

**CITY OF PEORIA, ARIZONA  
COUNCIL COMMUNICATION**

CC: 32C  
Amend No. \_\_\_\_\_

Date Prepared: June 05, 2008

Council Meeting Date: July 01, 2008

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**TO:** Carl Swenson, City Manager

**FROM:** Dan Nisser, P.E., Acting Engineering Director

**THROUGH:** Maher Hazine, P.E., Assistant City Engineer

**PREPARED BY:** Lloyd Lane, Senior Engineering Technician

**SUBJECT:** Approve the Final Plat of Freedom Plaza Care Center, a request made by ARC HDV, LLC, a Tennessee Limited Liability Company. (Project No. R060059)

**RECOMMENDATION:**

That Mayor and Council approve the Final Plat of Freedom Plaza Care Center, located at the Southwest Corner of Thunderbird Road and Plaza Del Rio Boulevard, and authorize Mayor and City Clerk to sign and record the Final Plat with the Maricopa County Recorder's Office, subject to the following stipulations:

1. All civil and landscape/irrigation plans must be approved by the City, prior to recordation of the Final Plat, unless specifically approved by the Engineering Director.
2. The Financial Assurance and Agreement to Install for construction of the infrastructure improvements off-site and on-site, including but not limited to water, sewer, street lights, grading and drainage, paving, curb, gutter, sidewalk, drainage features, and signing and striping, must be posted with the City in accordance with the City of Peoria Subdivision Regulations, prior to recordation of the Final Plat.
3. All required drainage improvements upstream and downstream, as determined by the developer's engineers and as approved by the Engineering Director, for this project must be designed, constructed, inspected and accepted by the City, prior to any occupancy.
4. In the event that the Final Plat is not recorded within 60 days of Council approval, the Final Plat will become void. At which time, the Developer may request re-approval from the City, with the understanding that the City has the option of imposing additional requirements or stipulations.

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**CITY CLERK USE ONLY:**

- Consent Agenda
- Carry Over to Date: \_\_\_\_\_
- Approved
- Unfinished Business (Date heard previous: \_\_\_\_\_)
- New Business
- Public Hearing: No Action Taken

ORD. # \_\_\_\_\_ RES. # \_\_\_\_\_  
LCON# \_\_\_\_\_ LIC. # \_\_\_\_\_  
Action Date: \_\_\_\_\_

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Final Plat – Freedom Plaza Care Center  
July 01, 2008  
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**SUMMARY:**

The purpose of the Final Plat is to correct existing roadway alignments and add various utility easements. This development has dedicated the required rights-of-way for Thunderbird Road and Plaza Del Rio Boulevard. This development is within the City of Peoria water/sewer service area.

