



CITY OF SURPRISE
Regular City Council Meeting
16000 N. Civic Center Plaza
Surprise, AZ 85374
Tuesday, June 15, 2021 @ 6:00 PM
COUNCIL CHAMBERS

A. Call To Order

Any prayer or invocation that may be offered before the start of the Regular Council Meeting is a voluntary offering by a private resident of Surprise; has not been previously reviewed or approved by City Council or City staff; should not be considered an endorsement of any particular religion by the City or its officials, as the beliefs, viewpoint, and content are personal to the speaker; and no participation by any person in attendance is required. A list of volunteers is maintained by the office of the City Clerk and interested persons should contact the Clerk's Office for further information.

B. Roll Call

C. Pledge of Allegiance

D. Proclamation and Community Acknowledgements

A Proclamation recognizing June 13-19, 2021 as Monsoon Safety Awareness Week.

E. City Manager Report

F. City Clerk Report

- | | | |
|----|--|--------------------------------------|
| 1. | Consideration and action to appoint the following members to the Veterans, Disability and Human Services Commission as follows: Nickolas Kupper , term Expiration June 30, 2025; Phillip Lair, term expiration June 30, 2024 and Lisa Everett, term expiration June 30, 2023. | None
Sherry Aguilar
City Clerk |
| 2. | Consideration and action to reappoint the following Board/Commissions Members for four (4) year terms expiring on June 30, 2025.

* Board of Trustees: Renee Pastor
* Judicial Selection Advisory Commission: Ed Hanzel
* Parks and Recreation: Bill Pupo; Mark Brown and Ron Jensen
* Veterans, Disability and Human Services Commission: Harrylouis Rodriguez | None
Sherry Aguilar
City Clerk |

G. Call To The Public

INSTRUCTIONS: In order to address the City Council, you will need to fill out a Call to the Public Form available at the front counter, and then turn it in to the City Clerk before the meeting begins.

[Download the Call to the Public form](#) (PDF download requires Adobe Acrobat Reader)

[Fill out the Call to the Public form online](#) If submitting form electronically, please submit to City Clerk at least one hour before the meeting start time.

The Call to the Public form is also available at the front counter.

Note: A.R.S. 38-431.01(H)- During this time members of the public may address City Council only on issues within the jurisdiction of the City Council which are not an item on the agenda. At the conclusion of the open call, City Council may respond to criticism, may ask staff to review the matter or may ask that the matter be put on a future agenda. No discussion or action shall take place on any item raised.

Approval of items on the Consent Agenda – all items with an asterisk (*) are considered to be routine matters and will be enacted by one motion and one roll call vote to the City Council. There will be no separate discussion on these items unless a Councilmember requests, in which event the item will be removed from the consent agenda and considered in its normal sequence on the agenda.

Please be aware that Council Members may not discuss or respond to matters raised during call to the public that are not specifically identified on the agenda. Council Members may however, in their discretion, discuss or respond to relevant matters raised during a noticed public hearing or agenda item.

H. Regular City Council Meeting Agenda

CONSENT AGENDA:

- | | | | |
|----|------------|---|---|
| 3. | Citywide | Consideration and action on the minutes of June 1, 2021 Regular City Council Work Session, Special City Council Meeting and Regular City Council Meeting. | None

Sherry Aguilar
City Clerk |
| 4. | District 1 | Consideration and action to approve a request by Lauren Kay Merrett (Agent) for a Series 12 (Restaurant) license for The Toast located at 17058 W. Bell Road #104, Surprise, AZ 85374. | None

Sherry Aguilar
City Clerk |
| 5. | Citywide | Consideration and action pertaining to approval of the Third Amendment to the Intergovernmental Agreement (IGA) between the City of Surprise and Regional Public Transit Authority (RPTA) for Fiscal Year 2022 Transit Services; Resolution #2021-97. | None

Mike Gent
Public Works |
| 6. | District 1 | Consideration and action pertaining to approval of the Turnover Agreement between the City of Surprise and LCD Asante LLC; Resolution #2021-91. | None

Michael Boule
Water Resource
Management |

7.	District 1	Consideration and action pertaining to the conditional acceptance and maintenance of certain streets and public utility improvements at Cortana at Desert Oasis, generally located at W. Jomax Road and N. 173rd Avenue; Resolution # 2021-79.	None Mike Gent Public Works
8.	District 1	Consideration and action pertaining to the conditional acceptance and maintenance of certain streets and public utility improvements at Rancho Mercado Yearling Road, generally located at N. Yearling Road and N. 147th Avenue; Resolution # 2021-76.	None Mike Gent Public Works
9.	District 1	Consideration and action pertaining to the conditional acceptance and maintenance of certain streets and public utility improvements at W. Pinnacle Peak Road, generally located at W. Pinnacle Peak Road and N. 163rd Avenue; Resolution # 2021-78.	None Mike Gent Public Works
10.	District 2	Consideration and action pertaining to the conditional acceptance and maintenance of certain streets and public utility improvements at Christopher Todd Communities on Mountain View, generally located at W. Mountain View Boulevard and N. Parkview Place; Resolution # 2021-77.	None Mike Gent Public Works
11.	District 1	Consideration and action pertaining to the conditional acceptance and maintenance of certain streets and public utility improvements at Rancho Mercado Parcel A15, generally located at W. Yearling Road and N. Rancho Mercado Parkway; Resolution # 2021-75.	None Mike Gent Public Works
12.	District 3	Consideration and action pertaining to approval the Map of Dedication entitled, "Toll at Prasada – Peoria Avenue Phase 3", dedicating approximately 1.89 acres of real property generally located on the northern half of Peoria Avenue, west of the Citrus Road alignment.	None Robert Kuhfuss Community Development
13.	District 3	Consideration and action declaring the city's intent to enlarge the existing lighting improvement district known as "Sycamore Estates Parcel 13" pursuant to A.R.S. § 48-616 for the purpose of purchasing facilities and energy for lighting the public streets and parks; Resolution # 2021-73.	None Mike Gent Public Works
14.	District 6	Consideration and action declaring the city's intent to enlarge the existing lighting improvement district known as "Surprise Pointe" pursuant to A.R.S. § 48-616 for the purpose of purchasing facilities and energy for lighting the public streets and parks; Resolution # 2021-89.	None Mike Gent Public Works
15.	District 3	Consideration and action pertaining to approval of a Fiscal Year 2021 budget amendment moving budget authority in the amount of \$479,000 from the Water Utility Capital Fund to the Stormwater Capital Fund for establishing P61610: Cactus Road and Cotton Lane Intersection Improvement Project and amending the Fiscal Year 2021 Contract Awarding Authority List; Resolution # 2021-90.	None Mike Gent Kristin Tytler Public Works

- | | | | |
|-----|------------|---|---|
| 16. | District 1 | Consideration and action pertaining to the conditional acceptance and maintenance of certain streets and public utility improvements at Desert Oasis Phase 1 – Parcel L3, generally located at West Straight Arrow Lane and North 177th Lane; Resolution # 2021-92. | None

Mike Gent
Public Works |
| 17. | Internal | Consideration and action pertaining to approval of an amendment to the Intergovernmental Agreement with Maricopa County to provide Community Action Program services, accepting grant funding, and amending the Fiscal Year 2022 Budget by moving budget authority in the amount of \$605,800 within the Grants Fund; Resolution # 2021-88. | None

Seth Dyson
Human Svcs and
Comm Vitality |
| 18. | Citywide | Consideration and action pertaining to the acceptance and renewal of the FY2022 El Mirage Animal Control Intergovernmental Agreement; Resolution # 2021-84. | None

Geoffrey Leggett
Police |
| 19. | Internal | Consideration and action pertaining to approval of an amendment to the Fiscal Year 2021 budget by moving budget authority in the amount of \$500,000 within the Employee Health Benefits Trust Fund to cover anticipated medical and pharmacy expenditures; Resolution #2021-95. | None

Lisa Angelini
Human Resources |
| 20. | Internal | Consideration and action pertaining to approval of a Fiscal Year 2021 budget amendment moving budget authority in the amount of \$100,000 within the Water Operations Fund to support increased demand for water meter installations and amending the Fiscal Year 2021 Contract Awarding Authority List; Resolution # 2021-96. | None

Andrea Davis
Finance |

REGULAR AGENDA ITEM - PUBLIC HEARING:

- | | | | |
|-----|------------|---|--|
| 21. | District 1 | Consideration and action pertaining to approval of an annexation of an approximately 9.96 acre property known as Enclave IV at Paloma Creek, generally located west of 155th Avenue on the north side of Frontier Drive; Ordinance # 2021-09 (Case FS20-739). | None

Joshua Mike
Community
Development |
| 22. | District 1 | Consideration and action pertaining to approval of a rezone of approximately 9.96 acres from Residential Ranch (RR) to Residential Medium Density with a Planned Unit Development Overlay (RM-9 PUD) amending development standards and limiting residential density to 3.21 dwelling units per acre for Enclave IV at Paloma Creek; Ordinance # 2021-11 (Case FS20-738). | None

Robert Kuhfuss
Community
Development |

REGULAR AGENDA ITEM - NON-PUBLIC HEARING:

- | | | | |
|-----|------------|---|---|
| 23. | District 1 | Consideration and action directing the recordation of a blank petition setting forth the legal description and map of the proposed annexation in case FS20-732 Windstone Ranch North; Resolution # 2021-83. | None

Joshua Mike
Community
Development |
|-----|------------|---|---|

24.	District 1	Consideration and action pertaining to approval of the Preliminary Plat entitled, "Desert Oasis" and dated February 22, 2021, an approximately 3.38 acre property generally located on the northeast and southeast corners of 176th Avenue and Straight Arrow Lane (Case FS20-826).	None Sergio Angulo Community Development
25.	Citywide	Consideration and action pertaining to the Council Subcommittee on Community Outreach, Partnerships, and Grants' recommendation for the Surprise Community Outreach Program (SCOP) Fiscal Year 2022 funding.	None Jodi Tas Human Svcs and Comm Vitality
26.	Citywide	Consideration and action pertaining to the Arts and Cultural Advisory Commission's Grant Program funding recommendation for Fiscal Year 2022.	None Danielle Osborne Human Svcs and Comm Vitality
27.	Citywide	Consideration and action levying primary property taxes at a rate of \$0.7591 per hundred dollars (\$100) of assessed valuation and secondary property taxes at a rate of \$0.3880 per one hundred dollars (\$100) of assessed valuation for Fiscal Year 2022 within the City of Surprise; Resolution #2021-94.	None Andrea Davis Holly Osborn Finance
28.	Citywide	Consideration and action setting forth the Fiscal Year 2022 levy of property tax rates for Street Light Improvement Districts (SLID) within the City of Surprise; Resolution #2021-93.	None Andrea Davis Holly Osborn Finance
29.	Internal	Consideration and action pertaining to the reappointment of Louis Frank Dominguez to the position of Presiding Judge of the Surprise Municipal Court; Resolution # 2021-46.	None Lisa Angelini Human Resources
30.	Internal	Consideration and action pertaining to the reappointment of Catherine Ann Gaudreau to the position of Associate Judge of the Surprise Municipal Court; Resolution # 2021-47.	None Lisa Angelini Human Resources
I.	Other Business and Future Agenda Items		
J.	City Council Reports		
K.	Executive Session		
31.	Internal	Consideration and action to recess into executive session for discussion and consultation with the City's attorneys for legal advice, and to consider and instruct the City's attorneys regarding the City Council's position pertaining to opioid litigation pursuant to A.R.S. 38-431.03 (A)(3) and (4).	None Robert Wingo City Attorney Legal

For information Purposes; Upon a public majority vote of a quorum of the City Council, the Council may hold an executive session, which will not be open to the public, but for only the following purposes:

- discussion or consideration of personnel matters (A.R.S. §38-431.03 (A)(1));
- discussion or consideration of records exempt by law from public inspection (A.R.S. §38-401.03 (A)(2));
- discussion or consultation for legal advice with the city's attorneys (A.R.S. §38-431.03 (A)(3));
- discussion or consultation with the city's attorneys regarding the city's position regarding contracts that are the subject of negotiations, in pending or contemplated litigation, or in settlement discussions conducted in order to avoid or resolve litigation (A.R.S. §38-431.03 (a)(4));
- discussion or consultation with designated representatives of the city in order to consider its position and instruct its representatives regarding negotiations with employee organizations (A.R.S. §38-431.03 (A)(5)); or
- discussion, consultation or consideration for international and interstate negotiations or for negotiations by a city or town, or its designated representatives, with members of a tribal council, or its designated representatives, of an Indian reservation located within or adjacent to the city or town. A.R.S. §38-401.03 (A)(6)).
- discussing or consulting with designated representatives of the city in order to consider its position and instruct its representatives regarding negotiations for the purchase, sale or lease of real property (A.R.S. §38-431.03 (A)(7)).

Confidentiality Requirements Pursuant to A.R.S. §38-431.03(C)(D): Any person receiving executive session information pursuant to A.R.S. §38-431.02 shall not disclose that information except to the Attorney General or County Attorney by agreement of the City Council, or as otherwise ordered by a court of competent jurisdiction.

The council may vote to hold an executive session for the purpose of obtaining legal advice from the Board's attorney on any matter listed on the agenda pursuant to A.R.S. § 38-431.03(A)(3).

L. Adjournment

SHERRY ANN AGUILAR, CITY CLERK, MMC

POSTED: June 10, 2021 at 1:38 PM

SPECIAL NOTE: PERSONS WITH SPECIAL ACCESSIBILITY NEEDS, INCLUDING LARGE PRINT MATERIALS OR INTERPRETER, SHOULD CONTACT THE CITY CLERK'S OFFICE @ 623.222.1200 OR TTY 623.222.1002, BY NO LATER THAN 24 HOURS IN ADVANCE OF THE REGULAR SCHEDULED MEETING TIME.



CITY OF SURPRISE
Regular City Council Meeting

Council Meeting Date: June 15, 2021
Submitting Department: City Clerk
Staff Recommendations:

Contact Person:
District: Internal

Consent: No Regular: No Public Hearing: No Report/Discussion: No

Agenda Wording:

Invocation

Motion:

Background:

Objective Analysis:

Policy Compliant:

Financial Impact:

Budget Impact:

FTE Impact:

ATTACHMENTS:



CITY OF SURPRISE
Regular City Council Meeting

Council Meeting Date: June 15, 2021
Submitting Department: City Clerk
Staff Recommendations: None

Contact Person: Mayor Hall
District: Citywide

Consent: No Regular: No Public Hearing: No Report/Discussion: No

Agenda Wording:

A Proclamation recognizing June 13-19, 2021 as Monsoon Safety Awareness Week.

Motion:

N/A

Background:

N/A

Objective Analysis:

N/A

Policy Compliant:

N/A

Financial Impact:

N/A

Budget Impact:

N/A

FTE Impact:

N/A

ATTACHMENTS:



CITY OF SURPRISE
Regular City Council Meeting

Council Meeting Date: June 15, 2021
Submitting Department: City Clerk
Staff Recommendations: None

Contact Person: Sherry Aguilar, City Clerk
District: Internal

Consent: No Regular: Yes Public Hearing: No Report/Discussion: No

Agenda Wording:

Consideration and action to appoint the following members to the Veterans, Disability and Human Services Commission as follows: Nickolas Kupper , term Expiration June 30, 2025; Phillip Lair, term expiration June 30, 2024 and Lisa Everett, term expiration June 30, 2023.

Motion:

I move to approve appointing the following members to the Veterans, Disability and Human Services Commission as follows: Nickolas Kupper , term Expiration June 30, 2025; Phillip Lair, term expiration June 30, 2024 and Lisa Everett, term expiration June 30, 2023.

Background:

Objective Analysis:

Policy Compliant:

Financial Impact:

Budget Impact:

FTE Impact:

ATTACHMENTS:

1. Lisa Everett_Redacted
 2. Nickolas Kupper_Redacted
 3. Phillip Lair_Redacted
-

3-24-2021
stevens



City of Surprise

APPOINTMENT APPLICATION FOR ALL
SURPRISE COMMISSIONS

(Per City Code, All applicants must reside in the City of Surprise)

Name: Lisa Everett

Address:

Phone:

E: Mail:

Year(s) you have resided in the City of Surprise? : 2

Board/Commission(s) you are applying for?

Veterans, Disabilities, and Human Services

Education: University of North Texas

Bachelor's Public Administration

EMPLOYMENT BACKGROUND:

Present Employer/Position: N/A

Previous Employer(s)/Position (Last 5 Years): The Finger Companies / CWS

Property Management Property Manager

(Continued on Reverse Side)

Special Qualifications (Include list of Surprise activities or organizations you have participated in and dates):

I am fairly new to Surprise and then we had COVID hit

Do you currently serve, or have you previously served on any other City of Surprise Commissions? If yes, which one(s):

Not in Surprise / I served in previous Cities

Statement as to why you want to serve as a Commission Member for the City of Surprise:

I want to give back to my community. I believe our veterans are underserved. From going to previous Council Meetings I am aware that the disabled are having a hard time finding transportation, especially into Phoenix for doctor appointments.

I, Lisa Everett certify that to the best of my knowledge, all information given herewith is true and correct. I understand that any falsification or misrepresentation of facts will be cause for dismissal from the position if I am appointed by the City Council.


Applicant's Signature

Please return to:

City Clerk's Office – 16000 N. Civic Center Plaza, Surprise, AZ. 85374, or email to:
clerk@surpriseaz.gov

Please note that applications are accepted on an open rolling basis and shall be maintained as an active application for future vacancies.



City of Surprise

APPOINTMENT APPLICATION FOR ALL
SURPRISE COMMISSIONS

(Per City Code, All applicants must reside in the City of Surprise)

Name: Nickolas Kupper

Address: [REDACTED]

Phone: [REDACTED]

E-Mail: [REDACTED]

Year(s) you have resided in the City of Surprise? : 1

Board/Commission(s) you are applying for?

Veterans, Disability and Human Services Commission

Education: Human Resource Management AS, Aviation Maintenance Technology AS &

Professional Manager Certification

EMPLOYMENT BACKGROUND:

Present Employer/Position: United States Air Force (USAF) / Section Chief

Previous Employer(s)/Position (Last 5 Years): USAF / MEPS Liason Supervisor,

Production Superintendent, Project Manager & Section Chief

(Continued on Reverse Side)

Special Qualifications (Include list of Surprise activities or organizations you have participated in and dates):

17 year Air Force Veteran, adoptive parent of disabled child & 2016 Ten Outstanding Young American's national

award winner for work with disabled orphans throughout Europe

Do you currently serve, or have you previously served on any other City of Surprise Commissions? If yes, which one(s):

No

Statement as to why you want to serve as a Commission Member for the City of Surprise:

I have been serving my country and traveling the world for the past 17 years and I am ready to settle down in Surprise and serve my community in a new way. I have a wealth of unique experiences as a military member and adoptive father that will lend themselves well to this commission. My wife (of 16 years) and I have always had a heart for our local and world communities and we are very pleased to call Surprise our first long-term home and look

forward to making a positive contribution.

I, Nickolas Kupper certify that to the best of my knowledge, all information given herewith is true and correct. I understand that any falsification or misrepresentation of facts will be cause for dismissal from the position if I am appointed by the City Council.



Applicant's Signature

Please return to:

City Clerk's Office – 16000 N. Civic Center Plaza, Surprise, AZ. 85374, or email to: clerk@surpriseaz.gov

Please note that applications are accepted on an open rolling basis and shall be maintained as an active application for future vacancies.

 04-05-2021

5-3-2021



City of Surprise

**APPOINTMENT APPLICATION FOR ALL
SURPRISE COMMISSIONS**

(Per City Code, All applicants must reside in the City of Surprise)

Name: Phillip Lair

Address:

Phone (H)

E: Mail Address

Year(s) you have resided in the City of Surprise? : 1.5 years

Board/Commission(s) you are applying for?

Veterans Commission/Board

Education: Joplin High School 1991, BSBA Columbia Southern University 2010

EMPLOYMENT BACKGROUND:

Present Employer/Position: Collins Aerospace/Contract Administrator

Previous Employer(s)/Position (Last 5 Years): State of Arizona/ Board of Accountancy

(Continued on Reverse Side)

Special Qualifications (Include list of Surprise activities or organizations you have participated in and dates):

I served in the US Navy for 9 years, I currently serve on the Board of the Veterans Employment Recognition Group at Collins Aerospace.

Do you currently serve, or have you previously served on any other City of Surprise Commissions? If yes, which one(s):

None

Statement as to why you want to serve as a Commission Member for the City of Surprise:

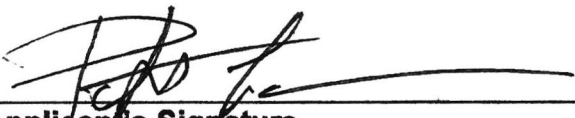
I think giving back to the community is very important, I served in the Navy for 9 years, and also was a volunteer Firefighter/EMT for 9 years in the Northern Virginia area (Manassas, VA). I am

currently serving on the Employee Recognition Group as a Board member at my company where

we put together different events and awareness for company and Veterans.

I think supporting veterans is a very important cause not just because I am one of them, but to make sure that they know what is available to them, and provide assistance to them.

I, Phillip Lair _____, certify that to the best of my knowledge, all information given herewith is true and correct. I understand that any falsification or misrepresentation of facts will be cause for dismissal from the position if I am appointed by the City Council.



Applicant's Signature

Please return to:

City Clerk's Office – 16000 N. Civic Center Plaza, Surprise, AZ. 85374, or email to:
clerk@surpriseaz.gov

Please note that applications are accepted on an open rolling basis and shall be maintained as an active application for future vacancies.



CITY OF SURPRISE
Regular City Council Meeting

Council Meeting Date: June 15, 2021
Submitting Department: City Clerk
Staff Recommendations: None

Contact Person: Sherry Aguilar, City Clerk
District: Internal

Consent: No Regular: No Public Hearing: No Report/Discussion: No

Agenda Wording:

Consideration and action to reappoint the following Board/Commissions Members for four (4) year terms expiring on June 30, 2025.

- * Board of Trustees: Renee Pastor
- * Judicial Selection Advisory Commission: Ed Hanzel
- * Parks and Recreation: Bill Pupo; Mark Brown and Ron Jensen
- * Veterans, Disability and Human Services Commission: Harrylouise Rodriguez

Motion:

Background:

Objective Analysis:

Policy Compliant:

Financial Impact:

Budget Impact:

FTE Impact:

ATTACHMENTS:

1. Boards Commissions_Redacted



City of Surprise

REAPPOINTMENT APPLICATION FOR ALL SURPRISE BOARDS/COMMISSIONS

Name: Renee Pastor Date Submitted: 3/31/2021

Address:

Phone:

E-Mail:

Resident of Surprise: ☒ Yes ☐ No Number of Years: 15

Board/Commission(s) you are seeking reappointment for:

Health Benefits Trust Fund Board

Does the above information reflect any changes from your original application?

Yes ☐ No ☒

If Yes, please explain?

I, Renee Pastor acknowledges that all information given herewith is true and correct and understand that with completion of the Reappointment Application, you hereby verify that you are interested in serving on the same Board/Commission for an additional 4 year term scheduled to expire June 30, 2025 **subject to Council approval.**

Renee Pastor-Wooten
Digitally signed by Renee Pastor-Wooten
Date: 2021.03.31 20:19:15 -07'00'

Applicant's Signature

Please return to:

City Clerk's Office
16000 N. Civic Center Plaza
Surprise, AZ. 85374
623-222-1200
clerk@surpriseaz.gov

Received by the City Clerk's Office

Date/Time: 4-1-2021 Initials:

Applicant - You can submit your application in person, by mail or scan and send electronically but your application must contain your signature. **Please submit your application no later than Wednesday, April 14th, 2021 no later than 5:00 p.m.**



City of Surprise

REAPPOINTMENT APPLICATION FOR ALL SURPRISE BOARDS/COMMISSIONS

Name: ED HANZEL Date Submitted: 3/24/2021

Address:

Phone (

E: Mail

Resident of Surprise: X Yes No Number of Years: 18

Board/Commission(s) you are seeking reappointment for:

JSAC

Does the above information reflect any changes from your original application?

Yes No X

If Yes, please explain?

I, ED HANZEL acknowledges that all information given herewith is true and correct and understand that with completion of the Reappointment Application, you hereby verify that you are interested in serving on the same Board/Commission for an additional 4 year term scheduled to expire June 30, 2025 **subject to Council approval.**

Ed Hanzel

Applicant's Signature

Please return to:

City Clerk's Office
16000 N. Civic Center Plaza
Surprise, AZ. 85374
623-222-1200
clerk@surpriseaz.gov

Received by the City Clerk's Office

Date/Time: 3-24-2021 Initials: SH

Applicant - You can submit your application in person, by mail or scan and send electronically but your application must contain your signature. Please submit your application no later than Wednesday, April 14th, 2021 no later than 5:00 p.m.



City of Surprise

REAPPOINTMENT APPLICATION FOR ALL SURPRISE BOARDS/COMMISSIONS

Name: _____ William Pupo _____
30,2021 _____

Date Submitted: March

_____ Sanff Lane _____

Zip Code: _____

Cell: _____

_____ om _____

Resident of Surprise: ☒ Yes ☐ No

Number of Years: 21

Board/Commission(s) you are seeking reappointment for:

Park and Recreation Board

Does the above information reflect any changes from your original application?

Yes ☒ No ☐

If Yes, please explain? We built and moved to a new home in Surprise from our previous Surprise home and thus the address may be different

I, William Pupo acknowledges that all information given herewith is true and correct and understand that with completion of the Reappointment Application, you hereby verify that you are interested in serving on the same Board/Commission for an additional 4 year term scheduled to expire June 30, 2025 **subject to Council approval.**

William Pupo
Applicant's Signature

Please return to:

City Clerk's Office
16000 N. Civic Center Plaza
Surprise, AZ. 85374
623-222-1200

Received by the City Clerk's Office

Date/Time: 3-30-2021

Initials: Sh



City of Surprise

REAPPOINTMENT APPLICATION FOR ALL SURPRISE BOARDS/COMMISSIONS

Name: MARK BROWN Date Submitted: 3-26-21

Address

Phone

E: Mail

Resident of Surprise: ☒ Yes ☐ No Number of Years: 16

Board/Commission(s) you are seeking reappointment for:

PARKS AND RECREATION

Does the above information reflect any changes from your original application?

Yes ☒ No ☐

If Yes, please explain?

NEW PHONE NUMBER. NOW, IT'S, 480.843.5045

I, MARK BROWN acknowledges that all information given herewith is true and correct and understand that with completion of the Reappointment Application, you hereby verify that you are interested in serving on the same Board/Commission for an additional 4 year term scheduled to expire June 30, 2025 **subject to Council approval.**

[Signature]
Applicant's Signature

Please return to:

City Clerk's Office
16000 N. Civic Center Plaza
Surprise, AZ. 85374
623-222-1200
clerk@surpriseaz.gov

Received by the City Clerk's Office

Date/Time: 3-29-2021 Initials: [Signature]

Applicant - You can submit your application in person, by mail or scan and send electronically but your application must contain your signature. **Please submit your application no later than Wednesday, April 14th, 2021 no later than 5:00 p.m.**



City of Surprise

REAPPOINTMENT APPLICATION FOR ALL SURPRISE BOARDS/COMMISSIONS

Name: Ronald R Jensen Date Submitted: 4-13-2021

Address

Phone

E: Mail

Resident of Surprise: ☒ Yes ☐ No Number of Years: 20

Board/Commission(s) you are seeking reappointment for:

Parks & Recreation

Does the above information reflect any changes from your original application?

Yes ☐ No ☒

If Yes, please explain?

I, Ronald R. Jensen acknowledges that all information given herewith is true and correct and understand that with completion of the Reappointment Application, you hereby verify that you are interested in serving on the same Board/Commission for an additional 4 year term scheduled to expire June 30, 2025 **subject to Council approval.**

Ronald R. Jensen
Applicant's Signature

Please return to:

City Clerk's Office
16000 N. Civic Center Plaza
Surprise, AZ. 85374
623-222-1200
clerk@surpriseaz.gov

Received by the City Clerk's Office

Date/Time: 4-13-2021 Initials: SPD

Applicant - You can submit your application in person, by mail or scan and send electronically but your application must contain your signature. **Please submit your application no later than Wednesday, April 14th, 2021 no later than 5:00 p.m.**



City of Surprise

REAPPOINTMENT APPLICATION FOR ALL SURPRISE BOARDS/COMMISSIONS

Name: Harrylouis Rodriguez

Date Submitted: 4-14-21

Address

Phone (

E: Mail

Resident of Surprise: ☒ Yes ☐ No

Number of Years: 7

Board/Commission(s) you are seeking reappointment for:

UDHS

Does the above information reflect any changes from your original application?

Yes ☐ No ☒

If Yes, please explain?

I, Harrylouis Rodriguez acknowledges that all information given herewith is true and correct and understand that with completion of the Reappointment Application, you hereby verify that you are interested in serving on the same Board/Commission for an additional 4 year term scheduled to expire June 30, 2025 **subject to Council approval.**

[Signature]
Applicant's Signature

Please return to:

City Clerk's Office
16000 N. Civic Center Plaza
Surprise, AZ. 85374
623-222-1200
clerk@surpriseaz.gov

Received by the City Clerk's Office

Date/Time: 4-14-2021 Initials: [Signature]

Applicant - You can submit your application in person, by mail or scan and send electronically but your application must contain your signature. **Please submit your application no later than Wednesday, April 14th, 2021 no later than 5:00 p.m.**



CITY OF SURPRISE
Regular City Council Meeting

Council Meeting Date: June 15, 2021
Submitting Department: City Clerk
Staff Recommendations: None

Contact Person: Sherry Aguilar, City Clerk
District: Citywide

Consent: Yes Regular: No Public Hearing: No Report/Discussion: No

Agenda Wording:

Consideration and action on the minutes of June 1, 2021 Regular City Council Work Session, Special City Council Meeting and Regular City Council Meeting.

Motion:

I move to approve the meeting minutes.

Background:

Objective Analysis:

Policy Compliant:

Financial Impact:

Budget Impact:

FTE Impact:

ATTACHMENTS:

1. 6121 WKS
 2. 6121 SPEC
 3. 6121 REG
 4. For the record item 7
-

CITY OF SURPRISE
Regular City Council Work Session Minutes
16000 North Civic Center Plaza
Surprise, AZ 85374

Tuesday, June 1, 2021 @ 4:00PM

Call To Order

Roll Call

Vice Mayor Duff called to order the Regular City Council Session Meeting of June 1, 2021 at 4:00 PM at Surprise City Hall Council Chambers, 16000 N Civic Center Plaza, Surprise, Arizona 85374. Also in attendance with Vice Mayor Duffy were Council Member Cline, Winters, Judd, Remley and Hastings. (Excused-Hall).

Staff Present: City Manager, Michael Frazier; City Attorney, Robert Wingo and Deputy City Clerk, Linda Stevens.

Pledge of Allegiance

Call To The Public

Regular City Council Work Session Agenda

1. Presentation and discussion by the Maricopa Association of Governments (MAG) regarding their regional homeless evaluation and implementation strategies work to date.

Human Services and Community Vitality Director, Seth Dyson turned the presentation over to Amy St. Peter.

Ms. St. Peter commented that she is here to talk about council's priorities, their concerns, their ideas and also to thank them.

Topics of discussion: Focus, Partners, Data, Building Infrastructure, Vision and Mission, Strategies, Next steps, feed back is very important Capstone event June 10 from 2- 4 PM.

Mr. Dyson gave a Homelessness Update, what are we doing what are our partners experiencing.

Mr. Dyson reviewed the numbers, reported on Partners & Program data, the faith community, coordination, services, temporary housing and he thanked all partners.

Council Member Hastings - Thank you both for all of the work get in front of the issue, very important to a lot of people.

Council Member Cline - how far away are we to getting services? The west valley is growing but need to bring services out here. She referred to a resident that found services thank you for helping her.

Council Member Remley - spoke of coordination and collaboration, referred to the 18 year old receiving service and coordinated communication device?

Ms. St. Peter - it should not take that long, we're working to shorten the time frame, we're evaluating the system.

Council Member Remley - various cities could adopt to providing assistance, it's a problem for all of us, get all cities to sign on.

Vice Mayor - referred to the "minors"

Mr. Dyson - there two different numbers

Executive Session

Adjournment

Council Member Winters made the motion to adjourn the Regular City Council Work Session of June 1, 2021 at PM. Council Member Cline seconded the motion. Six yes votes (one excused - Hall), motion carried.

Skip Hall, Mayor

ATTEST:

Sherry Ann Aguilar, City Clerk, MMC

CERTIFICATION:

I, Sherry Ann Aguilar, City Clerk for the City of Surprise, Maricopa County, Arizona, do hereby verify that these are the true and correct minutes of the Regular City Council Work Session of **Tuesday, June 1, 2021**.

Sherry Ann Aguilar, City Clerk, MMC

CITY OF SURPRISE
Special City Council Meeting Minutes
16000 North Civic Center Plaza
Surprise, AZ 85374

Tuesday, June 1, 2021 @ 6:00PM

Call To Order

Roll Call

Mayor Hall called to order the Special City Council Meeting of June 1, 2021 at 6:00 PM at Surprise City Hall Council Chambers, 16000 N Civic Center Plaza, Surprise, Arizona 85374. Also in attendance with Mayor Hall were Vice Mayor Duffy and Council Members Hastings, Remley, Judd, Winters and Cline.

Staff Present: City Manager, Michael Frazier; City Attorney, Robert Wingo and Deputy City Clerk, Linda Stevens.

Pledge of Allegiance

Call To The Public

Special City Council Meeting Agenda

REGULAR AGENDA ITEM - PUBLIC HEARING:

1. Consideration and action pertaining to the City's intent to levy primary property taxes in the amount of \$0.7591 per hundred dollars (\$100) of assessed valuation and secondary property taxes in the amount of \$0.3880 per one hundred dollars (\$100) of assessed valuation and setting the property tax adoption for June 15, 2021, pursuant to A.R.S. 48-616; Resolution #2021-86 - APPROVED

Finance Director, Andrea Davis and Assistant Finance Director, Holly Osborn reported on items 1-3.

Council Member Remley - 787 Enterprise Fund Amendment?

Ms. Osborn - we used to categorize that as Enterprise Operating expenses; we have moved them over to Capital. The same for Fire and Police.

Ms. Davis - It's not new, we just re-categorizing it

Council Member Duffy made the motion to approve Resolution 2021-86.
Council Member Winters seconded the motion.

Roll call vote: Mayor Hall-yes; Vice Mayor Duffy-yes; Council Member Cline-yes; Council Member Winters-yes; Council Member Judd-yes; Council Member Remley-yes and Council Member Hastings-yes.

Seven yes votes, motion carried.

2. Consideration and action pertaining to the City's intent to adopt Street Light Improvement District (SLID) property tax levies up to the maximum rate of \$1.20 for each one hundred dollars (\$100) of assessed valuation and setting the property tax adoption for June 15, 2021, pursuant to A.R.S. 48-616; Resolution #2021-85 - APPROVED

Council Member Duffy made the motion to approve Resolution 2021-85.
Council Member Remley seconded the motion.

Roll call vote: Mayor Hall-yes; Vice Mayor Duffy-yes; Council Member Cline-yes; Council Member Winters-yes; Council Member Judd-yes; Council Member Remley-yes and Council Member Hastings-yes.

Seven yes votes, motion carried.

3. Consideration and action pertaining to the adoption of the City of Surprise final budget for Fiscal Year 2022; Resolution #2021-87 - APPROVED

Council Member Duffy made the motion to approve Resolution 2021-87.
Council Member Cline seconded the motion. Seven yes votes, motion carried.

Executive Session

Adjournment

Council Member Winters made the motion to adjourn the Special City Council Meeting of June 1, 2021 at 6:11 PM. Council Member Cline seconded the motion. Seven yes votes, motion carried.

Skip Hall, Mayor

ATTEST:

Sherry Ann Aguilar, City Clerk, MMC

CERTIFICATION:

I, Sherry Ann Aguilar, City Clerk for the City of Surprise, Maricopa County, Arizona, do hereby verify that these are the true and correct minutes of the Special City Council Meeting of **Tuesday, June 1, 2021.**

Sherry Ann Aguilar, City Clerk, MMC

CITY OF SURPRISE
Regular City Council Meeting Minutes
16000 North Civic Center Plaza
Surprise, AZ 85374

Tuesday, June 1, 2021 @ 6:15PM

Call To Order

Roll Call

Mayor Hall called to order the Regular City Council Meeting of June 1, 2021 at 6:18 PM at Surprise City Hall Council Chambers, 16000 N Civic Center Plaza, Surprise, Arizona 85374. Also in attendance with Mayor Hall were Vice Mayor Duffy and Council Members Hastings, Remley, Judd, Winters and Cline.

Staff Present: City Manager, Michael Frazier; City Attorney, Robert Wingo and City Clerk, Sherry Aguilar.

Invocation

Led by Crystal Kupper, Radiant Church.

Pledge of Allegiance

Proclamation and Community Acknowledgements

City Manager Report

1. Update from Water Resource Management staff on private water utility changes in District 1.

Water Resource Director, Lee Lambert stated that Beardsley Water is now under operation by Liberty Utilities.

City Clerk Report

2. The City Clerk will conduct the Oath of Office for the following Surprise Youth Council Members: Sienna Sims, Emily Mionske and Stephanie Lopez

Deputy City Clerk, Linda Stevens administered the Oath of Office for Miss Sims, Miss Mionske and Miss Lopez.

Call To The Public

Michael Kolb: lived there 1993, no city services other than trash, very seldom see a Police car come through the neighborhood. He spoke of the trash dumping in the area.

Kenneth Patch: hoping Council would entertain some changes on what they are restricted to do where he lives, they have large lots. He has received some citations, has a construction company.

Jim Remington: he agrees with what the people just said, please look into the gun fire in the area and the dumping.

Robert Virostek: flooding issues, Mr. Patch is out with his tractor, the dumping issue, full trailers in the 219 area, we take care of each other, no street sweeper, fire hazards.

Chris Masters: dumping issues where he lives, more dumping signs on 219th, it is a daily issue.

Virtuous James Jr.: moved here from the south side, looking for peace and quiet, 163rd Avenue, there have been 4 or 5 people killed at that intersection, not enough safe roads.

CONSENT AGENDA:

Council Member Judd made the motion to approve the consent agenda, excluding items 5, 7 and 10. Council Member Winters seconded the motion. Seven yes votes, motion carried.

3. Consideration and action on the minutes of May 18, 2021 Regular City Council Meeting - APPROVED

4. Consideration and action pertaining to approval of the Final Plat entitled, Replat of Lots 1, 57, 58, 59, and Tract C of North Copper Canyon Village Parcel 1.2 an approximately 6.45 acre property generally located at the northeast corner of Williams Road and 175th Avenue. (Case FS21-099) - APPROVED

6. Consideration and action pertaining to approval of the Map of Dedication entitled, Fulton Homes Escalante Infrastructure Phase 2 an approximately 4.384 acre right-of-way generally located on a portion of

Asante Boulevard west of 155th Avenue in the Fulton Homes Escalante Development. (Case FS19-649) - APPROVED

8. Consideration and action pertaining to conditional approval of the Final Plat entitled, Sycamore Farms (Paradisi) Parcel I an approximately 26.61 acre property generally located north of the northwest corner of Peoria Avenue and Sarival Avenue in the Sycamore Farms PAD; Resolution #2021-80 (Case FS20-599) - APPROVED

9. Consideration and action pertaining to conditionally approval of the Final Plat entitled, Sycamore Farms (Paradisi) Parcel H an approximately 20.75 acre property generally located north of the northeast corner of Peoria Avenue and Loop-303 in the Sycamore Farms PAD; Resolution 2021-74 (Case FS20-606) - APPROVED

5. Consideration and action pertaining to the conditional approval of the Final Plat entitled, "Bungalows at Bell & Sarival" an approximately 29.8 acre property generally located south of Bell Road between Sarival and Sunrise Parkway; Resolution # 2021-81 - APPROVED

Council Member Hasting removed this item from consent for clarification purposes.

City Planner, Robert Kuhfuss gave a brief presentation.

Council Member Hastings - referred to the map stated that this dates back and that residents have a problem with the road.

Mr. Kuhfuss - gave background/history on the original PAD.

Council Member Hastings - entrance and exit?

Mr. Kuhfuss - pointed it out.

Council Member Hastings - asked for clarification regarding the reasoning behind the road.

Mr. Kuhfuss - mainly about traffic, no connectivity on west edge. This provides the connectivity.

Council Member Hastings - anyone from Mountain Vista Ranch here to speak tonight?

Council Member Cline - residents who live North of Bell Road have no intention to cut into this community, doesn't go far enough, seniors turning right on Bell Road, this would allow those in the community to get to the 303.

Mayor Hall - this could be very beneficial to Mountain Vista Ranch.

Council Member Remley - referred to the road boundary and sidewalk.

Council Member Hasting made the motion to approve Resolution 2021-81.
Council Member Cline seconded the motion. Seven yes votes, motion carried.

7. Consideration and action pertaining to approval of the Final Plat entitled, Re-Plat of Lots 1 through 7, of 'Surprise Spectrum an approximately 19 acre property generally located on the northwest corner of Pat Tillman Boulevard and 163rd Avenue. (Case FS20-712) - APPROVED

Council Member Winters removed this item from the consent agenda for clarification purposes.

City Planner, Sergio Angulo reported on this item.

Council Member Winters - re-plating lots 1-7 correct, for Fry's itself?

Mr. Angulo - yes.

Council Member Cline - Fry's added the drive-thru pharmacy?

Mr. Angulo - correct.

Council Member Winters made the motion to approve Case FS20-712.
Council Member Cline seconded the motion. Seven yes votes, motion carried.

10. Consideration and action pertaining to approval of an amendment to the Fiscal Year 2021 budget by moving budget authority of \$615,000 from Contingency to the Ground Ambulance Service Fund and \$225,000 from Contingency to the Wildland Fund for the purpose of covering

**personnel, supplies and services expenses; Resolution #2021-82 -
APPROVED**

Council Member Remley removed this item from the consent agenda for clarification purposes.

Espie, Davis and Gleeson were available for Council questions.

Council Member Remley - COVID relief money,

Ms. Davis - General Fund not Enterprise Fund, explained the estimate being higher.

Council Member Remley - 7 years before we break even

Ms. Davis - we do not set the rates, very close to breaking even on the operating side.

Mayor Hall - good point, our guys taking care of our residents means quality service.

Ms. Davis - updating processes, collectability and cash flow.

Council Member Remley - referred to "B" schedule.

Mayor Hall - inquired about billing and 3rd party.

Council Member Hastings - thank you for all you've done and especially regarding COVID19. Inquired about Civilian EMT's and keeping residents safe.

Council Member Remley made the motion to approve Resolution 2021-82.
Council Member Judd seconded the motion. Seven yes votes, motion carried.

Other Business and Future Agenda Items

City Council Reports

Mayor and Council attended and/or reported the following:

Council Member Hastings - nothing to report.

Council Member Remley - looking forward to cooler weather.

Vice Mayor Duffy - this Saturday Meet and Greet at Spencer's Place.

Council Member Cline - literacy and education, Meet and Greet in Sun City Grand, June 28th rep from Carefree Partners regarding city center 6-8 PM. June 25 EPCOR Meeting and Nomination Committee Meeting, District 4 meeting, June 29th Coffee with a Vet, this morning on the West Valley Women 13 Annual Meet the Mayor's meeting.

Council Member Winters - Saturday event WWII Memorial, support or Vets.

Council Member Judd - Lee Lambert assisted at a Community Meeting regarding water in Surprise he did an excellent job. Epic Mixer last Thursday fantastic job, great turnout and thanks to Surprise PD on campaign.

Mayor Hall - congratulate Benny Pena, new Police Chief, invite you to watch Virtual Surprise Business Roundtable, June 3rd.

Executive Session

Adjournment

Council Member Hastings made the motion the adjourn the Regular City Council Meeting of June 1, 2021 at 7:49 PM. Council Member Winters seconded the motion. Seven yes votes, motion carried.

Skip Hall, Mayor

ATTEST:

Sherry Ann Aguilar, City Clerk, MMC

CERTIFICATION:

I, Sherry Ann Aguilar, City Clerk for the City of Surprise, Maricopa County, Arizona, do hereby verify that these are the true and correct minutes of the Regular City Council Meeting of **Tuesday, June 1, 2021.**

Sherry Ann Aguilar, City Clerk, MMC



SMART GROWTH SURPRISE

FIGHTING FOR DEVELOPMENT THAT'S
ECONOMICALLY, SOCIALLY, AND
ENVIRONMENTALLY SUSTAINABLE

*For the record
June 1, 2021
Linda Stevens*

May 19, 2021

City of Surprise
Planning & Zoning Commission
16000 N. Civic Center Plaza
Surprise, AZ 85374

To the Honorable Surprise Planning & Zoning Commissioners:

This letter serves as a comment letter on behalf of Smart Growth Surprise, an unincorporated group of concerned residents fighting for development that's economically, socially, and environmentally sustainable.

Our group, and several of our friends and neighbors, have strong concerns about the size, scale and scope of the proposed Fry's Shopping Center and Gas Station at the corner of N. Pat Tillman Blvd. & N. 163rd Ave. The project is before the Commission on the May 20th Agenda as "a Conditional Use Permit for a Vehicle Fueling Station, Drive Through Facility, and Site Plan for a Fry's Asante Retail Center (Case FS20712)."

Project Background

The applicant, Sustainability Engineering Group on behalf of Smith's Food & Drug Centers Inc., and Barclay Holdings C LLC, is seeking approval for a Conditional Use Permit with Site Plan review for a new Fry's Grocery store with a drive-through pharmacy and a vehicle fueling station. The site was initially approved as a PAD in 2004, and has been amended in several instances since that time, including alterations to phasing of development.

The current proposal is for a large-scale grocery, 123,800 square feet, and significant future growth, with four additional development plots indicated in the plat being brought for approval with this application.

Required Entitlements

The grocery use itself is permitted, given the PAD's underlying Commercial (C-2) zoning. However, both drive-through facilities and vehicle fueling stations are only conditionally-permitted uses, requiring conditional use permits and therefore are subject to the required



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findings and standards of Sections 122-78 and 122-106 of the City of Surprise Unified Development Code (“UDC”). The applicant is also seeking approval of a Final Plat, subject to the requirements of Section 122-116.3, subd. (d) of the UDC.

Both of these development actions fall under “Type III” per Section 122-150, subd. (d), Table 12-1, of the UDC.

Procedural Requirements

A variety of procedural requirements apply to this development proposal. A conditional use permit application requires a public hearing. See UDC Sec. 122-161 subd. (d)(4); Arizona Revised Statutes (ARS) Sec. 9-462.04. Conditional use permit processes of the type outlined in the ordinance are considered quasi-judicial under both Arizona law and by language of the ordinance itself, which groups Type III applications as “quasi-judicial.” UDC Sec. 122-150 subd. (b)(3).

Under the City code, where multiple applications for the same development project are submitted, all applications for that project should go through the “highest” procedural requirements. This is the express language of the City code’s “concurrent review” provision. UDC Sec. 122-150 subd. (c). Under this provision, all applications for a particular project submitted concurrently must go through the same process, although the deciding body and criteria remain distinct.

The applications relevant to this project- conditional uses with site plan approval and the Final Plat approval- are all Type III, but with different deciding bodies (i.e., “authoritative bod[ies]”). The conditional use applications are tied to the Final Plat approval directly- the conditional use permits are “deemed not approved until said Final Plat is approved by the City Council.” Therefore, the Final Plat should be part of the hearing process.

We think it is important to note for the record that the City repeatedly refused to share documentation regarding this project with the public prior to the publication of the agenda packet, despite requests to do so, in such a way that would allow the public adequate time to review and provide comments on these documents. This refusal denied interested party members of the public the opportunity to fully and adequately review and present evidence to the P&Z Commission. It is still unclear what supporting documentation was provided to the City in



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support of this application- for example, whether traffic, acoustic, lighting, noise, or economic impact studies were conducted and submitted to the City.

Conditional Use Criteria

The UDC enumerates several criteria for each type of conditional use permit sought by the applicant. These criteria must be satisfied for the conditional use permit to issue, and per the UDC, the burden of proof is on the applicant to demonstrate satisfactory compliance with these criteria, at UDC Section 122-114 subd. (a).

The P&Z Commission is required to rest its decision as to whether to approve or deny the conditional use permits and site plan on the staff report and evidence submitted during the hearing. But the staff report contains only a conclusory finding that the application meets the required criteria- and in fact, also includes an admission that the application does not meet the requirement for 3.5 kv photovoltaic panels to be placed on the top of the canopy of the fueling station. *See* Agenda Packet, page 76 of the PDF.

Neither the public nor the Commission is given any detailed accounting of how and why the criteria are met- or why one of the requirements, although not being met, should be waived, other than the fact that it has been waived in other instances (raising the question of why the criterion exists at all if it does not need to be enforced).

As just one of numerous examples of why this is not sufficient, substantial evidence to support the applicant's burden of proof, one of the requirements for a drive-through conditional use permit is that "drive-through speakers shall not be audible from the right-of-way or adjacent residential uses. Additional landscaping, sound attenuation walls, or other mitigation measures may be required to reduce the sound level." UDC Section 122-78 subd. (e). The staff report does not state with any specificity how it arrived at the conclusion that this criterion has been met. The staff did not produce, with the agenda packet, any evidence that an acoustic study was conducted, nor what the relevant indices would be for satisfying this requirement- for example, what are the relevant decibel levels, how do they travel and where to, and what the applicant has done or would be doing to ensure satisfaction with this criterion?

Particularly, given the quasi-judicial character of these applications, it is of critical importance that the public and the Commissioners be given access to more than just conclusory statements of the satisfaction of criteria for conditional use permits. This is particularly important because



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conditional use permits are not ministerial entitlements, but rather the City has discretion to reject conditional use permits. The UDC specifically spells out that denial of a conditional use permit is not the denial “of a right.”

Interestingly, the staff report excludes the criteria for a conditional use permit itself, including only the technical requirements for the particular conditional permits being sought (i.e., drive-through; fueling stations). The requirements for a conditional use are heavily discretionary: the approval criteria found in Section 122-114 include several discretionary provisions that were not expressly included in the agenda packet. A substantive analysis addressing how these conditional uses are harmonious with surrounding uses and do not place unique or significant burden on local capacity or infrastructure is lacking. For the discretionary criteria, there is no analysis or evidence at all.

This failure to provide any substantive evidence for the public and the Commission creates a serious problem for the adequacy of the application and the process for approving these conditional use permits. As already mentioned, there is no rationale offered whatsoever as to the fueling station’s lack of necessary photovoltaics; there is similarly no substantive analysis regarding criterion (j), regarding noise impacts likely to result from development of this fueling station and granting of the conditional use permit. No acoustic study was conducted, or if it was conducted, it was not produced to the public and the Commission for an objective analysis. Technical details regarding lighting impacts are also absent.

For both conditional use permits, there are several traffic-impact and pedestrian related criteria. No traffic impact analysis or pedestrian safety study has been conducted or, if they have been conducted, they have not been produced to the public for review and inspection.

The absence of this kind of substantial evidence makes an objective analysis either by the Commission or the public, impossible. The Commission and the public are not being given the opportunity to evaluate any substantive information regarding the satisfaction of *either* technical or discretionary criteria for these applications.

Even if the intent of staff is to assure the Commission that they have conducted an analysis and that their recommendations should be deferred to and relied upon, staff has still not offered any rationale, even perfunctory, to support their conclusion that the myriad criteria have been satisfied, only a bare statement that they were indeed satisfied.



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Until the City provides the public and the Commission with an opportunity to meaningfully evaluate substantial evidence, the rights of interested parties and the capacity of the Commission to make an informed decision based on substantial evidence is lacking.

For that reason, we respectfully request that either these conditional use permits be rejected or that the hearing be continued to such a time when adequate information is made available to the public, interested parties, and the Commission.

Thank you for your time and consideration of our concerns about this important issue.

Sincerely,

Robert & Susan Smith

Robert & Susan Smith

Surprise, AZ



CITY OF SURPRISE
Regular City Council Meeting

Council Meeting Date: June 15, 2021
Submitting Department: City Clerk
Staff Recommendations: None

Contact Person: Sherry Aguilar, City Clerk
District: District 1

Consent: No Regular: No Public Hearing: No Report/Discussion: No

Agenda Wording:

Consideration and action to approve a request by Lauren Kay Merrett (Agent) for a Series 12 (Restaurant) license for **The Toast** located at 17058 W. Bell Road #104, Surprise, AZ 85374.

Motion:

Background:

Objective Analysis:

Policy Compliant:

Financial Impact:

Budget Impact:

FTE Impact:

ATTACHMENTS:

1. THE TOAST REPORT
 2. THE TOAST MAP
 3. PD REPORT The TOAST Liquor License
 4. FINANCE The Toast_Memo to Clerk_20210517
 5. Fire 17058 W Bell ste 104 The Toast Liquor License
-



COMMUNITY DEVELOPMENT DEPARTMENT

Date: June 4, 2021
To: Sherry Aguilar, City Clerk
From: Chris Boyd, Community Development Director
James Stewart, Zoning Specialist
Re: Liquor License Application for:

**THE TOAST
SERIES 12 – RESTAURANT – JOB# 148301
17058 W. Bell Road, Suite 104
Surprise, Arizona 85374**

The number and series of licenses in close proximity to the subject site are:

1. Golden Wei Chinese Cuisine (Series # 12) – 17104 W Bell Rd. #107
2. Eddie's European Bistro (Series 12) – 16846 W. Bell Rd. #109 (EXPIRED)
3. Mule Creek Saloon (Series 6) – 16846 W. Bell Rd.#100
4. Albertson's #1026 (Series 9) – 16750 W. Bell Rd.(EXPIRED)
5. Circle K #2741713 (Series 10) – 16794 W. Bell Rd.
6. Babbo Italian Eatery (Series 12) – 16433 W. Bell Rd.
7. Sam's Club #4955 (Series 9) – 16573 W. Bell Rd.
8. Peter Piper Pizza (Series 12) – 16641 W. Bell Rd. (EXPIRED)
9. Winco Foods #127 (Series 9) – 16925 W Bell Rd.
10. Safeway Food & Drug #1997 (Series 9) – 17049 W. Bell Rd.
11. Walgreens #06806 (Series 10) – 17088 W. Bell Rd

The immediate area is comprised of commercial establishments. The property is zoned C-2 which is consistent with the proposed use.

Commercial and residential growth is expected to remain static.

If managed properly, the effects of granting this liquor license on surrounding residences will be minimal. This license will have little to no affect on parking in the area. Staff believes that granting this liquor license will not directly impact the surrounding business and residential areas in a negative way.

THE TOAST

PAD
HAPPY TRAILS

RL-5, R1-5

PAD
SUN CITY GRAND

CC, C-2

SITE

BABO'S

PAD
SURPRISE VILLAGE MARKETPLACE

RR, R1-43

RH, R-3

WINCO

PAD
SURPRISE FARMS

PAD
NORTHWEST RANCH

S U R P R I S E P O L I C E D E P A R T M E N T
L I Q U O R L I C E N S E A P P L I C A T I O N R E V I E W

REFERENCE:

DATE: June 3, 2021

Series #12 – Restaurant License
JOB #148301

APPLICANT:

THE TOAST

17058 W. Bell Road, Suite #104
Surprise, Arizona 85374

FINDINGS:

- 1) ***Evidence concerning the nature of the proposed business, its potential market and its likely customers.***

The Toast is a full service restaurant specializing in breakfast and lunch only. Their market is open to all ages and demographics. There is proposed seating for 56 patrons including 6 in the designated bar area. There is no live entertainment scheduled and two TVs will be located inside the restaurant. The menu is mainly lunch and dinner, mainly consisting of Greek and Mediterranean cuisine.

- 2) ***Effect of vehicular traffic in close proximity.***

The Toast is moving into a preexisting restaurant space located in a shopping plaza on the northeast corner of Bell Road and Cotton Lane, with multiple points of ingress/egress off either street. There should be no effect on vehicular traffic with the addition of this new liquor license.

- 3) ***The history for the past five years of liquor violations and reported criminal activity at the proposed premises provided that the applicant has received a detailed report of such activity at lest 20 days before the hearing.***

There are no incidents of any liquor violations at this location in the last five years. There was one theft from the patio of the previous restaurant.

- 4) ***Comparison of hours of operation of the proposed premises to the existing businesses in close proximity.***

The hours of operation submitted show The Toast will be open from 8 AM to 8 PM with the first few hours open for coffee bar only, followed by lunch and dinner. On Saturdays and Sundays, it says coffee bar only until 10:30 AM, followed by brunch only until 3 PM. There is one other restaurant, (Golden Wei Chinese Restaurant) a few suites down in the same plaza that also has a series 12 liquor license. Their hours 11 AM to 9 PM every day of the week. The rest of the businesses in this smaller strip plaza close at various hours, but none are very late. There is a vape store that closes by 8 PM every day and a dollar store that closes by 10 PM.

- 5) ***Appropriateness of series license requested.***

A series 12 license is appropriate and applicable for The Toast, per state guidelines for restaurants.

Submitted by Officer Chris Tovar #2059



MEMO

Date: 5/17/2021

To: Sherry Aguilar, City Clerk
Linda Stevens, Deputy City Clerk
From: Stacie McQuarrie, Accounting Support Specialist

RE: Liquor License Application – The Toast – 17058 W Bell Rd Ste 104

Business License Status:

License #1794, current and valid for 2021.



Surprise Fire-Medical Department
14250 W. Statler Plaza Ste. 101
Surprise, AZ 85374-7479
Phone: 623-222-5000
Fax: 623-222-5001



May 27, 2021

To: Sherry Ann Aguilar, City Clerk

From: Keith Tanner, Fire Marshal

Subject: Liquor License Application

Applicant: The Toast
17058 W Bell Rd, #104

The Surprise Fire-Medical Department is aware that the above referenced suite is undergoing a tenant improvement from the previous restaurant. Since construction work is still ongoing, there are no known fire code violations. Therefore, fire has no comment on the application at this time.

If you have any questions feel free to contact me.

Keith Tanner
Keith Tanner, Fire Marshal
Fire Prevention Division
Surprise Fire-Medical Department

RESOLUTION # 2021-97

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA, APPROVING AN AMENDMENT TO THE INTERGOVERNMENTAL AGREEMENT WITH THE VALLEY METRO REGIONAL PUBLIC TRANSPORTATION AUTHORITY FOR TRANSIT SERVICES.

WHEREAS, pursuant to Arizona Revised Statute §11-952, *et seq.*, the City of Surprise has the authority to enter into intergovernmental agreements (“IGA”) with other governmental entities for the purposes set forth within;

WHEREAS, the Valley Metro Regional Public Transportation Authority (“RPTA”) has established a network of regional public transportation services within Maricopa County;

WHEREAS, the City and the RPTA together with other Maricopa County cities have provided a regional public transportation system;

WHEREAS, the City and the RPTA have entered into an IGA adopted under Resolution #2018-110 for transit services (“Master Intergovernmental Agreement”);

WHEREAS, the parties may amend the Master IGA on an annual basis to accommodate changes in service levels, costs, and revenues, pursuant to Section 3 of the Master IGA; and

WHEREAS, the parties now wish to approve the amended terms of the Master IGA entered into by the City and the RPTA.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Surprise, Arizona, as follows.

Section 1. The Third Amendment to the Master IGA between the City and the RPTA, attached as Exhibit A, is approved.

Section 2. The Mayor is hereby authorized to execute and submit all documents and other necessary or desirable instruments in connection with said Second Amendment to the Master IGA.

SIGNATURES ON FOLLOWING PAGE

APPROVED AND ADOPTED this ____ day of _____, 2021.

Skip Hall, Mayor

Attest:

Approved as to form:

Sherry Aguilar, City Clerk

Robert Wingo, City Attorney

EXHIBIT A

THIRD AMENDMENT
TO
INTERGOVERNMENTAL AGREEMENT BETWEEN
THE CITY OF SURPRISE
AND
VALLEY METRO REGIONAL PUBLIC TRANSPORTATION AUTHORITY

TRANSIT SERVICES AMENDMENT
BETWEEN
THE CITY OF SURPRISE
AND
THE REGIONAL PUBLIC TRANSPORTATION AUTHORITY
CONTRACT # 166-75-2022

This Amendment dated July 1, 2021, amends the following items of the Transit Services Agreement Contract #166-75-2021 entered into between the City of Surprise (“Member” “City” or “Surprise”) and the Regional Public Transportation Authority (“RPTA”) dated the 1st day of July 2018, as amended July 1, 2019, and July 1, 2020 (“collectively, the Agreement”).

The following Sections amend those sections of the Agreement entered into July 1, 2020:

SCHEDULE “C” – ADA MANDATED PARATRANSIT SERVICE

ADA Mandated Paratransit Service Overview

Schedule C	
Valley Metro ADA Paratransit Service	
Effective July 1, 2021	
Service Overview	
Eligibility	ADA certified, and ADA eligible visitors
Service Area	The City of Surprise is not within the ADA service area, but ADA certified residents anywhere within incorporated Surprise may use Paratransit (non-ADA trips for work and medical living outside of Surprise.
Trip Limits	No limit to the number of trips an individual can take as long as the individual is ADA certified, for work or medical outside of Surprise, and the trips begin in incorporated Surprise going to an area within the ADA service area and during ADA service hours
Trip Purposes	Work or medical outside the City of Surprise.
Passenger Types	
Riders	ADA certified and ADA eligible visitors

Schedule C – Exhibit 4 – Payments to Provider

- FY21 Mixed Allocation Method – Paratransit
 - Mixed allocation provides a balanced methodology
 - Fixed costs allocate by trip
 - Fixed fee
 - Incentives/Other
 - VM costs
 - Variable costs allocated by mile
 - Trip costs
 - Fuel costs

SCHEDULE “D” – RIDECHOICE SERVICE OVERVIEW

Valley Metro RideChoice Overview	
Effective July 1, 2021	
Service Overview	
Eligibility	Eligible residents of Incorporated Surprise who are ADA certified and/or seniors 65 years of age or more. Low Income Qualified and Qualified Veterans are also able to use the program.
Service Area	Trips must be entirely within Maricopa County.
Trip Limits	Trip Option: Base level is 20 trips per month. If a rider uses RideChoice to get to work, school or medical appointments, rider may request an increase to 50 trips per month. Unused trips do not roll over. Mileage Option 400 (MO400): Additionally, if customers need to take frequent longer trips, they may be eligible to receive their service as a monthly allocation of 400 miles which can be used for trips of up to no more than 50 miles in length and operating entirely within Maricopa County and within the jurisdictional boundaries of any other RPTA member communities. Unused miles do not roll over.
Fare Structure	
Fares	Trip Option: \$3 per one-way trip for up to eight miles. \$2 per mile beginning after the eighth mile, rounding up at ¼ Mileage Option (MO400): \$3 per one-way trip up to no more than 50 miles. Tips: Tips are not required, but if the customer chooses to pay a tip, the customer may do so at his/her option with the driver directly. RideChoice will not collect and/or process tips.

Fare Media	Credit/debit cards, some reloadable cash cards, RideChoice E-wallet, and cash (some providers)
Passenger Types	
Riders	Riders are required to be ADA Certified, 65 years of age or older, low income qualified and or Veteran qualified
Personal Care Attendant (PCA)	Permitted
Companions	Customer may travel with up to three additional companions, including the PCA.
Children	Customers must be eighteen (18) years of age or older to travel unaccompanied. Customers may bring children as PCAs or companions.
Mobility Devices and Disability-Related Equipment	
Service Animals	Service animals are permitted on RideChoice. For more information on Valley Metro's service animal policies, visit www.valleymetro.org/accessibility/service-animals .
Service Delivery	
Vehicle Response Times	Not in RideChoice contract and/or has not been finalized
Early Trips	Not in RideChoice contract and/or has not been finalized
Seatbelts and Mobility Device Securement	Riders are subject to the securement policies of the individual RideChoice providers, but are strongly encouraged to use seatbelts and mobility device securement systems.
Provider and Contract Information	
Provider	Contracted service - Prime contractor is American Logistics. AL manages service, accepts reservations, schedules trips, and utilizes subcontractors who provide the trips. Subcontractors include TNC's such as Uber, local taxicab companies and other non-emergency medical transportation providers
Provider Rate Structure	Contractor is reimbursed on the basis of a fixed booking fee per-trip and a transportation fee that is equal to the actual provider cost for the trip, less any collected passenger fares.
Performance Standards	This has not been negotiated yet.
Contract Term	Three-year base; 1 three-year option.

The following Schedules replace and supersede those Schedules of the Agreement entered into July 1, 2020.

The attached Schedule A replaces and supersedes Schedule A entered into July 1, 2020.

The attached Schedule B replaces and supersedes Schedule B entered into July 1, 2020.

The attached Schedule C replaces and supersedes Schedule C entered into July 1, 2020.

The attached Schedule D replaces and supersedes Schedule D entered into July 1, 2020.

The attached Schedule E replaces and supersedes Schedule E entered into July 1, 2020.

All other terms of the Parties Transit Services Agreement dated July 1, 2018, as amended remain unchanged and in full force and effect.

IN WITNESS WHEREOF, the Parties have each executed this Agreement as of the date first set forth above.

REGIONAL PUBLIC TRANSPORTATION AUTHORITY (RPTA)

By: _____

Scott W. Smith, Chief Executive Officer

APPROVED AS TO FORM:

By: _____

Michael J. Minnaugh, General Counsel

CITY OF SURPRISE (MEMBER)

By: _____

Skip Hall, Mayor

By: _____

Sherry Aguilar, City Clerk

APPROVED AS TO FORM:

By: _____

Robert Wingo, Member Attorney

SCHEDULE "A" REGIONALLY FUNDED FIXED ROUTE BUS SERVICE

Sources of Project Operating Budget

I. Regionally Funded Fixed Route Bus Service **\$202,254** (including express)

The above line represents the value of transit service paid for by the RPTA to the benefit of the City of Surprise. The calculation to derive this figure is daily revenue miles of service x number of service days x cost per revenue mile of service.

FY22 Fixed Route Bus Estimate									
RPTA Operated in the City of Surprise									
Surprise Funded									
Funding	Surprise								
Level	Route	HASTUS	Annual Miles	Gross Costs	Fares	PM	CRSSA Funds	ARPA Funds	Net Cost
W	571	Phoe	20,880	\$201,599	(\$10,570)	(\$11,485)	(\$26,327)	\$0	\$153,218
W	571	Surp	6,683	64,520	(3,383)	(3,676)	(8,426)	-	49,036
Grand Total			27,563	\$266,120	(\$13,953)	(\$15,161)	(\$34,752)	\$0	\$202,254

SCHEDULE “B” – CITY FUNDED FIXED ROUTE BUS SERVICE COST ESTIMATE

For the period July 1, 2021 to June 30, 2022, the City of Surprise will pay the Regional Public Transportation Authority **\$196,420** for bus service on Routes in Surprise.

Payments made by the CITY to RPTA for operation of bus routes depicted in Schedule B shall consist of twelve (12) monthly installments of **\$16,368.33** commencing July 1, 2021 and shall become due within thirty (30) days of receiving an invoice from the RPTA.

FY22 Fixed Route Bus Estimate									
RPTA Operated in the City of Surprise									
Route 571									
Funding	PTF								
Level	Route	HASTUS	Annual Miles	Gross Costs	Fares	PM	CRSSA Funds	ARPA Funds	Net Cost
W	571	El Mir	8,940	\$86,317	(\$4,526)	(\$4,917)	(\$11,272)	\$0	\$65,602
W	571	Phoe	17,828	\$172,127	(9,025)	(9,806)	(22,478)	-	\$130,819
Grand Total			26,768	\$258,444	(\$13,550)	(\$14,723)	(\$33,750)	\$0	\$196,420

SCHEDULE C – PARATRANSIT SERVICE, FINANCIAL INFORMATION AND SERVICES COST ESTIMATE

For the period from July 1, 2021 through June 30, 2022, the City will pay Valley Metro a total of **\$128,568.96** for the provision of regional paratransit services. The City shall pay the RPTA for the project in (12) monthly installments of **\$10,714.08**. Payment of invoices shall become due within thirty (30) calendar days after receipt of an invoice from RPTA. If at any time the costs of this program are projected to exceed the annual amount of **\$128,568.96**, the Parties will reduce service levels to stay within the budgeted amount.

FY22 Paratransit Service Funded by City of Surprise

	<u>Paratransit</u>
Trips:	
Paratransit Trips	3,498
Total Trips	3,498
Cost:	
Contractor Transportation Cost	\$211,267
RPTA Salaries, Fringes & OHD	\$6,788
Contract Contingency	\$5,317
Total Gross Program Cost	\$223,372
Total Fare Revenue	(\$13,992)
CRRSA Act Federal Funding	(\$27,991)
Total Net Program Cost Before PTF	\$181,389
PTF Balance Available	\$52,820
PTF Applied	\$52,820
Member City Contributions:	
Non-ADA Costs	\$128,569
Total Member City Contribution	\$128,569

SCHEDULE “D” –RIDE CHOICE PROGRAM SERVICES COST ESTIMATE

The City of Surprise agrees to participate and financially support the RideChoice Transportation Services program for Fiscal Year 2021-22. The City of Surprise shall fund this project in the amount of **\$439,369.92** for the period July 1, 2021 to June 30, 2022. The City shall pay the RPTA for the project in twelve (12) monthly installments of **\$36,614.16**. Payment of invoices shall become due within thirty (30) calendar days after receipt of an invoice from RPTA. If at any time the costs of this program are projected to exceed the annual amount of **\$439,369.92**, the Parties will reduce service levels to stay within the budgeted amount.

FY22 RideChoice Service Funded by City of Surprise

	<u>RideChoice</u>
Trips:	
Ride Choice Trips	23,838
Total Trips	23,838
Cost:	
Contractor Transportation Cost	\$494,839
RPTA Salaries, Fringes & OHD	\$67,183
Contract Contingency	\$0
Total Gross Program Cost	\$562,021
Total Fare Revenue	(\$75,651)
Federal Funding	(\$47,000)
Total Net Program Cost	\$439,370
PTF Balance Available	\$0
PTF Applied	\$0
Member City Contributions:	
RideChoice Costs	\$439,370
Total Member City Contribution	\$439,370

**SCHEDULE “E” – AMERICANS WITH DISABILITIES ACT (ACT)
PUBLIC TRANSPORTATION FUNDS (PTF) AVAILABILITY**

For the period July 1, 2021 to June 30, 2022 the maximum amount of Public Transportation Funds (PTF) available for the City of Surprise is **\$52,820**. The PTF will pay actual costs for ADA trips and other trips taken by ADA certified individuals using non-ADA service or the RideChoice program up to the maximum amount. A final reconciliation at fiscal year-end will be performed and adjustments, if necessary, will be made using actual ADA eligible costs.

Any remaining ADA PTF funds not used up to the maximum reimbursements may be requested by City for other ADA certified rider eligible expenses, and certified by the City’s chief financial officer or designee. RPTA will reimburse City within thirty (30) business days based upon availability of funds. City may request that reimbursements be made electronically. Wire transfers must be pre-arranged through the RPTA Finance Department.

Maximum amount: **\$52,820**



CITY OF SURPRISE Regular City Council Meeting

Council Meeting Date: June 15, 2021

Contact Person: Michael Boule, ASST
DIRECTOR-UTILITY OPERATION

Submitting Department: Water Resource
Management

District: District 1

Staff Recommendations: None

Consent: Yes	Regular: No	Public Hearing: No	Report/Discussion: No
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Agenda Wording:

Consideration and action pertaining to approval of the Turnover Agreement between the City of Surprise and LCD Asante LLC; Resolution #2021-91.

Motion:

I move to Approve Resolution #2021-91.

Background:

The City of Surprise and Asante entered into a development agreement in 2005 that outlined the terms and conditions of the dedication and turnover associated with the SPA 2 PERC Water Reclamation Facility. The obligations associated with the dedication of the facility have been met and it is now time for the City to take over the ownership and operation of this facility. This agreement memorializes the requirements of Asante and the City as it relates to the turnover and dedication of the facility.

The SPA 2 PERC Water Reclamation Facility is located generally at 155th Avenue and Pinnacle Peak Road, adjacent to the City owned SPA 2 Regional Water Reclamation Facility. This facility will serve approx. 5,700 homes and businesses in the northeast, SPA 2, region of Surprise. This facility has the capability to process 1.2 million gallons of wastewater per day. The proximity to the City owned SPA 2 Regional Water Reclamation Facility will provide significant efficiencies and opportunities as we integrate the SPA 2 PERC facility into our operation.

Objective Analysis:

This agreement will allow the city to control the operation and maintenance of the SPA 2 Water Reclamation Facility. The operational costs associated with the dedication and turnover were included in the FY21 budget.

Policy Compliant:

This item is policy compliant and is consistent with the Asante Development Agreement, dated November 18, 2005, and recorded as Instrument No. 2005-1750101.

Financial Impact:

Total estimated ongoing operational and maintenance cost to operate for the first year is \$655,100. The city is collecting wastewater user fees to offset these costs.

Budget Impact:

The funding source in the current fiscal year and future fiscal years will be the Wastewater Operations fund.

FTE Impact:

NA

ATTACHMENTS:

1. Res 2021-91 SPA 2 WRF_Dedication
 2. TURNOVER AGREEMENT_5.18.21
-

RESOLUTION # 2021-91

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE FOR THE ACCEPTANCE OF THE DEVELOPER PHASE 1A SPA 2 PERC WATER RECLAMATION FACILITY TURNOVER AGREEMENT.

WHEREAS, pursuant to Arizona Revised Statute §9-500.05, *et seq.*, the City of Surprise has the authority to enter into development agreements;

WHEREAS, on November 18, 2005 the City entered into the Asante Development Agreement (“DA”), as amended from time to time, originally recorded as Instrument No. 2005-1750101, with Lennar Communities Development, Inc. and BYM Happy Valley Investment, LLC (collectively “Asante”);

WHEREAS, pursuant to section 4.1 of the DA, upon meeting certain criteria, Asante was required to construct and dedicate to the City, a water reclamation facility (“WRF”) in the City’s Special Planning Area 2 (“SPA 2”);

WHEREAS, City and Owner acknowledge the DA requires Asante to employ the equipment manufacturer of the WRF for the purpose of operating and maintaining the WRF until six months after the WRF is receiving wastewater in amounts equal to or in excess of ten percent of its design capacity. Although the WRF is not yet receiving wastewater in said amount, given the operational efficiencies to the City realized by combining the WRF with the City’s existing SPA 2 Regional WRF, and the Owner’s covenants in the Turnover Agreement attached hereto, the City is now prepared to accept the WRF;

WHEREAS, the Turnover Agreement documents the negotiated resolution between the parties, and establishes the rights, responsibilities, and obligations of the parties going forward, including the City’s right to an easement in order to connect the WRF with the City’s existing plant, as well as Asante’s right to a non-exclusive right of ingress and egress across City property to install the improvements.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Surprise, Arizona, as follows.

Section 1. The Turnover Agreement, attached hereto as Exhibit A, is hereby approved.

SIGNATURES ON FOLLOWING PAGE

APPROVED AND ADOPTED this ____ day of _____, 2021.

Skip Hall, Mayor

Attest:

Approved as to form:

Sherry Aguilar, City Clerk

Robert Wingo, City Attorney

RESOLUTION # 2021-91
Exhibit A
(Turnover Agreement)

**TURNOVER AGREEMENT
PURSUANT TO ASANTE DEVELOPMENT AGREEMENT**

**For All of the Developer Phase Land and for the
Developer Phase 1A SPA 2 PERC Water Reclamation Facility**

City of Surprise, Arizona

This Turnover Agreement ("Agreement") is made by and between the City of Surprise, an Arizona municipal corporation ("City"), and LCD Asante LLC, a Delaware limited liability company ("Owner"). City and Owner are sometimes hereinafter referred to individually as a "Party" and collectively as the "Parties."

RECITALS

A. Owner, through one or more assignments, and pursuant to that certain Assignment and Assumption of Asante Development Agreement, dated May 29, 2009, and recorded in the Office of the County Recorder of Maricopa County, Arizona, on May 29, 2009, at document 2009-0486179, and the City are parties to that certain Asante Development Agreement, dated November 3, 2005, initially entered into by Lennar Communities Development, Inc., a Delaware corporation, BMY Happy Valley Investment L.L.C., an Arizona limited liability company, and the City, as recorded on November 18, 2005, at document 2005-1750101, as amended by that First Amendment to Asante Development Agreement, dated September 26, 2006, and recorded on October 6, 2006, at document 2006-1328209, and as amended by that Second Amendment to Asante Development Agreement and Addendum No. 4 to Asante Development Agreement, dated November 2, 2020, and recorded on November 4, 2020, at document 2020-1072628 (the "Development Agreement").

B. Owner owns the following described property situated in the City of Surprise, County of Maricopa, State of Arizona:

(i) that certain real property legally described on **Exhibit "A"** attached hereto and by reference incorporated herein known as Maricopa County Assessor's parcel number 503-57-024E together with all improvements thereon and all water, oil, gas and mineral rights, if any, and all privileges, easements, and other interests and entitlements, if any, appurtenant thereto (collectively, the "Developer Phase Land"); and

(ii) the buildings, structures, improvements, and fixtures situated on the Developer Phase Land, including, but not limited to, the Developer Phase 1A SPA 2 PERC water reclamation facility designed and constructed by Owner's predecessors in interest to treat inflow to a maximum capacity of 1.2 million gallons per day average daily flow ("gpd"), and all equipment now located upon and used in connection with the SPA 2 PERC water reclamation facility ("Developer Phase 1A Facility").

The Developer Phase Land and the Developer Phase 1A Facility are referred to in this Agreement together collectively as the Developer Phase Property ("Developer Phase Property").

C. On or about April 23, 2018, the Maricopa County Environmental Services Department (“MCESD”) issued its Certificate of Approval to Commence Operations with Stipulations to allow treatment of low flows by the Developer Phase 1A Facility (MCESD Project No.: 2017088; System ID No.: AZ-04-37-199).

D. On or about May 15, 2006, the City issued its final approval letter for the Developer Phase 1A Facility.

E. Pursuant to the Development Agreement and subject to the terms and conditions of this Agreement, Owner will dedicate and convey the Developer Phase Property to City and City will accept the Developer Phase Property and operate the Developer Phase 1A Facility.

NOW, THEREFORE, in consideration of the foregoing Recitals and mutual covenants and agreements contained herein, the parties, intending to be legally bound, for themselves and their successors and assigns, agree as follows:

AGREEMENT

1. Definitions; Incorporation of Recitals; Effective Date. The Recitals are by this reference incorporated into this Agreement. Except as otherwise defined in this Agreement, all capitalized terms used in this Agreement shall have the meanings ascribed thereto in the Development Agreement. Such definitions in the Development Agreement will continue to apply after the termination and/or amendment and extension of the Development Agreement. This Agreement will be binding and effective on the Parties on the Effective Date. The “Effective Date” of this Agreement is the date upon which the last of the following events occurs: (i) Owner executes, dates and delivers this Agreement to the City; (ii) Escrow Agent (as hereinafter defined) executes, dates and delivers this Agreement to the City; and (iii) the City fully executes, dates and delivers this Agreement to the Escrow Agent.

2. Transfer of Operation Date. The Owner shall dedicate to the City and the City shall accept the Developer Phase Property and will take over responsibility for the operation of the Developer Phase Property and all related and appurtenant infrastructure at noon on the date which is thirty (30) days after the Effective Date (the “Transfer of Operation Date”). Prior to the Transfer of Operation Date, the City shall make all arrangements to operate and maintain the Developer Phase Property from and after the Transfer of Operation Date. Following the Transfer of Operation Date, the City will manage and control all of the wastewater capacity of the Developer Phase 1A Facility and the use of the Developer Phase Land and the Developer Phase 1A Facility in accordance with this Agreement and the Development Agreement. Prior to the Transfer of Operation Date, Owner shall make all arrangements to have all utility accounts, including APS, Southwest Gas, and Surprise Water, transferred to the City effective as of the Transfer of Operation Date. Owner shall pay all utility account bills up to the Transfer of Operation Date.

3. Dedication of Developer Phase Land and Developer Phase 1A Facility.

3.1. Conveyance of Developer Phase Property by Owner. On the Transfer of Operation Date, Owner will deposit into Escrow with Escrow Agent for recordation, if applicable, and for delivery to Escrow Agent and City:

3.1.1 a special warranty deed in the City's approved form attached hereto as **Exhibit "B"** (the "Deed") wherein the Owner dedicates and conveys to City the Developer Phase Property, at no charge to the City, and free and clear of all monetary liens and encumbrances that could affect marketability of the title;

3.1.2 a bill of sale in the City's approved form attached hereto as **Exhibit "C"** (the "Bill of Sale") wherein the Owner dedicates, conveys, assigns, and transfers to City all components of the Developer Phase 1A Facility, at no charge to the City, and free and clear of all monetary liens and security interests;

3.1.3 a non-foreign person affidavit, settlement statement, and such other documents as may be reasonably requested by Escrow Agent or as are necessary to fulfill the covenants and obligations to be performed by Owner pursuant to this Agreement.

3.2. Acceptance of Developer Phase Property by City. On the Transfer of Operation Date, City will deposit into Escrow with Escrow Agent for recordation, if applicable, and for delivery to Escrow Agent and Owner:

3.2.1 A signed and fully executed Pipeline and Conduit Easement (as defined in Section 8.7 and as attached hereto as Exhibit J) between the City and HE Capital Asante LLC, a Delaware limited liability company.

3.3. Closing.

3.3.1 Recording. Escrow Agent shall record in the Office of the County Recorder of Maricopa County, Arizona, the Deed and the Pipeline and Utility Easement, in that order, on the Transfer of Operation Date.

3.3.2 Title Insurance. Pursuant to Section 9.6 of the Parties' Development Agreement, as may be amended and/or extended, the Owner believes that the matters set forth in that certain second amended commitment for title insurance, dated September 29, 2020, bearing First American Title Insurance Company ("Title Company") file number 5449TAZ, describing the Developer Phase Land attached hereto as **Exhibit "D"** (the "Commitment") do not affect marketability of the title to the Developer Phase Property. The City hereby directs Escrow Agent to obtain and provide to the City an ALTA extended coverage owner's policy of title insurance from the Title Company in the amount of \$2,500,000 insuring title to the Developer Phase Property is vested in the City upon recordation of the Deed (the "Title Policy") pursuant to the Commitment. Owner shall pay the portion of the premium for the Title Policy equivalent to the premium for a standard coverage policy and the City shall pay the additional premium and costs related to the issuance of an ALTA extended coverage policy, including, but not limited to, the costs of satisfying all requirements for the extended coverage Title Policy such as by means of illustration but not limitation the cost of an ALTA/NSPS land title survey, and any endorsements to the Title Policy requested by the City.

4. Developer Phase Obligations and Rights Under the Development Agreement.

4.1. Mutual Consideration. City and Owner acknowledge the Development Agreement requires the Owners under the Development Agreement to employ the equipment

manufacturer of the Developer Phase 1A Facility at the Owners' expense to assist the City with the operation and maintenance of the Developer Phase 1A Facility until six (6) months following the date the Developer Phase 1A Facility is receiving wastewater in amounts equal to or in excess of ten percent (10%) of its design capacity. The Developer Phase 1A Facility is not yet receiving wastewater greater than or equal to ten percent (10%) of the design capacity. Given the operational efficiencies to be realized by the City by combining the flows to the Developer Phase 1A Facility with the City's current flows received at the City's existing SPA 2 Regional WRF, and the Owner's covenants in this Agreement, including the covenant to install the Pipeline and Conduit Improvements (as hereinafter defined) pursuant to Section 8 of this Agreement, the aforementioned obligation of the Owners under the Development Agreement to employ the equipment manufacturer of the Developer Phase 1A Facility will be satisfied upon the dedication of the Developer Phase Property to the City on the Transfer of Operation Date.

