

When recorded, return to:
Paradise Valley Town Attorney
6401 East Lincoln Drive
Paradise Valley, Arizona 85253

ORDINANCE NUMBER 2022-02

AN ORDINANCE OF THE TOWN OF PARADISE VALLEY, ARIZONA, GRANTING A SPECIAL USE PERMIT FOR PRIVATE ROADWAY ACCESS GATES AND RELATED IMPROVEMENTS UNDER THE TERMS OF ARTICLE XI, SPECIAL USES AND ADDITIONAL USE REGULATIONS, ON EAST COTTONTAIL RUN ROAD; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, in accordance with Article II, Sections 1 and 2, constitution of Arizona, the Town Council has considered the individual property rights and personal liberties of the residents of the Town before adopting this ordinance; and

WHEREAS, an application was filed on October 11, 2021, on behalf of Cottontail Run Road, LLC, an Arizona limited liability company, and CLT 7117, LLC, an Arizona limited liability company (collectively, the “Applicant”), for a new Special Use Permit SUP-21-02 (the “Application”) for a private roadway gate on the existing private road of East Cottontail Run Road, Maricopa County Assessor’s Parcel Number (“APN”) 169-08-044J (the “Private Road Property”) located at 5000 East Cottontail Run Road, which includes an easement for a portion of the turnaround in front of the private roadway gate on an adjoining residential property at located at 7117 N. Tatum Boulevard, APN 169-08-044D (the “Adjacent Property Easement” and together with the Private Road Property, the “Property”); and

WHEREAS, the Private Road Property has a General Plan designation of Open Space and the Adjacent Property Easement has a General Plan designation of Low Density Residential, both with a zoning district of R-43, Single-Family Residential, which allows for consideration of private roadway gates pursuant to Article XI, Special Uses and Additional Use Regulations, of the Town of Paradise Valley Zoning Ordinance; and

WHEREAS, the existing private road currently provides access to a total of nine existing homes and one potential future home (for a total of ten homes), these properties being 4820 E. Cottontail Run Road (APN 169-08-043), 4928 E. Cottontail Run Road (APN 169-08-044H), 5001 E. Cottontail Run Road (APN 169-08-053), 5022 E. Cottontail Run Road (APN 169-08-044G), 5035 E. Cottontail Run Road (APN 169-08-035), 5044 E. Cottontail Run Road (APN 169-08-041), 5045 E. Cottontail Run Road (APN 169-08-039), 5055 E. Cottontail Run Road (APN 169-08-036), and 7201 N. Cottontail Run Road (APN 169-08-044B and 169-08-044F) (collectively, the “Cottontail Properties”); and

WHEREAS, the Town of Paradise Valley Town Council (the “Town Council”) provided a Statement of Direction (the “SOD”) to the Town of Paradise Valley Planning Commission (the “Planning Commission”) at a public meeting on December 2, 2021, and revised the SOD on February 24, 2022, to provide additional time for the Planning Commission recommendation,

within the allowable time limits prescribed in Article 2-5, Committees and Commissions, of the Town Code; and

WHEREAS, the SOD gave guidance to the Planning Commission to evaluate the private roadway access gates for overall safety and conceptual design; and

WHEREAS, the Planning Commission held a public hearing on February 15, 2022, which was continued to March 1, 2022, and again to April 19, 2022, in the manner prescribed by law, for the purpose of considering the request to approve the private roadway gate and related improvements on the Property, after which hearings the Planning Commission recommended approval with conditions; and

WHEREAS, the Town Council held a public hearing on May 26, 2022, in the manner prescribed by law, to hear and take action on Ordinance Number 2022-02 regarding said request to approve a private roadway gate and related improvements as recommended by the Planning Commission; and

WHEREAS, the Town Council hereby finds that the Applicant met the requirements of Section 2-5-2.F, Citizen Review Process, including holding Citizen Review sessions on January 31, 2022, to provide a reasonable opportunity for the Applicant, adjacent landowners, and other potentially affected citizens to discuss issues or concerns they may have with the Application; and

WHEREAS, the Town of Paradise Valley General Plan discourages the installation of private roadway gates. However, given the access and proximity of the Property onto the major arterial of Tatum Boulevard, the small number of homes that will access the private roadway gate, and the location of the home sites, which are cut off from nearby public streets, a private roadway gate is justified in this instance.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Paradise Valley, Arizona, as follows:

Section 1. The recitals above are incorporated as if fully set forth herein.

