

**TOWN OF PARADISE VALLEY
ZONING TEXT AMENDMENT APPLICATION
REVISED**

Submittal Date: September 26, 2016; Revised June 23, 2017

Applicant Name: Doug Jorden

Applicant Address: 5080 North 40th Street, Suite 245

City Phoenix State AZ Zip 85018

Phone: (480) 505-3909 Contact Name: Doug Jorden

Fax: (480) 505-3901

E-mail Address: djorden@jhjlawyers.com

Description of Text Amendment (attach separate sheet if necessary): See attached.



APPLICANT SIGNATURE

SUBMITTAL REQUIREMENTS: PLEASE PLACE A ✓ OR N/A (NOT APPLICABLE)

 X Narrative Description of Proposed Zoning Text Amendment [8 copies at submittal,
20 copies for each meeting]

 X Application Fee: \$6,245

 Other _____

CLUSTER PLAN TEXT AMENDMENT

Section 912. Cluster Plan Adjacent to Major Arterial Streets and Floodways:

The provisions of this Section 912 shall apply only to parcels of eight (8) acres or more that meet the following criteria: (1) the parcel is adjacent to a major arterial roadway with average daily traffic greater than 35,000 vehicles per day, (2) the parcel is adjacent to the Indian Bend Wash, and (3) the parcel is not adjacent to an R-43 district.

For parcels that meet the criteria of the preceding paragraph, and notwithstanding any other provision in this Ordinance to the contrary, the following shall apply: (1) the minimum lot size shall be 12,000 square feet, (2) the maximum number of stories shall be one, (3) the minimum lot frontage shall be 100 feet, (4) side yard setbacks with street frontage and front yard setbacks for primary buildings shall be 20 feet, (5) rear yard setbacks for primary buildings shall be 25 feet, (6) side yard setbacks with no street frontage for primary buildings shall be 7 feet, (7) the maximum Floor Area Ratio shall not exceed 50%, (8) rear yard setbacks (with or without street frontage) for accessory buildings and structures and pools shall be 10 feet, (9) side yard setbacks (with or without street frontage) for accessory buildings and structures and pools shall be 7 feet, (10) front yard setbacks for garage structures that do not have a garage door facing the street shall be 10 feet, provided that for all square footage of any such garage between the 10 foot and 20 foot front yard setback there shall be at least an equal amount of square footage behind the 20 foot setback that shall not be enclosed, and (11) the height of structures shall be measured as the vertical distance from the Regulatory Flood Elevation adjacent to the parcels, as defined in Section 5-11-1 of the Town Code. All other regulations in this Ordinance shall apply.

APPENDIX "F"
TOWN OF PARADISE VALLEY
APPLICATION TO REZONE FROM R-43/TO R-43 CP
REVISED SUP

PARCEL NO.: 174 - 36 - 002X
174 - 36 - 188A (Partial)
(County Tax Assessor Number)

DATE: September 26, 2016
Revised June 23, 2017

NAME OF PROJECT: The Villas at Cheney Estates

LOCATION OF PROPERTY: Northwest corner of the Northern Avenue alignment and Scottsdale Road

LOT: _____ **SUBDIVISION:** _____

APPLICANT: Doug Jorden

NAME

5080 North 40th Street, Suite 245, Phoenix, AZ 85018
ADDRESS

(480) 505-3909
PHONE #

ENGINEER/OTHER: Fred Fleet

NAME

4550 North 12th Street, Phoenix, AZ 85014
ADDRESS

(602) 285-4768
PHONE #

ARCHITECT: N/A

NAME

ADDRESS

PHONE #

OWNER(S): Town Triangle, LLC, c/o Jarret Jarvis - 5436 East Lafayette Boulevard, Phoenix, AZ 85018
Folkman Properties, L.L.C. - 2422 East Palo Verde Drive, Phoenix, AZ 85016

PRINTED NAME(S) - ADDRESS(ES)

See authorization letters.

SIGNATURE(S)

SIGNATURE OF REPRESENTATIVE

**APPLICATION TO REZONE FROM R-43/ TO R-43 CP
SUP**

BRIEF DESCRIPTION OF PROPOSED DEVELOPMENT: See Preliminary Plat Application

REASONS FOR REQUESTING REZONING FROM R-43/ TO R-43 CP (ATTACH ALL
SUP
DOCUMENTS): See Preliminary Plat Application

NAME(S), ADDRESS(ES), AND TELEPHONE NUMBER(S) OF OWNER(S) OF AFFECTED
PROPERTY:

<u>NAME</u>	<u>ADDRESS</u>	<u>PHONE</u>
Town Triangle, LLC c/o Jarrett Jarvis	5436 East Lafayette Boulevard Phoenix, AZ 85018	
Folkman Properties, L.L.C.	2422 East Palo Verde Drive Phoenix, AZ 85016	

REZONE FROM R-43/ TO R-43 CP APPLICATION INFORMATION
SUP

NOTE: IT IS SUGGESTED THAT ALL OWNERS/DEVELOPERS MEET WITH PROPERTY OWNERS WITHIN A 1000 FOOT RADIUS OF THE SUBJECT PROPERTY BEFORE SUBMITTING AN APPLICATION. AN APPLICATION IS NOT COMPLETE UNTIL ALL REQUIRED INFORMATION IS SUBMITTED IN AN APPROVED FORM. NO APPLICATION WILL BE REVIEWED UNTIL COMPLETE. NO AGENDA DATE WILL BE SET UNTIL THE COMPLETED APPLICATION HAS BEEN REVIEWED AND ACCEPTED BY STAFF.

