Case #/Title: PAB-0179 Federal Patent Easement Abandonment

Meeting Date: May 18, 2022

Supervisor District: 4

Applicant: Department of Transportation

Request: Approve the abandonment of that portion of the Patent Easement as proposed by the owner of the property located at an unassigned address north of 11410 West 100th Avenue, Sun City, Arizona 85373 and being identified as Assessor Parcel Number 201-22-022A.

Department Recommendation:

Having received no objection to the full abandonment MCDOT recommends the following: Abandon all or part of Patent Easements 1198939, 1198942, 1198582, 1198583, and 1198584 on the parcel as described on Attachment 5.A.

Presented by: Jennifer Toth, P.E.,
Director of Transportation/County Engineer

Support/Opposition: Request for comment has been circulated to all affected parties pursuant to County Ordinance P-34, Section 2d. An Initial Determination was circulated for review in August 2021, and results sent to the applicant in September 2021. The Application was circulated in review in March 2022. The following responses were received:

County Departments – No Objection: Transportation, Planning and Development, Real Estate, and Flood Control District.

Utilities – No Objection: CenturyLink, and EPCOR.

Agency – No Objection: City of Peoria.

Discussion: Laws 2013, Chapter 46 amended Arizona Revised Statutes, Section 11-251.16 to allow a county, at the request of a property owner, to abandon a federal patent
easement established by the Small Tract Act of 1938. On May 7, 2014 the Maricopa County Board of Supervisors (BOS) approved Ordinance No. P-34, adopting procedures for the abandonment of Federal Patent Easements. The Maricopa County Department of Transportation (MCDOT) has considered and processed this request for abandonment in strict accordance with A.R.S. Section 11-251.16 and Ordinance No. P-34.

Attachments: Application / Proof of Ownership / Aerial Exhibit / Initial Determination Request / Legal Exhibit and Description
APPLICATION
PATENT EASEMENT ABANDONMENT APPLICATION

**Contact Information**

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<tr>
<th>Applicant Name:</th>
<th>Imperial Agua Fria LLC - Rose Law Group - Agent</th>
<th>PAB Number:</th>
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<tr>
<td>Mailing Address:</td>
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<td>State:</td>
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</tr>
<tr>
<td>City:</td>
<td>Scottsdale</td>
<td>Zip:</td>
<td>85251</td>
</tr>
<tr>
<td>Phone</td>
<td>480 - 240 - 5642</td>
<td>Email:</td>
<td><a href="mailto:alorentzen@roselawgroup.com">alorentzen@roselawgroup.com</a></td>
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**Parcel Detail**

| Assessor’s Parcel Number: | 201 - 22 - 022A |

1. **Location of Request:** (ex: 3200 W. Dove Valley Road, Phoenix)
   SE of 115th Ave. & Hatfield Rd. Sun City, AZ

2. **Description of Request:** (ex: Abandon Easement bordering the South side of parcel 123-45-067A)
   Abandon all patent easements on the parcel.

3. Applicant is REQUIRED to be the current owner of the described property. A copy of your property deed must be attached to the application.

   I certify, under penalty of perjury, that no loss of currently existing legal and physical access to any property will occur if the County grants the patent easement abandonment requested in this application.

4. If you have a mortgage, deed of trust, upon your property you are REQUIRED to provide a letter from the lender approving your request to abandon a patent easement. Applications submitted without lender approval will not be processed. If you don’t have a mortgage or deed of trust on the subject property, you will need to sign, before a notary, the affidavit below attesting to that status.

   I, [Name], attest that I own the subject property and that it is not encumbered by mortgage or deed of trust.