Section 2. Special Use Permit SUP-21-02 is hereby approved, permitting the installation and use of a private roadway access gate and related improvements subject to the following conditions:

1. SUP-21-02 shall only allow for private roadway gates and related improvements on portions of the Property described in Exhibit A-1 and Exhibit A-2.
2. All improvements shall be in substantial compliance with all of the following, which are on file in the Town's Community Development and Engineering Department):
 - a. The narrative prepared by Rose Law Group dated February 17, 2022.

- b. The Gated Entry Conceptual Site Plan prepared by CVL Consultants, dated February 7, 2022.
 - c. The Gated Entry Conceptual Elevations prepared by CVL Consultants, dated May 9, 2022.
 - d. The Gated Entry Conceptual Lighting Plan prepared by CVL Consultants, dated November 16, 2021.
 - e. The Gated Entry Conceptual Grading Plan prepared by CVL Consultants, dated February 7, 2022.
 - f. The traffic study prepared by Lokahi, Jamie Ann K. Blakeman, registered professional engineer, dated January 3, 2022.
- 3. The owners of the Property shall provide the Town, in a form acceptable to the Town Attorney, a Grant of Access Easement Over Private Roadway and Private Roadway Maintenance Agreement for the private roadway, private roadway gates, emergency access gate, and any related roadway/gate improvements on the Property. This form shall be reviewed by the Town Attorney, be in compliance to applicable local and state laws, be executed by all owners of the Property and be recorded with the Maricopa County Recorder's Office prior to the effective date of this ordinance.
 - 4. The owners of the Property shall provide to the Town a duly recorded Declaration of Easements or similar agreement granting all owners of the Cottontail Properties ingress/egress access over the Adjacent Property Easement (as the individual deeds for the Cottontail Properties already provide ingress/egress over East Cottontail Run Road) along with all necessary access devices and other pertinent items/information. Said declaration shall be recorded with the Maricopa County Recorder's Office prior to the effective date of this ordinance.
 - 5. Completion of the improvements shall meet all Federal, State, and Town requirements, including, but not limited to, applicable Town of Paradise Valley Community Development Department permit review, approval, and inspections (submittal of a final grading and drainage plan with detailed plans, retention calculations, percolation test data, and related information for staff review, approval, inspection, and as-builts; a building permit for the private roadway gate and retaining wall, and a Storm Drainage Facilities Agreement pursuant to the Town's Storm Drainage Design Manual).
 - 6. The owners of the Property and each of the Cottontail Properties shall provide the Town with a signed Waiver of Claims for Diminution of Value under A.R.S. § 12-1134 (Proposition 207 Waiver) in the form provided by the Town Attorney prior to Town Council approval of this Application, with said form recorded with the Maricopa County Recorder's Office prior to the effective date of this ordinance.
 - 7. The owners of the Property shall provide the Town a fully-executed agreement among

all of the owners of the Property and the Cottontail Properties confirming their approval of the proposed gate installation and documenting their agreement regarding long-term administration, operations, financial assurance, and other matters related to the private roadway access gate and related improvements. Said private agreement shall be recorded with the Maricopa County Recorder's Office prior to the effective date of this ordinance.

Section 3. If any section, subsection, sentence, clause, phrase, or portion of this ordinance or any part of this ordinance 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 4. This ordinance shall become effective at the time and in the manner prescribed by law.

PASSED AND ADOPTED by the Mayor and Town Council of the Town of Paradise Valley, Arizona, this _____ day of _____, 2022.

Jerry Bien-Willner, Mayor

ATTEST:

Duncan Miller, Town Clerk

APPROVED AS TO FORM:

Andrew J. McGuire, Town Attorney

EXHIBIT A-1: ADJACENT ROAD EASEMENT DESCRIPTION

The Adjacent Road Easement Area on 7117 N. Tatum Boulevard, as described in the legal description prepared by CVL Consultants dated November 30, 2001, sealed by Registered Land Surveyor Richard G. Alcocer on December 6, 2021.

