

**RETURN TO  
E-2 MESSENGER**

When Recorded, return to:

Chandler City Attorney's Office  
P.O. Box 4008, Mail Stop 602  
Chandler, Arizona 85244-4008



OFFICIAL RECORDS OF  
MARICOPA COUNTY RECORDER  
HELEN PURCELL  
2004-0867268 07/28/04 13:24  
1 OF 2

HENSLEYE

---

**CAPTION HEADING:** CITY OF CHANDLER vs. COPPERSTATE WEST, et al  
CV2003-022696

**DO NOT REMOVE**

**This is part of the official document.**

1 Glenn A. Brockman (#004821)  
James R. Cairns III (#010177)  
2 CHANDLER CITY ATTORNEY'S OFFICE  
P.O. Box 4008, MS 602  
3 Chandler, Arizona 85244-4008  
(480) 782-4640

4 Attorneys for Plaintiff

**FILED**  
*7-23-04 10:25am*  
MICHAEL K. JEANES, Clerk  
By *K Ballard*  
Deputy

**CERTIFIED COPY**

6 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**

7 **IN AND FOR THE COUNTY OF MARICOPA**

9 CITY OF CHANDLER, an Arizona municipal  
10 corporation,

11 Plaintiff,

12 vs.

13 COPPERSTATE WEST, INC., a defunct  
14 corporation; ALL OF THE SHAREHOLDERS  
15 OF COPPERSTATE WEST, INC., a defunct  
16 corporation; THE OFFICERS OF  
17 COPPERSTATE WEST, INC., a defunct  
18 corporation; E H INVESTMENTS 2001 LLC;  
19 WILLIAM JAMES CULLUMBER a/k/a James  
20 Cullumber; ADONNA L. CULLUMBER,  
21 spouse of William James Cullumber; EUGENE  
22 HICKEY; JAN HICKEY, spouse of Eugene  
23 Hickey; MICHAEL HICKEY; SANDRA  
HICKEY, spouse of Michael Hickey;

24 Defendant

Cause No.: CV2003-022696

**FINAL ORDER IN CONDEMNATION**

26  
27  
28

1 In this cause, Judgment in Condemnation was entered on June 22, 2004 and an executed  
 2 Acknowledgement of Receipt and Satisfaction of Judgment in Condemnation form has been filed  
 3 to evidence to the Court that Plaintiff's obligation under the Judgment in Condemnation has been  
 4 fully satisfied;

5 NOW, THEREFORE, IT IS ORDERED, that Plaintiff, CITY OF CHANDLER, have,  
 6 and it is hereby granted, a final order and decree in condemnation in connection with the  
 7 Judgment in Condemnation entered on June 22, 2004, and that title in fee simple to the real  
 8 property described in attached Exhibits "A" and "B"; together with a temporary drainage  
 9 easement in, on, over, under, across and through the real property described in attached Exhibits  
 10 "C" and "D", with use limited by the terms stated in attached Exhibit "E"; together with  
 11 improvements thereon, if any; and all right, title and interest therein belonging to any defendant  
 12 in this action, be and the same is hereby condemned for the public purpose of constructing,  
 13 maintaining and operating a roadway for public use within the City of Chandler, Arizona. Upon  
 14 recording a copy of this Final Order in Condemnation with the County Recorder of Maricopa  
 15 County, title in fee simple to the real property described in attached Exhibits "A" and "B";  
 16 together with the temporary drainage easement in, on, over, under, across and through that real  
 17 property described in attached Exhibits "C" and "D", with use limited by the terms stated in  
 18 attached Exhibit "E", together with the improvements thereon, if any, shall vest in Plaintiff,  
 19 CITY OF CHANDLER, an Arizona municipal corporation.

20 DONE IN OPEN COURT this 22 day of July, 2004.

21   
 22 \_\_\_\_\_  
 23 HONORABLE THOMAS DUNEVANT III  
 24 Judge of The Superior Court

25  
 26  
 27 The foregoing instrument is a full, true and correct copy  
 of the original document.

28 Attest July 23 2004  
 MICHAEL K. JEANES, Clerk of the Superior Court of the  
 State of Arizona, in and for the County of Maricopa.

By K. Ballard Deputy

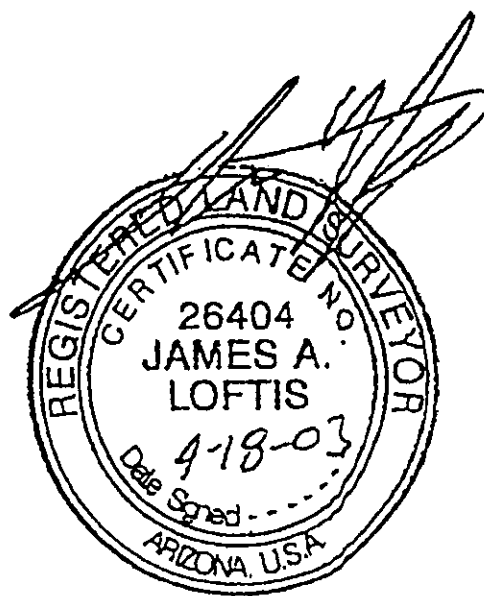
**LEGAL DESCRIPTION  
FOR  
RIGHT-OF-WAY  
EAST SIDE OF APN 303-28-252B**

*That portion of the Northeast quarter of Section 3, Township 2 South, Range 5 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, being more particularly described as follows;*

*Commencing at the Northeast corner of said Section 3, said corner being monumented with a brass cap in hand hole; thence S. 00° 27' 32" E. along the East line of said Northeast quarter a distance of 114.00 feet; thence S. 89° 44' 01" W. parallel with and 114.00 feet South of the North line of said Northeast quarter a distance of 40.00 feet to the TRUE POINT OF BEGINNING; thence S. 00° 27' 32" E. parallel with and 40.00 feet West of said East line a distance of 351.00 feet; thence S. 89° 44' 01" W. parallel with and 465.00 feet South of said North line a distance of 25.00 feet; thence N. 00° 27' 32" W. parallel with and 65.00 feet West of said East line a distance of 190.00 feet; thence S. 89° 44' 01" W. parallel with and 275.00 feet South of said North line a distance of 14.00; thence N. 00° 27' 32" W. parallel with and 79.00 feet West of said East line a distance of 161.00 feet; thence N. 89° 44' 01" E. parallel with and 114.00 feet South of said North line a distance of 39.00 feet to the TRUE POINT OF BEGINNING.*

*Containing 11,029.1 square feet, more or less.*

*Exhibit "A"*



**EXHIBIT A-1**

NE COR.  
SEC. 3  
BCHH

114.00

I.P.U.B.

N89° 44' 01" E

39.00

40.00

161.00

351.00

N0° 27' 32" W

MCCQUEEN RD.

S0° 27' 32" E



A P N 303-28-252B

S89° 44' 01" W  
14.00

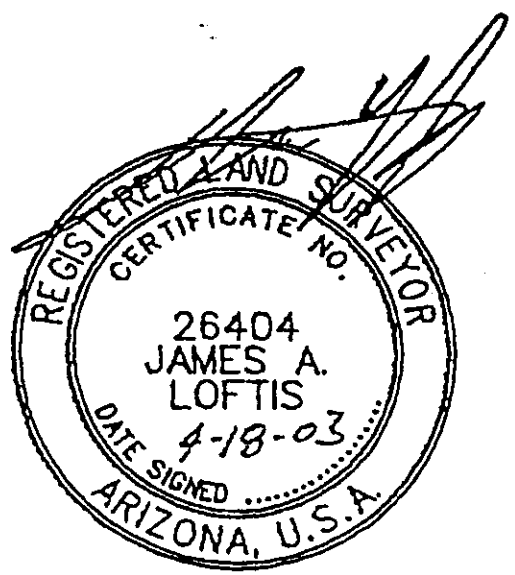
190.00

N0° 27' 32" W

S0° 27' 32" E

25.00

S89° 44' 01" W



**CONSULTING  
LAND  
SURVEYORS**

37617 N. CAVE CREEK RD.  
CAVE CREEK, AZ 85331  
PHONE (480) 990-0545  
FAX (480) 994-9097  
JOB NO.: 020506

EXHIBIT A-2

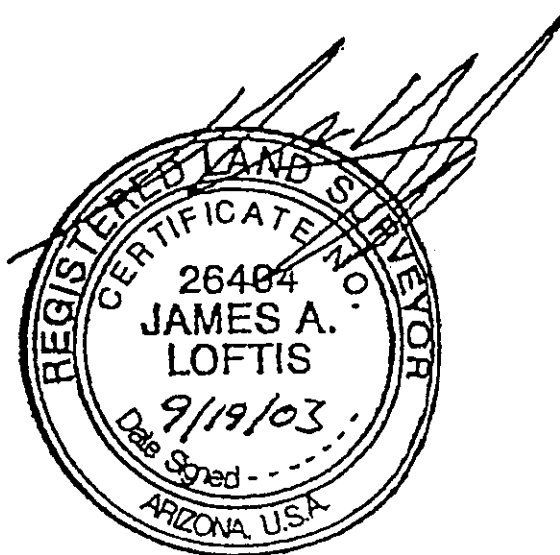
**LEGAL DESCRIPTION  
FOR  
RIGHT-OF-WAY  
APN 303-28-252B**

*That portion of the Northeast quarter of Section 3, Township 2 South, Range 5 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, being more particularly described as follows;*

*Commencing at the Northeast corner of said Section 3, said corner being monumented with a brass cap in hand hole; thence S. 89° 44' 01" W. along the North line of said Section 3, a distance of 136.00 feet; thence S. 00° 27' 32" E. parallel with and 136.00 feet West of the East line of said Section 3 a distance of 33.00 feet to the TRUE POINT OF BEGINNING; thence continuing S. 00° 27' 32" E. a distance of 32.00 feet; thence S. 89° 44' 01" W. parallel with and 65.00 feet South of said North line a distance of 329.00 feet to a point on the East line of Lot 49, RANCHOS-DE-CHANDLER UNIT 2, recorded in Book 190 of Maps, Page 32, records of said County; thence N. 00° 27' 32" W. along last said East line a distance of 32.00 feet; thence N. 89° 44' 01" E. parallel with and 33.00 feet South of said North line a distance of 329.00 feet to the TRUE POINT OF BEGINNING.*

*Containing 10,528 square feet, more or less.*

*Exhibit "A"*



**EXHIBIT B-1** |

P E C O S

R O A D

N1/4 COR.  
SEC. 3  
BCHH

NE COR.  
SEC. 3  
BCHH

S89° 44' 01" W

2510.38

N. LINE  
SEC. 3

T.P.O.B.

2646.38  
136.00

N00° 27' 32" W

N89° 44' 01" E  
S89° 44' 01" W

329.00  
329.00

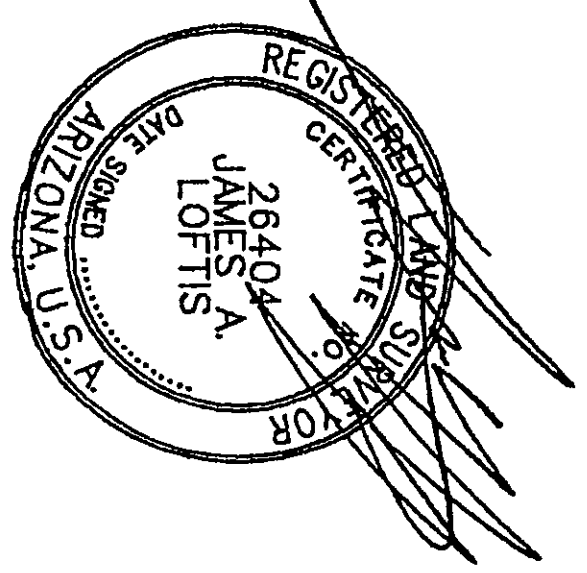
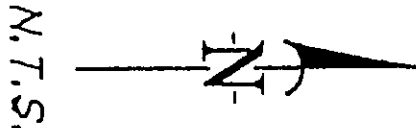
S00° 27' 32" E

S0° 27' 32" E

E. LINE  
LOT 49

A P N 3 0 3 - 2 8 - 2 5 2 B

M C Q U E E N R D .



**CONSULTING  
LAND  
SURVEYORS**

37617 N. CAVE CREEK RD.  
CAVE CREEK, AZ 85331  
PHONE (480) 990-0545  
FAX (480) 994-9097  
JOB NO.: 020506

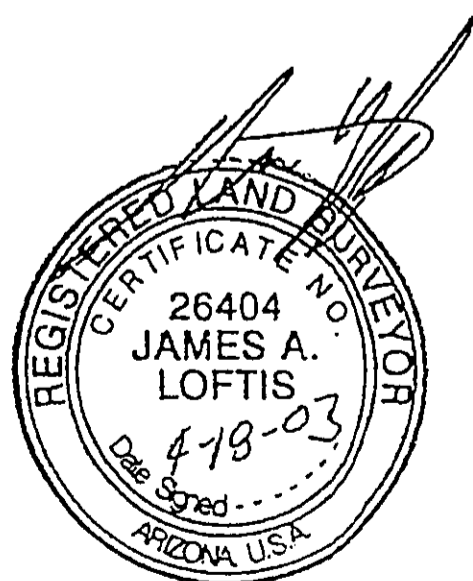
**LEGAL DESCRIPTION**

*That portion of the Northeast quarter of Section 3, Township 2 South, Range 5 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, being more particularly described as follows;*

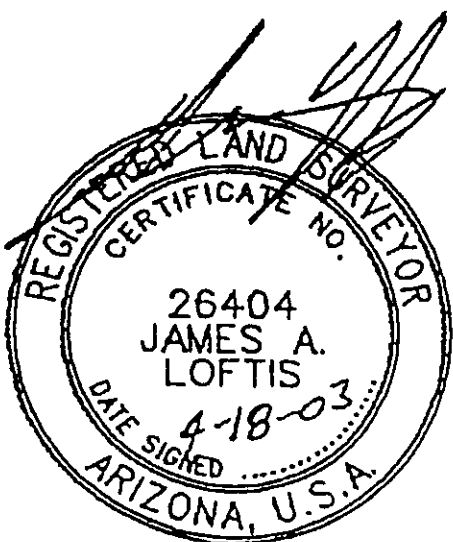
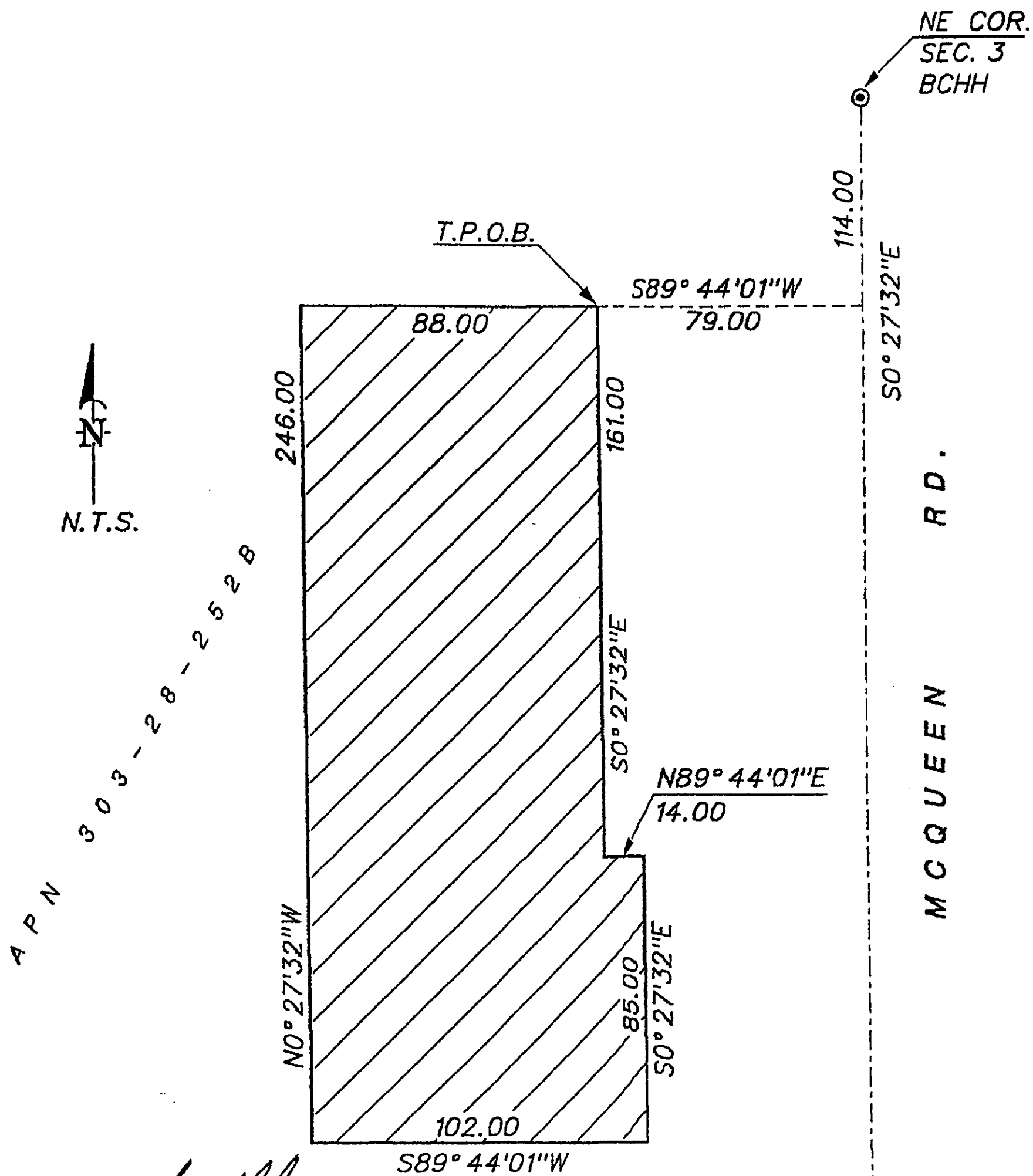
*Commencing at the Northeast corner of said Section 3, said corner being monumented with a brass cap in hand hole; thence S. 00° 27' 32" E. along the East line of said Northeast quarter a distance of 114.00 feet; thence S. 89° 44' 01" W. parallel with and 114.00 feet South of the North line of said Northeast quarter a distance of 79.00 feet to the TRUE POINT OF BEGINNING; thence S. 00° 27' 32" E. parallel with and 79.00 feet West of said East line a distance of 161.00 feet; thence N. 89° 44' 01" E. parallel with and 275.00 feet South of said North line a distance of 14.00 feet; thence S. 00° 27' 32" E. parallel with and 65.00 feet West of said East line a distance of 85.00 feet; thence S. 89° 44' 01" W. parallel with and 360.00 feet South of said North line a distance of 102.00 feet; thence N. 00° 27' 32" W. parallel with and 167.00 feet West of said East line a distance of 246.00 feet; thence N. 89° 44' 01" E. parallel with and 114.00 feet South of said North line a distance of 88.00 feet to the TRUE POINT OF BEGINNING.*

*Containing 22,838.0 square feet, more or less.*

*Exhibit "B"*



**EXHIBIT C-1**



**CONSULTING  
LAND  
SURVEYORS**

37617 N. CAVE CREEK RD.  
CAVE CREEK, AZ 85331  
PHONE (480) 990-0545  
FAX (480) 994-9097  
JOB NO.:

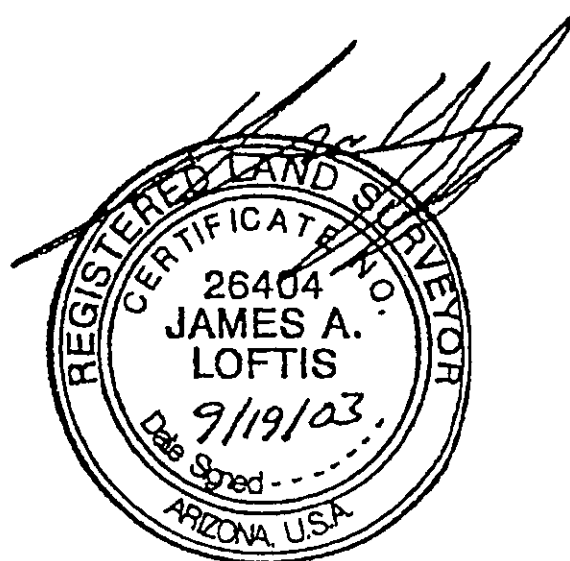
**LEGAL DESCRIPTION**

*That portion of the Northeast quarter of Section 3, Township 2 South, Range 5 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, being more particularly described as follows;*

*Commencing at the Northeast corner of said Section 3, said corner being monumented with a brass cap in hand hole; thence S. 89° 44' 01" W. along the North line of said Section 3, a distance of 465.00 feet; thence S. 00° 27' 32" E. parallel with the East line of said Section 3 a distance of 65.00 feet to the TRUE POINT OF BEGINNING; thence N. 89° 44' 01" E. parallel with and 65.00 feet South of said North line a distance of 164.00 feet; thence S. 00° 27' 32" E. a distance of 66.00 feet; thence S. 89° 44' 01" W. parallel with and 131.00 feet South of said North line a distance of 164.00 feet to a point on the East line of Lot 49, RANCHOS-DE-CHANDLER UNIT 2, recorded in Book 190 of Maps, Page 32, records of said County; thence N. 00° 27' 32" W. along said East line a distance of 66.00 feet to the TRUE POINT OF BEGINNING.*

*Containing 10,824 square feet, more or less.*

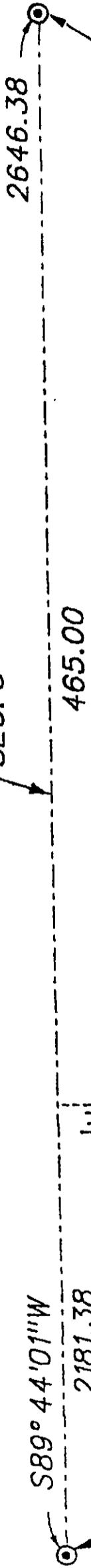
*Exhibit "B"*



**EXHIBIT D-1**

P E C O S R O A D

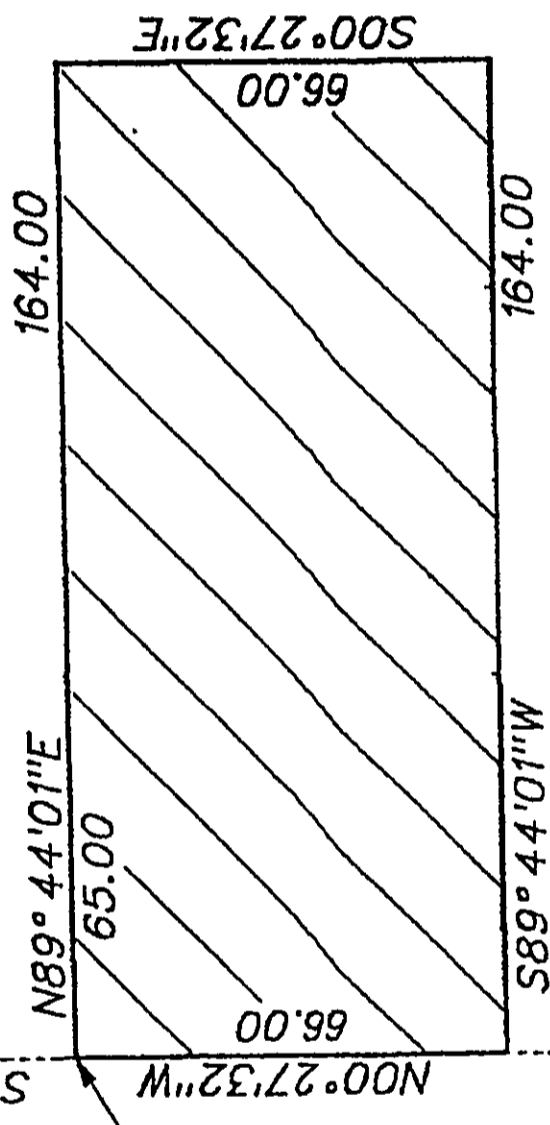
N. LINE  
SEC. 3



NE COR.  
SEC. 3  
BCHH

S89° 44'01"W  
2181.38

N1/4 COR.  
SEC. 3  
BCHH



N89° 44'01"E  
65.00

164.00

N00° 27'32"W  
66.00

S00° 27'32"E  
66.00

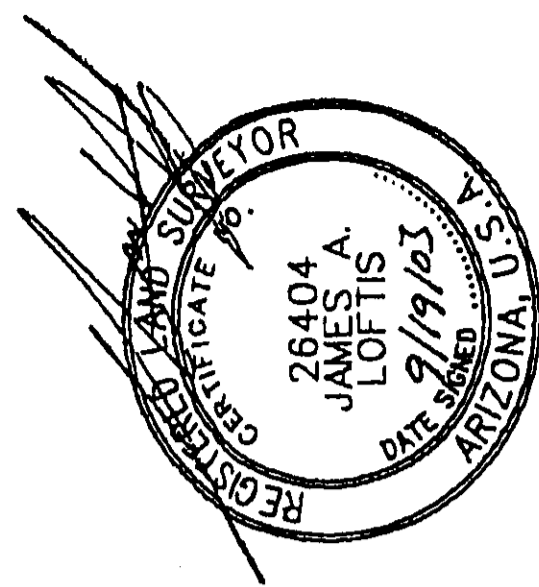
T.P.O.B.

E. LINE  
LOT 49



N.T.S.

A P N 3 0 3 - 2 8 - 2 5 2 B



**CONSULTING  
LAND  
SURVEYORS**

37617 N. CAVE CREEK RD.  
CAVE CREEK, AZ 85331  
PHONE (480) 990-0545  
FAX (480) 994-9097  
JOB NO.: 020506

**Exhibit "E"**  
**Drainage Easement - Terms and Conditions**

Plaintiff City of Chandler, its agents, employees, contractors, and permittees, and its and their respective successors and assigns ("Grantee"), shall have an easement in, on, over, under, across, and through that certain real property described in Exhibits "C" and "D" attached to this Final Order in Condemnation (the "Easement Property"), to construct, maintain, repair and operate a storm water drainage and retention basin.

This easement is subject to the following conditions and limitations:

1. This easement is subject to all easements and encumbrances of record, other than those extinguished through this condemnation action, and is non-exclusive, *provided that* later granted easements shall be subject to Grantee's rights and uses.
2. There is reserved to the record owner of the Easement Property, and the owner's successors and assigns ("Grantor"), all such rights and privileges in the land as may be used without interfering with or abridging the rights and easements hereby acquired; subject, however, to existing easements for public rights-of-way and public utilities.
3. In the event Grantee records a document to formally abandon this easement, all of Grantee's rights hereunder shall cease, except the right to remove any and all property placed upon the Easement Property within a reasonable time subsequent to such abandonment.
4. Nothing herein requires that a fully landscaped storm water retention basin be constructed by Grantee, and it is acknowledged that Grantee intends to install a temporary retention basin, not fully landscaped and improved.
5. At the time of development of the larger parcel upon which this easement is situated and of which the Easement Property is a part, this easement may be relocated in conformance with the development plans for the larger parcel with approval of the City Engineer of the City of Chandler, Arizona.
6. The terms and conditions herein set forth run with the land and shall extend and inure in favor and to the benefit of and shall be binding on the heirs, administrators, executors, personal representatives, legal representatives, successors (including successors in ownership and estate), assigns, lessees and permittees of Grantor and Grantee.