Subscribed and sworn to before me this 3 day of February, 2022

[Signature]

Notary Public

My Commission Expires: [Expiration Date]

**Signature**

[Signature of Applicant]

Date: 02/03/2022

**Maricopa County Use Only**

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*Application Fee will be $1,350 ($1,600 less $250) if Initial Determination letter is provided; demonstrating an initial review of the parcel was conducted by the County within the last six months. The application fee is NOT refundable. Make checks payable to: MCDOT 2901 West Durango Street Phoenix, AZ 85009.
Maricopa County Department of Transportation
2901 W. Durango Street Phoenix, AZ 85009
Permit Receipt

Payer Name: COURT RICH - ROSE LAW GROUP  
7144 E STETSON DR STE 300  
SCOTTSDALE, Arizona 85251

Receipt #: 100953  
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Reference #: PATENT EASEMENT ABANDONMENT PAB 0179

Receipt Type: Patent Easements

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Transaction Date: 03/07/2022 02:27 PM
Payment Type: VISA

Account Number: *4197

I agree to pay this obligation according to the terms outlined in my agreement with my card issuer.
PROPERTY OWNER / AGENT AUTHORIZATION

APPLICATION FOR PATENT EASEMENT ABANDONMENT

Property Address: SE of 115th Ave. & Hatfield Rd. Sun City, AZ

Assessor's Parcel No: 201-22-022A

As the Property Owner of the property located at the address above, I/we authorize Rose Law Group, pc, to act as an agent on my/our behalf for the purpose of obtaining land use entitlements. I/We understand that any applications may be approved, modified or denied with conditions, and that such conditions or modifications must be complied with prior to issuance of building permits.

I/We further understand that signing of this authorization in no way creates an obligation of any kind.

Printed Name: Rohit Kumar Tripathi
Title/Company: Imperial Aqua Fria LLC, Manager
Authorized Signature: Rohit Kumar Tripathi
Date: 02/03/2022
EXEMPT PURSUANT TO A.R.S. § 11-1134(B)(13)

SPECIAL WARRANTY DEED

For valuable consideration, IMPERIAL AGUA FRIA, LLC, a Wyoming limited liability company ("Grantor"), hereby conveys to IMPERIAL AGUA FRIA, LLC, a Wyoming limited liability company ("Grantee"), the real property situated in Maricopa County, Arizona (the "Property") legally described in Exhibit "A". The purpose of this Deed is to combine all of the properties described in Exhibit "B-1" and depicted in Exhibit "B-2" into a single parcel.

together with any improvements, buildings, structures and fixtures located thereon; all easements, if any, benefiting the Property; all rights, benefits, privileges, and appurtenances pertaining to the Property, if any, including the right, title and interest of Grantor in and to any property lying in or under the bed of any street, alley, road or right of way, open or proposed, abutting or adjacent to the Property; the strips, gaps or gores, if any, between the Property and abutting property; any water, water rights, oil, gas or other mineral interest in, on, under or above the Property, including water rights appurtenant to the Property pursuant to a certificate of grandfathered water rights, if any; and all rights and interests to receive any condemnation awards from any condemnation proceedings pertaining to the Property, sewer rights, water courses, wells, ditches and flumes located on or appurtenant to the Property.

SUBJECT TO all current taxes, patent reservations, all covenants, conditions, restrictions, reservations, easements and declarations or other matters of record or to which reference is made in the public records, any and all conditions, easements, encroachments, rights-of-way, or restrictions which a physical inspection, or accurate survey, of the Property would reveal, and the applicable zoning and use regulations of any municipality, county, state or the United States affecting the Property.

AND GRANTOR hereby binds itself and its successors to warrant and defend the title against the acts of Grantor and no others, subject to the matters set forth above.

[Remainder of page intentionally left blank.]
DATED this 29th day of October, 2021

IMPERIAL AGUA FRÍA, LLC

Rohit Tripathi, Manager

STATE OF ARIZONA

) ss.
County of Maricopa

On this 29th day of October, 2021, before me, Angelica Van Balen, a Notary Public in and for the State of Arizona, personally appeared Rohit Tripathi, personally known to me (or proved to me on the basis of satisfactory evidence) to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same in their authorized capacities, and that by their signatures on the instrument, the persons, or the entity upon behalf of which the persons acted, executed the instrument.

WITNESS my hand and official seal.

Angelica Van Balen
Notary Public

ANGELECA MARIA ROMO
Notary Public - Arizona
Maricopa County
Commission # 563800
My Comm. Expires Jun 5, 2023
Exhibit A

Legal Description of Real Property

Being a portion of the West half of Section 7, and the Northwest Quarter of Section 18, Township 4 North, Range 1 East, Maricopa County, Arizona.

More particularly described as follows:

GLO Lot 23, Section 7, Township 4 North, Range 1 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona;

EXCEPT all coal, oil, gas and other mineral deposits as reserved in the Patent.