See following pages

- The Turnaround Easement Area

November 30, 2021

**LEGAL DESCRIPTION FOR
EAST COTTONTAIL RUN ROAD
TURNAROUND EASEMENT**

That part of that certain parcel of land described in Document No. 2020-1274156 Records of Maricopa County, Arizona, being a part of the Southwest Quarter of Section 5, Township 2 North, Range 4 East of the Gila and Salt River Meridian, Maricopa County, Arizona, more particularly described as follows:

Commencing at the Town of Paradise Valley Brass Cap flush marking the Southwest Corner of said Section 5, from which the Maricopa County Aluminum Cap marking the South Quarter Corner of said Section 5 bears North 89°56'35" East, a distance of 2,629.46 feet;

Thence North 89°56'35" East, along the South line of the Southwest Quarter of said Section 5, a distance of 656.96 feet to a point on the monument line of Tatum Boulevard;

Thence North 00°14'15" West, along said monument line, a distance of 849.51 feet to a point on the monument line of a private roadway as depicted in Book 430 of Maps, Page 39, Records of Maricopa County, Arizona;

Thence North 89°59'35" East, along said monument line, a distance of 126.04 feet;

Thence North 00°00'25" West, departing said monument line, a distance of 25.00 feet to a point on the South line of said certain parcel of land, said point being the True Point of Beginning and also a point on a 40.50 foot radius non-tangent curve, whose center bears South 78°36'27" East;

Thence Easterly, along said curve, through a central angle of 156°59'47", a distance of 110.97 feet to a point on a 31.06 foot radius non-tangent curve, whose center bears North 05°29'08" West;

Thence Westerly, along said curve, through a central angle of 05°28'43", a distance of 2.97 feet to a point on the South line of said certain parcel of land;

Thence South 89°59'35" West, along said South line, a distance of 76.41 feet to the True Point of Beginning.

Containing 1,932 Square Feet or 0.044 Acres, more or less.



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EAST COTTONTAIL RUN ROAD
TURNAROUND EASEMENT
CLOSURE REPORT

N89°56'35.0000" E 656.96

Misclosure: 1/23,575

N00°14'15.0000" W 849.51

North Error: 0.000055

East Error: 0.006734

N89°59'35.0000" E 126.04

N00°00'25.0000" W 25.00

BOUNDARY

RB = S78°36'27.0447" E

R = 40.50

A = 110.97

C = 79.37

CB = N89°53'26.3051" E

D = 156°59'46.6996"

T = 199.03

RB = N78°23'19.6549" E

RB = N05°29'07.5588" W

R = 31.06

A = 2.97

C = 2.97

CB = S87°15'13.7207" W

D = 05°28'42.5589"

