

RESOLUTION NO. 2024-96

A RESOLUTION OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA DECLARING A PUBLIC NEED AND NECESSITY AND A PUBLIC USE; AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO ACQUIRE ON BEHALF OF THE CITY OF PEORIA THROUGH DONATION, OUTRIGHT PURCHASE OR UNDER THE POWER OF EMINENT DOMAIN FOR PUBLIC PURPOSES OF ALL INTEREST IN CERTAIN DESCRIBED REAL PROPERTY IN THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA, IN ORDER FOR THE CITY TO PROPERLY AND ADEQUATELY IMPROVE AND DEVELOP JOMAX ROAD BETWEEN 72ND DRIVE AND 75TH AVENUE AS A MATTER OF PUBLIC NEED AND NECESSITY; REFERENCING TITLE 12 OF STATE LAW CONCERNING THE EXERCISE OF EMINENT DOMAIN FOR PUBLIC ROADS, STREETS, AND PUBLIC SAFETY PURPOSES; STATING THE CONCLUSION OF THE PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT THAT THE ACQUISITION IS IN CONFORMITY WITH THE ADOPTED GENERAL PLAN; AS A MATTER OF PUBLIC NEED AND NECESSITY AND DECLARING AN EMERGENCY.

THEREFORE IT IS RESOLVED by the Mayor and Council of the City of Peoria, Arizona as follows:

SECTION 1. AUTHORIZATION TO ACQUIRE

That the City Attorney on behalf of the City of Peoria, Arizona is authorized and directed to acquire and/or condemn all the real property described in the attached Exhibit "A" pursuant to Title 12, Chapter 8, Article 2, Arizona Revised Statutes and to file on behalf of the City such litigation as necessary to consummate the acquisition of such property under the power of eminent domain and to do all things necessary to accomplish this purpose, including but not limited to obtaining title reports and appraisals and other expert assistance for such purposes. The Assessor Parcel Numbers associated with the legal descriptions in the attached Exhibit "A" are:

APN 201-09-011Y – Right of Way, PUE

APN 201-09-011Z – Right of Way, PUE, TCE

APN 201-09-958 – Right of Way, PUE, TCE

SECTION 2. EMINENT DOMAIN AUTHORITY PURSUANT TO TITLE 12 OF STATE LAW: AUTHORIZATION TO OBTAIN IMMEDIATE POSSESSION

That the City Attorney on behalf of the City of Peoria, Arizona is authorized to petition the Superior Court to enter an order that the City of Peoria be allowed immediate possession and full use of all of the real property described in Exhibit "A" pursuant to Title 12, Chapter 8, Article 2, Section 12-1116 and to immediately determine the probable damages resulting from City of Peoria being allowed to have immediate possession of the real property described in Exhibit "A" and to set the amount of a bond in a form to be approved by the Court or to deposit the equivalent amount of City funds budgeted and appropriated and to do all things necessary to accomplish this purpose.

SECTION 3. DETERMINATION OF CONFORMITY WITH GENERAL PLAN

That the Planning and Community Development Department, which is the designated "planning agency" for the City of Peoria for purposes of Arizona Revised Statutes Title 9, Chapter 4, Article 6 ("Municipal Planning"), has reviewed the acquisition of the Property for conformity with the adopted Peoria General Plan pursuant to A.R.S. § 9-461.07(C) and reported that the location, purpose, and extent of the acquisition of the Property conforms with the Peoria General Plan.

SECTION 4. EFFECTIVE DATE

WHEREAS, the immediate operation of the provisions of this Resolution is necessary for the preservation of the public peace, health and safety, an Emergency is declared to exist and this Resolution shall be in full force and effect from and after its passage by the Council as required by the City Charter and is exempted from the referendum clause of the Charter.

Resolution No. 2024-96
December 17, 2024
Page 3

PASSED AND ADOPTED by the Mayor and Council of the City of Peoria,
Arizona, this 17th day of December, 2024.

Jason Beck, Mayor

ATTEST:

Agnes Goodwine, City Clerk

APPROVED AS TO FORM:

Emily Jurmu, City Attorney

ATTACHMENTS:

Exhibit A - Legal Descriptions



EXHIBIT A

LEGAL DESCRIPTION

DESCRIPTION OF PERMANENT RIGHT-OF-WAY

Being a part of a tract of land conveyed to Jason Bowers and Jennifer Bowers, as recorded in Document 2021-0937479, Maricopa County Records, located in the Northwest quarter of Section 1, Lot 4, Township 4 North, Range 1 East of the Gila and Salt River Meridian, City of Peoria, Maricopa County, Arizona being further described as follows:

COMMENCING at a 1/2" steel pin marking the Northwest corner of said section being North 89°56'01" West, 5276.07 feet from a brass capped monument in handhole marking the Northeast corner of said section; THENCE along the North line of said section, South 89°56'01" East, 1224.77 feet; THENCE South 0°00'22" East, 33.00 feet to the South right-of-way line of Jomax Road, being the TRUE POINT OF BEGINNING;

THENCE along said line, South 89°56'01" East 50.00 feet to the East line of said Bowers tract; THENCE along said East line, South 00°00'22" East 22.00 feet; THENCE North 89°56'01" West 50.00 feet to West line of said Bowers tract; THENCE along said West line, North 00°00'22" West 22.00 feet to the TRUE POINT OF BEGINNING.

Containing 0.025 acre (1,100 sq. ft.), more or less, and being subject to all easements and rights-of-way, whether recorded or not. See page two (2) for depiction of the above-described right-of-way.

