

**CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION**

CC: 10C
Amend No. _____

Date Prepared: September 26, 2008

Council Meeting Date: October 21, 2008

TO: Carl Swenson, City Manager

FROM: Dan Nissen, P.E., Acting Engineering Director

THROUGH: Maher Hazine, P.E., C.F.M., Assistant City Engineer

PREPARED BY: Lloyd Lane, Senior Engineering Technician

SUBJECT: Approve the Final Plat for Olive - 91 Subdivision, a re-subdivision of Lot 1 of OL-91 plaza, a request made by Olive Investments, LLC, an Arizona Limited Liability Company. (Project No. R070111)

RECOMMENDATION:

Discussion and possible action to approve the Final Plat for Olive - 91 Subdivision, per Book 486, Page 15, Maricopa County Records, located near the Northeast Corner of 91st Avenue and Olive Avenue, 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: _____

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Final Plat – Olive - 91 Re-Subdivision
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SUMMARY:

The purpose of the Final Plat is to re-subdivide existing Lot 1 into two lots for commercial use. This development has dedicated the required rights-of-way for 91st Avenue and Olive Avenue and is within the City of Peoria water\sewer service area.

ATTACHMENTS:

1. Final Plat
2. Vicinity Map



FINAL PLAT

FOR "OLIVE - 91 SUBDIVISION"

A RESUBDIVISION OF LOT 1 OF OL-91 PLAZA AS RECORDED IN BOOK 486 OF MAPS, PAGE 15, MARICOPA COUNTY RECORDER, BEING A PORTION OF THE SW 1/4 SW 1/4, SECTION 27, T3N, R1E, G&SRM, MARICOPA COUNTY, ARIZONA

DEDICATION

STATE OF ARIZONA
COUNTY OF MARICOPA
KNOW ALL MEN BY THESE PRESENTS

THAT, OLIVE INVESTMENTS, LLC AN ARIZONA LIMITED LIABILITY COMPANY, AS OWNER DOES HEREBY PUBLISH THIS PLAT BY SUBDIVISION A RESUBDIVISION OF LOT 1 OF OL-91 PLAZA AS RECORDED IN BOOK 486 OF MAPS, PAGE 15, MARICOPA COUNTY RECORDER BEING A PORTION OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 27, TOWNSHIP 3 NORTH RANGE 1 EAST OF THE 6TH AND 5TH WEST RANGES AND MERIDIAN MARICOPA COUNTY, ARIZONA, AS SHOWN AND PLATED HEREBY AND HEREBY PUBLISHES THIS PLAT AND FOR THE PLAT OF SAID OLIVE - 91 SUBDIVISION AND HEREBY DECLARES THAT SAID PLAT SETS FORTH THE LOCATION AND DIMENSIONS OF THE LOTS, STREETS AND EASEMENTS CONSTITUTING SAME AND THAT THE LOTS AND STREETS SHALL BE KNOWN BY THE NUMBERS OF NAME THAT IS GIVEN EACH RESPECTIVELY ON SAID PLAT AND HEREBY DEDICATES TO THE CITY OF PEDRIA, FOR USE AS SUCH THE STREETS AS SHOWN ON SAID PLAT AND INCLUDED IN THE ABOVE DESCRIBED PRECEDING 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 SUCH AVENUE SHALL BE THE RESPONSIBILITY OF THE FRONTING OWNER THE OWNER DOES HEREBY GRANT AND CONVEY TO THE PUBLIC NON-EXCLUSIVE PERMANENT AND PERPETUAL CROSS ACCESS EASEMENTS FOR VEHICULAR AND PEDESTRIAN TRAFFIC AND GRANTS BUT NOT PARTS AND CROSS EASEMENTS EASEMENTS UPON OR ACROSS WHICH EASEMENTS ARE BEING DEDICATED BY THIS PLAT, THE CROSS ACCESS EASEMENTS SHALL RUN WITH THE LAND AND SHALL BE BINDING UPON OLIVE INVESTMENTS, LLC SUCCESSORS AND ASSIGNS.