4.2. Satisfaction of Owners' Developer Phase Obligations Under the Development Agreement. The City and Owner acknowledge and agree that upon the turnover of the Developer Phase Property to the City on the Transfer of Operation Date, the following obligations of the Owners under the Development Agreement will have been fully satisfied:

- (i) to finance, design, construct, install operate and maintain Developer Phase 1A;
- (ii) to employ the equipment manufacturer of the Developer Phase 1A Facility; and
- (iii) to dedicate and convey the Developer Phase Property to the City.

4.3. Reservation of Owners' Rights Under the Development Agreement. The City and Owner acknowledge and agree that, except as set forth in this Agreement, the Owner's turnover of the Developer Phase Property to the City under this Agreement and the City's management and control of the Developer Phase Property, capacity, and connection of the Developer Phase 1A Facility to the SPA 2 Regional WRF after the Transfer of Operation Date do not diminish or constitute a waiver of any of the rights of the Property known as Asante under the Development Agreement or any rights of Owner or the other Owners under the Development Agreement or any rights vested under applicable law, including, but not limited to:

- (i) the right to utilize approximately 5,714 equivalent dwelling units of capacity for the Property based on an underlying demand factor estimated at 210 gallons per day per dwelling unit as reflected in the City's 2008 Integrated Water Master Plan. The prior demand factor in effect at the time the Development Agreement executed was estimated at 300 gallons per day per dwelling unit. If the City sets a lower regulatory gallons per day per dwelling unit demand factor, then the number of equivalent dwelling units of capacity for the Property shall increase based upon the lower gallons per day per dwelling unit demand factor and the 1.2 mgd capacity of the Developer Phase 1A Facility;
- (ii) the right to finance, design, construct, install, dedicate and convey to the City Developer Phase 1B on the Developer Phase Land for the exclusive use of the Property known as Asante and the Owners under the Development Agreement; and

(iii) the right to be excused from assessment and payment of sewer system development fees, impact fees, buy-in fees and cost reimbursement payments to the City or participating owners in the SPA 2 Regional WRF notwithstanding that the City may connect the Developer Phase 1A Facility to the SPA 2 Regional WRF.

5. Punch List Corrections. Owner has caused the punch-list items described on **Exhibit “E”** attached hereto to be repaired at the Developer Phase 1A Facility at Owner’s sole cost and expense before the Transfer of Operation Date.

6. Owner’s Developer Phase 1A Facility Express Warranty. Owner warrants that the Developer Phase 1A Facility will process wastewater inflows as intended in the manufacturer’s plans and specifications approved by MCESD by the certificate of Approval to Construct, dated December 28, 2005, issued by MCESD (the “Warranty”). The Warranty period (“Warranty Period”) begins on the Transfer of Operation Date and ends on the earlier of (i) the date which is ninety (90) days after the Developer Phase 1A Facility begins to receive wastewater inflows in an amount greater than or equal to an average weekly flow of 120,000 mgd either from the Property or from a combination of the Property and the SPA 2 Regional WRF, or (ii) the date which is one (1) year after the Transfer of Operation Date. The City shall use reasonable efforts to give written notice of any and all breach of Warranty claims to Owner no later than the date that is ten (10) days after discovery of the breach, but in any event, not later than thirty (30) days after the expiration of the Warranty Period. Otherwise, notwithstanding any notice and cure period set forth in this Agreement, the City will be conclusively deemed to have waived the breach of Warranty claim and the Warranty will be null and void. The Pipeline and Conduit Improvements (as hereinafter defined), the City Improvements (as hereinafter defined), and any damage to the Developer Phase 1A Facility caused by the City, the MCESD certified operator retained or employed by the City or by their contractors and agents are excluded from the Warranty. For purposes of clarity and to avoid ambiguity, the Warranty is not a warranty of quality or workmanship nor a warranty against all apparent or latent defects in each and every component of each and every building, structure, improvement, fixture and piece of equipment within the Developer Phase 1A Facility; rather the intent of the Warranty is that the Developer Phase 1A Facility will function in all material respects necessary to process wastewater inflows as intended in the manufacturer’s plans and specifications approved by MCESD.

7. No Owner Representations. Except for the Warranty, neither Owner, nor anyone acting for or on behalf of Owner, has made any representation, warranty, promise or statement, express or implied, to City, or to anyone acting for or on behalf of City, concerning the Developer Phase Property, including, without limitation, the use or development thereof. City represents that, in entering into this Agreement, City has not relied on any representation, warranty (other than the Warranty), promise or statement, express or implied, of Owner, or anyone acting for or on behalf of Owner.

8. Connection of Developer Phase 1A to City SPA 2 Water Reclamation Facility. The City intends to connect the Developer Phase 1A Facility to the SPA 2 Regional WRF after the Transfer of Operation Date. Owner will cooperate with the City in the manner set forth in this Section 8.

8.1. Installation of Pipeline and Conduit. In order to facilitate the connection of Developer Phase 1A Facility with the SPA 2 Regional WRF owned by the City, the Owner shall cause the improvements described on **Exhibit “F”** attached hereto (the “Pipeline and Conduit Improvements”) to be installed in accordance with the plans and specifications described on **Exhibit “G”** attached hereto (the “Plans”) and in accordance with the schedule attached hereto as **Exhibit “H”** (the “Schedule”) at Owner’s sole cost and expense in a lien free manner. All other work, materials and improvements set forth in the Plans, other than the Pipeline and Conduit Improvements, are the sole responsibility of the City (the “City Improvements”). The only warranties to the City with respect to the Pipeline and Conduit Improvements are in the design contracts entered into by the City and the construction contracts entered into by Owner and the contractors who perform the work on the Pipeline and Conduit Improvements which warranties are hereby assigned on a non-exclusive basis to the City. Owner shall cause City to be identified as a third party beneficiary of the contractors’ warranties as well as the contractors’ insurance and indemnity provisions contained in the construction contracts entered into by Owner. All such insurance contracts shall be required to be endorsed in favor of the City.

8.2. Budget. The budget attached hereto as **Exhibit “I”** sets forth an estimate of the costs and expenses to install the Pipeline and Conduit Improvements (the “Felix Construction, Inc. Budget”). Owner shall be excused from the duty to install and pay for the Pipeline and Conduit Improvements if in the good faith exercise of Owner’s standard and customary commercial contract procurement procedures the actual contract price set forth in the lowest bids and construction contracts presented to Owner for installation of the Pipeline and Conduit Improvements is greater than the amount set forth in the Felix Construction, Inc. Budget. Notwithstanding the foregoing sentence, Owner shall remain obligated to pay for the installation of the Pipeline and Conduit Improvements up to the amount set forth in the Felix Construction, Inc. Budget if no later than thirty (30) days after the Transfer of Operation Date the City notifies Owner in writing that the City will cause the Pipeline and Conduit Improvements to be installed and the City, in accordance with public bidding requirements and public procurement laws applicable to Arizona public entities, executes construction contracts for the installation of the Pipeline and Conduit Improvements in the capacity as an “owner” within sixty (60) days after the Transfer of Operation Date. In such event, Owner shall pay to the City, on a monthly basis, within fifteen (15) days after receipt of an written, itemized invoice from the City (accompanied by copies the contractors’ invoices and executed conditional lien waivers from the contractors and vendors identified in the invoice), progress payments for the actual costs and expenses incurred by the City under the construction contracts for the Pipeline and Conduit Improvements up to a maximum aggregate amount not to exceed the amount set forth in the Felix Construction, Inc. Budget. In no event is Owner obligated to pay for any work, supplies or materials attributable to the City Improvements.

8.3. Temporary Access Rights. The City hereby grants to Owner and will permit Owner the non-exclusive right, license and privilege of ingress and egress on a temporary basis on, over, under, and through all portions of the land and improvements owned by the City necessary to enable the installation of the Pipeline and Conduit Improvements. The rights and privileges established herein are for the use and benefit of the Owner, Owner’s affiliate that may act as a construction manager, and their contractors, subcontractors, employees, agents and representatives and include, but are not limited to: (a) the right to place equipment and supplies and to construct the Pipeline and Conduit Improvements, and (b) the right to remove plant growth,

dirt and other materials and improvements as may be necessary in connection with the construction and installation of the Pipeline and Conduit Improvements. The rights and privileges granted in this section are temporary and shall terminate automatically on the date when the Pipeline and Conduit Improvements have been completed. To the fullest extent permitted by law, Owner shall indemnify, defend (with counsel acceptable to City), protect, and hold harmless City, and its elected officials, appointed officials, employees and agents (collectively, “City-Related Persons”) for, from, and against any and all liability, loss, damage, injury, expense, and legal fees or costs, arising from or related to any claim or action brought by any person or entity in connection with the Owner’s (including Owner’s affiliates, representatives, construction managers, contractors, subcontractors, employees, agents, and) use of, or ingress and egress to/from, the land and improvements owned by the City; provided, however, Owner shall not be required to indemnify, defend, protect and hold harmless City or any City-Related Persons for, from, and against any liability, loss, damage, injury, expense, and legal fees or costs arising from or related to any claim or action brought by any person or entity to the extent arising from the negligence or willful misconduct of City or any City-Related Persons.

8.4. Unavoidable Delays. The commencement date and interim and final completion dates set forth in the Schedule shall be extended by a period of time equal to any period that progress in construction of the Pipeline and Conduit Improvements is delayed due to any strike, riot, act of war, act of violence, unseasonable or unusual weather, material and/or labor shortage, epidemic or pandemic, act of God, delay by utility companies or any governmental agencies having jurisdiction over Owner, the City, Developer Phase 1A, SPA 2 Regional WRF, or the Pipeline and Conduit Improvements, and any similar act, occurrence or non-occurrence beyond Owner’s reasonable control (each, an “Unavoidable Delay”).

8.5. Self-Help. If Owner fails to cause the timely commencement or completion of the Pipeline and Conduit Improvements, except as a result of Unavoidable Delay, or Owner ceases such construction for a period of fifteen (15) or more consecutive days (except as a result of Unavoidable Delay), and such failure is not cured within thirty (30) days after the receipt of written notice thereof from the City, then the City shall have the right to provide a second written notice to Owner indicating that the City elects to assume and take over the construction of all or any portion of any incomplete component of the Pipeline and Conduit Improvements (“Incomplete Improvements”). If the City so elects to assume and take over construction of any Incomplete Improvements, then (a) the Owner shall remain liable for all responsibilities, duties, and obligations thereafter remaining to be performed with respect to the Incomplete Improvements, (b) Owner shall not be relieved of its obligation and liability for the cost to construct the Incomplete Improvements, (c) Owner and the City shall reasonably cooperate with each other to allow the City to complete the Incomplete Improvements, and (d) Owner shall pay to the City on a monthly basis, within fifteen (15) days after receipt of an written, itemized invoice from the City, progress payments for the actual costs and expenses incurred by the City under the construction contracts for the Pipeline and Conduit Improvements. In the event City exercises its self-help rights pursuant to this Section, City may pursue all available remedies and damages, in law or equity.

8.6. Intentionally Deleted.

8.7. Pipeline and Utility Easement. A portion of the Pipeline and Conduit Improvements will be installed in a strip of land owned by HE Capital Asante LLC, a Delaware

limited liability company (“HE Capital”), more particularly described in **Exhibit “J”** attached hereto and incorporated herein by reference (“Pipeline Easement Area”). Owner shall exercise commercially reasonable efforts to obtain the execution, acknowledgement and delivery from HE Capital and HE Capital’s lender of an easement in favor of the City through the Pipeline Easement Area for the installation, operation, and maintenance of the Pipeline and Conduit Improvements and other improvements ancillary to the Pipeline and Conduit Improvements in form and substance materially consistent with the Pipeline and Utility Easement attached hereto as **Exhibit “J”** and incorporated herein by reference (the “Pipeline and Utility Easement”). Escrow Agent shall record the Pipeline and Utility Easement on the Transfer of Operation Date.

8.8. Survival. The obligations of the Parties under this Section 8 shall survive the Transfer of Operation Date and conveyance of the Developer Phase Property.

9. Escrow Instructions; Escrow Agent; Closing Costs; Prorations.

9.1. Escrow Instructions. Owner and the City shall establish an escrow (the “Escrow”) at Empire West Title Agency LLC, an Arizona limited liability company, d/b/a Thomas Title & Escrow, Attention: Sheila Hunter (“Escrow Agent”), 7150 E Camelback Rd Suite 195, Scottsdale, Arizona 85251 Office: (480) 222-1116. The opening of Escrow will be the date upon which Escrow Agent has in its possession counterparts of the Agreement executed by Owner and by the City and Escrow Agent has accepted this Agreement as its escrow instructions. Escrow Agent shall give notice to the Parties upon the opening of the Escrow. This Agreement will constitute the sole escrow instructions to Escrow Agent, and no standard form escrow instructions of Escrow Agent will be used for this Escrow. Any and all amendments to the escrow instructions shall be in writing, signed by the Parties and Escrow Agent.

9.2. Closing Costs. All costs and expenses of the dedication and conveyance of the Developer Phase Property to the City, including escrow fees and charges, unless otherwise expressly provided elsewhere in this Agreement, are the sole responsibility of Owner. Owner shall pay any recording fees. Owner and the City agree that all closing costs and any other sums required to be paid will be paid in full through Escrow on the Transfer of Operation Date. Each Party agrees to pay its own attorneys’ fees.

9.3. Prorations. All non-delinquent real estate taxes on the Developer Phase Property will be prorated as of the Transfer of Operation Date, based upon the most current information available, in accordance with Escrow Agent’s and the Maricopa County Assessor’s usual and customary practice. All delinquent real estate taxes will be paid in full by Owner on the Transfer of Operation Date together with all penalties and redemption charges. No further adjustment in any tax figures shall occur following the Transfer of Operation Date. Owner shall be entitled to receive any refunds or over-payments for taxes for tax years prior to the year in which the Transfer of Operation Date occurs. All improvement liens, special taxing districts, or other special municipal or county assessments that affect the Developer Phase Property and that exist as of the Transfer of Operation Date shall be prorated as of the Transfer of Operation Date based upon the most current information available, in accordance with Escrow Agent’s and the Maricopa County Assessor’s usual and customary practice. City and Owner agree that neither party is currently aware of any municipal speculative builder or other transaction privilege tax due or payable by Owner to or for the benefit of the City as a result of the dedication and conveyance of

the Developer Phase 1A Facility and Developer Phase Land by Owner to the City in accordance with this Agreement. In the event that such tax is due and payable, payment of said tax shall be solely the responsibility of the Owner.

10. Risk of Loss. All risk of loss, damage, or casualty to the Developer Phase Property that may occur prior to Transfer of Operation Date will be borne by the Owner.

11. Remedies. Paragraphs 14.4, 14.5, and 14.6 of the Development Agreement are applicable to this Agreement.

12. Notice. Whenever this Agreement requires that notice be provided to any other Party or Escrow Agent, notice will be deemed to have been validly given and received (i) upon actual receipt if delivered in person to the individual intended to receive such notice, (ii) three (3) business days after having been sent by registered or certified mail, postage prepaid, to the address indicated in this Agreement, (iii) if transmitted by facsimile, by the time stated in a machine-generated confirmation that notice was received at the facsimile number of the intended recipient, or (iv) if transmitted by email, upon transmission to the email addresses set forth below, provided that (a) if such transmission is given after 5:00 pm, Arizona time, then the notice shall be deemed received on the next business day, and (b) if any notice given by email cannot be transmitted and received because of a problem affecting the receiving Party's computer or network despite good faith efforts of the Party attempting notice to inform the addressee of such problem, the deadline for giving such notice shall be extended through the next business day. Any notice to be given by any Party hereto or Escrow Agent may be given by legal counsel for such party. Any notice to be given to Escrow Agent shall also be given to the other Party and all notices to be given to either Owner or the City shall also be given to Escrow Agent and each party's legal counsel. Notice will be sent to the Parties as follows:

To City: City Manager
City of Surprise
16000 North Civic Center Plaza
Surprise, AZ 85374-9002
Facsimile No. (623) 222-1021

With a copy to: City Attorney
Attention: Robert Wingo, City Attorney
16000 North Civic Center Plaza
Surprise, AZ 85374-9002
Facsimile No. (623) 222-1101
Email: Robert.Wingo@surpriseaz.gov

To Owner: LCD Asante LLC
Attention: Jeff Gunderson
1665 W. Alameda Drive, Suite 130
Tempe, AZ 85282-3200
Email: jeff.gunderson@lennar.com

With a copy to: Sherman & Howard, LLC

Attention: Azim Q. Hameed
7033 East Greenway Parkway, Suite 250
Scottsdale, AZ 85254-2080
Email: ahameed@shermanhoward.com

To Escrow Agent: Thomas Title & Escrow
Attention: Sheila Hunter
7150 E Camelback Rd Suite 195
Scottsdale, AZ 85251
Email: shunter@thomastitle.com

13. Miscellaneous Provisions.

13.1. Successors and Assigns. This Agreement binds the Parties and their respective successors, assigns, and legal representatives.

13.2. Third Party Beneficiaries. This Agreement does not create any rights or benefits to parties other than the City, Owner and HE Capital Asante, LLC; nor does this Agreement create any additional rights or benefits to any other parties under the Development Agreement.

13.3. Conflicts of Interest. The Parties acknowledge that this Agreement is subject to cancellation pursuant to Section 38-511, Arizona Revised Statutes, as amended.

13.4. Execution in Counterpart. This Agreement may be executed simultaneously or in counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same Agreement. An executed counterpart of this Agreement transmitted by facsimile or email transmission shall be valid and effective to bind the Party so signing.

13.5. Time is of the Essence. Time is of the essence in implementing the terms of this Agreement.

13.6. Survival. Except as otherwise provided in this Agreement, all covenants, agreements, and/or representations set forth in this Agreement or in any certificate or instrument executed or delivered pursuant to this Agreement shall survive the dedication and conveyance of the Developer Phase Property to the City and the close of Escrow under this Agreement and will not merge into any deed, assignment or other instrument executed or delivered pursuant hereto.

13.7. Integration. This Agreement comprises the complete and integrated agreement of the Parties on the subject matter hereof and supersedes all prior agreements, written or oral, on such subject matter. This Agreement was drafted with the joint participation of the Parties and shall be construed neither against nor in favor of any Party, but rather in accordance with the fair meaning of the express provisions hereof. In the event an ambiguity or question of intent or interpretation arises, the Parties' intent shall be determined strictly in accordance with the express provisions hereof, without resort to parole or other outside evidence of the Parties' intent.

13.8. Implementation. This Agreement implements Section 4.1 of the Parties' Development Agreement wherein Owner agreed to dedicate and turnover the Developer Phase 1A to the City.

13.9. Corporate Approval. Notwithstanding any provision contained in this Agreement to the contrary, Owner's obligations under this Agreement are contingent upon its receipt of the written approval of the Corporate Investment Committee of Lennar Corporation, a Delaware corporation. Such approval shall be evidenced, if at all, by Owner's execution and delivery of this Agreement to the City.

13.10. Indemnification. To the fullest extent permitted by law, Owner shall indemnify, defend (with counsel acceptable to City), and hold harmless City and City-Related Persons (as defined in Section 8.3) for, from, and against any and all liability, loss, damage, expense, and legal fees or costs actually incurred arising from or related to any claim or action brought by any person or entity against the City or City-Related Persons as a result of (i) a breach of this Agreement by Owner, or (ii) the negligence or willful misconduct of Owner or Owner's affiliates, representatives, construction managers, contractors, subcontractors, employees and agents in connection with the performance of the duties imposed upon Owner by this Agreement. Owner, however, has no duty to indemnify, defend, and hold harmless City and City-Related Persons for, from, and against any liability, loss damage, expense, and legal fees or costs arising from any claim or action brought by any person or entity against the City or City-Related Persons as a result of (i) a breach of this Agreement by the City, or (ii) the negligence or willful misconduct of the City or City-Related Persons. Owner's obligations under this Section 13.10 shall terminate on the date which is ten (10) years after the Transfer of Operation Date.

14. Contingencies.

14.1. Conditions Precedent. This Agreement shall terminate automatically, without any further action required by the City or its City Council, at 5:00 p.m., Arizona time, on the business day immediately preceding the Transfer of Operation Date (the "Mutual Contingency Period") if either of the following conditions precedent do not occur on or before the Mutual Contingency Period:

14.1.1 HE Capital and HE Capital's lender do not execute, acknowledge and deliver the Pipeline and Utility Easement to Escrow Agent; or

14.1.2 MCESD does not execute and deliver to Owner and the City an Approval to Transfer Ownership of the Developer Phase 1A Facility from Owner to the City.

14.2. Effect of Failure of Contingency. If this Agreement terminates in accordance with the provisions of this Section 14, neither Owner nor the City shall have any further obligations or liabilities under this Agreement. The conditions set forth on this Section 14 are for the mutual benefit of the Owner and the City and can be waived only by a written waiver signed by both the Owner and the City.

[Signatures appear on the following page.]

CITY:

CITY OF SURPRISE,
An Arizona municipal corporation

By: _____

Name: _____

Title: _____

Date: _____

Attest:

City Manager

Date: _____

Approved as to Form:

City Attorney

Date: _____

OWNER:

LCD ASANTE, LLC, a Delaware limited
liability company

By: Lennar Communities Development, Inc., a
Delaware corporation

Its: Manager

By: _____

Name: _____

Title: _____

Date: _____

ESCROW AGENT'S ACCEPTANCE

By its execution below, Escrow Agent accepts this Agreement as its sole escrow instructions and acknowledges receipt of at least one fully executed original or telecopy counterpart of the Agreement executed by Owner and City. Upon receipt of one or more counterparts of this Agreement executed by Owner and the City, Escrow Agent agrees to provide copies of the fully executed Agreement to Owner and City.

ESCROW AGENT:

EMPIRE WEST TITLE AGENCY, LLC, an
Arizona corporation, dba THOMAS TITLE &
ESCROW

By: _____

Name: _____

Title: _____

Date: _____

Escrow No.: 5449TAZ

CONSENT:

HE Capital Asante, LLC, a Delaware limited liability company, consents to this Turnover Agreement Pursuant to Asante Development Agreement, including all exhibits and attachments, made by and between the City of Surprise, an Arizona municipal corporation, and LCD Asante LLC, a Delaware limited liability company.

HE CAPITAL ASANTE, LLC,
a Delaware limited liability company

By:_____

Name:_____

Its:_____

EXHIBIT "A"

**LEGAL DESCRIPTION FOR
DEVELOPER PHASE LAND**

A PARCEL OF LAND LOCATED WITHIN THE NORTHEAST QUARTER OF SECTION 18, TOWNSHIP 4 NORTH, RANGE 1 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 18, BEING AN IRON PIPE, FROM WHICH THE NORTH QUARTER CORNER OF SAID SECTION 18, BEING AN IRON PIPE, BEARS NORTH 89 DEGREES 14 MINUTES 38 SECONDS WEST, A DISTANCE OF 2634.93 FEET;

THENCE NORTH 89 DEGREES 14 MINUTES 38 SECONDS WEST, ALONG SAID NORTH SECTION LINE, A DISTANCE OF 173.98 FEET TO THE SOUTH LINE OF THE BEARDSLEY CANAL PER BOOK 584 OF MAPS, PAGE 19, RECORDS OF MARICOPA COUNTY, ARIZONA;

THENCE SOUTH 56 DEGREES 26 MINUTES 15 SECONDS WEST, DEPARTING SAID NORTH SECTION LINE AND ALONG SOUTH LINE OF SAID PARCEL, A DISTANCE OF 805.45 FEET TO THE POINT OF BEGINNING OF THE PARCEL HEREIN DESCRIBED;

THENCE SOUTH 33 DEGREES 33 MINUTES 45 SECONDS EAST, A DISTANCE OF 212.00 FEET;

THENCE SOUTH 56 DEGREES 26 MINUTES 15 SECONDS WEST, A DISTANCE OF 135.48 FEET TO THE BEGINNING OF A NON-TANGENT CURVE, CONCAVE SOUTHEASTERLY, THE RADIUS OF WHICH BEARS SOUTH 33 DEGREES 33 MINUTES 46 SECONDS EAST, A DISTANCE OF 903.54 FEET;

THENCE SOUTHWESTERLY, ALONG THE ARC OF SAID CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 14 DEGREES 43 MINUTES 10 SECONDS, A DISTANCE OF 232.12 FEET;

THENCE SOUTH 41 DEGREES 43 MINUTES 12 SECONDS WEST, A DISTANCE OF 191.42 FEET;

THENCE SOUTH 39 DEGREES 43 MINUTES 44 SECONDS EAST, A DISTANCE OF 114.09 FEET;

THENCE NORTH 50 DEGREES 16 MINUTES 16 SECONDS EAST, A DISTANCE OF 270.47 FEET;

THENCE SOUTH 39 DEGREES 18 MINUTES 26 SECONDS EAST, A DISTANCE OF 281.46 FEET;

THENCE SOUTH 50 DEGREES 41 MINUTES 34 SECONDS WEST, A DISTANCE OF 514.69 FEET;

THENCE NORTH 00 DEGREES 23 MINUTES 27 SECONDS EAST, A DISTANCE OF 29.33 FEET;

THENCE NORTH 39 DEGREES 18 MINUTES 26 SECONDS WEST, A DISTANCE OF 148.76 FEET;

THENCE NORTH 89 DEGREES 12 MINUTES 33 SECONDS WEST, A DISTANCE OF 524.77 FEET TO THE SOUTH LINE OF THE BEARDSLEY CANAL PER BOOK 584 OF MAPS, PAGE 19, RECORDS OF MARICOPA COUNTY, ARIZONA;

THENCE NORTH 41 DEGREES 43 MINUTES 12 SECONDS EAST, ALONG SAID SOUTH LINE, A DISTANCE OF 791.78 FEET TO THE BEGINNING OF A NON-TANGENT CURVE, CONCAVE SOUTHEASTERLY, THE RADIUS OF WHICH BEARS SOUTH 48 DEGREES 16 MINUTES 55 SECONDS EAST, A DISTANCE OF 1,115.51 FEET;

THENCE NORTHEASTERLY, CONTINUING ALONG SAID SOUTH LINE AND ALONG THE ARC OF SAID CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 14 DEGREES 43 MINUTES 10 SECONDS, A DISTANCE OF 286.58 FEET;

THENCE NORTH 56 DEGREES 26 MINUTES 15 SECONDS EAST, CONTINUING ALONG SAID SOUTH LINE, A DISTANCE OF 135.48 FEET TO THE POINT OF BEGINNING OF THE PARCEL HEREIN DESCRIBED.

CONTAINING 410,296 SQUARE FEET OR 9.4191 ACRES, MORE OR LESS.

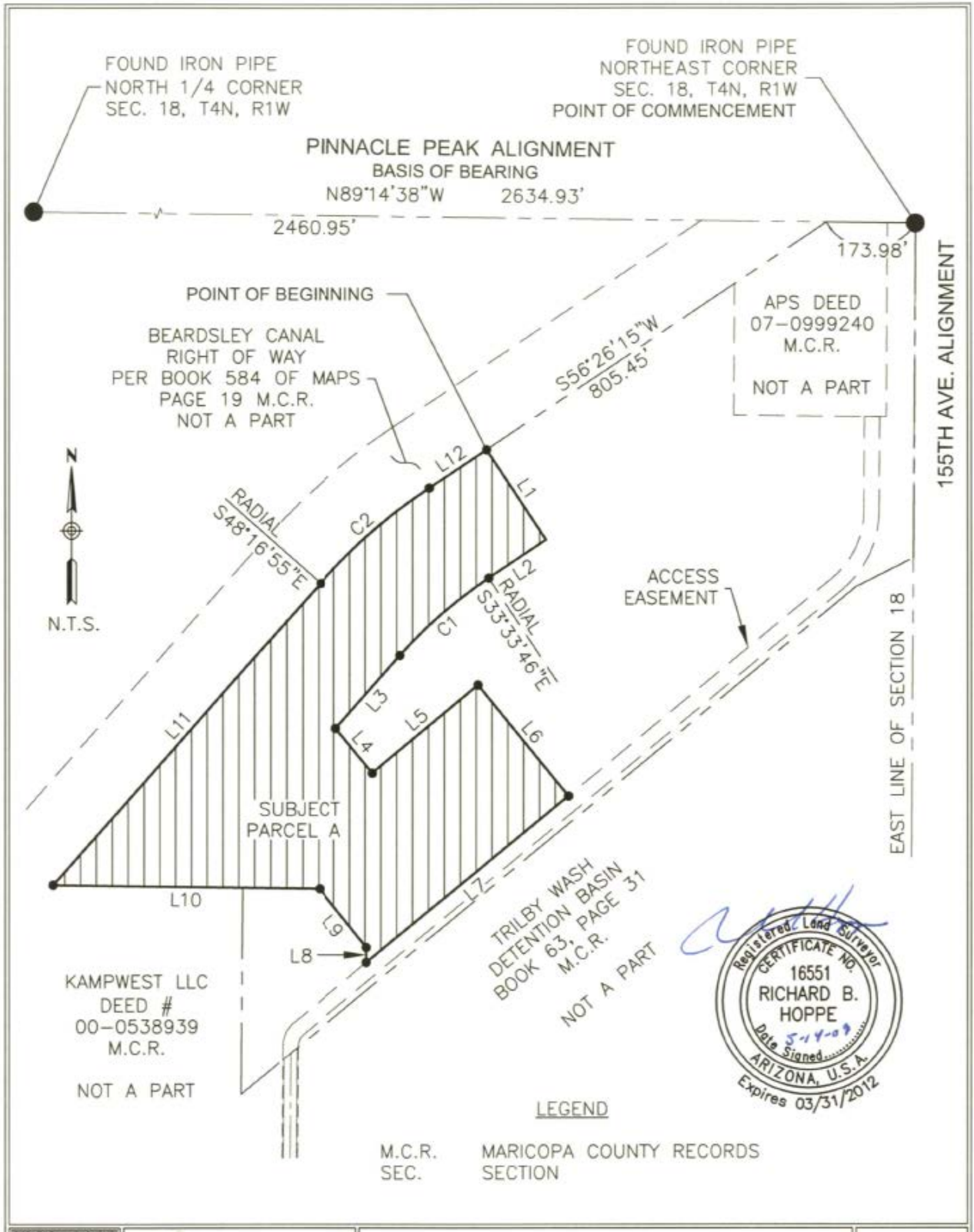


EXHIBIT “B”

DEED

WHEN RECORDED RETURN TO:

City of Surprise
16000 North Civic Center Plaza
Surprise, AZ 85374-7470
Attn: Robert W. Wingo, Esq.

**SPECIAL WARRANTY DEED WITH PROPERTY RESTRICTIONS AND
RESERVATION OF EASEMENT**

Exempt from affidavit of value pursuant to A.R.S. § 11-1134(A)(3).

For the consideration of Ten Dollars and other valuable considerations, the undersigned LCD ASANTE LLC, a Delaware limited liability company (“Grantor”), does hereby convey to CITY OF SURPRISE, an Arizona municipal corporation (“Grantee”), that certain real property situated in Maricopa County, Arizona legally described on **Exhibit “A”** attached hereto and incorporated herein by reference (the “Property”), together with all rights and privileges appurtenant thereto:

Subject to all taxes and other assessments, reservations in patents and all easements, rights of way, encumbrances, liens, covenants, conditions, restrictions, obligations and liabilities as may appear of record; all matters which a physical inspection or accurate survey of the Property would disclose. Except as expressly set forth herein, no representations or warranties have been made by Grantor or anyone else on its behalf to Grantee as to the title or condition of the Property or the improvements thereon erected, if any, or as to any other matters whatsoever; and

Subject to the Property Restrictions and Reservation hereinafter set forth.

And the Grantor hereby binds itself and its successors to warrant and defend the title to the Property as against all acts of the Grantor herein and no other, subject to the matters above set forth.

Property Restrictions:

The Property shall be used exclusively for waste water treatment facilities and related purposes and any facilities built on the Property shall incorporate all applicable, noise, odor and aesthetic controls required at the time of construction thereof pursuant to Arizona Revised Statutes, including without limitation, BADCT for Sewage Treatment Facilities and Ariz. Admin Code R18-9-B201(I)(1).

The water reclamation facility situated on the Property as of the date of this deed is the Developer Phase 1A SPA 2 PERC water reclamation facility (“Developer Phase 1A Facility”) contemplated in that certain Asante Development Agreement, dated November 3, 2005, which was recorded in the office of the County Recorder of Maricopa County, Arizona, on November 18, 2005, at document 2005-1750101, as amended from time to time (the “Asante Development Agreement”). Capacity for One Million Two Hundred Thousand (1,200,000) gallons per day average daily flow in the Developer Phase 1A Facility, as the Developer Phase 1A Facility may be hereafter modified or replaced from time to time, is reserved for and shall be continuously available for, on an uninterrupted and exclusive basis, wastewater inflows from the Asante community. The land area of the Asante community is more particularly described in Exhibit A of the Asante Development Agreement.

These Property Restrictions shall be enforceable by one or more of: (i) Grantor; (ii) the AMC Members as defined in that certain Declaration of Covenants, Conditions and Restrictions for Asante, dated June 30, 2008, which was recorded in the office of the County Recorder of Maricopa County, Arizona, on July 1, 2008, at document no. 2008-0580987; and (iii) the Asante Maintenance Corporation, an Arizona non-profit corporation.

Reservation:

Grantor reserves for the use and benefit of Grantor, for the use and benefit of each and every other Owner (as defined in the Asante Development Agreement) under the Asante Development Agreement that has a right to construct Developer Phase 1B (as defined in the Asante Development Agreement), and for their successors and assigns (collectively, the “Benefitted Parties”), a nonexclusive easement and right of ingress and egress over, upon, beneath, and across the Property for the purpose of enabling the Benefitted Parties to exercise the rights under the Asante Development Agreement to: (i) finance, design, construct, and install Developer Phase 1B on the Property; and (ii) to dedicate and convey Developer Phase 1B to the Grantee for the exclusive use of the Asante community. The nonexclusive easement and rights of ingress and egress reserved in this special warranty deed shall expire on December 31, 2035, unless Developer Phase 1B is completed on the Developer Phase Land on or before such date.

The Property Restrictions and Reservation in this special warranty deed are covenants running with the land pursuant to applicable law and shall be binding upon Grantee and inure to the benefit of Grantor and the other Benefitted Parties and their successors and assigns.

[Signatures appear on the following page.]

Dated this ____ day of _____, 2021.

LCD ASANTE, LLC, a Delaware limited liability company

By: Lennar Communities Development, Inc., a Delaware corporation

Its: Manager

By: _____

Name: _____

Title: _____

STATE OF ARIZONA)
) ss.
COUNTY OF MARICOPA)

The foregoing Special Warranty Deed was acknowledged before me on this ____ day of _____, 2021, by _____, the _____ of Lennar Communities Development, Inc., a Delaware corporation, the Manager of LCD ASANTE, LLC, a Delaware limited liability company, for and on behalf of the company.

Notary Public

My Commission expires:

EXHIBIT “C”

BILL OF SALE

This Bill of Sale (this “Bill of Sale”) is made by the undersigned, LCD ASANTE LLC, a Delaware limited liability company (“Owner”), in favor of and to CITY OF SURPRISE, an Arizona municipal corporation (“City”).

WHEREAS, Owner and City entered into that certain Turnover Agreement Pursuant to Asante Development Agreement for all of the Developer Phase Land and for the Developer Phase 1A SPA 2 PERC Water Reclamation Facility, City of Surprise, Arizona, dated as of _____, 2020 (the “Agreement”), pursuant to which Owner agreed to convey, dedicate, assign, and transfer to City all components of the “Developer Phase 1A Facility” (as defined in the Agreement) at no charge to the City and free and clear of all monetary liens and encumbrances that could affect marketability of the title.

NOW, THEREFORE, pursuant to the Agreement, and in consideration of good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Owner by these presents does convey, dedicate, assign, and transfer to City, its successors and assigns, forever, as an entirety, all of Owner’s right, title, and interest in and to all components of the Developer Phase 1A Facility free and clear of all monetary liens and encumbrances that could affect marketability of the title thereto, but otherwise as-is, without other representation or warranty, subject to the terms of the Agreement.

Except as expressly set forth herein or in the Agreement, Owner makes no representations or warranties whatsoever regarding the Developer Phase 1A Facility.

In the event of any conflict or inconsistency between the terms hereof and the terms of the Agreement, the terms of the Agreement shall govern and control.

Dated this ____ day of _____, 2021.

OWNER:

LCD ASANTE, LLC, a Delaware limited liability company

By: Lennar Communities Development, Inc., a Delaware corporation

Its: Manager

By: _____

Name: _____

Title: _____

EXHIBIT “D”

COMMITMENT FOR TITLE INSURANCE

[See document following this descriptive page.]

 First American Title™	ALTA Commitment for Title Insurance
	ISSUED BY First American Title Insurance Company
Commitment	File No. 5449TAZ

COMMITMENT FOR TITLE INSURANCE

Issued By

FIRST AMERICAN TITLE INSURANCE COMPANY

NOTICE

IMPORTANT—READ CAREFULLY: THIS COMMITMENT IS AN OFFER TO ISSUE ONE OR MORE TITLE INSURANCE POLICIES. ALL CLAIMS OR REMEDIES SOUGHT AGAINST THE COMPANY INVOLVING THE CONTENT OF THIS COMMITMENT OR THE POLICY MUST BE BASED SOLELY IN CONTRACT.

THIS COMMITMENT IS NOT AN ABSTRACT OF TITLE, REPORT OF THE CONDITION OF TITLE, LEGAL OPINION, OPINION OF TITLE, OR OTHER REPRESENTATION OF THE STATUS OF TITLE. THE PROCEDURES USED BY THE COMPANY TO DETERMINE INSURABILITY OF THE TITLE, INCLUDING ANY SEARCH AND EXAMINATION, ARE PROPRIETARY TO THE COMPANY, WERE PERFORMED SOLELY FOR THE BENEFIT OF THE COMPANY, AND CREATE NO EXTRACTIONAL LIABILITY TO ANY PERSON, INCLUDING A PROPOSED INSURED.

THE COMPANY'S OBLIGATION UNDER THIS COMMITMENT IS TO ISSUE A POLICY TO A PROPOSED INSURED IDENTIFIED IN SCHEDULE A IN ACCORDANCE WITH THE TERMS AND PROVISIONS OF THIS COMMITMENT. THE COMPANY HAS NO LIABILITY OR OBLIGATION INVOLVING THE CONTENT OF THIS COMMITMENT TO ANY OTHER PERSON.

COMMITMENT TO ISSUE POLICY

Subject to the Notice; Schedule B, Part I—Requirements; Schedule B, Part II—Exceptions; and the Commitment Conditions, **First American Title Insurance Company**, a Nebraska Corporation (the "Company"), commits to issue the Policy according to the terms and provisions of this Commitment. This Commitment is effective as of the Commitment Date shown in Schedule A for each Policy described in Schedule A, only when the Company has entered in Schedule A both the specified dollar amount as the Proposed Policy Amount and the name of the Proposed Insured.

If all of the Schedule B, Part I—Requirements have not been met within six months after the Commitment Date, this Commitment terminates and the Company's liability and obligation end.

Countersigned
Thomas Title and Escrow Agency

By: Frank W. Buehl
Authorized Signature

First American Title Insurance Company

Dennis J. Gilmore
Dennis J. Gilmore, President

Jeffrey S. Robinson
Jeffrey S. Robinson, Secretary

If this jacket was created electronically, it constitutes an original document.

This page is only a part of a 2016 ALTA® Commitment for Title Insurance issued by First American Title Insurance Company. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I—Requirements; and Schedule B, Part II—Exceptions; and a counter-signature by the Company or its issuing agent that may be in electronic form.

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COMMITMENT CONDITIONS

1. DEFINITIONS

- (a) "Knowledge" or "Known": Actual or imputed knowledge, but not constructive notice imparted by the Public Records.
 - (b) "Land": The land described in Schedule A and affixed improvements that by law constitute real property. The term "Land" does not include any property beyond the lines of the area described in Schedule A, nor any right, title, interest, estate, or easement in abutting streets, roads, avenues, alleys, lanes, ways, or waterways, but this does not modify or limit the extent that a right of access to and from the Land is to be insured by the Policy.
 - (c) "Mortgage": A mortgage, deed of trust, or other security instrument, including one evidenced by electronic means authorized by law.
 - (d) "Policy": Each contract of title insurance, in a form adopted by the American Land Title Association, issued or to be issued by the Company pursuant to this Commitment.
 - (e) "Proposed Insured": Each person identified in Schedule A as the Proposed Insured of each Policy to be issued pursuant to this Commitment.
 - (f) "Proposed Policy Amount": Each dollar amount specified in Schedule A as the Proposed Policy Amount of each Policy to be issued pursuant to this Commitment.
 - (g) "Public Records": Records established under state statutes at the Commitment Date for the purpose of imparting constructive notice of matters relating to real property to purchasers for value and without Knowledge.
 - (h) "Title": The estate or interest described in Schedule A.
2. If all of the Schedule B, Part I—Requirements have not been met within the time period specified in the Commitment to Issue Policy, this Commitment terminates and the Company's liability and obligation end.
3. The Company's liability and obligation is limited by and this Commitment is not valid without:
- (a) the Notice;
 - (b) the Commitment to Issue Policy;
 - (c) the Commitment Conditions;
 - (d) Schedule A;
 - (e) Schedule B, Part I—Requirements;
 - (f) Schedule B, Part II—Exceptions; and
 - (g) a counter-signature by the Company or its issuing agent that may be in electronic form.

4. COMPANY'S RIGHT TO AMEND

The Company may amend this Commitment at any time. If the Company amends this Commitment to add a defect, lien, encumbrance, adverse claim, or other matter recorded in the Public Records prior to the Commitment Date, any liability of the Company is limited by Commitment Condition 5. The Company shall not be liable for any other amendment to this Commitment.

5. LIMITATIONS OF LIABILITY

- (a) The Company's liability under Commitment Condition 4 is limited to the Proposed Insured's actual expense incurred in the interval between the Company's delivery to the Proposed Insured of the Commitment and the delivery of the amended Commitment, resulting from the Proposed Insured's good faith reliance to:
 - (i) comply with the Schedule B, Part I—Requirements;
 - (ii) eliminate, with the Company's written consent, any Schedule B, Part II—Exceptions; or
 - (iii) acquire the Title or create the Mortgage covered by this Commitment.
- (b) The Company shall not be liable under Commitment Condition 5(a) if the Proposed Insured requested the amendment or had Knowledge of the matter and did not notify the Company about it in writing.
- (c) The Company will only have liability under Commitment Condition 4 if the Proposed Insured would not have incurred the expense had the Commitment included the added matter when the Commitment was first delivered to the Proposed Insured.
- (d) The Company's liability shall not exceed the lesser of the Proposed Insured's actual expense incurred in good faith and described in Commitment Conditions 5(a)(i) through 5(a)(iii) or the Proposed Policy Amount.
- (e) The Company shall not be liable for the content of the Transaction Identification Data, if any.
- (f) In no event shall the Company be obligated to issue the Policy referred to in this Commitment unless all of the Schedule B, Part I—Requirements have been met to the satisfaction of the Company.

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Commitment for Title Insurance (8-1-2016)
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- (g) In any event, the Company's liability is limited by the terms and provisions of the Policy.
6. **LIABILITY OF THE COMPANY MUST BE BASED ON THIS COMMITMENT**
- (a) Only a Proposed Insured identified in Schedule A, and no other person, may make a claim under this Commitment.
 - (b) Any claim must be based in contract and must be restricted solely to the terms and provisions of this Commitment.
 - (c) Until the Policy is issued, this Commitment, as last revised, is the exclusive and entire agreement between the parties with respect to the subject matter of this Commitment and supersedes all prior commitment negotiations, representations, and proposals of any kind, whether written or oral, express or implied, relating to the subject matter of this Commitment.
 - (d) The deletion or modification of any Schedule B, Part II—Exception does not constitute an agreement or obligation to provide coverage beyond the terms and provisions of this Commitment or the Policy.
 - (e) Any amendment or endorsement to this Commitment must be in writing and authenticated by a person authorized by the Company.
 - (f) When the Policy is issued, all liability and obligation under this Commitment will end and the Company's only liability will be under the Policy.
7. **IF THIS COMMITMENT HAS BEEN ISSUED BY AN ISSUING AGENT**
The issuing agent is the Company's agent only for the limited purpose of issuing title insurance commitments and policies. The issuing agent is not the Company's agent for the purpose of providing closing or settlement services.
8. **PRO-FORMA POLICY**
The Company may provide, at the request of a Proposed Insured, a pro-forma policy illustrating the coverage that the Company may provide. A pro-forma policy neither reflects the status of Title at the time that the pro-forma policy is delivered to a Proposed Insured, nor is it a commitment to insure.
9. **ARBITRATION**
The Policy contains an arbitration clause. All arbitrable matters when the Proposed Policy Amount is \$2,000,000 or less shall be arbitrated at the option of either the Company or the Proposed Insured as the exclusive remedy of the parties. A Proposed Insured may review a copy of the arbitration rules at <http://www.alta.org/arbitration>.

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Transaction Identification Data for reference only:

Issuing Agent: Thomas Title and Escrow Agency
Issuing Office: Thomas Title and Escrow Agency (Scottsdale)
Issuing Office's ALTA Registry ID:
Loan ID Number:
Commitment Number: Second
Issuing Office File Number: 5449TAZ
Escrow Officer: Sheila Hunter
Title Officer: Teri Guevara

COMMITMENT FOR TITLE INSURANCE

Issued by

First American Title Insurance Company

SCHEDULE A

1. Commitment Date: **September 29, 2020, 05:00 pm**
2. Policy to be issued:
 - (a) 2006 ALTA® Extended Coverage Owner's Policy

Proposed Insured:	City of Surprise
Proposed Policy Amount:	\$2,500,000.00
- 3A. The estate or interest in the land described in this Commitment and covered herein is **Fee Simple** and title thereto is at the effective date hereof vested in:

LCD Asante, LLC, a Delaware limited liability company
- 3B. Title to the estate herein described upon issuance of the Policy shall be vested in:

City of Surprise
4. The land referred to in this Commitment is described as follows:

SEE ATTACHED EXHIBIT "A"

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EXHIBIT "A"

A PARCEL OF LAND LOCATED WITHIN THE NORTHEAST QUARTER OF SECTION 18, TOWNSHIP 4 NORTH, RANGE 1 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 18, BEING AN IRON PIPE, FROM WHICH THE NORTH QUARTER CORNER OF SAID SECTION 18, BEING AN IRON PIPE, BEARS NORTH 89 DEGREES 14 MINUTES 38 SECONDS WEST, A DISTANCE OF 2634.93 FEET;

THENCE NORTH 89 DEGREES 14 MINUTES 38 SECONDS WEST, ALONG SAID NORTH SECTION LINE, A DISTANCE OF 173.98 FEET TO THE SOUTH LINE OF THE BEARDSLEY CANAL PER BOOK 584 OF MAPS, PAGE 19, RECORDS OF MARICOPA COUNTY, ARIZONA;

THENCE SOUTH 56 DEGREES 26 MINUTES 15 SECONDS WEST, DEPARTING SAID NORTH SECTION LINE AND ALONG SOUTH LINE OF SAID PARCEL, A DISTANCE OF 805.45 FEET TO THE POINT OF BEGINNING OF THE PARCEL HEREIN DESCRIBED;

THENCE SOUTH 33 DEGREES 33 MINUTES 45 SECONDS EAST, A DISTANCE OF 212.00 FEET;

THENCE SOUTH 56 DEGREES 26 MINUTES 15 SECONDS WEST, A DISTANCE OF 135.48 FEET TO THE BEGINNING OF A NON-TANGENT CURVE, CONCAVE SOUTHEASTERLY, THE RADIUS OF WHICH BEARS SOUTH 33 DEGREES 33 MINUTES 46 SECONDS EAST, A DISTANCE OF 903.54 FEET;

THENCE SOUTHWESTERLY, ALONG THE ARC OF SAID CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 14 DEGREES 43 MINUTES 10 SECONDS, A DISTANCE OF 232.12 FEET;

THENCE SOUTH 41 DEGREES 43 MINUTES 12 SECONDS WEST, A DISTANCE OF 191.42 FEET;

THENCE SOUTH 39 DEGREES 43 MINUTES 44 SECONDS EAST, A DISTANCE OF 114.09 FEET;

THENCE NORTH 50 DEGREES 16 MINUTES 16 SECONDS EAST, A DISTANCE OF 270.47 FEET;

THENCE SOUTH 39 DEGREES 18 MINUTES 26 SECONDS EAST, A DISTANCE OF 281.46 FEET;

THENCE SOUTH 50 DEGREES 41 MINUTES 34 SECONDS WEST, A DISTANCE OF 514.69 FEET;

THENCE NORTH 00 DEGREES 23 MINUTES 27 SECONDS EAST, A DISTANCE OF 29.33 FEET;

THENCE NORTH 39 DEGREES 18 MINUTES 26 SECONDS WEST, A DISTANCE OF 148.76 FEET;

THENCE NORTH 89 DEGREES 12 MINUTES 33 SECONDS WEST, A DISTANCE OF 524.77 FEET TO THE SOUTH LINE OF THE BEARDSLEY CANAL PER BOOK 584 OF MAPS, PAGE 19, RECORDS OF MARICOPA COUNTY, ARIZONA;

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THENCE NORTH 41 DEGREES 43 MINUTES 12 SECONDS EAST, ALONG SAID SOUTH LINE, A DISTANCE OF 791.78 FEET TO THE BEGINNING OF A NON-TANGENT CURVE, CONCAVE SOUTHEASTERLY, THE RADIUS OF WHICH BEARS SOUTH 48 DEGREES 16 MINUTES 55 SECONDS EAST, A DISTANCE OF 1,115.51 FEET;

THENCE NORTHEASTERLY, CONTINUING ALONG SAID SOUTH LINE AND ALONG THE ARC OF SAID CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 14 DEGREES 43 MINUTES 10 SECONDS, A DISTANCE OF 286.58 FEET;

THENCE NORTH 56 DEGREES 26 MINUTES 15 SECONDS EAST, CONTINUING ALONG SAID SOUTH LINE, A DISTANCE OF 135.48 FEET TO THE POINT OF BEGINNING OF THE PARCEL HEREIN DESCRIBED;

EXCEPTING THEREFROM ALL COAL AND OTHER MINERALS AS RESERVED IN THE PATENT RECORDED AS BOOK 193 OF DEEDS, PAGE 279, OF OFFICIAL RECORDS.

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COMMITMENT FOR TITLE INSURANCE

Issued by

First American Title Insurance Company

**SCHEDULE B, PART I
Requirements**

All of the following Requirements must be met:

1. The Proposed Insured must notify the Company in writing of the name of any party not referred to in this Commitment who will obtain an interest in the Land or who will make a loan on the Land. The Company may then make additional Requirements or Exceptions.
2. Pay the agreed amount for the estate or interest to be insured.
3. Pay the premiums, fees, and charges for the Policy to the Company.
4. Documents satisfactory to the Company that convey the Title or create the Mortgage to be insured, or both, must be properly authorized, executed, delivered, and recorded in the Public Records.
5. Pay first half of 2020 taxes.

NOTE: Taxes are assessed in the total amount of \$18,554.12 for the year 2020 under Assessor's Parcel No. 503-57-024E.

6. Please be advised that our search did not disclose any open Deeds of Trust of record. If you should have knowledge of any outstanding obligation, please contact the Title Department immediately for further review prior to closing.
7. Furnish Plat of Survey of the subject property by a Registered Land Surveyor in accordance with the "Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys" which became effective February 23, 2016. Said plat shall include the required certification and, at a minimum, also have shown Items 1, 8, 11, 16, 17 and 19, from Table A thereof.

NOTE: if a Zoning Endorsement is requested, Items 6(a) and 6(b) of Table A will also be required. If "parking" is to be added to the endorsement, the number and type of parking spaces must be shown on the survey. Property use information must also be provided to Thomas Title & Escrow.

8. Completion of inspection now in progress by an employee of Thomas Title & Escrow. If said inspection discloses the necessity for additional exceptions and/or requirements, you will be notified.
9. Furnish full and complete copy of any unrecorded lease, agreement, contract and/or license with all supplements, assignments and amendments and fully executed owner's affidavit prior to close of transaction. The owner's affidavit shall also state that none of the leases referred to in the affidavit contain a first right of refusal or option to purchase. Thomas Title & Escrow reserves the right to except additional items and/or make requirements after review of the foregoing documents.

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Schedule B - Part I*

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10. Furnish a copy of the Articles of Organization or other pertinent formation documents duly processed by the regulatory body of Delaware; a fully executed copy of the Operating Agreement, and any amendments thereto; and a list of the current members of LCD Asante, LLC, a limited liability company.

NOTE: Final determination as to which parties must execute all documents on behalf of the company shall be made upon compliance with above.

11. Record Warranty Deed from LCD Asante, LLC, a Delaware limited liability company, to Buyer(s).

NOTE: If this will be other than a Cash Transaction, notify the title department prior to close and additional requirements will be made.

NOTE: The Company reserves the right to make further requirements and/or exception based upon its review of the documentation submitted to satisfy the above requirements.

End of Schedule B - Section One

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Commitment for Title Insurance (8-1-2016)
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SCHEDULE B, PART II
Exceptions

THIS COMMITMENT DOES NOT REPUBLISH ANY COVENANT, CONDITION, RESTRICTION, OR LIMITATION CONTAINED IN ANY DOCUMENT REFERRED TO IN THIS COMMITMENT TO THE EXTENT THAT THE SPECIFIC COVENANT, CONDITION, RESTRICTION, OR LIMITATION VIOLATES STATE OR FEDERAL LAW BASED ON RACE, COLOR, RELIGION, SEX, SEXUAL ORIENTATION, GENDER IDENTITY, HANDICAP, FAMILIAL STATUS, OR NATIONAL ORIGIN.

The Policy will not insure against loss or damage resulting from the terms and provisions of any lease or easement identified in Schedule A, and will include the following Exceptions unless cleared to the satisfaction of the Company:

1. Any defect, lien, encumbrance, adverse claim, or other matter that appears for the first time in the Public Records or is created, attaches, or is disclosed between the Commitment Date and the date on which all of the Schedule B, Part I-Requirements are met.
2. (a) Taxes or assessments that are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records; (b) proceedings by a public agency that may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records
3. Any facts, rights, interests, or claims that are not shown by the Public Records but that could be ascertained by an inspection of the Land or that may be asserted by persons in possession thereof.
4. Easements, liens or encumbrances, or claims thereof, not shown by the Public Records.
5. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, or any other facts which a correct survey would disclose, and which are not shown by the Public Records.
6. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b), or (c) are shown by the Public Records.
7. Any lien or right to a lien for services, labor or material not shown by the Public Records.

Exceptions above will be eliminated from any A.L.T.A. Extended Coverage Policy, A.L.T.A. Homeowner's Policy, A.L.T.A. Expanded Coverage Residential Loan Policy and any short form versions thereof. However, the same or similar exception may be made in Schedule B of those policies in conformity with Schedule B, Part Two of this Commitment.

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8. **INTENTIONALLY OMITTED** - Taxes for the full year of 2020. (The first half is due October 1, 2020 and is delinquent November 1, 2020. The second half is due March 1, 2021 and is delinquent May 1, 2021).
9. Reservations or exceptions in Patent recorded as Book 193 of Deeds, page 279, or in Acts authorizing the issuance thereof.
10. The right to enter upon the land and prospect for and remove all coal, oil, gas, minerals or other substances, as reserved in the Patent to said land.
11. Water rights, claims or title to water, and agreements, covenants, conditions or rights incident thereto, whether or not shown by the public records.
12. An easement for flood control dike and right of flowage caused by the flood control dike and incidental purposes recorded as Docket 1885, Page 337.
13. An easement for electric lines and poles and incidental purposes recorded as Docket 2740, Page 331.
14. All matters as set forth in Results of Surveys for Maricopa County Municipal Water Conservation District No. 1, recorded as Book 331 of Maps, Page 17.
15. All matters as set forth in Beardsley Canal Right of Way survey, recorded as Book 584 of Maps, Page 19.
16. The terms, conditions and provisions contained in the document entitled Recorded Disclosure for Territory in the Vicinity of a Military Airport recorded August 14, 2001 as 2001-0743413, of Official Records.
17. All matters as set forth in Affidavits of Disclosure, recorded December 30, 2004 as 2004-1541443, of Official Records and January 14, 2005 as 2005-0060180, of Official Records.
18. The terms, conditions, liabilities and obligations contained in the document entitled Asante Development Agreement recorded as 2005-1750101, of Official Records, Amendment recorded as 2006-1328209 and Assignment and Assumption recorded as 2007-1067239, of Official Records.
19. The terms, conditions and provisions contained in the document entitled Ingress/Egress Easement recorded as 2007-0999239, of Official Records.
20. The terms, conditions and provisions contained in the document entitled Ingress/Egress Easement recorded as 2008-0809208, of Official Records.
21. All matters as set forth in Final Order of Condemnation, recorded November 17, 2008 as 2008-0983829, of Official Records.
22. The terms, conditions and provisions contained in the document entitled Utility Easement recorded as 2009-0472322, of Official Records.
23. The terms, conditions, liabilities and obligations contained in the document entitled Memorandum of Joint Development, Cost Sharing and Escrow Agreement and Notice of Easement recorded as 2009-0486170, of Official Records.

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24. The terms, conditions and provisions contained in the document entitled Ingress and Egress Easement recorded as 2009-0486175, of Official Records.
25. All matters as set forth in Final Judgment and Order in Condemnation, recorded October 14, 2009 as 2009-0952423, of Official Records.
26. The terms, conditions and provisions contained in the document entitled Ingress/Egress Easement recorded as 2011-0269222, of Official Records.
27. The terms, conditions, liabilities and obligations contained in the document entitled SPA2 Water Reclamation Facility Capacity Allocation Agreement recorded as 2015-0354865, of Official Records.
28. The terms, conditions, liabilities and obligations contained in the document entitled Memorandum of Joint Development, Cost Sharing, Reimbursement and Escrow Agreement recorded as 2019-0502986, of Official Records and re-recorded August 18, 2020 as 2020-0757396, of Official Records.
29. **INTENTIONALLY OMITTED** - Any action that may be taken by the Flood Control District of Maricopa County to acquire property or rights-of-way for flood control recorded December 13, 2019 as 2019-1011930, of Official Records.
30. **INTENTIONALLY OMITTED** - The lack of a right of access to and from the land.
31. Any facts, rights, interests or claims that would be disclosed by a correct ALTA/NSPS survey.
32. Any rights, interest or claims of parties in possession of the land not shown by the public records.

NOTE: This matter will be more fully set forth or deleted upon compliance with the applicable requirement.
33. Second installment of 2020 taxes, a lien, payable on or before March 1, 2021 and delinquent May 1, 2021.

End of Schedule B - Section Two

Privacy Notice

Effective: November 1, 2019

Notice Last Updated: November 1, 2019

This Privacy Notice describes how First American Financial Corporation and its subsidiaries and affiliates (together referred to as "First American," "we," "us," or "our") collect, use, store, and share your information. This Privacy Notice applies to information we receive from you offline only, as well as from third parties. For more information about our privacy practices, please visit <https://www.firstam.com/privacy-policy/index.html>. The practices described in this Privacy Notice are subject to applicable laws in the places in which we operate.

What Type Of Information Do We Collect About You? We collect both **personal** and **non-personal information** about and from you. **Personal information** is non-public information that can be used to directly or indirectly identify or contact you. **Non-personal information** is any other type of information.

How Do We Collect Your Information? We collect your **personal** and **non-personal information**: (1) directly from you; (2) automatically when you interact with us; and (3) from third parties, including business parties and affiliates.

How Do We Use Your Information? We may use your **personal information** in a variety of ways, including but not limited to providing the services you have requested, fulfilling your transactions, comply with relevant laws and our policies, and handling a claim. We may use your **non-personal information** for any purpose.

How Do We Share Your Personal Information? We do not sell your **personal information** to nonaffiliated third parties. We will only share your **personal information**, including to subsidiaries, affiliates, and to unaffiliated third parties: (1) with your consent; (2) in a business transfer; (3) to service providers; and (4) for legal process and protection. If you have any questions about how First American shares your **personal information**, you may contact us at dataprivacy@firstam.com or toll free at 1-866-718-0097.

How Do We Secure Your Personal Information? The security of your **personal information** is important to us. That is why we take commercially reasonable steps to make sure your **personal information** is protected. We use our best efforts to maintain commercially reasonable technical, organizational, and physical safeguards, consistent with applicable law, to protect your **personal information**.

How Long Do We Keep Your Personal Information? We keep your **personal information** for as long as necessary in accordance with the purpose for which it was collected, our business needs, and our legal and regulatory obligations.

Your Choices We provide you the ability to exercise certain controls and choices regarding our collection, use, storage, and sharing of your **personal information**. In accordance with applicable law, your controls and choices. You can learn more about your choices, and exercise these controls and choices, by sending an email to dataprivacy@firstam.com or toll free at 1-866-718-0097.

International Jurisdictions: Our Products are hosted and offered in the United States of America (US), and are subject to US federal, state, and local law. If you are accessing the Products from another country, please be advised that you may be transferring your **personal information** to us in the US, and you consent to that transfer and use of your **personal information** in accordance with this Privacy Notice. You also agree to abide by the applicable laws of applicable US federal, state, and local laws concerning your use of the Products, and your agreements with us.

We may change this Privacy Notice from time to time. Any and all changes to this Privacy Notice will be reflected on this page, and where appropriate provided in person or by another electronic method. **YOUR CONTINUED USE, ACCESS, OR INTERACTION WITH OUR PRODUCTS OR YOUR CONTINUED COMMUNICATIONS WITH US AFTER THIS NOTICE HAS BEEN PROVIDED TO YOU WILL REPRESENT THAT YOU HAVE READ AND UNDERSTOOD THIS PRIVACY NOTICE.**

Contact Us dataprivacy@firstam.com or toll free at 1-866-718-0097.

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For California Residents

If you are a California resident, you may have certain rights under California law, including but not limited to the California Consumer Privacy Act of 2018 (“CCPA”). All phrases used in this section shall have the same meaning as those phrases are used under California law, including the CCPA.

Right to Know. You have a right to request that we disclose the following information to you: (1) the categories of **personal information** we have collected about or from you; (2) the categories of sources from which the **personal information** was collected; (3) the business or commercial purpose for such collection and/or disclosure of your personal information; (4) the categories of third parties with whom we have shared your **personal information**; and (5) the specific pieces of your **personal information** we have collected. To submit a verified request for this information, go to our online privacy policy at www.firstam.com/privacy-policy to submit your request or call toll-free at 1-866-718-0097. You may also designate an authorized agent to submit a request on your behalf by going to our online privacy policy at www.firstam.com/privacy-policy to submit your request or by calling toll-free at 1-866-718-0097 and submitting written proof of such authorization to dataprivacy@firstam.com.

Right of Deletion. You also have a right to request that we delete the **personal information** we have collected from you. This right is subject to certain exceptions available under the CCPA and other applicable law. To submit a verified request for deletion, go to our online privacy policy at www.firstam.com/privacy-policy to submit your request or call toll-free at 1- 866-718-0097. You may also designate an authorized agent to submit a request on your behalf by going to our online privacy policy at www.firstam.com/privacy-policy to submit your request or by calling toll-free at 1-866-718-0097 and submitting written proof of such authorization to dataprivacy@firstam.com.

Verification Process. For either a request to know or delete, we will verify your identity before responding to your request. To verify your identity, we will generally match the identifying information provided in your request with the information we have on file about you. Depending on the sensitivity of the personal information requested, we may also utilize more stringent verification methods to verify your identity, including but not limited to requesting additional information from you and/or requiring you to sign a declaration under penalty of perjury.

Right to Opt-Out. We do not sell your personal information to third parties, and do not plan to do so in the future.

Right of Non-Discrimination. You have a right to exercise your rights under California law, including under the CCPA, without suffering discrimination. Accordingly, First American will not discriminate against you in any way if you choose to exercise your rights under the CCPA.

Collection Notice. The following is a list of the categories of personal information we may have collected about California residents in the twelve months preceding the date this Privacy Notice was last updated, including the business or commercial purpose for said collection, the categories of sources from which we may have collected the personal information, and the categories of third parties with whom we may have shared the personal information:

Categories of Personal Information Collected	The categories of personal information we have collected include, but may not be limited to: real name; signature; alias; SSN; physical characteristics or description, including protected characteristics under federal or state law; address; telephone number; passport number; driver’s license number; state identification card number; IP address; policy number; file number; employment history; bank account number; credit card number; debit card number; financial account numbers; commercial information; internet or other electronic network activity; geolocation data; audio and visual information; professional or employment information; and inferences drawn from the above categories to create a profile about a consumer.
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Categories of Sources	Categories of sources from which we've collected personal information include, but may not be limited to: the consumer directly; public records; governmental entities; non-affiliated third parties; social media networks; affiliated third parties
Business Purpose for Collection	The business purposes for which we've collected personal information include, but may not be limited to: completing a transaction for our Products; verifying eligibility for employment; facilitating employment; performing services on behalf of affiliated and non-affiliated third parties; debugging to identify and repair errors that impair existing intended functionality on our Websites, Applications, or Products; protecting against malicious, deceptive, fraudulent, or illegal activity
Categories of Third Parties Shared	The categories of third parties with whom we've shared personal information include, but may not be limited to: advertising networks; internet service providers; data analytics providers; service providers; government entities; operating systems and platforms; social media networks; non-affiliated third parties; affiliated third parties

Categories of Personal Information We Have Sold In The Past Year. We have not sold any personal information of California residents to any third party in the twelve months preceding the date this Privacy Notice was last updated.

Categories of Personal Information Disclosed For A Business Purpose In The Past Year. The following is a list of the categories of personal information of California residents we may have disclosed for a business purpose in the 12 months preceding the date this Privacy Notice was last updated: The categories of personal information we have collected include, but may not be limited to: real name; signature; alias; SSN; physical characteristics or description, including protected characteristics under federal or state law; address; telephone number; passport number; driver's license number; state identification card number; IP address; policy number; file number; employment history; bank account number; credit card number; debit card number; financial account numbers; commercial information; internet or other electronic network activity; geolocation data; audio and visual information; professional or employment information; and inferences drawn from the above categories to create a profile about a consumer.

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File No: **5449TAZ**
Amendment No: **Second**
7150 East Camelback Rd., Suite 195
Scottsdale, AZ 85251
Phone: 480-222-1116
Fax: 480-222-1117

PRIVACY POLICY

We Are Committed to Safeguarding Customer Information

In order to better serve your needs now and in the future, we may ask you to provide us with certain information. We understand that you may be concerned about what we will do with such information-particularly any personal or financial information. We agree that you have a right to know how we will utilize the personal information that you provide to us. Therefore, we have adopted this Privacy Policy to govern the use and handling of your personal information.

Applicability

This Privacy Policy governs our use of the information that you provide to us. It does not govern the manner in which we may use information we have obtained from any other source, such as information obtained from a public record or from another person or entity.

Types of Information

Depending upon which of our services you are utilizing, the types of nonpublic personal information that we may collect include:

- Information we receive from you on applications, forms and in other communications to us, whether in writing, in person, by telephone or any other means.
- Information about your transactions with us, our affiliated companies, or others; and
- Information we receive from a consumer-reporting agency.

Use of Information

We request information from you for our own legitimate business purposes and not for benefit of any nonaffiliated party. Therefore, we will not release your information to nonaffiliated parties except: (1) as necessary for us to provide the product or service you have requested of us, or (2) as permitted by law. We may, however, store such information indefinitely, including the period after which any customer relationship has ceased. Such information may be used for any internal purpose, such as quality control efforts or customer analysis.

Former Customers

Even if you are no longer our customer, our Privacy Policy will continue to apply to you.

Confidentiality and Security

We will use our best efforts to ensure that no unauthorized parties have access to any of your information. We restrict access to nonpublic personal information about you to those individuals and entities that need to know the information to provide products or services to you. We will use our best efforts to train and oversee our employees and agents to ensure that your information will be handled responsibly and in accordance with this Privacy Policy. We currently maintain physical, electronic, and procedural safeguards that comply with federal regulations to guard your nonpublic personal information.

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EXHIBIT “E”

PUNCH LIST*

Item	Location	Description of Work
Centrifuge Handrails	Headworks	Broken at top of latter. Currently held by duct tape. Fix the handrails.
Centrifuge Drain Piping	Headworks	Currently held by rope. Requires adequate supports. Install Pipe supports.
Door Closure Devices	Building	Some show signs of oil leakage and one door is missing a door closure device. Replace and add door closure devices where necessary.
Interior Lab Walls	Building	Paint peeling is excessive in the Lab room. Repaint the room.

*The punch list items described in this exhibit were completed as of November 2, 2020.

EXHIBIT “F”

PIPELINE AND CONDUIT IMPROVEMENTS

1. Install influent wastewater pipeline 12-inches in diameter approximately 1,325 feet in length between the influent pump station at the Developer Phase 1A Facility and the influent pump station at the SPA 2 Regional WRF as set forth on the Plans. Flow directing isolation valves at or near the influent pump stations are excluded.
2. Install waste activated sludge pipeline approximately 1,100 feet in length between Developer Phase 1A Facility and the SPA 2 Regional WRF as set forth on the Plans. Flow directing isolation valves are excluded.
3. Install effluent water pipeline 12-inches in diameter approximately 1,125 feet in length from the Developer Phase 1A Facility to the recharge basin at SPA 2 Regional WRF as set forth on the Plans. Flow directing isolation valves are excluded.
4. Install a pair of 4-inches in diameter empty communications conduit each approximately 1,170 feet in length with pull boxes and pull strings as set forth on the Plans.
5. The Pipeline and Conduit Improvements do not include the following work or improvements notwithstanding that the work or improvements may be set forth on the Plans: (i) the penetration of any lids, caps, membranes, walls, floors or ceilings of any vault, manhole, building, structure or other piece of equipment; (ii) the installation of pipeline, valves, pumps, equipment, materials or other systems on or connecting to any existing vault, building, structure, pump or piece of equipment; (iii) the installation of pipeline, valves, pumps, equipment, materials or other systems in the interior of any vault, manhole, building or other structure; (iv) the installation of wiring for any sensors, monitors, communications or other equipment or systems; and (v) obtaining any permits, approvals, rights-of-way or easements that may be necessary or convenient for the installation or operation of the Pipeline and Conduit Improvements.

EXHIBIT “G”

LIST OF PLANS

1. City of Surprise SPA2 Water Reclamation Facility Project Number P71400 Interconnecting Pipeline Project Technical Specifications Volume 1 of 2 prepared by Greeley and Hansen LLC.
2. City of Surprise SPA2 Water Reclamation Facility Project Number P71400 Interconnecting Pipeline Project Construction Plans Volume 2 of 2 (2020) prepared by Greeley and Hansen LLC.

EXHIBIT “H”

SCHEDULE

Owner shall commence construction of the Pipeline and Conduit Improvements on or before the date which is fifteen (15) days after the later of: (i) the date the Plans have been approved in final by all of the utility companies and governmental agencies with approval rights over the Plans, (ii) the date this Turnover Agreement Pursuant to Asante Development Agreement has been fully executed by the City and Owner, and (iii) the City and HE Capital have executed, acknowledged and delivered the Pipeline and Utility Easement to Escrow Agent.

Owner shall complete installation of the Pipeline and Conduit Improvements within one hundred twenty (120) days after Owner commences construction of the Pipeline and Conduit Improvements.

EXHIBIT “I”

PIPELINE AND CONDUIT IMPROVEMENTS BUDGET

SPA2 Water Reclamation Facility Project Number P71400 Interconnecting Pipeline Project
(Owner’s Pipeline and Conduit Improvements Only)

Pipeline and Conduit Improvements	\$367,900
Overhead	\$20,602
Mark-up	\$36,790
Subtotal	<u>\$425,292</u>
Bond	\$4,253
Contingency	\$31,897
Tax	<u>\$29,994</u>
Estimated Total	\$491,436

EXHIBIT "J"

PIPELINE AND UTILITY EASEMENT

WHEN RECORDED, RETURN TO:

City Clerk
City of Surprise
16000 N. Civic Center Plaza
Surprise, AZ 85374

UTILITY EASEMENT

This Utility Easement Agreement ("Agreement") is executed this ____ day of _____, 2021 by and between HE Capital Asante, LLC, a Delaware limited liability company, hereinafter referred to as "Grantor" and the City of Surprise, an Arizona municipal corporation, hereinafter referred to as "Grantee".

RECITALS

1. Grantor is the fee title owner of a parcel of land legally described in Exhibit "A" ("Property").
2. Grantee desires to acquire from Grantor and Grantor desires to grant to Grantee a perpetual, non-exclusive Utility Easement over, under, and across the Property (the "Easement Area"). The Easement Area is legally described in Exhibit "A" and depicted on Exhibit "B".

NOW, THEREFORE, for valuable consideration received, the receipt and sufficiency of which are hereby acknowledged, and for the purposes set forth in the foregoing Recitals which are incorporated herein by reference, the parties agree as follows:

1. Easements. Grantor hereby grants and conveys to Grantee, its successors and assigns, a perpetual, non-exclusive utility easement over, under and across the Easement Area, subject to the right of Grantor and Grantor's successors, assigns, employees, agents, and licensees to erect and maintain improvements in the Easement Area, provided such improvements do not unreasonably interfere with Grantee's construction, installation, maintenance, and replacement of the sewer and other utility lines to be installed and maintained by Grantee pursuant to this Agreement. This Utility Easement also includes ingress and egress to and from the Easement Area in order to construct, install, maintain, repair, and replace said utilities such as a sewer line, effluent line, and electrical conduit.
2. Restoration of Property. Grantee, its successors and assigns, or any other person or entity entering upon, performing any work within, or otherwise using the Easement Area pursuant to the rights granted pursuant to this Agreement shall (a) promptly repair and restore any damage to the Property or the Easement Area resulting from such entry, work,

or use; and (b) promptly remove any mechanic's or materialmen's lien arising from any such work within the Easement Area. Grantee will cause the least possible interference with the activities of Grantor, the occupants of the Property, and their respective customers, agents, servants, employees, licenses, and invitees in connection with its operations.

3. Runs with the Land. The Agreement shall be binding upon and inure to the benefit of the Grantor, Grantee, and their respective administrators, personal representatives, successors, and assigns.

4. Not a Public Dedication. Other than the grant of the easement as set forth herein, nothing contained in this Agreement shall be deemed to be a conveyance or dedication of any portion of the Property or the Easement Area to the general public or any public purpose whatsoever.

5. Exception. There is excepted and reserved to Grantor from this Agreement and the easement granted hereby: (i) all rights to utilize the Easement Area for any and all purposes not inconsistent with Grantee's rights hereunder; and (ii) all rights of Grantor to grant at its sole discretion and at any time, any and all additional easements to any other person across the Easement Area provided that such additional easements do not interfere in a material or adverse manner with Grantee's rights hereunder. Specifically included, without limitation, in such reservations are the rights to grant underground utilities and other rights to place facilities by the Grantor.

6. Indemnification. Grantee shall indemnify, defend and hold harmless Grantor from and against any loss, damage, or injury of any kind or nature to any person or property arising from the use of the Easement Area by such indemnifying party, or its agents, employees, licensees, invitees, or contractors, or from any accident arising from the use of the Easement Area by such indemnifying party, or its agents, employees, licensees, invitees, or contractors, unless such loss, damage or injury was a result of the negligence or intentional conduct of Grantor.

7. Miscellaneous. Headings in this Agreement are for convenience only and shall not define or limit the provision hereof. This Agreement shall be construed according to its ordinary meaning and shall not be strictly construed for or against the Grantor or the Grantee. This Agreement shall be governed by the laws of the State of Arizona. Should any term, provision, covenant, or condition of this Agreement be adjudicated by a court of competent jurisdiction void, invalid, or inoperative, the same shall not affect any other term, provision, covenant, or condition of this Agreement, but the remainder thereof shall be effective as though such void, invalid, or inoperative term, provision, covenant, or condition had not been contained herein. This Agreement is subject to A.R.S. §38-511.

SIGNATURE PAGES FOLLOW

IN WITNESS WHEREOF, the parties hereto have executed this Utility Easement Agreement as of the date above-written.

GRANTEE:

CITY OF SURPRISE,
An Arizona municipal corporation

By: _____
Skip Hall
Its: Mayor

Attest:

Sherry Aguilar, City Clerk

STATE OF ARIZONA)
) SS.
County of Maricopa)

The foregoing instrument was acknowledged before me this ____ day of _____, 2021, by _____, known by me as the Mayor of the City of Surprise, an Arizona municipal corporation.

Notary Public

My Commission Expires:

EXHIBIT "A"

DESCRIPTION

UTILITY EASEMENT

A portion of Parcel No. 8 (HEC WASTEWATER TREATMENT PLANT PROPERTY) as described in that Special Warranty Deed recorded as Instrument 2009-0812783 Records of Maricopa County, Arizona, being located in the Northeast Quarter of Section 18, Township 4 North, Range 1 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona described as follows:

COMMENCING at the Northeast Corner of said Section 18, from which the North Quarter Corner of said Section 18 lies North 89°14'38" West 2634.93 feet;

Thence South 21°03'22" West 965.00 feet to the most easterly east corner of said Parcel No. 8;

Thence along a northeast line of said property North 39°18'26" West 42.50 feet to the north corner of that ingress/egress easement recorded as Instrument 2008-0809208, Records of said County, being also the POINT OF BEGINNING;

Thence along the northwest line of said easement South 50°41'34" West 400.98 feet to a common property line between said Parcel No. 8 and Parcel No. 5 (LENNAR WASTEWATER TREATMENT PLANT PROPERTY) as described in that Special Warranty Deed recorded as Instrument 2009-0486171, Records of said County;

Thence along said line North 39°18'26" West 25.00 feet;

Thence departing said line North 50°41'34" East 400.98 feet to the aforesaid northeast line of Parcel No. 8;

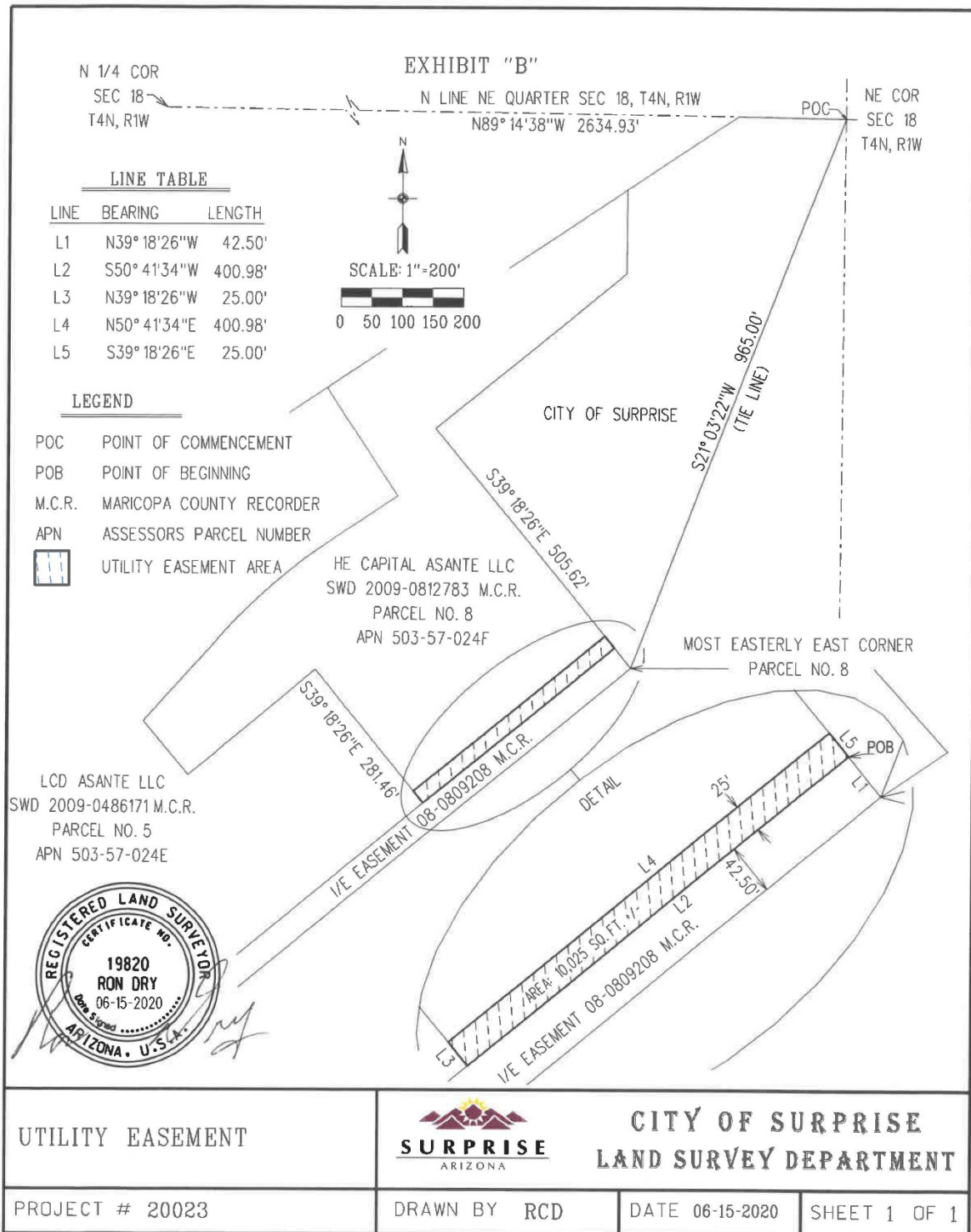
Thence along said northeast line South 39°18'26" East 25.00 feet to the POINT OF BEGINNING.

Containing 10,025 square feet, more or less.

Attached is EXHIBIT "B" and by this reference is made a part hereof.

End of description





CONSENT AND APPROVAL OF LENDER

The undersigned lender which is the beneficiary under that certain Deed of Trust, Assignment of Rents and Leases, Security Agreement and Fixture Filing (Arizona), dated June 25, 2009, recorded on June 26, 2009, at Instrument No. 2009-0589313, and re-recorded on August 31, 2009, at Instrument No. 2009-0812784 in the official records of Maricopa County, Arizona (the "**Deed of Trust**") as a first lien on the property described in the Deed of Trust, for and on behalf of itself and its successors and assigns, hereby acknowledges receipt of, consents to, and approves that certain Utility Easement Agreement by and between HE Capital Asante, LLC, a Delaware limited liability company, as grantor, and the City of Surprise, an Arizona municipal corporation, as grantee (the "**Utility Easement**"), and agrees that in the event the beneficiary under the Deed of Trust, its successors or assigns, exercises the power of sale under the Deed of Trust or otherwise forecloses the lien evidenced by the Deed of Trust the Utility Easement shall continue in full force and effect notwithstanding that the Utility Easement is subordinate to the Deed of Trust.

NEXBANK, a Texas state-chartered bank, formerly known as NexBank SSB

By _____

Its _____

STATE OF TEXAS)
) ss.
County of Dallas)

The foregoing instrument was acknowledged before me this ____ day of _____, 2021, by _____ the _____ of NEXBANK, on behalf thereof.

Notary Public

My Commission Expires:



CITY OF SURPRISE Regular City Council Meeting

Council Meeting Date: June 15, 2021
Submitting Department: Public Works
Staff Recommendations: None

Contact Person: Mike Gent, DIRECTOR - PW
District: District 1

Consent: Yes	Regular: No	Public Hearing: No	Report/Discussion: No
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Agenda Wording:

Consideration and action pertaining to the conditional acceptance and maintenance of certain streets and public utility improvements at Cortana at Desert Oasis, generally located at W. Jomax Road and N. 173rd Avenue; Resolution # 2021-79.

Motion:

I move to approve Resolution # 2021-79.