Page 1 of 2

Title: RIGHT-OF-WAY TAKING

Preparing Firm: Strand Associates

Address: 5029 East Sunrise Drive, Suite 100, Phoenix AZ 85044

Phone: 602-437-3733

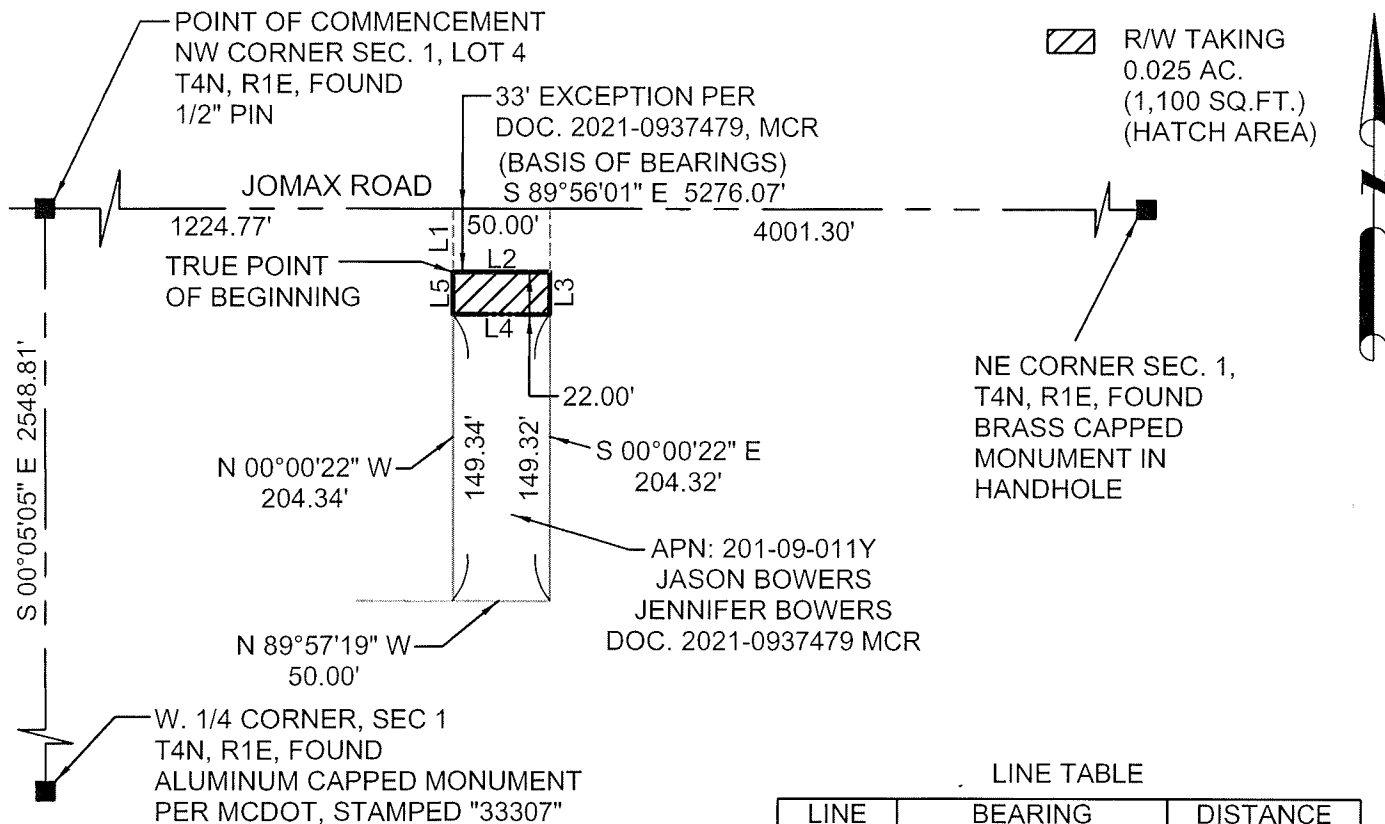
Fax:





EXHIBIT A

SKETCH



LINE TABLE

LINE	BEARING	DISTANCE
L1	S 00°00'22" E	33.00'
L2	S 89°56'01" E	50.00'
L3	S 00°00'22" E	22.00'
L4	N 89°56'01" W	50.00'
L5	N 00°00'22" W	22.00'

THIS EXHIBIT DOES NOT REPRESENT A BOUNDARY SURVEY AND SHOULD NOT BE RELIED UPON AS SUCH.

THE LINES SHOWN HEREON ARE THE RESULT OF CURRENT DEEDS OF RECORD AND A LIMITED FIELD SURVEY.

THIS EXHIBIT WAS PREPARED WITHOUT THE BENEFIT OF TITLE EXAMINATION. SAID EXAMINATION MAY REVEAL EASEMENTS, RIGHTS-OF-WAY, ENCUMBRANCES RESTRICTIONS, OR RIGHTS OF OTHERS THAT ARE NOT SHOWN HEREON.

Title: **RIGHT-OF-WAY TAKING**

Preparing Firm: **Strand Associates**

Address: **5029 East Sunrise Drive, Suite 100, Phoenix AZ 85044**

Phone: **602-437-3733**

Fax:

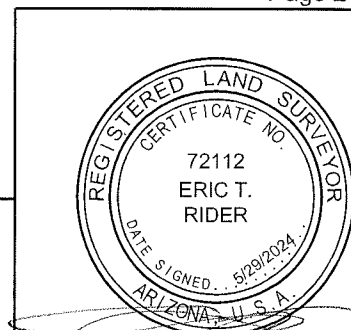




EXHIBIT A

LEGAL DESCRIPTION

DESCRIPTION OF A 8-FOOT PUBLIC UTILITY EASEMENT

An 8-foot Public Utility Easement across a tract of land conveyed to Jason Bowers and Jennifer Bowers, as recorded in Document 2021-0937479, Maricopa County Records, located in the Northwest quarter of Section 1, Lot 4, Township 4 North, Range 1 East of the Gila and Salt River Meridian, City of Peoria, Maricopa County, Arizona being further described as follows:

COMMENCING at a 1/2" steel pin marking the Northwest corner of said section being North 89°56'01" West, 5276.07 feet from a brass capped monument in handhole marking the Northeast corner of said section; THENCE along the North line of said section, South 89°56'01" East, 1224.77 feet; THENCE South 0°00'22" East, 55.00 feet to the TRUE POINT OF BEGINNING;

THENCE South 89°56'01" East 50.00 feet to the East line of said Bowers tract; THENCE along said east line, South 00°03'59" West 8.00 feet; THENCE North 89°56'01" West 50.00 feet to the West line of said tract; THENCE along said line, North 00°00'22" West 8.00 feet to the TRUE POINT OF BEGINNING.

Containing 0.009 acre (400 sq. ft.), more or less, and being subject to all easements and rights-of-way, whether recorded or not. See page two (2) for depiction of the above-described easement.

Page 1 of 2

Title: 8-FOOT PUBLIC UTILITY EASEMENT

Preparing Firm: Strand Associates

Address: 5029 East Sunrise Drive, Suite 100, Phoenix AZ 85044

Phone: 602-437-3733

Fax:

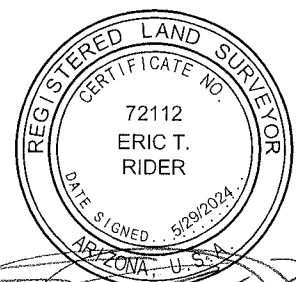
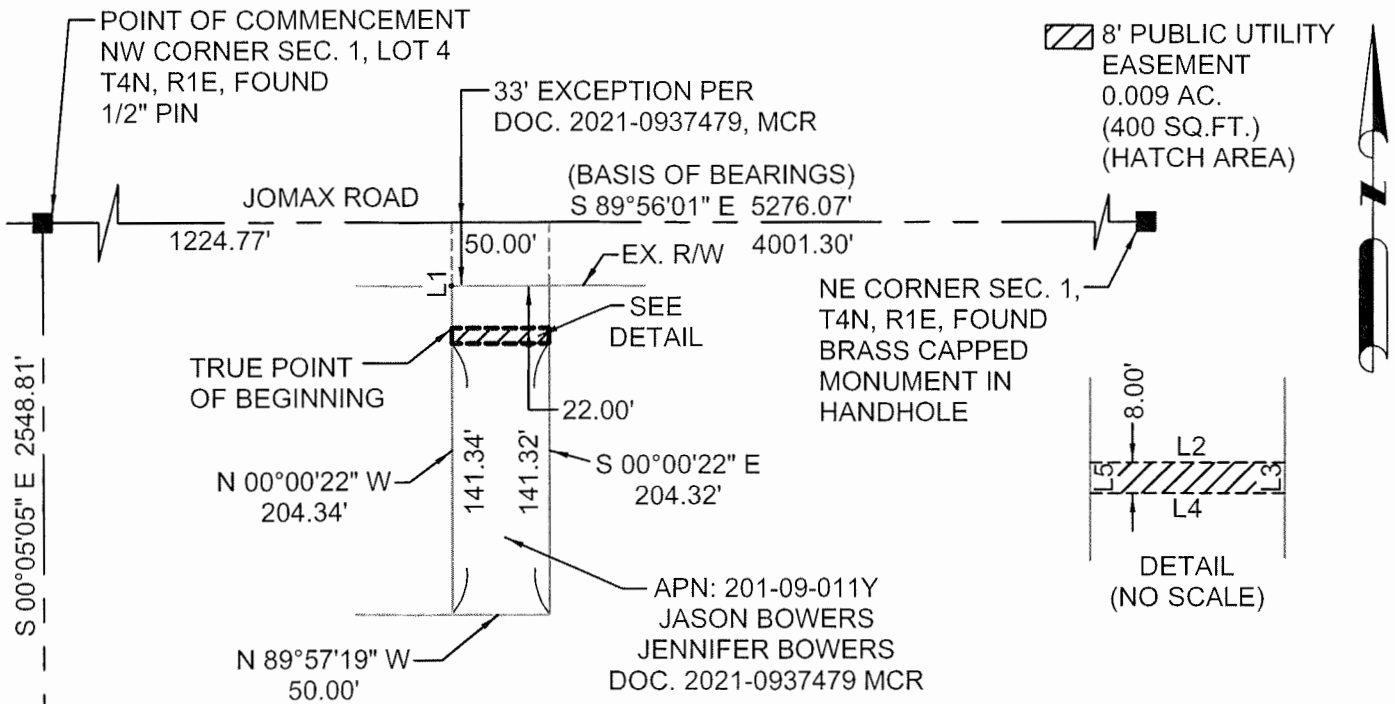




EXHIBIT A

SKETCH



LINE TABLE

LINE	BEARING	DISTANCE
L1	S 00°00'22" E	55.00'
L2	S 89°56'01" E	50.00'
L3	S 00°03'59" W	8.00'
L4	N 89°56'01" W	50.00'
L5	N 00°00'22" W	8.00'

THIS EXHIBIT DOES NOT REPRESENT A BOUNDARY SURVEY AND SHOULD NOT BE RELIED UPON AS SUCH.

THE LINES SHOWN HEREON ARE THE RESULT OF CURRENT DEEDS OF RECORD AND A LIMITED FIELD SURVEY.

THIS EXHIBIT WAS PREPARED WITHOUT THE BENEFIT OF TITLE EXAMINATION. SAID EXAMINATION MAY REVEAL EASEMENTS, RIGHTS-OF-WAY, ENCUMBRANCES RESTRICTIONS, OR RIGHTS OF OTHERS THAT ARE NOT SHOWN HEREON.

Title: 8-FOOT PUBLIC UTILITY EASEMENT

Preparing Firm: Strand Associates

Address: 5029 East Sunrise Drive, Suite 100, Phoenix AZ 85044

Phone: 602-437-3733

Fax:





EXHIBIT A

LEGAL DESCRIPTION

DESCRIPTION OF PERMANENT RIGHT-OF-WAY

Being a part of a tract of land conveyed to 7300 Jomax Road LLC, as recorded in Document 2022-0825815, Maricopa County Records, located in the Northwest quarter of Section 1, Lot 4, Township 4 North, Range 1 East of the Gila and Salt River Meridian, City of Peoria, Maricopa County, Arizona being further described as follows:

COMMENCING at a 1/2" steel pin marking the Northwest corner of said section being North 89°56'01" West, 5276.07 feet from a brass capped monument in handhole marking the Northeast corner of said section; THENCE along the North line of said section, South 89°56'01" East, 849.82 feet; THENCE South 0°00'22" East, 33.00 feet to the South right-of-way line of Jomax Road, being the TRUE POINT OF BEGINNING;

THENCE along said right-of-way line, South 89°56'01" East 374.96 feet to the East line of said tract, THENCE along said East line, South 00°00'22" East 22.00 feet; THENCE North 89°56'01" West 374.96 feet to the West line of said tract; THENCE along said West line, North 00°00'22" West 22.00 feet to the TRUE POINT OF BEGINNING

Containing 0.189 acre (8,249 sq. ft.), more or less, and being subject to all easements and rights-of-way, whether recorded or not. See page two (2) for depiction of the above-described right-of-way.

Page 1 of 2

Title: RIGHT-OF-WAY TAKING

Preparing Firm: Strand Associates

Address: 5029 East Sunrise Drive, Suite 100, Phoenix AZ 85044

Phone: 602-437-3733

Fax:

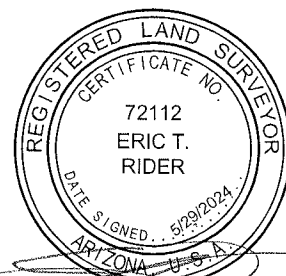

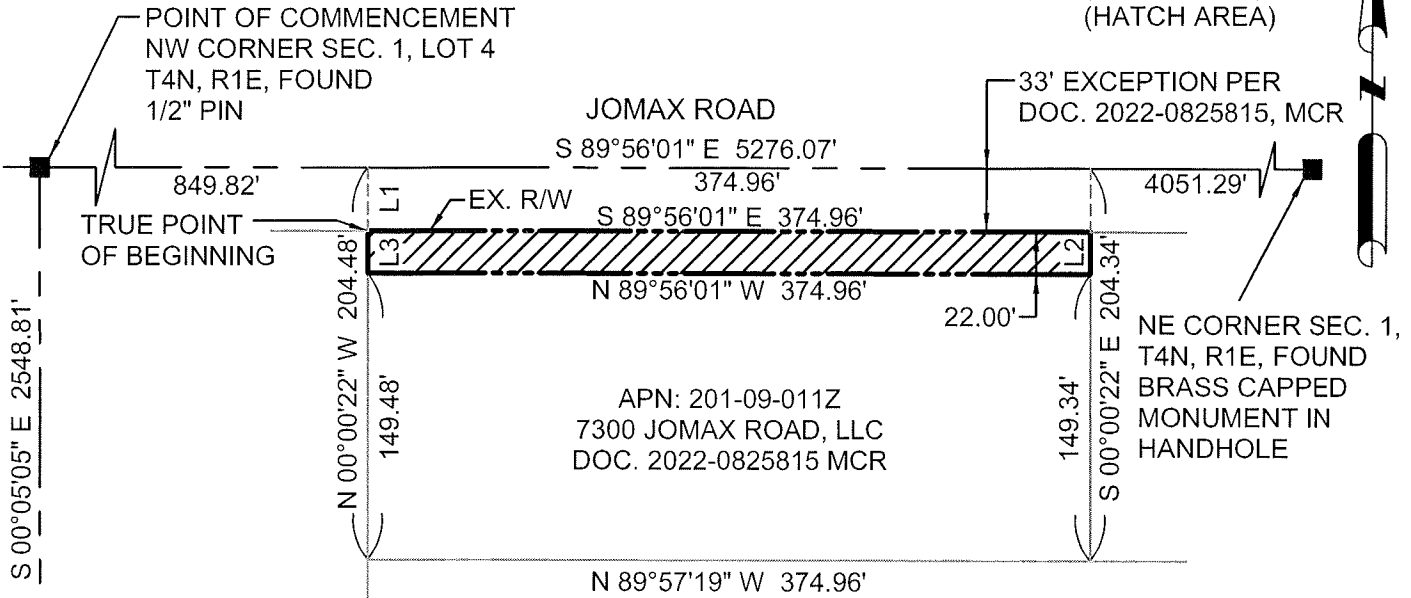




EXHIBIT A

SKETCH

 R/W TAKING
0.189 AC.
(8,249 SQ.FT.)
(HATCH AREA)



LINE TABLE

LINE	BEARING	DISTANCE
L1	S 00°00'22" E	33.00'
L2	S 00°00'22" E	22.00'
L3	N 00°00'22" W	22.00'

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Title: RIGHT-OF-WAY TAKING

Preparing Firm: Strand Associates

Address: 5029 East Sunrise Drive, Suite 100, Phoenix AZ 85044

Phone: 602-437-3733

Fax:





EXHIBIT A

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DESCRIPTION OF A 8-FOOT PUBLIC UTILITY EASEMENT

An 8-foot Public Utility Easement across a tract of land conveyed to 7300 Jomax Road LLC, as recorded in Document 2022-0825815, Maricopa County Records, located in the Northwest quarter of Section 1, Lot 4, Township 4 North, Range 1 East of the Gila and Salt River Meridian, City of Peoria, Maricopa County, Arizona being further described as follows:

COMMENCING at a 1/2" steel pin marking the Northwest corner of said section being North 89°56'01" West, 5276.07 feet from a brass capped monument in handhole marking the Northeast corner of said section; THENCE along the North line of said section, South 89°56'01" East, 849.82 feet; THENCE South 0°00'22" East, 55.00 feet to the South right-of-way line of Jomax Road, being the TRUE POINT OF BEGINNING;

THENCE South 89°56'01" East 374.96 feet to the East line of said tract; THENCE along said line, South 00°00'22" East 8.00 feet; THENCE North 89°56'01" West 374.96 feet to the West line of said tract; THENCE along said line, North 00°00'22" West 8.00 feet to the TRUE POINT OF BEGINNING

Containing 0.069 acre (3,000 sq. ft.), more or less, and being subject to all easements and rights-of-way, whether recorded or not. See page two (2) for depiction of the above-described easement.

Page 1 of 2

Title: 8-FOOT PUBLIC UTILITY EASEMENT

Preparing Firm: Strand Associates

Address: 5029 East Sunrise Drive, Suite 100, Phoenix AZ 85044

Phone: 602-437-3733


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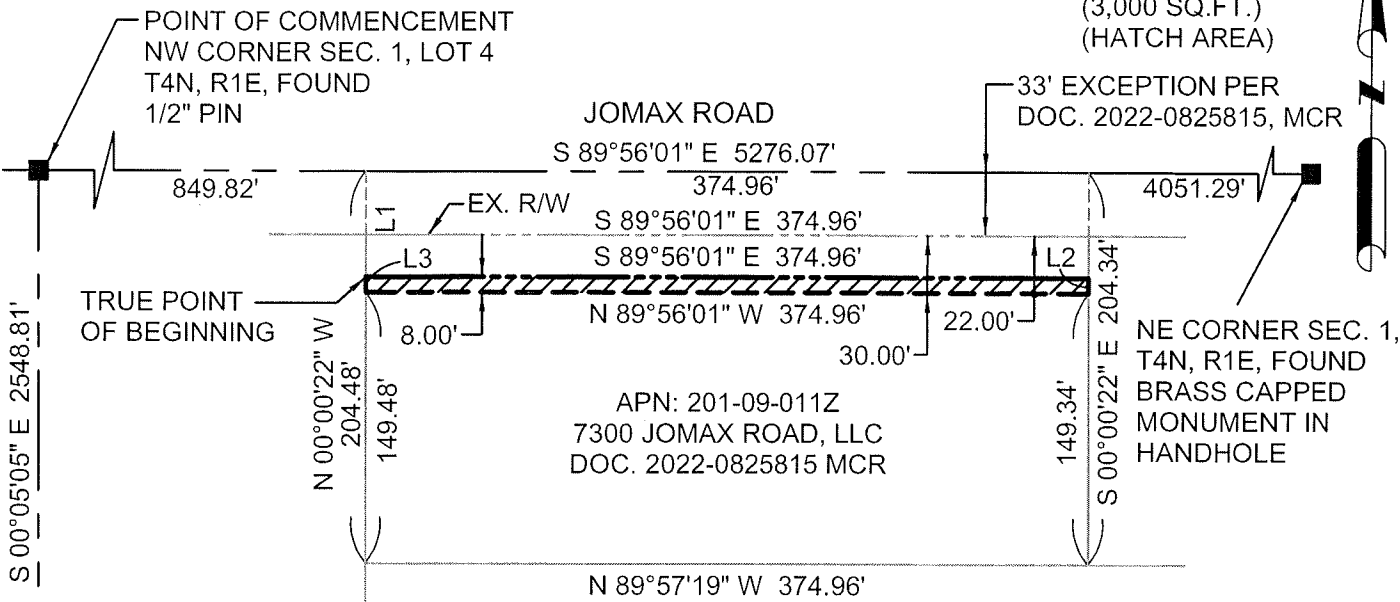




EXHIBIT A

SKETCH

 8' PUBLIC UTILITY EASEMENT
0.069 AC.
(3,000 SQ.FT.)
(HATCH AREA)



LINE TABLE

LINE	BEARING	DISTANCE
L1	S 00°00'22" E	55.00'
L2	S 00°00'22" E	8.00'
L3	N 00°00'22" W	8.00'

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Title: 8-FOOT PUBLIC UTILITY EASEMENT

Preparing Firm: Strand Associates

Address: 5029 East Sunrise Drive, Suite 100, Phoenix AZ 85044

Phone: 602-437-3733

Fax:

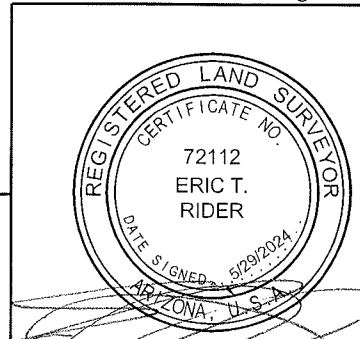




EXHIBIT A

LEGAL DESCRIPTION

DESCRIPTION OF A 2.00-FOOT WIDE TEMPORARY CONSTRUCTION EASEMENT

A 2.00-Foot Wide Temporary Construction Easement across a tract of land conveyed to 7300 Jomax Road LLC, as recorded in Document 2022-0825815, Maricopa County Records, located in the Northwest quarter of Section 1, Lot 4, Township 4 North, Range 1 East of the Gila and Salt River Meridian, City of Peoria, Maricopa County, Arizona being further described as follows:

COMMENCING at a 1/2" steel pin marking the Northwest corner of said section being North 89°56'01" West, 5276.07 feet from a brass capped monument in handhole marking the Northeast corner of said section; THENCE along the North line of said section, South 89°56'01" East, 849.82 feet; THENCE South 0°00'22" East, 55.00 feet to the TRUE POINT OF BEGINNING.