APPLICATION FEE: SEE FEE SCHEDULE

INITIAL BELOW

_____ PRE APPLICATION CONFERENCE WITH STAFF DATE: July 13, 2016

_____ APPLICATION SUBMITTED ON: September 26, 2016; Revised June 23, 2017

_____ APPLICATION FEE IN THE AMOUNT OF \$ 4,120.00 DATE: 9/26/16

_____ RECEIPT NUMBER _____ RECEIVED BY: _____

June 6, 2017

LEGAL DESCRIPTION FOR
VILLAS AT CHENEY ESTATES

That part of the Southeast Quarter of Section 34, Township 3 North, Range 4 East of the Gila and Salt River Meridian, Maricopa County, Arizona, more particularly described as follows:

Commencing at the Brass Cap in hand hole marking the Southeast Corner of said Section 34, from which the Brass Cap in hand hole marking the East Quarter Corner of said Section 34 bears North 00°00'00" East, a distance of 2,640.81 feet;

Thence North 00°00'00" East, along the East line of the Southeast Quarter of said Section 34, a distance of 40.00 feet to a point on a line which is parallel with and 40.00 feet Northerly, as measured at right angles, from the South line of the Southeast Quarter of said Section 34;

Thence North 89°45'30" West, along said parallel line, a distance of 77.05 feet to the True Point of Beginning;

Thence continuing North 89°45'30" West, a distance of 784.84 feet;

Thence North 37°11'31" East, a distance of 1,318.29 feet to a point on a line which is parallel with and 65.00 feet Westerly, as measured at right angles, from the East line of the Southeast Quarter of said Section 34;

Thence South 00°00'00" East, along said parallel line, a distance of 1,041.48 feet to the beginning of a tangent curve of 12.00 foot radius, concave Northwesterly;

Thence Southwesterly, along said curve, through a central angle of 90°14'30", a distance of 18.90 feet to the True Point of Beginning.

Containing 419,740 Square Feet or 9.636 Acres, more or less.



Expires: 3/31/20

EAST 1/4 CORNER
SECTION 34
TOWNSHIP 3 NORTH
RANGE 4 EAST

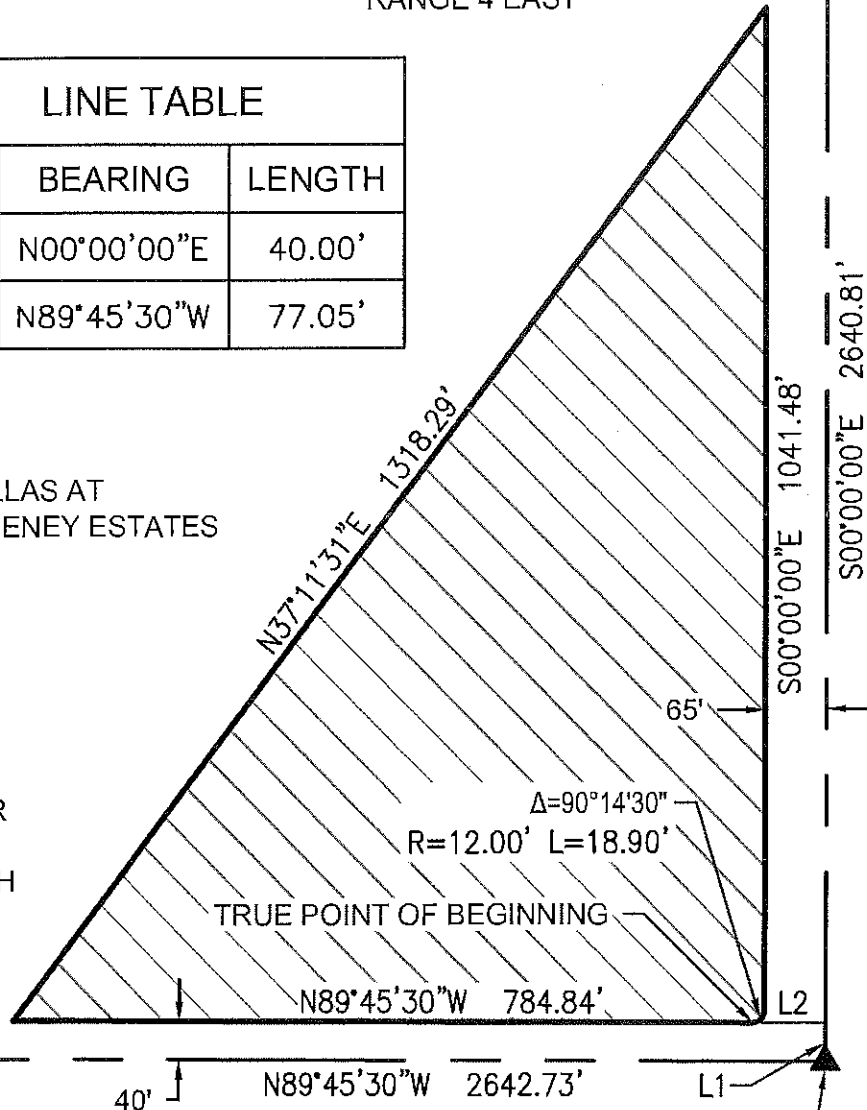
LINE TABLE		
NO.	BEARING	LENGTH
L1	N00°00'00"E	40.00'
L2	N89°45'30"W	77.05'



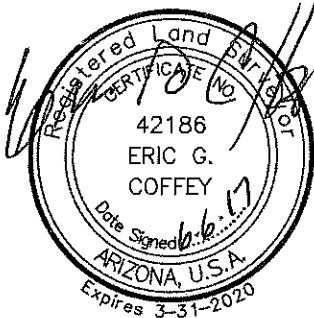
= VILLAS AT
CHENEY ESTATES

SCOTTSDALE ROAD

SOUTH 1/4 CORNER
SECTION 34
TOWNSHIP 3 NORTH
RANGE 4 EAST



NORTHERN AVENUE (ALIGNMENT)



POINT OF COMMENCEMENT
SOUTHEAST CORNER
SECTION 34
TOWNSHIP 3 NORTH
RANGE 4 EAST

SCALE 1" = 200'

EXHIBIT

4550 North 12th Street
Phoenix, Arizona 85014
Phone 602-264-6831
<http://www.cvlci.com>

VILLAS AT CHENEY ESTATES



1 OF 1



Map



TOWN OF PARADISE VALLEY
APPLICATION FOR PRELIMINARY PLAT
REVISED

PLEASE MARK THE APPROPRIATE BOX FOR APPLICATION.

