City of Benson
City Council Communication

Regular Meeting **November 14, 2016**

To: Mayor and Council Agenda Item # 2

From: Brad Hamilton, P.E., Public Works Director/City Engineer

Subject:

Discussion and possible action regarding Ordinance 584 of the Mayor and Council of the City of Benson, Arizona, approving a request to rezone Assessor's Parcel Numbers 123-07-024A, 123-07-024B, 123-07-024C, 123-07-024D, 123-07-024E, 123-07-024F, 123-07-024G, 123-07-024H, 123-07-007A, 123-07-007B, 123-07-007C, 123-48-003A, 123-48-004R, 123-48-004S, 123-48-004T, 123-26-001F, 123-26-002A, 123-07-025, from a Zoning District of Heavy Industrial (I-2) to a combination of Single Family Residential (R-1-43) and Multi-Family Residential (R-2)

Discussion:

Property Background:
The City of Benson originally owned the land where the golf course is located. In the early 2000s, the land was leased to Arizona Golf Systems (owned by Tom Hartley) for a total of 99 years for the purpose of constructing and operating a golf course. In this same timeframe, the wastewater treatment plant was under construction and the joint goal was to use the effluent to water the course. The wastewater treatment plant came online in 2002 and the golf course opened shortly thereafter.

Unfortunately, the wastewater treatment plant did not produce as much effluent as the golf course required and Arizona Golf Systems sued the City of Benson. This lawsuit was settled in 2008 and resulted in the City giving the golf course property to Arizona Golf Systems. (See attached AZ Golf Systems map to view the property given to AZ Golf Systems.)

In December 2010, Arizona Golf Systems donated the golf course greens and clubhouse to the City of Benson for a charitable donation tax write off. The City of Benson also received up to $25,000 per month for 36 months to reimburse the City for any operating losses. (The original 36 months was reduced to 32 months as Mr. Hartley incurred upfront costs to repair the clubhouse.) The survey recordation was amended in March 2011 to show the change in ownership. (See attached Warranty Deed and City of Benson Golf Course Greens map.)

Arizona Golf Systems retained the land surrounding the golf course greens and recorded those parcels under the name San Pedro Real Estate, LLC.

List of parcels owned by San Pedro Real Estate, LLC that surround City-owned golf greens:

123-07-024A	123-07-007A	123-26-002A
123-07-024B	123-07-007B	
123-07-024C	123-07-007C	
123-07-024D	123-48-003A	
123-07-024E	123-48-004R	
123-07-024F	123-48-004S	
123-07-024G	123-48-004T	
123-07-024H	123-26-001F	

(See attached San Pedro Real Estate Parcels map.)

Discussion:

The San Pedro Real Estate parcels, as well as the City-owned golf greens and other property, are all currently zoned I-2 Heavy Industrial.

Rezoning Background:
The concept of developing the land around the golf course greens has been active and on file with the City of Benson since 2010, when San Pedro Real Estate proposed relocating the wastewater treatment plant's drying beds. (See the attached Proposed Development and Sewer Plan Revisions Exhibit map, dated 2010.)

The first inquiry about rezoning occurred in 2013, but the land was and is currently zoned I-2 Heavy Industrial so any rezoning first required a General Development Plan (GDP) amendment. With the City's re-adoption of the GDP in early 2015, the golf course property in question was re-categorized from Industrial to either High Density Residential or Medium Density Residential, allowing the property owners to pursue the desired residential rezoning.

In summer 2015, after the City adopted the 2015 General Development Plan, San Pedro Real Estate, LLC began the rezoning process by submitting an application to the City of Benson. That application was predicated on several acres of property being swapped between the City of Benson and San Pedro Real Estate, LLC. Because the rezoning maps and legal descriptions were worded in such a manner as to presume that the land had already been traded, Staff worked with the City's attorneys to research and pursue the property swap so the description of the rezoned area aligned with legal ownership at the time of a rezoning action. Various surveys and methods of land valuation were discussed and Staff moved ahead with the rezoning process in 2016, holding a Citizen Review Session on March 24, 2016 and a public hearing before the Planning & Zoning Commission on April 12, 2016. (See attached Citizen Review Session notes and Planning & Zoning meeting minutes.) The final land swap agreement was still undecided at this time due to disparities in the size and expected value of the land to be swapped between the parties.

After the public hearing before the Planning & Zoning Commission, Mr. Tom Hartley and the City Engineer revisited the land swap concept, with the end decision being that a land swap was not necessary to pursue to preliminary development concept. This change required the maps and legal descriptions of the San Pedro Real Estate, LLC property proposed for rezoning to be revised. Due to this change, Staff restarted the rezoning process, with the corrected maps and legal descriptions. A second Citizen Review Session was held on September 27, 2016 and a public hearing before the Planning & Zoning Commission on November 1, 2016. (See attached Citizen Review Session notes and draft Planning & Zoning minutes.)

Description of San Pedro Real Estate Property Proposed to be Rezoned:
Represented locally by George Scott, Mr. Hartley and San Pedro Real Estate are requesting a rezoning of <u>some</u> of the property with the intention of developing multi-family housing (condos and/or townhouses) and large-lot single family housing. With the intent to build two different housing products, Mr. Hartley and San Pedro Real Estate are requesting two different zoning districts on his land. (See attached application and rezone map. The rezone map is Exhibit A of Ordinance 584.)

The northern part (portion of parcel 123-07-024B) is requested to be rezoned to R-2 (multifamily housing) for the purpose of constructing condo and/or townhouses. Total acreage included in the rezoning request for R-2 is approximately 28 acres. This is shown in red on the rezone map

The southern part (portions of parcels 123-07-007B, 123-26-001F, 123-26-002A, 123-48-003A; the entirety of parcels 123-07-024E, 123-07-024F, 123-07-024G, 123-48-004R, 123-48-004S, 123-48-004T) is requested to be rezoned to R-1-43 for single family housing on parcels of 1 acre or larger. Total acreage included in the rezoning request for R-1-43 is approximately 100 acres. This is shown in blue on the rezone map. San Pedro Partners has paid the appropriate fee for the total acreage (approximately 128 acres) upon which Mr. Hartley is requesting a rezoning.

Discussion:

The green outlined areas on the rezone map are property owned by San Pedro Real Estate that Mr. Hartley felt were undevelopable, what is called the "remainder" of the land. Mr. Hartley did not want to pay to rezone this land, feeling that he could not make a return on his investment. However, to avoid spot zoning, this land must be rezoned to "match" the rest of the area. Mr. Hartley agreed that the City could rezone these parcels of his land upon its own initiative; the City would not have initiated rezoning on this private property except to pursue conformity based on the owner's application to rezone his surrounding properties. Therefore, these tracts are proposed for rezoning as described below.

123-07-024A, in entirety: rezoned to R-2
123-07-024C, in entirety: rezoned to R-2
123-07-024B, portion of: rezoned to R-2
123-07-007A, in entirety: rezoned to R-1-43
123-07-007C, in entirety: rezoned to R-1-43
123-07-007B, portion of: rezoned to R-1-43
123-48-003A, portion of: rezoned to R-1-43
123-26-001F, portion of: rezoned to R-1-43
123-26-002A, portion of: rezoned to R-1-43

Description of City of Benson Property Proposed to be Rezoned:
In order to pursue zoning boundary cohesiveness, the City of Benson agreed it was necessary to pursue rezoning its own property, the San Pedro Golf Course, which is located adjacent to and within the San Pedro Real Estate, LLC boundaries. Though the golf course greens are physically disparate locations, the entire golf course is recorded under Assessor's parcel number 123-07-025. Some of the greens will be rezoned in the proposed R-2 district and some in the proposed R-1-43 district.

The City of Benson is not proposing to rezone the wastewater treatment plant (123-07-010C, 23-07-021B), city yard or transfer station (123-07-010B) as those properties are currently used for industrial activities.

Description of the Property in Its Entirety Proposed to be Rezoned:
The full extent of the rezone boundaries are shown on the attached Total Rezone Area map. This map shows the outermost zoning boundaries of the San Pedro Real Estate, LLC property (both the land requested to be rezoned as well as the "remainder" land) and the City of Benson golf course property. (The legal descriptions for each proposed zoning district are also attached – Exhibit A of Ordinance 584.)

Additional Considerations:
The City of Benson General Development Plan was readopted in early 2015 with the land under consideration being categorized as either High Density Residential (northern area of golf course) or Medium Density Residential (southern area of golf course). This General Development Plan reclassification occurred in anticipation of this rezoning so that the desired zoning districts (R-2 and R-1-43) would comply with the General Development Plan designation (High and Medium Density Residential). At this time, the existing zoning district of I-2 Heavy Industrial does not comply with the "new" High Density Residential and Medium Density Residential General Plan designations.

With a wastewater treatment plant too close to the proposed home sites (must be at least 1000' away from home sites), Mr. Hartley is responsible for moving components of the wastewater treatment plant to meet this 1000' limitation and received Arizona Department of Environmental Quality (ADEQ) approval to do so in 2012. Mr. Hartley has not begun any relocation construction at this time and the permission granted to ADEQ does have an expiration date. Relocation must be completed prior to construction of any housing that would not be at least 1000' away.

Discussion:

The final design and layout for rights-of-way and residential parcels will occur during the subdivision phase. The final design and layout for multi-family housing (dwelling units, parking, shared amenities, etc.) located on large acreage parcels will occur via site plan approval. Both these processes go through the Planning & Zoning Commission and subdivision platting will progress to City Council for their approval as well. Additionally, offsite improvements may be required as this property develops, such as street improvements to Darby, Madison and/or Harvest Way. The City Engineer and Public Works Director will work with the developer to determine what and when offsite improvements will be required.

Conditions

The green "remainder" tracts shown on the application's Rezone Map are to remain in a natural, undeveloped state. Mr. Hartley, via his rezoning application, has agreed to conserve these tracts to ensure that he will not make a profit from development via a rezoning action that he neither initiated nor bore the costs of. Though the method of conservation is up to Mr. Hartley's discretion (conservation easement, donation to conservation society, etc.), the effective rezoned status is dependent upon this conservation occurring. At this time, no information is available as to what contacts have been made or actions have been taken in regard to preserving the "remainder" land.

The second condition is an agreement to waive rights. The City requires this agreement due to Prop. 207 being passed in 2006; the agreement is an Owner acknowledgement of waiving any right to claim diminution in value or pursue a claim for just compensation for diminution in value under Arizona Revised Statutes §12-1134 relating to the Change of Land Use for the Properties (which must be submitted within 30 days after Council action, according to the agreement.)

Attachments (Behind Proposed Ordinance 584)

Rezoning Application
AZ Golf Systems map
Warranty Deed
City of Benson Golf Course Greens and Other Properties map
San Pedro Real Estate Parcels map
Proposed Development and Sewer Plan Revisions map
Citizen Review Session Sign in and Notes (March 2016)
Minutes of the April 2016 P&Z public hearing and meeting
Citizen Review Session Sign and Notes (September 2016)
Draft minutes of the November 1, 2016 P&Z public hearing and meeting
Letter from Mark Fenn
Comments from Cochise County
Agreement to waive rights and remedies under ARS §12-1134

Staff Recommendation:

Staff recommends approval of Ordinance 584 (which stipulates the following conditions:

That the "remainder" property be subject to conservation measures as for the uses described by the application prior to any physical development of the properties owned by San Pedro Real Estate, LLC, Mr. Tom Hartley or any successors thereof.

That all waivers of rights and remedies under ARS §12-1134 are duly executed within the time frame stipulated by said agreement.)

ORDINANCE 584

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF BENSON, ARIZONA, APPROVING A REQUEST TO REZONE ASSESSOR'S PARCEL NUMBERS 123-07-024A, 123-07-024B, 123-07-024C, 123-07-024D, 123-07-024E, 123-07-024F, 123-07-024G, 123-07-024H, 123-07-007A, 123-07-007B, 123-07-007C, 123-48-003A, 123-48-004R, 123-48-004S, 123-48-004T, 123-26-001F, 123-26-002A, 123-07-025, FROM A ZONING DISTRICT OF HEAVY INDUSTRIAL (I-2) TO A COMBINATION OF SINGLE FAMILY RESIDENTIAL (R-1-43) AND MULTI-FAMILY RESIDENTIAL (R-2)

WHEREAS, the City desires to encourage residential development in the above named area which is currently zoned Heavy Industrial (I-2); and,

WHEREAS, San Pedro Real Estate, L.L.C. and the City of Benson, the owners of the property, more specifically described on Exhibit A, attached hereto and incorporated herein by this reference (the "Property"), have requested that the City change the zoning of the Property from Heavy Industrial (I-2) to a combination of Single Family Residential (R-1-43) and Multi-Family Residential (R-2); and

WHEREAS, rezoning the Property from Heavy Industrial (I-2) to Single Family Residential (R-1-43) and Multi-Family Residential (R-2) is in accordance with the City of Benson General Development Plan as it proposes land uses, densities or intensities within the range of identified uses, densities and intensities of the land use element of the General Development Plan; and

WHEREAS, after providing notice to the public in accordance with A.R.S. § 9-462.03 and A.R.S. § 9-462.04, the Planning and Zoning Commission held a citizen review hearing on the matter on September 27, 2106 and thereafter recommended the rezoning as hereinafter set forth; and

WHEREAS, the City Council has received the written transmittal of recommendation from the Planning and Zoning Commission, has heard from the representative of the owner, City staff and members of the public during a properly-noticed public hearing at the regular City Council meeting held November 14, 2016 and has determined that the rezoning request is in conformance with the General Development Plan and should be approved.

BE IT NOW HEREBY ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF BENSON, ARIZONA, that the Benson Zoning Regulations, Ordinance No. 243, as amended, be hereby further amended to rezone the Property currently zoned Heavy Industrial (I-2) to Single Family Residential (R-1-43) and Multi-Family Residential (R-2), subject to the following conditions:

1. That San Pedro Real Estate, LLC, or any successors, must subject the "remainder" area of the Property to conservation measures for the uses described by the application within 2 years and prior to any physical development of the Property.

2. The applicant must execute a waiver of any and all claims against the City pursuant to Proposition 207, A.R.S. § 12-1131 et seq.

PASSED AND ADOPTED BY THE MAYOR AND COUNCIL OF THE CITY OF BENSON, ARIZONA, this 14th day of November, 2016.

_____
TONEY D. KING, Mayor

ATTEST:

_____
VICKI L. VIVIAN, CMC, City Clerk

APPROVED AS TO FORM:

_____
MESCH CLARK ROTHSCHILD
By GARY J. COHEN
City's Attorney

CERTIFICATION OF MAP
OF AREA TO BE REZONED

I, TONEY D. KING, Mayor of the City of Benson, Arizona, do hereby certify that the foregoing map as shown on Exhibit "A", is a true and correct map of the area to be rezoned by Ordinance 584, as shown on said map.

CERTIFIED this _____ day of _____, 2016.

_____
TONEY D. KING, Mayor

ATTEST:

_____
VICKI L. VIVIAN, CMC, City Clerk

APPROVED AS TO FORM:

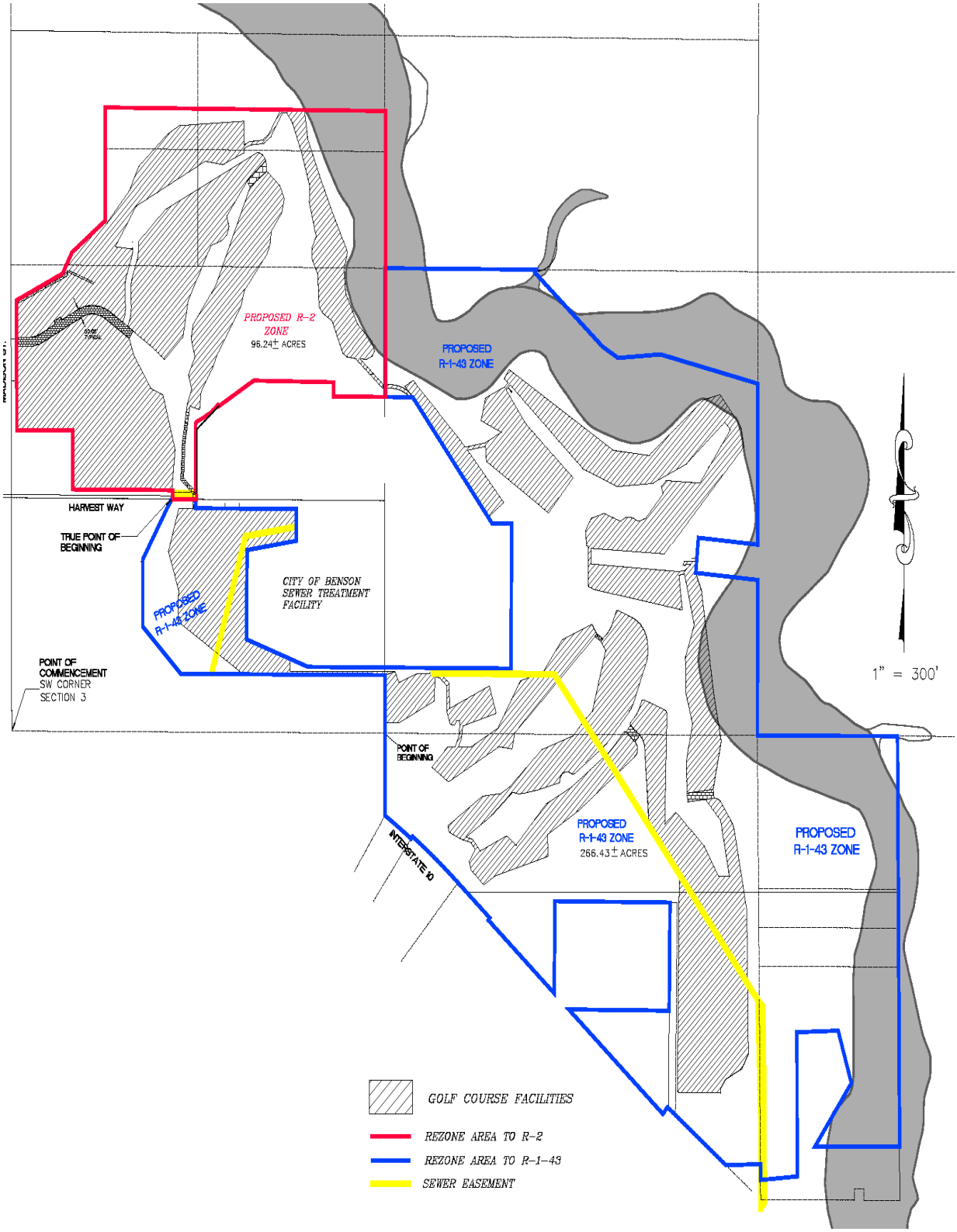
_____
MESCH CLARK ROTHSCHILD
By GARY J. COHEN
City's Attorney

Exhibit A

APN 123-07-024A, 123-07-024B, 123-07-024C, 123-07-024D, 123-07-024E, 123-07-024F, 123-07-024G, 123-07-024H, 123-07-007A, 123-07-007B, 123-07-007C, 123-48-003A, 123-48-004R, 123-48-004S, 123-48-004T, 123-26-001F, 123-26-002A, 123-07-025

See attached final rezone boundary map and legal descriptions

Total Rezone Area Map



LEGAL DESCRIPTION - R-1-43 ZONE

Portions of Sections 3, 10, and 11, Township 17 South, Range 20 East of the Gila and Salt River Meridian, County of Cochise, State of Arizona, more particularly described as follows:

Commencing at the Southwest comer of said Section 3 being a 2" capped pipe; thence along the West line of said Section 3, North 00°06'40 West, 1324.39 feet; thence leaving said line, South 89°38'04" East, 1129.62 feet to the **True Point of Beginning;**

Thence S89°38'04"E for 171.43 feet;
thence S0°22'00"W for 51.30 feet;
thence S89°38'04"E for 708.42 feet;
thence S0°21'56"W for 180.51 feet;
thence S81°23'43"W for 350.00 feet;
thence S0°30'56"W for 507.06 feet;
thence S70°09'59"E for 461.25 feet;
thence S89°38'57"E for 1429.83 feet;
thence N0°18'04"E for 824.45 feet;
thence S89°5l'48"W for 138.11 feet;
thence N37°57'18"W for 907.99 feet;
thence N89°32'25"W for 196.59 feet;
thence N0°00'15"W for 730.97 feet;
thence S89°32'31"E for 1065.40 feet;
thence S24°04'40"W for 19.00 feet;
thence S48°36'20"E for 633.00 feet;
thence S59°19'20"E for 128.00 feet;
thence N86°07'40"E for 300.00 feet;
thence S76°21'20"E for 706.00 feet to a point on the East line of said Section 3;
thence along said line, S0°05'57"W for 913.50 feet;
thence leaving said line, N84°39'35"W for 419.50 feet;
thence S5°20'25"W for 200.00 feet;
thence S84°39'35"E for 437.84 feet to a point on said East line of Section 3;
thence along said line, S0°05'57"W for 882.80 feet to the comer common to Sections 2, 3, 10 and 11;
thence along the North line of said Section 11, S89°46'56"E for 986.91 feet;
thence leaving said line, S0°21'05"E for 2333.97 feet to a point on the boundary line of land according to Record of Survey Map Book 11, page 92;
thence along said boundary, N89°46'06"W for 597.17 feet;
thence N35°29'32"E for 443.80 feet;
thence NI 7°19'14"W for 312.40 feet;
thence S87°42'43"W for 203.96 feet;
thence S89°29'34"W for 86.59 feet;
thence S0°07'23"E for 818.63 feet;

thence S85°29'04"W for 258.55 feet to a point on the East line of said Section 10;
thence along said line, N0°30'26"W for 91.01 feet;
thence leaving said line, S88°09'44"W for 242.55 feet to a point on the Northeasterly right-of-way line of Interstate 10;
thence along said line, N51°21'44"W for 527.61 feet;
thence S41°49'31"W for 50.00 feet;
thence N48°10'29"W for 888.92 feet;
thence leaving said right-of-way, S89°27'0511E for 707.15 feet;
thence N0°32'55"E for 614.00 feet;
thence N89°27'05"W for 810.44 feet;
thence S0°32'55"W for 523.33 feet to a point on said Northeasterly right-of-way line of Interstate 10;
thence along said line, N48°10'29"W for 623.64 feet;
thence N41°49'31"E for 16.00 feet;
thence N48°10'29"W for 300.03 feet to the beginning of a tangent 4753.66 foot radius curve concave Southwesterly;
thence Northwesterly along the arc of said curve through a central angle of 05°00'00", a distance of 414.83 feet; thence on a radial line to said curve, S36°49'31"W, 16.00 feet to the beginning of a tangent 4737.66 foot radius curve concave Southwesterly;
thence Northwesterly along the arc of said curve through a central angle of 02°43'55", a distance of 225.89 feet;
thence leaving said right-of-way line, and non-tangent to said curve, N00°08'13"W,
467.73 feet to an ADOT brass cap monument at the South quarter comer of said Section 3;
thence N0°00'15"W for 330.00 feet;
thence N89°43'37"W for 1436.98 feet;
thence N44°49'06"W for 380.83 feet;
thence N0°00'07"W for 380.00 feet;
thence N30°36'02"E for 398.16 feet;
thence S89°38'04"E for 1.92 feet to the **True Point of Beginning;**

Contains 266.43 acres, more or less.

REGISTERED LAND SURVEYOR
CERTIFICATE NO.
51967
JESSICA J.
NESBITT
DATE SIGNED 8-17-16
ARIZONA U.S.A.
Expires 3/31/2017

LEGAL DESCRIPTION - TOTAL R-2 REZONE

Portions of Sections 3, 10, and 11, Township 17 South, Range 20 East of the Gila and Salt River Meridian, County of Cochise, State of Arizona, more particularly described as follows:

Commencing at the Southwest comer of said Section 3 being a 2" capped pipe; thence along the West line of said Section 3, North 00°06'40 West, 1324.39 feet; thence leaving said line, South 89°38'04" East, 1129.62 feet to the **True Point of Beginning;**

Thence North 00°21'56 East, 50.00 feet; thence North 89°38'04" West, 703.02 feet; thence North 00°06'40" West, 334.01 feet; thence North 89°38'04" West, 394.01 feet to a point lying 33.00 feet Easterly of said West line of Section 3; thence along a line parallel with said West line, 33.00 feet distant therefrom, North 00°06'40" West, 737.30 feet; thence leaving said line, North 64°56'36" East, 357.46 feet; thence North 28°50'02" East, 137.42 feet; thence North 52°28'19" East, 295.85 feet; thence North 00°01'15" West, 642.68 feet; thence South 89°24'37" East, 1974.97 feet; thence South 00°00' I5" East, 1623.08 feet;
thence N89°32'25"W for 368.17 feet;
thence N0°27'35"E for 80.00 feet;
thence N88°58'35"W for 561.65 feet;
thence S59°24'26"W for 285.47 feet;
thence S49°48'29"W for 201.37 feet;
thence S0°22'00"W for 398.40 feet;
thence N89°38'04"W for 171.43 feet to the **True Point of Beginning;**

Contains 96.40 acres, more or less.

REGISTERED LAND SURVEYOR
CERTIFICATE NO.
51967
JESSICA J.
NESBITT
DATE SIGNED 8-17-16
ARIZONA U.S.A.
Expires 3/31/17

ATTACHMENTS

- Rezoning Application
- AZ Golf Systems map
- Warranty Deed
- City of Benson Golf Course Greens and Other Properties map
- San Pedro Real Estate Parcels map
- Proposed Development and Sewer Plan Revisions map
- Citizen Review Session Sign in and Notes (March 2016)
- Minutes of the April 2016 P&Z public hearing and meeting
- Citizen Review Session Sign and Notes (September 2016)
- Draft minutes of the November 1, 2016 P&Z public hearing and meeting
- Letter from Mark Fenn
- Comments from Cochise County
- Agreement to waive rights and remedies under ARS 12-1134

City of Benson
Zoning Regulations Map Amendment
Rezoning Application

Date: 07-14-2015 Date Submitted: 07-15-15

1. Property Owner Name: San Pedro Real Estate LLC

2. Contact Person, if different: George Scott Ph- 520-265-6058

3. Address: 13900 W. 44th AVE # A Golden, Colorado 80403

4. Telephone Number: 303-877-8569 Tom Hartley - Manager

5. Email: eatonshartley@gmail.com and george@saedg.org

6. Tax Parcel Number: Legal discriptions are attached to and made a part of this application.

7. Applicant is (check one):

X Sole Owner
_____ Joint Owner (see below)
_____ Designated Agent of Owner
_____ None of the above (explain)

8. If Applicant is the *not* the sole owner, indicate which **notarized** proof of agency is attached:

_____ Corporation- Corporate resolution designating applicant to act as agent.
_____ Partnership- Written authorization from partner.
X Designated Agent- Notarized letter from property owner(s) authorizing representation as agent for this application.

9. Indicate which proof of ownership is attached for all property proposed for rezoning.

_____ Copy of Deed of Ownership
X Copy of Title Report
_____ Copy of Tax Notice
_____ Other (list):

10. Will approval of rezoning result in more than one zoning district on any tax parcel?
Circle one: Yes No

11. If property is a new split, or the rezoning request results in more than one zoning district on any tax parcel, then a copy of a survey and associated legal description stamped by a surveyor or engineer licensed by the State of Arizona must be attached.

12. Is more than one parcel contained within the area to be rezoned?

__X__ Yes –List the name, contact information and parcel number of all properties included in this application. Provide a petition of property owners showing the consent and agreement to this rezoning

X Yes, but the applicant owns all parcels.

_____ No

13. Please attach a map drawn to scale and a legal description of proposed new zoning boundaries. Zoning boundaries shall follow centerlines of streets, alleys, utility rights-of-way or along subdivide lots.

14. Indicate existing zoning for property: I-2

15. Indicate proposed zoning for property: R-1 43 & R-2

16. Indicate General Development Plan category: _____
(City planner can provide this information)
NOTE: In some instances, a General Development Plan Amendment might be required before the rezoning can be processed.

17. Describe all structures and uses already existing on the property: _____

At this time there are no existing structures on the property. Property adjoins The San Pedro Golf Course. City utilities are available to property. Any existing structures are on golf course property and belong to City of Benson.

18. Describe proposed structures and uses which would be established if the zoning change is approved. Be complete. You may want to attach a site plan.: _____

East of the Golf course Clubhouse this property will be zoned for a condominum/multi-family project. This site will accomadate 300/500 units, conforming with City of Benson regulations and height restrictions. The remaining property will be developed as Single Family 1 acre lots, approximately 40 lots. These lots are on the South-East side of the Golf Course property.

19. Are there any deed restrictions or private covenants in effect for this property? Yes No
Not at this time

20. If yes, is the proposed zoning district compatible with all applicable deed restrictions/private covenants? Yes No X

Please provide a copy of the applicable restrictions (These can be obtained from the Recorder's Office using the recordation Docket number.)

21. Which streets or easements will be used for traffic entering and exiting the property? _____

From Madison Street, a new street will be created to service the proposed development. This street will conform to City of Benson, MAG standards for residental streets. On the East side of the project an emergency exit/street will be created that will utilize the existing ADOT tunnel on Pearl St. and I-10.

22. What off-site improvements are proposed for streets or easements used by traffic that will be generated by this rezoning? Street cuts on Madison Street will conform to City of Benson standards. On East side of project all street cuts and entrances will conform to City of Benson and ADOT requirements/standards connecting to Pearl Street.

23. How many driveway cuts do you propose to the streets or easements used by traffic that will be generated by this rezoning? At this time the only street cut will be from Madison St on the West side to a Entrance street to be designed. On the East end of the project the street cut will be off East Pearl Street at North entrance to ADOT access tunnel.

All driveway cuts will conform to City of Benson requirements.

24. This section provides an opportunity for you to explain the reasons why you consider the rezoning to be appropriate at this location. Please attach additional sheets if necessary.

~~Proposed zoning change from I-2 to R-2 and R1-43 is the highest and best use of the subject property.~~

Please see attached sheet to answer #24. Reasons to rezone property.

I, the undersigned, do hereby file with the City of Benson Planning and Zoning Department this petition for rezoning. I certify that, to the best of my knowledge, all the information submitted herein and in the attachments is correct. I hereby authorize the City of Benson Planning Department staff to enter the property herein described for the purposes of conducting a field visit.

G Sm for Tom Hartley

Applicant's Signature

07-15-2015

Date

City of Benson
Mayor and City Council
City Manager Stephens

01-19-16

This letter shall serve as notice that San Pedro Real Estate would like to proceed with the rezoning required by the City of Benson. The purpose of the rezoning is to prepare the site for a multi-family housing project along with 40+ single family lots that adjoin the San Pedro Golf Course. The City staff has been assisting in preparing for the rezoning. Legal descriptions, plat maps and fees have been submitted to the City of Benson.

Reason to ReZone property.

San Pedro Golf Course is one of the Premier Golf Courses in Southeast Arizona. The golf course is owned by the City of Benson. The property that surrounds/adjoins the golf course is owned by San Pedro Real Estate llc.

Along with the regular golfers, Hundreds of Winter Visitors and Retired persons use the golf course year around . At this time There are approximately 80-100 rounds of golf being played there daily. With the proposed rezoning and potential development, rounds of golf per day will increase. Revenues coming into the City of Benson by way of the golf course will also increase..

In Benson there is a demand for quality 2nd homes This project will potentially have between 300-500 Multi-family housing units/lots. Along with 40 one (1) acre single family lots. These housing units will be marketed to retirees and winter visitors wanting to live on or near a golf course. Benson residents wanting to move down from larger homes will have a choice that is currently unavailable.

Developing this property will increase income to the City of Benson by adding more rounds of golf per day as owners will likely be golfers. Local businesses such as Local Restaurants, Safeway, Wal-mart, Hardware stores, Doctors, Dentists and other businesses will see increase in customers which will bring more sales tax revenue to the City of Benson.

The City of Benson will see increased revenues from the Real Estate taxes, development fees, construction sales tax and utility services.

San Pedro Real Estate: Mr. Hartley is willing to sign a ARS 12-1134 waiver for all property being proposed for rezoning along with with the "Remainder" of the property which is unusable for development and will be rezoned without his request.

Thank You,

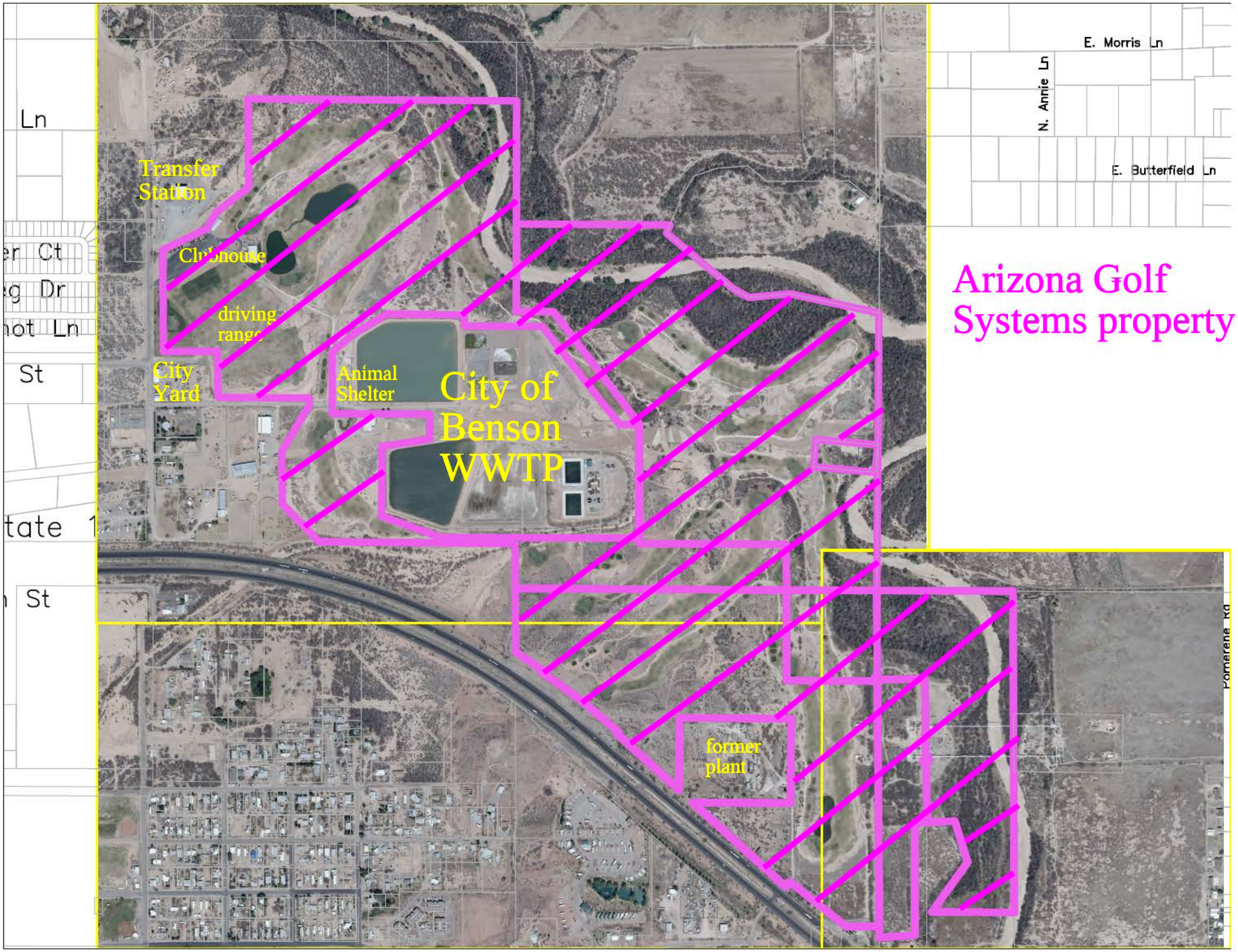
George Scott for
Tom Hartley - San Pedro Real Estate

Remainder of Property. 1-19-16

The legal description along with the map that describes the Remainder of the property owned by San Pedro Real Estate is attached. This property is undevelopable because of being in the San Pedro River or in the flood zone. This property will also be rezoned so that it will be consistent with the total rezoning effort.

San Pedro Real Estate is in communication with various environmental groups such as nature conservancy to donate the "Remainder" of the undevelopable properties not needed by the City of Benson or the development project. These properties lie along the San Pedro River and should be used for preservation, birding and hiking areas.

San Pedro Real Estate will provide the City of Benson with documentation as to the progress of the donation along with restrictions that will accompany the property.


Transfer Station
Clubhouse
driving range
City Yard
Animal Shelter
City of Benson WWTP
former plant
Arizona Golf Systems property
E. Morris Ln
N. Annie Ln
E. Butterfield Ln
Ln
St
St

2010-28884
Page 1 of 5
Requested By: DECONCINI MCDONALD YETWIN & LACY
Christine Rhodes - Recorder
Cochise County , AZ
12-27-2010 08:43 AM Recording Fee $14.00

After recording, please return to:

Michael J. Massee
Benson City Attorney
120 W. 6th Street
Benson, AZ 85602

SPECIAL WARRANTY DEED

For the consideration of Ten Dollars ($10.00) and other valuable consideration, Arizona Golf Systems, L.L.C., a Colorado limited liability company, GRANTOR, does hereby convey to the City of Benson, an Arizona municipal corporation, GRANTEE, the real property situated in Cochise County, Arizona, and described as the Golf Course Facilities, Parcels A through H, on that certain Record of Survey recorded in the office of the Cochise County Recorder at Book 45 of Survey Maps at Pages 43, 43a and 43b, a copy of which is attached hereto as Exhibit A.

TOGETHER WITH an easement for ingress, egress and utilities across the property of GRANTOR described on the Record of Survey as the Golf Cart Utilities Easement. Such easement shall afford access for ingress, egress and utilities between each of the Parcels A through H. GRANTOR and GRANTEE understand and agree that GRANTOR will be entitled to use the property subject to the easement for private roads and utilities or may dedicate the property covered by the easement for use as a public roadway.

SUBJECT TO: Covenants, conditions, restrictions, rights of way and easements of record.

And GRANTOR does warrant the title against all acts of GRANTOR and no other person or entity, subject to the matters above set forth.

DATED this 17TH day of December, 2010.

This conveyance is exempt from the requirements for filing an affidavit of value pursuant to A.R.S. Section 11-1134(A)(7),

ARIZONA GOLF SYSTEMS, L.L.C.,
a Colorado limited liability company

By: _____
Its: Manager

STATE OF COLORADO)
) ss:
County of Jefferson)

The foregoing instrument was acknowledged before me this 17th day of December, 2010, by THOMAS L. HARTLEY, Manager of Arizona Golf Systems, L.L.C.

Susan R Jordahl
Notary Public

My Commission Expires:
1/23/2012

I:\FILES\DOCS\HART09\100963\RE\KM9718.DOC

SUSAN R. JORDAHL
NOTARY
PUBLIC
STATE OF COLORADO

RECORD OF SURVEY

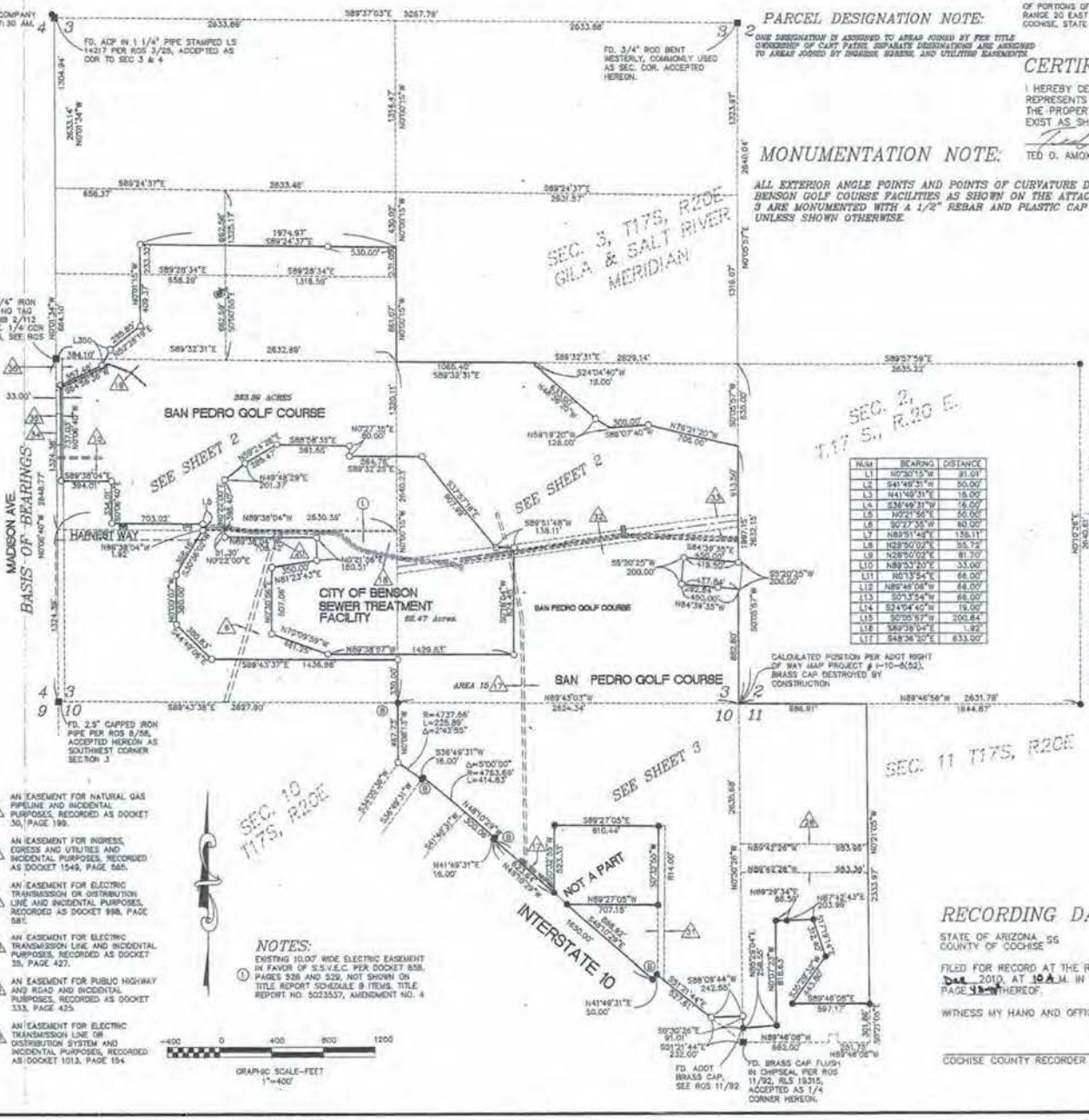
OF PORTIONS OF SECTIONS 3, 10, AND 11, LYING IN TOWNSHIP 17 SOUTH, RANGE 20 EAST OF THE GILA AND SALT RIVER MERIDIAN, COUNTY OF COCHISE, STATE OF ARIZONA.

TITLE COMPANY/EASEMENT NOTES:

TITLE REPORT FURNISHED BY FIRST AMERICAN TITLE INSURANCE COMPANY ORDER NO. 5023537, EFFECTIVE DATE SEPTEMBER 18, 2008 AT 7:30 AM, AMENDMENT NO. 5

SCHEDULE B:

2. DELETED INTENTIONALLY
3. CONTRACT AND GRANT OF EASEMENT RECORDED AS DOCKET 35, PAGE 427.
4. RIGHT OF WAY EASEMENT RECORDED AS DOCKET 125, PAGE 83.
5. RIGHT OF WAY AND EASEMENT RECORDED AS DOCKET 125, PAGE 89.
6. AN EASEMENT FOR SANITARY SEWER AND INCIDENTAL PURPOSES, RECORDED AS DOCKET 353, PAGE 47.
7. DELETED INTENTIONALLY
8. AN EASEMENT FOR CATHODIC PROTECTION STATION AND INCIDENTAL PURPOSES, RECORDED AS DOCKET 867, PAGE 481.
9. EASEMENT FOR UNDERGROUND PIPELINES AS DISCLOSED IN LEASE AGREEMENT RECORDED AS DOCUMENT NO. 85-19065 OF OFFICIAL RECORDS.
10. COMMUNICATIONS SYSTEMS RIGHT OF WAY AND EASEMENT RECORDED AS DOCUMENT NO. 8612-26222 OF OFFICIAL RECORDS.
11. COMMUNICATIONS SYSTEMS RIGHT OF WAY AND EASEMENT RECORDED AS DOCUMENT NO. 8612-26223 OF OFFICIAL RECORDS.
12. DELETED INTENTIONALLY
13. AGREEMENT OF RELEASE AND RIGHT OF WAY RECORDED AS DOCUMENT NO. 8703-08757 OF OFFICIAL RECORDS.
14. COMMUNICATIONS SYSTEMS RIGHT OF WAY AND EASEMENT RECORDED AS DOCUMENT NO. 8703-08759 OF OFFICIAL RECORDS.
15. AN EASEMENT FOR ELECTRIC TRANSMISSION OR DISTRIBUTION LINE OR SYSTEM AND INCIDENTAL PURPOSES, RECORDED AS DOCUMENT NO. 9001-00892 OF OFFICIAL RECORDS.
16. LEASE SITE FOR A TRANSFER STATION FOR MUNICIPAL SOLID WASTE RECORDED APRIL 19, 1993 AS DOCUMENT NO. 9304-10133 OF OFFICIAL RECORDS.
17. AN EASEMENT FOR ABOVE AND UNDERGROUND TRANSMISSION LINE AND INCIDENTAL PURPOSES, RECORDED AS DOCUMENT NO. 9805-15884 OF OFFICIAL RECORDS.
18. AN EASEMENT FOR INGRESS AND EGRESS AND INCIDENTAL PURPOSES, RECORDED AS DOCUMENT NO. 9908-18869 OF OFFICIAL RECORDS.
19. AN EASEMENT FOR ABOVE AND UNDERGROUND ELECTRIC TRANSMISSION LINE AND INCIDENTAL PURPOSES, RECORDED AS DOCUMENT NO. 0202-05068 OF OFFICIAL RECORDS.
20. AN EASEMENT FOR ABOVE AND UNDERGROUND ELECTRIC TRANSMISSION LINE AND INCIDENTAL PURPOSES, RECORDED AS DOCUMENT NO. 0209-29085 OF OFFICIAL RECORDS.
21. RIGHT OF WAY AND EASEMENT AGREEMENT RECORDED AS DOCUMENT NO. 0007-20417 OF OFFICIAL RECORDS.
22. DELETED INTENTIONALLY
23. DELETED INTENTIONALLY
24. DELETED INTENTIONALLY
25. DELETED INTENTIONALLY
26. DELETED INTENTIONALLY
27. DELETED INTENTIONALLY
28. AN EASEMENT FOR PIPELINE SUSPENSION BRIDGE AND INCIDENTAL PURPOSES, RECORDED AS BOOK 147 DEEDS OF REAL ESTATE, PAGE 247.
29. AN EASEMENT FOR PIPELINE SUSPENSION BRIDGE AND INCIDENTAL PURPOSES, RECORDED AS BOOK 147 DEEDS OF REAL ESTATE, PAGE 356.
30. AN EASEMENT FOR NATURAL GAS PIPELINE AND INCIDENTAL PURPOSES, RECORDED AS DOCKET 30, PAGE 199.
31. AN EASEMENT FOR INGRESS, EGRESS AND UTILITIES AND INCIDENTAL PURPOSES, RECORDED AS DOCKET 1549, PAGE 565.
32. AN EASEMENT FOR ELECTRIC TRANSMISSION OR DISTRIBUTION LINE AND INCIDENTAL PURPOSES, RECORDED AS DOCKET 998, PAGE 581.
33. AN EASEMENT FOR ELECTRIC TRANSMISSION LINE AND INCIDENTAL PURPOSES, RECORDED AS DOCKET 35, PAGE 427.
34. AN EASEMENT FOR PUBLIC HIGHWAY AND ROAD AND INCIDENTAL PURPOSES, RECORDED AS DOCKET 333, PAGE 425.
35. AN EASEMENT FOR ELECTRIC TRANSMISSION LINE OR DISTRIBUTION SYSTEM AND INCIDENTAL PURPOSES, RECORDED AS DOCKET 1013, PAGE 154.



NUM	BEARING	DISTANCE
L1	N0°30'15"W	91.01'
L2	S41°49'31"W	50.00'
L3	N41°49'31"E	18.00'
L4	S36°49'31"W	16.00'
L5	N0°21'56"E	50.00'
L6	S0°27'35"W	80.00'
L7	N89°51'48"E	138.11'
L8	N28°50'02"E	55.72'
L9	N28°50'02"E	81.70'
L10	N89°53'20"E	33.00'
L11	N0°13'54"E	66.00'
L12	N89°46'06"W	66.00'
L13	S0°13'54"W	66.00'
L14	S24°04'40"W	19.00'
L15	S0°05'57"W	200.84'
L16	S89°39'04"E	1.92'
L17	S48°36'20"E	633.00'

NOTES:

1. EXISTING 10.00' WIDE ELECTRIC EASEMENT IN FAVOR OF S.S.V.E.C. PER DOCKET 858, PAGES 526 AND 529, NOT SHOWN ON TITLE REPORT SCHEDULE B ITEMS. TITLE REPORT NO. 5023537, AMENDMENT NO. 4

PARCEL DESIGNATION NOTE:

ONE DESIGNATION IS ASSIGNED TO AREAS JOINED BY FEE TITLE OWNERSHIP OF GOLF COURSE FACILITIES. SEPARATE DESIGNATIONS ARE ASSIGNED TO AREAS JOINED BY INGRESS, EGRESS, AND UTILITIES EASEMENTS

CERTIFICATION

I HEREBY CERTIFY THAT THIS PLAT CONSISTING OF 1 SHEET(S) REPRESENTS A SURVEY MADE UNDER MY DIRECTION AND THAT THE PROPERTY CORNERS AND SURVEY MONUMENTS ACTUALLY EXIST AS SHOWN HEREON.

TED D. AMOX, REGISTERED LAND SURVEYOR NO. 19315

REGISTERED LAND SURVEYOR 19315 TED D. AMOX ARIZONA U.S.A.

EXPIRES 3/31/11

MONUMENTATION NOTE:

ALL EXTERIOR ANGLE POINTS AND POINTS OF CURVATURE DEFINING THE BENSON GOLF COURSE FACILITIES AS SHOWN ON THE ATTACHED SHEETS 2 AND 3 ARE MONUMENTED WITH A 1/2" REBAR AND PLASTIC CAP STAMPED RLS 19316, UNLESS SHOWN OTHERWISE

LEGEND

- SET 1/2" REBAR AND CAP STAMPED RLS 19315, UNLESS NOTED OTHERWISE HEREON
- FOUND 1/2" REBAR TAGGED RLS 19315 PER ROS 11/92, UNLESS NOTED OTHERWISE HEREON.
- FOUND 1/2" REBAR TAGGED RLS 13012, NO RECORD
- FOUND ADOT CAP IN CONCRETE MONUMENT.
- GOLF COURSE FACILITIES
- INGRESS, EGRESS & UTILITIES EASEMENT

DEDICATION CERTIFICATE

ARIZONA GOLF SYSTEMS, LLC, A COLORADO LIMITED LIABILITY COMPANY, HEREBY DEDICATES INGRESS, EGRESS, AND UTILITIES EASEMENTS TO THE CITY OF BENSON, ARIZONA, A BODY POLITIC, AND IT'S HEIRS AND ASSIGNS, AS SHOWN HEREON.

ARIZONA GOLF SYSTEMS, LLC

BY: TOM HARTLEY, MANAGER

COUNTY OF Jefferson
STATE OF Colorado

ON THIS 14 DAY OF December 2010, BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, PERSONALLY APPEARED TOM HARTLEY, MANAGER KNOWN TO ME TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED HEREIN AND ACKNOWLEDGED THAT HE/SHE EXECUTED SAID DOCUMENT FOR THE PURPOSES SET FORTH THEREIN.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND OFFICIAL SEAL

NOTARY PUBLIC — MY COMMISSION EXPIRES 2-11-13

MATT LONG NOTARY PUBLIC STATE OF COLORADO

RECORDING DATA

STATE OF ARIZONA SS
COUNTY OF COCHISE

FILED FOR RECORD AT THE REQUEST OF TED D. AMOX ON THIS 16th DAY OF Dec 2010, AT 10 A.M. IN BOOK 45 OF SURVEY MAPS AT PAGE 43 THEREOF.

WITNESS MY HAND AND OFFICIAL SEAL THE DAY AND YEAR ABOVE WRITTEN.

COCHISE COUNTY RECORDER — DEPUTY COUNTY RECORDER

COUNTY OF COCHISE ARIZONA 1881

SAN PEDRO GOLF COURSE

AMOX LAND SURVEYORS, PLLC
3503 E. EMORY RD. SAFFORD, AZ. 85546
928-428-8144

PROCEDURE OF SURVEY

DATE: OCT. 2010
JOB NO.: 10128
DRAWN BY: TA
REVISED BY: TA
SHEET 1 OF 3

EXHIBIT A

2010-22224 12-27-2010 08:43 AM Page 3 of

Survey 2010-28224 RK 45 Pg 43

RECORD OF SURVEY

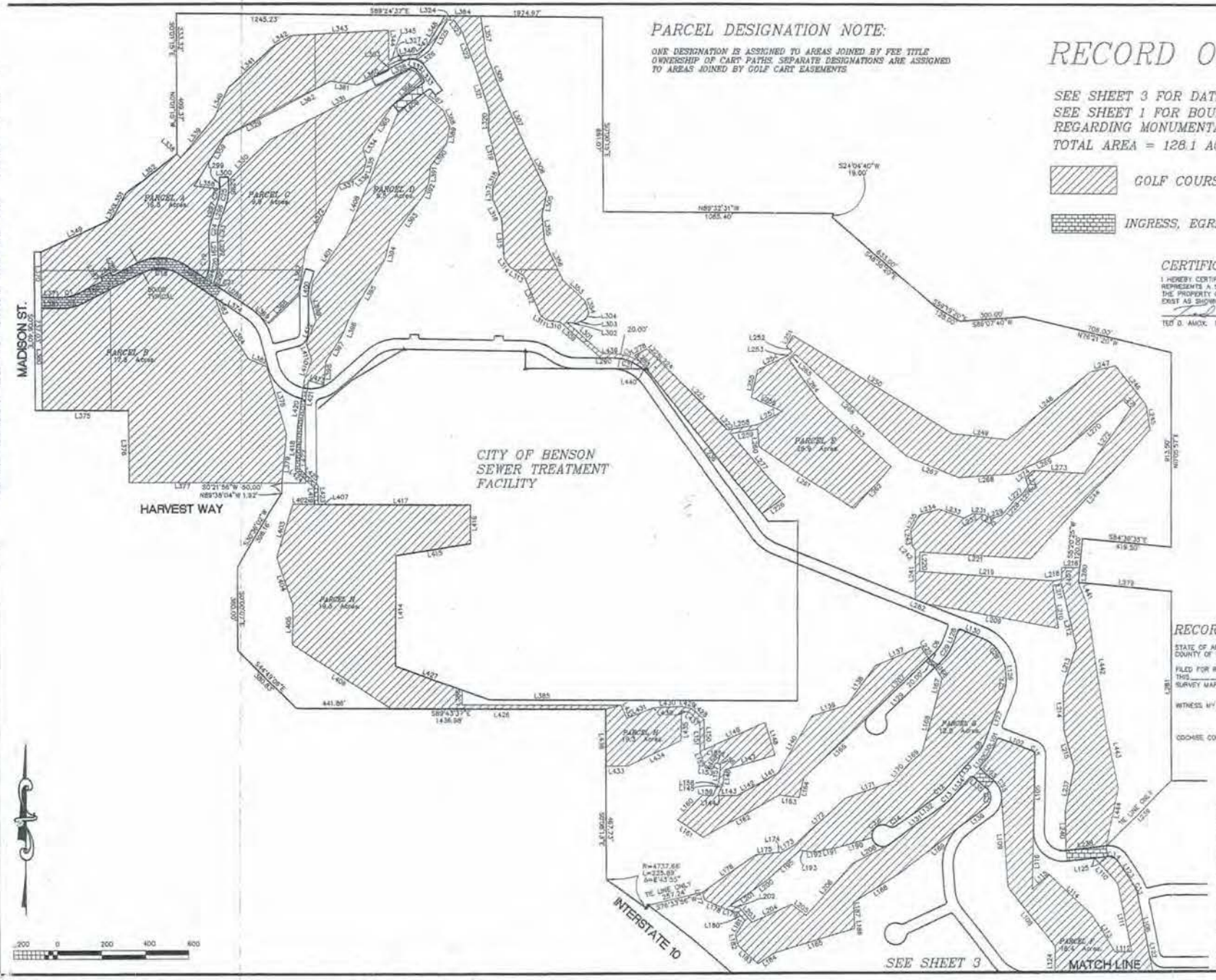
SEE SHEET 3 FOR DATA TABLES
SEE SHEET 1 FOR BOUNDARY DATA AND LEGEND REGARDING MONUMENTATION
TOTAL AREA = 128.1 ACRES, MORE OR LESS

GOLF COURSE FACILITIES

INGRESS, EGRESS, AND UTILITIES EASEMENT

PARCEL DESIGNATION NOTE:

ONE DESIGNATION IS ASSIGNED TO AREAS JOINED BY FEE TITLE OWNERSHIP OF CART PATHS. SEPARATE DESIGNATIONS ARE ASSIGNED TO AREAS JOINED BY GOLF CART EASEMENTS.



CERTIFICATION

I HEREBY CERTIFY THAT THIS PLAT CONSISTING OF 1 SHEET(S) REPRESENTS A SURVEY MADE UNDER MY DIRECTION AND THAT THE PROPERTY CORNERS AND SURVEY MONUMENTS ACTUALLY EXIST AS SHOWN HEREON.

TED D. AMOX, REGISTERED LAND SURVEYOR NO. 19315

RECORDING DATA

STATE OF ARIZONA
COUNTY OF COCHISE SS

FILED FOR RECORD AT THE REQUEST OF TED D. AMOX ON THIS _____ DAY OF _____ 2010, AT _____ M. IN BOOK ____ OF SURVEY MAPS AT PAGE ____ THEREOF.

WITNESS MY HAND AND OFFICIAL SEAL THE DAY AND YEAR ABOVE WRITTEN

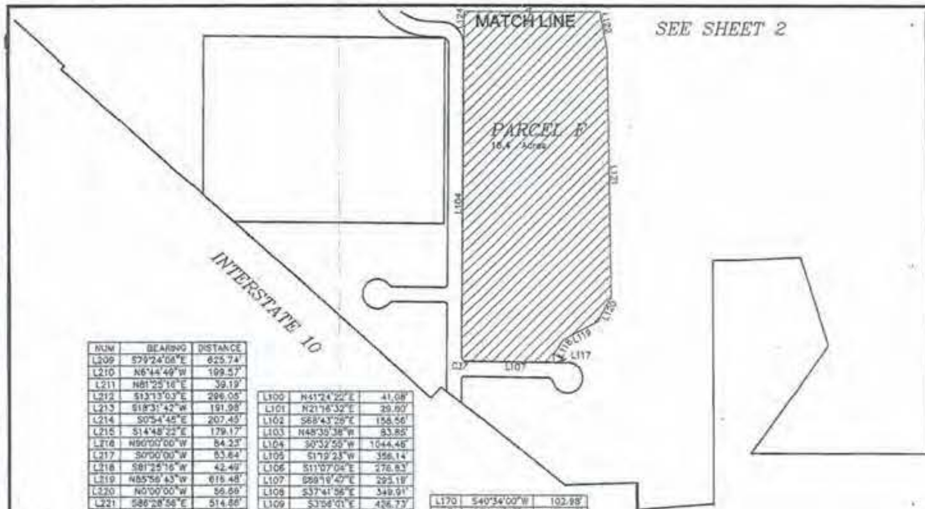
COCHISE COUNTY RECORDER DEPUTY COUNTY RECORDER

JOB No: 10129 DATE: OCT. 2010
DRAWN BY: TA REVISED BY: ____

SHEET 2 OF 3
SURVEY BOOK PAGE

2010-28224 BK 45 Pg 43A

2010-28884 12-27-2010 08:43 AM Page 5 of 5



NUM	BEARING	DISTANCE
L209	S79°24'06"E	625.74'
L210	N6°44'49"W	199.57'
L211	N81°25'16"E	39.19'
L212	S13°13'03"E	296.05'
L213	S18°31'42"W	191.98'
L214	S0°54'45"E	207.45'
L215	S14°48'22"E	179.17'
L216	N90°00'00"W	84.23'
L217	S0°00'00"W	83.84'
L218	S81°25'16"W	42.49'
L219	N85°56'43"W	615.48'
L220	N0°00'00"W	56.69'
L221	S86°28'56"E	514.66'
L222	N40°35'31"W	56.46'
L223	N44°29'54"W	315.92'
L224	N45°07'47"W	154.73'
L225	S33°18'57"E	64.23'
L226	N52°55'13"E	136.60'
L227	S50°03'34"W	46.78'
L228	S39°28'09"W	80.93'
L229	S72°07'55"W	51.48'
L230	N62°42'00"W	42.22'
L231	N66°13'09"W	46.33'
L232	S82°31'51"W	47.30'
L233	N88°58'25"W	122.11'
L234	S73°11'45"W	95.08'
L235	S28°51'01"W	83.04'
L236	N37°57'18"W	862.75'
L237	S11°29'36"W	212.67'
L238	S83°26'25"W	185.70'
L239	S45°29'01"W	436.75'
L240	S1°16'57"E	184.49'
L241	N0°00'00"E	227.72'
L242	N41°13'21"W	21.94'
L243	N5°27'21"W	71.32'
L244	N42°35'10"E	825.14'
L245	N9°22'36"W	112.36'
L246	N38°32'26"W	237.14'
L247	S78°52'06"W	116.18'
L248	S50°34'32"W	498.83'
L249	N83°29'53"W	255.95'
L250	N58°01'34"W	885.25'
L251	S31°05'25"W	61.24'
L252	S49°13'29"E	35.23'
L253	S48°18'29"W	34.19'
L254	S84°54'03"W	148.61'
L255	S13°27'38"W	131.81'
L256	S65°22'23"E	158.41'
L257	S82°31'01"W	129.51'
L258	S80°04'32"W	142.98'
L259	N80°04'32"E	128.96'
L260	S3°45'32"E	83.61'
L261	S56°11'39"E	527.24'
L262	N40°45'02"E	265.06'
L263	N47°29'00"W	449.81'
L264	N35°42'07"W	237.33'
L265	N48°18'29"E	38.18'
L266	S47°05'59"E	699.10'
L267	S67°41'53"E	258.52'
L268	N88°09'29"E	249.59'
L269	N65°23'49"E	260.19'
L270	N46°55'05"E	361.46'
L271	S44°35'51"E	56.12'
L272	S35°21'15"W	370.75'
L273	N86°53'18"W	238.74'
L274	S48°44'50"W	49.11'
L275	S18°32'21"E	43.95'
L276	S38°53'14"W	30.12'
L277	N40°35'51"W	390.49'
L278	S81°09'37"W	65.76'
L279	N84°39'35"W	437.84'
L280	N5°20'25"E	60.00'
L281	N0°05'57"E	882.80'
L282	S68°13'29"E	49.16'
L283	N41°31'18"W	82.84'

L100	N41°24'22"E	41.08'
L101	N21°16'32"E	39.60'
L102	S68°43'29"E	158.56'
L103	N48°35'38"W	83.85'
L104	S0°32'55"W	1044.46'
L105	S1°19'23"W	356.14'
L106	S11°07'04"E	276.83'
L107	S89°19'47"E	295.18'
L108	S37°41'56"E	349.91'
L109	S3°56'01"E	426.73'
L110	S41°41'30"E	158.53'
L111	S10°54'32"E	322.84'
L112	N90°00'00"W	78.29'
L113	N30°15'48"W	199.06'
L114	N49°22'53"W	273.83'
L115	S49°14'43"W	102.35'
L116	N1°19'23"E	269.43'
L117	N0°40'13"E	26.96'
L118	N33°10'27"E	58.92'
L119	N62°20'08"E	131.33'
L120	N28°15'14"E	96.47'
L121	N0°45'52"W	819.40'
L122	N11°07'04"W	179.87'
L123	S34°01'34"E	130.27'
L124	N0°57'23"E	199.06'
L125	N83°28'25"E	59.07'
L126	S4°24'06"E	27.74'
L127	N21°16'32"E	246.11'
L128	S21°04'24"W	81.10'
L129	S45°42'50"W	350.74'
L130	S68°13'29"E	106.16'
L131	S53°16'10"W	320.89'
L132	S53°16'10"W	250.18'
L133	N41°24'22"E	233.73'
L134	N41°24'22"E	122.65'
L135	N48°35'38"W	93.86'
L136	S52°18'04"W	146.70'
L137	S67°17'40"W	225.33'
L138	S36°14'37"W	228.05'
L139	S72°42'57"W	168.31'
L140	S30°27'51"W	311.34'
L141	S56°58'00"W	90.08'
L142	S81°48'06"W	138.96'
L143	N89°38'46"W	73.63'
L144	N89°06'14"W	15.17'
L145	N23°27'06"E	59.31'
L146	N6°02'41"E	65.80'
L147	N73°00'32"E	246.21'
L148	N16°59'28"W	181.35'
L149	S85°24'48"W	307.96'
L150	N0°45'58"W	142.35'
L151	S0°45'58"E	149.09'
L152	S18°40'06"E	76.77'
L153	S78°53'17"E	28.05'
L154	N33°58'10"E	34.35'
L155	S85°32'49"E	13.80'
L156	S46°56'39"E	12.11'
L157	S6°02'41"W	84.01'
L158	S23°27'06"W	64.56'
L159	N89°06'14"W	50.85'
L160	S44°18'04"W	161.03'
L161	S54°27'52"E	142.57'
L162	N60°37'58"E	406.33'
L163	S81°51'26"E	93.67'
L164	N12°21'33"E	95.34'
L165	N46°04'11"E	419.57'
L166	S33°34'49"E	60.33'
L167	S14°04'24"W	80.54'
L168	S15°13'42"W	280.04'
L169	S48°03'43"W	87.64'

L170	S40°34'00"W	102.98'
L171	S70°19'37"W	234.92'
L172	S47°04'48"W	313.58'
L173	S58°47'51"W	73.30'
L174	S87°18'25"W	34.43'
L175	S83°08'39"W	93.03'
L176	S65°25'07"W	297.57'
L177	S13°51'33"E	36.67'
L178	S65°18'32"E	103.39'
L179	S75°50'26"E	59.65'
L180	S39°10'34"E	52.15'
L181	S32°28'11"W	80.88'
L182	S13°48'56"E	48.30'
L183	S47°10'48"E	124.08'
L184	N57°00'14"E	89.33'
L185	N73°30'33"E	393.58'
L186	N2°16'28"W	29.48'
L187	N2°16'28"W	95.02'
L188	N59°08'49"E	237.59'
L189	N52°19'14"E	426.67'
L190	S74°47'19"W	169.52'
L191	S79°24'41"W	93.46'
L192	S85°31'57"W	35.78'
L193	N76°29'15"W	43.40'
L195	S48°22'42"W	195.44'
L199	S23°43'02"W	64.09'
L200	S54°28'16"W	38.54'
L201	S56°08'12"W	163.57'
L202	S75°50'26"E	48.29'
L203	S39°10'34"E	87.16'
L204	N65°12'23"E	204.75'
L205	S51°48'25"E	85.13'
L206	N42°18'06"E	319.57'
L207	S45°42'50"W	421.46'
L208	N62°21'29"E	194.69'

NUM	BEARING	DISTANCE
L284	N62°30'00"E	50.00'
L285	N62°30'00"E	115.08'
L286	N58°14'42"W	200.30'
L287	N27°30'00"W	8.38'
L288	N27°30'00"W	8.38'
L289	N62°30'00"E	114.86'
L290	N89°32'25"W	53.29'
L291	N1°22'32"W	104.70'
L292	N1°22'32"W	104.70'
L293	S18°45'18"W	29.44'
L294	S18°45'18"W	13.36'
L295	N58°14'42"W	95.67'
L296	N15°45'38"E	100.00'
L297	N15°45'38"E	100.00'
L298	N1°14'22"W	48.56'
L299	N1°14'22"W	46.56'
L300	S88°45'38"W	40.00'
L301	N48°26'12"W	218.95'
L302	S86°52'36"E	44.47'
L303	N66°34'24"E	41.63'
L304	N32°26'13"E	34.83'
L305	N12°40'53"E	109.01'
L306	N25°29'54"W	243.96'
L307	N23°26'39"W	236.56'
L308	N21°48'02"W	214.89'
L309	N48°26'12"W	251.65'
L310	N61°03'17"W	61.31'
L311	N54°09'16"W	38.39'
L312	N22°31'14"W	199.13'
L313	N58°11'53"W	79.64'
L314	N35°03'04"W	44.53'
L315	N2°58'34"W	183.63'
L316	N24°18'50"W	102.16'
L317	N1°41'05"E	57.23'
L318	N25°44'27"E	69.73'
L319	N14°08'39"W	202.42'
L320	N2°44'12"E	88.27'
L321	N16°46'31"W	202.08'
L322	N20°54'46"W	181.31'
L323	N35°42'24"W	64.95'
L324	N89°24'37"W	30.86'
L325	S31°30'55"W	160.26'
L326	S53°51'58"W	61.28'
L327	S84°58'01"W	92.13'
L328	S66°46'52"W	51.26'
L329	S63°42'20"W	266.22'
L330	N46°13'54"E	328.49'
L331	N63°32'38"E	724.33'
L332	S66°02'15"E	33.14'
L333	S26°42'51"E	41.25'
L334	S14°54'48"E	61.55'
L335	S17°14'34"W	49.08'
L336	S49°24'07"W	54.08'
L337	S70°02'55"W	77.06'
L338	S45°28'51"E	14.64'
L339	N40°39'47"E	244.40'

L340	N25°18'25"E	152.23'
L341	N48°05'44"E	278.47'
L342	N59°57'18"E	94.07'
L343	N88°49'48"E	453.97'
L344	S0°00'00"W	133.44'
L345	N88°46'52"E	48.89'
L346	N84°58'01"E	89.77'
L347	N53°51'56"E	51.76'
L348	N31°30'55"E	167.64'
L349	N64°56'38"E	357.46'
L350	N28°50'02"E	137.42'
L351		
L352	N52°28'19"E	285.85'
L353	S46°23'04"E	142.20'
L354	S17°21'37"E	59.55'
L355	S4°32'34"E	129.58'
L356	S25°20'15"E	194.37'
L357	N8°07'16"W	188.04'
L358	N83°24'08"W	118.35'
L359	N32°22'04"E	271.28'
L360	S66°12'25"W	182.07'
L361	N81°40'52"W	126.60'
L362	S60°53'25"W	283.53'
L363	S0°00'00"W	25.10'
L364	S89°24'37"E	165.39'
L365	N35°39'58"E	243.68'
L366	S48°49'30"W	177.39'
L367	S10°01'12"W	212.44'
L368	S45°46'19"W	182.75'
L369	N50°25'21"W	108.71'
L370	S0°06'32"E	211.46'
L371	S88°19'01"E	86.80'
L372	S27°14'41"W	347.58'
L373	N62°30'00"E	299.93'
L374	N56°14'42"W	194.22'
L375	N89°38'04"W	394.04'
L376	S0°06'40"E	334.01'
L377	S89°38'04"E	703.02'
L378	S15°19'45"E	321.77'
L379	S5°41'59"W	230.97'
L380	S0°06'32"E	737.34'
L381	S89°19'01"E	88.11'
L382	N66°29'02"W	93.42'
L383	N18°40'44"W	104.79'
L384	N32°41'47"W	320.31'

NUM	BEARING	DISTANCE
L385	N89°43'37"W	737.37'
L386	N0°00'00"E	88.41'
L387	S48°18'07"E	123.93'
L388	S22°33'28"E	78.94'
L389	S11°18'30"W	80.07'
L390	S35°55'00"W	128.11'
L391	S5°34'20"W	69.31'
L392	S19°38'49"W	63.72'
L393	S37°38'02"W	264.14'
L394	S14°57'13"W	93.46'
L395	S31°28'22"W	324.83'
L396	S21°58'02"W	71.96'
L397	S31°12'10"W	181.29'
L398	S5°26'25"W	106.47'
L399	N13°54'51"W	109.85'
L400	N9°32'49"E	77.59'
L401	N35°59'11"E	271.64'
L402	N89°38'04"W	96.34'
L403	S16°42'15"W	357.86'
L404	S18°12'52"E	229.01'
L405	S0°55'54"W	179.68'
L406	S56°58'53"E	548.98'
L407	S89°38'04"E	60.00'
L408	N23°22'20"E	614.56'
L409	S52°42'35"W	144.81'
L410	N20°07'03"E	95.37'
L411	N15°54'51"W	83.13'
L412	N23°46'59"E	112.11'
L413	S73°05'22"E	72.35'
L414	N0°30'56"E	507.06'
L415	N91°23'43"E	350.00'
L416	N0°21'56"E	180.51'
L417	N89°38'04"W	648.42'
L418	S3°00'00"W	205.21'
L419	S0°04'59"E	81.83'
L420	N8°58'09"E	221.02'
L421	N8°58'09"E	217.19'
L422	S3°00'00"W	194.88'
L423	S0°04'59"E	90.47'
L424	S46°47'55"E	118.04'
L425	S46°47'55"E	117.39'
L426	S89°43'37"E	995.12'
L427	S70°09'59"E	329.03'
L428	N48°41'38"W	76.53'
L429	N77°22'03"W	44.83'
L430	S87°37'50"W	129.80'
L431	S88°18'15"W	134.08'
L432	N24°14'57"W	68.63'
L433	N89°42'44"E	100.58'
L434	N63°45'06"E	277.07'
L435	N1°21'07"E	137.77'
L436	S77°31'34"E	35.74'
L437	S48°41'38"E	62.50'
L438	S0°00'15"E	269.27'
L439	S89°32'35"E	45.79'
L440	N89°32'25"W	17.96'
L440	N55°09'56"E	21.15'
L441	S21°53'13"E	108.05'
L442	S08°25'46"E	801.03'
L443	S11°07'04"E	268.97'
L444	N00°45'52"E	409.70'

NUM	DELTA	ARC	RADIUS
C1	28°10'59"	86.08'	175.07'
C2	28°10'59"	110.67'	225.00'
C3	90°00'00"	15.71'	10.00'
C4	90°00'00"	15.71'	10.00'
C5	32°02'19"	137.00'	245.00'
C6	24°38'26"	75.26'	175.00'
C7	90°42'07"	15.83'	10.00'
C8	20°07'50"	61.48'	175.00'
C9	90°00'00"	15.71'	10.00'
C10	90°00'00"	15.71'	10.00'
C11	90°00'00"	15.71'	10.00'
C12	11°51'48"	36.23'	175.00'
C13	11°51'48"	46.58'	225.00'
C14	70°31'44"	30.77'	25.00'
C15	70°02'51"	30.56'	25.00'
C16	89°52'41"	15.69'	10.00'
C17	61°15'18"	240.55'	225.00'
C18	61°15'18"	187.09'	175.00'
C19	20°07'50"	63.24'	180.00'
C20	20°07'50"	77.30'	220.00'
C21	75°00'00"	13.09'	10.00'
C22	105°00'00"	18.33'	10.00'
C23	20°08'10"	63.26'	180.00'
C24	20°08'10"	77.32'	220.00'
C25	20°00'00"	76.79'	220.00'
C26	20°00'00"	62.83'	180.00'
C27	25°40'38"	78.43'	175.00'
C28	63°49'23"	194.94'	175.00'
C29	24°38'26"	96.76'	225.00'
C30	20°07'50"	79.05'	225.00'
C31	38°56'33"	152.93'	225.00'
C32	100°53'42"	96.85'	55.00'
C33	22°54'30"	59.97'	150.00'
C34	62°30'01"	54.54'	50.00'
C35	44°39'37"	81.84'	105.00'
C36	135°05'41"	117.89'	50.00'
C37	89°52'41"	15.69'	10.00'

RECORD OF SURVEY

SEE SHEET 1 FOR BOUNDARY DATA AND LEGEND REGARDING MONUMENTATION

TOTAL AREA = 128.1 ACRES, MORE OR LESS

GOLF COURSE FACILITIES

INGRESS, EGRESS, & UTILITIES EASEMENT

I HEREBY CERTIFY THAT THIS PLAT CONSISTING OF 1 SHEET(S) REPRESENTS A SURVEY MADE UNDER MY DIRECTION AND THAT THE PROPERTY CORNERS AND SURVEY MONUMENTS ACTUALLY EXIST AS SHOWN HEREON.

TED D. AMOX REGISTERED LAND SURVEYOR NO. 19315

REGISTERED LAND SURVEYOR CERTIFICATE NO. 19315 TED D. AMOX ARIZONA EXPIRES 3/31/11

PARCEL DESIGNATION NOTE:

ONE DESIGNATION IS ASSIGNED TO AREAS JOINED BY FEE TITLE OWNERSHIP OF CART PATHS, SEPARATE DESIGNATIONS ARE ASSIGNED TO AREAS JOINED BY GOLF CART EASEMENTS.

RECORDING DATA

STATE OF ARIZONA
COUNTY OF COCHISE SS

FILED FOR RECORD AT THE REQUEST OF TED D. AMOX ON THIS ______ DAY OF ______ 2010, AT ____ M. IN BOOK ______ OF SURVEY MAPS AT PAGE ____ THEREOF.

WITNESS MY HAND AND OFFICIAL SEAL THE DAY AND YEAR ABOVE WRITTEN

COCHISE COUNTY RECORDER DEPUTY COUNTY RECORDER

AMOX LAND SURVEYORS, PLLC

JOB No: 10128 DATE: OCT. 2010

DRAWN BY: TA REVISED BY: ____

SHEET 3 OF 3

SURVEY BOOK PAGE

Survey 2010-28224 BK 45 Pg 43 B

AMENDED *RECORD OF SURVEY*

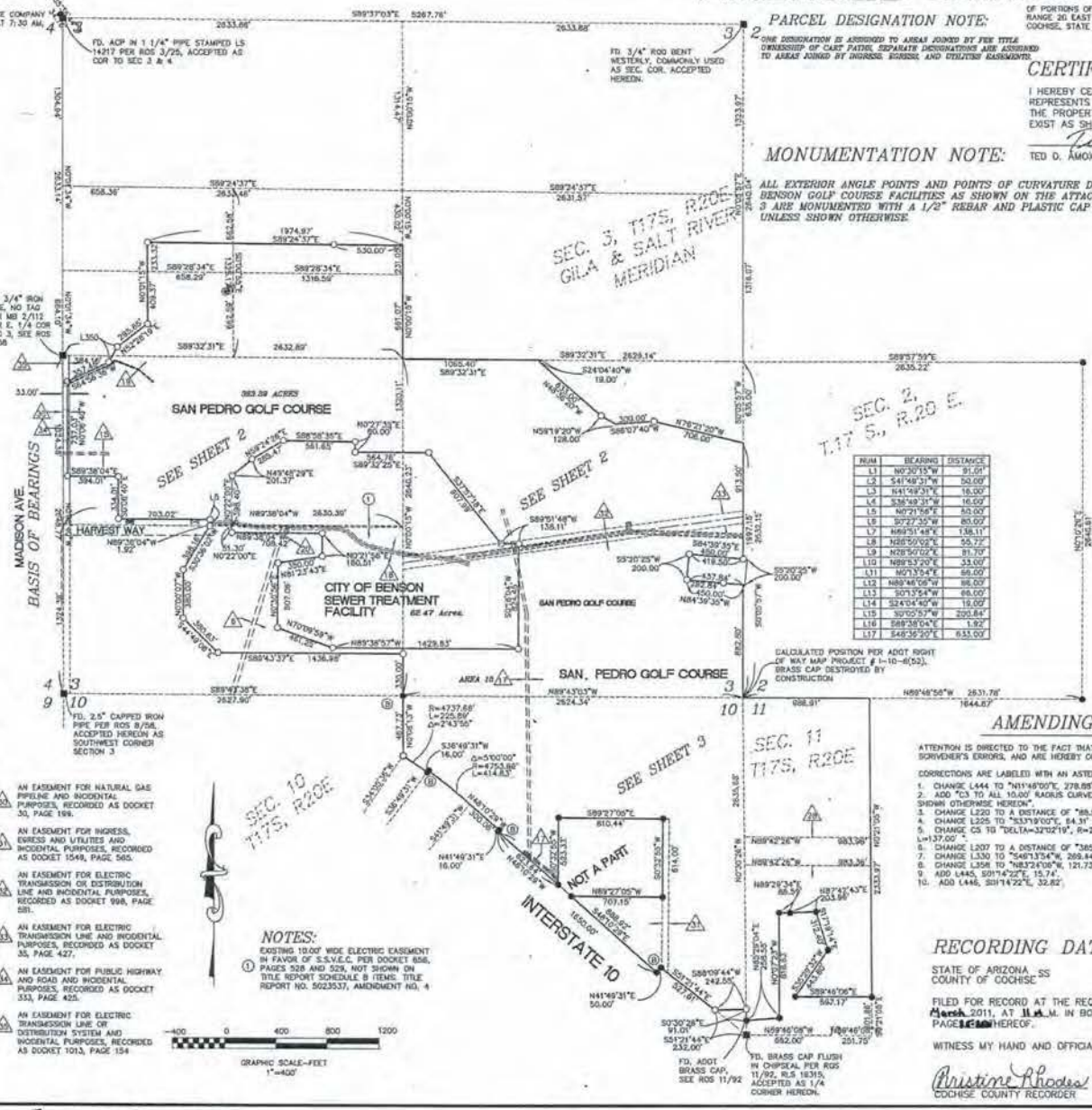
OF PORTIONS OF SECTIONS 3, 10, AND 11, LYING IN TOWNSHIP 17 SOUTH, RANGE 20 EAST OF THE GILA AND SALT RIVER MERIDIAN, COUNTY OF COCHISE, STATE OF ARIZONA

TITLE COMPANY/EASEMENT NOTES:

TITLE REPORT FURNISHED BY FIRST AMERICAN TITLE INSURANCE COMPANY ORDER NO. 5023537, EFFECTIVE DATE SEPTEMBER 16, 2008 AT 7:30 AM, AMENDMENT NO. 5

SCHEDULE B:

- (2) DELETED INTENTIONALLY
- (3) CONTRACT AND GRANT OF EASEMENT RECORDED AS DOCKET 36, PAGE 427.
- (4) RIGHT OF WAY EASEMENT RECORDED AS DOCKET 125, PAGE 83.
- (5) RIGHT OF WAY AND EASEMENT RECORDED AS DOCKET 125, PAGE 85.
- (6) AN EASEMENT FOR SANITARY SEWER AND INCIDENTAL PURPOSES, RECORDED AS DOCKET 353, PAGE 47.
- (7) DELETED INTENTIONALLY
- (8) AN EASEMENT FOR CATHODIC PROTECTION STATION AND INCIDENTAL PURPOSES, RECORDED AS DOCKET 687, PAGE 491.
- (9) EASEMENT FOR UNDERGROUND PIPELINES AS DISCLOSED IN LEASE AGREEMENT RECORDED AS DOCUMENT NO. 85-19065 OF OFFICIAL RECORDS.
- (10) COMMUNICATIONS SYSTEMS RIGHT OF WAY AND EASEMENT RECORDED AS DOCUMENT NO. 8612-26222 OF OFFICIAL RECORDS.
- (11) COMMUNICATIONS SYSTEMS RIGHT OF WAY AND EASEMENT RECORDED AS DOCUMENT NO. 8612-26223 OF OFFICIAL RECORDS
- (12) DELETED INTENTIONALLY
- (13) AGREEMENT OF RELEASE AND RIGHT OF WAY RECORDED AS DOCUMENT NO. 8703-06757 OF OFFICIAL RECORDS.
- (14) COMMUNICATIONS SYSTEMS RIGHT OF WAY AND EASEMENT RECORDED AS DOCUMENT NO. 8703-06758 OF OFFICIAL RECORDS.
- (15) AN EASEMENT FOR ELECTRIC TRANSMISSION OR DISTRIBUTION LINE OR SYSTEM AND INCIDENTAL PURPOSES, RECORDED AS DOCUMENT NO. 9001-00892 OF OFFICIAL RECORDS.
- (16) LEASE SITE FOR A TRANSFER STATION FOR MUNICIPAL SOLID WASTE RECORDED APRIL 19, 1993 AS DOCUMENT NO. 9304-10133 OF OFFICIAL RECORDS.
- (17) AN EASEMENT FOR ABOVE AND UNDERGROUND TRANSMISSION LINE AND INCIDENTAL PURPOSES, RECORDED AS DOCUMENT NO. 9805-15884 OF OFFICIAL RECORDS.
- (18) AN EASEMENT FOR INGRESS AND EGRESS AND INCIDENTAL PURPOSES, RECORDED AS DOCUMENT NO. 9908-18869 OF OFFICIAL RECORDS.
- (19) AN EASEMENT FOR ABOVE AND UNDERGROUND ELECTRIC TRANSMISSION LINE AND INCIDENTAL PURPOSES, RECORDED AS DOCUMENT NO. 0202-05068 OF OFFICIAL RECORDS.
- (20) AN EASEMENT FOR ABOVE AND UNDERGROUND ELECTRIC TRANSMISSION LINE AND INCIDENTAL PURPOSES, RECORDED AS DOCUMENT NO. 0209-29085 OF OFFICIAL RECORDS.
- (21) RIGHT OF WAY AND EASEMENT AGREEMENT RECORDED AS DOCUMENT NO. 0007-20417 OF OFFICIAL RECORDS.
- (22) DELETED INTENTIONALLY
- (23) DELETED INTENTIONALLY
- (24) DELETED INTENTIONALLY
- (25) DELETED INTENTIONALLY
- (26) DELETED INTENTIONALLY
- (27) DELETED INTENTIONALLY
- (28) AN EASEMENT FOR PIPELINE SUSPENSION BRIDGE AND INCIDENTAL PURPOSES, RECORDED AS BOOK 147 DEEDS OF REAL ESTATE, PAGE 247.
- (29) AN EASEMENT FOR PIPELINE SUSPENSION BRIDGE AND INCIDENTAL PURPOSES, RECORDED AS BOOK 147 DEEDS OF REAL ESTATE, PAGE 358.
- (30) AN EASEMENT FOR NATURAL GAS PIPELINE AND INCIDENTAL PURPOSES, RECORDED AS DOCKET 30, PAGE 199.
- (31) AN EASEMENT FOR INGRESS, EGRESS AND UTILITIES AND INCIDENTAL PURPOSES, RECORDED AS DOCKET 1549, PAGE 565.
- (32) AN EASEMENT FOR ELECTRIC TRANSMISSION OR DISTRIBUTION LINE AND INCIDENTAL PURPOSES, RECORDED AS DOCKET 998, PAGE 581.
- (33) AN EASEMENT FOR ELECTRIC TRANSMISSION LINE AND INCIDENTAL PURPOSES, RECORDED AS DOCKET 35, PAGE 427.
- (34) AN EASEMENT FOR PUBLIC HIGHWAY AND ROAD AND INCIDENTAL PURPOSES, RECORDED AS DOCKET 353, PAGE 425.
- (35) AN EASEMENT FOR ELECTRIC TRANSMISSION LINE OR DISTRIBUTION SYSTEM AND INCIDENTAL PURPOSES, RECORDED AS DOCKET 1013, PAGE 154



NUM	BEARING	DISTANCE
L1	N0°30'15"W	91.01'
L2	S41°49'31"E	50.00'
L3	N41°49'31"E	16.00'
L4	S36°49'31"W	16.00'
L5	N0°21'56"E	50.00'
L6	S0°27'35"W	80.00'
L7	N89°51'48"E	138.11'
L8	N88°50'02"E	55.72'
L9	N28°50'02"E	81.70'
L10	N89°53'20"E	33.00'
L11	N0°13'54"E	66.00'
L12	N89°46'06"W	66.00'
L13	S0°13'54"W	66.00'
L14	S24°04'40"W	19.00'
L15	S0°02'57"W	200.84'
L16	S89°38'04"E	1.92'
L17	S48°36'20"E	633.00'

NOTES:

(1) EXISTING 10.00' WIDE ELECTRIC EASEMENT IN FAVOR OF S.S.V.E.C. PER DOCKET 658, PAGES 528 AND 529, NOT SHOWN ON TITLE REPORT SCHEDULE B ITEMS. TITLE REPORT NO. 5023537, AMENDMENT NO. 4

PARCEL DESIGNATION NOTE:

ONE DESIGNATION IS ASSIGNED TO AREAS JOINED BY FEE TITLE OWNERSHIP OF CART PATHS. SEPARATE DESIGNATIONS ARE ASSIGNED TO AREAS JOINED BY INGRESS, EGRESS, AND UTILITIES EASEMENTS.

CERTIFICATION

I HEREBY CERTIFY THAT THIS PLAT CONSISTING OF 1 SHEET(S) REPRESENTS A SURVEY MADE UNDER MY DIRECTION AND THAT THE PROPERTY CORNERS AND SURVEY MONUMENTS ACTUALLY EXIST AS SHOWN HEREON.

TED D. AMOX, REGISTERED LAND SURVEYOR NO. 19315

REGISTERED LAND SURVEYOR 19315 TED D. AMOX

EXPIRES 3/31/11

MONUMENTATION NOTE:

ALL EXTERIOR ANGLE POINTS AND POINTS OF CURVATURE DEFINING THE BENSON GOLF COURSE FACILITIES AS SHOWN ON THE ATTACHED SHEETS 2 AND 3 ARE MONUMENTED WITH A 1/2" REBAR AND PLASTIC CAP STAMPED RLS 19315, UNLESS SHOWN OTHERWISE.

LEGEND

- ○ SET 1/2" REBAR AND CAP STAMPED RLS 19315, UNLESS NOTED OTHERWISE HEREON
- ● FOUND 1/2" REBAR TAGGED RLS 19315 PER ROS 11/92, UNLESS NOTED OTHERWISE HEREON.
- Ⓐ FOUND 1/2" REBAR TAGGED RLS 13012, NO RECORD
- Ⓑ FOUND ADOT CAP IN CONCRETE MONUMENT.
- GOLF COURSE FACILITIES
- INGRESS, EGRESS & UTILITIES EASEMENT

AMENDING NOTE:

ATTENTION IS DIRECTED TO THE FACT THAT SURVEY BOOK 45, PAGES 43, 43A, AND 43B CONTAIN SCRIVENER'S ERRORS, AND ARE HEREBY CORRECTED ON THESE 3 MAP SHEETS AS FOLLOWS:

CORRECTIONS ARE LABELED WITH AN ASTERISK.

1. CHANGE L444 TO "N11°46'00"E, 278.88' ".
2. ADD "C3 TO ALL 10.00' RADIUS CURVES, UNLESS SHOWN OTHERWISE HEREON".
3. CHANGE L220 TO A DISTANCE OF "88.55' ".
4. CHANGE L325 TO "S33°19'00"E, 64.31' ".
5. CHANGE C5 TO "DELTA=32°12'19", R=245.00', L=137.00' ".
6. CHANGE L207 TO A DISTANCE OF "385.20' ".
7. CHANGE L330 TO "S46°13'54"W, 269.44' ".
8. CHANGE L358 TO "N83°24'06"W, 121.73' ".
9. ADD L445, S01°14'22"E, 15.74'.
10. ADD L446, S01°14'22"E, 32.82'.
11. ADD C36, DELTA=02°24'17" R=180.00', L=7.55'
12. CHANGE L189 TO "N52°18'21"E, 350.58' ".
13. PLOT LABEL C7 BETWEEN L128 AND L130.
14. ADD L447, S45°42'50"W, 45.40', LYING SW OF C28
15. CHANGE L128 TO "S45°42'50"W, 305.34' ".
16. CHANGE L108 TO "S37°52'50"E, 350.78' ".

RECORDING DATA

STATE OF ARIZONA SS
COUNTY OF COCHISE

FILED FOR RECORD AT THE REQUEST OF TED D. AMOX ON THIS 22nd DAY OF March 2011, AT 11 A.M. IN BOOK 45 OF SURVEY MAPS AT PAGE 85 HEREOF.

WITNESS MY HAND AND OFFICIAL SEAL THE DAY AND YEAR ABOVE WRITTEN.

Kristine Rhodes
COCHISE COUNTY RECORDER

Susie Elliott
DEPUTY COUNTY RECORDER

COUNTY OF COCHISE ARIZONA

REVISIONS: 11/09 CHANGES PER COCHISE TITLE CO. REQUESTS - TA

SAN PEDRO GOLF COURSE

AMOX LAND SURVEYORS, PLLC
3503 E. EMORY RD. SAFFORD, AZ. 85546
928-428-8144

PROCEDURE OF SURVEY

DATE: MAR. 2011
JOB No.: 10128
DRAWN BY: TA
REVISED BY: TA
SHEET 1 OF 3

Survey Feet# 2011-06612

BK 45 PG 85

AMENDED
RECORD OF SURVEY

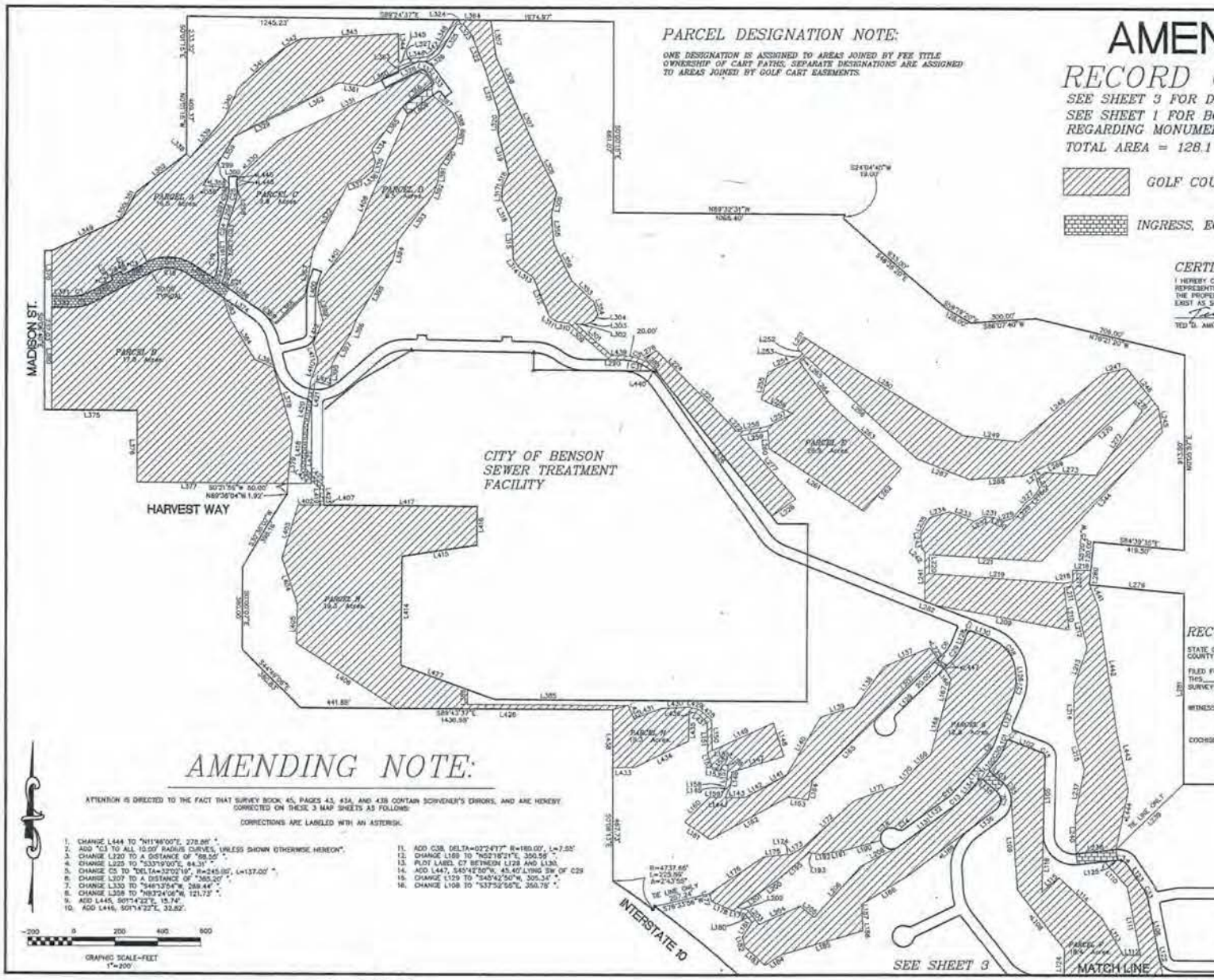
SEE SHEET 3 FOR DATA TABLES
SEE SHEET 1 FOR BOUNDARY DATA AND LEGEND REGARDING MONUMENTATION
TOTAL AREA = 128.1 ACRES, MORE OR LESS

GOLF COURSE FACILITIES

INGRESS, EGRESS, AND UTILITIES EASEMENT

PARCEL DESIGNATION NOTE:

ONE DESIGNATION IS ASSIGNED TO AREAS JOINED BY FEE TITLE OWNERSHIP OF CART PATHS; SEPARATE DESIGNATIONS ARE ASSIGNED TO AREAS JOINED BY GOLF CART EASEMENTS.



CERTIFICATION

I HEREBY CERTIFY THAT THIS PLAT CONSISTING OF 1 SHEET(S) REPRESENTS A SURVEY MADE UNDER MY DIRECTION AND THAT THE PROPERTY CORNERS AND SURVEY MONUMENTS ACTUALLY EXIST AS SHOWN HEREON.

TED D. AMOX, REGISTERED LAND SURVEYOR NO. 19315

REGISTERED LAND SURVEYOR 19315 TED D. AMOX ARIZONA U.S.A.

Expires 3/31/11

RECORDING DATA

STATE OF ARIZONA SS
COUNTY OF COCHISE

FILED FOR RECORD AT THE REQUEST OF TED D. AMOX ON THIS _____ DAY OF _____ 2011, AT _____ M. IN BOOK _____ OF SURVEY MAP'S AT PAGE _____ THEREOF.

WITNESS MY HAND AND OFFICIAL SEAL THE DAY AND YEAR ABOVE WRITTEN

see sheet one

COCHISE COUNTY RECORDER DEPUTY COUNTY RECORDER

AMENDING NOTE:

ATTENTION IS DIRECTED TO THE FACT THAT SURVEY BOOK 45, PAGES 43, 43A, AND 43B CONTAIN SCRIVENER'S ERRORS, AND ARE HEREBY CORRECTED ON THESE 3 MAP SHEETS AS FOLLOWS:

CORRECTIONS ARE LABELED WITH AN ASTERISK.

1. CHANGE L444 TO "N11°46'00"E, 278.86' ".
2. ADD "C3 TO ALL 10.00' RADIUS CURVES, UNLESS SHOWN OTHERWISE HEREON".
3. CHANGE L220 TO A DISTANCE OF "88.55' ".
4. CHANGE L225 TO "S33°19'00"E, 84.31' ".
5. CHANGE C5 TO "DELTA=32°02'18", R=245.00', L=137.00' ".
6. CHANGE L207 TO A DISTANCE OF "365.20' ".
7. CHANGE L330 TO "S46°37'54"W, 289.44' ".
8. CHANGE L358 TO "N83°24'06"W, 121.73' ".
9. ADD L445, S01°14'22"E, 15.74'.
10. ADD L446, S01°14'22"E, 32.82'.
11. ADD C38, DELTA=02°24'17" R=180.00', L=7.55'
12. CHANGE L169 TO "N52°18'21"E, 350.55' ".
13. PLOT LABEL C7 BETWEEN L128 AND L130.
14. ADD L447, S45°42'50"W, 45.40' LYING SW OF C29
15. CHANGE L129 TO "S45°42'50"W, 305.34' ".
16. CHANGE L108 TO "S37°52'55"E, 350.75' ".

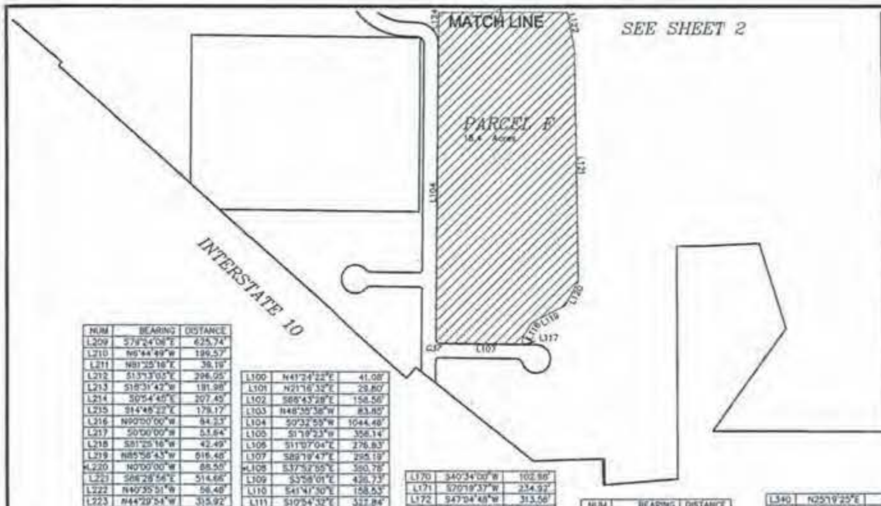
-200 0 200 400 600
GRAPHIC SCALE-FEET
1"=200'

AMOX LAND SURVEYORS P.L.L.C.
529-E Ft. Huachuca Blvd., Sierra Vista, AZ 85635

JOB No.: 11128 DATE: MAR 2011
DRAWN BY: TA REVISED BY: TA

SHEET 2 OF 3
SURVEY BOOK PAGE

Survey 2011-06612 BK 45 Pg 85A



NUM	BEARING	DISTANCE
L209	S79°24'06"E	625.74'
L210	N6°44'49"W	199.57'
L211	N81°25'16"E	39.19'
L212	S13°13'03"E	296.95'
L213	S18°31'42"W	191.98'
L214	S0°54'45"E	207.45'
L215	S14°48'22"E	179.17'
L216	N90°00'00"W	84.23'
L217	S0°00'00"W	53.64'
L218	S81°25'16"W	42.49'
L219	N85°58'43"W	616.48'
*L220	N0°00'00"W	88.55'
L221	S88°28'56"E	514.66'
L222	N40°35'51"W	58.40'
L223	N44°29'54"W	315.92'
L224	N45°07'47"W	154.73'
*L225	S33°19'00"E	64.31'
L226	N52°55'13"E	136.80'
L227	S50°03'34"W	46.78'
L228	S39°28'09"W	90.93'
L229	S72°07'55"W	51.48'
L230	N62°42'00"W	42.22'
L231	N88°13'09"W	48.33'
L232	S82°31'51"W	47.30'
L233	N68°58'25"W	122.11'
L234	S73°11'45"W	95.08'
L235	S28°51'01"W	83.04'
L236	N37°57'18"W	862.75'
L237	S11°29'36"W	212.67'
L238	S83°28'25"W	185.70'
L239	S45°29'01"W	436.75'
L240	S1°16'57"E	184.49'
L241	N0°00'00"E	227.72'
L242	N41°13'21"W	21.94'
L243	N5°27'21"W	71.32'
L244	N42°35'10"E	825.14'
L245	N9°22'36"W	112.36'
L246	N38°32'28"W	237.14'
L247	S75°52'08"W	116.18'
L248	S50°34'32"W	498.93'
L249	N83°29'53"W	255.96'
L250	N58°01'34"W	865.25'
L251	S31°05'25"W	61.24'
L252	S48°13'29"E	35.23'
L253	S48°18'29"W	34.19'
L254	S84°54'03"W	148.61'
L255	S13°27'38"W	131.81'
L256	S65°22'23"E	158.41'
L257	S62°31'01"W	129.51'
L258	S80°04'32"W	142.98'
L259	N80°04'32"E	128.86'
L260	S3°45'32"E	83.61'
L261	S56°11'39"E	527.24'
L262	N40°45'02"E	265.08'
L263	N47°29'00"W	449.81'
L264	N35°42'07"W	237.33'
L265	N48°18'29"E	38.18'
L266	S47°05'59"E	899.10'
L267	S67°41'53"E	256.52'
L268	N86°09'29"E	249.59'
L269	N65°23'49"E	280.19'
L270	N48°55'05"E	381.49'
L271	S44°35'51"E	56.12'
L272	S35°21'15"W	370.75'
L273	N86°53'18"W	236.74'
L274	S48°44'50"W	49.11'
L275	S18°32'21"E	43.95'
L276	S36°53'14"W	50.12'
L277	N40°35'51"W	390.49'
L278	S61°09'37"W	85.76'
L279	N84°39'35"W	437.84'
L280	N5°20'25"E	80.00'
L281	N0°05'57"E	882.60'
L282	S68°13'29"E	49.18'
L283	N41°31'16"W	82.84'

L100	N41°24'22"E	41.08'
L101	N21°16'32"E	29.80'
L102	S88°43'28"E	158.56'
L103	N48°35'38"W	83.65'
L104	S0°32'55"W	1044.48'
L105	S1°19'23"W	356.14'
L106	S11°07'04"E	276.83'
L107	S89°19'47"E	295.19'
*L108	S37°52'55"E	350.78'
L109	S3°58'01"E	426.73'
L110	S41°41'30"E	158.53'
L111	S10°54'32"E	327.84'
L112	N90°00'00"W	78.29'
L113	N30°15'48"W	199.06'
L114	N48°23'53"W	273.83'
L115	S49°14'43"W	102.35'
L116	N1°19'23"E	289.43'
L117	N0°40'13"E	26.56'
L118	N33°10'27"E	58.92'
L119	N62°30'08"E	131.33'
L120	N28°15'14"E	95.47'
L121	N0°45'02"W	819.40'
L122	N11°07'04"W	179.87'
L123	S34°01'34"E	130.27'
L124	N0°57'23"E	199.06'
L125	N83°28'25"E	59.07'
L126	S4°24'06"E	27.74'
L127	N21°16'32"E	216.11'
L128	S21°04'24"W	61.10'
L129	S45°42'50"W	305.34'
L130	S68°13'29"E	106.16'
L131	S53°18'10"W	320.89'
L132	S53°18'10"W	250.18'
L133	N41°24'22"E	233.73'
L134	N41°24'22"E	122.65'
L135	N48°35'38"W	83.65'
L136	S52°18'04"W	148.70'
L137	S67°17'40"W	225.33'
L138	S36°14'37"W	228.05'
L139	S72°42'57"W	168.31'
L140	S30°27'51"W	311.34'
L141	S58°58'00"W	90.08'
L142	S81°48'06"W	128.99'
L143	N89°38'40"W	73.63'
L144	N89°06'14"W	15.17'
L145	N23°27'06"E	59.31'
L146	N6°02'41"E	65.60'
L147	N73°00'32"E	246.21'
L148	N16°59'28"W	161.35'
L149	S85°24'46"W	307.96'
L150	N0°45'58"W	142.35'
L151	S0°45'58"E	149.09'
L152	S18°40'06"E	76.77'
L153	S78°53'17"E	28.05'
L154	N33°35'10"E	34.35'
L155	S86°32'40"E	13.60'
L156	S46°58'35"E	12.11'
L157	S6°02'41"W	64.01'
L158	S23°27'06"W	64.58'
L159	N89°06'14"W	50.85'
L160	S44°18'04"W	161.03'
L161	S54°27'52"E	142.57'
L162	N60°37'58"E	406.33'
L163	S81°51'26"E	93.67'
L164	N12°21'33"E	95.34'
L165	N46°04'11"E	419.57'
L166	S33°34'49"E	60.33'
L167	S14°04'24"W	30.54'
L168	S15°13'42"W	280.04'
L169	S46°03'43"W	97.64'

L170	S40°34'00"W	102.98'
L171	S70°19'37"W	234.97'
L172	S47°04'48"W	313.56'
L173	S58°47'51"W	73.30'
L174	S87°18'25"W	34.43'
L175	S83°08'39"W	93.03'
L176	S55°25'07"W	297.57'
L177	S13°51'33"E	36.67'
L178	S65°18'32"E	103.39'
L179	S75°50'26"E	59.65'
L180	S39°10'34"E	52.15'
L181	S32°26'11"W	80.88'
L182	S13°48'56"E	48.30'
L183	S47°10'48"E	124.06'
L184	N57°00'14"E	89.33'
L185	N73°30'33"E	393.58'
L186	N2°16'28"W	29.48'
L187	N2°16'28"W	95.02'
L188	N58°08'49"E	257.69'
*L189	N52°18'21"E	350.58'
L190	S74°47'19"W	169.52'
L191	S79°24'41"W	93.46'
L192	S85°31'57"W	35.78'
L193	N78°29'15"W	43.40'
L195	S48°22'42"W	195.44'
L199	S23°43'02"W	64.09'
L200	S54°29'16"W	58.54'
L201	S56°08'12"W	163.57'
L202	S75°50'26"E	48.29'
L203	S39°10'34"E	87.15'
L204	N65°12'23"E	204.75'
L205	S51°45'25"E	85.13'
L206	N42°18'06"E	319.57'
*L207	S45°42'50"W	385.20'
L208	N52°21'29"E	194.88'

NUM	BEARING	DISTANCE
L284	N62°30'00"E	50.00'
L285	N62°30'00"E	115.08'
L286	N56°14'42"W	200.30'
L287	N27°30'00"W	8.38'
L288	N27°30'00"W	8.38'
L289	N62°30'00"E	114.86'
L290	N89°32'25"W	53.29'
L291	N1°22'32"W	104.70'
L292	N1°22'32"W	104.70'
L293	S18°45'18"W	29.44'
L294	S18°45'18"W	13.36'
L295	N56°14'42"W	93.87'
L296	N18°45'38"E	100.00'
L297	N18°45'38"E	100.00'
L298	N1°14'22"W	48.56'
L299	N1°14'22"W	48.56'
L300	S88°45'38"W	40.00'
L301	N48°28'12"W	218.95'
L302	S86°52'38"E	44.47'
L303	N68°34'24"E	41.63'
L304	N32°28'13"E	34.83'
L305	N12°40'53"E	109.01'
L306	N25°29'54"W	243.96'
L307	N23°28'39"W	236.56'
L308	N21°48'02"W	214.89'
L309	N48°28'12"W	251.65'
L310	N81°03'17"W	81.31'
L311	N54°09'16"W	36.39'
L312	N22°31'14"W	199.13'
L313	N56°11'53"W	79.64'
L314	N35°03'04"W	44.53'
L315	N2°58'34"W	183.63'
L316	N24°18'50"W	102.16'
L317	N1°41'05"E	57.23'
L318	N25°44'27"E	89.73'
L319	N14°08'39"W	202.42'
L320	N2°44'12"E	89.27'
L321	N16°46'31"W	202.08'
L322	N20°54'46"W	181.31'
L323	N35°42'24"W	94.95'
L324	N89°24'37"W	30.86'
L325	S31°30'55"W	160.28'
L326	S53°51'56"W	61.28'
L327	S84°58'01"W	92.13'
L328	S66°46'52"W	31.28'
L329	S63°42'20"W	266.22'
*L330	N46°13'54"E	289.44'
L331	N63°32'38"E	724.33'
L332	S86°02'15"E	33.14'
L333	S36°42'51"E	41.28'
L334	S14°54'48"E	61.55'
L335	S17°14'34"W	49.08'
L336	S49°24'07"W	54.08'
L337	S70°02'55"W	77.06'
L338	S45°28'31"E	24.64'
L339	N40°39'47"E	244.40'

L340	N25°19'25"E	152.23'
L341	N48°05'44"E	278.47'
L342	N59°57'18"E	94.07'
L343	N86°49'48"E	453.87'
L344	S0°00'00"W	133.44'
L345	N66°48'52"E	45.89'
L346	N84°58'01"E	89.77'
L347	N53°51'56"E	51.76'
L348	N31°30'55"E	167.64'
L349	N64°56'36"E	357.46'
L350	N28°50'02"E	137.42'
L351		
L352	N52°28'19"E	295.65'
L353	S46°23'04"E	142.20'
L354	S17°21'37"E	59.55'
L355	S4°52'34"E	129.65'
L356	S25°20'15"E	194.23'
L357	N8°07'16"W	169.04'
*L358	N83°24'06"W	121.73'
L359	N32°22'04"E	271.25'
L360	S86°12'25"W	182.07'
L361	N81°40'52"W	126.60'
L362	S80°53'25"W	283.53'
L363	S0°00'00"W	25.10'
L364	S89°24'37"E	165.39'
L365	N38°39'58"E	243.88'
L366	S48°49'30"W	177.39'
L367	S10°01'12"W	212.44'
L368	S45°46'19"W	182.75'
L369	N50°25'21"W	108.71'
L370	S0°06'32"E	211.46'
L371	S89°19'01"E	86.80'
L372	S27°14'41"W	347.55'
L373	N62°30'00"E	299.93'
L374	N56°14'42"W	194.22'
L375	N89°36'04"W	394.04'
L376	S0°06'40"E	334.01'
L377	S89°38'04"E	703.02'
L378	S19°19'45"E	321.77'
L379	S5°41'59"W	230.97'
L380	S0°06'32"E	737.34'
L381	S89°19'01"E	86.11'
L382	N66°29'02"W	93.42'
L383	N18°40'44"W	104.79'
L384	N32°41'47"W	220.31'

NUM	DELTA	ARC	RADIUS
C1	28°10'59"	86.08'	175.00'
C2	28°10'59"	110.67'	225.00'
*C3	90°00'00"	15.71'	10.00'
C4	90°00'00"	15.71'	10.00'
*C5	32°02'19"	137.00'	245.00'
C6	24°38'26"	75.28'	175.00'
*C7	90°42'07"	15.83'	10.00'
C8	20°07'50"	61.49'	175.00'
C9	90°00'00"	15.71'	10.00'
C10	90°00'00"	15.71'	10.00'
C11	90°00'00"	15.71'	10.00'
C12	11°51'48"	36.23'	175.00'
C13	11°51'48"	46.59'	225.00'
C14	70°31'44"	30.77'	25.00'
C15	70°02'51"	30.56'	25.00'
C16	89°52'41"	15.69'	10.00'
C17	61°15'18"	240.55'	225.00'
C18	61°15'18"	187.09'	175.00'
C19	20°07'50"	63.24'	180.00'
C20	20°07'50"	77.30'	220.00'
C21	75°00'00"	13.09'	10.00'
C22	105°00'00"	18.33'	10.00'
C23	20°08'10"	63.26'	180.00'
C24	20°08'10"	77.32'	220.00'
C25	20°00'00"	76.79'	220.00'
C26	20°00'00"	62.83'	180.00'
C27	25°40'38"	78.43'	175.00'
C28	63°49'23"	194.94'	175.00'
C29	24°38'26"	96.78'	225.00'
C30	20°07'50"	79.08'	225.00'
C31	38°56'33"	152.93'	225.00'
C32	100°53'42"	96.85'	55.00'
C33	22°54'30"	59.97'	150.00'
C34	62°30'01"	54.54'	50.00'
C35	44°39'37"	81.84'	105.00'
C36	135°08'41"	117.89'	50.00'
C37	89°52'41"	15.69'	10.00'
*C38	02°24'17"	7.55'	180.00'

NUM	BEARING	DISTANCE
L385	N89°43'37"W	737.37'
L386	N0°00'00"E	68.41'
L387	S48°18'07"E	133.93'
L388	S22°33'26"E	78.94'
L389	S11°18'36"W	80.07'
L390	S35°55'00"W	128.11'
L391	S5°34'20"W	69.31'
L392	S19°38'49"W	63.72'
L393	S37°38'02"W	264.14'
L394	S14°57'13"W	93.46'
L395	S31°28'22"W	324.83'
L396	S21°58'02"W	71.96'
L397	S31°12'10"W	161.29'
L398	S5°26'25"W	106.47'
L399	N13°54'51"W	109.85'
L400	N9°32'49"E	77.59'
L401	N35°59'11"E	271.84'
L402	N89°38'04"W	98.34'
L403	S16°42'15"W	257.69'
L404	S18°12'52"E	229.01'
L405	S0°55'54"W	179.58'
L406	S56°58'52"E	545.95'
L407	S89°38'04"E	60.00'
L408	N23°22'20"E	614.56'
L409	S52°42'55"W	144.81'
L410	N20°07'03"E	95.37'
L411	N15°54'51"W	83.13'
L412	N23°46'59"E	112.11'
L413	S73°05'23"E	72.36'
L414	N0°30'56"E	507.06'
L415	N81°23'43"E	350.00'
L416	N0°21'56"E	160.51'
L417	N89°38'04"W	648.42'
L418	S3°00'00"W	205.21'
L419	S0°04'59"E	81.83'
L420	N8°58'09"E	221.02'
L421	N8°58'09"E	217.19'
L422	S3°00'00"W	194.89'
L423	S0°04'59"E	90.47'
L424	S46°47'55"E	116.04'
L425	S46°47'55"E	117.39'
L426	S89°43'37"E	895.12'
L427	S70°09'59"E	328.03'
L428	N48°41'38"W	76.53'
L429	N77°22'03"W	44.83'
L430	S87°37'50"W	129.80'
L431	S88°18'15"W	134.06'
L432	N24°14'57"W	68.63'
L433	N89°42'44"E	109.56'
L434	N63°45'06"E	277.07'
L435	N1°21'07"E	137.77'
L436	S77°31'34"E	35.74'
L437	S46°41'36"E	62.50'
L438	S0°00'15"E	269.17'
L439	S89°32'35"E	45.79'
L440	N89°32'25"W	17.96'
L440	N55°09'56"E	21.15'
L441	S21°53'13"E	108.05'
L442	S08°25'48"E	601.03'
L443	S11°07'04"E	286.87'
*L444	N11°46'00"E	278.88'
*L445	S01°14'22"E	15.74'
*L446	S01°14'22"E	32.82'
*L447	S45°42'50"W	45.40'

AMENDED

RECORD OF SURVEY

SEE SHEET 1 FOR BOUNDARY DATA AND LEGEND REGARDING MONUMENTATION

TOTAL AREA = 128.1 ACRES, MORE OR LESS

GOLF COURSE FACILITIES

INGRESS, EGRESS, & UTILITIES EASEMENT

I HEREBY CERTIFY THAT THIS PLAT CONSISTING OF 1 SHEET(S) REPRESENTS A SURVEY MADE UNDER MY DIRECTION AND THAT THE PROPERTY CORNERS AND SURVEY MONUMENTS ACTUALLY EXIST AS SHOWN HEREON.

TED D. AMOX, REGISTERED LAND SURVEYOR NO. 19315

REGISTERED LAND SURVEYOR 19315 TED D. AMOX EXPIRES 3/31/11

PARCEL DESIGNATION NOTE:

ONE DESIGNATION IS ASSIGNED TO AREAS JOINED BY FEE TITLE OWNERSHIP OF CART PATHS. SEPARATE DESIGNATIONS ARE ASSIGNED TO AREAS JOINED BY GOLF CART EASEMENTS.

AMENDING NOTE:

ATTENTION IS DIRECTED TO THE FACT THAT SURVEY BOOK 45, PAGES 43, 43A, AND 43B CONTAIN SCRIVENER'S ERRORS, AND ARE HEREBY CORRECTED ON THESE 3 MAP SHEETS AS FOLLOWS:

CORRECTIONS ARE LABELED WITH AN ASTERISK.

1. CHANGE L444 TO "N11°46'00"E, 278.88' ".
2. ADD "C3 TO ALL 10.00' RADIUS CURVES, UNLESS SHOWN OTHERWISE HEREON".
3. CHANGE L220 TO A DISTANCE OF "88.55' ".
4. CHANGE L225 TO "S33°19'00"E, 64.31' ".
5. CHANGE C5 TO "DELTA=32°02'19", R=245.00', L=137.00' ".
6. CHANGE L207 TO A DISTANCE OF "385.20' ".
7. CHANGE L330 TO "S46°13'54"W, 289.44' ".
8. CHANGE L358 TO "N83°24'06"W, 121.73' ".
9. ADD L445, S01°14'22"E, 15.74'.
10. ADD L446, S01°14'22"E, 32.82'.
11. ADD C38, DELTA=02°24'17" R=180.00', L=7.55'
12. CHANGE L189 TO "N52°18'21"E, 350.58' ".
13. PLOT LABEL C7 BETWEEN L128 AND L130.
14. ADD L447, S45°42'50"W, 45.40' LYING SW OF C29
15. CHANGE L129 TO "S45°42'50"W, 305.34' ".
16. CHANGE L108 TO "S37°52'55"E, 350.78' ".

RECORDING DATA

STATE OF ARIZONA } SS
COUNTY OF COCHISE

FILED FOR RECORD AT THE REQUEST OF TED D. AMOX ON THIS_____ DAY OF _____ 2011, AT ____ M. IN BOOK _____ OF SURVEY MAPS AT PAGE ____ THEREOF.

WITNESS MY HAND AND OFFICIAL SEAL THE DAY AND YEAR ABOVE WRITTEN.

see sheet 1

COCHISE COUNTY RECORDER — DEPUTY COUNTY RECORDER

AMOX LAND SURVEYORS P.L.L.C.

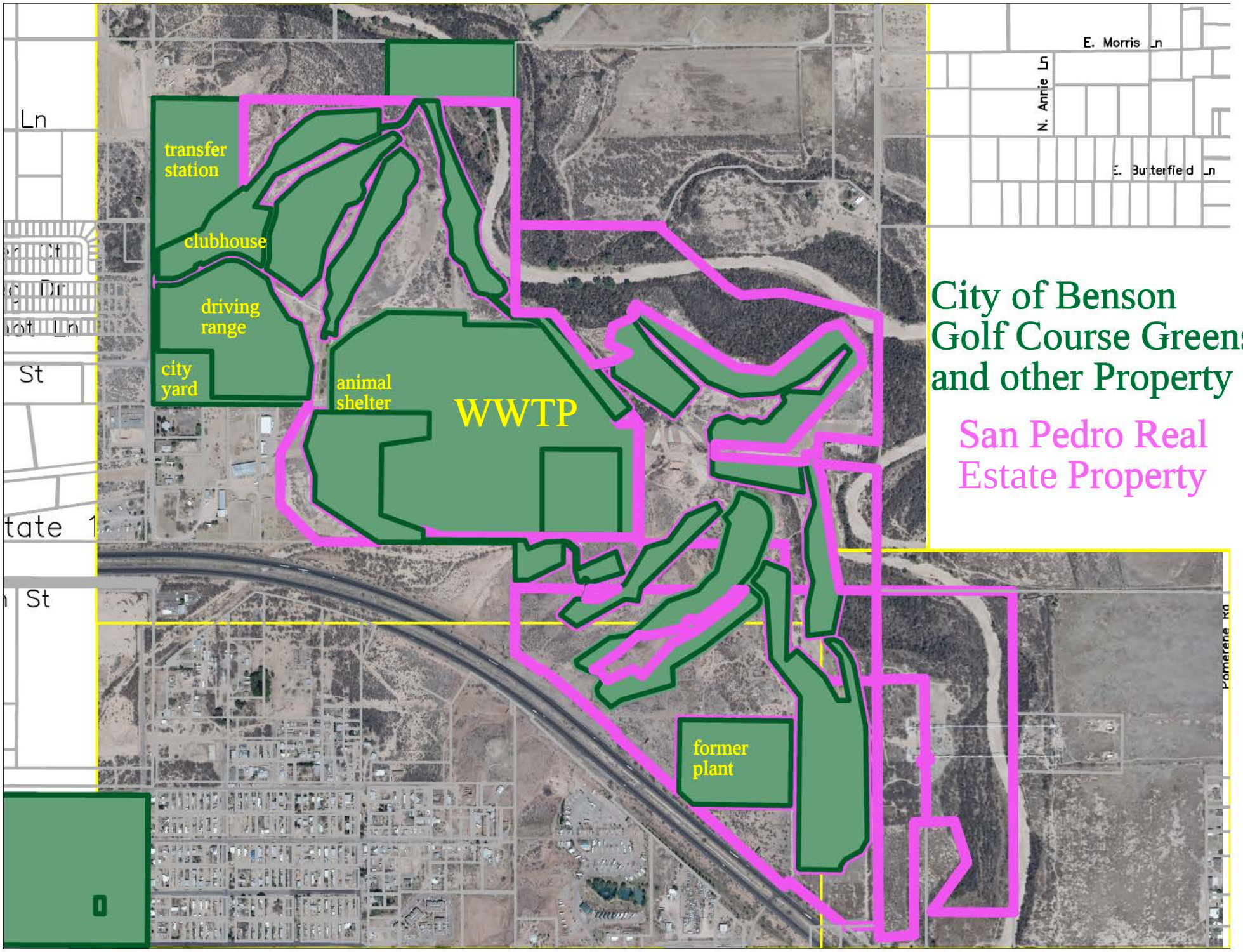
JOB No.: 10128 DATE: MAR 2011

DRAWN BY: TA REVISED BY: TA

SHEET 3 OF 3

SURVEY BOOK 45 PAGE 85B

Survey 2011-06612


City of Benson
Golf Course Greens
and other Property
San Pedro Real
Estate Property
transfer
station
clubhouse
driving
range
city
yard
animal
shelter
WWTP
former
plant
E. Morris Ln
N. Annie Ln
E. Butterfield Ln
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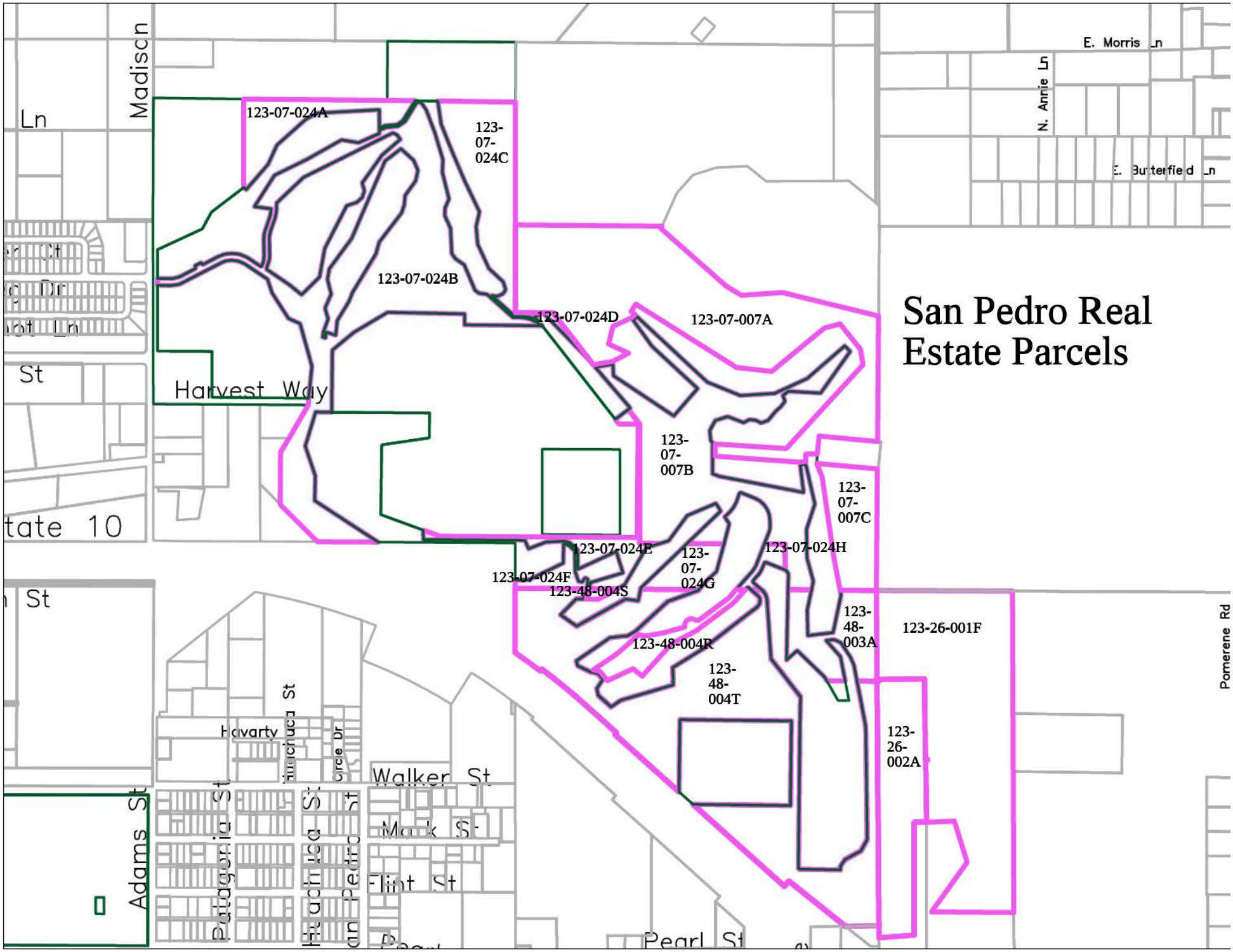
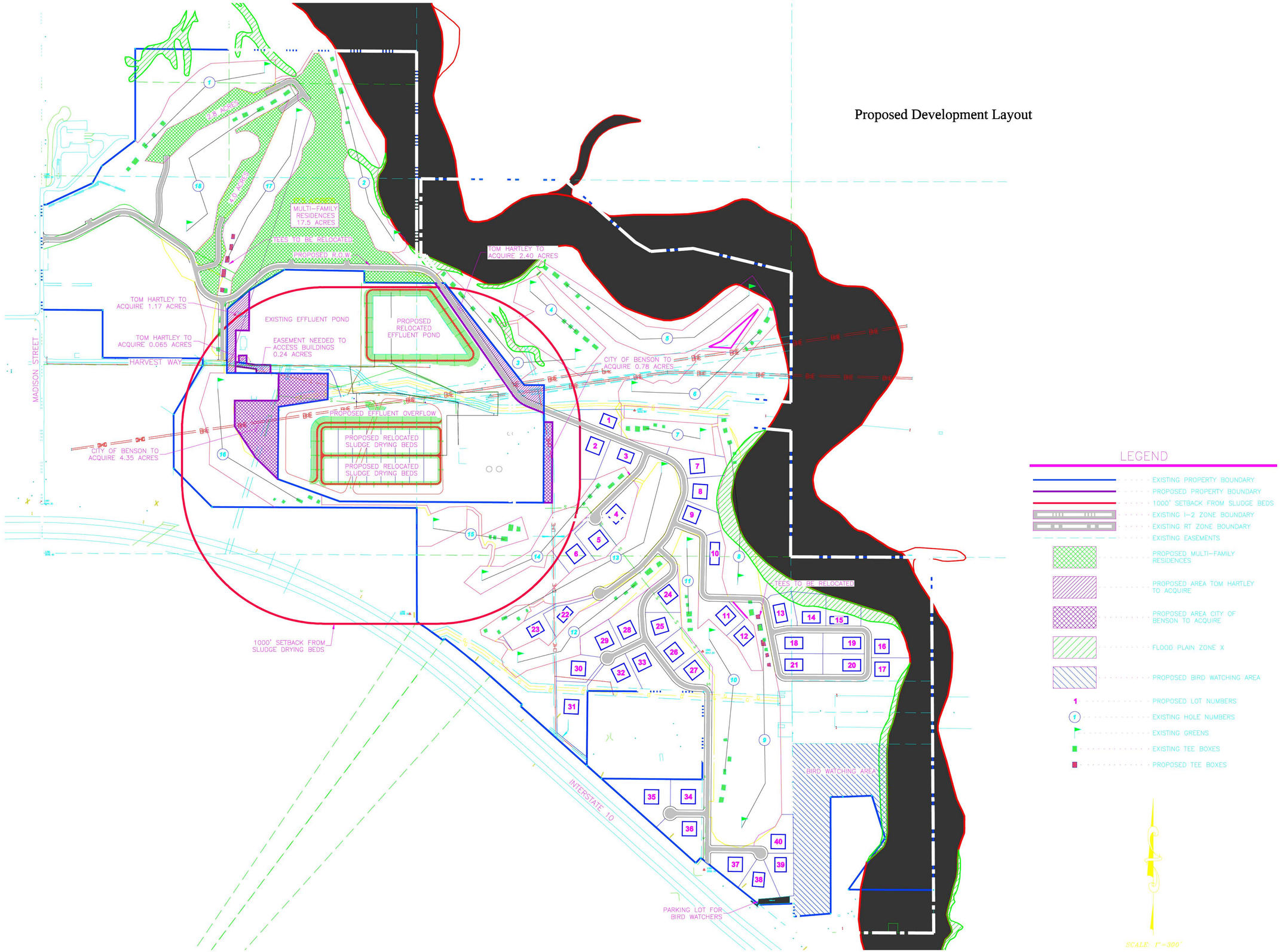
San Pedro Real Estate Parcels



Proposed Development Layout



REVISIONS
07-26-10 REVISED ACREAGE

TOM HARTLEY

TRUELINE ENGINEERING
CIVIL ■ SURVEYING ■ MATERIALS
P: 928-425-1604 F: 928-425-1578
609 SOUTH FIFTH AVENUE SAFFORD, AZ 85546

PROPOSED DEVELOPMENT AND SEWER PLANT REVISIONS EXHIBIT

22202
W. GREG
LORANG
EXPIRES 6/30/12

DATE: JULY 2010
JOB No.: 09015-THS
DRAWN BY: CLF
UPDATED BY: CLF

SHEET
1 OF 1

George Scott introduced himself as the representative for San Pedro Real Estate LLC. Owned by Tom Hartley (Golden, CO) San Pedro Real Estate LLC owns the property surrounding the golf greens. Mr. Scott explained that Tom Hartley developed the golf course in the early aughts and gave the golf course greens to the city in late 2010 but retained the land between and around the greens with the goal of residential development.

Mr. Scott explained that the golf course and surrounding land are currently zoned I-2, Heavy Industrial and they are requesting two different zoning districts. The multi-family R-2 zoning district is being requested for the northern area of the golf course (approximately 27 acres) and the single family R-1-43 zoning district is being requested for the southern area of the golf course. Mr. Scott estimated that the proposed R-2 area could hold up to 500 multi-family units with 40 1-acre parcels in the proposed single family area. He further explained that one reason to support this rezoning is to create a new home product in town, specifically condominiums and townhouses. He also stated his hope to increase the property tax base.

When asked about access to the parcels between greens, Mr. Scott replied that roads will be designed at the subdivision stage. He further noted that approximately 100 acres adjacent to the river are not practical for residential development so another type of user, such as a conservancy group, will keep that land undevelopable. He noted that the rezoning will be conditioned on the preservation of that acreage.

Neighboring resident Kevin Dirksen noted that the entire area floods when it rains. When asked if this is a good thing for Benson, Mr. Scott replied that the concept is to provide options for smaller housing with minimal yard and golf course living. When asked about a timeframe if all approvals are given, Mr. Scott acknowledged that he wasn't aware of Mr. Hartley's timeline. He acknowledged that rezoning is just the first step and a final layout based on housing product has not yet occurred. He did state that the final layout will probably be fewer dwelling units than the 300-500 multi-family unit and the 40 1-acre parcels shown.

Kevin Dirksen voiced his opposition to the project, commenting that he lives out there because it was private, with only one near neighbor, and had limited access by others via the one lane tunnel. He said the industrial zoning protected the land because the likelihood of an industrial use was slim to none. When asked about access via the tunnel, Mr. Scott noted that ADOT would need to be consulted.

Mr. Scott closed the meeting by offering to take interested parties to see the land or provide them with Tom Hartley's contact information.

CITIZEN REVIEW SESSION REGARDING: Rezoning, properties around golf course
March 24, 2016
7:00 P.M.
BENSON CITY HALL, 120 WEST SIXTH STREET, BENSON, AZ 85602

NAME	ADDRESS	PHONE
Deb Braatz	600 E. Saguaro Dr #92	608-385-7759
Kevin Dirksen	895 E Pearl	520 227 0446

PLANNING AND ZONING MINUTES
MINUTES OF THE BENSON PLANNING AND ZONING COMMISSION
April 12, 2016

1. CALL TO ORDER-Vice Chair Randy Robichaud called the meeting to order at 7:01pm.

2. PLEDGE-Vice Chair Randy Robichaud led the pledge.

3. ROLL CALL-Randy Robichaud, Barbara Thompson, Jim Thelander, Andrew Abernathy and Debbie Braatz (telephonically) were present. Cliff Deane was absent. A quorum was present.

4. CALL TO PUBLIC-There was no answer to the call.

5. APPROVAL OF MINUTES
March 8, 2016
Commissioner Andrew Abernathy motioned to approve the minutes. Commissioner Jim Thelander seconded. Motion passed 5-0.

6. PUBLIC HEARING regarding the application to rezone multiple parcels surrounding the San Pedro Golf Course greens from I-2 Heavy Industrial to R-1-43 and R-2 Residential

Vice Chair Randy Robichaud opened the Public Hearing at 7:03pm.

Kathy Glidewell introduced herself, asking if anyone present would want to live next to a sewer plant or trash dump. She stated that it is not a good idea to rezone and the existing heavy industrial zoning is a barrier to people living next to these hazardous items. She also questioned whether fire and police would be able to serve the additional population and if any hydrological studies were available. Ms. Glidewell stated that the proposed buildings and population would require the sewer treatment plant to be enlarged with 3 sludge drying fields; she then reiterated her question of who would want to live in such an area and suggested that the development will become a slum, using the example of a golf course in Red Rock, AZ that became a "dump" due to overpopulation. She noted that this example didn't even start with a poor location next to a sewer treatment plant. Ms. Glidewell further questioned how this proposal would affect wildlife and migratory birds that use the river corridor, stating that she can sit in her yard and watch birds but habit reduction will result in animal reduction. Ms. Glidewell readdressed her concern about water, noting that she has two wells, one of which only runs part time and the other has dropped significantly. She stated she would like to see these issues addressed prior to rezoning.

Kevin Dirksen introduced himself and questioned why anyone would build condos between a sewer plant and a transfer station. He stated that the area proposed for condos used to be a landfill and that there are significant fissures across the entire property. He further pointed out that the golf course clubhouse pad was compacted when it was built, but still needed to be stabilized and jacked up several years later. Mr. Dirksen suggested that they city would be responsible, knowing about the soil conditions ahead of time. Mr. Dirksen also questioned why the drying beds would be moved when the city is just finishing paying off the treatment plant construction. He commented that moving the ponds will affect I-10 travel and the smell will

cross I-10 into town. He then asked if the existing utility lines across the property had been considered, stating the heavy industrial zoning protects the utilities. Mr. Dirksen then asked if the animal shelter would be relocated if people started complaining about the noise. He also questioned if the sewer treatment plant would have enough room to expand as Benson grows. He concluded by stating that he lives in the area for the rural location and already has a golf course with overgrown mesquites that the city won't cut down.

Charles Gregory introduced himself as the executor of his mother Patricia Gregory's estate. He stated that his family purchased the property north of I-10 in the late 1970. He commented that he's aware the golf course is failing and the desire to bring people to it is understandable. Mr. Gregory stated that he and his family spent many years mowing their property and Mr. Hartley never mowed his acreage, which may have contributed to his mother's death since she had COPD. He then stated that he agreed with Kevin Dirksen about the land falling apart and sinking, especially since the Farnsworth family stopped farming. Mr. Gregory stated that the golf course does need something to help it financially, but he doesn't believe this development is the correct option because the city has had history with Mr. Hartley before. He concluded by asking to be notified of any additional meetings.

Patricia Gerrodette introduced herself, commenting that she is familiar with the desire to put housing near a golf course, generally premium housing. She stated that she has never seen residential uses next to a sewer treatment plant and sludge drying beds and that she can't image it would be a popular location. Ms. Gerrodette stated the plan is a general concept but doesn't have enough specifics this early in the process to approve a rezoning without more information. She noted that approving a rezoning entitles the property owner. She further stated that information on water impact demands was missing and the industrial zoning may have had an effect on water allotment, though she wasn't sure how. Ms. Gerrodette concluded by stating that more information was needed and asking the Commission to vote no.

Dave Thompson introduced himself and emphatically stated he objects to outsiders directing how Benson lives and how Benson does it. He stated that they don't think about the future and that Benson needs development and economic help. He commented that some people speaking have no idea what they are talking about, noting that Hartley had made plans to relocate the sewer beds. Mr Thompson concluded by saying he's not saying the project is right or wrong or that the rezoning should be approved or not, but that people who don't know what's going on shouldn't talk.

George Scott introduced himself and stated he was in support of the project. He stated the property where the golf course is located used to belong to his family and the Haas family back in the 1940s. He stated his dad gave the property to the city in the late 1970s or early 1980s and Hartley leased the land when he was building the golf course. Mr. Scott stated that development would increase the value of the golf course and as there has been talk about the city deciding whether to keep or sell it, the rezoning and housing entitlement would hopefully increase the golf course's value. He stated this project was started in the early 2000s when Mr. Hartley created a nice course and the rezoning will only make the land move valuable. Mr. Scott concluded by asking the Commission to vote in favor of the rezoning.

The Public Hearing closed at 7:22pm.

7. OLD BUSINESS-None

8. NEW BUSINESS

Application to rezone multiple parcels surrounding the San Pedro Golf Course greens from I-2 Heavy Industrial to R-1-43 and R-2 Residential

Tom Hartley introduced himself as the original developer of the golf course back in 2001. He acknowledged that he has a history with the city, including legal issues stemming from lack of water to the golf course, but claimed that history is not applicable to the present. He stated that all the issues brought up have already been under discussion with the city, commenting that the relocation of the sludge ponds will double capacity and that police and fire have already been talked to regarding their services. He noted that water, sewer and gas are already on site so requires limited offsite development.

In response to the concerns about marketability of the units, Mr. Hartley stated that he expects the development to be blue collar and they are not attempting to get the wealthy people of the country but rather the retired firefighters. He estimated they could sell a condo for less than half the price of a class A motorhome. Mr. Hartley stated he has spent quite a bit of money in Benson and wants to create a market since there is not a condo project within 30 miles. He noted a condo is ideal for someone who wants to own a place without a yard for around $150,000.

Mr. Hartley that sewer issues have been mitigated by relocating the ponds approximately 300 yards to keep them 1000' from the residential parcels. He noted that there is sometimes a little odor but that it will continue to blow east. He noted that the concentration of homes will be northward, by the golf clubhouse and since most of the sewer plant is underground, it shouldn't cause a visual impact.

Mr. Hartley stated that the City's own zoning regulations easily allow him 300-500 condos and that he can fit 40 individual home site parcels. He further stated that he does not intend to develop along the San Pedro River since it is mostly floodplain and that land doesn't have use to him as it can't have housing, so would like to give that land to an organization like the Nature Conservancy. Mr. Hartley commented that he agreed to loan the birding trail land to the city years ago and that he'd have to provide a year's notice if he wanted to reclaim the land, but the City never took advantage of his offer after they paved the parking lot and cut trails.

Mr. Hartley acknowledged that some land swaps under discussion back in 2011 never occurred, though he accidently gave away 14 acres to the city when he gave the city the golf course greens, and did not get anything in return. (NOTE: Maps in staff possession indicate 4 acres, not 14 as Mr. Hartley stated.) He noted that he is still trying to figure out how that happened, commenting that the city did not create the error. Mr. Hartley stated he and the city are attempting to complete the remaining land swaps in order for him to acquire the land he needs to construct a right-of-way to the 40 1-acre home sites. He acknowledge that he is willing to donate additional land to the city, in the vicinity of the birding trail, if additional acreage is required to even out the value of the swapped land.

Mr. Hartley stated that all development issues have been or will be addressed. He noted there are two access points to the development (near the clubhouse and near the animal shelter plus emergency access through the one-lane tunnel at Pearl Street. He also acknowledged that soils testing will be required for any construction. Mr. Hartley stated the former landfill is now the driving range, not the proposed location for the condos, but he did comment that the entire property seemed to be a viewed as a trash dump because many trucks of trash were hauled off when the golf course was first developed. Mr. Harley closed his statements by noting that he wouldn't be spending his time and money if he didn't think the project had value.

Commissioner Debbie Braatz commented that she was at the Citizen Review Session and asked about timeframe from ADEQ to move the sewer treatment plant beds. Mr. Hartley responded that he already had the ADEQ permit to move the beds and that the permit is valid for the life of the facility. Planner Michelle Johnson interjected that the permission to move the beds granted be ADEQ is valid for the life of the facility but engineering renewals are required every 5 years to ensure the project can still be completed as designed. Commissioner Debbie Braatz when asked about necessity of the land swap, to which Mr. Hartley responded that the land he is requesting is needed for right-of-way and for the pond relocation.

Commissioner Andrew Abernathy had no questions.

Commissioner Barbara Thompson asked if the tunnel under I-10 would be widened to meet emergency access needs. Mr. Hartley stated the tunnel would not be widened because two other routes, via the clubhouse and animal shelter, would be used as the main access to the development. He reiterated that the tunnel would be an extra access.

Commissioner Jim Thelander expressed surprise that this concept of housing around the golf course has been around so long, stating this was the first he'd heard of it. He asked Mr. Hartley if plans were available to show where housing was proposed. Planner Michelle Johnson stated a proposed development map was included in their packets. Mr. Hartley explained the 40 individual lots would be in the southern area of the golf course which nearly 25 acres of land in the northern area around the clubhouse would be used for high density condos. He noted that water, gas and sewer are all nearby and available, though he wouldn't construct over any existing utilities. Commissioner Jim Thelander then commented that water service for homes is more than what the golf course receives and that he was uncertain if the city had sufficient water supply, to which Mr. Hartley responded that the public works director told him the city has capacity for additional water taps. Mr. Harley stated that moving the sewer beds would increase capacity at the treatment plant. Mr. Hartley further acknowledged that all infrastructure is at his cost, not the city's. Commissioner Jim Thelander asked if there is was anything other than gut feeling that these homes could be filled to which Mr. Hartley replied that there is no competition for a similar housing product and that he is willing to try to create the market, same as Vigneto is doing. Commissioner Jim Thelander questioned if anyone would purchase these homes without the opportunity for nearby employment. Mr. Hartley replied that he thinks this development will be for snowbirds, with maybe a 20% working local base and 80% being retired from other areas.

Vice Chair Randy Robichaud asked about the likelihood of families in the development, to which Mr. Hartley responded that he didn't think there would be families since it will be marketed toward retirees. Mr. Robichaud stated that is a family and clarified he question as to how many dwelling units are proposed. Mr. Hartley replied that several hundred are proposed, noting the mathematics of the zoning regulations allow far more dwellings than could fit onsite or would be likely to sell. He stated that he expected 40 1-acre home sites and several hundred condo units, perhaps in the 300-400 range. Mr. Hartley explained that he didn't pursue this project in its entirety while waiting for the General Plan to be adopted as well as for the ADEQ permit. He noted that he has been waiting for serval years but isn't aware of any new issues. Vice Chair Randy Robichaud confirmed that this is only a rezoning request, with subdivision and platting processes to follow, including infrastructure and water planning. Mr. Hartley confirmed that the city provides water service based on their allowance and drainage studies would be part of the infrastructure plans. Vice Chair Randy Robichaud asked Planner Michelle Johnson to point out other areas currently zoned Industrial, commenting that the city could afford to lose this block of industrially zoned land because there are other areas zoned industrial. Vice Chair Randy Robichaud stated he'd rather have residential than a factory

Commissioner Andrew Abernathy motioned to recommend approval of the rezoning to Mayor and Council subject to the suggested conditions. Commissioner Barbara Thompson seconded. Motion passed 5-0.

Commissioner Jim Thelander motioned to adjourn. Commissioner Barbara Thompson seconded. Motion passed 5-0 and the meeting adjourned at 7:58pm.

Planner Michelle Johnson explained that there are two property owners that are subject to this rezoning, San Pedro Real Estate, LLC who initiated the rezoning and the City of Benson who owns the golf course greens tucked within the San Pedro Real Estate property.

George Scott introduced himself as the representative for San Pedro Real Estate, LLC. San Pedro Real Estate, LLC (Tom Hartley) owns the property surrounding the golf greens. Mr. Scott explained that Tom Hartley developed the golf course in the early 2000s and gave the golf course greens to the city in late 2010 but retained the land between and around the greens with the goal of residential development.

Randy Robichaud asked what is different from the last citizen review session and public hearing a few months ago to which Mr. George Scott responded that land that was proposed to be swapped between the City and the Mr. Tom Hartley of San Pedro Real Estate, LLC is now NOT going to be swapped so the maps and legal descriptions needed to be corrected since the last meeting. Mr. Scott explained that Mr. Hartley no longer felt he needed the land next to the animal shelter and the city agreed to provide an easement for a road so that strip was no longer needed by Mr. Hartley either.

Mr. Scott explained that the golf course and surrounding land are currently zoned I-2, Heavy Industrial and they are requesting two different zoning districts. The multi-family R-2 zoning district is being requested for the northern area of the golf course (approximately 27 acres) and the single family R-1-43 zoning district is being requested for the southern area of the golf course. When asked by Debbie Braatz, Mr. Scott estimated that the proposed R-2 area could hold up to 500 multi-family units with 40 1-acre parcels in the proposed single family area. He further explained that one reason to support this rezoning is to create a new home product in town, specifically condominiums and townhouses. He also stated his hope to increase the property tax base. Mr. Scott had a map of the potential development available for viewing.

When asked about increased traffic on Harvest Way, Mr. Scott acknowledged that there will be traffic increases on Harvest Way when the single family residential area is constructed and occupied, but that most traffic would be along Darby and Madison to access the more dense multi-family housing to the north of the golf course. When shown where their house was in relation to the proposed entrances, neighbors to the southwest John and Charlene Rankin were less concerned and acknowledged that development will help Benson's economy. Michelle Johnson noted that traffic studies will likely be required by the City Engineer as development applications progress to determine offsite impacts and the appropriate mitigation measures for those potential impacts.

Randy Robichaud asked about the tunnel under I-10 to which Mr. Scott replied that it could be used for emergency access.

Neighboring resident Keven Dirksen asked about the smell effects of moving the wastewater treatment plant drying beds, wondering if moving them closer to the freeway would bring a strong smell across the freeway and possibly deter travelers from exiting in Benson. John and Charlene Rankin acknowledged that they do sometimes get sewer smell. Mr. Scott replied that

no action will be taken to relocate the sewer drying beds until the rezoning and development proposal are approved. Andrew Abernathy commented that moving the drying beds such a short distance probably won't make a substantial impact.

Kevin Dirksen noted that he appreciates that the development is within Benson proper since development and utilities already exist and it's not additional area for the city to maintain.

Randy Robichaud asked what would happen if the city grows so much that expansion to the wastewater treatment plant is needed but there is no room due to residential surrounding the area?

Mr. Scott also noted that approximately 100 acres adjacent to the river are not practical for residential development so another type of user, such as a conservancy group, will keep that land undevelopable. He noted that the rezoning will be conditioned on the preservation of that acreage.

Several conversations occurred between parties while they mingled around the map.

CITIZEN REVIEW REGARDING: Rezoning in/around San Pedro Golf Course
September 27, 2016
7:00 P.M.
BENSON CITY HALL, 120 WEST SIXTH STREET, BENSON, AZ 85602

NAME	ADDRESS	PHONE
KEVIN DIRKSEN	P.O BOX 561 BENSON	(520) 227 0446
John + Catherine Rankine	848 N. MADISON AVE BENSON	(520) 275-0301
Andrew Abernathy	621 S MESQUITE ST BENSON	528 586 3802
Deb Broate	600 E Saguaro Dr #92	608-385-7759

PLANNING AND ZONING MINUTES
MINUTES OF THE BENSON PLANNING AND ZONING COMMISSION
November 1, 2016

1. CALL TO ORDER
Chair Randy Robichaud opened the meeting at 7:00pm.

2. PLEDGE
Chair Randy Robichaud led the pledge.

3. ROLL CALL
Angela Roberts, Barbara Thompson, Tom Sanor and Randy Robichaud were present. Debbie Braatz, Jim Thelander and Andrew Abernathy were absent. A quorum was present.

4. CALL TO THE PUBLIC
There was no answer to the call.

5. APPROVAL OF MINUTES
October 17, 2016
Commissioner Barbara Thompson motioned to approve the minutes. Commissioner Tom Sanor seconded. Motion passed 4-0.

October 18, 2016
Commissioner Barb Thompson motioned to approve the minutes. Commissioner Angela Roberts seconded. Motion passed 4-0.

October 24, 2016
Commissioner Angela Roberts motioned to approve the minutes. Commissioner Tom Sanor seconded. Motion passed 4-0.

6. OLD BUSINESS
There was no old business.

7. PUBLIC HEARING
The Chair opened the public hearing at 7:02pm to take comments on the proposed rezoning of multiple parcels surrounding and inclusive of the San Pedro Golf Course greens. There was no one signed up to speak. The public hearing was closed at 7:03pm.

8. NEW BUSINESS
Chair Randy Robichaud asked Mr. George Scott, representing San Pedro Real Estate, LLC, to speak on the proposed rezoning. Mr. Scott reminded the Commission that this project first came before the Commission in April 2016, where it had been unanimously recommended for approval by the Commission. He stated that, in April, several conditions were attached to the rezoning recommendation, specifically the completion of land swaps between the City and San Pedro Real Estate, LLC. Mr. Scott confirmed that shortly after that April Planning and Zoning meeting, Mr. Tom Hartley of San Pedro Real Estate, LLC and the City agreed that land swaps

DRAFT

were unnecessary. Since the legal descriptions, advertisements and recommendation had been made with the presumption of the land swaps occurring, Mr. Scott explained that the process began again with the "corrected" legal descriptions and land boundaries- not showing any land swaps occurring.

Commissioner Barbara Thompson asked if moving the sewer treatment plant was part of the land swap. Mr. Scott displayed a map to show where the effluent pond is currently located and where it will be moved. Mr. Scott explained that residences are not allowed within 1000' of the ponds and that the proposed location is already within the boundaries of the treatment plant so the fact that the pond needs to be relocated was not a driver behind the land swap concept.

Chair Randy Robichaud asked who is responsible for the costs of relocating the ponds. Mr. George Scott replied that Tom Hartley and San Pedro Real Estate, LLC are responsible for costs associated with relocating the ponds. He noted that relocation approval has already been granted by the Arizona Department of Environmental Quality (ADEQ), but Mr. Hartley has not spent additional money on the relocation process until the rezoning is approved. Planner Michelle Johnson confirmed that ADEQ has approved the relocation.

Commissioner Barbara Thompson motioned to recommend approval of the rezoning for the parcels owned by San Pedro Real Estate LLC and for parcels owned by the City of Benson from I-2 to R-1-43 and R-2. Commissioner Tom Sanor seconded.

Chair Randy Robichaud asked if Commissioner Barbara Thompson would like to amend her motion to include the staff recommendation, specifically the recommendation about preservation of the 'remainder' land. Commissioner Barbara Thompson amended her motion to recommend approval for the rezoning of the parcels owned by San Pedro Real Estate LLC and for parcels owned by the City of Benson from I-2 to R-1-43 and R-2 with the condition that the 'remainder' land owned by San Pedro Real Estate, LLC, as shown on the map, be reserved for the uses described in the rezoning application. Commissioner Tom Sanor seconded the amended motion. Motion passed 4-0.

9. ADJOURNMENT

Commissioner Tom Sanor motioned to adjourn. Commissioner Barbara Thompson seconded. Motion passed 4-0 and meeting adjourned at 7:10pm.

DRAFT

October 21, 2016

Michelle Johnson

Planner

City of Benson

120 W. 6th St.

Benson AZ 85602

RE: Re zone, San Pedro Real Estate LLC

Dear Ms Johnson:

I write as an adjacent landowner to the above referenced re zone request. I am support the change from R-1-43 to R-2.

Thank you

Mark M. Fenn

Artesian LLC

217 N. Pomerene Rd.

Benson AZ 85602

From: Esparza, Paul <PEsparza@cochise.az.gov>
Sent: Friday, October 21, 2016 2:14 PM
To: Michelle Johnson
Subject: RE: Benson rezone
Attachments: Benson rezone aerial.pdf

Traffic Analysis

Land use changes do not, in and of themselves, change traffic patterns; however, they do create conditions for future transportation impacts. This re-rezoning has the potentially to substantively change traffic circulation in this area. Residential uses, in particular, affordable apartment or duplex type housing, may be appropriate in this area and less impactful that many heavy industrial uses. However, the City of Benson and the developer should be advised that substantive off-site improvements would be necessary to mitigate the traffic impacts of the conceptual proposal for 300-500 condo type units, plus up to 40 one-acre residential lots.

Access is taken from Madison Street, from there through new or existing roadways to Ocotillo St., a federally functionally classified, rural minor collector roadway. With the proposed re-zoning, there is a potential range of traffic impacts for 300 apartment style housing to 540 residential units of 1,995 to 5,140 average daily vehicle trips. There is the likelihood of seasonal impacts and potentially the need to accommodate RV parking, storage and turning radii for the typical seasonal market that might purchase or lease a condo in this area. However, even at the low end of a more appropriate scale for this area of 150 apartments, the number of potential peak hour trips, both in the a.m. and the p.m. would trigger a need for turning lanes, a urbanizing local road cross-section with shoulders and barrow ditches and potentially improvements on Ocotillo Rd. to the Interstate 10 connection. At the high end, with a full build-out of 540 residential units, a signalized intersection might be warranted at the connection with Ocotillo Rd.

Should the re-zoning be approved for this level of residential development when the next phase of platting this subdivision a Traffic Report would be appropriate. The developer of the property is advised to complete their conceptual plans with a full traffic analysis in advance of submitting plans in order to be fully aware of the traffic circulation needs of their development so that they can appropriately design on and off-site improvements to address the full-build out impacts of their plans.

Thank you,
Paul Esparza

When Recorded Mail to:
Vicki Vivian, City Clerk
City of Benson
120 W. 6th Street
Benson, Arizona 85602

AGREEMENT TO WAIVE RIGHTS AND REMEDIES UNDER ARIZONA REVISED STATUTES §12-1134

This Agreement to Waive Rights and Remedies under Arizona Revised Statutes § 12-1134 (hereinafter, the "Agreement") is made between San Pedro Real Estate, LLC (hereinafter, the "Owner") and the City of Benson, Arizona, an Arizona municipal corporation (hereinafter, the "City"), regarding the following property located in APN 123-07-024A, 123-07-024B, 123-07-024C, 123-07-024D, 123-07-024E, 123-07-024F, 123-07-024G, 123-07-024H, 123-07-007A, 123-07-007B, 123-07-007C, 123-48-003A, 123-48-004R, 123-48-004S, 123-48-004T, 123-26-001F, 123-26-002A and more fully described by the three legal descriptions, attached as Exhibit "A" (hereinafter, the "Property").

1. The Owner has requested the change of Zoning Classification for several parcels of real property (APN: portion of parcels 123-07-024B, 123-07-007B, 123-26-001F, 123-26-002A, 123-48-003A; the entirety of parcels 123-07-024E, 123-07-024F, 123-07-024G, 123-48-004R, 123-48-004S, 123-48-004T), together which are described in action Ordinance 584. In addition to those parcels, Owner owns additional parcels (APN: portions of parcels 123-07-024B, 123-07-007B, 123-48-003A, 123-26-001F, 123-26-002A; the entirely of parcels 123-07-024A, 123-07-024C, 123-07-007A, 123-07-007C) that lie adjacent to the parcels at issue, which parcels are at issue in action Ordinance 584. Owner agrees and consents to all of the requirements, conditions and stipulations imposed by the City Council regarding the Change of Land Use for the Properties. See Exhibit "B" which is a copy of the Zoning Ordinance or other Council action for the Change of Land Use.

2. Owner acknowledges that Owner's request for the Change of Land Use was voluntary, and that there are uses for the Owner's property which do not require a Change of Land Use. Owner also acknowledges that Owner has had the opportunity to give the City Council the Owner's input on the requested Change of Land Use. Owner shall sign and deliver this Agreement to the City Clerk within thirty (30) days of the Council Action which was taken at the public City Council meeting held on November 14, 2016 (the "Council Action").

3. Owner has the right to withdraw Owner's request for the Change of Land Use for these Properties (See Exhibits "A" and "B," attached) by not signing and delivering this Agreement to the City Clerk within the time period required in paragraph 2, above. Owner further understands that if Owner has not signed and delivered this Agreement to the City Clerk within the time period required in paragraph 2, above, then Owner's request for the Change of Land Use shall be deemed withdrawn by Owner. The Change of Land Use granted by the City Council is conditioned upon the execution and delivery of this Agreement and will not take effect unless and until Owner signs and delivers this Agreement to the City Clerk within the time period set forth in paragraph 2, above. If this Agreement is not signed and delivered to the City Clerk within the time period required in paragraph 2, above, Owner will have to reapply for the Change of Land Use for the Property.

4. **By signing and delivering this Agreement to the City Clerk, Owner acknowledges that Owner waives any right to claim diminution in value or pursue a claim for just compensation for diminution in value under Arizona Revised Statutes § 12-1134 relating to the Change of Land Use for the Properties set forth in Exhibits "A" and "B".**

5. The Owner warrants and represents that Owner is the Sole Owner of fee title to the Property, and that no other person has an ownership interest in the Property. The Owner further warrants and acknowledges that Owner has reviewed and understands this Agreement and the exhibits and attachments, including the requirements, conditions and stipulations imposed by the City Council regarding the Change of Land Use for the Property. The person(s) who sign on behalf of Owner personally warrants and guarantees to the City that he or she has the legal power to bind Owner to this Agreement. Owner acknowledges that the City would not consider an application from him or her unless the conditions in this paragraph were true.

6. This Agreement, any exhibits attached hereto, and any addenda, constitute the entire understanding and agreement between the Owner and the City and shall supersede all prior Agreements or understandings between the Owner and City regarding the Property or the Change of Land Use of the Property. This Agreement may not be modified or amended except by written agreement, approved and signed by both the Owner and the City.

7. This Agreement shall run with the land and is binding upon all present and future owners of the Property. This Agreement is subject to the cancellation provisions of Arizona Revised Statutes § 38-511.

8. Within ten (10) days after the signing of this Agreement, the City Clerk shall file the original Agreement in the Official Records of the Cochise County Recorder's Office, Cochise County, Arizona.

DATED and **SIGNED** this _____ day of _____, 2016.

City of Benson

_____
Toney D. King, Mayor

ATTEST:

_____
Vicki L. Vivian, CMC, City Clerk

APPROVED AS TO FORM:

_____
Gary Cohen, City Attorney

[Owner]:

_____
Name & Title of Person Signing

_____
Name & Title of Person Signing

State of Arizona)
) ss
County of Cochise)

SUBSCRIBED AND SWORN to before me this ____ day of _____, 20___ by _____ and _____ who are the Owner(s) or the authorized representatives of the Owner(s), and who are either known to me or have shown satisfactory identification.

My commission expires:

_____
Notary Public

EXHIBIT “A”
LEGAL DESCRIPTION
of the PROPERTY

EXHIBIT “B”
CITY ORDINANCE OR DESCRIPTION OF COUNCIL ACTION

(To be provided by the City.)