THENCE South 89°56'01" East 374.96 feet to the East line of said tract; THENCE along said East line, South 00°00'22" East 2.00 feet; THENCE North 89°56'01" West 374.96 feet to the West line of said tract; THENCE along said line, North 00°00'22" West 2.00 feet to the TRUE POINT OF BEGINNING

Containing 0.017 acre (750 sq. ft.), more or less, and being subject to all easements and rights-of-way, whether recorded or not. See page two (2) for depiction of the above-described easement.

This Temporary Construction Easement will revert back to the owner upon completion of construction.

Page 1 of 2

Title: TEMPORARY CONSTRUCTION EASEMENT

Preparing Firm: Strand Associates

Address: 5029 East Sunrise Drive, Suite 100, Phoenix AZ 85044

Phone: 602-437-3733

Fax:

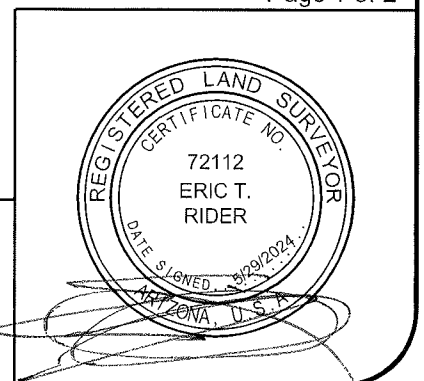


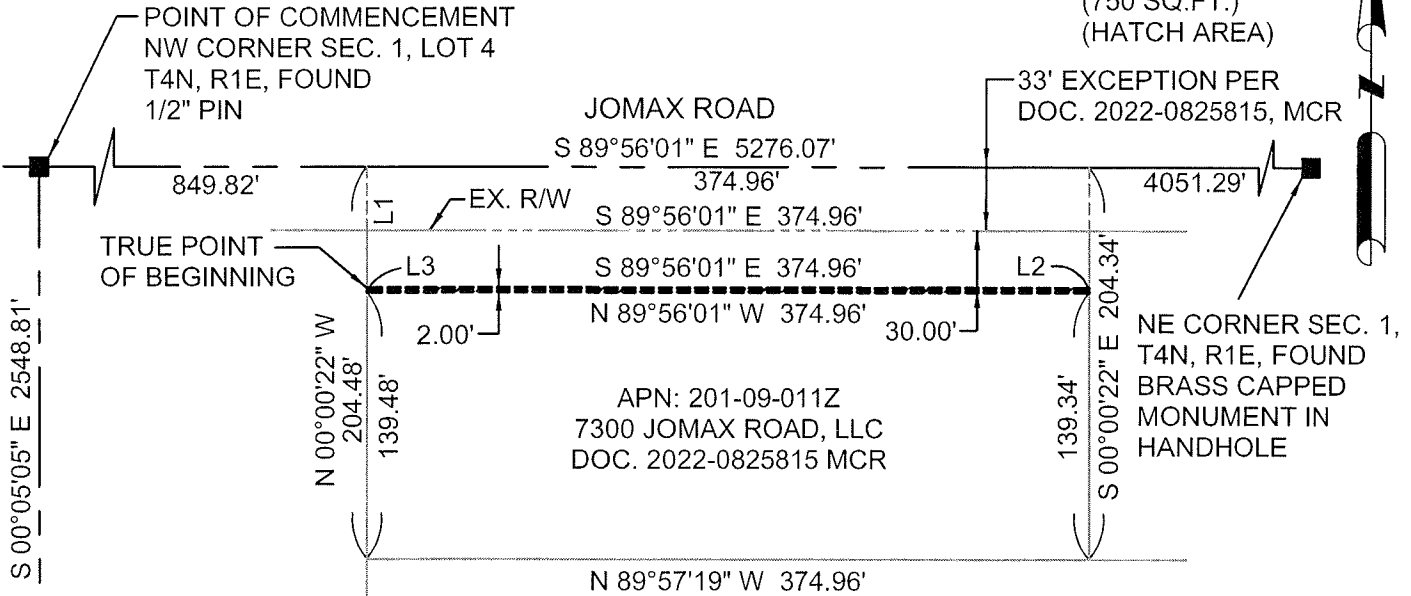


EXHIBIT A

SKETCH

TEMP. CONST. EASEMENT
0.017 AC.
(750 SQ.FT.)
(HATCH AREA)

33' EXCEPTION PER DOC. 2022-0825815, MCR



APN: 201-09-011Z
7300 JOMAX ROAD, LLC
DOC. 2022-0825815 MCR

LINE TABLE

LINE	BEARING	DISTANCE
L1	S 00°00'22" E	63.00'
L2	S 00°00'22" E	2.00'
L3	N 00°00'22" W	2.00'

W. 1/4 CORNER, SEC 1
T4N, R1E, FOUND
ALUMINUM CAPPED MONUMENT
PER MCDOT, STAMPED "33307"

THIS EXHIBIT DOES NOT REPRESENT A BOUNDARY SURVEY AND SHOULD NOT BE RELIED UPON AS SUCH.

THE LINES SHOWN HEREON ARE THE RESULT OF CURRENT DEEDS OF RECORD AND A LIMITED FIELD SURVEY.

THIS EXHIBIT WAS PREPARED WITHOUT THE BENEFIT OF TITLE EXAMINATION. SAID EXAMINATION MAY REVEAL EASEMENTS, RIGHTS-OF-WAY, ENCUMBRANCES RESTRICTIONS, OR RIGHTS OF OTHERS THAT ARE NOT SHOWN HEREON.

THIS TEMPORARY CONSTRUCTION EASEMENT SHALL REVERT BACK TO THE OWNER UPON COMPLETION OF CONSTRUCTION.