Background:

The Public Works Department conducted the final inspection of the public improvements for Cortana at Desert Oasis, generally located at W. Jomax Road and N. 173rd Avenue on or about April 30th, 2021 totaling 16,909 SY (approximately 5,435 LF) and determined that the infrastructure was compliant and acceptable to the city. The infrastructure includes asphalt pavement, concrete, storm drain, water and wastewater lines.

Objective Analysis:

The improvements for this property provide access and conveyance to the property, storm drains to convey wastewater to retention basins, sewer lines to convey wastewater from the property to the City's public system and water lines to convey domestic water to the property. This action will accept the required infrastructure.

Policy Compliant:

City Code generally requires development to install public infrastructure required to serve the development. Upon completion and acceptance of such infrastructure, the infrastructure becomes the property of the City. Acceptance of this infrastructure will officially transfer ownership and future maintenance to the City.

Financial Impact:

Acceptance of streets, sewer, water, and storm drain infrastructure increases the city's asset base and adds to future maintenance commitments. The total acceptance value of the infrastructure included with this item is \$2,092,234.33.

Budget Impact:

Funding for the infrastructure maintenance now and in the future will be supported from the city's HURF, Water Operations, Wastewater Operations, and Stormwater Operations Funds. The anticipated incremental additional maintenance expense associated with the acceptance of these infrastructure items will be incorporated in future year budgets.

FTE Impact:

This action does not change the full time equivalent count.

ATTACHMENTS:

1. 01_Res 2021-79 Acceptance Cortana at Desert Oasis-final
 2. 02_Notice of Completion Letter Ph1 - 3
 3. 03_Inspector Sign-Off Form_Cortana Ph1 - 3
 4. 04_Linear Foot Verification
-

RESOLUTION # 2021-79

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA, TO CONDITIONALLY ACCEPT THE STREET AND PUBLIC UTILITY IMPROVEMENTS AND COMMENCE MAINTENANCE AFTER TWO YEAR WARRANTY AT CORTANA AT DESERT OASIS, GENERALLY LOCATED AT W. JOMAX ROAD AND N. 173RD AVENUE.

WHEREAS, the Mayor and City Council of the City of Surprise approved a final plat entitled "Cortana at Desert Oasis" on, September 17th, 2018;

WHEREAS, KB Home Phoenix Inc., an Arizona Corporation, the developer of Cortana at Desert Oasis, dedicated to the City the street and public utility improvements, generally located at W. Jomax Road and N. 173rd Avenue;

WHEREAS, on or about April 30th, 2021, the City of Surprise Public Works Department Engineering Division completed an inspection of the public improvements described in this resolution and found the improvements to be in substantial compliance with the approved plans and specifications;

WHEREAS, the City of Surprise notes that the two-year warranty period will commence upon conditional acceptance by the City; and

WHEREAS, after the conclusion of the two-year warranty period, the City of Surprise will release the warranty and begin maintenance of the street and public utility improvements.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Surprise, Arizona, as follows.

Section 1. The City of Surprise conditionally accepts the street and public utility improvements generally located as depicted on the map attached as Exhibit A and listed on Exhibit B.

Section 2. Upon final acceptance by the City Engineer, the City Council hereby directs the City to release warranty and begin maintenance of the street and public utility improvements.

SIGNATURES ON THE FOLLOWING PAGE

APPROVED AND ADOPTED this _____ day of _____, 2021.

Skip Hall, Mayor

Attest:

Approved as to form:

Sherry Aguilar, City Clerk

Robert Wingo, City Attorney

Exhibit A

Map of Infrastructure

CORTANA AT DESERT OASIS PHASES 1-3

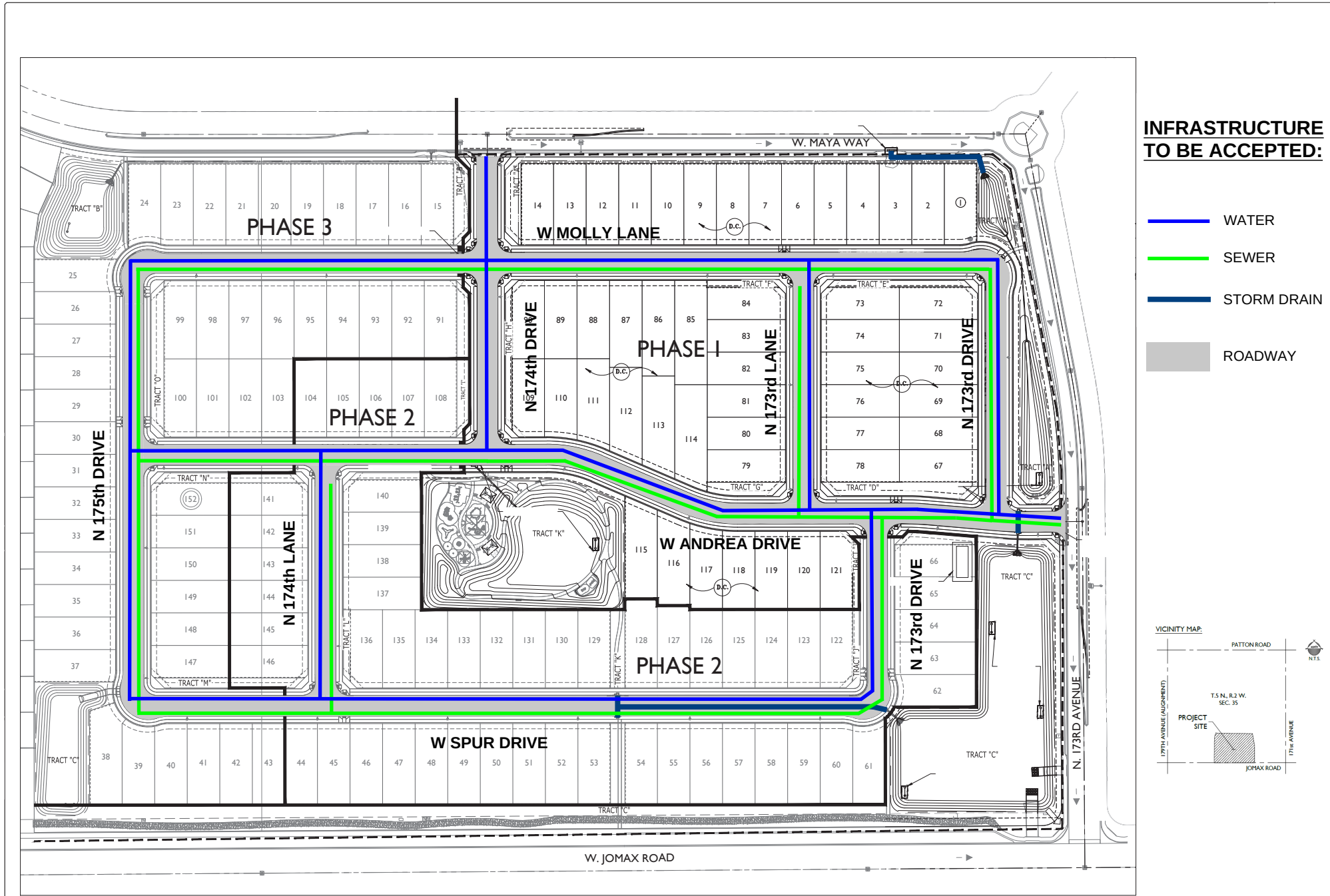




EXHIBIT B

ENGINEERING DIVISION
PUBLIC WORKS
CITY OF SURPRISE
16000 N. CIVIC CENTER PLAZA
SURPRISE, AZ 85374
T. 623-222-6150

Memorandum

To: City of Surprise City Council
From: Public Works – Engineering Services
Date: 05/07/2021
Re: Cortana at Desert Oasis

The public improvements for the above project have been completed and are tentatively scheduled for the June 1, 2021 council agenda for acceptance. The amounts for the infrastructure have been provided by a third party and not the City of Surprise. The following are the infrastructure improvements included with this acceptance and the corresponding valuation that the City will be accepting:

City Paving:

Ph1 - \$254,455.02
Ph2 - \$160,237.08
Ph3 - \$149,736.49

City Concrete:

Ph1 - \$340,471.59
Ph2 - \$168,071.16
Ph3 - \$150,211.83

City Storm Drain:

Ph1 - \$30,135.50
Ph2 - \$36,312.50
Ph3 - \$31,363.82

City Water:

Ph1 - \$189,315.49
Ph2 - \$112,308.10
Ph3 - \$106,031.17

City Sewer:

Ph1 - \$158,951.50
Ph2 - \$112,308.10
Ph3 - \$92,324.98

Total: \$2,092,234.33

March 03, 2021

KB Home Phoenix Inc.
10429 S. 52 St, Suite 100
Phoenix, AZ 85044

**RE: NOTICE OF COMPLETION AND COUNCIL ACTION REQUIREMENT FOR CORTANA AT
DESERT OASIS PHASE 1 – FS18-058**

The City of Surprise Public Works Department has completed the inspection of the public utility improvements for the above referenced project. These improvements are in substantial compliance with the approved plans and specifications. Council action is required prior to conditional acceptance and the official beginning of the warranty period. The time frame for Council action is approximately 90 days after the following items have been submitted:

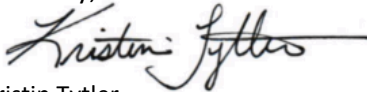
- A copy of all lien releases or a title report
- Actual construction cost for related civil permits issued
- Warranty assurance in a format acceptable by the City

A notice of the required assurance amount and acceptable formats will be sent via email once actual construction costs have been submitted by the applicant. The warranty period starts upon council acceptance for a period of two (2) years; please ensure warranty assurance will not expire prior to this date. The applicant will be notified of the council date as soon as it is scheduled and the warranty financial assurance is required to be submitted to the city 10 calendar days prior to the council date. If a warranty financial assurance is not received within 10 calendar days, council action and start of the warranty period will be delayed, at a minimum, an additional two (2) weeks.

A letter of conditional acceptance and notification that the warranty period has begun will be forwarded upon the completion of council acceptance. Also, a request to release the associated completion assurance will be made; notification will be sent when assurance document is available for pick up.

If you have any questions or concerns, you can reach me at 623-222-6153 or at kristin.tytler@surpriseaz.gov.

Sincerely,



Kristin Tytler
Assistant PW Director

cc: Nuning Lemka, PW Engineering Manager
David Mobley, PW Field Engineering Supervisor
Lynn Stone, PW Business Manager
Lee Lambert, Water Resource Management
Warren Bert, GIS

Mike Gent, Deputy City Manager/PW Director
John McFarland, PW Streets Manager
Jon Gake, Finance
Michael Boule, Water Resource Management
William Valdez, PW Civil Inspector

April 30, 2021

KB Phoenix Inc.
10429 S. 51st St., STE 100
Phoenix, AZ 85044

**RE: NOTICE OF COMPLETION AND COUNCIL ACTION REQUIREMENT FOR CORTANA AT
DESERT OASIS PHASE 2 – FS19-052**

The City of Surprise Public Works Department has completed the inspection of the public utility improvements for the above referenced project. These improvements are in substantial compliance with the approved plans and specifications. Council action is required prior to conditional acceptance and the official beginning of the warranty period. The time frame for Council action is approximately 90 days after the following items have been submitted:

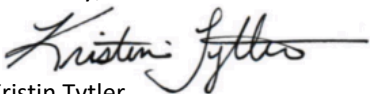
- A copy of all lien releases or a title report
- Actual construction cost for related civil permits issued
- Warranty assurance in a format acceptable by the City

A notice of the required assurance amount and acceptable formats will be sent via email once actual construction costs have been submitted by the applicant. The warranty period starts upon council acceptance for a period of two (2) years; please ensure warranty assurance will not expire prior to this date. The applicant will be notified of the council date as soon as it is scheduled and the warranty financial assurance is required to be submitted to the city 10 calendar days prior to the council date. If a warranty financial assurance is not received within 10 calendar days, council action and start of the warranty period will be delayed, at a minimum, an additional two (2) weeks.

A letter of conditional acceptance and notification that the warranty period has begun will be forwarded upon the completion of council acceptance. Also, a request to release the associated completion assurance will be made; notification will be sent when assurance document is available for pick up.

If you have any questions or concerns, you can reach me at 623-222-6153 or at kristin.tytler@surpriseaz.gov.

Sincerely,



Kristin Tytler
Assistant PW Director/City Engineer

cc: Nuning Lemka, PW Engineering Manager
David Mobley, PW Field Engineering Supervisor
Lynn Stone, PW Business Manager
Lee Lambert, Water Resource Management
Warren Bert, GIS

Mike Gent, Deputy City Manager/PW Director
John McFarland, PW Streets Manager
Jon Gake, Finance
Michael Boule, Water Resource Management
William Valdez, PW Civil Inspector

April 30, 2021

KB Phoenix Inc.
10429 S. 51st St., STE 100
Phoenix, AZ 85044

**RE: NOTICE OF COMPLETION AND COUNCIL ACTION REQUIREMENT FOR CORTANA AT
DESERT OASIS PHASE 3 – FS18-053**

The City of Surprise Public Works Department has completed the inspection of the public utility improvements for the above referenced project. These improvements are in substantial compliance with the approved plans and specifications. Council action is required prior to conditional acceptance and the official beginning of the warranty period. The time frame for Council action is approximately 90 days after the following items have been submitted:

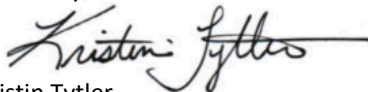
- A copy of all lien releases or a title report
- Actual construction cost for related civil permits issued
- Warranty assurance in a format acceptable by the City

A notice of the required assurance amount and acceptable formats will be sent via email once actual construction costs have been submitted by the applicant. The warranty period starts upon council acceptance for a period of two (2) years; please ensure warranty assurance will not expire prior to this date. The applicant will be notified of the council date as soon as it is scheduled and the warranty financial assurance is required to be submitted to the city 10 calendar days prior to the council date. If a warranty financial assurance is not received within 10 calendar days, council action and start of the warranty period will be delayed, at a minimum, an additional two (2) weeks.

A letter of conditional acceptance and notification that the warranty period has begun will be forwarded upon the completion of council acceptance. Also, a request to release the associated completion assurance will be made; notification will be sent when assurance document is available for pick up.

If you have any questions or concerns, you can reach me at 623-222-6153 or at kristin.tytler@surpriseaz.gov.

Sincerely,



Kristin Tytler
Assistant PW Director/City Engineer

cc: Nuning Lemka, PW Engineering Manager
David Mobley, PW Field Engineering Supervisor
Lynn Stone, PW Business Manager
Lee Lambert, Water Resource Management
Warren Bert, GIS

Mike Gent, Deputy City Manager/PW Director
John McFarland, PW Streets Manager
Jon Gake, Finance
Michael Boule, Water Resource Management
William Valdez, PW Civil Inspector



PROJECT SIGN OFF FORM
PUBLIC WORKS - ENGINEERING SERVICES, INSPECTIONS

Date Submitted: 2/24/2021 Commercial Commercial w/Offsite XX Residential

XX COMPLETION ACCEPTANCE (End of Construction) FINAL ACCEPTANCE (End of Warranty)

9/25/2020 Date of Punch-List Walk 1/21/2021 Date Punch-List Completed

FS Number: FS18-058 Permit Number(s): E18P-0417,E18P-0564,E18P-0565,E18P-0557,E18P-0559,E18P-0561

Project Name: CORTANA AT DESERT OASIS PHASE 1

Project Developer/Builder: (Name, Address, and Phone #)

KB HOME PHOENIX INC

10429 South 51st Street, Suite 100, Phoenix, Az 85044 480-758-3000

MAG TIP Reporting:

Street Name	Classification	Begin Limits	End Limits	# Lanes	Length to nearest ¼ mi.	Features
Molly Ln	Local	174th Dr	173rd Dr	2	1/4	
Andrea Dr	Local	174th Dr	173rd Ave	2	1/4	
173rd Dr	Local	Andrea Dr	Molly Ln	2	1/4	
173rd Ln	Local	Andrea Dr	Molly Ln	2	1/4	
174th Dr	Local	Andrea Dr	Molly Ln	2	1/4	

MATERIALS:

Asphalt:	<u>Knochel Bros</u>	Supplier	<u>2.5</u>	Total Lane Miles	<u>9,308</u>	Total Square Yards
Water:	<u>8" C-900</u>	Size/Type	<u>3,118</u>	Total Linear Feet	<u> </u>	Total Linear Feet
	<u>6" DIP</u>	Size/Type	<u>72</u>	Total Linear Feet	<u> </u>	Total Linear Feet
Sewer:	<u>8" PVC</u>	Size/Type	<u>2,570</u>	Total Linear Feet	<u> </u>	Total Linear Feet
	<u>4" PVC</u>	Size/Type	<u>1,530</u>	Total Linear Feet	<u> </u>	Total Linear Feet
Storm:	<u>18"RGRCP</u>	Size/Type	<u>488</u>	Total Linear Feet	<u> </u>	Total Linear Feet
	<u> </u>	Size/Type	<u> </u>	Total Linear Feet	<u> </u>	Total Linear Feet
Fire Ln:	<u>N/A</u>	Size/Type	<u> </u>	Total Linear Feet	<u> </u>	Total Linear Feet

Additional Comments:

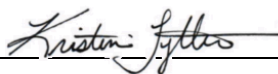
SUPPORTING DOCUMENTATION REQUIRED:

<u>XX</u> Copy of Punch List	<u>XX</u> AOC
<u>N/A</u> Final Certification Letter from Engineer of Record	<u>XX</u> Asphalt Concrete Ticket w/ Name of Contractor
<u>XX</u> Complete Geotechnical Testing Packet	<u>XX</u> Streetlight Energize Letter
<u>XX</u> Sewer Pressure Testing Results	<u>XX</u> As built Documents (PDF copy on CD)
<u>XX</u> Sewer Manhole Vacuum Testing Certification	<u>XX</u> As Built Documents in PDF format (copy on CD)
<u>XX</u> Sewer Manhole Insecticide Certification	<u>N/A</u> Updated asbuilt CAD base files (copy on CD)
<u>XX</u> Sewer Videos with Operators Notes (inc. re-videos)	
<u> </u> Other <u>Sheet 1 of 1</u>	(Specify)

APPROVAL:

Civil Inspector: William Valdez

Date: 2/24/2021

Civil Engineering Supervisor: 

Date: 2/24/2021



PROJECT SIGN OFF FORM

PUBLIC WORKS - ENGINEERING SERVICES, INSPECTIONS

Date Submitted: 4/30/2021 Commercial ☐ Commercial w/Offsite ☒ Residential

☒ COMPLETION ACCEPTANCE (End of Construction) ☐ FINAL ACCEPTANCE (End of Warranty)

9/23/2021 Date of Punch-List Walk 4/7/2021 Date Punch-List Completed

FS Number: FS18-052

Permit Number(s): E18P-0576,E18P-0578,E18P-0581,E18P-0582,E18P-0583

Project Name: Cortana at Desert Oasis Phase 2

Project Developer/Builder: (Name, Address, and Phone #)

KB Home Phoenix Inc, 10429 South 51 Street, Suite 100, Phoenix, Arizona 85044 480-758-3000

Sheet 1 of 1

MAG TIP Reporting:

Street Name	Classification	Begin Limits	End Limits	# Lanes	Length to nearest 1/4 mi.	Features
173rd Dr	Local	Andrea Dr	Spur Dr	2	1/4	
174th Ln	Local	Andrea Dr	Spur Dr	2	1/4	
Andrea Dr	Local	Sta 12+46.92	Sta 15+07.84	2	1/4	
Spur Dr	Local	Sta 11+96.52	173rd Dr	2	1/4	

MATERIALS:

Asphalt:	Knochel Bros	Supplier	2	Total Lane Miles	5,549	Total Square Yards		
Water:	8" C900	Size/Type	1,709	Total Linear Feet	6" DIP	Size/Type	48	Total Linear Feet
		Size/Type		Total Linear Feet		Size/Type		Total Linear Feet
Sewer:	8" PVC	Size/Type	1,789	Total Linear Feet	4" PVC	Size/Type	1,590	Total Linear Feet
		Size/Type		Total Linear Feet		Size/Type		Total Linear Feet
Storm:	18" RGRCP	Size/Type	32	Total Linear Feet	24" RGRCP	Size/Type	437	Total Linear Feet
		Size/Type		Total Linear Feet		Size/Type		Total Linear Feet
Fire Ln:	N/A	Size/Type		Total Linear Feet		Size/Type		Total Linear Feet

Additional Comments:

SUPPORTING DOCUMENTATION REQUIRED:

☒ Copy of Punch List	☒ AOC
☐ Final Certification Letter from Engineer of Record	☒ Asphalt Concrete Ticket w/ Name of Contractor
☒ Complete Geotechnical Testing Packet	☐ Streetlight Energize Letter
☒ Sewer Pressure Testing Results	☒ As built Documents (PDF copy on CD)
☒ Sewer Manhole Vacuum Testing Certification	☒ As Built Documents in PDF format (copy on CD)
☒ Sewer Manhole Insecticide Certification	☐ Updated asbuilt CAD base files (copy on CD)
☒ Sewer Videos with Operators Notes (inc. re-videos)	
☐ Other _____ (Specify)	

APPROVAL:

Civil Inspector: William Valdez

Date: 4/30/2021

Civil Engineering Supervisor: Kristen Lytle

Date: 04/30/2021



PROJECT SIGN OFF FORM

PUBLIC WORKS - ENGINEERING SERVICES, INSPECTIONS

Date Submitted: 4/30/2021 Commercial Commercial w/Offsite XX Residential

XX COMPLETION ACCEPTANCE (End of Construction) FINAL ACCEPTANCE (End of Warranty)

3/25/2021 Date of Punch-List Walk 4/14/2021 Date Punch-List Completed

FS Number: FS18-053

Permit Number(s): E18P-0566,E18P-0568,E18P-0571,E18P-0574,E18P-0575

Project Name: Cortana at Desert Oasis Phase 3

Project Developer/Builder: (Name, Address, and Phone #)

KB Home, 10429 South 51 Street, Suite 100, Phoenix, Arizona 85044 480-758-3047

MAG TIP Reporting:

Street Name	Classification	Begin Limits	End Limits	# Lanes	Length to nearest 1/4 mi.	Features
Molly Ln	Local	175th Dr	Sta 14+70.68	2	1/4	
Andrea Dr	Local	175th Dr	Sta 12+46.92	2	1/4	
Spur Dr	Local	175th Dr	Sta 11+96.52	2	1/4	
175th Dr	Local	Molly Ln	Spur Dr	2	1/4	

MATERIALS:

Asphalt: Knochel Bros Supplier 2 Total Lane Miles 5,275 Total Square Yards

Water: 8" C900 Size/Type 1,951 Total Linear Feet 6" DIP Size/Type 72 Total Linear Feet

Sewer: 8" PVC Size/Type 1,913 Total Linear Feet 4" PVC Size/Type 1,740 Total Linear Feet

Storm: 18" RGRCP Size/Type 523 Total Linear Feet Size/Type Total Linear Feet

Fire Ln: N/A Size/Type Total Linear Feet Size/Type Total Linear Feet

Additional Comments:

SUPPORTING DOCUMENTATION REQUIRED:

XX Copy of Punch List
N/A Final Certification Letter from Engineer of Record
XX Complete Geotechnical Testing Packet
XX Sewer Pressure Testing Results
XX Sewer Manhole Vacuum Testing Certification
XX Sewer Manhole Insecticide Certification
XX Sewer Videos with Operators Notes (inc. re-videos)
XX AOC
XX Asphalt Concrete Ticket w/ Name of Contractor
N/A Streetlight Energize Letter
XX As built Documents (PDF copy on CD)
XX As Built Documents in PDF format (copy on CD)
N/A Updated asbuilt CAD base files (copy on CD)
Other _____ (Specify)

APPROVAL:

Civil Inspector: William Valdez

Date: 4/30/2021

Civil Engineering Supervisor: [Signature]

Date: 4/30/2021

	Private/Public	Classification	Limits (Begin)	Limits (End)	Paving Paved Dirt Road?	New Lanes (total) (total incl.
e	Public	Local	W. Andrea Drive	W. Molly Lane	N	2
	Public	Local	W. Andrea Drive	W. Molly Lane	N	2
e	Public	Local	W. Andrea Drive	W. Molly Lane	N	2
	Public	Local	N. 173rd Drive	N. 174th Drive	N	2
	Public	Local	W. Maya Way	W. Molly Lane	N	2
e	Public	Local	W. Andrea Drive	W. Spur Drive	N	2
	Public	Local	N. 173rd Drive	N. 174th Lane	N	2
	Public	Local	W. Andrea Drive	W. Spur Drive	N	2
ve	Public	Local	N. 174th Drive	N. 174th Lane	N	2
	Public	Local	N. 174th Lane	N. 175th Drive	N	2
e	Public	Local	W. Spur Drive	W. Holly Lane	N	2
ve	Public	Local	N. 174th Lane	N. 175th Drive	N	2
	Public	Local	N. 174th Drive	N. 175th Drive	N	2



CITY OF SURPRISE Regular City Council Meeting

Council Meeting Date: June 15, 2021
Submitting Department: Public Works
Staff Recommendations: None

Contact Person: Mike Gent, DIRECTOR - PW
District: District 1

Consent: Yes	Regular: No	Public Hearing: No	Report/Discussion: No
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Agenda Wording:

Consideration and action pertaining to the conditional acceptance and maintenance of certain streets and public utility improvements at Rancho Mercado Yearling Road, generally located at N. Yearling Road and N. 147th Avenue; Resolution # 2021-76.

Motion:

I move to approve Resolution # 2021-76.

Background:

The Public Works Department conducted the final inspection of the public improvements for Rancho Mercado Yearling Road on or about January 4th, 2021, totaling 11,000 SY (approximately 4,125 LF) and determined that the infrastructure was compliant and acceptable to the city. The infrastructure includes asphalt pavement, concrete, storm drain, and water lines.

Objective Analysis:

The improvements for this property provide access and conveyance to the property, storm drains to convey wastewater to retention basins, and water lines to convey domestic water to the property. This action will accept the required infrastructure.

Policy Compliant:

City Code generally requires development to install public infrastructure required to serve the development. Upon completion and acceptance of such infrastructure, the infrastructure becomes the property of the City. Acceptance of this infrastructure will officially transfer ownership and future maintenance to the City.

Financial Impact:

Acceptance of streets, water, and storm drain infrastructure increases the city's asset base and adds to future maintenance commitments. The total acceptance value of the infrastructure included with this item is \$677,795.85.

Budget Impact:

Funding for the infrastructure maintenance now and in the future will be supported from the city's HURF, Water Operations, and Stormwater Operations Funds. The anticipated incremental additional

maintenance expense associated with the acceptance of these infrastructure items will be incorporated in future year budgets.

FTE Impact:

This action does not change the full time equivalent count.

ATTACHMENTS:

1. 02_Notice of Completion Letter
 2. 03_Inspector Sign-Off Form
 3. 04_Linear Foot Documentation
 4. 01_RES 2021-76 Acceptance Rancho Mercado-Yearling Rd-final
-

January 19, 2021

William Lyon Homes
8840 E Chaparral Rd, Suite 200
Scottsdale, AZ 85250

**RE: NOTICE OF COMPLETION AND COUNCIL ACTION REQUIREMENT FOR RANCHO
MERCADO YEARLING RD – FS18-086**

The City of Surprise Public Works Department has completed the inspection of the public utility improvements for the above referenced project. These improvements are in substantial compliance with the approved plans and specifications. Council action is required prior to conditional acceptance and the official beginning of the warranty period. The time frame for Council action is approximately 90 days after the following items have been submitted:

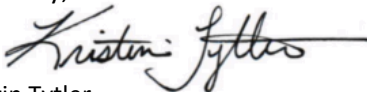
- A copy of all lien releases or a title report
- Actual construction cost for related civil permits issued
- Warranty assurance in a format acceptable by the City

A notice of the required assurance amount and acceptable formats will be sent via email once actual construction costs have been submitted by the applicant. The warranty period starts upon council acceptance for a period of two (2) years; please ensure warranty assurance will not expire prior to this date. The applicant will be notified of the council date as soon as it is scheduled and the warranty financial assurance is required to be submitted to the city 10 calendar days prior to the council date. If a warranty financial assurance is not received within 10 calendar days, council action and start of the warranty period will be delayed, at a minimum, an additional two (2) weeks.

A letter of conditional acceptance and notification that the warranty period has begun will be forwarded upon the completion of council acceptance. Also, a request to release the associated completion assurance will be made; notification will be sent when assurance document is available for pick up.

If you have any questions or concerns, you can reach me at 623-222-6153 or at kristin.tytler@surpriseaz.gov.

Sincerely,



Kristin Tytler
Assistant PW Director

cc: Nuning Lemka, PW Engineering Manager
David Mobley, PW Field Engineering Supervisor
Lynn Stone, PW Business Manager
Lee Lambert, Water Resource Management
Warren Bert, GIS

Mike Gent, Deputy City Manager/PW Director
John McFarland, PW Streets Manager
Jon Gake, Finance
Michael Boule, Water Resource Management
William Valdez, PW Civil Inspector



PROJECT SIGN OFF FORM

PUBLIC WORKS - ENGINEERING SERVICES, INSPECTIONS

Date Submitted: 12/23/2020 XX Commercial Commercial w/Offsite XX Residential

XX COMPLETION ACCEPTANCE (End of Construction) FINAL ACCEPTANCE (End of Warranty)

7/24/2020 Date of Punch-List Walk 10/1/2020 Date Punch-List Completed

FS Number: FS18-086 Permit Number(s): E18P-0697,E18P-0698,E18P-0699,E18P-0700,E18P-701

Project Name: Rancho Mercado Yearling Road - Phase 1

Project Developer/Builder: (Name, Address, and Phone #)

William Lyon Homes, 8840 E. Chaparral Rd, Suite 200, Scottsdale, Arizona 85250 480-893-1000

MAG TIP Reporting:

Street Name	Classification	Begin Limits	End Limits	# Lanes	Length to nearest ¼ mi.	Features
Yearling Rd	Collector	147th Ave	Sta 54+50.00	2	1	

MATERIALS:

Asphalt: MR Tanner Supplier 2 Total Lane Miles 11,624 Total Square Yards

Water: 8" C-900 Size/Type 164 Total Linear Feet 6" DIP Size/Type 84 Total Linear Feet

12" DIP Size/Type 4,180 Total Linear Feet Size/Type Total Linear Feet

Sewer: N/A Size/Type Total Linear Feet Size/Type Total Linear Feet

 Size/Type Total Linear Feet Size/Type Total Linear Feet

Storm: 18" RGRCP Size/Type 57 Total Linear Feet Size/Type Total Linear Feet

 Size/Type Total Linear Feet Size/Type Total Linear Feet

Fire Ln: N/A Size/Type Total Linear Feet Size/Type Total Linear Feet

Additional Comments:

SUPPORTING DOCUMENTATION REQUIRED:

XX Copy of Punch List XX AOC

N/A Final Certification Letter from Engineer of Record XX Asphalt Concrete Ticket w/ Name of Contractor

XX Complete Geotechnical Testing Packet XX Streetlight Energize Letter

N/A Sewer Pressure Testing Results XX As built Documents (PDF copy on CD)

N/A Sewer Manhole Vacuum Testing Certification XX As Built Documents in PDF format (copy on CD)

N/A Sewer Manhole Insecticide Certification N/A Updated asbuilt CAD base files (copy on CD)

N/A Sewer Videos with Operators Notes (inc. re-videos)

 Other Sheet 1 of 1 (Specify)

APPROVAL:

Civil Inspector: William Valdez

Date: 12/23/2020

Civil Engineering Supervisor: [Signature]

Date: 01/04/2021

	Roadway	New Lanes (total) (total incl.	New Bike Lanes (total)	Median Width (ft)	Length (ft)	Length (mile)	Length (Nearest mile)
	N. Yearling Road	2	0	0	4125.0	0.78	0.75

RESOLUTION # 2021-76

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA, TO CONDITIONALLY ACCEPT THE STREET AND PUBLIC UTILITY IMPROVEMENTS AND COMMENCE MAINTENANCE AFTER TWO YEAR WARRANTY AT RANCHO MERCADO N. YEARLING ROAD, GENERALLY LOCATED AT N. YEARLING ROAD AND N. 147th AVENUE.

WHEREAS, the Mayor and City Council of the City of Surprise approved a map of dedication entitled "Yearling Road" on, October 2nd, 2018;

WHEREAS, William Lyon Homes, Inc., a California Corporation, the developer of Rancho Mercado Yearling Road, dedicated to the City the street and public utility improvements, generally located at N. Yearling Road and N. Rancho Mercado Parkway;

WHEREAS, the Mayor and City Council of the City of Surprise approved a right-of-way of dedication entitled "Right of Way No. 16-119660-00" on, October 16th, 2018;

WHEREAS, the State of Arizona State Land Department dedicated right-of-way for construction, operation and maintenance of the roadway and public utilities, generally located at W. Yearling Road and N. 147th Avenue;

WHEREAS, on or about January 4th, 2021, the City of Surprise Public Works Department Engineering Division completed an inspection of the public improvements described in this resolution and found the improvements to be in substantial compliance with the approved plans and specifications;

WHEREAS, the City of Surprise notes that the two-year warranty period will commence upon conditional acceptance by the City; and

WHEREAS, after the conclusion of the two-year warranty period, the City of Surprise will release the warranty and begin maintenance of the street and public utility improvements.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Surprise, Arizona, as follows.

Section 1. The City of Surprise conditionally accepts the street and public utility improvements generally located as depicted on the map attached as Exhibit A and listed on Exhibit B.

Section 2. Upon final acceptance by the City Engineer, the City Council hereby directs the City to release warranty and begin maintenance of the street and public utility improvements.

APPROVED AND ADOPTED this _____ day of _____, 2021.

Skip Hall, Mayor

Attest:

Approved as to form:

Sherry Aguilar, City Clerk

Robert Wingo, City Attorney

Exhibit A

Map of Infrastructure

RANCHO MERCADO - YEARLING ROAD

INFRASTRUCTURE TO

BE ACCEPTED:

 WATER

 STORM DRAIN

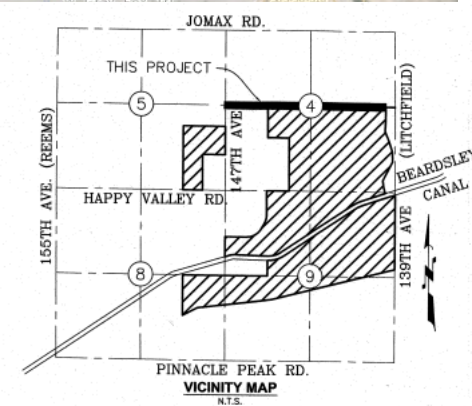
 ROADWAY



EXHIBIT B

ENGINEERING DIVISION
PUBLIC WORKS
CITY OF SURPRISE
16000 N. CIVIC CENTER PLAZA
SURPRISE, AZ 85374
T. 623-222-6150

Memorandum

To: City of Surprise City Council
From: Public Works – Engineering Services
Date: 1/24/2021
Re: Rancho Mercado Yearling Road

The public improvements for the above project have been completed and are tentatively scheduled for the June 1st, 2021 council agenda for acceptance. The amounts for the infrastructure have been provided by a third party and not the City of Surprise. The following are the infrastructure improvements included with this acceptance and the corresponding valuation that the City will be accepting:

City Paving - \$269,835.00

City Concrete - \$123,558.40

City Storm Drain – \$4,451.25

City Water - \$279,951.20

Total - \$677,795.85



CITY OF SURPRISE Regular City Council Meeting

Council Meeting Date: June 15, 2021
Submitting Department: Public Works
Staff Recommendations: None

Contact Person: Mike Gent, DIRECTOR - PW
District: District 1

Consent: Yes	Regular: No	Public Hearing: No	Report/Discussion: No
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Agenda Wording:

Consideration and action pertaining to the conditional acceptance and maintenance of certain streets and public utility improvements at W. Pinnacle Peak Road, generally located at W. Pinnacle Peak Road and N. 163rd Avenue; Resolution # 2021-78.

Motion:

I move to approve Resolution # 2021-78.

Background:

The Public Works Department conducted the final inspection of the public improvements for W. Pinnacle Peak Road on or about April 9, 2021, totaling 11,694 SY (approximately 2,400 LF) and determined that the infrastructure was compliant and acceptable to the city. The infrastructure includes asphalt pavement, concrete, water and wastewater lines.

Objective Analysis:

The improvements for this property provide access and conveyance to the property, sewer lines to convey wastewater from the property to the City's public system and water lines to convey domestic water to the property. This action will accept the required infrastructure.

Policy Compliant:

City Code generally requires development to install public infrastructure required to serve the development. Upon completion and acceptance of such infrastructure, the infrastructure becomes the property of the City. Acceptance of this infrastructure will officially transfer ownership and future maintenance to the City.

Financial Impact:

Acceptance of streets, sewer, and water infrastructure increases the city's asset base and adds to future maintenance commitments. The total acceptance value of the infrastructure included with this item is \$1,100,423.00.

Budget Impact:

Funding for the infrastructure maintenance now and in the future will be supported from the city's HURF, Water Operations, and Wastewater Operations Funds. The anticipated incremental additional

maintenance expense associated with the acceptance of these infrastructure items will be incorporated in future year budgets.

FTE Impact:

This action does not change the full time equivalent count.

ATTACHMENTS:

1. 03_ Inspection Sign-Off Form_Conditional
 2. 04_Linear Foor Verification
 3. 02_Notice of Completion Letter
 4. 01_Res 2021-78 Acceptance Pinnacle Peak Rd-final (1)
-



PROJECT SIGN OFF FORM

PUBLIC WORKS - ENGINEERING SERVICES, INSPECTIONS

Date Submitted: 4/9/2021 _____ Commercial _____ Commercial w/Offsite XX Residential

XX COMPLETION ACCEPTANCE (End of Construction) _____ FINAL ACCEPTANCE (End of Warranty)

12/23/2020 Date of Punch-List Walk 3/2/2021 Date Punch-List Completed

FS Number: FS16-472 Permit Number(s): E18P-0958,E18P-0959,E18P-0960,E18P-0961,E18P-0962,E18P-0973

Project Name: Fulton Homes Escalante Pinnacle Peak Road

Project Developer/Builder: (Name, Address, and Phone #)

Fulton Homes, 9140 S Kyrene Rd Suite 202, Tempe, Arizona 85284 480-753-7532

Sheet 1 of 1

MAG TIP Reporting:

Street Name	Classification	Begin Limits	End Limits	# Lanes	Length to nearest ¼ mi.	Features
163rd Ave	Arterial	Sta 3+59.17	Pinnacle Peak Road	1	1/4	
Pinnacle Peak Road	Collector	163rd Ave	Sta 33+64.40	3	1/2	

MATERIALS:

Asphalt:	Knochel Bros	Supplier	1.75	Total Lane Miles	11,971	Total Square Yards		
Water:	8" C900	Size/Type	71	Total Linear Feet	6" DIP	Size/Type	131	Total Linear Feet
	16" DIP	Size/Type	2,510	Total Linear Feet	12" DIP	Size/Type	62	Total Linear Feet
Sewer:	10" PVC	Size/Type	72	Total Linear Feet		Size/Type		Total Linear Feet
	12" PVC	Size/Type	2,539	Total Linear Feet		Size/Type		Total Linear Feet
Storm:	18" RGRCP	Size/Type	34	Total Linear Feet		Size/Type		Total Linear Feet
		Size/Type		Total Linear Feet		Size/Type		Total Linear Feet
Fire Ln:	N/A	Size/Type		Total Linear Feet		Size/Type		Total Linear Feet

Additional Comments:

SUPPORTING DOCUMENTATION REQUIRED:

<u>XX</u> Copy of Punch List	<u>XX</u> AOC
<u>XX</u> Final Certification Letter from Engineer of Record	<u>XX</u> Asphalt Concrete Ticket w/ Name of Contractor
<u>XX</u> Complete Geotechnical Testing Packet	<u>NA</u> Streetlight Energize Letter
<u>XX</u> Sewer Pressure Testing Results	<u>XX</u> As built Documents (PDF copy on CD)
<u>XX</u> Sewer Manhole Vacuum Testing Certification	<u>XX</u> As Built Documents in PDF format (copy on CD)
<u>XX</u> Sewer Manhole Insecticide Certification	<u>NA</u> Updated asbuilt CAD base files (copy on CD)
<u>XX</u> Sewer Videos with Operators Notes (inc. re-videos)	
Other <u>Sheet 1 of 1</u>	(Specify)

APPROVAL:

Civil Inspector: William Valdez

Date: 4/9/2021

Civil Engineering Supervisor: Kristen Jyllis

Date: 04/09/2021

	Roadway	Paving Paved Dirt Road?	New Lanes (total) (total incl.	New Bike Lanes (total)	Median Width (ft)	Length (ft)	Length (mile)
	W. Pinnacle Peak Road	N	5	0	0	500.0	0.09
	W. Pinnacle Peak Road	N	3	0	0	1900.0	0.36
					Total	2400.0	

April 16, 2021

Fulton Homes
9140 S Kyrene Rd., Suite 202
Tempe, AZ 85284

**RE: NOTICE OF COMPLETION AND COUNCIL ACTION REQUIREMENT FOR ESCALANTE
PINNACLE PEAK RD – FS16-472**

The City of Surprise Public Works Department has completed the inspection of the public utility improvements for the above referenced project. These improvements are in substantial compliance with the approved plans and specifications. Council action is required prior to conditional acceptance and the official beginning of the warranty period. The time frame for Council action is approximately 90 days after the following items have been submitted:

- A copy of all lien releases or a title report
- Actual construction cost for related civil permits issued
- Warranty assurance in a format acceptable by the City

A notice of the required assurance amount and acceptable formats will be sent via email once actual construction costs have been submitted by the applicant. The warranty period starts upon council acceptance for a period of two (2) years; please ensure warranty assurance will not expire prior to this date. The applicant will be notified of the council date as soon as it is scheduled and the warranty financial assurance is required to be submitted to the city 10 calendar days prior to the council date. If a warranty financial assurance is not received within 10 calendar days, council action and start of the warranty period will be delayed, at a minimum, an additional two (2) weeks.

A letter of conditional acceptance and notification that the warranty period has begun will be forwarded upon the completion of council acceptance. Also, a request to release the associated completion assurance will be made; notification will be sent when assurance document is available for pick up.

If you have any questions or concerns, you can reach me at 623-222-6153 or at kristin.tytler@surpriseaz.gov.

Sincerely,



Kristin Tytler
Assistant PW Director

cc: Nuning Lemka, PW Engineering Manager
David Mobley, PW Field Engineering Supervisor
Lynn Stone, PW Business Manager
Lee Lambert, Water Resource Management
Warren Bert, GIS

Mike Gent, Deputy City Manager/PW Director
John McFarland, PW Streets Manager
Jon Gake, Finance
Michael Boule, Water Resource Management
William Valdez, PW Civil Inspector

RESOLUTION # 2021-78

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA, TO CONDITIONALLY ACCEPT THE STREET AND PUBLIC UTILITY IMPROVEMENTS AND COMMENCE MAINTENANCE AFTER TWO YEAR WARRANTY AT W. PINNACLE PEAK ROAD, GENERALLY LOCATED AT W. PINNACLE PEAK ROAD AND N. 163RD AVENUE.

WHEREAS, the Mayor and City Council of the City of Surprise approved a map of dedication entitled "Pinnacle Peak Road" on, August 18, 2020;

WHEREAS, Fulton Homes Corporation, an Arizona Corporation, the developer of W. Pinnacle Peak Road, dedicated to the City the street and public utility improvements, generally located at W. Pinnacle Peak Road and N. 163rd Avenue;

WHEREAS, on or about April 9, 2021, the City of Surprise Public Works Department Engineering Division completed an inspection of the public improvements described in this resolution and found the improvements to be in substantial compliance with the approved plans and specifications;

WHEREAS, the City of Surprise notes that the two-year warranty period will commence upon conditional acceptance by the City; and

WHEREAS, after the conclusion of the two-year warranty period, the City of Surprise will release the warranty and begin maintenance of the street and public utility improvements.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Surprise, Arizona, as follows.

Section 1. The City of Surprise conditionally accepts the street and public utility improvements generally located as depicted on the map attached as Exhibit A and listed on Exhibit B.

Section 2. Upon final acceptance by the City Engineer, the City Council hereby directs the City to release warranty and begin maintenance of the street and public utility improvements.

SIGNATURES ON THE FOLLOWING PAGE

APPROVED AND ADOPTED this _____ day of _____, 2021.

Skip Hall, Mayor

Attest:

Approved as to form:

Sherry Aguilar, City Clerk

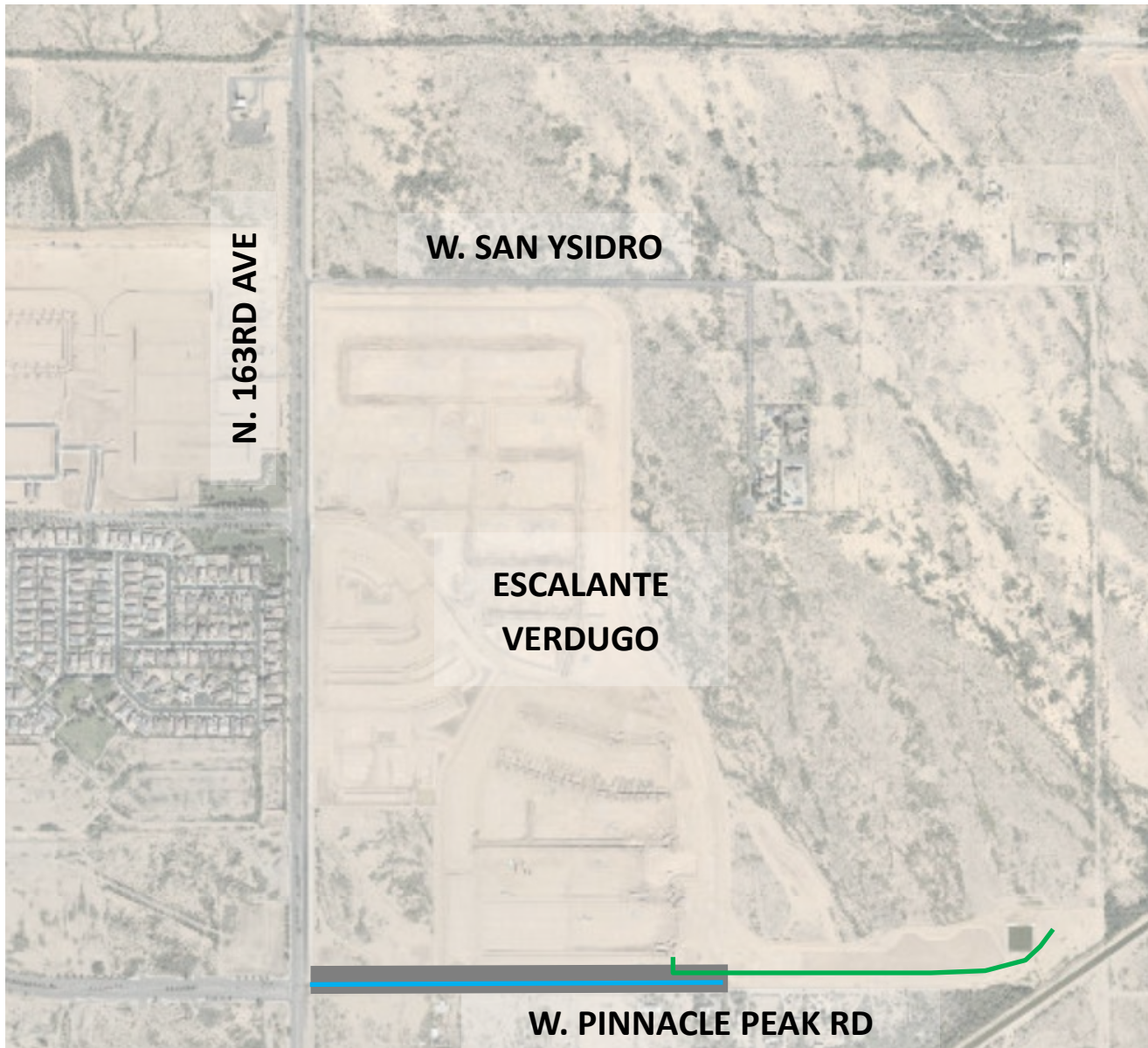
Robert Wingo, City Attorney

Exhibit A

Map of Infrastructure

EXHIBIT A

PINNACLE PEAK ROAD



INFRASTRUCTURE TO

BE ACCEPTED:

- SEWER
- WATER
- ROADWAY

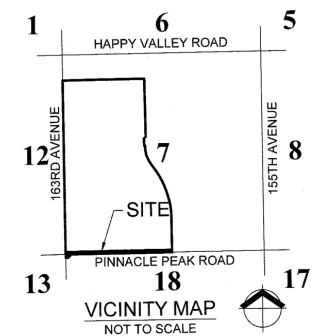




EXHIBIT B

ENGINEERING DIVISION
PUBLIC WORKS
CITY OF SURPRISE
16000 N. CIVIC CENTER PLAZA
SURPRISE, AZ 85374
T. 623-222-6150

Memorandum

To: City of Surprise City Council
From: Public Works – Engineering Services
Date: 05/07/2021
Re: Pinnacle Peak Road

The public improvements for the above project have been completed and are tentatively scheduled for the June 1, 2021 council agenda for acceptance. The amounts for the infrastructure have been provided by a third party and not the City of Surprise. The following are the infrastructure improvements included with this acceptance and the corresponding valuation that the City will be accepting:

City Water - \$372,930.00
City Sewer - \$235,847.00
City Concrete - \$110,917.00
City Paving - \$380,729.00

Total - \$1,100,423.00



CITY OF SURPRISE Regular City Council Meeting

Council Meeting Date: June 15, 2021
Submitting Department: Public Works
Staff Recommendations: None

Contact Person: Mike Gent, DIRECTOR - PW
District: District 2

Consent: Yes	Regular: No	Public Hearing: No	Report/Discussion: No
--------------	-------------	--------------------	-----------------------

Agenda Wording:

Consideration and action pertaining to the conditional acceptance and maintenance of certain streets and public utility improvements at Christopher Todd Communities on Mountain View, generally located at W. Mountain View Boulevard and N. Parkview Place; Resolution # 2021-77.

Motion:

I move to approve Resolution # 2021-77.

Background:

The Public Works Department conducted the final inspection of the public improvements for Christopher Todd Communities on Mountain View, generally located at W. Mountain View Boulevard and N. Parkview Place on or about April 28, 2021 totaling 3,912 SY (approximately 1,467 LF) and determined that the infrastructure was compliant and acceptable to the city. The infrastructure includes asphalt, concrete, and storm drain.

Objective Analysis:

The improvements for this property provide access and conveyance to the property and storm drains to convey wastewater to retention basins. This action will accept the required infrastructure.

Policy Compliant:

City Code generally requires development to install public infrastructure required to serve the development. Upon completion and acceptance of such infrastructure, the infrastructure becomes the property of the City. Acceptance of this infrastructure will officially transfer ownership and future maintenance to the City.

Financial Impact:

Acceptance of streets and storm drain infrastructure increases the city's asset base and adds to future maintenance commitments. The total acceptance value of the infrastructure included with this item is \$197,393.15.

Budget Impact:

Funding for the infrastructure maintenance now and in the future will be supported from the city's HURF and Stormwater Operations Funds. The anticipated incremental additional maintenance expense

associated with the acceptance of these infrastructure items will be incorporated in future year budgets.

FTE Impact:

This action does not change the full time equivalent count.

ATTACHMENTS:

1. 02_Notice of Completion Letter
 2. 03_Inspector Sign-Off Form
 3. 04_Linear Foot Verification
 4. 01_Res 2021-77 Acceptance Chistopher Todd-Mtn View-final2
-

April 30, 2021

Hancock Builders LLC
2600 N 44th St.
Phoenix, AZ 85008

RE: NOTICE OF COMPLETION AND COUNCIL ACTION REQUIREMENT FOR CHRISTOPHER TODD COMMUNITIES ON MOUNTAIN VIEW – FS18-532

The City of Surprise Public Works Department has completed the inspection of the public utility improvements for the above referenced project. These improvements are in substantial compliance with the approved plans and specifications. Council action is required prior to conditional acceptance and the official beginning of the warranty period. The time frame for Council action is approximately 90 days after the following items have been submitted:

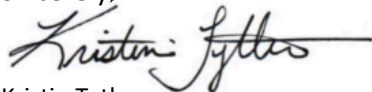
- A copy of all lien releases or a title report
- Actual construction cost for related civil permits issued
- Warranty assurance in a format acceptable by the City

A notice of the required assurance amount and acceptable formats will be sent via email once actual construction costs have been submitted by the applicant. The warranty period starts upon council acceptance for a period of two (2) years; please ensure warranty assurance will not expire prior to this date. The applicant will be notified of the council date as soon as it is scheduled and the warranty financial assurance is required to be submitted to the city 10 calendar days prior to the council date. If a warranty financial assurance is not received within 10 calendar days, council action and start of the warranty period will be delayed, at a minimum, an additional two (2) weeks.

A letter of conditional acceptance and notification that the warranty period has begun will be forwarded upon the completion of council acceptance. Also, a request to release the associated completion assurance will be made; notification will be sent when assurance document is available for pick up.

If you have any questions or concerns, you can reach me at 623-222-6153 or at kristin.tytler@surpriseaz.gov.

Sincerely,



Kristin Tytler
Assistant PW Director

cc: Nuning Lemka, PW Engineering Manager
David Mobley, PW Field Engineering Supervisor
Lynn Stone, PW Business Manager
Lee Lambert, Water Resource Management
Warren Bert, GIS

Mike Gent, Deputy City Manager/PW Director
John McFarland, PW Streets Manager
Jon Gake, Finance
Michael Boule, Water Resource Management



PROJECT SIGN OFF FORM

PUBLIC WORKS - ENGINEERING SERVICES, INSPECTIONS

Date Submitted: 4/26/2021 ☐ Commercial ☒ Commercial w/Offsite ☐ Residential

☒ COMPLETION ACCEPTANCE (End of Construction) ☐ FINAL ACCEPTANCE (End of Warranty)

7/21/2020 Date of Punch-List Walk 7/21/2020 Date Punch-List Completed

FS Number: FS18-532 Permit Number(s): E19P-0233,0235,0238,0240,0241,0236

Project Name: Christopher Todd on Mountain View

Project Developer/Builder: (Name/Email, Address)

Hancock Builders LLC

26000 N 44th ST 200, Phoenix AZ 85008

MAG TIP Reporting:

Street Name	Classification	Begin Limits	End Limits	# Lanes	Length to nearest ¼ mi.	Features
Mountain View	Local	STA: 5+64.33	STA: 21+08.32	1	1/4	Median

MATERIALS:

Asphalt:	<u>Vulcan Materials</u>	Supplier	<u>1/4</u>	Total Lane Miles	<u>3,479</u>	Total Square Yards
Water:	<u>8" DIP</u>	Size/Type	<u>3,874'</u>	Total LF	<u>6" DIP</u>	Size/Type
		Size/Type		Total LF		Size/Type
Sewer:	<u>8" PVC</u>	Size/Type	<u>2,515'</u>	Total LF		Size/Type
		Size/Type		Total LF		Size/Type
Storm:	<u>18" RGRCP</u>	Size/Type	<u>507'</u>	Total LF		Size/Type
		Size/Type		Total LF		Size/Type
Fire Ln:	<u>4" PVC</u>	Size/Type	<u>166'</u>	Total LF		Size/Type
		Size/Type		Total LF		Size/Type

Additional Comments:

SUPPORTING DOCUMENTATION REQUIRED:

☒ Copy of Punch List	☒ AOC
☐ Final Certification Letter from Engineer of Record	☒ Asphalt Concrete Ticket w/ Name of Contractor
☒ Complete Geotechnical Testing Packet	☒ Streetlight Energize Letter
☒ Sewer Pressure Testing Results	☒ As built Documents (PDF copy on CD)
☒ Sewer Manhole Vacuum Testing Certification	☐ Updated asbuilt CAD base files (copy on CD)
☒ Sewer Manhole Insecticide Certification	
☒ Sewer Videos with Operators Notes (inc. re-videos)	
☐ Other _____	(Specify)

APPROVAL:

Civil Inspector: David Mobley

Date: 4/28/21

Civil Engineering Supervisor: Kristen Jyllis

Date: 04/28/2021

D	C	L	MI	IV	U
	Roadway	Length (ft)	Length (mile)	Length (Nearest 1/4 mile)	Lane Miles
ities at Mountain View	W. Mountain View Boulevard	1467.0	0.28	0.25	0.28

RESOLUTION # 2021-77

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA, TO CONDITIONALLY ACCEPT THE STREET AND PUBLIC UTILITY IMPROVEMENTS AND COMMENCE MAINTENANCE AFTER TWO YEAR WARRANTY AT CHRISTOPHER TODD COMMUNITIES ON MOUNTAIN VIEW, GENERALLY LOCATED AT W. MOUNTAIN VIEW BOULEVARD AND N. PARKVIEW PLACE.

WHEREAS, the Mayor and City Council of the City of Surprise approved a final plat entitled "Christopher Todd Communities on Mountain View" on, September 4th, 2018;

WHEREAS, Village Main Townhomes, L.P., an Arizona Limited Partnership, the developer of Christopher Todd Communities on Mountain View, dedicated to the City the street and public utility improvements, generally located at W. Mountain View Boulevard and N. Parkview Place;

WHEREAS, on or about April 28, 2021, the City of Surprise Public Works Department Engineering Division completed an inspection of the public improvements described in this resolution and found the improvements to be in substantial compliance with the approved plans and specifications;

WHEREAS, the City of Surprise notes that the two-year warranty period will commence upon conditional acceptance by the City; and

WHEREAS, after the conclusion of the two-year warranty period, the City of Surprise will release the warranty and begin maintenance of the street and public utility improvements.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Surprise, Arizona, as follows.

Section 1. The City of Surprise conditionally accepts the street and public utility improvements generally located as depicted on the map attached as Exhibit A and listed on Exhibit B.

Section 2. Upon final acceptance by the City Engineer, the City Council hereby directs the City to release warranty and begin maintenance of the street and public utility improvements.

SIGNATURES ON THE FOLLOWING PAGE

APPROVED AND ADOPTED this _____ day of _____, 2021.

Skip Hall, Mayor

Attest:

Approved as to form:

Sherry Aguilar, City Clerk

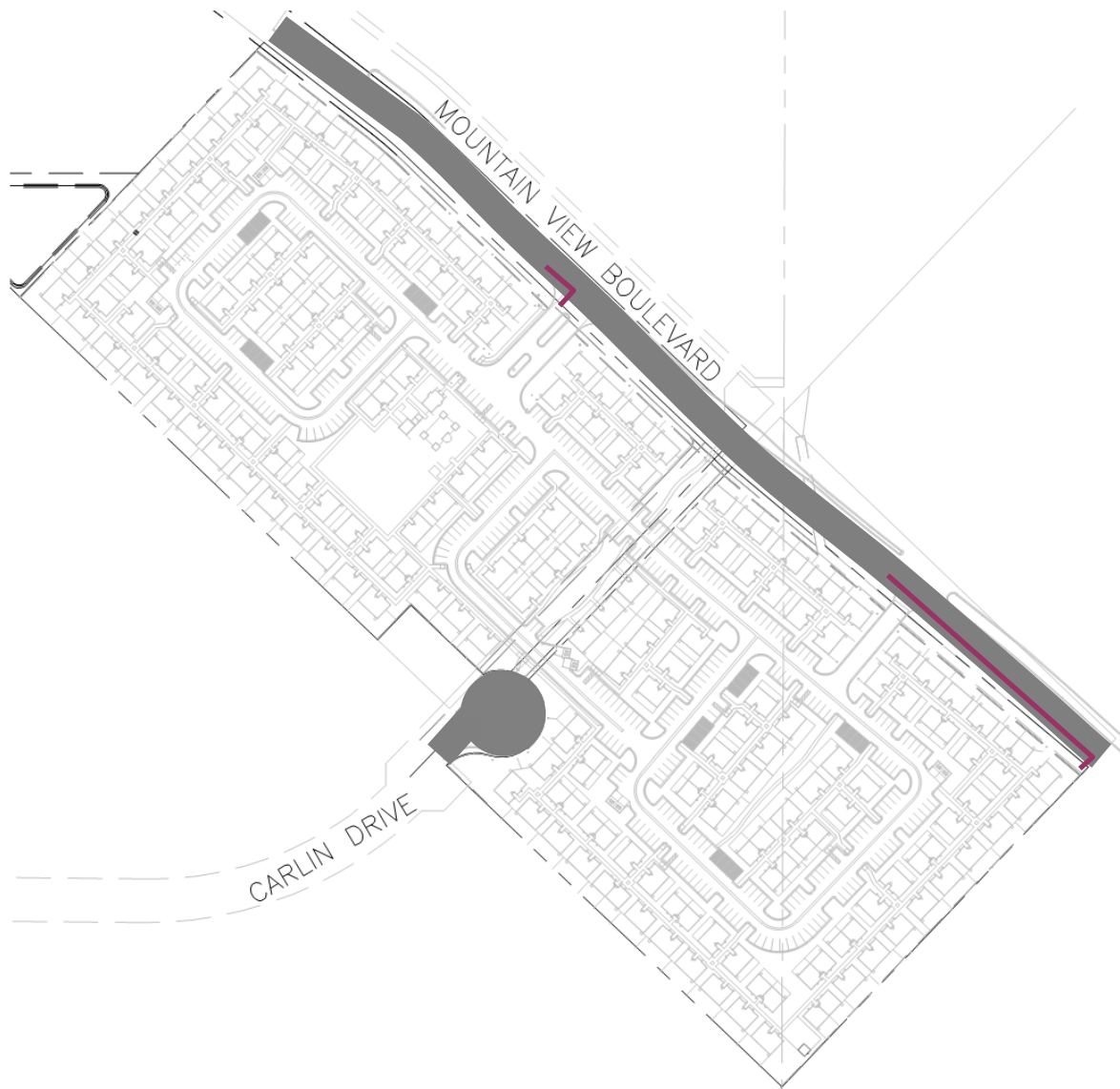
Robert Wingo, City Attorney

Exhibit A

Map of Infrastructure

EXHIBIT A

Christopher Todd Communities at Mountain View



INFRASTRUCTURE TO

BE ACCEPTED:

— STORM DRAIN

— ROADWAY

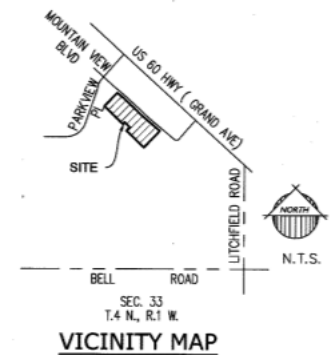




EXHIBIT B

ENGINEERING DIVISION
PUBLIC WORKS
CITY OF SURPRISE
16000 N. CIVIC CENTER PLAZA
SURPRISE, AZ 85374
T. 623-222-6150

Memorandum

To: City of Surprise City Council
From: Public Works – Engineering Services
Date: May 4th, 2021
Re: Christopher Todd Communities at Mountain View

The public improvements for the above project have been completed and are tentatively scheduled for the June 1, 2021 council agenda for acceptance. The amounts for the infrastructure have been provided by a third party and not the City of Surprise. The following are the infrastructure improvements included with this acceptance and the corresponding valuation that the City will be accepting:

City Paving: \$71,547.81
City Concrete: \$36,885.34
City Storm Drain: \$88,960.00

Total: \$197,393.15



CITY OF SURPRISE Regular City Council Meeting

Council Meeting Date: June 15, 2021
Submitting Department: Public Works
Staff Recommendations: None

Contact Person: Mike Gent, DIRECTOR - PW
District: District 1

Consent: Yes	Regular: No	Public Hearing: No	Report/Discussion: No
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Agenda Wording:

Consideration and action pertaining to the conditional acceptance and maintenance of certain streets and public utility improvements at Rancho Mercado Parcel A15, generally located at W. Yearling Road and N. Rancho Mercado Parkway; Resolution # 2021-75.

Motion:

I move to approve Resolution # 2021-75.

Background:

The Public Works Department conducted the final inspection of the public improvements for Rancho Mercado Parcel A15, generally located at W. Yearling Road and N. Rancho Mercado Parkway on or about April 9, 2021 totaling 10,506 SY (approximately 3,377 LF) and determined that the infrastructure was compliant and acceptable to the city. The infrastructure includes asphalt pavement, concrete, storm drain, water and wastewater lines.

Objective Analysis:

The improvements for this property provide access and conveyance to the property, storm drains to convey wastewater to retention basins, sewer lines to convey wastewater from the property to the City's public system and water lines to convey domestic water to the property. This action will accept the required infrastructure.

Policy Compliant:

City Code generally requires development to install public infrastructure required to serve the development. Upon completion and acceptance of such infrastructure, the infrastructure becomes the property of the City. Acceptance of this infrastructure will officially transfer ownership and future maintenance to the City.

Financial Impact:

Acceptance of streets, sewer, water, and storm drain infrastructure increases the city's asset base and adds to future maintenance commitments. The total acceptance value of the infrastructure included with this item is \$1,121,429.05.

Budget Impact:

Funding for the infrastructure maintenance now and in the future will be supported from the city's HURF, Water Operations, Wastewater Operations, and Stormwater Operations Funds. The anticipated incremental additional maintenance expense associated with the acceptance of these infrastructure items will be incorporated in future year budgets.

FTE Impact:

This action does not change the full time equivalent count.

ATTACHMENTS:

1. 01_Res 2021-75 Acceptance of Rancho Mercado Parcel A15-final
 2. 02_Notice of Completion Letter
 3. 03_Inspector Sign-off Form_Conditional
 4. 04_Linear Foot Verification
-

RESOLUTION # 2021-75

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA, TO CONDITIONALLY ACCEPT THE STREET AND PUBLIC UTILITY IMPROVEMENTS AND COMMENCE MAINTENANCE AFTER TWO YEAR WARRANTY AT RANCHO MERCADO PARCEL A15, GENERALLY LOCATED AT W. YEARLING ROAD AND N. RANCHO MERCADO PARKWAY.

WHEREAS, the Mayor and City Council of the City of Surprise approved a final plat entitled "Rancho Mercado Parcel A15" on, August 6th, 2019;

WHEREAS, Brookfield Holdings (Mercado) LLC, a Delaware Limited Liability Company, the developer of Rancho Mercado Parcel A15, dedicated to the City the street and public utility improvements, generally located at W. Yearling Road and N. Rancho Mercado Parkway;

WHEREAS, on or about April 9th, 2021, the City of Surprise Public Works Department Engineering Division completed an inspection of the public improvements described in this resolution and found the improvements to be in substantial compliance with the approved plans and specifications;

WHEREAS, the City of Surprise notes that the two-year warranty period will commence upon conditional acceptance by the City; and

WHEREAS, after the conclusion of the two-year warranty period, the City of Surprise will release the warranty and begin maintenance of the street and public utility improvements.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Surprise, Arizona, as follows.

Section 1. The City of Surprise conditionally accepts the street and public utility improvements generally located as depicted on the map attached as Exhibit A and listed on Exhibit B.

Section 2. Upon final acceptance by the City Engineer, the City Council hereby directs the City to release warranty and begin maintenance of the street and public utility improvements.

SIGNATURES ON THE FOLLOWING PAGE

APPROVED AND ADOPTED this _____ day of _____, 2021.

Skip Hall, Mayor

Attest:

Approved as to form:

Sherry Aguilar, City Clerk

Robert Wingo, City Attorney

Exhibit A

Map of Infrastructure

RANCHO MERCADO PARCEL A15



INFRASTRUCTURE TO BE ACCEPTED:

- WATER
- SEWER
- STORM DRAIN
- ROADWAY

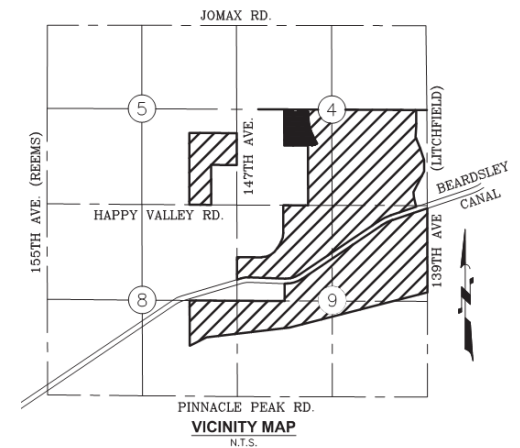




EXHIBIT B

ENGINEERING DIVISION
PUBLIC WORKS
CITY OF SURPRISE
16000 N. CIVIC CENTER PLAZA
SURPRISE, AZ 85374
T. 623-222-6150

Memorandum

To: City of Surprise City Council
From: Public Works – Engineering Services
Date: 05/06/2021
Re: Rancho Mercado Parcel A15

The public improvements for the above project have been completed and are tentatively scheduled for the June 1, 2021 council agenda for acceptance. The amounts for the infrastructure have been provided by a third party and not the City of Surprise. The following are the infrastructure improvements included with this acceptance and the corresponding valuation that the City will be accepting:

City Paving - \$279,250.00
City Concrete - \$300,186.50
City Drainage - \$24,573.00
City Water - \$235,072.00
City Sewer - \$282,347.55

Total - \$1,121,429.05

April 16, 2021

Taylor Morrison Arizona Inc.
4900 N Scottsdale Rd, Suite 2200
Scottsdale, AZ 85251

**RE: NOTICE OF COMPLETION AND COUNCIL ACTION REQUIREMENT FOR RANCHO
MERCADO PARCEL A15 – FS18-547**

The City of Surprise Public Works Department has completed the inspection of the public utility improvements for the above referenced project. These improvements are in substantial compliance with the approved plans and specifications. Council action is required prior to conditional acceptance and the official beginning of the warranty period. The time frame for Council action is approximately 90 days after the following items have been submitted:

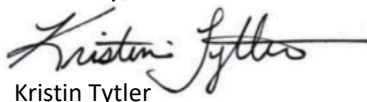
- A copy of all lien releases or a title report
- Actual construction cost for related civil permits issued
- Warranty assurance in a format acceptable by the City

A notice of the required assurance amount and acceptable formats will be sent via email once actual construction costs have been submitted by the applicant. The warranty period starts upon council acceptance for a period of two (2) years; please ensure warranty assurance will not expire prior to this date. The applicant will be notified of the council date as soon as it is scheduled and the warranty financial assurance is required to be submitted to the city 10 calendar days prior to the council date. If a warranty financial assurance is not received within 10 calendar days, council action and start of the warranty period will be delayed, at a minimum, an additional two (2) weeks.

A letter of conditional acceptance and notification that the warranty period has begun will be forwarded upon the completion of council acceptance. Also, a request to release the associated completion assurance will be made; notification will be sent when assurance document is available for pick up.

If you have any questions or concerns, you can reach me at 623-222-6153 or at kristin.tytler@surpriseaz.gov.

Sincerely,



Kristin Tytler
Assistant PW Director

cc: Nuning Lemka, PW Engineering Manager
David Mobley, PW Field Engineering Supervisor
Lynn Stone, PW Business Manager
Lee Lambert, Water Resource Management
Warren Bert, GIS

Mike Gent, Deputy City Manager/PW Director
John McFarland, PW Streets Manager
Jon Gake, Finance
Michael Boule, Water Resource Management
William Valdez, PW Civil Inspector



PROJECT SIGN OFF FORM

PUBLIC WORKS - ENGINEERING SERVICES, INSPECTIONS

Date Submitted: 4/9/2021 Commercial Commercial w/Offsite XX Residential

XX COMPLETION ACCEPTANCE (End of Construction) FINAL ACCEPTANCE (End of Warranty)

11-18-2020 Date of Punch-List Walk 3/3/2021 Date Punch-List Completed

FS Number: FS18-547 Permit Number(s): E19P-0350,E19P-0351,E19P-0354,E19P-355,E19P-0357

Project Name: Rancho Mercado Parcel A15

Project Developer/Builder: (Name, Address, and Phone #)

William Lyon Homes, 8840 E. Chaparral Rd, Suite 200, Scottsdale, Arizona 85250 480-893-1000

MAG TIP Reporting:

Street Name	Classification	Begin Limits	End Limits	# Lanes	Length to nearest ¼ mi.	Features
Honeysuckle Dr	Local	144th Ln	144th Ave	2	1/4	
El Cortez Pl	Local	144th Ln	144th Ave	2	1/4	
Cottontail Ln	Local	144th Ln	144th Ave	2	1/4	
Swayback Pass	Local	144th Dr	Sta 14+13.11	2	1/4	
144th Ln	Local	Sta 10+00.00	Honeysuckle Dr	2	1/4	

MATERIALS:

Asphalt: MR Tanner Supplier 4 Total Lane Miles 10,090 Total Square Yards

Water: 8" C-900 Size/Type 3,384 Total Linear Feet Size/Type Total Linear Feet

6" DIP Size/Type 84 Total Linear Feet Size/Type Total Linear Feet

Sewer: 8" PVC Size/Type 3,081 Total Linear Feet Size/Type Total Linear Feet

4" PVC Size/Type 2,490 Total Linear Feet Size/Type Total Linear Feet

Storm: 18" RGRCP III Size/Type 164 Total Linear Feet 18" RGRCP V Size/Type 93 Total Linear Feet

24" RGRCP V Size/Type 88 Total Linear Feet Size/Type Total Linear Feet

Fire Ln: N/A Size/Type Size/Type Total Linear Feet Size/Type Total Linear Feet

Additional Comments:

SUPPORTING DOCUMENTATION REQUIRED:

XX Copy of Punch List

N/A Final Certification Letter from Engineer of Record

XX Complete Geotechnical Testing Packet

XX Sewer Pressure Testing Results

XX Sewer Manhole Vacuum Testing Certification

XX Sewer Manhole Insecticide Certification

XX Sewer Videos with Operators Notes (inc. re-videos)

Other Sheet 1 of 2 (Specify)

N/A AOC

XX Asphalt Concrete Ticket w/ Name of Contractor

XX Streetlight Energize Letter

XX As built Documents (PDF copy on CD)

XX As Built Documents in PDF format (copy on CD)

N/A Updated asbuilt CAD base files (copy on CD)

APPROVAL:

Civil Inspector: William Valdez

Date: 4/9/2021

Civil Engineering Supervisor: Kristen Lytle

Date: 04/09/2021



PROJECT SIGN OFF FORM

PUBLIC WORKS - ENGINEERING SERVICES, INSPECTIONS

Date Submitted: 4/9/2021 _____ Commercial _____ Commercial w/Offsite XX Residential

XX COMPLETION ACCEPTANCE (End of Construction) _____ FINAL ACCEPTANCE (End of Warranty)

11-18-2020 Date of Punch-List Walk 3/3/2021 Date Punch-List Completed

FS Number: FS18-547 Permit Number(s): See Sheet 1

Project Name: Rancho Mercado Parcel A15

Project Developer/Builder: (Name, Address, and Phone #)

William Lyon Homes, 8840 E. Chaparral Rd, Suite 200, Scottsdale, Arizona 85250 480-893-1000

MAG TIP Reporting:

Street Name	Classification	Begin Limits	End Limits	# Lanes	Length to nearest ¼ mi.	Features
144th Dr	Local	Swayback Pass	Cottontail Ln	2	1/4	
144th Dr	Local	Honeysuckle Dr	Yearling Rd	2	1/4	
144th Ave	Local	Cottontail Ln	Honeysuckle Dr	2	1/4	

MATERIALS:

Asphalt: See Sheet 1 _____ Supplier _____ Total Lane Miles _____ Total Square Yards

Water: _____ Size/Type _____ Total Linear Feet _____ Size/Type _____ Total Linear Feet

_____ Size/Type _____ Total Linear Feet _____ Size/Type _____ Total Linear Feet

Sewer: _____ Size/Type _____ Total Linear Feet _____ Size/Type _____ Total Linear Feet

_____ Size/Type _____ Total Linear Feet _____ Size/Type _____ Total Linear Feet

Storm: _____ Size/Type _____ Total Linear Feet _____ Size/Type _____ Total Linear Feet

_____ Size/Type _____ Total Linear Feet _____ Size/Type _____ Total Linear Feet

Fire Ln: _____ Size/Type _____ Total Linear Feet _____ Size/Type _____ Total Linear Feet

Additional Comments:

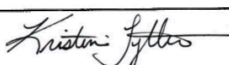
SUPPORTING DOCUMENTATION REQUIRED:

- | | |
|---|--|
| ☐ Copy of Punch List | ☐ AOC |
| ☐ Final Certification Letter from Engineer of Record | ☐ Asphalt Concrete Ticket w/ Name of Contractor |
| ☐ Complete Geotechnical Testing Packet | ☐ Streetlight Energize Letter |
| ☐ Sewer Pressure Testing Results | ☐ As built Documents (PDF copy on CD) |
| ☐ Sewer Manhole Vacuum Testing Certification | ☐ As Built Documents in PDF format (copy on CD) |
| ☐ Sewer Manhole Insecticide Certification | ☐ Updated asbuilt CAD base files (copy on CD) |
| ☐ Sewer Videos with Operators Notes (inc. re-videos) | |
| ☐ Other <u>Sheet 2 of 2</u> _____ (Specify) | |

APPROVAL:

Civil Inspector: William Valdez 

Date: 4/9/2021

Civil Engineering Supervisor: Kristen Jylles 

Date: 04/09/2021

	Private/Public	Classification	Limits (Begin)	Limits (End)	Paving Paved Dirt Road?	New Lanes (total) (total incl.)
Pass	Public	Local	W. Swayback Pass	N. 144th Drive	N	2
	Public	Local	W. Swayback Pass	W. Cottontail Lane	N	2
ane	Public	Local	N. 144th Avenue	N. 144th Lane	N	2
ue	Public	Local	W. Cottontail Lane	W. Honeysuckle Drive	N	2
ace	Public	Local	N. 144th Avenue	N. 144th Lane	N	2
e Drive	Public	Local	N. 144th Avenue	N. 144th Lane	N	2
	Public	Local	W. Honeysuckle Drive	W. Yearling Road	N	2
	Public	Local	85' South of W. Cottontail Lar	W. Honeysuckle Drive	N	2



CITY OF SURPRISE Regular City Council Meeting

Council Meeting Date: June 15, 2021 Contact Person: Robert Kuhfuss
Submitting Department: Community Development District: District 3
Staff Recommendations: None

Consent: Yes Regular: No Public Hearing: No Report/Discussion: No

Agenda Wording:

Consideration and action pertaining to approval the Map of Dedication entitled, "Toll at Prasada – Peoria Avenue Phase 3", dedicating approximately 1.89 acres of real property generally located on the northern half of Peoria Avenue, west of the Citrus Road alignment.

Motion:

I move to approve the Map of Dedication entitled, "Toll at Prasada – Peoria Avenue Phase 3".

Background:

The subject request involves a Map of Dedication (MOD) for Peoria Avenue Phase 3, associated with the Toll at Prasada project. If approved, this MOD will dedicate approximately 1.89 acres to the city. The segment of roadway encompassed by this MOD includes the north half of the Peoria Road right-of-way extending from the Citrus Road alignment approximately ¼ mile to the west.

Objective Analysis:

The Maricopa Water District (MWD) required the applicant to enter into a Development Agreement with MWD and to establish a number of new easements intended to replace certain existing easements that currently encumber the property and interfere with the development plans for the site. The applicant addressed this issue with MWD and entered into a Development Agreement with the District.

Policy Compliant:

The requested Final Plat is consistent with the Prasada PAD and advances the goals and policies of the General Plan.

Financial Impact:

While this item does not have an immediate or direct financial impact, ongoing development activity in the City will inevitably have a future financial impact as additional resources are needed to provide city services.

Budget Impact:

There is no anticipated budget impact related to this item.

FTE Impact:

This item does not have an impact on current staff levels.

ATTACHMENTS:

1. 00 FS19-788 Toll at Prasada Peoria Avenue Phase 3 MOD 06-15-21 CC Staff Report
 2. 01 FS19-788 Toll at Prasada Peoria Avenue Phase 3 MOD Vicinity Map
 3. 02 FS19-788 Toll at Prasada Peoria Avenue Phase 3 Case Map
 4. 03 FS19-788 Peoria Avenue Phase 3 MOD
 5. 04 FS19-788 Toll at Prasada Peoria Phase 3 06-15-21 CC Presentation
-

MAP OF DEDICATION

REPORT TO THE CITY COUNCIL

Case: FS19-788

Project Name: Toll at Prasada Peoria Avenue Phase 3 MOD

Council District: 3 - Mesquite

City Council Date: June 15, 2021 (Continued from March 16, 2021)

Planner: Robert H. Kuhfuss, AICP

Owner: Toll Prasada, LLC

Applicant: Aaron Insco of Toll Bros, Inc.

Request: Map of Dedication for Toll at Prasada Peoria Avenue Phase 3

Site Location: Generally, the northern half of Peoria Avenue, west of Citrus Road

Site Size: 1.89 acres (approx.)

Density: N/A

General Plan Conformance: The proposal is consistent with the Surprise General Plan 2035

Support/Opposition: None known

Findings:

- The proposed Map of Dedication is consistent with the Prasada PAD.
- The proposed Map of Dedication is consistent with the Toll at Prasada Preliminary Plat as approved under FS17-394.
- The proposed Map of Dedication is consistent with the applicable City of Surprise regulations.
- The reviewing agencies have indicated no objections to the request.

Alternative Actions:

Approval of the requested Map of Dedication will allow the developer to dedicate certain right-of-way to the City of Surprise in support of the Sterling Grove Development.

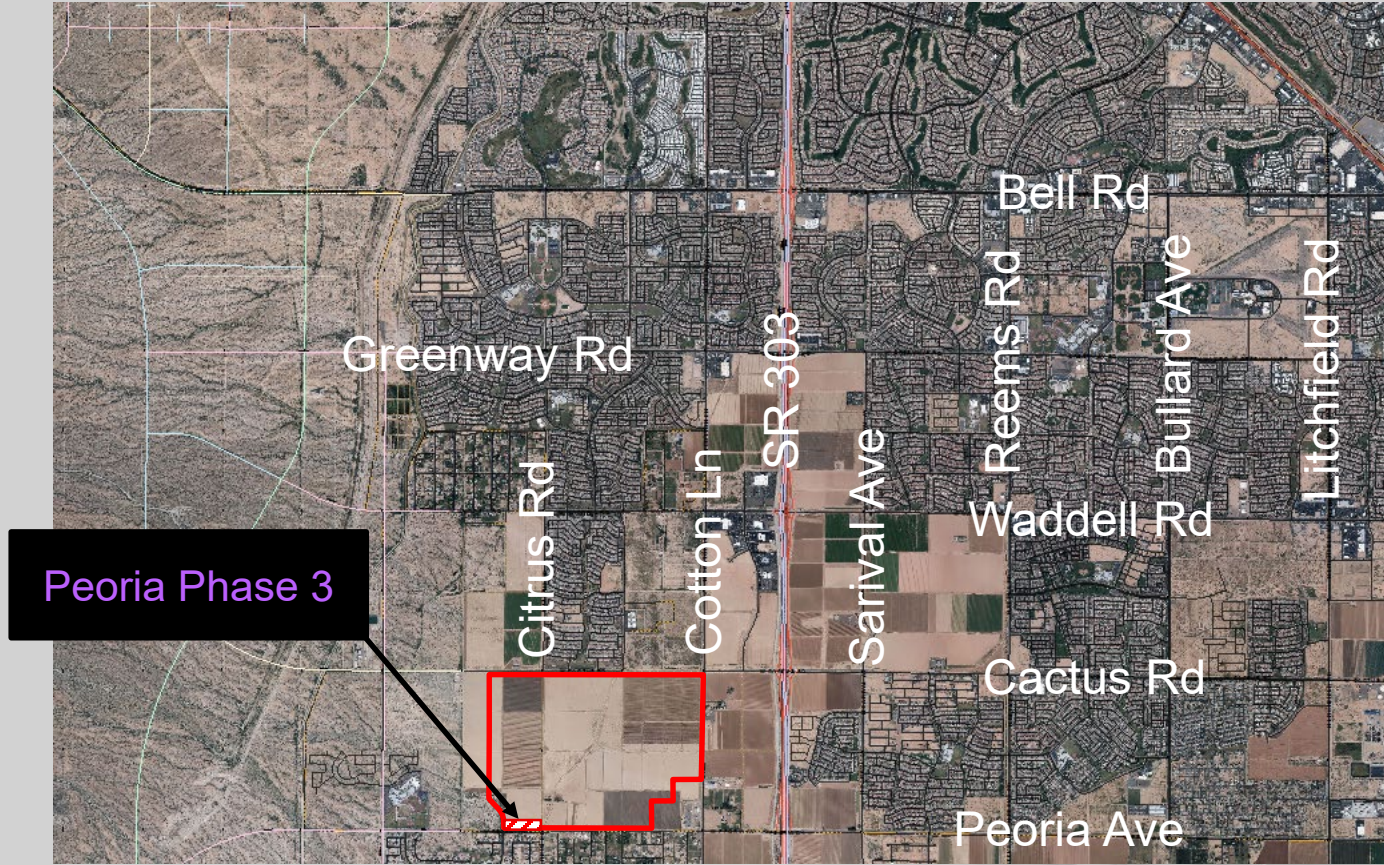
Denial of the requested Map of Dedication will deny the applicant the opportunity to dedicate certain right-of-way to the City of Surprise in the manner proposed.