**ATTACHMENTS:**

1. Final Plat
2. Vicinity Map

**NOTES**

- ALL NEW AND EXISTING UTILITY, ELECTRICAL FACILITIES LESS THAN 69 KVA, CABLE T.V., TELECOMMUNICATIONS, FIBER OPTICS, CELLULAR, GAS, ETC. SHALL BE INSTALLED UNDERGROUND AS PART OF THE STREET IMPROVEMENTS.
- THIS SUBDIVISION IS LOCATED WITHIN THE CITY OF PEORIA WATER SERVICE AREA AND HAS BEEN DESIGNATED AS HAVING A 100-YEAR ASSURED WATER SUPPLY.
- THE LOT OWNERS ARE RESPONSIBLE FOR RESTORING ANY AND/OR REPAIRING ALL IMPROVEMENTS WITHIN THE WATER/SEWER LINE EASEMENT THAT MIGHT BE DAMAGED DURING OPERATION AND/OR MAINTENANCE OF WATER/SEWER LINES.
- NO CONSTRUCTION OF ANY KIND SHALL BE CONSTRUCTED OR PLACED WITHIN THE UTILITY EASEMENTS, EXCEPT UTILITIES, WOOD, WIRE, OR REMOVABLE SECTION TYPE FENCING, AND/OR PAVING, NOR ANY PLANTING, EXCEPT GRASS. IT SHALL BE FURTHER UNDERSTOOD THAT THE CITY OF PEORIA SHALL NOT BE REQUIRED TO REPLACE ANY OBSTRUCTION OR PLANTING THAT MUST BE REMOVED DURING THE COURSE OF MAINTENANCE, CONSTRUCTION OR RECONSTRUCTION.
- MAINTENANCE OF SURFACE AND UNDERGROUND DRAINAGE FACILITIES WITHIN ALL TRACTS, EASEMENTS AND RIGHTS-OF-WAY SHALL BE THE RESPONSIBILITY OF THE HOMEOWNERS ASSOCIATION. ALL LOT CORNERS SHALL BE MONUMENTED WITH 1 1/2" REBAR AND CAPPED OR TAGGED BEARING THE REGISTRATION NUMBER OF THE SURVEYOR RESPONSIBLE FOR THEIR PLACEMENT.
- SIGNS, FENCES, WALLS, UTILITY BOXES, STRUCTURES, SHRUBS, HEDGES OR OTHER PLANTS, BUT EXCLUDING TREES OVER 30 INCHES IN HEIGHT SHALL NOT BE PERMITTED WITHIN NEW EASEMENTS OR ON THE SIGHT DISTANCE TRIANGLES, NO LIMBS, LEAVES, NEEDLES OR OTHER FOLIAGE ABOVE 30 INCHES IN HEIGHT OR BELOW 84 INCHES ARE PERMITTED. TREES ARE TO BE PLANTED SO AS NOT TO OBSTRUCT 20% OF THE VISIBILITY WHEN COMBINED WITH OTHER OBSTRUCTIONS.
- THIS SUBDIVISION IS LOCATED WITHIN THE CITY OF PEORIA SEWER SERVICE AREA.
- THIS SUBDIVISION IS LOCATED WITHIN THE VICINITY OF A MILITARY AIRPORT.
- THIS SUBDIVISION IS LOCATED IN THE VICINITY OF A DESIGNATED TRUCK ROUTE. THUNDERBIRD ROAD IS DESIGNATED AS A TRUCK ROUTE BY THE CITY OF PEORIA.
- THIS SUBDIVISION IS LOCATED IN THE VICINITY OF A ROCK QUARRY (GRAVEL OPERATION).
- NO STRUCTURE OF ANY KIND SHALL BE CONSTRUCTED OR ANY VEGETATION BE PLANTED NOR BE ALLOWED TO GROW WITHIN THE DRAINAGE EASEMENT OR TRACT WHICH WOULD IMPEDE THE FLOW OF WATER OVER, UNDER OR THROUGH THE EASEMENT OR TRACT.

# A FINAL PLAT OF FREEDOM PLAZA

LOCATED WITHIN THE EAST HALF OF SECTION 16, T.3N, R.1E., OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA

**LEGAL DESCRIPTION**

THAT PORTION OF THE NORTHEAST QUARTER OF SECTION 16, TOWNSHIP 3 NORTH, RANGE 1 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

COMMENCING AT A HALF-INCH REBAR FOUND AT THE NORTH QUARTER CORNER OF SAID SECTION 16, FROM WHICH A ONE-INCH IRON BAR AT THE NORTHEAST CORNER OF SAID SECTION BEARS NORTH 87 DEGREES 41 MINUTES 30 SECONDS EAST, A DISTANCE OF 280.78 FEET;

THENCE NORTH 87 DEGREES 41 MINUTES 30 SECONDS EAST, ALONG THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION, A DISTANCE OF 1043.88 FEET TO THE POINT OF BEGINNING;

