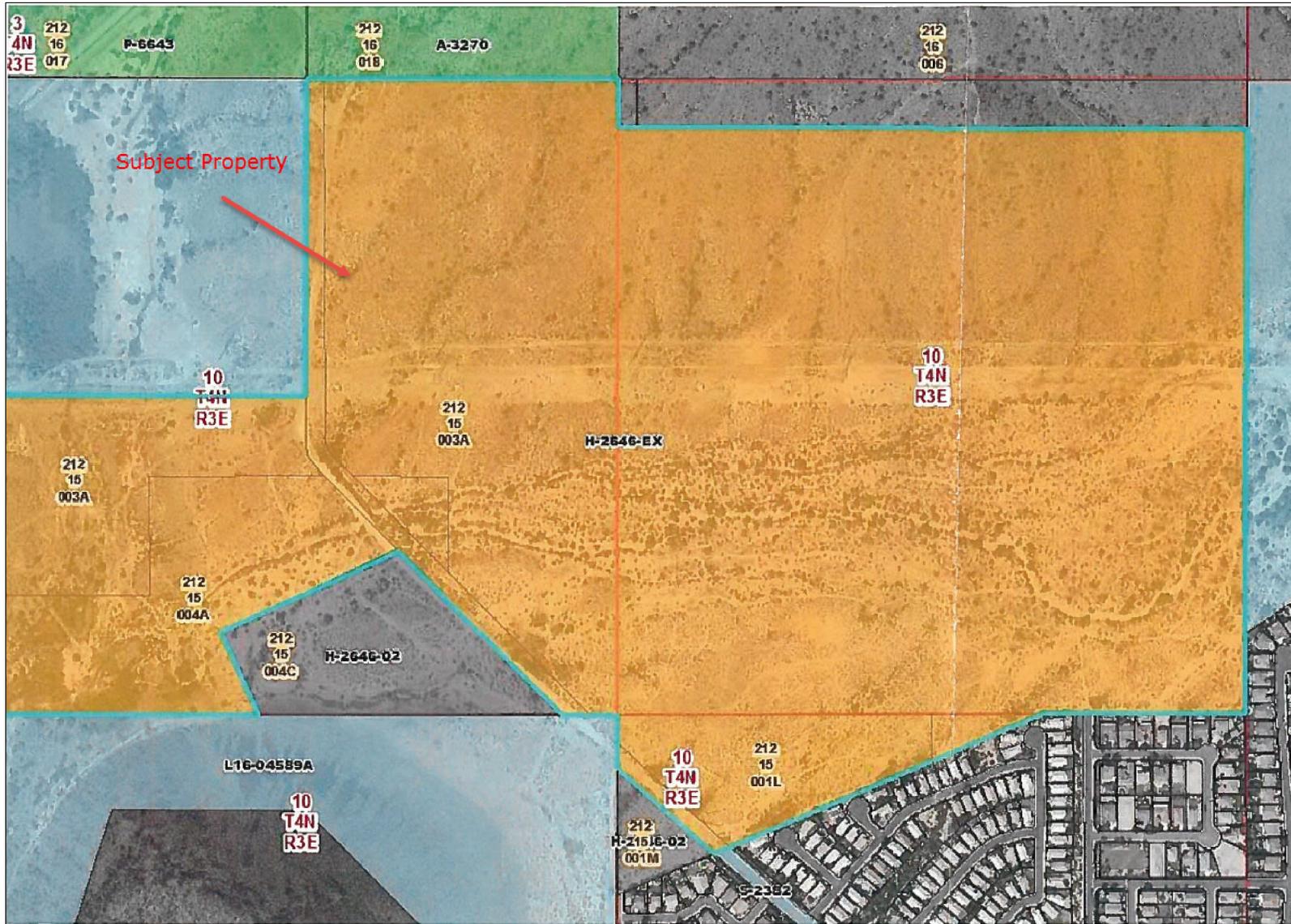
Access to the site is via Cave Buttes Dam Road, which is a two-lane asphalt paved road that dead-ends northbound at the southwest corner of the subject property. From there it runs northwest along the southwest border of the subject property as a dirt road. It is likely that access could also be developed from Desert Peak Parkway, a six-lane arterial street that dead-ends just northeast of the southeast corner of the subject property, but off of the property.

### **Street Improvements**

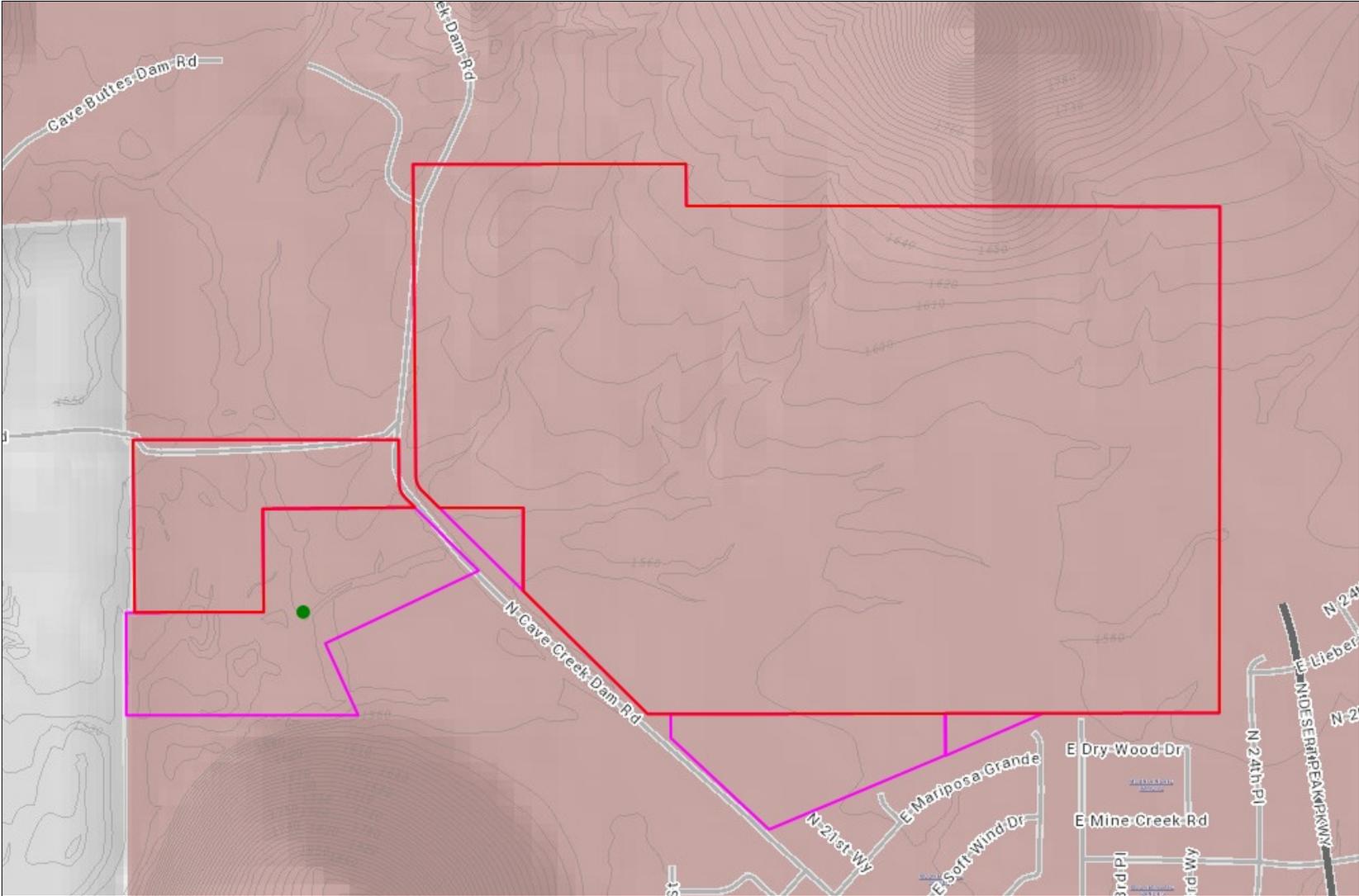
There are no street improvements on the subject property. Cave Buttes Dam Road is dirt. When the subject parcel is developed the developer will be required to improve both halves of Cave Buttes Dam Road with similar quality improvements to those located in the development to the south, which includes an asphalt street with one lane in each direction along with curb, gutter and sidewalks as well as street lighting on one side.

The extension of Desert Peak Parkway is also planned to run through the subject property by the City of Phoenix. Presently it dead-ends northwest bound just south and east of the subject. The existing segment of this major arterial street is improved with three lanes in each direction, a landscaped center median, curb, gutter and sidewalk on both sides of the street, landscaping and street lighting. As a condition of development, the subject will be required to construct the segment of this arterial street that runs through the subject. It will have to construct it as a six-lane arterial street to match the type and quality of the adjacent segment of street to the southeast.

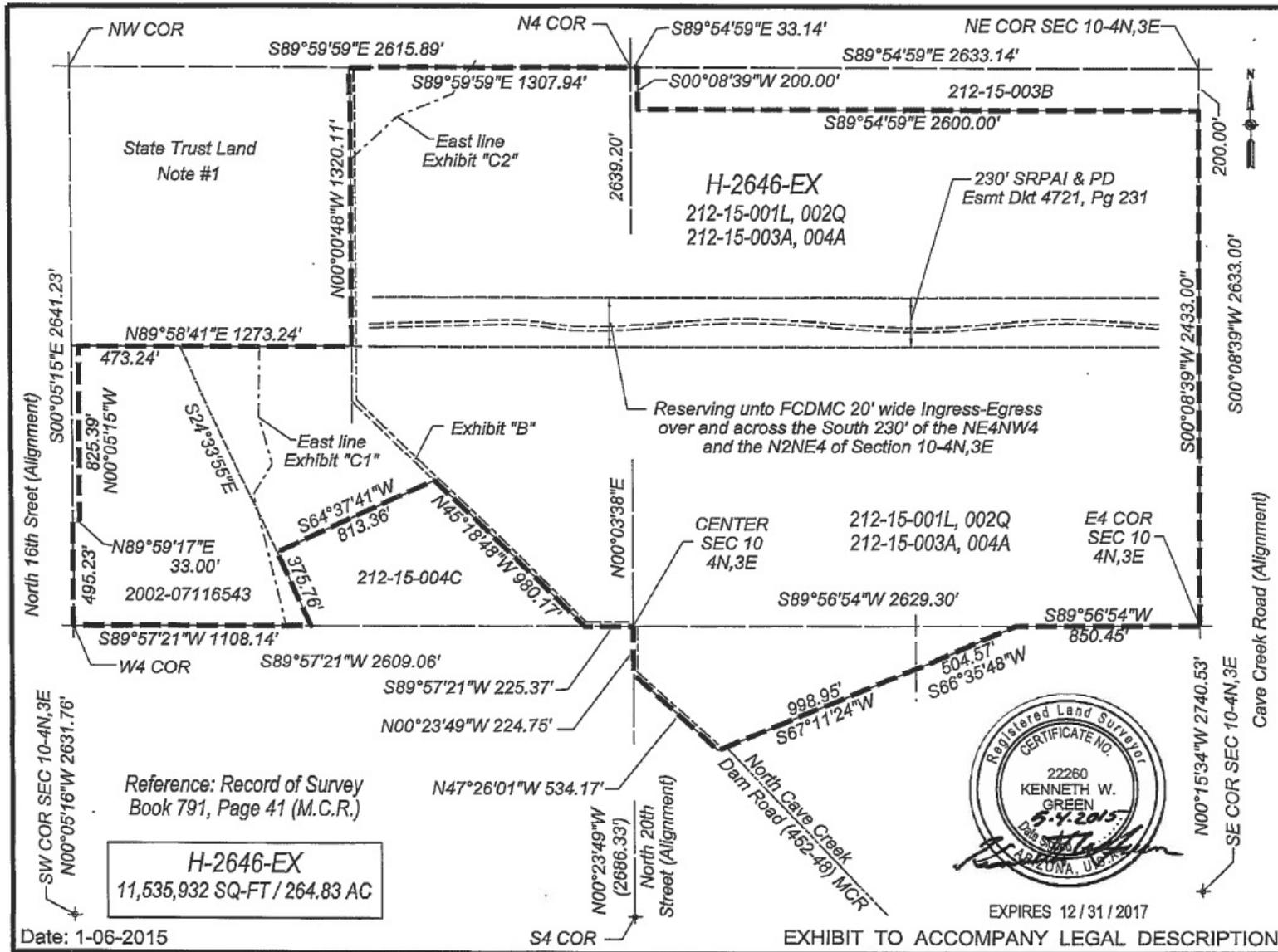
# AERIAL PHOTO OF SUBJECT PARCEL



**ASSESSOR' PLAT OF SUBJECT PARCELS**



# SUBJECT ENGINEER'S SKETCH



# OBLIQUE AERIAL PHOTO OF SUBJECT PARCEL



## **Traffic Counts**

No traffic count figures are taken along either Cave Buttes Dam Road or Desert Peak Parkway at these locations since they dead-end.

## **Utilities**

Power and telephone services are available to the subject along its south border under Cave Buttes Dam Road. Electricity is provided by Arizona Public Service (APS) and telephone and internet communications services are provided by CenturyLink, formerly Qwest Communications. Natural gas is provided in the area by Southwest Gas and cable television and internet are provided by Cox Communications. City of Phoenix water and sewer lines are available under the dead-end of Cave Buttes Dam Road just south of the subject and under Desert Peak Parkway. As far as utilities are concerned, the site has all needed services required for development.

## **Flood Zone**

FEMA maps for the area denote the tract as lying within a shaded zone "X" flood hazard area. The shaded "X" designation indicates "Areas of 0.2% annual chance flood; areas of 1% annual chance flood with average depths of less than 1 foot or with drainage areas of less than one mile; and areas protected by levees from 1% annual chance flood". Flood insurance is not required in this zone.

It is noted that the client requested a flood plain determination from the City of Phoenix for three of the subject parcels. Only parcel 212-15-003A was determined to have any land lying within the AE flood plain. The AE flood plain is defined as FEMA maps for the area denote the site as being in a Zone AE flood rate area. The "AE" designation indicates "special flood hazard area subject to inundation by the 1% annual-chance flood. The 1% annual chance flood (100-year flood) also known as the base flood, is the flood that has a 1% chance of being equaled or exceeded in any given year. The Special Flood Hazard Area is the area subject to flooding by the 1% annual chance flood." Flood insurance is required in this flood zone and any new construction in the AE flood zone. No specifics on which part of parcel 003A lie within the AE flood zone but it is likely that it includes the area at the west end where the flowage easements lie.

A copy of the flood panel showing the subject is shown in the addenda of this report under Exhibit 6 along with the City of Phoenix flood plain determination sheets for the three parcels.

It is noted that the flood prone areas of the subject property may reach the level of a navigable waterway of the United States, which could trigger a need for a federal 404 permit prior to developing the site. If this occurs, it can add up to 12 months to the permitting process beyond the otherwise typical 9-12 month entitlement process to secure all of the needed approvals for a subdivision final plat.

## **Easements and Encumbrances**

Both an ALTA Survey and three separate title reports were provided by the client for the subject property. All are shown in the addenda. The exceptions to title compiled on the ALTA from the three title reports come to a total of 57. Many of these have no impact and some have little to no impact. The most significant easements include three parallel easements that run east-west through the middle of the property, including a series of high-voltage power lines, an underground trunk natural gas line, and a city of Phoenix sewer line. These three easements are shown in photos in the addenda and are evident on the aerial photos of the property as well. On the aerial photo the high-voltage power line follows the strip that is without desert cover. The gas line runs parallel to it to the North and the sewer line runs parallel to it to the south.

Other easements of note include a right-of-way for Cave Buttes Dam Road, a waterline easement near the northeast corner of the property, and various other utility line and accessory easements. The client will be placing three new easements on the property at the time of sale. They include a right of way easement to ensure continued access along Cave Creek Dam Road, as well as two flowage easements over the west end of the property and a triangular area at the northwest corner. The flowage easements are 26.7 acres and 2.9 acres in size, respectively, totaling 29.6 acres. The bulk of the west flowage easement is also shown on the easement sketch as being within a City of Phoenix park.

The three biggest easements include a series of high-voltage power lines owned by APS, a trunk natural gas line owned by El Paso Natural Gas, and a sewer line owned by the City of Phoenix. These three easements run east-west through the middle of the subject property and may be seen on the aerial photo as the strip mostly without vegetation. They are parallel to each other and are adjacent. No buildings can be constructed within these easement areas. It is noted that the gas line easement and sewer line easement fall under the power line easement. The estimated area of the power line easement is 230 feet wide by approximately 3,910 feet long according to figures shown on the assessor's plat, which calculates to 899,282 square feet or 20.645 acres.

Given the detailed compilation of the 57 easements, it is assumed that this covers all of the easements impacting the subject property. It is therefore also assumed there are no other adverse restrictions or easements which would affect the utility or marketability of the subject parcel. In the event that an updated title report shows adverse restrictions or easements, the appraiser reserves the right to review the value indicated in this appraisal and to alter the value conclusion, if necessary.

Combining the area of the flowage easements of 29.6 acres with the power line easement area of 20.645 acres, the total area that is encumbered with one of the easements that precludes subdivision lot development then is estimated at 50.245 acres. This is 19% of the total site.

## **Hazardous Wastes**

No toxic waste or contaminants are known to exist on the site as of the time of inspection, although the entire site was not inspected. However, this does not mean that such materials do not exist either on or under the subject parcels. The appraiser is without the expertise to identify or detect such substances. Because of the liability generated if toxic wastes or contaminants are found on the site, it is strongly recommended that a specialist in the detection of toxic waste be retained and the property checked for possible contamination. If a toxic waste or contaminant is detected, the value estimates concluded in this report are no longer valid. If a reappraisal is required, it will be made at an additional charge and upon receipt of any additional information requested, including descriptions of the toxic waste or contaminant and the cost of removal.

## **Relation of Sites to Surroundings**

Land to the north is vacant hilly desert. Land to the east is vacant desert land, Land to the south and southeast is developed with a low density residential subdivision. Land to the west Includes a small mountain and some industrial uses. Current use of the subject property is considered consistent with surrounding parcels and land uses. Future residential subdivision use may be somewhat inconsistent with at least the industrial use to the west but will be consistent generally with the others. However, since there will be a buffer between the industrial use and the developable portion of the subject site, this is not expected to impact value.

## **Site Improvements**

The site has no site improvements other than rough-graded road surface of Cave Buttes Dam Road and the culvert crossing of one of the washes that it crosses.

## **Summary of Site Analysis**

The subject parcel is an irregularly shaped tract of vacant desert land totaling 264.83 acres. It has access from the north end of Cave Buttes Dam Road to its southeast corner and all utilities necessary for development are available within the adjacent subdivision to the south of the subject. The bulk of the site has level to gentle topography although the north end of the property has gently rolling conditions. There are three large easements that cross the property running east to west including a high voltage power line easement, a sewer line easement, and a natural gas line easement. The western extension of Pinnacle Peak Road is planned to run through the area and across the subject property and construction of this segment of the arterial street will likely be required to be paid by the developer of the subject property. An estimate 19% of the site is encumbered with flowage and power line easements that cannot be built upon. Otherwise, the site is well-suited for subdivision development, subject to these easements, and subject to the zoning discussed in the following section.

## ZONING

The purpose of zoning is to provide for the orderly growth and compatible development of land uses. It is intended to provide a basis for a consistent application of land use between public and private interests where both public and private objectives can be satisfied. Zoning ordinances outline the uses allowed for a particular property. Zoning can have a significant impact on property value if zoning is different from the highest and best use that would be appropriate for the site.

### Current Zoning

The subject property is under the zoning jurisdiction of the City of Phoenix. It is presently zoned a combination of R1-6 and R1-18. R1 represents single family residential use and the -6 and -18 reflect the minimum required lot size of 6,000 square feet and 18,000 square feet, respectively. A copy of the R1-6 and R1-18 zoning are shown in Exhibit 5 of the addenda along with a zoning map.

These zoning categories are designed to allow traditional residential subdivision development and are widely used throughout the City. The subdivision immediately south of the subject is also zoned R1-6 like the south portion of the subject. The gently rolling area north of the high voltage power line is zoned R1-18, which is more appropriate for hilly areas where a lower density is appropriate compared to flat areas where topography is not an issue.

The general plan shows most of the subject property as designated for low density residential use with a striped density of 2-3.5 units per acre and 3-5 units per acre. This is the same designation as the subdivision to the south of the subject. The area west of Cave Buttes Dam Road is designated as a combination of residential 2-3.5 units per acre and parks/open space.

Based upon these points, the existing zoning appears to be consistent with the general plan. As such, the subject property could reasonably be developed with a residential subdivision achieving a density of 3-4 units per acre on the area already zoned R1-6 and likely 2-2.25 units per acre on the area north of the power lines that is zoned R1-18. The area within the power line, gas line and sewer line easements cannot be developed but, with prudent planning, most of the area can be used to meet the open space and landscaping requirements of the two zoning categories. The west end of the site that is designated for park use lies within the flowage easement area and adjoins the industrial uses to the west. Since development is not allowed within the flowage easement area, the easement areas would also be a logical location to provide open space and public park that would benefit the balance of the subdivision.

Review of the approved zoning case # Z2000126 for the property approved the rezoning with 19 stipulations, designated as items a through s. Item g limits the total number of units to 519 lots. Item h states that the minimum amount of open space is 90 acres. This is 34% of the total property, which is significantly higher than the typical subdivision. Item d states that a second point of access must be provided and accessible prior to commencement of construction.

It is noted that it also lies within the northeast impact fee zone that spreads the costs of certain infrastructure in the area over a large number of parcels. According to the City website, the impact fees in this northeast zone are \$14,849 per dwelling unit, due at permitting time. Costs incurred by the developer for common infrastructure improvements, such as the cost of constructing Desert Peak Drive, can be used to offset these impact fees.

Considering all of these factors, the subject property is a logical site to develop with a mixed density residential subdivision of no more than 519 lots. with smaller lot, higher density concentration south of the power line and east of Cave Buttes Dam Road, and lower density, larger lot concentration north of the power lines on the sloping terrain. If planned properly this will likely result some of these lots having a modest view amenity, offsetting to some degree the slightly increased cost of developing on a slope. The power line easement, gas and sewer line easements and the flowage easement areas can be incorporated as open space and landscape area to maximize the density on the developable areas.

Lastly, the general plan identifies the extension of Pinnacle Peak Road west of Cave Creek Road running north, then west through the subject property, extending west to connect with Seventh Street at Happy Valley Road, a mile west of the subject. The segment that runs through the subject property will be required to be constructed by the owner/developer of the subject property as a condition of entitlement approvals for the subdivision according to City of Phoenix Village Planner Joel Carrusco. This is common practice and is the same as was required of the subdivision to the south where they were required to construct Desert Peak Drive through that development. This will require an additional estimated 11.0 acres of the total site area.

### **ASSESSED VALUE AND TAX DATA**

The State of Arizona currently employs a dual structure for real estate taxation, as the result of Senate Bill 1001, voted into law in July 1980. Arizona Revised Statutes require that all property be valued annually at market value. In addition, each property also has a "limited" value that cannot exceed full cash value. Limited value is based on the previous year's limited value increased by either 10%, or 25% of the difference between the full cash value of the current year and the limited value of the preceding year, whichever is greater, unless the property has been changed, as defined in ARS 42-201.02 C and D since the previous year.

The subject property is assessed by Maricopa County as parcel numbers 212-15-001L, 212-15-002Q, 212-15-003A, and 212-15-004A. Current and previous years' assessment data is shown on the chart on the following page. It is noted that since it is government-owned that no taxes are due. In the event that it were sold to a private party the parcels will be taxed at a rate similar to other tracts in this area.

Parcel No.	2017 Assessed Full Cash Value	2016 Assessed Full Cash Value	2015 Assessed Full Cash Value	2015 Tax	2014 Tax
212-15-001L	\$250,200	\$245,900	\$214,800	\$0	\$0
212-15-002Q	\$167,800	\$81,000	\$61,600	\$0	\$0
212-15-003A	\$2,465,300	\$2,319,800	\$2,100,600	\$0	\$0
212-15-004A	\$647,100	\$600,300	\$483,100	\$0	\$0
Total	\$3,530,400	\$3,247,000	\$2,860,100	\$0.00	\$0.00

The assessed value of the property appears reasonable based upon comparison to the value concluded in the valuation section of this report. On that basis, an appeal of the assessed value is not recommended.

It is noted again that the property is county-owned and has not been charged property taxes so no tax history is available. It is assumed that if it were in private ownership that it would be taxed comparably with similar parcels in the area that have a similar development potential and assessment classification.

## **Delinquent Taxes and Special Assessments**

There are no delinquent taxes due on any of the parcels and no special assessments encumber them either according to the Maricopa County treasurer's website.

## **HIGHEST AND BEST USE**

In order to conclude the highest price a buyer is willing to pay for a property, the highest and best use of that property must first be estimated. Highest and best use is defined as follows:

“The reasonably probable and legal use of vacant land or an improved property, that is physically possible, appropriately supported, financially feasible, and that results in the highest value.”<sup>2</sup>

The highest and best use of a property must be legally permissible, physically possible, financially feasible, and maximally productive. Applying these four tests to all of the possible uses identifies the single use that maximizes value of the property.

To test highest and best use, all logical, feasible alternatives for which the site may be used are considered. Eliminating uses which are not legally permissible or physically possible reduces the alternatives significantly. These uses can be reduced by eliminating those uses that are not financially feasible. Of the uses considered financially feasible, only one use can be maximally productive, or most profitable. This process is applied below for the subject parcel.

## **Legally Permissible**

In addition to zoning, there are several factors that influence and impact the legally permissible uses of the property. First, the zoning allows residential subdivision development with a minimum lot size of 6,000 square feet on the south portion of the property and 18,000 square feet on the north portion. The zoning case for the property allows a maximum of 519 units on the total property. According to planner Joel Carrusco, the R1-6 zoning allows densities of up to five units per acre on the R1-6 land and about two units per acre on the R1-18 land. The R1-6 zoning is the same as the subdivision adjacent to the subject to the south, while the R1-18 zoning is considered appropriate for the area north of the high voltage lines since this area has gently rolling to rolling topography. Further, this zoning is consistent with that of the general plan and seeking a zoning change is not considered prudent nor at all likely to be approved.

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<sup>2</sup>Appraisal Institute, *The Appraisal of Real Estate*, 13th Edition, p. 280

Second there are several easements over the property that significantly impact surface uses. The high-voltage power line easements, the sewer line easement, the trunk natural gas line easements, the two flowage easements, and the city parks site easement all reduce the usable area of the property. Total area impacted by these easements is calculated at 50.245 acres. The estimated area needed to provide right of way for the construction of Desert Peak Drive through the subject property is 11.0 acres, leading to a total undevelopable portion of the property of 61.245 acres, or approximately 23% of the total site.

Considering these points, the legally permissible uses of the property include; 1) continuing to hold the site as an investment, and; 2) developing the property with a subdivision of up to 519 units as allowed under the current zoning and subject to the various easements discussed above.

### **Physically Possible**

Physical factors of the subject property that impact its use include size, shape, topography and availability of utilities. At 264.80 acres, the subject property is large enough to suit virtually any use. Therefore the to legally permissible uses are not impacted by its size. Its shape, although somewhat unusual, does not significantly impact the legally permissible uses either. Topographic conditions of the site do impact its use to the extent that the area north of the power line easement has a lower approved zoning and density than the area to the south. But this topographic factor does not hinder the actual development potential. The lower flat areas located south of the power line easement include several small washes that appear to present a flood issue. However, with proper planning these areas can be contained and subdivision development can occur throughout virtually all of this area. The irregularly shaped area lying west of Cave Buttes Dam Road has somewhat more serious topographic limitations, however this area is already negatively impacted by the other easements for flowage and for the park. Therefore it is concluded that the topographic conditions in this area do not further limit or restrict development or use of this area and it can be used to meet the required 90 acres of open space.

Since subdivision development will require provision of water and sewer as well as power or phone and other utilities, availability of these services is essential. In this case lines for all of the needed utilities are available in the subdivision to the south and can be easily extended onto the subject property. Therefore, availability of utilities does not limit legally permissible uses either.

### **Financially Feasible Use**

Of the two uses that are legally permissible and physically possible, both are considered financially feasible as well. Holding the site as an investment is financially feasible in the sense that the residential development land market has shown some appreciation over the last few years. Although the future remains uncertain, it is likely that this property will continue to appreciate over the next few years if not developed.

Given the fact that it has all utilities to the property border and is located in an area where residential development is being observed by the market, it is considered feasible that if the site is developed it will be profitable. This demonstrates that this use is financially feasible. Market evidence for this conclusion is offered in the sales analyzed in the valuation section where all five of the sales were purchased for immediate or near-term residential subdivision development.

## **Maximally Productive and Highest and Best Use**

Of the two potential uses of the property, either for investment or subdivision development, the latter is concluded to generate a higher sale price based upon sales observed in the market where home builders purchase land for subdivision development. As the single family residential home market has finally achieved some stability and strength, the strongest submarkets are seeing new construction on a fairly consistent basis. Home builders are now not only selling homes consistently in the stronger subdivisions but they are also looking for new land to develop from scratch. This has created conditions where the value of land suited for development exceeds the value of the land simply for investment purposes. Therefore, the maximally productive use, and therefore the highest and best use of the subject property, is concluded to seek entitlements to allow near-term development with a single family residential subdivision as allowed under its current zoning, and subject to the limitations of the various easements encumbering the property.

## **VALUATION**

Accepted appraisal techniques support value estimates by applying three different analyses: the cost, sales comparison, and income capitalization approaches. The cost and income approaches apply to improved properties and do not apply in this situation. Therefore, only the sales comparison approach is analyzed to support a value estimate for the subject tract. The sales comparison approach is described briefly below, followed by an analysis of the sales data to support a value conclusion for the subject parcel.

## **SALES COMPARISON APPROACH**

The sales comparison approach is a method of estimating value that examines transfers of land that are similar to the subject site, both physically and in terms of utility and highest and best use. By comparing the sales on a common unit basis, a trend in values can usually be identified. Analyzing the most similar sales and making adjustments for factors that effect value results in a value indication from each. Since these are the most likely market indicators that would be considered by a potential buyer of the subject site, they are the most logical indications of its market value. The value indications are then reconciled into a single value estimate based upon the relative strengths of each adjusted sale. This process is applied below to the subject parcel.

### **Valuation of the Subject Property**

In order to support a value estimate for the subject land use type, a search in the market area was made for vacant land sales with similar use potential to the subject parcel for subdivision development. The next discussion analyzes the five sales discovered that are most comparable to the subject site. The sales are analyzed on the basis of price paid per gross acre of land. Numerous factors that potentially affect value have been considered for the subject tract and for each sale, including location, date of sale, financing conditions, site utility, level of site improvements, availability of utilities, topography and other factors. The factors that require adjustment are discussed below as they apply to the subject larger parcel. From these analyses, adjusted unit prices are used to indicate of value for the subject site.

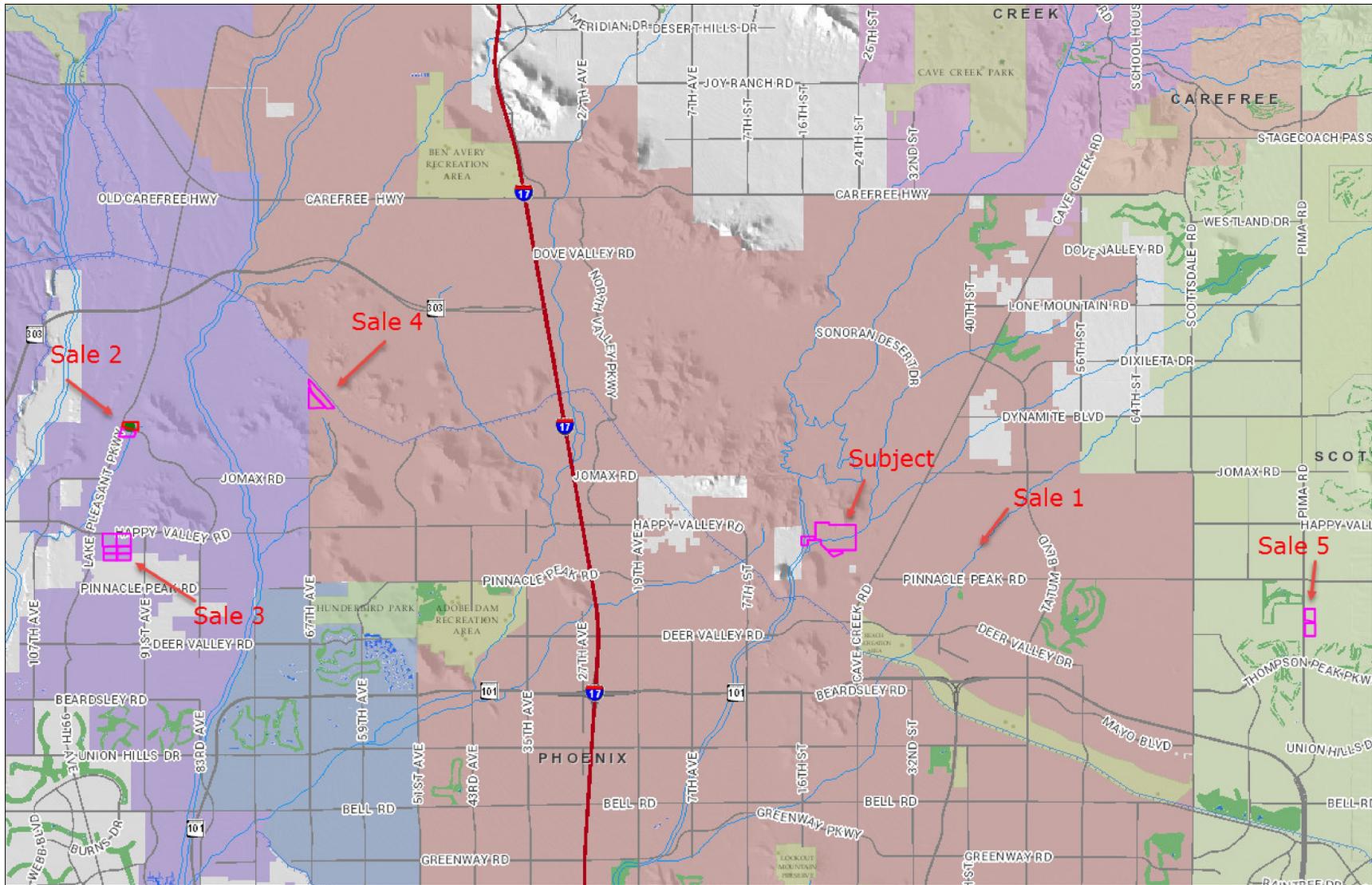
Significant details from each sale are summarized on the chart on the following page. A map showing the location of the subject site and each of the sales is shown on following page. A discussion of the sales and their related adjustments then follows the map. Complete data on each sale is displayed on data sheets in the final exhibit of the addenda. The adjusted prices per acre are used as indicators of value for the subject parcel.

<b>SUMMARY OF COMPARABLE LAND SALES</b>						
<b>Sale No.</b>	<b>Contract Date</b>	<b>Sale Price</b>	<b>Gross Acres</b>	<b>Price/Acre</b>	<b>Current Zoning</b>	<b>Remarks</b>
1	3-16	\$100,000,000	409.93	\$243,944	R1-10 Phoenix	Vacant desert land within the Desert Ridge master planned community. NW corner of Deer Valley Road and Black Mtn Parkway. Buyer was a partnership with Pulte Homes and Taylor Morrison Homes. All utilities to site, street frontages need improvement.
2	7-15	\$7,489,687	43.00	\$174,179	PAD Peoria	NEC and SEC of Lake Pleasant Pkwy and Westwind Pkwy. Finished site planned for residential development as part of Westwind MPC. Buyer is home builder.
3	11-15	\$16,000,000	133.89	\$119,503	R1-35 Peoria	This is a slightly irregular tract located along south side of Happy Valley Road just east of Lake Pleasant Pkwy in Peoria. Buyer will develop residential subdivision and sell a portion to Pulte Homes.
4	5-15	\$10,430,000	82.08	\$127,071	S-1 Peoria	Located along both sides of Pyramid Peak Pkwy in north Peoria. Backs to CAP canal and desert lands to east, existing subdivisions to south and west. Purchased by home builder to develop subdivision. ASLD auction sale.
5	4-15	\$11,000,000	58.43	\$188,259	R1-35 ESL Scottsdale	NEC and SEC Pima Rd and Los Gatos Dr. Buyer is home builder. All utilities to site.
Subj.			264.83		R1-6/R1-18 Phoenix	Irregular tract with various easements. Mostly level, some hills. Utilities to site.

### **Discussion of Sales**

Five sales of subdivision development land have been identified. They are all from growth areas of north Phoenix, Scottsdale and Peoria. Each is discussed below and analyzed thereafter as they compare to the subject.

# COMPARABLE LAND SALES MAP



**Sale No. 1** is a 409.93 tract of desert land on the west side of the Desert Ridge master planned community, about two miles southeast of the subject. More specifically, it is located at the northwest corner of Deer Valley Road and Black Mountain Parkway in Phoenix. In March 2016 the Arizona State Land Department auctioned off this property for \$100,000,000. This calculates to \$243,944 per gross acre. The buyer was a partnership between two home builders, Pulte and Lennar, who will seek entitlements and develop the property to subdivision use. The Land Department offers an option to place 25% down and pay the balance within one year with interest at market terms. This was the option taken by the buyer in this case.

**Sale No. 2** includes the northeast corner and southeast corner of Lake Pleasant Parkway and Westwing Parkway in Northern Peoria, about 12 miles northwest of the subject. This is part of a growing residential master-planned community and the buyer is a production home builder called Mattamy Homes. In July 2015 a total of 43.00 acres were purchased for a total price of \$7,489,687, cash, or \$174,179 per acre. All needed off-site improvements had already been made and the property is zoned PAD, or planned area development. The buyer is expected to develop a subdivision on the two adjacent tracts.

**Sale No. 3** is also located in Peoria, along the south side of Happy Valley Road just east of Lake Pleasant Parkway, about 12 miles west of the subject. It is a 133.89 acre tract of vacant desert land with subdivision development potential. In November 2015 the tract was purchased for \$16,000,000, cash, or \$119,503 per acre. The site is zoned R1-35 and has some but not all of the required off-site improvements in place. It has the needed utilities but its street frontages along its south and west borders need further improvement. The buyer has since sold off 91.66 acres to Pulte Homes in March 2016 for \$125,468 per acre.

**Sale No. 4** is another tract auctioned by the Arizona State Land Department. It is an 82.08 acre tract of vacant desert land located on both sides of Pyramid Peak Parkway in northern Peoria. It is adjoined by the CAP Canal, then vacant land, to the northeast and subdivisions to the south and west. In May 2015 this tract was purchased by Lennar Homes for \$10,430,000 cash. This equates to a unit price of \$127,071 per acre. The tract has water and sewer to it and Pyramid Peak Parkway is currently one lane in each direction and will need to be widened to two lanes in each direction and a median as a condition of development of this site. It was reportedly zoned S-1, suburban ranch, at the time of sale. The buyer also utilized the 25% down one year payoff option like Sale No. 1.

**Sale No. 5** is located at the northeast and southeast corners of Pima Road and Los Gatos Drive in Scottsdale, about eight miles east of the subject. This also was an auction sale by the Arizona State Land Department, with Camelot Homes as the buyer. The 58.43 acres was zoned R1-35 ESL, environmentally sensitive lands, and is located in an area where most of the land is developed with large lot custom homes. The purchase price was \$11,000,000, or \$188,259 per acre. The buyer also utilized the 25% down one year payoff option like Sales No. 1 and 4.

## **Discussion of Adjustments**

In order to properly estimate value through the adjustment of sales, the following categories of adjustment must be considered:

1. Property Rights Transferred
2. Terms of Sale
3. Conditions of Sale
4. Market Conditions
5. Location
6. Physical Features
7. Non-Realty Items

Each of these factors are discussed in order as they apply to each sale.

### Unit of Comparison

The most commonly used unit of comparison for subdivision development land in this market area is the price per acre. Therefore, the unit of comparison applied in this analysis will be the price per acre.

### Factors Not Requiring Adjustment

Each of the sales involved transfer of the fee simple interest, similar to the subject site and no adjustment is estimated. All five sales were arm's length transactions with normal conditions of sale so no adjustments are made for this factor. Finally, none of the sales were reported to include any personal property or other non-realty items. Adjustment is not required for any of these categories.

### Terms of Sale

Of the five sales, three involved the Arizona State Land Trust as the seller. The Land Department offers a financing package with 25% down and the balance financed over one year that all three of the purchasers took advantage of. According to one of the brokers interviewed during the confirmation process, this is a large benefit to the buyer as it allows them to seek approvals and final plats during the one-year financing period. As a result, it is considered slightly superior to an all cash transaction and a 5% downward adjustment is estimated to Sales No. 1, 4 and 5 for this superior factor.

### Market Conditions

The five sales occurred between April 2015 and March 2016. The past three-four years have been somewhat volatile in terms of value trends for land. Broker interviews revealed that in this market area during the period from late 2012 through the end of 2014 the value trend for subdivision development land was moderately upward, then settled down and has been flat since then. Since all of the sales occurred since January 2015, no market conditions adjustment is warranted.

## Location

The subject location has many positive attributes. It is located two miles north of the Loop 101 Freeway and about four miles east of the I-17 Freeway. The north Phoenix area is starting to see new residential growth again, and home builders are interested in developing in this area.

Sale No. 1 is located nearest to the subject of the five sales. It is about two miles to the east of the subject. It is a part of the Desert Ridge master-planned community and as such benefits from being a part of that. Sale No. 1 also has superior freeway proximity as well when compared to the subject. Overall the location of Sale No. 1 is considered superior to the subject and a downward adjustment is estimated.

Sales No. 2, 3 and 4 are all located in northern Peoria, 12 to 13 miles west of the subject. This is also a growth area although its freeway proximity is inferior to the subject and overall this area is slightly more removed from employment centers and other urban attractions. The locations of all three of these sales are considered inferior when compared to the subject an upward adjustment is indicated in each case. The location of Sale No. 4 is considered even more inferior than Sales No. 2 and 3 and a slightly larger upward adjustment is applied.

Sale No. 5 is located in North Scottsdale at both east corners of Pima road and Los Gatos Drive. The elevation of this area is higher than the valley floor, offering views of the mountains and across the valley. Further, this area has demonstrated to be a prestigious residential area resulting in higher home and lot values. As a result of these factors this location is considered superior and a downward adjustment is estimated.

## Zoning and Development Potential

Although the subject property does not have a final plat in place, it does have R1-6 and R1-18 zoning in place, with an approval for no more than 519 residential units. Sales No. 1 and 2 already have PAD zoning in place that allows residential development. This is considered similar to the subject and no adjustment is necessary to either. Sales No. 3 and 4 have R1-35 and S-1 zoning in place, respectively, each of which is considered somewhat of a default zoning that could be changed to allow more intensive development. Due to the time, risk and cost associated with the zoning change, this is inferior to the subject property and an upward adjustment is indicated. Sale No. 5 had R1-35 ESL zoning in place. This zoning is consistent with the Scottsdale general plan and a more intensive zoning is not anticipated. Therefore a zoning change is not necessary. Nonetheless, the subject density is higher than that of Sale No. 5 and a slight upward adjustment is indicated.

## Physical Features

Physical characteristics that are considered for adjustment to these sales when compared to the subject site include size, shape, topography, future development costs, and utility.

Although a portion of the subject property has gently rolling topography, it is offset to a large extent by views that result from higher elevations. The flood plain areas lie within the flowage easement and likely future open space areas and as a result no adjustment is needed for the subject's negative topographic issues. The sales all have gentle topography and no adjustments are needed for topographic differences when compared to the subject.

The subject has somewhat of an unusual shape but again the area that is unusual is largely within the flowage easement and no adjustment is seen as necessary. The shape of all five of the sales are also normal. The only factors requiring adjustment then are size, site improvements required for future development and the easements and restrictions put on use of the subject property.

### **Size**

In terms of size, the subject is 264.83 acres. The sales range in size from 58.43 acres to 409.93 acres. Sale No. 1 is the only tract that is larger than the subject, at 409.93 acres. Since larger parcels tend to sell for a lower unit value than do smaller but otherwise comparable properties, a downward adjustment is estimated. For the same reasoning, Sales No. 2 through 5 require small upward adjustments since they are all smaller than the subject.

### **Future Required Site Improvements**

The subject parcel is considered as having all needed utilities to the site for development. Each of the sales also have utilities to their borders. No adjustments are needed for this factor.

In terms of street frontage improvements, at the date of development the subject will be required by the City of Phoenix to complete a half street along Cave Buttes Dam Road and a full six-lane arterial street for Desert Peak Drive, a distance of about 4,500 linear feet. The expense of the six-lane street is significant, estimated at about \$2,200,000. Further, to provide the subject access from this street frontage, the connection to the existing segment of Desert Peak Drive over the state trust land to the east will also need to be secured, increasing the cost a small amount. Overall, the cost of these improvements is far greater than the street improvement cost of any of the sales. Downward adjustments are warranted in each case. It is noted that the cost of the street improvements can be subtracted from the total impact fees that will be charged to each finished home, but the added time, cost and expense still warrants the downward adjustment.

Sale No. 1 will need to improve half streets on two sides. A small downward adjustment is made. Sales No. 2 and 5 are fully finished, with no further street improvements necessary. A larger downward adjustment is made to each of these. Sale No. 3 needed some street finishing on two sides as well as water improvements that were reported by the listing broker and a small downward adjustment is made. Lastly, Sale No. 4 needs to widen the arterial street that runs through it at a lesser cost than the subject and a downward adjustment is also made to this sale.

### **Easements and Restrictions**

Although technically easements and restrictions are not a physical characteristic, in this instance it is best discussed at this point of the analysis since the easements and restrictions impact the usable area of the property.

The gross subject site area is 264.83 acres. As a requirement of zoning, 90 acres of open space is required to develop the site. The power line easement and flowage easements can be used to meet the open space requirement, which total an estimated 50.245 acres. An additional 39.755 acres must be dedicated to open space. Since this is higher than the typical open space requirement, a downward adjustment is made to each sale, estimated at 25%.

The perceived negative influence of the high-voltage power line easement is also considered in this adjustment. Since Sale No. 3 included the same power line as the subject, a smaller downward adjustment is applied, at 20%.

No other adjustments are made. The adjustments discussed are summarized on the chart on the following page.

<b>SUMMARY OF ADJUSTMENTS</b>						
<b>Characteristic</b>	<b>Subject</b>	<b>Sale 1</b>	<b>Sale 2</b>	<b>Sale 3</b>	<b>Sale 4</b>	<b>Sale 5</b>
\$ per Acre		\$243,944	\$174,179	\$119,503	\$127,071	\$188,259
Property Rights Transferred	Fee Simple	Fee Simple	Fee Simple	Fee Simple	Fee Simple	Fee Simple
Terms of Sale	Cash	Superior -5%	Cash	Cash	Superior -5%	Superior -5%
Adjusted Price/ Acre		\$231,747	\$174,179	\$119,503	\$120,717	\$178,846
Conditions Of Sale	Arm's Length	Auction Arm's Length	Arm's Length	Arm's Length	Auction Arm's Length	Auction Arm's Length
Date of Sale Market Conditions	4-16 Stable	3-16 -0-	7-15 -0-	11-15 -0-	5-15 -0-	4-15 -0-
Adjusted Price/ Acre		\$231,747	\$174,179	\$119,503	\$120,717	\$178,846
Location	Cave Buttes Dam Area	Desert Ridge Superior -20%	LP Pkwy/ Westwing Inferior +15%	E. Of Happy Vly Rd & LP Pkwy Inferior +15%	Pyramid Pk Pky Inferior +20%	Pima & Los Gatos Superior -10%
Zoning/Potential Density	R1-/R1-18	PAD Similar -0-	PAD Similar -0-	R1-35 Inferior +10%	S-1 Inferior +10%	R1-35 ESL Inferior +10%
Physical Features Size	264.83 ac.	409.9 ac +5%	43.00 ac. -10%	133.89 ac. -5%	82.08 ac. -5%	58.43 ac. -10%
Site Improvements	Street frontage needed	Superior -5%	Superior -5%	Superior -5%	Superior -5%	Superior -5%
Easements/ Restrictions	Numerous 90 Acres Open Space Required	Superior -25%	Superior -25%	Superior -20%	Superior -25%	Superior -25%
Non-Realty Items	None	Similar	Similar	Similar	Similar	Similar
Combined Adj. for Location and Physical Factors		-45%	-25%	-5%	-5%	-40%
Indicated Value of Subject		\$127,461	\$130,634	\$113,528	\$114,682	\$107,308

## **Conclusion of Value**

After adjustment, the five sales indicate a range of value for the subject property between \$107,308 and \$130,634 per gross acre. Careful consideration has been given in each case to the development potential of the subject and each of the sales as well as the negative impact on value of the various encumbrances impacting the subject property. The special financing terms of Sales No. 1, 4 and 5 have also been considered specifically.

Sale No. 1 has the closest location of the five sales. However, its inclusion in the Desert Ridge master-planned community makes it a strongly superior location. It also required a large downward adjustment for the easements and restrictions that encumber the subject property, as did each of the five sales.

Sales No. 2, 3 and 4 are all located in northern Peoria. As a result each required upward adjustment for location, which is considered inferior to the subject. Sale No. 3 is most similar to the subject in terms of size and development potential and as a result is considered a strong indication of value.

Sale No. 2 is much smaller than the subject and includes two finished corner parcels. It provides a generally reliable indication of value but not nearly as strong as Sale No. 3.

Sale No. 4 is similar to the subject in terms of being adjacent to existing subdivisions and in terms of likely net density. Although it is one year old, it is still considered current and a reliable indication of market conditions. It is considered a reliable indicator as well.

Sale No. 5 is located in north Scottsdale in an area where values are significantly higher due to elevated topography as well as surroundings. It is the oldest sale of the five, from April 2015, has the least similar development potential since only 35,000 square foot lots are allowed, and had seller financing. It is considered the least reliable indicator of value of the five sales.

Of the five sales, Sales No. 1 and 3 are considered the most reliable indicators of value, with secondary support from Sale No. 4. Sales No. 2 and 5 are least reliable. Based upon the relative strengths and weaknesses of each of the five sales, combined with the very likely difficulty in the planning and entitlement stages of developing the subject property, the final indicated value of the subject parcel is concluded at \$115,000 per gross acre. Applying this to the total site area of 264.83 acres leads to an estimated value for the subject parcel, on a gross acre basis including all of the prior considerations of the subject property, of \$30,455,545.

Significant rounding is typical for sales of land in this price range. Of the five sales, four were rounded significantly. Sale No. 4 was rounded to the nearest \$10,000. Sales No. 1, 3 and 5 were rounded to the nearest million dollars. In this case the final value indication is rounded to the nearest \$10,000, leading to a final estimated value, as of April 14, 2016, of:

**THIRTY ONE MILLION FOUR HUNDRED SIXTY THOUSAND DOLLARS**  
**(\$30,460,000)**

As a secondary consideration for supporting this value conclusion, the property is analyzed in terms of its value on the equivalent basis of its net acreage. In other words, the property has potential to be developed with 519 lots. With a typical density of about three units per acre, this would equate to a typical net site size of 173.00 acres (519/3). Dividing the total value of the property of \$30,460,000 by 173 net acres leads to a unit value of \$176,069 per net acre. Given the added development costs of constructing Desert Peak Drive and added costs of developing this property over a larger gross area, this unit value is considered reasonably supported.

### **Impact of Auction Sale Without Brokerage Commission**

At the request of the client, the impact on value has also been considered from selling the subject property through public auction with a limited advertising/marketing period and without providing a brokerage commission. The norm within the current market for transactions involving large land tracts such as this most often involve marketing the property through a professional brokerage specializing in large land tracts. Marketing periods are typically six to nine months for this type of property. The brokerage community has done a thorough job cultivating the home building and investment buyers and they have a full grasp on who the potential buyers are for properties as they come to market.

In some instances, public auctions are held to dispose of properties and they typically involve a lengthy marketing and advertising period to ensure as large a bidder attendance as possible. In cases where the State of Arizona is auctioning off land, they also offer a 1% brokerage commission in most cases but often cap the total commission payment at a certain dollar amount depending upon the size of the minimum bid.

In the case of the subject, FCDMC has opted for an abbreviated marketing and advertising period and they are not offering a commission to brokers. As a result, it is likely that these factors will have a detrimental impact on bidder turnout, which in turn may result in a lower ultimate sale price. In simple terms, if a property is not properly and fully marketed prior to an auction, the seller runs the risk of having fewer, or not any, bidders on the date of the auction.

Two resources have been investigated in order to support whether or not further adjustment is appropriate. They include; 1) possible articles on the topic, and; 2) interviews with market participants. A search of the Appraisal Institute Lum Library for articles on impact on auction versus market value revealed only a single article of any merit. However, its focus was on residences sold at auction in Florida. The conclusion was that auctioned single family residential properties sold at approximately 13% to 21.5% less than those sold through traditional marketing. Although this is not directly applicable to a tract of land as large as the subject, with very few buyers in this price range, it does provide some general indication.

Three brokers specializing in large land tracts in this market were also interviewed. The first was Mr. Bret Rinehart of Land Advisors Organization. The other two were Ms. Courtney Buck and Nate Nathan, both of Nathan & Associates. All three reported that if no commission is offered, those brokers most knowledgeable in this market segment will likely opt not to pursue presenting this property to their clients if they will not get paid.

They each indicated that a discount would be appropriate but Mr. Rinehart did not venture an opinion beyond a general range. The normal commission on land is 1-3% and he felt that knowledgeable brokers bring at least as much value as this to a property when they market it as compared to a property that is marketed by a layman owner. Since the definition of market value requires that a property be properly exposed to the market, this indicates that the lack of commission warrants at least a 3% diminution in value.

Another factor of an auction is that if multiple bidders engage, the price will be bid up from the minimum established bid, benefitting the value of the property in some instances. However, if only a single bidder participates, the property sells for the minimum bid. If no bidders are willing to bid, then either the minimum bid price is too high regardless of how many or how few bidders are present, or the auction was not properly publicized.

In discussions with the client, it appears that the auction is being widely publicized through newspapers and other internet based media sources including Costar and Loopnet as well as through email to the large land brokerage firms and market participants who have requested to be considered for any sales of excess lands. It is expected that at least some of the potential buyers of large tracts of land in the Phoenix market appear to be aware of the property as a development tract and should be present to bid. The proposed marketing window of about 75 days between advertising and the auction date is shorter than the typical four to six months cited earlier in this report for a traditional market transaction, which also forces potential buyers to shorten the due diligence period on the property and increase their risk from the purchase.

Mr. Nathan discussed the property and the auction process extensively with the appraiser. He indicated that the “retail buyer”, meaning potential production home builder buyers, will not have adequate time for due diligence. He noted especially the likely need for a 404 permit to build a street and likely a bridge over the wash that runs west through the property. He opined that a discount of about 20% would be required to attract an adequate number of bidders to make the auction a success.

Considering all of these factors, a discount of 15% is concluded to be appropriate for the lack of brokerage commission to be paid by the seller and a 75 day advertising period. Therefore, adjusting the minimum auction bid price downward by 15% is expected to provide added incentive to attract an adequate number of bidders to offset the lack of brokerage commission and the abbreviated marketing period. Fifteen percent of the estimated market value of \$30,460,000 is then \$4,569,000. Therefore, the estimated discounted value for selling the subject property at auction with an abbreviated marketing period of approximately 75 days and no brokerage commission is then \$30,460,000 - \$4,569,000, or \$25,891,000, rounded to \$25,900,000.

## CERTIFICATION OF VALUE

I certify that, to the best of my knowledge and belief:

- That the statements of fact contained in this report are true and correct.
- The reported analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the requirements of the Code of Professional Ethics and Standards of Professional Appraisal Practice of the Appraisal Institute.
- The reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions, and are my personal, impartial and unbiased professional analyses, opinions, and conclusions.
- I have no present or prospective interest in the property that is the subject of this report, and have no personal interest with respect to the parties involved.
- I have no bias with respect to the property that is the subject of this report or to the parties involved with this assignment.
- My engagement in this assignment was not contingent upon developing or reporting predetermined results.
- My compensation for completing this assignment is not contingent on the development or reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value opinion, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal.
- My analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the Uniform Standards of Professional Practice.
- I have made a personal inspection of the property that is the subject of this report.
- No one provided significant professional assistance in preparation of this report.
- I have not performed any services, as an appraiser or in any other capacity, regarding the property that is the subject of this report within the three-year period immediately preceding acceptance of this assignment.
- As of the date of this report, I have completed the continuing education program for Designated Members of the Appraisal Institute.
- That the use of this report is subject to the requirements of the Appraisal Institute relating to review by its duly authorized representatives.



Wayne Harding, MAI  
Certified General Real Estate Appraiser #30471

# **ADDENDA**

## **EXHIBIT 1**

Assumptions and Limiting Conditions

## **EXHIBIT 2**

Appraiser's Qualifications

## **EXHIBIT 3**

ALTA Survey of Subject Property

## **EXHIBIT 4**

Title Report Provided by Client

## **EXHIBIT 5**

Zoning Map and Zoning Description

## **EXHIBIT 6**

Flood Plain Map

## **EXHIBIT 7**

Easements To Be Placed By Client At Sale

## **EXHIBIT 8**

Photographs of Subject Parcel

## **EXHIBIT 9**

Market Data Sheets for Land Sales

**EXHIBIT 1**

**Assumptions and Limiting Conditions**

## **ASSUMPTIONS AND LIMITING CONDITIONS**

This appraisal is subject to the following assumptions and limiting conditions:

1. That the title to the property is marketable and free of all liens and encumbrances, except as noted in the report.
2. That no responsibility is assumed for the legal description or for matters including legal or title considerations.
3. That the descriptions and plats furnished are correct.
4. That information furnished by others is believed to be reliable. No warranty is made as to its accuracy, however.
5. That all engineering is assumed to be correct. The plot plans and illustrative material in this report are included only to assist the reader in visualizing the property.
6. That there are no hidden or unapparent conditions of the property, subsoil, or structures that render it more or less valuable. No responsibility is assumed for such conditions or for arranging for engineering studies that may be required to discover them.
7. That there is full compliance with all applicable federal, state, and local environmental regulations and laws unless non-compliance is stated, defined, and considered in the appraisal report.
8. That all applicable zoning and use regulations and restrictions have been complied with, unless a nonconformity has been stated, defined, and considered in the appraisal report.
9. That all required licenses, certificates of occupancy, consents, or other legislative or administrative authority from any local, state, or national government or private entity or organization have been or can be renewed for any use on which the value estimate contained in this report is based.
10. That the utilization of the land and improvements is within the boundaries or property lines of the property described and that there is no encroachment or trespass unless noted in the report.
11. That the distribution, if any, of the total valuation in this report between land and improvements applies only under the stated program of utilization. The separate allocations for land and buildings must not be used in conjunction with any other appraisal and are invalid if so used.
12. Possession of this report, or a copy thereof, does not carry with it the right of publication. It may not be used for any purpose by any person other than the party to whom it is addressed without written consent of the appraiser, and in any event only with proper written qualification and only in its entirety.

13. That neither all nor any part of the contents of this report, especially any conclusions as to value, the identity of the appraiser, or the firm with which the appraiser is connected, shall be disseminated to the public through advertising media, public relations media, news media, sales media, or any other public means of communication without the prior written consent and approval of the appraiser.
14. This appraisal report has been made in conformity with and is subject to the requirements of the Code of Professional Ethics of the Appraisal Institute.
15. Unless otherwise stated in this report, the existence of hazardous material, which may or may not be present on the property, was not observed by the appraiser. The appraiser has no knowledge of the existence of any such materials on or in the property. The appraiser, however, is not qualified to detect such substances. The presence of substances such as asbestos, urea-formaldehyde foam insulation, petroleum contaminants, or other potentially hazardous materials may affect the value of the property. The value estimate is predicated on assumption that there is no such material on or in the property that would cause a loss in value. No responsibility is assumed for any such conditions, or for any expertise or engineering knowledge required to discover them. The client is urged to retain an expert in this field, if desired.

**EXHIBIT 2**

**Appraiser's Qualifications**

# QUALIFICATIONS OF WAYNE HARDING, MAI

Certified General Real Estate Appraiser, No. 30471

## HARDING & ASSOCIATES

9420 East Doubletree Ranch Road, Suite C-110  
Scottsdale, Arizona 85258  
(480) 609-7090  
Tax ID No. 86-0791700

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### Formal Education:

Bachelor of Science from the University of California, Davis, with a degree in Agricultural and Managerial Economics, 1985.

### Professional Education:

Successful completion of the following American Institute of Real Estate Appraisers Courses:

Appraisal Principles	Advanced Capitalization Theory
Valuation Procedures	Case Studies in R. E. Valuation
Capitalization Theory	Standards of Professional Practice
Ranch Appraisal	Report Writing & Valuation Analysis
Comprehensive Examination	Demonstration Appraisal Report
Feasibility Analysis and Highest & Best Use	Subdivision Analysis Seminar
Advanced Condemnation Appraisal	Land Valuation Adjustments
Seminar on the <i>Uniform Appraisal Stds for Federal Land Acquisitions</i> (Yellow Book)	

### Professional Affiliations:

Member of the Appraisal Institute, MAI.

- Continuing education requirements are current through December, 2016
- Admissions Committee Member, 1992 - 1998
- Chairman, Admissions Committee, 1995, 1996
- Ethics Review Committee Member, 1999-2004
- President Elect, Phoenix Chapter, 2006
- President, Phoenix Chapter, 2007
- Past President, Phoenix Chapter, 2008
- Member of the National Leadership Development and Advisory Council, 2006, 2007

### Real Estate and Appraisal Experience:

Leasing Agent/ Property Manager, Equitec Properties Company, Sacramento, California, 1986.  
Involved in leasing and managing 550,000 square feet of light industrial and commercial space.

**Real Estate and Appraisal Experience, Continued:**

Appraiser, Harding Appraisal Company, Sebastopol, California, 1986 - 1990. Involved in appraisal of commercial and agricultural properties in Sonoma, Marin, Napa, Mendocino and Lake Counties of Northern California for purposes of acquisition, condemnation, divorce, estate planning, financing, foreclosure, etc.

Principal, Harding & Associates, Scottsdale, Arizona, January 1991 - Present. Involved in appraisal of commercial, industrial, multifamily and special purpose properties as well as development land and rural lands.

**Litigation Experience:**

Qualified as an Expert Witness in Superior Court and Bankruptcy Court, Phoenix, Arizona as well as in Mohave County Superior Court, Kingman, Arizona, Yavapai County Superior Court, Camp Verde, Arizona and Navajo County Superior Court, Holbrook, Arizona

**Geographic Market Area:**

Throughout Arizona

**Scope of Work:**

Eminent Domain Acquisition	Easement Valuation
Subdivision Land	Vacant Development Land
Agricultural and Recreational Land	Master Planned Communities
Highest and Best Use Studies	Valuation and Land Use Consultation
Office Buildings	Retail Centers
Industrial Buildings	Special Purpose Properties

**Partial Client List:**

Arizona Department of Transportation	Arizona Game & Fish Department
Arizona State Land Department	Arizona Department of Administration
Arizona State Parks Department	Arizona Schools Facilities Board
Arizona Department of Corrections	

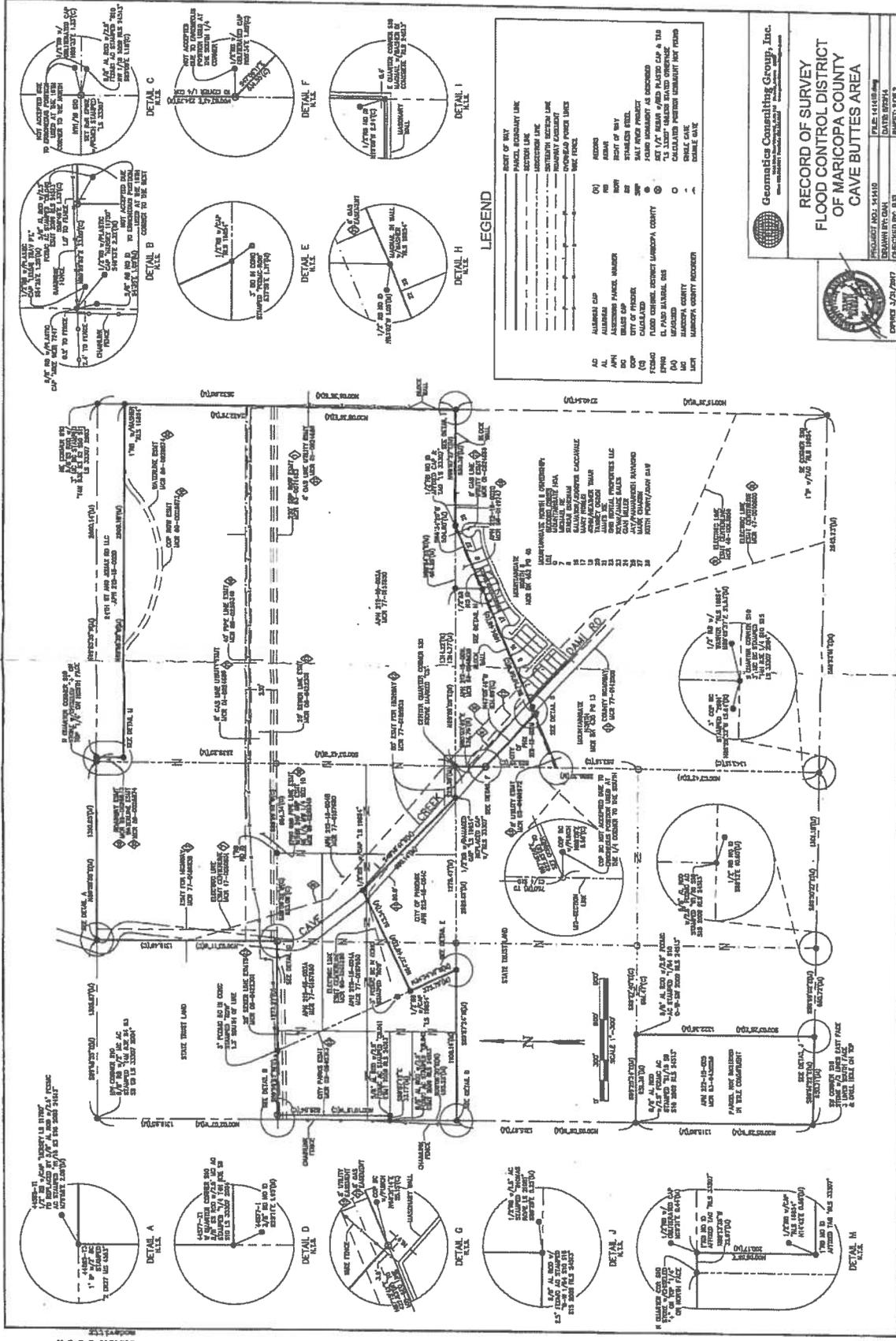
Maricopa County Department of Transportation	Maricopa County Flood Control District
Maricopa County Attorney's Office	

City of Phoenix	City of Glendale
City of Mesa	City of Chandler
City of Peoria	City of Surprise
Town of Prescott Valley	City of Flagstaff

**EXHIBIT 3**

*ALTA Survey of Subject Property*





### LEGEND

AD	ADDRESS CAP	(D)	RECORD
A	ADJUSTED	IMP	IMPROVEMENT
APN	ASSASSINATED	INT	INTERSECTION
BC	BANK	ST	STAKE
CC	CITY OF CHANDLER	STP	STAKE TO POINT
CD	CITY OF DOWNEY	SWP	SWITCH POINT
CE	CITY OF ESCROW	TR	TRAIL
CF	CITY OF FOUNTAIN	UN	UNDEVELOPED
CG	CITY OF GILBERT	UR	URBAN
CH	CITY OF HAVANA	UT	UTILITY
CI	CITY OF IRVINE	W	WATER
CJ	CITY OF JAVAY	W	WATER
CK	CITY OF KINGMAN	W	WATER
CL	CITY OF LAGUNA	W	WATER
CM	CITY OF MESA	W	WATER
CN	CITY OF NAVAJO	W	WATER
CO	CITY OF OROVALLE	W	WATER
CP	CITY OF PHOENIX	W	WATER
CQ	CITY OF QUINCY	W	WATER
CR	CITY OF RAY	W	WATER
CS	CITY OF SCOTTSDALE	W	WATER
CT	CITY OF TOLSON	W	WATER
CU	CITY OF UPLAND	W	WATER
CV	CITY OF VAN HORN	W	WATER
CW	CITY OF WILSON	W	WATER
CX	CITY OF YUCCA VALLEY	W	WATER
CY	CITY OF YUMA	W	WATER
CZ	CITY OF ZEPHYRUS	W	WATER
DA	DISTRICT	W	WATER
DB	DISTRICT	W	WATER
DC	DISTRICT	W	WATER
DD	DISTRICT	W	WATER
DE	DISTRICT	W	WATER
DF	DISTRICT	W	WATER
DG	DISTRICT	W	WATER
DH	DISTRICT	W	WATER
DI	DISTRICT	W	WATER
DJ	DISTRICT	W	WATER
DK	DISTRICT	W	WATER
DL	DISTRICT	W	WATER
DM	DISTRICT	W	WATER
DN	DISTRICT	W	WATER
DO	DISTRICT	W	WATER
DP	DISTRICT	W	WATER
DQ	DISTRICT	W	WATER
DR	DISTRICT	W	WATER
DS	DISTRICT	W	WATER
DT	DISTRICT	W	WATER
DU	DISTRICT	W	WATER
DV	DISTRICT	W	WATER
DW	DISTRICT	W	WATER
DX	DISTRICT	W	WATER
DY	DISTRICT	W	WATER
DZ	DISTRICT	W	WATER

**Geomatics Consulting Group, Inc.**  
 10000 W. Camelback Road, Suite 100, Phoenix, AZ 85040  
 (602) 998-8888

**RECORD OF SURVEY  
 FLOOD CONTROL DISTRICT  
 OF MARICOPA COUNTY  
 CAVE BUTTES AREA**

PROJECT NO. 14181  
 DATE 08/14/14  
 DRAWN BY: CHL  
 CHECKED BY: JAB  
 SCALE: AS SHOWN

1414181-2-1-2-11

Parcel No. 212-15-001L, 2Q, 3A & 212-15-004A  
CAVE BUTTES DAM  
Item No. H-2646-EX

LEGAL DESCRIPTION FOR EXCESS LAND

A portion of land lying within the Northwest quarter (NW4), the Northeast quarter (NE4) and the Southeast quarter (SE4) of Section 10 -- T4N, R3E, G&SRB&M, Maricopa County, Arizona, said portion being described as follows:

**COMMENCING** at the Northeast corner of said Section 10; thence along the East line of the Northeast quarter (NE4) of said section 10, South 00°08'39" West a distance of 200.00 feet to a point on the South line of the North 200 feet of said NE4 and the **TRUE POINT OF BEGINNING**; thence continuing along said East line, South 00°08'39" West a distance of 2433.00 feet to the East quarter corner of said section 10; thence along the South line of said NE4, South 89°56'54" West a distance of 850.45 feet; thence South 66°35'48" West a distance of 504.57 feet; thence South 67°11'24" West a distance of 998.95 feet; thence North 47°26'01" West to a point on the West line of the SE4 of said section 10, a distance of 534.17 feet, said point lies North 00°23'49" West a distance of 2461.58 feet from the South quarter corner of said section 10; thence along said West line, North 00°23'49" West a distance of 224.75 feet to the center of said section 10; thence along the East-West mid-section line, South 89°57'21" West a distance of 225.37 feet; thence North 45°18'48" West a distance of 980.17 feet; thence South 64°37'41" West a distance of 813.36 feet; thence South 24°33'55" East to a point on the South line of the Northwest quarter (NW4) of said Section 10, a distance of 375.76 feet; thence along the South line of the Northwest quarter of said section 10, South 89°57'21" West a distance of 1108.14 feet to the West quarter corner of said section; thence North 00°05'15" West along the West line of the Northwest quarter (NW4) of said Section 10, a distance of 495.23 feet; thence North 89°59'17" East to a point on the East line of the West 33.00 feet of the Northwest quarter of said Section 10, a distance of 33.00 feet; thence along said East line, North 00°05'15" West to a point on the South line of the NW4NW4 of said Section 10, a distance of 825.39 feet; thence along the South line of said NW4NW4, North 89°58'41" East a distance of 1273.24 feet to the Southeast corner of said NW4NW4;

H-2646-EX (cont'd):

thence along the East line of said NW4NW4, North 00°00'48" West a distance of 1320.11 feet to the Northeast corner of said NW4NW4; thence along the North line of the NW4 of said section 10, South 89°59'59" East 1307.94 feet to the North quarter corner of said section 10; thence along the North line of the NE4 of said section 10, South 89°54'59" East a distance of 33.14 feet; thence parallel with and 2600 feet West of the East line of said NE4, South 00°08'39" West a distance of 200.00; thence along the South line of the North 200 feet of said NE4, South 89°54'59" East a distance of 2600.00 feet to the **POINT OF BEGINNING**.

Containing 11,535,932 square feet or 264.83 acres more or less.

**RESERVING** unto the Flood Control District of Maricopa County, a 20-Foot wide Operation and Maintenance Road Easement (O&M) over and across the South 230.00 feet of the Northeast quarter of the Northwest quarter and also the North half of the Northeast quarter of said Section 10.

**AND RESERVING** unto the Flood Control District of Maricopa County", a Roadway Easement as described in Exhibit "B".

**AND RESERVING** unto the Flood Control District of Maricopa County", Flowage Easements as described in Exhibits "C1 and C2".

