



Minor Subdivision Staff Approval

13-MD-2019

Dunkin Donuts & Indian River Plaza Minor Subdivision

APPLICATION INFORMATION

LOCATION:	7939 E Thomas Rd	APPLICANT:	James Williamson
PARCEL:	131-24-002M	COMPANY:	Superior Surveying Services, Inc.
Q.S.:	14-46	ADDRESS:	2122 W Lone Cactus Rd Ste 11 Phoenix, AZ 85027
ZONING:	C-2	PHONE:	623-869-0223 x103

Request: Request by owner for approval of a Minor Subdivision to split one (1) existing lot into two (2) lots on a +/- 8.65-acre site with Central Business District (C-2) zoning, located at 7939 E. Thomas Road.

STEP 1

APPROVAL STIPULATIONS

1. The Final Plat shall be in conformance with the Preliminary Plat submitted by Superior Surveying Services, Inc., with a City Staff approval date of March 13, 2020.
2. The applicant has demonstrated that the Open Space and Parking Requirements for new Lot 1 and Lot 2 comply with the Zoning Ordinance minimum requirements for Open Space, Frontage Open Space, and Parking.
3. Any land boundary survey of the subject property shall be performed in accordance with the City of Scottsdale's Design Standards and Policy Manual (DSPM), Chapter 3 – Land Divisions.
4. The application shall submit an application to the City of Scottsdale for Final Plat approval. Provide a copy of this approval letter along with the items required in the Final Plat and Construction Document Plan Review Submittal Requirements. Provide all relevant case numbers in the right-hand margin of the Final Plat cover sheet.
5. Permanent signs that identify the subject properties require a separate submittal, review and permits.

Related Cases: 13-MD-2019, 42-DR-2017, 5-ZN-2008

STEP 2 FINAL PLAT AND CONSTRUCTION DOCUMENT PLAN REVIEW SUBMITTAL REQUIREMENTS

Submit one (1) PDF copy of this approval letter, a completed online permit application, along with the following **DIGITAL** plan set(s) for review at <https://eservices.scottsdaleaz.gov/bldgresources/plans>:

PERMIT APPLICATION:	<input checked="" type="checkbox"/>	Completed Permit Application The permit application may be obtained or completed online at the following link: https://eservices.scottsdaleaz.gov/bldgresources/plans
FINAL PLAT MAP:	<input checked="" type="checkbox"/>	1 PDF file of the Final Plat on 24" X 36" sheet size
OTHER:	<input checked="" type="checkbox"/>	1 PDF file of a Commitment for Title Insurance for the site (no older than 30 days) *Commitment for Title Insurance Submittal Requirements: https://www.scottsdaleaz.gov/Assets/ScottsdaleAZ/Building/TitleEvidence.pdf
	<input checked="" type="checkbox"/>	1 PDF file of the ALTA survey (for reference)

Planning and Development Services

7447 East Indian School Road, Suite 105, Scottsdale, Arizona 85251 ♦ www.ScottsdaleAZ.gov

Page 1 of 2

Form Revision Date: 12/11/2014

THE FOLLOWING PLAN REVIEW FEE SHALL APPLY:	<input checked="" type="checkbox"/>	Minor Subdivision (including Land Assemblages) *Fees subject to change every July 1 st .
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<u>This plan set shall be reviewed by the following departments:</u>		
<u>Department</u>		<u>Staff Reviewers</u>
<input checked="" type="checkbox"/>	CIVIL:	John Dickson
<input checked="" type="checkbox"/>	FINAL PLAT/MOD:	Brian Kulina
<input checked="" type="checkbox"/>	FIRE:	Linda Wilson
<input checked="" type="checkbox"/>	GIS:	Tanya Hazlehurst
<input checked="" type="checkbox"/>	PLANNING:	Andrew Chi
<input checked="" type="checkbox"/>	STORMWATER:	Alex Menez
<input checked="" type="checkbox"/>	SURVEY:	Dwayne Haught
<input checked="" type="checkbox"/>	WATER RESOURCES:	Levi Dillon

Expiration of Minor Subdivision Approval This approval expires two (2) years from date of approval if a permit has not been issued, or if no permit is required, work for which approval has been granted has not been completed.	
Staff Signature: <u> <i>Andrew Chi</i> </u> <div style="text-align: center;">Andrew Chi, Planner</div>	Date: <u> March 13, 2020 </u>



Planning and Development Services

7447 East Indian School Road
Scottsdale, Arizona 85251

September 13, 2019

James Williamson
Superior Surveying Services, Inc.
2122 W Lone Cactus Rd Ste 11
Phoenix, AZ 85027

RE: Administrative Completeness Determination

Dear James,

It has been determined that your Development Application 13-MD-2019, Dunkin Donuts Minor Subdivision, is administratively complete. Your Development Application is being reviewed under the City's Enhanced Application Review Methodology, as requested on your Development Application form. City Staff will begin the substantive review of the application material after payment has been received. Please submit the \$1,390.00 fee payment for this application by either:

- 1) Submitting payment through the online interface for the Digital Case Submittal process utilizing the Key Code 7P164,

OR

- 2) Submitting payment in-person at the City's One Stop Shop referencing the project case number.

Upon completion of City Staff's review of the application material, I will inform you in writing or electronically either: 1) the steps necessary to submit additional information; or, 2) City Staff will issue a written or electronic determination pertaining to this application. If you have any questions, or need further assistance please contact me at 480-312-7828 or at achi@ScottsdaleAZ.gov.

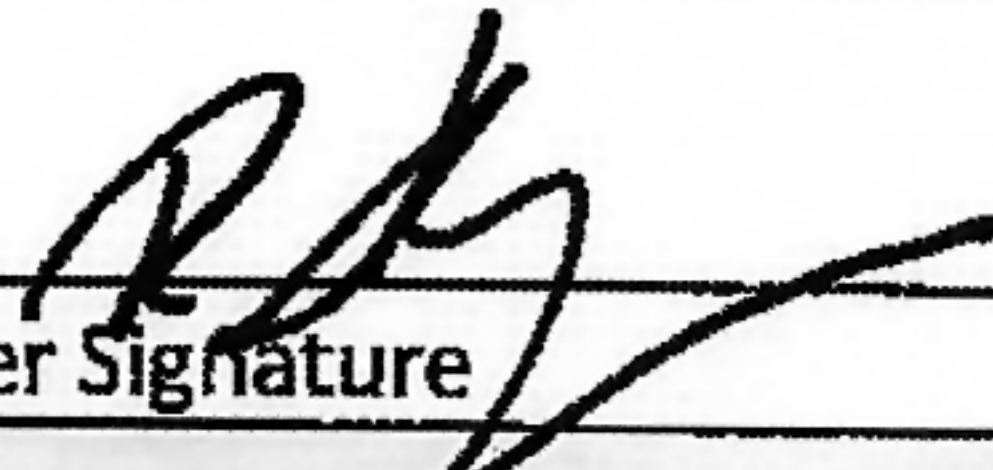
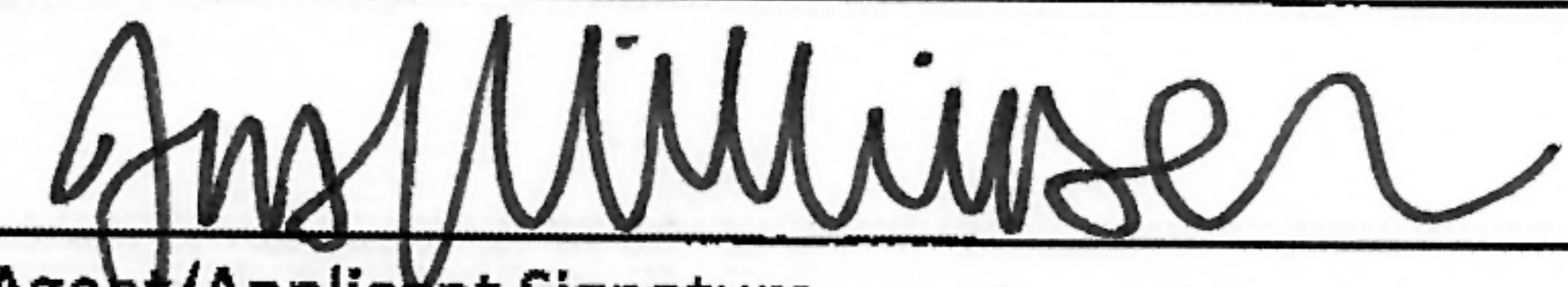
Sincerely,

Andrew Chi
Planner

C: Case File

Development Application



Development Application Type: Please check the appropriate box of the Type(s) of Application(s) you are requesting					
Zoning		Development Review		Signs	
<input type="checkbox"/> Text Amendment (TA)		<input type="checkbox"/> Development Review (Major) (DR)		<input type="checkbox"/> Master Sign Program (MS)	
<input type="checkbox"/> Rezoning (ZN)		<input type="checkbox"/> Development Review (Minor) (SA)		<input type="checkbox"/> Community Sign District (MS)	
<input type="checkbox"/> In-fill Incentive (II)		<input type="checkbox"/> Wash Modification (WM)		Other:	
<input type="checkbox"/> Conditional Use Permit (UP)		<input type="checkbox"/> Historic Property (HP)		<input type="checkbox"/> Annexation/De-annexation (AN)	
Exemptions to the Zoning Ordinance		Land Divisions (PP)		<input type="checkbox"/> General Plan Amendment (GP)	
<input type="checkbox"/> Hardship Exemption (HE)		<input checked="" type="checkbox"/> Subdivisions		<input type="checkbox"/> In-Lieu Parking (IP)	
<input type="checkbox"/> Special Exception (SX)		<input type="checkbox"/> Condominium Conversion		<input type="checkbox"/> Abandonment (AB)	
<input type="checkbox"/> Variance (BA)		<input type="checkbox"/> Perimeter Exceptions		<input type="checkbox"/> Other Application Type Not Listed	
<input type="checkbox"/> Minor Amendment (MA)		<input type="checkbox"/> Plat Correction/Revision			
Project Name: Dunkin Donuts Minor Subdivision					
Property's Address: 7939 E. Thomas Road Scottsdale, AZ 85251					
Property's Current Zoning District Designation: C-2					
The property owner shall designate an agent/applicant for the Development Application. This person shall be the owner's contact for the City regarding this Development Application. The agent/applicant shall be responsible for communicating all City information to the owner and the owner application team.					
Owner: Bruce I. Shapiro Manager			Agent/Applicant: JAMES WILLIAMSON		
Company: Indian River Plaza L.L.C.			Company: SUPERIOR SURVEYING SERVICES, INC.		
Address: 8300 N. Hayden Rd., Ste. A200 Scottsdale, AZ 85258			Address: 2122 W. LONE CACTUS ROAD, SUITE 11, PHOENIX		
Phone: 480-368-0111		Fax: 480-368-0111		Phone: 623-869-0223 Fax: 623-869-0726	
E-mail: pba@zpre.com ; gc@zpre.com			E-mail: JAMES@SUPERIORSURVEYING.COM		
Designer:			Engineer:		
Company:			Company:		
Address:			Address:		
Phone:		Fax:		Phone: Fax:	
E-mail:			E-mail:		
Please indicate in the checkbox below the requested review methodology (please see the descriptions on page 2). <ul style="list-style-type: none"> This is not required for the following Development Application types: AN, AB, BA, II, GP, TA, PE and ZN. These applications¹ will be reviewed in a format similar to the Enhanced Application Review methodology. 					
<input checked="" type="checkbox"/> Enhanced Application Review:		I hereby authorize the City of Scottsdale to review this application utilizing the Enhanced Application Review methodology.			
<input type="checkbox"/> Standard Application Review:		I hereby authorize the City of Scottsdale to review this application utilizing the Standard Application Review methodology.			
 Owner Signature			 Agent/Applicant Signature		
Official Use Only		Submittal Date:		Development Application No.:	
Planning and Development Services 7447 East Indian School Road Suite 105, Scottsdale, Arizona 85251 www.ScottsdaleAZ.gov Page 1 of 3 Revision Date 05/18/2015					

Request for Site Visits and/or Inspections Development Application (Case Submittals)



This request concerns all property identified in the development application.

Pre-application No: 374 -PA- 2019-2

Project Name: Dunkin Donuts Minor Subdivision

Project Address: 7939 E. Thomas Road Scottsdale, AZ 85251

STATEMENT OF AUTHORITY:

1. I am the owner of the property, or I am the duly and lawfully appointed agent of the property and have the authority from the owner to sign this request on the owner's behalf. If the land has more than one owner, then I am the agent for all owners, and the word "owner" refer to them all.
2. I have the authority from the owner to act for the owner before the City of Scottsdale regarding any and all development application regulatory or related matter of every description involving all property identified in the development application.

STATEMENT OF REQUEST FOR SITE VISITS AND/OR INSPECTIONS

1. I hereby request that the City of Scottsdale's staff conduct site visits and/or inspections of the property identified in the development application in order to efficiently process the application.
2. I understand that even though I have requested the City of Scottsdale's staff conduct site visits and/or inspections, city staff may determine that a site visit and/or an inspection is not necessary, and may opt not to perform the site visit and/or an inspection.

Property owner/Property owner's agent: Bruce I. Shapiro
Print Name

[Signature]
Signature

City Use Only:

Submittal Date: _____ Case number: _____

Planning and Development Services

7447 E Indian School Road, Suite 105, Scottsdale, AZ 85251 ♦ www.ScottsdaleAZ.gov

Affidavit of Authorization to Act for Property Owner



1. This affidavit concerns the following parcel of land:

- a. Street Address: 7939 E. THOMAS ROAD
- b. County Tax Assessor's Parcel Number: 131-24-002K, 002L & 002M
- c. General Location: SWC THOMAS ROAD & HAYDEN ROAD
- d. Parcel Size: 8.65 ACRES
- e. Legal Description: SEE ATTACHED

(If the land is a platted lot, then write the lot number, subdivision name, and the plat's recording number and date. Otherwise, write "see attached legal description" and attach a legal description.)

- 2. I am the owner of the land or I am the duly and lawfully appointed agent of the owner of the land and have authority from the owner to sign this affidavit on the owner's behalf. If the land has more than one owner, then I am the agent for all of the owners, and the word "owner" in this affidavit refers to all of them.
- 3. I have authority from the owner to act for the owner before the City of Scottsdale with regard to any and all reviews, zoning map amendments, general plan amendments, development variances, abandonments, plats, lot splits, lot ties, use permits, building permits and other land use regulatory or related matters of every description involving the land, or involving adjacent or nearby lands in which the owner has (or may acquire) an interest, and all applications, dedications, payments, assurances, decisions, agreements, legal documents, commitments, waivers and other matters relating to any of them.
- 4. The City of Scottsdale is authorized to rely on my authority as described in this affidavit until three work days after the day the owner delivers to the Director of the Scottsdale Planning & Development Services Department a written statement revoking my authority.
- 5. I will immediately deliver to the Director of the City of Scottsdale Planning & Development Services Department written notice of any change in the ownership of the land or in my authority to act for the owner.
- 6. If more than one person signs this affidavit, each of them, acting alone, shall have the authority described in this affidavit, and each of them warrant to the City of Scottsdale the authority of the others.
- 7. Under penalty of perjury, I warrant and represent to the City of Scottsdale that this affidavit is true and complete. I understand that any error or incomplete information in this affidavit or any applications may invalidate approvals or other actions taken by the City of Scottsdale, may otherwise delay or prevent development of the land, and may expose me and the owner to other liability. I understand that people who have not signed this form may be prohibited from speaking for the owner at public meetings or in other city processes.

