

**CITY OF PEORIA, ARIZONA  
COUNCIL COMMUNICATION**

CC: 34C  
Amend No. \_\_\_\_\_

Date Prepared: June 10, 2008

Council Meeting Date: July 01, 2008

**TO:** Carl Swenson, City Manager *CS*  
**FROM:** Dan Nissen, P.E., Acting Engineering Director  
**THROUGH:** Maher Hazine, P.E., Assistant City Engineer *MH*  
**PREPARED BY:** Lloyd Lane, Senior Engineering Technician *LL*  
**SUBJECT:** Approve the Final Plat of Amended 91<sup>st</sup> & Butler Business Park, a request made by Carlyle/Cypress Lake Pleasant, LLC. (Project No. R050161A)

**RECOMMENDATION:**

That Mayor and Council approve Final Plat of Amended 91<sup>st</sup> & Butler Business Park, located at the Southwest Corner of 91<sup>st</sup> Avenue and Butler Drive Alignment, 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.

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

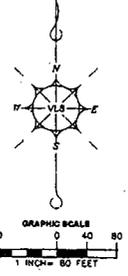
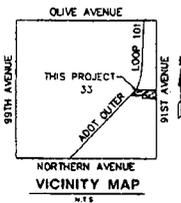
Council Communication – R050161A  
Final Plat – 91<sup>st</sup> Ave & Butler Business Park  
July 01, 2008  
Page: 2

**SUMMARY:**

The purpose of the Final Plat is to adjust the lot lines for Lots 1 and 2 to accommodate existing buildings. This development has dedicated the required rights-of-way for 91<sup>st</sup> Avenue and is within the City of Peoria water/sewer service area.

**ATTACHMENTS:**

1. Final Plat
2. Vicinity Map



# FINAL PLAT OF AMENDED 91ST & BUTLER BUSINESS PARK

SITUATED IN A PORTION OF THE  
SOUTHEAST QUARTER OF SECTION 33, TOWNSHIP 3 NORTH, RANGE 1 EAST,  
OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA.

### NOTES

- The "BASIS OF BEARING" is the East Line of the Southeast Quarter of Section 33, Township 3 North, Range 1 East, GSRBAM, Maricopa County, Arizona, having an assumed bearing of S 00°01'38" E as shown on the plat of "PEORIA CROSSING" Book 737 of Maps, Page 50 M.C.R.
- Gross area 273,500 sq. ft. or 6.280 acres ±
- A 1/2" Rebar, with R.L.S. # 14216, was set at all Property Corners, unless otherwise noted.
- No construction of any kind shall be constructed or placed within the utility easements, except utilities, wood, wire, or removable section type fencing, and for parking, not 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 may be removed during the course of maintenance, construction or reconstruction.
- 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.
- 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 1/2" 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 view easements or the sight distance triangles, no trees, lawns, lawns, or other foliage above 30 inches in height or below 64 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 Water Service Area and has been designated as having a 100-year assumed water supply.
- 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. Loop 101 and 91st Ave., 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 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.
- No wells or other structures may be placed in the drainage and utility easement on the north side.
- The City of Peoria is not required to replace any paving and landscaping that may be placed within the drainage and utility easements.
- The retention basins within the easement shall not be modified or eliminated without the express approval of the City of Peoria. If the owners do not perform maintenance as required to prevent a public health hazard the City of Peoria may enter to perform said maintenance if it so desires. This work will be reimbursable to the city on a time and materials basis from the owners.

### ORIGINAL LEGAL DESCRIPTIONS

PARCEL NO. 1  
COMMENCING AT THE EAST QUARTER CORNER OF SAID SECTION 33, TOWNSHIP 3 NORTH, RANGE 1 EAST, OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA.