Title: TEMPORARY CONSTRUCTION EASEMENT

Preparing Firm: Strand Associates

Address: 5029 East Sunrise Drive, Suite 100, Phoenix AZ 85044

Phone: 602-437-3733

Fax:

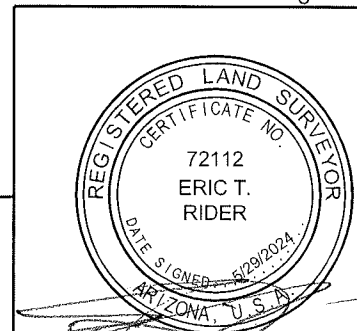




EXHIBIT A

LEGAL DESCRIPTION

DESCRIPTION OF PERMANENT RIGHT-OF-WAY

Being a part of a tract of land conveyed to Jeremiah Metzger and Heather Metzger, as recorded in Document 2022-093330, Maricopa County Records, located in the Northwest quarter of Section 1, Lot 4, Township 4 North, Range 1 East of the Gila and Salt River Meridian, City of Peoria, Maricopa County, Arizona being further described as follows:

COMMENCING at a 1/2" steel pin marking the Northwest corner of said section being North 89°56'01" West, 5276.07 feet from a brass capped monument in handhole marking the Northeast corner of said section; THENCE along the North line of said section, South 89°56'01" East, 426.26 feet; THENCE South 0°00'22" East, 33.00 feet to the South right-of-way line of Jomax Road being the TRUE POINT OF BEGINNING;

THENCE along said line, South 89°56'01" East 423.55 feet to the East line of said tract; THENCE along said East line, South 00°00'22" East 22.00 feet; THENCE North 89°56'01" West 380.97; THENCE South 00°03'59" West 8.00 feet; THENCE North 89°56'01" West 42.57 feet to the West line of said tract; THENCE along said West line, North 00°00'22" West 30.00 feet to the TRUE POINT OF BEGINNING.

Containing 0.222 acre (9,659 sq. ft.), more or less, and being subject to all easements and rights-of-way, whether recorded or not. See page two (2) for depiction of the above-described right-of-way.

Page 1 of 2

Title: RIGHT-OF-WAY TAKING

Preparing Firm: Strand Associates

Address: 5029 East Sunrise Drive, Suite 100, Phoenix AZ 85044

Phone: 602-437-3733

Fax:

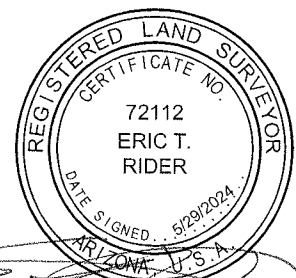

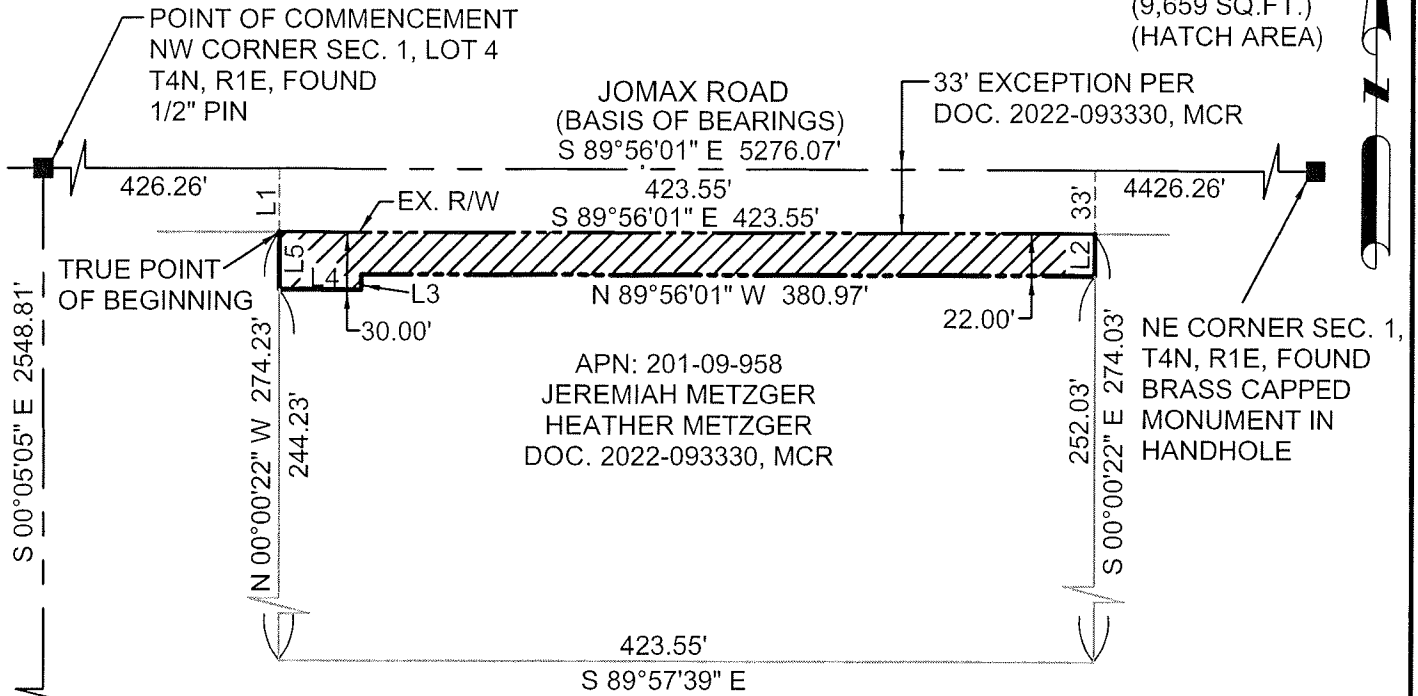




EXHIBIT A

SKETCH

 R/W TAKING
0.222 AC.
(9,659 SQ.FT.)
(HATCH AREA)



W. 1/4 CORNER, SEC 1
T4N, R1E, FOUND
ALUMINUM CAPPED MONUMENT
PER MCDOT, STAMPED "33307"

LINE TABLE

LINE	BEARING	DISTANCE
L1	S 00°00'22" E	33.00'
L2	S 00°00'22" E	22.00'
L3	S 00°03'59" W	8.00'
L4	N 89°56'01" W	42.57'
L5	N 00°00'22" W	30.00'

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Title: RIGHT-OF-WAY TAKING

Preparing Firm: Strand Associates

Address: 5029 East Sunrise Drive, Suite 100, Phoenix AZ 85044

Phone: 602-437-3733

Fax:

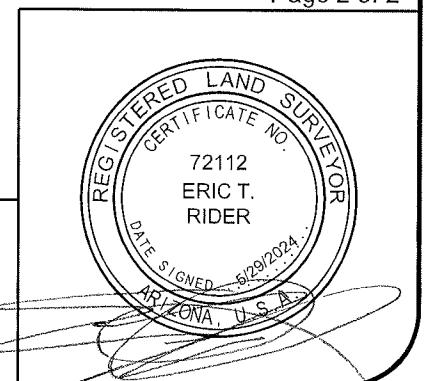




EXHIBIT A

LEGAL DESCRIPTION

DESCRIPTION OF A 8-FOOT PUBLIC UTILITY EASEMENT

An 8-foot Public Utility Easement across a tract of land conveyed to Jeremiah Metzger and Heather Metzger, as recorded in Document 2022-093330, Maricopa County Records, located in the Northwest quarter of Section 1, Lot 4, Township 4 North, Range 1 East of the Gila and Salt River Meridian, City of Peoria, Maricopa County, Arizona being further described as follows:

COMMENCING at a 1/2" steel pin marking the Northwest corner of said section being North 89°56'01" West, 5276.07 feet from a brass capped monument in handhole marking the Northeast corner of said section; THENCE along the North line of said section, South 89°56'01" East, 426.26 feet; THENCE South 0°00'22" East, 63.00 feet; THENCE South 89°56'01" East, 42.57 feet to the TRUE POINT OF BEGINNING;

THENCE North 00°03'59" East 8.00 feet; THENCE South 89°56'01" East 380.97 feet to the East line of said Metzger tract; THENCE along said East line, South 00°00'22" East 8.00 feet; THENCE North 89°56'01" West 380.98 feet to the TRUE POINT OF BEGINNING.