The location and construction of the Reservation herein described are to be mutually agreed upon between Grantor and Grantee, their successors, and assigns. Any development plan must be submitted to Grantor for Grantor's review and acceptance to ensure permanent easement rights, which acceptance shall not be unreasonably withheld.

FLOOD CONTROL DISTRICT OF MARICOPA COUNTY		
Prelim: 10-03-00	Chk:	Appr:
Rev: 6-21-02; 3-16-06; 12-23-2014; 4-30-2015		
Maricopa County Public Works - Real Estate Division		





**EXHIBIT 4**

Title Report Provided by Client



ALTA Commitment Form (6-17-06)  
COMMITMENT FOR TITLE  
INSURANCE

ISSUED BY  
WESTCOR LAND  
TITLE INSURANCE COMPANY

Westcor Land Title Insurance Company, a California corporation ("Company"), for a valuable consideration, commits to issue its policy or policies of title insurance, as identified in Schedule A, in favor of the Proposed Insured named in Schedule A, as owner or mortgagee of the estate or interest in the land described or referred to in Schedule A, upon payment of the premiums and charges and compliance with the Requirements; all subject to the provisions of Schedules A and B and to the Conditions of this Commitment.

This Commitment shall be effective only when the identity of the Proposed Insured and the amount of the policy or policies committed for have been inserted in Schedule A by the Company.

All liability and obligation under this Commitment shall cease and terminate six (6) months after the Effective Date or when the policy or policies committed for shall issue, whichever first occurs, provided that the failure to issue the policy or policies is not the fault of the Company.

The Company will provide a sample of the policy form upon request.

IN WITNESS WHEREOF, WESTCOR LAND TITLE INSURANCE COMPANY has caused its corporate name and seal to be hereunto affixed and by these presents to be signed in facsimile under authority of its by-laws, effective as of the date of Commitment shown in Schedule A.

Issued By:

Empire West Title Agency  
4808 North 22nd Street, Ste #  
100  
Phoenix, AZ 85016  
Phone: 602-749-7000

WESTCOR LAND TITLE INSURANCE  
COMPANY

HOME OFFICE  
201 N. New York Avenue, Suite 200  
Winter Park, Florida 32789  
Telephone: (407) 629-5842



By: Mary O'Donnell  
President  
Attest: Patricia H. Power  
Secretary

**SCHEDULE A**

Address Reference: **Project: Cave Buttes Dam Excess / Project 350.01.01 / Order TR142-FCD / Item #H-2646-EX / APN 212-15-001L,**

1. Effective Date: **April 25, 2014 at 7:30 am**
2. Policy or Policies to be issued:
  - A. ALTA Owners 2006 Standard Coverage  
Proposed Insured: **City of Phoenix, a municipal corporation**
  - B.  
Proposed Insured:
- 3A. The estate or interest in the land described in this Commitment and covered herein is **Fee** and title thereto is at the effective date hereof vested in:  
**Flood Control District of Maricopa County, a political subdivision of the State of Arizona**
- 3B. Title to the estate herein described upon issuance of the Policy shall be vested in:  
**City of Phoenix, a municipal corporation**
4. The proposed mortgage and assignment(s) thereof, if any, are described as follows:
  - a. Deed of Trust given to secure an indebtedness in the original principal amount shown therein, together with any and all other obligations secured thereby:  
Trustor: **City of Phoenix**  
Beneficiary:  
  
Amount:  
Trustee: **EMPIRE WEST TITLE AGENCY**
5. The land referred to in the Commitment is situate in the county of , State of **Unknown** and is described in the attached exhibit "A".

Please direct all inquiries and correspondence to:  
Empire West Title Agency  
Escrow Officer: Sharon Dyke  
Phone: 602-749-7000  
Commitment

Empire West Title Agency, issuing agent for  
Westcor Land Title Insurance Company  
By: Chuck Kerkhoff  
Title Department

**EXHIBIT "A"**

**A PORTION OF THE FOLLOWING DESCRIBED PROPERTY**

**That part of the West half of the Southeast quarter of Section 10, Township 4 North Range 3 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, described as follows;**

**Beginning at the Northwest corner of said west half of the Southeast quarter;  
Thence East along the North line thereof, 1,314.22 feet to the Northeast corner of said West half of the Southeast quarter;  
Thence South along the East line of said of said West half of the Southeast quarter 200 feet to a point;  
Thence Southwesterly to the West line of said West half of the Southeast quarter at a point 750.00 feet from the Northwest corner of said West half of the Southeast quarter;  
Thence North along said West line 750.00 feet to the point of beginning.**

**EXCEPT that portion conveyed to the City of Phoenix by Deed recorded June 24, 2002 in document No. 2002-640312**

**EXACT LEGAL TO BE FURNISHED PRIOR TO THE CLOSE OF ESCROW.**

**SCHEDULE B  
SECTION ONE - REQUIREMENTS**

Conditions to be met and instruments in insurable form which must be executed, delivered, and duly filed for record:

1. **provide exact legal description to be used herein.**
2. **Record Deed from Flood Control District of Maricopa County to City of Phoenix.**

**NOTE: See attached tax sheets for the following Parcel Numbers: 212-15-001L.**

**NOTE: See attached tax sheets for the following Parcel Numbers: .**

**Chain of Title:**

**Deed recorded March 20, 1969 as Docket 7527, page 675.**

**Deed recorded March 20, 1969 as Docket 7527, page 677.**

**Deed recorded June 24, 2002 as Document No. 2002-640312 (exception from legal)**

**NOTE: If Empire West Title Agency is named as Trustee in the Deed of Trust, the correct name and address is:**

**Empire West Title Agency, LLC, an Arizona Limited Liability Company  
4808 North 22nd Street, Ste # 100  
Phoenix, AZ 85016**

**End of Schedule B Section I**

**SCHEDULE B  
SECTION TWO - EXCEPTIONS**

Schedule B of the policy or policies to be issued will contain exceptions to the following matters unless the same are disposed of to the satisfaction of the Company:

A. Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the public records or attaching subsequent to the Effective Date but prior to the date the proposed Insured acquires for value of record the estate or interest or mortgage thereon covered by this Commitment.

1. **(a) Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records; (b) Proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.**
2. **Any facts, rights, interests or claims which are not shown by the public records but which could be ascertained by an inspection of the land or which may be asserted by persons in possession of the land.**
3. **Easements, liens or encumbrances or claims thereof, which are not shown by the public records.**
4. **Any encroachments, encumbrance, violation, variation, or adverse circumstances affecting the Title that would be disclosed by an accurate and complete land survey of the Land and not shown by the public records.**
5. **(a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b) or (c) are shown by the public records.**
6. **Any lien, or right to a lien, for services, labor or material heretofore or hereafter furnished, imposed by law and not shown by the public records.**
7. **Taxes for the year 2014, a lien not yet due and payable.**
8. **An easement for electric lines and poles and incidental purposes, recorded in Docket 37, page 332 of Official Records.**
9. **An easement for electric lines and poles and incidental purposes, recorded in Docket 168, page 57 of Official Records.**
10. **All matters as set forth on map recorded in Book 120 of Maps, page 2**
11. **Roadway as set forth in document recorded in Docket 12239, page 240.**
12. **An easement for highway purposes and incidental purposes, recorded in Document no. Docket 12306, page 437 of Official Records.**
13. **The terms, conditions and provisions contained in the document entitled Intergovernmental Agreement recorded July 18, 1990 as Document No. 1990-321845 of Official Records.**

14. All matters as set forth on map recorded in Book 494 of Maps, page 13
15. An easement for underground communication and incidental purposes, recorded in Document no. 2002-496972 of Official Records.
16. All matters as set forth on map recorded in Book 791 of Maps, page 41
17. ANY CONFLICT in description between the subject property insured herein and property described in Deed recorded as Docket 7527, page 677.

**End of Schedule B Section II**

**SCHEDULE A**

Address Reference: **Project: Cave Buttes Dam Excess / Proj 350.01.01 / Order # TR142-FCD / Item #H2646-EX / APN 212-15-, 002Q,**

1. Effective Date: **March 28, 2016 at 7:30 am**
2. Policy or Policies to be issued:
  - A. ALTA Owners 2006 Standard Coverage  
  
Proposed Insured: **TBD**
- 3A. The estate or interest in the land described in this Commitment and covered herein is **Fee** and title thereto is at the effective date hereof vested in:  
**Flood Control District of Maricopa County, a political subdivision of the State of Arizona**
- 3B. Title to the estate herein described upon issuance of the Policy shall be vested in:  
**TBD**
4. The land referred to in the Commitment is situate in the county of , State of **Unknown** and is described in the attached Exhibit "A".

Please direct all inquiries and correspondence to:  
Empire West Title Agency  
Escrow Officer: Sharon Dyke  
Phone: 602-749-7000  
Commitment

Empire West Title Agency, issuing agent for  
Westcor Land Title Insurance Company  
By: Chuck Kerkhoff  
Title Department

**EXHIBIT "A"**

**That part of the West half of the East half of the Southeast quarter of Section 10, Township 4 North, Range 3 East, of the Gila and Salt River Base Meridian, Maricopa County, Arizona, described as follows.**

**Beginning at the Northwest corner of said West half of the East half of the Southeast quarter;**

**Thence East along the North line thereof 464.20 feet;**

**Thence Southwesterly to a point on the West line of said West half of the East half of the Southeast quarter, 200 feet South of the Northwest corner of said West half of the East half of the Southeast quarter;**

**Thence North 200 feet to the place of beginning.**

**SCHEDULE B**  
**SECTION ONE - REQUIREMENTS**

Conditions to be met and instruments in insurable form which must be executed, delivered, and duly filed for record:

- 1. Furnish the names of parties to be insured herein and disposition of any matters disclosed thereby.**
- 2. Record Deed from Flood Control District of Maricopa county to To Come.**

**NOTE: See attached tax sheets for the following Parcel Numbers: 212-15-002Q.**

**NOTE: See attached tax sheets for the following Parcel Numbers: .**

**Chain of Title:**

**Deed recorded March 13, 1970 as Docket 8040, page 685.**

**End of Schedule B Section I**

**SCHEDULE B  
SECTION TWO - EXCEPTIONS**

Schedule B of the policy or policies to be issued will contain exceptions to the following matters unless the same are disposed of to the satisfaction of the Company:

A. Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the public records or attaching subsequent to the Effective Date but prior to the date the proposed Insured acquires for value of record the estate or interest or mortgage thereon covered by this Commitment.

1. **(a) Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records; (b) Proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.**
2. **Any facts, rights, interests or claims which are not shown by the public records but which could be ascertained by an inspection of the land or which may be asserted by persons in possession of the land.**
3. **Easements, liens or encumbrances or claims thereof, which are not shown by the public records.**
4. **Any encroachments, encumbrance, violation, variation, or adverse circumstances affecting the Title that would be disclosed by an accurate and complete land survey of the Land and not shown by the public records.**
5. **(a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b) or (c) are shown by the public records.**
6. **Any lien, or right to a lien, for services, labor or material heretofore or hereafter furnished, imposed by law and not shown by the public records.**
7. **Taxes for the year 2016, a lien not yet due and payable.**
8. **An easement for electric lines and poles and incidental purposes, recorded in Docket 37, page 332 of Official Records.**
9. **An easement for electric lines and poles and incidental purposes, recorded in Docket 168, page 57 of Official Records.**
10. **All matters as set forth on map recorded in Book 120 of Maps, page 2**
11. **Roadway as set forth in document recorded in Docket 12239, page 240.**
12. **An easement for highway purposes and incidental purposes, recorded in Document no. Docket 12306, page 437 of Official Records.**
13. **The terms, conditions and provisions contained in the document entitled Intergovernmental Agreement recorded July 18, 1990 as Document No. 1990-321845 of Official Records.**

14. All matters as set forth on map recorded in Book 494 of Maps, page 13
15. All matters as set forth on map recorded in Book 791 of Maps, page 41
16. All matters as set forth on Survey recorded in Book 1191 of Maps, page 4

**End of Schedule B Section II**

**SCHEDULE A**

Address Reference: **Project: Cave Buttes Dam Excess / Proj #350.01.01 / order TR142-FCD / Item #H-2646-EX / APN 212-15-004A, 004B & 003A,**

1. Effective Date: **March 28, 2016 at 7:30 am**
2. Policy or Policies to be issued:

A. ALTA Owners 2006 Standard Coverage

Proposed Insured: **TBD**

- 3A. The estate or interest in the land described in this Commitment and covered herein is **Fee** and title thereto is at the effective date hereof vested in:  
**Flood Control District of Maricopa County, a political subdivision of the State of Arizona**
- 3B. Title to the estate herein described upon issuance of the Policy shall be vested in:  
**TBD**
4. The land referred to in the Commitment is situate in the county of , State of **Unknown** and is described in the attached Exhibit "A".

Please direct all inquiries and correspondence to:  
Empire West Title Agency  
Escrow Officer: Sharon Dyke  
Phone: 602-749-7000  
Commitment

Empire West Title Agency, issuing agent for  
Westcor Land Title Insurance Company  
By: Chuck Kerkhoff  
Title Department

**EXHIBIT "A"**

**The North half of Section 10, Township 4 North, Range 3 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona.**

**Except the Northwest quarter of the Northwest quarter of said Section 10; and**

**Except the North 200 feet of the East 2600 feet of the Northeast quarter of said section 10; and**

**Except the West 33 feet of the Northwest quarter of the Southwest quarter of the Northwest quarter of said Section 10; and**

**Except the West 33 feet of the North half of the North half of Southwest quarter of the Southwest quarter of the Northwest quarter of said Section 10; and**

**Except that portion conveyed to the City of Phoenix in Deed recorded June 24, 2002 in Document No. 2002-640312, records of Maricopa County, Arizona**

**SCHEDULE B  
SECTION ONE - REQUIREMENTS**

Conditions to be met and instruments in insurable form which must be executed, delivered, and duly filed for record:

1. **Furnish the names of parties to be insured herein and disposition of any matters disclosed thereby.**
2. **Record Deed from Flood Control District of Maricopa County to To Come.**

**NOTE: See attached tax sheets for the following Parcel Numbers: 212-15-003A and 212-15-004A and 212-15-004B.**

**Chain of Title:**

**Deed recorded June 10, 1969 as Docket 7645, page 139.**

**Deed recorded June 10, 1969 as Docket 7645, page 141**

**Condemnation recorded October 19, 1971 in Docket 9015, page 809**

**Deed recorded June 8, 1977 in Docket 12261, page 1220**

**Deed recorded June 24, 2002 as Document No. 2002-640312 (exception from legal)**

**End of Schedule B Section I**

**SCHEDULE B  
SECTION TWO - EXCEPTIONS**

Schedule B of the policy or policies to be issued will contain exceptions to the following matters unless the same are disposed of to the satisfaction of the Company:

A. Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the public records or attaching subsequent to the Effective Date but prior to the date the proposed Insured acquires for value of record the estate or interest or mortgage thereon covered by this Commitment.

1. **(a) Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records; (b) Proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.**
2. **Any facts, rights, interests or claims which are not shown by the public records but which could be ascertained by an inspection of the land or which may be asserted by persons in possession of the land.**
3. **Easements, liens or encumbrances or claims thereof, which are not shown by the public records.**
4. **Any encroachments, encumbrance, violation, variation, or adverse circumstances affecting the Title that would be disclosed by an accurate and complete land survey of the Land and not shown by the public records.**
5. **(a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b) or (c) are shown by the public records.**
6. **Any lien, or right to a lien, for services, labor or material heretofore or hereafter furnished, imposed by law and not shown by the public records.**
7. **Taxes for the year 2016, a lien not yet due and payable.**
8. **An easement for electric lines and incidental purposes, recorded in Docket 37, page 333 of Official Records.**
9. **An easement for electric lines and poles and incidental purposes, recorded in Docket 37, page 332 of Official Records.**
10. **An easement for electric lines and poles and incidental purposes, recorded in Docket 168, page 57 of Official Records.**
11. **An easement for transmission lines and incidental purposes, recorded in Docket 4721, page 231 of Official Records.**
12. **All matters as set forth on map recorded in Book 120 of Maps, page 2**
13. **Roadway as set forth in document recorded in Docket 12239, page 240.**

14. **An easement for highway purposes and incidental purposes, recorded in Document no. Docket 12306, page 437 of Official Records.**
15. **The terms, conditions and provisions contained in the document entitled Intergovernmental Agreement recorded July 18, 1990 as Document No. 1990-321845 of Official Records.**
16. **All matters as set forth on map recorded in Book 494 of Maps, page 13**
17. **All matters as set forth on map recorded in Book 791 of Maps, page 41**
18. **An easement for pipeline and incidental purposes, recorded in Document no. 1986-259349 of Official Records.**
19. **An easement for roadway and incidental purposes, recorded in Document no. 1989-28873 and 1989-28875 of Official Records.**
20. **An easement for water line and incidental purposes, recorded in Document no. 1989-28874 and 1989-28876 of Official Records.**
21. **An easement for gas lines and incidental purposes, recorded in Document no. 2001-824686 of Official Records.**
22. **An easement for park and incidental purposes, recorded in Document no. 2002-640313 of Official Records.**
23. **An easement for sewer line and incidental purposes, recorded in Document no. 2006-422301 of Official Records.**
24. **All matters as set forth on Survey recorded in Book 1191 of Maps, page 4**

**End of Schedule B Section II**

**EXHIBIT 5**

*Zoning Description*

To: J. Neville  
Fr: Billings



City of Phoenix

PLANNING DEPARTMENT

2/3/03

November 1, 2002

WEST:  
Zoning's \* as per map  
Anx 254/H 3-02

Various

Dear Applicant:

RE: Z-43-02-1 Anx 254 "Happy Valley North"

Please be advised that the Phoenix City Council, in accordance with the provisions of Section 506.B.4 of the Zoning Ordinance, as amended, has on October 30, 2002, concurred in the recommendation of the Planning Commission and has approved on Consent Agenda with stipulations Application Z-43-02-1 for A-1, A-1 SP, CP/BP, R1-18, R1-6, S-1, S-1 SP, on 3244.16 acres located at "Happy Valley North" - Boundaries: 19<sup>th</sup> Avenue (West), 24<sup>th</sup> Street (East), Pinnacle Peak Road (South), Jomax Road (North).

STIPULATIONS:

1. That prior to any final site plan approval, the property owner shall record documents that disclose to purchasers of property within the development(s) the existence and operational characteristics of the Deer Valley Airport. The form and content of such documents shall be reviewed and approved by the City Attorney.
2. That the subject site has the potential to contain archeological resources. That any development activity in circled areas on Map A shall submit an archeological survey for review and approval by the City Archeologist: (602) 495-0901.
3. That all of the A-1 zoned parcels shall provide a 10-foot landscaped setback along 7th Avenue and Pinnacle Peak Road as approved by the Development Services Department.
4. That as projects go through the development review process, the developers shall dedicate street right-of-way as per plans approved by the Development Services Department.

Exponent/Failure Analysis--NEC 19th Avenue and Pinnacle Peak Road, Background Item Three--(S-1 SP (183:00ac))

5. That site and building development shall generally conform with the site plan entitled "Exponent Building Area Increase Special Use Permit", date stamped

December 7, 1998 by the Maricopa County Planning Department as approved by the city of Phoenix Development Services Department.

6. That use of the site shall comply with the narrative report entitled "Special Use Permit, Narrative Report and date stamped by the Maricopa County Planning Department on December 7, 1998 as approved by the city of Phoenix Planning Department.
7. That 55-feet of right-of-way shall be provided along the eastside of 19<sup>th</sup> Avenue.
8. That all parking and outdoor storage shall be screened from view from 19th Avenue and the surrounding properties as approved by the Development Services Department.

Cave Buttes Development--the Intersection of Happy Valley Road and the 24th Street alignment extended--Background item Eight-[R1-18(86.56ac) and R1-6(194.87ac)]

9. That development and use of the site shall generally comply with the site plan/zoning exhibit and the narrative report entitled "Cave Buttes Development Narrative and stamped received by the Maricopa County Planning Department on January 10, 2001, as approved by the Development Services Department except as modified by the following stipulations.
10. That the maximum density for the project shall not exceed 519 dwelling units.
11. That the subject site has the potential to contain archeological resources. That the applicant shall submit an archeological survey for review and approval by the City Archeologist (602) 495-0901.
12. That the minimum amount of open space for the project shall be 90 net acres and the open space network shall include preservation of natural vegetation to the greatest extent possible as approved by the Development Services Department.
13. That the following residents will be invited to any preliminary review meetings held by the Development Services Department:
  - William Blakey---(480) 444-4942
  - Chris & Shayne---AzÜbers@aol.com
  - Mr. and Mrs. Strachan---(480) 419-1944
  - Mr. and Mrs. Lawrence---2248E, Mariposa Grande, Phoenix, AZ 85024-8658,
  - Mr. and Mrs. Wallace---24025 N. 21st Way, Phoenix, AZ 85024,
  - Mr. and Mrs. Ganahl---2232 E. Mariposa Grande, Phoenix, AZ 85024, Timbophx@aol.com,
  - Mr. and Mrs. Norbut---2015 E. Softwind Drive, Phoenix, AZ 85024,
  - David R. Whittaker---31 Remuda Rd, Sedona AZ, 86336-4357,
  - Mountain Gate North Homeowner's Association

- Redhawk Homeowner's Association

14. That construction traffic shall be encouraged to not use Cave Creek Dam Road. The current barrier at the northernmost termination of Cave Creek Dam Road shall remain closed until Phase I grading is complete and the initial model home complex is opened.
  15. That an average 40-foot landscape buffer (30-foot minimum) shall be provided on the south perimeter of this property between Cave Creek Dam Road and 23rd Street. The buffer shall include a 10-foot multi-use trail per Parks and Recreation Department specifications and low-level lighting. View fencing shall be provided along this landscape buffer as approved by the Development Services Department.
  16. That the existing graffiti and trash on the property shall be removed and cleaned prior to a certificate of occupancy for Phase I Development.
  17. That 20th Street (which currently terminates at the south boundary of the property) shall not be extended into the project.
  18. That the final plat shall be designed to encourage traffic to access Pinnacle Peak Parkway (or its equivalent). A traffic study shall be prepared prior to preliminary plat approval to estimate the traffic to be generated on Cave Creek Dam Road.
- Sun. State Rock and Materials - SWC Central Avenue and Alameda Road Extended - Background Item Two - [A-1 SP(40100ac)]
19. That the Special Permit for a mining operation shall expire in 2010.
  20. That no mining excavation shall be done below the average surrounding at-grade property elevation.
  21. That prior to redevelopment of the site and submittal for development review, a reuse plan shall be approved by the Planning Director.

Sincerely,



Sandra E. Zwick,  
Principal Planner

C: Cily Clerk  
Files  
Tammy Henry (sent electronically)  
E.J. Hynick, Public Transit (sent elec.)  
Book  
Jason Sanki (sent electronically)

Jay Neville (sent electronically)  
Karen Stovall (sent electronically)  
Dave Barrett, DSD (sent electronically)  
Miguel Victor (sent electronically)  
Lynn West (sent electronically)  
Kenneth Black (sent electronically)

shall be architecturally compatible with the primary buildings, and shall be required to obtain zoning and drainage clearance for building permit.

- n. All territory included with this case that was subject to the Special Use Permit granted under Z2000064 shall be considered removed from the area of said Special Use Permit.

---

**REGULAR AGENDA DETAIL:** *Zoning Stipulations*

- (\*) 6. **Z2000126** District 3
- Applicant:** Withey, Tobin, Anderson & Morris P.L.C. and RBF Consulting, et al for the Flood Control District of Maricopa County
- Location:** Located along Cave Creek Dam Road south of the Happy Valley Road alignment (in the north Phoenix area)
- Request:** Rezone from Rural-43 to R1-18 R.U.P.D. (86.56 acres) and R1-6 R.U.P.D. (194.47 acres) (Approximately 281.43 gross acres)

**COMMISSION ACTION:** Commissioner Jayne moved to recommend approval of Z2000126, subject to the following stipulations "a" through "s". Commissioner Smith seconded the motion, which passed with a unanimous vote of 8-0.

- a. Development and use of the site shall comply with the site plan/zoning exhibit, included with the narrative report identified in stipulation 'b', entitled "Cave Buttes Development Plan - Exhibit 3 Concept Plan", consisting of one 11" x 17" illustration, dated November 3, 2000, and stamped received January 10, 2001, except as modified by the following stipulations.
- b. Development and use of the site shall comply with the narrative report entitled "Cave Buttes Development Narrative...", consisting of 16 pages including color and large-size exhibits, dated January 5, 2001, and stamped received January 10, 2001, except as modified by the following stipulations.
- c. Dedication of right-of-way to bring the total half-width dedication to 40' for the east half of Cave Creek Dam Road adjacent to the site shall occur within six months of approval of this request by the Board of Supervisors. A full-width dedication will be required for those segments of Cave Creek Dam Road that are located wholly within the property and for the short segment of the road that crosses an off-site exception area.
- d. A second access to the site from Cave Creek Road must be provided and accessible prior to commencement of construction.

- e. All interior streets within the proposed development shall be constructed to meet County standards.
- f. The applicant shall survey the subject property for cultural resources and submit the survey to the State Historic Preservation Office for review and comment prior to the approval of any subsequent preliminary subdivision plats.
- g. The project shall be limited to 519 dwelling units.
- h. The minimum amount of open space for the project shall be 90 net acres and the open space network shall include preservation of natural vegetation to the greatest extent possible.
- i. The developer shall be responsible for construction of all public and private on-site roadways within the designated Cave Buttes boundaries. Further, the homeowners association shall be responsible for the maintenance and upkeep of all public open spaces and facilities, all private roads, washes, parks, roadway median landscaping, landscaping within public right-of-way adjacent to all major and minor arterial roadways, and of all pedestrian, bicycle, and equestrian pathways.
- j. A signed and recorded pre-annexation agreement with the City of Phoenix shall be submitted to staff prior to any final plat approval.
- k. Prior to the submittal of each preliminary plat, developer will provide a "will serve" letter from Rural-Metro Fire Department. Developer may submit a "will serve" letter from a different qualified public or private fire service agency upon approval by the Planning and Development Department.
- l. Major changes to this request (site plan and the narrative report) shall be processed as a revised application in the same manner as the original application, with final determination made by the Board of Supervisors following recommendation by staff and the Planning and Zoning Commission. Minor changes may be administratively approved by staff of the Planning and Development Department.
- m. Non-compliance with this request (the site plan and narrative report) or the conditions of approval will be treated as a violation in accordance with provisions of the Maricopa County Zoning Ordinance.
- n. The applicant shall present any subsequent preliminary subdivision plats to interested adjacent homeowners for review and comment, and shall provide staff of the Planning and Development Department with the results of any such meetings.

- o. Construction traffic shall be encouraged to not use Cave Creek Dam Road. The current barrier at the northernmost termination of Cave Creek Dam Road shall remain closed until the Phase 1 grading is complete and the initial model home complex is opened.
- p. A minimum 40 foot landscape buffer (with multi-use trail and low-level lighting) shall be provided on the south perimeter of this property between Cave Creek Dam Road and 23rd Street. Any homes located immediately adjacent to and facing this landscape buffer between Cave Creek Dam Road and 23rd Street shall be a combination of masonry, stucco and wrought iron to allow views to the landscape buffer area.
- q. The existing graffiti and trash on the property shall be removed and cleaned up as part of the Phase 1 development.
- r. Twentieth Street (which currently terminates at the south boundary of the property) shall not be extended into the project.
- s. The final plat shall be designed to encourage traffic to access Pinnacle Peak Parkway (or its equivalent). A traffic study shall be prepared prior to final plat approval to estimate the traffic to be generated on Cave Creek Dam Road.

7. **DMP200003** District 2

Applicant: Rio Verde Services for First American Title

Location: North of Rio Verde Drive between 172<sup>nd</sup> Street and 184<sup>th</sup> Street (in the Rio Verde area)

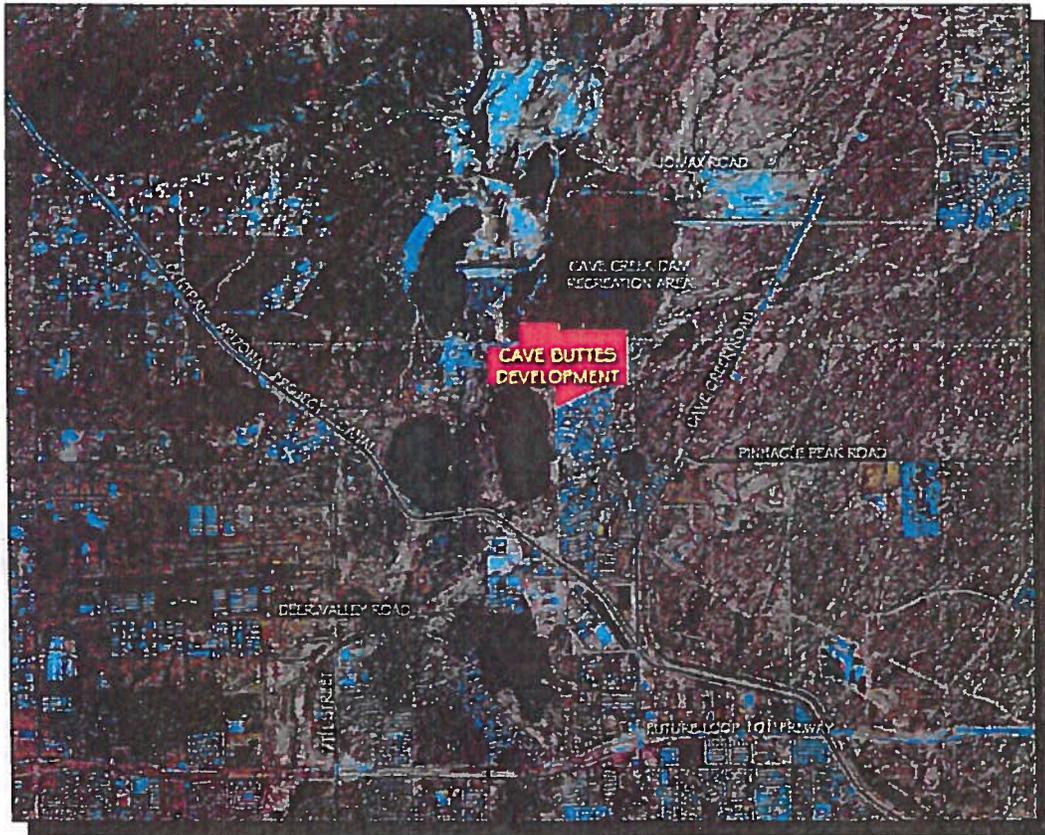
Request: Development Master Plan

**COMMISSION ACTION:** Commissioner Beckley moved to recommend approval of DMP200003, subject to the following stipulations "a" through "s". Commissioner Clayburg seconded the motion, which passed with a unanimous vote of 6-0.

- a. Development and use of the site shall comply with the Development Master Plan entitled "Development Master Plan Vista Verde", consisting of 23 pages, 10 exhibits and one large scale (24" x 36") plan, dated (revised) February 2001, and stamped received February 26, 2001, except as modified by the following stipulations.
- b. Dedication of additional rights-of-way to bring the total half-width dedication to 40' for 172<sup>nd</sup> Street shall be a condition of zoning approval for this development.

# CAVE BUTTES DEVELOPMENT NARRATIVE

Intersection Of The Extension  
Of Happy Valley Road And 24<sup>th</sup> Street Alignments  
R1-18 RUPD And R1- 6 RUPD Rezoning  
Case Z2000126



Prepared by:



16605 N. 28<sup>th</sup> Avenue, Suite 100  
Phoenix, Arizona 85053-7550

Contact: Kenneth M. Tarr PE

January 5, 2001

## DEVELOPMENT TEAM

*Property Owner:* **Flood Control District of Maricopa County**  
2801 West Durango Street  
Phoenix, Arizona 85009  
Phone: (602) 506-1501  
Fax: (602) 506-4601

*Planner / Engineer:* **RBF Consulting**  
16605 North 28<sup>th</sup> Avenue  
Suite 100  
Phoenix, Arizona 85053  
Phone: (602) 467-2200  
Fax: (602) 467-2201

*Landscape Architect:* **Gilmore Graves, Inc.**  
300 West Clarendon Avenue  
Suite 385  
Phoenix, Arizona 85013  
Phone: (602) 266-5622  
Fax: (602) 266-5707

*Attorney:* **Withey, Tobin, Anderson & Morris PLC**  
3101 North Central Avenue  
Suite 1690  
Phoenix, Arizona 85012  
Phone: (602) 230-0600  
Fax: (602) 212-1787

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## **I Purpose of Request**

The purpose of this request is to rezone four parcels of land located in Maricopa County and owned by the Flood Control District of Maricopa County as shown in Exhibit 1. The Flood Control district has determined that these parcels (totaling approximately 281 acres) are surplus and no longer necessary for flood control purposes. The current zoning on the parcels is Rural – 43 which, allows for single family homes on one-acre lots. This request proposes re-zoning the north portion of the site from Rural – 43 to R1-18 Residential Unit Plan of Development (RUPD) and the southern portion of the site be rezoned to R1-6 RUPD. The site requires two different zones because the northern portion of the site has topographic constraints that make it impractical to develop under the R1-6 zoning. (See Exhibit 1, Parcel Map)

The subject property is located in an eight square mile County “island” within the North Metropolitan area of the City of Phoenix. It is likely that this area will be annexed into the City of Phoenix in the near future. Should this occur then City of Phoenix Standards for Development will apply. Exhibit 8 provides an overview of the property in the context of north Phoenix.

## **II Description of Proposal**

It is the intention of the Flood Control District of Maricopa County to rezone the property for residential use and sell it through public auction.

The property is currently vacant; however, it is illegally used for off-road vehicle recreation, equestrian recreation, trash dumping and “desert parties”. The intent is to develop in a manner consistent with the adjacent single-family residential use to the south. Site constraints, as shown in Exhibit 2, include such things as steep slopes, hillside drainage, desert washes, and gas and electrical easements. These areas will remain as open space for recreation and/or preservation.

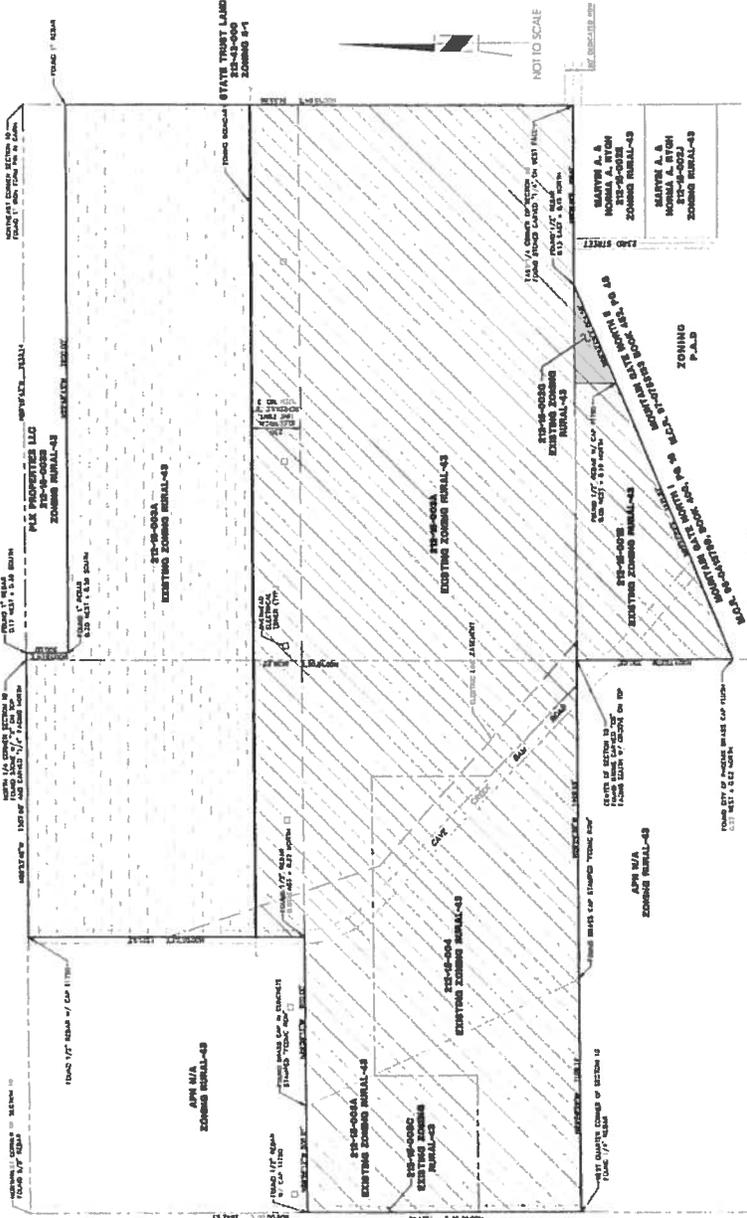
The RUPD overlay is required mainly to alter lot width and provide some flexibility of standards. Table 1, on page 5 shows a comparison between what the base zoning allows and what the RUPD overlay will allow.

# Cave Buttes

development plan

EXHIBIT 1  
 PARCEL MAP  
 November 3, 2000

A PORTION OF THE NORTH HALF & A PORTION OF THE SOUTH HALF  
 OF SECTION 10, TOWNSHIP 4 NORTH, RANGE 3 EAST, OF THE SALT  
 & GILA RIVER BASE & MERIDIAN, MARICOPA COUNTY, ARIZONA



Proposed Zoning  
 R1-18 RUPD  
 R1-6 RUPD

CASE # Z2000126  
 Rbf# 45-100238

PLANNING & DESIGN ■ CONSTRUCTION  
 16005 NORTH 28th AVENUE, SUITE 100  
 PHOENIX, ARIZONA 85033-7550  
 602.487.2200 • FAX 602.487.2201 • www.rbf.com

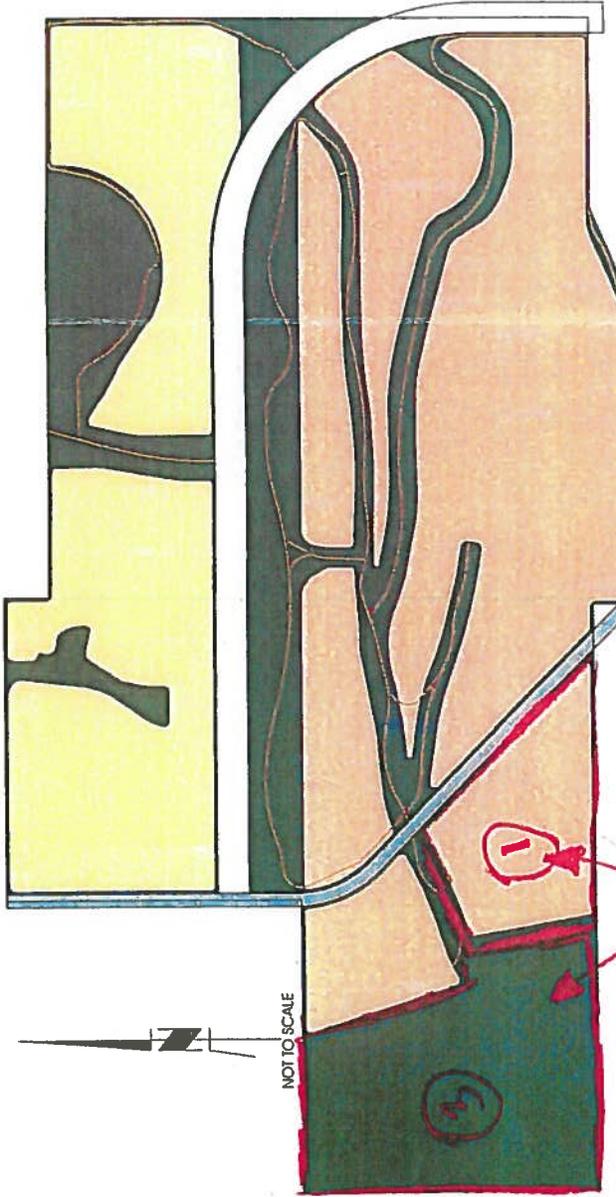


# Cave Buttes

development plan

EXHIBIT 3  
CONCEPT PLAN  
November 3, 2000

### LEGEND



NOT TO SCALE

### SITE DATA

EXISTING ZONING	R-43
TOTAL GROSS AREA	281.43 AC
TOTAL RIGHT-OF-WAY AREA	55.11 AC
TOTAL NET AREA	228.32 AC
TOTAL OPEN SPACE	91.04 AC
TOTAL OPEN SPACE % OF GROSS AREA	32.35%
TOTAL OPEN SPACE % OF NET AREA	40.23%
TOTAL YIELD	519 LOTS
TOTAL GROSS DENSITY	1.84 DU/AC
TOTAL NET DENSITY	2.29 DU/AC

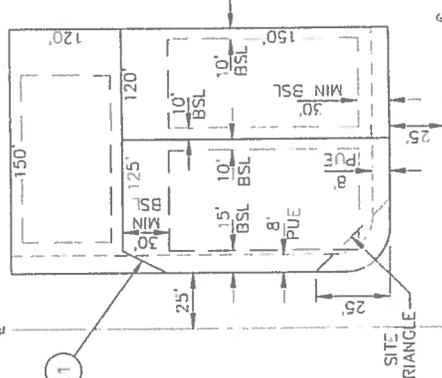
### SERVICE PROVIDER

- Electric: Salt River Project (SRP)
- Telephone: Cox Communications
- H.P. Gas: El Paso Natural Gas & Southwest Gas
- Cable: Cox Communications
- Garbage: City of Phoenix
- Irrigation: Salt River Project (SRP)
- Water: City of Phoenix
- Wastewater: Rural Metro Fire Department Station 821
- Fire Protection: Maricopa County Sheriff's Department District 4
- Police: Cox Communications
- Schools: Paradise Valley Unified School District No. 69

CASE # Z2000121  
REVISION #:



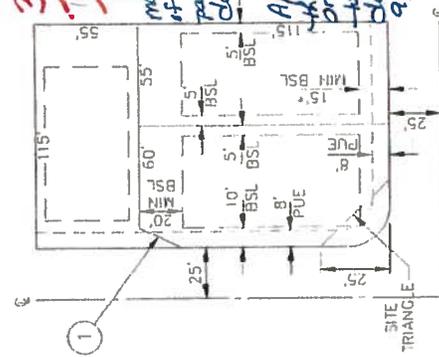
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R1-18 TYPICAL LOT LAYOUT

1 10' x 20' KEY LOT

STANDARDS	R1-6	R1-6 RUPD	R1-18	R1-18 RUPD
Minimum Lot Width	60'	55'	120'	110'
Lot Area	6,000 sf	6,000 sf	18,000 sf	18,000 sf
Average Area Per Dwelling Unit	9,600sf	9,600sf	19,000 sf	19,000 sf
Maximum Height	2 stories and 30'	2 stories and 30'	2 stories and 30'	2 stories and 30'
Lot Coverage	40%	50%	25%	30%
Required Parking	2 per dwelling unit	2 per dwelling unit	2 per dwelling unit	2 per dwelling unit
Building Setbacks				
Front	20'	15' (18' to vertical opening garage)	30'	30'
Rear	25'	20'	30'	30'
Side	5' (10' on corner lots)	5' (15' aggregate)	10' 15' on corner lots	10' 15' on corner lots



R1-6 TYPICAL LOT LAYOUT

1 10' x 20' KEY LOT

• 18' TO VERTICAL OPENING GARAGE

# Cave Buttes

development plan

## EXHIBIT 2 CONSTRAINTS MAP

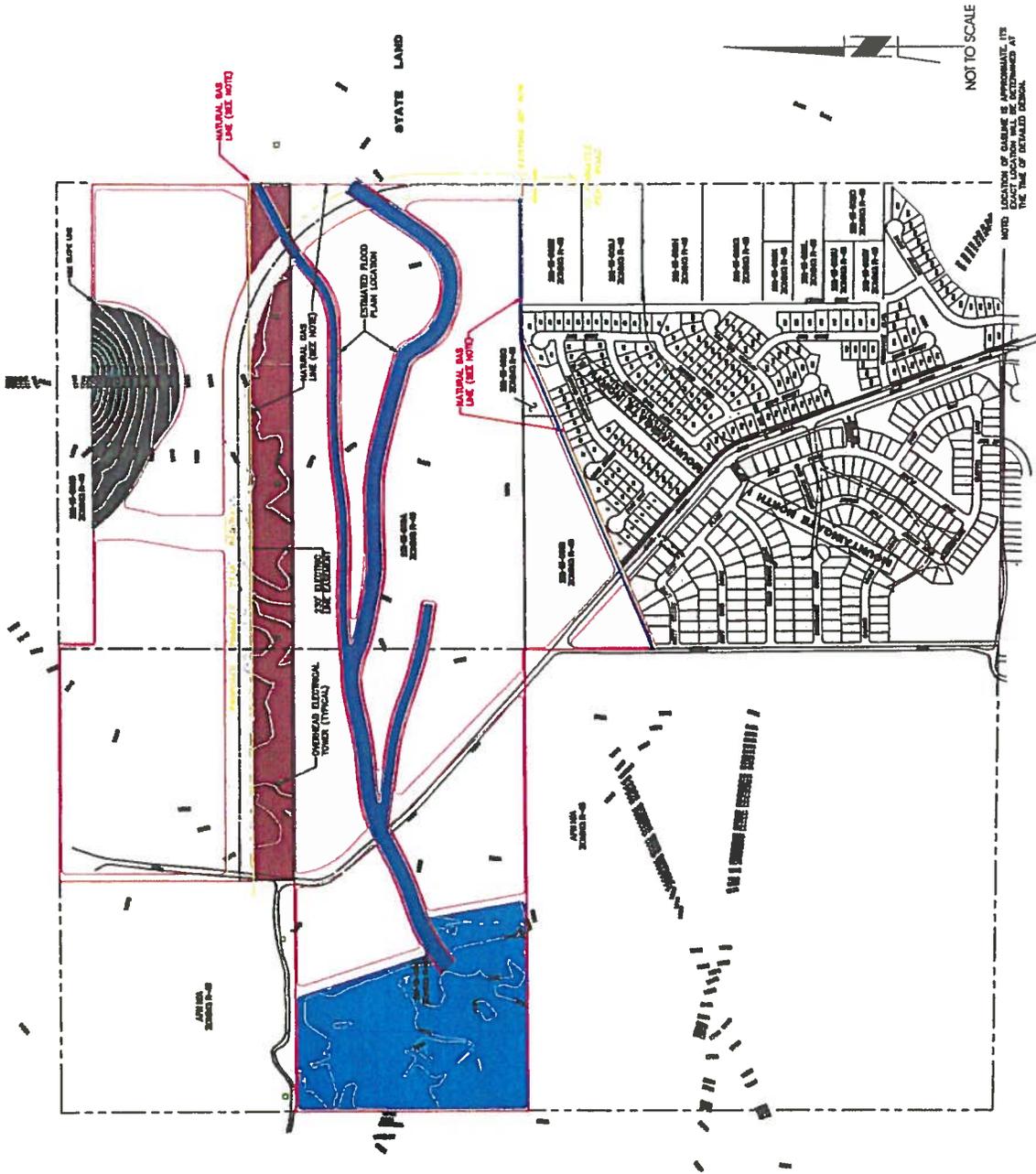
November 3, 2000

### LEGEND

-  FLOODPLAIN
-  WASHES
-  ELECTRIC LINE EASEMENT
-  >10% SLOPE AREA
-  PROPOSED PINNACLE PEAK ROAD

Mountaingate North I and II zoning P.A.D.

CASE#Z2000126  
RBF#45-100238  
**RBF CONSULTING**  
PLANNING ■ DESIGN ■ CONSTRUCTION  
16005 NORTH 28th AVENUE, SUITE 100  
PHOENIX, ARIZONA 85023-7326  
602-487-2200 • FAX 602-487-2211 • www.rbf.com



STANDARDS	R1-6	R1-6 RUPD	R1-18	R1-18 RUPD
Minimum Lot Width	60'	55'	120'	110'
Lot Area	6,000 sf	6,000 sf	18,000 sf	18,000 sf
Average Area per Dwelling	9,600 sf	9,600 sf	19,000 sf	19,000 sf
Maximum Height	2 stories and 30'	2 stories and 30'	2 stories and 30'	2 stories and 30'
Lot Coverage	40%	50%	25%	30%
Required Parking	2 per dwelling unit	2 per dwelling unit	2 per dwelling unit	2 per dwelling unit
<b>Building Setbacks</b>				
<i>Front</i>	20'	15' (18' to vertical opening garage)	30'	30'
<i>Rear</i>	25'	20'	30'	30'
<i>Side</i>	5' (10' on corner lots)	5' (15' aggregate)	10' 15' on corner lots)	10' (15' on corner lots)

Table 1 Comparison of Development Standards

The property will be developed for residential use and open space. (See Exhibit 3 Concept Plan). No commercial sites are planned. The land use table below describes the proposed land uses, densities and an estimate of open space.

USE	AREA (acres)	# OF UNITS	NET DENSITY DU/AC
R1-6 RUPD	93	421	2.6
R1-18 RUPD	43	98	1.5
Open Space/ Detention	91	N/A	N/A
ROW	54	N/A	N/A
Total	281	519	N/A

Table 2 Land Use

The concept plan proposes a significant amount of open space. The above figures are estimates as the plan is conceptual at this stage. The area of slope above 10% shown in Exhibit 2 Constraints, will be preserved. This area is approximately 10 acres. This space will be large enough to be considered an area for habitat protection as will the area of floodplain shown on the west portion of the proposed R1-6 portion of the site. The

### III *Relationship to Surrounding Properties*

The subject property is surrounded on the north, east and west by State Trust Land, which is zoned R-43 and is used for recreational activities. The area south of the boundary is primarily single-family residential zoning within the City of Phoenix. There is an area southeast of the site that is acre-lot rural development, within Maricopa County. The land to the south and east of 23<sup>rd</sup> Street is currently vacant. Over the past ten years, the area located south of the property boundary to Deer Valley Road and west of 23<sup>rd</sup> Street to 20<sup>th</sup> Street has been developed as single-family residential communities. Those communities are zoned R1-6 and include: Mountaingate North I, Mountaingate North II, Boulder Creek at Desert Foothills, Mountaingate Unit I, Mountaingate Unit II and Redhawk. These are all within the City of Phoenix. The land south of the boundary and west of 20<sup>th</sup> Street is dominated by a hill that rises approximately 440 feet above street level elevation.

Although the property is currently vacant and generally fenced-in, it is illegally used for recreational activities such as hiking, horseback and motorcycle riding, the shooting of firearms, desert parties and trash dumping. This development will benefit the community by eliminating the environmental and safety hazards of trash dumping, firearms practice, desert parties and off-road vehicle use. The hillside area with greater than 10% slope, as well as portions of the wash will be preserved and/or re-vegetated to maintain the desert open space areas for the community.

### IV *Location and Accessibility*

The subject property is located south of Cave Buttes Dam and near the intersection of the extension of Happy Valley Road and 24<sup>th</sup> Street alignments.

Cave Creek Dam Road is the only existing road that gives access to the subject property. It is paved to the property's south boundary, where it transitions to a maintained, gravel road. Cave Creek Dam Road is owned and maintained by the Maricopa County Flood Control District. The right-of-way for this road can be designated as necessary. Two paved roads, 20<sup>th</sup> and 23<sup>rd</sup>, go to the south boundary. 20<sup>th</sup> ends at a barricade while a temporary turn-around exists at 23<sup>rd</sup> Street. (See Exhibit 4 Access and Circulation) These two streets are local streets and will not provide access to the site. 20<sup>th</sup> Street terminates at a location that is designated as open space/retention.

Development of the subject property will include dedication of a 140' right-of-way for the proposed Pinnacle Peak Parkway. The parkway will traverse the property in an east-west direction, with the dedicated right-of-way terminating at the property boundary. When the parkway is constructed by the City of Phoenix Capital Improvement Project, it will connect Pinnacle Peak Road and Happy Valley Road.

## V Circulation System

There are potentially three access points to the property. (See Exhibit 4) The first is via Cave Creek Dam Road which, ultimately connects to Cave Creek Road. The second is via the proposed Pinnacle Peak Parkway. The exact alignment has not yet been determined; however, we have depicted it on our concept plan using the most recent knowledge provided by the City of Phoenix. The third potential access point is through an 80' right-of-way owned by Maricopa County, which ends at the southeast point of the site.

Circulation through the site will be via three levels of roadways. The proposed Pinnacle Peak Parkway will act as an arterial. Cave Creek Dam which is currently a dirt road will be improved and serve as a collector road. The third level consists of local streets. These will be used as access to dwelling units. A proposed street profile for each of these is presented below.

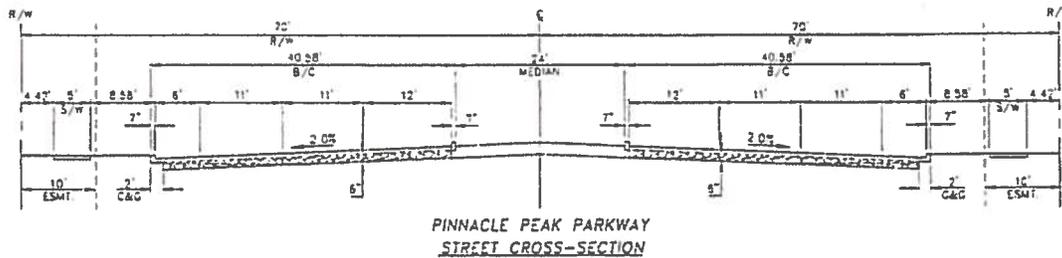


Exhibit 5

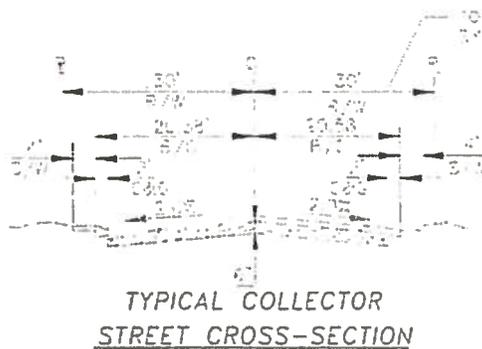


Exhibit 6

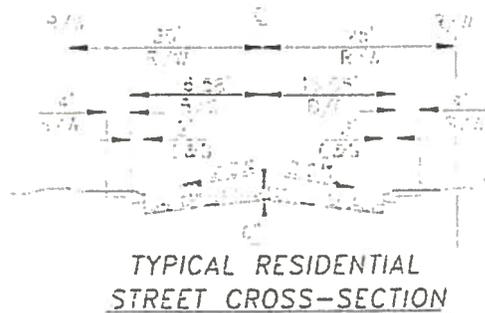


Exhibit 7

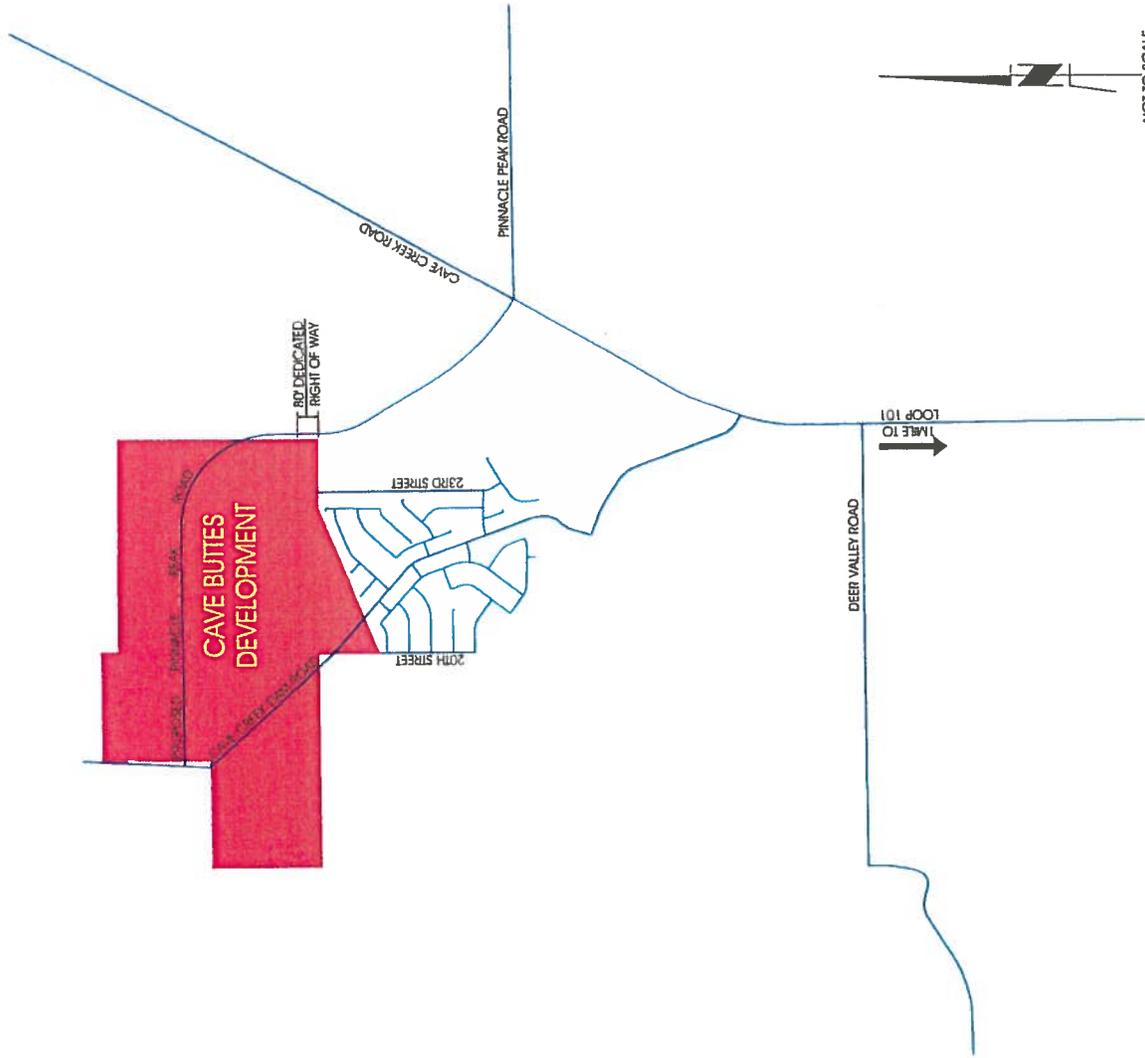
# Cave Buttes

development plan

EXHIBIT 4

ACCESS & CIRCULATION

November 3, 2000



CASE # Z2000126  
RBF#45-100238  
RBF  
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10005 NORTH 28th AVENUE, SUITE 100  
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602-487-2200 • FAX 602-487-2201 • www.RBF.com

## VI *Development Schedule*

The schedule for the construction of this development has not been established at this point. The developer will submit plans for each phase to Staff to ensure proper and orderly development. The developer will also build infrastructure to support each new phase as development progresses.

## VII *Community Facilities and Services*

The subject property is in the Paradise Valley Unified School District No. 69 and will be serviced by the following schools: Boulder Creek Elementary School, Explorer Middle School and North Canyon High School. Pinnacle High School will open in August 2000, and will be the school servicing students residing at the subject property. Polaris Vocational Education Center is located at Paradise Valley High School, which is approximately seven miles from the property. Paradise Valley Community College is approximately five miles from the property. (See Exhibit 8 Community Facilities.)

SCHOOL	ENROLLMENT	CAPACITY	AVAILABLE
Boulder Creek Elementary	557	650	93
Explorer Middle School	1060	At Capacity	0
North Canyon High School	2600	2100	-500
Pinnacle High School	1087	2800	1,713

Note: Figures for in this table were obtained by contacting each school individually.

Table 3 School Capacity

Other facilities include a hospital, county library, and small regional airport. Paradise Valley Hospital is approximately seven miles from the subject property and is located at 3929 East Bell Road. Maricopa County's North Central Regional Library is approximately five miles from the subject property and is adjacent to Paradise Valley Community College. The City of Phoenix's Deer Valley Airport is approximately five miles west of the subject property and is located at 702 West Deer Valley Road.

There are several parks and golf courses in the area. The parks include Black Mountain BMX Race Park, Coyote Basin Park, Buffalo Ridge Park, Turtle Rock Basin, Grovers Park and Paradise Valley Park. The two golf courses are Paradise Peak West Golf Course and Paradise Valley Park Golf Course. Paradise Peak West Golf Course is located approximately three miles from the property. Paradise Valley Park Golf Course is adjacent to Paradise Valley Community College and Paradise Valley Park. The Reach 11 Recreation Area is southeast of the property. The Cave Creek Dam Recreation Area, provides a large open-space area for hiking, biking and horseback riding.



## VIII *Public Utilities and Services*

**Police** - Police service to the subject property is currently provided by Maricopa County Sheriff's Department District 4, which is located in Carefree.

**Fire** - Fire and emergency services to the subject property are provided by Rural-Metro Fire Department Station 821, which is located in Carefree. Rural-Metro has a mutual service agreement with the City of Phoenix to service the property. The City's North District, Station 45, provides service and is located approximately three miles from the property.

**Water** - There are waterlines at or near the southern property line extending from Cave Creek Dam Road. It is our intention to connect at that point. Capacity and line sizing issues will be addressed at the time of final plat. While the property is currently under the jurisdiction of the Maricopa County, it falls within the City of Phoenix Service area.

**Wastewater** - As is the case with water, services currently extend to or near the south property line in Cave Creek Dam Road. It is anticipated that the site will connect to services at this point. While the property is currently under the jurisdiction of the Maricopa County, it falls within the City of Phoenix Service area. No wastewater studies have been done as yet. These will be prepared prior to final plat approval.

<b>SERVICE</b>	<b>SERVICE PROVIDER</b>
Electric	Salt River Project (SRP)
Telephone	Qwest Communications
H.P. Gas	El Paso Natural Gas & Southwest Gas
Cable	Cox Communications
Garbage	City of Phoenix
Irrigation	Salt River Project (SRP)
Water	City Phoenix
Wastewater	City of Phoenix
Fire Protection	Rural Metro Fire Department Station 821
Police	Maricopa County Sherrif's Department District 4
Cable	Cox Communications

Table 4 Service Providers

Date of Addition/Revision/Deletion - Section 609

- +1 Addition on 2-19-1992 by Ordinance No. G-3498
- 2 Deletion on 5-20-1992 by Ordinance No. G-3529
- \*2 Revision on 5-20-1992 by Ordinance No. G-3529
- \*3 Revision on 7-1-1992 by Ordinance No. G-3553
- +4 Addition on 7-2-1997 by Ordinance No. G-4041
- +5 Addition on 12-15-1999 by Ordinance No. G-4230
- \*6 Revision on 3-2-2005 by Ordinance No. G-4679, eff. 4-1-2005
- \*7 Revision on 1-3-2007 by Ordinance No. G-4857, eff. 2-2-2007
- 8 Deletion on 11-3-2010 by Ordinance No. G-5561, eff. 12-3-2010
- \*9 Revision on 1-21-2015 by Ordinance No. G-5983, eff. 2-20-2015

**610 R1-18 Single-Family Residence District.**

**A. Purpose.** A basic purpose of these regulations is to foster the creation of living areas which can assist the establishment of stable, functional neighborhoods. An established pattern of living in this metropolitan area reflects a tradition of single-family occupied dwellings which also emphasize outdoor living. Many of these dwellings are thereby located on relatively large urban or suburban lots.

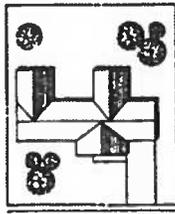
These regulations provide standards for dwellings built at low and moderate densities. While the predominant housing type is expected to be single-family dwelling, provisions are made for alternative housing types within the same density limits.

**B. District Regulations.** The following tables establish standards to be used for each district. Following are definitions of terms used in these standards:

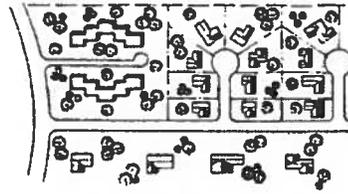
1. **Minimum Lot Dimension:** The minimum width and depth of lot lines and where specified, the minimum area of each lot.
2. **Dwelling Unit Density:** The total number of dwelling units on a site divided by the gross area of the site. Under the planned residential development option, additional density may be granted for areas beyond minimum required in each district in accordance with the following:
  - a. A one percent density bonus for each four percent of basic common area; or \*5  
\*See editor's note at end of section.
  - b. A one percent density bonus for each two percent of improved common area. \*5  
\*See editor's note at end of section.
  - c. Review and determination of the adequacy of common areas, basic and improved, will be part of the development review by the Site Planning Division of the Planning and Development Department. Open space shall not include: \*5 \*See editor's note at end of section.
    - (1) Public right-of-way.
    - (2) Vehicular drives or parking areas.

- (3) Private patio areas, narrow strips between or in front of units; or, in general, areas reserved for the exclusive use of individual tenants.
  - (4) Required setback areas at the exterior boundaries of the site.
  - (5) Golf courses.
3. **Perimeter Standards:** Setbacks for structures which are required at the perimeter of a development. These standards shall apply only to lots which are created by a subdivision or a project approved under the provisions of Section 507. These standards shall not apply in the following circumstances: when contiguous developments are to be developed using the same development option with the same perimeter standards and are on the same preliminary plat or are platted concurrently; when the perimeter of a development is contiguous to a permanent open space, such as a natural wash, hillside preserve, or existing golf course, the depth of which is at least forty feet; or when the development was properly platted prior to September 13, 1981. \*2
  4. **Building Setback:** The required separation of buildings from lot lines.
  5. **Maximum Height:** The maximum allowed height as measured from natural grade which measurement shall be as in chapter 2
  6. **Lot Coverage:** The maximum area of a lot occupied by structures and open projections as defined in chapter 2
  7. **Common Areas:** Required areas in a planned residential development to be used and enjoyed by residents of a development and either improved in accordance with the standards in chapter 2 or maintained in a natural state as approved by the Planning and Development Department. \*2
  8. **Allowed Uses:** Refer to the following tables for uses allowed in each district and to chapter 2 for definitions of permitted uses.
  9. **Required Review:** Where a site plan is required, development shall be according to Section 507 of this ordinance. Development on land for which neither a subdivision nor a site plan has been approved shall be according to standards in option (a), subdivision.
  10. **Required Parking:** The minimum number of off-street parking spaces to be provided and which shall be according to Section 702.A.
  11. **Street Standards:** The class of street required to provide access to any parcel or subdivided lot within a development.

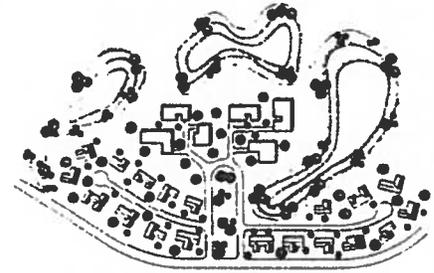
#### ILLUSTRATIONS OF DEVELOPMENT OPTIONS



STANDARD SUBDIVISION  
(a)



AVERAGE LOT  
(b)



PLANNED RESIDENTIAL DEVELOPMENT  
(c)

Illustrations of Development Options 3

Standards	R1-18 Development Option -2		
	(a) Subdivision	(b) Average Lot	(c) Planned Residential Development
Minimum lot dimensions (width and depth) *3	130' width, 120' depth *3 (Minimum area 18,000 sq. ft.)	90' width, 80' depth *3	None
Dwelling unit density (units/gross acre)	1.95	1.95	2.05; 2.34 with bonus
Perimeter standards	None	30' front or rear, 10' side	20' adjacent to a public street; this area is to be in common ownership unless lots front on the perimeter public street; 15' adjacent to property line *2
Building setbacks	25' front, 30' rear, 10' side	25' front, 50' total front plus rear	25' front
Maximum height	2 stories and 30'	2 stories and 30'	2 stories and 30'
Lot coverage	25%	Primary structure, not including attached shade structures: 25% Total: 30% *2	Primary structure, not including attached shade structures: 25% Total: 30% *2
Common areas	None	None	Minimum 5% of gross area
Allowed uses	Single-family detached; foster homes	Single-family attached; plus (a)	Single-family attached; plus (a)
Required review	Subdivision to create 4 or more lots	Subdivision with building setbacks	Site plan per Section 507

Standards	R1-18 Development Option -2		
	(a) Subdivision	(b) Average Lot	(c) Planned Residential Development
Street standards	Public street required	Public street	Public street or private accessway <sup>(2)</sup>

(1) Public streets may be required as a part of subdivision or development review for extensions of street patterns, for circulation within neighborhoods, or to continue partial dedications. \*6

(2) For purposes of this section, canal rights-of-way shall be treated the same as public street rights-of-way. -7

**C. Special Regulations. +1**

1. Group homes for the handicapped shall be permitted, provided that: +1
  - a. No such home is located on a lot with a property line within one thousand three hundred twenty feet, measured in a straight line in any direction, of the lot line of another such group home. +1
  - b. Such home contains more than five but not more than ten residents, not including staff. +1
  - c. Such home is registered with, and administratively approved by, the Zoning Administrator as to compliance with the standards of this section as provided in Section 701. +1

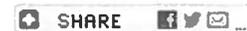
Notwithstanding the foregoing, group homes shall not house any person whose tenancy would constitute a direct threat to the health or safety of other individuals or would result in substantial physical damage to the property of others. +1

Date of Addition/Revision/Deletion - Section 610

- +1 Addition on 2-19-1992 by Ordinance No. G-3498
- 2 Deletion on 5-20-1992 by Ordinance No. G-3529
- \*2 Revision on 5-20-1992 by Ordinance No. G-3529
- \*3 Revision on 7-1-1992 by Ordinance No. G-3553
- +4 Addition on 7-2-1997 by Ordinance No. G-4041
- \*5 Revision on 3-2-2005 by Ordinance No. G-4679, eff. 4-1-2005
- \*6 Revision on 1-3-2007 by Ordinance No. G-4857, eff. 2-2-2007
- 7 Deletion on 11-3-2010 by Ordinance No. G-5561, eff. 12-3-2010

Editor’s note—Ord. No. G-4694, -§ 1, adopted May 4, 2005, effective June 3, 2005, was adopted to correct section 3 of Ordinance G-4679.

**611 R1-10 Single-Family Residence District.**



A. **Purpose.** A basic purpose of these regulations is to foster the creation of living areas which can assist the establishment of stable, functional neighborhoods. An established pattern of living in this metropolitan area reflects a tradition of single-family occupied dwellings which also emphasize outdoor living. Many of these dwellings are thereby located on relatively large urban or suburban lots.

These regulations provide standards for dwellings built at low and moderate densities. While the predominant housing type is expected to be single-family dwelling, provisions are made for alternative housing types within the same density limits.

B. **District Regulations.** The following tables establish standards to be used is the R1-10 district. The definitions of terms used in these standards are found in Section 608.D. \*5

**TABLE A. SINGLE-FAMILY DETACHED DEVELOPMENT +5 \*6**

**R1-10 DEVELOPMENT OPTION**

R-10 Development Option		
Standards	Conventional	Planned Residential Development
Minimum lot width (in the event of horizontal property regimes, "lot" shall refer to the width of the structure and exclusive use area)	75' minimum	45' minimum (unless approved by either the design advisor or the Single-Family Architectural Appeals Board for demonstrating enhanced architecture that minimizes the impact of the garage (see Section 507 Tab A.2.12.1 B(2)(b) [sic]))
Minimum lot depth	None, except 110' adjacent to freeway or arterial	None, except 110' adjacent to freeway or arterial
Dwelling unit density (units/gross acre)	3.0	3.5; 4.5 with bonus
Minimum perimeter building setbacks	Front: 15'; Rear: 15' (1-story), 20' (2-story); Side: 10' (1-story), 15' (2-story)	Street (front, rear or side): 15' (in addition to landscape setback); Property line (rear): 15' (1-story), 20' (2-story); Property line (side): 10' (1-story), 15' (2-story)
Common landscaped setback adjacent to perimeter streets	None	15' average, 10' minimum (Does not apply to lots fronting onto perimeter streets)

R-10 Development Option		
Standards	Conventional	Planned Residential Development
Minimum interior building setbacks	Front: 10'; rear: 10'; combined front and rear: 35', street side: 10'; sides: 13' total (3' minimum, unless 0')	Front: 10'; rear: none (established by Building Code); street side: 10'; sides: none (established by Building Code)
Minimum building separation	10'	None
Minimum garage setback	18' from back of sidewalk for front-loaded garages, 10' from property line for side-loaded garages	18' from back of sidewalk for front-loaded garages, 10' from property line for side-loaded garages
Maximum garage width	For lots <60': 2 car widths, for lots ≥60' to 70': 3 car widths, for lots >70': no maximum	For lots <60': 2 car widths, for lots ≥60' to 70': 3 car widths, for lots >70': no maximum
Maximum height	2 stories and 30'	2 stories and 30' (except that 3 stories not exceeding 30' are permitted when approved by the design advisor for demonstrating enhanced architecture)
Lot coverage	Primary structure, not including attached shade structures: 40% Total: 50%	Primary structure, not including attached shade structures: 40% Total: 50%
Common areas	None	Minimum 5% of gross area
Allowed uses	Single-family detached	Single-family detached
Required review	Development review per Section 507, and subdivision to create 4 or more lots	Development review per Section 507, and subdivision to create 4 or more lots
Street standards	Public street, or private street built to City standards with a homeowners' association established for maintenance	Public street or private accessway <sup>(1)</sup>
On-lot and common retention	Common retention required for lots less than 8,000 sq. ft. per grading and drainage ordinance requirements	Common retention required for lots less than 8,000 sq. ft. per grading and drainage ordinance requirements
Landscape standards		Perimeter common: trees spaced a maximum of 20 to 30 feet on center (based on species) or in equivalent groupings, and 5 shrubs per tree.

