

ORDINANCE NO. O23-20

AN ORDINANCE OF THE COUNCIL OF THE CITY OF GLENDALE, MARICOPA COUNTY, ARIZONA, REZONING 2.77 ACRES LOCATED SOUTH OF THE SOUTHWEST CORNER OF BELL ROAD AND 59<sup>TH</sup> AVENUE FROM CO (COMMERCIAL OFFICE) TO PAD (PLANNED AREA DEVELOPMENT) FOR A DEVELOPMENT PLAN ENTITLED “GLENDALE DUNAMIS STORAGE”; AMENDING THE ZONING MAP; PROVIDING FOR AN EFFECTIVE DATE; AND ORDERING THAT A CERTIFIED COPY OF THIS ORDINANCE IS RECORDED.

WHEREAS, the City of Glendale Planning Commission held a public hearing on May 25, 2023, in zoning case ZON23-01 in the manner prescribed by law for the purpose of rezoning property located south of the southwest corner from CO (Commercial Office) to PAD (Planned Area Development);

WHEREAS, due and proper notice of such public hearing was given in the time, form, substance and manner provided by law, including publication of such notice in *The Arizona Republic* on May 3, 2023; and

WHEREAS, the City has considered the individual property rights and personal liberties of the residents of the city before adopting this zoning ordinance; and

WHEREAS, the City of Glendale Planning Commission recommended to the mayor and the council the zoning of property as described above and the mayor and the council desire to approve such recommendation to rezone the property described on Exhibit A to a PAD (Planned Area Development) in accordance with the development plan currently on file with the planning division as of the date of this ordinance.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF GLENDALE as follows:

SECTION 1. That a parcel of land in Glendale, Maricopa County, Arizona located south of the southwest corner of bell road and 59<sup>th</sup> Avenue and more accurately described in Exhibit A to this ordinance, is conditionally rezoned from CO (Commercial Office) to PAD (Planned Area Development).

SECTION 2. That the rezoning provided for is conditioned and subject to the following:

1. Development shall be in substantial conformance with the Glendale Dunamis Storage PAD Narrative, final copy date stamped May 1, 2023.

SECTION 3. The City of Glendale Zoning Map is amended by this ordinance to reflect the change in districts referred to and the property described in Section 1 above as shown in Exhibit B.

SECTION 4. This Ordinance becomes effective at the time and in the manner prescribed by law.

SECTION 5. The City Clerk is instructed and authorized to forward a certified copy of this ordinance for recording to the Maricopa County Recorder's Office.

PASSED, ADOPTED AND APPROVED by the Mayor and Council of the City of Glendale, Maricopa County, Arizona, this 27<sup>th</sup> day of June, 2023.

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Mayor Jerry P. Weiers

ATTEST:

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Julie K. Bower, City Clerk (SEAL)

APPROVED AS TO FORM:

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Michael D. Bailey, City Attorney

REVIEWED BY:

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Kevin R. Phelps, City Manager

## Exhibit A

### LEGAL DESCRIPTION

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

PARCEL NO. 1:

LOT 2, OF MINOR LAND DIVISION - LOT SPLIT FOR KINGS PLAZA, LLC, ACCORDING TO THE PLAT OF RECORD IN THE OFFICE OF THE COUNTY RECORDER OF MARICOPA COUNTY, ARIZONA, RECORDED IN BOOK 1327 OF MAPS, PAGE 18.

EXCEPT AN UNDIVIDED ONE-HALF INTEREST OF ALL MINERAL RIGHTS AS RESERVED IN THE WARRANTY DEED RECORDED SEPTEMBER 23, 1959 IN DOCKET 3003, PAGE 296, RECORDS OF MARICOPA COUNTY, ARIZONA.

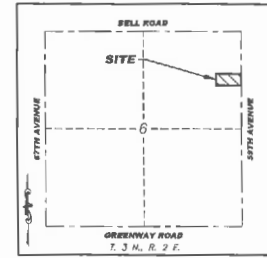
PARCEL NO. 2:

A NON-EXCLUSIVE EASEMENT FOR A DRIVEWAY FOR INGRESS AND EGRESS AS SET FORTH IN DECLARATION OF EASEMENTS RECORDED MAY 31, 2017 AS 2017-0393329 OF OFFICIAL RECORDS.

# Exhibit B

## ALTA / NSPS LAND TITLE SURVEY KINGS PLAZA LOT 2

A PORTION OF THE NORTHEAST QUARTER OF SECTION 6, TOWNSHIP 3 NORTH, RANGE 2 EAST  
OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA.



