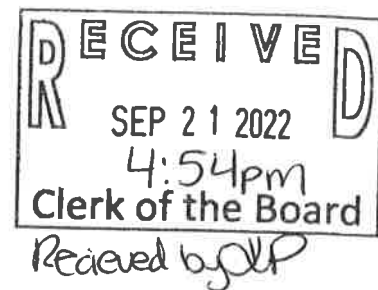


From: Glenn S. McMinn
464 S. Muleshoe
Apache Junction, AZ 85119

To: Clerk of the Board of Supervisors
135 N. Pinal Street
Florence, AZ 85132



RE: Case # Z022-0055

To the Honorable Board of Supervisors:

My name is Glenn McMinn and I respectfully request that the Board of Supervisors modify the Hearing Officer's Decision.

The property in question is located at 10685 E. Magma and consists of approximately 14.85 acres that was used a nursery for raising plants and trees for over 20 years.

The business operations were discontinued in 2017 and the property was listed on the MLS in the Category of a "Business Opportunity". The public remarks section of the listing included the following as part of the sale. "Automatic Irrigation System capable of watering approximately 10,000 trees and 50,000 plants. 2 large shade structures, 9 large green houses, 40 PVC hoop houses, 6 production trailers, mulch, buckets, portable office, tools, sheds, etc. [See attached MLS listing]—

Exhibit "B"

The property owners entered into an installment contract for the sale of the property to Ben Alvarez and Friends, an Arizona limited liability company, in July of 2021, which included the sale of Fixtures and Personal Property including the following: well and well equipment, irrigation pumps, pressure tanks, irrigation systems, irrigation clocks, greenhouses, shade structures, pond liner, storage sheds, nursery trailers, travel trailers, irrigation pipes, storage tanks, Nissan truck, portable office, nursery containers, nursery soil and mulch and remaining plants and trees. [See page 1, Paragraph 8 of Purchase Contract regarding Fixtures and Personal Property/Well]

Exhibit "A"

Count 1: As evidenced by the MLS listing, it was the intent of property owners to sell the property as a growing grounds. It is the intent of the new owner to utilize the property as a nursery and bargained for the items listed in the contract.

Count 2 says in part, "Beginning on December 28, 2020 and continuing to the present, the property owner has maintained numerous travel trailers as living quarters . . ." Property Owner denies Count 2.

There are several travel trailers that were allowed to be stored at the property, but they have not been maintained as living quarters.

Thank you for your consideration.

Sincerely,

Glenn S. McMinn

Exhibit "A"

Purchase Contract 10685 E. Magma, Florence 85132

1. Seller – Glenn Scott McMinn and Linette Kae McMinn (husband and wife), R. Glenn McMinn and Judy A. McMinn (husband and wife), Donald E. Frye (a single person), and Mollie Bunch (a single person), all such persons collectively hereinafter referred to as (“Seller”).

2. Buyer – Ben Alvarez and Friends, an Arizona limited liability company (hereinafter referred to as “Buyer”). Buyer agrees to buy and Seller agrees to sell the real property with all improvements, fixtures, and personal property described herein (collectively the “Property”).

3. Property Address – 10685 E. Magma Road, Florence, AZ 85132. Assessor's # 210-47-003-C.

4. Owner Agent – One of the owners of the Property (Glenn S. McMinn) is a licensed real estate agent in the State of Arizona. Buyer is not represented by a licensed real estate agent in the State of Arizona.

5. Legal Description – Sun Valley Farms V: Beginning at a point 509.5' west of NE of PCL 3, Thence South-1248.48', Thence West-203.4', Thence Northwesterly along CAP R/W 480' to PT, Thence North 980', Thence East 364.34', Thence South 125', Thence East 125', Thence North 125', Thence East 73' to the Point of Beginning Southeast corner 32-3, S-9E 14.85 Acres.

6. Purchase Price \$650,000.00 (Six Hundred Fifty Thousand Dollars and 00/100) – Buyer and Seller acknowledge and agree that the payments for the property shall be as follows: a) **Down Payment** Buyer shall pay to Seller a down payment of \$150,000.00 on or before July 15, 2021. Seller shall give to Buyer a receipt acknowledging receipt of such payment.

b) **Progress Payment** - Buyer shall pay to Seller a progress payment of \$250,000.00 on or before November 5, 2021. Seller shall give to Buyer a receipt acknowledging receipt of such payment.

c) **Final Payment**- Buyer shall pay to Seller a final payment of \$250,000.00 on or before January 14, 2022. Seller shall give to Buyer a receipt acknowledging receipt of such payment and shall cause to be recorded a warranty deed for the Property in the form attached hereto as Exhibit “A”.

