	SANTA CRUZ COUNTY **DEPARTMENT OF COMMUNITY DEVELOPMENT** **PLANNING DIVISION** **STAFF REPORT TO THE PLANNING & ZONING COMMISSION**	**COMPREHENSIVE PLAN AMENDMENT** **CASE NO. CP-20-3-01** **DELTA PROPERTIES LLP** Hearing Date: October 22, 2020

APPLICATION: Nora's North Warehouses & Truck Wash
Reclassification of approximately 30 acres from MU (Mixed Use) to RS (Regional Services)

PREPARED BY: Frank Dillon, Director

PROPERTY OWNERSHIP: Delta Properties LLC

APPLICANT: Constantine Panousopoulos

LOCATION: East of proposed Love's Truck Stop, North of Old Tucson Rd. and South of E. Ruby Rd.; Tax Code No. 113-38-007A.

PARCEL ACREAGE: 30 Acres

COMPREHENSIVE PLAN DESIGNATION: MU (Mixed Use)

PROPOSED COMPREHENSIVE PLAN DESIGNATION: RS (Regional Services)

EXISTING LAND USE: Vacant

EXISTING ZONING: B-2 (General Business) and M1 (Light Industry)

PROPOSED ZONING: M-1 (Light Industry)

PROPOSED LAND USE: Two Commercial Warehouses and a Truck Wash (Figure 3).

APPROVAL CRITERIA: Santa Cruz County Comprehensive Plan Goals, Objectives, and Policies.

SURROUNDING ZONING (see Figure 2):

North:	M1 (Light Industry)
South:	M1 (Light Industry) and P (Preservation)
East:	GR (General Rural)
West:	GR (General Rural), B2 (General Business) and M1 (Light Industry)

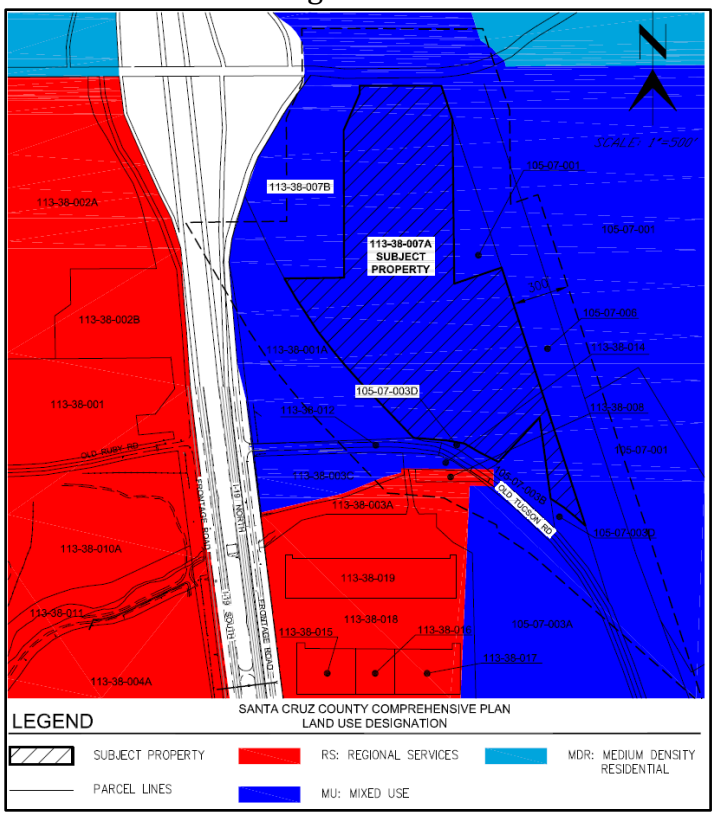
SURROUNDING COMPREHENSIVE PLAN DESIGNATION (see Figure 1):

North:	Mixed Use
South:	Mixed Use and Regional Services
East:	Mixed Use
West:	Regional Services

PUBLIC UTILITIES SERVING THE SITE:

Water:	Valle Verde/Private Well
Wastewater:	City of Nogales/International Wastewater Treatment Plant
Electric:	UniSource Energy Services
Gas:	UniSource (available across Old Tucson Road)
Fire Protection:	Rio Rico Fire District by agreement

Figure 1

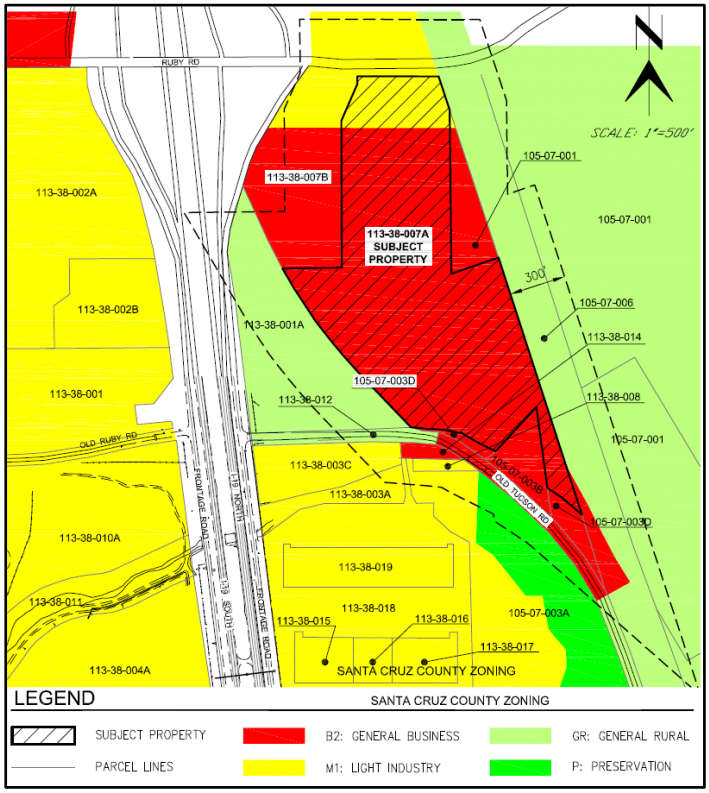


PUBLIC INPUT/COMMENT:
Since advertising this application for hearing, the Department has not received comments related to this project.

CURRENT ACCESS CONDITIONS:
The project site is bordered by three major roadways; I-19 E Frontage Rd. on the west side, and Old Tucson Road on the south and SR 289 (Ruby Road) on the north side. The ingress-egress for Nora's North project would be on Old Tucson Road.

PLANNING ANALYSIS:
Case No. CP-20-3-01 is an application to reclassify about 30 acres from Mixed Use (MU) to Regional Services (RS). The property is situated east of Interstate 19 along the East Frontage Road just south of Exit 12 between Rio Rico and Nogales. Figure 1 shows the general location of the property. The full application is attached.

Figure 2



Under this proposal, the entire property consisting of 30 acres would be reclassified as RS in the County Comprehensive Plan. The property is currently zoned General Business (B-2) and Light Industry (M1) (Figure 2).

Within the RS Plan designation, allowable zoning districts are General Business (B-2) and Light Industry (M-1).

The proposed plan for this property is to rezone it to Light Industrial (M-1). A warehouse facilities are planned.

This property is in the Santa Cruz Active Management Area (SCAMA) as designated by the Arizona Department of Water Resources (ADWR). The management goal of the SCAMA is to maintain a safe yield condition in the Active Management Area and to prevent local water tables from experiencing long term decline. The Nora's North warehouses and Truck Wash site intends to maintain the exempt well on site for domestic demand, and utilize water from Valle Verde Water Company to provide fire flow. The proposed Nora's Ranch warehouses project will comply with the mission and goals of the SCAMA since the project will be a low water user on a large tract of land, which will help minimize long-term water table decline.

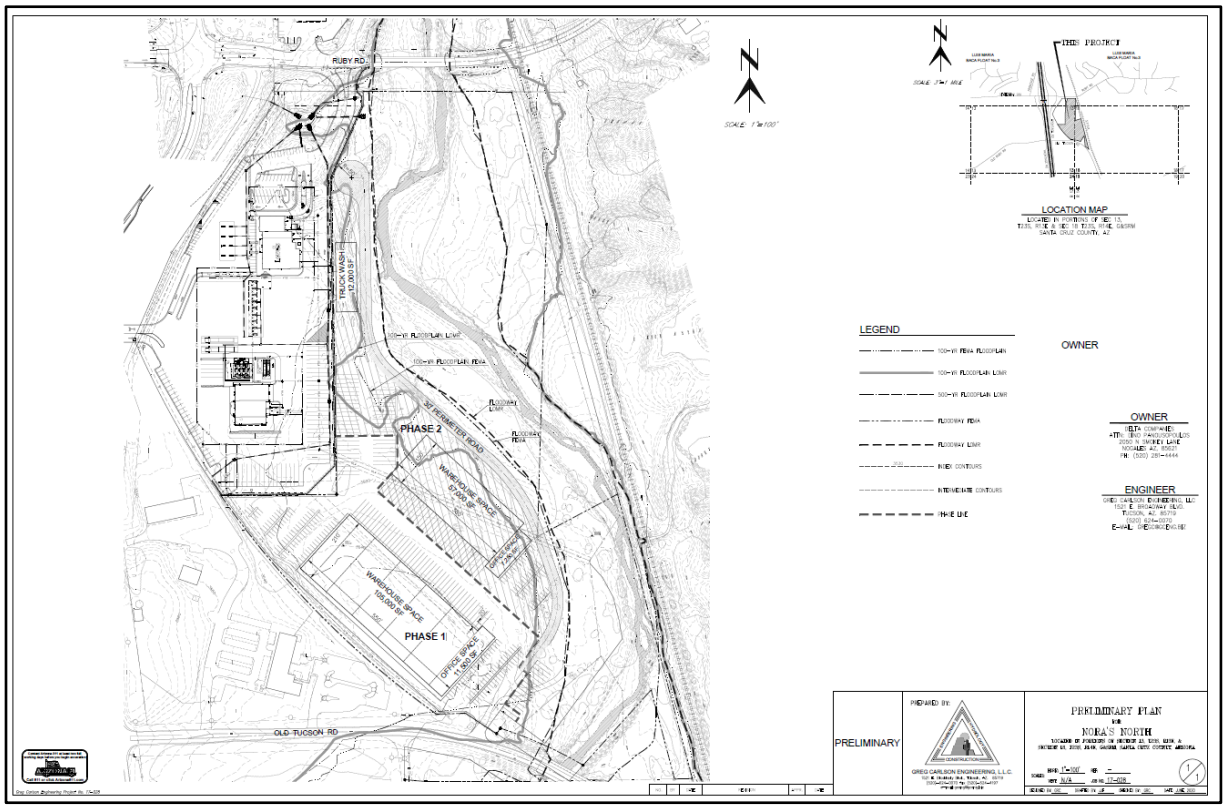
Wastewater is proposed to be handled by connecting to an existing public sewer line that connects to the International Outfall Interceptor (IOI) for wastewater conveyance and treatment at the International Wastewater Treatment Plant. There is a letter from the City of Nogales in the submittal that indicates that this will be feasible.

The proposed warehouse buildings are set as far southwest as possible on the property primarily for floodplain-floodway purposes (Figure 3).

The property is situated in the Southwest Character Area in the County Comprehensive Plan. Highlights of the narrative in the Plan include:

- ...marked by contrasts, ranging from the developed area along the Interstate corridor to the mining ghost towns in the forest.

Figure 3



- …relatively early development of the east area occurred because, prior to construction of Interstate 19, the Old Tucson-Nogales Highway was the main transportation route between Nogales and Tucson.

- As improvements along I-19 continue this area will develop further.

The seven goals contained within the SW Character Area are:

GOAL 3: RETAIL, COMMERCIAL AND INDUSTRIAL DEVELOPMENT IS SUITABLY LOCATED, ACCESSIBLE, ATTRACTIVELY DESIGNED, APPROPRIATELY LIGHTED AND COMPATIBLE WITH ADJACENT LAND USES.

GOAL 11: QUALITY ECONOMIC DEVELOPMENT IS SUPPORTED AND EMPLOYMENT OPPORTUNITIES ARE PLENTIFUL.

GOAL 24: AN EFFICIENT TRANSPORTATION SYSTEM IS DEVELOPED AND MAINTAINED THAT SUPPORTS THE ECONOMY AND MEETS THE TRANSPORTATOIN NEEDS OF COUNTY RESIDENTS AND VISITORS.

GOAL 17: OUR AIR AND WATER ARE CLEAN AND MEET OR EXCEED ALL NATIONAL STANDARDS.

GOAL 19: WATERSUPPLES ARE PROTECTED AND CONSERVED.

GOAL 1: THE HISTORIC, CULTURAL, RANCH AND AGRICULTURAL HERITAGE OF SANTA CRUZ COUNTY IS PRESERVED THROUGH LAND USE PATTERNS AND DEVELOPMENT STYLES.

GOAL 5: THE COUNTY ACTIVELY WORKS AND COOPERATES WITH ITS NEIGHBORS RESOLVING LAND USE COMPATIBILITY AND OTHER RELATED ISSUES.

The challenges identified in the Plan by the SW Character Area Team include:

- Ensuring that development along the I-19 corridor has adequate infrastructure to serve future needs.
- Coordinating closely on new interconnects from State Routes and the port-of-entry to I-19 and ensuring that new development is consistent with future transportation corridors.
- Encouraging the redevelopment of properties to mitigate land use conflicts.
- Ensuring that the traditional uses of National Forest land and private property within the forest boundaries continues.

Types of activities appropriate to the I-19 Corridor Growth Area include warehousing, highway commercial, neighborhood retail and services, hotel, motel and tourism support activities and moderate and high-density residential.

ANALYSIS

The Comprehensive Plan amendment section contains seven bullet points for the staff and Commission to consider when evaluating a proposed change in the Plan. These are:

- Comparison of the proposed land use with the Plan's designated land use, according to the *Hierarchy of Land Use Designations from Least Intense to Most Intense*;
- Projected off-site impacts, including traffic, public safety and parks impacts and options available to mitigate such impacts;
- Impacts to the conservation, protection and sustainability of natural environment, including, but not limited to, hillsides, riparian areas, public lands, night sky, public lands access, surface and subsurface water and floodways;
- Identifying projected conflicts or consistencies with the goals of the appropriate character area within which it is located and whether any amendments to character area goals should be included in considering the proposed plan amendment;
- The extent to which the proposed amendment accomplishes the goals and objectives of this Plan, as set forth in Appendix I;
- Community outreach efforts undertaken by the applicant; and
- Any other element relevant to proper analysis of the proposed amendment.

The submittal includes a discussion of each of these items, so this staff report will be limited to commenting on the substance of those discussions.

Comparison of the proposed land use with the Plan's designated land use, according to the *Hierarchy of Land Use Designations from Least Intense to Most Intense*

The hierarchy referenced is shown as Table 4 in the Comprehensive Plan (see below). No change in the classification is proposed. It will remain Urban. In terms of intensity, the request is to move the land use designation from Mixed Use to Regional Services (one level up).

CLASSIFICATION	DESIGNATION
URBAN	Low-Density Residential
	Medium-Density Residential
	High-Density Residential
	Mixed Use
	Regional Services
	Enterprise

Under the current plan designation in the land use element of the Plan, the principal land uses and zoning districts permitted are shown in the graphic below.

Mixed Use - MU	The principal land uses in this category are high-density residential (10 RAC or less) integrated with retail, services and employment uses in areas accessible to infrastructure and public services.	Zoning Districts permitted are P, R-4, R-5, MF, MH, MFR, B-1 and B-2. Industrial zoning may be permitted only as part of a PAD, provided the densities of the category are not exceeded within the PAD.[1]

As indicated, this is a designation that emphasizes higher-density residential uses and commercial uses.

Under the proposed designation in the land use element of the Plan, the principal land uses and zoning districts permitted are as follows:

[1] The applicant was aware of this provision and chose to pursue the Comprehensive Plan amendment rather than preparing a Planned Area Development application, which is his prerogative.

Regional Services - RS	The principal land uses in this category are high-intensity commercial, employment, and retail uses that have regional significance and are situated to take advantage of major transportation corridors and population centers.	Zoning Districts permitted are B-2 and M-1. Other Zoning Districts may be permitted only as part of a PAD.

The primary difference between Mixed Use and Regional Services is that the latter does not provide for residential uses. Also, it provides for light industrial zoning (M-1). As with all designations, it provides for unlisted zoning districts as part of a Planned Area Development (PAD).

The comparison shows that this Plan amendment would alter the land use patterns envisioned for this area only to the extent that it provides for M-1 zoning and precludes residential zoning. The argument can be made that due to the presence of the Nogales Wash and the industrial uses already in place along Old Tucson Road, residential development in this area is unlikely in any case.

The application document on this subject acknowledges the existing zoning and proposed land use and simply states that according to the Comprehensive Plan, this proposed change qualifies as a minor plan amendment.

Projected off-site impacts, including traffic, public safety and parks impacts and options available to mitigate such impacts

Off-site impacts of this development would primarily come from traffic considerations from I-19 East Frontage Road and Old Tucson Road. The ingress-egress for the Nora's North project would be on Old Tucson Road.

In the application submittal, the applicant notes that Nora's North project consist of 162,000 sq. ft. of warehouse space and a 12,000 sq. ft. truck wash for a total of 174,000 sq. ft. Applying the multiplier from the Institute of Transportation Engineers (ITE) Code for warehouses to the project square footage, results in a Daily Total of 620 trips; 85 trips AM Peak IN- 23 Peak OUT, 21 trips PM Peak IN - 63 Peak OUT.

Currently, Old Tucson Road has approximately a peak AM volume of 230 and peak PM volume of 298. The County does not have a breakdown of vehicle type, but we do know that due to the warehouses further south, the percentage of semi-tractor trucks and trailers is higher than, for example, Rio Rico Drive or Yavapai Drive.

None of these traffic-related issues is a fatal flaw in this proposal. But, detailed traffic engineering studies, detailed road diagramming and permitting will be required from the County (for Old Tucson Road) for the project to move forward. Special consideration, of course, comes into play due to the expected vehicle type, which is 18-wheel semi-tractor trucks and trailers.

The proposed project does not have an impact on public parks. Public safety comes into play with properly designing and constructing access to the site. The project is not of a type that is especially burdensome to public safety providers such as law enforcement, fire or EMT.

Impacts to the conservation, protection and sustainability of natural environment, including, but not limited to, hillsides, riparian areas, public lands, night sky, public lands access, surface and subsurface water and floodways

The applicant's narrative touches on each of the listed resources and also provides some maps. The primary impact to conservation, protection and sustainability of the natural environment would be approximately 14 acres of the 30 acres for development. In such a case, disturbance is unavoidable.

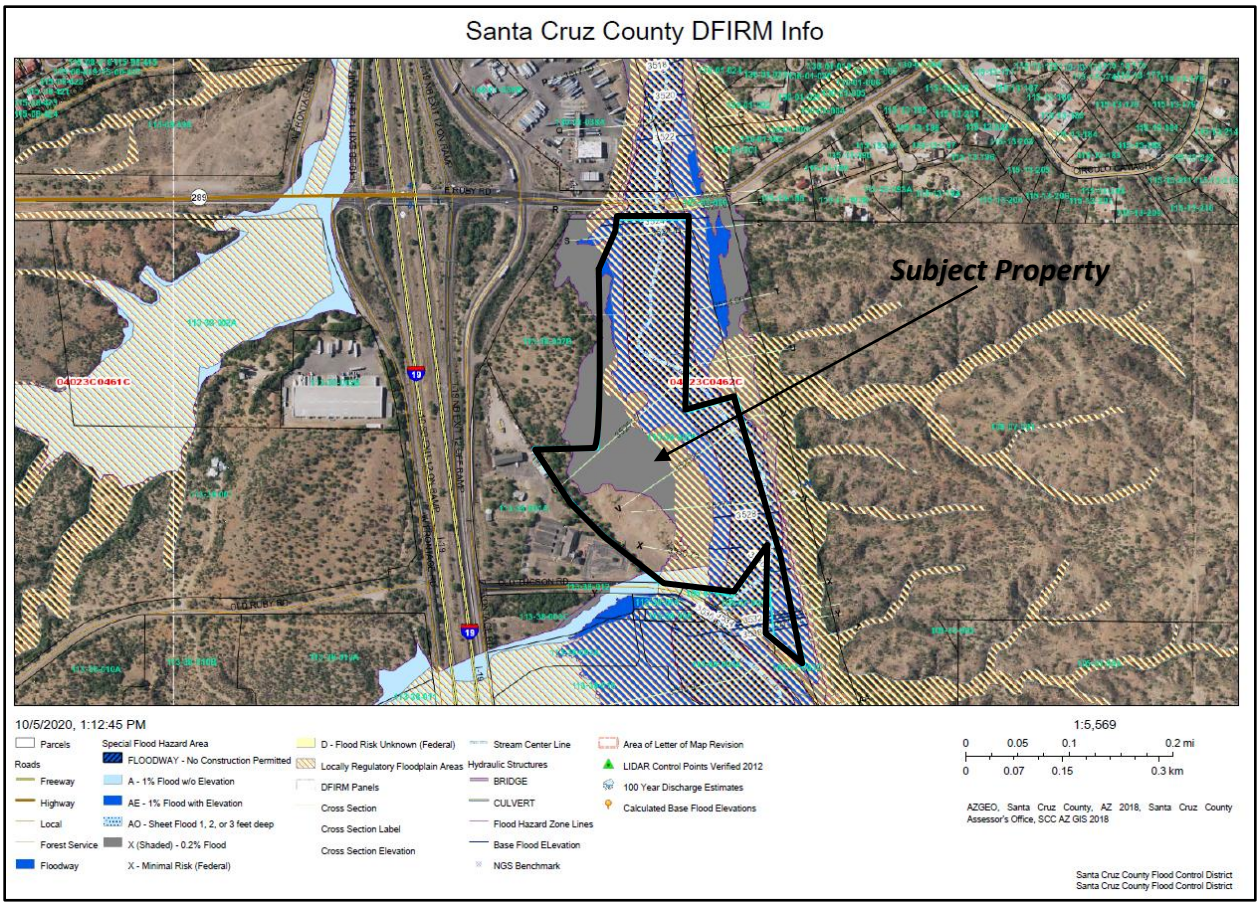
Some steeper terrain exists along the creek banks, but none of the steep creek bank areas exceed 15 feet in height. The site will be developed to utilize the Potrero Creek as a buffer from the General Rural (GR) property on the east.

The Nora's Ranch North Warehouses & Truck Wash project is situated to avoid the riparian areas associated with the Floodway for Potrero Creek, but some "non-officially designated" riparian disturbance has already occurred at the proposed warehouse location along the west side of the project site. The site is located in a "No Protection" zone on Figure 7 (Wildlife Corridor Possibilities) of the Comprehensive Land Use Plan.

There are no public lands immediately adjacent to the proposed Nora's North site. The proposed project will not utilize any public lands for access or economic support. Therefore, the project will not have any impact on public lands or access to public lands.

The property is impacted by the local approximate floodplains mapped by the County Floodplain Coordinator and by Federal Emergency Management Agency (FEMA) mapped floodplains (Figure 4).

Figure 4



From that map it is evident that the floodplains will be an important consideration in parcel development. The Nora's North project is located north of the bridge over Potrero Creek on Old Tucson Rod. The proposed project is located within portions of the effective 100-year FEMA flood plain.

The proposed development will utilize the relative higher areas on the west side of Potrero Creek. Phase 1 of the proposed Nora's North project will remain completely out of the 100-yr floodplain. Fill will be required for portions of Phase 2 to elevate the project out of the floodplain finger and encroachment into the floodplain shall be minimal, and within the amount normally allowed under the County's Floodplain Management Ordinance. Furthermore, the planned encroachment into the floodplain shall be located away from the main flow channels and outside the FEMA floodway.

The anticipated minor changes to the effective FEMA floodplain maps, necessitated because of the planned flood plain encroachment for Phase 2, will be accomplished during the subsequent development-plan stage of this project. Water harvesting and onsite stormwater detention/retention, with appropriate landscaping, shall be provided, as required.

Any project on this parcel, even under the existing Plan designation and zoning, would very likely need a floodplain use permit and would be subject to avoidance of the riparian areas to the maximum extent possible and re-planting as mitigation. A salvage plan is also a possible requirement as part of the floodplain use permit.

Regulations such as the Floodplain Ordinance and Outdoor Lighting Ordinance and other requirements such as storm water protection, on-site drainage management, construction dust control etc. are the tools that we have to help mitigate the impacts of new development on the natural and built environment.

Identifying projected conflicts or consistencies with the goals of the appropriate character area within which it is located and whether any amendments to character area goals should be included in considering the proposed plan amendment

The seven goals identified for the Southwest Character area were listed earlier in this report. Again, they are:

GOAL 3: RETAIL, COMMERCIAL AND INDUSTRIAL DEVELOPMENT IS SUITABLY LOCATED, ACCESSIBLE, ATTRACTIVELY DESIGNED, APPROPRIATELY LIGHTED AND COMPATIBLE WITH ADJACENT LAND USES.
Potential Conflicts: Future issues with Ruby Road interchange.
Potential Consistencies: Located in I-19 corridor; similar land uses to the north (South Industrial Park), southwest (Del Campo across I-19) and south (Nora's Ranch warehouses). Further, the site design will be utilized Dark Skies design techniques, and will be attractively landscaped.

GOAL 11: QUALITY ECONOMIC DEVELOPMENT IS SUPPORTED AND EMPLOYMENT OPPORTUNITIES ARE PLENTIFUL.
Potential Conflicts: None
Potential Consistencies: The proposed warehouses and truck wash site will provide new jobs to the area and continue to support the agriculture industry as well the transportation industry.

GOAL 18: AN EFFICIENT TRANSPORTATION SYSTEM IS DEVELOPED AND MAINTAINED THAT SUPPORTS THE ECONOMY AND MEETS THE TRANSPORTATION NEEDS OF COUNTY RESIDENTS AND VISITORS.
Potential Conflicts: Adds capacity pressure on the Ruby Road interchange; relies on existing roads;
Potential Consistencies: Development will require some improvements on the Old Tucson Road and the project access site.

GOAL 17: OUR AIR AND WATER ARE CLEAN AND MEET OR EXCEED ALL NATIONAL STANDARDS.
Potential Conflicts: Water pollution to Potrero Creek from vehicular area runoff; idling trucks.

Potential Consistencies: Development will be connected to sanitary sewer; warehouse water demand is usually low.

GOAL 19: WATER SUPPLIES ARE PROTECTED AND CONSERVED.
Potential Conflicts: Increased water runoff with increased impervious surfaces.
Potential Consistencies: Again, potential low demand.

GOAL 1: THE HISTORIC, CULTURAL, RANCH AND AGRICULTURAL HERITAGE OF SANTA CRUZ COUNTY IS PRESERVED THROUGH LAND USE PATTERNS AND DEVELOPMENT STYLES. – NOTE: In the Character Area narrative, this goal is clearly specific to the National Forest land and, therefore, is not relevant to this property location.

GOAL 5: THE COUNTY ACTIVELY WORKS AND COOPERATES WITH ITS NEIGHBORS RESOLVING LAND USE COMPATIBILITY AND OTHER RELATED ISSUE.
NOTE: This goal narrative describes the shared border with the Republic of Mexico west of Nogales and, therefore, is not relevant to this property location.

The applicant has done a good job of highlighting the consistencies and inconsistencies between these Character Area goals and the proposed project. It also appears that the proposal is largely consistent with the very diverse nature of this Character Area, so that no change in the Character Area goals themselves is warranted. Staff has listed potential conflicts and consistencies above that may augment the information in the application.

Staff concludes that the proposal is consistent with the goals of the SW Character Area that pertain to the project location.

The extent to which the proposed amendment accomplishes the goals and objectives of this Plan, as set forth in Appendix I

Beginning on Page 5, the applicant has referenced many sections of the Goals and Objectives of the Plan as evidence that this proposed project is consistent with the County Comprehensive Plan. Commission member can access the entire Comprehensive Plan at http://www.co.santa-cruz.az.us/com_development/index.html to review Appendix I. Follow the instruction on the left to right click and save the Plan to your desktop or other convenient location on your computer. Be patient as it is a large document.

Community outreach efforts undertaken by the applicant

This evaluation criterion was placed in the Comprehensive Plan primarily in recognition of the enormous community effort that went into the development of the Plan.

The applicant (property owner) had several meetings with the Love's Truck Stop owner's and has entered into a cooperation agreement with them for water and other issues.

Any comments from the public on this proposal will be provided at the hearing.

Any other element relevant to proper analysis of the proposed amendment

In considering any amendment to the Comprehensive Plan, the Commission must weigh the costs of the change against the benefits accruing from the Plan as adopted. Staff believes that this change is very limited and specific in its effect. If approved, the designation will be consistent with that across the Interstate and also consistent with zoning to the north and south. A wider shot of the zoning in the area shows industrial zoning (in yellow) on three of the Ruby Road interchange quadrants, on Old Tucson Road and in the Peña Blanca area as well (Figure 5). There are constraints on the site that limit its usefulness for some of the Mixed-Use type of uses, such as high density residential. Access is generally quite good with a two lane paved road adjacent to the parcel.

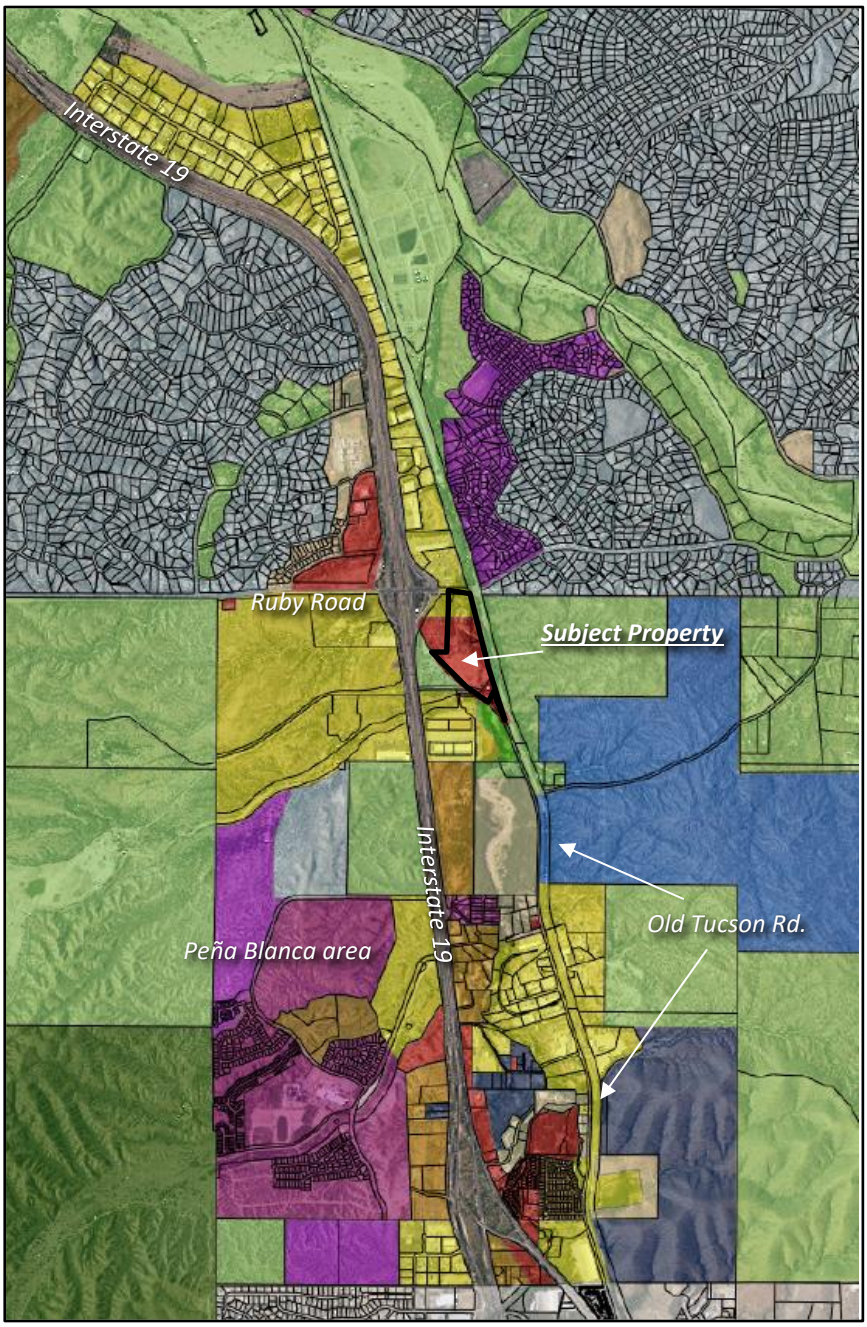


Figure 5

Staff recommends that the Commission recommend approval of this Comprehensive Plan amendment.

SUGGESTED MOTION

Recommend Approval: "Madam Chair, I move to recommend approval of this Comprehensive Plan amendment to reclassify approximately 30 acres from Mixed Use to Regional Services for Case No. CP-20-3-01."

POSSIBLE ALTERNATIVE MOTIONS:

Recommend Approval with Conditions: "Madam Chair, I move to recommend approval of this Comprehensive Plan amendment to reclassify approximately 30 acres from Mixed Use to Regional Services for Case No. CP-20-3-01 with the following conditions:

1. If any applicable from the commissioners.

Recommend Denial: "Madam Chair, I move to recommend denial of this Comprehensive Plan amendment to reclassify approximately 30 acres from Mixed Use to Regional Services for Case No. CP-20-3-01."

Table: Madam Chair, I move to table this Comprehensive Plan amendment Case No. CP-20-3-01 until _____."

ATTACHMENTS:

1. Complete application materials

RECEIVED
AUG 2 8 2020
Santa Cruz County Planning and Zoning Department

Santa Cruz County
Community Development Department

COMPREHENSIVE PLAN AMENDMENT APPLICATION

2150 N Congress Drive, Suite 215 • Nogales, AZ 85621 • 520-375-7930

Comprehensive Plan Amendment Application

SECTION I.

Property owner(s): Delta Properties, LLC
Daytime phone: 520-281-1988 Fax: _____
Address: 2050 North Smokey Lane
Applicant (if other than owner): Constatine Panousopoulos
Daytime phone: _____ Fax: _____
Address: _____

SECTION II.

Legal description: See attached
Tax Code No.(s): 113-38-007A Total acreage: 30

General property location Southwest corner of SR 289 (Ruby Road) and I-19 interchange
Current zoning: B2 and M1 Zoning map: southwest
Comprehensive Plan Subregion: southwest Supervisory district 3-Bruce Bracker

Existing land-use: Vacant

Current Plan designation(s) and acreage(s): MU Mixed Use - 30 acres
Requested Plan designation(s) and acreage(s): RS Regional Services-30 acres

Special ordinances / overlays that currently apply to property: none

Special ordinances / overlays proposed as part of amendment request: none

SECTION III.

Current Plan Designation of adjacent properties (within approximately 300 feet):
North: Mixed Use East: Mixed Use
South: Mixed Use and Regional Services West: Regional Services

Existing land uses of surrounding properties (within 300 feet):
North: Truck Stop East: vacant
South: warehouses and vacant West: warehouses and vacant

Existing zoning of surrounding properties

North: M1 Light Industry East: GR General Rural

South: M1 Light Industry and P Preservation West: GR General Rural, B2 General Business and M1

SECTION IV.

Reasons for proposed amendment. Submit additional pages if necessary.

The Department of Community Development Planning Division's review and analysis of major and minor amendments shall include an analysis of the following:

- Comparison of the proposed land use with the designated land use, according to the *Hierarchy of Land Use Designations From Least Intense to Most Intense* (Table 3);
- Projected off-site impacts, including traffic, public safety and parks impacts and options available to mitigate such impacts;
- Impacts to the conservation, protection and sustainability of natural environment, including, but not limited to, hillsides, riparian areas, public lands, night sky, public lands access, surface and subsurface water and floodways;
- Identifying projected conflicts or consistencies with the goals of the appropriate character area within which it is located and whether any amendments to character area goals should be included in considering the proposed plan amendment;
- The extent to which the proposed amendment accomplishes the goals and objectives of the County Comprehensive Plan, as set forth in Appendix I of that Plan;
- Community outreach efforts undertaken by the applicant; and
- Any other element relevant to proper analysis of the proposed amendment.

SECTION V.

The following items must be included in the application:

1. One (1) map illustrating the following: property location, site dimensions, map scale, north arrow, adjacent roads, existing structures and uses on property, existing and planned land-use designations, special features including washes, floodplain, riparian habitat, etc.
2. Original letters of authorization (if applicant is not the property owner).
3. Check for processing fee. ($2,000.00 major amendment and $1,000.00 minor amendment)
4. Ownership verification: Property Status Inquiry form available from the Santa Cruz County's Assessor's Office.
5. Original signature of trust officer and list of beneficiaries (if applicable).
6. Original signature including title and list of corporate officers (if applicable).

NOTES: **THE APPLICANT HEREBY CONSENTS TO SITE VISITS IN ORDER FOR PLANNING STAFF TO PREPARE THE CASE REPORT TO THE PLANNING AND ZONING COMMISSION AND TO THE BOARD OF SUPERVISORS.**

SECTION IV.

I certify that, to the best of my knowledge, this application is true and correct. I am the owner of the above described property or have been authorized by the owner to submit this application.

Signature of Applicant

8·10·20

Date

SANTA CRUZ COUNTY
DEPARTMENT OF COMMUNITY DEVELOPMENT
PLANNING DIVISION

COMPREHENSIVE PLAN AMENDMENT APPLICATION

FOR:
NORA'S NORTH WAREHOUSES & TRUCK WASH

PREPARED FOR:
DELTA PROPERTIES, LLP

AUGUST, 2020

SUBMITTED BY:

GREG CARLSON ENGINEERING, L.L.C.
1521 E. Broadway Boulevard, Tucson, AZ. 85719
(520)-624-0070 fax (520)-624-4197
e-mail:gceng@gceng.biz

PREPARED BY:

RIO RICO LAND SURVEY

JAMES A. LARUZZA, RLS 25879
P.O. BOX 42
(520) 281-4223

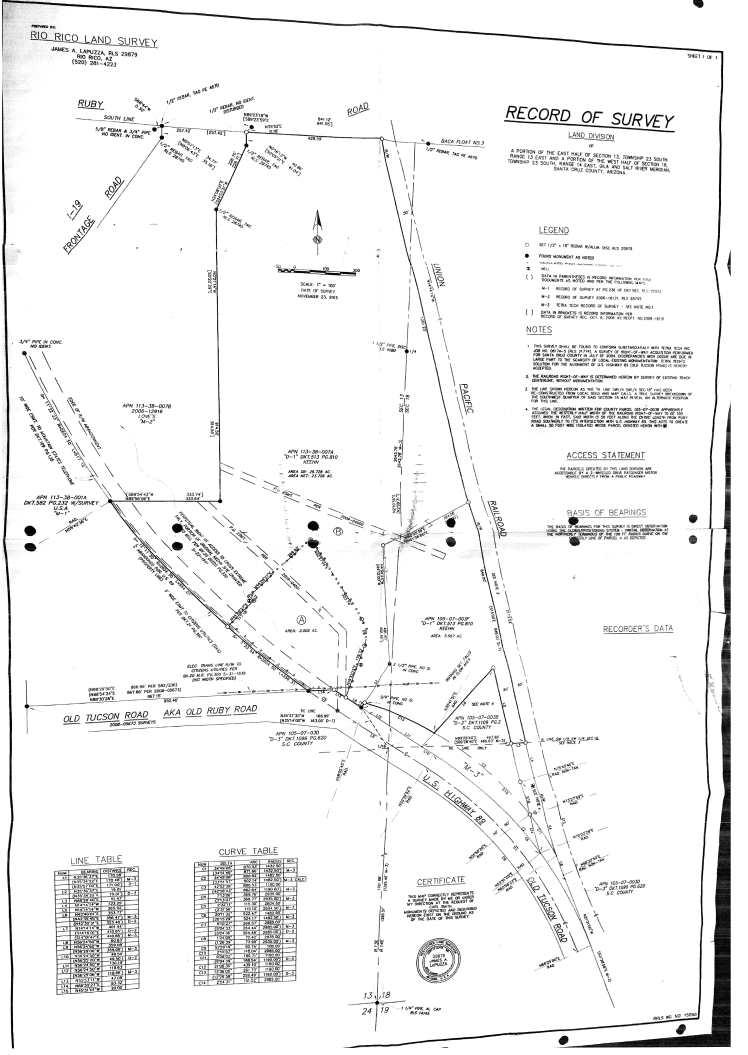
SHEET 1 OF 1

RECORD OF SURVEY

LAND DIVISION

OF

A PORTION OF THE EAST HALF OF SECTION 13, TOWNSHIP 23 SOUTH RANGE 13 EAST AND A PORTION OF THE WEST HALF OF SECTION 18, TOWNSHIP 23 SOUTH, RANGE 14 EAST, GILA AND SALT RIVER MERIDIAN, SANTA CRUZ COUNTY, ARIZONA



LEGEND

- ○ SET 1/2" x 18" REBAR W/ALUM. DISC RLS 25879
- ● FOUND MONUMENT AS NOTED
- ⊕ FIELD MEASURED
- ( ) DATA IN PARENTHESES IS RECORD INFORMATION FROM THE FOLLOWING NOTED AND PER THE FOLLOWING MAPS:
  - R-1 = RECORD OF SURVEY #2 PG.236 OF DWT REC. R.L.S. #25612
  - R-2 = RECORD OF SURVEY 2006-14-131, R.L.S. 25741
  - R-3 = TOTAL SUM RECORDS OF SURVEY - SEE NOTE #2.1
- [ ] DATA IN BRACKETS IS RECORD INFORMATION FROM RECORDS OF SURVEY R.L.S. OCT. 6, 2006 #3 NOTE 1 R.L.S.25879-13-13

NOTES

1. THIS SURVEY SHALL BE FOUND TO CONFORM SUBSTANTIALLY WITH TERRA SUM INC. RECORD OF SURVEY #2 PG.236 OF DWT REC. AND RECORDS OF SURVEY RECORDED FOR SANTA CRUZ COUNTY IN JULY OF 2006. DISCREPANCIES WERE FOUND AND ARE SUCH AS LARGE PART TO THE SCARCITY OF LOCAL EXISTING MONUMENTATION. TERRA SUM'S RECORD FOR THE ALIGNMENT OF SFE HIGHWAY 89 (OLD TUCSON ROAD) IS HEAVILY ADJUSTED.
2. THE RAILROAD RIGHT-OF-WAY IS DETERMINED HEREON BY SURVEY OF EXISTING TRACK DATA/REBAR, WITHOUT MONUMENTATION.
3. THE UNIT DRAWN HEREON AS THE "L UNIT SAN/LA SARLA SEC.18" AND LIES BETWEEN THE SOUTHWEST CORNER OF SECTION 13 AND THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 13 ALSO REVEAL AN ALTERNATE POSITION FOR THE SOUTH LINE.
4. THE HORIZONTAL POSITION WITHIN FOR COUNTY PARCEL 105-07-003B APPROVINGLY ASSUMES THE NORTHERN 1 HALF WIDTH OF THE RAILROAD RIGHT-OF-WAY TO BE 100 FEET WHICH IN FACT THAT WIDTH IS BE VERY NEARLY THE ENTIRE LENGTH FROM POINT "A" TO POINT "B" ON THE ATTACHED MAP. THE ALTERNATIVE POSITION HEREIN IS CREATED IN A SMALL TRIANGULAR AREA THAT WAS TRUNCATED WITHIN PARCEL ADJACENT HEREIN.

ACCESS STATEMENT

THE PARCELS DEPICTED BY THIS LAND DIVISION ARE ACCESSIBLE BY A 2-WHEELED DRIVE TRACTOR/CAR WITH PERMITS CURRENTLY FROM A PUBLIC ROADWAY

BASIS OF BEARINGS

THE BASIS OF BEARINGS FOR THIS SURVEY IS DIRECT DESCRIPTION USING SPC (SUPERCONFORMING SYSTEM - SPECIAL DESCRIPTION) AT THE "REFERENCE POINT" AT THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF PARCEL 4 OF DEPICTED

LINE TABLE

NOTE	BEARING	DISTANCE	REC.
1	N 00°00'00"E	1320.00'	
2	N 00°00'00"E	1319.48'	M-3
3	N 00°00'00"E	1319.48'	M-3
4	N 00°00'00"E	1319.48'	M-3
5	N 00°00'00"E	1319.48'	M-3
6	N 00°00'00"E	1319.48'	M-3
7	N 00°00'00"E	1319.48'	M-3
8	N 00°00'00"E	1319.48'	M-3
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CURVE TABLE

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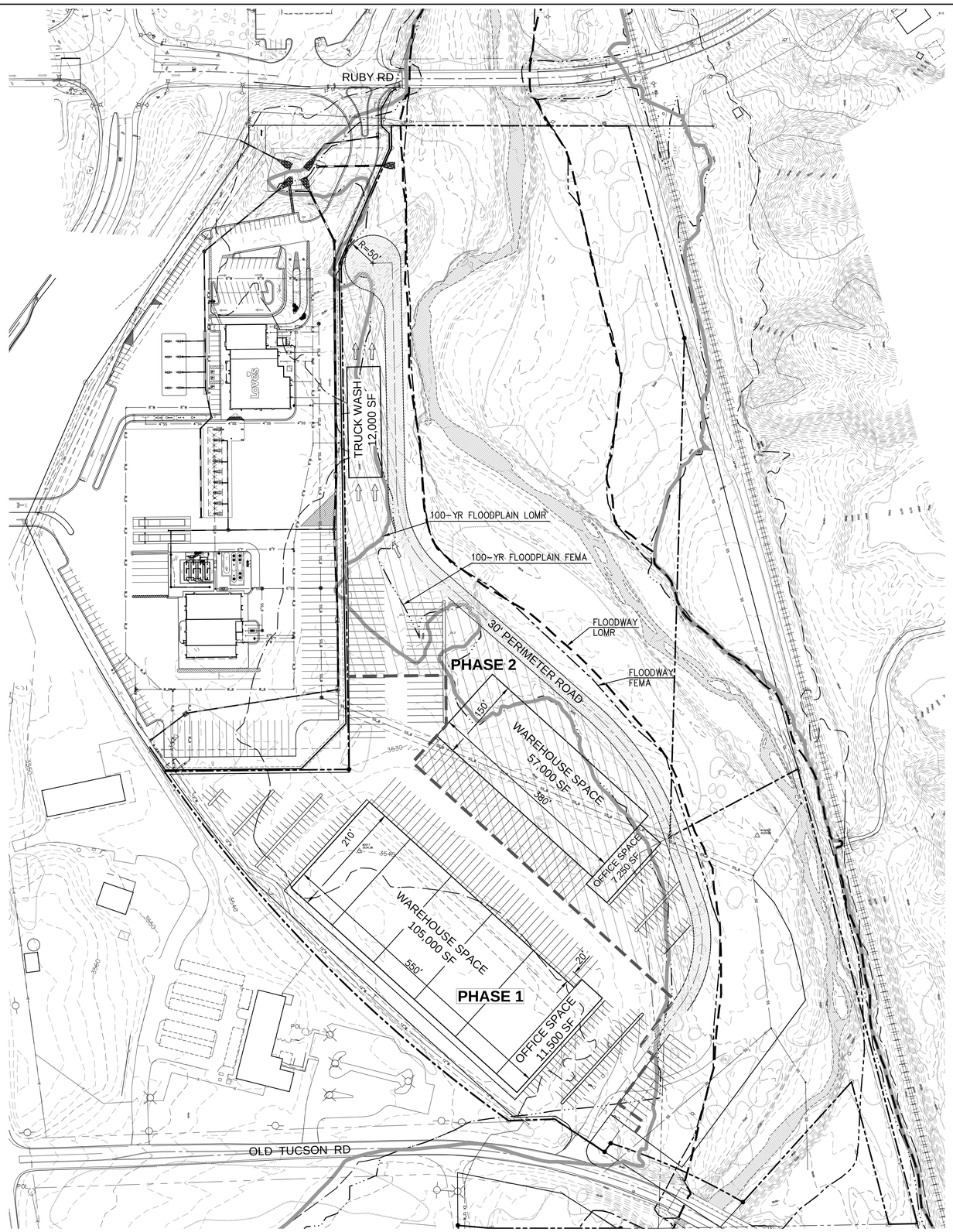
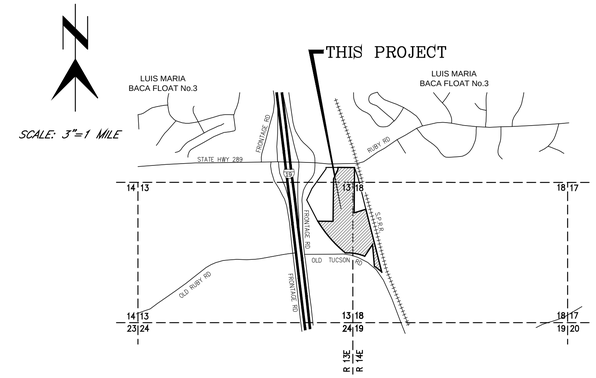


SCALE: 1"=100'



SCALE: 3"=1 MILE

LOCATION MAP

LOCATED IN PORTIONS OF SEC 13,
T23S, R13E & SEC 18 T23S, R14E, G&SRM
SANTA CRUZ COUNTY, AZ

LEGEND

- 100-YR FEMA FLOODPLAIN
- 100-YR FLOODPLAIN LOMR
- 500-YR FLOODPLAIN LOMR
- FLOODWAY FEMA
- FLOODWAY LOMR
- 3530 INDEX CONTOURS
- INTERMEDIATE CONTOURS
- PHASE LINE

OWNER

DELTA COMPANIES
ATTN: DINO PANOUSOPOULOS
2050 N SMOKEY LANE
NOGALES AZ, 85621
PH: (520) 281-4444

ENGINEER

GREG CARLSON ENGINEERING, LLC
1521 E. BROADWAY BLVD.
TUCSON, AZ. 85719
(520) 624-0070
E-MAIL: GREGC@GCENG.BIZ

Contact Arizona 811 at least two full working days before you begin excavation
ARIZONA811
Call 811 or click Arizona811.com

Greg Carlson Engineering Project No. 17-028

NO.	BY	DATE	REVISION	APPR.	DATE

PRELIMINARY

PREPARED BY:

GREG CARLSON ENGINEERING, L.L.C.
1521 E. Broadway Blvd., Tucson, AZ. 85719
(520)-624-0070 fax (520)-624-4197
e-mail: gceng@gceng.biz

PRELIMINARY PLAN
FOR
NORA'S NORTH

LOCATED IN PORTIONS OF SECTION 13, T23S, R13E, &
SECTION 18, T23S, R14E, G&SRM, SANTA CRUZ COUNTY, ARIZONA

SCALES: HORIZ: 1"=100' REF: –
VERT: N/A JOB NO. 17-028

1/1

DESIGNED BY: GRC DRAFTED BY: JJF CHECKED BY: GRC DATE: JUNE, 2020

SECTION I

A. Application Information

Property Owner: Delta Properties, LLP

Daytime phone #: (520) 281-4444 **Fax #:** (520) 281-1988

Address: 2050 North Smokey Lane, Nogales, Arizona 85621

Applicant Name: Dino Panousopoulos

Engineer: Greg Carlson, P.E.

Daytime phone #: (520) 624-0070 **Fax #:** (520) 624-4197

Address: 1521 East Broadway Blvd, Tucson, Arizona 58719

SECTION II

A. Property Description

1. General Description

The existing use for the parcel (APN 113-38-007A) is vacant land. The project site is located east of the proposed Love's Truck Stop along the frontage road of Interstate 19, north of Old Tucson Road (SR 89) and south of Ruby Road (SR 289). Exhibit II-A-1 shows the location of the site.

a. Legal Description:

The legal description for the parcel which comprises the project site are:

See attached Record of Survey for A.P.N. 113-38-007A

b. Tax Code Number:

The tax code numbers for the parcel is: 113-38-007A. Exhibit II-A-1-b shows the parcel location.

c. Current Zoning:

The current zoning for the parcels is:

B2- General Business
M1-Light Industry
as shown on Exhibit II-A-1-c.

d. Comprehensive Plan Sub-region:

The site is located in the Southwest (Ruby Road South to City Limits) Comprehensive Plan Sub-Region.

e. Supervisor District:

The project site is located in Supervisor District 3, and the supervisor for District 3 is Bruce Bracker..

f. Current Plan designations:

The current Comprehensive Pan Designation for the site is Mixed Use (MU) as shown on Exhibit III-A-1.

g. Requested Plan Designations:

The requested Comprehensive Pan Designation for the site is Regional Services (RS).

SECTION III

A. Adjacent Properties

1. Current Plan Designation of Adjacent Properties

Exhibit III-A-1 shows the current plan designation of the adjacent properties within approximately 300 feet. The plan designation for all of the immediate surrounding properties is Mixed Use. Parcels west of Interstate 19 are designated Regional Services. Parcels south of Old Tucson Road are designated Regional Services and Mixed Use.

2. Existing Land Uses of Surrounding Properties

Exhibit III-A-2 shows the existing land uses of the adjacent properties within approximately 300 feet. The adjacent land uses west of Interstate 19 and south of Old Ruby Road are warehouses and vacant. The existing land uses east of Interstate 19 and north of Old Tucson road are the Forest Service Ranger Station, vacant land and the proposed Love's Truck Stop. The existing land uses east of Interstate 19 and south of Old Tucson Road are warehouses and vacant. The existing land uses east of the Union Pacific railroad are vacant land.

3. Existing Zoning of Surrounding Properties

Exhibit II-A-1-c shows the existing zoning of surrounding properties. The existing zoning of surrounding properties are: B2, GR, M1 and P (Preservation).

SECTION IV

A. Land Use Comparison

1. Existing Land Use

The existing use for the project site is vacant land which has B2 (General Business) and M1 (Light Industry) zoning.

2. Proposed Land Use

The proposed use for the proposed site is two commercial warehouses, a Truck Wash, parking & access drives to the warehouse, which requires a zoning of Light Industry M-1.

3. Comparison

Since the proposed warehouse use is not allowed in General Business (B2), and is not consistent with the Mixed Use (MU) designation on the Comprehensive Plan, and the site is less than 40 acres, and the warehouse use will increase the density to the next land use designation of Regional Services (RS), the site qualifies for a Minor Plan Amendment according to Table 3 (Comprehensive Plan Amendment Criteria Flowchart) of the Comprehensive Land Use Plan.

B. Projected Off-site Impacts

1. Traffic

The project site is bordered by three major roadways; I-19 east frontage road adjacent to the proposed Love's Truck Stop on the west side (no direct access to the project site), SR 289 (Ruby Road) to the north (no direct access, but a potential common access with Love's Truck Stop) and SR 89 (Old Tucson Road) on the south. The primary ingress-egress for the Nora's North project would be from the Old Tucson Road entrance.

The I-19 east frontage road is currently a 2-lane uncurbed roadway with a posted speed limit of 50 mph. Ruby Road and Old Tucson Road are classified as a Major County Roads on Figure 5 of the Comprehensive Plan, and are 2-lane rural roadways with paved shoulders and a posted speed limit of 35 mph.

A traffic study was prepared for the Nora's Ranch warehouse project constructed on the south side of SR 89 (Old Tucson Road) in 2014 by DMA engineering, and another for the Nora's Ranch expansion by DMA in 2017. The Nora's Ranch

Expansion warehouses project (2017 study) is similar to the Nora's North project in that the Nora's Ranch Expansion project estimated trips based upon 189,000 sq ft of warehouse space and the Nora's North project consists of 162,000 sq ft of warehouse space and a 12,000 sq ft. truck Wash for a total of 174,000 sq ft. Applying the DMA study (2017 study) multiplier from the ITE Code for warehouses to the Nora's North square footage of 174,000 sq ft results in a Daily Total of 620 trips. Further extrapolation of the DMA multipliers for the AM and PM peak Hour Trips results in AM Peak IN=85 trips, AM Peak OUT=23 trips, PM Peak IN=21 trips and PM Peak OUT=63 trips for the Nora's North project.

2. Public Safety and Parks

The proposed development is not located near any parks or National Forests. The US Forest Service Coronado National Forest Nogales Ranger Station Building is located on the west side of the site, at 303 Old Tucson Road. The project site is not near any public libraries, and is located approximately 2.5 miles from the Rio Rico Fire District Station and Sheriff's sub-station. The nearest hospital is Carondelet Holy Cross, located at 1170 West Target Range Road, approximately 7 miles from the site. Exhibit IV-B-2 shows the relative locations of these facilities.

Due to the warehouse nature of the proposed development, it is not expected to add any significant burden to the existing public safety facilities and/or parks.

C. Impacts to the Conservation, Protection and Sustainability of the Natural Environment

1. Hillside

The parcel containing the Nora's North Warehouses & Truck Wash site has relatively level land north of the Old Tucson Road and west of Portrero Creek. Some steeper terrain exists along the creek banks, but none of the steep creek bank areas exceed 15 feet in height. The site will be developed to utilize the Portrero Creek as a buffer from the GR property to the east. Exhibit IV-C-1 shows the topography of the site for the proposed development.

2. Riparian Areas

Potential riparian areas have been identified from the USGS Quadrangle map as shown on Exhibit IV-C-2. The Nora's Ranch North Warehouses & Truck Wash project is situated to avoid the riparian areas associated with the Floodway for

Portrero Creek, but some "non-officially designated" riparian disturbance has already occurred at the proposed warehouse location along the west side of the project site. The site is located in a "No Protection" zone on Figure 7 (Wildlife Corridor Possibilities) of the Comprehensive Land Use Plan.

3. Public Lands and Public Lands Access

Bureau of Land Management (BLM) land is located east of Old Tucson Highway and east of the property, and further east is State Trust Land. There are no public lands immediately adjacent to the proposed Nora's Ranch North Warehouses & Truck Wash site. The proposed project will not utilize any public lands for access or economic support. Therefore the project will not have any impact on public lands or access to public lands. Exhibit IV-C-3 shows the public lands within the vicinity of the proposed site.

4. Night Sky

The proposed Nora's Ranch warehouse project will conform to the light pollution code and will utilize shoe box type lighting for all outdoor lighting.

5. Surface Water and Floodways

The Nora's North project is located north of the bridge over Potrero Creek on Old Tucson Road. The proposed project is located within portions of the effective 100-year FEMA flood plain, as seen on Exhibit IV-C-5.

The proposed development will utilize the relatively higher areas on the west side of Potrero Creek. Phase 1 of the proposed Nora's North project will remain completely out of the 100-yr floodplain. Fill will be required for portions of Phase 2 to elevate the project out of the floodplain fringe and encroachment into the floodplain shall be minimal, and within the amount normally allowed under the County's Floodplain Management Ordinance. Furthermore, the planned encroachment into the floodplain shall be located away from the main flow channels and outside the FEMA floodway.

The anticipated minor changes to the effective FEMA floodplain maps, necessitated because of the planned flood plain encroachment for Phase 2, will be accomplished during the subsequent development-plan stage of this project. Water harvesting and onsite stormwater detention/retention, with appropriate landscaping, shall be provided, as required.

6. Subsurface Water

The Nora's North warehouses & Truck Wash site is located within the Santa Cruz County Active Management Area (AMA) as designated by the Arizona Department of Water Resources (ADWR). The mission of the Santa Cruz County AMA is to manage all water resources in the AMA conjunctively, to assure a reliable water supply for current and future uses, and to protect aquatic

and riparian habitat while sustaining a healthy economy. The management goal of the Santa Cruz AMA is to maintain a safe yield condition in the Active Management Area and to prevent local water tables from experiencing long term decline.

The Nora's North warehouses and Truck Wash site intends to maintain the exempt well on the site for domestic demand, and utilize Water from Valle Verde Water Company to provide fire flow. The buildings will be equipped with a fire sprinkler systems.

Exhibit IV-C-6 shows the location of wells in the surrounding area and the water depth. There are three existing exempt wells on the Nora's North project site according to the ADWR Well 55 website, but only one well was actually field located on the site. It appears that the water depth for the Nora's North warehouses and Truck Wash site is between 8 to 50 feet. The proposed Nora's Ranch warehouse project complies with the mission and goals of the Santa Cruz County AMA since the project will be a low water user on a large tract of land, which will help minimize long-term water table decline.

D. Character Area Goals

1. Consistencies

The proposed Nora's North warehouses & Truck Wash site is located in the Southwest Santa Cruz County Character Area (Ruby Road South to City Limits). The project site is located south of Ruby Road in the Ruby Road Growth Area, and is also located in the I-19 Corridor (Rio Rico to Nogales) Growth Area. The proposed development for the site is consistent with Table 5 (Activities appropriate to Growth Areas) for both the I-19 Corridor and Ruby Road West, and is similar to the El Campo warehouse on the west side of Interstate 19. Table 5 lists warehousing and industrial as a desired use.

The proposed use is consistent with Character Area **Goal 3**-<u>Retail, Commercial and Industrial Development is Suitably Located, Accessible, Attractively Designed, Appropriately Lighted and Compatible with Adjacent Land Uses</u>. The proposed warehouse site is located in the I-19 Corridor and is consistent with the El Campo warehouses to the southwest and the Nora's Ranch warehouses to the south. Further, the site design will utilized Dark Skies design techniques, and will be attractively landscaped..

The proposed use is consistent with Growth Area **Goal 11**-<u>Quality Economic Development is Supported and Employment opportunities are Plentiful</u>. The proposed warehouse and truck wash site will provide new jobs to the area and continue to support the agricultural industry as well as the transportation industry.

The proposed use is consistent with Growth Area **Goal 24**-An Efficient Transportation System is Developed And Maintained that Supports the Economy and Meets the Transportation needs of County Residents and Visitors. The proposed project is located on Interstate 19 which is considered the backbone of the transportation system. The development is located on the Old Tucson road, so turning movements into and out of the site will have minimal affect on the Ruby interchange on the north side of the site.

The proposed use is consistent with Growth Area **Goal 17**-Our Air and Water are Clean and Meet or exceed all National Standards. The proposed project will connect to the existing public sewer.

The proposed use is consistent with Growth Area **Goal 19**-Water Supplies are Protected and Conserved. The proposed project will use low water use-drought tolerant vegetation for landscaping to minimize water use. Warehouses are inherently low water use facilities.

2. Conflicts

The proposed use does not conflict with, but does not promote Character Area **Goal 1**-The Historic, Cultural, Ranch, and Agricultural Heritage of Santa Cruz County is Preserved, Through Land Use Patterns and Development Styles. The proposed warehouse site is not located in a Historic Zone Overlay, and an archeological survey will be performed prior to development to determine if the site has any archeological significance.

The US Forest Service Site provides some education to the residents regarding the history and culture of the area. The existing site is presently vacant, and the proposed use is not consistent with ranching, dude ranches or farming.

The proposed use does not conflict with, but does not promote Character Area **Goal 5**-The County Actively works and Cooperates With Its Neighbors Resolving Land Use Compatibility And Other Related Issues.. The project site does not border Mexico.

3. Amendment to Character Area Goals

Due to the location of the proposed Nora's North warehouses & truck wash site within the I-19 Corridor Growth Area, we do not expect that an amendment to the character area goals for the Southwest Santa Cruz County Character Area (Ruby Road South to City Limits) due to the proposed project is necessary.

E. Consistency with County Comprehensive Plan

1. Goals and Objectives of County Comprehensive Plan

The proposed use is consistent with **Goal 2**-Open Space and Natural Terrain to Remain Dominant Features of the Landscape and Viewsheds are Protected. The proposed project will have minimal impact on the hillside areas and riparian areas within the two watercourses thereby providing a buffer from the neighboring residential properties.

The proposed use is consistent with **Goal 4**-New Development Shall be Designed to Enhance the Character of the Surrounding Area. The proposed project will continue the development of warehouse sites in the Ruby Road interchange area, and will build upon the synergy already created by the existing warehouses in the area. This project will compliment the existing warehouses and commercial uses in the immediate vicinity of the project.

The proposed use does not conflict with **Goal 6**-Land Uses Will Contribute to the Protection of National and State Parks, Conservation Areas, Preserves, and Other Special Natural Resource Areas. The project site is not adjacent to any National or State Parks. The hillside and riparian areas will be left in their natural undisturbed condition.

The proposed use is consistent with **Goal 7**-WIldlife Habitat and Wildlife Movement Corridors are Recognized and Preserved Through the Use of Established and Innovative Land Use Management Tools. Although the project site is located in a "No Protection" zone on Figure 7 (Wildlife Corridor Possibilities) of the Comprehensive Land Use Plan, the Potrero Creek area will be left natural to provide wildlife movement corridors.

The proposed use is consistent with **Goal 8**-The Santa Cruz River and its Watershed are Conserved and Managed as "Living River" Ecosystems. As stated above the Potrero Creek areas will be left natural.

The proposed use is consistent with **Goals 9 & 18**-Infrastructure is at a Scale that Contributes to the Sustainability of the Natural and Cultural Resources and Economy of Santa Cruz County and a Safe and Efficient Transportation System is Developed and Maintained that Supports the Economy and Meets the Transportation Needs of County Residents and Visitors. The proposed warehouse and truck wash project will extend electricity and telephone to the site underground. The site will utilize a recycling program. The site has access to the public sewer. Access to the site from Old Tucson Highway will be signed and striped to ensure a safe connection to the transportation network.

The proposed use is consistent with **Goal 10**-Opportunities Exist for Easy Access to Traditional and Non-Traditional Energy Sources. The project will use Green Building practices whenever possible.

The proposed use is consistent with **Goal 12**-Land Use Planning and Design Considers the Potential Dangers from Natural and Human-Caused Disasters. The project will be developed so that the site is not within the floodway of Potrero Creek. The building will be fire protected, and the water storage for the fire projection will be available for use for fighting wildland fires if they occur in the area.

The proposed use is consistent with **Goal 13**-The Counties Natural and Cultural Resources Contribute to Toursim. Potrero Creek will remain undeveloped to preserve the view sheds from Old Tucson Road.

The proposed use is consistent with **Goal 14**-The County Considers the Cost of Growth. The project will provide more tax revenue to Santa Cruz County through taxes associated with the higher use.

The proposed use does not conflict with **Goal 15**-Residents and Visitors are Afforded a Range of Recreational Opportunities. It is not anticipated that the proposed warehouse site will include any outdoor activities, and will not include any recreational programs.

The proposed use is consistent with **Goal 16**-Native Plant Species Thrive Free From Habitat Encroachment by Non-Native Plants. The project will utilize drought tolerant native plant materials for landscaping and will not utilize prohibited plants.

The proposed use is consistent with **Goal 18**-An Efficient and Attractive Transportation System is Developed and Maintained That Supports the Economy and Meets the Transportation Needs of County Residents and Visitors. The proposed project is located on Interstate 19 corridor which is considered the backbone of the transportation system. The development is located on Old Tucson Road, so turning movements into and out of the site will have minimal affect on the Ruby interchange to the north of the site. The frontage road and Old Tucson Road already have adequate right-of-way.

The proposed use is consistent with **Goal 20**-Dark Night Skies are Protected. The site will be developed to minimize light pollution and will conform to the light pollution code.

F. Community Outreach

1. Meetings by owner

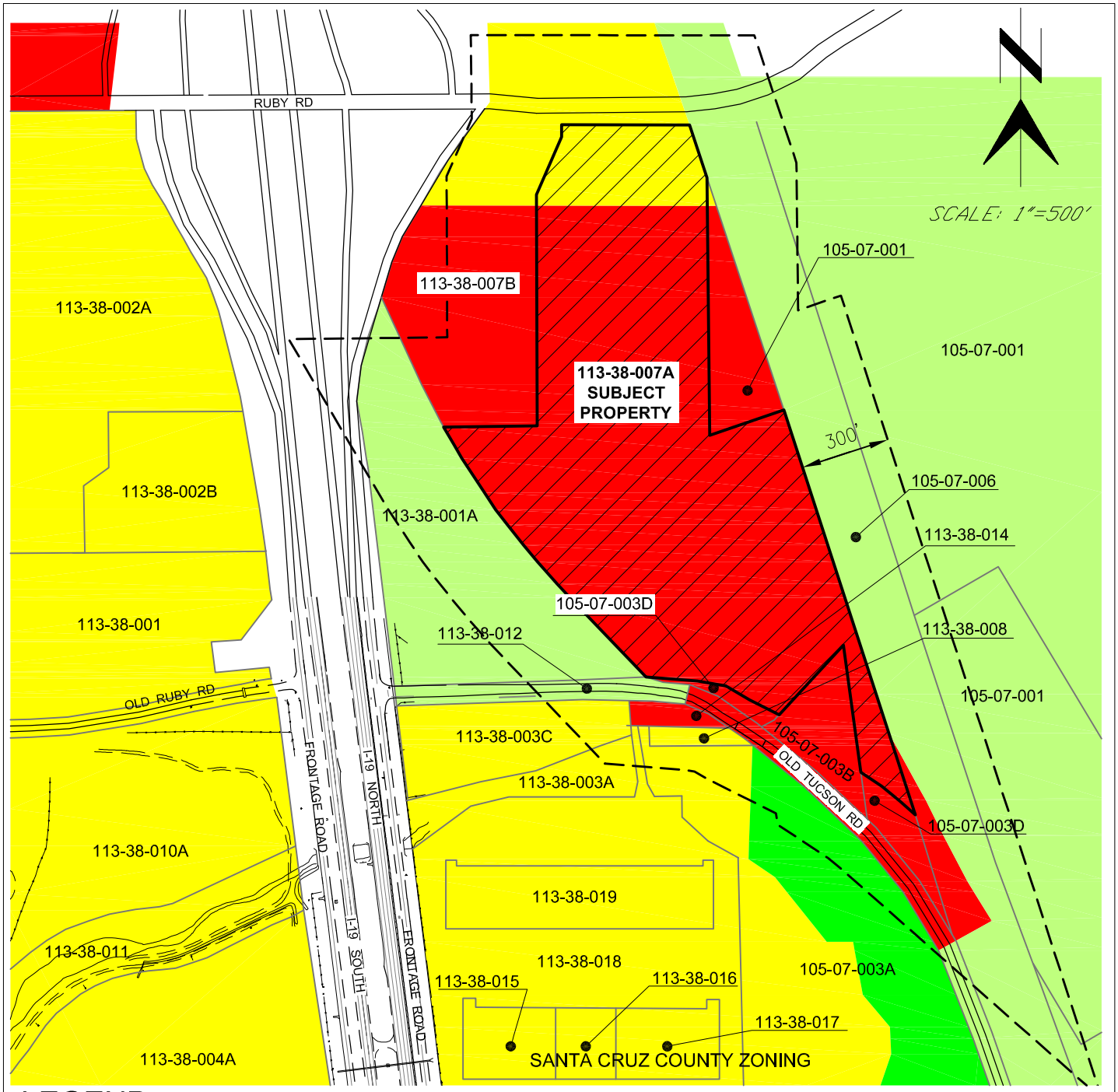
The property owner has had several meetings with the Love's Truck Stop owners' and has entered into a cooperation agreement with them for water and other issues.

G. Additional Information

1. Extra

A sewer availability letter from the City of Nogales is attached.

APPENDIX A:
MAPS AND FIGURES



LEGEND

SANTA CRUZ COUNTY ZONING

- SUBJECT PROPERTY
- PARCEL LINES
- 300 FOOT OFFSET
- B2: GENERAL BUSINESS
- M1: LIGHT INDUSTRY
- GR: GENERAL RURAL
- P: PRESERVATION

PREPARED BY:

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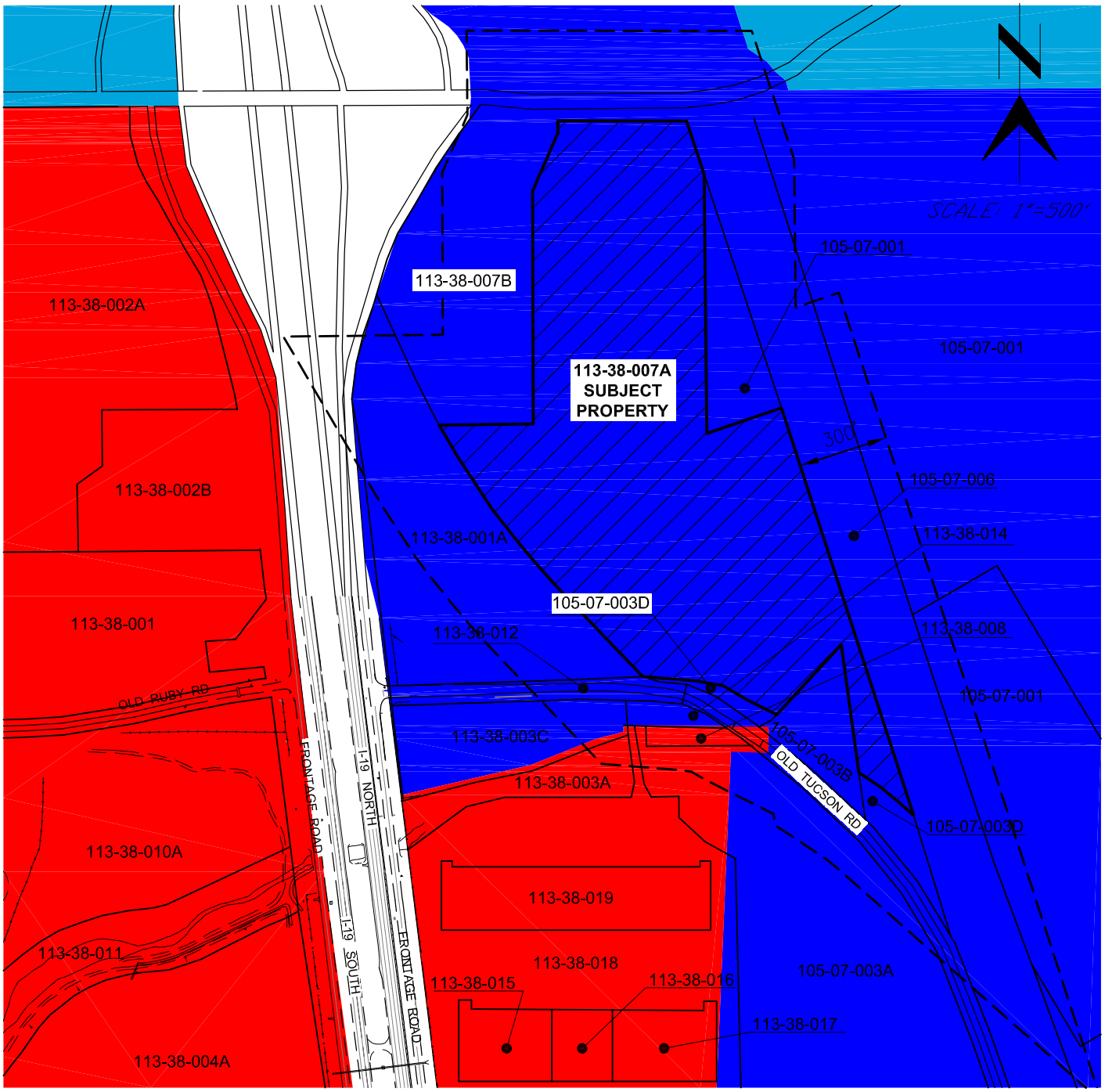
e-mail: gceng@gceng.biz

II-A-1-c
CURRENT ZONING
FOR
NORA'S NORTH

SCALES: HORIZ: 1"=500' REF: –
VERT: – JOB NO. 17-028

DESIGNED BY: GRC DRAFTED BY: JJF CHECKED BY: GRC DATE: JULY, 2020

G:\Carlson Engineering\2017\17-028\Comprehensive Plan\Appendix A\Exhibit II-A-1-c.dwg, 8/4/2020 5:22:14 PM, 1:500



SANTA CRUZ COUNTY COMPREHENSIVE PLAN
LAND USE DESIGNATION

LEGEND

- SUBJECT PROPERTY
- PARCEL LINES
- 300 FEET OFFSET
- RS: REGIONAL SERVICES
- MU: MIXED USE
- MDR: MEDIUM DENSITY RESIDENTIAL

PREPARED BY:

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III-A-1
CURRENT COMPREHENSIVE PLAN DESIGNATION
FOR
NORA'S NORTH

SCALES: HORIZ: 1"=500' REF: –
VERT: – JOB NO. 17-028

DESIGNED BY: GRC DRAFTED BY: JJF CHECKED BY: GRC DATE: JULY, 2020

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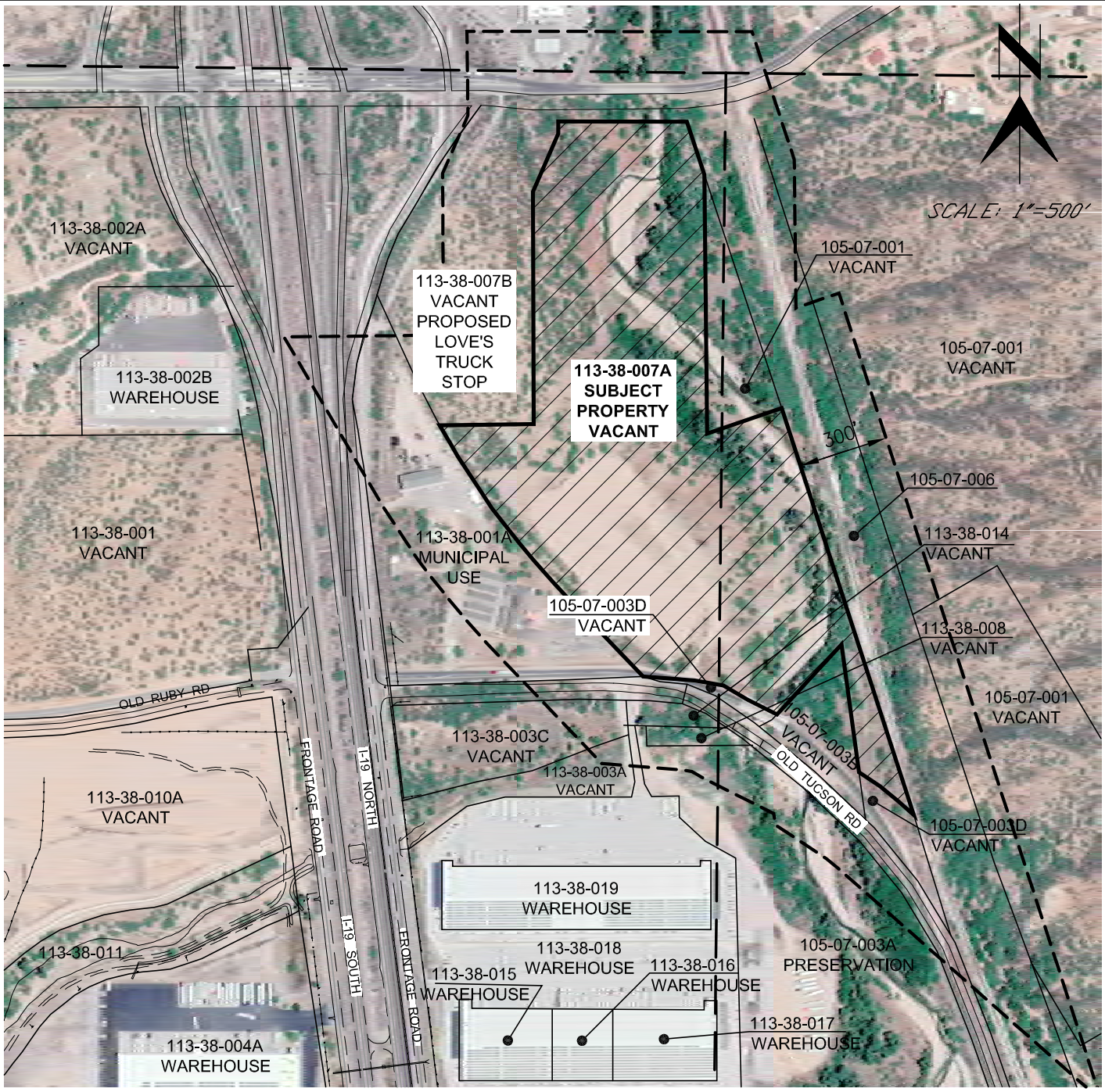

LEGEND

- SUBJECT PROPERTY
- SECTION LINE
- PARCEL LINES
- 300 FEET OFFSET

PREPARED BY:

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III-A-2
EXISTING LAND USES
FOR
NORA'S NORTH

SCALES: HORIZ: 1"=500' REF: –
VERT: – JOB NO. 17-028

DESIGNED BY: GRC DRAFTED BY: JJF CHECKED BY: GRC DATE: JULY, 2020

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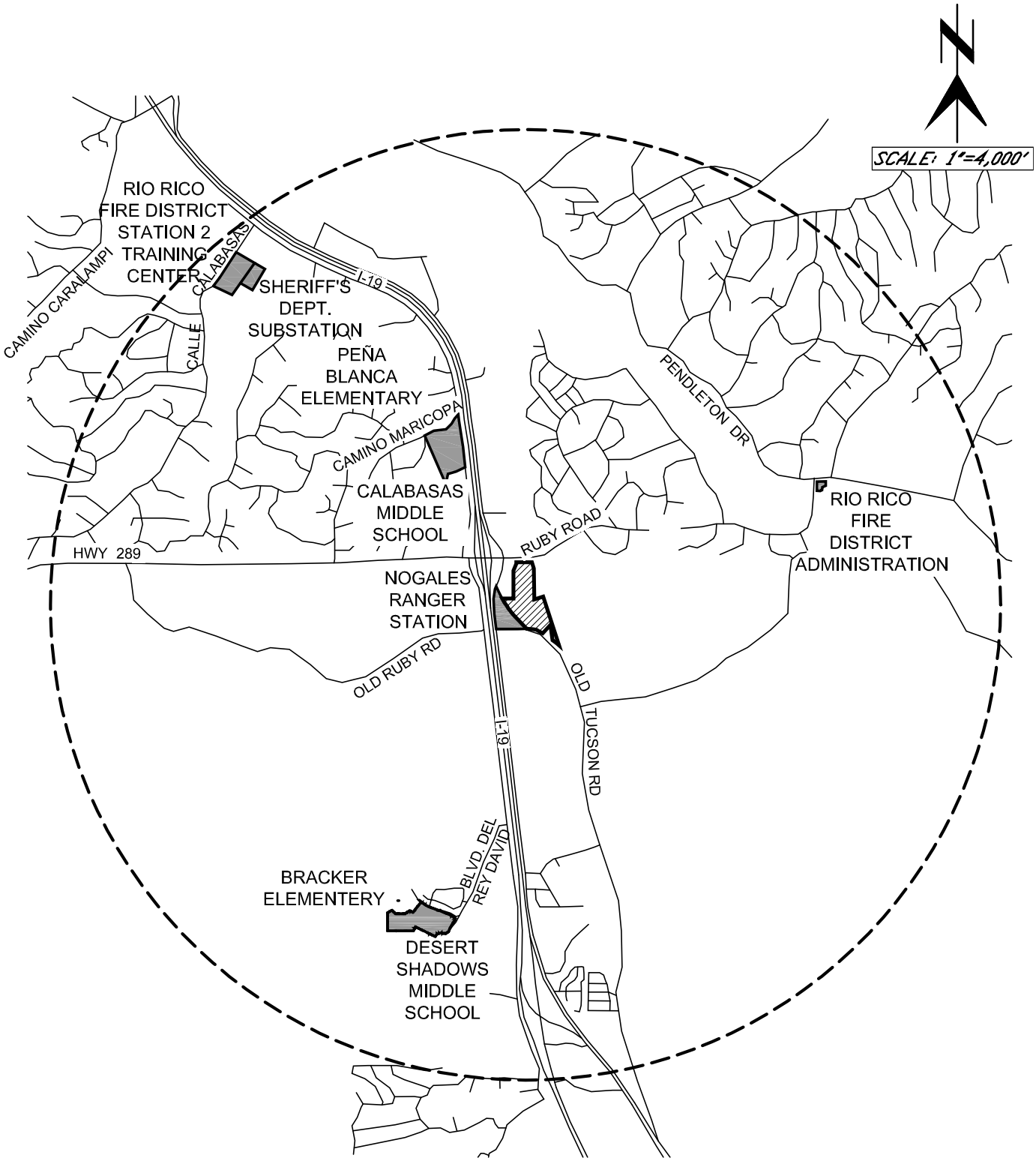

LEGEND

SUBJECT PROPERTY

2.5 MILE RADIUS

PREPARED BY:

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IV-B-2
COMMUNITY FACILITIES
FOR
NORA'S NORTH

SCALES: HORIZ: 1"=4,000' REF: –
VERT: – JOB NO. 17-028

DESIGNED BY: GRC DRAFTED BY: JJF CHECKED BY: GRC DATE: JULY, 2020

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LEGEND

SUBJECT PROPERTY

SECTION LINE

POTENTIAL RIPARIAN AREAS MAPPED FROM USGS QUAD MAP

PREPARED BY:

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IV-C-2
RIPARIAN AREAS
FOR
NORA'S NORTH

SCALES: HORIZ: 1"=1000' REF: –
VERT: – JOB NO. 17-028

DESIGNED BY: GRC DRAFTED BY: JJF CHECKED BY: GRC DATE: JULY, 2020

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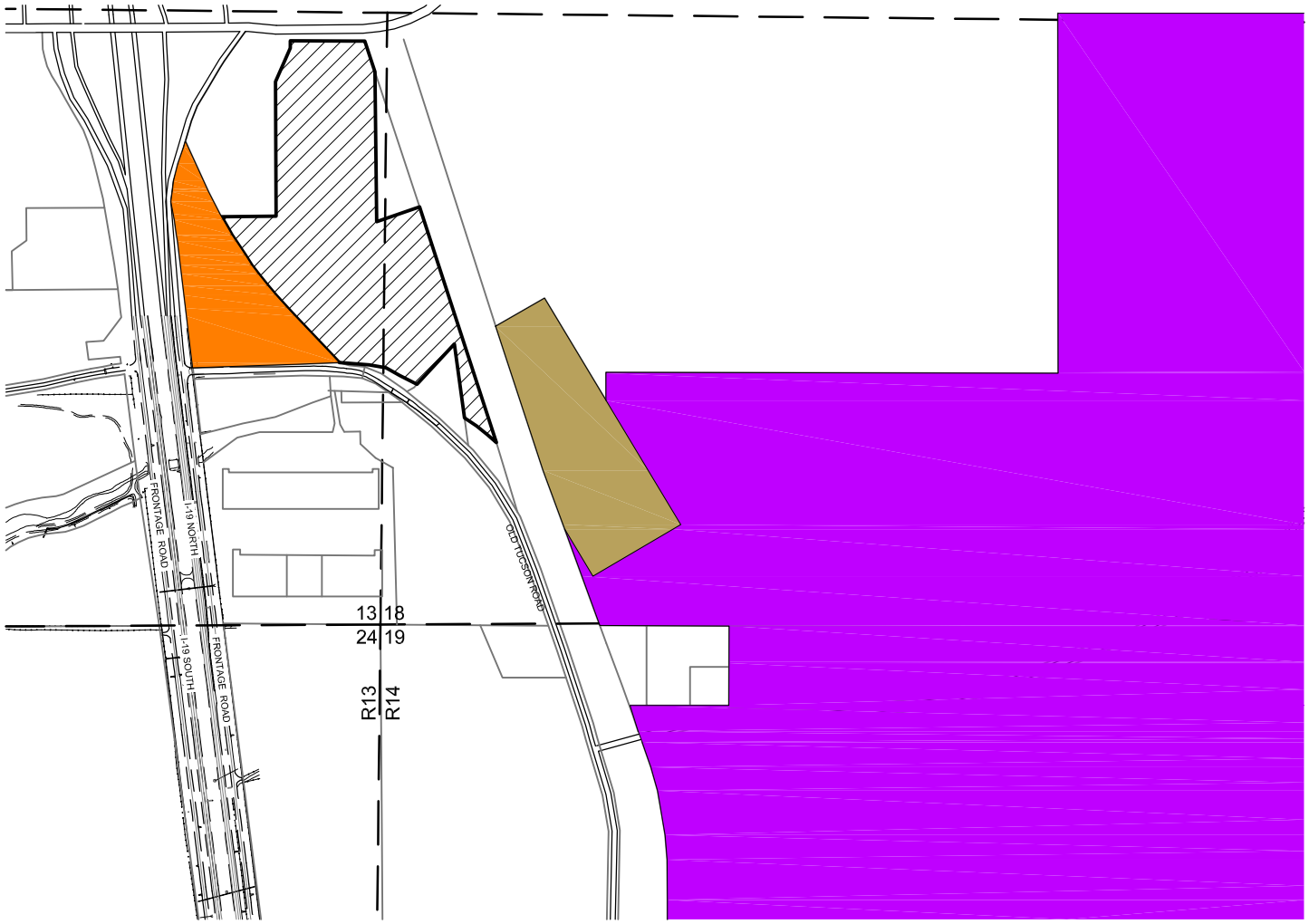

SCALE: 1"=1000'

LEGEND

- SUBJECT PROPERTY
- SECTION LINE
- PARCEL LINES
- NOGALES RANGER STATION CORONADO NATIONAL FOREST
- ARIZONA STATE TRUST LAND
- BUREAU OF LAND MANAGEMENT

PREPARED BY:

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IV-C-3
PUBLIC LANDS AND PUBLIC LANDS ACCESS
FOR
NORA'S NORTH

SCALES: HORIZ: 1"=1000' REF: –
VERT: – JOB NO. 17-028

DESIGNED BY: GRC DRAFTED BY: JJF CHECKED BY: GRC DATE: JULY, 2020

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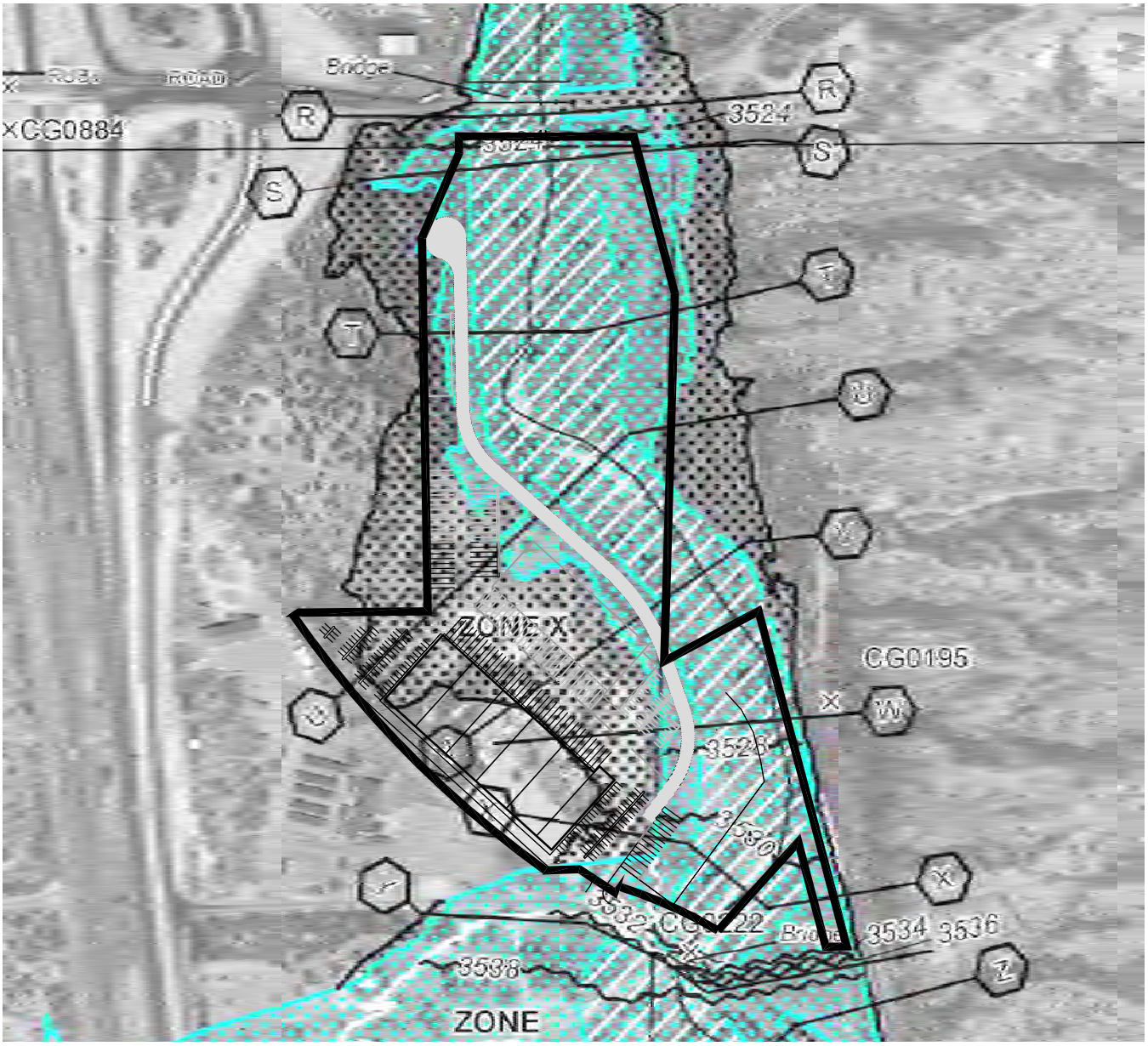

LEGEND

SUBJECT PROPERTY

SCALE: 1"=400'

PREPARED BY:

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IV-C-5
FLOODPLAIN MAP
FOR
NORA'S NORTH

SCALES: HORIZ: 1"=500' REF: –
VERT: – JOB NO. 17-028

DESIGNED BY: GRC DRAFTED BY: JJF CHECKED BY: GRC DATE: JULY, 2020

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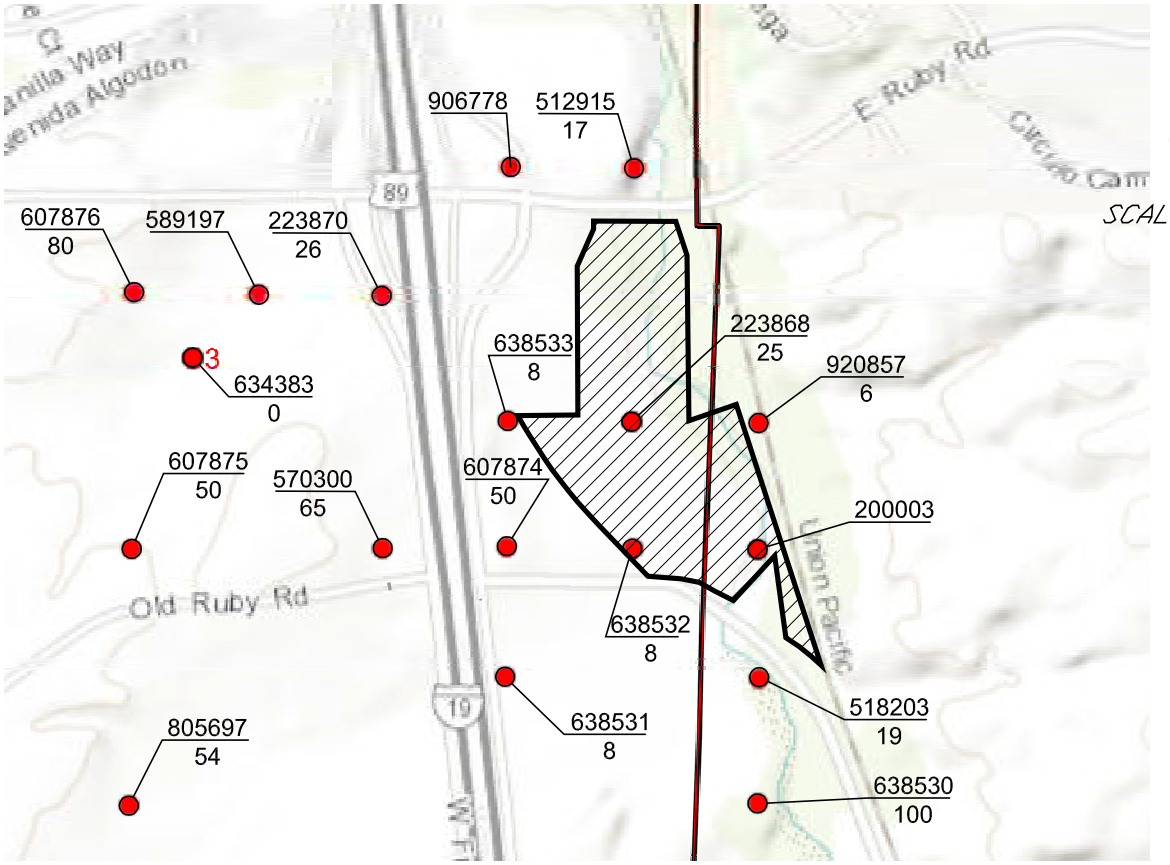

SCALE: 1"=1000'

LEGEND

SUBJECT PROPERTY

ADWR REG. No.
WATER LEVEL
ADWR WELL AND LABEL

PREPARED BY:

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IV-C-6
ADWR WELL REGISTRY
FOR
NORA'S NORTH

SCALES: HORIZ: 1"=1000' REF: –
VERT: – JOB NO. 17-028

DESIGNED BY: GRC DRAFTED BY: JJF CHECKED BY: GRC DATE: JULY, 2020

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APPENDIX B:
COPY OF WARRANTY DEED

Recorded Electronically by Lawyers Title

2017-02351
Page 1 of 7
Requested By: Lawyers Title Of Arizona - Nogales
SUZANNE SAINZ, RECORDER
SANTA CRUZ COUNTY, ARIZONA
03-17-2017 01:59 PM Recording Fee $15.00

RECORDING REQUESTED BY
Lawyers Title of Arizona, Inc.

AND WHEN RECORDED MAIL TO:

DELTA PROPERTIES, L.L.P.
P.O. BOX 1806
NOGALES, AZ 85628

ESCROW NO.: **01867935 - 090 - A14**

SPACE ABOVE THIS LINE FOR RECORDER'S USE

Special Warranty Deed

For the consideration of Ten Dollars, and other valuable considerations, I or we,

Gabriel Gastelum and Maria L. Gastelum, husband and wife

do/does hereby convey to

Delta Properties, L.L.P., an Arizona limited liability partnership

the following real property situated in **Santa Cruz** County, Arizona:

See Exhibit A attached hereto and made a part hereof.

SUBJECT TO: Current taxes and other assessments, reservations in patents and all easements, rights of way, encumbrances, liens, covenants, conditions, restrictions, obligations, and liabilities as may appear of record.

And the Grantor hereby binds itself and its successors to warrant and defend the title, against all acts of the Grantor herein, and no other, subject to the matters set forth.

Dated: **March 16, 2017**

Grantor(s):

Gabriel Gastelum

Maria L. Gastelum

Escrow No.: **01867935 - 090 - A14**
Name of Document: Special Warranty Deed
Page 2

State of Arizona
County of Santa Cruz } SS:

On March 17, 2017, before me personally appeared **Gabriel Gastelum and Maria L. Gastelum**, whose identity was proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to this document and who acknowledged that he/she signed the above/attached document in his or her authorized capacity (ies)

(Seal)

OFFICIAL SEAL
ANA L. MORENO
Notary Public - State of Arizona
SANTA CRUZ COUNTY
My Comm. Expires March 16, 2019

Ana L. Moreno
Notary Public
Commission Expires: 3/16/17

Exhibit A

PARCEL NO. 1:

That portion of the Southeast Quarter of the Southeast Quarter of Section 13, Township 23 South, Range 13 East, Gila and Salt River Base and Meridian, Santa Cruz County, Arizona, described as follows:

PARCEL NO. 1A:

Beginning at the Southeast corner of Section 13, a one inch iron pipe set in concrete;

Thence West along the Southerly line of said Section 13, 922 feet, more or less, to its intersection with the Easterly right of way line of the 1950 alignment of U.S. Highway 09;

Thence North 7 degrees 02 1/2 minutes West. along and upon said Easterly right of way line of said 1950 alignment of U.S. Highway 89, 1320 feet, more or less, to a 1/2 inch iron pin marking the Northerly line of the above mentioned Southeast Quarter of the Southeast Quarter of said Section 13;

Thence North 89 degrees 33 minutes East along and upon the said Northerly line of said Southeast Quarter of the Southeast Quarter of said Section 13 to its intersection with the Southwesterly right of way line of the 1930 alignment of said U. S. Highway 89 to a point from which the Northeast corner of said Southeast Quarter of the Southeast of said Section 13 bears North 89 degrees 33 minutes East, 55 fact, more or less, a 1/2 inch iron pin;

Thence Southeasterly along and upon the said Southwesterly right of way line of the said 1930 alignment of said U. S. Highway 69, a distance of 70 feet, more or less, to its intersection with the Easterly line of said Southeast Quarter and of said Section 13;

Thence South 02 degrees 05 minutes West, 1290 feet, more or less, along and upon said Easterly line of said Section 13 to the PLACE OF BEGINNING;

EXCEPTING THEREFROM all that portion of the Southeast Quarter of the Southeast Quarter of Section 13, Township 23 South, Range 13 East, Gila and Salt River Base and Meridian, Santa Cruz County, Arizona, lying Easterly of the Westerly line of the following described parcel:

Beginning at the Southeast corner of said Section 13, a one inch iron pipe set in concrete;

Thence North 02 degrees 05 minutes East, a distance of 1268 feet, more or less, to the South line of that certain tract or parcel described in Book 32 of Deeds, page 239;

Thence South 89 degrees 33 minutes West, along the South line of said parcel described in Book 32 of Deeds, page 239, a distance of 300 feet;

Thence North 02 degrees 05 minutes East, along the West line of said parcel described in Book 32 of Deeds, page 239, a distance of 60 feet, to the North line of said Southeast Quarter of the Southeast Quarter of Section 13;

Thence South 89 degrees 33 minutes West, along and upon said North line, a distance of 60 feet;

Thence South 09 degrees 05 minutes East, a distance of 1341.1 feet to the South line of said Section 13;

Thence East along and upon said South line, a distance of 100 feet, to the Southeast corner of said Section 13, THE POINT OF BEGINNING; AND

FURTHER EXCEPTING THEREFROM the West 20 feet as conveyed to the State of Arizona in

Docket 68, page 280.

PARCEL NO. 1B:

That part of the Northeast Quarter of the Southeast Quarter of Section 13, Township 23 South. Range 13 East, Gila and Salt River Base and Meridian, Santa Cruz County, Arizona, more particularly described as follows:

Beginning on the Southerly line of the said Northeast Quarter of the Southeast Quarter of said Section 13 at 1/2 inch iron pin which is distant Westerly 300.0 feet from the Southeast corner of the Northeast Quarter of the Southeast Quarter of said Section 13;

Thence North 83 degrees 33 minutes West, a distance of 573.1 feet to a 1/2 inch iron pin;

Thence Southwesterly a distance of approximately 264.0 feet to the point where the Southerly line of said Northeast Quarter of the Southeast Quarter of said Section 13 intersects the East boundary line of the presently established U.S. Highway No. 89;

Thence North 89 degrees 33 minutes East along the Southerly line of said Northeast Quarter of the Southeast Quarter of said Section 13, a distance of 833.0 feet to the POINT OF BEGINNING;

EXCEPTING from the above described parcel the West 20 feet as conveyed to the State of Arizona in Docket 68, page 280.

PARCEL NO. 2:

All that portion of the East Half of the East Half of Section 13, Township 23 South, Range 13 East, and the West Half of the West Half of Section 18, Township 23 South, Range 14 East, lying between the Baca Float 13 on the North, the Southern Pacific Railroad Company right-of-way on the East and the Tucson-Nogales Highway, as said highway was located in 1929, on the South and West;

EXCEPTING therefrom that portion thereof more particularly described as follows:

BEGINNING at the Southeast corner of the Northeast Quarter of the Southeast Quarter of Section 13, Township 23 South, Range 13 East, Gila and Salt River Base and Meridian; Thence North 35 degrees 14 minutes West 163 feet to a point on the Northeasterly right-of-way line of said Tucson Nogales Highway;

Thence North 35 degrees 57 minutes East 171 feet to a point;

Thence North 04 degrees 12 minutes West 401.4 feet to a point;

Thence North 61 degrees 36 minutes East, 324 feet to a point on the Westerly right-of-way line of said Southern Pacific Railroad Company;

Thence South 14 degrees 00 minutes East along said Westerly right-of-way line 849 feet more or less to a point on the South line of the Northwest Quarter of the Southwest Quarter of Section 18, Township 23 South, Range 14 East, Gila and Salt River Base and Meridian;

Thence West along said South line of said Northwest Quarter of said Southwest Quarter of said Section 18, 467 feet, more or less, to the POINT OF BEGINNING.

PARCEL NO. 3:

Beginning at the Southeastern most corner of the Northeast Quarter of the Southeast Quarter of Section 13;

Thence South 02 degrees 05 minutes West 60 feet along and upon the Easterly line of said Section 13 to a point thereon;

Thence South 89 degrees 33 minutes West 300 feet to a point;

Thence North 02 degrees 05 minutes East 60 feet to a point lying and being on the Southerly line of the Northeast Quarter of the Southeast Quarter of said Section 13;

Thence Easterly along the Southerly line of the Northeast Quarter of the Southeast Quarter of said Section 13, to the PLACE OF BEGINNING.

PARCEL NO. 4:

All of that portion of the Southwest Quarter of the Southwest Quarter of Section 18, Township 23 South Range 14 East, Gila and Salt River Base and Meridian, Santa Cruz County, Arizona. more particularly described as follows:

BEGINNING at the Southwest corner of said Section 18, a 1 inch iron pipe set in concrete;

Thence North 02 degrees 05 minutes East 1268 feet, more or less, along the Westerly line of said Southwest Quarter of the Southwest Quarter of Section 18 to the South line of that certain tract or parcel described in Book 32 of Deeds, at Page 239;

Thence North 89 degrees 33 minutes East along the South line of said parcel described in Book 32 of Deeds, at Page 239 to the intersection of said line with the Southwesterly right-of-way line of the 1930 alignment of U. S. Highway 89;

Thence Southeasterly following a curve and tangent along the said Southwesterly right-of-way line of said 1930 alignment of U.S. Highway 89 to its intersection with the Southerly line of said Southwest Quarter of the Southwest Quarter of Section 18;

Thence Westerly, 388 feet more or less, along and upon the Southerly line of said Southwest Quarter of the Southwest Quarter of Section 18, to the PLACE OF BEGINNING.

PARCEL NO. 5:

All of that portion of the Southeast Quarter of the Southeast Quarter of Section 13, Township 23 South, Range 13 East, Gila and Salt River Base and Meridian, Santa Cruz County, Arizona, more particularly described as follows:

BEGINNING at the Southeast corner of said Section 13, a 1 inch iron pipe set in concrete;

Thence North 02 degrees 05 minutes East, a distance of 1268 feet, more or less, to the South line of that certain tract or parcel described 1n Book 32 of Deeds at page 239;

Thence South 89 degrees 33 minutes West, along the South line of said parcel described in Book 32 of Deeds, at page 239, a distance of 300 feet;

Thence North 02 degrees 05 minutes East, along the West line of said parcel described in Book 32 of Deeds, at page 239, a distance of 60 feet, to the North line of said Southeast Quarter of the Southeast Quarter of Section 13;

Thence South 89 degrees 33 minutes West, along and upon said North line, a distance of 60 feet;

Thence South 09 degrees 05 minutes East, a distance of 1341.1 feet, to the South line of said Section 13;

Thence East along and upon said South line, a distance of 100 feet, to the Southeast corner of said Sect1on 13, the POINT OF BEGINNING.

PARCEL NO. 6:

All of those portions of the Southeast quarter of Section 13, Township 23 South, Range 13 East and Lots 7 and 8, Section 18, Township 23 South, Range 14 East of the Gila and Salt River Base and Meridian, Santa Cruz County, Arizona, more particularly described as follows:

PARCEL NO. 6A:

Beginning at the Southwesternmost corner of said Lot 7;

Thence Easterly 30 feet, more or less, along and upon the Southerly line of said Lot 7, to its intersection with the center of the 1928 alignment of U.S. Highway 89;

Thence South 36 degrees, 08 minutes East, 90 feet, more or less, along and upon said centerline of U.S. Highway 89 to the center of the existing concrete structure across Potraro Creek;

Thence North 33 degrees, 52 minutes East, 50 feet to a point lying and being on the Northeasterly right-of-way line of said alignment of U.S. Highway 89, said point being the TRUE POINT OF BEGINNING of the description of the tract or parcel of land about to be set out;

Thence, continuing North 33 degrees, 52 minutes East, 470 feet, more or less, to an intersection with a line lying to the West of, and at a right-angle distance of 50 feet from the centerline of the main line of the SPRR's Nogales Branch;

Thence North 14 degrees, 00 minutes West, 410 feet, more or less, along and upon a line lying at a uniform distance of 50 feet Westerly from the center of the said Nogales Branch (said line being followed on the ground, approximately, by SPRR's fence) to the Easternmost corner of the so-called Levy Tract (Book 25 of Deeds, page 330);

Thence South 61 degrees, 36 minutes West, 324 feet to a corner of the Levy Tract;

Thence South 04 degrees, 12 minutes East, 346 feet, more or less, to a point from which a corner of the said Levy Tract bears South 04 degrees, 12 minutes East, 55 feet distance;

Thence South 35 degrees, 56 minutes West, 211 feet, more or less, along the Northwesterly line of the parcel of land described in Book 12 of Deeds, page 497 to a point lying and being on the Northeasterly right-of-way line of the said alignment of U.S. Highway 89;

Thence Southeasterly 34 feet, more or less, along and upon the said Northeasterly right-of-way line of U.S. Highway 89, to a point thereon, being the Southernmost corner of the said Levy Tract, and from which the Southwesternmost corner of said Lot 7 bears 35 degrees, 14 minutes East, 163 feet distant;

Thence Southeasterly 220 feet, more or less, along and upon the said Northeasterly right-of-way line of U.S. Highway 89 to the TRUE POINT OF BEGINNING.

PARCEL NO. 6B:

Beginning at the Northwesternmost corner of said Lot 8;

Thence Easterly 30 feet, more or less, along and upon the Northerly line of said Lot 8, to its intersection with the center of the 1928 alignment of U.S. Highway 89;

Thence South 56 degrees, 08 minutes East, 90 feet, more or less, along and upon said centerline

of U.S. Highway 89, to the center of the existing concrete structure across Potrero Creek, said point being the TRUE POINT OF BEGINNING of the description of the tract or parcel of land about to be set out;

Thence North 33 degrees, 52 minutes East, 520 feet, more or less, to its intersection with the line lying to the West of, and at a right-angle distance of 50 feet from the centerline of the SPRR Main Line;

Thence Southeasterly 1800 feet, more or less, along and upon a line lying at a uniform distance 50 feet Westerly from the center of the said SPRR Main Line (said line being followed on the ground approximately, by the SPRR's fence) to its intersection with the Southerly line of said Section 18;

Thence Westerly 54 feet, more or less, along and upon the Southerly line of said Section 18, to its intersection with the center of the 1928 alignment of U.S. Highway 89;

Thence Northerly and Northwesterly 1550 feet, more or less, along and upon the center of the said alignment of U.S. Highway 89, to the TRUE POINT OF BEGINNING;

Excepting therefrom any portion lying within that certain unpatented lode claim now or formerly known as Hector 16.

EXCEPTING from all Parcels, any portion thereof conveyed in Deeds recorded in Docket 912, page 344 and in Docket 1096, page 620 and in Recording No. 06-12916 and in Recording No. 12-10352 and in Recording No. 13-4714.

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APPENDIX C:
COPY OF TITLE REPORT

COMMITMENT FOR TITLE INSURANCE

Issued by

Commonwealth Land Title Insurance Company

Commonwealth Land Title Insurance Company, a Nebraska corporation ("Company"), for a valuable consideration, commits to issue its policy or policies of title insurance, as identified in Schedule A, in favor of the Proposed Insured named in Schedule A, as owner or mortgagee of the estate or interest in the land described or referred to in Schedule A, upon payment of the premiums and charges and compliance with the Requirements; all subject to the provisions of Schedules A and B and to the Conditions of this Commitment.

This Commitment shall be effective only when the identity of the Proposed Insured and the amount of the policy or policies committed for have been inserted in Schedule A by the Company.

All liability and obligation under this Commitment shall cease and terminate 6 months after the Effective Date or when the policy or policies committed for shall issue, whichever first occurs, provided that the failure to issue the policy or policies is not the fault of the Company.

The Company will provide a sample of the policy form upon request.

IN WITNESS WHEREOF, Commonwealth Land Title Insurance Company has caused its corporate name and seal to be affixed by its duly authorized officers on the date shown in Schedule A.

Lawyers Title, A Division of Commonwealth Land Title Insurance Company

By: Natalie Bombardieri

Countersigned

Commonwealth Land Title Insurance Company

By:

President

ATTEST

Secretary

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Escrow Officer: **Anita Moreno**
Lawyers Title of Arizona, Inc.
1780 N. Mastick Way Suite F
Nogales, AZ 85621

Lawyers Title of Arizona, Inc.

Representing Commonwealth Land Title Insurance Company

SCHEDULE A

Commitment No.: **01865659-090-A14**

1. Effective Date: **January 26, 2017** at 7:30 a.m.

2. Policy or Policies to be issued:

   a. **ALTA Standard Owners Policy (6-17-06)**

      Proposed Insured: **Gabriel Gastelum and Maria L. Gastelum, husband and wife**

      Liability: **$330,000.00**

   b. **None**

      Proposed Insured:

      Liability: **$0.00**

   c. **None**

      Proposed Insured:

      Liability: **$0.00**

3. The estate or interest in the land described or referred to in this Commitment is:

   A FEE

4. Title to the estate or interest in the land is at the Effective Date vested in:

   Silas Keehn, Successor Trustee for Nora Pickrell under Indenture dated June 03, 1946

5. The land referred to in this Commitment is described as follows:

   See Exhibit A attached hereto and made a part hereof.

Title Officer: Diane Davis/JP1
Typist: jp1
Amended: No.

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Commonwealth Land Title Insurance Company

SCHEDULE A

Name and Address of Title Insurance Company: **Lawyers Title of Arizona, Inc.**
1780 N. Mastick Way ,Suite F
Nogales, AZ 85621

Policy No.: **AZ-FCOP-IMP-81306-1-17-01867935** Order No.: **01867935-090-A14**

Address Reference: **293 Old Tucson Rd., Santa Cruz, Nogales, AZ 85621**

Amount of Insurance: **$475,000.00**

Date of Policy: **March 17, 2017 at Fee No. 2017-002351**

1. Name of Insured:

   Delta Properties, L.L.P., an Arizona limited liability partnership

2. The estate or interest in the Land that is insured by this policy is:

   A FEE

3. Title is vested in:

   Delta Properties, L.L.P., an Arizona limited liability partnership

4. The Land referred to in this policy is described as follows:

   See Exhibit A attached hereto and made a part hereof.

THIS POLICY VALID ONLY IF SCHEDULE B IS ATTACHED

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AMERICAN LAND TITLE ASSOCIATION

SCHEDULE B

EXCEPTIONS FROM COVERAGE

PART I

This policy does not insure against loss or damage, and the Company will not pay costs, attorneys' fees, or expenses that arise by reason of:

1. (a) Taxes or assessments that are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records; (b) proceedings by a public agency that may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.

2. Any facts, rights, interests or claims that are not shown by the Public Records but that could be ascertained by an inspection of the Land or that may be asserted by persons in possession of the Land.

3. Easements, liens or encumbrances, or claims thereof, not shown by the Public Records.

4. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land and not shown by the Public Records.

5. (a) Unpatented claims; (b) reservations or exceptions in patents or in acts authorizing the issuance thereof; (c) water rights, claims or title to water; whether or not the matters excepted under (a), (b), or (c) are shown by the Public Records.

6. Any lien, or right to a lien, for services, labor or material heretofore or hereafter furnished, imposed by law and not shown by the Public Records.

END OF SCHEDULE B– PART I

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AMERICAN LAND TITLE ASSOCIATION

SCHEDULE B

PART II

1. Property taxes, which are a lien not yet due and payable, including any assessments collected with taxes to be levied for the year 2017.

2. Liabilities and obligations imposed upon said Land by its inclusion within any district formed pursuant to Title 48, Arizona Revised Statutes.

3. Easement(s) for the purpose(s) shown below and rights incidental thereto as set forth in a document:

   Purpose: telephone and telegraph facilities
   Recording No: Book 21 of Miscellaneous, page 265

4. Easement(s) for the purpose(s) shown below and rights incidental thereto as set forth in a document:

   Purpose: electric power transmission line
   Recording No: Book 21 of Miscellaneous, page 300

5. Easement(s) for the purpose(s) shown below and rights incidental thereto as set forth in a document:

   Purpose: to pass and repass on foot or horseback and to drive and cross cattle and livestock
   Recording No: Docket 38, page 348

6. Easement(s) for the purpose(s) shown below and rights incidental thereto as set forth in a document:

   Purpose: ingress and egress
   Recording No: Docket 38, page 350
   Recording No: Docket 68, page 280

7. Easement(s) for the purpose(s) shown below and rights incidental thereto as set forth in a document:

   Purpose: communication and other facilities
   Recording No: Docket 463, page 23

8. Easement(s) for the purpose(s) shown below and rights incidental thereto as set forth in a document:

   Purpose: sewer main and manholes
   Recording No: Docket 594, page 492

9. Easement(s) for the purpose(s) shown below and rights incidental thereto as set forth in a document:

   Purpose: sewer facilities
   Recording No: Docket 643, page 774
   Recording No: Docket 666, page 342

10. A resolution in favor of Santa Cruz County

    For: Comprehensive Plan
    Recording No: Docket 856, page 403

Schedule B
(Continued)

11. Covenants, conditions, restrictions and easements but omitting any covenants or restrictions, if any, including but not limited to those based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, source of income, gender, gender identity, gender expression, medical condition or genetic information, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law, as set forth in the document

    Recording No: 06-12917

12. Matters contained in that certain document

    Entitled: Road Access Agreement
    Recording No: 07-4487

    Reference is hereby made to said document for full particulars.

13. Covenants, conditions, restrictions and easements but omitting any covenants or restrictions, if any, including but not limited to those based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, source of income, gender, gender identity, gender expression, medical condition or genetic information, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law, as set forth in the document

    Recording No: 07-4490

14. Matters shown on record of survey:

    Recording No.: 08-5573
    Recording No.: 16-2774
    Recording No.: 17-1221

15. Easement(s) for the purpose(s) shown below and rights incidental thereto as set forth in a document:

    Purpose: utility
    Recording No: 13-3261

16. Matters contained in that certain document

    Entitled: Notification of Permanent Lot Assemblage
    Recording No: 17-2025

    Reference is hereby made to said document for full particulars.

END OF SCHEDULE B – Part II

Endorsements: NONE

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AMERICAN LAND TITLE ASSOCIATION

EXHIBIT A

LEGAL DESCRIPTION

PARCEL NO. 1:

That portion of the Southeast Quarter of the Southeast Quarter of Section 13, Township 23 South, Range 13 East, Gila and Salt River Base and Meridian, Santa Cruz County, Arizona, described as follows:

PARCEL NO. 1A:

Beginning at the Southeast corner of Section 13, a one inch iron pipe set in concrete;

Thence West along the Southerly line of said Section 13, 922 feet, more or less, to its intersection with the Easterly right of way line of the 1950 alignment of U.S. Highway 09;

Thence North 7 degrees 02 1/2 minutes West. along and upon said Easterly right of way line of said 1950 alignment of U.S. Highway 89, 1320 feet, more or less, to a 1/2 inch iron pin marking the Northerly line of the above mentioned Southeast Quarter of the Southeast Quarter of said Section 13;

Thence North 89 degrees 33 minutes East along and upon the said Northerly line of said Southeast Quarter of the Southeast Quarter of said Section 13 to its intersection with the Southwesterly right of way line of the 1930 alignment of said U. S. Highway 89 to a point from which the Northeast corner of said Southeast Quarter of the Southeast of said Section 13 bears North 89 degrees 33 minutes East, 55 fact, more or less, a 1/2 inch iron pin;

Thence Southeasterly along and upon the said Southwesterly right of way line of the said 1930 alignment of said U. S. Highway 69, a distance of 70 feet, more or less, to its intersection with the Easterly line of said Southeast Quarter and of said Section 13;

Thence South 02 degrees 05 minutes West, 1290 feet, more or less, along and upon said Easterly line of said Section 13 to the PLACE OF BEGINNING;

EXCEPTING THEREFROM all that portion of the Southeast Quarter of the Southeast Quarter of Section 13, Township 23 South, Range 13 East, Gila and Salt River Base and Meridian, Santa Cruz County, Arizona, lying Easterly of the Westerly line of the following described parcel:

Beginning at the Southeast corner of said Section 13, a one inch iron pipe set in concrete;

Thence North 02 degrees 05 minutes East, a distance of 1268 feet, more or less, to the South line of that certain tract or parcel described in Book 32 of Deeds, page 239;

Thence South 89 degrees 33 minutes West, along the South line of said parcel described in Book 32 of Deeds, page 239, a distance of 300 feet;

Thence North 02 degrees 05 minutes East, along the West line of said parcel described in Book 32 of Deeds, page 239, a distance of 60 feet, to the North line of said Southeast Quarter of the Southeast Quarter of Section 13;

Thence South 89 degrees 33 minutes West, along and upon said North line, a distance of 60 feet;

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AMERICAN LAND TITLE ASSOCIATION

EXHIBIT A
(Continued)

Thence South 09 degrees 05 minutes East, a distance of 1341.1 feet to the South line of said Section 13;

Thence East along and upon said South line, a distance of 100 feet, to the Southeast corner of said Section 13, THE POINT OF BEGINNING; AND

FURTHER EXCEPTING THEREFROM the West 20 feet as conveyed to the State of Arizona in Docket 68, page 280.

PARCEL NO. 1B:

That part of the Northeast Quarter of the Southeast Quarter of Section 13, Township 23 South. Range 13 East, Gila and Salt River Base and Meridian, Santa Cruz County, Arizona, more particularly described as follows:

Beginning on the Southerly line of the said Northeast Quarter of the Southeast Quarter of said Section 13 at 1/2 inch iron pin which is distant Westerly 300.0 feet from the Southeast corner of the Northeast Quarter of the Southeast Quarter of said Section 13;

Thence North 83 degrees 33 minutes West, a distance of 573.1 feet to a 1/2 inch iron pin;

Thence Southwesterly a distance of approximately 264.0 feet to the point where the Southerly line of said Northeast Quarter of the Southeast Quarter of said Section 13 intersects the East boundary line of the presently established U.S. Highway No. 89;

Thence North 89 degrees 33 minutes East along the Southerly line of said Northeast Quarter of the Southeast Quarter of said Section 13, a distance of 833.0 feet to the POINT OF BEGINNING;

EXCEPTING from the above described parcel the West 20 feet as conveyed to the State of Arizona in Docket 68, page 280.

PARCEL NO. 2:

All that portion of the East Half of the East Half of Section 13, Township 23 South, Range 13 East, and the West Half of the West Half of Section 18, Township 23 South, Range 14 East, lying between the Baca Float 13 on the North, the Southern Pacific Railroad Company right-of-way on the East and the Tucson-Nogales Highway, as said highway was located in 1929, on the South and West;

EXCEPTING therefrom that portion thereof more particularly described as follows:

BEGINNING at the Southeast corner of the Northeast Quarter of the Southeast Quarter of Section 13, Township 23 South, Range 13 East, Gila and Salt River Base and Meridian; Thence North 35 degrees 14 minutes West 163 feet to a point on the Northeasterly right-of-way line of said Tucson Nogales Highway;

Thence North 35 degrees 57 minutes East 171 feet to a point;

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EXHIBIT A
(Continued)

Thence North 04 degrees 12 minutes West 401.4 feet to a point;

Thence North 61 degrees 36 minutes East, 324 feet to a point on the Westerly right-of-way line of said Southern Pacific Railroad Company;

Thence South 14 degrees 00 minutes East along said Westerly right-of-way line 849 feet more or less to a point on the South line of the Northwest Quarter of the Southwest Quarter of Section 18, Township 23 South, Range 14 East, Gila and Salt River Base and Meridian;

Thence West along said South line of said Northwest Quarter of said Southwest Quarter of said Section 18, 467 feet, more or less, to the POINT OF BEGINNING.

PARCEL NO. 3:

Beginning at the Southeastern most corner of the Northeast Quarter of the Southeast Quarter of Section 13;

Thence South 02 degrees 05 minutes West 60 feet along and upon the Easterly line of said Section 13 to a point thereon;

Thence South 89 degrees 33 minutes West 300 feet to a point;

Thence North 02 degrees 05 minutes East 60 feet to a point lying and being on the Southerly line of the Northeast Quarter of the Southeast Quarter of said Section 13;

Thence Easterly along the Southerly line of the Northeast Quarter of the Southeast Quarter of said Section 13, to the PLACE OF BEGINNING.

PARCEL NO. 4:

All of that portion of the Southwest Quarter of the Southwest Quarter of Section 18, Township 23 South Range 14 East, Gila and Salt River Base and Meridian, Santa Cruz County, Arizona. more particularly described as follows:

BEGINNING at the Southwest corner of said Section 18, a 1 inch iron pipe set in concrete;

Thence North 02 degrees 05 minutes East 1268 feet, more or less, along the Westerly line of said Southwest Quarter of the Southwest Quarter of Section 18 to the South line of that certain tract or parcel described in Book 32 of Deeds, at Page 239;

Thence North 89 degrees 33 minutes East along the South line of said parcel described in Book 32 of Deeds, at Page 239 to the intersection of said line with the Southwesterly right-of-way line of the 1930 alignment of U. S. Highway 89;

Thence Southeasterly following a curve and tangent along the said Southwesterly right-of-way line of said 1930 alignment of U.S. Highway 89 to its intersection with the Southerly line of said Southwest Quarter of the Southwest Quarter of Section 18;

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EXHIBIT A
(Continued)

Thence Westerly, 388 feet more or less, along and upon the Southerly line of said Southwest Quarter of the Southwest Quarter of Section 18, to the PLACE OF BEGINNING.

PARCEL NO. 5:

All of that portion of the Southeast Quarter of the Southeast Quarter of Section 13, Township 23 South, Range 13 East, Gila and Salt River Base and Meridian, Santa Cruz County, Arizona, more particularly described as follows:

BEGINNING at the Southeast corner of said Section 13, a 1 inch iron pipe set in concrete;

Thence North 02 degrees 05 minutes East, a distance of 1268 feet, more or less, to the South line of that certain tract or parcel described 1n Book 32 of Deeds at page 239;

Thence South 89 degrees 33 minutes West, along the South line of said parcel described in Book 32 of Deeds, at page 239, a distance of 300 feet;

Thence North 02 degrees 05 minutes East, along the West line of said parcel described in Book 32 of Deeds, at page 239, a distance of 60 feet, to the North line of said Southeast Quarter of the Southeast Quarter of Section 13;

Thence South 89 degrees 33 minutes West, along and upon said North line, a distance of 60 feet;

Thence South 09 degrees 05 minutes East, a distance of 1341.1 feet, to the South line of said Section 13;

Thence East along and upon said South line, a distance of 100 feet, to the Southeast corner of said Sect1on 13, the POINT OF BEGINNING.

PARCEL NO. 6:

All of those portions of the Southeast quarter of Section 13, Township 23 South, Range 13 East and Lots 7 and 8, Section 18, Township 23 South, Range 14 East of the Gila and Salt River Base and Meridian, Santa Cruz County, Arizona, more particularly described as follows:

PARCEL NO. 6A:

Beginning at the Southwesternmost corner of said Lot 7;

Thence Easterly 30 feet, more or less, along and upon the Southerly line of said Lot 7, to its intersection with the center of the 1928 alignment of U.S. Highway 89;

Thence South 36 degrees, 08 minutes East, 90 feet, more or less, along and upon said centerline of U.S. Highway 89 to the center of the existing concrete structure across Potraro Creek;

Thence North 33 degrees, 52 minutes East, 50 feet to a point lying and being on the Northeasterly right-of-way line of said alignment of U.S. Highway 89, said point being the TRUE POINT OF BEGINNING of the description of the tract or parcel of land about to be set out;

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EXHIBIT A
(Continued)

Thence, continuing North 33 degrees, 52 minutes East, 470 feet, more or less, to an intersection with a line lying to the West of, and at a right-angle distance of 50 feet from the centerline of the main line of the SPRR's Nogales Branch;

Thence North 14 degrees, 00 minutes West, 410 feet, more or less, along and upon a line lying at a uniform distance of 50 feet Westerly from the center of the said Nogales Branch (said line being followed on the ground, approximately, by SPRR's fence) to the Easternmost corner of the so-called Levy Tract (Book 25 of Deeds, page 330);

Thence South 61 degrees, 36 minutes West, 324 feet to a corner of the Levy Tract;

Thence South 04 degrees, 12 minutes East, 346 feet, more or less, to a point from which a corner of the said Levy Tract bears South 04 degrees, 12 minutes East, 55 feet distance;

Thence South 35 degrees, 56 minutes West, 211 feet, more or less, along the Northwesterly line of the parcel of land described in Book 12 of Deeds, page 497 to a point lying and being on the Northeasterly right-of-way line of the said alignment of U.S. Highway 89;

Thence Southeasterly 34 feet, more or less, along and upon the said Northeasterly right-of-way line of U.S. Highway 89, to a point thereon, being the Southernmost corner of the said Levy Tract, and from which the Southwesternmost corner of said Lot 7 bears 35 degrees, 14 minutes East, 163 feet distant;

Thence Southeasterly 220 feet, more or less, along and upon the said Northeasterly right-of-way line of U.S. Highway 89 to the TRUE POINT OF BEGINNING.

PARCEL NO. 6B:

Beginning at the Northwesternmost corner of said Lot 8;

Thence Easterly 30 feet, more or less, along and upon the Northerly line of said Lot 8, to its intersection with the center of the 1928 alignment of U.S. Highway 89;

Thence South 56 degrees, 08 minutes East, 90 feet, more or less, along and upon said centerline of U.S. Highway 89, to the center of the existing concrete structure across Potrero Creek, said point being the TRUE POINT OF BEGINNING of the description of the tract or parcel of land about to be set out;

Thence North 33 degrees, 52 minutes East, 520 feet, more or less, to its intersection with the line lying to the West of, and at a right-angle distance of 50 feet from the centerline of the SPRR Main Line;

Thence Southeasterly 1800 feet, more or less, along and upon a line lying at a uniform distance 50 feet Westerly from the center of the said SPRR Main Line (said line being followed on the ground approximately, by the SPRR's fence) to its intersection with the Southerly line of said Section 18;

Thence Westerly 54 feet, more or less, along and upon the Southerly line of said Section 18, to its intersection with the center of the 1928 alignment of U.S. Highway 89;

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AMERICAN LAND TITLE ASSOCIATION

EXHIBIT A
(Continued)

Thence Northerly and Northwesterly 1550 feet, more or less, along and upon the center of the said alignment of U.S. Highway 89, to the TRUE POINT OF BEGINNING;

Excepting therefrom any portion lying within that certain unpatented lode claim now or formerly known as Hector 16.

EXCEPTING from all Parcels, any portion thereof conveyed in Deeds recorded in Docket 912, page 344 and in Docket 1096, page 620 and in Recording No. 06-12916 and in Recording No. 12-10352 and in Recording No. 13-4714.

APN: 113-38-007A, 105-07-003F

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140-01-038B
113-38-002B
113-38-007A
NOT TO SCALE
NO LIABILITY ASSUMED
Source: Esri, i-cubed, USDA, USGS, AEX, GeoEye, Getmapping, Aerogrid, IGN, IGP, and the GIS User Community

APPENDIX D:
TAX VERIFICATION