Name (printed)

Bruce J. Shapiro

Date

09/09, 2019

Signature

[Signature]

_____, 20____
_____, 2020
_____, 2068

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Appeals of Dedication, Exactions or Zoning Regulations



Rights of Property Owner

In addition to the other rights granted to you by the U.S. and Arizona Constitution, federal and state law and city ordinances or regulations, you are hereby notified of your right to appeal the following City actions relating to your property:

- 1) Any dedication or exaction which is required of you by an administrative agency or official of the city as a condition of granting approval of your request to use, improve or develop your real property. This appeal right does not apply to a dedication or exaction required as part of a city legislative act (for example a zoning ordinance) when an administrative agency or official has no discretion to determine the dedication or exaction.
- 2) The adoption or amendment of a zoning regulation that creates a taking of property in violations of Arizona and federal court decision.

Appeal Procedure

The appeal must be in writing and specify the City action appealed and the date final action was taken, and must be filed with or mailed to the hearing officer designated by the city within 30 days after the final action is taken

- No fee will be charged for filing
- The city Attorney's Office will review the appeal for compliance with the above requirements, and will notify you if your appeal does not comply
- Eligible appeals will be forwarded to the hearing officer, and a hearing will be scheduled within 30 days of receipt by the hearing officer of your request. Ten days notice will be given to you of the date, time and place of the hearing unless you indicate that less notice is acceptable to you.
- The City will submit a takings impact report to the hearing officer.
- In an appeal from a dedication or exaction, the City will bear the burden of proving that the dedication or exaction to be imposed on your property bears an essential nexus between the requirement and a legitimate governmental interest and that the proposed dedication or exaction is roughly proportional to the impact of the use, improvement or development you proposed.
- In an appeal from the adoption or amendment of a zoning regulation, the City will bear the burden of proving that any dedication or exaction requirement in the zoning regulation is roughly proportional to the impact of the proposed use, improvement, or development, and that the zoning regulation does not create a taking of property in violation of Arizona and federal court cases.
- The hearing officer must render his decision within five working days after the appeal is heard.
- The hearing officer can modify or delete a dedication or exaction or, in the case of an appeal from a zoning regulation, transmit a recommendation to the City Council.
- If you are dissatisfied with the decision of the hearing officer, you may file a complaint for a trial *nevo* with the Superior Court within 30 days of the hearing officer's decision.

For questions, you may contact:

City's Attorney's Office
3939 Drinkwater Blvd.
Scottsdale, AZ 85251
480-312-2405

Address your appeal to:

Hearing Officer, C/O City Clerk
3939 Drinkwater Blvd
Scottsdale, AZ 85251

Please be aware that City Staff cannot give you legal advice. You may wish, but are not required, to hire an attorney to represent you in an appeal.

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Owner Certification
Acknowledging Receipt
Of
Notice Of Right To Appeal
Exactions And Dedications

I hereby certify that I am the owner of property located at:

7939 E. Thomas Road, Scottsdale, AZ 85251

(address where development approval, building permits, or city required improvements and dedications are being required)

and hereby certify that I have received a notice that explains my right to appeal all exactions and/or dedications required by the City of Scottsdale as part of my property development on the parcel listed in the above address.



Signature of Property Owner

Bruce I. Shapiro, Manager of
Indian River Plaza L.L.C.

09/09/2019

Date

Preliminary Plat Notification Affidavit



I, Bruce I. Shapiro, acting on behalf of Indian River Plaza L.L.C., hereby affirm that a copy of the preliminary plat of Minor Land Division plat-7939 E. Thomas Road subdivision has been delivered to the following agencies for their review.

<u>AGENCY</u>	<u>DATE NOTIFIED</u>
<u>BS</u> ✓ SALT RIVER PROJECT...(2).....	<u>9/09/2019</u>
<u>BS</u> ✓ ARIZONA PUBLIC SERVICE	<u>9/09/2019</u>
<u>BS</u> ✓ SOUTHWEST GAS CORPORATION.....	<u>9/09/2019</u>
<u>BS</u> ✓ ARIZONA DEPARTMENT OF TRANSPORTATION.....	<u>9/09/2019</u>
<u>BS</u> ✓ MARICOPA COUNTY ENVIRONMENTAL SERVICES.....	<u>9/09/2019</u>
<u>BS</u> ✓ MARICOPA COUNTY PLANNING DEPARTMENT.....	<u>9/09/2019</u>
<u>BS</u> ✓ MARICOPA COUNTY FLOOD CONTROL DISTRICT.....	<u>9/09/2019</u>
<u>BS</u> ✓ SCOTTSDALE POSTMASTER.....	<u>9/09/2019</u>
<u>BS</u> ✓ SCOTTSDALE SCHOOL DISTRICT.....	<u>9/09/2019</u>
<u>BS</u> ✓ CAVE CREEK SCHOOL DISTRICT.....	<u>9/09/2019</u>
<u>BS</u> ✓ PARADISE VALLEY SCHOOL DISTRICT.....	<u>9/09/2019</u>
<u>BS</u> ✓ CENTRAL ARIZONA WATER CONSERVATION DISTRICT...	<u>9/09/2019</u>
<u>BS</u> ✓ CENTURY LINK.....	<u>9/09/2019</u>
OTHER	

Mailed On

BS
Signature

9/09/2019
Date

8300 N. Hayden Rd. Ste. A200,
Address Scottsdale, AZ 85258

480-368-0111
Phone

Planning and Development Services

7447 E Indian School Road, Suite 105, Scottsdale, AZ 85251 • scottsdaleaz.gov

Chi, Andrew

From: James Williamson <james@superiorsurveying.com>
Sent: Wednesday, August 07, 2019 4:09 PM
To: Chi, Andrew; Kulina, Brian
Subject: 374-PA-2019-2 - Dunkin Donuts Minor Subdivision

Andrew,

Thanks for the info – we will be heading up the application process and making the submittals, so if you could please send me any information needed that would be appreciated.

Thanks,

James Williamson
Superior Surveying Services, Inc.
2122 W. Lone Cactus Road, Suite 11
Phoenix, AZ 85027
Phone: (623) 869-0223 ext. 103
Fax: (623) 869-0726
E-mail: james@superiorsurveying.com

THIS ELECTRONIC DATA IS TRANSMITTED FOR YOUR CONVENIENCE AND IS THE SOLE PROPERTY OF SUPERIOR SURVEYING SERVICES, INC. RECIPIENT ACKNOWLEDGES THAT THIS ELECTRONIC DATA, IN MACHINE READABLE FORM, ARE INSTRUMENTS OF PROFESSIONAL SERVICES DEVELOPED SPECIFICALLY FOR THIS PROJECT. BY ACCEPTING DELIVERY, THE RECIPIENT AGREES TO INDEMNIFY AND HOLD SUPERIOR SURVEYING SERVICES, INC. HARMLESS FROM ANY LIABILITY ARISING FROM THE USE OF THIS DATA. THE ELECTRONIC DATA ATTACHED TO THIS E-MAIL IS BEING RELEASED TO THE RECIPIENT FOR GENERAL REFERENCE AND INFORMATION PURPOSES ONLY AND IS SUBJECT TO CHANGE AND UPDATES WITHOUT NOTIFICATION, VERBAL OR WRITTEN. SUPERIOR SURVEYING SERVICES, INC. IS NOT RESPONSIBLE FOR UPDATING THIS INFORMATION OR FOR COMPATIBILITY WITH RECIPIENT'S HARDWARE AND/OR SOFTWARE. IN ACCEPTING THESE FILES, RECIPIENT ACKNOWLEDGES THAT IN A CONFLICT BETWEEN SEALED DRAWINGS AND THE ELECTRONIC FILES, THE SEALED DRAWINGS WILL GOVERN.

From: Chi, Andrew <AChi@Scottsdaleaz.gov>
Sent: Wednesday, August 7, 2019 2:44 PM
To: James Williamson <james@superiorsurveying.com>; Kulina, Brian <BKulina@Scottsdaleaz.gov>
Subject: RE: (SSSI#190722) MLD Question (374-PA-2019 Dunkin Donuts Minor Subdivision)

Hi James,

I am the coordinator for Pre-App 374-PA-2019. The Pre-App was originally submitted by Bill Barnes with Alliance Land Surveying. We had a meeting with Bill, the architect Jonathan Ammon, Neal Borden, and Jason Rieke, along with Planning (me), Maps (Brian Kulina), and Engineering (Eliana Hayes) back on June 4th. At the meeting, open space and parking requirements were discussed (both the DD site and Indian River Plaza must comply with minimum open space and parking requirements), but no formal application was handed out to the applicant – since it was decided that the owner of Indian River Plaza didn't want to pursue the Minor Subdivision, and opted to go with adding more building signage and a Traffic Directional Signage at the Thomas Road driveway instead.

It looks like the owner would like to pursue with the Minor Subdivision process, is that correct? If so, let me know who the main contact will be, and I can provide you with a formal application checklist in digital format so you can submit online.

Thank you James.

Andrew Chi, Planner

From: James Williamson <james@superiorsurveying.com>
Sent: Wednesday, August 07, 2019 2:08 PM
To: Kulina, Brian <BKulina@Scottsdaleaz.gov>
Cc: Chi, Andrew <AChi@Scottsdaleaz.gov>
Subject: (SSSI#190722) MLD Question (374-PA-2019 Dunkin Donuts Minor Subdivision)

Thanks Brian for the prompt response. The client hadn't given us any paper work so I assumed they hadn't had a meeting, but I'll check with them.

Thanks,

James Williamson
Superior Surveying Services, Inc.
2122 W. Lone Cactus Road, Suite 11
Phoenix, AZ 85027
Phone: (623) 869-0223 ext. 103
Fax: (623) 869-0726
E-mail: james@superiorsurveying.com

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From: Kulina, Brian <BKulina@Scottsdaleaz.gov>
Sent: Wednesday, August 7, 2019 2:02 PM
To: James Williamson <james@superiorsurveying.com>
Cc: Chi, Andrew <AChi@Scottsdaleaz.gov>
Subject: RE: (SSSI#190722) MLD Question

James-

A Pre-Application Meeting (374-PA-2019) for this division was held on 6/4/2019. I believe that your client was provided the appropriate application at the conclusion of that meeting. Unfortunately, I cannot recall if the proposal was required to proceed through a Minor Land Division case first or if it was approved to head straight to final platting. I would speak with your client to see what was provided to them. Also, perhaps Andrew Chi, the Planner assigned to the pre-app, can provide some additional information.

Brian J Kulina, AICP

Senior Planner
P: (480) 312-7059 | E: bkulina@scottsdaleaz.gov

From: James Williamson <james@superiorsurveying.com>
Sent: Wednesday, August 7, 2019 1:40 PM

To: Kulina, Brian <BKulina@Scottsdaleaz.gov>

Subject: (SSSI#190722) MLD Question

⚠ EXTERNAL Email with links or attachments. Please use caution!

Brian,

We've been contracted to work on a Minor Land Division Plat of a site at the SWC of Thomas Road and Hayden Road (see attached for preliminary boundary lines). Can you please let me know the first step now before we can submit? I wasn't sure if we upload an application or if we have to come in for a meeting first. Please let me know what we need to do and what documents we'll need to upload or bring to a meeting.

Thank you,

James Williamson
Superior Surveying Services, Inc.
2122 W. Lone Cactus Road, Suite 11
Phoenix, AZ 85027
Phone: (623) 869-0223 ext. 103
Fax: (623) 869-0726
E-mail: james@superiorsurveying.com

THIS ELECTRONIC DATA IS TRANSMITTED FOR YOUR CONVENIENCE AND IS THE SOLE PROPERTY OF SUPERIOR SURVEYING SERVICES, INC. RECIPIENT ACKNOWLEDGES THAT THIS ELECTRONIC DATA, IN MACHINE READABLE FORM, ARE INSTRUMENTS OF PROFESSIONAL SERVICES DEVELOPED SPECIFICALLY FOR THIS PROJECT. BY ACCEPTING DELIVERY, THE RECIPIENT AGREES TO INDEMNIFY AND HOLD SUPERIOR SURVEYING SERVICES, INC. HARMLESS FROM ANY LIABILITY ARISING FROM THE USE OF THIS DATA. THE ELECTRONIC DATA ATTACHED TO THIS E-MAIL IS BEING RELEASED TO THE RECIPIENT FOR GENERAL REFERENCE AND INFORMATION PURPOSES ONLY AND IS SUBJECT TO CHANGE AND UPDATES WITHOUT NOTIFICATION, VERBAL OR WRITTEN. SUPERIOR SURVEYING SERVICES, INC. IS NOT RESPONSIBLE FOR UPDATING THIS INFORMATION OR FOR COMPATIBILITY WITH RECIPIENT'S HARDWARE AND/OR SOFTWARE. IN ACCEPTING THESE FILES, RECIPIENT ACKNOWLEDGES THAT IN A CONFLICT BETWEEN SEALED DRAWINGS AND THE ELECTRONIC FILES, THE SEALED DRAWINGS WILL GOVERN.

Commitment

Fidelity National Title - Phoenix

File No.: 55001797

Introducing LiveLOOK

LiveLOOK title document delivery system is designed to provide 24/7 real-time access to all information related to a title insurance transaction.

Access title reports, exception documents, an easy-to-use summary page, and more, at your fingertips and your convenience.

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Effortless, Efficient, Compliant, and Accessible

Condition of Title Report

- a. That the Company's sole obligation under the Report, and this Application, shall be to set forth the Ownership of and defects, liens and encumbrances against the Interest in the Land as disclosed by the Title Instruments.
- b. That the Company shall not be obligated under this Report to pay costs, attorneys' fees, or expenses incurred in any action, proceeding, or other claim brought against Applicant.
- c. That the Report is not an abstract of title, title opinion, preliminary report or commitment to issue title insurance.
- d. That the Company's liability under the Report for an error or omission is, as stated below, limited and that if Applicant desires that the Company assume additional liability, a Policy of Title Insurance, Binder, Commitment, or Guarantee should be requested.
- e. That Applicant shall have no right of action against the Company, whether or not based on negligence, except under the terms and provisions of, and subject to all limitations of this Application and the Report.
- f. That the Report is not valid and the Company shall have no liability thereunder unless this Application is attached thereto.