AND

The North half of GLO Lot 24, Section 7, Township 4 North, Range 1 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona;

EXCEPTING therefrom all coal, oil, gas and other mineral deposits as reserved in the Patent recorded in Docket 3022, page 261.

AND

The South half of GLO Lot 24, Section 7, Township 4 North, Range 1 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona;

EXCEPTING therefrom all coal, oil, gas and other mineral deposits as reserved in the Patent recorded in Docket 3022, page 261.

AND

GLO Lots 26 and 27, Section 7, Township 4 North, Range 1 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona;

EXCEPTING and reserving to the United States all oil, gas and other mineral deposits in the Patents recorded in Docket 3026, page 114 and in Docket 3026, page 115.

AND

GLO Lot 28, Section 7, Township 4 North, Range 1 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona;

AND

GLO Lot 4, Section 7, Township 4 North, Range 1 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona;
AND

GLO Lots 1 and 2, Section 18, Township 4 North, Range 1 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona;

EXCEPT any portion deeded to Maricopa County in Deed recorded at Fee No. 2015324676.
Exhibit B-1

Legal Description of Real Property

Parcel No. 1:

Lot 4, Section 7, Township 4 North, Range 1 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona;

AND

Lots 1 and 2, Section 18, Township 4 North, Range 1 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona;

EXCEPT any portion deeded to Maricopa County in Deed recorded at Fee No. 20153324676.

Parcel No. 2:

Lot 28, Section 7, Township 4 North, Range 1 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona;

Parcel No. 3:

The North half of Lot 24, Section 7, Township 4 North, Range 1 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona;

EXCEPTING therefrom all coal, oil, gas and other mineral deposits as reserved in the Patent recorded in Docket 3022, page 261.

Parcel No. 4:

The South half of Lot 24, Section 7, Township 4 North, Range 1 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona;

EXCEPTING therefrom all coal, oil, gas and other mineral deposits as reserved in the Patent recorded in Docket 3022, page 261.

Parcel No. 5:

Lots 26 and 27, Section 7, Township 4 North, Range 1 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona;

EXCEPTING and reserving to the United States all oil, gas and other mineral deposits in the Patents recorded in Docket 3026, page 114 and in Docket 3026, page 115.

Parcel No. 6:

Lot 23, Section 7, Township 4 North, Range 1 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona;

EXCEPT all coal, oil, gas and other mineral deposits as reserved in the Patent.
PROOF OF OWNERSHIP
SPECIAL WARRANTY DEED

For valuable consideration, IMPERIAL AGUA FRUA, LLC, a Wyoming limited liability company ("Grantor"), hereby conveys to IMPERIAL AGUA FRUA, LLC, a Wyoming limited liability company ("Grantee"), the real property situated in Maricopa County, Arizona (the "Property") legally described in Exhibit "A". The purpose of this Deed is to combine all of the properties described in Exhibit "B-1" and depicted in Exhibit "B-2" into a single parcel.

together with any improvements, buildings, structures and fixtures located thereon; all easements, if any, benefiting the Property; all rights, benefits, privileges, and appurtenances pertaining to the Property, if any, including the right, title and interest of Grantor in and to any property lying in or under the bed of any street, alley, road or right of way, open or proposed, abutting or adjacent to the Property; the strips, gaps or gores, if any, between the Property and abutting property; any water, water rights, oil, gas or other mineral interest in, on, under or above the Property, including water rights appurtenant to the Property pursuant to a certificate of grandfathered water rights, if any; and all rights and interests to receive any condemnation awards from any condemnation proceedings pertaining to the Property, sewer rights, water courses, wells, ditches and flumes located on or appurtenant to the Property.

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AND GRANTOR hereby binds itself and its successors to warrant and defend the title against the acts of Grantor and no others, subject to the matters set forth above.

[Remainder of page intentionally left blank.]
DATED this 29th day of October, 2021

IMPERIAL AGUA FRUA, LLC

Rohit Tripathi, Manager

STATE OF ARIZONA

) ss.
County of Maricopa

On this 29th day of October, 2021, before me, Angelica Van Bulen, a Notary Public in and for the State of Arizona, personally appeared Rohit Tripathi, personally known to me (or proved to me on the basis of satisfactory evidence) to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same in their authorized capacities, and that by their signatures on the instrument, the persons, or the entity upon behalf of which the persons acted, executed the instrument.