VICINITY MAP  
NTS

### NOTES

THIS SURVEY IS BASED ON COMMITMENT FOR TITLE INSURANCE ISSUED BY FIRST AMERICAN TITLE INSURANCE COMPANY, FILE NO. MS-1143589-100Y, DOCUMENT DATE: AUGUST 11, 2022 AT 8:00 AM.

THE SURVEYOR'S SCOPE-OF-SERVICES IS LIMITED TO PROVIDING SERVICES IN A MANNER CONSISTENT WITH THE DEGREE OF CARE AND SKILL ORDINARILY EXERCISED BY MEMBERS OF THE LAND SURVEY PROFESSION CURRENTLY PRACTICING UNDER SIMILAR CONDITIONS. SCHEDULE "B" ITEM DOCUMENTS MAY CONTAIN ENCUMBRANCES WHICH AFFECT THE SUBJECT PROPERTY IN A MANNER THE SURVEYOR IS NOT QUALIFIED TO INTERPRET AND/OR ARE NOT WITHIN THE SURVEYOR'S SCOPE-OF-SERVICES. IT IS RECOMMENDED THAT INTERESTED AND AFFECTED PARTIES OBTAIN LEGAL COUNSEL FOR ADDITIONAL INTERPRETATION OF ALL SCHEDULE "B" DOCUMENTS REFERENCED IN THE TITLE REPORT.

THE SURVEYOR HAS RELIED SOLELY ON INFORMATION SUPPLIED TO THE SURVEYOR FROM EITHER THE CLIENT OR THE TITLE COMPANY AND HAS MADE NO INVESTIGATION OR INDEPENDENT SEARCH FOR ADDITIONAL EASEMENTS OF RECORD, ENCUMBRANCES, RESTRICTIVE COVENANTS, OWNERSHIP TITLE EVIDENCE, OR ANY OTHER MATTERS THAT MAY AFFECT THE SUBJECT PROPERTY.

THIS SURVEY WAS COMPLETED USING GLOBAL POSITIONING SYSTEM (GPS) EQUIPMENT. THE MONUMENTS LOCATED ARE WITHIN THE POSITIONAL TOLERANCES RECOMMENDED AND SHOWN IN SECTION 3E OF THE MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS EFFECTIVE FEBRUARY 23, 2021.

THE SITE HAS PHYSICAL ACCESS TO AN ADJUTING STREET, HIGHWAY, OR OTHER PUBLIC OR PRIVATE WAY (59TH AVENUE) AS OBSERVED IN THE PROCESS OF CONDUCTING THE SURVEY FIELDWORK.

PURSUANT TO TABLE "A" ITEM 6, THE SURVEYOR HAS SHOWN THE ZONING CLASSIFICATION AS SET FORTH BY THE LOCAL AGENCY OF JURISDICTION AND/OR IDENTIFIED IN A ZONING REPORT OR LETTER AS PROVIDED TO THE SURVEYOR BY THE CLIENT OR CLIENT'S REPRESENTATIVE AS REFERENCED ON THIS SURVEY.

PURSUANT TO TABLE "A" ITEM 7, THERE ARE NO BUILDINGS ON THE SUBJECT PROPERTY.

PURSUANT TO TABLE "A" ITEM 16, THE SURVEYOR DID NOT OBSERVE RECENT EARTH MOVING WORK, BUILDING CONSTRUCTION, OR BUILDING ADDITIONS OBSERVED IN THE PROCESS OF CONDUCTING THE FIELDWORK.

PURSUANT TO TABLE "A" ITEM 17, THE SURVEYOR HAS NOT BEEN INFORMED OF ANY CHANGES IN THE PROPOSED RIGHTS OF WAY. ADDITIONALLY, ANY CHANGES IN RIGHTS OF WAY, WHICH HAVE ALREADY OCCURRED, SHOULD BE VERIFIED BY ADDITIONAL TITLE SEARCH. THE SURVEYOR HAS NOT OBSERVED ANY RECENT STREET OR SIDEWALK CONSTRUCTION IN THE PROCESS OF CONDUCTING THE FIELDWORK.

PURSUANT TO TABLE "A" ITEM 20, THE CLIENT AND THE SURVEYOR HAVE NEGOTIATED TO ADDITIONALLY SHOW SUBSURFACE UTILITIES, AS REPRESENTED AND SHOWN HEREON.

