

ORDINANCE NO. 706

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING THE OFFICIAL ZONING MAP FOR THE TOWN OF PAYSON, AMENDING ORDINANCE NO. 466 AND AMENDING THE ZONING CODE FOR THE TOWN OF PAYSON BY REZONING CERTAIN REAL PROPERTY GENERALLY LOCATED AT 2009 NORTH MCLANE ROAD, BEING GILA COUNTY ASSESSOR'S PARCEL NUMBERS 302-35-007(A) & 302-35-252, AS MORE PARTICULARLY DESCRIBED ON EXHIBIT "A" ATTACHED HERETO, FROM R1-175 TO R1-6 AND R3 (MOGOLLON RIDGE).

WHEREAS, the Town of Payson from time to time amends its Official Zoning Map and Official Zoning Code for the purpose of accommodating zoning changes; and

WHEREAS, Application No. P-333-06 to amend the Official Zoning Map and Official Zoning Code has been made by Terra Capital, property owner (Mark Perry, representative) to the Planning and Zoning Commission and the Town Council; and

WHEREAS, the Planning and Zoning Commission held a public hearing on January 8, 2007, considered the issues, and made recommendation on Application No. P-333-06 to the Town Council; and

WHEREAS, the Town Council held a public hearing on February 15, 2007, in regard to said Application No. P-333-06 and has considered the issues relating thereto,

NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AS FOLLOWS:

Section 1. Ordinance No. 466 of the Town of Payson, the Official Zoning Map for the Town of Payson and the Zoning Code for the Town of Payson be and each is hereby amended to establish a zoning district of R1-6 for that portion of the certain real property located at 2009 North McLane Road, Gila County Assessor's Parcel Number 302-35-007(A) & 302-35-252, more particularly described on Exhibits B-1 and B-2 attached hereto and made a part hereof by this reference; and a zoning district of R3 for that portion of the certain real property located at 2009 North McLane Road, Gila County Assessor's Parcel Number 302-35-007(A) & 302-35-252, more particularly described on Exhibits C-1 and C-2 attached hereto and made a part hereof by this reference (collectively "the Property").

Section 2. That the requested rezoning and the use and density of the Property as proposed by Application No. P-333-06 are hereby made contingent upon those conditions set forth in Section 3 below, and are found to be consistent with the General Plan of the Town of Payson, as required by A.R.S. § 9-462.01(F).

2nd Reading & Pub. Hrg. MAR 01 2007

Section 3. The foregoing changes in zoning shall be and are hereby specifically made contingent upon and conditional upon each of the following:

- A. Development on the Property shall comply with the then existing Town of Payson water requirements.
- B. The development shall be in substantial conformance with the Rezoning application narrative and site plan, stamped December 15, 2006 and shall not exceed a total of 26 lots and 63 condominiums.
- C. The developer shall provide adequate sanitary facilities, depicted in the Improvement Plans, which are acceptable to the Northern Gila County Sanitary District.
- D. ~~The developer shall donate and deliver the deeds for four condominium units (to be dispersed within the development) to the Town of Payson Community Land Trust or designee or the Town or its designee, as may be determined by the Town. The units will be reserved for individuals or families that meet the Town of Payson's workforce criteria, with priority given to qualified employees of Terra Capital, LLC and the Payson Unified School District. The Town of Payson encourages the developer to implement its plan to conduct advance local marketing of all units that may be affordable to Payson area workers a minimum of six months prior to advertising the units in other locations.~~

The developer shall contribute to the Town's affordable/workforce housing program as set forth in the developer's written proposal dated _____.

- E. 5 foot wide sidewalks shall be installed on both sides of the public roadways created within the development. Street names, acceptable to the Town of Payson, shall be depicted on the Preliminary Plat.
- F. Preliminary elevations of the condominium units shall be provided prior to preliminary plat approval.
- G. The CC&R's of the development shall describe the maintenance responsibilities of the common open space, private drives and drainage areas.
- H. The applicant shall comply with its commitments related to improving the drainage situation in the down stream area as outlined in the **January 15, 2007** letter submitted to the Council.
- I. If any conditions listed in this Section 3 are not met or the applicant does not have an approved Final Plat within two (2) years of the approval date of the zoning change, then the R1-6 and R-3 rezoning may revert to the original R1-175 zoning, pending Council action.

Section 4. A protest (pursuant to A.R.S. §9-462.04(H)) has been filed. The provisions of this ordinance shall only become effective upon a favorable vote of three-fourths of all members of the Town Council.

~~Section 4. Pursuant to A.R.S. §19-142 and §30.54 of the Code of the Town of Payson, this ordinance shall not become operative until 30 days after its passage.~~

Section 5. This Ordinance 706 shall be treated as having been adopted and the 30-day referendum period established by Arizona Revised Statutes section ("A.R.S. §") 19-142 (D) and §30.54 of the Code of the Town of Payson shall begin when the Town files with the Gila County Recorder an instrument (in a form acceptable to the Town Attorney), executed by the Developer and any other party having any title interest in the Property, that waives any potential claims against the Town under the Arizona Property Rights Protection Act (A.R.S. § 12-1131 et seq., and specifically A.R.S. § 12-1134) resulting from changes in the land use laws that apply to the Property as a result of the Town's adoption of this Ordinance 706. If this waiver instrument is not recorded within 15 calendar days after the motion approving this Ordinance 706, this Ordinance 706 shall be void and of no force and effect.

