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BEFORE THE ARIZONA CORPORATION COMMISSION

Arizona Corporation Commission

COMMISSIONERS

DOCKETED

MARC SPITZER, Chairman
WILLIAM A. MUNDELL
JEFF HATCH-MILLER
MIKE GLEASON
KRISTIN K. MAYES

JUL - 9 2004

DOCKETED BY NR

IN THE MATTER OF THE APPLICATION OF
TIERRA LINDA HOMEOWNERS ASSOCIATION,
INC. FOR A CERTIFICATE OF CONVENIENCE
AND NECESSITY TO PROVIDE WATER
SERVICE IN PIMA COUNTY, ARIZONA.

DOCKET NO. W-04236A-04-0075

DECISION NO. 67104

OPINION AND ORDER

DATE OF HEARING: May 4, 2004

PLACE OF HEARING: Phoenix, Arizona

ADMINISTRATIVE LAW JUDGE: Amanda Pope

APPEARANCES: Michael T. Hallam, LEWIS & ROCA, LLP, on behalf of Tierra Linda Homeowners Association, Inc.; and David Ronald, Staff Attorney, Legal Division, on behalf of the Utilities Division of the Arizona Corporation Commission.

BY THE COMMISSION:

On February 3, 2004, Tierra Linda Homeowners Association, Inc. ("Tierra Linda HOA" or "Applicant") filed with the Arizona Corporation Commission ("Commission") an application for a Certificate of Convenience of Necessity ("Certificate") to provide water service in Pima County, Arizona ("Application").

On March 18, 2004, the Commission issued a Procedural Order setting the matter for hearing on May 4, 2004.

On April 1, 2004, Tierra Linda HOA filed an Affidavit of Publication.

On April 9, 2004, Staff filed a Staff Report in this matter recommending conditional approval of the Application.

On April 28, 2004, Tierra Linda HOA filed objections to the Staff Report.

On May 3, 2004, Staff filed an Addendum to Staff Report in response to Applicant's

1 objections.

2 On May 4, 2004, a full public hearing was held before a duly authorized Administrative Law
3 Judge of the Commission at its offices in Phoenix, Arizona. Robert Zammit testified on behalf of
4 Tierra Linda HOA and Jim Fisher and Elena Zestrijan testified on behalf of Staff. No members of the
5 public appeared to provide public comment. At the conclusion of the hearing, the matter was taken
6 under advisement pending submission of a Recommended Opinion and Order to the Commission.

7 On May 4, 2004, a Procedural Order was issued holding the record open to allow Tierra Linda
8 HOA to file its response to Revised Schedule ENZ-1, which was filed by Staff on May 3, 2004 and to
9 Revised Schedule ENZ-2, which was offered as an evidentiary exhibit by Staff at the hearing.

10 On May 11, 2003, Tierra Linda HOA filed its Response to Revised Schedules, which
11 indicated that it has no objection to the revised schedules.

12 * * * * *

13 Having considered the entire record herein and being fully advised in the premises, the
14 Commission finds, concludes, and orders that:

15 **FINDINGS OF FACT**

16 1. Tierra Linda HOA is an Arizona non-profit corporation, which is owned by Tierra
17 Linda Development, Inc.

18 2. Tierra Linda Development, L.L.C. is the owner and developer of approximately 0.31
19 square miles of land located in Avra Valley, approximately 17 miles northwest of Tucson in Pima
20 County, Arizona, which is to be developed as a proposed subdivision called Tierra Linda.

21 3. On February 3, 2004, Tierra Linda HOA filed its Application requesting the
22 Commission's approval for the issuance of a Certificate in order to provide public water service to
23 the approximately 200 acres, which comprise Tierra Linda. The area sought to be certificated is more
24 fully described in Exhibit A which is attached hereto and incorporated by reference.

25 4. On April 9, 2004, Staff filed a Staff Report recommending approval of Tierra Linda
26 HOA's Application subject to certain conditions and based on the following recommendations:

- 27 (a) that Tierra Linda HOA utilize a three tiered rate structure at the rates set forth
28 in Staff's Schedule ENZ-2;

1 (b) that Tierra Linda HOA be required to file the requisite franchise agreement;
2 and

3 (c) that Tierra Linda HOA not be authorized to assess the future homeowners of
4 Tierra Linda a proposed hook-up fee as a means of financing the initial construction of backbone
5 plant.