THENCE SOUTH 88 DEGREES 25 MINUTES 12 SECONDS WEST, ALONG THE EAST-WEST MID-SECTION LINE OF SAID SECTION 33, A DISTANCE OF 504.56 FEET TO THE TRUE POINT OF BEGINNING;

THENCE SOUTH 00 DEGREES 01 MINUTES 38 SECONDS EAST, 240.00 FEET,

THENCE SOUTH 88 DEGREES 25 MINUTES 12 SECONDS WEST, 488.88 FEET TO A POINT OF THE EASTERLY RIGHT-OF-WAY LINE OF THE PROPOSED ADOT OUTER LOOP;

THENCE NORTH 41 DEGREES 16 MINUTES 33 SECONDS EAST, ALONG SAID RIGHT OF WAY, 260.08 FEET TO A POINT ON A CIRCULAR CURVE CONCAVE NORTHWESTERLY, WHOSE RADIUS POINT BEARS NORTH 56 DEGREES 40 MINUTES 16 SECONDS WEST, A DISTANCE OF 2778.89 FEET;

THENCE NORTHEASTERLY ALONG SAID CURVE AND ALONG SAID RIGHT-OF-WAY, THROUGH A CENTRAL ANGLE OF 01 DEGREES 34 MINUTES 38 SECONDS, A DISTANCE OF 88.93 FEET TO A POINT ON THE EAST-WEST MID-SECTION LINE OF SAID SECTION 33;

THENCE NORTH 88 DEGREES 25 MINUTES 12 SECONDS EAST, ALONG SAID MID-SECTION LINE, 267.08 FEET TO THE TRUE POINT OF BEGINNING.

PARCEL NO. 2

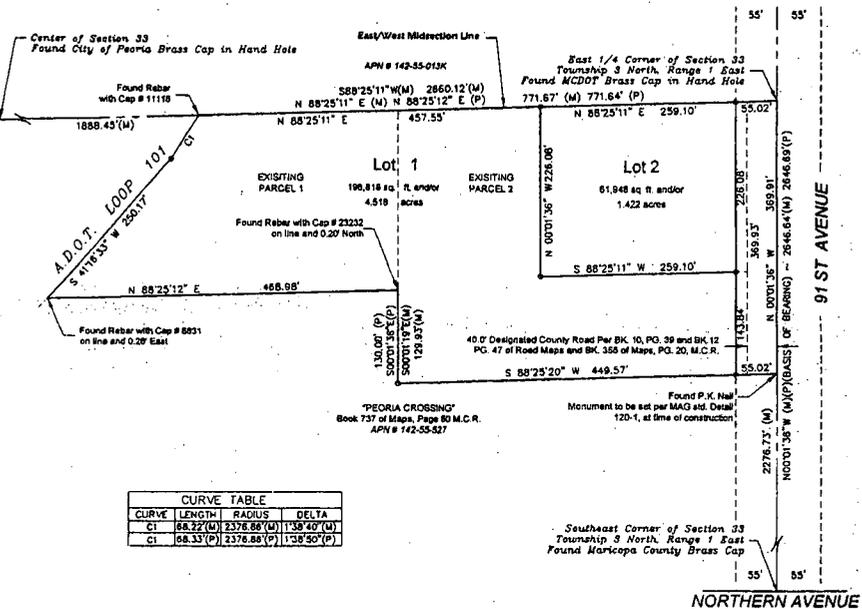
BEGINNING AT THE EAST QUARTER CORNER OF SAID SECTION 33, TOWNSHIP 3 NORTH, RANGE 1 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA;

THENCE SOUTH 00 DEGREES 01 MINUTES 38 SECONDS EAST, ALONG THE EAST LINE OF SAID SECTION 33, A DISTANCE OF 370.00 FEET;

THENCE SOUTH 88 DEGREES 25 MINUTES 12 SECONDS WEST, 504.56 FEET;

THENCE NORTH 00 DEGREES 01 MINUTES 38 SECONDS WEST, 370.00 FEET TO A POINT ON THE EAST-WEST MID-SECTION LINE OF SAID SECTION 33;

THENCE NORTH 88 DEGREES 25 MINUTES 12 SECONDS EAST, ALONG SAID MID-SECTION LINE, 504.56 FEET TO THE POINT OF BEGINNING.