T = 1.49

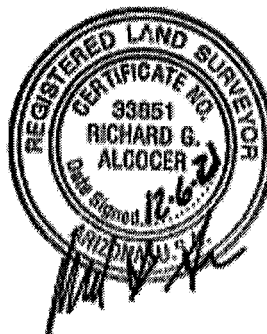
RB = S00°00'24.9999" E

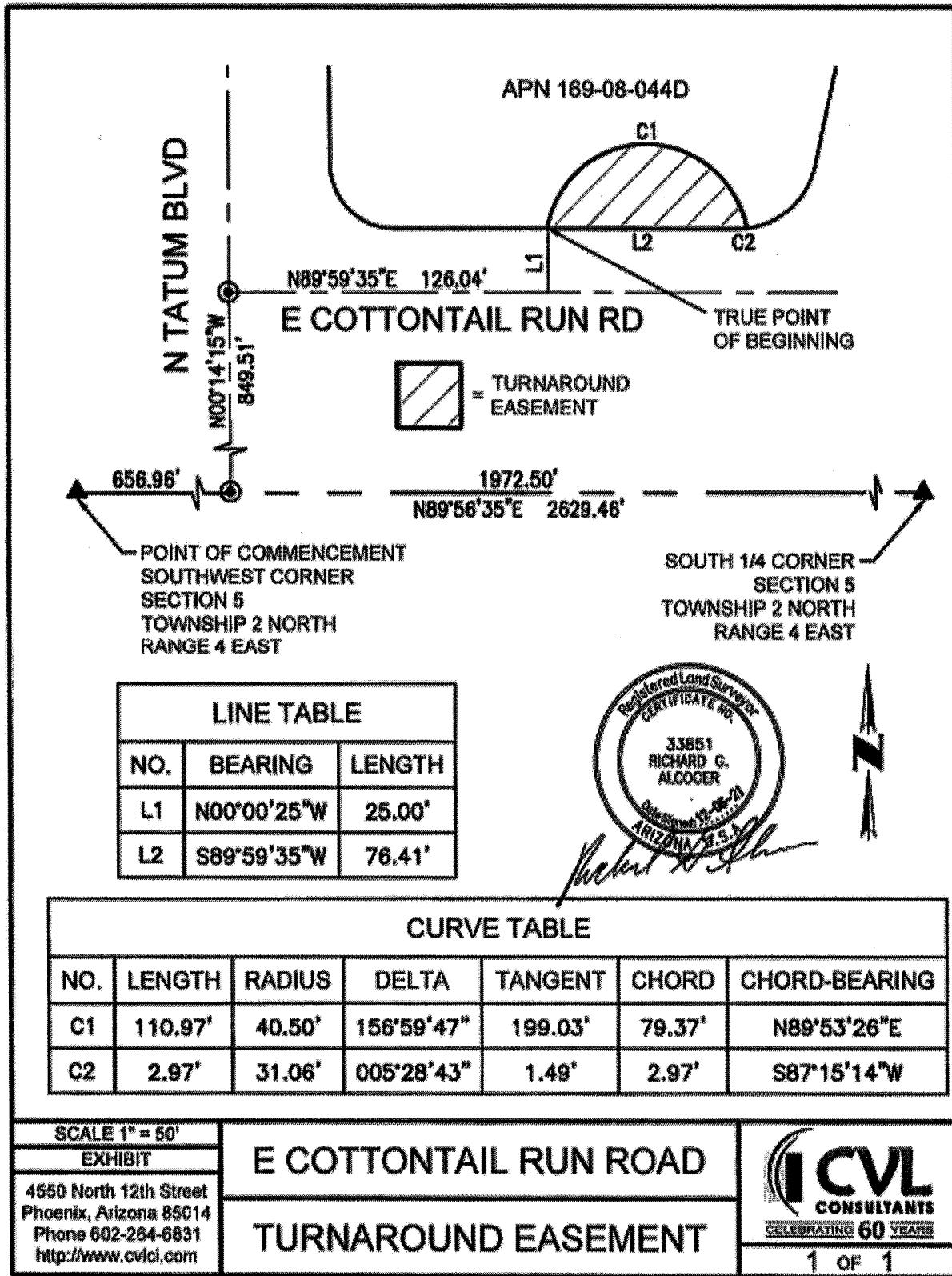
S89°59'35.0001" W 76.41

S45°00'00.0000" W 0.00

Area = 1932.22 0.044 AC

Closing course: 90°28'02.7167"
0.006734





N:\01\0214801\CADD\Exhibits\X\TURNAROUND.ESMT.dwg Dominique December 6, 2021

EXHIBIT A-2: PRIVATE ROAD PROPERTY DESCRIPTION

The private road of East Cottontail Run Road as legally described below:

THAT PORTION OF THE PRIVATE ROAD SHOWN ON THE PLAT OF MARSHMALLOW MOUNTAIN LAND REPLAT, BOOK 430, PAGE 39, COMMONLY KNOWN AS COTTONTAIL RUN EAST DESCRIBED AS FOLLOWS:

A ROADWAY 50.00 FEET WIDE BEING 25.00 FEET ON EITHER SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

COMMENCING AT A POINT MARKING THE INTERSECTION OF THE SOUTH LINE OF SAID SECTION 5, TOWNSHIP 2 NORTH, RANGE 4 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA AND THE CENTERLINE OF THAT CERTAIN ROADWAY KNOWN AS TATUM BOULEVARD AS RECORDED IN BOOK 9 OF ROAD MAPS, PAGE 16, THEREOF, RECORDS OF MARICOPA COUNTY, ARIZONA AND SHOWN ON THE PLAT OF SAID PARADISE HILLS;

THENCE NORTH 00 DEGREES 14 MINUTES 15 SECONDS WEST, ALONG THE CENTERLINE OF SAID TATUM BOULEVARD, 849.67 FEET TO THE TRUE POINT OF BEGINNING;

THENCE NORTH 89 DEGREES 59 MINUTES 35 SECONDS EAST, 746.50 FEET TO A POINT MARKING THE BEGINNING OF A CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 41 DEGREES 47 MINUTES 00 SECONDS, AND A RADIUS OF 196.49 FEET AND A TANGENT DISTANCE OF 75.00 FEET;

THENCE ALONG THE ARC OF SAID CURVE TO THE LEFT, 143.29 FEET TO A POINT MARKING THE TERMINUS OF SAID CURVE TO THE LEFT;