THENCE CONTINUING NORTH 87 DEGREES 41 MINUTES 30 SECONDS EAST, ALONG THE NORTH LINE OF SAID NORTHEAST QUARTER, A DISTANCE OF 847.88 FEET TO THE CENTERLINE OF PLAZA DEL RIO BOULEVARD AS SHOWN ON THE PLAZA DEL RIO MAP OF DEDICATION, ACCORDING TO BOOK 344 OF MAPS, PAGE 47;

THENCE SOUTH 02 DEGREES 18 MINUTES 30 SECONDS EAST, ALONG SAID CENTERLINE, A DISTANCE OF 858.71 FEET TO A HALF-INCH REBAR FOUND AT THE NORTHEAST CORNER OF THAT PARCEL OF LAND DESCRIBED AS 89-33147 OF OFFICIAL RECORDS OF MARICOPA COUNTY;

THENCE SOUTH 87 DEGREES 41 MINUTES 30 SECONDS WEST, ALONG THE NORTH LINE OF SAID PARCEL, A DISTANCE OF 692.63 FEET TO A COTTON-SPINDLE WITH TAG (#24736) FOUND AT THE NORTHWEST CORNER OF SAID PARCEL;

THENCE SOUTH 02 DEGREES 18 MINUTES 30 SECONDS EAST, ALONG THE WEST LINE OF SAID PARCEL, A DISTANCE OF 41.30 FEET TO A HALF-INCH REBAR FOUND;

THENCE SOUTH 87 DEGREES 41 MINUTES 30 SECONDS WEST, A DISTANCE OF 105.01 FEET TO A POINT;

THENCE NORTH 02 DEGREES 18 MINUTES 30 SECONDS WEST, A DISTANCE OF 307.08 FEET TO A BRASS CAP FOUND FLUSH;

THENCE SOUTH 87 DEGREES 41 MINUTES 30 SECONDS WEST, A DISTANCE OF 30.02 FEET TO A HALF INCH REBAR WITH CAP (L5 P1582) FOUND AT THE SOUTHEAST CORNER OF THAT PARCEL DESCRIBED IN 89-277884 OF OFFICIAL RECORDS OF MARICOPA COUNTY;

THENCE NORTH 02 DEGREES 18 MINUTES 30 SECONDS WEST, A DISTANCE OF 392.85 FEET TO THE POINT OF BEGINNING.

CONTAINS:  
541,846.72 SQ. FT. OR 12.43 ACRES GROSS AREA  
440,897.07 SQ. FT. OR 10.12 ACRES NET  
100,949.65 SQ. FT. OR 2.31 ACRES DEDICATED R/W PER THIS PLAT

**DEDICATION**

STATE OF ARIZONA )  
COUNTY OF MARICOPA ) S.S.

ARC HDV, LLC, A TENNESSEE LIMITED LIABILITY COMPANY, AS OWNER, DOES HEREBY PUBLISH THIS PLAT OF "FREEDOM PLAZA" OVER A PORTION OF SECTION 16, TOWNSHIP 3 NORTH, RANGE 1 EAST OF THE GILA AND SALT RIVER BASE & MERIDIAN, MARICOPA COUNTY, ARIZONA, AS SHOWN AND PLATTED HEREON AND HEREBY PUBLISH THIS PLAT AS, AND FOR THE PLAT OF SAID "FREEDOM PLAZA" AND HEREBY DECLARES THAT SAID PLAT SETS FORTH THE LOCATION AND DIMENSIONS OF THE LOTS, TRACTS, EASEMENTS AND STREETS CONSTITUTING SAME, AND THAT EACH LOT, TRACT AND STREET SHALL BE KNOWN BY THE NUMBER, LETTER OR NAME GIVEN TO EACH RESPECTIVELY ON SAID PLAT AND HEREBY DEDICATES TO THE CITY OF PEORIA FOR USE AS SUCH, THE STREET AS SHOWN ON SAID PLAT AND INCLUDED IN THE ABOVE DESCRIBED PREMISES. EASEMENTS ARE DEDICATED FOR THE PURPOSES SHOWN.