CURVE TABLE			
CURVE	LENGTH (M)	RADIUS (M)	DELTA
C1	88.22 (M)	2378.89 (M)	138.40 (M)
C2	68.33 (P)	2378.89 (P)	138.50 (P)

### LEGEND

- Adjoining Property Line
- - - - Property Line of Survey
- Section Line
- APN Assessor's Parcel Number
- M.C.R. Maricopa County Records
- (M) Measured Data
- (P) Plat Data Dk. 737, P. 60 M.C.R.
- o Set 1/2" Rebar w/ R.L.S. # 14216, otherwise monuments were found as noted

### FLOOD ZONE

According to FIRM FLOOD INSURANCE RATE MAP NO. 04013C 1620P, dated September 4, 1991, the subject property is located in Zone "X", Zone "X" is described as: "AREAS OF 500-YEAR FLOOD; AREAS OF 100-YEAR FLOOD WITH AVERAGE DEPTHS OF LESS THAN 1 FOOT OR WITH DRAINAGE AREAS LESS THAN 1 SQUARE MILE; AND AREAS PROTECTED BY LEVEES FROM 100-YEAR FLOOD."

### REFERENCE MATERIALS

- PEORIA CROSSING BOOK 737 OF MAPS, PAGE 50, M.C.R.
- RESULTS OF SURVEY UNRECORDED SURVEY BY BROOKS, HERSEY & ASSOC., INC., DATED APRIL 1986, JOB # 167-02-TM-05
- COORDINATE TABLE BOOK 098 OF MAPS, PAGE 26, M.C.R.
- 91ST & BUTLER BUSINESS PARK BOOK 809 OF MAPS, PAGE 4, M.C.R.
- CITY ENGINEER OF CORRECTION DOCUMENT # 2008-1625079 M.C.R.

### SURVEYOR'S CERTIFICATE

I, SHANE BATEMAN, HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR IN THE STATE OF ARIZONA AND THAT THE AMENDED LAND DIVISION SHOWN HEREON WAS COMPLETED UNDER MY SUPERVISION DURING THE MONTH OF MAY 2007 AND IS TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF AND MONUMENTS SHOWN ACTUALLY EXIST.

SHANE BATEMAN R.L.S. #42824

### DEDICATION

STATE OF ARIZONA } 55  
COUNTY OF MARICOPA }

KNOW ALL MEN BY THESE PRESENTS  
#91st & No. 58 L.L.C., AN ARIZONA LIMITED LIABILITY COMPANY, AS OWNERS DO HEREBY PUBLISH "91ST & BUTLER BUSINESS PARK" A RESUBDIVISION OF A PORTION OF THE SOUTHEAST QUARTER OF SECTION 33, TOWNSHIP 3 NORTH, RANGE 1 EAST, OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, AS SHOWN AND PLATTED HEREON AND HEREBY PUBLISH THIS PLAT AS, AND FOR THE PLAT OF SAID "91ST & BUTLER BUSINESS PARK" AND HEREBY DECLARE THAT SAID PLAT SETS FORTH THE LOCATION AND GIVES THE 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 DEDICATED 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 OWNERS DO HEREBY GRANT AND CONVEY TO THE PUBLIC, NON-EXCLUSIVE PERMANENT AND PERPETUAL CROSS ACCESS EASEMENTS FOR VEHICULAR AND PEDESTRIAN INGRESS AND EGRESS (BUT NOT PARKING), THE CROSS ACCESS EASEMENTS SHALL RUN WITH THE LAND AND SHALL BE BINDING UPON #91st & No. 58 L.L.C., AN ARIZONA LIMITED LIABILITY COMPANY.

THE OWNERS DO HEREBY GRANT AND CONVEY TO THE PUBLIC, NON-EXCLUSIVE PERMANENT AND PERPETUAL CROSS DRAINAGE EASEMENT UPON OR ACROSS WHICH EASEMENTS ARE BEING DEDICATED BY THIS PLAT. THE CROSS DRAINAGE EASEMENTS SHALL RUN WITH THE LAND AND SHALL BE BINDING UPON RESPECTIVE OWNERS, SUCCESSORS, AND ASSIGNS.

OWNERS AGREE THAT MAINTENANCE OF LANDSCAPING IN SUCH RIGHT-OF-WAY 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 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.

NOTES:  
1. 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.

2. THE CITY OF PEORIA SHALL NOT BE RESPONSIBLE FOR REPLACING ANY LANDSCAPING OR ANY IMPROVEMENT PLACED IN THE EASEMENT BY GRANTOR OR ITS SUCCESSORS OR ASSIGNS, EXCEPT AS NOTED HEREIN.