PARCEL NO.: 174 - 36 - 002X **DATE:** September 26, 2016
174 - 36 - 188A (Partial) Revised June 23, 2017
(County Tax Assessor Number)

NAME OF SUBDIVISION: The Villas at Cheney Estates

ADDRESS OR LOCATION OF PROPERTY: Northwest corner of the Northern Avenue
alignment and Scottsdale Road

OWNER(S): Town Triangle, LLC, c/o Jarrett Jarvis - 5436 East Lafayette Boulevard, Phoenix, AZ 85018
Folkman Properties, L.L.C. - 2422 East Palo Verde Drive, Phoenix, AZ 85016
NAME(S) ADDRESS(ES)

AUTHORIZED AGENT: Doug Jorden
NAME
5080 North 40th Street, Suite 245, Phoenix, AZ 85018
ADDRESS
(480) 505-3909 (480) 505-3901
PHONE # FAX #


SIGNATURE OF REPRESENTATIVE

APPLICATION FOR PRELIMINARY PLAT

(REQUIRED)

PLEASE PROVIDE A NARRATIVE DESCRIPTION OF THE PROPOSAL. YOU MAY USE A SEPARATE 8 ½" BY 11" SHEET IF NECESSARY.

See attached narrative.

PLAN STATISTICS (REQUIRED)

TOTAL AREA	9.6 acres
NUMBER OF LOTS	8 lots

CONCURRENT APPLICATIONS, IF ANY:

GUARD GATES	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
PRIVATE ROADS	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
ROADWAY VACATION	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO

*****FOR OFFICE USE ONLY*****

PRE APPLICATION CONFERENCE WITH STAFF DATE:	
APPLICATION SUBMITTED ON:	
APPLICATION FEE IN THE AMOUNT OF \$	DATE:
RECEIPT NUMBER	RECEIVED BY:
APPLICATION FILE NUMBER	

PRELIMINARY PLAT APPLICATION INFORMATION

NOTE: IT IS SUGGESTED THAT ALL OWNERS/DEVELOPERS MEET WITH PROPERTY OWNERS WITHIN A 1000 FOOT RADIUS OF THE SUBJECT PROPERTY BEFORE SUBMITTING AN APPLICATION. AN APPLICATION IS NOT COMPLETE UNTIL ALL REQUIRED INFORMATION IS SUBMITTED IN AN APPROVED FORM. NO APPLICATION WILL BE REVIEWED UNTIL COMPLETE. NO AGENDA DATE WILL BE SET UNTIL THE COMPLETED APPLICATION HAS BEEN REVIEWED AND ACCEPTED BY STAFF.

APPLICATION FEE: SEE FEE SCHEDULE

INITIAL BELOW

_____ **(REQUIRED)** PRE APPLICATION CONFERENCE WITH STAFF DATE: July 13, 2016

_____ APPLICATION SUBMITTED ON: September 26, 2016; Revised June 23, 2017

_____ APPLICATION FEE IN THE AMOUNT OF \$ 3,765.00 DATE: 9/26/16

_____ RECEIPT NUMBER _____ RECEIVED BY: _____

**THE VILLAS AT CHENEY ESTATES PROJECT NARRATIVE
TEXT AMENDMENT, REZONING, SPECIAL USE PERMIT FOR GUARD GATE,
CONDITIONAL USE PERMIT FOR PRIVATE ROAD, SUBDIVISION SIGN,
AND PRELIMINARY PLAT**

INTRODUCTION

Geoffrey Edmunds and Rod Cullum are preparing to purchase an approximately 9.6-acre parcel for the purpose of developing a residential project. The parcel is currently owned by Town Triangle, LLC and Folkman Properties, LLC, and is located at the northwest corner of the alignment of Northern Avenue and Scottsdale Road, adjacent to Camelback Country Club Golf Course and across the Indian Bend Wash from Cheney Estates.

During the last few years there have been a number of proposals for non-residential uses and churches. One developer worked on the project for over a year to revise the zoning for a multi-story Continuing Care Retirement Community – that effort was not successful. Several of the prior potential buyers have been attempting to build large commercial projects that are not the best use of the property. Schools and sober homes can also be permitted as a matter of state and federal law.

Geoffrey Edmunds lives on the north side of Cheney Estates and is one of the closest neighbors to this long-vacant parcel. Mr. Edmunds has watched the various proposals come and go over the years—none of these proposed uses were appropriate for this property. So, Mr. Edmunds decided to move forward with a project that fits the site and has the full support of The Cheney Estates Homeowner’s Association. As proposed it is far less dense than the homes directly across Scottsdale Road, in Scottsdale. Mr. Edmunds has a long history in the Town and the City of Scottsdale and has a reputation as a quality and conscientious homebuilder. Likewise, Mr. Cullum is a long-time Town resident and top-tier homebuilder.

An 8-lot, single-story residential subdivision is proposed on this 9.6 acre parcel, for an overall density of less than one lot per acre. There will be no access to any Town street; access will be limited to Scottsdale Road. That’s what makes this site unique. There are no one-acre lots adjacent to The Villas at Cheney Estates. A single-story residential solution for the property has a number of benefits to the Town of Paradise Valley and the immediate neighborhood.

1. Less impact on Cheney Estates and Camelback Country Club – the closest neighbors.
2. Better for the Camelback Golf Course to have single-family residential along the golf course.
3. Residents in the Town of Paradise Valley are looking to downsize their lifestyle. Some residents want a smaller home on a smaller lot with less maintenance. This project will meet that demand.
4. The project may provide common amenities (e.g. ramada, spa, barbeque, etc.) for the use of all residents, eliminating the need for residents to maintain separate amenities.
5. Traffic from a residential community will be less than a commercial use.
6. The homes will be restricted to single story with a maximum height of 24 feet.
7. It forever eliminates less desirable uses, which the Town has little to no ability to impede as a matter of state and federal law.

The proposed zoning is R-43 Cluster Plan; there will be 8 lots on 9.6 acres. Because of the proximity to Scottsdale Road and the Indian Bend Wash, and the use of the Cluster Plan zoning regulations, this proposal will not set a precedent for future zoning in the Town.

1. All of the land adjacent to this parcel of land is either Golf Course or Open Space (the Indian Bend Wash).
2. Changing the zoning in an area of developed one acre lots is quite different than rezoning an isolated, undeveloped parcel which abuts Scottsdale Road. For example, the lots in the area from Scottsdale Road west along Doubletree Road toward Invergordon Road are previously platted, 165-foot wide, one-acre lots abutting and utilizing several other Town roadways.
3. This parcel is unique since it does not use any street in the Town of Paradise Valley. The entrance and exit will be from Scottsdale Road. Therefore, the parcel will be very little burden to the Town. Fire will be paid by the residents. Sewer will be paid by the residents. The Town will provide police. The streets are private and will not require any maintenance from the Town.
4. There are not any one acre lots adjacent to this parcel.
5. Cheney Estates is the closest development to the site and the homes in Cheney Estates are built on less than one acre lots.
6. The golf course lots of Camelback Country Club were platted as one acre lots and gave an easement back to the golf course for approximately a half acre. Therefore, the golf lots are built on less than one acre useable lots. The proposed R-43 Cluster Plan will do essentially the same thing, except that the area in the golf course will be owned by the project's homeowners association.
7. The homes to the east of the parcel in Scottsdale are very dense and probably built at four or five units per acre.
8. The triangular shape of the parcel and the fixed location of the entry and exit on Scottsdale Road make it difficult to develop.
9. This parcel is different from other parcels in the Town since it has not been previously platted.