Containing 0.070 acre (3,048 sq. ft.), more or less, and being subject to all easements and rights-of-way, whether recorded or not. See page two (2) for depiction of the above-described easement.

Page 1 of 2

Title: 8-FOOT PUBLIC UTILITY EASEMENT

Preparing Firm: Strand Associates

Address: 5029 East Sunrise Drive, Suite 100, Phoenix AZ 85044

Phone: 602-437-3733

Fax:

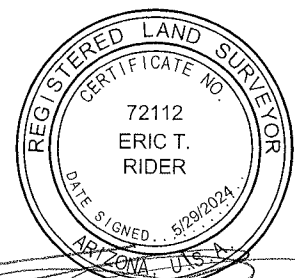

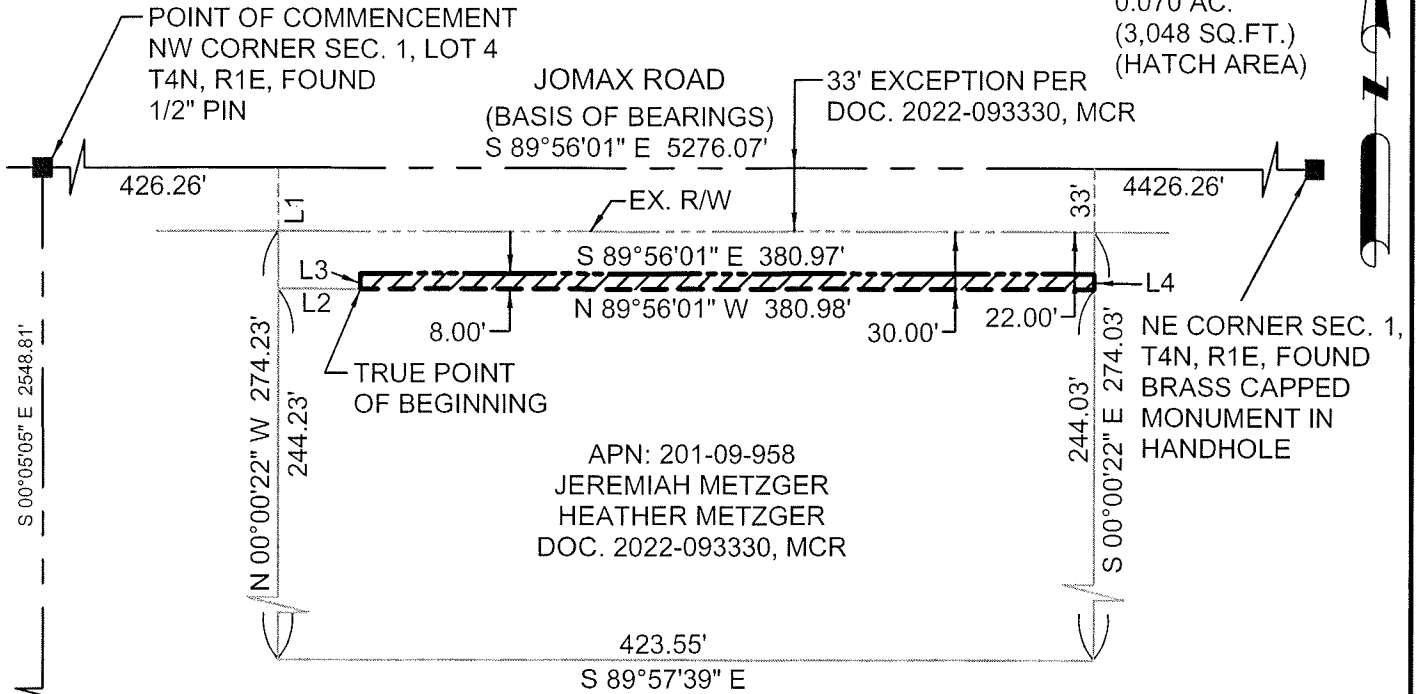




EXHIBIT A

SKETCH

 8' PUBLIC UTILITY EASEMENT
0.070 AC.
(3,048 SQ.FT.)
(HATCH AREA)



S 00°05'05\" E 2548.81'

N 00°00'22\" W 274.23'
244.23'

S 00°00'22\" E 274.03'
244.03'

423.55'
S 89°57'39\" E

W. 1/4 CORNER, SEC 1
T4N, R1E, FOUND
ALUMINUM CAPPED MONUMENT
PER MCDOT, STAMPED "33307"

APN: 201-09-958
JEREMIAH METZGER
HEATHER METZGER
DOC. 2022-093330, MCR

NE CORNER SEC. 1,
T4N, R1E, FOUND
BRASS CAPPED
MONUMENT IN
HANDHOLE

LINE TABLE

LINE	BEARING	DISTANCE
L1	S 00°00'22\" E	63.00'
L2	S 89°56'01\" E	42.57'
L3	N 00°03'59\" E	8.00'
L4	S 00°00'22\" E	8.00'

THIS EXHIBIT DOES NOT REPRESENT A BOUNDARY SURVEY AND SHOULD NOT BE RELIED UPON AS SUCH.

THE LINES SHOWN HEREON ARE THE RESULT OF CURRENT DEEDS OF RECORD AND A LIMITED FIELD SURVEY.

THIS EXHIBIT WAS PREPARED WITHOUT THE BENEFIT OF TITLE EXAMINATION. SAID EXAMINATION MAY REVEAL EASEMENTS, RIGHTS-OF-WAY, ENCUMBRANCES RESTRICTIONS, OR RIGHTS OF OTHERS THAT ARE NOT SHOWN HEREON.