THE OWNER DOES HEREBY GRANT AND CONVEY TO THE PUBLIC, NON-EXCLUSIVE PERMANENT AND PERPETUAL CROSS ACCESS EASEMENTS FOR VEHICULAR AND PEDESTRIAN INGRESS AND EGRESS EASEMENTS (BUT NOT PARKING) AND CROSS DRAINAGE EASEMENT UPON OR ACROSS WHICH EASEMENTS ARE BEING DEDICATED BY THIS PLAT. THE CROSS ACCESS EASEMENTS SHALL RUN WITH THE LINE OF THE STREET AS SHOWN ON SAID PLAT AND INCLUDED IN THE ABOVE STREETS AND PUBLIC UTILITY EASEMENTS ARE DEDICATED TO THE PUBLIC FOR USE AS SUCH. THE MAINTENANCE OF LANDSCAPING WITHIN THE PUBLIC RIGHT-OF-WAY OF THUNDERBIRD ROAD AND BIRD AVENUE SHALL BE THE RESPONSIBILITY OF THE FRONTING PROPERTY OWNER.

DO HEREBY GRANT TO THE CITY OF PEORIA, AN ARIZONA MUNICIPAL CORPORATION, IN MARICOPA COUNTY, ARIZONA, ITS SUCCESSORS, AND ASSIGNS, A PERMANENT AND PERPETUAL EASEMENT FOR THE FOLLOWING PURPOSES, NAMELY: THE RIGHT TO ENTER UPON FOR CONSTRUCTION, MAINTENANCE, OPERATION AND REPLACEMENT OF A WATER AND/OR SEWER LINE OVER, UNDER, AND ACROSS TRACT(S) SITUATED IN THE COUNTY OF MARICOPA, STATE OF ARIZONA, TO HAVE AND TO HOLD THE SAID EASEMENT UNTO THE CITY OF PEORIA, A MUNICIPAL CORPORATION OF MARICOPA COUNTY, ARIZONA AND UNTO ITS SUCCESSORS AND ASSIGNS FOREVER, TOGETHER WITH THE RIGHT OF INGRESS AND EGRESS TO PERMIT THE CONSTRUCTION, OPERATION, MAINTENANCE AND REPLACEMENT OF PUBLIC WATER/SEWER LINE SUBJECT TO NOTES 1, 2, 3 AND 4.

- AND THE GRANTEE HEREBY COVENANTS THAT IT IS UNLAWFULLY SEIZED AND POSSESSED ON THIS APPOINTMENTED TRACT OR PARCEL OF LAND; THAT IT HAS A GOOD AND LAWFUL RIGHT TO SELL THE LAWFUL CLAIM OF ALL PERSONS.
- THE SAID EASEMENT TO INCLUDE THE RIGHT TO CUT BACK AND TRIM SUCH PORTION OF THE BRANCHES AND TOPS OF THE TREES NOW GROWING OR THAT MAY HEREAFTER GROW UPON THE ABOVE DESCRIBED PREMISES, AS MAY EXTEND OVER SAID EASEMENT, SO AS TO PREVENT THE SAME FROM INTERFERING WITH THE EFFICIENT MAINTENANCE AND OPERATION OF SAID WATER LINES.
- THE CITY OF PEORIA SHALL NOT BE RESPONSIBLE FOR REPLACING ANY LANDSCAPING OR ANY IMPROVED PLACES IN THE EASEMENT BY GRANTEE OR ITS SUCCESSORS OR ASSIGNS, EXCEPT AS NOTED HEREIN.
- THE CITY OF PEORIA WILL MAKE REASONABLE EFFORTS TO PROMPTLY RESTORE ASPHALT CONCRETE PAVEMENT SURFACES.
- GRANTEE, OR ITS SUCCESSORS OR ASSIGNS AT ITS SOLE COST, SHALL BE RESPONSIBLE FOR PROMPTLY REPLACING ANY ASPHALT, LANDSCAPING OR ANY IMPROVEMENT PLACED IN THE EASEMENT BY GRANTEE OR ITS SUCCESSORS OR ASSIGNS.