Six distinct applications will be required:

1. A text amendment to Paradise Valley Zoning Ordinance to allow the Town's Cluster Plan District to be applied to the site (Text Amendment).
2. A rezoning to establish R-43 Cluster Plan zoning (Rezoning).
3. A special use permit to allow guard gates at the entrance to the development (SUP).
4. A conditional use permit for a private road to serve the project (CUP).
5. A preliminary plat to create the 8-lot subdivision (Preliminary Plat).
6. A subdivision sign to identify the project (Sign Application).

These applications will be processed simultaneously.

TEXT AMENDMENT

The proposed text amendment to Article IX will allow the Town's Cluster Plan District to be applied to the project.

REZONING

The proposal includes an application to rezone the property from R-43 to R-43 Cluster Plan to accommodate the development of the proposed 8-lot subdivision.

SPECIAL USE PERMIT/CONDITIONAL USE PERMIT

Since the only access to The Villas at Cheney Estates will be from busy Scottsdale Road, access-control gates and a private road are appropriate. After turning off of Scottsdale Road, a cul-de-sac meeting all Town criteria will provide a safe location from which vehicles can access the lots to the north and south of the cul-de-sac. The location of the gate meets the criteria set forth in the Town's Special Use Permit Guidelines and the City of Scottsdale's requirement that the call box be 75 feet from the back of curb on Scottsdale Road. Walls around the cul-de-sac connecting to the gates are important to lessen the noise impact from Scottsdale Road.

SIGN APPLICATION

The subdivision signs will not be free-standing, but will be located on the entry walls to identify the project for traffic northbound and southbound on Scottsdale Road.

PRELIMINARY PLAT

The preliminary plat contemplates an 8-lot single story, detached residential community. Developing the site with single-family homes will finally provide a solution for this long-vacant property. Single-story homes built on this parcel will enhance the area and provide an attractive community from the Camelback Golf Course and for those driving on Scottsdale Road.

TOWN TRIANGLE, LLC
5436 EAST LAFAYETTE BOULEVARD
PHOENIX, AZ 85018

June 23, 2017

Doug Jorden
Jorden Hiser & Joy, P.L.C.
5080 North 40th Street, Suite 245
Phoenix, AZ 85018

Re: Maricopa County Assessor's Parcel No. 174-36-002X, located at the northwest corner of Northern Avenue and Scottsdale Road, Paradise Valley, Arizona (the "Property")

Dear Mr. Jorden:

The purpose of this letter is to authorize you and your firm to file and process applications with the Town of Paradise Valley for a text amendment, rezoning to R-43 CP, special use permit for a guardgate, conditional use permit for a private road, subdivision signage, and preliminary plat for the Property.

TOWN TRIANGLE, LLC

By: Alice Jarvis Sardine
Name: Alice Jarvis Sardine
Title: Manager

FOLKMAN PROPERTIES, L.L.C.
2422 EAST PALO VERDE DRIVE
PHOENIX, AZ 85016

June 23, 2017

Doug Jorden
Jorden Hiser & Joy, P.L.C.
5080 North 40th Street, Suite 245
Phoenix, AZ 85018

Re: Maricopa County Assessor's Parcel No. 174-36-188A (Partial), located at the northwest corner of Northern Avenue and Scottsdale Road, Paradise Valley, Arizona (the "Property")

Dear Mr. Jorden:

The purpose of this letter is to authorize you and your firm to file and process applications with the Town of Paradise Valley for a text amendment, rezoning to R-43 CP, special use permit for a guardgate, conditional use permit for a private road, subdivision signage, and preliminary plat for the Property. We recognize that the Property will remain subject to a Special Use Permit granted by the Town of Paradise Valley and a lease with Camelback Properties Inn, Inc. and/or MS Resort Owner, LLC, and/or other Marriott-related entities.

FOLKMAN PROPERTIES, L.L.C.

By: 

Name: Brad Folkman

Title: Officer

TOWN OF PARADISE VALLEY
APPLICATION FOR CONDITIONAL USE PERMIT
FOR A PRIVATE ROADWAY
REVISED

174 - 36 - 002X
PARCEL NO.: 174 - 36 - 188A (Partial)
(County Tax Assessor Number)

DATE: September 26, 2016
Revised June 23, 2017

NAME OF SUBDIVISION OR PARCEL: The Villas at Cheney Estates

ADDRESS OR LOCATION OF PROPERTY: Northwest corner of the Northern Avenue alignment
and Scottsdale Road

OWNER(S): Town Triangle, LLC, c/o Jarrett Jarvis - 5436 East Lafayette Boulevard, Phoenix, AZ 85018
Folkman Properties, L.L.C. - 2422 East Palo Verde Drive, Phoenix, AZ 85016
NAME(S) ADDRESS(ES)

See authorization letters.

SIGNATURE(S) OF OWNER(S)

AUTHORIZED AGENT: Doug Jorden
NAME

5080 North 40th Street, Suite 245, Phoenix, AZ 85018
ADDRESS

(480) 505-3909
PHONE #

(480) 505-3901
FAX #


SIGNATURE OF AUTHORIZED AGENT

**APPLICATION FOR SPECIAL USE PERMIT
FOR A PRIVATE ROADWAY**

(REQUIRED)

REASON FOR REQUESTING USE PERMIT (ATTACH EXTRA SHEET IF NECESSARY): _____

See Preliminary Plat Application

PLAN STATISTICS

ACRES

RESIDENTIAL AREA	_____	_____
NET AREA	_____	_____
STREETS	_____	_____
GROSS AREA	_____	9.6 ac
NUMBER OF RESIDENTIAL LOTS	_____	8
ZONING	_____	R-43 CP

ADDITIONAL INFORMATION:

GUARD GATES	<u> X </u> YES	<u> </u> NO
ROADWAY ABANDONMENT	<u> </u> YES	<u> X </u> NO
REZONING	<u> X </u> YES	<u> </u> NO
HILLSIDE	<u> </u> YES	<u> X </u> NO

IF YES, SEE ADDITIONAL APPLICATIONS.