### LEGAL DESCRIPTION

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

PARCEL NO. 1:

LOT 2, OF MINOR LAND DIVISION - LOT SPLIT FOR KINGS PLAZA, LLC, ACCORDING TO THE PLAT OF RECORD IN THE OFFICE OF THE COUNTY RECORDER OF MARICOPA COUNTY, ARIZONA, RECORDED IN BOOK 1327 OF MAPS, PAGE 18.

EXCEPT AN UNDIVIDED ONE-HALF INTEREST OF ALL MINERAL RIGHTS AS RESERVED IN THE WARRANTY DEED RECORDED SEPTEMBER 23, 1959 IN DOCKET 3303, PAGE 206, RECORDS OF MARICOPA COUNTY, ARIZONA.

PARCEL NO. 2:

A NON-EXCLUSIVE EASEMENT FOR A DRIVEWAY FOR ingress and egress AS SET FORTH IN DECLARATION OF EASEMENTS RECORDED MAY 31, 2017 AS 2017-0393329 OF OFFICIAL RECORDS.

### SCHEDULE 'B' ITEMS

1. TAXES FOR THE FULL YEAR OF 2022.  
(THE FIRST HALF IS DUE OCTOBER 1, 2022 AND IS DELINQUENT NOVEMBER 1, 2022. THE SECOND HALF IS DUE MARCH 1, 2023 AND IS DELINQUENT MAY 1, 2023.)  
(NOT PLOT-ABLE, NOT A SURVEY MATTER)
2. RESERVATIONS OR EXCEPTIONS IN PATENTS, OR IN ACTS AUTHORIZING THE ISSUANCE THEREOF.  
(NOT PLOT-ABLE, NOT A SURVEY MATTER)
3. THE RIGHT TO ENTER UPON SAID LAND, PROSPECT FOR, MINE AND REMOVE ALL OIL, GAS AND MINERALS, AS RESERVED IN INSTRUMENT SET FORTH AS DOCKET 3003, PAGE 298.  
(BLANKET IN NATURE)
4. ALL MATTERS AS SET FORTH IN ROAD DECLARATION (ROAD FILE NO. 1430), RECORDED AS DOCKET 3312, PAGE 116.  
(REFERENCED HEREON)
5. A PLAT RECORDED IN BOOK 13, PAGE 67 OF ROAD MAPS, PURPORTING TO SHOW A COUNTY ROADWAY.  
(REFERENCED HEREON)
6. AN EASEMENT FOR RIGHT-OF-WAY AND INCIDENTAL PURPOSES IN THE DOCUMENT RECORDED AS DOCKET 9736, PAGE 888.  
(BLANKET IN NATURE, EASEMENT LIES WITHIN RIGHT OF WAY OF 59TH AVENUE)
7. AN EASEMENT FOR RIGHT-OF-WAY AND INCIDENTAL PURPOSES IN THE DOCUMENT RECORDED AS DOCKET 8870, PAGE 827.  
(BLANKET IN NATURE, EASEMENT LIES WITHIN RIGHT OF WAY OF 59TH AVENUE)
8. AN EASEMENT FOR UTILITY AND INCIDENTAL PURPOSES IN THE DOCUMENT RECORDED AS DOCKET 14319, PAGE 1094.  
(EASEMENT LIES OUTSIDE OF PARCEL PARCELS)
9. ALL MATTERS AS SET FORTH IN OPERATION AND RECIPROCAL EASEMENT DECLARATION, RECORDED SEPTEMBER 30, 1980 AS DOCKET 14725, PAGE 31 AND FIRST AMENDMENT RECORDED JANUARY 02, 2010 AS 2010-0001550 OF OFFICIAL RECORDS, THEREAFTER, ABANDONMENT AND MODIFICATION OF EASEMENT RECORDED MAY 31, 1996 AS 96-0383354 OF OFFICIAL RECORDS.  