THAT, OLIVE INVESTMENTS, LLC AN ARIZONA LIMITED LIABILITY COMPANY, GRANTOR DOES HEREBY GRANT TO THE CITY OF PEDRIA, AN ARIZONA MUNICIPAL CORPORATION, IN MARICOPA COUNTY, ARIZONA, ITS SUCCESSORS AND ASSIGNS A PERMANENT AND BENEFICIAL EASEMENT FOR THE FOLLOWING PURPOSES, NAMELY THE RIGHT TO ENTER UPON FOR CONSTRUCTION, MAINTENANCE, OPERATION AND REPLACEMENT OF A WATER LINE OVER UNDER AND ACROSS TRACTS OF LAND IN THE COUNTY OF MARICOPA, STATE OF ARIZONA TO HAVE AND TO HOLD THE SAID EASEMENT UNTO THE CITY OF PEDRIA, A MUNICIPAL CORPORATION OF MARICOPA COUNTY, ARIZONA, AND ITS SUCCESSORS AND ASSIGNS TOGETHER WITH THE RIGHT OF EGRESS AND EXPENSE TO PERMIT THE CONSTRUCTION, OPERATION, MAINTENANCE AND REPLACEMENT OF PUBLIC WATER BE SUBJECT TO NOTES 1, 2, 3 AND 4.

AND THE GRANTOR HEREBY COVENANTS THAT IT IS LAWFULLY SEIZED AND POSSESSED ON THIS AFORESAID DEDICATION OF TRACT OF LAND THAT IT HAS A GOOD AND LAWFUL RIGHT TO SELL AND CONVEY IT, AND THAT IT WILL WARRANT THE TITLE AND QUIET POSSESSION THEREIN AGAINST THE LAWFUL CLAIM OF ALL PERSONS.

NOTES:
1. THE SAID EASEMENT TO INCLUDE THE RIGHT TO CUT GRASS AND TRIM BUSH PORTION OF THE GRASSES AND TOPS OF THE TREES AND SHRUBS OR THAT MAY OVERHANG OVER UPON THE ABOVE DESCRIBED AREAS AS MAY EXTEND OVER SAID EASEMENT, SO AS TO PREVENT THE SAME FROM INTERFERING WITH THE EFFICIENT MAINTENANCE AND OPERATION OF SAID UTILITIES.
2. IF THE CITY OF PEDRIA SHALL NOT BE RESPONSIBLE FOR REPLACING OR ANY IMPROVEMENT PLACED IN THE EASEMENT BY GRANTOR OR ITS SUCCESSORS OR ASSIGNS, EXCEPT AS NOTED HEREIN IN 3, THE CITY OF PEDRIA SHALL MAKE REASONABLE EFFORTS TO PROMPTLY REPAIR OR REPLACE ANY DAMAGED SURFACES.
3. A GRANTOR, ITS SUCCESSORS OR ASSIGNS AT ITS SOLE COST, SHALL BE RESPONSIBLE FOR PROMPTLY REPLACING ANY LANDSCAPING OR IMPROVEMENTS PLACED IN THE EASEMENT BY GRANTOR OR ITS SUCCESSORS OR ASSIGNS.
4. IN THE EVENT THE RIGHT, PRIVILEGE AND EASEMENT HEREBY GRANTED SHALL BE ABANDONED AND PERMANENTLY CEASE TO BE USED FOR THE PURPOSES HEREBY GRANTED ALL RIGHTS HEREBY GRANTED SHALL CEASE AND REVERT TO THE GRANTOR, THEIR HEIRS OR ASSIGNS.

ALL NOTATIONS AND DEDICATIONS STATED ON OR WITHIN THE RECORDED PLAT OF "OLIVE PLAZA" HAS BEEN MADE AND SHALL REMAIN IN FULL FORCE AND EFFECT WITH THE RECDICATION OF THIS RESUBDIVISION.