6 5. On April 28, 2004, Tierra Linda HOA filed Objections to Staff Report, which
7 indicates that Tierra Linda had previously filed the required franchise agreements and objecting to
8 Staff's recommendation to disallow the proposed hook-up fee.

9 6. On April 30, 2004, Staff filed an Addendum to its Staff Report, which was intended to
10 be responsive to Tierra Linda HOA's Objections. Specifically, Staff provided a revised Schedule
11 ENZ-1 as a means of correcting a cosmetic error included in the original Schedule ENZ-1, which was
12 filed in conjunction with the Staff Report dated and docketed April 9, 2004. Additionally, Staff
13 offered further clarification and justification for exclusion of Tierra Linda HOA's proposed hook-up
14 fees from Staff's rate design.

15 7. At the hearing, counsel for Tierra Linda HOA indicated that, in agreement with Staff's
16 recommendation, it would no longer seek approval of the proposed hook-up fee, which Applicant had
17 originally proposed as a charge to the ultimate homeowner.

18 8. Mr. Zammit further testified that Tierra Linda HOA agrees to abide by the conditions
19 in the Staff Report subject to final review and approval of Staff's Revised Schedules ENZ-1 and 2.

20 9. At the hearing, Staff acknowledged that Tierra Linda HOA had previously filed the
21 required franchise agreement as part of its Application.

22 10. There are no other municipal or public water companies currently providing or
23 available to provide service to the area described in Exhibit A.

24 11. In its Application, Tierra Linda HOA indicates that it will construct a water system
25 consisting of a well producing 200 gallons per minute ("GPM"), a 210,000 gallon storage tank, a
26 1,200 GPM booster system and the necessary distribution system.

27 12. The Applicant is planning to serve approximately 200 customers within the next five
28 years.

1 13. In its Staff Report, Staff indicates that the proposed water system will have sufficient
2 production and storage capacity to serve the proposed customers as well as provide the necessary
3 capacity for fire flow protection within a conventional five year planning period.

4 14. It is estimated that the initial cost for the project will be \$2,044,064.

5 15. In its Staff Report, Staff indicated that based upon its review of the estimated project
6 cost, it concluded that the plant facilities and cost are reasonable and appropriate.

7 16. According to its Application and testimony, Tierra Linda HOA intends to finance the
8 utility plant through a combination of membership equity and advances in aid of construction.
9 Further, Tierra Linda HOA anticipates \$746,000 in advances and \$785,459 in membership equity
10 over the first five years of operation.

11 17. Staff testified that the Applicant is operating in compliance with the requirements of
12 the Commission and the Arizona Department of Environmental Quality ("ADEQ").

13 18. Staff indicated that Tierra Linda will be located within the Tucson Active
14 Management Area, and consequently, Tierra Linda HOA will be subject to reporting and
15 conservation requirements.

16 19. In the Staff Report filed on April 9, 2004, and as amended by Revised Schedules
17 ENZ-1 and ENZ-2, Staff recommended approval of the Application and made additional
18 recommendations following an evaluation of Applicant's proposed utility plant. From that
19 evaluation, Staff determined that Applicant would have a fair value rate base ("FVRB") of \$850,182
20 which is the same as its original cost rate base.

21 20. The U. S. Environmental Protection Agency ("EPA") has reduced the arsenic
22 maximum containment level ("MCL") in drinking water from 50 micrograms per liter ("µg/l") to 10
23 µg/l. The date for compliance with the new MCL is January 23, 2006.

24 21. Tierra Linda HOA has indicated that its source arsenic concentration is 8.7 parts per
25 billion.

