



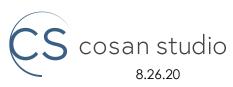
4502 east moonlight way paradise valley, arizona



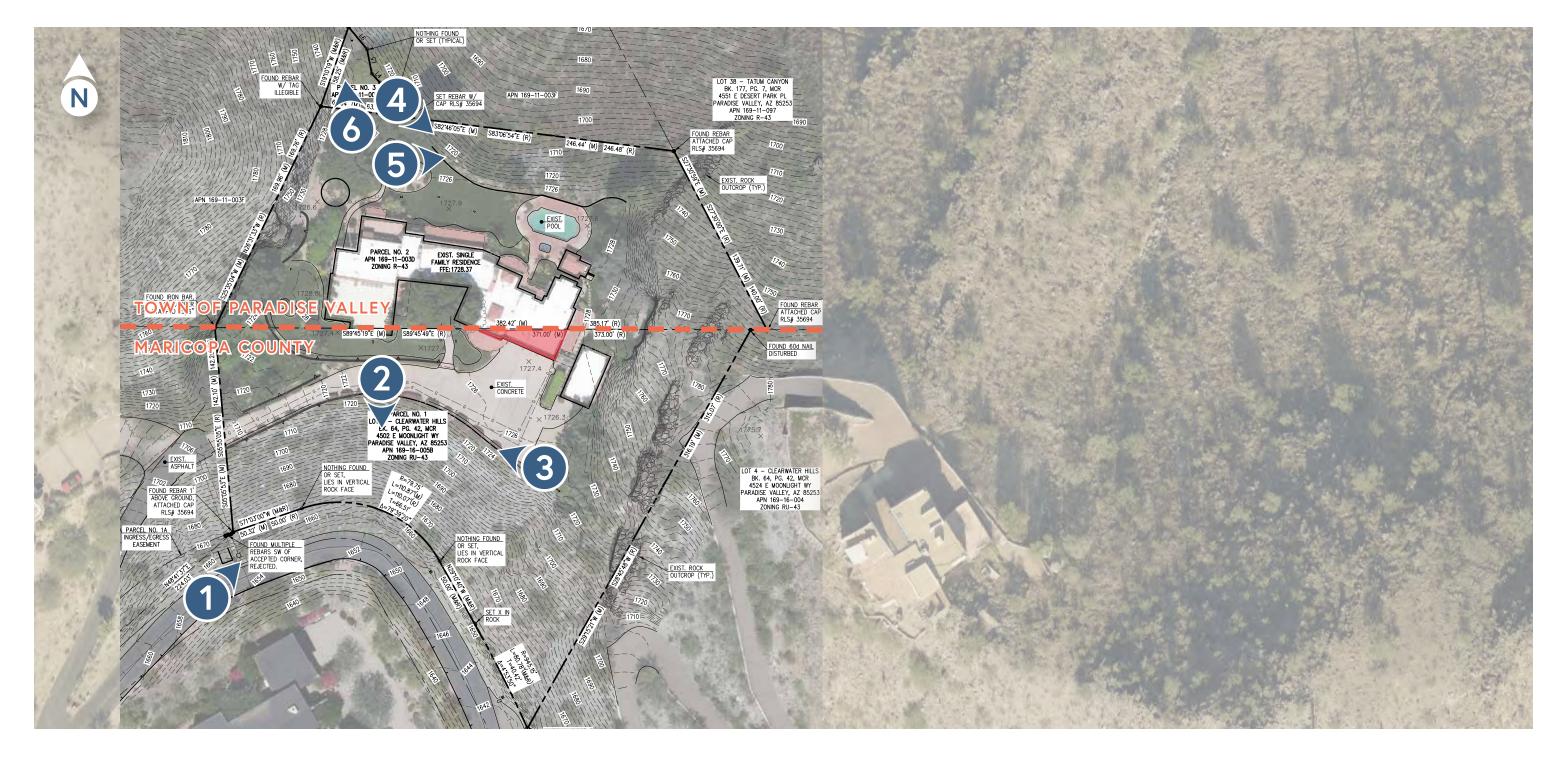
variance request

## site location



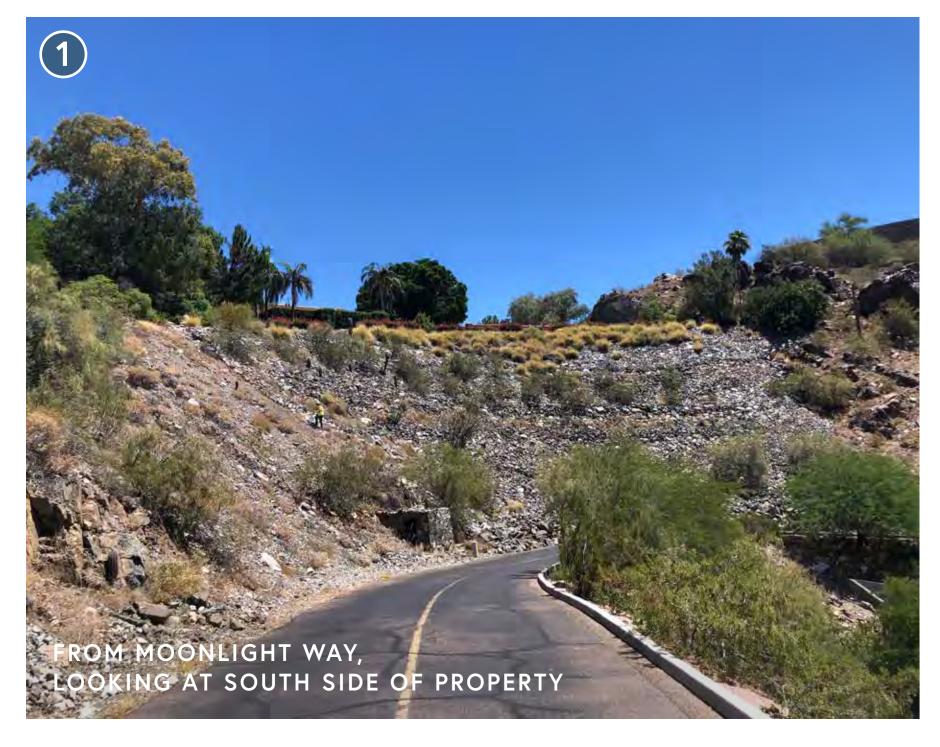


## key map for existing slope conditions





## existing south slope conditions





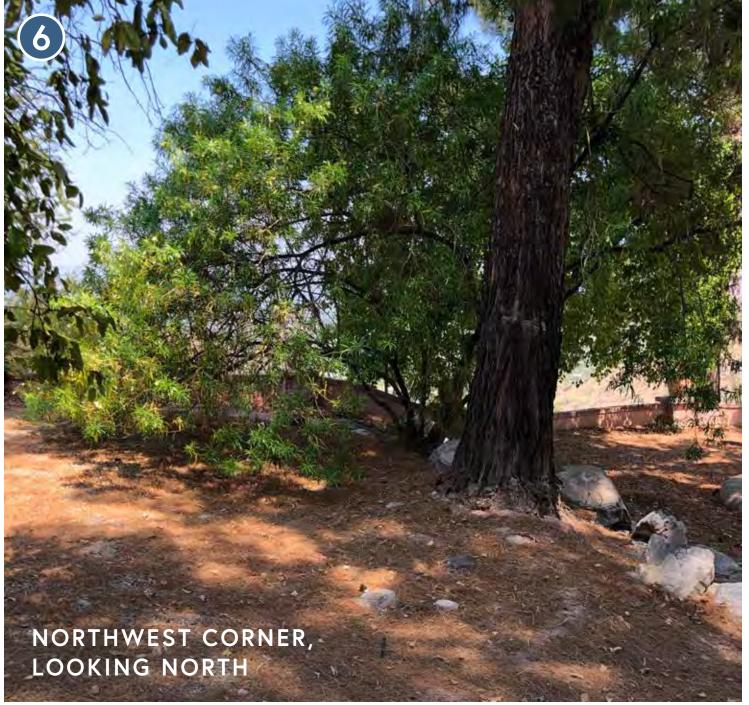




## existing north slope conditions

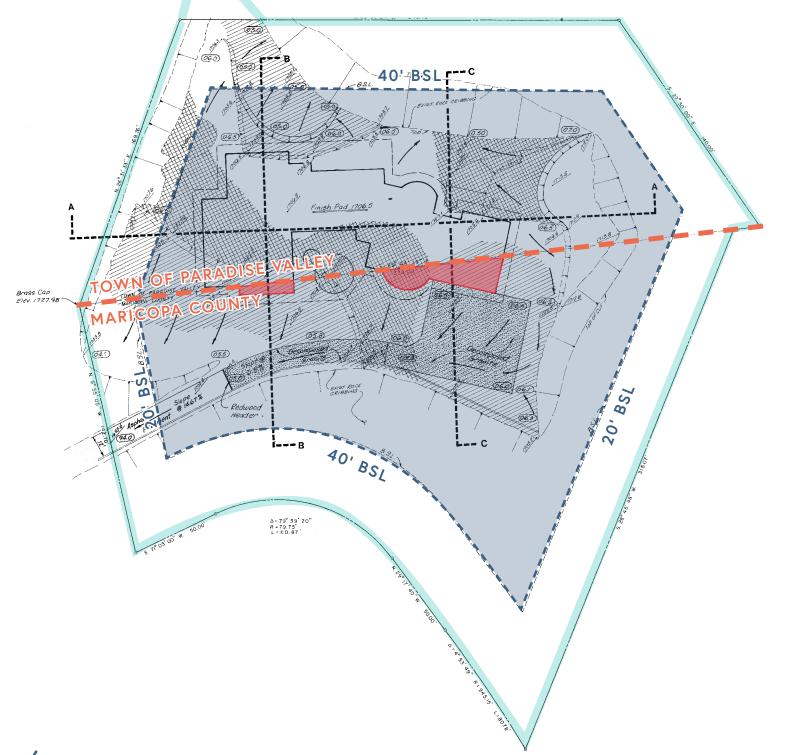


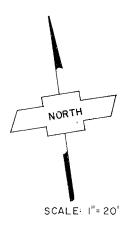






## 1980 original approved site plan





#### Notes

- ALL CONSTRUCTION TO CONFORM TO LATEST TOWN OF PARADISE VALLEY HILLSIDE BUILDING REGULATIONS.
- 2. ALL EXPOSED CUT AND FILL AREAS WILL RECEIVE A STAIN TO MATCH THE NATURAL SURFACE.
- 3. TOPO AND BOUNDRY TAKEN FROM COLLAR, WILLIAMS, AND WHITE ENGINEERING, INC. JOB NO. 800529-B.

#### Area

TOTAL AREA OF LOT - 97,567 s.f. OR 2.24 AC. AREA OF LOT WITHIN PARADISE VALLEY - 43,597 s.f. OR 1.00 AC.