LIMITATION OF LIABILITY

APPLICANT RECOGNIZES THAT IT IS EXTREMELY DIFFICULT, IF NOT IMPOSSIBLE, TO DETERMINE THE EXTENT OF LOSS WHICH COULD ARISE FROM ERRORS OR OMISSIONS IN THE REPORT. APPLICANT RECOGNIZES THAT THE FEE CHARGED IS NOMINAL IN RELATION TO THE POTENTIAL LIABILITY WHICH COULD ARISE FROM SUCH ERRORS OR OMISSIONS. THEREFORE, APPLICANT UNDERSTANDS THAT THE COMPANY IS NOT WILLING TO PROCEED IN THE PREPARATION AND ISSUANCE OF THE REQUESTED REPORT UNLESS THE COMPANY'S LIABILITY IS STRICTLY LIMITED. APPLICANT AGREES WITH THE PROPRIETY OF THIS LIMITATION AND AGREES TO BE BOUND BY ITS TERMS.

THIS LIMITATION IS AS FOLLOWS:

APPLICANT AGREES, AS PART OF THE CONSIDERATION FOR THE ISSUANCE OF THIS REPORT, THAT THE COMPANY SHALL BE LIABLE TO APPLICANT UNDER THIS REPORT SOLELY BY REASON OF AN ERROR OR OMISSION BY THE COMPANY IN FAILING TO SET FORTH THE OWNERSHIP OF AND DEFECTS, LIENS AND ENCUMBRANCES AGAINST THE INTEREST IN THE LAND AS DISCLOSED BY THE TITLE INSTRUMENTS, WHICH ERROR OR OMISSION BY THE COMPANY HAS CAUSED LOSS TO THE APPLICANT; AND THEN THE LIABILITY SHALL BE A ONE-TIME PAYMENT TO APPLICANT OF FIVE THOUSAND DOLLARS (\$5,000.00).

ACCORDINGLY, APPLICANT REQUESTS THAT THE REPORT BE ISSUED WITH THIS LIMITATION AS A PART OF THE CONSIDERATION THAT APPLICANT GIVES THE COMPANY TO PREPARE AND ISSUE THE REPORT.

APPLICANT CERTIFIES THAT HE HAS READ AND UNDERSTOOD ALL OF THE TERMS, LIMITATIONS AND CONDITIONS OF THIS APPLICATION.

EXECUTED THIS _____ day of _____, _____ .

(This Application must be signed by the Applicant or an agent representing the Applicant.)

APPLICANT: _____
Print or Type Name

MAILING ADDRESS: _____

Signature

Telephone

AGENT FOR
APPLICANT _____

MAILING ADDRESS: _____

Print or Type Name

Signature

Telephone



Fidelity National Title Insurance Company

Title No.: **AZ-FMPC-IMP-N/A-1-19-55001797**

CONDITION OF TITLE REPORT

Fidelity National Title Insurance Company, a Florida Corporation,
herein called the Company,

SUBJECT TO THE TERMS, LIMITATIONS AND CONDITIONS OF THE APPLICATION FOR THIS CONDITION OF TITLE REPORT, WHICH APPLICATION, OR COPY THEREOF, IS ATTACHED HERETO AND MADE A PART HEREOF

REPORTS

To the party named in Schedule A, that as disclosed by the Title Instruments, the ownership of and the defects liens and encumbrances against the Interest in the Land are as shown in Schedule B.

Any claim or other notice to the Company shall be in writing and shall be addressed to the Company at the issuing office or to:

*Fidelity National Title Insurance Company Claims Center
PO Box 45023
Jacksonville, Florida, 32232-5023
Attn: Claims Administration*

THIS REPORT IS NOT VALID AND THE COMPANY SHALL HAVE NO LIABILITY HEREUNDER UNLESS THE APPLICATION REFERRED TO ABOVE, OR COPY THEREOF, IS ATTACHED HERETO.

Countersigned by:

Natalie Bombardieri

Authorized Signature



By:

[Signature]

ATTEST

President

[Signature]

Secretary

CONDITION OF TITLE REPORT

SCHEDULE A

Fee: **\$0.00**

Date of Report: **August 16, 2019 at 7:30 AM**

1. Name of Party:

City of Scottsdale

2. The Interest referred to in the Application is:

A FEE

3. The Land referred to in the Application is described as follows:

See Exhibit A attached hereto and made a part hereof.

Issuing agent for **Fidelity National Title Insurance Company**

EXHIBIT A
LEGAL DESCRIPTION

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF MARICOPA, STATE OF ARIZONA, AND IS DESCRIBED AS FOLLOWS:

PARCEL NO. 1:

The East 710 feet of the North 710 feet of the Northeast quarter of the Northeast quarter of Section 35, Township 2 North, Range 4 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona;

EXCEPT the North 207.94 feet of the East 217.94 feet thereof; and

EXCEPT the North 55 feet; and

EXCEPT the East 65 feet

EXCEPT that part of the Northeast quarter of the Northeast quarter of Section 35, Township 2 North, Range 4 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, described as follows:

COMMENCING at the Northeast corner of said Section 35;

Thence North 89 degrees 59 minutes 52 seconds West, along the North line of the Northeast quarter of said Section 35, a distance of 217.94 feet;

Thence South 00 degrees 08 minutes 06 seconds East, parallel with the East line of the Northeast quarter of said Section 35, a distance of 204.06 feet to the POINT OF BEGINNING;

Thence continuing South 00 degrees 08 minutes 06 seconds East, a distance of 3.88 feet ;

Thence South 89 degrees 59 minutes 52 seconds East, parallel with said North line, a distance of 152.94 feet to a point on the West right of way line of Hayden Road, said point being 65.00 feet West of said East line;

Thence South 00 degrees 08 minutes 06 seconds East, along the West right of way line and parallel with said East line, a distance of 200.10 feet;

Thence departing said West right of way line, South 89 degrees 51 minutes 55 seconds West, a distance of 194.22 feet;

Thence North 00 degrees 21 minutes 44 seconds East, a distance of 204.39 feet;

Thence North 89 degrees 54 minutes 48 seconds East, parallel with said East line, a distance of 39.51 feet to the POINT OF BEGINNING.

PARCEL NO. 2:

That part of the Northeast quarter of the Northeast quarter of Section 35, Township 2 North, Range 4 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, described as follows:

COMMENCING at the Northeast corner of said Section 35;

Thence West along the North line of said Section 35, 710 feet;

Thence South 00 degrees 08 minutes 06 seconds East, 55 feet to the POINT OF BEGINNING;

Thence continuing South 00 degrees 08 minutes 06 seconds East, 30 feet;

EXHIBIT A
(Continued)

Thence Northwesterly, 39 feet, more or less, to a point on a line lying 55 feet South of, and parallel to, the North line of said Section 35, said point lying 25 feet West of the Point of Beginning of this description;

Thence East, along said line, 25 feet to the POINT OF BEGINNING.

PARCEL NO. 3:

That part of the Northeast quarter of the Northeast quarter of Section 35, Township 2 North, Range 4 East of the of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, described as follows:

COMMENCING at the Southwest corner of the North 710 feet of the East 710 feet (as measured along the North and East lines thereof) of the said Northeast quarter of the Northeast quarter of Section 35;

Thence North 00 degrees 08 minutes 06 seconds West, along the said West line of the North 710 feet of the East 710 feet, 3.40 feet to the POINT OF BEGINNING;

Thence continuing North 00 degrees 08 minutes 06 seconds West, along the said West line, herein before described, 246.60 feet;

Thence South 29 degrees 08 minutes 45 seconds West, 267.58 feet;

Thence South 84 degrees 22 minutes 21 seconds East, 131.54 feet, more or less, to the POINT OF BEGINNING.

APN: 131-24-002M, 131-24-002K, 131-24-002L

CONDITION OF TITLE REPORT

SCHEDULE B

Fidelity National Title Insurance Company reports that Title Instruments, on the date hereof, disclose:

1. Ownership of the Interest is in the name of:

Indian River Plaza L.L.C., an Arizona limited liability company
2. The following defects, liens and encumbrances (which are not necessarily shown in their order of priority) against the Interest:
 1. Property taxes, which are a lien not yet due and payable, including any assessments collected with taxes to be levied for the year 2019.
 2. Any outstanding liabilities and obligations, including unpaid assessments, imposed upon said Land by reason of: (a) inclusion thereof within the boundaries of the Salt River Project Agricultural Improvement and Power District; (b) membership of the owner thereof in the Salt River Valley Water Users' Association, an Arizona corporation and (c) the terms of any Water Right Application made under the reclamation laws of the United States for the purposes of obtaining water rights for said Land.
 3. Reservations contained in the Patent

From: The United States of America
To: Albert G. Utley
Recording Date: May 5, 1891
Recording No: [Book 26 of Deeds, page 171](#)

Which among other things recites as follows:

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 local customs, laws and decisions of the courts; and also subject to the right of the proprietor of a vein or lode to extract and remove his ore therefrom should the same be found to penetrate or intersect the premises hereby granted, as provided by law.
4. Matters contained in that certain document

Entitled: Flood Control Map
Recording Date: October 13, 1960
Recording No: [Book 13 of Maps, page 79](#)

Reference is hereby made to said document for full particulars.
5. Matters contained in that certain document

Entitled: Road Map
Recording Date: January 3, 1961
Recording No: [Book 13 of Maps, page 95](#)
Affects: North 65 feet of subject Section 35

Reference is hereby made to said document for full particulars.

SCHEDULE B
(Continued)

6. Easement(s) for the purpose(s) shown below and rights incidental thereto as set forth in a document:
- Purpose: Water lines, fire hydrants and appurtenances
Recording Date: February 1, 1978
Recording No: [Docket 12690, page 1224](#)
(as to Parcel No. 1)
7. Easement(s) for the purpose(s) shown below and rights incidental thereto as set forth in a document:
- Purpose: Water lines, fire hydrants and appurtenances
Recording Date: July 31, 1978
Recording No: [Docket 13058, page 672](#)
(as to Parcel No. 1)
8. Easement(s) for the purpose(s) shown below and rights incidental thereto as set forth in a document:
- Purpose: Public utilities
Recording Date: September 7, 1978
Recording No: [Docket 13139, page 48](#)
(as to Parcel No. 1)
9. Easement(s) for the purpose(s) shown below and rights incidental thereto as set forth in a document:
- Purpose: Downguy lines and appurtenances
Recording Date: May 10, 1979
Recording No: [Docket 13624, page 111](#)
(as to Parcel No. 1)
10. Easement(s) for the purpose(s) shown below and rights incidental thereto as set forth in a document:
- Purpose: Electric lines
Recording Date: December 27, 1979
Recording No: [Docket 14120, page 833](#) and
Recording No: [Docket 14120, page 835](#) and thereafter Partial Abandonment on
Recording Date: March 11, 2008
[Recording No: 20080216322](#)
(as to Parcel No. 1)
11. Matters contained in that certain document
- Entitled: Indemnity Agreement
Recording Date: November 28, 1983
[Recording No: 83-474374](#)

Reference is hereby made to said document for full particulars.

SCHEDULE B
(Continued)

12. Easement(s) for the purpose(s) shown below and rights incidental thereto as set forth in a document:

Purpose: Electric lines and appurtenances
Recording Date: June 7, 1993
Recording No: 93-0356818
(as to Parcel No. 1)

13. Covenants, conditions, restrictions and easements but omitting any covenants or restrictions, if any, including but not limited to those based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, source of income, gender, gender identity, gender expression, medical condition or genetic information, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law, as set forth in the document

Recording No: 96-0204312

14. Matters contained in that certain document

Entitled: Resolution FCD 97-14
Recording Date: January 6, 1998
Recording No: 98-0008424

Reference is hereby made to said document for full particulars.

15. An unrecorded lease with certain terms, covenants, conditions and provisions set forth therein as disclosed by the document

Entitled: Memorandum of Lease
Lessor: Indian River Plaza LLC, an Arizona limited liability company
Lessee: Office Depot Inc., a Delaware Corporation
Recording Date: February 18, 1999
Recording No: 99-0155390

16. An unrecorded lease with certain terms, covenants, conditions and provisions set forth therein as disclosed by the document

Entitled: Memorandum of Lease
Lessor: Indian River Plaza LLC, an Arizona limited liability company
Lessee: Osco Drug of Texas, Inc., a Delaware Corporation
Recording Date: March 29, 2001
Recording No: 2001-0250210
Amendment recorded March 29, 2001 in Recording No. 20030067441
Subordination recorded August 6, 2003 in Recording No. 20031065017.

17. Matters contained in that certain document

Entitled: Lot Split Approval
Recording Date: October 3, 2001
Recording No: 2001-0923037

Reference is hereby made to said document for full particulars.

SCHEDULE B
(Continued)

18. Matters contained in that certain document

Entitled: Covenant and Agreement to Hold Property as One Parcel
 Recording Date: October 3, 2001
Recording No: 2001-0923038 and Addendum on
 Recording Date: December 27, 2002
Recording No: 20021404900

Reference is hereby made to said document for full particulars.

19. Covenants, conditions, restrictions and easements but omitting any covenants or restrictions, if any, including but not limited to those based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, source of income, gender, gender identity, gender expression, medical condition or genetic information, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law, as set forth in the document

Recording No: 20020063503
 First Amendment recorded December 19, 2002 in Recording No. 20021369956

20. An unrecorded lease with certain terms, covenants, conditions and provisions set forth therein as disclosed by the document

Entitled: Subordination, Non-Disturbance and Attornment Agreement
 Lessor: Indian River Plaza LLC, an Arizona limited liability company
 Lessee: Hamel 1997 LLC dba Margies Cards and Gift
 Recording Date: February 7 2002
Recording No: 20020132271

21. Easement(s) for the purpose(s) shown below and rights incidental thereto as set forth in a document:

Purpose: Levees, dikes, channel and other works of drainage or flood control
 Recording Date: August 16, 2002
Recording No: 20020836507

22. A deed of trust to secure an indebtedness in the amount shown below,

Amount: \$7,500,000.00
 Dated: December 19, 2002
 Trustor/Grantor: Indian River Plaza L.L.C., an Arizona limited liability company
 Trustee: Fidelity National Title Insurance Company
 Beneficiary: Woodmen of the World Life Insurance Society and/or Omaha Woodmen Life Insurance Society, a Nebraska corporation
 Recording Date: December 19, 2002
Recording No: 20021372240

An agreement to modify the terms and provisions of said deed of trust as therein provided

Executed by: Indian River Plaza L.L.C., an Arizona limited liability company and Woodmen of the World Life Insurance Society and/or Omaha Woodmen Life Insurance Society, a Nebraska corporation
 Recording Date: December 9, 2010
Recording No: 20101073910

SCHEDULE B
(Continued)

23. A financing statement as follows:

Debtor: Indian River Plaza L.L.C.
Secured Party: Woodmen of the World Life Insurance Society
Recording Date: December 19, 2002
Recording No: 20021372241

A change to the above financing statement was filed

Nature of Change: Continuation
Recording Date: December 4, 2007
Recording No: 2007-1275676

A change to the above financing statement was filed

Nature of Change: Continuation
Recording Date: November 28, 2012
Recording No: 2012-1076208

A change to the above financing statement was filed

Nature of Change: Continuation
Recording Date: October 12, 2017
Recording No: 20170758000

24. An unrecorded lease with certain terms, covenants, conditions and provisions set forth therein as disclosed by the document

Entitled: Lease Subordination, Non-Disturbance and Attornment Agreement
Lessor: Indian River Plaza LLC, an Arizona limited liability company
Lessee: 99cent Only Stores, a California corporation]
Recording Date: February 4, 2003
Recording No: 20030134486

25. Matters contained in that certain document

Entitled: Lease Subordination, Non-Disturbance and Attornment Agreement
Lessor: Indian River Plaza LLC, an Arizona limited liability company
Lessee: America's Health Systems, Inc., dba Stoooge's
Recording Date: February 4, 2003
Recording No: 20030134487

Reference is hereby made to said document for full particulars.