3. THE CITY OF PEORIA WILL MAKE REASONABLE EFFORTS TO PROMPTLY RESTORE ASPHALT CONCRETE PAVEMENT SURFACES.

4. GRANTOR, ITS SUCCESSORS OR ASSIGNS AT ITS SOLE COST, SHALL BE RESPONSIBLE FOR PROMPTLY REPAIRING ANY ASPHALT, LANDSCAPING OR ANY IMPROVEMENT PLACED IN THE EASEMENT BY GRANTOR OR ITS SUCCESSORS OR ASSIGNS.

AND THE GRANTORS HEREBY COVENANTS THAT IT IS LAWFULLY SEIZED AND POSSESSED ON THIS AFORESAID TRACT OR PARCEL OF LAND, THAT IT HAS A GOOD AND LAWFUL RIGHT TO SELL AND CONVEY IT; AND THAT THEY WILL WARRANT THE TITLE AND QUIET POSSESSION THERE TO AGAINST THE LAWFUL CLAIM OF ALL PERSONS.

IN WITNESS WHEREOF:

#91st & No. 58 L.L.C., AN ARIZONA LIMITED LIABILITY COMPANY, HAS HEREIN CAUSED ITS NAME TO BE SIGNED, AS \_\_\_\_\_ THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2007.

BY: OWNER OF #91st & No. 58 L.L.C., AN ARIZONA LIMITED LIABILITY COMPANY

### ACKNOWLEDGEMENT

STATE OF ARIZONA } 55  
COUNTY OF MARICOPA }

ON THIS, THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2007, BEFORE ME THE UNDERSIGNED NOTARY PUBLIC, PERSONALLY APPEARED \_\_\_\_\_ OF #91st & No. 58 L.L.C., AN ARIZONA LIMITED LIABILITY COMPANY

IN WITNESS WHEREOF, HEREUNTO SET MY HAND AND OFFICIAL SEAL.

NOTARY PUBLIC \_\_\_\_\_

MY COMMISSION EXPIRES \_\_\_\_\_

### APPROVALS

APPROVED BY THE CITY COUNCIL OF THE CITY OF PEORIA, ARIZONA, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2007.

MAYOR \_\_\_\_\_ DATE \_\_\_\_\_

ATTSEY, CITY CLERK \_\_\_\_\_ DATE \_\_\_\_\_

CITY ENGINEER \_\_\_\_\_ DATE \_\_\_\_\_

**VAUGHN LAND SURVEYING, INC.**

25560 West 85th Street # 5  
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www.VaughnLands.com  
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REVISION

SUBMITTED BY: \_\_\_\_\_  
DATE: \_\_\_\_\_  
DRAWN BY: \_\_\_\_\_  
CHECKED BY: \_\_\_\_\_  
SCALE: \_\_\_\_\_

1707 East Weber Drive Suite # 2  
Tempe, Arizona 85281  
Ph (480) 921-1555  
Fax (480) 921-1547

**91ST & BUTLER BUSINESS PARK**

TOWNSHIP 3 NORTH  
RANGE 1 EAST  
OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA

DATE: MAY 2, 2007

FILE: 10318NDY

JOB: 1081

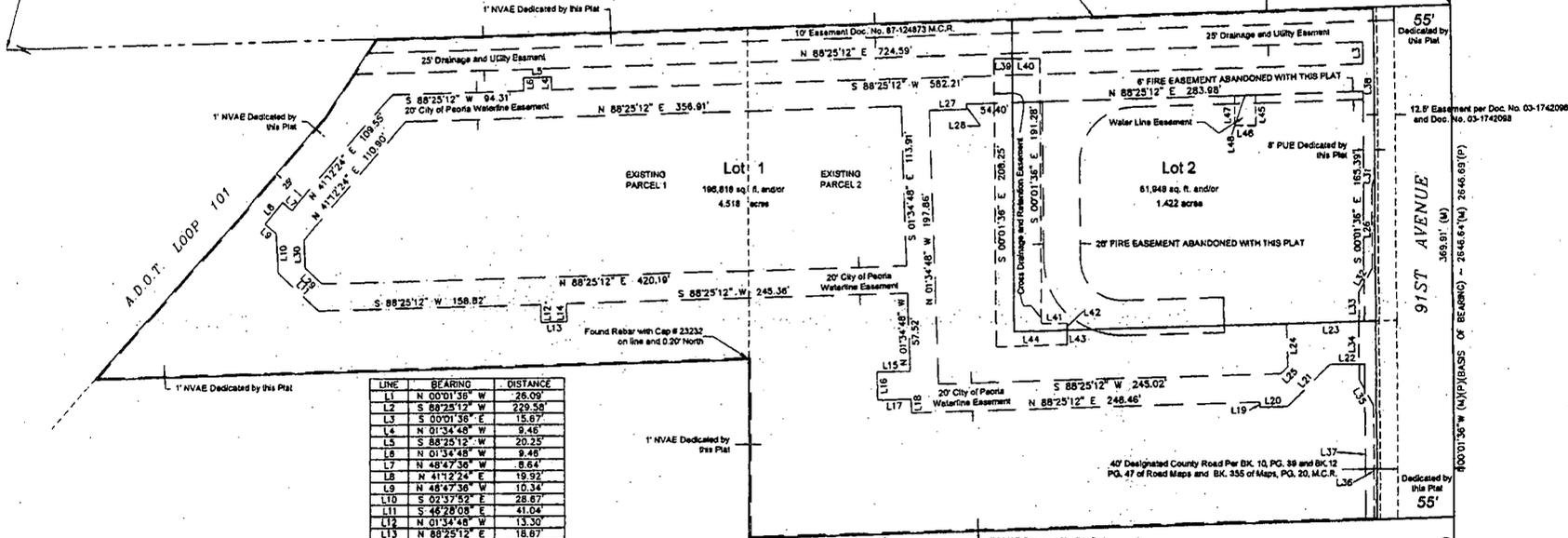
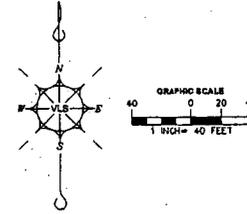
SHEET 1 OF 2

C.O.P. Project # R050161

Center of Section 33  
Found City of Peoria Brass Cap in Hand Hole

APN # 142-55-013K

East 1/4 Corner of Section 33  
Township 3 North, Range 1 East  
Found WCDOT Brass Cap in Hand Hole



LINE	BEARING	DISTANCE
L1	N 00°01'38" W	26.09
L2	S 88°25'12" W	229.59
L3	S 00°01'38" E	15.67
L4	N 01°34'48" W	9.48
L5	S 88°25'12" W	20.25
L6	N 01°34'48" W	9.48
L7	N 48°28'08" W	8.64
L8	N 41°12'24" E	19.92
L9	N 48°28'08" W	10.36
L10	S 02°37'52" E	28.67
L11	S 48°28'08" E	41.04
L12	N 01°34'48" W	13.30
L13	N 88°25'12" E	18.67
L14	N 01°34'48" W	13.30
L15	N 88°25'12" E	24.03
L16	N 01°34'48" W	20.00
L17	N 88°25'12" E	24.03
L18	S 01°34'48" E	10.08
L19	N 01°34'48" W	3.68
L20	S 88°25'12" W	20.64
L21	S 45°00'00" W	42.85
L22	N 90°00'00" W	25.04
L23	S 88°25'12" W	63.64
L24	N 01°34'48" W	31.24
L25	N 45°00'00" E	7.22
L26	N 00°01'38" W	56.90
L27	N 88°25'12" E	26.60
L28	N 01°34'48" W	83.42
L29	N 48°28'08" W	18.54
L30	N 02°37'52" W	20.80
L31	S 07°07'30" W	16.24
L32	N 90°00'00" E	20.08
L33	N 00°01'38" W	21.74
L34	N 00°01'38" W	42.74
L35	N 90°00'00" W	20.08
L36	N 00°01'38" W	83.42
L37	N 00°01'38" W	112.72
L38	S 00°01'38" E	114.20
L39	S 89°58'24" W	12.98
L40	S 89°58'24" W	18.63
L41	S 89°58'24" W	18.00
L42	N 00°01'38" W	5.15
L43	N 00°01'38" W	10.43
L44	S 88°25'12" W	50.81
L45	N 00°00'00" E	22.19
L46	N 90°00'00" W	15.00
L47	N 00°00'00" E	21.78
L48	N 88°25'12" E	15.01

"PEORIA CROSSING"  
Book 737 of Maps, Page 50 M.C.R.  
APN # 142-55-027

CURVE	RADIUS	ARC LENGTH	DELTA ANGLE
C2	30.00'	45.77'	87°24'40"
C3	36.00'	65.36'	66°53'31"
C4	58.00'	24.17'	24°43'30"
C5	40.00'	61.75'	88°28'48"

- LEGEND**
- Adjoining Property Line
  - Property Line of Survey
  - Section Line
  - APN Assessor's Parcel Number
  - M.C.R. Maricopa County Records
  - (M) Measured Data
  - (P) Plat Data Bk. 737, P. 50 M.C.R.
  - NVAE Non Vehicular Access Easement
  - COP WL BASE 20' City of Peoria Waterline Easement
  - EASE Easement
  - FIRE EASE Fire Dept. Access Easement

**VAUGHN LAND SURVEYING INC.**

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**91ST & BUTLER BUSINESS PARK**  
SECTION 33  
TOWNSHIP 3 NORTH  
OF THE G. & A. E. & M.  
MARICOPA COUNTY, ARIZONA

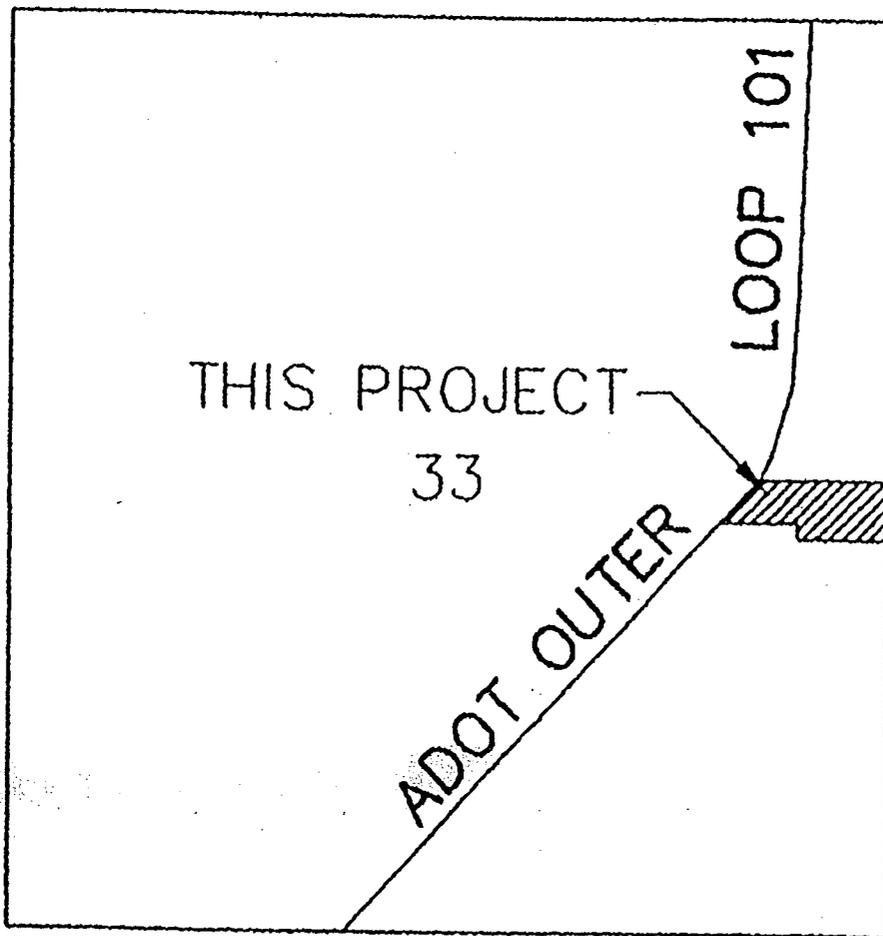
DATE: MAY 2, 2007  
FILE: 1031BNDY  
JOB: 1031

**SHEET 2 OF 2**

C.O.P. Project # R050161

OLIVE AVENUE

99TH AVENUE



THIS PROJECT  
33

ADOT OUTER

LOOP 101

91ST AVENUE



NORTHERN AVENUE

# VICINITY MAP

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N.T.S.