Section 65. All ordinances and parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

PASSED AND ADOPTED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON this ____ day of _____, 2007, by the following vote:

AYES ____ NOES ____ ABSTENTIONS ____ ABSENT ____

F. Robert Edwards, Mayor

ATTEST:

APPROVED AS TO FORM:

Silvia Smith, Town Clerk

Samuel I. Streichman, Town Attorney

LEGAL DEPARTMENT
TOWN OF PAYSON
303L NORTH BEELINE HIGHWAY
PAYSON, ARIZONA 85541
(928) 474-5242
Fax: (928) 474-8472
E-Mail: TOPLEGAL@cbiwireless.com

Samuel I. Streichman
Town Attorney
Extension 208

Timothy M. Wright
Deputy Town Attorney
Extension 277

MEMORANDUM
February 22, 2007

TO: Mayor and Common Council

FROM: Legal Department

SUBJECT: Ordinance 706 (Mogollon Ridge Rezoning)

The Council had first reading on Ordinance 706 on February 15, 2007 and will have second reading at the March 1, 2007 meeting. Four changes to Ordinance 706 have been made in anticipation of the second reading. The changes are in redline/strikeout format and below is a brief explanation of each.

- (1) Section 3(D), per Council direction, has been simplified and now requires the developer to provide a written proposal for its affordable/workforce housing contribution.
- (2) Section 3(H), the date of the developer's letter has been added.
- (3) Section 4 has been added based upon the receipt of a neighborhood protest.
- (4) Section 5 has been added to require the Developer to execute a Proposition 207 waiver as to the conditions in Section 3. A sample of such waiver is attached to this memorandum.

If you have questions, please call or stop by our office.

WHEN RECORDED, RETURN TO:

**Silvia Smith, Town Clerk
Town of Payson
303 North Beeline Highway
Payson, Arizona 85541**

**CONSENT TO CONDITIONS OF REZONING AND WAIVER OF CLAIMS
FOR POSSIBLE DIMINUTION OF VALUE RESULTING FROM
TOWN OF PAYSON ORDINANCE _____**

_____ Property Owner(s), an _____ type of entity, (the "Owner") owns the land referred to in this instrument as the "Property," which is particularly described in Exhibit A attached to Payson Ordinance _____ (the "Rezoning Ordinance") and attached hereto and incorporated by this reference in this instrument. The Property is the subject of rezoning application number _____, filed on behalf of the Owner, which the Payson Town Council approved with conditions on _____ date of approval by the adoption of the Rezoning Ordinance.

The Owner hereby agrees and consents to all of the conditions imposed by the Payson Town Council in conjunction with the approval of the Rezoning Ordinance and waives any right to compensation for diminution in value pursuant to Arizona Revised Statutes § 12-1134 that may now or in the future exist as a result of the approval of the Rezoning Ordinance. The Owner also consents to the recording of this document in the office of the Gila County Recorder, to give notice of this instrument and its effects to successors in interest of the Property, who shall also be bound by it.

Dated this ____ day of _____, 2007.

_____ **owner** _____,
an Arizona corporation

By _____
_____, its _____

STATE OF ARIZONA)
) ss.
County of _____)

The foregoing Development Agreement was acknowledged before me this _____ day of _____, 2007, by _____, the _____ of _____, an Arizona corporation, for and on behalf of said corporation

My Commission Expires:

Notary Public

LEGAL DESCRIPTION

PARCEL NO. 1

Parcel 1, as shown on Record of Survey, recorded as Survey Map No. 2659, in the Office of the County Recorder of Gila County, Arizona, lying within that portion of Government Lot 5, Section 28, Township 11 North, Range 10 East, Gila Salt River Base and Meridian, Gila County, Arizona.

PARCEL NO.2

That portion of Government Lot 1 located in the Southwest quarter of Section 27, Township 11 North, Range 10 East, Gila Salt River Base and Meridian, Gila County, Arizona, more particularly described as follows:

COMMENCING at the West quarter corner of said Section 27, being common to the Northwest corner of said lot 1;

THENCE South 89° 58'51" East, along the North line of the Southwest quarter of said Section 27 (Section 28 recorded) and said Lot 1, a distance of 1049.98 Feet to a point lying on the Westerly right of way of State Route 87;

THENCE South 01°39'31" West, along said right of way, a distance of 828.57 feet;

THENCE North 89° 58'31" West, a distance of 1024.95 feet to a point lying on the West line of said Section 27 and said Lot 1;

THENCE North 00°04'22" West, along said West line, a distance of 828.13 feet to the TRUE POINT OF BEGINNING.

**LEGAL DESCRIPTION
MOGOLLON RIDGE
R1-6 ZONE AREA**

A portion of Government Lot 5 located in Section 28, T11N, R10E, and a portion of Government Lot 1 located in the Southwest ¼ of Section 27, T11N, R10E, of the Gila and Salt River Meridian, Gila County, Arizona, more particularly described as follows:

Beginning at the northeast corner of said Lot 5;