CUP AND AMENDMENTS APPLICATION INFORMATION

NOTE: IT IS SUGGESTED THAT ALL OWNERS/DEVELOPERS MEET WITH PROPERTY OWNERS WITHIN A 1000 FOOT RADIUS OF THE SUBJECT PROPERTY BEFORE SUBMITTING AN APPLICATION. AN APPLICATION IS NOT COMPLETE UNTIL ALL REQUIRED INFORMATION IS SUBMITTED IN AN APPROVED FORM. NO APPLICATION WILL BE REVIEWED UNTIL COMPLETE. NO AGENDA DATE WILL BE SET UNTIL THE COMPLETED APPLICATION HAS BEEN REVIEWED AND ACCEPTED BY STAFF.

APPLICATION FEE: SEE FEE SCHEDULE

INITIAL BELOW

(REQUIRED)

_____ PRE APPLICATION CONFERENCE WITH STAFF DATE: July 13, 2016

_____ APPLICATION SUBMITTED ON: September 26, 2016; Revised June 23, 2017

_____ APPLICATION FEE IN THE AMOUNT OF \$ 2,360.00 DATE: 9/26/16

_____ RECEIPT NUMBER _____ RECEIVED BY: _____

September 11, 2017

LEGAL DESCRIPTION FOR
VILLAS AT CHENEY ESTATES
PRIVATE STREET EASEMENT

That part of the Southeast Quarter of Section 34, Township 3 North, Range 4 East of the Gila and Salt River Meridian, Maricopa County, Arizona, more particularly described as follows:

Commencing at the Brass Cap in hand hole marking the Southeast Corner of said Section 34, from which the Brass Cap in hand hole marking the East Quarter Corner of said Section 34 bears North 00°00'00" East, a distance of 2,640.81 feet;

Thence North 00°00'00" West, along the East line of the Southeast Quarter of said Section 34, a distance of 387.64 feet;

Thence North 90°00'00" West, a distance of 65.00 feet to the True Point of Beginning;

Thence continuing South 90°00'00" West, a distance of 1.99 feet;

Thence South 37°04'36" West, a distance of 189.75 feet; to the beginning of a tangent curve of 12.00 foot radius, concave Easterly;

Thence Southerly, along said curve, through a central angle of 42°05'34", a distance of 8.82 feet; to the beginning of a tangent reverse curve of 55.00 foot radius, concave Southwesterly;

Thence Northwesterly, along said curve, through a central angle of 290°50'38", a distance of 279.19 feet; to the beginning of a tangent reverse curve of 12.00 foot radius, concave Northerly;

Thence Easterly, along said curve, through a central angle of 68°45'05", a distance of 14.40 feet;

Thence North 37°04'36" East, a distance of 88.66 feet; to the beginning of a tangent curve of 30.00 foot radius, concave Westerly;

Thence Northerly, along said curve, through a central angle of 68°09'16", a distance of 35.69 feet; to the beginning of a tangent reverse curve of 45.00 foot radius, concave Easterly;

Thence Northerly, along said curve, through a central angle of 82°00'14", a distance of 64.41 feet;

Thence North 37°11'31" East, a distance of 132.88 feet to a point on a line which is parallel with and 65.00 feet Westerly, as measured at right angles, from the East line of the Southeast Quarter of said Section 34;

Legal Description for
Villas at Cheney Estates
Private Street Easement
September 11, 2017

Thence South 00°00'00" East, along said parallel line, a distance of 161.07 feet to the True Point of Beginning.

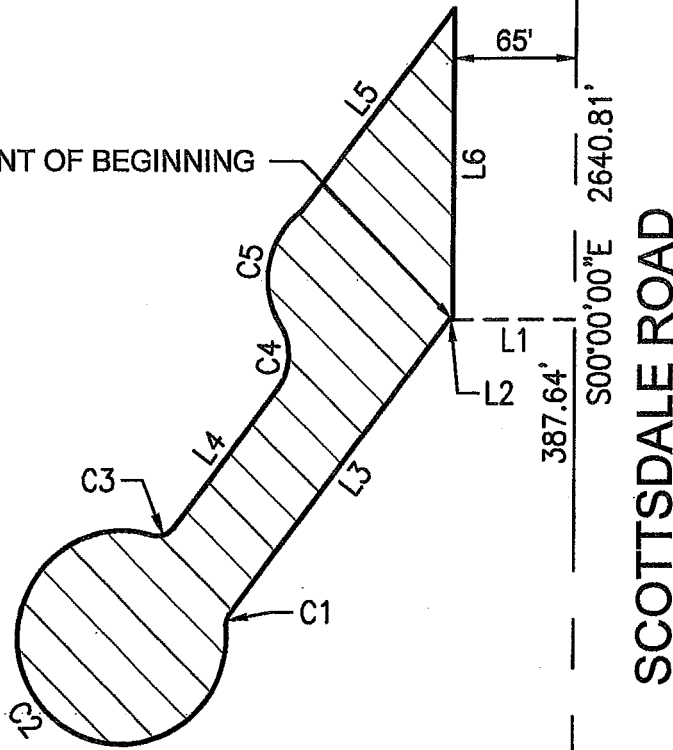
Containing 27,491 Square Feet or 0.6311 Acres, more or less.