ARC HDV, LLC, A TENNESSEE LIMITED LIABILITY COMPANY

OWNER \_\_\_\_\_ DATE \_\_\_\_\_

**ACKNOWLEDGMENT**

STATE OF ARIZONA  
COUNTY OF MARICOPA  
ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2008  
BEFORE ME, THE UNDERSIGNED OFFICER, PERSONALLY APPEARED \_\_\_\_\_ WHO  
ACKNOWLEDGED HIMSELF TO BE THE TRUST OFFICER OF SECURITY TITLE AGENCY AND  
ACKNOWLEDGED THAT (HE/SHE), AS SUCH OFFICER, BEING AUTHORIZED SO TO DO,  
EXECUTED THE FOREGOING INSTRUMENT FOR THE PURPOSES THEREIN CONTAINED.  
IN WITNESS WHEREOF  
I HEREBY SET MY HAND AND OFFICIAL SEAL

BY \_\_\_\_\_ NOTARY PUBLIC MY COMMISSION EXPIRES \_\_\_\_\_

**CERTIFICATE OF LAND SURVEYOR**

L. ARTHUR N. BROOKS, HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR IN THE STATE OF ARIZONA; THAT THIS MAP CONSISTING OF TWO SHEETS CORRECTLY REPRESENTS A SURVEY MADE UNDER MY SUPERVISION DURING THE MONTH OF DECEMBER, 2008; THAT THE SURVEY IS TRUE AND COMPLETE AS SHOWN; THAT ALL MONUMENTS SHOWN ACTUALLY EXIST OR WILL BE SET AS SHOWN, AND THAT SAID MONUMENTS ARE SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED. ALL LOT CORNERS HAVE BEEN OR WILL BE PERMANENTLY SET BY COMPLETION OF CONSTRUCTION.

REGISTERED LAND SURVEYOR L. ARTHUR N. BROOKS REGISTRATION NUMBER L.S. 15845

**LIENHOLDER RATIFICATION**

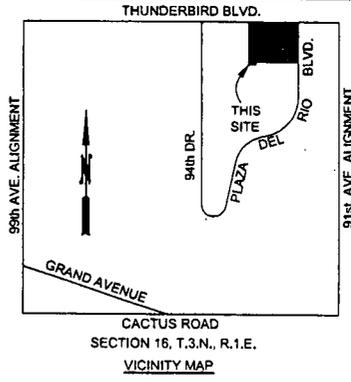
DEED OF TRUST RECORDED \_\_\_\_\_ AS DOCUMENT NO. \_\_\_\_\_ RECORDS OF THE COUNTY RECORDER OF MARICOPA COUNTY, ARIZONA, CONSTITUTING A LIEN ON THE PROPERTY DESCRIBED ON THIS PLAT, HEREBY CONSENTS TO THIS PLAT AND ITS RECORDATION AND AGREES THAT THE LIEN OF THE DEED OF TRUST IS SUBJECT TO AND SUBORDINATE TO THIS PLAT.

IN WITNESS WHEREOF  
\_\_\_\_\_  
SIGNATURE OF THE UNDERSIGNED OFFICER THERE TO DULY AUTHORIZED  
THIS DAY \_\_\_\_\_ OF 2008.  
BY: \_\_\_\_\_  
ITS: \_\_\_\_\_

**ACKNOWLEDGMENT**

STATE OF ARIZONA  
COUNTY OF MARICOPA  
ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2008  
BEFORE ME, THE UNDERSIGNED OFFICER, PERSONALLY APPEARED \_\_\_\_\_ WHO  
ACKNOWLEDGED HIMSELF TO BE THE TRUST OFFICER OF SECURITY TITLE AGENCY AND  
ACKNOWLEDGED THAT (HE/SHE), AS SUCH OFFICER, BEING AUTHORIZED SO TO DO, EXECUTED  
THE FOREGOING INSTRUMENT FOR THE PURPOSES THEREIN CONTAINED.  
IN WITNESS WHEREOF  
I HEREBY SET MY HAND AND OFFICIAL SEAL