- Thence: S 89°58'51" E along the north line of Parcel 1 as shown on Record of Survey 2680, Gila County Records, 101.64 feet;
- Thence: S 00°40'41" W, 80.06 feet;
- Thence: Along a tangent curve to the right, concave to the northwest, having a radius of 20.00 feet and a central angle of 90°02'51" for an arc length of 31.43 feet;
- Thence: N 89°17'53" W, 425.18 feet;
- Thence: S 00°42'07" W, 50.00 feet;
- Thence: S 40°06'58" E, 458.02 feet;
- Thence: S 00°00'00" W, 162.52 feet;
- Thence: N 90°00'00" E, 26.19 feet to a point on the east line of Lot 5;
- Thence: S 00°34'54" W along the east line of Lot 5, 254.14 feet to the southeast corner of Lot 5;
- Thence: N 40°06'58" W along the southwest line of Lot 5, 903.98 feet to a point on the east right-of-way line of North McLane Road;
- Thence: N 25°22'25" E along said right-of-way line, 43.04 feet;
- Thence: Continuing along said right-of-way line, along a tangent curve to the left, concave to the west, having a radius of 490.81 feet and a central angle of 17°22'33", for an arc length of 148.84 feet;
- Thence: N 08°49'33" E continuing along said right-of-way line 67.12 feet to a point on the north line of Lot 5;
- Thence: S 89°18'02" E along the north line of Lot 5, 520.38 feet to the POINT OF BEGINNING.

Said parcel contains 5.908 acres more or less as shown on attached Exhibit "B".

Tetra Tech, Inc.
Project No. 6378.0003



EXHIBIT B-1 TO ORDINANCE 706

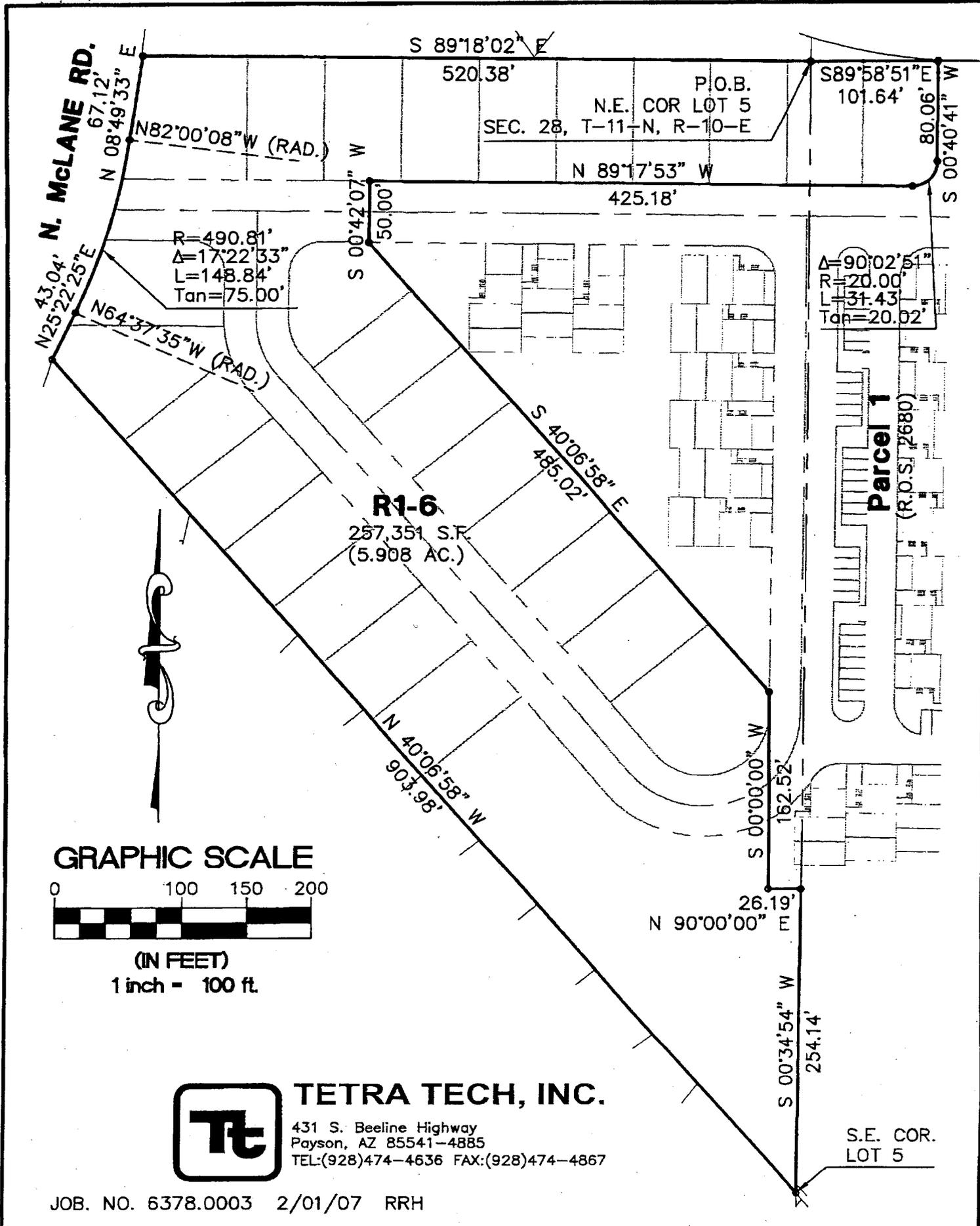


EXHIBIT B-2 TO ORDINANCE 706

**LEGAL DESCRIPTION
MOGOLLON RIDGE
R-3 ZONE AREA**

A portion of Government Lot 5 located in Section 28, T11N, R10E, and a portion of Government Lot 1 located in the Southwest ¼ of Section 27, T11N, R10E, of the Gila and Salt River Meridian, Gila County, Arizona, more particularly described as follows:

Commencing at the northeast corner of Government Lot 5;

Thence: S 89°58'51" E along the north line of Parcel 1 as shown on Record of Survey 2680, Gila County Records, 101.64 feet to the POINT OF BEGINNING;