IN WITNESS WHEREOF, OLIVE INVESTMENTS, LLC, AN ARIZONA LIMITED LIABILITY COMPANY, AS GRANTOR, HAS CAUSED ITS NAME TO BE PRINTED AND THE LINE TO BE ATTESTED BY THE SIGNATURE OF ITS DULY AUTHORIZED

BY _____ TITLE _____ DATE _____

ACKNOWLEDGMENT

STATE OF ARIZONA)
COUNTY OF MARICOPA) 99

ON THIS THE _____ DAY OF _____ 2008 BEFORE ME PERSONALLY APPEARED _____ WHO ACKNOWLEDGED HIMSELF TO BE _____ AND THAT AS SUCH HE IS DULY AUTHORIZED SO TO DO EXECUTE THE FOREGOING INSTRUMENT FOR THE PURPOSES THEREIN CONTAINED BY SIGNING THE NAME OF HIMSELF AS _____

IN WITNESS WHEREOF, I HEREBY SET MY HAND AND OFFICIAL SEAL.

MY COMMISSION EXPIRES _____ DATE _____ NOTARY PUBLIC

APPROVALS

APPROVED BY THE CITY COUNCIL OF THE CITY OF PEDRIA, ARIZONA THIS _____ DAY OF _____ 2008

BY _____ TITLE _____ DATE _____

ATTEST _____ CITY CLERK

BY _____ TITLE _____ DATE _____

A.E.C. CONSULTANTS, INC.

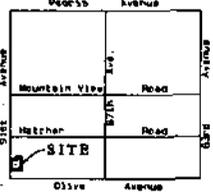
7740 WEST WILSON AVENUE SUITE 100
DOWNEY, CA 91748 (626) 952-1427 (626) 230-7821 FAX
JOB NO. 07025 PAGE 1 OF 1

DEVELOPER
THE MIDTOWN MARK GROUP
3000 NOBEL DR. #600
SAN DIEGO, CA 92112

SURVEYOR
A.E.C. CONSULTANTS
1710 E. PUEBLO SCHOOL RD Suite 100
PHOENIX, ARIZONA 85016
(602) 904-1427

LEGAL DESCRIPTION

LOT 1 OF OL-91 PLAZA, A SUBDIVISION RECORDED BY BOOK 486 OF MAPS, PAGE 15, MARICOPA COUNTY RECORDER



VICINITY MAP
Section 27, T3N, R1E

SURVEYOR'S CERTIFICATE

I, DAVID B. MALL, HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR OF THE STATE OF ARIZONA, THAT THIS MAP, CORRECTLY REPRESENTS A SURVEY MADE UNDER MY SUPERVISION DURING THE MONTH OF MARCH, 2007, THAT THE SURVEY IS TRUE AND COMPLETE AS SHOWN, THAT ALL MONUMENTS SHOWN ACTUALLY EXIST OR WILL BE SET AS SHOWN, THAT THEIR POSITIONS ARE CORRECTLY SHOWN, AND THAT THE SAID MONUMENTS ARE SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED.



For 26, 2008
DATE

REGISTERED LAND SURVEYOR #18342

NOTES:

NO CONSTRUCTION OF ANY KIND SHALL BE CONSTRUCTED OR PLACED WITHIN THE UTILITY EASEMENTS, EXCEPT UTILITIES, SHALL BE ON REMOVABLE SECTION THE FORTING AND/OR RAISING FOR ANY PLANTING EXCEPT GRASS. IT SHALL BE PLANTED UNDERGROUND THAT THE CITY OF PEDRIA SHALL NOT BE REQUIRED TO REPLACE ANY OBSTRUCTION OR PLANTING THAT MUST BE REMOVED DURING THE COURSE OF MAINTENANCE, CONSTRUCTION OR RECONSTRUCTION.