THENCE NORTH 48 DEGREES 12 MINUTES 35 SECONDS EAST, 182.20 FEET TO A POINT MARKING THE BEGINNING OF A CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 27 DEGREES 17 MINUTES 30 SECONDS, AND A RADIUS OF 342.79 FEET AND A TANGENT DISTANCE OF 83.22 FEET;

THENCE ALONG THE ARC OF SAID CURVE TO THE LEFT, 163.28 FEET TO A POINT MARKING THE BEGINNING OF A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 10 DEGREES 05 MINUTES 37 SECONDS, AND A RADIUS OF 447.87 FEET AND A TANGENT DISTANCE OF 42.20 FEET;

THENCE ALONG THE ARC OF SAID CURVE TO THE RIGHT, 84.18 FEET TO A POINT MARKING THE TERMINUS OF SAID CURVE TO THE RIGHT;

THENCE NORTH 31 DEGREES 00 MINUTES 42 SECONDS EAST, 45.00 FEET TO THE POINT MARKING THE CENTER OF A CIRCLE HAVING A RADIUS OF 40.00 FEET, SAID POINT ALSO BEING THE TERMINUS OF THE CENTRAL UNE HERE DESCRIBED;

EXCEPT ANY PART LYING WITHIN TATUM BOULEVARD, AND

EXCEPT ALL, GAS, OIL, METALS AND MINERAL RIGHTS AS RESERVED TO THE STATE OF ARIZONA IN PATENT RECORDED IN DOCKET 1104, PAGE 271, AND RE-RECORDED IN DOCKET 1220, PAGE 568, RECORDS OF MARICOPA COUNTY, ARIZONA.

Track Change Ordinance 2022-02

Edits from Town Attorney after May 12, 2022 Council Study Session

When recorded, return to:
Paradise Valley Town Attorney
6401 East Lincoln Drive
Paradise Valley, Arizona 85253

ORDINANCE NUMBER 2022-02

AN ORDINANCE OF THE TOWN OF PARADISE VALLEY, ARIZONA, GRANTING A SPECIAL USE PERMIT FOR PRIVATE ROADWAY ACCESS GATES AND RELATED IMPROVEMENTS UNDER THE TERMS OF ARTICLE XI, SPECIAL USES AND ADDITIONAL USE REGULATIONS, ON EAST COTTONTAIL RUN ROAD; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, in accordance with Article II, Sections 1 and 2, constitution of Arizona, the Town Council has considered the individual property rights and personal liberties of the residents of the Town before adopting this ordinance; and

WHEREAS, an application was filed on October 11, 2021, on behalf of Cottontail Run Road, LLC, an Arizona limited liability company, and CLT 7117, LLC, an Arizona limited liability company (collectively, the “Applicant”), for a new Special Use Permit SUP-21-02 (the “Application”) for a private roadway gate on the existing private road of East Cottontail Run Road, ~~Maricopa County, Arizona at~~ Maricopa County ~~Tax Assessor’s~~ Parcel Number (“APN”) 169-08-044J (the “Private Road Property”) located at 5000 East Cottontail Run Road, which includes an easement for a portion of the turnaround in front of the private roadway gate on an adjoining residential property at located at 7117 N. Tatum Boulevard ~~Maricopa County Tax Parcel, APN~~ 169-08-044D (collectively the “Adjacent Property Easement” and together with the Private Road Property, the “Property”); and

WHEREAS, the ~~private road portion of the~~ Private Road Property has a General Plan designation of Open Space and the ~~turnaround easement on the other portion of the~~ Adjacent Property Easement has a General Plan designation of Low Density Residential, both with a zoning district of R-43, Single-Family Residential, which allows for consideration of private roadway gates pursuant to Article XI, Special Uses and Additional Use Regulations, of the Town of Paradise Valley Zoning Ordinance; and

WHEREAS, the ~~proposed gate~~ existing private road currently provides access to a total of nine existing homes and one potential future home (for a total of ten homes), these properties being 4820 E. Cottontail Run Road (~~Maricopa County Tax Parcel~~ APN 169-08-043), 4928 E. Cottontail Run Road (~~Maricopa County Tax Parcel~~ APN 169-08-044H), 5001 E. Cottontail Run Road (~~Maricopa County Tax Parcel~~ APN 169-08-053), 5022 E. Cottontail Run Road (~~Maricopa County Tax Parcel~~ APN 169-08-044G), 5035 E. Cottontail Run Road (~~Maricopa County Tax Parcel~~ APN 169-08-035), 5044 E. Cottontail Run Road (~~Maricopa County Tax Parcel~~ APN 169-08-041), 5045 E. Cottontail Run Road (~~Maricopa County Tax Parcel~~ APN 169-08-039), 5055 E. Cottontail Run Road (~~Maricopa County Tax Parcel~~ APN 169-08-036), and 7201 N. Cottontail Run Road (~~Maricopa County Tax Parcels~~ APN 169-08-044B and 169-08-044F) (collectively, the “Cottontail Properties”); and