26 22. The initial rates and charges for Applicant's public water utility system as proposed by
27
28

1 Staff and agreed upon by Applicant¹ are as follows:

2

3	<u>Monthly Minimum Charge:</u>	<u>Proposed Rates</u>
4	5/8" x 3/4" Meter	\$ 25.00
	3/4" Meter	25.00
5	1" Meter	62.50
	1 1/2" Meter	125.00
6	2" Meter	200.00
	3" Meter	400.00
7	4" Meter	625.00
8	6" Meter	1,250.00

9 Commodity Charge -
10 all classes except irrigation

11	Commodity charge per 1,000 gallons:	\$ 2.25
	From 0 to 4,000 gallons	2.95
12	From 4,001 to 15,000 gallons	3.50
	In excess of 15,000 gallons	

13

14 Irrigation Meters

15	Standpipe or bulk water – per 1,000 gallons	\$ 3.50
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16

17 Service Line and Meter Installation Charges:
18 (Refundable pursuant to A.A.C. R14-2-405.)

18	5/8" x 3/4" Meter	\$ 400.00
19	3/4" Meter	440.00
	1" Meter	500.00
20	1 1/2" Meter	715.00
	2" Meter	1,170.00
21	3" Meter	1,585.00
22	4" Meter	2,540.00
	6" Meter	4,815.00

23

24 Service Charges:

25	Establishment	\$ 25.00
26	Establishment (After Hours)	37.50
27	Reestablishment	25.00

28

¹ As previously indicated, on May 11, 2004, Tierra Linda HOA filed its Response to Revised Schedules, which indicated agreement with Staff's proposed rates as set forth in Revised Schedule ENZ-2.

1	Reconnection (Delinquent)	30.00
	Charge for moving meter	Cost
2	After hours service charge	*
	Minimum deposit	**
3	Meter reread	15.00
	NSF check	15.00
4	Late payment charge (Delinquent)	1.50%
5	Deferred payment charge – per month	1.50%
6	Main extension and additional facilities agreements	Cost
7	All revenue related taxes will be charged customers	

8 * The Applicant has adopted the Rules and Regulations established by the Commission
 9 as the basis for its operating procedures. A.A.C. R14-2-401 through R14-2-411 will
 10 be controlling of Applicant procedures, unless specific Commission Orders provide
 11 otherwise.

12 23. Staff made these additional recommendations as follows:

- 13 • that the Commission find that the fair value of Tierra Linda HOA’s property devoted to water service is \$850,182;
- 14 • that the Commission authorize Tierra Linda HOA the rates and charges shown on Revised Schedule ENZ-2;
- 15 • that the Commission order Tierra Linda HOA to file a tariff consistent with the rates and charges authorized by the Commission within 30 days of the Decision in this matter;
- 16 • that the Commission order Tierra Linda HOA to file a copy of the ADEQ Approval to Construct within 12 months of any Decision in this matter;
- 17 • that the Commission order Tierra Linda HOA to file with the Director of the Utilities Division a copy of the developer’s Certificate of Assured Water Supply for the requested area, where applicable or when required by statute;
- 18 • that the Commission order Tierra Linda HOA to file a Curtailment Tariff when the public water system number is issued by ADEQ for this new water system;
- 19 • that the Commission order Tierra Linda HOA to file a rate application no later than three months following the fifth anniversary of any Decision in this matter;
- 20 • that the Commission order Tierra Linda HOA to maintain its books and records in accordance with the National Association of Regulatory Utilities Commissioners (“NARUC”) Uniform System of Accounts for Water Utilities; and
- 21 • that the Commission order Tierra Linda HOA to use depreciation rated by individual NARUC category, as delineated in Table B of the Engineering Report.

1
2 24. Staff further recommends that the Commission's Decision granting a Certificate of
3 Convenience and Necessity to Tierra Linda HOA be deemed null and void without further Order of
4 the Commission should Tierra Linda HOA fail to meet any of the above conditions within the time
5 frame specified.

6 25. Under the circumstances herein, we believe that Tierra Linda HOA's Application
7 should be approved with the rates and charges agreed upon between Applicant and Staff together
8 with Staff's additional recommendations.

9 26. The fair value of Tierra Linda HOA's property devoted to water service is \$850,182.

10 **CONCLUSIONS OF LAW**

11 1. Upon beginning operations, the Applicant will be a public service corporation within
12 the meaning of Article XV of the Arizona Constitution and A.R.S. §§ 40-281 and 40-282.

13 2. The Commission has jurisdiction over Applicant and the subject matter of the
14 Application.

15 3. Notice of the Application and hearing thereon was given in accordance with the law.

16 4. Applicant is a fit and proper entity to receive a Certificate authorizing it to construct,
17 operate, and maintain facilities to furnish water service to the public in the area described in Exhibit
18 A.