7. Incidental Improvements: Buyer is purchasing the Property as vacant land. Any fixtures and appurtenances thereon or incidental thereto, are being transferred in their existing condition (“AS-IS”) and Seller makes no warranty to Buyer expressed or implied.

8. Fixtures and Personal Property/Well- Seller agrees that all existing fixtures on the Property, and any personal property specified herein, shall be included in this sale, including the following: well and well equipment, irrigation pumps, pressure tanks, irrigation systems, irrigation clocks, greenhouses, shade structures, pond liner, storage sheds, nursery trailers, travel trailers, irrigation pipes, storage tanks, Nissan truck, portable office, nursery containers, nursery soil and mulch and remaining plants and trees. Personal property included herein shall be transferred with no monetary value. **In no event shall Buyer remove any fixtures or personal property until after the Closing in compliance with all the terms and conditions of this contract.** Seller agrees to take steps necessary to cause the well registration to be transferred to Buyer upon Closing (if applicable). If applicable, Seller shall assign, transfer and convey to Buyer all water rights (if any) held by Seller.

9. Closing- “Closing” shall occur on or before January 14, 2021, in connection with Buyer's Final Payment as set forth in Paragraph 6 above. Buyer and Seller shall comply with all terms and conditions

Exhibit "B"

Client Report (1)

10685 E MAGMA RD, Florence, AZ 85132

\$650,000



5595806

Business Opportunity

Expired

Monthly Lease Pmt:
Business Name:
Business Type: Nursery
Ttl Apx SqFt Bldg: 0
Ttl Apx SqFt Land: 646,866
Total Parking Spcs:
Covered Parking Spcs: 0
Uncvrd Parking Spcs: 0

Subdivision: S32 T3S R9E
Tax Municipality: Pinal - COUNTY
Marketing Name:
Hun Block:
Map Code/Grid: C77
City/Town Code: Florence
County Code: Pinal
Census Tract: 208

Cross Streets: Cooper Road and Magma Road **Directions:** Take Arizona Farms Road to Cooper Road, go approximately 1 mile north to Magma Road, go west approximately .75 miles.

Public Remarks: Approx. 14.85 Acre nursery growing grounds. Central Arizona Project irrigation (currently \$45.00/Acre foot) with new irrigation ditch. Domestic Well. Holding ponds for approx. 2 acre feet of water. Automatic irrigation system capable of watering approximately 10,000 trees and 50,000 plants. 2 large shade structures, 9 large green houses, 40PVC hoop houses. 6 production trailers, mulch, buckets, portable office, tools, sheds, etc.

Features	Financial Information	Construction & Utilities	County, Tax and Financing
Type of Business: Wholesale Business Age: 10+ Years Business Location: Fixed Location Form of Ownership: Partnership Hours of Operation: Other - See Remarks Exterior: Other (See Remarks) Parking: None Traffic Count: Unknown	Annual Gross Sales: \$0 Adjusted Net Income: \$0 Net Operating Income: \$0 Annual Depreciation: \$0 Annual Fringes: \$0 Annual Mngr Salary: \$0 Annual Owners Salary: \$0 Anl Int (Non-RelEst): 0 Apx Value of Cash: \$0 Owners Draw Included: No	Construction: Other (See Remarks) Water: Domestic Well; CAP Sewer: No Sewer/Septic Electric: SRP Gas: None Heating: None Cooling: None Environmental: None	County Code: Pinal Legal Description (Abbrev): SUN VALLEY FARMS #5: BEG AT A PT 509.50' W OF NE O AN: 210-47-003-C Town-Range-Section: 03S-09E-32 Total Owed: 0 Equity: \$725,000 Down Payment: \$0 Acts Rec Hypothectd:

Listing Dates	Pricing and Sale Info	Listing Contract Info
CDOM/ADOM: 359 / 361 Off Market Date: 04/19/2018	List Price: \$650,000	SA: Y / 3% BB: Y / 3% Var: N Other Compensation:

Listed by: CPA Advantage Realty, LLC (cpaa02)

Prepared by Glenn S
McMinn

All information should be verified by the recipient and none is guaranteed as accurate by ARMLS.
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