Project Description:

The subject request involves a Map of Dedication (MOD) for Peoria Avenue Phase 3, associated with the Toll at Prasada project. If approved, this MOD will dedicate approximately 1.89 acres to the city. The segment of roadway encompassed by this MOD includes the north half of the Peoria Road right-of-way extending from the Citrus Road alignment approximately ¼ mile to the west.

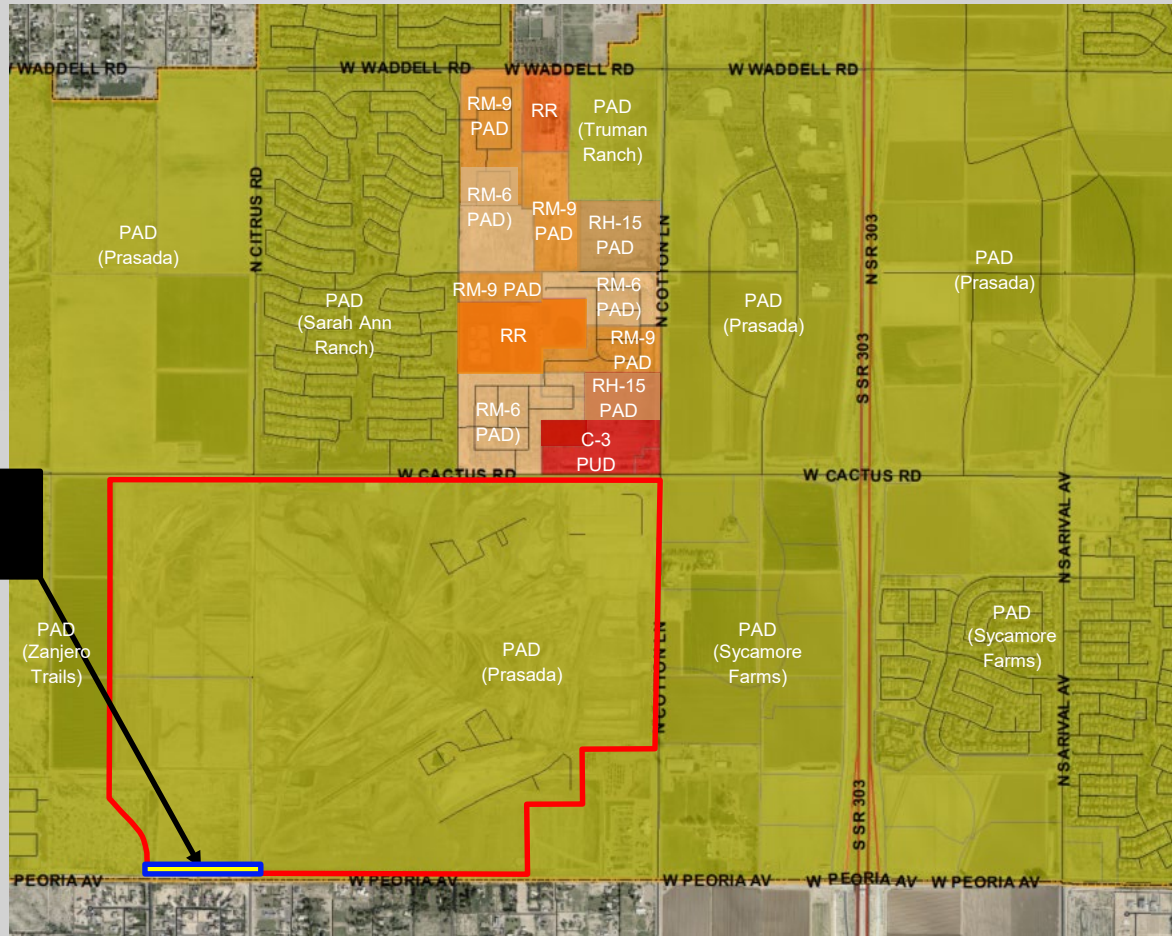
Attachments:

- 01 Vicinity Map
- 02 Case Map
- 03 Map of Dedication



FS19-788 Vicinity Map

Peoria Avenue Phase 3



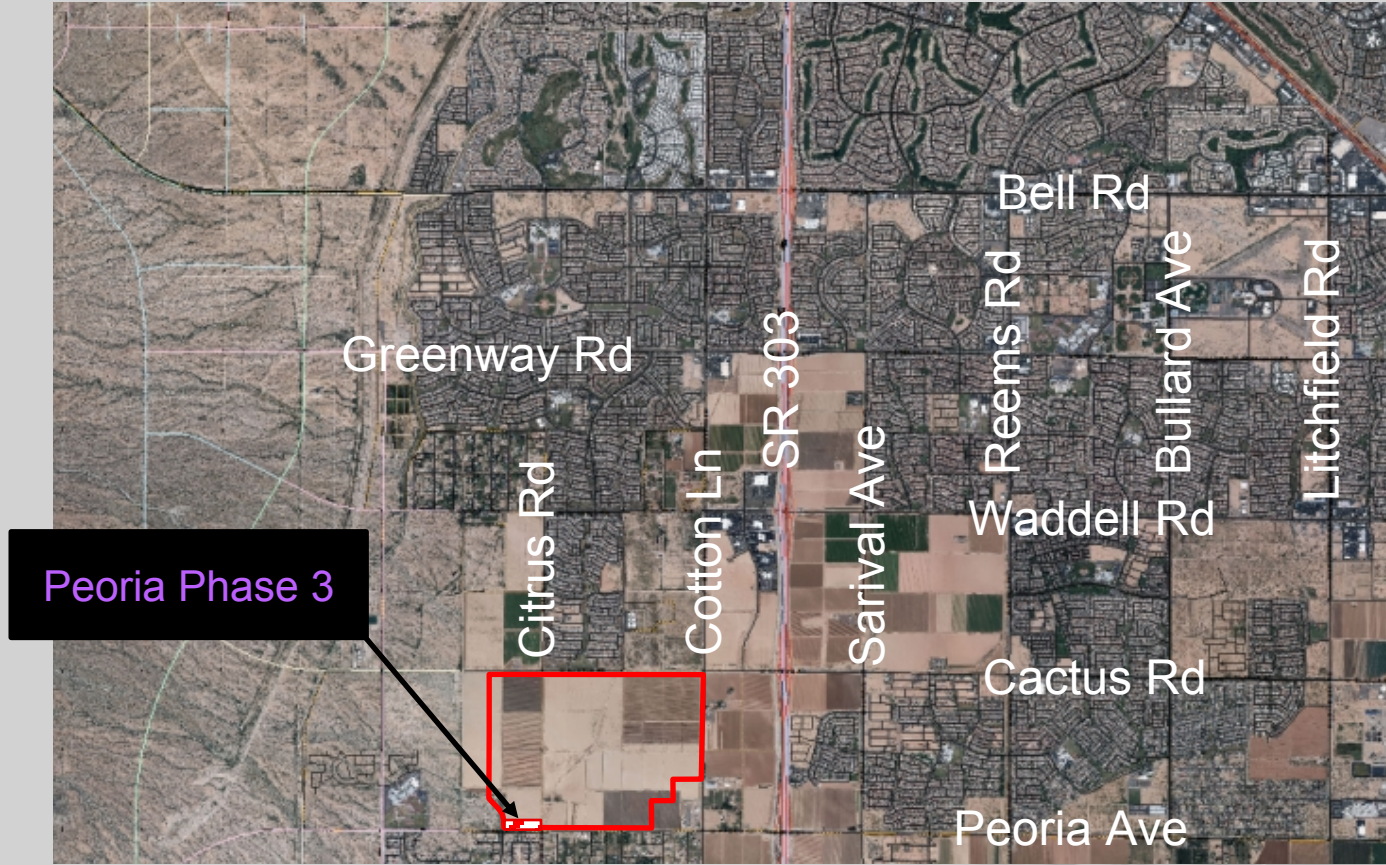
FS19-788 Case Map



June 15, 2021 City Council

Toll at Prasada

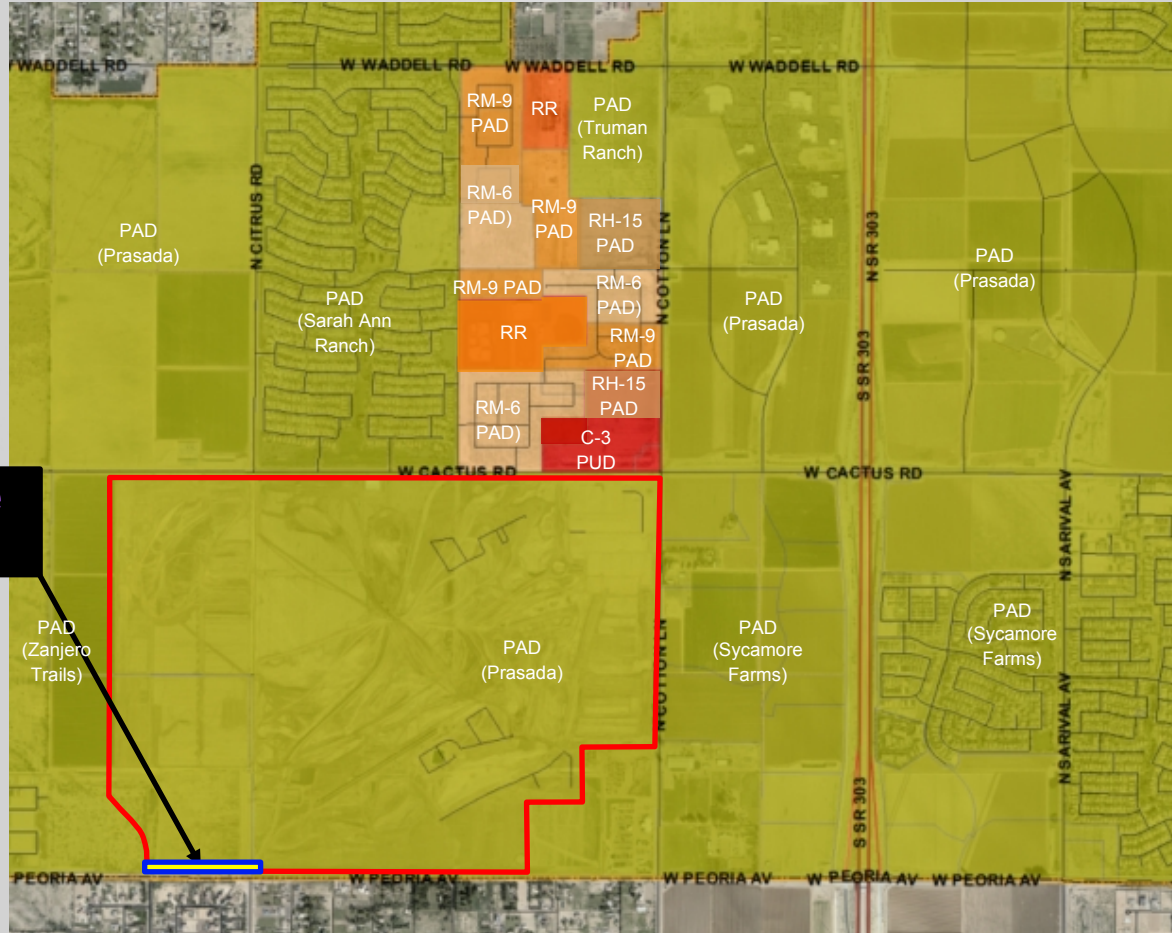
FS19-788 Peoria Avenue Phase 3 MOD

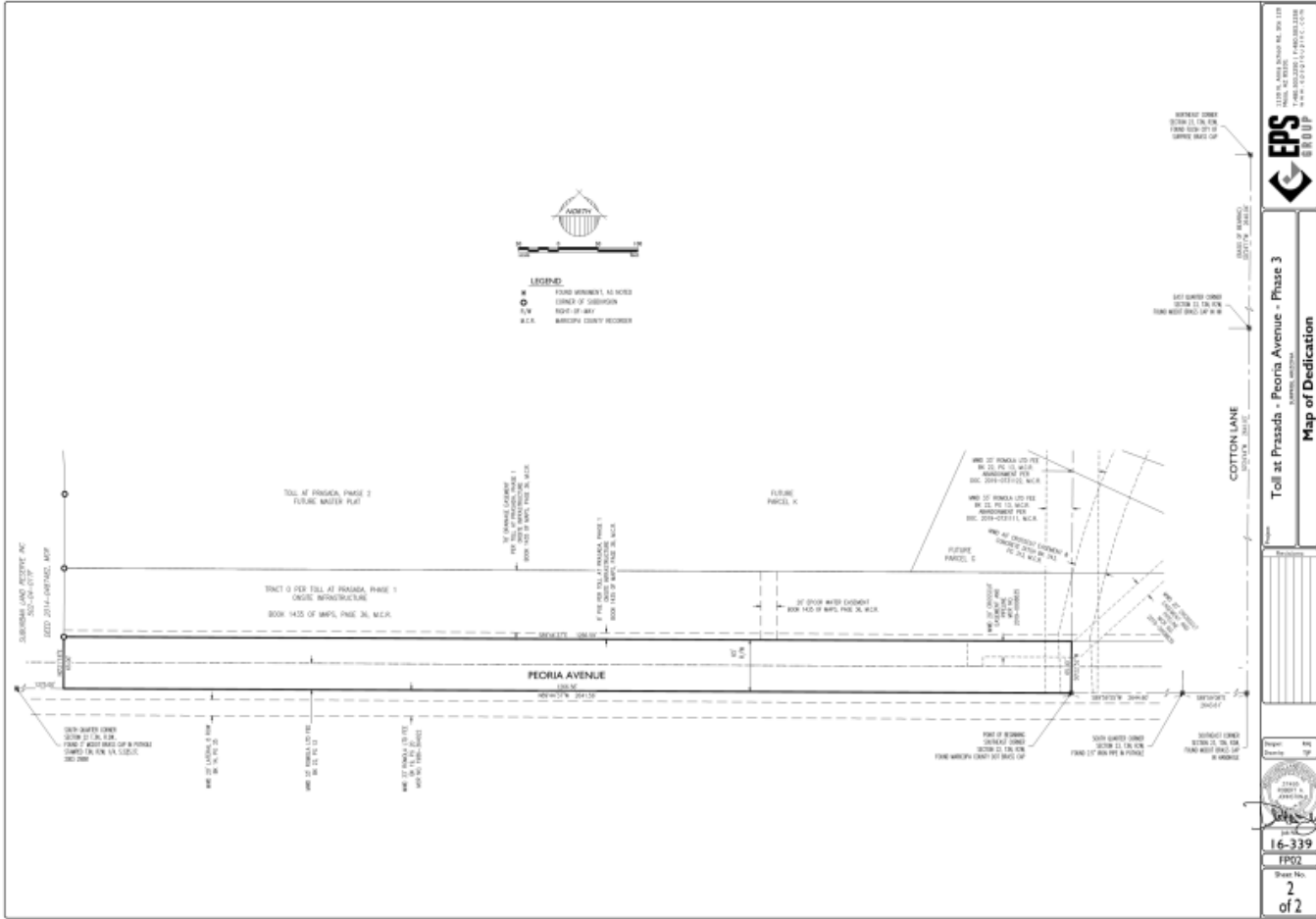


FS19-788 Vicinity Map

FS19-788 Case Map

Peoria Avenue Phase 3





FS19-788

Toll at Peoria

Peoria Avenue Phase 3



QUESTIONS OR COMMENTS?

Thank You



CITY OF SURPRISE Regular City Council Meeting

Council Meeting Date: June 15, 2021
Submitting Department: Public Works
Staff Recommendations: None

Contact Person: Mike Gent, DIRECTOR - PW
District: District 3

Consent: Yes	Regular: No	Public Hearing: No	Report/Discussion: No
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Agenda Wording:

Consideration and action declaring the city's intent to enlarge the existing lighting improvement district known as "Sycamore Estates Parcel 13" pursuant to A.R.S. § 48-616 for the purpose of purchasing facilities and energy for lighting the public streets and parks; Resolution # 2021-73.

Motion:

I move to approve Resolution # 2021-73.

Background:

Sycamore Esates Parcel 13 was formed in 2006 (Resolution 2016-45). Since the time of formation, new parcels have been formed in and around the original SLID boundary. We request enlarging the existing SLID to include the new parcels and extend existing boundaries to roadway centerlines. The city has verified that the Petition for the proposed street light improvement district enlargement contains the signatures of all of the real property owners in the enlargement area of the district, exclusive of mortgages and other lien holders. 50 (estimated) new lights are proposed within this enlargement which are local and collector roads and will be billed to the Sycamore Esates Parcel 13 SLID.

Objective Analysis:

A SLID is a neighborhood partnership and very common practice in which property owners in a defined area agree to pay the costs to operate and maintain their immediate area's street lights through a property tax. All new developments in the City of Surprise require a SLID. This action will enlarge an existing SLID boundary to include the remainder of the parcels not within the SLID and extend existing boundaries to roadway centerlines. The District is paid for by the levy and collection of ad valorem of taxes based on the number and classification of properties within the District. The enlargement of the SLID will only affect the parcels joining into the District, as the valuation of the property may be increased.

Policy Compliant:

Surprise Municipal Code requires that street lighting that serves a defined area be paid for through revenues obtained from the specific area being served by such street lighting. In these instances, a Street Light Improvement District (SLID) is formed. The city strives to assure that residents are subject to only one SLID and that the boundaries of each SLID accurately reflect the service area. This item is consistent with these objectives.

Financial Impact:

Any financial impact on the City is anticipated to be minimal, as the ratio of the new lights to existing lights is very small.

Budget Impact:

This is an enlargement of an existing SLID, therefore no impact to the budget is anticipated. A separate fund for this District is currently in place to track the revenue and expenses.

FTE Impact:

This action does not change the full time equivalent count.

ATTACHMENTS:

1. 03 Paradisi Parcel H - Street Light Plans FS20-606 _approved
 2. 03 Paradisi Parcel I - Street Light Plans FS20-599 _approved
 3. 04 Council Map Paradisi Parcel H & I _approved
 4. 01 Res 2021-73-Expand Sycamore Estates P13 SLID-final
 5. 02 SLID Petition Paradisi Parcel H & I FS20-599 Approved
-

\\kimley-horn.com\mnt_levy\levy_civil\191069042 - surcomore forms\CADD\Parcel H\Improvement Plans\069042-SL-CV-PH.dwg Feb 09, 2021 Jon.Gitt
XREFS: 4690421B-PH THE CONCEPTS AND DESIGN PRESENTED HEREIN, AS AN INSTRUMENT OF SERVICE, IS INTENDED ONLY FOR THE SPECIFIC PURPOSE AND CLIENT FOR WHICH IT WAS PREPARED. REUSE OF ANY PORTION OF THIS DOCUMENT WITHOUT WRITTEN AUTHORIZATION AND ADAPTATION BY KIMLEY-HORN AND ASSOCIATES, INC. SHALL BE WITHOUT LIABILITY TO KIMLEY-HORN AND ASSOCIATES, INC.
OF AND WITHOUT RELIANCE ON THIS DOCUMENT WITHOUT WRITTEN AUTHORIZATION AND ADAPTATION BY KIMLEY-HORN AND ASSOCIATES, INC.

LIGHTING GENERAL NOTES:

- THE CONTRACTOR SHALL COMPLY WITH STATE AND COUNTY STATUTES ALONG WITH THE MANUFACTURER'S RECOMMENDATIONS. MATERIAL AND EQUIPMENT SHALL BE INSTALLED IN ACCORDANCE WITH THE CURRENT STANDARDS AND RECOMMENDATIONS OF THE NATIONAL ELECTRICAL CODE, THE NATIONAL ELECTRICAL SAFETY CODE, AND WITH LOCAL CODES WHICH APPLY. WHERE DISCREPANCIES ARISE BETWEEN CODES, THE MOST RESTRICTIVE REGULATION SHALL APPLY.
- PRIOR TO SUBMITTING A PROPOSAL, THE BIDDER SHALL EXAMINE ALL GENERAL CONSTRUCTION DRAWINGS AND VISIT THE CONSTRUCTION SITE TO BECOME FAMILIAR WITH EXISTING CONDITIONS UNDER WHICH HE WILL OPERATE. NO SUBSEQUENT ALLOWANCE WILL BE MADE IN CONNECTION WITH OR ON BEHALF OF THE CONTRACTOR FOR ANY ERRORS OR NEGLIGENCE ON HIS PART.
- PRIOR TO BEGINNING ANY WORK, SECURE NECESSARY PERMITS OR CLEARANCES FROM THE AUTHORITIES HAVING JURISDICTION. PROVIDE ALL LABOR AND MATERIALS FOR A COMPLETE INSTALLATION. WORK SHALL BE EXECUTED BY EXPERIENCED ELECTRICIANS WHO ARE LICENSED IN THE JURISDICTION WHERE THE PROJECT IS LOCATED.
- PRIOR TO ORDERING ANY MATERIALS OR DOING ANY WORK, THE CONTRACTOR SHALL VERIFY DIMENSIONS AT THE SITE AND IMMEDIATELY REPORT ANY DISCREPANCIES TO THE RESIDENT ENGINEER OR PROJECT MANAGER. THE CONTRACTOR SHALL NOT PROCEED WITH ANY WORK UNTIL THE RESIDENT ENGINEER OR PROJECT MANAGER RENDERS A DECISION. NO EXTRA CHARGES OR COMPENSATION WILL BE ALLOWED FOR THE DIFFERENCES IN ACTUAL DIMENSIONS AND DIMENSIONS INDICATED ON THE DRAWINGS.
- THE ELECTRICAL CONTRACTOR SHALL COMPLY WITH ALL LICENSING REQUIREMENTS SET FORTH BY THE STATE REGISTRAR OF CONTRACTORS' OFFICE TO PERFORM WORK RELATING TO STREET LIGHT INSTALLATION IN MARICOPA COUNTY.
- THE CONTRACTOR SHALL PROVIDE A UTILITY LOCATOR AND VERIFY THE ACTUAL LOCATION OF ALL UTILITIES PRIOR TO CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING ALL EXISTING UTILITIES IN PLACE UNLESS NOTED OR SPECIFIED OTHERWISE. ANY DAMAGE TO EXISTING UTILITIES SHALL BE REPAIRED AT THE CONTRACTORS EXPENSE.
- CONTRACTOR SHALL SUBMIT FOUR (4) COPIES OF MANUFACTURER'S CERTIFIED SHOP DRAWINGS FOR EQUIPMENT TO THE RESIDENT ENGINEER OR PROJECT MANAGER FOR REVIEW PRIOR TO ORDERING EQUIPMENT OR STARTING WORK.
- IT IS THE CONTRACTOR'S RESPONSIBILITY TO RESTORE ALL PROPERTY, LANDSCAPING, PAVING AND DRIVEWAYS THAT ARE DISTURBED DURING CONSTRUCTION TO THEIR ORIGINAL CONDITION.
- CONTRACTOR SHALL STAKE ALL PROPOSED STREET LIGHT LOCATIONS AND OBTAIN APPROVAL FROM THE RESIDENT ENGINEER OR PROJECT MANAGER PRIOR TO ANY INSTALLATION ACTIVITIES.
- HOLES, CAVITIES, TRENCHES, AND DEPRESSIONS RESULTING FROM THE REMOVAL OF STRUCTURES OR OBSTRUCTIONS, EXCEPT IN AREAS TO BE EXCAVATED, SHALL BE BACKFILLED WITH SUITABLE MATERIAL WHICH SHALL BE COMPACTED TO A DENSITY OF NOT LESS THAN 95% OF THE MAXIMUM DENSITY AS DETERMINED BY ASTM D698, D-2922 AND D-3017. SURPLUS EXCAVATION MATERIALS SHALL BE LEGALLY DISPOSED OF BY THE CONTRACTOR.
- ELECTRICAL SYSTEMS SHALL BE GROUNDED AND BONDED PER ARTICLE 250 OF THE NATIONAL ELECTRICAL CODE. PROVIDE GROUND WIRE FOR EACH PIECE OF EQUIPMENT AND FOR EACH BRANCH CIRCUIT.
- EACH STREET LIGHT POLE SHALL HAVE A 8' X 5/8" COPPER CLAD GROUND ROD DRIVEN BENEATH NEAREST PULL BOX. A #6 BARE COPPER LEAD FROM THE GROUND ROD IN PULL BOX TO LANDING LUG IN LIGHT POLE HAND HOLE IS REQUIRED.
- FOR MATERIAL INSTALLED AND/OR WORK PREFORMED PRIOR TO APPROVAL, THE CONTRACTOR SHALL BE LIABLE FOR ITS REMOVAL AND REPLACEMENT AT NO ADDITIONAL COST IF IN THE OPINION OF THE RESIDENT ENGINEER OR PROJECT MANAGER, THE MATERIAL OR EQUIPMENT DOES NOT MEET THE INTENT OF THE PLANS AND/OR SPECIFICATIONS.
- INSTALLATION OF EQUIPMENT, COMPONENTS, AND WIRING FOR ELECTRICAL SYSTEMS SHALL BE IN ACCORDANCE WITH THE REQUIREMENTS OF THE EQUIPMENT MANUFACTURER.
- CONTRACTOR SHALL BE RESPONSIBLE FOR DELIVERY, STORAGE, AND HANDLING OF ALL MATERIALS AND EQUIPMENT PRIOR TO FINAL ACCEPTANCE. ANY DAMAGED MATERIAL OR EQUIPMENT SHALL BE REPLACED BY THE CONTRACTOR AT NO ADDITIONAL COST TO THE OWNER.
- ALL EQUIPMENT SHALL BE "UL" LISTED. LABEL OR LISTING OF UNDERWRITER'S LABORATORIES, INC. WILL BE ACCEPTED AS EVIDENCE THAT MATERIALS OR EQUIPMENT CONFORM TO APPLICABLE STANDARDS OF THAT AGENCY.
- PRIOR TO ACCEPTANCE, THE CONTRACTOR SHALL ENERGIZE AND OPERATE THE ENTIRE LIGHTING SYSTEM, FROM SUNSET TO SUNRISE FOR TWO (2) CONSECUTIVE DAYS WITHOUT INTERRUPTION OR FAILURE. IF ANY EQUIPMENT OR MATERIAL SHOULD FAIL, IT SHALL BE REPLACED IMMEDIATELY AND RETESTED.
- THE CONTRACTOR SHALL GUARANTEE ALL WORK FOR A PERIOD OF TWO (2) YEARS FROM THE DATE OF FINAL ACCEPTANCE, AGAINST DEFECTS IN WORKMANSHIP, FAILURE, MALFUNCTION OF MATERIALS AND/OR EQUIPMENT. THIS GUARANTEE IS TO BE IN WRITING TO THE RESIDENT ENGINEER OR PROJECT MANAGER AT THE TIME OF ISSUING FINAL ACCEPTANCE. WORK FOUND TO BE DEFECTIVE WITHIN THE WARRANTY PERIOD SHALL BE REPLACED WITHOUT COST TO THE OWNER.
- "RECORD DRAWING" REQUIREMENTS SHALL CONSIST OF RECORDING, BY THE CONTRACTOR, ANY CHANGE OR DEVIATION ON A SET OF APPROVED PLANS. PLANS SHALL BE FURNISHED TO THE INSPECTOR AT THE COMPLETION OF THE PROJECT. CONTRACTOR SHALL COORDINATE INSPECTION WITH RESIDENT ENGINEER OR PROJECT MANAGER. FINAL PAYMENT SHALL NOT BE MADE UNTIL THE AS-BUILT PRINTS ARE ACCEPTED BY THE RESIDENT ENGINEER OR PROJECT MANAGER.
- STREET LIGHTS ARE REQUIRED IN THE PUBLIC RIGHT-OF-WAY. STREET LIGHT LAYOUT PLANS MUST BE PREPARED BY A PROFESSIONAL ELECTRICAL ENGINEER REGISTERED IN THE STATE OF ARIZONA. STREET LIGHT PLANS SHALL BE PREPARED IN ACCORDANCE WITH THE ANSI/IES ROADWAY LIGHTING MANUAL, THE CITY OF SURPRISE STREET LIGHTING CHECKLIST (SEE CHAPTER 9), AND ARIZONA PUBLIC SERVICE COMPANY (APS). ALL STREET LIGHTS MUST BE INSTALLED BY A QUALIFIED CONTRACTOR AND WIRED BY APS/SRP AUTHORIZED PERSONNEL. UPON APPROVAL, THE OWNER/DEVELOPER IS RESPONSIBLE TO FORWARD THE STREET LIGHT PLANS TO APS FOR DESIGN, PERMITS, AND INSTALLATION.
- QUICK DISCONNECT TYPE FUSE HOLDERS SHALL BE EQUAL TO OR BETTER THAN BUSSMAN BK/HEB-AA 30 AMP 600 VOLT THAT WILL ACCEPT THE 10 AMP THON TIME-DELAY FUSES "FNQ10", THIS CARTRIDGE FUSE SIZE IS 13/32" X 1 1/2".
- NEC APPROVED GROUNDING CLAMPS OR CADWELD FUSION BONDED CONNECTIONS SHALL BE USED FOR BONDING BARE BOND WIRE AND FOR CONNECTIONS TO GROUND RODS.
- ALL LUMINAIRES SHALL HAVE PHOTO CONTROL.

ENGINEER'S NOTES

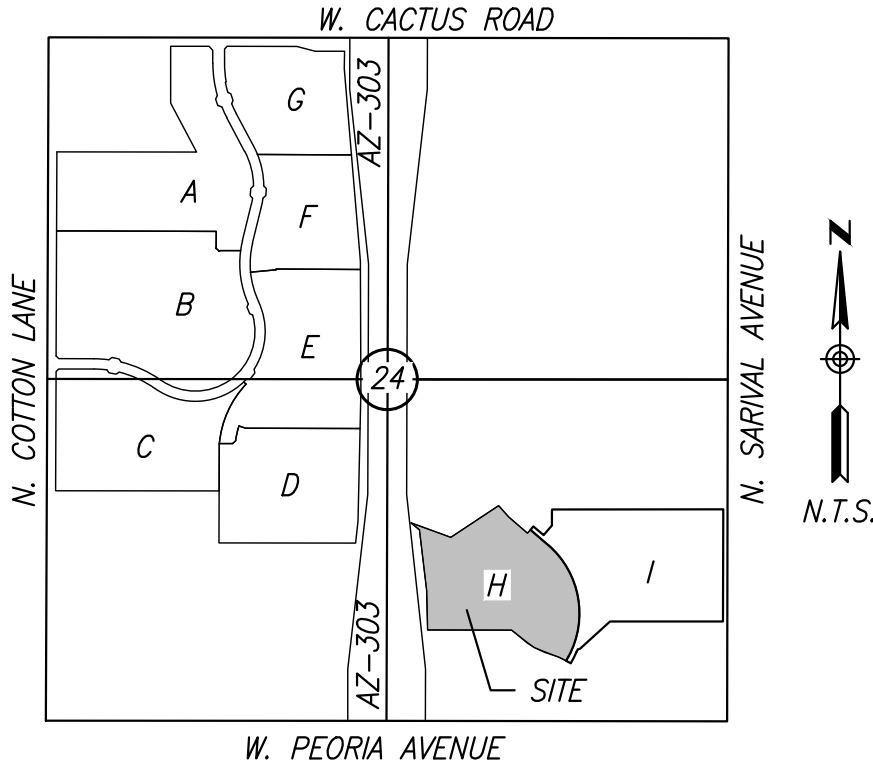
- ALL CONSTRUCTION MUST CONFORM TO MARICOPA ASSOCIATION OF GOVERNMENT (MAG) SPECIFICATIONS AND DETAILS AND LATEST REVISIONS UNLESS OTHERWISE STATED ON PLANS.
- THE ENGINEER WILL NOT BE RESPONSIBLE FOR CONSTRUCTION MEANS, METHODS, TECHNIQUES, SEQUENCES, OR PROCEDURES OR FOR SAFETY PRECAUTIONS OR PROGRAMS UTILIZED IN CONNECTION WITH THE WORK, AND THEY WILL NOT BE RESPONSIBLE FOR THE CONTRACTOR'S FAILURE TO CARRY OUT THE WORK IN ACCORDANCE WITH THE CONTRACT DOCUMENTS.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR IDENTIFYING ALL OVERHEAD AND UNDERGROUND UTILITY LOCATIONS WHERE CONSTRUCTION OCCURS. SPECIAL CARE SHALL BE TAKEN TO ENSURE THAT ALL UTILITIES ARE AVOIDED. UTILITY LOCATIONS SHOWN ON THE PLANS ARE APPROXIMATE AND NOT FOR CONSTRUCTION PURPOSES. ANY DAMAGE TO EXISTING UTILITIES SHALL BE REPAIRED AND OR REPLACED AT THE CONTRACTOR'S EXPENSE. THE CONTRACTOR SHALL COMPLY WITH ALL CURRENT ARIZONA UNDERGROUND FACILITIES LAWS (ARIZONA REVISED STATUTES TITLE 40, CHAPTER 2, ARTICLE 6.3, SECTION 40-360.21-32). CALL ARIZONA 811 FOR FIELD LOCATION BY DIAL 811.
- THE CITY OF SURPRISE ENGINEERING SERVICES OF PUBLIC WORKS SHALL BE NOTIFIED FORTY-EIGHT (48) HOURS PRIOR TO COMMENCEMENT OF ANY CONSTRUCTION WORK AT 623-222-6150.
- THE ENGINEER AND APPLICABLE AGENCY MUST APPROVE, PRIOR TO CONSTRUCTION, ANY ALTERATION OR VARIATION FROM THESE PLANS. ANY VARIATION FROM THESE PLANS SHALL BE PROPOSED AND RESUBMITTED FOR REVIEW AND APPROVAL.
- THE CONTRACTOR SHALL PROTECT AND MAINTAIN ALL EXISTING UTILITIES ON THE SITE. ANY DAMAGE TO EXISTING UTILITIES, WHETHER SHOWN OR NOT ON THE DRAWING, SHALL BE REPAIRED/REPLACED AT THE CONTRACTOR'S EXPENSE. EXISTING SURFACE FEATURES AND FENCING SHALL BE REPLACED IN KIND.
- ANY INSPECTION BY THE CITY, COUNTY, OR THE ENGINEER, SHALL NOT IN ANY WAY RELIEVE THE CONTRACTOR FROM ANY OBLIGATION TO PERFORM THE WORK IN STRICT COMPLIANCE WITH THE APPLICABLE CODES AND AGENCY REQUIREMENTS.
- THE CONTRACTOR IS TO LOCATE ALL EXISTING LANDSCAPING, LANDSCAPING IRRIGATION LINES, PROPERTY MONUMENTS, FENCING OR SURFACE FEATURES PRIOR TO CONSTRUCTION. ANYTHING DISTURBED DURING CONSTRUCTION SHALL BE REPLACED IN KIND AT THE CONTRACTOR'S EXPENSE.
- NOTHING CONTAINED IN THE CONTRACT DOCUMENTS SHALL CREATE, NOR SHALL BE CONSTRUED TO CREATE, ANY CONTRACTUAL RELATIONSHIP BETWEEN THE ENGINEER AND THE CONTRACTOR OR ANY SUBCONTRACTOR.
- ALL CONSTRUCTION WATER USED WITHIN THE CITY OF SURPRISE WATER SERVICE AREA REQUIRES APPROVAL BY THE CITY OF SURPRISE PUBLIC WORKS DEPARTMENT AND MAY BE SUBJECT TO VOLUME AND TIME RESTRICTIONS. PLEASE SEE THE CITY OF SURPRISE CONSTRUCTION WATER GUIDELINES FOR ADDITIONAL INFORMATION. THE GUIDELINES CAN BE OBTAINED FROM THE PUBLIC WORKS DEPARTMENT AT 623-222-7000.
- TRAFFIC CONTROL SHALL BE MAINTAINED IN ACCORDANCE WITH MAG SPECIFICATION 401, THE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES, AND THE "TEMPORARY WORK ZONE TRAFFIC MANAGEMENT POLICY" (LATEST EDITION).
- PRIOR TO FINAL APPROVAL AND ACCEPTANCE OF THE WORK, THE DEVELOPER/CONTRACTOR WILL BE REQUIRED TO CLEAN AND REPAIR ADJACENT (OFF-PROJECT) ROADWAYS USED OR DAMAGED DURING THE COURSE OF CONSTRUCTION.
- EMERGENCY VEHICLE ACCESS (E.V.A.) MUST BE PROVIDED BY THE DEVELOPER/CONTRACTOR THROUGHOUT THE PROJECT SITE. E.V.A. ROADS AND SIGNAGE SHALL BE MAINTAINED BY THE DEVELOPER/CONTRACTOR AT ALL TIMES. SIGNAGE SHALL BE POSTED AT THE POINT OF ENTRY TO THE SITE AND AT ALL LOCATIONS WHERE A CHANGE IN DIRECTION OCCURS.
- THE PLANS SHALL COMPLY WITH THE AMERICANS WITH DISABILITIES ACT'S ACCESSIBILITY GUIDELINES, AS PUBLISHED IN THE FEDERAL REGISTER ON SEPTEMBER 15, 2010.

STREET LIGHTING (APS AREA)															
KEY NO.	SYMBOL	STREET TYPE	OFFSET BEHIND B/C	QUANTITY	POLE		MAST ARM	LUMINAIRE						APS STANDARD CODE	
					HEIGHT	FOUNDATION		SIZE	MOUNTING HEIGHT	LUMENS	WATTAGE	I.E.S. DIST.	VOLTAGE		TYPE
①		LOCAL	PER PLANS	17	30'-6"	DIRECT BURY	2'-0"	25'-0"	4,800	43 W	TYPE E3	*	LED	DKBZ LED	8030.S2

*PER UTILITY COMPANY REQUIREMENTS

STREET LIGHTING PLANS FOR PARADISI - PARCEL H SUBDIVISION

A PORTION OF SECTION 24, TOWNSHIP 3 NORTH, RANGE 2 WEST
SURPRISE, ARIZONA



VICINITY MAP

T3N, R2W, SEC. 24

OWNER/DEVELOPER

TAYLOR MORRISON/ARIZONA INC.
4900 N. SCOTTSDALE ROAD, SUITE 2200
SCOTTSDALE, AZ. 85251
TELEPHONE: 480-409-5516
CONTACT: ANGELA CARMITCHEL

LAND SURVEYOR

HUBBARD ENGINEERING
1201 S. ALMA SCHOOL RD. SUITE #12000
MESA, AZ 85210
PHONE: (480) 892-3313
FAX: (480) 892-7051
CONTACT: ADRIAN BURCHAM, PLS

CIVIL ENGINEER

KIMLEY-HORN AND ASSOCIATES, INC.
1001 WEST SOUTHERN AVENUE, SUITE 131
MESA, ARIZONA 85210
PHONE: (480) 207-2667
CONTACT: JASON BURM, PE

LAND PLANNER

RVI PLANNING
120 S. ASH AVE
TEMPE, AZ 85281
PHONE: (480) 994-0994
CONTACT: ALEX STEDMAN

SITE DESCRIPTION

THE PROJECT CONSISTS OF 85 SINGLE FAMILY LOTS WITHIN SURPRISE ARIZONA.

NOTES

- ENSURE THERE IS 1' CLEARANCE FROM EDGE OF SIDEWALK TO FACE OF POLE OR MINIMUM 2.5' FROM BACK OF CURB TO FACE OF POLE.
- THE ELECTRICAL/ MAINTENANCE COSTS OF ALL STREET LIGHTS ON LOCAL AND COLLECTOR STREETS ARE TO BE PAID BY THE ADJACENT PROJECT OR THE ADJACENT DEVELOPMENT'S STREET LIGHT IMPROVEMENT DISTRICT (SLID). THE ELECTRICAL/MAINTENANCE COSTS OF ALL STREET LIGHTS ON ARTERIAL STREETS ARE TO BE BILLED TO THE CITY OF SURPRISE'S ENERGY BILL.

LED NOTE

LED TECHNOLOGY IS CHANGING RAPIDLY. THE FIXTURES SHOWN ON THESE PLANS MAY NOT BE APPLICABLE AT TIME OF CONSTRUCTION. CONTRACTOR TO COORDINATE WITH APS AND UTILIZE THEIR CURRENT SPECIFICATION AT THE TIME OF BIDDING AND CONSTRUCTION.

CITY OF SURPRISE ENGINEERS APPROVAL

THIS SET OF PLANS HAS BEEN REVIEWED FOR COMPLIANCE WITH CITY REQUIREMENTS PRIOR TO ISSUANCE OF PERMITS. THE CITY NEITHER ACCEPTS NOT ASSUMES ANY LIABILITY FOR ERRORS OR OMISSIONS. THIS COMPLIANCE APPROVAL SHALL NOT PREVENT THE CITY ENGINEER FROM REQUIRING CORRECTIONS OF ERRORS OR OMISSIONS IN PLANS FOUND TO BE IN VIOLATION OF LAWS OR ORDINANCES.

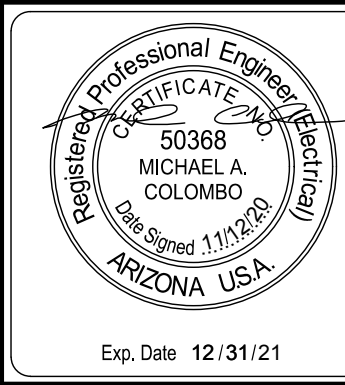
CITY OF SURPRISE ENGINEER DATE

PARADISI - PARCEL H STREET LIGHT COVER SHEET

SURPRISE, ARIZONA

Kimley»Horn

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1001 West Southern Avenue, Suite 131
Mesa, Arizona 85202 (480) 207-2667

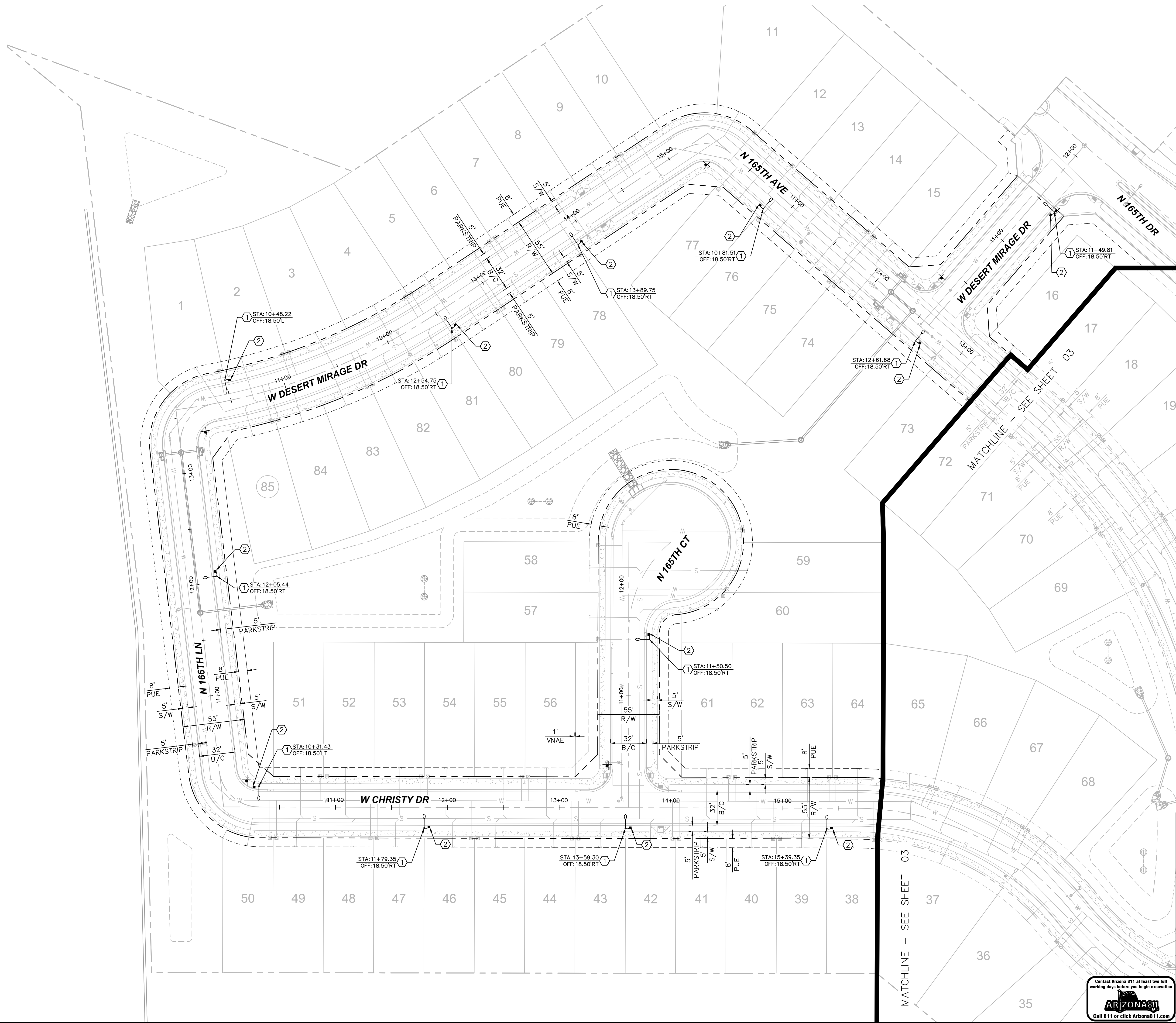


DESIGNED DGM	DRAWN DGM	CHECKED GAF
SCALE (H): N/A SCALE (V): N/A		
DATE: FEB 2021		
PROJECT NO. 191069042		
DWG. NAME 069042-SL-CV-PH.dwg		
SHEET NO. 01		
04 shts		



CASE NO.: FS20-606

\\kimley-horn.com\mnt\scav\scav_gis\191068042 - sycamore farms\CADD\Parcel H\Improvement Plans\69042-SL-PH.dwg Feb 09, 2021 Jon.Gitt
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OF AND WIPPER RELIANCE ON THIS DOCUMENT WITHOUT WRITTEN AUTHORIZATION AND ASSOCIATES, INC. SHALL BE WITHOUT LIABILITY TO KIMLEY-HORN AND ASSOCIATES, INC.

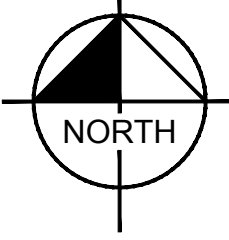
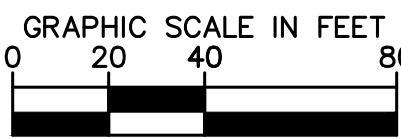


STREET LIGHT NOTES

- ① FURNISH AND INSTALL 43W LED (4,800 LUMEN) DARK BRONZE LUMINAIRE (APS DET. 8153, RL41), PHOTO CELL (APS DET. 8170), 30'-6" SQUARE BROWN STEEL DIRECT BURY POLE (APS DET. 1940.30), AND 2' MAST ARM (APS DETAIL 8180.S). INSTALL (2) #14 THHN/THWN FROM LUMINAIRES TO FUSE HOLDER IN POLE. ALL WIRING, FUSING, AND GROUNDING PER APS DETAILS AND SPECIFICATIONS.
- ② FURNISH AND INSTALL APS PULL BOX PER APS DETAIL (8655) ADJACENT TO POLE. FURNISH AND INSTALL 1" LIQUIDTIGHT FLEXIBLE CONDUIT WITH (2) #14 TYPE THHN/THWN AND (1) #14 BARE BOND CU GROUND FROM PULL BOX TO FUSE HOLDER IN POLE PER APS DETAILS AND SPECIFICATIONS.

LEGEND

- 43W (4,800 LUMEN) LED STREET LIGHT
- APS PULL BOX
- NEW UNDERGROUND CONDUIT



PARADISI - PARCEL H
STREET LIGHT PLANS

SURPRISE, ARIZONA

Kimley»Horn

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DESIGNED DGM	DRAWN DGM	CHECKED GAF
SCALE (H): 1"=40' SCALE (V): N/A		
DATE: FEB 2021		
PROJECT NO. 191069042		
DWG. NAME 69042-SL-PH.dwg		
SHEET NO. 02		of 04 sheets



CASE NO.: FS20-606

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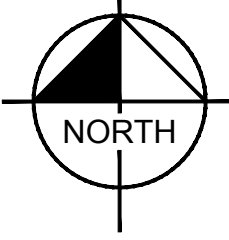
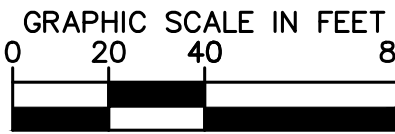


STREET LIGHT NOTES

- ① FURNISH AND INSTALL 43W LED (4,800 LUMEN) DARK BRONZE LUMINAIRE (APS DET. 8153, RL41), PHOTO CELL (APS DET. 8170), 30"-6" SQUARE BROWN STEEL DIRECT BURY POLE (APS DET. 1940.30), AND 2' MAST ARM (APS DET. 8180.S). INSTALL (2) #14 THHN/THWN FROM LUMINAIRES TO FUSE HOLDER IN POLE. ALL WIRING, FUSING, AND GROUNDING PER APS DETAILS AND SPECIFICATIONS.
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LEGEND

- 43W (4,800 LUMEN) LED STREET LIGHT
- APS PULL BOX
- NEW UNDERGROUND CONDUIT



PARADISI - PARCEL H
STREET LIGHT PLANS

SURPRISE, ARIZONA

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DATE: FEB 2021		SHEET NO. 03
PROJECT NO. 191069042		
DWG. NAME 69042-SL-PH.dwg		
		of 04 sheets



Exp. Date 12/31/21

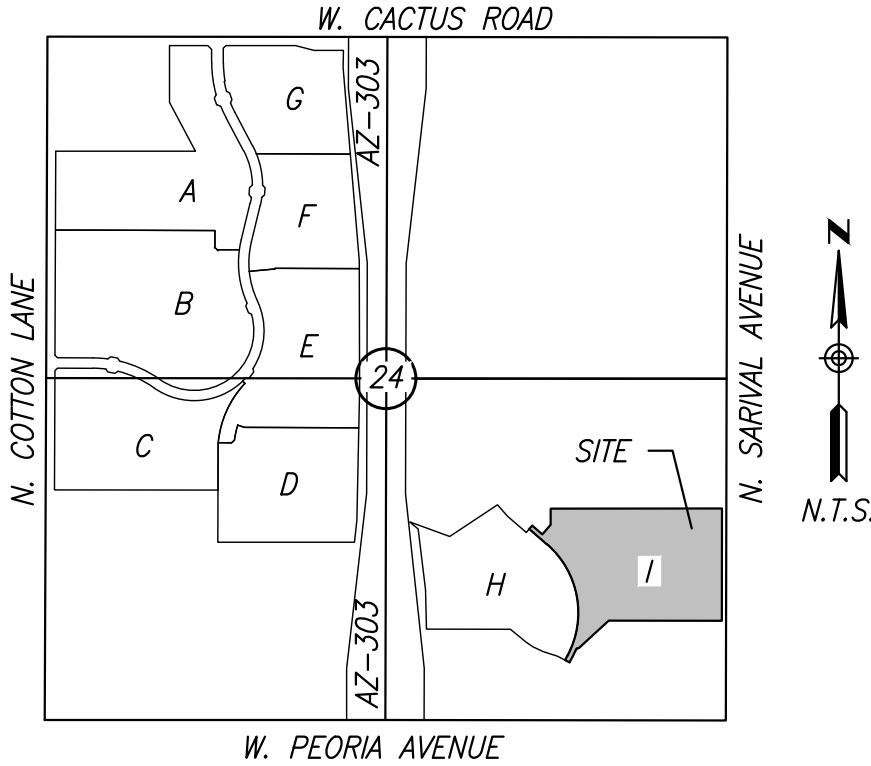
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XREFS: K69042TB-PI
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LIGHTING GENERAL NOTES:

- THE CONTRACTOR SHALL COMPLY WITH STATE AND COUNTY STATUTES ALONG WITH THE MANUFACTURER'S RECOMMENDATIONS. MATERIAL AND EQUIPMENT SHALL BE INSTALLED IN ACCORDANCE WITH THE CURRENT STANDARDS AND RECOMMENDATIONS OF THE NATIONAL ELECTRICAL CODE, THE NATIIONAL ELECTRICAL SAFETY CODE, AND WITH LOCAL CODES WHICH APPLY. WHERE DISCREPANCIES ARISE BETWEEN CODES, THE MOST RESTRICTIVE REGULATION SHALL APPLY.
- PRIOR TO SUBMITTING A PROPOSAL, THE BIDDER SHALL EXAMINE ALL GENERAL CONSTRUCTION DRAWINGS AND VISIT THE CONSTRUCTION SITE TO BECOME FAMILIAR WITH EXISTING CONDITIONS UNDER WHICH HE WILL OPERATE. NO SUBSEQUENT ALLOWANCE WILL BE MADE IN CONNECTION WITH OR ON BEHALF OF THE CONTRACTOR FOR ANY ERRORS OR NEGLIGENCE ON HIS PART.
- PRIOR TO BEGINNING ANY WORK, SECURE NECESSARY PERMITS OR CLEARANCES FROM THE AUTHORITIES HAVING JURISDICTION. PROVIDE ALL LABOR AND MATERIALS FOR A COMPLETE INSTALLATION. WORK SHALL BE EXECUTED BY EXPERIENCED ELECTRICIANS WHO ARE LICENSED IN THE JURISDICTION WHERE THE PROJECT IS LOCATED.
- PRIOR TO ORDERING ANY MATERIALS OR DOING ANY WORK, THE CONTRACTOR SHALL VERIFY DIMENSIONS AT THE SITE AND IMMEDIATELY REPORT ANY DISCREPANCIES TO THE RESIDENT ENGINEER OR PROJECT MANAGER. THE CONTRACTOR SHALL NOT PROCEED WITH ANY WORK UNTIL THE RESIDENT ENGINEER OR PROJECT MANAGER RENDERS A DECISION. NO EXTRA CHARGES OR COMPENSATION WILL BE ALLOWED FOR THE DIFFERENCES IN ACTUAL DIMENSIONS AND DIMENSIONS INDICATED ON THE DRAWINGS.
- THE ELECTRICAL CONTRACTOR SHALL COMPLY WITH ALL LICENSING REQUIREMENTS SET FORTH BY THE STATE REGISTRAR OF CONTRACTORS' OFFICE TO PERFORM WORK RELATING TO STREET LIGHT INSTALLATION IN MARICOPA COUNTY.
- THE CONTRACTOR SHALL PROVIDE A UTILITY LOCATOR AND VERIFY THE ACTUAL LOCATION OF ALL UTILITIES PRIOR TO CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING ALL EXISTING UTILITIES IN PLACE UNLESS NOTED OR SPECIFIED OTHERWISE. ANY DAMAGE TO EXISTING UTILITIES SHALL BE REPAIRED AT THE CONTRACTORS EXPENSE.
- CONTRACTOR SHALL SUBMIT FOUR (4) COPIES OF MANUFACTURER'S CERTIFIED SHOP DRAWINGS FOR EQUIPMENT TO THE RESIDENT ENGINEER OR PROJECT MANAGER FOR REVIEW PRIOR TO ORDERING EQUIPMENT OR STARTING WORK.
- IT IS THE CONTRACTOR'S RESPONSIBILITY TO RESTORE ALL PROPERTY, LANDSCAPING, PAVING AND DRIVEWAYS THAT ARE DISTURBED DURING CONSTRUCTION TO THEIR ORIGINAL CONDITION.
- CONTRACTOR SHALL STAKE ALL PROPOSED STREET LIGHT LOCATIONS AND OBTAIN APPROVAL FROM THE RESIDENT ENGINEER OR PROJECT MANAGER PRIOR TO ANY INSTALLATION ACTIVITIES.
- HOLES, CAVITIES, TRENCHES, AND DEPRESSIONS RESULTING FROM THE REMOVAL OF STRUCTURES OR OBSTRUCTIONS, EXCEPT IN AREAS TO BE EXCAVATED, SHALL BE BACKFILLED WITH SUITABLE MATERIAL WHICH SHALL BE COMPACTED TO A DENSITY OF NOT LESS THAN 95% OF THE MAXIMUM DENSITY AS DETERMINED BY ASTM D698, D-2922 AND D-3017. SURPLUS EXCAVATION MATERIALS SHALL BE LEGALLY DISPOSED OF BY THE CONTRACTOR.
- ELECTRICAL SYSTEMS SHALL BE GROUNDED AND BONDED PER ARTICLE 250 OF THE NATIONAL ELECTRICAL CODE. PROVIDE GROUND WIRE FOR EACH PIECE OF EQUIPMENT AND FOR EACH BRANCH CIRCUIT.
- EACH STREET LIGHT POLE SHALL HAVE A 8" X 5/8" COPPER CLAD GROUND ROD DRIVEN BENEATH NEAREST PULL BOX. A #6 BARE COPPER LEAD FROM THE GROUND ROD IN PULL BOX TO LANDING LUG IN LIGHT POLE HAND HOLE IS REQUIRED.
- FOR MATERIAL INSTALLED AND/OR WORK PREFORMED PRIOR TO APPROVAL, THE CONTRACTOR SHALL BE LIABLE FOR ITS REMOVAL AND REPLACEMENT AT NO ADDITIONAL COST IF IN THE OPINION OF THE RESIDENT ENGINEER OR PROJECT MANAGER, THE MATERIAL OR EQUIPMENT DOES NOT MEET THE INTENT OF THE PLANS AND/OR SPECIFICATIONS.
- INSTALLATION OF EQUIPMENT, COMPONENTS, AND WIRING FOR ELECTRICAL SYSTEMS SHALL BE IN ACCORDANCE WITH THE REQUIREMENTS OF THE EQUIPMENT MANUFACTURER.
- CONTRACTOR SHALL BE RESPONSIBLE FOR DELIVERY, STORAGE, AND HANDLING OF ALL MATERIALS AND EQUIPMENT PRIOR TO FINAL ACCEPTANCE. ANY DAMAGED MATERIAL OR EQUIPMENT SHALL BE REPLACED BY THE CONTRACTOR AT NO ADDITIONAL COST TO THE OWNER.
- ALL EQUIPMENT SHALL BE "UL" LISTED. LABEL OR LISTING OF UNDERWRITER'S LABORATORIES, INC. WILL BE ACCEPTED AS EVIDENCE THAT MATERIALS OR EQUIPMENT CONFORM TO APPLICABLE STANDARDS OF THAT AGENCY.
- PRIOR TO ACCEPTANCE, THE CONTRACTOR SHALL ENERGIZE AND OPERATE THE ENTIRE LIGHTING SYSTEM, FROM SUNSET TO SUNRISE FOR TWO (2) CONSECUTIVE DAYS WITHOUT INTERRUPTION OR FAILURE. IF ANY EQUIPMENT OR MATERIAL SHOULD FAIL, IT SHALL BE REPLACED IMMEDIATELY AND RETESTED.
- THE CONTRACTOR SHALL GUARANTEE ALL WORK FOR A PERIOD OF TWO (2) YEARS FROM THE DATE OF FINAL ACCEPTANCE, AGAINST DEFECTS IN WORKMANSHIP, FAILURE, MALFUNCTION OF MATERIALS AND/OR EQUIPMENT. THIS GUARANTEE IS TO BE IN WRITING TO THE RESIDENT ENGINEER OR PROJECT MANAGER AT THE TIME OF ISSUING FINAL ACCEPTANCE. WORK FOUND TO BE DEFECTIVE WITHIN THE WARRANTY PERIOD SHALL BE REPLACED WITHOUT COST TO THE OWNER.
- "RECORD DRAWING" REQUIREMENTS SHALL CONSIST OF RECORDING, BY THE CONTRACTOR, ANY CHANGE OR DEVIATION ON A SET OF APPROVED PLANS. PLANS SHALL BE FURNISHED TO THE INSPECTOR AT THE COMPLETION OF THE PROJECT. CONTRACTOR SHALL COORDINATE INSPECTION WITH RESIDENT ENGINEER OR PROJECT MANAGER. FINAL PAYMENT SHALL NOT BE MADE UNTIL THE AS-BUILT PRINTS ARE ACCEPTED BY THE RESIDENT ENGINEER OR PROJECT MANAGER.
- STREET LIGHTS ARE REQUIRED IN THE PUBLIC RIGHT-OF-WAY. STREET LIGHT LAYOUT PLANS MUST BE PREPARED BY A PROFESSIONAL ELECTRICAL ENGINEER REGISTERED IN THE STATE OF ARIZONA. STREET LIGHT PLANS SHALL BE PREPARED IN ACCORDANCE WITH THE ANSI/IES ROADWAY LIGHTING MANUAL, THE CITY OF SURPRISE STREET LIGHTING CHECKLIST (SEE CHAPTER 9), AND ARIZONA PUBLIC SERVICE COMPANY (APS). ALL STREET LIGHTS MUST BE INSTALLED BY A QUALIFIED CONTRACTOR AND WIRED BY APS/SRP AUTHORIZED PERSONNEL. UPON APPROVAL, THE OWNER/DEVELOPER IS RESPONSIBLE TO FORWARD THE STREET LIGHT PLANS TO APS FOR DESIGN, PERMITS, AND INSTALLATION.
- QUICK DISCONNECT TYPE FUSE HOLDERS SHALL BE EQUAL TO OR BETTER THAN BUSSMAN BK/HEB-AA 30 AMP 600 VOLT THAT WILL ACCEPT THE 10 AMP THON TIME-DELAY FUSES "FNQ10", THIS CARTRIDGE FUSE SIZE IS 13/32" X 1 1/2".
- NEC APPROVED GROUNDING CLAMPS OR CADWELD FUSION BONDED CONNECTIONS SHALL BE USED FOR BONDING BARE BOND WIRE AND FOR CONNECTIONS TO GROUND RODS.
- ALL LUMINAIRES SHALL HAVE PHOTO CONTROL.

STREET LIGHT PLANS
FOR
PARADISI - PARCEL I
SUBDIVISION

A PORTION OF SECTION 24, TOWNSHIP 3 NORTH, RANGE 2 WEST
SURPRISE, ARIZONA



VICINITY MAP
T3N, R2W, SEC. 24

OWNER/DEVELOPER

TAYLOR MORRISON/ARIZONA INC.
4900 N. SCOTTSDALE ROAD, SUITE 2200
SCOTTSDALE, AZ. 85251
TELEPHONE: 480-409-5516
CONTACT: ANGELA CARMITCHEL

LAND SURVEYOR

HUBBARD ENGINEERING
1201 S. ALMA SCHOOL RD. SUITE #12000
MESA, AZ 85210
PHONE: (480) 892-3313
FAX: (480) 892-7051
CONTACT: ADRIAN BURCHAM, PLS

CIVIL ENGINEER

KIMLEY-HORN AND ASSOCIATES, INC.
1001 WEST SOUTHERN AVENUE, SUITE 131
MESA, ARIZONA 85210
PHONE: (480) 207-2667
CONTACT: JASON BURM, PE

LAND PLANNER

RVI PLANNING
120 S. ASH AVE
TEMPE, AZ 85281
PHONE:(480) 994-0994
CONTACT: ALEX STEDMAN

SITE DESCRIPTION

THE PROJECT CONSISTS OF 66 SINGLE FAMILY LOTS WITHIN SURPRISE ARIZONA.

NOTES

- ENSURE THERE IS 1' CLEARANCE FROM EDGE OF SIDEWALK TO FACE OF POLE OR MINIMUM 2.5' FROM BACK OF CURB TO FACE OF POLE.
- THE ELECTRICAL/ MAINTENANCE COSTS OF ALL STREET LIGHTS ON LOCAL AND COLLECTOR STREETS ARE TO BE PAID BY THE ADJACENT PROJECT OR THE ADJACENT DEVELOPMENT'S STREET LIGHT IMPROVEMENT DISTRICT (SLID). THE ELECTRICAL/MAINTENANCE COSTS OF ALL STREET LIGHTS ON ARTERIAL STREETS ARE TO BE BILLED TO THE CITY OF SURPRISE'S ENERGY BILL.

LED NOTE

LED TECHNOLOGY IS CHANGING RAPIDLY. THE FIXTURES SHOWN ON THESE PLANS MAY NOT BE APPLICABLE AT TIME OF CONSTRUCTION. CONTRACTOR TO COORDINATE WITH APS AND UTILIZE THEIR CURRENT SPECIFICATION AT THE TIME OF BIDDING AND CONSTRUCTION.

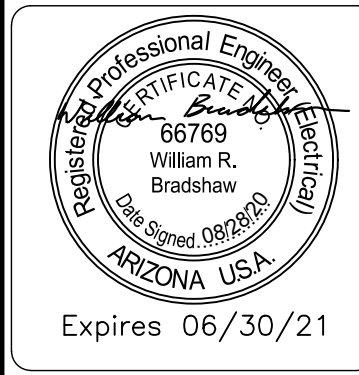
CITY OF SURPRISE ENGINEERS APPROVAL

THIS SET OF PLANS HAS BEEN REVIEWED FOR COMPLIANCE WITH CITY REQUIREMENTS PRIOR TO ISSUANCE OF PERMITS. THE CITY NEITHER ACCEPTS NOT ASSUMES ANY LIABILITY FOR ERRORS OR OMISSIONS. THIS COMPLIANCE APPROVAL SHALL NOT PREVENT THE CITY ENGINEER FROM REQUIRING CORRECTIONS OF ERRORS OR OMISSIONS IN PLANS FOUND TO BE IN VIOLATION OF LAWS OR ORDINANCES.

CITY OF SURPRISE ENGINEER DATE

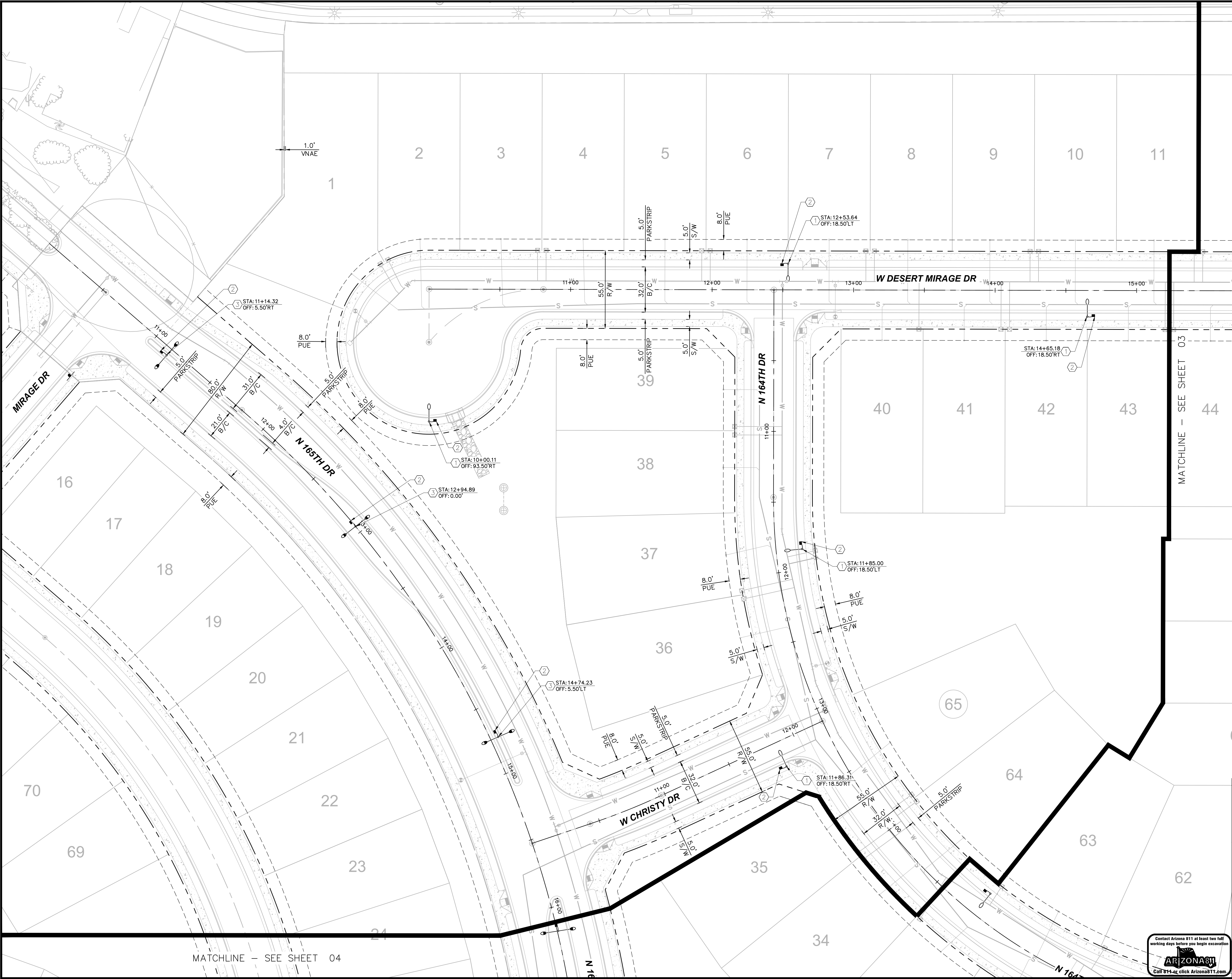
STREET LIGHTING (APS AREA)														
KEY NO.	SYMBOL	STREET TYPE	OFFSET BEHIND B/C	QUANTITY	POLE		MAST ARM	LUMINAIRE						APS STANDARD CODE
					HEIGHT	FOUNDATION		MOUNTING HEIGHT	LUMENS	WATTAGE	I.E.S. DIST.	VOLTAGE	TYPE	STYLE
①		COLLECTOR	PER PLANS	7	38'-0"	DIRECT BURY	4'-0"	31'-6"	7,810	69 W	TYPE E3	*	LED	DKBZ LED
③		LOCAL	PER PLANS	18	30'-6"	DIRECT BURY	2'-0"	25'-0"	4,800	43 W	TYPE E3	*	LED	DKBZ LED
④		ARTERIAL	PER PLANS	5	38'-6"	DIRECT BURY	8'X8'	39'-3"	11,000	98 W	TYPE E3	*	LED	COBRAHEAD

*AS UTILITY REQUIRES



DESIGNED DGM	DRAWN DGM	CHECKED GAF
SCALE (H): NONE SCALE (V): NONE		
DATE: FEB 2021		
PROJECT NO. 191069042		
DWG. NAME 069042-SL-CV-PI.dwg		
SHEET NO. 01		
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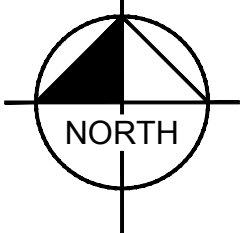
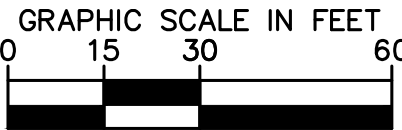


STREET LIGHT NOTES

- 1 FURNISH AND INSTALL 43W LED (4,800 LUMEN) DARK BRONZE LUMINAIRE (APS DET. 8153, RL41), PHOTO CELL (APS DET. 8170), 30'-6" SQUARE BROWN STEEL DIRECT BURY POLE (APS DET. 1940.30), AND 2' MAST ARM (APS DET. 8180.S). INSTALL (2) #14 THHN/THWN FROM LUMINAIRES TO FUSE HOLDER IN POLE. ALL WIRING, FUSING, AND GROUNDING PER APS DETAILS AND SPECIFICATIONS.
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- 3 FURNISH AND INSTALL (2) BACK TO BACK 69W LED (7,810 LUMEN) DARK BRONZE LUMINAIRES (APS DET. 8153, RL42), PHOTO CELL (APS DET. 8170), 38' SQUARE BROWN STEEL DIRECT BURY POLE (APS DET. 1940.36), AND DUAL 4' MAST ARMS (APS DET. 8181.D). INSTALL (2) #14 AWG THHN/THWN FROM LUMINAIRES TO FUSE HOLDER IN POLE. ALL WIRING, FUSING, AND GROUNDING PER APS DETAILS AND SPECIFICATIONS.
- 4 FURNISH AND INSTALL 98W LED (11,000 LUMEN) GRAY LUMINAIRE (APS DET. 8153, CL53), PHOTO CELL (APS DET. 8170), 38'-6" ROUND STEEL DIRECT BURY POLE (APS DET. 1944.38), AND 8' X 8' MAST ARM (APS DET. 8188.96B). INSTALL (2) #14 AWG THHN/THWN FROM LUMINAIRE TO FUSE HOLDER IN POLE. ALL WIRING, FUSING, AND GROUNDING PER APS DETAILS AND SPECIFICATIONS.

LEGEND

- 98W (11,000 LUMEN) LED STREET LIGHT
- 69W (7,810 LUMEN) DUAL LED STREET LIGHT
- 43W (4,800 LUMEN) LED STREET LIGHT
- APS PULL BOX
- NEW UNDERGROUND CONDUIT



PARADISI - PARCEL I
STREET LIGHT PLANS

SURPRISE, ARIZONA

Kimley»Horn

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DESIGNED DGM	DRAWN DGM	CHECKED GAF
SCALE (H): 1" = 30'	SCALE (V): N/A	
DATE: FEB 2021	PROJECT NO. 191069042	SHEET NO. 02
DWG. NAME 69042-SL-PI.dwg	of 07 sheets	

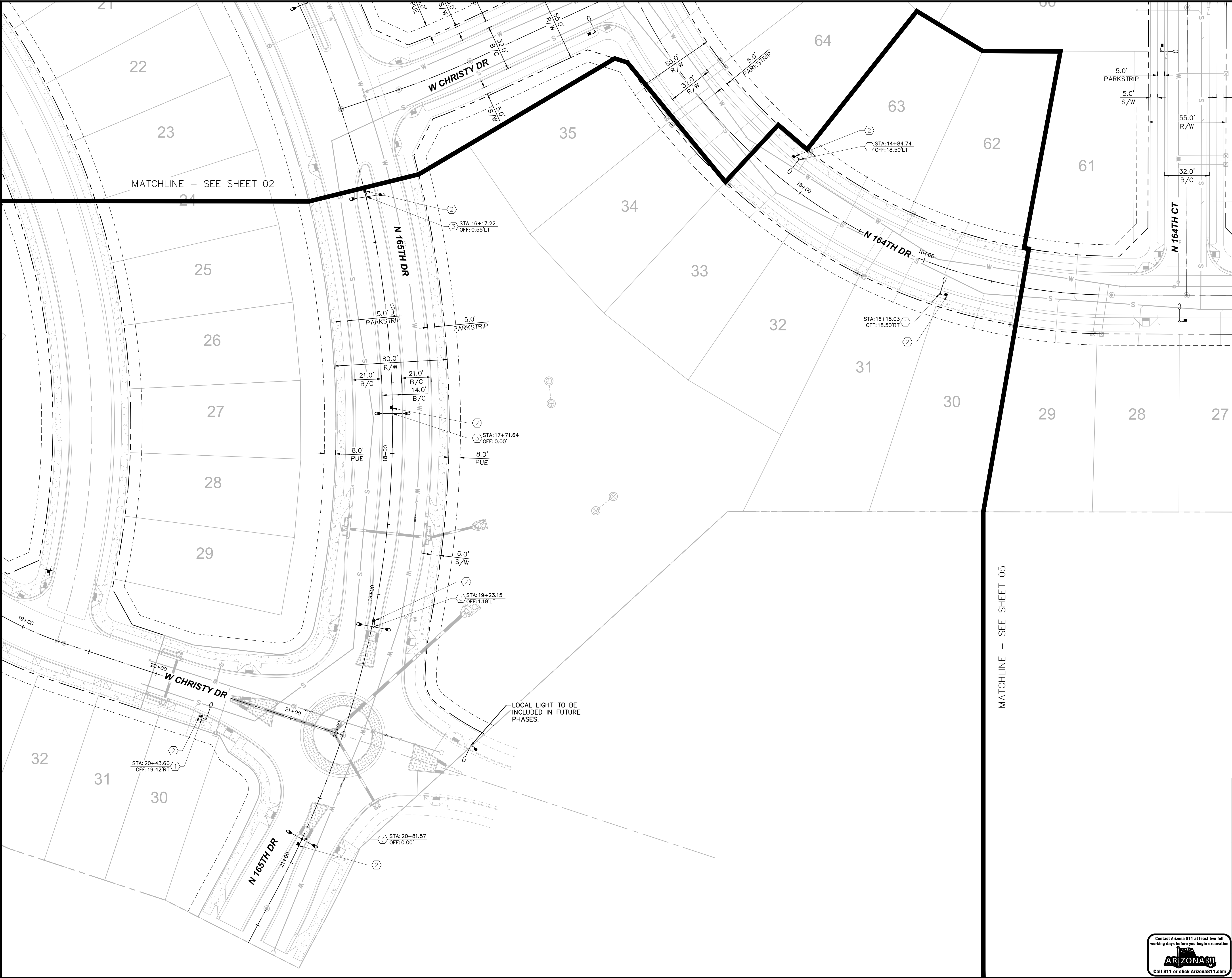


MATCHLINE - SEE SHEET 04

MATCHLINE - SEE SHEET 03

CASE NO.: FS20-599
Page 191 of 508

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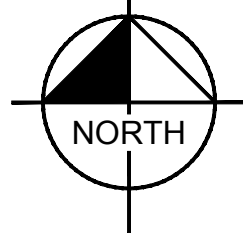
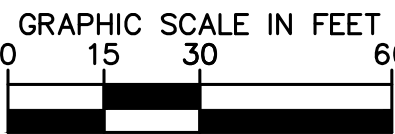


STREET LIGHT NOTES

- FURNISH AND INSTALL 43W LED (4,800 LUMEN) DARK BRONZE LUMINAIRE (APS DET. 8153, RL41), PHOTO CELL (APS DET. 8170), 30'-6" SQUARE BROWN STEEL DIRECT BURY POLE (APS DET. 1940.30), AND 2' MAST ARM (APS DETAIL 8180.S). INSTALL (2) #14 THHN/THWN FROM LUMINAIRES TO FUSE HOLDER IN POLE. ALL WIRING, FUSING, AND GROUNDING PER APS DETAILS AND SPECIFICATIONS.
- FURNISH AND INSTALL APS PULL BOX PER APS DETAIL (8655) ADJACENT TO POLE. FURNISH AND INSTALL 1" LIQUIDTIGHT FLEXIBLE CONDUIT WITH (2) #14 TYPE THHN/THWN AND (1) #14 BARE BOND CU GROUND FROM PULL BOX TO FUSE HOLDER IN POLE PER APS DETAILS AND SPECIFICATIONS.
- FURNISH AND INSTALL (2) BACK TO BACK 69W LED (7,810 LUMEN) DARK BRONZE LUMINAIRES (APS DET. 8153, RL42), PHOTO CELL (APS DET. 8170), 38' SQUARE BROWN STEEL DIRECT BURY POLE (APS DET. 1940.36), AND DUAL 4' MAST ARMS (APS DET. 8181.D). INSTALL (2) #14 AWG THHN/THWN FROM LUMINAIRES TO FUSE HOLDER IN POLE. ALL WIRING, FUSING, AND GROUNDING PER APS DETAILS AND SPECIFICATIONS.
- FURNISH AND INSTALL 98W LED (11,000 LUMEN) GRAY LUMINAIRE (APS DET. 8153, CL53), PHOTO CELL (APS DET. 8170), 38'-6" ROUND STEEL DIRECT BURY POLE (APS DET. 1944.38), AND 8' X 8' MAST ARM (APS DET. 8188.96B). INSTALL (2) #14 AWG THHN/THWN FROM LUMINAIRE TO FUSE HOLDER IN POLE. ALL WIRING, FUSING, AND GROUNDING PER APS DETAILS AND SPECIFICATIONS.