(REFERENCED HEREON)
10. ALL MATTERS AS SET FORTH IN GRANT OF EASEMENT, RECORDED SEPTEMBER 30, 1980 AS DOCKET 14725, PAGE 80, THEREAFTER, ABANDONMENT AND MODIFICATION OF EASEMENT RECORDED MAY 31, 1996 AS 96-0383354 OF OFFICIAL RECORDS.  
(REFERENCED HEREON)
11. AN EASEMENT FOR SEWER LINE AND ASSOCIATED FACILITIES AND INCIDENTAL PURPOSES IN THE DOCUMENT RECORDED AS DOCKET 14845, PAGE 24.  
(REFERENCED HEREON)
12. AN EASEMENT FOR UTILITY AND INCIDENTAL PURPOSES IN THE DOCUMENT RECORDED AS DOCKET 16300, PAGE 1422.  
(REFERENCED HEREON)
13. AN EASEMENT FOR PEROXIDE DOSING STATION, TOGETHER WITH ALL EQUIPMENT, POWER, WATER AND OTHER ASSOCIATED IMPROVEMENTS AND INCIDENTAL PURPOSES IN THE DOCUMENT RECORDED AS 96-0997009 OF OFFICIAL RECORDS.  
(REFERENCED HEREON)
14. ALL MATTERS AS SET FORTH IN RESULTS OF SURVEY, RECORDED AS BOOK 1264 OF MAPS, PAGE 32.  
(REFERENCED HEREON)
15. ALL MATTERS AS SET FORTH IN MINOR LAND DIVISION - LOT SPLIT FOR KINGS PLAZA, LLC, RECORDED AS BOOK 1327 OF MAPS, PAGE 18.  
(REFERENCED HEREON) (PARCEL NO. 1)
16. THE TERMS, PROVISIONS AND EASEMENT(S) CONTAINED IN THE DOCUMENT ENTITLED "DECLARATION OF EASEMENTS" RECORDED MAY 31, 2017 AS 2017-0393329 OF OFFICIAL RECORDS.  
(REFERENCED HEREON) (PARCEL NO. 2)
17. AN EASEMENT FOR UTILITY AND INCIDENTAL PURPOSES IN THE DOCUMENT RECORDED AS 2016-0123463 OF OFFICIAL RECORDS.  
(REFERENCED HEREON)
18. ANY FACTS, RIGHTS, INTERESTS OR CLAIMS THAT MAY EXIST OR ARISE BY REASON OF THE FOLLOWING MATTERS DISCLOSED BY AN ALTA/NSPS SURVEY MADE BY \_\_\_\_\_ ON \_\_\_\_\_ DESIGNATED JOB NUMBER \_\_\_\_\_  
(NOT PLOT-ABLE, NOT A SURVEY MATTER)
19. THE RIGHTS OF PARTIES IN POSSESSION BY REASON OF ANY UNRECORDED LEASE OR LEASES OR MONTH TO MONTH TENANCIES AFFECTING ANY PORTION OF THE WITHIN DESCRIBED PROPERTY.  
NOTE: THIS MATTER WILL BE MORE FULLY SET FORTH OR SELECTED UPON COMPLIANCE WITH THE APPLICABLE REQUIREMENT(S) SET FORTH HEREIN.  
(NOT PLOT-ABLE)
20. WATER RIGHTS, CLAIMS OR TITLE TO WATER, WHETHER OR NOT SHOWN BY THE PUBLIC RECORDS.  
(NOT PLOT-ABLE, NOT A SURVEY MATTER)

