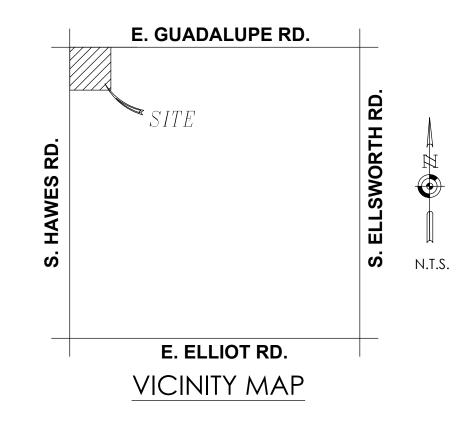
# MAP OF DEDICATION FOR AVILLA ENCLAVE

. LOCATED IN THE NORTHWEST QUARTER OF SECTION 9, TOWNSHIP 1 SOUTH, RANGE 7 EAST, GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA



### **DEDICATION** STATE OF ARIZONA COUNTY OF MARICOPA KNOW ALL MEN BY THESE PRESENTS THAT NEXMETRO ENCLAVE, LLC., AN ARIZONA LIMITED LIABILITY COMPANY, AS OWNER, DOES HEREBY PUBLISH THIS MAP OF DEDICATION FOR "AVILLA ENCLAVE", LOCATED IN A PORTION OF THE NORTHWEST QUARTER OF SECTION 9, TOWNSHIP 1 SOUTH, RANGE 7 EAST, GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, AS SHOWN HEREON, AND HEREBY DECLARES THAT THIS MAP OF DEDICATION SETS FORTH THE LOCATION AND GIVES THE DIMENSIONS OF EACH OF THE STREETS AND EASEMENTS CONSTITUTING SAME. AND THAT EACH OF THE STREETS AND EASEMENTS SHALL BE KNOWN BY THE NAME, NUMBER, OR LETTER GIVEN TO IT RESPECTIVELY. NEXMETRO ENCLAVE, LLC., HEREBY DEDICATES AND CONVEYS TO THE CITY OF MESA, IN FEE, ALL REAL PROPERTY DESIGNATED ON THIS MAP OF DEDICATION AS "RIGHT-OF-WAY" OR "R/W" FOR USE AS PUBLIC RIGHT-OF-WAY. 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 MAP OF DEDICATION AND INCLUDED IN THE ABOVE DESCRIBED PREMISES. THE DEDICATION OF REAL PROPERTY MARKED AS STREETS ON THIS MAP OF DEDICATION 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 ALI 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 MAP OF DEDICATION ARE PERPETUAL AND NONEXCLUSIVE EASEMENTS. IT IS AGREED THAT NEXMETRO ENCLAVE, 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 NEXMETRO ENCLAVE, LLC., OR THE SUCCESSORS OR ASSIGNS OF NEXMETRO ENCLAVE, LLC., AND THAT THE GRADE OVER ANY BURIED FACILITIES SHALL NOT BE CHANGED BY NEXMETRO ENCLAVE, LLC., OR THE SUCCESSORS OR ASSIGNS OF NEXMETRO ENCLAVE, 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. NEXMETRO ENCLAVE, LLC., HEREBY GRANTS TO THE CITY OF MESA A PERMANENT, NON-EXCLUSIVE EASEMENT OVER, ACROSS, UNDER AND UPON ALL AREAS DESIGNATED ON THIS PMAP OF DEDICATION 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. NEXMETRO ENCLAVE, LLC., HEREBY GRANTS TO THE CITY OF MESA A PERMANENT, NON-EXCLUSIVE EASEMENT OVER, ACROSS, UNDER AND UPON ALL AREAS DESIGNATED ON THIS MAP OF DEDICATION AS "VEHICULAR NON-ACCESS EASEMENT" OR "VNAE" FOR PURPOSES OF ESTABLISHING AREAS WITHIN WHICH NO VEHICULAR ACCESS IS PERMITTED. DRAINAGE COVENANTS: THE DRAINAGE EASEMENTS SHOWN ON THIS MAP OF DEDICATION ARE 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. NEXMETRO ENCLAVE, LLC., WARRANTS AND REPRESENTS TO THE CITY OF MESA THAT IT IS THE SOLE OWNER OF THE PROPERTY COVERED BY THIS MAP OF DEDICATION, 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 NEXMETRO ENCLAVE, LLC., WILL RECORD NOT LATER THAN THE DATE ON WHICH THIS MAP OF DEDICATION IS RECORDED. IN WITNESS WHEREOF: NEXMETRO ENCLAVE, LLC., AN ARIZONA LIMITED LIABILITY COMPANY 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. NEXMETRO ENCLAVE, LLC., AN ARIZONA LIMITED LIABILITY COMPANY **ACKNOWLEDGMENT** COUNTY OF ON THIS \_\_\_\_ DAY OF \_ 2019, BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, APPEARED , WHO ACKNOWLEDGED HIMSELF/HERSELF TO BE , AND THAT HE/SHE EXECUTED THIS INSTRUMENT FOR THE PURPOSES HEREIN CONTAINED. IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND OFFICIAL SEAL. MY COMMISSION EXPIRES:

#### FLOOD ZONE

FLOOD ZONE DESIGNATION "X" PER F.E.M.A. FLOOD INSURANCE RATE MAP, MAP NUMBER 04013C2760L, PANEL 2760 OF 4425, DATED OCTOBER 16, 2013.

ZONE "X" - AREAS OF 0.2% ANNUAL CHANCE FLOOD; AREAS OF 1% ANNUAL CHANCE FLOOD WITH AVERAGE DEPTHS OF LESS THAN 1 FOOT OR WITH DRAINAGE AREAS LESS THAN 1 SQUARE MILE; AND AREAS PROTECTED BY LEVEES FROM 1% ANNUAL CHANCE FLOOD.

(THE ABOVE STATEMENT IS FOR INFORMATION ONLY AND THE SURVEYOR ASSUMES NO LIABILITY FOR THE CORRECTNESS OF THE CITED MAP OR THE LOCATION OF THE FLOOD ZONE BOUNDARY. IN ADDITION, THE ABOVE STATEMENT DOES NOT REPRESENT THE SURVEYOR'S OPINION OF THE PROBABILITY OF FLOODING.)

#### **WATER ASSURANCE**

THIS IS TO CERTIFY THAT THE AREA PLATTED HEREON IS APPROVED AND LIES WITHIN THE DOMESTIC WATER SERVICE AREA OF THE ARIZONA WATER COMPANY, WHICH IS DESIGNATED AS HAVING AN ASSURED WATER SUPPLY IN ACCORDANCE WITH ARS 45-576.

CITY ENGINEER DATE

# **APPROVALS**

APPROVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF MESA, ARIZONA ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_\_\_, 2019.

MAYOR

ATTEST: \_\_\_\_\_CITY CLERK

# NOTES

- 1. THIS SUBDIVISION IS SUBJECT TO THE CITY OF MESA RESIDENTIAL DEVELOPMENT GUIDELINES.
- 2. THE CITY OF MESA IS NOT RESPONSIBLE FOR AND WILL NOT ACCEPT MAINTENANCE OF ANY PRIVATE DRAINAGE FACILITIES, PRIVATE UTILITIES, PRIVATE FACILITIES, OR LANDSCAPED AREAS WITHIN THE PROJECT OR WITHIN THE PUBLIC RIGHTS-OF-WAY ALONG SIGNAL BUTTE RD. OR BROADWAY RD.
- 3. 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).
- 4. UTILITY LINES ARE TO BE CONSTRUCTED UNDERGROUND AS REQUIRED BY THE ARIZONA CORPORATION COMMISSION GENERAL ORDER R. (42) 33.
- 5. ELECTRICAL LINES TO BE CONSTRUCTED UNDERGROUND AS REQUIRED BY THE ARIZONA CORPORATION COMMISSION GENERAL ORDER R-14-2-133.
- 6. THIS SUBDIVISION SHALL COMPLY WITH ORDINANCE 5143.
- 7. THE PROPERTY OWNER SHALL MAINTAIN THE LANDSCAPING WITHIN THE RIGHT-OF-WAY ALONG LOCAL STREETS ADJACENT TO THEIR PROPERTY.
- 8. CONSTRUCTION WITHIN UTILITY EASEMENTS EXCEPT BY PUBLIC AGENCIES AND UTILITY COMPANIES, SHALL BE LIMITED TO UTILITIES, PAVING, AND WOOD, WIRE, REMOVABLE SECTION TYPE FENCING.
- 9. NO STRUCTURES SHALL BE CONSTRUCTED IN OR ACROSS, NOR SHALL IMPROVEMENTS, OR ALTERATIONS, BE MADE TO THE DRAINAGE FACILITIES THAT ARE A PART OF THIS DEVELOPMENT WITHOUT THE WRITTEN AUTHORIZATION OF THE CITY OF MESA.

#### **LEGAL DESCRIPTION**

THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 9, TOWNSHIP 1 SOUTH, RANGE 7 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA;

EXCEPT THE WEST 33 FEET AND THE NORTH 33 FEET FOR ROADWAY.

#### OWNER

NEXMETRO ENCLAVE, LLC 2355 E. CAMELBACK RD., STE. 805 PHOENIX, AZ 85016

#### **REFERENCE DOCUMENTS**

RESULTS OF SURVEY, BOOK 236 OF MAPS, PAGE 2, M.C.R.
FINAL PLAT OF SUNLAND VILLAGE EAST, BOOK 329 OF MAPS, PAGE 8, M.C.R.
RESULTS OF SURVEY, BOOK 352 OF MAPS, PAGE 8, M.C.R.
RECORD OF SURVEY, BOOK 423 OF MAPS, PAGE 19, M.C.R.
FINAL PLAT OF BOULDER CREEK UNIT 1, BOOK 426 OF MAPS, PAGE 17, M.C.R.
FINAL PLAT OF LESUEUR ESTATES UNIT 1, BOOK 477 OF MAPS, PAGE 49, M.C.R.
FINAL PLAT OF EASTRIDGE UNIT 1, BOOK 492 OF MAPS, PAGE 43, M.C.R.
RESULTS OF SURVEY, BOOK 507, OF MAPS, PAGE 11, M.C.R.
PLSS SUBDIVISION RECORD OF SURVEY, BOOK 609 OF MAPS, PAGE 29, M.C.R.
FINAL PLAT FOR VILLAGE AT HAWES, BOOK 628 OF MAPS, PAGE 7, M.C.R.
FINAL PLAT FOR NEIGHBORHOOD MARKET @ HAWES & GUADALUPE. BOOK 672 OF MAPS, PAGE 10, M.C.R.
RECORD OF SURVEY. BOOK 1309 OF MAPS, PAGE 43, M.C.R.

(R) FINAL PLAT FOR TAVERA SOUTH. BOOK 1387 OF MAPS, PAGE 1, M.C.R. UNRECORDED GIS SURVEY, DIN #9364-1 UNRECORDED ADOT RESULTS OF SURVEY FOR SANTAN FREEWAY, DIN #65460-1

# BASIS OF BEARING

SOUTH 00°58'00" EAST - BEING THE CONSTRUCTION CENTER LINE OF HAWES ROAD, RECORDED AS THE WEST LINE OF THE NORTHWEST QUARTER OF SECTION 9 ON THE FINAL PLAT OF EASTRIDGE UNIT 1, BOOK 492, PAGE 43, M.C.R.

# SURVEYOR'S CERTIFICATE

"I, MITCHELL H RAGSDALE, HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR IN THE STATE OF ARIZONA; THAT THIS MAP OR PLAT CONSISTING OF 2 SHEETS REPRESENTS A SURVEY PERFORMED UNDER MY SUPERVISION DURING THE MONTH OF MARCH 2019; 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.

MITCHELL H RAGSDALE RPLS #48943 DATE 645 E. MISSOURI AVE., STE. 160

PHOENIX, AZ 85014 mragsdale@terrascape.us 602-297-8732

48943
Mitchell H.
Ragsdale
RONA U.S.

EXPIRES 12/31/2020

Civil engineering - surveying - urban plants of the last Masourists of Substantial Substan

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Gontact Arizona 311 at least two full working days before you begin excavation

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Call 311 or click Arizona311.com

DATE: 08 / 02 / 19
CHECKED BY: BWB

MAP OF

DRAWN BY:

DEDICATION

1 of 2

SHEET No.

PROJECT No. **0849** 

NOTARY PUBLIC