Thence: Continuing S 89°58'51" E along the north line of Parcel 1, 198.36 feet to the northeast corner of said Parcel 1;

Thence: S 00°33'32" W along the east line of Parcel 1, 681.42 feet to the southeast corner of said Parcel 1;

Thence: N 89°20'51" W along the south line of Parcel 1, 299.98 feet to the southwest corner of Parcel 1;

Thence: N 90°00'00" W, 26.19 feet;

Thence: N 00°00'00" E, 162.52 feet;

Thence: N 40°06'58" W, 485.02 feet;

Thence: N 00°42'07" E, 50.00 feet;

Thence: S 89°17'53" E, 425.18 feet;

Thence: Along a tangent curve to the left, concave to the northwest, having a radius of 20.00 feet and a central angle of 90°02'51" for an arc length of 31.43 feet;

Thence: N 00°40'41" E, 80.06 feet to the true POINT OF BEGINNING.

Said parcel contains 6.512 acres more or less as shown on attached Exhibit "B".

Tetra Tech, Inc.
Project No. 6378.0003

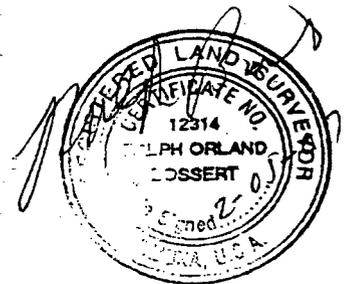
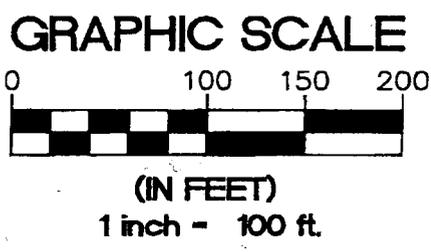
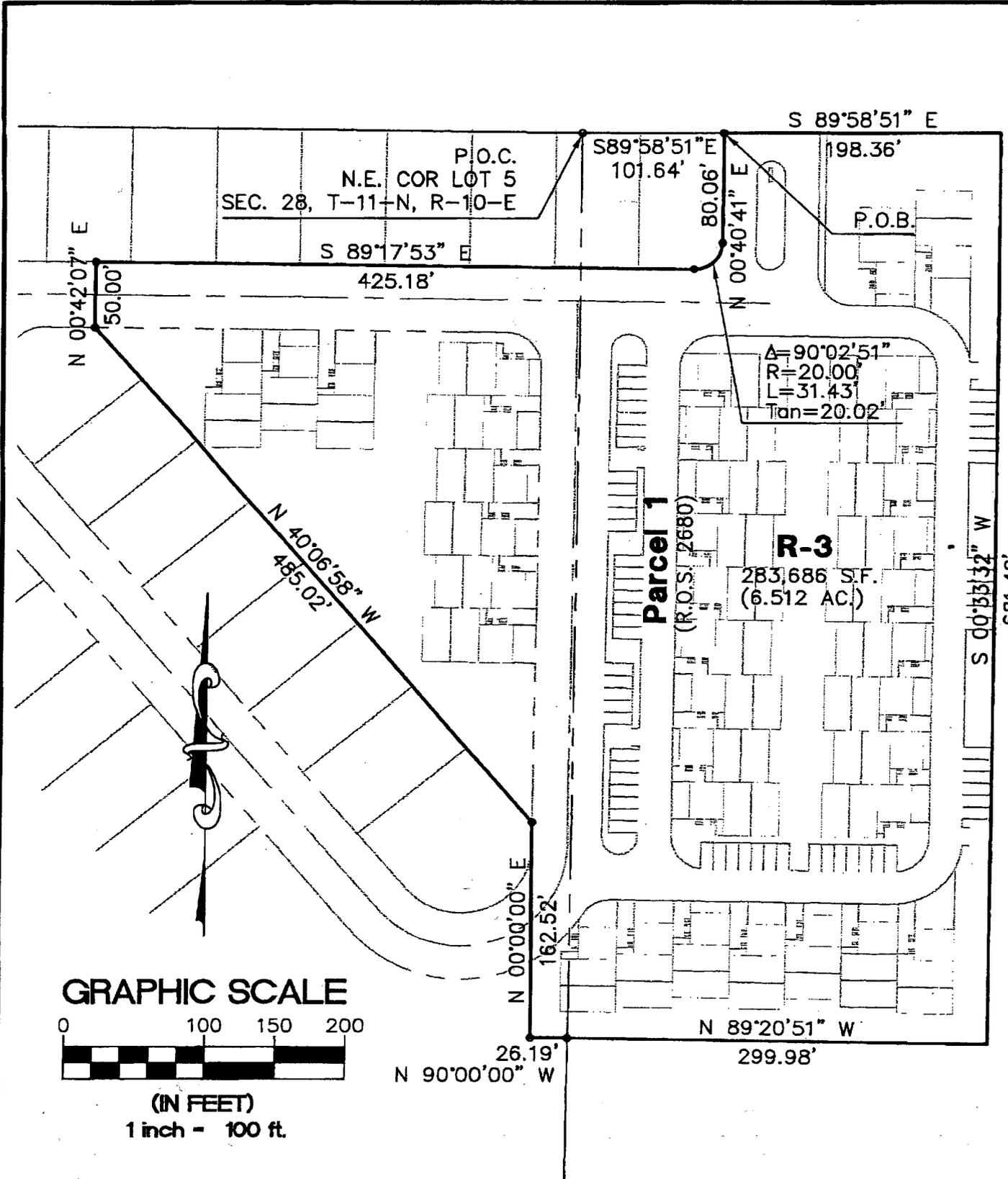


EXHIBIT C-1 TO ORDINANCE 706



TETRA TECH, INC.