LEGEND

- 98W (11,000 LUMEN) LED STREET LIGHT
- 69W (7,810 LUMEN) DUAL LED STREET LIGHT
- 43W (4,800 LUMEN) LED STREET LIGHT
- APS PULL BOX
- NEW UNDERGROUND CONDUIT



PARADISI - PARCEL I
STREET LIGHT PLANS

SURPRISE, ARIZONA

Kimley»Horn

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1001 West Southern Avenue, Suite 131
Mesa, Arizona 85202 (480) 207-2867



Expires 06/30/21

DESIGNED DGM	DRAWN DGM	CHECKED GAF
SCALE (H): 1" = 30' SCALE (V): N/A		
DATE: FEB 2021		
PROJECT NO. 191069042		
DWG. NAME 69042-SL-PI.dwg		
SHEET NO. 04		of 07 sheets



CASE NO.: FS20-599

K:\EAV_Civil\191069042 - Sycamore Farms\CA00\Parcel I\Improvement Plans\69042-SL-PI.dwg Feb 12, 2021 Billy Groganov
XREFS: x69042T-PI x69042BM-PI x69042U-PI x69042S-PI x69042D-PI x69042B-PI x69042C-PI x69042E-PI x69042F-PI x69042G-PI x69042H-PI x69042I-PI x69042J-PI x69042K-PI x69042L-PI x69042M-PI x69042N-PI x69042O-PI x69042P-PI x69042Q-PI x69042R-PI x69042S-PI x69042T-PI x69042U-PI x69042V-PI x69042W-PI x69042X-PI x69042Y-PI x69042Z-PI x69042AA-PI x69042AB-PI x69042AC-PI x69042AD-PI x69042AE-PI x69042AF-PI x69042AG-PI x69042AH-PI x69042AI-PI x69042AJ-PI x69042AK-PI x69042AL-PI x69042AM-PI x69042AN-PI x69042AO-PI x69042AP-PI x69042AQ-PI x69042AR-PI x69042AS-PI x69042AT-PI x69042AU-PI x69042AV-PI x69042AW-PI x69042AX-PI x69042AY-PI x69042AZ-PI x69042BA-PI x69042BB-PI x69042BC-PI x69042BD-PI x69042BE-PI x69042BF-PI x69042BG-PI x69042BH-PI x69042BI-PI x69042BJ-PI x69042BK-PI x69042BL-PI x69042BM-PI x69042BN-PI x69042BO-PI x69042BP-PI x69042BQ-PI x69042BR-PI x69042BS-PI x69042BT-PI x69042BU-PI x69042BV-PI x69042BW-PI x69042BX-PI x69042BY-PI x69042BZ-PI x69042CA-PI x69042CB-PI x69042CC-PI x69042CD-PI 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MATCHLINE - SEE SHEET 04

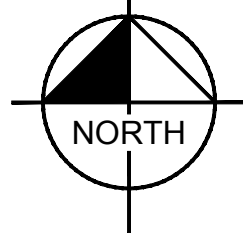
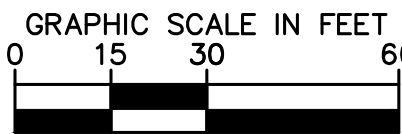
MATCHLINE - SEE SHEET 03

STREET LIGHT NOTES

- FURNISH AND INSTALL 43W LED (4,800 LUMEN) DARK BRONZE LUMINAIRE (APS DET. 8153, RL41), PHOTO CELL (APS DET. 8170), 30'-6" SQUARE BROWN STEEL DIRECT BURY POLE (APS DET. 1940.30), AND 2' MAST ARM (APS DETAIL 8180.S). INSTALL (2) #14 THHN/THWN FROM LUMINAIRES TO FUSE HOLDER IN POLE. ALL WIRING, FUSING, AND GROUNDING PER APS DETAILS AND SPECIFICATIONS.
- FURNISH AND INSTALL APS PULL BOX PER APS DETAIL (8655) ADJACENT TO POLE. FURNISH AND INSTALL 1" LIQUIDTIGHT FLEXIBLE CONDUIT WITH (2) #14 TYPE THHN/THWN AND (1) #14 BARE BOND CU GROUND FROM PULL BOX TO FUSE HOLDER IN POLE PER APS DETAILS AND SPECIFICATIONS.
- FURNISH AND INSTALL (2) BACK TO BACK 69W LED (7,810 LUMEN) DARK BRONZE LUMINAIRES (APS DET. 8153, RL42), PHOTO CELL (APS DET. 8170), 38' SQUARE BROWN STEEL DIRECT BURY POLE (APS DET. 1940.36), AND DUAL 4' MAST ARMS (APS DET. 8181.D). INSTALL (2) #14 AWG THHN/THWN FROM LUMINAIRES TO FUSE HOLDER IN POLE. ALL WIRING, FUSING, AND GROUNDING PER APS DETAILS AND SPECIFICATIONS.
- FURNISH AND INSTALL 98W LED (11,000 LUMEN) GRAY LUMINAIRE (APS DET. 8153, CL53), PHOTO CELL (APS DET. 8170), 38'-6" ROUND STEEL DIRECT BURY POLE (APS DET. 1944.38), AND 8' X 8' MAST ARM (APS DET. 8188.968). INSTALL (2) #14 AWG THHN/THWN FROM LUMINAIRE TO FUSE HOLDER IN POLE. ALL WIRING, FUSING, AND GROUNDING PER APS DETAILS AND SPECIFICATIONS.

LEGEND

- 98W (11,000 LUMEN) LED STREET LIGHT
- 69W (7,810 LUMEN) DUAL LED STREET LIGHT
- 43W (4,800 LUMEN) LED STREET LIGHT
- APS PULL BOX
- NEW UNDERGROUND CONDUIT



PARADISI - PARCEL I STREET LIGHT PLANS

SURPRISE, ARIZONA

Kimley»Horn

© 2021 KIMLEY-HORN AND ASSOCIATES, INC.
1001 West Southern Avenue, Suite 131
Mesa, Arizona 85202 (480) 207-2867

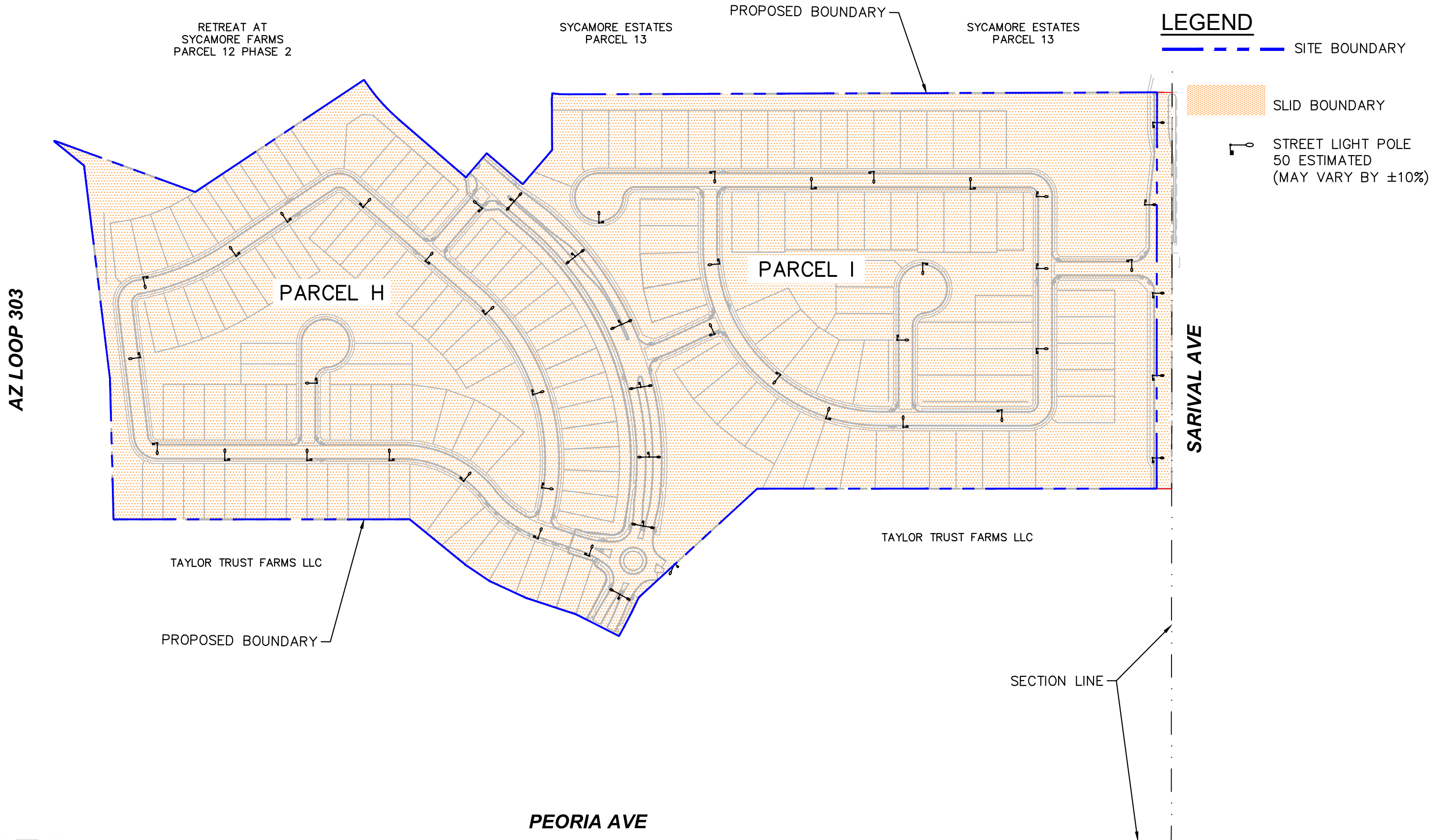


Expires 06/30/21

DESIGNED DGM	DRAWN DGM	CHECKED GAF
SCALE (H): 1" = 30'	SCALE (V): N/A	
DATE: FEB 2021	PROJECT NO. 191069042	SHEET NO. 05
DWG. NAME 69042-SL-PI.dwg	of 07 sheets	



CASE NO.: FS20-599



RESOLUTION # 2021-73

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA DECLARING ITS INTENT TO ENLARGE THE CITY OF SURPRISE, ARIZONA SYCAMORE ESATES PARCEL 13 AND ORDERING SUCH ENLARGEMENT.

WHEREAS, on *April 13, 2006* the Mayor and City Council of the City of Surprise adopted Resolution No. 2006-45, ordering the formation of the City of Surprise, Arizona *Sycamore Estates Parcel 13* (the "District") for the purpose of purchasing electricity for the lighting of the public streets and parks within the District;

WHEREAS, Ariz. Rev. Stat. § 48-616(M) permits the City to add new territory to and existing district, thereby enlarging the boundaries of an existing street lighting improvement district ("SLID") when proper notice has been given to the owners of property that will be added to the SLID;

WHEREAS, Ariz. Rev. Stat. § 48-617(A) gives the City immediate jurisdiction to order the creation or enlargement of a SLID without the necessity of publication and posting of the resolution of intention when all owners of the real property being added to the SLID have petitioned the City to form or enlarge the SLID;

WHEREAS, the owners, exclusive of mortgagees and other lienholders, of parcels of property which adjoin the District (hereinafter referred to as "Petitioners") acting pursuant to the provisions of Ariz. Rev. Stat. §§ 48-616(M) and 48-617(A), have petitioned the City to enlarge the District to include said property legally described in Exhibit A to this resolution, with such boundaries as shown in the map in Exhibit B to this resolution; and

WHEREAS, the City has verified and finds that Petitioners are the owners, exclusive of mortgagees and other lienholders, of all of the real property being added to the boundary of the District.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Surprise, Arizona, as follows.

Section 1. *District Enlargement.* The City of Surprise, Arizona *Sycamore Estates Parcel 13* shall be enlarged by the addition of the property described in Exhibit A and Exhibit B, which are incorporated by reference hereto into this Resolution. The annual tax levied upon the District will remain in full force and effect, and, commencing in fiscal year 2021/2022 will apply to the District as enlarged by this Resolution.

Section 2. *Recording and Filing of this Resolution.* A certified copy of this Resolution shall be recorded in the office of the Maricopa County Recorder. Certified

copies of this Resolution shall also be filed with the Arizona Department of Revenue and the Maricopa County Assessor's office pursuant to Ariz. Rev. Stat. § 42-17257.

APPROVED AND ADOPTED this ____ day of _____, 2021.

Skip Hall, Mayor

Attest:

Approved as to form:

Sherry Aguilar, City Clerk

Robert Wingo, City Attorney

EXHIBIT A

Legal Description

EXHIBIT "A"
SLID PARCELS H & I DESCRIPTION

THAT PORTION OF "UNIT NUMBER 29 ROMOLA OF ARIZONA GRAPE FRUIT UNIT", A FINAL PLAT RECORDED IN BOOK 19, PAGE 19, MARICOPA COUNTY RECORDS (M.C.R.), BEING LOCATED IN THE SOUTHEAST QUARTER OF SECTION 24, TOWNSHIP 3 NORTH, RANGE 2 WEST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 24, BEING MARKED BY A BRASS CAP FLUSH, FROM WHICH THE EAST QUARTER CORNER OF SECTION OF SAID SECTION 24, BEARS NORTH 00 DEGREES 07 MINUTES 00 SECONDS EAST, 2640.94 FEET;

THENCE NORTH 00 DEGREES 07 MINUTES 00 SECONDS EAST, ALONG THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 24, 770.99 FEET TO THE **POINT OF BEGINNING**;

THENCE NORTH 89 DEGREES 57 MINUTES 20 SECONDS WEST, 906.67 FEET;

THENCE SOUTH 47 DEGREES 32 MINUTES 41 SECONDS WEST, 351.96 FEET TO THE BEGINNING OF NON-TANGENT CURVE, CONCAVE NORTHWESTERLY, FROM WHICH THE CENTER BEARS NORTH 66 DEGREES 11 MINUTES 22 SECONDS WEST, 740.00 FEET;

THENCE ALONG SAID CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 05 DEGREES 23 MINUTES 22 SECONDS, AN ARC LENGTH OF 69.61 FEET TO THE BEGINNING OF A REVERSE CURVE, CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 660.00 FEET;

THENCE ALONG SAID CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 02 DEGREES 14 MINUTES 04 SECONDS, AN ARC LENGTH OF 25.74 FEET;

THENCE NORTH 63 DEGREES 02 MINUTES 05 SECONDS WEST, 106.09 FEET;

THENCE NORTH 71 DEGREES 45 MINUTES 41 SECONDS WEST, 116.33 FEET;

THENCE NORTH 65 DEGREES 00 MINUTES 01 SECONDS WEST, 87.65 FEET;

THENCE NORTH 55 DEGREES 43 MINUTES 03 SECONDS WEST, 64.39 FEET;

THENCE NORTH 50 DEGREES 39 MINUTES 53 SECONDS WEST, 154.96 FEET;

THENCE NORTH 89 DEGREES 57 MINUTES 19 SECONDS WEST, 648.38 FEET TO A POINT ON THE A.D.O.T. RIGHT-OF-WAY LINE, AS RECORDED IN DOC. 2013-0473059, M.C.R.;

THENCE NORTH 01 DEGREE 22 MINUTES 35 SECONDS WEST, ALONG SAID RIGHT-OF-WAY LINE, 305.63 FEET;

THENCE CONTINUING ALONG SAID RIGHT-OF-WAY LINE, NORTH 06 DEGREES 51 MINUTES 18 SECONDS WEST, 472.08 FEET;

THENCE CONTINUING ALONG SAID RIGHT-OF-WAY LINE, NORTH 50 DEGREES 46 MINUTES 24 SECONDS WEST, 84.00 FEET;

THENCE CONTINUING ALONG SAID RIGHT-OF-WAY LINE, NORTH 03 DEGREES 23 MINUTES 16 SECONDS WEST, 1.72 FEET TO THE SOUTH LINE OF A SPECIAL WARRANTY DEED, RECORDED IN DOC. 2011-0182547, M.C.R.,

THENCE DEPARTING SAID RIGHT-OF-WAY LINE, SOUTH 69 DEGREES 58 MINUTES 08 SECONDS EAST, ALONG SAID SOUTH LINE, 17.26 FEET;

THENCE CONTINUING ALONG SAID SOUTH LINE, SOUTH 69 DEGREES 54 MINUTES 12 SECONDS EAST, 310.83 FEET;

THENCE CONTINUING ALONG SAID SOUTH LINE, NORTH 56 DEGREES 26 MINUTES 03 SECONDS EAST, 478.60 FEET TO THE WEST LINE OF "SYCAMORE FARMS PARCEL 13, A FINAL PLAT, RECORDED IN BOOK 798, PAGE 38 M.C.R. AND THE BEGINNING OF NON-TANGENT CURVE, CONCAVE NORTHEASTERLY, FROM WHICH THE CENTER BEARS NORTH 56 DEGREES 30 MINUTES 49 SECONDS EAST, 395.00 FEET;

THENCE ALONG SAID WEST LINE AND ALONG SAID CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 15 DEGREES 37 MINUTES 34 SECONDS, AN ARC LENGTH OF 107.73 FEET;

THENCE CONTINUING ALONG SAID WEST LINE, SOUTH 49 DEGREES 06 MINUTES 46 SECONDS EAST, 192.55 FEET TO THE SOUTH LINE OF SAID FINAL PLAT;

THENCE DEPARTING SAID WEST LINE, NORTH 40 DEGREES 53 MINUTES 26 SECONDS EAST, ALONG SAID SOUTH LINE, 81.85 FEET;

THENCE CONTINUING ALONG SAID SOUTH LINE, NORTH 20 DEGREES 31 MINUTES 47 SECONDS EAST, 120.01 FEET TO THE BEGINNING OF NON-TANGENT CURVE, CONCAVE NORTHEASTERLY, FROM WHICH THE CENTER BEARS NORTH 20 DEGREES 31 MINUTES 30 SECONDS EAST, 300.00 FEET;

THENCE ALONG SAID CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 20 DEGREES 39 MINUTES 51 SECONDS, AN ARC LENGTH OF 108.20 FEET;

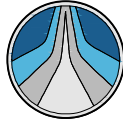
THENCE CONTINUING ALONG SAID SOUTH LINE, NORTH 89 DEGREES 51 MINUTES 38 SECONDS EAST, 1321.11 FEET TO SAID EAST LINE OF SAID SOUTHEAST QUARTER;

THENCE DEPARTING SAID SOUTH LINE, SOUTH 00 DEGREES 07 MINUTES 00 SECONDS WEST, ALONG SAID EAST LINE, 867.41 FEET TO THE
POINT OF BEGINNING.

SAID PARCEL CONTAINS 2,121,117 SQUARE FEET OR 48.6941 ACRES,
MORE OR LESS.

EXHIBIT B

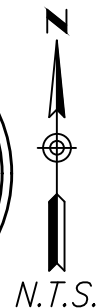
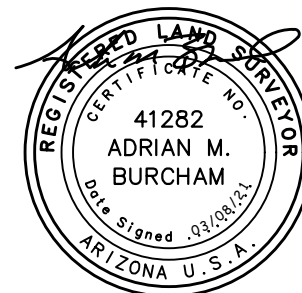
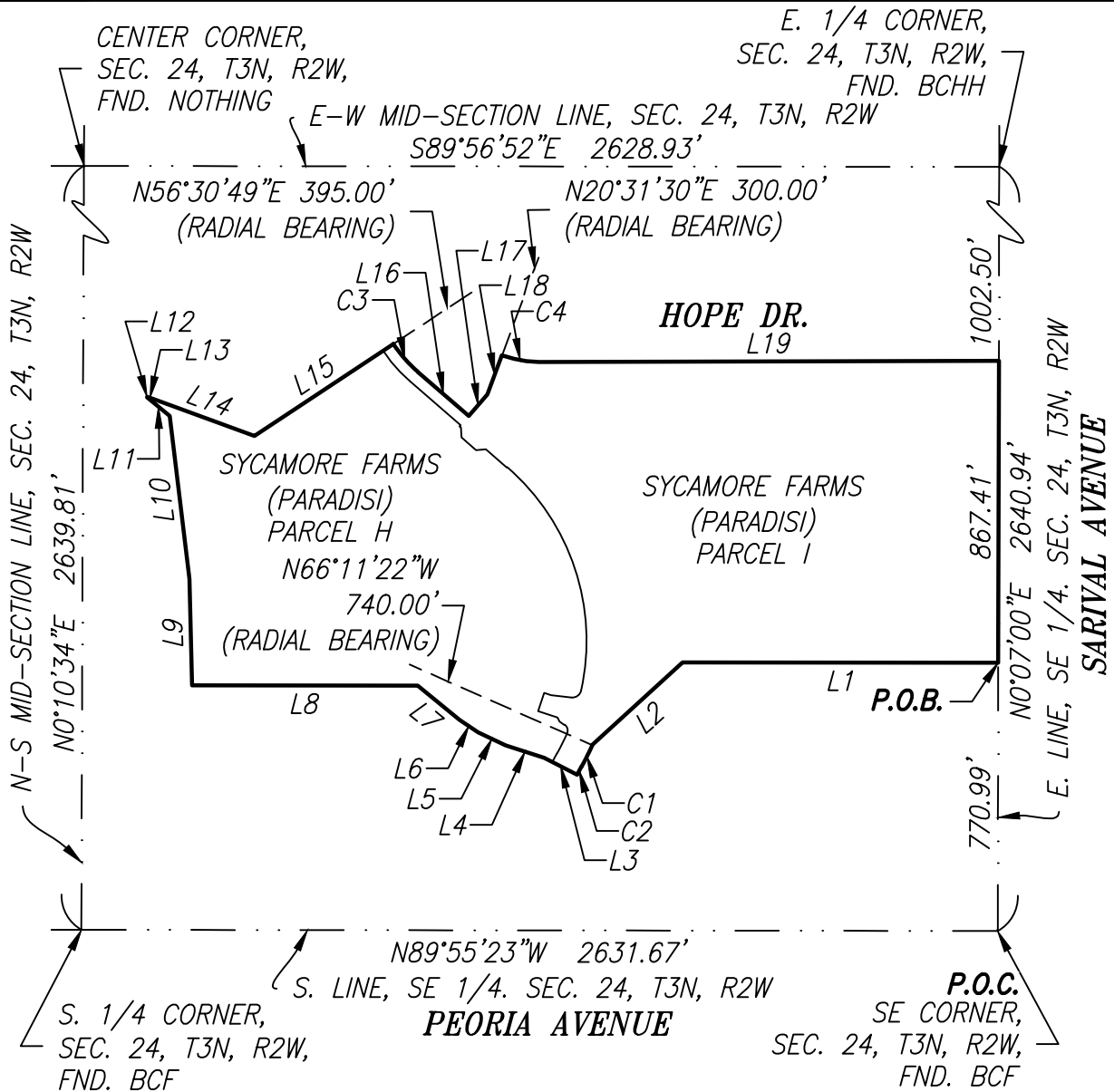
Map



HUBBARD
ENGINEERING

www.hubbardengineering.com

1201 S. Alma School Rd.
Suite 12000
Mesa, AZ 85210
Ph: 480.892.3313



SYCAMORE FARMS
SLID PARCELS H & I
EXHIBIT "B"

City of Surprise, Maricopa County, Arizona

Project No.
19127

Date
03/08/21

Project Manager
ADRIAN BURCHAM

Project Eng.

Sht: 1 of 3



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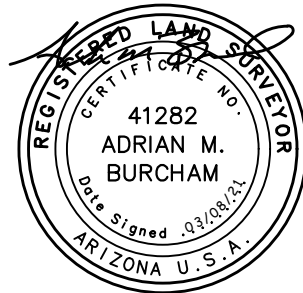
1201 S. Alma School Rd.
Suite 12000
Mesa, AZ 85210
Ph: 480.892.3313

LINE TABLE

LINE #	BEARING	LENGTH
L1	N89°57'20"W	906.67'
L2	S47°32'41"W	351.96'
L3	N63°02'05"W	106.09'
L4	N71°45'41"W	116.33'
L5	N65°00'01"W	87.65'
L6	N55°43'03"W	64.39'
L7	N50°39'53"W	154.96'
L8	N89°57'19"W	648.38'
L9	N1°22'35"W	305.63'
L10	N6°51'18"W	472.08'

LINE TABLE

LINE #	BEARING	LENGTH
L11	N50°46'24"W	84.00'
L12	N3°23'16"W	1.72'
L13	S69°58'08"E	17.26'
L14	S69°54'12"E	310.83'
L15	N56°26'03"E	478.60'
L16	S49°06'46"E	192.55'
L17	N40°53'26"E	81.85'
L18	N20°31'47"E	120.01'
L19	N89°51'38"E	1321.11'



CURVE TABLE

CURVE #	DELTA	RADIUS	LENGTH	CHORD
C1	5°23'22"	740.00'	69.61'	S26°30'19"W 69.58
C2	2°14'04"	660.00'	25.74'	S28°04'57"W 25.74
C3	15°37'34"	395.00'	107.73'	S41°17'59"E 107.39
C4	20°39'51"	300.00'	108.20'	S79°48'26"E 107.61

SYCAMORE FARMS
SLID PARCELS H & I
EXHIBIT "B"

City of Surprise, Maricopa County, Arizona

Project No.
19127

Date
03/08/21

Project Manager
ADRIAN BURCHAM

Project Eng.

Sht: 2 of 3



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Suite 12000
Mesa, AZ 85210
Ph: 480.892.3313

OWNERS

TAYLOR MORRISON ARIZONA INC.
APN: 501-07-031A

ARIZONA-AMERICAN WATER COMPANY
APN: 501-07-045

SYCAMORE ESTATES PARCEL 13 COMMUNITY ASSOC
APN: 501-07-046

ARIZONA-AMERICAN WATER COMPANY
APN: 501-07-047



SYCAMORE FARMS
SLID PARCELS H & I
EXHIBIT "B"

City of Surprise, Maricopa County, Arizona

Project No.
19127

Date
03/08/21

Project Manager
ADRIAN BURCHAM

Project Eng.

Sht: 3 of 3

STREET LIGHT IMPROVEMENT DISTRICT PETITION ENLARGEMENT

TO THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE:

We, the undersigned, are all or a majority of the real property owners, exclusive of mortgagees and other lienholders, adjoining the district named below. We petition the City Council of the City of Surprise, Arizona, to enlarge the District to include said property legally described in Exhibit A with such boundaries as shown in the map in Exhibit B attached hereto. This petition includes a charge for maintaining the lighting facilities.

It is hereby requested that, in compliance with the Arizona Revised Statutes, the City Council adopt a Resolution of Intention to enlarge the existing District, and that unless protests are received pursuant to A.R.S. §48-579 sufficient to bar further proceedings, the City Council proceed with the improvements petitioned for herein.

Public convenience, necessity and welfare will be promoted by the establishment of the District and the real property within the District will be benefited by the District. Additional street lighting facilities may be installed and included in the District, at no investment cost to the District, as directed by the City and as approved by Arizona Public Service and the City Engineer.

WHEREFORE, we respectfully ask that this Petition be properly filed and that the Mayor and Council of the City adopt the Resolution and take such other action as is proper, necessary and appropriate to enlarge the District and to fulfill the purposes for which the District is organized, as the Mayor and Council believe is proper and necessary.

The name of the existing street light improvements district to be enlarged:
SYCAMORE ESTATES PARCEL 13

(Leave Blank - to be assigned by City staff)

PETITIONERS: Please print and sign your name

PRINT BUSINESS/ PETITIONER'S NAME	ADDRESS OF PROPERTY OWNED WITHIN DISTRICT	ASSESSOR PARCEL #	SIGNATURE
Taylor-Morrison (Rep: Angela Carmitchel)	NW of Peoria Ave and Sarival Ave	501-07-031A	<i>Angela Carmitchel</i>
ARIZONA-AMERICAN WATER COMPANY (Rep: Brad Finke)	NW of Peoria Ave and Sarival Ave	501-07-045 & 501-07-047	<i>Brad Finke</i>
SYCAMORE ESTATES PARCEL 13 COMMUNITY ASSOC	NW of Peoria Ave and Sarival Ave	501-07-046	<i>[Signature]</i>



**RATE SCHEDULE E-58
CLASSIFIED SERVICE
STREET LIGHTING SERVICE**

AVAILABILITY

This rate schedule is applicable to those portions of cities, towns and unincorporated communities in which the Company does a general retail electric business and where the Company has installed a multiple or series street lighting system of adequate capacity for the service to be rendered.

DESCRIPTION

E-58 is a rate that is applicable for lighting public streets, alleys, thoroughfares, public parks and playgrounds from dusk to dawn by use of Company's facilities.

TIME PERIODS

Dusk: Time between sunset and full night when photocontrol senses the lack of sufficient sunlight and turns on the lights.
Dawn: The time between full night and sunrise when a photocontrol senses sufficient sunlight to turn off lights.

CHARGES

The monthly bill will consist of the following charges, plus adjustments.

I. FIXTURES (Includes Mounting Arm, if Applicable)

	Lumen	Watts	kWh	CHARGES	
				Investment by Company	Investment by Others
A. Acorn	3,835 LED	75	26	\$21.63	\$7.59
	4,796 LED	75	26	\$17.38	\$6.46
	5,003 LED	100	35	\$23.45	\$8.71
	5,904 LED	100	35	\$23.03	\$8.60
	6000 IND	85	29	\$19.24	\$5.14
B. Architectural	6,200 IND	85	29	\$10.13	\$3.93
	8,400 IND	100	34	\$10.69	\$4.36
	10,200 IND	120	41	\$11.75	\$4.99
	13,000 IND	150	52	\$12.98	\$5.93
	20,500 IND	200	69	\$14.78	\$7.37
	22,500 IND	265	91	\$17.63	\$9.28
	3,300 LED	43	15	\$10.24	\$3.79
	3,800 LED	32	12	\$7.73	\$2.92
	3,900 LED	32	12	\$9.96	\$3.51
	4,050 LED	63	22	\$18.63	\$6.52
	4,100 LED	45	16	\$10.34	\$3.89
	4,800 LED	41	15	\$8.27	\$3.27
	5,000 LED	41	15	\$9.61	\$3.62



**RATE SCHEDULE E-58
CLASSIFIED SERVICE
STREET LIGHTING SERVICE**

	CHARGES				
	Lumen	Watts	kWh	Investment by Company	Investment by Others
	5,100 LED	60	21	\$10.18	\$4.19
	5,300 LED	67	24	\$10.47	\$4.48
	5,800 LED	94	32	\$17.81	\$5.16
	5,890 LED	89	31	\$20.56	\$7.66
	6,000 LED	62	22	\$18.63	\$6.52
	6,000 LED	67	24	\$19.89	\$6.99
	6,400 LED	89	31	\$17.89	\$5.10
	6,810 LED	101	35	\$18.89	\$7.50
	7,100 LED	62	22	\$19.70	\$6.80
	7,400 LED	127	44	\$20.42	\$6.34
	7,500 LED	73	26	\$20.08	\$7.18
	7,700 LED	86	30	\$18.41	\$7.02
	8,200 LED	88	31	\$10.45	\$4.97
	8,200 LED	95	33	\$11.87	\$5.48
	8,300 LED	72	25	\$17.93	\$6.54
	8,300 LED	106	37	\$12.45	\$5.91
	8,500 LED	88	31	\$11.69	\$5.30
	9,020 LED	139	48	\$22.94	\$9.47
	9,200 LED	139	48	\$25.60	\$7.30
	9,900 LED	130	45	\$13.82	\$6.84
	10,000 LED	93	32	\$21.43	\$7.96
	10,000 LED	113	39	\$13.26	\$6.28
	10,600 LED	126	44	\$22.56	\$9.09
	11,100 LED	108	38	\$12.76	\$6.07
	11,500 LED	108	38	\$13.16	\$6.18
	12,300 LED	203	70	\$25.48	\$8.85
	12,900 LED	119	41	\$22.31	\$8.82
	13,260 LED	202	70	\$27.11	\$12.12
	13,620 LED	202	70	\$28.49	\$9.24
	14,000 LED	171	59	\$26.07	\$11.08
	15,000 LED	136	47	\$24.93	\$9.94
	15,400 LED	144	50	\$25.21	\$10.22
	18,300 LED	162	56	\$16.13	\$8.22
	19,200 LED	257	89	\$26.87	\$13.38
	20,000 LED	258	89	\$26.87	\$13.38
	20,300 LED	193	67	\$17.17	\$9.26
	21,000 LED	193	67	\$24.77	\$11.28
C. Cobra	6,200 IND	75	26	\$10.54	\$3.77
	6,400 IND	85	29	\$8.97	\$3.78
	8,000 IND	88	30	\$10.47	\$4.04
	8,400 IND	100	34	\$9.70	\$4.24
	10,200 IND	120	41	\$10.44	\$4.81



**RATE SCHEDULE E-58
CLASSIFIED SERVICE
STREET LIGHTING SERVICE**

				CHARGES				
				Investment by Company	Investment by Others			
				Lumen	Watts	kWh		
C. Cobra				13,000 IND	150	52	\$11.50	\$5.73
				15,250 IND	200	69	\$13.86	\$7.25
				22,500 IND	250	86	\$18.55	\$9.06
		Gray / Bronz		3,500 IND	55	19	\$10.50	\$3.27
				6,000 LED	95	33	\$17.05	\$5.13
				8,700 LED	142	49	\$19.17	\$6.53
				9,600 LED	157	54	\$20.40	\$7.04
				11,600 B-LED	181	62	\$19.03	\$7.44
		Gray / Bronz		3,300 LED	43	15	\$9.00	\$2.79
		Gray / Bronz		5,300 LED	67	23	\$10.45	\$3.54
		Gray / Bronz		8,300 LED	106	37	\$13.55	\$4.94
		Gray / Bronz		10,500 LED	130	45	\$15.08	\$5.69
	Gray / Bronz		20,000 LED	258	89	\$26.21	\$10.27	
D. Decorative Transit				5,300 LED	75	26	\$28.44	\$6.12
				8,300 LED	100	34	\$30.45	\$6.97
				8,147 LED	75	26	\$35.76	\$11.36
				9,522 LED	100	35	\$36.14	\$12.09
				10,500 LED	150	52	\$32.69	\$8.52
				14,896 LED	150	52	\$39.98	\$14.29
		Double		8,147 LED	75	26	\$64.74	\$18.96
		Double		9,522 LED	100	35	\$64.67	\$19.58
		Double		14,896 LED	100	52	\$70.67	\$22.32
		Copper		6,000 IND	85	29	\$18.87	\$5.09
		Gray / Black		8,000 IND	88	30	\$14.86	\$4.62
		Gray / Black		4,350 LED	86	30	\$13.48	\$4.44
E. Flood				14,470 LED	148	51	\$23.93	\$9.95
				16,000 LED	125	43	\$23.17	\$9.19
F. Pendant				8,678 LED	75	26	\$26.36	\$8.85
				13,964 LED	100	35	\$27.84	\$9.88
G. Post Top				4,350 LED	86	30	\$13.43	\$5.69
				6,400 LED	30	30	\$13.43	\$5.69
				6,600 LED	83	29	\$13.33	\$5.59
H. Roadway				3,300 LED	43	15	\$9.46	\$3.58
				3,800 LED	32	12	\$7.24	\$2.79
				3,900 LED	32	12	\$9.18	\$3.30
				4,100 LED	45	16	\$9.56	\$3.68
				4,800 LED	41	15	\$7.76	\$3.13
				5,000 LED	41	15	\$9.12	\$3.49
				5,100 LED	60	21	\$9.69	\$4.06
				5,300 LED	67	24	\$9.98	\$4.35
				8,200 LED	88	31	\$9.72	\$4.77



**RATE SCHEDULE E-58
CLASSIFIED SERVICE
STREET LIGHTING SERVICE**

	8,200 LED	95	33	\$11.36	\$5.34
	8,300 LED	106	37	\$11.74	\$5.72
	8,500 LED	88	31	\$11.18	\$5.16
	9,900 LED	130	45	\$13.31	\$6.70
	10,000 LED	113	39	\$12.75	\$6.14
	11,100 LED	108	38	\$12.03	\$5.88
	11,500 LED	108	38	\$12.65	\$6.04
	18,300 LED	162	56	\$15.23	\$7.98
	19,200 LED	257	89	\$19.11	\$11.32
	20,000 LED	258	89	\$19.11	\$11.32
	20,300 LED	193	67	\$16.27	\$9.02
	21,000 LED	193	67	\$17.01	\$9.22

FROZEN	4,000 INC	295	103	\$10.54	\$5.89
	7,000 MV	175	73	\$13.65	\$7.83
	11,000 MV	250	96	\$17.09	\$10.43
	20,000 MV	400	150	\$26.84	\$15.21
FROZEN ACORN	9,500 HPS	100	41	\$29.14	\$9.93
	16,000 HPS	150	69	\$32.35	\$12.55
FROZEN ARCHITECTURAL	9,500 HPS	100	41	\$16.56	\$7.90
	16,000 HPS	150	69	\$19.77	\$19.34
	30,000 HPS	250	99	\$22.95	\$13.57
	50,000 HPS	400	153	\$28.32	\$19.53
	14,000 MH	175	72	\$23.17	\$12.70
	21,000 MH	250	101	\$26.31	\$15.66
	36,000 MH	400	159	\$32.89	\$21.54
	8,000 LPS	55	30	\$24.08	\$10.58
	13,500 LPS	90	50	\$28.39	\$12.76
	22,500 LPS	135	72	\$32.43	\$15.56
FROZEN COBRA ROADWAY	33,000 LPS	180	90	\$39.01	\$18.33
	5,800 HPS	70	29	\$9.40	\$5.56
	9,500 HPS	100	41	\$11.07	\$6.81
	16,000 HPS	150	69	\$13.86	\$9.50
FROZEN COBRA ROADWAY	30,000 HPS	250	99	\$16.72	\$12.35
	50,000 HPS	400	153	\$22.69	\$17.63
	14,000 MH	175	72	\$16.12	\$10.99
	21,000 MH	250	101	\$18.84	\$13.67
	36,000 MH	400	159	\$24.81	\$18.99
FROZEN DECORATIVE TRANSIT	8,000 FL	100	38	\$18.53	\$5.43
	9,500 HPS	100	41	\$39.95	\$11.96
	16,000 HPS	150	69	\$39.72	\$13.36
FROZEN FLOOD	30,000 HPS	250	99	\$45.74	\$17.26
	30,000 HPS	250	99	\$22.20	\$13.79
	50,000 HPS	400	153	\$27.53	\$19.14
	21,000 MH	250	101	\$23.69	\$14.58
FROZEN Colonial Gray	36,000 MH	400	159	\$28.89	\$19.76
	8,000 FL	100	38	\$19.97	\$5.64



**RATE SCHEDULE E-58
CLASSIFIED SERVICE
STREET LIGHTING SERVICE**

POST TOP	Colonial Gray	9,500 HPS	100	41	\$11.42	\$7.16
	Colonial Black	9,500 HPS	100	41	\$13.15	\$7.41
	Decorative	9,500 HPS	100	41	\$34.97	\$11.03

NOTES:

1. Investment by Company. These rates are applicable where the Company provides the initial investment to purchase and install all facilities necessary for street lighting service. The Company will own, operate, and maintain the street lighting system.
2. Investment by Others. These rates are applicable in those instances where the requesting entity or individual purchases and installs the street lighting facilities at their own expense and in accordance with Company specifications. These rates will also apply in the instance where the Customer provides a non-refundable advance to the Company to cover the Company's cost of purchasing and installing the street lighting system. The Company retains ownership of the street lighting system and provides operation and maintenance for all facilities.
3. Listed kWhs reflect the assigned monthly energy usage for each type of fixture and are used to determine any applicable transmission, system benefit, distribution, energy, and adjustment charges.
4. HPS = High Pressure Sodium
5. MH = Metal Halide
6. LPS = Low Pressure Sodium
7. FL = Fluorescent
8. INC = Incandescent. Incandescent lighting charges are applicable and available only to those Customers being served and those installations in service on November 1, 1986.
9. MV = Mercury Vapor. Mercury Vapor lighting charges are applicable and available only to those Customers being served and those installation in service on November 1, 1986 in accordance with A.R.S. §49-1104(A).
10. LED = Light Emitting Diode
11. IND = Induction



**RATE SCHEDULE E-58
CLASSIFIED SERVICE
STREET LIGHTING SERVICE**

II. POLES

				CHARGES		
				Investment by Company	Investment by Others	
A. Anchor Base Mounted (Flush)	Round Steel	1 Simplex Adapter	Height			
			12 ft.	\$13.11	\$1.81	
			22 ft.	\$14.75	\$2.03	
			25 ft.	\$15.97	\$2.21	
			30 ft.	\$18.34	\$2.52	
		32 ft.	\$19.27	\$2.55		
		2 Simplex Adapters	12 ft.	\$13.98	\$1.93	
			22 ft.	\$16.06	\$2.22	
			25 ft.	\$16.75	\$2.31	
			30 ft.	\$19.47	\$2.68	
	32 ft.		\$20.77	\$2.87		
	Square Steel	5"	13 ft.	\$15.03	\$2.06	
			15 ft.	\$13.43	\$1.85	
			23 ft.	\$15.93	\$2.19	
			25 ft.	\$17.51	\$2.41	
			28 ft.	\$19.44	\$2.67	
			32 ft.	\$19.33	\$2.66	
	Concrete		12 ft.	\$44.79	\$6.17	
	Fiberglass		12 ft.	\$37.93	\$5.22	
	Decorative Transit		4"	16 ft.	\$36.98	\$5.10
	Decorative Transit		6"	30 ft.	\$71.39	\$9.83
	Hinged Poles		Square	15 ft.	\$14.21	\$1.16
Round			19 ft.	\$12.85	\$1.05	
B. Anchor Base Mounted (Pedestal)	Round Steel	1 Simplex Adapter	12 ft.	\$12.61	\$1.73	
			22 ft.	\$14.26	\$1.96	
			25 ft.	\$15.46	\$2.13	
			30 ft.	\$17.85	\$2.47	
			32 ft.	\$18.75	\$2.58	
		2 Simplex Adapters	12 ft.	\$13.47	\$1.85	
			22 ft.	\$15.05	\$2.06	
			25 ft.	\$16.24	\$2.23	
			30 ft.	\$18.97	\$2.60	
			32 ft.	\$20.26	\$2.79	
		3 Bolt	32 ft.	\$23.28	\$3.20	
		Square Steel	5"	13 ft.	\$14.54	\$2.01
				15 ft.	\$14.86	\$2.03
				23 ft.	\$15.43	\$2.13
	25 ft.			\$17.02	\$2.36	
	28 ft.			\$18.91	\$2.60	
	32 ft.			\$19.63	\$2.69	



**RATE SCHEDULE E-58
CLASSIFIED SERVICE
STREET LIGHTING SERVICE**

II POLES (cont)

		CHARGES		
		Height	Investment by Company	Investment by Others
C. Direct Bury	Round Steel	19 ft.	\$19.84	\$2.74
		30 ft.	\$15.49	\$2.87
		38 ft.	\$18.90	\$2.94
		Self 40 ft.	\$23.28	\$3.69
		Stepped 25 ft.	\$53.55	\$4.37
		32 ft.	\$56.40	\$4.60
		49 ft.	\$70.00	\$9.65
	Square Steel	4" 34 ft.	\$17.09	\$2.96
		5" 20 ft.	\$16.23	\$2.68
		30 ft.	\$16.92	\$2.79
		38 ft.	\$18.36	\$3.19
		8" 28 ft.	\$30.64	\$2.49
		32 ft.	\$32.03	\$2.62
		Decorative Transit 41 ft 6	\$22.05	\$3.24
	Decorative Transit	47 ft.	\$27.47	\$4.04
	Steel Distribution Pole (for lighting only)	35 ft.	\$25.36	\$3.34
D. Post Top	Decorative Transit Anchor Base	16 ft.	\$37.77	\$5.19
	Gray Steel/Fiberglass	23 ft.	\$13.10	\$2.15
	Black Steel	23 ft.	\$14.44	\$2.38
E. Existing distribution pole suitable for streetlight use			\$1.59	--
F. FROZEN	Wood Poles	30 ft.	\$9.64	\$1.67
		35 ft.	\$9.64	\$1.59

NOTE: The monthly rate for all new poles includes up to 300 feet of overhead secondary wire, or up to 300 feet of underground secondary wire if the Customer provides earthwork and conduit (excluding the underground to overhead transition).

III. ANCHOR BASE

		CHARGES		
		Height	Investment by Company	Investment by Others
A. Flush		4 ft.	\$10.67	\$1.47
		6 ft.	\$12.73	\$2.21
B. Pedestal		8 ft.	\$14.59	\$2.54
	For 32' Round Steel Pole only	4 ft. 6"	\$10.12	\$1.75



**RATE SCHEDULE E-58
CLASSIFIED SERVICE
STREET LIGHTING SERVICE**

IV. CHARGES FOR OPTIONAL OR ADDITIONAL EQUIPMENT

		CHARGE
		Company Owned
FROZEN		
Underground Circuit Charges:		
a.	Per foot of cable, installed under paving	\$0.17000
b.	Per foot of cable, not installed under paving	\$0.06000

V. DETERMINATION OF CHARGES FOR NEW EQUIPMENT

Monthly charges for new lighting fixtures, poles and other equipment not included in Sections I, II, or III above will be determined by the Company using the following method:

Step 1 Determination of Charges for each Charge Type							Monthly Fixed Charge Rate
Charge Type	Monthly Charge		Cost Inputs Equipment Cost		PV Factor		
1	Carrying Cost (fixtures)	=	(installed)	x	NA	x	1.518%
			Equipment Cost				
2	Carrying Cost (poles)	=	(installed)	x	NA	x	1.296%
			Equipment Cost				
3	Fixture Replacement Cost	=	Equipment Cost (installed)	x	0.257	x	1.518%
4	Pole, Anchor Replacement Cost	=	Equipment Cost (installed)	x	0.110	x	1.296%
5	Lighting O&M	=	O&M Cost (lifecycle)	x	0.427	x	1.518%
Charge Type	Monthly Charge		kWh Input		\$/kWh		
6	Generation	=	kWh per month	x	0.06760		
7	T&D, RCS, SB	=	kWh per month	x	0.02738		



**RATE SCHEDULE E-58
CLASSIFIED SERVICE
STREET LIGHTING SERVICE**

Step 2 Determination of Total Monthly Charge
The total monthly charge will be the summation of the charges for each applicable charge type

<u>Equipment</u>	<u>Charge Type</u>
Fixture - IBC	1,5,6,7
Fixture - IBO	3,5,6,7
Pole, Anchor Base - IBC	2
Pole, Anchor Base - IBO	4

TRIP CHARGE

A \$100.00 trip charge per light will be charged when a Customer requests a disconnect or reconnect of service in order to accommodate the maintenance activities of the Customer or its designee(s) on their street lighting equipment.

ADJUSTMENTS

The bill will include the following adjustments:

1. The Renewable Energy Standard charge, Adjustment Schedule REAC-1.
2. The Power Supply Adjustment charges, Adjustment Schedule PSA-1.
3. The Transmission Cost Adjustment charge, Adjustment Schedule TCA-1.
4. The Environmental Improvement Surcharge, Adjustment Schedule EIS.
5. The Demand Side Management Adjustment charge, Adjustment Schedule DSMAC-1.
6. The Lost Fixed Cost Recovery Adjustment charge, Adjustment Schedule LFCR.
7. Direct Access Customers returning to Standard Offer service may be subject to a Returning Customer Direct Access Charge, Adjustment Schedule RCDAC-1.
8. Any applicable taxes and governmental fees that are assessed on APS's revenues, prices, sales volume, or generation volume.

SERVICE DETAILS

1. Street lighting facilities installed under this rate schedule are of the type currently being furnished by Company as standard at the time service is initially requested. Standard facilities are those listed in the Company's Transmission and Distribution Construction Standards book.



**RATE SCHEDULE E-58
CLASSIFIED SERVICE
STREET LIGHTING SERVICE**

2. The Customer will be responsible for notifying the Company when the streetlighting facilities are not operating as intended. The Company will use reasonable efforts to complete normal maintenance (replacement of lamps, photocontrols or fixtures) within ten (10) working days from notification by Customer. If the maintenance requires cable replacement or repairs, the Company will use reasonable efforts to complete said repairs within twenty (20) working days.
3. The Customer's bill will not be reduced due to lamp, photocontrol or cable repair or replacement outages.
4. Lighting equipment which is not specified in this rate schedule will be billed at the rates corresponding to the most similar equipment, as determined by the Company.
5. Non-standard facilities (non-standard being defined as any facility not listed in the Company's Transmission and Distribution Construction Standards book) do not qualify for this rate schedule. At the Company's discretion, such facilities may be served under another of the Company's rate schedules.
6. The Company will extend its standard street lighting system up to a distance of 300 feet for each additional lighting installation without cost at the request of the Customer. When the extension is underground the customer will provide earthwork as specified in the Company's Service Schedule 3, Conditions Governing Extensions of Electric Distribution Lines and Services; or, at the applicant's request, the Company will provide such earthwork and the applicant will be required to pay a non-refundable contribution in aid of construction equal to the cost of such earthwork. Any additional extension required (over and above the first 300 feet) will be provided by Company for a contribution in aid of construction equal to the cost of the additional extension.
 - a. Extensions to isolated areas requiring a substantial extension of the electric distribution system, as opposed to an extension of the street lighting system, will require a special study to determine the terms and conditions under which the Company will undertake such an extension.
7. APS provides electric service under the Company's Service Schedules. These schedules provide details about how the Company serves its Customers, and they have provisions and charges that may affect the Customer's bill. In addition, service may be subject to special terms and conditions as provided for in a Customer contract or service agreement.



CITY OF SURPRISE Regular City Council Meeting

Council Meeting Date: June 15, 2021
Submitting Department: Public Works
Staff Recommendations: None

Contact Person: Mike Gent, DIRECTOR - PW
District: District 6

Consent: Yes	Regular: No	Public Hearing: No	Report/Discussion: No
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Agenda Wording:

Consideration and action declaring the city's intent to enlarge the existing lighting improvement district known as "Surprise Pointe" pursuant to A.R.S. § 48-616 for the purpose of purchasing facilities and energy for lighting the public streets and parks; Resolution # 2021-89.

Motion:

I move to approve Resolution # 2021-89.

Background:

Surprise Pointe was formed in 2008 (Resolution 2008-096). Since the time of formation, new parcels have been formed in and around the original SLID boundary. We request enlarging the existing SLID to include the new parcels and extend existing boundaries to roadway centerlines. The city has verified that the Petition for the proposed street light improvement district enlargement contains the signatures of all of the real property owners in the enlargement area of the district, exclusive of mortgages and other lien holders. 2 existing street lights are proposed within this enlargement which is a collector road and will be billed to the Surprise Pointe SLID.

Objective Analysis:

A SLID is a neighborhood partnership and very common practice in which property owners in a defined area agree to pay the costs to operate and maintain their immediate area's street lights through a property tax. All new developments in the City of Surprise require a SLID. This action will enlarge an existing SLID boundary to include the remainder of the parcels not within the SLID and extend existing boundaries to roadway centerlines. The District is paid for by the levy and collection of ad valorem of taxes based on the number and classification of properties within the District. The enlargement of the SLID will only affect the parcels joining into the District, as the valuation of the property may be increased.

Policy Compliant:

Surprise Municipal Code requires that street lighting that serves a defined area be paid for through revenues obtained from the specific area being served by such street lighting. In these instances, a Street Light Improvement District (SLID) is formed. The city strives to assure that residents are subject to only one SLID and that the boundaries of each SLID accurately reflect the service area. This item is consistent with these objectives.

Financial Impact:

Any financial impact on the City is anticipated to be minimal, as the ratio of the new lights to existing lights is very small.

Budget Impact:

This is an enlargement of an existing SLID, therefore no impact to the budget is anticipated. A separate fund for this District is currently in place to track the revenue and expenses.

FTE Impact:

This action does not change the full time equivalent count.

ATTACHMENTS:

1. 01 Res 2021-89 SLID Enlargement for Surprise Pointe-final
 2. 02 SLID Petition_JBugs_Aproved
 3. 03 Council Map_JBugs
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RESOLUTION # 2021-89

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA DECLARING ITS INTENT TO ENLARGE THE CITY OF SURPRISE, ARIZONA *SURPRISE POINTE* AND ORDERING SUCH ENLARGEMENT.

WHEREAS, on *July 10, 2008* the Mayor and City Council of the City of Surprise adopted Resolution No. 2008-096, ordering the formation of the City of Surprise, Arizona *Surprise Pointe* (the “District”) for the purpose of purchasing electricity for the lighting of the public streets and parks within the District;

WHEREAS, Ariz. Rev. Stat. § 48-616(M) permits the City to add new territory to and existing district, thereby enlarging the boundaries of an existing street lighting improvement district (“SLID”) when proper notice has been given to the owners of property that will be added to the SLID;

WHEREAS, Ariz. Rev. Stat. § 48-617(A) gives the City immediate jurisdiction to order the creation or enlargement of a SLID without the necessity of publication and posting of the resolution of intention when all owners of the real property being added to the SLID have petitioned the City to form or enlarge the SLID;

WHEREAS, the owners, exclusive of mortgagees and other lienholders, of parcels of property which adjoin the District (hereinafter referred to as “Petitioners”) acting pursuant to the provisions of Ariz. Rev. Stat. §§ 48-616(M) and 48-617(A), have petitioned the City to enlarge the District to include said property legally described in Exhibit A to this resolution, with such boundaries as shown in the map in Exhibit B to this resolution; and

WHEREAS, the City has verified and finds that Petitioners are the owners, exclusive of mortgagees and other lienholders, of all of the real property being added to the boundary of the District.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Surprise, Arizona, as follows.

Section 1. *District Enlargement.* The City of Surprise, Arizona *Surprise Pointe* shall be enlarged by the addition of the property described in Exhibit A and Exhibit B, which are incorporated by reference hereto into this Resolution. The annual tax levied upon the District will remain in full force and effect, and, commencing in fiscal year 2021/2022 will apply to the District as enlarged by this Resolution.

Section 2. *Recording and Filing of this Resolution.* A certified copy of this Resolution shall be recorded in the office of the Maricopa County Recorder. Certified

copies of this Resolution shall also be filed with the Arizona Department of Revenue and the Maricopa County Assessor's office pursuant to Ariz. Rev. Stat. § 42-17257.

APPROVED AND ADOPTED this ____ day of _____, 2021.

Skip Hall, Mayor

Attest:

Approved as to form:

Sherry Aguilar, City Clerk

Robert Wingo, City Attorney

EXHIBIT A LEGAL DESCRIPTION

THAT PORTION OF THE EAST HALF OF SECTION 15, TOWNSHIP 3 NORTH, RANGE 1 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE EAST QUARTER CORNER OF SAID SECTION 15, FROM WHICH THE SOUTHEAST CORNER OF SAID SECTION 15 BEARS SOUTH 00°07'31" WEST, A DISTANCE OF 2638.96 FEET;

THENCE SOUTH 00°07'31" WEST, ALONG THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 15, A DISTANCE OF 604.70 FEET;

THENCE NORTH 89°54'44" WEST, A DISTANCE OF 65.00 FEET TO THE POINT OF BEGINNING;

THENCE CONTINUING NORTH 89°54'44" WEST, A DISTANCE OF 444.42 FEET;

THENCE NORTH 00°04'32" EAST, A DISTANCE OF 650.89 FEET;

THENCE SOUTH 89°13'02" EAST, ALONG THE NORTH RIGHT OF WAY OF SWEETWATER AVENUE, A DISTANCE OF 420.00 FEET;

THENCE NORTH 45°26'49" EAST, A DISTANCE OF 35.17 FEET;

THENCE SOUTH 00°07'31" WEST, A DISTANCE OF 670.51 FEET TO THE POINT OF BEGINNING.



PAGE 1 OF 2

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DATE: 5/16/21
DESC: SLID LEGAL
DESCRIPTION

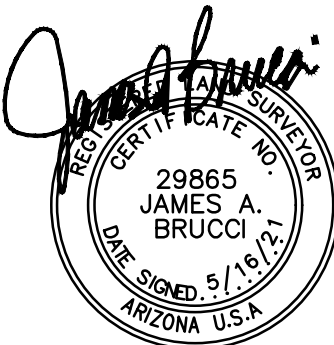
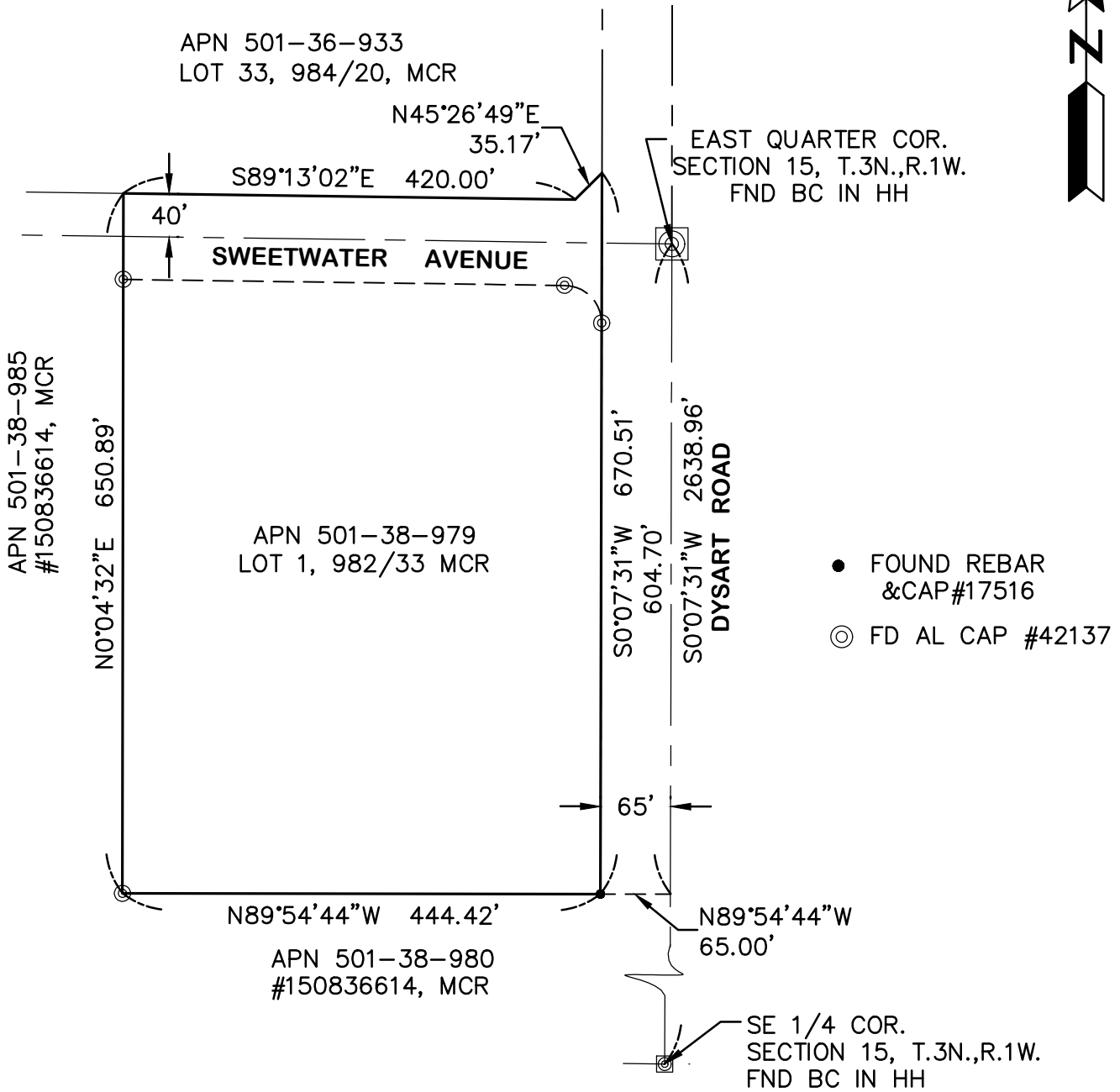
HUNTER
ENGINEERING

10450 N. 74TH ST., SUITE 200
SCOTTSDALE, AZ 85258
T 480 991 3985
F 480 991 3986

CIVIL AND SURVEY

PROJ.NO
LGEC278-XB01

EXHIBIT B SLID



PAGE 2 OF 2

TITLE: XB01
SCALE: 1"=150'
DATE: 5/16/21
DESC: SLID
EXHIBIT

HUNTER

ENGINEERING

10450 N. 74TH ST., SUITE 200
SCOTTSDALE, AZ 85258
T 480 991 3985
F 480 991 3986

CIVIL AND SURVEY

CITY OF SURPRISE,
MARICOPA COUNTY,
ARIZONA

PROJ. NO LGEC278-XB01

STREET LIGHT IMPROVEMENT DISTRICT PETITION ENLARGEMENT

TO THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE:

We, the undersigned, are all or a majority of the real property owners, exclusive of mortgagees and other lienholders, adjoining the district named below. We petition the City Council of the City of Surprise, Arizona, to enlarge the District to include said property legally described in Exhibit A with such boundaries as shown in the map in Exhibit B attached hereto. This petition includes a charge for maintaining the lighting facilities.

It is hereby requested that, in compliance with the Arizona Revised Statutes, the City Council adopt a Resolution of Intention to enlarge the existing District, and that unless protests are received pursuant to A.R.S. §48-579 sufficient to bar further proceedings, the City Council proceed with the improvements petitioned for herein.

Public convenience, necessity and welfare will be promoted by the establishment of the District and the real property within the District will be benefited by the District. Additional street lighting facilities may be installed and included in the District, at no investment cost to the District, as directed by the City and as approved by Arizona Public Service and the City Engineer.

WHEREFORE, we respectfully ask that this Petition be properly filed and that the Mayor and Council of the City adopt the Resolution and take such other action as is proper, necessary and appropriate to enlarge the District and to fulfill the purposes for which the District is organized, as the Mayor and Council believe is proper and necessary.

The name of the existing street light improvements district to be enlarged:
Surprise Pointe

(Leave Blank - to be assigned by City staff)

PETITIONERS: Please print and sign your name

PRINT BUSINESS/ PETITIONER'S NAME	ADDRESS OF PROPERTY OWNED WITHIN DISTRICT	ASSESSOR PARCEL #	SIGNATURE
Gary Vogl	SW Corner of Sweetwater Ave. and Dysart Rd.	501-38-979	



**RATE SCHEDULE E-58
CLASSIFIED SERVICE
STREET LIGHTING SERVICE**

AVAILABILITY

This rate schedule is applicable to those portions of cities, towns and unincorporated communities in which the Company does a general retail electric business and where the Company has installed a multiple or series street lighting system of adequate capacity for the service to be rendered.

DESCRIPTION

E-58 is a rate that is applicable for lighting public streets, alleys, thoroughfares, public parks and playgrounds from dusk to dawn by use of Company's facilities.

TIME PERIODS

Dusk: Time between sunset and full night when photocontrol senses the lack of sufficient sunlight and turns on the lights.
Dawn: The time between full night and sunrise when a photocontrol senses sufficient sunlight to turn off lights.

CHARGES

The monthly bill will consist of the following charges, plus adjustments.

I. FIXTURES (Includes Mounting Arm, if Applicable)

	Lumen	Watts	kWh	CHARGES	
				Investment by Company	Investment by Others
A. Acorn	3,835 LED	75	26	\$21.63	\$7.59
	4,796 LED	75	26	\$17.38	\$6.46
	5,003 LED	100	35	\$23.45	\$8.71
	5,904 LED	100	35	\$23.03	\$8.60
	6000 IND	85	29	\$19.24	\$5.14
B. Architectural	6,200 IND	85	29	\$10.13	\$3.93
	8,400 IND	100	34	\$10.69	\$4.36
	10,200 IND	120	41	\$11.75	\$4.99
	13,000 IND	150	52	\$12.98	\$5.93
	20,500 IND	200	69	\$14.78	\$7.37
	22,500 IND	265	91	\$17.63	\$9.28
	3,300 LED	43	15	\$10.24	\$3.79
	3,800 LED	32	12	\$7.73	\$2.92
	3,900 LED	32	12	\$9.96	\$3.51
	4,050 LED	63	22	\$18.63	\$6.52
	4,100 LED	45	16	\$10.34	\$3.89
	4,800 LED	41	15	\$8.27	\$3.27
	5,000 LED	41	15	\$9.61	\$3.62



**RATE SCHEDULE E-58
CLASSIFIED SERVICE
STREET LIGHTING SERVICE**

	CHARGES				
	Lumen	Watts	kWh	Investment by Company	Investment by Others
	5,100 LED	60	21	\$10.18	\$4.19
	5,300 LED	67	24	\$10.47	\$4.48
	5,800 LED	94	32	\$17.81	\$5.16
	5,890 LED	89	31	\$20.56	\$7.66
	6,000 LED	62	22	\$18.63	\$6.52
	6,000 LED	67	24	\$19.89	\$6.99
	6,400 LED	89	31	\$17.89	\$5.10
	6,810 LED	101	35	\$18.89	\$7.50
	7,100 LED	62	22	\$19.70	\$6.80
	7,400 LED	127	44	\$20.42	\$6.34
	7,500 LED	73	26	\$20.08	\$7.18
	7,700 LED	86	30	\$18.41	\$7.02
	8,200 LED	88	31	\$10.45	\$4.97
	8,200 LED	95	33	\$11.87	\$5.48
	8,300 LED	72	25	\$17.93	\$6.54
	8,300 LED	106	37	\$12.45	\$5.91
	8,500 LED	88	31	\$11.69	\$5.30
	9,020 LED	139	48	\$22.94	\$9.47
	9,200 LED	139	48	\$25.60	\$7.30
	9,900 LED	130	45	\$13.82	\$6.84
	10,000 LED	93	32	\$21.43	\$7.96
	10,000 LED	113	39	\$13.26	\$6.28
	10,600 LED	126	44	\$22.56	\$9.09
	11,100 LED	108	38	\$12.76	\$6.07
	11,500 LED	108	38	\$13.16	\$6.18
	12,300 LED	203	70	\$25.48	\$8.85
	12,900 LED	119	41	\$22.31	\$8.82
	13,260 LED	202	70	\$27.11	\$12.12
	13,620 LED	202	70	\$28.49	\$9.24
	14,000 LED	171	59	\$26.07	\$11.08
	15,000 LED	136	47	\$24.93	\$9.94
	15,400 LED	144	50	\$25.21	\$10.22
	18,300 LED	162	56	\$16.13	\$8.22
	19,200 LED	257	89	\$26.87	\$13.38
	20,000 LED	258	89	\$26.87	\$13.38
	20,300 LED	193	67	\$17.17	\$9.26
	21,000 LED	193	67	\$24.77	\$11.28
C. Cobra	6,200 IND	75	26	\$10.54	\$3.77
	6,400 IND	85	29	\$8.97	\$3.78
	8,000 IND	88	30	\$10.47	\$4.04
	8,400 IND	100	34	\$9.70	\$4.24
	10,200 IND	120	41	\$10.44	\$4.81



**RATE SCHEDULE E-58
CLASSIFIED SERVICE
STREET LIGHTING SERVICE**

				CHARGES				
				Investment by Company	Investment by Others			
				Lumen	Watts	kWh		
C. Cobra				13,000 IND	150	52	\$11.50	\$5.73
				15,250 IND	200	69	\$13.86	\$7.25
				22,500 IND	250	86	\$18.55	\$9.06
		Gray / Bronz		3,500 IND	55	19	\$10.50	\$3.27
				6,000 LED	95	33	\$17.05	\$5.13
				8,700 LED	142	49	\$19.17	\$6.53
				9,600 LED	157	54	\$20.40	\$7.04
				11,600 B-LED	181	62	\$19.03	\$7.44
		Gray / Bronz		3,300 LED	43	15	\$9.00	\$2.79
		Gray / Bronz		5,300 LED	67	23	\$10.45	\$3.54
		Gray / Bronz		8,300 LED	106	37	\$13.55	\$4.94
		Gray / Bronz		10,500 LED	130	45	\$15.08	\$5.69
		Gray / Bronz		20,000 LED	258	89	\$26.21	\$10.27
D. Decorative Transit				5,300 LED	75	26	\$28.44	\$6.12
				8,300 LED	100	34	\$30.45	\$6.97
				8,147 LED	75	26	\$35.76	\$11.36
				9,522 LED	100	35	\$36.14	\$12.09
				10,500 LED	150	52	\$32.69	\$8.52
				14,896 LED	150	52	\$39.98	\$14.29
		Double		8,147 LED	75	26	\$64.74	\$18.96
		Double		9,522 LED	100	35	\$64.67	\$19.58
		Double		14,896 LED	100	52	\$70.67	\$22.32
		Copper		6,000 IND	85	29	\$18.87	\$5.09
		Gray / Black		8,000 IND	88	30	\$14.86	\$4.62
		Gray / Black		4,350 LED	86	30	\$13.48	\$4.44
E. Flood				14,470 LED	148	51	\$23.93	\$9.95
				16,000 LED	125	43	\$23.17	\$9.19
F. Pendant				8,678 LED	75	26	\$26.36	\$8.85
				13,964 LED	100	35	\$27.84	\$9.88
G. Post Top				4,350 LED	86	30	\$13.43	\$5.69
				6,400 LED	30	30	\$13.43	\$5.69
				6,600 LED	83	29	\$13.33	\$5.59
H. Roadway				3,300 LED	43	15	\$9.46	\$3.58
				3,800 LED	32	12	\$7.24	\$2.79
				3,900 LED	32	12	\$9.18	\$3.30
				4,100 LED	45	16	\$9.56	\$3.68
				4,800 LED	41	15	\$7.76	\$3.13
				5,000 LED	41	15	\$9.12	\$3.49
				5,100 LED	60	21	\$9.69	\$4.06
				5,300 LED	67	24	\$9.98	\$4.35
				8,200 LED	88	31	\$9.72	\$4.77



**RATE SCHEDULE E-58
CLASSIFIED SERVICE
STREET LIGHTING SERVICE**

	8,200 LED	95	33	\$11.36	\$5.34
	8,300 LED	106	37	\$11.74	\$5.72
	8,500 LED	88	31	\$11.18	\$5.16
	9,900 LED	130	45	\$13.31	\$6.70
	10,000 LED	113	39	\$12.75	\$6.14
	11,100 LED	108	38	\$12.03	\$5.88
	11,500 LED	108	38	\$12.65	\$6.04
	18,300 LED	162	56	\$15.23	\$7.98
	19,200 LED	257	89	\$19.11	\$11.32
	20,000 LED	258	89	\$19.11	\$11.32
	20,300 LED	193	67	\$16.27	\$9.02
	21,000 LED	193	67	\$17.01	\$9.22

FROZEN	4,000 INC	295	103	\$10.54	\$5.89
	7,000 MV	175	73	\$13.65	\$7.83
	11,000 MV	250	96	\$17.09	\$10.43
	20,000 MV	400	150	\$26.84	\$15.21
FROZEN ACORN	9,500 HPS	100	41	\$29.14	\$9.93
	16,000 HPS	150	69	\$32.35	\$12.55
FROZEN ARCHITECTURAL	9,500 HPS	100	41	\$16.56	\$7.90
	16,000 HPS	150	69	\$19.77	\$19.34
	30,000 HPS	250	99	\$22.95	\$13.57
	50,000 HPS	400	153	\$28.32	\$19.53
	14,000 MH	175	72	\$23.17	\$12.70
	21,000 MH	250	101	\$26.31	\$15.66
	36,000 MH	400	159	\$32.89	\$21.54
	8,000 LPS	55	30	\$24.08	\$10.58
	13,500 LPS	90	50	\$28.39	\$12.76
	22,500 LPS	135	72	\$32.43	\$15.56
FROZEN COBRA ROADWAY	33,000 LPS	180	90	\$39.01	\$18.33
	5,800 HPS	70	29	\$9.40	\$5.56
	9,500 HPS	100	41	\$11.07	\$6.81
	16,000 HPS	150	69	\$13.86	\$9.50
FROZEN COBRA ROADWAY	30,000 HPS	250	99	\$16.72	\$12.35
	50,000 HPS	400	153	\$22.69	\$17.63
	14,000 MH	175	72	\$16.12	\$10.99
	21,000 MH	250	101	\$18.84	\$13.67
	36,000 MH	400	159	\$24.81	\$18.99
FROZEN DECORATIVE TRANSIT	8,000 FL	100	38	\$18.53	\$5.43
	9,500 HPS	100	41	\$39.95	\$11.96
	16,000 HPS	150	69	\$39.72	\$13.36
FROZEN FLOOD	30,000 HPS	250	99	\$45.74	\$17.26
	30,000 HPS	250	99	\$22.20	\$13.79
	50,000 HPS	400	153	\$27.53	\$19.14
	21,000 MH	250	101	\$23.69	\$14.58
FROZEN Colonial Gray	36,000 MH	400	159	\$28.89	\$19.76
	8,000 FL	100	38	\$19.97	\$5.64



**RATE SCHEDULE E-58
CLASSIFIED SERVICE
STREET LIGHTING SERVICE**

POST TOP	Colonial Gray	9,500 HPS	100	41	\$11.42	\$7.16
	Colonial Black	9,500 HPS	100	41	\$13.15	\$7.41
	Decorative	9,500 HPS	100	41	\$34.97	\$11.03

NOTES:

1. Investment by Company. These rates are applicable where the Company provides the initial investment to purchase and install all facilities necessary for street lighting service. The Company will own, operate, and maintain the street lighting system.
2. Investment by Others. These rates are applicable in those instances where the requesting entity or individual purchases and installs the street lighting facilities at their own expense and in accordance with Company specifications. These rates will also apply in the instance where the Customer provides a non-refundable advance to the Company to cover the Company's cost of purchasing and installing the street lighting system. The Company retains ownership of the street lighting system and provides operation and maintenance for all facilities.
3. Listed kWhs reflect the assigned monthly energy usage for each type of fixture and are used to determine any applicable transmission, system benefit, distribution, energy, and adjustment charges.
4. HPS = High Pressure Sodium
5. MH = Metal Halide
6. LPS = Low Pressure Sodium
7. FL = Fluorescent
8. INC = Incandescent. Incandescent lighting charges are applicable and available only to those Customers being served and those installations in service on November 1, 1986.
9. MV = Mercury Vapor. Mercury Vapor lighting charges are applicable and available only to those Customers being served and those installation in service on November 1, 1986 in accordance with A.R.S. §49-1104(A).
10. LED = Light Emitting Diode
11. IND = Induction



**RATE SCHEDULE E-58
CLASSIFIED SERVICE
STREET LIGHTING SERVICE**

II. POLES

				CHARGES		
				Investment by Company	Investment by Others	
A. Anchor Base Mounted (Flush)	Round Steel	1 Simplex Adapter	Height			
			12 ft.	\$13.11	\$1.81	
			22 ft.	\$14.75	\$2.03	
			25 ft.	\$15.97	\$2.21	
			30 ft.	\$18.34	\$2.52	
		32 ft.	\$19.27	\$2.55		
		2 Simplex Adapters	12 ft.	\$13.98	\$1.93	
			22 ft.	\$16.06	\$2.22	
			25 ft.	\$16.75	\$2.31	
			30 ft.	\$19.47	\$2.68	
	32 ft.		\$20.77	\$2.87		
	Square Steel	5"	13 ft.	\$15.03	\$2.06	
			15 ft.	\$13.43	\$1.85	
			23 ft.	\$15.93	\$2.19	
			25 ft.	\$17.51	\$2.41	
			28 ft.	\$19.44	\$2.67	
			32 ft.	\$19.33	\$2.66	
	Concrete		12 ft.	\$44.79	\$6.17	
	Fiberglass		12 ft.	\$37.93	\$5.22	
	Decorative Transit		4"	16 ft.	\$36.98	\$5.10
	Decorative Transit		6"	30 ft.	\$71.39	\$9.83
	Hinged Poles		Square	15 ft.	\$14.21	\$1.16
Round			19 ft.	\$12.85	\$1.05	
B. Anchor Base Mounted (Pedestal)	Round Steel	1 Simplex Adapter	12 ft.	\$12.61	\$1.73	
			22 ft.	\$14.26	\$1.96	
			25 ft.	\$15.46	\$2.13	
			30 ft.	\$17.85	\$2.47	
			32 ft.	\$18.75	\$2.58	
		2 Simplex Adapters	12 ft.	\$13.47	\$1.85	
			22 ft.	\$15.05	\$2.06	
			25 ft.	\$16.24	\$2.23	
			30 ft.	\$18.97	\$2.60	
			32 ft.	\$20.26	\$2.79	
		3 Bolt	32 ft.	\$23.28	\$3.20	
		Square Steel	5"	13 ft.	\$14.54	\$2.01
				15 ft.	\$14.86	\$2.03
				23 ft.	\$15.43	\$2.13
	25 ft.			\$17.02	\$2.36	
	28 ft.			\$18.91	\$2.60	
	32 ft.			\$19.63	\$2.69	



**RATE SCHEDULE E-58
CLASSIFIED SERVICE
STREET LIGHTING SERVICE**

II POLES (cont)

		CHARGES		
		Height	Investment by Company	Investment by Others
C. Direct Bury	Round Steel	19 ft.	\$19.84	\$2.74
		30 ft.	\$15.49	\$2.87
		38 ft.	\$18.90	\$2.94
		Self 40 ft.	\$23.28	\$3.69
		Stepped 25 ft.	\$53.55	\$4.37
		32 ft.	\$56.40	\$4.60
		49 ft.	\$70.00	\$9.65
	Square Steel	4" 34 ft.	\$17.09	\$2.96
		5" 20 ft.	\$16.23	\$2.68
		30 ft.	\$16.92	\$2.79
		38 ft.	\$18.36	\$3.19
		8" 28 ft.	\$30.64	\$2.49
		32 ft.	\$32.03	\$2.62
		Decorative Transit 41 ft 6	\$22.05	\$3.24
	Decorative Transit	47 ft.	\$27.47	\$4.04
	Steel Distribution Pole (for lighting only)	35 ft.	\$25.36	\$3.34
D. Post Top	Decorative Transit Anchor Base	16 ft.	\$37.77	\$5.19
	Gray Steel/Fiberglass	23 ft.	\$13.10	\$2.15
	Black Steel	23 ft.	\$14.44	\$2.38
E. Existing distribution pole suitable for streetlight use			\$1.59	--
F. FROZEN	Wood Poles	30 ft.	\$9.64	\$1.67
		35 ft.	\$9.64	\$1.59

NOTE: The monthly rate for all new poles includes up to 300 feet of overhead secondary wire, or up to 300 feet of underground secondary wire if the Customer provides earthwork and conduit (excluding the underground to overhead transition).

III. ANCHOR BASE

		CHARGES		
		Height	Investment by Company	Investment by Others
A. Flush		4 ft.	\$10.67	\$1.47
		6 ft.	\$12.73	\$2.21
B. Pedestal		8 ft.	\$14.59	\$2.54
	For 32' Round Steel Pole only	4 ft. 6"	\$10.12	\$1.75



**RATE SCHEDULE E-58
CLASSIFIED SERVICE
STREET LIGHTING SERVICE**

IV. CHARGES FOR OPTIONAL OR ADDITIONAL EQUIPMENT

		CHARGE
		Company Owned
Underground Circuit Charges:		
a.	Per foot of cable, installed under paving	\$0.17000
b.	Per foot of cable, not installed under paving	\$0.06000

V. DETERMINATION OF CHARGES FOR NEW EQUIPMENT

Monthly charges for new lighting fixtures, poles and other equipment not included in Sections I, II, or III above will be determined by the Company using the following method:

Step 1 Determination of Charges for each Charge Type							Monthly Fixed Charge Rate
Charge Type	Monthly Charge		Cost Inputs Equipment Cost		PV Factor		
1	Carrying Cost (fixtures)	=	(installed)	x	NA	x	1.518%
			Equipment Cost				
2	Carrying Cost (poles)	=	(installed)	x	NA	x	1.296%
			Equipment Cost				
3	Fixture Replacement Cost	=	Equipment Cost (installed)	x	0.257	x	1.518%
4	Pole, Anchor Replacement Cost	=	Equipment Cost (installed)	x	0.110	x	1.296%
5	Lighting O&M	=	O&M Cost (lifecycle)	x	0.427	x	1.518%
Charge Type	Monthly Charge		kWh Input		\$/kWh		
6	Generation	=	kWh per month	x	0.06760		
7	T&D, RCS, SB	=	kWh per month	x	0.02738		



**RATE SCHEDULE E-58
CLASSIFIED SERVICE
STREET LIGHTING SERVICE**

Step 2 **Determination of Total Monthly Charge**
The total monthly charge will be the summation of the charges for each applicable charge type

<u>Equipment</u>	<u>Charge Type</u>
Fixture - IBC	1,5,6,7
Fixture - IBO	3,5,6,7
Pole, Anchor Base - IBC	2
Pole, Anchor Base - IBO	4

TRIP CHARGE

A \$100.00 trip charge per light will be charged when a Customer requests a disconnect or reconnect of service in order to accommodate the maintenance activities of the Customer or its designee(s) on their street lighting equipment.

ADJUSTMENTS

The bill will include the following adjustments:

1. The Renewable Energy Standard charge, Adjustment Schedule REAC-1.
2. The Power Supply Adjustment charges, Adjustment Schedule PSA-1.
3. The Transmission Cost Adjustment charge, Adjustment Schedule TCA-1.
4. The Environmental Improvement Surcharge, Adjustment Schedule EIS.
5. The Demand Side Management Adjustment charge, Adjustment Schedule DSMAC-1.
6. The Lost Fixed Cost Recovery Adjustment charge, Adjustment Schedule LFCR.
7. Direct Access Customers returning to Standard Offer service may be subject to a Returning Customer Direct Access Charge, Adjustment Schedule RCDAC-1.
8. Any applicable taxes and governmental fees that are assessed on APS's revenues, prices, sales volume, or generation volume.

SERVICE DETAILS

1. Street lighting facilities installed under this rate schedule are of the type currently being furnished by Company as standard at the time service is initially requested. Standard facilities are those listed in the Company's Transmission and Distribution Construction Standards book.



**RATE SCHEDULE E-58
CLASSIFIED SERVICE
STREET LIGHTING SERVICE**

2. The Customer will be responsible for notifying the Company when the streetlighting facilities are not operating as intended. The Company will use reasonable efforts to complete normal maintenance (replacement of lamps, photocontrols or fixtures) within ten (10) working days from notification by Customer. If the maintenance requires cable replacement or repairs, the Company will use reasonable efforts to complete said repairs within twenty (20) working days.
3. The Customer's bill will not be reduced due to lamp, photocontrol or cable repair or replacement outages.
4. Lighting equipment which is not specified in this rate schedule will be billed at the rates corresponding to the most similar equipment, as determined by the Company.
5. Non-standard facilities (non-standard being defined as any facility not listed in the Company's Transmission and Distribution Construction Standards book) do not qualify for this rate schedule. At the Company's discretion, such facilities may be served under another of the Company's rate schedules.
6. The Company will extend its standard street lighting system up to a distance of 300 feet for each additional lighting installation without cost at the request of the Customer. When the extension is underground the customer will provide earthwork as specified in the Company's Service Schedule 3, Conditions Governing Extensions of Electric Distribution Lines and Services; or, at the applicant's request, the Company will provide such earthwork and the applicant will be required to pay a non-refundable contribution in aid of construction equal to the cost of such earthwork. Any additional extension required (over and above the first 300 feet) will be provided by Company for a contribution in aid of construction equal to the cost of the additional extension.
 - a. Extensions to isolated areas requiring a substantial extension of the electric distribution system, as opposed to an extension of the street lighting system, will require a special study to determine the terms and conditions under which the Company will undertake such an extension.
7. APS provides electric service under the Company's Service Schedules. These schedules provide details about how the Company serves its Customers, and they have provisions and charges that may affect the Customer's bill. In addition, service may be subject to special terms and conditions as provided for in a Customer contract or service agreement.

NOTES:

PROJECT ADDRESS: SW CORNER OF SWEETWATER AVE. AND DYSART ROAD
SURPRISE, AZ 85335

OWNER: KIFF ENTERPRISES - JBUGS
GARY VOGL
1338 ROCKY POINT DRIVE
OCEANSIDE, CA 92056
PHONE: (760) 722-2335
EMAIL: SALES@JBUGS.COM

DEVELOPER: CREATION DEVELOPMENT GROUP, LLC
DAVID SELLERS
1200 NORTH 52ND STREET
PHOENIX, AZ 85008
PHONE: 602-600-6363
EMAIL: DESSELLERS@LGEDESIGNBUILD.COM

ENGINEER: HUNTER ENGINEERING
10450 N 74TH ST #200
SCOTTSDALE, AZ 85258
LARRY TALBOTT
PHONE: 480-991-3985

ARCHITECT: LGE DESIGN GROUP
1200 NORTH 52ND STREET
PHOENIX, AZ 85008
STUDIO DIRECTOR, BEN MCRAE
PHONE: 480-966-4001

PROJECT SCOPE: NEW WAREHOUSE/OFFICE BUILDING

ASSESSOR PARCEL NO.: 501-38-979
CURRENT ZONING: BP

SITE AREA: GROSS: 252,463 S.F. (5.80 ACRES)
NET: 209,215 S.F. (4.80 ACRES)

EXISTING STREET LIGHT

STORIES: TWO

GROSS BUILDING S.F.: 80,382 S.F.

LOT COVERAGE: 80,382 S.F./209,215 S.F. = 38.42%
+ CANOPIES = 1724 S.F./252,505 S.F. = 0.6%

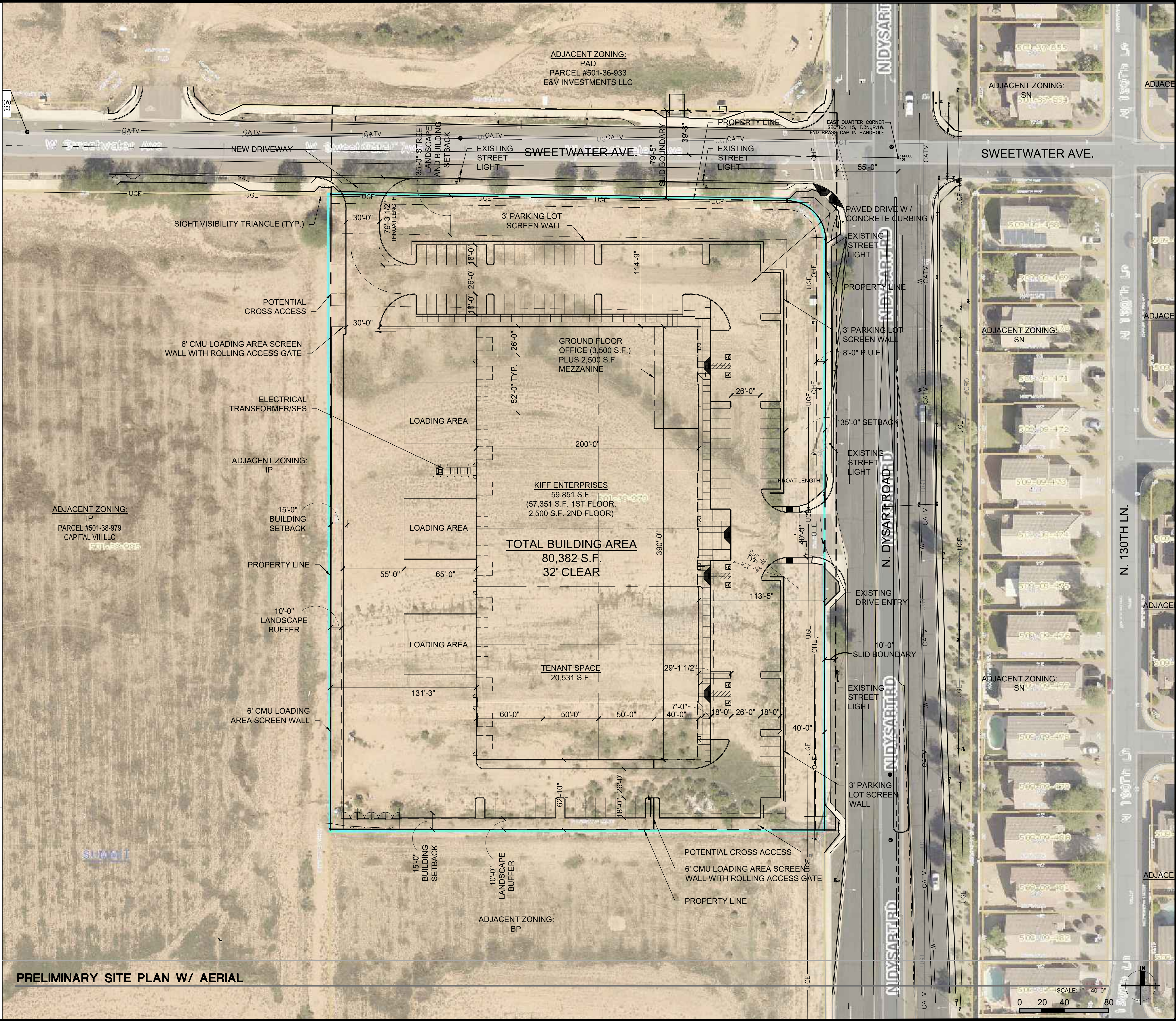
OCCUPANCY: S-1, B
CONSTRUCTION TYPE: V-B (UNLIMITED AREA, 60' FROM PROPERTY LINE ON ALL SIDES, IBC 507.4)
BUILDING HEIGHT: 40'-0"

PROJECT DESCRIPTION:
THIS PROJECT IS A NEW 79,915 SQUARE FOOT, 1-STORY WAREHOUSE WHICH INCLUDES A 6,000 S.F. 2-STORY OFFICE COMPONENT, AND SITE IMPROVEMENTS ON A 5.80 ACRE PARCEL.

NOTE:
VERTICAL CONSTRUCTION WITH COMBUSTIBLE MATERIALS SHALL NOT BEGIN PRIOR TO ACCEPTANCE OF FIRE APPARATUS ACCESS ROADS AND FIRE HYDRANTS*, 2015 IFC SECTION 501.4

NOTE:
STRUCTURE CONSTRUCTION SHALL COMPLY WITH REQUIREMENTS OF IFC CHAPTER 14 AND NFPA 241, 2015 IFC SECTION 1401.1

VICINITY MAP:



KIFF ENTERPRISES - JBUGS

LGE DESIGNGROUP

1200 N. 52nd Street ■ Phoenix, AZ ■ 85008
P: 480.966.4001

S.W.C. OF SWEETWATER AVE. & N. DYSART RD.
SURPRISE, AZ

NUMBER	REVISION	DATE

EXPIRES: 06/30/2023

SHEET TITLE: SLID - EXHIBIT B

ISSUE DATE: 11-03-20

DRAWN BY: DD

CHECKED BY: BJM

PROJECT No.:

SHEET:

EXB.B

SITE II RESUBMITTAL - 11.03.2020 - CASE # FS20-567



CITY OF SURPRISE Regular City Council Meeting

Council Meeting Date: June 15, 2021

Contact Person: Mike Gent, DIRECTOR - PW,
Kristin Tytler

Submitting Department: Public Works

District: District 3

Staff Recommendations: None

Consent: Yes

Regular: No

Public Hearing: No

Report/Discussion: No

Agenda Wording:

Consideration and action pertaining to approval of a Fiscal Year 2021 budget amendment moving budget authority in the amount of \$479,000 from the Water Utility Capital Fund to the Stormwater Capital Fund for establishing P61610: Cactus Road and Cotton Lane Intersection Improvement Project and amending the Fiscal Year 2021 Contract Awarding Authority List; Resolution # 2021-90.

Motion:

I move to approve Resolution # 2021-90.

Background:

Cactus Road and Cotton Lane are rapidly developing corridors in the western side of Surprise. Several developments and landowners are adjacent to each roadway. There are several drainage and transportation challenges that will exist until the area is fully developed. This project will provide funding for utility relocations in connection with new drainage infrastructure to mitigate flooding in the intersection in advance of future development, which may not occur for several years.

Objective Analysis:

Approval of this item supports the Council's Strategic Plan that focuses on improving the City's transportation network, public safety and economic development.

Policy Compliant:

This item is policy compliant as it relates to the City's financial policies for transferring funds and budgetary amendments.

Financial Impact:

The actual costs of the infrastructure improvements are one-time in nature and will be based on service contracts to install the improvements. Anticipated expenses associated with P61610: Cactus Road and Cotton Lane Intersection Improvement are \$479,000.

Budget Impact:

If approved, this item will amend the FY2021 adopted budget by moving budget authority in the amount of \$479,000 from the Water Utility Capital Fund to the Stormwater Capital Fund for establishing P61610: Cactus Road and Cotton Lane Intersection Improvement. This does not represent an actual transfer of funds, but only a transfer of budget authority and does not increase or decrease the total adopted citywide expenditure budget.

FTE Impact:

This budget amendment does not include any funding for FTE and does not impact the FTE count for the city.

ATTACHMENTS:

1. Res 2021-90 - Cactus Cotton Infrastructure Improvement Project
-

RESOLUTION # 2021-90

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA, AMENDING THE FISCAL YEAR 2021 BUDGET BY MOVING BUDGET AUTHORITY IN THE AMOUNT OF \$479,000 FROM THE WATER UTILITY CAPITAL CONTINGENCY FUND TO THE STORMWATER CAPITAL FUND, TO ESTABLISH P61610: THE CACTUS ROAD AND COTTON LANE INTERSECTION IMPROVEMENT PROJECT AND AMENDING THE FISCAL YEAR 2021 CONTRACT AWARDING AUTHORITY LIST BY ADDING \$479,000 FOR THE INTERSECTION IMPROVEMENTS AT THE CACTUS ROAD AND COTTON LANE INTERSECTION.

WHEREAS, funding is required in project P61610 in the amount of \$479,000 for intersection improvements at the Cactus Road and Cotton Lane intersection;

WHEREAS, moving budget authority in the amount of \$479,000 from the Water Utility Capital Contingency Fund to the Stormwater Capital Fund to establish P61610: Cactus Road Cotton Lane Intersection Improvements is necessary.

WHEREAS, the FY2021 budget, including the FY2021 Contract Awarding Authority List, was adopted by Council Resolution #2020-63 on June 2, 2020;

WHEREAS, the City of Surprise Procurement Code §2-338 (d) requires the authority of the Mayor and Council when the cost to the city is greater than \$50,000.

WHEREAS, the actions set forth herein will necessitate a budget amendment; and

WHEREAS, the City of Surprise Administrative Policies requires the approval of the Mayor and Council for budget amendments of this nature.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Surprise, Arizona, as follows.

Section 1. That the statements, schedules, and actions set forth in the attached *Exhibit A* and incorporated by reference are adopted, thereby amending the budget of the City of Surprise, Arizona for the fiscal year July 1, 2020 through June 30, 2021.

Section 2. That the statements and schedules attached as *Exhibit B* and incorporated by reference are adopted, the Fiscal Year 2021 Contract Awarding Authority List of the City of Surprise, Arizona for the fiscal year July 1, 2020 through June 30, 2021.

SIGNATURES ON THE FOLLOWING PAGE

APPROVED AND ADOPTED this ____ day of _____, 2021.

Skip Hall, Mayor

Attest:

Approved as to form:

Sherry Aguilar, City Clerk

Robert Wingo, City Attorney

RESOLUTION # 2021-90
Exhibit A

1. Appropriation- The exhibit below represents a movement of budget authority in the amount of \$479,000 from contingency within the Water Utility Capital Fund to the Stormwater Capital Fund project P61610: Cactus Road and Cotton Lane Intersection Improvement, to establish a budget for infrastructure improvement in the area in advance of future development. This action represents a transfer of spending authority and does not increase or decrease the total adopted citywide expenditure budget.

Fund	Department	Project/Category	Rev/ Exp	Current Budget	Increase/ (Decrease)	Amended Budget
Stormwater Capital	Public Works	P61610 Cactus & Cotton Intersection Imp	E		479,000	479,000
Water Utility Capital	Public Works	Contingency	E	5,840,100	(479,000)	5,361,100
				5,840,100	-	5,840,100

RESOLUTION # 2021-90
Exhibit B

2. Contract Awarding Authority List – Project P61610 is a new project for infrastructure improvements at the Cactus Road and Cotton Lane intersection. When Council approved the Fiscal Year 2021 Contract Awarding Authority List project P61610 was not part of the original Contract Awarding Authority List. This resolution provides authorization to add \$479,000 for infrastructure improvements at the Cactus Road and Cotton Lane intersection to the current Fiscal Year 2021 Contract Awarding Authority List.

Reference #	Description	Current Amount	Increase/ (Decrease)	Amended Amount
21206	P61610 Cactus & Cotton Intersection Improvement Project	-	\$479,000	\$479,000



CITY OF SURPRISE Regular City Council Meeting

Council Meeting Date: June 15, 2021
Submitting Department: Public Works
Staff Recommendations: None

Contact Person: Mike Gent, DIRECTOR - PW
District: District 1

Consent: Yes	Regular: No	Public Hearing: No	Report/Discussion: No
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Agenda Wording:

Consideration and action pertaining to the conditional acceptance and maintenance of certain streets and public utility improvements at Desert Oasis Phase 1 – Parcel L3, generally located at West Straight Arrow Lane and North 177th Lane; Resolution # 2021-92.

Motion:

I move to approve Resolution # 2021-92.

Background:

The Public Works Department conducted the final inspection of the public improvements for Desert Oasis Phase 1 – Parcel L3, generally located at West Straight Arrow Lane and North 177th Lane on or about May 10, 2021 totaling 11,139 SY (approximately 4,177 LF) and determined that the infrastructure was compliant and acceptable to the city. The infrastructure includes asphalt pavement, concrete, storm drain, water and wastewater lines.

Objective Analysis:

The improvements for this property provide access and conveyance to the property, storm drains to convey wastewater to retention basins, sewer lines to convey wastewater from the property to the City's public system and water lines to convey domestic water to the property. This action will accept the required infrastructure.

Policy Compliant:

City Code generally requires development to install public infrastructure required to serve the development. Upon completion and acceptance of such infrastructure, the infrastructure becomes the property of the City. Acceptance of this infrastructure will officially transfer ownership and future maintenance to the City.

Financial Impact:

Acceptance of streets, sewer, water, and storm drain infrastructure increases the city's asset base and adds to future maintenance commitments. The total acceptance value of the infrastructure included with this item is \$1,363,140.60.

Budget Impact:

Funding for the infrastructure maintenance now and in the future will be supported from the city's HURF, Water Operations, Wastewater Operations, and Stormwater Operations Funds. The anticipated incremental additional maintenance expense associated with the acceptance of these infrastructure items will be incorporated in future year budgets.

FTE Impact:

This action does not change the full time equivalent count.

ATTACHMENTS:

1. 01_RES 2021-92 Acceptance Desert Oasis Ph 1, Parcel L3-final
 2. 02_Notice of Completion Letter
 3. 03_Inspector Sign-Off Form
 4. 04_Linear Foot Verification
-

RESOLUTION # 2021-92

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA, TO CONDITIONALLY ACCEPT THE STREET AND PUBLIC UTILITY IMPROVEMENTS AND COMMENCE MAINTENANCE AFTER TWO YEAR WARRANTY AT DESERT OASIS PHASE 1 – PARCEL L3, GENERALLY LOCATED AT WEST STRAIGHT ARROW LANE AND NORTH 177TH LANE.

WHEREAS, the Mayor and City Council of the City of Surprise approved a final plat entitled “Desert Oasis Phase 1 – Parcel L3” on, January 28, 2020;

WHEREAS, Metro Oasis, LLLP, and Arizona Limited Liability Limited Partnership, the developer of Desert Oasis Phase 1 – Parcel L3, dedicated to the City the street and public utility improvements, generally located at West Straight Arrow Lane and North 177th Lane;

WHEREAS, on or about May 10th, 2021, the City of Surprise Public Works Department Engineering Division completed an inspection of the public improvements described in this resolution and found the improvements to be in substantial compliance with the approved plans and specifications;

WHEREAS, the City of Surprise notes that the two-year warranty period will commence upon conditional acceptance by the City; and

WHEREAS, after the conclusion of the two-year warranty period, the City of Surprise will release the warranty and begin maintenance of the street and public utility improvements.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Surprise, Arizona, as follows.

Section 1. The City of Surprise conditionally accepts the street and public utility improvements generally located as depicted on the map attached as Exhibit A and listed on Exhibit B.

Section 2. Upon final acceptance by the City Engineer, the City Council hereby directs the City to release warranty and begin maintenance of the street and public utility improvements.

SIGNATURES ON THE FOLLOWING PAGE

APPROVED AND ADOPTED this _____ day of _____, 2021.

Skip Hall, Mayor

Attest:

Approved as to form:

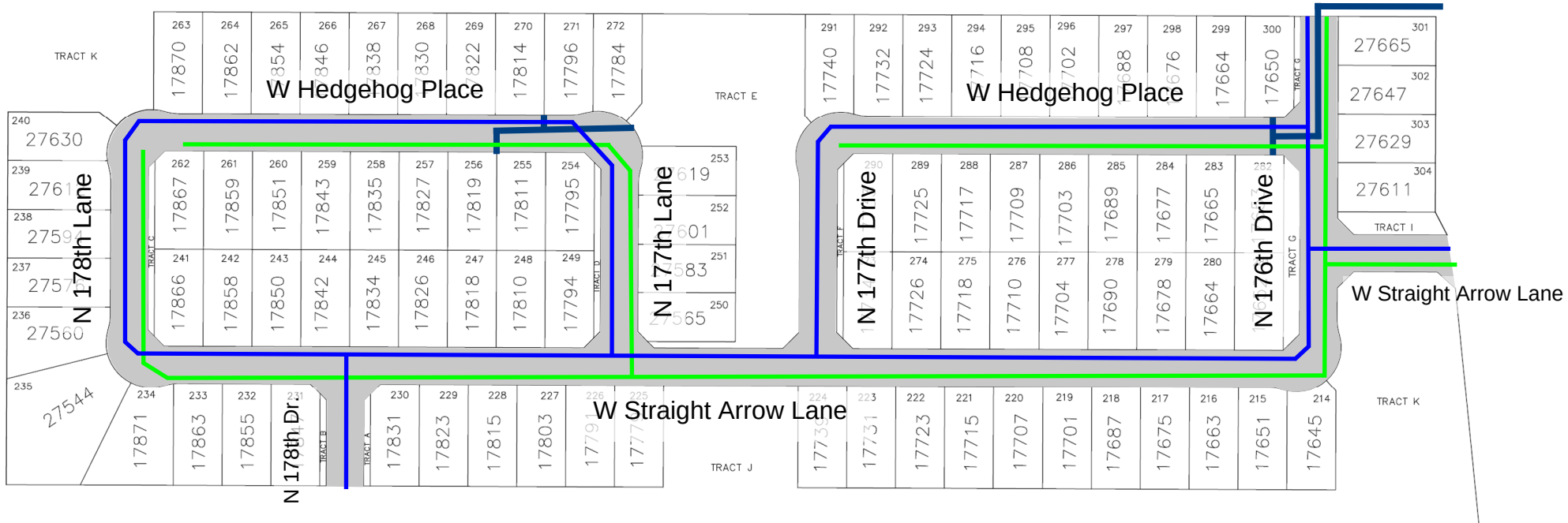
Sherry Aguilar, City Clerk

Robert Wingo, City Attorney

Exhibit A

Map of Infrastructure

DESERT OASIS PHASE 1 - PARCEL L3



INFRASTRUCTURE TO BE ACCEPTED

- WATER
- SEWER
- STORM DRAIN
- ROADWAY

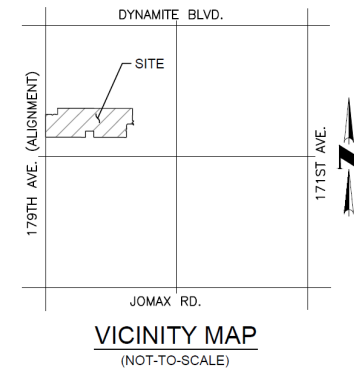




EXHIBIT B

ENGINEERING DIVISION
PUBLIC WORKS
CITY OF SURPRISE
16000 N. CIVIC CENTER PLAZA
SURPRISE, AZ 85374
T. 623-222-6150

Memorandum

To: City of Surprise City Council
From: Public Works – Engineering Services
Date: 05/26/2021
Re: Desert Oasis Phase 1 - Parcel L3

The public improvements for the above project have been completed and are tentatively scheduled for the August 17, 2021 council agenda for acceptance. The amounts for the infrastructure have been provided by a third party and not the City of Surprise. The following are the infrastructure improvements included with this acceptance and the corresponding valuation that the City will be accepting:

City Drainage - \$81,536.00
City Sewer - \$259,270.00
City Water - \$282,730.00
City Paving - \$324,970.60
City Concrete - \$414,634.00

Total - \$1,363,140.60

May 12, 2021

Richmond American Homes
16427 N. Scottsdale Rd.
Scottsdale, AZ 85254

**RE: NOTICE OF COMPLETION AND COUNCIL ACTION REQUIREMENT FOR DESERT OASIS
PHASE 1 PARCEL L3 – FS18-564**

The City of Surprise Public Works Department has completed the inspection of the public utility improvements for the above referenced project. These improvements are in substantial compliance with the approved plans and specifications. Council action is required prior to conditional acceptance and the official beginning of the warranty period. The time frame for Council action is approximately 90 days after the following items have been submitted:

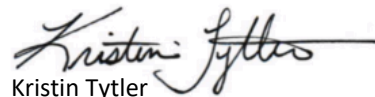
- A copy of all lien releases or a title report
- Actual construction cost for related civil permits issued
- Warranty assurance in a format acceptable by the City

A notice of the required assurance amount and acceptable formats will be sent via email once actual construction costs have been submitted by the applicant. The warranty period starts upon council acceptance for a period of two (2) years; please ensure warranty assurance will not expire prior to this date. The applicant will be notified of the council date as soon as it is scheduled and the warranty financial assurance is required to be submitted to the city 10 calendar days prior to the council date. If a warranty financial assurance is not received within 10 calendar days, council action and start of the warranty period will be delayed, at a minimum, an additional two (2) weeks.

A letter of conditional acceptance and notification that the warranty period has begun will be forwarded upon the completion of council acceptance. Also, a request to release the associated completion assurance will be made; notification will be sent when assurance document is available for pick up.

If you have any questions or concerns, you can reach me at 623-222-6153 or at kristin.tytler@surpriseaz.gov.

Sincerely,



Kristin Tytler
Assistant PW Director

cc: Nuning Lemka, PW Engineering Manager
David Mobley, PW Field Engineering Supervisor
Lynn Stone, PW Business Manager
Lee Lambert, Water Resource Management
Warren Bert, GIS

Mike Gent, Deputy City Manager/PW Director
John McFarland, PW Streets Manager
Jon Gake, Finance
Michael Boule, Water Resource Management
William Valdez, PW Civil Inspector



PROJECT SIGN OFF FORM

PUBLIC WORKS - ENGINEERING SERVICES, INSPECTIONS

Date Submitted: 5/10/2021 Commercial Commercial w/Offsite XX Residential

XX COMPLETION ACCEPTANCE (End of Construction) FINAL ACCEPTANCE (End of Warranty)

12/8/2020 Date of Punch-List Walk 4/28/2021 Date Punch-List Completed

FS Number: FS18-564 Permit Number(s): E19P-0295,E19P-0296,E19P-0297,E19P-0298,E19P-0299

Project Name: Desert Oasis Phase 1, Parcel L3A

Project Developer/Builder: (Name, Address, and Phone #)

Otago Development Inc., 1048 N 44th Street, Suite 207, Phoenix, Arizona 85008 480-820-8593

Sheet 1 of 2

MAG TIP Reporting:

Street Name	Classification	Begin Limits	End Limits	# Lanes	Length to nearest ¼ mi.	Features
Hedgehog Place	Local	176th Dr	177th Dr	2	1/4	
Hedgehog Place	Local	177th Ln	178th Ln	2	1/4	
Straight Arrow Ln	Local	<u>176th Ave</u>	176th Dr	2	1/4	
Straight Arrow Ln	Local	<u>176th Dr</u>	178th Ln	2	1/4	
176th Dr	Local	Sta 14+34.00	Straight Arrow Ln	2	1/4	

MATERIALS:

Asphalt: DCS/Paveco Supplier 4.5 Total Lane Miles 11,391 Total Square Yards

Water: 8" C-900 Size/Type 4,245 Total Linear Feet Size/Type Total Linear Feet

6" DIP Size/Type 96 Total Linear Feet Size/Type Total Linear Feet

Sewer: 8" PVC Size/Type 3,750 Total Linear Feet Size/Type Total Linear Feet

4" PVC Size/Type 2,730 Total Linear Feet Size/Type Total Linear Feet

Storm: 18" RGRCP Size/Type 149 Total Linear Feet 30" RGRCP Size/Type 213 Total Linear Feet

24" RGRCP Size/Type 638 Total Linear Feet Size/Type Total Linear Feet

Fire Ln: N/A Size/Type Size/Type Total Linear Feet Size/Type Total Linear Feet

Additional Comments:

SUPPORTING DOCUMENTATION REQUIRED:

XX Copy of Punch List XX AOC

N/A Final Certification Letter from Engineer of Record XX Asphalt Concrete Ticket w/ Name of Contractor

XX Complete Geotechnical Testing Packet N/A Streetlight Energize Letter

XX Sewer Pressure Testing Results XX As built Documents (PDF copy on CD)

XX Sewer Manhole Vacuum Testing Certification XX As Built Documents in PDF format (copy on CD)

XX Sewer Manhole Insecticide Certification N/A Updated asbuilt CAD base files (copy on CD)

XX Sewer Videos with Operators Notes (inc. re-videos)

Other Sheet 1 of 2 (Specify)

APPROVAL:

Civil Inspector: William Valdez

Date: 5/10/2021

Civil Engineering Supervisor: Kristen Jyllis

Date: 5/10/2021



PROJECT SIGN OFF FORM
PUBLIC WORKS - ENGINEERING SERVICES, INSPECTIONS

Date Submitted: 5/10/2021 Commercial Commercial w/Offsite XX Residential

XX COMPLETION ACCEPTANCE (End of Construction) FINAL ACCEPTANCE (End of Warranty)

See Sheet 1 Date of Punch-List Walk Date Punch-List Completed

FS Number: FS18-564 Permit Number(s): See Sheet 1

Project Name: See Sheet 1

Project Developer/Builder: (Name, Address, and Phone #)

See Sheet 1

Sheet 2 of 2

MAG TIP Reporting:

Street Name	Classification	Begin Limits	End Limits	# Lanes	Length to nearest ¼ mi.	Features
177th Dr	Local	Hedgehog Place	Straight Arrow Ln	2	1/4	
177th Ln	Local	Hedgehog Place	Straight Arrow Ln	2	1/4	
178th Dr	Local	Straight Arrow Ln	Sta 11+71.89	2	1/4	
178th Ln	Local	Hedgehog Place	Straight Arrow Ln	2	1/4	

MATERIALS:

Asphalt: See Sheet 1 Supplier Total Lane Miles Total Square Yards

Water: Size/Type Total Linear Feet Size/Type Total Linear Feet

 Size/Type Total Linear Feet Size/Type Total Linear Feet

Sewer: Size/Type Total Linear Feet Size/Type Total Linear Feet

 Size/Type Total Linear Feet Size/Type Total Linear Feet

Storm: Size/Type Total Linear Feet Size/Type Total Linear Feet

 Size/Type Total Linear Feet Size/Type Total Linear Feet

Fire Ln: Size/Type Total Linear Feet Size/Type Total Linear Feet

Additional Comments:

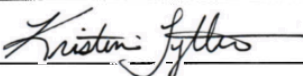
SUPPORTING DOCUMENTATION REQUIRED:

- | | |
|--|---|
| <u> </u> Copy of Punch List | <u> </u> AOC |
| <u> </u> Final Certification Letter from Engineer of Record | <u> </u> Asphalt Concrete Ticket w/ Name of Contractor |
| <u> </u> Complete Geotechnical Testing Packet | <u> </u> Streetlight Energize Letter |
| <u> </u> Sewer Pressure Testing Results | <u> </u> As built Documents (PDF copy on CD) |
| <u> </u> Sewer Manhole Vacuum Testing Certification | <u> </u> As Built Documents in PDF format (copy on CD) |
| <u> </u> Sewer Manhole Insecticide Certification | <u> </u> Updated asbuilt CAD base files (copy on CD) |
| <u> </u> Sewer Videos with Operators Notes (inc. re-videos) | |
| <u> </u> Other <u>Sheet 2 of 2</u> <u> </u> (Specify) | |

APPROVAL:

Civil Inspector: William Valdez 

Date: 5/10/2021

Civil Engineering Supervisor: Kristen Jyllis 

Date: 5/10/2021

Private/Public	Classification	Limits (Begin)	Limits (End)	Paving Paved Dirt Road?	New Lanes (total) (total incl.)	New Bike Lanes (total)	Median Width (ft)
Public	Local	N. 175th Lane	N. 176th Drive	N	2	0	0
Public	Local	W. Straight Arrow Lane	140' north of W. Hedgehog Place	N	2	0	0
Public	Local	N. 176th Drive	N. 177th Drive	N	2	0	0
Public	Local	W. Straight Arrow Lane	W. Hedgehog Place	N	2	0	0
Public	Local	N. 176th Drive	N. 178th Lane	N	2	0	0
Public	Local	W. Straight Arrow Lane	W. Hedgehog Place	N	2	0	0
Public	Local	N. 177th Lane	N. 178th Lane	N	2	0	0
Public	Local	W. Straight Arrow Lane	W. Hedgehog Place	N	2	0	0
Public	Local	' south of W. Straight Arrow Lane	W. Straight Arrow Lane	N	2	0	0
							Total



CITY OF SURPRISE Regular City Council Meeting

Council Meeting Date: June 15, 2021

Contact Person: Seth Dyson, DIRECTOR - HSCV

Submitting Department: Human Svcs and Comm Vitality

District: Internal

Staff Recommendations: None

Consent: Yes

Regular: No

Public Hearing: No

Report/Discussion: No

Agenda Wording:

Consideration and action pertaining to approval of an amendment to the Intergovernmental Agreement with Maricopa County to provide Community Action Program services, accepting grant funding, and amending the Fiscal Year 2022 Budget by moving budget authority in the amount of \$605,800 within the Grants Fund; Resolution # 2021-88.

Motion:

I move to approve Resolution # 2021-88.

Background:

Maricopa County and the City of Surprise entered into an IGA in 2016 to provide Community Action Program services from the Surprise Resource Center. The parties wish to enter into Amendment Number eight to increase the agreement funding in the amount of \$605,800 for the period of July 1, 2021 through June 30, 2022.

Objective Analysis:

This action will allow HSCV to expend administrative resources to operate the Community Action Program services from the Surprise Resource Center from July 1, 2021- June 30, 2022.

Policy Compliant:

This action is compliant with City and Council policies.

Financial Impact:

This one-time grant award is \$605,769 for administrative support of CAP services from July 1, 2021 - June 30, 2022. All expenditures will be reimbursed on a monthly basis. There is a match of \$30,000 annually, which is met through the staff salaries that are covered by the General Fund.

Budget Impact:

This action will move budget authority within the Grants Fund in the amount of \$605,800 from contingency to project G51592 to cover the projected expenditures of the program. This action represents a transfer of spending authority and does not increase or decrease the total adopted citywide expenditure budget.

FTE Impact:

None

ATTACHMENTS:

1. 21.05.26 EVR Res 2021-88 CAP IGA Amend 8
 2. Surprise CAP Amendment No. 8 Final
-

RESOLUTION # 2021-88

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA APPROVING AN AMENDMENT TO THE INTERGOVERNMENTAL AGREEMENT WITH MARICOPA COUNTY TO PROVIDE COMMUNITY ACTION PROGRAM SERVICES, ACCEPTING GRANT FUNDING, AND AMENDING THE FISCAL YEAR 2022 BUDGET BY MOVING BUDGET AUTHORITY IN THE AMOUNT OF \$605,800 WITHIN THE GRANTS FUND.

WHEREAS, pursuant to Arizona Revised Statutes §11-951, *et seq.*, the City of Surprise has the authority to enter into intergovernmental agreements ("IGAs") with other governmental entities for the purposes set forth within;

WHEREAS, Maricopa County and the City of Surprise entered into a financial Intergovernmental Agreement ("IGA" or "Agreement") on or about June 30, 2016 for the term of July 1, 2016 through June 30, 2017;

WHEREAS, the Parties have previously executed seven amendments to the IGA, including most recently, Amendment 7 on or about May 4, 2021 through Council Resolution 2021-57, which provided additional funding for the period of April 1, 2021 through June 30, 2021;

WHEREAS, the parties desire to enter into Amendment No. 8 to increase Agreement funding in the amount of \$605,800 for the period of July 1, 2021 through June 30, 2022;

WHEREAS, all other terms and conditions of the Agreement, as amended by Amendment Nos. 1, 2, 3, 4, 5, 6, and 7, remain in full force and effect except as amended by Amendment No. 8;

WHEREAS, the FY2022 budget was adopted on June 1, 2021;

WHEREAS, this action will necessitate a budget amendment; and

WHEREAS, the City of Surprise Administrative Policies requires the approval of the Mayor and Council for budget amendments of this nature.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Surprise, Arizona, as follows.

Section 1. That the statements and schedules attached as *Exhibit A* and incorporated by reference are adopted, amending the budget of the City of Surprise, Arizona for the fiscal year July 1, 2021 through June 30, 2022.

Section 2. The Intergovernmental Agreement Amendment No. 8 between the City of Surprise and Maricopa County, attached as *Exhibit B*, is approved.

Section 3. The City Manager, or his designee, is hereby authorized to execute and submit all documents and other necessary or desirable instruments in connection with said agreement.

APPROVED AND ADOPTED this ____ day of _____, 2021.

Skip Hall, Mayor

Attest:

Approved as to form:

Sherry Aguilar, City Clerk

Robert Wingo, City Attorney

EXHIBIT A

1. Appropriation - The allocations below represent the moving of budget authority in the amount of \$605,800 within the Grants Fund due to funding for administrative support for CAP services at the Resource Center. This action represents a transfer of spending authority and does not increase or decrease the total adopted citywide expenditure budget.

Fund	Department	Project/Category	Rev/ Exp	Current Budget	Increase/ (Decrease)	Amended Budget
Grants	Human Svcs and Comm Vitality	#G51592 FY22 CAP	E	-	605,800	605,800
Grants	Human Svcs and Comm Vitality	#G51592 FY22 CAP	R	-	605,800	605,800
Grants/Contingency	General Operations	Contingency	E	3,919,400	(605,800)	3,313,600
Grants/Contingency	General Operations	Other	R	4,000,000	(605,800)	3,394,200
Expense Total				3,919,400	-	3,919,400
Revenue Total				4,000,000	-	4,000,000

EXHIBIT B

INTERGOVERNMENTAL AGREEMENT AMENDMENT NO. 8 BETWEEN
THE CITY OF SURPRISE AND *MARICOPA COUNTY*

AMENDMENT NO. 8 TO THE
INTERGOVERNMENTAL AGREEMENT
BETWEEN
MARICOPA COUNTY
ADMINISTERED BY ITS
HUMAN SERVICES DEPARTMENT
AND
CITY OF SURPRISE

- I. Maricopa County ("County"), administered by its Human Services Department, and the City of Surprise ("Subrecipient"), entered into a financial Intergovernmental Agreement ("Agreement"), which was fully executed on or about July 14, 2016, for the term of July 1, 2016, through June 30, 2017. The purpose of the Agreement is for the County to provide the Subrecipient with funds for the provision of Community Action Program services to include Crisis Case Management and Financial Assistance Services in the Community Service Area (CSA). The County and the Subrecipient collectively are referred to as the "Parties."

The Parties fully executed Amendment No. 1 on or about July 24, 2017, which (among other things) extended the Agreement term and provided funding for the period July 1, 2017, through June 30, 2018. The Parties fully executed Amendment No. 2 on or about July 9, 2018, which (among other things) extended the Agreement term and provided funding for the period July 1, 2018, through June 30, 2019. The Parties fully executed Amendment No. 3 on or about July 25, 2019, which (among other things) extended the Agreement term and provided funding for the period July 1, 2019, through June 30, 2020. The Parties fully executed Amendment No. 4 on or about June 24, 2020, which (among other things) extended the Agreement term and provided funding for the period July 1, 2020, through December 31, 2020. The Parties fully executed Amendment No. 5 on or about August 13, 2020, which (among other things) extended the Agreement Termination date from December 31, 2020 to June 30, 2021. The Parties fully executed Amendment No. 6 on or about February 17, 2021, which provided funding for the period January 1, 2021, through June 30, 2021. The Parties fully executed Amendment No. 7 on or about May 19, 2021, which (among other things) provided additional funding for the period April 1, 2021, through June 30, 2021.

- II. The Parties agree to enter into this Amendment No. 8 to amend the Agreement as follows:
- A. Amend Section I (General Provisions), Paragraph E (Term/Effective Date/Renewal Life of the Agreement), Subparagraph 1, to add the following sentence: The Agreement may be extended for a fifth term not exceeding one year, upon written agreement of the parties.
 - B. Extend the Agreement Termination date from June 30, 2021, to and through June 30, 2022.
 - C. The County shall provide the Subrecipient with \$605,769 for the period July 1, 2021, to and through June 30, 2022 ("Period of Availability").

- D. Revise Section IV (Compensation), by deleting Paragraph B (Reimbursement) and replacing it with the following:
- B. REIMBURSEMENT
1. The Subrecipient shall submit monthly requests for reimbursement by the 15th calendar day of the month following the month close out.
 2. The Subrecipient also shall attach sufficient backup to a reimbursement claim, such as a General Ledger or a detailed Expenditure Report, with the included charges identified.
 3. All requests for reimbursements shall be submitted to:
HSDFINANCE@MARICOPA.GOV
 4. The final request for reimbursement must be submitted no later than July 15th.
- E. Incorporate into Section V (Attachments) an updated Operating Budget for the Period of Availability, which budget is attached to this Amendment No. 8 and titled "Amendment No. 8 – Attachment B."
- III. Section II above contains all the changes made by this Amendment No. 8. All other terms and conditions of the Agreement remain in full force and effect as amended by Amendment Numbers. 1, 2, 3, 4, 5, 6, and 7.
- IV. The Parties have authorized the undersigned to execute this Amendment No. 8 on their behalf.
- V. This Amendment No. 8 shall be effective upon approval and signature by both Parties.

(Signatures are contained on the follow page)

IN WITNESS, the Parties have approved and signed this Amendment No. 8:

APPROVED BY:
SUBRECIPIENT

APPROVED BY:
MARICOPA COUNTY

Mayor Date

Chairman, Board of Supervisors Date

Attested To:

Attested To:

City Clerk Date

Clerk of the Board Date

IN ACCORDANCE WITH A.R.S. §§ 9-240, 9-500.11, 11-952, AND 46-241, ET SEQ., THIS AMENDMENT NO. 8 HAS BEEN REVIEWED BY THE UNDERSIGNED ATTORNEY WHO HAS DETERMINED IT IS PROPER IN FORM AND WITHIN THE POWERS AND AUTHORITY GRANTED TO THE CITY OF SURPRISE UNDER THE LAWS OF THE STATE OF ARIZONA.

IN ACCORDANCE WITH A.R.S. §§ 11-201, 11-251, AND 11-952, THIS AMENDMENT NO. 8 HAS BEEN REVIEWED BY THE UNDERSIGNED ATTORNEY WHO HAS DETERMINED IT IS PROPER IN FORM AND WITHIN THE POWERS AND AUTHORITY GRANTED TO MARICOPA COUNTY UNDER THE LAWS OF THE STATE OF ARIZONA.

APPROVED AS TO FORM:

APPROVED AS TO FORM:

BY: _____
Attorney for the Subrecipient Date

BY: _____
Deputy County Attorney Date

AMENDMENT NO. 8 - ATTACHMENT B**Operating Budget**

Contract Operating Budget -County July 1, 2021, through June 30, 2022

SUBRECIPIENT: City of Surprise

Service: Crisis Case Management and Financial Assistance Services

Revenue Sources

County*	\$605,769
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Total Revenues	\$605,769
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Budget Categories

Personnel / ERE	\$579,569
Professional / Outside Services	\$20,000
Materials / Supplies	\$6,200

Total Expenses	\$605,769
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CITY OF SURPRISE Regular City Council Meeting

Council Meeting Date: June 15, 2021
Submitting Department: Police
Staff Recommendations: None

Contact Person: Geoffrey Leggett
District: Citywide

Consent: Yes	Regular: No	Public Hearing: No	Report/Discussion: No
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Agenda Wording:

Consideration and action pertaining to the acceptance and renewal of the FY2022 El Mirage Animal Control Intergovernmental Agreement; Resolution # 2021-84.

Motion:

I move to approve Resolution # 2021-84.

Background:

This is an annual renewal of an agreement with the City of El Mirage for the Surprise Police Department (SPD) to provide animal control services. The City of Surprise originally entered into this agreement in February 2013. The City of El Mirage wishes to renew this agreement and has approved funding of \$94,062 for FY2022. This revenue will offset the salary, benefits, tools, and equipment costs associated with this service. The only costs not covered by this agreement are gas and maintenance costs generated from performing this service. The agreement also provides for reimbursement of all direct and indirect costs if El Mirage requests an animal control officer to be called out after hours.

Objective Analysis:

The City of Surprise has animal control officers who can provide services to the City of El Mirage. This agreement allows the Surprise Police Department to partner with the City of El Mirage in their animal control efforts.

Policy Compliant:

The City regularly partners with other government entities when it is beneficial to do so. This action is compliant with City and Council Policy.

Financial Impact:

This agreement will provide \$94,062 in revenue and will offset the salary, benefits, tools and equipment costs associated with this service. The only costs not covered by this agreement are gas and maintenance costs generated from performing this service. The agreement also provides for reimbursement of all direct and indirect costs should El Mirage request an animal control officer to be called out after hours. This is a yearly agreement and may be extended annually upon written notification from the City of El Mirage to the City of Surprise by May 30th of each year.

Budget Impact:

The FY2022 adopted budget includes appropriations for revenue and expenses related to this agreement; and therefore, does not require a budget amendment.

FTE Impact:

The number of full-time equivalents (FTE) is not impacted by this action.

ATTACHMENTS:

1. FY2022 Signed Agreement El Mirage
 2. El Mirage Animal Control IGA
 3. Resolution 2021-84 Surprise - El Mirage Animal Control IGA (Final)
-



March 2, 2021

Geoff Leggett, Police Chief
Surprise Police Department
14250 W. Statler Plaza Suite 103
Surprise, AZ 85374

Dear Chief Leggett:

The purpose of this letter is to notify the Surprise Police Department that the El Mirage Police Department intends to continue the IGA Agreement between the City of Surprise and the City of El Mirage for Animal Control Services for FY22, the period of July 1, 2021 through June 30, 2022. In addition, the City Council did approve funding of \$94,062 for this period with authorization for quarterly payments to the City of Surprise.

The Agreement allows for automatic extension of the Agreement with written notice of the annual funding upon written notification to the City of Surprise, by May 30th of each year. We truly appreciate the professional Animal Control Services we receive from your staff and we look forward to another successful year.

If you have any questions, please call me at (623) 500-3007.

Sincerely,



MICHAEL ASHLEY M.ED.
El Mirage Police Department
Deputy Director – Police Administration

**INTERGOVERNMENTAL AGREEMENT
BETWEEN THE CITY OF SURPRISE AND THE CITY OF EL
MIRAGE FOR ANIMAL CONTROL SERVICES**

This Intergovernmental Agreement ("Agreement") is entered into this 5th day of FEBRUARY, 2013 ("the "Effective Date") by and between the City of Surprise, Arizona ("Surprise") and the City of El Mirage, Arizona ("El Mirage"). Surprise and El Mirage are herein jointly referred to as "the Parties".

Pursuant to Arizona Revised Statutes ("A.R.S.") Title 11, Chapter 7, Article 3, the City of Surprise and City of El Mirage are authorized to enter into intergovernmental agreements with other governmental agencies, and the Mayor of the City or the City Manager is authorized and empowered by law to execute such agreements.

AGREEMENT

1. Effective date/Duration. This Agreement shall become effective upon the execution of at least two (2) originals by the parties hereto, and upon one (1) original being filed with each of the respective City Clerks. The initial term of this Agreement shall be from the effective date through midnight on June 30, 2016, and shall automatically renew itself for three-year terms on July 1, 2016 and upon the first day of July of every third year thereafter if El Mirage provides Surprise written notice, no later than May 30, of funding availability for the following year.

2. Purpose and Intent. The City of El Mirage currently contracts with the County of Maricopa for animal control services. In an effort to provide timely services to its Police Department, El Mirage has requested Surprise to provide animal control services. The purpose of this Agreement shall be for the provision of:

- Regular patrols in a radio-equipped vehicle to locate stray animals, respond to barking dogs, animal nuisance and abandoned/neglected animal calls; such patrols shall include 14 hours of patrol time per week in addition to responding to calls.
- Assigned personnel will prepare and issue, as necessary, reports and/or citations for violations of El Mirage and state law animal control and

licensing codes, as well as testify when called upon to do so in accordance with court procedures.

- Assigned personnel will humanely capture animals as appropriate and transport or coordinate the transport of such animals to the temporary kennels in Surprise or to the Maricopa County Animal/Rabies Control facilities. This will be accomplished using equipment and practices that, consistent with employee safety, promote positive animal welfare.
- When available, assigned personnel will attend meetings and respond to questions and complaints about provided services or laws relating to the animal control function.

3. Personnel. The Chief of Police for the City of Surprise shall use his reasonable discretion to determine the number of Animal Control Officers to be hired at any given time, in order to properly provide the El Mirage Police Department services under this Agreement. Surprise shall be responsible for hiring and training all Animal Control Officers hired under this Agreement. The Animal Control Officers shall be employees of the City of Surprise and subject to all City of Surprise rules and regulations and are under the direction of the Surprise Police Department.

4. Costs. In consideration of the services described in Paragraph 2.0 of this Agreement, El Mirage shall pay Surprise all direct and indirect personnel, equipment, supply and contractual service costs to provide such services. Surprise shall be responsible for hiring and supervising all employees and obtaining and furnishing all necessary equipment, supplies and contractual services required to implement this Agreement. Said costs will be agreed upon by the Parties and will be \$65,000 annually beginning July 1, 2013 and continuing through June 30, 2014, unless otherwise agreed to in writing by the parties.

- 4.1 For subsequent years, as part of its annual budget process, El Mirage shall appropriate sufficient funds to cover the fee under this agreement. In order to plan for the fee, the parties will meet and agree to an updated fee for the following fiscal year on or before March 15th of the current fiscal year, beginning on or before March 15, 2014 for the fiscal year beginning July 1, 2014.
- 4.2 El Mirage has asked for and Surprise has agreed to attempt to make an Animal Control Officer available during off-duty hours. This service will only be provided upon request by El Mirage. Compensation for this service will be in addition to the compensation provided for in Sections 4 and 4.1. The cost of the compensated time is \$44.55 per

hour and compensated time shall include the actual time spent at the call plus one hour for travel time.

5. Payment. By July 15, 2013, El Mirage shall pay Surprise an amount equal to 25% of the total fee provided for in Section 4. Thereafter, El Mirage shall make the same 25% payment on the first day of every third month and shall also include any costs incurred in the three prior months pursuant to Section 4.2.

5.1 The fee is a good faith calculation of the costs necessary to provide the services covered by this agreement based upon all known and estimated data.

6. Service Expectation. The intent of the Parties is that most animal control calls within the City of El Mirage will be handled by Surprise Animal Control Officers pursuant to this Agreement. In addition, it is the expectation of the Parties that Surprise Animal Control Officers will provide an average of at least 14 hours per week of patrol time within El Mirage city limits. However, this Agreement is not intended to provide and shall not be construed to require the Surprise Police Department to respond to every animal control call. In the event a Surprise Animal Control Officer is not available to respond to a call, such call will be handled by El Mirage.

7. Hold Harmless and Indemnification. Each Party agrees that it will be responsible for any liability or loss that may be incurred as a result of any claim, demand, cost, or judgment made against that party to the extent arising from any negligent, reckless, or intentional act or omission by any of that party's employees, agents, or servants in connection with work or responsibilities performed pursuant to this Agreement.

7.1 Each Party (an "Indemnitor") shall indemnify, hold harmless, and defend the other party (the "Indemnified Parties") against all claims and lawsuits resulting from any claim, demand, cost, or judgment made against the Indemnified Party to the extent arising from any negligent, reckless, or intentional act or omission by any of the Indemnitor's employees, agents, or servants in connection with work or responsibilities performed pursuant to this Agreement.

7.2 In the event of any lawsuit that names the Parties as a defendant ("Defendant Party" or "Defendant Parties"), the Defendant Parties shall seek to secure an allocation of comparative negligence among themselves where appropriate, and each Defendant Party shall provide

contribution to each other Defendant Party to the extent of the comparative allocation.

- 7.3 The Parties further agree that they are not joint employers for the purpose of workers' compensation coverage and that any Party's employee assigned by a Party to do work under this agreement shall remain an employee of such Party.

8. Insurance. The Parties mutually agree to provide for their respective financial responsibilities with respect to liability arising out of this Agreement through either the purchase of insurance or the provision of a self-funded insurance program.

- 8.1 The Parties shall be fully responsible for any workers' compensation claims made by an individual determined to be an employee of that Party and assigned by the particular Party.

9. Dispute Resolution. In the event of any dispute claim question or disagreement arising from or relating to this IGA or the breach thereof, the Parties hereto shall use their best efforts to settle the dispute claim question or disagreement. To this effect, they shall consult and negotiate with each other in good faith and recognizing their mutual interests, attempt to reach a just and equitable solution that is satisfactory to both parties. If that fails, the Chief of Police of Surprise has the final authority to decide all disputes involving the operations pursuant to this agreement. In the event the Parties are unable to resolve a dispute, claim, question, or disagreement relating to an alleged breach of this Agreement, or involving liability to a third party or a party's obligation to indemnify the other party as a result of an event arising out of this Agreement, Surprise and El Mirage agree to submit such dispute to binding arbitration, pursuant to the rules of the American Arbitration Association. In the event of a dispute claim question or disagreement, each Party shall bear and be responsible for that Party's costs and attorney fees.

10. Termination. Either party may terminate this Agreement, for convenience or cause, upon one hundred eighty (180) days prior written notice to the other party.

11. Notice. Any notice required to be given under this Agreement will be provided by mail to:

To Surprise: City of Surprise
Attn: Police Chief
14250 West Statler Plaza
Surprise, Arizona 85374

With copy to: City of Surprise
16000 N. Civic Center
Surprise, Arizona 85374

To El Mirage: City of El Mirage
ATTN: City Manager
12145 N.W. Grand Avenue
El Mirage, Arizona 85335

With copy to: City of El Mirage
ATTN: Police Chief
14405 N. Palm Street
El Mirage, Arizona 85335

12. Conflict of Interest. No member, official, or employee of any of the Parties, may have any direct or indirect interest in this Agreement, nor participate in any decision relating to the Agreement that is prohibited by law. All parties hereto acknowledge that this Agreement is subject to cancellation pursuant to the provisions of A.R.S. §38-511.

12.1 Each Party warrants that it has not paid or given, and will not pay or give, any third party any money or other consideration for obtaining this Agreement, other than the costs set forth herein and normal costs of conducting business and costs of professional services.

13. General Provisions. In no event shall either Party charge the other for any administrative fees for any work performed pursuant to this Agreement.

13.1 The Parties and their respective Councils shall not unreasonably withhold appropriation authority to fund this Agreement. Nothing in this Agreement will act as an abrogation of the budgeting and appropriation authority of the legislative and/or governing bodies of the respective Parties. However, in the event that a party fails to appropriate funds to effectuate this agreement, the Agreement shall immediately terminate.

- 13.2 No member, official, or employee of any Party will be personally liable to the other Party, or any successor in interest, in the event of any default or breach by that Party or for any amount which may become due to another Party, or on any obligation under the terms of this Agreement.
- 13.3 Except as otherwise expressly provided in this Agreement, any failure or delay by any party in asserting any of its rights or remedies as to any default, will not operate as a waiver of any default or of any such rights or remedies or deprive any such party of its right to institute and maintain any actions or proceedings which it may deem necessary to protect, assert, or enforce any such rights or remedies.
- 13.4 If any provision of this Agreement shall be found invalid or unenforceable by a court of competent jurisdiction, the remaining provisions of this Agreement will not be affected thereby and shall be valid and enforceable to the fullest extent permitted by law, provided that the fundamental purposes of this Agreement are not defeated by such severability.
- 13.5 Per A.R.S. § 35-391.06 and 35-393.06, the parties certify that they do not have scrutinized business operations in either Sudan or Iran.
- 13.6 A.R.S. § 41-4401 – The parties mutually warrant that they are in compliance with and further acknowledge that:
- 13.6.1 They and their subcontractors, if any, warrant their compliance with A.R.S. § 41-4401 and all federal immigration laws and regulations that relate to their employees and their compliance with A.R.S. § 23-214, subsection A and shall keep a record of the verification for the duration of the employee's employment or at least three years, whichever is longer;
- 13.6.2 A breach of a warranty under subsection 15.6.1 above shall be deemed a material breach of the agreement that is subject to penalties up to and including termination of the agreement;
- 13.6.3 The parties mutually retain the legal right to inspect the papers of any contractor or subcontractor employee who works on the agreement to ensure that the contractor or subcontractor is complying with the warranty provided under subsection 15.6.1. above, and that the contractor agrees to make all papers and employment records of said employees(s) available during normal working hours in order to facilitate such an inspection.

- 13.6.4 Nothing herein shall make any contractor or subcontractor an agent or employee of either of the contracting governmental entities.
- 13.7 The captions contained in this Agreement are merely a reference and are not to be used to construe or limit the text.
- 13.8 This Agreement may be executed in multiple counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument. Neither a signature for every Party, nor a signature line, shall be required in each counterpart. Except that on a counterpart being brought forward by a Party to its legislative body, or equivalent for approval, that particular counterpart shall have to be signed and executed in accordance with that Party's practice. The signature pages from one or more counterparts may be removed from such counterparts and such signature pages all attached to a single instrument so that the signatures of all Parties may be physically attached to a single document.

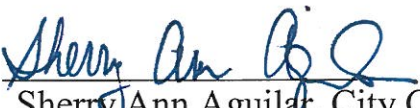
[End of Agreement. Signature page follows.]

IN WITNESS WHEREOF, THE Parties hereby subscribe their names this 22
day of January, 2013.

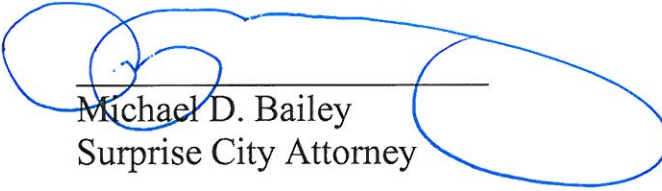
City of Surprise

By: 
Chris Hillman
City Manager

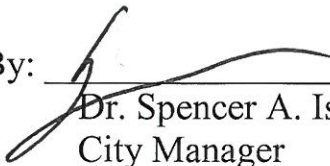
Date: Jan. 22, 2013

Attest: 
Sherry Ann Aguilar, City Clerk

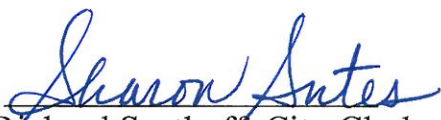
This Agreement is in proper legal form and is within the powers and authority granted under the laws of this state to those parties represented by the undersigned legal counsel.


Michael D. Bailey
Surprise City Attorney

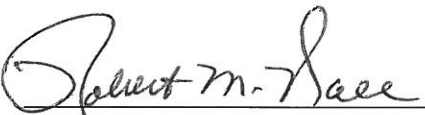
City of El Mirage

By: 
Dr. Spencer A. Isom
City Manager

Date: 2/5/13

Attest: 
~~Richard Saathoff, City Clerk~~
SHARON ANTES, ACTING CITY CLERK

This Agreement is in proper legal form and is within the powers and authority granted under the laws of this state to those parties represented by the undersigned legal counsel.


Robert M. Hall
El Mirage City Attorney

RESOLUTION # 2021-84

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA, AUTHORIZING THE CITY TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT TO PROVIDE THE CITY OF EL MIRAGE, MARICOPA COUNTY, STATE OF ARIZONA WITH ANIMAL CONTROL OFFICER SERVICES

WHEREAS, pursuant to Arizona Revised Statute §11-951, et seq., the City of Surprise has the authority to enter into intergovernmental agreements (IGA) with other governmental entities for the purposes set forth within;

WHEREAS, the City of El Mirage is in need of Animal Control Officer services; and,

WHEREAS, the City of Surprise has Animal Control Officers who are capable of providing the services to the City of El Mirage; and

WHEREAS, the City of Surprise is willing to make the Animal Control Officers available to provide these services; and

WHEREAS, the term of this IGA is July 1, 2021 through June 30, 2022 and may be extended annually upon written notification from the City of El Mirage to the City of Surprise by May 30th of each year;

WHEREAS, the City of El Mirage is willing to pay \$94,062 for the FY2022 fiscal year to be made in quarterly payments; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council for the City of Surprise, Arizona, as follows.

Section 1. The Intergovernmental Agreement between the City of Surprise and the City of El Mirage is attached as Exhibit A is approved.

Section 2. The City Manager, or his designee, is hereby authorized to execute and submit all documents and other necessary or desirable instruments in connection with said agreements.

APPROVED AND ADOPTED this ____ day of _____, 2021.

SIGNATURES ON FOLLOWING PAGE

Skip Hall, Mayor

Attest:

Approved as to form:

Sherry Aguilar, City Clerk

Robert Wingo, City Attorney

RESOLUTION # 2020-84

Exhibit A

INTERGOVERNMENTAL AGREEMENT BETWEEN
THE CITY OF SURPRISE AND *THE CITY OF EL MIRAGE*



CITY OF SURPRISE Regular City Council Meeting

Council Meeting Date: June 15, 2021
Submitting Department: Human Resources
Staff Recommendations: None

Contact Person: Lisa Angelini, DIRECTOR - HR
District: Internal

Consent: Yes	Regular: No	Public Hearing: No	Report/Discussion: No
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Agenda Wording:

Consideration and action pertaining to approval of an amendment to the Fiscal Year 2021 budget by moving budget authority in the amount of \$500,000 within the Employee Health Benefits Trust Fund to cover anticipated medical and pharmacy expenditures; Resolution #2021-95.

Motion:

I move to approve Resolution # 2021-95.

Background:

The FY2021 Employee Healthcare Fund budget was based on projected medical and pharmacy claim costs, and was conservatively budgeted. Due to the month-to-month fluctuation of claims, and the lag between service and payment, additional analysis of the fund is needed throughout the fiscal year. Currently in FY2021, medical and pharmacy claims are trending 4% higher than initially projected. In order to pay medical and pharmacy claims through the end of the fiscal year, budget must be reallocated within the fund.

Objective Analysis:

To meet the financial obligations of the City and comply with the City of Surprise Financial Management Budget Amendment Policies.

Policy Compliant:

This action is compliant with the Budget Amendment Policy that states any movement from Contingency needs to be approved by Council.

Financial Impact:

Currently, the City has paid for ten (10) months of claims. An analysis of those claim amounts indicate a trend that is 4% higher than initially projected. This action will authorize an additional \$500,000 in expenses for medical and pharmacy expenditures.

Budget Impact:

This action will move budget authority in the amount of \$500,000 within the Employee Health Benefits Trust Fund from Contingency to Services to cover anticipated medical and pharmacy expenditures. This does not represent an actual transfer of funds, but only a transfer of spending

authority and does not increase or decrease the total adopted citywide expenditure budget.

FTE Impact:

There is no FTE impact.

ATTACHMENTS:

1. FY21 Budget Amendment Council 06.2021
 2. Res 2021-95 Budget Amnd Medical Expenditures.clean.cao.rev
-



Human Resources Resolution #2021-95

June 15, 2021

Overview

- Request to amend the Fiscal Year 2021 budget by reallocating appropriations from contingency to spendable authority in the amount of \$500,000 in the Health Benefits Fund.
- Current budget for Medical and Pharmacy \$12,789,700; 3.91% increase to \$13,289,700.
- Higher utilization with increasing costs for medical and pharmacy claims, related to COVID testing and treatment claims.



QUESTIONS OR COMMENTS?

Thank You

RESOLUTION # 2021-95

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA, AMENDING THE FISCAL YEAR 2021 BUDGET BY INCREASING THE SPENDING AUTHORITY BY \$500,000 WITHIN THE EMPLOYEE HEALTH BENEFITS TRUST FUND FROM CONTINGECY TO SERVICES, DUE TO A PROJECTED INCREASE OF MEDICAL EXPENDITURES.

WHEREAS, the FY2021 budget was adopted by Council Resolution #2020-63 on June 2, 2020, and included funding for projected Medical Expenditures;

WHEREAS, a lag occurs between service and payment, and currently the City has ten (10) months of expenditures on which to base its projected Medical Expenditures;

WHEREAS, the expenditures for those ten months are trending higher than initially projected, and therefore there is a necessity to increase spending authority to meet the projected increased costs of the City's Medical Expenditures for FY2021;

WHEREAS, this action will necessitate a budget amendment to increase allocations and spending authority; and

WHEREAS, the City of Surprise Administrative Policies requires the approval of the Mayor and Council for budget amendments of this nature.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Surprise, Arizona, as follows.

Section 1. That the statements and schedules attached as *Exhibit A* and incorporated by reference are adopted, amending the budget of the City of Surprise, Arizona for the fiscal year July 1, 2020 through June 30, 2021.

APPROVED AND ADOPTED this ____ day of _____, 2021.

Skip Hall, Mayor

Attest:

Approved as to form:

Sherry Aguilar, City Clerk

Robert Wingo, City Attorney

RESOLUTION # 2021-95

Exhibit A

1. Appropriation – The allocations below represent an increase in spending authority in the amount of \$500,000 from the total contingency within the Employee Health Benefits Trust Fund, to the account for the projected increased medical and pharmacy claims costs. This will amend the budget for Medical and Pharmacy expenses from \$12,789,700 to \$13,289,700. These reallocations do not represent an actual transfer of funds, but only a transfer of spending authority. Additionally, these allocations do not increase or decrease the total budget.

Fund	Department	Project/Category	Rev/ Exp	Current Budget	Increase/ (Decrease)	Amended Budget
Employee Health Benefits Trust Fund	Human Resources	Services	E	12,789,700	500,000	13,289,700
Employee Health Benefits Trust Fund	General Operations	Contingency	E	2,646,300	(500,000)	2,146,300
				15,436,000	0	15,436,000



CITY OF SURPRISE Regular City Council Meeting

Council Meeting Date: June 15, 2021

Contact Person: Andrea Davis, DIRECTOR -
FINANCE

Submitting Department: Finance

District: Internal

Staff Recommendations: None

Consent: Yes

Regular: No

Public Hearing: No

Report/Discussion: No

Agenda Wording:

Consideration and action pertaining to approval of a Fiscal Year 2021 budget amendment moving budget authority in the amount of \$100,000 within the Water Operations Fund to support increased demand for water meter installations and amending the Fiscal Year 2021 Contract Awarding Authority List; Resolution # 2021-96.

Motion:

I move to approve Resolution # 2021-96.

Background:

Annually, the Finance Department in collaboration with Community Development and Water Resource Management Departments project new home and commercial growth in our Surprise water service area based on permits in process and planned future development. These projections are then used as the basis for budgeting the purchase of new water meters. Growth has exceeded projections in FY2021 and additional budget authority is necessary to support this growth.

Objective Analysis:

This action will assure that sufficient resources are available to support the increased demand for water service. No negative impacts are anticipated.

Policy Compliant:

This action is consistent with City and Council policy.

Financial Impact:

This action will allow for an increase of \$100,000 in expenditures for water meters and related supplies.

Budget Impact:

This action will move budget authority within the Water Operations Fund in the amount of \$100,000 from unforeseen expenditures in the Water Resource Management Department to supplies in the Finance Department to increase the budget for water meters. This does not represent an actual transfer of funds, but only a transfer of spending authority. Additionally, these allocations do not increase or decrease the total adopted citywide expenditure budget.

FTE Impact:

This item does not impact the overall full-time equivalent count.

ATTACHMENTS:

1. Resolution 2021-96
-

RESOLUTION # 2021-96

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA, AMENDING THE FISCAL YEAR 2021 BUDGET BY MOVING BUDGET AUTHORITY IN THE AMOUNT OF \$100,000 WITHIN THE WATER OPERATIONS FUND TO SUPPORT CUSTOMER GROWTH AND AMENDING THE FISCAL YEAR 2021 CONTRACT AWARDING AUTHORITY LIST.

WHEREAS, the FY2021 budget was adopted including funding for water meter installations to accommodate forecasted growth of single-family residences;

WHEREAS, year-to-date, due to higher growth of single family homes than initially projected, demand for new water meter installations has exceeded initial projections and it is necessary to reallocate \$100,000 within the Water Operations Fund from Services, to Supplies for the purchase of water meters to support revised growth projections;

WHEREAS, the FY2021 budget, including the FY2021 Contract Awarding Authority List, was adopted by Council Resolution #2020-63 on June 2, 2020;

WHEREAS, the City of Surprise Procurement Code §2-338 (d) requires the authority of the Mayor and Council when the cost to the city is greater than \$50,000;

WHEREAS, this action will necessitate a budget amendment; and

WHEREAS, the City of Surprise Administrative Policies requires the approval of the Mayor and Council for budget amendments of this nature.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Surprise, Arizona, as follows.

Section 1. That the statements and schedules attached as *Exhibit A* and incorporated by reference are adopted, amending the budget and Contract Awarding Authority List of the City of Surprise, Arizona for the fiscal year July 1, 2020 through June 30, 2021.

SIGNATURES ON THE FOLLOWING PAGE

APPROVED AND ADOPTED this ____ day of _____, 2021.

Skip Hall, Mayor

Attest:

Approved as to form:

Sherry Aguilar, City Clerk

Robert Wingo, City Attorney

RESOLUTION # 2021-96
Exhibit A

1. Appropriation - The allocations below represent a movement of budget authority within the Water Operations Fund in the amount of \$100,000 from unforeseen expenditures in the Water Resource Management Department to supplies in the Finance Department to increase the budget for water meters. This action represents a transfer of spending authority and does not increase or decrease the total adopted citywide expenditure budget.

Fund	Department	Project/Category	Rev/ Exp	Current Budget	Increase/ (Decrease)	Amended Budget
Water Operations	Finance	Supplies	E	657,300	100,000	757,300
Water Operations	Water Resource Management	Services	E	7,429,400	(100,000)	7,329,400
Expense Total				8,086,700	-	8,086,700
Revenue Total				-	-	-

2. Contract Awarding Authority List – Council approved \$1,000,000 for the purpose of water meter replacements and parts included on the Fiscal Year 2021 Contract Awarding Authority List. This amount was based on projected growth of single-family residences.

Reference #	Description	Current Amount	Increase/ (Decrease)	Amended Amount
21399	Meter Replacements & Parts	\$1,000,000	\$100,000	\$1,100,000



CITY OF SURPRISE Regular City Council Meeting

Council Meeting Date: June 15, 2021 Contact Person: Joshua Mike
Submitting Department: Community Development District: District 1
Staff Recommendations: None

Consent: No Regular: No Public Hearing: Yes Report/Discussion: No

Agenda Wording:

Consideration and action pertaining to approval of an annexation of an approximately 9.96 acre property known as Enclave IV at Paloma Creek, generally located west of 155th Avenue on the north side of Frontier Drive; Ordinance # 2021-09 (Case FS20-739).

Motion:

I move to approve Ordinance # 2021-09.

Background:

A group of property owners are seeking annexation of undeveloped land generally located west of 159th Ave on the north side of Frontier Drive. The annexation proposal is for 5 parcels, consisting of 9.96 acres of unincorporated land within Maricopa County zoning district Rural-43. If annexed, the property will assume the similar zoning district of Rural Residential (RR) as outlined in the Land Development Ordinances. The owners have submitted a rezoning request for Residential Medium Density with a Planned Unit Development Overlay (RM-9 PUD) that will also be considered by the City Council on this agenda.

The applicant held a virtual Citizen Review meeting on February 25, 2021. Advertisements were posted in a local newspaper and three (3) signs were posted within the subject property. Neighboring residents attended to express their concerns about the compatibility with their existing residences.

Objective Analysis:

Positive impacts include adding additional property to the incorporated limits which will generate additional property taxes and potential development fees. Negative impacts could include providing services to an approximately 10-acre area the City did not previously serve.

Policy Compliant:

If the City Council moves forward to annex property into the City limits, the annexation would be deemed policy compliant by expanding the range of influence of the City.

Financial Impact:

At this time there are no financial impacts associated with this item. If the City Council moves forward to annex property into the City limits, there could be financial impacts to the City to provide services to an area which the City did not provide services to in the past. If the area is annexed, that could result in

future development fees, sales and property taxes. This item includes a Financial Impact Analysis for the annexation.

Budget Impact:

At this time there are no budget impacts associated with this item. If the City Council moves forward to annex property into the City limits, there could be minor budget impacts to the City to provide services to an area which the City did not provide services in the past. If the area is annexed that could result in future development fees, sales and property taxes.

FTE Impact:

At this time there would be no additional FTEs associated with this item. If the City Council moves forward to annex property into the City limits, staff does not believe any future FTEs would be needed based on the potential annexation.

ATTACHMENTS:

1. 00 FS20-739 Enclave IV Annexation Staff Report CC 6.15.2021
 2. 01 FS20-739 Enclave IV Annexation-Vicinity Map
 3. 02 FS20-739 Enclave IV Annexation Petition-Signed
 4. 03 FS20-379 Enclave IV Assessor Annexation Report 20210305
 5. 04 FS20-739 AZ DOR ValueTransmittalLtrRpt
 6. 05 FS20-732 Enclave IV Fiscal Impact Analysis Memo
 7. 06-FS20-739 Enclave IV at Paloma Creek Annexation Ordinance 2021-09
 8. 07 FS20-739 Enclave IV Annexation-Cit Part Plan Final
 9. 08 FS20-739 Enclave IV Annexation-Presentation
-



Case: FS20-739

Project Name: Enclave IV at Paloma Creek

Council District: 1

City Council Date: June 15, 2021

Planner: Joshua Mike, AICP

Owner: DICHARA 10, LLC

Applicant: Kent A. Xander, KAX Group, LLC

Request: Annexation Public Hearing

Site Location: Generally located west of the 159th Avenue and on the north side of Frontier Road alignments.

Site Size: 9.96 acres (approx.)

General Plan Conformance: The proposal is consistent with the Surprise General Plan 2035

Actions: **Approve:** Approval of the proposed annexation will increase the corporate limits of the City of Surprise and allow for the subsequent approval of a related zone change request, which in turn will allow the property to be developed in accordance with the City of Surprise General Plan and Surprise Municipal Code.

Deny: Denial of the proposed annexation will result in the continuation of a long-standing county jurisdiction and prevent the City Council from taking action regarding the related Zone Change requests.

INTRODUCTION:

Kent A. Xander seeks annexation of an undeveloped parcel generally located between Happy Valley Road and Jomax Road, along 159th Ave. The annexation proposal is for 9.96 acres, consisting of (5) parcels with one ownership group, of unincorporated land adjacent to Surprise City limits.

PROJECT DESCRIPTION:

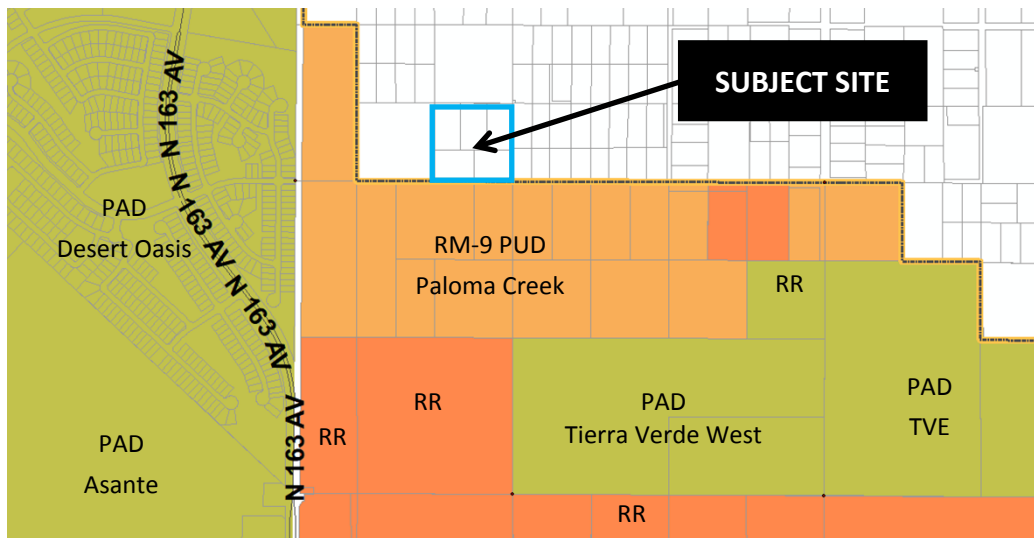
The property is currently zoned Maricopa County Rural-43. If annexed, the property will assume similar Rural Residential (RR) zoning of the Surprise Land Development Ordinances (LDO). In a concurrent development application, this property is part of a rezoning, case FS20-738, and will be heard by both the Planning and Zoning Commission and City Council.

The parcels associated with this proposed annexation boundary include:

- 503-55-010R
- 503-55-010S
- 503-55-010T
- 503-55-010U
- 503-55-010V

EXISTING ZONING:

The following map depicts the existing zoning of the subject site and its surrounds.



BACKGROUND:

October 15, 2020: Staff reviewed the subject request at a Concept Review meeting under CR20-664.

November 13, 2020: The applicant filed the subject request under Case FS20-738.

November 13, 2020: The applicant filed a companion Annexation request covering the subject site under case FS20-739.

February 25, 2021: The applicant held a Neighborhood Outreach meeting for this request.

March 16, 2021: Surprise City Council approved Resolution 2021-34 Enclave IV Intent to Annex

March 23, 2021: Surprise City Clerk filed a blank petition with legal description and affidavit verifying that territory is not subject to an earlier filing for annexation as filed with the Maricopa County Recorder's Office. Notice and copies of filings are sent to the Clerk of the Board of Supervisors and County Assessor.

April 15, 2021: The Planning and Zoning Commission recommended denial of the concurrent rezone request, case FS20-738.

April 20, 2021: Surprise City Council held a public hearing within the last ten days of the 30-day waiting period pursuant to A.R.S. §9-471.

April 26, 2021: The City received signed petition

May 24, 2021: The applicant held an informal meeting with area residents to discuss the proposal.

NEIGHBORHOOD OUTREACH

The site was posted on February 9, 2021 to alert interested citizens and stakeholders of the virtual open house on February 25, 2021. Approximately (7) County residents participated in the virtual meeting and discussed the project with the applicant and City Staff. The applicant answered questions regarding how the proposal ties into existing plans for the adjacent development plans for Paloma Creek. This included questions about water and wastewater being tied into nearby City infrastructure, and storm water being retained on-site to protect adjacent properties. Staff answered questions regarding the annexation regulations and timelines.

The meeting attendees were generally not in favor of the annexation and the increase in density with a summary of the items discussed shown below:

- Extending 159th Ave within the property, specifically potential landscaping and access to Prickly Pear Trail. The City is coordinating with Maricopa County on this.
- Suburban development next to rural, horse properties. Applicant committed to the lots along the north side and east side of the development being single story as well as buffering with either open space tracts or 159th Ave.

- Requirement for streetlights. Applicant committed to dark sky type fixtures and work with City staff on this issue.
- Landscaping and chemical usage. Applicant agreed to work with City on native vegetation or native hydro-seed that does not require chemical usage.

Following the meeting, the applicant obtained the email addresses of the attendees to share information regarding the annexation and rezoning development proposals.

During the meeting on March 16, 2021 for the “Resolution of the Intent to Annex”, several members of the public spoke in opposition to both the Enclave III and Enclave IV projects; however, one member of the public, who expressed opposition to Enclave IV, expressed support for the (Enclave III) project.

During the Call to the Public at the March 18, 2021 Commission Public Hearing regarding the rezoning case for Enclave III (FS20-731), several members of the public expressed concerns over the upcoming rezone and annexation requests occurring in the area. Most of those comments were directed towards the Enclave IV; however, some comments were of a general nature and apply to the Enclave III and any new development in the area. These include but are not limited to concerns over chemical usage, vehicular traffic, wildlife habitat, dark sky, effects on existing lifestyle, and construction traffic.

During the Commission hearing of April 15, 2021, several members of the public expressed similar concerns as those noted above, submitting a neighborhood petition in opposition.

ARIZONA REVISED STATUTE DESCRIPTION:

Arizona Revised Statutes require the filing of a blank annexation petition. The blank petition relating to the subject property was recorded with the Maricopa County Recorder’s Office on March 23, 2021 (see attached). Arizona Revised Statutes also require that no signatures be obtained during a 30-day waiting period immediately following the filing of the blank petition, and that a public hearing must be held during the last 10 days of the 30-day waiting period. Once the public hearing is held and the 30-day waiting period has ended, signatures may be collected. State statute further requires that an excess of 50% of the land owners and assessed valuation for all real and personal property, sign the petition in order to validate the petition. State statute also allows up to one year following the end of the 30-day period to obtain the required number of signatures.

UTILITY AND SERVICES TABLE:

Water:	City of Surprise
Wastewater:	City of Surprise
Refuse:	City of Surprise
Schools:	Dysart USD

Summary:

The proposed annexation includes one parcel, 9.96 acres, and requires signatures from representatives of two ownership groups after the Arizona Revised Statute's required 30-day waiting period that concluded on April 22, 2021. The applicant provided the signatures for Enclave IV at Paloma Creek to be eligible for annexation by the City of Surprise. The signed petition is attached to this staff report to be considered by City Council.

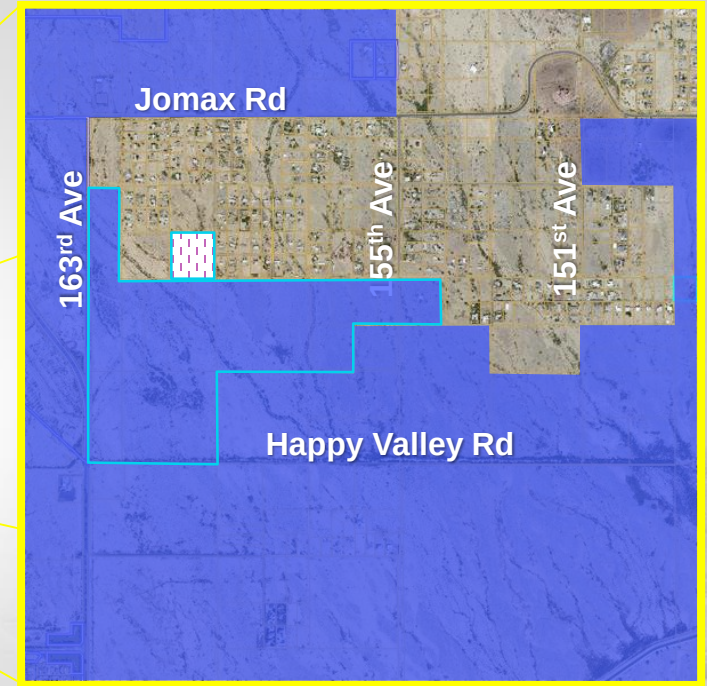
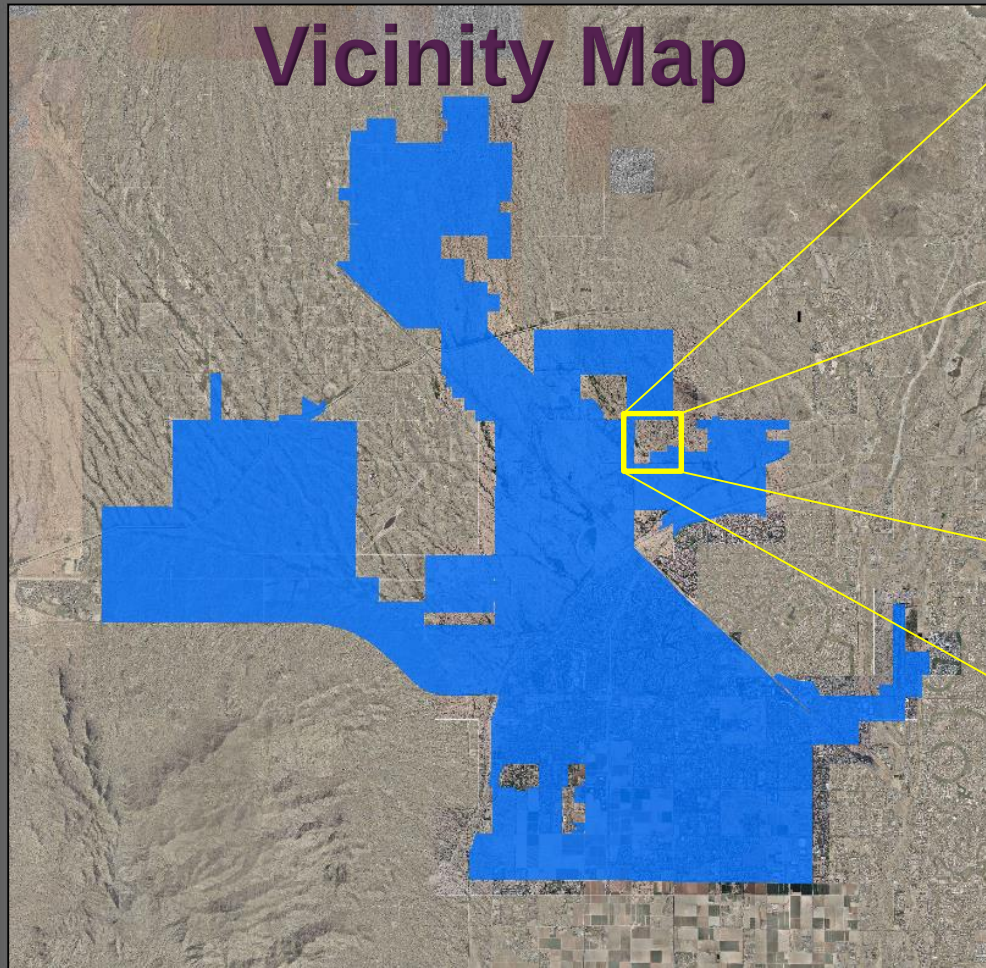
The parcel to be annexed complies with all requirements for size, shape, and contiguity set forth in the Arizona annexation statutes.

<u>Annexation Details</u>	<u>A.R.S Requirements</u>	<u>Provided</u>	<u>Percentage provided</u>
Real Property - 5 parcels (one owner)	1 signature	1 signature	100%
Total Assessed Value - \$49,815	Exceed \$24,908	\$49,815	100%

Attachments:

- 01 FS20-739 Enclave IV at Paloma Creek Annexation-Vicinity Map
- 02 FS20-739 Enclave IV at Paloma Creek Annexation Signed Petition
- 03 FS20-739 Enclave IV at Paloma Creek Annexation Assessor Annexation Report
- 04 FS20-739 Enclave IV at Paloma Creek Annexation AZ Dept. of Revenue Value Transmittal Report
- 05 FS20-739 Enclave IV at Paloma Creek Annexation Impact Analysis
- 06 FS20-739 Enclave IV at Paloma Creek Annexation Ordinance 2021-09
- 07 FS20-739 Enclave IV at Paloma Creek Annexation-Citizen Participation Report
- 08 FS20-739 Enclave IV at Paloma Creek Annexation-Presentation

Vicinity Map



Proposed Annexation Location

-  Existing Surprise Incorporated Limits
-  Approved Paloma Creek Boundary
-  FS20-739 – Enclave IV at Paloma Creek (9.96 acres)

ANNEXATION PETITION

TO THE HONORABLE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA:

We, the undersigned, the owners of one-half or more of the real and personal property that also represents one-half or more of the value of the real and personal property that would be subject to taxation by the City of Surprise in the event of annexation within the territory proposed to be annexed, which is hereafter described, said territory being contiguous to the corporate limits of the City of Surprise, with the exterior boundaries of the territory proposed to be annexed shown on the map attached hereto, marked "Exhibit "B" and made a part hereof, request the City of Surprise to annex the following described territory, provided that the requirements of A.R.S. §9-471, and amendments thereto are fully observed.