19 5. The public convenience and necessity require the issuance of a Certificate to
20 Applicant authorizing it to provide water service to the public in the area sought to be certificated
21 herein.

22 6. The rates and charges authorized hereinafter are just and reasonable.

23 7. Staff's recommendations, as set forth in Findings of Fact Nos. 23 and 24 should be
24 adopted.

25 **ORDER**

26 IT IS THEREFORE ORDERED that the application of Tierra Linda Homeowners
27 Association, Inc. for a Certificate of Convenience and Necessity authorizing it to construct, maintain,
28 and operate facilities to provide water service to the public in the area more fully described in Exhibit

1 A be, and is hereby, granted.

2 IT IS FURTHER ORDERED that Tierra Linda Homeowners Association, Inc. shall file a
3 tariff within 30 days from the effective date of this Decision, containing the following rates and
4 charges for water service:

<u>Monthly Minimum Charge:</u>	<u>Proposed Rates</u>
5/8" x 3/4" Meter	\$ 25.00
3/4" Meter	25.00
1" Meter	62.50
1 1/2" Meter	125.00
2" Meter	200.00
3" Meter	400.00
4" Meter	625.00
6" Meter	1,250.00

12 Commodity Charge -
13 all classes except irrigation

Commodity charge per 1,000 gallons:	
From 0 to 4,000 gallons	\$ 2.25
From 4,001 to 15,000 gallons	2.95
In excess of 15,000 gallons	3.50

17 Irrigation Meters

Standpipe or bulk water – per 1,000 gallons	\$ 3.50
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20 Service Line and Meter Installation
21 Charges:

(Refundable pursuant to A.A.C. R14-2-405.)

5/8" x 3/4" Meter	\$ 400.00
3/4" Meter	440.00
1" Meter	500.00
1 1/2" Meter	715.00
2" Meter	1,170.00
3" Meter	1,585.00
4" Meter	2,540.00
6" Meter	4,815.00

27 Service Charges:

Establishment	\$ 25.00
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1	Establishment (After Hours)	37.50
	Reestablishment	25.00
2	Reconnection (Delinquent)	30.00
	Charge for moving meter	Cost
3	After hours service charge	*
	Minimum deposit	**
4	Meter reread	15.00
	NSF check	15.00
5	Late payment charge (Delinquent)	1.50%
6	Deferred payment charge – per month	1.50%
	Main extension and additional facilities	
7	agreements	Cost
8	All revenue related taxes will be charged customers	

9 * The Applicant has adopted the Rules and Regulations established by the
 10 Commission as the basis for its operating procedures. A.A.C. R14-2-401 through
 11 R14-2-411 will be controlling of Applicant procedures, unless specific Commission
 12 Orders provide otherwise.

13 IT IS FURTHER ORDERED that the rates and charges authorized herein shall be effective
 14 for all service rendered until otherwise ordered by the Arizona Corporation Commission.

15 IT IS FURTHER ORDERED that Tierra Linda Homeowners Association, Inc. shall file with
 16 the Director of the Utilities Division a copy of the ADEQ Approval to Construct within 12 months of
 17 this Decision.

18 IT IS FURTHER ORDERED that that Tierra Linda Homeowners Association, Inc. shall file
 19 with the Director of the Utilities Division a copy of the developer’s Certificate of Assured Water
 20 Supply for the requested area, where applicable or when required by statute.

21 IT IS FURTHER ORDERED that that Tierra Linda Homeowners Association, Inc. shall file
 22 with the Director of the Utilities Division a Curtailment Tariff when the public water system number
 23 is issued by ADEQ for this new water system.

24 IT IS FURTHER ORDERED that that Tierra Linda Homeowners Association, Inc. shall file a
 25 rate application no later than three months following the fifth anniversary of this Decision.

26 IT IS FURTHER ORDERED that Tierra Linda Homeowners Association, Inc. shall maintain
 27 its books and records in accordance with the NARUC Uniform System of Accounts.