26. An unrecorded lease with certain terms, covenants, conditions and provisions set forth therein as disclosed by the document

Entitled: Lease Subordination, Non-Disturbance and Attornment Agreement
Lessor: Indian River Plaza LLC, an Arizona limited liability company
Lessee: Tuesday Moring, Inc., a Texas corporation
Recording Date: February 4, 2003
Recording No: 20030134488

SCHEDULE B
(Continued)

27. An unrecorded lease with certain terms, covenants, conditions and provisions set forth therein as disclosed by the document

Entitled: Memorandum of Lease
Lessor: Indian River Plaza LLC, an Arizona limited liability company
Lessee: Fresh & Easy Neighborhood Market Inc., a Delaware corporation
Recording Date: March 30, 2009
Recording No: 2009-0275333
Subordination recorded May 7, 2009 in Recording No. 2009-0409555
Thereafter Assignment and Assumption of Leases to Y-OPCO, LLC, a Delaware limited liability company, recorded September 30, 2015 in Recording No. 20150707607.

28. Easement(s) for the purpose(s) shown below and rights incidental thereto as set forth in a document:

Purpose: Power distribution
Recording Date: January 28, 2010
Recording No: 20100073669
(as to Parcel No. 1)

29. Easement(s) for the purpose(s) shown below and rights incidental thereto as set forth in a document:

Purpose: Public access
Recording Date: October 19, 2016
Recording No: 20160767089
(as to Parcel No. 1)

30. Easement(s) for the purpose(s) shown below and rights incidental thereto as set forth in a document:

Purpose: Power distribution
Recording Date: May 14, 2018
Recording No: 20180367626
(as to Parcel No. 1)

31. Easement(s) for the purpose(s) shown below and rights incidental thereto as set forth in a document:

Purpose: Power distribution
Recording Date: November 15, 2018
Recording No: 20180851090
(as to Parcel No. 1)

32. Matters shown on record of survey:

Recording No.: Book 1463 of Maps, page 40
(as to a portion of Parcel No. 1)

SCHEDULE B
(Continued)

2018 Tax Note:

<u>Tax Parcel No:</u>	<u>131-24-002K</u> (Parcel No. 3)
Total Tax:	\$3,296.80
First Installment Amount:	Paid
Second Installment Amount:	Paid
 <u>Tax Parcel No:</u>	 <u>131-24-002L</u> (Parcel No. 2)
Total Tax:	\$67.30
First Installment Amount:	Paid
Second Installment Amount:	\$0.00
 <u>Tax Parcel No:</u>	 <u>131-24-002M</u> (Parcel No. 1)
Total Tax:	\$135,844.32
First Installment Amount:	Paid
Second Installment Amount:	Paid

3. The following matters are disclosed by name only and the Company, without additional information, is unable to determine whether any or all of these matters are defects, liens or encumbrances against the Interest:

Note: This Condition of Title Report does not address General Index matters (such as proceedings, liens, or decrees), which do not specifically describe said Land.

Project Narrative - Minor Subdivision Development Application
7939 E. Thomas Road, Scottsdale

Recently, a separate 2-tenant building of 2,804 SF was permitted and built as part of a 92,654 SF shopping center at the SWC of Hayden & Thomas called Indian River Plaza Shopping Center. There is another outparcel at the site that houses a drive-through Sonic which is separately owned and not a part. For flexibility, we now want to separately parcel the portion of the Center that the new building sits on so that it can stand on its own apart from the main Center. Please review our application.

2ND REVIEW COMMENT RESPONSES

CASE #13 MD-2019

13-MD-2019 V2-CORR-PRELIMINARY PLATT

No changes to the Preliminary Plat are required as the property lines did not change between this and the last review. The only changes associated with the review are specific to the Frontage Open Space as seen on Lot 1 Open Space/Parking Plan. The changes (outlined below) did not have an impact on the placement of any property lines.

13-MD-2019 V2-CORR-OPEN SPACE PLAN

Frontage Open Space Calculations

- Comment: Frontage open space for the larger Indian River Plaza parcel (Lot 1) appears to be deficient as shown on the updated calculations, per [Zoning Ordinance Section 5.1404.C.2.a](#) for the C-2 zoning district. The required open space is identified as 48,397 square feet, which would require a minimum of 24,198.5 square feet as frontage open space. The updated open space calculations only identify 18,674 square feet of frontage open space for the larger parcel (Lot 1).
 - Frontage Open Space is adjusted and has been reviewed per the assistance from the City of Scottsdale
 - Per the City of Scottsdale's guidance and clarifications, the added Frontage Open Space are seen as common patio areas, thus meeting the definition of 'meaningful open space'. Importantly, they are not enclosed as private patio spaces
- Comment: Frontage Open Space calculations for Lot 1 is missing from the Open Space Plan. If the Frontage Open Space calculations were displayed on the plan in the 2nd submittal, the Frontage Open Space deficiency would have been identified and corrections may have been avoided.
 - Frontage Open Space calculations are now included on the updated site plan
- Comment: If the lot line between Lot 1 and Lot 2 must be adjusted to comply with the Frontage Open Space requirements for both lots, the Preliminary Plat must also be revised.
 - No lot line adjustments were necessary
- Comment: Be advised that any future Monument Sign for the Dunkin Lot must be placed on-site in the same lot.
 - Understood. Any future Monument Sign for the Dunkin Lot must be placed on-site in the same lot.
 - Because the lot lines did not move, this no longer poses a potential issue.

LOT 1 DATA

PARKING DATA






PARKING REQUIRED
RETAIL
89,217 SF @ 300 SF / SPACE

FOOTPRINT BLDGS 1 & 2 (PROPOSED LOT SPLIT)
MIXED USE CENTER GREATER THAN 20,000 SF
298 SPACES REQUIRED

PARKING PROVIDED
TYPICAL SPACE
ADA SPACE

FOOTPRINT BLDGS 1 & 2 (PROPOSED LOT SPLIT)
295 SPACES
12 SPACE (4% OF 298 PROVIDED SPACES)
307 SPACES PROVIDED

LEGEND

	FRONT OPEN SPACE	26,383 SF
	PARKING LOT LANDSCAPING	26,137 SF
	OTHER THAN FRONT OPEN SPACE	49,325 SF
	PARKING AREA	150,351 SF
	BUILDING FOOTPRINT	89,217 SF

OPEN SPACE CALCULATIONS:

REQUIRED OPEN SPACE:

FIRST 12 FEET OF HEIGHT = 10% OF NET LOT AREA	.10 X 348,825 SF	=	34,882 SF
NEXT 10 FEET OF HEIGHT = 10 X .004 X NET LOT AREA	10 X .004 X 348,825 SF	=	13,953 SF

OPEN SPACE REQUIRED (NOT INCLUDING PARKING LOT LANDSCAPING)	13,953 SF + 34,882 SF	=	48,835 SF
OPEN SPACE PROVIDED (NOT INCLUDING PARKING LOT LANDSCAPING)	26,383 SF + 49,325 SF	=	75,708 SF

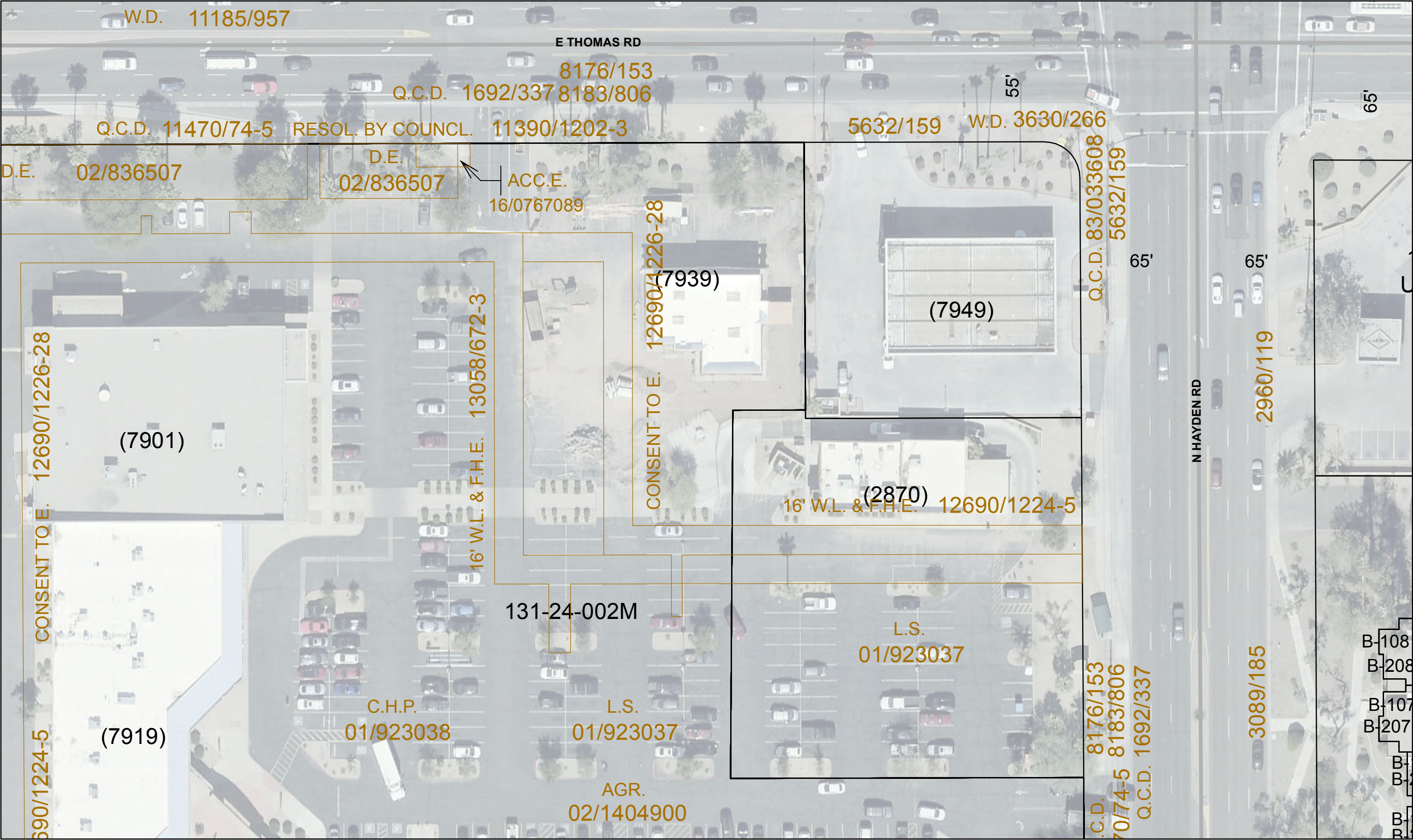
REQUIRED FRONTAGE:

50% X OPEN SPACE REQUIRED	50% x 48,835	=	24,418 SF
PROVIDED FRONTAGE			26,383 SF
			1,965 SF OVER

REQUIRED PARKING LOT LANDSCAPING:

PARKING LOT AREA X 15%	150,351 SF X 15%	=	22,553 SF
PARKING LOT LANDSCAPE PROVIDED		=	26,137 SF





ALTA / NSPS LAND TITLE SURVEY

OF A PORTION OF THE NORTHEAST QUARTER OF SECTION 35,
TOWNSHIP 2 NORTH, RANGE 4 EAST OF THE GILA AND SALT
RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA

SCHEDULE "B" ITEMS

NOTES

- the basis of bearing is the monument line of Thomas Road, also being the North line of the Northeast quarter of Section 35, using a bearing of North 89 degrees 59 minutes 52 seconds West per WARRANTY DEED in document no. 2001-0958820, records of Maricopa County, Arizona.
- All title information and the description shown is based on a Condition of Title Report issued by Fidelity National Title Insurance Company, Title Number AZ-FMPC-IMP-N/A-1-19-55001797, dated June 25, 2019 and that all easements, covenants and restrictions referenced in said title commitment or apparent from a physical inspection of the site or otherwise known to me have been plotted hereon or otherwise noted as to their effect on the subject property.
- The number of striped parking spaces on the subject property are as follows:
Regular: 285
Handicapped: 13
Total: 298
- The building lines and dimensions shown depict the exterior building footprint at ground level based on field measurements. This information is intended to depict the general configuration of the building at ground level and may or may not be the exact dimensions of the building foundation. The building square footage shown is based on the exterior building footprint and is not intended to reflect the interior or leasable area of any building. The building offset distances shown are to actual building corners. Building heights shown are the measurement between the adjacent natural ground to the highest point on the building visible from the ground.
- This survey shows visible above ground evidence of underground utilities or facilities on the subject property. No guarantee can be made as to the extent of the utilities available, either in service or abandoned, nor to their exact location. In the event this site is to be developed or improved this survey should not be used for design purposes. Please call an underground utility locator or "ARIZONA 811" at (800)263-1100 for the precise location and extent of all utilities in the area prior to any design and/or excavation.
- There was no observable evidence of cemeteries, gravesites, or burial grounds on the subject property as disclosed by record documents provided to the surveyor, or observed in the process of conducting the survey.
- The subject property has direct physical access to Thomas Road and Hayden Road, being improved and open public rights-of-way.
- The descriptions provided mathematically close and contain no gaps, gores or overlaps between the parcels described.
- This ALTA / NSPS Land Title Survey was prepared specifically for the use of the parties named in the certification and their representatives. Use of this survey by any other party is forbidden unless expressly permitted in writing in advance by Superior Surveying Services, Inc. This survey is not to be used for design purposes. Superior Surveying Services, Inc. shall have no liability for any unauthorized use of this information without their prior written consent.