NO STRUCTURE OF ANY KIND BE CONSTRUCTED OR ANY VEGETATION BE PLANTED NOR BE ALLOWED TO GROW WITHIN THE UTILITY EASEMENT OR TRACT UNDER ANY WAY UNLESS THE FLOW OF WATER OVER UNDER OR THROUGH THE EASEMENT OR TRACT.

ALL NEW AND EXISTING UTILITY ELECTRICAL, FACILITIES LESS THAN 60 KV, CABLE TV, 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 HOMEOWNER ASSOCIATION.

ALL LOT CORNERS SHALL BE MONUMENTED WITH 1/2" REBAR AND CAPPED OR TANGLED REBARING THE IDENTIFICATION NUMBER OF THE SURVEYOR RESPONSIBLE FOR THE PLACEMENT.

SPRINKLER HEADS, UTILITY BOXES, STRUCTURES, OVERHEAD HOODS ON OTHER PLANTS, BUT EXCEPTED THOSE OVER 30 INCHES IN HEIGHT SHALL NOT BE PERMITTED WITHIN THE EASEMENTS OR TRACTS UNLESS THE CITY OF PEDRIA HAS GIVEN WRITTEN NOTICES ON OTHER PLANTS ABOVE 30 INCHES IN HEIGHT ON BOLD OF DOCKS ARE PERMITTED THERE AS TO BE PLANTED SO AS NOT TO OBSTRUCT OR HINDER THE VIEW WHEN COMBINED WITH OTHER OBSTRUCTIONS.

THIS SUBDIVISION IS LOCATED WITHIN THE CITY OF PEDRIA WATER SERVICE AREA AND HAS BEEN DESIGNATED AS MAKING A 100-YEAR ASSURED WATER SUPPLY.

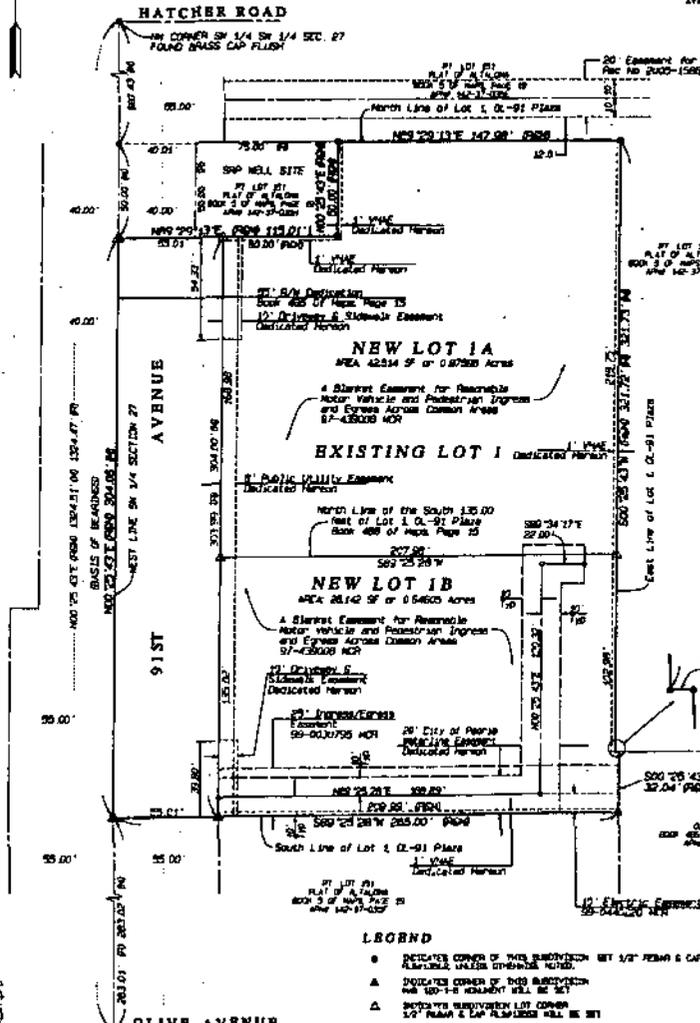
THIS SUBDIVISION IS LOCATED WITHIN THE CITY OF PEDRIA SEWER SERVICE AREA THIS SUBDIVISION IS NOT LOCATED WITHIN THE VICINITY OF A MILITARY AIRPORT.