WITNESS my hand and official seal.

Angelica Van Bulen
Notary Public

[Notary seal with details]
Exhibit A

Legal Description of Real Property

Being a portion of the West half of Section 7, and the Northwest Quarter of Section 18, Township 4 North, Range 1 East, Maricopa County, Arizona.

More particularly described as follows:

GLO Lot 23, Section 7, Township 4 North, Range 1 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona;

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AND

GLO Lot 4, Section 7, Township 4 North, Range 1 East of the Gila and Salt River Base and Meridian, Maricopa Count, Arizona;
AND

GLO Lots 1 and 2, Section 18, Township 4 North, Range 1 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona;

EXCEPT any portion deeded to Maricopa County in Deed recorded at Fee No. 2015324676.
Exhibit B-1

Legal Description of Real Property

Parcel No. 1:

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AND

Lots 1 and 2, Section 18, Township 4 North, Range 1 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona;

EXCEPT any portion deeded to Maricopa County in Deed recorded at Fee No. 2015324676.

Parcel No. 2:

Lot 28, Section 7, Township 4 North, Range 1 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona;

Parcel No. 3:

The North half of Lot 24, Section 7, Township 4 North, Range 1 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona;

EXCEPTING therefrom all coal, oil, gas and other mineral deposits as reserved in the Patent recorded in Docket 3022, page 261.

Parcel No. 4:

The South half of Lot 24, Section 7, Township 4 North, Range 1 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona;

EXCEPTING therefrom all coal, oil, gas and other mineral deposits as reserved in the Patent recorded in Docket 3022, page 261.

Parcel No. 5:

Lots 26 and 27, Section 7, Township 4 North, Range 1 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona;

EXCEPTING and reserving to the United States all oil, gas and other mineral deposits in the Patents recorded in Docket 3026, page 114 and in Docket 3026, page 115.

Parcel No. 6:

Lot 23, Section 7, Township 4 North, Range 1 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona;

EXCEPT all coal, oil, gas and other mineral deposits as reserved in the Patent.
NEW PARCEL EXHIBIT

NEW PARCEL 1
NEW PARCEL 2
NEW PARCEL 3

Bowman
7464 N. La Cholla Blvd. Phone: (520) 463-3200
Tucson, AZ 85741 www.bowmanconsulting.com

MARICOPA COUNTY, ARIZONA

FILENAME: New Parcel Exhibit
AERIAL EXHIBIT
Abandon the portion of Pat. No.'s 1198582, 1198583, 1198584, 1198939, and 1198942 on APN 201-22-022A
INITIAL
DETERMINATION
REQUEST
PATENT EASEMENT ABANDONMENT INITIAL DETERMINATION

Contact Information

Applicant Name: Andrew Lorentzen - Rose Law Group
Mailing Address: 7144 E. Stetson Dr. Ste: 300
City: Scottsdale  State: AZ  Zip: 85251
Phone (480) - 240 - 5642  Email: alorentzen@roselawgroup.com

Parcel Detail

Assessor’s Parcel Number: 201 - 22 - 042 + 5 associated properties
1. Location of Request: (ex: 3200 W. Dove Valley Road, Phoenix)
   Lots 23, 24, 26, 27 & 28 of Section 7 Township 4 North, Range 1 East.
   South of the 115th Ave alignment & Hatfield Rd.

2. Description of Request: (ex: Abandon Easement bordering the South side of parcel 123-45-067A)
   Abandon all patent easements located on APN's 201-22-042, 201-22-043A, 201-22-043B,
   201-22-045, 201-22-046 & 201-22-047. These parcels are part of the Rose Estates CPA
   & rezoning (Staff report & Approved conceptual site plan attached)

3. Access Certification:

I certify, under penalty of perjury, that no loss of currently existing legal and physical access to any property
will occur if the County grants the patent easement abandonment requested in this initial determination.