431 S. Beeline Highway
Payson, AZ 85541-4885
TEL:(928)474-4636 FAX:(928)474-4867

JOB. NO. 6378.0003 2/01/07 RRH

EXHIBIT C-2 TO ORDINANCE 706

ORDINANCE NO. 706

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING THE OFFICIAL ZONING MAP FOR THE TOWN OF PAYSON, AMENDING ORDINANCE NO. 466 AND AMENDING THE ZONING CODE FOR THE TOWN OF PAYSON BY REZONING CERTAIN REAL PROPERTY GENERALLY LOCATED AT 2009 NORTH MCLANE ROAD, BEING GILA COUNTY ASSESSOR'S PARCEL NUMBERS 302-35-007(A) & 302-35-252, AS MORE PARTICULARLY DESCRIBED ON EXHIBIT "A" ATTACHED HERETO, FROM R1-175 TO R1-6 AND R3 (MOGOLLON RIDGE).

WHEREAS, the Town of Payson from time to time amends its Official Zoning Map and Official Zoning Code for the purpose of accommodating zoning changes; and

WHEREAS, Application No. P-333-06 to amend the Official Zoning Map and Official Zoning Code has been made by Terra Capital, property owner (Mark Perry, representative) to the Planning and Zoning Commission and the Town Council; and

WHEREAS, the Planning and Zoning Commission held a public hearing on January 8, 2007, considered the issues, and made recommendation on Application No. P-333-06 to the Town Council; and

WHEREAS, the Town Council held a public hearing on February 15, 2007, in regard to said Application No. P-333-06 and has considered the issues relating thereto,

NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AS FOLLOWS:

Section 1. Ordinance No. 466 of the Town of Payson, the Official Zoning Map for the Town of Payson and the Zoning Code for the Town of Payson be and each is hereby amended to establish a zoning district of R1-6 for that portion of the certain real property located at 2009 North McLane Road, Gila County Assessor's Parcel Number 302-35-007(A) & 302-35-252, more particularly described on Exhibits B-1 and B-2 attached hereto and made a part hereof by this reference; and a zoning district of R3 for that portion of the certain real property located at 2009 North McLane Road, Gila County Assessor's Parcel Number 302-35-007(A) & 302-35-252, more particularly described on Exhibits C-1 and C-2 attached hereto and made a part hereof by this reference (collectively "the Property").

Section 2. That the requested rezoning and the use and density of the Property as proposed by Application No. P-333-06 are hereby made contingent upon those conditions set forth in Section 3 below, and are found to be consistent with the General Plan of the Town of Payson, as required by A.R.S. § 9-462.01(F).

2nd Reading & Pub. Hrg. MAR 01 2007 G.H

Section 3. The foregoing changes in zoning shall be and are hereby specifically made contingent upon and conditional upon each of the following:

- A. Development on the Property shall comply with the then existing Town of Payson water requirements.
- B. The development shall be in substantial conformance with the Rezoning application narrative and site plan, stamped December 15, 2006 and shall not exceed a total of 26 lots and 63 condominiums.
- C. The developer shall provide adequate sanitary facilities, depicted in the Improvement Plans, which are acceptable to the Northern Gila County Sanitary District.
- D. ~~The developer shall donate and deliver the deeds for four condominium units (to be dispersed within the development) to the Town of Payson Community Land Trust or designee or the Town or its designee, as may be determined by the Town. The units will be reserved for individuals or families that meet the Town of Payson's workforce criteria, with priority given to qualified employees of Terra Capital, LLC and the Payson Unified School District. The Town of Payson encourages the developer to implement its plan to conduct advance local marketing of all units that may be affordable to Payson area workers a minimum of six months prior to advertising the units in other locations.~~

~~The developer shall contribute to the Town's affordable/workforce housing program as set forth in the developer's written proposal dated _____.~~

- E. 5 foot wide sidewalks shall be installed on both sides of the public roadways created within the development. Street names, acceptable to the Town of Payson, shall be depicted on the Preliminary Plat.
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- H. The applicant shall comply with its commitments related to improving the drainage situation in the down stream area as outlined in the January 15, 2007 letter submitted to the Council.
- I. If any conditions listed in this Section 3 are not met or the applicant does not have an approved Final Plat within two (2) years of the approval date of the zoning change, then the R1-6 and R-3 rezoning may revert to the original R1-175 zoning, pending Council action.

Section 4. A protest (pursuant to A.R.S. §9-462.04(H)) has been filed. The provisions of this ordinance shall only become effective upon a favorable vote of three-fourths of all members of the Town Council.

