ARIZONA STATE LAND DEPARTMENT
1616 WEST ADAMS STREET
PHOENIX, ARIZONA 85007

PUBLIC AUCTION SALE NO. 53-121916 AND
PERPETUAL RIGHTS OF WAY NOS. 16-121920, 16-121921, AND 16-121922

Pursuant to A.R.S. Title 37, notice is hereby given that the State of Arizona through its Arizona State Land Department ("ASLD"), will sell at Public Auction to the highest and best bidder at 1:30 p.m. on Wednesday, April 21, 2021, at Pinal County Planning and Development Building F, EOC Hearing Room, 31 North Pinal Street, Florence, Arizona, or another location to be announced no less than seven (7) days prior to the auction, trust lands situated in Pinal County to wit:

LAND SALE NO. 53-121916

TOWNSHIP 1 SOUTH, RANGE 8 EAST, G&SRM, PINAL COUNTY, ARIZONA

PARCEL: LOTS 11 & 12; M&B IN LOTS 7 & 8; SE, SECTION 31, CONTAINING 264.22 ACRES, MORE OR LESS.

TOWNSHIP 2 SOUTH, RANGE 8 EAST, G&SRM, PINAL COUNTY, ARIZONA

PARCEL: LOTS 1 THRU 4, 7 THRU 10, 13 & 14; S2NE; SE, SECTION 6, CONTAINING 650.56 ACRES, MORE OR LESS.

TOTAL CONTAINING 914.78 ACRES, MORE OR LESS.

LOCATION: NWC OF IRONWOOD DR. & GERMANN RD., QUEEN CREEK, ARIZONA

RIGHT OF WAY NO. 16-121920 (PUBLIC ROADWAY & UNDERGROUND UTILITIES)

TOWNSHIP 1 SOUTH, RANGE 8 EAST, G&SRM, PINAL COUNTY, ARIZONA

PARCEL: EAST 70 FT. OF SOUTH 2,178 FT., SECTION 31, CONTAINING 3.50 ACRES, MORE OR LESS.

TOWNSHIP 2 SOUTH, RANGE 8 EAST, G&SRM, PINAL COUNTY, ARIZONA

PARCEL: EAST 70 FT. OF LOT 1; SENE; SE, SECTION 6, CONTAINING 8.64 ACRES, MORE OR LESS.

Said perpetual easement contains a total of 12.14 acres, more or less.

RIGHT OF WAY NO. 16-121921 (PUBLIC ROADWAY & UNDERGROUND UTILITIES)

TOWNSHIP 1 SOUTH, RANGE 8 EAST, G&SRM, PINAL COUNTY, ARIZONA

PARCEL: SOUTH 55 FT. OF LOTS 11 & 12; SE, SECTION 31, CONTAINING 6.68 ACRES, MORE OR LESS.

TOWNSHIP 2 SOUTH, RANGE 8 EAST, G&SRM, PINAL COUNTY, ARIZONA

PARCEL: NORTH 55 FT. OF LOTS 1 THRU 4, SECTION 6, CONTAINING 6.67 ACRES, MORE OR LESS.

Said perpetual easement contains a total of 13.35 acres, more or less.

RIGHT OF WAY NO. 16-121922 (PUBLIC ROADWAY & UNDERGROUND UTILITIES)
TOWNSHIP 2 SOUTH, RANGE 8 EAST, G&SRM, PINAL COUNTY, ARIZONA

PARCEL: SOUTH 55 FT. OF LOTS 13 & 14; SE, SECTION 6, CONTAINING 6.60 ACRES, MORE OR LESS.

Said perpetual easement contains 6.60 acres, more or less.

BENEFICIARY: PERMANENT COMMON SCHOOLS (INDEMNITY SELECTIONS)

PROPERTY INFORMATION:
A) Complete legal descriptions of Land Sale No. 53-121916 (the "Sale Parcel"), Right of Way No. 16-121920 (the "Ironwood Dr.-Public Road and Underground Utilities"), Right of Way No. 16-121921 (the "Pecos Rd.-Public Road and Underground Utilities") and Right of Way No. 16-121922 (the "Germann Rd.-Public Road and Underground Utilities") (hereinafter, collectively, the "Subject Property") are available in their respective files.

(B) The Subject Property has been appraised at $86,130,000.00 ("Appraised Value").

(C) There are no reimbursable improvements on the Subject Property.

(D) The complete files associated with the above-described Subject Property are open to public inspection at the ASLD, 1616 West Adams Street, Phoenix, Arizona, from 8:00 a.m. to 4:30 p.m., exclusive of holidays and weekends. Please direct any questions regarding this Public Auction to the Real Estate Division of ASLD at (602) 542-3000. This auction notice is available on the ASLD's website at ***www.azland.gov.***

BIDDING INFORMATION:
(A) Prior to the date of auction, a prospective bidder shall perform his/her own due diligence including, without limitation, researching the records of local jurisdictions, all ASLD files pertinent to the auction and Subject Property including without limitation ASLD File Nos. 53-121916, 16-121920, 16-121921, and 16-121922, and files of all other public agencies regarding the Subject Property.

(B) Prior to the start of bidding, a prospective bidder shall sign an affidavit agreeing that: they have undertaken due diligence in preparation for the auction; they are purchasing the Subject Property solely upon the basis of their own due diligence and investigation of the Subject Property and not on the basis of any representation, express or implied, written or oral, made by ASLD or its agents or employees, except as set forth in writing herein; their representative is authorized to bid and bind the bidder; and they are purchasing the Subject Property AS IS.

C) Prior to the start of bidding, a prospective bidder must show ASLD's representative a **Cashier's Check** or other form of payment pre-approved by the ASLD Commissioner, made payable to "Arizona State Land Department" in the amount specified under Terms of Sale Paragraph (F) below. The funds due on the date of auction shall be $24,278,913.00.

(D) A prospective bidder who has complied with Paragraphs (A) through (C) above shall be deemed a "Registered Bidder" and may bid at the auction. ASLD shall only consider bids by Registered Bidders.

(E) The bidding will begin at the Appraised Value of $86,130,000.00. A bid for less than the Appraised Value of the Subject Property will not be considered. Additional bidding must be made in minimum increments of $100,000.00. Bidding will be conducted orally.

(F) The time of sale shall be deemed to be the time of declaration of the highest and best bid (the "Time of Sale"). A Registered Bidder whose bid is declared the highest and best bid shall be deemed the "Successful Bidder". The amount of the highest and best bid shall be deemed the "Sale Price".

(G) To comply with A.R.S. § 37-240(B), ASLD shall require that the Successful Bidder must be authorized to transact business in the State of Arizona no later than ten (10) business days after the date of the auction.

(H) Pursuant to A.R.S. § 37-241(C), in the event of forfeiture by the Successful Bidder, the ASLD Commissioner may declare that the bid placed before the final bid accepted is the highest bid, and that bidder has five (5) days after notification by ASLD to pay by cashier's check or other form of payment pre-approved by the ASLD Commissioner, all amounts due under Terms of Sale Paragraph (F) below.

(I) Persons with a disability may request a reasonable accommodation such as a sign language interpreter, by contacting the ADA Coordinator, at (602) 542-2629. Requests should be made as early as possible to allow time to arrange the accommodation.

TERMS OF SALE:

(A) The Subject Property shall be purchased in an "AS-IS" condition "WITH ALL FAULTS", with no representation or warranty being made by ASLD of any type or nature. ASLD makes no warranty as to the following: (a) the physical condition or any other aspect of the Subject Property, including, but not limited to, the uses to which the Subject Property may be put, the ability to construct additional improvements or modify existing improvements on any portion of the Subject Property or the ability to obtain building permits for any portion of the Subject Property, the conformity of the Subject Property to past, current or future applicable landscaping, parking, zoning or building code requirements, the existence of soil instability, past soil repairs, soil additions or conditions of soil fill, susceptibility to landslides, sufficiency of undershoring, water retention characteristics of the Subject Property, drainage onto or off of the Subject Property, the location of the Subject Property either wholly or partially in a flood plain or a flood hazard boundary or similar area, or any other matter affecting the stability or integrity of the Subject Property or any improvements constituting the Subject Property; or (b) the sufficiency of the Subject Property for purchaser's purposes or as to its continued operating conditions or usefulness. All implied warranties, including, without limitation, **WARRANTIES OF**

MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE, are hereby expressly disclaimed.

(B) The Subject Property is sold subject to existing reservations, easements and rights of way.

(C) ASLD does not represent or warrant that access exists over lands which may intervene respectively between the Subject Property and the nearest public roadway.

(D) Pursuant to A.R.S. § 37-231, the State of Arizona or its predecessor in title, reserve and retain all rights and all forms of access to all oil, gas, minerals, hydrocarbon substances and gaseous substances or any other material which is essential to the production of fissionable materials as provided by the rules and regulations of ASLD and the laws of Arizona.

(E) Immediately following the Time of Sale, the Successful Bidder must sign an affidavit which states without limitation that he/she is the Successful Bidder and the amount of the Sale Price.

(F) Immediately following the Time of Sale, the Successful Bidder shall pay the following to ASLD by a cashier's check or other form of payment pre-approved by the ASLD Commissioner:

1) 25% of the Appraised Value of the Subject Property, which is $21,532,500.00;
2) A Selling and Administrative Fee of 3% of the Appraised Value of the Subject Property, which is $2,583,900.00;
3) Estimated Legal Advertising Costs, which are $8,000.00;
4) Reimbursable Appraisal Fee to ASLD, which is $15,000.00;
5) Reimbursable Costs and Expenses to ASLD, which are $76,313.00;
6) Reimbursable Planning & Zoning Expenses to ASLD, which are $60,000.00;
7) Three (3) Right of Way Assignment Application Fees of $1,000.00 each, totaling $3,000.00; and
8) A Patent Fee of $200.00.

The total amount due at the Time of Sale is $24,278,913.00.