REFERENCES

GENERAL LAND OFFICE RECORDS ON FILE WITH THE U.S. DEPARTMENT OF THE INTERIOR BUREAU OF LAND MANAGEMENT

SUBDIVISION OF "WOODLAND SPRINGS" RECORDED IN BOOK 214 OF MAPS, PAGE 8, MARICOPA COUNTY RECORDS

CONDOMINIUM DEVELOPMENT OF "GOLFVIEW" RECORDED IN BOOK 219 OF MAPS, PAGE 36, MARICOPA COUNTY RECORDS

PLSS SUBDIVISION RECORD OF SURVEY OF "GDACS" RECORDED IN BOOK 734 OF MAPS, PAGE 10, MARICOPA COUNTY RECORDS

RECORD OF SURVEY IN BOOK 1248 OF MAPS, PAGE 31, MARICOPA COUNTY RECORDS

RECORD OF SURVEY IN BOOK 1463 OF MAPS, PAGE 40, MARICOPA COUNTY RECORDS

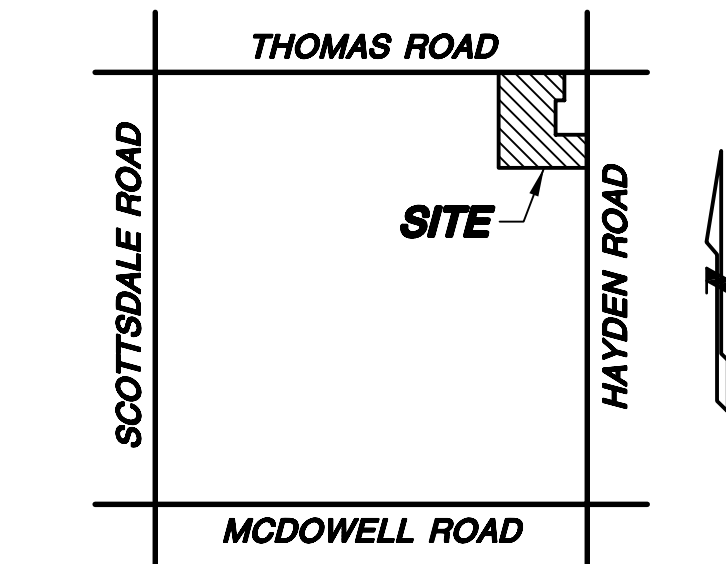
WARRANTY DEED IN 2001-0958820, MARICOPA COUNTY RECORDS

SIGNIFICANT OBSERVATIONS

- A EVIDENCE OF POTENTIAL ENCROACHMENT OF BUILDING OVER EASEMENT FOR ELECTRIC BY A MAXIMUM OF 7.34 FEET.

- Reservations contained in the Patent From: The United States of America To: Albert G. Utley
Recording Date: May 5, 1891
Recording No: Book 26 of Deeds, page 171
Which among other things recites as follows:
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 local customs, laws and decisions of the courts; and also subject to the right of the proprietor of a vein or lode to extract and remove his ore therefrom should the same be found to penetrate or intersect the premises hereby granted, as provided by law.
(PERTAINS TO LAND PATENT OVER SUBJECT PROPERTY - NOT PLOTTABLE)
- Matters contained in that certain document
Entitled: Flood Control Map
Recording Date: October 13, 1960
Recording No: Book 13 of Maps, page 79
Reference is hereby made to said document for full particulars.
(NO PLOTTABLE EASEMENTS REFERENCING SUBJECT PROPERTY ARE CREATED BY THIS DOCUMENT)
- Matters contained in that certain document
Entitled: Road Map
Recording Date: January 3, 1961
Recording No: Book 13 of Maps, page 95
Affects: North 65 feet of subject Section 35
Reference is hereby made to said document for full particulars.
(PLOTTED HEREON)
- Easement(s) for the purpose(s) shown below and rights incidental thereto as set forth in a document:
Purpose: Water lines, fire hydrants and appurtenances
Recording Date: February 1, 1978
Recording No: Docket 12690, page 1224
(as to Parcel No. 1)
(PLOTTED HEREON)
- Easement(s) for the purpose(s) shown below and rights incidental thereto as set forth in a document:
Purpose: Water lines, fire hydrants and appurtenances
Recording Date: July 31, 1978
Recording No: Docket 13058, page 672
(as to Parcel No. 1)
(PLOTTED HEREON)
- Easement(s) for the purpose(s) shown below and rights incidental thereto as set forth in a document:
Purpose: Public utilities
Recording Date: September 7, 1978
Recording No: Docket 13139, page 48
(as to Parcel No. 1)
(PLOTTED HEREON)
- Easement(s) for the purpose(s) shown below and rights incidental thereto as set forth in a document:
Purpose: Downguy lines and appurtenances
Recording Date: May 10, 1978
Recording No: Docket 13624, page 111
(as to Parcel No. 1)
(PLOTTED HEREON)
- Easement(s) for the purpose(s) shown below and rights incidental thereto as set forth in a document:
Purpose: Electric lines
Recording Date: December 27, 1979
Recording No: Docket 14120, page 833 and
Recording No: Docket 14120, page 835 and thereafter Partial Abandonment on
Recording Date: March 11, 2008
Recording No: 20080216322
(as to Parcel No. 1)
(PLOTTED HEREON)
- Matters contained in that certain document
Entitled: Indemnity Agreement
Recording Date: November 28, 1983
Recording No: 83-474374
Reference is hereby made to said document for full particulars.
(DOCUMENT REFERENCES INDIAN RIVER PLAZA AKA - 7901 E. THOMAS ROAD - NOT PLOTTABLE)
- Easement(s) for the purpose(s) shown below and rights incidental thereto as set forth in a document:
Purpose: Electric lines and appurtenances
Recording Date: June 7, 1993
Recording No: 93-0356818
(as to Parcel No. 1)
(PLOTTED HEREON)
- Covenants, conditions, restrictions and easements but omitting any covenants or restrictions, if any, including but not limited to those based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, source of income, gender, gender identity, gender expression, medical condition or genetic information, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law, as set forth in the document Recording No: 96-0204312
(REFERENCES SUBJECT PROPERTY - NOT PLOTTABLE)
- Matters contained in that certain document
Entitled: Resolution FCD 97-14
Recording Date: January 6, 1998
Recording No: 98-0008424
Reference is hereby made to said document for full particulars.
(REFERENCES SECTION 35 - NOT PLOTTABLE)

- An unrecorded lease with certain terms, covenants, conditions and provisions set forth therein as disclosed by the document
Entitled: Memorandum of Lease
Lessor: Indian River Plaza LLC, an Arizona limited liability company
Lessee: Office Depot Inc., a Delaware Corporation
Recording Date: February 18, 1999
Recording No: 99-0155390
(REFERENCES SUBJECT PROPERTY - NOT PLOTTABLE)
- An unrecorded lease with certain terms, covenants, conditions and provisions set forth therein as disclosed by the document
Entitled: Memorandum of Lease
Lessor: Indian River Plaza LLC, an Arizona limited liability company
Lessee: Osco Drug of Texas, Inc., a Delaware Corporation
Recording Date: March 29, 2001
Recording No: 2001-0250210
Amendment recorded March 29, 2001 in Recording No. 20030067441
Subordination recorded August 6, 2003 in Recording No. 20031065017.
(REFERENCES SUBJECT PROPERTY - NOT PLOTTABLE)
- Matters contained in that certain document
Entitled: Lot Split Approval
Recording Date: October 3, 2001
Recording No: 2001-0923037
Reference is hereby made to said document for full particulars.
(NO PLOTTABLE EASEMENTS REFERENCING SUBJECT PROPERTY ARE CREATED BY THIS DOCUMENT)
- Matters contained in that certain document
Entitled: Covenant and Agreement to Hold Property as One Parcel
Recording Date: October 3, 2001
Recording No: 2001-0923038 and Addendum on
Recording Date: December 27, 2002
Recording No: 20021404900
Reference is hereby made to said document for full particulars.
(NO PLOTTABLE EASEMENTS REFERENCING SUBJECT PROPERTY ARE CREATED BY THIS DOCUMENT)
- Covenants, conditions, restrictions and easements but omitting any covenants or restrictions, if any, including but not limited to those based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, source of income, gender, gender identity, gender expression, medical condition or genetic information, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law, as set forth in the document
Recording No: 20020063503
First Amendment recorded December 19, 2002 in Recording No. 20021369956
(NON EXCLUSIVE EASEMENT OVER & ACROSS SUBJECT PROPERTY & ADJOINING COMMON AREAS SHOWN HEREON FOR INGRESS & EGRESS, ACCESS, MAINTENANCE, PEDESTRIAN & VEHICULAR TRAFFIC, & UTILITIES - PLOTTED HEREON)
- An unrecorded lease with certain terms, covenants, conditions and provisions set forth therein as disclosed by the document
Entitled: Subordination, Non-Disturbance and Attornment Agreement
Lessor: Indian River Plaza LLC, an Arizona limited liability company
Lessee: Hamel 1997 LLC dba Margies Cards and Gift
Recording Date: February 7 2002
Recording No: 20020132271
(REFERENCES SUBJECT PROPERTY - NOT PLOTTABLE)
- Easement(s) for the purpose(s) shown below and rights incidental thereto as set forth in a document:
Purpose: Levees, dikes, channel and other words of drainage or flood control
Recording Date: August 16, 2002
Recording No: 20020836507
(PLOTTED HEREON)
- Easement(s) for the purpose(s) shown below and rights incidental thereto as set forth in a document:
Purpose: Power distribution
Recording Date: January 28, 2010
Recording No: 20100073669
(as to Parcel No. 1)
(PLOTTED HEREON)
- Easement(s) for the purpose(s) shown below and rights incidental thereto as set forth in a document:
Purpose: Public access
Recording Date: October 19, 2016
Recording No: 20160767089
(as to Parcel No. 1)
(PLOTTED HEREON)
- Easement(s) for the purpose(s) shown below and rights incidental thereto as set forth in a document:
Purpose: Power distribution
Recording Date: May 14, 2018
Recording No: 20180367626
(as to Parcel No. 1)
(PLOTTED HEREON)
- Easement(s) for the purpose(s) shown below and rights incidental thereto as set forth in a document:
Purpose: Power distribution
Recording Date: November 15, 2018
Recording No: 20180851090
(as to Parcel No. 1)
(PLOTTED HEREON)
- Matters shown on record of survey:
Recording No.: Book 1463 of Maps, page 40
(as to a portion of Parcel No. 1)
(NO PLOTTABLE EASEMENTS REFERENCING SUBJECT PROPERTY ARE CREATED BY THIS DOCUMENT)



DESCRIPTION

PARCEL NO. 1:
The East 710 feet of the North 710 feet of the Northeast quarter of the Northeast quarter of Section 35, Township 2 North, Range 4 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona;

EXCEPT the North 207.94 feet of the East 217.94 feet thereof; and EXCEPT the North 55 feet; and EXCEPT the East 65 feet EXCEPT that part of the Northeast quarter of the Northeast quarter of Section 35, Township 2 North, Range 4 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, described as follows:

COMMENCING at the Northeast corner of said Section 35; Thence North 89 degrees 59 minutes 52 seconds West, along the North line of the Northeast quarter of said Section 35, a distance of 217.94 feet; Thence South 00 degrees 08 minutes 06 seconds East, parallel with the East line of the Northeast quarter of said Section 35, a distance of 204.06 feet to the POINT OF BEGINNING; Thence continuing South 00 degrees 08 minutes 06 seconds East, a distance of 3.88 feet; Thence South 89 degrees 59 minutes 52 seconds East, parallel with said North line, a distance of 152.94 feet to a point on the West right of way line of Hayden Road, said point being 65.00 feet West of said East line; Thence South 00 degrees 08 minutes 06 seconds East, along the West right of way line and parallel with said East line, a distance of 200.10 feet; Thence departing said West right of way line, South 89 degrees 51 minutes 55 seconds West, a distance of 194.22 feet; Thence North 00 degrees 21 minutes 44 seconds East, a distance of 204.39 feet; Thence North 89 degrees 54 minutes 48 seconds East, parallel with said East line, a distance of 39.51 feet to the POINT OF BEGINNING.

PARCEL NO. 2:
That part of the Northeast quarter of the Northeast quarter of Section 35, Township 2 North, Range 4 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, described as follows:

COMMENCING at the Northeast corner of said Section 35; Thence West along the North line of said Section 35, 710 feet; Thence South 00 degrees 08 minutes 06 seconds East, 55 feet to the POINT OF BEGINNING; Thence continuing South 00 degrees 08 minutes 06 seconds East, 30 feet; Thence Northwesterly, 39 feet, more or less, to a point on a line lying 55 feet South of, and parallel to, the North line of said Section 35, said point lying 25 feet West of the Point of Beginning of this description; Thence East, along said line, 25 feet to the POINT OF BEGINNING.

PARCEL NO. 3:
That part of the Northeast quarter of the Northeast quarter of Section 35, Township 2 North, Range 4 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, described as follows:

COMMENCING at the Southwest corner of the North 710 feet of the East 710 feet (as measured along the North and East lines thereof) of the said Northeast quarter of the Northeast quarter of Section 35; Thence North 00 degrees 08 minutes 06 seconds West, along the said West line of the North 710 feet of the East 710 feet, 3.40 feet to the POINT OF BEGINNING; Thence continuing North 00 degrees 08 minutes 06 seconds West, along the said West line, herein before described, 246.60 feet; Thence South 29 degrees 08 minutes 45 seconds West, 267.58 feet; Thence South 84 degrees 22 minutes 21 seconds East, 131.54 feet, more or less, to the POINT OF BEGINNING.

AREA = 8.65 ACRES

376,710 SQ. FT.

CERTIFICATION

To: INDIAN RIVER PLAZA, L.L.C., an Arizona limited liability company and FIDELITY NATIONAL TITLE INSURANCE COMPANY:

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2016 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes Items 2, 4, 7(a), 7(b)(1), 7(c), 8, and 9 of Table A thereof. The field work was completed on July 24, 2019.

Date of Plat or Map: August 7, 2019
David S. Klein
R.L.S. 42137



ALTA/NSPS LAND TITLE SURVEY

7939 E. THOMAS ROAD
SCOTTSDALE, AZ 85257

2122 W. Lone Cactus Drive, Suite 11
Phoenix, AZ 85027
623-869-0223 (office) 623-869-0726 (fax)
www.superiorsurveying.com
info@superiorsurveying.com

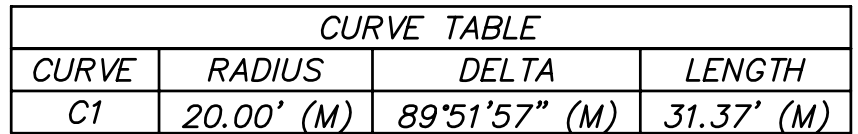
SUPERIOR
SURVEYING SERVICES, INC.