~~Section 4. Pursuant to A.R.S. §19-142 and §30.54 of the Code of the Town of Payson, this ordinance shall not become operative until 30 days after its passage.~~

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Section 65. All ordinances and parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

PASSED AND ADOPTED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON this ____ day of _____, 2007, by the following vote:

AYES ____ NOES ____ ABSTENTIONS ____ ABSENT ____

F. Robert Edwards, Mayor

ATTEST:

APPROVED AS TO FORM:

Silvia Smith, Town Clerk

Samuel I. Streichman, Town Attorney

LEGAL DEPARTMENT
TOWN OF PAYSON
303L NORTH BEELINE HIGHWAY
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Samuel I. Streichman
Town Attorney
Extension 208

Timothy M. Wright
Deputy Town Attorney
Extension 277

MEMORANDUM
February 22, 2007

TO: Mayor and Common Council

FROM: Legal Department

SUBJECT: Ordinance 706 (Mogollon Ridge Rezoning)

The Council had first reading on Ordinance 706 on February 15, 2007 and will have second reading at the March 1, 2007 meeting. Four changes to Ordinance 706 have been made in anticipation of the second reading. The changes are in redline/strikeout format and below is a brief explanation of each.

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If you have questions, please call or stop by our office.

WHEN RECORDED, RETURN TO:

**Silvia Smith, Town Clerk
Town of Payson
303 North Beeline Highway
Payson, Arizona 85541**

**CONSENT TO CONDITIONS OF REZONING AND WAIVER OF CLAIMS
FOR POSSIBLE DIMINUTION OF VALUE RESULTING FROM
TOWN OF PAYSON ORDINANCE _____**

_____ Property Owner(s) _____, an _____ type of entity _____, (the "Owner") owns the land referred to in this instrument as the "Property," which is particularly described in Exhibit A attached to Payson Ordinance _____ (the "Rezoning Ordinance") and attached hereto and incorporated by this reference in this instrument. The Property is the subject of rezoning application number _____, filed on behalf of the Owner, which the Payson Town Council approved with conditions on _____ date of approval _____ by the adoption of the Rezoning Ordinance.

The Owner hereby agrees and consents to all of the conditions imposed by the Payson Town Council in conjunction with the approval of the Rezoning Ordinance and waives any right to compensation for diminution in value pursuant to Arizona Revised Statutes § 12-1134 that may now or in the future exist as a result of the approval of the Rezoning Ordinance. The Owner also consents to the recording of this document in the office of the Gila County Recorder, to give notice of this instrument and its effects to successors in interest of the Property, who shall also be bound by it.

Dated this ____ day of _____, 2007.

_____ owner _____,
an Arizona corporation

By _____
_____, its _____

STATE OF ARIZONA)
) ss.
County of _____)

The foregoing Development Agreement was acknowledged before me this _____ day of _____, 2007, by _____, the _____ of _____, an Arizona corporation, for and on behalf of said corporation

My Commission Expires:

Notary Public

LEGAL DESCRIPTION

PARCEL NO. 1

Parcel 1, as shown on Record of Survey, recorded as Survey Map No. 2659, in the Office of the County Recorder of Gila County, Arizona, lying within that portion of Government Lot 5, Section 28, Township 11 North, Range 10 East, Gila Salt River Base and Meridian, Gila County, Arizona.

PARCEL NO.2

That portion of Government Lot 1 located in the Southwest quarter of Section 27, Township 11 North, Range 10 East, Gila Salt River Base and Meridian, Gila County, Arizona, more particularly described as follows:

COMMENCING at the West quarter corner of said Section 27, being common to the Northwest corner of said lot 1;

THENCE South $89^{\circ} 58' 51''$ East, along the North line of the Southwest quarter of said Section 27 (Section 28 recorded) and said Lot 1, a distance of 1049.98 Feet to a point lying on the Westerly right of way of State Route 87;

THENCE South $01^{\circ} 39' 31''$ West, along said right of way, a distance of 828.57 feet;

THENCE North $89^{\circ} 58' 31''$ West, a distance of 1024.95 feet to a point lying on the West line of said Section 27 and said Lot 1;

THENCE North $00^{\circ} 04' 22''$ West, along said West line, a distance of 828.13 feet to the TRUE POINT OF BEGINNING.

**LEGAL DESCRIPTION
MOGOLLON RIDGE
R1-6 ZONE AREA**

A portion of Government Lot 5 located in Section 28, T11N, R10E, and a portion of Government Lot 1 located in the Southwest ¼ of Section 27, T11N, R10E, of the Gila and Salt River Meridian, Gila County, Arizona, more particularly described as follows:

Beginning at the northeast corner of said Lot 5;

