SURPRISE
ARIZONA

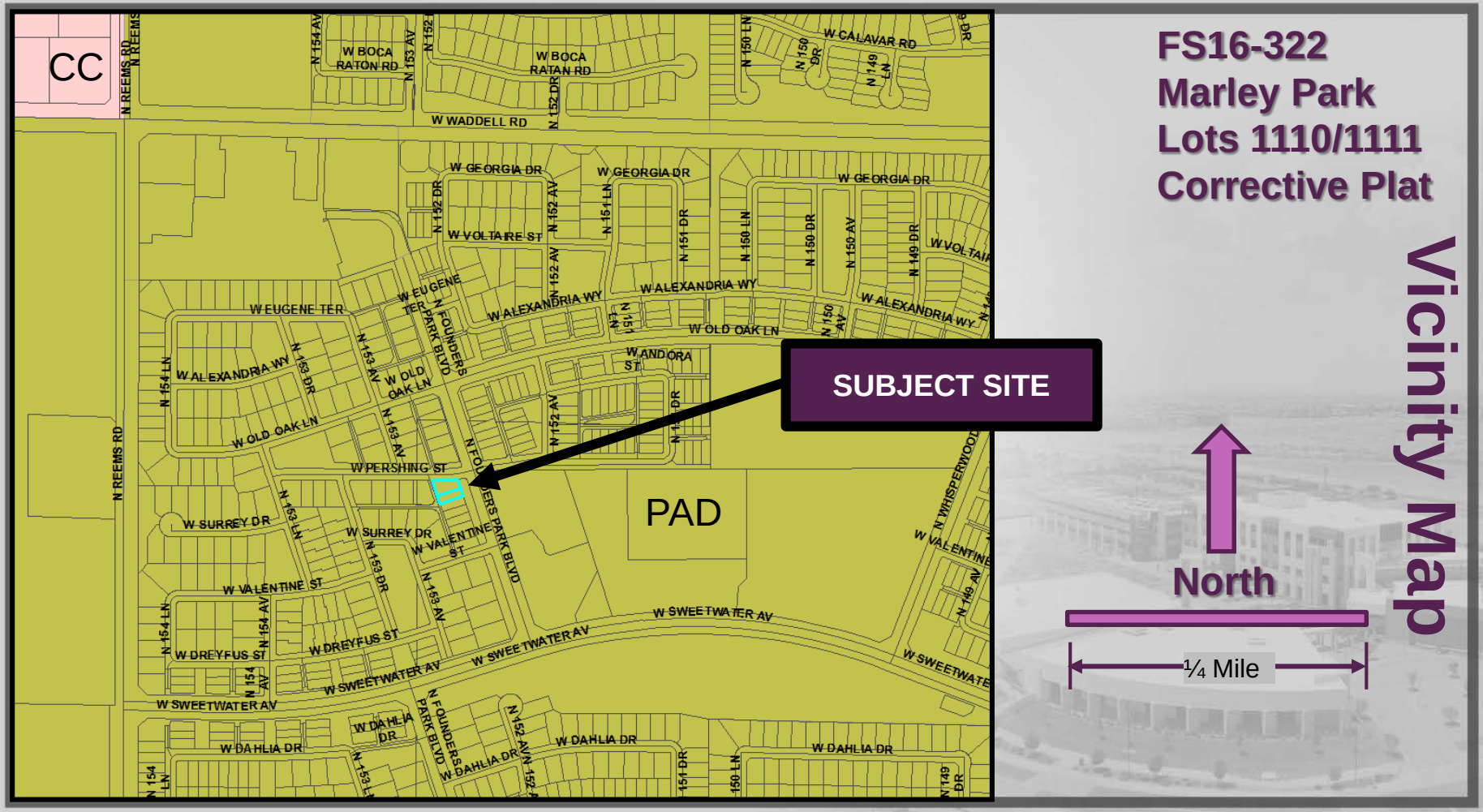
FS16-322
Marley Park Lots 1110 & 1111 Corrective Plat