Expires: 3/31/ 28

EAST 1/4 CORNER, SECTION 34
TOWNSHIP 3 NORTH, RANGE 4 EAST

TRUE POINT OF BEGINNING

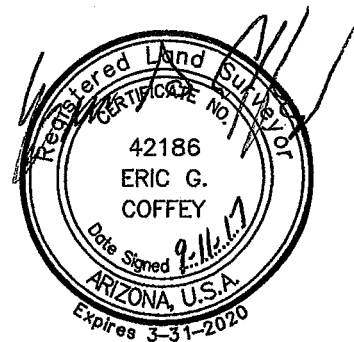


SCOTTSDALE ROAD

POINT OF COMMENCEMENT
SOUTHEAST CORNER, SECTION 34
TOWNSHIP 3 NORTH, RANGE 4 EAST



PRIVATE
= STREET
EASEMENT



SCALE 1" = '

EXHIBIT

4550 North 12th Street
Phoenix, Arizona 85014
Phone 602-264-6831
<http://www.cvlci.com>

VILLAS AT CHENEY ESTATES

PRIVATE STREET EASEMENT



1 OF 2

CURVE TABLE

NO.	LENGTH	RADIUS	DELTA	TANGENT	CHORD	CHORD-BEARING
C1	8.82'	12.00'	042°05'34"	4.62'	8.62'	S16°01'49"W
C2	279.19'	55.00'	290°50'38"	37.91'	62.43'	N39°35'38"W
C3	14.40'	12.00'	068°45'05"	8.21'	13.55'	N71°27'09"E
C4	35.69'	30.00'	068°09'16"	20.29'	33.62'	N02°59'58"E
C5	64.41'	45.00'	082°00'14"	39.12'	59.05'	N09°55'28"E

LINE TABLE

NO.	BEARING	LENGTH
L1	N90°00'00"W	65.00'
L2	S90°00'00"W	1.99'
L3	S37°04'36"W	189.75'
L4	N37°04'36"E	88.66'
L5	N37°11'31"E	132.88'
L6	S00°00'00"E	161.07'



SCALE: NONE

EXHIBIT

4550 North 12th Street
Phoenix, Arizona 85014
Phone 602-264-6831
<http://www.cvlci.com>

VILLAS AT CHENEY ESTATES

PRIVATE STREET EASEMENT



2 OF 2

When recorded mail to:

Town of Paradise Valley
Town Attorney
6401 E. Lincoln
Paradise Valley, AZ 85253

**GRANT OF ACCESS EASEMENT OVER PRIVATE ROADWAY
AND PRIVATE ROADWAY MAINTENANCE AGREEMENT**

This Grant of Access Easement over Private Roadway and Private Roadway Maintenance Agreement (“Agreement”) is made and entered into as of this ____ day of _____, 2017, by and between GEOFFREY H. EDMUNDS & ASSOCIATES, INC., an Arizona corporation (“Grantor”), and the TOWN OF PARADISE VALLEY, an Arizona municipal corporation (“Town”).

1. Grantor is the fee simple owner of that certain real property located in the Town of Paradise Valley, County of Maricopa, State of Arizona, as described on Exhibit A and located at the northwest corner of Northern Avenue and Scottsdale Road (the “Property”).
2. Grantor grants to Town non-exclusive access easement rights in, over and across that certain real property described on Exhibit B (the “Private Roadway”) and Town has accepted same by its approval of Exhibit B and the acceptance of the access easement and this Agreement (as evidenced by the execution of this Agreement by the Mayor of the Town). For purposes of this Agreement, “Property Owner” shall mean the fee simple owner(s) of residential lots within the Property and “Easement Owner” shall mean the fee simple owner(s) of the Private Roadway.
3. Notwithstanding anything to the contrary in this Agreement, Easement Owner may continue to use the Private Roadway for any and all lawful purposes so long as such uses do not materially and adversely interfere with the access granted in this Agreement. Town acknowledges and agrees that the use of the Private Roadway for uses consistent with Town-approved plats, plans, and ordinances do not materially or adversely interfere with the access granted in this Agreement. Easement Owner may design, construct, maintain, and operate a private right-of-way, gates, guardhouses, utilities, curbs, lighting, landscaping, and other improvements, equipment, and facilities (the “Facilities”) as permitted by Town-approved plats, plans, and ordinances, as such documents may be amended, modified, supplemented, or replaced from time to time (collectively, the “Plans”), and in compliance with all applicable ordinances, codes, rules, and regulations (“Applicable Law”). Easement Owner may locate, relocate, modify, remove, and replace the Facilities from time to time so long as the remaining Facilities satisfy the Plans and Applicable Law.

4. Easement Owner, for itself and its successors and assigns, covenants with Town that at all times after the date of this Agreement, Easement Owner, at its own cost and expense, will keep or cause the upkeep of the Private Roadway and Facilities in a clean, proper, and workmanlike manner, and in compliance with Applicable Law. Upon assignment by Grantor of its right, title, or interest in and to the Private Roadway, Grantor's successors and assigns shall be bound by the obligations in this Paragraph 4 and Grantor shall be relieved of its obligations in this Paragraph 4 with respect to the Private Roadway.

5. If for any reason Easement Owner does not fulfill its duty to clean and maintain the Private Roadway as required by Paragraph 4 and such failure continues for sixty (60) days after written notice thereof from Town to Easement Owner (except in the case of imminent danger where only reasonable prior notice is required), Town shall have the right of self-help, in addition to powers and enforcement authorized by the Town of Paradise Valley Town Code and Arizona state law, and in connection with such rights, shall have the right to enter the Private Roadway to clean or to maintain, and to be compensated by Easement Owner for Town's actual out-of-pocket costs and expenses of the cleaning and maintenance as required by this Agreement and Applicable Law (the "Costs"). Notwithstanding the foregoing, so long as Easement Owner has commenced to cure the failure within sixty (60) days after written notice thereof from Town and thereafter diligently prosecutes such cure to completion, Town shall not exercise any of its rights or remedies in this Paragraph 5 (except in the case of imminent danger).

6. If Easement Owner does not compensate Town for the Costs as contemplated in Paragraph 5 within thirty (30) days after written demand from Town to Easement Owner, the Property Owner(s) shall each be liable to Town for the Costs on a pro rata basis, as follows. Each Property Owner shall be liable for only the share of the Costs calculated by dividing the Costs by the number of residential lots within the Property. If those amounts are not paid within thirty (30) days after written demand for payment of the Costs from Town to Easement Owner, the Property Owner(s), and their lenders (as evidenced by a deed of trust or mortgage recorded in the Official Records of Maricopa County, each a "Lender"), then ten (10) business days after a second written demand in the same form and to the same parties, Town may record a Notice of Claim of Lien against the residential lots within the Property for which the lots' allocated Costs have not been paid (in each case, in an amount not to exceed the balance of unpaid Costs allocated on a per lot basis as described above) to secure the payment of such amounts, a copy of which will be sent to Easement Owner. Each written demand shall reference this Agreement and the Town's right to lien. Notwithstanding anything to the contrary in this Agreement, Easement Owner or any Lender may, but shall not be obligated to, satisfy payment obligations arising under this Agreement on behalf of any Property Owner(s).