Signature

[Signature]

Date
8/17/21

Maricopa County Use Only

PAB Number: 
Initial Determination Fee*: $250.00
Check #: 100719  Total Received: $250.00  Date: 8/18/2021  Rec'd By:

* The Initial Determination fee is NOT refundable. Make checks payable to: MCDOT 2901 West Durango Street Phoenix, AZ 85009.
Maricopa County Department of Transportation  
2901 W. Durango Street Phoenix, AZ 85009

Permit Receipt

Payer Name: COURT RICH  
7144 E STETSON DR STE 300  
SCOTTSDALE, Arizona 85251

Receipt #: 100709  
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Report to the Board of Supervisors
Prepared by the Maricopa County Planning and Development Department

Board Hearing Date: February 24, 2021
Case #/Title: CPA2020004 – Rose Estates
Supervisor District: 4
Applicant/Owner: Jordan Rose, Rose Law Group, PC / Larry & Patricia Rose

Request: Modification of Condition for a previously approved Comprehensive Plan Amendment (CPA) – to modify or delete condition ‘c’ of CPA2019013 regarding a maximum unit count for an area designed for Small Lot Residential (2-5 du/ac) land uses

Site Location: Generally located at the northeast corner of the intersection of 115th Ave. (alignment) and Williams Dr. (alignment) in the Peoria area

Site Size: Approximately 163 acres

County Island Status: Yes (City of Peoria)

Additional Comments: N/A

Commission Recommendation: On 1/28/21, the Commission voted 7-0 to recommend approval of CPA2020004 subject to conditions ‘a’ – ‘d’:

a. Development of the site shall be in substantial conformance with the CPA Land Use Exhibit, entitled “Rose Estates”, consisting of one (1) full sized sheet, dated June 2020, and stamped date received on June 10, 2020, except as modified by the following conditions.

b. Development of the site shall be in substantial conformance with the CPA Narrative Report, entitled “Rose Estates”, consisting of 11 pages, dated June 2020, and stamp date received on June 10, 2020, except as modified by the following conditions.

c. DELETED.

d. The granting of this change in use of the property has been at the request of the applicant, with the consent of the landowner. The granting of this approval allows the property to enjoy uses in excess of those permitted by the uses existing on the
date of application, subject to conditions. In the event of the failure to comply with any condition, the property shall revert to the land use designation that existed on the date of application. It is, therefore, stipulated and agreed that either revocation due to the failure to comply with any conditions, does not reduce any rights that existed on the date of application to use, divide, sell or possess the property and that there would be no diminution in value of the property from the value it held on the date of application due to such change of the land use. The land use enhances the value of the property above its value as of the date the land use change is granted and reverting to the prior land use designation results in the same value of the property as if the land use change had never been granted.

Presented by: Darren Gérard, AICP, Planning Manager
Reviewed by: Rachel Applegate, Senior Planner
Attachment: 1/28/21 P&Z Packet (6 pages)

Note: 1/28/21 Draft P&Z Minutes are not available as of the writing of this report but can be provided upon request later when available.
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<td>Applicant:</td>
<td>Jordan Rose, Rose Law Group, PC</td>
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<td>Owner:</td>
<td>Larry &amp; Patricia Rose</td>
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<td>Modification of Condition for a previously approved Comprehensive Plan Amendment (CPA) – to modify or delete condition ‘c’ of CPA2019013 regarding a maximum unit count for an area designed for Small Lot Residential (2-5 du/ac) land uses</td>
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<td>Site Size:</td>
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<td>Density:</td>
<td>Approved as 2-5 du/ac with target of 2.7 du/ac per CPA2019013 / proposed 3.2 du/ac.</td>
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Project Summary:

1. Rose Estates (CPA2019013 & Z2019112) was approved by the Board of Supervisors on September 16, 2020 after recommendation from the Commission on August 6, 2020. The site is 163 acres located at the northeast corner of 115th Ave. & Williams Dr. in the Peoria area. Case CPA2019013 was a Comprehensive Plan Amendment (CPA) that changed the White Tanks/Grand Avenue Area Plan’s land use designation from Mixed-Use Employment, Open Space, and Small Lot Residential (2-5 du/ac) to Small Lot Residential (2-5 du/ac) and Open Space. Case Z2019112 rezoned the site from Rural-43 to R1-6 RUPD.