- (1) Public streets may be required as a part of subdivision or development review for extensions of street patterns, for circulation within neighborhoods, or to continue partial dedications.
- (2) For single-family, detached development built or subdivided under the subdivision option prior to June 2, 1999, refer to the subdivision option in table B. \*6
- (3) For purposes of this section, canal rights-of-way shall be treated the same as public street rights-of-way. +7

**TABLE B. SINGLE-FAMILY DETACHED (SUBDIVIDED PRIOR TO JUNE 2, 1999), SINGLE-FAMILY ATTACHED AND MULTIFAMILY DEVELOPMENT -2 \*5 \*6**

Standards	(a) Subdivision	(b) Average Lot	(c) Planned Residential Development
Minimum lot dimensions (width and depth) *3	80' width, 94' depth *3 (Minimum area 10,000 sq. ft.)	60' width, 65' depth *3	None
Dwelling unit density (units/gross acre)	3.50	3.50	3.68; 4.20 with bonus
Perimeter standards	None	30' front, 25' rear, 10' side	20' adjacent to a public street; this area is to be in common ownership unless lots front on the perimeter public street; 15' adjacent to property line *2
Building setbacks	25' front, 25' rear, 10' and 3' side	10' front, 35' front plus rear	10' front
Maximum height	2 stories and 30'	2 stories and 30'	2 stories and 30' for first 150'; 1' in 5' increase to 48' high and 4 stories
Lot coverage	40%	Primary structure, not including attached shade structures: 40% Total: 45% +2	Primary structure, not including attached shade structures: 40% Total: 45% +2
Common areas	None	None	Minimum 5% of gross area
Allowed uses	Single-family detached; foster homes	Single-family attached; plus (a)	Multiple-family plus (b)
Required review	Subdivision to create 4 or more lots	Subdivision with building setbacks	Site plan per Section 507

Standards	(a) Subdivision	(b) Average Lot	(c) Planned Residential Development
Street standards	Public street required	Public street	Public street or private accessway <sup>(2)</sup>

(1) Public streets may be required as a part of subdivision or development review for extensions of street patterns, for circulation within neighborhoods, or to continue partial dedications. \*6

(2) For purposes of this section, canal rights-of-way shall be treated the same as public street rights-of-way. -7

**C. Special Regulations. +1**

1. Group homes for the handicapped shall be permitted, provided that: +1

a. No such home is located on a lot with a property line within one thousand three hundred twenty feet, measured in a straight line in any direction, of the lot line of another such group home. +1

b. Such home contains more than five but not more than ten residents, not including staff. +1

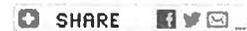
c. Such home is registered with, and administratively approved by, the Zoning Administrator as to compliance with the standards of this section as provided in Section 701. +1

Notwithstanding the foregoing, group homes shall not house any person whose tenancy would constitute a direct threat to the health or safety of other individuals or would result in substantial physical damage to the property of others. +1

Date of Addition/Revision/Deletion - Section 611

- +1 Addition on 2-19-1992 by Ordinance No. G-3498
- 2 Deletion on 5-20-1992 by Ordinance No. G-3529
- \*2 Revision on 5-20-1992 by Ordinance No. G-3529
- \*3 Revision on 7-1-1992 by Ordinance No. G-3553
- +4 Addition on 7-2-1997 by Ordinance No. G-4041
- +5 Addition on 6-2-1999 by Ordinance No. G-4188
- \*5 Revision on 6-2-1999 by Ordinance No. G-4188
- \*6 Revision on 1-3-2007 by Ordinance No. G-4857, eff. 2-2-2007
- +7 Addition on 11-3-2010 by Ordinance No. G-5561, eff. 12-3-2010
- 7 Deletion on 11-3-2010 by Ordinance No. G-5561, eff. 12-3-2010

**612 R1-8 Single-Family Residence District.**



A. **Purpose.** A basic purpose of these regulations is to foster the creation of living areas which can assist the establishment of stable, functional neighborhoods. An established pattern of

living in this metropolitan area reflects a tradition of single-family occupied dwellings which also emphasize outdoor living. Many of these dwellings are thereby located on relatively large urban or suburban lots.

These regulations provide standards for dwellings built at low and moderate densities. While the predominant housing type is expected to be single-family dwelling, provisions are made for alternative housing types within the same density limits.

**B. District Regulations.** The following tables establish standards to be used in the R1-8 district. The definitions of terms used in these standards are found in Section 608.D. \*5

**TABLE A. SINGLE-FAMILY DETACHED DEVELOPMENT +5 \*6**

Standards	R1-8 Development Option	
	Conventional	Planned Residential Development
Minimum lot width (in the event of horizontal property regimes, "lot" shall refer to the width of the structure and exclusive use area)	65' minimum	45' minimum (unless approved by either the design advisor or the Single-Family Architectural Appeals Board for demonstrating enhanced architecture that minimizes the impact of the garage (see Section 507 Tab A.2.12.1 B(2)(b) [sic]))
Minimum lot depth	None, except 110' adjacent to freeway or arterial	None, except 110' adjacent to freeway or arterial
Dwelling unit density (units/gross acre)	4.0	4.5; 5.5 with bonus
Minimum perimeter building setbacks	Front: 15'; Rear: 15' (1-story), 20' (2-story); Side: 10' (1-story), 15' (2-story)	Street (front, rear or side): 15' (in addition to landscape setback); Property line (rear): 15' (1-story), 20' (2-story); Property line (side): 10' (1-story), 15' (2-story)
Common landscaped setback adjacent to perimeter streets	None	15' average, 10' minimum (Does not apply to lots fronting onto perimeter streets)
Minimum interior building setbacks	Front: 10'; rear: 10'; combined front and rear: 35', street side: 10'; sides: 13' total (3' minimum, unless 0')	Front: 10'; rear: none (established by Building Code); street side: 10'; sides: none (established by Building Code)
Minimum building separation	10'	None

R1-8 Development Option		
Standards	Conventional	Planned Residential Development
Minimum garage setback	18' from back of sidewalk for front-loaded garages, 10' from property line for side-loaded garages	18' from back of sidewalk for front-loaded garages, 10' from property line for side-loaded garages
Maximum garage width	For lots <60': 2 car widths, for lots ≥60' to 70': 3 car widths, for lots >70': no maximum	For lots <60': 2 car widths, for lots ≥60' to 70': 3 car widths, for lots >70': no maximum
Maximum height	2 stories and 30'	2 stories and 30' (except that 3 stories not exceeding 30' are permitted when approved by the design advisor for demonstrating enhanced architecture)
Lot coverage	Primary structure, not including attached shade structures: 40% Total: 50%	Primary structure, not including attached shade structures: 40% Total: 50%
Common areas	None	Minimum 5% of gross area
Allowed uses	Single-family detached	Single-family detached
Required review	Development review per Section 507, and subdivision to create 4 or more lots	Development review per Section 507, and subdivision to create 4 or more lots
Street standards	Public street, or private street built to City standards with a homeowners' association established for maintenance	Public street or private accessway <sup>(1)</sup>
On-lot and common retention	Common retention required for lots less than 8,000 sq. ft. per grading and drainage ordinance requirements	Common retention required for lots less than 8,000 sq. ft. per grading and drainage ordinance requirements

R1-8 Development Option		
Standards	Conventional	Planned Residential Development
Landscape standards		Perimeter common: trees spaced a maximum of 20' to 30' on center (based on species) or in equivalent groupings, and 5 shrubs per tree.

(1) Public streets may be required as a part of subdivision or development review for extensions of street patterns, for circulation within neighborhoods, or to continue partial dedications.

(2) For single-family, detached development built or subdivided under the subdivision option prior June 2, 1999, refer to the subdivision option in table B. \*6

(3) For purposes of this section, canal rights-of-way shall be treated the same as public street rights-of-way. +7

**TABLE B. SINGLE-FAMILY DETACHED (SUBDIVIDED PRIOR TO JUNE 2, 1998), SINGLE-FAMILY ATTACHED AND MULTIFAMILY DEVELOPMENT -2 \*5 \*6**

Standards	(a) Subdivision	(b) Average Lot	(c) Planned Residential Development
Minimum lot dimensions (width and depth) *3	70' width, 94' depth *3 (Minimum area 8,000 sq. ft.)	50' width, 65' depth *3	None
Dwelling unit density (units/gross acre)	4.30	4.30	4.52; 5.16 with bonus
Perimeter standards	None	25' front or rear 10' side	20' adjacent to a public street; this area is to be in common ownership unless lots front on the perimeter public street; 15' adjacent to property line *2
Building setbacks	20' front, 25' rear, 10' and 3' side	10' front, 35' front plus rear	10' front
Maximum height	2 stories and 30'	2 stories and 30'	2 stories and 30' for first 150'; 1' in 5' increase to 48' high and 4 stories

Standards	(a) Subdivision	(b) Average Lot	(c) Planned Residential Development
Lot coverage	40%	Primary structure, not including attached shade structures: 40% Total: 45% *2	Primary structure, not including attached shade structures: 40% Total: 45% *2
Common areas	None	None	Minimum 5% of gross are
Allowed uses	Single-family detached; foster homes	Single-family attached; plus (a)	Multiple-family plus (b)
Required review	Subdivision to create 4 or more lots	Subdivision with building setbacks	Site plan per Section 507
Street standards	Public street required	Public street	Public street or private accessway <sup>(2)</sup>

(1) Public streets may be required as a part of subdivision or development review for extensions of street patterns, for circulation within neighborhoods, or to continue partial dedications. \*6

(2) For purposes of this section, canal rights-of-way shall be treated the same as public street rights-of-way. -7

### C. Special Regulations. +1

1. Group homes for the handicapped shall be permitted, provided that: +1

a. No such home is located on a lot with a property line within one thousand three hundred twenty feet, measured in a straight line in any direction, of the lot line of another such group home. +1

b. Such home contains more than five but not more than ten residents, not including staff. +1

c. Such home is registered with, and administratively approved by, the Zoning Administrator as to compliance with the standards of this section as provided in Section 701. +1

Notwithstanding the foregoing, group homes shall not house any person whose tenancy would constitute a direct threat to the health or safety of other individuals or would result in substantial physical damage to the property of others. +1

#### Date of Addition/Revision/Deletion - Section 612

+1 Addition on 2-19-1992 by Ordinance No. G-3498

-2 Deletion on 5-20-1992 by Ordinance No. G-3529

- \*2 Revision on 5-20-1992 by Ordinance No. G-3529
- \*3 Revision on 7-1-1992 by Ordinance No. G-3553
- +4 Addition on 7-2-1997 by Ordinance No. G-4041
- +5 Addition on 6-2-1999 by Ordinance No. G-4188
- \*5 Revision on 6-2-1999 by Ordinance No. G-4188
- \*6 Revision on 1-3-2007 by Ordinance No. G-4857, eff. 2-2-2007
- +7 Addition on 11-3-2010 by Ordinance No. G-5561, eff. 12-3-2010
- 7 Deletion on 11-3-2010 by Ordinance No. G-5561, eff. 12-3-2010

**613 R1-6 Single-Family Residence District.**



**A. Purpose.** A basic purpose of these regulations is to foster the creation of living areas which can assist the establishment of stable, functional neighborhoods. An established pattern of living in this metropolitan area reflects a tradition of single-family occupied dwellings which also emphasize outdoor living. Many of these dwellings are thereby located on relatively large urban or suburban lots.

These regulations provide standards for dwellings built at low and moderate densities. While the predominant housing type is expected to be single-family dwelling, provisions are made for alternative housing types within the same density limits.

**B. District Regulations.** The following tables establish standards to be used in the R1-6 district. The definitions of terms used in these standards are found in Section 608.D. \*5

**TABLE A. SINGLE-FAMILY, DETACHED DEVELOPMENT +5 \*8 -9**

Standards	R1-6 Development Option	
	Conventional	Planned Residential Developer
Minimum lot width (in the event of horizontal property regimes, "lot" shall refer to the width of the structure and exclusive use area) *7	55' minimum	45' minimum (unless approved by either the design advisor or the Single-Family Architectural Appeal Board for demonstrating enhanced architecture that minimizes the impact of the garage (see Section 507 Tab A.2.12.1 B(2)(b) [sic])) *7
Minimum lot depth	None, except 110' adjacent to freeway or arterial	None, except 110' adjacent to freeway or arterial
Dwelling unit density (units/gross acre)	5.0	5.5; 6.5 with bonus
Minimum perimeter building setbacks	Front: 15';Rear: 15' (1-story), 20' (2-story);Side: 10' (1-story), 15' (2-story)	Street (front, rear or side): 15' (in addition to landscape setback);Property line (rear): 15' (1-story), 20' (2-story);Property line (side): 10' (1-story), 15' (2-story)

	R1-6 Development Option	
Standards	Conventional	Planned Residential Developer
Common landscaped setback adjacent to perimeter streets	None	15' average, 10' minimum (Does not apply to lots fronting onto perimeter streets)
Minimum interior building setbacks	Front: 10'; rear: 10'; combined front and rear: 35', street side: 10'; sides: 13' total (3' minimum, unless 0')	Front: 10'; rear: none (established by Building Code); street side: 10'; sides: none (established by Building Code)
Minimum building separation	10'	None
Minimum garage setback	18' from back of sidewalk for front-loaded garages, 10' from property line for side-loaded garages	18' from back of sidewalk for front loaded garages, 10' from property line for side-loaded garages
Maximum garage width	For lots <60': 2 car widths, for lots ≥60' to 70': 3 car widths, for lots >70': no maximum *7	For lots <60': 2 car widths, for lots ≥60' to 70': 3 car widths, for lots >70': no maximum *7
Maximum height	2 stories and 30'	2 stories and 30' (except that 3 stories not exceeding 30' are permitted when approved by the design advisor for demonstrating enhanced architecture) *7
Lot coverage	Primary structure, not including attached shade structures: 40% Total: 50%	Primary structure, not including attached shade structures: 40% Total: 50%
Common areas	None	Minimum 5% of gross area
Allowed uses	Single-family detached	Single-family detached
Required review	Development review per Section 507, and subdivision to create 4 or more lots	Development review per Section 507, and subdivision to create 4 or more lots
Street standards	Public street, or private street built to City standards with a homeowners' association established for maintenance	Public street or private accessway (1)
On-lot and common retention	Common retention required for lots less than 8,000 sq. ft. per grading and drainage ordinance requirements	Common retention required for lot less than 8,000 sq. ft. per grading and drainage ordinance requirements

	R1-6 Development Option	
Standards	Conventional	Planned Residential Developer
Landscape standards		Perimeter common: trees spaced a maximum of 20 to 30 feet on center (based on species) or in equivalent groupings, and 5 shrubs per tree.

(1) Public streets may be required as a part of subdivision or development review for extensions of street patterns, for circulation within neighborhoods, or to continue partial dedications.

(2) For single-family, detached development built or subdivided under the subdivision option prior to May 1, 1998, refer to the subdivision option in table B. +6 \*8

(3) For purposes of this section, canal rights-of-way shall be treated the same as public street rights-of-way. +9

**TABLE B. SINGLE-FAMILY DETACHED (SUBDIVIDED PRIOR TO MAY 1, 1998), SINGLE-FAMILY ATTACHED AND MULTIFAMILY DEVELOPMENT -2 \*5 \*7 \*8**

Standards	Subdivision <sup>(3)</sup>	Average Lot	Planned Residential Development
Minimum lot dimensions (width and depth) *3	60' width, 94' depth (Minimum area 6,000 sq. ft.)	40' width, 60' depth *3	None
Dwelling unit density (units/gross acre)	5.30	5.30	5.54; 6.34 with bonus
Perimeter standards	None	25' front or rear 10' side	20' adjacent to a public street; this area is be in common ownership unless lots front on the perimeter public street; 15' adjacent to property line *2
Building setbacks	20' front, 25' rear, 10' and 3' side	10' front, 35' front plus rear	10' front
Maximum height	2 stories and 30'	2 stories and 30'	2 stories and 30' for first 150'; 1' in 5' increase to 48' high and 4 stories
Lot coverage	40%	Primary structure, not including attached shade structures: 40% Total: 45% *2	Primary structure, not including attached shade structures: 40% Total: 45% *2

Standards	Subdivision <sup>(3)</sup>	Average Lot	Planned Residential Development
Common areas	None	None	Minimum 5% of gross area (3)
Allowed uses	Single-family detached	Single-family attached *5	Multiple-family and single-family attached *5
Required review	Subdivision to create 4 or more lots	Subdivision with building setbacks	Development review per Section 507
Street standards	Public street required	Public street	Public street or private accessway <sup>(2)</sup>

(1) Public streets may be required as a part of subdivision or development review for extensions of street patterns, for circulation within neighborhoods, or to continue partial dedications. \*8

(2) For purposes of this section, canal rights-of-way shall be treated the same as public street rights-of-way.

(3) These standards apply only to single-family, detached development built or subdivided under the subdivision option prior to May 1, 1998. +6 \*8 \*9

#### C. Special Regulations. +1

1. Group homes for the handicapped shall be permitted, provided that: +1

a. No such home is located on a lot with a property line within one thousand three hundred twenty feet, measured in a straight line in any direction, of the lot line of another such group home. +1

b. Such home contains more than five but not more than ten residents, not including staff. +1

c. Such home is registered with, and administratively approved by, the Zoning Administrator as to compliance with the standards of this section as provided in Section 701. +1

Notwithstanding the foregoing, group homes shall not house any person whose tenancy would constitute a direct threat to the health or safety of other individuals or would result in substantial physical damage to the property of others. +1

#### Date of Addition/Revision/Deletion - Section 613

+1 Addition on 2-19-1992 by Ordinance No. G-3498

-2 Deletion on 5-20-1992 by Ordinance No. G-3529

\*2 Revision on 5-20-1992 by Ordinance No. G-3529

\*3 Revision on 7-1-1992 by Ordinance No. G-3553

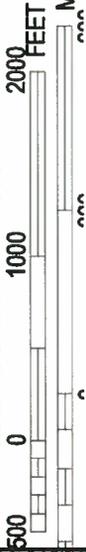
+4 Addition on 7-2-1997 by Ordinance No. G-4041

**EXHIBIT 6**

**Flood Plain Map**



MAP SCALE 1" = 1000'



# NATIONAL FLOOD INSURANCE PROGRAM

PANEL 1285L

## FIRM FLOOD INSURANCE RATE MAP MARICOPA COUNTY, ARIZONA AND INCORPORATED AREAS

PANEL 1285 OF 4425  
(SEE MAP INDEX FOR FIRM PANEL LAYOUT)

CONTAINS:  
COMMUNITY MARICOPA COUNTY  
PHOENIX, CITY OF  
NUMBER 04007  
PANEL SUFIX L  
1285  
1285

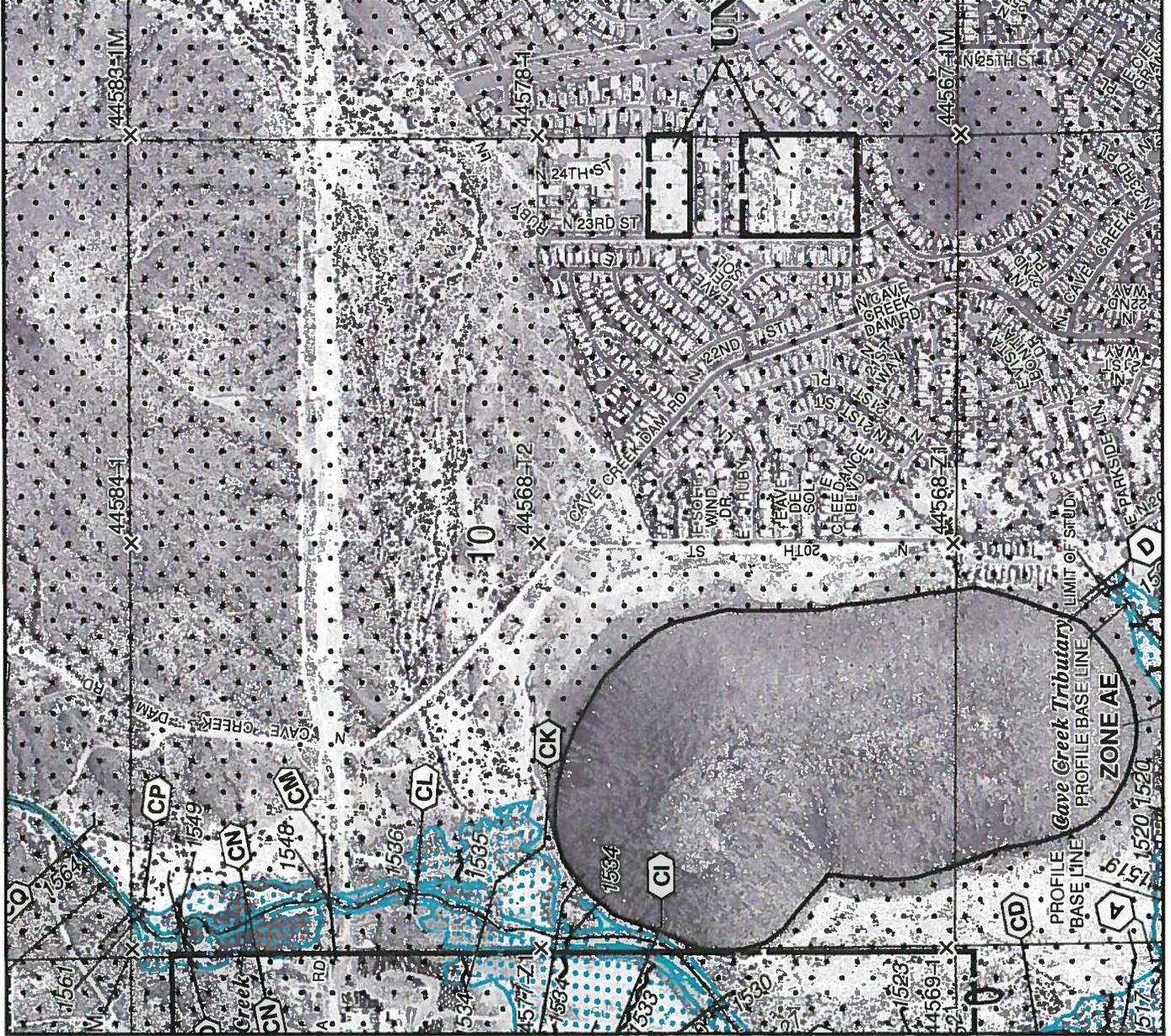
Notice to User: The Map Number shown below should be used when placing map orders, the Community Number shown above should be used on insurance applications for the subject community.



MAP NUMBER  
04013C1285L  
MAP REVISED  
OCTOBER 16, 2013

Federal Emergency Management Agency

This is an official copy of a portion of the above referenced flood map. It was extracted using F-MIT On-Line. This map does not reflect changes or amendments which may have been made subsequent to the date on the title block. For the latest product information about National Flood Insurance Program flood maps check the FEMA Flood Map Store at [www.msc.fema.gov](http://www.msc.fema.gov)



# LEGEND

## SPECIAL FLOOD HAZARD AREAS (SFHAS) SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD



The 1% annual chance flood (100-year flood), also known as the base flood, is the flood that has a 1% chance of being equaled or exceeded in any given year. The Special Flood Hazard Area is the area subject to flooding by the 1% annual chance flood. Areas of Special Flood Hazard include Zones A, AE, AH, AO, AR, A99, V and VE. The Base Flood Elevation is the water-surface elevation of the 1% annual chance flood.

**ZONE A** No Base Flood Elevations determined.

**ZONE AE** Base Flood Elevations determined.

**ZONE AH** Flood depths of 1 to 3 feet (usually areas of ponding); Base Flood Elevations determined.

**ZONE AO** Flood depths of 1 to 3 feet (usually sheet flow on sloping terrain); average depths determined. For areas of alluvial fan flooding, velocities also determined.

**ZONE AR** Special Flood Hazard Area formerly protected from the 1% annual chance flood by a flood control system that was subsequently decertified. Zone AR indicates that the former flood control system is being restored to provide protection from the 1% annual chance or greater flood.

**ZONE A99** Area to be protected from 1% annual chance flood by a Federal flood protection system under construction; no Base Flood Elevations determined.

**ZONE V** Coastal flood zone with velocity hazard (wave action); no Base Flood Elevations determined.

**ZONE VE** Coastal flood zone with velocity hazard (wave action); Base Flood Elevations determined.

## FLOODWAY AREAS IN ZONE AE



The floodway is the channel of a stream plus any adjacent floodplain areas that must be kept free of encroachment so that the 1% annual chance flood can be carried without substantial increases in flood heights.

## OTHER FLOOD AREAS



**ZONE X** Areas of 0.2% annual chance flood; areas of 1% annual chance flood with average depths of less than 1 foot or with drainage areas less than 1 square mile; and areas protected by levees from 1% annual chance flood.

## OTHER AREAS

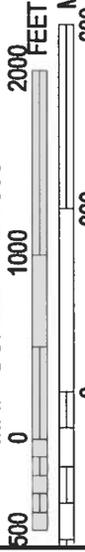


**ZONE X** Areas determined to be outside the 0.2% annual chance floodplain.

**ZONE D** Areas in which flood hazards are undetermined, but possible.



MAP SCALE 1" = 1000'



INFLIP

PANEL 1285L

# FIRM FLOOD INSURANCE RATE MAP MARICOPA COUNTY, ARIZONA AND INCORPORATED AREAS

PANEL 1285 OF 4425

(SEE MAP INDEX FOR FIRM PANEL LAYOUT)

CONTAINS:

COMMUNITY	NUMBER	PANEL	SUFFIX
MARICOPA COUNTY	04007	1285	L
PHOENIX, CITY OF	04051	1285	L

Notice to User: The Map Number shown below should be used when placing map orders; the Community Number shown above should be listed on insurance applications for the subject community.



MAP NUMBER  
04013C1285L

MAP REVISED  
OCTOBER 16, 2013

Federal Emergency Management Agency

This is an official copy of a portion of the above referenced flood map. It was extracted using F-MIT CH-Line. This map does not reflect changes or amendments which may have been made subsequent to the date on the title block. For the latest product information about National Flood Insurance Program flood maps check the FEMA Flood Map Store at [www.msc.fema.gov](http://www.msc.fema.gov)



Mar. 23. 2016 2:40PM

No. 0489 P. 1/10



### City of Phoenix

STREET TRANSPORTATION DEPARTMENT  
FLOODPLAIN MANAGEMENT  
200 WEST WASHINGTON STREET, 6<sup>th</sup> floor  
PHOENIX, AZ 85003-1611  
PHONE: (602) 262-4960 FAX: (602) 262-7322

### FLOODPLAIN DETERMINATION

Date: 3-23-16 QS # 46-81 Elevation Certificate No  
Property Owner: Flood Control District of Maricopa County  
Property Address: unaddressed City: See attached Phoenix: 85024 700-4161  
Legal or APN (required for apts & condos): 212-15-003 A  
Requested by: L. Amos Phone: 602-506-4747 Fax: 602-506-8780  
Company Name & Address: Flood Control District of Maricopa County

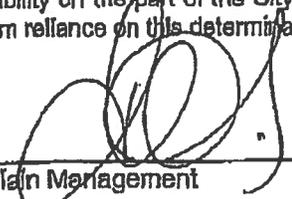
FIRM COMMUNITY NUMBER: 040051 MAP NUMBER & SUFFIX: 04D13C  
PANEL NUMBER & SUFFIX: 1285 L EFFECTIVE DATE OF FIRM: 10-16-13

Based upon the above information, a determination of the property's exact location cannot be made on the FIRM or is outside the Phoenix city limits. Please call: \_\_\_\_\_ at \_\_\_\_\_ for information on this property.

The property is located on the Flood Insurance Rate Map (FIRM) in ZONE \_\_\_\_\_ In Zones Shaded X and Unshaded X, properties are outside the delineated 100-year floodplain. Flood insurance is available, but not required by the Federal Insurance Administration, for buildings concerned with a federally insured loan. Flood insurance is optional at the discretion of the owner or lending institution.

The property is located within a SPECIAL FLOOD HAZARD AREA (SFHA) in ZONE AE FEDERAL LAW REQUIRES FLOOD INSURANCE AS A CONDITION OF A FEDERALLY INSURED LOAN OR MORTGAGE SECURED BY BUILDINGS WITHIN A SPECIAL FLOOD HAZARD AREA (SFHA) ZONE.

NOTE: This determination is based on the most current edition of the Flood Insurance Rate Map (FIRM) of the Federal Emergency Management Agency. This letter does not imply that the referenced property will or will not be free from flooding or damage. A property in a Special Flood Hazard Area may be damaged by a flood greater than that predicted on the FIRM or from a local drainage problem not shown on the map. This letter does not create liability on the part of the City Of Phoenix, or any officer or employee thereof, for any damage that may result from reliance on this determination.

  
Floodplain Management

03-23-16  
Date



### City of Phoenix

STREET TRANSPORTATION DEPARTMENT  
FLOODPLAIN MANAGEMENT  
200 WEST WASHINGTON STREET, 5<sup>th</sup> floor  
PHOENIX, AZ 85003-1011  
PHONE: (602) 262-4960 FAX: (602) 262-7322

## FLOODPLAIN DETERMINATION

Date: 03-24-16 QS # 45-32 Elevation Certificate n/a  
Property Owner: FCDMC  
Property Address: \_\_\_\_\_ City: Phoenix Zip: 85004  
Legal or APN (required for apts & condos): 212-15-001 L  
Requested by: LAMOS Phone: 602-506-4747 Fax: \_\_\_\_\_  
Company Name & Address: FCDMC

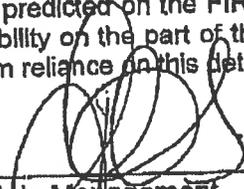
FIRM COMMUNITY NUMBER: 040051 MAP NUMBER & SUFFIX: 04013C  
PANEL NUMBER & SUFFIX: 1205 L EFFECTIVE DATE OF FIRM: 10-16-2013

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The property is located on the Flood Insurance Rate Map (FIRM) in ZONE Shaded X. In Zones Shaded X and Unshaded X, properties are outside the delineated 100-year floodplain. Flood insurance is available, but not required by the Federal Insurance Administration, for buildings concerned with a federally insured loan. Flood insurance is optional at the discretion of the owner or lending institution.

The property is located within a SPECIAL FLOOD HAZARD AREA (SFHA) in ZONE \_\_\_\_\_ FEDERAL LAW REQUIRES FLOOD INSURANCE AS A CONDITION OF A FEDERALLY INSURED LOAN OR MORTGAGE SECURED BY BUILDINGS WITHIN A SPECIAL FLOOD HAZARD AREA (SFHA) ZONE.

NOTE: This determination is based on the most current edition of the Flood Insurance Rate Map (FIRM) of the Federal Emergency Management Agency. This letter does not imply that the referenced property will or will not be free from flooding or damage. A property in a Special Flood Hazard Area may be damaged by a flood greater than that predicted on the FIRM or from a local drainage problem not shown on the map. This letter does not create liability on the part of the City Of Phoenix, or any officer or employee thereof, for any damage that may result from reliance on this determination.

  
\_\_\_\_\_  
Floodplain Management

03-24-16  
\_\_\_\_\_  
Date



# City of Phoenix

STREET TRANSPORTATION DEPARTMENT  
FLOODPLAIN MANAGEMENT  
200 WEST WASHINGTON STREET, 5<sup>th</sup> floor  
PHOENIX, AZ 85003-1611  
PHONE: (602) 262-4960 FAX: (602) 262-7322

## FLOODPLAIN DETERMINATION

Date: 03-24-16 QS# 45-82 Elevation Certificate n/a  
Property Owner: PCDMC  
Property Address: \_\_\_\_\_ City: Phoenix Zip: 85024  
Legal or APN (required for apts & condos): 212-15-0020  
Requested by: L. Amos Phone: 602-506-4747 Fax: \_\_\_\_\_  
Company Name & Address: PCDMC

FIRM COMMUNITY NUMBER: 040051 MAP NUMBER & SUFFIX: 04013C  
PANEL NUMBER & SUFFIX: 1285 L EFFECTIVE DATE OF FIRM: 10-16-2013

Based upon the above information, a determination of the property's exact location cannot be made on the FIRM or is outside the Phoenix city limits. Please call: \_\_\_\_\_ at \_\_\_\_\_ for information on this property.

The property is located on the Flood Insurance Rate Map (FIRM) in ZONE Shaded X. In Zones Shaded X and Unshaded X, properties are outside the delineated 100-year floodplain. Flood insurance is available, but not required by the Federal Insurance Administration, for buildings concerned with a federally insured loan. Flood insurance is optional at the discretion of the owner or lending institution.

The property is located within a SPECIAL FLOOD HAZARD AREA (SFHA) in ZONE \_\_\_\_\_ FEDERAL LAW REQUIRES FLOOD INSURANCE AS A CONDITION OF A FEDERALLY INSURED LOAN OR MORTGAGE SECURED BY BUILDINGS WITHIN A SPECIAL FLOOD HAZARD AREA (SFHA) ZONE.

**NOTE:** This determination is based on the most current edition of the Flood Insurance Rate Map (FIRM) of the Federal Emergency Management Agency. This letter does not imply that the referenced property will or will not be free from flooding or damage. A property in a Special Flood Hazard Area may be damaged by a flood greater than that predicted on the FIRM or from a local drainage problem not shown on the map. This letter does not create liability on the part of the City Of Phoenix, or any officer or employee thereof, for any damage that may result from reliance on this determination.

Floodplain Management

03-24-16  
Date

**EXHIBIT 7**

Easements To Be Placed By Client At Sale



**LEGAL DESCRIPTION; CAVE BUTTES ROADWAY PARCEL**

A parcel of land 20 feet in width located in the NW1/4 SE1/4 and the NE1/4 NW 1/4 of Section 10, Township 4 North, Range 3 East of the Salt River Meridian, Maricopa County, Arizona being more completely described as follows:

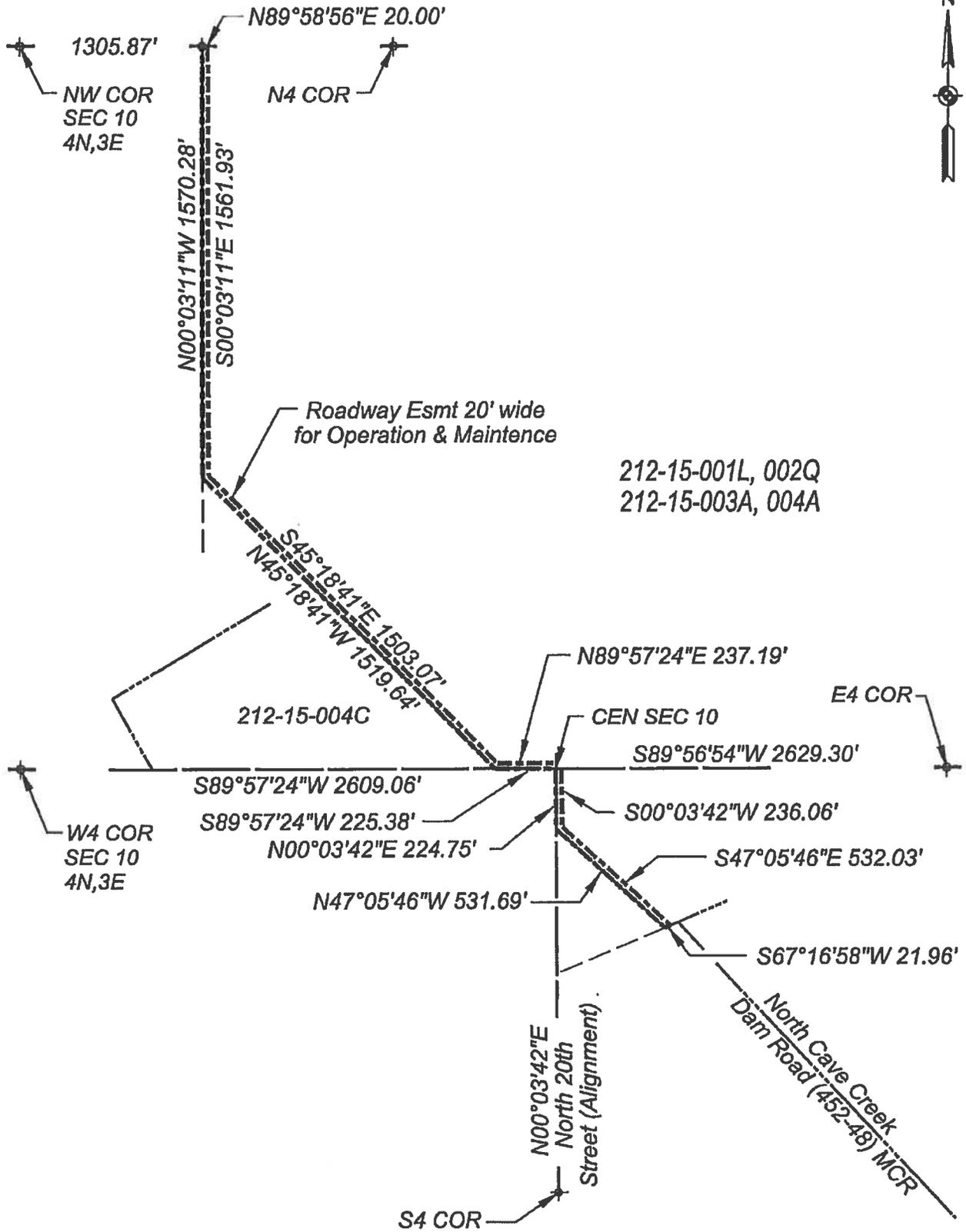
Beginning at the center quarter corner of said section thence S 89° 57' 24" W, a distance of 225.38 feet along the East-West centerline of said section, also being the southerly boundary line of the N1/2 of said section; thence N 45° 18' 41" W a distance of 1519.64 feet to a point on the westerly boundary line of said NE1/4 NW1/4; thence N 00° 03' 11" W, a distance of 1570.28 feet along said line to a point on the northerly boundary line of said section; thence N 89° 58' 56" E, a distance of 20.00 feet along said line; thence S 00° 03' 11" E, a distance of 1561.93 feet; thence S 45° 18' 41" E, a distance of 1503.07 feet; thence N 89° 57' 24" E, a distance of 237.19 feet; thence S 00° 03' 42" W, a distance of 236.06 feet; thence S 47° 05' 46" E, a distance of 532.03 feet; thence S 67° 16' 58" W, a distance of 21.96 feet; thence N 47° 05' 46" W, a distance of 531.69 feet; thence N 00° 03' 42" E, a distance of 224.75 feet to the Point of Beginning. This parcel as described contains 1.87 Acres.



Expires 6-30-16

**EXHIBIT "B-1"**

Book 1191, Page 4 M.C.R.



212-15-001L, 002Q  
212-15-003A, 004A

O&M Roadway	SQ. FT.	ACRES
Parcel "C"	81,457	1.87

### EXHIBIT "B-2"

EXHIBIT TO ACCOMPANY LEGAL DESCRIPTION



**LEGAL DESCRIPTION: CAVE BUTTES PROPOSED FLOWAGE EASEMENT PARCEL A**

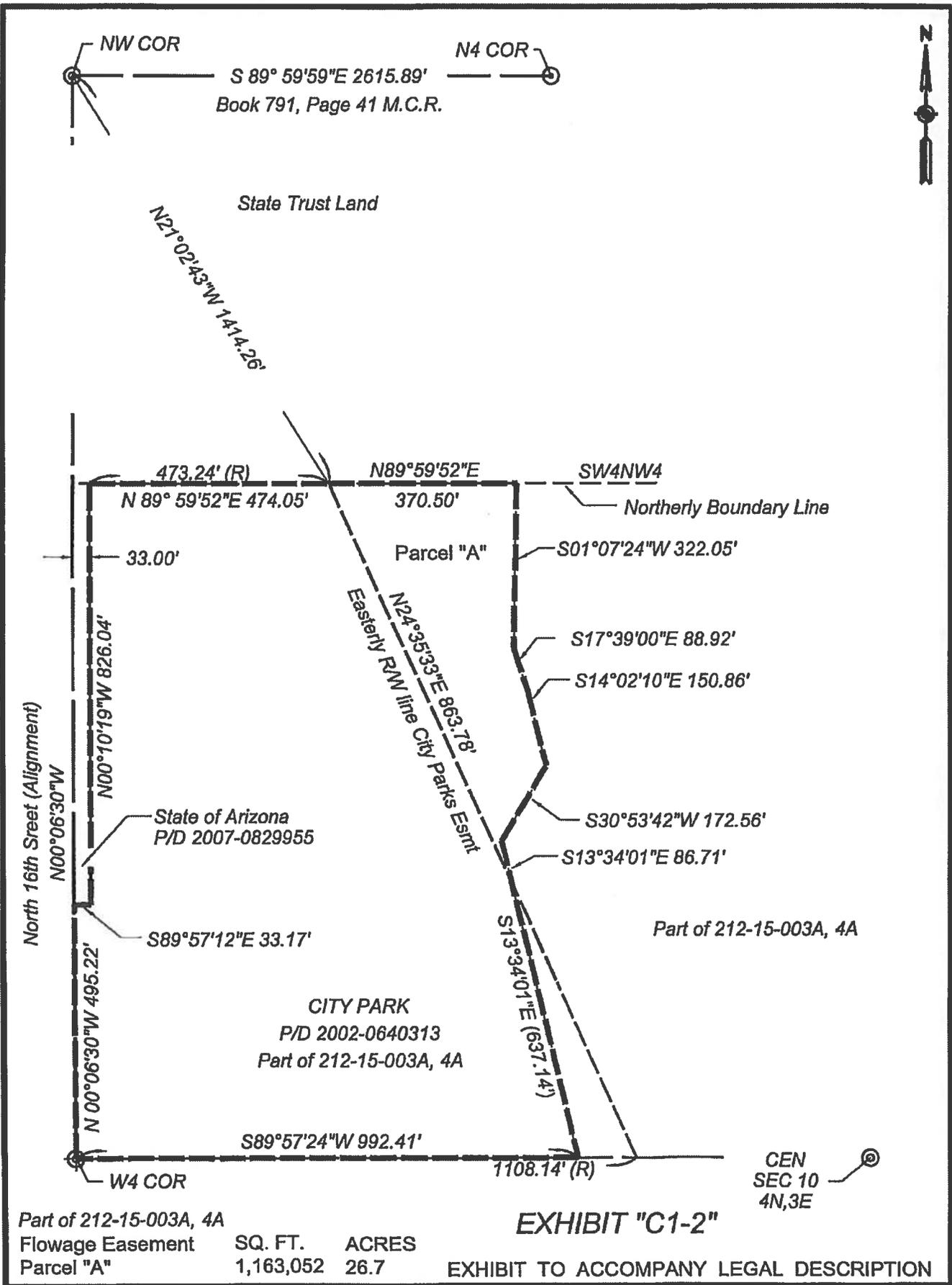
A parcel of land located in the SW ¼ NW1/4 Section 10 Township 4 North, Range 3 East of the Salt River Meridian, Maricopa County, Arizona being more completely described as follows:

Beginning at a point on the northerly boundary line of said SW 1/4 NW1/4 from which the Northwest Corner of Section 10 bears N 21°02' 43" W, a distance of 1414.26 feet; thence N 89°59'52"E a distance of 370.50 feet along said northerly line; thence S 01°07'24"W, a distance of 322.05 feet; thence S 17°39'00"E a distance of 88.92 feet; thence S 14°02'10"E, a distance of 150.86 feet; thence S 30°53'42"W, a distance of 172.56 feet; thence S 13°34'01"E, a distance of 637.14 feet to a point on the southerly boundary line of said SW1/4NW1/4; thence S 89°57'24"W a distance of 992.41 feet along said line to a point on the westerly boundary line of said section; thence N 00°06'30"W, a distance of 495.22 feet along said line; thence S 89°57'12"E, a distance of 33.17 feet; thence N 00°10'19"W, a distance of 826.04 feet to a point on the northerly boundary line of said SW1/4 NW1/4; thence N 89°59'52"E, a distance of 474.05 feet along said line to the Point of Beginning. This parcel as described contains 26.7 Acres.



Expires 6-30-16

**EXHIBIT "C1-1**



Part of 212-15-003A, 4A

	SQ. FT.	ACRES
Flowage Easement	1,163,052	26.7
Parcel "A"		

**EXHIBIT "C1-2"**

EXHIBIT TO ACCOMPANY LEGAL DESCRIPTION



**LEGAL DESCRIPTION: CAVE BUTTES PROPOSED FLOWAGE EASEMENT PARCEL B**

A parcel of land located in the NE ¼ NW1/4 Section 10, Township 4 North, Range 3 East of the Salt River Meridian, Maricopa County, Arizona being more completely described as follows:

Beginning at the Northwest corner of said NE1/4 NW1/4 from which the Northwest corner of said section bears N 89°58'55"W, a distance of 1305.87 feet; thence N 89°58'56"E, a distance of 566.42 feet along the northerly boundary line of said NE1/4 NW1/4, thence S 35°06'03"W, a distance of 154.27 feet; thence S 67°13'30"W a distance of 279.08 feet; thence S 46°55'09"W, a distance of 301.19 feet to a point on the westerly boundary line of said NE1/4 NW1/4; thence N 00°03'11"W, a distance of 439.80 feet along said line to the Point of Beginning. This parcel as described contains 2.9 Acres.



Expires 6-30-16

**EXHIBIT "C2-1"**



N4 COR  
SEC 10  
4N3E

S89°59'59"E 2615.89' (REC) Bk 791, Pg 41 M.C.R.

154.27'  
S35°06'03"W

279.80'  
N33°30'00"W

"PARCEL B"  
A Portion of 212-15-003A

212-15-003A

N00°03'11"W 439.80'

West boundary line NE4NW4

301.19'  
S46°35'09"W

NW COR

N89°58'55"E  
1305.87'

NW corner  
NE4NW4

STATE LAND

S00°05'15"E 2641.23' (REC) Bk 791, Pg 41 M.C.R.

North 16th Street (Alignment)

W4 COR SEC 10- 4N,3E

A Portion of 212-15-001L, 00x  
Flowage Easement - Parcel "B"

SQ. FT. ACRES  
126,124 2.9

### EXHIBIT "C2-2"

EXHIBIT TO ACCOMPANY LEGAL DESCRIPTION

Parcel No. 212-15-001L, 2Q, 3A & 212-15-004A  
CAVE BUTTES DAM  
Item No. H-2646-EX

LEGAL DESCRIPTION FOR EXCESS LAND

A portion of land lying within the Northwest quarter (NW4), the Northeast quarter (NE4) and the Southeast quarter (SE4) of Section 10 - T4N, R3E, G&SRB&M, Maricopa County, Arizona, said portion being described as follows:

**COMMENCING** at the Northeast corner of said Section 10; thence along the East line of the Northeast quarter (NE4) of said section 10, South 00°08'39" West a distance of 200.00 feet to a point on the South line of the North 200 feet of said NE4 and the **TRUE POINT OF BEGINNING**; thence continuing along said East line, South 00°08'39" West a distance of 2433.00 feet to the East quarter corner of said section 10; thence along the South line of said NE4, South 89°56'54" West a distance of 850.45 feet; thence South 66°35'48" West a distance of 504.57 feet; thence South 67°11'24" West a distance of 998.95 feet; thence North 47°26'01" West to a point on the West line of the SE4 of said section 10, a distance of 534.17 feet, said point lies North 00°23'49" West a distance of 2461.58 feet from the South quarter corner of said section 10; thence along said West line, North 00°23'49" West a distance of 224.75 feet to the center of said section 10; thence along the East-West mid-section line, South 89°57'21" West a distance of 225.37 feet; thence North 45°18'48" West a distance of 980.17 feet; thence South 64°37'41" West a distance of 813.36 feet; thence South 24°33'55" East to a point on the South line of the Northwest quarter (NW4) of said Section 10, a distance of 375.76 feet; thence along the South line of the Northwest quarter of said section 10, South 89°57'21" West a distance of 1108.14 feet to the West quarter corner of said section; thence North 00°05'15" West along the West line of the Northwest quarter (NW4) of said Section 10, a distance of 495.23 feet; thence North 89°59'17" East to a point on the East line of the West 33.00 feet of the Northwest quarter of said Section 10, a distance of 33.00 feet; thence along said East line, North 00°05'15" West to a point on the South line of the NW4NW4 of said Section 10, a distance of 825.39 feet; thence along the South line of said NW4NW4, North 89°58'41" East a distance of 1273.24 feet to the Southeast corner of said NW4NW4;

H-2646-EX (cont'd):

thence along the East line of said NW4NW4, North 00°00'48" West a distance of 1320.11 feet to the Northeast corner of said NW4NW4; thence along the North line of the NW4 of said section 10, South 89°59'59" East 1307.94 feet to the North quarter corner of said section 10; thence along the North line of the NE4 of said section 10, South 89°54'59" East a distance of 33.14 feet; thence parallel with and 2600 feet West of the East line of said NE4, South 00°08'39" West a distance of 200.00; thence along the South line of the North 200 feet of said NE4, South 89°54'59" East a distance of 2600.00 feet to the **POINT OF BEGINNING**.

Containing 11,535,932 square feet or 264.83 acres more or less.

**RESERVING** unto the Flood Control District of Maricopa County, a 20-Foot wide Operation and Maintenance Road Easement (O&M) over and across the South 230.00 feet of the Northeast quarter of the Northwest quarter and also the North half of the Northeast quarter of said Section 10.

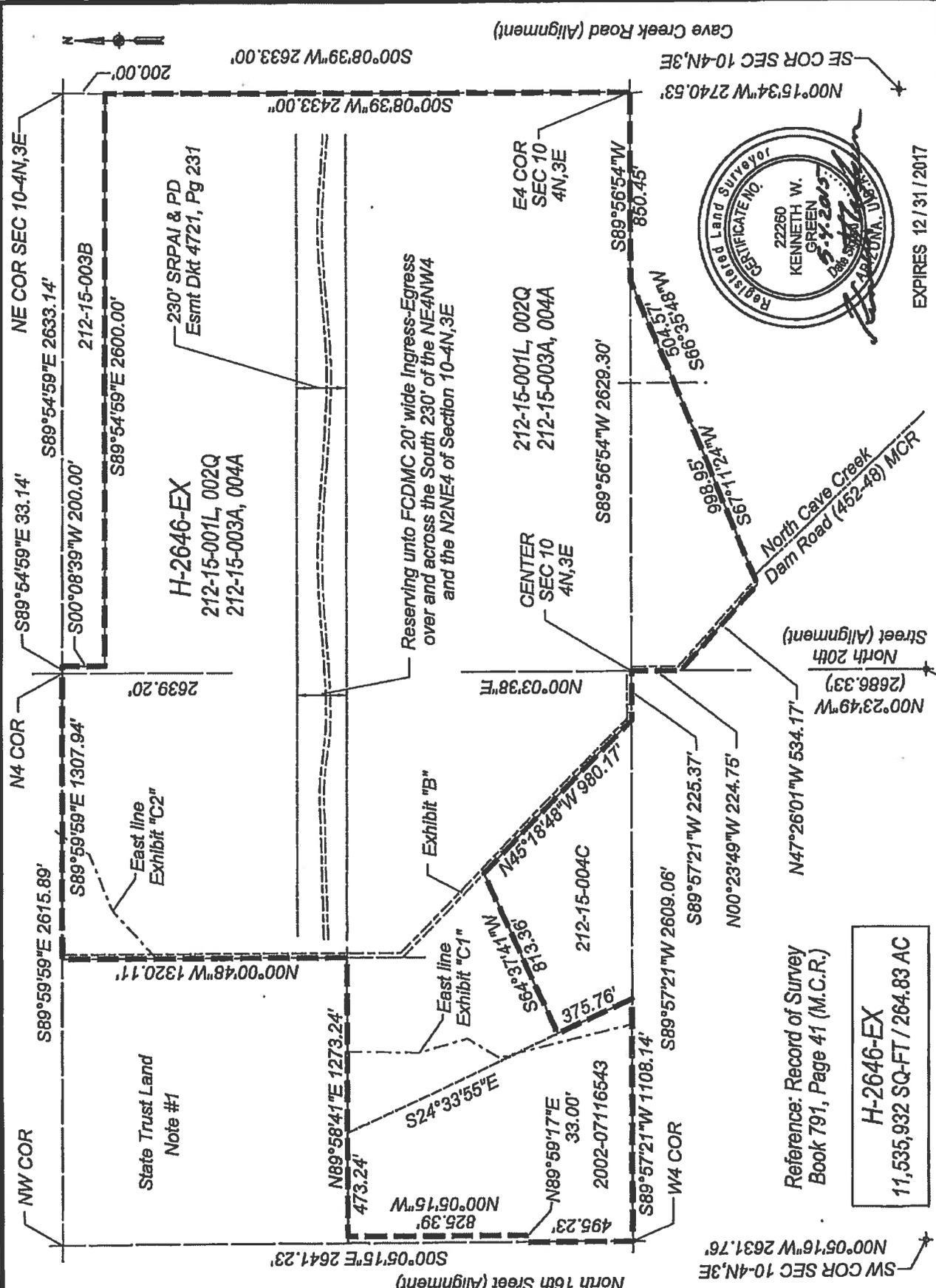
**AND RESERVING** unto the Flood Control District of Maricopa County", a Roadway Easement as described in Exhibit "B".

**AND RESERVING** unto the Flood Control District of Maricopa County", Flowage Easements as described in Exhibits "C1 and C2".

The location and construction of the Reservation herein described are to be mutually agreed upon between Grantor and Grantee, their successors, and assigns. Any development plan must be submitted to Grantor for Grantor's review and acceptance to ensure permanent easement rights, which acceptance shall not be unreasonably withheld.

FLOOD CONTROL DISTRICT OF MARICOPA COUNTY		
Prelim: 10-03-00	Chk:	Appr:
Rev: 6-21-02; 3-16-06; 12-23-2014; 4-30-2015		
Maricopa County Public Works - Real Estate Division		





North 16th Street (Alignment) S00°05'15"E 2641.23'

NW COR S89°59'59"E 2615.89'

N4 COR S89°54'59"E 33.14'

NE COR SEC 10-4N,3E S89°54'59"E 2633.14'

200.00'

S00°08'39"W 2433.00"

S00°08'39"W 2633.00"

212-15-003B S89°54'59"E 2600.00'

230' SRPAI & PD Esmt Dkt 4721, Pg 231

H-2646-EX 212-15-001L, 002Q 212-15-003A, 004A

Reserving unto FCDMC 20' wide Ingress-Egress over and across the South 230' of the NE4NW4 and the N2NE4 of Section 10-4N,3E

212-15-001L, 002Q 212-15-003A, 004A

CENTER SEC 10 4N,3E S89°56'54"W 2629.30'

North Cave Creek Dain Road (452-48) MCR

Street (Alignment) North 20th (2686.33') N00°23'49"W

S4 COR N00°23'49"W 534.17'

N47°26'01"W 534.17'

212-15-004C S89°57'21"W 2609.06'

N00°23'49"W 224.75'

S89°57'21"W 225.37'

2002-07116543 N89°59'17"E 33.00'

W4 COR S89°57'21"W 1108.14'

SW COR SEC 10-4N,3E N00°05'16"W 2631.76'

State Trust Land Note #1

East line Exhibit "C2" S89°59'59"E 1307.94'

2639.20'

East line Exhibit "C1" S89°58'41"E 1273.24'

473.24'

N89°58'41"E 1273.24'

825.39'

N00°05'15"W

495.23'

N89°59'17"E 33.00'

2002-07116543

S89°57'21"W 1108.14'

W4 COR

East line Exhibit "C1" S89°57'21"W 813.39'

813.39'

N45°18'48"W 980.17'

212-15-004C

375.76'

S89°57'21"W 2609.06'

N00°23'49"W 224.75'

S89°57'21"W 225.37'

212-15-004C

N45°18'48"W 980.17'

813.39'

S89°57'21"W 813.39'

375.76'

N89°59'17"E 33.00'

2002-07116543

S89°57'21"W 1108.14'

W4 COR

SW COR SEC 10-4N,3E N00°05'16"W 2631.76'

Registered Land Surveyor  
 CERTIFICATE No. 22260  
 KENNETH W. GREEN  
 5-3-2015  
 ILLINOIS

SE COR SEC 10-4N,3E N00°15'34"W 2740.53'

Cave Creek Road (Alignment) S00°08'39"W 2633.00"

EXPIRES 12/31/2017

EXHIBIT TO ACCOMPANY LEGAL DESCRIPTION

Date: 1-06-2015

Reference: Record of Survey Book 791, Page 41 (M.C.R.)

H-2646-EX  
 11,535,932 SQ-FT / 264.83 AC



**LEGAL DESCRIPTION: CAVE BUTTES ROADWAY PARCEL**

A parcel of land 20 feet in width located in the NW1/4 SE1/4 and the NE1/4 NW 1/4 of Section 10, Township 4 North, Range 3 East of the Salt River Meridian, Maricopa County, Arizona being more completely described as follows:

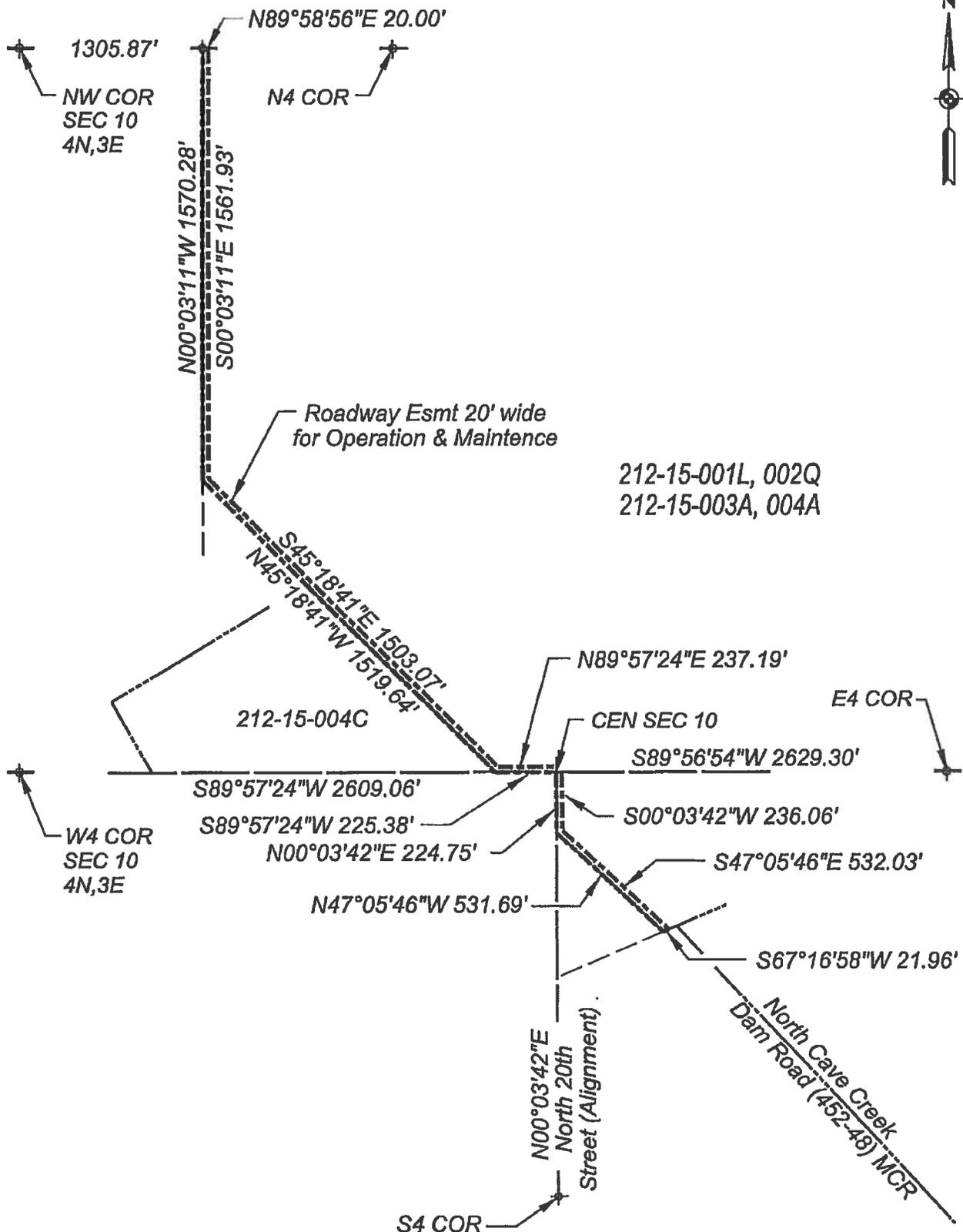
Beginning at the center quarter corner of said section thence S 89° 57' 24" W, a distance of 225.38 feet along the East-West centerline of said section, also being the southerly boundary line of the N1/2 of said section; thence N 45° 18' 41" W a distance of 1519.64 feet to a point on the westerly boundary line of said NE1/4 NW1/4; thence N 00° 03' 11" W, a distance of 1570.28 feet along said line to a point on the northerly boundary line of said section; thence N 89° 58' 56" E, a distance of 20.00 feet along said line; thence S 00° 03' 11" E, a distance of 1561.93 feet; thence S 45° 18' 41" E, a distance of 1503.07 feet; thence N 89° 57' 24" E, a distance of 237.19 feet; thence S 00° 03' 42" W, a distance of 236.06 feet; thence S 47° 05' 46" E, a distance of 532.03 feet; thence S 67° 16' 58" W, a distance of 21.96 feet; thence N 47° 05' 46" W, a distance of 531.69 feet; thence N 00° 03' 42" E, a distance of 224.75 feet to the Point of Beginning. This parcel as described contains 1.87 Acres.



Expires 6-30-16

**EXHIBIT "B-1"**

Book 1191, Page 4 M.C.R.



O&M Roadway	SQ. FT.	ACRES
Parcel "C"	81,457	1.87

**EXHIBIT "B-2"**  
EXHIBIT TO ACCOMPANY LEGAL DESCRIPTION



**LEGAL DESCRIPTION: CAVE BUTTES PROPOSED FLOWAGE EASEMENT PARCEL A**

A parcel of land located in the SW ¼ NW1/4 Section 10 Township 4 North, Range 3 East of the Salt River Meridian, Maricopa County, Arizona being more completely described as follows:

Beginning at a point on the northerly boundary line of said SW 1/4 NW1/4 from which the Northwest Corner of Section 10 bears N 21°02' 43" W, a distance of 1414.26 feet; thence N 89°59'52" E a distance of 370.50 feet along said northerly line; thence S 01°07'24"W, a distance of 322.05 feet; thence S 17°39'00" E a distance of 88.92 feet; thence S 14°02'10" E, a distance of 150.86 feet; thence S 30°53'42" W, a distance of 172.56 feet; thence S 13°34'01" E, a distance of 637.14 feet to a point on the southerly boundary line of said SW1/4NW1/4; thence S 89°57'24" W a distance of 992.41 feet along said line to a point on the westerly boundary line of said section; thence N 00°06'30" W, a distance of 495.22 feet along said line; thence S 89°57'12" E, a distance of 33.17 feet; thence N 00°10'19" W, a distance of 826.04 feet to a point on the northerly boundary line of said SW1/4 NW1/4; thence N 89°59'52" E, a distance of 474.05 feet along said line to the Point of Beginning. This parcel as described contains 26.7 Acres.



Expires 6-30-16

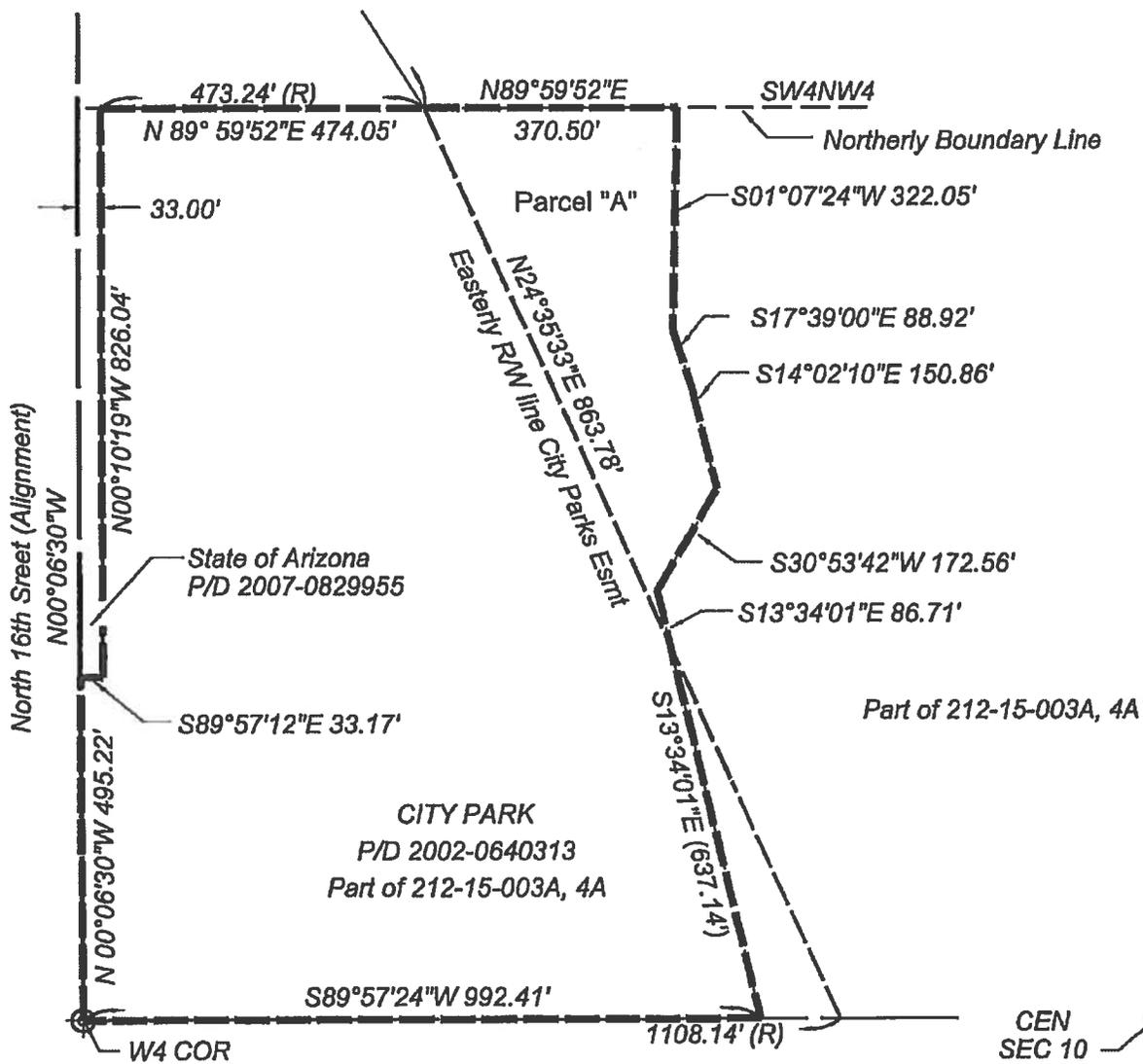
**EXHIBIT "C1-1**

NW COR ——— S 89° 59'59"E 2615.89' ——— N4 COR  
 Book 791, Page 41 M.C.R.



State Trust Land

N21°02'43"W 1414.26'



Part of 212-15-003A, 4A

Flowage Easement	SQ. FT.	ACRES
Parcel "A"	1,163,052	26.7

**EXHIBIT "C1-2"**

EXHIBIT TO ACCOMPANY LEGAL DESCRIPTION



**LEGAL DESCRIPTION: CAVE BUTTES PROPOSED FLOWAGE EASEMENT PARCEL B**

A parcel of land located in the NE ¼ NW1/4 Section 10, Township 4 North, Range 3 East of the Salt River Meridian, Maricopa County, Arizona being more completely described as follows:

Beginning at the Northwest corner of said NE1/4 NW1/4 from which the Northwest corner of said section bears N 89°58'55"W, a distance of 1305.87 feet; thence N 89°58'56"E, a distance of 566.42 feet along the northerly boundary line of said NE1/4 NW1/4, thence S 35°06'03"W, a distance of 154.27 feet; thence S 67°13'30"W a distance of 279.08 feet; thence S 46°55'09"W, a distance of 301.19 feet to a point on the westerly boundary line of said NE1/4 NW1/4; thence N 00°03'11"W, a distance of 439.80 feet along said line to the Point of Beginning. This parcel as described contains 2.9 Acres.



Expires 6-30-16

**EXHIBIT "C2-1"**



N4 COR  
SEC 10  
4N3E

S89°59'59"E 2615.89' (REC) Bk 791, Pg 41 M.C.R.

154.27'  
S35°06'03"W

N89°58'56"E 566.42'

"PARCEL B"

A Portion of 212-15-003A

279.08'  
S67°13'30"W

212-15-003A

301.19'  
S46°55'09"W

N00°03'11"W 439.80'

West boundary line NE4NW4

NW COR

N89°58'55"E  
1305.87'

NW corner  
NE4NW4

STATE LAND

S00°05'15"E 2641.23' (REC) Bk 791, Pg 41 M.C.R.

North 16th Sreet (Alignment)

W4 COR SEC 10- 4N,3E

A Portion of 212-15-001L, 00x  
Flowage Easement - Parcel "B"

SQ. FT. ACRES  
126,124 2.9

EXHIBIT "C2-2"

EXHIBIT TO ACCOMPANY LEGAL DESCRIPTION

**EXHIBIT 8**

Photographs of Subject Parcel



View to south from southwest corner of subject property  
over the north dead-end of Cave Creek Dam Road.



View to east from southwest corner.



View to north from southwest corner.



Looking northwest along the west border of the property.



Looking north from near the southwest corner of the property.



View to south east along the west property border.



Looking west over one of the washes that traverse the middle of the property.



Looking east over that same wash.



View to northeast over middle of property.



Looking west from the west border road over the biggest wash.



View of same wash looking east from the road.



Looking east at the culvert start run under the west border road.



View to south over area west of the border road.



Looking west over the segment west of the border road.



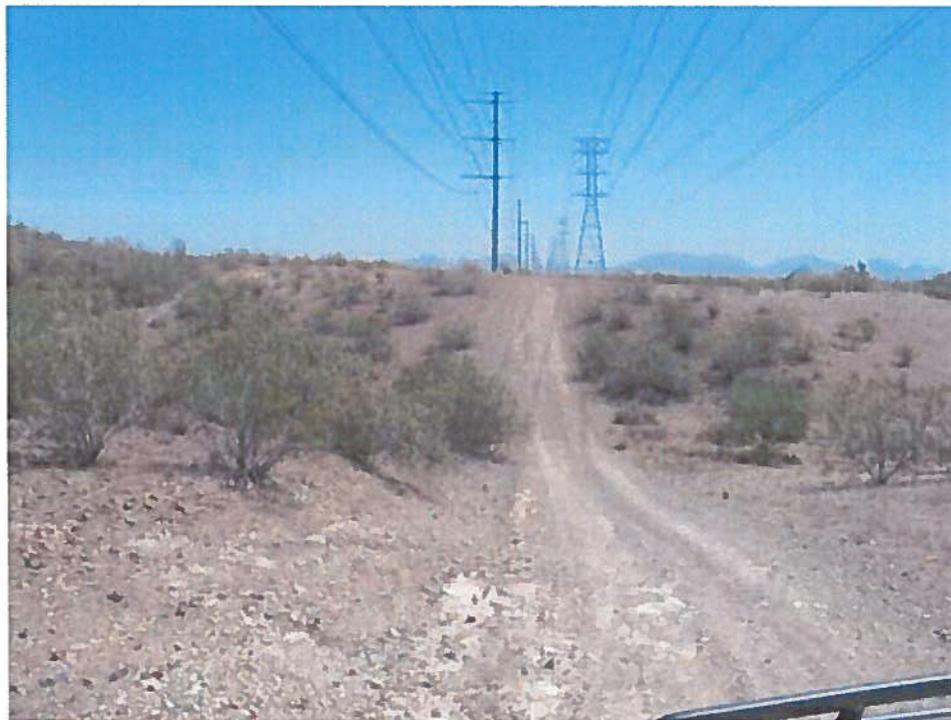
These power lines bifurcate the property running east to west.



A city of Phoenix sewer line also parallels the power lines.



And El Paso natural gas line, with some of its appurtenances shown here, also parallels the power lines.



Looking east along the access road under the power lines that shows the undulating topography.



View to north of land north of power lines.



Another view looking east under the power lines



View to south east from near power lines from near the middle of the property.



View to Southwest from South of the power lines near the middle of the property.



View looking northwest toward Cave Buttes Dam.



Another view of the west and of the property looking west.



Low lands along west border of subject property looking southwest.



Looking south over low lands.



Looking east along the north border of the property.



Another view of land near the north border.



View to northwest from near the northeast corner of the property.



View of power lines looking west from the east border.



Looking west along a small wash that runs through the middle of the property.



View to east over east property border.



View to south along east property border.



The fence line in foreground forms the east property border. The streetlights in the distance depict the north dead end of Desert Peak Parkway.