Title: 8-FOOT PUBLIC UTILITY EASEMENT

Preparing Firm: Strand Associates

Address: 5029 East Sunrise Drive, Suite 100, Phoenix AZ 85044

Phone: 602-437-3733

Fax:

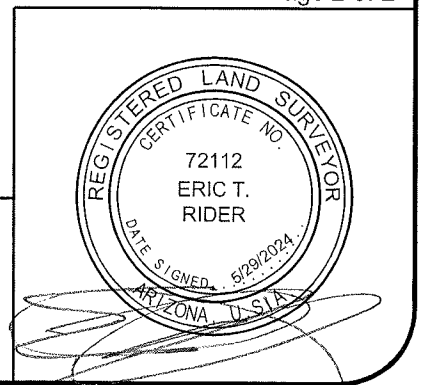




EXHIBIT A

LEGAL DESCRIPTION

DESCRIPTION OF A VARIABLE WIDTH TEMPORARY CONSTRUCTION EASEMENT

A Variable Width Temporary Construction Easement across a tract of land conveyed to Jeremiah Metzger and Heather Metzger, as recorded in Document 2022-093330, Maricopa County Records, located in the Northwest quarter of Section 1, Lot 4, Township 4 North, Range 1 East of the Gila and Salt River Meridian, City of Peoria, Maricopa County, Arizona being further described as follows:

COMMENCING at a 1/2" steel pin marking the Northwest corner of said section being North 89°56'01" West, 5276.07 feet from a brass capped monument in handhole marking the Northeast corner of said section; THENCE along the North line of said section, South 89°56'01" East, 426.26 feet; THENCE South 0°00'22" East, 63.00 feet to the TRUE POINT OF BEGINNING.

THENCE South 89°56'01" East 423.55 feet to the East line of said Metzger tract; THENCE along said East line, South 00°00'22" East 2.00 feet; THENCE North 89°56'01" West 379.47 feet; THENCE South 00°03'59" West 70.79 feet; THENCE North 89°56'01" West 43.99 feet to the West line of said Metzger tract; THENCE along said West line, North 00°00'22" West 72.79 feet to the TRUE POINT OF BEGINNING.

Containing 0.091 acre (3,964 sq. ft.), more or less, and being subject to all easements and rights-of-way, whether recorded or not. See page two (2) for depiction of the above-described easement.

This Temporary Construction Easement will revert back to the owner upon completion of construction.

Page 1 of 2

Title: TEMPORARY CONSTRUCTION EASEMENT

Preparing Firm: Strand Associates

Address: 5029 East Sunrise Drive, Suite 100, Phoenix AZ 85044

Phone: 602-437-3733

Fax:

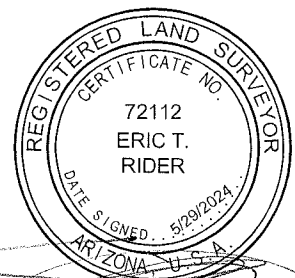
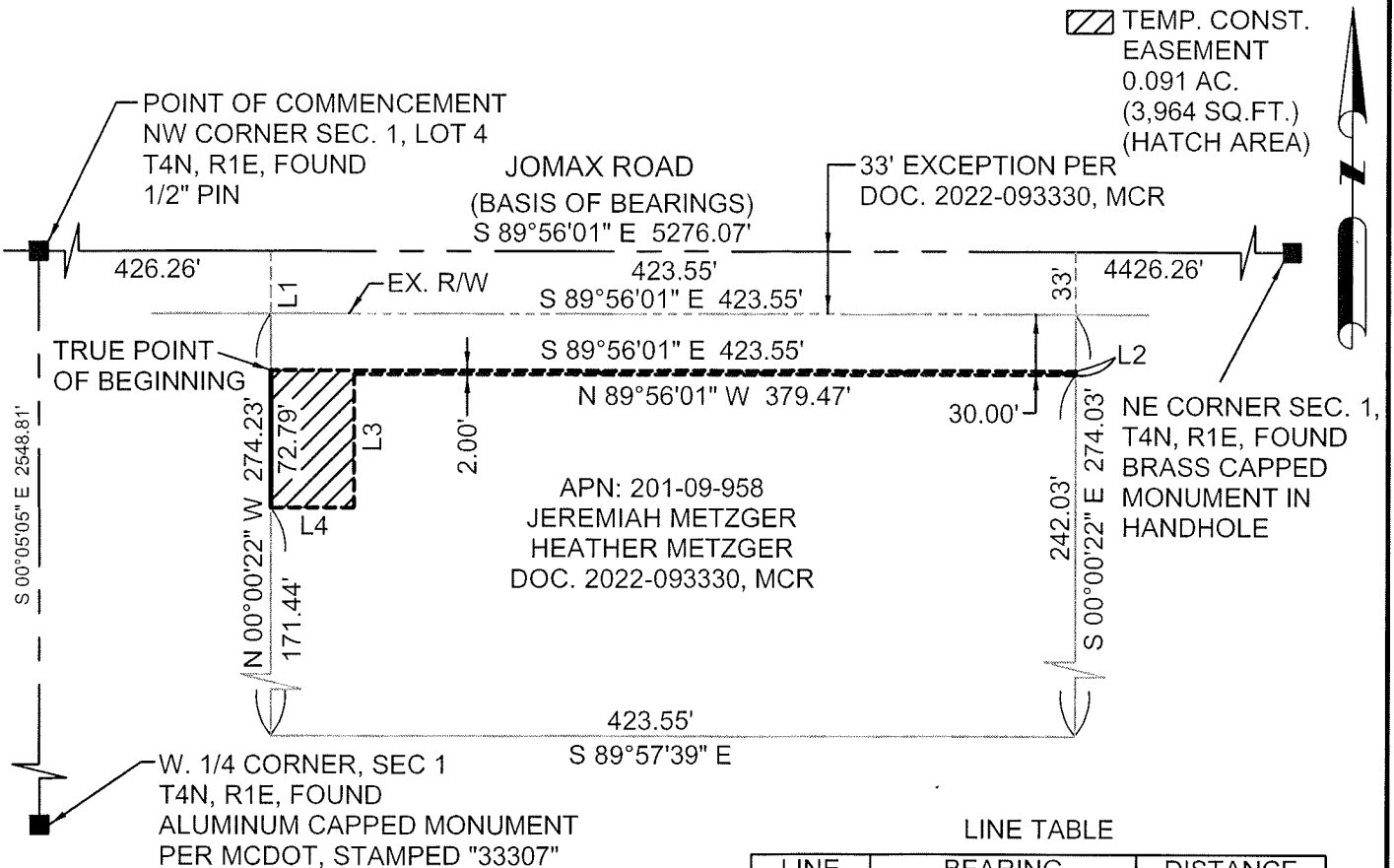




EXHIBIT A

SKETCH



LINE TABLE

LINE	BEARING	DISTANCE
L1	S 00°00'22" E	63.00'
L2	S 00°00'22" E	2.00'
L3	S 00°03'59" W	70.79'
L4	N 89°56'01" W	43.99'

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THIS EXHIBIT WAS PREPARED WITHOUT THE BENEFIT OF TITLE EXAMINATION. SAID EXAMINATION MAY REVEAL EASEMENTS, RIGHTS-OF-WAY, ENCUMBRANCES RESTRICTIONS, OR RIGHTS OF OTHERS THAT ARE NOT SHOWN HEREON.

THIS TEMPORARY CONSTRUCTION EASEMENT SHALL REVERT BACK TO THE OWNER UPON COMPLETION OF CONSTRUCTION.

Title: TEMPORARY CONSTRUCTION EASEMENT

Preparing Firm: Strand Associates

Address: 5029 East Sunrise Drive, Suite 100, Phoenix AZ 85044

Phone: 602-437-3733

Fax:

