FINAL AGENDA

REGULAR COUNCIL MEETING
TUESDAY
SEPTEMBER 17, 2019

COUNCIL CHAMBERS
211 WEST ASPEN AVENUE
4:30 P.M. AND 6:00 P.M.

4:30 P.M. MEETING

Individual Items on the 4:30 p.m. meeting agenda may be postponed to the 6:00 p.m. meeting.

1. CALL TO ORDER

NOTICE OF OPTION TO RECESS INTO EXECUTIVE SESSION

Pursuant to A.R.S. §38-431.02, notice is hereby given to the members of the City Council and to the general public that, at this regular meeting, the City Council may vote to go into executive session, which will not be open to the public, for legal advice and discussion with the City's attorneys for legal advice on any item listed on the following agenda, pursuant to A.R.S. §38-431.03(A)(3).

2. ROLL CALL

NOTE: One or more Councilmembers may be in attendance telephonically or by other technological means.

MAYOR EVANS
VICE MAYOR SHIMONI
COUNCILMEMBER ASLAN
COUNCILMEMBER MCCARTHY
COUNCILMEMBER ODEGAARD
COUNCILMEMBER SALAS
COUNCILMEMBER WHELAN

3. PLEDGE OF ALLEGIANCE AND MISSION STATEMENT

MISSION STATEMENT

The mission of the City of Flagstaff is to protect and enhance the quality of life for all.

4. PUBLIC PARTICIPATION

Public Participation enables the public to address the Council about an item that is not on the agenda. Comments relating to items that are on the agenda will be taken at the time that the item is discussed. If you wish to address the Council at tonight's meeting, please complete a comment card and submit it to the recording clerk as soon as possible. Your name will be called when it is your turn to speak. You may address the Council up to three times throughout the meeting, including comments made during Public Participation. Please limit your remarks to three minutes per item to allow everyone an opportunity to speak. At the discretion of the Chair, ten or more persons present at the meeting and wishing to speak may appoint a

representative who may have no more than fifteen minutes to speak.

5. LIQUOR LICENSE PUBLIC HEARINGS

A. **Consideration and Action on Liquor License Application:** Kelsey Drayton "Brandy's Restaurant & Bakery," 1500 E. Cedar Avenue #40, Series 12 (restaurant), New License.

STAFF RECOMMENDED ACTION:

Open the public hearing.
Receive citizen input.
Close the public hearing.

The City Council has the option to:
(1) Forward the application to the State with a recommendation for approval;
(2) Forward the application to the State with a recommendation for denial based on information from staff, the testimony received at the public hearing and/or other factors.

B. **Consideration and Action on Liquor License Application:** Kelsey Drayton "Brandy's Cafe," 18 S. Beaver Street, Series 12 (restaurant), New License.

STAFF RECOMMENDED ACTION:

Open the public hearing.
Receive citizen input.
Close the public hearing.

The City Council has the option to:
(1) Forward the application to the State with a recommendation for approval;
(2) Forward the application to the State with a recommendation for denial based on information from staff, the testimony received at the public hearing and/or other factors.

C. **Consideration and Action on Liquor License Application:** Ross Taylor "Real Kitchen," 1509 S. Milton Road, Series 12 (restaurant), New License.

STAFF RECOMMENDED ACTION:

Open the public hearing.
Receive citizen input.
Close the public hearing.

The City Council has the option to:
(1) Forward the application to the State with a recommendation for approval;
(2) Forward the application to the State with a recommendation for denial based on information from staff, the testimony received at the public hearing and/or other factors.

6. CONSENT ITEMS

All matters under Consent Agenda are considered by the City Council to be routine and will be enacted by one motion approving the recommendations listed on the agenda. Unless otherwise indicated, expenditures approved by Council are budgeted items.

A. **Consideration and Approval of Final Plat:** Request from Neighborhood Homes, LLC, for final plat approval for Homes at Verkamp: **a six (6)-unit residential condominium subdivision on .49 acres at 623 North San Francisco Street in the R1N (Single-Family Residential Neighborhood) Zone.**

STAFF RECOMMENDED ACTION:

Staff recommends the City Council approve the final plat and authorize the Mayor to sign the plat and City Subdivider Agreement when notified by Staff that the documents are ready for recording.

B. **Consideration and Approval of Final Plat**

Request from TLC PC Golf, LLC, for final plat approval for Club Cabin Condominiums at the Estates at Pine Canyon Unit 1: **a four (4)-unit residential condominium subdivision located at 3000 S. Clubhouse Circle on 10.88 acres in the R1 (Single-Family Residential) Zone.**

STAFF RECOMMENDED ACTION:

Staff recommends the City Council approve the final plat and authorize the Mayor to sign the plat when notified by Staff that the document is ready for recording.

7. ROUTINE ITEMS

A. **Consideration and Adoption of Ordinance No. 2019-26:** An ordinance of the City Council of the City of Flagstaff, authorizing the acquisition of real property and/or easements for the Switzer Canyon Water Transmission Main Project - Phases IV & V; providing for delegation of authority, subsequent council approvals, severability, and establishing an effective date.

STAFF RECOMMENDED ACTION:

1) Read Ordinance No. 2019-26 by title only for the final time
2) City Clerk reads Ordinance No. 2019-26 by title only (if approved above)
3) Adopt Ordinance No. 2019-26

B. **Consideration and Adoption of Ordinance No. 2019-28:** An ordinance of the Flagstaff City Council accepting drainage and slope easements along Ponderosa Parkway; delegating authority, and establishing an effective date.

STAFF RECOMMENDED ACTION:

1) Read Ordinance No. 2019-28 by title only for the final time
2) City Clerk reads Ordinance No. 2019-28 by title only (if approved above)
3) Adopt Ordinance No. 2019-28

C. **Consideration and Adoption of Resolution No. 2019-44:** A resolution of the Flagstaff City Council authorizing Amendment No. One to an Intergovernmental Agreement with the Arizona Department of Transportation for Construction of the Fourth Street /I-40 Bridge Replacement Project.

STAFF RECOMMENDED ACTION:

1) Read Resolution No. 2019-44 by title only
2) City Clerk reads Resolution No. 2019-44 by title only (if approved above)
3) Adopt Resolution No. 2019-44

D. **Consideration and Approval of Payment:** Payment to the Flagstaff Metropolitan Planning Organization (FMPO) in the amount of $114,000 for drainage work on Plaza Way associated with the Arizona Department of Transportation's (ADOT) Plaza Way Right Turn Lane Project.

STAFF RECOMMENDED ACTION:

Staff does not have a recommendation.

E. **Consideration and Approval of Lease of City-Owned Property:** Amendment to extend the Flagstaff Railroad Passenger Station Facility Lease with National Railroad Passenger Corporation (Amtrak) for a term of five (5) years, with options for renewal.

STAFF RECOMMENDED ACTION:

Approve an Amendment extending the Facility Railroad Passenger Station Facility Lease for a term of five years, with options for renewal.

F. **Consideration and Approval of Amendment One to Purchase Agreement:** Between the City of Flagstaff and Brinshore Development LLC, an amendment to clarify the total compensation provided by the purchaser to the seller with no change to the payment terms or the total amount.

STAFF RECOMMENDED ACTION:

Approve Amendment One to the Purchase Agreement.

RECESS

6:00 P.M. MEETING

RECONVENE

NOTICE OF OPTION TO RECESS INTO EXECUTIVE SESSION

Pursuant to A.R.S. §38-431.02, notice is hereby given to the members of the City Council and to the general public that, at this regular meeting, the City Council may vote to go into executive session, which will not be open to the public, for legal advice and discussion with the City's attorneys for legal advice on any item listed on the following agenda, pursuant to A.R.S. §38-431.03(A)(3).

8. ROLL CALL

NOTE: One or more Councilmembers may be in attendance telephonically or by other technological means.

MAYOR EVANS
VICE MAYOR SHIMONI
COUNCILMEMBER ASLAN
COUNCILMEMBER MCCARTHY
COUNCILMEMBER ODEGAARD
COUNCILMEMBER SALAS
COUNCILMEMBER WHELAN

9. PLEDGE OF ALLEGIANCE

10. PUBLIC PARTICIPATION

11. CARRY OVER ITEMS FROM THE 4:30 P.M. AGENDA

12. PUBLIC HEARING ITEMS

A. Consideration and Adoption of Ordinance No. 2019-29: A Zoning Map Amendment, requested by San Francisco de Asis Parish and the Planning Director, of approximately 0.62 acres located at 244 S. Kendrick Street to add Landmarks Overlay (LO) Zone to the existing zoning classification of High Density Residential (HR) Zone.

STAFF RECOMMENDED ACTION:

In accordance with the findings presented by staff, approve the requested Zoning Map Amendment to add the Landmark Overlay (LO) district to Our Lady of Guadalupe (PZ-19-00126-01) and take the following action:

At the September 17, 2019 Council Meeting:
1) Read Ordinance No. 2019-29 by title only for the first time
2) City Clerk reads Ordinance No. 2019-29 by title only (if approved above)
At the October 1, 2019 Council Meeting:
3) Read Ordinance No. 2019-29 by title only for the final time
4) City Clerk reads Ordinance No. 2019-29 by title only (if approved above)
5) Adopt Ordinance No. 2019-29

13. REGULAR AGENDA

A. Appeal of Approval by the Planning and Zoning Commission: the appeal of Conditional Use Permit PZ-18-00182-02. This appeal was requested by the Flagstaff City Council.

STAFF RECOMMENDED ACTION:

Staff does not have a recommended action, other than for the Council to hear and decide the appeal.

14. DISCUSSION ITEMS

A. Case No. PZ-19-00094 Updates to Zoning Code 2019 – Miscellaneous Part 1

B. Case No. PZ-19-00095 Updates to Zoning Code 2019 - Accessory Dwelling Units (ADU)

15. COUNCIL LIAISON REPORTS

16. FUTURE AGENDA ITEM REQUESTS

After discussion and upon agreement by three members of the Council, an item will be moved to a regularly-scheduled Council meeting.

A. **Future Agenda Item Request (F.A.I.R.):** A request by Mayor Evans to place on a future agenda a discussion about all aspects of the City Council operations including office space, support staff, budget, and salary and establishing a committee to evaluate these items

B. **Future Agenda Item Request (F.A.I.R.):** A request by Councilmember Salas to place on a future agenda a discussion about a possible resolution or letter to the Congress and Senate supporting ratification of the US Mexico Canada Agreement (USMCA).

17. INFORMATIONAL ITEMS AND REPORTS FROM COUNCIL AND STAFF, FUTURE AGENDA ITEM REQUESTS

18. ADJOURNMENT

CERTIFICATE OF POSTING OF NOTICE

The undersigned hereby certifies that a copy of the foregoing notice was duly posted at Flagstaff City Hall on _____, at _____ a.m./p.m. in accordance with the statement filed by the City Council with the City Clerk.

Dated this _____ day of _____, 2019.

_____
Stacy Saltzburg, MMC, City Clerk

5. A.

CITY OF FLAGSTAFF

STAFF SUMMARY REPORT

To:	The Honorable Mayor and Council
From:	Stacy Fobar, Deputy City Clerk
Date:	09/09/2019
Meeting Date:	09/17/2019

TITLE:

Consideration and Action on Liquor License Application: Kelsey Drayton "Brandy's Restaurant & Bakery," 1500 E. Cedar Avenue #40, Series 12 (restaurant), New License.

STAFF RECOMMENDED ACTION:

Open the public hearing.
Receive citizen input.
Close the public hearing.

The City Council has the option to:
(1) Forward the application to the State with a recommendation for approval;
(2) Forward the application to the State with a recommendation for denial based on information from staff, the testimony received at the public hearing and/or other factors.

Executive Summary:

The liquor license process begins at the State level and applications are then forwarded to the respective municipality for posting at the property and holding a public hearing, after which the Council recommendation is forwarded back to the State. A Series 12 license allows the holder of a restaurant license to sell and serve spirituous liquor solely for consumption on the premises of an establishment which derives at least forty percent (40%) of its gross revenue from the sale of food. Brandy's Restaurant & Bakery is an existing business in Flagstaff applying for a new series 12 restaurant license. If approved it will be the 103rd active series 12 license in Flagstaff. Series 12 licenses are non-quota licenses. To view surrounding liquor licenses, please refer to the online interactive Liquor License Map.

The property has been posted as required, and the Police and Community Development divisions have reviewed the application and provided their respective reports.

Financial Impact:

There is no budgetary impact to the City of Flagstaff as this is a recommendation to the State.

Policy Impact:

Not applicable.

Connection to Council Goal, Regional Plan and/or Team Flagstaff Strategic Plan:
Liquor licenses are a regulatory action and there is no Council goal that applies.

Has There Been Previous Council Decision on This:
Not applicable.

Key Considerations:
Because the application is for a new license, consideration may be given to both the location and the applicant's personal qualifications.

The deadline for issuing a recommendation on this application is September 20, 2019.

Community Benefits and Considerations:
This business will contribute to the tax base of the community.

Community Involvement:
The application was properly posted on August 28, 2019. No written protests have been received to date.

Attachments:
Brandy's Restaurant - Letter to Applicant
Hearing Procedures
Series 12 Description
Brandy's Restaurant - PD Memo
Brandy's Restaurant - Zoning Memo
Brandy's Restaurant - Map

OFFICE OF THE CITY CLERK

September 3, 2019

Brandy's Restaurant & Bakery
Attn: Kelsey Drayton
1500 E. Cedar Avenue #40
Flagstaff, AZ 86004

Dear Mr. Drayton:

Your application for a new Series 12 Liquor License for Brandy's Restaurant located at 1500 E. Cedar Avenue #40, was posted on August 28, 2019. The City Council will consider the application at a public hearing during their regularly scheduled City Council Meeting on **Tuesday, September 17, 2019 which begins at 4:30 p.m.**

It is important that you or your representative attend this Council Meeting and be prepared to answer any questions that the City Council may have. Failure to be available for questions could result in a recommendation for denial of your application. We suggest that you contact your legal counsel or the Department of Liquor Licenses and Control at 602-542-5141 to determine the criteria for your license. To help you understand how the public hearing process will be conducted, we are enclosing a copy of the City's liquor license application hearing procedures.

The twenty-day posting period for your liquor license application is set to expire on September 17, 2019 and the application may be removed from the premises at that time.

There is an $815 application fee which needs to be received prior to the hearing date. Please note that this application fee is for both Brandy's Restaurant & Bakery and Brandy's Café since both applications are being processed simultaneously. Payment can be made online at https://www.flagstaff.az.gov/2452/E--Services under Business Licensing Payment Online Services by clicking Liquor License Request Payment, in person at the payment window, or you can send a check to my attention at 211 W. Aspen Ave., Flagstaff, AZ 86001.

If you have any questions, please feel free to call me at 928-213-2077.

Sincerely,

Stacy M. Fobar
Deputy City Clerk

Enclosure

City of Flagstaff

Liquor License Application
Hearing Procedures

1. When the matter is reached at the Council meeting, the presiding officer will open the public hearing on the item.

2. The presiding officer will request that the Applicant come forward to address the Council regarding the application in a presentation not exceeding ten (10) minutes. Council may question the Applicant regarding the testimony or other evidence provided by the Applicant.

3. The presiding officer will then ask whether City staff have information to present to the Council regarding the application. Staff should come forward at this point and present information to the Council in a presentation not exceeding ten (10) minutes. Council may question City staff regarding the testimony or other evidence provided by City staff.

4. Other parties, if any, may then testify, limited to three (3) minutes per person. Council may question these parties regarding the testimony they present to the Council.

5. The Applicant may make a concise closing statement to the Council, limited to five (5) minutes. During this statement, Council may ask additional questions of the Applicant.

6. City staff may make a concise closing statement to the Council, limited to five (5) minutes. During this statement, Council may ask additional questions of City Staff.

7. The presiding officer will then close the public hearing.

8. The Council will then, by motion, vote to forward the application to the State with a recommendation of approval, disapproval, or shall vote to forward with no recommendation.

R19-1-702. Determining Whether to Grant a License for a Certain Location

A. To determine whether public convenience requires and the best interest of the community will be substantially served by issuing or transferring a license at a particular unlicensed location, local governing authorities and the Board may consider the following criteria:

1. Petitions and testimony from individuals who favor or oppose issuance of a license and who reside in, own, or lease property within one mile of the proposed premises;

2. Number and types of licenses within one mile of the proposed premises;

3. Evidence that all necessary licenses and permits for which the applicant is eligible at the time of application have been obtained from the state and all other governing bodies;

4. Residential and commercial population of the community and its likelihood of increasing, decreasing, or remaining static;

5. Residential and commercial population density within one mile of the proposed premises;

6. Evidence concerning the nature of the proposed business, its potential market, and its likely customers;

7. Effect on vehicular traffic within one mile of the proposed premises;

8. Compatibility of the proposed business with other activity within one mile of the proposed premises;

9. Effect or impact on the activities of businesses or the residential neighborhood that might be affected by granting a license at the proposed premises;

10. History for the past five years of liquor violations and reported criminal activity at the proposed premises provided that the applicant received a detailed report of the violations and criminal activity at least 20 days before the hearing by the Board;

11. Comparison of the hours of operation at the proposed premises to the hours of operation of existing businesses within one mile of the proposed premises; and

12. Proximity of the proposed premises to licensed childcare facilities as defined by A.R.S. § 36-881.

B. This Section is authorized by A.R.S. § 4-201(I).

License Types: Series 12 Restaurant License

Non-transferable
On-sale retail privileges
Note: Terms in **BOLD CAPITALS** are defined in the glossary.

PURPOSE:
Allows the holder of a restaurant license to sell and serve spirituous liquor solely for consumption on the premises of an establishment which derives at least forty percent (40%) of its gross revenue from the sale of food.

ADDITIONAL RIGHTS AND RESPONSIBILITIES:
An applicant for a restaurant license must file a copy of its restaurant menu and Restaurant Operation Plan with the application. The Plan must include listings of all restaurant equipment and service items, the restaurant seating capacity, and other information requested by the department to substantiate that the restaurant will operate in compliance with Title 4.

The licensee must notify the Department, in advance, of any proposed changes in the seating capacity of the restaurant or dimensions of a restaurant facility.

A restaurant licensee must maintain complete restaurant services continually during the hours of selling and serving of spirituous liquor, until at least 10:00 p.m. daily, if any spirituous liquor is to be sold and served up to 2:00 a.m.

On any original applications, new managers and/or the person responsible for the day-to-day operations must attend a basic and management training class.

A licensee acting as a **RETAIL AGENT**, authorized to purchase and accept **DELIVERY** of spirituous liquor by other licensees, must receive a certificate of registration from the Department.

A **PREGNANCY WARNING SIGN** for pregnant women consuming spirituous liquor must be posted within twenty (20) feet of the cash register or behind the bar.

A log must be kept by the licensee of all persons employed at the premises including each employee's name, date and place of birth, address and responsibilities.

Bar, beer and wine bar, and restaurant licensees must pay an annual surcharge of $20.00. The money collected from these licensees will be used by the Department for an auditor to review compliance by restaurants with the restaurant licensing provisions of ARS 4-205.02.

FLAGSTAFF POLICE DEPARTMENT
911 SAWMILL RD • FLAGSTAFF, ARIZONA 86001• (928) 779-3646
ADMIN FAX (928)213-3372
TDD 1-800-842-4681

Chief of Police
Kevin D. Treadway

MEMORANDUM

Memo #19-058

TO: **Chief Kevin Treadway**

FROM: **Sgt. Collin Seay**

DATE: **September 3rd, 2019**

RE: **LIQUOR LICENSE APPLICATION – SERIES 12- FOR "Brandy's Restaurant and Brandy's Cafe"**

On September 3rd, 2019, I initiated an investigation into two new applications for Series 12 (restaurant) liquor licenses filed by Kelsey Drayton (Controlling Person and Agent) and Jamie Drayton (Controlling Person). The first license is #71034, and it is for Brandy's Restaurant located at 1500 E Cedar Ave. The second license is #70960, and it will be for Brandy's Café located at 18 S Beaver St. Brandy's Restaurant is currently operating with a Series 7 liquor license possessed by Kelsey and Jamie, and they are looking to get rid of the Series 7 and operate with only a Series 12 restaurant license. Brandy's Café currently does not have a license, and they are looking to add a Series 12 to this location.

I conducted a query through local systems and public access on Kelsey and Jamie, and no derogatory records were found. Kelsey and Jamie provided proof with their application of completing the mandatory liquor courses. Kelsey reported to me that he has had his Series 7 license at the Brandy's Restaurant location for the past five and a half years, and they have never had any liquor violations against the license. I was able to confirm this with a public records check.

Kelsey confirmed he would attend the council meeting on September 17th, 2019. Kelsey advised they would be serving alcohol at the Brandy's Restaurant location from 6:30 am to 3:00 pm, and they would be serving from 7:00 am to 2:00 pm at the Brandy's Café location with the two new licenses. Kelsey told me he would be present at the September 17th, 2019 council meeting.

Planning and Development Services Memorandum

To: Stacy Fobar, Deputy City Clerk

From: Reggie Eccleston, Code Compliance Manager

CC: Tiffany Antol, Planning Director

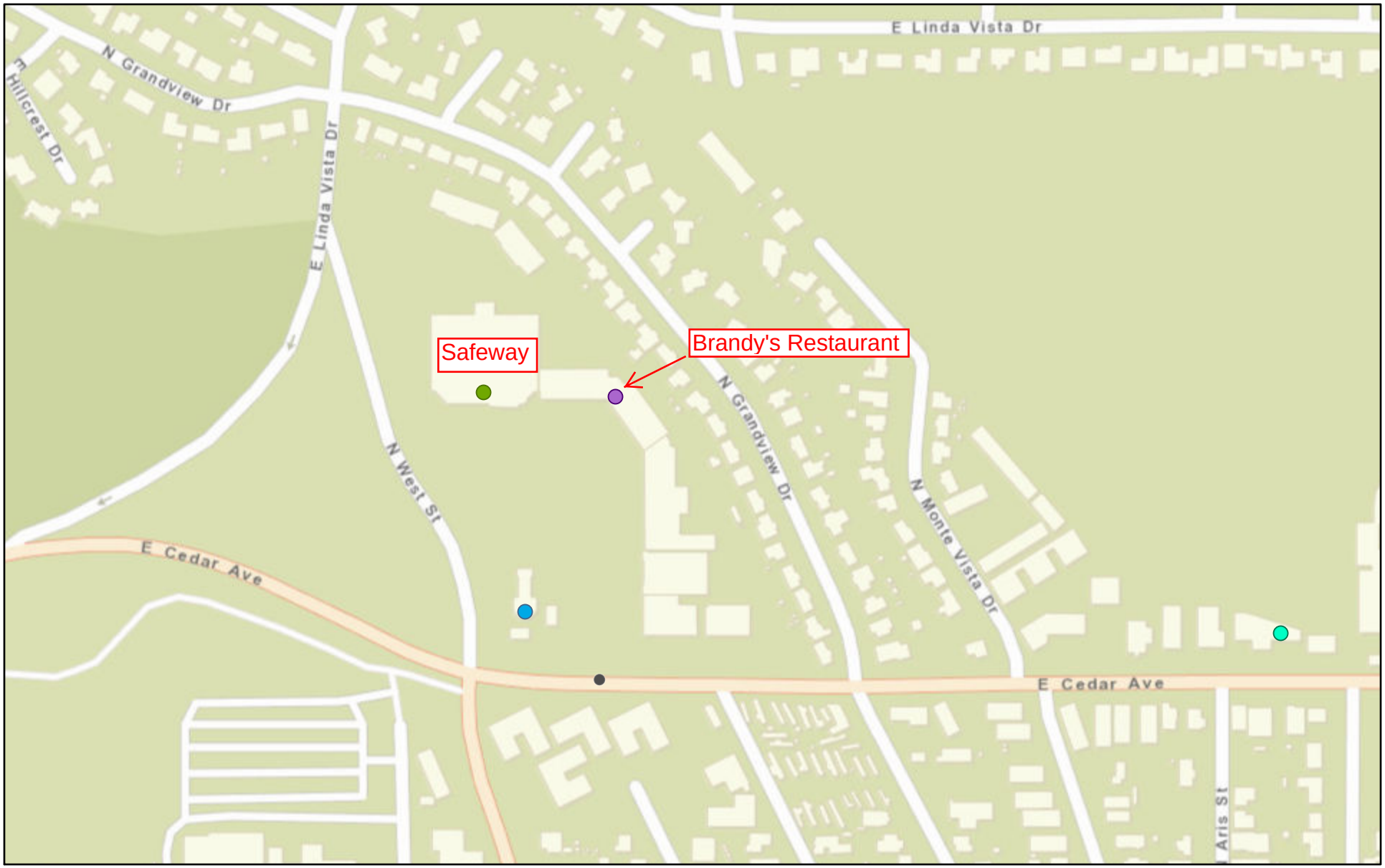
Date: August 27, 2019

Re: Application for Liquor License #71034
1500 E Cedar Ave. Ste. 40, Flagstaff, Arizona 86004
Assessor's Parcel Number 109-05-001G
Kelsey Justin Drayton on behalf of Brandy's Cafe

This application is a request for a new Series 12 Restaurant liquor license by Kelsey Justin Drayton on behalf of Brandy's Cafe. This business is located within the Community Commercial district. This district does allow for this use.

There are no active Zoning Code violations associated with the applicant or the property at this time.

Brandy's Restaurant



8/30/2019, 2:06:14 PM

Liquor Licenses

- Beer and Wine Bar
- Beer and Wine Store
- Liquor Store
- Restaurant

1:4,514

0 0.03 0.06 0.12 mi

0 0.05 0.1 0.2 km

Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand),

Web AppBuilder for ArcGIS

Coconino County, County of Yavapai, Bureau of Land Management, Esri, HERE, Garmin, INCREMENT P, NGA, USGS |

5. B.

CITY OF FLAGSTAFF

STAFF SUMMARY REPORT

To:	The Honorable Mayor and Council
From:	Stacy Fobar, Deputy City Clerk
Date:	09/09/2019
Meeting Date:	09/17/2019

TITLE:

Consideration and Action on Liquor License Application: Kelsey Drayton "Brandy's Cafe," 18 S. Beaver Street, Series 12 (restaurant), New License.

STAFF RECOMMENDED ACTION:

Open the public hearing.
Receive citizen input.
Close the public hearing.

The City Council has the option to:
(1) Forward the application to the State with a recommendation for approval;
(2) Forward the application to the State with a recommendation for denial based on information from staff, the testimony received at the public hearing and/or other factors.

Executive Summary:

The liquor license process begins at the State level and applications are then forwarded to the respective municipality for posting at the property and holding a public hearing, after which the Council recommendation is forwarded back to the State. A Series 12 license allows the holder of a restaurant license to sell and serve spirituous liquor solely for consumption on the premises of an establishment which derives at least forty percent (40%) of its gross revenue from the sale of food. Brandy's Cafe is an existing business in Flagstaff applying for a new series 12 restaurant license. If approved it will be the 102nd active series 12 license in Flagstaff. Series 12 licenses are non-quota licenses. To view surrounding liquor licenses, please refer to the online interactive Liquor License Map.

The property has been posted as required, and the Police and Community Development divisions have reviewed the application and provided their respective reports.

Financial Impact:

There is no budgetary impact to the City of Flagstaff as this is a recommendation to the State.

Policy Impact:

Not applicable.

Connection to Council Goal, Regional Plan and/or Team Flagstaff Strategic Plan:
Liquor licenses are a regulatory action and there is no Council goal that applies.

Has There Been Previous Council Decision on This:
Not applicable.

Key Considerations:
Because the application is for a new license, consideration may be given to both the location and the applicant's personal qualifications.

The deadline for issuing a recommendation on this application is September 20, 2019.

Community Benefits and Considerations:
This business will contribute to the tax base of the community.

Community Involvement:
The application was properly posted on August 28, 2019. No written protests have been received to date.

Attachments:
Brandy's Cafe - Letter to Applicant
Hearing Procedures
Series 12 Description
Brandy's Restaurant & Cafe - PD Memo
Brandy's Cafe - Zoning Memo
Brandy's Cafe - Map

OFFICE OF THE CITY CLERK

September 3, 2019

Brandy's Café
Attn: Kelsey Drayton
18 S. Beaver Street
Flagstaff, AZ 86001

Dear Mr. Drayton:

Your application for a new Series 12 Liquor License for Brandy's Café located at 18 S. Beaver Street Street, was posted on August 28, 2019. The City Council will consider the application at a public hearing during their regularly scheduled City Council Meeting on **Tuesday, September 17, 2019 which begins at 4:30 p.m.**

It is important that you or your representative attend this Council Meeting and be prepared to answer any questions that the City Council may have. Failure to be available for questions could result in a recommendation for denial of your application. We suggest that you contact your legal counsel or the Department of Liquor Licenses and Control at 602-542-5141 to determine the criteria for your license. To help you understand how the public hearing process will be conducted, we are enclosing a copy of the City's liquor license application hearing procedures.

The twenty-day posting period for your liquor license application is set to expire on September 17, 2019 and the application may be removed from the premises at that time.

There is an $815 application fee which needs to be received prior to the hearing date. Please note that this application fee is for both Brandy's Café and Brandy's Restaurant & Bakery since both applications are being processed simultaneously. Payment can be made online at https://www.flagstaff.az.gov/2452/E--Services under Business Licensing Payment Online Services by clicking Liquor License Request Payment, in person at the payment window, or you can send a check to my attention at 211 W. Aspen Ave., Flagstaff, AZ 86001.

If you have any questions, please feel free to call me at 928-213-2077.

Sincerely,

Stacy M. Fobar
Deputy City Clerk

Enclosure

City of Flagstaff

Liquor License Application
Hearing Procedures

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6. City staff may make a concise closing statement to the Council, limited to five (5) minutes. During this statement, Council may ask additional questions of City Staff.

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R19-1-702. Determining Whether to Grant a License for a Certain Location

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1. Petitions and testimony from individuals who favor or oppose issuance of a license and who reside in, own, or lease property within one mile of the proposed premises;

2. Number and types of licenses within one mile of the proposed premises;

3. Evidence that all necessary licenses and permits for which the applicant is eligible at the time of application have been obtained from the state and all other governing bodies;

4. Residential and commercial population of the community and its likelihood of increasing, decreasing, or remaining static;

5. Residential and commercial population density within one mile of the proposed premises;

6. Evidence concerning the nature of the proposed business, its potential market, and its likely customers;

7. Effect on vehicular traffic within one mile of the proposed premises;

8. Compatibility of the proposed business with other activity within one mile of the proposed premises;

9. Effect or impact on the activities of businesses or the residential neighborhood that might be affected by granting a license at the proposed premises;

10. History for the past five years of liquor violations and reported criminal activity at the proposed premises provided that the applicant received a detailed report of the violations and criminal activity at least 20 days before the hearing by the Board;

11. Comparison of the hours of operation at the proposed premises to the hours of operation of existing businesses within one mile of the proposed premises; and

12. Proximity of the proposed premises to licensed childcare facilities as defined by A.R.S. § 36-881.

B. This Section is authorized by A.R.S. § 4-201(I).

License Types: Series 12 Restaurant License

Non-transferable
On-sale retail privileges
Note: Terms in **BOLD CAPITALS** are defined in the glossary.

PURPOSE:
Allows the holder of a restaurant license to sell and serve spirituous liquor solely for consumption on the premises of an establishment which derives at least forty percent (40%) of its gross revenue from the sale of food.

ADDITIONAL RIGHTS AND RESPONSIBILITIES:
An applicant for a restaurant license must file a copy of its restaurant menu and Restaurant Operation Plan with the application. The Plan must include listings of all restaurant equipment and service items, the restaurant seating capacity, and other information requested by the department to substantiate that the restaurant will operate in compliance with Title 4.

The licensee must notify the Department, in advance, of any proposed changes in the seating capacity of the restaurant or dimensions of a restaurant facility.

A restaurant licensee must maintain complete restaurant services continually during the hours of selling and serving of spirituous liquor, until at least 10:00 p.m. daily, if any spirituous liquor is to be sold and served up to 2:00 a.m.

On any original applications, new managers and/or the person responsible for the day-to-day operations must attend a basic and management training class.

A licensee acting as a **RETAIL AGENT**, authorized to purchase and accept **DELIVERY** of spirituous liquor by other licensees, must receive a certificate of registration from the Department.

A **PREGNANCY WARNING SIGN** for pregnant women consuming spirituous liquor must be posted within twenty (20) feet of the cash register or behind the bar.

A log must be kept by the licensee of all persons employed at the premises including each employee's name, date and place of birth, address and responsibilities.

Bar, beer and wine bar, and restaurant licensees must pay an annual surcharge of $20.00. The money collected from these licensees will be used by the Department for an auditor to review compliance by restaurants with the restaurant licensing provisions of ARS 4-205.02.

FLAGSTAFF POLICE DEPARTMENT
911 SAWMILL RD • FLAGSTAFF, ARIZONA 86001• (928) 779-3646
ADMIN FAX (928)213-3372
TDD 1-800-842-4681

Chief of Police
Kevin D. Treadway

MEMORANDUM

Memo #19-058

TO: **Chief Kevin Treadway**

FROM: **Sgt. Collin Seay**

DATE: **September 3rd, 2019**

RE: **LIQUOR LICENSE APPLICATION – SERIES 12- FOR "Brandy's Restaurant and Brandy's Cafe"**

On September 3rd, 2019, I initiated an investigation into two new applications for Series 12 (restaurant) liquor licenses filed by Kelsey Drayton (Controlling Person and Agent) and Jamie Drayton (Controlling Person). The first license is #71034, and it is for Brandy's Restaurant located at 1500 E Cedar Ave. The second license is #70960, and it will be for Brandy's Café located at 18 S Beaver St. Brandy's Restaurant is currently operating with a Series 7 liquor license possessed by Kelsey and Jamie, and they are looking to get rid of the Series 7 and operate with only a Series 12 restaurant license. Brandy's Café currently does not have a license, and they are looking to add a Series 12 to this location.

I conducted a query through local systems and public access on Kelsey and Jamie, and no derogatory records were found. Kelsey and Jamie provided proof with their application of completing the mandatory liquor courses. Kelsey reported to me that he has had his Series 7 license at the Brandy's Restaurant location for the past five and a half years, and they have never had any liquor violations against the license. I was able to confirm this with a public records check.

Kelsey confirmed he would attend the council meeting on September 17th, 2019. Kelsey advised they would be serving alcohol at the Brandy's Restaurant location from 6:30 am to 3:00 pm, and they would be serving from 7:00 am to 2:00 pm at the Brandy's Café location with the two new licenses. Kelsey told me he would be present at the September 17th, 2019 council meeting.

Planning and Development Services Memorandum

To: Stacy Fobar, Deputy City Clerk

From: Reggie Eccleston, Code Compliance Manager

CC: Tiffany Antol, Planning Director

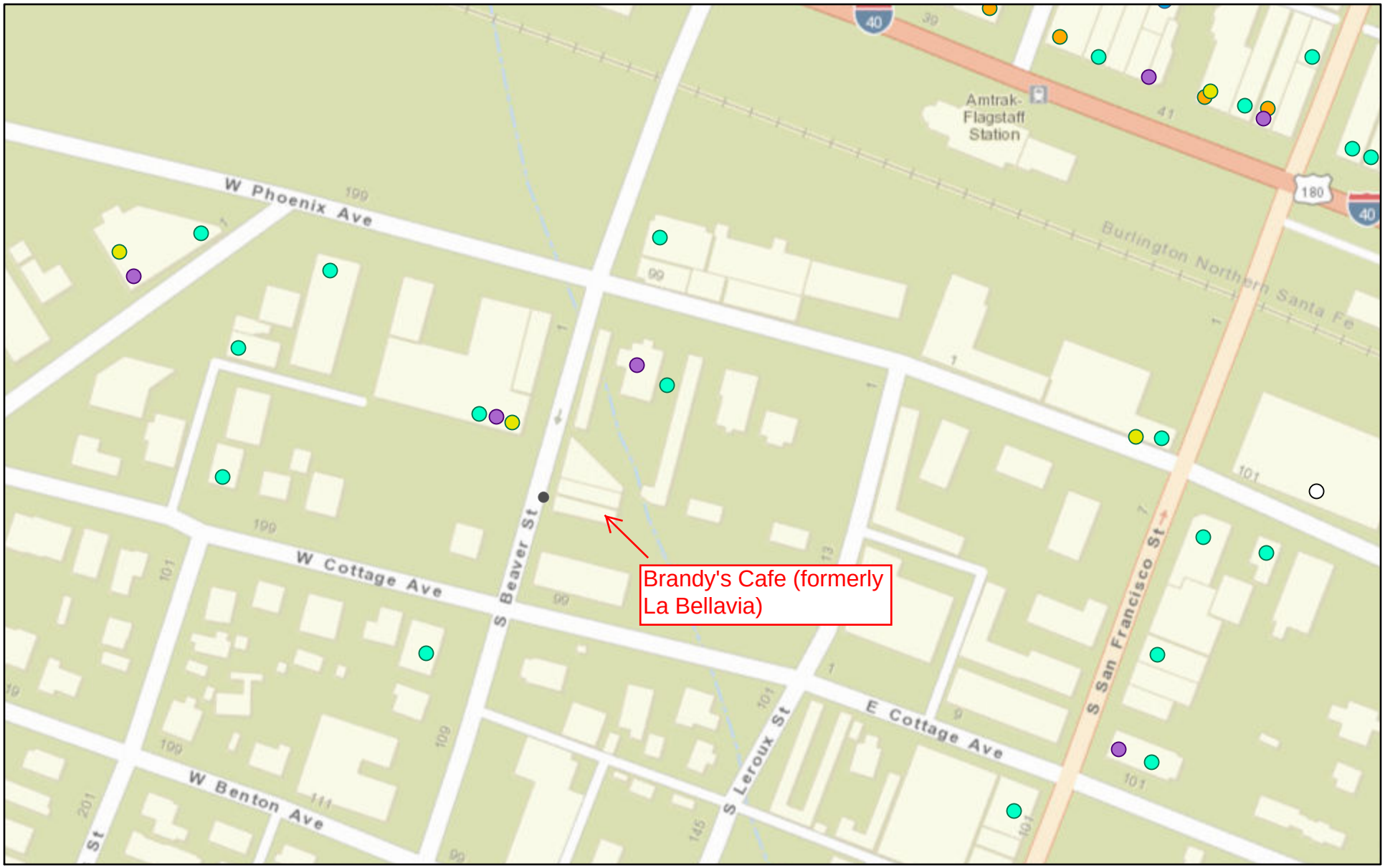
Date: August 27, 2019

Re: Application for Liquor License #70960
18 S. Beaver St., Flagstaff, Arizona 86001
Assessor's Parcel Number 100-41-013B
Kelsey Justin Drayton on behalf of Brandy's Cafe

This application is a request for a new Series 12 Restaurant liquor license by Kelsey Justin Drayton on behalf of Brandy's Cafe. This business is located within the Community Commercial district. This district does allow for this use.

There are no active Zoning Code violations associated with the applicant or the property at this time.

Brandy's Cafe



8/30/2019, 2:04:35 PM

Liquor Licenses

- Bar
- Beer and Wine Bar
- Beer and Wine Store
- In State Microbrewery
- In State Craft Distillery
- Restaurant

1:2,257

0 0.01 0.03 0.06 mi

0 0.03 0.05 0.1 km

Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand),

Web AppBuilder for ArcGIS

Coconino County, County of Yavapai, Bureau of Land Management, Esri, HERE, Garmin, INCREMENT P, NGA, USGS |

5. C.

CITY OF FLAGSTAFF

STAFF SUMMARY REPORT

To:	The Honorable Mayor and Council
From:	Stacy Fobar, Deputy City Clerk
Date:	09/09/2019
Meeting Date:	09/17/2019

TITLE:

Consideration and Action on Liquor License Application: Ross Taylor "Real Kitchen," 1509 S. Milton Road, Series 12 (restaurant), New License.

STAFF RECOMMENDED ACTION:

Open the public hearing.
Receive citizen input.
Close the public hearing.

The City Council has the option to:
(1) Forward the application to the State with a recommendation for approval;
(2) Forward the application to the State with a recommendation for denial based on information from staff, the testimony received at the public hearing and/or other factors.

Executive Summary:

The liquor license process begins at the State level and applications are then forwarded to the respective municipality for posting at the property and holding a public hearing, after which the Council recommendation is forwarded back to the State. A Series 12 license allows the holder of a restaurant license to sell and serve spirituous liquor solely for consumption on the premises of an establishment which derives at least forty percent (40%) of its gross revenue from the sale of food. Real Kitchen is a new business in Flagstaff applying for a new series 12 restaurant license. If approved it will be the 104th active series 12 license in Flagstaff. Series 12 licenses are non-quota licenses. To view surrounding liquor licenses, please refer to the online interactive Liquor License Map.

The property has been posted as required, and the Police and Community Development divisions have reviewed the application and provided their respective reports.

Financial Impact:

There is no budgetary impact to the City of Flagstaff as this is a recommendation to the State.

Policy Impact:

Not applicable.

Connection to Council Goal, Regional Plan and/or Team Flagstaff Strategic Plan:
Liquor licenses are a regulatory action and there is no Council goal that applies.

Has There Been Previous Council Decision on This:
Not applicable.

Key Considerations:
Because the application is for a new license, consideration may be given to both the location and the applicant's personal qualifications.

The deadline for issuing a recommendation on this application is September 20, 2019.

Community Benefits and Considerations:
This business will contribute to the tax base of the community.

Community Involvement:
The application was properly posted on August 28, 2019. No written protests have been received to date.

Attachments:
Real Kitchen - Letter to Applicant
Hearing Procedures
Series 12 Description
Real Kitchen - PD Memo
Real Kitchen - Zoning Memo
Real Kitchen - Map

OFFICE OF THE CITY CLERK

September 3, 2019

Real Kitchen
Attn: Ross Taylor
PO Box 50007
Parks, AZ 86018

Dear Mr. Taylor:

Your application for a new Series 12 Liquor License for Real Kitchen located at 1509 S. Milton Road, was posted on August 28, 2019. The City Council will consider the application at a public hearing during their regularly scheduled City Council Meeting on **Tuesday, September 17, 2019 which begins at 4:30 p.m.**

It is important that you or your representative attend this Council Meeting and be prepared to answer any questions that the City Council may have. Failure to be available for questions could result in a recommendation for denial of your application. We suggest that you contact your legal counsel or the Department of Liquor Licenses and Control at 602-542-5141 to determine the criteria for your license. To help you understand how the public hearing process will be conducted, we are enclosing a copy of the City's liquor license application hearing procedures.

The twenty-day posting period for your liquor license application is set to expire on September 17, 2019 and the application may be removed from the premises at that time.

There is an $815 application fee which needs to be received prior to the hearing date. Payment can be made online at https://www.flagstaff.az.gov/2452/E--Services under Business Licensing Payment Online Services by clicking Liquor License Request Payment, in person at the payment window, or you can send a check to my attention at 211 W. Aspen Ave., Flagstaff, AZ 86001.

If you have any questions, please feel free to call me at 928-213-2077.

Sincerely,

Stacy M. Fobar
Deputy City Clerk

Enclosure

City of Flagstaff

Liquor License Application
Hearing Procedures

1. When the matter is reached at the Council meeting, the presiding officer will open the public hearing on the item.

2. The presiding officer will request that the Applicant come forward to address the Council regarding the application in a presentation not exceeding ten (10) minutes. Council may question the Applicant regarding the testimony or other evidence provided by the Applicant.

3. The presiding officer will then ask whether City staff have information to present to the Council regarding the application. Staff should come forward at this point and present information to the Council in a presentation not exceeding ten (10) minutes. Council may question City staff regarding the testimony or other evidence provided by City staff.

4. Other parties, if any, may then testify, limited to three (3) minutes per person. Council may question these parties regarding the testimony they present to the Council.

5. The Applicant may make a concise closing statement to the Council, limited to five (5) minutes. During this statement, Council may ask additional questions of the Applicant.

6. City staff may make a concise closing statement to the Council, limited to five (5) minutes. During this statement, Council may ask additional questions of City Staff.

7. The presiding officer will then close the public hearing.

8. The Council will then, by motion, vote to forward the application to the State with a recommendation of approval, disapproval, or shall vote to forward with no recommendation.

R19-1-702. Determining Whether to Grant a License for a Certain Location

A. To determine whether public convenience requires and the best interest of the community will be substantially served by issuing or transferring a license at a particular unlicensed location, local governing authorities and the Board may consider the following criteria:

1. Petitions and testimony from individuals who favor or oppose issuance of a license and who reside in, own, or lease property within one mile of the proposed premises;

2. Number and types of licenses within one mile of the proposed premises;

3. Evidence that all necessary licenses and permits for which the applicant is eligible at the time of application have been obtained from the state and all other governing bodies;

4. Residential and commercial population of the community and its likelihood of increasing, decreasing, or remaining static;

5. Residential and commercial population density within one mile of the proposed premises;

6. Evidence concerning the nature of the proposed business, its potential market, and its likely customers;

7. Effect on vehicular traffic within one mile of the proposed premises;

8. Compatibility of the proposed business with other activity within one mile of the proposed premises;

9. Effect or impact on the activities of businesses or the residential neighborhood that might be affected by granting a license at the proposed premises;

10. History for the past five years of liquor violations and reported criminal activity at the proposed premises provided that the applicant received a detailed report of the violations and criminal activity at least 20 days before the hearing by the Board;

11. Comparison of the hours of operation at the proposed premises to the hours of operation of existing businesses within one mile of the proposed premises; and

12. Proximity of the proposed premises to licensed childcare facilities as defined by A.R.S. § 36-881.

B. This Section is authorized by A.R.S. § 4-201(I).

License Types: Series 12 Restaurant License

Non-transferable
On-sale retail privileges
Note: Terms in **BOLD CAPITALS** are defined in the glossary.

PURPOSE:
Allows the holder of a restaurant license to sell and serve spirituous liquor solely for consumption on the premises of an establishment which derives at least forty percent (40%) of its gross revenue from the sale of food.

ADDITIONAL RIGHTS AND RESPONSIBILITIES:
An applicant for a restaurant license must file a copy of its restaurant menu and Restaurant Operation Plan with the application. The Plan must include listings of all restaurant equipment and service items, the restaurant seating capacity, and other information requested by the department to substantiate that the restaurant will operate in compliance with Title 4.

The licensee must notify the Department, in advance, of any proposed changes in the seating capacity of the restaurant or dimensions of a restaurant facility.

A restaurant licensee must maintain complete restaurant services continually during the hours of selling and serving of spirituous liquor, until at least 10:00 p.m. daily, if any spirituous liquor is to be sold and served up to 2:00 a.m.

On any original applications, new managers and/or the person responsible for the day-to-day operations must attend a basic and management training class.

A licensee acting as a **RETAIL AGENT**, authorized to purchase and accept **DELIVERY** of spirituous liquor by other licensees, must receive a certificate of registration from the Department.

A **PREGNANCY WARNING SIGN** for pregnant women consuming spirituous liquor must be posted within twenty (20) feet of the cash register or behind the bar.

A log must be kept by the licensee of all persons employed at the premises including each employee's name, date and place of birth, address and responsibilities.

Bar, beer and wine bar, and restaurant licensees must pay an annual surcharge of $20.00. The money collected from these licensees will be used by the Department for an auditor to review compliance by restaurants with the restaurant licensing provisions of ARS 4-205.02.

FLAGSTAFF POLICE DEPARTMENT
911 SAWMILL RD • FLAGSTAFF, ARIZONA 86001• (928) 779-3646
ADMIN FAX (928)213-3372
TDD 1-800-842-4681

Chief of Police
Kevin D. Treadway

MEMORANDUM

Memo #19-059

TO: **Chief Kevin Treadway**

FROM: **Sgt. Collin Seay**

DATE: **September 3rd, 2019**

RE: **LIQUOR LICENSE APPLICATION – SERIES 12- FOR "Real Kitchen"**

On September 3rd, I initiated an investigation into an application for a series 12 (restaurant) liquor license filed by Ross Taylor (Controlling Person and Agent) and Kara Taylor (Controlling Person). Real Kitchen is located at 1509 S Milton Rd which is the old Subway location that did not possess a liquor license. This is an application for a new series 12 license # 71776.

I conducted a query through local systems and public access on Ross and Kara, and no derogatory records were found. Ross reported that he has completed the mandatory courses from Arizona Department of Liquor Control. Ross said this was his first liquor license application, and I was able to confirm this with a public records check. Ross also reported he was a retired law enforcement officer and had extensive knowledge of liquor laws which he will provide to his employees.

Ross confirmed he would attend the council meeting on September 17th, 2019. He advised they would be serving alcohol between 7:00 am and 10:00 pm each day of the week depending on the demand.

Planning and Development Services Memorandum

To: Stacy Fobar, Deputy City Clerk

From: Reggie Eccleston, Code Compliance Manager

CC: Tiffany Antol, Planning Director

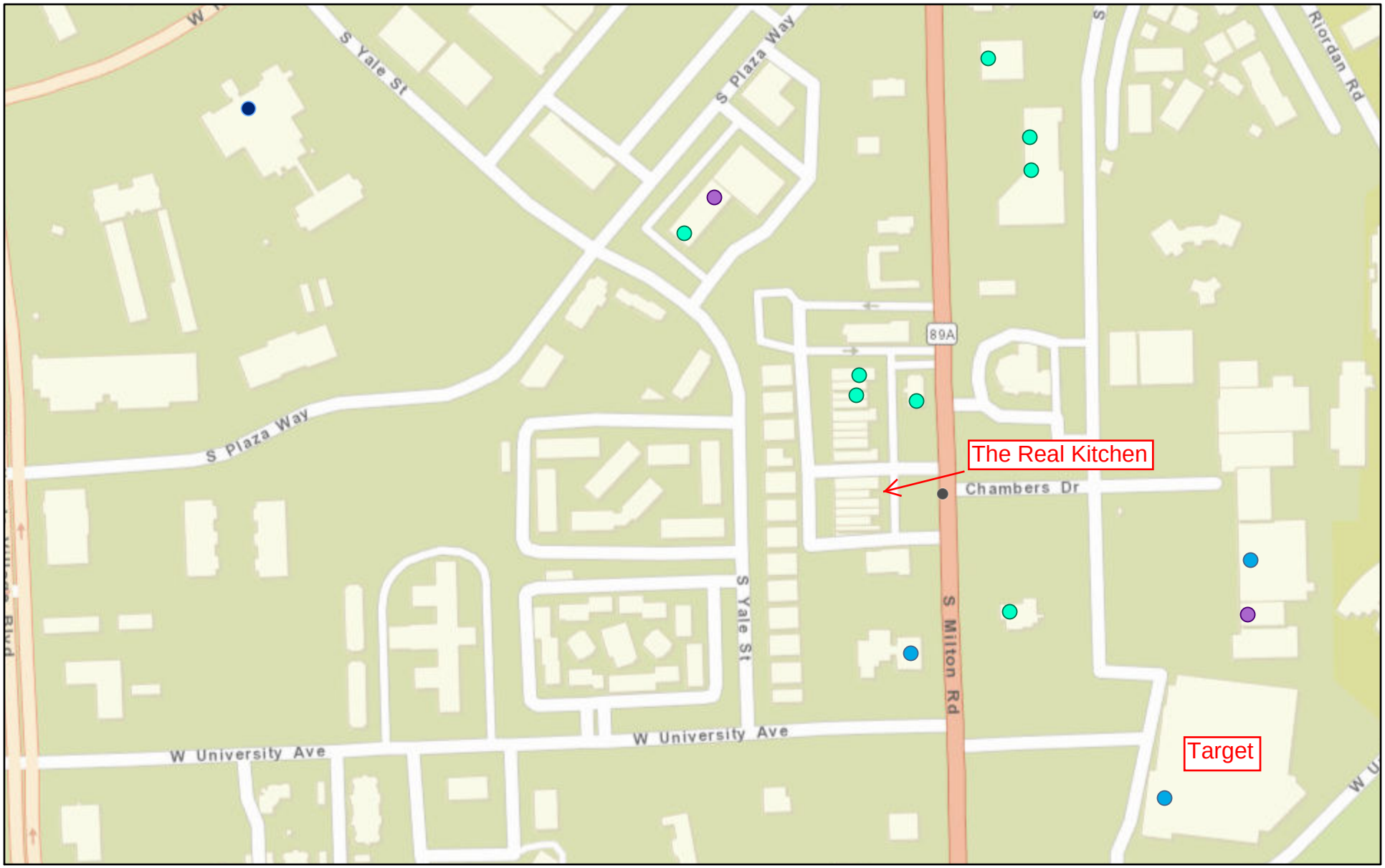
Date: August 27, 2019

Re: Application for Liquor License #71776
1509 S. Milton Road, Flagstaff, Arizona 86001
Assessor's Parcel Number 103-20-058D
Ross Taylor III on behalf of Real Kitchen

This application is a request for a new Series 12 Restaurant liquor license by Ross Taylor III on behalf of Real Kitchen. This business is located within the Highway Commercial district. This district does allow for this use.

There are no active Zoning Code violations associated with the applicant or the property at this time.

The Real Kitchen



8/30/2019, 2:08:16 PM

Liquor Licenses

- Beer and Wine Bar
- Beer and Wine Store
- Hotel/Motel
- Restaurant

1:4,514

0 0.03 0.06 0.12 mi

0 0.05 0.1 0.2 km

Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand),

Web AppBuilder for ArcGIS

Coconino County, County of Yavapai, Bureau of Land Management, Esri, HERE, Garmin, INCREMENT P, NGA, USGS |

6. A.

CITY OF FLAGSTAFF

STAFF SUMMARY REPORT

To:	The Honorable Mayor and Council
From:	Genevieve Pearthree, Associate Planner
Date:	09/09/2019
Meeting Date:	09/17/2019

TITLE:

Consideration and Approval of Final Plat: Request from Neighborhood Homes, LLC, for final plat approval for Homes at Verkamp: **a six (6)-unit residential condominium subdivision on .49 acres at 623 North San Francisco Street in the R1N (Single-Family Residential Neighborhood) Zone.**

STAFF RECOMMENDED ACTION:

Staff recommends the City Council approve the final plat and authorize the Mayor to sign the plat and City Subdivider Agreement when notified by Staff that the documents are ready for recording.

Executive Summary:

This is a request for final plat approval for a six (6)-unit residential condominium subdivision known as Homes at Verkamp located at 623 North San Francisco Street. Final plats require the approval of City Council. See attached Vicinity Map for location.

Financial Impact:

No financial liabilities are anticipated as part of the approval of this final plat.

Policy Impact:

There are no policy impacts affiliated with this final plat.

Connection to Council Goal, Regional Plan and/or Team Flagstaff Strategic Plan:

Council Goals

Economic Development - Grow and strengthen a more equitable and resilient economy.

Team Flagstaff Strategic Plan

Work in partnership to enhance a safe and livable community.

Flagstaff Regional Plan

Policy CC.3.2. Maintain and enhance existing buildings and blend well-designed new buildings into existing neighborhoods.

Policy LU.2.2. Design new development to coordinate with existing and future development, in an effort to preserve viewsheds, strengthen connectivity, and establish compatible and mutually supportive land uses.

Policy LU.5.1. Encourage development patterns within the designated growth boundaries to sustain efficient infrastructure projects and maintenance.

Policy LU.5.2. Promote infill development over peripheral expansion to conserve environmental resources, spur economic investments, and reduce the cost of providing infrastructure and services.

Policy LU.5.3. Promote compact development appropriate to and within the context of each area type: urban, suburban, and rural.

Policy LU.10.5. Consider vacant and underutilized parcels within the City's existing urban neighborhoods as excellent locations for contextual redevelopment that adds housing, shopping, employment, entertainment, and recreational options for nearby residents and transit patrons.

Has There Been Previous Council Decision on This:

On April 2, 2019, the City Council approved the preliminary plat.

Options and Alternatives:

1. Approve the final plat with no conditions.
2. Approve the final plat with added conditions.
3. Deny the final plat based on non-compliance with the Zoning Code, the Subdivision Code, and/or the Engineering Design Standards and Specifications for New Infrastructure.

Background/History:

On August 17, 2017, the Inter-Division Staff approved a site plan for six (6) two-story residential units and one (1) single-story, 5-car detached garage based on compliance with all development standards. The developer pulled a building permit in January 2018, and Staff approved the civil plans in June 2018. As such, the developer was permitted to commence construction. The development consists of three duplexes: two new duplex buildings and conversion of the existing historic Verkamp House into a duplex. Parking area access is from an alley off Hunt Avenue. The development is approximately 90% complete.

The developer has opted to create a condominium plat to enable individual ownership of each unit. In this case, the units are defined as the air space within each structure, starting from the centerline of the interior walls to the outside of the exterior walls. The final plat delineates common elements (e.g., landscape areas and walkways), limited common elements affiliated with the individual units (e.g., private porches, parking spaces), and the individual units themselves.

Community Benefits and Considerations:

As noted above in the Flagstaff Regional Plan policies, the proposal promotes compact, infill development in an existing neighborhood. It also maintains the existing building on the property.

Community Involvement:

Inform. No public hearings or public outreach are required by either the Zoning Code, Engineering Standards, or the Subdivision Code as part of the final plat review process.

Attachments:

- Final Plat Application
- Homes at Verkamp Final Plat
- Vicinity Map
- City Council Presentation

City of Flagstaff — Community Development Division

211 W. Aspen Ave
Flagstaff, AZ 86001
www.flagstaff.az.gov
P: (928) 213-2618
F: (928) 213-2609

RECEIVED
APR 30 2019
BY:

Application for Subdivision Review

File Number: PZ-17-00017-06

Property Owner(s): ZH Holdings 623 San Francisco LLC			Phone: 928-440-4471
Mailing Address: 3325 N Antler Xing	City, State, Zip: Flagstaff, AZ 86001		Email: david@neighborhoodhomes.com
Applicant(s):			Phone:
Mailing Address:	City, State, Zip:		Email:
Project Representative: David Hayward			Phone:
Mailing Address: As above	City, State, Zip:		Email:

Requested Review:
- ☐ Development Master Plan
- ☐ Conceptual Plat
- ☒ Preliminary Plat P&Z and Council
- ☐ Modified Subdivision
- ☐ Preliminary Plat
- ☒ Final Plat- Council

Project Name: VERKAMP CONDOMINIUMS	Site Address: 623 N San Francisco		Parcel Number: 101 08 001	
Proposed Use: Residential	Existing Use: Residential		Subdivision, Tract & Lot Number: Northeast Add. Lots 1-6 Block 73	
Zoning District: RIN	Regional Plan Category: Existing Urban	Flood Zone: X	Size of Site (Sq. ft. or Acres): 0.5 acres	

Property Information:
- ☒ Yes ☐ No Located in an existing Local/National Historic District? (Name: North End Historic District)
- ☒ Yes ☐ No Existing structures are over 50 years old at the time of application?
- ☐ Yes ☒ No Subject property is undeveloped land?

Surrounding Uses (Res, Com, Ind)	North	South	East	West
	All Res.			

Proposed Use:	Number of Lots	Number of Units	Number of acres per use	Building Square Feet
Res	Condo	6	0.0816	10,107

Please complete a "*Subdivision Review Application*" and provide an initialed "*Application and Information Checklist*" form along with the required number of plans and information as appropriate for a Development Master Plan, Conceptual, Preliminary or Final Plat. **Incomplete submittals will not be scheduled.**

Property Owner Signature: (required)	Date: 4/24/19	Applicant Signature:	Date:

For City Use

Date Filed: 4/30/19	Case Number (s): PZ-17-00017-06		
P & Z Hearing Date: 2/13/19		Publication and Posting Date: NA	
Council Hearing Date: 4/2/19 - P. Plat; 9/17/19 - Final plat		Publication and Posting Date: NA	
Fee Receipt Number: 1905683	Amount: $1840.00	Date: 4/30/19	

Action by Planning and Zoning Commission:	Action By City Council:
☑ Approved - P. Plat, NA for Final Plat	☐ Approved
☐ Denied	☐ Denied
☐ Continued	☐ Continued

Staff Assignments	Planning	Engineering	Fire	Public Works/Utilities	Stormwater
	Elaine Genevieve	Rara	Kent	Scott Jim	Doug

FINAL PLAT

A Horizontal Property Regime For

Homes at Verkamp

(A Condominium - Arizona Revised Statutes 33-1201 thru 33-1270)

Being Lots 1 Thru 6, Block 73, Northeast Addition to the Town of Flagstaff As Recorded in Book 1 of Maps, Page 33 and as Resurveyed and Replatted in Book 1 of Maps, Page 60, Records of Coconino County, Arizona, and Located in Section 15, Township 21 North, Range 7 East Gila and Salt River Base and Meridian City of Flagstaff, Coconino County, Arizona

Dedication

State of Arizona
County of Coconino

KNOW ALL MEN BY THESE PRESENTS, that Neighborhood Homes, LLC, an Arizona Corporation, as owner, has created a Horizontal Property Regime titled "Homes at Verkamp" per ARS 33-1201 - 1270 as shown platted hereon and hereby publishes this plat as and for the plat of "Homes at Verkamp" and hereby declares that said plat sets forth the location and gives the dimensions of the dwelling and garage units, limited common area, and tracts constituting same, and that each dwelling unit, garage unit, limited common elements shall be known by the number and letters given each respectively and hereby dedicates to the dwelling and garage unit owners of "Homes at Verkamp" for use as such the tracts shown on said plat and dedicates easements to the City of Flagstaff for water and sewer, and to public and private utility companies for elecric, gas, telephone, cable TV, etc., in all of Tract A as shown platted hereon.

IN WITNESS WHEREOF, Neighborhood Homes, LLC, an Arizona Corporation, as owner, has hereunto caused its corporate name to be signed and its corporate seal to be affixed and the same to be attested by the signature of David Hayward, its President, thereunto duly authorized to do so.

DONE AT Flagstaff, Arizona, this _____ day of _____, 2019.

By: _____
Neighborhood Homes, LLC
David Hayward
Its: President

Acknowledgement

State of Arizona
County of Coconino

The foregoing instrument was acknowledged before me this _____ day of _____, 2019 by David Hayward, for and on behalf of Neighborhood Homes, LLC, and Arizona Limited Liability Corporation.

_____
Notary Public

My commission expires: _____

CITY OF FLAGSTAFF

It is hereby certified that this plat has been oficially approved for record by the Council of the City of Flagstaff Arizona on the

_____ day of _____, 2019

By: _____
Mayor

By: _____
City Engineer

By: _____
Planning Director

Attest: _____
City Clerk

Unit Addressing

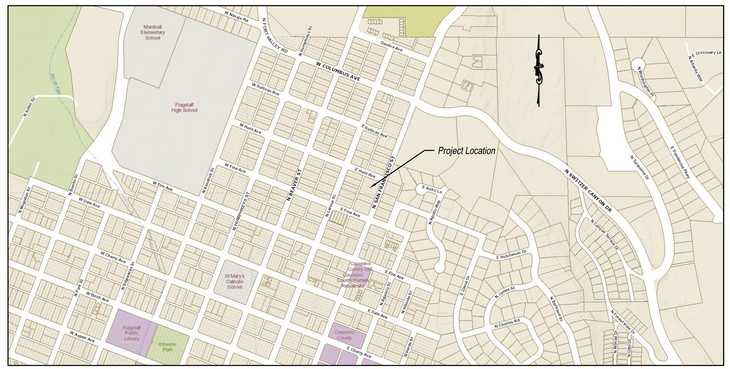
(Unit 1A) - 617 N. San Francisco Street, Unit 1A, Flagstaff, AZ 86001
(Unit 1B) - 617 N. San Francisco Street, Unit 1B, Flagstaff, AZ 86001
(Unit 2A) - 15 E. Hunt Avenue, Unit 2A, Flagstaff, AZ 86001
(Unit 2B) - 15 E. Hunt Avenue, Unit 2B, Flagstaff, AZ 86001
(Unit 3A) - 623 N. San Francisco Street, Unit 3A, Flagstaff, AZ 86001
(Unit 3B) - 623 N. San Francisco Street, Unit 3B, Flagstaff, AZ 86001

Mortgagee Acknowledgement

_____, Hereby acknowledges and approves of the dedicated lands shown hereon.

by: _____

its: _____



Vicinity Map - Not to Scale

Project Information

Project Name: Homes at Verkamp
Project Location: 623 N. San Francisco Street, Flagstaff, AZ 86001
APN Number: 101-08-009
Parcel Acreage: 0.49 (+/-)
Parcel Square Footage: 21,294 (+/-)
Tract A Square Footage: 7610.33 (+/-)
Number of Units: 6 (including 5 garage units)
Number of Floors: 2
Land Use Designation: Urban
Current Zoning: R1N
Current Use: Residential
Proposed Use: Multi Family
Abutting Zoning: R1N

Owner/Developer: ZH Holdings 623 San Francisco, LLC
David Hayward, Manager
2368 N. Fremont Blvd.
Flagstaff, AZ 86001
Phone: 510-331-3380

Index to Sheets

1. Cover Sheet and Project Information
2. Overall Site Dimensions
3. First and Second Floor Plat
4. Units 1A thru 2B Vertical Dimensions
5. Units 3A and 3B Vertical Dimensions

A.R.S. 33-1212 - Unit Boundaries
Except as Provided by the Declarant:

1. If walls, floors or ceilings are designated as boundaries of a unit, all lath, furring, wallboard, plasterboard, plaster, paneling, tiles, wallpaper, paint, finished flooring and any other materials constituting any part of the finished surface are a part of the unit, and all other portions of the walls, floors or ceilings are a part of the common element.

2. If any chute, flue, duct, wire, conduit, bearing wall, bearing column or other fixture lies partially within and partially outside the designated boundaries of a unit, any portion sherving only that unit is a limited common element allocated solely to that unit and any portion serving more than one unit or any portion of the common elements is a part of the common elements.

3. Subject to the provisions in paragraph 2, all spaces, interior partitions and other fixtures and improvements within the boundaries of a unit are a part of the unit.

4. Any shutters, awnings, window boxes, doorsteps, stoops, porches, balconies, entryways or patios, and all exterior doors and windows or other fixtures designed to serve a single unit, but located outside the unit's boundaries, are limited common elements allocated exclusively to that unit.

Tract "A"

Consists of 7610.33 square feet, and shall contain all area outside of the units and their associated limited common elements and is dedicated hereon to the owner association as common element. Tract A is dedicated hereon as a blanket public utility easement for service to the condominium units.
There are certain areas and structures within Tract A that have been set aside for drainage purposes, and will be properly maintained as such to ensure proper drainage and runoff of storm events.
(See sheet 2 for Tract "A" boundary description)

Utility Company Acknowledgement

Martin Conboy
Unisource Energy *Date*

Manuel Hernandez
Century Link *Date*

Chad Brooks
Arizona Public Service *Date*

Sanford Yazzie
Suddenlink *Date*

Adequate Water Supply Note

The City of Flagstaff provides water (utility service) pursuant to State Law, and is currently operating under a designation of adequate water supply granted by the Arizona Department of Water Resources, Application No. 41-900002.0002

Utility Easement Note

Except for construction and improvements by governmental entities and certified public utilities, construction and improvements within utility easements shall be limited to only the following:
1) Removable wood, wire or section-type fencing
2) Construction, structures or buildings expressly approved in writing by all public utilities which use or shall use the utility easements.

Detention Facilities Note

The owner(s) shall be solely responsibile for the operation, maintenance, and liability for all detention facilities.
The City of Flagstaff may periodically inspect said detention facilities to verify that regular maintenance activities are being performed adequately.

Civil Engineer of Condominium
Civil Design and Engineering, Inc.
P.O. Box 30836
Flagstaff, AZ 86001

Survey was performed in May of 2016 by Woodson Engineering and Surveying, Inc. and the parcel boundary information shown hereon is based upon that survey. The measurements shown on that survey were field verified, and the information shown on said survey is true and correct to the best of my knowledge and belief.

August 6, 2019
Richard A. Reece, RLS 59307

REGISTERED LAND SURVEYOR CERTIFICATE NO. 59307 RICHARD A. REECE Date Signed 08/06/2019 ARIZONA U.S.A.

Project Benchmark: A found Aluminum Cap Stamped RLS 18215 at the Southeast Property Corner
Elevation - 6931.38 (NAVD 88)
Basis of Bearings: Geodetic Observations by Woodson Engineering and Surveying, Inc. (Any line shown hereon can be used as a Basis of Bearings)

Survey Conducted By:	Survey Conducted For:	Property Address:	
APEX LAND SURVEYS 5634 N. Juliane Drive Williams, Arizona 86046 Phone: (928) 863-5790	Neighborhood Homes, LLC 2368 N. Fremont Blvd. Flagstaff, AZ 86001	623 N. San Francisco Street Flagstaff Coconino County, Arizona Assessor Parcel Number: 101-08-009	Date: August 6, 2019 Drawn By: RAR Job No. 04-09-18 Sheet 1 of 5

FINAL PLAT

A Horizontal Property Regime For

Homes at Verkamp

(A Condominium - Arizona Revised Statutes 33-1201 thru 33-1270)

Being Lots 1 Thru 6, Block 73, Northeast Addition to the Town of Flagstaff As Recorded in Book 1 of Maps, Page 33 and as Resurveyed and Replatted in Book 1 of Maps, Page 60, Records of Coconino County, Arizona, and Located in Section 15, Township 21 North, Range 7 East Gila and Salt River Base and Meridian City of Flagstaff, Coconino County, Arizona

Surveyor's Notes:

The property shown hereon was surveyed by Woodson Engineering and Surveying on May 26, 2016, see record no. 3754111, and is incorporated herein by reference. This surveyor only reset the northwest corner which was removed during construction with a 1/2" rebar with an aluminum cap stamped R.Reece, RLS 59307, and was reset in accordance with the survey referenced herein. This surveyor is certifitying the location and dimensions of the dwelling and garage units only. This surveyor did not perform a boundary survey, and relied upon the previous survey mentioned herein at the request and direction of the owner.

Found monumentation shown hereon was located, and monuments removed during construction were re-set in the original location as shown hereon.

The Basis of Bearings for this survey are geodetic, obtained by the survey by Woodson Engineering and Surveying as referenced above, any two monumens shown hereon may be used as a "Basis of Bearings".

The only boundary measurements shown hereon are record, taken from the survey mentioned above. For other record measurements, please refer to same.

General Notes

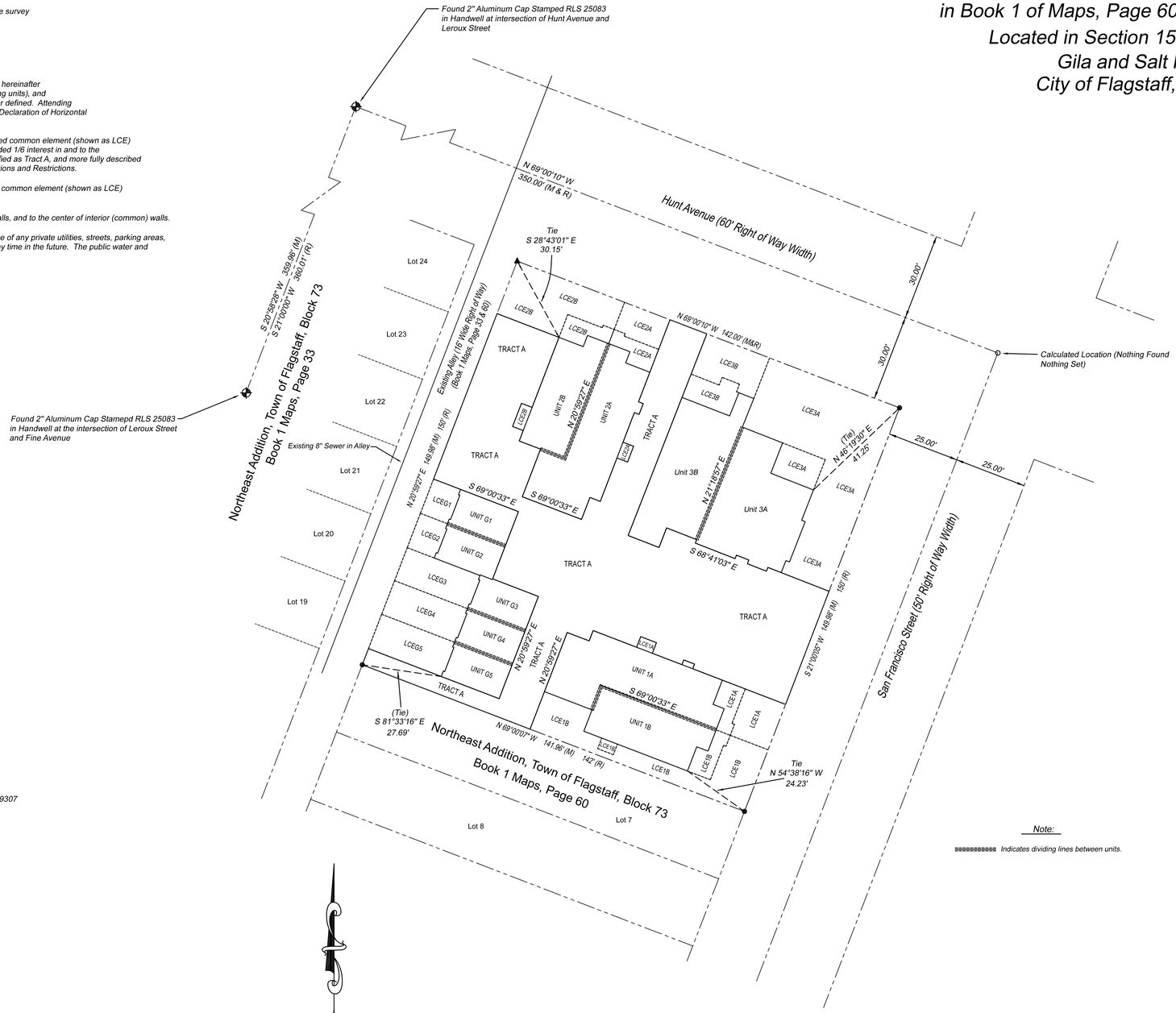
This condominium project constists of 6 dwelling units and 5 garage units, hereinafter designated as Unit 1A, Unit 1B, Unit 2A, Unit 2B, Unit 3A, Unit 3B, (dwelling units), and Units G1-G5 inclusive, together with certain common elements, hereinafter defined. Attending the recordation of this plat will be the recordation of a document entitled "Declaration of Horizontal Property Regime and of Covenants, Conditions and Restrictions.

Each dwelling unit is composed of and shall include a dwelling with a limited common element (shown as LCE) and bearing the same number as the dwelling unit together with an undivided 1/6 interest in and to the common elements and all existing elements located within the area identified as Tract A, and more fully described in the Declaration of Horizonal Properyt Regime and of Covenants, Conditions and Restrictions.

Each garage unit is composed of and shall include a garage with a limited common element (shown as LCE) and bearing the same number as the garage unit.

Dwelling and Garage Unit dimensions shown hereon are to the outside walls, and to the center of interior (common) walls.

The City of Flagstaff is not responsible for, and will not accept maintenance of any private utilities, streets, parking areas, landscaped areas, etc., which lie within the project boundary, now or at any time in the future. The public water and sewer mains shall fall under the jurisdiction of the City of Flagstaff.



LEGEND

These standard symbols will be found in the drawing.

- ● *Found Aluminum Cap Stamped RLS 18215*
- ▲ *Set 1/2" Rebar with an Aluminum Cap Stamped R. Reece, RLS 59307*
- ⌖ *Centerline Monument (As Shown)*
- ○ *Calculated Point*

REGISTERED LAND SURVEYOR CERTIFICATE NO. 59307 RICHARD A. REECE Date Signed May 23, 2019 ARIZONA U.S.A.

Scale 1"=20'

0 20 40 60

"Tract "A" Description"

Beginning for reference on a found 2" aluminum cap located at the intersection of Hunt Avenue and Leroux Street, thence along the centerline of Hunt Avenue S 69°00'10" E a distance of 350' to the intersection of Hunt Avenue and San Francisco Street; thence along the centerline of San Francisco street S 21°00'25" W 98.18 feet, thence N 68°59'35" W 25.00 feet to the True Point of Beginning of Tract A, thence around the perimeter of Tract A the following calls: S 21°00'25" W a distance of 42.05'; thence N 68°59'12" W a distance of 49.49'; thence N 20°59'52" E a distance of 1.75'; thence N 69°00'08" W a distance of 4.00'; thence S 20°59'52" W a distance of 1.75'; thence N 69°00'08" W a distance of 11.01'; thence N 21°05'56" E a distance of 3.94'; thence N 68°59'47" W a distance of 5.84'; thence S 20°59'52" W a distance of 3.94'; thence N 69°00'08" W a distance of 16.16'; thence S 20°59'52" W a distance of 3.83'; thence N 69°03'38" W a distance of 8.17'; thence S 20°59'53" W a distance of 35.92'; thence N 69°00'07" W a distance of 62.31'; thence N 20°59'27" E a distance of 6.01'; thence S 69°00'33" E a distance of 48.53'; thence N 20°59'27" E a distance of 38.00'; thence N 69°01'08" W a distance of 17.00'; thence N 20°58'54" E a distance of 25.00'; thence N 69°00'33" W a distance of 31.52'; thence N 20°59'27" E a distance of 61.47'; thence S 69°00'33" E a distance of 23.00'; thence S 20°59'27" W a distance of 26.02'; thence N 68°59'45" W a distance of 3.94'; thence S 21°00'25" W a distance of 8.60'; thence S 68°54'04" E a distance of 3.95'; thence S 20°59'22" W a distance of 3.87'; thence S 69°00'24" E a distance of 7.92'; thence S 20°59'27" W a distance of 17.67'; thence S 69°00'36" E a distance of 22.00'; thence N 20°59'27" E a distance of 8.17'; thence S 69°00'33" E a distance of 3.83'; thence N 20°58'43" E a distance of 16.15'; thence S 68°59'45" E a distance of 3.94'; thence N 20°59'54" E a distance of 5.84'; thence N 69°05'49" W a distance of 3.94'; thence N 21°00'07" E a distance of 11.01'; thence S 69°00'33" E a distance of 1.75'; thence N 20°59'27" E a distance of 4.00'; thence N 69°00'33" W a distance of 1.75'; thence N 20°59'58" E a distance of 30.49'; thence S 69°00'10" E a distance of 13.66'; thence S 21°18'57" W a distance of 75.07'; thence S 68°41'03" E a distance of 11.50'; thence N 21°18'57" E a distance of 7.30'; thence S 68°41'03" E a distance of 11.20'; thence S 21°18'57" W a distance of 1.30'; thence S 68°41'03" E a distance of 14.80'; thence N 21°18'57" E a distance of 1.30'; thence S 68°41'03" E a distance of 4.60'; thence S 21°18'57" W a distance of 1.40'; thence S 68°41'03" E a distance of 7.10'; thence N 21°18'57" E a distance of 1.40'; thence S 68°41'03" E a distance of 22.75'; back to the True Point of Beginning, containing 7610.33 Square Feet or 0.175 Acres

Note:

▪▪▪▪▪▪▪▪▪▪ *Indicates dividing lines between units.*

Survey Conducted By: **APEX LAND SURVEYS** *5634 N. Juliane Drive Williams, Arizona 86046 Phone: (928) 863-5790*	*Survey Conducted For:* **Neighborhood Homes, LLC** *2368 N. Fremont Blvd. Flagstaff, AZ 86001*	*Property Address:* *623 N. San Francisco Street Flagstaff Coconino County, Arizona* *Assessor Parcel Number: 101-08-009*	*Date: August 6, 2019*
			Drawn By: RAR
			Job No. 04-09-18
			Sheet 2 of 5

FINAL PLAT

A Horizontal Property Regime For

Homes at Verkamp

(A Condominium - Arizona Revised Statutes 33-1201 thru 33-1270)

Being Lots 1 Thru 6, Block 73, Northeast Addition to the Town of Flagstaff
As Recorded in Book 1 of Maps, Page 33 and as Resurveyed and Replatted
in Book 1 of Maps, Page 60, Records of Coconino County, Arizona, and
Located in Section 15, Township 21 North, Range 7 East
Gila and Salt River Base and Meridian
City of Flagstaff, Coconino County, Arizona

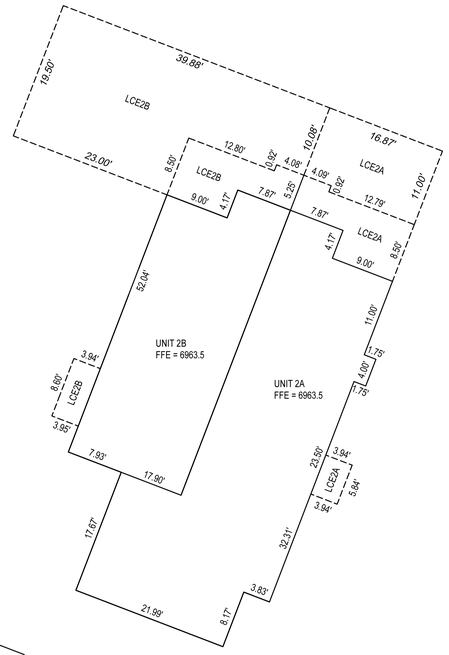
Horizontal Dimensions for Units 1A thru 3B

First Floor Areas

Unit 1A - Square Footage - 689.5
Unit 1B - Square Footage - 1114.6
Unit 2A - Square Footage - 689.5
Unit 2B - Square Footage - 1114.6
Unit 3A - Square Footage - 1181.6
Unit 3B - Square Footage - 1145.2
Unit G1 - Square Footage - 269.6
Unit G2 - Square Footage - 268.5
Unit G3 - Square Footage - 268.5
Unit G4 - Square Footage - 264.2
Unit G5 - Square Footage - 269.6

Second Floor Areas

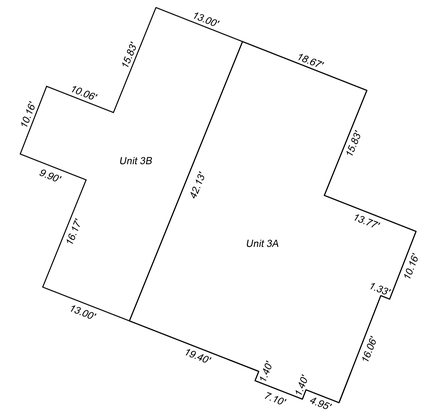
Unit 1A - Square Footage - 680.4
Unit 1B - Square Footage - 684.8
Unit 2A - Square Footage - 680.4
Unit 2B - Square Footage - 684.8
Unit 3A - Square Footage - 1140.3
Unit 3B - Square Footage - 649.3



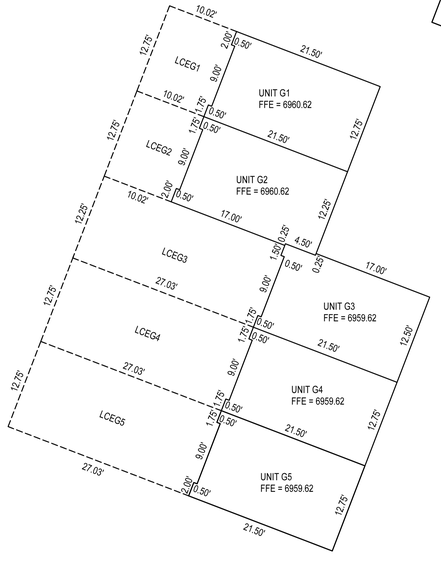
First Floor Plat - Units 2A and 2B



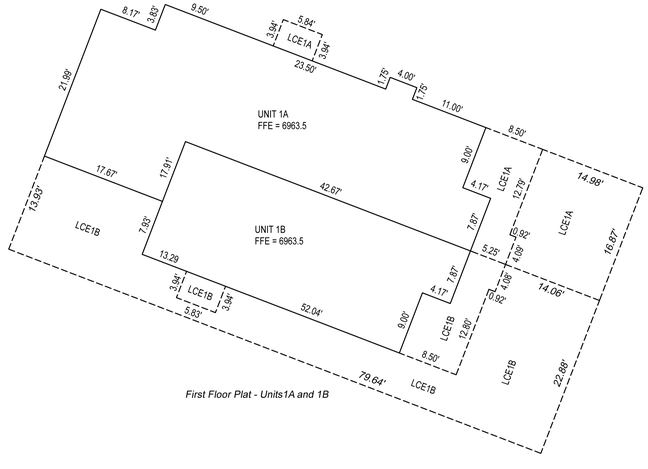
First Floor Plat - Units 3A and 3B



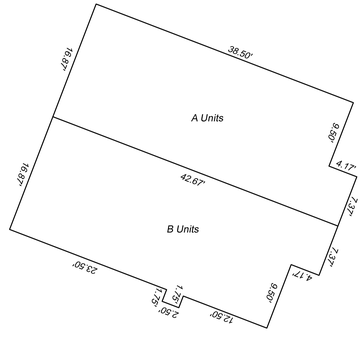
Upper Level Floor Plat - Units 3A and 3B



First Floor Plat - Garage Units (Single Story)



First Floor Plat - Units1A and 1B



Upper Level Floor Plat - Units 1A thru 2B

Scale 1"=10'

0 10 20 30

REGISTERED LAND SURVEYOR
CERTIFICATE NO.
56907
RICHARD A.
REECE
ARIZONA U.S.A.

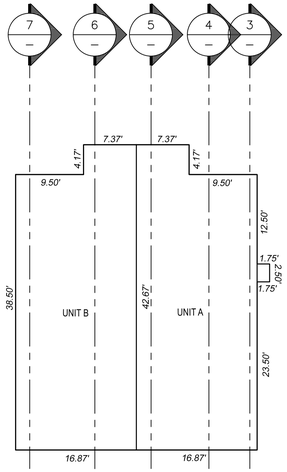
Survey Conducted By: *APEX LAND SURVEYS* *5634 N. Juliane Drive* *Williams, Arizona 86046* *Phone: (928) 863-5790*	*Survey Conducted For:* *Neighborhood Homes, LLC* *2368 N. Fremont Blvd.* *Flagstaff, AZ 86001*	*Property Address:* *623 N. San Francisco Street* *Flagstaff* *Coconino County, Arizona* *Assessor Parcel Number:* *101-08-009*	*Date: August 6, 2019* *Drawn By: RAR* *Job No. 04-09-18* *Sheet 3 of 5*

FINAL PLAT

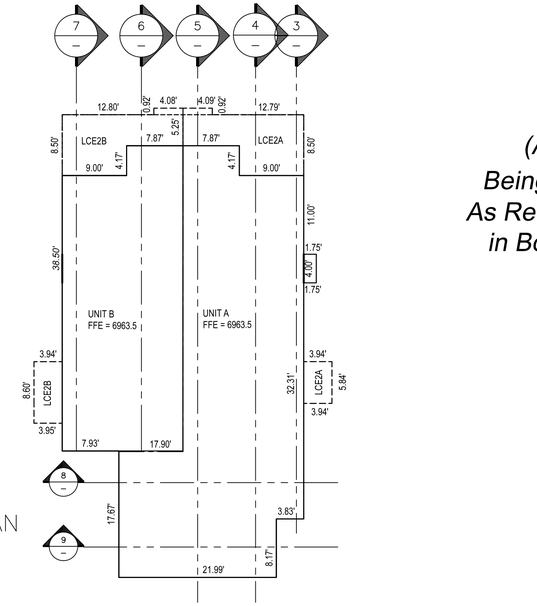
A Horizontal Property Regime For

Homes at Verkamp

(A Condominium - Arizona Revised Statutes 33-1201 thru 33-1270)
Being Lots 1 Thru 6, Block 73, Northeast Addition to the Town of Flagstaff
As Recorded in Book 1 of Maps, Page 33 and as Resurveyed and Replatted
in Book 1 of Maps, Page 60, Records of Coconino County, Arizona, and
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City of Flagstaff, Coconino County, Arizona



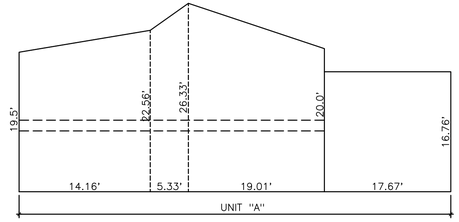
2 — UNITS 1A & 1B UPPER LEVEL PLAT PLAN
SCALE: 1" = 10'-0"
UNITS 2A & 2B SIM.



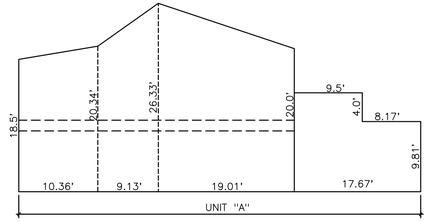
1 — UNITS 1A & 1B MAIN LEVEL PLAT PLAN
SCALE: 1" = 10'-0"
UNITS 2A & 2B SIM.

Vertical Dimensions for Units 1A thru 2B

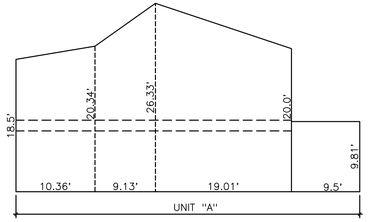
Note:
Solid Lines Indicate Unit Boundaries,
Dotted Lines Show Section or Dimension Lines



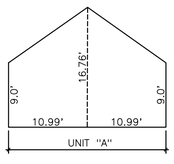
5 — BUILDING DIAGRAM
SCALE: 1" = 10'-0"



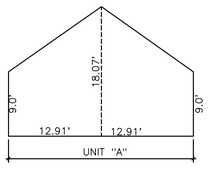
4 — BUILDING DIAGRAM
SCALE: 1" = 10'-0"



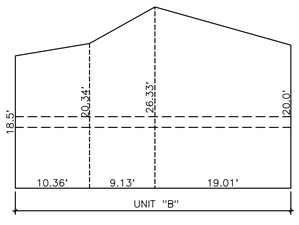
3 — BUILDING DIAGRAM
SCALE: 1" = 10'-0"



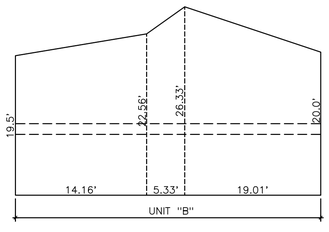
9 — BUILDING DIAGRAM
SCALE: 1" = 10'-0"



8 — BUILDING DIAGRAM
SCALE: 1" = 10'-0"



7 — BUILDING DIAGRAM
SCALE: 1" = 10'-0"



6 — BUILDING DIAGRAM
SCALE: 1" = 10'-0"



Scale 1"=10'

0 10 20 30

REGISTERED LAND SURVEYOR
CERTIFICATE NO.
56307
RICHARD A. REECE
Date Signed 08/06/2019
ARIZONA U.S.A.

Survey Conducted By: *APEX LAND SURVEYS* *5634 N. Juliane Drive* *Williams, Arizona 86046* *Phone: (928) 863-5790*	*Survey Conducted For:* *Neighborhood Homes, LLC* *2368 N. Fremont Blvd.* *Flagstaff, AZ 86001*	*Property Address:* *623 N. San Francisco Street* *Flagstaff* *Coconino County, Arizona* *Assessor Parcel Number:* *101-08-009*	*Date: August 6, 2019* *Drawn By: RAR* *Job No. 04-09-18* *Sheet 4 of 5*

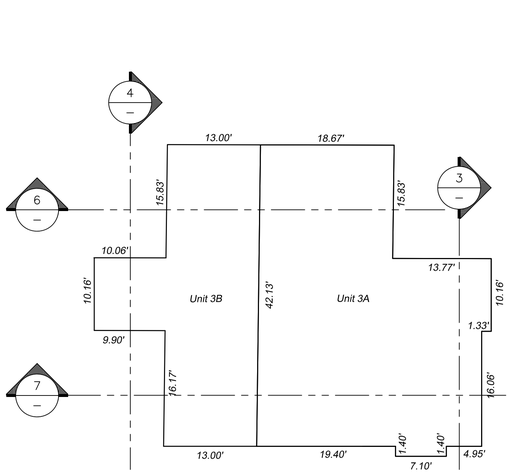
FINAL PLAT

A Horizontal Property Regime For

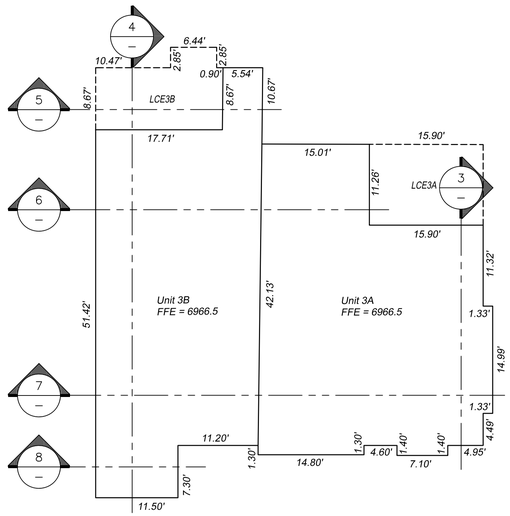
Homes at Verkamp

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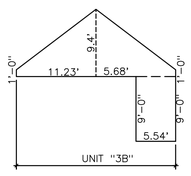
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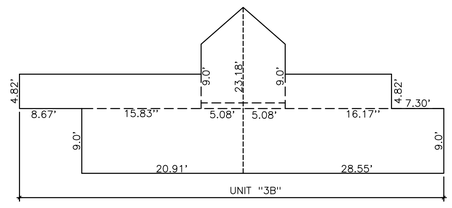
2 — UNITS 3A & 3B UPPER LEVEL PLAT PLAN
SCALE: 1" = 10'-0"



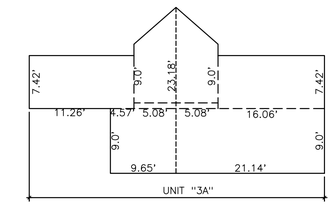
1 — UNITS 3A & 3B MAIN LEVEL PLAT PLAN
SCALE: 1" = 10'-0"



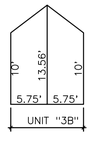
5 — BUILDING DIAGRAM
SCALE: 1" = 10'-0"



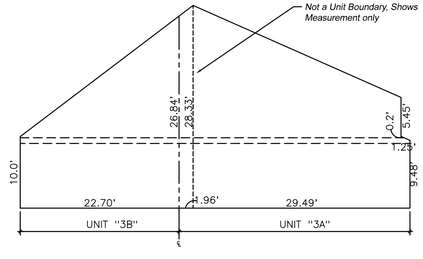
4 — BUILDING DIAGRAM
SCALE: 1" = 10'-0"



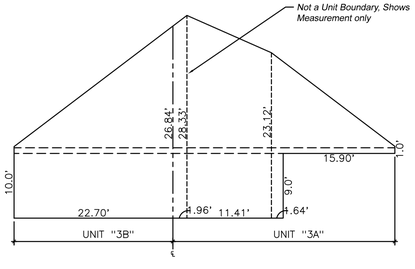
3 — BUILDING DIAGRAM
SCALE: 1" = 10'-0"



8 — BUILDING DIAGRAM
SCALE: 1" = 10'-0"



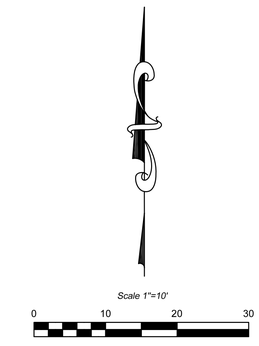
7 — BUILDING DIAGRAM
SCALE: 1" = 10'-0"



6 — BUILDING DIAGRAM
SCALE: 1" = 10'-0"

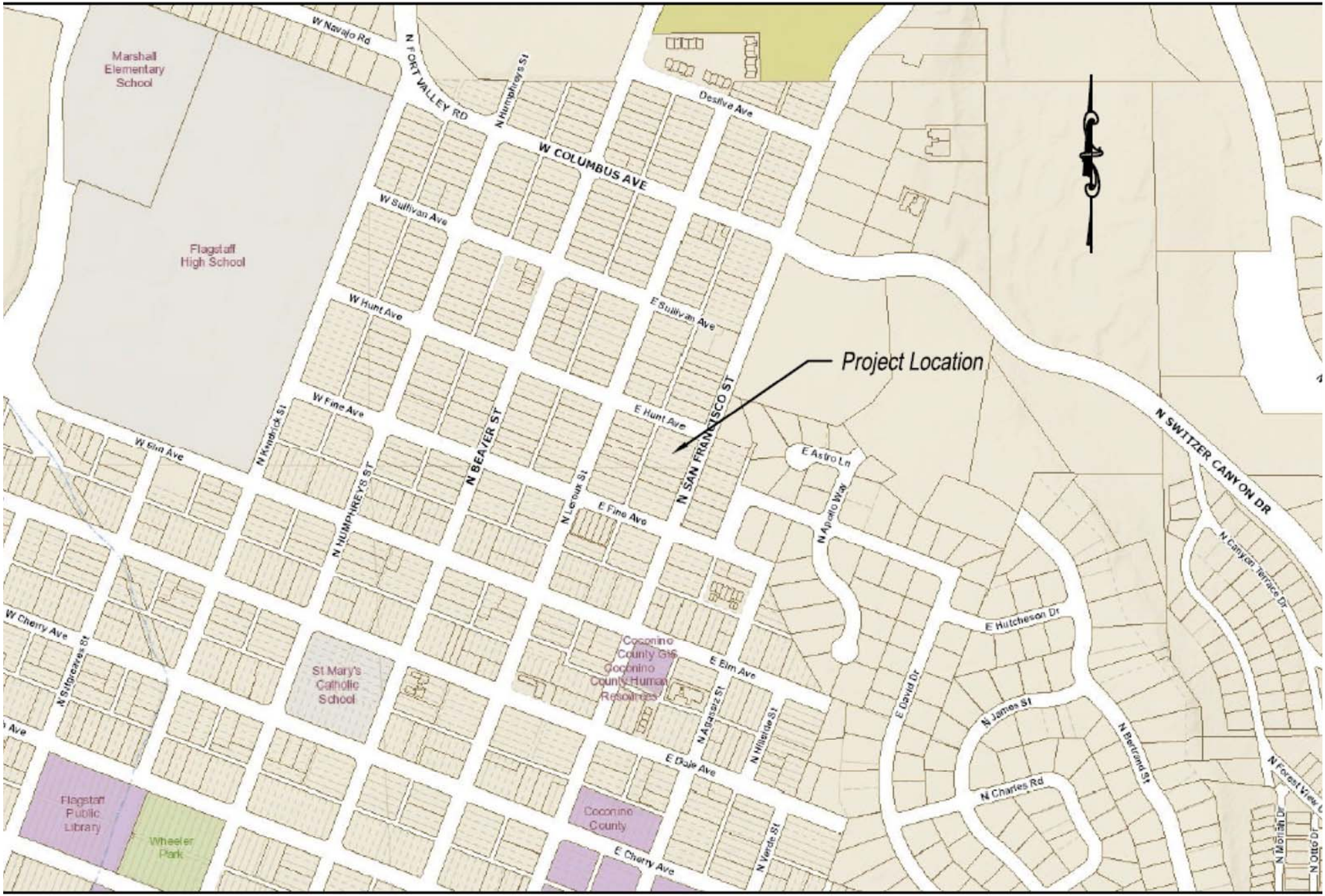
Vertical Dimensions for Units 3A and 3B

Note:
Solid Lines Indicate Unit Boundaries,
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REGISTERED LAND SURVEYOR
CERTIFICATE NO.
59307
RICHARD A.
REECE
Date Signed 08/06/2019
ARIZONA U.S.A.

Survey Conducted By: *APEX LAND SURVEYS* *5634 N. Juliane Drive* *Williams, Arizona 86046* *Phone: (928) 863-5790*	*Survey Conducted For:* *Neighborhood Homes, LLC* *2368 N. Fremont Blvd.* *Flagstaff, AZ 86001*	*Property Address:* *623 N. San Francisco Street* *Flagstaff* *Coconino County, Arizona* *Assessor Parcel Number:* *101-08-009*	*Date: August 6, 2019* *Drawn By: RAR* *Job No. 04-09-18* *Sheet 5 of 5*



Vicinity Map - Not to Scale

Homes at Verkamp

Final Plat Approval Request

City Council| September 17, 2019

Genevieve Pearthree | Associate Planner

TEAM FLAGSTAFF

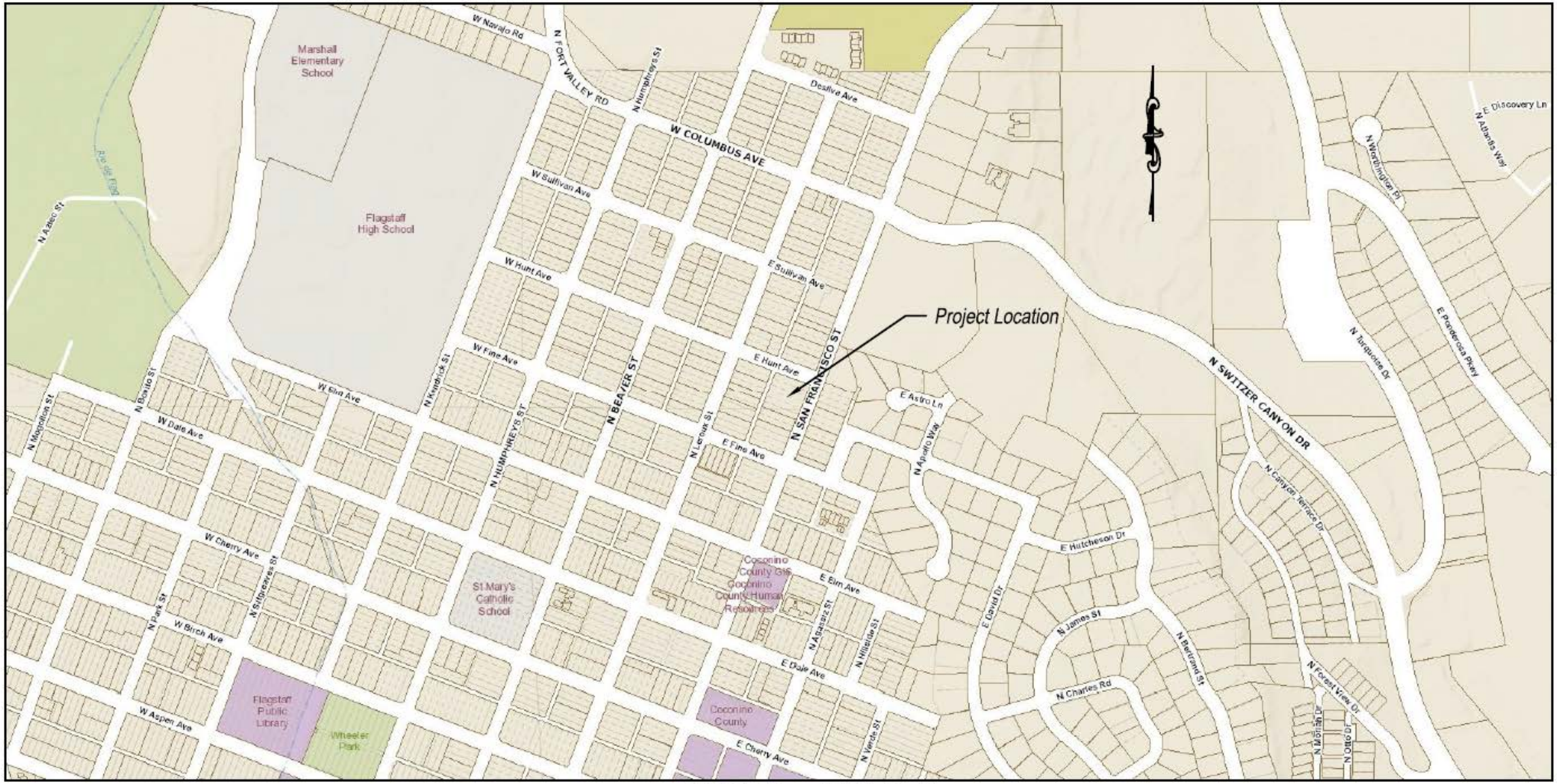
WE MAKE THE CITY BETTER

Request Overview

- Request for final plat approval for 6 residential condominium units on 0.49 acres at 623 N. San Francisco Street in R1N (Single-Family Residential Neighborhood) Zone

- Condominium plat creates ability for individually-owned units
  - Ownership encompasses air space within each structure, starting from centerline of interior walls to outside of exterior walls
  - Final plat delineates individual units, limited common elements affiliated with individual units (private porches, parking spaces), and common elements (landscape areas, walkways)

Vicinity Map



Vicinity Map - Not to Scale

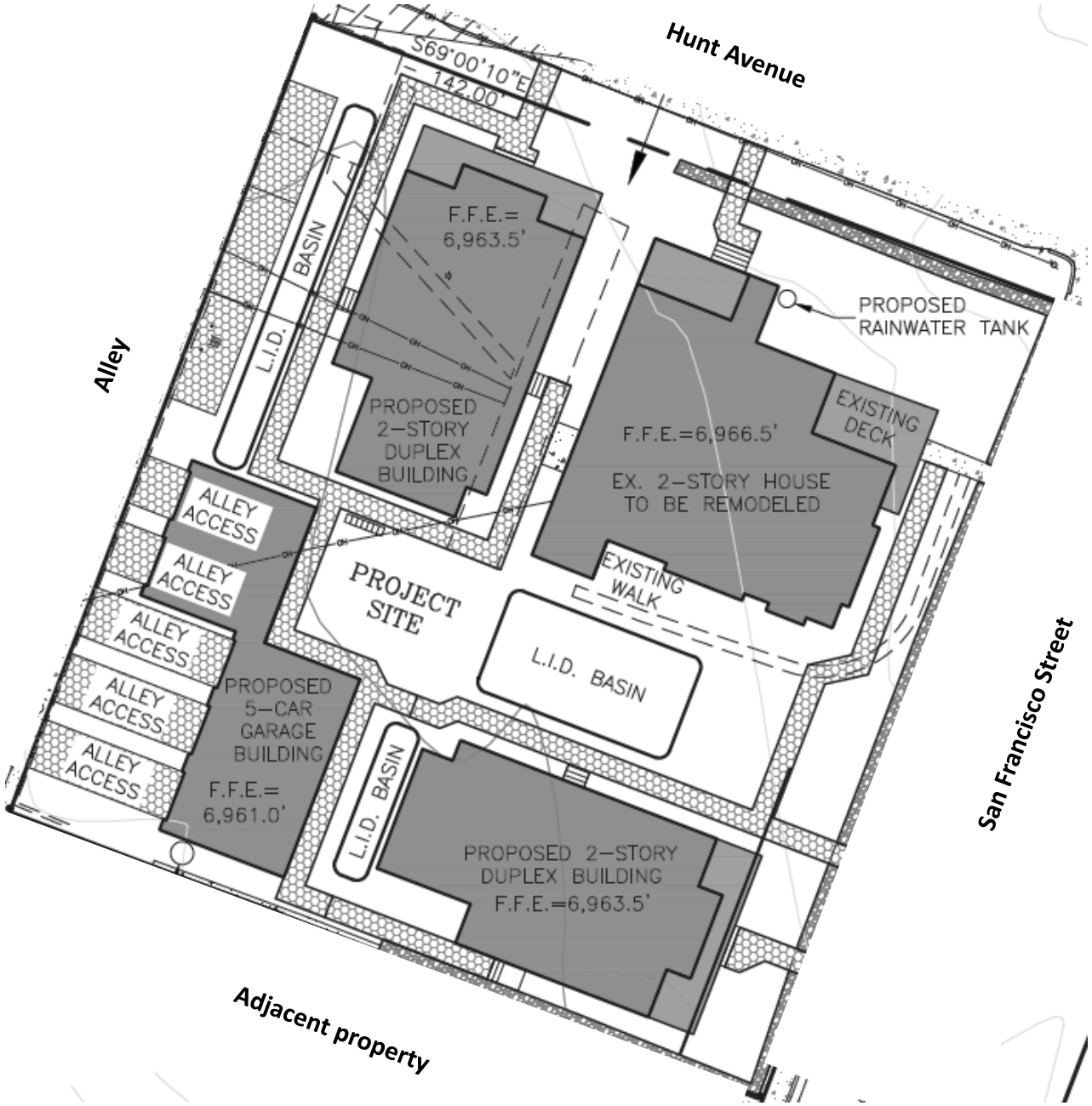
Background – Site Plan Approval

- Inter-Division Staff Review approved site plan in February 2017 based on compliance with all development standards
  - Building permits issued, civil plans approved
  - Construction 90% complete

- **Focus of final plat development request:** owner decided to create a condominium project to enable individually-owned units

Final Plat

Overall Layout



TEAM FLAGSTAFF

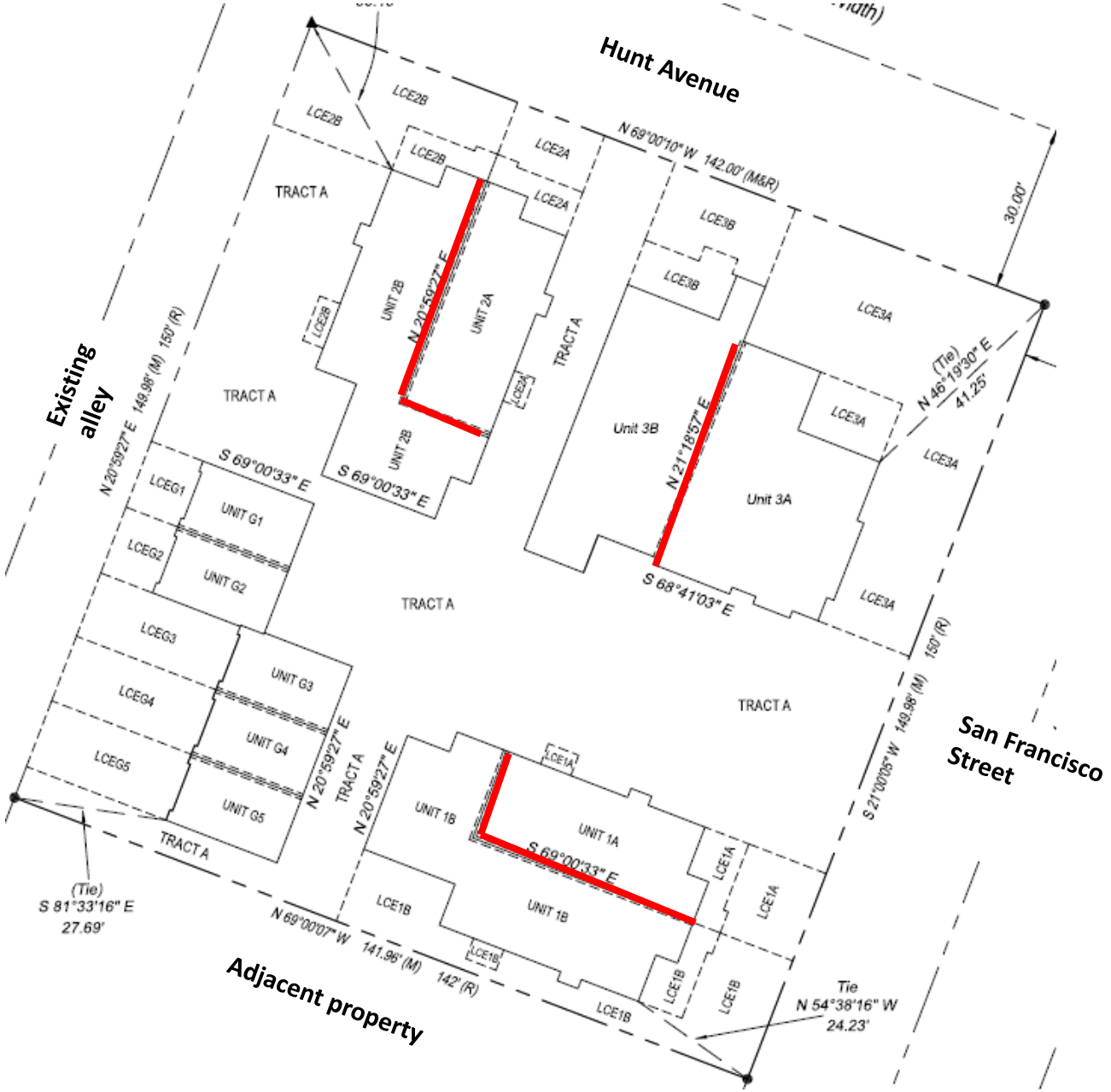
WE MAKE THE CITY BETTER

Final Plat

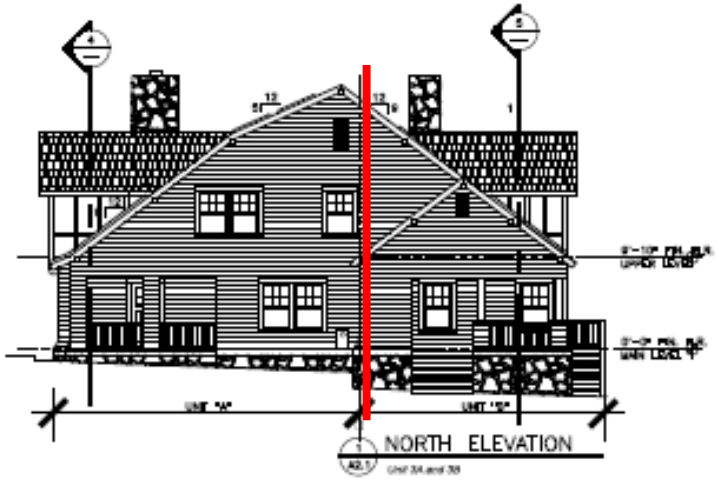
Duplex Divisions

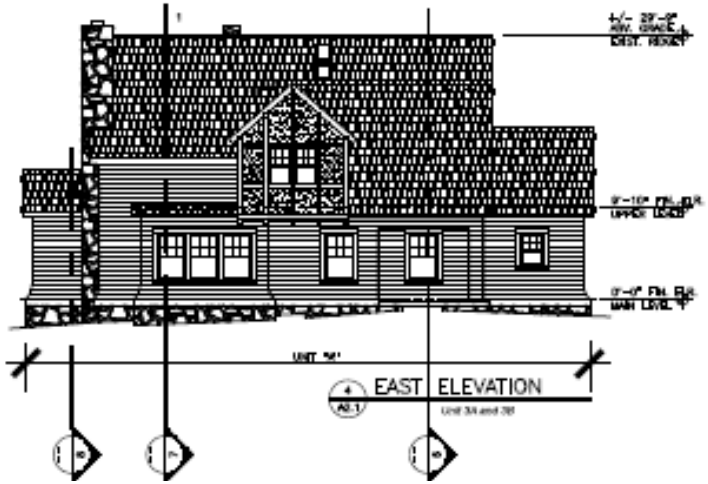
TEAM FLAGSTAFF

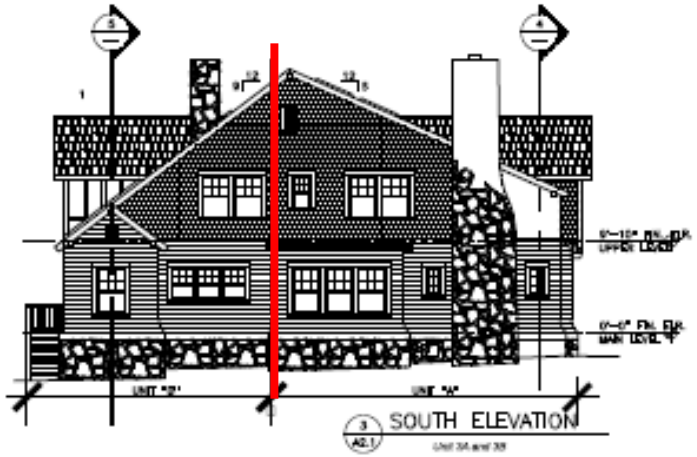
WE MAKE THE CITY BETTER



Building Elevations: Existing Home (Units 3A – 3B)

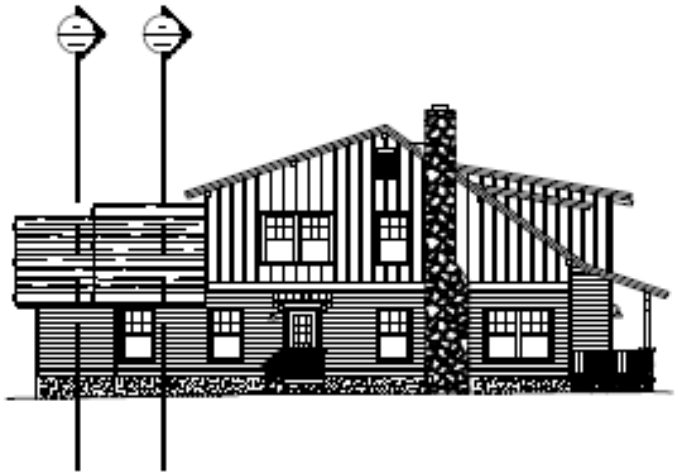


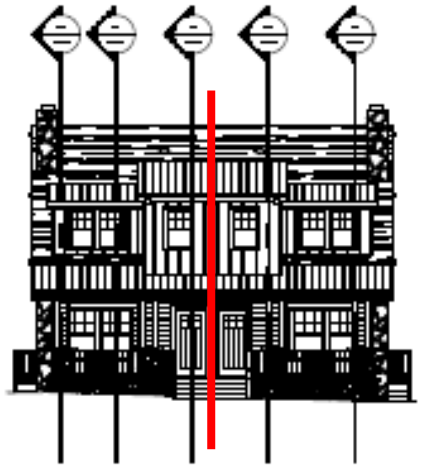


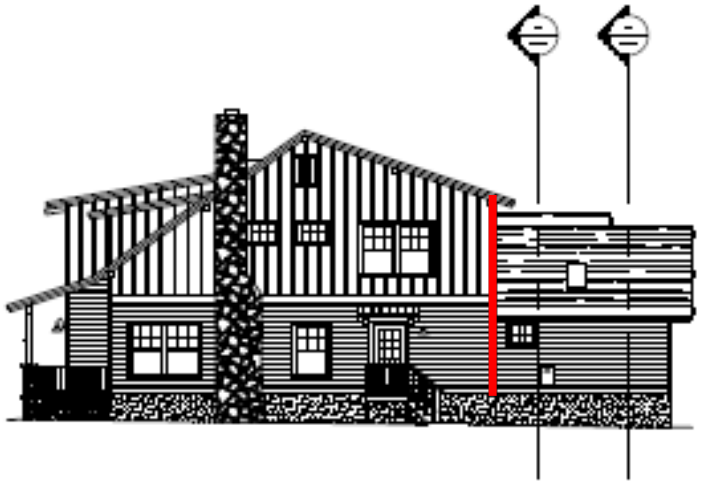


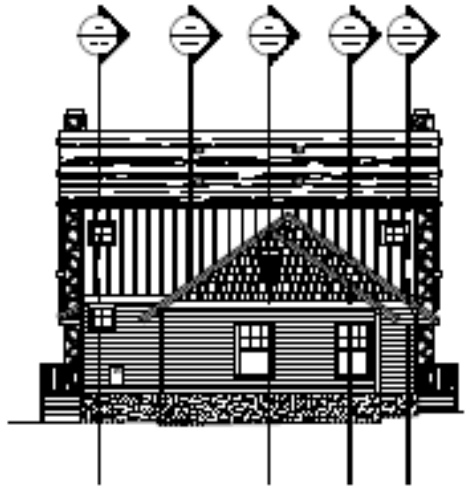


Building Elevations: New Duplexes (Units 1A – 2B)









Findings and Recommendation

Required Findings

- Staff has found the **final plat meets the requirements** of:
  - City Code Title 10, Flagstaff Zoning Code
  - City Code Title 11, General Plans and Subdivisions
  - City Code Title 13, Engineering Design Standards and Specifications

Staff Recommendation

- Staff recommends **the City Council approve the final plat and authorize the Mayor to sign the plat and City Subdivider Agreement** when notified by Staff that the documents are ready for recording

6. B.

CITY OF FLAGSTAFF

STAFF SUMMARY REPORT

To:	The Honorable Mayor and Council
From:	Genevieve Pearthree, Associate Planner
Date:	09/09/2019
Meeting Date:	09/17/2019

TITLE:

Consideration and Approval of Final Plat

Request from TLC PC Golf, LLC, for final plat approval for Club Cabin Condominiums at the Estates at Pine Canyon Unit 1: **a four (4)-unit residential condominium subdivision located at 3000 S. Clubhouse Circle on 10.88 acres in the R1 (Single-Family Residential) Zone.**

STAFF RECOMMENDED ACTION:

Staff recommends the City Council approve the final plat and authorize the Mayor to sign the plat when notified by Staff that the document is ready for recording.

Executive Summary:

This is a request for final plat approval for a four (4)-unit residential condominium subdivision is known as Club Cabin Condominiums at the Estates at Pine Canyon Unit 1 located at 3000 S. Clubhouse Circle on 10.88 acres in the R1 (Single-Family Residential) Zone.

Financial Impact:

No financial liabilities are anticipated as part of the approval of this final plat.

Policy Impact:

There are no policy impacts affiliated with this final plat.

Connection to Council Goal, Regional Plan and/or Team Flagstaff Strategic Plan:

Council Goals

Economic Development - Grow and strengthen a more equitable and resilient economy.

Team Flagstaff Strategic Plan

Work in partnership to enhance a safe and livable community.

Flagstaff Regional Plan

- Policy LU.2.2. Design new development to coordinate with existing and future development, in an effort to preserve viewsheds, strengthen connectivity, and establish compatible and mutually supportive land uses.

- Policy LU.5.1. Encourage development patterns within the designated growth boundaries to sustain efficient infrastructure projects and maintenance.
- Policy LU.5.2. Promote infill development over peripheral expansion to conserve environmental resources, spur economic investments, and reduce the cost of providing infrastructure and services.
- Policy LU.5.3. Promote compact development appropriate to and within the context of each area type: urban, suburban, and rural.

Has There Been Previous Council Decision on This:

On August 27, 2019, the City Council approved the preliminary plat.

Options and Alternatives:

1. Approve the final plat with no conditions.
2. Approve the final plat with added conditions.
3. Deny the final plat based on non-compliance with the Zoning Code, the Subdivision Code, and/or the Engineering Design Standards and Specifications for New Infrastructure.

Background/History:

On February 8, 2016, the Inter-Division Staff approved a site plan for four (4) new 2,808 square-foot detached residential units on 10.88 acres in the R1 (Single-Family Residential) Zone. In June 2016 and February 2017, the applicant received building permits to construct the first two (2) Club Cabins, which are now complete. A parking lot to the north of the cabins provides parking access. The cabins are on an already disturbed site (the former practice putting green), for which Civil Plans were approved as part of the original Estates at Pine Canyon Unit 1 subdivision in 2004. The Inter-Division Staff approved the preliminary plat on June 7, 2019; City Council approved the preliminary plat on August 27, 2019.

Community Benefits and Considerations:

The Club Cabin Condominiums at the Estates at Pine Canyon Unit 1 will provide a place to stay for Pine Canyon members and their families, and prospective Pine Canyon residents.

Community Involvement:

Inform. No public hearings or public outreach are required by either the Zoning Code or the Subdivision Code as part of the Final Subdivision Plat review process.

Attachments:

Final Plat Application

Final Plat

Vicinity Map

City Council Presentation

City of Flagstaff

211 W. Aspen Ave
Flagstaff, AZ 86001
www.flagstaff.az.gov
P: (928) 213-2618
F: (928) 213-2609

Community Development Division

RECEIVED
AUG 08 2019

SUBD

RECEIVED
Date Received
JUL 23 2019
By

Application for Subdivision Review

File Number PZ-19-00168-02

Property Owner(s) TLC PC Golf LLC			Phone 779-5700
Mailing Address 1201 E. John Wesley Powell Dr.	City, State, Zip Flagstaff, AZ 86005		Email dtodd@symmetrycompanies.com
Applicant(s) Mogollon Engineering			Phone 214-0214
Mailing Address 411 W. Santa Fe	City, State, Zip		Email mogollon99@aol.com
Project Representative Mogollon Engineering			Phone
Mailing Address	City, State, Zip		Email

Requested Review:
- ☐ Development Master Plan
- ☐ Modified Subdivision
- ☐ Conceptual Plat
- ☐ Preliminary Plat
- ☐ Preliminary Plat P&Z and Council
- ☒ Final Plat- Council

Project Name: Club Cabin Condominiums at Pine Canyon	Site Address		Parcel Number
Proposed Use: Club Cabin Condos	Existing Use		Subdivision, Tract & Lot Number: K, Pine Canyon Unit 1
Zoning District: R1	Regional Plan Category: Suburban	Flood Zone: X	Size of Site (Sq. ft. or Acres): 10.88

Property Information:
- ☐ Yes ☒ No Located in an existing Local/National Historic District? (Name: _____)
- ☐ Yes ☒ No Existing structures are over 50 years old at the time of application?
- ☐ Yes ☒ No Subject property is undeveloped land?

Surrounding Uses (Res, Com, Ind)	North	South	East	West
	Res	Res	Res	Res

Proposed Use:	Number of Lots	Number of Units	Number of acres per use	Building Square Feet
Condos	4	4	2.72 ac/unit	17,304

Please complete a *"Subdivision Review Application"* and provide an initialed *"Application and Information Checklist"* form along with the required number of plans and information as appropriate for a Development Master Plan, Conceptual, Preliminary or Final Plat. **Incomplete submittals will not be scheduled.**

Property Owner Signature: (required)	Date:	Applicant Signature:	Date:
	7.23.2019		7/23/19

For City Use

Date Filed: 7/23/19	Case Number (s): PZ-19-00168		
P & Z Hearing Date: NA		Publication and Posting Date: NA	
Council Hearing Date: 9/17/19		Publication and Posting Date: NA	
Fee Receipt Number: 1947164	Amount: 1840.00	Date: 7/23/19	

Action by Planning and Zoning Commission: NA	Action By City Council:
☐ Approved	☐ Approved
☐ Denied	☐ Denied
☐ Continued	☐ Continued

Staff Assignments	Planning	Engineering	Fire	Public Works/Utilities	Stormwater
	Genevieve	Mac	Kent	Scott / Jim	Doug

Incomplete - 8/7/19

Complete - 8/15/19

Approved - 8/23/19

FINAL PLAT
FOR
CLUB CABIN CONDOMINIUMS AT THE ESTATES AT PINE CANYON UNIT 1

LOCATED ON TRACT K THE ESTATES at PINE CANYON UNIT 1, CASE 8 MAP 92, COCONINO COUNTY RECORDS LOCATED IN SECTION 34, T 21 N, R 7 E, FLAGSTAFF, COCONINO COUNTY, ARIZONA

DEDICATION:

STATE OF ARIZONA
COUNTY OF COCONINO } ss.

KNOW ALL MEN BY THESE PRESENTS: THAT TLC PC GOLF LLC, AN ARIZONA LIMITED LIABILITY CORPORATION HEREBY PUBLISHES THIS PLAT AS AND FOR THE CLUB CABIN CONDOMINIUMS AT THE ESTATES AT PINE CANYON UNIT 1, A SUBDIVISION OF PORTIONS OF TRACT K THE ESTATES AT PINE CANYON UNIT 1 AS RECORDED IN CASE 8 MAP 92, RECORDS OF COCONINO COUNTY, SITUATE IN SECTION 34, T 21 N R 7 E, FLAGSTQAFF, COCONINO COUNTY, ARIZONA AS SHOWN PLATTED HEREON, AND HEREBY DECLARES THAT SAID PLAT SETS FORTH THE LOCATIONS AND GIVES DIMENSIONS AND MEASUREMENTS OF THE LOTS CONSTITUTING SAME AND THAT EACH LOT SSHALL BE KNOWN BY THE NUMBER OR NAME GIVEN TO EACH RESPECTIVELY ON SAID PLAT.

IN WITNESS WHEREOF: TLC PC GOLF L.L.C., HAS CAUSED ITS NAME TO BE SIGNED AND THE SAME TO BE ATTESTED BY THE SIGNATURE OF ITS REPRESENTATIVE, THEREUNTO AUTHORIZED.

DONE AT _____, ARIZONA, THIS ____ DAY OF _____ 20____,

BY:_____
MR. PETER BURGER (AUTHORIZED AGENT)

ACKNOWLEDGMENT:

STATE OF ARIZONA
COUNTY OF COCONINO } ss.

ON THIS THE _____ DAY _____ 20____, BEFORE ME, THE UNDERSIGNED PERSONALLY APPEARED, MR. PETER BURGER, AUTHORIZED AGENT OF TLC PC GOLF L.L.C. AN ARIZONA LIMITED LIABILITY CORPORATION, WHO ACKNOWLEDGED BY SELF TO REPRESENT TLC PC GOLF L.L.C, AND THAT HE/SHE AS SUCH, BEING AUTHORIZED SO TO DO, EXECUTED THE FOREGOING INSTRUMENT FOR THE PURPOSE THEREIN CONTAINED.

IN WITNESS WHEREOF: I HEREUNTO SET FORTH MY HAND AND OFFICIAL SEAL.

_____ (NOTARY PUBLIC)

MY COMMISSION EXPIRES: _____

CITY OF FLAGSTAFF
It is hereby certified that this plat has been officially approved for record by the Council of the City of Flagstaff, Arizona on the _____ day of _____, 20___

BY: _____
MAYOR

ATTEST: _____
CITY CLERK

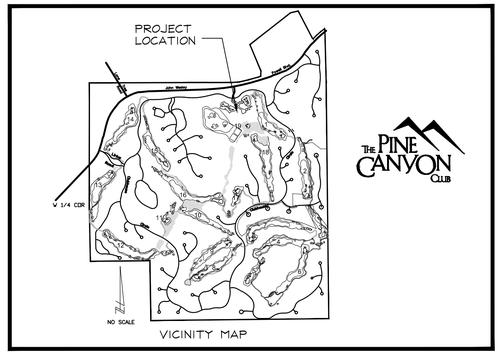
It is hereby certified that this plat has been officially approved for record by the City Engineer and the Planning Director, City of Flagstaff, Arizona on the _____ day of _____, 20_

BY:_____
PLANNING DIRECTOR

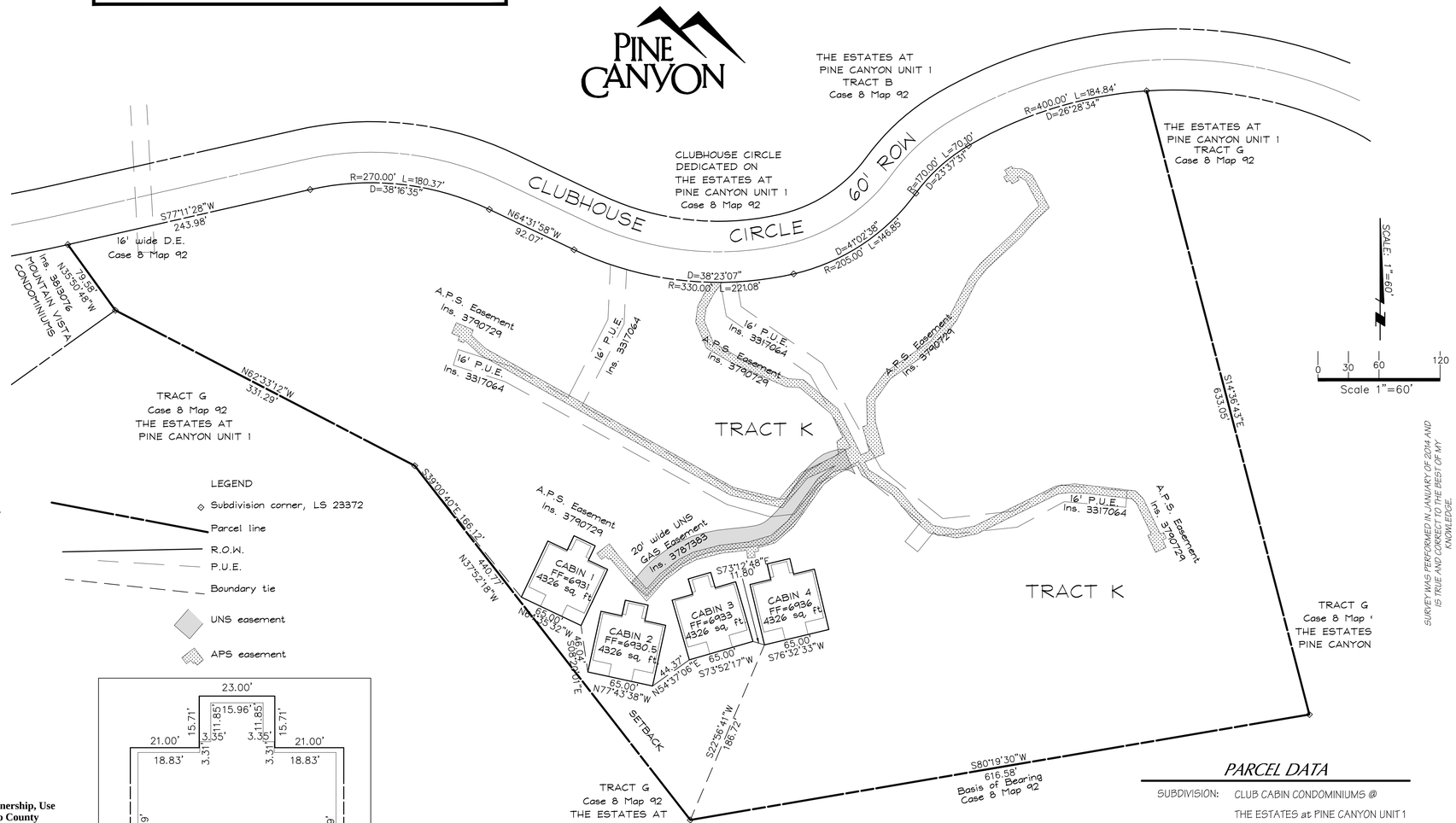
BY:_____
CITY ENGINEER

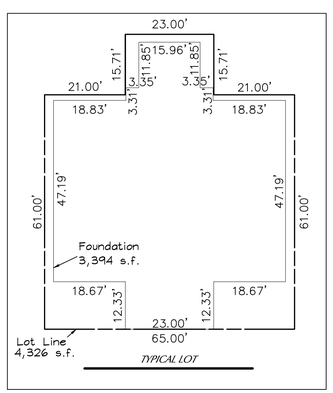
UTILITY COMPANY ACKNOWLEDGMENT

UNISOURCE ENERGY	DATE
CENTURYLINK	DATE
ARIZONA PUBLIC SERVICE	DATE
SUDDENLINK	DATE

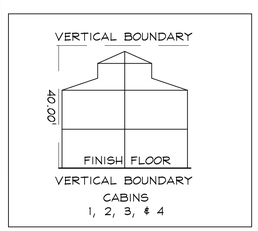


VICINITY MAP





TYPICAL LOT



CABINS 1, 2, 3, & 4

Use and Ownership Restrictions as described in that certain document titled Declarartion of Ownership, Use & Occupancy Restrictions Pine Canyon Golf Club - Club Cabins Unit 1 recorded in the Coconino County Recorders Office.

(a)Use Restrictions. Units may only be used or occupied by: (i) Pine Canyon Owners and Pine Canyon Club Members, and their families and invited guests; and (ii) invite only "Discovery Visits" for prospective Club Members and members of the public with a demonstrated interest in purchasing a Lot within the Pine Canyon Community. No single stay may exceed 21 contiguous days.

(b)Ownership Restrictions. Units may only be owned by: (i) the Pine Canyon Club; or (ii) Pine Canyon Club Members. Units may be: (i) transferred between Pine Canyon Club Members; or (ii) if a Unit owner dies or surrenders the underlying Club Membership for any reason, the Unit may be transferred or willed to a Club Member (collectively, "Permitted Transfers").

(c) **Maintenance and Repair**. The Pine Canyon Club shall be solely responsible for the operation, maintenance and repair of each Unit.

(d)**Insurance**. The Pine Canyon Club shall maintain casualty and general liability insurance with respect to each Unit.

(e)**Enforcement**. The City shall have the right to enforce the covenants and restrictions set forth in Paragraphs (a) and (b), above.

EXCEPT FOR CONSTRUCTION AND IMPROVEMENTS BY GOVERNMENT ENTITIES AND CERTIFIED PUBLIC UTILITIES, CONSTRUCTION AND IMPROVEMENTS WITHIN UTILITY EASEMENTS SHALL BE LIMITED TO THE FOLLOWING:
REMOVABLE WOOD, WIRE OR SECTION TYPE FENCING
CONSTRUCTION, STRUCTURES OR BUILDINGS EXPRESSLY APPROVED IN WRITING BY ALL PUBLIC UTILITIES WHICH USE OR SHALL USE THE UTILITY EASEMENT

TRACT K

TRACT K OF THE ESTATES at PINE CANYON UNIT 1, CASE 8 MAP 92, COCONINO COUNTY RECORDS. TRACT K WAS RESERVED BY THE OWNER AND DEVELOPER FOR GOLF COURSE OR ASSOCIATED USES. TRACT K WAS RESERVED FOR PINE CANYON GOLF CLUB.

ADEQUATE WATER SUPPLY

THE CITY OF FLAGSTAFF PROVIDES WATER (UTILITY) SERVICE PURSUANT TO STATE LAW AND IS CURRENTLY OPERATING UNDER A DESIGNATION OF ADEQUATE WATER SUPPLY GRANTED BY THE ARIZONA DEPARTMENT OF WATER RESOURCES, APPLICATION No. 41-900002.0002.

PARCEL DATA

SUBDIVISION:	CLUB CABIN CONDOMINIUMS @ THE ESTATES at PINE CANYON UNIT 1
TRACT:	K OF THE ESTATES at PINE CANYON UNIT 1
PARCEL ADDRESS:	3000 CLUBHOUSE CIRCLE
APN NUMBER:	105-10-167
TOTAL ACREAGE:	10.881±
EXISTING USE:	CLUBHOUSE & CAMP PINE CANYON
PROPOSED USE:	4 CLUB CABIN CONDOMINIUMS
ZONING:	R1 - SINGLE FAMILY RESIDENTIAL
OWNER:	TLC PC GOLF LLC 1201 E. JOHN WESLEY POWELL BLVD. FLAGSTAFF, AZ 86005 (928)779-5700

SHEET NO. 1 OF 1

COF PROJECT #

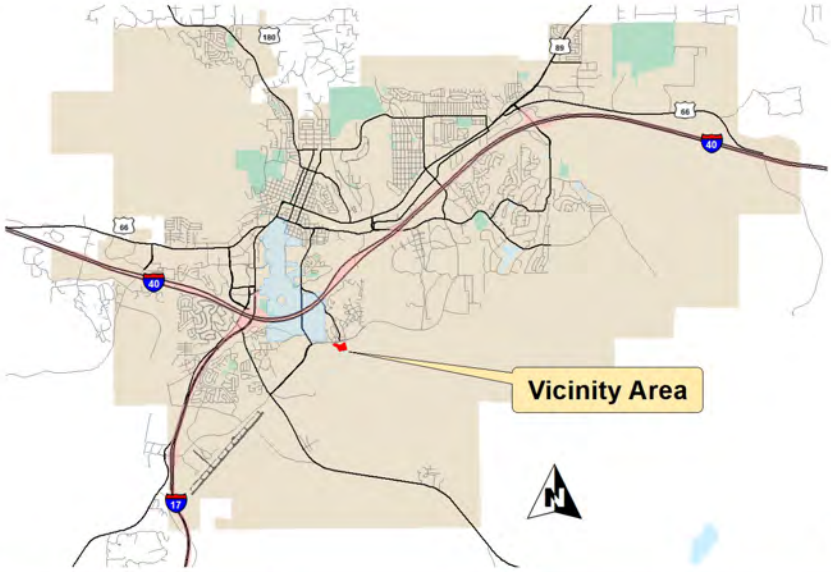
Mogollon Inc ENGINEERING & SURVEYING
411 W Santa Fe Avenue
Flagstaff, Arizona 86001
Phone: 928-214-0214

REGISTERED LAND SURVEYOR
CERTIFICATE NO. 15169
PRELIMINARY
NOT FOR CONSTRUCTION OR RECORDING
CHRIS HOTSENPILLER
Date Signed
ARIZONA U.S.A.

FINAL PLAT
CLUB CABIN CONDOMINIUMS
ESTATES AT PINE CANYON UNIT 1

8/08/19
MES#15169

DATE: 8/08/19
DESIGNED BY:
DRAWN BY:
CHECKED BY:
PROJECT NO. 15169
FN: FPLAT.dwg
VERT. SCALE:
HOR. SCALE: 1"=60'
REVISIONS: COF completeness 8/7/19



3000 S Clubhouse Circle

E JW POWELL BLVD
E TELLURIDE DR
S PINYON JAY DR
E JW POWELL BLVD
S CLUBHOUSE CIR
E BENT TREE CIR
S CLUBHOUSE CIR
E ELYSIAN CT
S TOURMALINE DR
E LA SERENA DR

Club Cabins at the Estates at Pine Canyon Unit 1

Final Plat Approval Request

City Council | September 17, 2019

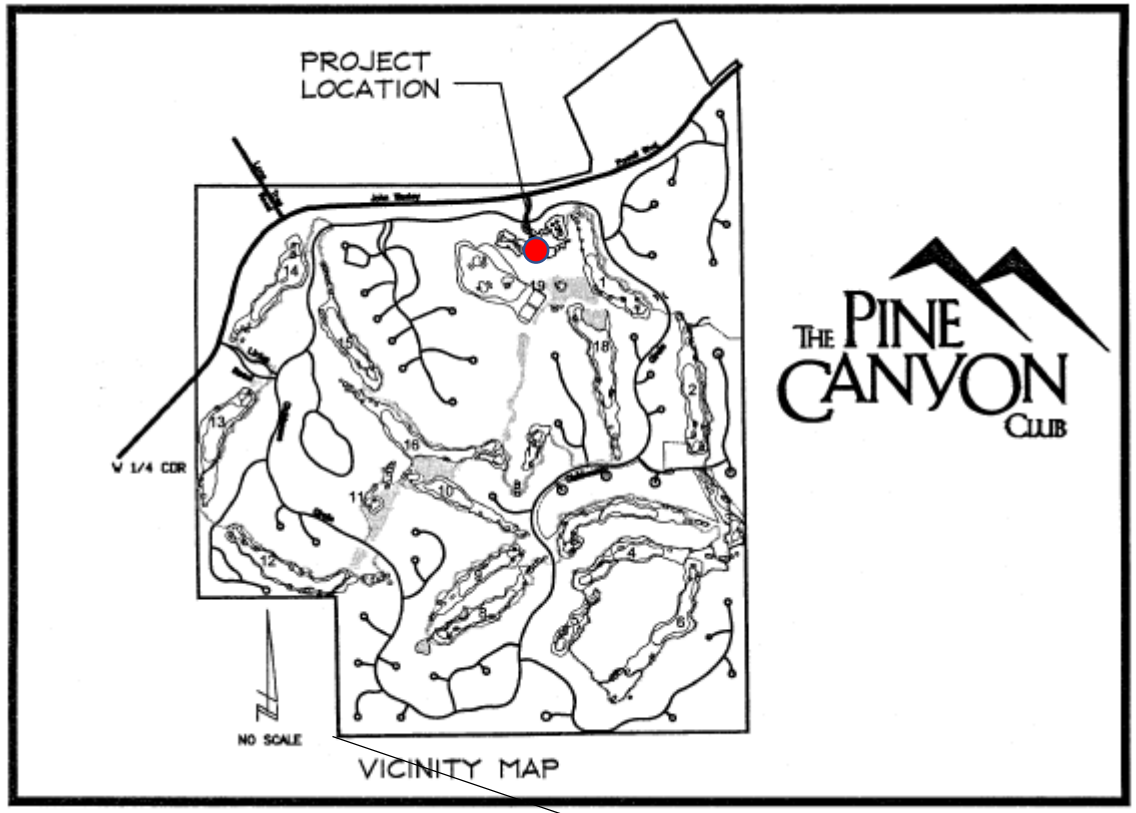
Genevieve Pearthree | Associate Planner

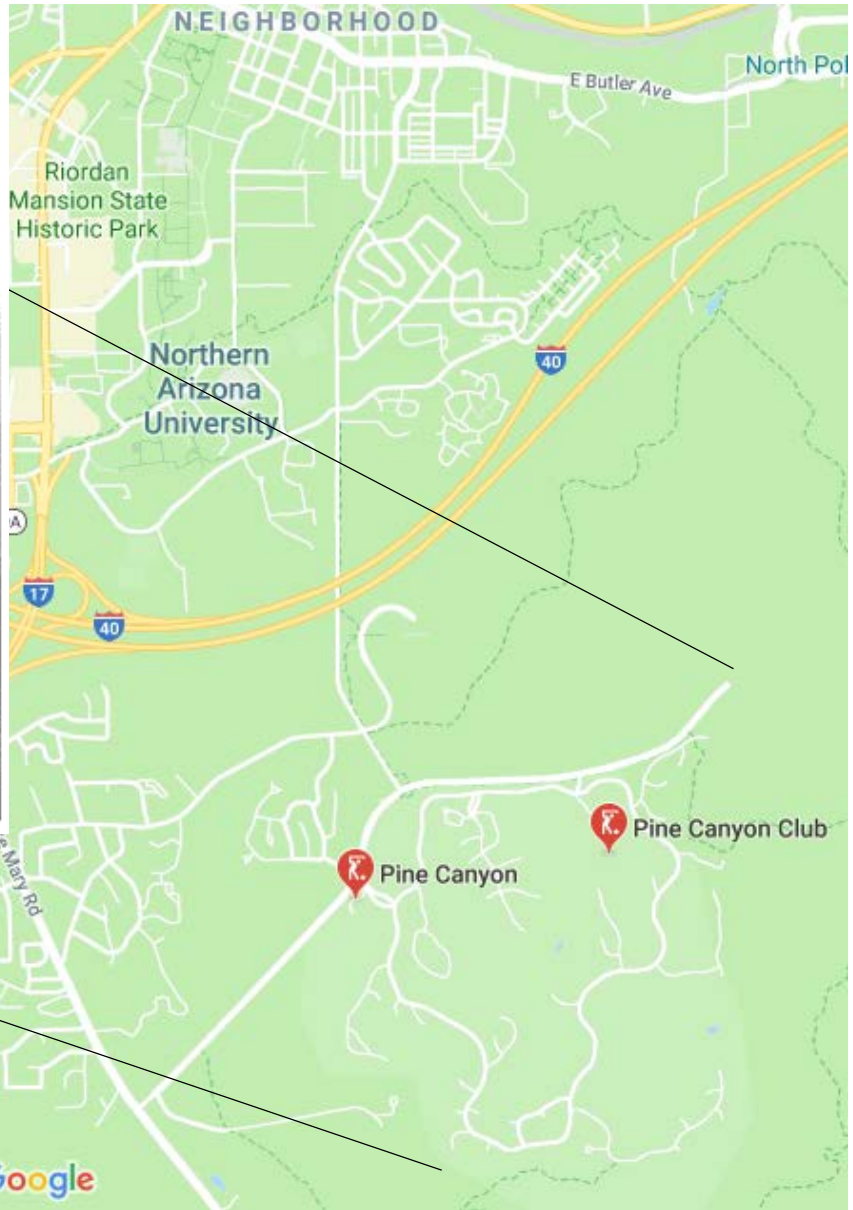
TEAM FLAGSTAFF
WE MAKE THE CITY BETTER

Request Overview

- Request from TLC PC Golf LLC for preliminary plat approval for a four (4)-unit residential condominium subdivision at 3000 S. Clubhouse Circle
- Condominium plat creates the ability for individually-owned units
  - Ownership of airspace extends vertically from the finish floor to 40-ft. above each Club Cabin, and horizontally from just outside each Cabin wall
  - Includes porches, decks, balconies, etc.

Vicinity Map





Background – Site Plan Approval

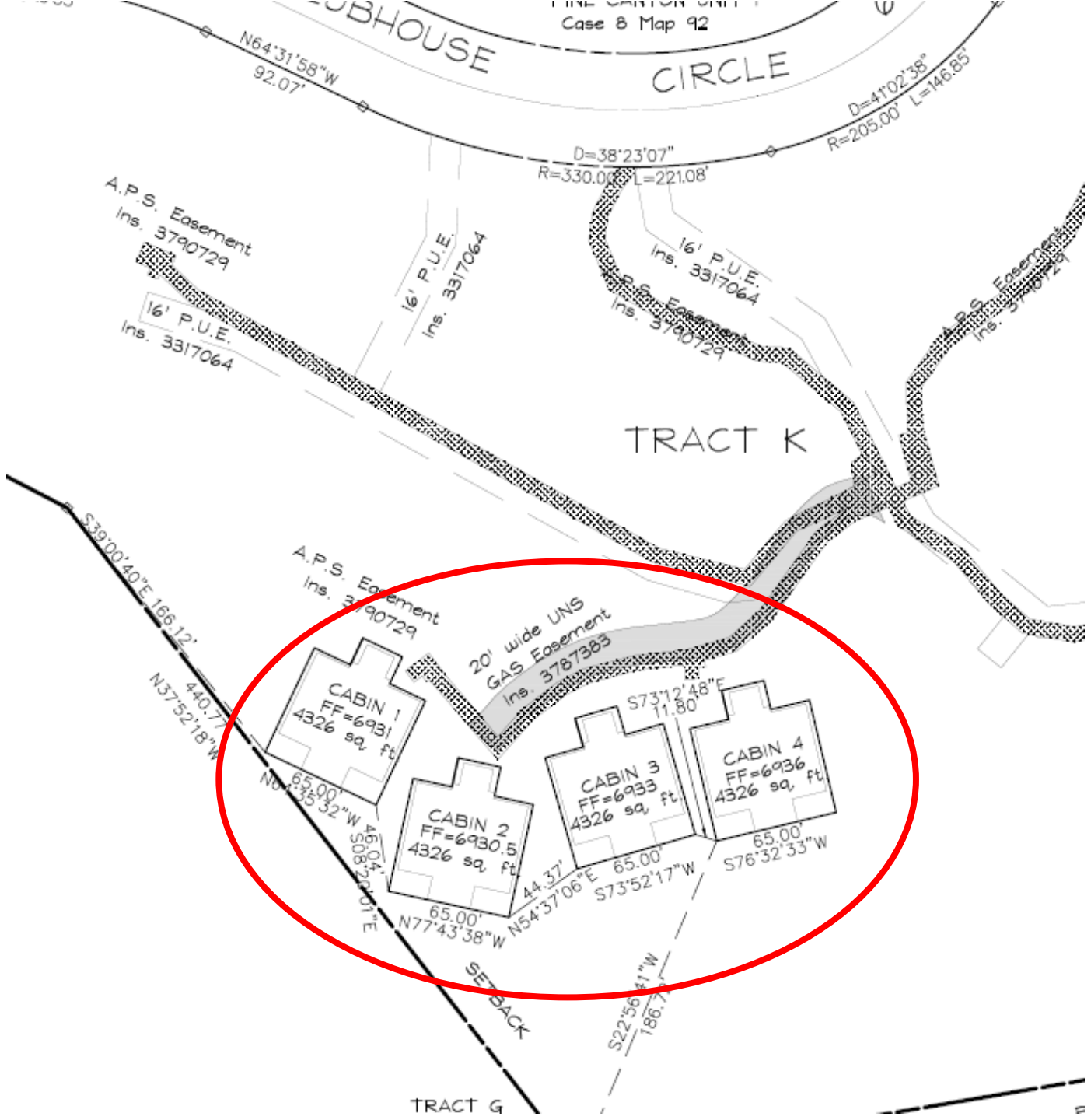
- Inter-Division Staff Review approved the site plan in February 2016 based on compliance with all development standards
  - Building permits issued in June 2016 and February 2017
  - Two of the four cabins are already constructed

- **Focus of final plat development request:** owner decided to create a condominium project to enable individually-owned units

Fnal Plat

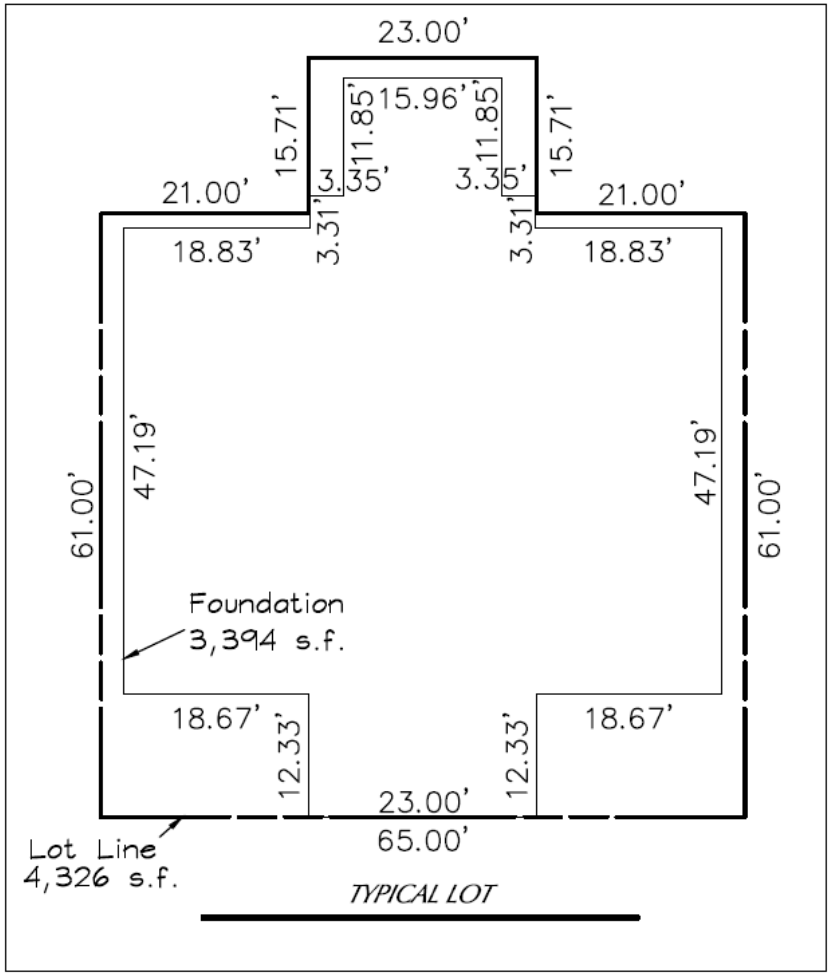
Overall Layout

TEAM FLAGSTAFF
WE MAKE THE CITY BETTER

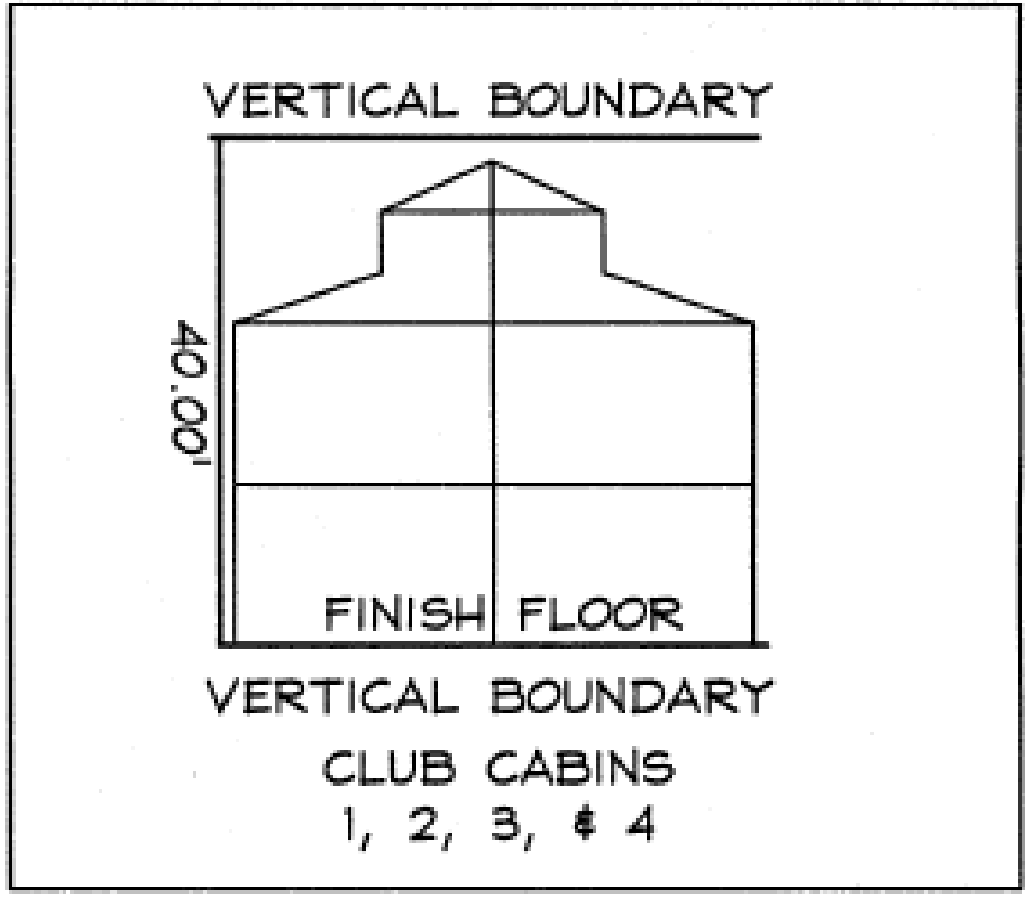


Plat Unit Airspace Ownership

Typical Horizontal Airspace Boundary



Typical Vertical Airspace Boundary



Building Elevations

Front



Rear



Findings and Recommendation

Required Findings

- Staff has found the **final plat meets the requirements** of:
  - City Code Title 10, Flagstaff Zoning Code
  - City Code Title 11, General Plans and Subdivisions
  - City Code Title 13, Engineering Design Standards and Specifications

Staff Recommendation

- Staff recommends **the City Council approve the final plat and authorize the Mayor to sign the plat** when notified by Staff that the document is ready for recording

7. A.

CITY OF FLAGSTAFF

STAFF SUMMARY REPORT

To:	The Honorable Mayor and Council
From:	Charity Lee, Real Estate Manager
Date:	09/09/2019
Meeting Date:	09/17/2019

TITLE:

Consideration and Adoption of Ordinance No. 2019-26: An ordinance of the City Council of the City of Flagstaff, authorizing the acquisition of real property and/or easements for the Switzer Canyon Water Transmission Main Project - Phases IV & V; providing for delegation of authority, subsequent council approvals, severability, and establishing an effective date.

STAFF RECOMMENDED ACTION:

1) Read Ordinance No. 2019-26 by title only for the final time
2) City Clerk reads Ordinance No. 2019-26 by title only (if approved above)
3) Adopt Ordinance No. 2019-26

Executive Summary:

The City is seeking to acquire real property and/or easements needed for the Switzer Canyon Water Transmission Main Project- Phases IV & V. These are the final phases of the Water Services Aging Infrastructure Replacement Project. The 16-inch cast iron water main was built in the 1950's and has exceeded its expected life. These lines have experience multiple breaks within the last few years that have caused damage to our roadways and have interrupted service to our residents and hospital. The project will install a new dual line- a 16-inch (high pressure) and a 24-inch (medium pressure) ductile iron pipe to serve the City of Flagstaff.

Financial Impact:

Phase IV is estimated at $1.7 million, and Phase V estimated at $1.9 million dollars which includes design, property acquisition and construction. Account number 202-08-370-3428-0-4466. The City is obtaining appraisals of the easements and/or real property interests to be acquired.

Policy Impact:

None

Connection to Council Goal, Regional Plan and/or Team Flagstaff Strategic Plan:

Transportation and Other Public Infrastructure
Deliver quality community assets and continue to advocate and implement a highly performing multi-modal transportation system.

Has There Been Previous Council Decision on This:
Yes. Council has approved the budget for the capital improvement project.

Options and Alternatives:
1. Approve the ordinance
2. Do not approve the ordinance and redirect staff

Background/History:
The City of Flagstaff began the Switzer Canyon Water Transmission Main Project in 2012 and has completed the first three phases. The project started at the intersection of Switzer Canyon Road and Route 66 and headed north and up Turquoise and across Forest Avenue to Fir Avenue and west on Fir to the Elks Lodge at San Francisco Street. Phase IV and V are the final stages to complete the project. The line will be installed going north up San Francisco Street and generally follow the existing 16" water line across private property located in Coconino County to City reservoirs for approximately two miles.

A sample form of water easement is attached.

Key Considerations:
The existing 16-inch cast iron water main was built in the 1950's and has exceeded its useful life. Breaks in the line will cause major interruptions in service. Switzer Canyon Water Transmission Main is the main water supply to the Flagstaff Medical Center and Summit Medical Center. Installation of a new dual line will ensure an adequate water supply for all citizens of Flagstaff.

The new transmission lines will also include fire hydrants for public safety and firefighting purposes. The locations of fire hydrants will be based on operation and maintenance needs as well as input received from City fire department and water services staff.

The City needs to obtain property rights prior to commencing construction.

Community Benefits and Considerations:
Ensuring an adequate water supply for the citizens of Flagstaff.
Installation of fire hydrants in rural wooded areas of the County (fire protection).

Community Involvement:
Stakeholder meeting held on July 17, 2019. Invited property owners impacted by the proposed alignment to present an overview of the project and request access to their properties via a Site Access Agreement which will allow the City to perform necessary due diligence, survey work, environmental assessments and appraisals to move forward with the project.

Expanded Options and Alternatives:
None

Attachments: Presentation
Ord. 2019-26
Sample Easement

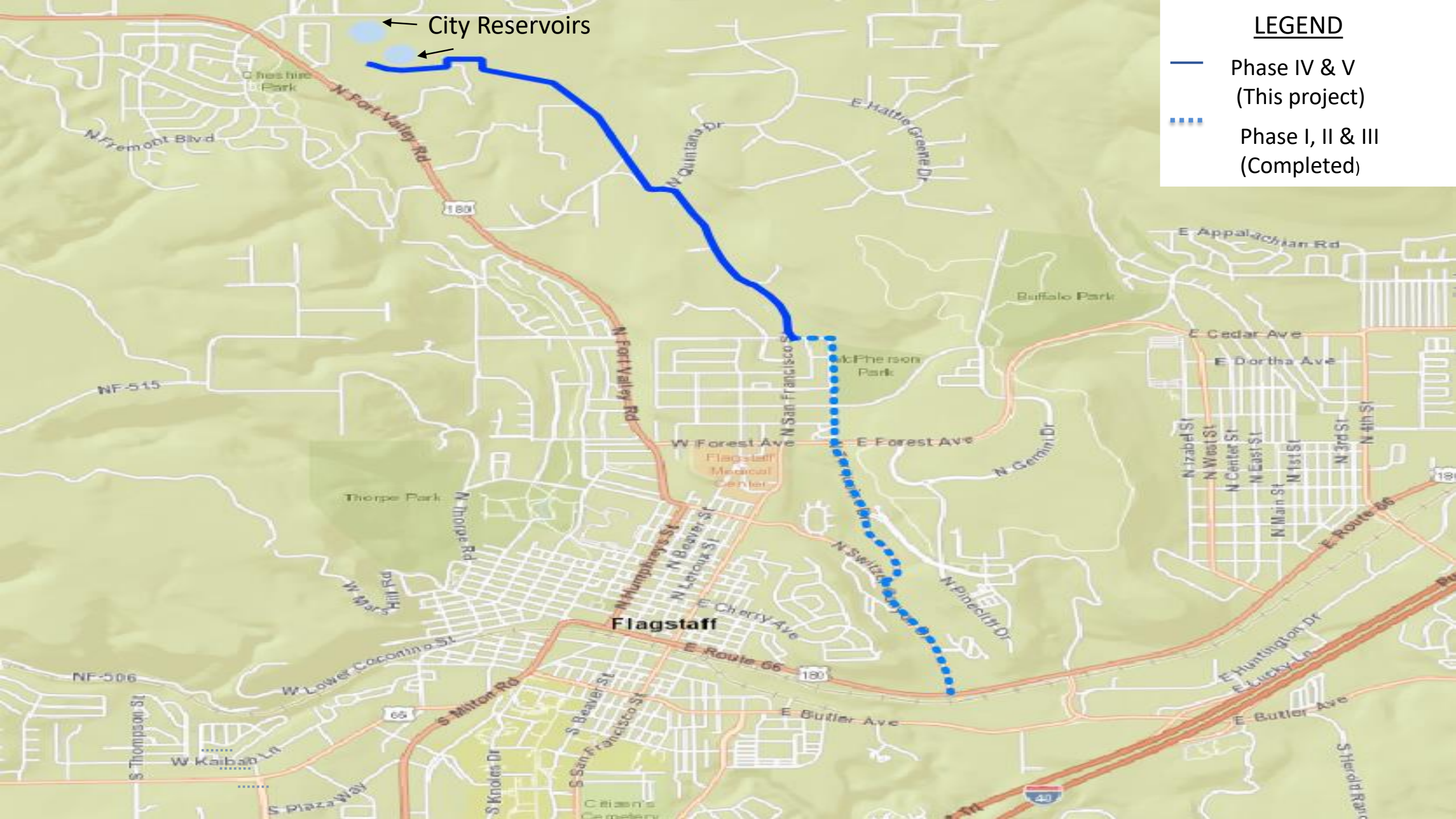
Switzer Canyon Water Transmission Main Phases IV & V

Charity Lee- Real Estate Manager

August 27, 2019

TEAM FLAGSTAFF

WE MAKE THE CITY BETTER


City Reservoirs
LEGEND
Phase IV & V
(This project)
Phase I, II & III
(Completed)
Flagstaff
N Fort Valley Rd
N Fremont Blvd
E Hattie Greene Dr
N Quintana Dr
E Appalachian Rd
Buffalo Park
E Cedar Ave
E Dortha Ave
N San Francisco St
W Forest Ave
E Forest Ave
N Gemini Dr
N Switzer Canyon Dr
N Pinecliff Dr
Thorpe Park
N Thorpe Rd
N Humphreys St
N Beaver St
N Leroux St
E Cherry Ave
E Route 66
S Milton Rd
S Beaver St
S San Francisco St
E Butler Ave
W Lower Coconino St
W Kaibab Ln
S Plaza Way
S Knoles Dr
S Thompson St
NF-515
NF-506
N Izabel St
N West St
N Center St
N East St
N Main St
N 1st St
N 3rd St
N 4th St
E Huntington Dr
E Lucky Ln

Why?

- Pipes were built in the 1950's (cast iron).
- Multiple breaks have recently occurred.



Why?

- Breaks cause major interruptions in service.

- Switzer Canyon Water Transmission Main serves the residents of Flagstaff (approx. 80,000 residents).

- Main water supply to the Flagstaff Medical Center.



Ordinance

- Approval of the Ordinance will authorize staff to acquire the necessary property rights to complete the alignment and move forward with the project.

Questions

?

ORDINANCE NO. 2019-26

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF, AUTHORIZING THE ACQUISITION OF REAL PROPERTY AND/OR EASEMENTS FOR THE SWITZER CANYON WATER TRANSMISSION MAIN PROJECT- PHASES IV & V; PROVIDING FOR DELEGATION OF AUTHORITY, SUBSEQUENT COUNCIL APPROVALS, SEVERABILITY, AND ESTABLISHING AN EFFECTIVE DATE

RECITALS:

WHEREAS, pursuant to Article VII, Section 5 of the Flagstaff City Charter the City shall acquire real property by ordinance; and

WHEREAS, pursuant to Article I, Section of the Flagstaff City Charter the City may acquire real property, easements, and other real property interests within or without its corporate limits by purchase, gift, devise, exchange, or condemnation;

WHEREAS, the City desires to acquire easements, temporary construction easements, and/or real property for the Switzer Canyon Water Transmission Main Project; and

WHEREAS, these acquisitions will complete the final phases of the project and will provide an upgraded water transmission line for the City of Flagstaff.

ENACTMENTS:

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FLAGSTAFF AS FOLLOWS:

SECTION 1. In General.

The City of Flagstaff shall acquire the real property or easements for the Switzer Canyon Water Transmission Main Project- Phases IV & V within Sections 3, 4, and 10, Township 21 North, Range 7 East, Gila and Salt River Meridian, Coconino County, Arizona, per the civil engineering plans approved by the Water Services Division (“Acquisitions”).

SECTION 2. Delegation of Authority.

The Mayor, City Manager, City Attorney, City Clerk, Finance Director, Real Estate Manager, or their delegates or agents, are hereby authorized and directed to take all steps and execute all documents necessary to acquire the real property and or easements and to carry out the purpose and intent of this ordinance, and to acquire such real property and or easements through purchase, exchange, gift, donation, dedication, or condemnation for a public use.

The Real Estate Manager is directed to obtain appraisals of the proposed Acquisitions for purposes of determining just compensation to be paid. The Real Estate Manager is delegated authority to negotiate with property owners for final purchase price or conditions, with approval of the City Manager or Council.

SECTION 3. Subsequent Council Approvals.

The City Council shall approve any condemnation necessary for public use, including site access, by resolution referencing this ordinance, and including a legal description and map of the properties sought to be condemned, which resolution shall be immediately effective.

Any real property or easements acquired pursuant to this ordinance will be presented to the City Council at a future council meeting for formal acceptance.

SECTION 4. Severability.

That if any section, subsection, sentence, clause, phrase or portion of this ordinance or any part of the City Code adopted herein by reference is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

SECTION 5. Effective Date.

This ordinance shall become effective thirty (30) days following adoption by the City Council.

PASSED AND ADOPTED by the City Council of the City of Flagstaff this 17th day of September, 2019.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

When recorded, mail to
City Clerk
211 West Aspen Avenue
Flagstaff, Arizona 86001

Public Water and Appurtenances
(Water Easement)

For valuable consideration, the sufficiency and receipt of which is hereby acknowledged, _____, hereinafter referred to as ("Grantor"), hereby grants and conveys unto the CITY OF FLAGSTAFF, a municipal corporation organized and existing under and by virtue of the laws of the State of Arizona ("Grantee"), an exclusive easement for water purposes, under, over and across the real property of Grantor; located at _____ in Flagstaff, Arizona, situated in Coconino, Assessor Parcel Number _____, and as legally described and depicted in the attached **Exhibit A** ("Public Water Easement"), Subject to the following terms and conditions:

1. Grantee shall have the right to locate, operate, repair, replace, alter and maintain ("Work") under ground waterlines and related facilities within the Public Water Easement.

2. Grantee shall have the rights of ingress and egress across adjacent property owned or controlled by Grantor where reasonably required to gain access to the real property subject to this easement.

3. This Public Water Easement is granted on an exclusive basis to Grantee. Grantee shall have the right to use the easement for water services provided and approved by Grantee.

4. Grantee may remove, alter or maintain vegetation, improvements, or obstructions within the limits of the real property subject to this easement that conflict with the public utility uses.

5. Grantee shall restore the real property to its prior condition upon completion of any work by Grantee, its employees, contractors, or licensees; following such restoration Grantor shall remain responsible for any ongoing maintenance of the surface of the real property subject to this easement.

6. To the extent permitted by Arizona law, Grantee hereby covenants to indemnify and save Grantor harmless from any liabilities for injuries or damages to persons or property arising out of use of this Water Easement by Grantee, its employees, contractors, or licensees.

7. Grantor shall have the right to use and enjoy the real property subject to this Water Easement provided such use and enjoyment does not interfere with Grantee's ability to utilize the Water Easement granted herein. Grantor may not construct or permit erection or other structure or improvement that in Grantee's sole opinion would interfere with the operation of utilities within the Water Easement granted herein, unless Grantee gives written consent.

IN WITNESS WHEREOF, Grantor has caused this Water Easement to be executed this ___ day of _____, 2019.

Grantor:

By: _____
Title:_____

STATE OF ARIZONA)

County of Coconino)

On this _____ day of _____, 2019, before me, a Notary Public, personally appeared _____, whose identity was proven to me on the basis of satisfactory evidence to be the person who he or she claims to be, and who acknowledged that he or she signed this Water Easement.

_____
Notary Public

(Seal)

7. B.

CITY OF FLAGSTAFF

STAFF SUMMARY REPORT

To:	The Honorable Mayor and Council
From:	Alaxandra Pucciarelli, Planning Development Manager - AP
Date:	09/09/2019
Meeting Date:	09/17/2019

TITLE:

Consideration and Adoption of Ordinance No. 2019-28: An ordinance of the Flagstaff City Council accepting drainage and slope easements along Ponderosa Parkway; delegating authority, and establishing an effective date.

STAFF RECOMMENDED ACTION:

1) Read Ordinance No. 2019-28 by title only for the final time
2) City Clerk reads Ordinance No. 2019-28 by title only (if approved above)
3) Adopt Ordinance No. 2019-28

Executive Summary:

Under ordinance No. 2019-28 the City will formally accept the easements received on March 1, 2010 per the Special Warranty Deed, Document Number 3555011; and the City will accept slope and drainage easements in the same location from the current property owner, Miramonte, using the City's standard forms, in order to clarify and define the obligations of the City and Miramonte.

Financial Impact:

None

Policy Impact:

None

Connection to Council Goal, Regional Plan and/or Team Flagstaff Strategic Plan:

Transportation and Other Public Infrastructure
Deliver quality community assets and continue to advocate and implement a highly performing multi-modal transportation system.

Has There Been Previous Council Decision on This:

Yes, Ordinance No. 2009-39 approving the Development and Disposition Agreement dated December 3rd, 2009.

Options and Alternatives:

1. Approve Ordinance No. 2019-28 which formally accepts the easements.
2. Do not approve Ordinance No. 2019-28 and the existing easements remain in place, however, the obligations of the easements will remain unclear.

Background/History:

Under the original Development and Disposition Agreement dated December 3, 2009, Document Number 3546724, official records of Coconino County ("DA"), Gemini (now Miramonte) was required to dedicate slope and drainage easements to the City, per paragraph 7 (a) of the DA. The City received these easements on March 1, 2010, by Special Warranty Deed, Document Number 3555011, however, neither the DA nor the Special Warranty Deed indicated the scope of the easements; rights of access, maintenance obligations, restrictions of the easement. This ordinance will formally accept the easements received in the Special Warranty Deed, Document Number 3555011 and will authorize staff to accept non-exclusive easements granted by Miramonte over the same legally described parcels, using our standard forms for slope and drainage easements.

Key Considerations:

The City has standard forms for drainage and slope easements that are used in development projects. The language of the easements outlines the obligations and responsibilities of the parties for maintenance, access, exclusivity, and overall purpose of the easement. Without the easement, the obligations and responsibilities of the parties are unclear. Recording the slope and drainage easements will clarify this and provide public notice.

Expanded Financial Considerations:

None

Community Benefits and Considerations:

Recording the slope and drainage easements outline the obligations of the parties which will protect the public infrastructure; road and drainage system.

Community Involvement:

Inform

Attachments:

Development Agreement
Special Warranty Deed 3555011
Special Warranty Deed 3555010
Slope Easement
Drainage Easement
Ord. 2019-28
Vicinity Map

Official Records of Coconino County 3546724
Candace Owens - Recorder 12/03/2009 03:22 PM Pgs: 129
FLAGSTAFF CITY OF AM $73.00

When recorded, return to:

City Clerk
City of Flagstaff
211 West Aspen Avenue
Flagstaff, Arizona 86001

DEVELOPMENT AND DISPOSITION AGREEMENT
[Ponderosa Parkway Project]
Ordinance No. 2009-39

THIS DEVELOPMENT AND DISPOSITION AGREEMENT ("Agreement") is made and entered into as of the 3rd day of December 2009, by and between the CITY OF FLAGSTAFF, an Arizona municipal corporation ("City"); Laurie Jeanne Nemec and Frank A. Nemec, Jr., Trustees of the Nemec Family Trust dated October 12, 1982 ("Nemec"); Reid Plaza Enterprises, L.L.C., an Arizona limited liability company ("Reid Plaza"); Thomas James Olmsted, Bishop of the Roman Catholic Church of the Diocese of Phoenix, a corporation sole ("Diocese"); CLT Clark Family, L.L.C., an Arizona limited liability company, ("Clark"); and Gemini Flagstaff, L.L.C., an Arizona limited liability company ("Gemini") (collectively "Parties").

RECITALS

A. The Parties have been in intermittent negotiations over the last several years regarding property acquisition and development issues concerning several parcels of land on the north side of Route 66, across from Enterprise Drive on both sides of the City's proposed Ponderosa Parkway Project ("Development Area"). Through this Agreement, the Parties desire to accomplish transfers of various property interests, including a real estate exchange, right of way dedications, and easement conveyances, cost allocations for Ponderosa Parkway Improvements, and other matters.

B. The Parties believe that significant benefits will accrue to all of them by entering into this Agreement, and the Parties acknowledge that this Agreement is a development agreement pursuant to the provisions of Ariz. Rev. Stat. Ann. §9-500.05.

NOW, THEREFORE, in consideration of the foregoing premises and the mutual promises and agreements set forth herein, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto state, confirm and agree as follows:

AGREEMENT

1. Effective Date.

This Agreement shall not become effective, and no Party shall have any obligation under this Agreement unless each of the following occurs: (1) this Agreement is executed by all Parties; (2) the City adopts Ordinance No. 2009-39 authorizing the City to enter into the Agreement following a second reading; (3) the City adopts Ordinance No. 2009-35 rezoning approximately 28 acres of land owned by the Diocese located at 1600 East Route 66 from RR, Rural Residential Zoning District to HR, High Density Residential Zoning District following a second reading; (4)

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this Agreement is recorded in accordance with **Section 10(i)**, as required by A.R.S. § 9-500.05(D); (5) Ordinance No. 2009-39 has become final following expiration of the time period in which it may be challenged or referred to the qualified electors of the City; and (6) Ordinance No. 2009-35 has become final following expiration of the time period in which it may be challenged or referred to the qualified electors of the City.

2. City/Nemec Real Estate Exchange and Escrow.

a. The City hereby agrees to convey to Nemec by exchange that parcel of land described in **Exhibit A**, attached to and made a part hereof ("Parcel A" [City to Nemec Parcel]), together with all improvements, rights, privileges, easements, and appurtenances thereto, and Nemec hereby agrees to convey to the City by exchange that parcel of land described in **Exhibit B**, attached to and made a part hereof ("Parcel B" [Nemec to City Parcel]), together with all improvements, rights, privileges, easements, and appurtenances thereto.

b. The City and Nemec agree that Parcel A and Parcel B are of equal or comparable value and that each shall convey to the other by good and sufficient special warranty deed, subject to any acceptable exceptions and reservations contained therein. Nemec acknowledges and agrees that the deed to Nemec from the City will contain a reservation of land for the sign easement to the Diocese as described in **Exhibit C and Exhibit Y**, attached to and made a part hereof ("Diocese Sign Design"), and a reservation of land for an access easement for the benefit of Parcel A [City to Nemec Parcel], the parcel of land identified as Coconino County Assessor's Parcel Number 107-07-002E, and Coconino County Assessor's Parcel Number 107-08-002, which access easement is described in **Exhibit L**, attached to and made a part hereof ("Reserved Joint Access Easement"). The City shall deposit into Escrow a special warranty deed in the form attached to and made a part of this Agreement as **Exhibit C**, and Nemec shall deposit into Escrow a special warranty deed in the form attached to and made a part of this Agreement as **Exhibit D.**

c. For purposes of this Agreement, the opening of escrow ("Opening of Escrow") shall be deemed to be the date on which a fully executed copy of this Agreement is delivered to and accepted by Escrow Agent. Subject to the conditions set forth in **Section 1** above, the consummation of the transactions contemplated by this Agreement ("Closing") shall occur at 10:00 a.m., Mountain Standard Time, at the earlier of sixty (60) days from the date of this Agreement or satisfaction of the requirements of this Agreement to be satisfied on or before Closing.

d. The Closing shall occur at the offices of First American Title Insurance Agency, Inc., with offices at 403 N. Agassiz Street, Flagstaff, Arizona ("Escrow Agent"), or at such other place as the Parties may agree in writing. Such Closing shall be deemed to have occurred when (i) all closing documents contemplated by this Agreement have been delivered to, received by, and executed by the appropriate Parties, (ii) all conditions to such Closing contemplated by this Agreement have been satisfied or waived, (iii) the deeds required pursuant to Conveyance have been recorded, and (iv) any funds required to be paid under this Agreement have been properly delivered to Escrow Agent and are available for distribution by Escrow Agent.

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e. On or before fifteen (15) days after the Opening of Escrow, Escrow Agent shall deliver to Nemec and the City a preliminary title report pertaining to the Property each desires to acquire ("Title Commitment").

f. On or before fifteen (15) days after receipt of each Title Commitment, either Nemec or the City may notify the other Party of any matters or exceptions shown on the Title Commitment concerning the property such Party seeks to acquire, or on any documents identified in such Party's Title Commitment as title exceptions, that are not acceptable ("Objections"). Any matters or title exceptions to which either Party does not object within such time period shall be deemed to be acceptable matters.

g. Nemec and the City shall each have fifteen (15) days from receipt of notice of the other Party's Objections to elect whether to cure all such Objections or to decline to cure said Objections. Mortgages, deeds of trust and other liens encumbering the properties shall be cleared at or before Closing. Should either Nemec or the City be unable to cure or elect not to cure the Objections of the other Party within the fifteen (15) day period, then the other Party may, at its option, terminate this Agreement or waive its Objections and proceed to Closing.

h. Nemec and the City each agrees to convey to the other, good, marketable, insurable and indefeasible fee simple title to the property it conveys. All conveyances shall be free and clear of all mortgages, deeds of trust, leases, and liens.

i. Nemec and the City shall each pay the premium for a standard owner's policy of title insurance through the Escrow Agent, with a limit of liability in an amount of the appraised value with respect to the property each is conveying, or as mutually agreed upon, and the acquiring Party shall pay the additional premium for any extended or other coverage desired by the acquiring Party. Nemec and the City shall split equally all closing costs, escrow fees, recording costs and other costs incurred in the transfer of Parcel A and Parcel B, as determined by the Escrow Agent.

j. Ad valorem and similar taxes and assessments relating to the properties and accruing to the date of Closing shall be prorated between Nemec and the City as of the date of Closing.

k. Nemec and the City each warrants that there shall be no material or adverse change to the condition of the warranting Party's property prior to Closing. All improvements, equipment and fixtures that are on each property as of the effective date of this Agreement shall remain on such property and in the same condition and shall be conveyed at Closing, except with respect to the dwelling on Parcel B.

l. Nemec and the City each hereby grants permission to the other Party (the "acquiring Party") to enter onto its property to undertake an "Environmental Investigation" which may include, but not be limited to, a physical inspection of the Property as well as any and all improvements, and as deemed reasonably necessary, a Phase I and/or a Phase II environmental assessment (scope to be determined by the acquiring Party) at the acquiring Party's expense. Nemec and the City each may choose and retain its own environmental consultant without seeking approval of the other Party. Nemec and the City each acknowledges that any Environmental Condition found on either of the properties will be the sole responsibility of the current owner of such property. Nemec and the City each

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further acknowledges that the acquiring Party's participation in the performance of any Environmental Investigation will not create any liability for the acquiring Party as to any Environmental Condition that may exist on the property, unless during the course of the acquiring Party's Environmental Investigation of the property the acquiring Party or its consultant exacerbates an existing Environmental Condition. "Environmental Condition" shall mean the presence, release, or threatened release into the environment (which includes air, soil or water) of a hazardous or regulated material, waste, substance, toxin, chemical, or pollutant as those terms are defined by federal, state or local law, rule, regulation, or statute.

m. Nemec and the City shall each have a period of time beginning on the first day following the effective date of the Agreement and expiring forty-five (45) days thereafter ("Due Diligence Period") to conduct an Environmental Investigation of the property it seeks to acquire to assess the Environmental Condition of the property. If, as of the end of the Due Diligence Period, an acquiring Party has found that the Environmental Investigation reveals any Environmental Condition that is unacceptable to the acquiring Party, the acquiring Party may either: (i) cancel the Agreement; (ii) obtain an estimate as to the expected costs to cure, correct, respond to or remediate the Environmental Condition as required by applicable law and/or as deemed acceptable to the acquiring Party, and obtain the conveying Party's agreement to place a sum equivalent to that cost estimate in escrow to be used for curing, correcting, responding to or remediating the Environmental Condition; or (iii) obtain the conveying Party's agreement to cure, correct, respond to, and remediate any Environmental Condition identified in the Environmental Investigation and deliver the property free of any Environmental Condition. At the election of the conveying Party to pursue the third alternative set forth above in this paragraph, the conveying Party shall promptly commence the cure, correction, response to or remediation of the Environmental Condition and shall continue in a reasonable manner until receipt from the appropriate governmental agency of a document evidencing that the necessary and reasonable cure, correction, response or remediation has been accomplished. With respect to the second alternative set forth above in this paragraph, if the conveying Party elects neither to place a sum equivalent to the cost estimate for addressing the Environmental Condition nor to cure, correct, respond to or remediate the Environmental Condition, the acquiring Party may cancel the Agreement.

n. The following subsections of this **Section 2(n)** pertain to transactions contemplated in this Agreement other than the City and Nemec land exchange:

i. Each acquiring Party may perform whatever title and environmental due diligence that such Party desires, including obtaining title insurance, all at its own cost. Each conveying Party shall cooperate with the acquiring Party and grant the acquiring Party access as may be reasonably necessary.

ii. As to Property to be conveyed in fee, each Party agrees to convey to the other, good, marketable, insurable and indefeasible fee simple title to the property it conveys. All conveyances shall be free and clear of all mortgages, deeds of trust, leases, and liens.

iii. Ad valorem and similar taxes and assessments relating to the Property and accruing to the date of Closing shall be prorated among the Parties as of the date of Closing.

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iv. Each conveying Party warrants that there shall be no material or adverse change to the condition of its Property prior to Closing.

v. The above notwithstanding, except for the requirement that all documents for dedications to the State of Arizona be delivered to Escrow Agent as provided above, any and all dedications of right of way to the State of Arizona hereunder shall be on such terms and conditions as are mutually agreed between the respective dedicating Parties and the State of Arizona.

3. Other Obligations of the City.

a. The City's deed to Nemec for Parcel A [City to Nemec Parcel] to be delivered to Escrow Agent as provided in **Section 2(b)** shall contain a reservation of an easement for sign placement to the Diocese as described in **Exhibit C** and **Exhibit Y**.

b. The City shall complete the design and cost estimate of the Parkway/Route 66 turn/deceleration lane and signal ("Ponderosa Parkway Improvements" or "Improvements") and construct the same with a November, 2010 target date, subject to certain conditions set forth below. The Ponderosa Parkway Improvements shall include, at a minimum, 660 feet of roadway north of Route 66 ending in a temporary cul-de-sac, including wet and dry utilities, curb, gutter, sidewalk, and parkway; a right turn lane and deceleration lane on Route 66 for approximately 600 feet eastbound from this intersection; and a four-way signal at Route 66 and Ponderosa Parkway (fire preemption), in accordance with the approved construction plans and as depicted in **Exhibit E**, attached to and made a part hereof.

c. City staff shall deliver a letter to Clark in support of Clark's future development rights of Assessor's Parcel No. 106-01-004D and shall deliver a copy thereof to Escrow Agent prior to Closing.

d. The City shall bear thirty-three and 5/10 percent (33.5%) of the costs of the Ponderosa Parkway Improvements, which, based on a two million dollar ($2,000,000) estimate, shall be six hundred seventy thousand dollars ($670,000), and the City shall manage the construction thereof.

e. The City shall deliver to Escrow Agent a good and sufficient deed dedicating to the State of Arizona that parcel of land described in **Exhibit F**, attached to and made a part hereof, for right of way purposes ("ADOT Right of Way from City") for Route 66 prior to Closing.

f. The City shall deliver to Escrow Agent a good and sufficient special warranty deed for conveyance to the Diocese of that triangle shaped parcel of land described in **Exhibit G**, attached to and made a part hereof ("Diocese Triangle from City"), for combination with Diocese property, free and clear of all mortgages, deeds of trust, leases, and liens, prior to Closing.

g. The City shall deliver to Escrow Agent a good and sufficient instrument dedicating to the public a permanent public right of way for a portion of the Ponderosa Parkway on and across that parcel of land described in **Exhibit U**, attached to and made a part hereof ("Parkway Right of Way from City No. 1"), prior to Closing.

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h. The City shall deliver to Escrow Agent a good and sufficient instrument dedicating to the public a permanent public right of way for a portion of the Ponderosa Parkway on and across that parcel of land described in **Exhibit V**, attached to and made a part hereof ("Parkway Right of Way from City No. 2"), prior to Closing.

i. The City shall deliver to Escrow Agent a good and sufficient deed dedicating to the State of Arizona that parcel of land described in **Exhibit W**, attached to and made a part hereof, for right of way purposes ("ADOT Right of Way from City") for Route 66 prior to Closing.

j. The City shall deliver to Escrow Agent a good and sufficient instrument dedicating to the public a permanent public sewer easement on and within that parcel of land described in **Exhibit X**, attached to and made a part hereof ("Public Sewer Easement from City"), prior to Closing.

k. City staff shall deliver a letter to Nemec in support of commercial zoning for current Parcel A [City to Nemec Parcel] and shall deliver a copy thereof to Escrow Agent prior to Closing.

l. City staff shall support the rezoning of Parcel A [City to Nemec Parcel] and will make application and process the rezoning from RR, Rural Residential Zoning District, to C-3, Commercial Zoning District, at no cost to Nemec for processing fees. Nemec agrees to cooperate with City staff in connection with the rezoning. Although the City and Nemec agree that this Agreement cannot bind the current or a future City Council to approve such rezoning, the City agrees that City staff will not issue a final certificate of occupancy for the fire station to be constructed on Parcel B [Nemec to City Parcel], until this rezoning is approved by the City Council.

m. Upon completion of the land transactions contemplated in this Agreement, City staff shall approve the placement of up to four (4) signs with a maximum total square footage of four hundred twenty-five (425) square feet allocated among parcels 107-07-001C, 107-08-002, 107-08-003, and 107-08-004 along Route 66, which signs shall comply in all respects with the applicable City Code provisions. In addition, Nemec shall have the right to install one standard free standing sign along the frontage of Parcel 107-07-001C along the future Ponderosa Parkway, which shall comply in all respects with the applicable City Code provisions.

n. The City hereby approves the Diocese's future installation and maintenance of a sign on that portion of Parcel A [City to Nemec Parcel] containing the sign easement described in **Section 2(b)** and in **Exhibit C** hereof, in the form of the sign depicted in **Exhibit Y**, attached to and made a part hereof, which sign complies in all respects with the applicable City Code provisions.

4. Obligations of the Diocese.

a. The Diocese shall deliver to Escrow Agent a good and sufficient special warranty deed for dedication to the City of that parcel of land described in **Exhibit H**, attached to and made a

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part hereof, for right of way purposes ("City Right of Way from Diocese") free and clear of all mortgages, deeds of trust, leases, and liens, prior to Closing.

b. The Diocese shall deliver to Escrow Agent a good and sufficient special warranty deed for dedication to the City of that triangle shaped parcel of land described in **Exhibit I**, attached to and made a part hereof ("City Triangle from Diocese"), for combining with Parcel B [Nemec to City Parcel], free and clear of all mortgages, deeds of trust, leases, and liens, prior to Closing.

c. Prior to Closing the Diocese shall deliver to Escrow Agent for tender to the City thirty-three and 5/10 percent (33.5%) of the costs of the Ponderosa Parkway Improvements, which, based on a two million dollar ($2,000,000) estimate, shall be six hundred seventy thousand dollars ($670,000).

d. The Diocese shall obtain authorization from Arizona Engineering Company for the City's use and modification of the construction plans for the City's construction of Ponderosa Parkway on any portion of land owned or controlled by the Diocese within thirty (30) days of the date of this Agreement.

5. Obligations of Nemec and Reid Plaza.

a. Nemec and Reid Plaza shall deliver to Escrow Agent a good and sufficient deed dedicating to the State of Arizona that parcel of land described in **Exhibit J**, attached to and made a part hereof, for right of way purposes ("ADOT Right of Way from Nemec") for Route 66 prior to Closing.

b. Prior to Closing Nemec shall deliver to Escrow Agent for tender to the City thirty percent (30%) of the costs of the Ponderosa Parkway Improvements, which, based on a two million dollar ($2,000,000) estimate, shall be six hundred thousand dollars ($600,000).

c. Nemec and Reid Plaza shall deliver to Escrow Agent a good and sufficient deed dedicating a permanent sewer easement to the City on and within that parcel of land described in **Exhibit K**, attached to and made a part hereof ("City Sewer Easement from Nemec"), free and clear of all mortgages, deeds of trust, leases, and liens, prior to Closing. Building setbacks will continue to be measured from the actual property line.

d. Nemec and Reid Plaza shall deliver to Escrow Agent a good and sufficient deed dedicating a perpetual sidewalk and landscaping easement to the City across that parcel of land described in **Exhibit M**, attached to and made a part hereof ("City Sidewalk and Landscaping Easement from Nemec"), free and clear of all mortgages, deeds of trust, leases, and liens, prior to Closing. Building setbacks will continue to be measured from the actual property line.

6. Obligations of Clark.

a. Clark shall deliver to Escrow Agent a good and sufficient special warranty deed for dedication to the City of that parcel of land described in **Exhibit N**, attached to and made a

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part hereof, for right of way purposes for Ponderosa Parkway ("City Right of Way from Clark"), free and clear of all mortgages, deeds of trust, leases, and liens, prior to Closing.

b. Clark shall deliver to Escrow Agent a good and sufficient deed dedicating to the State of Arizona that parcel of land described in **Exhibit O**, attached to and made a part hereof, for right of way purposes for Route 66 ("ADOT Right of Way from Clark"), prior to Closing.

c. Prior to Closing Clark shall deliver to Escrow Agent for tender to the City three percent (3%) of the costs of the Ponderosa Parkway Improvements, which, based on a two million dollar ($2,000,000) estimate, shall be sixty thousand dollars ($60,000).

7. Obligations of Gemini.

a. Gemini shall deliver to Escrow Agent a good and sufficient deed dedicating a permanent slope and drainage easement to the City for Ponderosa Parkway on that parcel of land described in **Exhibit P**, attached to and made a part hereof ("City Slope and Drainage Easement from Gemini"), free and clear of all mortgages, deeds of trust, leases, and liens, prior to Closing.

b. Gemini shall deliver to Escrow Agent a good and sufficient deed dedicating a permanent sewer easement to the City on and within that parcel of land described in **Exhibit Q**, attached to and made a part hereof ("City Sewer Easement from Gemini No. 1"), free and clear of all mortgages, deeds of trust, leases, and liens, prior to Closing.

c. Gemini shall deliver to Escrow Agent a good and sufficient deed granting a permanent joint access easement on and within that parcel of land described in **Exhibit R**, attached to and made a part hereof ("Joint Access Easement from Gemini for Assessor's Parcel Number 107-07-002E"), for the benefit of Coconino County Accessor's Parcel Number 107-08-002, free and clear of all mortgages, deeds of trust, leases, and liens, prior to Closing.

d. Gemini shall deliver to Escrow Agent a good and sufficient deed dedicating a permanent sewer easement to the City on and within that parcel of land described in **Exhibit S**, attached to and made a part hereof ("City Sewer Easement from Gemini No. 2"), free and clear of all mortgages, deeds of trust, leases, and liens, prior to Closing.

8. Additional Cost Sharing for Ponderosa Parkway Improvements.

If the total cost to build the Ponderosa Parkway Improvements exceeds two million dollars ($2,000,000), then the Parties specified below shall share those excess costs in the following proportions: The City shall bear thirty-five percent (35%) of said excess Improvement costs; the Diocese shall bear thirty-five percent (35%) of said excess Improvement costs; and Nemec shall bear thirty percent (30%) of said excess Improvement costs. The City shall be initially responsible for payment of all construction costs with respect to the Improvements. When the City determines that it has paid in excess of two million dollars ($2,000,000) for the Improvements, the City shall notify the Diocese and Nemec thereof, pursuant to **Section 10(a)**, and the Diocese and Nemec shall pay their respective percentages of such excess costs to the City within one hundred eighty (180) days of such notice. All amounts due to the City hereunder that are not paid when due shall be subject to a penalty of five percent (5%) of any amount due

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and owing and shall bear interest until paid at the lesser of two percent (2%) per month or the highest rate permitted by law. Any Party's failure to pay all amounts that such Party owes the City hereunder within ninety (90) days of notice that the City has paid in excess of two million dollars ($2,000,000) shall constitute a material breach of this Agreement, and the City may seek recourse against such Party as provided in **Section 9** of this Agreement.

9. Default; Alternative Dispute Resolution.

a. Except as otherwise provided herein, in the event any Party hereto fails to comply with any terms, conditions, provisions and obligations under this Agreement which are applicable to such Party within thirty (30) days after receipt of written notice from another Party (an "Event of Default"), such Party shall be deemed to be in default under this Agreement. After the occurrence of such Event of Default, the Parties hereby agree that the following dispute resolution procedures shall apply:

b. If a dispute arises out of or relates to this Agreement and if the dispute cannot be settled through negotiation, the Parties agree first to try in good faith to resolve the dispute by mediation before resorting to litigation or some other dispute resolution procedure. The Developer and the City agree that this **Section 9** is a dispute resolution process as described in Ariz. Rev. Stat. Ann. §12-821.01.C.

c. Mediation will take place in Flagstaff, Arizona, be self-administered and be conducted under the CPR Mediation Procedures established by the CPR Institute for Dispute Resolution, 366 Madison Avenue, New York, New York 10017, (212) 949-6490, www.cpradr.org, with the exception of the mediator selection provisions, unless other procedures are agreed upon by the Parties.

d. Any Party may refer the dispute to mediation by sending by U.S. mail, certified and return receipt requested, to the other Party or Parties a written notice (the "Mediation Notice") calling on the other Party or Parties to proceed to mediation. The Party or Parties who have received a Mediation Notice shall contact the Party calling for mediation within seven (7) days from receipt of the Mediation Notice to confirm receipt thereof and to begin the mediator selection process.

e. Unless the Parties agree otherwise, the Parties shall select the mediator(s) from the roster of attorney mediators trained under the Alternative Dispute Resolution Program of the Coconino County Superior Court. If the Parties are unable to agree upon a mediator within fourteen (14) days of the confirmation of receipt of Mediation Notice, each Party shall independently inform the Director of the Alternative Dispute Resolution Program of the Coconino County Superior Court (the "Director") of three attorney mediators from that roster that are acceptable to the Party, and further, inform the Director of any preference as to matters such as whether co-mediation is preferable, mediation style, subject matter expertise, or other factors pertinent to the case. The Director shall then select one or more attorney mediators from the Parties' lists or such other attorney mediator(s) from the above noted roster as the Director may deem, in the Director's sole discretion, appropriate under the circumstances.

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f. Each Party agrees to bear its own fees and costs in mediation. The Parties shall enter into a written agreement with the mediator(s) regarding the mediator(s)' fees and expenses before the first mediation session. The Parties involved in the mediation shall share equally the mediators' fees and mediation expenses.

g. The Parties agree to encourage participation in mediation by all relevant Parties. The Parties will not be obligated to mediate if an indispensable party is unwilling to join the mediation.

h. This section does not constitute a waiver of the Parties' rights to arbitrate or initiate legal action if a dispute is not resolved through good faith negotiation or mediation, or if provisional relief is required under the Arizona Rules of Civil Procedure.

i. Except as otherwise agreed by the Parties or required by law, any litigation brought by a Party against any other to enforce the provisions of this Agreement must be filed in the Coconino County Superior Court. In any legal action, the prevailing Party or Parties in such action will be entitled to reimbursement by the other Party or Parties for all costs and expenses of such action, including reasonable attorneys' fees as may be fixed by the Court.

10. General Provisions.

a. Notices. All notices required or permitted to be given hereunder shall be in writing and may be given in person or by United States mail or by courier. Any notice directed to a Party shall become effective upon the earliest of the following: (a) actual receipt by that Party; (b) hand delivery to such Party at its designated notice address; (c) one (1) business day after deposit for delivery with a nationally-recognized overnight courier; (d) telephone facsimile with receipt confirmed; or (e) if given by certified or registered United States mail, seventy-two (72) hours after deposit with the United States Postal Service, postage prepaid, addressed to that Party at its designated address. The designated address of a Party shall be the address of that Party shown below or such other address as that Party, from time to time, may specify by notice to the other Party:

To the City:	City Manager City of Flagstaff 211 West Aspen Avenue Flagstaff, Arizona 86001
With copies to:	Flagstaff City Attorney 211 West Aspen Avenue Flagstaff, Arizona 86001
To Nemec:	Mrs. Laurie J. Nemec P.O. Box 23584 Flagstaff, Arizona 86002
And:	Mr. Frank A. Nemec, Jr. 16800 Bohlman Road Saratoga, California 95070

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To Reid Plaza:	Mrs. Laurie J. Nemec P.O. Box 23584 Flagstaff, Arizona 86002
To the Diocese:	The Roman Catholic Diocese of Phoenix Attn: Office of Buildings and Properties 400 East Monroe Street Phoenix, Arizona 85004
With copies to:	San Francisco de Asis Roman Catholic Parish Flagstaff Attn: Pastor 2257 East Cedar Avenue Flagstaff, Arizona 86004
To Gemini:	Gemini Flagstaff, L.L.C. Barry Werner and F.R. Lupton, Jr., Summit Sales 7802 East Gray Road Scottsdale, Arizona 85262
To Clark:	Dave Clark c/o Judy Louks Century 21 Associates 24 W. Route 66 Flagstaff, Arizona 86001

Any Party hereto shall have the right to change its designated notice address by providing to the other Parties written notice of such change in the manner described above.

b. Successors and Assigns. The provisions of this Agreement shall inure to the benefit of and be binding upon the successors and assigns of the Parties hereto; provided, however, that no assignment or transfer of a Party's interest in this Agreement or the subject matter hereof shall be effective until the other Parties are provided notice thereof pursuant to **Section 10(a)**.

c. Captions. The captions used herein are for convenience only and not a part of this Agreement and do not in any way limit or amplify the terms or provisions hereof.

d. Governing Law. This Agreement shall be governed by and construed in accordance with the laws of the State of Arizona. This Agreement has been made and entered into in Coconino County, Arizona.

e. Waiver. No waiver by any Party of any breach of any of the terms, covenants or conditions of this Agreement shall be construed or held to be a waiver of any succeeding or preceding breach of the same for any other term, covenant or condition herein contained.

f. Severability. In the event that any phrase, clause, sentence, paragraph, section, article or other portion of this Agreement shall become illegal, null or void or against public policy, for any reason, or shall be held by any court of competent jurisdiction to be illegal, null or

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f. Severability. In the event that any phrase, clause, sentence, paragraph, section, article or other portion of this Agreement shall become illegal, null or void or against public policy, for any reason, or shall be held by any court of competent jurisdiction to be illegal, null or void or against public policy, the remaining portions of this Agreement shall not be affected thereby and shall remain in full force and effect to the fullest extent permitted by law.

g. Entire Agreement. This Agreement constitutes the entire agreement between and among the Parties hereto pertaining to the subject matter hereof and all prior and contemporaneous agreements, representations, negotiations and understandings of the Parties hereto, oral or written, are hereby superseded and merged herein.

h. Counterparts. This Agreement may be executed in any number of counterparts, each of which shall be deemed to be an original but all of which together shall constitute one and the same instrument.

i. Recordation. This Agreement shall be recorded in the Official Records of Coconino County, Arizona within ten (10) days after its approval and execution by the City.

j. Conflict of Interest. This Agreement is subject to Ariz. Rev. Stat. Ann. §38-511.

k. No Partnership; Third Parties. It is not intended by this Agreement to, and nothing contained in this Agreement shall, create any partnership, joint venture or other arrangement between or among the Parties. No term or provision of this Agreement is intended to, or shall, be for the benefit of any person, firm, organization or corporation not a party hereto, and no such other person, firm, organization or corporation shall have any right or cause of action hereunder.

l. Authority. Each of the Parties hereto represents and warrants to the others that the individual executing this Agreement on behalf of a respective Party is authorized and empowered to bind the Party on whose behalf such individual is signing and that this Agreement shall be binding upon such Parties.

IN WITNESS WHEREOF, the undersigned have caused this Development and Disposition Agreement to be executed as of the day and year first above written.

ATTEST:

City Clerk

CITY OF FLAGSTAFF, an Arizona municipal corporation

By
Mayor

APPROVED AS TO FORM:

City Attorney

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STATE OF ARIZONA)
) ss.
COUNTY OF COCONINO)

On this 3rd day of December, 2009, before me, the undersigned officer, personally appeared Sara Presler, who acknowledged herself to be Mayor of the CITY OF FLAGSTAFF, an Arizona municipal corporation:

✓ whom I know personally;
____ whose identity was proven to me on the oath of _____, a credible witness by me duly sworn;
____ whose identity I verified on the basis of his/her _____,

and she, in such capacity, being authorized so to do, executed the foregoing instrument for the purposes therein contained on behalf of that entity.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

NOTARY SEAL:

Laura Matthews
Notary Public

OFFICIAL SEAL
LAURA MATTHEWS
Notary Public - State of Arizona
COCONINO COUNTY
My Comm. Expires April 24, 2012

END OF PAGE

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LAURIE JEANNE NEMEC, Trustee of the Nemec Family Trust

Laurie Jeanne Nemec

STATE OF ARIZONA)
) ss.
COUNTY OF COCONINO)

On this 17 day of November, 2009, before me, the undersigned officer, personally appeared Laurie Jeanne Nemec, who acknowledged hermself to be Trustee of the NEMEC FAMILY TRUST.

_____ whom I know personally;
_____ whose identity was proven to me on the oath of _____, a credible witness by me duly sworn;
X whose identity I verified on the basis of his/her Ca DL A0454615,

and she, in such capacity, being authorized so to do, executed the foregoing instrument for the purposes therein contained on behalf of that entity.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

NOTARY SEAL:

Notary Public

OFFICIAL SEAL
IVY SAMPSON
Notary Public – State of Arizona
COCONINO COUNTY
My commission expires March 13, 2011

END OF PAGE

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FRANK A. NEMEC, Jr., Trustee of the Nemec Family Trust

STATE OF CALIFORNIA)
) ss.
COUNTY OF _____)

On this _____ day of _____, 2009, before me, _____, Notary Public, personally appeared Frank A. Nemec, Jr. Trustee of the Nemec Family Trust, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity as Trustee of the Nemec Family Trust, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

I certify upon PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

_____
Signature (seal)

State of California, County of Santa Clara
On Nov 16, 09 before me, Nathan Ganeshan, Notary Public,
Personally appeared FRANK A. NEMEC, Jr.
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.
I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.
WITNESS my hand and official seal.

11/16/2009

NATHAN GANESHAN
Commission # 1704797
Notary Public - California
Santa Clara County
My Comm. Expires Nov 13, 2010

END OF PAGE

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REID PLAZA ENTERPRISES, L.L.C., an Arizona limited liability company

By Laurie Jeanne Nemec
Laurie Jeanne Nemec
Title: Manager

STATE OF ARIZONA)
) ss.
COUNTY OF COCONINO)

On this 17th day of November, 2009, before me, the undersigned officer, personally appeared Laurie Jeanne Nemec, who acknowledged herself to be the Manager of REID PLAZA ENTERPRISES, L.L.C., an Arizona limited liability company.

_____ whom I know personally;
_____ whose identity was proven to me on the oath of _____, a credible witness by me duly sworn;
X whose identity I verified on the basis of his/her Ca. DL A0454615,

and she, in such capacity, being authorized so to do, executed the foregoing instrument for the purposes therein contained on behalf of that entity.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

NOTARY SEAL:

Notary Public

OFFICIAL SEAL
IVY SAMPSON
Notary Public - State of Arizona
COCONINO COUNTY
My commission expires March 13, 2011

END OF PAGE

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THOMAS JAMES OLMSTED, BISHOP OF THE ROMAN CATHOLIC CHURCH OF THE DIOCESE OF PHOENIX, a corporation sole

Thomas James Olmsted, Bishop of the Roman Catholic Church of the Diocese of Phoenix, a corporation sole

Thomas J Olmsted

By: Fredrick J Adamson
Fredrick Adamson, Agent

Rev. Fredrick J. Adamson

STATE OF ARIZONA)
) ss.
COUNTY OF Maricopa)

On this 16th day of November, 2009, before me, the undersigned officer, personally appeared Rev. Fredrick J. Adamson, who acknowledged her/himself to be Agent of the ROMAN CATHOLIC CHURCH OF THE DIOCESE OF PHOENIX, a corporation sole:

✓ whom I know personally;
____ whose identity was proven to me on the oath of _____, a credible witness by me duly sworn;
____ whose identity I verified on the basis of his/her _____,

and s/he, in such capacity, being authorized so to do, executed the foregoing instrument for the purposes therein contained on behalf of that entity.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

NOTARY SEAL:

LORETTA GARCIA
NOTARY PUBLIC
MARICOPA COUNTY, ARIZONA
MY COMM. EXPIRES 07-09-2011

Loretta Garcia
Notary Public

END OF PAGE

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GEMINI FLAGSTAFF, L.L.C., an Arizona limited liability company

By _____
Name F.P. Lupton, Jr.
Title Member

STATE OF ARIZONA)
) ss.
COUNTY OF MARICOPA)

On this 16 day of NOVEMBER, 2009, before me, the undersigned officer, personally appeared FRANK P LUPTON, who acknowledged her/himself to be MEMBER of GEMINI FLAGSTAFF, L.L.C., an Arizona limited liability company:

_____ whom I know personally;
_____ whose identity was proven to me on the oath of _____, a credible witness by me duly sworn;
✓ whose identity I verified on the basis of his/her AZ DRIVERS LICENSE,

and s/he, in such capacity, being authorized so to do, executed the foregoing instrument for the purposes therein contained on behalf of that entity.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

NOTARY SEAL: OFFICIAL SEAL
PAUL SCHLENKER
NOTARY PUBLIC - ARIZONA
MARICOPA COUNTY
My Commission Expires May 16, 2011

_____
Notary Public

END OF PAGE

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GEMINI FLAGSTAFF, L.L.C., an Arizona limited liability company

By _____
Name Barry Werner
Title ~~Member~~ Member

STATE OF ARIZONA)
) ss.
COUNTY OF MARICOPA)

On this 16 day of NOVEMBER, 2009, before me, the undersigned officer, personally appeared BARRY WERNER, who acknowledged her/himself to be MEMBER of GEMINI FLAGSTAFF, L.L.C., an Arizona limited liability company:

_____ whom I know personally;
_____ whose identity was proven to me on the oath of _____, a credible witness by me duly sworn;
✓ whose identity I verified on the basis of his/her AZ DRIVERS LICENSE,

and s/he, in such capacity, being authorized so to do, executed the foregoing instrument for the purposes therein contained on behalf of that entity.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

NOTARY SEAL: OFFICIAL SEAL PAUL SCHLENKER NOTARY PUBLIC - ARIZONA MARICOPA COUNTY My Commission Expires May 16, 2011

_____
Notary Public

END OF PAGE

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CLT CLARK FAMILY, L.L.C., an Arizona limited liability company

By _____
Name L. David Clark
Title Manager

STATE OF ARIZONA)
) ss.
COUNTY OF COCONINO)

On this 5 day of November, 2009, before me, the undersigned officer, personally appeared L. David Clark, who acknowledged her/himself to be Manager of CLT CLARK FAMILY, L.L.C., an Arizona limited liability company:

✓ whom I know personally;
_____ whose identity was proven to me on the oath of _____, a credible witness by me duly sworn;
_____ whose identity I verified on the basis of his/her _____,

and s/he, in such capacity, being authorized so to do, executed the foregoing instrument for the purposes therein contained on behalf of that entity.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

NOTARY SEAL:

Judy Louks
Notary Public

OFFICIAL SEAL
JUDY LOUKS
Notary Public – State of Arizona
COCONINO COUNTY
My commission expires Nov. 13, 2012

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LIST OF EXHIBITS

Exhibit A	-	Parcel A [City to Nemec Parcel]
Exhibit B	-	Parcel B [Nemec to City Parcel
Exhibit C	-	Special Warranty Deed from City to Nemec
Exhibit D	-	Special Warranty Deed from Nemec to City
Exhibit E	-	Ponderosa Parkway Improvements
Exhibit F	-	ADOT Right of Way from City
Exhibit G	-	Diocese Triangle from City
Exhibit H	-	City Right of Way from Diocese
Exhibit I	-	City Triangle from Diocese
Exhibit J	-	ADOT Right of Way from Nemec
Exhibit K	-	City Sewer Easement From Nemec
Exhibit L	-	Reserved Joint Access Easement
Exhibit M	-	City Sidewalk and Landscaping Easement from Nemec
Exhibit N	-	City Right of Way from Clark
Exhibit O	-	ADOT Right of Way from Clark
Exhibit P	-	City Slope and Drainage Easement from Gemini
Exhibit Q	-	City Sewer Easement from Gemini No. 1
Exhibit R	-	Joint Access Easement from Gemini for Assessor's Parcel No. 107-07-002E
Exhibit S	-	City Sewer Easement from Gemini No. 2
Exhibit T	-	(vacant)
Exhibit U	-	Parkway Right of Way from City No. 1
Exhibit V	-	Parkway Right of Way from City No. 2
Exhibit W	-	ADOT Right of Way from City

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Exhibit X - Public Sewer Easement from City

Exhibit Y - Diocese Sign Design

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Exhibit A

(Description)

Following is a description of a parcel of land which is a portion of the parcel of land described as Parcel 1 in Docket 1827, Page 471, of the records of the Coconino County Recorder's Office. The parcel of land is located in the northwest 1/4 of Section 23 and the southwest 1/4 of Section 14, Township 21 North, Range 7 East, Gila and Salt River Baseline and Meridian, Coconino County, Arizona. (Note: All references the recorded instruments refer to the records of the Coconino County Recorder's Office.)

The parcel of land is more particularly described by metes and bounds as follows:

COMMENCING at the northwest corner of Section 23, monumented with an USDI/BLM brass cap, dated 1981. From which point the west 1/4 corner of Section 14, monumented with a 3 inch aluminum cap, LS 26406, bears North 01°35'29" West, 2720.59 feet (Basis of Bearings for this description):

THENCE North 88°39'25" East along the north line of the northwest 1/4 of Section 23, and along the north line of the parcels of land described in Instrument No. 3101540 and Instrument No. 3086724 and along the south line of the parcel of land described in Instrument No. 3469519, 375.60 feet to the southeast corner of the parcel of land described in Instrument No. 3469519 and to the southwest corner of the parcel of land described as Parcel 1 in Instrument No. 3478120, monumented with a nail in concrete;

THENCE North 88°40'08" East along the north line of the northwest 1/4 of Section 23, and along the north line of the parcel of land described in Instrument No. 3086724 and along the south line of Parcel 1(Instrument No. 3478120), 123.29 feet to the northeast corner of Instrument No. 3086724 and to the northwest corner of the parcel of land described in Docket 2035, Page 813, monumented with a 3/4 inch iron pipe;

THENCE South 18°35'16" East along the east line of the parcel of land described in Instrument No.3086724 and along the west line of the parcel of land described in Docket 2035, Page 813, 111.28 feet to the southwest corner of the parcel of land described in Docket 2035, Page 813 and to the northwest corner of the parcel of land described in Docket 2072, Page 530;

THENCE South 18°35'16" East along the east line of the parcel of land described in Instrument No. 3086724 and along the west line of the parcel of land described in Docket 2072, Page 530, 140.00 feet to the north line of the 105 foot wide right of way for Route 66, monumented with a 5/8 inch rebar with aluminum cap marked ARENCO LS13010;

THENCE North 71°20'15" East along the south line of the parcel of land described in Docket 2072, Page 530, and along the north right of way line of Route 66, 100.50 feet to southeast corner of the parcel of land described in Docket 2072, Page 530 and to the southwest corner of the parcel of land described in Docket 1108, Page 138, monumented with a scribed X in concrete;

THENCE North 71°20'15" East, along the south line of the parcel of land described in Docket 1108, Page 138 and along the north right of way line of Route 66, 108.53 feet to the southeast corner of the parcel of land described in Docket 1108, Page 138 and to the southwest corner of the parcel of land described as Parcel 1 in Docket 1827, Page 471, monumented with a scribed X in concrete;

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THENCE North 71°20'15" East along the south line of Parcel 1 (Docket 1827, Page 471) and along the north right of way line of Route 66, 126.70 feet to the southwest corner of the parcel of land described as Parcel 3 in Instrument No. 3227936 and to the southeast corner of Parcel 1 (Docket 1827, Page 471);

THENCE North 18°35'24" West along the west line of Parcel 3 and along the east line of Parcel 1 (Docket 1827, Page 471), 16.00 feet to the **TRUE POINT OF BEGINNING** of this description;

THENCE South 71°20'15" West parallel with and 16.00 feet north of the north right of way line of Route 66, 97.50 feet;

THENCE North 57°53'12" West, 42.26 feet to a non-tangent curve whose radius point bears North 78°56'38" East;

THENCE northerly along a curve to the right having a radius of 742.50 feet and a central angle of 9°34'24", an arc distance of 124.06 feet (chord bearing North 06°16'10" West, chord distance 123.92 feet);

THENCE North 01°28'58" West, 142.83 feet;

THENCE northerly along a curve to the right having a radius of 300.43 feet and a central angle of 17°54'18", an arc distance of 93.88 feet.(chord bearing North 07°28'11" East, chord distance 93.50 feet);

THENCE northerly along a curve to the right having a radius of 765.00 feet and a central angle of 1°57'22", an arc distance of 26.12 feet (chord bearing North 17°24'01" East, chord distance 26.12 feet) to the west line of the parcel of land described in Instrument No. 3385837 and to the west line of Parcel 1(Docket 1827, Page 471);

THENCE South 18°16'17" East along the west line of the parcel of land described in Instrument No. 3385837 and along the east line of Parcel 1(Docket 1827, Page 471), 110.77 feet to the southwest corner of the parcel of land described in Instrument No. 3385837 and to the northwest corner of the parcel of land described as Parcel 3 in Instrument No. 3227936, monumented with a 4"x4" concrete post;

THENCE South 18°35'24" East along the west line of Parcel 3 and along the east line of Parcel 1 (Docket 1827, Page 471), 284.51 feet to the **TRUE POINT OF BEGINNING** of this description.

The above described parcel of land contains 0.71 acres, more or less.

For a drawing of the parcel described above, see **Exhibit A (Drawing)**, which by this reference is made part of this description.

Land Transfer - City of Flagstaff to Nemec
Descriptive Title

03-09012
City File No.



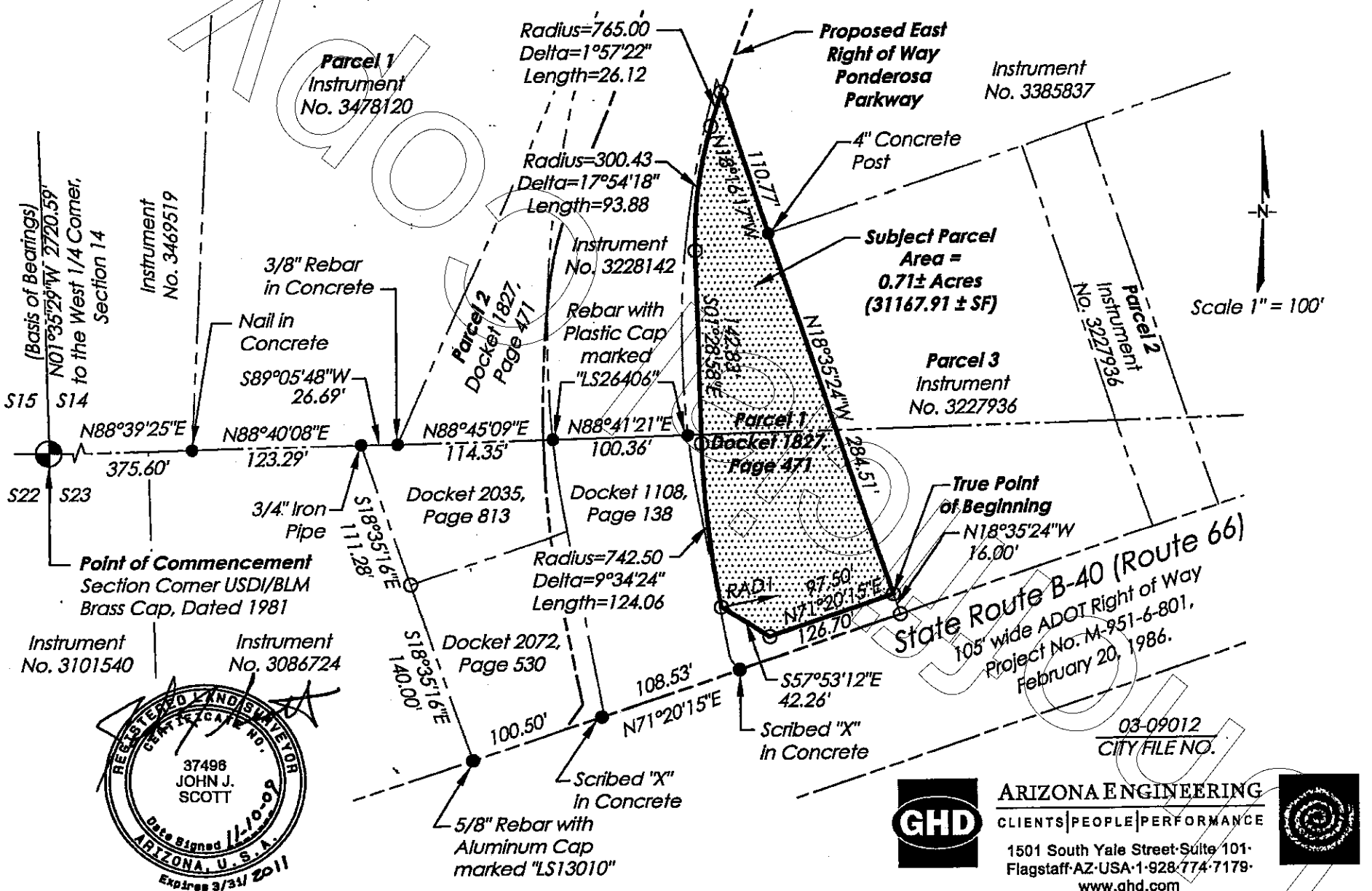
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3546724 Pages: 25 of 129 12/03/2009 03:22:47 PM

Exhibit A (Drawing)

A portion of the parcel of land described as Parcel 1 in Docket 1827, Page 471. Located in the Southwest 1/4 of Section 14 and the Northwest 1/4 of Section 23, Township 21 North, Range 7 East, Gila and Salt River Baseline and Meridian, Coconino County, Arizona.

RADIAL BEARING TABLE	
RAD1	N78°56'38"E



GHD
ARIZONA ENGINEERING
CLIENTS | PEOPLE | PERFORMANCE
1501 South Yale Street·Suite 101·
Flagstaff·AZ·USA·1·928·774·7179·
www.ghd.com

Exhibit B

(Description)

Following is a description of a parcel of land which is a portion of the parcel of land described as Parcel 1 in Instrument No. 3478120 of the records of the Coconino County Recorder's Office. The parcel of land is located in the southwest 1/4 of Section 14, Township 21 North, Range 7 East, Gila and Salt River Baseline and Meridian, Coconino County, Arizona. (Note: All references the recorded instruments refer to the records of the Coconino County Recorder's Office.)

The parcel of land is more particularly described by metes and bounds as follows:

COMMENCING at the southwest corner of Section 14, monumented with an USDI/BLM brass cap, dated 1981. From which point the west 1/4 corner of Section 14, monumented with a 3 inch aluminum cap, LS 26406, bears North 01°35'29" West, 2720.59 feet (Basis of Bearings for this description):

THENCE North 88°39'25" East along the south line of the southwest 1/4 of Section 14, and along the north line of the parcels of land described in Instrument No. 3101540 and Instrument No. 3086724 and along the south line of the parcel of land described in Instrument No. 3469519, 375.60 feet to the southeast corner of the parcel of land described in Instrument No. 3469519 and to the southwest corner of the parcel of land described as Parcel 1 in Instrument No. 3478120, monumented with a nail in concrete, the **TRUE POINT OF BEGINNING** of this description.

THENCE North 02°48'58" East along the west line of Parcel 1 and along the east line of the parcel of land described in Instrument No. 3469519, 316.56 feet to the southeast corner of the parcel of land described in Docket 1633, Page 508, monumented with a 5/8 inch rebar with aluminum cap marked ARENCO LS13010;

THENCE North 02°47'32" East along the west line of Parcel 1 and the east line of the parcel of land described in Docket 1633, Page 508, 216.69 feet to the northwest corner of Parcel 1, monumented with a nail in concrete;

THENCE North 75°29'09" East along the north line of Parcel 1 and along the east line of the parcel of land described in Docket 1633, Page 508, 76.78 feet to the east line of the parcel of land described in Docket 1633, Page 508 and to the west line of the parcel of land described in Instrument No. 3228142, monumented with a 5/8 inch rebar with aluminum cap marked ARENCO LS13010;

THENCE North 89°04'58" East, 229.65 feet to the east line of Parcel 1 and to the west line of the parcel of land described in Instrument No. 3228142;

THENCE South 00°41'45" West along the east line of Parcel 1 and along the west line of the parcel of land described in Instrument No. 3228142, 156.85 feet to the northwest corner of the parcel of land described as Parcel 2 in Docket 1827, Page 471;

THENCE South 24°15'41" West along the east line of Parcel 1 and along the west line of Parcel 2, 433.72 feet to the south line of the southwest 1/4 of Section 14, and to the southeast corner of Parcel 1 and to the southwest corner of Parcel 2 and to the north line of the parcel of land described in Docket 2053, Page 813, monumented with a 3/8" rebar in concrete;

Unofficial Document

THENCE South 89°05'48" West along the south line of the southwest 1/4 of Section 14, and along the south line of Parcel 1 and along the north line of the parcel of land described in Docket 2035, Page 813, 26.69 feet to the northwest corner of the parcel of land described in Docket 2035, Page 813, and to the northeast corner of the parcel of land described in Instrument No. 3086724, monumented with a 3/4" iron pipe;

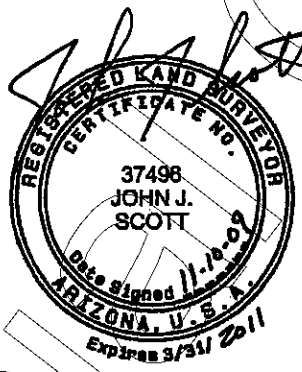
THENCE South 88°40'08" West along the south line of the southwest 1/4 of Section 14, along the south line of Parcel 1 and along the north line of the parcel of land described in Instrument No. 3086724, 123.29 feet to the **TRUE POINT OF BEGINNING** of this description.

The above described parcel of land contains 3.15 acres (137,393.86 sq ft), more or less.

For a drawing of the parcel described above, see **Exhibit B (Drawing)**, which by this reference is made part of this description.

Land Transfer -Nemec to City of Flagstaff
Descriptive Title

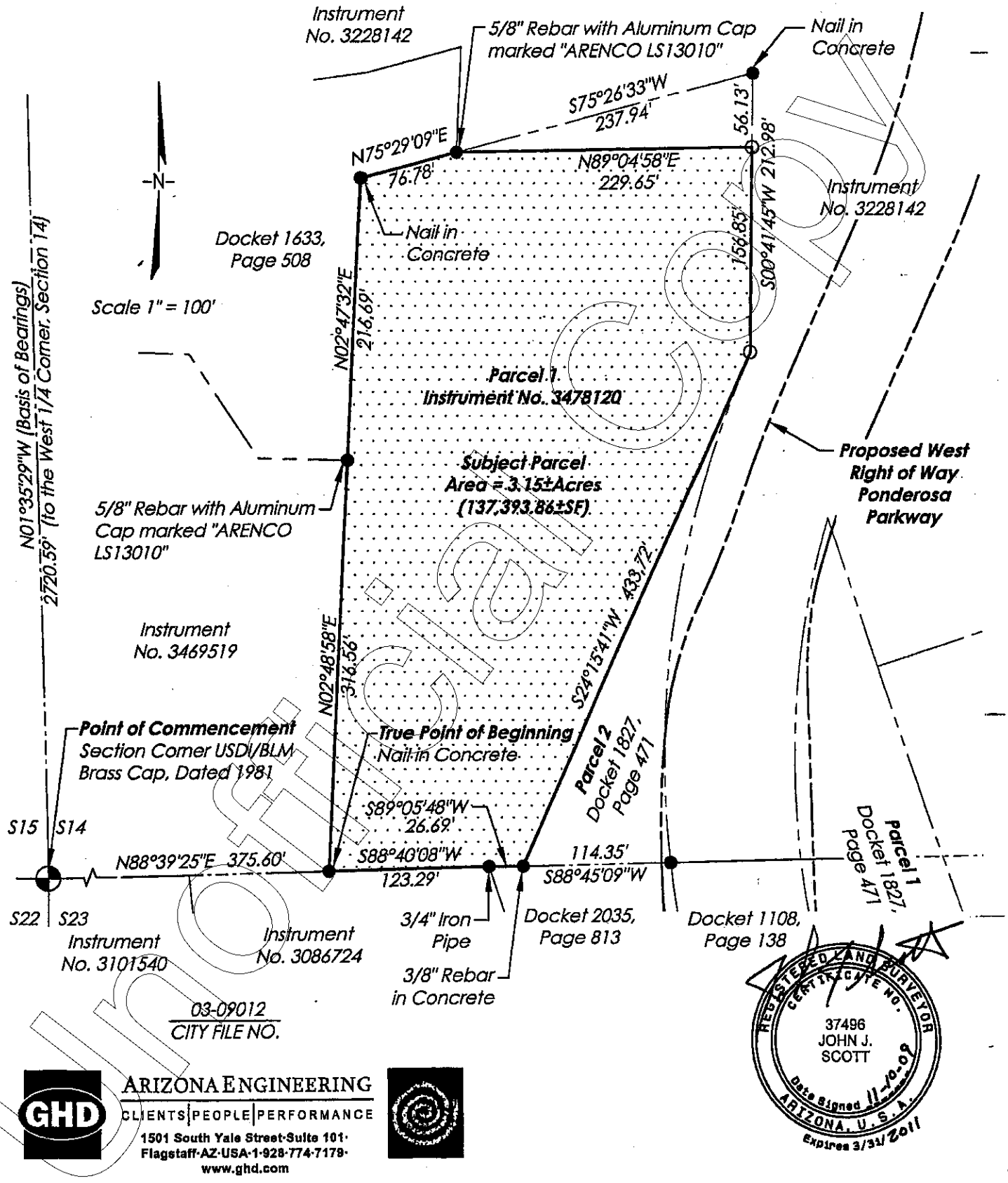
03-09012
City File No.



Unofficial Copy

Exhibit B (Drawing)

A portion of the parcel of land described as Parcel 1 in Instrument No. 3478120. Located in the Southwest 1/4 of Section 14, Township 21 North, Range 7 East, Gila and Salt River Baseline and Meridian, Coconino County, Arizona.



REGISTERED LAND SURVEYOR
CERTIFICATE NO.
37496
JOHN J. SCOTT
Date Signed 11-10-09
ARIZONA, U.S.A.
Expires 3/31/2011

GHD
ARIZONA ENGINEERING
CLIENTS | PEOPLE | PERFORMANCE
1501 South Yale Street·Suite 101·
Flagstaff·AZ·USA·1·928·774·7179·
www.ghd.com

Unofficial Document

EXHIBIT C TO DEVELOPMENT AGREEMENT

WHEN RECORDED MAIL TO:

[Exempt under A.R.S. Section 11-1134(A)(3)]

SPECIAL WARRANTY DEED

For the consideration of ten dollars ($10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the undersigned, the City of Flagstaff, an Arizona municipal corporation (hereinafter "Grantor"), does hereby grant and convey to the Nemec Family Trust dated October 12, 1982, (hereinafter "Grantee"), that real property situated in Coconino County, Arizona and described in Exhibit A, attached hereto and incorporated by this reference ("Subject Property"), together with all rights and privileges appurtenant thereto;

Subject to current taxes and other assessments, reservations in patents and all easements, rights-of-way, encumbrances, liens, covenants, conditions, restrictions, obligations and liabilities as may appear of record, and all matters which an accurate survey or physical inspection of the real property would disclose; and

Subject to the reservation of an easement to the Roman Catholic Church of the Diocese of Phoenix for the construction, placement and maintenance of a sign as depicted in Exhibit B, attached hereto and incorporated herein and at the location described in Exhibit C, attached hereto and incorporated herein; and

Subject to the reservation of a motorized vehicle access easement for the benefit of the Subject Property, for the benefit of Assessor's Parcel No. 107-07-002E, and for the benefit of Assessor's Parcel No. 107-08-002, as described in Exhibit D, attached hereto and incorporated herein;

Grantor warrants title to the Subject Property, subject to the matters referred to above, as against all acts of Grantor and none other.

IN WITNESS WHEREOF, Grantor has executed this Special Warranty Deed as of the day and year above written.

Unofficial Copy

GRANTOR

CITY OF FLAGSTAFF

By: _____
Sara Presler

Its: _____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

STATE OF ARIZONA)
) ss.
COUNTY OF COCONINO)

The foregoing instrument was acknowledged before me this ___day of _____, 2009, by Sara Presler, the Mayor of the City of Flagstaff, on behalf of the City of Flagstaff, an Arizona municipal corporation.

WITNESS my hand and official seal.

_____
Notary Public

My Commission Expires:

_____

Unofficial Copy

Exhibit A

(Description)
(To Special Warranty Deed)

Following is a description of a parcel of land which is a portion of the parcel of land described as Parcel 1 in Instrument No. 3478120 of the records of the Coconino County Recorder's Office. The parcel of land is located in the southwest 1/4 of Section 14, Township 21 North, Range 7 East, Gila and Salt River Baseline and Meridian, Coconino County, Arizona. (Note: All references the recorded instruments refer to the records of the Coconino County Recorder's Office.)

The parcel of land is more particularly described by metes and bounds as follows:

COMMENCING at the southwest corner of Section 14, monumented with an USDI/BLM brass cap, dated 1981. From which point the west 1/4 corner of Section 14, monumented with a 3 inch aluminum cap, LS 26406, bears North 01°35'29" West, 2720.59 feet (Basis of Bearings for this description):

THENCE North 88°39'25" East along the south line of the southwest 1/4 of Section 14, and along the north line of the parcels of land described in Instrument No. 3101540 and Instrument No. 3086724 and along the south line of the parcel of land described in Instrument No. 3469519, 375.60 feet to the southeast corner of the parcel of land described in Instrument No. 3469519 and to the southwest corner of the parcel of land described as Parcel 1 in Instrument No. 3478120, monumented with a nail in concrete, the **TRUE POINT OF BEGINNING** of this description.

THENCE North 02°48'58" East along the west line of Parcel 1 and along the east line of the parcel of land described in Instrument No. 3469519, 316.56 feet to the southeast corner of the parcel of land described in Docket 1633, Page 508, monumented with a 5/8 inch rebar with aluminum cap marked ARENCO LS13010;

THENCE North 02°47'32" East along the west line of Parcel 1 and the east line of the parcel of land described in Docket 1633, Page 508, 216.69 feet to the northwest corner of Parcel 1, monumented with a nail in concrete;

THENCE North 75°29'09" East along the north line of Parcel 1 and along the east line of the parcel of land described in Docket 1633, Page 508, 76.78 feet to the east line of the parcel of land described in Docket 1633, Page 508 and to the west line of the parcel of land described in Instrument No. 3228142, monumented with a 5/8 inch rebar with aluminum cap marked ARENCO LS13010;

THENCE North 89°04'58" East, 229.65 feet to the east line of Parcel 1 and to the west line of the parcel of land described in Instrument No. 3228142;

THENCE South 00°41'45" West along the east line of Parcel 1 and along the west line of the parcel of land described in Instrument No. 3228142, 156.85 feet to the northwest corner of the parcel of land described as Parcel 2 in Docket 1827, Page 471;

THENCE South 24°15'41" West along the east line of Parcel 1 and along the west line of Parcel 2, 433.72 feet to the south line of the southwest 1/4 of Section 14, and to the southeast corner of Parcel 1 and to the southwest corner of Parcel 2 and to the north line of the parcel of land described in Docket 2053, Page 813, monumented with a 3/8" rebar in concrete;

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THENCE North 71°20'15" East along the south line of Parcel 1 (Docket 1827, Page 471) and along the north right of way line of Route 66, 126.70 feet to the southwest corner of the parcel of land described as Parcel 3 in Instrument No. 3227936 and to the southeast corner of Parcel 1 (Docket 1827, Page 471);

THENCE North 18°35'24" West along the west line of Parcel 3 and along the east line of Parcel 1 (Docket 1827, Page 471), 16.00 feet to the **TRUE POINT OF BEGINNING** of this description;

THENCE South 71°20'15" West parallel with and 16.00 feet north of the north right of way line of Route 66, 97.50 feet;

THENCE North 57°53'12" West, 42.26 feet to a non-tangent curve whose radius point bears North 78°56'38" East;

THENCE northerly along a curve to the right having a radius of 742.50 feet and a central angle of 9°34'24", an arc distance of 124.06 feet (chord bearing North 06°16'10" West, chord distance 123.92 feet);

THENCE North 01°28'58" West, 142.83 feet;

THENCE northerly along a curve to the right having a radius of 300.43 feet and a central angle of 17°54'18", an arc distance of 93.88 feet.(chord bearing North 07°28'11" East, chord distance 93.50 feet);

THENCE northerly along a curve to the right having a radius of 765.00 feet and a central angle of 1°57'22", an arc distance of 26.12 feet (chord bearing North 17°24'01" East, chord distance 26.12 feet) to the west line of the parcel of land described in Instrument No. 3385837 and to the west line of Parcel 1(Docket 1827, Page 471);

THENCE South 18°16'17" East along the west line of the parcel of land described in Instrument No. 3385837 and along the east line of Parcel 1(Docket 1827, Page 471), 110.77 feet to the southwest corner of the parcel of land described in Instrument No. 3385837 and to the northwest corner of the parcel of land described as Parcel 3 in Instrument No. 3227936, monumented with a 4"x4" concrete post;

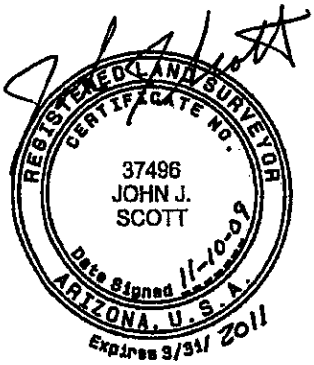
THENCE South 18°35'24" East along the west line of Parcel 3 and along the east line of Parcel 1 (Docket 1827, Page 471), 284.51 feet to the **TRUE POINT OF BEGINNING** of this description.

The above described parcel of land contains 0.71 acres, more or less.

For a drawing of the parcel described above, see **Exhibit A (Drawing)**, which by this reference is made part of this description.

Land Transfer - City of Flagstaff to Nemec
Descriptive Title

03-09012
City File No.



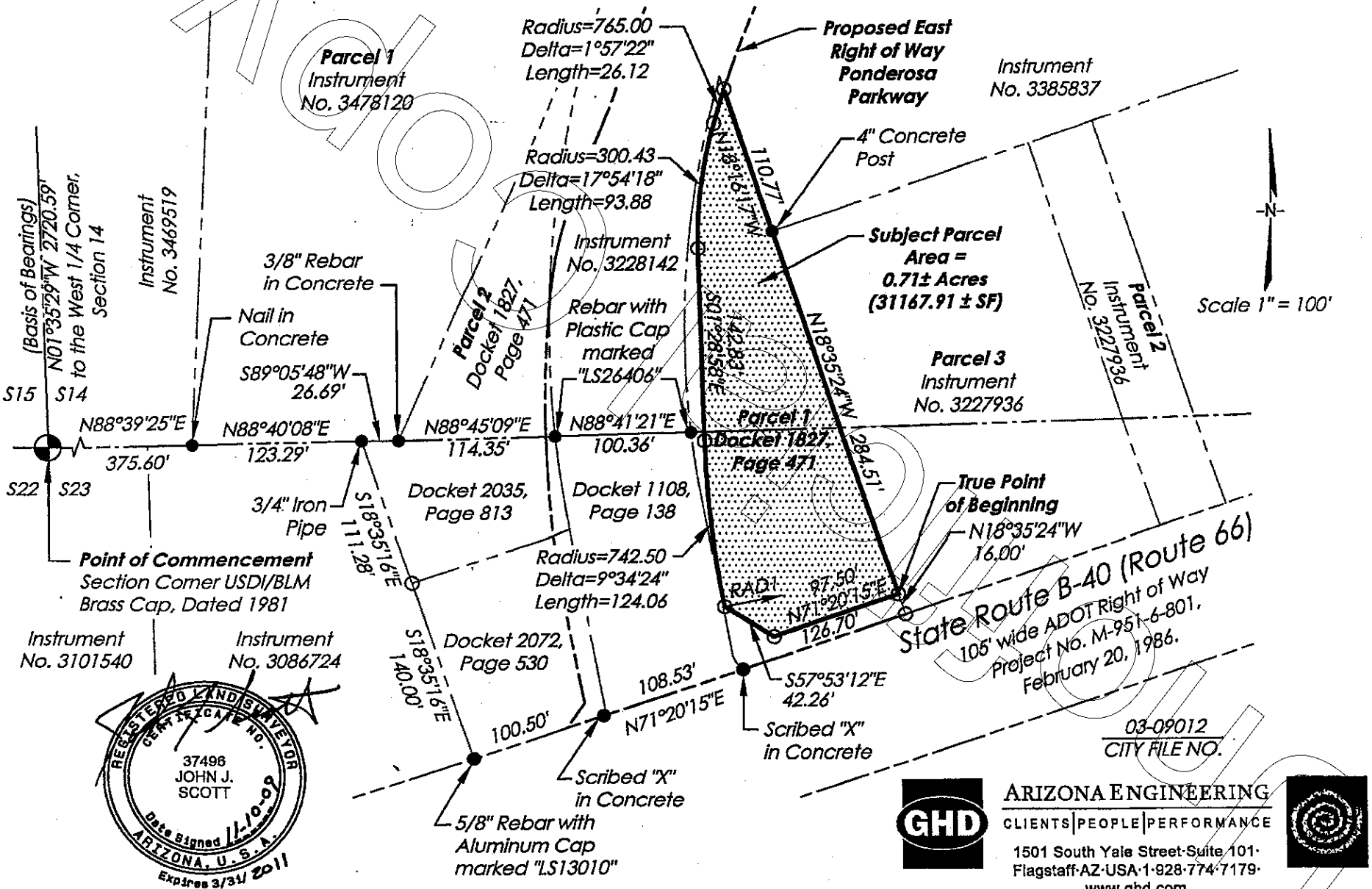
Unofficial Copy

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Exhibit A (Drawing)

A portion of the parcel of land described as Parcel 1 in Docket 1827, Page 471. Located in the Southwest 1/4 of Section 14 and the Northwest 1/4 of Section 23, Township 21 North, Range 7 East, Gila and Salt River Baseline and Meridian, Coconino County, Arizona.

RADIAL BEARING TABLE	
RAD1	N78°56'38"E



REGISTERED LAND SURVEYOR
CERTIFICATE NO.
37496
JOHN J.
SCOTT
Date Signed 11-10-09
ARIZONA, U.S.A.
Expires 3/31/ 2011

03-09012
CITY FILE NO.

GHD
ARIZONA ENGINEERING
CLIENTS | PEOPLE | PERFORMANCE
1501 South Yale Street·Suite 101·
Flagstaff·AZ·USA·1·928·774·7179·
www.ghd.com

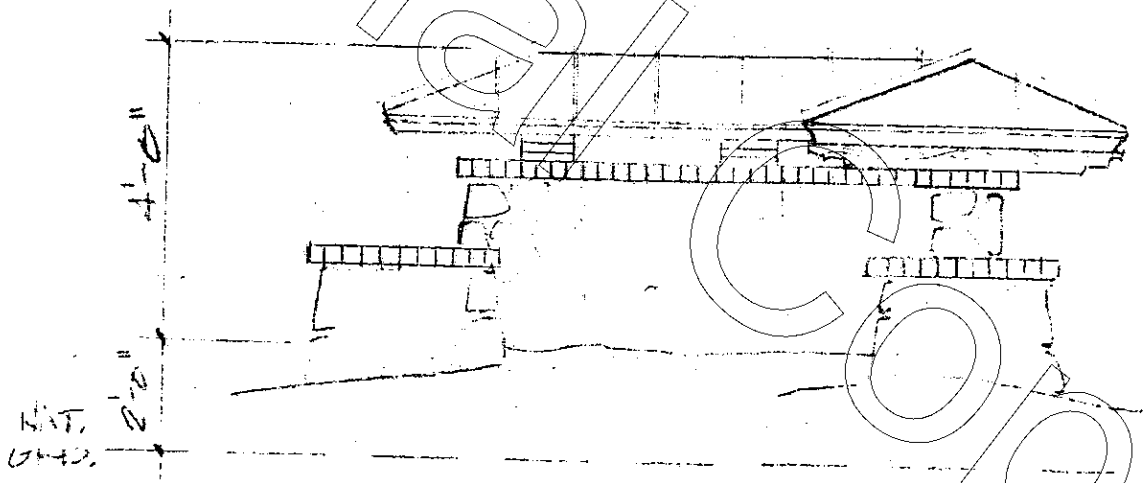
Exhibit B

(To Special Warranty Deed)



FRONT & RIGHT ELEVATION

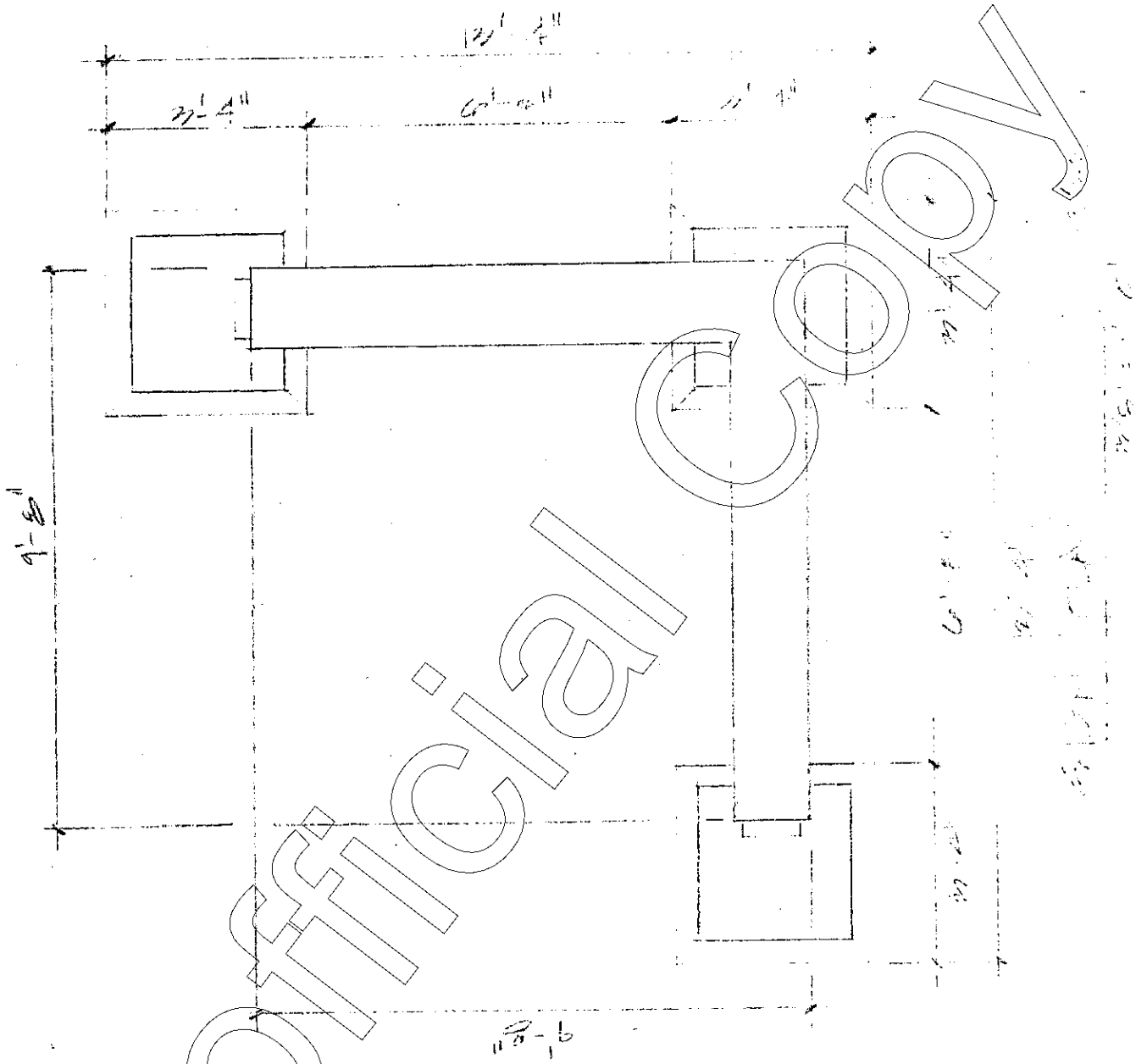
3/8" = 1'-0"



REAR & LEFT ELEVATION

Unofficial Copy

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Unofficial Copy

Exhibit C
(To Special Warranty Deed)

LEGAL DESCRIPTION

A triangular shaped tract of land situated in the Northwest quarter of Section 23, Township 21 North, Range 7 East of the Gila and Salt River Base and Meridian in the City of Flagstaff, Coconino County, Arizona, said tract of land is described as follows:

COMMENCING, for reference, at the Northwest corner of said Section 23, from which the West quarter corner of Section 14 lies North 01°35'29" West a distance of 2720.59 feet away (Basis of Bearing as per Book 21 of Land Surveys, Page17);

THENCE South 88°41'09" West from said Northwest corner of Section 23, a distance of 750.11;

THENCE South 01°28'58" East a distance of 6.78 feet to the beginning of a curve, concave to the East;

THENCE Southeasterly along said curve a distance of 124.06 feet, the radius of which is 742.50, through a central angle of 09°34'24", the chord of which bears South 06°16'10" East for 123.92 feet, to the TRUE POINT OF BEGINNING of this description;

THENCE North 78°46'22" East a distance of 30.25 feet;

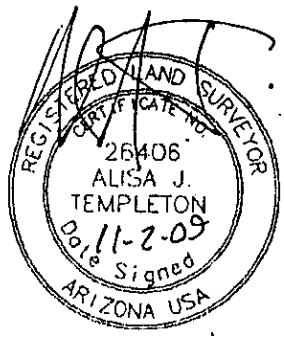
THENCE South 32°06'48" West a distance of 20.75 feet;

THENCE North 57°53'12" West a distance of 22.00 feet to the point of beginning.

SAID Tract of land contains 228 square feet, more or less, as shown on the attached Exhibit A-1 which is made a part of this description by this reference.

City File Number: _____

Descriptive Title: _____



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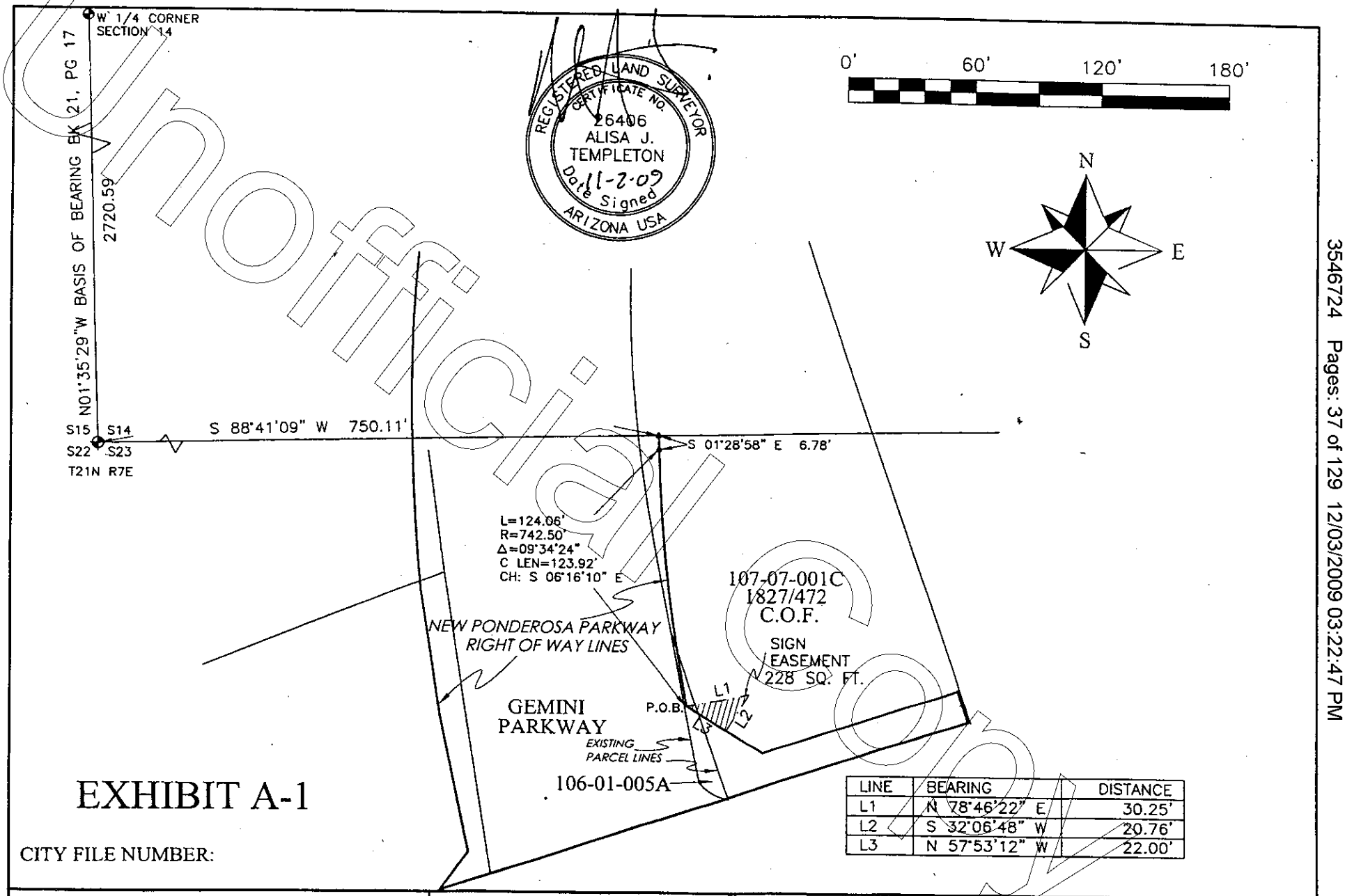


EXHIBIT A-1

CITY FILE NUMBER:

LINE	BEARING	DISTANCE
L1	N 78°46'22" E	30.25'
L2	S 32°06'48" W	20.76'
L3	N 57°53'12" W	22.00'

A PORTION OF SECTION 23, TWP 21N, RGE 7E G&SRB&M CITY OF FLAGSTAFF COCONINO COUNTY, ARIZONA	EXTREME MEASURES LAND SURVEYS, INC. 10800 NIGHTHAWK LANE, FLAGSTAFF, ARIZONA 86004 928.853.3661		JOB # 08-19
	DRAWN BY: ALISA TEMPLETON	CLIENT: SFDA	SCALE: 1"=60'	DATE: 2 NOVEMBER 2009

Unofficial Copy

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Exhibit D

(To Special Warranty Deed)

Following is a description of a parcel of land which is a portion of the parcel of land described as Parcel 1 in Docket 1827, Page 471, of the records of the Coconino County Recorder's Office. The parcel of land is located in the southwest 1/4 of Section 14, Township 21 North, Range 7 East, Gila and Salt River Baseline and Meridian, Coconino County, Arizona. (Note: All references the recorded instruments refer to the records of the Coconino County Recorder's Office.)

The parcel of land is more particularly described by metes and bounds as follows:

COMMENCING at the southwest corner of Section 14, monumented with an USDI/BLM brass cap, dated 1981. From which point the west 1/4 corner of Section 14, monumented with a 3 inch aluminum cap, LS 26406, bears North 01°35'29" West, 2720.59 feet (Basis of Bearings for this description):

THENCE North 88°39'25" East along the south line of the southwest 1/4 of Section 14, and along the north line of the parcels of land described in Instrument No. 3101540 and Instrument No. 3086724 and along the south line of the parcel of land described in Instrument No. 3469519, 375.60 feet to the southeast corner of the parcel of land described in Instrument No. 3469519 and to the southwest corner of the parcel of land described as Parcel 1 in Instrument No. 3478120, monumented with a nail in concrete;

THENCE North 88°40'08" East along the south line of the southwest 1/4 of Section 14, and along the north line of the parcel of land described in Instrument No. 3086724 and along the south line of Parcel 1(Instrument No. 3478120), 123.29 feet to the northeast corner of the parcel of land described in Instrument No. 3086724 and to the northwest corner of the parcel of land described in Docket 2035, Page 813, monumented with a 3/4 inch iron pipe;

THENCE South 18°35'16" East along the east line of the parcel of land described in Instrument No.3086724 and along the west line of the parcel of land described in Docket 2035, Page 813, 111.28 feet to the southwest corner of the parcel of land described in Docket 2035, Page 813 and to the northwest corner of the parcel of land described in Docket 2072, Page 530;

THENCE South 18°35'16" East along the east line of the parcel of land described in Instrument No. 3086724 and along the west line of the parcel of land described in Docket 2072, Page 530, 140.00 feet to the north line of the 105 foot wide right of way for Route 66, monumented with a 5/8 inch rebar with aluminum cap marked ARENCO LS13010;

THENCE North 71°20'15" East along the south line of the parcel of land described in Docket 2072, Page 530, and along the north right of way line of Route 66, 100.50 feet to southeast corner of the parcel of land described in Docket 2072, Page 530 and to the southwest corner of the parcel of land described in Docket 1108, Page 138, monumented with a scribed X in concrete;

THENCE North 71°20'15" East, along the south line of the parcel of land described in Docket 1108, Page 138 and along the north right of way line of Route 66, 108.53 feet to the southeast corner of the parcel of land described in Docket 1108, Page 138 and to the southwest corner of

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the parcel of land described as Parcel 1 in Docket 1827, Page 471, monumented with a scribed X in concrete;

THENCE North 71°20'15" East, along the south line of Parcel 1(Docket 1872, Page 471) and along the north right of way line of Route 66, 126.70 feet to the southeast corner of Parcel 1 (Docket 1872, Page 471) and to the southwest corner of the parcel of land described as Parcel 3 in Instrument No. 3227936;

THENCE North 18°35'24" West, along the east line of Parcel 1(Docket 1872, Page 471) and along the west line of Parcel 3, 300.51 feet, to the northwest corner of Parcel 3 and to a point of the south line of the parcel of land described in Instrument No. 3385837, monumented with a 4 inch by 4 inch concrete post, the **TRUE POINT OF BEGINNING** of this description.

THENCE North 80°01'56" West, 55.29 feet to a non-tangent curve whose radius bears South 87°17'01" East;

THENCE northerly along a curve to the right having a radius of 300.43 feet and a central angle of 09°33'20", an arc distance of 50.10 feet (chord bearing North 07°29'39" East, chord distance 50.05 feet);

THENCE South 80°01'56" East, 30.60 feet to the east line of Parcel 1(Docket 1872, Page 471) and to the south line of the parcel of land described in Instrument No. 3385837;

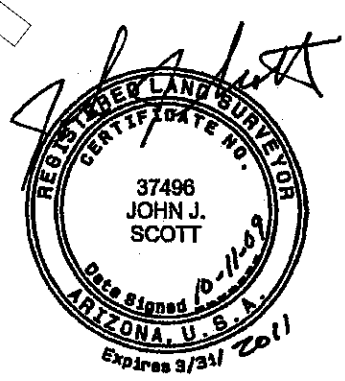
THENCE South 18°16'17" East, along the east line of Parcel 1(Docket 1872, Page 471) and along the south line of the parcel of land described in Instrument No. 3385837, 56.75 feet to the **TRUE POINT OF BEGINNING** of this description.

The above described parcel of land contains 0.05 acres (2182.15 sq ft), more or less.

For a drawing of the parcel described above, see **Exhibit L (Drawing 1)**, which by this reference is made part of this description.

50 Foot Wide Access Easement
Descriptive Title

03-09012
City File No.



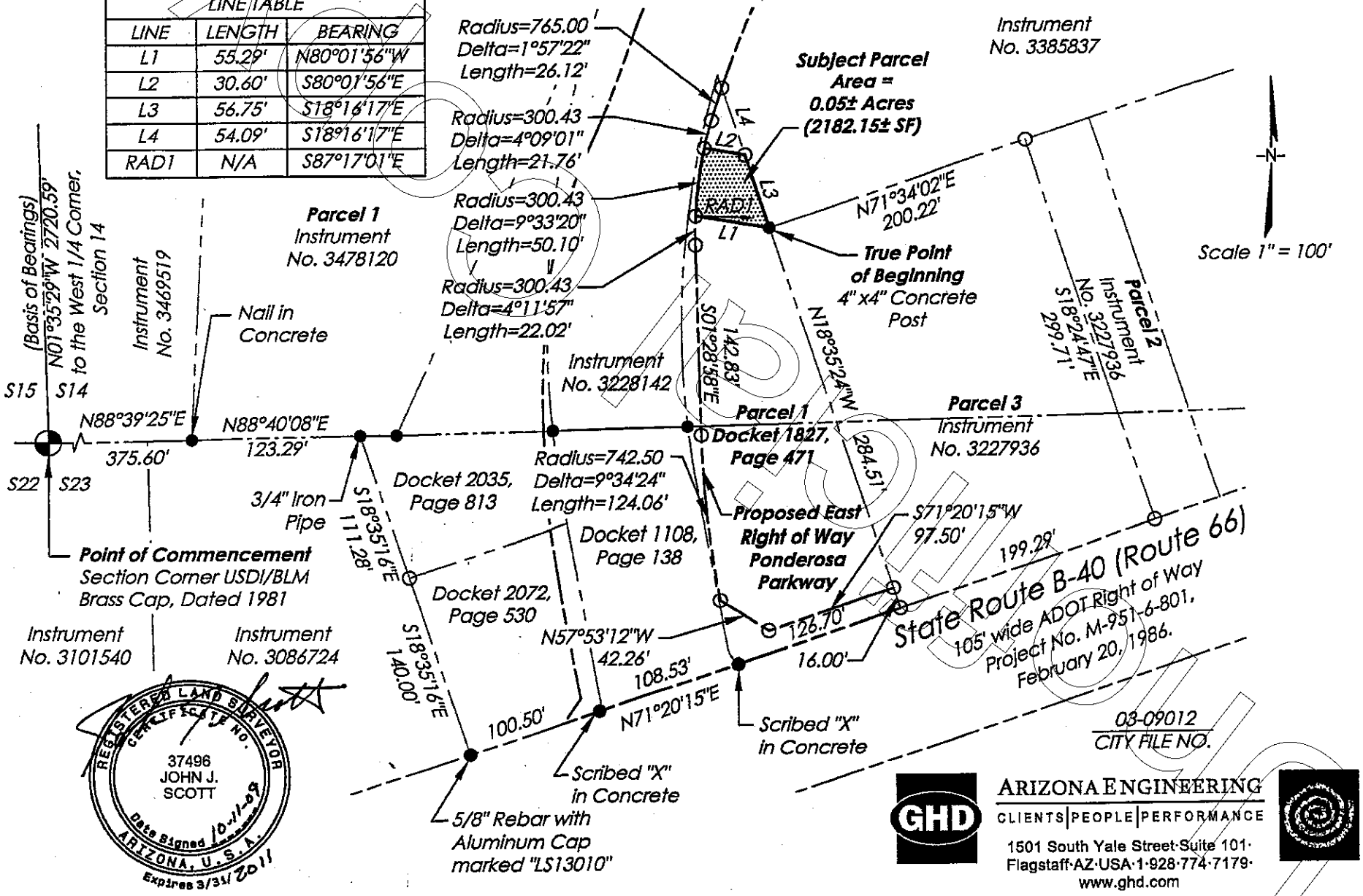
Unofficial Copy

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Exhibit L (Drawing 1)

A portion of the parcel of land described as Parcel 1 in Docket 1827, Page 471. Located in the Southwest 1/4 of Section 14, Township 21 North, Range 7 East, Gila and Salt River Baseline and Meridian, Coconino County, Arizona.

LINE TABLE		
LINE	LENGTH	BEARING
L1	55.29'	N80°01'56"W
L2	30.60'	S80°01'56"E
L3	56.75'	S18°16'17"E
L4	54.09'	S18°16'17"E
RAD1	N/A	S87°17'01"E



REGISTERED LAND SURVEYOR
CERTIFICATE NO.
37496
JOHN J.
SCOTT
Date Signed 10-1-09
ARIZONA, U.S.A.
Expires 3/31/2011

GHD
ARIZONA ENGINEERING
CLIENTS | PEOPLE | PERFORMANCE
1501 South Yale Street·Suite 101·
Flagstaff·AZ·USA·1·928·774·7179·
www.ghd.com

EXHIBIT D TO DEVELOPMENT AGREEMENT

WHEN RECORDED MAIL TO:
City Clerk
City of Flagstaff
211 W. Aspen Ave.
Flagstaff, Arizona 86001

[Exempt under A.R.S. Section 11-1134(A)(3)]

SPECIAL WARRANTY DEED

For the consideration of ten dollars ($10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Nemec Family Trust dated October 12, 1982 (hereinafter "Grantor"), acting by and through Grantor's undersigned Trustees Laurie Jeanne Nemec and Frank A. Nemec, Jr., does hereby grant and convey to the City of Flagstaff, an Arizona municipal corporation (hereinafter "Grantee"), that real property situated in Coconino County, Arizona and described in Exhibit A, attached hereto and incorporated by this reference ("Subject Property"), together with all rights and privileges appurtenant thereto;

Subject to current taxes and other assessments, reservations in patents and all easements, rights-of-way, encumbrances, liens, covenants, conditions, restrictions, obligations and liabilities as may appear of record, and all matters which an accurate survey or physical inspection of the real property would disclose;

Grantor warrants title to the Subject Property, subject to the matters referred to above, as against all acts of Grantor and none other.

IN WITNESS WHEREOF, Grantor, acting by and through its undersigned Trustees has executed this Special Warranty Deed as of the day and year above written.

GRANTOR

NEMEC FAMILY TRUST DATED OCTOBER 12, 1982

By: _____
Laurie Jeanne Nemec, Trustee

By: _____
Frank A. Nemec, Jr., Trustee

Unofficial Copy

STATE OF ARIZONA)
) ss.
COUNTY OF COCONINO)

The foregoing instrument was acknowledged before me this ___ day of _____, 2009, by Laurie Jeanne Nemec, Trustee, on behalf of the Nemec Family Trust dated October 12, 1982.

WITNESS my hand and official seal.

_____
Notary Public

My Commission Expires:

_____

STATE OF CALIFORNIA)
) ss.
COUNTY OF _____)

On this _____ day of _____, 2009, before me, _____, Notary Public, personally appeared Frank A. Nemec, Jr., Trustee of the Nemec Family Trust, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity as Trustee of the Nemec Family Trust, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

I certify upon PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

_____
Signature (seal)

Unofficial Copy

Exhibit A

(Description)
(To Special Warranty Deed)

Following is a description of a parcel of land which is a portion of the parcel of land described as Parcel 1 in Instrument No. 3478120 of the records of the Coconino County Recorder's Office. The parcel of land is located in the southwest 1/4 of Section 14, Township 21 North, Range 7 East, Gila and Salt River Baseline and Meridian, Coconino County, Arizona. (Note: All references the recorded instruments refer to the records of the Coconino County Recorder's Office.)

The parcel of land is more particularly described by metes and bounds as follows:

COMMENCING at the southwest corner of Section 14, monumented with an USDI/BLM brass cap, dated 1981. From which point the west 1/4 corner of Section 14, monumented with a 3 inch aluminum cap, LS 26406, bears North 01°35'29" West, 2720.59 feet (Basis of Bearings for this description):

THENCE North 88°39'25" East along the south line of the southwest 1/4 of Section 14, and along the north line of the parcels of land described in Instrument No. 3101540 and Instrument No. 3086724 and along the south line of the parcel of land described in Instrument No. 3469519, 375.60 feet to the southeast corner of the parcel of land described in Instrument No. 3469519 and to the southwest corner of the parcel of land described as Parcel 1 in Instrument No. 3478120, monumented with a nail in concrete, the **TRUE POINT OF BEGINNING** of this description.

THENCE North 02°48'58" East along the west line of Parcel 1 and along the east line of the parcel of land described in Instrument No. 3469519, 316.56 feet to the southeast corner of the parcel of land described in Docket 1633, Page 508, monumented with a 5/8 inch rebar with aluminum cap marked ARENCO LS13010;

THENCE North 02°47'32" East along the west line of Parcel 1 and the east line of the parcel of land described in Docket 1633, Page 508, 216.69 feet to the northwest corner of Parcel 1, monumented with a nail in concrete;

THENCE North 75°29'09" East along the north line of Parcel 1 and along the east line of the parcel of land described in Docket 1633, Page 508, 76.78 feet to the east line of the parcel of land described in Docket 1633, Page 508 and to the west line of the parcel of land described in Instrument No. 3228142, monumented with a 5/8 inch rebar with aluminum cap marked ARENCO LS13010;

THENCE North 89°04'58" East, 229.65 feet to the east line of Parcel 1 and to the west line of the parcel of land described in Instrument No. 3228142;

THENCE South 00°41'45" West along the east line of Parcel 1 and along the west line of the parcel of land described in Instrument No. 3228142, 156.85 feet to the northwest corner of the parcel of land described as Parcel 2 in Docket 1827, Page 471;

THENCE South 24°15'41" West along the east line of Parcel 1 and along the west line of Parcel 2, 433.72 feet to the south line of the southwest 1/4 of Section 14, and to the southeast corner of Parcel 1 and to the southwest corner of Parcel 2 and to the north line of the parcel of land described in Docket 2053, Page 813, monumented with a 3/8" rebar in concrete;

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THENCE South 89°05'48" West along the south line of the southwest 1/4 of Section 14, and along the south line of Parcel 1 and along the north line of the parcel of land described in Docket 2035, Page 813, 26.69 feet to the northwest corner of the parcel of land described in Docket 2035, Page 813, and to the northeast corner of the parcel of land described in Instrument No. 3086724, monumented with a 3/4" iron pipe;

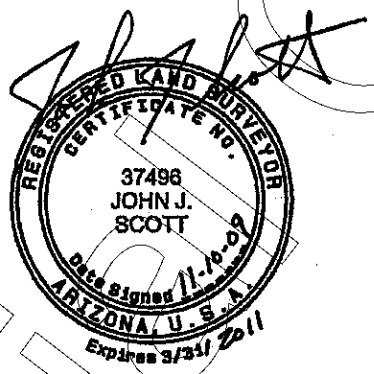
THENCE South 88°40'08" West along the south line of the southwest 1/4 of Section 14, along the south line of Parcel 1 and along the north line of the parcel of land described in Instrument No. 3086724, 123.29 feet to the **TRUE POINT OF BEGINNING** of this description.

The above described parcel of land contains 3.15 acres (137,393.86 sq ft), more or less.

For a drawing of the parcel described above, see **Exhibit B (Drawing)**, which by this reference is made part of this description.

Land Transfer -Nemec to City of Flagstaff
Descriptive Title

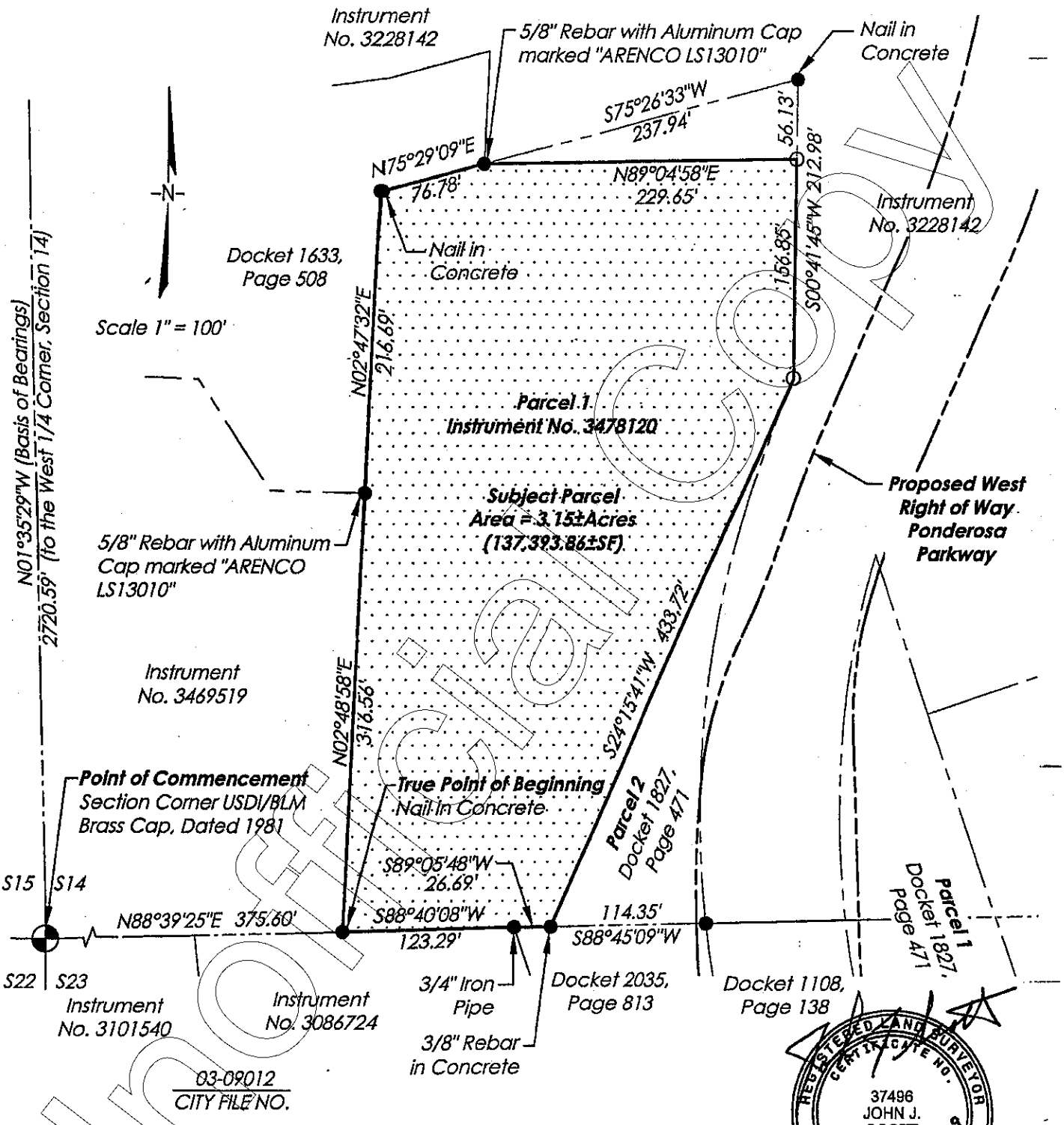
03-09012
City File No.



Unofficial Copy

Exhibit B (Drawing)

A portion of the parcel of land described as Parcel 1 in Instrument No. 3478120. Located in the Southwest 1/4 of Section 14, Township 21 North, Range 7 East, Gila and Salt River Baseline and Meridian, Coconino County, Arizona.

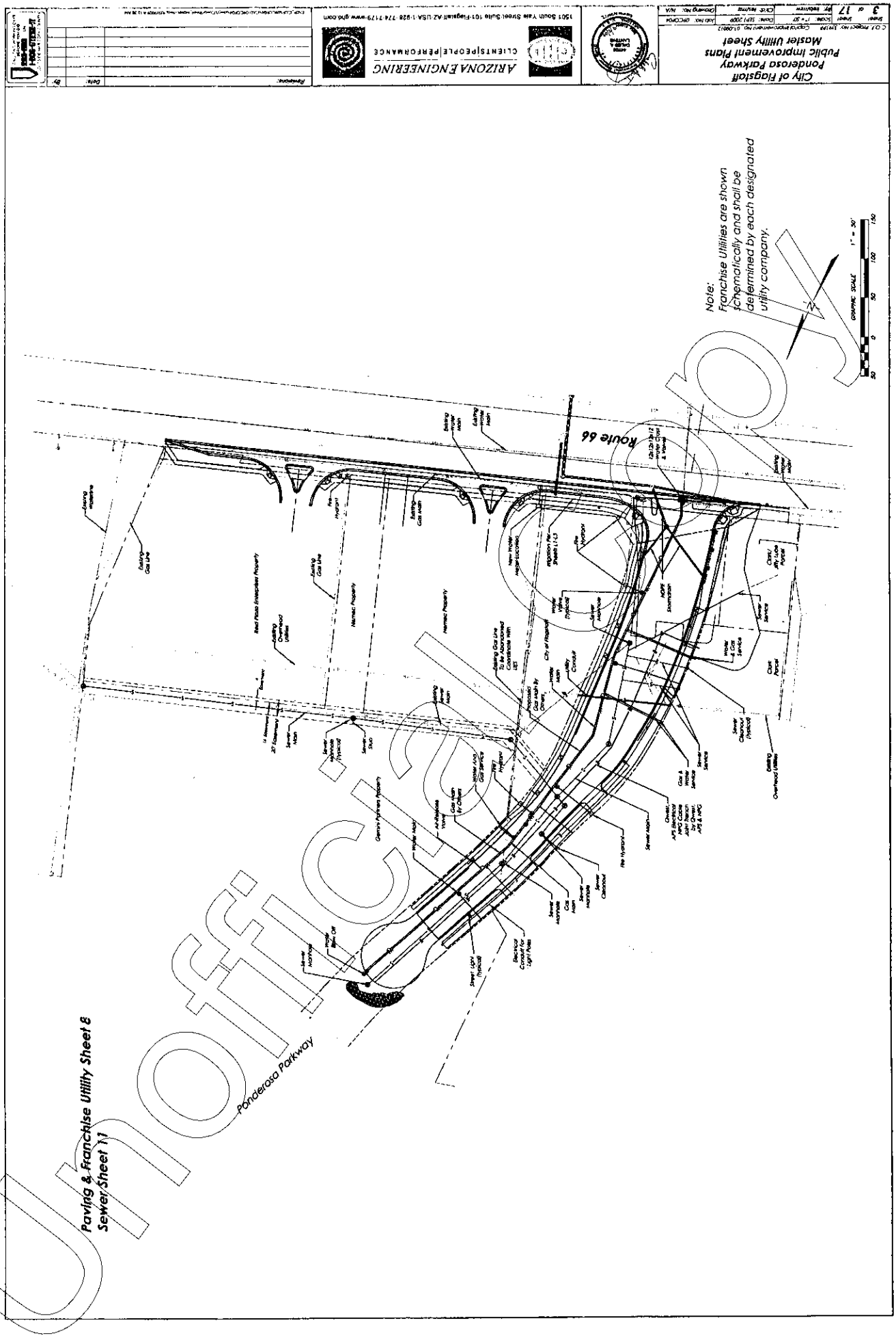


REGISTERED LAND SURVEYOR
CERTIFICATE NO.
37496
JOHN J. SCOTT
Date Signed 11-10-09
ARIZONA, U. S. A.
Expires 3/31/2011

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Exhibit E



Unofficial Document

Exhibit F

(Description)

Following is a description of a parcel of land which is a portion of the parcel of land described as Parcel 1 in Docket 1827, Page 471, of the records of the Coconino County Recorder's Office. The parcel of land is located in the northwest 1/4 of Section 23, Township 21 North, Range 7 East, Gila and Salt River Baseline and Meridian, Coconino County, Arizona. (Note: All references the recorded instruments refer to the records of the Coconino County Recorder's Office.)

The parcel of land is more particularly described by metes and bounds as follows:

COMMENCING at the northwest corner of Section 23, monumented with a USDI/BLM brass cap, dated 1981. From which point the west 1/4 corner of Section 14, Township 21 North, Range 7 East monumented with a 3 inch aluminum cap, LS 26406, bears North 01°35'29" West, 2720.59 feet (Basis of Bearings for this description):

THENCE North 88°39'25" East along the north line of the northwest 1/4 of Section 23, and along the north line of the parcels of land described in Instrument No. 3101540 and Instrument No. 3086724 and along the south line of the parcel of land described in Instrument No. 3469519, 375.60 feet to the southeast corner of the parcel of land described in Instrument No. 3469519 and to the southwest corner of the parcel of land described as Parcel 1 in Instrument No. 3478120, monumented with a nail in concrete;

THENCE North 88°40'08" East along the north line of the northwest 1/4 of Section 23, and along the north line of the parcel of land described in Instrument No. 3086724 and along the south line of Parcel 1(Instrument No. 3478120), 123.29 feet to the northeast corner of Instrument No. 3086724 and to the northwest corner of the parcel of land described in Docket 2035, Page 813, monumented with a 3/4 inch iron pipe;

THENCE South 18°35'16" East along the east line of the parcel of land described in Instrument No.3086724 and along the west line of the parcel of land described in Docket 2035, Page 813, 111.28 feet to the southwest corner of the parcel of land described in Docket 2035, Page 813 and to the northwest corner of the parcel of land described in Docket 2072, Page 530;

THENCE South 18°35'16" East along the east line of the parcel of land described in Instrument No. 3086724 and along the west line of the parcel of land described in Docket 2072, Page 530, 140.00 feet to the north line of the 105 foot wide right of way for Route 66, monumented with a 5/8 inch rebar with aluminum cap marked ARENCO LS13010;

THENCE North 71°20'15" East along the south line of the parcel of land described in Docket 2072, Page 530, and along the north right of way line of Route 66, 100.50 feet to southeast corner of the parcel of land described in Docket 2072, Page 530 and to the southwest corner of the parcel of land described in Docket 1108, Page 138, monumented with a scribed X in concrete;

THENCE North 71°20'15" East, along the south line of the parcel of land described in Docket 1108, Page 138 and along the north right of way line of Route 66, 108.53 feet to the southeast corner of the parcel of land described in Docket 1108, Page 138 and to the southwest corner of the parcel of land described as Parcel 1 in Docket 1827, Page 471, to a non-tangent curve

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whose radius point bears North 38°01'28" East, monumented with a scribed X in concrete, the **TRUE POINT OF BEGINNING** of this description.

THENCE northwesterly along the east line of the parcel of land described in Docket 1108, Page 138 and along the west line of Parcel 1(Docket 1827, Page 471), along a curve to the right having a radius of 23.00 feet and a central angle of 32°03'44", an arc distance of 12.87 feet (Chord bearing North 35°56'40" West, chord distance 12.70 feet), monumented with a scribed X in concrete;

THENCE North 10°37'17" West along the east line of the parcel of land described in Docket 1108, Page 138 and along the west line of Parcel 1(Docket 1827, Page 471), 36.64 feet;

THENCE North 55°11'08" East, 1.19 feet;

THENCE South 57°53'12" East, 42.26 feet to a point which lies 16.00 feet northerly of the north right of way line of Route 66;

THENCE North 71°20'15" East parallel with and 16.00 fee north of the north right of way line of Route 66, 97.50 feet to the east line Parcel 1(Docket 1827, Page 471) and to the west line of the parcel of land described as Parcel 3 in Instrument No. 3227936;

THENCE South 18°35'24" East along the east line of Parcel 1(Docket 1827, Page 471) and along the west line of Parcel 3, 16.00 feet to the southeast corner of Parcel 1(Docket 1827, Page 471) and to the southwest corner of Parcel 3, and to the north right of way line of Route 66;

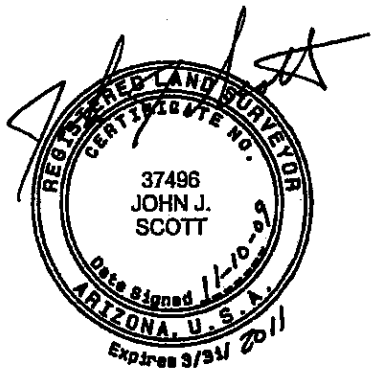
THENCE South 71°20'15" West along the south line of Parcel 1(Docket 1827, Page 471) and along the north right of way line of Route 66, 126.70 feet to the **TRUE POINT OF BEGINNING** of this description.

The above described parcel of land contains 0.06 acres (2620.33 sq ft), more or less.

For a drawing of the parcel described above, see **Exhibit F (Drawing)**, which by this reference is made part of this description.

Right of Way
Descriptive Title

03-09012
City File No.



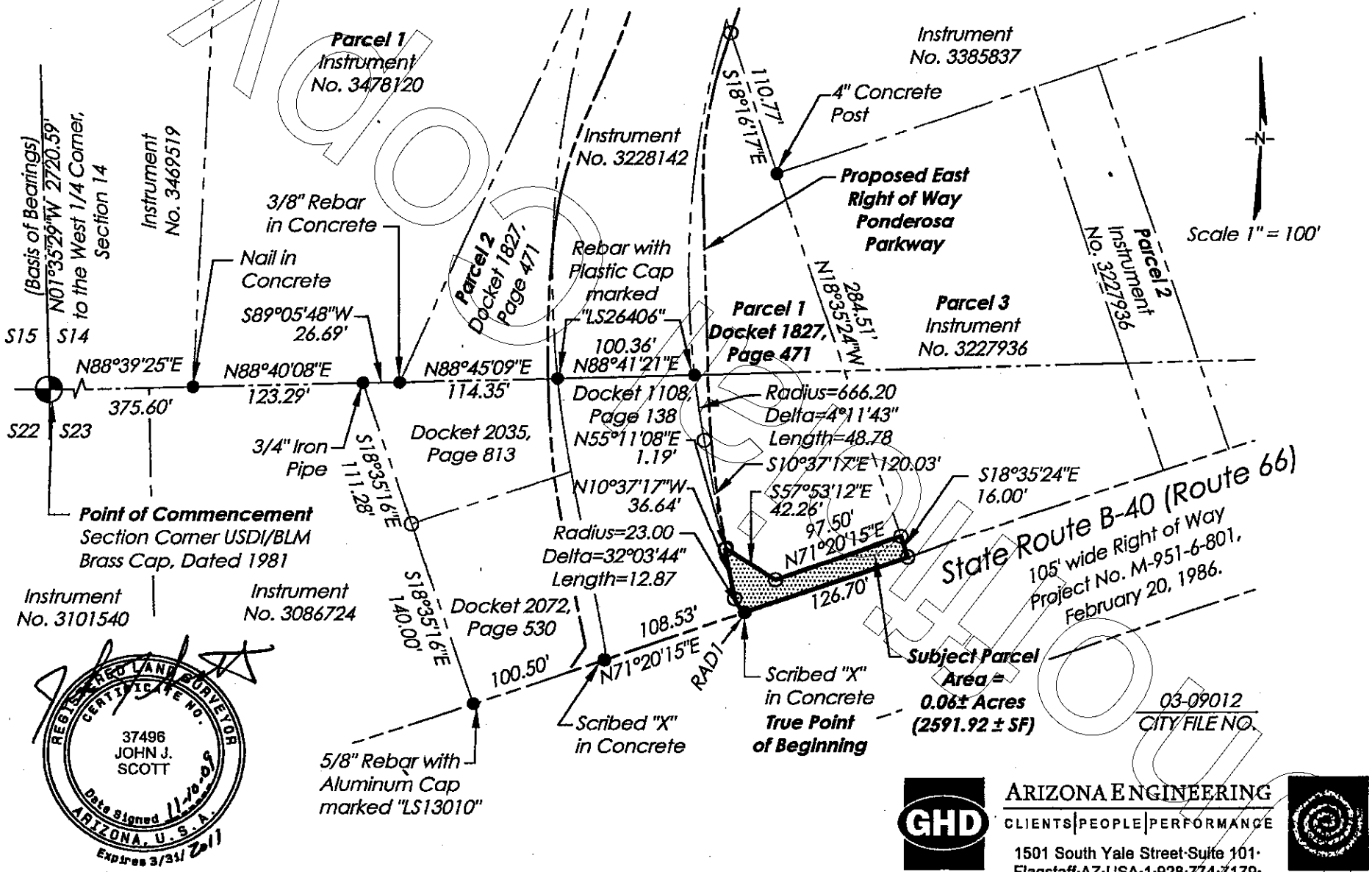
Unofficial Copy

3546724 Pages: 49 of 129 12/03/2009 03:22:47 PM

Exhibit F (Drawing)

A portion of the parcel of land described as Parcel 1 in Docket 1827, Page 471. Located in the Northwest 1/4 of Section 23, Township 21 North, Range 7 East, Gila and Salt River Baseline and Meridian, Coconino County, Arizona.

RADIAL BEARING TABLE	
RAD1	N38°01'28"E



REGISTERED LAND SURVEYOR
CERTIFICATE NO.
37496
JOHN J.
SCOTT
Date Signed 11-10-09
ARIZONA, U.S.A.
Expires 3/31/ 2011

03-09012
CITY FILE NO.

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Exhibit G
(Description)

Following is a description of a parcel of land which is a portion of the parcel of land described as Parcel 1 in Instrument No. 3478120 of the records of the Coconino County Recorder's Office. The parcel of land is located in the southwest 1/4 of Section 14, Township 21 North, Range 7 East, Gila and Salt River Baseline and Meridian, Coconino County, Arizona. (Note: All references the recorded instruments refer to the records of the Coconino County Recorder's Office.)

The parcel of land is more particularly described by metes and bounds as follows:

COMMENCING at the southwest corner of Section 14, monumented with an USDI/BLM brass cap, dated 1981. From which point the west 1/4 corner of Section 14, monumented with a 3 inch aluminum cap, LS 26406, bears North 01°35'29" West, 2720.59 feet (Basis of Bearings for this description):

THENCE North 88°39'25" East along the south line of the southwest 1/4 of Section 14, and along the north line of the parcels of land described in Instrument No. 3101540 and Instrument No. 3086724 and along the south line of the parcel of land described in Instrument No. 3469519, 375.60 feet to the southeast corner of the parcel of land described in Instrument No. 3469519 and to the southwest corner of the parcel of land described as Parcel 1 in Instrument No. 3478120, monumented with a nail in concrete;

THENCE North 02°48'58" East along the west line of Parcel 1 and the east line of the parcel of land described in Instrument No. 3469519, 316.56 feet to the southeast corner of the parcel of land described in Docket 1633, Page 508, monumented with a 5/8 inch rebar with aluminum cap marked ARENCO LS13010;

THENCE North 02°47'32" East along the west line of Parcel 1 and the east line of the parcel of land described in Docket 1633, Page 508, 216.69 feet to the northwest corner of Parcel 1, monumented with a nail in concrete;

THENCE North 75°29'09" East along the north line of Parcel 1 and along the east line of the parcel of land described in Docket 1633, Page 508, 76.78 feet to the west line of the parcel of land described in Instrument No. 3228142, monumented with a 5/8 inch rebar with aluminum cap marked ARENCO LS13010, the **TRUE POINT OF BEGINNING** of this description.

THENCE North 75°26'33" East along the north line of Parcel 1 and along the west line of the parcel of land described in Instrument No. 3228142, 237.94 feet to the northeast corner of Parcel 1, monumented with a nail in concrete;

THENCE South 00°41'45" West along the east line of Parcel 1 and along the west line of the parcel of land described in Instrument No. 3228142, 56.13 feet;

THENCE South 89°04'58" West, 229.65 feet to the **TRUE POINT OF BEGINNING** of this description.

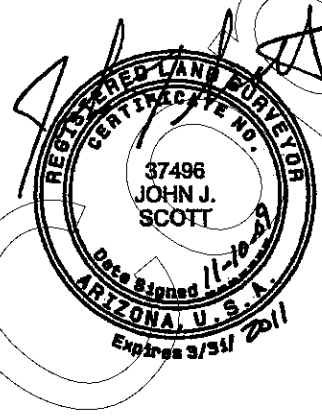
Unofficial Document

The above described parcel of land contains 0.148 acres (6442.97 sq ft), more or less.

For a drawing of the parcel described above, see **Exhibit G (Drawing)**, which by this reference is made part of this description.

Land Transfer - Nemec to San Francisco de Asis
Descriptive Title

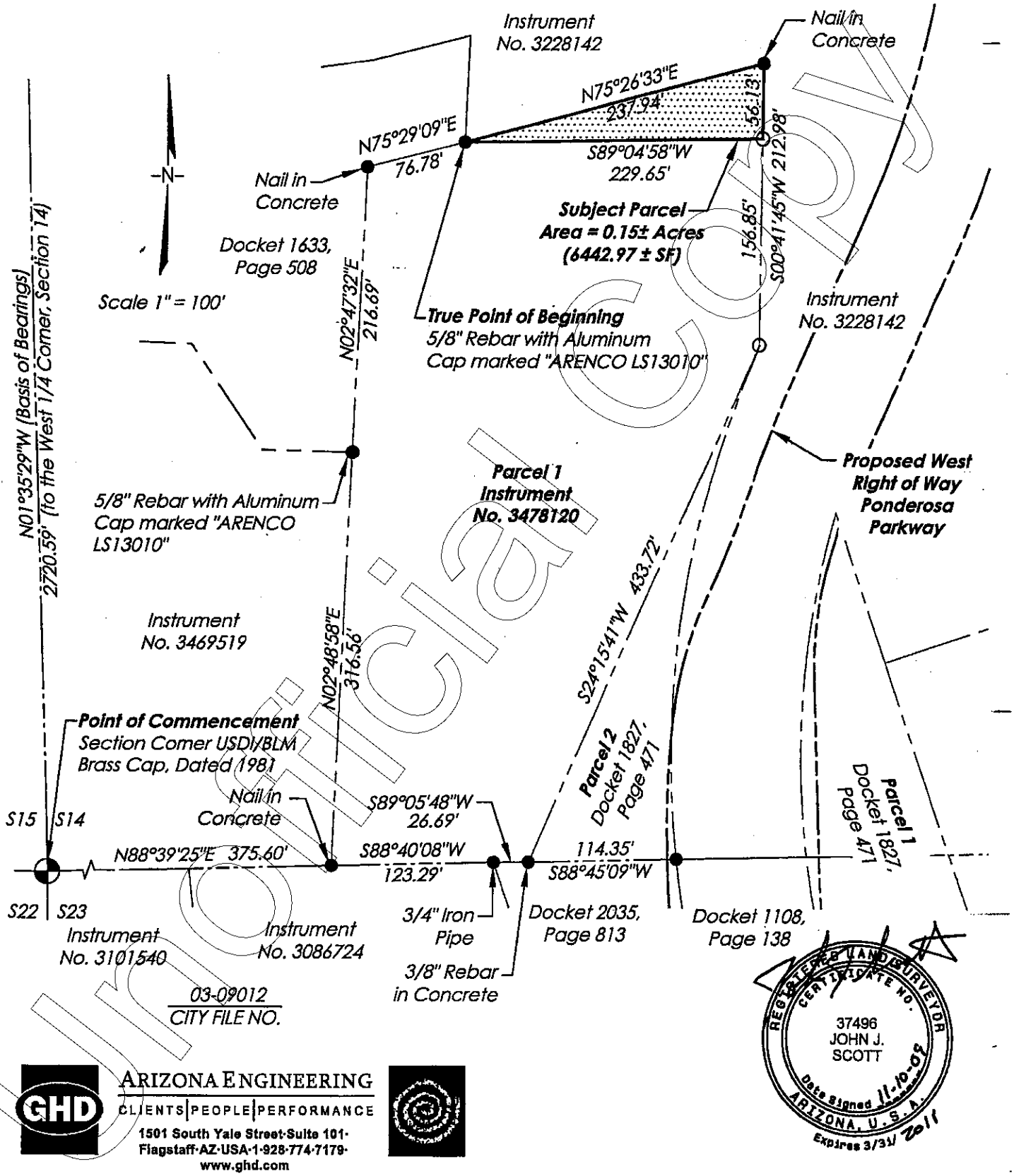
03-09012
City File No.



Unofficial Copy

Exhibit G (Drawing)

A portion of the parcel of land described as Parcel 1 in Instrument No. 3478120. Located in the Southwest 1/4 of Section 14, Township 21 North, Range 7 East, Gila and Salt River Baseline and Meridian, Coconino County, Arizona.



03-09012
CITY FILE NO.

REGISTERED LAND SURVEYOR
CERTIFICATE NO.
37496
JOHN J.
SCOTT
Date signed 11-10-09
ARIZONA, U.S.A.
Expires 3/31/ 2011

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Exhibit H

(Description)

Following is a description of a parcel of land which is a portion of the parcel of land described in Instrument No. 3228142 of the records of the Coconino County Recorder's Office. The parcel of land is located in the southwest 1/4 of Section 14, Township 21 North, Range 7 East, Gila and Salt River Baseline and Meridian, Coconino County, Arizona. (Note: All references the recorded instruments refer to the records of the Coconino County Recorder's Office.)

The parcel of land is more particularly described by metes and bounds as follows:

COMMENCING at the southwest corner of Section 14, monumented with a USDI/BLM brass cap, dated 1981. From which point the west 1/4 corner of Section 14, monumented with a 3 inch aluminum cap, LS 26406, bears North 01°35'29" West, 2720.59 feet (Basis of Bearings for this description):

THENCE North 88°39'25" East along the south line of the southwest 1/4 of Section 14, and along the north line of the parcels of land described in Instrument No. 3101540 and Instrument No. 3086724 and along the south line of the parcel of land described in Instrument No. 3469519, 375.60 feet to the southeast corner of the parcel of land described in Instrument No. 3469519 and to the southwest corner of the parcel of land described as Parcel 1 in Instrument No. 3478120, monumented with a nail in concrete;

THENCE North 88°40'08" East along the south line of the southwest 1/4 of Section 14, and along the north line of the parcel of land described in Instrument No. 3086724 and along the south line of Parcel 1, 123.29 feet to the northeast corner of Instrument No. 3086724 and to the northwest corner of the parcel of land described in Docket 2035, Page 813, monumented with a 3/4 inch iron pipe.;

THENCE North 89°05'48" East, along the south line of the southwest 1/4 of Section 14, and along the south line of Parcel 1 and along the north line of the parcel of land described in Docket 2035, Page 813, 26.69 feet to the southeast corner of the parcel of Parcel 1 and to the southwest corner of Parcel 2 in Docket 1827, Page 471, monumented with a 3/8" rebar in concrete;

THENCE North 88°45'09" East along the south line of the southwest 1/4 of Section 14 and along the south line of Parcel 2 and along the north line of the parcel of land described in Docket 2035, Page 813, 107.52 feet to a non-tangent curve whose radius point bears North 88°18'26" East, the **TRUE POINT OF BEGINNING** of this description:

THENCE northerly along a curve to the right having a radius of 763.27 feet and a central angle of 7°57'48", an arc distance of 106.08 feet.(chord bearing North 02°17'19" East, chord distance 106.00 feet) to a non-tangent curve whose radius point bears South 83°57'12" East;

THENCE northeasterly along a curve to the right having a radius of 304.56 feet and a central angle of 19°05'53", an arc distance of 101.52 feet.(chord bearing North 15°35'45" East, chord distance 101.05 feet);

THENCE North 25°08'41" East, 1.60 feet to a non-tangent curve whose radius point bears North 65°03'40" West;

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THENCE northeasterly along a curve to the left having a radius of 745.65 feet and a central angle of 6°18'19", an arc distance of 82.06 feet.(chord bearing North 21°47'10" East, chord distance 82.02 feet) to a non-tangent curve whose radius point bears South 71°34'21" East;

THENCE northeasterly along a curve to the right having a radius of 840.00 feet and a central angle of 5°55'21", an arc distance of 86.83 feet.(chord bearing North 21°23'20" East, chord distance 86.79 feet);

THENCE North 24°21'00" East, 137.50 feet;

THENCE northeasterly along a curve to the left having a radius of 809.74 feet and a central angle of 6°51'54", an arc distance of 97.02 feet.(chord bearing North 20°55'04" East, chord distance 96.96 feet);

THENCE South 72°30'53" East, 75.00 feet to a non-tangent curve whose radius point bears North 72°30'53" West;

THENCE southwesterly along a curve to the right having a radius of 884.74 feet and a central angle of 6°51'54", an arc distance of 106.00 feet.(chord bearing South 20°55'04" West, chord distance 105.94 feet);

THENCE South 24°21'00" West, 137.50 feet;

THENCE southwesterly along a curve to the left having a radius of 765.00 feet and a central angle of 7°55'40", an arc distance of 105.85 feet.(chord bearing South 20°23'10" West, chord distance 105.77 feet) to a point of compound curvature;

THENCE southwesterly along a curve to the left having a radius of 300.43 feet and a central angle of 17°54'18", an arc distance of 93.88 feet.(chord bearing South 07°28'11" West, chord distance 93.50 feet);

THENCE South 01°28'58" East, 136.26 feet to the south line of the southwest 1/4 of Section 14;

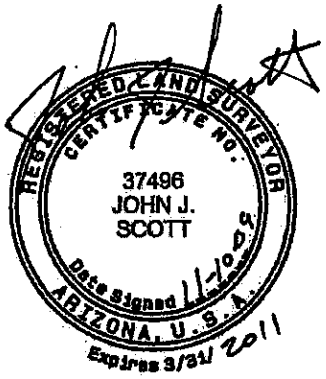
THENCE South 88°41'33" West along the south line of the southwest 1/4 of Section 14, 117.06 feet to the **TRUE POINT OF BEGINNING** of this description.

The above described parcel of land contains 1.18 acres, more or less.

For a drawing of the parcel described above, see **Exhibit H (Drawing)**, which by this reference is made part of this description.

Right of Way
Descriptive Title

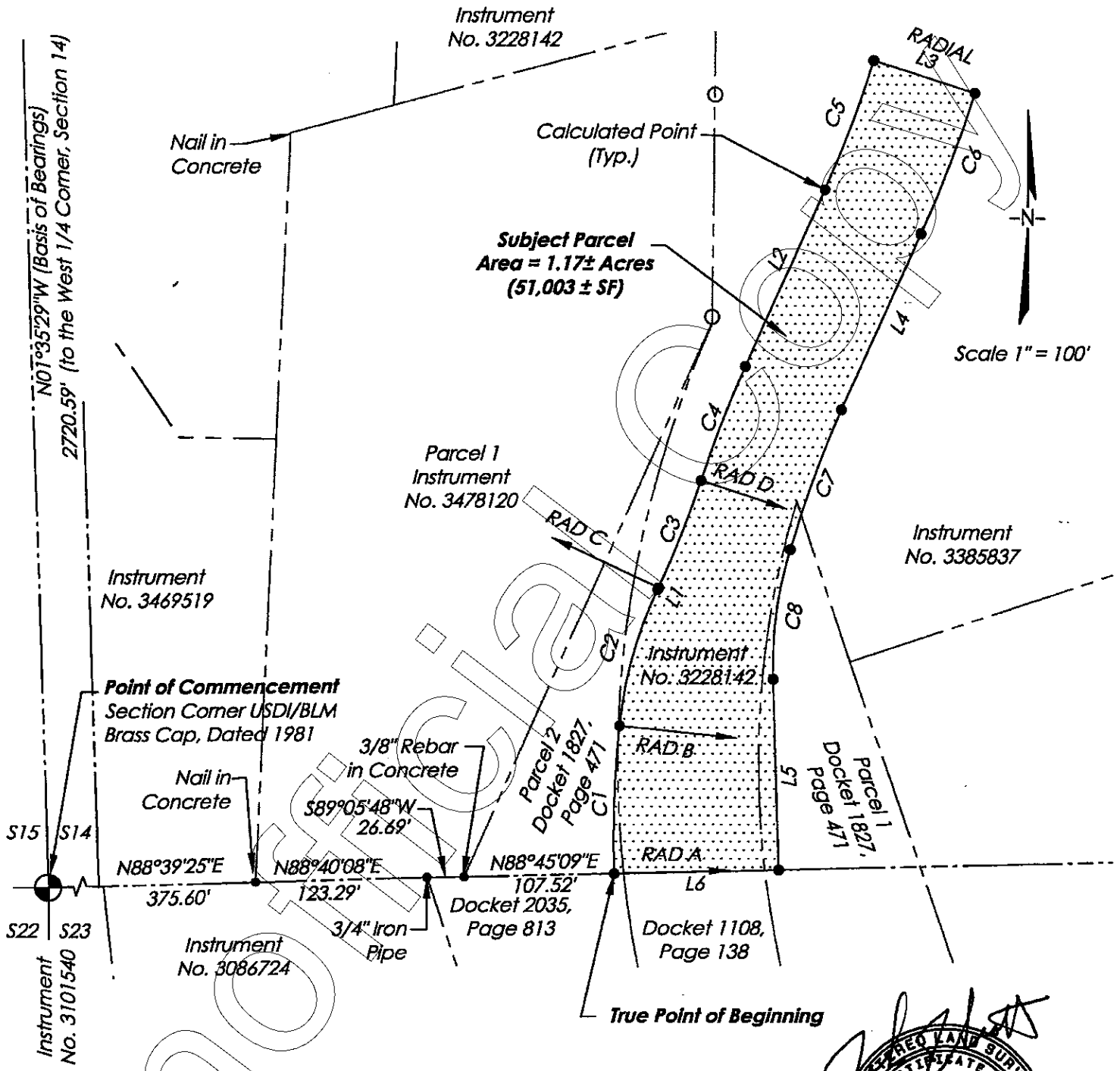
03-09012
City File No.



Unofficial Copy

Exhibit H (Drawing)

A portion of the parcel of land described as in Instrument No. 3228142 and located in the Southwest 1/4 of Section 14, Township 21 North, Range 7 East, Gila and Salt River Baseline and Meridian, Coconino County, Arizona.



03-09012
CITY FILE NO.

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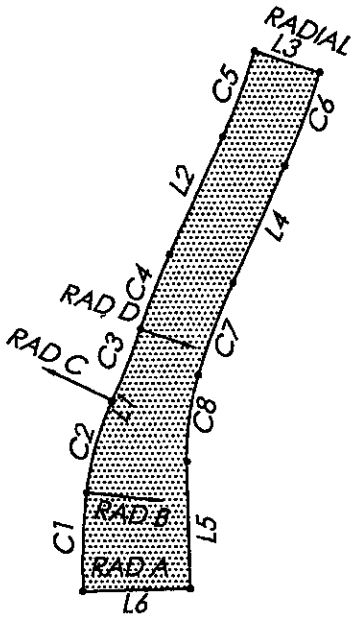
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REGISTERED LAND SURVEYOR
CERTIFICATE NO.
37496
JOHN J.
SCOTT
Date Signed 11-10-09
ARIZONA, U.S.A.
Expires 9/30/2011

SHEET 1 OF 2

Exhibit H (Drawing)

SHEET 2 OF 2



Scale 1" = 200'

CURVE TABLE				
CURVE	LENGTH	RADIUS	DELTA	TANGENT
C1	106.08	763.27	7°57'48"	53.13
C2	101.52	304.56	19°05'53"	51.23
C3	82.06	745.65	6°18'19"	41.07
C4	86.83	840.00	5°55'21"	43.45
C5	97.02	809.74	6°51'54"	48.57
C6	106.00	884.74	6°51'54"	53.07
C7	105.85	765.00	7°55'40"	53.01
C8	93.88	300.43	17°54'18"	47.33

RADIAL BEARING TABLE	
RAD A	N88°18'26"E
RAD B	S83°57'12"E
RAD C	N65°03'40"W
RAD D	S71°34'21"E

LINE TABLE		
LINE	LENGTH	BEARING
L1	1.60	N25°08'41"E
L2	137.50	N24°21'00"E
L3	75.00	S72°30'53"E
L4	137.50	S24°21'00"W
L5	136.26	S01°28'58"E
L6	117.06	S88°41'33"W

REGISTERED LAND SURVEYOR
CERTIFICATE NO.
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Exhibit I
(Description)

Following is a description of a parcel of land which is a portion of the parcel of land described in Instrument No. 3228142 of the records of the Coconino County Recorder's Office. The parcel of land is located in the southwest 1/4 of Section 23, Township 21 North, Range 7 East, Gila and Salt River Baseline and Meridian, Coconino County, Arizona. (Note: All references the recorded instruments refer to the records of the Coconino County Recorder's Office.)

The parcel of land is more particularly described by metes and bounds as follows:

COMMENCING at the southwest corner of Section 14, monumented with an USDI/BLM brass cap, dated 1981. From which point the west 1/4 corner of Section 14, monumented with a 3 inch aluminum cap, LS 26406, bears North 01°35'29" West, 2720.59 feet (Basis of Bearings for this description):

THENCE North 88°39'25" East along the south line of the southwest 1/4 of Section 14, and along the north line of the parcels of land described in Instrument No. 3101540 and Instrument No. 3086724 and along the south line of the parcel of land described in Instrument No. 3469519, 375.60 feet to the southeast corner of the parcel of land described in Instrument No. 3469519 and to the southwest corner of the parcel of land described as Parcel 1 in Instrument No. 3478120, monumented with a nail in concrete;

THENCE North 88°40'08" East along the south line of the southwest 1/4 of Section 14, and along the north line of the parcel of land described in Instrument No. 3086724 and along the south line of Parcel 1, 123.29 feet to the northeast corner of Instrument No. 3086724 and to the northwest corner of the parcel of land described in Docket 2035, Page 813, monumented with a 3/4 inch iron pipe.;

THENCE North 89°05'48" East, along the south line of the southwest 1/4 of Section 14, and along the south line of Parcel 1 and along the north line of the parcel of land described in Docket 2035, Page 813, 26.69 feet to the southeast corner of Parcel 1 and to the southwest corner of the parcel of land described as Parcel 2 in Docket 1827, Page 471, monumented with a 3/8" rebar in concrete;

THENCE North 24°15'41" East along the east line of Parcel 1 and along the west line of Parcel 2, 433.72 feet to the most northwest corner of Parcel 2 and to the west line of the parcel of land described in Instrument No. 3228142;

THENCE South 65°39'07" East along the north line of Parcel 2 and along a portion of the west line of the parcel of land described in Instrument No. 3228142, 0.43 feet to the northeast corner of Parcel 2 the **TRUE POINT OF BEGINNING** of this description:

THENCE South 65°39'00" East, 33.89 feet;

THENCE South 24°21'00" West, 18.95 feet;

THENCE southwesterly along a curve to the left having a radius of 840.00 feet and a central angle of 5°55'21", an arc distance of 86.83 feet (chord bearing South 21°23'20" West, chord distance 86.79 feet) to a non-tangent curve whose radius point bears North 71°21'59" West;

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THENCE southwesterly along a curve to the right having a radius of 745.65 feet and a central angle of 6°18'19", an arc distance of 82.06 feet (chord bearing South 21°47'10" West, chord distance 82.02 feet) to a non-tangent line;

THENCE South 25°08'41" West, 1.60 feet, to a non-tangent curve whose radius bears South 64°51'19" East;

THENCE southerly along a curve to the left having a radius of 304.56 feet and a central angle of 19°05'53", an arc distance of 101.52 feet (chord bearing South 15°35'45" East, chord distance 101.05 feet) to a non-tangent curve whose radius point bears South 83°43'12" East;

THENCE southerly along a curve to the left having a radius of 763.27 feet and a central angle of 0°45'27", an arc distance of 10.09 feet (chord bearing South 05°53'30" West, chord distance 10.09 feet) to a non-tangent curve whose radius point bears South 88°35'20" East and to the east line of Parcel 2 and to the west line of the parcel of land described in Instrument No.3228142;

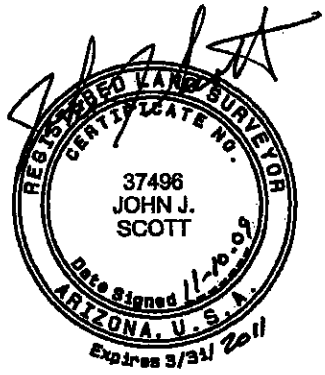
THENCE northeasterly along the east line of Parcel 2 and along the west line of the parcel of land described in Instrument No.3228142 along a curve to the right having a radius of 766.20 feet and a central angle of 22°56'13", an arc distance of 306.73 feet (chord bearing North 12°51'21" East, chord distance 305.30 feet) to the **TRUE POINT OF BEGINNING** of this description.

The above described parcel of land contains 0.15 acres (6442.97 sq ft), more or less.

For a drawing of the parcel described above, see **Exhibit I (Drawing)**, which by this reference is made part of this description.

Right of Way
Descriptive Title

03-09012
City File No.

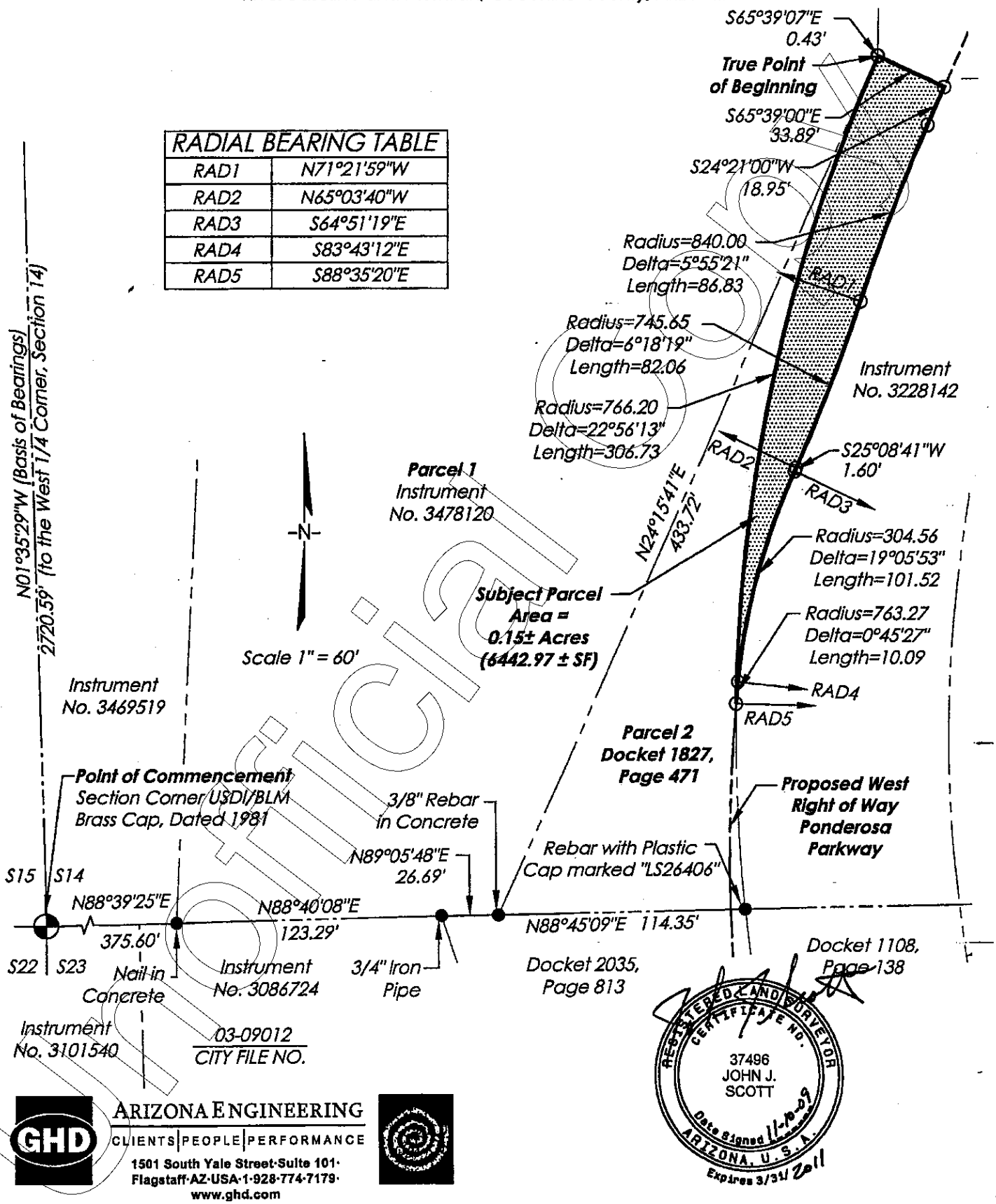


Unofficial Copy

Exhibit I (Drawing)

A portion of the parcel of land described in Instrument No. 3228142 and located in the Southwest 1/4 of Section 14, Township 21 North, Range 7 East, Gila and Salt River Baseline and Meridian, Coconino County, Arizona.

RADIAL BEARING TABLE	
RAD1	N71°21'59"W
RAD2	N65°03'40"W
RAD3	S64°51'19"E
RAD4	S83°43'12"E
RAD5	S88°35'20"E



REGISTERED LAND SURVEYOR
CERTIFICATE NO.
37496
JOHN J.
SCOTT
Date Signed 11-10-09
ARIZONA, U.S.A.
Expires 3/31/2011

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Flagstaff·AZ·USA·1·928·774·7179·
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Exhibit J

(Description 1)

Following is a description of a parcel of land which is a portion of the parcel of land described as Parcel 3 in Instrument 3227936, of the records of the Coconino County Recorder's Office. The parcel of land is located in the northwest 1/4 of Section 23, Township 21 North, Range 7 East, Gila and Salt River Baseline and Meridian, Coconino County, Arizona. (Note: All references the recorded instruments refer to the records of the Coconino County Recorder's Office.)

The parcel of land is more particularly described by metes and bounds as follows:

COMMENCING at the northwest corner of Section 23, monumented with a USDI/BLM brass cap, dated 1981. From which point the west 1/4 corner of Section 14, Township 21 North, Range 7 East, monumented with a 3 inch aluminum cap, LS 26406, bears North 01°35'29" West, 2720.59 feet (Basis of Bearings for this description):

THENCE North 88°39'25" East along the north line of the northwest 1/4 of Section 23, and along the north line of the parcels of land described in Instrument No. 3101540 and Instrument No. 3086724 and along the south line of the parcel of land described in Instrument No. 3469519, 375.60 feet to the southeast corner of the parcel of land described in Instrument No. 3469519 and to the southwest corner of the parcel of land described as Parcel 1 in Instrument No. 3478120, monumented with a nail in concrete;

THENCE North 88°40'08" East along the north line of the northwest 1/4 of Section 23, and along the north line of the parcel of land described in Instrument No. 3086724 and along the south line of Parcel 1(Instrument No. 3478120), 123.29 feet to the northeast corner of Instrument No. 3086724 and to the northwest corner of the parcel of land described in Docket 2035, Page 813, monumented with a 3/4 inch iron pipe;

THENCE South 18°35'16" East along the east line of the parcel of land described in Instrument No.3086724 and along the west line of the parcel of land described in Docket 2035, Page 813, 111.28 feet to the southwest corner of the parcel of land described in Docket 2035, Page 813 and to the northwest corner of the parcel of land described in Docket 2072, Page 530;

THENCE South 18°35'16" East along the east line of the parcel of land described in Instrument No. 3086724 and along the west line of the parcel of land described in Docket 2072, Page 530, 140.00 feet to the north line of the 105 foot wide right of way for Route 66, monumented with a 5/8 inch rebar with aluminum cap marked ARENCO LS13010;

THENCE North 71°20'15" East along the south line of the parcel of land described in Docket 2072, Page 530, and along the north right of way line of Route 66, 100.50 feet to southeast corner of the parcel of land described in Docket 2072, Page 530 and to the southwest corner of the parcel of land described in Docket 1108, Page 138, monumented with a scribed X in concrete;

THENCE North 71°20'15" East, along the south line of the parcel of land described in Docket 1108, Page 138 and along the north right of way line of Route 66, 108.53 feet to the southeast corner of the parcel of land described in Docket 1108, Page 138 and to the southwest corner of the parcel of land described as Parcel 1 in Docket 1827, Page 471, monumented with a scribed X in concrete;

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THENCE North 71°20'15" East, along the south line of Parcel 1 (Docket 1872, Page 471) and along the north right of way line of Route 66, 126.70 feet to the southeast corner of Parcel 1 (Docket 1872, Page 471) and to the southwest corner of the parcel of land described as Parcel 3 in Instrument No. 3227936, the **TRUE POINT OF BEGINNING** of this description.

THENCE North 18°35'24" West, along the east line of Parcel 1 (Docket 1872, Page 471) and along the west line of Parcel 3, 6.00 feet;

THENCE North 71°20'15" East, parallel with and 6.00 feet north of the north right of way line of Route 66, 199.31 feet to the east line of Parcel 3 and to the west line of the parcel of land described as Parcel 2 in Instrument No. 3227936;

THENCE South 18°24'47" East, along the east line of Parcel 3 and along the west line of Parcel 2, 6.00 feet to the north right of way line of Route 66;

THENCE South 71°20'15" West, along the south line of Parcel 3 and along the north right of way line of Route 66, 199.29 feet to the **TRUE POINT OF BEGINNING** of this description.

The above described parcel of land contains 0.027 acres (1195.81 sq ft), more or less.

For a drawing of the parcel described above, see **Exhibit J (Drawing 1)**, which by this reference is made part of this description.

Right of Way
Descriptive Title

03-09012
City File No.

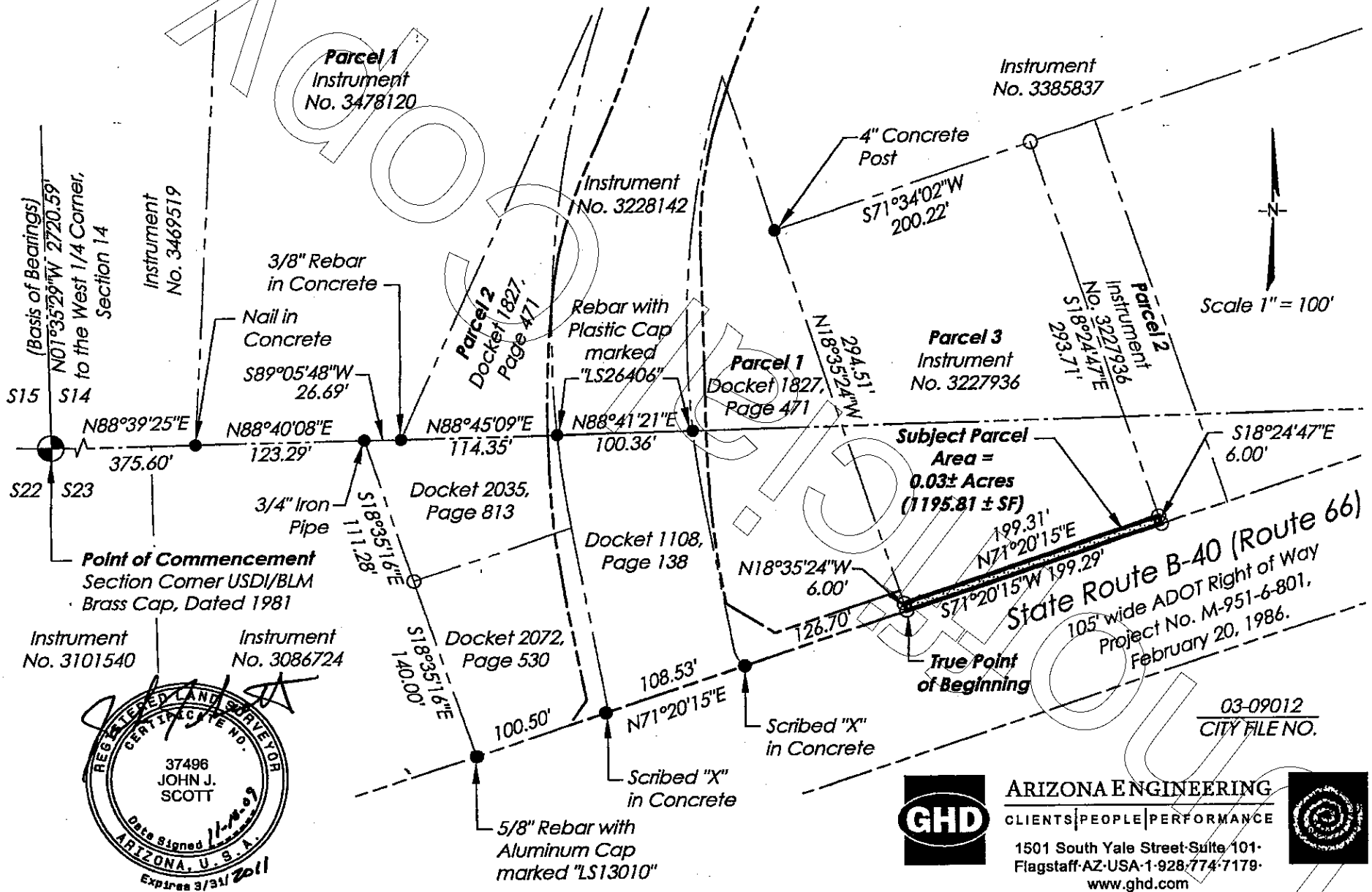


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Exhibit J (Drawing 1)

A portion of the parcel of land described as Parcel 3 in Instrument No. 3227936. Located in the Northwest 1/4 of Section 23, Township 21 North, Range 7 East, Gila and Salt River Baseline and Meridian, Coconino County, Arizona.



REGISTERED LAND SURVEYOR
CERTIFICATE NO.
37496
JOHN J.
SCOTT
Date Signed 11-18-09
ARIZONA, U. S. A.
Expires 3/31/2011

03-09012
CITY FILE NO.

GHD
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Flagstaff·AZ·USA·1·928·774·7179·
www.ghd.com

AQ Construction

Exhibit J

(Description 2)

Following is a description of a parcel of land which is a portion of the parcel of land described as Parcel 2 in Instrument 3227936, of the records of the Coconino County Recorder's Office. The parcel of land is located in the northwest 1/4 of Section 23, Township 21 North, Range 7 East, Gila and Salt River Baseline and Meridian, Coconino County, Arizona. (Note: All references the recorded instruments refer to the records of the Coconino County Recorder's Office.)

The parcel of land is more particularly described by metes and bounds as follows:

COMMENCING at the northwest corner of Section 23, monumented with a USDI/BLM brass cap, dated 1981. From which point the west 1/4 corner of Section 14, Township 21 North, Range 7 East monumented with a 3 inch aluminum cap, LS 26406, bears North 01°35'29" West, 2720.59 feet (Basis of Bearings for this description):

THENCE North 88°39'25" East along the north line of the northwest 1/4 of Section 23, and along the north line of the parcels of land described in Instrument No. 3101540 and Instrument No. 3086724 and along the south line of the parcel of land described in Instrument No. 3469519, 375.60 feet to the southeast corner of the parcel of land described in Instrument No. 3469519 and to the southwest corner of the parcel of land described as Parcel 1 in Instrument No. 3478120, monumented with a nail in concrete;

THENCE North 88°40'08" East along the north line of the northwest 1/4 of Section 23, and along the north line of the parcel of land described in Instrument No. 3086724 and along the south line of Parcel 1(Instrument No. 3478120), 123.29 feet to the northeast corner of Instrument No. 3086724 and to the northwest corner of the parcel of land described in Docket 2035, Page 813, monumented with a 3/4 inch iron pipe;

THENCE South 18°35'16" East along the east line of the parcel of land described in Instrument No.3086724 and along the west line of the parcel of land described in Docket 2035, Page 813, 111.28 feet to the southwest corner of the parcel of land described in Docket 2035, Page 813 and to the northwest corner of the parcel of land described in Docket 2072, Page 530;

THENCE South 18°35'16" East along the east line of the parcel of land described in Instrument No. 3086724 and along the west line of the parcel of land described in Docket 2072, Page 530, 140.00 feet to the north line of the 105 foot wide right of way for Route 66, monumented with a 5/8 inch rebar with aluminum cap marked ARENCO LS13010;

THENCE North 71°20'15" East along the south line of the parcel of land described in Docket 2072, Page 530, and along the north right of way line of Route 66, 100.50 feet to southeast corner of the parcel of land described in Docket 2072, Page 530 and to the southwest corner of the parcel of land described in Docket 1108, Page 138, monumented with a scribed X in concrete;

THENCE North 71°20'15" East, along the south line of the parcel of land described in Docket 1108, Page 138 and along the north right of way line of Route 66, 108.53 feet to the southeast corner of the parcel of land described in Docket 1108, Page 138 and to the southwest corner of the parcel of land described as Parcel 1 in Docket 1827, Page 471, monumented with a scribed X in concrete;

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THENCE North 71°20'15" East, along the south line of Parcel 1 (Docket 1872, Page 471) and along the north right of way line of Route 66, 126.70 feet to the southeast corner of Parcel 1 (Docket 1872, Page 471) and to the southwest corner of the parcel of land described as Parcel 3 in Instrument No. 3227936;

THENCE North 71°20'15" East, along the south line of Parcel 3 and along the north right of way line of Route 66, 199.29 feet to the southeast corner of Parcel 3 and to the southwest corner of the parcel of land described as Parcel 2 in Instrument No. 3227936, the **TRUE POINT OF BEGINNING** of this description.

THENCE North 18°24'47" West, along the east line of Parcel 3 and along the west line of Parcel 2, 6.00 feet;

THENCE North 71°20'15" East, parallel with and 6.00 feet north of the north right of way line of Route 66, 50.00 feet to the east line of Parcel 2 and to the west line of the parcel of land described in Instrument No. 3340460;

THENCE South 18°24'47" East, along the east line of Parcel 2 and along the west line of the parcel of land described in Instrument No. 3340460, 6.00 feet to the north right of way line of Route 66;

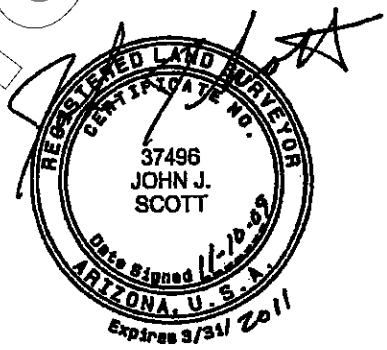
THENCE South 71°20'15" West, along the south line of Parcel 2 and along the north right of way line of Route 66, 50.00 feet to the **TRUE POINT OF BEGINNING** of this description.

The above described parcel of land contains 0.007 acres (300.00 sq ft), more or less.

For a drawing of the parcel described above, see **Exhibit J(Drawing 2)**, which by this reference is made part of this description.

Right of Way
Descriptive Title

03-09012
City File No.

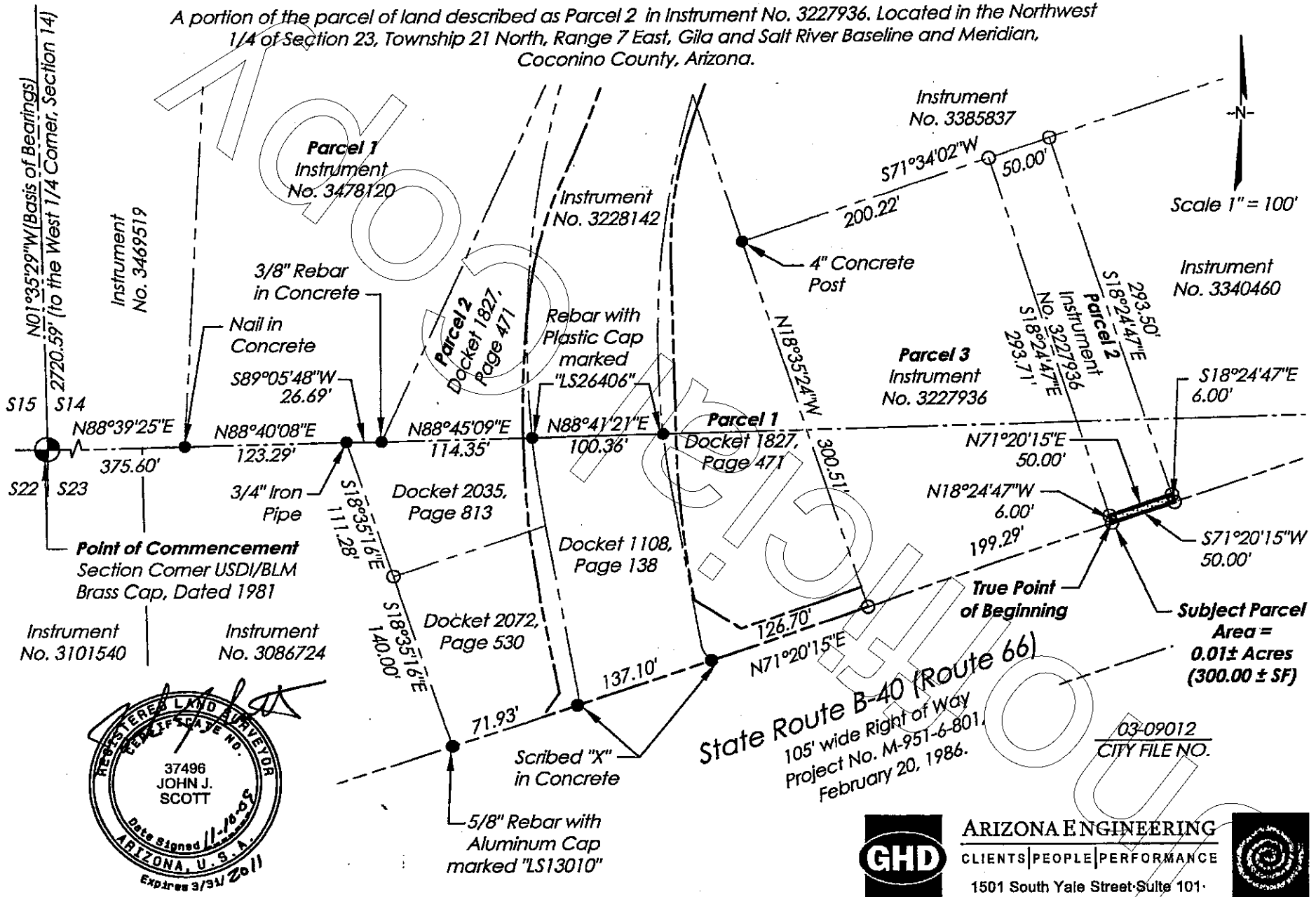


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Exhibit J (Drawing 2)

A portion of the parcel of land described as Parcel 2 in Instrument No. 3227936. Located in the Northwest 1/4 of Section 23, Township 21 North, Range 7 East, Gila and Salt River Baseline and Meridian, Coconino County, Arizona.



REGISTERED LAND SURVEYOR
CERTIFICATE NO.
37496
JOHN J.
SCOTT
Date Signed 11-10-09
ARIZONA, U.S.A.
Expires 3/31/ 2011

03-09012
CITY FILE NO.

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Flagstaff·AZ·USA·1·928·774·7179·
www.ghd.com

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Exhibit J

(Description 3)

Following is a description of a parcel of land which is a portion of the parcel of land described in Instrument No. 3340460, of the records of the Coconino County Recorder's Office. The parcel of land is located in the northwest 1/4 of Section 23 and the southwest 1/4 of Section 14, Township 21 North, Range 7 East, Gila and Salt River Baseline and Meridian, Coconino County, Arizona. (Note: All references the recorded instruments refer to the records of the Coconino County Recorder's Office.)

The parcel of land is more particularly described by metes and bounds as follows:

COMMENCING at the northwest corner of Section 23, monumented with an USDI/BLM brass cap, dated 1981. From which point the west 1/4 corner of Section 14, monumented with a 3 inch aluminum cap, LS 26406, bears North 01°35'29" West, 2720.59 feet (Basis of Bearings for this description):

THENCE North 88°39'25" East along the north line of the northwest 1/4 of Section 23, and along the north line of the parcels of land described in Instrument No. 3101540 and Instrument No. 3086724 and along the south line of the parcel of land described in Instrument No. 3469519, 375.60 feet to the southeast corner of the parcel of land described in Instrument No. 3469519 and to the southwest corner of the parcel of land described as Parcel 1 in Instrument No. 3478120, monumented with a nail in concrete;

THENCE North 88°40'08" East along the north line of the northwest 1/4 of Section 23, and along the north line of the parcel of land described in Instrument No. 3086724 and along the south line of Parcel 1(Instrument No. 3478120), 123.29 feet to the northeast corner of Instrument No. 3086724 and to the northwest corner of the parcel of land described in Docket 2035, Page 813, monumented with a 3/4 inch iron pipe;

THENCE South 18°35'16" East along the east line of the parcel of land described in Instrument No. 3086724 and along the west line of the parcel of land described in Docket 2035, Page 813, 111.28 feet to the southwest corner of the parcel of land described in Docket 2035, Page 813 and to the northwest corner of the parcel of land described in Docket 2072, Page 530;

THENCE South 18°35'16" East along the east line of the parcel of land described in Instrument No. 3086724 and along the west line of the parcel of land described in Docket 2072, Page 530, 140.00 feet to the north line of the 105 foot wide right of way for Route 66, monumented with a 5/8 inch rebar with aluminum cap marked ARENCO LS13010;

THENCE North 71°20'15" East along the north right of way line of Route 66, 335.73 feet to the southeast corner of the parcel of land described as Parcel 1 in Docket 1827, Page 471 and to the southwest corner of the parcel of land described as Parcel 3 in Instrument No. 3227936;

THENCE North 71°20'15" East, along the south line of Parcel 3 and along the north right of way line of Route 66, 199.29 feet to the southeast corner of Parcel 3 and to the southwest corner of the parcel of land described as Parcel 2 in Instrument No. 3227936;

THENCE North 71°20'15" East, along the south line of Parcel 2 and along the north right of way line of Route 66, 50.00 feet to the southeast corner of Parcel 2 and to the southwest corner of

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the parcel of land described in Instrument No. 3340460, the **TRUE POINT OF BEGINNING** of this description.

THENCE North 18°24'47" West, along the east line of Parcel 2 and along the west line of the parcel of land described in Instrument No. 3340460, 6.00 feet;

THENCE North 71°20'15" East, parallel with the north right of way line of Route 66, 249.48 feet to the east line of the parcel of land described in Instrument No. 3340460 and to the west line of the parcel of land described in Docket 1947, Page 830;

THENCE South 01°32'06" East, along the east line of the parcel of land described in Instrument No. 3340460 and along the west line of the parcel of land described in Docket 1947, Page 830, 16.74 feet to the southeast corner of the parcel of land described in Instrument No. 3340460 and to the southwest corner of the parcel of land described in Docket 1947, Page 830 and to the north right of way line of Route 66;

THENCE South 71°20'15" West, along the south line of the parcel of land described in Instrument No. 3340460 and along the north right of way line of Route 66, 102.81 feet;

THENCE North 00°44'50" West, along the south line of the parcel of land described in Instrument No. 3340460 and along the north right of way line of Route 66, 10.51 feet;

THENCE South 71°20'15" West, along the south line of the parcel of land described in Instrument No. 3340460 and along the north right of way line of Route 66, 145.00 feet to the **TRUE POINT OF BEGINNING** of this description.

The above described parcel of land contains 0.057 acres (2518.79 sq ft), more or less.

For a drawing of the parcel described above, see **Exhibit J(Drawing 3)**, which by this reference is made part of this description.

Right of Way
Descriptive Title

03-09012
City File No.

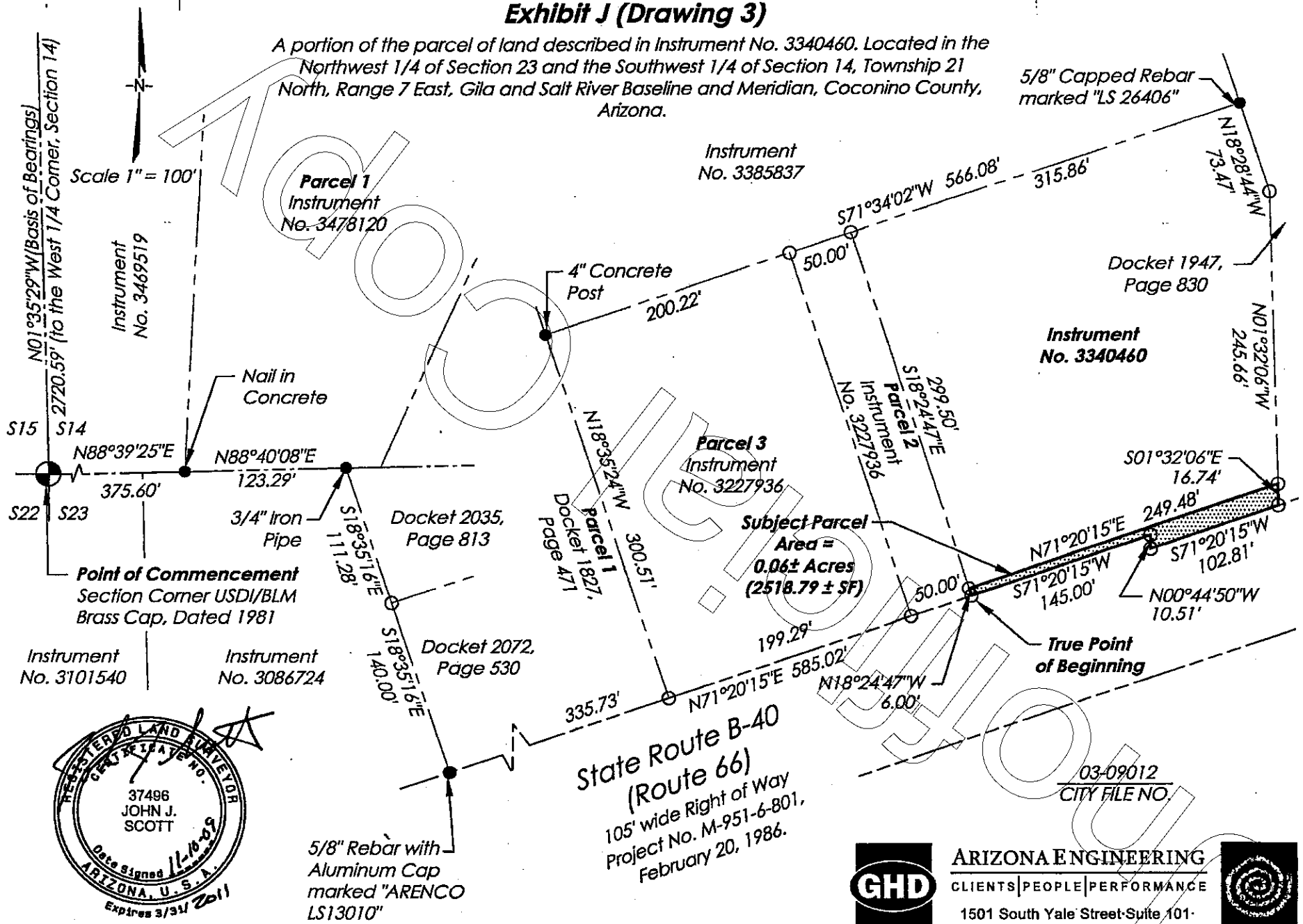


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Exhibit J (Drawing 3)

A portion of the parcel of land described in Instrument No. 3340460. Located in the Northwest 1/4 of Section 23 and the Southwest 1/4 of Section 14, Township 21 North, Range 7 East, Gila and Salt River Baseline and Meridian, Coconino County, Arizona.



REGISTERED LAND SURVEYOR
CERTIFICATE NO.
37496
JOHN J.
SCOTT
Date Signed 11-10-09
ARIZONA, U.S.A.
Expires 3/31/2011

03-09012
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Exhibit K

(Description 1)

Following is a description of a parcel of land which is a portion of the parcel of land described as Parcel 3 in Instrument No. 3227936, of the records of the Coconino County Recorder's Office. The parcel of land is located in the southwest 1/4 of Section 14, Township 21 North, Range 7 East, Gila and Salt River Baseline and Meridian, Coconino County, Arizona. (Note: All references to recorded instruments refer to the records of the Coconino County Recorder's Office.)

The parcel of land is more particularly described by metes and bounds as follows:

COMMENCING at the southwest corner of Section 14, monumented with a USDI/BLM brass cap, dated 1981. From which point the west 1/4 corner of Section 14, monumented with a 3 inch aluminum cap, LS 26406, bears North 01°35'29" West, 2720.59 feet (Basis of Bearings for this description):

THENCE North 88°39'25" East along the south line of the southwest 1/4 of Section 14, and along the north line of the parcels of land described in Instrument No. 3101540 and Instrument No. 3086724 and along the south line of the parcel of land described in Instrument No. 3469519, 375.60 feet to the southeast corner of the parcel of land described in Instrument No. 3469519 and to the southwest corner of the parcel of land described as Parcel 1 in Instrument No. 3478120, monumented with a nail in concrete;

THENCE North 88°40'08" East along the south line of the southwest 1/4 of Section 14, and along the north line of the parcel of land described in Instrument No. 3086724 and along the south line of Parcel 1(Instrument No. 3478120), 123.29 feet to the northeast corner of the parcel of land described in Instrument No. 3086724 and to the northwest corner of the parcel of land described in Docket 2035, Page 813, monumented with a 3/4 inch iron pipe;

THENCE South 18°35'16" East along the east line of the parcel of land described in Instrument No. 3086724 and along the west line of the parcel of land described in Docket 2035, Page 813, 111.28 feet to the southwest corner of the parcel of land described in Docket 2035, Page 813 and to the northwest corner of the parcel of land described in Docket 2072, Page 530;

THENCE South 18°35'16" East along the east line of the parcel of land described in Instrument No. 3086724 and along the west line of the parcel of land described in Docket 2072, Page 530, 140.00 feet to the north line of the 105 foot wide right of way for Route 66, monumented with a 5/8 inch rebar with aluminum cap marked ARENCO LS13010;

THENCE North 71°20'15" East along the north right of way line of Route 66, 335.73 feet to the southeast corner of the parcel of land described as Parcel 1 in Docket 1827, Page 471 and to the southwest corner of the parcel of land described as Parcel 3 in Instrument No. 3227936;

THENCE North 18°35'24" West along the east line of Parcel 1 (Docket 1827, Page 471) and along the west line of Parcel 3, 296.51 feet to the **TRUE POINT OF BEGINNING** of this description.

THENCE North 18°35'24" West along the east line of Parcel 1 (Docket 1827, Page 471) and along the west line of Parcel 3, 4.00 feet to the northwest corner of Parcel 3 and to the south

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line of the parcel of land described in Instrument No. 3385837, monumented with a 4 inch by 4 inch concrete post;

THENCE North 71°34'02" East along the north line of Parcel 3 and along the south line of the parcel of land described in Instrument No. 3385837, 200.22 feet to the northeast corner of Parcel 3 and the northwest corner of the parcel of land described as Parcel 2 in Instrument No. 3227936;

THENCE South 18°24'47" East along the east line of Parcel 3 and along the west line of Parcel 2, 4.00 feet;

THENCE South 71°34'02" West parallel with and 4.00 feet south of the north line of Parcel 3, 200.22 feet to the **TRUE POINT OF BEGINNING** of this description.

The above described parcel of land contains 0.018 acres (800.88 sq ft), more or less.

For a drawing of the parcel of land described above see **Exhibit K (Drawing 1)**, which by this reference is made part of this description.

4 Foot Wide Sewer Easement
Descriptive Title

03-09012
City File No.

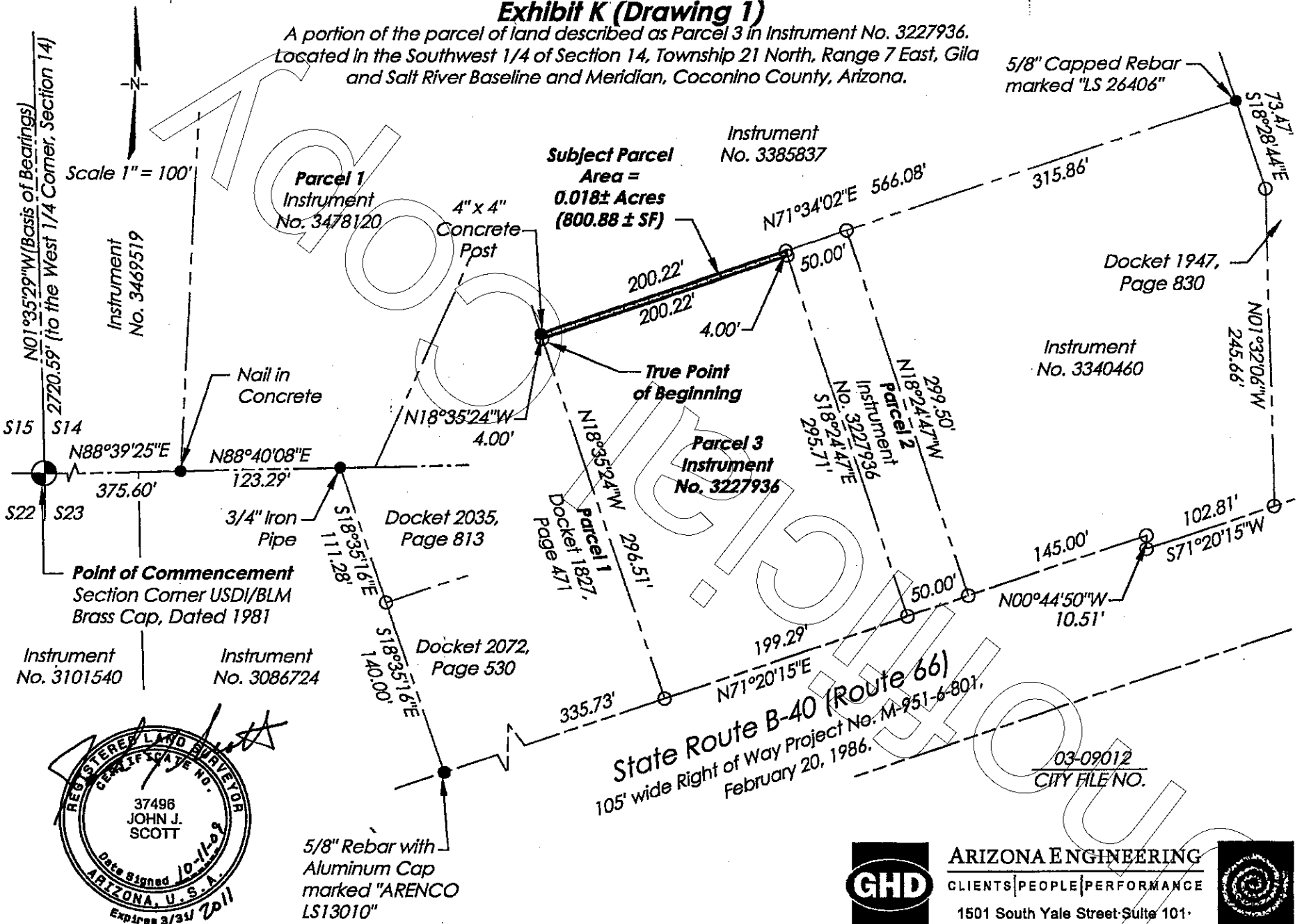


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Exhibit K (Drawing 1)

A portion of the parcel of land described as Parcel 3 in Instrument No. 3227936. Located in the Southwest 1/4 of Section 14, Township 21 North, Range 7 East, Gila and Salt River Baseline and Meridian, Coconino County, Arizona.



REGISTERED LAND SURVEYOR
CERTIFICATE NO.
37496
JOHN J.
SCOTT
Date Signed 10-11-09
ARIZONA, U.S.A.
Expires 3/31/ 2011

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www.ghd.com

Document is NOT OFFICIAL!

Exhibit K

(Description 2)

Following is a description of a parcel of land which is a portion of the parcel of land described as Parcel 2 in Instrument No. 3227936, of the records of the Coconino County Recorder's Office. The parcel of land is located in the southwest 1/4 of Section 14, Township 21 North, Range 7 East, Gila and Salt River Baseline and Meridian, Coconino County, Arizona. (Note: All references the recorded instruments refer to the records of the Coconino County Recorder's Office.)

The parcel of land is more particularly described by metes and bounds as follows:

COMMENCING at the southwest corner of Section 14, monumented with an USDI/BLM brass cap, dated 1981. From which point the west 1/4 corner of Section 14, monumented with a 3 inch aluminum cap, LS 26406, bears North 01°35'29" West, 2720.59 feet (Basis of Bearings for this description):

THENCE North 88°39'25" East along the south line of the southwest 1/4 of Section 14, and along the north line of the parcels of land described in Instrument No. 3101540 and Instrument No. 3086724 and along the south line of the parcel of land described in Instrument No. 3469519, 375.60 feet to the southeast corner of the parcel of land described in Instrument No. 3469519 and to the southwest corner of the parcel of land described as Parcel 1 in Instrument No. 3478120, monumented with a nail in concrete;

THENCE North 88°40'08" East along the south line of the southwest 1/4 of Section 14, and along the north line of the parcel of land described in Instrument No. 3086724 and along the south line of Parcel 1(Instrument No. 3478120), 123.29 feet to the northeast corner of the parcel of land described in Instrument No. 3086724 and to the northwest corner of the parcel of land described in Docket 2035, Page 813, monumented with a 3/4 inch iron pipe;

THENCE South 18°35'16" East along the east line of the parcel of land described in Instrument No. 3086724 and along the west line of the parcel of land described in Docket 2035, Page 813, 111.28 feet to the southwest corner of the parcel of land described in Docket 2035, Page 813 and to the northwest corner of the parcel of land described in Docket 2072, Page 530;

THENCE South 18°35'16" East along the east line of the parcel of land described in Instrument No. 3086724 and along the west line of the parcel of land described in Docket 2072, Page 530, 140.00 feet to the north line of the 105 foot wide right of way for Route 66, monumented with a 5/8 inch rebar with aluminum cap marked ARENCO LS13010;

THENCE North 71°20'15" East along the north right of way line of Route 66, 335.73 feet to the southeast corner of the parcel of land described as Parcel 1 in Docket 1827, Page 471 and to the southwest corner of the parcel of land described as Parcel 3 in Instrument No. 3227936;

THENCE North 18°35'24" West along the east line of Parcel 1 (Docket 1827, Page 471) and along the west line of Parcel 3, 300.51 feet to the northwest corner of Parcel 3 and to the south line of the parcel of land described in Instrument No. 3385837, monumented with a 4 inch by 4 inch concrete post;

THENCE North 71°34'02" East along the north line of Parcel 3 and along the south line of the parcel of land described in Instrument No. 3385837, 200.22 feet to the northeast corner of

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Parcel 3 and the northwest corner of the parcel of land described as Parcel 2 in Instrument No. 3227936, the **TRUE POINT OF BEGINNING** of this description.

THENCE North 71°34'02" East along the north line of Parcel 2 and along the south line of the parcel of land described in Instrument No. 3385837, 50.00 feet to the northeast corner of Parcel 2 and the northwest corner of the parcel of land described in Instrument No. 3340460;

THENCE South 18°24'47" East along the east line of Parcel 2 and along the west line of the parcel of land described in Instrument No. 3340460, 4.00 feet;

THENCE South 71°34'02" West parallel with and 4.00 feet south of the north line of Parcel 2, 50.00 feet to the east line of Parcel 3 and to the west line of Parcel 2;

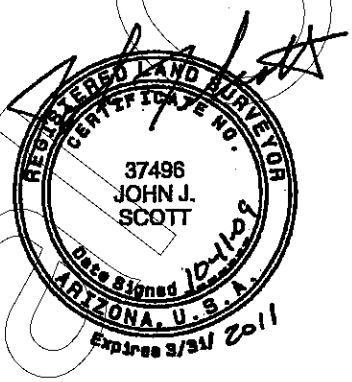
THENCE North 18°24'47" West along the east line of parcel 3 and along the west line of Parcel 2, 4.00 feet to the **TRUE POINT OF BEGINNING** of this description.

The above described parcel of land contains 0.004 acres (200.00 sq ft), more or less.

For a drawing of the parcel described above, see **Exhibit K (Drawing 2)**, which by this reference is made part of this description.

4 Foot Wide Sewer Easement
Descriptive Title

03-09012
City File No.

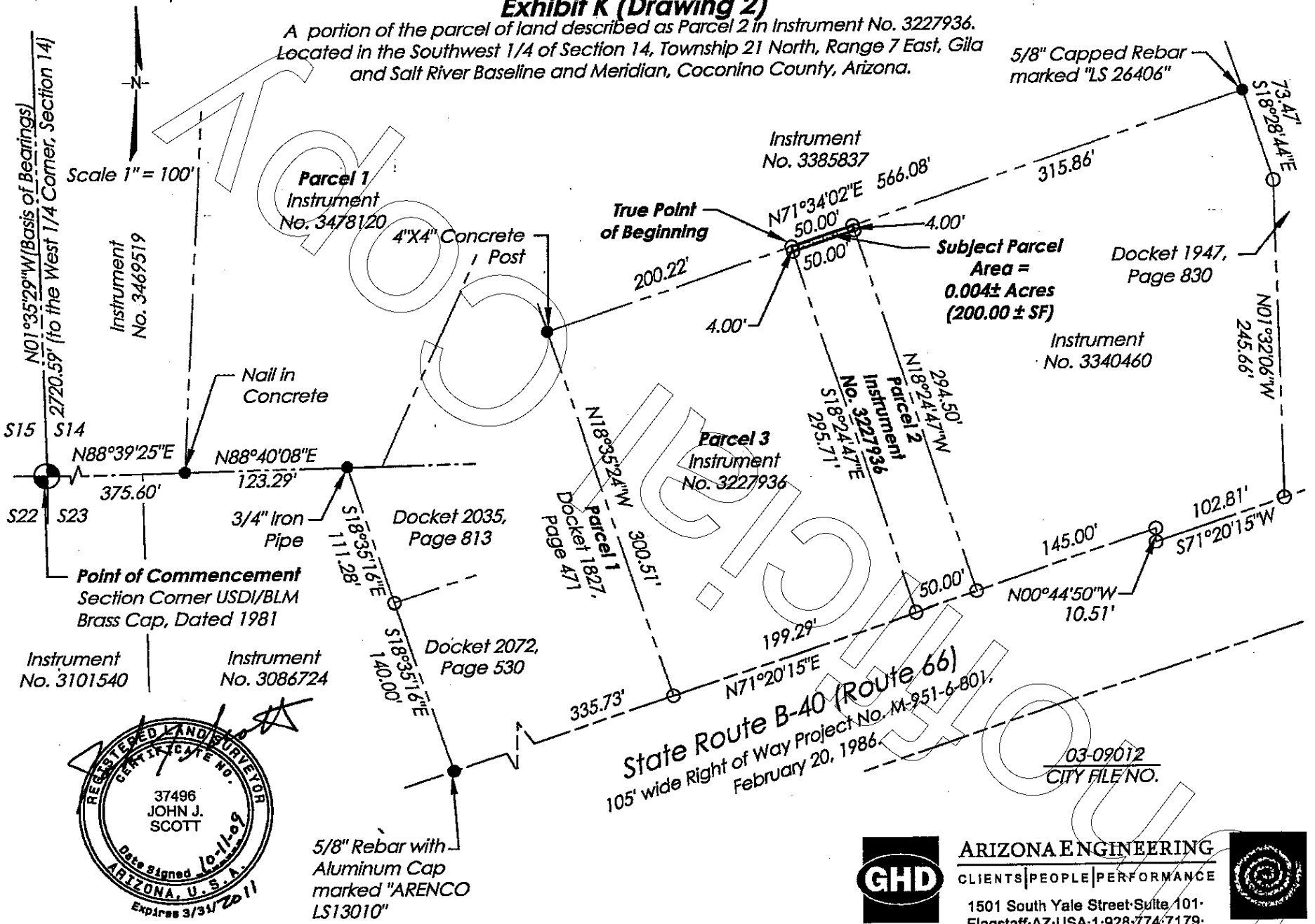


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Exhibit K (Drawing 2)

A portion of the parcel of land described as Parcel 2 in Instrument No. 3227936. Located in the Southwest 1/4 of Section 14, Township 21 North, Range 7 East, Gila and Salt River Baseline and Meridian, Coconino County, Arizona.



REGISTERED LAND SURVEYOR
CERTIFICATE NO.
37496
JOHN J.
SCOTT
Date Signed 10-11-09
ARIZONA, U.S.A.
Expires 3/31/2011

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Exhibit K

(Description 3)

Following is a description of a parcel of land which is a portion of the parcel of land described in Instrument No. 3340460, of the records of the Coconino County Recorder's Office. The parcel of land is located in the southwest 1/4 of Section 14, Township 21 North, Range 7 East, Gila and Salt River Baseline and Meridian, Coconino County, Arizona. (Note: All references the recorded instruments refer to the records of the Coconino County Recorder's Office.)

The parcel of land is more particularly described by metes and bounds as follows:

COMMENCING at the southwest corner of Section 14, monumented with a USDI/BLM brass cap, dated 1981. From which point the west 1/4 corner of Section 14, monumented with a 3 inch aluminum cap, LS 26406, bears North 01°35'29" West, 2720.59 feet (Basis of Bearings for this description):

THENCE North 88°39'25" East along the south line of the southwest 1/4 of Section 14, and along the north line of the parcels of land described in Instrument No. 3101540 and Instrument No. 3086724 and along the south line of the parcel of land described in Instrument No. 3469519, 375.60 feet to the southeast corner of the parcel of land described in Instrument No. 3469519 and to the southwest corner of the parcel of land described as Parcel 1 in Instrument No. 3478120, monumented with a nail in concrete;

THENCE North 88°40'08" East along the south line of the southwest 1/4 of Section 14, and along the north line of the parcel of land described in Instrument No. 3086724 and along the south line of Parcel 1(Instrument No. 3478120), 123.29 feet to the northeast corner of the parcel of land described in Instrument No. 3086724 and to the northwest corner of the parcel of land described in Docket 2035, Page 813, monumented with a 3/4 inch iron pipe;

THENCE South 18°35'16" East along the east line of the parcel of land described in Instrument No. 3086724 and along the west line of the parcel of land described in Docket 2035, Page 813, 111.28 feet to the southwest corner of the parcel of land described in Docket 2035, Page 813 and to the northwest corner of the parcel of land described in Docket 2072, Page 530;

THENCE South 18°35'16" East along the east line of the parcel of land described in Instrument No. 3086724 and along the west line of the parcel of land described in Docket 2072, Page 530, 140.00 feet to the north line of the 105 foot wide right of way for Route 66, monumented with a 5/8 inch rebar with aluminum cap marked ARENCO LS13010;

THENCE North 71°20'15" East along the north right of way line of Route 66, 335.73 feet to the southeast corner of the parcel of land described as Parcel 1 in Docket 1827, Page 471 and to the southwest corner of the parcel of land described as Parcel 3 in Instrument No. 3227936;

THENCE North 18°35'24" West, along the east line of Parcel 1 (Docket 1827, Page 471) and along the west line of Parcel 3, 300.51 feet to the northwest corner of Parcel 3 and to a point on the south line of the parcel of land described in Instrument No. 3385837, monumented with a 4 inch by 4 inch concrete post;

THENCE North 71°34'02" East, along the north line of Parcel 3 and along the south line of the parcel of land described in Instrument No. 3385837, 200.22 feet to the northeast corner of

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Parcel 3 and the northwest corner of the parcel of land described as Parcel 2 in Instrument No. 3227936;

THENCE North 71°34'02" East, along the north line of Parcel 2 and along the south line of the parcel of land described in Instrument No. 3385837, 50.00 feet to the northeast corner of Parcel 2 and the northwest corner of the parcel of land described in Instrument No. 3340460, the **TRUE POINT OF BEGINNING** of this description.

THENCE North 71°34'02" East, along the north line of the parcel of land described in Instrument No. 3340460 and along the south line of the parcel of land described in Instrument No. 3385837, 315.86 feet to the northeast corner of the parcel of land described in Instrument No. 3340460 and to a point on the west line of the parcel of land described in Docket 1947, Page 830, monumented with a 5/8 inch capped rebar marked LS 26406;

THENCE South 18°24'47" East, along the east line of the parcel of land described in Instrument No. 3340460 and along the west line of the parcel of land described in Docket 1947, Page 830, 4.00 feet;

THENCE South 71°34'02" West, parallel with and 4.00 feet south of the north line of the parcel of land described in Instrument No. 3340460, 315.86 feet to west line of Parcel 2 and to the east line of the parcel of land described in Instrument No. 3340460;

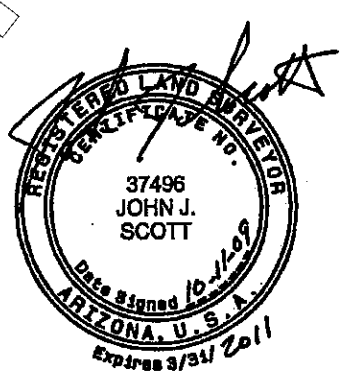
THENCE North 18°24'47" West, along the east line of Parcel 2 and along the west line of the parcel of land described in Instrument No. 3340460, 4.00 feet, to the **TRUE POINT OF BEGINNING** of this description.

The above described parcel of land contains 0.029 acres (1263.45 sq ft), more or less.

For a drawing of the parcel described above, see **Exhibit K (Drawing 3)**, which by this reference is made part of this description.

4 Foot Wide Sewer Easement
Descriptive Title

03-09012
City File No.

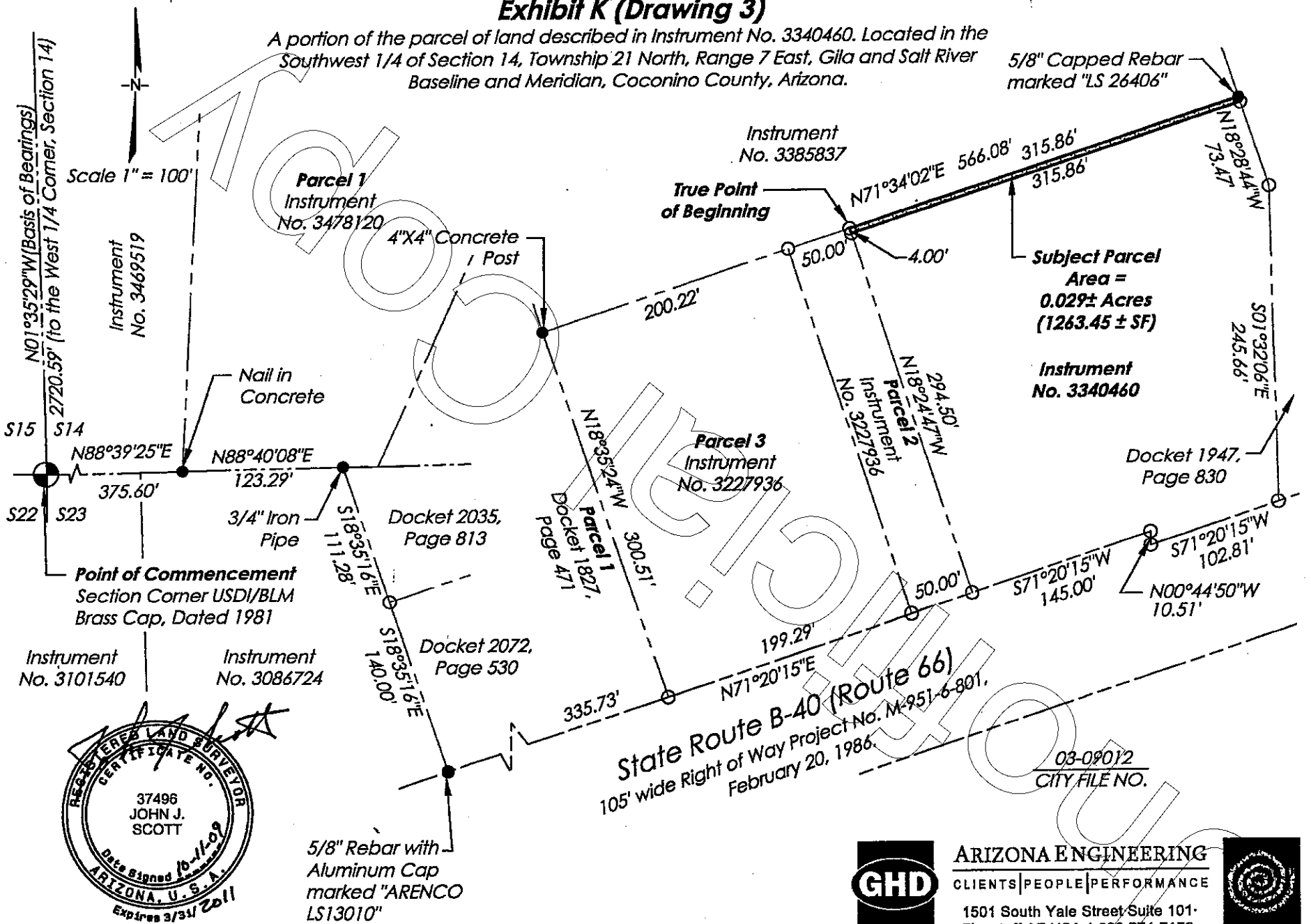


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Exhibit K (Drawing 3)

A portion of the parcel of land described in Instrument No. 3340460. Located in the Southwest 1/4 of Section 14, Township 21 North, Range 7 East, Gila and Salt River Baseline and Meridian, Coconino County, Arizona.



REGISTERED LAND SURVEYOR
CERTIFICATE NO.
37496
JOHN J.
SCOTT
Date Signed 10-1-09
ARIZONA, U.S.A.
Expires 3/31/2011

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Exhibit L

(Description 1)

Following is a description of a parcel of land which is a portion of the parcel of land described as Parcel 1 in Docket 1827, Page 471, of the records of the Coconino County Recorder's Office. The parcel of land is located in the southwest 1/4 of Section 14, Township 21 North, Range 7 East, Gila and Salt River Baseline and Meridian, Coconino County, Arizona. (Note: All references the recorded instruments refer to the records of the Coconino County Recorder's Office.)

The parcel of land is more particularly described by metes and bounds as follows:

COMMENCING at the southwest corner of Section 14, monumented with an USDI/BLM brass cap, dated 1981. From which point the west 1/4 corner of Section 14, monumented with a 3 inch aluminum cap, LS 26406, bears North 01°35'29" West, 2720.59 feet (Basis of Bearings for this description);

THENCE North 88°39'25" East along the south line of the southwest 1/4 of Section 14, and along the north line of the parcels of land described in Instrument No. 3101540 and Instrument No. 3086724 and along the south line of the parcel of land described in Instrument No. 3469519, 375.60 feet to the southeast corner of the parcel of land described in Instrument No. 3469519 and to the southwest corner of the parcel of land described as Parcel 1 in Instrument No. 3478120, monumented with a nail in concrete;

THENCE North 88°40'08" East along the south line of the southwest 1/4 of Section 14, and along the north line of the parcel of land described in Instrument No. 3086724 and along the south line of Parcel 1(Instrument No. 3478120), 123.29 feet to the northeast corner of the parcel of land described in Instrument No. 3086724 and to the northwest corner of the parcel of land described in Docket 2035, Page 813, monumented with a 3/4 inch iron pipe;

THENCE South 18°35'16" East along the east line of the parcel of land described in Instrument No.3086724 and along the west line of the parcel of land described in Docket 2035, Page 813, 111.28 feet to the southwest corner of the parcel of land described in Docket 2035, Page 813 and to the northwest corner of the parcel of land described in Docket 2072, Page 530;

THENCE South 18°35'16" East along the east line of the parcel of land described in Instrument No. 3086724 and along the west line of the parcel of land described in Docket 2072, Page 530, 140.00 feet to the north line of the 105 foot wide right of way for Route 66, monumented with a 5/8 inch rebar with aluminum cap marked ARENCO LS13010;

THENCE North 71°20'15" East along the south line of the parcel of land described in Docket 2072, Page 530, and along the north right of way line of Route 66, 100.50 feet to southeast corner of the parcel of land described in Docket 2072, Page 530 and to the southwest corner of the parcel of land described in Docket 1108, Page 138, monumented with a scribed X in concrete;

THENCE North 71°20'15" East, along the south line of the parcel of land described in Docket 1108, Page 138 and along the north right of way line of Route 66, 108.53 feet to the southeast corner of the parcel of land described in Docket 1108, Page 138 and to the southwest corner of

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the parcel of land described as Parcel 1 in Docket 1827, Page 471, monumented with a scribed X in concrete;

THENCE North 71°20'15" East, along the south line of Parcel 1(Docket 1872, Page 471) and along the north right of way line of Route 66, 126.70 feet to the southeast corner of Parcel 1 (Docket 1872, Page 471) and to the southwest corner of the parcel of land described as Parcel 3 in Instrument No. 3227936;

THENCE North 18°35'24" West, along the east line of Parcel 1(Docket 1872, Page 471) and along the west line of Parcel 3, 300.51 feet, to the northwest corner of Parcel 3 and to a point of the south line of the parcel of land described in Instrument No. 3385837, monumented with a 4 inch by 4 inch concrete post, the **TRUE POINT OF BEGINNING** of this description.

THENCE North 80°01'56" West, 55.29 feet to a non-tangent curve whose radius bears South 87°17'01" East;

THENCE northerly along a curve to the right having a radius of 300.43 feet and a central angle of 09°33'20", an arc distance of 50.10 feet (chord bearing North 07°29'39" East, chord distance 50.05 feet);

THENCE South 80°01'56" East, 30.60 feet to the east line of Parcel 1(Docket 1872, Page 471) and to the south line of the parcel of land described in Instrument No. 3385837;

THENCE South 18°16'17" East, along the east line of Parcel 1(Docket 1872, Page 471) and along the south line of the parcel of land described in Instrument No. 3385837, 56.75 feet to the **TRUE POINT OF BEGINNING** of this description.

The above described parcel of land contains 0.05 acres (2182.15 sq ft), more or less.

For a drawing of the parcel described above, see **Exhibit L (Drawing 1)**, which by this reference is made part of this description.

50 Foot Wide Access Easement
Descriptive Title

03-09012
City File No.



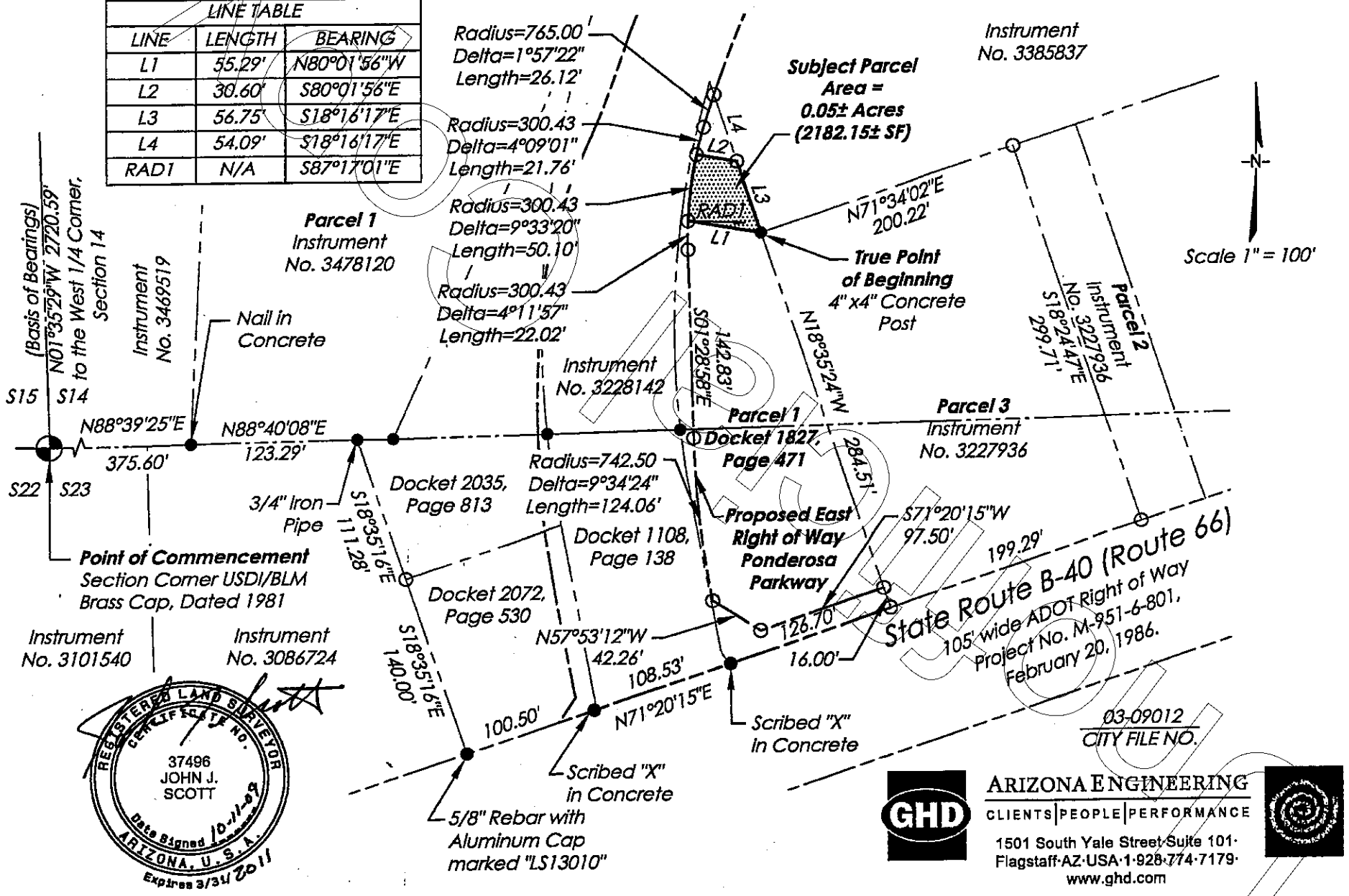
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Exhibit L (Drawing 1)

A portion of the parcel of land described as Parcel 1 in Docket 1827, Page 471. Located in the Southwest 1/4 of Section 14, Township 21 North, Range 7 East, Gila and Salt River Baseline and Meridian, Coconino County, Arizona.

LINE TABLE		
LINE	LENGTH	BEARING
L1	55.29'	N80°01'56"W
L2	30.60'	S80°01'56"E
L3	56.75'	S18°16'17"E
L4	54.09'	S18°16'17"E
RAD1	N/A	S87°17'01"E



REGISTERED LAND SURVEYOR
CERTIFICATE NO.
37496
JOHN J.
SCOTT
Date Signed 10-11-09
ARIZONA, U.S.A.
Expires 3/31/2011

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Exhibit L

(Description 2)

Following is a description of a parcel of land which is a portion of the parcel of land described in Instrument No. 3385837, of the records of the Coconino County Recorder's Office. The parcel of land is located in the southwest 1/4 of Section 14, Township 21 North, Range 7 East, Gila and Salt River Baseline and Meridian, Coconino County, Arizona. (Note: All references the recorded instruments refer to the records of the Coconino County Recorder's Office.)

The parcel is more particularly described by metes and bounds as follows:

COMMENCING at the southwest corner of Section 14, monumented with a USDI/BLM brass cap, dated 1981. From which point the west 1/4 corner of Section 14, monumented with a 3 inch aluminum cap, LS 26406, bears North 01°35'29" West, 2720.59 feet (Basis of Bearings for this description):

THENCE North 88°39'25" East along the south line of the southwest 1/4 of Section 14, and along the north line of the parcels of land described in Instrument No. 3101540 and Instrument No. 3086724 and along the south line of the parcel of land described in Instrument No. 3469519, 375.60 feet to the southeast corner of the parcel of land described in Instrument No. 3469519 and to the southwest corner of the parcel of land described as Parcel 1 in Instrument No. 3478120, monumented with a nail in concrete;

THENCE North 88°40'08" East along the south line of the southwest 1/4 of Section 14, and along the north line of the parcel of land described in Instrument No. 3086724 and along the south line of Parcel 1(Instrument No. 3478120), 123.29 feet to the northeast corner of the parcel of land described in Instrument No. 3086724 and to the northwest corner of the parcel of land described in Docket 2035, Page 813, monumented with a 3/4 inch iron pipe;

THENCE South 18°35'16" East along the east line of the parcel of land described in Instrument No.3086724 and along the west line of the parcel of land described in Docket 2035, Page 813, 111.28 feet to the southwest corner of the parcel of land described in Docket 2035, Page 813 and to the northwest corner of the parcel of land described in Docket 2072, Page 530;

THENCE South 18°35'16" East along the east line of the parcel of land described in Instrument No. 3086724 and along the west line of the parcel of land described in Docket 2072, Page 530, 140.00 feet to the north line of the 105 foot wide right of way for Route 66, monumented with a 5/8 inch rebar with aluminum cap marked ARENCO LS13010;

THENCE North 71°20'15" East along the south line of the parcel of land described in Docket 2072, Page 530, and along the north right of way line of Route 66, 100.50 feet to southeast corner of the parcel of land described in Docket 2072, Page 530 and to the southwest corner of the parcel of land described in Docket 1108, Page 138, monumented with a scribed X in concrete;

THENCE North 71°20'15" East, along the south line of the parcel of land described in Docket 1108, Page 138 and along the north right of way line of Route 66, 108.53 feet to the southeast corner of the parcel of land described in Docket 1108, Page 138 and to the southwest corner of the parcel of land described as Parcel 1 in Docket 1827, Page 471, monumented with a scribed X in concrete;

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THENCE North 71°20'15" East along the south line of Parcel 1(Docket 1872, Page 471) and along the north right of way line of Route 66, 126.70 feet to the southeast corner of Parcel 1 (Docket 1872, Page 471) and to the southwest corner of the parcel of land described as Parcel 3 in Instrument No. 3227936;

THENCE North 18°35'24" West along the east line of Parcel 1(Docket 1872, Page 471) and along the west line of Parcel 3, 300.51 feet, to the northwest corner of Parcel 3 and to the south line of the parcel of land described in Instrument No. 3385837, monumented with a 4 inch by 4 inch concrete post, the **TRUE POINT OF BEGINNING** of this description.

THENCE North 18°16'17" West along the east line of Parcel 1(Docket 1872, Page 471) and along the south line of the parcel of land described in Instrument No. 3385837, 56.75 feet;

THENCE South 80°01'56" East 119.33 feet to the north line of Parcel 3 and to the south line of the parcel of land described in Instrument No. 3385837;

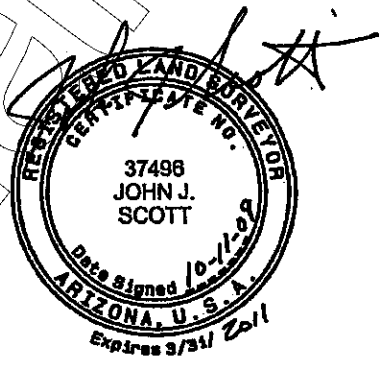
THENCE South 71°34'02" West along the north line of Parcel 3 and along the south line of the parcel of land described in Instrument No. 3385837, 105.12 feet to the **TRUE POINT OF BEGINNING** of this description.

The above described parcel of land contains 0.068 acres (2938.13 sq ft), more or less.

For a drawing of the parcel described above, see **Exhibit L (Drawing 2)**, which by this reference is made part of this description.

Access Easement
Descriptive Title

03-09012
City File No.



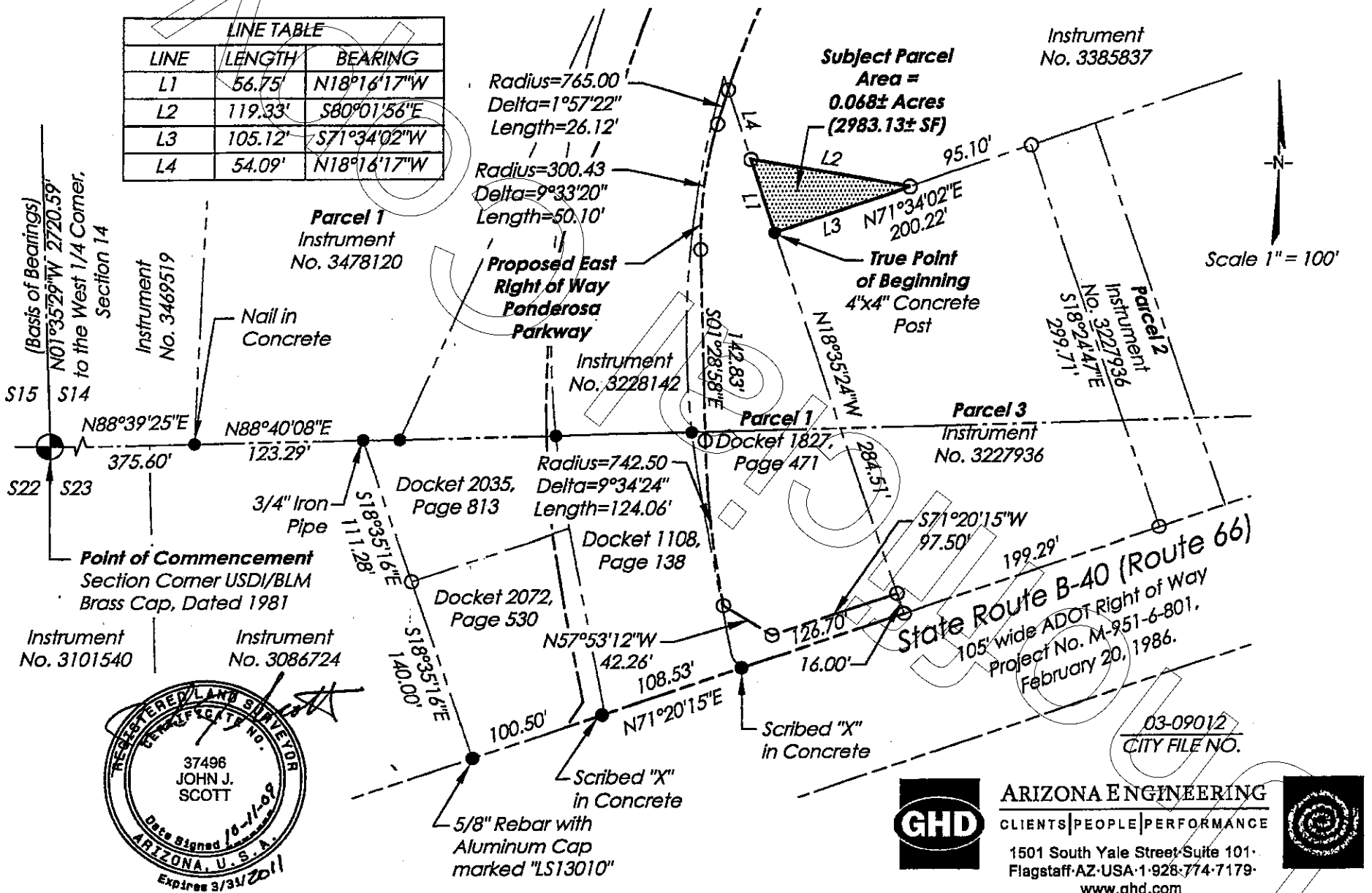
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Exhibit L (Drawing 2)

A portion of the parcel of land described in instrument No. 3385837. Located in the Southwest 1/4 of Section 14, Township 21 North, Range 7 East, Gila and Salt River Baseline and Meridian, Coconino County, Arizona.

LINE TABLE		
LINE	LENGTH	BEARING
L1	56.75'	N18°16'17"W
L2	119.33'	S80°01'56"E
L3	105.12'	S71°34'02"W
L4	54.09'	N18°16'17"W



REGISTERED LAND SURVEYOR
CERTIFICATE NO.
37496
JOHN J.
SCOTT
Date Signed 10-1-09
ARIZONA, U.S.A.
Expires 3/31/2011

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Exhibit M

(Description 1)

Following is a description of a parcel of land which is a portion of the parcel of land described in Instrument No. 3340460, of the records of the Coconino County Recorder's Office. The parcel of land is located in the northwest 1/4 of Section 23 and the southwest 1/4 of Section 14, Township 21 North, Range 7 East, Gila and Salt River Baseline and Meridian, Coconino County, Arizona. (Note: All references the recorded instruments refer to the records of the Coconino County Recorder's Office.)

The parcel of land is more particularly described by metes and bounds as follows:

COMMENCING at the northwest corner of Section 23, monumented with an USDI/BLM brass cap, dated 1981. From which point the west 1/4 corner of Section 14, monumented with a 3 inch aluminum cap, LS 26406, bears North 01°35'29" West, 2720.59 feet (Basis of Bearings for this description):

THENCE North 88°39'25" East along the north line of the northwest 1/4 of Section 23, and along the north line of the parcels of land described in Instrument No. 3101540 and Instrument No. 3086724 and along the south line of the parcel of land described in Instrument No. 3469519, 375.60 feet to the southeast corner of the parcel of land described in Instrument No. 3469519 and to the southwest corner of the parcel of land described as Parcel 1 in Instrument No. 3478120, monumented with a nail in concrete;

THENCE North 88°40'08" East along the north line of the northwest 1/4 of Section 23, and along the north line of the parcel of land described in Instrument No. 3086724 and along the south line of Parcel 1(Instrument No. 3478120), 123.29 feet to the northeast corner of the parcel of land described in Instrument No. 3086724 and to the northwest corner of the parcel of land described in Docket 2035, Page 813, monumented with a 3/4 inch iron pipe;

THENCE South 18°35'16" East along the east line of the parcel of land described in Instrument No. 3086724 and along the west line of the parcel of land described in Docket 2035, Page 813, 111.28 feet to the southwest corner of the parcel of land described in Docket 2035, Page 813 and to the northwest corner of the parcel of land described in Docket 2072, Page 530;

THENCE South 18°35'16" East along the east line of the parcel of land described in Instrument No. 3086724 and along the west line of the parcel of land described in Docket 2072, Page 530, 140.00 feet to the north line of the 105 foot wide right of way for Route 66, monumented with a 5/8 inch rebar with aluminum cap marked ARENCO LS13010;

THENCE North 71°20'15" East along the north right of way line of Route 66, 335.73 feet to the southeast corner of the parcel of land described as Parcel 1 in Docket 1827, Page 471 and to the southwest corner of the parcel of land described as Parcel 3 in Instrument No. 3227936;

THENCE North 71°20'15" East along the south line of Parcel 3 and along the north right of way line of Route 66, 199.29 feet to the southeast corner of Parcel 3 and to the southwest corner of the parcel of land described as Parcel 2 in Instrument No. 3227936;

THENCE North 71°20'15" East along the south line of Parcel 2 and along the north right of way line of Route 66, 50.00 feet to the southeast corner of Parcel 2 and to the southwest corner of the parcel of land described in Instrument No. 3340460;

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THENCE North 18°24'47" West along the east line of Parcel 2 and along the west line of the parcel of land described in Instrument No. 3340460, 6.00 feet to the **TRUE POINT OF BEGINNING** of this description.

THENCE North 18°24'47" West along the east line of Parcel 2 and along the west line of the parcel of land described in Instrument No. 3340460, 6.00 feet;

THENCE North 71°20'15" East, 251.31 feet to the east line of the parcel of land described in Instrument No. 3340460 and to the west line of the parcel of land described in Docket 1947, Page 830;

THENCE South 01°32'06" East, along the east line of the parcel of land described in Instrument No. 3340460 and along the west line of the parcel of land described in Docket 1947, Page 830, 6.28 feet;

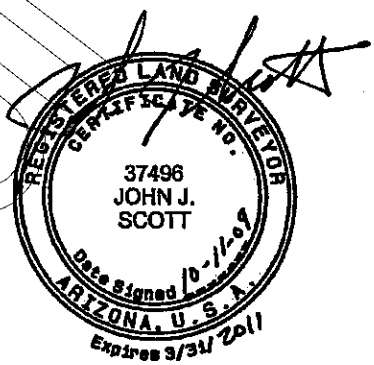
THENCE South 71°20'15" West, 249.48 feet to the **TRUE POINT OF BEGINNING** of this description.

The above described parcel of land contains 0.034 acres (1502.37 sq ft), more or less.

For a drawing of the parcel described above, see **Exhibit M (Drawing 1)**, which by this reference is made part of this description.

6 Foot Wide Sidewalk Easement
Descriptive Title

03-09012
City File No.

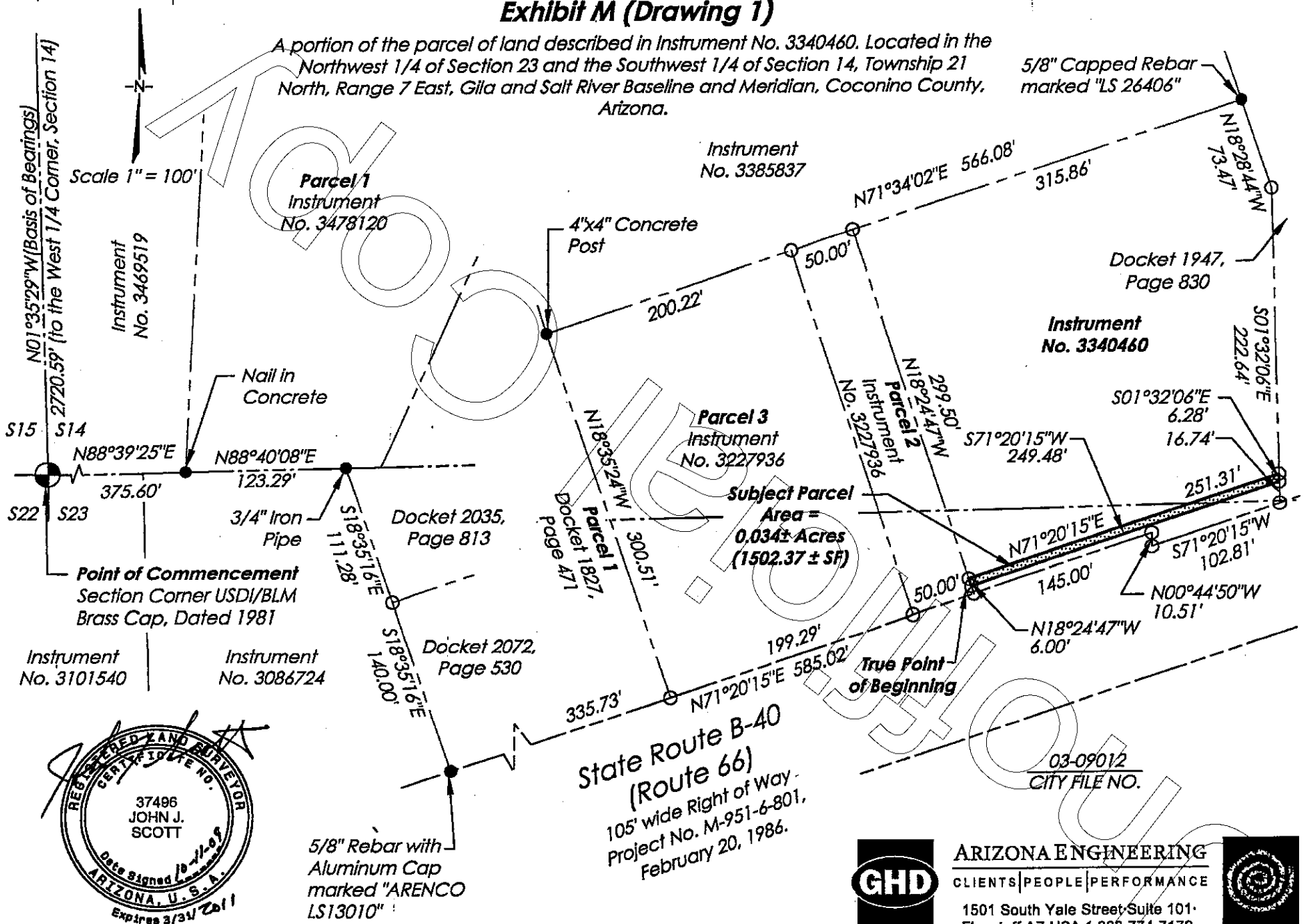


Unofficial Copy

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Exhibit M (Drawing 1)

A portion of the parcel of land described in Instrument No. 3340460. Located in the Northwest 1/4 of Section 23 and the Southwest 1/4 of Section 14, Township 21 North, Range 7 East, Gila and Salt River Baseline and Meridian, Coconino County, Arizona.



REGISTERED LAND SURVEYOR
CERTIFICATE NO.
37496
JOHN J.
SCOTT
Date Signed 10-11-09
ARIZONA, U.S.A.
Expires 3/31/2011

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1501 South Yale Street·Suite 101·
Flagstaff·AZ·USA·1·928·774·7179·
www.ghd.com

Do Not Quitclaim

Exhibit M

(Description 2)

Following is a description of a parcel of land which is a portion of the parcel of land described as Parcel 3 in Instrument 3227936, of the records of the Coconino County Recorder's Office. The parcel of land is located in the northwest 1/4 of Section 23, Township 21 North, Range 7 East, Gila and Salt River Baseline and Meridian, Coconino County, Arizona. (Note: All references the recorded instruments refer to the records of the Coconino County Recorder's Office.)

The parcel of land is more particularly described by metes and bounds as follows:

COMMENCING at the northwest corner of Section 23, monumented with an USDI/BLM brass cap, dated 1981. From which point the west 1/4 corner of Section 14, Township 21 North, Range 7 East monumented with a 3 inch aluminum cap, LS 26406, bears North 01°35'29" West, 2720.59 feet (Basis of Bearings for this description):

THENCE North 88°39'25" East along the north line of the northwest 1/4 of Section 23, and along the north line of the parcels of land described in Instrument No. 3101540 and Instrument No. 3086724 and along the south line of the parcel of land described in Instrument No. 3469519, 375.60 feet to the southeast corner of the parcel of land described in Instrument No. 3469519 and to the southwest corner of the parcel of land described as Parcel 1 in Instrument No. 3478120, monumented with a nail in concrete;

THENCE North 88°40'08" East along the north line of the northwest 1/4 of Section 23, and along the north line of the parcel of land described in Instrument No. 3086724 and along the south line of Parcel 1(Instrument No. 3478120), 123.29 feet to the northeast corner of the parcel of land described in Instrument No. 3086724 and to the northwest corner of the parcel of land described in Docket 2035, Page 813, monumented with a 3/4 inch iron pipe;

THENCE South 18°35'16" East along the east line of the parcel of land described in Instrument No.3086724 and along the west line of the parcel of land described in Docket 2035, Page 813, 111.28 feet to the southwest corner of the parcel of land described in Docket 2035, Page 813 and to the northwest corner of the parcel of land described in Docket 2072, Page 530;

THENCE South 18°35'16" East along the east line of the parcel of land described in Instrument No. 3086724 and along the west line of the parcel of land described in Docket 2072, Page 530, 140.00 feet to the north line of the 105 foot wide right of way for Route 66, monumented with a 5/8 inch rebar with aluminum cap marked ARENCO LS13010;

THENCE North 71°20'15" East along the south line of the parcel of land described in Docket 2072, Page 530, and along the north right of way line of Route 66, 100.50 feet to southeast corner of the parcel of land described in Docket 2072, Page 530 and to the southwest corner of the parcel of land described in Docket 1108, Page 138, monumented with a scribed X in concrete;

THENCE North 71°20'15" East, along the south line of the parcel of land described in Docket 1108, Page 138 and along the north right of way line of Route 66, 108.53 feet to the southeast corner of the parcel of land described in Docket 1108, Page 138 and to the southwest corner of the parcel of land described as Parcel 1 in Docket 1827, Page 471, monumented with a scribed X in concrete;

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THENCE North 71°20'15" East, along the south line of Parcel 1 (Docket 1872, Page 471) and along the north right of way line of Route 66, 126.70 feet to the southeast corner of Parcel 1 (Docket 1872, Page 471) and to the southwest corner of the parcel of land described as Parcel 3 in Instrument No. 3227936;

THENCE North 18°35'24" West along the east line of Parcel 1 (Docket 1827, Page 471) and along the west line of Parcel 3, 6.00 feet to the **TRUE POINT OF BEGINNING** of this description;

THENCE North 71°20'15" East parallel with and 12.00 feet north of the south line of Parcel 3 and the north right of way line of Route 66, 199.33 feet to the east line of Parcel 3 and to the west line of Parcel 2 as described in Instrument No. 3227936;

THENCE South 18°24'47" East along the east line of Parcel 3 and along the west line of Parcel 2, 6.00 feet;

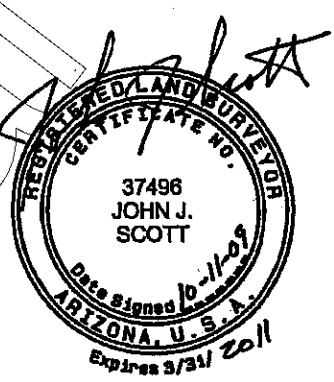
THENCE South 71°20'15" West parallel with and 6.00 feet north of the south line of Parcel 3 and the north right of way line of Route 66, 199.31 feet to the **TRUE POINT OF BEGINNING** of this description.

The above described parcel of land contains 0.027 acres (1195.92 sq ft), more or less.

For a drawing of the parcel described above, see **Exhibit M (Drawing 2)**, which by this reference is made part of this description.

6 Foot Wide Sidewalk Easement
Descriptive Title

03-09012
City File No.

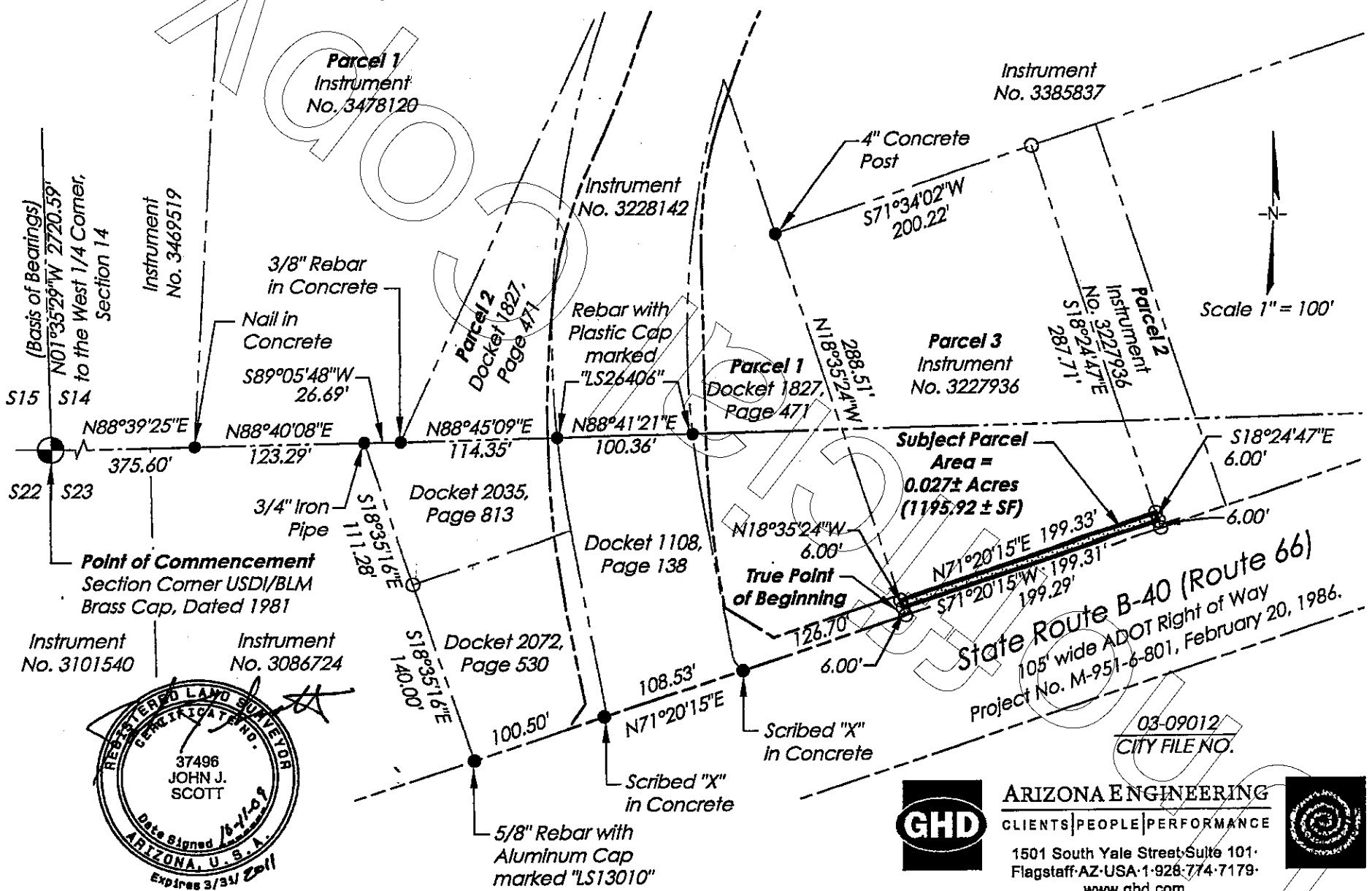


Unofficial Copy

3546724 Pages: 89 of 129 12/03/2009 03:22:47 PM

Exhibit M (Drawing 2)

A parcel of land which is a portion of the parcel of land described as Parcel 3 in Instrument No. 3227936 and located in the the Northwest 1/4 of Section 23, Township 21 North, Range 7 East, Gila and Salt River Baseline and Meridian, Coconino County, Arizona.



REGISTERED LAND SURVEYOR
CERTIFICATE NO.
37496
JOHN J.
SCOTT
Date Signed 6-11-09
ARIZONA, U.S.A.
Expires 3/31/2011

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Flagstaff·AZ·USA·1·928·774·7179·
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Not Official Document

Exhibit M

(Description 3)

Following is a description of a parcel of land which is a portion of the parcel of land described as Parcel 2 in Instrument 3227936, of the records of the Coconino County Recorder's Office. The parcel of land is located in the northwest 1/4 of Section 23, Township 21 North, Range 7 East, Gila and Salt River Baseline and Meridian, Coconino County, Arizona. (Note: All references the recorded instruments refer to the records of the Coconino County Recorder's Office.)

The parcel of land is more particularly described by metes and bounds as follows:

COMMENCING at the northwest corner of Section 23, monumented with an USDI/BLM brass cap, dated 1981. From which point the west 1/4 corner of Section 14, Township 21 North, Range 7 East monumented with a 3 inch aluminum cap, LS 26406, bears North 01°35'29" West, 2720.59 feet (Basis of Bearings for this description):

THENCE North 88°39'25" East along the north line of the northwest 1/4 of Section 23, and along the north line of the parcels of land described in Instrument No. 3101540 and Instrument No. 3086724 and along the south line of the parcel of land described in Instrument No. 3469519, 375.60 feet to the southeast corner of the parcel of land described in Instrument No. 3469519 and to the southwest corner of the parcel of land described as Parcel 1 in Instrument No. 3478120, monumented with a nail in concrete;

THENCE North 88°40'08" East along the north line of the northwest 1/4 of Section 23, and along the north line of the parcel of land described in Instrument No. 3086724 and along the south line of Parcel 1(Instrument No. 3478120), 123.29 feet to the northeast corner of the parcel of land described in Instrument No. 3086724 and to the northwest corner of the parcel of land described in Docket 2035, Page 813, monumented with a 3/4 inch iron pipe;

THENCE South 18°35'16" East along the east line of the parcel of land described in Instrument No.3086724 and along the west line of the parcel of land described in Docket 2035, Page 813, 111.28 feet to the southwest corner of the parcel of land described in Docket 2035, Page 813 and to the northwest corner of the parcel of land described in Docket 2072, Page 530;

THENCE South 18°35'16" East along the east line of the parcel of land described in Instrument No. 3086724 and along the west line of the parcel of land described in Docket 2072, Page 530, 140.00 feet to the north line of the 105 foot wide right of way for Route 66, monumented with a 5/8 inch rebar with aluminum cap marked ARENCO LS13010;

THENCE North 71°20'15" East along the south line of the parcel of land described in Docket 2072, Page 530, and along the north right of way line of Route 66, 100.50 feet to southeast corner of the parcel of land described in Docket 2072, Page 530 and to the southwest corner of the parcel of land described in Docket 1108, Page 138, monumented with a scribed X in concrete;

THENCE North 71°20'15" East, along the south line of the parcel of land described in Docket 1108, Page 138 and along the north right of way line of Route 66, 108.53 feet to the southeast corner of the parcel of land described in Docket 1108, Page 138 and to the southwest corner of the parcel of land described as Parcel 1 in Docket 1827, Page 471, monumented with a scribed X in concrete;

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THENCE North 71°20'15" East, along the south line of Parcel 1 (Docket 1872, Page 471) and along the north right of way line of Route 66, 126.70 feet to the southeast corner of Parcel 1 (Docket 1872, Page 471) and to the southwest corner of the parcel of land described as Parcel 3 in Instrument No. 3227936;

THENCE North 71°20'15" East, along the south line of Parcel 3 and along the north right of way line of Route 66, 199.29 feet to the southeast corner of Parcel 3 and to the southwest corner of the parcel of land described as Parcel 2 in Instrument No. 3227936;

THENCE North 18°24'47" West, along the east line of Parcel 3 and along the west line of Parcel 2, 6.00 feet to the **TRUE POINT OF BEGINNING** of this description:

THENCE North 18°24'47" West along the east line of Parcel 3 and along the west line of Parcel 2, 6.00 feet;

THENCE North 71°20'15" East parallel with and 12.00 feet north of the south line of Parcel 2 and the north right of way line of Route 66, 50.00 feet to the east line of Parcel 2 and to the west line of the parcel of land described in Instrument No. 3340460;

THENCE South 18°24'47" East along the east line of Parcel 2 and along the west line of the parcel of land described in Instrument No, 3340460, 6.00 feet;

THENCE South 71°20'15" West parallel with and 6.00 feet north of the south line of Parcel 2 and the north right of way line of Route 66, 50.00 feet to the **TRUE POINT OF BEGINNING** of this description.

The above described parcel of land contains 0.007 acres (300.00 sq ft), more or less.

For a drawing of the parcel described above, see **Exhibit M (Drawing 3)**, which by this reference is made part of this description.

6 Foot Wide Sidewalk Easement
Descriptive Title

03-09012
City File No.

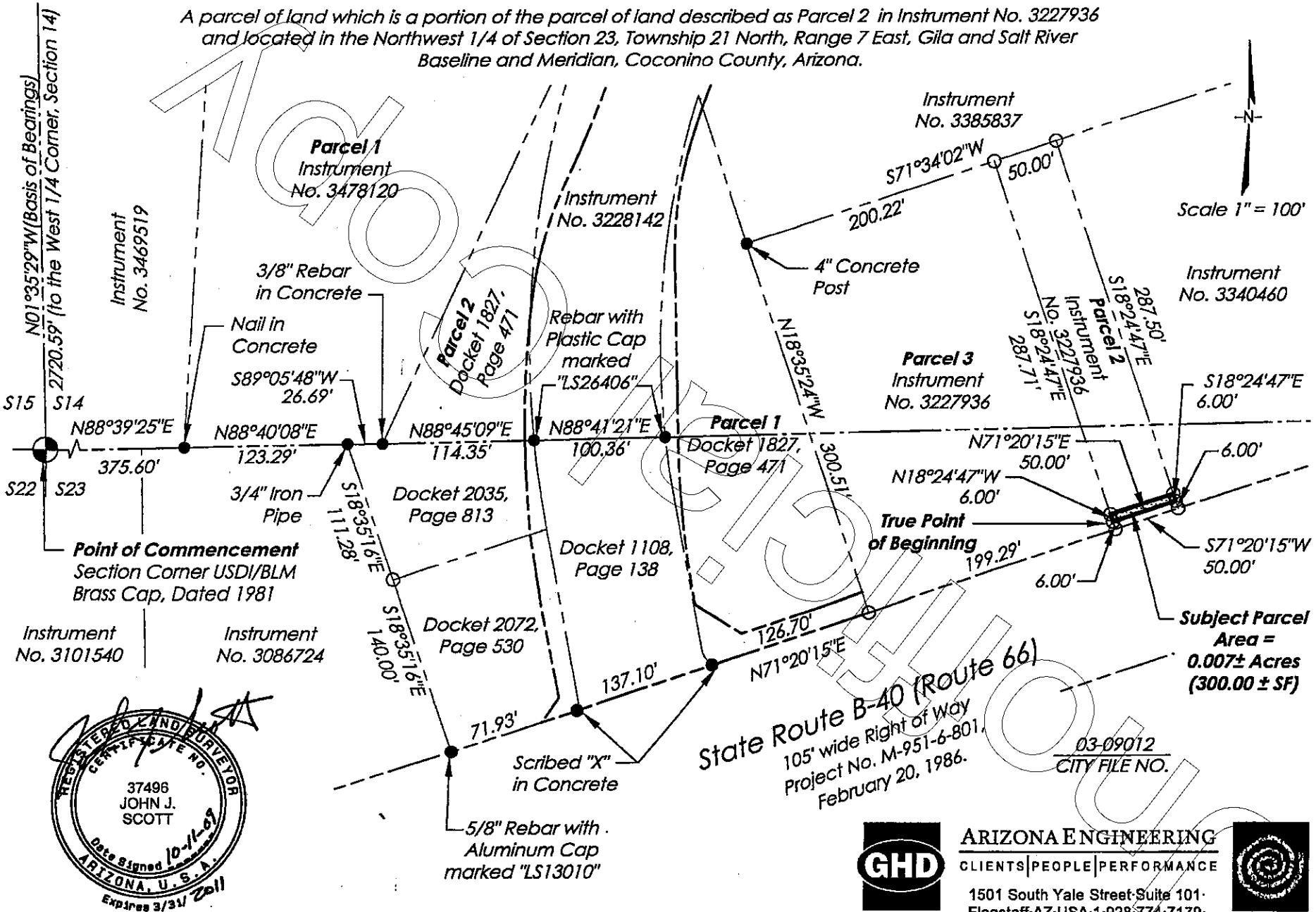


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Exhibit M (Drawing 3)

A parcel of land which is a portion of the parcel of land described as Parcel 2 in Instrument No. 3227936 and located in the Northwest 1/4 of Section 23, Township 21 North, Range 7 East, Gila and Salt River Baseline and Meridian, Coconino County, Arizona.



REGISTERED LAND SURVEYOR
CERTIFICATE NO.
37496
JOHN J.
SCOTT
Date Signed 10-14-09
ARIZONA, U.S.A.
Expires 3/31/2011

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Flagstaff·AZ·USA·1·928·774·7179·
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Exhibit N

(Description 1)

Following is a description of a parcel of land which is a portion of the parcel of land described in Docket 2072, Page 530 of the records of the Coconino County Recorder's Office. The parcel of land is located in the Northwest 1/4 of Section 23, Township 21 North, Range 7 East, Gila and Salt River Baseline and Meridian, Coconino County, Arizona. (Note: All references the recorded instruments refer to the records of the Coconino County Recorder's Office.)

The parcel of land is more particularly described by metes and bounds as follows:

COMMENCING at the northwest corner of Section 23, monumented with a USDI/BLM brass cap, dated 1981. From which point the west 1/4 corner of Section 14, Township 21 North, Range 7 East monumented with a 3 inch aluminum cap, LS 26406, bears North 01°35'29" West, 2720.59 feet (Basis of Bearings for this description):

THENCE North 88°39'25" East along the north line of the northwest 1/4 of Section 23, and along the north line of the parcels of land described in Instrument No. 3101540 and Instrument No. 3086724 and along the south line of the parcel of land described in Instrument No. 3469519, 375.60 feet to the southeast corner of the parcel of land described in Instrument No. 3469519 and to the southwest corner of the parcel of land described as Parcel 1 in Instrument No. 3478120, monumented with a nail in concrete;

THENCE North 88°40'08" East along the north line of the northwest 1/4 of Section 23, and along the north line of the parcel of land described in Instrument No. 3086724 and along the south line of Parcel 1, 123.29 feet to the northeast corner of Instrument No. 3086724 and to the northwest corner of the parcel of land described in Docket 2035, Page 813, monumented with a 3/4 inch iron pipe;

THENCE South 18°35'16" East along the east line of the parcel of land described in Instrument No.3086724 and along the west line of the parcel of land described in Docket 2035, Page 813, 111.28 feet to the southwest corner of the parcel of land described in Docket 2035, Page 813 and to the northwest corner of the parcel of land described in Docket 2072, Page 530;

THENCE North 71°19'04" East along the south line of the parcel of land described in Docket 2035, Page 813 and along the north line of the parcel of land described in Docket 2072, Page 530, 108.98 feet to the **TRUE POINT OF BEGINNING** of this description:

THENCE North 71°19'04" East along the south line of the parcel of land described in Docket 2035, Page 813 and along the north line of the parcel of land described in Docket 2072, Page 530, 13.17 feet to the southeast corner of the parcel of land described in Docket 2035, Page 813 and to the northeast corner of the parcel of land described in Docket 2072, Page 530 and to the west line of the parcel of land described in Docket 1108, Page 138;

THENCE South 10°37'17" East along the west line of the parcel of land described in Docket 1108, Page 138 and along the east line of the parcel of land described in Docket 2072, Page 530, 123.35 feet;

THENCE South 55°11'08" West, 15.37 feet;

THENCE North 11°13'38" West, 68.43 feet;

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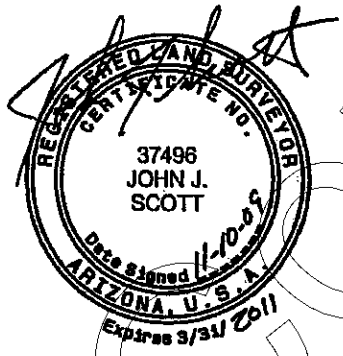
THENCE North 08°58'59" West, 59.39 feet to the **TRUE POINT OF BEGINNING** of this description.

The above described parcel of land contains 0.04 acres (1776.64 sq ft), more or less.

For a drawing of the parcel described above, see **Exhibit N (Drawing 1)**, which by this reference is made part of this description.

Right of Way
Descriptive Title

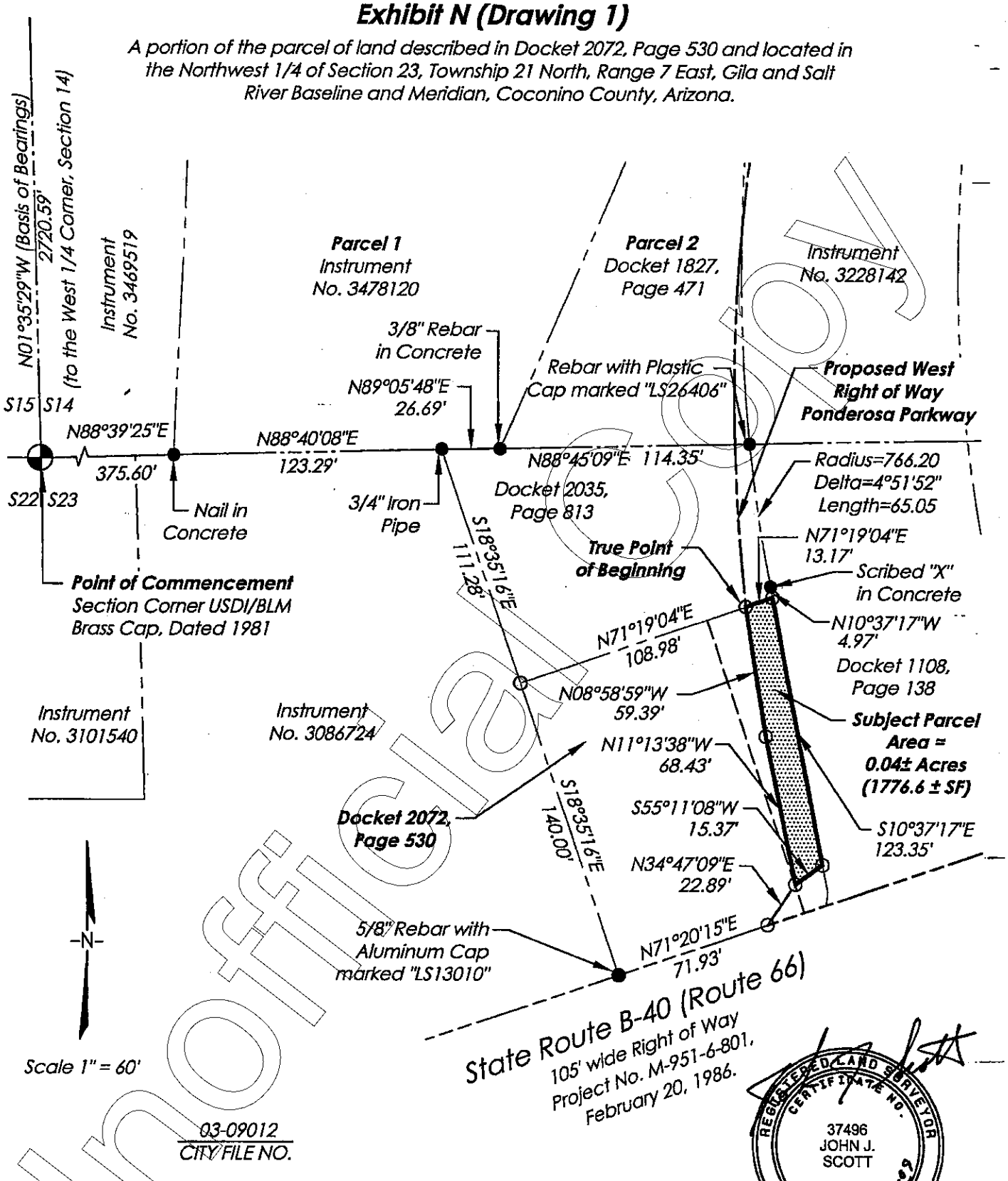
03-09012
City File No.



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Exhibit N (Drawing 1)

A portion of the parcel of land described in Docket 2072, Page 530 and located in the Northwest 1/4 of Section 23, Township 21 North, Range 7 East, Gila and Salt River Baseline and Meridian, Coconino County, Arizona.



03-09012
CITY FILE NO.

REGISTERED LAND SURVEYOR
CERTIFICATE NO.
37496
JOHN J.
SCOTT
Date Signed 11-10-09
ARIZONA, U.S.A.
Expires 3/31/ 2011

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Flagstaff·AZ·USA·1·928·774·7179·
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Exhibit N

(Description 2)

Following is a description of a parcel of land which is a portion of the parcel of land described in Docket 2035, Page 813 of the records of the Coconino County Recorder's Office. The parcel of land is located in the northwest 1/4 of Section 23, Township 21 North, Range 7 East, Gila and Salt River Baseline and Meridian, Coconino County, Arizona. (Note: All references the recorded instruments refer to the records of the Coconino County Recorder's Office.)

The parcel is more particularly described by metes and bounds as follows:

COMMENCING at the northwest corner of Section 23, monumented with a USDI/BLM brass cap, dated 1981. From which point the west 1/4 corner of Section 14, Township 21 North, Range 7 East monumented with a 3 inch aluminum cap, LS 26406, bears North 01°35'29" West, 2720.59 feet (Basis of Bearings for this description):

THENCE North 88°39'25" East along the north line of the northwest 1/4 of Section 23, and along the north line of the parcels of land described in Instrument No. 3101540 and Instrument No. 3086724 and along the south line of the parcel of land described in Instrument No. 3469519, 375.60 feet to the southeast corner of the parcel of land described in Instrument No. 3469519 and to the southwest corner of the parcel of land described as Parcel 1 in Instrument No. 3478120, monumented with a nail in concrete;

THENCE North 88°40'08" East along the north line of the northwest 1/4 of Section 23, and along the north line of the parcel of land described in Instrument No. 3086724 and along the south line of Parcel 1, 123.29 feet to the northeast corner of Instrument No. 3086724 and to the northwest corner of the parcel of land described in Docket 2035, Page 813, monumented with a 3/4 inch iron pipe.;

THENCE South 18°35'16" East along the east line of the parcel of land described in Instrument No.3086724 and along the west line of the parcel of land described in Docket 2035, Page 813, 111.28 feet to the southwest corner of the parcel of land described in Docket 2035, Page 813 and to the northwest corner of the parcel of land described in Docket 2072, Page 530;

THENCE North 71°19'04" East along the north line of the parcel of land described in Docket 2072, Page 530 and along the south line of the parcel of land described in Docket 2035, Page 813, 108.98 feet to a non-tangent curve whose radius point bears North 84°04'52" East, the **TRUE POINT OF BEGINNING** of this description:

THENCE northerly along a curve to the right having a radius of 859.10 feet and a central angle of 4°26'21", an arc distance of 66.56 feet (chord bearing North 03°41'57" West, chord distance 66.55 feet) to a non-tangent curve whose radius point bears North 87°47'15" East;

THENCE northerly along a curve to the right having a radius of 763.27 feet and a central angle of 0°31'11", an arc distance of 6.92 feet (chord bearing North 01°57'10" West, chord distance 6.92 feet) to the north line of the northwest 1/4 of Section 23 and to the south line of the parcel of land described as Parcel 2 in Docket 1827, Page 471 and to the north line of the parcel of land described in Docket 2035, Page 813;

THENCE North 88°45'09" East along the north line of the northwest 1/4 of Section 23 and along the south line of Parcel 2 and along the north line of the parcel of land described in Docket

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2035, Page 813, 6.83 feet to the southeast corner of Parcel 2 and to the southwest corner of the parcel of land described in Instrument No. 3228142 and to the northwest corner of the parcel of land described in Docket 1108, Page 138 and to the northeast corner of the parcel of land described in Docket 2035, Page 813, to a non-tangent curve whose radius point bears North 84°14'35" East, monumented with a rebar with plastic cap RLS 26406;

THENCE southerly along the west line of the parcel of land described in Docket 1108, Page 138 and along the east line of the parcel of land described in Docket 2035, Page 813, along a curve to the left having a radius of 766.20 feet and a central angle of 4°51'52", an arc distance of 65.05 feet (chord bearing South 08°11'21" East, chord distance 65.03 feet), monumented with a scribed X in concrete;

THENCE South 10°37'17" East along the west line of the parcel of land described in Docket 1108, Page 138 and along the east line of the parcel of land described in Docket 2035, Page 813, 4.97 feet to the northeast corner of the parcel of land described in Docket 2072, Page 530 and to the southeast corner of the parcel of land described in Docket 2035, Page 813;

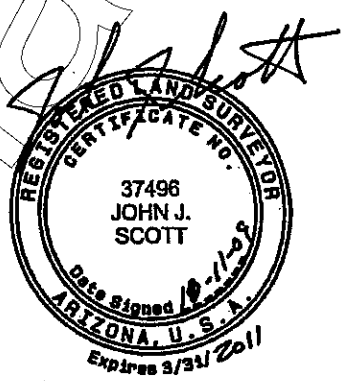
THENCE South 71°19'04" West along the north line of the parcel of land described in Docket 2072, Page 530 and along the south line of the parcel of land described in Docket 2035, Page 813, 13.17 feet to the **TRUE POINT OF BEGINNING** of this description.

The above described parcel of land contains 0.02 acres (703.19 sq ft), more or less.

For a drawing of the parcel described above, see **Exhibit N (Drawing 2)**, which by this reference is made part of this description.

Right of Way
Descriptive Title

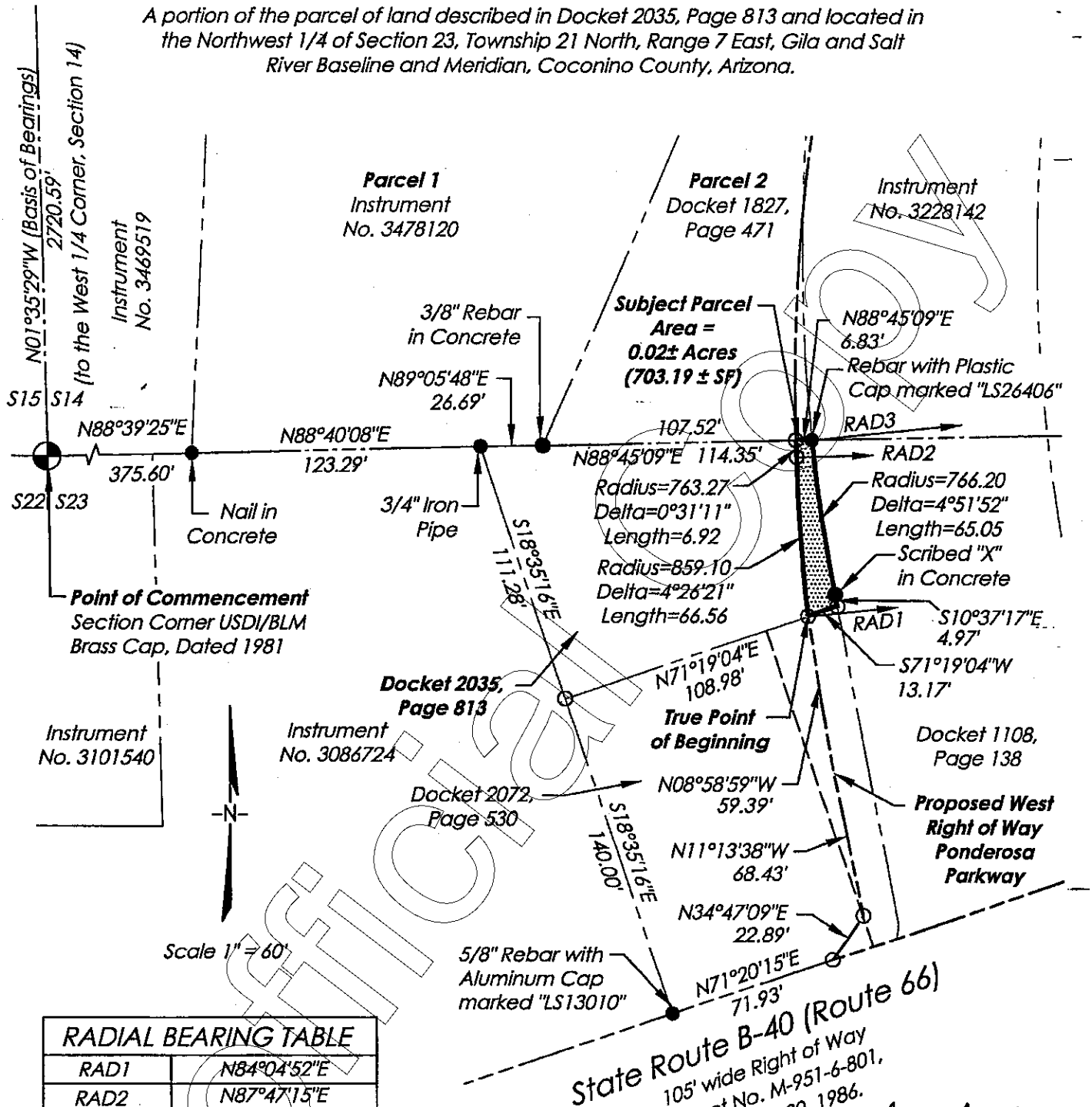
03-09012
City File No.



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Exhibit N (Drawing 2)

A portion of the parcel of land described in Docket 2035, Page 813 and located in the Northwest 1/4 of Section 23, Township 21 North, Range 7 East, Gila and Salt River Baseline and Meridian, Coconino County, Arizona.



RADIAL BEARING TABLE	
RAD1	N84°04'52"E
RAD2	N87°47'15"E
RAD3	N84°14'35"E

03-09012
CITY FILE NO.

REGISTERED LAND SURVEYOR
CERTIFICATE NO.
37496
JOHN J.
SCOTT
Date Signed 10-16-09
ARIZONA, U.S.A.
Expires 3/31/2011

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Flagstaff·AZ·USA·1·928·774·7179·
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Exhibit O

(Description)

Following is a description of a parcel of land which is a portion of the parcel of land described in Docket 2072, Page 530 of the records of the Coconino County Recorder's Office. The parcel of land is located in the northwest 1/4 of Section 23, Township 21 North, Range 7 East, Gila and Salt River Baseline and Meridian, Coconino County, Arizona. (Note: All references the recorded instruments refer to the records of the Coconino County Recorder's Office.)

The parcel of land is more particularly described by metes and bounds as follows:

COMMENCING at the northwest corner of Section 23, monumented with a USDI/BLM brass cap, dated 1981. From which point the west 1/4 corner of Section 14, Township 21 North, Range 7 East monumented with a 3 inch aluminum cap, LS 26406, bears North 01°35'29" West, 2720.59 feet (Basis of Bearings for this description).

THENCE North 88°39'25" East along the north line of the northwest 1/4 of Section 23, and along the north line of the parcels of land described in Instrument No. 3101540 and Instrument No. 3086724 and along the south line of the parcel of land described in Instrument No. 3469519, 375.60 feet to the southeast corner of the parcel of land described in Instrument No. 3469519 and to the southwest corner of the parcel of land described as Parcel 1 in Instrument No. 3478120, monumented with a nail in concrete;

THENCE North 88°40'08" East along the north line of the northwest 1/4 of Section 23, and along the north line of the parcel of land described in Instrument No. 3086724 and along the south line of Parcel 1, 123.29 feet to the northeast corner of Instrument No. 3086724 and to the northwest corner of the parcel of land described in Docket 2035, Page 813, monumented with a 3/4 inch iron pipe.;

THENCE South 18°35'16" East along the east line of the parcel of land described in Instrument No.3086724 and along the west line of the parcel of land described in Docket 2035, Page 813, 111.28 feet to the southwest corner of the parcel of land described in Docket 2035, Page 813 and to the northwest corner of the parcel of land described in Docket 2072, Page 530;

THENCE South 18°35'16" East along the east line of the parcel of land described in Instrument No. 3086724 and along the west line of the parcel of land described in Docket 2072, Page 530, 140.00 feet to the north line of the 105 foot wide right of way for Route 66, monumented with a 5/8 inch rebar with aluminum cap marked ARENCO LS13010;

THENCE North 71°20'15" East along the south line of the parcel of land described in Docket 2072, Page 530, and along the north right of way line of Route 66, 71.93 feet to the **TRUE POINT OF BEGINNING** of this description:

THENCE North 34°47'09" East, 22.89 feet;

THENCE North 55°11'08" East, 15.37 feet to the east line of the parcel of land described in Docket 2072, Page 530 and to the west line of the parcel of land described in Docket 1108, Page 138;

THENCE South 10°37'17" East along the east line of the parcel of land described in Docket 2072, Page 530 and along the west line of the parcel of land described in Docket 1108, Page

Unofficial Document

138, 12.23 feet to a non-tangent curve whose radius point bears South 89°35'31" West, monumented with a scribed X in concrete;

THENCE southerly along the east line of the parcel of land described in Docket 2072, Page 530 and along the west line of the parcel of land described in Docket 1108, Page 138, along a curve to the right having a radius of 23.00 feet and a central angle of 16°09'27", an arc distance of 6.49 feet (chord bearing South 07°40'15" West, chord distance 6.46 feet) to the southeast corner of the parcel of land described in Docket 2072, Page 530 and to the southwest corner of the parcel of land described in Docket 1108, Page 138, and to the north right of way line of Route 66, monumented with a scribed X in concrete;

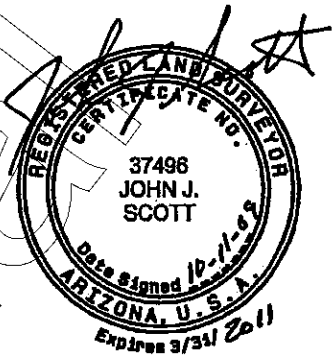
THENCE South 71°20'15" West along the south line of the parcel of land described in Docket 2072, Page 530 and along the north right of way line of Route 66, 28.57 feet to the **TRUE POINT OF BEGINNING** of this description.

The above described parcel of land contains 0.01 acres (330.50 sq ft), more or less.

For a drawing of the parcel described above, see **Exhibit O (Drawing)**, which by this reference is made part of this description.

Right of Way
Descriptive Title

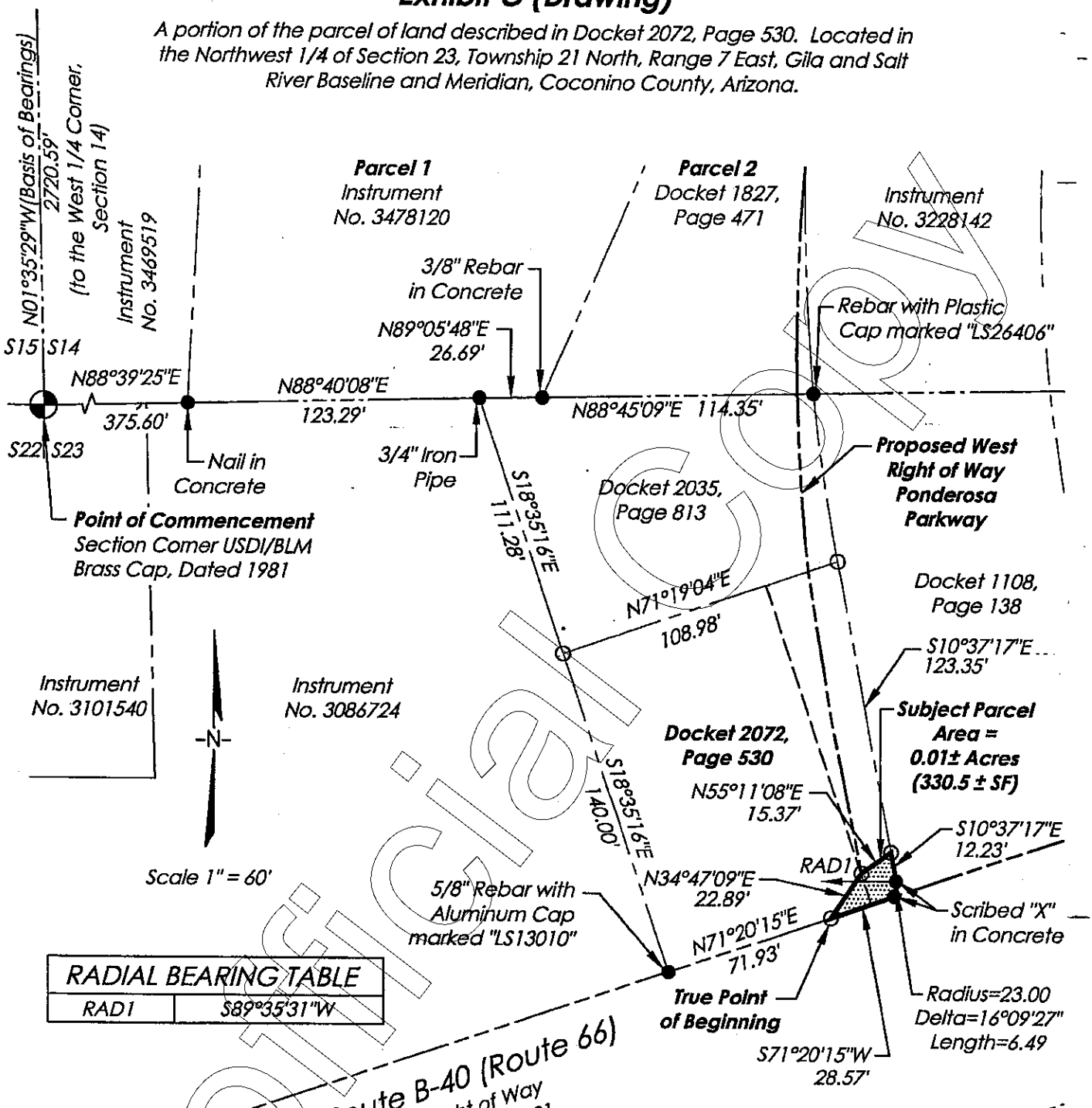
03-09012
City File No.



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Exhibit O (Drawing)

A portion of the parcel of land described in Docket 2072, Page 530. Located in the Northwest 1/4 of Section 23, Township 21 North, Range 7 East, Gila and Salt River Baseline and Meridian, Coconino County, Arizona.



RADIAL BEARING TABLE	
RAD1	S89°35'31"W

03-09012
CITY FILE NO.

REGISTERED LAND SURVEYOR
CERTIFICATE NO.
37496
JOHN J.
SCOTT
Date Signed 10-11-09
ARIZONA, U.S.A.
Expires 3/31/2011

GHD
ARIZONA ENGINEERING
CLIENTS | PEOPLE | PERFORMANCE
1501 South Yale Street-Suite 101-
Flagstaff-AZ-USA-1-928-774-7179-
www.ghd.com

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Exhibit P
Exhibit Q
Exhibit R

Following is a description of a parcel of land which is a portion of the parcels of land described in Instrument No. 3376344 and re-recorded in Instrument No. 3385837 and Instrument No. 3228142 of the records of the Coconino County Recorders Office. (Note: All references to recorded instruments refer to the records of the Coconino County Recorders Office).

The parcel of land is located in the Southwest 1/4 of Section 14, Township 21 North, Range 7 East, Gila and Salt River Meridian, Coconino County, Arizona.

The **GRANTOR** may reference the following parcel as Lot 7 (Exhibit A fee title) and the attached Easements by dedication in the San Francisco De Asis Church and School Development Final Plat (developed by Arizona Engineering Company)containing 11.97 acres more or less, pursuant to the requirements of the City of Flagstaff.

The parcel is more particularly described by metes and bounds as follows:

COMMENCING at the Southwest corner of Section 14, monumented with a USDI/BLM Brass Cap dated 1981 from which point the West 1/4 corner of Section 14, monumented with a 3" aluminum cap marked "LS 26406", bears North 01°35'29" West, 2720.59 feet;

THENCE North 88°39'25" East along the South line of the Southwest 1/4 of Section 14 and along the North lines of the parcels of land described in Instrument No. 3101540 and Instrument No. 3086724, 498.81 feet to the Northwest corner of the parcel of land described in Docket 2035, Page 813 and to the Northeast corner of the parcel of land described in Instrument No. 3086724, monumented with a 1/2" iron pipe;

THENCE North 88°47'13" East along the South line of the Southwest 1/4 of Section 14 and along the North line of the parcel of land described in Docket 2035, Page 813, 134.25 feet to the proposed West right of way line of Ponderosa Parkway;

THENCE North 88°41'10" East along the South line of the Southwest 1/4 of Section 14 and along the North line the parcel of land described in Docket 1108, Page 138, 107.25 feet to the West line of Parcel 1 as described in Docket 1827, Page 472;

THENCE North 88°41'10" East along the South line of the Southwest 1/4 of Section 14, 9.80 feet to the proposed East right of way line of Ponderosa Parkway;

THENCE North 88°41'10" East along the South line of the Southwest 1/4 of Section 14, 99.88 feet to the East line of Parcel 1 as described in Docket 1827, Page 472 and to the West line of the parcel of land described in Docket 3227, Page 936;

THENCE North 18°26'19" West along the East line of Parcel 1 described in Docket 1827, Page 472 and along the West line of the parcel of land described in Docket 3227, Page 936, 153.89 feet to the Southwest corner of the parcel of land described in Instrument No. 3385837, monumented with a 4" concrete post, the **POINT OF BEGINNING** of this description, hereinafter referred to as **POINT "A"**;

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THENCE North 18°13'20" West along the East line of Parcel 1 and along the West line of the parcel of land described in Instrument No. 3385837, 110.98 feet, to the proposed East right of way line of Ponderosa Parkway, hereinafter referred to as **POINT "D"**;

THENCE Northerly along the proposed East right of way line of Ponderosa Parkway, along a curve to the right, having a radius of 765.00 feet and a central angle of 5°57'54", an arc distance of 79.64 feet (chord bearing North 21°22'04" East, chord distance 79.61 feet);

THENCE North 24°21'00" East along the proposed East right of way line of Ponderosa Parkway, 137.50 feet;

THENCE Northerly along the proposed East right of way line of Ponderosa Parkway, along a curve to the left, having a radius of 884.74 feet and a central angle of 20°00'01", an arc distance of 308.84 feet (chord bearing North 14°21'00" East, chord distance 307.27 feet);

THENCE Northerly along the proposed East right of way line of Ponderosa Parkway, along a curve to the left, having a radius of 1648.76 feet and a central angle of 18°07'31", an arc distance of 521.57 feet (chord bearing North 04°42'46" West, chord distance 519.40 feet), to the North line of the parcel of land described in Instrument No. 3385837;

THENCE South 81°54'10" East along the North line of the parcel of land described in Instrument No. 3385837, 429.72 feet to the Northeast corner of the parcel of land described in Instrument No. 3385837;

THENCE South 31°18'30" East, 665.41 feet to the South line of the parcel of land described in Instrument No. 3228142 and to the North line of the parcel of land described in Docket 1947, Page 830;

THENCE North 73°06'23" West along the South line of the parcel of land described in Instrument No. 3228142 and along the North line of the parcel of land described in Docket 1947, Page 830, 98.22 feet to the Southeast corner of the parcel of land described in Instrument No. 3385837, monumented with a 5/8" capped rebar marked "LS 26406";

THENCE South 71°29'36" West along the South line of the parcel of land described in Instrument No. 3385837 and along the North line of the parcel of land described in Docket 1947, Page 830, 320.96 feet to the Northwest corner of the parcel of land described in Docket 1947, Page 830, monumented with a 5/8" capped rebar marked "LS 13010";

THENCE South 18°30'41" East along the South line of the parcel of land described in Instrument No. 3385837 and along the West line of the parcel of land described in Docket 1947, Page 830, 251.55 feet to the Northeast corner of the parcel of land described in Instrument No. 3340460, monumented with a 5/8" capped rebar marked "LS 26406", hereinafter referred to as **POINT "B"**;

THENCE South 71°32'55" West along the South line of the parcel of land described in Instrument No. 3385837 and along the North line of the parcels of land described in

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Instrument No. 3340460 and Docket 3227, Page 936, 566.31 feet to the **POINT OF BEGINNING** of this description;

The above described parcel of land contains 11.97 acres, more or less.

For a drawing of the parcel described above, see **Exhibit "A-1"**, which by this reference is made part of this description.

The above described parcel is subject to the reservation by the grantor, of the following described easements which may be referenced on a Final Plat of Dedication to the City of Flagstaff, pursuant to the requirements of the City of Flagstaff:

EASEMENT "A" – 16' Wide Private and Public Utility Easement:

A 16' wide strip of land which lies 8.0 feet on each side of the following described line:

COMMENCING at the above mentioned **POINT "B"**, a 5/8" capped rebar marked "LS 26406;

THENCE North 18°30'41" West along the South line of the parcel of land described in Instrument No. 3385837 and along the West line of the parcel of land described in Docket 1947, Page 830, 8.00 feet to the **POINT OF BEGINNING** of the this description;

THENCE South 71°32'55" West, parallel with and 8.0 feet North of the South line of the parcel of land described in Instrument No. 3385837, 553.09 feet;

THENCE North 64°41'32" West, 18.17 feet to the East line of Parcel 1 and to the West line of the parcel of land described in Instrument No. 3385837, the **POINT OF TERMINUS** of this description.

The sidelines to be lengthened or shortened to meet the South and West lines of the parcel of land described in Instrument No. 3385837.

The above described 16' wide private and public utility easement contains 0.21 acres, more or less.

For a drawing of the parcel described above, see **Exhibit "A-3"**, which by this reference is made part of this description.

EASEMENT "B" - 40' Wide Private Non-Exclusive Ingress/Egress Easement

The following is a description of a 40' wide private non-exclusive ingress/egress easement to provide access to and from the property described in Docket 3227, Page 936 and Parcel 1 of Docket 1827, Page 472. The 40' wide strip of land lies 20.0 feet on each side of the following described line and is more particularly described as follows:

COMMENCING at the above mentioned **POINT "A"**, a 4" concrete post;

THENCE North 71°32'55" East along the South line of the parcel of land described in Instrument No. 3385837 and along the North line of the parcel of land described in Docket 3227, Page 936, 54.31 feet to the **POINT OF BEGINNING** of this description;

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THENCE North 81°00'52" West, 61.07 feet to the East line of Parcel 1 as described in Docket 1827, Page 472 and to the West line of the parcel of land described in Instrument No. 3385837, the **POINT OF TERMINUS** of this description.

The sidelines to be lengthened or shortened to meet the South and West lines of the parcel of land described in Instrument No. 3385837.

The above described 40' wide private non-exclusive ingress/egress easement contains 0.06 acres, more or less.

For a drawing of the parcel described above, see **Exhibit "A-2"**, which by this reference is made part of this description.

EASEMENT "C" – Drainage Easement:

A drainage easement is more particularly described by metes and bounds as follows:

COMMENCING at **POINT "A"**, a 4" concrete post;

THENCE North 18°13'20" West along the East line of Parcel 1 described in Docket 1827, Page 472 and along the West line of the parcel of land described in Instrument No. 3385837, 110.98 feet, to the proposed East right of way line of Ponderosa Parkway;

THENCE Northerly along the proposed East right of way line of Ponderosa Parkway, along a curve to the right, having a radius of 765.00 feet and a central angle of 5°57'54", an arc distance of 79.64 feet (chord bearing North 21°22'04" East, chord distance 79.61 feet);

THENCE North 24°21'00" East along the proposed East right of way line of Ponderosa Parkway, 137.50;

THENCE Northerly along the proposed East right of way line of Ponderosa Parkway, along a curve to the left, having a radius of 884.74 feet and a central angle of 10°46'45", an arc distance of 166.45 feet (chord bearing North 18°57'37" East, chord distance 166.21 feet);

THENCE Northerly along the proposed East right of way line of Ponderosa Parkway, along a curve to the left, having a radius of 884.74 feet and a central angle of 2°19'48", an arc distance of 35.98 feet (chord bearing North 12°24'20" East, chord distance 35.98 feet), to the **POINT OF BEGINNING** of this description, hereinafter referred to as **POINT "C"**;

THENCE Northerly along the proposed East right of way line of Ponderosa Parkway, along a curve to the left, having a radius of 884.74 feet and a central angle of 6°53'27", an arc distance of 106.41 feet (chord bearing North 07°47'43" East, chord distance 106.34 feet);

THENCE Northerly along the proposed East right of way line of Ponderosa Parkway, along a curve to the left, having a radius of 1648.76 feet and a central angle of 18°07'31", an arc distance of 521.57 feet (chord bearing North 04°42'46" West, chord distance 519.40 feet), to the North line of the parcel of land described in Instrument No. 3385837to a point of cusp;

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THENCE South 81°54'10" East along the North line of the parcel of land described in Instrument No. 3385837, 16.15 feet;

THENCE Southerly, parallel with and 15 feet East of the East right of way line of the proposed Ponderosa Parkway, along a curve to the right, having a radius of 1663.76 feet which bears South 76°25'54" West, and a central angle of 16°49'52", an arc distance of 488.74 feet (chord bearing South 05°09'10" East, chord distance 486.98 feet);

THENCE South 02°30'56" East, 180.73 feet;

THENCE North 41°18'42" West, 59.70 feet to the **POINT OF BEGINNING** of this description.

The above described drainage easement contains 0.26 Acres more or less.

For a drawing of the parcel described above, see **Exhibit "A-2"**, which by this reference is made part of this description.

EASEMENT "D" – Drainage Easement:

A drainage easement is more particularly described by metes and bounds as follows:

BEGINNING at the above mentioned **POINT "C";**

THENCE South 41°18'42" East, 77.53 feet;

THENCE South 17°38'11" East, 41.60 feet;

THENCE South 24°46'55" East, 55.29 feet;

THENCE South 50°57'07" East, 87.77 feet;

THENCE South 41°07'05" East, 102.44 feet;

THENCE South 81°15'02" East, 92.59 feet;

THENCE North 72°10'13" East, 97.37 feet to the West line of the parcel of land described in Docket 1947, Page 830 and to the South line of the parcel of land described in Instrument No. 3385837;

THENCE South 18°30'41" East, along the West line of the parcel of land described in Docket 1947, Page 830 and along the South line of the parcel of land described in Instrument No. 3385837, 56.00 feet to the Northeast corner of the parcel of land described in Instrument No. 3340460, monumented with a 5/8" capped rebar marked "LS 26406";

THENCE South 71°32'55" West along the South line of the parcel of land described in Instrument No. 3385837 and along the North line of the parcel of land described in Instrument No. 3340460, 110.70 feet;

THENCE North 18°30'41" West, 31.28 feet;

THENCE North 81°15'02" West, 103.13 feet;

THENCE North 41°07'05" West, 110.54 feet;

THENCE North 50°57'07" West, 92.02 feet;

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THENCE North 24°46'55" West, 63.84 feet;

THENCE North 17°38'11" West, 37.33 feet;

THENCE North 41°18'42" West, 50.15 feet to the proposed East right of way of Ponderosa Parkway;

THENCE Northerly along the proposed East right of way line of Ponderosa Parkway, along a curve to the left, having a radius of 884.74 feet and a central angle of 2°19'48", an arc distance of 35.98 feet (chord bearing North 12°24'20" East, chord distance 35.98 feet) to the **POINT OF BEGINNING** of this description.

The above described drainage easement contains 0.44 Acres more or less.

For a drawing of the parcel described above, see **Exhibit "A-2"**, which by this reference is made part of this description.

EASEMENT "E" – Slope Easement:

The slope easement is more particularly described by metes and bounds as follows:

BEGINNING at the above mentioned **POINT "D";**

THENCE Northerly along the proposed East right of way line of Ponderosa Parkway, along a curve to the right, having a radius of 765.00 feet and a central angle of 5°57'54", an arc distance of 79.64 feet (chord bearing North 21°22'04" East, chord distance 79.61 feet);

THENCE North 24°21'00" East along the proposed East right of way line of Ponderosa Parkway, 137.50;

THENCE Northerly along the proposed East right of way line of Ponderosa Parkway, along a curve to the left, having a radius of 884.74 feet and a central angle of 10°46'45", an arc distance of 166.45 feet (chord bearing North 18°57'37" East, chord distance 166.21 feet);

THENCE South 41°18'42" East, 36.38 feet;

THENCE Southerly, parallel with and 30' East of the East right of way line of Ponderosa Parkway, along a curve to the right, having a radius of 914.74 feet which bears North 75°07'06" West, and a central angle of 9°28'06", an arc distance of 151.16 feet (chord bearing South 19°36'57" West, chord distance 150.99 feet);

THENCE South 24°21'00" West, parallel with and 30' East of the East right of way line of Ponderosa Parkway, 137.50 feet;

THENCE Southerly, parallel with and 30' East of the East right of way line of Ponderosa Parkway, along a curve to the left, having a radius of 735.00 feet and a central angle of 9°14'27", an arc distance of 118.54 feet (chord bearing South 19°43'47" West, chord distance 118.41 feet) to the East line of Parcel 1 described in Docket 1827, Page 472 and to the West line of the parcel of land described in Instrument No. 3385837;

THENCE North 18°13'20" West along the East line of Parcel 1 described in Docket 1827, Page 472 and along the West line of the parcel of land described in Instrument No. 3385837, 52.32 feet to the **POINT OF BEGINNING** of this description.

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The above described slope easement contains 0.27 Acres more or less.

For a drawing of the parcel described above, see **Exhibit "A-2"**, which by this reference is made part of this description.

EASEMENT "F" – 16' Wide Public Utility Easement:

A 16' wide strip of land which lies 8.0 feet on each side of the following described line:

COMMENCING at the above mentioned **POINT "B"**;

THENCE North 18°30'41" West along the South line of the parcel of land described in Instrument No. 3385837 and along the West line of the parcel of land described in Docket 1947, Page 830, 8.00 feet to the **POINT OF BEGINNING** of this description;

THENCE North 66°39'29" West, 284.53 feet;

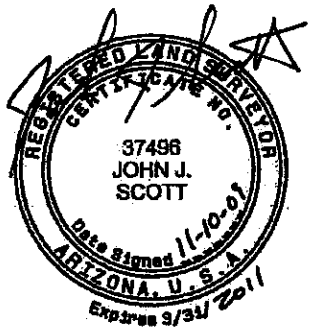
THENCE North 37°46'05" West, 259.88 feet to the proposed right of way of Ponderosa Parkway, the **POINT OF TERMINUS** of this description.

The sidelines to be lengthened or shortened to meet the South line of the parcel of land described in Instrument No. 3385837and to meet the proposed East right of way line of Ponderosa Parkway.

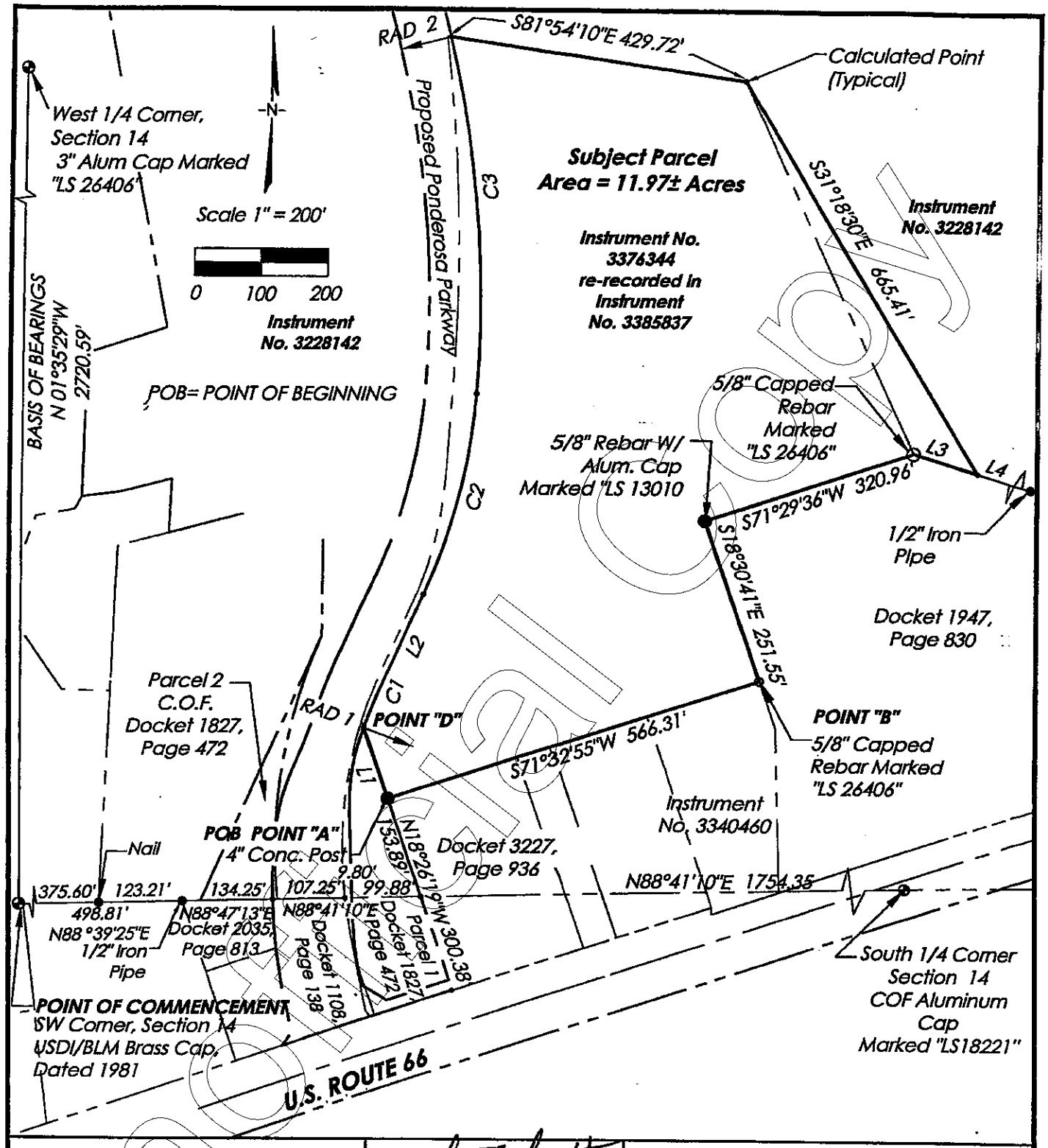
The above described 16' wide public utility easement contains 0.20 acres, more or less.

For a drawing of the parcel described above, see **Exhibit "A-3"**, which by this reference is made part of this description.

The **BASIS OF BEARINGS** for the above described parcels of land is the line from the Southwest corner of Section 14, a USDI/BLM brass cap dated 1981 to the West 1/4 corner of Section 14, a 3" aluminum cap marked "LS 26406', which bears South 01°35'29" East, according to the record of survey recorded in Book 21 of Surveys, Page 17.



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ARIZONA ENGINEERING COMPANY
www.arizonaengineering.com
1501 South Yale Street, Suite 101
Flagstaff, AZ 86001-6330
Telephone: 928-774-7179

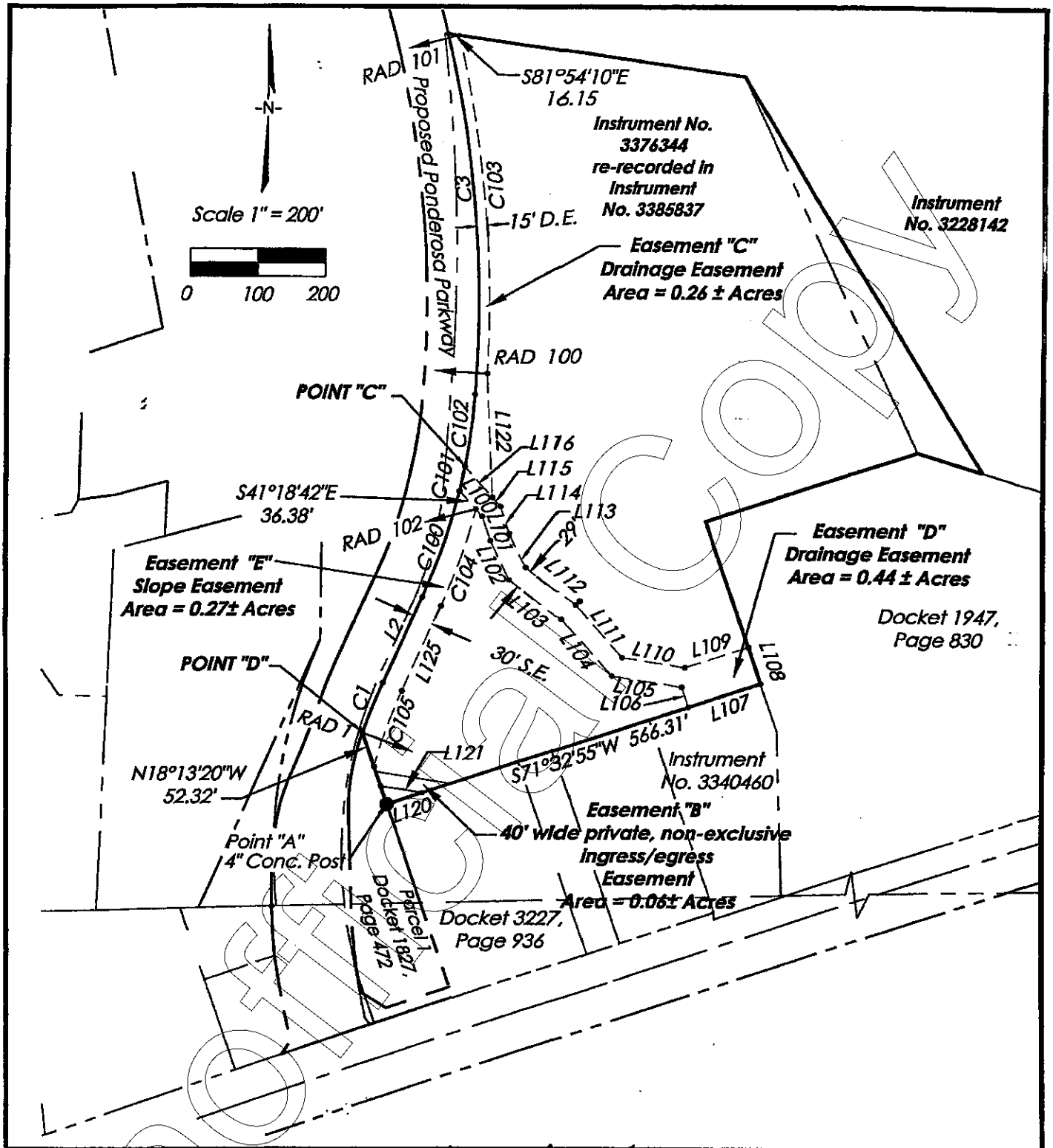
REGISTERED LAND SURVEYOR
CERTIFICATE NO.
37496
JOHN J.
SCOTT
Date Signed 7-15-09
ARIZONA, U.S.A.
Expires 3/31/2011

Exhibit "A-1"

A parcel of land located in the Southwest 1/4 of Section 14, Township 21 North, Range 7 East, Gila and Salt River Meridian, Coconino County, Arizona.

SHEET 1 OF 4

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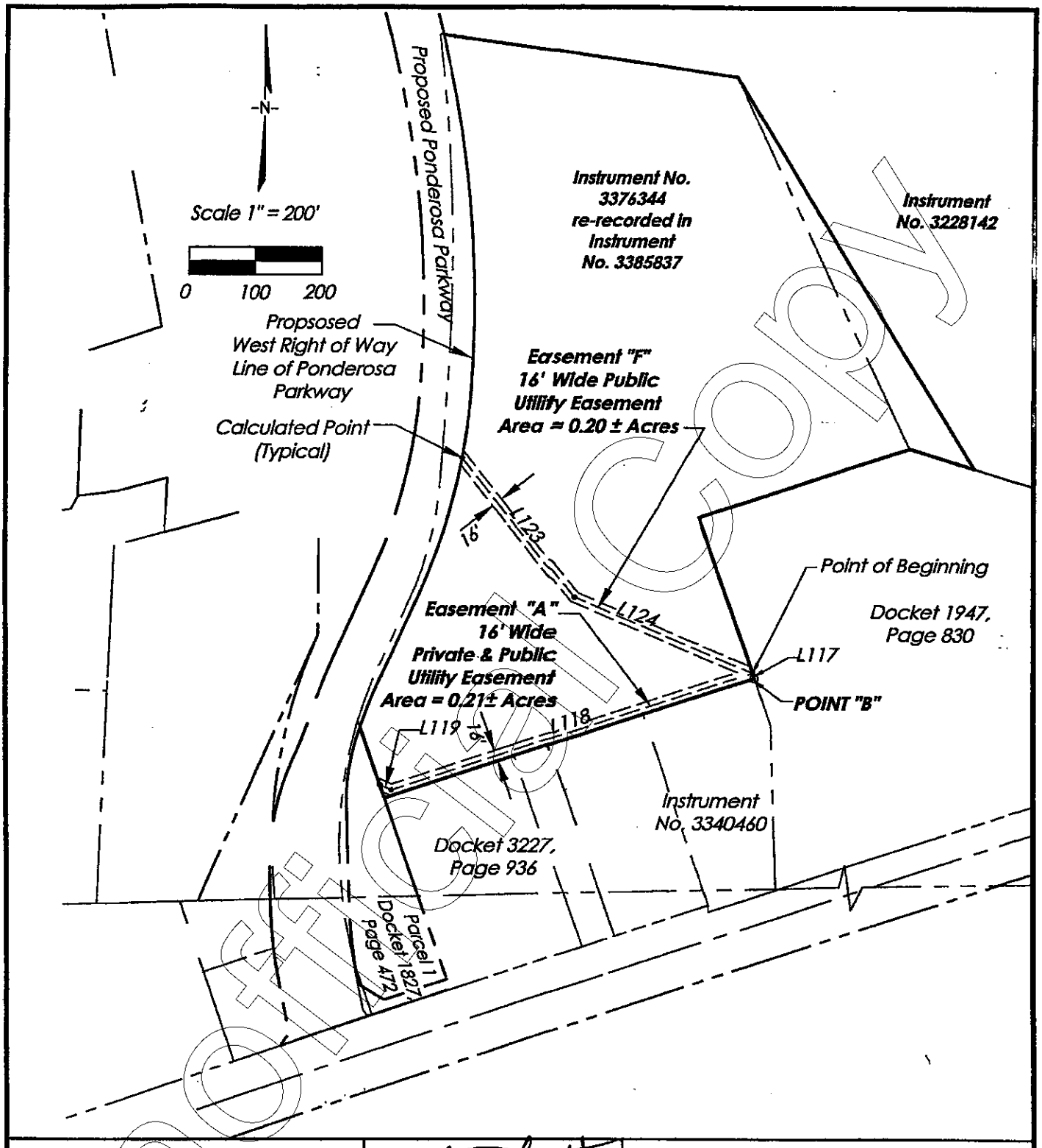
REGISTERED LAND SURVEYOR
CERTIFICATE NO.
37496
JOHN J.
SCOTT
Date Signed 7-25-08
ARIZONA, U.S.A.
Expires 3/31/2011

Exhibit "A-2"

Easements are located in the Southwest 1/4 of Section 14, Township 21 North, Range 7 East, Gila and Salt River Meridian, Coconino County, Arizona.

SHEET 2 OF 4

Unofficial Document



ARIZONA ENGINEERING COMPANY
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1501 South Yale Street, Suite 101
Flagstaff, AZ 86001-6330
Telephone: 928-774-7179

REGISTERED LAND SURVEYOR
CERTIFICATE NO.
37496
JOHN J. SCOTT
Date Signed 7-25-08
ARIZONA, U.S.A.
Expires 3/31/2011

Exhibit "A-3"

Easement are located in the Southwest 1/4 of Section 14, Township 21 North, Range 7 East, Gila and Salt River Meridian, Coconino County, Arizona.

SHEET 3 OF 4

Unofficial Document

RADIAL BEARING TABLE

RAD 1	S71°36'53"E
RAD 2	S76°13'28"W

LINE TABLE

LINE	LENGTH	BEARING
L1	110.98'	N18°13'20"W
L2	137.50	N24°21'00"E
L3	98.22'	N73°06'23"W
L4	415.09'	N73°06'23"W

CURVE TABLE

CURVE	LENGTH	RADIUS	TANGENT	DELTA
C1	79.64	765.00	39.86	5°57'54"
C2	308.84	884.74	156.01	20°00'01"
C3	521.57	1648.76	262.98	18°07'31"

EASEMENT CURVE TABLE

CURVE	LENGTH	RADIUS	TANGENT	DELTA
C100	166.45	884.74	83.47	10°46'45"
C101	35.98	884.74	17.99	2°19'48"
C102	106.41	884.74	53.27	6°53'27"
C103	488.74	1663.76	246.14	16°49'52"
C104	151.16	914.74	75.75	9°28'06"
C105	118.54	735.00	59.40	9°14'27"

EASEMENT RADIAL BEARING TABLE

RAD 100	N86°44'14"W
RAD 101	S76°25'54"W
RAD 102	N75°07'06"W

EASEMENT LINE TABLE

LINE	LENGTH	BEARING
L100	50.15	N41°18'42"W
L101	37.33	N17°38'11"W
L102	63.84	N24°46'55"W
L103	92.02	N50°57'07"W
L104	110.54	N41°07'05"W
L105	103.13	N81°15'02"W
L106	31.28	N18°30'41"W
L107	110.70	S71°32'55"W
L108	56.00	S18°30'41"E
L109	97.37'	N72°10'13"E
L110	92.59	S81°15'02"E
L111	102.44'	S41°07'05"E
L112	87.77	S50°57'07"E
L113	55.29	S24°46'55"E
L114	41.60	S17°38'11"E
L115	17.83	S41°18'42"E
L116	59.70	S41°18'42"E
L117	8.00	N18°30'41"W
L118	553.09	S71°32'55"W
L119	18.17'	N64°41'32"W
L120	54.31	N71°32'55"E
L121	61.07	N81°00'52"W
L122	180.73	S02°30'56"E
L123	259.88	N37°46'05"W
L124	284.53	N66°39'29"W
L125	137.50	S24°21'00"W

ARIZONA ENGINEERING COMPANY
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Flagstaff, AZ 86001-6330
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REGISTERED LAND SURVEYOR
CERTIFICATE NO.
37496
JOHN J.
SCOTT
Date Signed 7-25-08
ARIZONA, U.S.A.
Expires 3/31/

Exhibit "A-4"

A parcel of land located in the Southwest 1/4 of Section 14, Township 21 North, Range 7 East, Gila and Salt River Meridian, Coconino County, Arizona.

SHEET 4 OF 4

Unofficial Copy

Exhibit S

(Description)

Following is a description of a parcel of land which is a portion of the parcel of land described in Instrument No. 3385837, of the records of the Coconino County Recorder's Office. The parcel of land is located in the southwest 1/4 of Section 14, Township 21 North, Range 7 East, Gila and Salt River Baseline and Meridian, Coconino County, Arizona. (Note: All references the recorded instruments refer to the records of the Coconino County Recorder's Office.)

The parcel is more particularly described by metes and bounds as follows:

COMMENCING at the southwest corner of Section 14, monumented with a USDI/BLM brass cap, dated 1981. From which point the west 1/4 corner of Section 14, monumented with a 3 inch aluminum cap, LS 26406, bears North 01°35'29" West, 2720.59 feet (Basis of Bearings for this description):

THENCE North 88°39'25" East along the south line of the southwest 1/4 of Section 14, and along the north line of the parcels of land described in Instrument No. 3101540 and Instrument No. 3086724 and along the south line of the parcel of land described in Instrument No. 3469519, 375.60 feet to the southeast corner of the parcel of land described in Instrument No. 3469519 and to the southwest corner of the parcel of land described as Parcel 1 in Instrument No. 3478120, monumented with a nail in concrete;

THENCE North 88°40'08" East along the south line of the southwest 1/4 of Section 14, and along the north line of the parcel of land described in Instrument No. 3086724 and along the south line of Parcel 1(Instrument No. 3478120), 123.29 feet to the northeast corner of the parcel of land described in Instrument No. 3086724 and to the northwest corner of the parcel of land described in Docket 2035, Page 813, monumented with a 3/4 inch iron pipe;

THENCE South 18°35'16" East along the east line of the parcel of land described in Instrument No.3086724 and along the west line of the parcel of land described in Docket 2035, Page 813, 111.28 feet to the southwest corner of the parcel of land described in Docket 2035, Page 813 and to the northwest corner of the parcel of land described in Docket 2072, Page 530;

THENCE South 18°35'16" East along the east line of the parcel of land described in Instrument No. 3086724 and along the west line of the parcel of land described in Docket 2072, Page 530, 140.00 feet to the north line of the 105 foot wide right of way for Route 66, monumented with a 5/8 inch rebar with aluminum cap marked ARENCO LS13010;

THENCE North 71°20'15" East along the south line of the parcel of land described in Docket 2072, Page 530, and along the north right of way line of Route 66, 100.50 feet to southeast corner of the parcel of land described in Docket 2072, Page 530 and to the southwest corner of the parcel of land described in Docket 1108, Page 138, monumented with a scribed X in concrete;

THENCE North 71°20'15" East along the south line of the parcel of land described in Docket 1108, Page 138 and along the north right of way line of Route 66, 108.53 feet to the southeast corner of the parcel of land described in Docket 1108, Page 138 and to the southwest corner of the parcel of land described as Parcel 1 in Docket 1827, Page 471, monumented with a scribed X in concrete;

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THENCE North 71°20'15" East along the south line of Parcel 1(Docket 1872, Page 471) and along the north right of way line of Route 66, 126.70 feet to the southeast corner of Parcel 1 (Docket 1872, Page 471) and to the southwest corner of the parcel of land described as Parcel 3 in Instrument No. 3227936;

THENCE North 18°35'24" West, along the east line of Parcel 1(Docket 1872, Page 471) and along the west line of Parcel 3, 300.51 feet, to the northwest corner of Parcel 3 and to the south line of the parcel of land described in Instrument No. 3385837, monumented with a 4 inch by 4 inch concrete post, the **TRUE POINT OF BEGINNING** of this description.

THENCE North 18°16'17" West, along the east line of Parcel 1(Docket 1872, Page 471) and along the south line of the parcel of land described in Instrument No. 3385837, 9.33 feet;

THENCE South 64°40'25" East, 13.49 feet to the north line of Parcel 3 and to the south line of the parcel of land described in Instrument No. 3385837;

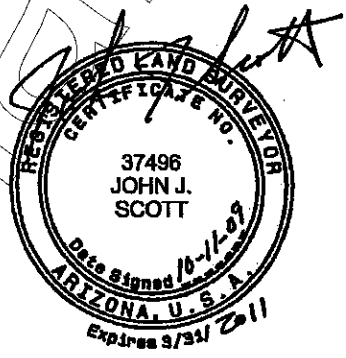
THENCE South 71°34'02" East along the north line of Parcel 3 and along the south line of the parcel of land described in Instrument No. 3385837, 9.77 feet to the **TRUE POINT OF BEGINNING** of this description.

The above described parcel of land contains 0.001 acres (45.56 sq ft), more or less.

For a drawing of the parcel described above, see **Exhibit S (Drawing)**, which by this reference is made part of this description.

Sewer Easement
Descriptive Title

03-09012
City File No.



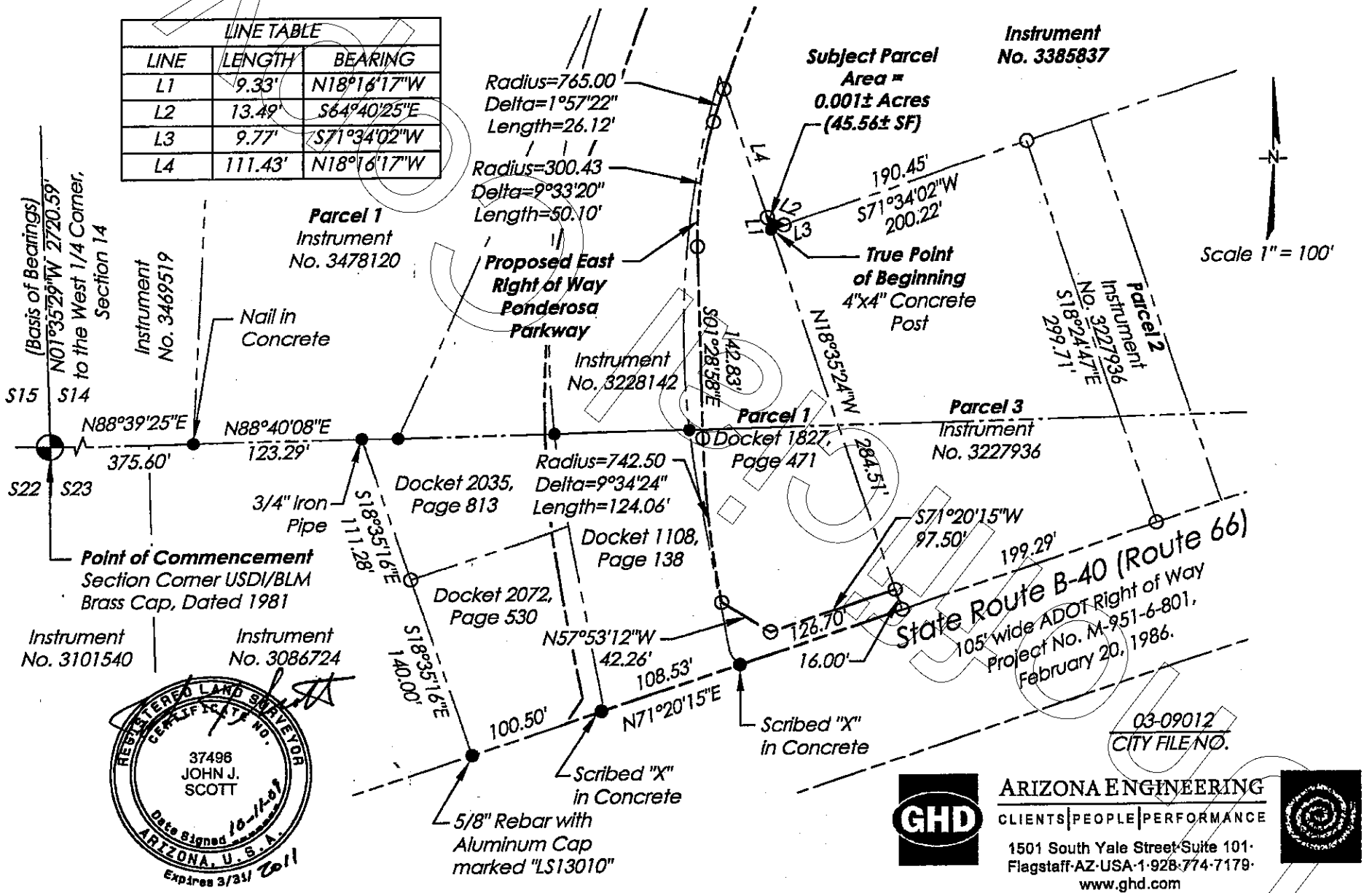
Unofficial Copy

3546724 Pages: 115 of 129 12/03/2009 03:22:47 PM

Exhibit S (Drawing)

A portion of the parcel of land described in instrument No. 338583. Located in the Southwest 1/4 of Section 14, Township 21 North, Range 7 East, Gila and Salt River Baseline and Meridian, Coconino County, Arizona.

LINE TABLE		
LINE	LENGTH	BEARING
L1	9.33'	N18°16'17"W
L2	13.49'	S64°40'25"E
L3	9.77'	S71°34'02"W
L4	111.43'	N18°16'17"W



REGISTERED LAND SURVEYOR
CERTIFICATE NO.
37496
JOHN J.
SCOTT
Date Signed 10-11-09
ARIZONA, U.S.A.
Expires 3/31/ 10

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Flagstaff·AZ·USA·1·928·774·7179·
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Exhibit U

(Description)

Following is a description of a parcel of land which is a portion of the parcel of land described as Parcel 2 in Docket 1827, Page 471 of the records of the Coconino County Recorder's Office. The parcel of land is located in the southwest 1/4 of Section 14, Township 21 North, Range 7 East, Gila and Salt River Baseline and Meridian, Coconino County, Arizona. (Note: All references the recorded instruments refer to the records of the Coconino County Recorder's Office.)

The parcel of land is more particularly described by metes and bounds as follows:

COMMENCING at the southwest corner of Section 14, monumented with a USDI/BLM brass cap, dated 1981. From which point the west 1/4 corner of Section 14, monumented with a 3 inch aluminum cap, LS 26406, bears North 01°35'29" West, 2720.59 feet (Basis of Bearings for this description):

THENCE North 88°39'25" East along the south line of the southwest 1/4 of Section 14, and along the north line of the parcels of land described in Instrument No. 3101540 and Instrument No. 3086724 and along the south line of the parcel of land described in Instrument No. 3469519, 375.60 feet to the southeast corner of the parcel of land described in Instrument No. 3469519 and to the southwest corner of the parcel of land described as Parcel 1 in Instrument No. 3478120, monumented with a nail in concrete;

THENCE North 88°40'08" East along the south line of the southwest 1/4 of Section 14, and along the north line of the parcel of land described in Instrument No. 3086724 and along the south line of Parcel 1, 123.29 feet to the northeast corner of Instrument No. 3086724 and to the northwest corner of the parcel of land described in Docket 2035, Page 813, monumented with a 3/4 inch iron pipe.;

THENCE North 89°05'48" East, along the south line of the southwest 1/4 of Section 14, and along the south line of Parcel 1 and along the north line of the parcel of land described in Docket 2035, Page 813, 26.69 feet to the southeast corner of the parcel of Parcel 1 and to the southwest corner of Parcel 2 in Docket 1827, Page 471, monumented with a 3/8" rebar in concrete;

THENCE North 88°45'09" East along the south line of the southwest 1/4 of Section 14 and along the south line of Parcel 2 and along the north line of the parcel of land described in Docket 2035, Page 813, 107.52 feet to a non-tangent curve whose radius point bears North 88°18'26" East, the **TRUE POINT OF BEGINNING** of this description:

THENCE northerly along a curve to the right having a radius of 763.27 feet and a central angle of 7°12'20", an arc distance of 95.99 feet (chord bearing North 01°54'36" East, chord distance 95.93 feet) to the east line of Parcel 2 and to the west line of the parcel of land described in Instrument No. 3228142 and to a non-tangent curve whose radius point bears South 88°35'20" East;

THENCE southerly along the east line of Parcel 2 and along the west line of the parcel of land described in Instrument No. 3228142 and along a curve to the left having a radius of 766.20 feet and a central angle of 7°10'05", an arc distance of 95.86 feet.(chord bearing South 02°10'22"

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East, chord distance 95.79 feet) to the south line of the southwest 1/4 of Section 14, and to the southwest corner of the parcel of land described in Instrument No. 3228142 and to the northwest corner of the parcel of land described in Docket 1108, Page 138 and to the northeast corner of the parcel of land described in Docket 2035, Page 813 and to the southeast corner of Parcel 2, monumented with a rebar with plastic cap, RLS 26406;

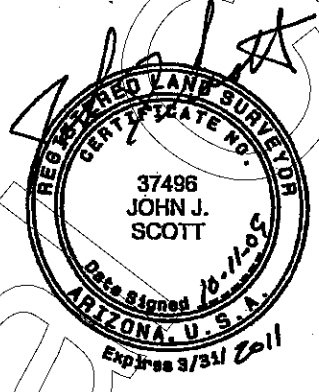
THENCE South 88°45'09" West along the south line of the southwest 1/4 of Section 14 and long the south line of Parcel 2 and along the north line of the parcel of land described in Docket 2035, Page 813, 6.83 feet to the **TRUE POINT OF BEGINNING** of this description.

The above described parcel of land contains 0.01 acres (327.90 sq. ft.), more or less.

For a drawing of the parcel described above, see **Exhibit U (Drawing)**, which by this reference is made part of this description.

Right of Way
Descriptive Title

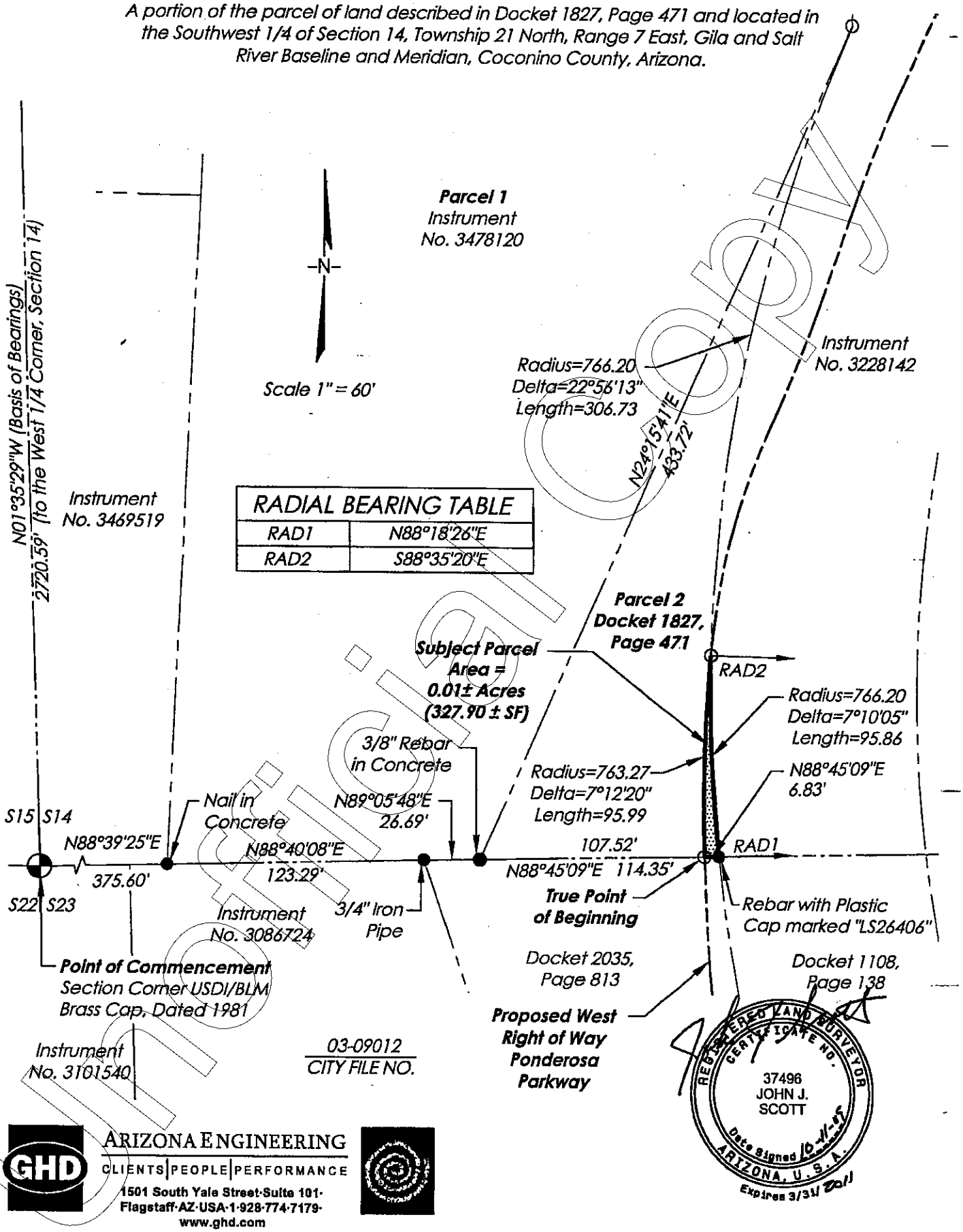
03-09012
City File No.



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Exhibit U (Drawing)

A portion of the parcel of land described in Docket 1827, Page 471 and located in the Southwest 1/4 of Section 14, Township 21 North, Range 7 East, Gila and Salt River Baseline and Meridian, Coconino County, Arizona.



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Exhibit V

(Description)

Following is a description of a parcel of land which is a portion of the parcel of land described as Parcel 1 as described in Docket 1827, Page 471 of the records of the Coconino County Recorder's Office. The parcel of land is located in the northwest 1/4 of Section 23 and the southwest 1/4 of Section 14, Township 21 North, Range 7 East, Gila and Salt River Baseline and Meridian, Coconino County, Arizona. (Note: All references the recorded instruments refer to the records of the Coconino County Recorder's Office.)

The parcel of land is more particularly described by metes and bounds as follows:

COMMENCING at the southwest corner of Section 14, monumented with an USDI/BLM brass cap, dated 1981. From which point the west 1/4 corner of Section 14, monumented with a 3 inch aluminum cap, LS 26406, bears North 01°35'29" West, 2720.59 feet (Basis of Bearings for this description):

THENCE North 88°39'25" East along the south line of the southwest 1/4 of Section 14, and along the north line of the parcels of land described in Instrument No. 3101540 and Instrument No. 3086724 and along the south line of the parcel of land described in Instrument No. 3469519, 375.60 feet to the southeast corner of the parcel of land described in Instrument No. 3469519 and to the southwest corner of the parcel of land described as Parcel 1 in Instrument No. 3478120, monumented with a nail in concrete;

THENCE North 88°40'08" East along the south line of the southwest 1/4 of Section 14, and along the north line of the parcel of land described in Instrument No. 3086724 and along the south line of Parcel 1(Instrument No. 3478120), 123.29 feet to the northeast corner of Instrument No. 3086724 and to the northwest corner of the parcel of land described in Docket 2035, Page 813, monumented with a 3/4 inch iron pipe.;

THENCE North 89°05'48" East, along the south line of the southwest 1/4 of Section 14, and along the south line of Parcel 1(Instrument No. 3478120) and along the north line of the parcel of land described in Docket 2035, Page 813 26.69 feet to the southeast corner of Parcel 1(Instrument No. 3478120) and to the southwest corner of the parcel of land described as Parcel 2 in Docket 1827, Page 471, monumented with a 3/8" rebar in concrete;

THENCE North 88°45'09" East along the south line of the southwest 1/4 of Section 14 and along the north line of the parcel of land described in Docket 2035, Page 813 and along the south line of Parcel 2, 114.35 feet to the southwest corner of the parcel of land described in Instrument No. 3228142 and to the northwest corner of the parcel of land described in Docket 1108, Page 138 and to the northeast corner of the parcel of land described in Docket 2035, Page 813 and to the southeast corner of Parcel 2, monumented with a rebar with plastic cap, RLS 26406;

THENCE North 88°41'21" East along the south line of the southwest 1/4 of Section 14 and along the north line of the parcel of land described in Docket 1108, Page 138 and along a portion of the south line of the parcel of land described in Instrument No.3228142, 100.36 feet to the northeast corner of the parcel of land described in Docket 1108, Page 138 and to an angle point in the south line of the parcel of land described in Instrument No. 3228142 and to the west line of the parcel of land described as Parcel 1 in Docket 1827, Page 471, to a non-tangent

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curve whose radius point bears North 83°34'26" East, the **TRUE POINT OF BEGINNING** of this description:

THENCE northerly along the a portion of the south line of the parcel of land described in Instrument No. 3228142 and along the west line of Parcel 1(Docket 1827, Page 471), along a curve to the right having a radius of 666.20 feet and a central angle of 22°54'25", an arc distance of 266.35 feet (chord bearing North 05°01'38" East, chord distance 264.58 feet) to the west line of the parcel of land described in Instrument No. 3385837 and to the most north corner of Parcel 1(Docket 1827, Page 471), monumented with a 5/8" rebar with aluminum cap, LS 13010;

THENCE South 18°16'17" East along the west line of the parcel of land described in Instrument No. 3385837 and along the east line of Parcel 1(Docket 1827, Page 471), 9.99 feet to a non-tangent curve whose radius point bears South 71°37'18" East;

THENCE southerly along a curve to the left having a radius of 765.00 feet and a central angle of 1°57'22", an arc distance of 26.12 feet (chord bearing South 17°24'01" West, chord distance 26.12 feet) to a point of compound curvature;

THENCE southerly along a curve to the left having a radius of 300.43 feet and a central angle of 17°54'18", an arc distance of 93.88 feet.(chord bearing South 07°28'11" West, chord distance 93.50 feet);

THENCE South 01°28'58" East, 142.83 feet;

THENCE southerly along a curve to the left having a radius of 742.50 feet and a central angle of 9°34'24", an arc distance of 124.06 feet.(chord bearing South 06°16'10" East, chord distance 123.92 feet);

THENCE South 55°11'08" West, 1.19 feet to the east line of the parcel of land described in Docket 1108, Page 138 and to the west line of Parcel 1(Docket 1827, Page 471);

THENCE North 10°37'17" West along the east line of the parcel of land described in Docket 1108, Page 138 and along the west line of Parcel 1(Docket 1827, Page 471), 83.39 feet;

THENCE northerly along the east line of the parcel of land described in Docket 1108, Page 138 and along the west line of Parcel 1(Docket 1827, Page 471) along a curve to the right having a radius of 666.20 feet and a central angle of 4°11'43", an arc distance of 48.78 feet (chord bearing North 08°31'25" West, chord distance 48.77 feet) to the **TRUE POINT OF BEGINNING** of this description.

The above described parcel of land contains 0.06 acres (2665.54 sq ft), more or less.

For a drawing of the parcel described above, see **Exhibit V (Drawing)**, which by this reference is made part of this description.

Right of Way
Descriptive Title

03-09012
City File No.

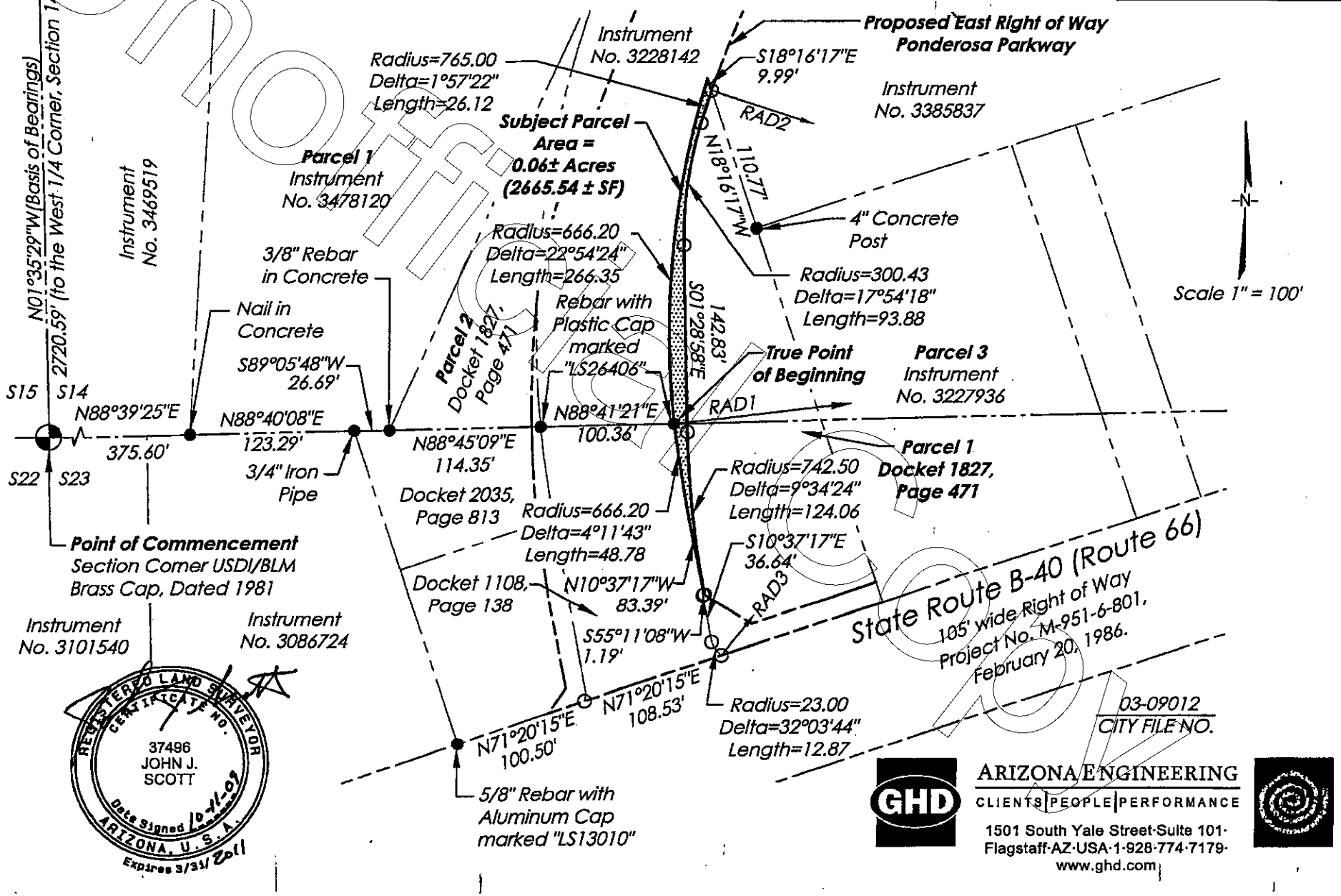
REGISTERED LAND SURVEYOR
CERTIFICATE NO.
37496
JOHN J.
SCOTT
Date Signed 10-11-09
ARIZONA, U.S.A.
Expires 9/30/2011

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Exhibit V (Drawing)

A portion of the parcel of land described as Parcel 1 in Docket 1827, Page 471. Located in the Southwest 1/4 of Section 14 and the Northwest 1/4 of Section 23, Township 21 North, Range 7 East, Gila and Salt River Baseline and Meridian, Coconino County, Arizona.

RADIAL BEARING TABLE	
RAD1	N83°34'26"E
RAD2	S71°37'18"E
RAD3	N38°01'28"E



REGISTERED LAND SURVEYOR
CERTIFICATE NO.
37496
JOHN J.
SCOTT
Date Signed 10-21-09
ARIZONA, U.S.A.
Expires 3/31/2011

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Exhibit W

(Description)

Following is a description of a parcel of land which is a portion of the parcel of land described in Docket 1108, Page 138 of the records of the Coconino County Recorder's Office. The parcel of land is located in the northwest 1/4 of Section 23, Township 21 North, Range 7 East, Gila and Salt River Baseline and Meridian, Coconino County, Arizona. (Note: All references the recorded instruments refer to the records of the Coconino County Recorder's Office.)

The parcel of land is more particularly described by metes and bounds as follows:

COMMENCING at the northwest corner of Section 23, monumented with an USDI/BLM brass cap, dated 1981. From which point the west 1/4 corner of Section 14, Township 21 North, Range 7 East, monumented with a 3 inch aluminum cap, LS 26406, bears North 01°35'29" West, 2720.59 feet (Basis of Bearings for this description):

THENCE North 88°39'25" East along the north line of the northwest 1/4 of Section 23, and along the north line of the parcels of land described in Instrument No. 3101540 and Instrument No. 3086724 and along the south line of the parcel of land described in Instrument No. 3469519, 375.60 feet to the southeast corner of the parcel of land described in Instrument No. 3469519 and to the southwest corner of the parcel of land described as Parcel 1 in Instrument No. 3478120, monumented with a nail in concrete;

THENCE North 88°40'08" East along the north line of the northwest 1/4 of Section 23, and along the north line of the parcel of land described in Instrument No. 3086724 and along the south line of Parcel 1(Instrument No. 3478120), 123.29 feet to the northeast corner of Instrument No. 3086724 and to the northwest corner of the parcel of land described in Docket 2035, Page 813, monumented with a 3/4 inch iron pipe;

THENCE South 18°35'16" East along the east line of the parcel of land described in Instrument No.3086724 and along the west line of the parcel of land described in Docket 2035, Page 813, 111.28 feet to the southwest corner of the parcel of land described in Docket 2035, Page 813 and to the northwest corner of the parcel of land described in Docket 2072, Page 530;

THENCE South 18°35'16" East along the east line of the parcel of land described in Instrument No. 3086724 and along the west line of the parcel of land described in Docket 2072, Page 530, 140.00 feet to the north line of the 105 foot wide right of way for Route 66, monumented with a 5/8 inch rebar with aluminum cap marked ARENCO LS13010;

THENCE North 71°20'15" East along the south line of the parcel of land described in Docket 2072, Page 530, and along the north right of way line of Route 66, 100.50 feet to southeast corner of the parcel of land described in Docket 2072, Page 530 and to the southwest corner of the parcel of land described in Docket 1108, Page 138 and to a non-tangent curve whose radius point bears North 74°15'02" West, monumented with a scribed X in concrete, the **TRUE POINT OF BEGINNING** of this description:

THENCE northerly along the east line of the parcel of land described in Docket 2072, Page 530 and along the west line of the parcel of land described in Docket 1108, Page 138, along a curve to the left having a radius of 23.00 feet and a central angle of 16°09'27", an arc distance of 6.49

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feet (chord bearing North 07°40'15" East, chord distance 6.46 feet), monumented with a scribed X in concrete;

THENCE North 10°37'17" West along the east line of the parcel of land described in Docket 2072, Page 530 and along the west line of the parcel of land described in Docket 1108, Page 138, 12.23 feet;

THENCE North 55°11'08" East, 109.63 feet to the east line of the parcel of land described n Docket 1108, Page 138 and to the west line of the parcel of land described as Parcel 1 in Docket 1827, Page 471 ;

THENCE South 10°37'17" East along the east line of the parcel of land described in Docket 1108, Page 138 and to the west line of Parcel 1(Docket 1827, Page 471), 36.64 feet to a non-tangent curve whose radius point bears North 70°05'11" East, monumented with a scribed X in concrete;

THENCE southeasterly along the east line of the parcel of land described in Docket 1108, Page 138 and along the west line of Parcel 1(Docket 1827, Page 471), along a curve to the left having a radius of 23.00 feet and a central angle of 32°03'44", an arc distance of 12.87 feet (chord bearing South 35°56'40" East, chord distance 12.70 feet) to the southwest corner of Parcel 1(Docket 1827, Page 471) and to the southeast corner of the parcel of land described in Docket 1108, Page 138 and to the north right of way line of Route 66, monumented with a scribed X in concrete;

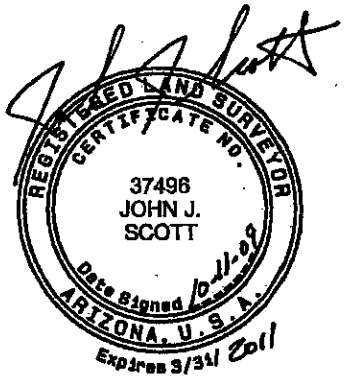
THENCE South 71°20'15" West along the south line of the parcel of land described in Docket 1108, Page 138 and along the north right of way line of Route 66, 108.53 feet to the **TRUE POINT OF BEGINNING** of this description.

The above described parcel of land contains 0.08 acres (3379.25 sq ft), more or less.

For a drawing of the parcel described above, see **Exhibit W (Drawing)**, which by this reference is made part of this description.

Right of Way
Descriptive Title

03-09012
City File No.

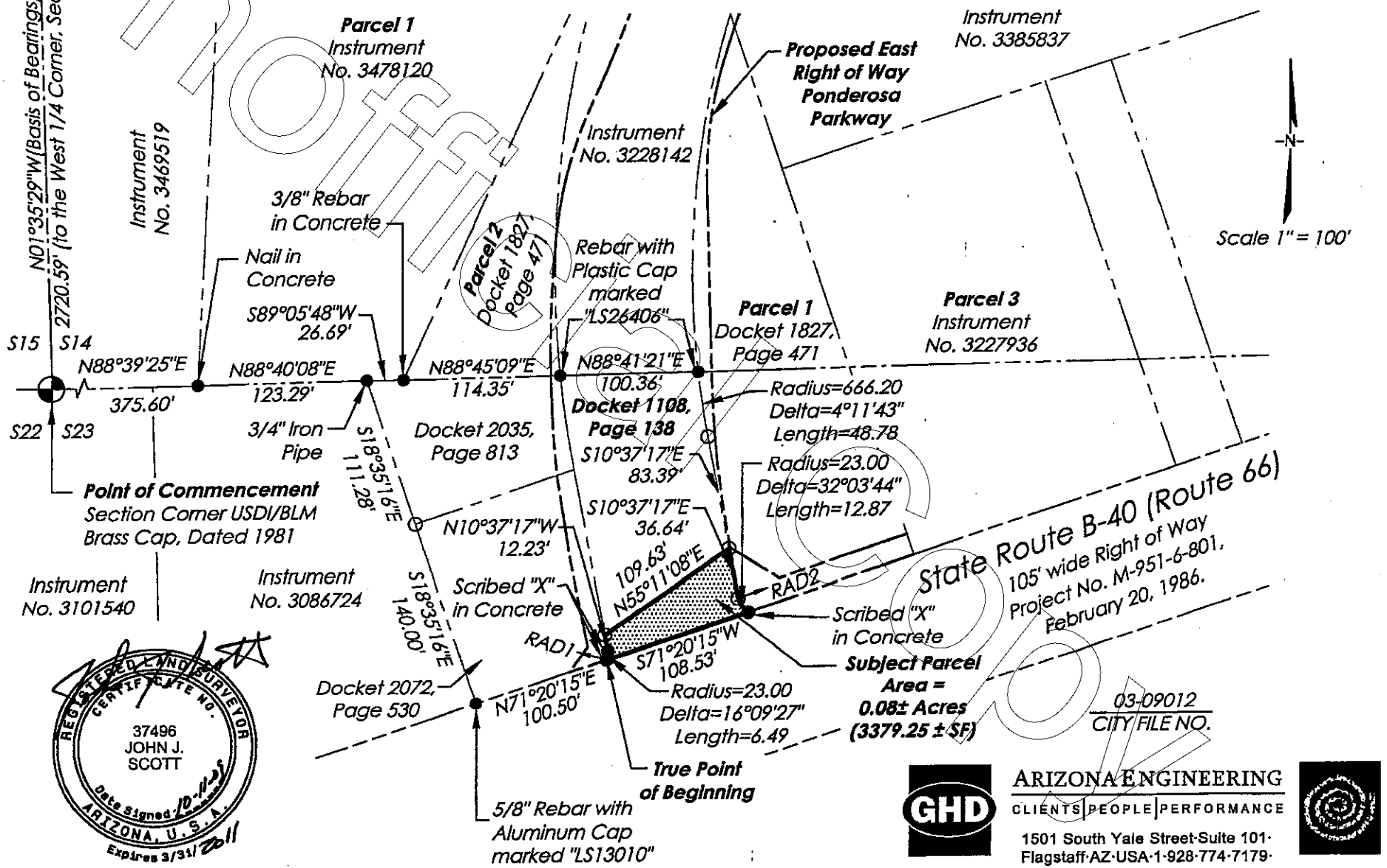


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Exhibit W (Drawing)

A portion of the parcel of land described in Docket 1108, Page 138.
Located in the Northwest 1/4 of Section 23, Township 21 North, Range 7 East, Gila and Salt River Baseline and Meridian, Coconino County, Arizona.

RADIAL BEARING TABLE	
RAD1	N74°15'02"W
RAD2	N70°05'11"E



REGISTERED LAND SURVEYOR
CERTIFICATE NO.
37496
JOHN J.
SCOTT
Date Signed: 10-11-09
ARIZONA, U.S.A.
Expires 3/31/2011

03-09012
CITY FILE NO.

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Exhibit X

(Description)

Following is a description of a parcel of land which is a portion of the parcel of land described as Parcel 1 in Docket 1827, Page 471, of the records of the Coconino County Recorder's Office. The parcel of land is located in the southwest 1/4 of Section 14, Township 21 North, Range 7 East, Gila and Salt River Baseline and Meridian, Coconino County, Arizona. (Note: All references the recorded instruments refer to the records of the Coconino County Recorder's Office.)

The parcel of land is more particularly described by metes and bounds as follows:

COMMENCING at the southwest corner of Section 14, monumented with a USDI/BLM brass cap, dated 1981. From which point the west 1/4 corner of Section 14, monumented with a 3 inch aluminum cap, LS 26406, bears North 01°35'29" West, 2720.59 feet (Basis of Bearings for this description):

THENCE North 88°39'25" East along the south line of the southwest 1/4 of Section 14, and along the north line of the parcels of land described in Instrument No. 3101540 and Instrument No. 3086724 and along the south line of the parcel of land described in Instrument No. 3469519, 375.60 feet to the southeast corner of the parcel of land described in Instrument No. 3469519 and to the southwest corner of the parcel of land described as Parcel 1 in Instrument No. 3478120, monumented with a nail in concrete;

THENCE North 88°40'08" East along the south line of the southwest 1/4 of Section 14, and along the north line of the parcel of land described in Instrument No. 3086724 and along the south line of Parcel 1(Instrument No. 3478120), 123.29 feet to the northeast corner of the parcel of land described in Instrument No. 3086724 and to the northwest corner of the parcel of land described in Docket 2035, Page 813, monumented with a 3/4 inch iron pipe;

THENCE South 18°35'16" East along the east line of the parcel of land described in Instrument No.3086724 and along the west line of the parcel of land described in Docket 2035, Page 813, 111.28 feet to the southwest corner of the parcel of land described in Docket 2035, Page 813 and to the northwest corner of the parcel of land described in Docket 2072, Page 530;

THENCE South 18°35'16" East along the east line of the parcel of land described in Instrument No. 3086724 and along the west line of the parcel of land described in Docket 2072, Page 530, 140.00 feet to the north line of the 105 foot wide right of way for Route 66, monumented with a 5/8 inch rebar with aluminum cap marked ARENCO LS13010;

THENCE North 71°20'15" East along the south line of the parcel of land described in Docket 2072, Page 530, and along the north right of way line of Route 66, 100.50 feet to southeast corner of the parcel of land described in Docket 2072, Page 530 and to the southwest corner of the parcel of land described in Docket 1108, Page 138, monumented with a scribed X in concrete;

THENCE North 71°20'15" East, along the south line of the parcel of land described in Docket 1108, Page 138 and along the north right of way line of Route 66, 108.53 feet to the southeast corner of the parcel of land described in Docket 1108, Page 138 and to the southwest corner of

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the parcel of land described as Parcel 1 in Docket 1827, Page 471, monumented with a scribed X in concrete;

THENCE North 71°20'15" East, along the south line of Parcel 1(Docket 1872, Page 471) and along the north right of way line of Route 66, 126.70 feet to the southeast corner of Parcel 1 (Docket 1872, Page 471) and to the southwest corner of the parcel of land described as Parcel 3 in Instrument No. 3227936;

THENCE North 18°35'24" West, along the east line of Parcel 1(Docket 1872, Page 471) and along the west line of Parcel 3, 296.51feet, to the **TRUE POINT OF BEGINNING** of this description.

THENCE North 64°41'32" West, 60.70 feet to a non-tangent curve whose radius bears South 84°52'40" East;

THENCE northerly along a curve to the right having a radius of 300.43 feet and a central angle of 05°12'16", an arc distance of 27.29 feet (chord bearing North 07°43'28" East, chord distance 27.28 feet);

THENCE South 64°41'32" East, 44.16 feet to the east line of Parcel 1(Docket 1872, Page 471) and to the south line of the parcel of land described in Instrument No. 3385837;

THENCE South 18°16'17" East, along the east line of Parcel 1(Docket 1872, Page 471) and along the south line of the parcel of land described in Instrument No. 3385837, 31.92 feet to the northwest corner of Parcel 3, monumented with a 4 inch concrete post;

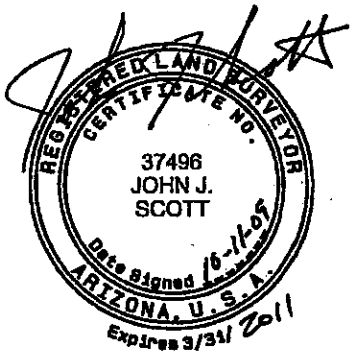
THENCE South 18°35'24" East, along the east line of Parcel 1(Docket 1872, Page 471) and along the west line of Parcel 3, 4.00 feet to the **TRUE POINT OF BEGINNING** of this description.

The above described parcel of land contains 0.031 acres (1368.68 sq ft), more or less.

For a drawing of the parcel described above, see **Exhibit X (Drawing)**, which by this reference is made part of this description.

Sewer Easement
Descriptive Title

03-09012
City File No.



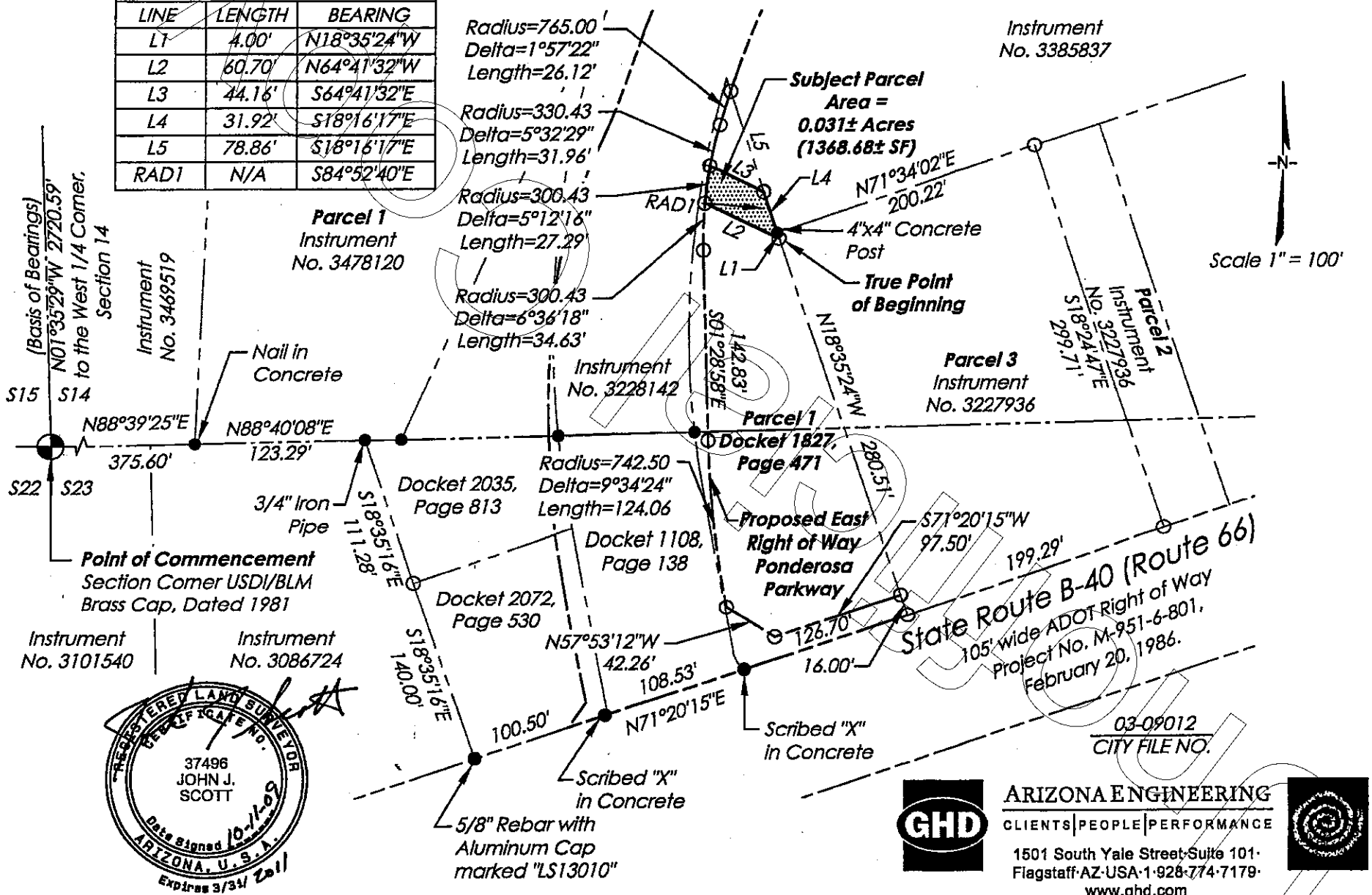
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3546724 Pages: 127 of 129 12/03/2009 03:22:47 PM

Exhibit X (Drawing)

A portion of the parcel of land described as Parcel 1 in Docket 1827, Page 471. Located in the Southwest 1/4 of Section 14, Township 21 North, Range 7 East, Gila and Salt River Baseline and Meridian, Coconino County, Arizona.

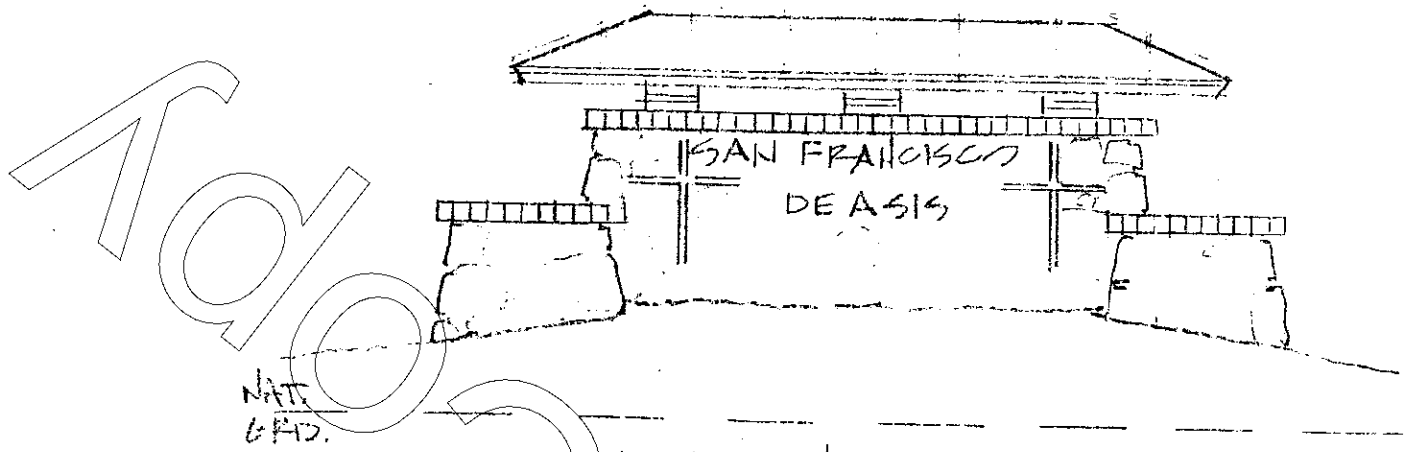
LINE TABLE		
LINE	LENGTH	BEARING
L1	4.00'	N18°35'24"W
L2	60.70'	N64°41'32"W
L3	44.16'	S64°41'32"E
L4	31.92'	S18°16'17"E
L5	78.86'	S18°16'17"E
RAD1	N/A	S84°52'40"E



REGISTERED LAND SURVEYOR
CERTIFICATE NO.
37496
JOHN J.
SCOTT
Date Signed 10-1-09
ARIZONA, U.S.A.
Expires 3/31/ 2011

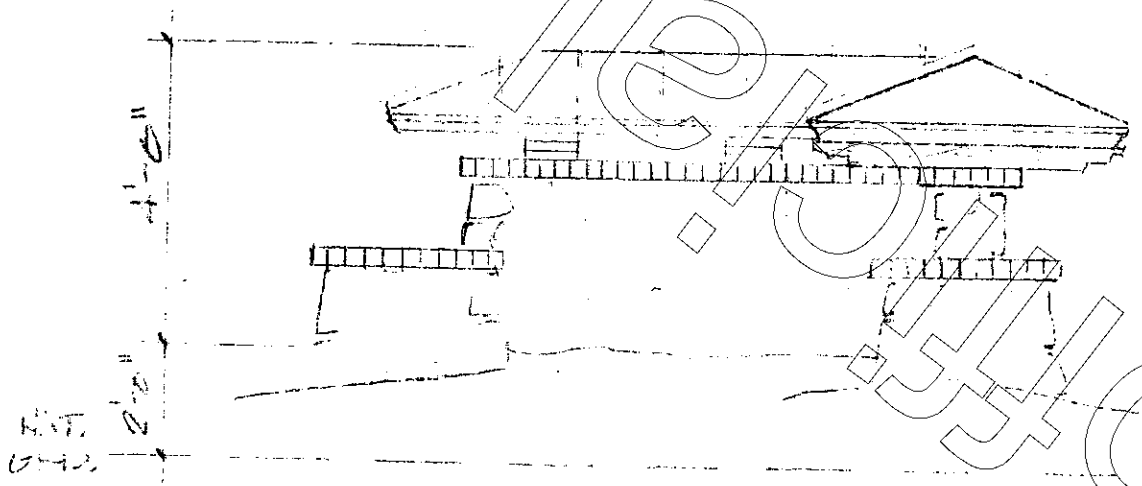
GHD
ARIZONA ENGINEERING
CLIENTS | PEOPLE | PERFORMANCE
1501 South Yale Street·Suite 101·
Flagstaff·AZ·USA·1·928·774·7179·
www.ghd.com

Exhibit Y



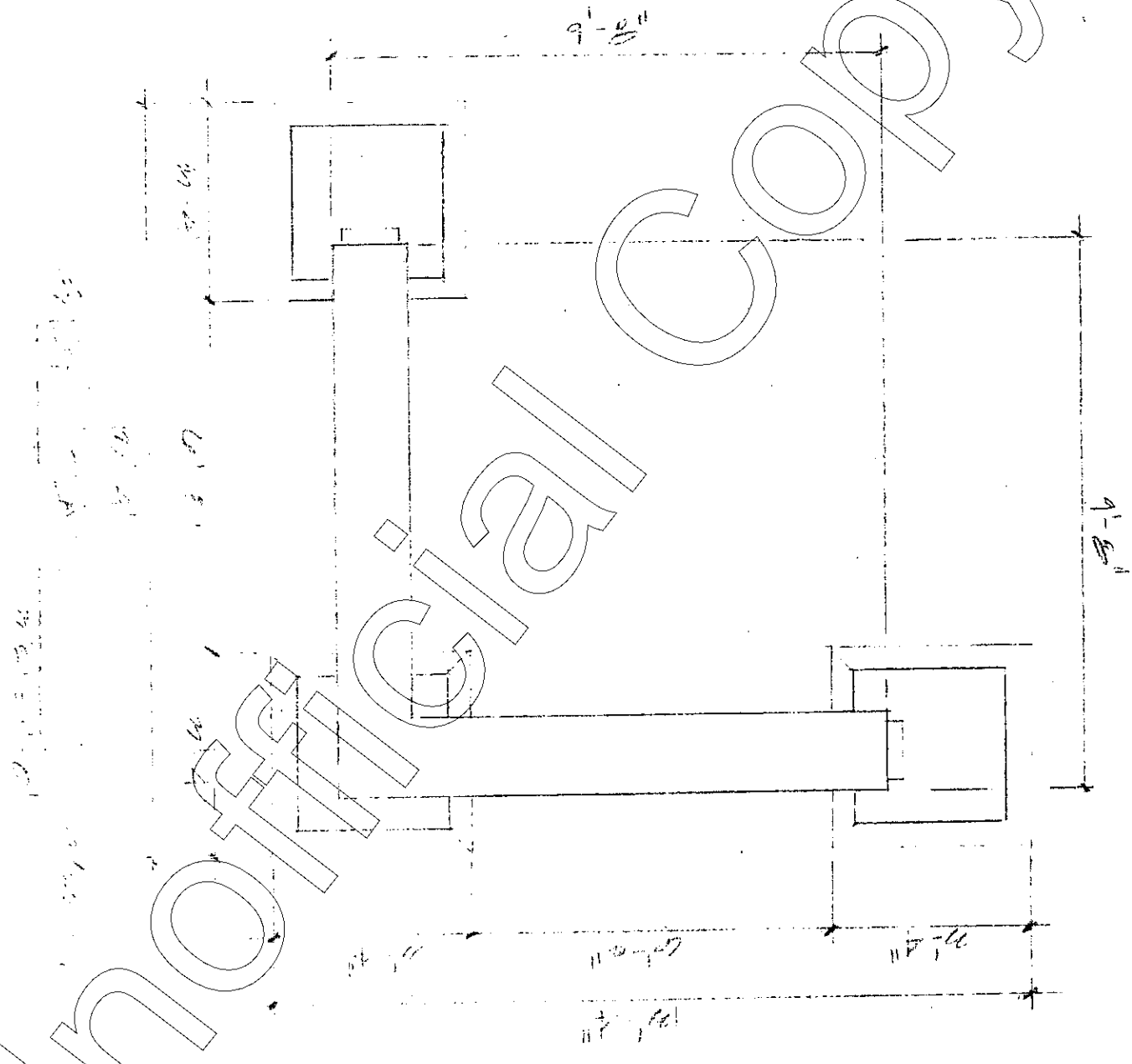
FRONT & RIGHT ELEVATION

3/8" = 1'-0"



REAR & LEFT ELEVATION

3546724 Pages: 128 of 129 12/03/2009 03:22:47 PM



Unofficial Copy

Official Records of Coconino County 3555011
Candace Owens - Recorder 03/01/2010 04:42 PM Pgs: 19
FIRST AMERICAN TITLE INS CO D $28.00

Recording Requested by:
First American Title Insurance Agency, Inc.

When recorded mail to:
City of Flagstaff,
Attn: City Manager, 211 Aspen Avenue
Flagstaff, AZ 86001

SPECIAL WARRANTY DEED

File No. **271-5270172 (mas)**

For the consideration of TEN AND NO/100 DOLLARS, and other valuable considerations, I or we,

Thomas J. Olmsted, Bishop of The Roman Catholic Church of the Diocese of Phoenix, a corporate sole, the GRANTOR does hereby convey to

City of Flagstaff, an Arizona municipal corporation, the GRANTEE

the following described property situate in **Coconino** County, **Arizona**:

See Exhibit "A " attached hereto and by reference made a part hereof.

This Deed is exempt from an Affidavit of Value pursuant to ARS #11-1134A-3.

Subject To: Existing taxes, assessments, liens, encumbrances, covenants, conditions, restrictions, rights of way and easements of record.

And the GRANTOR binds itself and its successors to warrant the title as against its acts and none other, subject to the matters set forth.

DATED: February 05, 2010

The Roman Catholic Church of the Diocese of Phoenix, a corporate sole

Thomas J. Olmsted

By: Thomas J. Olmsted, Bishop 2/12/10

Unofficial Copy

File No.: **271-5270172 (mas)** Warranty Deed - continued
A.P.N.: **107-07-002D**

STATE OF ARIZONA)
)ss.
County of MARICOPA)

On 2/22/10, before me, the undersigned Notary Public, personally appeared THOMAS T. OLMSTED, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies) and that his/her/their signature(s) on the instrument the person(s) or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Kay C. Gordon
Notary Public

My Commission Expires: 3/15/2013

KAY C. GORDON
NOTARY PUBLIC - ARIZONA
MARICOPA COUNTY
My Comm. Exp.: March 15, 2013

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EXHIBIT "A"

REFERENCE TO THE VARIOUS EXHIBITS IS IN CONJUNCTION WITH THE DEVELOPMENT AND DISPOSITION AGREEMENT RECORDED DECEMBER 3, 2009 AS INSTRUMENT NO. 09-3546724.

Parcel No. 1:

(Exhibit "H")
Following is a description of a parcel of land which is a portion of the parcel of land described in Instrument No. 3228142 of the records of the Coconino County Recorder's Office. The parcel of land is located in the Southwest quarter of Section 14, Township 21 North, Range 7 East of the Gila and Salt River Base and Meridian, Coconino County, Arizona. (Note: All references to recorded instruments refer to the records of the Coconino County Recorder's Office.) The parcel of land is more particularly described by metes and bounds as follows:

COMMENCING at the southwest corner of Section 14, monumented with a USDI/BLM brass cap, dated 1981. From which point the west quarter corner of Section 14, monumented with a 3 inch aluminum cap, LS 26406, bears North 01 degrees 35 minutes 29 seconds West, 2720.59 feet (Basis of Bearings for this description);

THENCE North 88 degrees 39 minutes 25 seconds East along the south line of the Southwest quarter of Section 14, and along the north line of the parcels of land described in Instrument No. 3101540 and Instrument No. 3086724 and along the south line of the parcel of land described in Instrument No. 3469519, 375.60 feet to the southeast corner of the parcel of land described in Instrument No. 3469519 and to the southwest corner of the parcel of land described as Parcel 1 in Instrument No. 3478120, monumented with a nail in concrete;

THENCE North 88 degrees 40 minutes 08 seconds East along the south line of the Southwest quarter of Section 14, and along the north line of the parcel of land described in Instrument No. 3086724 and along the south line of Parcel 1, 123.29 feet to the northeast corner of Instrument No. 3086724 and to the northwest corner of the parcel of land described in Docket 2035, Page 813 monumented with a ¾ inch iron pipe;

THENCE North 89 degrees 05 minutes 48 seconds East, along the south line of the Southwest quarter of Section 14, and along the south line of Parcel 1 and along the north line of the parcel of land described in Docket 2035, Page 813, 26.69 feet to the southeast corner of the parcel of Parcel 1 and to the southwest corner of Parcel 2 in Docket 1827, Page 471, monumented with a 3/8 inch rebar in concrete;

Thence North 88 degrees 45 minutes 09 seconds East along the south line of the Southwest quarter of Section 14 and along the south line of Parcel 2 and along the north line of the parcel of land described in Docket 2035 Page 813, 107.52 feet to a non-tangent curve whose radius point bears North 88 degrees 18 minutes 26 seconds East, the TRUE POINT OF BEGINNING, of this description:

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THENCE northerly along a curve to the right having a radius of 763.27 feet and a central angle of 7 degrees 57 minutes 48 seconds, an arc distance of 106.08 feet (chord bearing North 02 degrees 17 minutes 19 seconds East, chord distance of 106.00 feet) to a non-tangent curve whose radius point bears South 83 degrees 57 minutes 12 second East;

THENCE northeasterly along a curve to the right having a radius of 304.56 feet and a central angle of 19 degrees 05 minutes 53 seconds, an arc distance of 101.52 feet (chord bearing North 15 degrees 35 minutes 45 seconds East, chord distance 101.05 feet);

THENCE North 25 degrees 08 minutes 41 seconds East, 1.60 feet to a non-tangent curve whose radius point bears North 65 degrees 03 minutes 40 seconds West;

THENCE northeasterly along a curve to the left having a radius of 745.65 feet and a central angel of 6 degrees 18 minutes 19 seconds, an arc distance of 82.06 feet (chord bearing North 21 degrees 47 minutes 10 seconds East, chord distance of 82.02 feet) to a non-tangent curve whose radius point bears South 71 degrees 34 minutes 21 seconds East;

THENCE northeasterly along a curve to the right having a radius of 840.00 feet and a central angel of 5 degrees 55 minutes 21 seconds, an arc distance of 86.83 feet (chord bearing North 21 degrees 23 minutes 20 seconds East, chord distance of 86.79 feet);

THENCE North 24 degrees 21 minutes 00 seconds East, 137.50 feet;

THENCE northeasterly along a curve to the left having a radius of 809.74 feet and a central angle of 6 degrees 51 minutes 54 seconds, an arc distance of 97.02 feet (chord bearing North 20 degrees 55 minutes 04 seconds East, chord distance of 96.96 feet);

THENCE South 72 degrees 30 minutes 53 seconds East, 75.00 feet to a non-tangent curve whose radius point bears North 72 degrees 30 minutes 53 seconds West;

THENCE southwesterly along a curve to the right having a radius of 884.74 feet and a central angle of 6 degrees 51 minutes 54 seconds, an arc distance of 106.00 feet (chord bearing South 20 degrees 55 minutes 04 seconds West, chord distance of 105.94 feet);

THENCE South 24 degrees 21 minutes 00 seconds West, 137.50 feet;

THENCE southwesterly along a curve to the left having a radius of 765.00 feet and a central angle of 7 degrees 55 minutes 40 seconds, an arc distance of 105.85 feet (chord bearing South 20 degrees 23 minutes 10 seconds West, chord distance of 105.77 feet) to a point of compound curvature;

THENCE southwesterly along a curve to the left having a radius of 300.43 feet and a central angle of 17 degrees 54 minutes 18 seconds, an arc distance of 93.88 feet (chord bearings South 07 degrees 28 minutes 11 seconds West, chord distance of 93.50 feet);

THENCE South 01 degrees 28 minutes 58 seconds East, 136.26 feet to the south line of the Southwest quarter of Section 14;

THENCE South 88 degrees 41 minutes 33 seconds West along the south line of the Southwest

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quarter of Section 14, 117.06 feet to the TRUE POINT OF BEGINNING.

Parcel No. 2:

(Exhibit "I")
Following is a description of a parcel of land which is a portion of the parcel of land described in Instrument No. 3228142 of the records of the Coconino County Recorder's Office. The parcel of land is located in the Southwest quarter of Section 14, Township 21 North, Range 7 East of the Gila and Salt River Base and Meridian, Coconino County, Arizona. (Note: All references to recorded instruments refer to the records of the Coconino County Recorder's Office.) The parcel of land is more particularly described by metes and bounds as follows:

COMMENCING at the southwest corner of Section 14, monumented with a USDI/BLM brass cap, dated 1981. From which point the west quarter corner of Section 14, monumented with a 3 inch aluminum cap, LS 26406, bears North 01 degrees 35 minutes 29 seconds West, 2720.59 feet (Basis of Bearings for this description);

THENCE North 88 degrees 39 minutes 25 seconds East along the south line of the Southwest quarter of Section 14, and along the north line of the parcels of land described in Instrument No. 3101540 and Instrument No. 3086724 and along the south line of the parcel of land described in Instrument No. 3469519, 375.60 feet to the southeast corner of the parcel of land described in Instrument No. 3469519 and to the southwest corner of the parcel of land described as Parcel 1 in Instrument No. 3478120, monumented with a nail in concrete;

THENCE North 88 degrees 40 minutes 08 seconds East along the south line of the Southwest quarter of Section 14, and along the north line of the parcel of land described in Instrument No. 3086724 and along the south line of Parcel 1, 123.29 feet to the northeast corner of Instrument No. 3086724 and to the northwest corner of the parcel of land described in Docket 2035, Page 813 monumented with a ¾ inch iron pipe;

THENCE North 89 degrees 05 minutes 48 seconds East, along the south line of the Southwest quarter of Section 14, and along the south line of Parcel 1 and along the north line of the parcel of land described in Docket 2035, Page 813, 26.69 feet to the southeast corner of the parcel of Parcel 1 and to the southwest corner of the parcel of land described as Parcel 2 in Docket 1827, Page 471, monumented with a 3/8 inch rebar in concrete;

THENCE North 24 degrees 15 minutes 41 seconds East along the east line of Parcel 1 and along the west line of Parcel 2, 433.72 feet to the most northwest corner of Parcel 2 and to the west line of the parcel of land described in Instrument No. 3228142;

THENCE South 65 degrees 39 minutes 07 seconds East along the north line of Parcel 2 and along a portion of the west line of the parcel of land described in Instrument No. 3228142, 0.43 feet to the northeast corner of Parcel 2 the TRUE POINT OF BEGINNING of this description:

THENCE South 65 degrees 39 minutes 00 seconds East, 33.89 feet;

Thence South 24 degrees 21 minutes 00 seconds West, 18.95 feet;

THENCE southwesterly along a curve to the left having a radius of 840.00 feet and a central

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angle of 5 degrees 55 minutes 21 seconds, an arc distance of 86.83 feet (chord bearing South 21 degrees 23 minutes 20 seconds West, chord distance of 86.79 feet) to a non-tangent curve whose radius point bears North 71 degrees 21 minutes 59 seconds West;

THENCE southwesterly along a curve to the right having a radius of 745.65 feet and a central angle of 6 degrees 18 minutes 19 seconds, an arc distance of 82.06 feet (chord bearing South 21 degrees 47 minutes 10 seconds West, chord distance 82.02 feet) to a non-tangent line;

THENCE South 25 degrees 08 minutes 41 seconds West, 1.60 feet, to a non-tangent curve whose radius bears South 64 degrees 51 minutes 19 seconds East;

THENCE southerly along a curve to the left having a radius of 304.56 feet and a central angle of 19 degrees 05 minutes 53 seconds, an arc distance of 101.52 feet (chord bearing South 15 degrees 35 minutes 45 seconds East, chord distance of 101.05 feet) to a non-tangent curve whose radius point bears South 83 degrees 43 minutes 12 seconds East;

THENCE southerly along a curve to the left having a radius of 763.27 feet and a central angle of 0 degrees 45 minutes 27 seconds, an arc distance of 10.09 feet (chord bearing South 05 degrees 53 minutes 30 seconds West, chord distance of 10.09 feet) to a non-tangent curve whose radius point bears South 88 degrees 35 minutes 20 seconds East and to the east line of Parcel 2 and to the west line of the parcel of land described in Instrument No. 3228142;

THENCE northeasterly along the east line of Parcel 2 and along the west line of the parcel of land described in Instrument No. 3228142 along a curve to the right having a radius of 766.20 feet and a central angle of 22 degrees 56 minutes 13 seconds, an arc distance of 306.73 feet (chord bearing North 12 degrees 51 minutes 21 seconds East, chord distance of 305.30 feet) to the TRUE POINT OF BEGINNING.

Parcel No. 3:

(Easement "A")
A 16 foot wide private and public utility easement as created by Instrument recorded 3-1-10 as Instrument No. 3555010.

Parcel No. 4:

(Easement "B")
Deleted Intentionally

Parcel No. 5:

(Easement "C")
A drainage easement created by Instrument recorded 3-1-10 as Instrument No. 3555010.

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Parcel No. 6:

(Easement "D")
A drainage easement created by Instrument recorded 3-1-10 as Instrument No. 3555010

Parcel No. 7:

(Easement "E")
A slope easement created by Instrument recorded 3-1-10 as Instrument No. 3555010

Parcel No. 8:

(Easement "F")
A 16 foot wide public utility easement created by Instrument recorded 3-1-10 as Instrument No. 3555010.

Parcel No. 9:

(Exhibit "L-2")
A Private non-exclusive ingress and egress easement more particularly described as follows:

Following is a description of a parcel of land which is a portion of the parcel of land described in Instrument No. 3385837, of the records of the Coconino County Recorder's Office. The parcel of land is located in the Southwest quarter of Section 14, Township 21 North, Range 7 East of the Gila and Salt River Base and Meridian, Coconino County, Arizona. (Note: All references to recorded instruments refer to the records of the Coconino County Recorder's Office.) The parcel is more particularly described by metes and bounds as follows:

COMMENCING at the southwest corner of Section 14, monumented with a USDI/BLM brass cap, dated 1981. From which point the west quarter corner of Section 14, monumented with a 3 inch aluminum cap, LS 26406, bears North 01 degrees 35 minutes 29 seconds West, 2720.59 feet (Basis of Bearings for this description);

THENCE North 88 degrees 39 minutes 25 seconds East along the south line of the Southwest quarter of Section 14, and along the north line of the parcels of land described in Instrument No. 3101540 and Instrument No. 3086724 and along the south line of the parcel of land described in Instrument No. 3469519, 375.60 feet to the southeast corner of the parcel of land described in Instrument No. 3469519 and to the southwest corner of the parcel of land described as Parcel 1 in Instrument No. 3478120, monumented with a nail in concrete;

THENCE North 88 degrees 40 minutes 08 seconds East along the south line of the Southwest quarter of Section 14, and along the north line of the parcel of land described in Instrument No. 3086724 and along the south line of Parcel 1 (Instrument No. 3478120), 123.29 feet to the northeast corner of the parcel of land described in Instrument No. 3086724 and to the northwest corner of the parcel of land described in Docket 2035, Page 813 monumented with a ¾ inch iron

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pipe;

THENCE South 18 degrees 35 minutes 16 seconds East along the east line of the parcel of the parcel of land described in Instrument No. 3086724 and along the west line of the parcel of land described in Docket 2035, Page 813, 111.28 feet to the southwest corner of the parcel of land described in Docket 2035, Page 813 and to the northwest corner of the parcel of land described in Docket 2072, Page 530;

THENCE South 18 degrees 35 minutes 16 seconds East along the east line of the parcel of land described in Instrument No. 3086724 and along the west line of the parcel of land described in Docket 2072, Page 530, 140.00 feet to the north line of the 105 foot wide right of way for Route 66, monumented with a 5/8 inch rebar with aluminum cap marked ARENCEO LS13010;

THENCE North 71 degrees 20 minutes 15 seconds East along the south line of the parcel of land described in Docket 2072, page 530, and along the north right of way line of Route 66, 100.50 feet to the southeast corner of the parcel of land described in Docket 2072, Page 530 and to the southwest corner of the parcel of land described in Docket 1108, Page 128, monumented with a scribed X in concrete;

THENCE North 71 degrees 20 minutes 15 seconds East, along the south line of the parcel of land described in Docket 1108, Page 138 and along the north right of way line of Route 66, 108.53 feet to the southeast corner of the parcel of land described in Docket 1108, Page 138 and to the southwest corner of the parcel of land described as Parcel 3 in Docket 1827, Page 471, monumented with a scribed X in concrete;

THENCE North 71 degrees 20 minutes 15 seconds East, along the south line of Parcel 3 (Docket 1827, Page 471) and along the south line of the parcel of land described as Parcel 1 in Docket 1827, Page 471 and along the north right of way line of Route 66, 126.70 feet to the southeast corner of Parcel 1 (Docket 1827, Page 471) and to the southwest corner of the parcel of land described as Parcel 3 in Instrument No. 3227936;

THENCE North 18 degrees 35 minutes 24 seconds West along the east line of Parcel 1 (Docket 1827, Page 471) and along the west line of Parcel 3 (Instrument No. 3227936), 300.51 feet, to the northwest corner of Parcel 3 (Instrument No. 3227936) and to the south line of the parcel of land described in Instrument No. 3385837, monumented with a 4 inch by 4 inch concrete post, the TRUE POINT OF BEGINNING of this description:

THENCE North 18 degrees 16 minutes 17 seconds West along the east line of Parcel 1 (Docket 1827, page 471) and along the south line of the parcel of land described in Instrument No. 3385837, 56.75 feet;

THENCE South 80 degrees 01 minutes 56 seconds East, 119.33 feet to the north line of Parcel 3 (Instrument No. 3227936) and to the south line of the parcel of land described in Instrument No. 3385837;

THENCE South 71 degrees 34 minutes 02 seconds West along the north line of Parcel 3 (Instrument No. 3227936) and along the south line of the parcel of land described in Instrument No. 3385837, 105.12 feet to the TRUE POINT OF BEGINNING.

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Parcel No. 10:

(Exhibit "S")
A sewer easement more particularly described as follows:

Following is a description of a parcel of land which is a portion of the parcel of land described in Instrument No. 3385837, of the records of the Coconino County Recorder's Office. The parcel of land is located in the Southwest quarter of Section 14, Township 21 North, Range 7 East of the Gila and Salt River Base and Meridian, Coconino County, Arizona. (Note: All references to recorded instruments refer to the records of the Coconino County Recorder's Office.) The parcel is more particularly described by metes and bounds as follows:

COMMENCING at the southwest corner of Section 14, monumented with a USDI/BLM brass cap, dated 1981. From which point the west quarter corner of Section 14, monumented with a 3 inch aluminum cap, LS 26406, bears North 01 degrees 35 minutes 29 seconds West, 2720.59 feet (Basis of Bearings for this description);

THENCE North 88 degrees 39 minutes 25 seconds East along the south line of the Southwest quarter of Section 14, and along the north line of the parcels of land described in Instrument No. 3101540 and Instrument No. 3086724 and along the south line of the parcel of land described in Instrument No. 3469519, 375.60 feet to the southeast corner of the parcel of land described in Instrument No. 3469519 and to the southwest corner of the parcel of land described as Parcel 1 in Instrument No. 3478120, monumented with a nail in concrete;

THENCE North 88 degrees 40 minutes 08 seconds East along the south line of the Southwest quarter of Section 14, and along the north line of the parcel of land described in Instrument No. 3086724 and along the south line of Parcel 1 (Instrument No. 3478120), 123.29 feet to the northeast corner of the parcel of land described in Instrument No. 3086724 and to the northwest corner of the parcel of land described in Docket 2035, Page 813 monumented with a ¾ inch iron pipe;

THENCE South 18 degrees 35 minutes 16 seconds East along the east line of the parcel of the parcel of land described in Instrument No. 3086724 and along the west line of the parcel of land described in Docket 2035, Page 813, 111.28 feet to the southwest corner of the parcel of land described in Docket 2035, Page 813 and to the northwest corner of the parcel of land described in Docket 2072, Page 530;

THENCE South 18 degrees 35 minutes 16 seconds East along the east line of the parcel of land described in Instrument No. 3086724 and along the west line of the parcel of land described in Docket 2072, Page 530, 140.00 feet to the north line of the 105 foot wide right of way for Route 66, monumented with a 5/8 inch rebar with aluminum cap marked ARENCEO LS13010;

THENCE North 71 degrees 20 minutes 15 seconds East along the south line of the parcel of land described in Docket 2072, page 530, and along the north right of way line of Route 66, 100.50 feet to the southeast corner of the parcel of land described in Docket 2072, Page 530 and to the southwest corner of the parcel of land described in Docket 1108, Page 128, monumented with a scribed X in concrete;

THENCE North 71 degrees 20 minutes 15 seconds East, along the south line of the parcel of

land described in Docket 1108, Page 138 and along the north right of way line of Route 66, 108.53 feet to the southeast corner of the parcel of land described in Docket 1108, Page 138 and to the southwest corner of the parcel of land described as Parcel 3 in Docket 1827, Page 471, monumented with a scribed X in concrete;

THENCE North 71 degrees 20 minutes 15 seconds East, along the south line of Parcel 3 (Docket 1827, Page 471) and along the south line of the parcel of land described as Parcel 1 in Docket 1827, Page 471 and along the north right of way line of Route 66, 126.70 feet to the southeast corner of Parcel 1 (Docket 1837, Page 471) and to the southwest corner of the parcel of land described as Parcel 3 in Instrument No. 3227936;

THENCE North 18 degrees 35 minutes 24 seconds West along the east line of Parcel 1 (Docket 1827, Page 471) and along the west line of Parcel 3 (Instrument No. 3227936), 300.51 feet, to the northwest corner of Parcel 3 (Instrument No. 3227936) and to the south line of the parcel of land described in Instrument No. 3385837, monumented with a 4 inch by 4 inch concrete post, the TRUE POINT OF BEGINNING of this description:

THENCE North 18 degrees 16 minutes 17 seconds West, along the east line of Parcel 1 (Docket 1827, Page 471) and along the south line of the parcel of land described in Instrument No. 3385837, 9.33 feet;

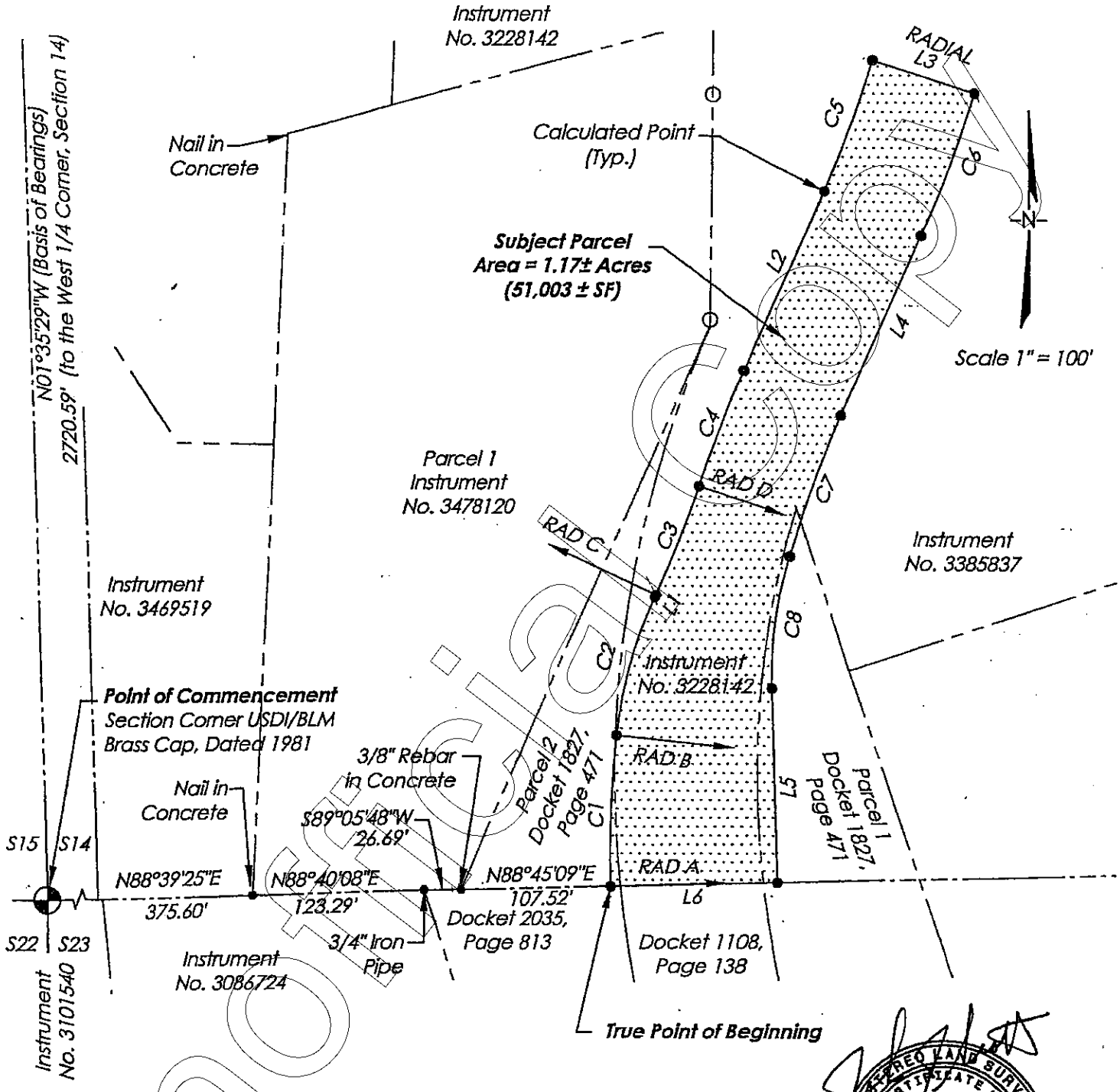
THENCE South 64 degrees 40 minutes 25 seconds East, 13.49 feet to the north line of Parcel 3 (Instrument No. 3227936) and to the south line of the parcel of land described in Instrument No. 3385837;

THENCE South 71 degrees 34 minutes 02 seconds East along the north line of Parcel 3 (Instrument No. 3227936) and along the south line of the parcel of land described in Instrument No. 3385837, 9.77 feet to the TRUE POINT OF BEGINNING.

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Exhibit H (Drawing)

A portion of the parcel of land described as in Instrument No. 3228142 and located in the Southwest 1/4 of Section 14, Township 21 North, Range 7 East, Gila and Salt River Baseline and Meridian, Coconino County, Arizona.



03-09012
CITY FILE NO.

REGISTERED LAND SURVEYOR
CERTIFICATE NO.
37496
JOHN J.
SCOTT
Date Signed 1-10-11
ARIZONA, U.S.A.
Expires 3/31/2011

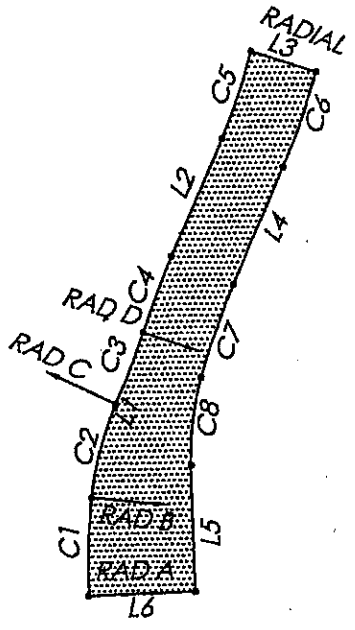
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1501 South Yale Street-Suite 101-
Flagstaff-AZ-USA-1-928-774-7179-
www.ghd.com

SHEET 1 OF 2

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Exhibit H (Drawing)

SHEET 2 OF 2



Scale 1" = 200'

CURVE TABLE				
CURVE	LENGTH	RADIUS	DELTA	TANGENT
C1	106.08	763.27	7°57'48"	53.13
C2	101.52	304.56	19°05'53"	51.23
C3	82.06	745.65	6°18'19"	41.07
C4	86.83	840.00	5°55'21"	43.45
C5	97.02	809.74	6°51'54"	48.57
C6	106.00	884.74	6°51'54"	53.07
C7	105.85	765.00	7°55'40"	53.01
C8	93.88	300.43	17°54'18"	47.33

RADIAL BEARING TABLE	
RAD A	N88°18'26"E
RAD B	S83°57'12"E
RAD C	N65°03'40"W
RAD D	S71°34'21"E

LINE TABLE		
LINE	LENGTH	BEARING
L1	1.60	N25°08'41"E
L2	137.50	N24°21'00"E
L3	75.00	S72°30'53"E
L4	137.50	S24°21'00"W
L5	136.26	S01°28'58"E
L6	117.06	S88°41'33"W

REGISTERED LAND SURVEYOR
CERTIFICATE NO.
37496
JOHN J.
SCOTT
Date Signed 11-10-09
ARIZONA, U.S.A.
Expires 3/31/2011

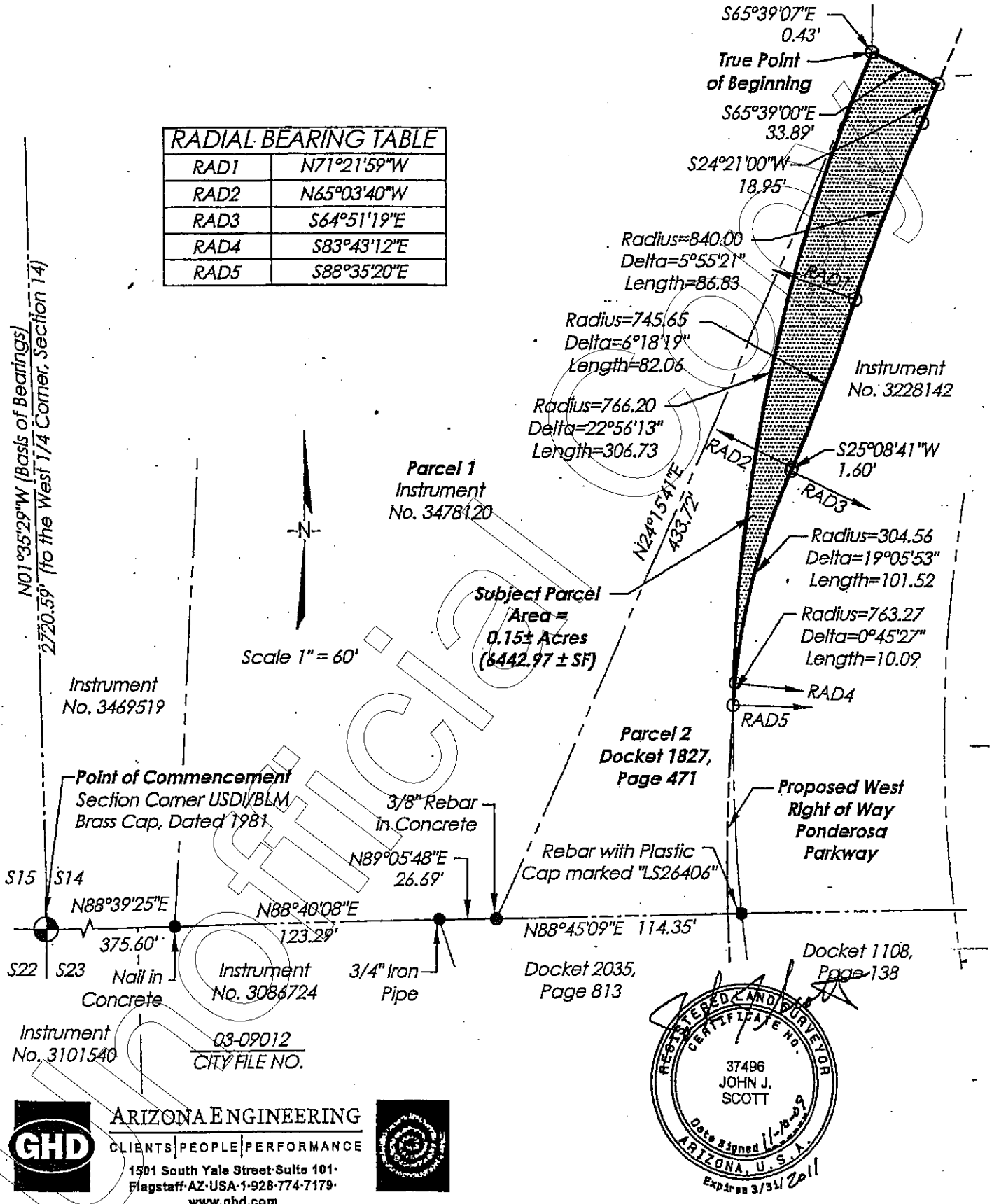
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Exhibit I (Drawing)

A portion of the parcel of land described in Instrument No. 3228142 and located in the Southwest 1/4 of Section 14, Township 21 North, Range 7 East, Gila and Salt River Baseline and Meridian, Coconino County, Arizona.

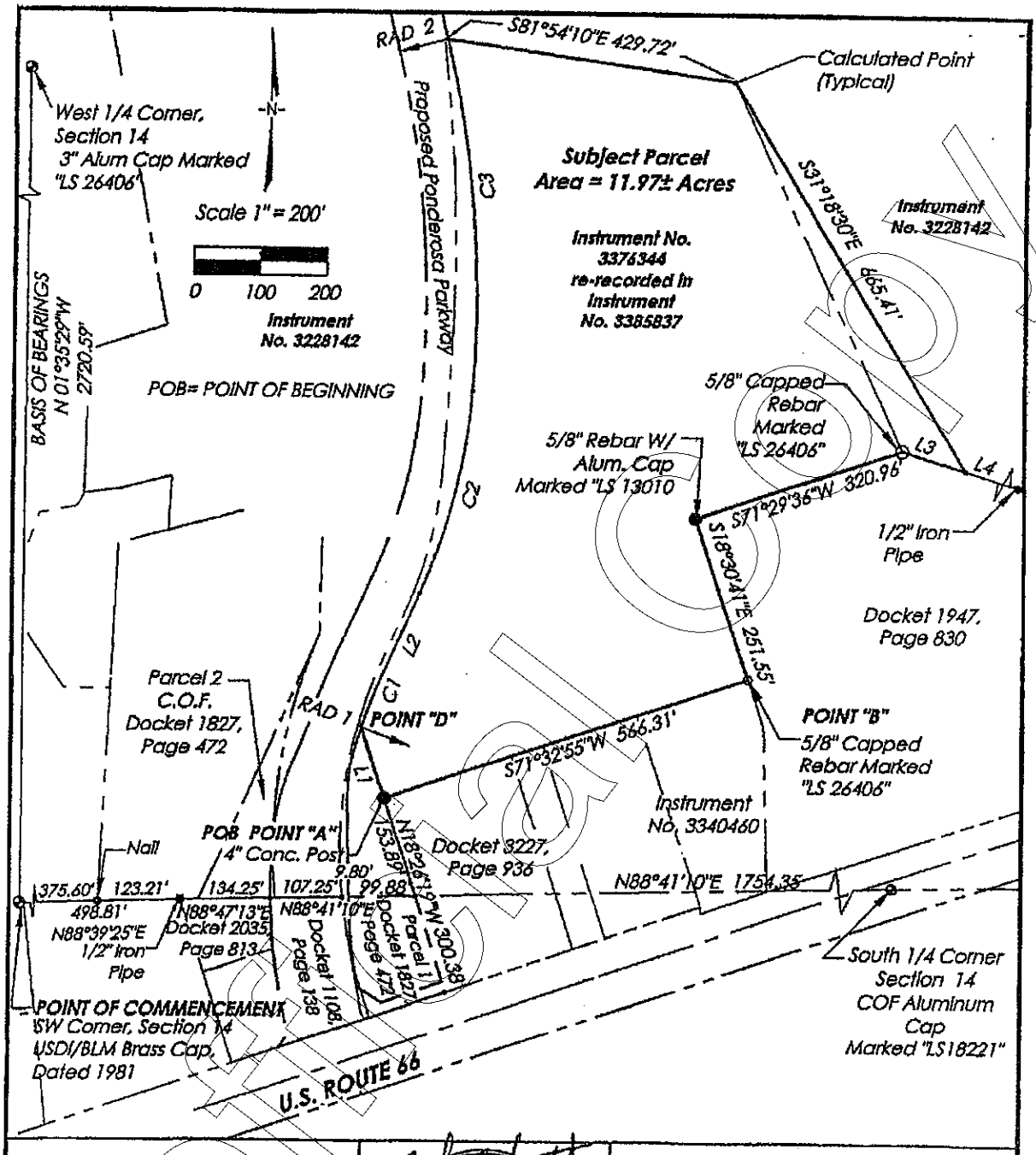
RADIAL BEARING TABLE	
RAD1	N71°21'59"W
RAD2	N65°03'40"W
RAD3	S64°51'19"E
RAD4	S83°43'12"E
RAD5	S88°35'20"E



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CERTIFICATE NO.
37496
JOHN J.
SCOTT
Date Signed 11-19-09
ARIZONA, U.S.A.
Expires 3/31/2011

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1501 South Yale Street, Suite 101
Flagstaff, AZ 86001-6330
Telephone: 928-774-7179

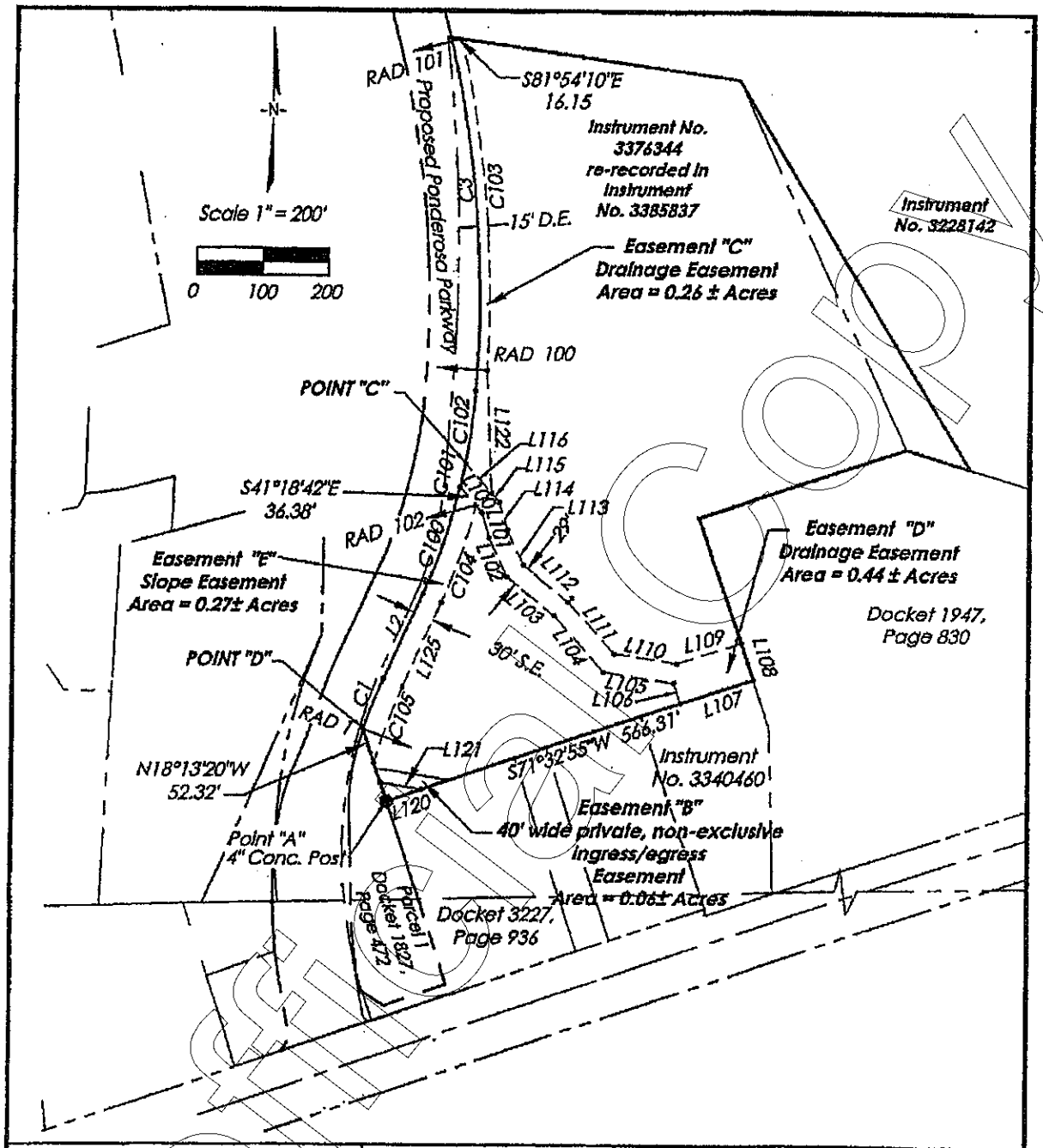
REGISTERED LAND SURVEYOR
CERTIFICATE NO.
37496
JOHN J. SCOTT
Date Signed 9-16-09
ARIZONA, U.S.A.
Expires 3/31/ 2011

Exhibit "A-1"

A parcel of land located in the Southwest 1/4 of Section 14, Township 21 North, Range 7 East, Gila and Salt River Meridian, Coconino County, Arizona.

SHEET 1 OF 4

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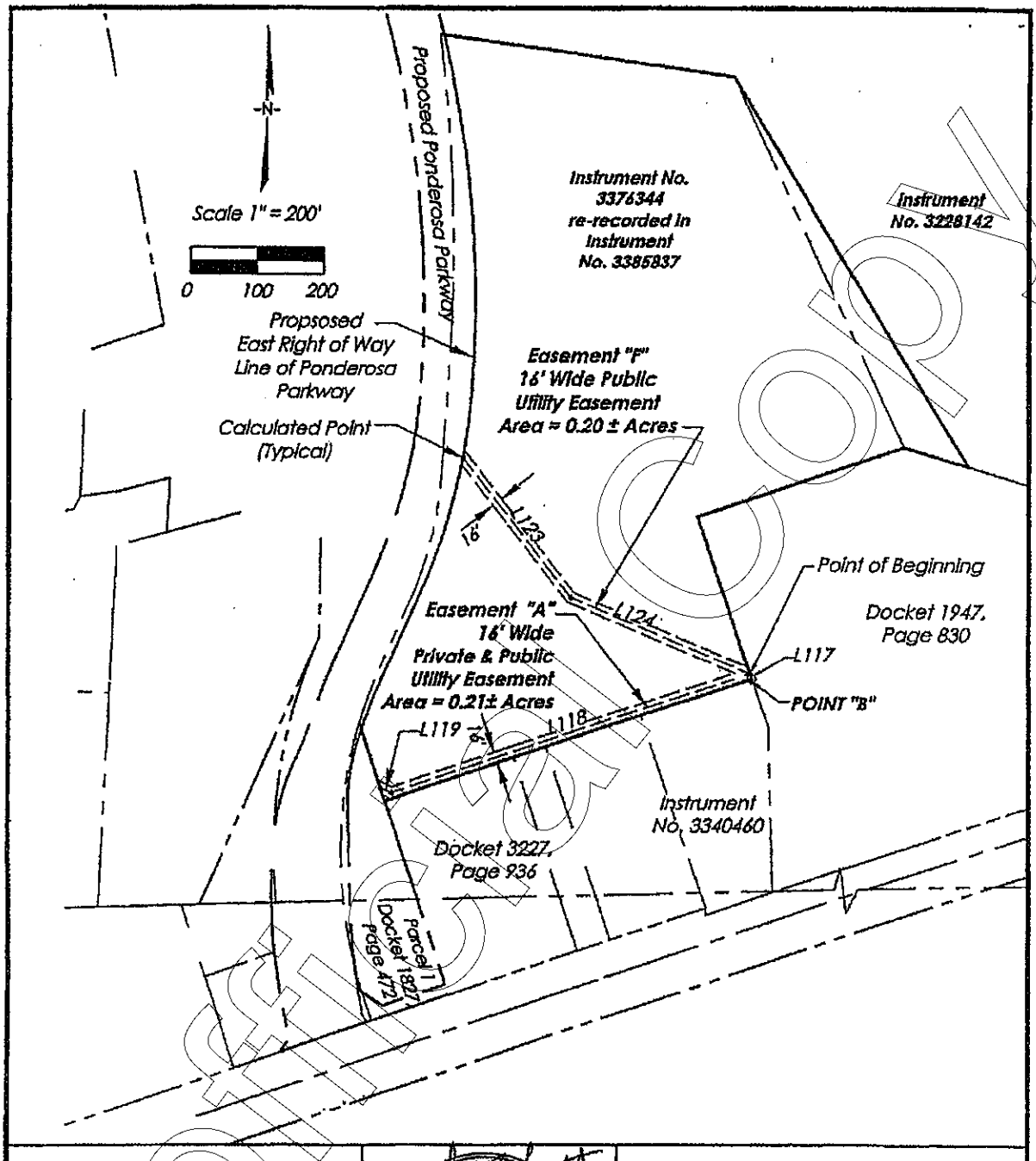
REGISTERED LAND SURVEYOR
CERTIFICATE NO.
37496
JOHN J.
SCOTT
Date Signed 2-24-09
ARIZONA, U.S.A.
Expires 9/31/2011

Exhibit "A-2"

Easements are located in the Southwest 1/4 of Section 14, Township 21 North, Range 7 East, Gila and Salt River Meridian, Coconino County, Arizona.

SHEET 2 OF 4

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Flagstaff, AZ 86001-6330
Telephone: 928-774-7179

REGISTERED LAND SURVEYOR
CERTIFICATE NO.
37496
JOHN J. SCOTT
Date Signed 12-10-09
ARIZONA, U.S.A.
Expires 3/31/2011

Exhibit "A-3"

Easement are located in the Southwest 1/4 of Section 14, Township 21 North, Range 7 East, Gila and Salt River Meridian, Coconino County, Arizona.

SHEET 3 OF 4

Unofficial Document

RADIAL BEARING TABLE

RAD 1	S71°36'53"E
RAD 2	S76°13'28"W

LINE TABLE

LINE	LENGTH	BEARING
L1	110.98'	N18°13'20"W
L2	137.50	N24°21'00"E
L3	98.22'	N73°06'23"W
L4	415.09'	N73°06'23"W

CURVE TABLE

CURVE	LENGTH	RADIUS	TANGENT	DELTA
C1	79.64	765.00	39.86	5°57'54"
C2	308.84	884.74	156.01	20°00'01"
C3	521.57	1648.76	262.98	18°07'31"

EASEMENT CURVE TABLE

CURVE	LENGTH	RADIUS	TANGENT	DELTA
C100	166.45	884.74	83.47	10°46'45"
C101	35.98	884.74	17.99	2°19'48"
C102	106.41	884.74	53.27	6°53'27"
C103	488.74	1663.76	246.14	16°49'52"
C104	151.16	914.74	75.75	9°28'06"
C105	118.54	735.00	59.40	9°14'27"

EASEMENT RADIAL BEARING TABLE

RAD 100	N86°44'14"W
RAD 101	S76°25'54"W
RAD 102	N75°07'06"W

EASEMENT LINE TABLE

LINE	LENGTH	BEARING
L100	50.15	N41°18'42"W
L101	37.33	N17°38'11"W
L102	63.84	N24°46'55"W
L103	92.02	N50°57'07"W
L104	110.54	N41°07'05"W
L105	103.13	N81°15'02"W
L106	31.28	N18°30'41"W
L107	110.70	S71°32'55"W
L108	56.00	S18°30'41"E
L109	97.37'	N72°10'13"E
L110	92.59	S81°15'02"E
L111	102.44'	S41°07'05"E
L112	87.77	S50°57'07"E
L113	55.29	S24°46'55"E
L114	41.60	S17°38'11"E
L115	17.83	S41°18'42"E
L116	59.70	S41°18'42"E
L117	8.00	N18°30'41"W
L118	553.09	S71°32'55"W
L119	18.17'	N64°41'32"W
L120	54.31	N71°32'55"E
L121	61.07	N81°00'52"W
L122	180.73	S02°30'56"E
L123	259.88	N37°46'05"W
L124	284.53	N66°59'29"W
L125	137.50	S24°21'00"W

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1501 South Yale Street, Suite 101
Flagstaff, AZ 86001-6330
Telephone: 928-774-7179

REGISTERED LAND SURVEYOR
CERTIFICATE NO.
37496
JOHN J.
SCOTT
Date Signed 8-28-09
ARIZONA, U.S.A.
Expires 3/31/2011

Exhibit "A-4"

A parcel of land located in the Southwest 1/4 of Section 14, Township 21 North, Range 7 East, Gila and Salt River Meridian, Coconino County, Arizona.

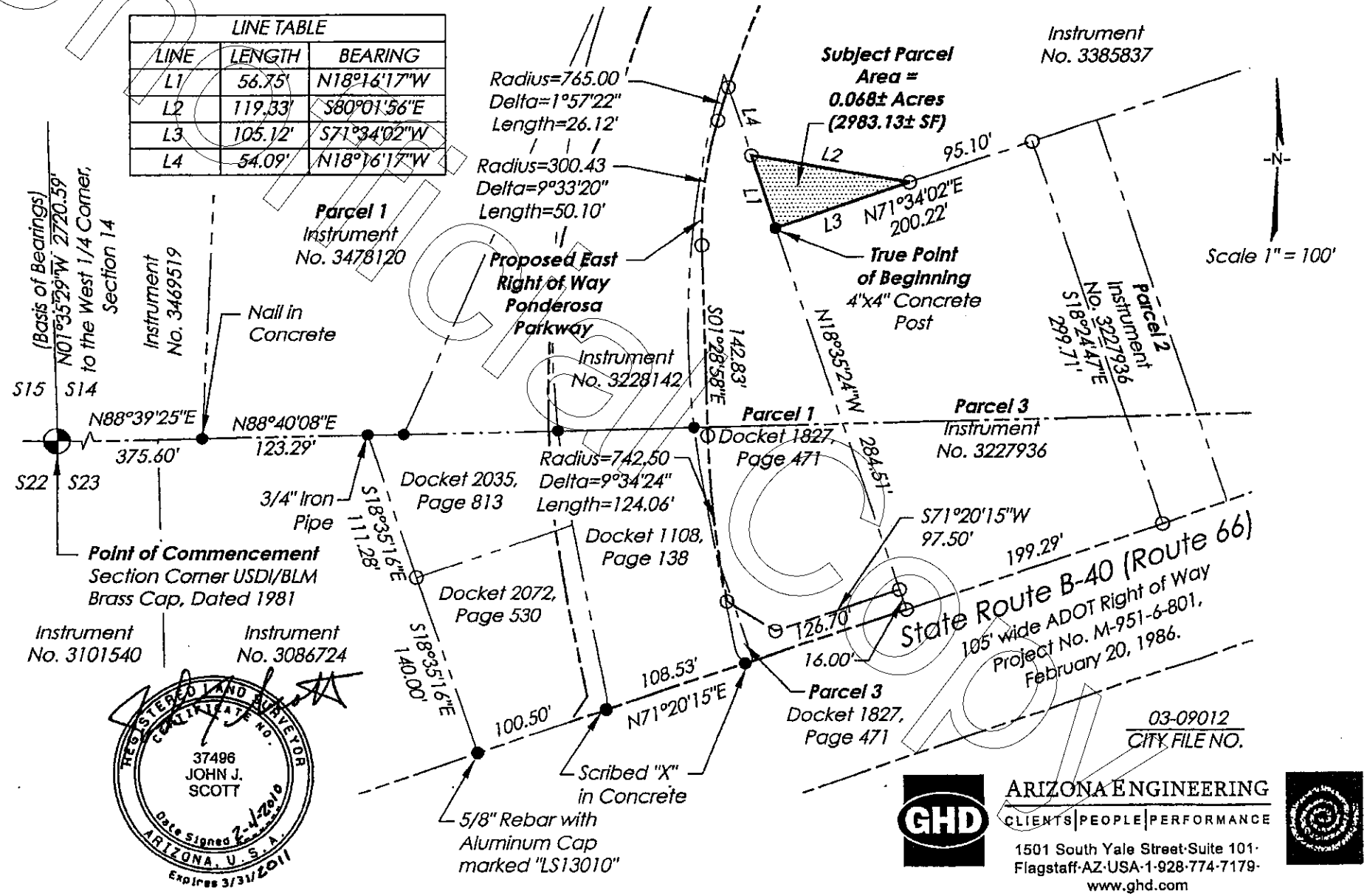
SHEET 4 OF 4

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Exhibit L (Drawing 2)

A portion of the parcel of land described in instrument No. 3385837. Located in the Southwest 1/4 of Section 14, Township 21 North, Range 7 East, Gila and Salt River Baseline and Meridian, Coconino County, Arizona.

LINE TABLE		
LINE	LENGTH	BEARING
L1	56.75'	N18°16'17"W
L2	119.33'	S80°01'56"E
L3	105.12'	S71°34'02"W
L4	54.09'	N18°16'17"W



REGISTERED LAND SURVEYOR
CERTIFICATE NO.
37496
JOHN J.
SCOTT
Date Signed 2-4-2010
ARIZONA, U.S.A.
Expires 3/31/2011

03-09012
CITY FILE NO.

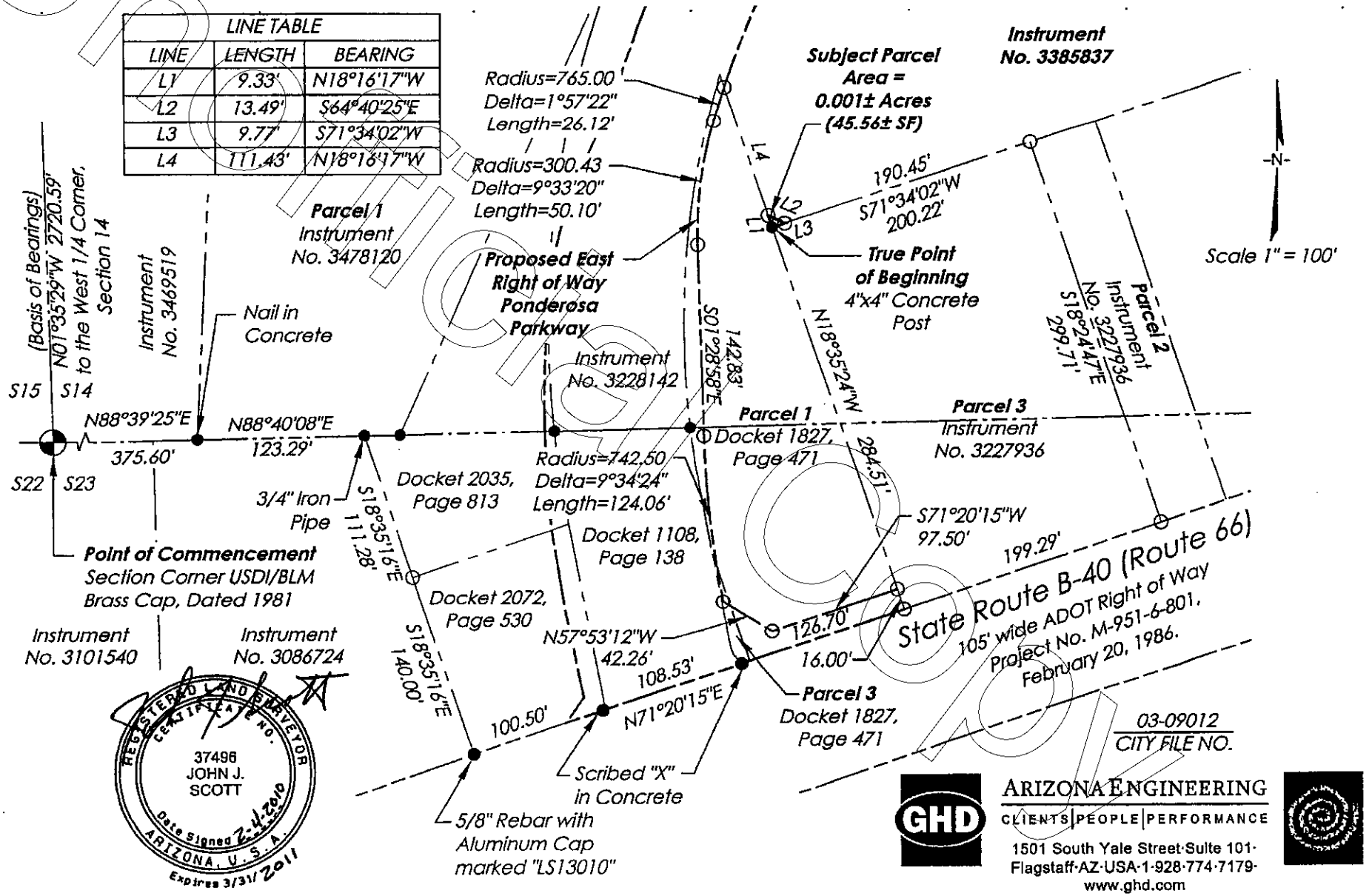
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3555011 Pages: 18 of 19 03/01/2010 04:42:41 PM

Exhibit S (Drawing)

A portion of the parcel of land described in instrument No. 338583. Located in the Southwest 1/4 of Section 14, Township 21 North, Range 7 East, Gila and Salt River Baseline and Meridian, Coconino County, Arizona.



03-09012
CITY FILE NO.

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3555011 Pages: 19 of 19 03/01/2010 04:42:41 PM

Official Records of Coconino County 3555010
Candace Owens - Recorder 03/01/2010 04:42 PM Pgs: 23
FIRST AMERICAN TITLE INS CO D $32.00

WHEN RECORDED MAIL TO:
Michael E .J .Mongini, Esq.
Hufford, Horstman, Mongini,
Parnell & Tucker
120 N Beaver Street
Flagstaff, Az 86001

271-52701 72

SPECIAL WARRANTY DEED

This Special Warranty deed is being recorded to correct the legal description in documents recorded in Instrument Numbers 3376344 and 3385837.

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SPECIAL WARRANTY DEED

Effective Date: October 1, 2003	County and State where property is located: Coconino County, Arizona
GRANTOR (Name, Address and Zip): Thomas J. Olmsted, Bishop of the Roman Catholic Church of the Diocese of Phoenix, a corporation sole 400 East Monroe Phoenix, Arizona 85004	**GRANTEE** (Name, Address and Zip): Gemini Flagstaff, L.L.C., an Arizona limited liability company 7802 E. Gray Road, Ste. 600 Scottsdale, AZ 85260

Subject Real Property (Legal Description): See Attached Exhibit " A"

This Special Warranty Deed is a re-recording of the Special Warranty Deed wherein the Grantor was Michael Jarboe Sheehan, Apostolic Administrator of the Roman Catholic Church of the Diocese of Phoenix, a corporation sole, and Grantee was Gemini Flagstaff, L.L.C., an Arizona limited liability company, recorded in the Official Records of Coconino County, Arizona, as Instrument Numbers 3376344, 3385837 and 3228142.

AFFIDAVIT EXEMPT PURSUANT TO: A.R.S. § 11-1134(B)(2)

For valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Grantor, Michael Jarboe Sheehan, Apostolic Administrator of the Roman

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Catholic Church of the Diocese of Phoenix, a corporation sole, by and through its corporate sole successor Thomas J. Olmsted, Bishop of the Roman Catholic Church of the Diocese of Phoenix, a corporation sole, does hereby convey to Grantee, Gemini Flagstaff, L.L.C, an Arizona limited liability company, all right, title and interest of Grantor in the Real Property described in Exhibit A hereto, together with all rights and privileges appurtenant or to become appurtenant to Subject Real Property on the effective date, subject to current taxes and other assessments, reservations in patents and all easements, rights of way, encumbrances, liens, covenants, conditions, restrictions, obligations, and liabilities that may appear of record. and warrants the title against acts of the Grantor and none other, subject to existing liens and encumbrances of record.

The Grantor hereby binds itself and its successors to warrant and defend the title against all acts of Grantor herein and all claims of third parties claiming by, through or under Grantor, but none other.

The Easements herein described in Exhibits A-1. A-2, A-3, and A-4, are reserved by and Exhibits L-2 and Exhibit S
Grantor and may be conveyed by Grantor to its successors and/or assigns, by Deed and Grantor, or Grantee may, without the consent of the other, plat the easement for the benefit of the City of Flagstaff, and/or other third parties.

The Grantor, its successors and assigns, reserves for its employees, contractor(s), a construction license across Grantee' s property for the purposes of ingress and egress to the Easement Areas, for the construction of the improvements within the Easement Areas. Grantor' s construction license shall not unreasonably interfere with Grantees, its successors and assigns use

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of Grantee' s property. This construction license shall not be deemed to be a public dedication.

Dated this 16th day of November, 2009.

Grantee
Gemini Flagstaff, L.L.C., an
Arizona limited liability company

By: F.R. Lupton, Jr., Its Member

By: Barry Werner, Its Member

Grantor
Thomas J. Olmsted, Bishop of the Diocese
Of Phoenix, a corporation sole, successor
to Michael Jarboe Sheehan, Apostolic
Administrator of the Roman Catholic Church
of the Diocese of Phoenix, a corporation sole

Thomas J. Olmsted, Bishop

STATE OF ARIZONA)
) ss.
County of MARICOPA)

On this 16 day of NOVEMBER, 2009, before me personally appeared F.R. Lupton, Jr, Member of Gemini Flagstaff, L.L.C., an Arizona limited liability company, whose identity was proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to this instrument, and acknowledged that he executed the same.

OFFICIAL SEAL
PAUL SCHLENKER
NOTARY PUBLIC - ARIZONA
MARICOPA COUNTY
My Commission Expires May 16, 2011

Notary Public

STATE OF ARIZONA)
) ss.
County of MARICOPA)

On this 16 day of NOVEMBER, 2009, before me personally appeared Barry Werner, Member of Gemini Flagstaff, L.L.C., an Arizona limited liability company, whose identity was proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to this instrument, and acknowledged that he executed the same.

OFFICIAL SEAL
PAUL SCHLENKER
NOTARY PUBLIC - ARIZONA
MARICOPA COUNTY
My Commission Expires May 16, 2011

Notary Public

STATE OF ARIZONA)

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) ss.
County of Maricopa)

On this 16th day of November, 2009, before me personally appeared Bishop Thomas J. Olmsted of the Roman Catholic Church, Diocese of Phoenix, whose identity was proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to this instrument, and acknowledged that he executed the same.

Loretta Garcia
Notary Public

LORETTA GARCIA
NOTARY PUBLIC
MARICOPA COUNTY, ARIZONA
MY COMM. EXPIRES 07-09-2011

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Exhibit A

Following is a description of a parcel of land which is a portion of the parcels of land described in Instrument No. 3376344 and re-recorded in Instrument No. 3385837 and Instrument No. 3228142 of the records of the Coconino County Recorders Office. (Note: All references to recorded instruments refer to the records of the Coconino County Recorders Office).

The parcel of land is located in the Southwest 1/4 of Section 14, Township 21 North, Range 7 East, Gila and Salt River Meridian, Coconino County, Arizona.

The **GRANTOR** may reference the following parcel as Lot 7 (Exhibit A fee title) and the attached Easements by dedication in the San Francisco De Asis Church and School Development Final Plat (developed by Arizona Engineering Company)containing 11.97 acres more or less, pursuant to the requirements of the City of Flagstaff.

The parcel is more particularly described by metes and bounds as follows:

COMMENCING at the Southwest corner of Section 14, monumented with a USDI/BLM Brass Cap dated 1981 from which point the West 1/4 corner of Section 14, monumented with a 3" aluminum cap marked "LS 26406", bears North 01°35'29" West, 2720.59 feet;

THENCE North 88°39'25" East along the South line of the Southwest 1/4 of Section 14 and along the North lines of the parcels of land described in Instrument No. 3101540 and Instrument No. 3086724, 498.81 feet to the Northwest corner of the parcel of land described in Docket 2035, Page 813 and to the Northeast corner of the parcel of land described in Instrument No. 3086724, monumented with a 1/2" iron pipe;

THENCE North 88°47'13" East along the South line of the Southwest 1/4 of Section 14 and along the North line of the parcel of land described in Docket 2035, Page 813, 134.25 feet to the proposed West right of way line of Ponderosa Parkway;

THENCE North 88°41'10" East along the South line of the Southwest 1/4 of Section 14 and along the North line the parcel of land described in Docket 1108, Page 138, 107.25 feet to the West line of Parcel 1 as described in Docket 1827, Page 472;

THENCE North 88°41'10" East along the South line of the Southwest 1/4 of Section 14, 9.80 feet to the proposed East right of way line of Ponderosa Parkway;

THENCE North 88°41'10" East along the South line of the Southwest 1/4 of Section 14, 99.88 feet to the East line of Parcel 1 as described in Docket 1827, Page 472 and to the West line of the parcel of land described in Docket 3227, Page 936;

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THENCE North 18°26'19" West along the East line of Parcel 1 described in Docket 1827, Page 472 and along the West line of the parcel of land described in Docket 3227, Page 936, 153.89 feet to the Southwest corner of the parcel of land described in Instrument No. 3385837, monumented with a 4" concrete post, the **POINT OF BEGINNING** of this description, hereinafter referred to as **POINT "A"**;

THENCE North 18°13'20" West along the East line of Parcel 1 and along the West line of the parcel of land described in Instrument No. 3385837, 110.98 feet, to the proposed East right of way line of Ponderosa Parkway, hereinafter referred to as **POINT "D"**;

THENCE Northerly along the proposed East right of way line of Ponderosa Parkway, along a curve to the right, having a radius of 765.00 feet and a central angle of 5°57'54", an arc distance of 79.64 feet (chord bearing North 21°22'04" East, chord distance 79.61 feet);

THENCE North 24°21'00" East along the proposed East right of way line of Ponderosa Parkway, 137.50 feet;

THENCE Northerly along the proposed East right of way line of Ponderosa Parkway, along a curve to the left, having a radius of 884.74 feet and a central angle of 20°00'01", an arc distance of 308.84 feet (chord bearing North 14°21'00" East, chord distance 307.27 feet);

THENCE Northerly along the proposed East right of way line of Ponderosa Parkway, along a curve to the left, having a radius of 1648.76 feet and a central angle of 18°07'31", an arc distance of 521.57 feet (chord bearing North 04°42'46" West, chord distance 519.40 feet), to the North line of the parcel of land described in Instrument No. 3385837;

THENCE South 81°54'10" East along the North line of the parcel of land described in Instrument No. 3385837, 429.72 feet to the Northeast corner of the parcel of land described in Instrument No. 3385837;

THENCE South 31°18'30" East, 665.41 feet to the South line of the parcel of land described in Instrument No. 3228142 and to the North line of the parcel of land described in Docket 1947, Page 830;

THENCE North 73°06'23" West along the South line of the parcel of land described in Instrument No. 3228142 and along the North line of the parcel of land described in Docket 1947, Page 830, 98.22 feet to the Southeast corner of the parcel of land described in Instrument No. 3385837, monumented with a 5/8" capped rebar marked "LS 26406";

THENCE South 71°29'36" West along the South line of the parcel of land described in Instrument No. 3385837 and along the North line of the parcel of land described in Docket 1947, Page 830, 320.96 feet to the Northwest corner of the parcel of land described in Docket 1947, Page 830, monumented with a 5/8" capped rebar marked "LS 13010";

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THENCE South 18°30'41" East along the South line of the parcel of land described in Instrument No. 3385837 and along the West line of the parcel of land described in Docket 1947, Page 830, 251.55 feet to the Northeast corner of the parcel of land described in Instrument No. 3340460, monumented with a 5/8" capped rebar marked "LS 26406", hereinafter referred to as **POINT "B"**;

THENCE South 71°32'55" West along the South line of the parcel of land described in Instrument No. 3385837 and along the North line of the parcels of land described in Instrument No. 3340460 and Docket 3227, Page 936, 566.31 feet to the **POINT OF BEGINNING** of this description;

The above described parcel of land contains 11.97 acres, more or less.

For a drawing of the parcel described above, see **Exhibit "A-1"**, which by this reference is made part of this description.

The above described parcel is subject to the reservation by the grantor, of the following described easements which may be referenced on a Final Plat of Dedication to the City of Flagstaff, pursuant to the requirements of the City of Flagstaff:

EASEMENT "A" – 16' Wide Private and Public Utility Easement:

A 16' wide strip of land which lies 8.0 feet on each side of the following described line:

COMMENCING at the above mentioned **POINT "B"**, a 5/8" capped rebar marked "LS 26406;

THENCE North 18°30'41" West along the South line of the parcel of land described in Instrument No. 3385837 and along the West line of the parcel of land described in Docket 1947, Page 830, 8.00 feet to the **POINT OF BEGINNING** of the this description;

THENCE South 71°32'55" West, parallel with and 8.0 feet North of the South line of the parcel of land described in Instrument No. 3385837, 553.09 feet;

THENCE North 64°41'32" West, 18.17 feet to the East line of Parcel 1 and to the West line of the parcel of land described in Instrument No. 3385837, the **POINT OF TERMINUS** of this description.

The sidelines to be lengthened or shortened to meet the South and West lines of the parcel of land described in Instrument No. 3385837.

The above described 16' wide private and public utility easement contains 0.21 acres, more or less.

For a drawing of the parcel described above, see **Exhibit "A-3"**, which by this reference is made part of this description.

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/Deleted and replaced with Exhibit L-2 Easement

EASEMENT "B" - 40' Wide Private Non-Exclusive Ingress/Egress Easement

The following is a description of a 40' wide private non-exclusive ingress/egress easement to provide access to and from the property described in Docket 3227, Page 936 and Parcel 1 of Docket 1827, Page 472. The 40' wide strip of land lies 20.0 feet on each side of the following described line and is more particularly described as follows:

COMMENCING at the above mentioned **POINT "A"**, a 4" concrete post;

THENCE North 71°32'55" East along the South line of the parcel of land described in Instrument No. 3385837 and along the North line of the parcel of land described in Docket 3227, Page 936, 54.31 feet to the **POINT OF BEGINNING** of this description;

THENCE North 81°00'52" West, 61.07 feet to the East line of Parcel 1 as described in Docket 1827, Page 472 and to the West line of the parcel of land described in Instrument No. 3385837, the **POINT OF TERMINUS** of this description.

The sidelines to be lengthened or shortened to meet the South and West lines of the parcel of land described in Instrument No. 3385837.

The above described 40' wide private non-exclusive ingress/egress easement contains 0.06 acres, more or less.

For a drawing of the parcel described above, see **Exhibit "A-2"**, which by this reference is made part of this description.

EASEMENT "C" – Drainage Easement:

A drainage easement is more particularly described by metes and bounds as follows:

COMMENCING at **POINT "A"**, a 4" concrete post;

THENCE North 18°13'20" West along the East line of Parcel 1 described in Docket 1827, Page 472 and along the West line of the parcel of land described in Instrument No. 3385837, 110.98 feet, to the proposed East right of way line of Ponderosa Parkway;

THENCE Northerly along the proposed East right of way line of Ponderosa Parkway, along a curve to the right, having a radius of 765.00 feet and a central angle of 5°57'54", an arc distance of 79.64 feet (chord bearing North 21°22'04" East, chord distance 79.61 feet);

THENCE North 24°21'00" East along the proposed East right of way line of Ponderosa Parkway, 137.50;

THENCE Northerly along the proposed East right of way line of Ponderosa Parkway, along a curve to the left, having a radius of 884.74 feet and a central

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angle of 10°46'45", an arc distance of 166.45 feet (chord bearing North 18°57'37" East, chord distance 166.21 feet);

THENCE Northerly along the proposed East right of way line of Ponderosa Parkway, along a curve to the left, having a radius of 884.74 feet and a central angle of 2°19'48", an arc distance of 35.98 feet (chord bearing North 12°24'20" East, chord distance 35.98 feet), to the **POINT OF BEGINNING** of this description, hereinafter referred to as **POINT "C"**;

THENCE Northerly along the proposed East right of way line of Ponderosa Parkway, along a curve to the left, having a radius of 884.74 feet and a central angle of 6°53'27", an arc distance of 106.41 feet (chord bearing North 07°47'43" East, chord distance 106.34 feet);

THENCE Northerly along the proposed East right of way line of Ponderosa Parkway, along a curve to the left, having a radius of 1648.76 feet and a central angle of 18°07'31", an arc distance of 521.57 feet (chord bearing North 04°42'46" West, chord distance 519.40 feet), to the North line of the parcel of land described in Instrument No. 3385837to a point of cusp;

THENCE South 81°54'10" East along the North line of the parcel of land described in Instrument No. 3385837, 16.15 feet;

THENCE Southerly, parallel with and 15 feet East of the East right of way line of the proposed Ponderosa Parkway, along a curve to the right, having a radius of 1663.76 feet which bears South 76°25'54" West, and a central angle of 16°49'52", an arc distance of 488.74 feet (chord bearing South 05°09'10" East, chord distance 486.98 feet);

THENCE South 02°30'56" East, 180.73 feet;

THENCE North 41°18'42" West, 59.70 feet to the **POINT OF BEGINNING** of this description.

The above described drainage easement contains 0.26 Acres more or less.

For a drawing of the parcel described above, see **Exhibit "A-2"**, which by this reference is made part of this description.

EASEMENT "D" – Drainage Easement:

A drainage easement is more particularly described by metes and bounds as follows:

BEGINNING at the above mentioned **POINT "C"**;

THENCE South 41°18'42" East, 77.53 feet;

THENCE South 17°38'11" East, 41.60 feet;

THENCE South 24°46'55" East, 55.29 feet;

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THENCE South 50°57'07" East, 87.77 feet;

THENCE South 41°07'05" East, 102.44 feet;

THENCE South 81°15'02" East, 92.59 feet;

THENCE North 72°10'13" East, 97.37 feet to the West line of the parcel of land described in Docket 1947, Page 830 and to the South line of the parcel of land described in Instrument No. 3385837;

THENCE South 18°30'41" East, along the West line of the parcel of land described in Docket 1947, Page 830 and along the South line of the parcel of land described in Instrument No. 3385837, 56.00 feet to the Northeast corner of the parcel of land described in Instrument No. 3340460, monumented with a 5/8" capped rebar marked "LS 26406";

THENCE South 71°32'55" West along the South line of the parcel of land described in Instrument No. 3385837 and along the North line of the parcel of land described in Instrument No. 3340460, 110.70 feet;

THENCE North 18°30'41" West, 31.28 feet;

THENCE North 81°15'02" West, 103.13 feet;

THENCE North 41°07'05" West, 110.54 feet;

THENCE North 50°57'07" West, 92.02 feet;

THENCE North 24°46'55" West, 63.84 feet;

THENCE North 17°38'11" West, 37.33 feet;

THENCE North 41°18'42" West, 50.15 feet to the proposed East right of way of Ponderosa Parkway;

THENCE Northerly along the proposed East right of way line of Ponderosa Parkway, along a curve to the left, having a radius of 884.74 feet and a central angle of 2°19'48", an arc distance of 35.98 feet (chord bearing North 12°24'20" East, chord distance 35.98 feet) to the **POINT OF BEGINNING** of this description.

The above described drainage easement contains 0.44 Acres more or less.

For a drawing of the parcel described above, see **Exhibit "A-2"**, which by this reference is made part of this description.

EASEMENT "E" – Slope Easement:

The slope easement is more particularly described by metes and bounds as follows:

BEGINNING at the above mentioned **POINT "D"**;

THENCE Northerly along the proposed East right of way line of Ponderosa Parkway, along a curve to the right, having a radius of 765.00 feet and a central

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angle of 5°57'54", an arc distance of 79.64 feet (chord bearing North 21°22'04" East, chord distance 79.61 feet);

THENCE North 24°21'00" East along the proposed East right of way line of Ponderosa Parkway, 137.50;

THENCE Northerly along the proposed East right of way line of Ponderosa Parkway, along a curve to the left, having a radius of 884.74 feet and a central angle of 10°46'45", an arc distance of 166.45 feet (chord bearing North 18°57'37" East, chord distance 166.21 feet);

THENCE South 41°18'42" East, 36.38 feet;

THENCE Southerly, parallel with and 30' East of the East right of way line of Ponderosa Parkway, along a curve to the right, having a radius of 914.74 feet which bears North 75°07'06" West, and a central angle of 9°28'06", an arc distance of 151.16 feet (chord bearing South 19°36'57" West, chord distance 150.99 feet);

THENCE South 24°21'00" West, parallel with and 30' East of the East right of way line of Ponderosa Parkway, 137.50 feet;

THENCE Southerly, parallel with and 30' East of the East right of way line of Ponderosa Parkway, along a curve to the left, having a radius of 735.00 feet and a central angle of 9°14'27", an arc distance of 118.54 feet (chord bearing South 19°43'47" West, chord distance 118.41 feet) to the East line of Parcel 1 described in Docket 1827, Page 472 and to the West line of the parcel of land described in Instrument No. 3385837;

THENCE North 18°13'20" West along the East line of Parcel 1 described in Docket 1827, Page 472 and along the West line of the parcel of land described in Instrument No. 3385837, 52.32 feet to the **POINT OF BEGINNING** of this description.

The above described slope easement contains 0.27 Acres more or less.

For a drawing of the parcel described above, see **Exhibit "A-2"**, which by this reference is made part of this description.

EASEMENT "F" – 16' Wide Public Utility Easement:

A 16' wide strip of land which lies 8.0 feet on each side of the following described line:

COMMENCING at the above mentioned **POINT "B"**;

THENCE North 18°30'41" West along the South line of the parcel of land described in Instrument No. 3385837 and along the West line of the parcel of land described in Docket 1947, Page 830, 8.00 feet to the **POINT OF BEGINNING** of this description;

THENCE North 66°39'29" West, 284.53 feet;

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THENCE North 37°46'05" West, 259.88 feet to the proposed right of way of Ponderosa Parkway, the **POINT OF TERMINUS** of this description.

The sidelines to be lengthened or shortened to meet the South line of the parcel of land described in Instrument No. 3385837and to meet the proposed East right of way line of Ponderosa Parkway.

The above described 16' wide public utility easement contains 0.20 acres, more or less.

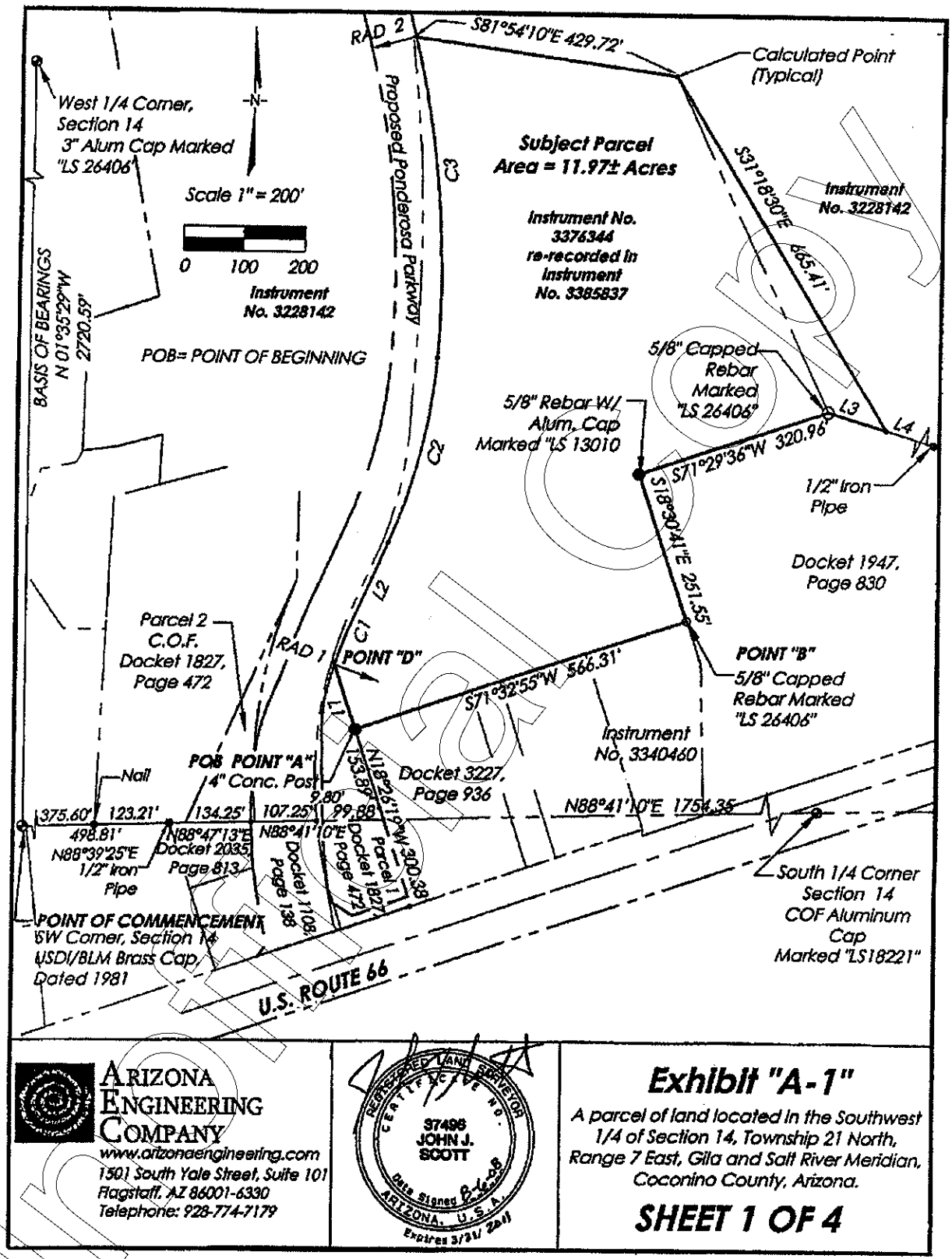
For a drawing of the parcel described above, see **Exhibit "A-3"**, which by this reference is made part of this description.

The **BASIS OF BEARINGS** for the above described parcels of land is the line from the Southwest corner of Section 14, a USDI/BLM brass cap dated 1981 to the West 1/4 corner of Section 14, a 3" aluminum cap marked "LS 26406', which bears South 01°35'29" East, according to the record of survey recorded in Book 21 of Surveys, Page 17.

REGISTERED LAND SURVEYOR
CERTIFICATE NO.
37498
JOHN J.
SCOTT
Date Signed 8-4-09
ARIZONA U.S.A.

Expires 9/31/2011

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ARIZONA ENGINEERING COMPANY
www.arizonaengineering.com
1501 South Yale Street, Suite 101
Flagstaff, AZ 86001-6330
Telephone: 928-774-7179

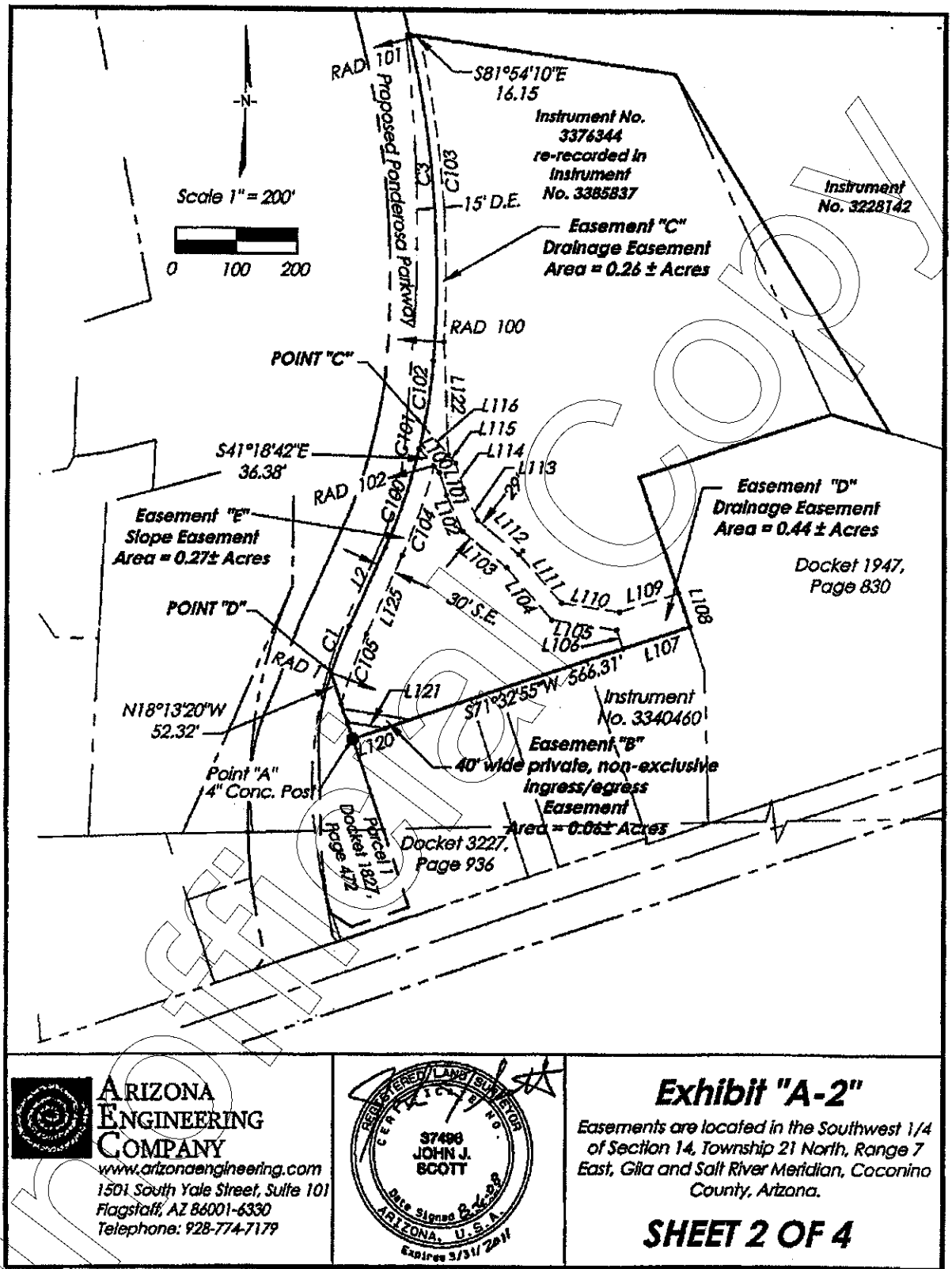
REGISTERED LAND SURVEYOR
CERTIFICATE NO.
37496
JOHN J. SCOTT
Date Signed 8-18-09
ARIZONA, U.S.A.
Expires 3/31/ 2011

Exhibit "A-1"

A parcel of land located in the Southwest 1/4 of Section 14, Township 21 North, Range 7 East, Gila and Salt River Meridian, Coconino County, Arizona.

SHEET 1 OF 4

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Flagstaff, AZ 86001-6330
Telephone: 928-774-7179

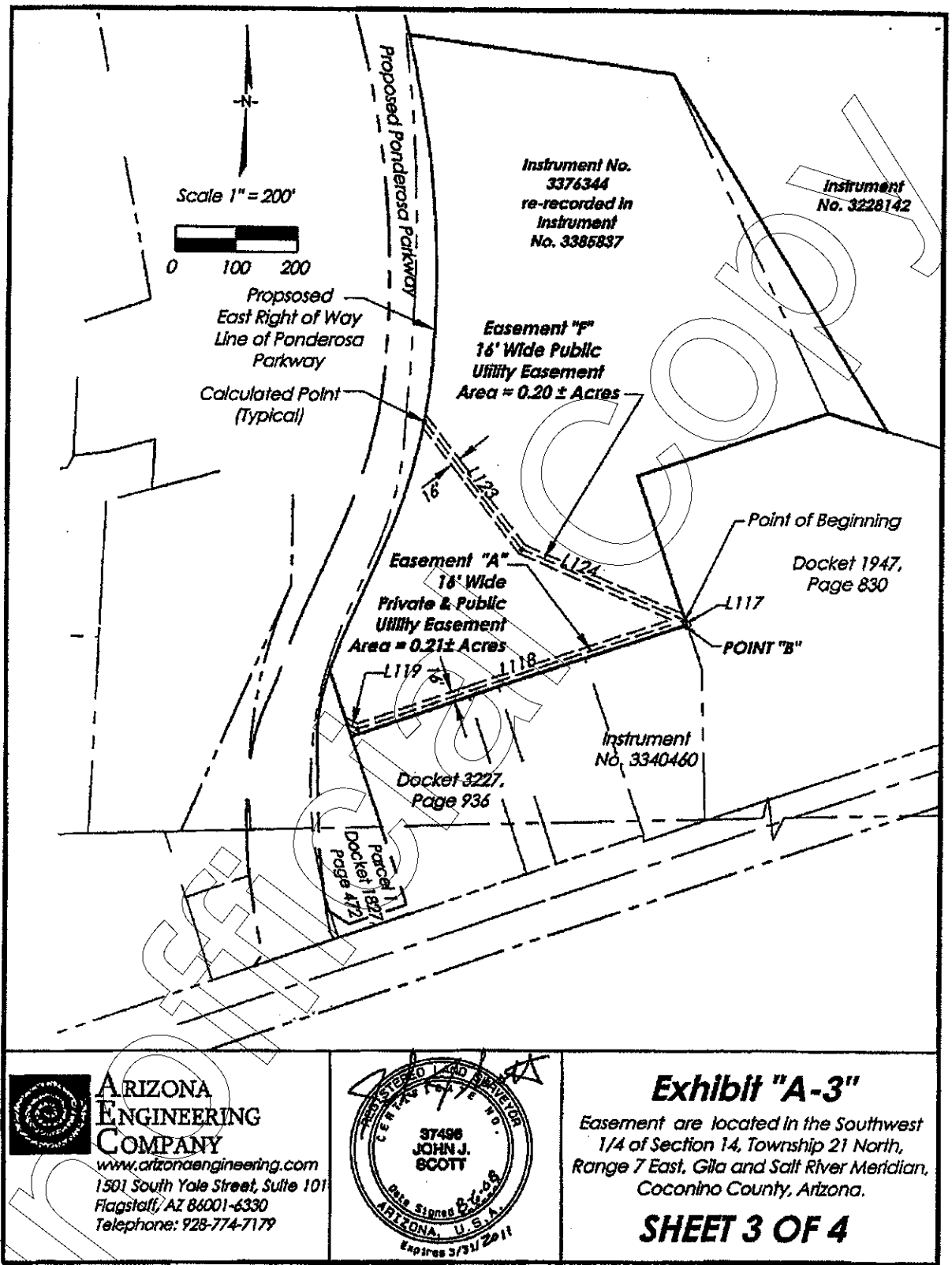
REGISTERED LAND SURVEYOR
CERTIFICATE NO.
37496
JOHN J.
SCOTT
Date Signed 2-24-09
ARIZONA, U.S.A.
Expires 3/31/2011

Exhibit "A-2"

Easements are located in the Southwest 1/4 of Section 14, Township 21 North, Range 7 East, Gila and Salt River Meridian, Coconino County, Arizona.

SHEET 2 OF 4

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1501 South Yale Street, Suite 101
Flagstaff, AZ 86001-6330
Telephone: 928-774-7179

REGISTERED LAND SURVEYOR
CERTIFICATE NO.
37496
JOHN J.
SCOTT
Date Signed 12-6-08
ARIZONA, U.S.A.
Expires 3/31/2011

Exhibit "A-3"

Easement are located in the Southwest 1/4 of Section 14, Township 21 North, Range 7 East, Gila and Salt River Meridian, Coconino County, Arizona.

SHEET 3 OF 4

Unofficial Document

RADIAL BEARING TABLE

RAD 1	S71°36'53"E
RAD 2	S76°13'28"W

LINE TABLE

LINE	LENGTH	BEARING
L1	110.98'	N18°13'20"W
L2	137.50	N24°21'00"E
L3	98.22'	N73°06'23"W
L4	415.09'	N73°06'23"W

CURVE TABLE

CURVE	LENGTH	RADIUS	TANGENT	DELTA
C1	79.64	765.00	39.86	5°57'54"
C2	308.84	884.74	156.01	20°00'01"
C3	521.57	1648.76	262.98	18°07'31"

EASEMENT CURVE TABLE

CURVE	LENGTH	RADIUS	TANGENT	DELTA
C100	166.45	884.74	83.47	10°46'45"
C101	35.98	884.74	17.99	2°19'48"
C102	106.41	884.74	53.27	6°53'27"
C103	488.74	1663.76	246.14	16°49'52"
C104	151.16	914.74	75.75	9°28'06"
C105	118.54	735.00	59.40	9°14'27"

EASEMENT RADIAL BEARING TABLE

RAD 100	N86°44'14"W
RAD 101	S76°25'54"W
RAD 102	N75°07'06"W

EASEMENT LINE TABLE

LINE	LENGTH	BEARING
L100	50.15	N41°18'42"W
L101	37.33	N17°38'11"W
L102	63.84	N24°46'55"W
L103	92.02	N50°57'07"W
L104	110.54	N41°07'05"W
L105	103.13	N81°15'02"W
L106	31.28	N18°30'41"W
L107	110.70	S71°32'55"W
L108	56.00	S18°30'41"E
L109	97.37'	N72°10'13"E
L110	92.59	S81°15'02"E
L111	102.44'	S41°07'05"E
L112	87.77	S50°57'07"E
L113	55.29	S24°46'55"E
L114	41.60	S17°38'11"E
L115	17.83	S41°18'42"E
L116	59.70	S41°18'42"E
L117	8.00	N18°30'41"W
L118	553.09	S71°32'55"W
L119	18.17'	N64°41'32"W
L120	54.31	N71°32'55"E
L121	61.07	N81°00'52"W
L122	180.73	S02°30'56"E
L123	259.88	N37°46'05"W
L124	284.53	N66°39'29"W
L125	137.50	S24°21'00"W

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1501 South Yale Street, Suite 101
Flagstaff, AZ 86001-6330
Telephone: 928-774-7179

REGISTERED LAND SURVEYOR
CERTIFICATE NO.
37496
JOHN J.
SCOTT
Date Signed 12-2-09
ARIZONA, U.S.A.
Expires 3/31/ 2011

Exhibit "A-4"

A parcel of land located in the Southwest 1/4 of Section 14, Township 21 North, Range 7 East, Gila and Salt River Meridian, Coconino County, Arizona.

SHEET 4 OF 4

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A NON-EXCLUSIVE INGRESS AND EGRESS EASEMENT MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Exhibit L

(Description 2)

Following is a description of a parcel of land which is a portion of the parcel of land described in Instrument No. 3385837, of the records of the Coconino County Recorder's Office. The parcel of land is located in the southwest 1/4 of Section 14, Township 21 North, Range 7 East, Gila and Salt River Baseline and Meridian, Coconino County, Arizona. (Note: All references to recorded instruments refer to the records of the Coconino County Recorder's Office.)

The parcel is more particularly described by metes and bounds as follows:

COMMENCING at the southwest corner of Section 14, monumented with a USDI/BLM brass cap, dated 1981. From which point the west 1/4 corner of Section 14, monumented with a 3 inch aluminum cap, LS 26406, bears North 01°35'29" West, 2720.59 feet (Basis of Bearings for this description):

THENCE North 88°39'25" East along the south line of the southwest 1/4 of Section 14, and along the north line of the parcels of land described in Instrument No. 3101540 and Instrument No. 3086724 and along the south line of the parcel of land described in Instrument No. 3469519, 375.60 feet to the southeast corner of the parcel of land described in Instrument No. 3469519 and to the southwest corner of the parcel of land described as Parcel 1 in Instrument No. 3478120, monumented with a nail in concrete;

THENCE North 88°40'08" East along the south line of the southwest 1/4 of Section 14, and along the north line of the parcel of land described in Instrument No. 3086724 and along the south line of Parcel 1(Instrument No. 3478120), 123.29 feet to the northeast corner of the parcel of land described in Instrument No. 3086724 and to the northwest corner of the parcel of land described in Docket 2035, Page 813, monumented with a 3/4 inch iron pipe;

THENCE South 18°35'16" East along the east line of the parcel of land described in Instrument No. 3086724 and along the west line of the parcel of land described in Docket 2035, Page 813, 111.28 feet to the southwest corner of the parcel of land described in Docket 2035, Page 813 and to the northwest corner of the parcel of land described in Docket 2072, Page 530;

THENCE South 18°35'16" East along the east line of the parcel of land described in Instrument No. 3086724 and along the west line of the parcel of land described in Docket 2072, Page 530, 140.00 feet to the north line of the 105 foot wide right of way for Route 66, monumented with a 5/8 inch rebar with aluminum cap marked ARENCO LS13010;

THENCE North 71°20'15" East along the south line of the parcel of land described in Docket 2072, Page 530, and along the north right of way line of Route 66, 100.50 feet to southeast corner of the parcel of land described in Docket 2072, Page 530 and to the southwest corner of the parcel of land described in Docket 1108, Page 138, monumented with a scribed X in concrete;

THENCE North 71°20'15" East, along the south line of the parcel of land described in Docket 1108, Page 138 and along the north right of way line of Route 66, 108.53 feet to the southeast corner of the parcel of land described in Docket 1108, Page 138 and to the southwest corner of the parcel of land described as Parcel 3 in Docket 1827, Page 471, monumented with a scribed X in concrete;

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THENCE North 71°20'15" East, along the south line of Parcel 3 (Docket 1827, Page 471) and along the south line of the parcel of land described as Parcel 1 in Docket 1827, Page 471 and along the north right of way line of Route 66, 126.70 feet to the southeast corner of Parcel 1 (Docket 1827, Page 471) and to the southwest corner of the parcel of land described as Parcel 3 in Instrument No. 3227936;

THENCE North 18°35'24" West along the east line of Parcel 1(Docket 1827, Page 471) and along the west line of Parcel 3 (Instrument No. 3227936), 300.51 feet, to the northwest corner of Parcel 3 (Instrument No. 3227936) and to the south line of the parcel of land described in Instrument No. 3385837, monumented with a 4 inch by 4 inch concrete post, the **TRUE POINT OF BEGINNING** of this description.

THENCE North 18°16'17" West along the east line of Parcel 1(Docket 1827, Page 471) and along the south line of the parcel of land described in Instrument No. 3385837, 56.75 feet;

THENCE South 80°01'56" East 119.33 feet to the north line of Parcel 3 (Instrument No. 3227936) and to the south line of the parcel of land described in Instrument No. 3385837;

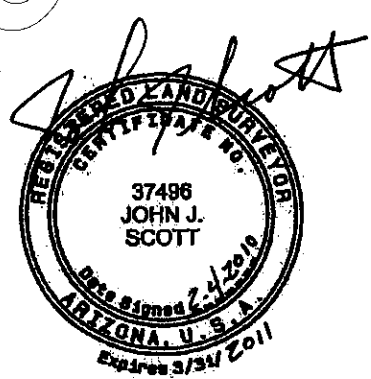
THENCE South 71°34'02" West along the north line of Parcel 3 (Instrument No. 3227936) and along the south line of the parcel of land described in Instrument No. 3385837, 105.12 feet to the **TRUE POINT OF BEGINNING** of this description.

The above described parcel of land contains 0.068 acres (2938.13 sq ft), more or less.

For a drawing of the parcel described above, see **Exhibit L (Drawing 2)**, which by this reference is made part of this description.

Access Easement
Descriptive Title

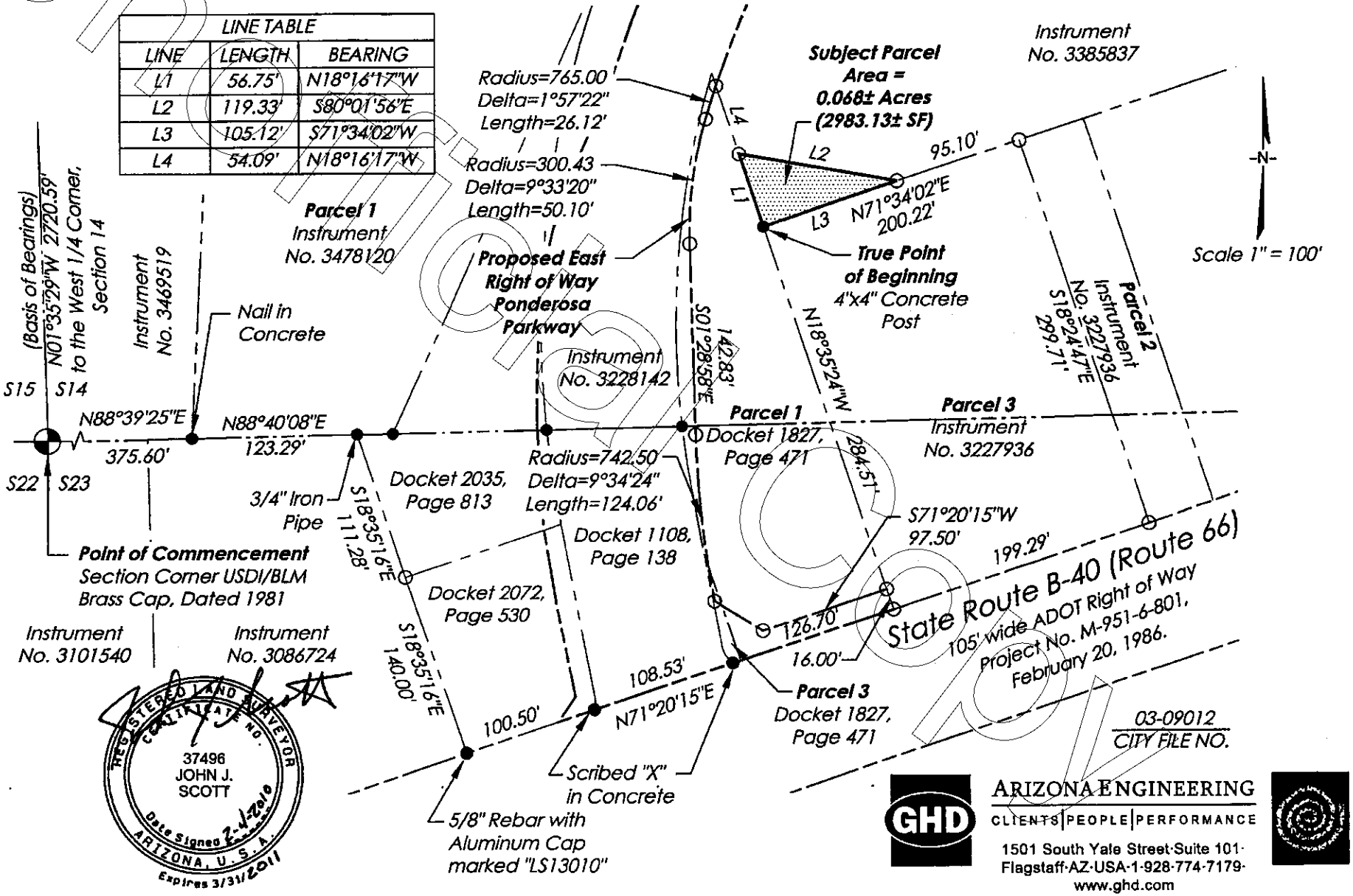
03-09012
City File No.



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Exhibit L (Drawing 2)

A portion of the parcel of land described in instrument No. 3385837. Located in the Southwest 1/4 of Section 14, Township 21 North, Range 7 East, Gila and Salt River Baseline and Meridian, Coconino County, Arizona.



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A SEWER EASEMENT MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Exhibit S
(Description)

Following is a description of a parcel of land which is a portion of the parcel of land described in Instrument No. 3385837, of the records of the Coconino County Recorder's Office. The parcel of land is located in the southwest 1/4 of Section 14, Township 21 North, Range 7 East, Gila and Salt River Baseline and Meridian, Coconino County, Arizona. (Note: All references to recorded instruments refer to the records of the Coconino County Recorder's Office.)

The parcel is more particularly described by metes and bounds as follows:

COMMENCING at the southwest corner of Section 14, monumented with a USDI/BLM brass cap, dated 1981. From which point the west 1/4 corner of Section 14, monumented with a 3 inch aluminum cap, LS 26406, bears North 01°35'29" West, 2720.59 feet (Basis of Bearings for this description):

THENCE North 88°39'25" East along the south line of the southwest 1/4 of Section 14, and along the north line of the parcels of land described in Instrument No. 3101540 and Instrument No. 3086724 and along the south line of the parcel of land described in Instrument No. 3469519, 375.60 feet to the southeast corner of the parcel of land described in Instrument No. 3469519 and to the southwest corner of the parcel of land described as Parcel 1 in Instrument No. 3478120, monumented with a nail in concrete;

THENCE North 88°40'08" East along the south line of the southwest 1/4 of Section 14, and along the north line of the parcel of land described in Instrument No. 3086724 and along the south line of Parcel 1(Instrument No. 3478120), 123.29 feet to the northeast corner of the parcel of land described in Instrument No. 3086724 and to the northwest corner of the parcel of land described in Docket 2035, Page 813, monumented with a 3/4 inch iron pipe;

THENCE South 18°35'16" East along the east line of the parcel of land described in Instrument No.3086724 and along the west line of the parcel of land described in Docket 2035, Page 813, 111.28 feet to the southwest corner of the parcel of land described in Docket 2035, Page 813 and to the northwest corner of the parcel of land described in Docket 2072, Page 530;

THENCE South 18°35'16" East along the east line of the parcel of land described in Instrument No. 3086724 and along the west line of the parcel of land described in Docket 2072, Page 530, 140.00 feet to the north line of the 105 foot wide right of way for Route 66, monumented with a 5/8 inch rebar with aluminum cap marked ARENCO LS13010;

THENCE North 71°20'15" East along the south line of the parcel of land described in Docket 2072, Page 530, and along the north right of way line of Route 66, 100.50 feet to southeast corner of the parcel of land described in Docket 2072, Page 530 and to the southwest corner of the parcel of land described in Docket 1108, Page 138, monumented with a scribed X in concrete;

THENCE North 71°20'15" East along the south line of the parcel of land described in Docket 1108, Page 138 and along the north right of way line of Route 66, 108.53 feet to the southeast corner of the parcel of land described in Docket 1108, Page 138 and to the southwest corner of the parcel of land described as Parcel 3 in Docket 1827, Page 471, monumented with a scribed X in concrete;

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THENCE North 71°20'15" East, along the south line of Parcel 3 (Docket 1827, Page 471) and along the south line of the parcel of land described as Parcel 1 in Docket 1827, Page 471 and along the north right of way line of Route 66, 126.70 feet to the southeast corner of Parcel 1 (Docket 1827, Page 471) and to the southwest corner of the parcel of land described as Parcel 3 in Instrument No. 3227936;

THENCE North 18°35'24" West, along the east line of Parcel 1(Docket 1827, Page 471) and along the west line of Parcel 3 (Instrument No. 3227936), 300.51 feet, to the northwest corner of Parcel 3 (Instrument No. 3227936) and to the south line of the parcel of land described in Instrument No. 3385837, monumented with a 4 inch by 4 inch concrete post, the **TRUE POINT OF BEGINNING** of this description.

THENCE North 18°16'17" West, along the east line of Parcel 1(Docket 1827, Page 471) and along the south line of the parcel of land described in Instrument No. 3385837, 9.33 feet;

THENCE South 64°40'25" East, 13.49 feet to the north line of Parcel 3 (Instrument No. 3227936) and to the south line of the parcel of land described in Instrument No. 3385837;

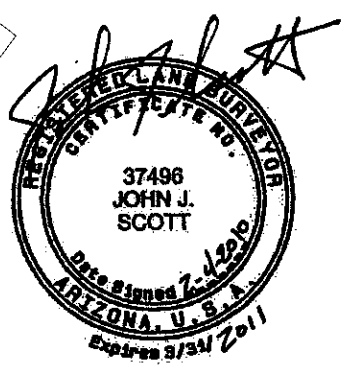
THENCE South 71°34'02" East along the north line of Parcel 3 (Instrument No. 3227936) and along the south line of the parcel of land described in Instrument No. 3385837, 9.77 feet to the **TRUE POINT OF BEGINNING** of this description.

The above described parcel of land contains 0.001 acres (45.56 sq ft), more or less.

For a drawing of the parcel described above, see **Exhibit S (Drawing)**, which by this reference is made part of this description.

Sewer Easement
Descriptive Title

03-09012
City File No.

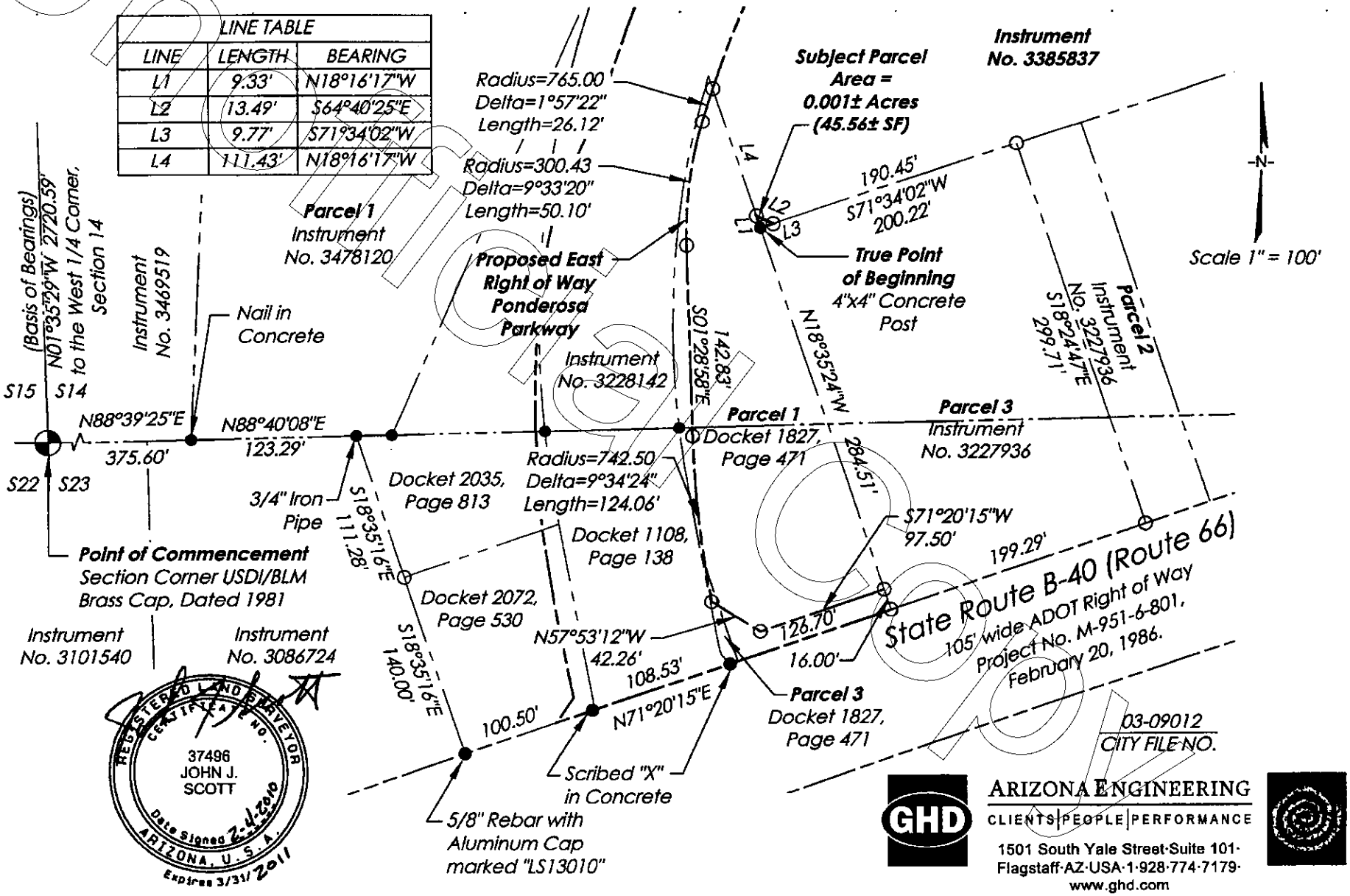


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Exhibit S (Drawing)

A portion of the parcel of land described in instrument No. 338583. Located in the Southwest 1/4 of Section 14, Township 21 North, Range 7 East, Gila and Salt River Baseline and Meridian, Coconino County, Arizona.

LINE TABLE		
LINE	LENGTH	BEARING
L1	9.33'	N18°16'17"W
L2	13.49'	S64°40'25"E
L3	9.77'	S71°34'02"W
L4	111.43'	N18°16'17"W



REGISTERED LAND SURVEYOR
CERTIFICATE NO.
37496
JOHN J.
SCOTT
Date Signed 6-4-2010
ARIZONA, U.S.A.
Expires 3/31/2011

03-09012
CITY FILE NO.

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When recorded, mail to
City Clerk
211 West Aspen Avenue
Flagstaff, Arizona 86001

PUBLIC SLOPE EASEMENT

For Valuable Consideration, the sufficiency and receipt of which are hereby acknowledged, _____("Grantor"), hereby grants and conveys to the City of Flagstaff, an Arizona municipal corporation ("Grantee"), an irrevocable, perpetual easement ("Easement") for slope, embankment, fill, drainage and other similar public purposes under, over and across the real property of Grantor situated in Coconino County, Arizona, Assessor Parcel Number_____, and described in and depicted in the attached **Exhibit A** ("easement"), subject to the following terms and conditions:

1. Grantee shall have the right to survey, clear, excavate, grade, cut, fill, construct, repair, replace, alter and maintain the area within the Easement to provide lateral support to roadway improvements.

2. Grantee shall have the right of ingress and egress across adjacent property owned or controlled by the Grantor to the extent reasonably required to gain access to the property subject to the Easement.

3. Grantee shall have the right to remove or alter vegetation, improvements, or obstructions within the limits of the Easement that conflict with or hinder the Grantee's use of the Easement. Upon completion of any such removal or alteration, the Grantee shall restore the property disturbed by any such removal or alteration to as near the pre-disturbance condition, or a Grantor approved changed condition, as the physical characteristics of the facility reasonably permit. Subject to the Grantee's obligation set forth herein regarding restoration of the attributes of the disturbed property, the Grantor shall be responsible for the surface appearance of the property subject to this Easement.

4. To the extent permitted by Arizona law, the Grantee hereby covenants to indemnify and save Grantor harmless from any liabilities for injuries or damages to persons or property arising out of the use of the Easement by the Grantee, its officers, agents, employees and invitees.

5. Grantor shall have the right to use and enjoy the property subject to the Easement, provided that such use and enjoyment does not interfere with the Grantee's use of the Easement, unless Grantee gives prior written consent. Grantor shall not construct or permit erection of any structure or improvement thereon that would interfere with the maintenance of the facilities within the Easement, unless Grantee gives prior written consent.

6. This Easement shall run with the land and be binding upon Grantor, its successors, heirs and assigns.

IN WITNESS WHEREOF, Grantor has caused this document to be executed in its name by the undersigned this ___ day of _____, 2019.

Flagstaff Unified School District #1

By: _____

Title: _____

STATE OF ARIZONA)
)ss.
County of _____)

ACKNOWLEDGEMENT. On this ___ day of _____, 2019, before me, a Notary Public, personally appeared _____, known to be and satisfactorily proven to be the person whose name is subscribed to the foregoing instrument and acknowledged that (s)he executed the same on behalf of _____, for the purposes therein contained.

_____
Notary Public

031303

THENCE South 50°57'07" East, 87.77 feet;

THENCE South 41°07'05" East, 102.44 feet;

THENCE South 81°15'02" East, 92.59 feet;

THENCE North 72°10'13" East, 97.37 feet to the West line of the parcel of land described in Docket 1947, Page 830 and to the South line of the parcel of land described in Instrument No. 3385837;

THENCE South 18°30'41" East, along the West line of the parcel of land described in Docket 1947, Page 830 and along the South line of the parcel of land described in Instrument No. 3385837, 56.00 feet to the Northeast corner of the parcel of land described in Instrument No. 3340460, monumented with a 5/8" capped rebar marked "LS 26406";

THENCE South 71°32'55" West along the South line of the parcel of land described in Instrument No. 3385837 and along the North line of the parcel of land described in Instrument No. 3340460, 110.70 feet;

THENCE North 18°30'41" West, 31.28 feet;

THENCE North 81°15'02" West, 103.13 feet;

THENCE North 41°07'05" West, 110.54 feet;

THENCE North 50°57'07" West, 92.02 feet;

THENCE North 24°46'55" West, 63.84 feet;

THENCE North 17°38'11" West, 37.38 feet;

THENCE North 41°18'42" West, 50.15 feet to the proposed East right of way of Ponderosa Parkway;

THENCE Northerly along the proposed East right of way line of Ponderosa Parkway, along a curve to the left, having a radius of 884.74 feet and a central angle of 2°19'48", an arc distance of 35.98 feet (chord bearing North 12°24'20" East, chord distance 35.98 feet) to the **POINT OF BEGINNING** of this description.

The above described drainage easement contains 0.44 Acres more or less.

For a drawing of the parcel described above, see **Exhibit "A-2"**, which by this reference is made part of this description.

EASEMENT "E" – Slope Easement:

The slope easement is more particularly described by metes and bounds as follows:

BEGINNING at the above mentioned **POINT "D"**;

THENCE Northerly along the proposed East right of way line of Ponderosa Parkway, along a curve to the right, having a radius of 765.00 feet and a central

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angle of 5°57'54", an arc distance of 79.64 feet (chord bearing North 21°22'04" East, chord distance 79.61 feet);

THENCE North 24°21'00" East along the proposed East right of way line of Ponderosa Parkway, 137.50;

THENCE Northerly along the proposed East right of way line of Ponderosa Parkway, along a curve to the left, having a radius of 884.74 feet and a central angle of 10°46'45", an arc distance of 166.45 feet (chord bearing North 18°57'37" East, chord distance 166.21 feet);

THENCE South 41°18'42" East, 36.38 feet;

THENCE Southerly, parallel with and 30' East of the East right of way line of Ponderosa Parkway, along a curve to the right, having a radius of 914.74 feet which bears North 75°07'06" West, and a central angle of 9°28'06", an arc distance of 151.16 feet (chord bearing South 19°36'57" West, chord distance 150.99 feet);

THENCE South 24°21'00" West, parallel with and 30' East of the East right of way line of Ponderosa Parkway, 137.50 feet;

THENCE Southerly, parallel with and 30' East of the East right of way line of Ponderosa Parkway, along a curve to the left, having a radius of 735.00 feet and a central angle of 9°14'27", an arc distance of 118.54 feet (chord bearing South 19°43'47" West, chord distance 118.41 feet) to the East line of Parcel 1 described in Docket 1827, Page 472 and to the West line of the parcel of land described in Instrument No. 3385837;

THENCE North 18°13'20" West along the East line of Parcel 1 described in Docket 1827, Page 472 and along the West line of the parcel of land described in Instrument No. 3385837, 52.32 feet to the **POINT OF BEGINNING** of this description.

The above described slope easement contains 0.27 Acres more or less.

For a drawing of the parcel described above, see **Exhibit "A-2"**, which by this reference is made part of this description.

EASEMENT "F" – 16' Wide Public Utility Easement:

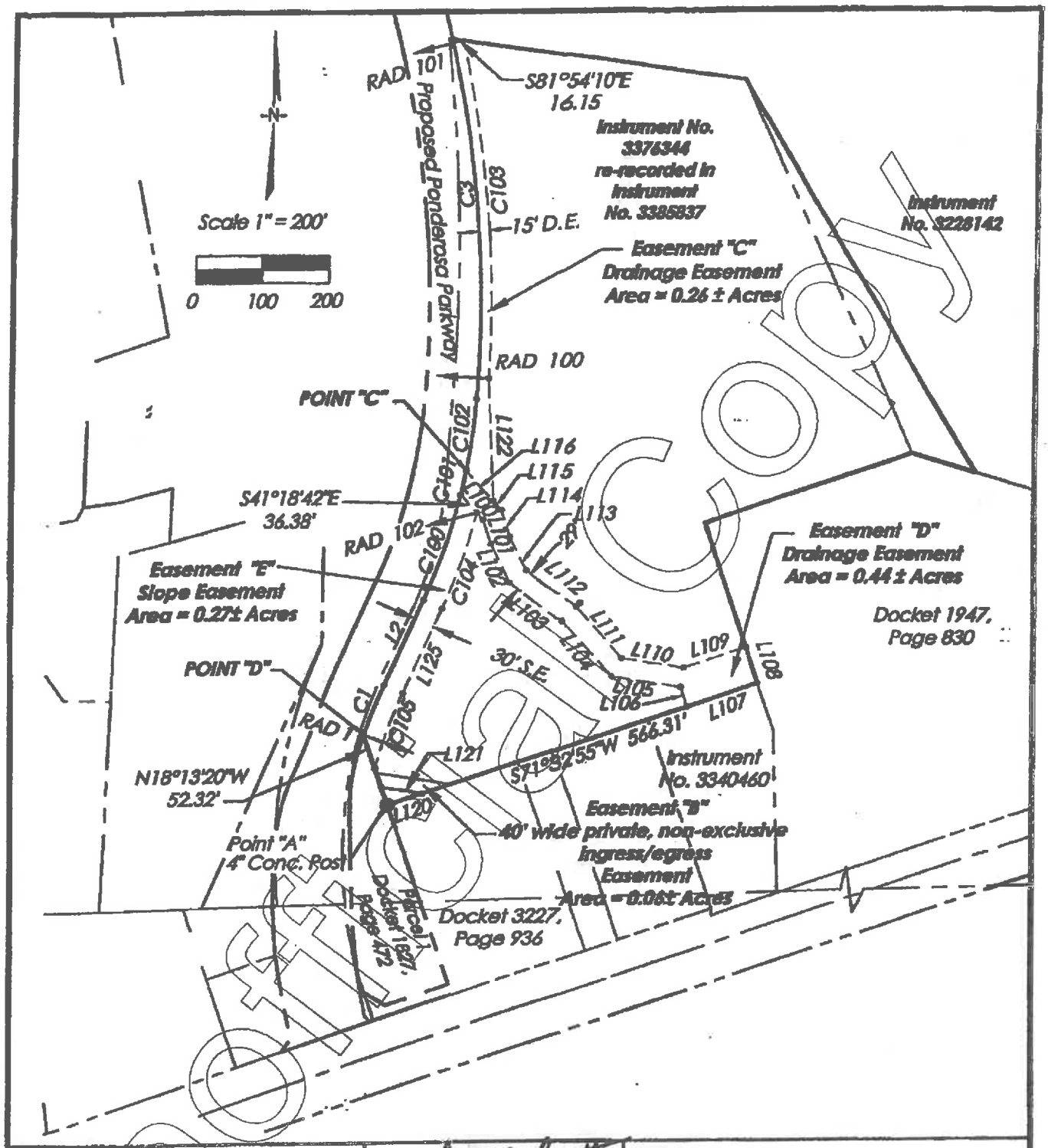
A 16' wide strip of land which lies 8.0 feet on each side of the following described line:

COMMENCING at the above mentioned **POINT "B"**;

THENCE North 18°30'41" West along the South line of the parcel of land described in Instrument No. 3385837 and along the West line of the parcel of land described in Docket 1947, Page 830, 8.00 feet to the **POINT OF BEGINNING** of this description;

THENCE North 66°39'29" West, 284.53 feet;

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ARIZONA ENGINEERING COMPANY
www.arizonaengineering.com
1501 South Yale Street, Suite 101
Flagstaff, AZ 86001-6330
Telephone: 928-774-7179

REGISTERED LAND SURVEYOR
CERTIFICATE NO.
37488
JOHN J. SCOTT
Date Signed 7-25-08
ARIZONA, U.S.A.
Expires 3/31/2011

Exhibit "A-2"

Easements are located in the Southwest 1/4 of Section 14, Township 21 North, Range 7 East, Gila and Salt River Meridian, Coconino County, Arizona.

SHEET 2 OF 4

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When recorded, mail to
City Clerk
211 West Aspen Avenue
Flagstaff, Arizona 86001

EASEMENT FOR DRAINAGE

For valuable consideration, the sufficiency and receipt of which is hereby acknowledged, _____("Grantor"), hereby grants and conveys unto the CITY OF FLAGSTAFF, a municipal corporation organized and existing under and by virtue of the laws of the State of Arizona ("Grantee"), an easement for drainage purposes under, over and across the real property of Grantor situated in Coconino County, Arizona, Assessor Parcel Number _____and described in and depicted in the attached **Exhibit A** ("easement"), subject to the following terms and conditions:

1. Grantee shall have the right to locate, operate, repair, replace, alter and maintain a drainage system and drainage structures in the easement. Drainage structures include any and all facilities and appurtenances which facilitate drainage, including but not limited to swales, culverts, pipes, vents, manholes, earthen and concrete dykes.

2. Grantee shall have the rights of ingress and egress across adjacent property owned or controlled by the Grantor where reasonably required to gain access to this easement.

3. This easement is granted on a non-exclusive basis to Grantee.

4. Grantee shall have the right to use the easement for drainage from other real properties that are part of an overall drainage system.

5. Grantee may remove, alter or maintain vegetation, improvements, or obstructions within the limits of the easement that conflict with legitimate drainage uses.

6. Upon completion of any work by Grantee, its employees, contractors or licensees in the easement, Grantee shall restore the real property surrounding the drainage system and drainage structures to its prior condition. Following such restoration Grantor shall remain responsible for any ongoing maintenance of the real property subject to this easement.

7. To the extent permitted by law, Grantee hereby covenants to indemnify and hold Grantor harmless from any liability for injuries or damages to persons or property arising out of the use of this easement by Grantee, its employees, contractors or licensees.

8. Grantor shall have the right to use and enjoy the real property subject to this easement provided such use and enjoyment does not interfere with Grantee's ability to use the easement granted herein, and further provided that, the Grantor shall not construct or allow any structure,

improvement or vegetation that would interfere with Grantee's drainage system or drainage structures without Grantee's written consent.

9. Grantee will have sole discretion to determine whether Grantor's proposed structure, improvement or vegetation interferes with the drainage system or drainage structures within the easement.

IN WITNESS WHEREOF, Grantor has caused this Easement for Drainage to be executed in its name by the undersigned this ___ day of _____, 2019.

By: _____

STATE OF _____)
)ss.
County of _____)

On this _____ day of _____, 2019, before me, a Notary Public, personally appeared _____, whose identify was proven to me on the basis of satisfactory evidence to be the person who he or she claims to be, and who acknowledged that he or she signed this Easement for Drainage.

_____
Notary Public

(Seal)

/Deleted and replaced with Exhibit L-2 Easement

EASEMENT "B" - 40' Wide Private Non-Exclusive Ingress/Egress Easement

The following is a description of a 40' wide private non-exclusive ingress/egress easement to provide access to and from the property described in Docket 3227, Page 936 and Parcel 1 of Docket 1827, Page 472. The 40' wide strip of land lies 20.0 feet on each side of the following described line and is more particularly described as follows:

COMMENCING at the above mentioned **POINT "A"**, a 4" concrete post;

THENCE North 71°32'55" East along the South line of the parcel of land described in Instrument No. 3385837 and along the North line of the parcel of land described in Docket 3227, Page 936, 54.31 feet to the **POINT OF BEGINNING** of this description;

THENCE North 81°00'52" West, 61.07 feet to the East line of Parcel 1 as described in Docket 1827, Page 472 and to the West line of the parcel of land described in Instrument No. 3385837, the **POINT OF TERMINUS** of this description.

The sidelines to be lengthened or shortened to meet the South and West lines of the parcel of land described in Instrument No. 3385837.

The above described 40' wide private non-exclusive ingress/egress easement contains 0.06 acres, more or less.

For a drawing of the parcel described above, see **Exhibit "A-2"**, which by this reference is made part of this description.

EASEMENT "C" – Drainage Easement:

A drainage easement is more particularly described by metes and bounds as follows:

COMMENCING at **POINT "A"**, a 4" concrete post;

THENCE North 18°13'20" West along the East line of Parcel 1 described in Docket 1827, Page 472 and along the West line of the parcel of land described in Instrument No. 3385837, 110.98 feet, to the proposed East right of way line of Ponderosa Parkway;

THENCE Northerly along the proposed East right of way line of Ponderosa Parkway, along a curve to the right, having a radius of 765.00 feet and a central angle of 5°57'54", an arc distance of 79.64 feet (chord bearing North 21°22'04" East, chord distance 79.61 feet);

THENCE North 24°21'06" East along the proposed East right of way line of Ponderosa Parkway, 137.50;

THENCE Northerly along the proposed East right of way line of Ponderosa Parkway, along a curve to the left, having a radius of 884.74 feet and a central

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angle of 10°46'45", an arc distance of 166.45 feet (chord bearing North 18°57'37" East, chord distance 166.21 feet);

THENCE Northerly along the proposed East right of way line of Ponderosa Parkway, along a curve to the left, having a radius of 884.74 feet and a central angle of 2°19'48", an arc distance of 35.98 feet (chord bearing North 12°24'20" East, chord distance 35.98 feet), to the **POINT OF BEGINNING** of this description, hereinafter referred to as **POINT "C"**;

THENCE Northerly along the proposed East right of way line of Ponderosa Parkway, along a curve to the left, having a radius of 884.74 feet and a central angle of 6°53'27", an arc distance of 106.41 feet (chord bearing North 07°47'43" East, chord distance 106.34 feet);

THENCE Northerly along the proposed East right of way line of Ponderosa Parkway, along a curve to the left, having a radius of 1648.76 feet and a central angle of 18°07'31", an arc distance of 521.57 feet (chord bearing North 04°42'46" West, chord distance 519.40 feet), to the North line of the parcel of land described in Instrument No. 3385837to a point of cusp;

THENCE South 81°54'10" East along the North line of the parcel of land described in Instrument No. 3385837, 16.15 feet;

THENCE Southerly, parallel with and 15 feet East of the East right of way line of the proposed Ponderosa Parkway, along a curve to the right, having a radius of 1663.76 feet which bears South 76°25'54" West, and a central angle of 16°49'52", an arc distance of 488.74 feet (chord bearing South 05°09'10" East, chord distance 486.98 feet);

THENCE South 02°30'56" East, 180.73 feet;

THENCE North 41°18'42" West, 59.70 feet to the **POINT OF BEGINNING** of this description.

The above described drainage easement contains 0.26 Acres more or less.

For a drawing of the parcel described above, see **Exhibit "A-2"**, which by this reference is made part of this description.

EASEMENT "D" – Drainage Easement:

A drainage easement is more particularly described by metes and bounds as follows:

BEGINNING at the above mentioned **POINT "C"**;

THENCE South 41°18'42" East, 77.53 feet;

THENCE South 17°38'11" East, 41.60 feet;

THENCE South 24°46'55" East, 55.29 feet;

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THENCE South 50°57'07" East, 87.77 feet;

THENCE South 41°07'05" East, 102.44 feet;

THENCE South 81°15'02" East, 92.59 feet;

THENCE North 72°10'13" East, 97.37 feet to the West line of the parcel of land described in Docket 1947, Page 830 and to the South line of the parcel of land described in Instrument No. 3385837;

THENCE South 18°30'41" East, along the West line of the parcel of land described in Docket 1947, Page 830 and along the South line of the parcel of land described in Instrument No. 3385837, 56.00 feet to the Northeast corner of the parcel of land described in Instrument No. 3340460, monumented with a 5/8" capped rebar marked "LS 26406";

THENCE South 71°32'55" West along the South line of the parcel of land described in Instrument No. 3385837 and along the North line of the parcel of land described in Instrument No. 3340460, 110.70 feet;

THENCE North 18°30'41" West, 31.28 feet;

THENCE North 81°15'02" West, 103.13 feet;

THENCE North 41°07'05" West, 110.54 feet;

THENCE North 50°57'07" West, 92.02 feet;

THENCE North 24°46'55" West, 63.84 feet;

THENCE North 17°38'11" West, 37.38 feet;

THENCE North 41°18'42" West, 50.15 feet to the proposed East right of way of Ponderosa Parkway;

THENCE Northerly along the proposed East right of way line of Ponderosa Parkway, along a curve to the left, having a radius of 884.74 feet and a central angle of 2°19'48", an arc distance of 35.98 feet (chord bearing North 12°24'20" East, chord distance 35.98 feet) to the **POINT OF BEGINNING** of this description.

The above described drainage easement contains 0.44 Acres more or less.

For a drawing of the parcel described above, see **Exhibit "A-2"**, which by this reference is made part of this description.

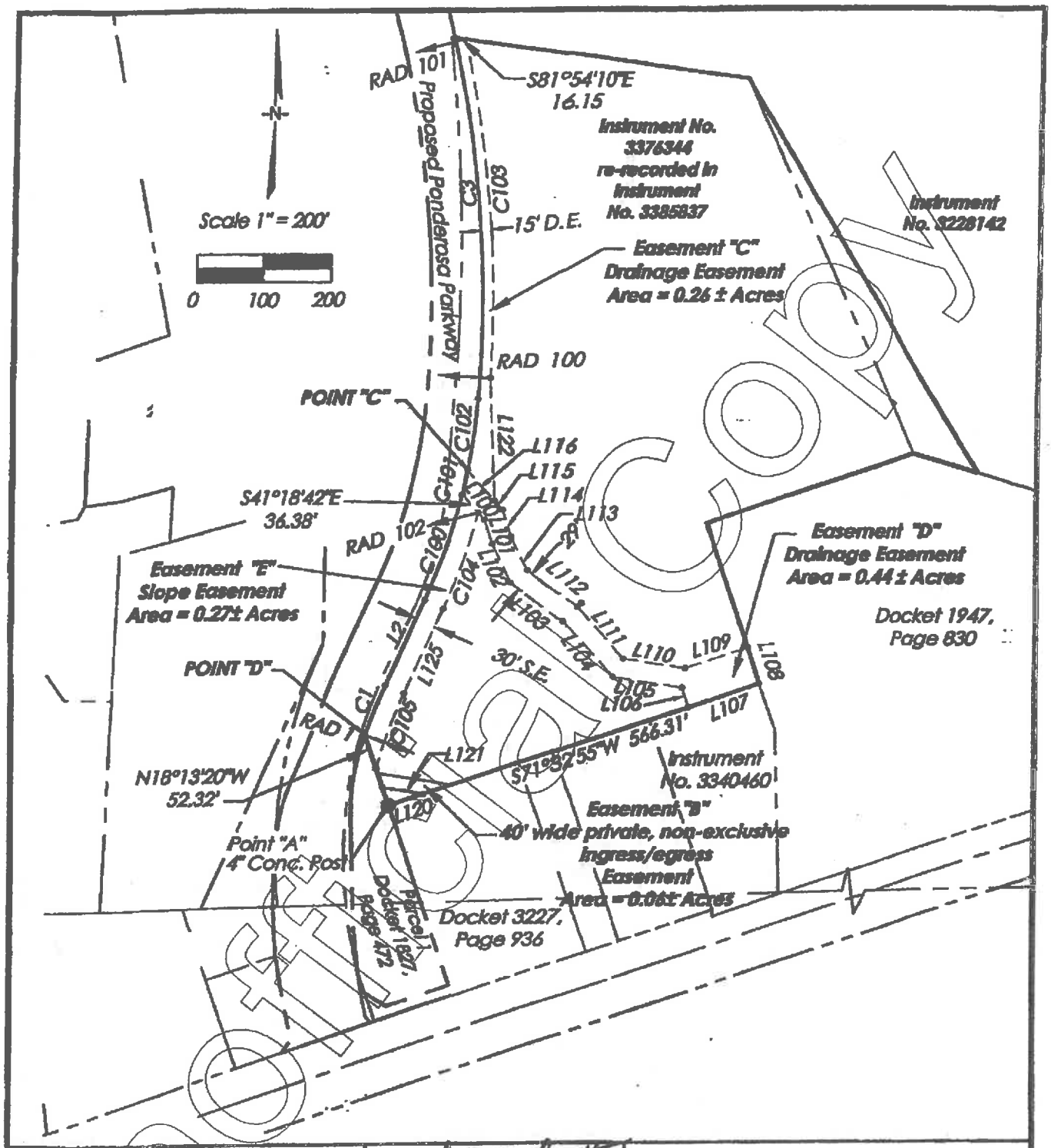
EASEMENT "E" – Slope Easement:

The slope easement is more particularly described by metes and bounds as follows:

BEGINNING at the above mentioned **POINT "D"**;

THENCE Northerly along the proposed East right of way line of Ponderosa Parkway, along a curve to the right, having a radius of 765.00 feet and a central

Unofficial Copy



ARIZONA ENGINEERING COMPANY
www.arizonaengineering.com
1501 South Yale Street, Suite 101
Flagstaff, AZ 86001-6330
Telephone: 928-774-7179

REGISTERED LAND SURVEYOR
CERTIFICATE NO.
57496
JOHN J.
SCOTT
Date Signed 7-25-08
ARIZONA, U.S.A.
Expires 3/31/2011

Exhibit "A-2"

Easements are located in the Southwest 1/4 of Section 14, Township 21 North, Range 7 East, Gila and Salt River Meridian, Coconino County, Arizona.

SHEET 2 OF 4

UNOFFICIAL COPY

ORDINANCE NO. 2019-28

AN ORDINANCE OF THE FLAGSTAFF CITY COUNCIL ACCEPTING DRAINAGE AND SLOPE EASEMENTS ALONG PONDEROSA PARKWAY; DELEGATING AUTHORITY; AND ESTABLISHING AN EFFECTIVE DATE

RECITALS:

WHEREAS, on March 1, 2010 the City of Flagstaff ("City") was deeded certain drainage and slope easements along Ponderosa Parkway; and

WHEREAS, the City desires to accept drainage and slope easements along Ponderosa Parkway from the current property owner to clarify legal rights and obligations of the City;

ENACTMENTS:

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FLAGSTAFF AS FOLLOWS:

SECTION 1: In General.

That the City hereby formally accepts the drainage and slope easements, deeded to the City by Special Warranty Deed dated March 1, 2010, as recorded in the records of the Coconino County, instrument number 3555011, and which incorporates the legal descriptions set forth in instrument number 3555010;

That the City hereby accepts the drainage and slope easements granted to the City, attached hereto.

SECTION 2: Delegation of Authority.

That the City Manager, the City Attorney, the City Clerk, the Finance Director, the City Real Estate Manager, or other employees or agents as deemed necessary, are hereby authorized and directed to take all steps and execute all documents necessary to carry out the purpose and intent of this ordinance.

That the drainage and slope easements attached hereto shall be promptly recorded by the City Clerk following the effective date of this ordinance.

SECTION 3: Effective Date.

This ordinance shall become effective thirty (30) days following adoption by the City Council.

PASSED AND ADOPTED by the City Council of the City of Flagstaff this 17th day of September, 2019.

_____

MAYOR

ATTEST:

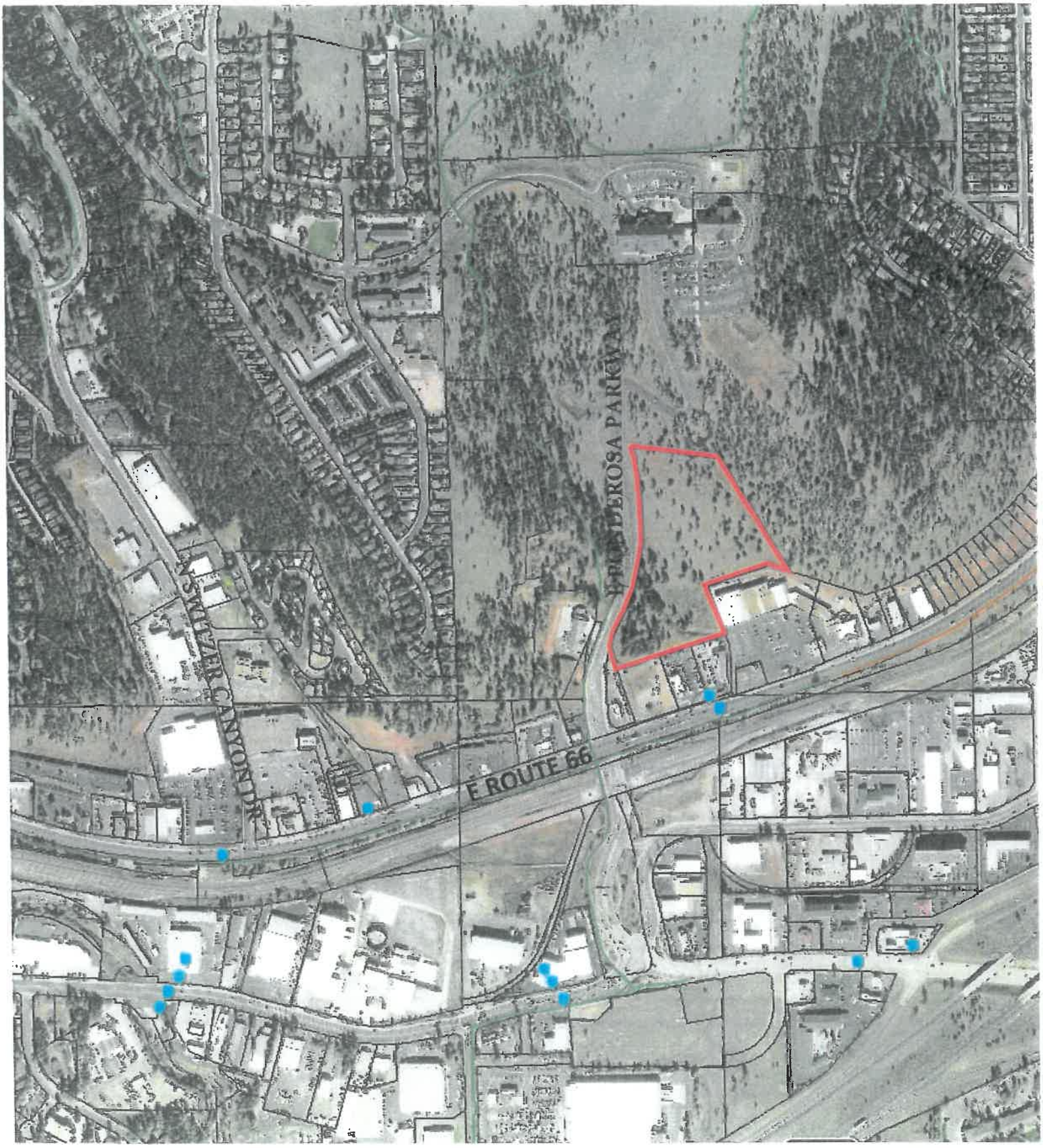
_____
CITY CLERK

APPROVED AS TO FORM:

_____
CITY ATTORNEY

Attachments:
Drainage and Slope Easements

S:\Legal\Forms\Real Estate Forms\ORD2019.XX.AcceptEasement.docx


E ROUTE 66
N SWITZER CANYON DR

7. C.

CITY OF FLAGSTAFF

STAFF SUMMARY REPORT

To:	The Honorable Mayor and Council
From:	Gary Miller, Development Engineer
Co-Submitter:	Jeremy DeGeyter
Co-Submitter:	Rick Barrett
Date:	09/09/2019
Meeting Date:	09/17/2019

TITLE:

Consideration and Adoption of Resolution No. 2019-44: A resolution of the Flagstaff City Council authorizing Amendment No. One to an Intergovernmental Agreement with the Arizona Department of Transportation for Construction of the Fourth Street /I-40 Bridge Replacement Project.

STAFF RECOMMENDED ACTION:

1) Read Resolution No. 2019-44 by title only
2) City Clerk reads Resolution No. 2019-44 by title only (if approved above)
3) Adopt Resolution No. 2019-44

Executive Summary:

ADOT planned rehabilitation/maintenance of the existing Fourth Street bridges over I-40 and City staff recognized this as an opportunity to evaluate the possibility of replacing and widening these bridges to meet the City's Regional Plan Goals. Previous IGA's have been approved by Council to conduct a Project Assessment and obtain 100% design plans for the bridge replacement.

An IGA was signed in November of 2018 with ADOT to administer construction/replacement of the existing bridges at Fourth Street and I-40. The IGA was based on a 50% cost share between ADOT and the City of Flagstaff of the estimated $10,200,000 construction costs. The current IGA amendment updates estimated project costs to ~~$12,167,696.00~~ **$12,308,052.00,** identifies project enhancements that will be paid 100% by the City (~~$333,242.00~~ **$360,017.00**), and clarifies maintenance responsibilities. Please see the attached context/vicinity map.

Financial Impact:

The City of Flagstaff is responsible for half of the cost of construction for this project, with the City's share currently estimated at ~~$6,083,848.00~~ **$6,154,026.00.** Additional items, added at the request of the City, including retaining walls, two tube railings, and aesthetic enhancements will be paid 100% by the City and are estimated at an additional ~~$333,242.00~~ **$360,017.00** for a total construction obligation of ~~$6,417,090.00~~. **$6,514,043.00.** The City's cost for construction will be covered by FY2020 budget appropriations of ~~$6,461,050.00~~ **$6,514,043.07** designated for Fourth Street Reconstruction, Fourth Street Overpass, Major Road Reconstruction (Streets) **and Butler/Fourth Intersection Reconstruction (Safety)** within the Transportation Tax Fund.

Policy Impact:

Not Applicable

Connection to Council Goal, Regional Plan and/or Team Flagstaff Strategic Plan:

COUNCIL GOALS:

TRANSPORTATION & OTHER PUBLIC INFRASTRUCTURE - Deliver quality community assets and continue to advocate and implement a highly performing multi-modal transportation system.

REGIONAL PLAN:

Goal T.1 - Improve mobility and access throughout the region.
Goal T.2 - Improve transportation safety and efficiency for all modes.
Goal T.4 - Promote transportation infrastructure and services that enhance the quality of life of the communities within the region.
Goal T.5 - Increase the availability and use of pedestrian infrastructure, including FUTS, as a critical element of a safe and livable community.
Goal T.6 - Provide for bicycling as a safe and efficient means of transportation and recreation.
Goal CD.1 Improve the City and County financial systems to provide for needed infrastructure development and rehabilitation, including enhancement of existing infrastructure.

STRATEGIC PLAN PRIORITY #3:

FOSTER A RESILIENT AND ECONOMICALLY PROSPEROUS CITY

- *Enhance the organization's fiscal stability and resourcefulness.*

Has There Been Previous Council Decision on This:

Council approved an IGA between the City of Flagstaff and ADOT for a project assessment addendum for the Fourth Street / I-40 Bridge Widening and Replacement Project in March of 2017. The City bore the entire cost of the project assessment addendum at $60,000, which was administered by ADOT.

Council also approved an IGA between the City of Flagstaff and ADOT for a 100% design of the Fourth Street / I-40 Bridge Project at a cost of $1,000,000 in April of 2018. The total cost for the design was shared with ADOT, and the City's share was 50% for a total City cost of $500,000. AECOM was selected as the design consultant and has currently produced 95% plans for the bridge reconstruction project.

An IGA was signed in November of 2018 with ADOT to administer construction/replacement of the existing bridges at Fourth Street and I-40. The IGA was based on a 50% cost share between ADOT and the City of Flagstaff of the estimated $10,200,000 construction costs. The current IGA amendment updates estimated project costs to ~~$12,1670,696.00,~~ **$12,308.052.00** identifies project enhancements that will be paid 100% by the City (~~$333,242.00~~ **$360,017.00**), and clarifies maintenance responsibilities.

Options and Alternatives:

1. Approve amending the IGA with ADOT to construct the replacement and widening of the bridges in question. This option shares construction costs for the bridges with ADOT.

2. Deny the proposed amendments to IGA with ADOT. ADOT will likely revert the project scope back to the originally proposed maintenance of the bridges and rehabilitate the bridge decks to satisfy life/safety concerns. The Fourth Street corridor will continue to experience vehicular congestion and pedestrian safety issues related to the bridge bottleneck. It is unknown when in the future ADOT may re-consider widening and replacement of the current bridges.

Background/History:

The Fourth Street bridges over I-40 are ADOT structures.

Fourth Street is one of only three north-south arterials and one of only three locations with a grade-separated crossing of the BNSF railroad.

Fourth Street is identified as a minor arterial in the regional plan. The typical cross-section for a minor arterial is four lanes with a shared center lane or raised median.

The FMPO prepared a Fourth Street Traffic Interchange feasibility study in 2007 that found an interchange was not preferred, but that widening and lengthening the bridge is needed.

The City's Fourth Street Corridor Study (South) from March 2010 recommends widening and lengthening the bridges.

ADOT drafted an initial design concept report for I-40 in 2011 that concluded the Fourth Street bridges need to be lengthened in order to widen I-40 to the recommended 6-lane section.

An IGA was signed in 2017 to conduct a project assessment addendum for the widening of the existing bridges at Fourth Street and I-40. The project assessment was completed by ADOT and included analysis for (1) a bridge deck widening and (2) a total structure replacement. The final recommendation of the project assessment was for total structure replacement with an estimated construction cost of around $10,200,000.

An IGA was signed in April of 2018 with ADOT to administer a design contract for 100% design plans for the widening and replacement of the existing bridges at Fourth Street and I-40. AECOM was selected as the design consultant and has currently produced 95% plans for the bridge reconstruction project.

An IGA was signed in November of 2018 with ADOT to administer construction/replacement of the existing bridges at Fourth Street and I-40. The IGA was based on a 50% cost share between ADOT and the City of Flagstaff of the estimated $10,200,000 construction costs. The

current IGA amendment updates estimated project costs to ~~$12,167,696.00~~, **$12,308,052.00**, identifies project enhancements that will be paid 100% by the City (~~$333,242.00~~ **$360,017.00**), and clarifies maintenance responsibilities.

Key Considerations:

- Costs for bridge construction, overages, change orders, and quantity overruns associated with the bridge reconstruction will be shared equally between ADOT and the City of Flagstaff.
- The City will bear the full cost of requested project enhancements, including retaining walls, two tube railings, and aesthetic additions.
- The City will be responsible for maintenance of the two-tube railing and additional bridge aesthetic treatments.
- ADOT will administer the construction of the project and act as the City's authorized agent if federal funds are available for the project.
- ADOT is not obligated to construct the project if federal funding becomes unavailable.
- The current proposed schedule for the project is an advertisement for construction in Fall of 2019 and beginning construction in Spring of 2020.

Community Benefits and Considerations:

The benefits of this IGA and the construction of the new bridge include congestion relief, safe pedestrian and bicycle passage across I-40, and financial partnering with ADOT/FHWA.

Attachments:

Presentation
Vicinity Map
IGA Amendement No. One
IGA Amendment Exhibit A
Original Executed IGA
Res. 2019-44
Community Development Changes Memo

Fourth St. / I-40 Bridge Replacement

September 17, 2019

TEAM FLAGSTAFF

WE MAKE THE CITY BETTER

Fourth St. / I-40 Bridge Replacement

Consideration and Adoption of Resolution No. 2019-44:

A resolution of the Flagstaff City Council authorizing Amendment No. One to an existing Intergovernmental Agreement with the Arizona Department of Transportation for Construction of the Fourth Street /I-40 Bridge Replacement Project.

Staff Recommended Action:

1) Read Resolution No. 2019-44 by title only
2) City Clerk reads Resolution No. 2019-44 by title only (if approved above)
3) Adopt Resolution No. 2019-44

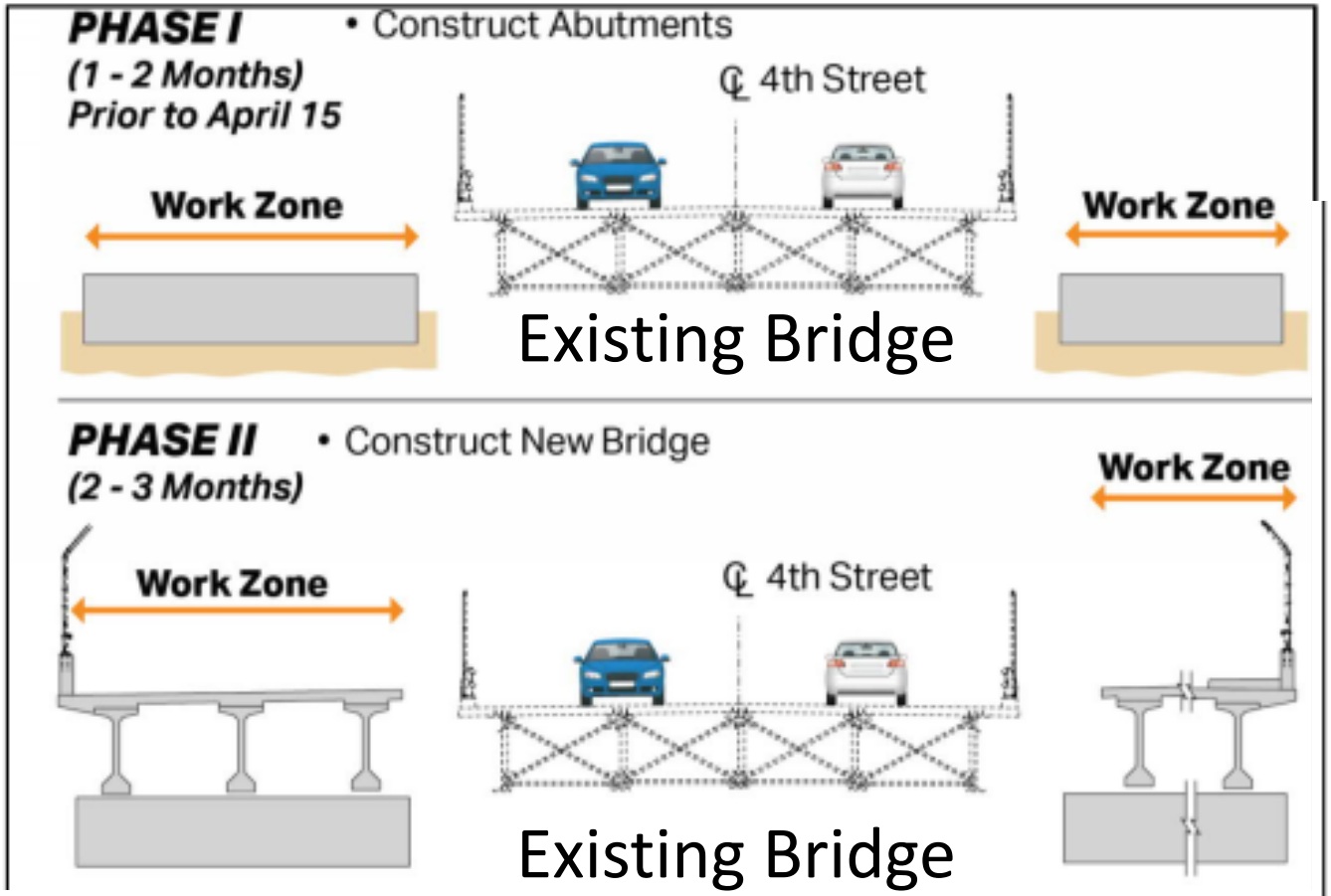
Project Location

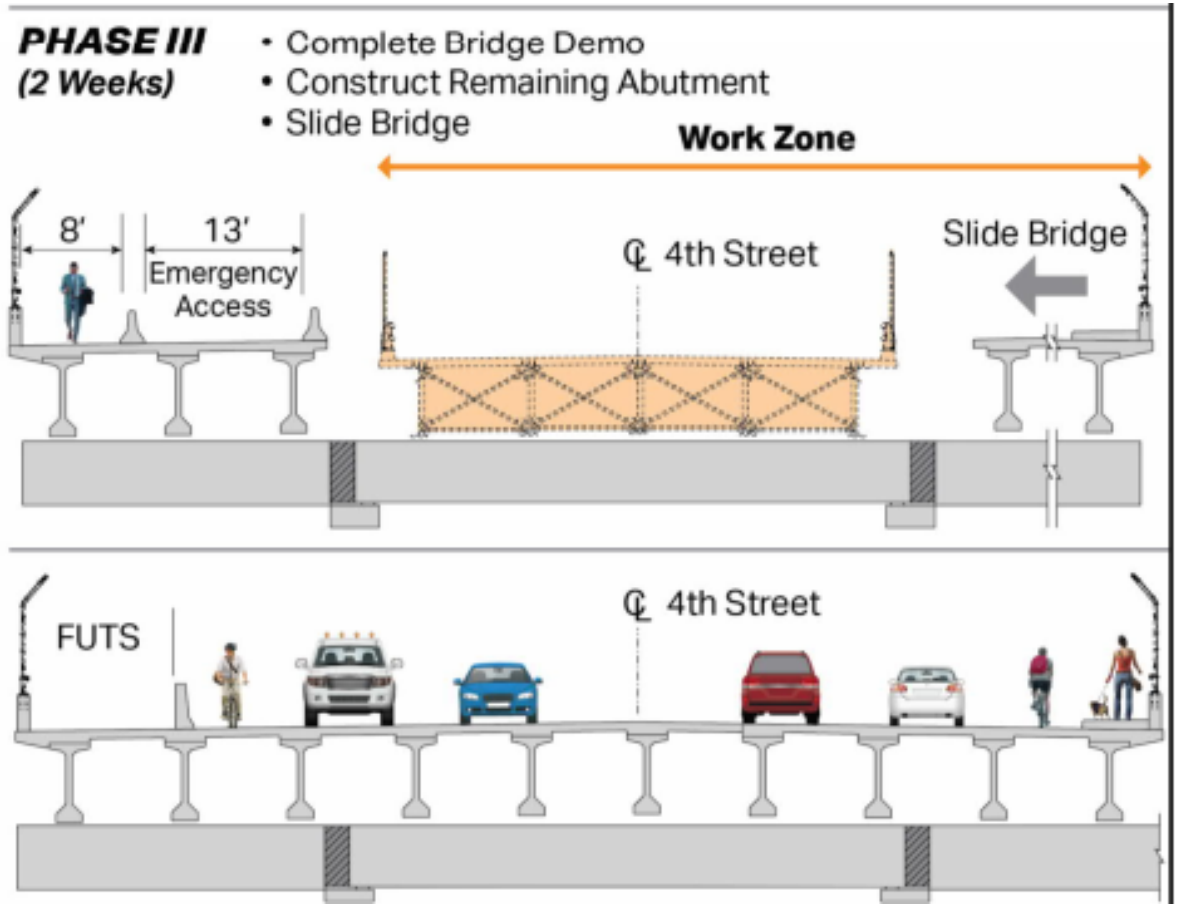


Fourth St. / I-40 Bridge Replacement

TEAM FLAGSTAFF
WE MAKE THE CITY BETTER

Bridge Slide Phasing





Fourth St. / I-40 Bridge Replacement

Budget Update

- Budget Estimate:
  - Original Budget Estimate:
    $10.2 million & 50/50 cost share with ADOT
  - Current Budget Estimate:
    $12.3 million for Bridge Slide & 50/50 cost share with ADOT. City Cost share amount: $6,154,026.
  - Project Enhancements: Paid for 100% by the City. Estimated at $360,017. In addition to the cost share amount.
  - **Total Current City Cost Estimate: $6,514,043.**

Project Enhancements

- Two-tube railing creates protected bike lane
- Retaining wall supports FUTS trail
- Additional aesthetics





TEAM FLAGSTAFF
WE MAKE THE CITY BETTER

Visualization



Link to Video: https://www.dropbox.com/s/q4lrb1zuqx6vrku/Proposed-360_08-23-2019.mp4?dl=0

Fourth St. / I-40 Bridge Replacement

Public Information Meeting

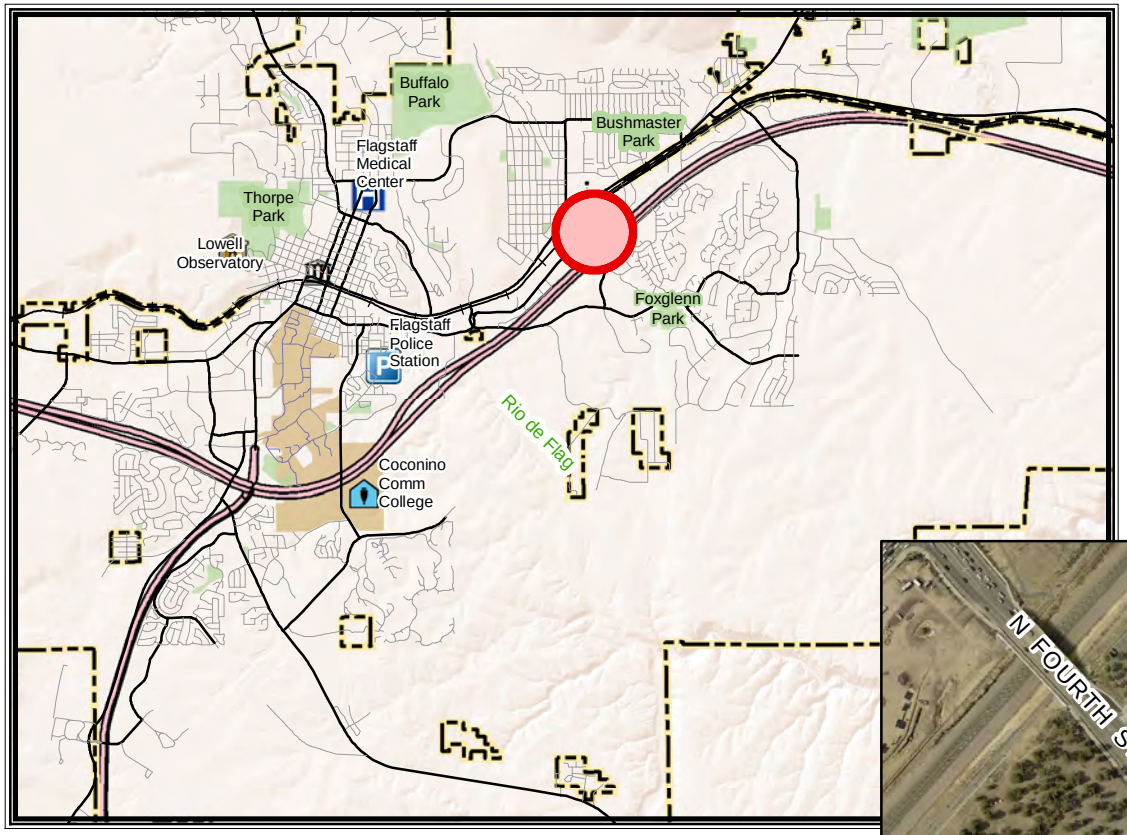
- Public information meeting scheduled for October 3rd
  - Held at the Aquaplex, 1702 N Fourth Street, 6-7:30 pm
  - Meeting to be conducted by ADOT and AECOM (Consultant)
    - City Staff will be available



Questions?

City of Flagstaff

Fourth St Overpass





NORTH

ADOT File No.: IGA 18-0007206-I
Amendment No. One: 19-0007441-I
AG Contract No.: P001 2018 003355
Project Location/Name: I-40 Butler Ave TI & Fourth St Underpass
Type of Work: Replace Bridges
Federal-aid No.: 040-D(234)T
ADOT Project No.: H8815 01C
TIP/STIP No.: NA
CFDA No.: 20.205 - Highway Planning and Construction
Budget Source Item No.: 19816

AMENDMENT NO. ONE
TO
INTERGOVERNMENTAL AGREEMENT

BETWEEN
THE STATE OF ARIZONA
AND
THE CITY OF FLAGSTAFF

THIS AMENDMENT NO. ONE to INTERGOVERNMENTAL AGREEMENT (the "Amendment No. One"), is entered into this date _____, pursuant to Arizona Revised Statutes ("A.R.S.") §§ 11-951 through 11-954, as amended, between the STATE OF ARIZONA, acting by and through its DEPARTMENT OF TRANSPORTATION (the "State" or "ADOT") and the CITY OF FLAGSTAFF, acting by and through its MAYOR and CITY COUNCIL (the "City"). The State and the City are collectively referred to as the "Parties."

WHEREAS, the INTERGOVERNMENTAL AGREEMENT, IGA 18-0007206-I, A.G. Contract No. P001 2018 003355, was executed on December 3, 2018, (the "Original Agreement");

WHEREAS, the State is empowered by A.R.S. § 28-401 to enter into this Amendment No. One and has delegated to the undersigned the authority to execute this Amendment No. One on behalf of the State;

WHEREAS, the City is empowered by A.R.S. § 48-572 to enter into this Amendment No. One and has by resolution, a copy of which is attached and made a part of, resolved to enter into this Amendment No. One and has authorized the undersigned to execute this Amendment No. One on behalf of the City; and

NOW THEREFORE, **in consideration of the mutual terms expressed herein, the purpose of this Amendment No. One is to revise the Project description, Project costs, and maintenance responsibilities. The Parties desire to amend the Original Agreement, as follows:**

I. RECITALS

Section I, Paragraph 3 is revised, as follows:

3. The Parties desire to combine resources in order to construct new bridge structures over Interstate 40 (I-40), replacing the existing westbound and eastbound Fourth Street underpass structures, numbers #1183 and #1182. The project will include new bridge structures over I-40, pedestrian improvements on the bridges and Fourth Street, Fourth Street roadway improvements to accommodate the approaches to the new bridge structures and utility relocations needed for the bridge reconstruction, (the "Bridge Project"). At the request of the City, the State will design and construct project enhancements in conjunction with the Bridge Project, including a retaining wall south of the bridges on the west side of Fourth Street and associated railings, substituting two tube railings for the barriers separating the FUTS from the traffic on the west side of the bridges and separating bikes and pedestrians from traffic on the east side of the bridge, an upgraded pedestrian fence structure on both sides of the bridges sufficient to allow the City to later construct aesthetic enhancements on the pedestrian fence under an encroachment permit, and three (3) three inch (3") conduits through the bridges for use by the City under encroachment permit, (the "Project Enhancements"). The City will be solely responsible for any and all costs associated with the Project Enhancements, as itemized in Exhibit A, attached and made a part of this Agreement. The City has paid to the State $94,000.00, for costs associated with the design of the Project Enhancements. The construction cost for the Project Enhancements are estimated at $360,017.00. The City will be responsible for maintenance as more specifically set forth in Section (II.)(3.)(f.) of this Agreement.

II. SCOPE OF WORK

Section II, Paragraphs 1.a., 1.b., and 1.d., are revised, and Paragraphs 1.g. and 1.h. are added, as follows:

1. The Parties agree:

   a. The Bridge Project construction cost is estimated at $12,308,052.00, as shown on Exhibit A. The Parties will each contribute $6,154,026.00 toward the construction of the Bridge Project.

   b. To equally share Bridge Project costs that exceed the current $12,308,052.00 construction cost estimate.

   d. That if the Agreement is completely or partially terminated, or the final Bridge Project cost is less than the initial $12,308,052.00 construction cost estimate, the unused contributions will be returned to both Parties in the same percentages as originally contributed.

   g. The City will be solely responsible for all Project Enhancements costs. The construction cost for said Project Enhancements is estimated at $360,017.00, as itemized in Exhibit A.

h. Future I-40 improvements could result in the removal or alteration of the Project Enhancements, in which case no compensation will be owed to the City.

Section II, Paragraphs 2.a., 2.b., 2.c., 2.g., and 2.h. are revised, and Paragraphs 2.i. through 2.k. are added, as follows:

2. The State will:

a. Execute this Agreement, and if the Bridge Project is approved by Federal Highway Administration (FHWA) and funds for the Bridge Project are available, be the City's authorized agent for the Bridge Project and Project Enhancements.

b. Administer the procurement and construction of the project plans, specifications and contract for the Bridge Project and Project Enhancements.

c. Invoice the City for the costs associated with the construction of the Bridge Project, estimated at $6,154,026.00, and the costs associated with the construction of the Project Enhancements estimated at $360,017.00. After the Bridge Project construction costs are finalized, the State will either reimburse the City in the same percentages as originally contributed to the Bridge Project or invoice the City, in a 50/50 split, for the difference between estimated and actual costs to complete the construction of the Bridge Project, if necessary. After the Project Enhancements costs have been finalized, the State will either invoice or reimburse the City for the difference between estimated and actual costs of the Project Enhancements.

g. Confirm per established procedures of the State's Northcentral District Permit Office, that the City has a valid annual encroachment permit on file for only routine/minor maintenance and emergency maintenance work for the Project Enhancements provided by the City within the State's rights-of-way. Agree that any new construction or installation, including any new or replacement fiber installation, shall require a separate encroachment permit through the State's Northcentral District Permits Office, and shall issue those encroachment permits in accordance with established regulations and procedures based on scope of work.

h. Notify the City of final inspection and acceptance of all the Bridge Project improvements and Project Enhancements, and be responsible for the maintenance of the structural integrity of the bridge.

i. Provide conduit and pull boxes at the Bridge Project location for the sole use of the City.

j. After receipt and review of the City's permit application(s) for fiber installation, issue a permit to the City for approved fiber installation, at ADOT's reasonable discretion.

k. Not be obligated to reconstruct Project Enhancements if future freeway projects require the removal or alteration of the Project Enhancements.

Section II, Paragraphs 3.a., 3.d., 3.e., and 3.f. are revised and Paragraphs 3.g. through 3.m. are added, as follows:

3. The City will:

   a. Within 30 days of receipt of an invoice from the State, pay to the State $6,154,026.00 for the costs associated with the construction of the Bridge Project and $360,017.00 for the costs associated with the construction of the Project Enhancements. Be responsible for and pay, in a 50/50 split with the State, total Bridge Project costs that exceed the original estimate, and all Project Enhancements costs that exceed the original estimate, within 30 days of receipt of an invoice.

   d. Grant to the State (and its agents and/or contractors), by way of right-of-way permit, without cost, the temporary right to enter City rights-of-way, as required, to conduct any and all construction and preconstruction related activities for the Bridge Project and Project Enhancements, on, to and over said City rights-of-way. This right-of-way permit will expire with completion of the Bridge Project and Project Enhancements.

   e. Maintain and follow requirements of a valid annual encroachment permit for the routine/minor maintenance and emergency maintenance work for the Project Enhancements provided by the City within the State's rights-of-way. Any new construction or installation, including any fiber installation, shall require a separate encroachment permit as per the State's established procedures, which may be obtained through the State's Northcentral District Permits Office. Notify the State's Northcentral District Permits Office of any emergency maintenance work affecting the State right-of-way.

   f. After final inspection and acceptance of the Bridge Project, including Project Enhancements, is complete, assume maintenance responsibility of signing, striping and maintenance of all pedestrian, bike, and architectural features on Fourth Street (including on the bridges) as set forth below in this paragraph at its sole expense. The City is also solely responsible for the maintenance of all Project Enhancements, set forth in Exhibit A, but not for maintenance of the underlying bridge structure. Maintenance activities include but are not limited to such activities as snow removal, sweeping, graffiti removal, litter and trash removal, weed control, sidewalk and Flagstaff Urban Trail System ("FUTS") concrete panel repair and replacement, pedestrian rail and guardrail repair, the installed conduit, pull boxes and fiber optic cable, and aesthetic features: colors, accent colors, and painting of the Project Enhancements on the bridge structures. Maintenance responsibilities will also include the two tube railing and associated appurtenances, but does not include the concrete exterior parapets on the bridges. Repair of any damage caused by vehicle collisions or damage in other ways to the two tube railings on the bridge or to the Project Enhancements is the responsibility of the City, however the City is not responsible for repair of damage to the underlying bridge structure or ADOT standard pedestrian fencing. All improvements on Fourth Street outside of ADOT right-of-way are the sole responsibility of the City.

   g. Comply with the latest edition Manual on Uniform Traffic Control Devices (MUTCD) published by the Federal Highway Administration (FHWA) and adopted by ADOT, as per Arizona Revised Statues § 28-641, when performing any work under this Agreement.

Traffic Control plans will be reviewed and/or approved by and through the State's Northcentral District Permits Office.

h. Pay the State for both design and construction costs of the Project Enhancements as specified in Recitals 3 above.

i. Be responsible for any and all construction and maintenance costs of all components associated with fiber installation. Restore any disturbed area to pre-fiber installation conditions at the City's sole expense, at the request of the State.

j. Have access to the pull boxes and conduit referenced in Section (II.2.i.) of this Agreement.

k. Not be allowed to lease any part of aforementioned conduits to any other agency, private company, or jurisdiction, for profit during the life of this Agreement.

l. Be responsible to rebuild any Project Enhancements, if desired by the City, if and when future freeway projects require the removal of the existing Project Enhancements.

m. Submit an encroachment permit application for fiber installation to the Northcentral District Permits office.

III. MISCELLANEOUS PROVISIONS

Section III, Paragraphs 1., 3., 4., 7., and 19. are revised, as follows:

1. Pursuant to this Agreement, the City designates ADOT as the City's authorized agent for the Bridge Project and Project Enhancements.

3. The terms, conditions and provisions of this Agreement shall remain in full force and effect until completion of the Bridge Project and Project Enhancements and all related deposits and/or reimbursements are made. Any provisions for maintenance shall be perpetual, unless assumed by another competent entity.

4. This Agreement may be cancelled at any time prior to the award of the Bridge Project construction contract and after 30 days written notice to the other Party. After the award of the contract this Agreement may not be cancelled unless the construction contract is cancelled by either ADOT or the contractor. It is understood and agreed that, in the event the City terminates this Agreement, the City shall be responsible for all costs related to the Bridge Project and Project Enhancements, incurred by the State up to the time of termination. It is further understood and agreed that, in the event the City terminates this Agreement, the State shall in no way be obligated to complete the Bridge Project or Project Enhancements.

7. Should the federal funding related to the Bridge Project be terminated or reduced by the federal government, or Congress rescinds, fails to renew, or otherwise reduces apportionments or obligation authority, the State shall in no way be obligated for funding or liable for future expenses under this Agreement.

19. The Parties shall ensure that all contractors comply with the applicable requirements of A.R.S. §35-393.01.[1]

EXCEPT AS AMENDED, **ALL OTHER** terms and conditions of the Original Agreement remain in full force and effect.

THIS AMENDMENT NO. ONE shall become effective upon signing and dating of the Determination Letter by the State's Attorney General.

IN ACCORDANCE WITH A.R.S. § 11-952 (D) attached and incorporated in this Amendment No. One is the written determination of each Party's legal counsel that the Parties are authorized under the laws of this State to enter into this Amendment No. One and that the Amendment No. One is in proper form.

IN WITNESS WHEREOF, the Parties have executed this Amendment No. One the day and year first above written.

CITY OF FLAGSTAFF

By _____
CORAL EVANS
Mayor

ATTEST:

By _____
STACY SALTZBURG
City Clerk

STATE OF ARIZONA
Department of Transportation
Infrastructure Delivery and Operations Division

By _____
STEVE BOSCHEN, PE
Division Director

Transportation Systems Management and Operations Division

By _____
BRENT CANE, PE
Division Director

[1] In *Jordahl v. Brnovich et al.*, Case No. 3:17-cv-08263 (D. Ariz.), the U.S. District Court entered a preliminary injunction that enjoins the State from enforcing A.R.S. § 35-393.01(A) (the "Anti-Israel Boycott Provision"). That statute states that: "[a] public entity may not enter into a contract with a company to acquire or dispose of services, supplies, information technology or construction unless the contract includes a written certification that the company is not currently engaged in, and agrees for the duration of the contract to not engage in, a boycott of Israel." Unless and until the District Court's injunction in *Jordahl* is stayed or lifted, the Anti-Israel Boycott Provision (A.R.S. § 35-393.01(A)) is unenforceable and the State will take no action to enforce it.

ATTORNEY APPROVAL FORM FOR THE CITY OF FLAGSTAFF

I have reviewed the above referenced Amendment No. One to the Original Agreement between the State of Arizona, acting by and through its DEPARTMENT OF TRANSPORTATION, and the CITY OF FLAGSTAFF, an agreement among public agencies which, has been reviewed pursuant to Arizona Revised Statutes §§ 11-951 through 11-954 and declare this Amendment No. One to be in proper form and within the powers and authority granted to the City under the laws of the State of Arizona.

No opinion is expressed as to the authority of the State to enter into this Amendment No. One.

_____ _____

City Attorney Date

EXHIBIT A

ARIZONA DEPARTMENT OF TRANSPORTATION
INTERMODAL TRANSPORTATION DIVISION
CONTRACTS AND SPECIFICATIONS SECTION

DATE: 9/9/2019

COMBINED ESTIMATE

Stage IV

TRACS No.	Project No.	Item	County	District	Gross Length	Net Length	Prepared By
040 CN 198 H8815 01D	040-D(234)T		COCONINO	NORTHCENTRAL	1.79 MILES	1.79 MILES	AECOM

Highway Termini
Ash Fork - Flagstaff Highway (I-40)

Location
4TH ST BRIDGES Str. #1182, 1183

ITEM NO.		DESCRIPTION	UNIT	QUANTITY	UNIT PRICE	AMOUNT
2020021		REMOVAL OF CONCRETE CURB AND GUTTER	L.FT.	24	$15.00	$360.00
2020025		REMOVAL OF CONCRETE SIDEWALKS, DRIVEWAYS AND SLABS	SQ.FT.	120	$6.00	$720.00
2020027		REMOVAL OF CONCRETE BARRIER	L.FT.	160	$30.00	$4,800.00
2020029		REMOVAL OF ASPHALTIC CONCRETE PAVEMENT	SQ.YD.	9618	$8.00	$76,944.00
2020041		REMOVAL OF PIPE	L.FT.	99	$50.00	$4,950.00
2020057		REMOVE AND SALVAGE (END ANCHOR)	EACH	2	$300.00	$600.00
2020060		REMOVE AND SALVAGE (GUARDRAIL END TERMINAL)	EACH	5	$300.00	$1,500.00
2020065		REMOVAL OF TREES	EACH	296	$250.00	$74,000.00
2020072		REMOVE AND SALVAGE GUARD RAIL	L.FT.	3227	$5.00	$16,135.00
2020084		REMOVE BITUMINOUS PAVEMENT (MILLING) (2 1/2")	SQ.YD.	16573	$2.50	$41,432.50
2020120		REMOVE (WIRE FENCE)	L.FT.	529	$5.00	$2,645.00
2020153		REMOVE (SIGNS, STRUCTURES, FOUNDATIONS, AND POSTS)	L.SUM	1	$1,500.00	$1,500.00
2020151		REMOVE DETOUR	L.SUM	1	$120,000.00	$120,000.00
2020360		REMOVE ASBESTOS MATERIAL	L.SUM	1	$10,000.00	$10,000.00
2020366		REMOVE LEAD-BASED PAINT MATERIALS	L.SUM	1	$15,000.00	$15,000.00
2020370		DISPOSE OF LEAD-BASED PAINT MATERIALS (FORCE ACCOUNT)	L.SUM	1	$10,000.00	$10,000.00
2030302		ROADWAY EXCAVATION (WITH ROCK)	CU.YD.	14797	$35.00	$517,895.00
2030901		BORROW	CU.YD.	35543	$15.00	$533,145.00
3030022		AGGREGATE BASE, CLASS 2	CU.YD.	10666	$45.00	$479,970.00
3030024		AGGREGATE SUBBASE, CLASS 4 (SELECT FILL)	CU.YD.	879	$45.00	$39,555.00
4040111		BITUMINOUS TACK COAT	TON	1	$500.00	$500.00
4040116		APPLY BITUMINOUS TACK COAT	HOUR	2	$150.00	$300.00
4040125		FOG COAT	TON	14	$700.00	$9,800.00
4040163		BLOTTER MATERIAL	TON	40	$100.00	$4,000.00

ITEM NO.		DESCRIPTION	UNIT	QUANTITY	UNIT PRICE	AMOUNT
4040230		ASPHALT BINDER (PG 64-28)	TON	39	$500.00	$19,500.00
4090005		ASPHALTIC CONCRETE (MISCELLANEOUS STRUCTURAL) (	TON	8629	$110.00	$949,190.00
4160002		ASPHALTIC CONCRETE (3/4" MIX) (END PRODUCT)	TON	773	$60.00	$46,380.00
4160031		MINERAL ADMIXTURE	TON	7	$90.00	$630.00
5012930		PIPE CULVERT, 30"	L.FT.	474	$140.00	$66,360.00
5014130		FLARED END SECTION (30") (C-13.20)	EACH	2	$1,500.00	$3,000.00
5030183		DROP INLET (SPECIAL DETAIL DD1, W/ GRATE)	EACH	1	$10,000.00	$10,000.00
5012524		STORM DRAIN PIPE, 24"	L.FT.	121	$150.00	$18,150.00
5030337		CATCH BASIN,TYPE B, B=5'-6" (MAG DET. 531)	EACH	2	$5,000.00	$10,000.00
6070038		PERFORATED SIGN POST SLIP BASE	EACH	4	$200.00	$800.00
6070057		PERFORATED SIGN POST 2 1/2T	L.FT.	62	$20.00	$1,240.00
6070060		FOUNDATION FOR SIGN POST (CONCRETE)	EACH	4	$250.00	$1,000.00
6080005		WARNING, MARKER, OR REGULATORY SIGN PANEL	SQ.FT.	40	$25.00	$1,000.00
6080081		FLAT SHEET ALUMINUM W/ DIRECT APPLY OR SILK-SCREEN CHARACTERS (0.090")	SQ.FT.	20	$25.00	$500.00
6110200		METAL HANDRAIL (	L.FT.	128	$90.00	$11,520.00
7015010		TEMPORARY CONCRETE BARRIER (INSTALLATION AND REMOVAL)	L.FT.	22009	$15.00	$330,135.00
7015020		TEMPORARY IMPACT ATTENUATORS (INSTALLATION AND REMOVAL)	EACH	13	$1,200.00	$15,600.00
7015032		TEMPORARY PREFORMED MARKING (TYPE II, TAPE LINE)	L.FT.	65963	$2.00	$131,926.00
7015052		OBLITERATE PAVEMENT MARKING (STRIPE)	L.FT.	26123	$0.50	$13,061.50
7016020		TEMPORARY CONCRETE BARRIER (IN USE)	L.FT./DAY	2694600	$0.07	$188,622.00
7016021		TEMPORARY IMPACT ATTENUATORS (IN -USE)	EACH-DAY	1,374	$25.00	$34,350.00
7016030		BARRICADE (TYPE II, VERT.PANEL, TUBULAR MARKER)	EACH-DAY	38,426	$0.30	$11,527.80
7016031		BARRICADE (TYPE III, HIGH LEVEL FLAG TREES)	EACH-DAY	2,578	$0.50	$1,289.00

ITEM NO.		DESCRIPTION	UNIT	QUANTITY	UNIT PRICE	AMOUNT
7016032		PORTABLE SIGN STANDS (RIGID)	EACH-DAY	290	$0.35	$101.50
7016033		PORTABLE SIGN STANDS (SPRING TYPE)	EACH-DAY	1,584	$1.00	$1,584.00
7016035		WARNING LIGHTS (TYPE A)	EACH-DAY	7,960	$0.20	$1,592.00
7016037		WARNING LIGHTS (TYPE C)	EACH-DAY	41,324	$0.20	$8,264.80
7016039		EMBEDDED SIGN POST	EACH-DAY	14,804	$0.25	$3,701.00
7016051		TEMPORARY SIGN (LESS THAN 10 S.F.)	EACH-DAY	5,652	$0.50	$2,826.00
7016052		TEMPORARY SIGN (10 S.F. OR MORE)	EACH-DAY	8,826	$0.70	$6,178.20
7016061		FLASHING ARROW PANEL	EACH-DAY	680	$20.00	$13,600.00
7016067		CHANGEABLE MESSAGE BOARD (CONTRACTOR FURNISHED)	EACH-DAY	1,652	$30.00	$49,560.00
7016078		FLAGGING SERVICES (LOCAL ENFORCEMENT OFFICER)	HOUR	155	$75.00	$11,625.00
7016080		FLAGGING SERVICES (DPS)	HOUR	155	$65.25	$10,113.75
7050070		PRIMER-SEALER FOR PCCP (STRIPING)	L.FT.	5,698	$0.50	$2,849.00
7060100		PAVEMENT MARKER, RECESSED, TYPE C	EACH	260	$4.00	$1,040.00
7060102		PAVEMENT MARKER, RECESSED, TYPE E	EACH	520	$4.00	$2,080.00
7080001		PERMANENT PAVEMENT MARKING (PAINTED) (WHITE)	L.FT.	15042	$0.15	$2,256.30
7080011		PERMANENT PAVEMENT MARKING (PAINTED) (YELLOW)	L.FT.	13096	$0.15	$1,964.40
7080121		PERMANENT PAVEMENT MARKING (PAINTED SYMBOL) (ARROW)	EACH	1	$175.00	$175.00
7090001		DUAL COMPONENT PAVEMENT MARKING (WHITE EPOXY) (0.090")	L.FT.	22,583	$0.50	$11,291.50
7090002		DUAL COMPONENT PAVEMENT MARKING (YELLOW EPOXY) (0.090")	L.FT.	18,296	$0.50	$9,148.00
7090012		DUAL COMPONENT PAVEMENT SYMBOL (0.090")	EACH	1	$250.00	$250.00
7090014		REMOVAL OF CURING COMPOUND FOR STRIPING (0.090")	L.FT.	5,698	$0.40	$2,279.20
8030115		ROCK MULCH (	CU.YD.	60	$120.00	$7,200.00
8050003		SEEDING (CLASS II)	ACRE	13	$4,000.00	$52,000.00

ITEM NO.		DESCRIPTION	UNIT	QUANTITY	UNIT PRICE	AMOUNT
8101007		EROSION CONTROL (RIPRAP) (GRADATION B)	CU.YD.	139	$100.00	$13,900.00
8101012		EROSION CONTROL (SILT FENCE)	L.FT.	1,283	$12.00	$15,396.00
8101014		EROSION CONTROL (CURB INLET PROTECTION)	L.FT.	20	$30.00	$600.00
8101018		EROSION CONTROL (CONSTRUCTION ENTRANCE)	SQ.YD.	1,000	$20.00	$20,000.00
8101029		EROSION CONTROL (ROCK MULCH) (GRADATION C)	CU.YD.	109	$120.00	$13,080.00
8101035		EROSION CONTROL (SEDIMENT LOGS) (20")	L.FT.	160	$8.00	$1,280.00
9010001		MOBILIZATION	L.SUM	1	$970,000.00	$970,000.00
9020004		CHAIN LINK FENCE, TYPE 1 (72")	L.FT.	242	$20.00	$4,840.00
9030008		FENCE (COF STD DETAIL 14-01-010)	L.FT.	338	$30.00	$10,140.00
9050001		GUARD RAIL, W-BEAM, SINGLE FACE	L.FT.	2938	$25.00	$73,450.00
9050010		GUARD RAIL (SPECIAL DETAIL) (DETAIL B)	L.FT.	100	$50.00	$5,000.00
9050026		GUARD RAIL TERMINAL (TANGENT TYPE)	EACH	2	$3,500.00	$7,000.00
9050036		GUARD RAIL, ANCHOR ASSEMBLY	EACH	2	$1,200.00	$2,400.00
9080094		CURB AND GUTTER / SIDEWALK TRANSITION (DETAIL A)	EACH	2	$2,000.00	$4,000.00
9080101		CONCRETE CURB AND GUTTER, TYPE A (MAG DET. 220-1) (TYPE A)	L.FT.	457	$45.00	$20,565.00
9080241		CONCRETE SIDEWALK (MAG DET. 230)	SQ.FT.	1372	$8.00	$10,976.00
9080242		CONCRETE SIDEWALK (COF STD DETAIL 14-01-010)	SQ.FT.	2999	$8.00	$23,992.00
9100113		CONCRETE BARRIER TRANSITION (STD DTL C-10.75)	EACH	1	$1,500.00	$1,500.00
9100114		CONCRETE BARRIER TRANSITION (STD DTL C-10.78)	EACH	1	$1,500.00	$1,500.00
9130001		RIPRAP (DUMPED) (D50=6-INCH)	CU.YD.	8	$205.00	$1,640.00
9240170		CONTRACTOR QUALITY CONTROL	L.SUM	1	$100,000.00	$100,000.00
9240181		MISCELLANEOUS WORK (CONTROL OF NOXOIUS WEEDS)(MANUAL METHODS)	SQ.YD.	1,486	$0.50	$743.00
9240182		MISCELLANEOUS WORK (CONTROL OF NOXOIUS WEEDS)(HERBICIDE)	SQ.YD.	2,972	$0.25	$743.00

ITEM NO.		DESCRIPTION	UNIT	QUANTITY	UNIT PRICE	AMOUNT
9250001		CONSTRUCTION SURVEYING AND LAYOUT	L.SUM	1	$100,000.00	$100,000.00
9280036		GROUND-IN RUMBLE STRIP (8 INCH)	L.FT.	10,712	$0.50	$5,356.00
9280037		GROUND-IN RUMBLE STRIP (12 INCH)	L.FT.	11,611	$0.75	$8,708.25
		ROADWAY TOTAL				$5,450,021.70

ITEM NO.		DESCRIPTION	UNIT	QUANTITY	UNIT PRICE	AMOUNT
		4TH ST UP EB, STR. NO. 1182				
2020002	A	REMOVE BRIDGE	L.SUM	1	$150,000.00	$150,000.00
2030501	A	STRUCTURAL EXCAVATION	CU.YD.	1,500	$30.00	$45,000.00
2030506	A	STRUCTURE BACKFILL	CU.YD.	490	$65.00	$31,850.00
2030509	A	STRUCTURE BACKFILL (FLOW FILL)	CU.YD.	30	$200.00	$6,000.00
6010003	A	STRUCTURAL CONCRETE (CLASS S) (F'C = 3,500)	CU.YD.	212	$750.00	$159,000.00
6010005	A	STRUCTURAL CONCRETE (CLASS S) (F'C = 4,500)	CU.YD.	694	$750.00	$520,500.00
6011132	A	COMBINATION PEDESTRIAN-TRAFFIC BRIDGE RAILING	L.FT.	356	$350.00	$124,600.00
6011348	A	DECK JOINT ASSEMBLY (4X4 COMPRESSION SEAL)	L.FT.	190	$300.00	$57,000.00
6011371	A	APPROACH SLAB (SD 2.01)	SQ.FT.	3,631	$45.00	$163,395.00
6014954	A	PRECAST, P/S MEMBER (AASHTO TYPE 6 GIRDER)	L.FT.	1,355	$320.00	$433,600.00
6050002	A	REINFORCING STEEL	LB.	42,400	$1.25	$53,000.00
6050012	A	REINFORCING STEEL (EPOXY COATED)	LB.	112,430	$1.65	$185,509.50
7320476	A	JUNCTION BOX (TYPE II)	EACH	1	$700.00	$700.00
9140153	A	RETAINING WALL (CIP)	SQ.FT.	345	$60.00	$20,700.00
9240050	A	MISCELLANEOUS WORK (SLIDE BRIDGE)	L.SUM	1	$150,000.00	$150,000.00
	A	LUMP SUM STRUCTURE (TOTAL OF PRECEEDING STRUCTURE ITEMS)		1	$2,100,854.50	$2,100,854.50
		4TH ST UP EB, STR. NO. 1182				$2,100,854.50

ITEM NO.		DESCRIPTION	UNIT	QUANTITY	UNIT PRICE	AMOUNT
		4TH ST UP WB, STR. NO. 1183				
2020002	B	REMOVE BRIDGE	L.SUM	1	$150,000.00	$150,000.00
2030501	B	STRUCTURAL EXCAVATION	CU.YD.	1,475	$30.00	$44,250.00
2030506	B	STRUCTURE BACKFILL	CU.YD.	485	$65.00	$31,525.00
2030509	B	STRUCTURE BACKFILL (FLOW FILL)	CU.YD.	30	$200.00	$6,000.00
6010003	B	STRUCTURAL CONCRETE (CLASS S) (F'C = 3,500)	CU.YD.	212	$750.00	$159,000.00
6010005	B	STRUCTURAL CONCRETE (CLASS S) (F'C = 4,500)	CU.YD.	716	$750.00	$537,000.00
6011132	B	COMBINATION PEDESTRIAN-TRAFFIC BRIDGE RAILING	L.FT.	356	$350.00	$124,600.00
6011348	B	DECK JOINT ASSEMBLY (4X4 COMPRESSION SEAL)	L.FT.	95	$300.00	$28,500.00
6011371	B	APPROACH SLAB (SD 2.01)	SQ.FT.	3,631	$45.00	$163,395.00
6014954	B	PRECAST, P/S MEMBER (AASHTO TYPE 6 GIRDER)	L.FT.	1,355	$320.00	$433,600.00
6050002	B	REINFORCING STEEL	LB.	42,400	$1.25	$53,000.00
6050012	B	REINFORCING STEEL (EPOXY COATED)	LB.	112,430	$1.65	$185,509.50
7320476	B	JUNCTION BOX (TYPE II)	EACH	1	$700.00	$700.00
9240050	B	MISCELLANEOUR WORK (SLIDE BRIDGE)	L.SUM	1	$150,000.00	$150,000.00
	B	LUMP SUM STRUCTURE (TOTAL OF PRECEEDING STRUCTURE ITEMS)		1	$2,067,079.50	$2,067,079.50
		4TH ST UP WB, STR. NO. 1183				$2,067,079.50

ITEM NO.		DESCRIPTION	UNIT	QUANTITY	UNIT PRICE	AMOUNT
		CITY OF FLAGSTAFF ADDITIONAL ITEMS				
2030901	C	BORROW	CU.YD.	436	$15.00	$6,540.00
6011134	C	TWO TUBE BRIDGE RAIL	L.FT.	619	$120.00	$74,280.00
6100026	C	PAINT STRUCTURE (BRIDGES AND RETAINING WALLS)	SQ.FT.	1	$40,000.00	$40,000.00
7020007	C	IMPACT ATTENUATION DEVICE	EACH	1	$5,000.00	$5,000.00
7320476	C	JUNCTION BOX (TYPE II)	EACH	2	$700.00	$1,400.00
9010001	C	MOBILIZATION	L.SUM	1	$27,000.00	$27,000.00
9030009	C	FENCE (AT TWO TUBE RAIL)	L.FT.	431	$10.00	$4,310.00
9240119	C	MISCELLANEOUS WORK (ADDITIONAL FENCE POSTS FOR FUTURE FENCE AESTHETICS)	EACH	30	$830.00	$24,900.00
9240053	C	MISCELLANEOUS WORK (PINE CONE BARRIER RUSTICATION)	L.SUM	1	$2,150.00	$2,150.00
9240112	C	MISCELLANEOUS WORK (INSTALL 3 - 3" DIA CONDUIT)	L.FT.	794	$10.00	$7,940.00
9140155	C	RETAINING WALL (MSE)	SQ.FT.	1,104	$60.00	$66,240.00
9240170	C	CONTRACTOR QUALITY CONTROL	L.SUM	1	$5,400.00	$5,400.00
9250001	C	CONSTRUCTION SURVEYING AND LAYOUT	L.SUM	1	$4,000.00	$4,000.00
	C	LUMP SUM COF ITEMS (TOTAL OF PRECEEDING ITEMS)		1	$269,160.00	$269,160.00
		CITY OF FLAGSTAFF ADDITIONAL ITEMS				$269,160.00

Project No.	**Termini**	**Location**	**Prepared By**
040 CN 198 H8815 01D 040-D(234)T	Ash Fork - Flagstaff Highway (I-40)	4TH ST BRIDGES Str. #1182, 1183	AECOM

50 / 50 SHARED COSTS BETWEEN ADOT AND CITY OF FLAGSTAFF

STRUCTURE CODE	SECTION DESCRIPTIONS	NUMBER OF BID ITEMS	AMOUNT
	ROADWAY ITEMS	96	$5,450,021.70
A	4TH ST UP EB, STR. NO. 1182	15	$2,100,854.50
B	4TH ST UP WB, STR. NO. 1183	14	$2,067,079.50
	SUBTOTAL	125	$9,617,955.70
	0% UNIDENTIFIED ITEMS		$0.00
	CONSTRUCTION ENGINEERING		$946,216.00
	5% CONSTRUCTION CONTINGENCY		$480,897.79
	POST DESIGN SERVICES		$154,250.00
	SUBTOTAL		$11,199,319.49
	CONTRACTOR INCENTIVES		$0.00
	TOTAL	125	$11,199,319.49
	9.90% INDIRECT COST ALLOCATION (ICAP)		$1,108,732.63
	GRAND TOTAL	125	$12,308,052.11

CONTRACTS AND SPECIFICATIONS SERVICES
COMBINED ESTIMATE
PROJECT SUMMARY SHEET

Project No.	**Termini**	**Location**	**Prepared By**
040 CN 198 H8815 01D 040-D(234)T	Ash Fork - Flagstaff Highway (I-40)	4TH ST BRIDGES Str. #1182, 1183	AECOM

100% COST FOR CITY OF FLAGSTAFF

STRUCTURE CODE	SECTION DESCRIPTIONS	NUMBER OF BID ITEMS	AMOUNT
C	CITY OF FLAGSTAFF ADDITIONAL ITEMS	13	$269,160.00
	SUBTOTAL	13	$269,160.00
	0% UNIDENTIFIED ITEMS		$0.00
	CONSTRUCTION ENGINEERING		$26,916.00
	5% CONSTRUCTION CONTINGENCY		$27,200.00
	POST DESIGN SERVICES		$4,310.00
	SUBTOTAL		$327,586.00
	CONTRACTOR INCENTIVES		$0.00
	TOTAL	13	$327,586.00
	9.90% INDIRECT COST ALLOCATION (ICAP)		$32,431.01
	GRAND TOTAL	13	$360,017.01

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ADOT CAR No.: 18-0007206
AG Contract No.: P001 2018 003355
Project Location/Name: Butler Ave TI & Fourth St Overpass
Type of Work: Bridge Rehabilitation
Federal-aid No.: 040-D(234)T
ADOT Project No.: H881501C
TIP/STIP No.: NA
CFDA No.: 20.205 - Highway Planning and Construction
Budget Source Item No.: 19816

INTERGOVERNMENTAL AGREEMENT

BETWEEN
THE STATE OF ARIZONA
AND
THE CITY OF FLAGSTAFF

THIS AGREEMENT is entered into this date December 3, 2018, pursuant to the Arizona Revised Statutes §§ 11-951 through 11-954, as amended, between the STATE OF ARIZONA, acting by and through its DEPARTMENT OF TRANSPORTATION (the "State" or "ADOT") and the CITY OF FLAGSTAFF, acting by and through its MAYOR and CITY COUNCIL (the "City"). The State and the City are collectively referred to as "Parties".

I. RECITALS

1. The State is empowered by Arizona Revised Statutes § 28-401 to enter into this Agreement and has delegated to the undersigned the authority to execute this Agreement on behalf of the State.

2. The City is empowered by Arizona Revised Statutes § 48-572 to enter into this Agreement and has by resolution, a copy of which is attached hereto and made a part of, resolved to enter into this Agreement and has authorized the undersigned to execute this Agreement on behalf of the City.

3. The Parties desire to combine resources in order to construct a new bridge structure over Interstate 40 (I-40), replacing the existing westbound and eastbound Fourth Street overpass structures, numbers #1183 and #1182. The project will include a new bridge structure over I-40, pedestrian improvements on the bridge and Fourth Street, Fourth Street roadway improvements to accommodate the approaches to the new bridge structure and utility relocations needed for the bridge reconstruction, (the "Bridge Project"). The City will be responsible for maintenance as more specifically set forth in Section (II.)(3.)(f.) of this Agreement.

4. The Bridge Project will be constructed per the contract documents, developed under IGA 17-0006701-I.

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THEREFORE, in consideration of the mutual terms expressed in this Agreement, it is agreed as follows:

II. SCOPE OF WORK

1. The Parties agree:

   a. The Bridge Project construction cost is estimated at $10,200,000.00. The Parties will each contribute $5,100,000.00 toward the construction of the Bridge Project.

   b. To equally share Bridge Project costs that exceed the initial $10,200,000.00 construction cost estimate.

   c. To equally share the Bridge Project construction costs that exceed the Bridge Project contract amount that may be caused by change orders, force accounts, and/or quantity overruns. To work together on pricing of associated change order costs. ADOT will make the final decision to prevent additional costs or delay to the Bridge Project.

   d. That if the Agreement is completely or partially terminated, or the final Bridge Project cost is less than the initial $10,200,000.00 construction cost estimate, the unused contributions will be returned to both Parties in the same percentages as originally contributed.

   e. To perform their responsibilities consistent with this Agreement.

   f. The Bridge Project will be performed, completed, accepted and paid for in accordance with the requirements of the Bridge Project plans and specifications.

2. The State will:

   a. Execute this Agreement, and if the Bridge Project is approved by Federal Highway Administration (FHWA) and funds for the Bridge Project are available, be the City's authorized agent for the Bridge Project.

   b. Administer the procurement and construction of the project plans, specifications and contract for the Bridge Project.

   c. Invoice the City for the costs associated with the construction of the Bridge Project, estimated at $5,100,000.00. After the Bridge Project construction costs are finalized, the State will either reimburse the City in the same percentages as originally contributed to the Bridge Project or invoice the City, in a 50/50 split, for the difference between estimated and actual costs to complete the construction of the Bridge Project, if necessary.

   d. Notify the City and work with the City on pricing of change order, force accounts, and/or quantity overrun costs. ADOT will make the final decision to prevent additional costs or delay to the Bridge Project.

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e. Not be obligated to construct the Bridge Project, should the State or any other funding not be available.

f. Manage and coordinate all construction efforts for utility relocations for the Bridge Project within City of Flagstaff or ADOT right-of-way.

g. Confirm per established procedures of the State's Northcentral District Permit Office, that the City has a valid annual blanket encroachment permit on file for only routine/minor maintenance and emergency maintenance work provided by the City within the State's rights-of-way. Agree that any new construction or installation shall require a separate encroachment permit through the State's Northcentral District Permits Office. Review insurance coverage documentation after receipt from the City and shall issue those encroachment permits in accordance with established regulations and procedures based on scope of work.

h. Notify the City of final inspection and acceptance of all the Bridge Project improvements, and be responsible for the maintenance of the structural integrity of the bridge.

3. The City will:

a. Within 30 days of receipt of an invoice from the State, pay to the State $5,100,000.00 for the costs associated with the construction of the Bridge Project. Be responsible for and pay, in a 50/50 split with the State, total Bridge Project costs that exceed the original estimate, within 30 days of receipt of an invoice.

b. Work with the State in reviewing the pricing of change order, force accounts, and/or quantity overrun costs and provide comments to the State as appropriate.

c. Not permit or allow any encroachments upon or private use of the public right-of-way, except those authorized by permit. In the event of any unauthorized encroachment or improper use, the City shall take all necessary steps to remove or prevent any such encroachment or use.

d. Grant to the State (and its agents and/or contractors), by way of right-of-way permit, without cost, the temporary right to enter City rights-of-way, as required, to conduct any and all construction and preconstruction related activities for the Bridge Project, on, to and over said City rights-of-way. This right-of-way permit will expire with completion of the Bridge Project.

e. Maintain and follow requirements of a valid annual blanket encroachment permit for the routine/minor maintenance and emergency maintenance work provided by the City within the State's rights-of-way. Any new construction or installation shall require a separate encroachment permit as per the State's established procedures, which may be obtained through the State's Northcentral District Permits Office. Notify the State's Northcentral District Permit Office of any emergency maintenance work affecting the State right-of-way.

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f. After final inspection and acceptance of the Bridge Project is complete, assume maintenance responsibility of signing, striping and maintenance of all pedestrian, bike, and architectural features on Fourth Street at its sole expense. Maintenance activities include but are not limited to such activities as snow removal, sweeping, graffiti removal, litter and trash removal, weed control in non-landscaped areas, sidewalk and Flagstaff Urban Trail System ("FUTS") concrete panel repair and replacement, and pedestrian rail and guard repair.

III. MISCELLANEOUS PROVISIONS

1. Pursuant to this Agreement, the City designates ADOT as the City's authorized agent for the Bridge Project.

2. This Agreement shall become effective upon signing and dating of the Determination Letter by the State's Attorney General.

3. The terms, conditions and provisions of this Agreement shall remain in full force and effect until completion of the Bridge Project and all related deposits and/or reimbursements are made.

4. This Agreement may be cancelled at any time prior to the award of the Bridge Project construction contract and after 30 days written notice to the other Party. After the award of the contract this Agreement may not be cancelled unless the construction contract is cancelled by either ADOT or the contractor. It is understood and agreed that, in the event the City terminates this Agreement, the City shall be responsible for all costs related to the Bridge Project, incurred by the State up to the time of termination. It is further understood and agreed that, in the event the City terminates this Agreement, the State shall in no way be obligated to complete the Bridge Project.

5. The City shall indemnify, defend, and hold harmless the State, any of its departments, agencies, officers or employees (collectively referred to in this paragraph as the "State") from any and all claims, demands, suits, actions, proceedings, loss, cost and damages of every kind and description, including reasonable attorneys' fees and/or litigation expenses (collectively referred to in this paragraph as the "Claims"), which may be brought or made against or incurred by the State on account of loss of or damage to any property or for injuries to or death of any person, to the extent caused by, arising out of, or contributed to, by reasons of any alleged act, omission, professional error, fault, mistake, or negligence of the City, its employees, officers, directors, agents, representatives, or contractors, their employees, agents, or representatives in connection with or incident to the performance of this Agreement. The City's obligations under this paragraph shall not extend to any Claims to the extent caused by the negligence of the State, except the obligation does apply to any negligence of the City which may be legally imputed to the State by virtue of the State's ownership or possession of land. The City's obligations under this paragraph shall survive the termination of this Agreement.

6. The State shall include Section 107.13 of the 2008 version of the Arizona Department of Transportation Standard Specifications for Road and Bridge Construction, incorporated to this Agreement by reference, in the State's contract with any and all contractors, of which

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the City shall be specifically named as a third-party beneficiary. This provision may not be amended without the approval of the City.

7. Should the federal funding related to this Project be terminated or reduced by the federal government, or Congress rescinds, fails to renew, or otherwise reduces apportionments or obligation authority, the State shall in no way be obligated for funding or liable for future expenses under this Agreement.

8. The cost of the Bridge Project under this Agreement includes indirect costs approved by FHWA, as applicable.

9. The Parties warrant compliance with the Federal Funding Accountability and Transparency Act of 2006 and associated 2008 Amendments (the "Act"). Additionally, in a timely manner, the City will provide information that is requested by the State to enable the State to comply with the requirements of the Act, as may be applicable.

10. The City acknowledges and will comply with Title VI of the Civil Rights Act Of 1964.

11. The City acknowledges compliance with federal laws and regulations and may be subject to the CODE OF FEDERAL REGULATIONS, TITLE 2, PART 200 (also known as The Uniform Grant Guidance). Entities that expend $750,000.00 or more (on or after 12/26/14) of federal assistance (federal funds, federal grants, or federal awards) are required to comply by having an independent audit in accordance with §200.331 Subpart F. Either an electronic or hardcopy of the Single Audit is to be sent to Arizona Department of Transportation Financial Management Services within the required deadline of nine months of the sub recipient fiscal year end.

    ADOT – FMS
    Attn: Cost Accounting Administrator
    206 S 17th Ave. Mail Drop 204B
    Phoenix, AZ 85007
    SingleAudit@azdot.gov

12. This Agreement shall be governed by and construed in accordance with Arizona laws.

13. This Agreement may be cancelled in accordance with Arizona Revised Statutes § 38-511.

14. To the extent applicable under law, the provisions set forth in Arizona Revised Statutes §§ 35-214 and 35-215 shall apply to this Agreement.

15. This Agreement is subject to all applicable provisions of the Americans with Disabilities Act (Public Law 101-336, 42 U.S.C. 12101-12213) and all applicable federal regulations under the Act, including 28 CFR Parts 35 and 36. The Parties to this Agreement shall comply with Executive Order Number 2009-09 issued by the Governor of the State of Arizona and incorporated in this Agreement by reference regarding "Non-Discrimination".

16. Non-Availability of Funds: Every obligation of the State under this Agreement is conditioned upon the availability of funds appropriated or allocated for the fulfillment of such obligations. If funds are not allocated and available for the continuance of this Agreement, this Agreement may be terminated by the State at the end of the period for which the funds

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are available. No liability shall accrue to the State in the event this provision is exercised, and the State shall not be obligated or liable for any future payments as a result of termination under this paragraph.

17. In the event of any controversy, which may arise out of this Agreement, the Parties agree to abide by required arbitration as is set forth for public works contracts in Arizona Revised Statutes § 12-1518.

18. The Parties shall comply with the applicable requirements of Arizona Revised Statutes § 41-4401.

19. The Parties shall comply with the applicable requirements of Arizona Revised Statutes §35-393.01.

20. The Parties shall comply with all applicable laws, rules, regulations and ordinances, as may be amended.

21. All notices or demands upon any Party to this Agreement shall be in writing and shall be delivered in person or sent by mail, addressed as follows:

For Agreement Administration:

Arizona Department of Transportation
Joint Project Agreement Section
205 S. 17th Avenue, Mail Drop 637E
Phoenix, AZ 85007
JPABranch@azdot.gov

City of Flagstaff
Attn: Stacey Brechler-Knaggs
211 W. Aspen Avenue
Flagstaff, AZ 86001
928.213.2227
SKnaggs@flagstaffaz.gov

For Project Administration:

Arizona Department of Transportation
Project Management Group
205 S. 17th Avenue, Mail Drop 614E
Phoenix, AZ 85007
602.712.7545

City of Flagstaff
Attn: Rick Barrett
211 W. Aspen Avenue
Flagstaff, AZ 86001
928.213.2675
RBarrett@flagstaffaz.gov

For Financial Administration:

Arizona Department of Transportation
Project Management Group
205 S. 17th Avenue, Mail Drop 614E
Phoenix, AZ 85007
602.712.7545

City of Flagstaff
Attn: Stacey Brechler-Knaggs
211 W. Aspen Avenue
Flagstaff, AZ 86001
928.213.2227
SKnaggs@flagstaffaz.gov

22. In accordance with Arizona Revised Statutes § 11-952 (D) attached and incorporated in this Agreement is the written determination of each Party's legal counsel that the Parties are authorized under the laws of this State to enter into this Agreement and that the Agreement is in proper form.

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IN WITNESS WHEREOF, the Parties have executed this Agreement the day and year first above written.

CITY OF FLAGSTAFF

By _____
CORAL EVANS
Mayor

ATTEST:

By _____
STACY SALTZBURG
City Clerk

STATE OF ARIZONA
Department of Transportation

DocuSigned by:
By _____
2C8F28BDDCBC4A2...
STEVE BOSCHEN, PE
Division Director

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IGA 18-0007206-I

ATTORNEY APPROVAL FORM FOR THE CITY OF FLAGSTAFF

I have reviewed the above referenced Intergovernmental Agreement between the State of Arizona, acting by and through its DEPARTMENT OF TRANSPORTATION, and the CITY OF FLAGSTAFF, an agreement among public agencies which, has been reviewed pursuant to Arizona Revised Statutes §§ 11-951 through 11-954 and declare this Agreement to be in proper form and within the powers and authority granted to the City under the laws of the State of Arizona.

No opinion is expressed as to the authority of the State to enter into this Agreement.

DATED this 26th day of November, 2018.

Senior Assistant City Attorney

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RESOLUTION NO. 2018-54

A RESOLUTION OF THE FLAGSTAFF CITY COUNCIL APPROVING AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE ARIZONA DEPARTMENT OF TRANSPORTATION AND THE CITY OF FLAGSTAFF FOR THE CONSTRUCTION OF THE FOURTH STREET AND INTERSTATE 40 BRIDGE REPLACEMENT PROJECT.

RECITALS:

WHEREAS, the City of Flagstaff and the Arizona Department of Transportation desire to combine resources in order to construct a new bridge structure over Interstate 40 ("I-40"), replacing the existing westbound and eastbound Fourth Street Overpass structures, numbers #1183 and #1182. The project will include a new bridge structure over I-40, pedestrian improvements on the bridge and Fourth Street, Fourth Street roadway improvements to accommodate the approaches to the new bridge structure and utility relocations needed for the bridge reconstruction (the "Bridge Project"); and

WHEREAS, the Bridge Project will be constructed per the contract documents, developed under IGA 17-0006701-I; and

WHEREAS, the purpose of this IGA is to set forth the parties' respective duties and obligations with respect to the construction of the Bridge Project; and

WHEREAS, the State is empowered by Arizona Revised Statutes § 28-401 and the City is empowered by Arizona Revised Statutes §§ 48-572 to enter into this IGA; and

WHEREAS, the City Council has read and considered the staff summary report and proposed IGA attached thereto, and finds that it is in the best interests of the City to enter into the IGA.

ENACTMENTS:

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FLAGSTAFF AS FOLLOWS:

SECTION 1. That Intergovernmental Agreement IGA 18-0007206, A.G. Contract No. P001 2018 003355 between the Arizona Department of Transportation and the City of Flagstaff be hereby accepted and approved, and that the Mayor be authorized and directed to execute the IGA on behalf of the City of Flagstaff.

PASSED AND ADOPTED by the City Council of the City of Flagstaff this 20th day of November, 2018.

MAYOR

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ATTEST:

Stacy Saltsburg
CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

MARK BRNOVICH
ATTORNEY GENERAL

OFFICE OF THE ARIZONA ATTORNEY GENERAL
STATE GOVERNMENT DIVISION /
TRANSPORTATION SECTION

DAWN NORTHUP
DIVISION CHIEF COUNSEL
SUSAN E. DAVIS
ASSISTANT ATTORNEY GENERAL
DIRECT LINE: 602-542-8855
E-MAIL: SUSAN.DAVIS@AZAG.GOV

INTERGOVERNMENTAL AGREEMENT DETERMINATION

A.G. Contract No. P0012018003355 **(ADOT IGA/JPA 18-0007206)**, an Agreement between public agencies, the State of Arizona and the City of Flagstaff, has been reviewed pursuant to A.R.S. §§ 11-951 through 11-954 and 28-401, by the undersigned Assistant Attorney General who has determined that it is in the proper form and is within the powers and authority granted to the State of Arizona.

No opinion is expressed as to the authority of the remaining Parties, other than the State or its agencies, to enter into said Agreement.

DATED: December 3, 2018

MARK BRNOVICH
Attorney General

Susan Davis

SUSAN E. DAVIS
Assistant Attorney General
Transportation Section

SED/sp/7508964

RESOLUTION NO. 2019-44

A RESOLUTION OF THE FLAGSTAFF CITY COUNCIL, APPROVING AMENDMENT NO. ONE TO AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE ARIZONA DEPARTMENT OF TRANSPORTATION AND THE CITY OF FLAGSTAFF FOR THE CONSTRUCTION OF THE FOURTH STREET AND INTERSTATE 40 BRIDGE REPLACEMENT PROJECT.

RECITALS:

WHEREAS, the Arizona Department of Transportation and City of Flagstaff desire to amend an intergovernmental agreement for construction of the Fourth Street and Interstate 40 Bridge Replacement Project (the "Bridge Project"); and

WHEREAS, the INTERGOVERNMENTAL AGREEMENT, IGA 18-0007206-I, A.G. Contract No. P001 2018 003355, was executed on December 3, 2018 (the "IGA");

WHEREAS, the Bridge Project will be constructed per the contract documents, developed under IGA 17-0006701-I; and

WHEREAS, the parties to the IGA have updated information related to the scope and cost of the Bridge Project and this updated information is set forth in this proposed Amendment No. One; and

WHEREAS, the purpose of the IGA and this Amendment No. One is to set forth the parties' respective duties and obligations with respect to the construction of the Bridge Project; and

WHEREAS, the State is empowered by Arizona Revised Statutes § 28-401 and the City is empowered by Arizona Revised Statutes §§ 48-572 to amend this IGA; and

WHEREAS, the City Council has read and considered the staff summary report and proposed Amendment No. One attached thereto, and finds that it is in the best interests of the City to amend the IGA.

ENACTMENTS:

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FLAGSTAFF AS FOLLOWS:

SECTION 1. In General.

The Flagstaff City Council hereby authorizes the Mayor to execute Amendment No. One to the IGA between the State of Arizona, acting by and through its Department of Transportation, and the City of Flagstaff, Arizona, attached hereto as Exhibit One, which shall become effective upon the date first executed by both parties ("Effective Date").

SECTION 2. Effective Date.

This resolution shall be immediately effective upon adoption.

PASSED AND ADOPTED by the City Council of the City of Flagstaff this 17th day of September, 2019.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

Exhibits:
Exhibit One - Amendment No. One

COMMUNITY DEVELOPMENT

MEMORANDUM

Date: 09/11/2019

To: City Council
Cc: Rick Barrett

From: Jeremy DeGeyter

Subject: Summary of Changes to Resolution No. 2019-44: Amendment No. One to an Intergovernmental Agreement with the Arizona Department of Transportation for Construction of the Fourth Street /I-40 Bridge Replacement Project

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The following is a summary of changes made to the Amendment No. One to the IGA for Construction of the Fourth St/I-40 Bridge Replacement Project:

- No changes to language, only changes to budget numbers.
- The Bridge Reconstruction Project Cost has increased from $12,167,696.00 to $12,308,052.00
- The City 50% share of this cost has increased accordingly from $6,083,848.00 to $6,154,026.00
- Project Enhancement costs, paid 100% by the City of Flagstaff have increased from $333,242.00 to $360,017.00
- Total City Contribution (combined Bridge Reconstruction costs and Project Enhancement costs) has increased accordingly from $6,417,090.00 to $6,514,043.00. This is a total increase of $96,953.00
- Project Costs increased following final ADOT review and adjustment of the Project Cost Estimate.
- Staff Summary Financial Impact updated to reflect additional budget appropriation need. The City's cost for construction will be covered by FY2020 budget appropriations of $6,549,627.00, originally $6,461,050.00, designated for Fourth Street Reconstruction, Fourth Street Overpass, Major Road Reconstruction and Butler/Fourth Intersection Reconstruction within the Transportation Tax Fund.

7. D.

CITY OF FLAGSTAFF

STAFF SUMMARY REPORT

To:	The Honorable Mayor and Council
From:	Rick Barrett, City Engineer
Date:	09/09/2019
Meeting Date:	09/17/2019

TITLE:

Consideration and Approval of Payment: Payment to the Flagstaff Metropolitan Planning Organization (FMPO) in the amount of $114,000 for drainage work on Plaza Way associated with the Arizona Department of Transportation's (ADOT) Plaza Way Right Turn Lane Project.

STAFF RECOMMENDED ACTION:

Staff does not have a recommendation.

Executive Summary:

The FMPO requests payment of $114,000 from the City of Flagstaff for drainage improvements associated with ADOT's Plaza Way Right Turn Lane Project. This item is being presented to Council for consideration as the payment is over the $50,000 threshold and requires approval by a majority of Council.

Financial Impact:

With respect to the request for payment, staff has determined that the $114,000 payment could be made from the Road Repair & Street Safety Tax's fund balance without affecting the required minimum balance.

The city lost a $370,000 programmed allocation from the FMPO's Transportation Improvements Program (TIP) for LED street lights intended to implement the Dark Skies Applied Research Project (see Background section and Attachments below). The FMPO has removed the funds from the TIP to support general administration.

Policy Impact:

This item is being presented to Council for consideration as the payment is over the $50,000 threshold and requires approval by a majority of Council.

Connection to Council Goal, Regional Plan and/or Team Flagstaff Strategic Plan:

Council Goal: Transportation and Other Public Infrastructure.

Team Flagstaff Strategic Plan: Work in partnership to enhance a safe and livable community; Foster a safe, equitable and accessible community.

Has There Been Previous Council Decision on This:

There has not been previous Council action on this item. However, the FMPO's Executive Board took action at their May 25, 2017 meeting to amend the FMPO's Transportation Improvement Program (TIP) to reprogram $114,000 from dark sky compliant street lights to the ADOT street project with the condition that the City reimburse the FMPO within 2 years (see Attachments below).

Options and Alternatives:

Options for Council to consider may include:

1. Make payment to the FMPO out of RR&SS Tax proceeds.
2. Make payment to the FMPO from another funding source.
3. Do not make payment to the FMPO.

Background/History:

In the Spring of 2016, ADOT requested that the city fund $114,000 for drainage improvements on an adjoining city street (Plaza Way) that was outside of the ADOT jurisdictional limits to improve drainage in the vicinity, including run-off from the Safeway parking lot. At the time, Stormwater, Public Works and Capital Improvements staff declined to participate as the funding was not available without impacting programmed projects. In fall/winter 2016, ADOT received bids that came in over budget and in April 2017 applied to the FMPO for the funding.

The FMPO's Technical Advisory Committee (TAC) reviewed ADOT' s request and recommended a TIP amendment that ADOT's request for $114,000 be funded by reducing the $370,000 amount that had been programmed for LED street lights intended to implement the Dark Skies Applied Research Project.

The FMPO's Executive Board amended the TIP to eliminate Dark Skies Applied Research Project funding and to reprogram $114,000 in order to transfer funds to ADOT. The Executive Board also sought to require that the City reimburse the FMPO within a 2-year time frame, although it does not have the authority to do so. At this time there doesn't appear to be any Surface Transportation Block Grant (STBG) funds provided by the Federal Highway Administration programmed by FMPO for capital projects in the 5yr Transportation Improvement Program.

The $114,000 was transferred from the FMPO to ADOT on or about September 12, 2018.

Key Considerations:

The FMPO initially requested payment from the city's Finance staff. This prompted an internal discussion on how best to manage the payment. The FMPO provided documentation of the Executive Board's decision and concurrence from City Manager Josh Copley. However, staff recognized that only the City Council has the authority to make this decision and is forwarding the request by FMPO to the City Council for consideration and formal action.

Expanded Financial Considerations:

Possible funding options for the payment include the General Fund, Highway User Revenue Fund (HURF), Road Repair and Street Safety Tax (RR&SS), Stormwater Fund and the Transportation Tax. If Council decides to make payment to the FMPO, staff believes that the RR&SS fund is best suited to absorb this unplanned/unbudgeted expense.

Community Benefits and Considerations:

The city overlay and street improvement program, funded by HURF and RR&SS addresses pavement and drainage improvements on city roadways and compliance with the Americans with Disabilities Act. The ADOT Plaza Way Right Turn Lane Project provided these improvements on Plaza Way.

Community Involvement:

There has been no community involvement associated with this item.

Attachments: EBoard Minutes
TAC Minutes

FLAGSTAFF METROPOLITAN PLANNING ORGANIZATION

CITY OF FLAGSTAFF • COCONINO COUNTY • ARIZONA DOT

211 West Aspen Avenue • Flagstaff, Arizona 86001

Phone: (928) 213-2651

www.flagstaffmpo.org • fmpo@flagstaffaz.gov

Approved Minutes
FMPO Executive Board
10:45 a.m. to 12:15 p.m.
Thursday, May 25, 2017

Special Location: Coconino County Offices, 2nd Floor Conference Room

219 East Cherry Avenue, Flagstaff, Arizona 86001

Regular meetings and work sessions are open to the public. Persons with a disability may request a reasonable accommodation by contacting the City of Flagstaff City Clerk's Office at 928-779-7607. The FMPO complies with Title VI of the Civil Rights Act of 1964 to involve and assist underrepresented and underserved populations (age, gender, color, income status, race, national origin and LEP – Limited English Proficiency.) Requests should be made by contacting the FMPO at 928-213-2651 as early as possible to allow time to arrange the accommodation. ***A quorum of the TAC may be present.***

Chair Babbott called the meeting to order at 10:46 am.

EXECUTIVE BOARD MEMBERS

Art Babbott, Chair, Coconino County Board of Supervisors Present
Jeff Meilbeck, Vice-Chair, NAIPTA CEO & General Manager Present
Coral Evans, Mayor, Flagstaff City Council Present
Jesse Thompson, Arizona State Transportation Board Member Present
Matt Ryan, Coconino County Board of Supervisors Present
Celia Barotz, Flagstaff City Council Present
Jim McCarthy, Flagstaff City Council Present

FMPO STAFF

David Wessel, FMPO Manager Present
Martin Ince, Multimodal Planner Absent
Dusty Rhoton, Administrative Specialist Present

OTHERS

Audra Merrick, ADOT District Engineer Present

I. PRELIMINARY GENERAL BUSINESS

1. PUBLIC COMMENT

There was no public comment.

2. ANNOUNCEMENTS

None.

3. **ITEMS FROM THE BOARD**

None.

4. **APPROVAL of MINUTES.**

Minutes of May 1, 2017 **(Pages 6-11)**

Motion: Mr. Meilbeck made a motion to approve the minutes of May 1, 2017 as written. Ms. Barotz seconded the motion. Motion passed unanimously.

II. OLD BUSINESS (Continued, postponed, and tabled items.)

1. **FMPO FY 2018 Transportation Improvement Program Amendment**
Plaza Way Right Turn Lane **(pages 12-15)**

FMPO Staff: David Wessel, Manager

Mr. Wessel provided a synopsis of the ADOT Plaza Way Southbound Right Turn Lane Project and the need to resolve the historic drainage problem at the same location (*resulted in exceeding the ADOT budget of the project*) which is why ADOT approached the FMPO looking for additional funds to design the drainage correction as well as construct it which would require a TIP Amendment. Mr. Wessell continued the LED Street Lighting Project is a multi-year replacement program. In terms of new information when Mr. Wessel spoke with the City of Flagstaff Capital Section and Public Works Section and as far as bundled projects – this is not programmed, but as part of the overlay, they do plan to be on Plaza Way in a couple of years, and they would be happy to address the drainage issue at that time. However, this will require significant grading work. Mr. Babbott asked for further clarification relating to the new information which Mr. Wessel responded and in the overlay, they indicated they could amend the scope of that particular section to do the grading work in order to get this corrected. The implications are if the money is not available, there is the possibility the COF could address this in a couple of years. Ms. Barotz asked if the COF was using the sales tax pot of money for the overlay and Mr. Wessel responded it would be part of the overlay.

Ms. Merrick distributed a more detailed map, photograph and provided an additional overview of the project. She added that in June of 2014, there were traffic counts done which warranted the R turn lane criteria by over 4 times, which is why in 2014 the ADOT District office submitted and competed state wide for the right turn lane project. She continued that in 2014 they requested letter of supports and FMPO supported the project (resolving summer drainage, may help solve problems with delays with Route 14, as well as ice conditions). ADOT received the project which was kicked off in 2016 and are currently between 60 and 95% design – expect 95% design by the end of the year and construction to begin in spring of next year. She added that when the Plaza Lane came in – it created a low point in the wrong location, and she explained the work that would be done to correct it. She concluded that it would also resolve any ADA concerns for both the city and state.

Mr. Meilbeck noted his concerns on how this amendment related to the measurable goals of the Strategic Plan of the FMPO – nothing that talks about this kind of project and it doesn't provide any leadership or leveraging and is about 25% of the FMPO budget. Believes no money should be put into this project. Mr. McCarthy inquired what else the money could be used for and Mr. Wessel answered it could be project scoping, staffing, and planning efforts. Ms. Barotz noted her confusion in relation to the process. Mr. Babbott acknowledged that the right turn is an important feature that will take place regardless. Mr. Ryan added that when you leverage for a project and sees this now two half-done projects. Mr. Babbitt inquired if the council weighed in on taking funds from the lighting program and Ms. Barotz answered that they are still awaiting a final report after receiving an update and the recommended solution wasn't clear and it hasn't been discussed on moving forward at this time. Ms. Evans added the council was a long way from deciding what to do and it could be 6-8 months before a decision is made. Coral continued that when looking at the South Plaza Way project from a resident standpoint, if the right turn lane is done and the drainage isn't taken care of until at a later date, this would be an opportunity to do it once rather than twice. Mr. Meilbeck added that sales tax revenues have come in higher than projected and would rather see this done by the City of Flagstaff rather than

the FMPO. Mr. Babbott noted the discrepancy with sales tax revenues being used last month and the new information at today's meeting says it is in the City's 2-year capital plan which makes it difficult to make decisions. Mr. Wessel responded that the City Management and Capital Team are working with the council to shift significant amounts of monies into the 4th Street Bridge project in order to leverage funds. The overlay of Plaza Way is in the program. Ms. Evans asked if there was a possibility the overlay funding source funds could be paid back to FMPO and allow FMPO to provide the monies to complete the project now. She also suggestion to overview the overlay schedule to make sure this is included. Discussion ensued and Ms. Merrick thanked everyone for their consideration.

Motion: Mr. Meilbeck made a motion to approve the TIP Amendment of $114,000 being transferred based on the contingency that the funds transferred will be reimbursed by the City of Flagstaff within 24 months. Mr. McCarthy seconded the motion. Motion passed unanimously.

III. NEW BUSINESS (Continued, postponed, and tabled items.)

1. FMPO Staffing, Funding and Work Program Discussion (16-26)

FMPO Staff: David Wessel, Manager

Mr. Wessel noted that part of the Strategic Work Program was to strengthen MPO staff by creating a staffing plan that drafts descriptions that meets the vision and definition of a thriving MPO and he thanked Mr. Babbott and Mr. Meilbeck for their assistance in putting together the information to help with the need to arrive at the type of staff and how much is needed. He continued that the FMPO currently is primarily a technical organization and want to play more of a leadership role and exercise focus to leverage resources for the mission statement. He inquired how aggressive the EB would like the MPO to be in that process.

Based on preliminary discussions with the TAC about how to approach some activities, they see a need for full-time administrative staffing to support the FMPO. The TAC is also comfortable re-programming STP funds and added that the TAC, in terms of scoping, advancing priority projects, their preference is if it is a City project, they would like the COF to be doing that scoping effort. Mr. Wessel inquired how far should leadership be strengthened without losing the technical side of the FMPO. In thinking about the strategic work program and arriving a staffing decision, there are several things to think about (organization focus, leadership style and job description) and then eventually in the UPWP and TIP redirect funds to the appropriate efforts. The leadership – where do we want to exercise leadership and then what is the leadership strategy. Start influencing a communication plan – what type of strategies to employ there?

Mr. Babbott asked for more information on where the current staffing played a role as he wasn't clear on what Mr. Ince's role was. Mr. Meilbeck noted that the opportunity for the EB to be more involved was optimistic. Mr. Ryan said he liked the movement changing to leadership, but added it was important not to lose the technical piece. Mr. Babbott stated he didn't want to stay at the current status and agreed that it was a good opportunity to revision, re-prioritize and being strategic about the resources spent and see the outcome, while still maintaining the technical mandates required. He continued if current staff wasn't changed and using resources to bring other staff in the existing staff could keep the same level of technical components to their work. Ms. Merrick suggested steps ADOT is taking to be considered. Mr. Meilbeck added that technical has to happen. Ms. Evans noted we have had leadership and she feels that some great projects have been done and now becoming more focused as to what those projects will be. The strategic plan is important, perhaps when new folks come on the board, there should be a way for new people to sit down and get an understanding of what the plan is, where we are in the plan, where we are in the different projects that we are doing, and what the focus is. This allows new people to have input to the plan. Mr. Wessel noted this orientation will be a critical part of the communication plan. What does the board look like so DW knows how to serve better. Mr Thompson is a decision making body – and asked DW if he had enough authority to move forward or do you have to wait to hear from the EB. Mr. Wessel said yes, as the board takes on a larger role and the 4th street

bridge project is a good example, we are operating from the same play book, there have been some hiccups and lessons learned. Ms. Evans would like to see a better understanding in the community about what the FMPO is and isn't . there's still confusion and added that transportation is not even in the name. Is it a planning org or do they do studies, do we have everyone at the table that should be here such as NAU. Mr. Babbott and Mr. McCarthy expressed that it was nebulous and having a clearer understanding of what is going on would be beneficial. Ms. Evans added that in looking at the current staffing – what is missing to get to a higher level on the leadership scale. Mr. Wessel responded that for the manager's position to be more community engagement and relationship building with stakeholders, there will be pressure on administrative staff at half time. MI and him engage in a lot of technical work, a lot of data handling which is time consuming and having a technical staff to help with that burden or a more clear working relationship with member agencies would be valuable. Ms. Evans asked about Martin's time – how much time is technical, etc. He continued that project management which is a discussion to have in terms of the MPO's role in the scoping of projects vs. the sponsoring agencies. That could be a role in this mix. Mr. Babbott asked if there would be an opportunity for shared staffing with other jurisdictions. Ms. Evans responded that there needs to be a person that is solely focused on FMPO and the mission. Mr. Babbott asked if MI does 100% technical work and DW is doing 70% technical work. Mr. Babbott is it primarily related to mandated work products? Mr. Wessel responded Discussion ensued.

2. FY 2018 Unified Planning Work Program (pages 27-30)

FMPO Staff: David Wessel, Manager

REQUESTED ACTION: Discussion and Possible Action

Staff will seek adoption of the FY 18 Work Program. The comment period on the work program concluded May 19, 2017.

RECOMMENDED ACTION: Adopt with Conditions

Mr. Wessel announced that the FMPO was looking to have the UPWP adopted and continue with the current program and do more than a routine update with more public outreach. Board members complimented Mr. Wessel on the detailed table with the funding availability. Mr. Ryan noted that the UPWP can always still be amended. Mr. Wessel added that adopting the UPWP now was to meet the ADOT schedule requirements.

Motion: Mr. Ryan moved to approve the adoption of the FY18 Work Program. Ms. Barotz seconded the motion. Motion passed unanimously.

IV. CONCLUDING GENERAL BUSINESS

1. REPORTS

- **a.** TAC Action Summary April 6, 2017
- **b.** Staff Report
- **c.** Legislative activity

2. ANNOUNCEMENTS

(Informal Announcements, Future Agenda Items, and Next Meeting Date)

TAC	June 1, 2017 / 1:30 p.m. / County Human Resources
Management Committee	June 9, 2017 / 10:00 a.m. / City Hall
Executive Board	June 22, 2017 / 10:45 a.m. / County BOS, 2nd. floor

Chair Babbott adjourned the meeting at 12:14 pm.

ADJOURNMENT

The Transportation Improvement Program (TIP) includes Northern Arizona Intergovernmental Public Transportation Authority final program of projects for section 5307 and 5339 funding under the Federal Transit Administration, unless amended. Public notice for the TIP also satisfies FTA public notice requirements for the final program of projects.

CERTIFICATION OF POSTING OF NOTICE

The undersigned hereby certifies that a copy of the foregoing notice was duly posted at Flagstaff City Hall on May 18, 2017 at 5:16 pm in accordance with the statement filed by the Recording Secretary with the City Clerk.

Dated this 18th day of May 2017.

_____

Dusty Rhoton, FMPO Administrative Specialist

FLAGSTAFF METROPOLITAN
PLANNING ORGANIZATION
CITY OF FLAGSTAFF ◆ COCONINO COUNTY ◆ ARIZONA DOT
Office: 211 West Aspen Avenue ◆ Flagstaff, Arizona 86001
Phone: (928) 213-2651
www.flagstaffmpo.org ◆ fmpo@flagstaffaz.gov

Approved Minutes
Technical Advisory Committee
1:30 p.m. – 3:30 p.m. – Thursday, April 6, 2017

Coconino County Human Resources Building – Weatherford Room
420 S San Francisco Street, Flagstaff, AZ 86001

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CALL TO ORDER: Vice Chair Gabiou called the meeting to order at 1:32 pm.

COMMITTEE MEMBERS

Dan Gabiou, ADOT Transportation Planner, Vice-Chair Present (Telephonically)
Rick Barrett, City of Flagstaff Engineer Present
Nate Reisner, ADOT North Central District Development Engineer
(for Audra Merrick, ADOT Flagstaff District Engineer) Present
Anne Dunno, NAIPTA Capital Program Manager Present
Jeff Bauman, City of Flagstaff Transportation Manager Present
Joe Rumann, Coconino County Development Services Engineer (for Jay Christelman, Director) Absent
Dan Folke, City of Flagstaff Development Services Director Present (Arrived at 1:57 pm)
J.D. Brice, Interim Engineering Manager (for Lucinda Andreani, Public Works Director) Absent

FMPO STAFF

David Wessel, FMPO Manager Present
Martin Ince, Multimodal Planner Present
Dusty Rhoton, FMPO Administrative Specialist Present

I. PRELIMINARY GENERAL BUSINESS

A. PUBLIC COMMENT

There was no public comment.

B. ANNOUNCEMENTS

(Reconsiderations, Changes to the Agenda, and other Preliminary Announcements)

Mr. Gabiou noted that a new chair needed to be selected and suggested asking Mr. Rumann from Coconino County. Mr. Gabiou also noted now was a good time for any studies as a call for projects would be occurring later in the month. (Fire Program)

Mr. Gabiou then asked for the TAC members to all provide an update to the TAC. Mr. Wessel noted a letter of interest – table top exercise to develop recovery and evacuation. Then would select 6 MPOs to represent that workshop, use of transit, use of social media, etc.

Ms. Dunno spoke of NAIPTA's funding for Hwy. 180 project and First Mile – Last Mile Grant.

Mr. Gabiou noted the HURF Swap will be coming back and could be a possible future agenda item.

C. APPROVAL of MINUTES (pages 4-7)

1) Meeting of January 5, 2017
2) Meeting of February 17, 2017 **(pages 8-11)**

Motion: Mr. Reisner moved to approve the meeting minutes of January 5, 2017 and February 17, 2017 as written. Mr. Barrett seconded the motion. Motion passed unanimously.

II. OLD BUSINESS (Continued, postponed, and tabled items.)

1. Regional Transportation Plan (RTP) Update - Adoption (pages 12-17)

FMPO Staff: **David Wessel, Manager**

REQUESTED ACTION: Discussion and Possible Action

Staff will seek a recommendation for adoption of the RTP from the TAC following a presentation of public comment, recommended responses, and other staff recommended amendments.

RECOMMENDED ACTION: Recommend the Executive Board adopt the RTP

Mr. Wessel directed the TAC members to the authorized comments to the public comment. He added that no changes to the maps had been made but a few amendments were still required. He added that 45 persons had left public comments on the online survey. He continued that many of the concerns were to manage congestion, increase investments in pedestrian and bicycle facilities, to identify the value of sidewalks and infrastructure, and questions regarding growth. He directed the TAC to see page 13 of the packet for a series of changes and recommendations by staff.

He continued that there were changes to the Executive Summary (move explanation to the front and highlight the upcoming study and future opportunities). Mr. Barrett asked for further clarification for the new language which Mr. Wessel explained. Mr. Reisner noted that there were current federal administration which may affect future opportunities. Discussion ensued and Mr. Wessel added that Ms. Rhoton would update the Railroad Picture on the cover due to observance made at the recent NAAR Breakfast meeting held. Mr. Wessel continued that in the Transit Chapter adding rules of thumb and Mr. Wessel to add 20% of trip time.

Mr. Wessel noted that the RTP didn't tackle the financial as the Executive Board wants to explore the use of the $450,000 and this was confirmed with FHWA that would be acceptable. Mr. Barrett inquired how much of the $450,000 was paid for staffing and Mr. Wessel responded it was to pay for studies and data collection, along with construction efforts and used for gap funding on highway projects. Mr. Barrett suggested that perhaps it could be updated to reflect what does the RTP cost every 5 years and just list closing projects. Mr. Folke inquired if staffing was paid out of member fees and Mr. Wessel answered it was planning.

Mr. Wessel overviewed the map amendments and noted that he wanted to add project table labels to the maps and also list the top 34 projects instead of 100. He added that ROW accession was a policy implication and added that at the end of each section is a strategy initiative. Mr. Gabio suggested to bring up amendments at a later date and perhaps add a place holder. In closing, Mr. Wessel noted that at the recent NAAR meeting he presented to, it was noted that Ms. Rhoton would be changing the railroad cover photo.

Motion: Mr. Barrett moved to recommended to adopt the RTP from the TAC following a presentation of public comments, recommended responses and updates. Mr. Reisner seconded the motion. Motion passed unanimously.

2. Milton Road Operational Alternatives Analysis – Update (no handout)

FMPO Staff: **David Wessel, Manager**

REQUESTED ACTION: Discussion and Possible Action

Staff is still reviewing VISSIM video clips and preparing a report and individual meetings.

RECOMMENDED ACTION: Table

Mr. Barrett inquired what the status of the analysis was since we have the corridor master plan and how everything would come together. Mr. Gabiou acknowledged that this would be the foundation for the study and was certain that it would be moving forward with recommendations. Ms. Dunno suggested a lunch together to peruse the VISSIM videos and Mr. Wessel responded he would like to review them first and then provide a narrative. Mr. Barrett inquired how close KHA was to being done and Mr. Wessel answered they were pretty much done.

This item was tabled.

3. FY 2018 Work Program and FY2018-2022 Transportation Improvement Program **(pages 18-22)**

FMPO Staff: **David Wessel, Manager**

REQUESTED ACTION: Discussion and Direction

Staff will present a rough draft of the FY 18 Work Program. An overview of the retreat findings, subsequent Executive Board action, and Intermodal Planning Group reaction to a draft plan will be provided for discussion. The impacts on the transportation improvement program of prospective Work Program use of surface transportation program funds will be discussed.

RECOMMENDED ACTION: **Discussion and Direction**

Mr. Wessel stated that a variety of organization review would still take a bit of staff time to review and noted the FMPO Executive Board is aware of the various support roles the FMPO must play and directed the TAC to review page 19 of the Staff Report. He continued that most of the technical work will be participation and he still did not have dollar figures (translating to staff time).

Mr. Wessel continued that the primary role of the TIP is to direct federal monies and added if the Executive Board chooses to fund additional staff, direction could change. He added that the HURF exchange does change the game a bit and makes smaller projects more attractive. He directed the TAC to page 20 (*other tech programs that he should bring to the attention of the Executive Board*), and added that performance management is becoming routine.

Mr. Barrett noted to bullet point the rough draft and call it a corridor master plan and not a study and then send as a Staff Report to the Executive Board and not to call it a TIP. Discussion ensued.

4. FMPO TIP Project Status **(no handout)**

FMPO Staff: **David Wessel, Manager**

REQUESTED ACTION: Discussion and Possible Action

Project sponsors will provide a progress update on their respective projects. ADOT staff may be present to provide guidance and seek comment on the project status and advancement. Particular attention will be paid to additional funding needs that may impact FY 2019 and FY 2020 funds available.

RECOMMENDED ACTION: **Discussion only**

Tabled for time, but was touched upon in announcements at the beginning of the meeting.

III. NEW BUSINESS

1. FMPO FY 2018 Transportation Improvement Program Amendment
Plaza Way Right Turn Lane **(pages 23-26)**

FMPO Staff: **David Wessel, Manager**

REQUESTED ACTION: Discussion and Possible Action

The ADOT Plaza Way Southbound Right Turn lane project is scheduled for Fiscal Year 2018. It is estimated to be approximately $101,000 underfunded for construction and $13,000 underfunded for design. FMPO currently has $370,000 programmed for LED street lights to implement the Dark Skies applied research project from which the money may be extracted. That effort is nearing completion.

POSSIBLE **ACTION: Recommend amendment of the FY2018 TIP to shift $114,000 from the Dark Skies lighting project to the Plaza Way right turn lane project**

Mr. Wessel discussed the shift of LED funds noted that SLEDS was research and testing and then directed this item to Mr. Reisner who provided an overview of the background on the Plaza Way project and noted it was currently over budget due to Right of Way (ROW). He added that one issue not being addressed were some drainage issues. He continued that he would be going to PRB for ROW costs and added that the drainage issues won't be done unless monies come from somewhere else. Discussion ensued.

Motion: Mr. Reisner made a motion to amend the FY18 TIP to shift $114,000 from the Dark Skies lighting project to the Plaza Way right turn lane project. Mr. Bauman seconded the motion. Motion passed unanimously.

2. Coordination Plan Update & Amendments (pages 26-30)

FMPO Staff: Martin Ince, Multimodal Planner
REQUESTED ACTION: Discussion and Possible Action

Staff will introduce the proposed amendments to the FMPO Coordinated Public Transit - Human Services Transportation Plan.

RECOMMENDED ACTION: Recommend approval to the Executive Board of amendments to the Coordination Plan

Mr. Ince noted that an annual updated plan is required by ADOT in order to be eligible for funding which is fairly routine. He added that Kate Morley is working on a more substantial update.

Motion: Ms. Dunno made a motion to recommend approval to the Executive Board for Coordinated Plan Approval. Mr. Folke seconded the motion. Motion passed unanimously.

3. Potential Highway Safety Improvement Program Applications (no handout)

FMPO Staff: David Wessel, Manager
Martin Ince, Multimodal Planner
REQUESTED ACTION: Discussion only

Staff will review safety "hot spots" identified in the Regional Transportation Plan and draft Active Transportation Master Plan and receive TAC advice on projects to investigate further.

RECOMMENDED ACTION: Discussion and Direction

Mr. Wessel announced that HSIP program application is October 2nd, 2017 and added they wanted to put together a solid application.

4. MPO Working Calendar and Items from TAC Members (no handout)

IV. CONCLUDING GENERAL BUSINESS

1. REPORTS

Staff Report

2. ANNOUNCEMENTS

(Informal Announcements, Future Agenda Items, and Next Meeting Date)

TAC	May 4, 2017 1:30 p.m. Coconino County Human Resources
Management Committee	April 14, 2017 10:00 a.m.
Executive Board	April 27, 2017 10:45 a.m. Flagstaff City Council Chambers

The Transportation Improvement Program (TIP) includes Northern Arizona Intergovernmental Public Transportation Authority final program of projects for section 5307 funding under the Federal Transit Administration, unless amended. Public notice procedures for the TIP also satisfies FTA public notice requirements for the final program of projects.

ADJOURNMENT Vice Chair Gabiou adjourned the meeting at 3:32 pm

CERTIFICATION OF POSTING OF NOTICE

The undersigned hereby certifies that a copy of the foregoing notice was duly posted at Flagstaff City Hall on April 3, 2017 at 1:00 pm in accordance with the statement filed by the Recording Secretary with the City Clerk.

Dated this 3rd Day of April 2017. By: _____

Flagstaff Metropolitan Planning Organization

Dusty Rhoton, FMPO Admin. Specialist

7. E.

CITY OF FLAGSTAFF

STAFF SUMMARY REPORT

To: The Honorable Mayor and Council

From: Jessica Lawrence, Visitor Center Manager

Co-Submitter: Trace Ward

Date: 09/09/2019

Meeting Date: 09/17/2019

TITLE:

Consideration and Approval of Lease of City-Owned Property: Amendment to extend the Flagstaff Railroad Passenger Station Facility Lease with National Railroad Passenger Corporation (Amtrak) for a term of five (5) years, with options for renewal.

STAFF RECOMMENDED ACTION:

Approve an Amendment extending the Facility Railroad Passenger Station Facility Lease for a term of five years, with options for renewal.

Executive Summary:

Approval of an Amendment to extend the Flagstaff Railroad Passenger Station Facility Lease with Amtrak for use of the building located at 1 East Route 66, Flagstaff, AZ, 86001.

The Lease is for the interior area on the east side of the building consisting of approximately 1,000 square feet. The space will be used for the purpose of operating a passenger rail service with associated offices.

Financial Impact:

The City will receive $14,456.60 in rent for the first full year commencing October 1, 2019, and rent shall be increased 3% annually. The City pays for all utilities, maintenance and repair of the premises.

Policy Impact:

None.

Connection to Council Goal, Regional Plan and/or Team Flagstaff Strategic Plan:

TRANSPORTATION AND OTHER PUBLIC INFRASTRUCTURE
Deliver quality community assets and continue to advocate and implement a highly performing multi-modal transportation system.

Has There Been Previous Council Decision on This:

The City Council approved the original Lease, and it continues through September 30, 2019. The Lease will terminate unless this Amendment is approved.

Options and Alternatives:

1. Not approve the Amendment to extend the Lease and issue a competitive solicitation. This not recommended because as a practical matter the Flagstaff community benefits from having this centrally located railroad passenger station. Amtrak is considered to be a "sole source" provider for railroad passenger services.

2. Direct staff to try and negotiate a higher annual lease amount and/or a different lease terms with Amtrak.

Background/History:

The City of Flagstaff acquired the Railroad Passenger Station in 1993 from the Atchison, Topeka and Santa Fe Railway Company and assumed the lease to Amtrak to provide passenger rail service to Flagstaff. In 1994, a ten (10) year lease agreement was signed and was renewed in 2004, 2009, and for the final term under the agreement in 2014.

Community Benefits and Considerations:

Amtrak provides an important role in multi-modal transportation in Flagstaff by providing passenger rail service to the community. In Fiscal Year 2018 there were 44,000 riders departing and arriving at the Flagstaff Station, placing Flagstaff in the top 100 of stations on long distance lines in the US.

Attachments: Current Lease
Proposed Lease Amendment

VCBR 2004

AMTRAK

NATIONAL RAILROAD PASSENGER CORPORATION
530 WATER STREET, 5TH FLOOR
OAKLAND, CA. 94607

DATE: 04/24/06

TIME: 10:00 Am

TO: MR. Denny Birkland

FAX NO. 928 779-7656

PHONE NO. 928 779-7623

FROM: RICHARD GUY
PROJECT DIRECTOR
REAL ESTATE DEVELOPMENT
PHONE: (510) 238-2615
FAX NO. (510) 433-5919

PAGES (INCLUDING COVER) 10 Cheese & Letter dated 11/9/04

COMMENTS: Thanks for your Asst. Denny.
Please make sure the invoice is
Sent to the Above Address to my
Attention. Thanks

FLAGSTAFF RAILROAD PASSENGER STATION FACILITY LEASE

THIS FLAGSTAFF RAILROAD PASSENGER STATION FACILITY LEASE ("Lease") is entered into as of 8th day of November, 2004 by and between the City of Flagstaff, a municipal corporation of the State of Arizona, located at 211 W. Aspen Avenue, Flagstaff, Arizona, 86001, ("Lessor"), and the National Railroad Passenger Corporation, a corporation organized under the Federal Rail Passenger Service Act and operating as a District of Columbia corporation with offices 60 Massachusetts Avenue, N.E., Washington, D.C., 20002, ("Lessee").

Recitals

A. Lessor is the owner in fee simple of the land and improvements comprising the Flagstaff Railroad Passenger Station and the Flagstaff Visitor's Center ("Visitor's Center") located at 1 East Route 66 in Flagstaff, Arizona ("Premises"). A floorplan of the building on the Premises is graphically described on the attached Exhibit "A".

B. Lessee is in the business of providing national passenger rail service and desires to lease a portion of the Premises from Lessor for the sole purpose of providing such service in Flagstaff, Arizona.

C. Accordingly, the Parties are entering into this Lease subject to the terms and conditions set forth below.

Agreement

1. Leased Premises; Parking.

Lessor leases to Lessee and Lessee leases from Lessor an interior area on the east side of the building on the Premises consisting of approximately twelve hundred (1200) square feet, which area currently comprises the Flagstaff Railroad Passenger Station as depicted on the attached Exhibit "A" ("Leased Premises"). In addition, Lessee shall be allowed to use the exterior platform area on the railway side of the Premises, and shall be allocated three reserved parking spaces in the parking lot located on the east side of the Premises at no additional costs.

2. Term and Renewals.

The term of this Lease shall be five (5) years, commencing on October 1, 2004 ("Commencement Date"), and ending on September 30, 2009, unless sooner terminated by Lessee upon sixty (60) days written notice to Lessor in the event that Lessee's rail passenger service in Flagstaff is relocated or otherwise ceases operation. Provided Lessee has not sooner terminated this Lease and is not in default upon the natural expiration of the initial term of this Lease, Lessee may renew the term of this Lease for two (2) consecutive renewal terms of five (5) years each by notifying Lessor in writing at least sixty (60) days prior to expiration of the then current term of the Lease. Any renewal lease shall be on the same terms and conditions contained in this Lease except there shall be no renewal allowed after the second renewal term has expired.

3. **Rent.**

On or before the Commencement Date and the anniversary of that date thereafter, Lessee shall pay to Lessor rent at the rate of SEVEN DOLLARS & FORTY CENTS ($7.40) per square foot of the Leased Premises as shown on the attached Exhibit "A". This rental rate includes utility service charges for electricity, natural gas, sewer, water, and sanitation services, and shall be increased by three percent (3%) annually to reflect cost increases incurred by Lessor. TOTAL ANNUAL RENT for the first full year shall be EIGHT THOUSAND EIGHT HUNDRED EIGHTY DOLLARS ($8,880.00), as shown on the attached Exhibit "B".

4. **Use of Leased Premises.**

Lessee shall use the Leased Premises only for the purpose of operating a passenger rail service station, with associated offices and other facilities provided for such purpose and for operations incidental thereto, including, but not limited to, business operations, ticketing, waiting area, mail, package and express service and related mechanical and engineering facilities ("Use").

5. **Compliance with Laws.**

Lessee acknowledges and agrees that it shall allow no trade or occupation to be conducted on the Leased Premises which is unlawful, or contrary to any applicable law. Lessee shall comply with all present and future Federal, State and local laws, statutes, ordinances, rules and regulations, applicable to Lessee in connection with Lessee's Use of the Leased Premises. However, Lessee shall not be required to make any physical changes to the Leased Premises. Throughout the term of this Lease, and of any renewal thereof, Lessor, at its sole cost, shall be responsible for compliance with all applicable provisions of the Americans with Disabilities Act of 1990 (Public Law No. 101-336) and with all applicable regulations thereunder as well as all future Federal, State and local laws, statutes, ordinances, rules and regulations regarding Lessor's ownership of the Premises and other obligations pursuant to this Lease.

6. **Hours of Operation; Visitor's Center.**

Lessee shall have the right to keep the Leased Premises open at all such times as it desires or is necessary for the operation of a passenger rail service station. Lessee acknowledges and agrees that the portion of the Premises comprising the west side of the building is occupied by the Visitor's Center as shown on attached Exhibit "A". Lessee further acknowledges and agrees that the Visitor's Center is intended to be separate and apart from the Leased Premises and may have hours of operation that differ from the passenger rail service station hours of operation. Currently, the Visitor's Center hours of operation are as follows: Regular Hours – 7:00 a.m. to 6:00 p.m. Summer Hours – 7:00 a.m. to 7:00 p.m. For security purposes, all public access to the Visitor's Center, including all access by Lessee, its subtenants, licensees, invitees and/or its rail service passengers, shall be unavailable after closing hours. Both the separate exterior entrance to the Visitor's Center and the interior wall between the Visitor's Center and the Leased Premises, shall remain locked until opening time next morning.

7. **Signs.**

Lessee and its subtenants and licensees shall, at their sole cost and expense, have the right to place signs on the Leased Premises after first obtaining approval of Lessor. Lessee, at its sole cost and expense and subject to Lessor's prior approval, shall be responsible for placing "reserved parking" signs at its three parking spaces located in the east side parking lot of the Premises. Lessee shall keep all signs on the Leased Premises and in its parking area in a good state of repair. Lessee agrees to indemnify, defend and hold harmless Lessor from any loss or damage resulting from Lessee's sole, gross negligence or willful misconduct in the erection, maintenance, existence, or removal of any signs placed by Lessee and its subtenants and licensees. Lessee shall not place or allow to be placed any sign on the Leased Premises, or in the parking area on the Premises, that is in violation of any applicable law, ordinance or rule of any government agency.

8. **Assignment; Subleasing; Licensing.**

Lessee shall have the right to assign this Lease, or to sublet or license the use of space within the Leased Premises, and to retain any revenue from such subleases and licenses, upon first obtaining the written consent of Lessor, which consent shall not be unreasonably withheld, conditioned or delayed. Lessor shall have the right to place reasonable conditions on its consent to any such assignments, subleases or licenses. For purposes of this paragraph, allowable subleases and licenses shall include, but not be limited to, agreements for: car rental services; news stands; gift/souvenir shops; food services; coin-operated vending machines; and telephones. Lessee shall have the right to automatically assign this Lease if such assignment is due to statute, regulation, legislation or a judicial decree.

9. **Lessor's Access.**

Lessor, its officers, employees or agents, may, at all reasonable times, enter and have access to the entire Leased Premises for inspection purposes provided that Lessor gives at least twenty-four (24) hours prior notice and is accompanied by a designated employee of Lessee.

10. **Indemnification.**

Lessee is a self-insurer and shall indemnify, defend and hold Lessor harmless against any claims for injury or damage to persons or property arising on the Leased Premises, or in Lessee's allocated parking spaces on the Premises, by reason of the sole, gross negligence or willful misconduct of Lessee, its agents, and employees. Lessee shall cause all contracts with subtenants, licensees or contractors pertaining to the Use of the Leased Premises to indemnify, defend and hold Lessor and Lessee harmless against any claims for injury or damage to persons or property arising on the Leased Premises or in Lessee's allocated parking spaces on the Premises.

Lessor shall indemnify, defend and hold Lessee harmless against any claims for injury or damage to persons or property arising on the Premises, by reason of the sole, gross negligence or willful misconduct of Lessor, its agents, employees, invitees, licensees, or contractors.

11. **Utilities.**

Lessor shall be responsible for all electricity, gas, water, sanitation charges, and any other utility expenses of the Leased Premises except for communications. Lessee shall be responsible for all installation, maintenance, or other costs associated with communications service or equipment on the Leased Premises owned or operated by Lessee, its subtenants or licensees.

12. **Maintenance and Repair.**

Lessor shall be responsible for the general maintenance and repair of the Premises. Lessee agrees to allow Lessor access to the Leased Premises at any reasonable hour in order for Lessor to make necessary repairs. Except as indicated below, Lessor shall be responsible for the following maintenance and repair of the Premises: all structural repairs; periodic window washing of all exterior windows; daily maintenance of all common areas and walls; snow removal from, and maintenance of, all driveways, sidewalks, landscaping, parking lots and common areas; and maintenance and repair of the plumbing, heating, ventilating, air conditioning and electrical systems on the Premises. Lessor agrees to provide janitorial service to all common areas on the Premises. Lessee shall be responsible for cleaning and routine maintenance of areas of the Leased Premises used solely by Lessee, its subtenants or licensees, such as behind counter areas. Lessor and Lessee acknowledge and agree that, pursuant to applicable railroad safety regulations, Lessee shall be solely responsible for all maintenance, such as trash pick-up, snow removal and repairs, in the exterior platform area on the railway side of the Premises located within twenty-five (25) feet of the railroad tracks. If either Lessor or Lessee ("Parties") fails to perform any of its responsibilities under this Section 12 after being given reasonable notice and opportunity to cure by the other Party, the other Party may perform said work and bill the non-performing Party for all reasonable costs associated with said work.

13. **Notice.**

Any notice from Lessor to Lessee relating to this Lease shall be deemed duly served if mailed to Lessee by registered or certified mail, return receipt requested, postage prepaid, at 30th Street Station, 4th Floor South, Philadelphia, PA 19104 (Attention: Real Estate Department) or at such other address as Lessee may from time to time advise in writing. Any notice from Lessee to Lessor relating to this Lease shall be deemed duly served if mailed to Lessor by registered or certified mail, return receipt requested, postage prepaid, at 211 W. Aspen Avenue, Flagstaff, Arizona, 86001 (Attention: Real Estate Manager) or at such other address as Lessor may from time to time advise in writing.

14. **Quiet Enjoyment.**

Lessor agrees that it shall not interfere with Lessee's quiet and peaceful enjoyment of the Leased Premises, or with that of Lessee's subtenants, licensees, patrons or invitees.

LESSOR: City of Flagstaff

By: Joseph A. Donaldson

Title: Mayor

ATTEST:

Margie Brown

City Clerk

APPROVED AS TO FORM:

City Attorney

LESSEE: National Railroad Passenger Corporation

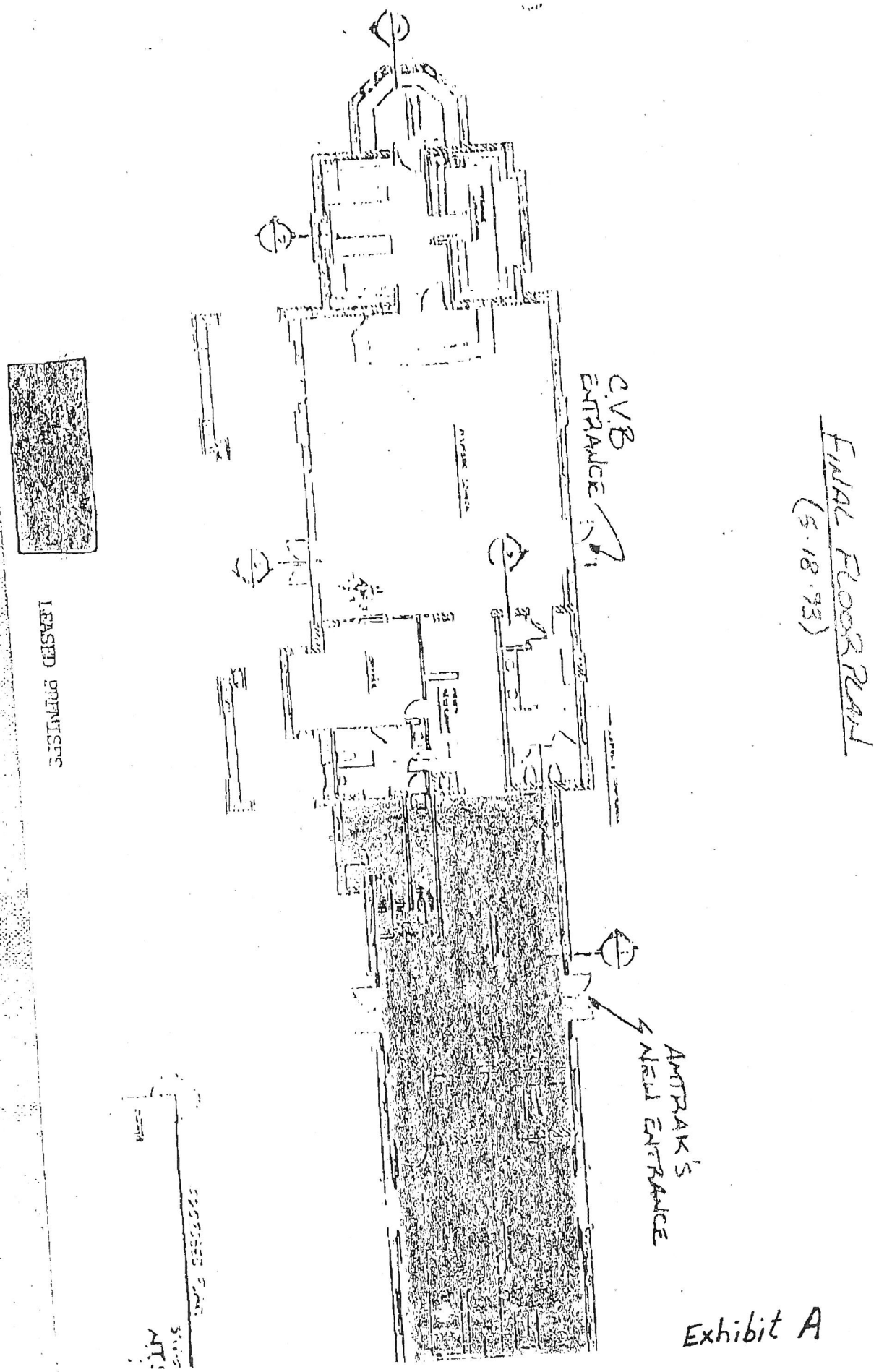
By: Sally J. Bellet

Sally J. Bellet, Esquire
Vice President
Real Estate Development

Title:

WITNESS:

Nancy G. Edwards



FINAL FLOOR PLAN (5.18.23)

Exhibit A

2029
L1

VCBR

Flagstaff Passenger Station

Exhibit "B"

		Annual rent	
2004	Year 1	$	8,880.00 ✓
2005	Year 2	$	9,146.40 ✓
2006	Year 3	$	9,420.79 ✓
2007	Year 4	$	9,703.42 ✓
2008	Year 5	$	9,994.52
2009	Year 6	$	10,294.35
2010	Year 7	$	10,603.18
2011	Year 8	$	10,921.28
2012	Year 9	$	11,248.92
2013	Year 10	$	11,586.39

Rent is for approximately 1200 square feet of building area and includes utilities, taxes, maintenance and allocated parking. A 3% annual escalation rate is applied to adjust for increases in operating and maintenance expenses.

LEASE NAME: Flagstaff Railroad Passenger Station Facility Lease

AMENDMENT: _____, 2019

CONTRACT NUMBER: 2020-06

PROCUREMENT METHOD: Sole Source

The Flagstaff Railroad Passenger Station Facility Lease dated November 8, 2004 ("the Lease") entered into by and between the City of Flagstaff, an Arizona municipal corporation ("Lessor") and National Railroad Passenger Corporation, a corporation organized under the Federal Rail Passenger Service Act and operating as a District Columbus corporation ("Lessee") is hereby amended:.

The Lease, sections 1, 2, 3 and 6 are amended from and after October 1, 2019 as follows (additions shown in underlined capitalized text, and deletions shown as stricken):

1. **Leased Premises; Parking.**

   Lessor leases to Lessee and Lessee leases from Lessor an interior area on the east side of the building on the Premises consisting of approximately twelve hundred (1,200) square feet, which area comprises the Flagstaff Railroad Passenger Station as depicted on the attached Exhibit "A" ("Leased Premises"). In addition, Lessee shall be allowed ~~to~~ NON-EXCLUSIVE use OF the exterior platform area on the railway side of the Premises, and shall be allocated three reserved parking spaces in the parking lot located on the east side of the Premises at no additional cost.

2. **Term and Renewals.**

   THE LEASE IS HEREBY RENEWED FOR A TERM OF FIVE (5) YEARS, COMMENCING ON OCTOBER 1, 2019 ("RENEWAL DATE") AND ENDING ON SEPTEMBER 30, 2024, ~~The term of this Lease shall be five (5) years commencing on October 1, 2004 ("Commencement Date") and ending on September 30, 2009,~~ unless sooner terminated by Lessee upon sixty (60) days written notice to Lessor in the event that Lessee's rail passenger service in Flagstaff is relocated or otherwise ceases operation. Provided Lessee has not sooner terminated this Lease and is not in default upon expiration of the CURRENT ~~initial~~ term of this Lease, Lessee may renew the term of this Lease for two (2) consecutive renewal terms of five (5) years each by notifying Lessor in writing at least sixty (60) days prior to expiration of the then current term of the Lease. THE CITY MANAGER IS DELEGATED AUTORITY TO APPROVE ANY RENEWAL TERM OR HOLDOVER OF UP TO 90 DAYS UNDER THE SAME TERMS AND CONDITIONS CONTAINED IN THIS LEASE, AND ANY CHANGES IN VISITOR'S CENTER HOURS. ~~Any renewal shall be on the same terms and conditions contained in this Lease except there shall be no renewal allowed after the second renewal term has expired.~~

3. **Rent; TAXES.**

   THE RENT COMMENCING ON OCTOBER 1, 2019 SHALL BE $14,456.60 FOR THE YEAR ENDING SEPTEMBER 30, 2020, AND IS PAYABLE IN ADVANCE. ~~On or before the Commencement Date and the anniversary of that date thereafter, Lessor shall pay to Lessor rent at the rate of SEVEN DODLLARS & FORTY CENT CENTS ($7.40) per square foot of the Leased Premises as shown on the attached Exhibit "A".~~ This rental rate includes utility

service charges for electricity, natural gas, sewer, water, and sanitation services, and shall be increased by three percent (3%) annually to reflect cost increases incurred by Lessor. ~~TOTAL ANNUAL RENT for the first year shall be EIGHT THOUSAND EIGHT HUNDRED EIGHT DOLLARS ($8,880.00) as shown on the attached Exhibit "B".~~

6. **Hours of Operation; Visitor's Center.**

Lessee shall have the right to keep the Leased Premises open at all such times as it desires or is necessary for the operation of a passenger rail service station. Lessee acknowledges and agrees that the portion of the Premises comprising the west side of the building is occupied by the Visitor's Center as shown on attached Exhibit "A". Lessee further acknowledges and agrees that the Visitor's Center is intended to be separate and apart from the Leased Premises and may have hours of operation that differ from the passenger rail service station hours of operation. Currently, the Visitor's Center hours of operation are as follows: MONDAY THROUGH SATURDAY -- 8:00 A.M TO 5:00 P.M; SUNDAYS: 9:00 A.M. TO 4:00 PM. ~~Regular Hours -- 7:00 a.m. to 6:00 p.m. Summer Hours -- 7:00 a.m. to 7:00 p.m.~~ For security purposes, all public access to the Visitor's Center, including all access by Lessee, its subtenants, licensees, invitees arid/or its rail service passengers, shall be unavailable after closing hours. Both the separate exterior entrance to the Visitor's Center and the interior wall between the Visitor's Center and the Leased Premises shall remain locked until opening time next morning.

All other provisions, terms and conditions of the Agreement shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have duly executed this Amendment.

LESSOR
City of Flagstaff
211 W. Aspen
Flagstaff, AZ 86001

By Its Authorized Representative:

_____
Signature

_____
Coral Evans, Mayor

Attest by:

_____
Stacy Saltzburg, City Clerk

Approved as to form by:

_____
City Attorney's Office

LESSEE
National Railroad Passenger Corporation
60 Massachusetts Avenue, N.E.
Washington, D.C., 20002

By Its Authorized Representative:

_____
Signature

_____
Printed Name

7. F.

CITY OF FLAGSTAFF

STAFF SUMMARY REPORT

To:	The Honorable Mayor and Council
From:	Sarah Darr, Housing Director
Co-Submitter:	Charity Lee
Date:	09/09/2019
Meeting Date:	09/17/2019

TITLE:

Consideration and Approval of Amendment One to Purchase Agreement: Between the City of Flagstaff and Brinshore Development LLC, an amendment to clarify the total compensation provided by the purchaser to the seller with no change to the payment terms or the total amount.

STAFF RECOMMENDED ACTION:

Approve Amendment One to the Purchase Agreement.

Executive Summary:

Brinshore has requested an amendment to the Purchase Agreement to clarify the compensation provided to the seller. **There is no change to the payment terms or the total amount.**

On March 6, 2018, City Council approved a purchase agreement with Brinshore Development LLC (Brinshore) for three City-owned parcels of land on which Brinshore is responsible for the construction of a minimum of 74 units of permanently affordable housing with an Average Median Income (AMI) of at or below 48%.

In 2018 Brinshore was successful in obtaining an award of Low Income Housing Tax Credits (LIHTC) from the Arizona Department of Housing (ADOH) and is in the processes of finalizing documents.

City staff is still working through the details of Amendment One with Brinshore. The proposed amendment will be attached prior to the final agenda going out to Council.

Financial Impact:

There is no fiscal impact to the City of Flagstaff. The total compensation provided by Brinshore is the same and on the same payment schedule as the unamended Purchase Agreement.

Policy Impact:

Approval of Amendment One to the Purchase Agreement furthers Council's identified affordable housing goals.

Connection to Council Goal, Regional Plan and/or Team Flagstaff Strategic Plan:

Council Goal:

Support the development and increase the inventory of public and private affordable housing for renters and home-owners throughout the community.

Has There Been Previous Council Decision on This:

- May 23, 2017 – City Council Work Session
- June 27, 2017 – City Council Work Session
- July 7, 2017 – City Council approved the Housing Section's Request for Proposals for the development of three City-owned parcels for multi-family affordable housing.
- September 12, 2017 – City Council provided direction to staff to pursue a Concept Zoning Map Amendment on two of the three City-owned parcels for the purpose of developing multi-family affordable housing.
- December 19, 2017 – First reading of Ordinance 2018-06 Authorizing Staff to Sell or Lease City Property for Affordable Housing.
- January 2, 2018 – City Council approved final reading of Ordinance 2018-06 and both zoning map amendment requests with conditions.
- March 6, 2018 – City Council approved a Purchase Agreement to sell the three parcels to Brinshore Development.
- May 7, 2019 – City Council approved the three site plan submittals.

Background/History:

On July 7, 2017, Council gave staff direction to move forward with a Request for Proposals (RFP) for the Development of the City Properties "Scattered Sites". On August 14, 2017, Purchasing posted the RFP solicitation #2018-02 for Scattered Sites Affordable Housing on the PlanetBids website and published an advertisement in the Arizona Daily Sun on August 20 and 27, 2017. On September 26, 2017, staff received three proposals in response to the RFP. A six-member selection committee independently reviewed and evaluated the proposals in accordance with the evaluative criteria established in the RFP. The evaluation committee consisted of four city staff members and two outside members. Based on the numerical evaluation of the proposals, Brinshore Development LLC was the highest scoring proposer.

On January 2, 2018, the City Council of Flagstaff, Arizona passed and adopted Ordinance Number 2018-06 authorizing the sale or lease of City Property for Affordable Housing, the "Scattered Sites". Approval of the Purchase and Sales Contract will give the developer site control and allow the submission of an application to the Arizona Department of Housing for Low Income Housing Tax Credits (LIHTC) which, if awarded, will allow the development of Affordable Housing units on the three sites.

Council approved the concept rezoning of two of the three parcels (3100 N. West Street and 1700 E. Sixth Avenue) on January 2, 2018, from Public Facility to Medium Density Residential. Brinshore conducted neighborhood outreach before preparing the final site plans that were presented to Council and approved on May 7, 2019.

Key Considerations:

Brinshore was successful in obtaining an award of Low Income Housing Tax Credits (LIHTC) in 2018 to fulfill the development component of the Purchase Contract. This amendment is one of the final steps prior to Brinshore closing on the land and beginning construction. The LIHTC deadline for the units to be completed is the end of December 2020.

Expanded Financial Considerations:

Proceeds and interest from the sale of the properties will be utilized for future affordable housing efforts.

Community Benefits and Considerations:

Increase affordable the number of rental housing units in Flagstaff.

Community Involvement:

In addition to the dates provided in the "Has There Been Previous Council Decision on This:" section in this document, there were neighborhood meetings held by City Staff in 2017 and by Brinshore in 2018.

Expanded Options and Alternatives:

1. Approve Amendment One to the Purchase Agreement as proposed.
2. Modify the proposed Amendment One and approve.
3. Do not approve Amendment One to the Purchase Agreement.

Attachments:

City Council Meeting - FINAL **12. A.**

Meeting Date: 09/17/2019

From: Sara Dechter, AICP, Comprehensive Planning Manager

Information

TITLE:

Consideration and Adoption of Ordinance No. 2019-29: A Zoning Map Amendment, requested by San Francisco de Asis Parish and the Planning Director, of approximately 0.62 acres located at 244 S. Kendrick Street to add Landmarks Overlay (LO) Zone to the existing zoning classification of High Density Residential (HR) Zone.

STAFF RECOMMENDED ACTION:

In accordance with the findings presented by staff, approve the requested Zoning Map Amendment to add the Landmark Overlay (LO) district to Our Lady of Guadalupe (PZ-19-00126-01) and take the following action:

At the September 17, 2019 Council Meeting:
1) Read Ordinance No. 2019-29 by title only for the first time
2) City Clerk reads Ordinance No. 2019-29 by title only (if approved above)
At the October 1, 2019 Council Meeting:
3) Read Ordinance No. 2019-29 by title only for the final time
4) City Clerk reads Ordinance No. 2019-29 by title only (if approved above)
5) Adopt Ordinance No. 2019-29

Executive Summary:

The proposed rezoning would add the Landmark Overlay to the existing zoning for a portion of APN 103-07-021B. This would make future development on the property subject to the Design Standards and Guidelines of the Landmark Design Review Overlay District and subject to approval by the Historic Preservation Commission.

The Heritage Preservation Commission recommended approval of this application on Wednesday, July 17, 2019, which also served as the required neighborhood meeting.

The Planning and Zoning Commission recommended approval of this application on Wednesday, August 28, 2019, with the condition that the State Historic Preservation Office review the restoration plan for the convent building prior to sending it to the Heritage Preservation Commission.

All required notices have been posted in the newspaper of general circulation and on the site. The application meets the required findings in the following manner:

1. The National Register status of a National Landmark and review of integrity by City staff show that the property meets the findings for the Landmark Overlay.
2. General Plan/Flagstaff Regional Plan (FRP 2030) Process and Analysis Summary: The adoption of a Landmark Overlay for Our Lady of Guadalupe Catholic Church is consistent with the goals and policies of the Flagstaff Regional Plan 2030 and the La Plaza Vieja Neighborhood Specific Plan.

Financial Impact:

None

Policy Impact:

None

Connection to Council Goal, Regional Plan and/or Team Flagstaff Strategic Plan:

Flagstaff Regional Plan 2030 Policies

Policy CC.2.2. Formally recognize heritage resources through designation as local landmarks and historic districts.
Policy CC.2.4. Support restoration and rehabilitation of historic housing, buildings, structures, and neighborhoods.
Policy CC.2.11. Assist businesses and residents who are caretakers of historic resources, maximize the economic value of their property without damaging the integrity of the historic resource.
Policy LU.11.5. Encourage adaptive re-use of historic structures for a variety of commercial spaces and housing options.

Has There Been Previous Council Decision on This:

La Plaza Vieja Neighborhood Specific Plan was adopted in 2015. The Plan calls for consideration of impacts to the views of the Our Lady of Guadalupe Church under Policy 6C.2.

Attachments

Ord. 2019-29
Staff Report
Application
Area Context Map
Legal Notice
Draft Planning and Zoning Commission Meeting Minutes for August 28,2019
Draft Heritage Preservation Commission Minutes for July 17, 2019

ORDINANCE NO. 2019-29

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF, AMENDING THE FLAGSTAFF ZONING MAP TO REZONE APPROXIMATELY 0.62 ACRES OF REAL PROPERTY GENERALLY LOCATED AT 224 S KENDRICK STREET (PREVIOUSLY KNOWN AS NORMAL SCHOOL ADDITION BLOCK 119 TRACTS 1 THROUGH 8) BY ADDING A LANDMARKS OVERLAY DISTRICT DESIGNATION ("LO") TO THE EXISTING HIGH DENSITY RESIDENTIAL NEIGHBORHOOD ("HR") ZONING CLASSIFICATION; PROVIDING FOR SEVERABILITY, AUTHORITY FOR CLERICAL CORRECTIONS, AND ESTABLISHING AN EFFECTIVE DATE

RECITALS:

WHEREAS, the San Francisco de Asis Catholic Parish and the Archdiocese of Phoenix ("Owner") are the owners of approximately 0.62 acres of the land in the City of Flagstaff, Coconino County, Arizona, currently zoned HR, located at 224 South Kendrick Street (previously known as Normal School Addition Block 119 Tracts 1 through 8), and specifically described and depicted in attached Exhibit "A," incorporated herein by this reference ("Property"); and

WHEREAS, pursuant to Flagstaff Zoning Code Division 10-30.30, et seq., an application ("Application") has been submitted by the Heritage Preservation Commission ("Applicant"), acting on behalf of the Owner, to amend the Zoning Map classification of the Property by adding an LO designation to the existing HR classification; and

WHEREAS, the use of the Property as a church, beginning in 1926, was a significant moment in Flagstaff history, as it was the first Catholic Church for families of Mexican descent; and

WHEREAS, the Mexican-American community of Flagstaff sacrificed to pay for and participated in the construction of this place of worship to serve their families and future generations; and

WHEREAS, Our Lady of Guadalupe Catholic Church was declared a shrine of the Diocese of Phoenix in 1972; and

WHEREAS, Our Lady of Guadalupe Catholic Church is listed on the National Register of Historic Places; and

WHEREAS, Our Lady of Guadalupe Catholic Church continues to be central in the community's rooted beliefs, customs, and practices; and

WHEREAS, pursuant to Flagstaff Zoning Code Section 10-30.30.050.B Determination of Significance of Cultural Resources, the Property meets the established criteria for amending the Zoning Map classification of a property to the LO designation; and

WHEREAS, on July 17, 2019, the Historic Preservation Commission, having considered the Application, the recommendation of the City's Historic Preservation Officer, and the testimony of the public, unanimously passed a motion recommending that the City Council add the LO designation to the Property; and

WHEREAS, on August 28, 2019, the Planning and Zoning Commission, having considered the recommendation of the Historic Preservation Commission and the testimony of the public, passed a motion recommending that the City Council amend the Zoning Map classification of the Property by adding an LO designation to the existing HR zoning classification; and

WHEREAS, the City Council has considered the recommendation of the Historic Preservation Commission and the Planning and Zoning Commission, and the public testimony presented to those bodies; and

WHEREAS, the City Council has considered the Application and the staff summary prepared by the Community Development Division, and finds that the proposed amendment will not be detrimental to the uses of adjoining parcels or to other uses within the vicinity of the Property; and

WHEREAS, the City Council finds that, in accordance with A.R.S. Section 9-462.01(F), the proposed amendment is consistent with and conforms to the Flagstaff Regional Plan and implements a strategy from the La Plaza Vieja Neighborhood Specific Plan.

ENACTMENTS:

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FLAGSTAFF AS FOLLOWS:

SECTION 1. That the Flagstaff Zoning Map designation of approximately 0.62 acres of the real property located at 224 South Kendrick Street, and specifically described and depicted in Exhibit "A," be amended by adding an LO designation to the existing HR classification.

SECTION 2. That, pursuant to Flagstaff Zoning Code Section 10-30.30.040 Designation of Landmark Properties or Historic Overlay Zones, the portion of the Property as described and depicted in Exhibit "A" be shown on the Official City of Flagstaff Zoning Map with the zoning designation of Landmarks Overlay (LO).

SECTION 3. That, prior to the City Council's final adoption of this Ordinance, the Owner shall execute an Agreement for the Waiver of Claims for Diminution of Value of Property with the City of Flagstaff, as authorized by Arizona Revised Statutes Section 12-1134(I).

SECTION 4. That, within 3 years of enactment of this ordinance, the Owner shall submit to the Heritage Preservation Commission and receive approval for a "restoration plan" to restore the historic integrity of the former convent on the Property and to provide for the life/safety of the public and the building's occupants. The submission must be reviewed by the State Historic Preservation Office prior to its preservation to the Commission. The Heritage Preservation Commission's decision will be the only approval required for the restoration plan and will be appealable to the Planning and Zoning Commission. In the event that the Owner fails to obtain an approved restoration plan with the 3-year time frame, the LO designation will remain on the property, but the owner will not receive any City permits for the property, unless for life/safety purposes, until the restoration plan is approved.

PASSED AND ADOPTED by the City Council and approved by the Mayor of the City of Flagstaff this 1st day of October, 2019.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

Exhibits:
A - Area Context Map

PLANNING AND DEVELOPMENT SERVICES REPORT
LANDMARK OVERLAY ZONING MAP AMENDMENT

PUBLIC HEARING
PZ-19-00126

DATE: August 16, 2019
MEETING DATE: August 28, 2019
REPORT BY: Sara Dechter

REQUEST:
Landmark Overlay Zoning Map Amendment, submitted by San Francisco de Asis parish and the Planning Director, of approximately 0.62 acres located at 244 S. Kendrick Street to add Landmarks Overlay (LO) Zone to the existing zoning classification of High Density Residential (HR) Zone.

STAFF RECOMMENDATION:
Staff recommends the Planning and Zoning Commission, in accordance with the findings presented in this report, forward the Landmark Overlay Zoning Map Amendment request to the City Council with a recommendation for approval.

PRESENT LAND USE:
The subject property is approximately a portion of 103-07-021B comprised of 0.62 acres. The parcels are currently owned by the San Francisco de Asis Catholic Parish. The legal description of the area proposed for the Zoning Map Amendment is "A portion of 103-07-021B, Lots 1, 2, 3, 4, 5, 6, 7 and 8 of Block 119 Normal School Addition." The property is currently used as a place of worship, meeting place, private paid parking lot, and a short-term retreat location for the Catholic parish.

PROPOSED LAND USE:
No modifications are proposed at this time. The parish is currently looking for a long-term tenant for the former convent, and this application anticipates a future adaptive reuse for this building.

NEIGHBORHOOD DEVELOPMENT:
See the attached area context map.

North: Commercial business, zoned Commercial Services (CS)
East: Single Family and accessory dwelling units, zoned High Density Residential (HR)
South: Butler Avenue and the High Country Conference Center
West: Commercial businesses, zoned Community Services (CS) and Highway Commercial (HC)

I. Project Introduction

A. Background

In the spring of 1926, Our Lady of Guadalupe church served as a church for primarily Spanish-speaking Roman Catholics of Flagstaff. Reverend Edward Albouy was appointed pastor of Flagstaff. He found out that the parish was in debt and sent out to make a solvent. By 1926 he had succeeded in doing so and had also set aside some funding to build a new church for the Spanish-speaking parishioners. The sentiments of white parishioners had an early influence on the decision to build the new church. Mrs. Philomena Babbitt donated a piece of land on which the church was built on to help reduce prejudice against Mexican parishioners who had to walk to the church from out of town. When they arrived to Mass they typically had dirt and dust on them from commuting which was the reasoning for building Our Lady of Guadalupe in the South of town so these families would not be members of Nativity of the Blessed Virgin Mary the first Catholic Church established in Flagstaff.

In the fall of 1926 construction of the main building was almost completed when effects of the local recession started to be felt by the community. This led to many of the Mexican families collecting money and putting in their time and labor to finish the project. By the fall of 1926 the church was nearly finished and on the day of the feast of Guadalupe, the church was dedicated to Our Lady of Guadalupe. The Spanish name was chosen in dedication to the Mexican parishioners. On December 5, 1926 the church was officially dedicated, the blessing of the ball took place. The following

Sunday, December 12 at 9:15a.m., the first mass was held and Our Lady of Guadalupe Church was established.

This property has been continually recognized as a historic and central place the preserves the community's rooted beliefs, customs, and practices. Our Lady of Guadalupe Catholic Church was declared a shrine of the Diocese of Phoenix in 1972. The property was listed on the National Register of Historic Places in 1986. In the 2015 La Plaza Vieja Neighborhood Specific Plan recognized the importance of preserving this place of worship for their neighborhood and the Hispanic community throughout Flagstaff and Northern Arizona. Throughout the process of preparing the Southside Community Plan, the church has been repeatedly mentioned as a high priority historic property and cultural gathering place for the community. Due to the buildings condition, there is a need to restore the property in order maintain its Landmark status in the future. The owner is not ready to outline that concept currently because the future tenant and use are yet undetermined.

B. Proposed Rezoning and Restoration Plan

The proposed rezoning would add the Landmark Overlay to the existing zoning for a portion of APN 103-07-021B. This would make future development on the property subject to the Design Standards and Guidelines of the Landmark Design Review Overlay District and subject to approval by the Historic Preservation Commission.

Because of the integrity of the former convent and the owner's desire to adaptively reuse the building, staff recommends that the rezoning include a requirement for a restoration plan for the former convent be prepared and approved by the Heritage Preservation Commission within 3 years of adoption of the Landmark Overlay.

On July 17, 2019, the Heritage Preservation Commission recommended approval of the rezoning request. This recommendation along with a recommendation from the Planning and Zoning Commission, will be presented to the City Council for use in their review and consideration of the rezoning request

II. Staff Review

A Landmark Property is "an individual property, object, structure, site, sign, or landscape feature may be designated as a landmark property within the Landmark Overlay zone if it is significant per the Zoning Code 10-30.30.040.

A conceptual or site plan for the property when considering a Landmark Overlay is simply the existing buildings and layout of the site. Therefore, site plan review standards do not typically apply in these cases.

Significance and Integrity of the Landmark

Our Lady of Guadalupe Catholic Church has been on the National Register of Historic Places since 1986. This establishes its significance. The National Register listing also includes the rectory which is currently used by the Hope Pregnancy Crisis Center. The owner would like to retain the right to do a substantial addition to this building, and therefore, elected no to include it in the Landmark Overlay designation. Landmark Overlays are a voluntary action for the property owner and the Zoning Code specifically states that "Property owner consent is required for designation of a landmark property" (10-30.30.040(C)2).

The property considered in this rezoning has two buildings a church and a former convent. The church building has very good integrity and is subject to the "preservation" portion of the Secretary of the Interiors Standards and Guidelines for the Treatment of Historic Properties. The former convent has moderate integrity as its from and many original materials are present. There are late period materials that negatively impact the integrity of the building. The owner also wants to make life/safety and energy efficiency upgrades at a future date. The former convent still has adequate integrity to maintain a finding under the Community Development and Association criteria for determining integrity. The former convent needs work in order to achieve the same level of Architectural integrity as the church.

III. Landmark Overlay Zoning Map Amendment Findings

Landmark Overlay Zoning Map Amendments shall be evaluated based on the following findings:

A. Finding #1: Significance and Integrity of the Proposed Landmark

The National Register status and review of integrity by City staff show that the property meets the findings for the Landmark Overlay.

B. Finding #2: Conformance and Consistency with the Regional Plan and applicable Specific Plans

The proposed amendment must be found to be consistent with and in conformance with the goals and policies of the General Plan and any applicable specific plans. If the application is not consistent with the General Plan, and any other applicable specific plan, the applicable plan must be amended in compliance with the procedures established in Chapter 11-10 of the City Code (Title 11: General Plans and Subdivisions) prior to considering the proposed amendment.

i. General Plan/Flagstaff Regional Plan (FRP 2030) Process and Analysis Summary

The adoption of a Landmark Overlay for Our Lady of Guadalupe Catholic Church is consistent with the goals and policies of the Flagstaff Regional Plan 2030 and the La Plaza Vieja Neighborhood Specific Plan.

ii. Applicable General Plan Goals and Policies

As part of its review, staff identified relevant Regional Plan Goals and Policies that could be applied to support or not support the proposed Zoning Map Amendment. The following is a discussion of how the project generally meets or conflicts with goals and policies in each chapter.

a. Efficient Use of Energy Goals and Policies

Policy E.1.4. Promote cost-effective, energy-efficient technologies and design in all new and retrofit buildings for residential, commercial, and industrial projects.

The Regional Plan Policy E.1.4 promotes cost-effective, energy-efficient technologies and design in all new buildings for residential construction. The property owner proposes to restore the convent and will look at the potential energy efficiency improvements and savings that can be made as part of the restoration plan for the convent. *National Park Service Preservation Brief 3: Improving Energy Efficiency in Historic Buildings* would be used to guide this part of the restoration plan.

b. Community Character (Scenic Resources and Natural Setting, Heritage Preservation, Community Design, and Arts, Sciences and Education)

Policy CC.2.2. Formally recognize heritage resources through designation as local landmarks and historic districts.

Policy CC.2.4. Support restoration and rehabilitation of historic housing, buildings, structures, and neighborhoods.

Policy CC.2.10. Educate the community and developers on the benefits of adaptive reuse and create policies to incentivize the reuse of historic buildings to maintain their integrity.

Policy CC.2.11. Assist businesses and residents who are caretakers of historic resources, maximize the economic value of their property without damaging the integrity of the historic resource.

The Regional Plan's policies related to Historic Preservation supports the preservation and restoration of historic buildings and the formal recognition of landmarks. This proposed Zoning Map amendment supports the San Francisco de Asis Parish as the caretaker of an irreplaceable community asset in both the preservation and restoration of the resource and adaptive reuse to support their organization mission.

e. Growth Areas & Land Use (Reinvestment, Greenfield, Urban Area, Suburban Area, Rural Area, Employment Area, Special Planning Area, and Activity Centers)

Policy LU.10.3.Value the Historic Neighborhoods established around downtown by maintaining and improving their highly walkable character, transit accessibility, diverse mix of land uses, and historic building form.
Policy LU.11.5. Encourage adaptive re-use of historic structures for a variety of commercial spaces and housing options.

Preservation of the historic buildings, like Our Lady of Guadalupe, that anchor the Southside Historic District supports the character of the community and the use and reuse of the historic structures on the property.

ii. Applicable Specific Plans

Our Lady of Guadalupe Catholic Church is identified as a priority view from the La Plaza Vieja Neighborhood. The preservation of the building will not prevent larger buildings from being developed along Milton Road but it will retain the object the community wants to view to the best of the City's and property owners ability.

IV. CITIZEN PARTICIPATION

Public hearings before the Planning and Zoning Commission and City Council are conducted in conjunction with requests for Landmark Overlay Zoning Map Amendments. In accordance with State Statute, notice of the public hearing was provided by placing an ad in the Daily Sun, posting notices on the property, and mailing a notice to all property owners within 300 feet of the site excluding rights-of-way.

The developer held a Heritage Preservation meeting in lieu of a neighborhood meeting, which is permitted by the Zoning Code. The meetings was held on July 17, 2019 at City Hall. The second meeting was waived by the Planning Director. Per the sign-in sheets, approximately 15 individuals attended the Heritage Preservation meeting and 2 community members got up and spoke to the Commission. One spoke in support of the amendment and the second had a question about why the rectory was not included in the Landmark Overlay. Questions were answered at the meeting. The Heritage Preservation Commission forwarded the recommendation to adopt a Landmark Overlay to the Planning and Zoning Commission and the City Council unanimously. The record of the meeting can be found at: https://flagstaffaz.swagit.com/play/07172019-1348

No written comments had been submitted to the HPO at the time of this report.

RECOMMENDATION:

Staff recommends approval of the Landmark Overlay designation with the condition that a restoration plan for the former convent be prepared and approved by the Heritage Preservation Commission within 3 years of adoption of the Landmark Overlay. This condition has been discussed with the owner and they have tentatively agreed to this term as it meets both the City's goal of protecting and historic property and the owners goal of predictability in the restoration of the former convent and to capture the intent and the ability adaptively reuse the building and address energy and life/safety upgrades.

Attachments:

- Application
- Area Context Map

- Legal Notice

City of Flagstaff — Community Development Division

211 W. Aspen Ave
Flagstaff, AZ 86001
www.flagstaff.az.gov
P: (928) 213-2969
F: (928) 779-7684

HPC

Date Received	Application to Heritage Preservation Commission	File Number
December 7, 2016		

Property Owner(s)	Title	Phone	Email
San Francisco De Asis Parish		(928) 779-1341	frmowrer@gmail.com
Mailing Address			**City, State, Zip**
1600 East Route 66			Flagstaff, AZ 86001
Applicant	**Title**	**Phone**	**Email**
Karl Eberhard	Historic Preservation Officer	(928) 213-2969	keberhard@flagstaffaz.gov
Mailing Address			**City, State, Zip**
211 West Aspen Avenue			Flagstaff, AZ 86001

Property Interest of Applicant(s) (Owner, contractual interest, or agent)
Owner

Site Address	City, State, Zip
224 South Kendrick	Flagstaff, AZ 86001

Parcel Number(s)		Zoning District(s)
103-07-021B	(Block 119, Lots 1-8, Norma School Add)	HD-High Density Residential

Type of HPC Application Requested:

- ☒ Historic Overlay District Designation (If new, Name: Southside)
- ☒ Landmark Overlay District Designation
- ☐ Certificate of Appropriateness
- ☐ Certificate of No Effect
- ☐ Certificate of Economic Hardship
- ☐ Cultural Resource Study Review
- ☐ Historic Facades and Signs Grant

Property Information:

- ☒ Yes ☐ No Listed on the National Register of Historic Places? (Name:_____)
- ☒ Yes ☐ No Listed on the Arizona Register of Historic Places? (Name:_____)
- ☐ Yes ☒ No Located in an existing City of Flagstaff Historic District? (Name:_____)
- ☐ Yes ☐ No Non-residential development; structure is over 50 years old at the time of application?
- ☐ Yes ☐ No Residential development; structure is pre-World War II housing?
- ☐ Yes ☐ No Subject property is undeveloped land?

Note: Applications which are incomplete or not accompanied by the required information will not be accepted.

Property Owner Signature:	Date:	Applicant Signature:	Date:
	1-9-2017		

For City Use

Date Filed:_____ **HPC Hearing Date:**_____

Fee Receipt #:_____ **Amount:**_____ **Date:**_____

Action by HPC:

- ☐ Consent Approval by HPO
- ☐ Approved
- ☐ Approved with Conditions
- ☐ Denied
- ☐ Continued

Staff Intial:_____ **Date:**_____

City of Flagstaff
Historic Preservation Commission
Staff Report

To:	Historic Preservation Commission
From:	
Date:	February 2, 2017
Meeting Date:	February 15, 2017

Title: Landmarks Design Review Overlay District designation for:
Our Lady of Guadalupe Church
224 South Kendrick
Parcel 103-07-021B

Recommended Action: Review the application, conduct and receive testimony at Public Hearing, and recommend that the City Council apply the Landmark Design Review Overlay District for parcel 103-07-021B.

Action Summary: This is a request to rezone Our Lady of Guadalupe Church (Parcel 103-07-021B) to the Landmark Design Review Overlay District. This would make future development on the property subject to the Design Standards and Guidelines of the Landmark Design Review Overlay District and subject to approval by the Historic Preservation Commission. The recommendations of the Historic Preservation Commission, along with a recommendation from the Planning and Zoning Commission, will be presented to the City Council for use in their review and consideration of the rezoning request.

LDRO Designation Process: In short, the application presented to the Historic Preservation Commission seeks a recommendation to the City Council regarding the designation. Under a separate application, the re-zoning of the property will be similarly presented to the Planning and Zoning Commission for their recommendation to the City Council. Finally, the application, including the Historic Preservation and Planning and Zoning recommendations, will be presented to the City Council for action on the request.

Jerry McLaughlin made nomination Granted

Discussion:

Background/ History: 1926

In the spring of 1924 Our Lady of Guadalupe church served as a church for primarily Spanish-speaking Roman Catholics of Flagstaff. Reverend Edward Albouy was appointed pastor of Flagstaff. He found out that the parish was in debt and sent out to make a solvent. By 1926 he had succeeded in doing so and had also set aside some funding to build a new church for the Spanish-speaking parishioners. The sentiments of white parishioners had an early influence on the decision to build the new church. Mrs. Philomena Babbitt donated a piece of land on which the church was built on to help reduce prejudice against Mexican parishioners who had to walk to the church from out of town. When they arrived to Mass they typically had dirt and dust on them from commuting which was the reasoning for building Our Lady of Guadalupe in the South of town so these families would not be members of Nativity of the Blessed Virgin Mary the first Catholic Church established in Flagstaff.

In the fall of 1926 construction of the main building was almost completed when effects of the local recession started to be felt by the community. This lead to many of the Mexican families collecting money and putting in their time and labor to finish the project. By the fall of 1926 the church was nearly finished and on the day of the feast of Guadalupe, the church was dedicated to Our Lady of Guadalupe. The Spanish name was chosen in dedication to the Mexican parishioners. On December 5, 1926 the church was officially dedicated, the blessing of the ball took place. The following Sunday, December 12 at 9:15 a.m., the first mass was held and Our Lady of Guadalupe Church was established.

Key Considerations:

Proposed district Boundaries:

Parcel 103-07-021B (.97 acres +/-). Owned by San Francisco De Asis Parish.

Land Use and Zoning District Summary:

- RLTP Land Use: Urban Existing
- Zoning district: HD- High Density Residential
- Current Land Use: Church
- Proposed Land Use: Church
- Surrounding Land Use and Zoning Districts:
  - North- Commercial Service; C5
  - South- Public Facility; PF
  - East- High Density Residential; HR
  - West- Commercial Service; C5, Highway Commercial; HC

LDRO Designation Criteria:

Due to Our Lady Guadalupe already being on the National Registry for Historical Places the property should be easily and quickly added to the Landmark Designation Review Overlay, however a brief summary of the designation criteria is as follows.

Community Development: During this time in flagstaff there was one Catholic Church, the white parishioners felt there needed to be second church for Spanish-speaking parishioners. Reverend Albouy directed the construction of Our Lady Guadalupe, offering Spanish-speaking parishioners a place of worship. In the mid 1920's the church was able to continue development through Mexican family's labor and donations. Offering a parish for the many families that were commuting from out of town. Today, the church still offers parish to the many families still living in Flagstaff. The church celebrates Hispanic festivals like Dia de los Muertos and the Feast of Guadalupe. Recently the church has held public meetings on city issues like high occupant housing. Following the criteria, the property is still used as the original purpose which is to offer parishioners a church to feel welcomed in the community.

Association: The church has traditional cultural ties to the community. Being the first parish developed for Spanish speaking members of the city this site has been able to provide a safe place for many Mexican families living in Flagstaff. The property plays a key role in communities rooted beliefs, customs and practices. Mr. Joseph Dolan donated some money to pay for the design of the statues. In 1950, the Catholic Youth Organization began meeting in the basement of the church, which later became an official youth center. In 1953, Our Lady of Guadalupe School was built on Armory Avenue through a generous donation of seven acres by Joseph Dolan. Sister Elizabeth Carey came to the United States to teach in 1955 and remained there for several decades. The church still offers education for pre-kindergarten to eighth grade.

Architecture: The church architecture style is American Craftsmen and Gothic Revival, the style is consistent with Roman Catholic churches with a period of significance between 1926 and 1949. The church physical appearance was constructed with native malpais rock. This style of architecture was replaced in the city of Flagstaff by a tudor variation during the same time period making the church architecture unique in the district.

With this the criteria for eligibility in the Landmarks Design Review Overlay District have been met.

Community Benefits and Considerations:

Heritage preservation is an established policy and priority for the community, expressed in the Vision 2020 document, the Flagstaff Regional Land Use and Transportation Plan, the current Land Development Code, the pending Zoning Code, and previous City Council direction. The inclusion of Our Lady Guadalupe Church in the Landmark Design Review Overlay District implements the expressed policy. Other

Development policies and processes will specifically and formally add consideration of heritage resources to the factors considered by the city when development or redevelopment is proposed on this property.

Community Involvement:

The outreach to the community will hold a neighborhood meeting which will be with the Historic Preservation Commission February 15, 2017. The designation will have no effect of the adjacent properties.

Financial Implications:

There are virtually no financial implications. To set up the designation, there is some notable investment of City staff time from both Historic Preservation and Development Services staff. Ongoing development review will require minimal additional human or financial resources.

Options and Alternatives:

1. Recommend that the City Council apply the Landmarks Design Overlay District to parcel 103-07-021B.
2. Modify the designation and recommendation per review and discussion. This could be prior to taking an action or as a condition of any commission recommendation.
3. Not recommend that the City Council apply the Landmarks Design Review Overlay District to parcel 103-07-021B.

OUR LADY OF GUADALUPE CHURCH

The Church of Our Lady of Guadalupe has played an important role in the history of Flagstaff. For many years, it served mainly as the church for the Spanish-speaking Roman Catholics of Flagstaff. Eventually, it became a true community church where everyone worshiped together.

The beginnings of what would become Our Lady of Guadalupe started in the Spring of 1924. The Reverend Edward Albouy was appointed as pastor of Flagstaff. He succeeded a priest who had died of heart trouble in February of that year. He found that the parish was in debt and set out to make it solvent. By 1926, he had succeeded in doing so and had also set aside some funding to build a new church for the Spanish-speaking parishioners. The sentiments of white parishioners during this early period of time towards the Spanish-speaking people had much influence on the decision to build a new church.

One of the parishioners of Our Lady of Guadalupe related an interesting piece of information on this subject. She pointed out that many of the Mexican families lived outside of Flagstaff and often had to walk many miles to church. Consequently, by the time they arrived, the children were dirty from the walk. Thus, the white parishioners held prejudices against the Spanish-speaking people. This was the beginning of the church. Mrs. Philomena Babbitt donated a piece of land on which the new church was to be built.

In the Fall of 1925, construction began. During this time, the effects of a local recession started to be felt by the community. The main structure of the church had been completed when financial problems set in. Thus, many of the Mexican families collected money for the building of the church and donated their time and labor. By the Fall of 1926 the church was nearly finished. On the day of the feast of Guadalupe, the church was dedicated to Our Lady of Guadalupe. The Spanish name was chosen in respect to the Mexican parishioners. On December 5, 1926 before the church was officially dedicated, the blessing of the bell took place. The following Sunday, December 12 at 9:15 a.m., the first Mass was said. Our Lady of Guadalupe Church had been born!

The following two articles and attachments support the building of Our Lady of Guadalupe Church.

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OUR LADY OF GUADALUPE CHURCH BEING BUILT FOR OUR MEXICAN FAMILIES

The malpais stone walls of the new Our Lady of Guadeloupe church are fast going up and the building will be enclosed, with roof on this fall and will be completed in early spring.

The new church is just east of Milton road and directly south and a short distance from the Flagstaff Teachers college grounds. It is centrally located as relates to the Mexican population of Flagstaff and is being built as their special place of worship. There are about 275 of these families within the city limits in three settlements the new structure being just about an even distance from each.

The church grounds comprise eight lots. The building is 36 by 86, all malpais rock, and will be a handsome structure. There will be a belfry. The church will have a seating capacity of 400. There will be a basement or hall under all.

In addition to the regular religious services, during a large part of the year there will be a day school for special religious instruction of children.

Peter J. Liniemann has the contract for the building, the funds for which, Rev. Fr. E. Albouy advises are being provided by the families the church is to serve.

STATE GOOD ROADS MEET HERE THE BEST EVER HELD

Delegates declared the mid-summer convention of the Arizona Good Roads association, held here Friday and Saturday, last week, to be the largest,

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in the world how the
booze got there. He's
trying to solve the my

Mrs. John Chisholm
Tuesday when Mr. a
Black with little Lois
and Mrs. W. Davis an
Don Swift drove in fr
to spend the holidays
Black and Mrs. Davis

ARIZONA STATE HISTORIC PROPERTY INVENTORY

PROPERTY NAME
Our Lady of Guadalupe

LOCATION
224 S Kendrick

CITY/TOWN/VICINITY
Flagstaff

COUNTY
Coconino

OWNER
Roman Cath. Diocese of Ariz - Catholic

OWNER'S ADDRESS

CURRENT PHOTOGRAPH

FORM COMPLETED BY
Beaker From research of Pfeiffer

ADDRESS
Flagstaff Hist Sites Commis

PHOTO BY
C Hoffman

DATE

VIEW

PRESENT USE
Church

ACREAGE

STYLE OR CULTURAL PERIOD
Built in 1925-26

SIGNIFICANT DATES

PHYSICAL DESCRIPTION
native malpai rock

STATEMENT OF SIGNIFICANCE
mission of Nativity Parish for Spanish-speaking people

VERBAL BOUNDARY DESCRIPTION

History

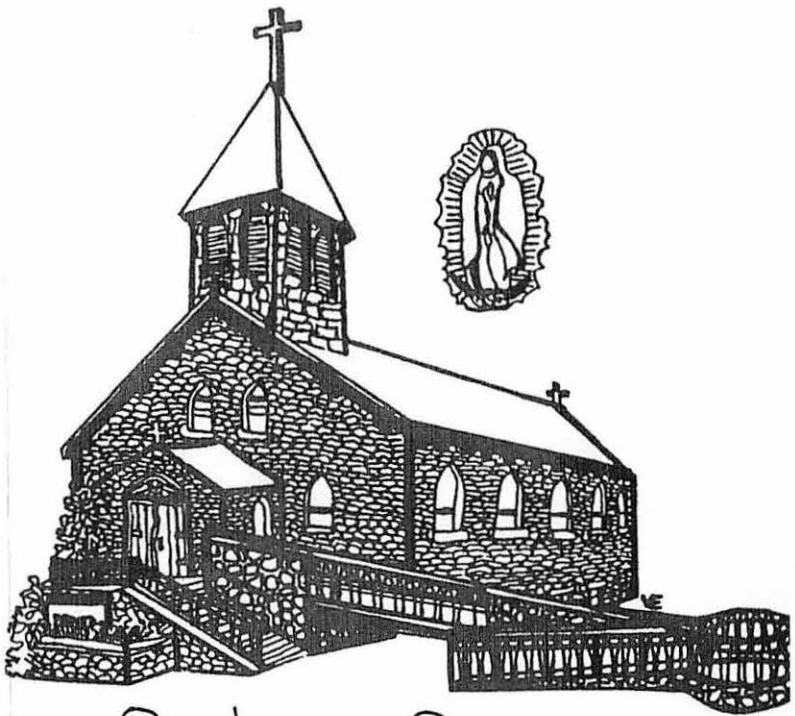
September 22, 1925
work began on the church

December 12, 1926
first mass celebrated in the church

August 1, 1942
established as a parish

May 7, 1972
declared a shrine of the Diocese of Phoenix

April 30, 1986
listed on the National Register of Historic Places

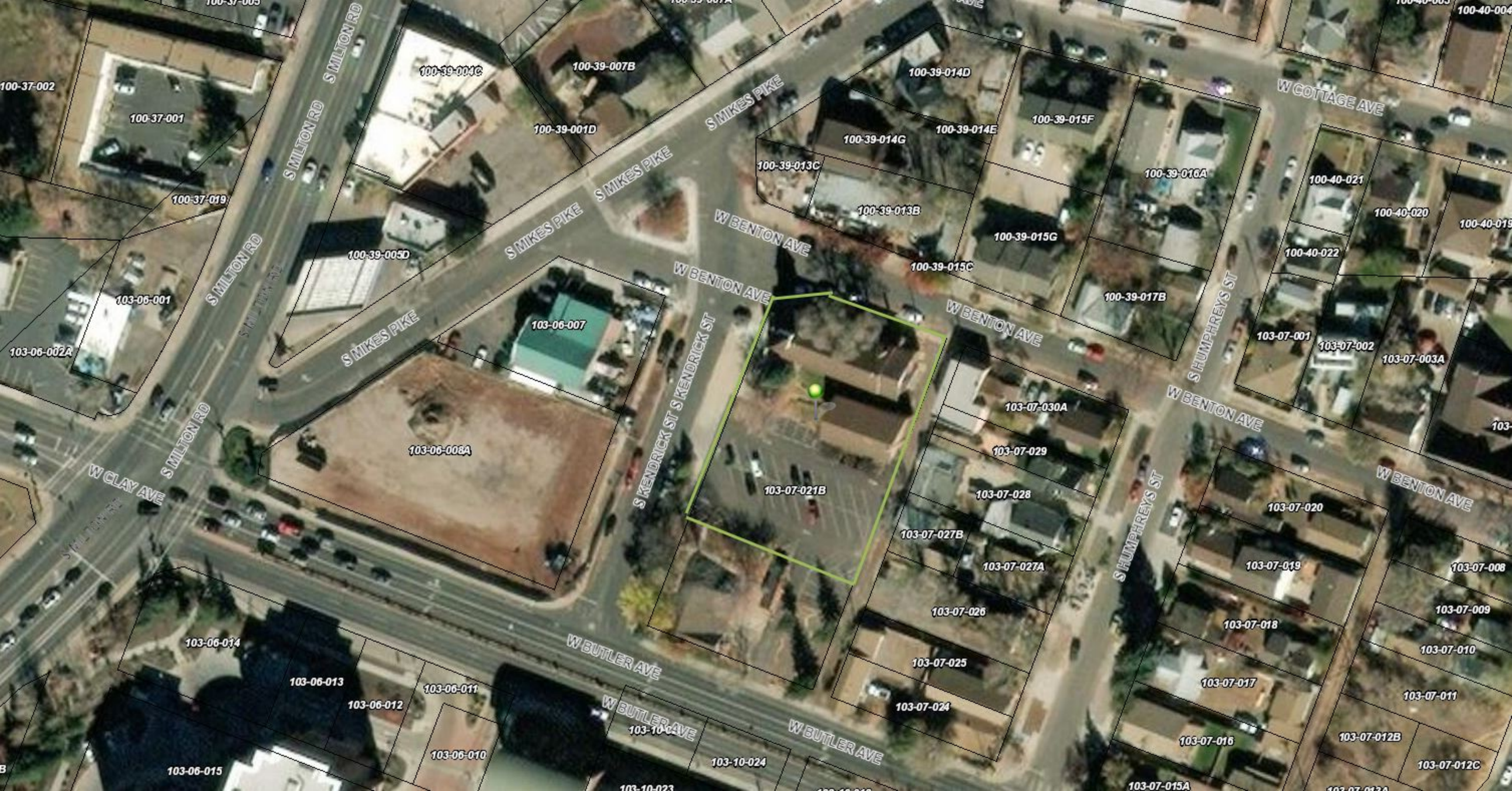


Our Lady of Guadalupe
FLAGSTAFF, ARIZONA


OUR LADY OF GUADALUPE
FLAGSTAFF, ARIZONA
SEPTEMBER 22, 1925
WORK BEGAN ON THE CHURCH
DECEMBER 12, 1926
FIRST MASS IN THE CHURCH
AUGUST 1, 1942
ESTABLISHED AS A PARISH
MAY 7, 1972
DECLARED A SHRINE OF THE DIOCESE OF PHOENIX
APRIL 30, 1986
LISTED ON THE NATIONAL REGISTER OF HISTORIC PLACES


CITY OF FLAGSTAFF
ARIZONA
ESTABLISHED 1882
THE CITY OF FLAGSTAFF
CITY COUNCIL
&
HISTORIC SITES COMMISSION
RECOGNIZE THIS PROPERTY FOR ITS
HISTORIC & ARCHITECTURAL SIGNIFICANCE
CITED
1987




100-37-002
100-37-001
100-37-019
100-39-004C
100-39-007B
100-39-001D
100-39-005D
103-06-001
103-06-002A
103-06-007
103-06-008A
103-06-014
103-06-013
103-06-012
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103-07-016
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103-07-012C

NOTICE OF PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN that the Flagstaff Planning and Zoning Commission will hold a Public Hearing on August 28, 2019, at 4:00 p.m. and the Flagstaff City Council will hold a Public Hearing on September 17, 2019, at 6:00 p.m. to consider a Zoning Map amendment request.

A. Explanation of Matters to be Considered:
A proposed Zoning Map amendment to apply the Landmarks Overlay Zone (LO) to the site. The LO is an overlay, meaning that the current HR, High Density Residential zoning applicable to the site will remain in place. The site location is described in Part B below and is highlighted on the map.

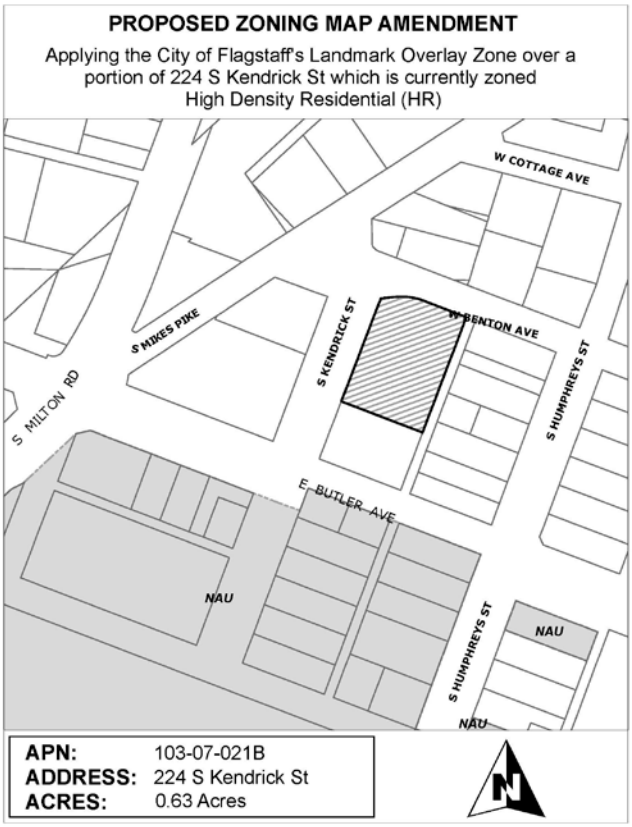
The site currently consists of Our Lady of Guadalupe Catholic Church and former convent building on a portion of a 0.97 acre parcel.

B. General Description of the Affected Area:
Approximately 0.63 acre located at 224 S Kendrick Street, on a portion (Block 119, Lots 1 through 8 of the Normal School Addition to the City of Flagstaff) of Coconino County Assessor's Parcel Number 103-07-021B, within the Northeast Quarter of Section 21, Township 21 North, Range 7 East, of the Gila and Salt River Base and Meridian, City of Flagstaff, Coconino County, Arizona.

The Council hearing for these items may be continued if the Planning and Zoning Commission has not given a recommendation.

Interested parties may file comments in writing regarding the proposed amendments or may appear and be heard at the hearing dates set forth above. Maps and information regarding the proposed amendments are available at the City of Flagstaff, Planning and Development Services Section, 211 West Aspen Avenue.

Unless otherwise posted, all Planning and Zoning Commission and City Council meetings are held in the Council Chambers of City Hall, 211 West Aspen Avenue, Flagstaff, Arizona.



FOR FURTHER INFORMATION CONTACT

Sara Dechter
Comprehensive Planning Manager
Planning & Development Services
211 West Aspen Avenue
Flagstaff, Arizona 86001

(928) 213-2631
sdechter@flagstaffaz.gov

Publish: August 14, 2019

NOTICE AND AGENDA

PLANNING & ZONING COMMISSION
WEDNESDAY
August 28, 2019

COUNCIL CHAMBERS
211 WEST ASPEN AVENUE
4:00 P.M.

1. Call to Order

Chairman Wheeler called the regular meeting of the Planning and Zoning Commission to order at 4:00 p.m.

2. Roll Call

NOTE: One or more Commission Members may be in attendance telephonically or by other technological means.

PRESENT:	ABSENT:
MARGO WHEELER, CHAIR	DR. ALEX MARTINEZ
DAVID ZIMMERMAN, VICE CHAIR	
MARIE JONES	
ERIC NOLAN	

3. Public Comment

At this time, any member of the public may address the Commission on any subject within their jurisdiction that is not scheduled before the Commission on that day. Due to Open Meeting Laws, the Commission cannot discuss or act on items presented during this portion of the agenda. To address the Commission on an item that is on the agenda, please wait for the Chair to call for Public Comment at the time the item is heard.

None

4. APPROVAL OF MINUTES

Minutes of the regular meeting of August 14, 2019

STAFF RECOMMENDED ACTION:
Staff recommends the Planning and Zoning Commission approve the minutes of the regular meeting of August 14, 2019

Moved by Eric Nolan, **seconded by** Marie Jones to approve the minutes of August 14, 2019 the regular meeting of the Planning and Zoning Comission.

Vote: 4 - 0 - Unanimously

5. PUBLIC HEARING

A. Project #: PZ-19-00126-01 Our Lady of Guadalupe
Landmark Overlay Zoning Map Amendment, submitted by San Francisco de Asis parish and the Planning Director, of approximately 0.62 acres located at 244 S. Kendrick Street to add Landmarks Overlay (LO) Zone to the existing zoning classification of High Density Residential (HR) Zone.

Staff recommends the Planning and Zoning Commission, in accordance with the findings presented in this report, forward the Landmark Overlay Zoning Map Amendment request to the City Council with a recommendation for approval.

Sara Dechter, Interim HPO, gave a PowerPoint presentation on the proposed Landmark Overlay District Zoning Map Amendment and answered questions from Commissioners.

Anna Hoffman, representative for Our Lady of Guadalupe Church, answered questions from Commissioners about the future plans for the restoration of the old convent.

Moved by David Zimmerman, **seconded by** Marie Jones in accordance with the findings presented by Staff, forward the Landmark Overlay Zoning Map Amendment to City Council for approval with staff conditions and with the additional condition that the restoration plan be presented and approved by the City of Flagstaff Historic Preservation Commission and presented to Az State Historic Office for comment before implementation.

Vote: 4 - 0 - Unanimously

6. GENERAL BUSINESS

A. A work session with the Planning and Zoning Commission to discuss the Flagstaff Regional Plan 2030: 2018 Annual Report

- To provide a summary to the Planning and Zoning Commission about the progress being made to implement the *Flagstaff Regional Plan 2030.*
- To receive feedback from the Planning and Zoning Commission on Future Comprehensive Planning Projects.

As required by law our Comprehensive Planning staff has prepared the 2018 Annual Report of the *Flagstaff Regional Plan 2030*. This is the fifth assessment of the City's efforts to implement the Plan, showing progress towards comprehensive data tracking and incorporating the Plan into decision-making processes. The City's commitment to produce an annual report will help determine future specific plan needs and Plan amendments, advancing the idea that the Plan is a living document.

Carlton Johnson, Associate Planner, gave a PowerPoint presentation on the Flagstaff Regional Plan 2030: 2018 Annual report and answered questions from Commissioners.

Neil Gullickson, Interim Current Planning Manager, was present and answered questions from Commissioners

Sara Dechter, Comprehensive Planning Manager, was present and answered questions from Commissioners

Tiffany Antol, Planning Director, was present and answered questions from Commissioners.

7. MISCELLANEOUS ITEMS TO/FROM COMMISSION MEMBERS

Mr. Gullickson gave an update on past projects and new commissioners Carol Mandeno and Gaylene Sopher.
Commission training will be scheduled in the near future.

8. ADJOURNMENT

Adjourned at 5:08 p.m.

CERTIFICATE OF POSTING OF NOTICE

The undersigned hereby certifies that a copy of the foregoing notice was duly posted at Flagstaff City Hall on _____, at _____ a.m./p.m. This notice has been posted on the City's website and can be downloaded at www.flagstaff.az.gov.

Dated this _____ day of _____, 2019.

_____
Tammy Bishop, Administrative Specialist

Minutes DRAFT

City of Flagstaff

HERITAGE PRESERVATION COMMISSION

4:00 PM – Wednesday, July 17, 2019

Flagstaff City Hall, **Council Chambers**, 211 W. Aspen Avenue

In compliance with the Americans with Disabilities Act, if you need assistance to participate in this meeting, please contact Deborah Cargill 928-213-2906 (or 774-5281 TDD). Notification at least 48 hours in advance will enable the City to make reasonable arrangements.

CALL TO ORDER Chairman Hayward called the meeting to order at 4:01 PM

COMMISSION MEMBERS:	David Hayward, Chair, *Present* Jonathan Day, Vice Chair, *Present* Charlie Webber, *Present* Jerry McLaughlin, *Present* Emily Dale, *Present* Jill Hough, *Present* Caitlin Kelly, *Absent*
CITY STAFF:	Sara Dechter, Staff Co-Liaison, *Present* Becky Cardiff, Recording Secretary

I. PRELIMINARY GENERAL BUSINESS

1. PUBLIC COMMENT

a. *(At this time, any member of the public may address the Commission on any subject within their jurisdiction that is not scheduled before the Commission on that day. Due to Open Meeting Laws, the Commission cannot discuss or act on items presented during this portion of the agenda. To address the Commission on an item that is on the agenda, please wait for the Chair to call for Public Comment at the time the item is heard.)*

None

2. ANNOUNCEMENTS

a. *(Reconsiderations, Changes to the Agenda, and other Preliminary Announcements)*

None

3. APPROVAL of MINUTES.

a. Regular Meeting of June 19, 2019.

MOTION: Commissioner Webber moved to approve the minutes with the amendment to change Commissioner Webber to "present". Commissioner Dale seconded the motion; the motion passed unanimously.

II. New Business:

1. Cultural Resource Study – 124 W Benton Avenue

Address:	124 W Benton Avenue
Assessor's Parcel Number:	103-07-001
Property Owner:	Michele Johnson
Applicant:	Erin O'Loughlin, PWMA Authentic Architecture
City Staff:	Sara Dechter, Interim HPO
REQUESTED ACTION:	Approval of Letter Report

The property has been heavily modified by renovations which were carried out 13-14 years ago by a previous property owner. The building no longer has the architectural integrity associated with the Basque Vernacular style. The current property owner would like to create a second story addition that will remove the building form that is associated with this style and is one of the few remaining historical elements.

RECOMMENDED ACTION:	Staff recommends approval of the Letter Report and removal of 124 W Benton Ave. from the list of contributing structures in the Southside National Register Historic District

Discussion was held on the modifications that were made to the structure.

MOTION: Commissioner McLaughlin moved to approve the letter report and removal of 124 W Benton Ave from the list of contributing structures in the Southside National Register Historic District. Commissioner Webber seconded the Motion. Motion passed unanimously

2. Cultural Resource Study – The L Motel

Address:	121 S Milton Road
Assessor's Parcel Number:	100-37-001, 100-37-019
Property Owner:	Shevan Family Trust DTD, James M and Cheryl R Sheven
Applicant:	Lynn Neal
City Staff:	Sara Dechter, Interim HPO
REQUESTED ACTION:	Approval of Phase I Cultural Resource Study

Due to a lack of significance and loss of integrity, the report recommends that the value of further research has been exhausted by the Phase I report and a Phase 2 report is not warranted.

RECOMMENDED ACTION:	Staff recommends approval of the Phase I Report.

Lynn Neal gave a description of The L Motel property and answered questions from Commissioners

MOTION: Commissioner Hough moved to approve the Phase I report. Commissioner McLaughlin seconded the Motion. Motion passed unanimously

3. Grant Application – Façade Rehabilitation

Address:	108 E Route 66
Assessor's Parcel Number:	101-21-009
Property Owner:	Flagstaff Historic Properties, Inc. Maury Herman
Applicant:	Anne Soper, UPDESIGN Studio
City Staff:	Sara Dechter, Interim HPO
REQUESTED ACTION:	Approval of Grant Application

The Heritage Preservation Commission approved façade improvements with conditions to restore the transom to glass that better resembles the historic photos and to off center the entrance to be more in keeping with the historic conditions. The applicant is seeking grant funding for demolishing the existing storefront, restoring masonry and vestibule features, and installing a new storefront and windows, which were salvaged from an adjacent building.

RECOMMENDED ACTION:	Approval of grant application

Ms. Dechter introduced the grant application

Anne Soper, applicant architect, answered questions from Commissioners about any changes from what was previously approved by the Commission

MOTION: Commissioner Day moved to approve the grant application with the condition that the line item to install glass block be removed and the money can be applied to another line item to be administratively approved by the HPO. Commissioner Dale seconded the motion. Motion passed unanimously

III. Old Business:

1. Landmark Overlay Zone – Our Lady of Guadalupe Catholic Church

Address:	224 S Kendrick Street
Assessor's Parcel Number:	103-07-021B
Property Owner:	Bishop of the Roman Catholic Church of the Diocese of Phoenix
Applicant:	Fr. Will Schmid
City Staff:	Sara Dechter, Interim HPO
REQUESTED ACTION:	Recommend property for Landmark Overlay

The Heritage Preservation Commission recommended approval of a Landmark Overlay for the Our Lady of Guadalupe Catholic Church in February 2017. Since then the parish has considered decided to pursue the overlay on the church and former convent and not to include the former rectory located at the corner of Butler and Kendrick. The overlay would protect the Lots 1 through 8 of the original Normal School Addition plat.

RECOMMENDED ACTION:	Staff recommends (1) opening a public hearing to allow for the public to provide comments to the commission, and (2) Forwarding a recommendation for the Landmark Overlay on the area recommended to the Planning and Zoning Commission and City Council.

Mary Vasquez-Powell and Laura Bustamonte Myers represented the applicant and provided supplemental materials on the value of the church for the Hispanic and Catholic communities in Flagstaff

Lynn Neal asked if the rectory was on the National Register listing for the property. Sara Dechter, interim HPO, responded that it is, and that Landmark Overlays are voluntary actions by the property owner.

Lena Wallen, resident, spoke in support of applying the Landmark Overlay district

MOTION: Commissioner Webber moved to recommend to Planning and Zoning Commission and City Council for approval of the landmark overlay. Commissioner Hough seconded the motion. Motion passed unanimously

III. **Work Session**

1. Certified Local Government Historic Preservation Fund Pass-Through Grant, Federal Fiscal Year 2019

Staff would like feedback on the possible projects that could be funded through this grant. Staff will solicit 2 to 3 commission members to write on the grant proposal over the next 4 weeks.

Ms. Dechter gave a brief description of the proposed projects that could be funded through the grant.

Discussion was held on the proposed projects.
The Commission preferred a historic context for Sunnyside. Jill Hough and Jonathan Day agreed to work with the interim HPO on the application over the next few weeks. Emily Dale will review for final editing.

2. Arizona State Historic Preservation Plan Update 2019

The State Historic Preservation Office (SHPO) is consulting with Certified Local Governments in preparation of an update to the Arizona State Historic Preservation Plan. The SPA is requesting

- Comments on the form and content of the draft
- Recommendations on what the importance cultural resource issues facing Arizona are and most importantly, in Flagstaff,
- Information about Flagstaff's heritage preservation programs that can be include in the description of historic preservation partners in Arizona

The HPC will discuss the materials transmitted from the SHPO and provide input to the Historic Preservation Officer. Staff will present a draft response to the Commission at the August HPC meeting for Commission endorsement.

Discussion was held on the preservation plan update

IV. REPORTS:

1. Review of Administrative Approvals:

   i. PZ-19-00132 - 1817 N WEST ST, Flagstaff, AZ, 86004 - CRS Letter Report, Approved 7/11/19, Finding: The property is not significant under federal, State or local criteria. Letter report documentation is adequate to proceed with application for a demolition permit.

Discussion was held on the administrative approval

V. ANNOUNCEMENTS

(Informal Announcements, Future Agenda Items, and Next Meeting Date)

a. Future Agenda Item - Council Communication update

New handbook is being worked on by the City Clerk and a member of Council is assigned to each commission

b. Upcoming SHPO visit to Train Station Platform

Ms. Dechter gave an update on the SHPO visit to Flagstaff

c. Next Regularly Scheduled Meeting: August 21, 2019

VI. ADJOURNMENT

Adjourned at 5:35 p.m.

13. A.

CITY OF FLAGSTAFF

STAFF SUMMARY REPORT

To:	The Honorable Mayor and Council
From:	Neil Gullickson, Planning Development Manager
Date:	09/09/2019
Meeting Date:	09/17/2019

TITLE:

Appeal of Approval by the Planning and Zoning Commission: the appeal of Conditional Use Permit PZ-18-00182-02. This appeal was requested by the Flagstaff City Council.

STAFF RECOMMENDED ACTION:

Staff does not have a recommended action, other than for the Council to hear and decide the appeal.

Executive Summary:

Conditional Use Permit PZ 18-00182-02 was proposed to allow a Rooming and Boarding Facility which permits each of the 448 bedrooms (194 apartments) to be leased individually. The site is 6.71 acres in size and has been in operation as an approved high-density residential housing (apartment) complex since the early 1990's. The site is located at 901 South O'Leary Street, within the High Density Residential (HR) Zone.

Financial Impact:

None.

Policy Impact:

None.

Connection to Council Goal, Regional Plan and/or Team Flagstaff Strategic Plan:

Community Outreach-Enhance public transparency and accessibility.

Previous Council Decision on This:

There have been no previous Council decisions on this item.

Options and Alternatives:

1. The City Council may affirm the decision of the Planning & Zoning Commission (i.e., approve CUP PZ-18-00182-02).
2. The City Council may make alternative findings from the Planning & Zoning Commission and reverse the decision of the Planning & Zoning Commission (i.e., deny CUP PZ-18-00182-02).
3. The City Council may make alternative findings from the Planning & Zoning Commission and affirm the decision of the Planning & Zoning Commission (i.e., approve CUP PZ-18-00182-02).
4. The City Council may remand the decision back to the Planning & Zoning Commission for further review and decision.

The City Council also has the option to modify conditions of the CUP.

Background/History:

The applicant initially filed for concept plan review on the proposed Rooming and Boarding Facility in October 2018. A Site Plan application followed; the Site Plan was approved by the IDS staff on February 25, 2019. The applicant thereafter applied for the required Conditional Use Permit. The Conditional Use Permit was set for a public hearing with the Planning & Zoning Commission on August 14, 2019. All required notifications were performed including posting the property, mailing property owners within 300-feet, and placing an ad in the newspaper at least 15-days prior to the hearing. A neighborhood meeting was held by the applicant at the Boys and Girls Club on November 14, 2018, no members of the public attended the meeting.

The Planning & Zoning Commission held their pubic hearing on this case on August 14, 2019. At the hearing Staff presented the findings of the Staff Report, the applicant presented their request, and public testimony was presented. The public testimony included one (1) individual who did not speak against the proposed Conditional Use Permit, rather expressed concern with the volume of vehicular and pedestrian traffic in the neighborhood. Attached to this report is a copy of an e-mail staff received from this speaker that outlines his concerns.

Subject to the findings presented by Staff, the Planning & Zoning Commission approved a motion (3:1) to approve the Conditional Use Permit. The dissenting vote provided no explanation regarding which of the finding(s) the application had not addressed. The Planning & Zoning Commission of August 14, 2019, can be viewed online at h ttp://flagstaffaz.swagit.com/play/08142019-1643/4/.

The Notice of Decision for Conditional Use Permit No. PZ-18-00182-02 was forwarded to the applicant and City Council, and was posted on the City's website on August 16, 2019. Within the ten-day appeal period, a request for review of the Conditional Use Permit was received by the Mayor. On August 20, 2019, the Flagstaff City Council voted (4-3) to hear the appeal. Flagstaff City Code, section 10-20.80.030.G requires the appeal be heard by the City Council within 30 days. The appeal has been noticed as a pubic hearing as is required by the Zoning Code, including posting the property, mailing adjacent property owners and placing an ad in the newspaper.

Key Considerations:

The Zoning Code requires that appeals be heard at a public hearing. The City Council can choose to hear the appeal based on the record of information provided to the Planning & Zoning Commission or on an extended record. The following information pertains to the Flagstaff City Council Rules of Procedure for Public Hearings.

A. In the case of a public hearing, the Chair shall announce prior to such hearing the total time limit, if any, to be allowed for public debate, depending upon the circumstances and public attendance. The Chair shall also announce the time limits for each individual speaker (normally no more than three minutes), and that no speaker may be heard more than once.
B. Any person wishing to speak with the assistance of a translator shall designate such on the speaker card and be permitted to speak up to five minutes.
C. At the discretion of the Chair, ten or more persons present at the meeting and wishing to speak may appoint a representative who may have no more than fifteen minutes to speak.
D. Speakers may not cede any portion of their allotted time to another speaker.
E. The order of presentation and time limits shall be as follows:

1. Staff presentation (ten-minute time limit, except with specific Council permission to exceed this limit).
2. Applicant's presentation, only upon the applicant's specific request (up to ten minutes, except with specific Council permission to exceed this limit).
3. Council's questions to staff and applicant.
4. Public comment (three minutes for individual speakers, up to fifteen minutes for a representative of ten or more persons present at the meeting who have contributed their time to the representative), The ten persons will be requested to identify themselves by standing and those included in the group are precluded from making comments on the same topic.
5. Appellant's response, only upon appellant's specific request (5 minutes),
6. Staff's response (5 minutes),
7. Council deliberation and questions to staff and applicant.

F. This rule will not preclude questions from members of the Council to the speaker where it is deemed necessary for purposes of clarification or understanding, but not for purposes of debate or argument.

Conditional Use Permits are reviewed and approved in regard to the findings identified in the Zoning Code. The findings for all Conditional Use Permits are as follows:

1. That the conditional use is consistent with the objectives of this Zoning Code and the purpose of the zone in which the site is located.
2. That granting the conditional use will not be detrimental to the public health, safety or welfare. The factors to be considered in making this finding shall include, but not be limited to:

a. Property damage or nuisance arising from noise, smoke, odor, dust, vibration or illumination;
b. Hazard to persons or property from a possible explosion, contamination, fire or flood; and
c. Impact on surrounding areas arising from unusual volume or character of traffic.

3. That the characteristics of the conditional use as proposed and as it may be conditioned are reasonably compatible with the types of uses permitted in the surrounding area. The conditional use permit shall be issued only when the Planning Commission finds that the applicant has considered and adequately addressed the following to ensure that the proposed use will be compatible with the surrounding area:

a. Access, traffic, and pedestrian, bicycle and vehicular circulation;
b. Adequacy of the site and open space provisions, including resource protection standards, where applicable;
c. Noise, light, visual and other pollutants;

d. Proposed style and siting of structure(s), and relationship to the surrounding neighborhood;
e. Landscaping and screening provisions, including additional landscaping in excess of otherwise applicable minimum requirements;
f. Impact on public utilities;
g. Signage and outdoor lighting;
h. Dedication and development of streets adjoining the property; and
i. Impacts on historical, prehistoric or natural resources.

Attachments:

P&Z Staff Report
CUP Applicants Supporting Documentation
Staff presentation 8-14-2019
P&Z Minutes 8-14-2019
Public Comment

PLANNING AND DEVELOPMENT SERVICES REPORT
CONDITIONAL USE PERMIT

PUBLIC HEARING | **DATE: July 26, 2019**
PZ-18-00182-02 | **MEETING DATE: August 14, 2019**
REPORT BY: Neil Gullickson

REQUEST:

A request from NB SAWMILLTIC 1 LLC, for a Conditional Use Permit from the City of Flagstaff to allow a Rooming and Boarding Facility which permits each of the 448 bedrooms (194 garden style apartments) to be leased individually. The site is 6.71 acres in size and is located at 901 South O'Leary Street, within the High Density Residential (HR) Zone.

STAFF RECOMMENDATION:

In accordance with the findings as presented in this report, staff recommends the Planning and Zoning Commission approve Conditional Use Permit PZ-18-00182-02 with the following conditions:

1. The development complies with all the IDS site plan approval comments, dated February 25, 2019.
2. The site is developed in substantial conformance to the site plan, elevations, and technical documents approved by the Planning and Zoning Commission.
3. The applicant agrees to provide NAIPTA bus passes through the Bulk Purchase Program with each lease (one per bedroom) for a two-year period.

PRESENT LAND USE:

The site is occupied by fourteen (14) residential apartment buildings, one clubhouse building, and parking.

PROPOSED LAND USE:

The applicant would like to lease individual bedrooms with common cooking and living space instead of leasing by unit. Other than changes to the landscaping and parking areas, no physical changes to the existing buildings are proposed.

NEIGHBORHOOD DEVELOPMENT:

North:	Single and multi-family residential uses, HR, High Density Residential Zone;
West:	Cemetery and NAU, PF, Public Facilities Zone;
East:	Undeveloped City Property, FUTS and Lonetree Road, PF, Public Facilities Zone;
South:	Lonetree Road single and multi-family residential uses, MR, Medium Density Residential Zone.

REQUIRED FINDINGS:

The Planning Commission may approve the Conditional Use Permit only after making the findings, below, that the characteristics of the conditional use as proposed and as it may be conditioned are reasonably compatible with the types of uses permitted in the surrounding area. The Conditional Use Permit shall be

issued only when the Planning Commission finds that the applicant has considered and adequately addressed the following (Section 10-20.40.050.E of the City of Flagstaff Zoning Code):

1. That the conditional use is consistent with the objectives of the Zoning Code and the purpose of the zone in which the site is located.
2. That granting the conditional use will not be detrimental to the public health, safety, or welfare. The factors to be considered in making this finding shall include, but not be limited to:
    a) Property damage or nuisance arising from noise, smoke, odor, dust, vibration, or illumination.
    b) Hazard to persons or property from possible explosion, contamination, fire, or flood; and,
    c) Impact on surrounding areas arising from unusual volume or character of traffic.
3. That the characteristics of the conditional use as proposed and as it may be conditioned are reasonably compatible with the types of uses permitted in the surrounding area. The Conditional Use Permit shall be issued only when the Commission finds that the applicant has considered and adequately addressed the following to ensure that the proposed use will be compatible with the surrounding area:
    a) Access, traffic, and pedestrian, bicycle, and vehicular circulation;
    b) Adequacy of site and open space provisions, including resource protection standards, where applicable;
    c) Noise, light, visual, and other pollutants;
    d) Proposed style and siting of structure(s), and relationship to the surrounding neighborhood;
    e) Landscaping and screening provisions, including additional landscaping in excess of otherwise applicable minimum requirements;
    f) Impact on public utilities;
    g) Signage and outdoor lighting;
    h) Dedication and development of streets adjoining the property; and
    i) Impacts on historical, prehistoric, or natural resources.

Conditions of approval will only be imposed if they are necessary to ensure the intent and purpose of this Zoning Code are met; to ensure compatible and complementary development of the property; and to ensure the provision of appropriate off-site improvements will be fulfilled.

STAFF REVIEW:

INTRODUCTION AND DISCUSSION

The applicant, NB SAWMILLTIC 1 LLC, through their consultant Nick Wood, has applied for a Conditional Use Permit for a Rooming and Boarding Facility, an allowed use in the High-Density Residential Zone. Allowed uses in the residential districts are exhibited in Table 10-40.30.030.B of the Zoning Code. Rooming and Boarding is defined by the Code as:

Rooming and Boarding Facility: *A residence or dwelling, other than a hotel, wherein three or more rooms, with or without individual or group cooking facilities, are rented to individuals under separate rental agreements or leases, either written or oral, whether an owner, agent, or rental agent is in residence. Includes dormitories, single room occupancy, fraternities and sororities.*

The Commons at Sawmill is an existing apartment complex with 194 residential units, including 448 leasable bedrooms. Each of the 14 residential buildings on the site is roughly 10,000 square feet in size,

3-story, and roughly 48-feet tall. A mixture of one-, two- and three-bedroom units are located within the complex. A two story, approximately 5,000 square feet clubhouse/amenities facility is nearing completion and is located at the south end of the site. As noted earlier, no changes to the existing buildings are proposed as part of this Conditional Use Permit application. A Conditional Use Permit is required by the Zoning Code before using the Rooming and Boarding land use which, if approved, will allow the lease of individual bedrooms.

FINDINGS

As noted above in the Required Findings section of this report, the Commission may approve the CUP only after making the findings (listed above). The following provides information regarding the application either supporting or not supporting the findings:

1. The conditional use is consistent with the objectives of the Zoning Code and the purpose of the zone in which the site is located. *The HR Zone is intended to provide an environment having maximum living amenities on-site while providing affordable housing residential design flexibility, more efficient use of open space, and better separation of pedestrian and vehicular traffic. The existing development was constructed in compliance with the standards of the HR zone and has been found in compliance with the intent of the zone.*

2. The granting of the requested conditional use permit will not be detrimental to the public health, safety, or welfare so long as it is operated in compliance with this permit.

   a) Property damage or nuisance arising from noise, smoke, odor, dust, vibration, or illumination.
   b) Hazard to persons or property from possible explosion, contamination, fire, or flood.
   c) Impact on surrounding areas arising from unusual volume or character of traffic.

   This complex has been in existence since 1994; no changes to the site that would lead to nuisance is expected. No additional volume or change in traffic patterns are expected due to the proposed change of use.

   Attached is a memo from Emergency Services that identifies the frequency of calls to student housing developments/Rooming and Boarding uses. The memo indicates that .22 calls per bed is the average for student housing projects; this number tends to drop as the complex grows older. The data provide by the applicant in their attached Conditional Use Permit Findings indicates that the average at the Commons at Sawmill is .09 calls per bed (when towing related calls are removed, .24 with towing) less than the average number of calls. The applicant has indicated that currently there is no on-site private security at this site nor does the property participate in the Crime Free Housing Program.

3. The proposed use is reasonably compatible with the types of uses permitted in the surrounding area. The applicant has considered and adequately addressed the following to ensure that the proposed use will be compatible with the surrounding area:

Access, Traffic, and Pedestrian, Bicycle, and Vehicular Circulation
Vehicular access to the site is via a single driveway on to South O'Leary Street, which leads to South

Lonetree Road and West Franklin Avenue. Pedestrian and bicycle movement also use South O'Leary Street. Two informal trails systems exist: one at the south end of the site which accesses the adjacent FUTS system, and the second crosses the City property (Citizens Cemetery) to the west and on to the NAU campus. The City's Capital Improvements Division is working on the development of a formalized pedestrian connection adjacent to the north property line of this site that will access the NAU Campus.

In order to encourage transit use and support the requested reduction in parking. The applicant has agreed to provide an Eco Pass to all residents for a period of two (2) years. At the end of two years, the owner will evaluate the usage, interest, and economic impacts the program has on the site.

The Zoning Code requires Rooming and Boarding uses provide one parking space per each bedroom. This site would require 449 spaces; a 10% reduction for access to transit and a 5% reduction for bicycle parking brings the requirement to 383 spaces. Provided on this site are 387 spaces, which meets the requirement.

Adequacy of Site/Open Space/Resource Provisions

This application does not propose any additional open space. The previous owner-initiated construction of a new leasing office that includes an exercise room and common room for use by the residents. That building is presently being completed by the current property owner; occupancy is anticipated before the start of the school year this fall.

This site is located within the Resource Protection Overlay Zone and is subject to the Code requirements applicable to the Zone. This proposal does not involve the removal of any forest resources nor does it modify any qualifying slope areas. There is no floodplain located on this site.

Noise, Light, Visual, and Other Pollutants

The application does not propose any changes to the exterior of the buildings or current lighting.

Style and Siting of Structure and Relationship to Surrounding Neighborhood

No changes to the exterior of the building have been proposed; pictures of the buildings have been provided by the applicant and are attached to this report.

Landscaping and Screening

As part of the CUP application, the site's landscaping, which is currently deficient when compared to current code standards, will be brought up to current standards. Landscaping plans for the site have been attached to this report. The parking lots were not designed with parking lot or terminal islands; new parking lot planting will require the creation of diamond-shaped tree wells throughout the site. These islands will include curbs and new trees. New plantings are being provided around each of the buildings to meet the building perimeter requirement.

Impact on Public Utilities

No changes to the existing water delivery or waste removal systems are proposed in association with the CUP application.

Signage and Outdoor Lighting

No new signage or additional outdoor lighting is proposed as part of this request. The Zoning Code

sets a threshold of 25% increase of square footage at the site before current lighting must be brought into conformance with the current Code.

Any new signage will be required to apply for a Sign Permit and comply with the current Zoning Code.

Dedication and Development of Streets
No additional rights-of-way are required at this location. The existing street and pedestrian infrastructure are in place across the frontage of this property.

Impacts on Resources
There will be no impacts to historical, prehistoric, or natural resources. This site is located within the Resource Protection Overlay, no trees or other resources (slope or floodplain) are proposed to be modified by this application. Based on the scope of work, a Cultural Resource Study was not required.

After review of the application, staff believes that the findings as applicable to this application have been addressed by the applicant.

PUBLIC CONTACTS:

On November 14, 2018, the applicant held a neighborhood meeting at the Boys and Girls Club of Flagstaff. No members of the public attended the meeting. As of the date of this report, staff has received no written or phone comments regarding the application. The Neighborhood Meeting Notification letter is attached as part of the applicant's information packet.

RECOMMENDATION:

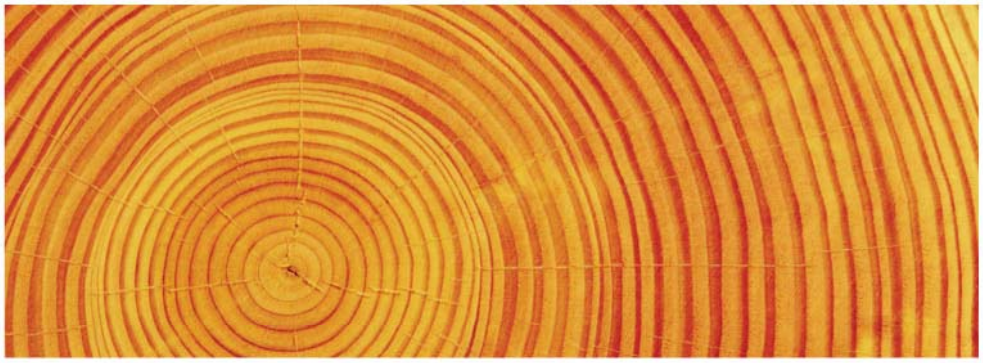
The Development Review staff approved the site plan for this project on February 25, 2019 (conditions attached). Staff recommends that the request for the CUP be granted by the Planning and Zoning Commission with the requirements included in Conditional Use Permit No. PZ-18-00182-02. The conditions for this CUP include:

1. The development complies with all the IDS site plan approval comments, dated February 25, 2019.
2. The site is developed in substantial conformance to the site plan, elevations, and technical documents approved by the Planning and Zoning Commission.
3. The applicant agrees to provide NAIPTA bus passes through the Bulk Purchase Program with each lease (one per bedroom) for a two-year period.

ATTACHMENTS

- Conditional Use Permit No. PZ-18-00182-02 and Proposition 207 waiver
- Conditional Use Permit Application
- Site Location & Zoning Map
- Conditions of Site Plan Approval, dated February 25, 2019
- Project Narrative and Developer Findings
- Applicant's supplemental information titled "Building Elevations"
- Site Plan and supplemental plan sheets

Snell & Wilmer



The Commons at Sawmill

Written Response to Required Findings ("Narrative")

Nick Wood, Esq
Attorney

Noel J. Griemsmann, AICP
Sr. Urban Planner

Taylor Moran
Assistant Planner

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May 7, 2019

Neil Gullickson
Planning Development Manager
Community Development Department
City of Flagstaff
211 W Aspen Ave
Flagstaff, AZ 86001

Re: Conditional Use Permit Draft Narrative for Staff Review - Commons at Sawmill

Dear Neil:

On behalf of NB Sawmill TIC 1, LLC, ("NB") I am pleased to submit this Conditional Use Permit narrative of findings for its approximately 6.71-acre property located at 901 S O'Leary Street in Flagstaff, Arizona (the "Property"), otherwise known as Coconino County Assessor's Parcel Number (APN) 10409002F (Exhibit A). The Property is an existing garden style apartment community with 194 dwelling units/448 total beds (the "Project"). No new development is proposed with this request; rather, this request is simply to fulfill a technical requirement by the City of Flagstaff Zoning Ordinance.

The purpose of this letter is to provide: (i) a description of the Conditional Use Permit requested herein; and, (ii) a summary of the findings for approval for this request required by City of Flagstaff Zoning Code Section 10-20.40.50.E.

I. Description of Request

NB purchased the Property as an established student housing community in February of 2016. After purchasing the Property, it came to NB's attention that, although student housing (i.e. "rooming and boarding") land uses are permitted with a Conditional Use Permit in the High Density Residential (HR) Zone ("HR Zone"), a Conditional Use Permit had never been approved for the Property nor requested by any of the preceding owner/operators. Because the Property was acquired to be operated under NB's "by the bed" rental model, and understood at the time of purchase to be allowed to have such use, this request for a Conditional Use Permit is required to meet the technical requirements of the Zoning Code to formalize the history use of the Property as a "by the bed" student housing rental community.

II. Conditional Use Permit Findings

Zoning Code Section 10-20.40.050.E establishes "findings" that are required to be met for approval of a Conditional Use Permit ("CUP"). As set forth below, this request meets each of these criterion.

1. "*That the conditional use is consistent with the objectives of this Zoning Code and the purpose of the zone in which the site is located*."

The HR Zone is intended to, among other objectives, provide medium to high density multiple-family residential development (Code Section 10-40.30.030.A.6). The Project provides an appropriate residential density proximate to NAU and nearby commercial uses, including restaurants and entertainment. Further, with its rent-by-the-room leasing structure, the Project provides more affordable living accommodations for students at an optimal location near campus.

Therefore, the proposed CUP is consistent with the objectives of the Zoning Code and the purpose of the HR Zone and meets this criterion.

2. "*That granting the conditional use will not be detrimental to the public health, safety or welfare. The factors to be considered in making this finding shall include, but not be limited to:*"

a. "Property damage or nuisance arising from noise, smoke, odor, dust, vibration or illumination"

The requested CUP, which is for an established use, has and will not cause property damage or nuisance from noise, smoke, odor, dust, vibration or illumination beyond that of that which would be typical for a similarly situated multi-family community and/or that of the ambient conditions in the surrounding area.

One nuisance concern associated with student housing uses is a perceived increase in calls for service or general police related activities at such developments. Since the Project has been operating as a student focused development, this situation permits a unique opportunity to evaluate the impact of the proposed use before its approval. In response to our request for "Calls for Service" data from the Flagstaff Police Department, information was provided from March 2018 to March 2019 (Exhibit A).

Out of 106 calls for service over that one-year period, 65 were related to private towing actions (a common request near campus). Six were related to traffic violations (related to the public road in front of the Project) and another 12 were civil matters, field interview, animal control or service functions. The remaining criminal matters that

resulted in a call for service (deposition of said calls is unknown, so this data just represents a call for service, not validity of such calls) total 23, and include only 11 "disturbing the peace" calls. In review of this data, it appears that, on average, there are approximately two (2) calls for service a month that are related to activities on the Property that are truly "criminal" in nature.

Even if all 106 calls for service are associated with the Property, the result is a ratio of .24 calls per bed per year (for all types of calls for service; removing towing only, ratio drops to .09 calls per bed per year).

For comparison, the City Council Report dated January 28, 2019, prepared by Police Chief Musselman and Fire Chief Gaillard, the 2018 calls for service for four multi-family developments (away from the university) where:

"Elevation Apartments, 5000, N. Mall Way, calculated at .17 calls per bed per year.
Country Club Vista Apartments, 5250 E. Cortland Blvd., .24 calls per bed per year.
Greenlaw Apartments, 2600 E. Seventh Ave., calculated at .13 calls per year per bed.
Butterfield Apartments, 4015 E. Soliere Ave., calculated at .31 calls per bed per year.

The four complexes when averaged together resulted in an average call load of .22 calls per bed per year" (Page 2).

In review of the available data, it appears that the Property is well within the range of "standard" apartment complexes as to calls for service.

In summary, the Project will not result in any additional risk of property damage or nuisance beyond what is typical for multi-family developments elsewhere in the City.

b. "Hazard to persons or property from possible explosion, contamination, fire or flood"

The CUP is for a residential use; thus, it will not cause possible explosion, contamination, fire or flooding beyond those risks associated with other HR Zoned properties and/or HR allowed land uses.

c. "Impact on surrounding areas arising from unusual volume or character of traffic"

This CUP is requested is for the formalization of an already established student housing use. Because of the nature of the Project and its proximity to the NAU campus and nearby commercial services and amenities, the project conceivably minimizes vehicular trips per day compared to a typical multi-family residential use, rather than increase vehicular trips, as alternative transportation modes (i.e. walking and biking) are often

utilized and necessitated due to parking limitations on-campus and within the immediate surrounding area.

The Project meets all of Criterion #2.

3. "*That the characteristics of the conditional use as proposed and as it may be conditioned are reasonably compatible with the types of uses permitted in the surrounding area. The conditional use permit shall be issued only when the Planning Commission finds that the applicant has considered and adequately addressed the following to ensure that the proposed use will be compatible with the surrounding area*:"

a. "*Access, traffic, and pedestrian, bicycle and vehicular circulation*"

The Project is an established use; therefore, site access and circulation will not change with this approval (its traffic pattern is already well established). Existing pedestrian and bicycle traffic may be higher than typical multi-family communities (as there is more similarity in ages of the population), however the advantage is that there should be reduced vehicular trips to and from the Property as a result as well as more of a spread between on and off-peak movements due to the variety of class schedules of student residents.

b. "*Adequacy of site and open space provisions, including resource protection standards, where applicable*"

Upon purchasing the Property, NB desired to construct on-site improvements for ancillary amenities to increase livability at the Property. These improvements, which include a new clubhouse, were approved by the City and are under construction at the Property. With these new improvements, there is an increase in open space and amenity areas at the Property for tenant use. These are more than adequate for the residents.

This CUP request does not propose any new physical improvements to the site, simply approval of the leasing structure. The existing city-approved resource protection plan associated with the clubhouse improvements is not changing, so there are no impacts to resources on-site.

c. "*Noise, light, visual and other pollutants*"

A student house/multi-family use does not, and will not, emit unusual noise, light, visual and other pollutants beyond that of that which would be typical for a multi-family community and/or that of the ambient conditions in the surrounding area and as otherwise allowed in the HR Zoning District.

d. "*Proposed style and siting of structure(s), and relationship to the surrounding neighborhood*"

There are no new proposed buildings as part of this request. The existing Project is compatible with the surrounding area, as it provides for HR zone compliant building setbacks. Further, significant mature landscaping exists along S. O'Leary Street and S. Lone Tree Road, which buffers the Project from adjacent uses.

e. "*Landscaping and screening provisions, including additional landscaping in excess of otherwise applicable minimum requirements*"

The Project is established, therefore there is not a significant opportunity to increase landscaping at the Property. As noted above, significant landscaping exists along two (2) sides of public rights-of-way where the Property is visible, which helps to buffer the Project from other uses and the broader public. With respect to landscaping along West Hoskins, adjacent property owners have significant landscaping for privacy of their properties that provides buffers for both sides of the street. In addition to the existing landscaping, NB proposes adding to the existing landscaping on-site. The development does not meet current landscaping expectations under the Zoning Code, particularly related to landscaping in the parking lot areas. If approved, NB will improve this landscaping by adding trees and other vegetation as noted on the provided landscaping plans. This will enhance the site landscaping and improve the visual quality of the project. Exhibit B illustrates the new improvements in comparison to today's condition.

f. "*Impact on public utilities*"

Approval of this use will not impact public utilities, as the land use is already developed and does not propose any new improvements/changes to the unit mix.

g. "*Signage and outdoor lighting*"

No new signage or outdoor lighting is proposed as part of this request.

h. "*Dedication and development of streets adjoining the property*"

The surrounding streets have already been improved to their full and final design. Since this CUP does not propose any new development, no new street dedications or development improvements should be required nor are known to be necessary.

i. "*Impacts on historical, prehistoric or natural resources*"

No new development is proposed that would impact historical, prehistoric or natural resources at the Property.

The Project meets the requirements of Criterion #3.

V. Summary

This is a technical request for a Conditional Use Permit to allow for an already established student housing community at the Property. If granted, this CUP will formally allow a by-the-bed lease structure at the Property under the HR Zoning District and the "Rooming and Boarding" provisions of the Zoning Code. No new development is proposed at the Property, therefore there will be no new impacts to the surrounding area beyond that of existing ambient conditions. Furthermore, upon approval, NB will add additional landscaping to the property, improving the visual quality of the project.

Thank you for your careful consideration and we look forward to discussing this request with you at our hearing.

Respectfully submitted,

Snell & Wilmer

Noel J. Griemsmann, AICP
Sr. Urban Planner

Exhibit A – Calls for Service Data

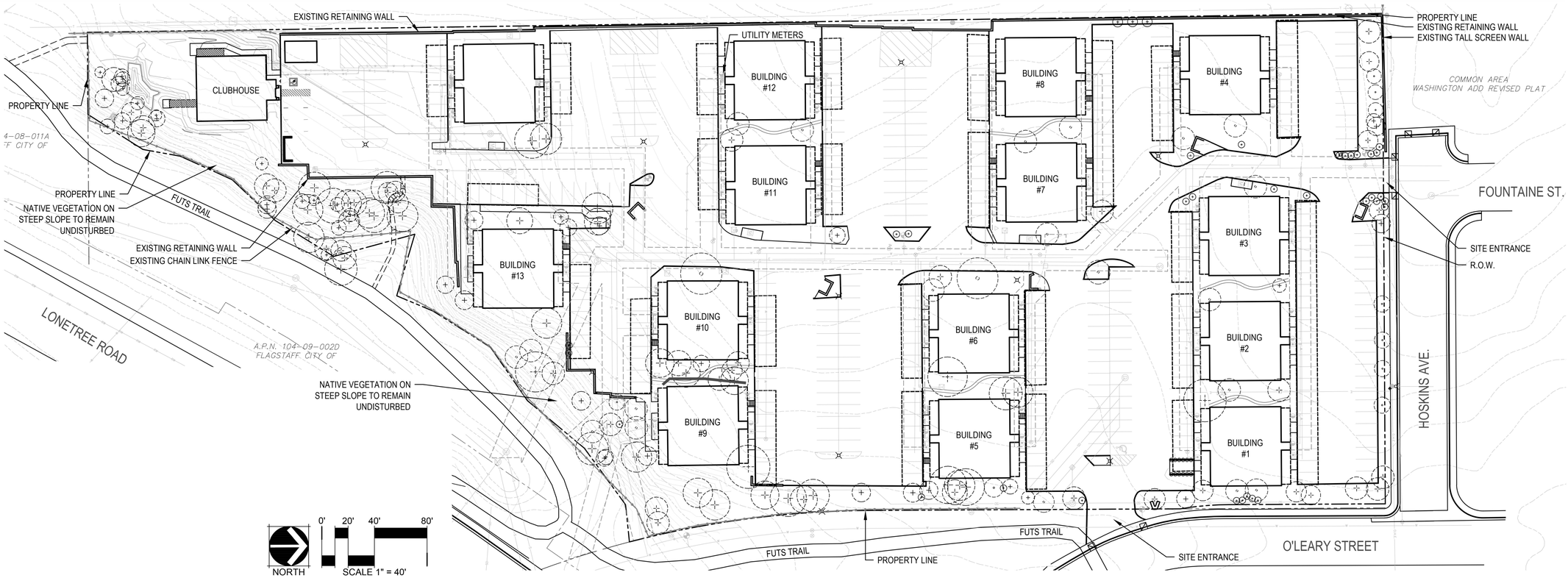
901 S O LEARY ST
CALLS FOR SERVICE MARCH 1, 2018 TO MARCH 1, 2019

CALL ID	CASE ID	ACC ID	DATE	NATURECODE	NATURECODE DESCRIPTION
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E18077742			9/20/2018 0:00	SUSP	SUSPICIOUS
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E18094276			11/16/2018 0:00	AOA	ASSIST OTHER AGENCY

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E19020598			3/18/2019 0:00	ATL	ATTEMPT TO LOCATE
E19021136			3/20/2019 0:00	ACO	ANIMAL CONTROL
E19022862			3/27/2019 0:00	1017	PAPER SERVICE

Exhibit B – Existing vs Proposed Landscaping Exhibit

EXISTING LANDSCAPE CONDITIONS



PROPOSED LANDSCAPE IMPROVEMENTS



LEGEND

- EXISTING EVERGREEN TREE TO REMAIN
- EXISTING EVERGREEN TREE TO REMAIN
- EXISTING SHRUBS TO REMAIN
- DECOMPOSED GRANITE
- CONCRETE PAVERS
- SOD
- NATIVE SEED
- PARKING CANOPY
- PROPOSED DECIDUOUS TREE
- PROPOSED EVERGREEN TREE
- PROPOSED SHRUBS
- PROPOSED GROUNDCOVER
- BIKE RACKS
- BENCH
- TABLE SEATING
- LITTER RECEPTACLE
- DOG STATION

CHECKED BY: AH
DRAWN BY: AH, KW

NORRIS DESIGN
Planning | Landscape Architecture | Branding

6 East Aspen Avenue
Suite 260
Flagstaff, AZ 86001
P 928.233.3021
www.norris-design.com

COMMONS AT SAWMILL

901 S. O'LEARY ST
FLAGSTAFF, AZ 86001

OWNER:
NB PRIVATE CAPITAL

130 VANTIS DRIVE, SUITE 160
ALISO VIEJO, CA 92656
949.243.5315

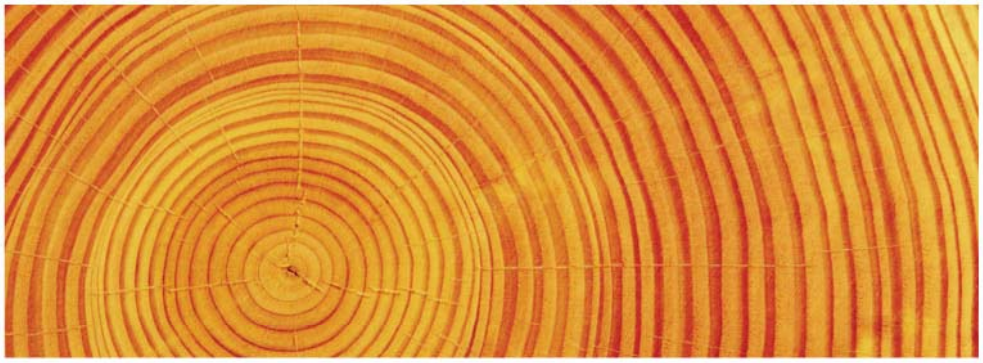
NOT FOR CONSTRUCTION

DATE:
LANDSCAPE EXHIBIT
03.08.19

SHEET TITLE:
EXISTING VS PROPOSED CONDITIONS

L-1

Snell & Wilmer



The Commons at Sawmill

Building Elevations

Nick Wood, Esq
Attorney

Noel J. Griemsmann, AICP
Sr. Urban Planner

Taylor Moran
Assistant Planner









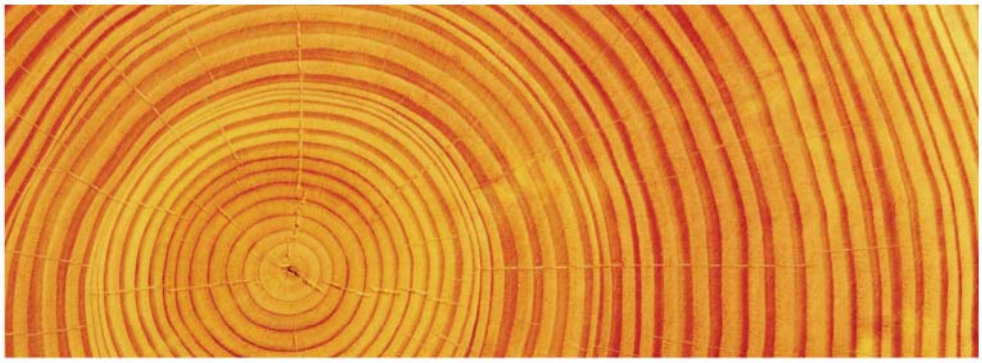








Snell & Wilmer



The Commons at Sawmill

Building Layout and Unit Mix Exhibit

Nick Wood, Esq
Attorney

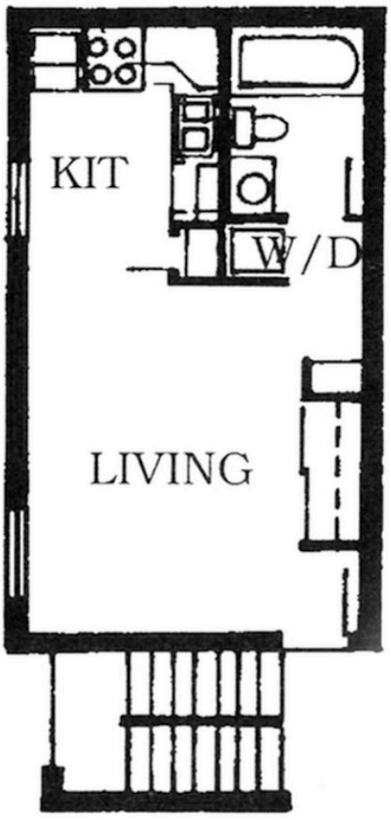
Noel J. Griemsmann, AICP
Sr. Urban Planner

Taylor Moran
Assistant Planner

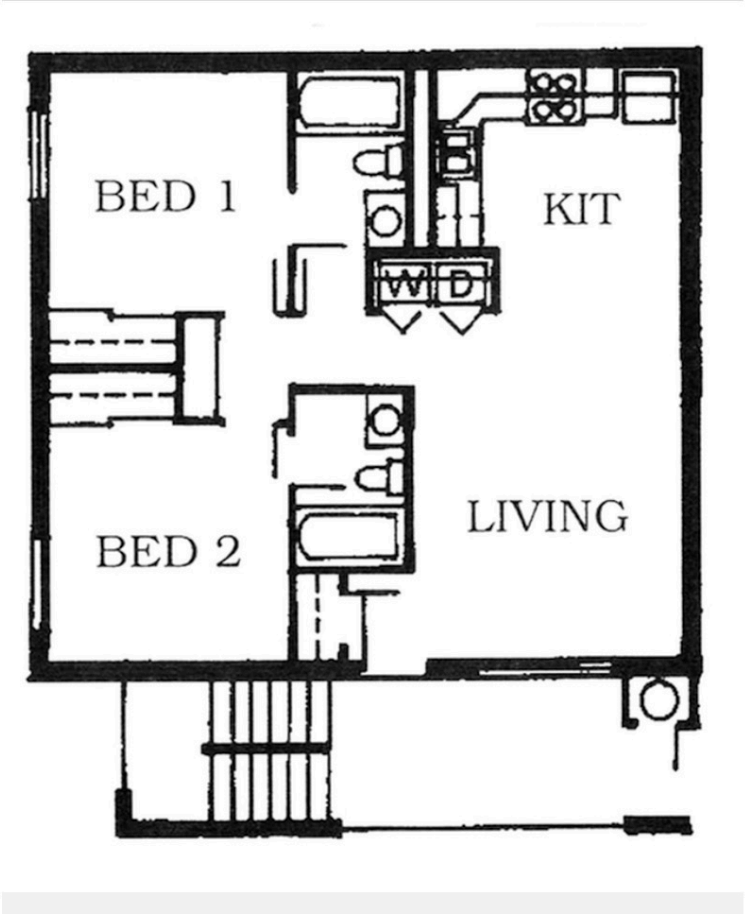
COMMONS AT SAWMILL:
Building Layout and Unit Mix



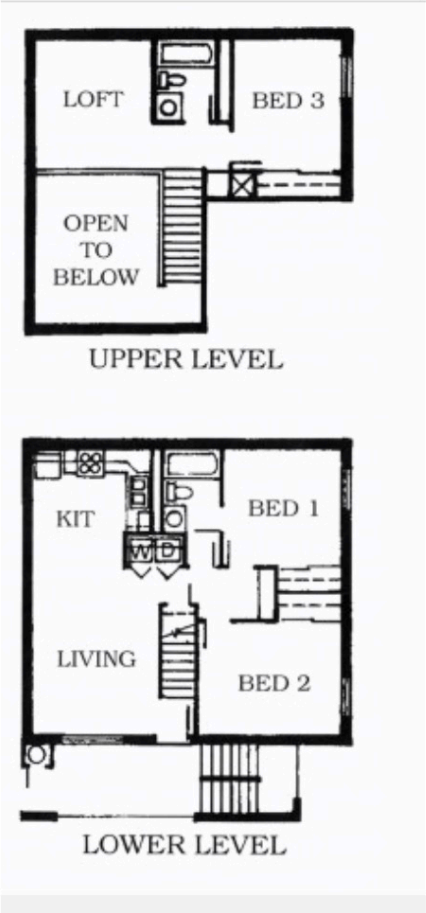
Studio



2x2



3x2


LOFT
BED 3
OPEN
TO
BELOW
UPPER LEVEL
KIT
W
D
BED 1
LIVING
BED 2
LOWER LEVEL

Snell & Wilmer



The Commons at Sawmill

Record of Proceedings

Nick Wood, Esq
Attorney

Noel J. Griemsmann, AICP
Sr. Urban Planner

Stephanie M. Watney
Urban Planner

1. Certification

This Record of Proceedings for the Commons at Sawmill (Case No. PZ 18-00182) (the "Project") is being submitted pursuant to Flagstaff Zoning Code (the "Code") Section 10-20.30.060.F.

2. Details of Techniques

a. Date and Location of Neighborhood Meeting

The neighborhood meeting for the Project was held on November 14, 2018 from 6:30 P.M. to 7:30 P.M., as advertised. The neighborhood meeting took place at the Boys & Girls Club of Flagstaff, located at 301 South Paseo Del Flag in Flagstaff, Arizona.

b. Notification

The notification letters are attached as Exhibit A.

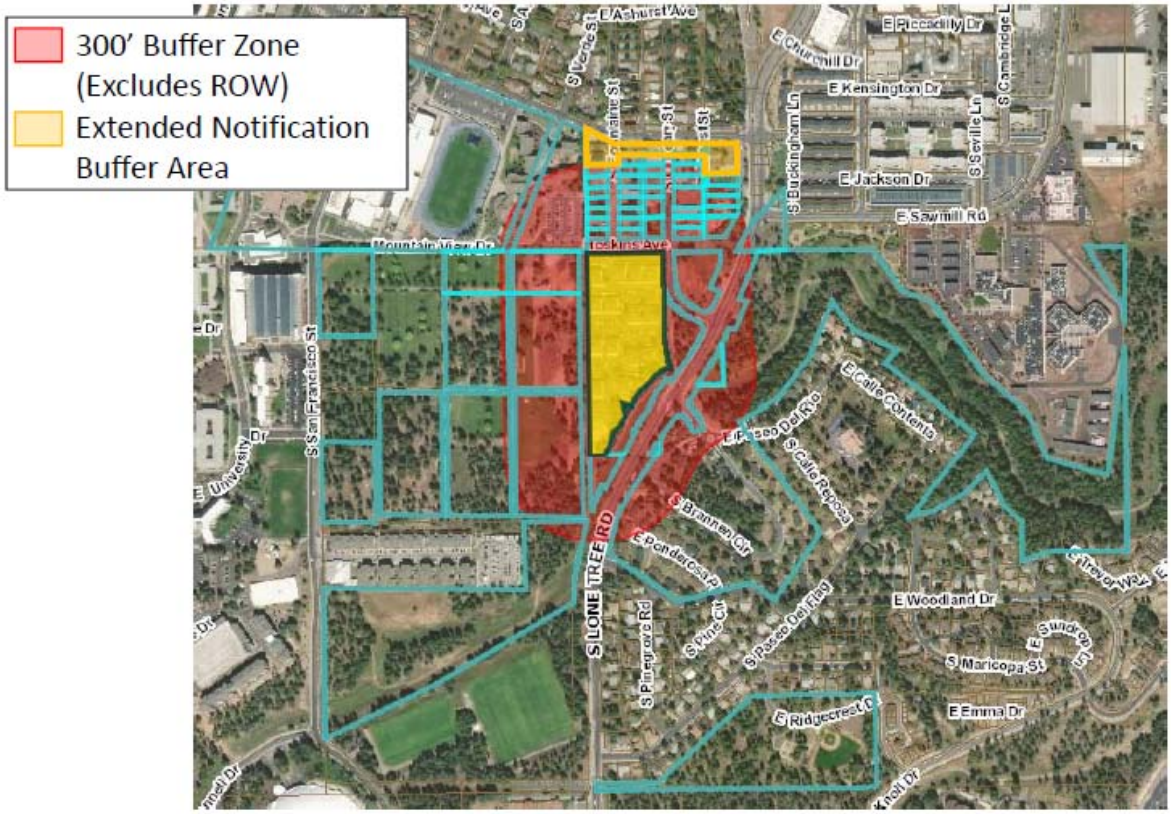
A total of three-hundred ninety-six (396) notice letters were mailed by the applicant; forty-five (45) of those were sent to property owners of record, three-hundred thirty-six (336) were sent to tenants residing at the Property, and fifteen (15) were sent to City identified registered neighborhood organizations and interested persons.

c. Notification Parties and Summary of Their Locations

The notification was mailed via first class mail to: (i) property owners within 300 feet, exclusive of rights-of-way from the Project; (ii) the situs or actual address of all tenants and residents living at the Property; and (iii) homeowners associations and registered interested persons within 1,000 feet of the Property, as required by Code Section 10-20.30.060.D. In addition to the notification parties required by the Code, the notification area was extended to include property owners generally located at the southwest corner of East Franklin Avenue and South Lone Tree Road.

A corresponding list of property owners, tenants residing at the Property, and City identified registered neighborhood organizations and interested persons that were provided notice is attached as Exhibit B.

Please see the notification buffer area map on the following page for the general location of the property owners that were included in the neighborhood meeting notification effort.



d. Number of Participants

As noted on the sign-in sheet (Exhibit C) for the neighborhood meeting, there were zero (0) attendees.

e. Neighborhood Meeting Notification Sign

One (1) neighborhood meeting notification sign was installed at the property in advance of the neighborhood meeting, pursuant to Code Section 10-20.30.060.D.6. The notification sign was posted at the northeastern portion of the Property, fronting on South O'Leary Street. Please see Exhibit D for a dated photograph of the sign installation.

3. A Summary of the Neighborhood Meeting

There was no stakeholder participation at the neighborhood meeting. The applicant will continue to be available to respond to public comment throughout the Conditional Use Permit process.

Snell & Wilmer



Exhibit A

Notification Letter

Nick Wood, Esq
Attorney

Noel J. Griemsmann, AICP
Sr. Urban Planner

Stephanie M. Watney
Urban Planner

Snell & Wilmer
L.L.P.
LAW OFFICES

One Arizona Center
400 E. Van Buren, Suite 1900
Phoenix, AZ 85004-2202
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602.382.6070 (Fax)
www.swlaw.com

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LOS CABOS
ORANGE COUNTY
PHOENIX
RENO
SALT LAKE CITY
TUCSON
WASHINGTON DC

Nicholas J. Wood
(602) 382-6269
nwood@swlaw.com

November 5, 2018

Re: Neighborhood Meeting Notification for the Property Located at 901 South O'Leary Street in Flagstaff, Arizona ("The Commons at Sawmill")

Dear Property Owner or Neighborhood Association Representative:

On behalf of NB Private Capital, we are pleased to invite you to a neighborhood meeting regarding the property located at 901 South O'Leary Street, commonly known as the Commons at Sawmill. The purpose of the neighborhood meeting is to inform you of the Conditional Use Permit ("CUP") that we will be proposing for the existing student housing project. Please note that there will be no proposed changes in land use at the site. Our request is simply to fulfill a technical requirement by the City of Flagstaff.

The neighborhood meeting is scheduled as follows:

Wednesday, November 14, 2018
6:30 PM to 7:30 PM
Boys and Girls Club of Flagstaff
301 South Paseo Del Flag
Flagstaff, AZ 86001

Please contact me or my staff urban planner, Noel Griemsmann, AICP, at (602) 382-6824 or via e-mail to ngriemsmann@swlaw.com to learn more about the case and express your thoughts. The City of Flagstaff Planner assigned to this case is Neil Gullickson. Mr. Gullickson can answer your questions regarding the City's review and hearing processes as well as the staff position once their staff report is complete. You may contact Mr. Gullickson at (928) 213-2614 or via e-mail to ngullickson@flagstaffaz.gov.

Again, I would be happy to answer any questions or discuss any comments that you may have regarding this proposal.

Sincerely,

Snell & Wilmer

Nicholas J. Wood

Snell & Wilmer is a member of LEX MUNDI, The Leading Association of Independent Law Firms.

Exhibit A – Site Aerial



Tenant Notification Letter

NB | PRIVATE CAPITAL

November 5, 2018

Re: Notification Regarding a Pending Application Being Processed with the City of Flagstaff for the Commons at Sawmill

Dear Tenant:

This letter is to inform you that the property ownership of The Commons at Sawmill will be filing a Conditional Use Permit application with the City of Flagstaff for rooming and boarding (single room occupancy rentals) at the Commons, which is a technical requirement by the City of Flagstaff.

Prior to formally filing the request, a neighborhood meeting is being held to inform interested parties about the request. Enclosed for your reference is a general notification that has been mailed to interested persons. **Please note that this process <u>does not</u> affect the terms of your current lease**; this notice is being provided as a general requirement by the City's Zoning Ordinance.

Please feel free to contact the Commons at Sawmill property manager with any questions that you may have as follows:

Name: Marie Diaz
Telephone: (520) 491-9642
E-Mail Address: mdiaz@redstoneresidential.com

Sincerely,

Blake Wettengel
CEO
NB Private Capital, LLC

4849-1672-8954

Snell & Wilmer
L.L.P.
LAW OFFICES

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Phoenix, AZ 85004-2202
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602.382.6070 (Fax)
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RENO
SALT LAKE CITY
TUCSON
WASHINGTON DC

Nicholas J. Wood
(602) 382-6269
nwood@swlaw.com

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Again, I would be happy to answer any questions or discuss any comments that you may have regarding this proposal.

Sincerely,

Snell & Wilmer

Nicholas J. Wood

Snell & Wilmer is a member of LEX MUNDI, The Leading Association of Independent Law Firms.

Exhibit A – Site Aerial



Planning and Zoning Commission
August 14, 2019

TEAM FLAGSTAFF
WE MAKE THE CITY BETTER

Commons at Sawmill
Conditional Use permit for a Rooming and Boarding Facility

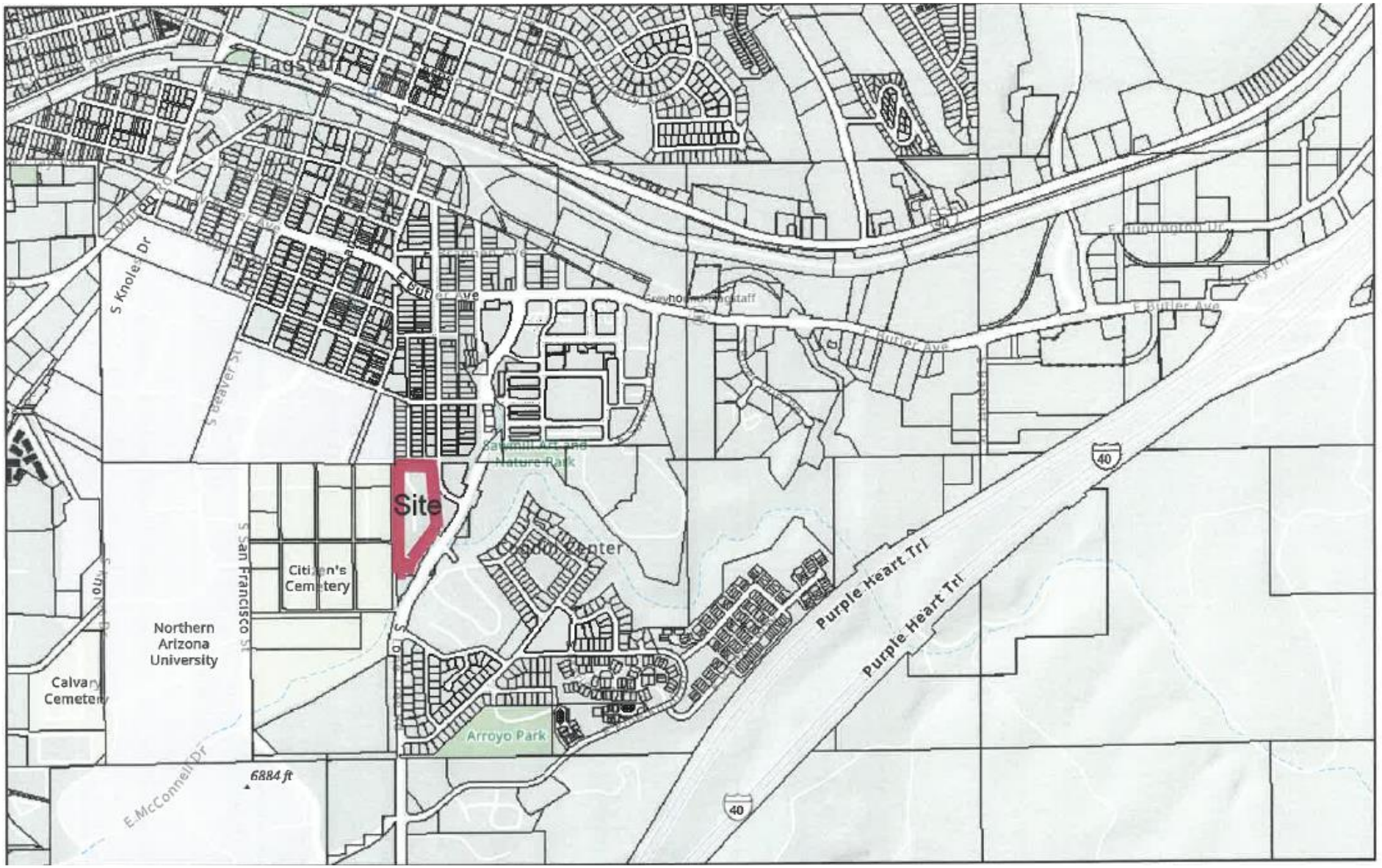
TEAM FLAGSTAFF
WE MAKE THE CITY BETTER

Commons at Sawmill-CUP

Proposal

- Conditional Use Permit to allow a Rooming and Boarding Facility which will allow the individual lease of each bedroom.

- 194 garden style apartments
- 448 individual bedrooms
- High Density Residential Zone
- Site is 6.71 acres in size



Site address:

901 South O'Leary Street

Rooming and Boarding

- ***Rooming and Boarding Facility:*** *A residence or dwelling, other than a hotel, wherein three or more rooms, with or without individual or group cooking facilities, are rented to individuals under separate rental agreements or leases, either written or oral, whether an owner, agent, or rental agent is in residence. Includes dormitories, single room occupancy, fraternities and sororities.*

Current Site

- 14 residential buildings, each 10,000 square-feet in size
- Three-stories tall (± 48-feet tall)
- 194 apartments
- Combination of 1, 2 and 3 bedroom units
- 5,000 sq. ft. clubhouse amenities facility
- Density of 28 units per acre, 66 bedrooms per acre
- Site does not meet the proposed definition of HOH

Findings

- #1: CUP is consistent with the objectives of the Zoning Code

The HR zone is intended to provide living amenities and housing with residential design flexibility. The site was designed to met the development standards of the HR zone and remains in compliance with the intent of the zone.

- #2: The granting of the CUP will not be detrimental to the public health, safety or welfare

This complex has been in existence since 1994; no changes to the site that would lead to nuisance is expected. No additional volume or change in traffic patterns are expected due to the proposed change of use.

This property does participate in the Crime Free Housing Program.

Findings

- #3: The proposed use is compatible with surrounding uses.
  - Access, Traffic and Pedestrian, Bicycle
    - Pedestrian access to NAU
    - Parking meets code requirements
    - Developer has agreed to provide 2 years of Eco Passes
  - Noise, Light and Other Pollutants
    - No changes to the building exterior or lighting are proposed
    - No changes to the exterior of the buildings are anticipated
  - Landscaping and Screening
    - Landscaping will be brought to current standards

Findings

- Impact On Public Utilities
- Signage and outdoor Lighting
- Dedication and Development of Streets
  - No changes are proposed, no changes have been required as a result of staff review

- Impacts on Resources
  - This site is in the Resource Protection Overlay, no changes to the existing resources on the site will be impacted

Public Contact

November 14, 2018 neighborhood meeting at Boys and Girls Club, no public attended

One e-mail expressing concern

Recommendation

- The Development Review staff approved the site plan for this project on February 25, 2019. Staff recommends that the request for the CUP be granted by the Planning and Zoning Commission with the requirements included in Conditional Use Permit No. PZ-18-00182-02. The conditions for this CUP include:
- The development complies with all the IDS site plan approval comments, dated February 25, 2019.
- The site is developed in substantial conformance to the site plan, elevations, and technical documents approved by the Planning and Zoning Commission.
- The applicant agrees to provide NAIPTA bus passes through the Bulk Purchase Program with each lease (one per bedroom) for a two-year period.

Agendas and Minutes | Meeting Officials | Voting Record

Return

PLANNING & ZONING COMMISSION
WEDNESDAY, AUGUST 14, 2019
CITY HALL COUNCIL CHAMBERS
211 WEST ASPEN
4:00 PM

1. Call to Order

Vice Chair Zimmerman called the meeting of the Flagstaff Planning & Zoning Commission held August 14, 2019 to order at 4:00 p.m.

2. Roll Call

NOTE: One of more Commissioner may be in attendance telephonically or by other technological means.

PRESENT:
Vice Chair, David Zimmerman
Marie Jones
Dr. Alex Martinez
Eric Nolan

ABSENT:
Chair, Margo Wheeler

Others present: Tiffany Antol, Planning Director; Neil Gullickson, Planning Development Manager; Alaxandra Pucciarelli, Planning Development Manager

3. Public Comment

At this time, any member of the public may address the Commission on any subject within their jurisdiction that is not scheduled before the Commission on that day. Due to Open Meeting Laws, the Commission cannot discuss or act on items presented during this portion of the agenda. To address the Commission on an item that is on the agenda, please wait for the Chair to call for Public Comment at the time the item is heard.

None

4. APPROVAL OF MINUTES

Minutes from the regular meeting on Wednesday, June 26, 2019.

STAFF RECOMMENDED ACTION:

Staff recommends the Planning & Zoning Commission approve the minutes of June 26, 2019.

Moved by Eric Nolan, **seconded by** Marie Jones to approve the minutes from the regular meeting of June 26, 2019

Vote: 4 - 0

5. PUBLIC HEARING

A. Project # PZ-17-00227-03 Miramonte at Ponderosa Parkway

Direct to Ordinance Zoning Map Amendment, by Miramonte Arizona, LLC, of approximately 11.97 acres located at 1650 East Ponderosa Parkway from the Rural Residential (RR) zone to the High Density Residential (HR) zone. The development site is located within the Resource Protection

Overlay (RPO).

Staff recommends the Planning and Zoning Commission, in accordance with the findings presented in this report, forward the Direct to Ordinance Zoning Map Amendment request to the City Council with a recommendation for approval of case PZ-17-00227-03, subject to the following four conditions which will be included into the zoning map amendment ordinance:

1. The subject property must be developed in accordance with the approved site plan and the conditions of appoval dated May 28, 2019. Modifications (other than minor modifications) to the approved site plan will require an amendment to this Direct to Ordinance Zoning Map Amendment request.
2. All other requirements of the Zoning Code and other City codes, ordinances and regulations, shall be met by the proposed development.
3. All terms, conditions, and restrictions detailed within the "Development Agreement Miramonte at Ponderosa Parkway Condominiums" must be fully satisfied.
4. In the event the property is rezoned and the Developer fails to obtain final Civil Plan approval within two (2) years of the effective date of the rezoning ordinance, then the City may schedule a public hearing before the City Council for the purpose of causing the zoning on the Property to revert to the former classifications of Rural Residential (RR) in accordance with A.R.S. § 9-462.01.

Ms. Pucciarelli gave a PowerPoint presentation on the proposed project.
Whitney Cunningham from Aspey, Watkins, and Diesel, representing the applicant also gave a PowerPoint presentation and introduced Jack Kemmerly as the owner. Mr. Kemmerly briefly spoke about the proposed project

PUBLIC COMMENT:
Devonna McLaughlin, Housing Solutions, supports the proposed project because of the affordable housing component.
Moved by Marie Jones, **seconded by** Dr. Alex H. Martinez In accordance with the findings presented, forward the Direct to Ordinance Zoning Map Amendment request to the City Council with a recommendation for approval of case PZ-17-00227-03, subject to the four conditions presented by staff.

Vote: 3 - 1

NAY: Eric Nolan

B. Project # PZ-18-00182-02 The Commons at Sawmill

A request from NB SAWMILLTIC 1 LLC, for a Conditional Use Permit from the City of Flagstaff to allow a Rooming and Boarding Facility which permits each of the 448 bedrooms (194 garden style apartments) to be leased individually. The site is 6.71 acres in size and is located at 901 South O'Leary Street, within the High Density Residential (HR) Zone.

In accordance with the findings as presented in this report, staff recommends the Planning and Zoning Commission approve Conditional Use Permit PZ-18-00182-02 with the following conditions:

1. The development complies with all the IDS site plan approval comments, dated February 25, 2019.
2. The site is developed in substantial conformance to the site plan, elevations, and technical documents approved by the Planning and Zoning Commission.
3. The applicant agrees to provide NAIPTA bus passes through the Bulk Purchase Program with each lease (one per bedroom) for a two-year period.

Mr. Gullickson gave a PowerPoint presentation about the propsed Conditional Use Permit and answered questions from Commissioners.

Nick Wood, applicants representative, gave a PowerPoint presentation and answered questions from Commissioners.

PUBLIC COMMENT:

Jack Moeller, resident, expressed concern about increase in student population and traffic.
Mr. Wood Clarified that there is no increase in students that the project is existing.

Moved by Dr. Alex H. Martinez, **seconded by** Vice Chair, David Zimmerman approve Conditional Use Permit PZ-18-00182-02 in accordance with the findings and with the conditions presented by Staff.

Vote: 3 - 1

NAY: Eric Nolan

C. Project # PZ-19-00095 Accessory Dwelling Unit

A Zoning Code Text Amendment to amend the Flagstaff Zoning Code (Ordinance No. 2011-20) for the purpose of modifying chapters, divisions, and sections of Title 10 Flagstaff Zoning Code, including the sections of Division 10-40.60: Specific to Uses, and Division 10-80.20: Definition of Specialized Terms, Phrases, and Building Functions, to resolve conflicts, incorporate technical corrections and clarity, and to add new and modify existing requirements, provisions, and definitions.

Staff recommends the Planning and Zoning Commission, in accordance with the findings presented in this report, find that the requirements of the Zoning Code have been met, and make a recommendation to the City Council for approval of the Zoning Code Text Amendment.

Mr. Symer gave a PowerPoint presentation about the proposed text amendment and answered questions from Commissioners.
Discussion was held on the proposed amendment.

Moved by Marie Jones, **seconded by** Eric Nolan in accordance with the findings presented by Staff, find that the requirements of the Zoning Code have been met, and make a recommendation to the City Council for approval of the Zoning Code Text Amendment.

Vote: 4 - 0

6. GENERAL BUSINESS

A. A work session with the Planning and Zoning Commission to discuss the City's concepts to amend the zoning code pertaining mixed-use developments.

Mr. Symer gave a PowerPoint and discussion was held on the City's concepts to amend the zoning code pertaining to mixed-use developments.

B. A work session with the Planning and Zoning Commission to discuss the City's concepts to amend the zoning code pertaining to the goals, policies, and implementation strategies of the High Occupancy Housing Specific Plan.

Mr. Symer gave a PowerPoint presentation and discussion was held about the City's concepts to amend the zoning code pertaining to the goals, policies, and implementation strategies of the High Occupancy Housing Specific Plan.

7. MISCELLANEOUS ITEMS TO/FROM COMMISSION MEMBERS

Ms. Antol discussed changes to the agenda
There are 2 vacancies on the Commission, hoping to fill at the next council meeting
Discussed future meeting dates and agendas

8. ADJOURNMENT

Adjourned at 7:15 p.m.

CERTIFICATE OF POSTING OF NOTICE

The undersigned hereby certifies that a copy of the foregoing notice was duly posted at Flagstaff City Hall on _____, at _____ a.m./p.m. This notice has been posted on

the City's website and can be downloaded at www.flagstaff.az.gov.

Dated this _____ day of _____, 2019.

_____
Tammy Bishop, Administrative Specialist

GO TO PREVIOUS PAGE | GO TO THE TOP OF THE PAGE

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Neil Gullickson

From: ojosazules0113 <ojosazules0113@gmail.com>
Sent: Thursday, August 1, 2019 9:44 AM
To: Neil Gullickson
Subject: Commons at Sawmill rezoning request

Good morning, Mr. Gullickson

I just read Snell & Wilmer's flyer for their rezoning request at the Commons at Sawmill, a high density community at 901 S. O'Leary. As a long-term renter in the area, this request is a bit disturbing to some of my neighbors and me.

The Southside should not be the only area bearing the brunt of NAU's asinine plans for increased student population. This area has already seen small homes razed and 3-storey residences constructed. How about other areas of Flagstaff taking some of the pressure off of the Southside by allowing capital investment firms to build "student housing" in their neighborhoods?

The Southside is becoming a more difficult place to reside because of Flagstaff's willingness to bow down to NAU. If the university's plan is to heavily increase their student population, allow it to construct housing on its property.

I understand that change is inevitable, but it can be directed. Lately, it seems that it has been misdirected.

I will be attending the meeting at City Hall on the 14th in hopes of finding out to which entity this proposal is to be most advantageous. Thank you for your time.

Sincerely,
Jake Moeller

14. A.

CITY OF FLAGSTAFF

STAFF SUMMARY REPORT

To:	The Honorable Mayor and Council
From:	Dan Symer, Zoning Code Manager
Date:	09/09/2019
Meeting Date:	09/17/2019

TITLE

Case No. PZ-19-00094 Updates to Zoning Code 2019 – Miscellaneous Part 1

STAFF RECOMMENDED ACTION:

Provide direction to staff on the proposed Zoning Code Text Amendments.

EXECUTIVE SUMMARY:

The Zoning Code was adopted by the City Council on November 1, 2011, to replace the former Land Development Code. Since its adoption, the code has been amended several times to address procedures, add clarity, resolve conflicts, address planning initiatives (accessory dwelling units), incorporate applicant's requests (West University Drive Entrance Sign District), and to address changes in state law and U.S. Supreme Court decisions (i.e. Reed vs the Town of Gilbert). In addition, on July 2, 2019 the City Council approved an amendment to the Zoning Code to address a series of technical, conflict resolution, and clarity modifications – as well as the addition of the Seasonal Amusement/Entertainment and Sales, Indoor and related provision to the into the Light Industrial (LI) zone.

The proposed amendment (Case No. PZ-19-00094) includes multiple changes to the Zoning Code to resolve conflicts, incorporating technical corrections, add clarity, and to simplify the existing requirements. New provisions are being added, and several sections of the reference divisions are being modified, relocated, or deleted.

INFORMATION:

Proposed Amendment

The proposed amendment includes multiple changes to the Zoning Code to resolve conflicts, incorporate technical corrections, add clarity, and/or to simplify the existing requirements. New provisions are being added, and several sections of the reference divisions are being modified, relocated, or deleted.

The most significant of the modifications include:

- Limiting the land use of Animal Keeping to be an accessory use in most residential districts, and as a primary allowed use in the Rural Residential (RR) zone and Estate Rural (ER) on lots or parcels with five acres, or greater (These changes have been reviewed with the City's

Sustainability Staff);
- Adding provisions to allow existing residential subdivisions, and homes within these subdivisions, to be developed or modified in accordance with the setback and lot size provisions shown on record subdivision plat approved by the City Council;
- Adding outdoor storage as a primary allowed use in the Heavy Industrial (HI) zone and Heavy Industrial – Open (HI-O) zone;
- Incorporating standards for daycare home and daycare center in compliance with the State of Arizona requirements; and
- Limiting the size of a vehicle that may be stored in the Industrial, Light – General land use to FHA class 6 vehicle and smaller.

Summary of the Staff Revisions to Zoning Code:
The proposed amendment includes:

1. **Notice of Public Hearings (Section 10-20.30.080):** Changes to the public hearing notice for preliminary plats and uses within a public facility zone.
2. **Minor Improvement Permits (Section 10-20.40.080):** Changes to clarify the requirements.
3. **Temporary Use Permits (Section 10-20.40.150):** Incorporate changes to relocate and modify the requirements pertaining to temporary storage structures, off-site temporary construction trailer(s), and exemptions.
4. **Residential Zones (Section 10-40.30.030):** Incorporate modifications to the land use, building form, and miscellaneous requirements. A summary of the modifications includes changes to: animal keeping as primary land use; relocation of requirements to other sections; setback modifications; allowances for lot sizes and setbacks for previously platted subdivisions. In addition, the modifications include changes to various, miscellaneous, technical, term and cross-references, and relocation of provisions.
5. **Commercial Zones (Section 10-40.30.040):** Incorporate modifications to the allowed uses, building form, and miscellaneous requirements. A summary of the modifications includes changes to: renaming the allowed use of Lodging to Travel Accommodations; and relocation and addition of open space requirements for residential developments. In addition, the modifications include changes to various, miscellaneous, technical, term and cross-references, and relocation of provisions.
6. **Industrial Zones (Section 10-40.30.050):** Add outdoor storage as an allowed use in the Heavy Industrial and Heavy Industrial – Open zones; and, modifications to various, miscellaneous, technical, and cross-references provisions.
7. **Public and Open Space Zones (Section 10-40.30.060):** Correct the adoption, scrivener and table errors of the allowed uses. In addition, the modifications include changes to various, miscellaneous, technical, cross-references, and relocation of provisions.
8. **Accessory Buildings and Structures (Section 10-40.60.020):** Incorporate modifications to relocate the accessory use to a new section (Section 10-40.60.025), simplify and clarify provisions, and relocate temporary storage containers to section 10-20.40.150.
9. **Accessory Uses (Section 10-40.60.025):** Add a new section specific to accessory uses.
10. **Day Care Home and Center (Section 10-40.60.150):** Incorporate technical modifications to conform with State of Arizona requirements, and clarify provisions.
11. **Outdoor storage (Section 10-40.60.275):** Add a new section specific to outdoor storage.
12. **Warehousing (Section 10-40.60.320):** Delete section and incorporate provisions into outdoor storage.
13. **Forest (Section 10-50.90.060):** Incorporate changes to clarify and modify the requirements of Forest Resource Protection Thresholds as a Percentage of Site Area for the non-transect and transect zones.
14. **Definition of Specialized Terms, Phrases, and Building Functions (Division 10-80.20)** Modify and add various definition of the Zoning Code, including: Accessory Buildings and Structures; Bed and Breakfast; Day Care, Center; Development Site; Development,

Multiple-Family; Development – Attached Single-Family; Development - Detached, Single-Family; Development, Duplex; Development - Cluster, Dwelling, Multiple-Family, Single-Family; Factory Built Building; Industrial, Light – General; Older Individual; Parcel; Parking Structure, Above-Ground; Parking Structure, Underground; Passive Recreation; Residential Community Building Area; Sanitation facilities; Sign; Travel Accommodation; Use, Secondary; Warehousing; Yard; Yard, Exterior; and Yard, Interior.

15. **Additional Enforcement, Technical, Figure and Term Modifications (Sections 10-30.60.040, 10-40.40.100, 10-40.60.240, 10-40.60.250, 10-40.60.280, 10-50.30.030, 10-50.40.020, 10-50.60.050, and 10-50.90.060):** Incorporate, correct, clarify, and modify various technical, enforcement, cross references modifications.

Findings
At a subsequent meeting, the City Council will be requested to approve the proposed amendments based on the required findings specified in the Zoning Code. For your reference and discussion purposes, the required findings are specified below.

1. The proposed amendment is consistent with and conforms to the objectives and policies of the General Plan and any applicable specific plan;
2. The proposed amendment will not be detrimental to the public interest, health, safety, convenience or welfare of the City; and
3. The proposed amendment is internally consistent with other applicable provisions of this Zoning Code.

Community Involvement
In accordance with State Statute and the Zoning Code, the Planning and Zoning Commission work session and public hearing for these amendments were advertised in the Arizona Daily Sun on May 25, 2019. Also, persons of interest that are on file with the Planning and Development Services Department were notified of the work sessions and hearings via first class mail. The Planning and Zoning Commission's work session was held on June 12, 2019, and the Commission's public hearing was held on June 26, 2019. As of the date of this report, staff has not received any comments from the public pertaining to these amendments.

Planning and Zoning Commission Recommendation
At the June 26, 2019 Planning and Zoning Commission public hearing, the Commission recommended approval of the proposed amendments with a vote of 4-0.

Timeline
The anticipated timeline for the amendments is as follows:

- June 12, 2019 – Planning Commission Work Session
- June 26, 2019 – Planning Commission Public Hearing
- September 17, 2019 – City Council Work Session
- October 15, 2019 – City Council Public Hearing (1st Reading of Ordinance)
- November 5, 2019 – City Council Hearing (2nd Reading of Ordinance/Adoption)
- December 5, 2019 – Ordinance Effective Date

Conclusion:
As indicated above, the purpose of the work session is for staff to present an overview of the proposed amendments to the Zoning Code, to allow interested individuals, residents and business owners to provide comments. Also, the work session is to allow the Council to ask questions, seek clarification, have discussions, and offer comments/direction on the proposed amendments. No formal action is to occur at the work session. Additional opportunities for discussion, public comment, and action by the City Council will occur at a future public hearing.

Attachments: 1. Draft of the City Staff Proposed Ordinance Revisions
Presentation

Amendment for Adoption in Flagstaff Zoning Code

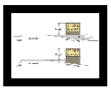
Case No. PZ-19-00094 Updates to Zoning Code 2019 – Miscellaneous Part 1

HOW TO READ THIS DOCUMENT

Unless otherwise stated, provisions that are being deleted are shown in bold red strikethrough text, like this: ~~**Provisions that are being deleted are shown with a bold red strikethroughs text.**~~

Provisions that are being added are shown in bold blue text, like this: **Provisions that are being added are shown in bold blue text.**

Graphics/Figures that are being deleted are indicated with an "X" over the graphic/figure.

Graphics/Figures that are being added are indicated with a border  around the graphic/figure.

Tables that are being deleted are indicated with an "X" over the Tables.

Tables that are being added are indicated with a thick border  around the Tables.

Section 1. Amend Title 10 FLAGSTAFF ZONING CODE, Section 10-20.30.080 Notice of Public Hearings, as follows:

10-20.30.080 Notice of Public Hearings

A. Notice of Application. Prior to consideration of any action for a General Plan amendment, specific plan amendment, Zoning Code text amendment, Zoning Map amendment, conditional use permit, ~~**preliminary subdivision plat,**~~ variance, or appeal heard by the Board of Adjustment, ~~**or change of use within the PF (Public Facility) zone,**~~ notice shall be given in compliance with the requirements of this section. In those cases where a public hearing is required as part of the approval process, no hearing shall be scheduled until the applicant has paid the required fee(s). Fees are listed in Appendix 2, Planning Fee Schedule. All of the following applicable provisions shall be met:

~~**A.**~~ **B. Notice Requirements.** Any changes to State law notice requirements shall control over this provision in the manner of providing notice.

1. **Contents.** Every published, posted and mailed notice of public hearing shall include:

   a. The date, time, location and purpose of the hearing;

   b. The name of the body conducting the hearing, and a telephone number to receive additional information;

   c. The location and times at which the complete application and development file may be viewed by the public;

d. The address or location of the subject property;

e. A general description of the proposed development or action and the property included in the application;

f. A statement that any interested person or authorized agent may appear and be heard;

g. A statement describing how and when to submit written comments;

h. The existing zone classification; and

i. The word "Zoning," if applicable.

2. **Manner of Posting.**

a. Notices of public hearings for requests to amend the Zoning Map shall be posted on the subject property and printed so that the following are visible from a distance of 100 feet: the word "zoning"; the existing zone; the proposed zone; and the date, time and place of the hearing.

b. Notices of public hearings for all other applications such as General Plan amendments, conditional use permits, or Board of Adjustment hearings shall be posted on the subject property and printed so that the date, time and place of the hearing is visible from a distance of 100 feet.

3. **Manner of Notification.** Notices of required public hearings shall be sent by first class mail to the following persons:

a. Each real property owner (if different from the applicant) as shown on the last assessment of the property, of any land within the areas subject to the application for which the public hearing is required.

b. Each real property owner (if different from the applicant) as shown on the last assessment of the property of any land which is located within 300 feet of the property subject to the application for which the public hearing is required. The Director may expand the notification area based on the location and context of the subject property if it is determined that the potential impact of the development extends beyond the required notification boundary.

c. The situs or actual address of all tenants and residents living on the subject property.

d. All local government agencies which have reviewed and commented on the proposed development or Zoning Map amendment or which abut the subject property.

4. **Failure to Receive Notice.** Notwithstanding the notice requirements set forth in subsections (A)(2) and (3) of this section, the failure of any person or entity to receive notice shall not constitute grounds for any court to invalidate the amendments for which the notice was given.

5. **Responsibility for Providing Notice.**

a. The Director shall be responsible for placing the public hearing notices required by this section in a newspaper of general circulation within the City.

b. The applicant shall post the notice(s) as required by this section on the subject property. The applicant is required to maintain the posting and remove the sign within seven days after the public hearing and final action. Failure to remove the sign may result in the City removing the sign and charging the applicant for costs incurred. The applicant shall submit a notarized affidavit of posting and photographs of the signs posted on the subject property to the Director no less than 15 days prior to the public hearing date.

c. If notice is required to be provided by mail, the applicant is responsible for establishing a list of names and addresses of property owners in compliance with the requirements of Section 10-20.30.060(D)(3) and (5), as well as the names and situs addresses of all tenants and residents living on the subject property, in compliance with this section. The applicant shall mail a public hearing notice to each of the property owners on the list referenced above no later than 15 days prior to the public hearing date. A notarized copy of the mailing list shall be submitted to the Director prior to or on the fifteenth day prior to the public hearing date.

d. Failure to provide the documentation described in subsections (A)(5)(b) and (c) of this section will result in continuance of the case to the next available public hearing date.

6. **Time of Notice.** All required notices shall be posted or published within a time frame prior to the public hearing determined in compliance with State law as well as the review schedule on file with the Planning Section.

~~B.~~ **C. Registry of Interested Persons or Groups.** Any interested persons or groups may contact the Planning Section to register their names, addresses and other contact information so that they can be notified of all public meetings and public hearings of the Board of Adjustment, Planning Commission and/or Council.

~~C.~~ **D. Additional Noticing Requirements.**

1. In proceedings involving one or more of the following proposed changes or related series of changes in the standards governing land uses, notice shall be provided as described in subsections (C)(2) and (3) of this section:

a. A 10 percent or more increase or decrease in the number of square feet or units that may be developed.

b. A 10 percent or more increase or reduction in the allowable height of buildings.

c. An increase or reduction in the allowable number of stories of buildings.

d. A 10 percent or more increase or decrease in setback or open space requirements.

e. An increase or reduction in permitted uses.

2. Notice shall be sent to all persons or groups whose names are on the registry of persons and groups described in subsection (B) of this section who are interested in receiving such notice.

3. Notice shall be provided to real property owners in compliance with at least one of the following notification procedures:

   a. Notice shall be sent by first class mail to each real property owner, as shown on the last assessment, whose real property would be directly governed by the changes.

   b. Notice shall be included with water bills or other City mass mailings.

   c. Notice shall be published in a newspaper of general circulation published or circulated in the City in the form of a "display ad" covering not less than one-eighth of a full page.

4. In proceedings where additional requirements for citizen outreach are required as provided in Section 10-20.30.070, Additional Requirements for Citizen Outreach, full compliance with the notification requirements of that section is required.

Section 2. Amend Title 10 FLAGSTAFF ZONING CODE, Section 10-20.40.080 Minor Improvement Permits, as follows:

10-20.40.080 Minor Improvement Permits

A. **Purpose.** ~~This section establishes the requirements for a minor improvement permit to~~ **To** ensure ~~that~~ compliance with the applicable provisions of ~~this~~ **the** Zoning Code ~~is achieved~~ **, this section establishes the requirements for a Minor Improvement Permit**. ~~A minor improvement permit shall be reviewed, approved and issued by the Director prior to the placement, installation, construction or development of the following structures that do not otherwise require a building permit as required by applicable City building codes:~~

~~1. Decks;~~

~~2. Garden wall;~~

~~3. Accessory structures, such as sheds or storage containers; and~~

~~4. Fences (see Division 10-50.50, Fences and Screening).~~

B. Application. The property owner shall obtain approval of an application for a Minor Improvement Permit prior to the placement, installation, construction or development of structure that does not require a building permit in accordance with the Building Code. Structures that require the approval of an application for a Minor Improvement Permit include:

1. Accessory structures, such as sheds, storage containers, decks, fences, garden walls, patios, pergolas, trellises, wall, etc;

2. **Modification to the exterior of a structure, including materials and colors, determined to be minor by the Director for properties that are required to comply with Division 10-50.20 pursuant to Section 10-50.20.020;**

3. **Landscape modifications determined to be minor by the Director for properties that are required to comply with Division 10-50.60 pursuant to Section 10-50.60.020;**

4. **Other minor improvements determined by the Director.**

~~B.~~ **C.** Review and Final Decision.

1. The Director shall review the minor improvement permit application and supporting documentation required by Section 10-20.30.020, Application Process, for compliance with the requirements of the Zoning Code.

2. The Director, in compliance with the review schedule on file with the Planning Section, shall determine whether the minor improvement permit can be issued or if additional information is required from the applicant to complete the application. If the application is denied, the reason shall be stated in writing.

D. Exemptions. Children's play houses and tree houses less than 200 square feet in floor area do not require the approval of an application for a Minor Improvement Permit.

Section 3. Amend Title 10 FLAGSTAFF ZONING CODE, Section 10-20.40.150 Temporary Use Permits, subsection D. Allowed Temporary Uses., paragraph 2., as follows:

Section 10-20.40.150 Temporary Use Permits

D. **Allowed Temporary Uses.** A temporary use permit shall be required for the following temporary activities. Other temporary or short-term activities that do not fall within the categories defined below shall comply with the planning permit requirements and development standards that otherwise apply to the property.

2. ~~**Construction Yards**~~ **Construction Yard(s)** – Off-Site. Off-site contractors' construction yards, for an approved construction project require a temporary use permit. Written authorization from the property owner(s) or property management company(ies) representing the property owner(s) shall be provided prior to the establishment of the off-site construction yard. The construction yard shall be removed immediately upon completion of the construction project, or the expiration of the building permit authorizing the construction project, whichever occurs first. **Immediately upon removal of the construction yard(s), the property shall be restored to the condition pre-existing the construction yard(s), or a condition approved by the Director.**

Section 4. Amend Title 10 FLAGSTAFF ZONING CODE, Section 10-20.40.150 Temporary Use Permits, subsection D. Allowed Temporary Uses., paragraph 14., and add paragraphs 15 and 16, in numerical order, as follows:

Section 10-20.40.150 Temporary Use Permits

D. **Allowed Temporary Uses.** A temporary use permit shall be required for the following temporary activities. Other temporary or short-term activities that do not fall within the categories defined below shall comply with the planning permit requirements and development standards that otherwise apply to the property.

~~**14. Similar Temporary Activities. The Director may authorize other temporary activities that are similar to the activities listed in this subsection and that are compatible with the applicable zone and surrounding land uses.**~~

14. Temporary Storage Structures.

a. Emergency situations and construction activities that do not require a building permit. The property owner shall obtain the approval of a Temporary Use Permit within five (5) business days of the emergency, or prior to the place of the structure for construction purposes. The maximum duration that the storage structure may remain on a property:

(1) Residential and Transect Zones. Ninety (90) consecutive days, with the option of a one-time extension of additional 90 consecutive days, for a maximum total of 180 consecutive days within one year from the date that the initial temporary use permit was issued.

(2) Commercial, Industrial and Public and Open Space Zones. One hundred twenty (120) days consecutive days, with the option for a one-time extension of the Temporary Use Permit additional 90 consecutive days, for a maximum total of 210 consecutive days within one year from the date that the initial temporary use permit was issued.

d. Seasonal sales storage structure.

(1) Zones allowed in: Commercial and Industrial zones.

(2) The maximum duration that the storage structure may remain on a property for any one seasonal sale event: forty-nine (49) days consecutive days, with the option for a one-time extension of the Temporary Use Permit additional 14 consecutive days, for a maximum total of 63 consecutive days from the date that the initial temporary use permit was issued.

(3) Maximum occurrences in a calendar year that a storage structure may be placed on a property for seasonal sales: two (2).

e. Placement in all zones.

(1) Seasonal sales storage structure. In the commercial and industrial zones, storage structure shall be placed on the property of the seasonal sales event in a loading/dock area, or in an area where it is not visible from the public right-of-way.

(2) All other temporary storage structures. Storage structures may be placed within the rear, side, street side or front yard setback. A

storage structure may be placed in the right-of-way upon obtaining a right-of-way encroachment permit from the City's Engineering section.

f. Prohibited types of storage structures in all zones. Storage structures mounted on chassis or wheels shall not be allowed.

15. Temporary Construction Trailer(s) – Off-site. Construction trailer(s) for an approved construction project that is not located on the lot or parcel of the associated development activity is required to obtain a temporary use permit. Written authorization from the property owner(s) or property management company(ies) representing the property owner(s) shall be provided with the application for a temporary use permit. The construction trailer(s) shall be removed immediately upon completion of the development project, or the expiration of the building permit authorizing the development project, whichever occurs first. Immediately upon removal of the construction trailer(s), the property shall be restored to the condition pre-existing the construction trailer(s), or a condition approved by the Director.

16. Similar Temporary Activities. The Director may authorize other temporary activities that are similar to the activities listed in this subsection and that are compatible with the applicable zone and surrounding land uses.

Section 5. Amend Title 10 FLAGSTAFF ZONING CODE, Section 10-20.40.150 Temporary Use Permits, subsection E. Exempt Temporary Activities., to add paragraphs 7, 8 and 9 in numerical order, as follows:

Section 10-20.40.150 Temporary Use Permits

E. **Exempt Temporary Activities.** The following temporary activities are allowed without a temporary use permit.

7. Temporary storage structures associated with a building permit. Storage structure(s) used for the purpose of construction activities may be placed on a property after a building permit for the construction activities on the property has been obtained. The owner shall cause the storage structure(s) to be removed from property within seven days after the issuance of a Certificate-of-Occupancy, Certificate-of-Completion, final inspection or expiration of the permit pertaining to the construction activities. Storage structures mounted on chassis shall not be allowed.

8. Storage structures used for moving in all zones. For the purpose of loading or unloading contents while in the process of moving, storage structures may be placed on a property for duration not to exceed 14 days. Storage structures mounted on trailers or wheels shall not be allowed.

9. Temporary Outdoor Retail Activities, Excluding Seasonal Sales. Retail uses are allowed temporary outdoor activities, such as a garden sale, sidewalk sale (excluding the use of sidewalks in the right-of-way), sales promotion, or a similar activity as determined by the Zoning Administrator.

a. The maximum occurrences that a temporary outdoor retail activity may occur on a property: One (1) occurrence per month.

b. Maximum duration of any one occurrence of a temporary outdoor retail activity: fourteen (14) days.

c. A temporary outdoor retail activity shall occur on the same property as the primary retail use that is directly associated with the activity. The temporary retail activity shall not create a nuisance (noise, smoke, odor, dust, vibration or illumination) that is greater than the primary retail use directly associated with the activity.

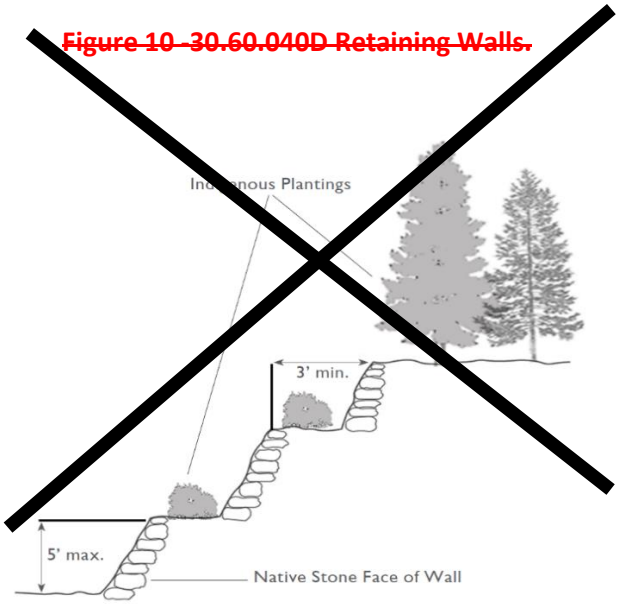
Section 6. Amend Title 10 FLAGSTAFF ZONING CODE, Section 10-30.60.040 Natural Features and Site Drainage, Subsection A. Applicable to All Zones., paragraph 1. Topography., Figure 10 -30.60.040D Retaining Walls., as follows:

10-30.60.040 Natural Features and Site Drainage

A. **Applicable to All Zones.**

1. **Topography.**

~~**Figure 10 -30.60.040D Retaining Walls.**~~



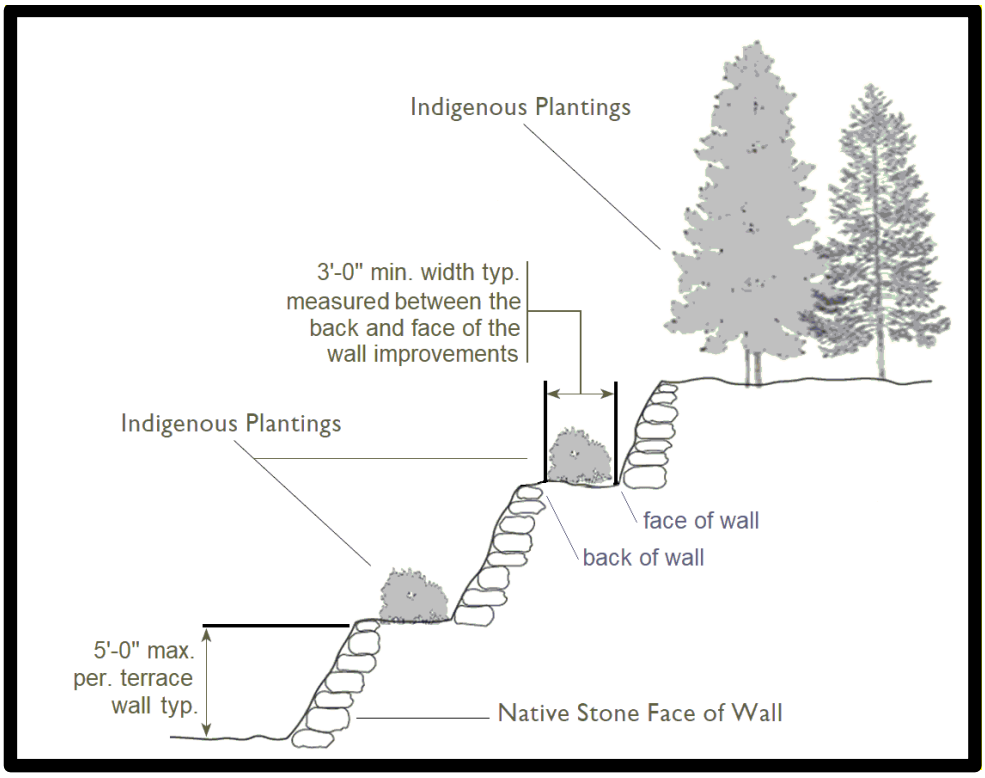


Figure 10 -30.60.040D Retaining Walls.

Section 7. Amend Title 10 FLAGSTAFF ZONING CODE, Section 10-40.30.030 Residential Zones, Subsection B. Residential Zones – Allowed Uses, and the associated table, as follows – including adding grid lines and shading to the table:

Section 10-40.30.030 Residential Zones

~~B. Residential Zones – Allowed Uses.~~

B. **Residential Zones – Allowed Uses. The allowed land uses of each of the Residential Zones are shown in Table 10-40.30.050.B.**

Table 10-40.30.030.B. Residential Zones – Allowed Uses.								
Land Use[1]	**Specific Use Regulations**	**Residential Zones**						
		RR	**ER**	**R1**	**R1N**	**MR**	**HR**	**MH**
Ranching, Forestry and Animal Keeping								
~~**Animal Keeping**~~		~~**See Section 10-40.60.070**~~						
Animal Keeping	**10-40.60.070**	**P[6]**	**P[6]**	--	--	--	--	--
~~**Ranching**~~		~~–~~	~~–~~	~~–~~	~~–~~	~~–~~	~~–~~	~~–~~

Table 10-40.30.030.B. Residential Zones – Allowed Uses.								
Land Use[1]	**Specific Use Regulations**	**Residential Zones**						
		RR	**ER**	**R1**	**R1N**	**MR**	**HR**	**MH**
Recreation, Education and Assembly								
Commercial Campgrounds	10-40.60.130	UP	--	--	--	--	--	--
Golf Courses and Facilities		UP	UP	UP	--	--	--	--
Equestrian Recreational Facilities		UP	UP	UP	--	--	--	--
Libraries, Museums		UP	UP	UP	UP	UP	UP	UP
Meeting Facilities, Public and Private	10-40.60.230							
Regional		--	--	--	--	--	--	--
Neighborhood		P/UP[2]	P/UP[2]	P/UP[2]	P/UP[2]	P/UP[2]	P/UP[2]	P/UP[2]
Outdoor Public Uses, General		P	P	P	--	P	P	P
Places of Worship		~~P/UP[6]~~ P/UP[5]	~~P/UP[6]~~ P/UP[5]	~~P/UP[6]~~ P/UP[5]	~~P/UP[6]~~ P/UP[5]	~~P/UP[6]~~ P/UP[5]	~~P/UP[6]~~ P/UP[5]	~~P/UP[6]~~ P/UP[5]
Schools – Public and Charter		P[3]	P[3]	P[3]	P[3]	P	P	P[3]
Schools – Private		P	P	P	P	P	P	P
Trade Schools		--	--	--	--	--	--	--
Residential								
~~Accessory Building and Structures~~	~~10-40.60.020~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~
~~Accessory Dwelling Units~~	~~10-40.60.030~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~
Co-housing	10-40.60.120	P	P	~~P~~ PRD	--	P	P	--
Congregate Care Facilities		UP	UP	UP	UP	P	P	UP
Day Care, Centers	10-40.60.150.B	UP	UP	UP	UP	UP	UP	UP
Day Care, Home	10-40.60.150.A	P	P	P	P	P	P	P
Dormitories		--	--	--	--	UP	UP	--
Development, Duplex		~~P[4]~~ PRD	~~P[4]~~ PRD	~~P[4]~~ PRD	P	P	P	--
~~Dwelling:~~ **Development -** Cluster**, Single-Family**	10-40.60.170	P	P	~~—~~ PRD	--	--	--	--
~~Dwelling: Multiple-Family~~ **Development, Multiple-Family**		~~P[4]~~ PRD	~~P[4]~~ PRD	~~P[4]~~ PRD	--	P	P	--

Table 10-40.30.030.B. Residential Zones – Allowed Uses.								
Land Use[1]	**Specific Use Regulations**	**Residential Zones**						
		RR	**ER**	**R1**	**R1N**	**MR**	**HR**	**MH**
~~Dwelling: Single-Family~~ Development, Single-Family		P	P	P	P	~~P[4,5]~~ PRD[4]	~~P[4,5]~~ PRD[4]	P
Group Home		P	P	P	P	P	P	P
Home Occupation	10-40.60.180	P	P	P	P	P	P	P
Institutional Residential								
Custodial Care Facilities		UP	UP	UP	UP	UP	UP	UP
Homeless Shelters	10-40.60.190							
Emergency Shelters		UP	UP	UP	UP	UP	UP	UP
Short Term Housing		UP	UP	UP	UP	UP	UP	UP
Transitional Housing		UP	UP	UP	UP	UP	UP	UP
Sheltered Care Homes		UP	UP	UP	UP	UP	UP	UP
Nursing Homes		--	UP	UP	UP	UP	UP	UP
Live/Work	10-40.60.200	--	--	--	--	~~UP[4]~~ UP/PRD	~~UP[4]~~ UP/PRD	--
Manufactured Home	10-40.60.210	--	--	--	--	--	--	P
Manufactured Home Park	10-40.60.210.D	--	--	--	--	--	--	P
Manufactured Home Subdivision	10-40.60.210.C	--	--	--	--	--	--	P
Mobile Home		--	--	--	--	--	--	P
Planned Residential Development	10-40.60.280	P	P	P	P	P	P	--
Rooming and Boarding Facilities		--	UP	--	--	UP	UP	UP
Single Room Occupancy, Fraternities and Sororities		--	--	--	--	UP	UP	--
Retail Trade								
Neighborhood Market								
≤ 1,500 sf		--	--	UP	--	--	--	UP
≤ 2,500 sf		--	--	--	--	UP	--	--
≤ 5,000 sf		--	--	--	--	--	UP	--
Offices		--	--	--	--	--	UP	--
Services								

Table 10-40.30.030.B. Residential Zones – Allowed Uses.								
Land Use[1]	**Specific Use Regulations**	**Residential Zones**						
		RR	**ER**	**R1**	**R1N**	**MR**	**HR**	**MH**
Bed and Breakfast Establishments	10-40.60.110	P	P	P	P	P	P	P
Cemeteries		UP	UP	UP	--	UP	UP	UP
Hospitals		UP	UP	UP	UP	UP	UP	UP
Public Services								
Public Services Minor		P	P	P	P	P	P	P
Public Services Major		--	--	--	--	--	--	--
Emergency Services		UP	UP	UP	UP	UP	UP	UP
Transportation and Infrastructure								
Accessory Wind Energy Systems	10-40.60.040	P	P	P	--	P	P	P
Telecommunications Facilities								
AM Broadcasting Facilities	10-40.60.310	UP	UP	UP	UP	UP	UP	UP
Antenna-supporting Structure	10-40.60.310	UP	UP	UP	UP	UP	UP	UP
Attached Telecommunication Facilities	10-40.60.310	P	P	P	P	P	P	P
Colocation Facility	10-40.60.310	P	P	P	UP	P	P	P
FM/DTV/Low Wattage AM Broadcasting Facilities	10-40.60.310	UP	UP	UP	UP	UP	UP	UP
Stealth Telecommunication Facilities	10-40.60.310	P	P	P	P	P	P	P
Urban Agriculture								
Community Garden	10-40.60.140	P	P	P	P	P	P	P
Nurseries		UP	--	--	--	--	--	--
End Notes								
~~1~~ **1.** A definition of each listed use type is in Chapter 10-80, Definitions.								
~~2~~ **2.** A conditional use permit is required if liquor is sold or if facilities exceed 250 seats.								
~~3~~ **3.** Charter schools proposed in existing single-family residences shall be located on residential lots one acre or greater. Charter schools shall be subject to the review processes established in A.R.S. §15-189.01.**, as amended.**								
~~4 Permitted as Planned Residential Development (see Section 10-40.60.270, Planned Residential Development).~~								

Table 10-40.30.030.B. Residential Zones – Allowed Uses.								
Land Use[1]	**Specific Use Regulations**	**Residential Zones**						
		RR	**ER**	**R1**	**R1N**	**MR**	**HR**	**MH**
~~5~~ **4.** Existing single-family uses and lots recorded in MR and HR, prior to the effective date of this Zoning Code, are considered legal, conforming uses.								
~~6~~ **5.** A conditional use permit is required if the facility exceeds 250 seats and/or if the facility is located adjacent to a toxic use.								
6. Use is allowed only on a lot or parcel with a net lot area of five acres, or greater.								
Key								
P = Permitted Use								
UP = Conditional Use – Requires the Approval of a Conditional Use Permit								
PRD = Allowed Use only when part of a Planned Residential Development (see Section 10-40.60.280)								
UP/PRD = Conditional Use – Requires the Approval of a Conditional Use Permit, and the use shall be part of a Planned Residential Development (see Section 10-40.60.280)								
- - = Use Not Allowed								

Section 8. Amend Title 10 FLAGSTAFF ZONING CODE, Section 10-40.30.030 Residential Zones, Subsection C. Residential Zones – Building Form Standards., as follows – including adding grid lines and shading to the table:

10-40.30.030 Residential Zones

C. **Residential Zones – Building Form Standards and Property Development Standards. The building form and property development standards shown in Table 10-40.30.030.C. shall apply to all property within the corresponding residential zone.**

Table 10-40.30.030.C. Residential Zones – Building Form and Property Development Standards.							
	Residential Zones						
	RR	ER	R1	R1N	MR	HR	MH
Residential development subdivided by a plat that was recorded before December 5, 2011							
Lot sizes	**(1) Lot sizes and setbacks shall be provided in accordance with the requirements delineated on the recorded plat. When a recorded plat does not have setbacks delineated, the Building Placement Requirements of this table shall govern.**						
Setbacks	**(2) Any lot(s) created or reconfigured in accordance with the subdivision code on, or after December 5, 2011, from a lot(s) platted before December 5, 2011, shall conform with the current requirements of the property's zone.**						
Building Placement Requirements							
~~Setback~~ **Setbacks**							
Front (min.)							
2nd Floor and Below	75'	50'	15'	15'	10'	10'	15'
Above 2nd Floor	75'	50'	15'	15'	15'	15'	15'
For Parking	--	--	25'[1]	--	--	--	--
Side (min.)							
Interior ~~Lots~~ **Side Yard**	10'	20'min./45'total	8'	6'	5'	5'	8'
~~Corner Lots (interior)~~	~~10'~~	~~20'min./45'total~~	~~8'~~	~~6'~~	~~5'~~	~~5'~~	~~12'~~
~~Corner Lots (exterior)~~ **Street Side Yard**	25'	20'	~~20'[2]~~ **15'**	6'	5'	5'	12'
Rear (min.)	10'	60'	~~25'[3]~~ **25'[2]**	15'	~~15'[4]~~ **15'[3]**	~~15'[4]~~ **15'[3]**	10'
Building Form Requirements							
Building Height (max.)	35'	35'	35'	35'	35'	~~60'[5]~~ **60'[4]**	30'
Coverage (max.)	20%	17%	35%	35%	40%	50%	43%
Density Requirements See Division 10-30.20, Affordable Housing Incentives							
Density: Gross (units/acre)							
Min.	--	--	2	2	6	10	--
Max. Outside the RPO	1	1	6	14	14	~~29[6]~~ **29[5]**	11

Table 10-40.30.030.C.
Residential Zones – Building Form and Property Development Standards.

	Residential Zones						
	RR	**ER**	**R1**	**R1N**	**MR**	**HR**	**MH**
Max. Within the RPO	1	1	5	--	9	22	4
Lot Requirements							
Area							
Gross (min.)	1 ~~ac[7]~~ ac[6]	1 ac	6,000 sf	6,000 sf	6,000 sf	6,000 sf	5 ac
Per Unit (min.)	1 ~~ac[7]~~ ac[6]	1 ac	6,000 sf	3,000 sf	~~Endnote [6]~~ Endnote [5]	~~Endnote [6]~~ Endnote [5]	4,000 sf
Width							
Interior Lots (min.)	~~100'[8]~~ 100'[7]	~~140'[9]~~ 149'[8]	~~60'[9,10]~~ 60'[8,9]	50'	~~50'[9,10]~~ 50'[8,9]	~~50'[9,11]~~ 50'[8,10]	--
Corner Lots (min.)	~~100'[8]~~ 100'[7]	~~140'[9]~~ 149'[8]	~~65'[9,10]~~ 60'[8,9]	50'	~~50'[9,10]~~ 50'[8,9]	~~50'[9,11]~~ 50'[8,10]	--
Depth (min.)	~~200'[8]~~ 200'[7]	--	~~100'[9]~~ 100'[8]	100'	~~100'[9]~~ 100'[8]	~~75'[9,11]~~ 75'[8,10]	--
Other Requirements							
Open Space ~~(% of Gross Lot Area)~~ (% of Gross Lot Area)[11]	--	--	--	--	See Table 10-40.30.030.A		
Fences and Screening	See Division 10-50.50						
Landscaping	See Division 10-50.60						
Lighting	See Division 10-50.70						
Parking	See Division 10-50.80						
Signs	See Division 10-50.100						

End Notes

~~1~~ **1.** 15' for side entrance garages, where the garage is designed as an integral element of the primary dwelling (i.e., doors and windows are consistent with the overall architectural character).

~~2~~ ~~15' on existing lots with less than 8,000 sf or less than 65' in width.~~

~~3~~ **2.** One or two story residential buildings and decks attached to those buildings may be built to 15' from the rear property line; provided, that any portion of the structure located closer than 25' to the rear property line does not exceed 50% of the lot width.

~~4~~ **3.** May be reduced for zones not subject to the Resource Protection Overlay when a minimum of 350 sf of open yard area per unit is provided, see Section 10-40.30.030(H).

~~5~~ **4.** Building height can be exceeded with approval of a Conditional Use Permit.

Table 10-40.30.030.C. Residential Zones – Building Form and Property Development Standards.							
	Residential Zones						
	RR	ER	R1	R1N	MR	HR	MH
~~6~~ **5.** The maximum number of units for each lot is based on the following:							
~~7~~ **6.** Five-acre minimum where public water supply and public streets are not available to serve the property.							
~~8~~ **7.** Where public water supply and public streets are not available to serve the property a minimum lot width of 200' and lot depth of 250' are required.							
~~9~~ **8.** Within a Planned Residential Development the minimum width and depth of a lot may vary based on the minimum lot standards applicable to the building types selected for application within a Planned Residential Development (See Section 10-40.60.280, Planned Residential Development).							
~~10~~ **9.** Lot width measured at the setback line.							
~~11~~ **10.** On lots greater than 9,000 sf: 70' minimum width on interior lots, 75' minimum width on corner lots and 100' minimum depth on all lots.							
~~12~~ **11.** Any required common open space as required in Division 10-50.110, Specific to Building Types, and areas set aside for resource preservation such as floodplains, slopes and forests (Division 10-50.90, Resource Protection Standards) may be used to satisfy this standard. In this context, "open space" includes active and passive recreation uses, landscape areas, and community gardens.							
Key							
-- Not Applicable							

Section 9. Amend Title 10 FLAGSTAFF ZONING CODE, Section 10-40.30.030 Residential Zones, D. Miscellaneous Requirements – All Residential Zones., as follows:

D. **Miscellaneous Requirements – All Residential Zones.**

~~**1. Building form standards may be modified (reduced or exceeded) by the Director with the application of the clustered, affordable, or planned residential development; provided, that such application is consistent with the General Plan.**~~

~~**2. Land subdivided or developed within each residential zone shall be served by public water and sewer facilities, except for five-acre lots in the RR zone unless required by the Subdivision Regulations, City Code Title 11.**~~

1. In accordance with Title 11 Subdivision and Land Split Regulations, of the City Code, except as specified in the RR zone (Section 10-40.30.030.E):

a. all land subdivided or split into lots or parcels shall abut a public right-of-way or private street tract; and

b. Water and sewer infrastructure shall be provided to each lot or parcel when required.

~~3.~~ **2.** Temporary uses are permitted in compliance with Section 10-20.40.150, Temporary Use Permits.

3. Accessory Uses:

a. An Accessory Dwelling Unit (ADU) use is allowed in all residential zones.

b. All other accessory uses are allowed in accordance with section 10-40.60.025.

~~4. The cultivation of vegetable gardens for home use is permitted in all residential zones.~~

4. Accessory structures:

a. An Accessory Dwelling Unit (ADU) structure shall comply with section 10-40.60.030.

b. All other accessory structures are allowed in accordance with section 10-40.60.020.

Section 10. Amend Title 10 FLAGSTAFF ZONING CODE, Section 10-40.30.030 Residential Zones, to amend Subsection E. Miscellaneous Requirements – RR Zone., as follows:

E. **Miscellaneous Requirements – RR Zone.**

~~1. Five-acre parcels shall have frontage on either a public right-of-way or an access easement approved by the City Engineer.~~

~~2. One-acre parcels shall have frontage on either a public or private street improved with a paved roadway satisfactory to the City Engineer.~~

1. In accordance with Title 11 Subdivision and Land Split Regulations, of the City Code:

a. all land subdivided or split into lots or parcels less than five acres shall abut a public right-of-way or private street tract;

b. all land subdivided into lots or parcels five acres or greater shall abut a public right-of-way or private street tract, or unless otherwise allowed by Title 11 of the City Code, an access easement approved by the City Engineer; and

b. Water and sewer infrastructure shall be provided to each lot or parcel when required.

Section 11. Amend Title 10 FLAGSTAFF ZONING CODE, Section 10-40.30.030 Residential Zones, Subsection F. Miscellaneous Requirements – R1 Zone., as follows:

F. **Miscellaneous Requirements – RR, ER, and R1 Zone.**

1. ~~No more than one single-family dwelling shall be permitted on each lot, plus such accessory uses, as are related, incidental, and not detrimental to the residential environment. (Refer to subsection (F)(2) of this section for exceptions.)~~

   Unless otherwise allowed as part of a Planned Residential Development (PRD), only one single-family dwelling unit, or a single-family dwelling unit with an Accessory Dwelling Unit (ADU), is allowed a lot or parcel.

~~2. Clustered development shall be allowed in planned residential and co-housing developments~~

~~3. Each lot shall have frontage on a dedicated public street.~~

Section 12. Amend Title 10 FLAGSTAFF ZONING CODE, Section 10-40.30.030 Residential Zones, Subsection G. Miscellaneous Requirements – MR and HR Zone., as follows:

G. **Miscellaneous Requirements – MR and HR Zone.**

~~1. Each lot shall have frontage on a dedicated public street.~~

~~2.~~ **1.** Common open space for other building types not specifically listed in Division 10-50.110, Specific to Building Types, such as an apartment complex, shall be provided based on the following standards:

Table ~~10-40.30.030.A~~ 10-40.30.030.G: Common Open Space Requirements	
~~Area~~ **Area**[1]	15% of gross lot area; at least one open space area shall be no less than 400 sq. ft.
Width	15' min.
Depth	15' min.
No private open space is required	
End Notes	
~~1~~ **1.** Roof decks and courtyards ~~may be~~ **are** included in the open space area calculation, but not driveways or vehicle parking areas.	

~~3.~~ **2.** In addition to the 15 percent open space requirement established in ~~subsection (C) of this section~~ **Table 10-40.30.030.C.**, ~~Building Form Standards,~~ residential projects over 50 units or more ~~are also required to~~ **shall** provide a minimum of five percent civic space. (See Section ~~10-30.60.090 (B)(1)~~ **10-30.60.090**, Civic or Public Space Requirement.)

Section 13. Amend Title 10 FLAGSTAFF ZONING CODE, Section 10-40.30.040 Commercial Zones, Subsection B. Commercial Zones – Allowed Uses., as follows – including adding grid lines and shading:

10-40.30.040 Commercial Zones

B. Commercial Zones – Allowed Uses**. The allowed land uses of each of the** Commercial **zones are shown in Table 10-40.30.040.B.**

Table 10-40.30.040.B.

Commercial Zones – Allowed Uses

Land Use[1]	Specific Use Regulations	Commercial Zones				
		SC	CC	HC	CS	CB
Industrial, Manufacturing, Processing and Wholesaling						
Carpenter or Cabinet Shops		--	--	--	P	-
Flammable Liquid, Gas, and Bulk Fuel – Storage and Sale		--	--	UP	--	
Manufacturing and Processing – Incidental		--	P	P	P	P
Machine or Metal Working Shops		--	--	--	P	--
Micro-brewery or Micro-distillery	10-40.60.240	--	P	P	P	P
Mini-storage Warehousing	10-40.60.250	--	--	UP[2]	P	--
Research and Development Uses	10-40.60.300	--	--	UP	--	--
Transportation or Trucking Yards		--	--	--	P	--
Vehicle Towing/Impound Yard		--	--	P[4]	--	--
Warehousing	10-40.60.330	--	P[3]	P[3]	--	P[3]
Wholesaling and Distribution		--	--	--	P	P[3]
Recreation, Education and Assembly						
Automobile, Go-kart, Miniature Automobile Racing	10-40.60.080	--	UP	UP	--	--
Commercial Campgrounds	10-40.60.130	--	--	P	--	--
Commercial Recreation Facilities, Indoor		P	P	P	--	P
Commercial Recreation Facilities, Outdoor	10-40.60.270	--	UP	UP	--	--

Table 10-40.30.040.B. Commercial Zones – Allowed Uses						
Land Use[1]	**Specific Use Regulations**	**Commercial Zones**				
		SC	**CC**	**HC**	**CS**	**CB**
Libraries, Museums		P	P	P	P	P
Meeting Facilities, Public or Private	10-40.60.230					
Regional		--	P/UP[5]	P/UP[5]	P/UP[5]	P/UP[5]
Neighborhood		P[5]	P/UP[5]	--	--	--
Outdoor Public Uses, General		P	P	P	--	--
Places of Worship		P/UP[10]	P/UP[10]	P/UP[10]	P/UP[10]	P/UP[10]
Schools – Public and Charter		P	P	P	P	P
Schools – Private		P	P	P	P	P
Theaters		P	P	P	--	P
Trade Schools		--	UP	UP	UP	UP
Residential[7]						
~~**Accessory Building and Structures**~~	~~**10-40.60.020**~~	~~**P**~~	~~**P**~~	~~**P**~~	~~**P**~~	~~**P**~~
~~**Accessory Dwelling Units**~~	~~**10-40.60.030**~~	~~**P**~~	~~**P**~~	~~**P**~~	~~**P**~~	~~**P**~~
Co-housing	10-40.60.120	P[6]	P[6]	P[6]	P[6]	P[6]
Congregate Care Facilities		UP	P	P	P	UP
Day Care, Centers	10-40.60.150.B	P	P	P	UP	UP
Day Care, Home	10-40.60.150.A	P	P	P	P	P
Dormitories		UP[6]	UP[6]	UP[6]	UP[6]	UP[6]
Development, Duplex		P[6]	P[6,9]	P[6]	P[6]	P[6]
~~**Dwelling: Multiple-Family**~~ **Development, Multiple-Family**		P[6]	P[6]	P[6]	P[6]	P[6]
~~**Dwelling: Single-Family**~~ **Development, Single-Family**		--	P[9]	--	--	--
Fraternities and Sororities		UP[6]	UP[6]	UP[6]	UP[6]	UP[6]
Group Homes		P[6]	P[6]	P[6]	P[6]	P[6]
Home Occupation	10-40.60.180	P[6]	P[6]	P[6]	P[6]	P[6]
Institutional Residential						
Custodial Care Facilities		P[8]	P[8]	P[8]	P[8]	P[8]

Table 10-40.30.040.B.

Commercial Zones – Allowed Uses

Land Use[1]	Specific Use Regulations	Commercial Zones				
		SC	CC	HC	CS	CB
Homeless Shelters	10-40.60.190					
Emergency Shelters		P[8]	P[8]	P[8]	P[8]	P[8]
Short Term Housing		P[8]	P[8]	P[8]	P[8]	P[8]
Transitional Housing		P	P	P	P	P
Nursing Homes		UP	UP	UP	UP	UP
Sheltered Care Homes		P	P	P	P	P
Live/Work	10-40.60.200	P	P	P	P	P
Planned Residential Development	10-40.60.280	P/UP	P/UP[9]	UP	UP	UP
Residence for Owner, Caretaker or Manager		P[6]	P[6]	P[6]	P[6]	P[6]
Rooming and Boarding Facilities		UP[6]	UP[6]	UP[6]	UP[6]	UP[6]
Single Room Occupancy		UP	--	P	--	P
Retail Trade						
Bars/Taverns		P	P	P	P	P
Crematorium		P	P	P	P	--
Drive-through Retail	10-40.60.160	P	P	P	--	--
Drive-through Service		P	P	P	--	--
Farmers Markets and Flea Markets		--	P	P	P	P
General Retail Business		P	P	P	P	P
Mixed Use	10-40.60.260	P	P	P	P	P
Restaurant or Cafe		P	P	P	P	P
Services						
Bed and Breakfast Establishments	10-40.60.110	P	P	P	P	P
Cemeteries		UP	UP	UP	UP	--
Dry-cleaning, Processing		P	P	P	--	--
Equipment Rental Yard		--	UP	P	P	--

Table 10-40.30.040.B. Commercial Zones – Allowed Uses						
Land Use[1]	**Specific Use Regulations**	**Commercial Zones**				
		SC	**CC**	**HC**	**CS**	**CB**
Funeral Homes, Chapels and Mortuaries		--	P	P	--	UP
General Services		P	P	P	P	P
Hospital		UP	UP	UP	UP	UP
~~**Lodging**~~		~~**UP**~~	~~**--**~~	~~**P**~~	~~**--**~~	~~**P**~~
Medical Marijuana Dispensary	10-40.60.220	--	--	P	--	--
Office		P	P	P	P	P
Public Services						
Public Services Major		--	--	--	--	--
Public Services Minor		P	P	P	P	P
Travel Accommodations		**UP**	**--**	**P**	**--**	**P**
Emergency Services		UP	UP	UP	UP	UP
Veterinary Clinics		P	P	P	P	--
Veterinary Hospitals		--	--	UP	UP	--
Telecommunication Facilities						
AM Broadcasting Facilities	10-40.60.320	UP	UP	UP	UP	UP
Antenna-Supporting Structure	10-40.60.320	UP	UP	UP	UP	UP
Attached Telecommunication Facilities	10-40.60.320	P	P	P	P	P
Collocation Facility	10-40.60.320	P	P	P	P	P
FM/DTV/Low Wattage AM Broadcasting Facilities	10-40.60.320	P	P	P	P	P
Stealth Telecommunication Facilities	10-40.60.320	P	P	P	P	P
Transportation and Infrastructure						
Accessory Wind Energy Systems	10-40.60.040	P	P	P	P	P
Garages, Off-Street		P	P	P	P	P
Parking Lots, Off-Street	10-50.80	P	P	P	P	P

Table 10-40.30.040.B.

Commercial Zones – Allowed Uses

Land Use[1]	Specific Use Regulations	Commercial Zones				
		SC	CC	HC	CS	CB
Passenger Transportation Facilities		--	--	UP	UP	UP
Urban Agriculture						
Community Gardens	10-40.60.140	P	P	P	P	P
Food Production		--	--	UP[2]	UP[2]	--
Vehicle Sales and Services						
Automobile Service Station and Convenience Store	10-40.60.090	P	P	P	P	--
Automobile and Trailer Rental		--	--	P	P	--
Automobile/Vehicle Sales and Service, New and Used		--	UP	P	P	UP
Automobile/Vehicle Repair Garages – Minor	10-40.60.100	--	UP	P	P	--
Automobile/Vehicle Repair Garages – Major	10-40.60.100	--	--	P	P	--
Car Washes		P	P	P	--	--
Mobile Homes and Recreational Vehicles, Sales, and Service		--	--	P	--	--

End Notes

~~1~~ **1.** A definition of each listed use type is in Chapter 10-80, Definitions.

~~2~~ **2.** Only allowed on lots that do not have highway frontage or behind existing/new commercial uses.

~~3~~ **3.** Only permitted when incidental to permitted use.

~~4~~ **4.** This use shall be screened. See Division 10-50.50, Fences and Screening, for fencing and screening requirements.

~~5~~ **5.** A conditional use permit is required if liquor is sold or if facilities exceed 250 seats.

~~6~~ **6.** Residential uses with more than two units are allowed as part of a mixed-use development located above or behind the commercial uses ~~subject to the development standards established in the HR zone~~ and as a planned residential development (Section 10-40.60.280). ~~New developments that include residential uses with more than two units shall provide a minimum of 15% of the gross lot area in the form of common open space.~~

Table 10-40.30.040.B. Commercial Zones – Allowed Uses						
Land Use[1]	**Specific Use Regulations**	**Commercial Zones**				
		SC	**CC**	**HC**	**CS**	**CB**
~~7~~ **7.** Residential uses in the CC, HC, CS and CB zones, and residential uses and properties listed on the National Historic Registry or within the Landmarks overlay zone existing prior to the effective date of this Zoning Code are considered legal, nonconforming uses. Residential uses in the CC, HC, CS and CB zones shall be subject to the development standards established in the HR zone.						
~~8~~ **8.** Conditional use permit is required if proximity between shelter facilities is less than one-quarter mile.						
~~9~~ **9.** Single-family and duplex building types (see Division 10-50.110) are permitted by right on lots ≤9,000 sf existing prior to November 1, 2011, subject to the building placement and building form requirements of the MR zone. A conditional use permit is required for all other building types and multifamily residential uses with three or more units regardless of the size of the lot or parcel.						
~~10~~ **10.** A conditional use permit is required if the facility exceeds 250 seats and/or if the facility is located adjacent to a toxic use.						
Key						
P = Permitted Use						
UP = Conditional Use Permit Required						
-- = Use Not Allowed						

Section 14. Amend Title 10 FLAGSTAFF ZONING CODE, Section 10-40.30.040 Commercial Zones, Subsection C. Commercial Zones – Building Form Standards., as follows – including grid lines and shading:

Section 10-40.30.040 Commercial Zones

C. Commercial Zones – Building Form **and Property Development** Standards**. The building form and property development standards shown in Table 10-40.30.040.C. shall apply to all property with the corresponding commercial zones.**

Table 10-40.30.040.C. **Commercial Zones – Building Form and Property Development Standards**					
~~**Building Form Standards**~~	**Commercial Zones**				
	SC	**CC**	**HC**	**CS**	**CB**
Building Placement Requirements					
Setback **from property line**					
Front	15' ~~**min.**~~[1]	0'	0'[2]	0'	0'

(~~See also~~ Also see Section 10-50.60.040.B)						
Side						
	Adjacent to Residential Use	---------- ~~15' min.[7]~~ **15' min.[6]** ----------				
	~~All Other Uses~~	~~0'~~	–	–	–	–
	~~Exterior~~ **Street Side (min.)**	10'[3]	10'[3]	10'[3]	10'[3]	0'
	All Other sides	---------- **0'** ----------				
Rear						
	Adjacent to Residential	---------- 15' min. ----------				
	All Other **rears**	---------- **0'** ----------				
Building Form Requirements						
Building Height (max.)		35'	~~60'[4,8]~~ **60'[4, 7]**	60'[4]	60'[4]	60'[4]
Gross FAR (max.)		~~0.8[5]~~ **0.8**	~~2.5[5]~~ **2.5**	~~3.0[5]~~ **3.0**	~~2.0[5]~~ **2.0**	No max.
Density Requirements						
Gross Density (units/acre) (max.) (Not Applicable to Mixed Use)		13	--------- ~~Refer to HR Zone~~ **29** ---------			
Lot Requirements						
Area (Gross sf) ~~(min.)[6]~~ **(min.)[5]**		6,000	9,000	9,000	9,000	7,000
Width ~~(min.)[6]~~ **(min.)[5]**		50'	60'	60'	60'	50'
Depth ~~(min.)[6]~~ **(min.)[5]**		100'	100'	100'	100'	--
Open Space						
Developments with Two or More Dwelling Units		---------- **15 percent of the net lot area** ----------				
Other Requirements						
Fences and Screening		See Division 10-50.50				
Landscaping		See Division 10-50.60				
Outdoor Lighting		See Division 10-50.70				
Parking		See Division 10-50.80				
Signs		See Division 10-50.100				

End Notes

~~1~~ **1.** Front setbacks shall be equal to 15' or match adjacent residential development, whichever is less.

~~2~~ **2.** No front setback required, except when required by the adoption of building setback lines along specified streets.

~~3~~ **3.** Setback may be reduced to 5' min., if the landscape street buffer is reduced in accordance with Section 10-50.60.040(B), Nonresidential Zone Buffers.

~~4~~ **4.** Conditional use permit required for structures over 60' in height.

~~5. Excludes residential square feet (gross) when above or behind commercial uses.~~

~~6~~ **5.** Within a planned residential ~~development~~ **development,** the minimum area, width, and depth of a lot may vary based on the minimum lot standards applicable to the building types selected for application within a planned residential development (see Section 10-40.60.280, Planned Residential Development).

~~7~~ **6.** Except that the setback from a proposed residential use in a commercial zone to other residential uses shall be 5' min.

[8] **7.** Single-family dwellings and duplexes in the CC zone shall be limited to a maximum height of 35 feet consistent with the height standard for the MR zone.

Section 15. Amend Title 10 FLAGSTAFF ZONING CODE, Section 10-40.30.040 Commercial Zones, Subsection D. Miscellaneous Requirements – All Commercial Zones., as follows:

D. Miscellaneous Requirements – All Commercial Zones.

~~**1. Storage shall be limited to accessory storage of commodities sold at retail on the premises and shall be within an enclosed building, except as permitted in Section 10-40.60.020(E), Permanent Outdoor Accessory Uses.**~~

~~**2. Every commercial zoned lot shall have frontage on a public street.**~~

1. In accordance with Title 11 Subdivision and Land Split Regulations, and Title 12 Engineering Design Standards and Specifications for New Infrastructure, of the City Code, all land subdivided into lots or parcels shall abut a public right-of-way or private street tract, and have water and sewer infrastructure service.

~~**3.**~~ **2.** All products incidental to a permitted use which are manufactured or processed on the premises shall be sold on the premises and at retail only, and shall be further limited as follows:

a. In the CC and CB zones, such activity shall be restricted to not over 25 percent of ground floor area of the building or buildings.

b. In the CS zone, such activity shall be restricted to not over 50 percent of ground floor area of the building or buildings.

c. In the CC and CB zones, not more than five employees shall be engaged in such activity.

d. In the CS zone, not more than 10 employees shall be engaged in such activity.

4. Every development in the commercial zones shall have a refuse storage area constructed and provided in accordance with City standards.

5. Temporary uses shall be permitted in compliance with Section 10-20.40.150, Temporary Use Permits.

~~**6. The cultivation of vegetable gardens for home use is allowed in all commercial zones where residential uses are permitted.**~~

6. Accessory Uses:

a. An Accessory Dwelling Unit (ADU) use is allowed in commercial zones on a lot containing a single-family dwelling unit as the primary use.

b. All other accessory uses are allowed in accordance with section 10-40.60.025.

7. Accessory structures:

a. An Accessory Dwelling Unit (ADU) structure that complies with section 10-40.60.030. is allowed in Community Commercial (CC) zone on a lot containing a detached single-family dwelling.

b. All other accessory structures are allowed in accordance with section 10-40.60.020.

Section 16. Amend Title 10 FLAGSTAFF ZONING CODE, Section 10-40.30.050 Industrial Zones, subsection B. Industrial Zones – Allowed Uses, Table 10-40.30.050.B. Industrial Zones – Allowed Uses, to add Outdoor Storage under the use category Industrial, Manufacturing, Processing and Wholesaling, in alphabetical order, and to amend the Warehousing Specific Use Regulations, as follows:

10-40.30.050 Industrial Zones

B. **Industrial Zones – Allowed Uses.** The allowed land uses of each of the Industrial zones are shown in Table 10-40.30.050.B.

Table 10-40.30.050.B.

Industrial Zones – Allowed Uses

Land Use[1]	Specific Use Regulations	Industrial Zones				
		RD	LI	LI-O	HI	HI-O
Industrial, Manufacturing, Processing and Wholesaling						
Outdoor Storage	**10-40.60.275.**	**- -**	**- -**	**- -**	**P**	**P**
Warehousing	~~10-40.60.330~~	--	P	P	P	P

Section 17. Amend Title 10 FLAGSTAFF ZONING CODE, Section 10-40.30.050 Industrial Zones, Subsection D. Miscellaneous Requirements – All Industrial Zones., as follows:

D. Miscellaneous Requirements – All Industrial Zones. ~~**Temporary uses shall be permitted in compliance with Section 10-20.40.150, Temporary Use Permits.**~~

1. In accordance with Title 11 Subdivision and Land Split Regulations, and Title 12 Engineering Design Standards and Specifications for New Infrastructure, of the City Code, all land subdivided into lots or parcels shall abut a public right-of-way or private street tract, and have water and sewer infrastructure service.

2. Accessory uses are allowed in accordance with section 10-40.60.025.

3. Accessory structures are allowed in accordance with section 10-40.60.020.

Section 18. Amend Title 10 FLAGSTAFF ZONING CODE, 10-40.30.060 Public and Open Space Zones, Subsection B. Public and Open Space Zones – Allowed Uses, as follows – including table format, grid lines and shading:

10-40.30.060 Public and Open Space Zones

B. Public and Open Space Zones – Allowed Uses. The allowed land uses of each of the Public and Open Space zones are shown in Table 10-40.30.060.B

Table 10-40.30.060.B.
Public and Open Space Zones – Allowed Uses

~~Land Use[1]~~ Land Use	Specific Use Regulations	Public and Open Space Zones		
		~~PF[2]~~ PF	PLF	POS
Industrial, Manufacturing, Processing and Wholesaling				
Quarrying Operations	10-40.60.280	UP	--	--
Ranching, Forestry and Animal Keeping				
Forestry		--	P	--
Ranching		--	P	--
Recreation, Education and Assembly				
Commercial Campgrounds	10-40.60.130	UP	--	--
Commercial Recreation Facilities, Indoor		UP	--	--
Commercial Recreation Facilities, Outdoor	10-40.60.270	UP	--	--
Libraries, Museums		P	--	--
Outdoor Public Uses, General		P	--	--
Open Spaces		P	P	P
Parks or Recreation Facilities				
Active Recreation		P	--	--
~~Passive Recreation[3]~~ Passive Recreation		P	P	P
Schools – Public and Charter		P	--	--
Schools – Private		UP	--	--
Universities and Colleges		P	--	--
Residential				
~~Accessory Building and Structures~~	~~10-40.60.020~~	~~P~~	~~--~~	~~--~~
~~Congregate Care Facilities~~		~~P~~	~~--~~	~~--~~

Table 10-40.30.060.B. Public and Open Space Zones – Allowed Uses				
~~Land Use[1]~~ Land Use	Specific Use Regulations	Public and Open Space Zones		
		~~PF[2]~~ PF	PLF	POS
Employee Housing		P	--	--
Institutional Residential				
Congregate Care Facilities		**P**	**--**	**--**
Convents or Monasteries		UP	--	--
Custodial Care Facilities		UP	--	--
Homeless Shelters	10-40.60.190			
Emergency Shelters		UP	--	--
Short Term Housing		UP	--	--
Transitional Housing		UP	--	--
Nursing Homes		UP	--	--
Sheltered Care Homes		UP	--	--
Retail Trade				
Farmers Markets and Flea Markets		P	--	--
Services				
Cemeteries		UP	--	--
Governmental Offices		P	--	--
Public Services				
Public Services Major		UP	--	--
Public Services Minor		UP	UP	--
Emergency Services		UP	--	--
Telecommunication Facilities				
AM Broadcasting Facilities	10-40.60.310	UP	UP	--
Antenna-supporting Structure	10-40.60.310	UP	UP	--
Attached Telecommunication Facilities	10-40.60.310	P	P	--
Collocation Facility	10-40.60.310	P	P	--
FM/DTV/Low Wattage AM Broadcasting Facilities	10-40.60.310	P	UP	--
Stealth Telecommunication Facilities	10-40.60.310	P	P	--
Transportation and Infrastructure				
Accessory Wind Energy Systems	10-40.60.040	P	P	--

Table 10-40.30.060.B. Public and Open Space Zones – Allowed Uses				
~~Land Use[1]~~ Land Use	Specific Use Regulations	Public and Open Space Zones		
		~~PF[2]~~ PF	PLF	POS
Wind Energy Production Facility		UP	P	--
Airports/Landing Strips, Heliports, or Helistops	10-40.60.060	UP	--	--
Government Service/Maintenance Facilities		P	--	--
Municipal Airports		P	--	--
Urban Agriculture				
Community Gardens	10-40.60.140	P	--	--
End Notes				
~~[1] A definition of each listed use type is in Chapter 10-80, Definitions.~~				
~~[2] A change in any allowed use to another allowed use shall be noticed in accordance with the requirements of Section 10-20.30.080, Notice of Public Hearings.~~				
~~[3] Includes parking areas and restroom facilities.~~				
Key				
P = Permitted Use				
UP = Conditional Use Permit Required				
-- = Use Not Allowed				

Section 19. Amend Title 10 FLAGSTAFF ZONING CODE, 10-40.30.060 Public and Open Space Zones, to add Subsection D. Miscellaneous Requirements – Public and Open Space Zones., as follows:

10-40.30.060 Public and Open Space Zones

D. Miscellaneous Requirements – Public and Open Space Zones.

1. **In accordance with Title 11 Subdivision and Land Split Regulations, and Title 12 Engineering Design Standards and Specifications for New Infrastructure, of the City Code, all land subdivided shall: a) front/abut a public right-of-way or private street tract with an improved street; and b) have water and sewer infrastructure serving each lot or parcel.**
2. **Accessory uses are allowed in accordance with section 10-40.60.025.**
3. **Accessory structures are allowed in accordance with section 10-40.60.020.**

Section 20. Amend Title 10 FLAGSTAFF ZONING CODE, Section 10-40.40.100 T6 Downtown (T6) Standards, Subsection C. Building Placement, **Miscellaneous**, to delete the phase "stucco or", as follows:

10-40.40.100 T6 Downtown (T6) Standards

C. Building Placement
Miscellaneous
Street facades must be built to BTL within 50' of each street corner. E
The entire BTL must be defined by a building or a 24" to 48" high ~~stucco or~~ masonry wall.
Loading docks, overhead doors and other service entries shall not be located on front or street-facing facades.

Section 21. Amend Title 10 FLAGSTAFF ZONING CODE, Section 10-40.60.020 Accessory Buildings and Structures, as follows:

10-40.60.020 Accessory ~~Buildings and~~ Structures

~~**A. Applicability. Accessory buildings and structures shall be permitted in all zones in compliance with this section, provided each is incidental and subordinate to the principal use or structure. There must be a primary use established and either a principal structure on the parcel or a building permit for a principal structure issued prior to, or simultaneously with, the issuance of a building permit for an accessory building or structure. Children's play houses and tree houses less than 200 square feet in floor area are not considered accessory structures and do not require a building permit. Sheds less than or equal to 200 square feet in floor area also do not require a building permit.**~~

A. Allowance.

1. **An Accessory Dwelling Unit (ADU) structure is allowed in accordance with Sections 10-40.30.030.D. and 10-40.30.040.D.**
2. **All other accessory structures are allowed in all zones in compliance with this section.**

~~**B. Uses.**~~

~~1. An accessory structure shall be used in compliance with the permitted uses of the zone within which it is located and, if applicable, the home occupation regulations in Section 10-40.60.180, Home Occupations.~~

~~2. The use of accessory buildings or structures shall be incidental to the primary use and shall not alter the character of the primary use.~~

~~3. Temporary, occasional, seasonal or periodic uses in connection with established retail stores or shopping centers, such as outdoor garden centers, sidewalk sales, or sales promotions, are considered accessory uses and not subject to a temporary use permit in compliance with Section 10-20.40.150, Temporary Use Permits.~~

~~C.~~ **B Approvals and Standards.**

1. The property owner shall obtain permits and approvals for an accessory structure in accordance with Division 10-20.40: Permits and Approvals.

2. An accessory structure shall not be allowed on a lot or parcel without a primary structure on the same property.

3. A primary structure shall be established prior to the issuance of a permit for an accessory structure, except that a permit for an accessory structure may be issued concurrent, or after, a permit is issued for the primary structure.

~~1.~~ **4.** No manufactured home, mobile home, trailer, semi-trailer, bus, recreational vehicle, boxcar or storage container shall be used as an accessory ~~buildings or~~ structure, except as permitted in subsection ~~(D)~~ **C.** of this section.

~~2. Accessory buildings and structures shall be governed by the lot coverage, floor area ratio and setback requirements of the zone in which they are located, except as provided below.~~

5. Accessory Dwelling Units shall comply with Section 10-40.60.030.

6. Permanent Storage Structures shall comply with subsection C. of this section.

7. All other accessory structures shall comply with the property development standards of the property's zone, except as specified below:

a. On any residential lot less than one acre, the total floor area of all accessory ~~buildings and~~ structures ~~(including ADUs [Section 10-40.60.030])~~ shall be less than that of the **lot's or parcel's** ~~principal building(s)~~ **primary structure** ~~on the site~~.

b. The distance between a ~~principal~~ **primary** structure and an accessory structure shall ~~be established by~~ **comply with** the Building Code. ~~This distance may vary by occupancy type.~~

~~c. Accessory buildings and structures are not permitted in any exterior side setback and shall not occupy any portion of a required setback except as provided in Table 10-40.60.020.A, Accessory Structure Height and Location Standards.~~

c. An accessory structure is not allowed in any Street Side Yard.

~~d. One-story accessory structure(s) no more than 16 feet in height may be constructed on any lot no closer than five feet from the rear or interior side property line, except that on corner lots no accessory structure shall be permitted in any exterior yard.~~

d. Allowed Encroachments into the required setbacks in addition to Section 10-50.40.020. A non-livable structure (e.g., garage, workshop, carport, shed, greenhouse, etc.) may encroachment into the property's required zone setbacks in accordance with Table 10-40.60.020.B.7.d.

Table 10-40.60.020.B.7.d.

Allowed Accessory Structure Encroachments into Setbacks

Yard of Encroachment	Minimum Setback
Rear yard abutting a public alley right-of-way or private alley tract:	0 feet.
Rear yard abutting another lot or parcel:	5 feet.
Interior side yard:	5 feet.
Street side yard:	No encroachment allowed.
Front Yard:	No encroachment allowed.

~~e. Encroachments into minimum required setbacks shall be in compliance with Division 10-50.40, Encroachments.~~

e. The maximum height of an accessory structure shall comply with Table 10-40.60.020.B.7.e.

Table 10-40.60.020.B.7.e.

Allowed Height of Accessory Structure

Location of Accessory Structure	Setback Requirement
Within the building envelope:	24 feet.
All other location allowed pursuant to Table 10-40.60.020.B.7.d.	16 feet.

~~f. The maximum height of all accessory buildings and structures shall be 24 feet except as provided in Table 10-40.60.020.A, Accessory Structure~~

~~Height and Location Standards, unless the zone or overlay zone has a more restrictive height limit.~~

Table 10-40.60.020.A: Accessory Structure Height and Location Standards	
Location	Max. Height (feet)
Non-livable structures (e.g., garage, workshop, carport, shed, greenhouse)	
Within Buildable Area	24'
Min. 5' Setback to Rear and Interior Side Property Line, and 0' Setback to Rear Property Line with Alley[1]	16'
Livable structures (e.g., ADU, studio or home office)[2]	
Within Buildable Area	24'
Min. 5' Setback to Rear and Interior Side Property Line	16'
End Notes	
[1] Structures located on property lines shall be required to comply with applicable City Building Code and Fire Code requirements.	
[2] These livable structures may be located above a garage or other non-livable space.	

~~D. Temporary and Permanent Storage Containers.~~

~~1. Residential Zones. The following standards apply to the temporary and permanent use of storage containers located in all residential zones.~~

~~a. Temporary Use.~~

~~(1) In the case of fire, flood, or other emergency situation, storage containers may be placed, stored, or used for temporary storage on property zoned for residential use, provided the owner has applied for a temporary use permit from the Director within three days of the emergency. The duration of the temporary storage use shall be limited to a maximum of 90 days within a calendar year, with the~~

~~option to renew the permit one time, for each period not to exceed 90 days.~~

~~(2) Storage containers may be placed, stored, or used for temporary storage on property zoned for residential use for minor remodeling projects for which a building permit is not required provided the owner has obtained a temporary use permit from the Director. The duration of the temporary storage use shall be limited to a maximum of 90 days within a calendar year, with the option to renew the permit one time, for a period not to exceed 90 days.~~

~~(3) Storage containers may be placed, stored, or used for temporary storage on property zoned for residential use if a building permit has been obtained from the City for major/new construction involving principal or accessory structures located on the subject property. The use shall be permitted for the time period beginning with issuance of the building permit, and expiring seven days after the issuance of a certificate of occupancy, at which time the storage container shall be removed.~~

~~(4) Storage containers used for temporary storage may be placed within the rear, side, or front setback, and shall not be placed in the public right-of-way unless a right-of-way encroachment permit has been obtained from the City Engineering Section.~~

~~(5) Storage containers may be temporarily placed on property zoned for residential use for the purpose of loading or unloading household contents while in the process of moving, for a period not to exceed 14 days.~~

~~(6) Storage containers mounted on trailers/wheels shall not be permitted for temporary use in residential zones.~~

~~(7) No signs shall be permitted to be placed on any part of a storage container, except for a sign displaying the name of the storage container business which shall be limited to a sign area of six square feet.~~

~~b. Permanent Use. Storage containers may be permitted for permanent use in residential zones, subject to approval of a minor improvement permit (see Section 10-20.40.080) and the following conditions:~~

~~(1) The storage container shall be considered an accessory structure to the principal structure. No storage containers are permitted on vacant or undeveloped lots where no primary structure or use has been established;~~

~~(2) Storage containers may only be placed in rear yards and interior side yards in compliance with the standards provided in Table 10-50.40.020.A (Allowed Encroachments into Setbacks, and Heights), and are not permitted in front yards or exterior side yards. Compliance with all applicable regulations of the Zoning Code is required, including lot coverage restrictions;~~

~~(3) No more than one storage container is permitted on any residential lot or parcel;~~

~~(4) The maximum size for a storage container located on property zoned for residential use shall be Ground floor uses0 square feet;~~

~~(5) The maximum height of a storage container used for storage purposes shall be nine feet measured from natural grade to the top of the container;~~

~~(6) Storage containers shall be painted a neutral, earth tone, or to match the building by which they are placed;~~

~~(7) Storage containers shall be used for storage only, and shall not otherwise be occupied as habitable space. Storage containers shall not be connected to sewer, water or gas service, but may be permitted to have electrical service for lighting/plug-ins;~~

~~(8) No signs shall be permitted to be placed on any part of a storage container; and~~

~~(9) Storage containers mounted on trailers/wheels shall not be permitted for permanent use in residential zones.~~

~~2. Commercial and Research and Development Zones. The following standards apply to the temporary and permanent use of storage containers located in all commercial and research and development zones.~~

~~a. Temporary Use.~~

~~(1) In the case of fire, flood, or other emergency situation, storage containers may be placed, stored, or used for temporary storage on property zoned for commercial or research and development uses, provided the owner has applied for a temporary use permit from the Director. The duration of the temporary storage use shall be limited to a maximum of 120 days within a calendar year, with the option to renew the permit one time at the discretion of the Director, for a period not to exceed 90 days. Storage containers may be placed within the front setback, and shall not be placed in the public right-of-way unless a right-of-way encroachment permit has been obtained from the City Engineering Section.~~

~~(2) Storage containers may be placed, stored, or used for temporary storage on property zoned for research and development uses for minor remodeling projects for which a building permit is not required, provided the owner has obtained a temporary use permit from the Director. The duration of the temporary storage use shall be limited to a maximum of 90 days within a calendar year, with the option to renew the permit one time, for a period not to exceed 90 days.~~

~~(3) Storage containers may be placed, stored, or used for temporary storage on property zoned for commercial or research and development uses if a building permit has been obtained from the~~

~~City for major/new construction on the subject property. The use shall be permitted for the time period beginning with issuance of the building permit, and expiring seven days after the issuance of a final certificate of occupancy, at which time the storage container shall be removed. Storage containers may be placed within the front setback, and shall not be placed in the public right-of-way unless a right-of-way encroachment permit has been obtained from the City Engineering Section.~~

~~(4) In the case of seasonal sales events, storage containers may be placed, stored, or used for temporary storage on property zoned for commercial or research and development uses, provided the owner has obtained a temporary use permit from the Director. The duration of the temporary storage use during a seasonal sales event shall be limited to a maximum of 120 days within a calendar year, with the option to renew the permit one time by the Director, for a period not to exceed 30 days. Storage containers used for sales events shall be placed in an area that is not visible from the public right-of-way, unless the container is placed in the loading/dock area of the subject business.~~

~~(5) Storage containers mounted on trailers/wheels shall not be permitted for temporary use in commercial and research and development zones.~~

~~(6) No signs shall be permitted to be placed on any part of a storage container, except for a sign displaying the name of the storage container business which shall be limited to a sign area of six square feet.~~

~~b. Permanent Use. Storage containers may be permitted for permanent use in commercial and research and development zones, subject to approval of a minor improvement permit (see Section 10-20.40.080) and the following conditions:~~

~~(1) The storage container shall be considered an accessory structure to the principal structure. No storage containers are permitted on vacant or undeveloped lots where no primary structure or use has been established;~~

~~(2) Storage containers shall only be placed in compliance with all applicable regulations of the Zoning Code, including setbacks, FAR, and lot coverage restrictions;~~

~~(3) Storage containers shall not be placed in parking areas nor in a location where they are visible from public rights-of-way, unless the container is placed in the loading/dock area of the subject business;~~

~~(4) The maximum size for a storage container located on property zoned for commercial or research and development uses shall be 384 square feet;~~

~~(5) The maximum height of a storage container used for storage purposes shall be 10 feet measured from natural grade to the top of the container;~~

~~(6) Storage containers shall be painted a neutral, earth tone, or to match the primary building near where they are placed;~~

~~(7) Storage containers shall be used for storage only, and shall not otherwise be occupied as habitable space. Storage containers shall not be connected to sewer, water or gas service, but may be permitted to have electrical service for lighting/plug ins;~~

~~(8) No signs shall be permitted to be placed on any part of a storage container; and~~

~~(9) Storage containers mounted on trailers/wheels shall not be permitted in commercial and research and development zones.~~

~~3. Industrial and Public Lands Zones. The following standards apply to the temporary and permanent use of storage containers located in all Industrial and Public Lands zones.~~

~~a. Temporary Use.~~

~~(1) In the case of fire, flood, or other emergency situation, storage containers may be placed, stored, or used for temporary storage on property zoned for industrial or public lands use, provided the owner has applied for a temporary use permit from the Director. The duration of the temporary storage use shall be limited to a maximum of 120 days within a calendar year, with the option to renew the permit one time at the discretion of the Director, for a period not to exceed 90 days.~~

~~(2) Storage containers may be placed, stored, or used for temporary storage on property zoned for industrial or public lands use for minor remodeling projects for which a building permit is not required, provided the owner has obtained a temporary use permit from the Director. The duration of the temporary storage use shall be limited to a maximum of 120 days within a calendar year, with the option to renew the permit one time, for a period not to exceed 90 days.~~

~~(3) Storage containers may be placed, stored, or used for temporary storage on property zoned for industrial or public lands use if a building permit has been obtained from the City for new development on the subject property. The use shall be permitted for the time period beginning with issuance of the building permit, and expiring seven days after the issuance of a certificate of occupancy, at which time the storage container shall be removed.~~

~~(4) Storage containers used for temporary storage may be placed within the front setback, and shall not be placed in the public right-of-way unless a right-of-way encroachment permit has been obtained from the City Engineering Section.~~

~~(5) No signs shall be permitted to be placed on any part of a storage container, except for a sign displaying the name of the storage container business which shall be limited to a sign area of six square feet.~~

~~b. Permanent Use. Permanent storage containers shall be permitted on property zoned for industrial or public facilities use, subject to approval of a minor improvement permit (see Section 10-20.40.080) and the following conditions:~~

~~(1) The storage container shall be considered an accessory structure to the principal structure;~~

~~(2) The storage container shall only be placed in compliance with all regulations of the Zoning Code, including setbacks, FAR, and lot coverage restrictions;~~

~~(3) The maximum size permitted for a storage container located on property zoned for industrial or public lands use shall be 320 square feet;~~

~~(4) The maximum height of a storage container used for storage purposes shall be 10 feet measured from natural grade to the top of the container;~~

~~(5) Storage containers shall be painted a neutral, earth tone, or to match the primary building near where they are placed;~~

~~(6) Storage containers shall be used for storage only, and shall not otherwise be occupied as habitable space. Storage containers shall not be connected to sewer, water or gas service, but may be permitted to have electrical service for lighting/plug ins; and~~

~~(7) No signs shall be permitted to be placed on any part of a storage container.~~

~~E. Permanent Outdoor Accessory Uses. Permanent, outdoor accessory uses, including nurseries or garden centers, are permitted with the following conditions:~~

~~1. The accessory use is clearly incidental to the primary commercial use of the property;~~

~~2. The accessory use shall not occupy more than 10 percent of the total area of the site;~~

~~3. To accommodate the accessory use, the number of parking spaces shall not be reduced more than 10 percent below the number of spaces required by Division 10-50.80, Parking Standards, or more than 10 percent of the spaces provided;~~

~~4. The accessory use shall be conducted only between the hours of 6:00 a.m. and 9:00 p.m. or during the established business hours of operation, whichever is shorter; and~~

~~5. The accessory use shall not be located in improved parking stalls or areas.~~

C. Permanent Storage Structures.

1. Placement.

a. Residential and Transect Zones. A storage structure shall be placed in: 1) the building envelope, and behind the rear of the primary structure; 2) the rear yard or interior side yard in compliance with the standards provided in subsection B.7.d. of this section; or 3) a combination of the building envelope's rear yard, or interior side yard in compliance with the standards provided in subsection B.7.d. of this section.

b. Commercial Zones. A storage structure shall: 1) be placed in compliance with the property development requirements of the property's zone; 2) be placed in a location where it is not visible from the public right-of-way, unless the container is placed in the loading/dock area; and, 3) not be placed parking areas.

c. Industrial and Public Facility Zones. A storage structure shall only be placed: 1) in compliance with the property development standards of the property's zone; and, 2) in a location where it is not visible from the public right-of-way, unless the container is placed in the loading/dock area.

3. Maximum floor area.

a. Residential and Transect Zones. A storage structure's floor area shall not exceed 160 square feet.

b. Commercial, Industrial, and Public and Open Space Zones. A storage structure's floor area shall not exceed 384 square feet.

4. Maximum height. A storage structure shall not exceed a height of 10 feet measured from finish grade directly below the container.

5. Maximum number of storage structures on a property in all residential and transect zones: one.

6. Additional requirements in the Commercial, Industrial, and Public and Open Space Zones. All property development standards of the property's zone not specified in this subsection shall apply to a storage structure.

7. Additional requirements in all zones.

a. A storage structure shall:

(1) Have an exterior color that is an earth tone with a light reflectance value of 50 or less, or matches the main color of a building on property that the structure is placed nearest to;

(2) Be non-habitable, and used only for storage purposes; and

(3) Not be connected to any utility service, except for an electrical service to provided lighting and electrical plugs.

b. Storage structures mounted on trailers/wheels shall not be permitted.

Section 22. Amend Title 10 FLAGSTAFF ZONING CODE, Division 10-40.60: Specific to Uses, to add Section 10-40.60.025 Accessory Uses, as follows:

10-40.60.025 Accessory Uses.

A. Accessory Uses Allowed.

1. An Accessory Dwelling Unit (ADU) use is allowed where specified in Sections 10-40.30.030 and 10-40.30.040.

2. All other accessory uses of a property are allowed in connection with a primary use on the same property.

3. An accessory use shall require the approval of a Conditional Use Permit when the accessory use is listed as primary use that requires a Conditional Use Permit in the same zone.

B. Determination of an Accessory Use. In determining that a use is accessory to a primary use, the Zoning Administrator shall find that the accessory use is clearly customary, subordinate and incidental to the primary use on the same property.

D. Additional Criteria for Accessory Uses.

1. Outdoor Storage. All outdoor storage areas shall comply with Section 10-40.60.275.

2. Animal Keeping. Animal keeping shall be maintained in conformance with Section 10-40.60.070.

3. An Accessory Dwelling Unit (ADU) shall comply with Section 10-40.60.030.

Section 23. Amend Title 10 FLAGSTAFF ZONING CODE, Section 10-40.60.150 Day Care Home and Center, as follows:

10-40.60.150 Day Care Home and Center

A. **Day Care Home.**

1. No more than one full-time person not residing on the premises may be employed in the home day care use.

2. The home day care shall be conducted in a manner that does not create adverse impacts on the residential character of the neighborhood **, such as dust, noise, order, and traffic**.

3. During the hours of activity of the day care use, there is no limit on the amount of floor area devoted to this secondary use.

4. Outdoor activities and equipment associated with the home day care are permitted and must be screened by a minimum five-foot-high fence or wall.

5. The hours of operation shall not create adverse impacts on adjoining properties.

6. The maximum number of persons that day care services may be provided for in a dwelling or a dwelling's accessory structure shall not exceed eight persons. The maximum number of eight persons shall include children under the age of 14, and any older individual, or disabled person (14 years of age or older) that resides in the dwelling and supervision is provided for.

7. **Supervision of children, older individuals, or disabled adults is limited to less than 24-hours.**

8. **When required by the State of Arizona, all day care homes shall maintain an active state issued license.**

B. **Day Care Center.**

1. Day care center facilities shall comply with all applicable State and fire codes, including Arizona Revised Statutes.

2. Day care center on-site exterior lighting shall be consistent with Division 10-50.70, Outdoor Lighting Standards.

3. A six-foot-high solid fence or wall shall be constructed on all property lines or around the outdoor activity areas of day care centers, except in the front setback or within a traffic safety visibility area, in compliance with Division 10-50.50, Fences and Screening.

4. All day care center facilities shall have public access.

5. The hours of operation shall not create adverse impacts on adjoining properties.

6. **Supervision of children, older individuals, or disabled adults is limited to less than 24-hours.**

7. **When required by the State of Arizona, all day care homes shall maintain an active state issued license.**

Section 24. Amend Title 10 FLAGSTAFF ZONING CODE, 10-40.60.250 Mini–Storage Warehousing., as follows:

10-40.60.250 Mini–Storage Warehousing

A. ~~**No sales, service, or repair activities other than the rental of storage units are permitted on the premises.**~~

No business shall be operated out of a storage unit or outdoor storage area.

B. All storage shall be within an enclosed building, except for accessory outdoor storage: 1) is limited to operable vehicles with a valid governmental registration; and 2) shall not exceed 10 percent of the gross site area; and, shall comply with Section 10-40.60.275. Outdoor Storage.

B. Maximum ~~**leasable space per tenant shall be**~~ **area of an individual storage unit:** 1,000 square feet.

C. ~~**Outdoor storage, or the**~~ **The** storage of ~~**junk**~~ **refuse, compost,** explosives, ~~**or**~~ flammable materials, and other noxious or dangerous **materials, as determined by the City Fire Marshall,** are ~~**specifically**~~ prohibited.

D. **Minimum vehicle drive aisle width:** ~~**There shall be a of**~~ 21 feet ~~**between warehouse buildings for driveway, parking and fire lane purposes**~~.

E. Minimum fire lane width: Comply with the Fire Code.

~~**E. All storage shall be within an enclosed building except that within the compound of a self-storage warehouse where operable recreational vehicles and motor vehicles may be placed in outdoor storage areas that are separated from view from adjacent streets and property in compliance with Table 10-50.60.040.B, Buffer and Screening Requirements. Outdoor recreational vehicle storage areas shall not exceed 10 percent of the gross site area.**~~

Section 25. Amend Title 10 FLAGSTAFF ZONING CODE, to add Section 10-40.60.275 Outdoor Storage, as follows:

10-40.60.275. Outdoor Storage.

A. Screening requirement for a primary or accessory outdoor storage use.

1. Heavy Industrial (HI) and Heavy Industrial – Open sub-zone (HI-O) zones. All outdoor storage shall be completely enclosed within an area contained by a solid wall or fence, or chain link fence with slats that has minimum height of six (6) feet. A screen wall or fence within the required building area may be constructed to the maximum height allowed by the property's zone.

2. All other zones:

a. All outdoor storage shall be completely enclosed within an area contained by a solid wall or fence that is at least one (1) foot taller than the tallest object being screened.

b. The maximum height of a wall or fence within the required setbacks shall comply with Table 10-50.50.030.A.

c. A screen wall or fence within the required building area may be constructed to the maximum height allowed by the property's zone.

B Ground surface treatment. The ground of an outdoor storage area, including areas used for vehicle circulation, shall be maintained weed-free and have a dust-free surface (e. g., gravel, decomposed granite, etc.) approved by the Director. Based upon the intensity or frequency of vehicle traffic that is anticipated within the storage area, or the proximity to an adjacent residential use, the Director may require an outdoor storage area or vehicle travel lanes to have a pavement surface.

C. Non-conforming outdoor storage. Screening and ground surfaces for all outdoor storage areas shall be provide in compliance with the requirements of this section when the cumulative expansion of a non-conforming outdoor storage area, or a building with a non-conforming outdoor storage area, is enlarged by 25 percent or more.

Section 26. Amend Title 10 FLAGSTAFF ZONING CODE, Table 10-40.60.280.A: Planned Residential Development Building Type Options, as follows:

Table 10-40.60.280.A: Planned Residential Development Building Type Options

Building Type	Residential Zones See Section 10-40.30.030(C) for Building Form Standards						Commercial Zones See Section 10-40.30.040(C) for Building Form Standards				
	RR	ER	RI	R1N	MR	HR	SC	CC	HC	CS	CB
Carriage House	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	--
Single-family											
Estate	✓	✓	✓	--	--	--	--	--	--	--	--
House	✓	✓	✓	✓	✓	✓	--	✓	--	--	--
Cottage	✓	✓	✓	✓	✓	✓		✓	--	--	--
Bungalow Court	✓	✓	✓	✓	✓	✓	--	✓	--	--	--
Duplex											
Side-by-Side	✓	✓	✓	✓	✓	✓	✓	✓	--	--	--
Stacked	✓	✓	✓	✓	✓	✓	✓	✓	--	--	--
Front-and-Back	✓	✓	✓	✓	✓	✓	✓	✓	--	--	--
Stacked Triplex	--	--	--	--	✓	✓	✓	✓	--	--	--
Townhouse	--	--	✓	– ✓	✓	✓	✓	✓	✓	✓	--
Apartment House	--	--	--	--	✓	✓	✓	✓	✓	✓	--
Courtyard Apartment	--	--	--	--	✓	✓	✓	✓	✓	✓	--
Apartment Building	--	--	--	--	✓	✓	--	--	✓	--	--
Live/Work	--	--	--	--	✓	✓	✓	✓	✓	✓	✓
Commercial Block	--	--	--	--	--	--	--	✓	✓	✓	✓

Section 27. Delete Title 10 FLAGSTAFF ZONING CODE, Section 10-40.60.320 Warehousing in its entirety, as follows:

~~**10-40.60.320 Warehousing**~~

~~**Warehousing, where permitted, includes outdoor storage provided the entire storage yard is screened by a minimum six-foot-high solid fence or wall, or chain link fencing with slats. Outdoor storage includes storage yards for recreational vehicles, boats, trailers, and contractor's storage and supply yards. Surfacing requirements are to be determined by the Director, based upon the intensity of use, and may range from pavement to a permeable, dust-free, weed-free surface (e.g., gravel). Any expansions of existing storage yards or buildings with storage yards, of 25 percent or more in area, shall also provide screening for the entire yard area.**~~

Section 28. Amend Title 10 FLAGSTAFF ZONING CODE, Section 10-50.30.030 How Building Height Is Measured, subsection A. Applicable to All Zones., paragraph 1. Building Height Plane subparagraph b., as follows:

Section 10-50.30.030 How Building Height Is Measured

A. **Applicable to All Zones.**

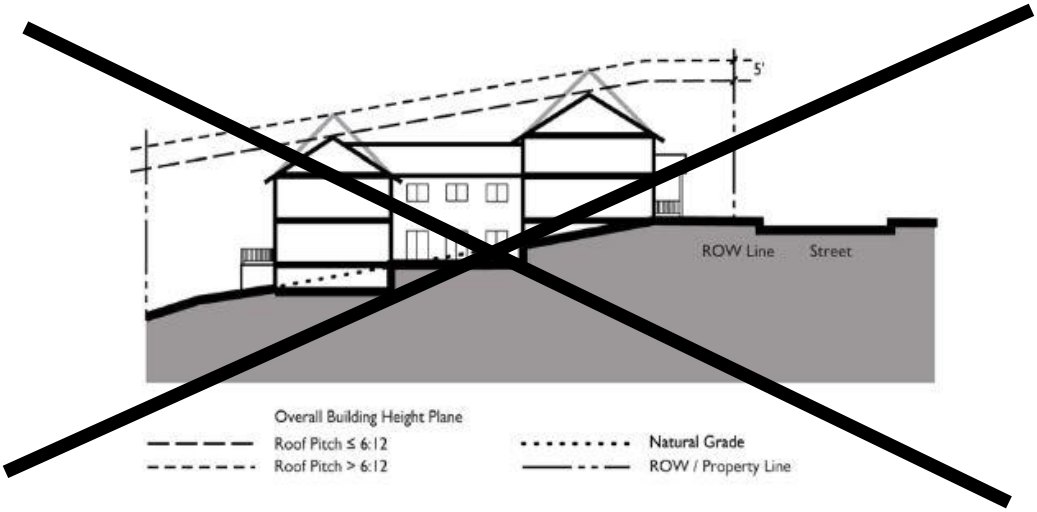
1. **Building Height Plane.**

b. Primary buildings with a roof pitch greater than **or equal to** 6:12 shall be allowed an additional five feet above the maximum building height in the zone. Accessory buildings and structures regardless of roof pitch shall not be allowed any additional building height.

Section 29. Amend Title 10 FLAGSTAFF ZONING CODE, Section 10-50.30.030 How Building Height Is Measured, subsection A. Applicable to All Zones., Figure 10-50.30.030B. Pitched roof building height measurements (not drawn to scale)., as follows:

Section 10-50.30.030 How Building Height Is Measured

A. **Applicable to All Zones.**



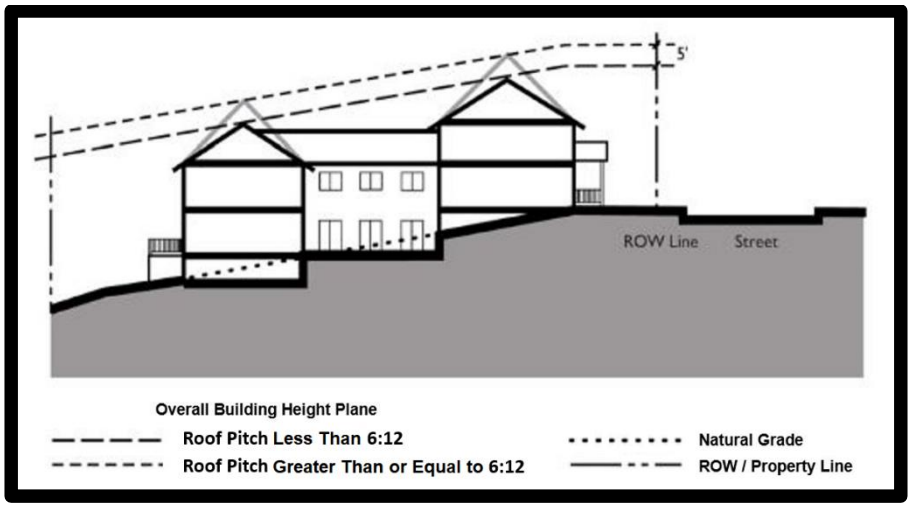


Figure 10-50.30.030B.

Pitched roof building height measurements (not drawn to scale).

Section 30. Amend Title 10 FLAGSTAFF ZONING CODE, Section 10-50.40.020 Encroachments into Minimum Required Setbacks, Table 10-50.40.020.A: Allowed Encroachments into Setbacks and Heights, as follows – including adding grid lines and shading to the table:

Table 10-50.40.020.A: Allowed Encroachments into Setbacks and Heights	
Arbors, Awnings, Canopies, Court Yards, Decks, Patios, Pergolas, Porches, Stoops, Trellis, Hooded Entries, Carports and Balconies[1,2,3]	
Front, Rear, ~~Exterior~~ **Street** Side Setback (max.)	~~5'~~ **5 feet**
Interior Side Setback (max.)	~~3'~~ **3 feet**
Accessory Dwelling Units (ADUs)[1]	
See Section ~~10-40.60.040~~ **10-40.60.030**	
Accessory ~~Buildings and~~ Structures[1]	
See Section 10-40.60.020	
Ground Mounted Solar Panels	
Front, Rear, ~~Exterior~~ **Street** Side Setback (max.)	~~5'~~ **5 feet**
Interior Side Setback (max.)	~~3'~~ **3 feet**
Bay Windows, Open Eaves, Cornices, Fireplaces and Chimneys, and Window Sills	
All Setbacks (max.)	~~2'~~ **2 feet**
End Notes:	
~~1~~ **1** In no case shall the permitted encroachment exceed 50 percent of the required setback.	
~~2~~ **2** Refer to applicable Building Code sections for permitted projections into setback areas and ensure that a 3' space is maintained between an open stairway and the property line.	
~~3~~ **3** Refer to applicable Building Code sections for construction less than 5' from a property line.	

Section 31. Amend Title 10 FLAGSTAFF ZONING CODE, Section 10-50.60.050 Landscaping Standards, subsection A. Landscape Design., Table 10-50.60.050.A: Landscape Credits for Existing Trees., as follows – including adding grid lines to the table:

Section 10-50.60.050 Landscaping Standards

A. **Landscape Design.**

Table 10-50.60.050.A: Landscape Credits for Existing Trees.	
Existing Tree Size (DBH)	**No. of Trees Not Required**
~~**6 – 10"**~~ **Equal to 6 inches, and less than 10 inches**	1 Tree[1]
~~**10 – 18"**~~ **Equal to 10 inches, and less than 18 inches**	2 Trees[1]
~~**> 18"**~~ **Equal to, or greater than, 18 inches**	3 Trees[1]
End Note	
~~1~~ **1.** For each tree not required to be planted, the requirement for shrubs and groundcovers associated with that tree shall be waived.	

Section 32. Amend Title 10 FLAGSTAFF ZONING CODE, Section 10-50.90.060. Forest, subsection B. Methodology., as follows:

10-50.90.060 Forest

B. **Methodology**

1. This section establishes a minimum forest resource protection threshold for all parcels subject to the Resource Protection Overlay (RPO). Forest resources are determined according to the resources survey requirements (Section 10-50.90.070, Resources Survey Requirements), which establish the quality and priority for forest resource protection based on a point rating system.
2. Tables ~~**10-50.90.060.A**~~ **10-50.90.060.B.2.a. and 10-50.90.060.B.2.b.**, ~~**Forest Resource Protection Thresholds as a Percentage of Site Area,**~~ shall be used to determine the minimum amount of forest resources that must be retained on-site. Protection thresholds applicable to affordable housing developments are located in Division 10-30.20, Affordable Housing Incentives.

~~**Table 10-50.90.060.A: Forest Resource Protection Thresholds as a Percentage of Site Area**~~

Public Lands	Residential	Commercial	Industrial	TNCP
30%	50%	30%	20%	30%

Table 10-50.90.060.B.2.a

Forest Resource Protection Thresholds as a Percentage of Site Area

Commercial Zones	Industrial Zones	Public and Open Space Zones	Residential Zones
30%	20%	30%	50%

Table 10-50.90.060.B.2.b

Forest Resource Protection Thresholds as a Percentage of Site Area

T1 Natural[1] and T2 Rural[1] zones	T3 Neighborhood[1] 1 and 2 zones	T4 Neighborhood[1] 1 and 2 zones	TNCP
80%	50%	30%	See Section 10-50.90.060.B.5.

End Notes

1. The percentage of forest resource protection also apply to a zones sub-zones

3. The amount of forest resources required to be protected ~~on a development site~~ **property** may be reduced through the application of the following sections of this code:

   a. Section 10-30.20.040, Affordable Housing Incentives;

   b. Section 10-30.60.030(B), Solar Orientation or Aspect;

   c. Section 10-30.60.090(B)(1), Civic or Public Space Requirement;

   d. Section 10-50.60.050(A)(1), Plant Material Considerations; and

   e. Section 10-50.80.060(E), Parking Reductions for Forest Resources.

~~3.~~ **4.** Where forest resources on a site overlap with steep slope resources, the following standards apply:

a. For affordable housing developments, refer to the standards in Section 10-30.20.040, Affordable Housing Incentives.

b. For all other developments located within the Resource Protection Overlay, up to 25 percent of the forest resources in the steep slope area may be counted towards the required amount of forest resources for the entire site at a ratio of one credit point for forest resources to 50 square feet of slope area.

~~**3. Traditional neighborhood community plans (TNCP), Division 10-30.80, are primarily concerned with the form and character of development through the application of transect zones. The transect zones provide a variety of rural to urban forms where the level of forest protection may vary. In the more urban zones such as the T4 Neighborhood and T5 Main Street transect zones, protection of forest resources is secondary to the creation of urban form and character, and, while the protection of forest resources is strongly encouraged, in most cases it may not be feasible. However, in the T1 Natural and T2 Rural transect zones virtually all of the forest resources shall be protected, while in the T3 Neighborhood zones, most forest resources shall be protected. In order to account for this character, forest resources in a traditional neighborhood community plan shall be calculated as an average across the entire site, and not specifically for each transect zone within the traditional neighborhood community plan.**~~

5. Minimum Forest Resource Protection shall be the greater of:

a. Thirty (30) percent, calculated as an average across the entire site; or,

b. The total percentage calculated shall be based on the location and allocation of the transect zones in the Traditional Neighborhood Community Plans (TNCP) and the corresponding transect zone requirements of Table 10-50.90.060.B.2.b.

Section 33. Amend Title 10 FLAGSTAFF ZONING CODE, Section 10-80.20.010 Definitions, "A", the terms "Accessory Buildings and Structures", "Accessory Dwelling Unit (ADU), Attached", and "Accessory Dwelling Unit (ADU), Detached", and to add the term "Accessory Dwelling Unit (ADU), Interior", as follows: as follows:

10-80.20.010 Definitions, "A"

Accessory ~~**Buildings and Structures**~~ **Structure: is a** ~~**Buildings or structures**~~ **building or structure** (including sheds, barns, garages, carports, ~~**artist or craft studios, home offices**~~, greenhouses, detached solar systems, ~~**or**~~ shade structures**, light pole, flag pole, pool, fence, wall, or other accessory structure as determined by the Zoning Administrator** which:

1. ~~Are~~ **Is** subordinate in building area, intensity of use, or purpose to the ~~principal~~ **primary** ~~building~~ **structure** ~~or use served~~;
2. Contribute to the comfort, convenience, ~~and~~ **or** necessity of the occupants of the ~~principal~~ **primary** building or use served; and
3. Are located on the same lot as the ~~principal~~ **primary** ~~building~~ **structure** or use served, with the single exception of accessory off-street parking facilities that are permitted to locate elsewhere.

Section 34. Amend Title 10 FLAGSTAFF ZONING CODE, Section 10-80.20.020 Definitions, "B", for the term, "Bed and Breakfast", "Block face", "Building Code", and "Building Envelope", as follows:

Section 10-80.20.020 Definitions, "B"

Bed and Breakfast: ~~Accommodations~~ **Is an accommodation provided and offered to transient guests for stays of less than thirty (30) days in** ~~offered by~~ a private home, consisting of a room for ~~the night~~ **sleeping, which may include separate sanitation facilities in each room,** and breakfast **is provided to the guest(s)** the next morning ~~for one inclusive~~ **and is included in the** price **of the room. Bed and breakfast is not a Travel accommodation, vacation rental or short-term rental**.

Building Code: ~~The currently in effect codes of the City of Flagstaff that establish minimum acceptable levels of safety for the construction, renovation, demolition, and occupancy of buildings and structures.~~ **Is the regulations contained in Title 4 Building Regulations of the Flagstaff City Code.**

Building envelope: is the three (3) dimensional space on a lot or parcel delineated by the property's zone requirements for building height, setback, stepback, yards and other provisions of the Zoning Code.

Section 35. Amend Title 10 FLAGSTAFF ZONING CODE, Section 10-80.20.040 Definitions, "D", for the terms "Day Care, Center" and "Day Care, Home", "Development Site", "Dwelling", "Dwelling, Cluster", and to add the terms "Development, Multiple-Family", "Development - Attached, Single-Family", "Development - Detached, Single-Family", and "Development, Duplex" as follows:

Day Care, Center: A facility**, other than a dwelling unit or an accessory structure of a dwelling unit,** ~~regulated by the State that provides~~ **where** supervision ~~for less than 24 hours per day for nine or more~~ **of** children, ~~elderly~~ **older individuals**, or disabled persons ~~in a facility other than a residence~~ **is provided for less than 24-hours**. This includes adult day care or adult day health as defined in A.R.S. § 46-191.1.**, as amended.**

~~**Day Care, Home: A home occupation in any dwelling established consistent with the State of Arizona requirements, which receives no more than eight children, elderly, or disabled adults for less than 24 hours per day. The maximum number of eight children shall be reduced in number by the number of children residing in the dwelling under the age of 14. This includes adult day care or adult day health as defined in A.R.S. § 46-191.1.**~~

Day Care, Home: A home occupation in any dwelling or an accessory structure of a dwelling, where supervision of children, older individuals, or disabled persons is provided for less than 24-hours. This includes adult day care or adult day health as defined in A.R.S. § 46-191.1., as amended.

Development Site: Any ~~**plot**~~ **lot** or parcel of land, or combination of contiguous lots or parcels of land, whether under common ownership or multiple ownership, which constitutes a site on which development is proposed, under construction, or exists.

Dwelling Unit: ~~**One or more habitable rooms for residential use that are used as a home, residence, or sleeping place by one or more persons and which shall contain sleeping, sanitary, and cooking facilities. Dwelling includes an apartment or condominium. This does not include a motel or hotel room (see "Lodging") or suite or guest rooms in a boarding house or bed and breakfast (see "Bed and Breakfast").**~~ **Is one or more rooms as a single unit used as an independent residential living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation. A dwelling unit does not include suites or guest rooms in a travel accommodation or bed and breakfast.**

Development - Multiple-Family: Is a development consisting of any number of structures, or portion thereof, that contains a total of three or more dwelling units on a lot or parcel.

~~**Dwelling, Multiple-Family: A dwelling contained in a building comprised of three or more dwelling units.**~~

Development - Attached, Single-Family: Is a development consisting of one or more lots or parcels that contains a dwelling unit that is attached to dwelling unit on another lot or parcel.

Development - Detached, Single-Family: Is a development consisting of one or more lots or parcels that contains a single-family dwelling that is detached from a dwelling unit on another lot or parcel. A single-family development – detached include lot and parcels that contain a primary dwelling unit and an accessory dwelling unit in accordance with the provision of this code.

Development, Duplex: Is a development consisting of one or more lots or parcels that contains a duplex.

~~**Dwelling,**~~ **Development -** Cluster**, Single-Family**: ~~**Fully detached single-family residential uses**~~ **Is a Single-Family Development – Detached or co-housing** ~~**located on individual lots**~~ that ~~**include, as part of the subdivision design,**~~ **includes** common open space **and is developed to the requirements of this code.**

Section 36. Amend Title 10 FLAGSTAFF ZONING CODE, Section 10-80.20.060 Definitions, "F", for the term, **"**Factory Built Building**",** and add the term **"**Fire Code**",** as follows:

10-80.20.060 Definitions, "F"

Factory Built Building: ~~**A building including a dwelling or habitable room that is either wholly or in substantial part manufactured at an off-site location to be assembled on site, except that it does not include a manufactured home, recreational vehicle, or mobile home as defined by this chapter. Does include modular homes. These structures are built to the 2003 International Residential Code, 1994 Uniform Plumbing Code, 2003 International Mechanical Code and 2002 NEC standards as dictated by the Arizona Department of Building and Life Safety. These units are considered a permanent structure, to be installed only once. The manufacturer of the factory built will provide a "blue" manufacturer's plate affixed to the exterior of the unit. The foundation for the factory built unit must be approved by the State Office of Manufactured Housing before the installation of the factory built building. See also "Dwelling, Single-Family."**~~

As defined by the Arizona Revised Statues §41-4001, as amended, a factory built residential or commercial building is: (i) either wholly or in substantial manufactured at an off-site location and transported for installation or completion, or both, on-site; (ii) constructed in compliance with adopted codes, standards and procedures of the State of Arizona; and, (iii) installed temporarily or permanently. A factory built building does not include a manufactured home, recreational vehicle, panelized building or domestic or light commercial storage building.

Fire Code: Is the regulations contained in Title 5 Fire Code of the Flagstaff City Code.

Section 37. Amend Title 10 FLAGSTAFF ZONING CODE, 10-80.20.090 Definitions, "I"., for the term "Industrial, Light – General", as follows:

10-80.20.090 Definitions, "I

Industrial, Light – General: This use includes manufacturing, storage, transportation, construction, repair, and wholesale uses that do not include hazardous wastes or resulting large truck usage/parking on the site. Light industrial uses include, but are not limited to, the following:

~~**Auto towing and storage yards**~~ **Vehicle Towing**	Leather, except tanning and finishing
	Local and interurban passenger transit

~~Auto~~ **Vehicle** repair including top, body and upholstery repair and paint shops and tire retreading and repair shops	Lumber and wood products
Communications	Miscellaneous manufacturing industries
~~Drugs~~ **Pharmaceutical Manufacturing**	Office and computing machines
Electric and electronic equipment (except electronic distribution and electrical industrial)	Paper products, except mills
	Printing and publishing
Fabricated metal	Special trade contractors
Food products, including liquor distribution, except meat products	Special warehousing and storage
	Textiles and apparel
Fuel and ice dealers	Transportation services
Furniture and fixtures	Trucking and general warehousing including mini-storage
General building contractors	Welding repair
Instruments and related products	Wholesale trade, durable and nondurable
Large truck, industrial truck and tractor repair	
Vehicle Storage, excluding Federal Highway Administration class 7, and above, vehicles and heavy equipment/construction vehicles	

Section 38. Amend Title 10 FLAGSTAFF ZONING CODE, Section 10-80.20.160 Definitions, "O", for the term "Older Individual" and "Outdoor Storage," as follows:

10-80.20.160 Definitions, "O",

Older Individual: Is any person 60 years of age, or older, unless otherwise defined in 42 U.S. Code § 3002.

Outdoor Storage: is the storage of commodities, equipment, materials, merchandise, vehicles, etc. outside of a completely enclosed building.

Section 39. Amend Title 10 FLAGSTAFF ZONING CODE, Section 10-80.20.160 Definitions, "P", for the terms "Parcel," and to add the terms "Parking, Tuck-unde," "Parking Structure," "Parking Structure, Above-Ground," "Parking Structure, Podium," "Parking Structure, Underground," and "Passive Recreation," in alphabetical order, as follows:

10-80.20.160 Definitions, "P",

Parcel: ~~**A defined**~~ **Is an** area of land **defined by a legal description, and** not part of a platted subdivision

Parking, Tuck-under: is vehicle parking on fifty (50) percent or less of the ground level of a habitable building.

Parking Structure: ~~**A building containing two or more stories of parking above natural grade.**~~ **is an above-ground, podium, or underground structure used for parking vehicles.**

Parking Structure, Above-Ground: is a structure of two (2) or more levels, starting at or above-ground level.

Parking Structure, Podium: is one (1) level of vehicle parking at ground level or partially below ground level, which may have habitable structure or open space area, such as a courtyard, above the parking.

Parking Structure, Underground: is a structure of one (1) or more levels, fully below ground level, except for the ramp into the parking structure.

Passive Recreation: is the use of land in its substantial natural or restored natural state for the preservation of wildlife, the environment and recreational purposes that requires minimal development, including park and ranger facilities, facilities for picnics, pavilions, multi-use trails and paths, canoeing, fishing, educational facilities that promote the education or preservation of such lands, etc., and relate support accessory uses such as parking, restrooms, and areas for the health and well-being of the public. Passive recreation does not include the use of recreational motorized vehicles, except when authorize by law, permit, or license granted by the city, state, or federal government.

Section 40. Amend Title 10 FLAGSTAFF ZONING CODE, Section 10-80.20.190 Definitions, "s", for "sign", and to add the terms "sanitation facilities," "Seasonal Sales" and "short-term rental or vacation rental", as follows:

10-80.20.190 Definitions, "S",

Sanitation Facilities: is bathroom that contains any combination of, or individually, a toilet, shower, sink, tub or related bathing and sanitation fixtures.

Seasonal Sales: is a sale event that occurs during one particular time of the year for a limited period of time, including the sale of annually harvested food products, holiday trees, fireworks, pumpkins, and similar sale events uses as determined by the Zoning Administrator.

Sign: A structure, device, figure, display, message placard or other contrivance, or any part thereof, situated outdoors or indoors, which is designed, constructed, intended or used to advertise, provide information in the nature of advertising, provide historical, cultural, archeological, ideological, political, or social information, or direct or attract attention to an object, person, institution, business, product, service, message, event or location by any means including ~~**words, letters, figures, designs, symbols, fixtures, colors, or illumination.**~~ **branding, color bands, corporate colors, designs, figures, fixtures, illumination, letters, logos, symbols, and words.**

Short-term Rental or Vacation Rental: is a defined in accordance with the Arizona Revised Statues § 9-500.39., as amended.

Section 41. Amend Title 10 FLAGSTAFF ZONING CODE, Section 10-80.20.220 Definitions, "W", for the term "Warehousing", as follows:

Warehousing: ~~**Warehouse and storage operations, including screened outdoor storage.**~~ **Is the storage of merchandise, commodities or vehicles in an enclosed building.**

Section 42. Amend Title 10 FLAGSTAFF ZONING CODE, Section 10-80.20.250 Definitions, "Y", for the terms, "Yard", "Yard, Exterior", "Yard, Front", and "Yard, Interior", as follows:

Section 10-80.20.250 Definitions, "Y

Yard: ~~**An**~~ **is an** open area ~~**at grade**~~ **that is unoccupied and unobstructed from the ground upward, except as allowed by the Zoning Code,** between a principal or accessory ~~**building**~~ **structure,** or ~~**buildings**~~ **a** structure and the nearest lot line ~~**that is unoccupied and unobstructed from the ground upward except as may be specifically provided in this Zoning Code**~~. **Typical yard locations are identified in the Figure 10-80.20.250. Yards.**

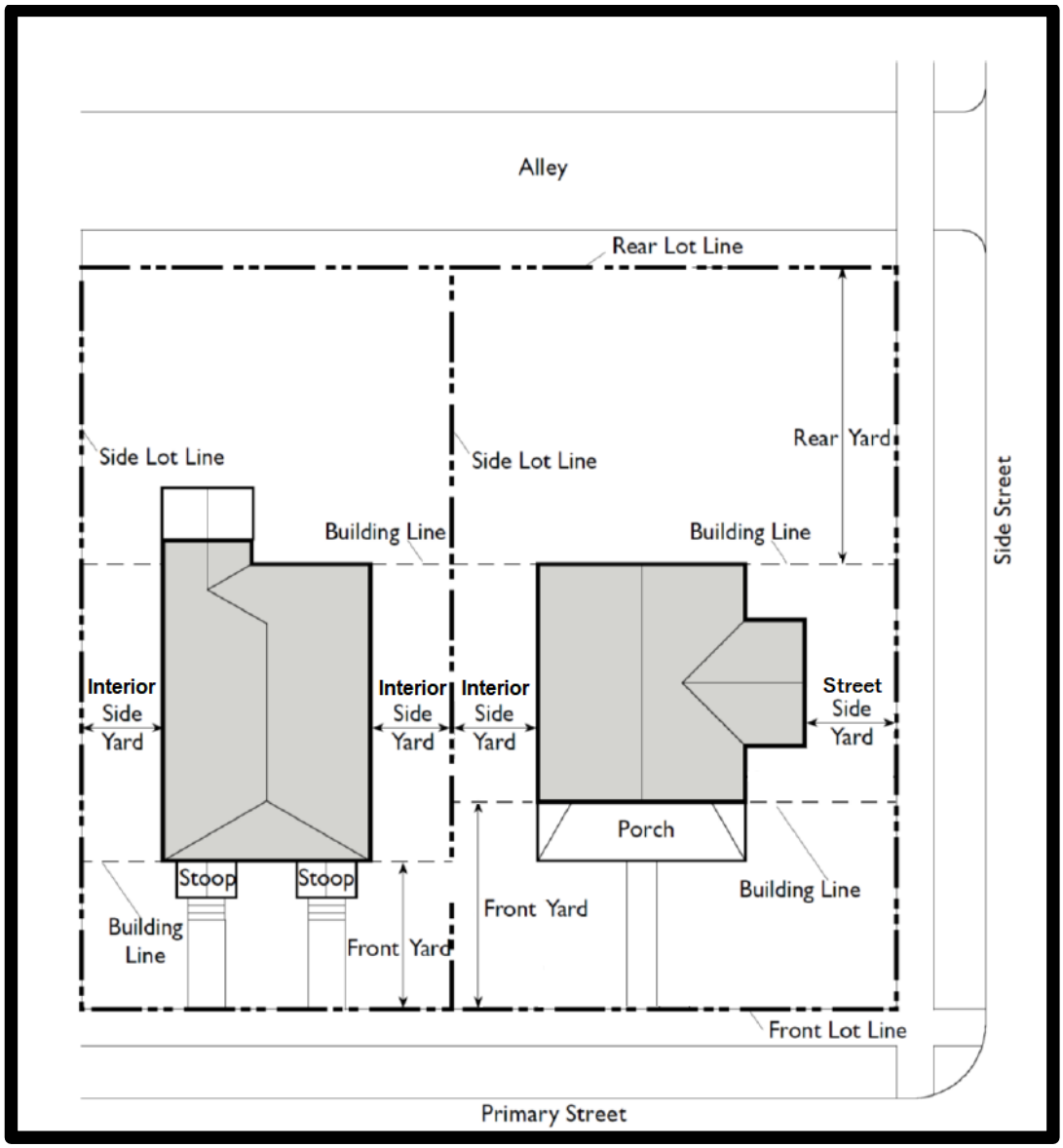
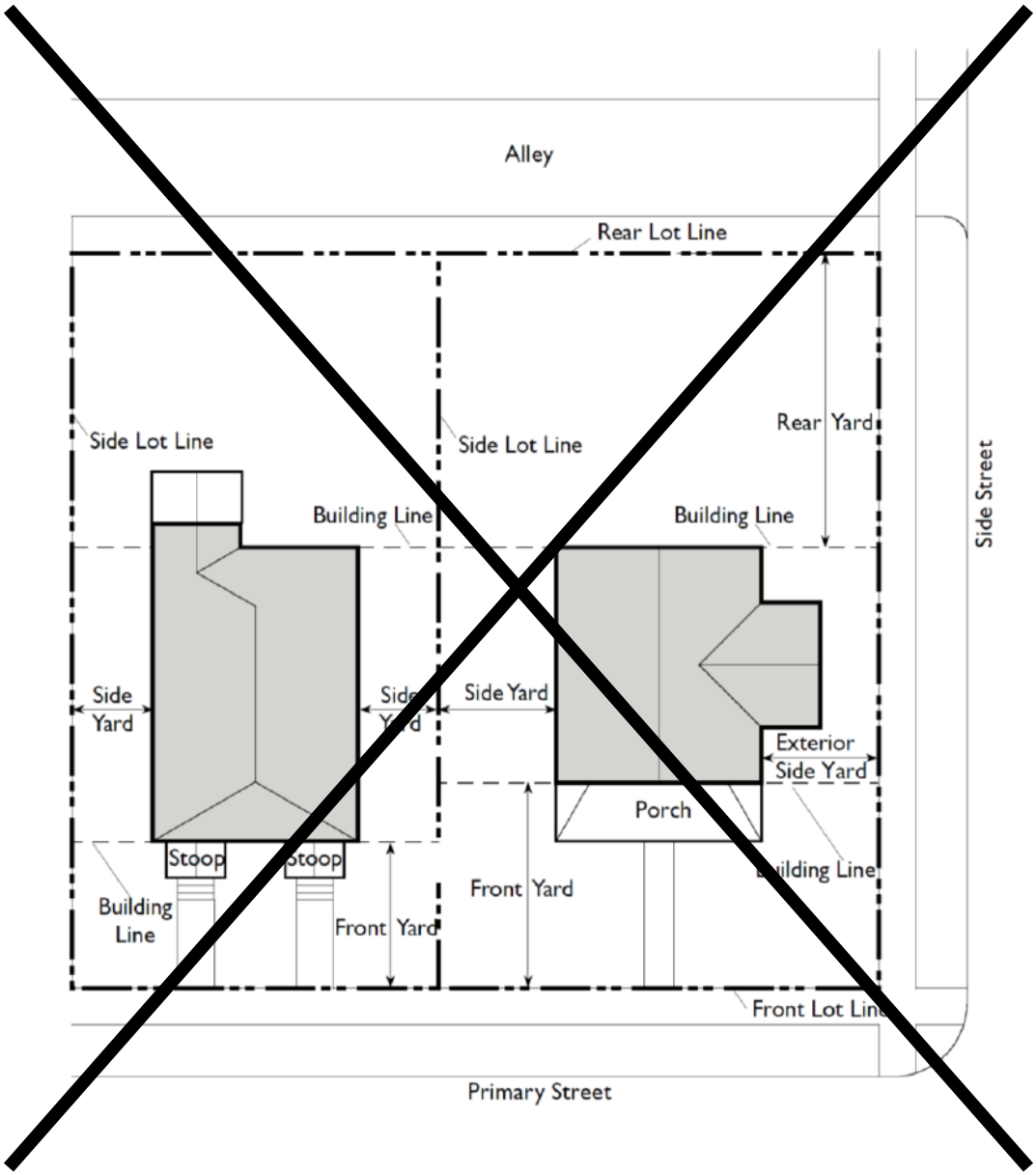


Figure 10-80.20.250. Yards.

Yard, ~~**Exterior**~~ **Street Side**: A yard extending from the front yard to the rear yard**,** between any building and the ~~**exterior side**~~ lot line **abutting a street.** ~~**On corner lots, the exterior side yard is adjacent to a street other than the one which determines the front yard.**~~

Yard, Front: A yard extending across the full width of a lot between any building and the front lot line, and measured perpendicular to the building at the closest point to the front lot line.

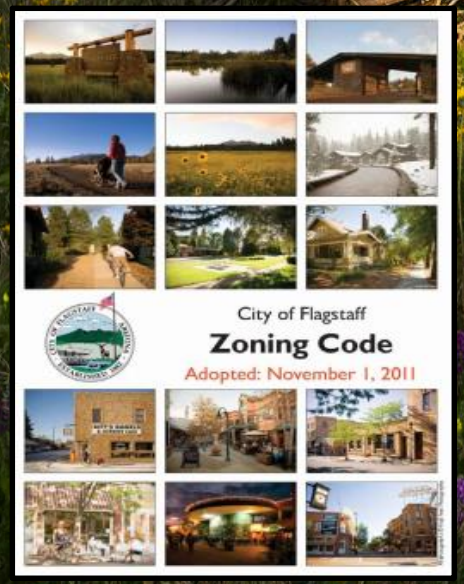


Yard, Interior Side: A yard extending from the front yard to the rear yard between the ~~principal~~ **primary** building and the side lot line adjacent to another lot measured perpendicular from the side lot line to the closest point of the ~~principal~~ **primary** building.

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City Council Work Session

City's Request to Amend the Zoning Code

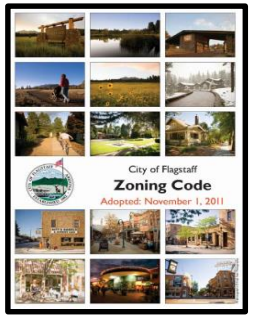


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Dan Symer, AICP
Zoning Code Manager

Work Session Objectives

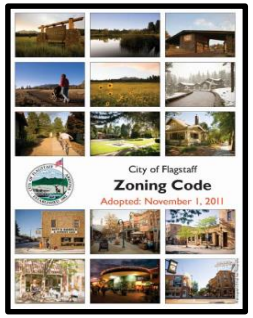
- To inform the public, and allow for their suggestions and concerns to be heard
- To inform the City Council and allow for their suggestions, questions and discussion
- No action will be taken by the City Council at this work session



City's Proposed Zoning Code Text Amendment:

Purpose:

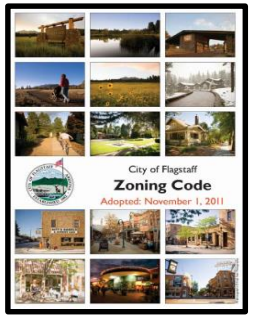
- **Resolve conflicts, incorporate technical and clarity corrections, simplify the requirements and remove redundancy, and**
- **Add to the definitions**



City's Proposed Zoning Code Text Amendment

Chapter 10-20: Administration, Procedures, and Enforcement:

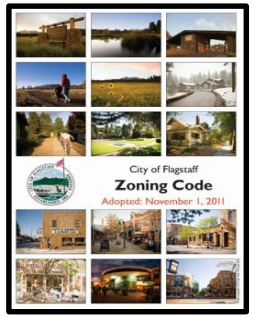
- **Notification**
  - **Preliminary subdivision plat and public facilities**
- **Minor Improvement Permits**
  - **Types (sheds, decks, fences, garden walls, patios, pergolas, trellises, wall, etc)**
  - **Modifications to the exterior of a structure and landscaping**
- **Exemptions.**
  - **Children's play houses and tree houses**



City's Proposed Zoning Code Text Amendment

Chapter 10-20: Administration, Procedures, and Enforcement:

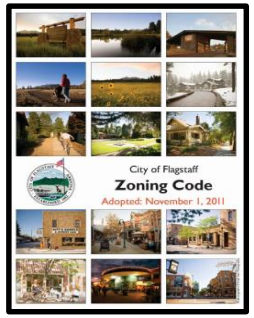
- **Temporary Use Permits and Exempt Temporary Activities**
  - **Temporary Storage Structures**
  - **Construction Yard(s)**
  - **Temporary Construction Trailer(s)**
  - **Outdoor Retail Activities (garden sale, sidewalk sale, etc.)**



City's Proposed Zoning Code Text Amendment

Section 10-40.30.030 Residential Zones:

- **Animal Keeping, as a primary use**
  - **Rural Residential (RR) and Estate Residential (ER)**
  - **Lots five acres, or greater**
- **Accessory building, structures, and dwelling units**
- **Existing subdivisions with platted setbacks and lot size**

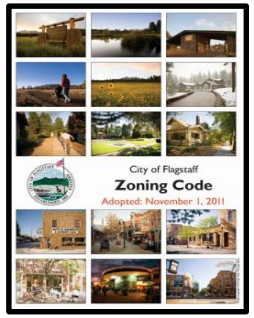


City's Proposed Zoning Code Text Amendment

Section 10-40.30.040 Commercial Zones:

- **Replaced the use of Lodging with Travel Accommodations**

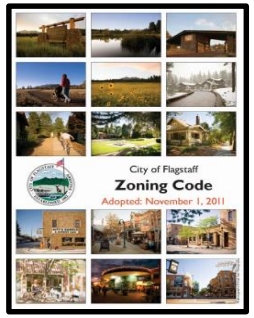
- **Removed cross reference to High Density Residential (HR) standards for density and open space and incorporated into development standards table**



City's Proposed Zoning Code Text Amendment

Section 10-40.30.050 Industrial Zones:

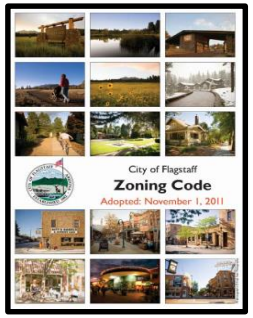
- **Separated the outdoor storage use from warehouse, allowed in Heavy Industrial and Heavy Industrial – Open as a primary use**



City's Proposed Zoning Code Text Amendment

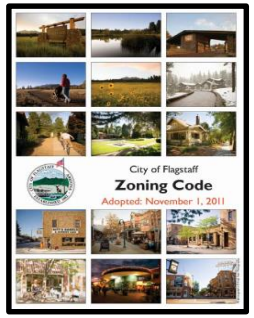
Section 10-40.60.020 Accessory Buildings and Structures:

- **Separated accessory buildings and Structures into separate sections**
  - **Accessory Structures - Section 10-40.60.020**
  - **Accessory Use - Section 10-40.60.025**
- **Deleted temporary and permanent storage containers section**
  - **Relocated temporary provision**
  - **Create a permanent storage containers section and simplified standard**



City's Proposed Zoning Code Text Amendment

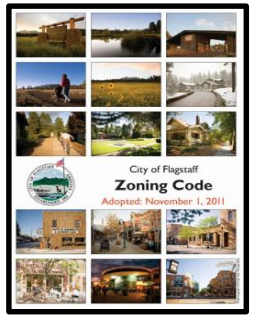
- **10-40.60.150 Day Care Home and Center**
  - **Update standards to comply with Arizona Revised Statues**
- **10-40.60.250 Mini–Storage Warehousing**
  - **Outdoor storage of vehicle shall be operable and registered**



City's Proposed Zoning Code Text Amendment

Section 10-50.90.060 Forest:

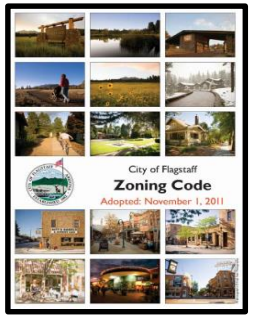
- **Clarified that the forest resource protection requirements are based on the property's zone**
- **Incorporated forest resource protection requirements for the Transect Zones with the Resource Protection Overlay**
- **Clarified the forest resource protection requirements of the a development with a Traditional neighborhood community plan**



City's Proposed Zoning Code Text Amendment

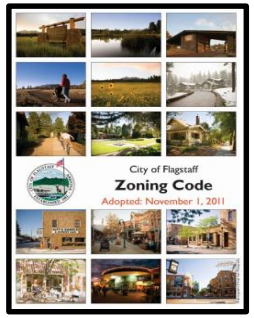
Technical Additions and Modifications:

- **Miscellaneous**
  - **Various references and cross reference, scrivener's, technical, and table and formatting changes**
  - **Clarified and added definitions**



Anticipated Timeframe of Code Text Amendments

- June 12, 2019 – Planning Commission Work Session
- June 26, 2019 – Planning Commission Public Hearing
- September 17, 2019 – City Council Work Session
- October 15, 2019 – City Council Public Hearing (1st Reading of Ordinance)
- November 5, 2019 – City Council Hearing
  (2nd Reading of Ordinance/Adoption)
- December 5, 2019 – Ordinance Effective Date

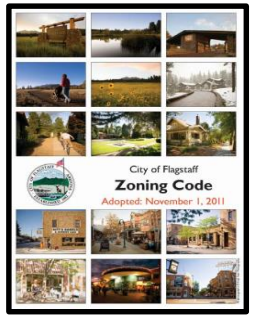


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City's Proposed Zoning Code Text Amendment

City Council

Comments, Questions and Discussion



14. B.

CITY OF FLAGSTAFF

STAFF SUMMARY REPORT

To:	The Honorable Mayor and Council
From:	Dan Symer, Zoning Code Manager
Date:	09/09/2019
Meeting Date:	09/17/2019

TITLE

Case No. PZ-19-00095 Updates to Zoning Code 2019 - Accessory Dwelling Units (ADU)

STAFF RECOMMENDED ACTION:

Provide direction to staff on the proposed Zoning Code Text Amendments.

EXECUTIVE SUMMARY:

The Zoning Code was adopted by the City Council on November 1, 2011, to replace the former Land Development Code. Since its adoption, the code has been amended several times to address procedures, add clarity, resolve conflicts, address planning initiatives (accessory dwelling units), incorporate applicant's requests (West University Drive Entrance Sign District), and to address changes in state law and U.S. Supreme Court decisions (i.e. Reed vs the Town of Gilbert). In addition, on July 2, 2019, the City Council approved an amendment to the Zoning Code to address a series of technical, conflict resolution, and clarity modifications – including the addition of the Seasonal Amusement/Entertainment and Sales, Indoor and related provision to the into the Light Industrial (LI) zone.

The proposed amendment (Case No. PZ-19-00095) includes changes to the Zoning Code specific to ADUs. This amendment is intended to resolve conflicts, add clarity, and to simplify the existing requirements. Revised provisions are being added, and several sections of the reference divisions are being modified, relocated, or deleted.

INFORMATION:

Proposed Amendment

The proposed amendment includes multiple changes to the Zoning Code to resolve conflicts, incorporating technical corrections, add clarity, and to simplify the existing requirements. Revised provisions are being added, and several sections of the reference divisions are being modified, relocated, or deleted.

The most significant of the modifications include:

- **Accessory Dwelling Units (ADUs) (10-40.60.030):** Modify the design and development standards for ADUs to reclassify attached and detached ADUs to attached, detached, and interior ADUs. Revise, consolidate, and clarify the provisions for the ADUs to address the new types of ADUs. Incorporate provisions related to subdividing a lot that contains an existing ADU. Incorporate

clarifications and modifications pertaining to an ADU on a lot greater than one acre.

- **Definition of Specialized Terms, Phrases, and Building Functions (Division 10-80.20):** Modify and add various definitions of the Zoning Code, including: Accessory Dwelling Unit (ADU), Attached; Accessory Dwelling Unit (ADU), Detached; and Accessory Dwelling Unit (ADU), Interior.

Findings

At a subsequent meeting, the City Council will be requested to approve the proposed amendments based on the required findings specified in the Zoning Code. For your reference and discussion purposes, the required findings are specified below.

1. The proposed amendment is consistent with and conforms to the objectives and policies of the General Plan and any applicable specific plan;
2. The proposed amendment will not be detrimental to the public interest, health, safety, convenience or welfare of the City; and
3. The proposed amendment is internally consistent with other applicable provisions of this Zoning Code.

Community Involvement

On May 29, 2019, a public open house meeting and the Planning and Zoning Commission's work session and public hearing were advertised in the Arizona Daily Sun in accordance with State Statute and the Zoning Code. Also, persons of interest that are on file with the Planning and Development Services Department were notified of the work session and hearing via first class mail. Additional notification of the Planning and Zoning Commission's public hearing was published in the Arizona Daily Sun on July 27, 2019, in accordance with State Statute and the Zoning Code. The public open house meeting was held on June 10, 2019, which attended by one person. The Planning and Zoning Commission's work session was held on June 26, 2019, and the Commission's public hearing was held on August 14, 2019.

Prior to the Planning and Zoning Commission's public hearing, staff had met with one individual and received a series of comments that are more specific to the concept of allowing ADU's and the existing related development provisions. A summary of these comments are included as, Attachment #2. Since the comments provided are outside of the scope of the proposed amendments and maybe dissonance to the Regional Plan's goals and policies and previous City Council decisions, they are not addressed in this amendment. Staff will be scheduling a separate City Council work session to discuss and receive direction from the Council regarding the comments.

Planning and Zoning Commission Recommendation

At the August 14, 2019 Planning and Zoning Commission public hearing, the Commission recommended approval of the proposed amendments with a vote of 4-0.

Timeline

The anticipated timeline for the amendments is as follows:

- June 26, 2019 – Planning Commission Work Session
- August 14, 2019 – Planning Commission Public Hearing
- September 17, 2019 – City Council Work Session
- October 15, 2019 – City Council Public Hearing (1st Reading of Ordinance)
- November 5, 2019 – City Council Hearing (2nd Reading of Ordinance/Adoption)
- December 5, 2019 – Ordinance Effective Date

Attachments: 1. Draft of the City Staff Proposed Ordinance Revisions
2. Public Comments
Presentation

Proposed Flagstaff Zoning Code Amendment.

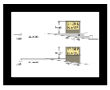
Case No. PZ-19-00095 Updates to Zoning Code 2019 - Accessory Dwelling Units (ADU)

HOW TO READ THIS DOCUMENT

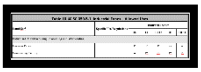
Unless otherwise stated, provisions that are being deleted are shown in bold red strikethrough text, like this: ~~**Provisions that are being deleted are shown with a bold red strikethrough text.**~~

Provisions that are being added are shown in bold blue text, like this: **Provisions that are being added are shown in bold blue text.**

Graphics/Figures that are being deleted are indicated with an "X" over the graphic/figure.

Graphics/Figures that are being added are indicated with a border  around the graphic/figure.

Tables that are being deleted are indicated with an "X" over the Tables.

Tables that are being added are indicated with a thick border  around the Tables.

Section 1. Amend Title 10 FLAGSTAFF ZONING CODE, Section 10-40.60.030 Accessory Dwelling Units (ADUs)., subsection A. Applicability., as follows – including adding grid lines to the table:

10-40.60.030 Accessory Dwelling Units (ADUs)

A. **Applicability.** Accessory dwelling units (ADUs) or carriage houses (see Section 10-50.110.040, Carriage House,) where allowed by Division 10-40.30, Non-Transect Zones, and Division 10-40.40, Transect Zones, are subject to the ~~**following**~~ requirements ~~**and standards.**~~ **of this section.**

~~**1. Existing Dwelling. An ADU may only be permitted on a lot if a detached single-family dwelling already exists on the lot or the single-family dwelling will be constructed in conjunction with the ADU.**~~

~~**2. Occupancy. The property owner, which shall include title holders and contract purchasers, must occupy either the primary residence or the ADU as their principal residence. The residence or ADU that is not occupied by the property owner may be rented or leased for a period of no less than 30 days to unrelated persons.**~~

~~**3. Movable Habitable Space. A mobile home, recreational vehicle, or other movable habitable space that does not comply with the Building Code shall not be used as an ADU. A manufactured or modular unit placed on a permanent foundation may be used as a second unit in compliance with this section.**~~

~~4.~~ **B.** ~~**Not Intended for Sale.**~~ **Not to be sold.** An ADU shall not be sold separately from the primary structure.

Section 2. Amend Title 10 FLAGSTAFF ZONING CODE, Section 10-40.60.030 Accessory Dwelling Units (ADUs)., subsection B. Design and Development Standards., as follows – including adding grid lines to the table:

10-40.60.030 Accessory Dwelling Units (ADUs)

~~B.~~ **C. Design, ~~and~~ Development and Exception Standards.**

~~**1. An ADU shall meet the design and development standards established in Table 10-40.60.030.A, Design and Development Standards, and Table 10-40.60.030.B, Building Form Standard Exceptions.**~~

~~**2. The maximum height of all accessory buildings and structures shall comply with Table 10-40.60.030.A, Design and Development Standards, unless the zone or overlay zone has a more restrictive height limit.**~~

1. An ADU shall comply with Table 10-40.60.030.C. Design, Development and Exceptions Standards.

Table 10-40.60.030.A : Design and Development Standards

Size	An ADU, excluding any garage or carport area and other non-living areas such as workshops or greenhouses, shall be no less than 300 square feet in gross floor area and shall not exceed 600 square feet in gross floor area, except that on residential lots one acre or more in size, the area of an ADU may be increased to a maximum of 1,000 square feet. The area of ADUs that utilize alternative green construction methods that cause the exterior wall thickness to be greater than normal shall be measured based on the interior dimensions of the walls.
Building Height	Standards for the height of accessory structures and ADUs are established in Table 10-40.60.020.A, Accessory Structure Height and Location Standards.
Density	In single-family residential zones no more than one ADU per single-family residential lot may be established. In multifamily residential zones the density limit applicable to that zone shall apply.

Table 10-40.60.030.A : Design and Development Standards	
Amenities	An ADU shall contain a kitchenette and bathroom (sink, toilet, shower), as well as living and sleeping spaces, which may be in the same room (i.e., a studio).
Attachment	An attached ADU shall share at least one wall or roof structure with the primary dwelling and shall have an access connection to a common area within the primary dwelling that is either continuously open or may be locked off with the use of a door. An attached ADU may have an additional external access. An ADU not meeting these requirements is a detached ADU.
Number of occupants	No more than two persons shall reside in an ADU.
Architectural Compatibility	• ADU shall be designed as a subordinate structure to the primary structure on the in terms of its mass, size and architectural character. • ADU shall maintain the architectural design, character, style and appearance of the primary structure as a single-family dwelling. • Exterior materials, windows, doors, roof pitch, and architectural details shall be consistent and compatible between the primary residence and the ADU. • Windows facing an adjoining residential property shall be designed to protect the privacy of neighbors; alternatively, fences, or walls shall be required to provide screening in compliance with Division 10-50.50, Fences and Screening.
Alley Orientation	When an ADU is adjacent to an alley, every effort shall be made to orient the ADU to the alley with the front access door and windows facing the alley. Parking provided off the alley shall maintain a 24-foot back-out area, inclusive of the alley.
Entrance	An entrance to an attached ADU or an ADU located within a primary residence shall be located on the side or rear of the primary residence, and shall not face a street.
Parking	Parking shall be in compliance with Division 10-50.80, Parking Standards, and the parking standards in Division 10-40.40, Transect Zones.

Table 10-40.60.030.A : Design and Development Standards	
Utility Service	An ADU shall be connected to the utilities (except telephone and television) of the primary dwelling unit and may not have separate services.
Building Form Standards	ADUs shall meet the same building form standards as a principal building in the zone. See Table 10-40.60.020.A, Accessory Structure Height and Location Standards.
Home Occupations	Home occupations shall be allowed subject to Section 10-40.60.180, Home Occupations, in either the ADU or the primary residence, but not both.

Table 10-40.60.030.B: Building Form Standard Exceptions[1]

	Parcel/Lot Size (Min.)	Setback (Min.)	Lot Coverage
Detached	6,000 sf	In compliance with Table 10-40.60.020.A	Exempt from lot coverage requirements[1]
Attached	No minimum[1]	In compliance with the standards of the underlying zone	
End Notes			
[1]ADUs in the RR zone shall meet the requirements established in Section 10-40.30.030(C).			

Table 10-40.60.030.C. Accessory Dwelling Units Design, Development and Exceptions Standards.	
(1) ADU Standards	**(a) Attached ADU: An Attached ADU shall share a common wall or roof structure with the remainder of the primary dwelling unit, and comply with the fire separations of the building and fire codes.** **(b) Detached ADU: A Detached ADU shall be physically detached, from the primary dwelling unit, including a separate roof structure, and comply with the fire separations of the building and fire codes.** **(c) Interior ADU: An interior ADU is a delineated area within the primary dwelling unit, and is neither attached or detached.** **(Please refer to the definition of Attached, Detached, and Interior ADU in Division 10-80.20.)**
(2) Alley Orientation (Detached ADU)	**(a) When a detached ADU is adjacent to an alley, the ADU's primary entry/exit access door and windows shall face the alley, unless approved by the Planning Director.**
(3) Amenities	**(a) An ADU shall contain independent living, sleeping, eating, cooking, and sanitation facilities as part of the ADU, which may be in the same room (i.e., a studio/efficiency dwelling).**
(4) Architectural Compatibility	**(a) An Attached or Detached ADU shall be designed as a subordinate structure to the primary structure on the lot or parcel in terms of its mass and size; and, the ADU's architectural character (colors, details, doors, materials, roof pitch, and windows, etc.) shall be compatible with the primary dwelling unit.** **(b) An Interior ADU shall be designed as an integrated and subordinate part of the primary dwelling unit. The Interior ADU shall, at a minimum, have interior pedestrian access to the common areas such as a foyer, living room, laundry room, basement, etc., of the primary dwelling unit, and share the primary entrance and exit. Exterior modifications to accommodate an interior ADU, shall be developed with an architectural character (colors, details, doors, materials, roof pitch, and windows, etc.) with the existing structure.** **(c) Windows facing an adjoining residential property shall be designed to protect the privacy of neighbors; alternatively, fences, or walls shall be required to**

Table 10-40.60.030.C. Accessory Dwelling Units Design, Development and Exceptions Standards.	
	provide screening in compliance with Division 10-50.50, Fences and Screening.
(5) Building Form and Property Development Standards	(a) Setbacks. An ADU shall comply with the setback requirements of the property's zone, and as allowed in (d) and 14 of this table. (b) Building height. The maximum height of an attached and detached ADU, measured in accordance with 10-50.30.030: 24 feet (c) Lot Coverage. The lot coverage requirements of a property's zone shall: (i) Not apply to attached and detached ADU; and, (ii) Apply to a dwelling unit containing an interior ADU. (d) Encroachment into setbacks. (i) The encroachments specified in Section 10-50.40.020 are allowed. (ii) The development of a detached ADU on the second floor of a garage that was developed prior to February 16, 2016, and is in the required setback(s), shall be allowed, provided that no exterior additions or an increase in building height was developed to accommodate the ADU.
(6) Density	(a) In single-family residential zones no more than one ADU per single-family residential lot or parcel is allowed. (b) In zones that allow multiple-family developments, the density requirements of the zone count an ADU as a dwelling unit.
(7) Entrance (Attached and Interior ADU)	(a) Attached ADU. The pedestrian entrance to an Attached ADU shall not face the same street as the pedestrian entrance of the primary dwelling unit, except: (i) In zones that allow duplexes that are not required to be part of a Planning Residential Development; (ii) If the façade of the ADU with the pedestrian entrance is setback at least 50 feet from the property line; or

Table 10-40.60.030.C. Accessory Dwelling Units Design, Development and Exceptions Standards.	
	(iii) If the ADU's pedestrian entrance will not be visible from the same street that the pedestrian entrance of the primary dwelling unit is visible from. (b) Interior ADU. A pedestrian entrance to an Interior ADU shall be located on the interior side or rear side of the primary dwelling unit, and may be located on a street side façade of the primary dwelling unit, provided that the primary entrance to the primary dwelling does not face the same street side.
(8) Home Occupations	(a) Home occupations shall be allowed subject to Section 10-40.60.180, Home Occupations, in either the ADU or the primary residence, but not both.
(9) Lot Size, (Detached ADU)	(a) Minimum lot size: 6,000 square feet.
(10) Movable Habitable Space	(a) A mobile home, recreational vehicle, or other movable habitable space shall not be used as an ADU. (b) A manufactured or modular unit placed and secured on a permanent foundation in conformance with the Building Code may be used as an ADU in compliance with this section.
(11) Number of occupants	(a) Maximum number of persons allowed to reside in an ADU: two persons.
(12) Required Occupancy	(a) The property owner, which includes title holders and contract purchasers, shall occupy either the primary residence or the ADU as their principal residence. The residence or ADU that is not occupied by the property owner that is rented or leased shall be for a period of no less than 30 days.
(13) Parking	(a) Parking shall be in compliance with Division 10-50.80, Parking Standards, and the parking standards in Division 10-40.40, Transect Zones. (b) Parking provided with alley access shall maintain a 24-foot wide back-out area, inclusive of the alley.
(14) Placement	(a) An ADU shall be constructed or placed on the same lot or parcel as the primary dwelling unit.

Table 10-40.60.030.C. Accessory Dwelling Units Design, Development and Exceptions Standards.	
	(a) An ADU is allowed only on a lot or parcel containing a detached single-family dwelling unit. (b) An ADU is not allowed on a lot or parcel containing a duplex or triplex on properties zoned Rural Residential (RR), Estate Residential (ER), Single-Family Residential (R1), Single-Family Residential Neighborhood (R1N), Manufactured Housing (MH). (c) Additional placement regulations are contained in Section 10-40.60.030.D.
(15) Size, ADU	(a) Minimum Size: 300 square feet in gross floor area. (b) Maximum Size. (i) Lots less than one acre: 600 square feet in gross floor area. (ii) Lots equal to or greater than one acre: 1,000 square feet in gross floor area; but, an ADU shall not be larger than fifty percent of the gross floor area of the primary dwelling unit, or 600 square feet, whichever is greater. (c) Allowance for Green Construction. The maximum size of an ADU constructed with green construction methods that cause the exterior walls to be greater than eight-inches shall be: (i.) Minimum Size: 300 square feet in gross floor area, minus the area of the exterior walls. (ii) Maximum Size. (ii.a.) Lots less than one acre: 600 square feet in gross floor area, minus the area of the exterior walls. (ii.b.) Lots equal to or greater than one acre: 1,000 square feet in gross floor area; but, an ADU shall not be larger than fifty percent of the gross floor area of the primary dwelling unit, or 600 square feet, whichever is greater. The area of the ADU shall include the area of the exterior walls.
(16) Subdividing a lot with an ADU	(a) Attached and Interior ADU. A lot or parcel containing an ADU shall not be subdivided into two or more lots or parcels unless each lot or parcel complies with the Zoning

Table 10-40.60.030.C. Accessory Dwelling Units Design, Development and Exceptions Standards.	
	Code and Subdivision Ordinance. The ADU shall completely remain on one lot. **(b) Detached ADU. The lot or parcel containing a Detached ADU shall not be subdivided into two or more lots or parcels unless each lot or parcel complies with the Zoning Code and Subdivision Ordinance.** **(i) When an existing detached ADU will remain on the new lot or parcel created by subdivision, the property owner is required to modify the primary dwelling unit and ADU of the subdivided lots to comply with the Flagstaff City Code, including providing separate utility services connected to each unit, and obtain a new Certification-of-Occupancy for the units (when required by the Building Official), prior to City Staff recording the subdivision of the property. The ADU that remains on the new lot or parcel shall be considered a primary dwelling unit, unless a new primary dwelling unit is constructed on the new lot or parcel.**
(17) Utility Service	**(a) An ADU shall be connected to the utilities (except telephone and television) of the primary dwelling unit and may not have separate services.**

Section 3. Amend Title 10 FLAGSTAFF ZONING CODE, Section 10-40.60.030 Accessory Dwelling Units (ADUs)., subsection C. Building Placement., as follows:

10-40.60.030 Accessory Dwelling Units (ADUs)

~~C.~~ **D. Building Placement.** In addition to the standards provided in Table ~~10-40.60.030.A~~ **10-40.60.030.C.** ~~, Design and Development Standards~~ , ADUs proposed as part of the subdivision platting and approval process may be located on the rear or interior side property line under the following conditions ~~as~~ illustrated in Figures ~~10-40.60.030A~~ **10-40.60.030.D.1.** and ~~10-40.60.030B~~ **10-40.60.030.D.2., and:**

1. The ADU is located above a garage; and
2. Four ADUs designed and constructed together are located at the common intersection of the rear and interior side of four lots; or

3. Two ADUs designed and constructed together and with direct access to an alley are located at the common intersection of the rear and interior side of two lots.

~~Figure 10-40.60.030A~~

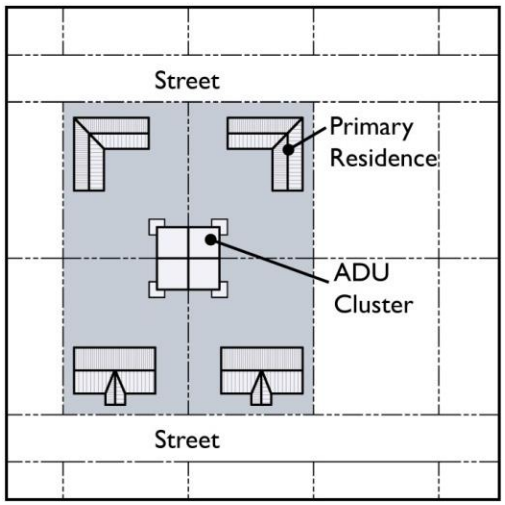


Figure 10-40.60.030.D.1.

Four ADUs located at the common intersection of the rear and interior side of four lots

~~Figure 10-40.60.030B~~

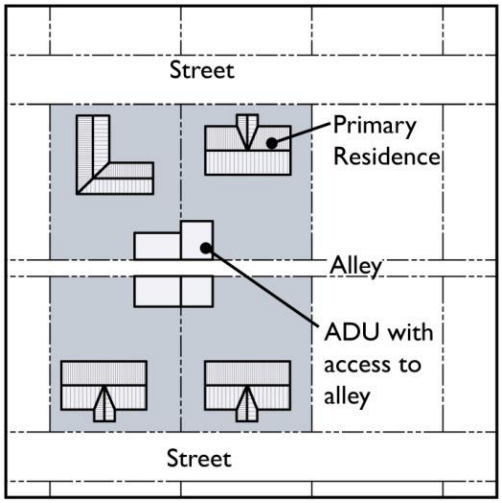


Figure 10-40.60.030.D.2.

Two ADUs with direct access to an alley

Section 4. Amend the subsection letter of Title 10 FLAGSTAFF ZONING CODE, Section 10-40.60.030 Accessory Dwelling Units (ADUs)., subsection D. Restrictive Covenant., as follows:

10-40.60.030 Accessory Dwelling Units (ADUs)

~~D.~~ **E. Restrictive Covenant.**

Section 5. Amend the subsection letter of Title 10 FLAGSTAFF ZONING CODE, Section 10-40.60.030 Accessory Dwelling Units (ADUs)., subsection E. Findings for Approval of ADUs., as follows:

10-40.60.030 Accessory Dwelling Units (ADUs)

~~E.~~ **F. Findings for Approval of ADUs**. An application for approval of an ADU shall be based on the following findings:

1. The exterior design of the ADU is compatible with the primary residence and does not dominate it or surrounding properties. This has been achieved through use of compatible and complimentary architectural building forms, construction

materials, colors, landscaping, and other methods that conform to acceptable construction practices.

2. The exterior design of the ADU is in suitable proportion with and maintains the scale of the neighborhood.
3. The ADU does not result in excessive noise, traffic or parking congestion.
4. The site plan provides open space and landscaping that is useful for both the ADU and the primary residence. Open space and landscaping provides for privacy and screening of adjacent properties.
5. The location and design of the ADU maintains a compatible relationship to adjacent properties and does not significantly impact the privacy, light, air, solar access or parking of adjacent properties.
6. Major access stairs, decks, entry doors and major windows on one and one-half and two story structures face the primary residence to the maximum extent it is feasible, or the rear alley, if applicable. Windows that face neighboring side or rear setbacks are installed so the bottom of the window is a minimum of six feet above the floor.
7. Buildings, structures, and other features of the site plan, such as walkways and driveways, are oriented and located to maintain natural and historic resources to the maximum extent feasible and to minimize alteration of natural landforms.

Section 6. Amend Title 10 FLAGSTAFF ZONING CODE, Section 10-80.20.010 Definitions, "A", for the terms, "**Accessory Dwelling Unit (ADU), Attached**", and "**Accessory Dwelling Unit (ADU), Detached",** and add the term "Accessory Dwelling Unit (ADU), Interior", as follows:

10-80.20.010 Definitions, "A"

Accessory Dwelling Unit (ADU), Attached: ~~**A subordinate living unit added to or created within a primary dwelling that provides basic requirements for independent living, sleeping, eating, cooking, and sanitation. The ADU shares a common wall or roof structure with the primary dwelling and has an access connection to a common area within the primary dwelling.**~~ **Is a subordinate dwelling unit on a lot or parcel that is physically attached to the primary dwelling unit by a wall or roof. An Attached ADU does not include a duplex, two-family dwelling, townhouse or townhome, condominium unit, single room occupancy development or co-housing.**

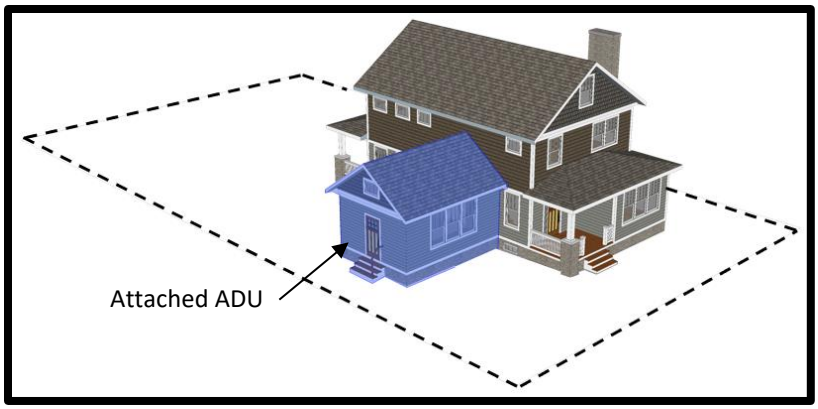


Figure 10-80.20.010. Accessory Dwelling Unit (ADU), Attached.

Accessory Dwelling Unit (ADU), Detached: ~~**A subordinate living unit added to or detached from a primary dwelling that has a primary access that is completely detached from the primary dwelling and that provides basic requirements for independent living, sleeping, eating, cooking, and sanitation.**~~ **Is a subordinate dwelling unit on a lot or parcel that is physically detached from the primary dwelling unit.**

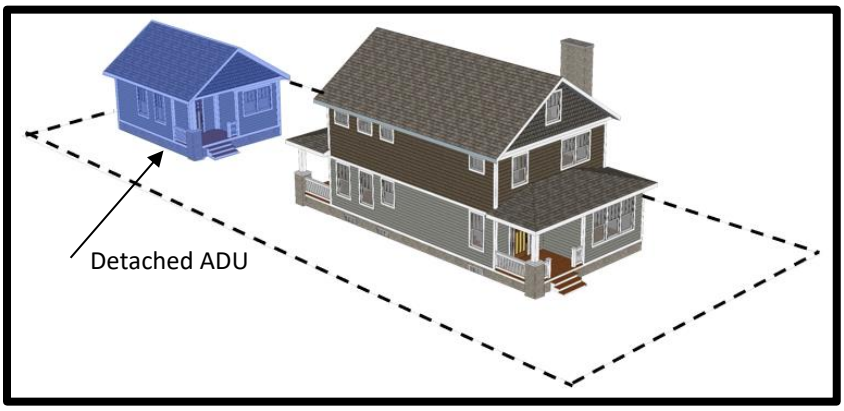


Figure 10-80.20.010. Accessory Dwelling Unit (ADU), Detached.

Accessory Dwelling Unit (ADU), Interior: Is a delineated living area located within a dwelling unit that has interior pedestrian access to the common area of the dwelling unit, such as a foyer, living room laundry room, basement, etc., shares a primary entrance and exit, contains permanent facilities for living, sleeping, eating, cooking and sanitation, and may have a separate secondary entrance/exit.

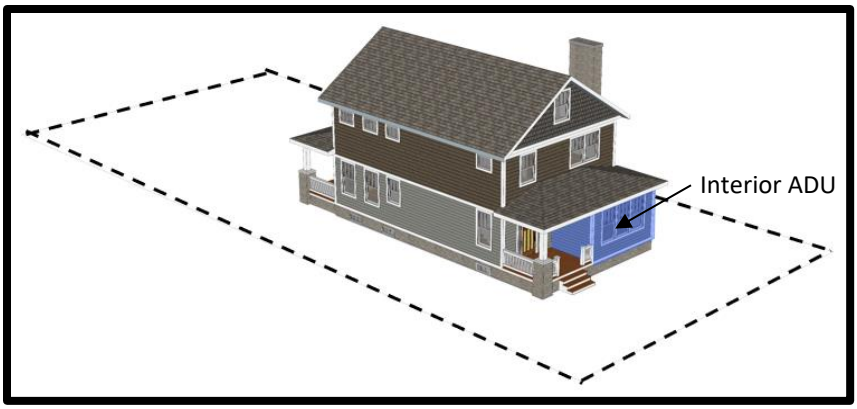


Figure 10-80.20.010. Accessory Dwelling Unit (ADU), Interior.

Daniel Symer

To: Duffie Westheimer
Subject: RE: Summary of our discussion regarding ADU

On Thu, Aug 8, 2019 at 11:23 AM Daniel Symer <Daniel.Symer@flagstaffaz.gov> wrote:

Duffie,

Please review the summary of our discussion and your concerns. I did not include questions items of clarification. Please let me know is this accurate, or please incorporate/modify it.

Meeting on August 6, 2019

Summary of comments from a one-on-one meeting with Duffie Westheimer:

- Access to an Accessory Dwelling Unit (ADU) should not be from an alley. The alleys are to narrow for vehicles (especially large trucks) to back up (neighbor's fence has been hit 3 times with no one taking responsibility) and have bad visibility where they meet the street due to being narrow and historic development on the alley. Also, alley oriented ADU development typically cause a lack of presence of the inhabitants and minimizes their interaction with rest of the neighborhood residents that have homes that are oriented to the street. This style of ADU development tends to break down the neighborhood relationships. ADUs should be allowed to faces a street (should face and have access off the street).
- If the ADU is accessed from an alley, how is garbage handle if the pick-up is from the street.
- The widths of alleys are too narrow to have alley accessed parking.
- The ADU's have caused the value of housing and property in some neighborhoods to escalate to levels that are too high (not "affordable) since the ADUs are considered money generating investments. Also the values are pushed up because even small houses must have all the services of a larger house--rooms just won't be as large and open.
- The height of ADUs should reflect the context the neighborhood and the heights of the structures on abutting properties. A two story ADU adjacent to, and among, existing one and one and one-half story existing primary structures is to tall. Since these structures are taller, the lights from these structures impose on adjacent properties. Also, the taller structures allow for views into abutting properties – minimizing the abutting property owner's ability to the right of privacy and quiet enjoyment of their property. The fences that are allowed on the property lines are not tall enough to adequate to minimize the impacts of taller ADUs on adjacent property. I'd like to add that this seems like a question of Uniformity--keeping every property on a level playing field. It is more likely, as my experience has shown, that the people who build ADUs do it for income and where we had one owner-occupied home we then get two rentals as they don't want to live in their house anymore. Taller ADUs and especially when close to the property line could block a neighbor's light and limit their ability to have a successful garden.
- The lot coverage of an ADU should be included in maximum allowed lot coverage of a property.
- The allowance of ADUs above an existing garage that encroaches into the setbacks impedes on neighborhood privacy.
- Enforcement of the number of persons and animals living in an ADU and whether to property owner lives on the property is a concern. More active enforcement should be utilized to ensure compliance. In addition, there are concerns about the allowance for animals (foul, etc.) associated with an ADU. What happens here is that the additional dwelling makes it difficult for adjacent residents to do legal things they

Attachment 2

would like, such as having chickens (ADU is too close to the property line and so, leaves little locations for neighbors to use.

- Alleys should not be utilized for parking. The parking spaces off an alley should be completely on a property.
- The 600 square foot allowance of an ADU on lots less than an acre is to large.
- The 6000 square foot lot area requirement to have an ADU should be enforced in a manner that when a lot is subdivided, the lot with an ADU is required maintain 6000 square feet, and the other lots need to comply with the zones requirements.
- Consider incorporating windows, with respect to privacy, and lighting into the findings for the Approval of and ADU.
- Excessive noise and suitable proportions need to be defined.
- The addition of an ADU should enhance the scale of either "New town" with the modern scale, and "Old town," with the historic scale. The two are best not mixed.

Dan Symer, AICP
Zoning Code Manager
City of Flagstaff
Planning & Development Services
928-213-2613
daniel.symer@flagstaffaz.gov

From: Duffie Westheimer <duffie@westheimers.net>
Sent: Tuesday, August 13, 2019 3:16 PM
To: Daniel Symer <Daniel.Symer@flagstaffaz.gov>
Subject: Re: Summary of our discussion regarding ADU

Hi Dan,
Thanks for the opportunity to edit so that my experience and perspective is clear as you move forward with ADU code. You did a really good job noting my concerns and observations. I have inserted my comments into your text in this blue color.

The only thing I'll add is that enforcement is a big issue. It should not be up to complaints. We want to get along with our neighbors, not turn them in to the City. So what happens is that people let things slide until they can't take the impacts anymore and then there are problems between neighbors because being turned in makes people angry. Better to write the code to minimize or eliminate situations where people would not follow the rules everyone is to follow.

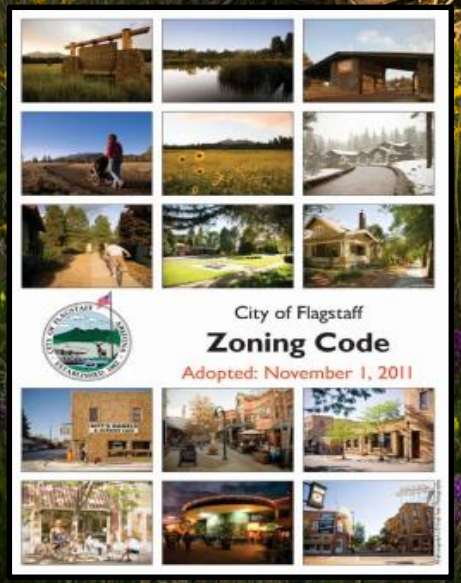
Please let me know if there is any additional assistance I can provide.

Thanks,
Duffie

City Council

City's Request
to Amend the Zoning Code

Accessory Dwelling Units

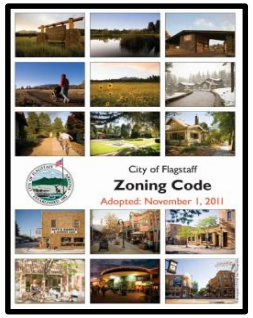


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Dan Symer, AICP
Zoning Code Manager

Work Session Objectives

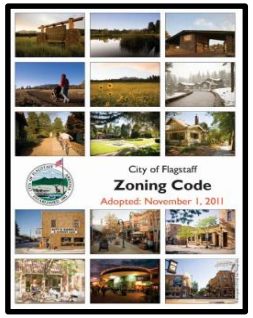
- **To inform the public, and allow for their suggestions and concerns to be heard.**
- **To inform the City Council and allow for their suggestions, questions and discussion.**
- **No action will be taken by the City Council at this work session.**



City's Proposed Zoning Code Text Amendment

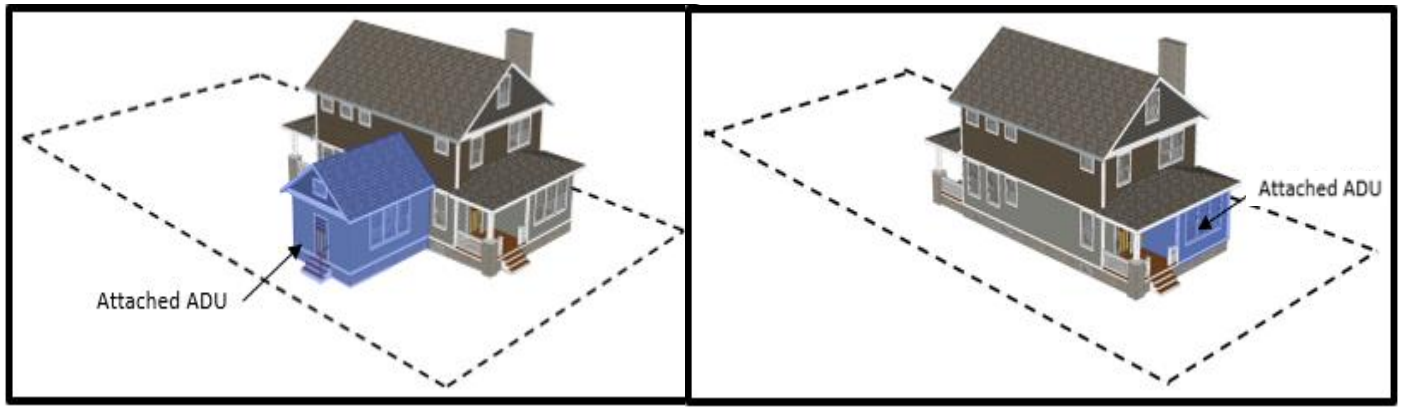
Accessory Dwelling Units (ADU):

- **Modify types:**
  - **Existing: Attached and Detached**
  - **Proposed: Attached, Detached, and Interior**
- **Resolve conflicts, incorporating technical and clarity corrections**

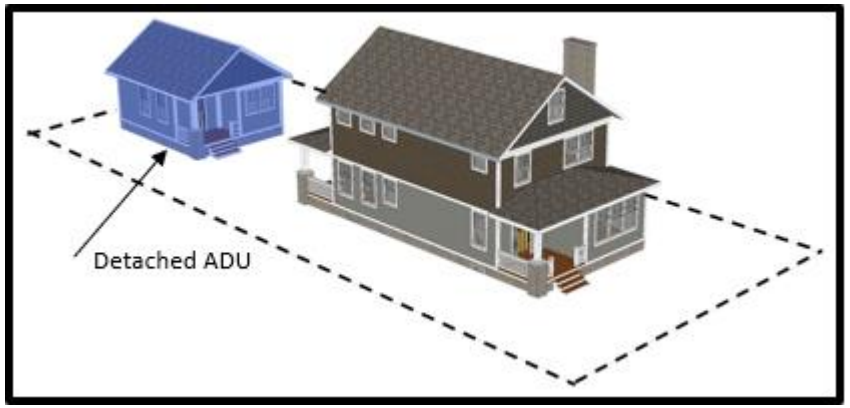


City's Current Zoning Code Provisions

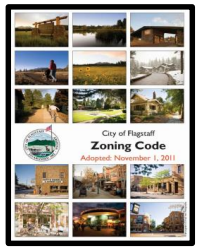
Accessory Dwelling Units:



Attached

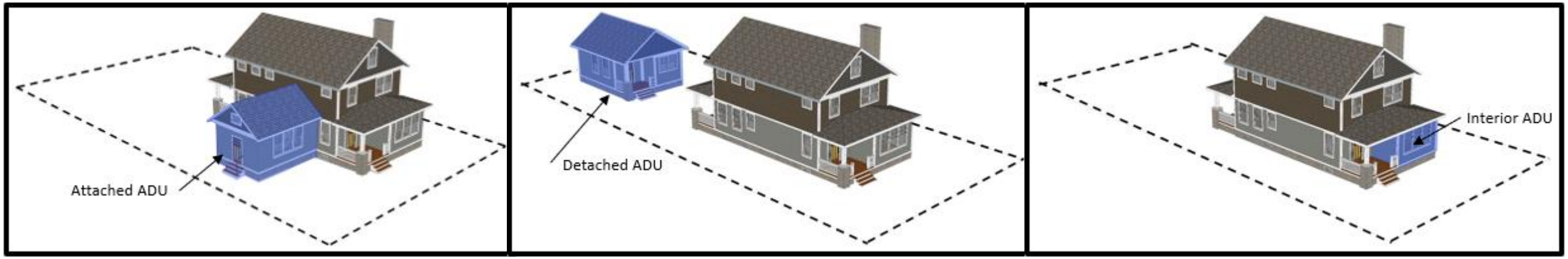


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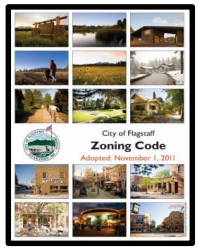


City's Proposed Zoning Code Text Amendment

Accessory Dwelling Units:



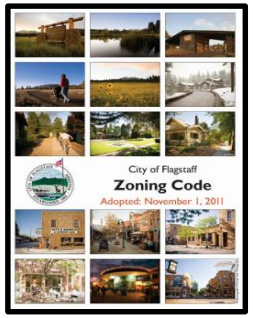
Attached **Detached** **Interior**



City's Proposed Zoning Code Text Amendment

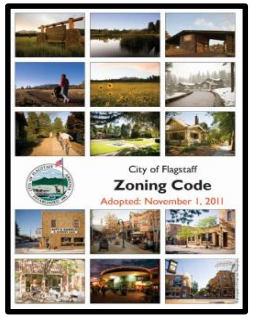
Accessory Dwelling Units:

- **Modify standards to address proposed ADU types**
- **Clarify size maximum of an ADU on lots greater than 1 acre.**
- **Clarify that a ADU may only be provide on properties that contains a detached single-family dwelling unit**
- **Incorporate provisions to subdivide a lot containing an ADU**



Anticipated Timeframe of Code Text Amendments

- June 26, 2019 – Planning Commission Work Session
- August 14, 2019 – Planning Commission Public Hearing
- September 17, 2019 – City Council Work Session
- October 15, 2019 – City Council Public Hearing (1st Reading of Ordinance)
- November 5, 2019 – City Council Hearing
  (2nd Reading of Ordinance/Adoption)
- December 5, 2019 – Ordinance Effective Date

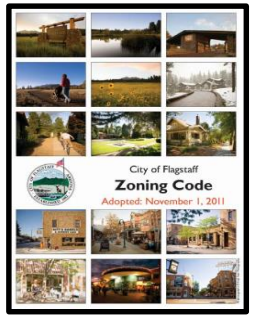


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City's Proposed Zoning Code Text Amendment

City Council

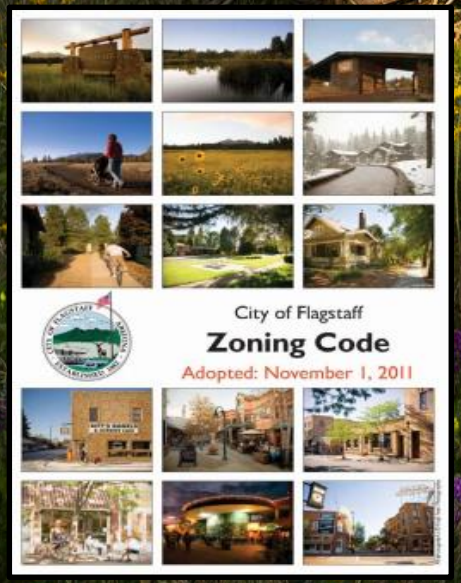
Comments, Questions and Discussion



City Council

City's Request
to Amend the Zoning Code

Accessory Dwelling Units



TEAM FLAGSTAFF
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Dan Symer, AICP
Zoning Code Manager

16. A.

CITY OF FLAGSTAFF

STAFF SUMMARY REPORT

To:	The Honorable Mayor and Council
From:	Stacy Saltzburg, City Clerk
Date:	09/09/2019
Meeting Date:	09/17/2019

TITLE

Future Agenda Item Request (F.A.I.R.): A request by Mayor Evans to place on a future agenda a discussion about all aspects of the City Council operations including office space, support staff, budget, and salary and establishing a committee to evaluate these items

STAFF RECOMMENDED ACTION:

Council direction.

EXECUTIVE SUMMARY:

Rule 4.01, Procedures for Preparation of Council Agendas, of the City of Flagstaff City Council Rules of Procedure outlines the process for bringing items forward to a future agenda. Mayor Evans has requested this item be placed on an agenda under Future Agenda Item Requests (F.A.I.R.) to determine if there are two other members of Council interested in placing it on a future agenda.

INFORMATION:

Attachments:

16. B.

CITY OF FLAGSTAFF

STAFF SUMMARY REPORT

To:	The Honorable Mayor and Council
From:	Stacy Saltzburg, City Clerk
Date:	09/09/2019
Meeting Date:	09/17/2019

TITLE

Future Agenda Item Request (F.A.I.R.): A request by Councilmember Salas to place on a future agenda a discussion about a possible resolution or letter to the Congress and Senate supporting ratification of the US Mexico Canada Agreement (USMCA).

STAFF RECOMMENDED ACTION:

Council direction.

EXECUTIVE SUMMARY:

Rule 4.01, Procedures for Preparation of Council Agendas, of the City of Flagstaff City Council Rules of Procedure outlines the process for bringing items forward to a future agenda. Councilmember Salas has requested this item be placed on an agenda under Future Agenda Item Requests (F.A.I.R.) to determine if there are two other members of Council interested in placing it on a future agenda.

INFORMATION:

Attachments: