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DATE/TIME: 02/24/2022 1445
FEE: \$30.00
PAGES: 74
FEE NUMBER: 2022-022497

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MESA, ARIZONA 85206

**SECOND AMENDMENT TO
DECLARATION OF RESTRICTIONS**

FOR QUEEN CREEK SUBURBAN RANCHES

This SECOND AMENDMENT TO DECLARATION OF RESTRICTIONS FOR QUEEN CREEK SUBURBAN RANCHES ("**Second Amendment**") is made this ___ day of FEBRUARY 24, 2022 by Queen Creek Suburban Ranches, Inc., an Arizona nonprofit corporation ("**Association**"), in accordance with the amendment provision of the Declaration of Restrictions for Queen Creek Suburban Ranches recorded on September 3, 1970, at Docket No. 607, Pages 293-300 in the Official Records of the County Recorder of Pinal County, Arizona ("**Original Declaration**").

RECITALS

A. WHEREAS, the Declaration was recorded, thereby submitting the following real property to the covenants, conditions and restrictions contained therein pursuant to the Arizona Planned Communities Act, Arizona Revised Statutes, Section 33-1801, et seq.:

Lots 1-93, inclusive, and Tracts A and B, QUEEN CREEK SUBURBAN RANCHES, according to the plat of record in the office of the County Recorder of Pinal County, Arizona, in Book 15, Page 16, Map Drawer 1, Map 131.

B. WHEREAS, the Declaration was amended by that corrective amendment recorded September 22, 1995 at Fee No. 1995-029325 in the Official Records of the County Recorder of Pinal County, Arizona ("**First Amendment**"); and

C. WHEREAS, the Original Declaration and the First Amendment are referred to herein collectively as the "**Declaration**"; and

D. WHEREAS, the Original Declaration establishes a waterways system of ditches to bring water from the pump owned and operated by the Association to the Lots bounded by the Declaration; and

D. WHEREAS, the waterways system within the Association is unable to deliver water to Lots 2, 3, 7 and 8, and has not been able to deliver water to such Lots for many years; and

E. WHEREAS, the Western boundary line of Lots 90, 91, 92 and 93 borders Ironwood Road, defined in the San Tan Valley Special Area Plan as a "Principal Arterial" or "Major Arterial"; and

G. WHEREAS, Lots 90, 91, 92 and 93 are not subject to an irrigation easement near the Western boundaries of the Lots; and

H. WHEREAS, the lot owners within the Association wish to amend the Declaration so as to exempt certain Lots from certain requirements of the Declaration as they are unable to receive the benefit of water delivered through the waterways system; and

I. WHEREAS, the amendment provision of the Declaration provides that the Declaration "may at any time be modified or amended by an instrument in writing executed and acknowledged by the owners of not less than three-fourths of the lots in said subdivision, and recorded in the Office of the Recorder of Pinal County, Arizona"; and

J. WHEREAS, three-fourths of the lot owners within the Association have approved this Second Amendment by executing and acknowledging this Second Amendment in accordance with the amendment provision of the Declaration; and

K. WHEREAS, this Second Amendment is deemed to conform to the general design and plan of the community pursuant to A.R.S. § 33-1817(A); and

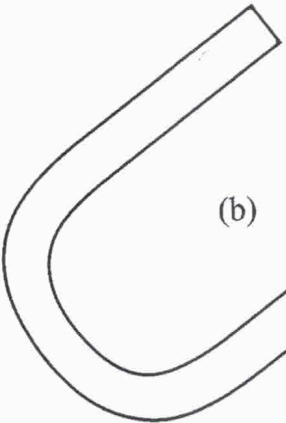
L. WHEREAS, all the lot owners directly affected by, and specifically identified in, this Second Amendment have consented to this Second Amendment;

AMENDMENT

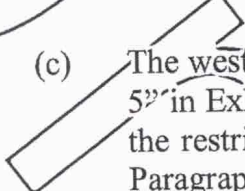
NOW THEREFORE, the Declaration is amended as follows:

1. The following paragraphs of the Declaration shall be permanently suspended from application on a limited basis as follows:

- (a) Lots 2, 3, 7 and 8 shall be exempt from application of Paragraphs 13(C) and (D) of the Declaration for so long as they are unable to obtain flood irrigation water through the waterways system.



(b) Lot 3 shall be exempt from the restrictions contained in Paragraphs 1, 2, 4, 5, and 10 of the Declaration so long as Lot 3 is unable to obtain flood irrigation water through the waterways system and to the extent that Lot 3 is used for clinical therapy purposes and no other commercial purposes.



(c) The western portions of Lots 90, 91, 92 and 93 identified as "Parcel-5" in Exhibit A attached hereto ("Parcel-5"), is hereby exempt from the restrictions contained in Paragraphs 1 through 7, inclusive, and Paragraph 10 of the Declaration. The eastern portions of Lots 90, 91, 92 and 93 not included in Parcel-5 remain bound by all use restrictions in the Declaration. Nevertheless, with the adoption of this Second Amendment, the portion of Lots 90, 91, 92 and 93 identified as Parcel-5 may be used for the operation of any lawful business consistent with applicable C-1 zoning restrictions and requirements. Notwithstanding the foregoing, any structures or buildings erected, permitted and maintained on Parcel-5 shall not exceed two (2) stories in height. Additionally, no outdoor sounds amplification equipment may be used on Parcel-5.

Except as expressly amended by this Second Amendment, all other provisions of the Declaration shall remain in full force and shall be unaffected by this Second Amendment. In the event of any conflict or inconsistency between this Second Amendment and the Original Declaration or First Amendment, this Second Amendment shall control.

SIGNATURES ON THE FOLLOWING PAGES