WHEREAS, the Town of Paradise Valley Town Council ~~(the “Town Council”)~~ provided a Statement of Direction (the “SOD”) to the Town of Paradise Valley Planning Commission ~~(the “Planning Commission”)~~ at a public meeting on December 2, 2021, and revised the SOD on February 24, 2022, to provide additional time for the Planning Commission recommendation, within the allowable time limits prescribed in Article 2-5, Committees and Commissions, of the Town Code; and

WHEREAS, ~~this~~the SOD gave guidance to the ~~Town of Paradise Valley~~ Planning Commission to evaluate the private roadway access gates for overall safety and conceptual design; and

WHEREAS, the ~~Town of Paradise Valley~~ Planning Commission held a public hearing on February 15, 2022, which was continued to March 1, 2022, and again to April 19, 2022 ~~to allow for the applicant and the homeowners behind the proposed private roadway gate additional opportunity to work out operational, maintenance, and management details~~, in the manner prescribed by law, for the purpose of considering the request to approve the private roadway ~~gates~~gate and related improvements on the Property, ~~and after which hearings the Planning Commission~~ recommended approval with conditions; and

WHEREAS, the Town ~~of Paradise Valley~~ Council held a public hearing on _____ May 26, 2022, in the manner prescribed by law, to hear and take action on Ordinance Number 2022-02 regarding said request to approve a private roadway ~~gates~~gate and related improvements as recommended by the Planning Commission; and

WHEREAS, the Town ~~of Paradise Valley~~ Council hereby finds that the Applicant met the requirements of Section 2-5-2.F, Citizen Review Process, including holding Citizen Review sessions on January 31, 2022, to provide a reasonable opportunity for the Applicant, adjacent landowners, and other potentially affected citizens to discuss issues or concerns they may have with the Application; and

WHEREAS, the Town of Paradise Valley General Plan discourages the installation of private roadway gates. However, given the access and proximity of the Property onto the major arterial of Tatum Boulevard, the small number of homes ~~within~~ that will access the private roadway gate, and ~~that this grouping of homesites is cutoff~~the location of the home sites, which are cut off from nearby public streets ~~since it is surrounded by the Paradise Hills subdivision platted in 1953 encompassing the Paradise Valley Country Club and its golf course,~~ a private roadway ~~gates~~gate is justified in this instance.

NOW, THEREFORE, BE IT ORDAINED ~~BY THE MAYOR AND TOWN COUNCIL OF THE TOWN OF PARADISE VALLEY, ARIZONA THAT~~by the Town Council of the Town of Paradise Valley, Arizona, as follows:

~~SECTION 1. The Property is granted~~

Section 1. The recitals above are incorporated as if fully set forth herein.

Section 2. Special Use Permit SUP-21-02 is hereby approved, permitting the ~~use and~~ installation and use of a private roadway access ~~gates~~gate and related improvements subject to the following conditions: ~~set forth in Section 2, and subject to Section 4 of this ordinance.~~