#### LEGEND

Proposed Grade

Proposed Grade

Proposed Drainage

Proposed Slope

Existing Slope

Existing Grade

Edge House Pad

Edge House

Property Line

Retaining Wall

////// Fill Area (944 yps³)

Cut Area (1042 yps³)

Setback Line

#### APPROVED BY THE TOWN OF PARADISE VALLEY:

BY: DATE

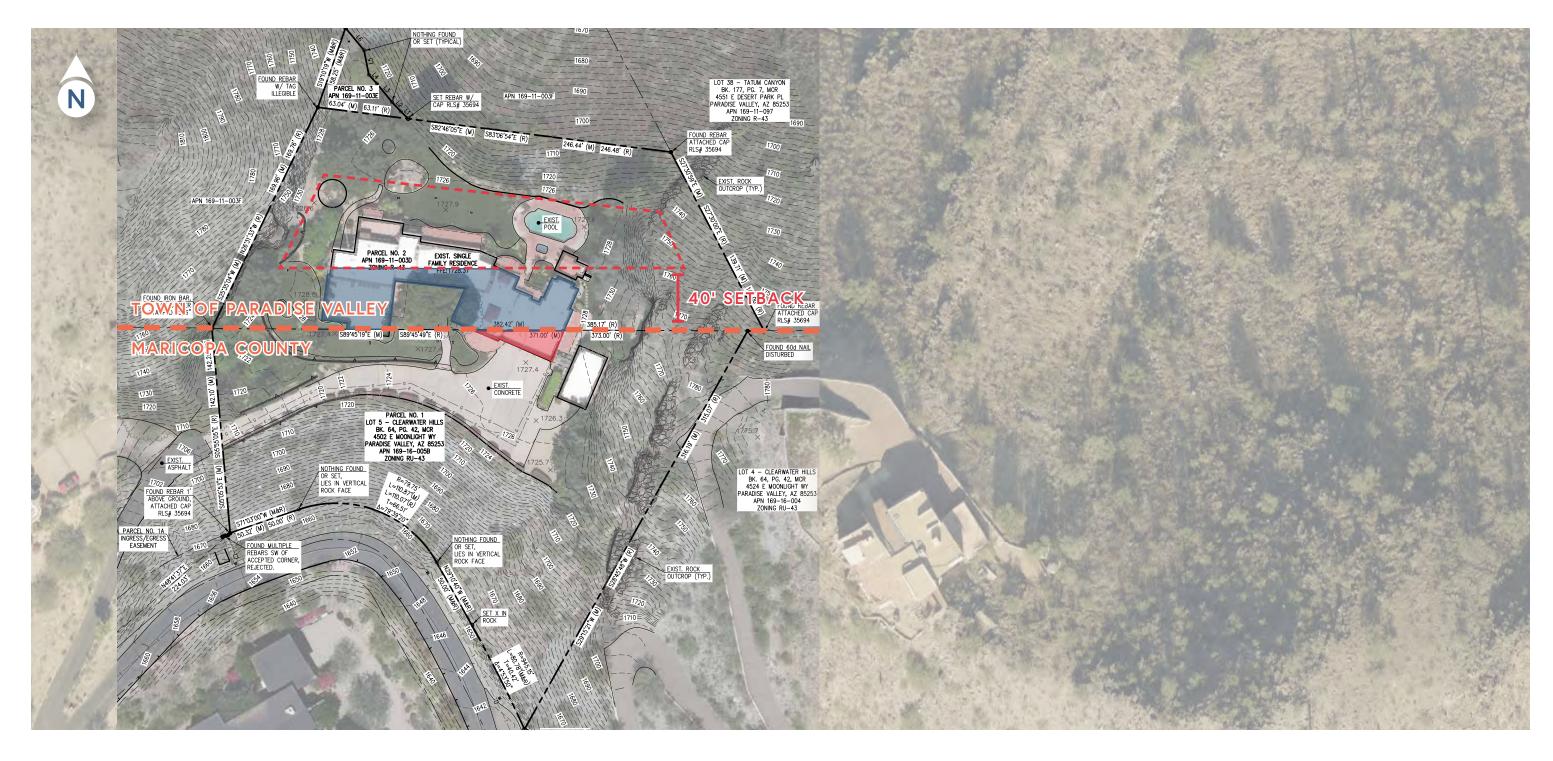
Note: For cross-sections see Sheet 2.

Bench Mark - Bross Cap at intersection West Property Corner and County/Town Line Elex. 1727.98'

DRAFTSPERSON	REVIS	IONS	PRC Toups Corporation			
MPM	BY	DATE	The loups despotation			
DESIGNER	Δ		A Planning Research Company 4131 North 24th Street, Phoenix, Arizona 85016 Telephone (602) 264-9665			
PROJECT SUPERVISOR	4					
53	△		THE LOU GRUBB RESIDENCE			
SURVEY SUPERVISOR	A		SITE PLAN			
PROJECT MANAGER	ß		JIIE ILAN			
	DATE://-80		JOB NO. 1820-600-0 SHEET 1 OF 2			

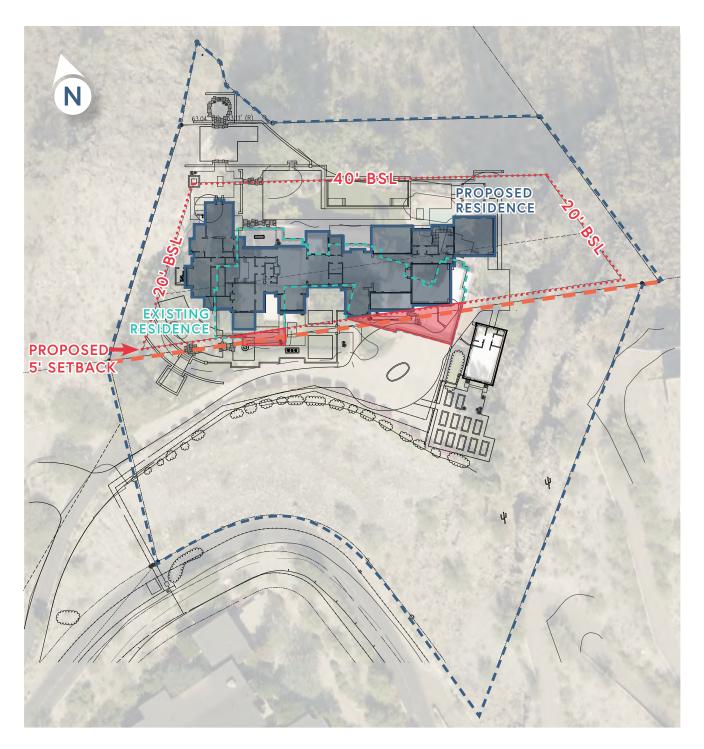


## existing site plan





## proposed site plan with existing conditions



#### SITE HISTORY

The property located at 4502 E. Moonlight Way currently consists of 3 parcels. The South parcel APN 169-16-005B (lot 1) is under the jurisdiction of Maricopa County while the two North parcels APN 169-11-003D (lot 2) and 169-11-003E (lot 3) are under the jurisdiction of the Town of Paradise Valley. Prior to 1980, the 2 North parcels were annexed into the Town of Paradise Valley. The South Parcel remains in Maricopa County. In 1978, the owner of the parcels entered into a covenant with Clearwater Hills, that required the owner (and any successor owners) to treat the South parcel and the adjoining North parcel as a single lot. A copy of this recorded covenant is included at the back of this booklet. The two parcels can never be separated and only one single dwelling (and guest house) can ever be built on the combined parcels. A home was permitted and built on the 3 parcels in the 1980's. This home was designed and built over the boundary line between the two jurisdictions (see plan page 8). The current home, which straddles the property line, does not meet the following requirements: front building setback for lot 2, primary ridge line, and site and retaining wall requirements.

#### PROPERTY HARDSHIPS

The current owners of this property want to build a new home. Their surrounding Clearwater Hills neighbors are all in Maricopa County and are not required to comply with Paradise Valley hillside requirements. Based on the current Paradise Valley hillside requirements that did not exist when the pad was created and the existing lot divisions which are in two different jurisdictions, a new comparable home is not buildable on any of the individual 3 lots. It is even impossible to remodel the current home because if more than 50% of the structure is remodeled it will have to meet current requirements, which cannot be done. The lack of ability to build or remodel at this location and comply with current zoning requirement is considered a property hardship unless a variance is granted for three items listed on the following sheet.



## proposed variances

#### 1 • 40' SETBACK

The existing building was designed with a 40' front setback line from the portion of the lot 1 running along Moonlight Way (see site plan page 6). As lot 1 is a separate jurisdiction, we believe the building setback should be measured from the south edge of lot 2. Zoning requires a 40' front set back. The current home encroaches 6,600 sf over this lot 2 front setback. On the north side, at the rear 40' setback the existing spill slope make it unsafe to build anything on it, in effect making most of the second lot unbuildable. Without relief from the front yard setback requirement, there is not enough room on the lot to build a similar house on the existing pad and comply with setbacks on each lot. For this reason, we are requesting a variance be granted for lot 2 front setback to be changed to 5'. Current building codes require a structure to be placed no closer than 5' to a property line (IBC 705.2.3).

#### 2 • RIDGE LINE PROTECTION

When the current home was built on the property the regulations requiring the protection of ridgelines were not in place. The ridgeline was removed to build a home on the property in the 1980's. It is not possible to replace the natural ridge. It is also not possible to comply with the Paradise Valley Primary Ridge Line requirements. As shown on the proposed elevations and site sections the ridge was removed to create the building pad. The entire roof of the current home is above the historic natural ridge or natural grade. 17% of the proposed new roof is below original natural grade (see page 20 and 21). As it is not possible to replace the original ridge, it is impossible to comply with this requirement in its entirety. The new home has been designed to comply where it can with to the primary ridge line, while the existing home does not comply at all. Consequently, we are asking for an exception to the Primary Ridgeline requirements.

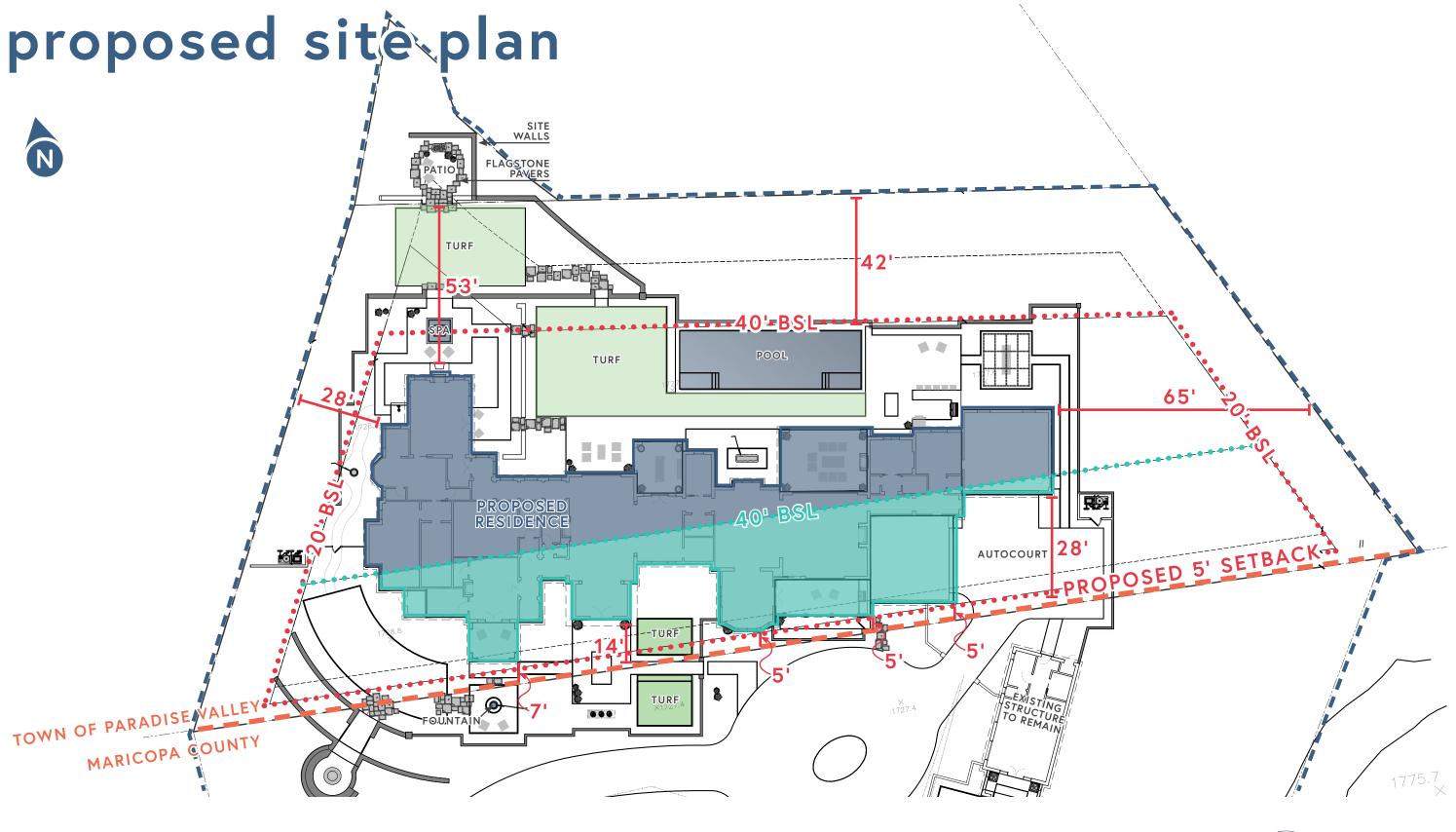
#### 3 • RETAINING WALLS

There are several retaining walls that cross from one lot to another and so are not in compliance with the current zoning codes (see plan on page 22). In order to keep the disturbance on the lot to a minimum, we would also request that retaining walls be allowed to cross over the boundary lines between the two parcels. The site will require minor retaining walls in the front setback in order to limit disturbance on the lot and utilize the existing building pad. If these three variances are granted it will allow the owner to enjoy the same privileges on their lot as any other homeowner with a similar lot with the same zoning.