BY \_\_\_\_\_ NOTARY PUBLIC MY COMMISSION EXPIRES \_\_\_\_\_



**SHEET INDEX**

SHT. NO.	DESCRIPTION
1.	COVER SHEET
2.	PLAT MAP & LEGEND

**BASIS OF BEARING**  
THE NORTH LINE OF THE NE 1/4 OF SEC 16, T3N, R1E., G&SRM BEARING S074°13'0"E

**LOT AREA**  
GROSS AREA 12.43 ACRES 541,547 SF  
NET AREA 10.12 ACRES 440,997 SF

**FLOOD INFORMATION**  
ALL AREAS OF SUBJECT PARCELS LIE IN ZONE "X" AND HAS BEEN DETERMINED TO BE BETWEEN THE LIMITS OF 100-YEAR AND 500-YEAR FLOOD WITH AVERAGE DEPTHS OF LESS THAN 1 FOOT, ACCORDING TO CURRENT FLOOD INSURANCE RATE MAP NUMBER 04012C0101, PANEL 1810 OF 4350 DATED SEPTEMBER 30, 2003.

**ZONING**  
THIS PARCEL OF LAND IS ZONED C-2 FOR COMMERCIAL DEVELOPMENT PER ZONING CASE FILE 283-05

**ENGINEER**  
BROOKS ENGINEERS AND SURVEYORS, INC.  
4802 E. ELWOOD STREET, STE. 16  
PHOENIX, AZ, 85040  
(602) 437-3735  
(480) 858-0204 FAX

**APPROVAL**  
APPROVED BY THE CITY COUNCIL OF THE CITY OF PEORIA, ARIZONA.  
THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2008.

MAYOR \_\_\_\_\_ DATE \_\_\_\_\_  
ATTEST, CITY CLERK \_\_\_\_\_ DATE \_\_\_\_\_  
CITY ENGINEER \_\_\_\_\_ DATE \_\_\_\_\_

THUNDERBIRD BLVD.  
RIO BLVD.  
BIRD DR.  
GRAND AVENUE  
CACTUS ROAD  
SECTION 16, T.3N., R.1E.  
VICINITY MAP  
**FREEDOM PLAZA**  
**FINAL PLAT**