**EXHIBIT 9**

Market Data Sheets for Land Sales

## LAND SALE NO. 1

**PROPERTY TYPE:** Single Family Development Land

**ADDRESS:** NWC Deer Valley Road and Black Mountain Parkway Phoenix, AZ

**LEGAL DESCRIPTION:** Lengthy

**ASSESSOR NO.:** None yet

**GRANTOR:** Arizona State Land Department (Max Masel)

**GRANTEE:** Cave Buttes Development Partners LLC

**DOCUMENT NO.:** Not yet available

**DOCUMENT TYPE:** Certificate of Purchase

**DATE OF SALE:** March 2016

**RECORD DATE:**

**SALE PRICE:** \$100,000,000

**FINANCING:** 25% cash down payment, seller carried balance at 5.25% for one year, considered market terms

**UNIT PRICE:** \$243,944 per acre

**PROPERTY RIGHTS CONVEYED:** Fee Simple

**CONDITIONS OF SALE:** Arm's Length Transaction; Auction Sale

**VERIFICATION:** Inspection, press release, Greg Novak, ASLD, county records

**PRIOR SALES:** No prior sales within the last five years

**SITE DATA:**

**Shape/Dimensions:** Irregular

**Area:** 409.93 gross acres

**Topography/Cover:** Mostly level desert

**Zoning:** S-1, Phoenix

**Frontage:** Deer Valley Road and Black Mountain Parkway

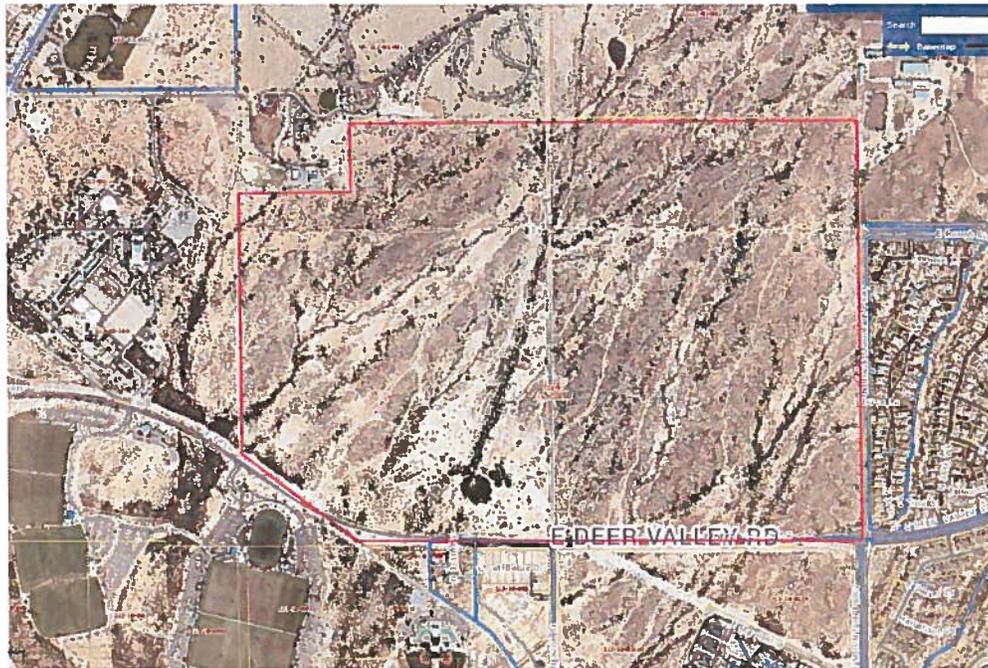
**Access:** Deer Valley Road and Black Mountain Parkway

**Utilities:** All to site; power and phone, municipal water and sewer

**Intended Use:** Single Family Development

**COMMENTS:** Large tract of desert land in Desert Ridge master planned community. Intersection has a signal. Buyer is a partnership between Taylor Morrison Homes and Pulte Homes who will develop approximately 1,200 homes on the site.

# LAND SALE NO. 1



## LAND SALE NO. 2

**PROPERTY TYPE:** Vacant land

**ADDRESS:** Lake Pleasant Parkway and Westwing Parkway Peoria, AZ 85383

**LEGAL DESCRIPTION:** Pors sec 33 T5N R1E , The Gila and Salt River Base and Meridian.

**ASSESSOR NO.:** 201-06-075H and 201-06-075K

**GRANTOR:** Pivotal Realty Az I LLC

**GRANTEE:** Mattamy Arizona LLC

**DOCUMENT NO.:** 2016-253017

**DOCUMENT TYPE:** Special Warranty Deed

**DATE OF SALE:** July 2015

**RECORD DATE:** April 15, 2016

**SALE PRICE:** \$7,489,687

**FINANCING:** Cash

**UNIT PRICE:** \$174,179 per acre

**PROPERTY RIGHTS CONVEYED:** Fee Simple

**CONDITIONS OF SALE:** Arm's Length Transaction

**VERIFICATION:** Inspection, Costar, county records, affidavit of value

**PRIOR SALES:** No prior sales within the last five years per Realquest

**SITE DATA:**

**Shape/Dimensions:** Irregular

**Area:** 43.00 acres

**Topography/Cover:** Level, dirt

**Zoning:** PAD, Peoria

**Frontage:** Lake Pleasant Parkway and Westwing Parkway

**Access:** Lake Pleasant & Westwing Parkway

**Utilities:** All to site; finished site

**Intended Use:** Develop to residential use.

**COMMENTS:** Two corners of main route into Westwing mpc from Lake Pleasant Parkway. Buyer will develop residences on small lots.

# LAND SALE NO. 2



### LAND SALE NO. 3

**PROPERTY TYPE:** Single Family Development Land

**ADDRESS:** NEC North 97<sup>th</sup> Avenue and West Calle Lojos Peoria, Arizona 85383

**LEGAL DESCRIPTION:** Par E1/2 NW1/4 W1/2 NE1/4 Sec 9 T4N R1E Gila and Salt River B&M

**ASSESSOR NO.:** 201-16-003J 201-16-007J

**GRANTOR:** RES-AZ HP160, LLC

**GRANTEE:** JEN Arizona 22 LLC

**DOCUMENT NO.:** 2015-847005

**DOCUMENT TYPE:** Special Warranty Deed

**DATE OF SALE:** November 2015

**RECORD DATE:** November 30, 2015

**SALE PRICE:** \$16,000,000

**FINANCING:** Cash

**UNIT PRICE:** \$119,503 per acre

**PROPERTY RIGHTS CONVEYED:** Fee Simple

**CONDITIONS OF SALE:** Arm's Length Transaction

**VERIFICATION:** Inspection, county records, affidavit of value, Bret Rinehart, Land Advisors Organization, listing broker, 480-483-8100

**PRIOR SALES:** No prior sales within the last five years per Realquest

**SITE DATA:**

**Shape/Dimensions:** Irregular

**Area:** 133.89 acres

**Topography/Cover:** Generally level, dirt

**Zoning:** R1-35, Peoria

**Frontage:** Happy Valley Rd to north, 97<sup>th</sup> Ave to west Calle Lojos to south

**Access:** Three frontages

**Utilities:** All to site; power and phone, municipal water and sewer

**Intended Use:** Single Family Development

**COMMENTS:** Purchased to rezone and develop residential subdivision. Buyer has since sold a portion of the property to Pulte Homes to jointly develop.



**LAND SALE NO. 4**

**PROPERTY TYPE:** Single Family Development Land  
**ADDRESS:** Pyramid Peak Parkway Peoria, Arizona 85383  
**LEGAL DESCRIPTION:** Lengthy  
**ASSESSOR NO.:** 204-19-315 and 204-19-316  
**GRANTOR:** Arizona State Land Department  
**GRANTEE:** Lennar Homes, Inc.  
**DOCUMENT NO.:** 2015-0525780  
**DOCUMENT TYPE:** Special Warranty Deed

**DATE OF SALE:** May 2015  
**RECORD DATE:** July 22, 2015

**SALE PRICE:** \$10,430,000  
**FINANCING:** 25% down, seller carried 75% for a year at market (5.25%) interest  
**UNIT PRICE:** \$127,071 per acre

**PROPERTY RIGHTS CONVEYED:** Fee Simple  
**CONDITIONS OF SALE:** Arm's Length Transaction; Auction Sale  
**VERIFICATION:** Inspection, county records, Greg Novak, ASLD, seller  
**PRIOR SALES:** No prior sales within the last five years

**SITE DATA:**

**Shape/Dimensions:** Irregular  
**Area:** 82.08 acres  
**Topography/Cover:** Gentle, desert  
**Zoning:** S-1, Peoria  
**Frontage:** Pyramid Peak Parkway  
**Access:** Pyramid Peak Parkway  
**Utilities:** All to site: power and phone, municipal water and sewer  
**Intended Use:** Rezone for subdivision development

**COMMENTS:** ASLD auction, single bidder paid minimum bid. Buyer is home builder. Pyramid peak Parkway bisects property, water and sewer to south border.



## LAND SALE NO. 5

**PROPERTY TYPE:** Single Family Development Land

**ADDRESS:** Northeast and Southeast Corners of Pima Road and Los Gatos Drive Scottsdale, AZ 85255

**LEGAL DESCRIPTION:** Lot 3 and Lot 4 Except Patent 104853 Sec 18 T4N R5E

**ASSESSOR NO.:** 217-07-946 and -947

**GRANTOR:** Arizona State Land Department (Max Masel)

**GRANTEE:** Camelot Homes (Mark Hancock)

**DOCUMENT NO.:** 2015-0495342

**DOCUMENT TYPE:** Certificate of Purchase

**DATE OF SALE:** April 2015

**RECORD DATE:** April 14, 2015

**SALE PRICE:** \$11,000,000

**FINANCING:** 25% cash down payment, seller carried balance at 5.25% for one year, considered market terms

**UNIT PRICE:** \$188,259 per acre

**PROPERTY RIGHTS CONVEYED:** Fee Simple

**CONDITIONS OF SALE:** Arm's Length Transaction; Auction Sale

**VERIFICATION:** Inspection, press release, Greg Novak, ASLD, county records

**PRIOR SALES:** No prior sales within the last five years

**SITE DATA:**

**Shape/Dimensions:** Irregular

**Area:** 58.43 acres

**Topography/Cover:** Gently sloping, desert

**Zoning:** R1-35 ESL, residential, 35,000 SF min lot size, Scottsdale

**Frontage:** Pima Road and Los Gatos Drive

**Access:** Los Gatos Drive

**Utilities:** All to site; power and phone, municipal water and sewer

**Intended Use:** Single Family Development

**COMMENTS:** Two adjacent tracts of desert land in area of custom homes on large lots. No access from Pima Road. Intersection has a signal. Buyer will develop large lot subdivision.

**LAND SALE NO. 5**





**ALTA Commitment Form (6-17-06)  
COMMITMENT FOR TITLE  
INSURANCE**

**ISSUED BY  
WESTCOR LAND  
TITLE INSURANCE COMPANY**

Westcor Land Title Insurance Company, a California corporation ("Company"), for a valuable consideration, commits to issue its policy or policies of title insurance, as identified in Schedule A, in favor of the Proposed Insured named in Schedule A, as owner or mortgagee of the estate or interest in the land described or referred to in Schedule A, upon payment of the premiums and charges and compliance with the Requirements; all subject to the provisions of Schedules A and B and to the Conditions of this Commitment.

This Commitment shall be effective only when the identity of the Proposed Insured and the amount of the policy or policies committed for have been inserted in Schedule A by the Company.

All liability and obligation under this Commitment shall cease and terminate six (6) months after the Effective Date or when the policy or policies committed for shall issue, whichever first occurs, provided that the failure to issue the policy or policies is not the fault of the Company.

The Company will provide a sample of the policy form upon request.

IN WITNESS WHEREOF, WESTCOR LAND TITLE INSURANCE COMPANY has caused its corporate name and seal to be hereunto affixed and by these presents to be signed in facsimile under authority of its by-laws, effective as of the date of Commitment shown in Schedule A.

Issued By:

**Empire West Title Agency**  
4808 North 22nd Street, Ste #  
100  
Phoenix, AZ 85016  
Phone: 602-749-7000

**WESTCOR LAND TITLE INSURANCE  
COMPANY**

HOME OFFICE  
201 N. New York Avenue, Suite 200  
Winter Park, Florida 32789  
Telephone: (407) 629-5842



By: Mary O'Donnell  
President  
Attest: Patricia H. Power  
Secretary

**SCHEDULE A**

Address Reference: **Project: Cave Buttes Dam Excess / Proj #350.01.01 / order TR142-FCD / Item #H-2646-EX / APN 212-15-004A, 004B & 003A,**

1. Effective Date: **March 28, 2016 at 7:30 am**
2. Policy or Policies to be issued:
  - A. ALTA Owners 2006 Standard Coverage  
  
Proposed Insured: **TBD**
- 3A. The estate or interest in the land described in this Commitment and covered herein is **Fee** and title thereto is at the effective date hereof vested in:  
**Flood Control District of Maricopa County, a political subdivision of the State of Arizona**
- 3B. Title to the estate herein described upon issuance of the Policy shall be vested in:  
**TBD**
4. The land referred to in the Commitment is situate in the county of , State of **Unknown** and is described in the attached Exhibit "A".

Please direct all inquiries and correspondence to:  
Empire West Title Agency  
Escrow Officer: Sharon Dyke  
Phone: 602-749-7000  
Commitment

Empire West Title Agency, issuing agent for  
Westcor Land Title Insurance Company  
By: Chuck Kerkhoff  
Title Department

**EXHIBIT "A"**

**The North half of Section 10, Township 4 North, Range 3 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona.**

**Except the Northwest quarter of the Northwest quarter of said Section 10; and**

**Except the North 200 feet of the East 2600 feet of the Northeast quarter of said section 10; and**

**Except the West 33 feet of the Northwest quarter of the Southwest quarter of the Northwest quarter of said Section 10; and**

**Except the West 33 feet of the North half of the North half of Southwest quarter of the Southwest quarter of the Northwest quarter of said Section 10; and**

**Except that portion conveyed to the City of Phoenix in Deed recorded June 24, 2002 in Document No. 2002-640312, records of Maricopa County, Arizona**

**SCHEDULE B**  
**SECTION ONE - REQUIREMENTS**

Conditions to be met and instruments in insurable form which must be executed, delivered, and duly filed for record:

- 1. Furnish the names of parties to be insured herein and disposition of any matters disclosed thereby.**
- 2. Record Deed from Flood Control District of Maricopa County to To Come.**

**NOTE: See attached tax sheets for the following Parcel Numbers: 212-15-003A and 212-15-004A and 212-15-004B.**

**Chain of Title:**

**Deed recorded June 10, 1969 as Docket 7645, page 139.**

**Deed recorded June 10, 1969 as Docket 7645, page 141**

**Condemnation recorded October 19, 1971 in Docket 9015, page 809**

**Deed recorded June 8, 1977 in Docket 12261, page 1220**

**Deed recorded June 24, 2002 as Document No. 2002-640312 (exception from legal)**

**End of Schedule B Section I**

**SCHEDULE B  
SECTION TWO - EXCEPTIONS**

Schedule B of the policy or policies to be issued will contain exceptions to the following matters unless the same are disposed of to the satisfaction of the Company:

A. Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the public records or attaching subsequent to the Effective Date but prior to the date the proposed Insured acquires for value of record the estate or interest or mortgage thereon covered by this Commitment.

1. **(a) Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records; (b) Proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.**
2. **Any facts, rights, interests or claims which are not shown by the public records but which could be ascertained by an inspection of the land or which may be asserted by persons in possession of the land.**
3. **Easements, liens or encumbrances or claims thereof, which are not shown by the public records.**
4. **Any encroachments, encumbrance, violation, variation, or adverse circumstances affecting the Title that would be disclosed by an accurate and complete land survey of the Land and not shown by the public records.**
5. **(a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b) or (c) are shown by the public records.**
6. **Any lien, or right to a lien, for services, labor or material heretofore or hereafter furnished, imposed by law and not shown by the public records.**
7. **Taxes for the year 2016, a lien not yet due and payable.**
8. **An easement for electric lines and incidental purposes, recorded in Docket 37, page 333 of Official Records.**
9. **An easement for electric lines and poles and incidental purposes, recorded in Docket 37, page 332 of Official Records.**
10. **An easement for electric lines and poles and incidental purposes, recorded in Docket 168, page 57 of Official Records.**
11. **An easement for transmission lines and incidental purposes, recorded in Docket 4721, page 231 of Official Records.**
12. **All matters as set forth on map recorded in Book 120 of Maps, page 2**
13. **Roadway as set forth in document recorded in Docket 12239, page 240.**

14. **An easement for highway purposes and incidental purposes, recorded in Document no. Docket 12306, page 437 of Official Records.**
15. **The terms, conditions and provisions contained in the document entitled Intergovernmental Agreement recorded July 18, 1990 as Document No. 1990-321845 of Official Records.**
16. **All matters as set forth on map recorded in Book 494 of Maps, page 13**
17. **All matters as set forth on map recorded in Book 791 of Maps, page 41**
18. **An easement for pipeline and incidental purposes, recorded in Document no. 1986-259349 of Official Records.**
19. **An easement for roadway and incidental purposes, recorded in Document no. 1989-28873 and 1989-28875 of Official Records.**
20. **An easement for water line and incidental purposes, recorded in Document no. 1989-28874 and 1989-28876 of Official Records.**
21. **An easement for gas lines and incidental purposes, recorded in Document no. 2001-824686 of Official Records.**
22. **An easement for park and incidental purposes, recorded in Document no. 2002-640313 of Official Records.**
23. **An easement for sewer line and incidental purposes, recorded in Document no. 2006-422301 of Official Records.**
24. **All matters as set forth on Survey recorded in Book 1191 of Maps, page 4**

**End of Schedule B Section II**

## CONDITIONS

1. The term mortgage, when used herein, shall include deed of trust, trust deed, or other security instrument.
  2. If the proposed Insured has or acquired actual knowledge of any defect, lien, encumbrance, adverse claim or other matter affecting the estate or interest or mortgage thereon covered by this Commitment other than those shown in Schedule B hereof, and shall fail to disclose such knowledge to the Company in writing, the Company shall be relieved from liability for any loss or damage resulting from any act of reliance hereon to the extent the Company is prejudiced by failure to so disclose such knowledge. If the proposed Insured shall disclose such knowledge to the Company, or if the Company otherwise acquires actual knowledge of any such defect, lien, encumbrance, adverse claim or other matter, the Company at its option may amend Schedule B of this Commitment accordingly, but such amendment shall not relieve the Company from liability previously incurred pursuant to paragraph 3 of these Conditions.
  3. Liability of the Company under this Commitment shall be only to the named proposed Insured and such parties included under the definition of Insured in the form of policy or policies committed for and only for actual loss incurred in reliance hereon in undertaking in good faith (a) to comply with the requirements hereof, or (b) to eliminate exceptions shown in Schedule B, or (c) to acquire or create the estate or interest or mortgage thereon covered by this Commitment. In no event shall such liability exceed the amount stated in Schedule A for the policy or policies committed for and such liability is subject to the insuring provisions and Conditions and the Exclusions from Coverage of the form of policy or policies committed for in favor of the proposed Insured which are hereby incorporated by reference and are made a part of this Commitment except as expressly modified herein.
  4. This Commitment is a contract to issue one or more title insurance policies and is not an abstract of title or a report of the condition of title. Any action or actions or rights of action that the proposed Insured may have or may bring against the Company arising out of the status of the title to the estate or interest or the status of the mortgage thereon covered by this Commitment must be based on and are subject to the provisions of this Commitment.
  5. *The policy to be issued contains an arbitration clause. All arbitrable matters when the Amount of Insurance is \$2,000,000 or less shall be arbitrated at the option of either the Company or the Insured as the exclusive remedy of the parties. You may review a copy of the arbitration rules at <<http://www.alta.org/>>.*
- 

Any policy we issue will have the following exceptions unless they are taken care of to our satisfaction:

1. (a) Taxes or assessments that are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records; (b) proceedings by a public agency that may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.
2. Any facts, rights, interests, or claims that are not shown by the Public Records but that could be ascertained by an inspection of the Land or that may be asserted by persons in possession of the Land.
3. Easements, liens or encumbrances, or claims thereof, not shown by the Public Records.
4. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land and not shown by the Public Records.
5. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b), or (c) are shown by the Public Records.

The above exceptions will be eliminated from any ALTA Extended Coverage Policy, ALTA Plain Language Policy, ALTA Homeowner's Policy, ALTA Expanded Coverage Residential Loan policy and any short form versions

thereof. However, the same or similar exceptions may be made in Schedule B of those policies in conformity with Schedule B, Section Two, of this Commitment.

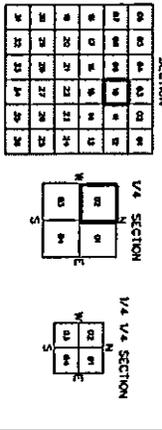
MARICOPA COUNTY  
OFFICIAL PARCEL MAP  
STATE OF ARIZONA

P.1. SECTION 10 T04N R03E

Map D - 781 - 10 - 02 - 00

LOCATOR GRID

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ASSESSOR RECORDS & MAPS WITHIN THIS AREA  
BOOK 212  
MAP 13

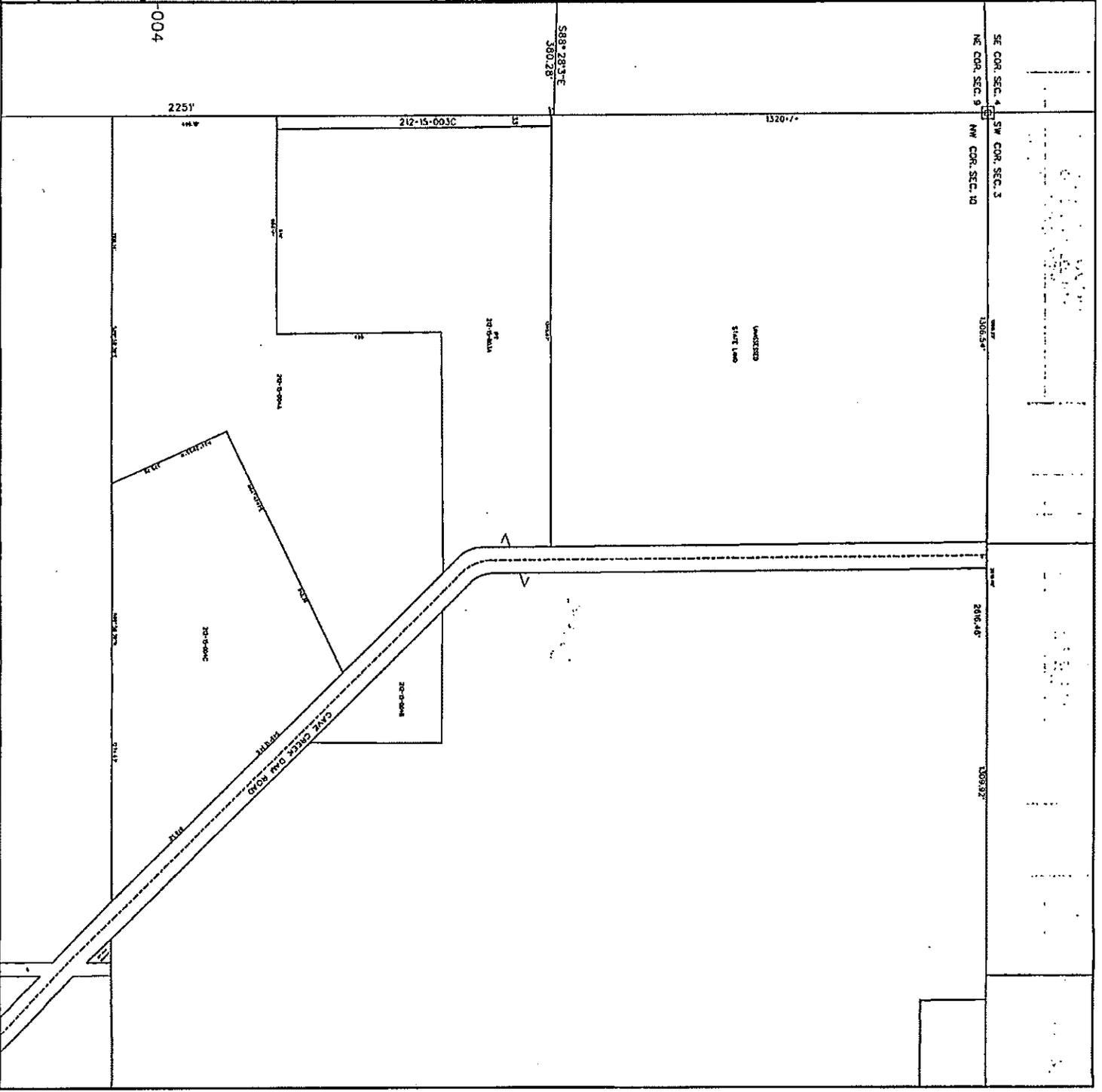
SUBDIVISIONS



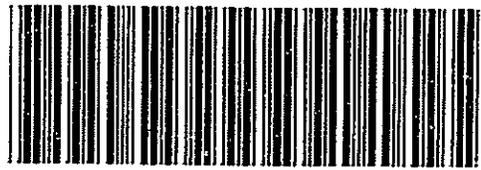
MARICOPA COUNTY ASSESSOR'S OFFICE  
301 W. JEFFERSON ST.  
PHOENIX, AZ 85003  
www.maricopa.gov/assessor

LEGEND

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OFFICIAL RECORDS OF  
MARICOPA COUNTY RECORDER  
HELEN PURCELL

95-0181166 04/03/95 08:39

TOMY 7 OF 8

AZ 1860-9  
(July 1994)

# The United States of America

To all to whom these presents shall come, Greeting:

*patent*

Section 209  
Arizona 17364

WHEREAS

Flood Control District  
of Maricopa County

is entitled to a patent pursuant to Section 209 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1719), for the mineral interests in the following described lands:

Gila and Salt River Meridian, Arizona

T. 4 N., R. 3 E.,  
sec. 3, N $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ , N $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ ;  
sec. 10, NE $\frac{1}{4}$  Except the North 200' of the East  
2600', E $\frac{1}{2}$ NW $\frac{1}{4}$ .

T. 5 N., R. 3 E.,  
sec. 33, lots 1, 2, 3, 4, East 1150' and the  
South 790' of the West 850' of the East  
2000' of the NE $\frac{1}{4}$ , East 600' of the North  
900' of the SW $\frac{1}{4}$ , W $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
sec. 34, lot 1, N $\frac{1}{2}$ , E $\frac{1}{2}$ SW $\frac{1}{4}$ , SW $\frac{1}{4}$ SW $\frac{1}{4}$ .

containing approximately 951 acres.

## 02-95-0018

Patent Number \_\_\_\_\_

AZ 1860-10  
(July 1994)

Arizona 17364  
Page 2

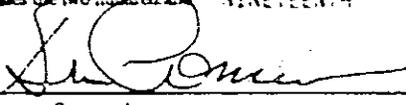
NOW KNOW YE, that there is, therefore, granted by the UNITED STATES unto said Flood Control District of Maricopa County, the interests owned by the United States in the land described above and heretofore reserved unto the United States in Patent Number 1168816, issued February 15, 1957; Patent Number 1173308, issued July 12, 1957; Patent Number 1091954, issued August 18, 1937; Patent Number 1129318, issued June 20, 1950; and Patent Number 1112479, issued November 5, 1941; TO HAVE AND TO HOLD the same, with all the rights, privileges, immunities, and appurtenances, of whatsoever nature, thereunto belonging unto said Flood Control District of Maricopa County, and its assigns, forever.



IN TESTIMONY WHEREOF, the undersigned authorized officer of the Bureau of Land Management in accordance with the provisions of the Act of June 17, 1948 (62 Stat. 476), has, in the name of the United States, caused these letters to be made Patent, and the Seal of the Bureau to be hereunto affixed.

GIVEN under my hand, in PHOENIX, ARIZONA  
the TWENTY-FOURTH day of MARCH  
in the year of our Lord one thousand nine hundred and  
NINETY-FIVE and of the Independence of the  
United States the two hundred and NINETEENTH

By

  
Bruce Conrad  
Associate State Director  
Arizona State Office

Patent Number

**02-95-0018**

Patent

of the first part, either in law or equity, in possession or expectancy to the only proper use, benefit and behoof of the said party of the second part, its successors and assigns forever.

IN WITNESS WHEREOF, the said party of the first part has hereunto caused its corporate name to be signed and its corporate seal to be affixed by its duly authorized officers the day and year first above written.

(CORPORATE SEAL)
(Consideration less than \$100.00. No revenue stamp required.)

PHOENIX TITLE AND TRUST COMPANY, Trustee (SEAL)
By M. L. Hartley, Vice-President (SEAL)
Attest: L. J. Taylor, Secretary. (SEAL)

State of Arizona,
County of Maricopa ss.

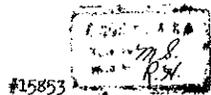
The within instrument was acknowledged before me Gordon Wallace a Notary Public, in and for the County of Maricopa, State of Arizona, this 16th day of March, 1938, by M. L. Hartley and L. J. Taylor, known to me to be the persons whose names are subscribed to the foregoing instrument as Vice-President and Secretary of Phoenix Title and Trust Company, and acknowledged to me that they executed the same for the said corporation as trustee, for purposes and consideration therein expressed, as its free act and deed, and by each of them voluntarily executed.

(SEAL)
My commission will expire March 23, 1940.

Gordon Wallace,
Notary Public.

Filed and recorded at request of Phoenix Title and Trust Co., Jun 21, 1938 at 9:00 A. M.

W. H. LINVILLE, County Recorder,
By Roger G. Laveen, Deputy.



#15853

igigigigigigigigigigigig

G. Phoenix 063736

421028
THE UNITED STATES OF AMERICA,

To all to whom these presents shall come, Greeting:

WHEREAS, a Certificate of the Register of the Land Office at Phoenix, Arizona, has been deposited in the General Land Office, whereby it appears that full payment has been made by the claimant Mary Agnes Rhodes according to the provisions of the Act of Congress approved March 3, 1877, entitled "An Act to provide for the sale of desert lands in certain States and Territories," as amended by the Act of March 3, 1891, for the

Southwest quarter of the northwest quarter of Section ten in Township four North of Range three east of the Gila and Salt River Meridian, Arizona, containing forty acres,

according to the Official Plat of the Survey of the said Land on file in the GENERAL LAND OFFICE.

NOW KNOW YE, That the UNITED STATES OF AMERICA, in consideration of the premises, and in conformity with the several Acts of Congress in such case made and provided, HAS GIVEN AND GRANTED, and by these presents DOES GIVE AND GRANT, unto the said claimant and to the heirs of the said claimant the Tract above described; TO HAVE AND TO HOLD the same, together with all the rights, privileges, immunities, and appurtenances, of whatsoever nature, thereunto belonging, unto the said claimant and to the heirs and assigns of the said claimant forever; subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws, and decisions of courts; and there is reserved from the lands hereby granted, a right of way thereon for ditches or canals constructed by the authority of the United States.

IN TESTIMONY WHEREOF, I, Franklin D. Roosevelt, President of the United States of America, have caused these letters to be made Patent, and the Seal of the General Land Office to be hereunto affixed.

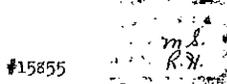
GIVEN under my hand, at the City of Washington, the Ninth day of July, in the year of our Lord one thousand nine hundred and Thirty-six, and of the Independence of the United States the one hundred and Sixty-first.

(SEAL)
RECORDED: Patent Number 1085013

By the President: Franklin D. Roosevelt
By Louise Polk Wilson, Secretary.
Evelyn S. Adams, Recorder of the General Land Office.

Filed and recorded at request of Mary Agnes Rhodes, Jun 21, 1938 at 9:00 A. M.

W. H. LINVILLE, County Recorder,
By Roger G. Laveen, Deputy.



#15855

igigigigigigigigigigigig

ADMINISTRATOR'S DEED

This indenture made this 15 day of April, 1937, between Stephen B. Rayburn, administrator of the estate of William C. Garrison, deceased, party of the first part, and Mary A. Rhodes, party of the second part:

WITNESSETH: That the Court, having made and entered an order authorizing and directing the party of the first part to execute a deed to the party of the second part, Now therefore, for and in consideration of the sum of One Dollar (\$1.00), and other valuable consideration, the party of the first part hereby releases, remises and quit-claims for himself, successors, and the estate of William C. Garrison, and his heirs forever all right, title, interest, and claim he or they may have in and to the following described real property situated in the County of Maricopa, State of Arizona, to-wit:

BEGINNING at the Southwest corner of the SE 1/4 of the NW 1/4 of Section 10, Township 4 North, Range 3 East of the G. & S. R. B. M., and running thence East along the South line thereof 1100 feet; thence in a Northwesterly direction 1548.6 Ft. to a point on the West line of the SE 1/4 of NW 1/4 of Section 10, which is 1090 feet North

Patent

23

County of Maricopa  
in the  
State of Arizona

THIS INSTRUMENT was acknowledged before on this 31 day of December 1937 by SCOTT L. ELLISON,

(SEAL)  
My commission will expire May 3, 1938.

W. E. Spotts,  
Notary Public.

County of Maricopa  
in the  
State of Arizona

Before me, the undersigned, a Notary Public in and for said state and county, on this 31st day of December, 1937, personally appeared Scott Ellison known to me to be the person whose name is subscribed to the foregoing instrument as Secretary and Treasurer of New Home Building Company, a corporation, and acknowledged to me that he had executed the same for said corporation and that he affixed the seal of said corporation thereto, being thereto duly authorized.

Given under my hand and seal of office this 31st day of December, 1937.

(SEAL)  
My commission will expire May 9, 1938.

W. E. Spotts,  
Notary Public.

Filed and recorded at request of Phoenix Title and Trust Co., Jan. 3, 1938, at 9:00 A. M.

W. H. LINVILLE, County Recorder,  
By Roger O. Lawson, Deputy.

#10

J Phoenix 0-3780

4-1007.

THE UNITED STATES OF AMERICA,  
So all to whom these presents shall come, Greeting:

WHEREAS, a Certificate of the Register of the Land Office at Phoenix, Arizona, has been deposited in the General Land Office, whereby it appears that, pursuant to the Act of Congress of May 20, 1862, "To Secure Homesteads to Actual Settlers on the Public Domain," and the acts supplemental thereto, the claim of William G. Garrison has been established and duly consummated, in conformity to law, for the northeast quarter and the east half of the northwest quarter of Section ten in Township four north of Range three east of the Gila and Salt River Meridian, Arizona, containing two hundred forty acres, according to the Official Plat of the Survey of the said Land, on file in the GENERAL LAND OFFICE:

NOW KNOW YE, That there is, therefore, granted by the UNITED STATES unto the said claimant the tract of Land above described; TO HAVE AND TO HOLD the said tract of Land, with the appurtenances thereof, unto the said claimant and to the heirs and assigns of the said claimant forever; subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws, and decisions of courts; and there is reserved from the Lands hereby granted, a right of way thereon for ditches and canals constructed by the authority of the United States, excepting and reserving, however, to the United States all the coal and other minerals in the lands so entered and patented, together with the right to prospect for, mine, and remove the same pursuant to the provisions and limitations of the Act of December 29, 1916 (39 Stat., 862).

IN TESTIMONY WHEREOF, I, Franklin D. Roosevelt, President of the United States of America, have caused these letters to be made Patent, and the seal of the General Land Office to be hereunto affixed.

GIVEN under my hand, at the City of Washington, the Eighteenth day of August in the year of our Lord one thousand nine hundred and Thirty-Seven and of the Independence of the United States the one hundred and Sixty-Second.

(SEAL)  
RECORDED: Patent Number 1091551

By the President: Franklin D. Roosevelt  
By Alice H. Grove, Assistant Secretary,  
R. S. Clinton, Acting Recorder of the General Land Office.

Filed and recorded at request of S. B. Rayburn, Jan. 4, 1938, at 4:07 P. M.

W. H. LINVILLE, County Recorder,  
By Roger O. Lawson, Deputy.

#162

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA  
IN AND FOR THE COUNTY OF MARICOPA.

In the Matter of the Estate of  
WILLIAM G. GARRISON, Deceased.

No. 11321  
SETTLEMENT OF FINAL ACCOUNT AND ORDER OF  
DISTRIBUTION

Stephen B. Rayburn, administrator of the above entitled Estate, having presented to this Court his verified First and Final Account and Petition for Distribution of the above Estate, and the matter coming on to be heard this 16th day of June, 1937, and legal notice having been given and no objections having been filed to said account and Petition, the Court finds said account to be correct and it appears to the Court that said Estate should be brought to a close and the petitioner discharged from further duty as administrator.

The Court further finds that the said William G. Garrison died intestate on or about the 5th day of December, 1935, and left surviving him one child, Mrs. W. T. Hudson, who is the only heir of said Deceased.

ORDERED, ADJUDGED, AND DECREED, that the hereinafter described property, being the whole of the Estate of said Deceased, be and the same is hereby distributed to Mrs. W. T. Hudson.



BOOK 87 PAGE 332  
P. 4743  
2-8-47

824 E. 2nd St. or

Schedule "B"

9

**EASEMENT FOR ELECTRIC LINE**

In consideration of One Dollar (\$1.00), the receipt of which is granted Central Arizona Light and Power Company, (hereinafter called and assigns, an easement to construct, operate and maintain electric lines and poles upon, across, over and under the surface of the following described premises situate in Maricopa County, Arizona:

The Southeast Quarter of Section 19, Township 4 North, Range 3 East of the Gila and Salt River Base and Meridian.

along the following described line on the said premises:

Beginning at a point on the south boundary line, approximately 931 feet west of the east boundary line, thence on a line bearing North 19° 32' West approximately 1,776 feet to a point, thence on a line bearing North 47° 57' West to a point on the north boundary line approximately 89 feet east of the west boundary line.

STATE OF ARIZONA  
County of Maricopa  
I hereby certify that the within instrument was filed and recorded in the office of the Recorder of Deeds for the County of Maricopa, Arizona, on this 6th day of August, 1947.  
M. H. Brock  
Recorder of Deeds

together with the rights to repair, replace, maintain and remove said lines and poles ~~and poles~~ from said premises, to trim or remove any trees or shrubs that in the judgment of the Company, may interfere with the construction or endanger the operation of said lines ~~and poles~~ ~~thereof~~, and to permit the attachment of the wires of any other Company to such poles. By accepting this easement the Company agrees to exercise reasonable care to avoid damage to said premises and all property that may at any time be thereon.

*Peter Henschel*

Dated 8-6-1947

WITNESS: *Merle Brock*

STATE OF ARIZONA }  
County of Maricopa } ss.

This instrument was acknowledged before me this 6th day of August, 1947 by *Peter Henschel*

WITNESS my hand and official seal the day and year in this written.  
My commission expires Jan. 9, 1951



11.1  
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20379

EASEMENT FOR ELECTRIC LINE AND

In consideration of One Dollar (\$1.00), the receipt of which is ~~granted~~ grant Central Arizona Light and Power Company, (hereinafter called "Company"), its successors and assigns, an easement to construct, operate and maintain electric lines and poles ~~across, over, upon, across, over and under the surface of the following described premises situate in Maricopa County, Arizona:~~

The Southeast Quarter of Section 10, Township 4 North, Range 3 East of the Gila and Salt River Base and Meridian.

along the following described line on the said premises:

Beginning at a point on the east boundary line, approximately 673 feet north of the south boundary line; thence on a line bearing North 68° West approximately 1100 feet to a point, thence on a line bearing North 48° West to a point on the west boundary line, approximately 96 feet south of the north boundary line.

together with the rights to repair, replace, maintain and remove said lines and poles ~~and to~~ from said premises, to trim or remove any trees or shrubs that in the judgment of the Company, may interfere with the construction or endanger the operation of said lines ~~and to~~ and to permit the attachment of the wires of any other Company to such poles. By accepting this easement the Company agrees to exercise reasonable care to avoid damage to said premises and all property that may at any time be thereon.

*Peter Henseheid*

Dated.....

WITNESS:

STATE OF ARIZONA

County of Maricopa

This instrument was acknowledged before me this 7<sup>th</sup> day of January, 1948

by Peter Henseheid

WITNESS my hand and official seal this 7<sup>th</sup> day of January, 1948 in this certificate above written.

My Commission Expires June 12, 1951

My commission expires:



*Ernest Griffin*  
Notary Public

STATE OF ARIZONA, County of Maricopa; No. 18727 ) ss.

I do hereby certify that the within instrument was ~~made and~~ recorded at request of CENTRAL ARIZ LIGHT & POWER CO on MAR 12 1948 at 4:45 N. Docket 168

Page 57 Records of Maricopa County, Arizona.

WITNESS my hand and official seal the day and year first above written.

2175

ROGER G. LAYDEN County Recorder,  
By William D. ... Deputy.

19630909\_DKT\_4721\_231\_1 Unofficial Document

STATE OF ARIZONA, County of Maricopa; ss. I do hereby certify that this instrument was filed and recorded at re-  
cord on SEP 9 1963-8:00 AM on SEP 9 1963-8:00 AM

Schedule "B"

11

Page 06-MISC 162907 Records of Maricopa County, Arizona.  
WITNESS my hand and official seal the day and year first above written.  
N. C. "KELLY" Notary Public

51-12

By [Signature] Deputy.

When recorded mail to:

FORM 02-0845

Salt River Project Agr. Imp. & Power Dist.  
P. O. Box 1980  
Phoenix, Arizona  
Re: Par. # 118, Attn: RIGHT OF WAY EASEMENT  
Dick Green

R/W No. Parcel #118 RWG

103,737 2

STEWART TITLE & TRUST OF PHOENIX  
STEWART TITLE & TRUST OF PHOENIX

PHOENIX TITLE AND TRUST COMPANY, AN ARIZONA CORPORATION, AS TRUSTEE

herein called the Grantor, for and in consideration of the sum of Ten Dollars and other valuable considerations paid by the SALT RIVER PROJECT AGRICULTURAL IMPROVEMENT AND POWER DISTRICT, a political subdivision of the State of Arizona, herein called the Grantee, the receipt of which is hereby acknowledged, do ES hereby grant and convey unto the Grantee, its successors and assigns, a right of way easement 230 feet in width, in, upon, over and across the lands hereinafter described, to erect, construct, reconstruct, replace, repair, maintain and use a line or lines of poles or steel towers and wires or cables suspended thereon and supported thereby, and underground conduits, cables, vaults and manholes, for the transmission and distribution of electricity, and for all other purposes connected therewith, and for telephone, signal and communication purposes, including guys, anchorages, crossarms, braces and all other appliances and fixtures for use in connection therewith, at such locations and elevations, upon, along, over and under the hereinafter described right of way as Grantee may now or hereafter deem convenient or necessary from time to time, together with the right of ingress thereto and egress therefrom, to and along said right of way. Grantee is hereby authorized to permit the attachment of wires, cables and facilities of others to the poles, towers or structures maintained by it pursuant to this easement.

The lands through and across which this right of way easement is granted are situated in the County of Maricopa, State of Arizona, and are particularly described as:

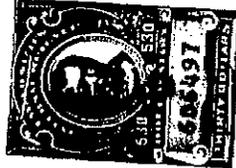
The South 230 feet of the Northeast Quarter of the Northwest Quarter of Section 10, Township 4 North, Range 3 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona,

ALSO:

The South 230 feet of the North Half of the Northeast Quarter of Section 10, Township 4 North, Range 3 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona.



34.65  
P.S.



Grantor shall not erect or construct or permit to be erected or constructed any building or other structure, plant any trees or drill any well, within the limits of said right of way.

Grantee shall have the right to erect, maintain and use gates in all fences which now cross or shall hereafter cross said right of way and to trim, cut and clear away trees or brush whenever in its judgment the same shall be necessary for the convenient and safe exercise of the rights hereby granted.

Grantor reserves the right to cultivate, use and occupy said premises for any purpose consistent with the rights and privileges above granted and which will not interfere with or endanger any of the equipment or other property of the Grantee or the use thereof.

In the event the Grantee permanently abandons said right of way, all Grantee's rights hereunder shall cease, except for the right to remove any and all property placed upon said right of way within a reasonable time subsequent to such abandonment.

The provisions hereof shall be binding upon the parties hereto and their respective heirs, executors, administrators, successors and assigns.

IN WITNESS WHEREOF, the PHOENIX TITLE AND TRUST COMPANY, as Trustee, has caused its corporate name to be signed and its corporate seal to be affixed by the undersigned officer thereunto duly authorized this 16th day of August, A.D., 1963.

PHOENIX TITLE AND TRUST COMPANY, as Trustee

By Vincent A. Pellerito  
Trust Officer

STATE OF ARIZONA  
County of Maricopa

Before me this 16th day of August, 1963, personally appeared VINCENT A. PELLERITO who acknowledged himself to be a Trust Officer of the PHOENIX TITLE AND TRUST COMPANY and that he as such officer, being authorized so to do, executed the foregoing instrument for the purposes therein contained by signing the name of the corporation as Trustee, by himself as such officer.

My Commission will expire: 4/2/64  
Form 209-126

DKT 4721 PAGE 231

Helen Ware  
Notary Public

ht



# County of Maricopa

State of Arizona

Schedule "B" 13

## Office of the Clerk

DKT 12239P60240

State of Arizona }  
County of Maricopa } ss.

*I, Rhea Woodall, Clerk of the Board of Supervisors do hereby Certify That* the following is a true and correct extract from the minutes of the Board of Supervisors' meeting held May 23, 1977:

ROAD DECLARED (ROAD FILE NO. 2540)

(Attached)

*In Witness Whereof, I have hereunto set my hand and affixed the Official Seal of the Board of Supervisors. Done at Phoenix, the County Seat this 24th day of May, 1977 A.D.*

- County Recorder ✓
- County Engineer
- County Assessor
- County Planning (2)
- File

*Rhea Woodall*  
Clerk of the Board of Supervisors

ROAD DECLARED (ROAD FILE NO. 2540)

Upon motion and by unanimous vote the following resolution was passed and adopted:

WHEREAS, on the 15th day of April, 1977, the County Engineer and others filed with the Board of Supervisors of Maricopa County, Arizona, a petition praying the Board to establish, open and declare as a county highway the following described lines, to-wit:

A roadway of a width consistent with the right-of-way through Sections Fifteen (15) and Ten (10), Township Four (4) North, Range Three (3) East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, from Engineers Highway Station 54 + 07.64 to Engineers Highway Station 0 + 07.74 as shown in the Survey of Cave Buttes Detention Basin in Book 120 of Maps, page 3, M.C.R.

More commonly known as CAVE CREEK DAM ROAD from Cave Creek Road north-westerly to Engineers Station 54 + 07.64.

and,

WHEREAS, the day and hour set by the Board for a public hearing on said petition has arrived, and notice of said hearing has been given to the public by advertising once a week for two consecutive weeks in the Arizona Weekly Gazette; and

WHEREAS, no objections to the establishment, opening and declaration of said highway have been filed; and

WHEREAS, the Board believes that the granting of said petition and the establishment, opening and declaration of the highway, as prayed for in said petition, are for the best interests of Maricopa County, and said highway is a public necessity; NOW, THEREFORE,

BE IT RESOLVED that there is hereby established, opened and declared a county highway, more fully set forth hereinabove, and the County Engineer is hereby directed to make a plat of the survey of said highway and cause the same to be recorded in the Office of the County Recorder of Maricopa County as provided by law.

BE IT FURTHER RESOLVED that the Board accept any right-of-way or property donated to the State or County for said highway.

BE IT FURTHER RESOLVED that the County Engineer be directed and authorized, and he is hereby so directed and authorized, to negotiate with owners of all parcels of private property required for the right-of-way of said public highway with the view of obtaining for Maricopa County said private property, subject to the ratification and approval of this Board.

BE IT FURTHER RESOLVED that the County Attorney be directed and authorized, and he is hereby directed and authorized, to initiate and prosecute actions and proceedings in the manner required by law to condemn all property required for right-of-way which cannot be obtained by donation or purchase.

DATED this 23rd day of May, 1977.

STATE OF ARIZONA }  
County of Maricopa } ss

I hereby certify that the within instrument was filed and recorded at request of

MARICOPA CO. BD. OF SUPERVISORS

MAY 25 1977 -2 00

in Book of 12239  
on page 240-241  
Witness my hand and official seal the day and year aforesaid.

Tom Tractone

County Recorder

By Lorena C. Brown  
Deputy Recorder

M/C

JUL 7 1977 - 24

DK112306PE04.37

Recorded at Request of Board of Supervisors

hereby certify that the within named instrument was recorded at the request of

Recorded at Request of Board of Supervisors

MARICOPA CO. BO OF

JRS

BOOKED 2306PAG.

4 39 1977 JUL 23 5 3 32

191-129

Records of Maricopa County, Arizona. WITNESS my hand and official seal the day and year aforesaid.

Rec: 1977-507 (25)

TOM FREESTONE

By: *[Signature]* Deputy Recorder

When recorded return to: MARICOPA COUNTY BOARD OF SUPERVISORS

Schedule "B"

14

EASEMENT AND AGREEMENT FOR HIGHWAY PURPOSES

Project No. 79100, Cave Creek Dam Road (+806-07, FCB-1)

Map No H-1644, 2645, 2646

FLOOD CONTROL DISTRICT OF MARICOPA COUNTY, a political subdivision

of the State of Arizona.

GRANT-465

for the purpose of the right of One Dollar and four cents... to be used for the purpose of the right of One Dollar and four cents...

For legal description see EXHIBIT "A" attached hereto.

To have and to hold the same easement... of the State of Arizona...

that may hereafter grow upon the same described premises... to prevent the same...

In the event the easement... shall cease and revert to the grantor, then heirs or assigns...

Wherever in this agreement... the plural is used, it will extend to singular when necessary...

NOW THEREFORE, in consideration of the same and further consideration hereinafter set forth, it is agreed that this instrument contains the entire agreement between the parties hereto there being no further consideration paid than herein specified.

THE COUNTY OF MARICOPA AGREES.

A. To use the above described land for the general welfare and benefit of the public

THE GRANTOR AGREES

To grant on easement for the above described land to the County of Maricopa for the general welfare and benefit of the public

Dated this 20th day of June 1917

ATTEST:
Clerk of LSL Board

BOARD OF DIRECTORS
FLOOD CONTROL DISTRICT OF MARICOPA COUNTY
Chairman of the Board

STATE OF ARIZONA

RECOMMENDED FOR APPROVAL

COUNTY OF MARICOPA

Chief Engineer & Gen. Insp.
Flood Control District

Subscribed and sworn to before me this 20th day of June 1917

My commission expires Aug. 8, 1919
Notary Public

Recommended for approval
Right of Way Agent

County Engineer

ACCEPTED
MARICOPA COUNTY BOARD OF SUPERVISORS

Chairman of the Board

Clerk of Board of Supervisors

Date

EXHIBIT "A"

Project #79100, Cave Creek Dam Road  
(4806-07, R.D-5)  
Tracts R-2644, 2643 and 2646

LEGAL DESCRIPTION

Portions of Section Ten(10), Township Four(4) North, Range Three(3)  
East of the Gila and Salt River Base and Meridian, Maricopa County,  
Arizona more particularly described as follows:



(1) The West Eighty(80) feet of the Northeast one-quarter of the  
Northwest one-quarter( $NE\frac{1}{4}$  of  $NW\frac{1}{4}$ ), and the West Eighty(80) feet of  
the North one-half of the Northwest one-quarter of the Southeast one-  
quarter of the Northwest one-quarter( $N\frac{1}{2}$  of  $NW\frac{1}{4}$  of  $SE\frac{1}{4}$  of  $NW\frac{1}{4}$ ), all in  
said Section 10.

(2) The South Eighty(80) feet of that portion of the Southeast one-  
quarter of the Southeast one-quarter of the Northwest one-quarter  
( $SE\frac{1}{4}$  of  $SE\frac{1}{4}$  of  $NW\frac{1}{4}$ ) of said Section 10 lying Easterly of the Cave  
Creek Dam Road as shown in Book 119 of Maps, pages 49 and 50 and also  
in Book 120 of Maps, pages 1, 2 and 3, all in M.C.R.

(3) A strip of land Eighty(80) feet wide lying forty(40) feet on each  
side of the survey line of Cave Creek Dam Road beginning at Engineers  
Highway Station 62+57.69 and ending at Engineers Highway Station 76+77.57  
as shown in Book of Maps 119, pages 49 and 50 and also in Book of Maps  
120, pages 1, 2 and 3, all in M.C.R.

(4) The South Eighty(80) feet of the West 80 feet of the Southwest one-  
quarter of the Southwest one-quarter of the Northeast one-quarter( $SW\frac{1}{4}$   
of  $SW\frac{1}{4}$  of  $NE\frac{1}{4}$ ) of said Section 10.

(5) That part of the West Eighty(80) feet of the Northwest one-quarter  
of the Northwest one-quarter of the Southeast one-quarter( $W\frac{1}{2}$  of  $NW\frac{1}{4}$  of  
 $SE\frac{1}{4}$ ) of said Section 10 lying Northerly of the Cave Creek Dam Road as  
shown in Book 119 of Maps, pages 49 and 50 and also in Book 120 of Maps,  
pages 1, 2 and 3, all in M.C.R.

(6) A strip of land Eighty(80) feet wide, lying forty(40) feet on each  
side of the survey line of Cave Creek Dam Road beginning at Engineers  
Highway Station 54+07.04 and ending at Engineers Highway Station 58+96.68  
as shown in Book 119 of Maps, pages 49 and 50 and also in Book 120 of  
Maps, pages 1, 2 and 3, all in M.C.R.

The side lines of the strips of land described as beginning and ending  
at Engineers Highway Stations herein are hereby lengthened or shortened  
to and on the fractional section lines and property lines on which said  
Engineers Highway Stations are shown.

CS9010-11

424  
52871

RECORDED IN OFFICIAL RECORDS  
OF MARICOPA COUNTY, ARIZONA  
JUL 18 '90 4 00  
HELEN PURCELL, County Recorder  
FEE N-C PGS 5 AA

When Recorded Return to:  
Flood Control District  
3335 West Durango  
Phoenix, Arizona 85009

20 321845

INTERGOVERNMENTAL AGREEMENT  
PERIPHERAL PLANNING AREAS C & D,  
DRAINAGE STUDIES AND AERIAL MAPPING  
IGA FCD-88021

AGREEMENT (XG)

This Agreement is entered into between the Flood Control District of Maricopa County, a municipal corporation and political subdivision of the State of Arizona, hereinafter called the DISTRICT, and the City of Phoenix, a municipal corporation, hereinafter called PHOENIX.

This Agreement shall become effective as of the date it is filed with the Maricopa County Recorder pursuant to Arizona Revised Statutes 11-952, as amended. DATE FILED WITH THE MARICOPA COUNTY RECORDER \_\_\_\_\_

STATUTORY AUTHORIZATION

1. The DISTRICT is empowered by Arizona Revised Statutes 48-3803 to enter into this Agreement.
2. PHOENIX is empowered by Arizona Revised Statutes 11-952 and Chapter II, Section 2 of the PHOENIX City Charter to enter into this Agreement.

BACKGROUND

3. PHOENIX has developed a General Plan, dated October 1987, for Peripheral Areas C and D. This is an area of approximately 111 square miles bounded roughly by Carefree Highway on the north, Scottsdale Road on the east, Jomax Road and the Central Arizona Project Canal on the south, and 67th Avenue on the west, see Exhibit A. The purpose of the General Plan is to serve as a guide for community growth and as a directive to the City as to development opportunities in the area.

4. It is proposed that the DISTRICT and PHOENIX cost share in drainage studies and aerial mapping of this area. Approximately 52 percent of the area is within the jurisdictional control of PHOENIX, and approximately 48 percent is within the jurisdictional control of the County.

5. The drainage study costs for Peripheral Planning Areas C & D are estimated to be \$212,000. It is proposed that the DISTRICT fund \$80,000 and Phoenix fund the remainder of the drainage study costs at an estimated cost of \$132,000.

6. The aerial mapping costs for Peripheral Planning Areas C & D are estimated to be \$400,000. It is proposed that the DISTRICT contribute \$200,000 and PHOENIX fund the remainder of the aerial mapping costs at an estimated cost of \$200,000.

90 321845

PURPOSE OF THE AGREEMENT

7. The purpose of this Agreement is to define the responsibilities of the DISTRICT and PHOENIX for cost sharing in drainage studies and aerial mapping for the Peripheral Planning Areas C & D.

TERMS OF AGREEMENT

8. PHOENIX agrees to the following:

8.1. Fund the drainage study costs for Peripheral Planning Areas C & D, except for \$80,000 which will be contributed by the DISTRICT. The estimated cost to PHOENIX is \$132,000.

8.2. Fund the aerial mapping costs for Peripheral Planning Areas C & D, except for \$200,000 which will be contributed by the DISTRICT. The estimated cost to PHOENIX is \$200,000.

8.2. Contract with consulting engineers for the drainage studies and aerial mapping, serve as the lead agency and primary contact for the consulting engineers, and pay the invoices of the consulting engineers.

8.3. Submit the drainage studies and aerial mapping to the DISTRICT for review and approval.

9. The DISTRICT agrees to the following:

9.1. To contribute \$80,000 to PHOENIX for the drainage study costs.

9.2. To contribute \$200,000 to PHOENIX for the aerial mapping studies.

9.3. Participate in progress meetings with PHOENIX and the consulting engineers and review all study products.

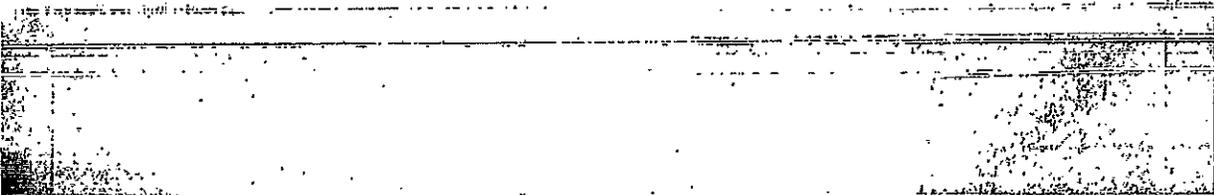
9.4. Pay approved billings of PHOENIX within 45 days of receipt.

10. Final approval and acceptance of the drainage studies and aerial mapping shall be the joint responsibility of the DISTRICT and PHOENIX.

11. This Agreement shall expire upon approval and acceptance of the work of the consulting engineers by both the DISTRICT and PHOENIX and reimbursement of PHOENIX by the DISTRICT; except that, upon mutual written agreement of both parties, this Agreement may be amended or terminated.

12. All documents and studies which are prepared in the performance of this Agreement are to be and remain the joint property of the DISTRICT and PHOENIX; however, PHOENIX may retain the original drawings but upon request shall furnish the DISTRICT any and all necessary copies.

13. Attached to this Agreement are copies of appropriate action by ordinance, resolution or otherwise authorizing the respective parties to enter into this Agreement.



9

90 321845

14. All parties hereto acknowledge that this Agreement is subject to cancellation by either party pursuant to the provisions of Section 38-511, Arizona Revised Statutes.

FLOOD CONTROL DISTRICT OF MARICOPA COUNTY

Recommended by:

D. E. Sagramoso 7-12-89  
D. E. Sagramoso, P. E. Date  
Chief Engineer and General Manager

Approved and Accepted:

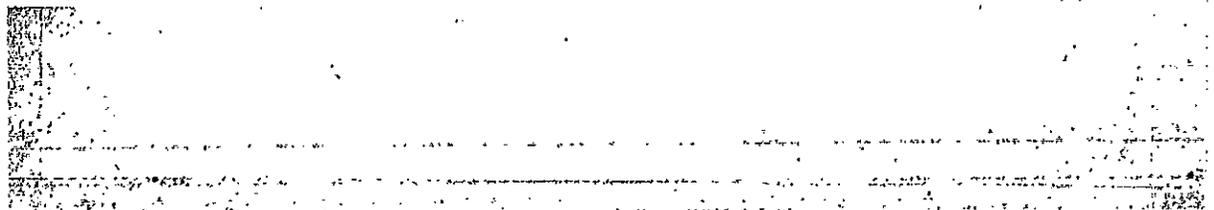
By: Fred Kooyi  
Chairman, Board of Directors

Attest:

By: Cheri Pennington AUG 01 1989  
Clerk of the Board Date

This Intergovernmental Agreement has been reviewed pursuant to Arizona Revised Statutes 11-952, as amended, by the undersigned General Counsel, who has determined that it is in proper form and within the powers and authority granted to the Flood Control District of Maricopa County under the laws of the State of Arizona.

Julie M. Simmons 7/13/89  
General Counsel Date



90 321845

CITY OF PHOENIX

Marvin A. Andrews, City Manager

By: Shirley L. Stuller  
Deputy City Manager

ATTEST:

By: Vicky Muel  
City Clerk

The foregoing Intergovernmental Agreement has been reviewed pursuant to Arizona Revised Statutes 11-952, as amended, by the undersigned attorney who has determined that it is in proper form and within the power and authority granted to the City of Phoenix under the laws of the State of Arizona.

ACTING City Attorney [Signature] 4-25-77 Date

FLOOD CONTROL DISTRICT OF MARICOPA COUNTY  
**AGENDA INFORMATION FORM**

**FILE**

90 321845

Contract/Lease for  NEW  RENEWAL  AMENDMENT  CANCELLATION  
(for existing record Encumbrance No. below)

LOW ORG. NO. 6900 DEPARTMENT: Flood Control District CONTROL NUMBER: FCD-990

ENCUMBRANCE NO. CS901011 AGENCY: Public Works CONTROL NUMBER: PW-990

**1. BRIEF DESCRIPTION OF PROPOSAL AND REQUESTED BOARD ACTION:** It is proposed that the District and Phoenix cost share in drainage studies and aerial mapping for an area in the northeast part of the Valley which is about 52 percent in Phoenix and about 48 percent in the County. This area has been designated in Phoenix's General Plan as Peripheral Areas C and D. The concept is that the District will reimburse Phoenix \$80,000 of the estimated \$212,000 costs of the drainage study and \$200,000 of the estimated \$400,000 costs of the aerial mapping. Phoenix will be the contracting agency and pay any additional costs.

The study area is approximately 111 square miles bounded roughly by Carefree Highway on the north, Scottsdale Road on the east, Jomax Road and the Central Arizona Project Canal on the south, and 67th Avenue on the west.

**2. Compliance with Maricopa County Procurement Code** N/A N/A  
article paragraph  
*Daniel M. Branch*  
Procurement Officer

**3. CONTINUED FROM MEETING OF DISCUSSED IN MEETING OF**  
**4.  THIS DEPARTMENT WILL CAUSE PUBLICATION  CLERK OF THE BOARD TO CAUSE PUBLICATION**

**5. MOTION:** It is moved that the Flood Control District of Maricopa County Board of Directors... approve Intergovernmental Agreement FCD-88021 with the City of Phoenix for Drainage Studies and Aerial Mapping of areas designated in Phoenix's General Plan as Peripheral Planning Areas C & D. The District costs are \$280,000.

**6. FINANCIAL:**  Expenditure  Revenue  Budgeted  Contingency  Budget Amendment  Transfer  Grant or other  
IGA  
\$ 280,000 Flood Control  
Total Fund  
*Ray O. Smith* 7-18-89  
Fiscal Officer Date

**7. PERSONNEL:**  
 Personnel Director \_\_\_\_\_ Date \_\_\_\_\_

**8. FLOOD CONTROL DISTRICT:**  
*R. Reganoto* 7-12-89  
Action Recommended by Date

**9. MATERIALS MANAGEMENT:**  
 A. Materials Management Director \_\_\_\_\_ Date \_\_\_\_\_  
 B. W-AGE Representative \_\_\_\_\_ Date \_\_\_\_\_

**10. LEGAL:** Applied as to form and within the powers and authority granted under the laws of the state of Arizona to the Flood Control District of Maricopa County Board of Directors  
*John M. Emerson* 7/13/89  
General Counsel Date

**11. INFORMATION SYSTEMS:**  
 FISC \_\_\_\_\_ Date \_\_\_\_\_

**12. APPROVED FOR AGENDA:**  
*Paul W. Spawey* 7/17  
Approving Officer Date

**13. OTHER:**  
*Paul W. Spawey* \_\_\_\_\_ Date \_\_\_\_\_  
Signature

**15. RECOMMENDATION OF COUNTY MANAGER:**  
 Approve  Disapprove  
 Comments: \_\_\_\_\_

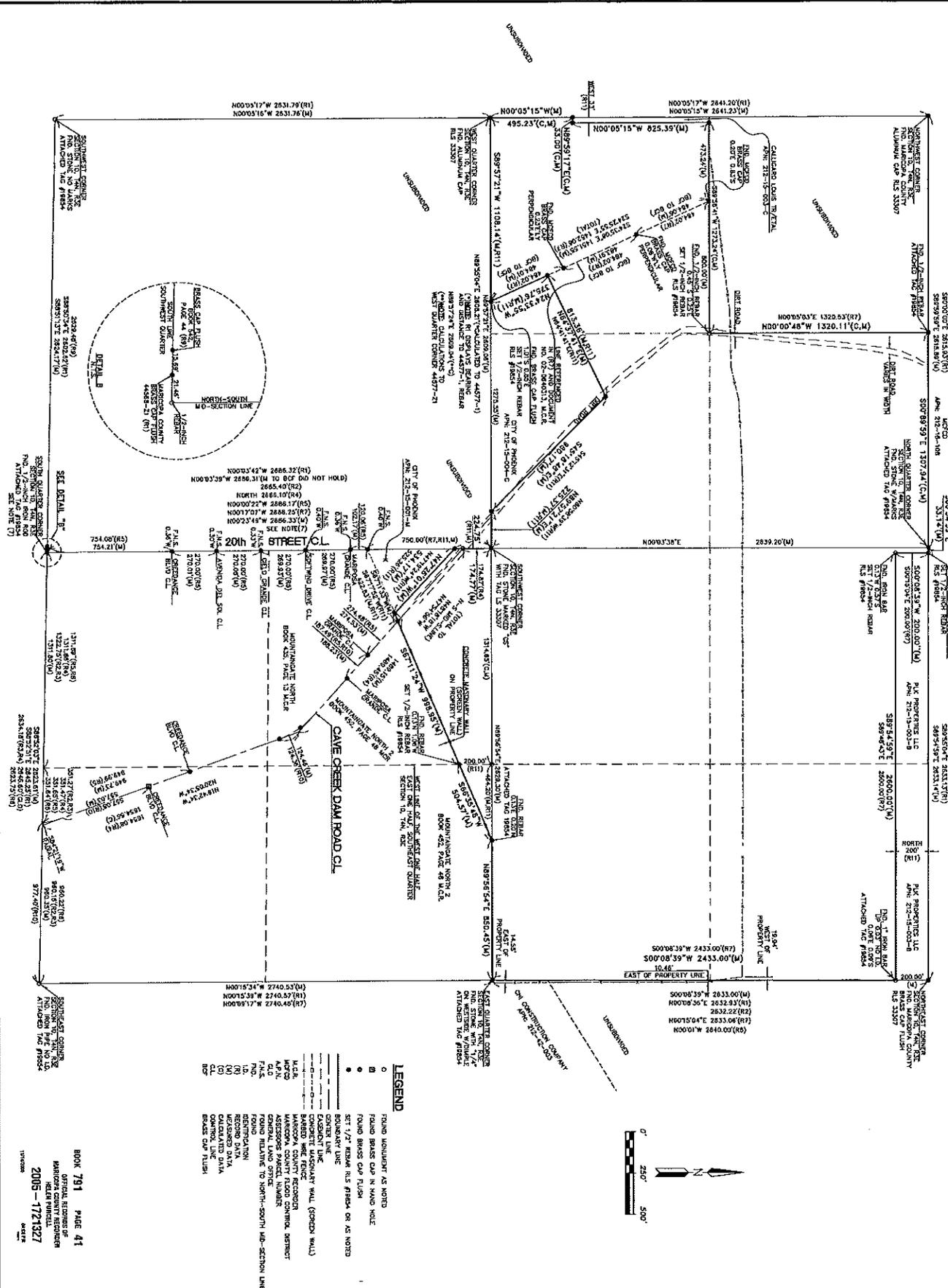
**14. BOARD OF DIRECTORS: Action taken:**  
 Approved  Amended  Disapproved  Deleted  
 Continued to: \_\_\_\_\_  
*Cheri K. Smith* 01 1989  
Clerk of the Board Date

*Paul W. Spawey* 7/17  
County Manager Date

8900-012 R3-89







SHEET # 02 OF 02	RECORD OF SURVEY PCN 350.0101 PCD PARCEL NO. H-2846-EX	REVISIONS	RECORD OF SURVEY EXCESS LAND ALTA SURVEY			PROJECT DESIGN CONSULTANTS Providing Land Survey and Professional Engineering Services PHOENIX, ARIZONA	DRAWN BY: K. MADRICH CHECKED BY: R. DODDGE PROJECT # PDC
	CONTRACT NO. 2004C015 ASSIGNMENT NO. 2						
SCALE: 1" = 250'	DATE: 4/1/05						
PROJECT # 282006							

370

Document  
Tracer

RW 850328 47A

EASEMENT

86.259319

The Flood Control District of Maricopa County, a Municipal Corporation and Political Subdivision of the State of Arizona Grantor for and in consideration of twenty one thousand five hundred dollars (\$21,500), in hand paid by the Grantee, the receipt whereof is hereby acknowledged, hereby grants, bargains and conveys unto EL PASO NATURAL GAS CORPORATION, P.O. Box 1630, Phoenix, Arizona, 85081, Grantee, its associated and allied companies, its and their respective successors and agents, an easement to relocate a pipeline on the following described land which the Grantor owns or in which the Grantor has any interest, to wit:

The subject comprises a 40-foot-wide parcel, 3,887.5 feet in length, extending 414.8 feet in a northeasterly direction from a point 30 feet east of Cave Creek Dam Road, thence 3,472.7 feet in an easterly direction to its terminus. All dimensions are per El Paso Natural Gas Company Survey Drawing No. 2223.D-3, revision A, dated August 1985, Right-of-Way No. 850358. As Specified in Exhibit A.

This easement lies between Salt River Project Tower No. 173 and Tower No. 179.

The subject parcel is, reportedly, legally described as:

A portion of the South 230 feet of the Northeast 1/4, Northwest 1/4, Section 10, Township 4 North, Range 3 East of the Gila and Salt River Base and Meridian, and the North 40 feet of the South 230 feet of the North 1/2, Northeast 1/4, Section 10, Township 4 North, Range 3 East of the Gila and Salt River Base and Meridian.

This parcel contains an area calculated at 155,500 square feet, or 3.57 acres.

To operate, repair, replace and maintain the pipeline. EL PASO NATURAL GAS CORPORATION AGREES TO MAINTAIN the area of the easement in accordance with surrounding landscaping and keep the area free of weeds and debris. The Flood Control District of Maricopa County shall have the right to construct and erect fences within the lineals of said easement in a manner which will not unreasonably interfere with El Paso Natural Gas Corporation's, right of access to its lines and/or facility.

By accepting this easement, the Company agrees to exercise reasonable care to avoid damage to said premises and all property that may at any time be thereon. In the event damage occurs to property or existing structure, El Paso Natural Gas Corporation will accept responsibility to repair and restore to original condition.

REG. NO. 65535

RECORDED IN OFFICIAL RECORDS  
OF MARICOPA COUNTY, ARIZONA  
MAY 27 '86 - 1200  
KEYED FOR INDEXING  
FEE \$500  
WSS 4 I.G.

86 259349

FLOOD CONTROL DISTRICT OF MARICOPA COUNTY

Recommended for Approval

Accepted and Approved

[Signature]  
D. E. Segrando, P.E. Date 5-2-86  
Chief Engineer and General Manager

By [Signature]  
Title: Chairman, Board of Directors

[Signature]  
Edward D. Opatosh Date  
Chief, Land Management Division

STATE OF ARIZONA )  
COUNTY OF MARICOPA ) ss.

The foregoing instrument was acknowledged before me this 5th day  
of May, 1986, by George Campbell

[Signature]  
Notary Public  
10-12-88  
My Commission Expires

ACCEPTANCE OF EASEMENT

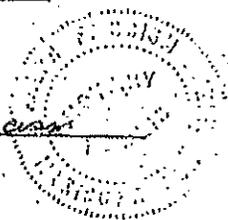
NATURAL  
FOR EL PASO GAS CORPORATION

[Signature]

SUBSCRIBED AND SWORN TO BEFORE me this 15<sup>th</sup> day of May, 1986  
by Jerry F. Savage

July 24, 1986  
My Commission Expires

[Signature]  
Notary Public

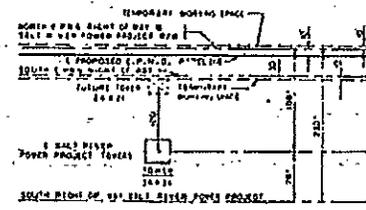
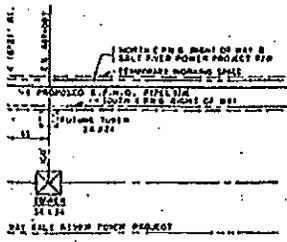
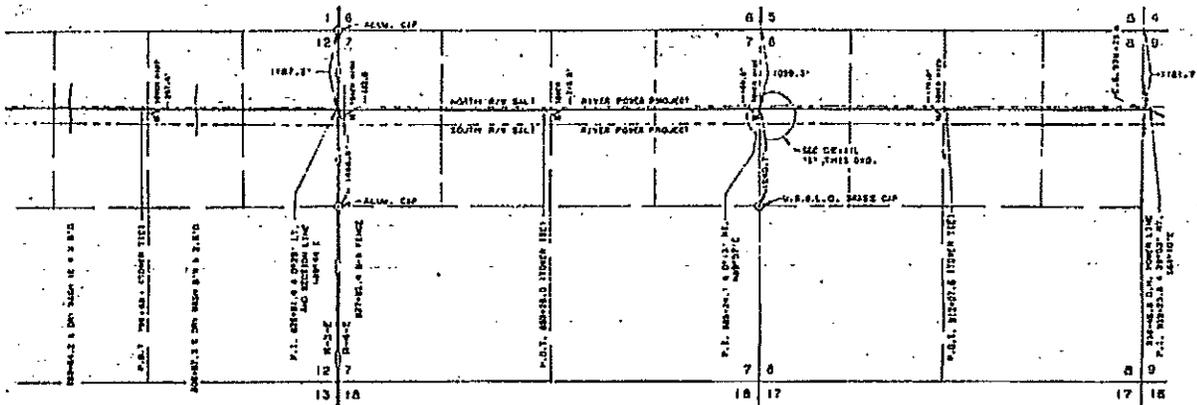




T A

86 259349

STATE OF ARIZONA  
1310.000 ROADS



NOTE: ALL STATE CENTER LINE WORKS SHALL BE DONE IN CONFORMANCE WITH THE ARIZONA ROAD AND BRIDGE ACT, CHAPTER 10, ARTICLE 1, SECTION 10-101.