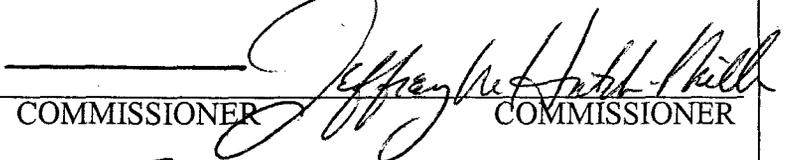
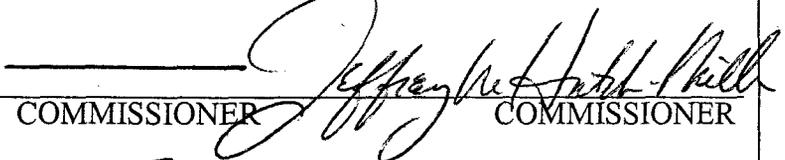
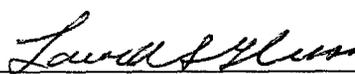
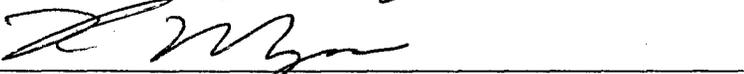
28 IT IS FURTHER ORDERED that Tierra Linda Homeowners Association, Inc. shall use the
 depreciation rates by individual NARUC category, as delineated in Table B of the Engineering

1 Report.

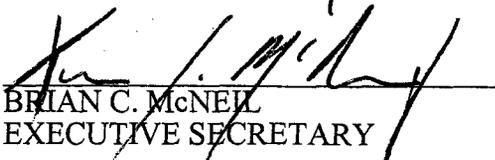
2 IT IS FURTHER ORDERED that the Commission's Decision granting a Certificate of
3 Convenience and Necessity to Tierra Linda HOA be deemed null and void without further Order of
4 the Commission should Tierra Linda HOA fail to file a tariff within 30 days from the effective date
5 of this Decision or file with the Director of the Utilities Division a copy of the ADEQ Approval to
6 Construct within 12 months of this Decision.

7 IT IS FURTHER ORDERED that this Decision shall become effective immediately.

8 BY ORDER OF THE ARIZONA CORPORATION COMMISSION.

		
CHAIRMAN	COMMISSIONER	COMMISSIONER
		
COMMISSIONER	COMMISSIONER	

13
14 IN WITNESS WHEREOF, I, BRIAN C. McNEIL, Executive
15 Secretary of the Arizona Corporation Commission, have
16 hereunto set my hand and caused the official seal of the
17 Commission to be affixed at the Capitol, in the City of Phoenix,
18 this 9th day of July, 2004.


BRIAN C. McNEIL
EXECUTIVE SECRETARY

19 DISSENT _____

20 DISSENT _____

21 AP:mlj

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SERVICE LIST FOR: TIERRA LINDA HOMEOWNERS ASSOCIATION, INC.

DOCKET NO. W-04236A-04-0075

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PARCEL A

All that certain real property situated in the County of Pima, State of Arizona, being a part of that parcel described in Docket 5780 at Page 226 thereof, records of said Pima County, in the north half of Section 29, Township 12 South, Range 11 East, Gila & Salt River Meridian, more particularly described as follows:

BEGINNING at the north quarter corner of said Section 29, marked by a General Land Office brass capped pipe and Pima County Department of Transportation reference ties;

THENCE from said point of beginning, southerly along west line of the northeast quarter of said Section 29, S 00° 13' 24" E, 45.00 feet (calculated) to a point on the south right-of-way line of Emigh Road as shown on the Plat of Tierra Linda, a subdivision of said Pima County, recorded in Book 17 of Maps and Plats at Page 92 thereof, said point being the TRUE POINT OF BEGINNING of Parcel "A" herein described;

THENCE from said TRUE POINT OF BEGINNING, easterly along said south right-of-way line, N 89° 49' 46" E, 339.01 feet to a point thereon, marked by a No. 4 rebar with registration tag RLS 26932;

THENCE leaving said right-of-way line, southerly and along the west line of Lot 11 as shown on the plat of Tierra Linda, a subdivision of said Pima County recorded in Book 17 of Maps and Plats at Page 92 thereof, S 00° 09' 39" E, 624.72 feet (Record), S 00° 10' 41" E, 626.26 feet (calculated), to the southwest corner thereof, marked by a No. 4 rebar with registration tag RLS 26932;

THENCE leaving said southwest corner, easterly along the south line of Lots 11, 12, and 13 of said recorded subdivision,

N 89° 50' 21" E, 922.53 feet (Record)

N 89° 51' 90" E, 923.97 feet (calculated)

N 89° 49' 46" E, 925.11 feet (measured) to the southeast corner of said Lot 13, marked by a 1/2" diameter rebar with registration tag RLS 15933;

THENCE leaving said southeast corner, southerly along the west right-of-way line of Socorro as shown on the plat of said Tierra Linda

S 00° 16' 51" E, 1465.00 feet (Record)

S 00° 17' 12" E, 1465.00 feet (calculated)

S 00° 15' 53" E, 1465.55 feet (measured) to the northeast corner of a parcel recorded in Docket 11488 at Page 4197 thereof, records of said Pima County, marked by a 1/2" rebar;

THENCE leaving said northeast corner, westerly along the north line of said recorded parcel and the westerly prolongation thereof, S 89° 50' 21" W (Record), S 89° 51' 38" W, 926.57 feet (calculated) to a point thereon;

THENCE leaving said north line, northwesterly, N 33° 16' 52" W, 276.55 feet to a calculated point;

THENCE leaving said point, northerly, N 00° 11' 46" W, 181.14 feet to a calculated point;

THENCE leaving said point southeasterly S 85° 57' 43" E, 104.77 feet to a calculated point;

THENCE leaving said point, northwesterly, N 06° 20' 24" W, 282.28 feet to a calculated point;

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THENCE leaving said point, southwesterly, S 73° 29' 57" W, 99.62 feet to a calculated point;

THENCE leaving said point, northwesterly, N 16° 37' 32" W, 226.98 feet to a calculated point;

THENCE leaving said point, southwesterly, S 68° 10' 39" W, 198.23 feet to a calculated point;

THENCE leaving said calculated point, westerly along a line being parallel with the north line of the northwest quarter of said Section 29, S 89° 48' 14" W (Basis of Bearings per Tierra Linda, recorded in Book 17, Page 92, M & P), 1015.13 feet to a point thereon;

THENCE leaving said point, northerly, N 00° 11' 46" W, 430.00 feet to a calculated point;

THENCE leaving said point, westerly, S 89° 48' 14" W, 93.91 feet to a calculated point;

THENCE leaving said point, northerly, N 00° 11' 47" W, 430.00 feet to a calculated point;

THENCE leaving said point, easterly, N 89° 48' 14" E, 820.00 feet to a calculated point;

THENCE leaving said point, northerly, N 00° 11' 46" W, 428.00 feet to a calculated point on the south right of way line of said Emigh Road, marked by a No. 4 rebar with registration tag RLS 26932;

THENCE leaving said point, easterly along said right-of-way line, N 89° 48' 11" E, 370.70 feet to the TRUE POINT OF BEGINNING;

CONTAINING 69.18 acres of land [M/L], subject to and together with all matters of public record.

Parcel B

All that certain real property situated in the County of Pima, State of Arizona, being a part of that parcel described in Docket 5780 at Page 226 thereof, records of said Pima County, in the north half of Section 29, Township 12 South, Range 11 East, Gila & Salt River Meridian, more particularly described as follows:

BEGINNING at the southwest corner of the north half of said Section 29, marked by a ½" diameter rebar with registration tag RLS 4399 and Pima County Department of Transportation reference ties;

THENCE from said point of beginning, northerly along the measured west line of the northwest quarter of said Section 29, N 00° 13' 13" W, 868.89 feet to a calculated point thereon;

THENCE leaving said west line, easterly along a line being parallel with the north line of the northwest quarter of said Section 29, N 89° 48' 14" E (Basis of Bearings per Tierra Linda, recorded in Book 17, Page 92, M & P), 1505.18 feet to a point thereon;

THENCE leaving said parallel line, northerly, N 00° 11' 46" W, 440.00 feet to a calculated point;

THENCE leaving said calculated point, easterly along a line being parallel with the north line of the northwest quarter of said Section 29, N 89° 48' 14" E, 1053.13 feet to a point thereon;

THENCE leaving said parallel line, northeasterly, N 68° 10' 39" E, 198.23 feet to a calculated point;