2. The subject request, CPA2020004, is an amendment to modify or delete condition ‘c’ of CPA2019013 regarding a maximum unit count for Rose Estates. The condition reads:

c. The total number of residential dwelling units on the site shall not exceed 440.

3. There was no public or municipal comment regarding CPA2019013 & Z2019112. There remains no known support or opposition.

4. The R1-6 RUPD zoning was approved concurrent with the CPA. The RUPD overlay zoning district was not approved subject to a maximum density, unit count, etc. The approved R1-6 RUPD zoning can accommodate a much greater range in unit count and remain consistent with the approved Small Lot Residential 2-5 du/ac:

\[
\begin{align*}
163 \text{ acres} @ 5 \text{ du/ac} &= 815 \text{ units} \\
163 \text{ acres} @ 2 \text{ du/ac} &= 326 \text{ units}
\end{align*}
\]

The developer has an updated Conceptual Site Plan for Rose Estates, attached, illustrating 518 lots / 3.2 du/ac. This remains within the approved Small Lot Residential 2-5 du/ac land use designation.

Existing On-Site and Adjacent Zoning / Land Use:

5. On-site: R1-6 RUPD / vacant (previously mining and ranching)
North: Rural-43 / vacant (inactive mining)
South: Rural-43 / vacant (natural desert)
East: Rural-43 / Agua Fria River
West: Rural-43 / vacant (natural desert)

Utilities and Services:

6. Water: EPCOR
Wastewater: EPCOR
School District: Peoria Unified School District
Fire: Arizona Fire & Medical Authority
Police: MCSO

Right-of-Way:
7. Primary access to the Rose Estates will be from Deer Valley Parkway, a future E/W connection between Williams Dr. to the west and Deer Valley Rd. to the southeast with a new bridge across the Agua Fria River. The following table includes existing and proposed half-width right-of-way and the future classification based upon the Maricopa County Department of Transportation (MCDOT) Major Streets and Routes Plan.

<table>
<thead>
<tr>
<th>Street Name</th>
<th>Half-width Existing R/W</th>
<th>Half-width Proposed R/W</th>
<th>Future Classification</th>
</tr>
</thead>
<tbody>
<tr>
<td>Deer Valley Pkwy.</td>
<td>65'</td>
<td>65'</td>
<td>Principal Arterial</td>
</tr>
<tr>
<td>115th Ave.</td>
<td>40'</td>
<td>40'</td>
<td>Major Collector</td>
</tr>
<tr>
<td>Pinnacle Peak Rd.</td>
<td>40'</td>
<td>30'</td>
<td>Major Collector</td>
</tr>
</tbody>
</table>

Adopted Plans:

8. **While Tanks/Grand Ave. Area Plan**: Small Lot Residential (2-5 du/ac). This category identifies areas where increased residential density is appropriate and urban services are readily available.

9. **City of Peoria General Plan 2010**: The Peoria General Plan designates the majority of the site as Medium Density Residential with a residential density of five to eight dwelling units per acre with a target density of six dwelling units per acre. This designation denotes areas intended to fulfill the need for small lot or attached single-family or multi-family residences which are compatible with abutting single-family residential districts. Moreover, this category supports a suburban lifestyle and provides an appropriate transition between less intense residential areas, more urban neighborhoods and non-residential uses. The rest of the site is designated as Park/Open Space in the Peoria General Plan. This category accommodates the full range of public, private, and semi-private passive or active recreational opportunities.

Public Participation Summary:

10. N/A

Outstanding Concerns from Reviewing Agencies:

11. N/A

Staff Analysis:

12. Staff supports the request to delete condition 'c' of CPA2019013. There was no maximum unit count or density applied to the companion R1-6 RUPD zoning and thus the approved zoning entitlement permits a much greater density range. The potential for increased residential density is appropriate where urban services and infrastructure will be available.