RIGHT OF WAY DETAIL 12' LINE  
SCALE 1" = 100'-0"

R/P NO. 850538

NO.	DATE	DESCRIPTION	BY	CHECKED	DATE
1	10/15/78	PREPARED FOR CONSTRUCTION	J. B. [unclear]	[unclear]	10/15/78
2	11/15/78	REVISED FOR CONSTRUCTION	J. B. [unclear]	[unclear]	11/15/78
3	12/15/78	REVISED FOR CONSTRUCTION	J. B. [unclear]	[unclear]	12/15/78
4	01/15/79	REVISED FOR CONSTRUCTION	J. B. [unclear]	[unclear]	01/15/79
5	02/15/79	REVISED FOR CONSTRUCTION	J. B. [unclear]	[unclear]	02/15/79
6	03/15/79	REVISED FOR CONSTRUCTION	J. B. [unclear]	[unclear]	03/15/79
7	04/15/79	REVISED FOR CONSTRUCTION	J. B. [unclear]	[unclear]	04/15/79
8	05/15/79	REVISED FOR CONSTRUCTION	J. B. [unclear]	[unclear]	05/15/79
9	06/15/79	REVISED FOR CONSTRUCTION	J. B. [unclear]	[unclear]	06/15/79
10	07/15/79	REVISED FOR CONSTRUCTION	J. B. [unclear]	[unclear]	07/15/79
11	08/15/79	REVISED FOR CONSTRUCTION	J. B. [unclear]	[unclear]	08/15/79
12	09/15/79	REVISED FOR CONSTRUCTION	J. B. [unclear]	[unclear]	09/15/79
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43	04/15/82	REVISED FOR CONSTRUCTION	J. B. [unclear]	[unclear]	04/15/82
44	05/15/82	REVISED FOR CONSTRUCTION	J. B. [unclear]	[unclear]	05/15/82
45	06/15/82	REVISED FOR CONSTRUCTION	J. B. [unclear]	[unclear]	06/15/82
46	07/15/82	REVISED FOR CONSTRUCTION	J. B. [unclear]	[unclear]	07/15/82
47	08/15/82	REVISED FOR CONSTRUCTION	J. B. [unclear]	[unclear]	08/15/82
48	09/15/82	REVISED FOR CONSTRUCTION	J. B. [unclear]	[unclear]	09/15/82
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51	12/15/82	REVISED FOR CONSTRUCTION	J. B. [unclear]	[unclear]	12/15/82
52	01/15/83	REVISED FOR CONSTRUCTION	J. B. [unclear]	[unclear]	01/15/83
53	02/15/83	REVISED FOR CONSTRUCTION	J. B. [unclear]	[unclear]	02/15/83
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56	05/15/83	REVISED FOR CONSTRUCTION	J. B. [unclear]	[unclear]	05/15/83
57	06/15/83	REVISED FOR CONSTRUCTION	J. B. [unclear]	[unclear]	06/15/83
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64	01/15/84	REVISED FOR CONSTRUCTION	J. B. [unclear]	[unclear]	01/15/84
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66	03/15/84	REVISED FOR CONSTRUCTION	J. B. [unclear]	[unclear]	03/15/84
67	04/15/84	REVISED FOR CONSTRUCTION	J. B. [unclear]	[unclear]	04/15/84
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72	09/15/84	REVISED FOR CONSTRUCTION	J. B. [unclear]	[unclear]	09/15/84
73	10/15/84	REVISED FOR CONSTRUCTION	J. B. [unclear]	[unclear]	10/15/84
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76	01/15/85	REVISED FOR CONSTRUCTION	J. B. [unclear]	[unclear]	01/15/85
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79	04/15/85	REVISED FOR CONSTRUCTION	J. B. [unclear]	[unclear]	04/15/85
80	05/15/85	REVISED FOR CONSTRUCTION	J. B. [unclear]	[unclear]	05/15/85
81	06/15/85	REVISED FOR CONSTRUCTION	J. B. [unclear]	[unclear]	06/15/85
82	07/15/85	REVISED FOR CONSTRUCTION	J. B. [unclear]	[unclear]	07/15/85
83	08/15/85	REVISED FOR CONSTRUCTION	J. B. [unclear]	[unclear]	08/15/85
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85	10/15/85	REVISED FOR CONSTRUCTION	J. B. [unclear]	[unclear]	10/15/85
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89	02/15/86	REVISED FOR CONSTRUCTION	J. B. [unclear]	[unclear]	02/15/86
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91	04/15/86	REVISED FOR CONSTRUCTION	J. B. [unclear]	[unclear]	04/15/86
92	05/15/86	REVISED FOR CONSTRUCTION	J. B. [unclear]	[unclear]	05/15/86
93	06/15/86	REVISED FOR CONSTRUCTION	J. B. [unclear]	[unclear]	06/15/86
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95	08/15/86	REVISED FOR CONSTRUCTION	J. B. [unclear]	[unclear]	08/15/86
96	09/15/86	REVISED FOR CONSTRUCTION	J. B. [unclear]	[unclear]	09/15/86
97	10/15/86	REVISED FOR CONSTRUCTION	J. B. [unclear]	[unclear]	10/15/86
98	11/15/86	REVISED FOR CONSTRUCTION	J. B. [unclear]	[unclear]	11/15/86
99	12/15/86	REVISED FOR CONSTRUCTION	J. B. [unclear]	[unclear]	12/15/86
100	01/15/87	REVISED FOR CONSTRUCTION	J. B. [unclear]	[unclear]	01/15/87

12' LINE FROM MARICOPA COUNTY LINE TO NORTH PHOENIX AREA  
T-4-N, R-3-E AND R-4-E, D.S.R.M.  
MARICOPA COUNTY, ARIZONA  
SCALE 1"=1000' DWG. 2222 0-3

When recorded, return to:  
Flood Control District  
of Maricopa County  
3335 West Durango Street  
Phoenix, Arizona 85009

RECORDED IN OFFICIAL RECORDS  
OF MARICOPA COUNTY, ARIZONA  
JAN 20 '89 -4 00  
HELEN PURCELL, County Recorder  
FEE NIC PGS 9 IG

NON-EXCLUSIVE EASEMENT FOR PUBLIC ROADWAY PURPOSES

89 028873

Easement No.: EBB-08  
Project: CAVE BUTTES DAM  
Item: H-2646  
Assessor Parcel No.: 212-15-3A

The FLOOD CONTROL DISTRICT OF MARICOPA COUNTY, a Municipal Corporation and Political Subdivision of the State of Arizona, GRANTOR, for and in consideration of Ten Dollars (\$10.00), in hand paid by the CITY OF PHOENIX, GRANTEE, the receipt whereof is hereby acknowledged, hereby grants and conveys unto GRANTEE, its respective successors and agents a non-exclusive easement for public roadway purposes to the following described land which the GRANTOR owns or in which the GRANTOR has any interest, to wit:

See Exhibits "A" and "B"

The easement shall be solely for the right of ingress and egress to said property for GRANTEE to survey, clear, grade, level, fill, inundate, drain, pave, maintain and build a roadway including incidental purposes consistent therewith.

The GRANTOR reserves the right to have unrestricted access to the subject property for the purpose of maintaining the flood control project in a manner which will not unreasonably interfere with GRANTEE's right of access. GRANTEE acknowledges that the above-described property contains or is adjacent to a flood control structure with its related features. GRANTEE further agrees that it shall submit to GRANTOR its plans for construction, operation and maintenance of roadway and obtain GRANTOR's formal approval of those plans, prior to construction.

FROM:	DATE:
<u>Helen O.</u>	<u>1-19-89</u>
Return original to customer basket:	<u>EBB-08</u>
Return original to general pick-up basket:	
Mail original to customer	

89 028873

GRANTEE agrees to indemnify and hold harmless the GRANTOR, its agents, officers, employees, successors or assigns from and against any and all claims, actions, losses, liability, costs or expenses for property damages or personal injuries (including death) caused by or related to the rights herein granted, except those caused by the negligence of the GRANTOR, its agents, officers, employees, successors or assigns.

In the event that the rights, privileges and easement herein granted shall be abandoned and permanently cease to be used by GRANTEE for the purposes herein granted, all rights herein granted shall cease and revert to the GRANTOR, its successors or assigns.

GRANTEE shall be liable to GRANTOR for all damages which are caused by its exercise of the rights herein granted, and agrees to restore the land, as nearly as possible, to its original condition. By accepting this easement, GRANTEE agrees to exercise reasonable care to avoid damage to said premises and all property that may at any time be thereon

ACCEPTED AND APPROVED: CITY OF PHOENIX

89 028873

[Signature]  
Real Estate Administrator

ACTING [Signature]  
City Attorney

[Signature]  
City Clerk

The foregoing instrument was acknowledged before me this 29th day of August, 1988, by John E. Burke the Real Estate Administrator and Vicky Miel the City Clerk, respectively, of the City of Phoenix.

[Signature]  
Notary Public

Nov. 26, 1988  
My Commission Expires

FLOOD CONTROL DISTRICT OF MARICOPA COUNTY

RECOMMENDED FOR APPROVAL:

ACCEPTED AND APPROVED:

[Signature]  
D. E. Sagrámoso, P.E.  
Chief Engineer and General Manager

[Signature]  
Chairman, Board of Directors

[Signature]  
Edward D. Opstein, Chief  
Land Management Division

ATTEST:  
[Signature]  
Clerk of the Board

LEGAL REVIEW

JAN 16 1989

Approved as to form and within the powers and authority granted under the law of the State of Arizona to the Flood Control District of Maricopa County.

Date

[Signature] 12-30-88  
General Counsel Date

# COLLAK, WILLIAMS & WHITE ENGINEERING

89 028873

2702 NORTH 44th STREET, SUITE 100A, PHOENIX, ARIZONA 85008

(602) 8873350

Description

For

CWW No. 871226

ROADWAY EASEMENT

February 2, 1988

An easement for roadway purposes situated in the northeast quarter of Section 10, Township 4 North, Range 3 East, G. & S. R. B. & M., Maricopa County, Arizona, more particularly described as follows:

The north 200.00 feet of said northeast quarter of Section 10, except the east 2600.00 feet thereof. Containing 6651 square feet or 0.1527 Acres more or less.

FCD
Drawn
11
Checked
2/1/88
Approved
2/1/88
9/1/88

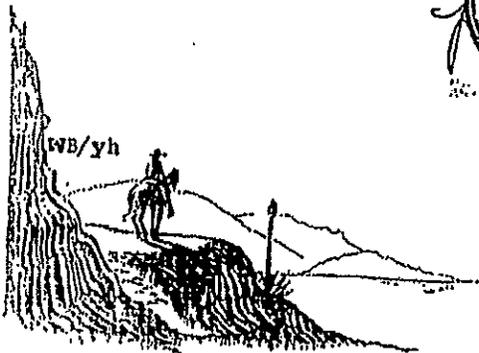
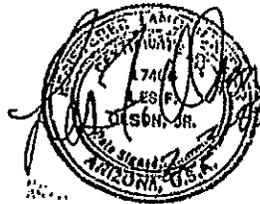


EXHIBIT "A"  
Page 1 of 4

CWW • Central Phoenix/Scottsdale  
BEAHECK • Tucson  
RICK ENGINEERING • San Diego

# COLLAR, WILLIAMS & WHITE ENGINEERING

89 028873

2702 NORTH 44th STREET, SUITE 100A, PHOENIX, ARIZONA 85008

REG. No. 1

(602) 957-9330

CWW No. 871226

FCO
Revised
Checked
Approved

Description

For

City of Phoenix  
COUNTY RIGHT-OF-WAY  
PARCEL 13 TANK ACCESS

APR 4 1988  
5/12/88

April 4, 1988

Being a portion of the northeast quarter of Section 10, Township 4 North, Range 3 East, G. & S. R. B. & M., Maricopa County, Arizona, more particularly described as follows:

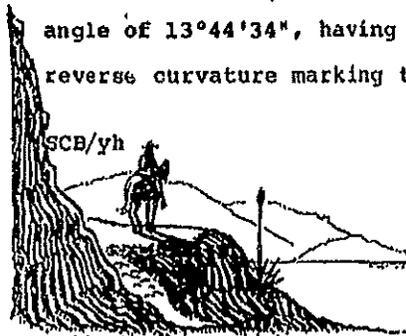
COMMENCING at the northwest corner of said northeast quarter of Section 10;

THENCE S89°59'53"E (assumed bearing), along the north line of said northeast quarter, a distance of 705.98 feet;

THENCE S00°00'07"W, 200.00 feet to a point on the south line of the north 200 feet of said northeast quarter marking the POINT OF BEGINNING;

THENCE S89°59'53"E, along said south line, 149.08 feet to a point marking the beginning of a non-tangent curve, the central point of which bears S26°25'35"W, 335.00 feet;

THENCE southeasterly, along the arc of said curve, through a central angle of 13°44'34", having an arc distance of 80.35 feet to a point of reverse curvature marking the beginning of a tangent curve, the central



SCB/yh

*Thomas W. Ballard*  
REGISTERED LAND SURVEYOR  
CERTIFICATE NO. 21734  
THOMAS W. BALLARD  
PHOENIX, ARIZONA, U.S.A.

EXHIBIT "A"  
PAGE 2 OF 4

CWW - Central Phoenix/Scottsdale  
RICK ENGINEERING - Tucson  
RICK ENGINEERING - San Diego

Description For  
City of Phoenix  
COUNTY RIGHT-OF-WAY  
PARCEL 13 TANK ACCESS  
CWW No. 871226  
April 4, 1988

89 028873

FCD
Enrolled
Checked
9/1/88
9/1/88

point of which bears  $N40^{\circ}10'08''E$ , 865.00 feet;  
THENCE southeasterly, along the arc of said curve, through a central angle of  $40^{\circ}10'02''$ , having an arc distance of 606.41 feet to a point of compound curvature marking the beginning of a tangent curve, the central point of which bears  $N00^{\circ}00'07''E$ , 750.00 feet;  
THENCE northeasterly, along the arc of said curve, through a central angle of  $41^{\circ}44'19''$ , having an arc distance of 546.36 feet to a point of reverse curvature marking the beginning of a tangent curve, the central point of which bears  $S41^{\circ}44'13''E$ , 365.00 feet;  
THENCE northeasterly, along the arc of said curve, through a central angle of  $16^{\circ}26'33''$ , having an arc distance of 104.75 feet to a point on the aforementioned south line of the north 200 feet;  
THENCE  $S89^{\circ}59'53''E$ , along said south line, 155.96 feet to a point marking the beginning of a tangent curve, the central point of which bears  $S00^{\circ}00'07''W$ , 330.00 feet;  
THENCE southwesterly, along the arc of said curve, through a central angle of  $41^{\circ}44'19''$ , having an arc distance of 240.40 feet to a point of reverse curvature marking the beginning of a tangent curve, the central point of which bears  $N41^{\circ}44'13''W$ , 785.00 feet;  
THENCE southwesterly, along the arc of said curve, through a central angle of  $41^{\circ}44'19''$ , having an arc distance of 571.86 feet to a point of compound curvature marking the beginning of a tangent curve, the central point of which bears  $N00^{\circ}00'07''E$ , 900.00 feet;  
THENCE northwesterly, along the arc of said curve, through a central

Description For  
City of Phoenix  
COUNTY RIGHT-OF-WAY  
PARCEL 13 TANK ACCESS  
CWW No. 871226  
April 4, 1988

89 028873

angle of 40°10'02", having an arc distance of 630.94 feet to a point of reverse curvature marking the beginning of a tangent curve, the central point of which bears S40°10'08"W, 300.00 feet;  
THENCE northwesterly, along the arc of said curve, through a central angle of 40°10'02", having an arc distance of 210.31 feet to the POINT OF BEGINNING.

Comprising 1.163 Acres, more or less, subject to all easements of record.





Collier, Williams & White Engineering

Consulting Engineers and Land Surveyors

2702 NORTH 44TH STREET  
PHOENIX, ARIZONA 85004  
PHONE 817-2100

JOB NO. 871228



N.T.S.

Q.S. 46-32 + 47-32

EXHIBIT "B" TO ACCOMPANY ROADWAY  
EASEMENT DESCRIPTION

89 028873

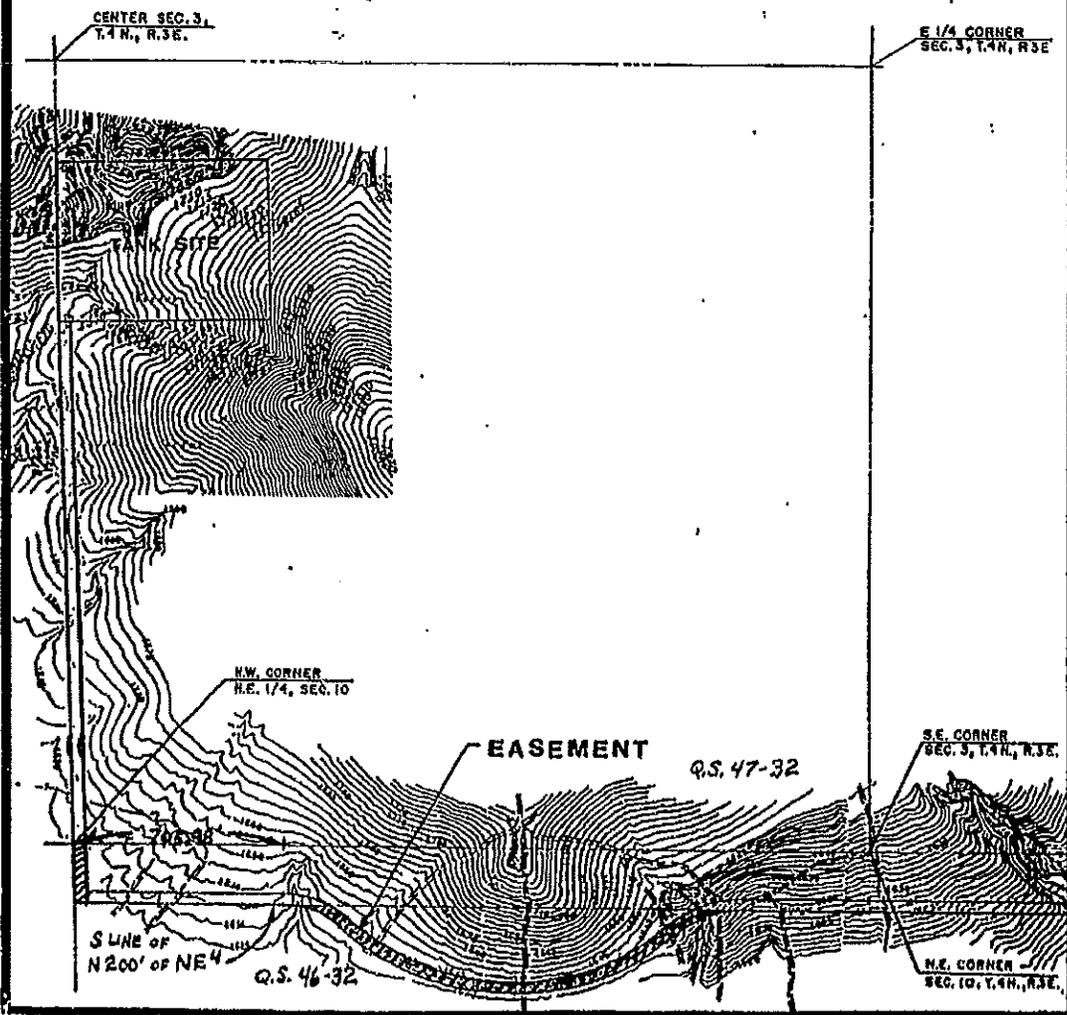


EXHIBIT "B"



When recorded, return to:  
Flood Control District  
of Maricopa County  
3335 West Durango Street  
Phoenix, Arizona 85009

RECORDED IN OFFICIAL RECORDS  
OF MARICOPA COUNTY, ARIZONA  
JAN 20 '89 - 4 00  
HELEN PURCELL, County Recorder  
FEE NIC PGS 9 IQ

89-028875

NON-EXCLUSIVE EASEMENT FOR PUBLIC ROADWAY PURPOSES

Easement No.: ESS-08  
Project: CAVE BUTTES DAM  
Item: H-2646  
Assessor Parcel No.: 212-15-3A

The FLOOD CONTROL DISTRICT OF MARICOPA COUNTY, a Municipal Corporation and Political Subdivision of the State of Arizona, GRANTOR, for and in consideration of Ten Dollars (\$10.00), in hand paid by the CITY OF PHOENIX, GRANTEE, the receipt whereof is hereby acknowledged, hereby grants and conveys unto GRANTEE, its respective successors and agents a non-exclusive easement for public roadway purposes to the following described land which the GRANTOR owns or in which the GRANTOR has any interest, to wit:

See Exhibits 'A' and 'B'

The easement shall be solely for the right of ingress and egress to said property for GRANTEE to survey, clear, grade, level, fill, inundate, drain, pave, maintain and build a roadway including incidental purposes consistent therewith.

The GRANTOR reserves the right to have unrestricted access to the subject property for the purpose of maintaining the flood control project in a manner which will not unreasonably interfere with GRANTEE's right of access. GRANTEE acknowledges that the above-described property contains or is adjacent to a flood control structure with its related features. GRANTEE further agrees that it shall submit to GRANTOR its plans for construction, operation and maintenance of roadway and obtain GRANTOR's formal approval of those plans, prior to construction.

FROM	<u>Helen P.</u>	DATE:	<u>1-19-89</u>
<input checked="" type="checkbox"/>	Return original to customer basket <u>ESS-08</u>		
<input type="checkbox"/>	Return original to general pick-up basket		
<input type="checkbox"/>	Mail original to customer		

89 028875

GRANTEE agrees to indemnify and hold harmless the GRANTOR, its agents, officers, employees, successors or assigns from and against any and all claims, actions, losses, liability, costs or expenses for property damages or personal injuries (including death) caused by or related to the rights herein granted, except those caused by the negligence of the GRANTOR, its agents, officers, employees, successors or assigns.

In the event that the rights, privileges and easement herein granted shall be abandoned and permanently cease to be used by GRANTEE for the purposes herein granted, all rights herein granted shall cease and revert to the GRANTOR, its successors or assigns.

GRANTEE shall be liable to GRANTOR for all damages which are caused by its exercise of the rights herein granted, and agrees to restore the land, as nearly as possible, to its original condition. By accepting this easement, GRANTEE agrees to exercise reasonable care to avoid damage to said premises and all property that may at any time be thereon

ACCEPTED AND APPROVED: CITY OF PHOENIX

89 028875

[Signature]  
Real Estate Administrator

ACTING [Signature]  
City Attorney

[Signature]  
City Clerk

The foregoing instrument was acknowledged before me this 29th day of August, 1988, by John E. Burke the Real Estate Administrator and Vicky Miel the City Clerk, respectively, of the City of Phoenix.

[Signature]  
Notary Public

Nov 26, 1988  
My Commission Expires

FLOOD CONTROL DISTRICT OF MARICOPA COUNTY

RECOMMENDED FOR APPROVAL:

ACCEPTED AND APPROVED:

[Signature] 12/12/88  
D. E. Sagramoso, P.E.  
Chief Engineer and General Manager

[Signature]  
Chairman, Board of Directors

[Signature]  
Edward D. Opstein, Chief  
Land Management Division

ATTEST:

[Signature]  
Clerk of the Board

LEGAL REVIEW

Approved as to form and within the powers and authority granted under the law of the State of Arizona to the Flood Control District of Maricopa County.

JAN 16 1989

Date

[Signature] 12-20-88  
General Counsel Date



# COLLAR, WILLIAMS & WHITE ENGINEERING

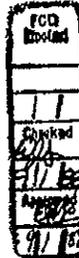
89 028875

2702 NORTH 44th STREET, SUITE 100A, PHOENIX, ARIZONA 85008

FCU  
Records

(602) 957-3380

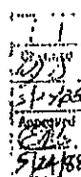
CWW No. 871226



Description

For

City of Phoenix  
COUNTY RIGHT-OF-WAY  
PARCEL 13 TANK ACCESS



April 4, 1988

Being a portion of the northeast quarter of Section 10, Township 4 North, Range 3 East, G. & S. R. B. & M., Maricopa County, Arizona, more particularly described as follows:

COMMENCING at the northwest corner of said northeast quarter of Section 10;  
THENCE S89°59'53"E (assumed bearing), along the north line of said northeast quarter, a distance of 705.98 feet;  
THENCE S00°00'07"W, 200.00 feet to a point on the south line of the north 200 feet of said northeast quarter marking the POINT OF BEGINNING;  
THENCE S89°59'53"E, along said south line, 149.08 feet to a point marking the beginning of a non-tangent curve, the central point of which bears S26°25'35"W, 335.00 feet;  
THENCE southeasterly, along the arc of said curve, through a central angle of 13°44'34", having an arc distance of 80.35 feet to a point of reverse curvature marking the beginning of a tangent curve, the central

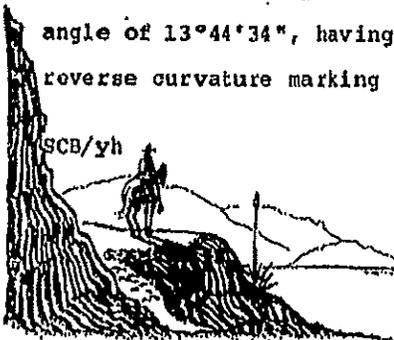
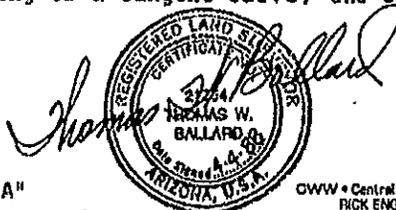


EXHIBIT "A"  
PAGE 2 OF 4



CWW • Central Phoenix/Scottsdale  
RICK ENGINEERING • Tucson  
RICK ENGINEERING • San Diego

Description For  
City of Phoenix  
COUNTY RIGHT-OF-WAY  
PARCEL 13 TANK ACCESS  
CWW No. 871226  
April 4, 1988

POD Plotted
89
028875
Checked
9/1/88
9/1/88

point of which bears  $N40^{\circ}10'08''E$ , 865.00 feet;  
THENCE southeasterly, along the arc of said curve, through a central angle of  $40^{\circ}10'02''$ , having an arc distance of 606.41 feet to a point of compound curvature marking the beginning of a tangent curve, the central point of which bears  $N00^{\circ}00'07''E$ , 750.00 feet;  
THENCE northeasterly, along the arc of said curve, through a central angle of  $41^{\circ}44'19''$ , having an arc distance of 546.36 feet to a point of reverse curvature marking the beginning of a tangent curve, the central point of which bears  $S41^{\circ}44'13''E$ , 365.00 feet;  
THENCE northeasterly, along the arc of said curve, through a central angle of  $16^{\circ}26'33''$ , having an arc distance of 104.75 feet to a point on the aforementioned south line of the north 200 feet;  
THENCE  $S89^{\circ}59'53''E$ , along said south line, 155.96 feet to a point marking the beginning of a tangent curve, the central point of which bears  $S00^{\circ}00'07''W$ , 330.00 feet;  
THENCE southwesterly, along the arc of said curve, through a central angle of  $41^{\circ}44'19''$ , having an arc distance of 240.40 feet to a point of reverse curvature marking the beginning of a tangent curve, the central point of which bears  $N41^{\circ}44'13''W$ , 785.00 feet;  
THENCE southwesterly, along the arc of said curve, through a central angle of  $41^{\circ}44'19''$ , having an arc distance of 571.86 feet to a point of compound curvature marking the beginning of a tangent curve, the central point of which bears  $N00^{\circ}00'07''E$ , 900.00 feet;  
THENCE northwesterly, along the arc of said curve, through a central

Description For  
City of Phoenix  
COUNTY RIGHT-OF-WAY  
PARCEL 13 TANK ACCESS  
CWW No. 871226  
April 4, 1988

89 028875

angle of  $40^{\circ}10'02''$ , having an arc distance of 630.94 feet to a point of reverse curvature marking the beginning of a tangent curve, the central point of which bears  $S40^{\circ}10'08''W$ , 300.00 feet;  
THENCE northwesterly, along the arc of said curve, through a central angle of  $40^{\circ}10'02''$ , having an arc distance of 210.31 feet to the POINT OF BEGINNING.

Comprising 1.163 Acres, more or less, subject to all easements of record.

FCD
Excised
Checked
9/1/88
Approved
9/1/88

**Collar, Williams & White Engineering.**  
 Consulting Engineers and Land Surveyors  
 2702 NORTH 44TH STREET  
 PHOENIX, ARIZONA 85024  
 PHONE 527-3398

JOB NO. 571226

89 028875



N.T.S.

Q.S. 46-32 + 47-32

EXHIBIT "B" TO ACCOMPANY ROADWAY  
 EASEMENT DESCRIPTION

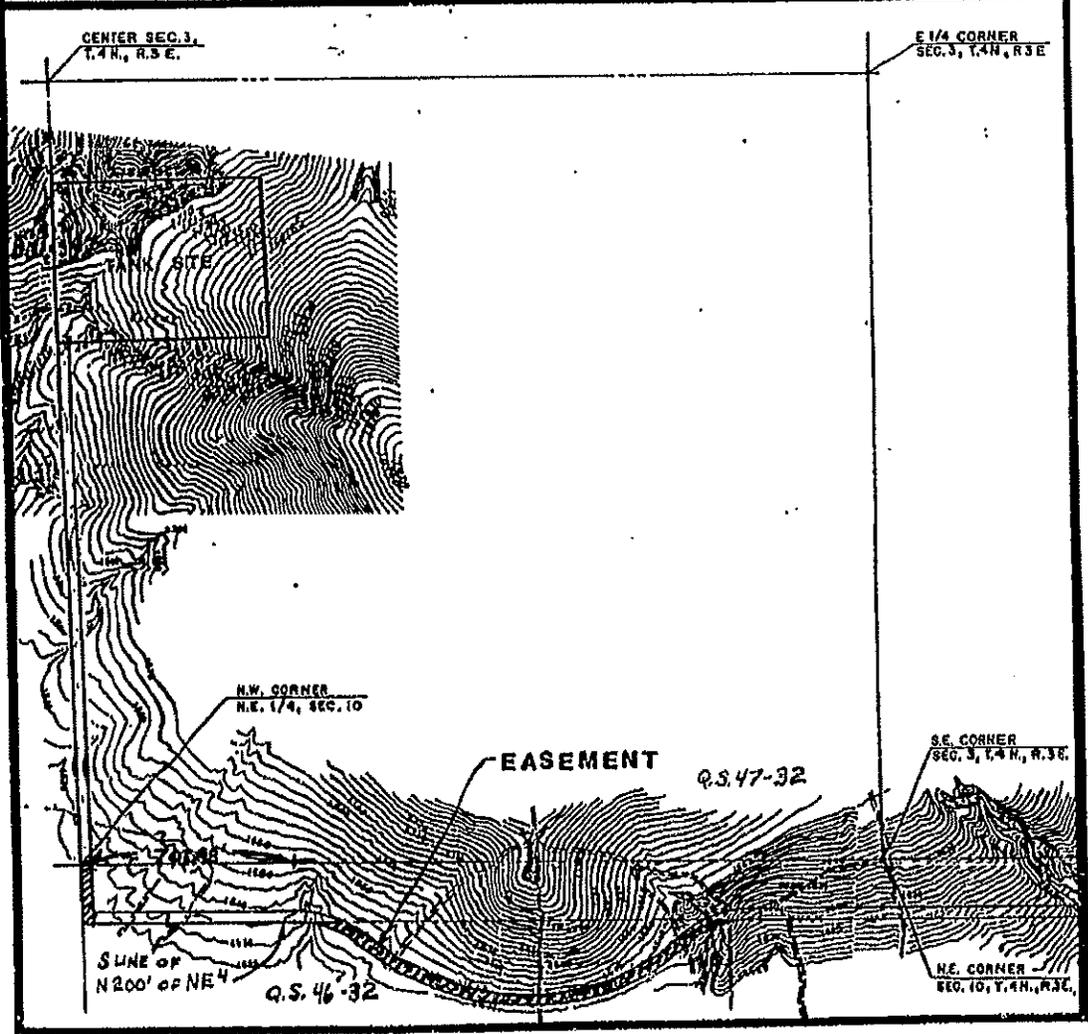


EXHIBIT "B"



When Recorded Return To:  
Flood Control District  
of Maricopa County  
3335 West Durango Street  
Phoenix, Arizona 85009

RECORDED IN OFFICIAL RECORDS  
OF MARICOPA COUNTY, ARIZONA  
JAN 20 '89 -4 92 1  
HELEN PURCELL, County Recorder  
FEE N/C PGS 7 10

89 028874

Easement No. E88-08-2  
Project: Cave Buttes Dam  
Parcel No.: H-2646  
Assessor Parcel No.: 212-15-3A

WATER LINE EASEMENT

The FLOOD CONTROL DISTRICT OF MARICOPA COUNTY, a Municipal Corporation and Political Subdivision of the State of Arizona, GRANTOR, for and in consideration of Ten Dollars (\$10.00), in hand paid by the CITY OF PHOENIX, a Municipal Corporation of the State of Arizona, GRANTEE, the receipt whereof is hereby acknowledged, hereby grants and conveys unto GRANTEE, its respective successors and agents an easement to the following described land which the GRANTOR owns or in which the GRANTOR has any interest, to wit:

See Attached Legal Description Exhibit "A", Pages 1 and 2

The easement shall be solely for the right of ingress and egress to said property for GRANTEE to install, operate, repair, replace and maintain a water line on the above described real property. Prior to any construction the GRANTEE agrees to submit plans for the proposed changes to the GRANTOR for review and approval, which approval will not unreasonably be withheld.

The GRANTOR reserves the right to have unrestricted access to the subject property for the purpose of operating and maintaining the flood control project in a manner which will not unreasonably interfere with GRANTEE'S right of access to its water line.

FROM: <u>Helen O.</u>	DATE: <u>1-19-89</u>
<input checked="" type="radio"/> Return original to customer basket <u>E88-08-2</u>	
<input type="radio"/> Return original to general pick-up basket	
<input type="radio"/> Mail original to customer	

In the event of an emergency, the GRANTEE will repair and correct the emergency and notify the GRANTOR as soon as time will permit. GRANTEE shall be liable to GRANTOR for all damages which are caused by its exercise of the rights herein granted, and agrees to restore the land, as nearly as possible, to its original condition. By accepting this easement, GRANTEE agrees to exercise reasonable care to avoid damage to said premises and all property that may at any time be thereon.

89 028874

GRANTEE agrees to indemnify and hold harmless the GRANTOR, its agents, officers, employees, successors or assigns from and against any and all claims, actions, losses, liability, costs or expenses for property damages or personal injuries (including death) caused by or related to the rights herein granted, except those caused by the negligence of the GRANTOR, its agents, officers, employees, successors or assigns.

In the event that the rights, privileges and easement herein granted shall be abandoned and permanently cease to be used by GRANTEE for the purposes herein granted, all rights herein granted shall cease and revert to the GRANTOR, its successors or assigns.

89 028874

ACCEPTED AND APPROVED: CITY OF PHOENIX A MUNICIPAL CORPORATION

Vicky Miel  
City Clerk

[Signature]  
City Manager, by John E. Burke  
Real Estate Administrator

[Signature]  
ACTING City Attorney

SUBSCRIBED AND SWORN TO BEFORE me this 5th day of October 19 88,  
by John E Burke the Real Estate Administrator and  
Vicky Miel the City Clerk, respectively, of the City of Phoenix.

[Signature]  
Notary Public

Nov. 26, 1988  
My Commission Expires

FLOOD CONTROL DISTRICT OF MARICOPA COUNTY

RECOMMENDED FOR APPROVAL:

[Signature] 12-13-88  
D. E. Sagramoso, P.E. Date  
Chief Engineer and General Manager

[Signature] 11-7-88  
Edward D. Opstein Date  
Chief, Land Management Division

ACCEPTED AND APPROVED:

[Signature]  
Chairman, Board of Directors

ATTEST:

[Signature]  
Clerk of the Board

JAN 16 1989  
Date

LEGAL REVIEW:

Approved as to form and within the powers and authority granted under the laws of the State of Arizona to the Flood Control District of Maricopa County.

[Signature] 12-20-88  
General Counsel Date

89 028874

EXHIBIT "A", Page 1 of 2

That portion of the Northeast quarter of Section 10, Township 4 North, Range 3 East, G&SRB&M, Maricopa County, Arizona, described as follows:

COMMENCING at the Northwest corner of said Northeast quarter of Section 10; thence South 89 degrees 59 minutes 53 seconds East (assumed bearing), along the North line of said Northeast quarter, a distance of 705.98 feet;

thence South 00 degrees 00 minutes 07 seconds West, 200.00 feet to a point on the South line of the North 200 feet of said Northeast quarter marking the POINT OF BEGINNING;

thence South 89 degrees 59 minutes 53 seconds East, along said South line, 149.08 feet to a point marking the beginning of a non-tangent curve, the central point of which bears South 26 degrees 25 minutes 35 seconds West, 335.00 feet;

thence Southeasterly, along the arc of said curve, through a central angle of 13 degrees 44 minutes 34 seconds, an arc distance of 80.35 feet to a point of reverse curvature marking the beginning of a tangent curve, the central point of which bears North 40 degrees 10 minutes 08 seconds East, 865.00 feet;

thence Southeasterly, along the arc of said reverse curve, through a central angle of 40 degrees 10 minutes 02 seconds, an arc distance of 606.41 feet to a point of compound curvature marking the beginning of a tangent curve, the central point of which bears North 00 degrees 00 minutes 07 seconds East, 750.00 feet;

thence Northeasterly, along the arc of said compound curve, through a central angle of 41 degrees 44 minutes 19 seconds, an arc distance of 546.36 feet to a point of reverse curvature marking the beginning of a tangent curve, the central point of which bears South 41 degrees 44 minutes 13 seconds East, 365.00 feet;

thence Northeasterly, along the arc of last said reverse curve, through a central angle of 16 degrees 26 minutes 33 seconds, an arc distance of 104.75 feet to a point on the South line of said North 200 feet;

thence South 89 degrees 59 minutes 53 seconds East, along said South line, 155.96 feet to a point marking the beginning of a tangent curve, the central point of which bears South 00 degrees 00 minutes 07 seconds West, 330.00 feet;

thence Southwesterly, along the arc of said curve, through a central angle of 41 degrees 44 minutes 19 seconds, an arc distance of 240.40 feet to a point of reverse curvature marking the beginning of a tangent curve, the central point of which bears North 41 degrees 44 minutes 13 seconds West, 785.00 feet;

thence Southwesterly, along the arc of last said reverse curve, through a central angle of 41 degrees 44 minutes 19 seconds, an arc distance of 571.86 feet to a point of compound curvature marking the beginning of a tangent curve, the central point of which bears North 00 degrees 00 minutes 07 seconds East, 900.00 feet;

thence Northwesterly, along the arc of last said compound curve, through a central angle of 40 degrees 10 minutes 02 seconds, an arc distance of 630.94 feet to a point of reverse curvature marking the beginning of a tangent curve, the central point of which bears South 40 degrees 10 minutes 08 seconds West, 300.00 feet;

thence Northwesterly, along the arc of last said reverse curve, through a central angle of 40 degrees 10 minutes 02 seconds, an arc distance of 210.31 feet to the POINT OF BEGINNING.

ECM  
2/20/81  
Checked  
9/1/83  
Approved  
9/1/83

EXHIBIT "A", Page 1 of 2

46-32

W-884221

nhb/0815GJ1/32bm

89 028874

Description  
For Waterline Easement  
Happy Valley Road

An easement for waterline purposes situated in the northeast quarter of Section 10, Township 4 North, Range 3 East, G&SR&M, Maricopa County, Arizona, more particularly described as follows:  
The north 200.00 feet of said northeast quarter of Section 10, except the east 2600.00 feet thereof. Containing 6651 square feet or 0.1527 Acres more or less.

EOD
Enrolled
11
Checked
9/1/88
Approved
11/1/88

August 31, 1988

EXHIBIT "A", Page 2 of 2

**Collar, Williams & White Engineering**  
 Consulting Engineers and Land Surveyors  
 2703 NORTH 44TH STREET  
 PHOENIX, ARIZONA 85008  
 PH-4 977154

JOB NO. 871226



EXHIBIT "B" TO ACCOMPANY ROADWAY  
 EASEMENT DESCRIPTION

89 028874

NT.S.  
 Q.S. 46-32 + 47-32

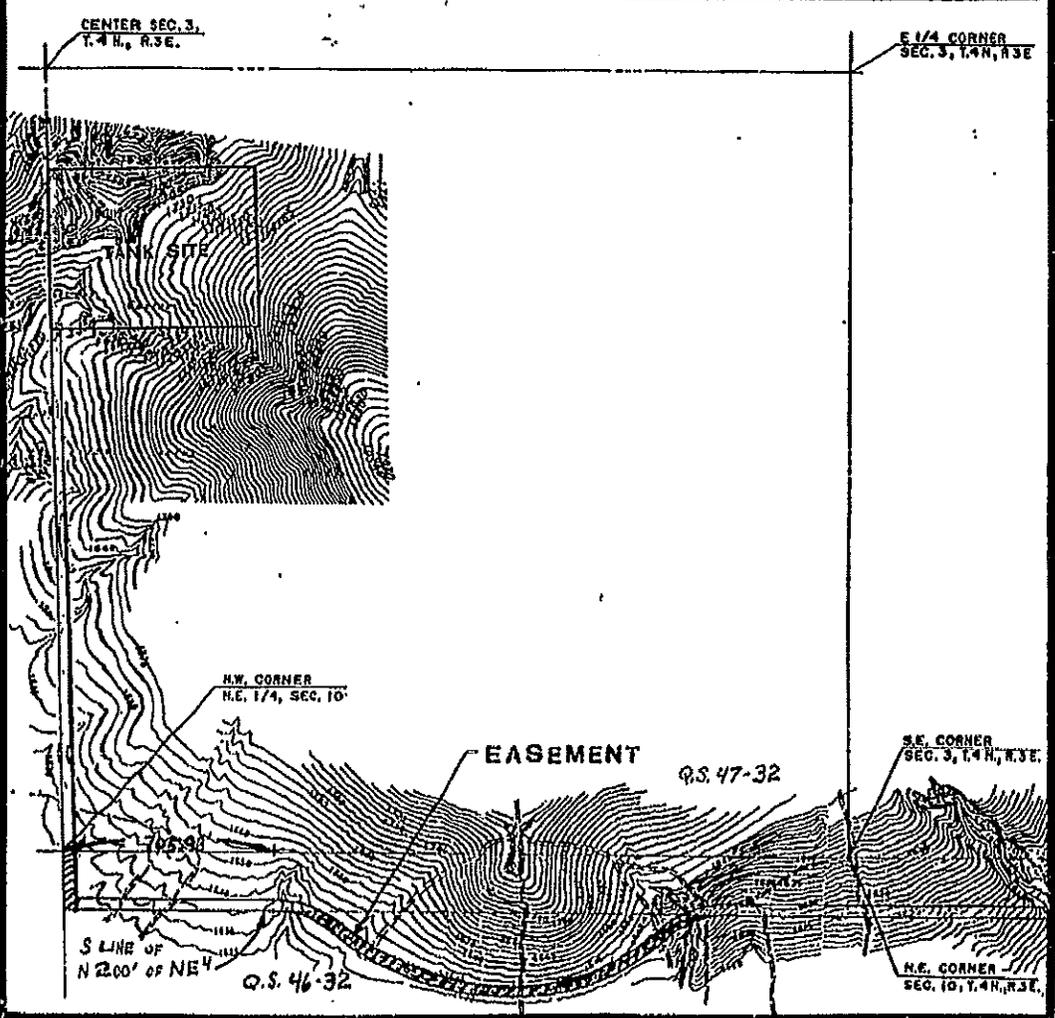
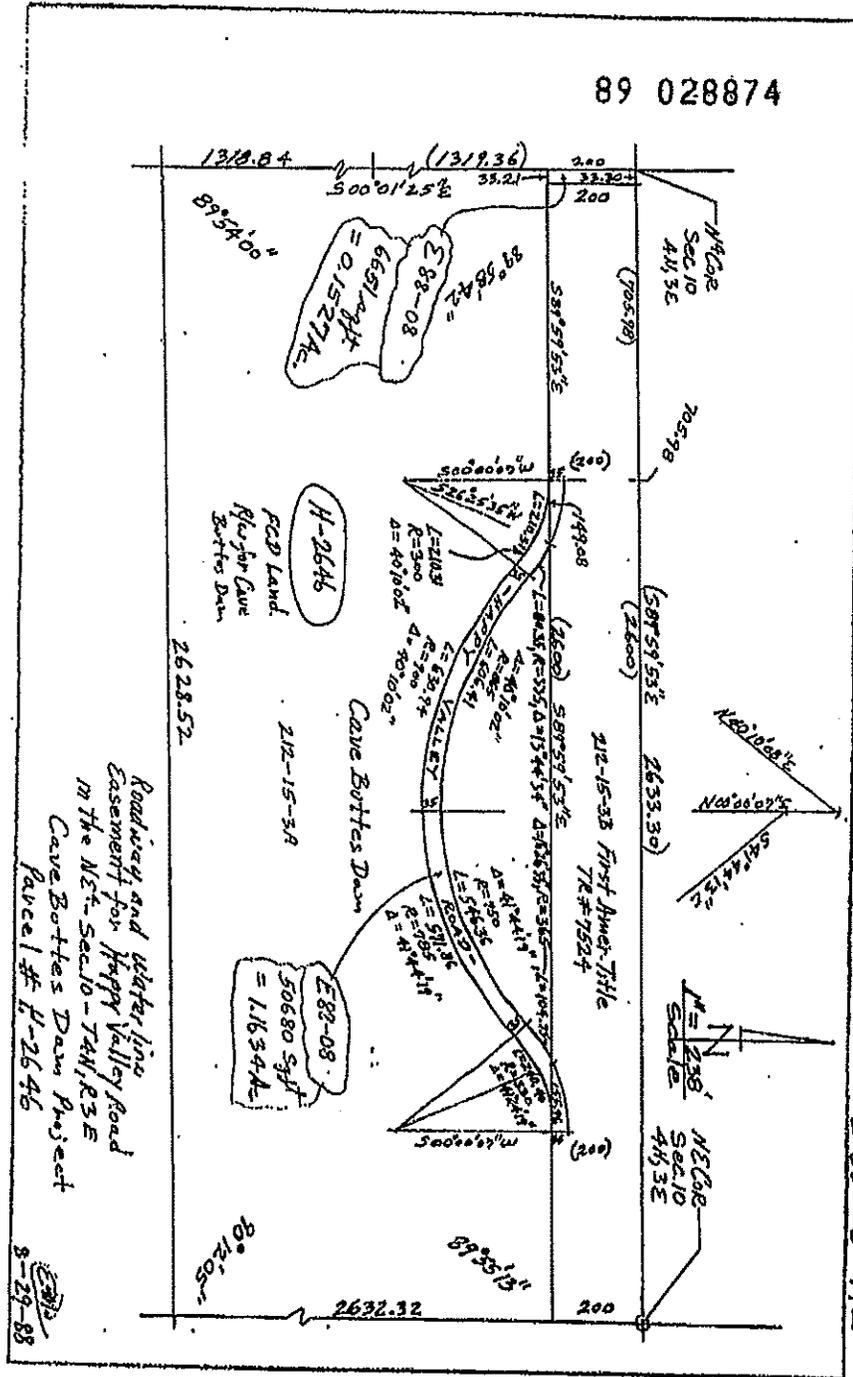


EXHIBIT "B"

89 028874



Cave Bottes Dam H-2646 E88-08-1,2

When Recorded Return To:  
Flood Control District  
of Maricopa County  
3335 West Durango Street  
Phoenix, Arizona 85009

RECORDED IN OFFICIAL RECORDS  
OF MARICOPA COUNTY, ARIZONA  
JAN 20 '89 - 4 22  
HELEN PURCELL, County Recorder  
FEE *N/c* PGS *6* IG  
89 028876

Easement No. E88-08-2  
Project: Cave Buttes Dam  
Parcel No.: H-2646  
Assessor Parcel No.: 212-15-3A

WATER LINE EASEMENT

The FLOOD CONTROL DISTRICT OF MARICOPA COUNTY, a Municipal Corporation and Political Subdivision of the State of Arizona, GRANTOR, for and in consideration of Ten Dollars (\$10.00), in hand paid by the CITY OF PHOENIX, a Municipal Corporation of the State of Arizona, GRANTEE, the receipt whereof is hereby acknowledged, hereby grants and conveys unto GRANTEE, its respective successors and agents an easement to the following described land which the GRANTOR owns or in which the GRANTOR has any interest, to wit:

See Attached Legal Description Exhibit "A", Pages 1 and 2

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The GRANTOR reserves the right to have unrestricted access to the subject property for the purpose of operating and maintaining the flood control project in a manner which will not unreasonably interfere with GRANTEE'S right of access to its water line.

FROM: *Helen O.* DATE: *1-19-89*  
Return original to customer  
basket *E88-08-2*  
Return original to general pick-up  
basket  
Mail original to customer

89 028876

In the event of an emergency, the GRANTEE will repair and correct the emergency and notify the GRANTOR as soon as time will permit. GRANTEE shall be liable to GRANTOR for all damages which are caused by its exercise of the rights herein granted, and agrees to restore the land, as nearly as possible, to its original condition. By accepting this easement, GRANTEE agrees to exercise reasonable care to avoid damage to said premises and all property that may at any time be thereon.

GRANTEE agrees to indemnify and hold harmless the GRANTOR, its agents, officers, employees, successors or assigns from and against any and all claims, actions, losses, liability, costs or expenses for property damages or personal injuries (including death) caused by or related to the rights herein granted, except those caused by the negligence of the GRANTOR, its agents, officers, employees, successors or assigns.

In the event that the rights, privileges and easement herein granted shall be abandoned and permanently cease to be used by GRANTEE for the purposes herein granted, all rights herein granted shall cease and revert to the GRANTOR, its successors or assigns.

89 028876

ACCEPTED AND APPROVED: CITY OF PHOENIX A MUNICIPAL CORPORATION

Vicky Miel  
City Clerk

[Signature]  
City Manager, by John F. Burke  
Real Estate Administrator

ACTING [Signature]  
City Attorney

SUBSCRIBED AND SWORN TO BEFORE me this 5th day of October 1988,  
by John E Burke the Real Estate Administrator and

Vicky Miel the City Clerk, respectively, of the City of Phoenix.

[Signature]  
Notary Public

Nov. 26, 1988  
My Commission Expires

FLOOD CONTROL DISTRICT OF MARICOPA COUNTY

RECOMMENDED FOR APPROVAL:

[Signature] 12-13-88  
D. E. Sagramoso, P.E. Date  
Chief Engineer and General Manager

[Signature] 11-7-88  
Edward D. Opstein Date  
Chief, Land Management Division

ACCEPTED AND APPROVED:

[Signature]  
Chairman, Board of Directors

ATTEST:

[Signature]  
Clerk of the Board

JAN 16 1989  
Date

LEGAL REVIEW:

Approved as to form and within the powers and authority granted under the laws of the State of Arizona to the Flood Control District of Maricopa County.

[Signature] 12-20-88  
General Counsel Date

That portion of the Northeast quarter of Section 10, Township 4 North, Range 3 East, G&SRB&M, Maricopa County, Arizona, described as follows:  
 COMMENCING at the Northwest corner of said Northeast quarter of Section 10;  
 thence South 89 degrees 59 minutes 53 seconds East (assumed bearing), along the North line of said Northeast quarter, a distance of 705.98 feet;  
 thence South 00 degrees 00 minutes 07 seconds West, 200.00 feet to a point on the South line of the North 200 feet of said Northeast quarter marking the POINT OF BEGINNING;

EGD  
 2/20/81  
 Checked  
 4/1/88  
 Approved  
 8/27/83  
 9/1/83

thence South 89 degrees 59 minutes 53 seconds East, along said South line, 149.08 feet to a point marking the beginning of a non-tangent curve, the central point of which bears South 26 degrees 25 minutes 35 seconds West, 335.00 feet;  
 thence Southeasterly, along the arc of said curve, through a central angle of 13 degrees 44 minutes 34 seconds, an arc distance of 80.35 feet to a point of reverse curvature marking the beginning of a tangent curve, the central point of which bears North 40 degrees 10 minutes 08 seconds East, 865.00 feet;  
 thence Southeasterly, along the arc of said reverse curve, through a central angle of 40 degrees 10 minutes 02 seconds, an arc distance of 606.41 feet to a point of compound curvature marking the beginning of a tangent curve, the central point of which bears North 00 degrees 00 minutes 07 seconds East, 750.00 feet;  
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 thence South 89 degrees 59 minutes 53 seconds East, along said South line, 155.96 feet to a point marking the beginning of a tangent curve, the central point of which bears South 00 degrees 00 minutes 07 seconds West, 330.00 feet;  
 thence Southwesterly, along the arc of said curve, through a central angle of 41 degrees 44 minutes 19 seconds, an arc distance of 240.40 feet to a point of reverse curvature marking the beginning of a tangent curve, the central point of which bears North 41 degrees 44 minutes 13 seconds West, 785.00 feet;  
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 thence Northwesterly, along the arc of last said reverse curve, through a central angle of 40 degrees 10 minutes 02 seconds, an arc distance of 210.31 feet to the POINT OF BEGINNING.

89 028876

Description  
For Waterline Easement  
Happy Valley Road

FOO
E00001
Checked WJA
9/1/88
Approved EWS
9/1/88

An easement for waterline purposes situated in the northeast quarter of Section 10, Township 4 North, Range 3 East, G&SRB&M, Maricopa County, Arizona, more particularly described as follows: The north 200.00 feet of said northeast quarter of Section 10, except the east 2600.00 feet thereof. Containing 6651 square feet or 0.1527 Acres more or less.

August 31, 1988

EXHIBIT "A", Page 2 of 2

**Collar, Williams & White Engineering.**  
 Consulting Engineers and Land Surveyors  
 2102 NORTH 44TH STREET  
 PHOENIX, ARIZONA 85008  
 PHONE 115-5114

JOB NO. 871226



EXHIBIT "B" TO ACCOMPANY WATERLINE  
 EASEMENT DESCRIPTION

89 028876

N.T.S.  
 Q.S. 46-32 + 47-32

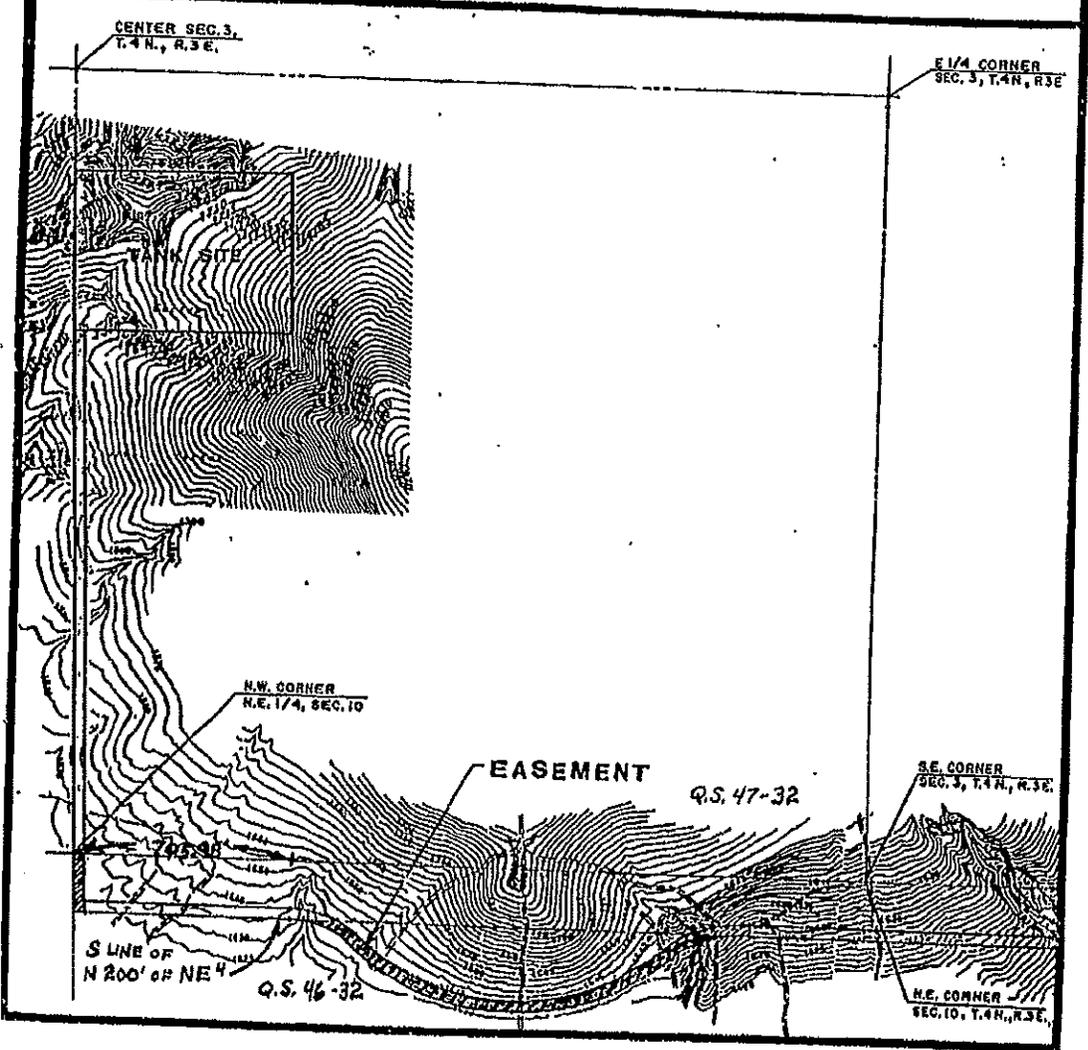
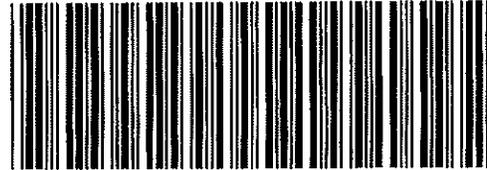


EXHIBIT "B"

When recorded, return to:  
Flood Control District  
of Maricopa County  
2801 West Durango Street  
Phoenix, Arizona 85009 (MDW)

Schedule "B"

21



OFFICIAL RECORDS OF  
MARICOPA COUNTY RECORDER  
HELEN PURCELL

2001-0824686 09/06/2001 01:57

YEZENIA 1 OF 4

### UNDERGROUND UTILITY EASEMENT

Project: Cave Buttes Dam / L98-112

Item: Underground Gas Line

FCD Parcel No.: H2646

Section 10, T 4N, R 3E

(per resolution FCD 1999 R016)

**THE FLOOD CONTROL DISTRICT OF MARICOPA COUNTY**, a municipal corporation and political subdivision of the State of Arizona, **GRANTOR**, for and in consideration of the sum of **thirty five hundred dollars and no cents (\$3500.00)** in hand paid by Southwest Gas Corporation, **GRANTEE** the receipt of which is hereby acknowledged, does hereby grant and convey solely unto **GRANTEE**, its successors and assigns, an easement for the sole purpose of constructing, operating, repairing, and maintaining underground gas lines and appurtenant facilities across, and under the surface of the premises hereinafter described:

See attached legal description, marked "Exhibit A"

The **GRANTEE** shall have the right of ingress and egress to and along said easement, together with the right to operate, repair, replace, maintain, and remove said lines and appurtenant facilities from said premises; and to trim or remove any trees or shrubs that may interfere with the construction or endanger the operation of said underground lines and/or facilities. Prior to any construction, the **GRANTEE** agrees to submit plans of proposed changes for the **GRANTOR'S** review. **GRANTEE** shall notify **GRANTOR** in the case of any emergency as soon as time will permit.

The **GRANTOR** reserves the right to have unrestricted access to the subject property for the purpose of operating and maintaining the flood control project within the lineal of said easement in a manner which will not unreasonably interfere with **GRANTEE'S** right of access to its underground gas lines.





20010824686

**RECOMMENDED FOR APPROVAL:**

**ACCEPTED AND APPROVED:**

**FLOOD CONTROL DISTRICT  
OF MARICOPA COUNTY**

**BOARD OF DIRECTORS OF  
FLOOD CONTROL DISTRICT  
OF MARICOPA COUNTY**

115911 8/17/01  
Michael S. Ellegood, P. E. Date  
Chief Engineer and General Manager

Jim Brewer  
Chairman of the Board

Jim Schwartzmann 8/17/01  
Jim J. Schwartzmann Date  
Manager, Land Management Division

ATTEST:  
Norma Risch  
DEPUTY Clerk of the Board

Date: AUG 22 2001

PARCEL  
LEGAL DESCRIPTION  
FOR  
GAS LINE RIGHT-OF-WAY  
FCDMC PARCEL H-2646-EX

*Exhibit "A"*

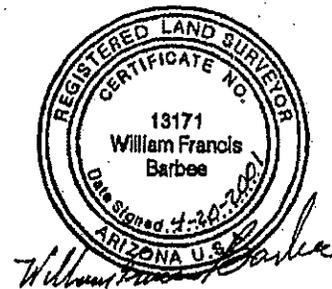
A Gas Line easement, 8 feet in width, 4 feet each side of the described centerline through portions of Section 10, Township 4North, Range 3 East of the Gila and Salt River Meridian in the County of Maricopa, State of Arizona, more particularly described as follows:

From the Center of Section 10 from which the North Quarter corner bears North 00°02'47" West;  
Thence North 14°25'28" West 1586.73 feet to the Point of Beginning;  
Thence North 00°02'47" West 6 feet to an angle point right;  
Thence North 89°54'40" East 394.01 feet to a point on the North/South Mid Section Line that lies 1094.48 feet South 00°02'47" East from the North 1/4 Corner of Section 10;  
Thence continuing North 89°54'40" East 2627.32 feet to an angle point right which lies 4 feet West of the East line of Section 10;  
Thence South 00°03'28" West 1536.83 feet, parallel and 4 feet West of the East line of Section 10 to an angle point right;  
Thence South 89°51'23" West 847.09 feet, parallel and 4 feet North of the East/West Mid Section Line, to an angle point left;  
Thence South 66°53'21" West 10.69 feet to a point on the East/West Mid Section Line, from which the East Quarter Corner of Section 10 bears North 89°51'23" East 860.92 feet;  
Thence South 66°53'21" West 1443.66 feet, parallel and 4 feet Northwest of a subdivision line to an angle point right;  
Thence South 67°04'09" West 470.90 feet, parallel and 4 feet Northwest of a subdivision line to a point on the North/South Mid Section Line, from which the Center of Section 10 bears North 00 28'11" West 745.72 feet, said point being the terminus of the proposed gas line.

Said easement contains 1.346 acres more or less.

FCD PROPERTY ENGR.  
**PROVED**  
*AP 5/08/01*

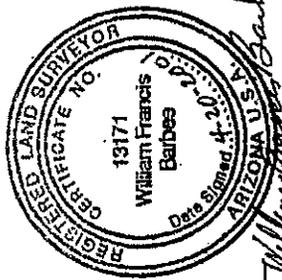
**COPY**



End 5/8" Rebar  
NE Cor Sec 10

**COPY**

Not to Scale



**SOUTHWEST GAS CORPORATION**

FCDMC PARCEL H-2646-EX

SEC 10 TWN 4N R1G 3E

AERIAL MAPPING COMPANY INC.  
3141 W. CLARENDON  
PHOENIX, AZ 85017

PRELIMINARY:

REVISED: 04/20/01

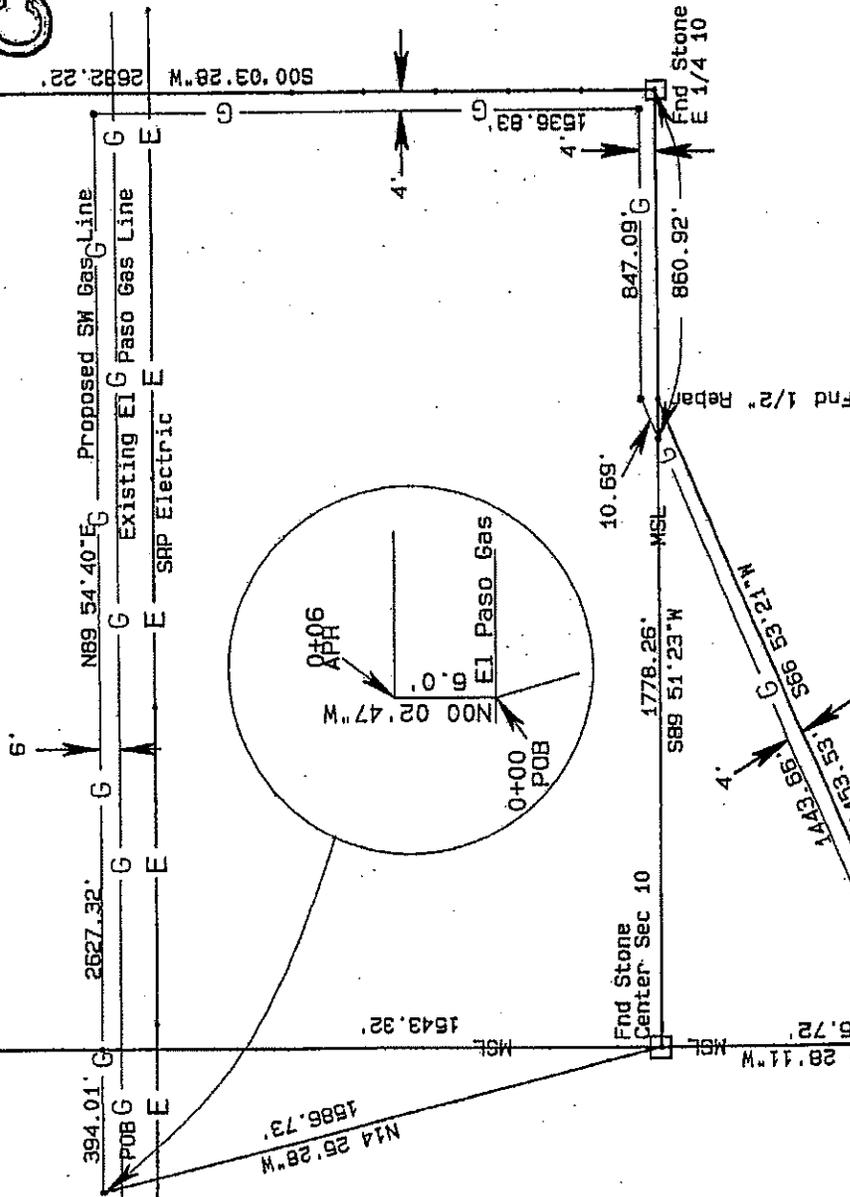
FINAL: 04/20/01

**FCD PROPERTY ENGR.**  
**APPROVE**  
*5/18/01*

N89°58'41"E 2633.30'

End Stone  
N. 1/4 Cor Sec 10

N00 02'47"W  
1094.48'



SG. FT. 58,632  
ACRES 1.346

End BC  
City of Phoenix

End BC on Mid-Section Line  
City of Phoenix

**FIRST SOUTHWESTERN TITLE**

Recorded At The Request Of:  
**Maricopa County Board Of Supervisors**

When recorded, interoffice mail to:  
Flood Control District  
of Maricopa County (LLA)

Exempt ARS 11-1134, A3  
FCD Resolution N/A



OFFICIAL RECORDS OF  
MARICOPA COUNTY RECORDER  
HELEN PURCELL  
2002-0640313 06/24/02 15:03  
2 OF 11  
BLOCKNUMBERS

**NON-EXCLUSIVE PERMANENT EASEMENT**

Schedule "B" 22

Project: **CAVE BUTTES DAM**

Item: **H-2646-PE**

Assessor's Parcel No.: **Portion of 212-15-003A**  
**MC-2245 2/2** **Portion of 212-15-004**

This Non-Exclusive Permanent Easement and Agreement ("Agreement") is entered into this 10<sup>th</sup> day of June, 2002 by and between the following parties, and shall become effective upon acceptance by the Board of Directors of the Flood Control District of Maricopa County.

**GRANTOR:** **FLOOD CONTROL DISTRICT OF MARICOPA COUNTY**, a municipal corporation and political subdivision of the State of Arizona, its agents, contractors, successors, and assigns.

**GRANTEE:** **CITY OF PHOENIX**, an Arizona Municipal Corporation, and political subdivision of the State of Arizona, its agents, successors and assigns.

**GRANTOR** is the owner of the real property situated in Maricopa County, Arizona, which is legally described on Exhibit "A" attached hereto and incorporated herein ("Easement Premises").

For and in consideration of the sum of One and no/100 dollars (\$1.00), and other valuable consideration, pursuant to Warranty Deed dated April 15, 2002 to the City of Phoenix, the receipt and sufficiency of which are hereby acknowledged, **GRANTOR** does hereby grant and convey to **GRANTEE**, its successors, assigns and licensees, a non-exclusive perpetual easement to construct, operate and maintain parks and associated park amenities. This grant includes all utilities and services consistent with the operation of a city park, but does not include any private or public utility uses on, under or across the Easement Premises for transmission or distribution purposes.

**GRANTEE** shall submit to **GRANTOR** for review and approval through **GRANTOR'S** permit process the design and construction of any structure, including but not limited to buildings, parking areas, and utilities, which such approval shall not be unreasonably delayed or withheld. **GRANTEE** agrees to maintain any facilities so constructed in good and safe condition at their sole expense. **GRANTEE** shall refer to **GRANTOR**, interested third party users of **GRANTOR'S** property, such as utility companies, as **GRANTEE** can only allow park and park amenity uses on its Easement Premises.

Use of the Easement Premises shall be subject to all federal, state, and local laws or ordinances, including, but not limited to, environmental, land use and floodplain regulations.

**GRANTOR** hereby covenants that it is granting this easement only to the extent of any interest it may have in the property.

RESERVING, however, to **GRANTOR**, its successors and assigns, such rights and privileges as may be used and enjoyed without interfering with or abridging the rights and easement hereby granted.

**GRANTEE** shall indemnify **GRANTOR** for any and all damages or physical injury claims to persons or personal property on the property, proximately caused by **GRANTEE'S** exercise of rights granted pursuant to this easement, as well as any damage to **GRANTEE'S** improvements arising out of **GRANTOR'S** use of the property for flood control purposes.

**GRANTEE** will be obligated to comply with the terms of any emergency action plan (associated with any emergency flood water release) facilitated by **GRANTOR** and/or the Arizona Department of Water Resources (ADWR).

This Agreement shall run with the land and shall be binding upon and inure to the benefit of the parties and their respective successors and assigns.

NOW THEREFORE, in consideration of the same and further consideration here within set forth, this Agreement contains all of the provisions between the parties hereto, there being no further consideration paid than herein specified.

20020640313

GRANTEE ACCEPTANCE AND APPROVAL:

CITY OF PHOENIX, a municipal corporation  
FRANK FAIRBANKS, City Manager

By: [Signature]  
Roger Whitlock  
Acting Real Estate Administrator

ACKNOWLEDGMENT

STATE OF Arizona )  
COUNTY OF Maricopa ) ss.

This instrument was acknowledged before me this 14 day of May, 2002,  
by Roger Whitlock, Acting Real Estate Administrator, on behalf of the City Manager of the  
City of Phoenix, a municipal corporation of the State of Arizona.



NOTARY SEAL

Marjorie E. Welsen  
NOTARY PUBLIC

My Commission Expires: 3/14/05

20020640313

**RECOMMENDED FOR APPROVAL:**

**ACCEPTED AND APPROVED:**

**FLOOD CONTROL DISTRICT  
OF MARICOPA COUNTY**

**BOARD OF DIRECTORS OF  
FLOOD CONTROL DISTRICT  
OF MARICOPA COUNTY**

118911/ 5/28/02  
Michael S. Ellegood, P.E.      Date  
Chief Engineer and General Manager

Don Stapley  
Chairman of the Board

Jim Schwartzmann 5/20/02  
Jim Schwartzmann      Date  
Manager, Land Management Division

**ATTEST:**  
Rand McCall  
Clerk of the Board

Date: 6/10/02

20020640313

Parcel No.: **212-15-03A & 212-15-004**  
 Project No.: **C6A350S**  
**CAVE BUTTES DAM**  
 Item No.: **H-2646-PE**

Legal Description of An Easement to Construct, Operate and Maintain a City Park.

A portion of land lying within the North half (N2) and the Southeast quarter (SE4) of Section 10 – T4N, R3E, G&SRB&M, Maricopa County, Arizona, said portion being described as follows:

**BEGINNING** at the West quarter corner of said Section 10, from which the Northwest corner lies North 00°00'00" East a distance of 2642.93 feet; Thence North 00°00'00" East along the West line of the Northwest quarter (NW4) of said Section 10, a distance of 1321.46 feet to the Southwest corner of the NW4NW4 of said Section; thence along the South line of said NW4NW4, South 89°56'12" East a distance of 506.01 feet to a point 800.00 feet West of the Southeast corner of said NW4NW4; thence South 24°29'55" East a distance of 1452.07 feet to a point on the South line of said NW4, which bears North 89°58'39" West a distance of 1500.00 feet from the center of said Section 10; thence along said South line, North 89°58'39" West a distance of 1108.14 feet to the **POINT OF BEGINNING**.