XREFS  
None-LS

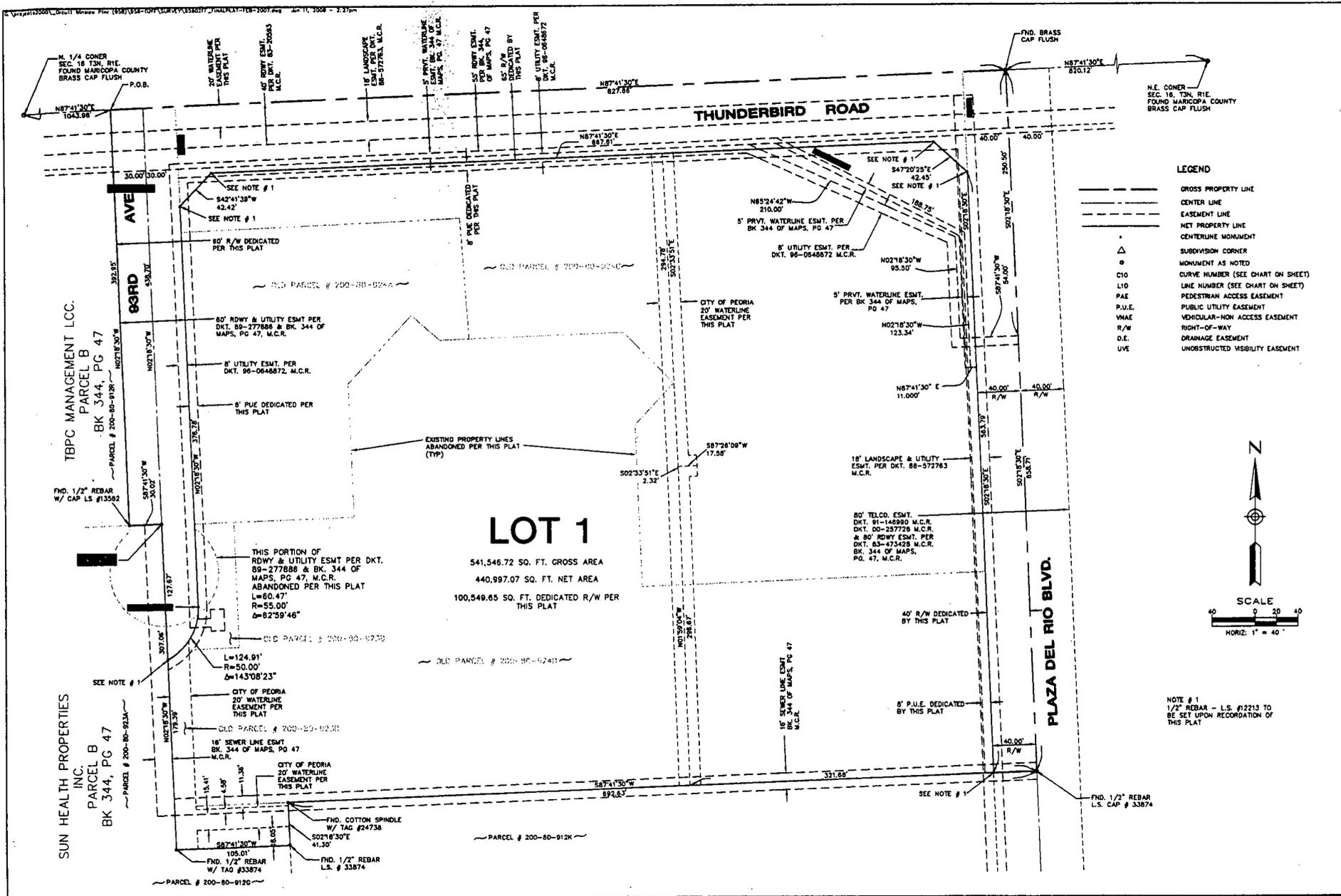


**BROOKS ENGINEERS & SURVEYORS INC.**  
2025 N. BROADWAY STREET #20  
PHOENIX, ARIZONA 85016  
PHONE 480-858-0204  
FAX 480-858-0204

DESIGNED BY \_\_\_\_\_  
DRAWN BY \_\_\_\_\_  
CHECKED BY \_\_\_\_\_  
SCALE (HORIZONTAL) \_\_\_\_\_  
SCALE (VERTICAL) \_\_\_\_\_  
DATE 02/23/07  
JOB NUMBER 958-DFF  
SHEET 1 OF 2

REF: B200503852

060059



# FREEDOM PLAZA FINAL PLAT

Area-L5



**B**  
**BROOKS & SURVEYORS INC.**  
 400 S. BROAD STREET 40  
 PEORIA, ILLINOIS 61601  
 (309) 673-1111

DESIGNED BY	R.C.J.
DRAWN BY	AFS
CHECKED BY	J.A.
SCALE (HORIZONTAL)	40
SCALE (VERTICAL)	-
DATE	02/23/07
JOB NUMBER	958-02FF
SHEET	2 OF 2

REF: B200403852

THUNDERBIRD BLVD.

99th AVE. ALIGNMENT



94th DR.

THIS  
SITE

PLAZA

DEL

RIO  
BLVD.

91st. AVE. ALIGNMENT

GRAND AVENUE

CACTUS ROAD

SECTION 16, T.3.N., R.1.E.

VICINITY MAP

# FREEDOM PLAZA FINAL PLAT