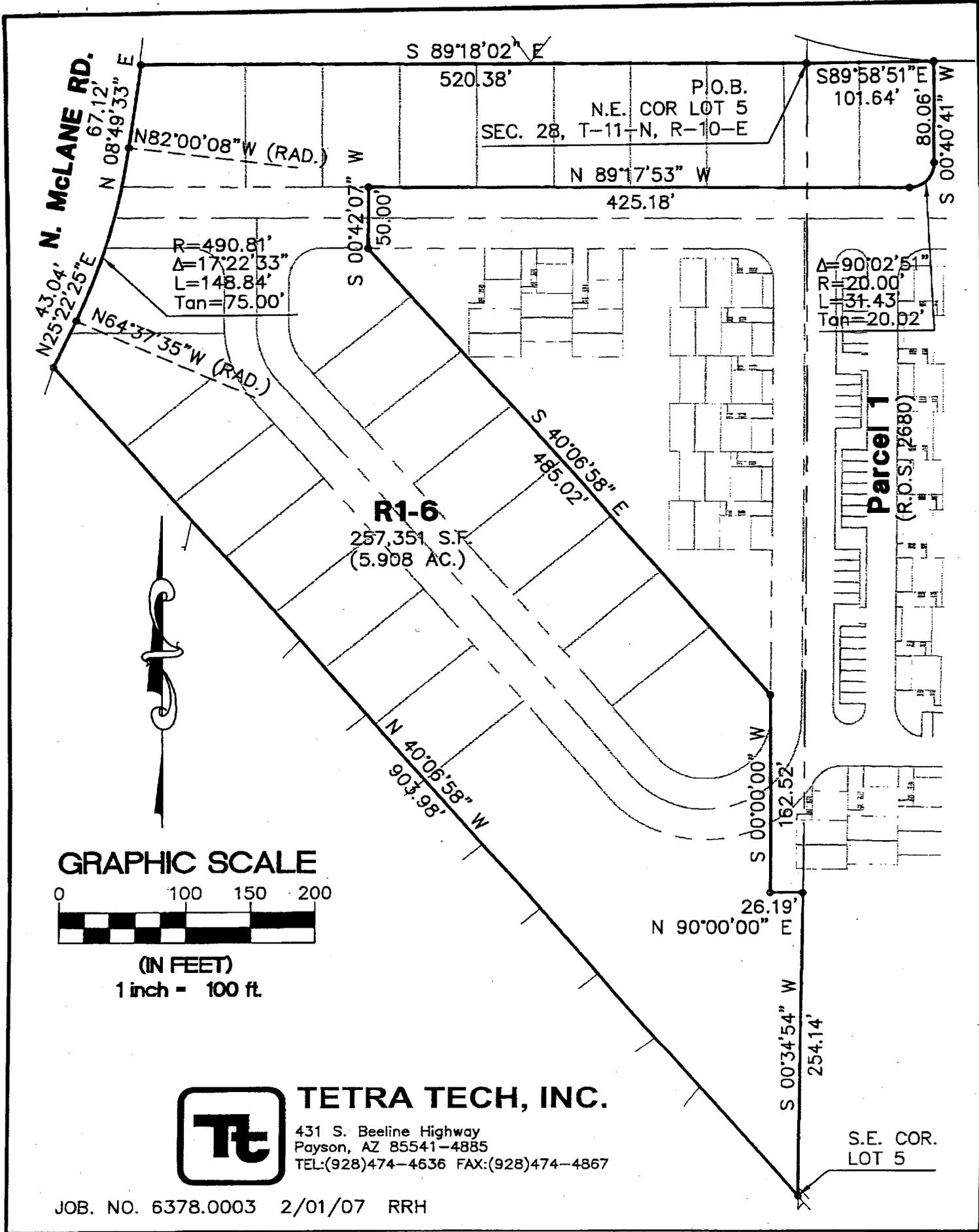
- Thence: S 89°58'51" E along the north line of Parcel 1 as shown on Record of Survey 2680, Gila County Records, 101.64 feet;
- Thence: S 00°40'41" W, 80.06 feet;
- Thence: Along a tangent curve to the right, concave to the northwest, having a radius of 20.00 feet and a central angle of 90°02'51" for an arc length of 31.43 feet;
- Thence: N 89°17'53" W, 425.18 feet;
- Thence: S 00°42'07" W, 50.00 feet;
- Thence: S 40°06'58" E, 458.02 feet;
- Thence: S 00°00'00" W, 162.52 feet;
- Thence: N 90°00'00" E, 26.19 feet to a point on the east line of Lot 5;
- Thence: S 00°34'54" W along the east line of Lot 5, 254.14 feet to the southeast corner of Lot 5;
- Thence: N 40°06'58" W along the southwest line of Lot 5, 903.98 feet to a point on the east right-of-way line of North McLane Road;
- Thence: N 25°22'25" E along said right-of-way line, 43.04 feet;
- Thence: Continuing along said right-of-way line, along a tangent curve to the left, concave to the west, having a radius of 490.81 feet and a central angle of 17°22'33", for an arc length of 148.84 feet;
- Thence: N 08°49'33" E continuing along said right-of-way line 67.12 feet to a point on the north line of Lot 5;
- Thence: S 89°18'02" E along the north line of Lot 5, 520.38 feet to the POINT OF BEGINNING.

Said parcel contains 5.908 acres more or less as shown on attached Exhibit "B".

Tetra Tech, Inc.
Project No. 6378.0003



EXHIBIT B-1 TO ORDINANCE 706



S 89°18'02" E

520.38'

P.O.B.

N.E. COR LOT 5

SEC. 28, T-11-N, R-10-E

S 89°58'51" E

101.64'

W

80.06'

S 00°40'41" W

N 82°00'08" W (RAD.)

N 89°17'53" W

425.18'

R=490.81'
Δ=17°22'33"
L=148.84'
Tan=75.00'

S 00°42'07" W

50.00'

Δ=90°02'51"
R=20.00'
L=31.43'
Tan=20.02'

N 08°49'33" E

67.12'

N 25°22'25" E

43.04'

N 64°37'35" W (RAD.)

S 40°06'58" E

485.02'

R1-6

257,351 S.F.
(5.908 AC.)