**EXCEPT**, the West 33 feet of the North 826.27 feet of the SW4NW4 of said Section 10. Said easement contains 1,039,045 square feet or 23.853 acres more or less.

FLOOD CONTROL DISTRICT OF MARICOPA COUNTY				
Prelim: 3-05-02	Rev:	Chk:	Appr:	Final: 4/19/02
Those certain properties as recorded by Dkt's 7527/675; 7751/521 and Dkt 9015/809 (MCR)				
Maricopa County Public Works Land and Right of Way Division			Titles and Right of Way	

Page 1 of 1

GRANTOR \_\_\_\_\_ DATE \_\_\_\_\_  
 Exhibit "A"



When recorded, interoffice mail to  
Flood Control District of  
Maricopa County (dic)  
2801 West Durango Street  
Phoenix, Arizona 85009

CAVEBUTTES-11-1-1--  
Leonardil

Schedule "B" 23

Exempt ARS 11-1134, A2  
FCD 1999R016

---

**SEWERLINE EASEMENT**

Project: Cave Buttes Dam  
District Parcels: H-2646  
Permit No. 2004P049

**THE FLOOD CONTROL DISTRICT OF MARICOPA COUNTY**, a municipal corporation and political subdivision of the State of Arizona, its agents, contractors, successors, and assigns, **GRANTOR**, for and in consideration of the sum One Hundred and Five Thousand and Thirty Dollars and no cents (**\$105,030.00**) does hereby grant and convey solely unto **THE CITY OF PHOENIX**, a municipal corporation, **GRANTEE** (its successors and assigns), a sewerline easement for the sole purpose of constructing, operating, repairing and maintaining underground sewer lines and appurtenant facilities within the surface of the premises hereinafter described:

See attached EXHIBIT "A"

Attached hereto and incorporated herein

The **GRANTEE** shall have the right of ingress and egress to and along said easement, together with the right to operate, repair, replace, and maintain appurtenant facilities from said premises; and to trim or remove any trees or shrubs that may interfere with the construction or endanger the said sewerline. Before any maintenance activities are performed on said easement area, the Permits Branch of the Flood Control District shall be notified within 48 hours of said activities.

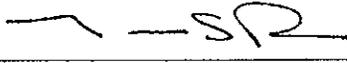
To the extent permissible by law, **GRANTEE** agrees to indemnify **GRANTOR** for all direct damages to the real property, personal property, or physical injury to persons on the property of **GRANTOR**, as described in Exhibit "A" caused by or arising from the proximate result of the activities of **GRANTEE**, its officers, employees, agents or contractors in the exercise of **GRANTEE'S** rights pursuant to the terms of this Easement.

In the event the right, privilege and Easement herein granted shall be abandoned and permanently cease to be used for the purposes herein granted, all rights herein granted shall cease and revert to **GRANTOR**. Should this occur, Grantee will be solely responsible for removing all improvements previously allowed via this document, and for restoring this site to a condition acceptable to Grantor.

This easement shall be binding and run with the land.

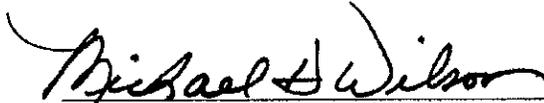
**RECOMMENDED FOR APPROVAL:**

**FLOOD CONTROL DISTRICT  
OF MARICOPA COUNTY**

 3/8/06

Timothy S. Phillips, P.E.  
Chief Engineer and General Manager

Date

 3/8/06

Michael D. Wilson  
Manager, Public Works Land & R/W Division

Date

**ACCEPTED AND APPROVED:**

**BOARD OF DIRECTORS OF  
FLOOD CONTROL DISTRICT  
OF MARICOPA COUNTY**

  
Chairman of the Board

ATTEST:  
  
Clerk of the Board

Date: MAR 15 2006

City of Phoenix,  
a municipal corporation  
Frank Fairbanks, City Manager

By  \_\_\_\_\_  
Mary Vivion-Withrow  
Deputy Finance Director

Date: 2/28/2014

July 30, 2004

**Flood Control District of Maricopa County Exhibit  
Force Main Easement  
Southwest Quarter of the Northwest Quarter of Section Ten**

That portion of the Southwest Quarter (SW¼) of the Northwest Quarter (NW¼) of Section 10, Township 4 North, Range 3 East, Gila & Salt River Base Meridian, Maricopa County, Arizona, and which is more particularly described by metes and bounds as follows:

Commencing at the Northwest Corner of said Section 10;

Thence, South 00°06'20" East along the West line of said Section 10, a distance of 1,334.23 feet to the Point of Beginning;

Thence, North 89°21'00" East, a distance of 1,049.68 feet;

Thence, North 73°33'00" East, a distance of 5.77 feet to a point on the South line of the Northwest Quarter (NW¼) of the Northwest Quarter (NW¼) of said Section 10;

Thence, North 89°57'32" East, along said South line, a distance of 88.50 feet;

Thence, South 73°33'00" West, a distance of 94.14 feet;

Thence, South 89°21'00" West, a distance of 1,053.39 feet to a point on said West section line, said point bearing North 00°06'20" West and a distance of 1,283.66 feet from the West Quarter Corner of said Section 10;

Thence, North 00°06'20" West, along said West section line, a distance of 25.00 feet to the Point of Beginning.

This tract contains 27,537 Square Feet or 0.63 Acres, more or less.

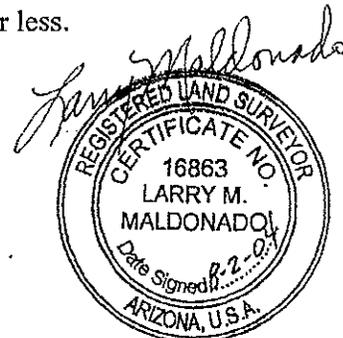
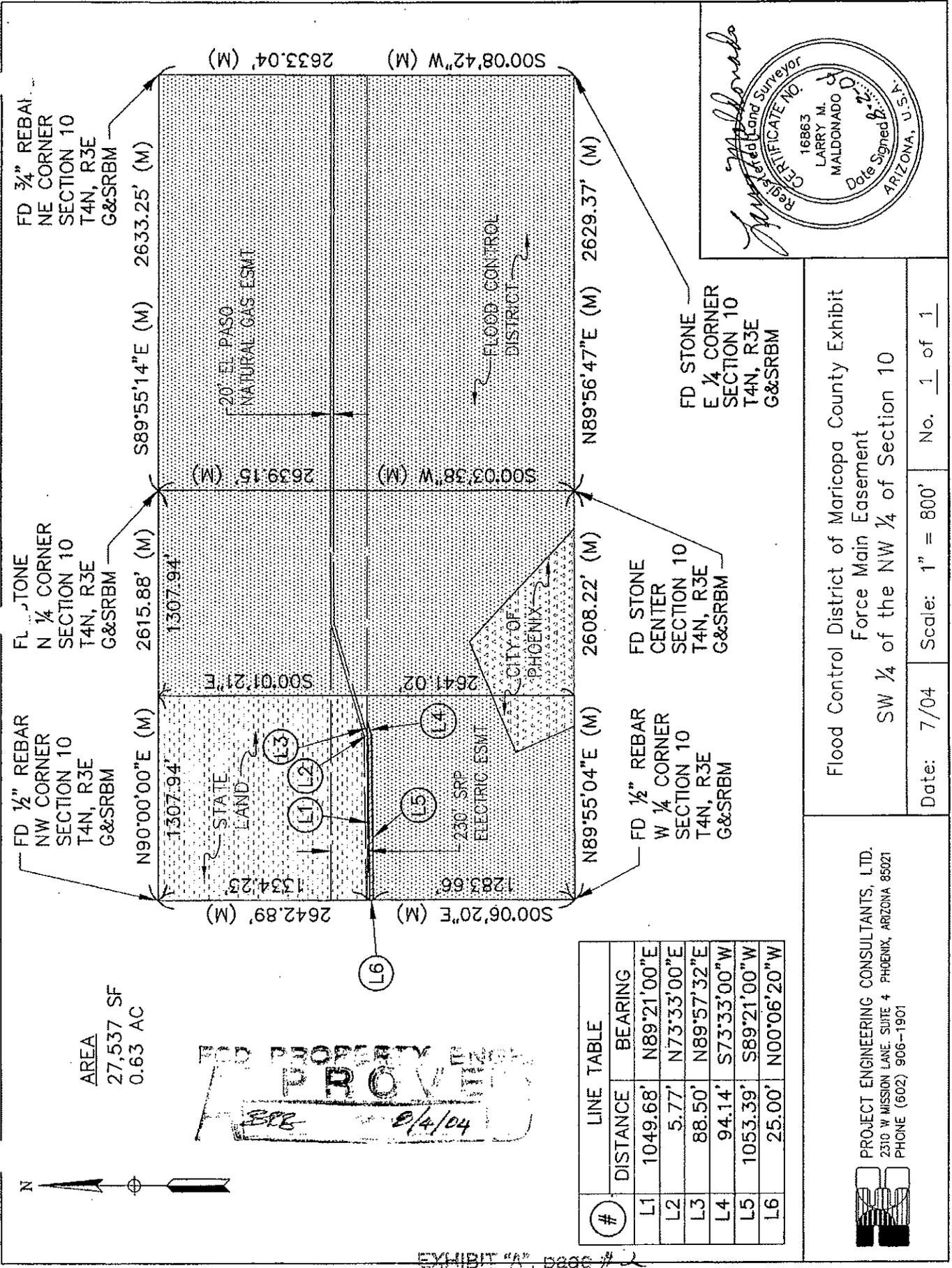


EXHIBIT "A", page # 1



AREA  
27,537 SF  
0.63 AC

FED PROPERTY EASEMENT PROVIDED  
EPP 8/4/04

#	DISTANCE	BEARING
L1	1049.68'	N89°21'00"E
L2	5.77'	N73°33'00"E
L3	88.50'	N89°57'32"E
L4	94.14'	S73°33'00"W
L5	1053.39'	S89°21'00"W
L6	25.00'	N00°06'20"W

FD 3/4" REBAR  
NE CORNER  
SECTION 10  
T4N, R3E  
G&SRBM

FD STONE  
E 1/4 CORNER  
SECTION 10  
T4N, R3E  
G&SRBM

FD STONE  
N 1/4 CORNER  
SECTION 10  
T4N, R3E  
G&SRBM

FD STONE  
CENTER  
SECTION 10  
T4N, R3E  
G&SRBM

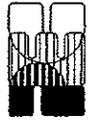
FD 1/2" REBAR  
NW CORNER  
SECTION 10  
T4N, R3E  
G&SRBM

FD 1/2" REBAR  
W 1/4 CORNER  
SECTION 10  
T4N, R3E  
G&SRBM

Flood Control District of Maricopa County Exhibit  
Force Main Easement  
SW 1/4 of the NW 1/4 of Section 10

Date: 7/04 Scale: 1" = 800' No. 1 of 1

PROJECT ENGINEERING CONSULTANTS, LTD.  
2310 W MISSION LANE, SUITE 4 PHOENIX, ARIZONA 85021  
PHONE (602) 906-1901



Registered Land Surveyor  
CERTIFICATE NO. 16863  
LARRY M. MALDONADO  
Date Signed 7/2/04  
ARIZONA, U.S.A.

July 30, 2004

**Flood Control District of Maricopa County Exhibit  
Force Main Temporary Construction Easement  
The Southwest Quarter of the Northwest Quarter  
Of Section Ten**

That portion of the Southwest (SW¼) of the Northwest Quarter (NW¼) of Section 10, Township 4 North, Range 3 East, Gila & Salt River Base Meridian, Maricopa County, Arizona, and which is more particularly described by metes and bounds as follows:

Commencing at the Northwest Corner of said Section 10;

Thence, South 00°06'20" East along the West line of said Section 10, a distance of 1,359.23 feet to the Point of Beginning;

Thence, North 89°21'00" East, a distance of 1,053.41 feet;

Thence, North 73°33'00" East, a distance of 94.14 feet to a point on the North line of the South Half (S½) of said Northwest Quarter (NW¼);

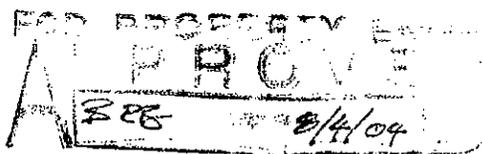
Thence, North 89°57'32" East, along said North line, a distance of 88.50 feet;

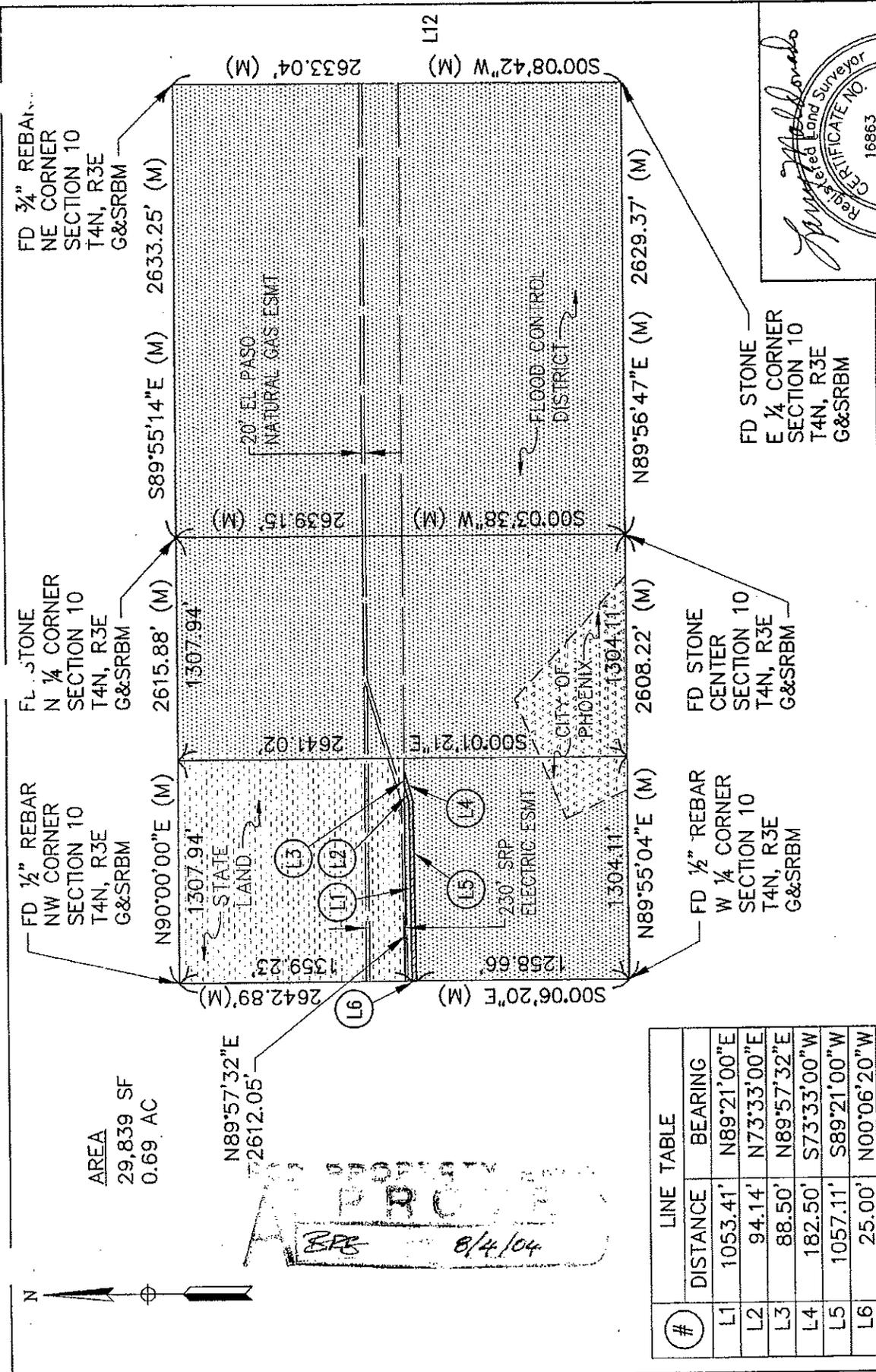
Thence, South 73°33'00" West, a distance of 182.50 feet;

Thence, South 89°21'00" West, a distance of 1,057.11 feet to a point on said West section line, said point bearing North 00°06'20" West and a distance of 1,258.66 feet from the West Quarter (W¼) Corner of said Section 10;

Thence, North 00°06'20" West along said West section line, a distance of 25.00 feet to the Point of Beginning.

This tract contains 29,839 Square Feet or 0.69 Acres, more or less.





LINE TABLE	
#	BEARING
L1	1053.41' N89°21'00"E
L2	94.14' N73°33'00"E
L3	88.50' N89°57'32"E
L4	182.50' S73°33'00"W
L5	1057.11' S89°21'00"W
L6	25.00' N00°06'20"W

FD 3/4" REBAR  
NE CORNER  
SECTION 10  
T4N, R3E  
G&SRBM

FD 1/4 CORNER  
SECTION 10  
T4N, R3E  
G&SRBM

FD 1/2" REBAR  
W 1/4 CORNER  
SECTION 10  
T4N, R3E  
G&SRBM

FD STONE  
E 1/4 CORNER  
SECTION 10  
T4N, R3E  
G&SRBM

FD STONE  
CENTER  
SECTION 10  
T4N, R3E  
G&SRBM

Registered Land Surveyor  
CERTIFICATE NO. 16863  
LARRY M. MALDONADO  
Date Signed 8-2-04  
ARIZONA, U.S.A.

Flood Control District of Maricopa County Exhibit  
Force Main Temporary Construction Easement  
SW 1/4 of the NW 1/4 of Section 10

Date: 7/04 Scale: 1" = 800' No. 1 of 1

PROJECT ENGINEERING CONSULTANTS, LTD.  
2310 W MISSION LANE, SUITE 4 PHOENIX, ARIZONA 85021  
PHONE (602) 906-1901

PROPERTY PROJECT  
BPS 8/4/04

August 11, 2004

**Flood Control District of Maricopa County Exhibit  
Force Main Easement  
Northeast Quarter of the Northwest Quarter &  
The North Half of the Northeast Quarter  
Of Section Ten**

That portion of the Northeast Quarter (NE $\frac{1}{4}$ ) of the Northwest Quarter (NW $\frac{1}{4}$ ) and the North Half (N $\frac{1}{2}$ ) of the Northeast Quarter (NE $\frac{1}{4}$ ) of Section 10, Township 4 North, Range 3 East, Gila & Salt River Base Meridian, Maricopa County, Arizona, and which is more particularly described by metes and bounds as follows:

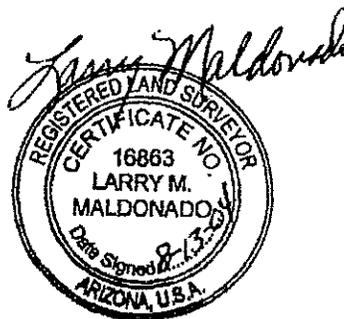
Commencing at the Northwest Corner of said Section 10;

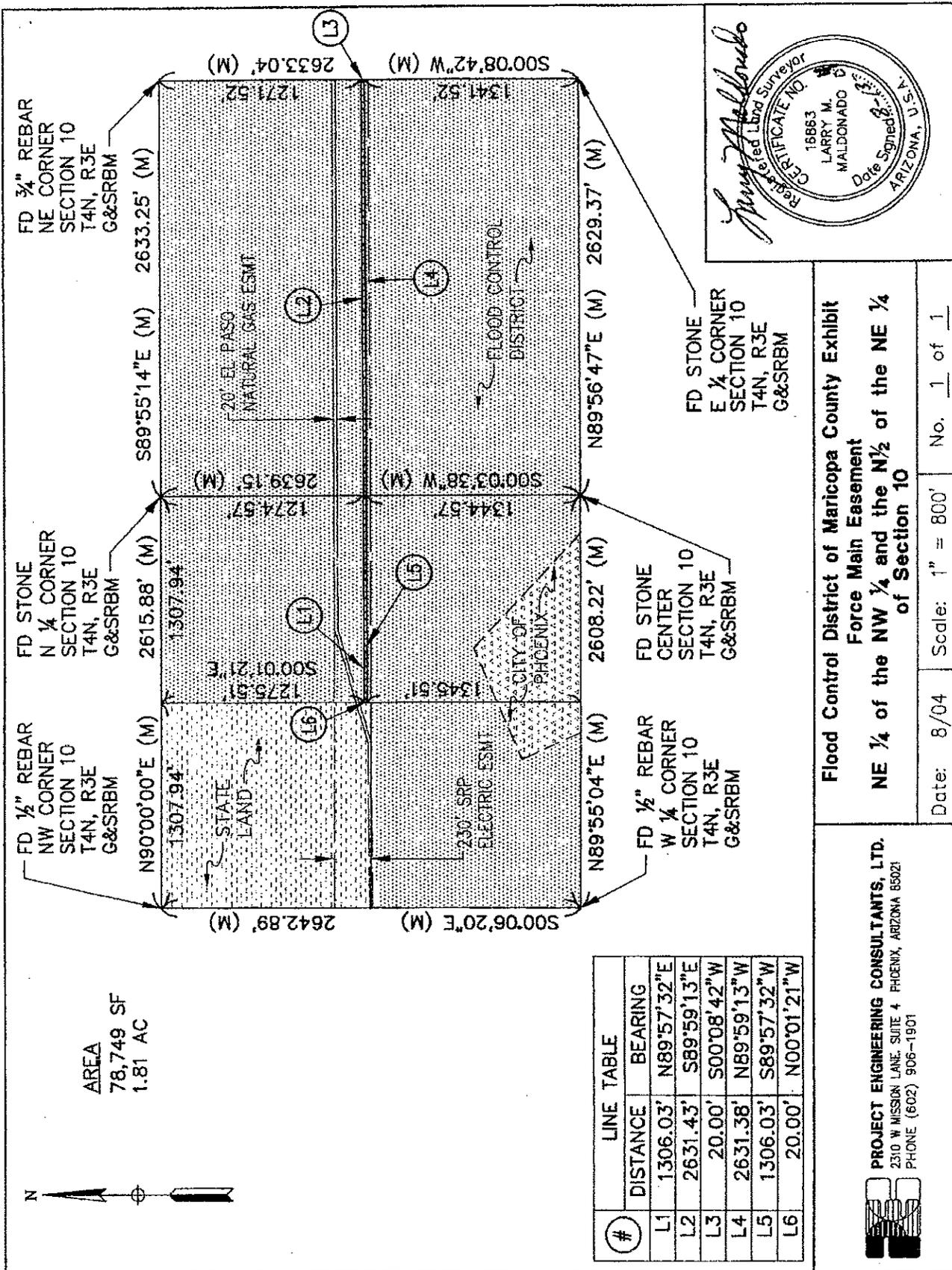
- Thence, North 90°00'00" East, along the North line of said Section 10, a distance of 1,307.94 feet to the Northeast Corner of the Northwest Quarter (NW $\frac{1}{4}$ ) of the Northwest Quarter (NW $\frac{1}{4}$ ) of said Section 10;
- Thence, South 00°01'21" East, along the East line of said Northwest Quarter (NW $\frac{1}{4}$ ) of the Northwest Quarter (NW $\frac{1}{4}$ ) of said Section 10, a distance of 1,275.51 feet to the Point of Beginning;
- Thence, North 89°57'32" East, along a line that is 45.00 feet northerly and parallel with the South line of the North Half (N $\frac{1}{2}$ ) of the Northwest Quarter (NW $\frac{1}{4}$ ) of said Section 10, a distance of 1,306.03 feet to a point on the East line of the Northwest Quarter (NW $\frac{1}{4}$ ) of said Section 10, said point bearing South 00°03'38" West and a distance of 1,274.57 feet from the North Quarter (N $\frac{1}{4}$ ) Corner of said Section 10;
- Thence, South 89°59'13" East, along a line that is 45.00 feet northerly and parallel with the South line of the North Half (N $\frac{1}{2}$ ) of the Northeast Quarter (NE $\frac{1}{4}$ ) of said Section 10, a distance of 2,631.43 feet to a point on the East line of said Section 10, said point bearing South 00°08'42" West and distance of 1,271.52 feet from the Northeast Corner of said Section 10;

**Flood Control District of Maricopa County Exhibit  
Force Main Easement  
Northeast Quarter of the Northwest Quarter  
And the North Half of the Northeast Quarter  
Of Section Ten  
(continued)**

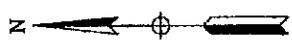
- Thence, South 00°08'42" West along the East line of said Section 10, a distance of 20.00 feet to a point which bears North 00°08'42" East and a distance of 1,341.52 feet from the East Quarter Corner of said Section 10;
- Thence, North 89°59'13" West along a line that is 25.00 feet northerly and parallel with the South line of the North Half (N½) of the Northeast Quarter (NE¼) of said Section 10, a distance of 2,631.38 feet;
- Thence, South 89°57'32" West along a line that is 25.00 feet northerly and parallel with the South line of the North Half (N½) of the Northwest Quarter (NW¼) of said Section 10, a distance of 1,306.03 feet;
- Thence, North 00°01'21" West, a distance of 20.00 feet to the Point of Beginning;

This tract contains 78,749 Square Feet or 1.81 Acres, more or less.





AREA  
78,749 SF  
1.81 AC



LINE TABLE	
#	DISTANCE BEARING
L1	1306.03' N89°57'32"E
L2	2631.43' S89°59'13"E
L3	20.00' S00°08'42"W
L4	2631.38' N89°59'13"W
L5	1306.03' S89°57'32"W
L6	20.00' N00°01'21"W

*Larry M. Maldonado*  
 Registered Land Surveyor  
 CERTIFICATE NO. 16863  
 LARRY M. MALDONADO  
 Date Signed: 8/04  
 ARIZONA, U.S.A.

FD 3/4" REBAR  
 NE CORNER  
 SECTION 10  
 T4N, R3E  
 G&SRBM

FD STONE  
 N 1/4 CORNER  
 SECTION 10  
 T4N, R3E  
 G&SRBM

FD 1/2" REBAR  
 NW CORNER  
 SECTION 10  
 T4N, R3E  
 G&SRBM

FD STONE  
 CENTER  
 SECTION 10  
 T4N, R3E  
 G&SRBM

Flood Control District of Maricopa County Exhibit  
 Force Main Easement  
 NE 1/4 of the NW 1/4 and the N 1/2 of the NE 1/4  
 of Section 10

PROJECT ENGINEERING CONSULTANTS, LTD.  
 2310 W MISSION LANE, SUITE 4 PHOENIX, ARIZONA 85021  
 PHONE (602) 906-1901

Date: 8/04 Scale: 1" = 800' No. 1 of 1

Schedule "B" 24

NA

JUN 10 '69-305

7645-139

01-DEED

STATE OF ARIZONA  
County of Maricopa

Fee No.  
104981

JUN 10 '69-305 IN DOCKET 7645 Page 139.140  
and indexed in deeds

When recorded, return to:  
Maricopa County Board of Supervisors   
Flood Control District   
of Maricopa County

Witness my hand and official seal.  
PAUL N. MARSTON  
County Recorder  
By *[Signature]*  
Deputy Recorder

Compared  
Photostated  
Fee: 7/c

111,247 Evng

Proj. 806 07 (EPD-5) Cave Buttes  
Item H-2644 "A" T.R. 907,569

### Warranty Deed

Know All Men By These Presents:

That Ellen H. Versluis, a widow

GRANTOR

of MARICOPA COUNTY, STATE OF ARIZONA, for and in consideration of the sum of \$10.00

DOLLARS, and other valuable considerations to her in

hand paid by the Flood Control District of MARICOPA COUNTY, a political subdivision of the STATE OF ARIZONA, GRANTEE herein, has granted, sold and conveyed and by these presents do grant, sell and convey unto the said GRANTEE all that certain real property situated in the County of Maricopa, State of Arizona, described as follows:

CHA  
86

7/24/69

The South one-half of the Southwest one-quarter of the Southwest one-quarter of the North-west one-quarter (S $\frac{1}{2}$  of SW $\frac{1}{4}$  of SW $\frac{1}{4}$  of NW $\frac{1}{4}$ ) and the South one-half of the North one-half of the Southwest one-quarter of the Southwest one-quarter of the Northwest one-quarter (S $\frac{1}{2}$  of N $\frac{1}{2}$  of SW $\frac{1}{4}$  of SW $\frac{1}{4}$  of NW $\frac{1}{4}$ ) of Section Ten(10); EXCEPT the West 33' of said (S $\frac{1}{2}$  SW $\frac{1}{4}$  SW $\frac{1}{4}$  NW $\frac{1}{4}$ ) and said (S $\frac{1}{2}$  N $\frac{1}{2}$  SW $\frac{1}{4}$  SW $\frac{1}{4}$  NW $\frac{1}{4}$ ) Section 10; The Southeast one-quarter of Southwest one-quarter of Northwest one-quarter (SE $\frac{1}{4}$  of SW $\frac{1}{4}$  of NW $\frac{1}{4}$ ) and the South one-half of the Northeast one-quarter of Southwest one-quarter of Northwest one-quarter (S $\frac{1}{2}$  of NE $\frac{1}{4}$  of SW $\frac{1}{4}$  of NW $\frac{1}{4}$ ) of Section Ten(10); all being in Township Four(4) North, Range Three(3) East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, as shown on the attached plat and which is made a part of this instrument, and is the result of a survey recorded in Book 119 of Maps, pages 49 and 50, and in Book 120 of Maps, pages 1, 2 and 3, records of Maricopa County Recorder; containing 22.01 acres.

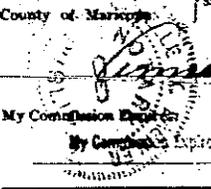
TO HAVE AND TO HOLD the above described property, together with all and singular the rights and appurtenances thereto in any wise belonging unto the said GRANTEE, its successors and assigns forever, and the GRANTOR here-by binds heirs, executors and administrators to warrant and defend, all and singular the said property unto the said GRANTEE, against every person whomsoever, lawfully claiming or to claim the same or any part thereof.

DATED this 17<sup>th</sup> day of May 1969

*Ellen H. Versluis*

STATE OF ARIZONA  
County of Maricopa

This instrument was acknowledged before me this 14<sup>th</sup> day of May 1969, by Ellen H. Versluis,



My Commission Expires Feb 17, 1973

Notary Public

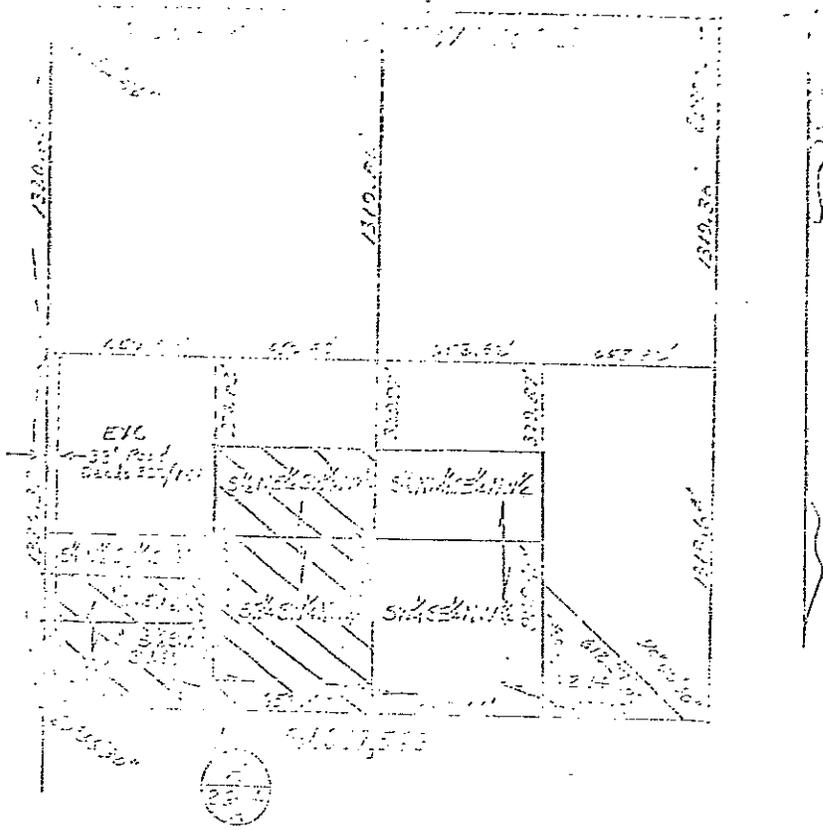
STATE OF ARIZONA  
County of Maricopa

This instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, by \_\_\_\_\_

My Commission Expires:

Notary Public

Dr-7645 .140



PROJ. N-8-117(FCD-8)  
 Ellen H. Hirsleis  
 ITEM H-2301-A  
 30-10-1981

Total Area 22.25 ac.  
 Total Area 22.01 ac.

JUN 10 '69-805

7645 141

Schedule "B"

24

STATE OF ARIZONA  
County of Maricopa

I hereby certify that the within instrument was filed and recorded

01-DEED

Fee No.

IN DOCKET 7645 Page 141-143  
and indexed in deeds  
Stewart Title & Trust of Phoenix

104982

When recorded, return to:

Maricopa County Board of Supervisors   
Flood Control District   
of Maricopa County

Witness my hand and official seal.

PAUL H. MARSTON  
County Recorder

Compared

Photostated

Fee: 7/c

By *Marky J. ...*  
Deputy Recorder

111,247 Bury

Proj. 806-07 (PCD-5) Cave Buttes  
Item H-2644 "B" T.R. 907,569

**Warranty Deed**

Know All Men By These Presents:

That Ellen H. Versluis, a widow

GRANTOR

of MARICOPA COUNTY, STATE OF ARIZONA, for and in consideration of the sum of \$10.00

10 DOLLARS, and other valuable considerations to her in

hand paid by the Flood Control District of MARICOPA COUNTY, a political subdivision of the STATE OF ARIZONA, GRANTEE herein, has granted, sold and conveyed and by these presents do grant, sell and convey unto the said GRANTEE all that certain real property situated in the County of Maricopa, State of Arizona, described as follows:

The Southwest one-quarter of the Southeast one-quarter of the Northwest one-quarter of Section Ten(10); the South one-half of the Northwest one-quarter of the Southeast one-quarter of the Northwest one-quarter (SE $\frac{1}{2}$  of NW $\frac{1}{4}$  of SE $\frac{1}{2}$  of NW $\frac{1}{4}$ ) of Section Ten(10); That part of the Southeast one-quarter of the Southeast one-quarter of the Northwest one-quarter (SE $\frac{1}{2}$  of SE $\frac{1}{2}$  of NW $\frac{1}{4}$ ) of Section Ten(10) described as follows: BEGINNING at the Southwest corner of said (SE $\frac{1}{2}$  of SE $\frac{1}{2}$  of NW $\frac{1}{4}$ ); thence North along the west line thereof 407.54 feet; thence Southeasterly to a point on the South Line of said (SE $\frac{1}{2}$  of SE $\frac{1}{2}$  of NW $\frac{1}{4}$ ) 457.62 feet East of the place of beginning; thence West along the South line thereof 457.62 feet to the place of beginning; all being in Township Four(4) North, Range Three(3) East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, as shown on the attached plat and which is made a part of this instrument, and is the result of a survey recorded in Book 119 of Maps, pages 49 and 50, and in Book 120 of Maps, pages 1, 2 and 3, records of Maricopa County Recorder; containing 16.97 acres.

TO HAVE AND TO HOLD the above described property, together with all and singular the rights and appurtenances thereto in any wise belonging unto the said GRANTEE, its successors and assigns forever, and the GRANTOR here- by binds heirs, executors and administrators to warrant and defend, all and singular the said property unto the said GRANTEE, against every person whatsoever, lawfully claiming or to claim the same or any part thereof.

DATED this 14<sup>th</sup> day of May, 1969

Stewart Title & Trust of Phoenix  
Notary Public

*Ellen H. Versluis*

STATE OF ARIZONA  
County of Maricopa

This instrument was acknowledged before me this 14<sup>th</sup> day of

May, 1969, by

My Commission Expires:

February 17, 1973

Notary Public

STATE OF ARIZONA  
County of Maricopa

This instrument was acknowledged before me this \_\_\_\_\_ day of

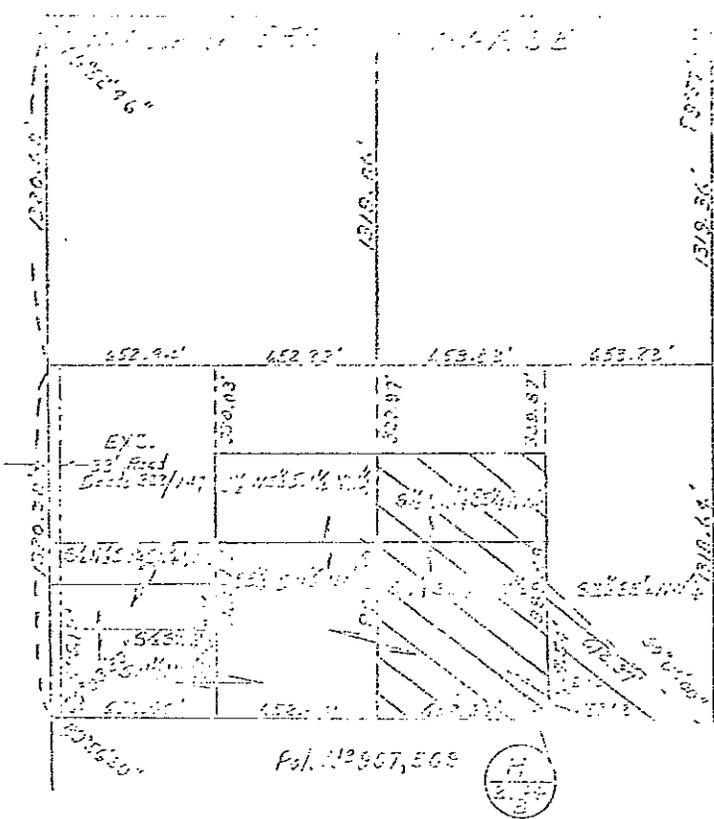
\_\_\_\_\_, 19\_\_\_\_, by

My Commission Expires:

Notary Public

FORM 99-10

67-7645-142



PROJ. N<sup>o</sup> 806-97 (CD-3)  
 Ellen H. Yocum  
 ITEM H-2143-B  
 SCALE 1" = 500'

Total Acreage 16.37 Ac.  
 Total Toting 16.37 Ac.

Approved: \_\_\_\_\_  
 Chief Engineer General N.G.

WHEN RECORDED, MAIL TO:

111,247 diaz

DET 7645 143

May 20, 1969

Board of Supervisors  
Maricopa County

Gentlemen:

Attached is Warranty deed for 16.97 acres which is the so called better portion of the land which I owned in the vicinity of Cave Creek retention dam.

The land covered by this deed and valued at \$11,770 is being donated to the county, first for flood control purposes and second for recreational activities for the good people of Arizona. I know it is your intentions to construct flood control facilities in the general area and at times it will be necessary that all or a portion of this land will be inundated, however my family has spent many wonderful times picnicing on this land, and I hope you can find a few extra dollars in the county budget to develop the area for the general public to use.

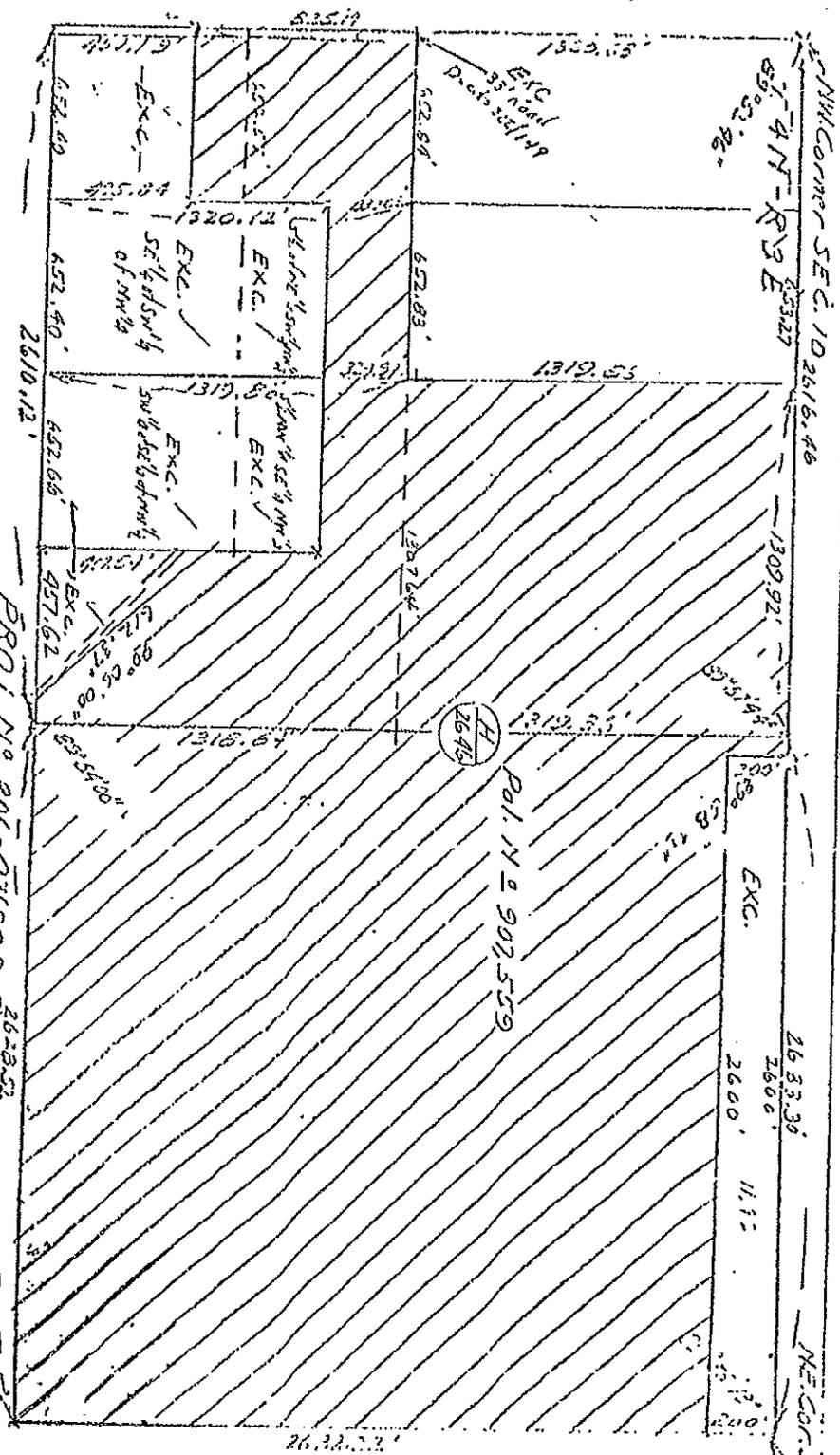
*Edna J. Thomas*

*this letter*

NO CHARGE FOR RECORDING PER PAUL THOMAS

5/21/69

001 12261 P6 1223



TRANSAMERICA TITLE INS. & TRUST Co.

PROJ. N<sup>o</sup> 805-OY(PCD-5) 26-38.52

ITEM 2646

SCALE 1" = 500'

Total Acreage 273.82 AC  
227.141 AC

3/12/68

Approved: \_\_\_\_\_  
 \_\_\_\_\_  
 County Engr.

<b>- EMPIRE TITLE WEST, EMI, CKKF</b>	<b>MARICOPA, AZ</b>
05/05/2014 02:32PM AK1L	ORDER SEARCH RESULTS
ORDER: 34217	TOF:                      COMMENT:

**SEARCH PARAMETERS**

PARCEL:                    212-15-003A                    (PERMIT DATEDOWNS)

PARCEL:                    212-15-004A                    (PERMIT DATEDOWNS)

PARCEL:                    212-15-004B                    (PERMIT DATEDOWNS)

✓ PARCEL: 212-15-003A 7

<b>OWNER:</b> FLOOD CONTROL DISTRICT OF MARICOPA COUNTY	<b>INSTRUMENT</b> 12261 1220	<b>REC DATE</b> 06/08/1977
<b>MAIL:</b> 2801W DURANGO ST PHOENIX, AZ 85009		
<b>SECTION:</b> 10            TWP 4N            RNG 3E		
<b>LEGAL:</b> N2 SEC EX NW4 NW4 & EX S 3/4 SW4 SW4 NW4 & EX S 3 /4 E2 SW4 NW4 & EX S 3/4 W2 SE4 NW4 & EX SE4 SE4 NW4 LY S & W OF GRAVEL RD & EX N 200F OF E 2600F & EX W 33F OF NW4 SW4 NW4 & EX W 33F N2 N2 SW4 SW 4 NW4 & EX RDS P/D 12306/437		

<b>CURRENT TAXES</b>	<b>INFORMATION THROUGH</b> 04/25/2014
----------------------	--

	LAND	IMPR	EXEMPT	RATE	AREA	SPECIAL DISTRICTS
PRIMARY	437,120	0	0	8.8289	691300	30002
SECONDARY	437,120	0	0	4.0593		
	2013 TOTAL TAX BILLED			0.00		
<b>2013</b>	<b>TAX AMT</b>	<b>TAX DUE</b>	<b>INTEREST</b>	<b>DATE PAID</b>	<b>TOTAL DUE</b>	
FIRST HALF	0.00	0.00	0.00		0.00	
SECOND HALF	0.00	0.00	0.00		0.00	
<b>TOTAL CURRENT TAXES DUE 05/14</b>			0.00			
		06/14	0.00			

<b>BACK TAXES</b>	<b>INFORMATION THROUGH</b> 04/25/2014
-------------------	--

NO BACK TAXES

<b>ASSESSMENTS</b>
--------------------

NO ASSESSMENTS

**- EMPIRE TITLE WEST, EMI, CKKF** **MARICOPA, AZ**  
**05/05/2014 02:32PM AK1L** **ORDER SEARCH RESULTS** **PAGE 2 OF 3**  
**ORDER: 34217** **TOF:** **COMMENT:**

✓ **PARCEL: 212-15-004A 4**

	<b>INSTRUMENT</b>	<b>REC DATE</b>
<b>OWNER:</b> FLOOD CONTROL DISTRICT OF MARICOPA COUNTY	12261 1220	06/08/1977
<b>MAIL:</b> 2801W DURANGO ST PHOENIX, AZ 85009		
<b>SECTION:</b> 10 TWP 4N RNG 3E		
<b>LEGAL:</b> TH POR OF PROP LY SWLY OF CAVE CREEK DAM RD P/D 12306/439 LY WI-IN PROP DAF TH S 3/4 SW4 SW4 NW4 SEC 10 & S 3/4 E2 SW4 NW4 SD SEC & S 3/4 W2 SE4 NW4 SD SEC & SE4 SE4 NW4 SD SEC LY S & W OF GRAVEL RD EX TH POR DAF COM CENT SD SEC TH W 225.37F TO TPOB TH CONT W 1274.63F TO A PT TH N 24D 29M W 375.76F TH N 64D 41M E 813.36F TH S 45D 12M E 979.52F TO A PT & TPOB		

CURRENT TAXES						INFORMATION THROUGH 04/25/2014
	LAND	IMPR	EXEMPT	RATE	AREA	SPECIAL DISTRICTS
PRIMARY	59,200	0	0	8.8289	691300	30002
SECONDARY	59,200	0	0	4.0593		
2013 TOTAL TAX BILLED				0.00		
2013	TAX AMT	TAX DUE	INTEREST	DATE PAID	TOTAL DUE	
FIRST HALF	0.00	0.00	0.00		0.00	
SECOND HALF	0.00	0.00	0.00		0.00	
TOTAL CURRENT TAXES DUE		05/14	0.00			
		06/14	0.00			

<b>BACK TAXES</b>	<b>INFORMATION THROUGH 04/25/2014</b>
-------------------	---

NO BACK TAXES

<b>ASSESSMENTS</b>
--------------------

NO ASSESSMENTS

<b>- EMPIRE TITLE WEST, EMI, CKKF</b>	<b>MARICOPA, AZ</b>
05/05/2014 02:32PM AK1L	ORDER SEARCH RESULTS
ORDER: 34217	PAGE 3 OF 3
TOF:	COMMENT:

✓ PARCEL: 212-15-004B 3

	INSTRUMENT	REC DATE
OWNER: FLOOD CONTROL DISTRICT OF MARICOPA COUNTY	12261 1220	06/08/1977
MAIL: 2801W DURANGO ST PHOENIX, AZ 85009		
SECTION: 10 TWP 4N RNG 3E		
LEGAL: TH POR LY NELY OF CAVE CREEK DAM RD P/F 12306/439 LY WI-IN PROP DAF TH S 3/4 SW4 SW4 NW4 SEC 10 & S 3/4 E2 SW4 NW4 SD SEC & S 3/4 W2 SE4 NW4 SD SEC & SE4 SE4 NW4 SD SEC LY S & W OF GRAVEL RD		

<b>CURRENT TAXES</b>	<b>INFORMATION THROUGH 04/25/2014</b>
----------------------	---------------------------------------

	LAND	IMPR	EXEMPT	RATE	AREA	SPECIAL DISTRICTS
PRIMARY	14,640	0	0	8.8289	691300	30002
SECONDARY	14,640	0	0	4.0593		
<b>2013 TOTAL TAX BILLED</b>				<b>0.00</b>		

	TAX AMT	TAX DUE	INTEREST	DATE PAID	TOTAL DUE
2013 FIRST HALF	0.00	0.00	0.00		0.00
2013 SECOND HALF	0.00	0.00	0.00		0.00
TOTAL CURRENT TAXES DUE 05/14			0.00		
		06/14	0.00		

<b>BACK TAXES</b>	<b>INFORMATION THROUGH 04/25/2014</b>
-------------------	---------------------------------------

NO BACK TAXES

**ASSESSMENTS**

NO ASSESSMENTS

**CONDITIONS, DISCLAIMERS AND EXCLUSIONS**

This Tax Certificate/Tax Order Report does not constitute a report on or certification of: (1) mineral (productive and/or non-productive) taxes or leases; (2) personal property taxes; or (3) other non ad valorem taxes (such as paving liens, stand-by charges or maintenance assessments).

Data Trace Information Services LLC ("Data Trace") may have warranted the accuracy of this Tax Certificate/Tax Order Report to its customer (the "Data Trace Customer") pursuant to the terms and conditions of a written tax service agreement between Data Trace and said Data Trace Customer (the "Tax Service Agreement"). Any such warranty (hereinafter, "Data Trace Customer Warranty") does not: (a) extend to a third party bearer of this Tax Certificate/Tax Order Report; (b) cover any changes made to the records of the taxing authority after the "payments as of," "paid," or "payment" dates delineated above; and (c) cover any invalid tax information shown on the records of the taxing authority or resulting from an error by the Data Trace Customer (including, without limitation, submission of incorrect property information by said Data Trace Customer). DATA TRACE MAKES NO WARRANTIES (EXPRESS OR IMPLIED) WITH RESPECT TO THIS TAX CERTIFICATE/TAX ORDER REPORT OTHER THAN (WHERE APPLICABLE) THE DATA TRACE CUSTOMER WARRANTY. Any and all claims under a Data Trace Customer Warranty must be submitted to Data Trace by the corresponding Data Trace Customer and are subject to the terms and conditions set forth in the pertinent Tax Service Agreement (including, without limitation, the filing deadlines applicable to such claims). In some jurisdictions Data Trace's validation of a Tax Certificate/Tax Order Report is required to activate a Data Trace Customer Warranty.

END SEARCH

FIRST SOUTHWESTERN TITLE

Recorded At The Request Of:  
Maricopa County Board Of Supervisors

Typed: April 15, 2002

When Recorded, Interoffice Mail to:

Flood Control District  
of Maricopa County (LLA)



OFFICIAL RECORDS OF  
MARICOPA COUNTY RECORDER  
HELEN PURCELL  
2002-0640312 06/24/02 15:03  
1 OF 11

BLOCKNUMBERS

*as described in legal description*  
*Vesting*

Exempt ARS 11-1134, A3

Resolution FCD N/A

### WARRANTY DEED

Project: CAVE BUTTES DAM  
Item: H-2646-02-EX  
Assessor's Parcel No. Portion of 212-15-001B  
MC-2245 1/2 Portion of 212-15-003A  
Portion of 212-15-004

The FLOOD CONTROL DISTRICT of MARICOPA COUNTY, a municipal corporation and political subdivision of the State of Arizona, **GRANTOR**, for the sum of One Million Two Hundred Seventy Two Thousand Dollars and 00/100 (\$1,272,000.00), and other valuable consideration, receipt and sufficiency of which are hereby acknowledged, paid by The CITY of PHOENIX, a municipal corporation of the State of Arizona, **GRANTEE**, herein has granted, sold, and conveyed and by this Deed does grant, sell, and convey unto the said **GRANTEE** all that certain real property situated in the County of Maricopa, State of Arizona, described as follows:

See Exhibit "A"  
Attached hereto and incorporated herein

The **GRANTOR** binds itself and its successors to warrant the title against all persons whomsoever.

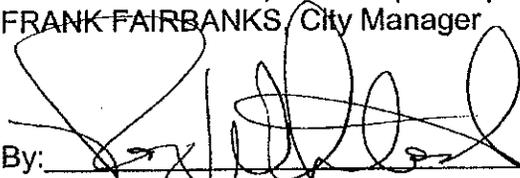
This property is conveyed subject to: Current (or prorated as necessary) real estate taxes, assessments, reservations, easements, rights-of-way, and deed restrictions as may appear of record.

**GRANTOR** warrants that no portion of the property is the subject of a threatened or pending investigation or lawsuit or administrative action by any person, firm, governmental body or other entity relating to or arising from any matter or circumstance subject to regulation pursuant to any statute, ordinance, rule or regulation, and **GRANTOR** has received no unofficial or official notice of any alleged violations of any statutes, ordinances, or regulations.

....  
....  
....

GRANTEE ACCEPTANCE AND APPROVAL:

CITY OF PHOENIX, a municipal corporation  
FRANK FAIRBANKS, City Manager

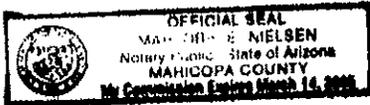
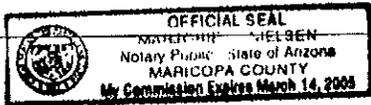
By: 

Roger Whitlock  
Acting Real Estate Administrator 

ACKNOWLEDGMENT

STATE OF Arizona )  
COUNTY OF Maricopa ) ss.

This instrument was acknowledged before me this 14 day of May, 20 02  
by Roger Whitlock Acting Real Estate Administrator, on behalf of the City Manager of the  
City of Phoenix, a municipal corporation of the State of Arizona.



Marie E. Nielsen  
NOTARY PUBLIC

My Commission Expires: 3/14/05

NOTARY SEAL

**RECOMMENDED FOR APPROVAL:**

**FLOOD CONTROL DISTRICT  
OF MARICOPA COUNTY**

11/5/11 5/28/12  
Date  
Michael S. Ellegood, P. E.  
Chief Engineer and General Manager

Jim Schwartzmann 5/20/12  
Date  
Jim L. Schwartzmann  
Manager, Land Management Division

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**ACCEPTED AND APPROVED:**

**BOARD OF DIRECTORS OF  
FLOOD CONTROL DISTRICT  
OF MARICOPA COUNTY**

Don Stegley  
Chairman of the Board

**ATTEST:**  
Jim McCann  
Clerk of the Board  
Date 6/10/12

20020640312

Parcel No. : **A Portion of 212-15-001B, 3A & 212-15-004**  
 Project No. : **C6A350S**  
**CAVE BUTTES DAM**  
 Item No. : **H-2646-02**

**FLOOD CONTROL DISTRICT to the CITY OF PHOENIX**

Those portion of land lying within the North half (N2) and the Southeast quarter (SE4) of Section 10 – T4N, R3E, G&SRB&M, Maricopa County, Arizona, said portion being described as follows:

Parcel One:

**COMMENCING** at the center of said section 10; thence along the North-South midsection line, South 00°17'07" East a distance of 750.00 feet to the **TRUE POINT OF BEGINNING**; thence North 67°17'52" East a distance of 422.83 feet; thence North 47°19'24" West a distance of 525.26 feet to a point on the North-South midsection line of said section 10, from which said point lies South 00°17'07" East a distance of 224.75 feet from center of said section; thence along said line, South 00°17'07" East a distance of 525.25 feet to the **TRUE POINT OF BEGINNING**. Containing 102,656 square feet or 2.3567 acres more or less.

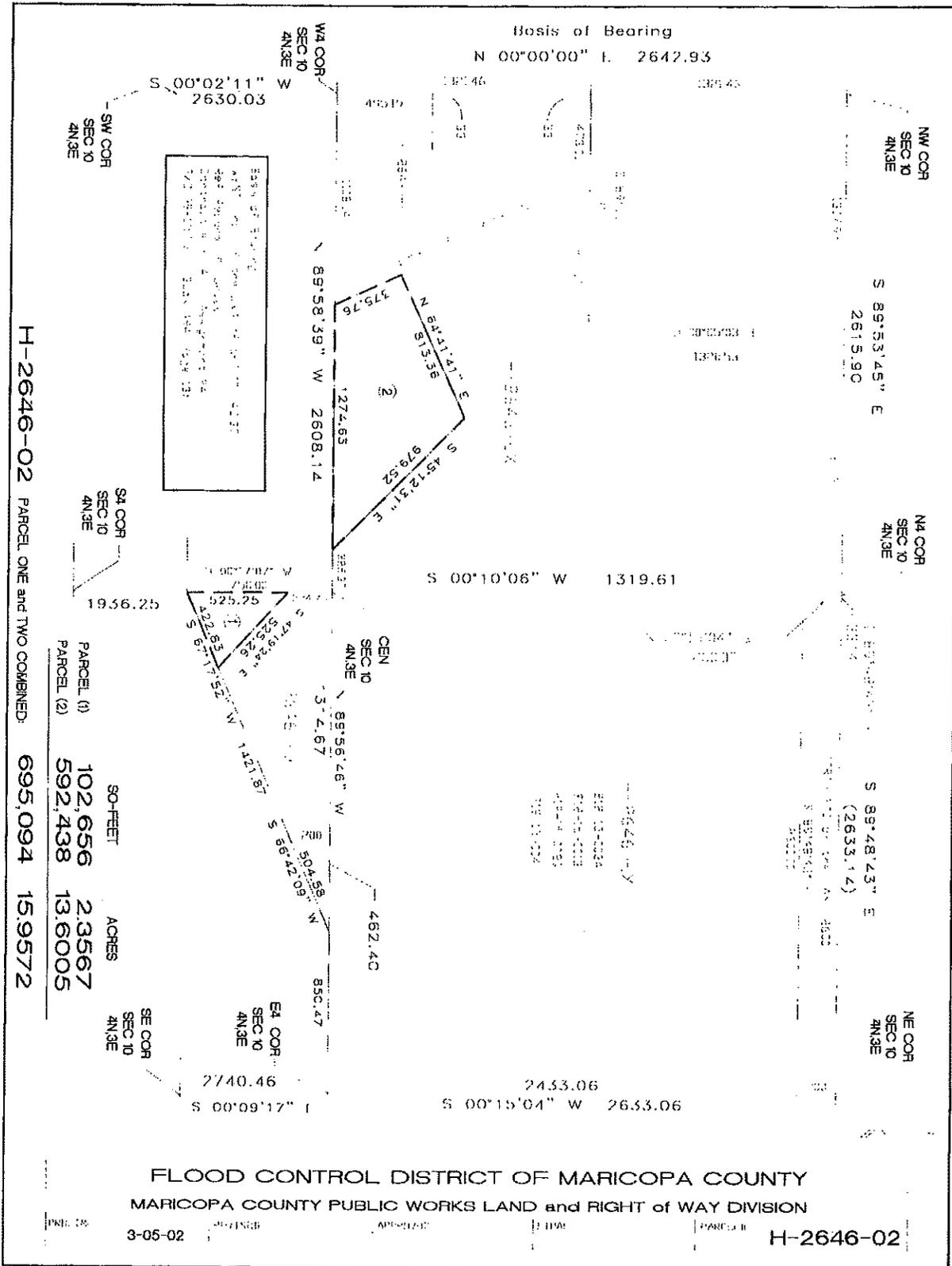
Parcel Two:

**COMMENCING** at the center of said section 10; thence along the East-West midsection line, North 89°58'39" West a distance of 225.37 feet to the **TRUE POINT OF BEGINNING**; thence continuing along said midsection line, North 89°58'39" West a distance of 1274.63 feet to a point, said point lies South 89°58'39" East a distance of 1108.14 feet from the West quarter corner of said section 10; thence North 24°29'55" West a distance of 375.76 feet; thence North 64°41'41" East a distance of 813.36 feet; thence South 45°12'31" East a distance of 979.52 feet to a point on the East-West midsection line of said section 10, and the **POINT OF BEGINNING**. Containing 592,438 square feet or 13.6005 acres more or less.

Parcel's One and Two combined contain 695,094 square feet or 15.9572 acres more or less.

FLOOD CONTROL DISTRICT OF MARICOPA COUNTY				
Prelim: 3-05-02	Rev:	Chk:	Appr:	Final: 4/18/02
Those certain properties as recorded by Dkt's 7527/675; 7751/521 and Dkt 9015/809 (MCR)				
Maricopa County Public Works Land and Right of Way Division			Titles and Right of Way	

GRANTOR \_\_\_\_\_ DATE \_\_\_\_\_  
 Exhibit "A"



PAGES OF THIS DOCUMENT  
WILL NOT REPRODUCE ON FILM

NA

JUN 10 '39 - 305

7645 139

Vesting

STATE OF ARIZONA  
County of Maricopa

01-DFFD

Fee No.

104981

JUN 10 '39 - 305 IN DOCKET 7645 Page 139.140 and indexed in deeds

PREVAIL TITLE 2 TRUST OF PHOENIX

When recorded, return to:

Witness my hand and official seal.  
PAUL H. MARSTON  
County Recorder

Compared

Photostated

Fee: 7/c

Maricopa County Board of Supervisors   
Flood Control District   
of Maricopa County

By *[Signature]* Deputy Recorder

111,247 King

Tr. 805-07 (E.C.D-S) Cave Buttes  
Item H-2644 "A" T.R. 907,569

### Warranty Deed

Know All Men By These Presents:

That Ellen H. Versluis, a widow

GRANTOR

of MARICOPA COUNTY, STATE OF ARIZONA, for and in consideration of the sum of \$10.00

DOLLARS, and other valuable considerations to her in

CA  
PS

7/27/69

hand paid by the Flood Control District of MARICOPA COUNTY, a political subdivision of the STATE OF ARIZONA, GRANTEE herein, has granted, sold and conveyed and by these presents do grant, sell and convey unto the said GRANTEE all that certain real property situated in the County of Maricopa, State of Arizona, described as follows:

The South one-half of the Southwest one-quarter of the Southwest one-quarter of the North-west one-quarter (S $\frac{1}{2}$  of SW $\frac{1}{4}$  of SW $\frac{1}{4}$  of NW $\frac{1}{4}$ ) and the South one-half of the North one-half of the Southwest one-quarter of the Southwest one-quarter of the Northwest one-quarter (S $\frac{1}{2}$  of N $\frac{1}{2}$  of SW $\frac{1}{4}$  of SW $\frac{1}{4}$  of NW $\frac{1}{4}$ ) of Section Ten(10); EXCEPT the West 33' of said (S $\frac{1}{2}$  SW $\frac{1}{4}$  SW $\frac{1}{4}$  NW $\frac{1}{4}$ ) and said (S $\frac{1}{2}$  N $\frac{1}{2}$  SW $\frac{1}{4}$  SW $\frac{1}{4}$  NW $\frac{1}{4}$ ) Section 10; The Southeast one-quarter of Southwest one-quarter of Northwest one-quarter (SE $\frac{1}{4}$  of SW $\frac{1}{4}$  of NW $\frac{1}{4}$ ) and the South one-half of the Northeast one-quarter of Southwest one-quarter of Northwest one-quarter (S $\frac{1}{2}$  of NE $\frac{1}{4}$  of SW $\frac{1}{4}$  of NW $\frac{1}{4}$ ) of Section Ten(10); all being in Township Four(4) North, Range Three(3) East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, as shown on the attached plat and which is made a part of this instrument, and is the result of a survey recorded in Book 119 of Maps, pages 49 and 50, and in Book 120 of Maps, pages 1, 2 and 3, records of Maricopa County Recorder; containing 22.01 acres.

TO HAVE AND TO HOLD the above described property, together with all and singular the rights and appurtenances thereto in any wise belonging unto the said GRANTEE, its successors and assigns forever, and the GRANTOR here-by binds his heirs, executors and administrators to warrant and defend, all and singular the said property unto the said GRANTEE, against every person whomsoever, lawfully claiming or to claim the same or any part thereof.

DATED this 17th day of May 1969

*Ellen H. Versluis*

STATE OF ARIZONA  
County of Maricopa

This instrument was acknowledged before me this 14th day of

May 1969, by Ellen H. Versluis,

My Commission Expires:

By *[Signature]* Expires Feb. 17, 1973

Notary Public

STATE OF ARIZONA  
County of Maricopa

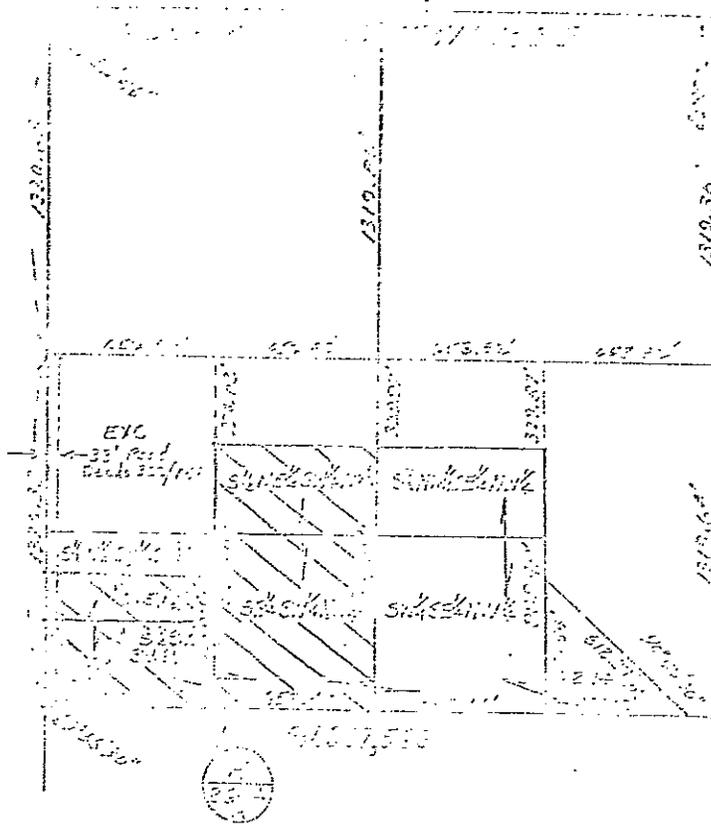
This instrument was acknowledged before me this \_\_\_\_\_ day of

19\_\_\_\_, by \_\_\_\_\_

My Commission Expires:

Notary Public

Dr. 7645 ... 140



P. 201. N. 8. 3. 1. (FCD-9)

Ellen H. Horstius

ITEM H-2105-1

30-11-1951

Total acreage 22.25 - 4

7/1/1951 22.01 ac

Vesting

JUN 10 '69-89

7645 141

2-2  
CA

STATE OF ARIZONA  
County of Maricopa } ss. I hereby certify that the within instrument was filed and recorded  
IN DOCK 7645 Page 141-143  
Stewart Title & Trust of Phoenix and indexed in deeds

01-DEED  
Fee No.  
104982

When recorded, return to:  
Maricopa County Board of Supervisors   
Flood Control District   
of Maricopa County

Witness my hand and official seal.  
PAUL H. MARSTON  
County Recorder  
By *Jimmy Jones*  
Deputy Recorder

Compared  
Photostated  
Fee: 7/c

111,247 Bings

Proj. 806-07 (FCD-5) Cave Buttes  
Item H-2644 "B" T.R. 907,569

**Warranty Deed**

Know All Men By These Presents:

That Ellen H. Versluis, a widow

GRANTOR

of MARICOPA COUNTY, STATE OF ARIZONA, for and in consideration of the sum of \$10.00  
DOLLARS, and other valuable considerations to her in

CA

hand paid by the Flood Control District of MARICOPA COUNTY, a political subdivision of the STATE OF ARIZONA, GRANTEE herein, has granted, sold and conveyed and by these presents do grant, sell and convey unto the said GRANTEE all that certain real property situated in the County of Maricopa, State of Arizona, described as follows:

4/30/69

The Southwest one-quarter of the Southeast one-quarter of the Northwest one-quarter (SW $\frac{1}{4}$  of SE $\frac{1}{4}$  of NW $\frac{1}{4}$ ) of Section Ten(10); the South one-half of the Northwest one-quarter of the Southeast one-quarter of the Northwest one-quarter (S $\frac{1}{2}$  of NW $\frac{1}{4}$  of SE $\frac{1}{4}$  of NW $\frac{1}{4}$ ) of Section Ten(10); That part of the Southeast one-quarter of the Southeast one-quarter of Northwest one-quarter (SE $\frac{1}{4}$  of SE $\frac{1}{4}$  of NW $\frac{1}{4}$ ) of Section Ten(10) described as follows: BEGINNING at the Southwest corner of said (SE $\frac{1}{4}$  of SE $\frac{1}{4}$  of NW $\frac{1}{4}$ ); thence North along the west line thereof 407.54 feet; thence Southeasterly to a point on the South line of said (SE $\frac{1}{4}$  of SE $\frac{1}{4}$  of NW $\frac{1}{4}$ ) 457.62 feet East of the place of beginning; thence West along the South line thereof 457.62 feet to the place of beginning; all being in Township Four(4) North, Range Three(3) East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, as shown on the attached plat and which is made a part of this instrument, and is the result of a survey recorded in Book 119 of Maps, pages 49 and 50, and in Book 129 of Maps, pages 1, 2 and 3, records of Maricopa County Recorder; containing 16.97 acres.

TO HAVE AND TO HOLD the above described property, together with all and singular the rights and appurtenances thereto in any wise belonging unto the said GRANTEE, its successors and assigns forever, and the GRANTOR here- by binds heirs, executors and administrators to warrant and defend, all and singular the said property unto the said GRANTEE, against every person whomsoever, lawfully claiming or to claim the same or any part thereof.

Stewart Title & Trust of Phoenix  
MEMORANDUM

DATED this 14<sup>th</sup> day of May, 1969

*Ellen H. Versluis*

STATE OF ARIZONA  
County of Maricopa } ss.

This instrument was acknowledged before me this 14<sup>th</sup> day of May, 1969, by \_\_\_\_\_

*Conrad L. Dabbs*

My Commission Expires: February 17, 1973

Notary Public

STATE OF ARIZONA  
County of Maricopa } ss.

This instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, by \_\_\_\_\_

My Commission Expires:

Notary Public



WHEN RECORDED, MAIL TO:

111,247 diaz

CHG. 7645 1143

May 20, 1969

Board of Supervisors  
Maricopa County

Gentlemen:

Attached is Warranty deed for 16.97 acres which is the so called better portion of the land which I owned in the vicinity of Cave Creek retention dam.

The land covered by this deed and valued at \$11,770 is being donated to the county, first for flood control purposes and second for recreational activities for the good people of Arizona. I know it is your intentions to construct flood control facilities in the general area and at times it will be necessary that all or a portion of this land will be inundated, however my family has spent many wonderful times picnicing on this land, and I hope you can find a few extra dollars in the county budget to develop the area for the general public to use.

*Edwin J. Terrell*

*this letter*

NO CHANGE FOR RECORDING PER PAUL THOMAS

5/21/69

Record and return to Earle Fells, Maricopa County Attorney's Office

*Vesting*

# In the Superior Court

EXT 9015 - 809

OF MARICOPA COUNTY, STATE OF ARIZONA

01-DEED

**238084**

MARICOPA COUNTY, a political subdivision of the State of Arizona,

Plaintiff,

vs.

TRANSAMERICA TITLE INSURANCE AND TRUST COMPANY, an Arizona corporation, as trustee under Trust No. 1840; JANE DOE; JOHN DOE; ABC CORPORATION,

Defendants.

NO. C219478

FINAL ORDER IN CONDEMNATION

It appearing to the Court that the Judgment heretofore entered on September 20, 1971, in favor of the defendant, TRANSAMERICA TITLE INSURANCE AND TRUST COMPANY, against the plaintiff, MARICOPA COUNTY, in the amount of Three Hundred and Twenty Thousand Dollars (\$320,000.00) has been paid in full and that the Satisfaction of Judgment has been filed herein,

IT IS THEREFORE ORDER, ADJUDGED AND DECREED that a 1/4 simple interest in the property hereinafter described be and hereby is condemned and the same be and hereby vested in the plaintiff, MARICOPA COUNTY. The property condemned is described in Exhibit A attached hereto and made a part hereof.

DONE IN OPEN COURT this 16 day of October

1971.

