

ORDINANCE NO. O2019.02

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, AMENDING THE CITY OF TEMPE ZONING MAP, PURSUANT TO THE PROVISIONS OF ZONING AND DEVELOPMENT CODE PART 2, CHAPTER 1, SECTION 2-106 AND 2-107, RELATING TO THE LOCATION AND BOUNDARIES OF DISTRICTS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, as follows:

Section 1. That the City of Tempe Zoning Map is hereby amended, pursuant to the provisions of Zoning and Development Code, Part 2, Chapter 1, Sections 2-106 and 2-107, by removing the below described property from CSS Commercial Shopping & Service, RO Residential Office, R-3 Multi-Family Residential Limited and RMH Residential Mobile Home Park and designating it as to R-4 Multi-Family and adding a Planned Area Development Overlay (PAD) on 6.585 gross acres.

LEGALDESCRIPTION

See Attachment A, Legal Description

TOTAL AREA IS 6.585 GROSS ACRES.

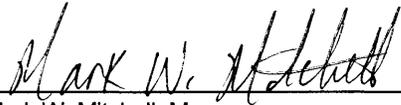
Section 2. Further, those conditions of approval imposed by the City Council as part of Case # PL180235 are hereby expressly incorporated into and adopted as part of this ordinance as follows:

General

1. A building permit application shall be made within two years of the date of City Council approval or the zoning of the property may revert to that in place at the time of application. Any reversion is subject to a public hearing process as a zoning map amendment.
2. The property owner(s) shall sign a waiver of rights and remedies form. By signing the form, the Owner(s) voluntarily waive(s) any right to claim compensation for diminution of Property value under A.R.S. §12-1134 that may now or in the future exist, as a result of the City's approval of this Application, including any conditions, stipulations and/or modifications imposed as a condition of approval. The signed form shall be submitted to the Community Development Department no later than 30 days from the date of City Council approval, or the Zoning Map Amendment, and Planned Area Development approval shall be null and void.
3. The Planned Area Development Overlay for THE LEVEL shall be put into proper engineered format with appropriate signature blanks and kept on file with the City of Tempe's Community Development Department within sixty (60) days of the date of City Council approval and prior to issuance of building permits.

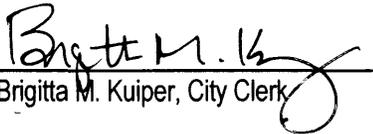
Section 3. Pursuant to City Charter, Section 2.12, ordinances are effective thirty (30) days after adoption.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, this 10th day of January, 2019.



Mark W. Mitchell, Mayor

ATTEST:



Brigitta M. Kuiper, City Clerk

APPROVED AS TO FORM:



Judith R. Baumann, City Attorney

ATTACHMENT A

DESCRIPTION

DESCRIPTION OF PROPERTY AT
2007 E. UNIVERSITY DRIVE
TEMPE, AZ 85281

That portion of the Northwest quarter of the Northeast quarter of Section 24, Township 1 North, Range 4 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, being more particularly described as follows:

COMMENCING at a 3 inch City of Tempe brass cap flush marking the Southwest corner of said Northwest quarter of the Northeast quarter of Section 24, from which a 3 inch City of Tempe brass cap in handhole marking the North quarter corner of said Section 24 bears North 00 degrees 00 minutes 58 seconds West 1,334.65 feet; **THENCE** North 00 degrees 00 minutes 58 seconds West 430.15 feet along the West line of said Northwest quarter of the Northeast quarter to the **POINT OF BEGINNING**; **THENCE** continuing North 00 degrees 00 minutes 58 seconds West 904.50 feet along said West line to the North quarter corner of said Section 24; **THENCE** South 89 degrees 48 minutes 00 seconds East 73.70 feet along the North line of said Northwest quarter of the Northeast quarter to the East line of the West 73.70 feet of said Northwest quarter of the Northeast quarter; **THENCE** South 00 degrees 00 minutes 58 seconds East 65.00 feet along said East line to the South line of the North 65.00 feet of said Northwest quarter of the Northeast quarter; **THENCE** South 89 degrees 48 minutes 00 seconds East 103.73 feet along said South line; **THENCE** North 00 degrees 43 minutes 57 seconds West 25.00 feet to the South line of the North 40.00 feet of said Northwest quarter of the Northeast quarter; **THENCE** South 89 degrees 48 minutes 00 seconds East 150.34 feet along said South line; **THENCE** South 00 degrees 10 minutes 24 seconds West 57.79 feet; **THENCE** South 89 degrees 48 minutes 00 seconds East 1.00 feet; **THENCE** South 00 degrees 01 minute 30 seconds East 37.51 feet; **THENCE** North 89 degrees 48 minutes 00 seconds West 2.00 feet; **THENCE** South 00 degrees 54 minutes 42 seconds West 165.15 feet; **THENCE** North 89 degrees 48 minutes 30 seconds West 25.31 feet; **THENCE** South 00 degrees 01 minute 30 seconds East 664.81 feet; **THENCE** North 89 degrees 48 minutes 00 seconds West 109.70 feet; **THENCE** North 00 degrees 43 minutes 57 seconds West 40.00 feet; **THENCE** North 83 degrees 30 minutes 25 seconds West 189.41 feet to the **POINT OF BEGINNING**.



David S. Klein



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Ste. 11, Phoenix, AZ 85027
623-869-0223 (office)
623-869-0726 (fax)
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info@superiorsurveying.com

DATE: 11/14/18

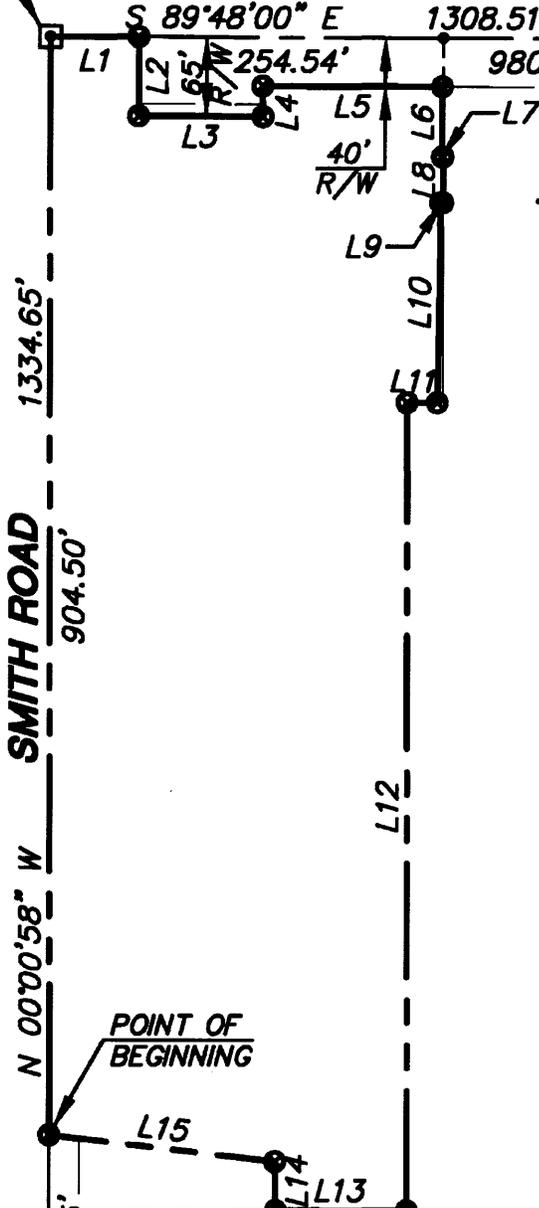
JOB NO.: 180749

ATTACHMENT A

N. 1/4 COR.
SEC. 24
T-1N, R-4E
FD. 3" C.O.T.
B.C.HH.

NE. COR.
NW. 1/4, NE. 1/4
SEC. 24
T-1N, R-4E
FD. 3" C.O.T.
B.C.FL.

UNIVERSITY DRIVE



EXHIBIT

DEPICTION OF PROPERTY AT
2007 E. UNIVERSITY DRIVE
TEMPE, AZ 85281

LINE TABLE		
LINE	BEARINGS	LENGTH
L1	S 89°48'00" E	73.70'
L2	S 00°00'58" E	65.00'
L3	S 89°48'00" E	103.73'
L4	N 00°43'57" W	25.00'
L5	S 89°48'00" E	150.34'
L6	S 00°10'24" W	57.79'
L7	S 89°48'00" E	1.00'
L8	S 00°01'30" E	37.51'
L9	N 89°48'00" W	2.00'
L10	S 00°54'42" W	165.15'
L11	N 89°48'30" W	25.31'
L12	S 00°01'30" E	664.81'
L13	N 89°48'00" W	109.70'
L14	N 00°43'57" W	40.00'
L15	N 83°30'25" W	189.41'

SMITH ROAD
1334.65'
904.50'

N 00°00'58" W

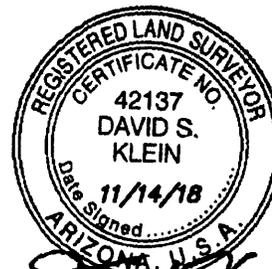
POINT OF BEGINNING

430.15'

SW. COR.
NW. 1/4,
NE. 1/4,
SEC. 24
T-1N, R-4E
FD. 3" C.O.T.
B.C.FL.



NOT TO SCALE



David S. Klein

SUPERIOR
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