THIS SUBDIVISION IS LOCATED WITHIN THE VICINITY OF A DESIGNATED TRUCK ROUTE 91ST AVENUE AND OLIVE AVENUE ARE DESIGNATED AS A TRUCK ROUTE BY THE CITY OF PEDRIA.

THIS SUBDIVISION IS NOT LOCATED WITHIN THE VICINITY OF A ROCK QUARRY OPERATING.

FLOOD ZONE:

SAID PROPERTY IS LOCATED WITHIN AN AREA HAVING A FLOOD DESIGNATION ZONE X "SHADY" BY THE SECRETARY OF MARICOPA AND URBAN DEVELOPMENT ON FLOOD INSURANCE RATE MAP NO. 06016C SHOWN WITH A DATE OF IDENTIFICATION OF ESTABLISHED IN 2005 FOR COMMUNITY NO. 00000 IN MARICOPA COUNTY, STATE OF ARIZONA WHICH IS THE CURRENT FLOOD INSURANCE RATE MAP FOR THE COMMUNITY IN WHICH SAID PROPERTY IS SITUATED.

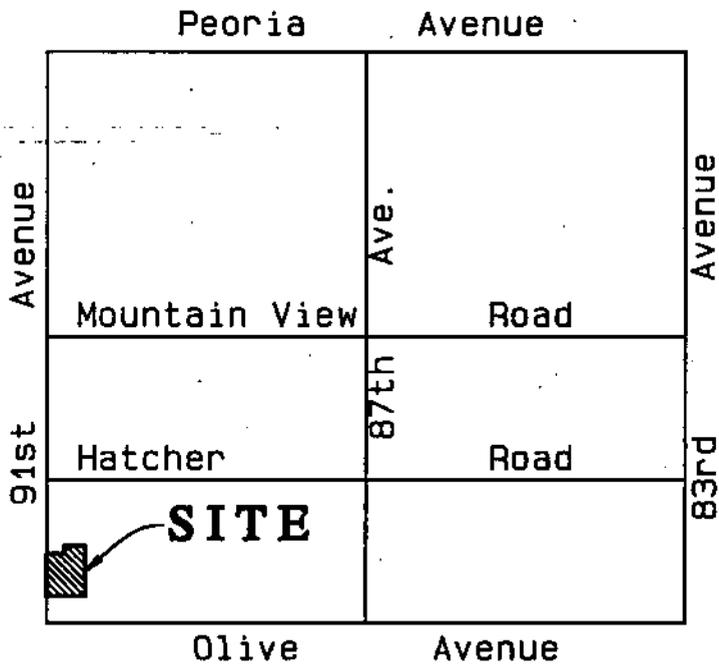


LEGEND

- INDICATES CORNER OF THIS SUBDIVISION SET 1/2" REBAR & CAP ALTERNATE UNLESS OTHERWISE NOTED.
- ▲ INDICATES CORNER OF THIS SUBDIVISION HAS 100-112 MONUMENT WILL BE SET
- △ INDICATES SUBDIVISION LOT CORNER 1/2" PLAIN & CAP ALTERNATE WILL BE SET
- INDICATES CONTROL POINT ON MONUMENT LINE, AS NOTED.
- INDICATES FOUND SPRING CAP IN HANDHOLE
- INDICATES FOUND SPRING CAP FLUSH
- ▲ INDICATES VEHICULAR NON-EXCESS EASEMENT

OLIVE AVENUE
SW CORNER SECTION 27
T3N, R1E
FOUND BRASS CAP IN HANDHOLE

R07011



VICINITY MAP

Section 27, T3N, R1E

"OLIVE - 91 SUBDIVISION"

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 AEC Job No: 07025

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