*[Handwritten signature]*

APPROVED AS TO FORM:

By Ronald W. Meyer  
RONALD W. MEYER  
DEPUTY COUNTY ATTORNEY

DUSHOFF, SACKS & CORCORAN  
Jay Dushoff  
By Robert J. Corcoran  
JAY DUSHOFF  
Attorney for Defendant

51/17  
51/18

FILED IN 9015-809  
County of Maricopa

I hereby certify that the within and foregoing is a true and correct copy of the original of

*[Handwritten signature]*  
OCT 19 1971

9015  
809-811

County Recorder  
By [Handwritten signature]

4/10

EXHIBIT "A"

The Northeast one-quarter (NE1/4) of Section Ten (10), Township Four (4) North, Range Three (3) East, of the Gila and Salt River Base and Meridian, Maricopa County, Arizona;

EXCEPT the North 200 feet of the East 2600 feet thereof, and

The Northwest one-quarter (NW1/4) of Section Ten (10), Township Four (4) North, Range Three (3) East, of the Gila and Salt River Base and Meridian, Maricopa County, Arizona;

EXCEPT the West 33 feet of the NW1/4 SW1/4 NW1/4 of said Section 10, and

EXCEPT the West 33 feet of the N1/2 N1/2 SW1/4 NW1/4 NW1/4 of said Section 10; and

EXCEPT the Northwest one-quarter of the Northwest one-quarter (NW1/4 of NW1/4) thereof, and

EXCEPT the South one-half of the Southwest one-quarter of the Southwest one-quarter of the Northwest one-quarter (S1/2 SW1/4 SW1/4 NW 1/4) and the South one-half of the North one-half of the Southwest one-quarter of the Southwest one-quarter of the Northwest one-quarter (S1/2 N1/2 SW1/4 SW1/4 NW1/4) of Section Ten (10).

EXCEPT also;

The Southeast one-quarter of the Southwest one-quarter of the Northwest one-quarter (SE1/4 SW1/4 NW1/4) and the South one-half of the Northeast one-quarter of the Southwest one-quarter of the Northwest one-quarter (S1/2 of NE1/4 of SW1/4 of NW1/4) of Section Ten (10).

EXCEPT also;

The Southwest one-quarter of the Southeast one-quarter of the Northwest one-quarter (SW1/4 of SE1/4 of NW1/4) of Section Ten (10).

The South one-half of the Northwest one-quarter of the Southeast one-quarter of the Northwest one-quarter (S1/2 of NW1/4 of SE1/4 of NW1/4) of Section Ten (10), also

EXCEPT that part of the Southeast one-quarter of the Southeast one-quarter of Northwest one-quarter (SE1/4 of SE1/4 of NW1/4) of Section Ten (10) described as follows:

Beginning at the Southwest corner of said (SE1/4 of SE1/4 of NW1/4); thence North along the West line thereof 407.56 feet; thence Southeasterly

DUSHOFF, SAKS & COCHRAN  
ATTORNEYS AT LAW  
1510 AVENUE 19TH AVENUE  
PHOENIX, ARIZONA 85016

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EXHIBIT "A" - Continued

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to a point on the South line of said (SE1/4 of  
 SE1/4 of NW1/4) 457.62 feet East of the place of  
 beginning; thence West along the South line  
 thereof 457.62 feet to the place of beginning;  
 all being in Township Four (4) North, Range Three  
 (3) East, of the Gila and Salt River Base and  
 Meridian, Maricopa County, Arizona, as shown on  
 the attached plat and made a part of this instru-  
 ment, and is the result of a survey recorded in  
 Book 119 of Maps, pages 49 and 50, and in Book  
 120 of Maps, pages 1, 2 and 3, records of  
 Maricopa County Recorder; containing 227.141 acres.

DUSHOFF, SACKS & COOPERAN  
 ATTORNEYS AT LAW  
 1518 ARIZONA TITLE BUILDING  
 PHOENIX, ARIZONA 85002

[Maricopa County v. Transamerica Title, No. C 219478].



EXHIBIT "A" - Continued

OK: 12261 PB1222

to a point on the South line of said (SE1/4 of SE1/4 of NW1/4) 457.62 feet East of the place of beginning; thence West along the South line thereof 457.62 feet to the place of beginning; all being in Township Four (4) North, Range Three (3) East, of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, as shown on the attached plat and made a part of this instrument, and is the result of a survey recorded in Book 119 of Maps, pages 49 and 50, and in Book 120 of Maps, pages 1, 2 and 3, records of Maricopa County Recorder; containing 227.141 acres.

EXHIBIT "A"

DL12261Pg1221

The Northeast one-quarter (NE1/4) of Section Ten (10), Township Four (4) North, Range Three (3) East, of the Gila and Salt River Base and Meridian, Maricopa County, Arizona;

EXCEPT the North 200 feet of the East 2600 feet thereof, and

The Northwest one-quarter (NW1/4) of Section Ten (10), Township Four (4) North, Range Three (3) East, of the Gila and Salt River Base and Meridian, Maricopa County, Arizona;

EXCEPT the West 33 feet of the NW1/4 SW1/4 NW1/4 of said Section 10, and

EXCEPT the West 33 feet of the N1/2 N1/2 SW1/4 SW1/4 NW1/4 of said Section 10; and

EXCEPT the Northwest one-quarter of the Northwest one-quarter (NW1/4 of NW1/4) thereof, and

EXCEPT the South one-half of the Southwest one-quarter of the Southwest one-quarter of the Northwest one-quarter (S1/2 SW1/4 SW1/4 NW 1/4) and the South one-half of the North one-half of the Southwest one-quarter of the Southwest one-quarter of the Northwest one-quarter (S1/2 N1/2 SW1/4 SW1/4 NW1/4) of Section Ten (10).

EXCEPT also;

The Southeast one-quarter of the Southwest one-quarter of the Northwest one-quarter (SE1/4 SW1/4 NW1/4) and the South one-half of the Northeast one-quarter of the Southwest one-quarter of the Northwest one-quarter (S1/2 of NE1/4 of SW1/4 of NW1/4) of Section Ten (10).

EXCEPT also;

The Southwest one-quarter of the Southeast one-quarter of the Northwest one-quarter (SW1/4 of SE1/4 of NW1/4) of Section Ten (10).

The South one-half of the Northwest one-quarter of the Southeast one-quarter of the Northwest one-quarter (S1/2 of NW1/4 of SE1/4 of NW1/4) of Section Ten (10), also

EXCEPT that part of the Southeast one-quarter of the Southeast one-quarter of Northwest one-quarter (SE1/4 of SE1/4 of NW1/4) of Section Ten (10) described as follows:

Beginning at the Southwest corner of said (SE1/4 of SE1/4 of NW1/4); thence North along the West line thereof 407.55 feet; thence Southeasterly



**ALTA Commitment Form (6-17-06)  
COMMITMENT FOR TITLE  
INSURANCE**

**ISSUED BY  
WESTCOR LAND  
TITLE INSURANCE COMPANY**

Westcor Land Title Insurance Company, a California corporation ("Company"), for a valuable consideration, commits to issue its policy or policies of title insurance, as identified in Schedule A, in favor of the Proposed Insured named in Schedule A, as owner or mortgagee of the estate or interest in the land described or referred to in Schedule A, upon payment of the premiums and charges and compliance with the Requirements; all subject to the provisions of Schedules A and B and to the Conditions of this Commitment.

This Commitment shall be effective only when the identity of the Proposed Insured and the amount of the policy or policies committed for have been inserted in Schedule A by the Company.

All liability and obligation under this Commitment shall cease and terminate six (6) months after the Effective Date or when the policy or policies committed for shall issue, whichever first occurs, provided that the failure to issue the policy or policies is not the fault of the Company.

The Company will provide a sample of the policy form upon request.

IN WITNESS WHEREOF, WESTCOR LAND TITLE INSURANCE COMPANY has caused its corporate name and seal to be hereunto affixed and by these presents to be signed in facsimile under authority of its by-laws, effective as of the date of Commitment shown in Schedule A.

Issued By:

**Empire West Title Agency**  
4808 North 22nd Street, Ste #  
100  
Phoenix, AZ 85016  
Phone: 602-749-7000

**WESTCOR LAND TITLE INSURANCE  
COMPANY**

HOME OFFICE  
201 N. New York Avenue, Suite 200  
Winter Park, Florida 32789  
Telephone: (407) 629-5842



By: Mary O'Donnell  
President  
Attest: Patricia H. Power  
Secretary

**SCHEDULE A**

Address Reference: **Project: Cave Buttes Dam Excess / Project 350.01.01 / Order TR142-FCD / Item #H-2646-EX / APN 212-15, 001L,**

1. Effective Date: **March 28, 2016 at 7:30 am**
2. Policy or Policies to be issued:
  - A. ALTA Owners 2006 Standard Coverage  
  
Proposed Insured: **TBD**
- 3A. The estate or interest in the land described in this Commitment and covered herein is **Fee** and title thereto is at the effective date hereof vested in:  
**Flood Control District of Maricopa County, a political subdivision of the State of Arizona**
- 3B. Title to the estate herein described upon issuance of the Policy shall be vested in:  
**TBD**
4. The land referred to in the Commitment is situate in the county of , State of **Unknown** and is described in the attached Exhibit "A".

Please direct all inquiries and correspondence to:  
Empire West Title Agency  
Escrow Officer: Sharon Dyke  
Phone: 602-749-7000  
Commitment

Empire West Title Agency, issuing agent for  
Westcor Land Title Insurance Company  
By: Chuck Kerkhoff  
Title Department

**EXHIBIT "A"**

**That part of the West half of the Southeast quarter of Section 10, Township 4 North Range 3 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, described as follows;**

**Beginning at the Northwest corner of said west half of the Southeast quarter;**

**Thence East along the North line thereof, 1,314.22 feet to the Northeast corner of said West half of the Southeast quarter;**

**Thence South along the East line of said of said West half of the Southeast quarter 200 feet to a point;**

**Thence Southwesterly to the West line of said West half of the Southeast quarter at a point 750.00 feet from the Northwest corner of said West half of the Southeast quarter;**

**Thence North along said West line 750.00 feet to the point of beginning.**

**EXCEPT that portion conveyed to the City of Phoenix by Deed recorded June 24, 2002 in document No. 2002-640312**

**SCHEDULE B**  
**SECTION ONE - REQUIREMENTS**

Conditions to be met and instruments in insurable form which must be executed, delivered, and duly filed for record:

- 1. Furnish the names of parties to be insured herein and disposition of any matters disclosed thereby.**
- 2. Record Deed from Flood Control District of Maricopa County to To Come.**

**NOTE: See attached tax sheets for the following Parcel Numbers: 212-15-001L.**

**NOTE: See attached tax sheets for the following Parcel Numbers: .**

**Chain of Title:**

**Deed recorded March 20, 1969 as Docket 7527, page 675.**

**Deed recorded March 20, 1969 as Docket 7527, page 677.**

**Deed recorded June 24, 2002 as Document No. 2002-640312 (exception from legal)**

**End of Schedule B Section I**

**SCHEDULE B**  
**SECTION TWO - EXCEPTIONS**

Schedule B of the policy or policies to be issued will contain exceptions to the following matters unless the same are disposed of to the satisfaction of the Company:

A. Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the public records or attaching subsequent to the Effective Date but prior to the date the proposed Insured acquires for value of record the estate or interest or mortgage thereon covered by this Commitment.

1. **(a) Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records; (b) Proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.**
2. **Any facts, rights, interests or claims which are not shown by the public records but which could be ascertained by an inspection of the land or which may be asserted by persons in possession of the land.**
3. **Easements, liens or encumbrances or claims thereof, which are not shown by the public records.**
4. **Any encroachments, encumbrance, violation, variation, or adverse circumstances affecting the Title that would be disclosed by an accurate and complete land survey of the Land and not shown by the public records.**
5. **(a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b) or (c) are shown by the public records.**
6. **Any lien, or right to a lien, for services, labor or material heretofore or hereafter furnished, imposed by law and not shown by the public records.**
7. **Taxes for the year 2016, a lien not yet due and payable.**
8. **An easement for electric lines and poles and incidental purposes, recorded in Docket 37, page 332 of Official Records.**
9. **An easement for electric lines and poles and incidental purposes, recorded in Docket 168, page 57 of Official Records.**
10. **All matters as set forth on map recorded in Book 120 of Maps, page 2**
11. **Roadway as set forth in document recorded in Docket 12239, page 240.**
12. **An easement for highway purposes and incidental purposes, recorded in Document no. Docket 12306, page 437 of Official Records.**
13. **The terms, conditions and provisions contained in the document entitled Intergovernmental Agreement recorded July 18, 1990 as Document No. 1990-321845 of Official Records.**

- 14. All matters as set forth on map recorded in Book 494 of Maps, page 13**
- 15. An easement for underground communication and incidental purposes, recorded in Document no. 2002-496972 of Official Records.**
- 16. All matters as set forth on map recorded in Book 791 of Maps, page 41.**
- 17. All matters as set forth on survey recorded in Book 1191 of Maps, page 4.**

**End of Schedule B Section II**

## CONDITIONS

1. The term mortgage, when used herein, shall include deed of trust, trust deed, or other security instrument.
  2. If the proposed Insured has or acquired actual knowledge of any defect, lien, encumbrance, adverse claim or other matter affecting the estate or interest or mortgage thereon covered by this Commitment other than those shown in Schedule B hereof, and shall fail to disclose such knowledge to the Company in writing, the Company shall be relieved from liability for any loss or damage resulting from any act of reliance hereon to the extent the Company is prejudiced by failure to so disclose such knowledge. If the proposed Insured shall disclose such knowledge to the Company, or if the Company otherwise acquires actual knowledge of any such defect, lien, encumbrance, adverse claim or other matter, the Company at its option may amend Schedule B of this Commitment accordingly, but such amendment shall not relieve the Company from liability previously incurred pursuant to paragraph 3 of these Conditions.
  3. Liability of the Company under this Commitment shall be only to the named proposed Insured and such parties included under the definition of Insured in the form of policy or policies committed for and only for actual loss incurred in reliance hereon in undertaking in good faith (a) to comply with the requirements hereof, or (b) to eliminate exceptions shown in Schedule B, or (c) to acquire or create the estate or interest or mortgage thereon covered by this Commitment. In no event shall such liability exceed the amount stated in Schedule A for the policy or policies committed for and such liability is subject to the insuring provisions and Conditions and the Exclusions from Coverage of the form of policy or policies committed for in favor of the proposed Insured which are hereby incorporated by reference and are made a part of this Commitment except as expressly modified herein.
  4. This Commitment is a contract to issue one or more title insurance policies and is not an abstract of title or a report of the condition of title. Any action or actions or rights of action that the proposed Insured may have or may bring against the Company arising out of the status of the title to the estate or interest or the status of the mortgage thereon covered by this Commitment must be based on and are subject to the provisions of this Commitment.
  5. *The policy to be issued contains an arbitration clause. All arbitrable matters when the Amount of Insurance is \$2,000,000 or less shall be arbitrated at the option of either the Company or the Insured as the exclusive remedy of the parties. You may review a copy of the arbitration rules at <<http://www.alta.org/>>.*
- 

Any policy we issue will have the following exceptions unless they are taken care of to our satisfaction:

1. (a) Taxes or assessments that are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records; (b) proceedings by a public agency that may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.
2. Any facts, rights, interests, or claims that are not shown by the Public Records but that could be ascertained by an inspection of the Land or that may be asserted by persons in possession of the Land.
3. Easements, liens or encumbrances, or claims thereof, not shown by the Public Records.
4. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land and not shown by the Public Records.
5. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b), or (c) are shown by the Public Records.

The above exceptions will be eliminated from any ALTA Extended Coverage Policy, ALTA Plain Language Policy, ALTA Homeowner's Policy, ALTA Expanded Coverage Residential Loan policy and any short form versions

thereof. However, the same or similar exceptions may be made in Schedule B of those policies in conformity with Schedule B, Section Two, of this Commitment.



54053

DOCKET 596 PAGE 540  
Phoenix 069131

4-1003.

# The United States of America

In all to whom these presents shall come, Greeting

Office of the  
Register of the  
General Land Office  
Washington, D.C.  
I hereby certify that the within  
copy is a true and correct copy  
of the original on file in my  
office.  
Peter Henscheid  
1913 11 21  
In Docket 596  
on page 540  
Witness my hand and official seal  
this 21st day of November, 1913.  
C. H. JAVEN  
C. H. JAVEN  
827 E. Central

WHEREAS, a Certificate of the Register of the Land Office at Phoenix, Arizona,

has been deposited in the General Land Office, whereby it appears that, pursuant to the Act of Congress of May 20, 1862, "To Secure Homesteads to Actual Settlers on the Public Domain," and the acts supplemental thereto, the claim of Peter Henscheid has been established and duly consummated, in conformity to law, for the southeast quarter of Section ten in Township four north of Range three east of the Gila and Salt River Meridian, Arizona, containing one hundred sixty acres,

according to the Official Plat of the Survey of the said Land, on file in the GENERAL LAND OFFICE:

NOW KNOW YE, That there is, therefore, granted by the UNITED STATES unto the said claimant the tract of Land above described; TO HAVE AND TO HOLD the said tract of Land, with the appurtenances thereof, unto the said claimant and to the heirs and assigns of the said claimant forever; subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws, and decisions of courts; and there is reserved from the lands hereby granted a right of way thereon for ditches or canals constructed by the authority of the United States.

IN TESTIMONY WHEREOF, I, Franklin D. Roosevelt,

President of the United States of America, have caused these letters to be made Patent, and the seal of the General Land Office to be hereunto affixed.

GIVEN under my hand, at the City of Washington, the FIRST day of AUGUST In the year of our Lord one thousand nine hundred and THIRTY-SIX and of the Independence of the United States the one hundred and SIXTY-FIRST.

By the President: Franklin D. Roosevelt  
By: Strise Pelt Wilson Secretary

W. J. Adams  
Recorder of the General Land Office



RECORDED: Patent Number 1085301

BOOK 87 PAGE 332  
P. A. 4743  
2-8-47

824 E. Sun. or

Schedule "B" 8

EASEMENT FOR ELECTRIC LINE

In consideration of One Dollar (\$1.00), the receipt of which is granted Central Arizona Light and Power Company, (hereinafter called and assigns, an easement to construct, operate and maintain electric lines and poles upon, across, over and under the surface of the following described premises situate in Maricopa County, Arizona:

The Southeast Quarter of Section 10, Township 4 North, Range 3 East of the Gila and Salt River Base and Meridian.

along the following described line on the said premises:

Beginning at a point on the south boundary line, approximately 931 feet west of the east boundary line, thence on a line bearing North 19° 32' West approximately 1,776 feet to a point, thence on a line bearing North 47° 57' West to a point on the north boundary line, approximately 89 feet east of the west boundary line.

STATE OF ARIZONA  
County of Maricopa  
I hereby certify that the within instrument was filed and recorded in the office of the Recorder of Deeds for the County of Maricopa, Arizona, on this 6th day of August, 1947.  
M. Brock  
Recorder of Deeds

together with the rights to repair, replace, maintain and remove said lines and poles from said premises, to trim or remove any trees or shrubs that in the judgment of the Company, may interfere with the construction or endanger the operation of said lines and poles, and to permit the attachment of the wires of any other Company to such poles. By accepting this easement the Company agrees to exercise reasonable care to avoid damage to said premises and all property that may at any time be thereon.

Peter Henschel

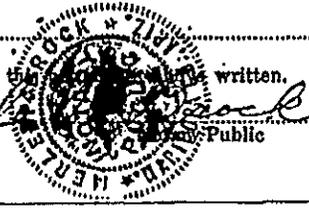
Dated 8-6-1947

WITNESS: Merle Brock

STATE OF ARIZONA }  
County of Maricopa } ss.

This instrument was acknowledged before me this 6th day of August, 1947 by Peter Henschel

WITNESS my hand and official seal the day and year in the above written.  
My commission expires Jan. 9, 1951



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EASEMENT FOR ELECTRIC LINE AND

Schedule "B"

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In consideration of One Dollar (\$1.00), the receipt of which is granted Central Arizona Light and Power Company, (hereinafter called "Company"), its successors and assigns, an easement to construct, operate and maintain electric lines and poles ~~and accessories~~ upon, across, over and under the surface of the following described premises situate in Maricopa County, Arizona:

The Southeast Quarter of Section 10, Township 4 North, Range 3 East of the Gila and Salt River Base and Meridian.

along the following described line on the said premises:

Beginning at a point on the east boundary line, approximately 673 feet north of the south boundary line; thence on a line bearing North 68° West approximately 1100 feet to a point, thence on a line bearing North 48° West to a point on the west boundary line, approximately 96 feet south of the north boundary line.

together with the rights to repair, replace, maintain and remove said lines and poles ~~and accessories~~ from said premises, to trim or remove any trees or shrubs that in the judgment of the Company, may interfere with the construction or endanger the operation of said lines ~~and accessories~~ and to permit the attachment of the wires of any other Company to such poles. By accepting this easement the Company agrees to exercise reasonable care to avoid damage to said premises and all property that may at any time be thereon.

*Peter Henschel*

Dated.....

WITNESS:

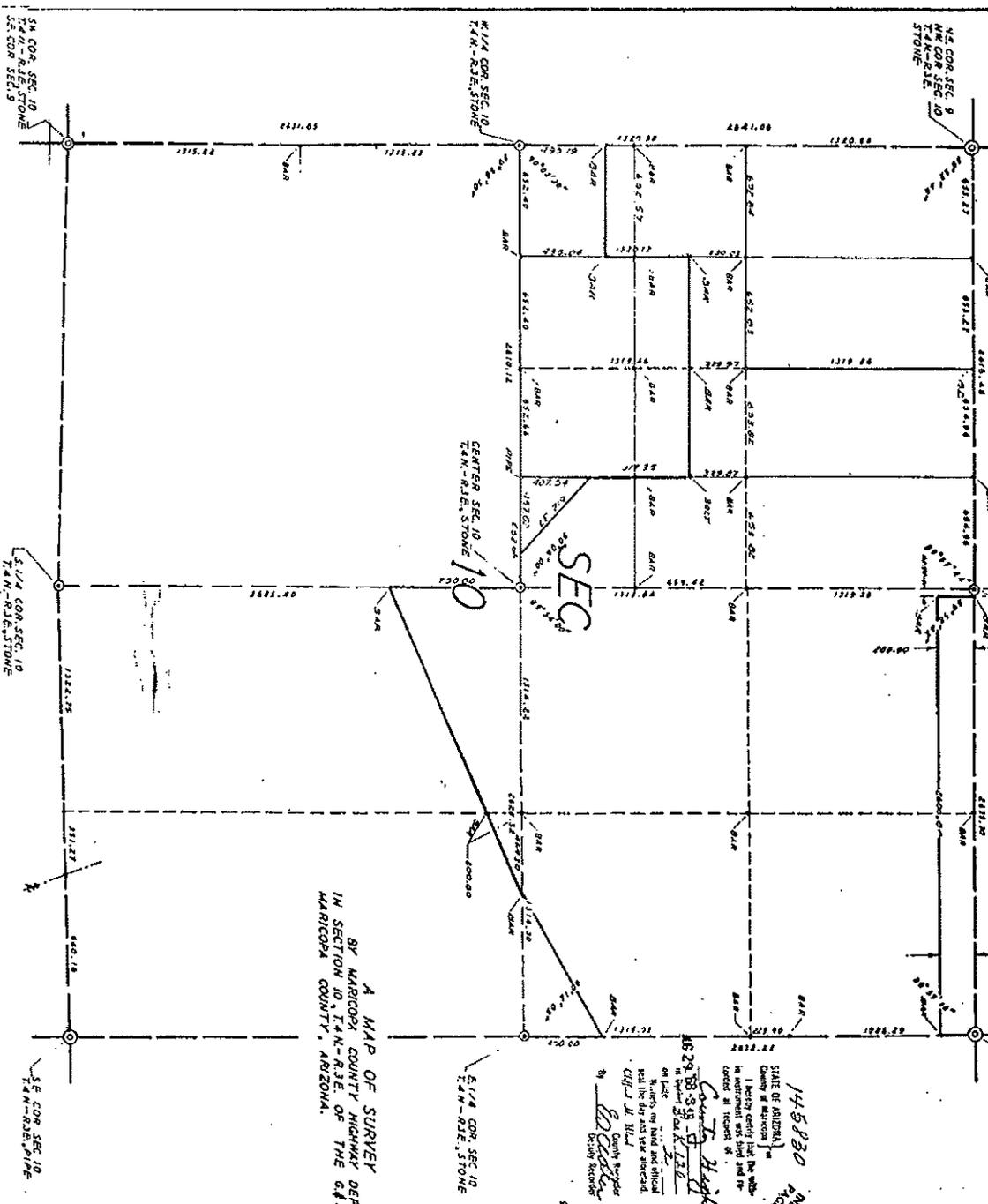
STATE OF ARIZONA }  
County of Maricopa } ss.

This instrument was acknowledged before me this 7<sup>th</sup> day of January, 1948 by Peter Henschel

WITNESS my hand and official seal this 7<sup>th</sup> day of January, 1948 in this certificate above written. My Commission Expires June 12, 1951.  
*Fred J. Griffin*  
Notary Public

STATE OF ARIZONA, County of Maricopa; No. 18727 ) ss.  
I do hereby certify that the within instrument was filed and recorded at request of CENTRAL ARIZ. LIGHT & POWER CO.  
on MAR 12 1948 at 4<sup>th</sup> N. Docket 168  
Page 57 Records of Maricopa County, Arizona.  
WITNESS my hand and official seal the day and year first above written.  
ROBERT G. LAVEN County Recorder,  
By Harold J. [Signature] Deputy.

CAVE BUTTES DETENTION BASIN  
PROJECT NO. 806-07  
SHEET 4 OF 5



A MAP OF SURVEY  
BY MARICOPA COUNTY HIGHWAY DEPARTMENT  
IN SECTION 10, T4N-R1E, OF THE G.S.R. & A.M.,  
MARICOPA COUNTY, ARIZONA.

STATE OF ARIZONA  
County of Maricopa  
I hereby certify that the within instrument was filed and recorded as required by law.  
Notary Public  
1529 B-3-15  
By *[Signature]*  
Notary Public  
My Comm. Expires *[Date]*



145830  
INDEXED  
PLACED

SCALE  
1" = 400'

120-2

# County of Maricopa

State of Arizona

Schedule "B" 11

## Office of the Clerk

DKT 12239P60240

State of Arizona }  
County of Maricopa } ss.

I, Rhea Woodall, Clerk of the Board of Supervisors do hereby Certify That the following is a true and correct extract from the minutes of the Board of Supervisors' meeting held May 23, 1977:

ROAD DECLARED (ROAD FILE NO. 2540)

(Attached)

In Witness Whereof, I have hereunto set my hand and affixed the Official Seal of the Board of Supervisors. Done at Phoenix, the County Seat, this 24th day of May, 1977 A. D.

County Recorder ✓  
County Engineer  
County Assessor  
County Planning (2)  
File

*Rhea Woodall*  
Clerk of the Board of Supervisors

ROAD DECLARED (ROAD FILE NO. 2540)

Upon motion and by unanimous vote the following resolution was passed and adopted:

WHEREAS, on the 15th day of April, 1977, the County Engineer and others filed with the Board of Supervisors of Maricopa County, Arizona, a petition praying the Board to establish, open and declare as a county highway the following described lines, to-wit:

A roadway of a width consistent with the right-of-way through Sections Fifteen (15) and Ten (10), Township Four (4) North, Range Three (3) East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, from Engineers Highway Station 54 + 07.64 to Engineers Highway Station 0 + 07.74 as shown in the Survey of Cave Buttes Detention Basin in Book 120 of Maps, page 3, M.C.R.

More commonly known as CAVE CREEK DAM ROAD from Cave Creek Road north-westerly to Engineers Station 54 + 07.64.

and,

WHEREAS, the day and hour set by the Board for a public hearing on said petition has arrived, and notice of said hearing has been given to the public by advertising once a week for two consecutive weeks in the Arizona Weekly Gazette; and

WHEREAS, no objections to the establishment, opening and declaration of said highway have been filed; and

WHEREAS, the Board believes that the granting of said petition and the establishment, opening and declaration of the highway, as prayed for in said petition, are for the best interests of Maricopa County, and said highway is a public necessity; NOW, THEREFORE,

BE IT RESOLVED that there is hereby established, opened and declared a county highway, more fully set forth hereinabove, and the County Engineer is hereby directed to make a plat of the survey of said highway and cause the same to be recorded in the Office of the County Recorder of Maricopa County as provided by law.

BE IT FURTHER RESOLVED that the Board accept any right-of-way or property donated to the State or County for said highway.

BE IT FURTHER RESOLVED that the County Engineer be directed and authorized, and he is hereby so directed and authorized, to negotiate with owners of all parcels of private property required for the right-of-way of said public highway with the view of obtaining for Maricopa County said private property, subject to the ratification and approval of this Board.

BE IT FURTHER RESOLVED that the County Attorney be directed and authorized, and he is hereby directed and authorized, to initiate and prosecute actions and proceedings in the manner required by law to condemn all property required for right-of-way which cannot be obtained by donation or purchase.

DATED this 23rd day of May, 1977.

STATE OF ARIZONA }  
County of Maricopa } ss

I hereby certify that the within instrument was filed and recorded at request of

MARICOPA CO. BO. OF SUPERVISORS

MAY 25 1977 2 00

in Book 12239 on page 240-241

Witness my hand and official seal the day and year aforesaid.

Tom Freestone

County Recorder

By Lucinda A. Brown Deputy Recorder

M/C



DXT1230670438

NOW THEREFORE, in consideration of the same and further consideration hereinafter set forth, it is agreed that this instrument contains the entire agreement between the parties hereto there being no further consideration paid than herein specified.

THE COUNTY OF MARICOPA AGREES.

A. To use the above described land for the general use and benefit of the public

THE GRANTOR AGREES

To grant an easement for the above described land to the County of Maricopa for the general welfare and benefit of the public

Dated this 20 day of July 1917

ATTEST:
Clerk of Lst Board

BOARD OF DIRECTORS
FLOOD CONTROL DISTRICT OF MARICOPA COUNTY
Chairman of the Board

STATE OF ARIZONA
COUNTY OF MARICOPA

RECOMMENDED FOR APPROVAL:
Public Engineer & Gen. Insp.
Flood Control District

Subscribed and sworn to before me this 20 day of July 1917
My commission expires Aug. 8, 1917

Notary Public

Recommended for approval
Highway Agent

County Engineer

ACCEPTED
MARICOPA COUNTY BOARD OF SUPERVISORS
Chairman of the Board

Check of Board of Supervisors

Date

## EXHIBIT "A"

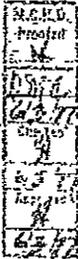
Project #79100, Cave Creek Dam Road  
 (8896-01, FUD-5)  
 Items R-2644, 2645 and 2646

## LEGAL DESCRIPTION

Portions of Section Ten(10), Township Four(4) North, Range Three(3) East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona more particularly described as follows:

- (1) The West Eighty(80) feet of the Northeast one-quarter of the Northwest one-quarter (NW $\frac{1}{4}$  of NE $\frac{1}{4}$ ), and the West Eighty(80) feet of the North one-half of the Northwest one-quarter of the Southeast one-quarter of the Northwest one-quarter (N $\frac{1}{2}$  of NW $\frac{1}{4}$  of SE $\frac{1}{4}$  of NW $\frac{1}{4}$ ), all in said Section 10.
- (2) The South Eighty(80) feet of that portion of the Southeast one-quarter of the Southeast one-quarter of the Northwest one-quarter (SE $\frac{1}{4}$  of SE $\frac{1}{4}$  of NW $\frac{1}{4}$ ) of said Section 10 lying easterly of the Cave Creek Dam Road as shown in Book 119 of Maps, pages 49 and 50 and also in Book 120 of Maps, pages 1, 2 and 3, all in M.C.R.
- (3) A strip of land Eighty(80) feet wide lying Forty(40) feet on each side of the survey line of Cave Creek Dam Road beginning at Engineers Highway Station 62+57.69 and ending at Engineers Highway Station 76+77.57 as shown in Book 119 of Maps, pages 49 and 50 and also in Book of Maps 120, pages 1, 2 and 3, all in M.C.R.
- (4) The South Eighty(80) feet of the West 80 feet of the Southwest one-quarter of the Southwest one-quarter of the Northeast one-quarter (SW $\frac{1}{4}$  of SW $\frac{1}{4}$  of NE $\frac{1}{4}$ ) of said Section 10.
- (5) That part of the West Eighty(80) feet of the Northwest one-quarter of the Northwest one-quarter of the Southeast one-quarter (NW $\frac{1}{4}$  of NW $\frac{1}{4}$  of SE $\frac{1}{4}$ ) of said Section 10 lying northerly of the Cave Creek Dam Road as shown in Book 119 of Maps, pages 49 and 50 and also in Book 120 of Maps, pages 1, 2 and 3, all in M.C.R.
- (6) A strip of land Eighty(80) feet wide, lying Forty(40) feet on each side of the survey line of Cave Creek Dam Road beginning at Engineers Highway Station 54+07.04 and ending at Engineers Highway Station 59+49.68 as shown in Book 119 of Maps, pages 49 and 50 and also in Book 120 of Maps, pages 1, 2 and 3, all in M.C.R.

The side lines of the strips of land described as beginning and ending at Engineers Highway Stations herein are hereby lengthened or shortened to end on the fractional section lines and property lines on which said Engineers Highway Stations are shown.



CS901011

424  
52871

RECORDED IN OFFICIAL RECORDS  
OF MARICOPA COUNTY, ARIZONA  
JUL 18 '90 - 4 00  
HELEN PURCELL, County Recorder  
FEE NC PGS 5 AA

When Recorded Return to:  
Flood Control District  
3395 West Durango  
Phoenix, Arizona 85009

90 321845

INTERGOVERNMENTAL AGREEMENT  
PERIPHERAL PLANNING AREAS C & D,  
DRAINAGE STUDIES AND AERIAL MAPPING  
IGA FCD-88021

AGREEMENT (XG)

This Agreement is entered into between the Flood Control District of Maricopa County, a municipal corporation and political subdivision of the State of Arizona, hereinafter called the DISTRICT, and the City of Phoenix, a municipal corporation, hereinafter called PHOENIX.

This Agreement shall become effective as of the date it is filed with the Maricopa County Recorder pursuant to Arizona Revised Statutes 11-952, as amended. DATE FILED WITH THE MARICOPA COUNTY RECORDER \_\_\_\_\_

STATUTORY AUTHORIZATION

1. The DISTRICT is empowered by Arizona Revised Statutes 48-3603 to enter into this Agreement.
2. PHOENIX is empowered by Arizona Revised Statutes 11-952 and Chapter II, Section 2 of the PHOENIX City Charter to enter into this Agreement.

BACKGROUND

3. PHOENIX has developed a General Plan, dated October 1987, for Peripheral Areas C and D. This is an area of approximately 111 square miles bounded roughly by Carefree Highway on the north, Scottsdale Road on the east, Jomax Road and the Central Arizona Project Canal on the south, and 67th Avenue on the west, see Exhibit A. The purpose of the General Plan is to serve as a guide for community growth and as a directive to the City as to development opportunities in the area.

4. It is proposed that the DISTRICT and PHOENIX cost share in drainage studies and aerial mapping of this area. Approximately 52 percent of the area is within the jurisdictional control of PHOENIX, and approximately 48 percent is within the jurisdictional control of the County.

5. The drainage study costs for Peripheral Planning Areas C & D are estimated to be \$212,000. It is proposed that the DISTRICT fund \$80,000 and Phoenix fund the remainder of the drainage study costs at an estimated cost of \$132,000.

6. The aerial mapping costs for Peripheral Planning Areas C & D are estimated to be \$400,000. It is proposed that the DISTRICT contribute \$200,000 and PHOENIX fund the remainder of the aerial mapping costs at an estimated cost of \$200,000.

90 321845

PURPOSE OF THE AGREEMENT

7. The purpose of this Agreement is to define the responsibilities of the DISTRICT and PHOENIX for cost sharing in drainage studies and aerial mapping for the Peripheral Planning Areas C & D.

TERMS OF AGREEMENT

8. PHOENIX agrees to the following:

8.1. Fund the drainage study costs for Peripheral Planning Areas C & D, except for \$80,000 which will be contributed by the DISTRICT. The estimated cost to PHOENIX is \$132,000.

8.2. Fund the aerial mapping costs for Peripheral Planning Areas C & D, except for \$200,000 which will be contributed by the DISTRICT. The estimated cost to PHOENIX is \$200,000.

8.2. Contract with consulting engineers for the drainage studies and aerial mapping, serve as the lead agency and primary contact for the consulting engineers, and pay the invoices of the consulting engineers.

8.3. Submit the drainage studies and aerial mapping to the DISTRICT for review and approval.

9. The DISTRICT agrees to the following:

9.1. To contribute \$80,000 to PHOENIX for the drainage study costs.

9.2. To contribute \$200,000 to PHOENIX for the aerial mapping studies.

9.3. Participate in progress meetings with PHOENIX and the consulting engineers and review all study products.

9.4. Pay approved billings of PHOENIX within 45 days of receipt.

10. Final approval and acceptance of the drainage studies and aerial mapping shall be the joint responsibility of the DISTRICT and PHOENIX.

11. This Agreement shall expire upon approval and acceptance of the work of the consulting engineers by both the DISTRICT and PHOENIX and reimbursement of PHOENIX by the DISTRICT; except that, upon mutual written agreement of both parties, this Agreement may be amended or terminated.

12. All documents and studies which are prepared in the performance of this Agreement are to be and remain the joint property of the DISTRICT and PHOENIX; however, PHOENIX may retain the original drawings but upon request shall furnish the DISTRICT any and all necessary copies.

13. Attached to this Agreement are copies of appropriate action by ordinance, resolution or otherwise authorizing the respective parties to enter into this Agreement.

9

90 321845

14. All parties hereto acknowledge that this Agreement is subject to cancellation by either party pursuant to the provisions of Section 38-511, Arizona Revised Statutes.

FLOOD CONTROL DISTRICT OF MARICOPA COUNTY

Recommended by:

D. E. Sagrarnos 10 7-12-89  
D. E. Sagrarnos, P. E. Date  
Chief Engineer and General Manager

Approved and Accepted:

By: Frank Kooy, Jr.  
Chairman, Board of Directors

Attest:

By: Cheri Pennington AUG 01 1989  
Clerk of the Board Date

This Intergovernmental Agreement has been reviewed pursuant to Arizona Revised Statutes 11-952, as amended, by the undersigned General Counsel, who has determined that it is in proper form and within the powers and authority granted to the Flood Control District of Maricopa County under the laws of the State of Arizona.

Julia M. Lemmon 7/13/89  
General Counsel Date

90 321845

CITY OF PHOENIX

Marvin A. Andrews, City Manager

By: Shirley L. Stuller  
Deputy City Manager  
ATTEST:

By: Vicky Muel  
City Clerk

The foregoing Intergovernmental Agreement has been reviewed pursuant to Arizona Revised Statutes 11-952, as amended, by the undersigned attorney who has determined that it is in proper form and within the power and authority granted to the City of Phoenix under the laws of the State of Arizona.

Richard W. Henry 4-25-81  
ACTING City Attorney Date

FLOOD CONTROL DISTRICT OF MARICOPA COUNTY  
**AGENDA INFORMATION FORM**

**FILE**

90 321845

Contract/Lease for  NEW  RENEWAL  AMENDMENT  CANCELLATION  
(for existing record Encumbrance No. below)

LOW ORG. NO. 6900 DEPARTMENT: Flood Control District CONTROL NUMBER: FCD-990  
 ENCUMBRANCE NO. CS901011 AGENCY: Public Works CONTROL NUMBER: PW-990

**1. BRIEF DESCRIPTION OF PROPOSAL AND REQUESTED BOARD ACTION:** It is proposed that the District and Phoenix cost share in drainage studies and aerial mapping for an area in the northeast part of the Valley which is about 52 percent in Phoenix and about 48 percent in the County. This area has been designated in Phoenix's General Plan as Peripheral Areas C and D. The concept is that the District will reimburse Phoenix \$80,000 of the estimated \$212,000 costs of the drainage study and \$200,000 of the estimated \$400,000 costs of the aerial mapping. Phoenix will be the contracting agency and pay any additional costs.

The study area is approximately 111 square miles bounded roughly by Carefree Highway on the north, Scottsdale Road on the east, Jomax Road and the Central Arizona Project Canal on the south, and 67th Avenue on the west.

**2. Compliance with Maricopa County Procurement Code** article N/A paragraph N/A Procurement Officer Daniel M. Bagnall

**3. CONTINUED FROM MEETING OF DISCUSSED IN MEETING OF**  THIS DEPARTMENT WILL CAUSE PUBLICATION  CLERK OF THE BOARD TO CAUSE PUBLICATION

**5. MOTION:** It is moved that the Flood Control District of Maricopa County Board of Directors . . . approve Intergovernmental Agreement FCD-88021 with the City of Phoenix for Drainage Studies and Aerial Mapping of areas designated in Phoenix's General Plan as Peripheral Planning Areas C & D. The District costs are \$280,000.

**6. FINANCIAL:**  Expenditure  Revenue  Budgeted  Contingency  Budget Amendment  Transfer  Grant or other  
IGA 280,000 Flood Control Ray O. Smith 7-18-89  
Total Fund Financial Officer Date

**7. PERSONNEL:**  
 Personnel Director \_\_\_\_\_ Date \_\_\_\_\_

**8. FLOOD CONTROL DISTRICT:**  
 Approved Recommended by D. Bagnall Date 7-12-89

**9. MATERIALS MANAGEMENT:**  
 A. Materials Management Director \_\_\_\_\_ Date \_\_\_\_\_  
 B. W/MBE Representative \_\_\_\_\_ Date \_\_\_\_\_

**10. LEGAL:** Approved as to form and within the powers and authority granted under the laws of the State of Arizona to the Flood Control District of Maricopa County Board of Directors  
Julie M. Emerson 7/13/89  
General Counsel Date

**11. INFORMATION SYSTEMS:** FISC \_\_\_\_\_ Date \_\_\_\_\_

**12. APPROVED FOR AGENDA:**  
[Signature] 7/17  
Approving Officer Date

**13. OTHER:**  
[Signature] \_\_\_\_\_ Date \_\_\_\_\_

**15. RECOMMENDATION OF COUNTY MANAGER:**  
 Approve  Disapprove  
 Comments: \_\_\_\_\_

**14. BOARD OF DIRECTORS:** Action taken:  Approved  Amended  Disapproved  Deleted  
 Continued to: \_\_\_\_\_  
Cheri [Signature] 8 0 1 1989  
Clerk of the Board Date

[Signature] 7/17  
County Manager Date

6900-012 R3-89



Schedule "B"

15



OFFICIAL RECORDS OF  
MARICOPA COUNTY RECORDER  
HELEN PURCELL  
2002-0496972 05/15/02 09:08  
1 OF 2

BUSTAMANTE

When recorded, return to:  
MDW: Flood Control District  
of Maricopa County  
2801 West Durango Street  
Phoenix, Arizona 85009  
EXEMPT ARS 11-1134, A2

**UNDERGROUND COMMUNICATION EASEMENT**

Project: Cave Buttes

Item: Underground Communication

Per Resolution FCD 1999R016

FCD Parcel No.: H2646 (ex)

**THE FLOOD CONTROL DISTRICT OF MARICOPA COUNTY**, a municipal corporation and political subdivision of the State of Arizona, **GRANTOR**, for and in consideration of the sum of **twenty eight hundred twenty dollars (\$2820.00)** in hand paid by **QWEST, (GRANTEE)** the receipt of which is hereby acknowledged, does hereby grant and convey solely unto **GRANTEE**, its successors and assigns, an easement for the sole purpose of constructing, operating, repairing, and maintaining underground communication lines and appurtenant facilities across, and under the surface of the premises hereinafter described.

See attached legal description, marked "Exhibit A"

The **GRANTEE(S)** shall have the right of ingress and egress to and along said easement, together with the right to operate, repair, replace, maintain, and remove said lines and appurtenant facilities from said premises; and to trim or remove any trees or shrubs that may interfere with the construction or endanger the operation of said underground lines and/or facilities. Prior to any construction, the **GRANTEE** agrees to submit plans of proposed changes for the **GRANTOR'S** review. **GRANTEE(S)** shall notify **GRANTOR** in the case of any emergency as soon as time will permit.

The **GRANTOR** reserves the right to have unrestricted access to the subject property for the purpose of operating and maintaining the flood control project within the lineal of said easement in a manner which will not unreasonably interfere with **GRANTEE'S** right of access to its underground communication lines.





**RECOMMENDED FOR APPROVAL:**

**ACCEPTED AND APPROVED:**

**FLOOD CONTROL DISTRICT  
OF MARICOPA COUNTY**

**BOARD OF DIRECTORS OF  
FLOOD CONTROL DISTRICT  
OF MARICOPA COUNTY**

Michael S. Ellegood / 4/25/12  
Michael S. Ellegood, P. E. / Date  
Chief Engineer and General Manager

Don Staley  
Chairman of the Board

Jim L. Schwartzmann / 4/25/12  
Jim L. Schwartzmann / Date  
Manager, Land Management Division

ATTEST:  
Norma Risch  
DEPUTY Clerk of the Board

Date: MAY 01 2012

EXHIBIT "A" *page 1*

**LEGAL DESCRIPTION  
UTILITY EASEMENT**

A parcel of land being a portion of the Southeast Quarter (SE 1/4) of Section 10, Township 4 North, Range 3 East, Gila and Salt River Meridian, Maricopa County, Arizona, further described as follows:

COMMENCING at the Center of said Section 10, from which the East Quarter corner bears North 89°51'23" East;

THENCE South 00°28'11" East along the North-South mid section line of said Section 10, a distance of 732.73 feet to THE TRUE POINT OF BEGINNING;

THENCE North 67°04'09" East parallel to and 8.00 feet northwesterly of an 8.00 foot Gas Line Easement, a distance of 465.94 feet to a point;

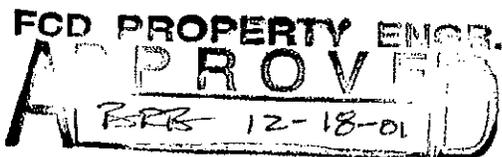
THENCE South 22°55'51" East to a point on the northwesterly line of said Gas Line Easement, a distance of 8.00 feet;

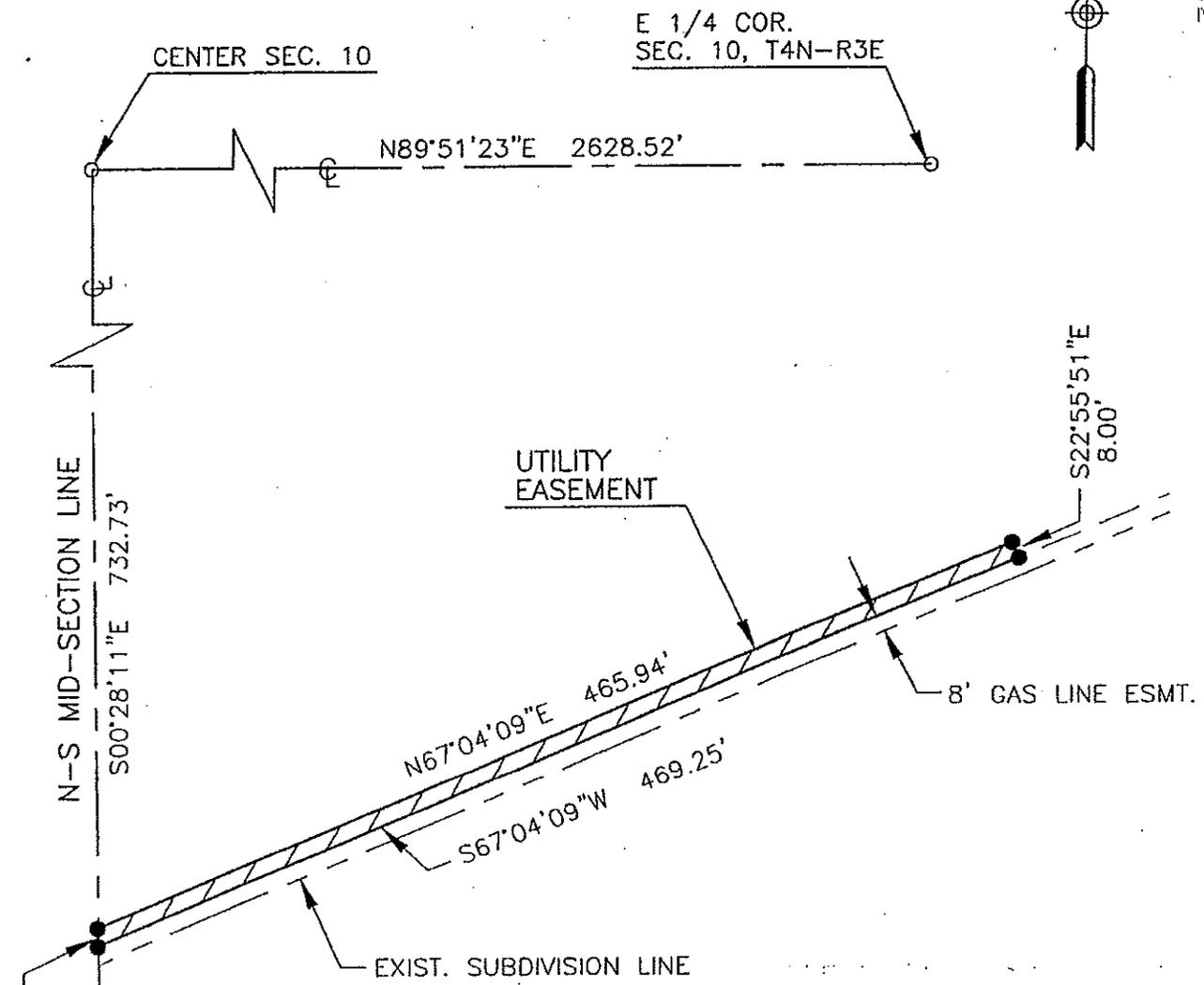
THENCE South 67°04'09" West along said Gas Line Easement to said North-South mid section line, distance of 469.25 feet;

THENCE North 00°28'11" West along said North-South line section line, distance of 8.66 feet to THE TRUE POINT OF BEGINNING.

Containing a computed area of 3,741 square feet, more or less.

*Myron G. Jasmann*





FCD PROPERTY ENGINEERS  
**APPROVED**  
 JTB 12-18-01

Exhibit "A"  
 page 2

*Myron G. Jasmann*  
 REGISTERED LAND SURVEYOR  
 CERTIFICATE NO. 7140  
 MYRON G. JASMANN  
 Date Signed: 12/20/01  
 ARIZONA, U.S.A.

**DIBBLE & ASSOCIATES**  
 CONSULTING ENGINEERS  
 Since 1962  
 2633 E. Indian School Rd., Ste 401  
 Phoenix, Arizona 85016-6763

QWEST #021U092





Schedule "B" 17

CKT 7527 PAGE 677

STATE OF ARIZONA

County of Maricopa

as. I hereby certify that the within instrument was filed and recorded

Fee No.

IN DOCKET 7527 Page 677-678 and indexed in deeds

01-DEED

MAR 20 1969 - 8 00 AM - STEWART TITLE & TRUST

49334

When recorded, return to:

Witness my hand and official seal.

Maricopa County Board of Supervisors

PAUL N. MARSTON County Recorder

Compared

Flood Control District

Photostated

of Maricopa County 3323 W Durango

H. Jerry Craig Deputy Recorder

Fee:

1.00

110,937 Acres

Proj. 806-07 (FCD-5) Cave Buttes Item H-2645, T.R. 907,556

Warranty Deed

Know All Men By These Presents:

That First National Bank of Arizona, a national banking association, as Trustee

under Trust Agreement dated February 1, 1966

GRANTOR

of MARICOPA COUNTY, STATE OF ARIZONA, for and in consideration of the sum of \$10.00

DOLLARS, and other valuable considerations to in

hand paid by the Flood Control District of MARICOPA COUNTY, a political subdivision of the STATE OF ARIZONA, GRANTEE herein, has granted, sold and conveyed and by these presents do grant, sell and convey unto the said GRANTEE all that certain real property situated in the County of Maricopa, State of Arizona, described as follows:

That part of the West one-half of the Southeast one-quarter (1/2 of SE 1/4) of Section Ten (10), Township Four (4) North, Range Three (3) East, of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, described as follows; beginning at the Northwest corner of said (1/2 of SE 1/4), thence East along the North line thereof 1314.22 feet to the Northeast corner of said (1/2 of SE 1/4); thence South along the East line of said (1/2 of SE 1/4) 200 feet to a point; thence Southwesterly to the West line of said (1/2 of SE 1/4) at a point 750.0 feet from the Northwest corner of said (1/2 of SE 1/4); thence North along the West line of said (1/2 of SE 1/4) 750 feet to the place of beginning, as shown on the attached plat, and which is made a part of this instrument; and is the result of a survey recorded in Book 119 of Maps, pages 49 and 50, and in Book 120 of Maps, pages 1, 2 and 3, records of Maricopa County Recorder; containing 14.33 acres.

TO HAVE AND TO HOLD the above described property, together with all and singular the rights and appurtenances thereto in any wise belonging unto the said GRANTEE, its successors and assigns forever, and the GRANTOR hereby binds heirs, executors and administrators to warrant and defend, all and singular the said property unto the said GRANTEE, against every person whomsoever, lawfully claiming or to claim the same or any part thereof.

FIRST NATIONAL BANK OF ARIZONA, A NATIONAL BANKING ASSOCIATION, AS TRUSTEE

DATED this 4th day of March, 1969

Handwritten signatures of Douglas G. Herndon and another individual.

STATE OF ARIZONA ) County of Maricopa ) ss.

On this 4 day of March, 1969 before me, the undersigned officer, personally appeared DOUGLAS G. HERNDON and G. HASTRUP, who acknowledged themselves to be the Assistant Trust Officers, respectively, of First National Bank of Arizona, and that they, as such Assistant Trust Officers, being authorized to do so, executed the foregoing instrument in the capacity therein stated and for the purposes therein contained, by signing the same of the execution by themselves as DOUGLAS G. HERNDON and G. HASTRUP.

IN WITNESS WHEREOF I have hereunto set my hand and official seal.

Handwritten signature of Notary Public and Notary Public R. G. A. GARDNER McALAI

By Commission Expires: June 24, 1971

<b>- EMPIRE TITLE WEST, EMI, CKKF</b>		<b>MARICOPA, AZ</b>	
05/01/2014 01:12PM AK1L	ORDER SEARCH RESULTS	PAGE 1 OF 1	
ORDER: 34214	TOF:	COMMENT:	

## SEARCH PARAMETERS

PARCEL: 212-15-001L (PERMIT DATEDOWNS)

✓ PARCEL: 212-15-001L 0

	INSTRUMENT	REC DATE
OWNER: FLOOD CONTROL DISTRICT OF MARICOPA COUNTY	7527 675	03/20/1969
MAIL: 2801 W DURANGO ST PHOENIX, AZ 85009		
SECTION: 10 TWP 4N RNG 3E		
LEGAL: BEG NW COR W2 SE4 SEC 10 TH E 1314.22F OF S 200F SWLY TO PT ON W LI OF W2 SE4 SD SEC TH N 750F TO POB EX TH POR LY SWLY OF CAVE CREEK DAM RD DAF COM CEN SD SEC TH S 750F TO TPOB TH N 67D 17M E 422.83F TH N 47D 19M W 534.13F TO A PT TH S 525.25F TO TPOB		

CURRENT TAXES	INFORMATION THROUGH 04/25/2014					
---------------	--------------------------------	--	--	--	--	--

	LAND	IMPR	EXEMPT	RATE	AREA	SPECIAL DISTRICTS
PRIMARY	45,520	0	0	8.8289	691300	30002
SECONDARY	45,520	0	0	4.0593		
2013 TOTAL TAX BILLED				0.00		
2013	TAX AMT	TAX DUE	INTEREST	DATE PAID	TOTAL DUE	
FIRST HALF	0.00	0.00	0.00		0.00	
SECOND HALF	0.00	0.00	0.00		0.00	
TOTAL CURRENT TAXES DUE 05/14			0.00			
		06/14	0.00			

BACK TAXES	INFORMATION THROUGH 04/25/2014
------------	--------------------------------

NO BACK TAXES

## ASSESSMENTS

NO ASSESSMENTS

**CONDITIONS, DISCLAIMERS AND EXCLUSIONS**

This Tax Certificate/Tax Order Report does not constitute a report on or certification of: (1) mineral (productive and/or non-productive) taxes or leases; (2) personal property taxes; or (3) other non ad valorem taxes (such as paving liens, stand-by charges or maintenance assessments).

Data Trace Information Services LLC ("Data Trace") may have warranted the accuracy of this Tax Certificate/Tax Order Report to its customer (the "Data Trace Customer") pursuant to the terms and conditions of a written tax service agreement between Data Trace and said Data Trace Customer (the "Tax Service Agreement"). Any such warranty (hereinafter, "Data Trace Customer Warranty") does not: (a) extend to a third party bearer of this Tax Certificate/Tax Order Report; (b) cover any changes made to the records of the taxing authority after the "payments as of," "paid," or "payment" dates delineated above; and (c) cover any invalid tax information shown on the records of the taxing authority or resulting from an error by the Data Trace Customer (including, without limitation, submission of incorrect property information by said Data Trace Customer). DATA TRACE MAKES NO WARRANTIES (EXPRESS OR IMPLIED) WITH RESPECT TO THIS TAX CERTIFICATE/TAX ORDER REPORT OTHER THAN (WHERE APPLICABLE) THE DATA TRACE CUSTOMER WARRANTY. Any and all claims under a Data Trace Customer Warranty must be submitted to Data Trace by the corresponding Data Trace Customer and are subject to the terms and conditions set forth in the pertinent Tax Service Agreement (including, without limitation, the filing deadlines applicable to such claims). In some jurisdictions Data Trace's validation of a Tax Certificate/Tax Order Report is required to activate a Data Trace Customer Warranty.

**END SEARCH**

Vesting  
C

OKT 7527 677

STATE OF ARIZONA )  
County of Maricopa ) ss. I hereby certify that the within instrument was filed and recorded

Fee No.  
01-DEED  
49334

IN DOCKET Page 7527 677-678 and indexed in deeds  
MAR 20 1969 8 00 AM STEWART TITLE & TRUST

When recorded, return to:  
Maricopa County Board of Supervisors   
Flood Control District   
of Maricopa County 3325 W. Durango  
110,937 Acres

Witness my hand and official seal.  
PAUL N. MARSTON County Recorder  
Deputy Recorder

Compared  
Photostated  
Fee: 1.00

Proj. 806-07 (FGD-5) Cave Buttes  
Item H-2645, T.R. 907,556

Warranty Deed

Know All Men By These Presents:

That First National Bank of Arizona, a national banking association, as Trustee  
under Trust Agreement dated February 1, 1966 GRANTOR

of MARICOPA COUNTY, STATE OF ARIZONA, for and in consideration of the sum of \$10.00  
DOLLARS, and other valuable considerations to in

hand paid by the Flood Control District of MARICOPA COUNTY, a political subdivision of the STATE OF ARIZONA, GRANTEE herein, has granted, sold and conveyed and by these presents do grant, sell and convey unto the said GRANTEE all that certain real property situated in the County of Maricopa, State of Arizona, described as follows:

That part of the West one-half of the Southeast one-quarter (W $\frac{1}{2}$  of SE $\frac{1}{4}$ ) of Section Ten (10), Township Four (4) North, Range Three (3) East, of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, described as follows; beginning at the Northwest corner of said (W $\frac{1}{2}$  of SE $\frac{1}{4}$ ), thence East along the North line thereof 1314.22 feet to the Northeast corner of said (W $\frac{1}{2}$  of SE $\frac{1}{4}$ ); thence South along the East line of said (W $\frac{1}{2}$  of SE $\frac{1}{4}$ ) 200 feet to a point; thence Southwesterly to the West line of said (W $\frac{1}{2}$  of SE $\frac{1}{4}$ ) at a point 750.0 feet from the Northwest corner of said (W $\frac{1}{2}$  of SE $\frac{1}{4}$ ); thence North along the West line of said (W $\frac{1}{2}$  of SE $\frac{1}{4}$ ) 750 feet to the place of beginning, as shown on the attached plat, and which is made a part of this instrument; and is the result of a survey recorded in Book 119 of Maps, pages 49 and 50, and in Book 120 of Maps, pages 1, 2 and 3, records of Maricopa County Recorder; containing 14.33 acres.

TO HAVE AND TO HOLD the above described property, together with all and singular the rights and appurtenances thereto in any wise belonging unto the said GRANTEE, its successors and assigns forever, and the GRANTOR hereby binds his heirs, executors and administrators to warrant and defend, all and singular the said property unto the said GRANTEE, against every person whomsoever, lawfully claiming or to claim the same or any part thereof.

DATED this 4<sup>th</sup> day of March, 1969  
FIRST NATIONAL BANK OF ARIZONA,  
A NATIONAL BANKING ASSOCIATION,  
AS TRUSTEE

*Douglas G. Heston*  
*Paul N. Marston*

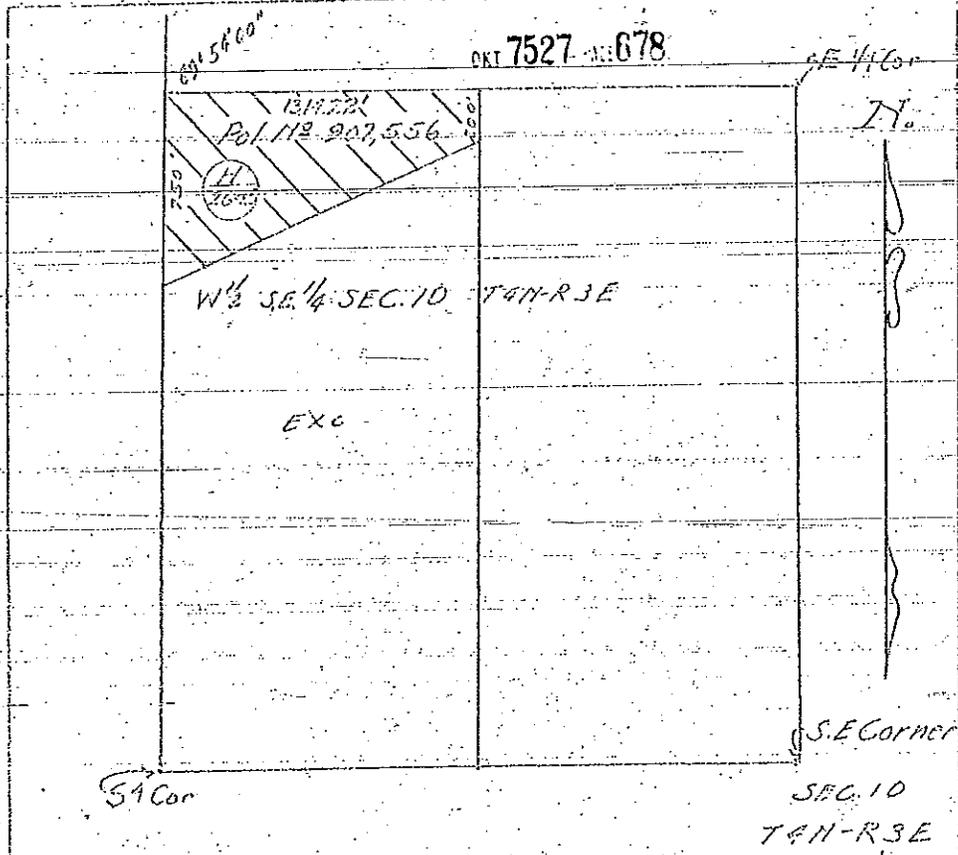
STATE OF ARIZONA )  
County of Maricopa ) ss.

On this 4 day of March, 1969 before me,  
the undersigned officer, personally appeared DOUGLAS G. HESTON and  
G. HESTON, who acknowledged themselves to be the  
Trust Officer and ASSISTANT TRUST OFFICER, respectively  
of First National Bank of Arizona, and that they, as such Trust Officer  
and ASSISTANT TRUST OFFICER, being authorized  
to so do, executed the foregoing instrument in the capacity therein  
stated and for the purposes therein contained, by signing the name  
of the association by themselves as Trust Officer and  
ASSISTANT TRUST OFFICER.

IN WITNESS WHEREOF I have hereunto set my hand and official seal.

*Thomas J. McLean*  
Notary Public

My Commission Expires:  
June 24, 1971



PROJ. NO. 806-07 (FCD-5)

Daniel T. Meredith & Fannie Mae Meredith

ITEM NO. H-2695

SCALE 1" = 500'

Total acreage 81.28 Ac.

Part Taking 11.32 Ac

THIS PAGE WILL NOT  
REPRODUCE SATISFACTORILY

FIRST SOUTHWESTERN TITLE

Recorded At The Request Of:  
Maricopa County Board Of Supervisors

Typed: April 15, 2002

When Recorded, Interoffice Mail to:

Flood Control District  
of Maricopa County (LLA)



OFFICIAL RECORDS OF  
MARICOPA COUNTY RECORDER  
HELEN PURCELL  
2002-0640312 06/24/02 15:03  
1 OF 11  
BLOCKNUMBERS

*Vesting & described  
in legal description*

Exempt ARS 11-1134, A3  
Resolution FCD N/A

**WARRANTY DEED**

Project: CAVE BUTTES DAM  
Item: H-2646-02-EX  
Assessor's Parcel No. Portion of 212-15-001B  
MC-2245 1/2 Portion of 212-15-003A  
Portion of 212-15-004

The FLOOD CONTROL DISTRICT of MARICOPA COUNTY, a municipal corporation and political subdivision of the State of Arizona, **GRANTOR**, for the sum of One Million Two Hundred Seventy Two Thousand Dollars and 00/100 (\$1,272,000.00), and other valuable consideration, receipt and sufficiency of which are hereby acknowledged, paid by The CITY of PHOENIX, a municipal corporation of the State of Arizona, **GRANTEE**, herein has granted, sold, and conveyed and by this Deed does grant, sell, and convey unto the said **GRANTEE** all that certain real property situated in the County of Maricopa, State of Arizona, described as follows:

See Exhibit "A"  
Attached hereto and incorporated herein

The **GRANTOR** binds itself and its successors to warrant the title against all persons whomsoever.

This property is conveyed subject to: Current (or prorated as necessary) real estate taxes, assessments, reservations, easements, rights-of-way, and deed restrictions as may appear of record.

**GRANTOR** warrants that no portion of the property is the subject of a threatened or pending investigation or lawsuit or administrative action by any person, firm, governmental body or other entity relating to or arising from any matter or circumstance subject to regulation pursuant to any statute, ordinance, rule or regulation, and **GRANTOR** has received no unofficial or official notice of any alleged violations of any statutes, ordinances, or regulations.

....  
....  
....

GRANTEE ACCEPTANCE AND APPROVAL:

CITY OF PHOENIX, a municipal corporation  
FRANK FAIRBANKS, City Manager

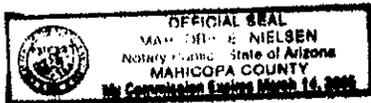
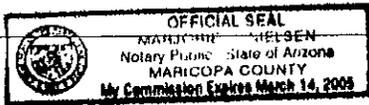
By: [Signature]

Roger Whitlock  
Acting Real Estate Administrator [Signature]

ACKNOWLEDGMENT

STATE OF Arizona )  
COUNTY OF Maricopa ) ss.

This instrument was acknowledged before me this 14 day of May, 20 02  
by Roger Whitlock, Acting Real Estate Administrator, on behalf of the City Manager of the  
City of Phoenix, a municipal corporation of the State of Arizona.



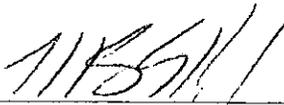
NOTARY SEAL

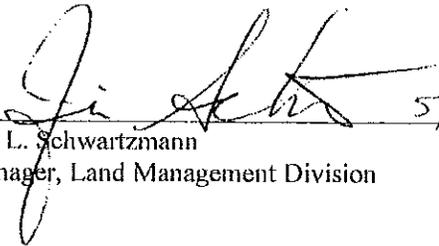
Marjorie E. Nielsen  
NOTARY PUBLIC

My Commission Expires: 3/14/05

**RECOMMENDED FOR APPROVAL:**

**FLOOD CONTROL DISTRICT  
OF MARICOPA COUNTY**

  
\_\_\_\_\_  
Michael S. Ellegood, P. E.      5/28/02      Date  
Chief Engineer and General Manager

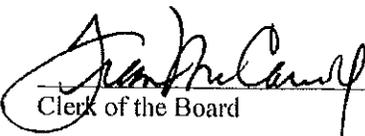
  
\_\_\_\_\_  
Jim L. Schwartzmann      5/20/02      Date  
Manager, Land Management Division

.....  
.....  
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.....  
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.....

**ACCEPTED AND APPROVED:**

**BOARD OF DIRECTORS OF  
FLOOD CONTROL DISTRICT  
OF MARICOPA COUNTY**

  
\_\_\_\_\_  
Chairman of the Board

**ATTEST:**  
  
\_\_\_\_\_  
Clerk of the Board  
Date 6/10/02

Parcel No. : **A Portion of 212-15-001B, 3A & 212-15-004**  
 Project No. : **C6A350S**  
**CAVE BUTTES DAM**  
 Item No. : **H-2646-02**

**FLOOD CONTROL DISTRICT to the CITY OF PHOENIX**

Those portion of land lying within the North half (N2) and the Southeast quarter (SE4) of Section 10 – T4N, R3E, G&SRB&M, Maricopa County, Arizona, said portion being described as follows:

Parcel One:

**COMMENCING** at the center of said section 10; thence along the North-South midsection line, South 00°17'07" East a distance of 750.00 feet to the **TRUE POINT OF BEGINNING**; thence North 67°17'52" East a distance of 422.83 feet; thence North 47°19'24" West a distance of 525.26 feet to a point on the North-South midsection line of said section 10, from which said point lies South 00°17'07" East a distance of 224.75 feet from center of said section; thence along said line, South 00°17'07" East a distance of 525.25 feet to the **TRUE POINT OF BEGINNING**. Containing 102,656 square feet or 2.3567 acres more or less.

Parcel Two:

**COMMENCING** at the center of said section 10; thence along the East-West midsection line, North 89°58'39" West a distance of 225.37 feet to the **TRUE POINT OF BEGINNING**; thence continuing along said midsection line, North 89°58'39" West a distance of 1274.63 feet to a point, said point lies South 89°58'39" East a distance of 1108.14 feet from the West quarter corner of said section 10; thence North 24°29'55" West a distance of 375.76 feet; thence North 64°41'41" East a distance of 813.36 feet; thence South 45°12'31" East a distance of 979.52 feet to a point on the East-West midsection line of said section 10, and the **POINT OF BEGINNING**. Containing 592,438 square feet or 13.6005 acres more or less.

Parcel's One and Two combined contain 695,094 square feet or 15.9572 acres more or less.

FLOOD CONTROL DISTRICT OF MARICOPA COUNTY				
Prelim: 3-05-02	Rev:	Chk:	Appr:	Final: 4/18/02
Those certain properties as recorded by Dkt's 7527/675; 7751/521 and Dkt 9015/809 (MCR)				
Maricopa County Public Works Land and Right of Way Division			Titles and Right of Way	

GRANTOR \_\_\_\_\_ DATE \_\_\_\_\_  
 Exhibit "A"



Vesting

STATE OF ARIZONA  
County of Maricopa

DPT 7527 675

ss. I hereby certify that the within instrument was filed and recorded

IN DOCKET

7527 Page 675-676 and indexed in deeds

Fee No.

49333

MAR 20 1969-8 00 AM

STEWART TITLE & TRUST

When recorded, return to:

Witness my hand and official seal.

Maricopa County Board of Supervisors   
Flood Control District  
of Maricopa County 3325 West  
110,937 Deeds

PAUL N. MARSTON County Recorder  
By Jerry Ring Deputy Recorder

Compared 01-DEED  
Photostated  
Fee: 1.00

Proj. 806-07 (FCD-5) Cave Buttes  
Item # 2645, T.R. 907-556

Warranty Deed

Know All Men By These Presents:

That Daniel T. Meredith and Fannie Mae Meredith, his wife

GRANTORS

of MARICOPA COUNTY, STATE OF ARIZONA, for and in consideration of the sum of \$10,000

DOLLARS, and other valuable considerations to them in

hand paid by the Flood Control District of MARICOPA COUNTY, a political subdivision of the STATE OF ARIZONA, GRANTEE herein, have granted, sold and conveyed and by these presents do grant, sell and convey unto the said GRANTEE all that certain real property situated in the County of Maricopa, State of Arizona, described as follows:

That part of the West one-half of the Southeast one-quarter (W $\frac{1}{2}$  of SE $\frac{1}{4}$ ) of Section Ten (10), Township Four (4) North, Range Three (3) East, of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, described as follows; beginning at the Northwest corner of said (W $\frac{1}{2}$  of SE $\frac{1}{4}$ ); thence East along the North line thereof 1314.22 feet to the Northeast corner of said (W $\frac{1}{2}$  of SE $\frac{1}{4}$ ); thence South along the East line of said (W $\frac{1}{2}$  of SE $\frac{1}{4}$ ) 200 feet to a point; thence Southwesterly to the West line of said (W $\frac{1}{2}$  of SE $\frac{1}{4}$ ) at a point 750.0 feet from the Northwest corner of said (W $\frac{1}{2}$  of SE $\frac{1}{4}$ ); thence North along the West line of said (W $\frac{1}{2}$  of SE $\frac{1}{4}$ ) 750 feet to the place of beginning, as shown on the attached plat, and which is made a part of this instrument; and is the result of a survey recorded in Book 119 of Maps, pages 49 and 50, and in Book 120 of Maps, pages 1, 2 and 3, records of Maricopa County Recorder; containing 14.33 acres.