#### **CONCLUSION:**

By granting the three minor proposed variances, a new home can be built on the current pad which has existed since at least 1980, reducing any further disturbance to the site. The very unique circumstance of a lot with a home that is built over an existing property line within two different jurisdictions makes it impossible to build a home on the site without approval of the requested variances.







### site data

**EXISTING FLOOR AREA** – 10,300 S.F. **PROPOSED FLOOR AREA** - 11,500 S.F. (INCREASE OF 800 S.F.)

#### House Encroachment into 40' Front Setback

**EXISTING RESIDENCE** – 6,600 S.F. **PROPOSED RESIDENCE** – 4,400 S.F. (REDUCTION OF 2,200 S.F.)

HISTORIC PRIMARY RIDGELINE WAS REMOVED AND WAS APPROXIMATELY AT 1730

EXISTING FINISHED FLOOR - 1728.37 PROPOSED FINISHED FLOOR - 1728.5

**BUILDING PAD SLOPE** – 19.39% **EXISTING DISTURBED AREA** – 76,185 S.F. **PROPOSED DISTURBED AREA** – 50,269 S.F. **LOT SIZE** – 99,313 S.F. ALLOWABLE FLOOR AREA – 24,830 S.F. (25%) **EXISTING FLOOR AREA RATIO** – 10.4% **PROPOSED FLOOR AREA RATIO** – 11.6%

#### Encroachment into Ridgeline Requirement

EXISTING RESIDENCE - 10,143 S.F. (0% COMPLIANT) PROPOSED RESIDENCE - 8,662 S.F. (17.4% COMPLIANT)\* \* IF RIDGELINE HAD NOT BEEN REMOVED

BOTH THE PROPOSED AND EXISTING RESIDENCE ARE JUST BELOW WHAT WAS THE HISTORIC PRIMARY RIDGELINE THEREFORE MAKING BOTH STRUCTURES SIT WELL ABOVE THE CURRENT ALLOWED RIDGELINE HEIGHT.

#### Existing vs. New Disturbance by Lot

LOT	APN#	SIZE (S.F.)	EXISTING DISTURBANCE (S.F.)	%	NEW DISTURBANCE (S.F.)
1	169-16-005B	54,040	38,649	71.5	18,745
2	169-11-003D	43,597	35,870	82.3	30,608
3	169-11-003E	1,681	1,666	99.1	943
TOTAL	-	99,318	76,185	76.7	50,296



## disturbance map





## variance criteria

1 • "Such variance... will serve not merely as a convenience to the applicant, but [is] necessary to alleviate some demonstratable hardship or difficulty so great as to warrant a variance under the circumstances." (Town Code Section 2-5-3(C)2).

The current home built on these parcels treats the parcels as one and does so without regard to the property lines. The current home straddles the property line which is evident in the 1980 site plan approved by the Town. The owners desire to remove the old structure and build a new home on the lot. Without variances from the front setback and Primary Ridge Line requirements, it would be impossible to build a similar size home on this lot, which is of a size consistent with other homes in the neighborhood. The house is currently in bad repair and more than 50% would need to be remodeled in order to adequately update the home. If the new owners were to remodel more than 50% of the home, it would also have to comply with the current setbacks and Primary Ridge Line requirements, which would mean it would have to almost be completely removed anyway. If variances are not granted, the existing home cannot be remodeled more than 50% and a new home cannot be built on this property without considerable hardship.

The current "pad" on which the home was built straddles two parcels. Both the north slope of the North parcel and the south slope of the South parcel are very steep. Just as was done 40 years ago when the current house was approved and built, utilizing this existing pad would certainly alleviate a demonstratable hardship or difficulty.

2 • The "special circumstances, hardship, or difficulty [do not] arise out of misunderstanding or mistake..." (Town Code Section 2-5-3(c)4(b)).

The hardship is not caused by a misunderstanding or mistake. In fact, the hardship is the direct result of the unique topography of the two parcels, the existing pad that creates a logical homesite, and current ordinances that make utilization of the property extremely difficult without the requested variances. When the new owners purchased the property, the current home already straddled the two parcels in two different jurisdictions with its challenging topography.

3 • "Such variance from ... the strict application of the terms of [the Zoning Ordinance]...are in harmony with its general purpose and intents ..." (Town Code Section 2-5-3(C)2).

If the variances are granted, the new home will comply with all other Town codes and will be in harmony with the intent of those codes. Given the recorded covenant with Clearwater Hills that says the two parcels have to be treated as a single parcel, the parcels cannot be separated

and no other home could be built within 40' of the lot line if the variances are approved. In fact, if the parcels are treated as one, the new home would have a much greater setback than 40' in the front.

4 • "The special circumstances, hardship or difficulty applicable to the property are [not] self-imposed by the property owner, or predecessor..." (Town Code Section 2-5-3(C)4) (Arizona Revised Statues 9-462.06(H)(2)).

The existing structure was permitted by the Town and built in the early 1980s. The current owners purchased the property and through conversations with the Town and Maricopa County determined that no one could explain how the home was permitted and allowed to be built over the property line. The current state of the parcels and home on the property make it impossible to remodel more than 50% of the home or build a new home without variances to the front setback and Primary Ridge Line requirements.

• "Because of special circumstances applicable to the property, including its size, shape, topography, location, or surroundings, the strict application of the zoning ordinance will deprive such property of privileges enjoyed by other property of the same classification in the same zoning district.

The strict application of the zoning ordinance on the front setback will not allow the owners to construct a home on the property of the same size and caliber of homes in the surrounding neighborhood, decreasing the value of the property and depriving the owners from being able to develop the property like any other property in the same zoning district and surrounding neighborhood. The steep slopes on the north and south sides of the combined parcels, along with the existing pad that straddles two parcels, are special circumstances unique to this property.

6 • The variance would not "constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and one in which such property is located." (Arizona Revised Statutes 9-462.06(G)(2)).

The variances will not grant any special privilege but would only allow the owners to build a home similar to others in the area. If the variances are not granted, the owners would not be able to build a home like others in the community.

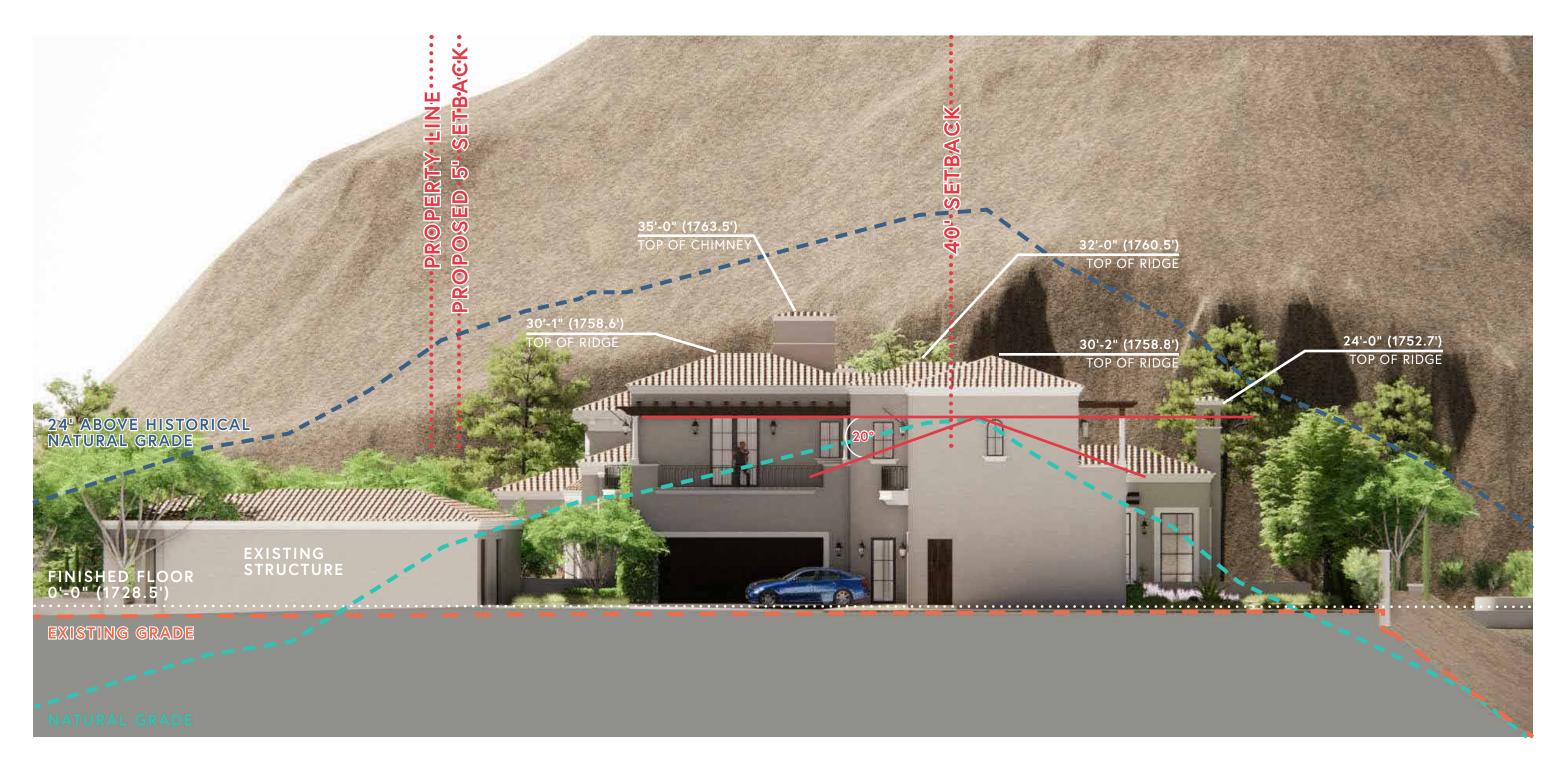


## south conceptual elevation





## east conceptual elevation





## north conceptual elevation



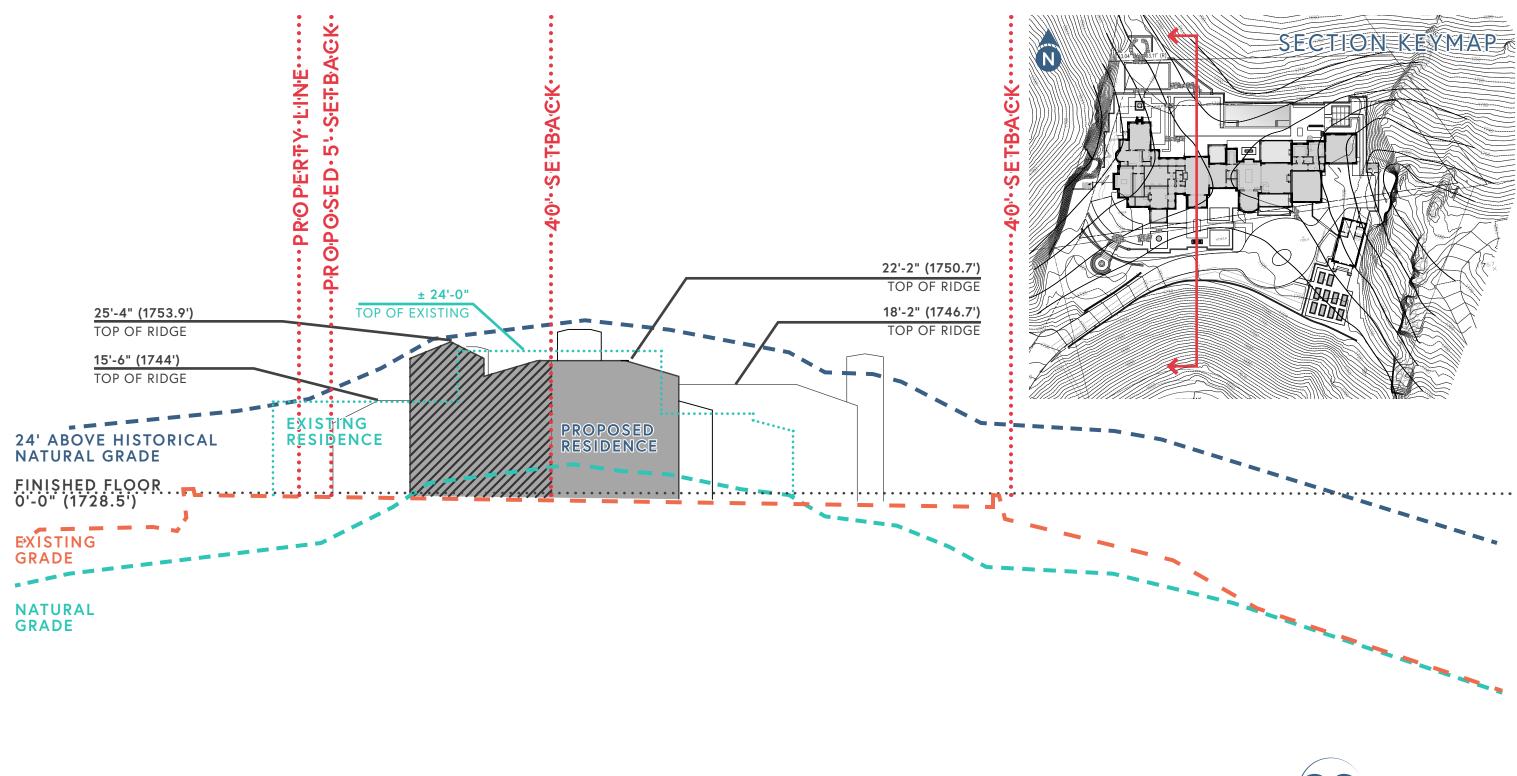


## west conceptual elevation



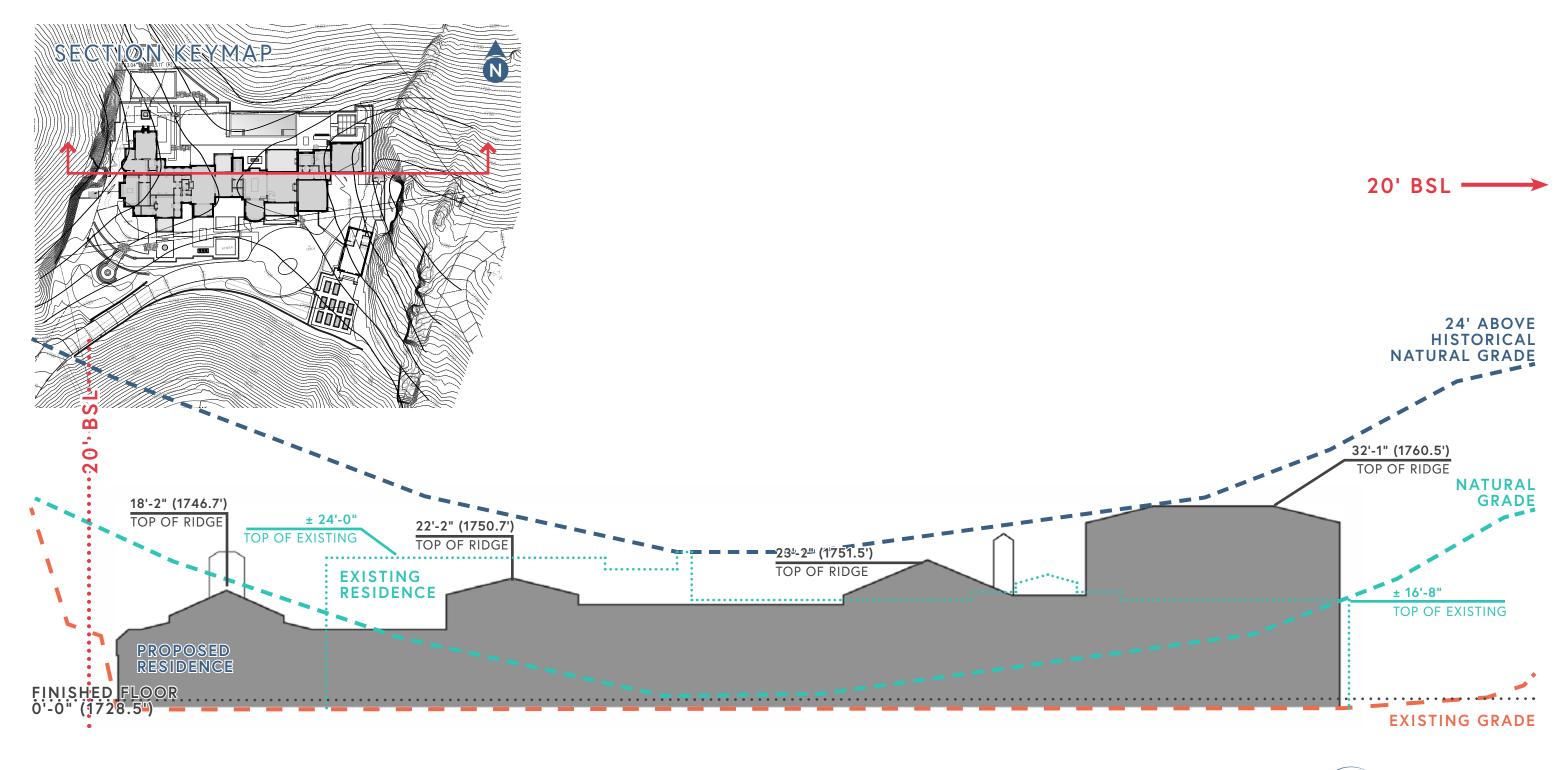


### east section



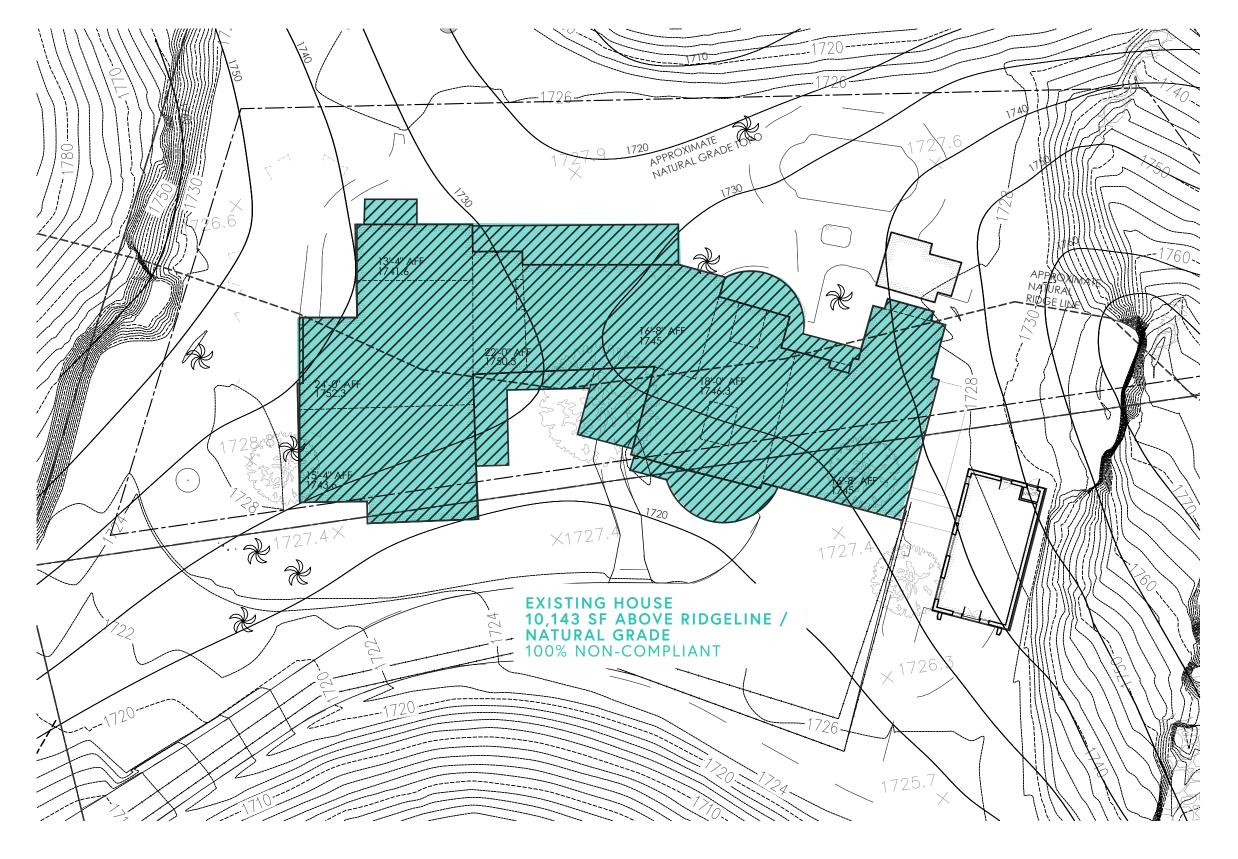


## south section



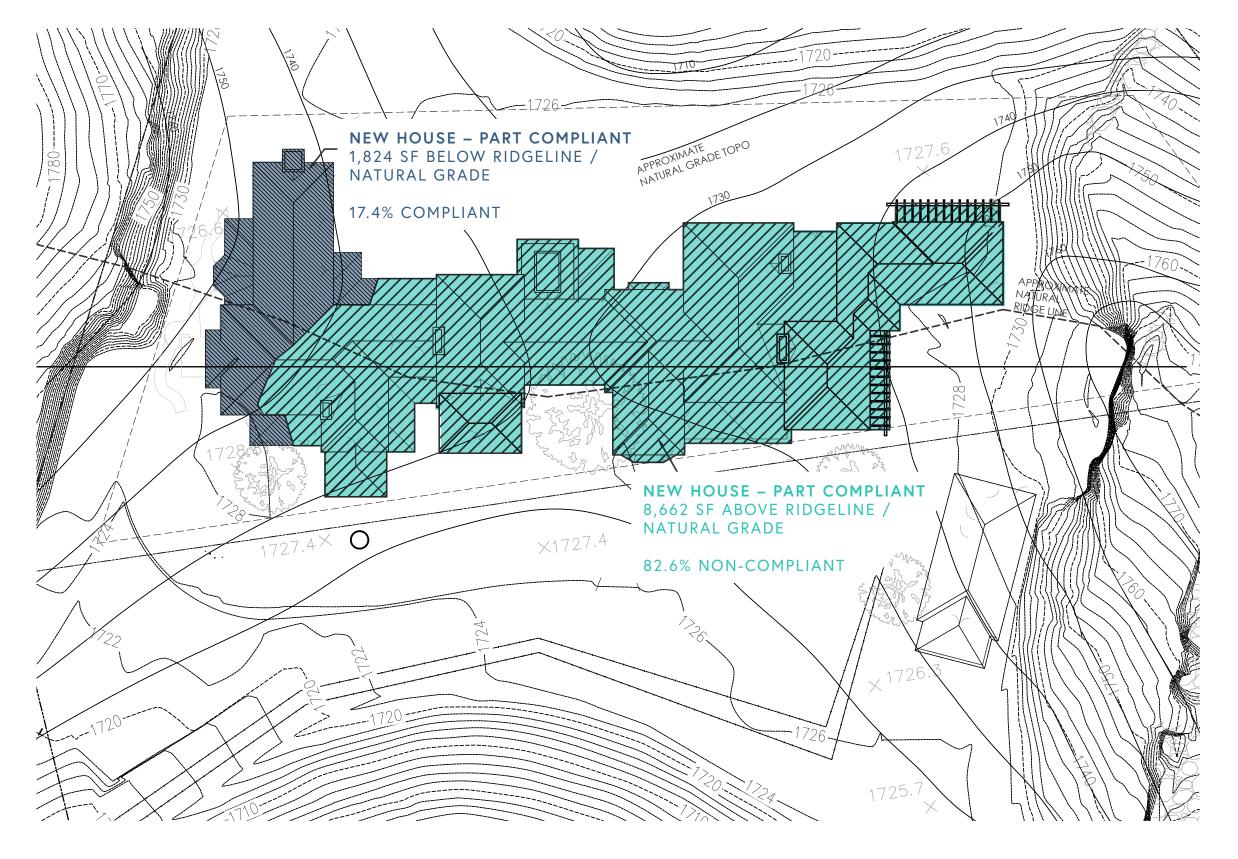


## ridgeline plan existing building

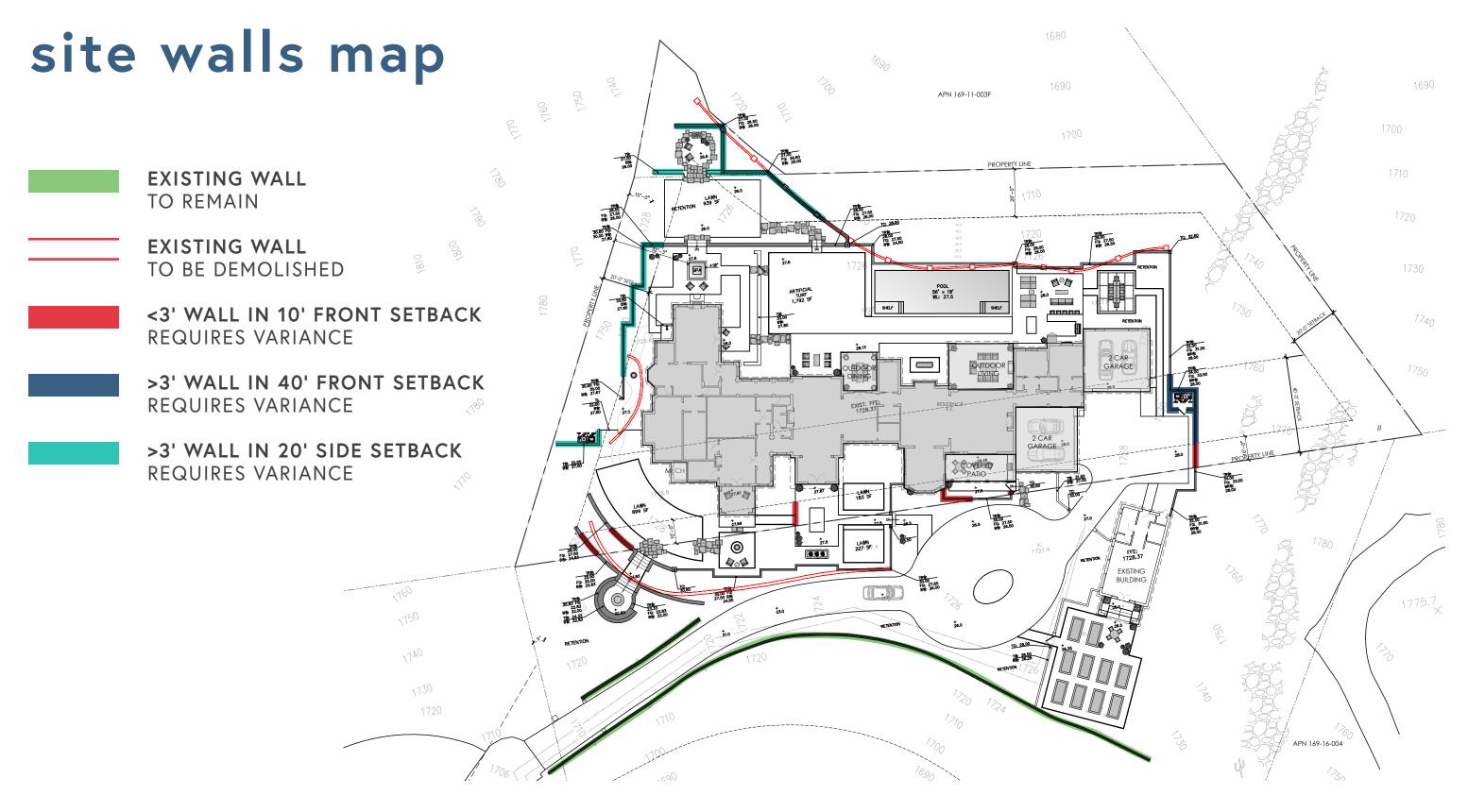




## ridgeline plan proposed building









#### TOWN OF PARADISE VALLEY NOTES PRELIMINARY GRADING & DRAINAGE PLAN

LOCATED IN A PORTION OF THE N 1/2 OF THE SW 1/4 OF THE NE 1/4 OF SECTION 6. T.2N. R.4E

— — — EASEMENT LINE

#### OF THE GILA & SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA DISTURBED AREA CALCULATIONS LEGEND

#### MARICOPA ASSOCIATION OF COVERNMENTS (M.A.G.) UNIFORM STANDARD SPECIFICATIONS AND DETAILS FOR PUBLIC WORKS CONSTRUCTION (LATEST EDITION INCLUDING LATEST REVISION AND CURRENT SUPPLEMENTS THEREOF PER THE LOCAL TOWN

- CONSTRUCTION (LATEST EDITION INCLUDING LATEST REVISION AND CURRENT SUPPLEMENTS THEREOF PER THE LOCAL TOWN OR OTTY) ARE INCORPORATED INTO THIS PLAN IN THEIR ENHIETY.

  ALL WORK REQUIRED TO COMPLETE THE CONSTRUCTION COVERED BY THIS PLAN SHALL BE IN ACCORDANCE WITH THE M.A.G. STROMAND SPECIFICATIONS AND DETERMENT SUPPLEMENTS THEREOF PER THE LOCAL CITY OR TOWN UNLESS SPECIFIED DITERMENT IN THESE PLANS OR ELEMENTS IN THE CONTRACT DOCUMENTS. CONTRACTORS SHALL PARMILHARDZ.

  HANDELY SENT HALL RECOURDED STANKING SPECIFICATIONS, CETALS AND SPECIFICATIONS PRIOR TO BIDDING THE WORK FOR CRADING SHALL BE IN CONTROLMENT SHALL SHAMILHARDZ.

  FOR MINISTRUCTION SHALL CONFORMING WITH 2018 BIC SEC, 1803 AND APPENDIX J.

  SY WINNIAM SIGNED AWAY FROM BURDING FOR A MARMAIN OF, UNLO.

  ALL CONSTRUCTION SHALL CONFORM TO THE LATEST MARRICOPA ASSOCIATION OF COVERNMENTS (M.A.G.) SPECIFICATIONS AND
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- A DUST CONTINCE, PLAN MELTING THE REQUIRED. AT STORY THE MARGORA COUNTY AIR POLLUTION CONTROL REGULATIONS, AS AMPLIED, IS REQUIRED. AS SEPARATE PERMIT IS RECEIVED.

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  A SEPARATE PERMIT SERVICES AND FOR STALL BE ON THE JOB SITE AT ALL TIMES. DEVIATIONS FROM THE PLAN MUST BE PRECIDED BY AN APPRICABLY BULL BY A STALL BE CONTROL FOR THE PROTECTIVE BERMS, BARRIER WALLS, CONCRETE CHANNELS OR OTHER MEASURES DESIGNED TO PROTECT ADJACENT BULLIONS OR PROPERTY FROM STORM RUNOFF MUST BE COMPLETED PRIOR TO BULLIONS CONSTRUCTION.

  ALL STRUCTURES AND LANDSCAPING WITHIN THE SIGN SINGLIFY TIRANGE SHALL HAVE A 2 FOOT MAXIMUM HEIGHT.

  ALL PATIOS, WALKS, AND DRIVES TO SLOPE MAY FROM BULLIONS ON GARAGES AT A MINIMUM SLOPE OF 1/4" PER FOOT MULESS SPECIFIED OTHERWISE. ALL LAWAN AREAS ADDIONNE WALKS OR SLABS WILL BE GRADED TO 2" BECOME THE TOP OF SLAB. THEIGHT INSHED OTHERWISE.
- SLAB. INFICAL FINISHED VIRALE PROCORD FORMELEN OF SOMEWIND STATES.

  ALL MATERIAL TO BE UNDER SLABS AND WALKS SHALL BE COMPACTED TO NOT LESS THAN 95% PER ASTIM D698. THE QUANTITIES AND SITE CONDITIONS DEPICTED IN THESE PLANS ARE FOR INFORMATIONAL PUMPOSES ONLY AND ARE SUBJECT TO ERROR AND OMISSION, CONTRACTORS SHALL SATISTY THEMSELYES AS TO ACTUAL QUANTITIES AND SITE CONDITIONS PROTO TO BIDDING THE WORK FOR THE CONSTRUCTION COVERED BY THIS PLAN. THE CONTRACTOR IS RESPONSIBLE FOR DETAINING AND COMPLYING WITH ALL PERMITS REQUIRED TO COMPLETE ALL WORK PARKETS OF THE DETAIL THE CONTRACTOR IS RESPONSIBLE FOR DETAINING AND COMPLYING WITH ALL PERMITS REQUIRED TO COMPLETE ALL WORK PARKETS THE DETAIL THE STATE OF THE PROTOCOLOGY.
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- DURING THEIR CONSTRUCTION OPERATIONS. THE CONTRACTOR SHALL CALL 48 HOURS IN ADVANCE FOR BLUE STAKE
  1-800-STAKE-TIP PROR TO ANY EXCAVATION.
  THE CONTRACTOR IS RESPONSIBLE FOR ALL COMEDINATION OF CONSTRUCTION AFFECTING UTILITIES AND THE COORDINATION
  OF ANY RECESSARY UTILITY RELOCATION WORK.
  ALL PANNIC, RADANIC, EXCAVATION, IRRICHING, PIPE BEDDING, CUT, FILL AND BACKFILL SHALL COMPLY WITH THE
  RECOMMENDATIONS SET FORTH IN THE SOLIS (SCOTECHNICAL) REPORT FOR THIS PROJECT IN ADDITION TO THE REFERENCED
  REQUIRED SPECIFICATIONS AND DETAILS.
- REQUIRED SPECIFICATIONS AND DETAILS.

  THE CONTRACTOR IS TO MERFY THE LOCATION AND THE ELEVATIONS OF ALL EXISTING UTILITIES AT POINTS OF TIE-IN PRIOR TO COMMENCING ANY NEW CONSTRUCTION, SHOULD ANY LOCATION OR ELEVATION DIFFER FROM THAT SHOWN ON THESE PLANS, THE CONTRACTOR SHALL CONTRACT THE CONNETS AGENT.

  CONTRACTOR TO VERIFY AND COORDINATE ALL DIMENSIONS AND SITE LAYOUT WITH ARCHITECTURE'S FINAL SITE PLAN AND
- CONTRACTOR TO VERRY AND CODORDMATE ALL DIMENSIONS AND SITE LAYOUT WITH ARCHITECTURE'S FINAL SITE PLAN AND FINAL BUILDING DIMENSIONS EFFORE STARTING WORK, REPORT DISCREPANCES TO OMNOR'S ACENT. COORDINATOR BETWEEN ALL PARTIES IS ESSENTIAL PART OF CONTRACT.

  CONTRACTOR IS RESPONSIBLE FOR PROJECT AND SITE CONDITIONS, AND TO WORK WITH WEATHER CONDITIONS AS THE PROJECT SITE MAY SE LOCATED IN A FLOOD PROME AREA AND SUBJECT TO FLOODING AND ITS HAZARDS.

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- CONSTRUCTION AND TO BE A WINNIUM OF SIX NOVES BELLOW EXISTING NATURAL GRADE OR FINISHED GRADE WHICHEVER IS LOWER (FIPCAL).

  37. REFER TO ARCHITECTURAL DRAWNIGS FOR BUILDING LAYOUT, IDMENSIONS AND ELEVATIONS.

  38. REFER TO SIXTUCUTRAL DRAWNIGS, DETAILS AND CALCULATIONS FOR ALL PROPOSED RETAINING WALLS.

  39. FOR CHANGE IN ELEVATION THAT ARE GREATER THAN 30", PROVIDE 36" HICH GUARDRAILS FOR TOTAL OF 42" FALL PROTECTION BABRIER U.M.O.

  40. CONTRACTOR TO PROVIDE POSTIVE DRAWAGE AWAY FROM STRUCTURE 55 WIN SLOPE FOR RIFST 10 FEET, U.N.O.

  41. ALL WATER AND SEWER LINES AND CONNECTIONS MUST BE INSTALLED PER IPC 2018, MAG AND TOWN OF PARADISE VALLEY SUPPLEMENT TO MAG.

  42. WATERPROOF ALL EXTERIOR WALLS 18" ABOVE FINISH GRADE—(BITUTHENE® 3000 HC MEMBRANE W/ GRACE PROTECTION 0.3 OR APPROVED EQUAL).

- OR APPROVED EQUAL).

  ALI PIPES AND FITTINGS SHALL BE INSTALLED PER MANUFACTURE'S SPECIFICATIONS AND DETAILS.

  44. ABANDOMENTO F EXISTING AND INSTALLATION OF NEW SEPTIC SYSTEMS SHALL BE PERFORMED IN ACCORDANCE WITH THE MARCOPA COUNTY ENVIRONMENTAL SERVICES DEPARTMENT RULES AND STANDARDS, AND WILL REQUIRE SEPARATE PERMIT.

  45. COORDINATE RIPAP COLOR WITH LANDSCAPE PLANS FINAL LOCATION AND GRATE TYPE OF SPECIFED AREA DRAINS AND TRENCH DRAINS.

  - TRENCH DRAINS.

    7. VERIFY AND COORDINATE WITH ARCHITECTURAL AND LANDSCAPE PLANS LOCATION AND HEIGHT OF ALL SITE WALLS.

    8. DISTURBED AREA: TOTAL ACRES = 0.78 ACRES < 1 ACRES, HOPES PERMIT IS NOT REQUIRED.

    9. REFER TO ARCHITECTURAL PERMIS AND DETAILS FOR DEMOUTION AND REMOVAL OF ANY EXISTING BUILDING STRUCTURES, SITE WALLS, POOL AND PAYBURNT ETC.

    50. REFER TO GEOTECHNICAL REPORT FOR SPECIFIC RECOMMENDATIONS AND MAXIMUM ALLOWED FILL AND CUT SLOPES.

    57.BRILLY OF LESTING ROCK PHINNING AND MET SHALL BE INSPECIFED AND APPROVED BY GEOTECHNICAL BRIGHERER.

FIRE SPRINKLER SYSTEM TO BE INSTALLED PER THE REQUIREMENTS OF THE TOWN OF PARADISE VALLEY AND IN ACCORDANCE WITH LB.C. SECT. 304.2.2 AUD. AND LF.C. SECT. 1003.2.1 AUD.

NEW SINGLE FAMILY RESIDENCE, NEW QUEST HOUSE, NEW DRIVEWAY, NEW POOL, NEW RETAINING WALLS AND OFFSITE IMPROVEMENTS WITH ON-SITE RETENTION.

C-1 COVER SHEET
C-2 PRELIMINARY IMPROVEMENT PLAN
OVERALL SITEPLAN
C-3 PRELIMINARY IMPROVEMENT PLAN
ENLARGED VIEW



19,744 S.F. (19.88%) UTILITIES NOTES HORIZONTAL AND VERTICAL LOCATIONS O
EXISTING UTILITIES SHOWN ON THE PLAN
APPROXIMATE ONLY AND WILL BE FIELD
APPROXIMATE ONLY AND WILL BE FIELD

#### **EARTHWORK QUANTITIES**

VERTICAL:

DING OF THIS SITE IS CLASSIFIED AS "ENGINEERED GRADING" PER 2018 I.B.C. AND WILL

19.39%

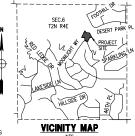
76.185 S.F. (76.70%)

LEXAMATION AND GRADING OF THIS SITE IS CLASSIFIED AS "ENGINEERED GRADING" PER 2018 I.B.C. AND WILL BE PERFORMED ACCORDINGLY.

2. THE CONTRACTOR WILL RETAIN A SOLS ENGINEER DURING CONSTRUCTION TO INSPECT PROGRESS OF CONSTRUCTION. CONCERNING PREPARATION OF GROUND TO RECEIVE FILLS, TESTING AND REQUIRED COMPACTION STRUCTURE. ALL RISHING SLOPES MICLIONED CAT SLOPE OF AN THE SALE STRUCTURE. AND SEQUENCE COMPACTION SHALL COMPLY WITH MAJO. SECTION 601 AND PONSIONS AS SET FORTH IN THE SOLS REPORT. A BEAUTY OF A BE

#### **TOWN OF PARADISE VALLEY HILLSIDE NOTES**

- NO CERTIFICATE OF OCCUPANCY SHALL BE ISSUED UNTIL ALL HILLSOS SPILLATIONS AND ALL TOWN COOR REQUIREMENTS ARE COMPLIED INCLUDING, BUT NOT LIMITED TO LANDSCAPING, GROUND RESTORATION, FIRE FLOW, FIRE SAFETY, AND ALL ONSITE AND OFFSTE IMPROVEMENTS.
- ALL OUTDOOR LIGHTING SHALL BE IN CONFORMANCE WITH ARTICLE XXII OF THE TOWN ZONING ORDINANCE
- C. ALL EXCESS FILL MATERIAL SHALL BE REMOVED FROM THE SITE WITH NO NEW SPILL SLOPES. D. THE USE OF HORAULIC RAM HAMMERS, OR OTHER HEAVY COUPERINT USED TO CUIT THROUGH ROCK, NICLIONS MACHINERY WITH AUDIELE BACK UP WARRING DEVICES SHALL BE LIMITED TO USE BETWEEN HE HOURS OF COMAIN OR SUNINSE, WHICHER IS LATER, AND GOODING OR SUNISET, WHICHER IS LABLER, MONDAY THROUGH FROUCH THOUGH WORK ON SATURDAY AND NO WORK ON SUNDAY OR LEGAL, HOLIDAYS, RAM HAMMERS AND HER HEAVY EQUIPMENT CANNOT BE USED ON SATURDAYS WITHOUT A WAYER FROM THE TOWN MANAGER.
- E. CONSTRUCTION STAKING AND/OR FENCING SHALL BE PLACES AROUND THE CONSTRUCTION SITE SO AS TO PROTECT THE UNDISTURBED NATURAL AREA.
- F. ALL RETAINING WALLS SHALL NOT EXTEND MORE THAN 6 INCHES ABOVE THE MATERIAL THEY RETAIN (WITH EXCEPTION OF DRIVEWAY RETAINING WALLS IN ACCORDANCE WITH 2207.VI.6).



OWNER

ARCHITECT

SITE DATA **CIVIL ENGINEER** 

APN: 169-16-0058, 169-11-0032 & 169-11-0032 & 8080 N CDYTRAL AVE, SUITE 2 PROPRIES. 22 EMORNICH IW., PROPRIES. 2001 NG. 2 EMORNICH IW., PROPRIES. 2001 NG. 2 EMORNICH IW., PARAINS: VALLEY, AZ 85233 CONTACT: NICK PRODANCY, PE 107 SRE 29,318 SF (2.280 AC.); 682 889 1964

#### **BENCHMARK**

THE FOUND SOUTHERLY PROPERTY LINE OF LOT 5, CLEARWATER HILLS, ACCORDING TO THE PLAT OF RECORD IN THE OFFICE OF THE COUNTY RECORDER OF MARICOPA COUNTY, ARIZONA IN ROOM

#### DRAINAGE STATEMENT

- ULTIMATE STORM OUTFALL IS LOCATED AT THE SOUTHEASTERLY PROP. CORNER AT ELEVATION OF 1660.00. NEW SINGLE FAMILY RESIDENCE IS PROPOSED WITH THIS PROJECT. PROPOSED DEVELOPMENT DOES NOT IMPACT DRAINAGE CONDITIONS

- 3. PREPOSED DEVELOPMENT DOES NOT IMPACT DRAINAGE CONDITIONS OF ADDISONAL DIST.

  4. EXISTING DRAINAGE PATERINS ARE PRESENTED.

  5. EL MANNAL DRAINAGE PATERINS ARE PRESENTED.

  5. EL MANNAL DRAINAGE PATERINS ARE PRESENTED.

  6. EL MANNAL DRAINAGE PATERINS AREA PROMOTED CONTROLLED PER THE APPROVISE OWN LEANS.

  6. PROPOSED STORM DRAIN SYSTEM SHALL BE INSPECTED AND CLEAND FROM DEBRIS AND SIT AFFER VERY MAJOR STORM EVENT.

  7. BIRBAR AND BOULDERS ARE SPECTED AT ALL DRAINS OF DISCHARCE TO MITIGATE PROSION AND TO CONVERT CONCONTRATED FLOWS BOAK TO SEEL FLOWS.

#### FLOOD INSURANCE RATE MAP (FIRM) DATA

•			m	** **	
	COMMUNITY # 040049		ANEL # OF 4425	SUFFIX L	BASE FLO
		PANEL DATE 10/16/2013	FIRM INDEX DATE 11/04/2015	ZONE X*	ELEVATIO N/A

040043				-		FLEVATIO
		DATE /2013		DEX DATE /2015	ZONE X*	N/A
*AREAS DETERI FLOODPLAIN.	MINED	TO BE	OUTSIDE	THE 0.2%	ANNUA	L CHANCE

#### **AS-BUILT CERTIFICATION**

REGISTERED ENGINEER / LAND SURVEYOR

PECISTRATION NUMBER

#### FINISH FLOOR CERTIFICATION

PLAN OF 1589.75 AND 1601.00 ARE MINIMUM OF 12" ABOVE THE 100-YEAR STORM ELEVATION OF 1588.75 ACCORDING TO THE TOWN OF

Nim Podemer

APPROVAL
THIS SET OF PLANS HAS BEEN REVIEWED FOR COMPLIANCE WITH TOWN OF
PARADISE VALLEY REQUIREMENTS PRICE TO ISSUANCE OF PERMIT. THE TOI
NETHER ACCEPTS NOR ASSUMES ANY LIABILITY FOR ERRORS OR OMISSION
THIS COMPLIANCE APPROVAL SHALL NOT PREVENT THE TOWN ENGLISH.





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ALL CONSTRUCTION SHALL CONFORM TO THE LATEST MARICOPA ASSOCIATION OF GOVERNMENTS (M.A.G.) SPECIFICATIONS AND STANDARD DETAILS.

ALL EXTERIOR SITE LIGHTING SHALL COMPLY WITH REQUIREMENTS OF SECTION 2208 OF THE TOWN OF PARADISE VALLEY ZONNO RODINANCES FOR FUTURE TYPE, LOCATION, HEIGHT, WATTAGE BASED UPON RITURES INSTALLED.

PARCISE VALLEY ZUNING (MOINMANES FOR FUTURE THE, LOCATION, REIGHT, WATTAGE BREAD OF NO FITTINGES MISTALLY DATE OF THE MATERICAPA COUNTY AIR PROLUTION CONTINUE. SERVING, AS ARCHIZED, IS REQUIRED.

A SEPARATE PERMIT MESCASIANY FOR AN EXPENSE OF THE LOB STIE AT ALL TIMES. DEVIATIONS FROM THE PLAN MISTAL OF REPORTED THE REPORT OF THE CONTINUE. BY THE LOB STIE AT ALL TIMES. DEVIATIONS FROM THE PLAN MISTAL OF REPORTED THE REMOVE.

EAKE PROLECTIONS INTO REQUIRED. SETBACKS ARE LIMITED TO A MAXIMUM OF 24" PURSUANT TO SECTION TO SECTION OF THE TOWN OF PRAFACISE VALLEY ZOUNG CORROWANCES.

ALL STRUCTURES AND LANDSCAPING WITHIN THE SIGHT WISBULTY TRANSICE SHALL HAVE A 2 FOOT MAXIMUM PERMY.

ALL MAY AND EXISTING ELECTRICAL SERVICE TO BE BURRED UNDERGROUND PER THE TOWN OF PARADISE.

ALL VISING ELECTRICAL SERVICE TO BE BURRED UNDERGROUND PER THE TOWN OF PARADISE.

ALL WATER CROUNDED.

VALLEY STANDARDS.

POOL, SPA, BABRECUE AND ANY PROPOSED STRUCTURES OVER 8 INCHES ABOVE GRADE REQUIRE SEPARATE PERMIT APPLICATIONS.

SEPARATE PERMIT APPLICATIONS.

POOLS SHALL BE CONSTRUCTED BY SEPARATE PERMIT AND SECURED FROM UNWANTED ACCESS PER SECTION 5-72-2 OF THE TORN OF PARADISE VALLEY ORDINANCES.

A SERDACK CERTICATION IS REQUIRED AND MUST BE CHEW TO TOWN INSPECTOR AT STEM WALL

INSPECTION.

MAIL BOX TO COMPLY WITH THE TOWN OF PARADISE VALLEY STANDARDS FOR MAIL BOXES IN THE R.O.W.
FOR HEIGHT, WIDTH AND BREAK MAXY FEATURES.

ALL PATIOS, MALKS, AND DRIVES TO SLOPE AWAY FROM BUILDING AND GARAGES AT A MINIMUM SLOPE OF 1/4" PER FOOT UNLESS SPECIFIED OTHERWISE. ALL LAWN AREAS ADJOINING WALKS OR SLABS WILL BE GRADED TO 2" BELOW THE TOP OF SLAB. TYPICAL FINISHED GRADE AROUND PERIMETER OF BUILDING IS MINUS 6" BELOW FINISHED FLOOR UNLESS SPECIFIED OTHERWISE. ALL MATERIAL TO BE UNDER SLABS AND WALKS SHALL BE COMPACTED TO NOT LESS THAN 95% PER ASTM

50ILS COMPACTION TEST RESULTS MUST BE SUBMITTED TO THE TOWN ENGINEER'S OFFICE FOR BUILDING

SUIC COMPACION 1EST HESULTS MUST ES SUBMITED 10 IN II. IOWN ENRINERS OFFICE THE BUILDING PADS THAT FANCE (NE LT) FOOT OR MORE OF FILL MATERIAL INDICATED. IT IN III. SEPORATION MUST BE TENDED BED SHALL BE FREE OF ROOKS AND DEBBIS. TENDED BED SHALL BE FREE OF ROOKS AND DEBBIS. TENDED BED SHALL BE FREE OF ROOKS AND DEBBIS. REGULATION IN FUEL 20–3 OF THE MARICOPA COUNTY HEALTH DEPARTMENT, BUREAU OF AIR POLLUTION CONTROL SHALL BE GRESTRED AND EMPORCED.

ONLY OF A SHALL BE OF SERVED AND EMPORCED.

WITH THE MAJG. STANDARD SPECIFICATIONS AND DEFINES AND CHRISTIT SUPPLIEBENTS THEREOF PER THE LOCAL LITT OF ROWN OURLESS. SPECIFIED DIREBRINGS. THE TEXT MEET AND ELECTRICATED TO THE CONTRACT.

DOCUMENTS, CONTRACTORS SHALL FAMILIARIZE HIMSRUES WITH ALL REQUIRED STANDARD PROPERTY OF THE PROPERTY OF THE CONSTRUCTION OF THE FOLIA SUPPLEMENTS PRICE TO BEDONG THE WORK FOR THE CONSTRUCTION OWNERD BY THIS FLAN.

HE CONTRACTOR IS TO COMPLY WITH ALL LOCAL STATE, AND FEDERAL LAWS AND REGULATIONS PAPILICABLE TO THE CONSTRUCTION COVERED BY THIS FLAN.

APPLICABLE TO THE CONSTRUCTION COVERED BY THIS PLAIN.
THE CONTRACTOR IS RESPONSIBLE FOR GETAINING AND COMPLYING WITH ALL PERMITS REQUIRED TO COMPLETE ALL WORK COVERED BY THIS PLAIN.
ALL CONSTRUCTION IN THE PUBLIC RIGHTS—OF—WAY OR IN EASEMENTS GRANTED FOR PUBLIC USE MUST.

CONSTRUCTION FIRST DUTY BELT ISSUED WHIN IS MANNINS, HE PLANS MOST HE ESSUEDMINED TO THE PROPERTY OF THE PROPE

THE REGISTRANT HAS PAID A BASE FEE PLUS A FEE FOR MISPECTION SERVICES. OPPES OF ALL PERMITS 2
MINST BE RETAINED ON-STEE AND BE AVAILABLE FOR MISPECTION AT ALL TIMES FAULURE TO PRODUCE THE
REQUIRED PERMITS WILL RESULT IN IMMEDIATE SUSPENSION OF ALL WORK UNITL. THE PROPER PERMIT
DOCUMENTATION IS OBTAINED.

ALL EXCAVATION AND GRADING THAT IS NOT IN THE PUBLIC RIGHTS-OF—WAY OR NOT IN EASEMENTS
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FEEL STATEMENT OF THE UNFORM BUILDING COMES
SUPPORT P). UNDER NO GROUNSTANCES WILL THE CONTRACTORS BE ALLOWED TO WORK IN A TRENCH
LOCATED WITH THE TOWN'S FORTH THE POWERFEATH OF SOCIAL EXCAVATION STATEMENT.

2. ON DEMOLITOR, GRADING, REMOGELING AND NEW CONSTRUCTION PROJECTS, PERMITTEE MIST NOTIFY
DADACENT PROPERTY OWNERS REAGANDED. THE AUTOM FOR THE NORMAL COURSE OF
CONSTRUCTION, AND ANY UNUSUAL. ACTIVITIES THAT MAY CAUSE DISRUPTION OF THE NORMAL COURSE OF
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VOLATION.

FOR DEMOLITION INSPECTION OWNER OR PERMITTEE SHALL NOTIFY OSHA FOR ASBESTIOS INSPECTION. ALL

DEMOLITIONS AND ALL RENOVATION ACTIVITIES THAT WILL DISTURB FRABILE ASBESTIOS CONTAINING

MATERIALS MUST BE REPORTED TO THE MARICOPA COUNTY ENVIRONMENTAL SERVICES DEPARTMENT.

#### 4502 E MOONLIGHT WY., PARADISE VALLEY, AZ 85253 **LOT 5 - CLEARWATER HILLS**

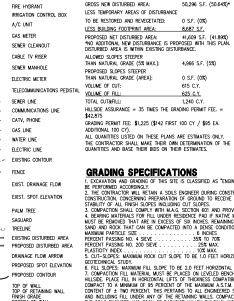
A SUBDIVISION PLAT RECORDED IN BOOK 64 OF MAPS, PAGE 42, MCR.,

#### ALLOWABLE NET DISTURBED AREA: ----- MONUMENT LINE EXIST. GROSS DISTURBED AREA: WATER VALVE GROSS NEW DISTURBED AREA: IRRIGATION CONTROL BOX GAS METER SEWER MANHOLE ELECTRIC METER T TELECOMMUNICATIONS PEDISTA —-с— COMMUNICATIONS LINE CATV. PHONE .--1380\_\_\_\_ EXISTING CONTOUR EXIST. DRAINAGE FLOW EXIST. SPOT ELEVATION PALM TREE SAGUARO ---- EXISTING DISTURBED AREA DRAINAGE FLOW ARROW XXXX PROPOSED SPOT ELEVATION PROPOSED CONTOUR

SET REBAR OR AS NOTED

CALCULATED POINT





#### **ABBREVIATIONS** BACK OF CURB BUILDING SETBACK LINE EXISTING GRADE

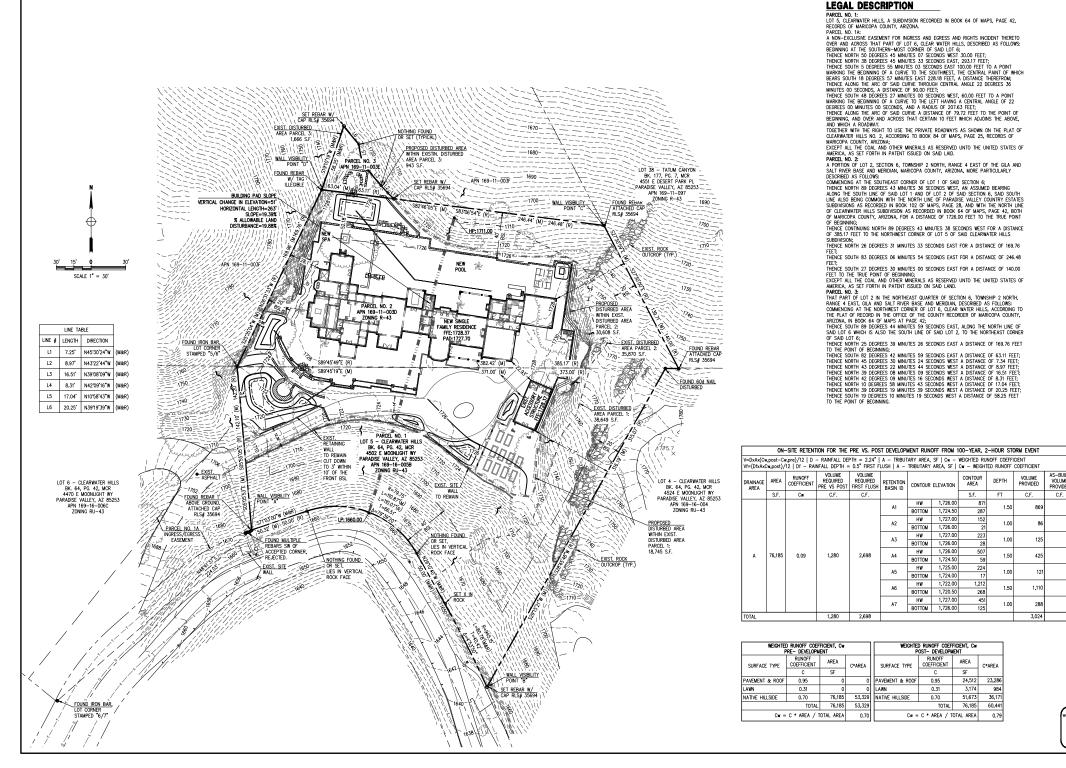
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**NATIVE PLANTS** 



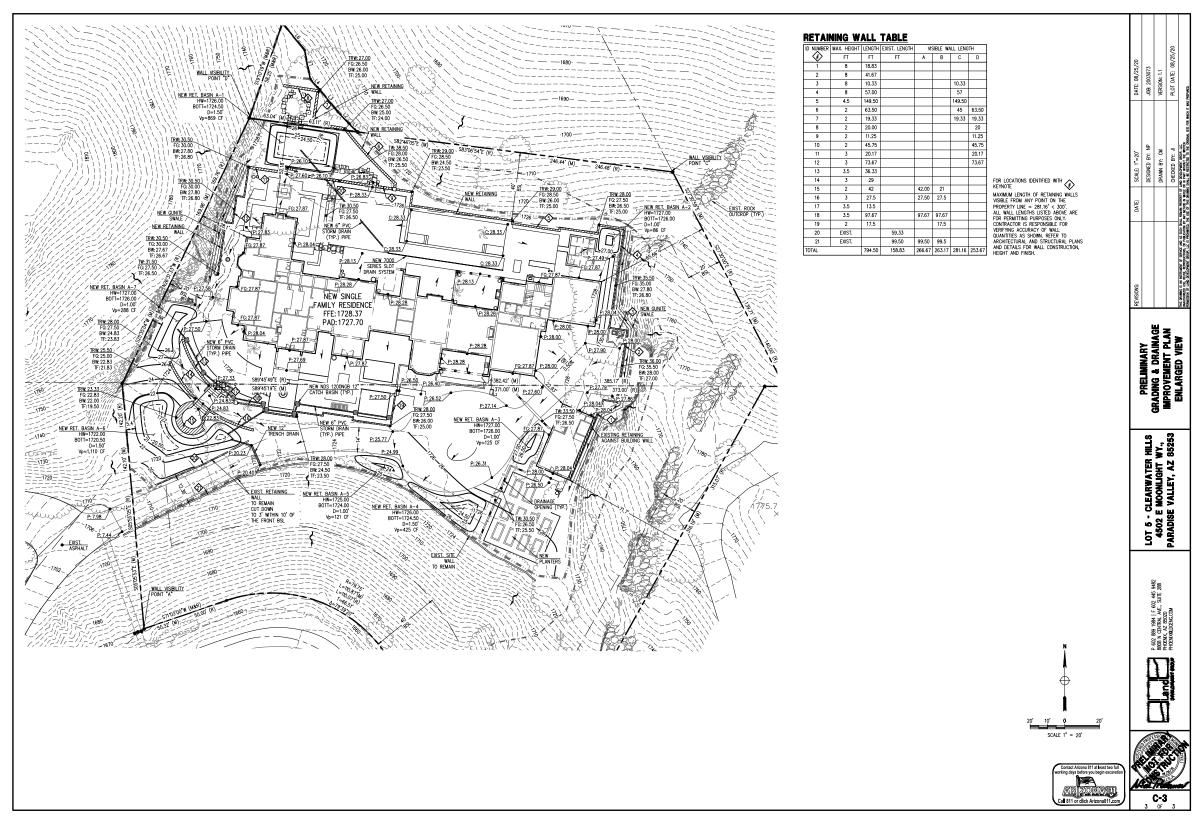


# preliminary grading & drainage plan



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# preliminary grading & drainage plan





## lots 5 & 5a, clearwater covenant

MEN REPORDED MAIL TO: John McLoone, Jr., Esq. 2627 E. Thomas Ml., Suite 2A Phoenix, Arizona 85016

### Unofficial DED MIL TO: Dec July 1884. Decument

Solution of the solution of th

COVENANTS AND AGREEMENTS AFFECTING REAL PROPERTY.