THENCE leaving said point, southeasterly, S 16° 37' 32" E, 226.98 feet to a calculated point;

THENCE leaving said point, northeasterly, N 73° 29' 57" E, 99.62 feet to a calculated point;

THENCE leaving said point, southeasterly, S 06° 20' 24" E, 282.28 feet to a calculated point;

THENCE leaving said point, northwesterly, N 85° 57' 43" W, 104.77 feet to a calculated point;

THENCE leaving said point, southerly, S 00° 11' 46" E, 181.14 feet to a calculated point;

THENCE leaving said point, southeasterly, S 33° 16' 52" E, 276.55 feet to a calculated point on the north line of a parcel of land recorded in Docket 11535 at Page 2479, records of said Pima County;

THENCE leaving said point, westerly along said north line, S 89° 51' 38" W, 308.11 feet (calculated), S 89° 51' 12" W, 306.50 feet (measured) to the northwest corner of said recorded parcel, marked by a ½" rebar;

THENCE leaving said northwest corner, southerly along the west line of said recorded parcel, S 00° 12' 16" E, 509.00 feet (Record), S 00° 13' 24" E, 509.00 feet (calculated), S 00° 02' 30" E, 508.96 feet (measured), to a point on the south line of the north half of said Section 29, marked by a No. 4 rebar with registration tag RLS 26932;

THENCE leaving said point, westerly along said south line, S 89° 50' 21" W, 2671.64 feet (Record), S 89° 51' 08" W, 2670.84 feet (calculated) to the POINT OF BEGINNING of Parcel "B" herein described;

CONTAINING 68.99 acres of land [M/L]; subject to and together with all matters of public record.

Parcel C

All that certain real property situated in the County of Pima, State of Arizona, being a part of that parcel described in Docket 5780 at Page 226 thereof, records of said Pima County, in the north half of Section 29, Township 12 South, Range 11 East, Gila & Salt River Meridian, more particularly described as follows:

BEGINNING at the northwest corner of said Section 29, marked by an accepted 1.5" diameter open iron pipe with Pima County Highway Department reference ties;

THENCE from said point of beginning, southerly along the measured west line of the northwest quarter of said Section 29, S 00° 13' 13" E, 45.00 feet to the TRUE POINT OF BEGINNING of Parcel "C" herein described, marked by a No. 4 rebar with registration tag RLS 26932;

THENCE from said TRUE POINT OF BEGINNING, leaving said west line, easterly along the south right-of-way line of Emigh Road as shown on the Plat of Tierra Linda, a subdivision of said Pima County, recorded in Book 17 of Maps and Plats at Page 92 thereof, being parallel with the north line of the northwest quarter of said Section 29, N 89° 48' 14" E (Basis of Bearings per said plat of Tierra Linda), 2270.00 feet to a point thereon, marked by a No. 4 rebar with registration tag RLS 26932;

THENCE leaving said right-of-way line, southerly, S 00° 11' 46" E, 428.00 feet to a calculated point;

THENCE leaving said calculated point, westerly along a line being parallel with the north line of the northwest quarter of said Section 29, S 89° 48' 14" W, 820.00 feet to a point thereon;

THENCE leaving said parallel line, southerly, S 00° 11' 47" E, 430.00 feet to a calculated point;

THENCE leaving said calculated point, easterly along a line being parallel with the north line of the northwest quarter of said Section 29, N 89° 48' 14" E, 93.91 feet to a point thereon;

THENCE leaving said parallel line, southerly, S 00° 11' 46" E, 430.00 feet to a calculated point;

THENCE leaving said calculated point, westerly along a line being parallel with the north line of the northwest quarter of said Section 29, S 89° 48' 14" W, 38.00 feet to a point thereon;

THENCE leaving said parallel line, southerly, S 00° 11' 46" E, 440.00 feet to a calculated point;

THENCE leaving said calculated point, westerly along a line being parallel with the north line of the northwest quarter of said Section 29, S 89° 48' 14" W, 1505.18 feet to a calculated point on the measured west line of the northwest quarter of said Section 29;

THENCE leaving said parallel line, northerly along said west line, N 00° 13' 13" W, 1728.00 feet to the TRUE POINT OF BEGINNING;

CONTAINING 67.05 acres of land [M/L]; subject to and together with all matters of public record.