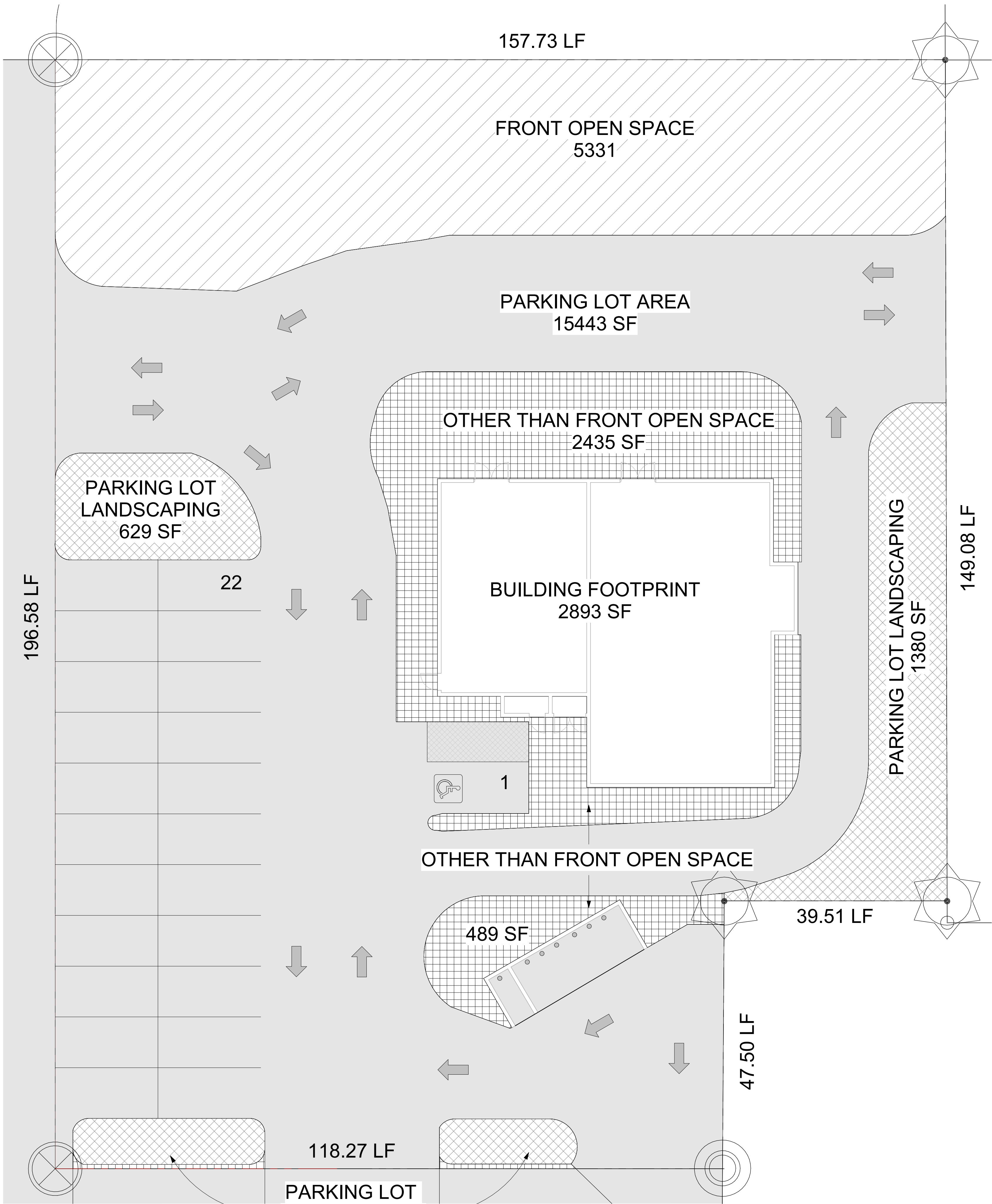
DWN: LE CHK: JW

SHEET 1 OF 2

DATE: 8/7/19

JOB NO.: 190722

[illegible]



① OPEN SPACE PLAN_DUNKIN LOT
1" = 10'-0"

PROJECT DATA

PROJECT OWNER	INDIAN RIVER PLAZA, LLC 6121 N SCOTTSDALE RED SCOTTSDALE, AZ 85250
APPLICANT	JAMMONSTUDIOS 7465 E OSBORN RD SCOTTSDALE, AZ 85251
PROJECT ADDRESS	7919 E THOMAS ROAD RD SCOTTSDALE, AZ 85251
PARCEL NUMBER	131-24-002M
ZONING	C-2
TOTAL BUILDING FOOTPRINT	2893 (DUNKIN DONUTS BUILDING ONLY) OF PROPOSED LOT SPLIT
BUILDING HEIGHT	24' - 6"

PARKING DATA

PARKING REQUIRED	DUNKIN DONUTS LOT (PROPOSED LOT SPLIT)
RESTAURANT @ 1804 SF	15 SPACES (1 SPACE PER 125 SF)
RETAIL @ 1000 SF	4 SPACES (1 SPACE PER 250 SF)
	19 SPACES
PARKING PROVIDED	DUNKIN DONUTS LOT (PROPOSED LOT SPLIT)
TYPICAL SPACE	22 SPACES
ADA SPACE	1 SPACE (4% OF 22 PROVIDED SPACES)
	23 SPACES IN TOTAL

OPEN SPACE CALCULATIONS:

<u>REQUIRED OPEN SPACE:</u>		
FIRST 12 FEET OF HEIGHT = 10% OF NET LOT AREA	.10 X 29,165 SF	= 2,917 SF
NEXT 12.5 FEET OF HEIGHT = 12.5 X .004 X NET LOT AREA	12.5 X .004 X 29,195 SF	= 1,459 SF
OPEN SPACE REQUIRED (NOT INCLUDING PARKING LOT LANDSCAPING)	2,917 SF + 1,459 SF	= 4,376 SF
OPEN SPACE PROVIDED	5,331 SF + 2,944 SF	= 8,275 SF
<u>REQUIRED PARKING LOT LANDSCAPING:</u>		
PARKING LOT AREA X 15%	15,443 SF X 15%	= 2,317 SF
PARKING LOT LANDSCAPE PROVIDED		= 2,468 SF
<u>FRONT OPEN SPACE:</u>		
50% OF OPEN SPACE (REQUIRED)	4,376 SF X 50%	= 2,188 SF
OPEN SPACE (PROVIDED)		= 5,331 SF

LEGEND

FRONT OPEN SPACE	5,331 SF
PARKING LOT LANDSCAPING	2,468 SF
OTHER THAN FRONT OPEN SPACE	2,944 SF
PARKING AREA	15,443 SF

INDIAN RIVER LOT SPLIT

PROJECT ADDRESS
7939 E THOMAS ROAD
SCOTTSDALE, AZ 85251

PROJECT NUMBER
7939

ISSUE RECORD

DATE
2020-01-06

DRAWN BY
JammonStudios

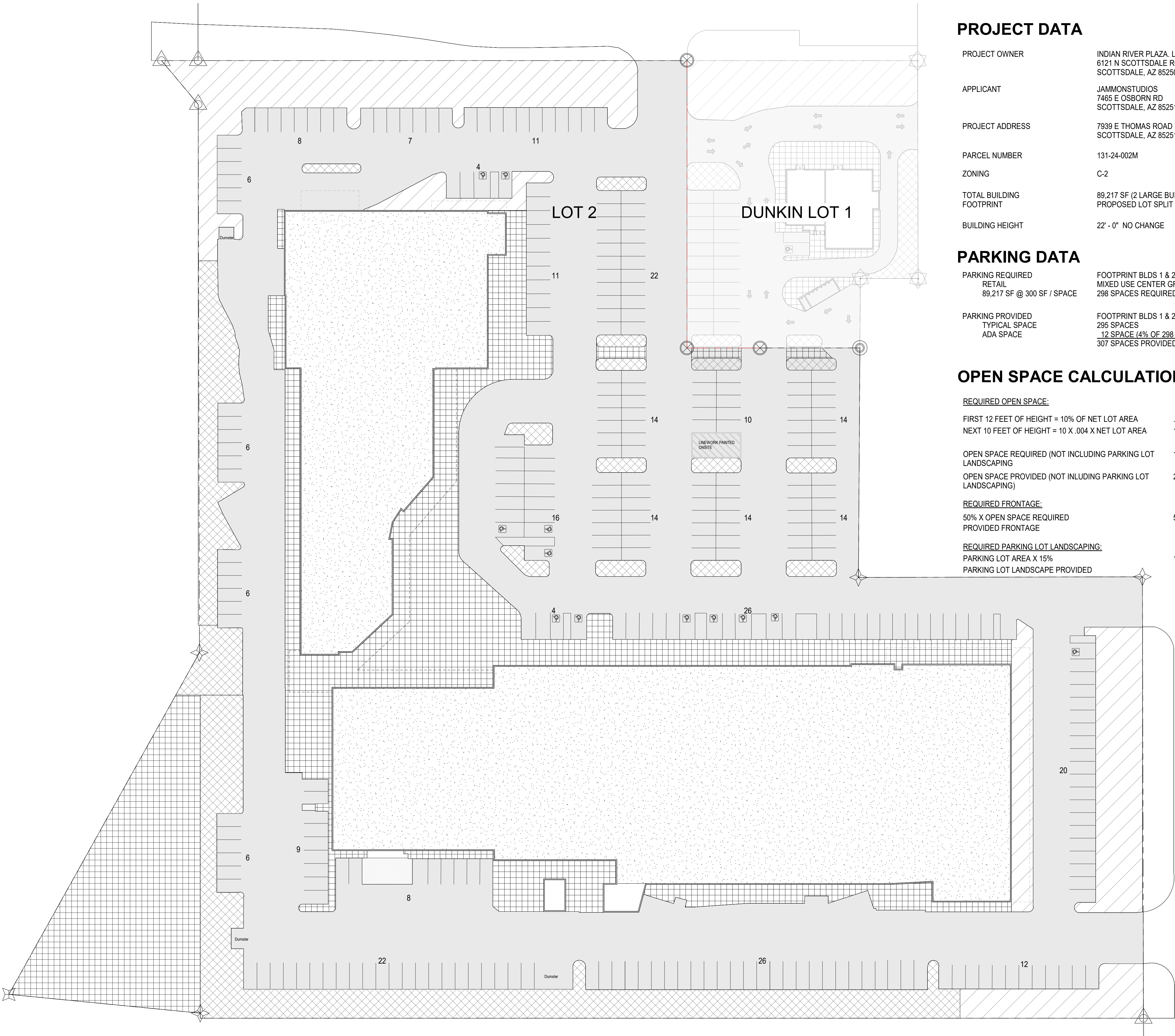
REGISTRATION



OPEN SPACE PLAN & PARKING_DUNKIN LOT

SHEET NUMBER

A101



PROJECT DATA

PROJECT OWNER	INDIAN RIVER PLAZA, LLC 6121 N SCOTTSDALE ROAD SCOTTSDALE, AZ 85250
APPLICANT	JAMMONSTUDIOS 7465 E OSBORN RD SCOTTSDALE, AZ 85251
PROJECT ADDRESS	7939 E THOMAS ROAD RD SCOTTSDALE, AZ 85251
PARCEL NUMBER	131-24-002M
ZONING	C-2
TOTAL BUILDING FOOTPRINT	89,217 SF (2 LARGE BUILDINGS ONLY) OF PROPOSED LOT SPLIT
BUILDING HEIGHT	22' - 0" NO CHANGE

PARKING DATA

PARKING REQUIRED RETAIL 89,217 SF @ 300 SF / SPACE	FOOTPRINT BLDs 1 & 2 (PROPOSED LOT SPLIT) MIXED USE CENTER GREATER THAN 20,000 SF 298 SPACES REQUIRED
PARKING PROVIDED TYPICAL SPACE ADA SPACE	FOOTPRINT BLDs 1 & 2 (PROPOSED LOT SPLIT) 295 SPACES 12 SPACE (4% OF 298 PROVIDED SPACES) 307 SPACES PROVIDED

OPEN SPACE CALCULATIONS:

REQUIRED OPEN SPACE:			
FIRST 12 FEET OF HEIGHT = 10% OF NET LOT AREA	.10 X 348,825 SF	=	34,882 SF
NEXT 10 FEET OF HEIGHT = 10 X .004 X NET LOT AREA	10 X .004 X 348,825 SF	=	13,953 SF
OPEN SPACE REQUIRED (NOT INCLUDING PARKING LOT LANDSCAPING)	13,953 SF + 34,882 SF	=	48,835 SF
OPEN SPACE PROVIDED (NOT INCLUDING PARKING LOT LANDSCAPING)	26,383 SF + 49,325 SF	=	75,708 SF
REQUIRED FRONTAGE:			
50% X OPEN SPACE REQUIRED	50% X 48,835	=	24,418 SF
PROVIDED FRONTAGE	26,383 SF		26,383 SF
			1,965 SF OVER
REQUIRED PARKING LOT LANDSCAPING:			
PARKING LOT AREA X 15%	150,351 SF X 15%	=	22,553 SF
PARKING LOT LANDSCAPE PROVIDED		=	26,137 SF

LEGEND

FRONT OPEN SPACE	26,383 SF
PARKING LOT LANDSCAPING	26,137 SF
OTHER THAN FRONT OPEN SPACE	49,325 SF
PARKING AREA	150,351 SF
BUILDING FOOTPRINT	89,217 SF

INDIAN RIVER
LOT SPLIT

ISSUE RECORD

CASE # 13-MD-2019

REVIEW CYCLE	DATE
SUBMITTAL 1	2019-08-19
COS COMMENTS TO SUBMITTAL 1	2019-10-29
SUBMITTAL 2	2020-01-06
COS COMMENTS TO SUBMITTAL 2	2020-01-23
SUBMITTAL 3	2020-02-21



OPEN SPACE
PLAN &
PARKING LOT 1

MINOR LAND DIVISION PLAT
7939 E. THOMAS ROAD

A MINOR LAND DIVISION OF A PORTION OF THE NORTHEAST QUARTER OF
SECTION 35, TOWNSHIP 2 NORTH, RANGE 4 EAST OF THE GILA AND SALT
RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA

OWNER: INDIAN RIVER PLAZA, L.L.C., AN ARIZONA LIMITED LIABILITY COMPANY

DEDICATION

STATE OF ARIZONA }
COUNTY OF MARICOPA }ss

INDIAN RIVER PLAZA, L.L.C., AN ARIZONA LIMITED LIABILITY COMPANY, OWNER, HEREBY SUBDIVIDE 7939 E. THOMAS ROAD, MARICOPA COUNTY, ARIZONA, UNDER THE NAME "MINOR LAND DIVISION PLAT 7939 E. THOMAS ROAD" AS SHOWN ON THIS FINAL PLAT. THIS PLAT SETS FORTH THE LOCATION AND GIVES THE DIMENSIONS OF THE LOTS CONSTITUTING THE SUBDIVISION. EACH LOT SHALL BE KNOWN BY THE NUMBER OR DESCRIPTION GIVEN EACH RESPECTIVELY ON THIS PLAT.

GRANTOR WARRANTS AND COVENANTS TO GRANTEE AND ITS SUCCESSORS AND ASSIGNS THAT GRANTOR IS LAWFULLY SEIZED AND POSSESSED OF THE PROPERTY; THAT GRANTOR HAS A GOOD AND LAWFUL RIGHT TO MAKE THE CONVEYANCE DESCRIBED HEREIN; AND THAT GRANTEE SHALL HAVE TITLE AND QUIET POSSESSION AGAINST THE CLAIMS OF ALL PERSONS.