(G) Within thirty (30) days after the date of auction the Successful Bidder must pay:

1) The full balance of the Sale Price;
2) A Selling and Administrative Fee of 3% of the Sale Price, less the amount paid under Terms of Sale Paragraph (F)(2) above; and
3) The actual Legal Advertising Costs, less the amount paid under Terms of Sale Paragraph (F)(3) above.

(H) Immediately following the Time of Sale, the Successful Bidder shall execute the Rights of Way and complete the ASLD Assignment Applications to assign Rights of Way Nos. 16-121920 (Ironwood Dr.-Public Road and Underground Utilities), 16-121921 (Pecos Rd.-Public Road and Underground Utilities), and 16-121922 (Germann Rd.-Public Road and Underground Utilities) to the Town of Queen Creek.

(I) If the Successful Bidder fails to complete all payments as stated in this auction notice, the Successful Bidder shall forfeit all amounts paid, which amounts shall be deemed rent for the Subject Property pursuant to A.R.S. § 37-241(C)(1).

ADDITIONAL CONDITION(S):

(A) The Patent for the Sale Parcel shall include the following conditions and restrictions:
There may be Register Eligible Site or Sites located within the subject property, which could include information significant in this state's history, architecture, archaeology, or culture and may meet eligibility criteria, which the Arizona State Parks Board has established for listing on the Arizona Register of Historic Places, or which meet eligibility criteria for listing on the National Register of Historic Places. If ground-disturbing activities will or may impact one or more Register Eligible Site or Sites, patentee shall consult with the State Historic Preservation Office and otherwise take such actions as are necessary to avoid, preserve, protect, or mitigate impacts on the Register Eligible Site or Sites. In the event that avoidance, preservation and protection of the Register Eligible Site or Sites cannot be accomplished, patentee shall ensure a Historic Properties Treatment Plan is developed in consultation with and acceptable to, the Arizona State Land Department, the Arizona State Museum and the State Historic Preservation Office, or their successor agencies, and that this plan is implemented and completed prior to the Register Eligible Site or Sites being affected. The artifacts and records recovered from the subject property shall be curated according to the Arizona State Museum Conservation and Curation Standards as established in rules implementing the Arizona Antiquities Act.

If any additional archaeological, paleontological, or historical site or object, or human remains or funerary object that is at least fifty years old are encountered during ground-disturbing activities, all work must immediately cease within 30.48 meters (100 feet) of the discovery and the area must be secured. The Arizona State Museum must be notified of the discovery. All discoveries will be treated in accordance with Arizona Revised Statutes (A.R.S. § 41-844 and A.R.S. § 41-865) and work must not resume in this area without authorization from the Arizona State Museum.

These conditions shall run with the subject property, and be binding on the patentee's heirs, successors, and assigns.

(B) Prospective Bidders are advised that:
The Successful Bidder or its assigns shall be responsible to construct, within Rights of Way Nos. 16-121920, 16-121921, and 16-121922, all public roadway and underground utilities required by the Town of Queen Creek for Successful Bidder's development of the property. The aforementioned construction shall be completed within two (2) years from the date of sale, unless extended by the Commissioner in his/her sole and absolute discretion.

BROKER INFORMATION:

In the event the Successful Bidder has retained the services of a real estate broker, the Successful Bidder shall be solely responsible for compensating that broker.

GENERAL INFORMATION:

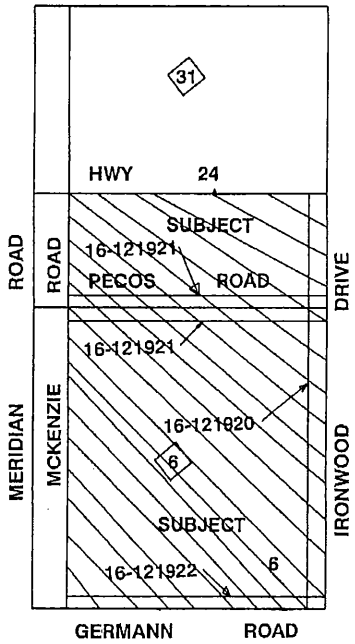
ASLD may cancel this auction in whole or in part at any time prior to the acceptance of a final bid.

A protest to this sale must be filed within 30 days after the first day of publication of this announcement and in accordance with A.R.S. § 37-301.

THE TERMS AND CONDITIONS CONTAINED WITHIN THIS AUCTION NOTICE SHALL SURVIVE THE DELIVERY OF THE PATENT FOR THE SUBJECT PROPERTY.

James W. Perry
(for) Lisa A. Atkins
State Land Commissioner

1/28/2021
Date



Disclaimer: This map is designed for general overview purposes only. Unless otherwise stated all depictions are approximate. Prospective bidders should review all information in ASLD's records relating to the Subject Property and seek technical or legal advice as needed to assure the understanding of all legal descriptions, plat maps, surveys, and other documents relevant to the Subject Property. Contact ASLD, Real Estate Division at (602) 542-3000 for additional information.