City Council

November 1, 2016

FS16-322
Marley Park
Lots 1110/1111
Corrective Plat

Vicinity Map



FS16-322
Marley Park
Lots 1110/1111
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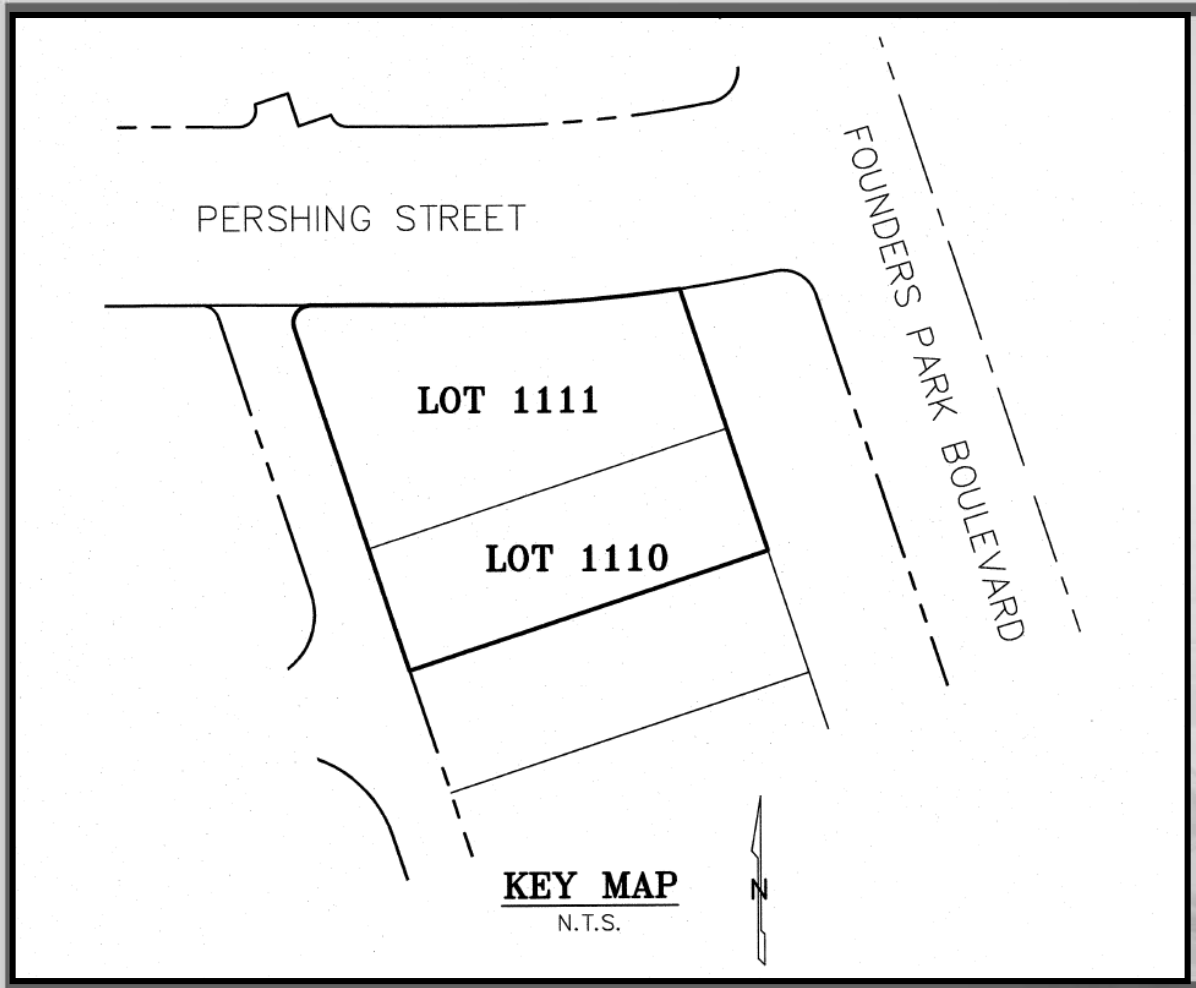
Case Map



FS16-322
Marley Park
Lots 1110/1111
Corrective Plat

CORRECTED PLAT
FOR
LOTS 1110 AND 1111 OF MARLEY PARK PARCEL 1

A PROPERTY DIVISION IN THE CITY OF SURPRISE, ARIZONA, A CORRECTED PLAT FOR LOT 1110 OF MARLEY PARK PARCEL 1 AS RECORDED IN BOOK 988, PAGE 50, M.C.R., BEING A PORTION OF THE NORTHWEST QUARTER OF SECTION 17, TOWNSHIP 3 NORTH, RANGE 1 WEST, OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, CITY OF SURPRISE, ARIZONA.