The description of the territory proposed to be annexed as part of the Surprise Case #FS20-739, not already within the present limits of the City of Surprise and located in Maricopa County, Arizona, is as described and attached hereto, marked Exhibit "A" and made part thereof:

DATE	NAME OF PROPERTY OWNER	MAILING ADDRESS	PHONE NO	PARCEL NUMBER OR LEGAL DESCRIPTION
April 26, 2021	Dichiara 10, LLC, an Arizona limited liability company			
	By: Taproot Consulting, LLC, an Arizona limited liability company			
	18835 N. Thompson Peak Parkway, Suite 215, Scottsdale, AZ 85255			
	Phone 602-469-8050			
	Maricopa County Assessor Parcel Numbers: 503-55-010R, 503-55-010S, 503-55-010T, 503-55-010U, 503-55-010V			
	By: 		Its: 	

FS20-739 Enclave IV at Paloma Creek
Assessor Annexation Report 20210305

Parcel No	Tax Year	Property Use	Owner Name	Mailing Address	City State Zip
503-55-010R	2021	VACANT LAND	DICHIARA 10 LLC	18835 N THOMPSON PEAK PKWY STE 215	SCOTTSDALE AZ 85255
503-55-010S	2021	VACANT LAND	DICHIARA 10 LLC	18835 N THOMPSON PEAK PKWY STE 215	SCOTTSDALE AZ 85255
503-55-010T	2021	VACANT LAND	DICHIARA 10 LLC	18835 N THOMPSON PEAK PKWY STE 215	SCOTTSDALE AZ 85255
503-55-010U	2021	VACANT LAND	DICHIARA 10 LLC	18835 N THOMPSON PEAK PKWY STE 215	SCOTTSDALE AZ 85255
503-55-010V	2021	VACANT LAND	DICHIARA 10 LLC	18835 N THOMPSON PEAK PKWY STE 215	SCOTTSDALE AZ 85255

Parcel No	Land FCV	CVP PP FCV	Total Assed FCV	Parcel Sq Ft
503-55-010R	\$68,600	\$0	\$10,290	86,368
503-55-010S	\$68,800	\$0	\$10,320	86,869
503-55-010T	\$68,900	\$0	\$10,335	86,935
503-55-010U	\$57,000	\$0	\$8,550	86,878
503-55-010V	\$68,800	\$0	\$10,320	86,878
	\$332,100	\$0	\$49,815	

STATE OF ARIZONA

Department of Revenue
Local Jurisdictions District
Fax (602) 542-4425



Douglas A. Ducey
Governor

Robert Woods
Director

March 23, 2021

Mr. Joshua Mike
City of Surprise
16000 N. Civic Center Plaza
Surprise, AZ 85374

RE: Valuation Transmittal for Docket # 07-0981-00, FS20-739 Enclave IV at Paloma Creek

Dear Mr. Mike:

According to information provided by the taxpayer(s) and based on unit values established by the Division of Property Valuation and Equalization, the estimates of value for properties located in the proposed annexation areas are as follows:

Taxpayer #	Taxpayer Name	Full Cash Value	Assessed Value
54650	ARIZONA PUBLIC SERVICE COMPANY	\$0.00	\$0.00
56795	Centurylink Communications LLC	\$0.00	\$0.00
54641	SOUTHWEST GAS CORPORATION (T&D)	\$0.00	\$0.00
55370	EPCOR	\$0.00	\$0.00

Please direct any inquiries you may have regarding this estimate to my email address:
fvillaverde@azdor.gov

Sincerely,

Flo Villaverde

Flo Villaverde
GIS Annexations
Telephone: 602 716 6832
Fax: 602 542 4425



Memorandum

To: Lloyd Abrams, Assistant Director, Community Development
From: Stacie Cameron, Sr. Financial Management Analyst
Date: May 6, 2021
Re: FS20-739 Enclave IV Fiscal Impact Analysis

Per the Annexation Policy Manual – 2008 Revision, a land use based fiscal impact analysis has been conducted utilizing data provided by the applicant. The data provided assumes residential development of approximately 10 acres generally located west of the 159th Avenue alignment and north of the Frontier Drive alignment.

Based on the land use information, the construction timeline, and the development assumptions, the net financial impact to the operating funds of the City of Surprise is positive. Due to construction sales tax collection, a positive impact is projected during the first three years of development. Over twenty years, expenses are projected to be \$1,019,091, and revenue is projected to be \$1,035,605 resulting in a net financial impact of \$16,514.

ORDINANCE 2021-09

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA EXTENDING AND INCREASING THE CORPORATE LIMITS OF THE CITY OF SURPRISE MARICOPA COUNTY STATE OF ARIZONA PURSUANT TO THE PROVISIONS OF ARIZONA REVISED STATUTES TITLE 9 CHAPTER 4 ARTICLE 7 AND AMENDMENTS THERETO BY ANNEXING THERETO CERTAIN TERRITORY CONTIGUOUS TO THE EXISTING CITY LIMITS OF THE CITY OF SURPRISE, CONSISTING OF APPROXIMATELY 9.96 ACRES LOCATED WITHIN SECTION 6, TOWNSHIP 4 NORTH, RANGE 1 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, GENERALLY LOCATED ONE-HALF MILE NORTH OF HAPPY VALLEY ROAD AND ONE-HALF MILE WEST OF 155TH AVE.

WHEREAS, a petition in writing accompanied by a map or plot of said real property having been filed and presented to the Mayor and Council of the City of Surprise, Arizona, signed by the owners of more than one-half in value of the real and personal property and more than one-half of the persons owning real and personal property as would be subject to taxation by the City of Surprise in the event of annexation within the territory and land hereinafter described in the attached **Exhibit A** (the "Annexation Area") and as shown by the last assessment of said property which said Annexation Area is contiguous to the City of Surprise, and not now embraced within its limits, asking that the Annexation Area be annexed to the City of Surprise, and to extend and increase the corporate limits of the City of Surprise so as to embrace the same;

WHEREAS, the Mayor and Council of the City of Surprise Arizona are desirous of complying with said petition and extending and increasing the corporate limits of the City of Surprise to include said territory;

WHEREAS, the said petition sets forth a true and correct description of all the exterior boundaries of the entire area proposed to be annexed to the City of Surprise and had attached thereto at all times an accurate map of the territory, as shown in **Exhibit B**, desired to be annexed;

WHEREAS, no alterations increasing or reducing the territory sought to be annexed have been made after the said petition had been signed by any owner of real and personal property in such territory;

WHEREAS, the provisions of A.R.S. § 9-471, and amendments thereto, have been fully observed;

WHEREAS, proper and sufficient certification and proof of the foregoing facts are now on file in the office of the City Clerk of the City of Surprise, Arizona, together with a

true and correct copy of the original petition referred to herein, which is on file in the office of the County Recorder for Maricopa County, Arizona;

WHEREAS, the area to be annexed having been zoned Rural-43 (R-43) in Maricopa County pursuant to A.R.S. § 9-471(L), the Mayor and City Council shall adopt and apply to this area the City of Surprise zoning district Rural Residential (RR) that permits densities and uses no greater than those permitted by the Maricopa County zoning immediately before annexation; and

WHEREAS the Annexation Area is within the “Benefited Area,” as defined and depicted in Exhibit A to the “Rancho Mercado Supplemental Development Agreement (Regional Improvements Overlay Agreement)”, as amended, for water, wastewater, and roadway improvements, by and between the City of Surprise and William Lyons Homes, Inc. (“William Lyons”), originally approved by Resolution #2017-71, and recorded as Document No. 20170526362 on July 19, 2017, in the Office of the County Recorder of Maricopa County, Arizona.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the City Of Surprise Arizona as follows

SECTION 1. That the Annexation Area described in the attached **Exhibit A** and depicted in the attached **Exhibit B** be and the same hereby is annexed to the City of Surprise and that the present corporate limits be and the same hereby are extended and increased to include the Annexation Area described in **Exhibit A** and depicted in the attached **Exhibit B** contiguous to the present City limits.

SECTION 2. That a copy of this Ordinance together with an accurate map of the territory hereby annexed, as shown in **Exhibit B**, to the City of Surprise certified by the Mayor of the City of Surprise shall be recorded in the Office of the County Recorder of Maricopa County, Arizona, and that a copy of this ordinance shall be provided to the Clerk of the Board of Supervisors of Maricopa County, Arizona.

SECTION 3. That the property described in SECTION 1 of this Ordinance with Maricopa County zoning of Rural-43 (R-43), shall be designated with City of Surprise zoning district Residential Ranch (RR) pursuant to A.R.S § 9-471(L) upon the effective date of this ordinance.

SECTION 4. That prior to the City recording a final plat or approving a site plan or building permit within the Annexation Area, the applicant shall provide the City with a Notice of Payment from William Lyons that the applicable “Buy-in Fees” have been paid, all as defined and described in the Rancho Mercado Supplemental Development Agreement (Regional Improvements Overlay Agreement), as amended.

SECTION 5. That the City of Surprise zoning map is herewith amended to reflect the change in districts referred to in SECTIONS 3 above.

SECTION 6. This Ordinance shall take effect and the annexation of the subject property shall become effective at the time and in the manner prescribed by law.

SECTION 7. This Ordinance is not of general application throughout the City and therefore will not be codified.

SECTION 8. That the provisions of this Ordinance are not severable, and the entirety of this Ordinance shall become null and void and of no effect in the event any provision is finally determined to be illegal or invalid by a court of competent jurisdiction or if any provision should be invalidated by a referendum vote.

PASSED AND ADOPTED this _____ day of _____ 2021.

Skip Hall, Mayor

Attest:

Approved as to form:

Sherry Aguilar, City Clerk

Robert Wingo, City Attorney

CERTIFICATION OF MAP

MAP OF AREA TO BE ANNEXED

I, _____ Mayor of the City of Surprise Arizona do hereby certify that the foregoing map as expressed in Exhibit B is a true and correct map of the territory annexed under and by virtue of the petition of the real and personal property owners in the said territory and by Ordinance No. 2021-09 annexing the territory described in the attached Exhibit A and as shown on said map as a part of the territory to be included within the corporate limits of the City of Surprise Arizona

Mayor

ATTEST

Clerk

EXHIBIT "A"

DESCRIPTION

ANNEXATION

ENCLAVE IV @ PALOMA CREEK

The Southeast Quarter of the Southeast Quarter of the Northwest Quarter of Section 6, Township 4 North, Range 1 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, described by metes and bounds as follows:

BEGINNING at the Center Quarter Corner of said Section 6;
Thence North 89°48'24" West along the East-West mid-section line 658.26 feet;
Thence North 00°03'17" West 658.77 feet;
Thence South 89°47'38" East 658.82 feet to the North-South midsection line of said Section 6;
Thence South 00°00'23" East along said mid-section line 658.62 feet to the POINT OF BEGINNING.

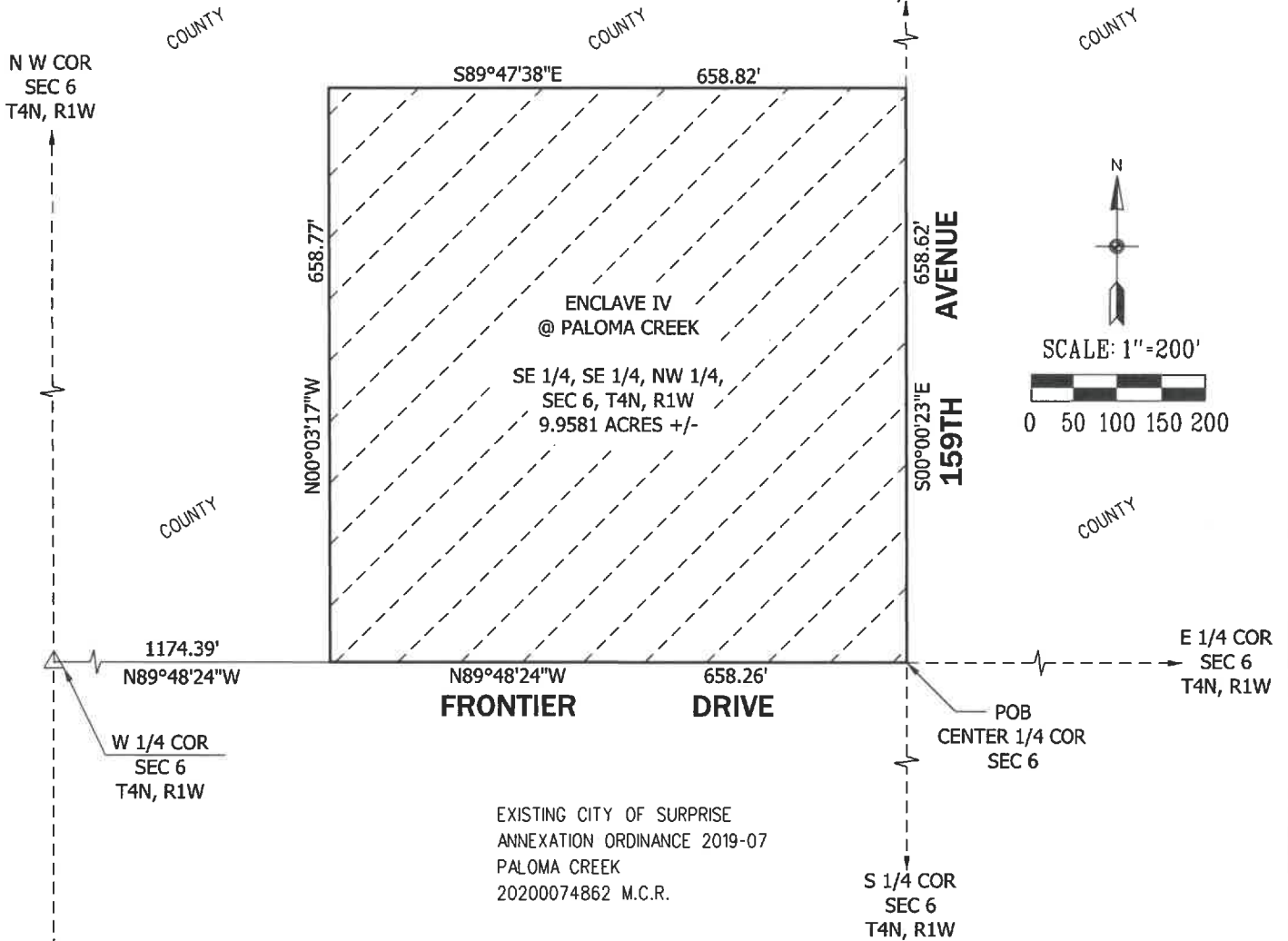
Containing 9.9581 acres, more or less.

Attached is EXHIBIT "B" and by this reference is made a part hereof.

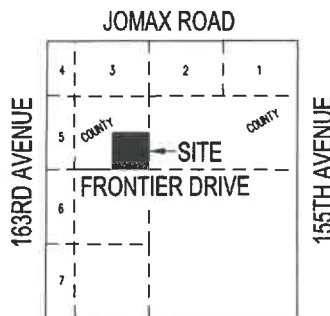
End of description



EXHIBIT "B"



EXISTING CITY OF SURPRISE
ANNEXATION ORDINANCE 2019-07
PALOMA CREEK
20200074862 M.C.R.



VICINITY MAP
SECTION 6
T4N R1W

LEGEND

- POB POINT OF BEGINNING
- M.C.R. MARICOPA COUNTY RECORDER
-  ANNEXATION AREA



ANNEXATION
ENCLAVE IV @ PALOMA CREEK



CITY OF SURPRISE
LAND SURVEY DEPARTMENT

PROJECT # 21012

DRAWN BY RCD

DATE 05-04-2021 SHEET 1 OF 1



Enclave IV Rezone

Citizen Participation Plan & Report

February 26, 2021

Updated May 26, 2021

Background

The City of Surprise (City) requires a citizen participation process and report for applications such as this PAD amendment. The purpose of the citizen review process is to:

Ensure that applicants pursue early and effective citizen participation in conjunction with their applications, giving them the opportunity to understand and try to mitigate any real or perceived impacts their application may have on the community;

Ensure that the citizens and property owners of the city have an adequate opportunity to learn about applications that may affect them and to work with applicants to resolve concerns at an early stage of the process; and

Facilitate ongoing communication between the applicant, interested citizens and property owners, city staff, and elected officials throughout the application review process.

The citizen review process is not intended to produce complete consensus on all applications, but to encourage applicants to be good neighbors and to allow for informed decision-making.

Enclave IV Citizen Participation Plan & Report

Enclave 4 at Paloma Creek PUD is a 9.9581-acre proposed residential subdivision adjacent to the north of the approved Paloma Creek PUD Case # FS18-150 zoned for a density of 4 units per acre. The subject property is adjacent to unincorporated vacant land and homes to the west, north, and east zoned RU-43. The proposal is to annex into the City and rezone the property. As part of the rezone process, adjacent property owners and stakeholders in the area were notified by the City staff to our proposed application and open house to inform the public of this rezoning request. The case also includes an Annexation from Maricopa County into the City.

We met the City's notification requirements, which are:

- Notice of the citizen review meeting shall be provided by the planning and zoning division in the form of a public notice to the following, when applicable:
 - The notice shall be published at least once in a newspaper of general circulation published or circulated in the municipality at least 15 days prior to the meeting date.



City initiated.

- For applications involving rezoning of land which abuts other municipalities or unincorporated areas of the county or a combination thereof, copies of the notice shall be transmitted to the planning agency of such governmental unit butting such land. **City initiated.**
- For applications involving rezoning, subdividing, planned unit developments, site plans with uses permitted on a conditional basis, and legislative matters, all real property owners within a 200-foot or 300-foot radius, the city shall send copies of the notice by first class mail, no less than seven days prior to the hearing. We noticed at 300 feet. **City initiated.**
- Any village committee or special community group which is located in the area of the proposed public hearing request or has considerable interest in the nature of the application; **See City initiated list.**
- The head of any homeowner's association or registered neighborhood within the public notice area established in item (3) indicated above. **See City initiated list.**

Site Posting

The site was posted on February 9, 2021 to alert interested citizens and stakeholders of our upcoming virtual open house on February 25, 2021. The photographs of the signs and affidavit are attached at **Tab 1**. The signs were updated to notice the neighbors of the April 15, 2021 Planning & Zoning Commission and April 20 City Council hearing for the annexation portion of the application, as well as the proposed in-person neighborhood open house on May 24, 2021. Refer to **Tab 2** for the updated sign. The signs were updated on May 26, 2021 to notice the neighbors of the June 15, 2021 City Council Annexation and Rezone Hearing. Refer to **Tab 3** for the updated sign.

Participation Report.

After the notices were sent by staff and the site was posted, we did not field any telephone calls or emails of concern regarding the rezoning case. We held the virtual open house on Go-to-Meetings on February 25, 2021 at 6:00 pm. During the virtual open house, there were approximately seven (7) County residents who participated in virtual open house and discussed the project with the applicant and the applicant's representative. City staff was present in the meeting and during this discussion. The discussion included the following topics/opinions from the County participants:

- The meeting attendees were generally not in favor of the annexation and increase in density.
- Questions regarding sewer and water were resolved through discussion.
- Discussion about the annexation statute and process. City staff contributed to this discussion.
- Discussion about City information and incorrect information on this case. City staff committed to ensuring better communication on this case.



- Discussion about 159th Avenue design, how far north will it be built, landscaping on the west side and access to Prickly Pear trail. Applicant and City looking into final design options regarding this issue.
- Discussion about suburban development next to rural property
- Discussion about single story homes. Applicant committed to the lots along the north side and east side of the development being single story. Applicant committed to lowering number of lots from 36 to 32 lots during the open house.
- Discussion on lot sizes and types of homes. Applicant agreed to increase the width of the lots on the three (3) south rows to 60-foot-wide lots.
- Discussion on construction timeframe and contact information if issues arise. Applicant committed to providing neighbors with contact info during construction and approx. timeline for construction.
- Discussion about the requirement for streetlights. Applicant committed to dark sky type fixtures and work with the City staff on this issue.
- Discussion of landscaping and chemical usage. Applicant agreed to work with City on native vegetation or native hydro-seed that does not require chemical usage.
- Discussion of walls and perimeter walls/location
- Discussion of drainage and potential impacts to existing County residents. Applicant explained grading and drainage plans at time of platting to ensure no drainage impacts.

After our discussion, we felt the participants were able to express their concerns, questions, and opinions throughout the open house. City staff was also present during the virtual open house and participated in the discussion at several times during the 1.4-hour discussion. We also obtained the participants emails during the virtual meeting. We sent the open house participants our project narrative and the PowerPoint presentation the following day by email.

Update – May 24, 2021

On May 24, 2021, we held another open house with specifically Maricopa County residents. We notified County residents at a greater distance than the required 300-foot notice boundary. Refer to **Tab 4** for the map of the property owners noticed for the in-person open house on May 24th. Refer to **Tab 5** for a copy of the letter sent to those property owners and notification list.

At the May 24th in-person open house at the Asante school cafeteria, there were approximately thirty (30) attendees. Two (2) staff members, Lloyd Abrams, and Joshua Mike were also present at the meeting. The applicant's presented the annexation and rezoning proposal as well as the updated site plan based on follow-up meetings with surrounding neighbors off 159th Avenue and the County transportation staff regarding roadway connections in the area.



The attendees were mainly concerned with roadway connections and not having the proposed residents from the proposal accessing the County roads in the area. Other concerns were:

- Density
- Open space
- Traffic
- City emergency services
- Other vacant property in the county adjacent to this proposal

The meeting lasted a little longer than an hour with small group discussions after the presentation and Q&A portion of the meeting.

We have committed to working through many of the discussion points during the virtual open house and updated the land plan and lowered the number of lots to 31, increased the number of single-story homes and provided for internal access from Paloma Creek to the south so as not to impact the surrounding County roads. The current proposal addresses many but not all the neighbors' concerns regarding access to the property. We will continue to follow up with the meeting attendees with additional information on the project and schedule. We have been working cooperatively with City staff on the annexation and rezone request and will continue to work towards public hearings on the proposed request. If we are contacted by any neighbors or stakeholders after we have submitted this citizen participation report to the City, we will provide updates to the City staff with an amended report.

TAB 1



AFFIDAVIT OF POSTING

Application No: FS20-739 & FS20-738

Applicant Name:

Location: West of 159th Ave and Prickly Pear Trail

Date Site Posted: February 9th, 2021

In order to assist in providing adequate notice to interested parties, the applicant for any type of public hearing in the City of Surprise shall erect two (2) signs giving notice of the date, time and place of the scheduled hearings. These signs must be erected not less than **fifteen (15) days prior** to the date of the first hearing. The signs shall also include the nature of the request as contained on the formal zoning application. The size and format of this sign shall meet requirements established by the Planning and Zoning Department (see page 2).

Such notice shall be clearly legible and placed at a prominent location on the site – Generally adjacent and perpendicular to the public right-of-way. It shall be the responsibility of the applicant to erect and to maintain the sign on the subject property and to maintain the hearing information on the sign until final disposition of the case.

It shall also be the responsibility of the applicant to remove the signs within one week after the final disposition of the case.

I confirm that the site has been posted as required above, for the case noted above. A picture of the site posting, and photos of any subsequent changes/updates made to the sign, have also been submitted.

Maria Hitt
Applicant/Representative Signature

2-9-2021
Date

This instrument was acknowledged before me on this 9th day of February, 2021, and by Maria Hitt. I witness whereof I hereunto

set my hand and official seal.

Mary Beth Conrad
Notary Public

10-28-2024
My commission expires



TAB 2



TAB 3



CITY OF SURPRISE

Site posting Process

AFFIDAVIT OF POSTING
(Sign modification)

Application No: FS20-739 & FS20-738

Applicant Name: _____

Location: West of 159th Save and Prickly Pear Trail

Date Site Posted: February 9th, 2021 sign modified: May 26th, 2021

In order to assist in providing adequate notice to interested parties, the applicant for any *type of public hearing* in the City of Surprise shall erect two (2) signs giving notice of the *date, time and place* of the scheduled hearings. These signs must be erected not less than **fifteen (15) days prior** to the date of the first hearing. The signs shall also include the nature of the request as contained on the formal zoning application. The size and format of this sign shall meet requirements established by the Planning and Zoning Department (see page 2).

Such notice shall be clearly legible and placed at a prominent location on the site – Generally adjacent and perpendicular to the public right-of-way. It shall be the *responsibility of the applicant* to erect and to maintain the sign on the subject property and to maintain the hearing information on the sign until final disposition of the case.

It shall also be the *responsibility of the applicant* to remove the signs within one week after the final disposition of the case.

I confirm that the site has been posted as required above, for the case noted above. A picture of the site posting, and photos of any subsequent changes/updates made to the sign, have also been submitted.

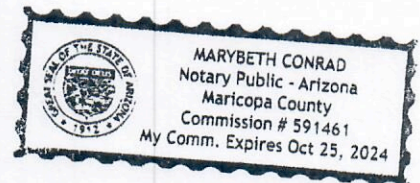
Maria Hitt 5-26-2021
Applicant/Representative Signature Date

This instrument was acknowledged before me on this 26th day of May, 2021, and by Maria Hitt. I witness whereof I hereunto set my hand and official seal.

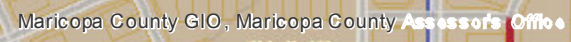
Marybeth Conrad
Notary Public
10-25-2024

My commission expires

Return completed and notarized **affidavit** and all relevant **photos** to the Planning and Zoning Department at least fifteen (15) days **prior** to the scheduled meeting(s).



TAB 4



TAB 5



**TIFFANY
& BOSCO**
P.A.

May 13, 2021

RE: FS20-739 & 738 – Enclave IV at Paloma Creek Annexation and Rezone with a Planned Unit Development Overlay

Dear neighbor, homeowners' associations, and stakeholders:

KAX Land Group, LLC (the "Applicant") filed an annexation and rezoning request for an approximately 9.95-acre site located at the northwest corner of Frontier Dr. and 159th Ave. Enclave IV at Paloma Creek will utilize the City's PUD zoning for a proposed residential subdivision adjacent to and just north of the approved Paloma Creek residential development, which is zoned for a density of approx. 4 dwelling units per acre. The subject property is adjacent to unincorporated vacant land and homes to the west, north, and east zoned RU-43 in Maricopa County. The proposal is to annex into the City and rezone the property from Rural Residential (RR) to Residential Medium Density with a residential density of approx. 3.1 dwelling units per acre.

The applicant held a virtual neighborhood meeting on February 25, 2021. This project was also presented at Planning and Zoning Commission Hearing on April 15, 2021 and City Council Annexation Hearing on April 20, 2021.

We invite you to join us for a second neighborhood meeting to discuss this proposal and learn more about the Applicant and the development proposal for the Property:

Neighborhood Meeting

Date: May 24, 2021

Time: 6:00 P.M. – 7:00 P.M.

Location: Asante Preparatory Academy - Cafeteria
23251 N 166th Dr., Surprise, AZ 85387

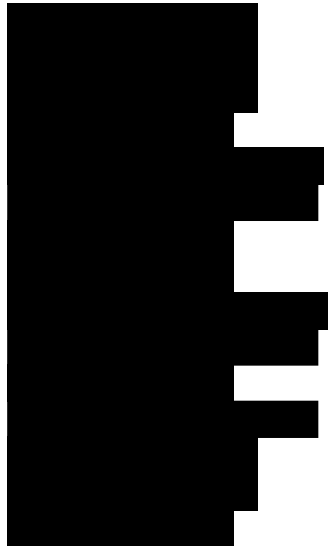
If you have any questions concerning this matter, please contact me directly at kajones@tblaw.com or 602-452-2729.

Sincerely,

Kurt Jones, AICP

Owner	MAIL_ADDR1	MAIL_CITY	MAIL_STAT	MAIL_ZIP
TRUOG DAVID G/BLAKESLEY FAWN R		SUN CITY WEST	AZ	85387
HARTEL LEONARD/KAREN BOWMAN		SUN CITY WEST	AZ	85387
ROYBAL TERESA JO		GOODYEAR	AZ	85338
TRUOG DAVID G/BLAKESLEY FAWN R		SURPRISE	AZ	85387
RUIZ TORRES SERAFIN/FERNANDEZ MA TERESA		SUN CITY WEST	AZ	85375
ANGER DOUGLAS A		SUN CITY WEST	AZ	85387
GALLIANI ERIC L		SURPRISE	AZ	85387
GARDUNIO LEO B		SURPRISE	AZ	85387
PATANA JOSHUA/HAILEY		SURPRISE	AZ	85387
LACHANCE NICOLE A		SURPRISE	AZ	85387
BURRIS DOUGLAS L		PHOENIX	AZ	85023
LOPEZ ASHLEY B/ANGEL LEO B		SURPRISE	AZ	85387
KOTERMANSKI JOHN F/DORIS J		SURPRISE	AZ	85387
WEYER SHELLEY		PEORIA	AZ	85382
DODD BRANDON D/ALEXSA A		SURPRISE	AZ	85387
SPYKES CHRISTOPHER/QUEVEDO PERLA		SURPRISE	AZ	85387
HENDERSON JENNIFER		SURPRISE	AZ	85387
KAWAGUCHI JON Y		SUN CITY WEST	AZ	85375
HEAP JOSEPH A		SURPRISE	AZ	85387
COTE REMI		SURPRISE	AZ	85387
GOSS JESSE		SURPRISE	AZ	85387
GRAHAM MARK		SURPRISE	AZ	85387
HUZIERAN MISHAIEAL S/VICTORIA		MORTON GROVE	IL	60053
HATFIELD HOYT TR		PEORIA	AZ	85345
TINGLE JAMES A/SUE E		SURPRISE	AZ	85387
CUELLAR-MARTINEZ RUBEN/CUELLAR ELISA		WITTMANN	AZ	85361
DOXSEE FAMILY TRUST		SURPRISE	AZ	85387
RENDON HENRY L/TAMMY L		SUPRISE	AZ	85387
DICHIARA 10 LLC		SCOTTSDALE	AZ	85255
SCM PENDLETON LLLP/SCM-WHITEMAN LLLP/ETAL		PHOENIX	AZ	85034
HAPPY VALLEY TWENTY FIVE LLC		SCOTTSDALE	AZ	85255
HATFIELD 15 LLC		SCOTTSDALE	AZ	85255
RANDY G PETERSON & LANA K PETERSON REV TRUST		VALENTINE	NE	69201
PARKER KATY		SURPRISE	AZ	85387
LEITH GREGG ALLEN/GAIL MAY		SURPRISE	AZ	85387
RUST NATHAN/SARAH		SURPRISE	AZ	85387-6785

HITCHCOCK GREGORY C/SALLY A
SHIMER JUDITH A
WILLIAMSON DIANE
LIVINGSTON DANNY
TRUJILLO DAVID/NATASHA
HAWKINS JERRY L II
CLAYWELL JAMES R
GARFIAS RICARDO GARDUNO
JAMES MICHAEL ALLEN
ML BAR TRUST
FERNANDEZ FERNANDO G/JO EVA
FINNEY ROBERT J
ROSA ANA JUSTINA
ESPINOZA VICENTE/MARIBEL
ESQUIVEL CINDY



SURPRISE	AZ	85387
SURPRISE	AZ	85387
SURPRISE	AZ	85387
SURPRISE	AZ	85387
SURPRISE	AZ	85374
SURPRISE	AZ	85387
SURPRISE	AZ	85387
SURPRISE	AZ	85387
LAS VEGAS	NV	89104
SURPRISE	AZ	85387-6783
SUN CITY WEST	AZ	85375
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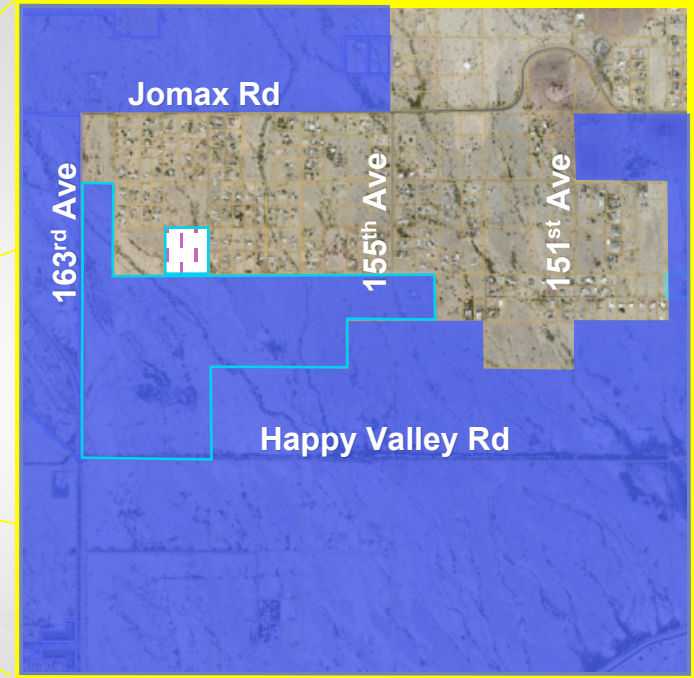
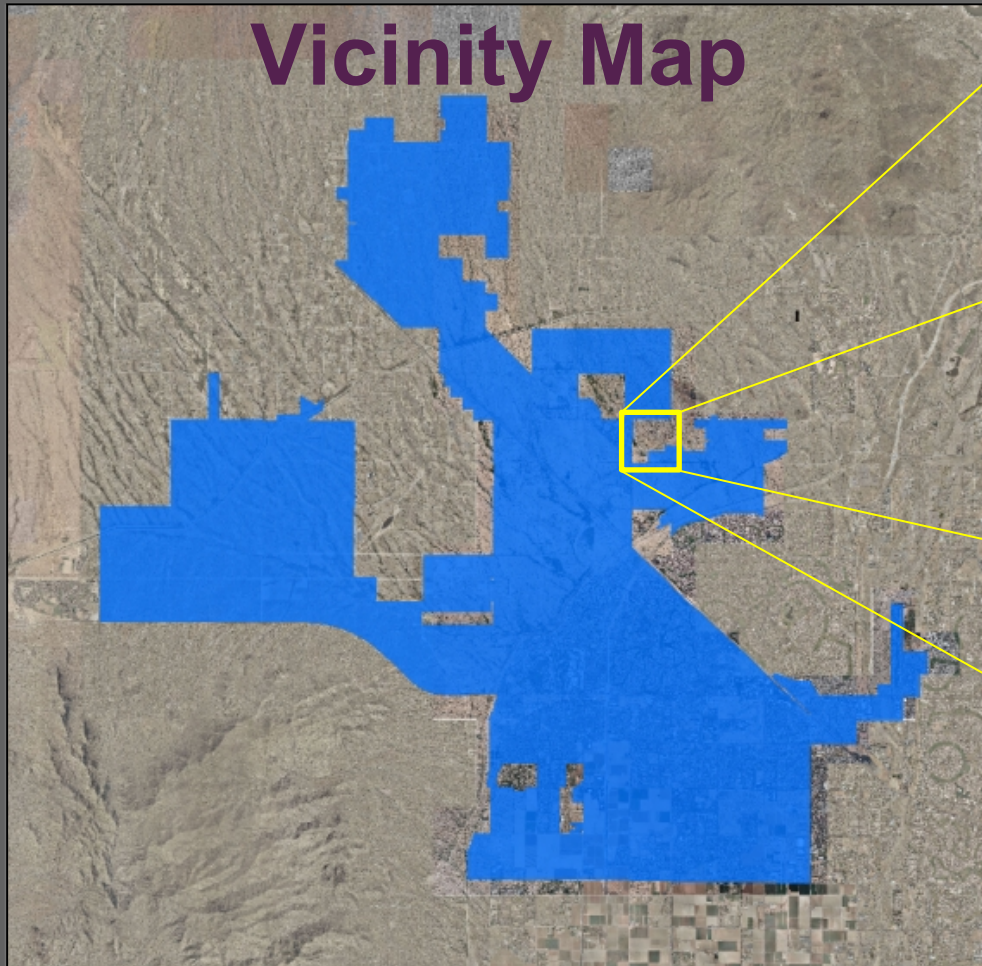


Annexation – Consideration and Action

FS20-739 – Enclave IV at Paloma Creek

City Council
June 15, 2021

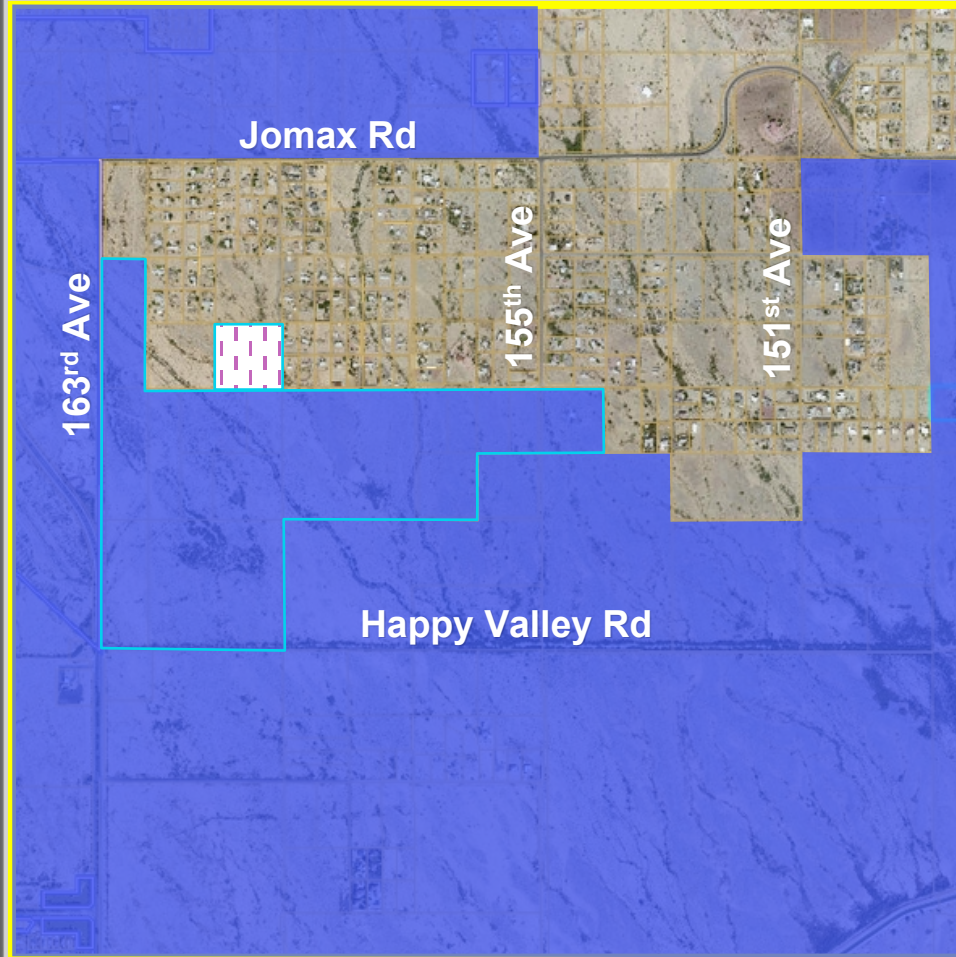
Vicinity Map



Proposed Annexation Location

-  Existing Surprise Incorporated Limits
-  Approved Paloma Creek Boundary
-  FS20-739 – Enclave IV at Paloma Creek (9.96 acres)

Case Map



Existing Surprise Incorporated Limits



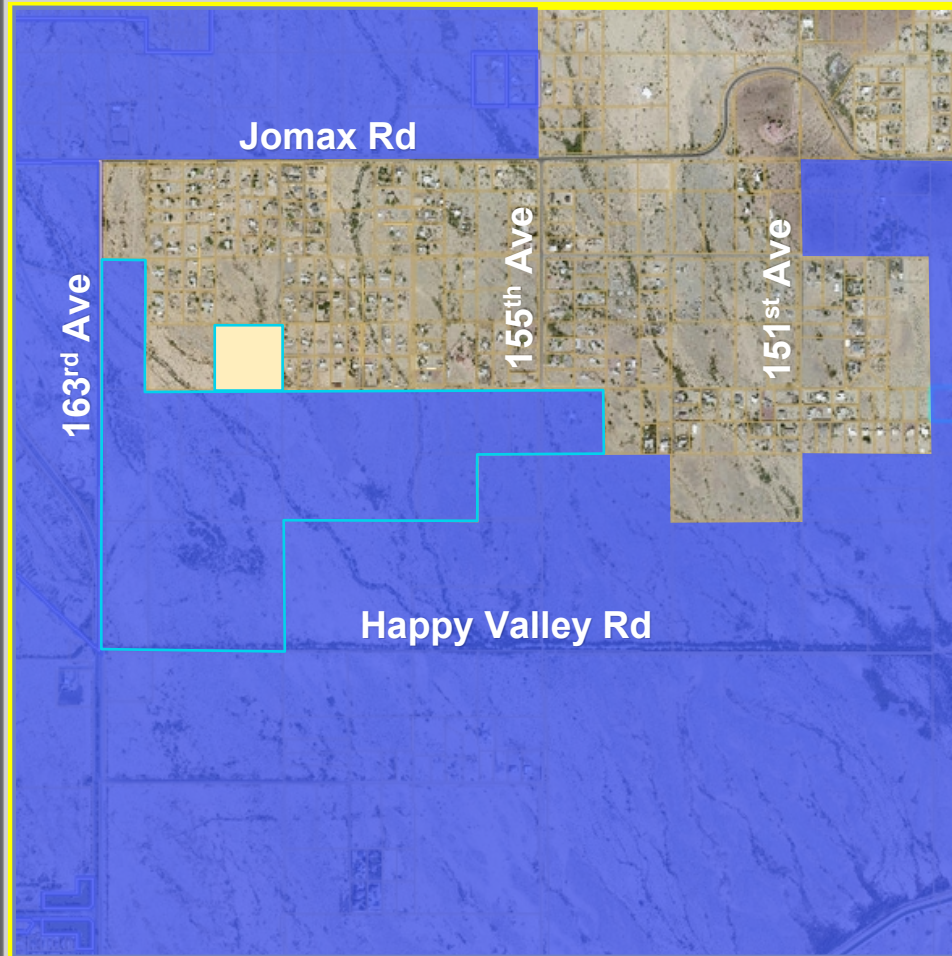
Approved Paloma Creek Boundary

Proposed Annexation location



Enclave IV at Paloma Creek

Zoning



Existing Surprise Incorporated Limits

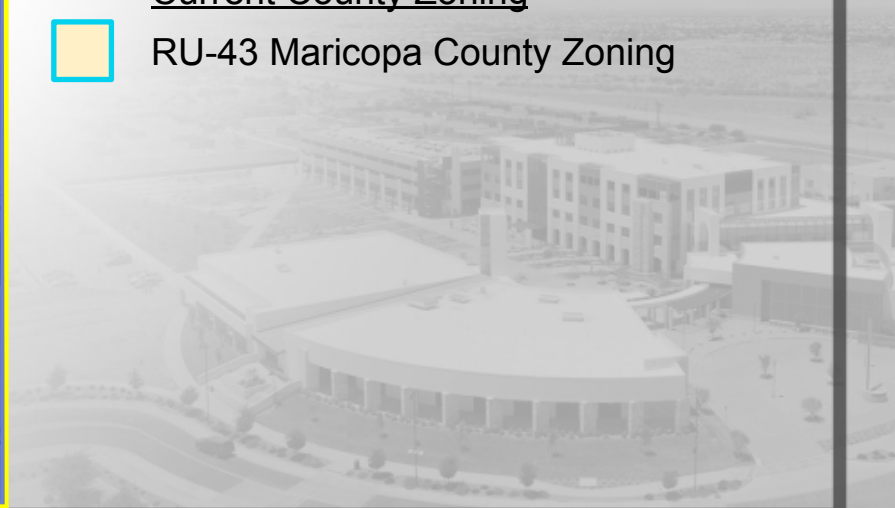


Approved Paloma Creek Boundary

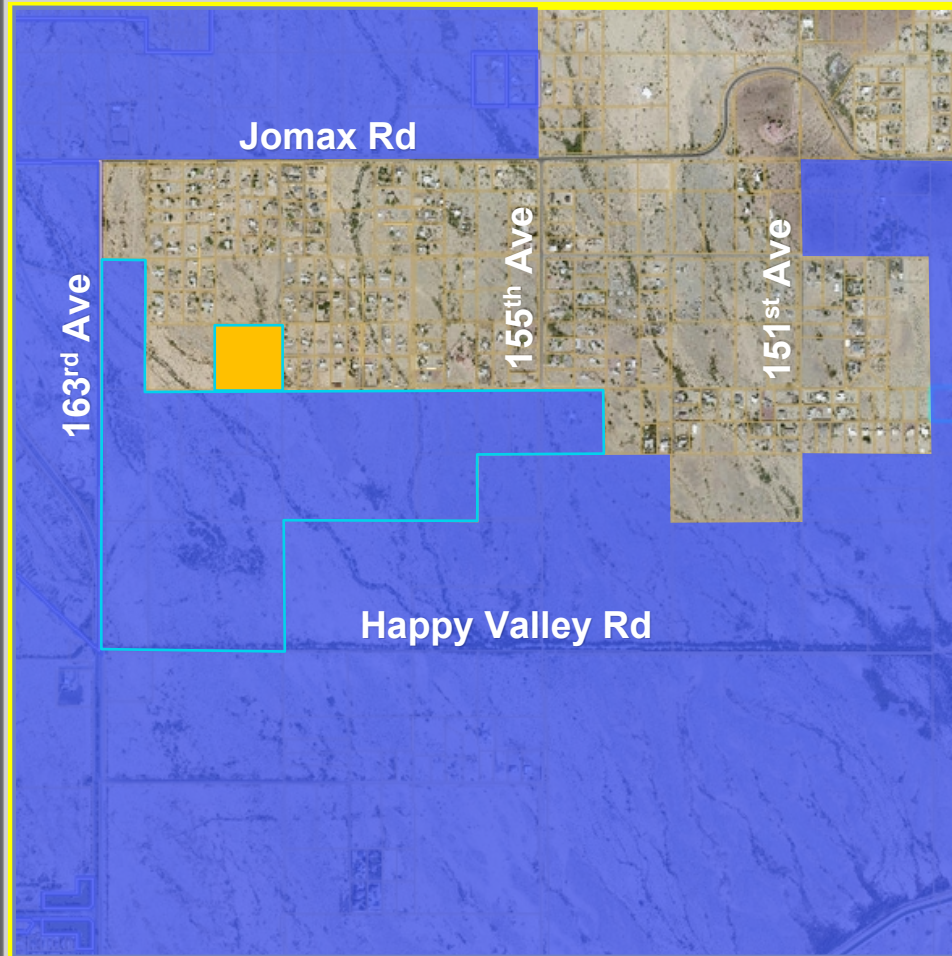
Current County Zoning



RU-43 Maricopa County Zoning



Zoning



Existing Surprise Incorporated Limits



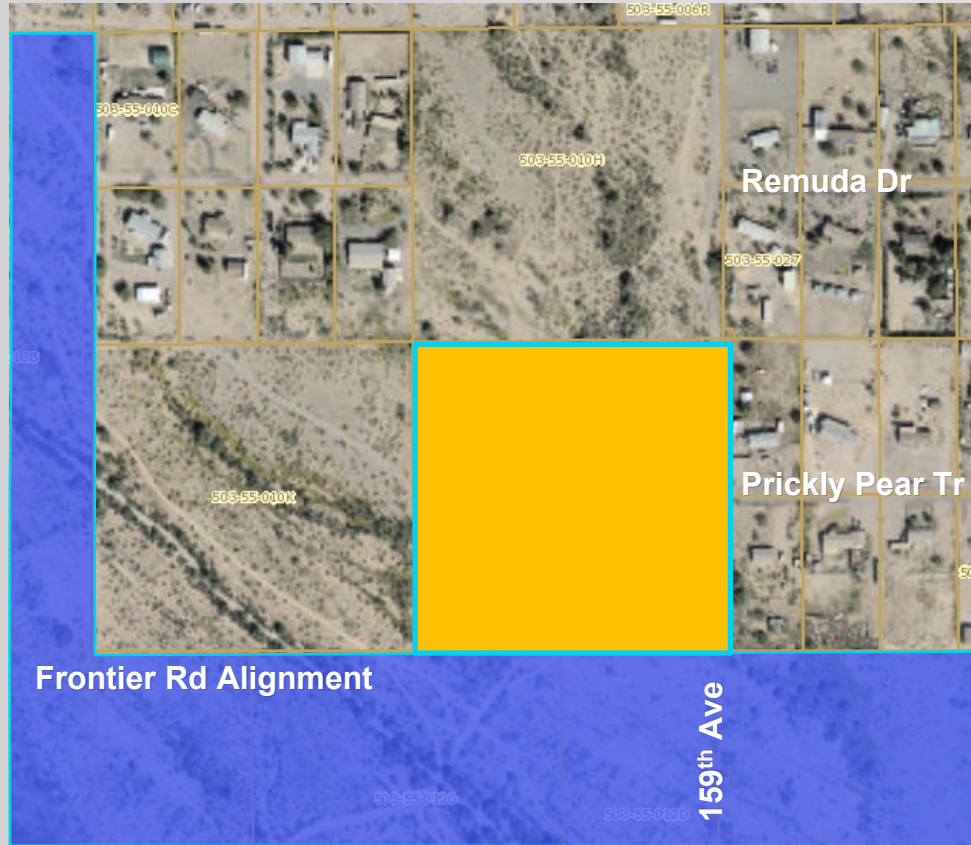
Approved Paloma Creek Boundary

City Equivalent Zoning



RR Surprise Zoning

Zoning



Existing Surprise Incorporated Limits



Approved Paloma Creek Boundary

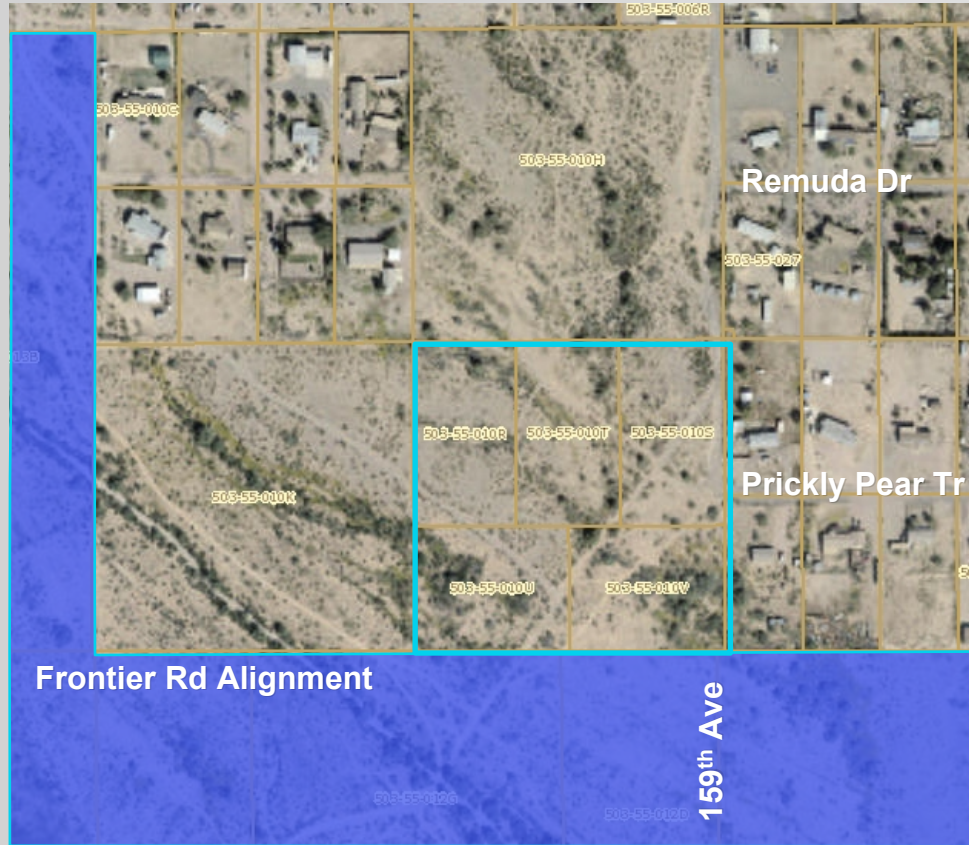
City Equivalent Zoning



RR Surprise Zoning



Conceptual Layout



Existing Surprise Incorporated Limits



Approved Paloma Creek Boundary

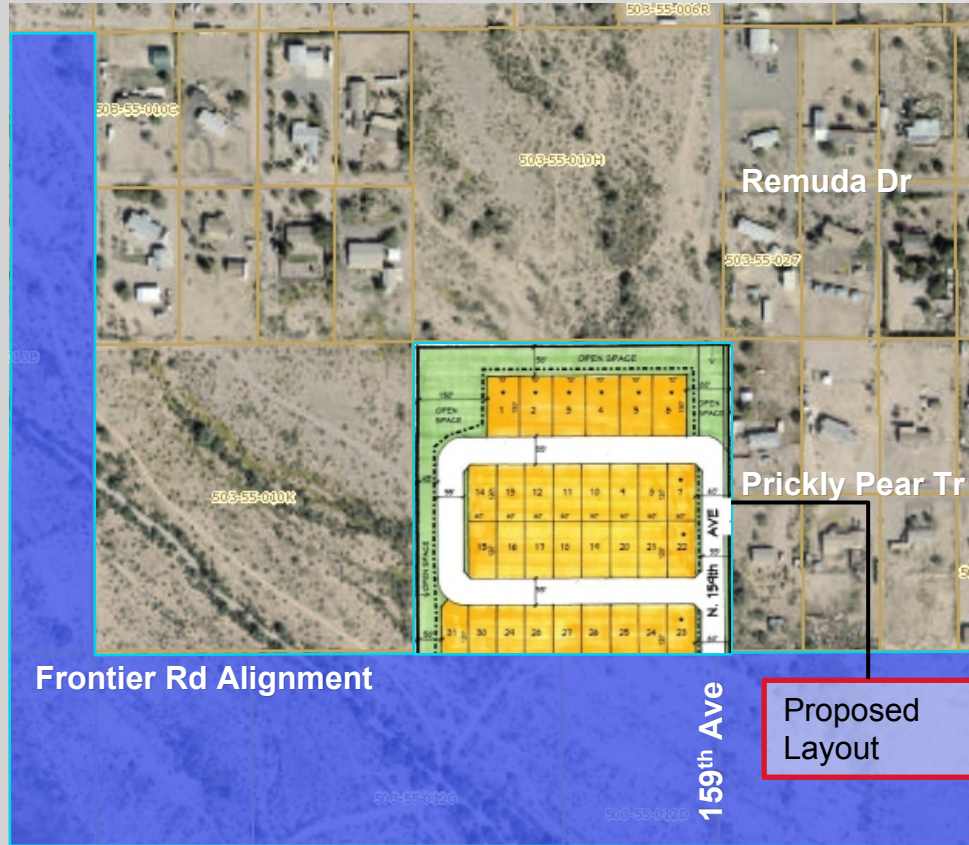


Concurrent Rezoning – FS20-738

RM-9 PUD Surprise Zoning



Conceptual Layout



Existing Surprise Incorporated Limits



Approved Paloma Creek Boundary



Concurrent Rezoning – FS20-738

RM-9 PUD Surprise Zoning

Concurrent Cases

FS20-739 – Enclave IV at Paloma Creek Annexation

- FS20-738 – Enclave IV at Paloma Creek Rezone
- Rezoning: From RR to RM-9 PUD (max 3.11 DU/Ac)
- Virtual Neighborhood Outreach: February 25, 2021
 - Attended by 7 County residents
 - General opposition: Incompatible densities, preserve open space/desert vegetation, access to 159th Ave
- Planning and Zoning Public Hearing: April 15, 2021
 - Received petition to oppose
 - Recommends denial to City Council

Annexation Process

Resolution for the Intent to Annex

- City Council – March 16, 2021

Recorded Blank Petition:

- Begins 30-day waiting period;
- Responses County Assessor and Dept. of Revenue
- Date: March 23, 2020

Public Hearing:

- City Council has public hearing to discuss the annexation proposal
- April 20, 2021 – no action

Obtain signatures on annexation petitions, April 23, 2021

- Applicant has 1 year to complete petition
- City Council considers annexation ordinance
 - May 18, 2021 – Applicant requested a continuance



QUESTIONS OR COMMENTS?

Thank You



CITY OF SURPRISE Regular City Council Meeting

Council Meeting Date: June 15, 2021 Contact Person: Robert Kuhfuss
Submitting Department: Community Development District: District 1
Staff Recommendations: None

Consent: No Regular: No Public Hearing: Yes Report/Discussion: No

Agenda Wording:

Consideration and action pertaining to approval of a rezone of approximately 9.96 acres from Residential Ranch (RR) to Residential Medium Density with a Planned Unit Development Overlay (RM-9 PUD) amending development standards and limiting residential density to 3.21 dwelling units per acre for Enclave IV at Paloma Creek; Ordinance # 2021-11 (Case FS20-738).

Motion:

I move to approve Ordinance 2021-11.

Background:

Kent Xander of KAX Group LLC and Dichiaro 10 LLC seek approval of a rezone of approximately 9.96 acres from Residential Ranch (RR) to Medium Density Residential (RM-9) with a Planned Unit Development (PUD) Overlay. The PUD Overlay will amend certain development standards, while limiting the maximum density to 3.21 dwelling units per acre. The subject site is adjacent to the recently approved Paloma Creek zoning and preliminary plat requests, and is the subject of a proposed Annexation that is currently in process under case FS20-739.

On May 26, 2021 the applicant submitted a revised Rezoning Narrative along with an updated Citizen Participation Plan & Report based on meetings held with surrounding neighbors off 159th Avenue, City staff and the County transportation staff held an informal neighborhood meeting on May 24, 2021. As a result, Kent Xander of KAX Group LLC and Dichiaro 10 LLC now seeks approval of a rezone of approximately 9.96 acres from Residential Ranch (RR) to Medium Density Residential (RM-9) with a Planned Unit Development (PUD) Overlay. The PUD Overlay will amend certain development standards, while limiting the maximum density to 3.11 dwelling units per acre.

Objective Analysis:

The subject Zone Change request anticipates the future development of 32 lots on approximately 10 acres, and includes a PUD overlay intended to grant relief from certain development standards. The Project will include approximately 23.5% open space, will join the Paloma Creek HOA, and will have access to those amenities. All city reviewing departments have reviewed the request and expressed no concerns. A separate but related Annexation request is under review, the project is the subject of

considerable opposition, and the Planning and Zoning Commission recommended denial of the subject rezone request.

The revised Zone Change request now anticipates the future development of 31 lots on approximately 10 acres, and includes a PUD overlay intended to grant relief from certain development standards. The Project will include approximately 26.29% open space.

Policy Compliant:

The Surprise General Plan 2035 shows the subject property as lying within the Neighborhood Character Area, which supports residential development of up to 8 DU/Ac or more, provided appropriate transitions are made between the various Neighborhood types included within the character area. At 3.21 DU/Ac, the project most closely aligns with the Suburban Neighborhood type and is consistent with the General Plan in this regard.

Financial Impact:

While this item does not have an immediate or direct financial impact, ongoing development activity in the City will inevitably have a future financial impact as additional resources are needed to provide city services.

Budget Impact:

There is no anticipated budget impact related to this item.

FTE Impact:

This item does not have an impact on current staffing levels.

ATTACHMENTS:

1. 00 FS20-738 Enclave IV at Paloma Creek Rezone 06-15-21 CC Staff Report Rev20210528
 2. 01 FS20-738 Enclave IV at Paloma Creek Rezone Vicinity Map
 3. 02 FS20-738 Enclave IV at Paloma Creek Rezone Case Map
 4. 03 FS20-738 Enclave IV at Paloma Creek Zone Change Narrative
 5. 04 Enclave IV at Paloma Creek Revised Zone Change Narrative
 6. 05 FS20-738 Enclave IV at Paloma Creek Zone Change Outreach Summary
 7. 06 FS20-738 Enclave at Paloma Creek Additional Opposition Email (Redact 1)
 8. 06 FS20-738 Enclave at Paloma Creek Opposition Email (Redact.)
 9. 07 FS20-738 Enclave IV at Paloma Creek Rezone ORDINANCE FINAL
 10. FS20-738 Enclave IV at Paloma Creek Rezone Presentation for 06-15-21
-

ZONE CHANGE

REPORT TO THE CITY COUNCIL

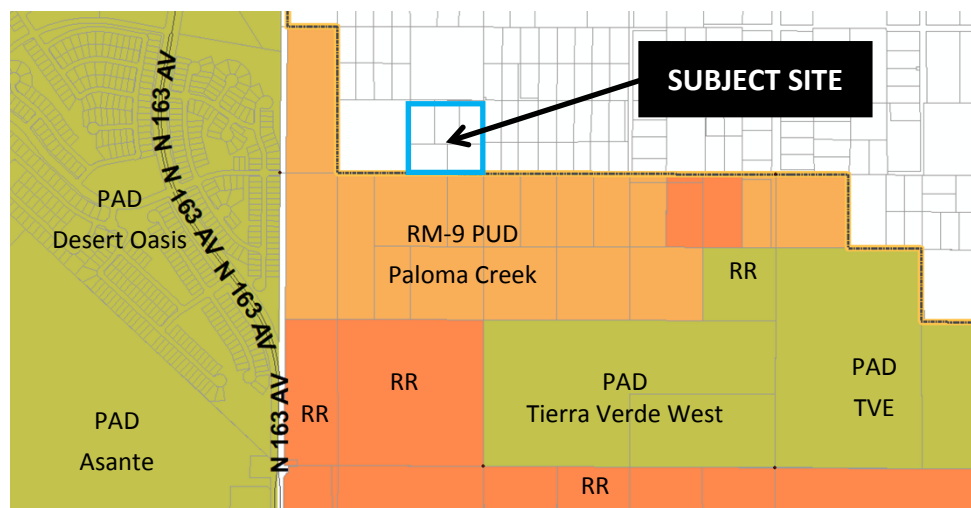
1 **Case:** FS20-738
2
3 **Project Name:** Enclave IV at Paloma Creek Rezone
4
5 **Council District:** 1 - Acacia
6
7 **Meeting Date:** June 15, 2021
8
9 **Planner:** Robert H. Kuhfuss, AICP
10
11
12 **Owner:** Dichiara 10 LLC
13
14 **Applicant:** Kent Xander of KAX Group, LLC
15
16 **Request:** Rezone from Residential Ranch (RR) to Residential Medium Density
17 with a Planned Unit Development Overlay (RM-9 PUD) amending
18 development standards and limiting residential density to 3.21
19 dwelling units per acre
20
21 **Site Location:** Generally located north of the Frontier Road alignment and west of
22 the 159th Avenue alignment
23
24 **Area:** 9.96 acres (approx.)
25
26 **Density:** 3.21 DU/Ac. (approx.)
27
28 **General Plan Conformance:** The proposal is consistent with the Surprise General Plan 2035
29
30 **Support/Opposition:** Considerable opposition expressed
31
32 **Staff Recommendation:** Approve, subject to stipulations "a" through "d"
33
34 **Commission**
35 **Recommendation:** Deny
36
37
38
39
40
41
42

PROJECT DESCRIPTION:

Kent Xander of KAX Group, LLC, and Dichiara 10 LLC, seeks approval of a rezone of approximately 9.96 acres from Residential Ranch (RR) to Medium Density Residential (RM-9) with a Planned Unit Development (PUD) Overlay. The PUD Overlay will amend certain development standards, while limiting the maximum density to 3.21 dwelling units per acre. The subject site is adjacent to the recently approved Paloma Creek zoning and preliminary plat requests, and is the subject of a proposed Annexation that is currently in process under case FS20-739.

EXISTING ZONING:

The following map depicts the existing zoning of the subject site and its surrounds.



BACKGROUND:

October 15, 2020: Staff reviewed the subject request at a Concept Review meeting under CR20-664.

November 13, 2020: The applicant filed the subject request under Case FS20-738.

November 13, 2020: The applicant filed a companion Annexation request covering the subject site under case FS20-739.

February 25, 2021: The applicant held a Neighborhood Outreach meeting for this request.

April 15, 2021: The Planning and Zoning Commission recommended denial of the subject rezone request.

May 24, 2021: The applicant held an informal meeting with area residents to discuss the proposal.

71 **CITIZEN OUTREACH:**

72
73 The applicant held their Citizen Outreach meeting in a virtual format on February 25, 2021, which
74 generated active and vocal opposition. The Outreach meeting, along with the Planning and Zoning
75 Commission hearing, were advertised in accordance with state and local requirements.

76
77 On March 16, 2021, staff presented two separate "Resolution of Intent to Annex" items to City
78 Council. One of these Resolutions pertained to the subject property. During that meeting, several
79 members of the public spoke in opposition to both the Enclave III and Enclave IV projects; however,
80 one member of the public, who expressed opposition to Enclave IV, expressed support for the
81 (Enclave III) project.

82
83 During the Call to the Public at the March 18, 2021 Commission hearing, several members of the
84 public expressed concerns over upcoming rezone and annexation requests occurring in the area.
85 Most of those comments were directed towards the Enclave IV; however, some comments were of
86 a general nature and apply to the Enclave III request. These include but are not limited to concerns
87 over chemical usage, vehicular traffic, wildlife habitat, dark sky, effects on existing lifestyle, and
88 construction traffic.

89
90 Also discussed was access from Prickly Pear Trail to 159th Avenue, and the future condition of 159th
91 Avenue, should the project move forward. The applicant stated that it was his intent to dedicate and
92 improve 159th Avenue, with said dedication occurring on the west side of the monument line and
93 entirely within the subject property. One local resident expressed how the existing dirt road to the
94 north has been in use for many years and that access to the north should remain intact.

95
96 In addition, concerns were expressed regarding proposed density relative to that of the adjacent
97 neighborhood. As originally proposed, the project would develop as 36 dwelling units at a density of
98 approximately 3.6 DU/Ac. The applicant agreed to limit the project to 32 dwelling units at a density
99 of approximately 3.21 DU/Ac, while increasing the minimum lot width from 45 feet to 60 feet, with
100 70' lots along the northern edge; however, those in attendance expressed continued concerns over
101 density. The applicant also agreed to limit the northern and eastern most lots to single-story homes
102 in an effort to limit the impact of new development on the existing rural residential neighborhood.

103
104 The applicant held an informal meeting on May 24, 2021 to discuss the subject request and the
105 related annexation case. Based on follow-up meetings with surrounding neighbors off 159th
106 Avenue, City staff and the County transportation staff regarding roadway connections in the area
107 the applicant also presented an updated site plan; the concerns of the area residents remain the
108 same as noted above with the exception of a few who were receptive to the applicants proposed
109 changes. As a result of this meeting the applicant has submitted an updated Citizen Participation
110 Plan & Report and a revised Rezoning Narrative dated May 26, 2021.

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114 **ANALYSIS AND DISCUSSION:**

The subject rezone case anticipates the development of approximately 10 acres of currently undeveloped desert into a single-family residential subdivision consisting of 32 dwelling units. The request also seeks a Planned Unit Development (PUD) overlay for the purpose of amending certain development standards and limiting the residential density to 3.21 DU/Ac. The proposed development standards follow:

DEVELOPMENT STANDARDS FOR ENCLAVE IV AT PALOMA CREEK		
Development Standard:	RM-9 Base Zoning:	RM-9 PUD Zoning:
Maximum Density	9.0 DU/Ac.	3.21 DU/Ac.
Minimum Lot Area:	4,500 sq. ft.	6,000 sq. ft.
Minimum Lot Width:	40'	60'
Minimum Lot Depth:	100'	100'
Minimum Front Setback (livable):	12'	12' ¹
Minimum Front Setback (garage):	20'	20' ¹
Minimum Side Yard Setback:	TBD	5'
Minimum Rear Yard Setback:	20'	20' ²
Maximum Building Height:	35'	35' ³
Street Side Corner Setback:	N/A	5'
Driveway Width:	30%	40%
Driveway Area:	30%	40%
Minimum Open Space (%NRA)	20%	23.5%
Footnotes:		
¹ Measured from property line		
² Porches and patios may encroach 2.5' into the rear yard setback		
³ Homes located along the northern and eastern edges will be limited to single story		

The above table includes provisions for increased driveway width and area. This is consistent with the other PUDs in the area and is a carryover from the original Enclave IV narrative, which anticipated 40-foot wide lots. The revised Enclave IV narrative increases the lot width to 60 feet making the additional percentage unnecessary. Furthermore, the recently approved Land Development Ordinance (LDO) does not include such a limitation.

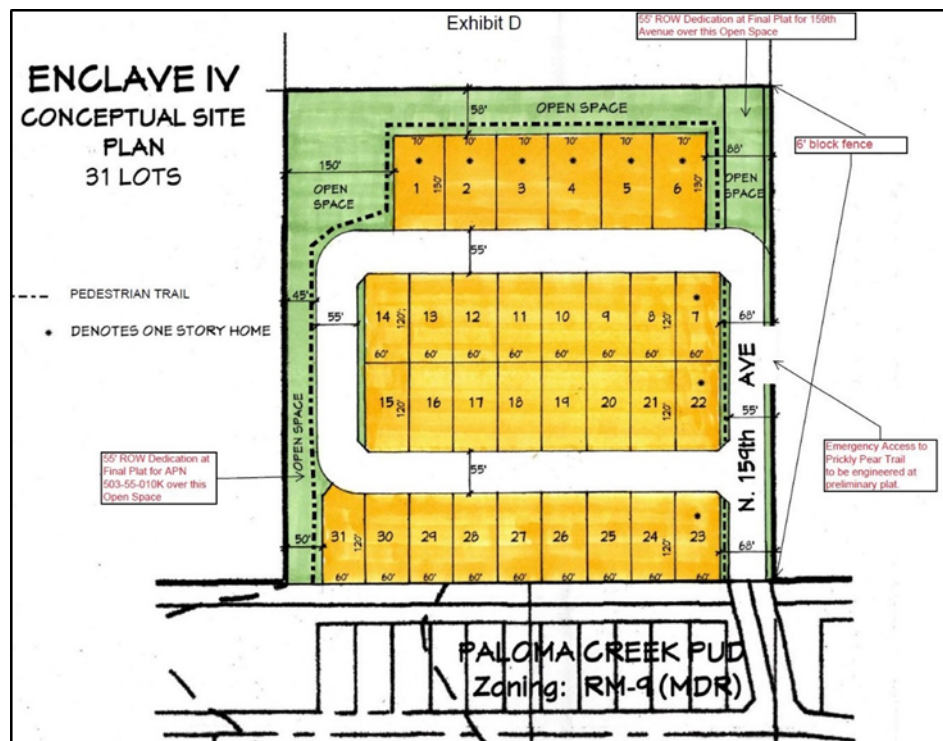
The subject property will include 23.5% open space, which exceeds the minimum requirement of the SUDC. The subject property will integrate with the adjacent Paloma Creek project and will join the Paloma Creek HOA, with access to those amenities. The following image depicts the anticipated layout of the proposed project; however, this Exhibit was not revised relative to the decrease in number of lots or increase in minimum lot width. Staff is not overly concerned with this oversight since the Narrative is clear; however, staff has included an additional stipulation for added clarity.



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As noted above, the applicant held an informal meeting on May 24, 2021 with area residents to discuss the project. This meeting resulted in changes to the proposed rezone, which involve reducing the density from 3.21 to 3.11 and the dwelling unit count to 31, increasing the open space from 23.5% to 26.29% and reconfiguring 159th Avenue as referenced above. Below depicts the revised changes of the Rezoning Narrative dated May 26, 2021.

DEVELOPMENT STANDARDS FOR ENCLAVE IV AT PALOMA CREEK (May 26, 2021)		
Development Standard:	RM-9 Base Zoning:	RM-9 PUD Zoning:
Maximum Density	9.0 DU/Ac.	3.11 DU/Ac.
Minimum Lot Area:	4,500 sq. ft.	6,000 sq. ft.
Minimum Lot Width:	40'	60'
Minimum Lot Depth:	100'	115'
Minimum Front Setback (livable):	12'	12' ¹
Minimum Front Setback (garage):	20'	20' ¹
Minimum Side Yard Setback:	TBD	5'
Minimum Rear Yard Setback:	20'	20' ²
Maximum Building Height:	35'	35' ³
Street Side Corner Setback:	N/A	5'
Driveway Width:	30%	40%
Driveway Area:	30%	40%
Minimum Open Space (%NRA)	20%	26.29%
Footnotes:		
¹ Measured from property line		
² Porches and patios may encroach 2.5' into the rear yard setback		
⁴ Homes located along the northern and eastern edges will be limited to single story		



UTILITY AND SERVICES TABLE:

Water:	City of Surprise
Wastewater:	City of Surprise
Refuse:	City of Surprise
Schools:	Dysart USD

CONFORMANCE WITH ADOPTED PLANS:

Surprise General Plan 2035: The Surprise General Plan 2035 shows the subject property as lying within the Neighborhood Character Area, which supports residential development of up to 8 DU/Ac or more, provided appropriate transitions are made between the various Neighborhood types included within the character area. At 3.2 DU/Ac, the project most closely aligns with the Suburban Neighborhood type and is consistent with the General Plan in this regard.

REVIEWING AGENCIES:

The subject request was routed to the standard internal and external reviewing agencies, who indicated no objections to the request; however, Maricopa County Department of Transportation (MCDOT) has stated their preference is that the developer pave 159th Avenue from the northern end of the subject site up to Jomax Road. MCDOT further states that the intersection of 159th Avenue and Prickly Pear Drive should remain open.

SUMMARY:

The subject Zone Change request anticipates the future development of 32 lots on approximately 10 acres, and includes a PUD overlay intended to grant relief from certain development standards. The Project will include approximately 23.5% open space, will join the Paloma Creek HOA, and will have access to those amenities. All city reviewing departments have reviewed the request and expressed no concerns. A separate but related Annexation request is under review, and the project is the subject of considerable opposition.

STAFF FINDINGS AND RECOMMENDATIONS:

Staff Findings:

- The proposed Zone Change is consistent with the pattern of development to the south
- The proposed Zone Change provides for buffering to the north and west
- The proposed Zone Change is consistent with the Surprise General Plan
- The reviewing agencies have indicated no objections

Staff Recommendation to the Commission:

Based on the findings noted above, staff recommended the Commission move to recommend **approval** of the subject Rezone request to the City Council, subject to stipulations 'a' through 'd' as outlined below:

- a. Development and use of the site shall be consistent with the rezone narrative entitled "Enclave IV at Paloma Creek", prepared by KAX Group, LLC and received March 1, 2021.
- b. Prior to the City approving a final plat, site plan, or building permit within the property, the applicant shall provide the City with a Notice of Payment from William Lyon Homes, Inc., that the Happy Valley West ("HVV") Buy-in Fee, the Happy Valley East ("HVE") Buy-in Fee, and the Water Buy-in Fee, as applicable, all as described in the Rancho Mercado Supplemental Development Agreement (Regional Improvements Overlay Agreement), as amended, have been paid.
- c. Non-compliance with the stipulations of approval of this case will be treated as a violation in accordance with the applicable provisions of the Surprise Municipal Code.
- d. The maximum number of dwelling units shall not exceed 32.

COMMISSION FINDINGS AND RECOMMENDATIONS:

Commission Findings:

- The proposed Zone Change is out of character for the area.

Commission Recommendation to the Council:

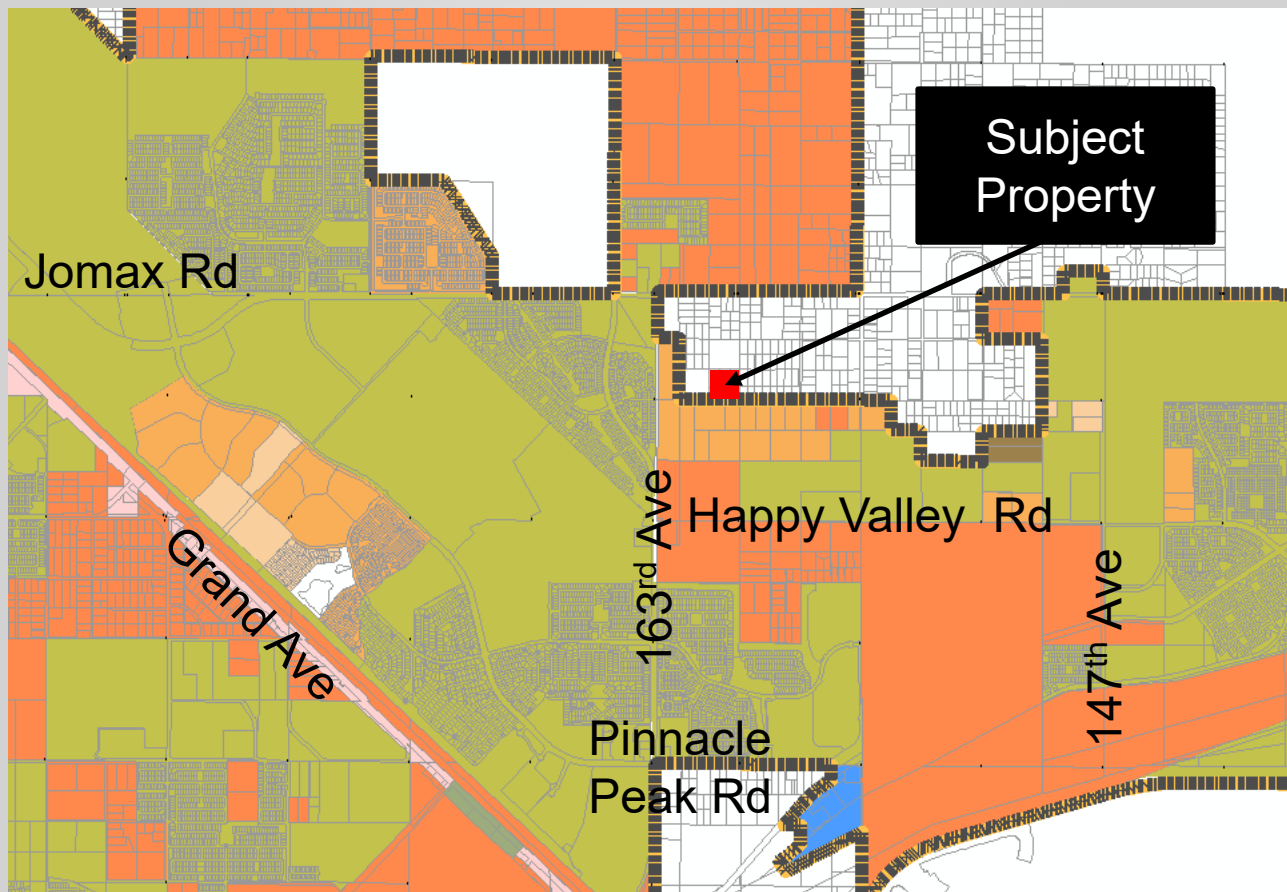
Based on the findings noted above, the Commission recommended denial of the requested rezone.

ALTERNATIVE ACTIONS:

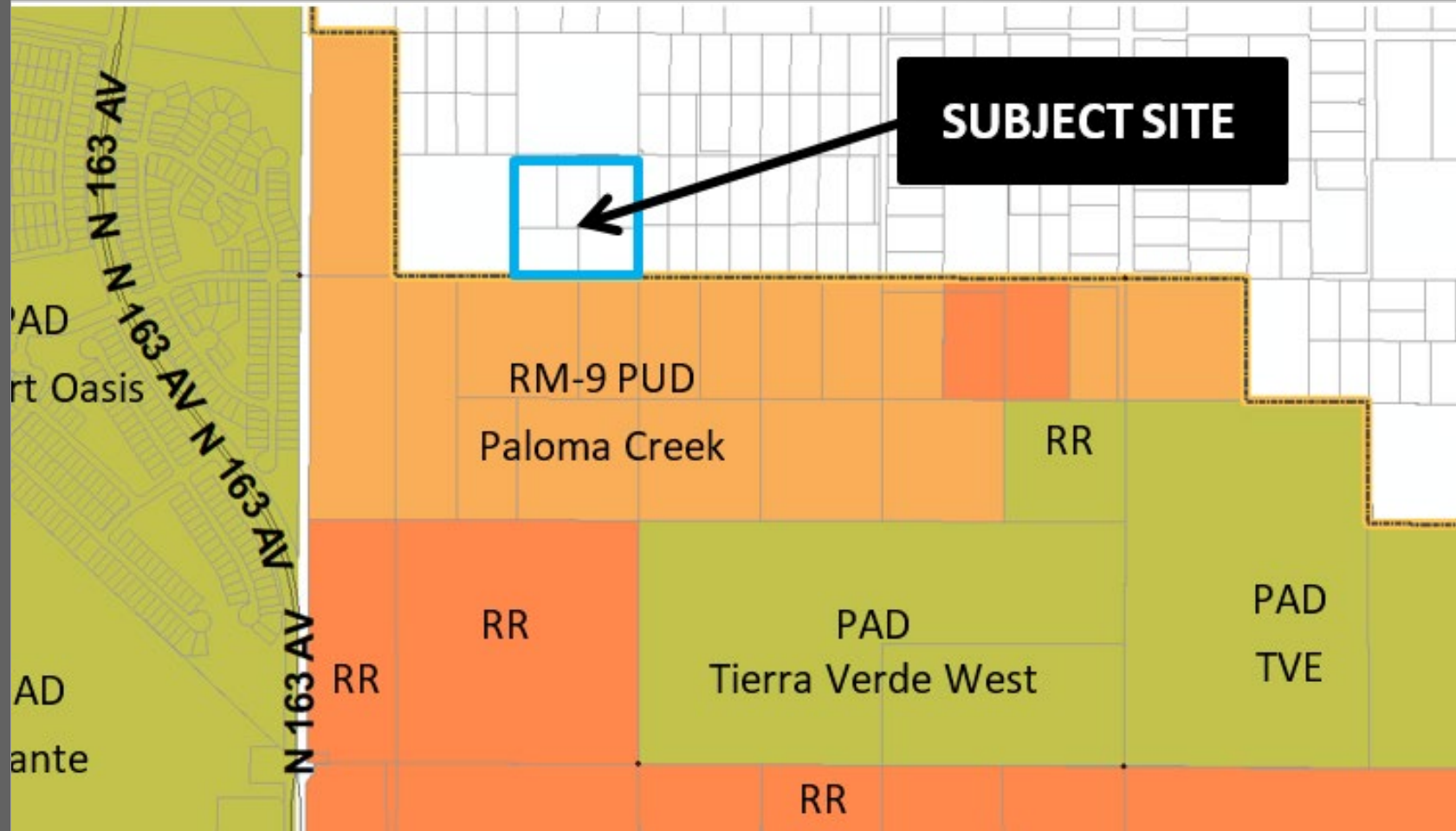
1. Should the City Council first move to approve the related Annexation case presented under FS20-739, the City Council may adopt the Commission's Findings and deny the requested rezone.
2. Should the City Council first move to approve the related Annexation case presented under FS20-739, the Council may adopt staff's findings and approve the requested rezone, subject to staff-recommended stipulations 'a' through 'd' as stated below
 - a. Development and use of the site shall be consistent with the rezone narrative entitled "Enclave IV at Paloma Creek", prepared by KAX Group, LLC with a revised dated of May 26, 2021.
 - b. Prior to the City approving a final plat, site plan, or building permit within the property, the applicant shall provide the City with a Notice of Payment from William Lyon Homes, Inc., that the Happy Valley West ("HVW") Buy-in Fee, the Happy Valley East ("HVE") Buy-in Fee, the Sewer Buy-in Fee, and the Water Buy-in Fee, as applicable, all as described in the Rancho Mercado Supplemental Development Agreement (Regional Improvements Overlay Agreement), as amended, have been paid.
 - c. Non-compliance with the stipulations of approval of this case will be treated as a violation in accordance with the applicable provisions of the Surprise Municipal Code.
 - d. The maximum number of dwelling units shall not exceed 31.
3. The City Council may adopt its own Findings and base a decision to approve or deny on those alternative findings.

Attachments:

- 01 Enclave IV at Paloma Creek Vicinity Map
- 02 Enclave IV at Paloma Creek Case Map
- 03 Enclave IV at Paloma Creek Zone Change Narrative
- 04 Enclave IV at Paloma Creek Revised Zone Change Narrative
- 05 Enclave IV at Paloma Creek Citizen Outreach Report
- 06 Additional Opposition (redacted)
- 07 Ordinance # 2021-11



FS20-738 Vicinity Map



FS20-738 Case Map

ENCLAVE IV AT PALOMA CREEK REZONE

Case No. FS20-738

Rezone from Residential Ranch (RR) to
RM-9 (Residential Medium Density) with a (PUD) Overlay

9.9581 Gross Acres

Northwest corner Frontier Dr. and 159th Avenue

Prepared by: KAX Group, LLC

Submitted To: City of Surprise, Arizona

Dated: November 10, 2020

Revised: December 31, 2020

Revised: January 19, 2021

Revised: March 1, 2021

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Legal Description and Map.....	Exhibit C
Conceptual Development Plan	Exhibit D
General Plan 2035 Land Use Map.....	Exhibit E

Enclave 4 at Paloma Creek Team:

Applicant: KAX Group, LLC – Kent A. Xander - kxander@kaxgroup.com

Location and Introduction:

A **Vicinity Map** on page 4 illustrates Enclave 4 at Paloma Creek location – Northwest corner of Frontier Dr. and 159th Avenue.

