Staff Summary Report *REVISED* Tempe

City Council Date: 03/20/08 **Agenda Item Number: 40**

SUBJECT: Request for a Final Subdivision Plat for APACHE ASL TRAILS located at 2428 E. Apache Boulevard.

DOCUMENT NAME: 20080320dsdk03 **PLANNED DEVELOPMENT (0406)**

SUPPORTING DOCS: Yes

COMMENTS: Request for **APACHE ASL TRAILS (PL070371)** (Cardinal Capital Management, Inc., owner; Paul Mickelberg, Welman Sperides Mickelberg Architects, applicant) for a Final Subdivision Plat for nine parcels combined and subdivided into two new lots (Lot A and Lot B) for the development of +/-180,000 sq. ft. development on +/-3.34 acres (2.27 acres previously approved General Plan and Zoning Amendment and 1.06 acres for current General Plan and Zoning amendment) located at 2428 E. Apache, in the MU-4 Mixed-Use Zoning District. The request includes the following:

SBD08006 – Final Subdivision Plat combine nine lots totaling 3.34 acres into two lots: Lot A (west lot) is 1.82 ac and Lot B (east lot) is 1.51 ac.

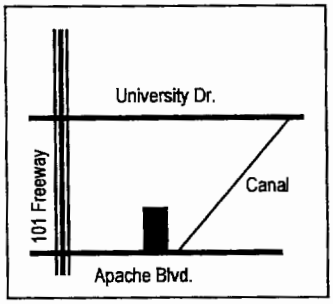
PREPARED BY: Diana Kaminski, Senior Planner (480-858-2391)

REVIEWED BY: Lisa Collins, Development Services Planning Director (480-350-8989)
Chris Anaradian, Development Services Department Manager (480-858-2204)

RECOMMENDATION: **Staff – Approval, subject to condition 1**

ADDITIONAL INFO:

Gross/Net site area	3.34 acres
Number of Lots	2 lots proposed
Building area	+/-180,000 sq. ft.
Lot Coverage	30% (50% maximum allowed in CSS)
Density	41 du/ac (20 du/ac allowed in CSS, NS in MU-4)
Building Height	65 ft (35 ft maximum allowed in CSS, NS in MU-4)
Building setbacks	0' front (Apache Blvd, south side), 0' side, 5' street side (Lebanon Ln, west side), 30' rear (north side)
Landscaped area	20% (25% minimum required in CSS TOD, NS in MU-4)
Vehicle Parking	189 spaces (219 min. required)
Bicycle Parking	56 spaces (111 minimum required)



The new development would have two phases: Lot A (west side) and Lot B (east side). This request does not require a neighborhood meeting.

PAGES:	1.	List of Attachments
	2.	Comments & Analysis / Reasons for Approval / Conditions of Approval
	3.	History & Facts / Zoning & Development Code Reference
ATTACHMENTS:	1.	Location Map
	2.	Aerial Photo
	3.	Site Plan
	4.	Letter of Intent
	5-7.	Plat

COMMENTS:

This site is located at the southern edge of Victory Acres Neighborhood, on the north side of Apache Boulevard and the east side of Lebanon Lane. There are six single family homes and a Catholic Church directly north of the site. The site includes nine existing vacant parcels; the western portion was used for automotive uses; the eastern portion was used for residences. The project consists of two four-story buildings with residential apartments on Lot A (west side) and condominiums on Lot B (east side), 7,500 s.f. of commercial office and retail space and 2,500 s.f. of restaurant uses, with shared surface and podium parking, within approximately 180,000 s.f. of building area. The new development would be completed in two phases, developing from west to east, with two new lots created to finance two different housing products. The applicant is requesting approval of a Final Subdivision Plat to combine the existing nine lots into two new lots.

On November 8, 2007, the City Council approved General Plan and Zoning map amendments and a Planned Area Development (PAD) for approximately 2.27 acres east of Lebanon Lane. The applicant subsequently responded to a request for proposals for the 1.06 acre site to the east of this site, and received approval from the Federal Transit Authority to purchase the remnant parcel. The new site is west of the Salt River Project's Tempe Canal. The applicant is in process for a General Plan Amendment Density Map Amendment from Medium Density (up to 15 du/ac) to High Density (greater than 25 du/ac), a Zoning Map Amendment from Commercial Shopping and Service (CSS) to Mixed-Use High Density (MU-4) on approximately 1.06 acres to bring the eastern portion of the site into conformance with the parcel to the west. The applicant is also in process for a Planned Area Development Overlay Amendment to incorporate the new property into a 3.34 acre development. The applicant has received Development Plan Review approval from the Development Review Commission for the western portion of the project, identified on Lot A.

For further processing of the proposed plan, the applicant will need approvals for a Development Plan Review of the site plan, landscape design, and building elevations for Lot B as well as a Horizontal Regime Subdivision, to create individual for-sale condominium units on Lot B.

Conclusion

The proposed Final Subdivision Plat fulfills the requirements of the Zoning and Development Code and the Tempe City Code for Subdivisions and is necessary for implementation of the proposed Planned Area Development. Staff recommends approval of the requested Final Subdivision Plat.

REASONS FOR APPROVAL:

1. The site has access to a public street and meets the technical standards of the City Code, Chapter 30, Subdivisions.

CONDITIONS OF APPROVAL:

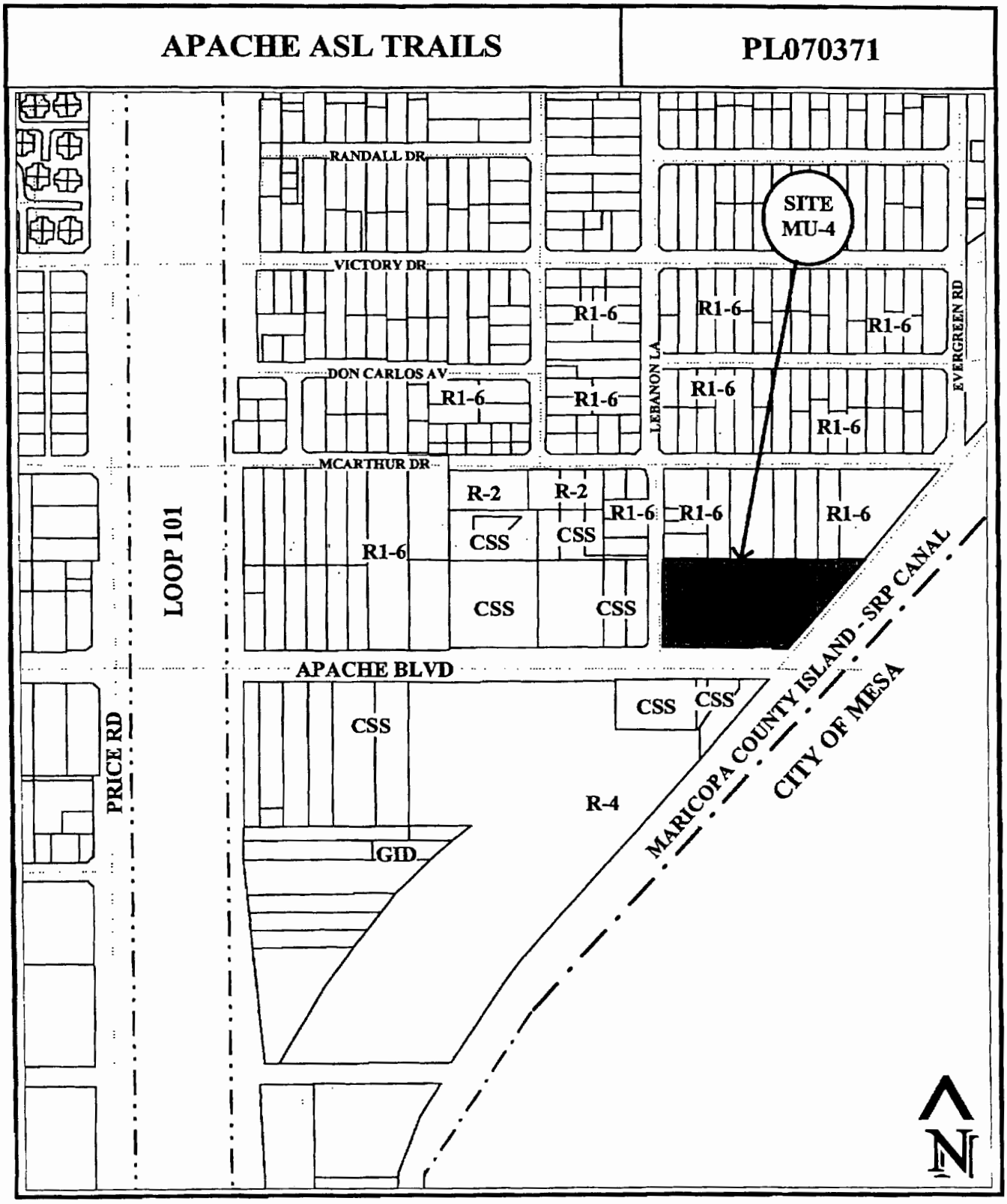
1. The Subdivision Plat (Condominium Plat) for APACHE ASL TRAILS shall be put into proper engineered format with appropriate signature blanks and recorded with the Maricopa County Recorder's Office through the City of Tempe's Development Services Department on or before March 20, 2009. Failure to record the plan within one year of City Council approval shall make the plan null and void.

HISTORY & FACTS:

November 22, 1978	City documents indicate that an abandoned house on this site caught fire and burned. No information on the original construction of the property.
December 17, 1990	Board of Adjustment denied a request for Bud Robert's Tire Storage Facility to obtain a use permit for tire storage as an ancillary use to a primary business on a non-adjacent site and a request for six landscape and site wall variances.
January 31, 1991	City Council approved the appeal of the Board of Adjustment decision, thereby allowing the use permit; the variances were modified through conditions of approval.
March 1, 1991	Development Services Staff administratively approved a proposed landscape plan for the property.
June 14, 1995	Development Services Staff administratively approved the installation of a diesel gas tank.
October 9, 2007	Development Review Commission unanimously approved the requested General Plan Amendment, Zoning Map Amendment and Planned Area Development for a mixed-use development serving special needs seniors, consisting of approximately 75 apartments and 60 condominiums and approximately 10,000 sq. ft. of retail, office and restaurant space for a total +/-160,000 sq. ft. development on +/-2.27 acres.
October 25, 2007	City Council introduced and held a first public hearing for the above request.
November 8, 2007	City Council approved a General Plan Density Map Amendment, Zoning Map Amendment and Planned Area Development for a mixed-use development serving special needs seniors, consisting of approximately 75 apartments and 60 condominiums and approximately 10,000 sq. ft. of retail, office and restaurant space for a total +/-160,000 sq. ft. development on +/-2.27 acres.
February 12, 2008	Development Review Commission recommended approval of a General Plan Density Map Amendment and Zoning Map Amendment for +/-1.06 acres and Planned Area Development Amendment for a mixed-use development serving special needs seniors, consisting of approximately 75 apartments and 60 condominiums and approximately 10,000 sq. ft. of retail, office and restaurant space for a total +/-160,000 sq. ft. development on +/-3.06 acres.
February 21, 2008	City Council introduced and heard a first public hearing for the above request.
February 26, 2008	Development Review Commission approved a Development Plan Review for a mixed-use development on the west side of the site (Lot 1) consisting of approximately 75 apartments serving special needs seniors, approximately 3,500 sq. ft. of retail and office space and 2,500 sq. ft. of restaurant space as the first phase of development on +/-1.82 out of +/-3.34 acres located at 2428 E. Apache, in the MU-4, Mixed-Use 4 Zoning District within the TOD Station Area Overlay.

ZONING AND DEVELOPMENT CODE REFERENCE:
Section 6-307, Subdivisions

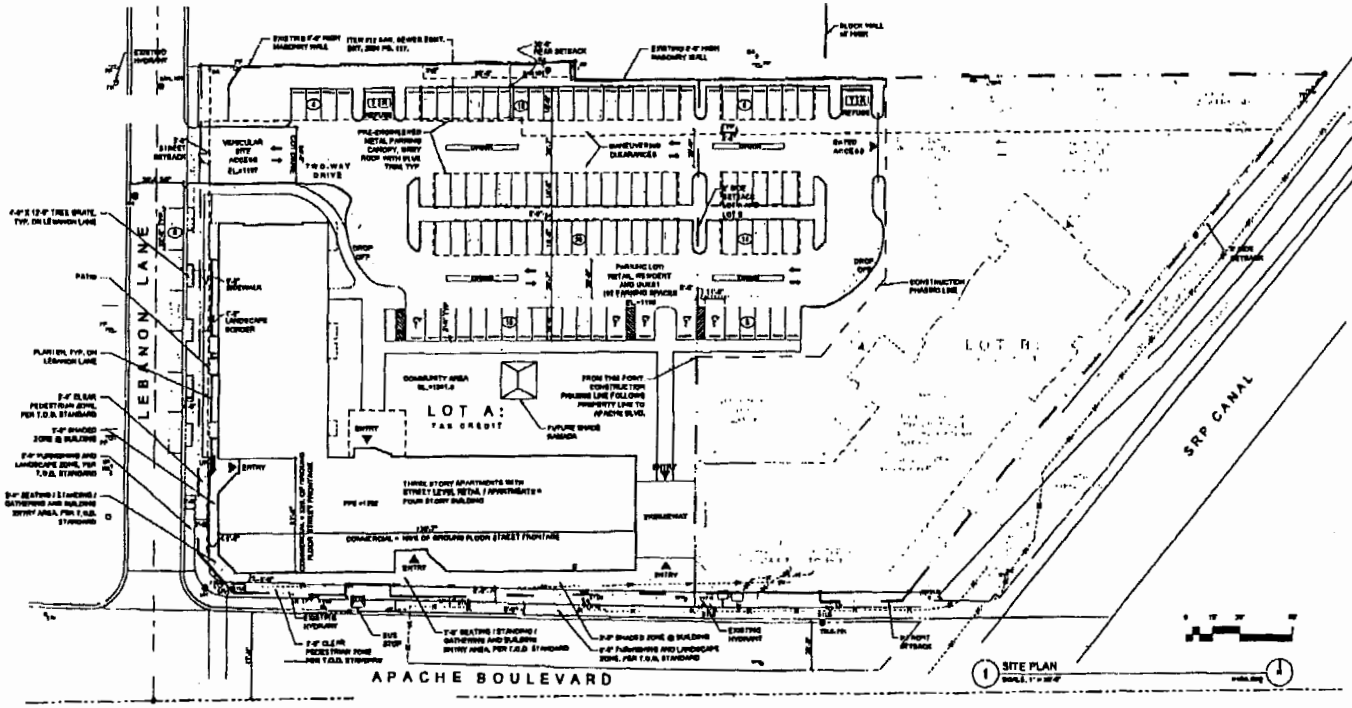
Tempe



Location Map

ATTACHMENT 1

APACHE ASL TRAILS (PL070371)



REFERENCES:

[illegible]

LEGAL DESCRIPTION:

PARCEL 1: THE SOUTH 130.45 FEET OF LOT 13, BLOCK 4, VICTORY TRACT, ACCORDING TO THE PLAT OF RECORD IN THE OFFICE OF THE COUNTY RECORDER OF MARICOPA COUNTY, ARIZONA, IN BOOK 31 OF MAPS, PAGE 9;

PARCEL 2: LOT 15, BLOCK 4, VICTORY TRACT, ACCORDING TO THE PLAT OF RECORD IN THE OFFICE OF THE COUNTY RECORDER OF MARICOPA COUNTY, ARIZONA, IN BOOK 31 OF MAPS, PAGE 9;

EXCEPT THE SOUTH 175.45 FEET THEREOF.

PARCEL 3: THE SOUTH 173.45 FEET OF LOT 13, BLOCK 4, VICTORY TRACT, ACCORDING TO THE PLAT OF RECORD IN THE OFFICE OF THE COUNTY RECORDER OF MARICOPA COUNTY, ARIZONA, IN BOOK 31 OF MAPS, PAGE 9;

EXCEPT THE SOUTH 135.45 FEET THERE OF.

PARCEL 5: LOT 11, BLOCK 4, VICTORY TRACT, ACCORDING TO THE PLAT OF RECORD IN THE OFFICE OF THE COUNTY RECORDER OF MARICOPA COUNTY, ARIZONA, IN BOOK 31 OF MAPS, PAGE 9

EXCEPT ALL THAT PORTION AS SET FORTH IN THAT CERTAIN FINAL JUDGMENT IN CONDEMNATION IN RECORDING NO. 2007-179511

PARCEL 6: LOT 12, BLOCK 4, VICTORY TRACT ACCORDING TO THE PLAT OF RECORD IN THE OFFICE OF THE COUNTY RECORDER OF MARICOPA COUNTY, ARIZONA, IN BOOK 31 OF MAPS, PAGE 9;

PARCEL 8: LOT 13, BLOCK 4, VICTORY TRACT ACCORDING TO THE PLAT OF RECORD IN THE OFFICE OF THE COUNTY RECORDER OF MARICOPA COUNTY, ARIZONA, IN BOOK 31 OF MAPS, PAGE 9 AND THE WEST 30 FEET OF LOT 14, BLOCK 4;

EXCEPT THE NORTH 10 FEET THEREOF.

PARCEL 7: LOT 14, BLOCK 4, VICTORY TRACT, ACCORDING TO THE PLAT OF RECORD IN THE OFFICE OF THE COUNTY RECORDER OF MARICOPA COUNTY, ARIZONA, IN BOOK 31 OF MAPS, PAGE 9 EXCEPT THE WEST 30 FEET AND THE NORTH 10 FEET THEREOF;

EXCEPTING FROM EACH OF THE AFOREMENTIONED PARCELS ANY PORTION OF THOSE PREMISES CONVEYED IN FEE SIMPLE TO THE CITY OF TEMPE, ARIZONA BY FINAL ORDER OF CONDEMNATION AS RECORDED IN RECORDING NO. 2007-0351999 AND RECORDING NO. 2007-0351991 AND IN FINAL ORDER OF CONDEMNATION AS RECORDED NO. 2007-0511979 AND AMENDED IN RECORDING NO. 2007-0511977 AND RECORDING NO. 07-0291871.

AREA: [illegible] SQ. FT. OR [illegible] ACRES

CITY OF TEMPE PRELIMINARY SITE PLAN CHECKLIST

A. SUBMITTED BY:
THE WM SPERIDES MICKELBERG ARCHITECTS PLC
4350 NORTH CAMPBELL AVENUE, SUITE NO. 200
TUCSON, AZ 85718

B. PROJECT NAME:
APACHE ASL TRAILS

C. SITE ADDRESS:
2120 EAST APACHE BOULEVARD
TEMPE, AZ 85281

D. PROPOSED USE AND/OR SCOPE OF WORK:
DEVELOPMENT OF A NEW MIXED SITE, INCLUDING STREET-LEVEL RETAIL, APARTMENTS AND CONDOS / CO-OP

E. LIST ALL SITE PERMITS OR VARIANCES REQUESTED:
GENERAL PLAN AMENDMENT TO CHANGE DENSITY TO HIGH-DENSITY RESIDENTIAL THAT IS 0 U.P. PER ACRE AND REZONE FROM CSS TO MU-4

F. LOCATION MAP, INDICATE THE SAME DIRECTION:
SEE LOCATION MAP, NO. 2 / A1.1

G. SHOW SCALE AND NORTH ARROW: SEE SITE PLAN, NO. 1 / A1.1

H. LEGAL BREAKDOWN FROM SEE SITE PLAN, NO. 3 / A1.1

I. PROPERTY LINES, LEASE LINES, PHASE LINES, EASEMENTS, AND SETBACKS:
LOT A: FRONT (APACHE BLVD) = 0 FT; REAR = 20'-0"; STREET (LEBANON) = 2'-0"; SIDE (EAST) = 0 FT
LOT B: FRONT (APACHE BLVD) = 0 FT; REAR = 20'-0"; SIDE (CANAL) = 0 FT; SIDE (LOT A) = 0 FT

J. PARCEL SIZE:
LOT A: GROSS AREA = 70,410 SF (1.616 ACRES) — 1.07 U. GROSS DENS = 66,972 SF (1.53 ACRES)

K. GENERAL PLAN 2030 PROJECTS LAND USE & PROJECTED DENSITY (EXISTING):
PROJECTED LAND USE: MIXED USE
PROJECTED DENSITY: HIGHER DENSITY (MAX. 15 D.U. PER ACRE)

L. ZONING (EXISTING AND PROPOSED), AND INDICATE IF PROPERTY IS IN AN OVERLAY DISTRICT:
EXISTING ZONING: CSS / MU-4
(THIS PARCEL PROPERTY IS IN THE TRANSPORTATION OVERLAY DISTRICT (T.O.D.))
PROPOSED ZONING: MU-4, HIGH DENSITY (MAX. 0.5 U.P. PER ACRE)

M. BUILDING AREA = 2,100,000 SF TOTAL BUILDINGS
LOT A: APARTMENTS AND RETAIL = 1,400,000 SF (FOUR STORIES ABOVE GRADE)
LOT B: CONDOS / CO-OP AND RETAIL = 700,000 SF (FOUR STORIES ABOVE GRADE, PARKING BELOW)
BUILDING FOOTPRINT: LOT A 43,000 SF; LOT B 16,100 SF
PERCENTAGE OF LOT A COVERAGE = BUILDING FOOTPRINT / PARCEL SIZE OF LOT A (GROSS AREA) 30% = 21,000 SF / 70,410 SF
PERCENTAGE OF LOT B COVERAGE = BUILDING FOOTPRINT / PARCEL SIZE OF LOT B (GROSS AREA) 30% = 16,100 SF / 53,900 SF
HEIGHT OF BUILDING = 60'-0"
NUMBER OF STORIES = THREE TO SIX

N. TYPE OF CONSTRUCTION PER INTERNATIONAL BUILDING CODE:
BUILDING CONSTRUCTION TYPE V-A
PARKING GARAGE BUILDING CONSTRUCTION TYPE I-A

O. INDICATE IF BUILDING(S) WILL BE EQUIPPED WITH AN AUTOMATIC SUPPRESSION SYSTEM PER CITY OF TEMPE REQ.
YES, BUILDING WILL HAVE AN AUTOMATIC SPRINKLER SYSTEM.

P. NUMBER OF DWELLING UNITS, NUMBER AND TYPE OF UNITS: 41 UNITS/ACRE

APARTMENTS: 40 = 2 BEDROOM AND 27 = 1 BEDROOM = 75 TOTAL
CONDOS / CO-OP: 30 = 3 BEDROOM AND 30 = 1 BEDROOM = 60 TOTAL

Q. PARKING REQUIRED (SHARED PARKING AGREEMENT) WITH LOT A AND LOT B:

PARKING FOR MOTOR VEHICLES AND BICYCLES REQUIRED:

PARKING STANDARDS PER TOD:
OCCUPANT PARKING = 0.75 PER BEDROOM
GUEST PARKING = 0.2 PER UNIT

LOT A:
APARTMENTS
27 1 BR @ 600 SF/UNIT = 27 SPA
40 2 BR @ 900 SF/UNIT = 40 SPA
75 UNITS TOTAL — 123 BR x 0.75 = 93 STALLS (OCCUPANT); 75 UNITS x 0.2 = 15 STALLS (GUEST); 108 STALLS REQUIRED

RETAIL / OFFICE
1 PER 300 SF RETAIL (1,300 SF / 300 = 4.3 TOD REDUCTION = 0 STALLS REQ'D)
RESTAURANT
1 PER 75 SF RESTAURANT (2,000 SF / 75 = 0.3 TOD REDUCTION = 17 STALLS REQ'D)

TOTAL PARKING REQUIRED FOR LOT A: 108 + 0 + 17 = 131 STALLS REQUIRED

LOT B:
CONDOS / CO-OP
30 1 BR @ 600 SF/UNIT = 30 SPA
30 2 BR @ 1,000 SF/UNIT = 60 SPA
60 UNITS TOTAL — 90 SPA x 0.75 = 68 STALLS (OCCUPANT); 60 UNITS x 0.2 = 12 STALLS (GUEST); 81 STALLS REQUIRED

RETAIL / OFFICE
1 PER 300 SF RETAIL (1,300 SF / 300 = 4.3 TOD REDUCTION = 7 STALLS REQ'D)

TOTAL PARKING REQUIRED FOR LOT B: 81 + 7 = 88 STALLS REQUIRED

PARKING SUMMARY: LOT A (SHARED PARKING AGREEMENT)

	REQUIRED PARKING	PROVIDED PARKING
APARTMENTS	108	87
RETAIL / OFFICE	8	8
RESTAURANT	17	17
TOTAL STALLS REQUIRED	131	98

PARKING SUMMARY: LOT B

	REQUIRED PARKING	PROVIDED PARKING
CONDOS / CO-OP	81	81
RETAIL / OFFICE	7	7
TOTAL STALLS REQUIRED	88	88

TOTAL REQUIRED PARKING FOR LOT A AND LOT B: 131 + 88 = 219 STALLS (PRIOR TO REDUCTION)

TOTAL REQUIRED / PROVIDED PARKING FOR LOT A AND LOT B: 98 + 88 = 186 STALLS

THE TAX-CREDIT APARTMENTS WILL BE EQUIPPED BY DEAF SERVICES, PAST EXPERIENCE HAS INDICATED THAT APPROXIMATELY 20% OF THE OCCUPANTS WILL DRIVE AND OWN PERSONAL VEHICLES. THIS INCLUDES A 20% REDUCTION IN THE REQUIRED NUMBER OF OCCUPANT SPACES FOR THE APARTMENTS IS REQUESTED.

LOT A
REQUESTED REDUCTION ON OCCUPANT SPACES:
20 x 20% = 20 STALLS

LOT B
REQUESTED REDUCTION ON OCCUPANT SPACES:
20 x 20% = 17 STALLS

TOTAL REQUESTED REDUCTION = 40 STALLS
210 REQUIRED PARKING – 40 STALLS = 170 STALLS REQUIRED

THE REMAINING 170 STALLS REQUIRED BY THIS P.A.D. 190 STALLS PROVIDED = 170 STALLS REQUIRED

TOTAL PARKING PROVIDED:
LOT A: ON-SITE PARKING = 71 STALLS; SHARED PARKING = 27 STALLS; 98 STALLS
LOT B: BELOW CONDOS / CO-OP BLDG = 90 STALLS; LOT B: SURFACE PARKING = 100 STALLS; 190 STALLS
TOTAL PARKING = 190 STALLS PROVIDED

R. LANDSCAPE AREA ON-SITE:
LOT A: 23%
LOT B: 20%

S. FIRE HYDRANT, ON-SITE OR WITHIN 150'-0" OF THE PROPERTY:
EXISTING HYDRANT LOCATIONS SHOWN ON SITE PLAN, SEE SHEET A1.1, NEW HYDRANT LOCATIONS T.B.D.

T. ALL EXISTING AND PROPOSED REFUSE ENCLOSURE SUPPORT LOCATION IS SHOWN ON SITE PLAN, INDICATING TWO 4-YARD TRASH CONTAINERS AND TWO 4-YARD RECYCLE CONTAINERS

U. SHOW AND DIMENSION ALL STREETS, ALLEY, INGRESS AND EGRESS ON BOTH SIDES OF STREET WITHIN 150 FEET OF PROPERTY, INCL. SITE PLAN SHARED ACCESS AGREEMENT FOR LOT B TO BE REQUESTED

V. SHOW ALL EXISTING AND PROPOSED STORM DRAINS, SEWER LINES, WATER LINES, FIRE DEPARTMENT CONNECTIONS AND HYDRANTS. TO BE INDICATED ON FUTURE CIVIL SITE PLANS, EXISTING UTILITIES FOR REF. ONLY.

W. IF ON PROPOSED RETENTION AREA FOR 100 YEAR, ONE HOUR STORM WITH NO BASIN INFORMATION EVALUATION, USING THE CITY OF TEMPE ENGINEERING DESIGN CRITERIA:
TO BE SHOWN ON FUTURE SUBMITTAL WITH SHARED RETENTION AGREEMENT.

RETENTION FOR ALL SITE STORMWATER WILL OCCUR BENEATH THE GARAGE PARKING LOT.

X. BIKE RACKS / BICYCLE COMMUTE AREA:

USE	REQUIRED SPACES	PROPOSED SPACES
1,300 SF RESTAURANT	2	3
7,300 SF RETAIL	4	7
30 100 UNITS	42	51
90 RESIDENTS	90	30
TOTAL REQUIRED	111 SPACES	90 SPACES

DUE TO THE SERVICES ONLY USE OF THE RESIDENTIAL UNITS, A 20% REDUCTION IN SPACES IS PROPOSED.

20 BIKE SPACES WILL BE PROVIDED NEAR THE MAIN BUILDING ENTRANCES. SECURE BICYCLE PARKING FOR WALL 30 PROVIDED FOR RESIDENTS IN THE PARKING LEVEL.

3 LEGAL DESCRIPTION
SCALE: N.T.S.

2 LOCATION MAP
SCALE: N.T.S.

SITE PLAN LEGEND

FIRE HYDRANT	HOT MIXED
FLAG POLE	TRUNCATED DOMES
BOLLARD LIGHT	CONCRETE
LIGHT POLE	
RECESSED LIGHT IN G.G.	
RECESSED LIGHT IN CONCRETE	APPROXIMATE BORING LOCATION
WALL MOUNTED LIGHT	TREE GRATE
RECESSED WALL LIGHT	STREET MONUMENT
	PROPERTY LINE
	EASEMENT / SETBACKS
	SIGHT VISIBILITY TRIANGLES
FL — FL	FIRE LANE
	MANEUVERING CLEARANCES

WSM
WELMAN SPERIDES MICKELBERG
ARCHITECTS

4350 NORTH CAMPBELL AVE
SUITE NO 200
TUCSON ARIZONA 85718
520 408.1011 TEL
520 408.1170 FAX
WMARCH.COM WEB

PROJECT

APACHE ASL TRAILS

2120 EAST APACHE BLVD.
TEMPE, ARIZONA 85281

REV NO.	DATE
△	
△	
△	
△	
△	
△	
△	

PROJECT NO. 07-[illegible]
DRAWN BY [illegible]
CHECKED [illegible]
DATE [illegible]

SITE PLAN, LOCATION PLAN, AND CITY OF TEMPE SITE PLAN CHECKLIST

A1.1

ATTACHMENT 3

LP/GAS ENGINEERING

City of Tempe
Diana Kaminski, Senior Planner
Development Services Department
31 East Fifth Street
Tempe, Arizona 85281

Dear Diana,

This letter is intended to serve as the letter of explanation for the Apache ASL Trails Plat. Apache ASL Trails is owned and being developed by Cardinal Capital Management with WSM Architects and LP/GAS Engineering performing the Architectural and Engineering Services on the project.

The Site Gross acreage is 3.33 acres in size and currently is comprised of nine lots. The Plat for Apache ASL Trails will combine the nine lots into 2 lots and are noted on the plan as "Lot 1" and "Lot 2." Lot 1 will have gross acreage of 1.82 acres and Lot 2 will have a gross acreage of 1.51 acres.

This subdivision will conform to the requirements of the Zoning and Development Code and to other ordinances and regulations of the city and to the Arizona Revised Statutes in every available instance unless to conform to the direction of the City of Tempe staff. This Plat will also conform to the City of Tempe's General Plan.

The site is being designed under the direction of the City of Tempe staff to provide a mixed use of residential, office and retail with adequate parking and public utility connections.

Sincerely,

Kirk McClure
Project Land Planner

W:\Jobs2007\20078001\Project_Information\Submittals\2007-8001lt-001 Letter of Explanation 3-6-08-Kaminski.doc

Western Regional Office

7373 E. Doubletree Ranch Rd.
Suite B-155
Scottsdale, AZ 85258
T 480.285.3000
F 480.285.3100
www.LPGAS-Engineering.com

APACHE ASL TRAILS

A REPLAT OF LOTS 10 THRU 15, AND A PART OF PART OF LOT 1, VICTORY TRACT, AS RECORDED IN BOOK 31 AT PAGE 6 AND

BEING A PART OF THE NORTHWEST QUARTER OF SECTION 19, TOWNSHIP 1 NORTH, RANGE 5 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA

DEDICATION:

KNOW ALL MEN BY THESE PRESENTS:

THAT CARDINAL CAPITAL MANAGEMENT, INC., AS OWNER; HAS REPLATTED UNDER THE NAME OF "APACHE ASL TRAILS", A SUBDIVISION KNOWN AS VICTORY TRACT AS RECORDED IN BOOK 31 AT PAGE 6, LOCATED WITHIN A PORTION OF THE NORTHWEST QUARTER SECTION 19, T. 1 N., R. 5 E. OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA AND HEREBY PUBLISHES THIS PLAT OF "APACHE ASL TRAILS" AND DECLARES THAT SAID PLAT SETS FORTH THE LOCATION AND GIVES THE DIMENSIONS OF THE LOT AND EASEMENTS CONSTITUTING THE SAME AND THAT EACH LOT SHALL BE KNOWN BY THE NUMBER OR NAME GIVEN TO EACH RESPECTIVELY ON SAID PLAT AND HEREBY DEDICATES TO THE CITY OF TEMPE FOR PUBLIC FOR USE AS SUCH THE EASEMENTS AS SHOWN ON SAID PLAT AND IS INCLUDED IN THE ABOVE DESCRIBED PREMISES.

ACKNOWLEDGEMENT:

ON THIS _____ DAY OF _____, 2008 BEFORE ME, THE UNDERSIGNED PERSONALLY APPEARED ERICH SCHWENKER, PRESIDENT, WHO ACKNOWLEDGED HIMSELF TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE INSTRUMENT WITHIN FOR PURPOSES THEREIN CONTAINED.

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

BY:_____ NOTARY PUBLIC

_____ MY COMMISSION EXPIRES

CARDINAL CAPITOL MANAGEMENT, INC.

BY:_____ ERICH SCHWENKER OWNER

DATE:_____

ITS: PRESIDENT

LEGAL DESCRIPTION

(PRIOR TO SUBDIVISION)

THE SOUTH 135.48 FEET OF LOT 10, BLOCK 4, VICTORY TRACT, ACCORDING TO THE PLAT OF RECORD IN THE OFFICE OF THE COUNTY RECORDER OF MARICOPA COUNTY, ARIZONA, IN BOOK 31 OF MAPS, PAGE 6;

LOT 10, BLOCK 4, VICTORY TRACT, ACCORDING TO THE PLAT OF RECORD IN THE OFFICE OF THE COUNTY RECORDER OF MARICOPA COUNTY, ARIZONA, IN BOOK 31 OF MAPS, PAGE 6;

EXCEPT THE SOUTH 175.48 FEET THEREOF.

THE SOUTH 175.48 FEET OF LOT 10, BLOCK 4, VICTORY TRACT, ACCORDING TO THE PLAT OF RECORD IN THE OFFICE OF THE COUNTY RECORDER OF MARICOPA COUNTY, ARIZONA, IN BOOK 31 OF MAPS, PAGE 6;

EXCEPT THE SOUTH 135.48 FEET THERE OF.

LOT 11, BLOCK 4, VICTORY TRACT, ACCORDING TO THE PLAT OF RECORD IN THE OFFICE OF THE COUNTY RECORDER OF MARICOPA COUNTY, ARIZONA, IN BOOK 31 OF MAPS, PAGE 6;

EXCEPT ALL THAT PORTION AS SET FORTH IN THAT CERTAIN FINAL JUDGMENT IN CONDEMNATION IN RECORDING NO. 2007-170511; AND

EXCEPT THE SOUTH 5 FEET THEREOF.

(CONT. PAGE 2 OF 3)

OWNER

CARDINAL CAPITAL MANAGEMENT, INC.
135 SOUTH 84TH STREET
SUITE 100
MILWAUKEE, WI. 53214

DEVELOPER

CARDINAL CAPITAL MANAGEMENT, INC.
135 SOUTH 84TH STREET
SUITE 100
MILWAUKEE, WI. 53214

BENCH MARK

TOP OF BRASS CAP IN HAND HOLE NEAR THE INTERSECTION OF UNIVERSITY DRIVE AND EVERGREEN BEING THE NORTH QUARTER CORNER OF SECTION 19, TOWNSHIP 1 NORTH, RANGE 5 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA HAVING AN ELEVATION OF 1191.88 AS SHOWN ON THE TEMPE, ARIZONA CONTROL MAP.

BASIS OF BEARINGS

THE BASIS OF BEARINGS FOR THIS SURVEY IS N89°43'05"E ALONG THE NORTH LINE OF THE NE QUARTER OF SECTION 19, T1N, R5E, BETWEEN 2 FOUND BRASS CAPS IN HAND HOLES AS SHOWN ON TEMPE, ARIZONA SURVEY CONTROL.(R4)

APPROVALS:

APPROVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA ON THIS _____ DAY OF _____ 2008.

BY: _____ MAYOR — DATE _____

ATTEST: _____ CITY CLERK — DATE _____

BY: _____ CITY ENGINEER — DATE _____

BY: _____ DEVELOPMENT SERVICES — DATE _____

CERTIFICATION

THIS IS TO CERTIFY THAT THE SURVEY OF THE PREMISES DESCRIBED AND PLATTED HEREON WAS MADE UNDER MY DIRECTION DURING THE MONTH OF FEBRUARY, 2008; THAT THE SURVEY IS TRUE AND COMPLETE AS SHOWN; THAT THE MONUMENTS SHOWN ACTUALLY EXIST OR WILL BE SET AS SHOWN; THAT THE POSITIONS ARE CORRECTLY SHOWN AND THE SAID MONUMENTS ARE SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED.

_____ RONALD J. BARBALA, P.L.S. 33307 — DATE

VICINITY MAP

LEGEND

RIGHT-OF-WAY-LINE	
PROPERTY LINE	
EASEMENT LINE	
MONUMENT LINE	
SUBDIVISION CORNER PIN TO BE SET	
FOUND BRASS CAP IN HAND HOLE	
PROPERTY CORNER TO BE SET	
MARICOPA COUNTY RECORDER	
SANITARY SEWER EASEMENT LINE	
FOUND MONUMENT AS DESCRIBED	○
MEASURED	(M)
PLAT-VICTORY TRACT, RECORDED AT BOOK 31 PAGE 6	(P)
RECORD	(R)
CALCULATED	(C)

NOTES:

1) THIS SUBDIVISION IS LOCATED WITHIN THE CITY OF TEMPE AND HAS BEEN DESIGNATED AS HAVING AN ASSURED WATER SUPPLY.
2) LOT CORNERS TO BE SET WITH 1/2" REBAR BEARING LS#33307 UNLESS OTHERWISE NOTED
3) ALL NEW AND EXISTING, AS WELL AS ON-SITE AND OFF-SITE UTILITY LINES (OTHER THAN TRANSMISSION LINES) SHALL BE PLACED UNDERGROUND.

FLOOD CERTIFICATION:

THIS IS TO CERTIFY THAT THE ABOVE SUBJECT PROPERTY LIES WITHIN ZONE "SHADED" AS DESIGNATED ON THE FLOOD INSURANCE RATE MAP, MAP NUMBER 040054, PANE; NO. 2170 D, DATED SEPTEMBER 30, 2005. AREAS OF 0.2% ANNUAL CHANCE FLOOD; AREAS OF 1% 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.

7373 E. Doubletree Ranch Road
Suite D-105
Scottsdale, Arizona 85258
480-298-3000
FAX 480-298-3100

DS071108 SBD08006 REC08009

REC08009 SBD08006 DS071108

ATTACHMENT 5

APACHE ASL TRAILS

LEGAL DESCRIPTION (CONT. PAGE 1 OF 3)

(LEGAL DESCRIPTION PRIOR TO SUBDIVISION CONTINUED)

LOT 12, BLOCK 4, VICTORY TRACT, ACCORDING TO THE PLAT OF RECORD IN THE OFFICE OF THE COUNTY RECORDER OF MARICOPA COUNTY, ARIZONA, IN BOOK 31 OF MAPS, PAGE 6;

EXCEPT THE SOUTH 5 FEET THEREOF.

LOT 13, BLOCK 4, VICTORY TRACT, ACCORDING TO THE PLAT OF RECORD IN THE OFFICE OF THE COUNTY RECORDER OF MARICOPA COUNTY, ARIZONA, IN BOOK 31 OF MAPS, PAGE 6 AND THE WEST 30 FEET OF LOT 14, BLOCK 4;

EXCEPT THE NORTH 10 FEET THEREOF; AND

EXCEPT THE SOUTH 5 FEET THEREOF.

LOT 14, BLOCK 4, VICTORY TRACT, ACCORDING TO THE PLAT OF RECORD IN THE OFFICE OF THE COUNTY RECORDER OF MARICOPA COUNTY, ARIZONA, IN BOOK 31 OF MAPS, PAGE 6; AND

EXCEPT THE WEST 30 FEET AND THE NORTH 10 FEET THEREOF; AND

EXCEPT THE SOUTH 5 FEET THEREOF.

EXCEPTING FROM EACH OF THE AFOREMENTIONED PARCELS ANY PORTION OF THOSE PREMISES CONVEYED IN FEE SIMPLE TO THE CITY OF TEMPE, ARIZONA IN FINAL ORDER OF CONDEMNATION AS RECORDED IN RECORDING NO. 2007-0351869 AND RECORDING NO. 2007-0360101 AND IN FINAL ORDER OF CONDEMNATION IN RECORDING NO. 2007-0511575 AND AMENDED IN RECORDING NO. 2007-0691737 AND RECORDING NO. 07220239.

LOT 15, BLOCK 4, VICTORY TRACT, ACCORDING TO BOOK 31 OF MAPS, PAGE 6, RECORDS OF MARICOPA COUNTY, ARIZONA,

THAT PORTION OF LOT 1, BLOCK 4, VICTORY TRACT, ACCORDING TO BOOK 31 OF MAPS, PAGE 6, RECORDS OF MARICOPA COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID LOT 1;

THENCE SOUTH ALONG THE WEST LINE OF SAID LOT 1, A DISTANCE OF 304 FEET TO A POINT 10 FEET SOUTH OF THE NORTHEAST CORNER OF LOT 15 OF SAID BLOCK 4 AND THE TRUE POINT OF BEGINNING;

THENCE EAST ALONG A LINE 10 FEET SOUTH OF AND PARALLEL TO THE EASTERLY PROLONGATION OF THE NORTH LINE OF LOT 15 OF SAID BLOC 4, TO A POINT ON THE EASTERLY LINE OF SAID LOT 1;

THENCE SOUTHWESTERLY ALONG THE EASTERLY LINE OF SAID LOT 1 TO THE MOST SOUTHERLY CORNER OF SAID LOT 1;
THENCE NORTH ALONG THE WEST LINE OF SAID LOT 1, A DISTANCE OF 86.02 FEET TO THE TRUE POINT OF BEGINNING.

REC08009

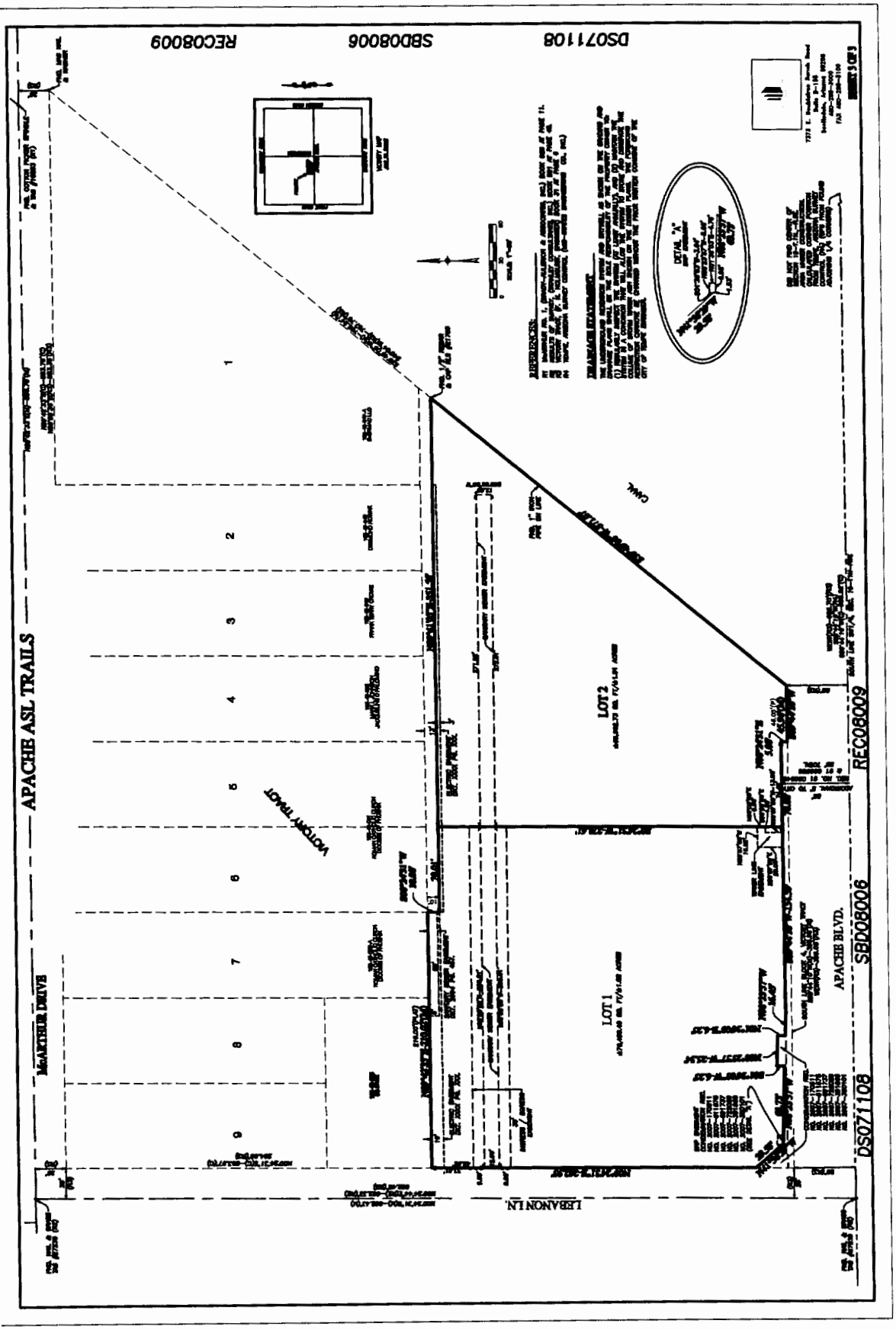
SBD08006

DS071108

7373 E. Doubletree Ranch Road
Suite S-190
Scottsdale, Arizona 85258
480-289-2000
FAX 480-289-2100

DS071108 SBD08006 REC08009

ATTACHMENT 6



ATTACHMENT 7