RECITALS:

MOD RSTR

WHEREAS, the undersigned ("Owner") owns certain real property located in Maricopa County, Arizona, which real property is more particularly described in Exhibit "A" attached hereto and which consists of two adjacent parcels of land, respectively referred to herein (and as described in said Exhibit "A") as "Parcel No. 1" and "Parcel No. 2", and collectively as the "Subject Property"; and

WHEREAS, Farcel No. 1 is presently situated in Clearwater Bills, a subdivision in Maricopa County, Arizona, according to plats recorded at Book 64 of Maps, page 42, and in Book 84 of Maps, page 25, records of the County Recorder of Maricopa County, Arizona (hereinafter called the "Subdivision"); and

WHEREAS, by virtue of a Declaration of Covenants,
Conditions and Restrictions recorded in Docket 9444, page 467,
records of the County Recorder of Maricopa County, Arizona
(hereinafter the "Declaration"), all real property located in
the Subdivision is subject to such Declaration and to the control, operation and assessment of the Clearwater Hills Improvement Association, an Arizona corporation (hereinafter the
"Association"); and

WHEREAS, Parcel No. 2 is not presently subject to said Declaration, nor is it presently a part of said Subdivision, nor subject to the jurisdiction of said Association; and

WHEREAS, Owner, on behalf of itself, its assigns and each of its successors in interest to all or any portion of the Subject Property wishes Parcel No. 2 to be brought within and annexed to said Subdivision, and subject to the aforesaid Declaration and to the control, operation and assessment of the Association; and

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WHEREAS, in consideration of the recitals stated herein and the covenants and representations of Owner set forth below, the Association is prepared to accept Owner's Parcel No.
2 into said Subdivision, therefore permitting Owner, and its
successors in interest to the Subject Property, to enjoy the
privileges and rights associated with such property being a
part of the Subdivision:

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NOW, THEREFORE, the undersigned Owner, on behalf of itself, its assigns, and each and every one of its successors in interest to all or any portion or interest in or with respect to the Subject Property, covenants and represents as follows:

- 1. Owner represents and warrants that it is the lawful owner of the Subject Property, a true description of which appears in Exhibit "A" hereto, and that it holds fee title thereto subject only to that certain construction mortgage to Continental Bank recorded at Docket/2829, page 692, in the office of the County Recorder of Maricopa County, Arizona, and represents and warrants that it is duly authorized and empowered to execute this instrument and to subject said Property to the provisions, agreements and covrnants contained herein and in the aforesaid Declaration.
- 2. With respect to Parcel No. 1, Owner confirms, and with respect to Parcel No. 2, Owner covenants and agrees, that said property is and will be in all respects subject to the provisions of the aforesaid Declaration, as the same may be properly amended from time to time, and is also subject to the control, operation and assessment of the association, all in accordance with the Declaration, Articles of Incorporation, By-Laws and Rules and Regulations of said Association, as the same may be amended from time to time. By referring to the Declaration, Articles, By-Laws and Rules and Regulations of

-2-

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the Association, the same are in all respects incorporated herein as though set forth in haec verba, and Owner hereby acknowledges having read and understood said documents and confirms that its signature and acknowledgment to this instrument shall have the same legal effect as if said signature and acknowledgment were affixed to the Declaration.

- 3. In addition to the foregoing, Owner further covenants and agrees to the following, each of which shall apply to the Subject Property as though specifically and expressly stated with respect thereto in the Declaration:
- (a) Parcel No. 2 will be subjected to Association assessments as a separate lot within the Subdivision, so that the total annual assessment (and any other assessments provided for by the Declaration) for Parcels No. 1 and 2 will be equal to twice the assessments any single improved lot within said Subdivision:
- (b) Agrees that any assessment or other obligation imposed against the Subject Property will also be the personal obligation of the owner of said property to the extent such obligation accrues or is due during any such owner's ownership of such property;
- (c) Agrees that the subject property will always be subject to the same common ownership, so that the ownership of either parcel will never be severed from ownership of the other;
- (d) Agrees that there will never be more than one residential dwelling unit constructed on or across both parcels (exclusive of a guest house and other customary amenities associated with or ancillary to a single primary dwelling unit);
- (e) Agrees that, without first having obtained prior written approval from the Association, the only roadway

-3-

## lots 5 & 5a, clearwater covenant

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or other means of providing ingress or egress to any portion of the Subject Property will be that roadway passing through the Subdivision (as described in the plat of record for Clearwater Hills No. 2, recorded in Book 84 of Haps, page 25, records of Maricopa County, Arizona), access to which roadway is monitored by and under the control of the Association through its common entrance gatebouse.

4. Each of the covenants and representations herein set forth are acknowledged by Owner to run with all the Subject Property, for all purposes, and shall be binding upon the undersigned Owner, its assigns and successors in interest with respect to all or any portion of the Subject Property and shall ioure to the benefit of the Association and all other lots and all other owners of property located within the Subdivision, and their respective assignation oferces and successors in interest. Without limiting any of the foregoing but in furtherance thereof, the undersigned agrees that, by affixing its signature to this instrument, it, on behalf of itself, successors in interest, transferees and assigns, binds itself and said representatives, transferees, assigns and successors in interest to the Subject Property to the provisions and covenants of this instrument and to the provisions, restrictions, covenants, conditions, rules and regulations now or hereafter imposed by the Declaration and any amendments thereto. In addition, the undersigned, on behalf of itself and each such person, hereby acknowledges that the Declaration sets forth a yeneral scheme for the improvement and development of the real property covered thereby, and hereby evidences its interest that the provisions of this instrument, and that the restrictions, conditions, covenants, rules and regulations contained in the Declaration, shall run with the Subject Property and be binding on all subsequent and future owners, grantees, purchasers, assignees and transferees

ort 13010rc1441 IN WITNESS WHEREOF the undersigned has executed this instrument as of this 22 day of June, 1978. FLECK CONSTRUCTION, LTD; PROVED AND ACCEPTED AND AGREED TO: ACCEPTED: CLEARWATER HILLS IMPROVEMENT By Thomas I Timble CONSENT OF MORTGAGEE: The undersigned Bank presently holds a construction loan secured by a mortgage (or deed of trust) against the above described Subject Property. By signing this instrument, said lender, on behalf of itself, assigns, and successors in interest with respect to said loan and/or the Subject Property, consents to the annexation of the above described Parcel No. 2 into the Clearwater Hills Subdivision, and consents to all of said Subject Property being made subject to the aforesaid Declaration, the covenants and agreements contained herein, and to the control, operation and assessment of the Clearwater Hills Improvement Association. Said lender further agrees that its lien against the Subject Property is subordinate and subject to the Declaration, and to the covenants and agreements made by Owner herein, all of which shall be binding upon said lender, and any person claiming an in-terest in the Subject Property by or through said lender (including any purchaser at a forcelosure or trustee's sale) if and when said lender and/ or any such persons should become an owner of an interest in the Subject Property, provided, however, that said lender's lien against the Subject Property shall not be subordinate to any lien in favor of said Association which relates to assessments accruing prior to the date of any such foreclosure or trustee's sale, all as is more particularly set forth in Section CONTINENTAL BANK, an Arizona

nei 13010rs1442 STATE OF ARIZONA County of Maricopa ) ss. The foregoing instrument was acknowledged before me this 27th day of June, 1978, by Thomas G. Fleck as Presiden: of Fleck Construction, Ltd., a corporation. Aug. 17, 1979 County of Maricopa The foregoing instrument was acknowledged before me this 1978, by Thomas G. Fleck and Darlene C. Fleck, individually Aug. 17, 1979 STATE OF ARIZONA County of Maricopa ) ss. The foregoing instrument was acknown before me this 22d day of June, 1978, by THOMAS J. TRIMBLE as President of Clearwater Hills Improvement Association, a comporation. STATE OF ARIZONA County of Maricopa | The foregoing instrument was acknowledged before me this \_\_28th day of June, 1978, by Decald L. Link , as Assistant Vice President of Continental Bank, an Arizona corporation. My Commission Expires: June 16, 1980

## lots 5 & 5a, clearwater covenant

#### Dri 13010rs1443 LEGAL DESCRIPTION Farcel No. 1: Lot 5, CLEARWATER HILLS, according to Book 64 of Hapa, page 42, records of Maricopa County, Arizona; TOCETHER with a Mon-exclusive conceent for ingress and egress and rights Incident thereto over and access that part of Lot 6, CLEAR-WATER MILLS, described as follows: Beginning at the Southeramost corner of said Lot 6; thence North 50 degrees 45 minutes 07 seconds West 30.00 feet; thence North 38 degrees 45 minutes 33 seconds East 293.17 feet; thence South 5 dgress 55 minutes 05 seconds East 100.00 feet to a point marking the beginning of a curve to the Southwest, the central point of which bears South 18 degrees 57 minutes East 228.18 feet distance therefrom; thence along the arc of said curve through central angle 22 degrees 36 minutes 00 seconds, a distance of 90.00 feet; thence South 48 degrees 27 minutes 00 seconds West 60.00 feet to a point marking the beginning of a curve to the left having a central angle of 22 degrees 00 minutes 00 seconds, and a radius of 207.63 feet; thence along the arc of said curve a distance of 79.72 Feet to the point of beginning, and never and neross that certain 10 feet which adjoins the above, and on which a roadway is constructed: TOCETHER with the right to use the private roadways as shown on the plat of CLEARWAYER HILLS NO. 2, according to Book 84 of Maps, page 25, records of Maricopa County, Arizona; EXCEPT all the coal and other minerals as reserved unto the United States of America, as set forth in Patent issued on said land. Partel No. 2: A portion of Lot 2, Section 6, Township 2 North, Range 4 East of the Gila and Salt River Base and Meridian, Nacicopa County, Arizona, more particularly described accommendations: Commencing at the Southeast corner of Lot 1 of said Section 6; therce North 39 degrees 43 minutes 38 seconds West, on assumed bearing along the South line of said Lot 1 and of Lot 2 of said Section 6, . said South line also being common with the North line of Paradise Valley Country Estates Subdivision as recorded in Book 102 of Maps, page 28, and with the North line of Clearwater Hills Subdivision as recorded in Book 64 of Maps, page 42, both of Maricopa County, Arizona, for a distance of 1726.00 feer to the true point of beginning; thence continuing North 89 degrees 43 minutes 38 seconds West for a distance of 385.17 feet to the Northwest corner of Lot 5 of said Clearuster Hills Subdivision; thence North 26 degrees 31 minutes 33 seconds East for a distance of 169.76 feet; thence South 83 degrees 06 minutes 54 seconds East for a distance of 246.48 feet; thence South 27 degrees 30 minutes or seconds East for a distance of 140.00 feet to the true point of beginning: EXCEPT all the coal and other minerals as reserved unto the United States of America, as set forth in Tatent issued on said land.

EXHIBIT "A"