TO HAVE AND TO HOLD the above described property, together with all and singular the rights and appurtenances thereto in any wise belonging unto the said GRANTEE, its successors and assigns forever, and the GRANTOR here- by binds heirs, executors and administrators to warrant and defend, all and singular the said property unto the said GRANTEE, against every person whomsoever, lawfully claiming or to claim the same or any part thereof.

DATED this 5th day of March, 1969.

*Daniel T. Meredith*  
*Fannie Mae Meredith*

STATE OF ARIZONA  
County of Maricopa

This instrument was acknowledged before me this 5th day of

March, 1969, by

*Daniel T. Meredith*

*Fannie Mae Meredith*

My Commission Expires:

My Commission Expires July 21, 1972

*Shelton J. Stewart*  
Notary Public

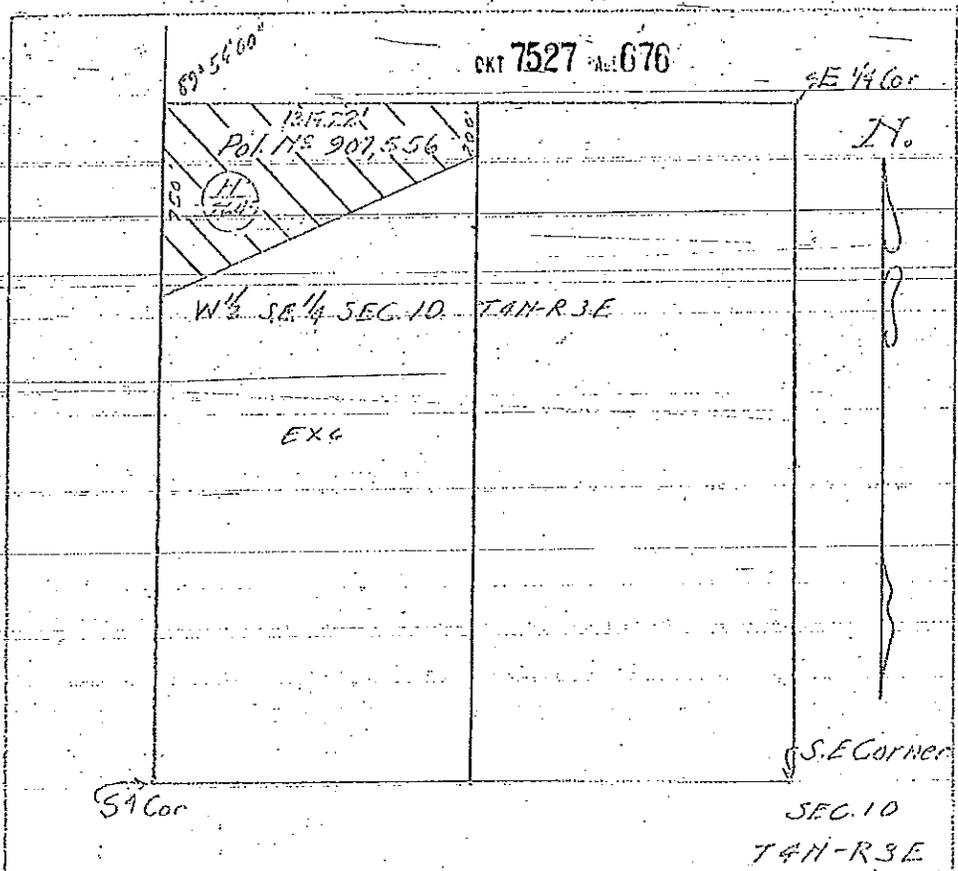
STATE OF ARIZONA  
County of Maricopa

This instrument was acknowledged before me this \_\_\_\_\_ day of

\_\_\_\_\_, 19\_\_\_\_, by \_\_\_\_\_

My Commission Expires:

Notary Public



PROJ. N° 806-07 (FCD-5)  
 Daniel T. Meredith & Fannie Mae Meredith  
 ITEM N° H-2645  
 SCALE 1" = 500'

Total acreage 81.23 Ac.  
 Part Taking 14.39 Ac

THIS PAGE WILL NOT  
 REPRODUCE SATISFACTORILY

Surveyed by Daniel T. Meredith  
 and Fannie Mae Meredith  
 1912



**ALTA Commitment Form (6-17-06)  
COMMITMENT FOR TITLE  
INSURANCE**

**ISSUED BY  
WESTCOR LAND  
TITLE INSURANCE COMPANY**

Westcor Land Title Insurance Company, a California corporation ("Company"), for a valuable consideration, commits to issue its policy or policies of title insurance, as identified in Schedule A, in favor of the Proposed Insured named in Schedule A, as owner or mortgagee of the estate or interest in the land described or referred to in Schedule A, upon payment of the premiums and charges and compliance with the Requirements; all subject to the provisions of Schedules A and B and to the Conditions of this Commitment.

This Commitment shall be effective only when the identity of the Proposed Insured and the amount of the policy or policies committed for have been inserted in Schedule A by the Company.

All liability and obligation under this Commitment shall cease and terminate six (6) months after the Effective Date or when the policy or policies committed for shall issue, whichever first occurs, provided that the failure to issue the policy or policies is not the fault of the Company.

The Company will provide a sample of the policy form upon request.

IN WITNESS WHEREOF, WESTCOR LAND TITLE INSURANCE COMPANY has caused its corporate name and seal to be hereunto affixed and by these presents to be signed in facsimile under authority of its by-laws, effective as of the date of Commitment shown in Schedule A.

Issued By:

**Empire West Title Agency**  
4808 North 22nd Street, Ste #  
100  
Phoenix, AZ 85016  
Phone: 602-749-7000

**WESTCOR LAND TITLE INSURANCE  
COMPANY**

HOME OFFICE  
201 N. New York Avenue, Suite 200  
Winter Park, Florida 32789  
Telephone: (407) 629-5842



By: Mary O'Donnell  
President  
Attest: Patricia H. Power  
Secretary

**SCHEDULE A**

Address Reference: **Project: Cave Buttes Dam Excess / Proj 350.01.01 / Order # TR142-FCD / Item #-H2646-EX / APN 212-15-, 002Q,**

1. Effective Date: **March 28, 2016 at 7:30 am**
2. Policy or Policies to be issued:
  - A. ALTA Owners 2006 Standard Coverage  
  
Proposed Insured: **TBD**
- 3A. The estate or interest in the land described in this Commitment and covered herein is **Fee** and title thereto is at the effective date hereof vested in:  
**Flood Control District of Maricopa County, a political subdivision of the State of Arizona**
- 3B. Title to the estate herein described upon issuance of the Policy shall be vested in:  
**TBD**
4. The land referred to in the Commitment is situate in the county of , State of **Unknown** and is described in the attached Exhibit "A".

Please direct all inquiries and correspondence to:  
Empire West Title Agency  
Escrow Officer: Sharon Dyke  
Phone: 602-749-7000  
Commitment

Empire West Title Agency, issuing agent for  
Westcor Land Title Insurance Company  
By: Chuck Kerkhoff  
Title Department

**EXHIBIT "A"**

**That part of the West half of the East half of the Southeast quarter of Section 10, Township 4 North, Range 3 East, of the Gila and Salt River Base Meridian, Maricopa County, Arizona, described as follows.**

**Beginning at the Northwest corner of said West half of the East half of the Southeast quarter;**

**Thence East along the North line thereof 464.20 feet;**

**Thence Southwesterly to a point on the West line of said West half of the East half of the Southeast quarter, 200 feet South of the Northwest corner of said West half of the East half of the Southeast quarter;**

**Thence North 200 feet to the place of beginning.**

**SCHEDULE B**  
**SECTION ONE - REQUIREMENTS**

Conditions to be met and instruments in insurable form which must be executed, delivered, and duly filed for record:

- 1. Furnish the names of parties to be insured herein and disposition of any matters disclosed thereby.**
- 2. Record Deed from Flood Control District of Maricopa county to To Come.**

**NOTE: See attached tax sheets for the following Parcel Numbers: 212-15-002Q.**

**NOTE: See attached tax sheets for the following Parcel Numbers: .**

**Chain of Title:**

**Deed recorded March 13, 1970 as Docket 8040, page 685.**

**End of Schedule B Section I**

**SCHEDULE B**  
**SECTION TWO - EXCEPTIONS**

Schedule B of the policy or policies to be issued will contain exceptions to the following matters unless the same are disposed of to the satisfaction of the Company:

A. Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the public records or attaching subsequent to the Effective Date but prior to the date the proposed Insured acquires for value of record the estate or interest or mortgage thereon covered by this Commitment.

1. **(a) Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records; (b) Proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.**
2. **Any facts, rights, interests or claims which are not shown by the public records but which could be ascertained by an inspection of the land or which may be asserted by persons in possession of the land.**
3. **Easements, liens or encumbrances or claims thereof, which are not shown by the public records.**
4. **Any encroachments, encumbrance, violation, variation, or adverse circumstances affecting the Title that would be disclosed by an accurate and complete land survey of the Land and not shown by the public records.**
5. **(a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b) or (c) are shown by the public records.**
6. **Any lien, or right to a lien, for services, labor or material heretofore or hereafter furnished, imposed by law and not shown by the public records.**
7. **Taxes for the year 2016, a lien not yet due and payable.**
8. **An easement for electric lines and poles and incidental purposes, recorded in Docket 37, page 332 of Official Records.**
9. **An easement for electric lines and poles and incidental purposes, recorded in Docket 168, page 57 of Official Records.**
10. **All matters as set forth on map recorded in Book 120 of Maps, page 2**
11. **Roadway as set forth in document recorded in Docket 12239, page 240.**
12. **An easement for highway purposes and incidental purposes, recorded in Document no. Docket 12306, page 437 of Official Records.**
13. **The terms, conditions and provisions contained in the document entitled Intergovernmental Agreement recorded July 18, 1990 as Document No. 1990-321845 of Official Records.**

- 14. All matters as set forth on map recorded in Book 494 of Maps, page 13**
- 15. All matters as set forth on map recorded in Book 791 of Maps, page 41**
- 16. All matters as set forth on Survey recorded in Book 1191 of Maps, page 4**

**End of Schedule B Section II**

## CONDITIONS

1. The term mortgage, when used herein, shall include deed of trust, trust deed, or other security instrument.
  2. If the proposed Insured has or acquired actual knowledge of any defect, lien, encumbrance, adverse claim or other matter affecting the estate or interest or mortgage thereon covered by this Commitment other than those shown in Schedule B hereof, and shall fail to disclose such knowledge to the Company in writing, the Company shall be relieved from liability for any loss or damage resulting from any act of reliance hereon to the extent the Company is prejudiced by failure to so disclose such knowledge. If the proposed Insured shall disclose such knowledge to the Company, or if the Company otherwise acquires actual knowledge of any such defect, lien, encumbrance, adverse claim or other matter, the Company at its option may amend Schedule B of this Commitment accordingly, but such amendment shall not relieve the Company from liability previously incurred pursuant to paragraph 3 of these Conditions.
  3. Liability of the Company under this Commitment shall be only to the named proposed Insured and such parties included under the definition of Insured in the form of policy or policies committed for and only for actual loss incurred in reliance hereon in undertaking in good faith (a) to comply with the requirements hereof, or (b) to eliminate exceptions shown in Schedule B, or (c) to acquire or create the estate or interest or mortgage thereon covered by this Commitment. In no event shall such liability exceed the amount stated in Schedule A for the policy or policies committed for and such liability is subject to the insuring provisions and Conditions and the Exclusions from Coverage of the form of policy or policies committed for in favor of the proposed Insured which are hereby incorporated by reference and are made a part of this Commitment except as expressly modified herein.
  4. This Commitment is a contract to issue one or more title insurance policies and is not an abstract of title or a report of the condition of title. Any action or actions or rights of action that the proposed Insured may have or may bring against the Company arising out of the status of the title to the estate or interest or the status of the mortgage thereon covered by this Commitment must be based on and are subject to the provisions of this Commitment.
  5. *The policy to be issued contains an arbitration clause. All arbitrable matters when the Amount of Insurance is \$2,000,000 or less shall be arbitrated at the option of either the Company or the Insured as the exclusive remedy of the parties. You may review a copy of the arbitration rules at <<http://www.alta.org/>>.*
- 

Any policy we issue will have the following exceptions unless they are taken care of to our satisfaction:

1. (a) Taxes or assessments that are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records; (b) proceedings by a public agency that may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.
2. Any facts, rights, interests, or claims that are not shown by the Public Records but that could be ascertained by an inspection of the Land or that may be asserted by persons in possession of the Land.
3. Easements, liens or encumbrances, or claims thereof, not shown by the Public Records.
4. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land and not shown by the Public Records.
5. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b), or (c) are shown by the Public Records.

The above exceptions will be eliminated from any ALTA Extended Coverage Policy, ALTA Plain Language Policy, ALTA Homeowner's Policy, ALTA Expanded Coverage Residential Loan policy and any short form versions

thereof. However, the same or similar exceptions may be made in Schedule B of those policies in conformity with Schedule B, Section Two, of this Commitment.



54053

DOCKET 596 PAGE 540  
Phoenix 069131

4-1003.

# The United States of America

To all to whom these presents shall come, Greeting

STATE OF ARIZONA  
 County of Maricopa  
 I hereby certify that the within and foregoing is a true and correct copy of the original as the same appears on file in the office of the Register of the General Land Office at Phoenix, Arizona.

*Peter Henscheid*  
 1911 11 21  
 596  
 In Docket  
 on page 5-10  
 Witness my hand and official seal this 11th day of November 1911.

OFFICE OF THE REGISTER OF THE GENERAL LAND OFFICE  
 Phoenix, Arizona  
*Paul D. [Signature]*  
 827 E. [Address]

WHEREAS, a Certificate of the Register of the Land Office at **Phoenix, Arizona,** has been deposited in the General Land Office, whereby it appears that, pursuant to the Act of Congress of May 20, 1862, "To Secure Homesteads to Actual Settlers on the Public Domain," and the acts supplemental thereto, the claim of **Peter Henscheid** has been established and duly consummated, in conformity to law, for the southeast quarter of Section ten in Township four north of Range three east of the Gila and Salt River Meridian, Arizona, containing one hundred sixty acres,

according to the Official Plat of the Survey of the said Land, on file in the GENERAL LAND OFFICE;

NOW KNOW YE, That there is, therefore, granted by the UNITED STATES unto the said claimant **Peter Henscheid** the tract of Land above described; TO HAVE AND TO HOLD the said tract of Land, with the appurtenances thereof, unto the said claimant and to the heirs and assigns of the said claimant forever; subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws, and decisions of courts; and there is reserved from the lands hereby granted a right of way thereon for ditches or canals constructed by the authority of the United States.

IN TESTIMONY WHEREOF, I, **Franklin D. Roosevelt,**

President of the United States of America, have caused these letters to be made Patent, and the seal of the General Land Office to be hereunto affixed.

GIVEN under my hand, at the City of Washington, the **FIRST** day of **AUGUST** in the year of our Lord one thousand nine hundred and **THIRTY-SIX** and of the Independence of the United States the one hundred and **SIXTY-FIRST.**

By the President: *Franklin D. Roosevelt*  
 By *Samuel P. Wilson*, Secretary

*Wilson's [Signature]*  
 Recorder of the General Land Office.



RECORDED: Patent Number **1085301**

BOOK 37 PAGE 332  
I.P. 4743  
7-2-47

8242 Canyon

Schedule "B"

8

EASEMENT FOR ELECTRIC LINE

In consideration of One Dollar (\$1.00), the receipt of which is granted Central Arizona Light and Power Company, (hereinafter called and assigns, an easement to construct, operate and maintain electric lines and poles ~~and poles~~ upon, across, over and under the surface of the following described premises situate in Maricopa County, Arizona:

The Southeast Quarter of Section 10, Township 4 North, Range 3 East of the Gila and Salt River Base and Meridian.

along the following described line on the said premises:

Beginning at a point on the south boundary line, approximately 931 feet west of the east boundary line, thence on a line bearing North 19° 32' West approximately 1,776 feet to a point; thence on a line bearing North 42° 57' West to a point on the north boundary line approximately 89 feet east of the west boundary line.

STATE OF ARIZONA  
County of Maricopa  
I, Merle Brock, Clerk of the Superior Court, do hereby certify that the within instrument was filed and recorded in my office on this 6th day of August, 1947.  
At Phoenix, Arizona.  
Merle Brock  
Clerk of the Superior Court

together with the rights to repair, replace, maintain and remove said lines and poles ~~and poles~~ from said premises, to trim or remove any trees or shrubs that in the judgment of the Company, may interfere with the construction or endanger the operation of said lines ~~and poles~~ ~~and to permit the attachment of the wires of any other Company to such poles.~~ By accepting this easement the Company agrees to exercise reasonable care to avoid damage to said premises and all property that may at any time be thereon.

Peter Henschel

Dated 8-6-1947

WITNESS: Merle Brock

STATE OF ARIZONA }  
County of Maricopa } ss.

This instrument was acknowledged before me this 6th day of August, 1947 by Peter Henschel

WITNESS my hand and official seal the day and year in this instrument written.  
My commission expires Jan. 9, 1951



11.1  
V. 16.93  
2037

EASEMENT FOR ELECTRIC LINE AND

In consideration of One Dollar (\$1.00), the receipt of which is granted Central Arizona Light and Power Company, (hereinafter called "Company"), its successors and assigns, an easement to construct, operate and maintain electric lines and poles upon, across, over and under the surface of the following described premises situate in Maricopa County, Arizona:

The Southeast Quarter of Section 10, Township 1 North, Range 3 East of the Gila and Salt River Base and Meridian.

along the following described line on the said premises:

Beginning at a point on the east boundary line, approximately 673 feet north of the south boundary line; thence on a line bearing North 68° West approximately 1100 feet to a point, thence on a line bearing North 48° West to a point on the west boundary line, approximately 96 feet south of the north boundary line.

together with the rights to repair, replace, maintain and remove said lines and poles from said premises, to trim or remove any trees or shrubs that in the judgment of the Company, may interfere with the construction or endanger the operation of said lines and to permit the attachment of the wires of any other Company to such poles. By accepting this easement the Company agrees to exercise reasonable care to avoid damage to said premises and all property that may at any time be thereon.

*Peter Henschel*

Dated.....

WITNESS:

STATE OF ARIZONA } ss.  
County of Maricopa

This instrument was acknowledged before me this 7<sup>th</sup> day of January, 1948

by *Peter Henschel*

WITNESS my hand and official seal the day and year in this certificate above written.

My Commission Expires June 12, 1951

My commission expires:.....



*Gerald Puffin*  
Notary Public

STATE OF ARIZONA, County of Maricopa; No. 18727

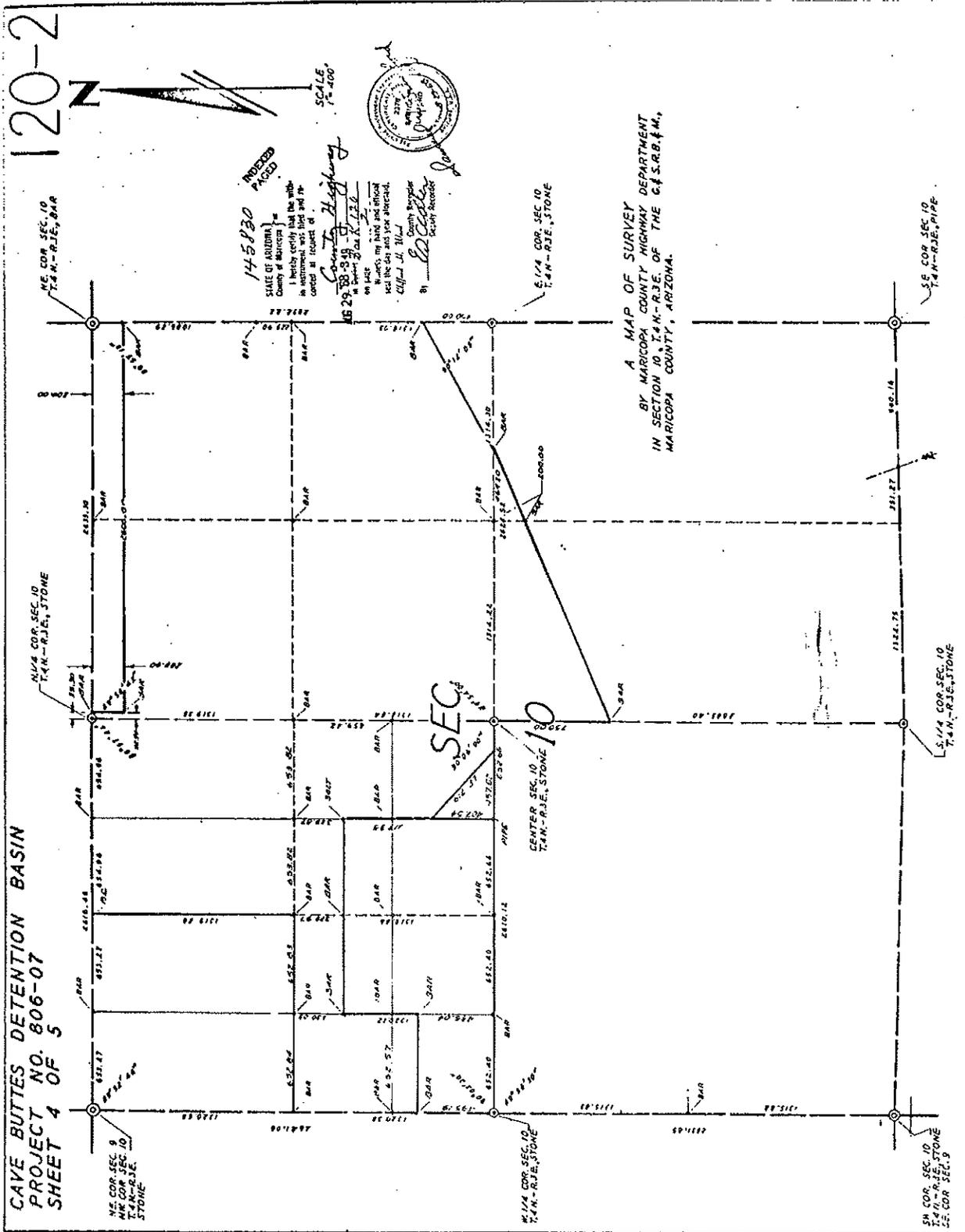
I do hereby certify that the within instrument was filed and recorded at request of CENTRAL ARIZONA LIGHT & POWER CO. on MAR 12 1948 at 4:45 M., Docket 168

Page 57, Records of Maricopa County, Arizona.

WITNESS my hand and official seal the day and year first above written.

1175

ROGER G. LAVREN, County Recorder,  
By *L. L. ...* Deputy.



CAVE BUTTES DETENTION BASIN  
 PROJECT NO. 806-07  
 SHEET 4 OF 5

120-2

N.E. COR. SEC. 9  
 T.4N.-R.3E.  
 STONE

N.W. COR. SEC. 10  
 T.4N.-R.3E., STONE

N.W. COR. SEC. 10  
 T.4N.-R.3E., STONE

SEC 10  
 CENTER SEC. 10  
 T.4N.-R.3E., STONE

S.W. COR. SEC. 10  
 T.4N.-R.3E., STONE

S.E. COR. SEC. 10  
 T.4N.-R.3E., STONE

S.E. COR. SEC. 10  
 T.4N.-R.3E., PIPE

A MAP OF SURVEY DEPARTMENT  
 BY MARICOPA COUNTY HIGHWAY DEPARTMENT  
 IN SECTION 10, T.4N.-R.3E. OF THE G.S.R.B.M.,  
 MARICOPA COUNTY, ARIZONA.

145830  
 INDEXED  
 PAGED

STATE OF ARIZONA  
 County of Maricopa  
 I hereby certify that the within instrument was filed for record in the office of the County Recorder of Maricopa County, Arizona, on this 29th day of August, 1958.

County Highway  
 Ed C. Calkins  
 County Surveyor



SCALE  
 1" = 400'

# County of Maricopa

State of Arizona

Schedule "B" 11

## Office of the Clerk

DKT 12239P60240

State of Arizona }  
County of Maricopa } ss.

I, Rhea Woodall, Clerk of the Board of Supervisors do hereby Certify That the following is a true and correct extract from the minutes of the Board of Supervisors' meeting held May 23, 1977:

ROAD DECLARED (ROAD FILE NO. 2540)

(Attached)

In Witness Whereof, I have hereunto set my hand and affixed the Official Seal of the Board of Supervisors. Done at Phoenix, the County Seat this 24th day of May, 1977 A.D.

- County Recorder ✓
- County Engineer
- County Assessor
- County Planning (2)
- File

*Rhea Woodall*  
Clerk of the Board of Supervisors

ROAD DECLARED (ROAD FILE NO. 2540)

Upon motion and by unanimous vote the following resolution was passed and adopted:

WHEREAS, on the 15th day of April, 1977, the County Engineer and others filed with the Board of Supervisors of Maricopa County, Arizona, a petition praying the Board to establish, open and declare as a county highway the following described lines, to-wit:

A roadway of a width consistent with the right-of-way through Sections Fifteen (15) and Ten (10), Township Four (4) North, Range Three (3) East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, from Engineers Highway Station 54 + 07.64 to Engineers Highway Station 0 + 07.74 as shown in the Survey of Cave Buttes Detention Basin in Book 120 of Maps, page 3, M.C.R.

More commonly known as CAVE CREEK DAM ROAD from Cave Creek Road north-westerly to Engineers Station 54 + 07.64.

and,

WHEREAS, the day and hour set by the Board for a public hearing on said petition has arrived, and notice of said hearing has been given to the public by advertising once a week for two consecutive weeks in the Arizona Weekly Gazette; and

WHEREAS, no objections to the establishment, opening and declaration of said highway have been filed; and

WHEREAS, the Board believes that the granting of said petition and the establishment, opening and declaration of the highway, as prayed for in said petition, are for the best interests of Maricopa County, and said highway is a public necessity; NOW, THEREFORE,

BE IT RESOLVED that there is hereby established, opened and declared a county highway, more fully set forth hereinabove, and the County Engineer is hereby directed to make a plat of the survey of said highway and cause the same to be recorded in the Office of the County Recorder of Maricopa County as provided by law.

BE IT FURTHER RESOLVED that the Board accept any right-of-way or property donated to the State or County for said highway.

BE IT FURTHER RESOLVED that the County Engineer be directed and authorized, and he is hereby so directed and authorized, to negotiate with owners of all parcels of private property required for the right-of-way of said public highway with the view of obtaining for Maricopa County said private property, subject to the ratification and approval of this Board.

BE IT FURTHER RESOLVED that the County Attorney be directed and authorized, and he is hereby directed and authorized, to initiate and prosecute actions and proceedings in the manner required by law to condemn all property required for right-of-way which cannot be obtained by donation or purchase.

DATED this 23rd day of May, 1977.

STATE OF ARIZONA }  
County of Maricopa } ss

I hereby certify that the within instrument was filed and recorded at request of

MARICOPA CO. BD. OF SUPERVISORS

MAY 25 1977 #2 00

in Doc# of  
on page

Witness my hand and official seal the day and year aforesaid.

Tom Freestone

County Recorder

By Linda L. Brown  
Deputy Recorder

N/C



NOW THEREFORE, in consideration of the same and further consideration hereinafter set forth, it is agreed that this instrument contains the entire agreement between the parties hereto there being no further consideration paid than herein specified.

THE COUNTY OF MARICOPA AGREES.

A. To use the above described land for the general use and benefit of the public

THE GRANTEE AGREES

To grant an easement for the above described land to the County of Maricopa for the general welfare and benefit of the public

Dated this 20th day of July 1927

ATTEST:
By Clerk of LUL Board

BOARD OF DIRECTORS
FLOOD CONTROL DISTRICT OF MARICOPA COUNTY
By Chief Engineer & Gen. Mgr. Flood Control District

STATE OF ARIZONA
COUNTY OF MARICOPA

RECORDED FOR APPROVAL

Subscribed and sworn to before me this 20th day of July 1927

My commission expires Aug. 8, 1927

Recommended for approval
By Wm. of Wm. Amos

ACCEPTED
MARICOPA COUNTY BOARD OF SUPERVISORS

By Chairman of the Board

Date

By County Engineer
By Clerk of Board of Supervisors

EXHIBIT "A"

Project #79100, Cave Creek Dam Road  
 8806-07, (10-5)  
 Items H-2644, 2645 and 2646

LEGAL DESCRIPTION

Portions of Section Ten(10), Township Four(4) North, Range Three(3) East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona more particularly described as follows:



(1) The West Eighty(80) feet of the Northeast one-quarter of the Northwest one-quarter (NE $\frac{1}{4}$  of NW $\frac{1}{4}$ ), and the West Eighty(80) feet of the North one-half of the Northwest one-quarter of the Southeast one-quarter of the Northwest one-quarter (N $\frac{1}{2}$  of NE $\frac{1}{4}$  of SE $\frac{1}{4}$  of NW $\frac{1}{4}$ ), all in said Section 10.

(2) The South Eighty(80) feet of that portion of the Southeast one-quarter of the Southeast one-quarter of the Northwest one-quarter (SE $\frac{1}{4}$  of SE $\frac{1}{4}$  of NW $\frac{1}{4}$ ) of said Section 10 lying Easterly of the Cave Creek Dam Road as shown in Book 119 of Maps, pages 49 and 50 and also in Book 120 of Maps, pages 1, 2 and 3, all in M.C.R.

(3) A strip of land Eighty(80) feet wide lying forty(40) feet on each side of the survey line of Cave Creek Dam Road beginning at Engineers Highway Station 62+57.69 and ending at Engineers Highway Station 76+77.57 as shown in Book of Maps 119, pages 49 and 50 and also in Book of Maps 120, pages 1, 2 and 3, all in M.C.R.

(4) The South Eighty(80) feet of the West 80 feet of the Southwest one-quarter of the Southwest one-quarter of the Northeast one-quarter (SW $\frac{1}{4}$  of SW $\frac{1}{4}$  of NE $\frac{1}{4}$ ) of said Section 10.

(5) That part of the West Eighty(80) feet of the Northwest one-quarter of the Northwest one-quarter of the Southeast one-quarter (NW $\frac{1}{4}$  of NW $\frac{1}{4}$  of SE $\frac{1}{4}$ ) of said Section 10 lying Northwesterly of the Cave Creek Dam Road as shown in Book 119 of Maps, pages 49 and 50 and also in Book 120 of Maps, pages 1, 2 and 3, all in M.C.R.

(6) A strip of land Eighty(80) feet wide, lying forty(40) feet on each side of the survey line of Cave Creek Dam Road beginning at Engineers Highway Station 54+07.04 and ending at Engineers Highway Station 59+26.68 as shown in Book 119 of Maps, pages 49 and 50 and also in Book 120 of Maps, pages 1, 2 and 3, all in M.C.R.

The side lines of the strips of land described as beginning and ending at Engineers Highway Stations herein are hereby lengthened or shortened to and on the fractional section lines and property lines on which said Engineers Highway Stations are shown.

CS9010-11

424  
52871

RECORDED IN OFFICIAL RECORDS  
OF MARICOPA COUNTY, ARIZONA  
JUL 18 '80 - 4 00  
HELEN PURCELL, County Recorder  
FEE NC PGS 5 AA

When Recorded Return to:  
Flood Control District  
3335 West Durango  
Phoenix, Arizona 85009

90 321845

INTERGOVERNMENTAL AGREEMENT  
PERIPHERAL PLANNING AREAS C & D,  
DRAINAGE STUDIES AND AERIAL MAPPING  
IGA FCD-88021

AGREEMENT (XG)

This Agreement is entered into between the Flood Control District of Maricopa County, a municipal corporation and political subdivision of the State of Arizona, hereinafter called the DISTRICT, and the City of Phoenix, a municipal corporation, hereinafter called PHOENIX.

This Agreement shall become effective as of the date it is filed with the Maricopa County Recorder pursuant to Arizona Revised Statutes 11-952, as amended. DATE FILED WITH THE MARICOPA COUNTY RECORDER \_\_\_\_\_

STATUTORY AUTHORIZATION

1. The DISTRICT is empowered by Arizona Revised Statutes 48-3603 to enter into this Agreement.
2. PHOENIX is empowered by Arizona Revised Statutes 11-952 and Chapter II, Section 2 of the PHOENIX City Charter to enter into this Agreement.

BACKGROUND

3. PHOENIX has developed a General Plan, dated October 1987, for Peripheral Areas C and D. This is an area of approximately 111 square miles bounded roughly by Carefree Highway on the north, Scottsdale Road on the east, Jomax Road and the Central Arizona Project Canal on the south, and 67th Avenue on the west, see Exhibit A. The purpose of the General Plan is to serve as a guide for community growth and as a directive to the City as to development opportunities in the area.
4. It is proposed that the DISTRICT and PHOENIX cost share in drainage studies and aerial mapping of this area. Approximately 52 percent of the area is within the jurisdictional control of PHOENIX, and approximately 48 percent is within the jurisdictional control of the County.
5. The drainage study costs for Peripheral Planning Areas C & D are estimated to be \$212,000. It is proposed that the DISTRICT fund \$80,000 and Phoenix fund the remainder of the drainage study costs at an estimated cost of \$132,000.
6. The aerial mapping costs for Peripheral Planning Areas C & D are estimated to be \$400,000. It is proposed that the DISTRICT contribute \$200,000 and PHOENIX fund the remainder of the aerial mapping costs at an estimated cost of \$200,000.

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PURPOSE OF THE AGREEMENT

7. The purpose of this Agreement is to define the responsibilities of the DISTRICT and PHOENIX for cost sharing in drainage studies and aerial mapping for the Peripheral Planning Areas C & D.

TERMS OF AGREEMENT

8. PHOENIX agrees to the following:

8.1. Fund the drainage study costs for Peripheral Planning Areas C & D, except for \$80,000 which will be contributed by the DISTRICT. The estimated cost to PHOENIX is \$132,000.

8.2. Fund the aerial mapping costs for Peripheral Planning Areas C & D, except for \$200,000 which will be contributed by the DISTRICT. The estimated cost to PHOENIX is \$200,000.

8.2. Contract with consulting engineers for the drainage studies and aerial mapping, serve as the lead agency and primary contact for the consulting engineers, and pay the invoices of the consulting engineers.

8.3. Submit the drainage studies and aerial mapping to the DISTRICT for review and approval.

9. The DISTRICT agrees to the following:

9.1. To contribute \$80,000 to PHOENIX for the drainage study costs.

9.2. To contribute \$200,000 to PHOENIX for the aerial mapping studies.

9.3. Participate in progress meetings with PHOENIX and the consulting engineers and review all study products.

9.4. Pay approved billings of PHOENIX within 45 days of receipt.

10. Final approval and acceptance of the drainage studies and aerial mapping shall be the joint responsibility of the DISTRICT and PHOENIX.

11. This Agreement shall expire upon approval and acceptance of the work of the consulting engineers by both the DISTRICT and PHOENIX and reimbursement of PHOENIX by the DISTRICT; except that, upon mutual written agreement of both parties, this Agreement may be amended or terminated.

12. All documents and studies which are prepared in the performance of this Agreement are to be and remain the joint property of the DISTRICT and PHOENIX; however, PHOENIX may retain the original drawings but upon request shall furnish the DISTRICT any and all necessary copies.

13. Attached to this Agreement are copies of appropriate action by ordinance, resolution or otherwise authorizing the respective parties to enter into this Agreement.

9

90 321845

14. All parties hereto acknowledge that this Agreement is subject to cancellation by either party pursuant to the provisions of Section 38-511, Arizona Revised Statutes.

FLOOD CONTROL DISTRICT OF MARICOPA COUNTY

Recommended by:

D. E. Sagrmoso 7-12-89  
D. E. Sagrmoso, P. E. Date  
Chief Engineer and General Manager

Approved and Accepted:

By: Fred Kooyi  
Chairman, Board of Directors

Attest:

By: Cheri Pennington AUG 01 1989  
Clerk of the Board Date

This Intergovernmental Agreement has been reviewed pursuant to Arizona Revised Statutes 11-952, as amended, by the undersigned General Counsel, who has determined that it is in proper form and within the powers and authority granted to the Flood Control District of Maricopa County under the laws of the State of Arizona.

Julie M. Lemmon 7/13/89  
General Counsel Date

90 321845

CITY OF PHOENIX

Marvin A. Andrews, City Manager

By: Shirley L. Huller  
Deputy City Manager  
ATTEST:

By: Vicky Muel  
City Clerk

The foregoing Intergovernmental Agreement has been reviewed pursuant to Arizona Revised Statutes 11-952, as amended, by the undersigned attorney who has determined that it is in proper form and within the power and authority granted to the City of Phoenix under the laws of the State of Arizona.

[Signature] 4-25-85  
ACTING City Attorney Date

FLOOD CONTROL DISTRICT OF MARICOPA COUNTY  
**AGENDA INFORMATION FORM**

**FILE**

90 321845

Contract/Lease for  NEW  RENEWAL  AMENDMENT  CANCELLATION  
(for existing record Encumbrance No. below)

LOW ORG. NO. 6900 DEPARTMENT: Flood Control District CONTROL NUMBER: FCD-990

ENCUMBRANCE NO. CS901011 AGENCY: Public Works CONTROL NUMBER: PW-990

**1. BRIEF DESCRIPTION OF PROPOSAL AND REQUESTED BOARD ACTION:** It is proposed that the District and Phoenix cost share in drainage studies and aerial mapping for an area in the northeast part of the Valley which is about 52 percent in Phoenix and about 48 percent in the County. This area has been designated in Phoenix's General Plan as Peripheral Areas C and D. The concept is that the District will reimburse Phoenix \$80,000 of the estimated \$212,000 costs of the drainage study and \$200,000 of the estimated \$400,000 costs of the aerial mapping. Phoenix will be the contracting agency and pay any additional costs.

The study area is approximately 111 square miles bounded roughly by Carefree Highway on the north, Scottsdale Road on the east, Jomax Road and the Central Arizona Project Canal on the south, and 67th Avenue on the west.

**2. Compliance with Maricopa County Procurement Code** article N/A paragraph N/A Procurement Officer Daniel M. Branch

**3. CONTINUED FROM MEETING OF** DISCUSSED IN MEETING OF **4.  THIS DEPARTMENT WILL CAUSE PUBLICATION  CLERK OF THE BOARD TO CAUSE PUBLICATION**

**5. MOTION:** It is moved that the Flood Control District of Maricopa County Board of Directors... approve Intergovernmental Agreement FCD-88021 with the City of Phoenix for Drainage Studies and Aerial Mapping of areas designated in Phoenix's General Plan as Peripheral Planning Areas C & D. The District costs are \$280,000.

**6. FINANCIAL:**  Expenditure  Revenue  Budgeted  Contingency  Budget Amendment  Transfer  Grant or other  
IGA Total 280,000 Fund Flood Control Finance Officer Ray O. Smith Date 7-18-89

**7. PERSONNEL:**  
 Personnel Director \_\_\_\_\_ Date \_\_\_\_\_

**8. FLOOD CONTROL DISTRICT:**  
 Action Recommended by D. Branch Date 7-12-89

**9. MATERIALS MANAGEMENT:**  
 A. Materials Management Director \_\_\_\_\_ Date \_\_\_\_\_  
 B. W-MBE Representative \_\_\_\_\_ Date \_\_\_\_\_

**10. LEGAL:** Approved as to form and within the powers and authority granted under the laws of the state of Arizona to the Flood Control District of Maricopa County Board of Directors  
 General Counsel Julie M. Gannon Date 7/13/89

**11. INFORMATION SYSTEMS:** FISC \_\_\_\_\_ Date \_\_\_\_\_

**12. APPROVED FOR AGENDA:**  
 Approving Officer Daniel M. Branch Date 7/17

**13. OTHER:**  
 Signature Daniel M. Branch Date \_\_\_\_\_

**15. RECOMMENDATION OF COUNTY MANAGER:**  
 Approve  Disapprove  
 Comments: \_\_\_\_\_  
 County Manager Daniel M. Branch Date 7/17

**14. BOARD OF DIRECTORS:** Action taken:  
 Approved  Amended  Disapproved  Deleted  
 Continued to: \_\_\_\_\_  
 Date and type of meeting AG 01 1989  
 Clerk of the Board Cheri Brinkley Date \_\_\_\_\_







Schedule 'B'

16  
+ Vesting  
C

STATE OF ARIZONA  
County of Maricopa  
AUG 22 1969-8 00 AM  
PKT 8040 PAGE 685 151874  
I hereby certify that the within instrument was filed and recorded  
7751 Page 521+522 and indexed in deeds

01-DEED  
7751-521  
Fee No. 44974  
D9301  
01-DEED  
Compared  
Photostated  
Fee: Joe

STEWART TITLE & TRUST OF PHOENIX

When recorded, return to:  
Maricopa County Board of Supervisors   
Flood Control District   
of Maricopa County  
Attn: Missy Black  
110, 4687

Witness my hand and official seal.  
PAUL N. MARSTON County Recorder  
By: Max Mergent Deputy Recorder

Proj. 806-07 (FCD-5) Cave Buttes  
Item H-2643, T.R. 907,557

Warranty Deed

Know All Men By These Presents:  
That Glenarm North, a limited partnership,

GRANTORS

of MARICOPA COUNTY, STATE OF ARIZONA, for and in consideration of the sum of \$10.00  
DOLLARS, and other valuable considerations to them in

hand paid by the Flood Control District of MARICOPA COUNTY, a political subdivision of the STATE OF ARIZONA, GRANTEE herein, have granted, sold and conveyed and by these presents do grant, sell and convey unto the said GRANTEE all that certain real property situated in the County of Maricopa, State of Arizona, described as follows:

That part of the West one-half of the East one-half of the Southeast one-quarter (W $\frac{1}{2}$  of the E $\frac{1}{2}$  of SE $\frac{1}{4}$ ) of Section Ten (10), Township Four (4) North, Range Three (3) East, of the Gila and Salt River Base and Meridian, Maricopa County, Arizona.

Beginning at the Northwest corner of said (W $\frac{1}{2}$  of E $\frac{1}{2}$  of SE $\frac{1}{4}$ ), thence East along the North line thereof 464.2 feet; thence Southwesterly to a point on the West line of said (W $\frac{1}{2}$  of E $\frac{1}{2}$  of SE $\frac{1}{4}$ ), 200 feet south of the Northwest corner of said (W $\frac{1}{2}$  of E $\frac{1}{2}$  of SE $\frac{1}{4}$ ); thence North 200 feet to the place of beginning, as shown on the attached plat and which is made a part of this instrument; and is the result of a survey recorded in Book 119 of Maps, pages 49 and 50, and in Book 120 of Maps, pages 1, 2 and 3, records of Maricopa County Recorder; containing 1.065 acres.  
THIS DEED IS BEING RE-RECORDED SOLEY FOR THE PURPOSE OF CORRECTING THE LEGAL DESCRIPTION.

TO HAVE AND TO HOLD the above described property, together with all and singular the rights and appurtenances thereto in any wise belonging unto the said GRANTEE, its successors and assigns forever, and the GRANTOR here- by binds heirs, executors and administrators to warrant and defend, all and singular the said property unto the said GRANTEE, against every person whomsoever, lawfully claiming or to claim the same or any part thereof.

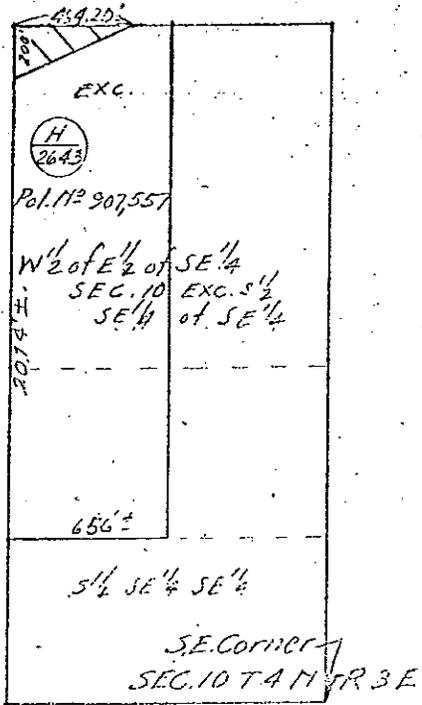
DATED this 15 day of November 1968  
Glenarm North, a limited partnership  
by: Shannon Realty Company, an Arizona Corp  
by: J. D. Black, PRESIDENT

STATE OF ARIZONA  
County of Maricopa  
This instrument was acknowledged before me this 15 day of November 1968, by

Robert W. Condon, President  
J. D. Black  
My Commission Expires: Jan 1 - 1971  
Notary Public

STATE OF ARIZONA  
County of Maricopa  
This instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, by \_\_\_\_\_

STATE OF ARIZONA, County of Maricopa, ss  
I do hereby certify that the within instrument was filed and recorded at request of  
AUG 15 1970-8 00 AM  
8040  
STEWART TITLE & TRUST  
Page 685-686  
PAUL N. MARSTON  
County Recorder  
By: J. D. Black Deputy  
100



PROJ. No 206-07(F.C.D. 5)  
 Peter Henscheid & Philma E. Henscheid  
 and Glenarm North  
 ITEM H-2643  
 SCALE 1"=500'

Total Area 206.07  
 Total Area 11.500

<b>- EMPIRE TITLE WEST, EMI, CKKF</b>		<b>MARICOPA, AZ</b>
05/05/2014 09:14AM AK1L	ORDER SEARCH RESULTS	PAGE 1 OF 1
ORDER: 34216	TOF:	COMMENT:

**SEARCH PARAMETERS**

PARCEL: 212-15-002Q (PERMIT DATEDOWNS)

✓ PARCEL: 212-15-002Q 2

	INSTRUMENT	REC DATE
OWNER: FLOOD CONTROL DISTRICT OF MARICOPA COUNTY	7751 521	08/22/1969
MAIL: 2801 W DURANGO ST PHOENIX, AZ 85009		
SECTION: 10 TWP 4N RNG 3E		
LEGAL: PT NW4 NE4 SE4 BEG NW COR E 464.2' SWLY TO WLI 200' S OF NW COR TH N 200' TO POB 1.06 AC		

<b>CURRENT TAXES</b>	<b>INFORMATION THROUGH</b>
	<b>04/25/2014</b>

	LAND	IMPR	EXEMPT	RATE	AREA	SPECIAL DISTRICTS
PRIMARY	10,400	0	0	8.8289	691300	30002
SECONDARY	10,400	0	0	4.0593		
2013 TOTAL TAX BILLED				0.00		

2013	TAX AMT	TAX DUE	INTEREST	DATE PAID	TOTAL DUE
FIRST HALF	0.00	0.00	0.00		0.00
SECOND HALF	0.00	0.00	0.00		0.00
TOTAL CURRENT TAXES DUE 05/14			0.00		
			06/14	0.00	

<b>BACK TAXES</b>	<b>INFORMATION THROUGH</b>
	<b>04/25/2014</b>

NO BACK TAXES

**ASSESSMENTS**

NO ASSESSMENTS

**CONDITIONS, DISCLAIMERS AND EXCLUSIONS**

This Tax Certificate/Tax Order Report does not constitute a report on or certification of: (1) mineral (productive and/or non-productive) taxes or leases; (2) personal property taxes; or (3) other non ad valorem taxes (such as paving liens, stand-by charges or maintenance assessments).

Data Trace Information Services LLC ("Data Trace") may have warranted the accuracy of this Tax Certificate/Tax Order Report to its customer (the "Data Trace Customer") pursuant to the terms and conditions of a written tax service agreement between Data Trace and said Data Trace Customer (the "Tax Service Agreement"). Any such warranty (hereinafter, "Data Trace Customer Warranty") does not: (a) extend to a third party bearer of this Tax Certificate/Tax Order Report; (b) cover any changes made to the records of the taxing authority after the "payments as of," "paid," or "payment" dates delineated above; and (c) cover any invalid tax information shown on the records of the taxing authority or resulting from an error by the Data Trace Customer (including, without limitation, submission of incorrect property information by said Data Trace Customer). DATA TRACE MAKES NO WARRANTIES (EXPRESS OR IMPLIED) WITH RESPECT TO THIS TAX CERTIFICATE/TAX ORDER REPORT OTHER THAN (WHERE APPLICABLE) THE DATA TRACE CUSTOMER WARRANTY. Any and all claims under a Data Trace Customer Warranty must be submitted to Data Trace by the corresponding Data Trace Customer and are subject to the terms and conditions set forth in the pertinent Tax Service Agreement (including, without limitation, the filing deadlines applicable to such claims). In some jurisdictions Data Trace's validation of a Tax Certificate/Tax Order Report is required to activate a Data Trace Customer Warranty.

END SEARCH

# PURCHASE CONTRACT

FCD 2016G002

This Agreement is made this \_\_\_\_\_ day of \_\_\_\_\_ 2016, by and between, THE FLOOD CONTROL DISTRICT OF MARICOPA COUNTY (SELLER), a political subdivision of the State of Arizona, and \_\_\_\_\_ its successor(s) and/or Assignee(s), (BUYER), who, together shall be also known as “the parties”.

For and in consideration of the mutual covenants, conditions and promises contained herein, the parties hereto agree as follows:

1. Definitions: As used herein the following terms shall have the following definitions:

“Agreement” shall mean this Purchase Contract FCD2016G002, together with the printed Escrow Instructions issued by Empire West Title Agency, attached hereto and made a part hereof and as may be revised or updated from time to time.

“Buyer” shall mean \_\_\_\_\_, its successor(s) and/or assignee(s), the successful bidder at advertised public auction held on November 1, 2016, based upon an Invitation for Public Auction dated September 2, 2016.

“Escrow Agent” shall mean Empire West Title Agency, 4808 N. 22<sup>nd</sup> Street, Ste 100, Phoenix, Arizona, 85016, Attention: Sharon Dyke, which shall serve as the Escrow Agent for this transaction.

“Property” shall mean the real property known as Cave Buttes Excess H-2646-EX, together with all improvements, rights, privileges and easements appurtenant thereto, declared by the Board of Directors of the Flood Control District of Maricopa County to be excess vacant land by Agenda Item C-69-01-026-B-1-00, approved December 6, 2000. The legal description of the Property is set forth on Exhibit “A”, attached hereto and made a part hereof.

“Seller” shall mean the Flood Control District of Maricopa County, a political subdivision of the State of Arizona.

2. Agreement to Buy and Sell the Property. This Agreement shall constitute an integrated, binding and effective agreement on the part of the Seller to sell and the Buyer to buy the Property, on the terms and conditions contained in this Agreement. Buyer acknowledges that Buyer has had the opportunity to physically inspect the Property, review the title report, independent fee appraisal, and any other pertinent information as part of the Buyer’s due diligence, prior to Buyer offering the successful bid.

3. Purchase of the Property. The purchase price for the Property is \_\_\_\_\_ (\$\_\_\_\_\_.00) Dollars, payable in legal tender of the United States of America. At the time escrow is opened the Buyer shall have deposited with the Seller the sum of Twenty-five thousand dollars (\$25,000.00) as a Bid Security Deposit, which shall be converted to the earnest money deposit (Earnest Deposit) to be used and applied toward the Purchase Price. On or before the Close of Escrow, Buyer shall pay into escrow the balance of the Purchase Price for the Property, in addition to any and all necessary funds for closing costs.

4. Title Insurance for the Property. The Seller shall procure and make available upon request, a preliminary title report, the cost of which shall be split equally between Seller and Buyer through escrow. The Buyer shall pay all other closing costs, i.e. owner’s policy, title and escrow fees, etc. The balance of the bid amount and closing costs shall be made payable to Empire West Title Agency unless otherwise directed.

The Buyer may procure an extended coverage title insurance policy, at the Buyer's option, in which event the Buyer shall pay the amount of increased premium and the cost of any survey necessary to obtain extended coverage title insurance issued through Empire West Title Agency in the form in use on the date of issue, insuring the Buyer in the amount of the Purchase Price of the Property, that upon Close of Escrow, title to the Property is subject only to the regular printed exceptions contained in said policy, current taxes and assessments, and such restrictive covenants of record, easements, reservations in patents and other obligations, liabilities, liens, encumbrances and other matters as Buyer, in Buyer's sole discretion, may specifically approve, in writing, or be deemed to have approved as provided in Paragraph 5.

5. Examination of Title for the Property. As part of the Invitation for Public Auction for bidding on this Property the Seller has provided Buyer a current preliminary title report or commitment for title insurance to be issued concerning the Property (the "Title Report") together with legible copies of all documents specifically described in Schedule B II thereof as creating exceptions to title for Buyer's review. Further, in the event that any updates, supplements or amendments to the Title Report are subsequently prepared copies of such documents shall be delivered to Buyer.

Buyer specifically agrees that, except with respect to any title exception intentionally and voluntarily created by Seller after the issuance of the Title Report, nothing herein shall be deemed to impose on Seller any obligation to bring any action or proceeding, or to expend any unreasonable (in Seller's sole and absolute discretion) sum or effort in order to fulfill any condition, nor shall Buyer otherwise have any right or action against Seller in respect thereof.

Seller shall not cause or permit any further title exceptions to be placed of record or otherwise created between the date that the Title Report is issued and the Close of Escrow. If Seller intentionally and voluntarily creates any exception, then Seller shall cause the same to be removed.

Buyer specifically agrees that nothing herein contained shall be deemed to impose on Seller any obligation to bring any action or proceeding, expend any unreasonable (in Seller's absolute opinion and discretion) sums or effort in order to cure any objections of Buyer to the survey, nor shall Buyer otherwise have any right or action against Seller in respect thereof.

6. Environmental Stipulations. The Seller makes no environmental representations. Buyer may conduct a Phase I assessment pursuant to paragraph 9. Right to Enter Property and Examine.

7. Special Warranty Deed for the Property. Title to the Property shall be conveyed to Buyer by Special Warranty Deed, the form of which was set forth in Invitation for Public Auction.

8. Right to Enter Property and Examine. There will be NO testing, digging, or excavation of the Property before Close of Escrow without Buyer obtaining a Right-of-Way Use Permit from the Flood Control District of Maricopa County. Seller, for security purposes, shall have the right to have its agents present during any and all inspections by Buyer and may restrict certain areas of the Property at certain times. All inspections shall be arranged at mutually convenient times.

9. Closing Documents. At or before the Close of Escrow, Seller shall deliver to Escrow Agent the following:

(a) A Special Warranty Deed, duly executed and acknowledged on behalf of the Board of Directors of the Seller, conveying the Property to the Buyer;

(b) A certified copy of the Flood Control District of Maricopa County Board of Director's agenda item accepting sale of the property and authorizing the conveyance of

the Property to Buyer, and that such acceptance has not been amended, annulled, rescinded or revoked, and are in full force and effect;

(c) Such other documents as shall be reasonably required by Escrow Agent as a condition to insuring title to the Property free of all exceptions other than exceptions which Buyer agrees to accept.

10. Buyer's Representations and Warranties - The Property. Buyer warrants and represents to Seller that Buyer has made or will make before Close of Escrow, such independent factual, physical and legal examination and inquiries as may be necessary to determine that the Property is suitable and adequate in all respects for any and all activities and uses which Buyer may elect to conduct on the Property.

10.1 Brokers' Commission. The parties represent each to the other that no real estate broker is responsible for negotiating this transaction. If any real estate broker should make a claim for commissions, the party whose action lead to such claim shall be solely responsible for the resolution of such issue, including the obligation to indemnify, save harmless and defend all other parties hereto concerning any brokerage commission,

11. Consummation of Transaction. Consummation of this transaction pursuant to this Agreement shall occur on, or before the date that is 120 days after the date that escrow is opened for this Agreement. For purposes of this Agreement, the consummation of this transaction shall be referred to as the "Close of Escrow". If Close of Escrow is not finalized on, or before, that date that is 120 days after the date escrow is opened for this Agreement, Buyer forfeits one-half of Buyer's earnest money to the sole benefit of Seller. Buyer may request an extension to the Close of Escrow date, which extension may be granted, at the sole discretion of Seller.

12. Seller's Default. If the sale and purchase of the Property contemplated by this Agreement is not consummated due to the Seller's default, then the Seller shall be liable for all customary escrow cancellation charges. Such payment will be the Buyer's sole and exclusive remedy in the event of default by Seller, and the Buyer, except for acts taken in bad faith.

13. Buyer's Default. If the parties do not consummate the sale and purchase of the Property due to the Buyer's default, the Buyer shall be liable for all customary escrow cancellation charges, one-half earnest money deposit, and such charges shall be the Seller's sole and exclusive remedy in the event of default by Buyer, and Seller hereby waives and releases any right to (and hereby covenants that Seller shall not) sue the Buyer for (a) specific performance, or (b) damages.

14. Possession. Seller shall deliver possession to Buyer immediately upon Close of Escrow.

15. AS-IS. TO THE MAXIMUM EXTENT PERMITTED BY APPLICABLE LAW, THIS SALE IS MADE AND WILL BE MADE WITHOUT REPRESENTATION, COVENANT, OR WARRANTY OF ANY KIND (WHETHER EXPRESS, IMPLIED, OR, TO THE MAXIMUM EXTENT PERMITTED BY APPLICABLE LAW), BY SELLER. AS A MATERIAL PART OF THE CONSIDERATION FOR THIS AGREEMENT, BUYER AGREES TO ACCEPT THE PROPERTY ON AN "AS IS" AND "WHERE IS" BASIS, WITH ALL FAULTS, AND WITHOUT ANY REPRESENTATION OR WARRANTY, ALL OF WHICH SELLER HEREBY DISCLAIMS, EXCEPT FOR SELLER'S WARRANTIES, IF ANY. EXCEPT FOR SELLER'S WARRANTIES, IF ANY, NO WARRANTY OR REPRESENTATION IS MADE BY SELLER AS TO FITNESS FOR ANY PARTICULAR PURPOSE, MERCHANTABILITY, DESIGN, QUALITY, CONDITION, OPERATION OR INCOME, COMPLIANCE WITH DRAWINGS OR SPECIFICATIONS, ABSENCE OF DEFECTS, ABSENCE OF HAZARDOUS OR TOXIC SUBSTANCES, ABSENCE OF FAULTS, FLOODING, OR COMPLIANCE WITH LAWS AND REGULATIONS INCLUDING, WITHOUT LIMITATION, THOSE RELATING TO HEALTH, SAFETY, AND THE ENVIRONMENT INCLUDING, WITHOUT LIMITATION, THE ADA. BUYER ACKNOWLEDGES THAT BUYER HAS ENTERED INTO THIS AGREEMENT WITH THE INTENTION OF MAKING AND RELYING UPON ITS OWN INVESTIGATION OF THE PHYSICAL, ENVIRONMENTAL, ECONOMIC USE, COMPLIANCE, AND

LEGAL CONDITION OF THE PROPERTY AND THAT BUYER IS NOT NOW RELYING, AND WILL NOT LATER RELY, UPON ANY REPRESENTATIONS AND WARRANTIES MADE BY SELLER, EXCEPT FOR SELLER'S WARRANTIES, OR ANYONE ACTING OR CLAIMING TO ACT, BY, THROUGH OR UNDER OR ON SELLER'S BEHALF CONCERNING THE PROPERTY. ADDITIONALLY, BUYER AND SELLER HEREBY AGREE THAT EXCEPT FOR SELLER'S WARRANTIES, (A) BUYER IS TAKING THE PROPERTY "AS IS" WITH ALL LATENT AND PATENT DEFECTS AND THERE IS NO WARRANTY BY SELLER THAT THE PROPERTY IS FIT FOR A PARTICULAR PURPOSE, (B) BUYER IS SOLELY RELYING UPON ITS EXAMINATION OF THE PROPERTY, AND (C) BUYER TAKES THE PROPERTY UNDER THIS AGREEMENT UNDER THE EXPRESS UNDERSTANDING THAT THERE ARE NO EXPRESS OR IMPLIED WARRANTIES. THE PROVISIONS OF THIS SECTION 15 SHALL SURVIVE INDEFINITELY ANY CLOSING OR TERMINATION OF THIS AGREEMENT AND SHALL NOT BE MERGED INTO THE DOCUMENTS EXECUTED AT CLOSE OF ESCROW.

16. Release. By acceptance of the Deed from Seller, Buyer shall be deemed to have made its own independent investigation of the Property, the Reports and the presence of Hazardous Materials on ~~the Property~~the Property as Buyer deems appropriate. Accordingly, except as otherwise expressly provided for herein and subject to Seller's Warranties, Buyer, on behalf of itself and all of its officers, directors, shareholders, employees, representatives and affiliated entities (collectively, the "**Releasors**") hereby expressly waives and relinquishes any and all rights and remedies Releasors may now or hereafter have against Seller, its successors and assigns, partners, shareholders, officers and/or directors and affiliated entities (the "**Seller Parties**"), whether known or unknown, which may arise from or be related to (a) the physical condition, quality, quantity and state of repair of the Property and the prior management and operation of the Property, (b) the Reports, (c) the Property's compliance or lack of compliance with any federal, state or local laws or regulations, and (d) any past, present or future presence or existence of Hazardous Materials on, under or about the Property or with respect to any past, present or future violation of any rules, regulations or laws, now or hereafter enacted, regulating or governing the use, handling, storage or disposal of Hazardous Materials, including, without limitation, (i) any and all rights and remedies Releasors may now or hereafter have under the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended (42 U.S.C. Sections 6901, et seq.) ("**CERCLA**"), the Resources Conservation and Recovery Act of 1976 (42 U.S.C. Section 6901, et seq.), the Clean Water Act (33 U.S.C. Section 1251, et seq.), the Safe Drinking Water Act (14 U.S.C. Section 1401, et seq.), the Hazardous Materials Transportation Act (49 U.S.C. Section 1801, et seq.), and the Toxic Substance Control Act (15 U.S.C. Section 2601, et seq.), the Arizona Environmental Quality Act, Ariz. Rev. Stat. Ann. 49-101, et seq., all as amended, and any similar state, local or federal environmental law, rule or regulation, and (ii) any and all claims, whether known or unknown, now or hereafter existing, with respect to the Property under Section 107 of CERCLA (42 U.S.C.A. §9607). As used herein, the term "Hazardous Material(s)" includes, without limitation, any hazardous or toxic materials, substances or wastes, such as (1) any materials, substances or wastes which are toxic, ignitable, corrosive or reactive and which are regulated by any local governmental authority, or any agency of the United States government, (2) any other material, substance, or waste which is defined or regulated as a hazardous material, extremely hazardous material, hazardous waste or toxic substance pursuant to any laws, rules, regulations or orders of the United States government, or any local governmental body, (3) asbestos, (4) petroleum and petroleum based products, (5) formaldehyde, (6) polychlorinated biphenyls (PCBs), and (7) freon and other chlorofluorocarbons.

WITHOUT LIMITING THE GENERALITY OF THE FOREGOING, BUYER, ON BEHALF OF ITSELF AND THE OTHER RELEASORS, HEREBY ASSUMES ALL RISK AND LIABILITY RESULTING OR ARISING FROM, OR RELATING TO THE OWNERSHIP, USE, CONDITION, LOCATION, MAINTENANCE, REPAIR, OR OPERATION OF, THE PROPERTY. THE FOREGOING WAIVERS, RELEASES AND AGREEMENTS BY BUYER, ON BEHALF OF ITSELF AND THE OTHER RELEASORS, SHALL SURVIVE THE CLOSE OF ESCROW AND THE RECORDATION OF THE DEED AND SHALL NOT BE DEEMED MERGED INTO THE DEED UPON ITS RECORDATION.

17. General. Except to the extent inconsistent with the express language of the foregoing provisions of this Agreement, the following provisions shall govern the interpretation, application, construction and enforcement of this Agreement.

(a) Notice. Any notice, demand or request which may be permitted, required or desired to be given in connection herewith shall be in writing and directed to Seller or Buyer at

the respective addresses set forth below (or at such other addresses as a party hereto may designate in writing), personally delivered or deposited in the U.S. Mail, first class, registered or certified, return receipt requested. Such notice shall be deemed effective within seventy-two (72) hours after deposited in the U.S. Mail, or if personally delivered, upon delivery. A registered mail or certified mail receipt will be prima facie evidence of the giving of such notice and the date thereof.

BUYER:

SELLER: Flood Control District of Maricopa County  
Chief Engineer and General Manager  
2801 W. Durango St.  
Phoenix, Arizona 85009  
602-506-1501

ESCROW AGENT: Empire West Title Agency  
Attention: Sharon Dyke  
4808 N. 22nd Street, Suite 100  
Phoenix, Arizona, 85016  
602-674-0864

(a) Severability. Wherever possible, each provision of this Agreement shall be interpreted in such manner as to be valid under applicable law, but if any provision shall be invalid or prohibited thereunder, such provision shall be ineffective to the extent of such prohibition or invalidation but shall not invalidate the remainder of such provision or the remaining provisions.

(b) Additional Acts and Documents. Each party hereto agrees to do all such things and take all such actions, and to make, execute and deliver such other documents and instruments, as shall be reasonably requested to carry out the provisions, intent and purpose of this Agreement.

(c) Attorneys' Fees. In the event suit is brought (or arbitration instituted) or an attorney is retained by any party to this Agreement to enforce the terms of this Agreement or to collect for the breach hereof or for the interpretation of any provision herein in dispute, the prevailing party shall be entitled to recover, in addition to any other remedy, reimbursement for reasonable attorneys' fees, court costs, costs of investigation and other related expenses incurred in connection therewith. If suit or arbitration be commenced, the Court or Arbitrator shall fix attorneys' fee.

(d) Successors and Assigns. This Agreement shall be binding upon and inure to the benefit of the parties hereto, and their respective successors in interest and assigns, but in no event shall any party be relieved of its obligations hereunder without the express written consent of each other party.

(e) Counterparts. This Agreement may be executed in any number of counterparts, all such counterparts shall be deemed to constitute one and the same instrument, and each of

said counterparts shall be deemed an original hereof. Faxed and copied signatures are acceptable as original signatures.

(f) Time. Time is of the essence of this Agreement, and each and every provision hereof. Any extension of time granted for the performance of any duty under this Agreement shall not be considered an extension of time for the performance of any other duty under this Agreement.

(g) Waiver. Failure of any party to exercise any right or option arising out of a breach of this Agreement shall not be deemed a waiver of any right or option with respect to any subsequent or different breach, or the continuance of any existing breach.

(h) Captions. Captions and paragraph headings used herein are for convenience only, and are not a part of this Agreement and shall not be deemed to limit or alter any provisions hereof and shall not be deemed relevant in construing this Agreement.

(i) Governing Law. This Agreement shall be deemed to be made under, and shall be construed in accordance with and shall be governed by, the laws of the State of Arizona, and arbitration proceedings, if applicable, or suit to enforce any provision of this Agreement or to obtain any remedy with respect hereto may be brought in the Superior Court of the State of Arizona, Maricopa County, and for this purpose each party hereby expressly and irrevocably consents to the jurisdiction of said Court. This contract is subject to A.R.S. 38-511 and may be canceled pursuant thereto.

(j) Interpretations. To the extent permitted by the context in which used, (i) words in the singular number shall include the plural, words in the masculine gender shall include the feminine and neuter, and vice versa, and (ii) references to "persons" and "parties" in this Agreement shall be deemed to refer to natural persons, corporations, general partnerships, limited partnerships, trusts and all other entities.

(k) Non-Foreign Affidavits. Seller agrees that, in order to comply with Internal Revenue Code, Section 1445, Seller will sign a Non-Foreign Affidavit in a form provided by Escrow Agent and approved by Buyer. Said Affidavit to be delivered to Escrow Agent on or before Close of Escrow.

(l) Time Calculations. Unless otherwise indicated, all periods of time referred to in this Agreement shall refer to calendar days and shall include all Saturdays, Sundays and State or national holidays, provided that if the date or last date to perform any act or give any notice with respect to this Agreement shall fall on a Saturday, Sunday or State or national holiday, such act or notice may be timely performed or given on the next succeeding day which is not a Saturday, Sunday or State or national holiday.

(m) Expiration of Offer. This Agreement is being first executed by Buyer and then presented to Seller for execution. Each party shall date this Agreement beside its signature. Upon Buyer's execution, this Agreement shall constitute an offer, which if not accepted by Seller's execution and delivery to Escrow Agent within forty-five (45) days thereafter, shall be deemed to expire and be of no further force or effect, unless extended or otherwise agreed to by Buyer. This timeframe is for aspirational purposes, and failure to comply does not constitute breach of contract. The date of this Agreement and of the opening of Escrow shall be the date that a copy of this Agreement is executed by Buyer and deposited with Escrow Agent, which date Escrow Agent shall insert on the first page.

(n) Authority. Each of the parties hereto represents and warrants to the other party that this Agreement has been duly authorized by all necessary action and that this Agreement constitutes and will constitute a binding obligation on each such party.

(o) Complete Agreement; Modification. This Agreement and all Exhibits attached hereto sets forth all of the covenants, promises, agreements, conditions and understandings between the Parties hereto, and there are no covenants, promises, agreements, conditions or understandings, either oral or written, between the parties other than as set forth herein, and those agreements which are executed contemporaneously herewith. This Agreement shall be construed as a whole and in accordance with its fair meaning and without regard to any presumption or other rule requiring construction against the party drafting this Agreement.

(p) Amendment. This Agreement may be amended only by a written instrument subsequently executed by Buyer and Seller expressly stating the intention to amend this Agreement.

\*\*\*\*\*



BUYER:

By: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

Before me, \_\_\_\_\_, Notary Public in and for said County, State of Arizona, on this day personally appeared \_\_\_\_\_, known to me to be the person whose name is subscribed to the forgoing instrument.

Given under my hand and seal of the office this \_\_\_\_\_ day of \_\_\_\_\_, 2016

\_\_\_\_\_

ACCEPTANCE BY ESCROW AGENT

The Escrow Instructions and this Purchase Contract are accepted and the Escrow is opened this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

ESCROW AGENT:

By: \_\_\_\_\_

Escrow Officer

Parcel No. **212-15-001L, 2Q, 3A & 212-15-004A**  
**CAVE BUTTES DAM**  
Item No. **H-2646-EX**

LEGAL DESCRIPTION FOR **EXCESS LAND**

A portion of land lying within the Northwest quarter (NW4), the Northeast quarter (NE4) and the Southeast quarter (SE4) of Section 10 - T4N, R3E, G&SRB&M, Maricopa County, Arizona, said portion being described as follows:

**COMMENCING** at the Northeast corner of said Section 10; thence along the East line of the Northeast quarter (NE4) of said section 10, South 00°08'39" West a distance of 200.00 feet to a point on the South line of the North 200 feet of said NE4 and the **TRUE POINT OF BEGINNING**; thence continuing along said East line, South 00°08'39" West a distance of 2433.00 feet to the East quarter corner of said section 10; thence along the South line of said NE4, South 89°56'54" West a distance of 850.45 feet; thence South 66°35'48" West a distance of 504.57 feet; thence South 67°11'24" West a distance of 998.95 feet; thence North 47°26'01" West to a point on the West line of the SE4 of said section 10, a distance of 534.17 feet, said point lies North 00°23'49" West a distance of 2461.58 feet from the South quarter corner of said section 10; thence along said West line, North 00°23'49" West a distance of 224.75 feet to the center of said section 10; thence along the East-West mid-section line, South 89°57'21" West a distance of 225.37 feet; thence North 45°18'48" West a distance of 980.17 feet; thence South 64°37'41" West a distance of 813.36 feet; thence South 24°33'55" East to a point on the South line of the Northwest quarter (NW4) of said Section 10, a distance of 375.76 feet; thence along the South line of the Northwest quarter of said section 10, South 89°57'21" West a distance of 1108.14 feet to the West quarter corner of said section; thence North 00°05'15" West along the West line of the Northwest quarter (NW4) of said Section 10, a distance of 495.23 feet; thence North 89°59'17" East to a point on the East line of the West 33.00 feet of the Northwest quarter of said Section 10, a distance of 33.00 feet; thence along said East line, North 00°05'15" West to a point on the South line of the NW4NW4 of said Section 10, a distance of 825.39 feet; thence along the South line of said NW4NW4, North 89°58'41" East a distance of 1273.24 feet to the Southeast corner of said NW4NW4;

**EXHIBIT "A-1"**

Page 1 of 2

H-2646-EX (cont'd):

thence along the East line of said NW4NW4, North 00°00'48" West a distance of 1320.11 feet to the Northeast corner of said NW4NW4; thence along the North line of the NW4 of said section 10, South 89°59'59" East 1307.94 feet to the North quarter corner of said section 10; thence along the North line of the NE4 of said section 10, South 89°54'59" East a distance of 33.14 feet; thence parallel with and 2600 feet West of the East line of said NE4, South 00°08'39" West a distance of 200.00; thence along the South line of the North 200 feet of said NE4, South 89°54'59" East a distance of 2600.00 feet to the **POINT OF BEGINNING.**

Containing 11,535,932 square feet or 264.83 acres more or less.

**RESERVING** unto the Flood Control District of Maricopa County, a 20-Foot wide Operation and Maintenance Road Easement (O&M) over and across the South 230.00 feet of the Northeast quarter of the Northwest quarter and also the North half of the Northeast quarter of said Section 10.

**AND RESERVING** unto the Flood Control District of Maricopa County", a Roadway Easement as described in Exhibit "B".

**AND RESERVING** unto the Flood Control District of Maricopa County", Flowage Easements as described in Exhibits "C1 and C2".

The location and construction of the Reservation herein described are to be mutually agreed upon between Grantor and Grantee, their successors, and assigns. Any development plan must be submitted to Grantor for Grantor's review and acceptance to ensure permanent easement rights, which acceptance shall not be unreasonably withheld.

FLOOD CONTROL DISTRICT OF MARICOPA COUNTY		
Prelim: 10-03-00	Chk: <i>DE</i> 8/30/2016	Appr:
Rev: 6-21-02; 3-16-06; 12-23-2014; 4-30-2015; 8-30-2016		
Maricopa County Public Works - Real Estate Division		



**EXHIBIT "A-1"**