N 40°06'58" W

89.09'

S 00°00'00" W

162.52'

26.19'

N 90°00'00" E

S 00°34'54" W

254.14'

**LEGAL DESCRIPTION
MOGOLLON RIDGE
R-3 ZONE AREA**

A portion of Government Lot 5 located in Section 28, T11N, R10E, and a portion of Government Lot 1 located in the Southwest ¼ of Section 27, T11N, R10E, of the Gila and Salt River Meridian, Gila County, Arizona, more particularly described as follows:

Commencing at the northeast corner of Government Lot 5;

- Thence: S 89°58'51" E along the north line of Parcel 1 as shown on Record of Survey 2680, Gila County Records, 101.64 feet to the POINT OF BEGINNING;
- Thence: Continuing S 89°58'51" E along the north line of Parcel 1, 198.36 feet to the northeast corner of said Parcel 1;
- Thence: S 00°33'32" W along the east line of Parcel 1, 681.42 feet to the southeast corner of said Parcel 1;
- Thence: N 89°20'51" W along the south line of Parcel 1, 299.98 feet to the southwest corner of Parcel 1;
- Thence: N 90°00'00" W, 26.19 feet;
- Thence: N 00°00'00" E, 162.52 feet;
- Thence: N 40°06'58" W, 485.02 feet;
- Thence: N 00°42'07" E, 50.00 feet;
- Thence: S 89°17'53" E, 425.18 feet;
- Thence: Along a tangent curve to the left, concave to the northwest, having a radius of 20.00 feet and a central angle of 90°02'51" for an arc length of 31.43 feet;
- Thence: N 00°40'41" E, 80.06 feet to the true POINT OF BEGINNING.

Said parcel contains 6.512 acres more or less as shown on attached Exhibit "B".

Tetra Tech, Inc.
Project No. 6378.0003

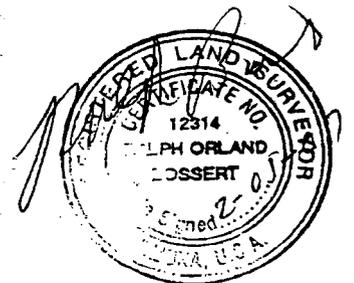


EXHIBIT C-1 TO ORDINANCE 706

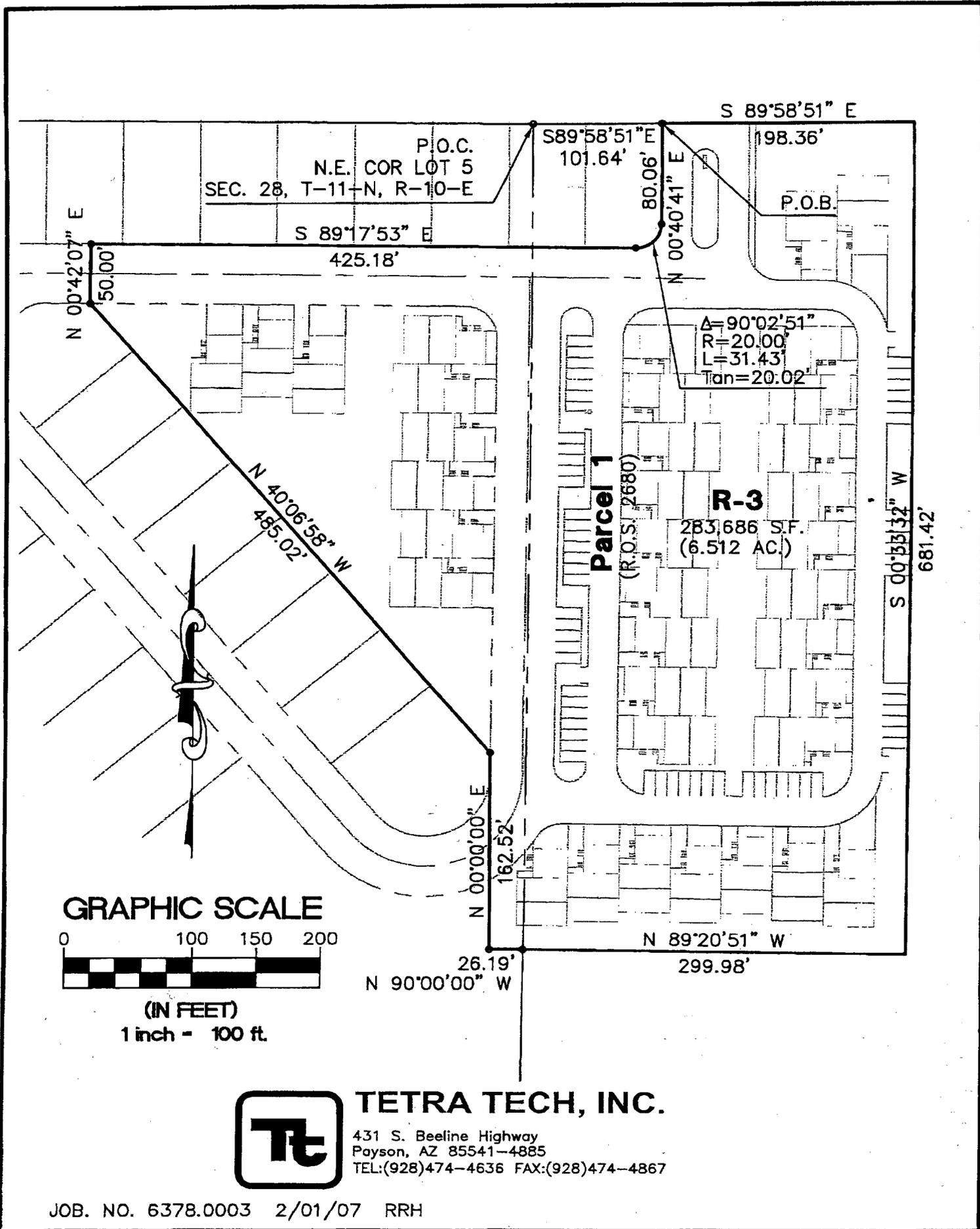


EXHIBIT C-2 TO ORDINANCE 706