

RETURN TO HAWKINS AND CAMPBELL  
VIA 24 HOUR TURN AROUND 23

04/30/92 04:01

5 of 5 LARRY

When recorded, return to:

Paradise Valley Town Attorney  
6401 East Lincoln Drive  
Paradise Valley, Arizona 85253

TOWN OF PARADISE VALLEY  
SPECIAL USE PERMIT

GRANTOR: TOWN OF PARADISE VALLEY, ARIZONA, A MUNICIPAL CORPORATION

GRANTEE: DMB/PIVOTAL GROUP, A GENERAL PARTNERSHIP

USE: R-18 CLUSTER PLAN

PROPERTY: CHENEY ESTATES SUBDIVISION

BE IT RESOLVED that this Special Use Permit is Issued to the Grantee under Section 1101 paragraph W of the Zoning Ordinance of the Town of Paradise Valley.

1. The property which is subject to this Special Use Permit consists of approximately 8.729 acres within the Cheney Estates Subdivision and is more fully described in the attached exhibit entitled "Legal Description R-18 C.P."

2. The property shall be used for an R-18 Cluster Plan only, in full compliance with all applicable provisions of the Zoning Ordinances of the Town of Paradise Valley and the terms of this Special Use Permit.

3. The following setbacks as measured from the nearest property line shall be:

Front setback 35 feet

Side setback 10 feet

Rear setback 35 feet

1           4. Each main residence shall have a minimum footprint area live-  
2     able space of 2000 square feet, and a maximum footprint area of 5000  
3     square feet of liveable space.

4           5. All structures shall be limited to one story, no higher than  
5     22 feet.

6           6. Walls, fences, common areas and landscaping shall be as shown  
7     on the Final Plat of Cheney Estates Subdivision.

8           7. The common area and appurtenant landscaping shall be main-  
9     tained by Grantee, its successors or assigns or pursuant to an agree-  
10    ment between Grantee and other property owners in the area. The Town  
11    shall have no responsibility or obligation to maintain the common ar-  
12    ea. In the event the Town of Paradise Valley determines that it is  
13    necessary to perform any maintenance upon the common area for the  
14    health, safety or welfare of the people of Paradise Valley, or to ob-  
15    tain compliance with Town law, the Town shall give the grantee a notice  
16    to cure. If the grantee fails to perform acceptable maintenance within  
17    ten days of the mailing of the notice, then the Town may perform such  
18    maintenance as it decides is necessary. The Town may assess the costs  
19    and related expenses thereof against the grantee, or its assignees and  
20    successors-in-interest, who, by their acceptance of this Special Use  
21    Permit, assume liability for such costs and related expenses.

22           8. This Special Use Permit shall be binding on Grantee, its  
23    assigns or successors-in-interest. Grantor acknowledges and agrees to  
24    the future transfer of the Property to Cheney Estates Homeowners Associ-  
25    ation.

26           9. If the Property is used, developed or maintained in a manner  
27    inconsistent with the terms of this Special Use Permit, the Council  
28

1 may, upon determination after notice and hearing that a violation has  
2 taken place, assess a sanction against the Grantee in an amount not to  
3 exceed two thousand five hundred dollars (\$2,500.00) for each viola-  
4 tion. Any day or portion thereof that a violation continues may be  
5 deemed a separate violation.

6  
7 10. The rights and obligations set forth herein, including with-  
8 out limitation the obligation relating to maintenance, shall run with  
9 the Property and shall be binding thereon. This instrument shall be an  
10 equitable servitude running with the land. (Lots 1 through 14) of the  
11 Cheney Estates Subdivision benefit directly from this Special Use Per-  
12 mit and this instrument shall be an equitable servitude on each such  
13 lot.


14 11. If any part of this Unofficial Document Special Use Permit is held invalid by the  
15 final decision of any court of competent jurisdiction, such decision  
16 shall not affect the validity of the remaining portions.

17 12. Grantee shall execute this Special Use Permit within thirty  
18 (30) days of Council approval of the final plat for Cheney Estates.  
19 Failure to do so will be considered as an abandonment of this applica-  
20 tion.

21 GRANTED by the Mayor and Council of the Town of Paradise Valley,  
22 Arizona, this 26th day of March, 1992.

23  
24  
25   
26 Kent D. Wick, Mayor  
27  
28

1  
2 ATTEST:


3  
4   
5 Lenore P. Lancaster, Town Clerk

6 APPROVED AS TO FORM:

7  
8   
9 Charles G. Ollinger, Town Attorney

10 ACCEPTED AND AGREED TO BY:

11 DMB/PIVOTAL GROUP, A GENERAL PARTNERSHIP

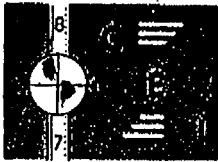
12  
13   
14 By F. Francis Najafi, Managing Partner

15  
16 /la

17 91P&Z.180/P&Z  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

92 234754

March 11, 1992  
Job No. 891001



CLOUSE ENGINEERING, INC. 5  
ENGINEERS AND SURVEYORS

3815 NORTH 32ND STREET

PHOENIX, ARIZONA 85018

TEL. 955-4690

LEGAL DESCRIPTION

R-18 C.P.

That part of the E.½ N.E.¼ Section 3, T. 2 N., R. 4 E., G. & S. R. B. & M., Maricopa County, Arizona, described as follows.

From the S.E. corner of the said E.½ N.E.¼ Section 3 (E.½ corner) measure thence N. 89° 13' 50" W. along the South line of the said E.½ N.E.¼ Section 3, a distance of 85.83 feet; thence N. 00° 46' 10" E. perpendicular to the said South line, a distance of 40.00 feet to the point of beginning; thence N. 89° 13' 50" W. 437.80 feet; thence N. 00° 46' 10" E. 230.00 feet; thence N. 22° 36' 55" W. 135.54 feet; thence N. 32° 23' 22" W. 84.18 feet; thence N. 41° 53' 14" W. 238.79 feet; thence N. 46° 53' 17" E. 144.21 feet; thence S. 89° 39' 30" E. 606.12 feet to a point 65.00 feet Westerly from the East line of the <sup>Unofficial Document</sup> E.½ N.E.¼ Section 3; thence S. 00° 01' 00" E. parallel to the said East line, a distance of 684.77 feet to the beginning of a curve to the right having a radius point bearing S. 89° 59' 00" W. 20.00 feet; thence Southeasterly 31.69 feet along the arc of this curve through 90° 47' 11" of central angle to the point of beginning.

Note: The above described parcel contains 380,236 square feet or 8.7290 acres.