INDIAN RIVER PLAZA, L.L.C., AN ARIZONA LIMITED LIABILITY COMPANY, OWNER, GRANTOR, DEDICATES TO THE CITY OF SCOTTSDALE, AN ARIZONA MUNICIPAL CORPORATION, GRANTEE:

A. EMERGENCY AND SERVICE ACCESS (E.S.A.):
A PERPETUAL, NON-EXCLUSIVE EASEMENT SHOWN HEREON UPON, OVER, UNDER AND ACROSS THE PROPERTY ON THIS PLAT, FOR ACCESS FOR EMERGENCY, PUBLIC SAFETY, REFUSE COLLECTION, UTILITY, AND OTHER SERVICE PERSONNEL AND VEHICLES AND FOR THE RIGHT TO CONSTRUCT, OPERATE, USE, MAINTAIN, REPAIR AND REPLACE IMPROVEMENTS RELATED TO ACCESS AS CITY DEEMS NECESSARY FOR ACCESS PURPOSES.

B. WATER FACILITIES (W.F.):
A PERPETUAL, NON-EXCLUSIVE EASEMENT SHOWN HEREON UPON, OVER, UNDER AND ACROSS THE PROPERTY ON THIS PLAT FOR WATER PIPES AND OTHER RELATED FACILITIES, AND FOR CONSTRUCTION, OPERATION, USE, MAINTENANCE, REPAIR, MODIFICATION AND REPLACEMENT OF PIPES AND OTHER RELATED FACILITIES.

THE PERSON EXECUTING THIS DOCUMENT ON BEHALF OF A CORPORATION, TRUST OR OTHER ORGANIZATION WARRANTS HIS OR HER AUTHORITY TO DO SO AND THAT ALL PERSONS NECESSARY TO BIND GRANTOR HAVE JOINED IN THIS DOCUMENT. THIS DOCUMENT RUNS WITH THE LAND IN FAVOR OF GRANTEE'S SUCCESSORS AND ASSIGNS.

DATED THIS ____ DAY OF _____, 2020.

GRANTOR: INDIAN RIVER PLAZA, L.L.C., AN ARIZONA LIMITED LIABILITY COMPANY

BY: _____
[NAME], [TITLE]

ACKNOWLEDGMENT

STATE OF _____ }
COUNTY OF _____ }ss

THIS DOCUMENT WAS ACKNOWLEDGED BEFORE ME THIS _____ DAY OF

_____, 2020, BY _____, FOR AND ON BEHALF

OF INDIAN RIVER PLAZA, L.L.C., AN ARIZONA LIMITED LIABILITY COMPANY.

NOTARY PUBLIC

MY COMMISSION EXPIRES:

NOTES

- THIS DEVELOPMENT IS ON THE CITY OF SCOTTSDALE WATER SYSTEM, WHICH HAS A CERTIFICATION OF ASSURED WATER SUPPLY.
- CONSTRUCTION WITHIN PUBLIC UTILITY EASEMENTS, EXCEPT BY PUBLIC AGENCIES AND UTILITY COMPANIES, SHALL BE LIMITED TO LANDSCAPING AND REMOVABLE TYPE FENCING AND MUST BE IN CONFORMANCE WITH THE APPLICABLE CC&R'S AND DESIGN GUIDELINES.
- THE BASIS OF BEARING IS THE MONUMENT LINE OF THOMAS ROAD, ALSO BEING THE NORTH LINE OF THE NORTHEAST QUARTER OF SECTION 35, USING A BEARING OF NORTH 89 DEGREES 59 MINUTES 52 SECONDS WEST PER WARRANTY DEED IN DOCUMENT NO. 2001-0958820, RECORDS OF MARICOPA COUNTY, ARIZONA.
- PROPERTY OWNERS SHALL MAINTAIN ALL ADJACENT EASEMENT AND LANDSCAPING AREAS.

FLOOD PLAIN CERTIFICATION

THIS IS TO CERTIFY THAT THE ABOVE SUBJECT PROPERTY LIES WITHIN ZONE X (SHADED), AS DESIGNATED ON THE FLOOD INSURANCE RATE MAP, MAP NUMBER 04013C2235L, DATED OCTOBER 16, 2013. ZONE X (SHADED) IS DEFINED AS "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."

ZONING

ZONE C-2 (CENTRAL BUSINESS)

PERTINENT DOCUMENTS LIST

GENERAL LAND OFFICE RECORDS ON FILE WITH THE U.S. DEPARTMENT OF THE INTERIOR BUREAU OF LAND MANAGEMENT

SUBDIVISION OF "WOODLAND SPRINGS" RECORDED IN BOOK 214 OF MAPS, PAGE 8, MARICOPA COUNTY RECORDS

CONDOMINIUM DEVELOPMENT OF "GOLFVIEW" RECORDED IN BOOK 219 OF MAPS, PAGE 36, MARICOPA COUNTY RECORDS

PLSS SUBDIVISION RECORD OF SURVEY OF "GDACS" RECORDED IN BOOK 734 OF MAPS, PAGE 10, MARICOPA COUNTY RECORDS

RECORD OF SURVEY IN BOOK 1248 OF MAPS, PAGE 31, MARICOPA COUNTY RECORDS

RECORD OF SURVEY IN BOOK 1463 OF MAPS, PAGE 40, MARICOPA COUNTY RECORDS

WARRANTY DEED IN 2001-0958820, MARICOPA COUNTY RECORDS

PARENT PARCEL
LEGAL DESCRIPTION

PARCEL NO. 1:
THE EAST 710 FEET OF THE NORTH 710 FEET OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 35, TOWNSHIP 2 NORTH, RANGE 4 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA;

EXCEPT THE NORTH 207.94 FEET OF THE EAST 217.94 FEET THEREOF; AND EXCEPT THE NORTH 55 FEET; AND EXCEPT THE EAST 65 FEET

EXCEPT THAT PART OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 35, TOWNSHIP 2 NORTH, RANGE 4 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 35;
THENCE NORTH 89 DEGREES 59 MINUTES 52 SECONDS WEST, ALONG THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 35, A DISTANCE OF 217.94 FEET;
THENCE SOUTH 00 DEGREES 08 MINUTES 06 SECONDS EAST, PARALLEL WITH THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 35, A DISTANCE OF 204.06 FEET TO THE POINT OF BEGINNING;
THENCE CONTINUING SOUTH 00 DEGREES 08 MINUTES 06 SECONDS EAST, A DISTANCE OF 3.88 FEET;
THENCE SOUTH 89 DEGREES 59 MINUTES 52 SECONDS EAST, PARALLEL WITH SAID NORTH LINE, A DISTANCE OF 152.94 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF HAYDEN ROAD, SAID POINT BEING 65.00 FEET WEST OF SAID EAST LINE;
THENCE SOUTH 00 DEGREES 08 MINUTES 06 SECONDS EAST, ALONG THE WEST RIGHT OF WAY LINE AND PARALLEL WITH SAID EAST LINE, A DISTANCE OF 200.10 FEET;
THENCE DEPARTING SAID WEST RIGHT OF WAY LINE, SOUTH 89 DEGREES 51 MINUTES 55 SECONDS WEST, A DISTANCE OF 194.22 FEET;
THENCE NORTH 00 DEGREES 21 MINUTES 44 SECONDS EAST, A DISTANCE OF 204.39 FEET;
THENCE NORTH 89 DEGREES 54 MINUTES 48 SECONDS EAST, PARALLEL WITH SAID EAST LINE, A DISTANCE OF 39.51 FEET TO THE POINT OF BEGINNING.

PARCEL NO. 2:
THAT PART OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 35, TOWNSHIP 2 NORTH, RANGE 4 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

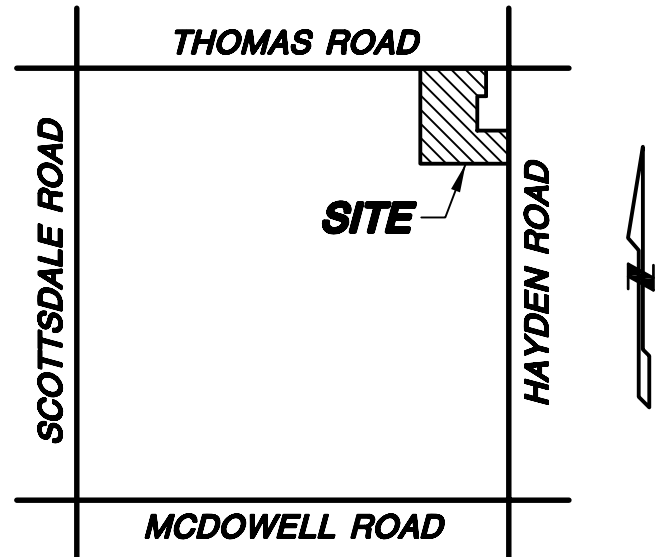
COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 35;
THENCE WEST ALONG THE NORTH LINE OF SAID SECTION 35, 710 FEET;
THENCE SOUTH 00 DEGREES 08 MINUTES 06 SECONDS EAST, 55 FEET TO THE POINT OF BEGINNING;
THENCE CONTINUING SOUTH 00 DEGREES 08 MINUTES 06 SECONDS EAST, 30 FEET;
THENCE NORTHWESTERLY, 39 FEET, MORE OR LESS, TO A POINT ON A LINE LYING 55 FEET SOUTH OF, AND PARALLEL TO, THE NORTH LINE OF SAID SECTION 35, SAID POINT LYING 25 FEET WEST OF THE POINT OF BEGINNING OF THIS DESCRIPTION;
THENCE EAST, ALONG SAID LINE, 25 FEET TO THE POINT OF BEGINNING.

PARCEL NO. 3:
THAT PART OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 35, TOWNSHIP 2 NORTH, RANGE 4 EAST OF THE OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE NORTH 710 FEET OF THE EAST 710 FEET (AS MEASURED ALONG THE NORTH AND EAST LINES THEREOF) OF THE SAID NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 35;
THENCE NORTH 00 DEGREES 08 MINUTES 06 SECONDS WEST, ALONG THE SAID WEST LINE OF THE NORTH 710 FEET OF THE EAST 710 FEET, 3.40 FEET TO THE POINT OF BEGINNING;
THENCE CONTINUING NORTH 00 DEGREES 08 MINUTES 06 SECONDS WEST, ALONG THE SAID WEST LINE, HEREIN BEFORE DESCRIBED, 246.60 FEET;
THENCE SOUTH 29 DEGREES 08 MINUTES 45 SECONDS WEST, 267.58 FEET;
THENCE SOUTH 84 DEGREES 22 MINUTES 21 SECONDS EAST, 131.54 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

AREA TABLE

LOT 1	29,172 SQ. FT. 0.67 ACRES ±
LOT 2	347,538 SQ. FT. 7.98 ACRES ±
TOTAL	376,710 SQ. FT. 8.65 ACRES ±



VICINITY MAP

NOT TO SCALE

SURVEYOR

SUPERIOR SURVEYING SERVICES INC.
2122 W. LONE CACTUS DRIVE, SUITE 11
PHOENIX, AZ 85027
PHONE: (623)869-0223
FAX: (623)869-0726
CONTACT: DAVID S. KLEIN

CERTIFICATION

- THIS IS TO CERTIFY THAT
- I AM A LAND SURVEYOR REGISTERED TO PRACTICE IN ARIZONA;
 - THIS PLAT WAS MADE UNDER MY DIRECTION;
 - THIS PLAT MEETS THE "MINIMUM STANDARDS FOR ARIZONA LAND BOUNDARY SURVEYS";
 - THE SURVEY AND DIVISION OF THE SUBJECT PROPERTY DESCRIBED AND PLATTED HEREON WERE MADE DURING THE MONTH OF JANUARY, 2020;
 - THE SURVEY IS TRUE AND COMPLETE AS SHOWN;
 - MONUMENTS SHOWN ACTUALLY EXIST OR WILL BE SET BEFORE RECORDATION;
 - THEIR POSITIONS ARE CORRECTLY SHOWN; AND
 - SAID MONUMENTS ARE SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED.

DAVID S. KLEIN
R.L.S. #42137

—FOR REVIEW—
NOT FOR
CONSTRUCTION
OR RECORDING



APPROVALS

THIS PLAT HAS BEEN REVIEWED FOR COMPLIANCE WITH THE CITY OF SCOTTSDALE'S DESIGN STANDARDS AND POLICY MANUAL SPECIFICATIONS.

BY: _____
CHIEF DEVELOPMENT OFFICER DATE

THIS SUBDIVISION HAS BEEN REVIEWED FOR COMPLIANCE WITH THE DEVELOPMENT STANDARDS OF THE CITY OF SCOTTSDALE'S DEVELOPMENT REVIEW BOARD (DRB) CASE NO. _____, AND ALL CASE RELATED STIPULATIONS.