DEDICATION

STATE OF ARIZONA)
) ss.
COUNTY OF MARICOPA)

KNOW ALL PERSONS BY THESE PRESENTS:

THAT MARLEY PARK PHASE 1 LLC, AN ARIZONA LIMITED LIABILITY COMPANY, ("OWNER"), HAS SUBDIVIDED UNDER THE NAME OF A CORRECTED PLAT FOR LOTS 1110 AND 1111 OF MARLEY PARK PARCEL 1, A SUBDIVISION LOCATED IN A PORTION OF THE NORTHWEST QUARTER OF SECTION 17, TOWNSHIP 3 NORTH, RANGE 1 WEST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA AS SHOWN AND PLATTED HEREON AND DOES HEREBY PUBLISH THIS PLAT AS AND FOR THE CORRECTIVE PLAT OF LOTS 1110 AND 1111 OF MARLEY PARK PARCEL 1 AND DECLARES THAT THIS PLAT SETS FORTH THE LOCATION AND GIVES THE DIMENSIONS OF EACH LOT, CONSTITUTING SAME, AND THAT EACH LOT SHALL BE KNOWN BY THE NUMBER GIVEN TO EACH RESPECTIVELY AS SHOWN ON THIS PLAT.

OWNER HEREBY GRANTS TO THE UNITED STATES OF AMERICA DEPARTMENT OF THE AIR FORCE ("USAF") AN AVIATION EASEMENT OVER AND ACROSS THIS CORRECTED PLAT AND EVERY LOT AND PARCEL THEREOF, WHICH EASEMENT SHALL INCLUDE, BUT NOT BE LIMITED TO, THE RIGHT OF FLIGHT OF AIRCRAFT OVER THIS CORRECTED PLAT, TOGETHER WITH ITS ATTENDANT NOISE, VIBRATIONS, FUMES, DUST, FUEL AND LUBRICANT PARTICLES, AND ALL OTHER EFFECTS THAT MAY BE CAUSED BY THE OPERATION OF AIRCRAFT LANDING AT, OR TAKING OFF FROM, OR OPERATING AT OR ON LUKE AIR FORCE BASE.

OWNER HEREBY GRANTS TO THE CITY OF SURPRISE AN ODOR EASEMENT OVER, UPON AND ACROSS, THIS CORRECTED PLAT AND EVERY LOT THEREOF, WHICH EASEMENT SHALL INCLUDE, BUT NOT BE LIMITED TO, THE RIGHT TO INVADE WITH ODORS, FUMES, SMELLS, AND PHYSICAL AIRBORNE PARTICULATES CAUSED BY THE LAWFUL OPERATION AND MAINTENANCE OF THE CITY'S WASTEWATER TREATMENT PLANT LOCATED SOUTH OF CACTUS ROAD APPROXIMATELY ONE-HALF (1/2) MILE EAST OF LITCHFIELD ROAD.

THE EASEMENTS GRANTED WITHIN THIS DEDICATION ARE PERMANENT AND PERPETUAL AND SHALL RUN WITH THE LAND AND BE BINDING UPON THAT MARLEY PARK PHASE I LLC, AND THEIR HEIRS, ASSIGNS, AND SUCCESSORS IN INTEREST TO THIS CORRECTED PLAT OR ANY PARCEL OR LOT THEREOF.

MARLEY PARK PHASE I LLC, WARRANTS AND REPRESENTS TO THE CITY OF SURPRISE THAT THEY ARE THE SOLE OWNER OF THE PROPERTY COVERED BY THIS CORRECTED PLAT, AND THAT EVERY LENDER, EASEMENT HOLDER OR OTHER PERSON OR ENTITY HAVING ANY INTEREST THAT IS ADVERSE TO OR INCONSISTENT WITH THE FOREGOING DEDICATION, OR ANY OTHER REAL PROPERTY INTEREST CREATED OR TRANSFERRED BY THIS CORRECTED PLAT, HAS CONSENTED TO OR JOINED IN THIS CORRECTED PLAT AS EVIDENCED BY INSTRUMENTS WHICH ARE RECORDED WITH THE MARICOPA COUNTY RECORDER'S OFFICE OR WHICH MARLEY PARK PHASE 1 LLC WILL RECORD NO LATER THAN THE DATE ON WHICH THIS CORRECTED PLAT IS RECORDED.