### AREA

SUBJECT PROPERTY CONTAINS 120,599 SQUARE FEET OR 2.769 ACRES, MORE OR LESS.

### BENCHMARK

FOUND 3" CITY OF GLENDALE BRASS CAP IN HANDHOLE AT THE INTERSECTION OF BELL ROAD AND 59TH AVENUE.

ELEVATION = 1253.123' NAVD '86, INTERNATIONAL FEET

### ADDRESS

NO ADDRESS PROVIDED

APN: 200-51-973

### PARKING

NO STRIPED PARKING AT THE TIME OF SURVEY

### BASIS OF BEARING

THE EAST LINE OF THE NORTHEAST QUARTER OF SECTION 6 AS SHOWN IN BOOK 1327, PAGE 18, MARICOPA COUNTY RECORDS.  
SAID LINE BEARS SOUTH 06 DEGREES 15 MINUTES 20 SECONDS EAST.

### ZONING

0-D [COMMERCIAL]

ZONING INFORMATION OBTAINED FROM MARICOPA COUNTY ASSESSORS WEBSITE.

\*PER 2021 ALTA MINIMUM STANDARD DETAIL REQUIREMENTS: CURRENT ZONING CLASSIFICATION, BUILDING SETBACK REQUIREMENTS AND HEIGHT AND FLOOR SPACE AREA RESTRICTIONS ARE TO BE PROVIDED TO THE SURVEYOR BY THE INSURER. THE CLASSIFICATION, REQUIREMENTS AND RESTRICTIONS HAVE NOT BEEN PROVIDED AT THE TIME OF THIS SURVEY. THE ZONING CLASSIFICATIONS SHOWN ARE FOR REFERENCE.

### FLOOD ZONE

ACCORDING TO THE FLOOD INSURANCE RATE MAP #04013C1270 M, DATED SEPTEMBER 18, 2020, THIS PROPERTY IS LOCATED IN FLOOD ZONE "X".  
AREAS OF 0.2% ANNUAL CHANCE FLOOD; AREAS OF 1% ANNUAL CHANCE FLOOD WITH AVERAGE DEPTHS OF LESS THAN 1 FOOT OR WITH DRAINAGE AREAS LESS THAN 1 SQUARE MILE; AND AREAS PROTECTED BY LEVEES FROM 1% ANNUAL CHANCE FLOOD.

### CERTIFICATION

TO: FIRST AMERICAN TITLE INSURANCE COMPANY;  
OLIVARI DEVELOPMENTS, LLC, AN INDIANA LIMITED LIABILITY COMPANY OR ITS ASSIGNS, OR NOMINEE;  
KINGS PLAZA LLC, AN ARIZONA LIMITED LIABILITY COMPANY

THIS IS TO CERTIFY THAT THIS MAP AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2021 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1, 2, 3, 4, 6(A), 7(A), 8, 9, 13, 15, 17 AND 20 OF TABLE A THEREOF.

FIELD WORK WAS COMPLETED SEPTEMBER 12, 2022

*Jared Hansmann*  
JARED HANSMANN  
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PHOENIX, ARIZONA 85024  
PHONE: 482-922-0780  
JHANSMA@RICKENGINEERING.COM

11-7-22

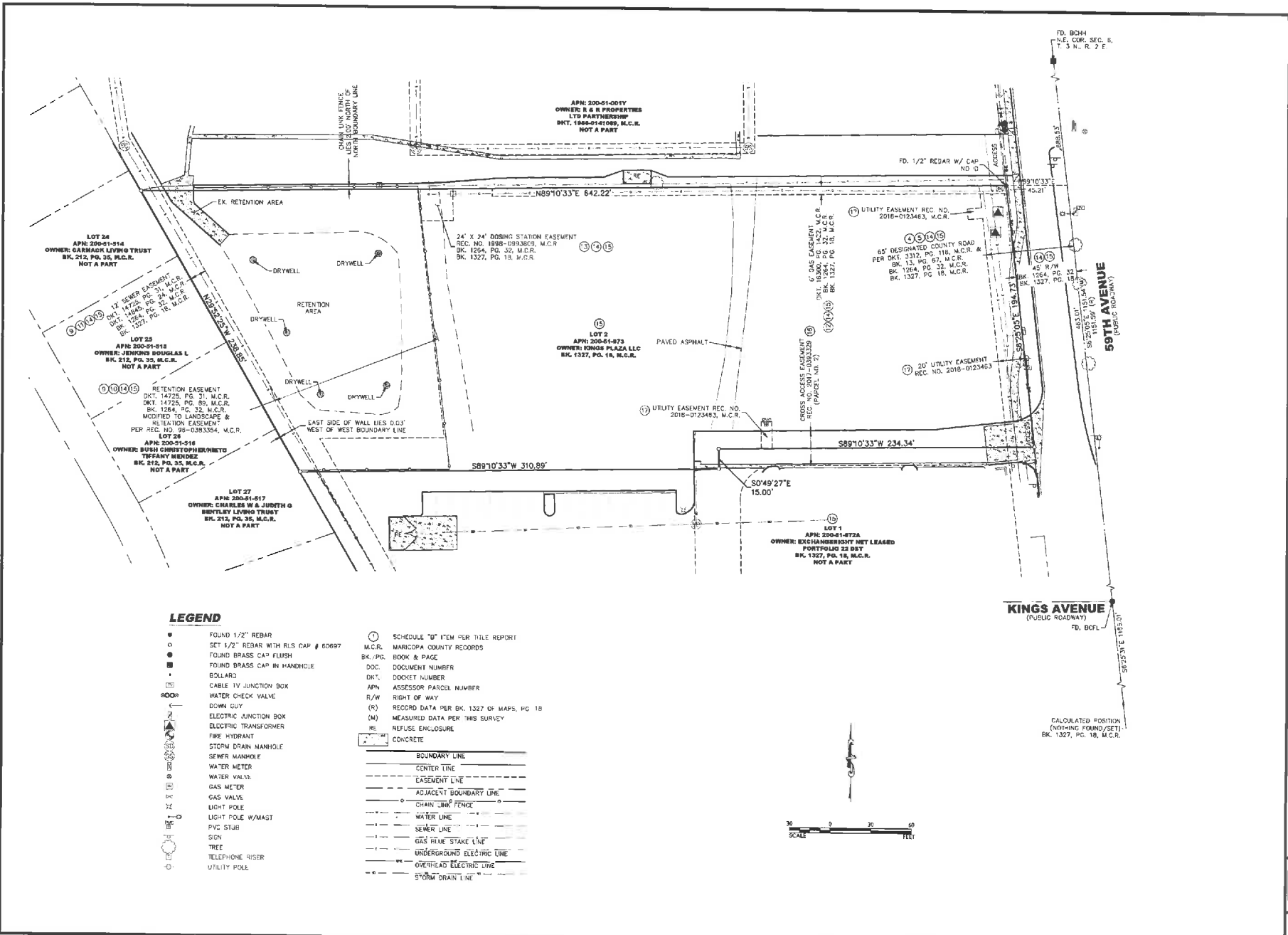
DATE

ALTA / NSPS LAND TITLE SURVEY  
KINGS PLAZA LOT 2  
GLENDALE, ARIZONA



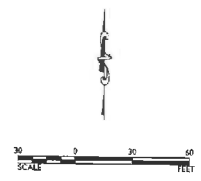
PROJECT NO. 4693  
SHEET NO. 1 OF 2

C:\RICK\Projects\ALTA\_P\ALTA\_4693\_3001\_AVE & KINGS\ALTA\_4693\_3001\_AVE & KINGS\ALTA\_4693\_3001\_AVE & KINGS.dwg - plotted by: dresner, DN: 2022-11-07 14:52 - ebsky, b.r.d. - © 2022 Rick Engineering Company



**LEGEND**

- |   |                                     |          |  |
|---|-------------------------------------|----------|--|
| ● | FOUND 1/2" REBAR                    | ⊙        | SCHEDULE "B" ITEM PER TITLE REPORT       |
| ○ | SET 1/2" REBAR WITH RLS CAP # 60697 | M.C.R.   | MARICOPA COUNTY RECORDS                  |
| ● | FOUND BRASS CAP FLUSH               | BK./PG.  | BOOK & PAGE                              |
| ● | FOUND BRASS CAP IN HANDHOLE         | DOC.     | DOCUMENT NUMBER                          |
| ● | ●                                   | DKT.     | DOCKET NUMBER                            |
| ● | ●                                   | APN.     | ASSESSOR PARCEL NUMBER                   |
| ● | ●                                   | R/W      | RIGHT OF WAY                             |
| ● | ●                                   | (R)      | RECORD DATA PER BK. 1327 OF MAPS, PG. 18 |
| ● | ●                                   | (M)      | MEASURED DATA PER THIS SURVEY            |
| ● | ●                                   | RE       | REFUSE ENCLOSURE                         |
| ● | ●                                   | CONCRETE | CONCRETE                                 |
- 
- |     |                           |
|-----|---------------------------|
| --- | BOUNDARY LINE             |
| --- | CENTER LINE               |
| --- | EASEMENT LINE             |
| --- | ADJACENT BOUNDARY LINE    |
| --- | CHAIN LINK FENCE          |
| --- | WATER LINE                |
| --- | SEWER LINE                |
| --- | GAS RISE STAKE LINE       |
| --- | UNDERGROUND ELECTRIC LINE |
| --- | OVERHEAD ELECTRIC LINE    |
| --- | STORM DRAIN LINE          |



**BIG BROTHER ENGINEERING, INC.**  
 8001 JARED MANSBACH  
 117-22  
 PHOENIX, ARIZONA U.S.A.

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**RICK ENGINEERING COMPANY**  
 22425 N 16TH STREET SUITE #1  
 PHOENIX, AZ 85024  
 480.922.0780  
 rickengr.com

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**ALTA / NSPS LAND TITLE SURVEY**  
**KINGS PLAZA LOT 2**  
**GLENDALE, ARIZONA**

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PROJECT NO. **4693**  
 SHEET NO. **2** OF **2**