

PLANNED AREA DEVELOPMENT

APPROVED

Ord O20-25 4/14/20 ZON20-02

City of Glendale Planning Division

Zoning Case: ZON20-02

SR19-0297

NEC of Sarival Avenue & Claremont Drive Glendale, AZ

Submitted: January 9th, 2020

Prepared for JAWS 303, LLC

PROJECT TEAM

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I. Proposal Overview

JAWS 303, LLC (the "Developer") plans to develop an approximately 75.79 gross acre property located at the northeast corner of Sarival Avenue and Claremont Street (the "Property"). See **Vicinity Map and Aerial Map** attached as **Exhibit 1**. This application requests approval of a Planned Area Development ("PAD") District to allow an industrial distribution and warehouse development called Bethany 303. The Applicant seeks to develop the Property in accordance with the M-I zoning and modify development standards to create a state-of-the-art industrial development nearby the expanding State Route 303 Loop transportation corridor.

The Property has been used for agricultural purposes for several years and is unimproved with no structures and dirt roadways on the perimeter of the site. Rezoning the property to PAD for industrial uses will permit the development of industrial and other uses which are compatible with the City of Glendale General Plan designation of Luke Compatible Land Uses and comply with state statutes concerning land uses within the vicinity of a military installation. It will eliminate residential land uses as a permitted use.

The site is located within the Luke Air Force Base noise contours of 75 DNL and 80 DNL. Industrial land uses for these properties are appropriate, considering the accident potential and noise impacts from daily activities conducted on the base and due to the proximity of the project to the runway.

This property is approximately within a half-mile of State Route 303 Loop. The property is bounded by an old dairy farm that is being rezoned to an industrial PAD to the north. To the east and across Alsup Avenue is also agricultural uses with no structures. To the south across Claremont Street is farmland with a residence. To the West is also vacant farmland that is anticipated to be rezoned to an Industrial PAD.

The Bethany 303 PAD is crafted to permit only uses which are compatible with the mission of Luke Air Force Base, the City of Glendale General Plan, and Arizona Revised Statutes for territory near a military airport. The Planned Area Development regulations are tailored to the intended development.

II. Existing Zoning and General Plan

The subject property is currently outside of the City of Glendale and is within Unincorporated Maricopa County. The entire site is currently zoned as Rural 43 (RU-43) per the Maricopa County Zoning Ordinance. See Zoning Map attached at **Exhibit 2**. The Property will be annexed into the City of Glendale as part of the entitlement process. The developer has submitted a City of Glendale Pre-Annexation Development Agreement with a legal description of the site, attached as **Exhibit 10**. JAWS 303 LLC proposes to rezone the entire Property from RU-43 (County) to PAD for industrial uses.

The proposed PAD zoning is consistent with the industrial PAD zoning on the adjacent property to the north. Additional industrial zoning occurs along the nearby Loop 303 Freeway corridor in other jurisdictions as well.

With the annexation into the City of Glendale the current Maricopa County General Plan Land Use classification of Military Compatible will be converted to the closest City of Glendale General Plan Land Use category, which would be the Luke Compatible Land Use (LCLU). The proposed use is consistent with the Glendale General Plan land use LCLU designation. The Luke Compatible Land Use Area recommends non-residential uses as well as safe and compatible development, like the type proposed with this application. See the **General Plan Map** shown as **Exhibit 3**. Future industrial development is encouraged. Constructing an industrial distribution and warehouse development is in conformance with the existing City of Glendale General Plan for the Property.

III. Planned Area Development

a) Overview and Intent

The intent of the Bethany 303 PAD is to allow industrial; manufacturing, e-commerce, and office uses as well as development standards that ensure appropriate flexibility for such developments. The PAD will allow industrial and employment uses that are compatible with the nearby Loop 303 Freeway Corridor and are in conformance with the underlying zoning and uses along this freeway.

A specific user(s) has not been identified at this time. The plans, exhibits, and images presented herein are conceptual only and intending to convey the type, intensity, and quality of development expected at this location. Once specific users are identified, a design review application (site plan, building architecture, landscaping, signage, grading, etc.) will be submitted for administrative review by Glendale staff.

b) Permitted Uses

This PAD and its permitted uses defined below are intended to accommodate industries involving office, light manufacturing, assembling, warehousing, e-commerce, and wholesale activities. Associated office and related retail uses are also included within this district. The manufacturing or assembly of finished products so long as the primary use of the property is not the basic processing and compounding of raw materials.

Uses shall include all uses allowed in the Light Industrial (M-1) zoning district of the Glendale Zoning Ordinance as well as offices for professional, administrative, clerical, financial, medical, business, or professional services; medical, dental and clinical laboratories / research facilities; business support services; data center, call centers and data recovery centers; wholesale sales and distribution of finished goods; retail as an accessory use (not to exceed 10%) to the primary use.

In addition to the uses listed above, all uses subject to conditions per section 5.843 of the Glendale Zoning Ordinance shall be included along with uses subject to conditional use permits per section 5.844, accessory uses per section 5.845 and temporary uses per section 3.920 of the Glendale Zoning Ordinance.

c) Site Plan

To maximize and attract potential users, the PAD introduces two conceptual site plans to help illustrate how the property could be designed with multiple smaller buildings or as a single large building. This ensures optimal flexibility while demonstrating potential development options. A conceptual development plan shows how the site could possibly be developed but does not necessarily depict what will be constructed on the site. See **Conceptual Site Plans** as **Exhibit 4 & 5**.

The conceptual site plans indicate options for building layouts; however, multiple warehouse buildings or one single larger building with approximately 1,300,000 sf could occur on the site. The largest building site plan covers 39% of the lot. These representative square footages are based on the concepts shown, but do not reflect an ultimate final site plan. Final site plans could be of different configurations and vary in size with additional square feet. Lot coverages would remain under 51% for most design scenarios.

The proposed site plans have four points of access from Sarival Avenue. The circulation design provides separation of cars and trucks where possible and transport trucks can access various points of the buildings. Employee parking is provided along Sarival Avenue as well as Alsup Avenue. A parking study has been completed that justifies the parking provided for the project based upon the deviations noted in the development standards below.

d) **Development Standards**

As reflected through Table A below, the development standards for the Bethany 303 PAD are created to facilitate industrial warehouse development. Most specifically, the permitted heights and intensity will permit the development of a highly attractive and superior industrial warehouse development representative of the types of development along the 303 Freeway Corridor further to the south. Should a conflict exist between any provision in this PAD and the Glendale Zoning Ordinance, the PAD shall apply.

Table A: Comparative Development Standards Table

	M-1	PAD Proposal
Min. Lot Area	6,000	6,000
Max. Lot Area	N/A	N/A
Building Setbacks		
• Front	25′	25′
• Rear	60′	60′
• Side	60′	60′
Street Side	25′	25′
Max. Building Height	30'	Rooftop building appurtenances can exceed roof height up to 100' maximum provided they are more than 20' from the building's roof edge. Roof mounted equipment shall be fully screened from the adjacent public street views. Material silos or other similar building specific support

Max. FAR	.3	.5 (Mezzanine SF area excluded from FAR ratio)
 Parking Warehouse/Distribution/D ata Center Office Accessory retail uses 	1/600 sf 1/300 sf 1/250sf	1/2000 sf 1/300 sf 1/250 sf
		(Mezzanine sf area excluded from parking calculations)
Signage Height	10′	20′

PAD Deviation Rationale

- i. Height: Building height needs to be flexible to meet specific tenant needs. Typically, the norm for an anticipated industrial building in this market may suggest 40' of clear height inside, resulting in a building height in the 50' range. However, in this case, there is the potential for a unique distribution or manufacturing use that may include multiple levels of storage platforms or automated systems, resulting in the need for increased height. Site appurtenances, such as material silos or other building specific support equipment, may be required to exceed the building height. In such cases, location and treatment of such elements shall be considered and incorporated into the overall design solution.
- ii. FAR: A distinction should be made between additional building floors and storage mezzanines. Often, storage mezzanines or multi-level automated storage platforms are incorporated into the tall clear height of a large distribution facility. Mezzanines fall within a portion of the already defined volume and footprint of the building and do not impact the visual appearance or height of the exterior of the building, thus not impacting the perceived density addressed by FAR. They are often limited in actual employee population and used for a different type of storage or processing that does not require the otherwise high bay volume of the space.

iii. Parking: Reduced parking ratios requested warehouse/distribution portion of the building consider the anticipated heavy storage/limited occupancy characteristics of the potential tenant mix for the project. As storage systems become more automated and based on historical ratios of warehouse employees to actual storage space, fewer employees are required. Mezzanine areas, due to their typical storage use, should not be included in parking calculations unless they are specifically occupied full time by employees as their primary workspace. Such calculations should be evaluated with specific tenant plans when submitted for entitlements. Based on the large open spaces available within the dock areas of these types of buildings, supplemental parking areas are available based on specific tenant needs, providing flexibility to increase parking ratios as required.

e) Performance Standards/Use Limitations

- i. Nuisances: Uses shall be permitted within this district, unless such uses are or may become obnoxious or offensive by reason of odor, dust, smoke, noise, gas fumes, cinders, vibrations, glare, refuse, or air or water pollution emissions.
- ii. Enclosures: All uses permitted in this district shall be typically conducted within a fully enclosed building unless otherwise permitted. Outside storage of materials and equipment related to the primary activity is permitted provided that the outside storage area is screened by a wall. Design and height shall be approved by the approved authorizing administrative body.
- iii. Hazards: All explosive and hazardous materials and processes require approval by Glendale Fire Department. All manufacturing, storage, and waste processes shall meet all safety and environmental standards as administered by the fire department.
- iv. Dark Skies: Lighting plans shall be submitted with each Design Review application illustrating that on-site lighting does not exceed one-foot candle at the property line. On-sight lighting shall be dark sky compliant and all lighting shall comply with the City of Glendale Outdoor Light Control Ordinance.

f) Landscape Buffer and Dock Screens

Landscape buffers and screen wall requirements shall conform to Section 7.200 of the Glendale Zoning Ordinance. The design, materials and colors for all walls, fences and screening devices visible from public view will be uniform in appearance. An 8' wall enclosing the

truck courts shall be provided along the north and south property lines to help screen the truck loading and maneuvering area.

IV. Landscape Design

Landscaping will be designed to complement the building architecture overall design theme for the site. All materials will comply with the City of Glendale low water use plant palette. The Sarival street frontage landscaping will provide an attractive public edge to the property. Perimeter site boundaries will define the parcel and provide a pleasing common boundary with adjacent sites. Enhanced landscaping will further define potential building entries with canopy trees at City-required spacing to provide shading for the parking areas. A variety of tree species, combined with a colorful combination of shrubs and groundcovers, will provide an overall landscape composition of appropriate scale to enhance the overall development and its visual impact on its surroundings. A conceptual landscape plan is included with this submittal to portray a representative design. More specific details regarding plantings, types, locations and quantities will be a part of future design review applications to address the proportion of landscape materials to specific building design and height. See Conceptual Landscape Renderings attached as Exhibits 6 & 7.

V. Architecture Form and Character

Design requirements of large industrial facilities vary with specific uses and tenant requirements. The specific uses combined with careful aesthetic considerations for large building masses will provide general guidance that will inform the design process for the architecture. Design palette must remain flexible as that a specific future tenant is unknown at this time. The building may take on the characteristics of a specific tenant, if that tenant is identified prior to development, or may be more 'generic', designed to appeal to a broad range of potential tenants (particularly if development commences before a specific tenant is known). Examples of typical archetypes can be found along the nearby Loop 303 Corridor.

Scale is an important consideration when looking at the overall design. While the scale of development along the freeway should be appropriate for views at high speeds, this proposal will focus on the more distant views that surround the site. Elements should generally be larger and easier to identify from automobiles along Sarival Road. Similarly, the building(s) should be set back from Sarival Avenue so the scale of the buildings does not dominate the views in the area. The level of architectural fenestration and detail will increase adjacent to building entries where pedestrian scaled elements should be included in the architectural design to emphasize human

scale.

Color and pattern will be used to de-emphasize building mass and develop visual interest that creates an overall pleasing aesthetic on all sides of the building. The color palette may include warm to cool neutral colors that embrace the surrounding desert hues. Unique features may include limited color accents to provide additional visual interest, while also addressing corporate image. The primary building material will be painted, articulated concrete wall panels and may feature accent materials that provide additional texture or colors where areas of enhancement are appropriate. Store front glazing will be incorporated at anticipated office areas to provide daylight to workspaces. Metal canopies help the architecture respond to the climate by providing shade, shadow, and accents to the building.

Building parapets will be extended above the roof line to provide screening of roof top equipment from view at adjacent public right of ways along Sarival Avenue and Alsup Avenue. Dock and outdoor storage areas will be screened with an 8' masonry wall with detail and color to complement the building architecture. A similar 3' high wall will screen parking along Sarival Avenue.

A representative architectural collage exhibit is included to convey a representative palette of building archetypes. The images shown in the collage are consistent with similar approved nearby Planned Area Developments. Specific details regarding architecture, materials, colors, etc. will be a part of the future design review application. See Architectural Collage Exhibit attached as Exhibit 8 and Architectural Rendering Exhibit attached as Exhibit 9.

VI. <u>Circulation and Access</u>

The Property is well situated from a regional access perspective; it is within proximity of the 303 Freeway and is easily accessible from the surrounding arterial street network (Sarival Avenue, Glendale Road, Bethany home Road).

a) Existing Conditions

In the immediate vicinity of the project, Glendale Avenue is an east-west, two-way, two lane roadway that serves nearby residences and provides access to surrounding agriculture parcels. Immediately north of the project area, Glendale Avenue provides full access to the Loop 303 Freeway.

Bethany Home Road is a two-lane roadway with one lane for each eastbound and westbound travel. South of the project area, Bethany Home Road provides full access to the Loop 303 Freeway.

Sarival Avenue is a two-way, two-lane roadway with a north-south alignment. Access is provided by Sarival Avenue to nearby residences and agriculture parcels.

Alsup Road is a two-way, two-lane rural roadway east of the site that connects Bethany Home Road to Glendale Avenue.

b) Proposed Street Improvements

As part of the proposed Bethany 303 site, offsite improvements will occur along Sarival Avenue, immediately adjacent to the project site. Sarival Avenue will be widened from a two-lane roadway to a three-lane roadway (one lane in each direction with a two-way center left turn lane) with curb, gutter, sidewalk, and associated roadway lighting. Up to four proposed driveways along the west side of Sarival Avenue will serve the project site and will align with the approved driveways across the street. The northern and southernmost driveways will be constructed on the Maryland Avenue and Claremont Street alignments, respectively. These driveways will be connected to Sarival via a private drive connection. The Maryland Avenue drive connection will be located within the parcel to the north and align with the Park 303 project on the west side of Sarival Avenue. A traffic study will be provided to staff in order to confirm the driveway configurations.

VII. Grading and Drainage

The grading and drainage for the site will be designed to retain the 100yr-2hour storm event in accordance with the City of Glendale drainage design guidelines. Storm drainage will be conveyed via roof drains, downspouts and overland flow across the parking lots and truck dock areas into either catch basins or curb openings which will outfall to a combination of surface and/or underground retention areas. The required storage volume will dissipate within 36 hours via a combination of natural percolation and drywells.

VIII. Infrastructure and Utilities

Water will be provided to the site by the Adaman Water District. Adaman has stated that they will allow domestic water to be taken off of their existing 8-inch waterline in Sarival Avenue. Fire protection will also be provided by the Adaman Water District. There is currently a 16" waterline proposed within Sarival to service this site for fire protection.

Sewer will be provided by Epcor. Epcor has a master plan to extend sewer

north, within Sarival to service this property. Epcor has committed to begin the design of the sewer extension within Sarival Road which should be installed first quarter of 2020.

IX. <u>Signage</u>

This development will provide functional and attractive signage that compliments the architecture of the overall Bethany 303 site. This PAD application sets forth the general location, quantity, and maximum height of monument signage for Bethany 303. Monument signs along Sarival Road, as well as on-site development identification signs along Sarival Avenue will provide proper identification. Directional signs may be located throughout the development to point users to their desired destination. These signs will utilize the established color and materials palette that is applied to the building(s) within the Bethany 303 site. A separate Comprehensive Sign Package shall be submitted to obtain City of Glendale approval for all signs. Deviations from City approval may be obtained through an administrative process if the sign is in substantial conformance with the sign package approved through Design Review.

Two (2) 20'-tall monument signs are proposed along Sarival Avenue near the proposed access drives. Monument signs will provide identity for the overall development and may include single-tenant panels, or multi-panel depending upon the future tenant user(s) of the Property.

Once future tenants are identified, a Comprehensive Sign Package (CSP) will be provided with consistent signage for tenants and users of Bethany 303. The future CSP will contain guidelines for color, materials, location of wall signage, allowable areas, illumination, and configuration of logo and copy presentations.

X. <u>Development Phases</u>

The Property may be developed in a single-user phase, or with multiple phases as market conditions warrant. The intent is to install infrastructure and improve the street frontage and access way adjacent to each phase. It is anticipated that the initial phase will include at least one building, street frontage improvements, and retention basins. Plans for individual buildings/phases will be submitted to the City of Glendale to ensure proper and orderly development.

XI. Summary

The PAD and the proposed site plan will provide the required entitlements needed to develop the Bethany 303 industrial center. The Property will be zoned PAD and the site is within a General Plan land use designation that encourages development specifically for parcel close to Luke Air Force Base. The proposed development substantially conforms with the development objectives of the General Plan for this location. The development will complement the surrounding area and provide improved benefits and new employment opportunities to the City of Glendale and its residents.

XII. References

Significant portions of this PAD were referenced from the proposed adjacent PAD, made public record for the West 303 Crossing property located directly north of this site. This PAD is consistent with the direction and vision of the City of Glendale for development along the Loop 303 corridor.

<u>Note:</u> Prior to the City's issuance of permit(s) for vertical construction of building(s) or other improvements, Developer shall submit FAA form 7460-1 to the FAA. Regional Office for the FAA's determination of whether such building(s) or other improvements (as designed) would be a hazard to aviation and what additional conditions (if any) are recommended by the FAA.

LIST OF EXHIBITS

- 1. Aerial and Vicinity Map
- 2. Zoning Map
- 3. General Plan Map
- 4. Conceptual Site Plan A
- 5. Conceptual Site Plan B
- 6. Conceptual Landscape Rendering A
- 7. Conceptual Landscape Rendering B
- 8. Architectural Collage Exhibit
- 9. Architectural Rendering
- **10**. Legal Description



BETHANY 303 INDUSTRIAL AERIAL VICINITY MAP



SR19-0297

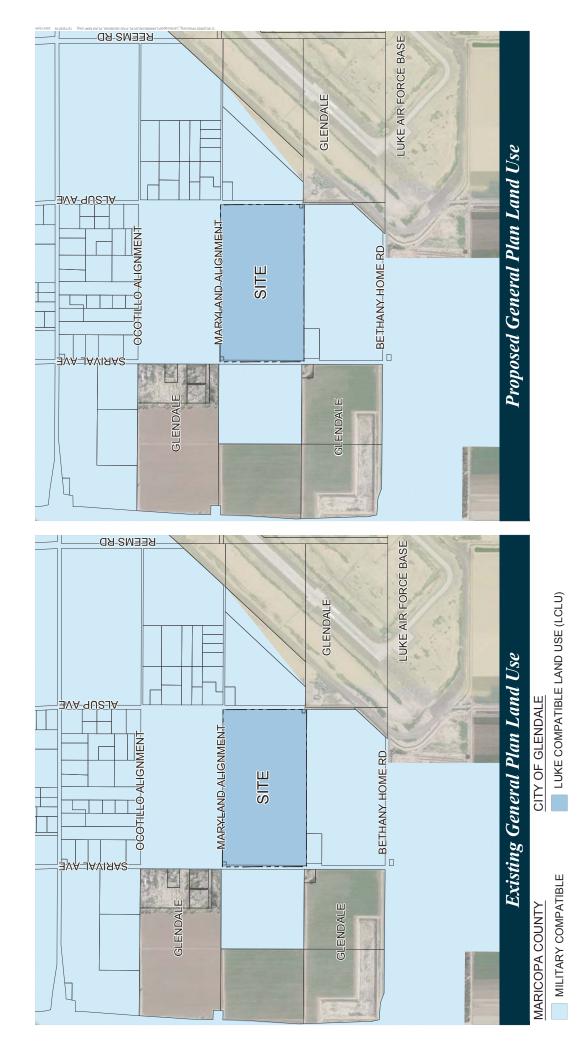


BETHANY 303 INDUSTRIAL

ZONING MAP



SR19-0297



BETHANY 303 INDUSTRIAL

GENERAL PLAN MAP



SR19-0297



: 819,364 S.F. (18.81 AC) : 396,700 S.F. . 809,856 S.F. (18.59 AC) . 396,700 S.F. 857,548 S.F. (19.68 AC) 396,700 S.F. 841,601 S.F. (19.32 AC) 396,700 S.F. 76.40 AC 1,586,800 S.F. PARKING REQUIRED WHS./DIST. 1.2000 S.F.: 189 SPACES OFFICE (5%) 1:300 S.F. : 66 SPACES 172 SPACES PARKING PROVIDED : 305 SPACES * *ADDITIONAL PARKING AVAILABLE IN DOCK AREAS AS REQUIRED PARKING REQUIRED WHS./DIST. 1:2000 S.F.: 189 SPACES OFFICE (5%) 1:300 S.F.: 66 SPACES 172 SPACES PARKING PROVIDED : 318 SPACES* *ADDITIONAL PARKING AVAILABLE IN DOCK AREAS AS REQUIRED PARKING REQUIRED WHS DIST. 1:2000 S.F.: 189 SPACES OFFICE (5%) 1:300 S.F.: 66 SPACES 172 SPACES PARKING PROVIDED : 313 SPACES * *ADDITIONAL PARKING AVAILABLE IN DOCK AREAS AS REQUIRED TRAILER PARKING PROVIDED: 83 SPACES TRAILER PARKING PROVIDED: 83 SPACES TRAILER PARKING PROVIDED: 83 SPACES BUILDING 2 SITE AREA BUILDING 2 AREA BUILDING 3 BUILDING 3 SITE AREA BUILDING 3 AREA BUILDING 4 BUILDING 4 SITE AREA BUILDING 1 SITE AREA SITE AREA TOTAL BLDG AREA BUILDING 1 AREA BUILDING 4 AREA BUILDING 1 ∃VA 9USJA N 1,0255 BUILDING 2

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NOTE: NUMBER OF TENANTS AND ACTUAL OFFICE LOCATION UNKNOWN. SITE PLAN TO BE ADJUSTED TO FIT ACTUAL TENANT REQUIREMENTS.

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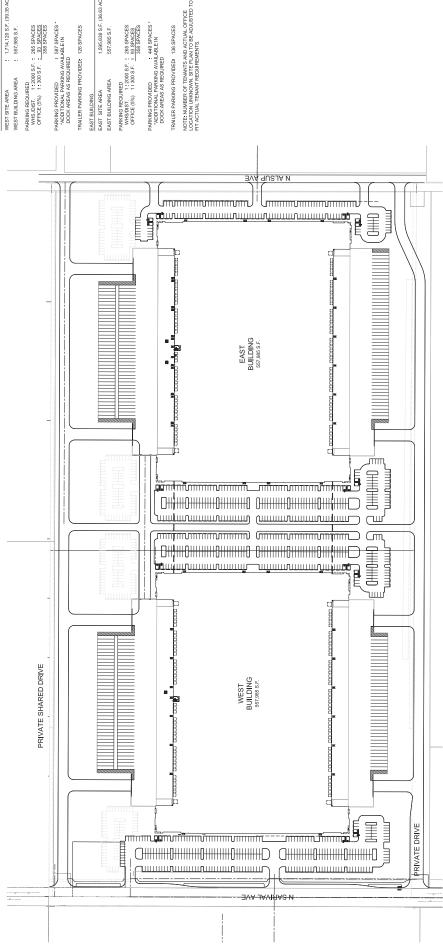
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PRIVATE DRIVE





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PARKING PROVIDED : 305 SPACES
*ADDITIONAL PARKING AVAILABLE IN DOCK AREAS AS REQUIRED

RAILER PARKING PROVIDED: 83 SPACES

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PARKING REQUIRED
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OFFICE (5%) 1:300 S.F.: 66 SPACES
172 SPACES

PARKING PROVIDED : 304 SPACES 'ADDITIONAL PARKING AVAILABLE IN DOCK AREAS AS REQUIRED

NOTE: NUMBER OF TENANTS AND ACTUAL OFFICE LOCATION UNKNOWN. SITE PLAN TO BE ADJUSTED TO FIT ACTUAL TENANT REQUIREMENTS. TRAILER PARKING PROVIDED: 83 SPACES







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EAST BUILDING AREA
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OFFICE (191) 1:200 SF 1:200 SPACES
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OFFICE (191) 1:200 SF 1:200 SPACES

DOCK AREAS AS REQUIRED
RAILER PARKING PROVIDED: 136 SPACES

NOTE: NUMBER OF TENANTS AND ACTUAL OFFICE
LOCATION UNKNOWN. SITE PLAN TO BE ADJUSTED TO
FIT ACTUAL TENANT EQUIREMENTS.

SERVICE OF ACTUAL BUILDING
1,276,468 S. F. OR LANGER

INDUSTRIAL DISTRIBUTION

LOOP 303 & MARYLAND







This artistic rendering is for conceptual design only and should not be referred to as a construction document.

BETHANY 303 INDUSTRIALARCHITECTURAL COLLAGE EXHIBIT

SR19-0297



CAWLEY





BETHANY 303 INDUSTRIAL ARCHITECTURAL RENDERING







LEGAL DESCRIPTION

The North half of the Southwest quarter of Section 7, Township 2 North. Range 1 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona;

EXCEPTING therefrom all irrigation wells and domestic wells serving more than one farm, pumping plants, machinery, equipment and facilities incident to said wells and pumping plants, as set forth in Deed recorded September 27, 1952 in Docket 997, Page 211, including but not limited to the following described property;

(A) A certain parcel of land known as Well Site 7B located in the Northwest quarter of the Southwest quarter of Section 7, Township 2 North, Range 1 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, more particularly described as follows:

COMMENCING at the Northwest corner of the Southwest quarter of said Section 7; Thence East (assumed bearing) along the North line of the Southwest quarter of said Section 7, a distance of 33.0 feet to the TRUE POINT OF BEGINNING; Thence continuing East on said line a distance of 50.0 feet to a point; Thence South and parallel to the West line of the Southwest quarter of said Section 7, a distance of 60.0 feet to a point; Thence West and parallel to the North line of the Southwest quarter of said Section 7, a distance of 50.0 feet to a point; Thence North and parallel to the West line of the Southwest quarter of said Section 7, a distance of 60.0 feet to the POINT OF BEGINNING, as conveyed to ADAMAN MUTUAL WATER COMPANY, a corporation, by Deed recorded August 4, 1953 in Docket 1180, Page 528.

(B) A certain parcel of land known as Well Site 7D located in the Northeast quarter of the Southwest quarter of Section 7, Township 2 North, Range 1 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, more particularly described as follows:

COMMENCING at the Southeast corner of the Northeast quarter of the Southwest quarter of said Section 7; Thence North (assumed bearing) along the East line of the Northeast quarter of the Southwest quarter of Section 7, a distance of 24.68 feet to a point; Thence South 89 degrees 55 minutes West and parallel to the South line of the Northeast quarter of the Southwest quarter of Section 7, a distance of 33.0 feet to the TRUE POINT OF BEGINNING; Thence continuing South 89 degrees 55 minutes West on the same line, a distance of 55.0 feet to a point; Thence North and parallel to the East line of the Northeast quarter of the Southwest quarter of said Section 7, a distance of 50.0 feet to a point; Thence North 89 degrees 55 minutes East and parallel to the South line of the Northeast quarter of the Southwest quarter of said Section 7, a distance of 55.0 feet to a point; Thence South and parallel to the East line of the Northeast quarter of the Southwest quarter of said Section 7, a distance of 50.0 feet to the POINT OF BEGINNING and as set forth in Deed recorded in Docket 1546, Page 441; and

EXCEPTING all underground or subterranean waters beneath the lands of the ADAMAN MUTUAL COMPANY PROJECT except that necessary for domestic use and distinguished from irrigation use by such owners of domestic wells for their individual uses, as set forth in Deed recorded in Docket 1180, Page 517.