IN WITNESS WHEREOF, MARLEY PARK PHASE I LLC HAS CAUSED ITS NAME TO BE AFFIXED BY THE UNDERSIGNED, DULY AUTHORIZED PERSONS AND ENTITIES, THIS ____ DAY OF ________________, 2016.

MARLEY PARK PHASE I LLC, AN ARIZONA LIMITED LIABILITY COMPANY

BY: MARLEY PARK LLC, AN ARIZONA LIMITED LIABILITY COMPANY, ITS MANAGER

BY: DMB COMMUNITIES LLC, AN ARIZONA LIMITED LIABILITY COMPANY, ITS MANAGER

BY: DMB ASSOCIATES, INC., AN ARIZONA CORPORATION, ITS MANAGER

BY: ________________________________

ITS: ________________________________

ACKNOWLEDGMENT

STATE OF ARIZONA)
) ss.
COUNTY OF MARICOPA)

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS ______ DAY OF ______________, 2016, BY ________________________, THE ____________________ OF DMB ASSOCIATES, INC., AN ARIZONA CORPORATION, AS MANAGER OF DMB COMMUNITIES LLC, AN ARIZONA LIMITED LIABILITY COMPANY, AS MANAGER OF MARLEY PARK LLC, AN ARIZONA LIMITED LIABILITY COMPANY, AS MANAGER OF MARLEY PARK PHASE I LLC, AN ARIZONA LIMITED LIABILITY COMPANY.

MY COMMISSION EXPIRES: ____________________

NOTARY PUBLIC

APPROVALS

CITY OF SURPRISE ENGINEER APPROVAL

DATA ON THIS CORRECTED PLAT REVIEWED AND APPROVED THIS ______ DAY OF __________, 2016, BY THE CITY ENGINEER OF SURPRISE, ARIZONA.

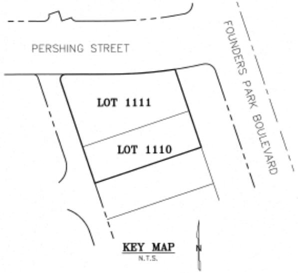
APPROVED____________________________________
CITY ENGINEER DATE

CITY OF SURPRISE COUNCIL APPROVAL

APPROVED BY THE CITY COUNCIL OF THE CITY OF SURPRISE, ARIZONA, THIS ______ DAY, OF _______, 2016.

____
MAYOR DATE

ATTEST:
____
CITY CLERK DATE



KEY MAP
N.T.S.

OWNER

MARLEY PARK PHASE I LLC
7600 E. DOUBLETREE RANCH ROAD
SUITE 300
SCOTTSDALE, AZ 85258
CONTACT: DAVE NILSEN
PHONE: (623) 251-3507

VICINITY MAP
N.T.S.

ORIGINAL PARCEL DESCRIPTION

LOT 1110 OF A CORRECTED PLAT FOR MARLEY PARK PARCEL 1, RECORDED IN BOOK 988, PAGE 50, MARICOPA COUNTY RECORDS.

NEW LOT 1110 DESCRIPTION

A PARCEL OF LAND LYING WITHIN SECTION 17, TOWNSHIP 3 NORTH, RANGE 1 WEST, OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE CENTER OF SAID SECTION 17, A 1/2-INCH REBAR, FROM WHICH THE WEST QUARTER CORNER OF SAID SECTION, A PK NAIL, BEARS NORTH 88°41'25" WEST (BASIS OF BEARING), A DISTANCE OF 2634.46 FEET;
THENCE ALONG THE EAST-WEST MID-SECTION LINE OF SAID SECTION, NORTH 88°41'25" WEST, A DISTANCE OF 1231.09 FEET;
THENCE LEAVING SAID EAST-WEST MID-SECTION LINE, NORTH 01°18'35" EAST, A DISTANCE OF 941.16 FEET, TO THE EASTERLY LINE OF TRACT "I1" AND THE NORTHWEST CORNER OF LOT 1109 OF MARLEY PARK PARCEL 1, AS SHOWN ON FINAL PLAT, RECORDED IN BOOK 682, PAGE 01, MARICOPA COUNTY RECORDS (M.C.R.) AND THE POINT OF BEGINNING;
THENCE ALONG SAID EASTERLY LINE, NORTH 18°20'48" WEST, A DISTANCE OF 37.50 FEET;
THENCE LEAVING SAID EASTERLY LINE, NORTH 71°39'12" EAST, A DISTANCE OF 110.00 FEET, TO A POINT ON THE WESTERLY LINE OF TRACT "G1" AS SHOWN ON SAID FINAL PLAT; THENCE ALONG SAID WESTERLY LINE SOUTH 18°20'48" EAST, A DISTANCE OF 37.50 FEET, TO THE NORTHEAST CORNER OF SAID LOT 1109;
THENCE LEAVING SAID WESTERLY LINE, ALONG THE NORTHERLY LINE OF SAID LOT 1109, SOUTH 71°39'12" WEST, A DISTANCE OF 110.00 FEET, TO THE POINT OF BEGINNING.

NEW LOT 1111 DESCRIPTION

A PARCEL OF LAND LYING WITHIN SECTION 17, TOWNSHIP 3 NORTH, RANGE 1 WEST, OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE CENTER OF SAID SECTION 17, A 1/2-INCH REBAR, FROM WHICH THE WEST QUARTER CORNER OF SAID SECTION, A PK NAIL, BEARS NORTH 88°41'25" WEST (BASIS OF BEARING), A DISTANCE OF 2634.46 FEET;
THENCE ALONG THE EAST-WEST MID-SECTION LINE OF SAID SECTION, NORTH 88°41'25" WEST, A DISTANCE OF 1231.09 FEET;
THENCE LEAVING SAID EAST-WEST MID-SECTION LINE, NORTH 01°18'35" EAST, A DISTANCE OF 941.16 FEET, TO THE EASTERLY LINE OF TRACT "I1" AND THE NORTHWEST CORNER OF LOT 1109 OF MARLEY PARK PARCEL 1, AS SHOWN ON FINAL PLAT, RECORDED IN BOOK 682, PAGE 01, MARICOPA COUNTY RECORDS (M.C.R.); THENCE ALONG SAID EASTERLY LINE, NORTH 18°20'48" WEST, A DISTANCE OF 37.50 FEET, TO THE POINT OF BEGINNING;
THENCE CONTINUING ALONG SAID EASTERLY LINE NORTH 18°20'48" WEST, A DISTANCE OF 67.81 FEET, TO THE BEGINNING OF A CURVE;
THENCE NORTHEASTERLY ALONG SAID CURVE, HAVING A RADIUS OF 5.00 FEET, CONCAVE SOUTHEASTERLY, THROUGH A CENTRAL ANGLE OF 108°25'54", A DISTANCE OF 9.46 FEET, TO THE SOUTHERLY RIGHT-OF-WAY LINE OF PERSHING STREET AS SHOWN ON SAID FINAL PLAT AND AN AFFIDAVIT OF AMENDMENT, RECORDED AS DOCUMENT NO. 2005-1427970, M.C.R. AND THE CURVE'S END;
THENCE LEAVING SAID EASTERLY LINE, ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, SOUTH 89°54'53" EAST, A DISTANCE OF 46.09 FEET, TO THE BEGINNING OF A CURVE;
THENCE EASTERLY ALONG SAID CURVE, HAVING A RADIUS OF 426.00 FEET, CONCAVE NORTHERLY, THROUGH A CENTRAL ANGLE OF 08°17'30", A DISTANCE OF 61.65 FEET, TO THE NORTHWEST CORNER OF TRACT "G1" AS SHOWN ON SAID FINAL PLAT AND A POINT OF INTERSECTION WITH A NON-TANGENT LINE;
THENCE LEAVING SAID SOUTHERLY RIGHT-OF-WAY LINE, ALONG THE WESTERLY LINE OF SAID TRACT "G1", SOUTH 18°20'48" EAST, A DISTANCE OF 42.78 FEET;
THENCE LEAVING SAID WESTERLY LINE, SOUTH 71°39'12" WEST, A DISTANCE OF 110.00 FEET, TO THE POINT OF BEGINNING.

NOTES:

1) THE BASIS OF BEARING IS THE EAST-WEST MID-SECTION LINE OF THE WEST HALF OF SECTION 17, TOWNSHIP 3 NORTH, RANGE 1 WEST HAVING A BEARING OF NORTH 88 DEGREES 41 MINUTES 25 SECONDS WEST AS SHOWN ON THE MAP OF DEDICATION FOR MARLEY PARK PHASE IA, RECORDED IN BOOK 699, PAGE 29, M.C.R.

2) AREAS AS PLATTED HEREON:
LOT 1110 AREA IS 4,125 SQUARE FEET OR 0.0947 ACRES, MORE OR LESS
LOT 1111 AREA IS 6,289 SQUARE FEET OR 0.1444 ACRES, MORE OR LESS
ORIGINAL AREAS:
LOT 1110 AREA IS 10,414 SQUARE FEET OR 0.2391 ACRES, MORE OR LESS

3) EASEMENTS SHOWN ON THIS CORRECTED PLAT ARE DEPICTED FOR REFERENCE PURPOSES ONLY AND DO NOT OTHERWISE CREATE OR MODIFY THE EASEMENT RIGHTS GRANTED IN THE REFERENCED INSTRUMENT.

4) THE COMMON INTERIOR WALL BETWEEN LOTS 1110 AND 1111 LIES ON THE NEWLY CREATED PROPERTY LINE.

5) THE MAINTENANCE OF LANDSCAPING WITHIN THE ADJACENT PUBLIC RIGHTS-OF-WAY, INCLUDING LANDSCAPED MEDIANS WITHIN COLLECTORS AND LOCAL STREETS AND LANDSCAPED ARES BETWEEN THE CURB AND THE DETACHED SIDEWALK, SHALL BE THE RESPONSIBILITY OF THE ADJACENT PROPERTY OWNER OR THE PROPERTY ASSOCIATION FORMED BY THE ADJACENT PROPERTY.

6) **PUDLIC NOTICE**
THE LOTS DEPICTED ON THIS CORRECTED PLAT ARE LOCATED WITHIN THE VICINITY OF LUKE AIR FORCE BASE AND MAY BE SUBJECT TO OVER FLIGHTS BY JET AIRCRAFT. ALL STRUCTURES WITHIN THIS PLAT SHALL BE CONSTRUCTED IN COMPLIANCE WITH THE SOUND ATTENUATION STANDARDS ADOPTED BY THE CITY OF SURPRISE. A MAP DEPICTING THE 1988 MAG NOISE CONTOUR LINES IN RELATION TO THIS PLAT SHALL BE DISPLAYED IN ALL SALES OFFICES. ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE CITY OF SURPRISE COMMUNITY DEVELOPMENT DEPARTMENT.

7) **RELEASE OF LIABILITY**
OWNER HEREBY (1) RELEASES AND DISCHARGES THE USAF AND THE CITY OF SURPRISE, AND (2) INDEMNIFIES, DEFENDS, AND HOLDS HARMLESS THE CITY OF SURPRISE, OF AND FROM ANY LIABILITY FOR ANY AND ALL CLAIMS FOR DAMAGES OF ANY KIND TO PERSONS OR PROPERTY THAT MAY ARISE AT ANY TIME IN THE FUTURE OVER, OR IN CONNECTION WITH AIRCRAFT OVERFLIGHTS FROM AIRCRAFT UTILIZING LUKE AIR FORCE BASE, WHETHER SUCH DAMAGE SHALL ORIGINATE FROM NOISE, VIBRATION, FUMES, DUST, FUEL AND LUBRICANT PARTICLES, AND ALL OTHER EFFECTS THAT MAY BE CAUSED BY THE OPERATION OF AIRCRAFT LANDING AT, OR TAKING OFF FROM, OR OPERATING AT OR ON LUKE AIR FORCE BASE. THIS INSTRUMENT SHALL RUN WITH THE LAND AND BE BINDING UPON OWNER AND THEIR HEIRS, ASSIGNS, AND SUCCESSORS IN THE INTEREST TO THIS CORRECTED PLAT OR ANY PARCEL OR LOT THEREOF. THIS INSTRUMENT DOES NOT RELEASE THE USAF FROM LIABILITY FOR DAMAGE OR INJURY TO PERSON OR PROPERTY CAUSED BY FALLING AIRCRAFT OR FALLING PHYSICAL OBJECTS FROM AIRCRAFT, EXCEPT AS STATED HEREIN WITH RESPECT TO NOISE, FUMES, DUST, FUEL AND LUBRICANT PARTICLES.

8) THE PROPERTY OWNER, OR ANY SUBSEQUENT OWNERS SHALL NOT PROCEED WITH ANY ON SITE GRADING OR EXCAVATION WITHOUT FIRST OBTAINING A PERMIT FROM THE CITY OF SURPRISE ENGINEERING DEPARTMENT.

9) ACCORDING TO FEMA FLOOD INSURANCE RATE MAP NO. 04013C1660L DATED OCTOBER 16, 2013 THE SUBJECT PROPERTY IS LOCATED IN SHADED ZONE X. SHADED ZONE X IS DESCRIBED AS:"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."

10) DEVELOPMENT OF EACH PARCEL SHALL BE IN ACCORDANCE WITH THE APPROVED MASTER SITE PLAN FOR THE ENTIRE PROPERTY. PLEASE CONTACT THE CITY OF SURPRISE COMMUNITY DEVELOPMENT TO OBTAIN A COPY OF THE MASTER SITE PLAN.

11) PURSUANT TO A.R.S. § 42-11102, THE CITY OF SURPRISE, A POLITICAL SUBDIVISION OF THE STATE OF ARIZONA, IS EXEMPT FROM ALL TAXES AND ASSESSMENTS BASED ON ASSESSED VALUE EXCEPT FOR SPECIAL DISTRICTS #14751 AND 14710, WHEN APPLICABLE.

12) OWNER HEREBY FURTHER AGREES TO INDEMNIFY, DEFEND, AND HOLD HARMLESS THE CITY OF SURPRISE FROM ANY AND ALL CLAIMS FOR DAMAGES OF ANY KIND TO PERSONS OR PROPERTY THAT MAY ARISE IN CONNECTION WITH THE USE OF THE SIDEWALKS LOCATED WITHIN THIS PLAT, UNTIL SUCH TIME THE CITY OF SURPRISE HAS ACCEPTED THE SIDEWALKS.

CERTIFICATION

I, THOMAS R. GETTINGS, OF WOOD, PATEL & ASSOCIATES, INC., HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR IN THE STATE OF ARIZONA; THAT THIS CORRECTED PLAT CONSISTING OF TWO (2) SHEETS REPRESENTS A SURVEY PERFORMED BY WOOD, PATEL & ASSOCIATES, INC., DURING THE MONTH OF APRIL OF 2008; THAT THE SURVEY IS CORRECT AND ACCURATE; THAT THE BOUNDARY MONUMENTS SHOWN ACTUALLY EXIST AS SHOWN AND ARE SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED.

Thomas R. Gettings (signature) 9-13-16
DATE

THOMAS R. GETTINGS
ARIZONA REGISTERED LAND SURVEYOR, #27239
WOOD, PATEL & ASSOCIATES, INC.
2051 WEST NORTHERN AVENUE, SUITE 100
PHOENIX, ARIZONA 85021

Marley Park

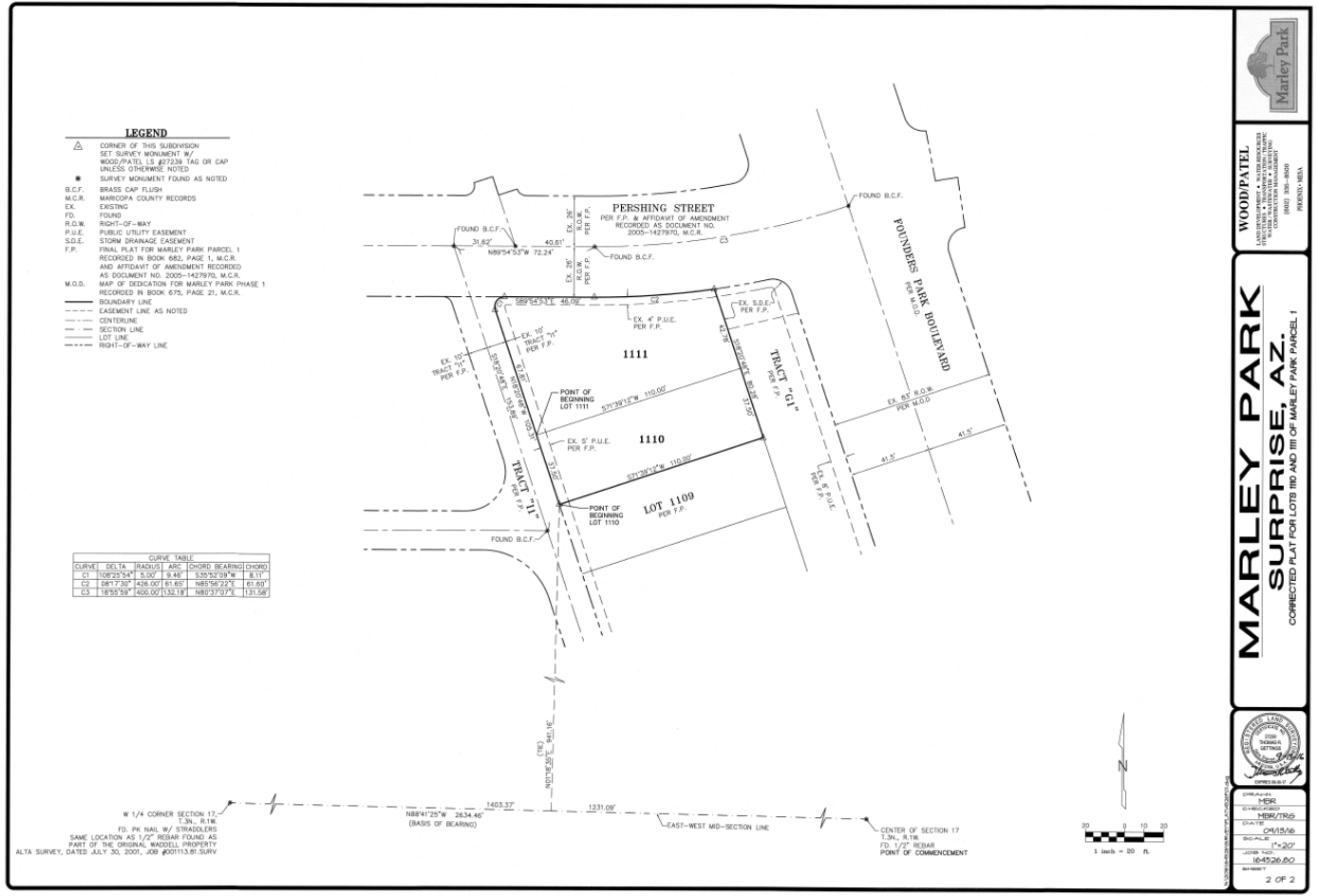
WOOD/PATEL
LAND DEVELOPMENT • WATER RESOURCES
STRUCTURES • TRANSPORTATION / TRAFFIC
WATER / WASTEWATER • SURVEYING
CONSTRUCTION MANAGEMENT
(602) 335-8500
PHOENIX • MESA

MARLEY PARK
SURPRISE, AZ.
CORRECTED PLAT FOR LOTS 1110 AND 1111 OF MARLEY PARK PARCEL 1

REGISTERED LAND SURVEYOR
CERTIFICATE NO. 27239
THOMAS R. GETTINGS
ARIZONA, U.S.A.
9-13-16
EXPIRES 06-30-17

DRAWN	MBR
CHECKED	MBR/TRG
DATE	09-13-16
SCALE	N.T.S.
JOB NO.	164526.80
SHEET	1 OF 2

FS16-322
Marley Park
Lots 1110/1111
Corrective Plat



SURPRISE
ARIZONA

QUESTIONS OR COMMENTS?

Thank You