~~SECTION 2. Conditions.~~

1. SUP-21-02 shall only allow for private roadway gates and related improvements on portions of the Property described in Exhibit A-1 and Exhibit A-2.
2. All improvements shall be in substantial compliance with all of the following, which are on file in the Town's Community Development and Engineering Department:
 - a. The narrative prepared by Rose Law Group dated February 17, 2022~~7~~.
 - b. The Gated Entry Conceptual Site Plan prepared by CVL Consultants, dated February 7, 2022~~7~~.
 - c. The Gated Entry Conceptual Elevations prepared by CVL Consultants, dated ~~May 9 February 14~~, 2022~~,~~.
 - d. The Gated Entry Conceptual Lighting Plan prepared by CVL Consultants, dated November 16, 2021~~7~~.
 - e. The Gated Entry Conceptual Grading Plan prepared by CVL Consultants, dated February 7, 2022~~, and~~.
 - f. The traffic study prepared by Lokahi, Jamie Ann K. Blakeman, registered professional engineer, dated January 3, 2022.
3. The ~~owner~~owners of the Property~~, or successors,~~ shall provide the Town, in a form acceptable to the Town Attorney, a Grant of Access Easement Over Private Roadway and Private Roadway Maintenance Agreement for the private roadway, private roadway gates, emergency access gate, and any related roadway/gate improvements on the Property. This form shall be reviewed by the Town Attorney, be in compliance to applicable local and state laws, be executed by all owners of the Property and be recorded with the Maricopa County Recorder's Office~~. Said form shall be recorded prior to or on~~ the effective date of this ordinance.
4. The ~~owner~~owners of the Property shall ~~submit for~~provide to the Town ~~records~~a duly recorded ~~document(s) of a~~ Declaration of Easements or similar agreement granting all owners of the Cottontail Properties ingress/egress access over the ~~turnaround easement on the~~Adjacent Property Easement (as the individual deeds for the Cottontail Properties already provide ingress/egress over East Cottontail Run Road) along with all necessary access devices and other pertinent items/information. Said ~~form~~declaration shall be recorded with the Maricopa County Recorder's Office prior to ~~or on~~ the effective date of this ordinance~~.~~.
5. Completion of the improvements shall meet all Federal, State, and Town requirements~~. This includes, including, but not limited to,~~ applicable Town of Paradise Valley Community Development Department permit review, approval, and inspections~~. This includes, and is not limited to, the~~ (submittal of a final grading and drainage plan with detailed plans, retention calculations, percolation test data, and

related information for staff review, approval, inspection, and as-builts; a building permit for the private roadway gate and retaining wall, and a Storm Drainage Facilities Agreement pursuant to the Town's Storm Drainage Design Manual).

6. The ~~owner~~owners of ~~each~~the Property and each of the Cottontail Properties shall provide the Town with a signed Waiver of Claims for Diminution of Value under A.R.S. § 12-1134 (Proposition 207 Waiver) in the form provided by the Town Attorney prior to Town Council approval of this Application, with said form recorded with the Maricopa County Recorder's Office prior to ~~or on~~ the effective date of this ordinance.
7. The ~~owner(s)~~owners of the Property shall ~~submit for~~provide the Town ~~records duly recorded document(s) of the private~~a fully-executed agreement ~~between~~among all of the owner(s) owners of the Property and the Cottontail Properties ~~regarding items such as a fully-executed agreement from all owner(s) of the Cottontail Properties conveying~~confirming their approval of the proposed gate installation, ~~the documentation on and documenting their agreement regarding~~ long-term administration, operations, financial assurance, and other matters related ~~matters to the private roadway access gate and related improvements~~. Said private agreement shall be recorded with the Maricopa County Recorder's Office prior to ~~or on~~ the effective date of this ordinance.

~~SECTION~~Section 3. ~~Severability~~. If any section, subsection, sentence, clause, phrase, or portion of this ordinance or any part of this ordinance 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~~Section 4. ~~Effective Date~~. This ordinance shall become effective at the time and in the manner prescribed by law.

PASSED AND ADOPTED by the Mayor and Town Council of the Town of Paradise Valley, Arizona, this _____ day of _____, 2022.

Jerry Bien-Willner, Mayor

~~SIGNED AND ATTESTED TO THIS~~ _____ ~~DAY OF~~ _____ ~~2022~~

ATTEST:

Duncan Miller, Town Clerk

APPROVED AS TO FORM:

Andrew J. McGuire, Town Attorney

CERTIFICATION

~~I, Duncan Miller, Town Clerk, certify that this is a correct copy of Ordinance Number _____ duly adopted by the Town Council of Paradise Valley at a meeting held on this _____ day of _____, 2022. This Ordinance appears in the minutes of the meeting, and has not been rescinded or modified and is now in effect. I further certify that the municipal corporation is duly organized and existing, and has the power to take the action called for by the foregoing ordinance.~~

Duncan Miller, Town Clerk

EXHIBIT A-1: ~~PROPERTY~~ADJACENT ROAD EASEMENT DESCRIPTION

~~Turnaround~~The Adjacent Road Easement Area on 7117 N. Tatum Boulevard, as described in the legal description prepared by CVL Consultants dated November 30, 2001, sealed by Registered Land Surveyor Richard G. Alcocer on December 6, 2021.

See following pages

EXHIBIT A-2: PRIVATE ROAD PROPERTY DESCRIPTION

The private road of East Cottontail Run Road as legally described below:

THAT PORTION OF THE PRIVATE ROAD SHOWN ON THE PLAT OF MARSHMALLOW MOUNTAIN LAND REPLAT, BOOK 430, PAGE 39, COMMONLY KNOWN AS COTTONTAIL RUN EAST DESCRIBED AS FOLLOWS:

A ROADWAY 50.00 FEET WIDE BEING 25.00 FEET ON EITHER SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

COMMENCING AT A POINT MARKING THE INTERSECTION OF THE SOUTH LINE OF SAID SECTION 5, TOWNSHIP 2 NORTH, RANGE 4 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA AND THE CENTERLINE OF THAT CERTAIN ROADWAY KNOWN AS TATUM BOULEVARD AS RECORDED IN BOOK 9 OF ROAD MAPS, PAGE 16, THEREOF, RECORDS OF MARICOPA COUNTY, ARIZONA AND SHOWN ON THE PLAT OF SAID PARADISE HILLS;

THENCE NORTH 00 DEGREES 14 MINUTES 15 SECONDS WEST, ALONG THE CENTERLINE OF SAID TATUM BOULEVARD, 849.67 FEET TO THE TRUE POINT OF BEGINNING;

THENCE NORTH 89 DEGREES 59 MINUTES 35 SECONDS EAST, 746.50 FEET TO A POINT MARKING THE BEGINNING OF A CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 41 DEGREES 47 MINUTES 00 SECONDS, AND A RADIUS OF 196.49 FEET AND A TANGENT DISTANCE OF 75.00 FEET;

THENCE ALONG THE ARC OF SAID CURVE TO THE LEFT, 143.29 FEET TO A POINT MARKING THE TERMINUS OF SAID CURVE TO THE LEFT;

THENCE NORTH 48 DEGREES 12 MINUTES 35 SECONDS EAST, 182.20 FEET TO A POINT MARKING THE BEGINNING OF A CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 27 DEGREES 17 MINUTES 30 SECONDS, AND A RADIUS OF 342.79 FEET AND A TANGENT DISTANCE OF 83.22 FEET;

THENCE ALONG THE ARC OF SAID CURVE TO THE LEFT, 163.28 FEET TO A POINT MARKING THE BEGINNING OF A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 10 DEGREES 05 MINUTES 37 SECONDS, AND A RADIUS OF 447.87 FEET AND A TANGENT DISTANCE OF 42.20 FEET;

THENCE ALONG THE ARC OF SAID CURVE TO THE RIGHT, 84.18 FEET TO A POINT MARKING THE TERMINUS OF SAID CURVE TO THE RIGHT;

THENCE NORTH 31 DEGREES 00 MINUTES 42 SECONDS EAST, 45.00 FEET TO THE POINT MARKING THE CENTER OF A CIRCLE HAVING A RADIUS OF 40.00 FEET, SAID POINT ALSO BEING THE TERMINUS OF THE CENTRAL UNE HERE DESCRIBED;

EXCEPT ANY PART LYING WITHIN TATUM BOULEVARD, AND

EXCEPT ALL, GAS, OIL, METALS AND MINERAL RIGHTS AS RESERVED TO THE STATE OF ARIZONA IN PATENT RECORDED IN DOCKET 1104, PAGE 271, AND RE-RECORDED IN DOCKET 1220, PAGE 568, ~~OFFICIAL~~ RECORDS OF MARICOPA COUNTY, ARIZONA.

~~EXHIBIT B: PLANS~~

~~[Narrative and plans noted in Condition 2 of this Ordinance]~~

~~See following pages~~

Document comparison by Workshare 10.0 on Tuesday, May 17, 2022 5:40:28 PM

Input:	
Document 1 ID	iManage://GRWORK01/Phoenix/4483128/1
Description	#4483128v1<Phoenix> - ORD - 2022-02 - Cottontail Run Road SUP (05-26-2022)
Document 2 ID	iManage://GRWORK01/Phoenix/4483128/2
Description	#4483128v2<Phoenix> - ORD - 2022-02 - Cottontail Run Road SUP (05-26-2022)(002)
Rendering set	Standard

Legend:	
<u>Insertion</u>	
Deletion	
Moved from	
<u>Moved to</u>	
Style change	
Format change	
Moved deletion	
Inserted cell	
Deleted cell	
Moved cell	
Split/Merged cell	
Padding cell	

Statistics:	
	Count
Insertions	106
Deletions	85
Moved from	1
Moved to	1
Style change	0
Format changed	0
Total changes	193