7. After delivery of notice as required by Paragraphs 5 and 6 and passage of applicable cure periods, Town shall have the right, at its option, to enforce collection of any amounts owed to the Town under Paragraph 5 above in any manner allowed by law, including, without limitation, bringing an action against any Property Owner(s) to pay such amounts owed by those Property Owner(s) (as provided in Paragraph 6) or bringing an action to foreclose its lien filed pursuant to

Paragraph 6 against the Property owned by such Property Owner(s) in the manner provided by law for the foreclosure of a realty mortgage. The Town shall have the power to bid at any foreclosure sale and to purchase the Property so sold.

8. This Agreement shall be in addition to any other Applicable Laws relating to easements and the subject matter herein. This Agreement is binding upon and inures to the benefit of the parties hereto and their respective successors, assigns, affiliates, agents, and tenants. This Agreement and other rights and obligations created, granted, and conveyed hereby shall run with the land as a burden upon the Property and the Private Roadway.

9. Grantor warrants that (i) it is the fee simple owner of the Private Roadway and the Property, (ii) it has full right, power and authority to grant the easement set forth herein and to execute this Agreement, and (iii) the execution hereof by Grantor does not conflict with or constitute a default under any agreement to which Grantor is a party or by which Grantor is bound.

10. This Agreement cannot be terminated, released, amended, or modified without the express prior written consent of Town. This Agreement shall terminate only upon mutual written agreement between the parties. This Agreement shall be governed by and construed in accordance with the laws of the State of Arizona. This Agreement may be executed in one or more counterparts, each of which shall be deemed an original and all of which combined shall constitute one and the same instrument.

11. All notices and other communications required or permitted to be given under this Agreement shall be in writing and shall be given by personal delivery, by overnight courier, or by deposit in the U.S. mail, registered or certified, return receipt requested, postage prepaid, correctly addressed to the intended recipient at its address as shown in the property ownership records of the Maricopa County, Arizona Assessor.

12. Except as otherwise expressly provided herein, the provisions of this Agreement are not intended to and do not constitute a dedication for public use. There rights created are private and for the benefit only of the parties hereto and their successors and assigns.

IN WITNESS WHEREOF, Grantor and Town have executed this Agreement as of the date first above written.

GRANTOR:

GEOFFREY H. EDMUNDS & ASSOCIATES, INC.,
an Arizona corporation

By: _____
Geoffrey H. Edmunds, President

STATE OF ARIZONA)
) ss
COUNTY OF MARICOPA)

The foregoing instrument was acknowledged before me this _____ day of _____, 2017, by Geoffrey H. Edmunds, the President of Geoffrey H. Edmunds & Associates, Inc., an Arizona corporation, on behalf thereof.

Notary Public

My Commission Expires: _____

TOWN:

TOWN OF PARADISE VALLEY

By: _____
Michael Collins, Mayor

ATTEST:

Duncan Miller, Town Clerk

APPROVED AS TO FORM:

Andrew Miller, Town Attorney

TOWN OF PARADISE VALLEY
APPLICATION FOR SPECIAL USE PERMIT OR AMENDMENT TO SPECIAL USE
PERMIT FOR GUARD GATE, GUARDHOUSE, OBSERVATION BOOTH, PRIVATE
ROAD REVISED

174 - 36 - 002X
PARCEL NO.: 174 - 36 - 188A (Partial) **DATE:** September 26, 2016
(County Tax Assessor Number) Revised June 23, 2017

NAME OF PROJECT: The Villas at Cheney Estates

LOCATION OF PROPERTY: Northwest corner of the Northern Avenue alignment and Scottsdale Road

LEGAL DESCRIPTION OF PROPERTY: See Rezoning Application

APPLICANT: Doug Jorden
NAME

5080 North 40th Street, Suite 245, Phoenix, AZ 85018 (480) 505-3909
ADDRESS PHONE #

ENGINEER/OTHER: Fred Fleet
NAME

4550 North 12th Street, Phoenix, AZ 85014 (602) 285-4768
ADDRESS PHONE #


ARCHITECT: N/A
NAME

()
ADDRESS PHONE #

REPRESENTATIVE: Doug Jorden
PRINTED NAME SIGNATURE

5080 North 40th Street, Suite 245, Phoenix, AZ 85018
ADDRESS

(480) 505-3909 (480) 505-3901
PHONE # FAX #


SIGNATURE OF REPRESENTATIVE

**APPLICATION FOR SPECIAL USE PERMIT OR SPECIAL USE PERMIT
AMENDMENT FOR GUARD GATE, GUARDHOUSE, OBSERVATION
BOOTH, PRIVATE ROAD**

(REQUIRED)

PLEASE PROVIDE A NARRATIVE/DESCRIPTION OF THE PROPOSAL (ATTACH EXTRA SHEET IF NECESSARY):

See Preliminary Plat Application

**HOMEOWNER'S ASSOCIATION (PARTNERSHIPS, ALL PARTNERS CORPORATION,
ALL OFFICERS)**

PRESIDENT NAME N/A

ADDRESS _____ PHONE NUMBER _____

ROADWAY ABANDONMENT

YES

 X
NO

(IF YES, SEE ADDITIONAL APPLICATIONS)

SPECIAL USE PERMIT APPLICATION INFORMATION
GUARD GATE, GUARDHOUSE, OBSERVATION BOOTH, PRIVATE ROAD

AN APPLICATION IS NOT COMPLETE UNTIL ALL REQUIRED INFORMATION IS SUBMITTED IN AN APPROVED FORM. NO APPLICATION WILL BE REVIEWED UNTIL COMPLETE. NO AGENDA DATE WILL BE SET UNTIL THE COMPLETED APPLICATION HAS BEEN REVIEWED AND ACCEPTED BY STAFF.

THE CITIZEN REVIEW PROCESS MUST BE PERFORMED IN ACCORDANCE WITH ARTICLE 2-5-2.F OF THE TOWN CODE. THE CITIZEN REVIEW SESSION SHALL TAKE PLACE AFTER THE SUP/MAJOR AMENDMENT/INTERMEDIATE AMENDMENT APPLICATION IS FILED WITH THE TOWN OF PARADISE VALLEY.