Recommendation:

13. For the reasons outlined in this report, staff recommends the Commission motion for Approval of CPA2020004, subject to conditions 'a' - 'd':

CPA2020004
Page 3 of 4
a. Development of the site shall be in substantial conformance with the CPA Land Use Exhibit, entitled "Rose Estates", consisting of one (1) full-sized sheet, dated June 2020, and stamped date received on June 10, 2020, except as modified by the following conditions.

b. Development of the site shall be in substantial conformance with the CPA Narrative Report, entitled "Rose Estates", consisting of 11 pages, dated June 2020, and stamp date received on June 10, 2020, except as modified by the following conditions.

c. DELETED.

d. The granting of this change in use of the property has been at the request of the applicant, with the consent of the landowner. The granting of this approval allows the property to enjoy uses in excess of those permitted by the uses existing on the date of application, subject to conditions. In the event of the failure to comply with any condition, the property shall revert to the land use designation that existed on the date of application. It is, therefore, stipulated and agreed that either revocation due to the failure to comply with any conditions, does not reduce any rights that existed on the date of application to use, divide, sell or possess the property and that there would be no diminution in value of the property from the value it held on the date of application due to such change of the land use. The land use enhances the value of the property above its value as of the date the land use change is granted and reverting to the prior land use designation results in the same value of the property as if the land use change had never been granted.

Presented by: Darren V. Gerard, AICP, Planning Manager
Reviewed by: Matthew Holm, AICP, Planning Supervisor
Attachments: CPA2019013 Case Map (1 page)
Conceptual Site Plan (1 page)
**Application Name:** Rose Estates

**Legal Description:**
T4N RR1E 07, T4N RR1E 16

<table>
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<tr>
<th>Applicant</th>
<th>Applicant Phone/Email</th>
<th>Parcel Primary</th>
<th>Gross Acres: 71 approx.</th>
<th>Gross Acres: 71 approx.</th>
</tr>
</thead>
<tbody>
<tr>
<td>JORDAN ROSE for ROSE LAW GROUP</td>
<td>480.291.0743 <a href="mailto:ROSE@ROSELAWGROUP.COM">ROSE@ROSELAWGROUP.COM</a></td>
<td>200-11-004B, 201-22-022, 201-22-0421</td>
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**Supervisor District No. 4**

**Maricopa County Planning & Development - Phoenix, AZ**

**General Comprehensive Plan Amendment for 11.9 Acre Mixed Use Employment & 59 Acre Open Space to 70.9 Acre Small Lot Residential (2-5 DU/AC) to Small Lot Residential (2-5)**
LEGAL DESCRIPTION

AND EXHIBIT
EXHIBIT “A”
LEGAL DESCRIPTIONS
PAB-0179

Assessor Parcel No. 201-22-022A

Patent 1198582:

That portion of the easement described in Patent 1198582, lying in the Southwest quarter of Section 7 – Township 4 North, Range 1 East, of the Gila and Salt River Meridian, Maricopa County, Arizona being described as follows:

The East, West and North 33 feet of Lot 26 of said Section 7 as shown on the Official Plat of the Survey of the said land, on file in the Bureau of Land Management.

Patent 1198583:

That portion of the easement described in Patent 1198583, lying in the Southwest quarter of Section 7 – Township 4 North, Range 1 East, of the Gila and Salt River Meridian, Maricopa County, Arizona being described as follows:

The East, West and South 33 feet of Lot 27 of said Section 7 as shown on the Official Plat of the Survey of the said land, on file in the Bureau of Land Management.

Patent 1198584:

That portion of the easement described in Patent 1198584, lying in the Southwest quarter of Section 7 – Township 4 North, Range 1 East, of the Gila and Salt River Meridian, Maricopa County, Arizona being described as follows:

The East, West and South 33 feet of Lot 28 of said Section 7 as shown on the Official Plat of the Survey of the said land, on file in the Bureau of Land Management.

Patent 1198939:

That portion of the easement described in Patent 1198939, lying in the Southwest quarter of Section 7 – Township 4 North, Range 1 East, of the Gila and Salt River Meridian, Maricopa County, Arizona being described as follows:

The East, West and South 33 feet of Lot 23 of said Section 7 as shown on the Official Plat of the Survey of the said land, on file in the Bureau of Land Management.

CONTINUED ON NEXT PAGE
Patent 1198942:

That portion of the easement described in Patent 1198942, lying in the Southwest quarter of Section 7 – Township 4 North, Range 1 East, of the Gila and Salt River Meridian, Maricopa County, Arizona being described as follows:

The East, West and South 33 feet of Lot 24 of said Section 7 as shown on the Official Plat of the Survey of the said land, on file in the Bureau of Land Management.