DEDICATION

STATE OF ARIZONA)
) SS
COUNTY OF MARICOPA)
KNOW ALL MEN BY THESE PRESENTS:

THAT NEWMARK HOMES, LLC, AS OWNER, DOES HEREBY PUBLISH THIS FINAL PLAT FOR DIAMOND COURT, LOCATED IN THE NORTHEAST QUARTER OF SECTION 26, TOWNSHIP 1 NORTH, RANGE 7 EAST, MARICOPA COUNTY, ARIZONA, AS SHOWN HEREON, AND HEREBY DECLARES THAT THIS PLAT SETS FORTH THE LOCATION AND GIVES THE DIMENSIONS OF EACH OF THE STREETS, LOTS, TRACTS AND EASEMENTS CONSTITUTING SAME, AND THAT EACH OF THE STREETS, LOTS, TRACTS AND EASEMENTS SHALL BE KNOWN BY THE NAME, NUMBER, OR LETTER GIVEN TO IT RESPECTIVELY.

NEWMARK HOMES, LLC HEREBY DEDICATES AND CONVEYS TO THE CITY OF MESA, IN FEE, ALL REAL PROPERTY DESIGNATED ON THIS PLAT AS "RIGHT-OF-WAY" OR "R/W" FOR USE AS PUBLIC RIGHT-OF-WAY.

WITHOUT LIMITING IN ANY MANNER THE DEDICATIONS AND RIGHTS CREATED IN FAVOR OF THE CITY OF MESA, ARIZONA BY THIS FINAL PLAT, THE COSTS OF PUBLIC INFRASTRUCTURE CONSTRUCTED OR INSTALLED IN THE RIGHTS OF WAY OR PUBLIC EASEMENTS ESTABLISHED BY THIS FINAL PLAT MAY BE FINANCED WITH, AND THE DEVELOPER REIMBURSED BY, THE PROCEEDS OF BONDS ISSUED BY A COMMUNITY FACILITIES DISTRICT, IN ACCORDANCE WITH THE TERMS OF A DEVELOPMENT, FINANCING PARTICIPATION AND INTERGOVERNMENTAL AGREEMENT.

EACH OF THE OWNERS, AS TO THE PORTION OF THE PROPERTY OWNED BY THAT OWNER, HEREBY DEDICATES TO THE CITY OF MESA FOR USE AS SUCH THE VEHICULAR NON-ACCESS EASEMENTS AND PUBLIC UTILITY AND FACILITY EASEMENTS, AS SHOWN ON THE SAID PLAT AND INCLUDED IN THE ABOVE DESCRIBED PREMISES. THE DEDICATION OF REAL PROPERTY MARKED AS STREETS ON THIS PLAT IS A DEDICATION TO THE CITY OF MESA. IN FEE. FOR THE CITY'S USE AS PUBLIC RIGHT-OF-WAY. THE DEDICATION OF REAL PROPERTY MARKED AS PUBLIC UTILITY AND FACILITIES EASEMENTS IS A DEDICATION OF A PUBLIC UTILITY AND FACILITIES EASEMENT TO THE CITY, WITH SUCH DEDICATION INCLUDING THE FOLLOWING USES: TO CONSTRUCT, INSTALL, ACCESS, MAINTAIN, REPAIR, RECONSTRUCT, REPLACE, REMOVE, UTILITIES AND FACILITIES (INCLUDING, BUT NOT LIMITED TO, WATER, WASTEWATER, GAS, ELECTRIC, STORM WATER, PIPES, CONDUIT, CABLES, AND SWITCHING EQUIPMENT), CONDUCTORS, CABLES, FIBER OPTICS, COMMUNICATION AND SIGNAL LINES, TRANSFORMERS, VAULTS, MANHOLES, CONDUITS, PIPES AND CABLES, FIRE HYDRANTS, STREET LIGHTS, STREET PAVEMENT, CURBS, GUTTERS, SIDEWALKS, TRAFFIC SIGNALS, EQUIPMENT AND SIGNS, PUBLIC TRANSIT FACILITIES, SHELTERS AND IMPROVEMENTS, LANDSCAPING, STORM DRAINAGE, WATER RETENTION AND DETENTION, FLOOD CONTROL. AND ALL APPURTENANCES TO ALL OF THE FOREGOING, AND ALL SIMILAR AND RELATED PURPOSES TO THE FOREGOING, TOGETHER WITH THE RIGHT TO ALTER GROUND LEVEL BY CUT OR FILL (PROVIDED THAT GROUND LEVEL SHALL NOT BE ALTERED IN A MANNER THAT CONFLICTS WITH THE OPERATION, MAINTENANCE, OR REPAIR OF EXISTING UTILITY OR PUBLIC IMPROVEMENTS) AND THE UNRESTRICTED RIGHT OF VEHICULAR AND PEDESTRIAN INGRESS AND EGRESS TO, FROM, AND ACROSS THE EASEMENT PROPERTY. ADDITIONALLY, THE CITY IS AUTHORIZED TO PERMIT OTHERS TO USE THE PUBLIC UTILITY AND FACILITY EASEMENT PROPERTY FOR ALL USES AND FACILITIES ALLOWED HEREIN. ALL OTHER EASEMENTS ARE HEREBY DEDICATED FOR THE PURPOSES SHOWN. UNLESS APPROVED OTHERWISE BY THE CITY OF MESA, ALL EASEMENTS CREATED BY THIS PLAT ARE PERPETUAL AND NONEXCLUSIVE EASEMENTS.

IT IS AGREED THAT NEWMARK HOMES, LLC OR ITS SUCCESSORS OR ASSIGNS SHALL HAVE FULL USE OF THE EASEMENT EXCEPT FOR THE PURPOSE FOR WHICH THE SAME IS HEREIN CONVEYED TO THE CITY OF MESA, AND PROVIDED ALWAYS THAT NO BUILDING OR STRUCTURE OF ANY NATURE OR KIND WHATSOEVER, INCLUDING WITHOUT LIMITATION FENCES, NOR ANY PART OF SAME, SHALL BE CONSTRUCTED, INSTALLED OR PLACED ON OR OVER SAID EASEMENT OR ANY PART THEREOF BY NEWMARK HOMES, LLC OR THE SUCCESSORS OR ASSIGNS OF NEWMARK HOMES, LLC AND THAT THE GRADE OVER ANY BURIED FACILITIES SHALL NOT BE CHANGED BY NEWMARK HOMES, LLC OR THE SUCCESSORS OR ASSIGNS OF NEWMARK HOMES, LLC WITHOUT PRIOR WRITTEN CONSENT OF THE CITY OF MESA. THE RIGHTS AND OBLIGATIONS OF THE CITY OF MESA SHALL BE CONSTRUED BROADLY AND CONSISTENT WITH THE PERFORMANCE OF ITS OBLIGATIONS TO PROVIDE UTILITY SERVICE TO ITS CUSTOMERS.

NEWMARK HOMES, LLC HEREBY GRANTS TO THE CITY OF MESA A PERMANENT, NON-EXCLUSIVE EASEMENT OVER, ACROSS, UNDER AND UPON ALL AREAS DESIGNATED ON THIS PLAT AS "SIGHT VISIBILITY EASEMENT" OR "SVE" FOR PURPOSES OF ESTABLISHING AREAS WITHIN WHICH NO LANDSCAPING OTHER THAN GROUND COVER, FLOWERS AND GRANITE LESS THAN 2-FEET (MATURE) IN HEIGHT, AND/OR TREES WITH BRANCHES NOT LESS THAN 8-FEET ABOVE GROUND, WHICH TREES, IF ANY, MUST BE SPACED NOT LESS THAN 8 FEET APART.

NEWMARK HOMES, LLC HEREBY GRANTS TO THE CITY OF MESA A PERMANENT, NON-EXCLUSIVE EASEMENT OVER, ACROSS, UNDER AND UPON ALL AREAS DESIGNATED ON THIS PLAT AS "VEHICULAR NON-ACCESS EASEMENT" OR "VNAE" FOR PURPOSES OF ESTABLISHING AREAS WITHIN WHICH NO VEHICULAR ACCESS IS PERMITTED.

DRAINAGE COVENANTS:

THE DRAINAGE EASEMENT SHOWN ON THIS PLAT AS TRACT A AND B IS HEREBY RESERVED AS A DRAINAGE FACILITY AND RETENTION BASIN FOR THE INCLUSIVE CONVEYANCE OF DRAINAGE AND STORAGE OF DRAINAGE FOR THIS SUBDIVISION AND FOR THE PUBLIC RIGHTS-OF-WAY PER THE APPROVED IMPROVEMENT PLANS ON FILE WITH THE CITY OF MESA, TOGETHER WITH THE RIGHT TO INGRESS AND EGRESS TO MAINTAIN SAID DRAINAGE FACILITY.

THE DRAINAGE FACILITIES AND RETENTION AREAS SHALL BE MAINTAINED BY THE OWNER, HIS SUCCESSORS AND ASSIGNS AND SHALL PROVIDE STORM WATER CONVEYANCE AND STORAGE AS PRIVATE DRAINAGE FACILITIES AND PRIVATE RETENTION BASINS ADEQUATE TO CONVEY AND STORE DRAINAGE FROM SAID PUBLIC RIGHTS-OF-WAY PER THE APPROVED IMPROVEMENT PLANS ON FILE WITH THE CITY OF MESA:

THE AGREEMENTS CONTAINED HEREIN SHALL BE A COVENANT RUNNING WITH THE LAND AND, UPON RECORDING, SHALL BE BINDING UPON ANY SUBSEQUENT PURCHASER OR OCCUPIER OF SAID PARCEL: AND

THIS COVENANT CAN BE ENFORCED OR REMOVED BY THE CITY OF MESA, WHO CAN BRING PROCEEDINGS AT LAW OR IN EQUITY AGAINST THE PERSON OR PERSONS VIOLATING OR ATTEMPTING OR THREATENING TO VIOLATE ANY OF THESE COVENANTS, TO PREVENT HIM OR THEM FROM SO DOING, AND TO RECOVER DAMAGES FOR SUCH VIOLATIONS. ANY PERSON OR PERSONS OF THE CITY OF MESA PROSECUTING ANY PROCEEDINGS AT LAW OR IN EQUITY HEREUNDER SHALL HAVE THE RIGHT TO RECOVER, IN ADDITION TO ANY DAMAGES, A REASONABLE SUM AS AND FOR ATTORNEY'S FEES AND COURT COSTS.

NEWMARK HOMES, LLC WARRANTS AND REPRESENTS TO THE CITY OF MESA THAT IT IS THE SOLE OWNER OF THE PROPERTY COVERED BY THIS PLAT, AND THAT EVERY LENDER, EASEMENT HOLDER OR OTHER PERSON OR ENTITY HAVING ANY INTEREST THAT IS ADVERSE TO OR INCONSISTENT WITH THE FOREGOING DEDICATION, OR ANY OTHER REAL PROPERTY INTEREST CREATED OR TRANSFERRED BY THIS PLAT, HAS CONSENTED TO OR JOINED IN THIS PLAT AS EVIDENCED BY INSTRUMENTS WHICH ARE RECORDED WITH THE MARICOPA COUNTY RECORDER'S OFFICE OR WHICH NEWMARK HOMES, LLC WILL RECORD NOT LATER THAN THE DATE ON WHICH THIS PLAT IS RECORDED.

IN WITNESS WHEREOF:

NEWMARK HOMES, LLC, AS OWNER, HAS HERETO CAUSED ITS NAME TO BE AFFIXED AND THE SAME TO BE ATIESTED BY THE SIGNATURE OF THE UNDERSIGNED OFFICER THIS DAY OF , 2019.

NEWMARK HOMES, LLC

BY: ____

ACKNOWLEDGEMENT

STATE OF ARIZONA }
COUNTY OF MARICOPA }

BEFORE ME THIS _____ DAY OF ____, 20__, ___ PERSONALLY APPEARED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, WHO ACKNOWLEDGED HIMSELF TO BE _____ OF ____, THE LEGAL OWNER OF THE PROPERTY PLATTED HEREON AND ACKNOWLEDGED THAT ____ AS _____, EXECUTED THIS INSTRUMENT FOR THE PURPOSES HEREIN

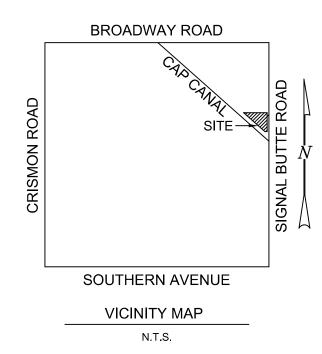
CONTAINED.

IN WITNESS WHEREOF. I HEREUNTO SET MY HAND AND OFFICIAL SEAL

A FINAL PLAT OF

"DIAMOND COURT"

LOCATED WITHIN A PORTION OF THE NORTHEAST QUARTER OF SECTION 26,
TOWNSHIP 1 NORTH, RANGE 7 EAST,
OF THE GILA AND SALT RIVER BASE AND MERIDIAN,
MARICOPA COUNTY, ARIZONA.



LEGAL DESCRIPTION

THAT PORTION OF THE NORTHEAST QUARTER OF SECTION 26, TOWNSHIP 1 NORTH, RANGE 7 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE EAST QUARTER CORNER OF SAID SECTION 26;

- THENCE NORTH 00°07'01" WEST, ALONG THE EAST LINE OF SAID SECTION 26, A DISTANCE OF 546.94 FEET; THENCE SOUTH 89°52'59" WEST 40.00 FEET TO THE TRUE POINT OF BEGINNING, SAID POINT BEING ON THE NORTHERLY RIGHT-OF-WAY LINE OF THE CENTRAL ARIZONA PROJECT SALT AND GILA AQUEDUCT, REACH I; THENCE, ALONG THE ABOVE SAID RIGHT-OF-WAY AS FOLLOWS: SOUTH 89°52'59" WEST, 54.43 FEET;
- NORTH 48°34'13" WEST 995.34 FEET TO A POINT ON THE SOUTHERLY BOUNDARY LINE OF OASIS PARK, ACCORDING TO BOOK 77 OF MAPS, PAGE 7, RECORDS OF MARICOPA COUNTY, ARIZONA, SAID POINT ALSO BEING ON A CURVE CONCAVE TO THE SOUTHWEST HAVING A RADIUS POINT BEARING SOUTH 19°21'15" EAST 1493.61 FEET; THENCE NORTHEASTERLY, LEAVING SAID RIGHT-OF-WAY, 502.29 FEET ALONG THE ARC OF SAID CURVE; THENCE NORTH 89°54'51" EAST 306.44 FEET TO A POINT 40.00 FEET WESTERLY FROM THE EAST LINE OF SAID
- SECTION 26; THENCE SOUTH 00°07'01" EAST 743.37 FEET TO THE TRUE POINT OF BEGINNING.

EXCEPTING THEREFROM THE FOLLOWING DESCRIBED PROPERTY:

THAT PORTION OF THE NORTHEAST QUARTER OF SECTION 26, TOWNSHIP 1 NORTH, RANGE 7 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE EAST QUARTER CORNER OF SAID SECTION 26;

- THENCE NORTH 00°07'01" WEST, ALONG THE EAST LINE OF SAID SECTION 26, A DISTANCE OF 990.29 FEET;
- THENCE SOUTH 89°54'51" WEST 40.00 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING SOUTH 89°54'51" WEST A DISTANCE OF 555.09 FEET TO A POINT ON THE RIGHT-OF-WAY LINE
- OF THE CENTRAL ARIZONA PROJECT SALT AND GILA AQUEDUCT, REACH I;
- THENCE ALONG SAID RIGHT-OF-WAY AS FOLLOWS:
- NORTH 48°34'13" WEST 326.38 FEET TO A POINT ON THE SOUTHERLY BOUNDARY LINE OF OASIS PARK, ACCORDING TO BOOK 77 OF MAPS, PAGE 7, RECORDS OF MARICOPA COUNTY, ARIZONA, SAID POINT ALSO BEING ON A CURVE CONCAVE TO THE SOUTHWEST HAVING A RADIUS POINT BEARING SOUTH 19°21'15" EAST 1493.61 FEET;
- THENCE NORTHEASTERLY, LEAVING SAID RIGHT-OF-WAY, 502.29 FEET ALONG THE ARC OF SAID CURVE; THENCE NORTH 89°54'51" EAST 306.44 FEET TO A POINT 40.00 FEET WESTERLY FROM THE EAST LINE OF SAID SECTION 26;
- THENCE SOUTH 00°07'01" EAST 300.00 FEET TO THE TRUE POINT OF BEGINNING.

BASIS OF BEARING

THE BASIS OF BEARING IS THE EAST LINE OF THE NORTHEAST QUARTER OF SECTION 26, TOWNSHIP 1 NORTH, RANGE 7 EAST, WITH A BEARING OF NORTH 00° 06' 30" WEST PER THE PLSS RECORD OF SURVEY, RECORDED IN BOOK 657, PAGE 27, MARICOPA COUNTY RECORDS.

FLOOD PLAIN CERTIFICATION

ZONE "X"; AREAS BETWEEN LIMITS OF THE 100-YEAR FLOOD AND THE 500 YEAR FLOOD; OR CERTAIN AREAS SUBJECT TO 100-YEAR FLOODING WITH AVERAGE DEPTHS OF LESS THAN ONE FOOT; OR WHERE THE CONTRIBUTING DRAINAGE AREA IS LESS THAN ONE SQUARE MILE; OR AREAS PROTECTED BY LEVEES FROM THE BASE FLOOD, FIRM MAP 04013C2315L, DATED 10/16/2013.

NOTES

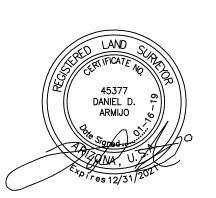
- 1. THIS FINAL PLAT IS LOCATED WITHIN THE CITY OF MESA AND HAS BEEN DESIGNATED AS HAVING AN ASSURED WATER SUPPLY.
- 2. CONSTRUCTION WITHIN UTILITY EASEMENTS EXCEPT BY PUBLIC AGENCIES AND UTILITY COMPANIES, SHALL BE LIMITED TO UTILITIES, PAVING AND WOOD, WIRE, REMOVABLE SECTION TYPE FENCING.
- 3. UTILITY LINES ARE TO BE CONSTRUCTED UNDER GROUND AS REQUIRED BY THE ARIZONA CORPORATION COMMISSION GENERAL ORDER R. (42) 33.
- 4. ELECTRICAL LINES TO BE CONSTRUCTED UNDERGROUND AS REQUIRED BY THE ARIZONA CORPORATION COMMISION GENERAL ORDER R-14-2-133.
- 5. THE CITY OF MESA IS NOT RESPONSIBLE FOR AND WILL NOT ACCEPT MAINTENANCE OF ANY PRIVATE DRAINAGE FACILITIES, PRIVATE UTILITIES, PRIVATE UTILITIES, OR LANDCAPED AREAS WITHIN THE PROJECT OR WITHIN THE PUBLIC RIGHTS-OF-WAY ALONG SIGNAL BUTTE ROAD.
- 6. NO STRUCTURES SHALL BE CONTRUCTED IN OR ACROSS, NOR SHALL IMPROVEMENTS, OR ALTERATIONS BE MADE TO THE DRAINAGE FACILITIES THAT ARE A PART OF THIS DEVELOPMENT WITHOUT THE WRITTEN CONSENT FROM THE CITY OF MESA.
- 7. PUBLIC UTILITY AND FACILITY EASEMENTS WILL BE TREATED LIKE PUBLIC UTILITY EASEMENTS WHEN DETERMINING WHO PAYS RELOCATION COSTS FOR THE RELOCATION OF SRP AND SOUTHWEST GAS FACILITIES IN PUFES ON THIS PLAT. THE DEFINITION OF PUBLIC EASEMENT IN M.C.C. § 9-1-1 INCLUDES THE PUFES ON THIS PLAT, THE TERM "PUBLIC EASEMENT" IN M.C.C. § 9-1-5(A) INCLUDES PUFES, AND PUFES ON THIS PLAT ARE SUBJECT TO M.C.C. § 9-1-5(A).

SPECIAL SURFACE MATERIAL REPLACEMENT NOTE

THE CITY OF MESA WILL NOT BE RESPONSIBLE FOR ANY SPECIAL TYPE OF SURFACE MATER/AL, SUCH AS BUT NOT LIMITED TO PAVEMENT, CONCRETE, COLORED STAMPED PAVEMENT OR CONCRETE, OR BRICKS, AS NOTED WITHIN THE PROJECT'S CONSTRUCTION DOCUMENTS. SHOULD REMOVAL OF THE SPECIAL TYPE OF SURFACE MATERIAL BE REQUIRED BY THE CITY OF MESA FOR MAINTENANCE OF THE CITY'S FACILITIES SUCH AS THE CITY'S UTILITY SYSTEMS, THE CITY WILL ONLY BE REQUIRED TO BACKFILL AND PROVIDE CITY OF MESA ACCEPTED TEMPORARY SURFACE MATERIAL OVER THE SAID UTILITY OR OTHER AREA DISTURBED. RECONSTRUCTION OF THE SPECIAL TYPE OF SURFACE MATERIAL SHALL BE THE RESPONSIBILITY OF THE HOMEOWNERS ASSOCIATION, BUSINESS OWNER 'S ASSOCIATION, OR THE PROPERTY OWNER(S).

SURVEYOR'S STATEMENT NOTE

I, DANIEL D. ARMIJO, HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR IN THE STATE OF ARIZONA; THAT THIS PLAT CONSISTING OF 2 SHEETS REPRESENTS A SURVEY PREFORMED UNDER MY SUPERVISION DURING THE MONTH OF DECEMBER 2016; THAT THE SURVEY IS CORRECT AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF; THAT THE BOUNDARY MONUMENTS, CONTROL POINTS AND LOT CORNERS SHALL BE LOCATED AS SHOWN AND WILL BE SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED.



© ALL RIGHTS RESERVE

FINAL PLAT

OF

DIAMOND COURT

SECTION 26

TOWNSHIP 1 NORTH

RANGE 7 EAST

OF THE G.S.R.B. & M.

MARICOPA COUNTY, ARIZONA

МАRICOPA COUNTY, ARIZONA

AW
LAND
SURVEYING, цс

Р.О. ВОХ 2170, CHANDLER, AZ 85244
(480) 244-7630 (480) 243-4287

NOTARY PUBLIC EXPIRES

