

RESOLUTION NO. 05-47

A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE CITY OF MARICOPA, ARIZONA, ACCEPTING PUBLIC IMPROVEMENTS AND MAINTENANCE RESPONSIBILITY FOR THAT PORTION OF SMITH-ENKE ROAD ADJACENT TO PROVINCE PHASE 1, INTO THE CITY STREET/ROAD MAINTENANCE SYSTEM.

WHEREAS, the City has received a request from the owner/developer to accept public improvements and maintenance responsibility for that portion of Smith-Enke Road that is adjacent to Province Phase 1, into the City street/road maintenance system.

WHEREAS, it appears that the public improvements in question have been properly dedicated for public use; and

WHEREAS, the Maricopa Public Works Department has inspected the public improvements and has notified the Maricopa City Council that the public improvements have been installed to the satisfaction of the Maricopa Public Works Department; and

WHEREAS, it appears to the Maricopa City Council that the current owner has paid to the City the appropriate Subdivision Street Maintenance Fee, as established by Resolution 04-16, and any other applicable fees relating to the property;

NOW, THEREFORE, BE IT RESOLVED that the Maricopa City Council hereby accepts that portion of Smith-Enke Road that is adjacent to Province Phase 1, as indicated on the map attached as Exhibit "A" hereto, into the City road system for purposes of public use, ownership and future maintenance. This Resolution shall be in full force and effect from and after its passage.

PASSED AND ADOPTED BY THE Mayor and Council of the City of Maricopa, Arizona, this 6th day of December, 2005.



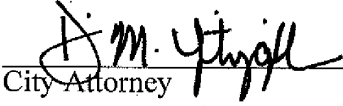
Mayor

ATTEST:



City Clerk

APPROVED AS TO FORM:



City Attorney

EXHIBIT "A"

DEDICATION

STATE OF ARIZONA }
COUNTY OF PINAL }
}

KNOW ALL MEN BY THESE PRESENTS:

THAT TOUSA HOMES INC. A FLORIDA CORPORATION, DBA ENGLE HOMES, AS OWNER, HAS SUBDIVIDED UNDER THE NAME "PROVINCE PHASE 1", LOCATED WITHIN A PORTION OF SECTION 23, TOWNSHIP 4 SOUTH, RANGE 3 EAST OF THE GILA AND SALT RIVER MERIDIAN, PINAL COUNTY ARIZONA, AS SHOWN PLATTED HEREON AND HEREBY DECLARES THAT SAID PLAT SETS FORTH THE LOCATION AND DIMENSIONS OF THE PARCELS, TRACT, STREETS AND EASEMENTS CONSTITUTING SAME AND THAT SAID PARCELS, TRACT AND STREETS SHALL BE KNOWN BY THE NUMBER, LETTER OR NAME GIVEN EACH RESPECTIVELY.

TOUSA HOMES, INC. A FLORIDA CORPORATION, DBA ENGLE HOMES, IS THE OWNER OF FEZ TITLE AND THE LIENHOLDER EXCLUDING THE LIENHOLDER'S RATIFICATION HEREON HOLD AN EQUITABLE INTEREST IN THE PROPERTY UPON OR ACROSS WHICH EASEMENTS ARE BEING DEDICATED TO THE PUBLIC BY THIS PLAT. TOUSA HOMES, INC. HEREBY WARRANTS TO PINAL COUNTY, A PUBLIC SUBDIVISION OF THE STATE OF ARIZONA, THE TITLE TO SUCH PROPERTY AGAINST ALL PERSONS CLAIMING UNDER IT, AND ANY OTHER MATTERS OF RECORD.

OWNER HEREBY DEDICATES, GRANTS AND CONVEYS RIGHTS OF INGRESS AND EGRESS FOR ALL EMERGENCY VEHICLES AND/OR PUBLIC VEHICLES OVER AND ACROSS PRIVATE STREETS DEPICTED ON THIS PLAT.

"SMITH-ENKE ROAD" IS DEDICATED TO THE PUBLIC FOR ROADWAY PURPOSES INCLUDING, BUT NOT LIMITED TO, ACCESS, DRAINAGE, TRANSMISSION LINES AND PUBLIC UTILITIES.

OVER TRACT "A" THERE IS HEREBY DEDICATED TO THE PUBLIC A WATER AND SEWER EASEMENT, A DRAINAGE EASEMENT, A REFUSE COLLECTION EASEMENT AND AN EASEMENT FOR EMERGENCY AND SERVICE TYPE VEHICLES.

THE STREET SHOWN AS "PROVINCE PARKWAY" IS NOT CONSTRUED TO BE DEDICATED FOR THE USE OF THE GENERAL PUBLIC, BUT IS TO BE CONVEYED TO THE PROVINCE HOMEOWNERS ASSOCIATION FOR ROADWAY PURPOSES INCLUDING, BUT NOT LIMITED TO ACCESS, DRAINAGE, TRANSMISSION LINES AND PUBLIC UTILITIES.

PARCEL 2 IS A COMMON AREA WHICH SHALL BE CONVEYED TO AND MAINTAINED BY PROVINCE HOMEOWNERS ASSOCIATION, AN ARIZONA NON-PROFIT CORPORATION. PARCEL 2 IS DECLARED FOR THE FOLLOWING USES: LANDSCAPE, OPEN SPACE, LAKES, UTILITIES, SALES CENTER, RECREATION CENTER AND PARKING.

WATER EASEMENTS ARE HEREBY DEDICATED TO THE PUBLIC UPON, OVER UNDER, ACROSS AND THROUGH THE AREAS DESIGNATED AS SUCH HEREON FOR THE INSTALLATION, MAINTENANCE, REPAIR, AND REMOVAL OF SEWER LINES, MAINTENANCE OF THE AREAS SUBJECT TO SUCH SEWER EASEMENTS SHALL BE THE RESPONSIBILITY OF THE PROVINCE HOMEOWNERS ASSOCIATION.

SEWER EASEMENTS ARE HEREBY DEDICATED TO THE PUBLIC UPON, OVER UNDER, ACROSS AND THROUGH THE AREAS DESIGNATED AS SUCH HEREON FOR THE INSTALLATION, MAINTENANCE, REPAIR, AND REMOVAL OF SEWER LINES, MAINTENANCE OF THE AREAS SUBJECT TO SUCH SEWER EASEMENTS SHALL BE THE RESPONSIBILITY OF THE PROVINCE HOMEOWNERS ASSOCIATION.

PUBLIC UTILITY EASEMENTS ARE HEREBY DEDICATED TO THE PUBLIC UPON, OVER, UNDER, ACROSS AND THROUGH THE AREAS DESIGNATED AS SUCH HEREON FOR THE INSTALLATION, MAINTENANCE, REPAIR, AND REMOVAL OF UNDERGROUND UTILITIES, INCLUDING, BUT NOT LIMITED TO, WATER, SEWER, GAS, ELECTRIC, TELEPHONE AND CABLE TELEVISION. MAINTENANCE OF THE AREAS SUBJECT TO SUCH PUBLIC UTILITY EASEMENTS SHALL BE THE RESPONSIBILITY OF THE LOT OR TRACT OWNER.

IN WITNESS WHEREOF, TOUSA HOMES, INC. A FLORIDA CORPORATION, DBA ENGLE HOMES, AS OWNER, HAS HEREBY CAUSED ITS COMPANY NAME TO BE AFFIXED AND THE SAME TO BE ATTESTED BY THE SIGNATURE OF THE UNDERSIGNED AGENT, THEREUNTO DULY AUTHORIZED THIS 15 DAY OF July, 2003.

TOUSA HOMES, INC. A FLORIDA CORPORATION, DBA ENGLE HOMES
BY: A. Hill DATE: 7/15/03

ITS: President

ACKNOWLEDGMENT

STATE OF ARIZONA }
COUNTY OF MARICOPA }
}

ON THIS, THE 15 DAY OF July, 2003, BEFORE ME, THE UNDERSIGNED, PERSONALLY APPEARED A. Hill, WHO ACKNOWLEDGED HIMSELF TO BE OF TOUSA HOMES, INC., A FLORIDA CORPORATION, DBA ENGLE HOMES, AND BEING AUTHORIZED SO TO DO SO ON BEHALF OF SAID ENTITY, EXECUTED THE FOREGOING PLAT FOR THE PURPOSES THEREIN CONTAINED.

IN WITNESS WHEREOF, I HEREBY SET MY HAND AND OFFICIAL SEAL:

A. Hill Notary Public March 7, 2005
MY COMMISSION EXPIRES:

LIENHOLDER'S RATIFICATION

KNOW ALL MEN BY THESE PRESENTS:

THAT RIO VERDE/MUNICH 640, L.L.C., AN ARIZONA LIMITED LIABILITY COMPANY, AS BENEFICIARY OF THAT CERTAIN DEED OF TRUST AND ASSIGNMENT OF PROFITS RECORDED IN DOCUMENT NO. 2003-035814, OFFICIAL RECORDS OF PINAL COUNTY RECORDER, HEREBY RATIFIES, AFFIRMS AND APPROVES THIS PLAT AND EVERY DEDICATION CONTAINED HEREIN.

IN WITNESS WHEREOF, THE UNDERSIGNED HAS SIGNED HIS NAME THIS 15 DAY OF July, 2003.

RIO VERDE/MUNICH 640, L.L.C., AN ARIZONA LIMITED LIABILITY COMPANY

BY EL OORADO HOLDINGS, INC., AN ARIZONA CORPORATION, ADMINISTRATIVE AGENT

BY: Mark E. Ortman
ITS SECRETARY/TREASURER

ACKNOWLEDGMENT FOR LIENHOLDER'S RATIFICATION

STATE OF ARIZONA }
COUNTY OF MARICOPA }
}

ON THIS, THE 15 DAY OF July, 2003, BEFORE ME THE UNDERSIGNED PERSONALLY APPEARED MARK E. ORTMAN WHO ACKNOWLEDGED HIMSELF TO BE PERSON WHOSE NAME IS SUBSCRIBED.

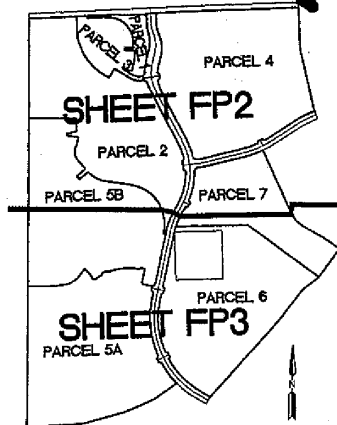
IN WITNESS WHEREOF, I HEREBY SET MY HAND AND OFFICIAL SEAL.

Mark E. Ortman Notary Public March 7, 2005
MY COMMISSION EXPIRES:

FINAL PLAT FOR "PROVINCE PHASE 1"

BEING A PORTION OF SECTION 23, TOWNSHIP 4 SOUTH, RANGE 3 EAST OF THE GILA AND SALT RIVER MERIDIAN, PINAL COUNTY, ARIZONA

SMITH-ENKE RD.



SITE MAP
SCALE: 1"=500'

DEVELOPER/OWNER

TOUSA HOMES, INC.
3150 SOUTH 48TH STREET
SUITE 100
PHOENIX, ARIZONA 85040
PHONE: (480) 466-2201

ENGINEER

CMX LLC
1515 E. MISSOURI, SUITE 115
PHOENIX, ARIZONA 85014
PHONE: (602) 279-5436
FAX: (602) 265-1191

ZONING

PLANNED AREA
DEVELOPMENTS WITHIN
CR-3 P.A.D. SINGLE
FAMILY ZONE

SHEET INDEX

FP1 - COVER SHEET
FP2 - PLAT
FP3 - PLAT

BASIS OF BEARING

THE NORTH LINE OF THE NORTHEAST QUARTER OF SECTION 23, TOWNSHIP 4 SOUTH, RANGE 3 EAST OF THE GILA AND SALT RIVER MERIDIAN, BEARING = NORTH 87°25'33" EAST.

CERTIFICATE OF ASSURED WATER SUPPLY

THIS SUBDIVISION IS WITHIN THE SERVICE AREA OF THE SANTA CRUZ WATER COMPANY AND HAS BEEN DESIGNATED AS PAVING AN ASSURED WATER SUPPLY PURSUANT TO ARS-576, SANTA CRUZ WATER COMPANY HAS ISSUED A LETTER OF COMMITMENT TO PROVIDE WATER SERVICE TO THIS SUBDIVISION.

ASSURANCE BLOCK

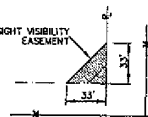
ASSURANCES IN THE FORM OF AN IRREVOCABLE LETTER OF CREDIT WITH PINAL COUNTY AS BENEFICIARY, TOGETHER WITH AN IRREVOCABLE RIDER TO IMPROVEMENT ESCROW AND DEVELOPMENT AGREEMENT DATED: _____ AMONG TOUSA HOMES, INC., A FLORIDA CORPORATION, DBA ENGLE HOMES, RIO VERDE/MUNICH 640, L.L.C., AN ARIZONA LIMITED LIABILITY COMPANY, AND TRAVELERS CASUALTY & SURETY COMPANY OF AMERICA HAVE BEEN EXECUTED AND POSTED WITH SECURITY TITLE AGENCY TO GUARANTEE INSTALLATION OF ALL REQUIRED MAJOR INFRASTRUCTURE FOR THIS PROJECT.

AREA TABLE

PARCEL	AREA	ACRES
PARCEL 1	109,333 SF	2.5099 ACRES
PARCEL 2	1,533,969 SF	35.2151 ACRES
PARCEL 3	265,388 SF	6.0927 ACRES
PARCEL 4	1,797,254 SF	41.2593 ACRES
PARCEL 5A	1,741,985 SF	39.9900 ACRES
PARCEL 5B	1,513,699 SF	34.7490 ACRES
PARCEL 6	1,429,651 SF	32.9203 ACRES
PARCEL 7	799,813 SF	18.3568 ACRES
TRACT "A"	484,047 SF	11.1122 ACRES
NET AREA	9,674,902 SF	222.1051 ACRES
SMITH-ENKE ROW	136,856 SF	3.1351 ACRES
GROSS AREA	9,811,757 SF	225.2402 ACRES
EXCEPTION	217,802 SF	5.0001 ACRES

TRACT TABLE

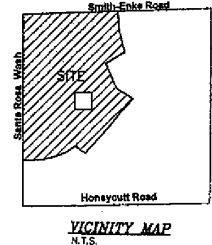
TRACT	AREA	USE/PURPOSE
TRACT "A"	484,047 SF = 11.1122 ACRES	PUE, PRIVATE STREET, DRAINAGE, COMMON AREA



2' HIGH VISIBILITY RESTRICTION (TYP)
GROUND COVER AND FLOWERS LESS THAN 24 INCHES (MATURE) BY HEIGHT, GRANITE, AND TREES (MATURE) TO MINIMUM OF 7 FEET ABOVE GROUND ALLOWED IN THIS AREA.

NOTE:
DETAIL PERTAINS TO ALL UNCONTROLLED INTERSECTIONS.
CONTROLLED INTERSECTIONS SHALL MEET THE REQUIREMENTS IN PINAL COUNTY.

STATE OF ARIZONA
COUNTY OF PINAL 1 of 3
2003-054058
I hereby certify that the within instrument has been duly executed in accordance with the laws of the State of Arizona and that the signatory is duly qualified to execute the same. Witness my hand and official seal this 15th day of July, 2003.
Notary Public
By: Alfred DeLeonard County



VICINITY MAP
N.T.S.

APPROVALS

THIS PLAT HAS BEEN APPROVED AS TO FORM BY:
DR. Pittman DATE: 8/15/03
BY: DR. Pittman DATE: 8/15/03
BY: Robert Pittman DATE: 8/15/03
BY: Mark E. Ortman DATE: 7/15/03

THIS PLAT HAS BEEN APPROVED AS TO FORM IN ACCORDANCE WITH A.R.S. SEC. 11-808.D1, THIS 15th DAY OF JULY 2003. THIS APPROVAL OR RECORDATION OF THIS PLAT SHALL NOT BE DEEMED TO CONSTITUTE OR EFFECT AN ACCEPTANCE BY THE COUNTY FOR DESIGNATION OF ANY STREET, HIGHWAY, OR OTHER WAY OR OPEN SPACE SHOWN UPON THE PLAT INTO THE COUNTY MAINTENANCE SYSTEM.
PINAL COUNTY BOARD OF SUPERVISORS
BY: David Smith CHAIRMAN

- LEGEND**
- SECTION CORNER
 - ⊕ INSTALL SURVEY MONUMENT PER M.A.G. DET. 120-1, TYPE "A"
 - ⊙ BRASS CAP TO BE SET FLUSH PER M.A.G. DET. 120-1, TYPE "B", UPON COMPLETION OF PAVING IMPROVEMENTS
 - C.S. † INDICATES CORNER OF THIS SUBDIVISION SET 1/2" REBAR UNLESS OTHERWISE NOTED
 - CS CURVE TABLE NUMBER
 - L12 LINE TABLE NUMBER
 - R/W RIGHT-OF-WAY
 - PUE PUBLIC UTILITY EASEMENT
- WNAE VEHICULAR NON-ACCESS EASEMENT
- NOTE:
ALL INDIVIDUAL PARCEL PROPERTY CORNERS SHALL BE SET WITH 1/2" REBAR AND CAP OR TAG BEARING THE REGISTRATION NUMBER OF THE SURVEYOR RESPONSIBLE FOR THEIR PLACEMENT

UTILITY	COMPANY
SCHOOL	MARICOPA SCHOOL DISTRICT
WATER	SANTA CRUZ WATER COMPANY
SEWER	SANTA CRUZ WATER COMPANY
ELECTRICITY	ARIZONA ELECTRIC POWER AND LIGHT COMPANY
CABLE TELEVISION	ARIZONA COMMUNICATIONS
TELEPHONE	ARIZONA COMMUNICATIONS
FIRE	MARICOPA VOLUNTEER FIRE DEPARTMENT
POLICE	PINAL COUNTY SHERIFF'S DEPARTMENT
SOLID WASTE	PRIVATE HAULER

1515 E. MISSOURI, SUITE 115
PHOENIX, AZ 85014
PHONE: (602) 279-5436
FAX: (602) 265-1191

CMX
ENGINEERS • PLANNERS • LANDSCAPE ARCHITECTS • SURVEYORS • CONSTRUCTION MANAGERS

PROVINCE PHASE 1
PINAL COUNTY, ARIZONA

FINAL PLAT

S-019-02
DATE: JULY 2003
SCALE: AS SHOWN
DRAWN: PMS
APPROVED: PMS

DWG. NO. **FP1**
SHT. 1 OF 3