BY: _____
PLAT COORDINATOR DATE

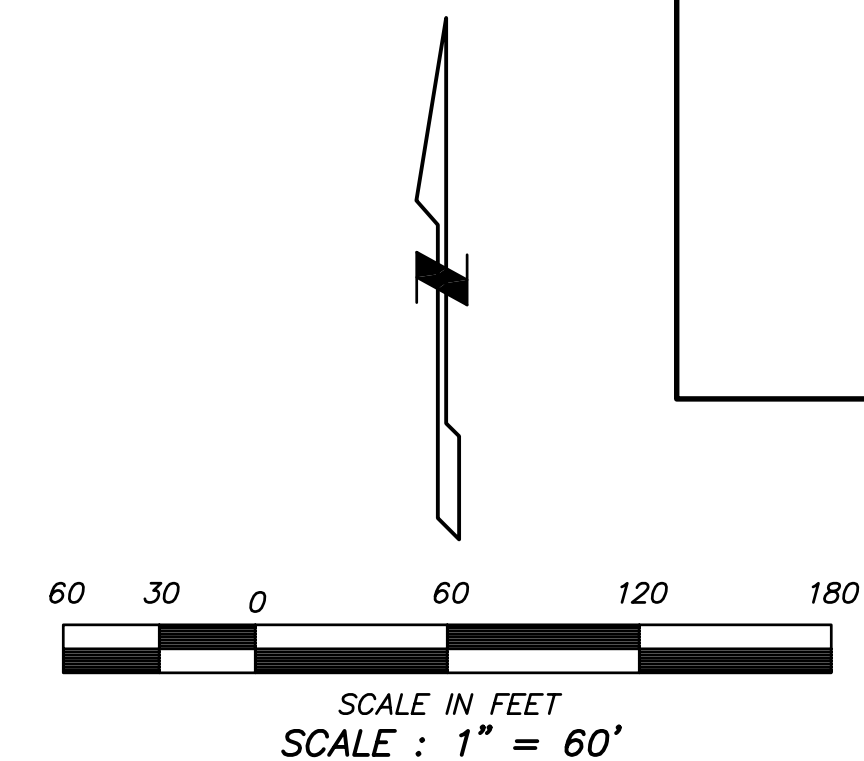
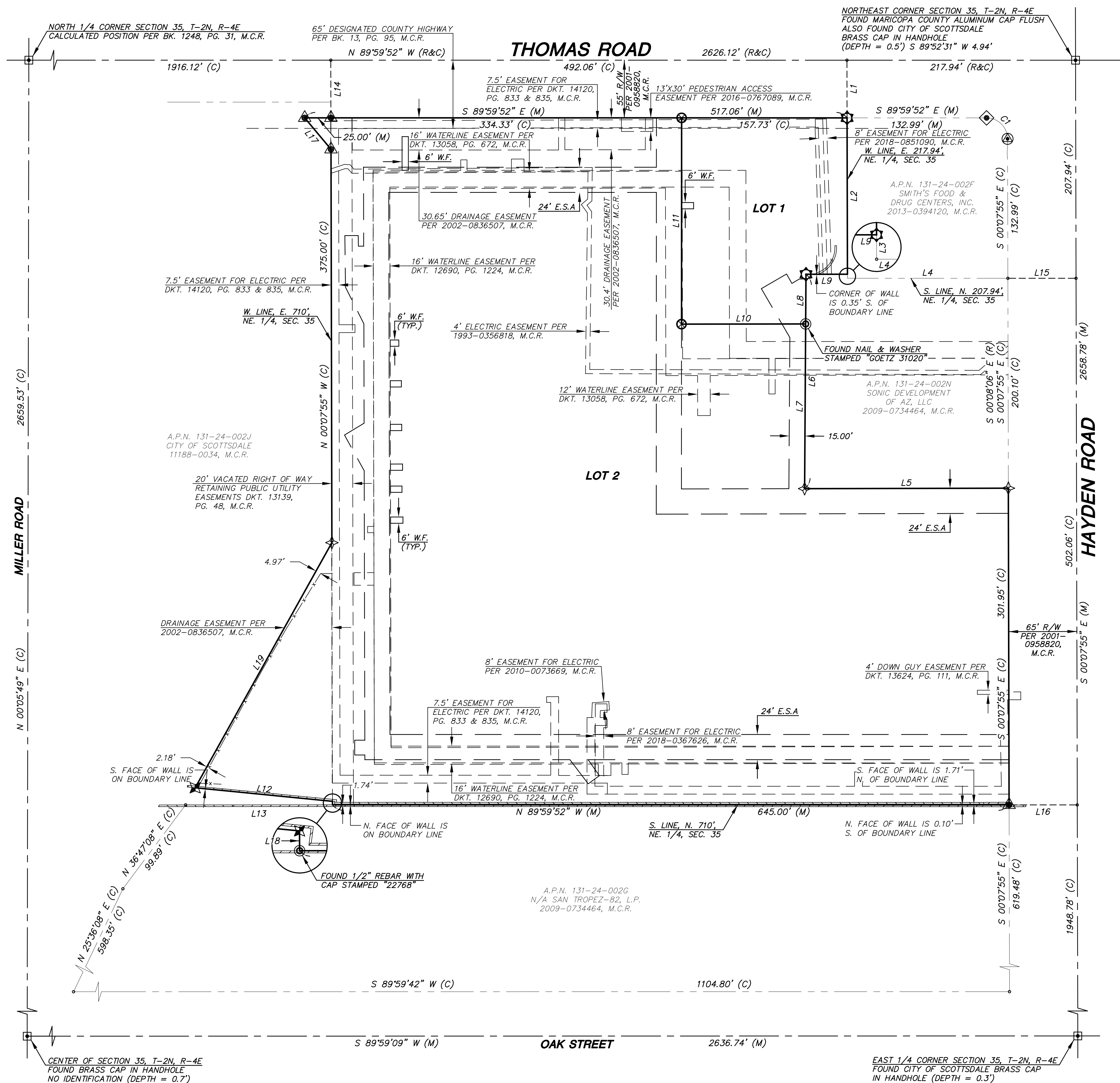
MINOR LAND DIVISION PLAT
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DWN: LE CHK: JW
SHEET 1 OF 3
DATE: 1/2/20
JOB NO.: 190722

CASE # 13-MD-2019



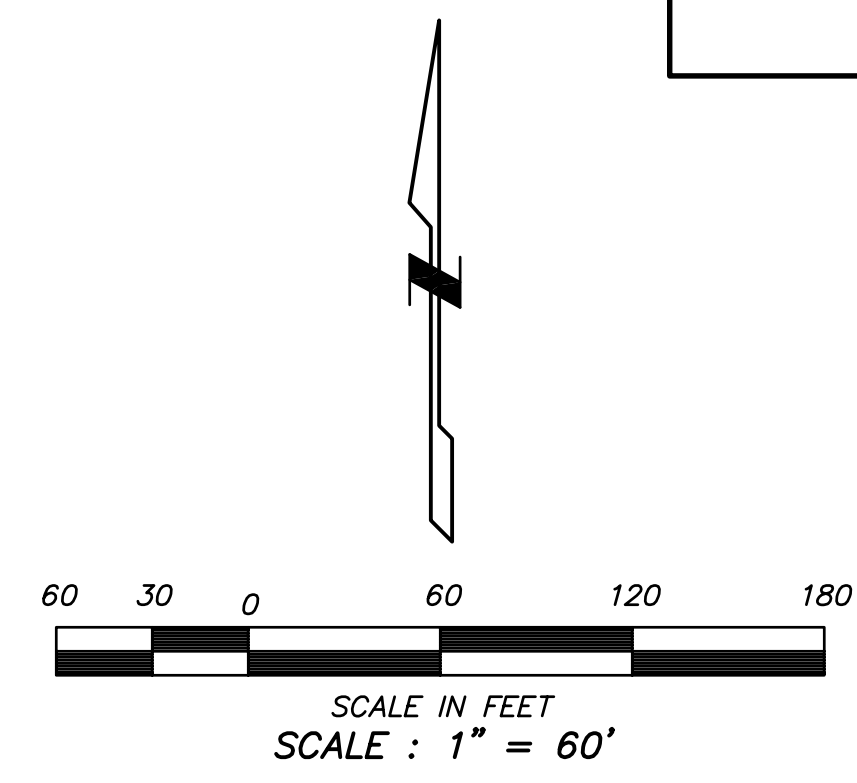
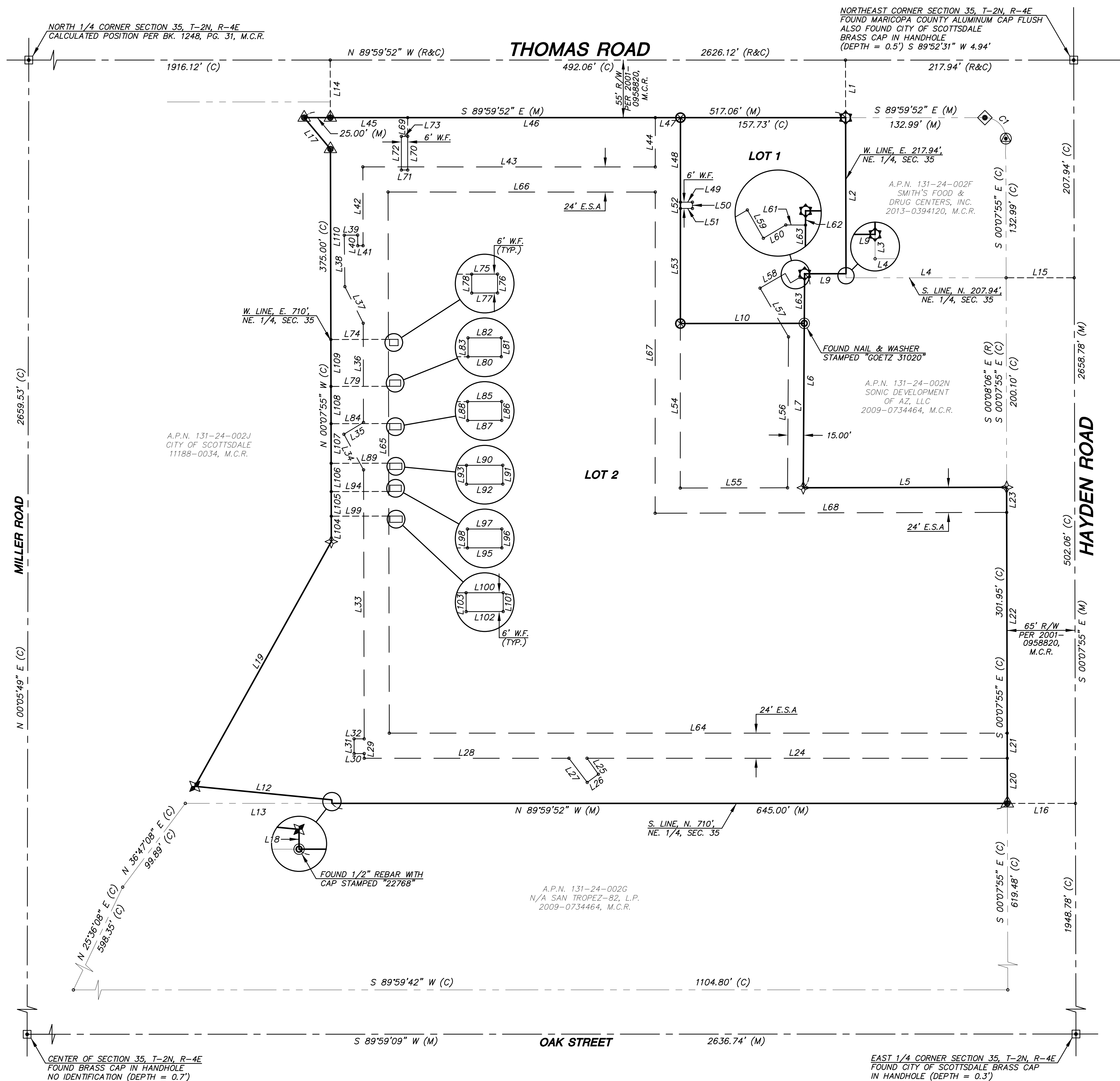
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SUPERIOR
SURVEYING SERVICES, INC.

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SHEET 2 OF 3
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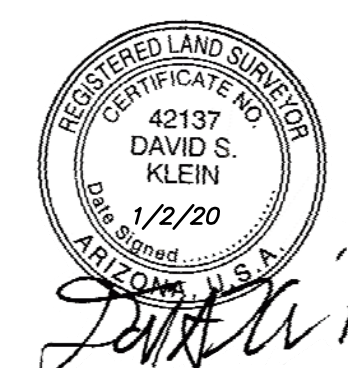
CASE # 13-MD-2019



LINE TABLE		
LINE	BEARINGS	LENGTH
L20	S 00°07'55" E	43.09'
L21	S 00°07'55" E	24.00'
L22	S 00°07'55" E	210.86'
L23	S 00°07'55" E	24.00'
L24	N 89°59'52" W	401.28'
L25	S 35°25'29" E	18.68'
L26	S 53°50'20" W	13.22'
L27	N 37°11'08" W	28.90'
L28	N 89°59'52" W	195.46'
L29	N 00°07'55" W	4.47'
L30	S 89°58'22" E	9.66'
L31	S 00°07'30" E	14.09'
L32	N 89°51'54" W	9.66'
L33	N 00°07'55" W	256.97'
L34	S 28°56'25" E	38.82'
L35	N 58°48'02" E	21.84'
L36	N 00°07'55" W	94.75'
L37	S 26°36'43" E	39.08'
L38	S 00°43'36" E	49.16'
L39	N 89°33'27" E	12.77'
L40	S 00°42'19" E	10.13'
L41	N 89°52'05" E	5.07'
L42	N 00°07'55" W	75.25'
L43	N 89°59'52" W	279.25'
L44	S 00°01'32" W	47.05'
L45	S 89°59'52" E	73.86'
L46	S 89°59'52" E	236.47'
L47	S 89°59'52" E	24.00'
L48	S 00°01'32" W	80.75'
L49	S 89°52'05" W	11.46'
L50	N 00°07'55" W	6.00'
L51	S 89°52'05" W	11.48'
L52	S 00°01'32" W	6.00'
L53	S 00°01'32" W	109.91'
L54	S 00°01'32" W	157.12'
L55	S 89°52'06" W	102.43'
L56	N 00°21'55" E	144.16'
L57	S 30°16'47" E	53.90'
L58	N 59°47'12" E	27.80'
L59	S 29°31'48" E	10.34'
L60	N 59°18'05" E	8.30'
L61	S 89°38'05" E	6.28'
L62	N 00°21'55" E	4.52'
L63	N 00°21'55" E	42.83'
L64	N 89°59'52" W	590.05'
L65	N 00°07'55" W	516.86'

LINE TABLE		
LINE	BEARINGS	LENGTH
L66	N 89°59'52" W	255.18'
L67	S 00°01'32" W	306.78'
L68	S 89°52'06" W	335.71'
L69	S 00°00'08" W	17.87'
L70	S 00°00'08" W	32.14'
L71	S 89°59'52" E	6.00'
L72	S 00°00'08" W	32.14'
L73	S 89°59'52" E	6.00'
L74	S 89°52'05" W	56.00'
L75	S 89°52'05" W	8.24'
L76	N 00°07'55" W	6.00'
L77	S 89°52'05" W	8.24'
L78	S 00°07'55" E	6.00'
L79	S 89°52'05" W	56.00'
L80	S 89°52'05" W	10.58'
L81	N 00°07'55" W	6.00'
L82	S 89°52'05" W	10.58'
L83	S 00°07'55" E	6.00'
L84	S 89°52'05" W	56.00'
L85	S 89°52'05" W	10.85'
L86	N 00°07'55" W	6.00'
L87	S 89°52'05" W	10.85'
L88	S 00°07'55" E	6.00'
L89	S 89°52'05" W	56.00'
L90	S 89°52'05" W	11.54'
L91	N 00°07'55" W	6.00'
L92	S 89°52'05" W	11.54'
L93	S 00°07'55" E	6.00'
L94	S 89°52'05" W	56.00'
L95	S 89°52'05" W	10.95'
L96	S 00°07'55" E	6.00'
L97	S 89°52'05" W	10.95'
L98	N 00°07'55" W	6.00'
L99	S 89°52'05" W	56.00'
L100	S 89°52'05" W	11.80'
L101	N 00°07'55" W	6.00'
L102	S 89°52'05" W	11.80'
L103	S 00°07'55" E	6.00'
L104	N 00°07'55" W	24.31'
L105	N 00°07'55" W	23.50'
L106	N 00°07'55" W	26.99'
L107	N 00°07'55" W	37.88'
L108	N 00°07'55" W	35.57'
L109	N 00°07'55" W	44.83'
L110	N 00°07'55" W	181.92'

—FOR REVIEW—
NOT FOR
CONSTRUCTION
OR RECORDING



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