APPLICATION FEE: SEE FEE SCHEDULE

INITIAL BELOW

_____PRE APPLICATION CONFERENCE WITH STAFF DATE: July 13, 2016

_____APPLICATION SUBMITTED ON: September 26, 2016; Revised June 23, 2017

_____APPLICATION FEE IN THE AMOUNT OF \$ 2,760.00 _____ DATE: 9/26/16

_____RECEIPT NUMBER _____ RECEIVED BY: _____

APPLICATION CLASSIFICATION

_____X_____NEW SUP

_____MAJOR SUP AMENDMENT

_____INTERMEDIATE SUP AMENDMENT

_____MANAGERIAL SUP AMENDMENT

Application Fee: \$835.00

Application Date: April 28, 2017; Revised June 23, 2017

Date Fee Paid: _____

Receipt No.: _____

Received by: _____

Initials

**TOWN OF PARADISE VALLEY
BUILDING DEPARTMENT
SUBDIVISION SIGN APPLICATION
REVISED**

Applicant: Doug Jorden

Applicant's Mailing Address: 5080 North 40th Street, Suite 245, Phoenix, AZ 85018

Phone number for contact: (480) 505-3909

Location of proposed sign (Cross Streets): Northwest corner of the alignment of Northern Avenue and Scottsdale Road

Subdivision Name: The Villas at Cheney Estates

Size of Sign: See Special Use Permit Application

Construction materials: TBD

Color of sign: TBD

Proposed lighting (watts): See Special Use Permit Application

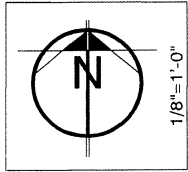
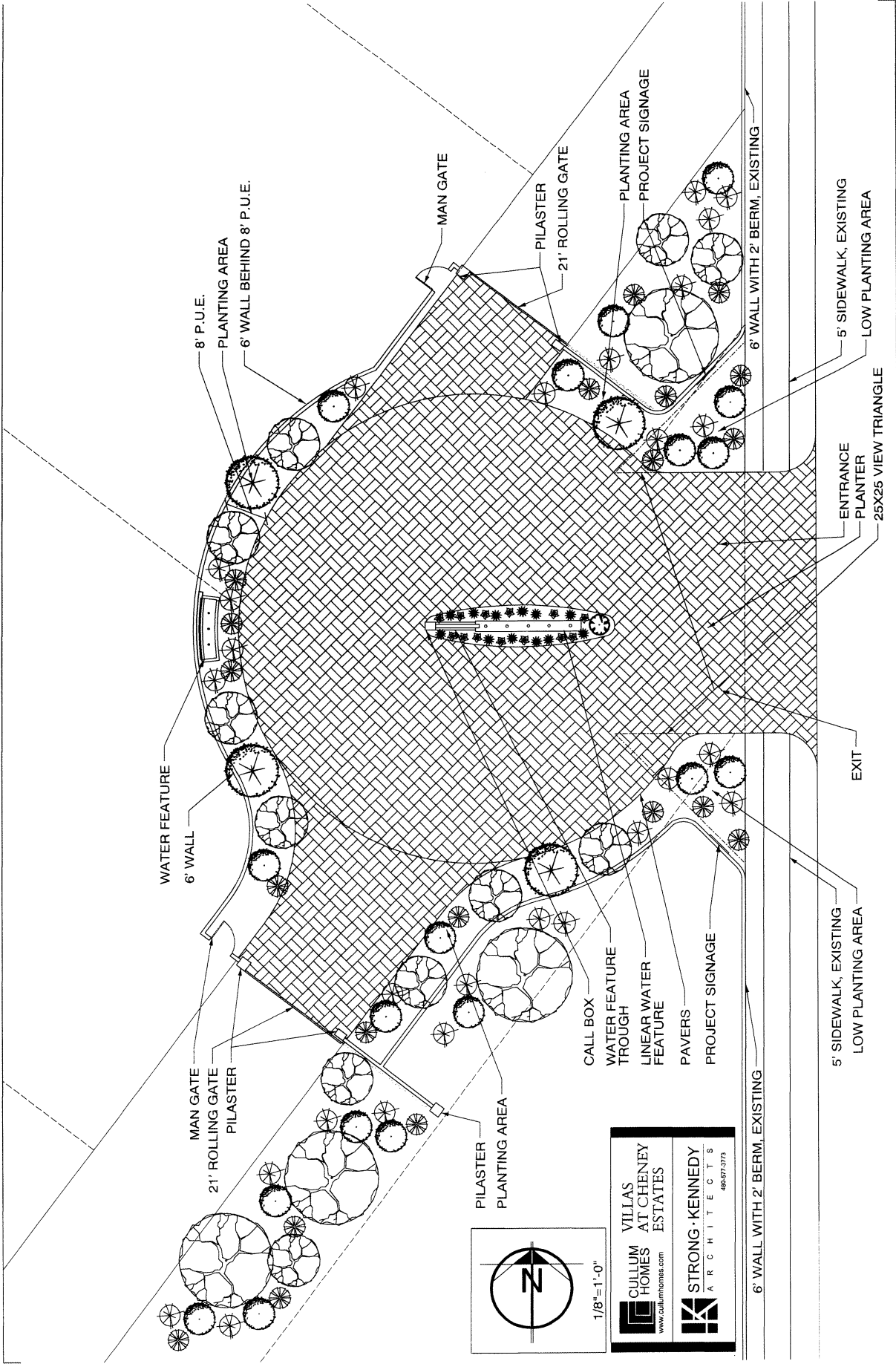




PLEASE SIGN

Please provide 1 set of submittals along with this application:

1. Description of how the proposed sign(s) will be mounted; ON WALL - SEE ATTACHED PLAN
2. Site plan showing street names, any proposed lighting, and location of sign(s) to be installed; and;
3. Elevation of sign(s) with dimensions and total square foot.
4. Vicinity map showing street names.

Once fee(s) are paid, and all submittals are approved by the Planning Department, the item will be put on the next available Town Council Agenda for final approval.
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 <p> VILLAS AT CHENEY ESTATES www.cullumhomes.com </p>	 <p> STRONG-KENNEDY ARCHITECTS 480-677-5373 </p>
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THE VILLAS AT
CHENEY ESTATES

1001 E. 10TH STREET, SUITE 100, DENVER, CO 80202