Enclave 4 at Paloma Creek PUD is a 9.9581-acre proposed residential subdivision adjacent to the north of the approved Paloma Creek PUD Case # FS18-150 zoned for a density of 4 units per acre. The subject property is adjacent to unincorporated vacant land and homes to the west, north, and east zoned RU-43. This project includes working with and the cooperation with Paloma Creek PUD to the south to formulate a cohesive development plan working out vehicle circulation, utilities, and drainage issues. The Development Conceptual Plan shown in **Exhibit D**, shows a conceptual plan for Enclave 4 at Paloma Creek PUD.

The 7 north lots adjacent to the vacant land on the north of the subject property will be shall be a minimum 70.0' x 130'. The 7 north lots will be setback 50 feet from the north property line. 159th will located on the east side of the proposed subdivision providing a minimum of 55' feet setback from the east property line. Open space will be located on the west side of the proposed subdivision providing a minimum of 50' feet setback from the west property line. The landscape improvements shall be consistent with adjacent to the south approved Paloma Creek PUD Case # FS18-150 plan for W. Frontier Dr. Access will be connected to W. Prickly Pair Trail on the east property line. The main access to Enclave 4 at Paloma Creek will be provided south from Paloma Creek PUD. Pedestrian trails shall be connected to Paloma Creek PUD. Enclave 4 at Paloma Creek PUD will become part of the adjacent Paloma Creek PUD HOA that will maintain all common community amenities, including signage, parks, trails, open space tracts, and other common areas within the development. Both Paloma Creek PUD and Enclave 4 at Paloma Creek PUD will be one subdivision and will have reciprocal access to all amenities and the trail system within their respective projects.

Exhibit A depicts a map of the existing zoning of the subject property and the adjacent PAD's, vacant land, and homes. The adjacent specific zoning and land uses are as follows:

South

- Paloma Creek (RM-9) PUD 150.68 Acres 600 lots

East

- Maricopa County (RU-43) Existing Single-Family Land and Homes

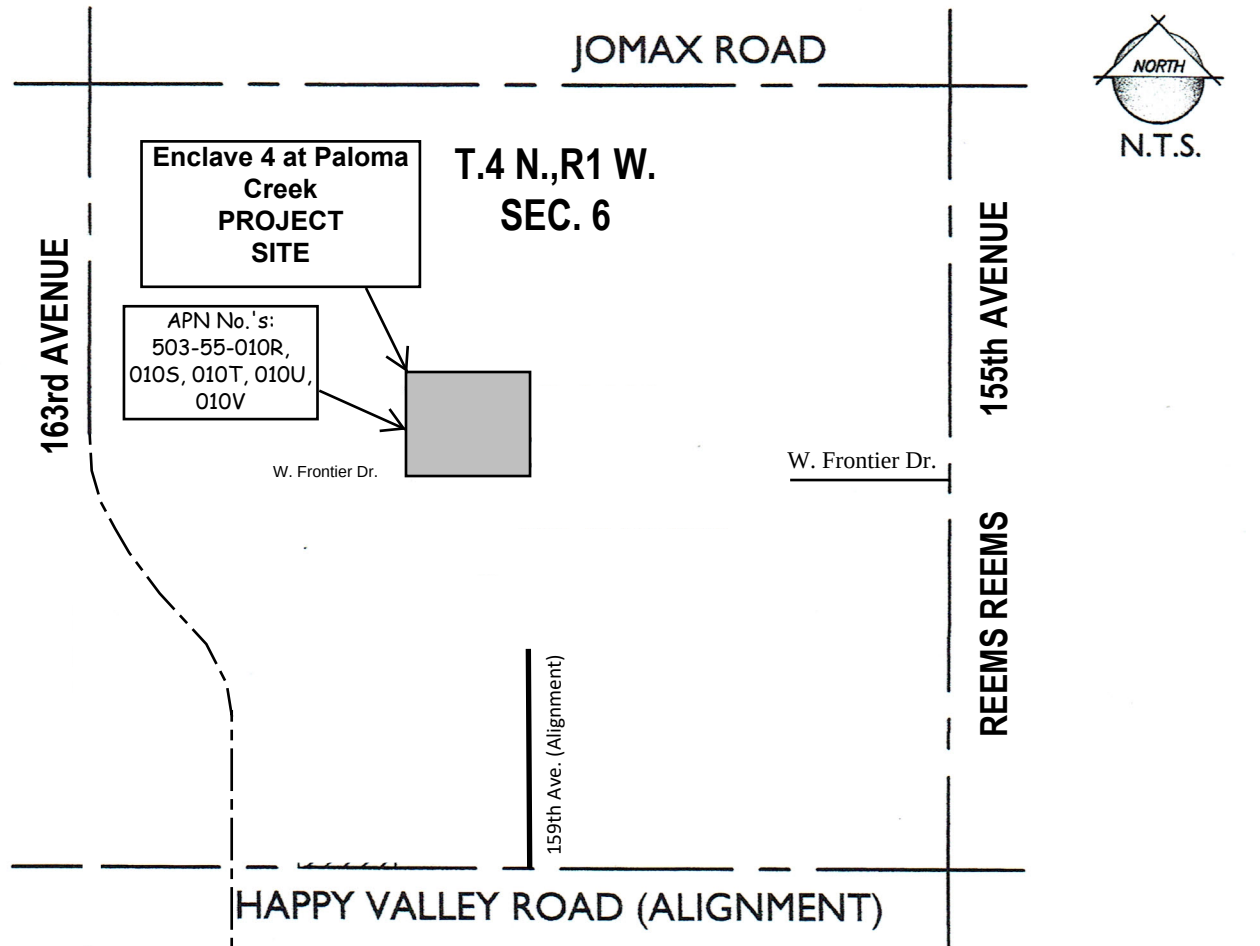
North

- Maricopa County (RU-43) Existing Single-Family Land and Homes

West

- Maricopa County (RU-43) Existing Single-Family Land and Homes

VICINITY MAP



Description of Request:

Applicant, on behalf of the Owner requests approval of a Zone Change (Case# FS20-738) for 9.9581 acres from Residential Ranch (RR) to Residential Medium Density (RM-9) with a PUD Overlay. See **Exhibit B** for Proposed Zoning Map. See **Exhibit C** for Survey Map Exhibit. Approval of this zone change is consistent with adjacent to the south Paloma Creek PUD recently approved by City of Surprise Council.

Base zoning RM-9 allows up to 9 dwelling units per acre (DU/Ac); however, through the PUD Overlay, the subject property proposes not more than 32 dwelling units over approximately 9.9581 gross acres for a maximum gross density of 3.21 DU/Ac.

With a cap on density, the applicant believes the development standards associated with the RM-9 with a PUD Overlay zoning district are in line with those of the adjacent PAD's to the subject property, with certain deviations as articulated in **Table A** of the Enclave 4 at Paloma Creek PUD Narrative.

Enclave 4 at Paloma Creek PUD Development Concept Plan shown on **Exhibit D**. The lot sizes located along the north side of the subject property to be a minimum lot size of 70' x 138'. The remaining standard minimum lot size will be 60' x 115'.

The SUDC requires that not less than 20% of the "Net Residential Acreage" be set aside as open space. The Net Residential Acreage ("NRA") is calculated by the total amount of land taken up by the individual lots ("Lot Area") combined with the total Open Space.

Concept Plan

Dedicated Right of Way	115,482.51 SF	2.66 acres
Open Space	70,982.54 SF	1.63 acres
Cumulative Lot Area	<u>247,307.79 SF</u>	<u>5.67 acres</u>
Gross Area	433,774.84 SF	9.96 Acres
NRA = Open Space + Cumulative Lot Area	318,292.33 SF	7.30 Acres

Minimum Open Space as % of NRA (Open Space / NRA) is: 22.3%

The amenity area is located on the adjacent Paloma Creek PAD and will include a ramada, seating area, and tot lot providing play and gathering opportunities for all ages with a shaded seating area in the west adjacent Paloma Creek PUD. The landscaping plan will develop pedestrian connections to adjacent land and use the same landscaping quantity, quality, and materials as used for adjacent Paloma Creek PUD. Enclave 4 at Paloma Creek PUD will become part of the adjacent Paloma Creek PUD HOA that will maintain all common community amenities, including signage, parks, trails, open space tracts, and other common areas within the development. Both Paloma Creek PUD and Enclave 4 at Paloma Creek PUD will have reciprocal access to all amenities and the trail system within their respective projects. Final design will meet the requirements of the SUDC.

Development Standards:

It is the intent of Enclave 4 at Paloma Creek PUD to amend the RM-9 Residential Zoning District Development Standards as follows: The 7 lots backing to the north property line shall be a minimum 70' x 130' each. A minimum 50-foot open space tract will be landscaped along the North side of the 7 lots adjacent to the north vacant land. The lots along the northern and eastern boundary of the Enclave 4 at Paloma Creek PUD development will be limited to single-story homes. A minimum 55-foot local road along the east Property line adjacent to the east rural property. A minimum 50-foot open space tract will be landscaped along the west property line. The Development Standards depicted in Table A will be consistent the approved Preliminary Plat adjacent to the west rural property. Development Standards for Paloma Creek PUD.

Table A
Residential Medium Density RM-9 PUD Overlay Development Standards

Development Standard	City Base RM-9 Development Standards	Proposed RM-9 PUD Development Standards
Net Residential Acreage Open Space	20%	23.50%
Maximum Density	9.0	3.21
Minimum Lot Area	4,500 Sq. Ft.	6,000 Sq. Ft.
Minimum Lot Width	40'	60'
Minimum Lot Depth	100'	100'
Front Setback (Livable)	12'	12'
Front Setback (Garage)	20'	20' (1) (2)
Minimum Side Yard Setback	— (3)	5'
Minimum Rear Yard Setback	20'	20' (5)
Maximum Building Height	35'	35' (6)
Driveway Width Percentage	30%	40%
Driveway Area Percentage	30%	40%
Street Side/Corner Lot	— (4)	5'

- (1) Front facing garages shall have a minimum 20-foot front yard setback measured from the front Lot Line.
- (2) 12-foot livable front setback is measured from the front Lot Line.
- (3) To be determined at Site Plan or Preliminary Plat Review.
- (4) There is not a street side setback requirement in the SUDC.
- (5) Porches/patios may encroach 2.5' into the rear yard setbacks.
- (6) The Homes located along the northern and eastern edges will be limited to single story.

The result of the Enclave 4 at Paloma Creek PUD zone change with a PUD Overlay would be:

- Enclave 4 at Paloma Creek PUD will be in conformance with the adopted Surprise General Plan 2035 as noted below.
- The development of Enclave 4 at Paloma Creek PUD will occur in a manner that is consistent with the surrounding PUD's and PAD's. The development will be seamlessly integrated and aligned with Paloma Creek PUD zoning, open space, pedestrian trails, drainage tracts, roads, and utilities.
- Enclave 4 at Paloma Creek PUD will provide an open space tract on the north and west side of the subject property for incidental drainage control, pedestrian trail, and open space transition to buffer between the subject property and the adjacent single-family homes to the north and west. Provide a 55' wide local street on the east side of the subject property to provide a transition to buffer between the subject property and the adjacent single-family homes to the east.
- Unless specified in this Zoning Narrative Document, all development shall comply with the development standards and design guidelines set in the Surprise Municipal Code at the time of Preliminary Plat.

Conformance with the adopted Surprise General Plan 2035:

The Surprise General Plan 2035 shows the subject property as lying within the Neighborhood Land Use Character Area, which in a Suburban Neighborhood supports residential development of 2 to 8 DU/Acre, provided appropriate transitions are made between the various Neighborhood types included within the character area. At 3.21 DU/Ac, the project is consistent with the General Plan in this regard. The General plan seeks appropriate buffers and transitions between the various Character Areas. To meet this guideline, the 7 north lots adjacent shall be 70' x 138', setback 50' feet from the north property line.

Ingress/Egress/Access:

The ingress/egress access to Enclave 4 at Paloma Creek PUD will be:

1. Through Paloma Creek PUD at 159th Avenue to 155th Avenue, Happy Valley Road, and 163rd Avenue.
2. W. Prickly Pair Trail

Transportation/Traffic and Utilities

- Upon development of Enclave 4 at Paloma Creek PUD, all necessary utilities for Enclave 4 at Paloma Creek PUD will be extended from adjacent Paloma Creek PUD.
- Onsite public streets shall be constructed to meet City standards widths and cross sections based on approval of the Preliminary Plat.
- A Traffic Impact Analysis per TIA Guidelines found in Chapter 4 of the Surprise Engineering Development Standards in coordination with the surrounding developments was submitted to the City. The TIA includes all phases of the Paloma Creek development.

Exhibit A

Existing Zoning Map

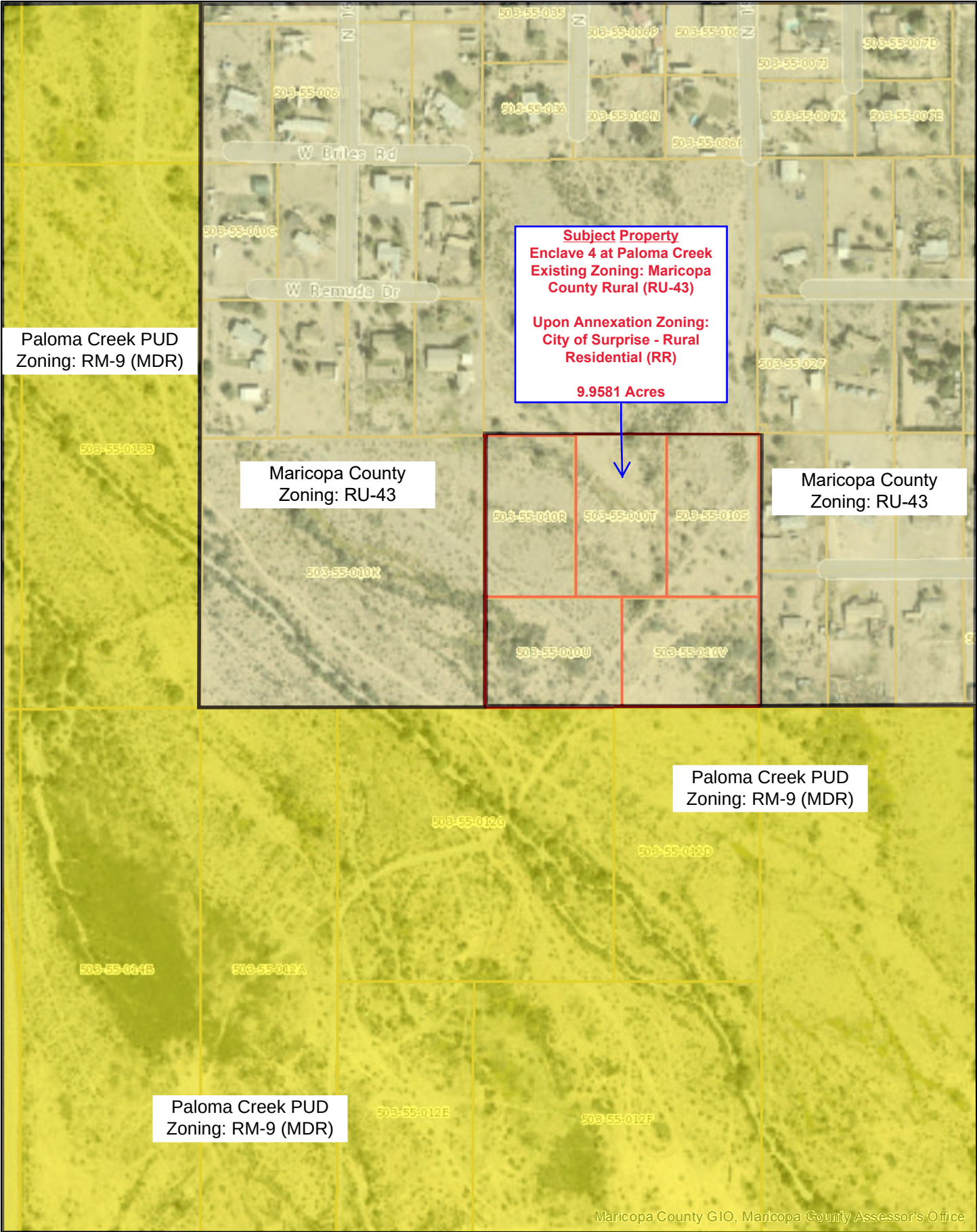
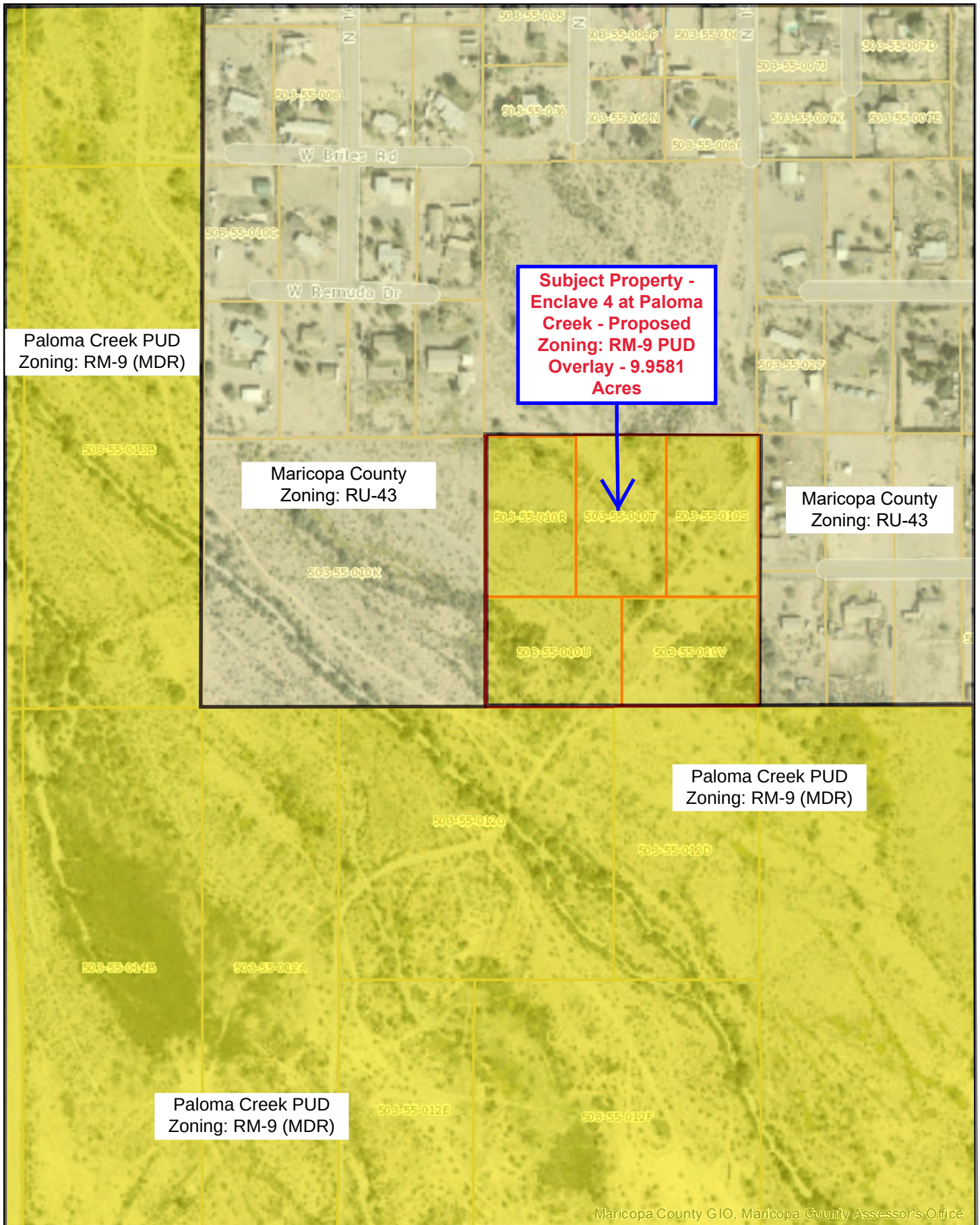




Exhibit B Proposed Zoning Map



Maricopa County GIO, Maricopa County Assessor's Office

10/13/2020 7:48:05 AM

LEGAL DESCRIPTION

The Southeast quarter of the Southeast quarter of the Northwest quarter of Section 6,
Township 4 North, Range 1 West of the Gila and Salt River Base and Meridian, Maricopa
County, Arizona described by metes and bounds as follows:

BEGINNING at the Center of said Section 6;

Thence North 89° 48' 24" West along the East-West mid-section line a distance of 658.26 feet;

Thence North 00° 03' 17" West a distance of 658.77 feet;

Thence South 89° 47' 38" East a distance of 658.82 feet to the North-South mid-section line;

Thence South 00° 00' 23" East along said mid-section line a distance of 658.62 feet to the **POINT**

OF BEGINNING.

Containing 9.9581 acres



Land Survey Services PLC
20651 W. Pasadena Ave
Buckeye, AZ 85396-1255

Job No. 10019

Parcel Map Check Report

Prepared by:

Thomas Rope
Land Survey Services, PLC
Date: 3/10/2020 8:50:08 AM

Parcel Name: Paloma Creek
Description: SE1/4, SE1/4, NW1/4 SEC 6, T4N, R1W
Process segment order counterclockwise: False
Enable mapcheck across chord: False

North: 989,285.1762' East: 552,048.0707'

Segment# 1: Line

Course: N89°48'24"W Length: 658.26'
North: 989,287.3973' East: 551,389.8144'

Segment# 2: Line

Course: N0°03'17"W Length: 658.77'
North: 989,946.1670' East: 551,389.1852'

Segment# 3: Line

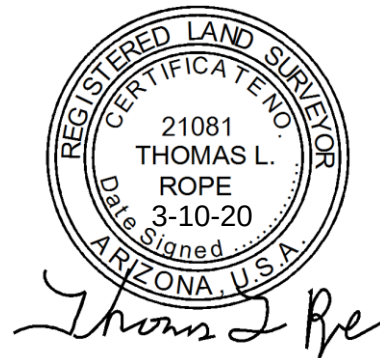
Course: S89°47'38"E Length: 658.82'
North: 989,943.7970' East: 552,048.0010'

Segment# 4: Line

Course: S0°00'23"E Length: 658.62'
North: 989,285.1670' East: 552,048.0744'

Perimeter: 2,634.47' Area: 9.9579Acre
Error Closure: 0.0099 Course: S22°21'11"E
Error North : -0.00911 East: 0.00375

Precision 1: 266,109.09



Land Survey Services PLC
20651 W. Pasadena Ave
Buckeye, AZ 85396-1255

Job No. 10019

A PART OF THE NORTHWEST QUARTER OF SECTION 6
T4N, R1W, G.&S.R.B.M., MARICOPA COUNTY, ARIZONA



N1/4 COR
SEC 6

1625.16'
S00°00'23"E

S89°47'38"E 658.82'

658.77'
N00°03'17"W

658.62'
S00°00'23"E
159TH AVENUE

THIS SITE

1"=150'

1174.39'
N89°48'24"W
W1/4 COR
SEC 6

N89°48'24"W 658.26'
FRONTIER DRIVE

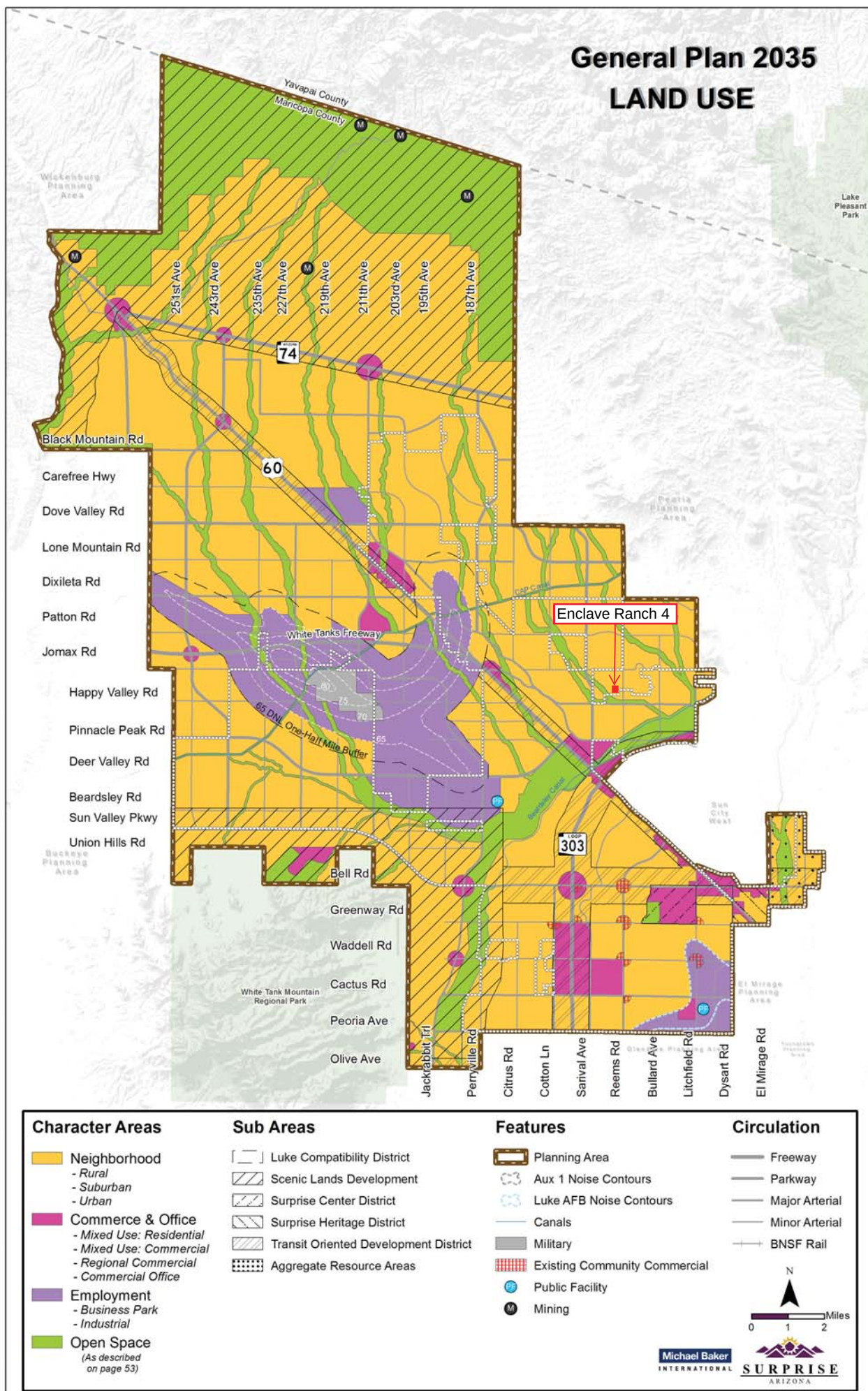
P.O.B.
CENTER
SEC 6

UNINCORPORATED MARICOPA
COUNTY PARCELS
ZONED: RU-43

Concept Plan

Subject Property
Proposed
Enclave
4 at Paloma
Creek PUD

Paloma Creek PUD
Zoning: RM-9 (MDR)



ENCLAVE IV AT PALOMA CREEK REZONE

Case No. FS20-738

Rezone from Residential Ranch (RR) to
RM-9 (Residential Medium Density) with a (PUD) Overlay

9.9581 Gross Acres

Northwest corner Frontier Dr. and 159th Avenue

Prepared by: KAX Group, LLC

Submitted To: City of Surprise, Arizona

Dated: November 10, 2020

Revised: December 31, 2020

Revised: January 19, 2021

Revised: March 1, 2021

Revised: May 26, 2021

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General Plan 2035 Land Use Map.....	Exhibit E

Enclave 4 at Paloma Creek Team:

Applicant: KAX Group, LLC – Kent A. Xander - kxander@kaxgroup.com

Location and Introduction:

A **Vicinity Map** on page 4 illustrates Enclave 4 at Paloma Creek location – Northwest corner of Frontier Dr. and 159th Avenue.

Enclave 4 at Paloma Creek PUD is a 9.9581-acre proposed residential subdivision adjacent to the north of the approved Paloma Creek PUD Case # FS18-150 zoned for a density of 4 units per acre. The subject property is adjacent to unincorporated vacant land and homes to the west, north, and east zoned RU-43. This project includes working with and the cooperation with Paloma Creek PUD to the south to formulate a cohesive development plan working out vehicle circulation, utilities, and drainage issues. The Development Conceptual Plan shown in **Exhibit D**, shows a conceptual plan for Enclave 4 at Paloma Creek PUD.

The 6 north lots adjacent to the vacant land on the north of the subject property will be a minimum 70' x 130'. The 6 north lots will be setback 58 feet from the north property line. 159th will located on the east side of the proposed subdivision along with a landscape tract that will provide a minimum of 68' feet setback from the east property line. Upon Development of Enclave 4, the Developer shall pay an in lieu fee to City of Surprise for the future cost of the portion of 159th Avenue that is not constructed when Enclave 4 is developed. Open space will be located on the west side of the proposed subdivision providing a minimum of 50 to 150 feet setback from the west property line. The landscape improvements shall be consistent with adjacent to the south approved Paloma Creek PUD Case # FS18-150 plan for W. Frontier Dr. Emergency access will be connected to W. Prickly Pear Trail on the east property line. The main access to Enclave 4 at Paloma Creek will be provided south from Paloma Creek PUD. Pedestrian trails shall be connected to Paloma Creek PUD. Enclave 4 at Paloma Creek PUD will become part of the adjacent Paloma Creek PUD HOA that will maintain all common community amenities, including signage, parks, trails, open space tracts, and other common areas within the development. Both Paloma Creek PUD and Enclave 4 at Paloma Creek PUD will be one subdivision and will have reciprocal access to all amenities and the trail system within their respective projects.

Exhibit A depicts a map of the existing zoning of the subject property and the adjacent PAD's, vacant land, and homes. The adjacent specific zoning and land uses are as follows:

South

- Paloma Creek (RM-9) PUD 150.68 Acres 600 lots

East

- Maricopa County (RU-43) Existing Single-Family Land and Homes

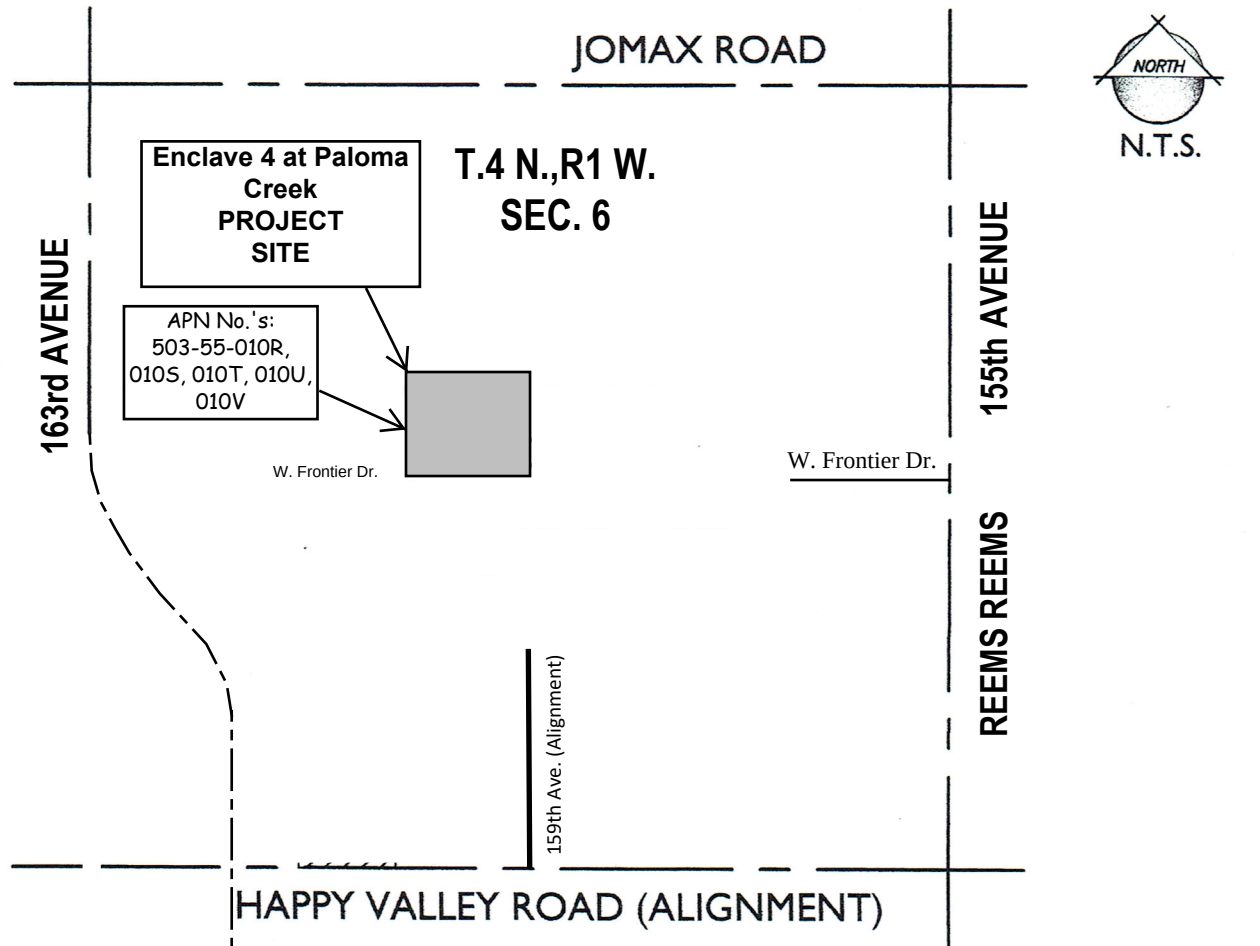
North

- Maricopa County (RU-43) Existing Single-Family Land and Homes

West

- Maricopa County (RU-43) Existing Single-Family Land and Homes

VICINITY MAP



Description of Request:

Applicant, on behalf of the Owner requests approval of a Zone Change (Case# FS20-738) for 9.9581 acres from Residential Ranch (RR) to Residential Medium Density (RM-9) with a PUD Overlay. See **Exhibit B** for Proposed Zoning Map. See **Exhibit C** for Survey Map Exhibit. Approval of this zone change is consistent with adjacent to the south Paloma Creek PUD recently approved by City of Surprise Council.

Base zoning RM-9 allows up to 9 dwelling units per acre (DU/Ac); however, through the PUD Overlay, the subject property proposes not more than 31 dwelling units over approximately 9.9581 gross acres for a maximum gross density of 3.11 DU/Ac.

With a cap on density, the applicant believes the development standards associated with the RM-9 with a PUD Overlay zoning district are in line with those of the adjacent PAD's to the subject property, with certain deviations as articulated in **Table A** of the Enclave 4 at Paloma Creek PUD Narrative.

Enclave 4 at Paloma Creek PUD Development Concept Plan shown on **Exhibit D**. The lot sizes located along the north side of the subject property to be a minimum lot size of 70' x 130'. The remaining standard minimum lot size will be 60' x 115'.

The SUDC requires that not less than 20% of the "Net Residential Acreage" be set aside as open space. The Net Residential Acreage ("NRA") is calculated by the total amount of land taken up by the individual lots ("Lot Area") combined with the total Open Space.

Concept Plan

Dedicated Right of Way	115,482.51 SF	2.66 acres
Open Space	83,692.33 SF	1.92 acres
Cumulative Lot Area	<u>234,600.00 SF</u>	<u>5.39 acres</u>
Gross Area	433,774.84 SF	9.96 Acres
NRA = Open Space + Cumulative Lot Area	318,292.33 SF	7.30 Acres

Minimum Open Space as % of NRA (Open Space / NRA) is: 26.29%

The amenity area is located on the adjacent Paloma Creek PAD and will include a ramada, seating area, and tot lot providing play and gathering opportunities for all ages with a shaded seating area in the west adjacent Paloma Creek PUD. The landscaping plan will develop pedestrian connections to adjacent land and use the same landscaping quantity, quality, and materials as used for adjacent Paloma Creek PUD. Enclave 4 at Paloma Creek PUD will become part of the adjacent Paloma Creek PUD HOA that will maintain all common community amenities, including signage, parks, trails, open space tracts, and other common areas within the development. Both Paloma Creek PUD and Enclave 4 at Paloma Creek PUD will have reciprocal access to all amenities and the trail system within their respective projects. Final design will meet the requirements of the SUDC.

Development Standards:

It is the intent of Enclave 4 at Paloma Creek PUD to amend the RM-9 Residential Zoning District Development Standards as follows: The 6 lots backing to the north property line shall be a minimum 70' x 130' each. A minimum 58-foot open space tract will be landscaped along the North side of the 6 lots adjacent to the north vacant land. The lots along the northern and eastern boundary of the Enclave 4 at Paloma Creek PUD development will be limited to single-story homes. 159th will be located on the east side of the proposed subdivision along with a landscape tract that will provide a minimum of 68' feet setback from the east property line. A minimum 50-150 foot open space tract will be landscaped along the west property line. The Development Standards depicted in Table A will be consistent with the approved Preliminary Plat adjacent to the west rural property. Development Standards for Paloma Creek PUD.

Table A
Residential Medium Density RM-9 PUD Overlay Development Standards

Development Standard	City Base RM-9 Development Standards	Proposed RM-9 PUD Development Standards
Net Residential Acreage Open Space	20%	26.29%
Maximum Density	9.0	3.11
Minimum Lot Area	4,500 Sq. Ft.	6,000 Sq. Ft.
Minimum Lot Width	40'	60'
Minimum Lot Depth	100'	115'
Front Setback (Livable)	12'	12'
Front Setback (Garage)	20'	20' (1) (2)
Minimum Side Yard Setback	— (3)	5'
Minimum Rear Yard Setback	20'	20' (5)
Maximum Building Height	35'	35' (6)
Driveway Width Percentage	30%	40%
Driveway Area Percentage	30%	40%
Street Side/Corner Lot	— (4)	5'

- (1) Front facing garages shall have a minimum 20-foot front yard setback measured from the front Lot Line.
- (2) 12-foot livable front setback is measured from the front Lot Line.
- (3) To be determined at Site Plan or Preliminary Plat Review.
- (4) There is not a street side setback requirement in the SUDC.
- (5) Porches/patios may encroach 2.5' into the rear yard setbacks.
- (6) The Homes located along the northern and eastern edges will be limited to single story.

The result of the Enclave 4 at Paloma Creek PUD zone change with a PUD Overlay would be:

- Enclave 4 at Paloma Creek PUD will be in conformance with the adopted Surprise General Plan 2035 as noted below.
- The development of Enclave 4 at Paloma Creek PUD will occur in a manner that is consistent with the surrounding PUD's and PAD's. The development will be seamlessly integrated and aligned with Paloma Creek PUD zoning, open space, pedestrian trails, drainage tracts, roads, and utilities.
- Enclave 4 at Paloma Creek PUD will provide an open space tract on the north and west side of the subject property for incidental drainage control, pedestrian trail, and open space transition to buffer between the subject property and the adjacent single-family homes to the north and west. Provide a 55' wide local street on the east side of the subject property to provide a transition to buffer between the subject property and the adjacent single-family homes to the east.
- Unless specified in this Zoning Narrative Document, all development shall comply with the development standards and design guidelines set in the Surprise Municipal Code at the time of Preliminary Plat.

Conformance with the adopted Surprise General Plan 2035:

The Surprise General Plan 2035 shows the subject property as lying within the Neighborhood Land Use Character Area, which in a Suburban Neighborhood supports residential development of 2 to 8 DU/Acre, provided appropriate transitions are made between the various Neighborhood types included within the character area. At 3.11 DU/Ac, the project is consistent with the General Plan in this regard. The General plan seeks appropriate buffers and transitions between the various Character Areas. To meet this guideline, the 6 north lots adjacent shall be 70' x 130', setback 58' feet from the north property line.

Ingress/Egress/Access:

The ingress/egress access to Enclave 4 at Paloma Creek PUD will be:

1. Through Paloma Creek PUD at 159th Avenue to 155th Avenue, Happy Valley Road, and 163rd Avenue.
2. W. Prickly Pair Trail - Emergency Access to Prickly Pear Trail to be engineered at preliminary plat.

Transportation/Traffic and Utilities

- Upon development of Enclave 4 at Paloma Creek PUD, all necessary utilities for Enclave 4 at Paloma Creek PUD will be extended from adjacent Paloma Creek PUD.
- Onsite public streets shall be constructed to meet City standards widths and cross sections based on approval of the Preliminary Plat.
- A Traffic Impact Analysis per TIA Guidelines found in Chapter 4 of the Surprise Engineering Development Standards in coordination with the surrounding developments was submitted to the City. The TIA includes all phases of the Paloma Creek development.

Exhibit A

Existing Zoning Map

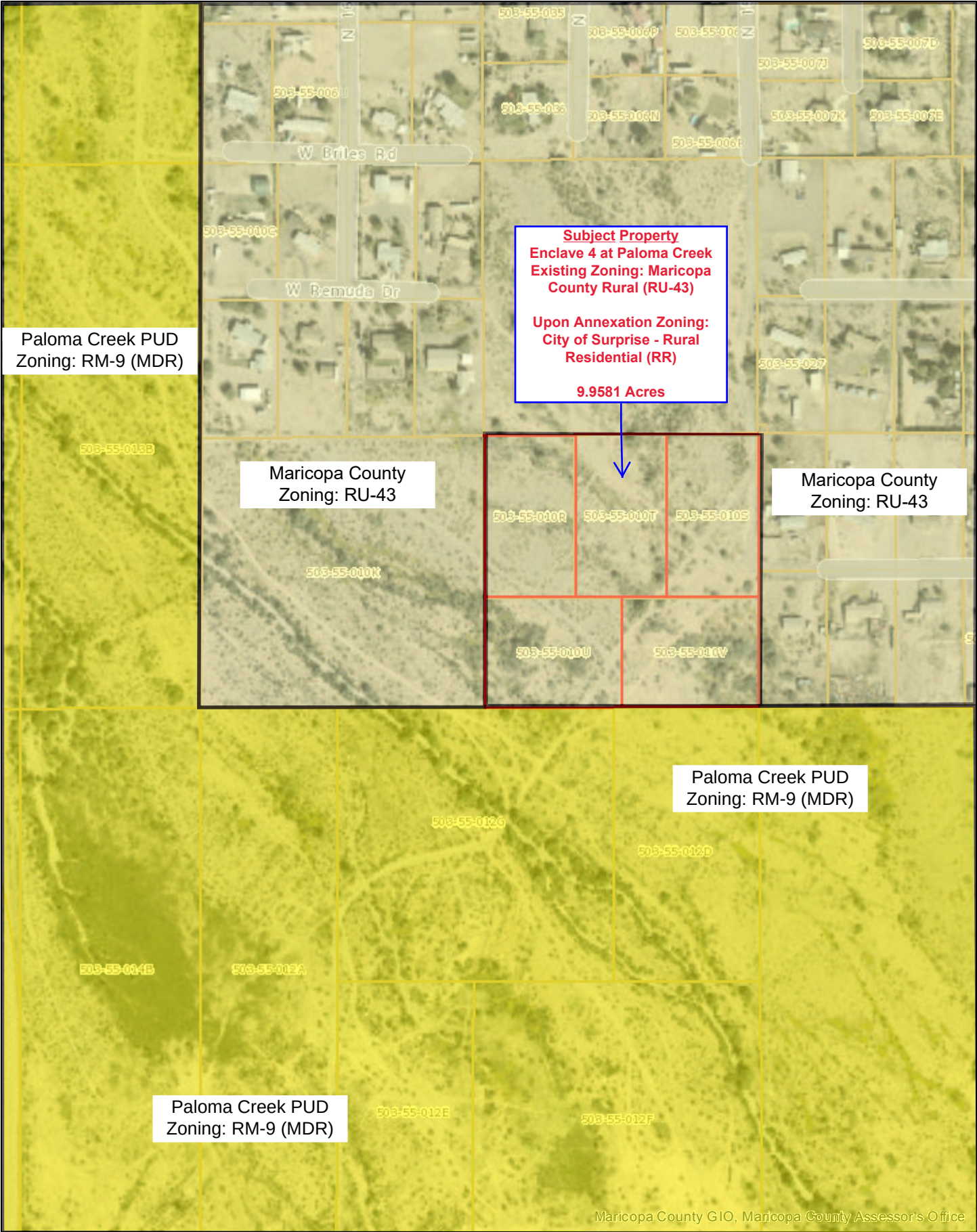
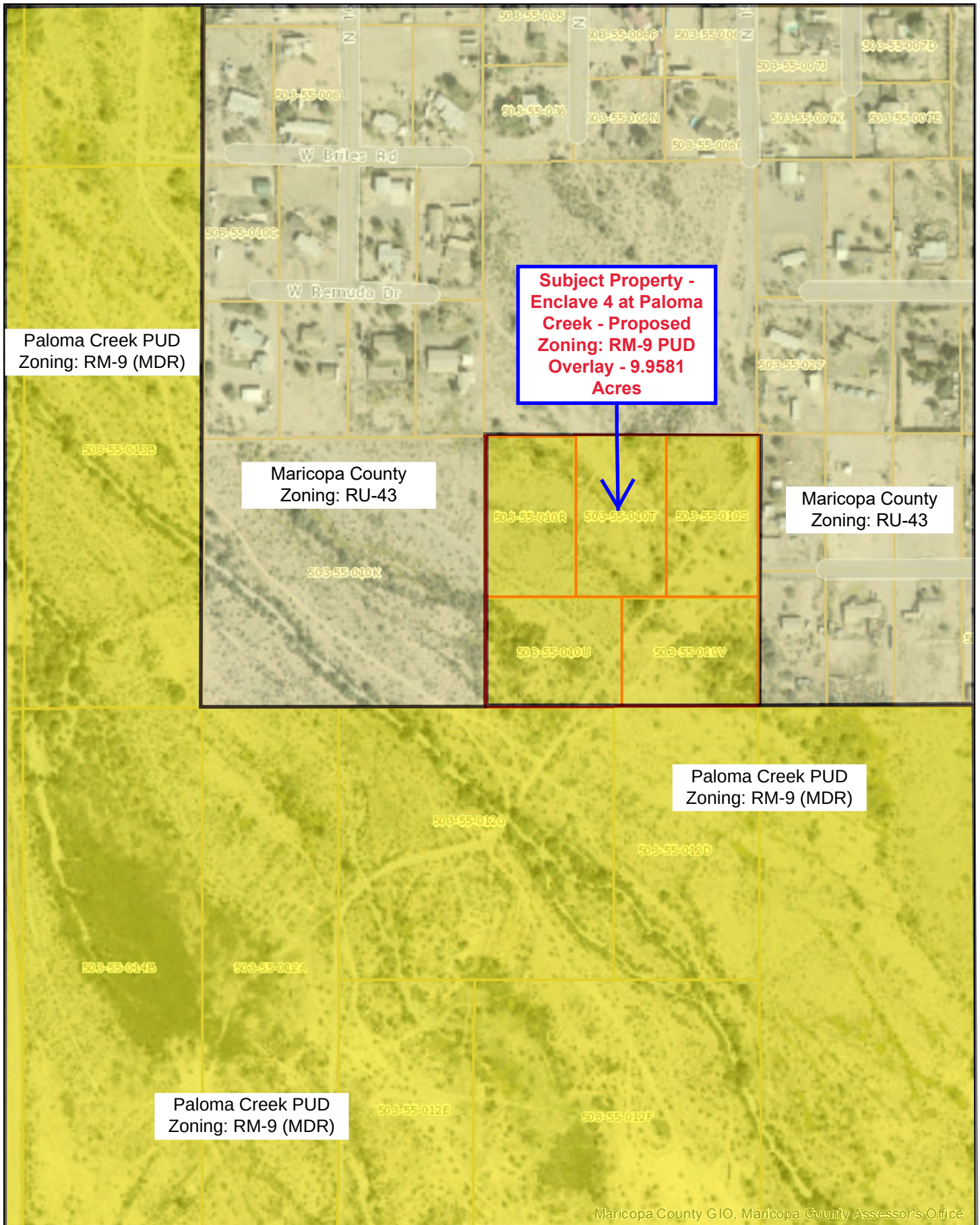




Exhibit B Proposed Zoning Map



LEGAL DESCRIPTION

The Southeast quarter of the Southeast quarter of the Northwest quarter of Section 6,
Township 4 North, Range 1 West of the Gila and Salt River Base and Meridian, Maricopa
County, Arizona described by metes and bounds as follows:

BEGINNING at the Center of said Section 6;

Thence North 89° 48' 24" West along the East-West mid-section line a distance of 658.26 feet;

Thence North 00° 03' 17" West a distance of 658.77 feet;

Thence South 89° 47' 38" East a distance of 658.82 feet to the North-South mid-section line;

Thence South 00° 00' 23" East along said mid-section line a distance of 658.62 feet to the **POINT**

OF BEGINNING.

Containing 9.9581 acres



Land Survey Services PLC
20651 W. Pasadena Ave
Buckeye, AZ 85396-1255

Job No. 10019

Parcel Map Check Report

Prepared by:

Thomas Rope

Land Survey Services, PLC

Date: 3/10/2020 8:50:08 AM

Parcel Name: Paloma Creek

Description: SE1/4, SE1/4, NW1/4 SEC 6, T4N, R1W

Process segment order counterclockwise: False

Enable mapcheck across chord: False

North: 989,285.1762'

East: 552,048.0707'

Segment# 1: Line

Course: N89°48'24"W

Length: 658.26'

North: 989,287.3973'

East: 551,389.8144'

Segment# 2: Line

Course: N0°03'17"W

Length: 658.77'

North: 989,946.1670'

East: 551,389.1852'

Segment# 3: Line

Course: S89°47'38"E

Length: 658.82'

North: 989,943.7970'

East: 552,048.0010'

Segment# 4: Line

Course: S0°00'23"E

Length: 658.62'

North: 989,285.1670'

East: 552,048.0744'

Perimeter: 2,634.47'

Area: 9.9579Acre

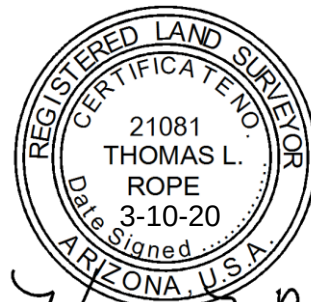
Error Closure: 0.0099

Course: S22°21'11"E

Error North : -0.00911

East: 0.00375

Precision 1: 266,109.09



Thomas L. Rope

Land Survey Services PLC
20651 W. Pasadena Ave
Buckeye, AZ 85396-1255

Job No. 10019

A PART OF THE NORTHWEST QUARTER OF SECTION 6
T4N, R1W, G.&S.R.B.M., MARICOPA COUNTY, ARIZONA



N1/4 COR
SEC 6

1625.16'
S00°00'23"E

S89°47'38"E

658.82'

658.77'
N00°03'17"W

658.62'
S00°00'23"E
159TH AVENUE

THIS SITE

1"=150'

1174.39'
N89°48'24"W

N89°48'24"W
FRONTIER

658.26'
DRIVE

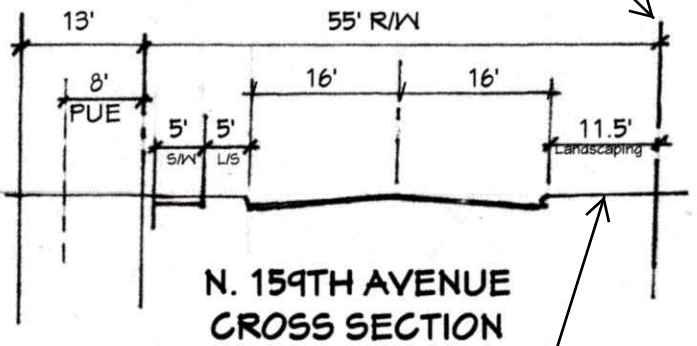
P.O.B.
CENTER
SEC 6

55' ROW Dedication at Final Plat for 159th Avenue over this Open Space

ENCLAVE IV
CONCEPTUAL SITE
PLAN
31 LOTS

6' block wall and landscaping

6' block fence

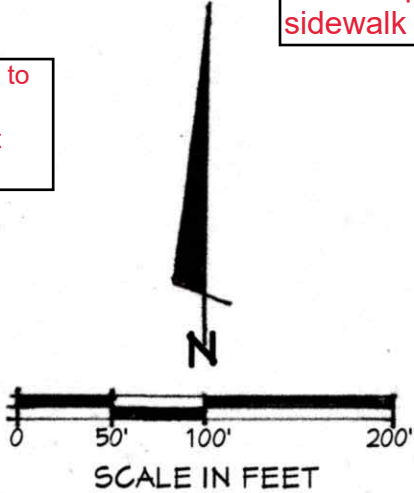
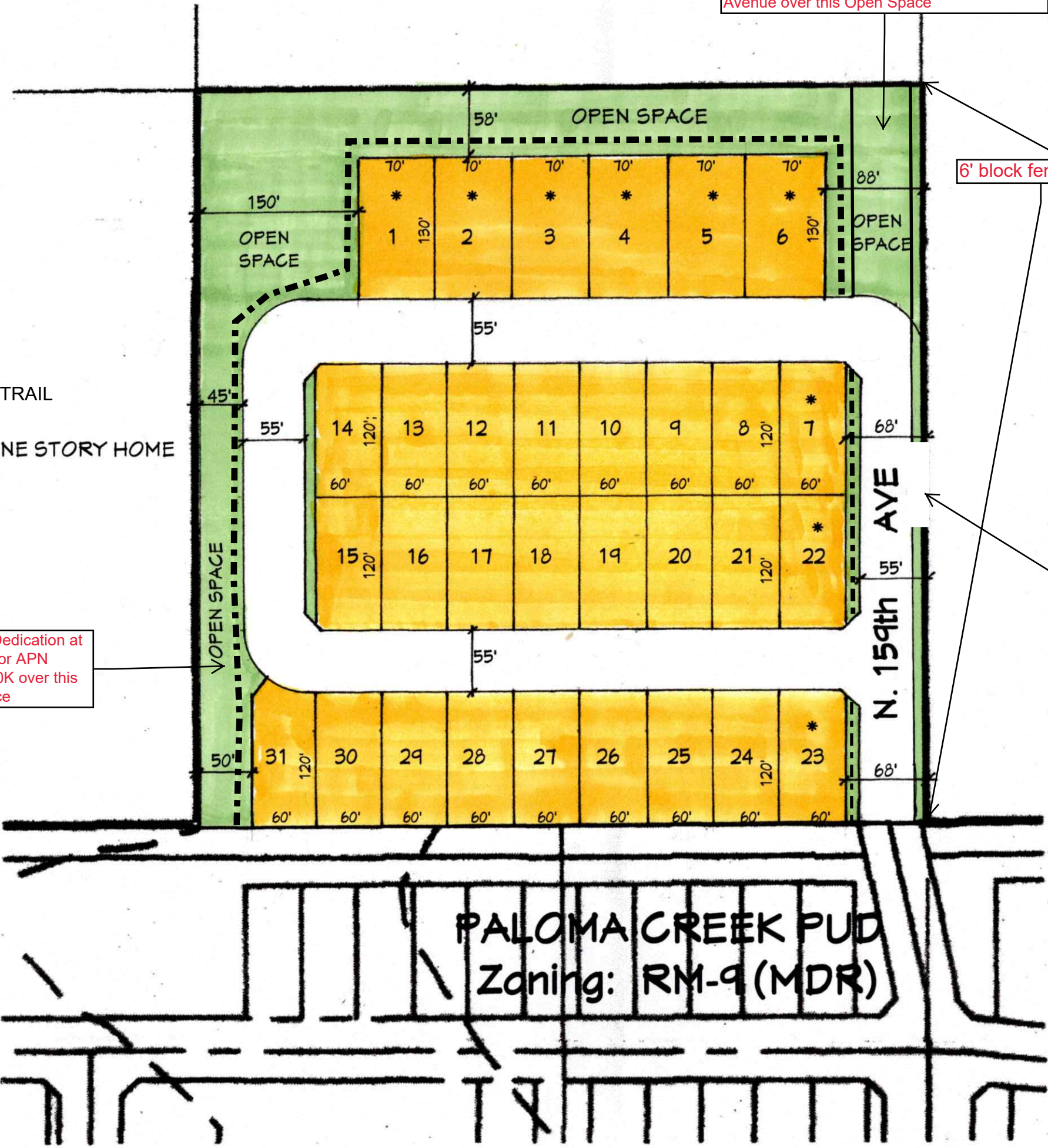


Landscaping no sidewalk

Emergency Access to Prickly Pear Trail to be engineered at preliminary plat.

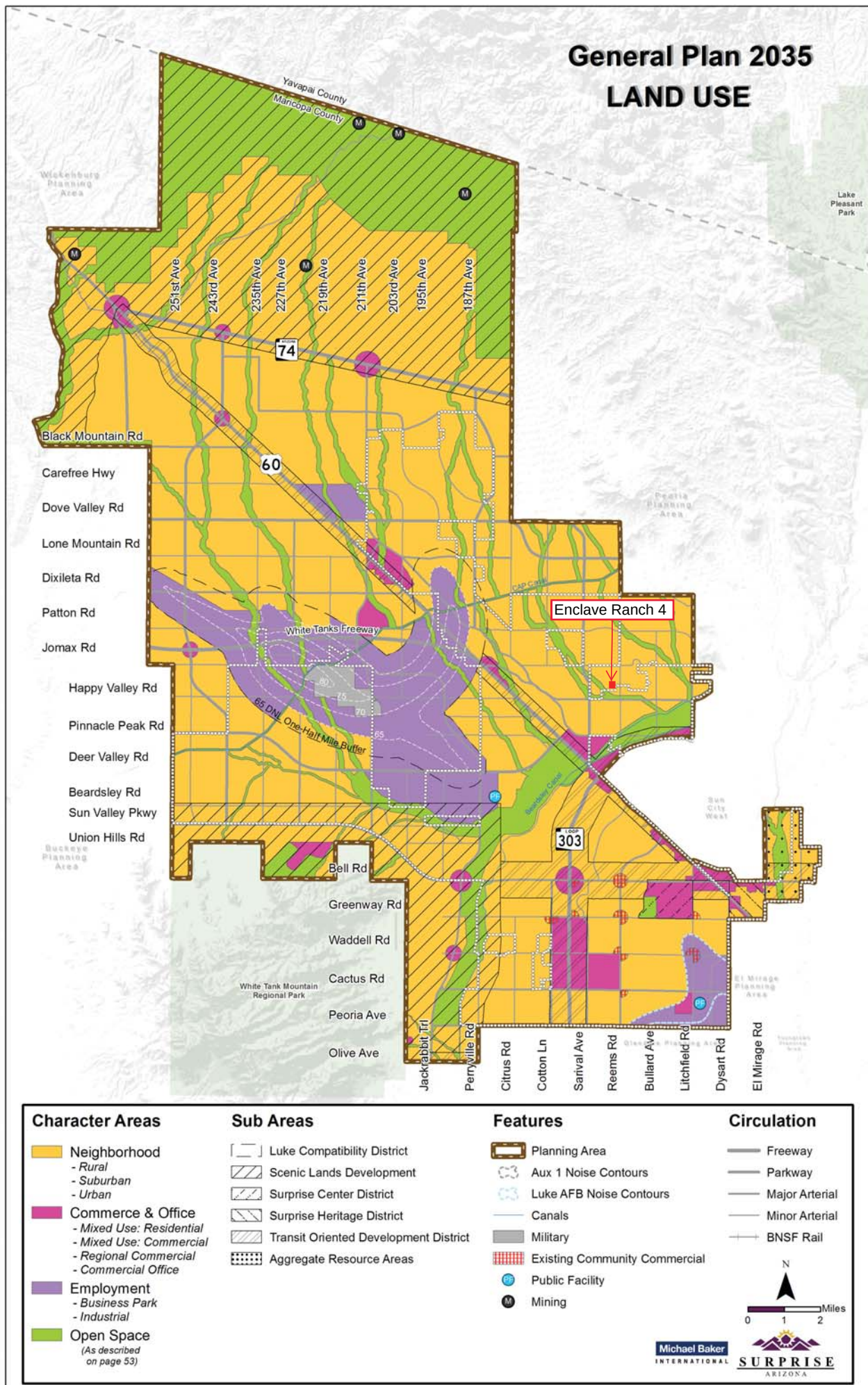
55' ROW Dedication at Final Plat for APN 503-55-010K over this Open Space

----- PEDESTRIAN TRAIL
* DENOTES ONE STORY HOME



5/3/2021

WALSH DESIGN GROUP
JOE WALSH
6106 E. ROSE CIRCLE DRIVE
PHOENIX, AZ 85018
(602) 619-7581
Landoc@cox.net





Enclave IV Rezone

Citizen Participation Plan & Report

February 26, 2021

Updated May 26, 2021

Background

The City of Surprise (City) requires a citizen participation process and report for applications such as this PAD amendment. The purpose of the citizen review process is to:

Ensure that applicants pursue early and effective citizen participation in conjunction with their applications, giving them the opportunity to understand and try to mitigate any real or perceived impacts their application may have on the community;

Ensure that the citizens and property owners of the city have an adequate opportunity to learn about applications that may affect them and to work with applicants to resolve concerns at an early stage of the process; and

Facilitate ongoing communication between the applicant, interested citizens and property owners, city staff, and elected officials throughout the application review process.

The citizen review process is not intended to produce complete consensus on all applications, but to encourage applicants to be good neighbors and to allow for informed decision-making.

Enclave IV Citizen Participation Plan & Report

Enclave 4 at Paloma Creek PUD is a 9.9581-acre proposed residential subdivision adjacent to the north of the approved Paloma Creek PUD Case # FS18-150 zoned for a density of 4 units per acre. The subject property is adjacent to unincorporated vacant land and homes to the west, north, and east zoned RU-43. The proposal is to annex into the City and rezone the property. As part of the rezone process, adjacent property owners and stakeholders in the area were notified by the City staff to our proposed application and open house to inform the public of this rezoning request. The case also includes an Annexation from Maricopa County into the City.

We met the City's notification requirements, which are:

- Notice of the citizen review meeting shall be provided by the planning and zoning division in the form of a public notice to the following, when applicable:
 - The notice shall be published at least once in a newspaper of general circulation published or circulated in the municipality at least 15 days prior to the meeting date.



City initiated.

- For applications involving rezoning of land which abuts other municipalities or unincorporated areas of the county or a combination thereof, copies of the notice shall be transmitted to the planning agency of such governmental unit butting such land. **City initiated.**
- For applications involving rezoning, subdividing, planned unit developments, site plans with uses permitted on a conditional basis, and legislative matters, all real property owners within a 200-foot or 300-foot radius, the city shall send copies of the notice by first class mail, no less than seven days prior to the hearing. We noticed at 300 feet. **City initiated.**
- Any village committee or special community group which is located in the area of the proposed public hearing request or has considerable interest in the nature of the application; **See City initiated list.**
- The head of any homeowner's association or registered neighborhood within the public notice area established in item (3) indicated above. **See City initiated list.**

Site Posting

The site was posted on February 9, 2021 to alert interested citizens and stakeholders of our upcoming virtual open house on February 25, 2021. The photographs of the signs and affidavit are attached at **Tab 1**. The signs were updated to notice the neighbors of the April 15, 2021 Planning & Zoning Commission and April 20 City Council hearing for the annexation portion of the application, as well as the proposed in-person neighborhood open house on May 24, 2021. Refer to **Tab 2** for the updated sign. The signs were updated on May 26, 2021 to notice the neighbors of the June 15, 2021 City Council Annexation and Rezone Hearing. Refer to **Tab 3** for the updated sign.

Participation Report.

After the notices were sent by staff and the site was posted, we did not field any telephone calls or emails of concern regarding the rezoning case. We held the virtual open house on Go-to-Meetings on February 25, 2021 at 6:00 pm. During the virtual open house, there were approximately seven (7) County residents who participated in virtual open house and discussed the project with the applicant and the applicant's representative. City staff was present in the meeting and during this discussion. The discussion included the following topics/opinions from the County participants:

- The meeting attendees were generally not in favor of the annexation and increase in density.
- Questions regarding sewer and water were resolved through discussion.
- Discussion about the annexation statute and process. City staff contributed to this discussion.
- Discussion about City information and incorrect information on this case. City staff committed to ensuring better communication on this case.



- Discussion about 159th Avenue design, how far north will it be built, landscaping on the west side and access to Prickly Pear trail. Applicant and City looking into final design options regarding this issue.
- Discussion about suburban development next to rural property
- Discussion about single story homes. Applicant committed to the lots along the north side and east side of the development being single story. Applicant committed to lowering number of lots from 36 to 32 lots during the open house.
- Discussion on lot sizes and types of homes. Applicant agreed to increase the width of the lots on the three (3) south rows to 60-foot-wide lots.
- Discussion on construction timeframe and contact information if issues arise. Applicant committed to providing neighbors with contact info during construction and approx. timeline for construction.
- Discussion about the requirement for streetlights. Applicant committed to dark sky type fixtures and work with the City staff on this issue.
- Discussion of landscaping and chemical usage. Applicant agreed to work with City on native vegetation or native hydro-seed that does not require chemical usage.
- Discussion of walls and perimeter walls/location
- Discussion of drainage and potential impacts to existing County residents. Applicant explained grading and drainage plans at time of platting to ensure no drainage impacts.

After our discussion, we felt the participants were able to express their concerns, questions, and opinions throughout the open house. City staff was also present during the virtual open house and participated in the discussion at several times during the 1.4-hour discussion. We also obtained the participants emails during the virtual meeting. We sent the open house participants our project narrative and the PowerPoint presentation the following day by email.

Update – May 24, 2021

On May 24, 2021, we held another open house with specifically Maricopa County residents. We notified County residents at a greater distance than the required 300-foot notice boundary. Refer to **Tab 4** for the map of the property owners noticed for the in-person open house on May 24th. Refer to **Tab 5** for a copy of the letter sent to those property owners and notification list.

At the May 24th in-person open house at the Asante school cafeteria, there were approximately thirty (30) attendees. Two (2) staff members, Lloyd Abrams, and Joshua Mike were also present at the meeting. The applicant's presented the annexation and rezoning proposal as well as the updated site plan based on follow-up meetings with surrounding neighbors off 159th Avenue and the County transportation staff regarding roadway connections in the area.



The attendees were mainly concerned with roadway connections and not having the proposed residents from the proposal accessing the County roads in the area. Other concerns were:

- Density
- Open space
- Traffic
- City emergency services
- Other vacant property in the county adjacent to this proposal

The meeting lasted a little longer than an hour with small group discussions after the presentation and Q&A portion of the meeting.

We have committed to working through many of the discussion points during the virtual open house and updated the land plan and lowered the number of lots to 31, increased the number of single-story homes and provided for internal access from Paloma Creek to the south so as not to impact the surrounding County roads. The current proposal addresses many but not all the neighbors' concerns regarding access to the property. We will continue to follow up with the meeting attendees with additional information on the project and schedule. We have been working cooperatively with City staff on the annexation and rezone request and will continue to work towards public hearings on the proposed request. If we are contacted by any neighbors or stakeholders after we have submitted this citizen participation report to the City, we will provide updates to the City staff with an amended report.

TAB 1



AFFIDAVIT OF POSTING

Application No: FS20-739 & FS20-738

Applicant Name:

Location: West of 159th Ave and Prickly Pear Trail

Date Site Posted: February 9th, 2021

In order to assist in providing adequate notice to interested parties, the applicant for any type of public hearing in the City of Surprise shall erect two (2) signs giving notice of the date, time and place of the scheduled hearings. These signs must be erected not less than **fifteen (15) days prior** to the date of the first hearing. The signs shall also include the nature of the request as contained on the formal zoning application. The size and format of this sign shall meet requirements established by the Planning and Zoning Department (see page 2).

Such notice shall be clearly legible and placed at a prominent location on the site – Generally adjacent and perpendicular to the public right-of-way. It shall be the responsibility of the applicant to erect and to maintain the sign on the subject property and to maintain the hearing information on the sign until final disposition of the case.

It shall also be the responsibility of the applicant to remove the signs within one week after the final disposition of the case.

I confirm that the site has been posted as required above, for the case noted above. A picture of the site posting, and photos of any subsequent changes/updates made to the sign, have also been submitted.

Maria Hitt
Applicant/Representative Signature

2-9-2021
Date

This instrument was acknowledged before me on this 9th day of February, 2021, and by Maria Hitt. I witness whereof I hereunto

set my hand and official seal.

Mary Beth Conrad
Notary Public

10-28-2024
My commission expires



TAB 2



TAB 3



CITY OF SURPRISE

Site posting Process

AFFIDAVIT OF POSTING
(Sign modification)

Application No: FS20-739 & FS20-738

Applicant Name: _____

Location: West of 159th Save and Prickly Pear Trail

Date Site Posted: February 9th, 2021 sign modified: May 26th, 2021

In order to assist in providing adequate notice to interested parties, the applicant for any *type of public hearing* in the City of Surprise shall erect two (2) signs giving notice of the *date, time and place* of the scheduled hearings. These signs must be erected not less than **fifteen (15) days prior** to the date of the first hearing. The signs shall also include the nature of the request as contained on the formal zoning application. The size and format of this sign shall meet requirements established by the Planning and Zoning Department (see page 2).

Such notice shall be clearly legible and placed at a prominent location on the site – Generally adjacent and perpendicular to the public right-of-way. It shall be the *responsibility of the applicant* to erect and to maintain the sign on the subject property and to maintain the hearing information on the sign until final disposition of the case.

It shall also be the *responsibility of the applicant* to remove the signs within one week after the final disposition of the case.

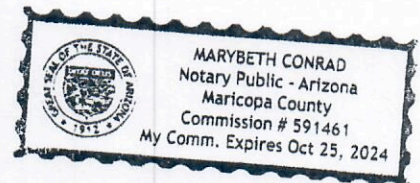
I confirm that the site has been posted as required above, for the case noted above. A picture of the site posting, and photos of any subsequent changes/updates made to the sign, have also been submitted.

Maria Hitt 5-26-2021
Applicant/Representative Signature Date

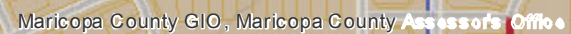
This instrument was acknowledged before me on this 26th day of May, 2021, and by Maria Hitt. I witness whereof I hereunto set my hand and official seal.

Marybeth Conrad
Notary Public
10-25-2024
My commission expires

Return completed and notarized **affidavit** and all relevant **photos** to the Planning and Zoning Department at least fifteen (15) days **prior** to the scheduled meeting(s).



TAB 4



TAB 5



**TIFFANY
& BOSCO**
P.A.

May 13, 2021

RE: FS20-739 & 738 – Enclave IV at Paloma Creek Annexation and Rezone with a Planned Unit Development Overlay

Dear neighbor, homeowners' associations, and stakeholders:

KAX Land Group, LLC (the "Applicant") filed an annexation and rezoning request for an approximately 9.95-acre site located at the northwest corner of Frontier Dr. and 159th Ave. Enclave IV at Paloma Creek will utilize the City's PUD zoning for a proposed residential subdivision adjacent to and just north of the approved Paloma Creek residential development, which is zoned for a density of approx. 4 dwelling units per acre. The subject property is adjacent to unincorporated vacant land and homes to the west, north, and east zoned RU-43 in Maricopa County. The proposal is to annex into the City and rezone the property from Rural Residential (RR) to Residential Medium Density with a residential density of approx. 3.1 dwelling units per acre.

The applicant held a virtual neighborhood meeting on February 25, 2021. This project was also presented at Planning and Zoning Commission Hearing on April 15, 2021 and City Council Annexation Hearing on April 20, 2021.

We invite you to join us for a second neighborhood meeting to discuss this proposal and learn more about the Applicant and the development proposal for the Property:

Neighborhood Meeting

Date: May 24, 2021

Time: 6:00 P.M. – 7:00 P.M.

Location: Asante Preparatory Academy - Cafeteria
23251 N 166th Dr., Surprise, AZ 85387

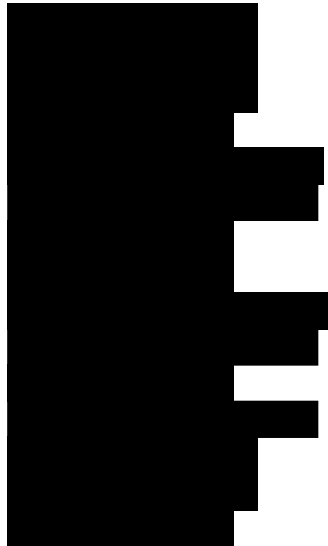
If you have any questions concerning this matter, please contact me directly at kajones@tblaw.com or 602-452-2729.

Sincerely,

Kurt Jones, AICP

Owner	MAIL_ADDR1	MAIL_CITY	MAIL_STAT	MAIL_ZIP
TRUOG DAVID G/BLAKESLEY FAWN R		SUN CITY WEST	AZ	85387
HARTEL LEONARD/KAREN BOWMAN		SUN CITY WEST	AZ	85387
ROYBAL TERESA JO		GOODYEAR	AZ	85338
TRUOG DAVID G/BLAKESLEY FAWN R		SURPRISE	AZ	85387
RUIZ TORRES SERAFIN/FERNANDEZ MA TERESA		SUN CITY WEST	AZ	85375
ANGER DOUGLAS A		SUN CITY WEST	AZ	85387
GALLIANI ERIC L		SURPRISE	AZ	85387
GARDUNIO LEO B		SURPRISE	AZ	85387
PATANA JOSHUA/HAILEY		SURPRISE	AZ	85387
LACHANCE NICOLE A		SURPRISE	AZ	85387
BURRIS DOUGLAS L		PHOENIX	AZ	85023
LOPEZ ASHLEY B/ANGEL LEO B		SURPRISE	AZ	85387
KOTERMANSKI JOHN F/DORIS J		SURPRISE	AZ	85387
WEYER SHELLEY		PEORIA	AZ	85382
DODD BRANDON D/ALEXSA A		SURPRISE	AZ	85387
SPYKES CHRISTOPHER/QUEVEDO PERLA		SURPRISE	AZ	85387
HENDERSON JENNIFER		SURPRISE	AZ	85387
KAWAGUCHI JON Y		SUN CITY WEST	AZ	85375
HEAP JOSEPH A		SURPRISE	AZ	85387
COTE REMI		SURPRISE	AZ	85387
GOSS JESSE		SURPRISE	AZ	85387
GRAHAM MARK		SURPRISE	AZ	85387
HUZIERAN MISHAIEAL S/VICTORIA		MORTON GROVE	IL	60053
HATFIELD HOYT TR		PEORIA	AZ	85345
TINGLE JAMES A/SUE E		SURPRISE	AZ	85387
CUELLAR-MARTINEZ RUBEN/CUELLAR ELISA		WITTMANN	AZ	85361
DOXSEE FAMILY TRUST		SURPRISE	AZ	85387
RENDON HENRY L/TAMMY L		SUPRISE	AZ	85387
DICHIARA 10 LLC		SCOTTSDALE	AZ	85255
SCM PENDLETON LLLP/SCM-WHITEMAN LLLP/ETAL		PHOENIX	AZ	85034
HAPPY VALLEY TWENTY FIVE LLC		SCOTTSDALE	AZ	85255
HATFIELD 15 LLC		SCOTTSDALE	AZ	85255
RANDY G PETERSON & LANA K PETERSON REV TRUST		VALENTINE	NE	69201
PARKER KATY		SURPRISE	AZ	85387
LEITH GREGG ALLEN/GAIL MAY		SURPRISE	AZ	85387
RUST NATHAN/SARAH		SURPRISE	AZ	85387-6785

HITCHCOCK GREGORY C/SALLY A
SHIMER JUDITH A
WILLIAMSON DIANE
LIVINGSTON DANNY
TRUJILLO DAVID/NATASHA
HAWKINS JERRY L II
CLAYWELL JAMES R
GARFIAS RICARDO GARDUNO
JAMES MICHAEL ALLEN
ML BAR TRUST
FERNANDEZ FERNANDO G/JO EVA
FINNEY ROBERT J
ROSA ANA JUSTINA
ESPINOZA VICENTE/MARIBEL
ESQUIVEL CINDY



SURPRISE	AZ	85387
SURPRISE	AZ	85387
SURPRISE	AZ	85387
SURPRISE	AZ	85387
SURPRISE	AZ	85374
SURPRISE	AZ	85387
SURPRISE	AZ	85387
SURPRISE	AZ	85387
LAS VEGAS	NV	89104
SURPRISE	AZ	85387-6783
SUN CITY WEST	AZ	85375
SURPRISE	AZ	85387
SURPRISE	AZ	85387
SURPRISE	AZ	85387
SURPRISE	AZ	85387

From: [Ashley Labhart](#)
To: [Joshua Mike](#)
Cc: [Robert Kuhfuss](#)
Subject: FW: Enclave at Paloma 4
Date: Thursday, March 18, 2021 5:01:47 PM

-----Original Message-----

From: Ashley Labhart [REDACTED]
Sent: Thursday, March 18, 2021 4:51 PM
To: Michelle Brown [REDACTED]
Subject: RE: Enclave at Paloma 4

Good afternoon Michelle,

Thank you for your email, and please accept my apologies that your intent was to have comments read at the City Council meeting rather than the Planning and Zoning meeting. Instructions for how to offer Virtual Public Comment during City Council meetings can be found on our website:

<https://www.surpriseaz.gov/Archive.aspx?ADID=10339>

You do have the correct email for offering comments as it pertains to items on the Planning and Zoning Commission agendas which is PandZComments@surpriseaz.gov.

You may also keep up on the status of meetings occurring, by visiting our website and reviewing the online calendar which provides helpful details with regard to upcoming activities (it is located towards the lower right hand corner of the home page):

<https://www.surpriseaz.gov/>

The Planning and Zoning meeting is occurring this evening and will start at 6:00 pm. You may watch the live meeting via Surprise TV, as well as view the agenda for this evening by following the link below:

<https://surprisetv.surpriseaz.gov/meetings/planning-zoning-commission-meetings>

To answer your question, neither Enclave at Paloma 3 or 4 is on the agenda for this evening.

We had an item on as you will see by viewing the agenda, for Enclave at Paloma 2, however, that item is going to be continued indefinitely so it may be adequately noticed.

I will forward your email on to the planner in our department who is handling Enclave 3 & 4 so they may add your comments to the file.

Should you wish to offer comment during the meeting this evening, please let me know as soon as possible and provide the best phone number to reach you at, so I can place you on the phone comment list during our Call to the Public portion of the meeting.

Best Regards,

Ashley Labhart
Senior Administrative Specialist

City of Surprise | Community Development
16000 N. Civic Center Plaza | Surprise, AZ 85374
[REDACTED]

-----Original Message-----

From: Michelle Brown [REDACTED]
Sent: Thursday, March 18, 2021 4:01 PM
To: Ashley Labhart [REDACTED]
Subject: Enclave at Paloma 4

The e-mail below is from an external source. Please do not open attachments or click links from an unknown or suspicious origin.

Hi Ashley I was actually trying to get that last comment read at the city council meeting 3-16. I think you can ignore it. I was just writing to you about maybe getting on the phone comment list for tonight. Someone is calling people saying it's cancelled though. If Enclave at Paloma 3 or 4 is on the agenda I would like to call in. If it is not on the agenda please just read this to yourself so you know what is going on. I am going to email the others personally too.

To say the residents are a little concerned is an understatement. Many had no idea this was in the works. The owner of the 5 lots is trying to sneak it in. As owners of horse property, many have said they were promised to have a native green belt around our area so we did not have to look at the ugly new construction. Some have been riding horses on this land for 30 years. I have been walking the exact land Paloma 4 is going on, for over a decade daily. I have maintained the 4x4 roads and helped the plants and wildlife. I had to rescue a hawk just two months ago on that land who got chewed up in the close construction machinery. How will they get these monster size construction machines in? That part of 159th isn't maintained by the county. It is maintained by private citizens. Are they going to bring them in from Happy Valley somehow? Frontier Rd doesn't go through to that land either. It is owned by private citizens and there is no road there. I do not want our neighborhood to be connected to Happy Valley. I do not need Frontier to come any closer. I do not want paved roads and sidewalks. I do not want lights and poisonous landscaping in place of our desert. Chemicals can kill me, I can't even have them in my food. I am not the only one chemically sensitive in this neighborhood.

The man who bought this land and his representative just spent 30 minutes lying to city council on Tuesday 3/16 to push this through. One lie after another. Only one person found out in time to make the meeting and speak live. This never should have gone through. The residents are ticked now and ready to fight.

As to the idea of moving, there is nowhere for me to go. My back is so messed up I can't wear heavy clothing, going north is out of the question. I can't even wear a light necklace without triggering migraine and seizures. With my seizures I stop breathing at times. I have to be close to a fire station or hospital but not have neighbors right on top of me (because of the chemicals). I can find nowhere like my current home. The firemen at our station have saved my life twice in the last three years. I would have died with a slower response time. The increase in population is going to start effecting me there as well. Please just leave our neighborhood alone. Those five lots are zoned for one home on each acre. That is reasonable as this neighborhood has animals. Those who moved here did so for the space and the ability to do what we want with the county land. we do not want high density or traffic anywhere near us.

Some in the neighborhood are talking of offering to buy it back. We just want to be left alone. Is there any way we can keep it at a lower density or perhaps get them to leave everything on our side of what would be Frontier alone? Those washes are also extremely important to wildlife. If you take out washes how will the mountain lions, bobcats and coyotes get around without freaking people out? If you take out the tall trees you will really mess with our hawks and Great Horned Owls. I also have a mated pair of Cardinals who come back ever year. If you move chemicals in birds usually don't live past the first mating. The chemicals will quickly kill them. We have beekeepers here too. I am sure I don't have to tell you what herbicides and pesticides do to honeybees.

Michelle Brown
[REDACTED]

Never Blame the Rainbows for the Rain

Robert Kuhfuss

From: Ashley Labhart on behalf of Planning and Zoning Comments
Sent: Thursday, March 18, 2021 5:01 PM
To: Joshua Mike
Cc: Robert Kuhfuss
Subject: FW: correct comment for tonight

Josh,

I will be forwarding emails as I receive them that pertain to your Enclave projects, so you may add them to the case file.

Let me know if you have questions.



From: [REDACTED]
Sent: Tuesday, March 16, 2021 3:38 PM
To: Planning and Zoning Comments <PandZComments@surpriseaz.gov>
Subject: correct comment for tonight

****The e-mail below is from an external source. Please do not open attachments or click links from an unknown or suspicious origin.****

Sorry the last email wasn't supposed to sent like that, disregard it. This is my comment.

Enclave IV at Paloma Creek
Case numbers
FS20-739
FS20-738

A developer purchased the lots for 5 homes and wants to stick 32 houses on it. Right in the middle of horse property, ranch homes and native desert. Will the new neighbors mind it when the smell and flies are so thick you can't open the door? Also many in this neighborhood are sensitive to chemicals and can't have Roundup landscaped neighbors.

The land he wants to rezone is land I have walked daily and cared for over ten years. He also wants to block the people on Prickly Pear from using 159th ave. It's the only way the folks in the last meeting have ever gotten to their home, they don't believe they can get through the wash to get out 157th. He doesn't care. He said he can get them for trespassing. He owns it now.

Well I guess he can get me for it too. Many of my neighbors have seen me and my dogs walking that land daily. They will testify to it. My husband and I have cleaned up garbage and I have even provided water to the bushes and critters along our path (when the heat gets crazy).

My neighbors who own the land next to his development won't sell and want to retain nature. The horses don't

want to walk on sidewalks and asphalt. My neighbors don't want to live next to chemicals. We want our dark skies, dirt roads, and native desert. Please leave us alone and don't annex my neighborhood.

Sent from my Galaxy

ORDINANCE # 2021-11

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA, APPROVING A REZONE FROM RESIDENTIAL RANCH (RR) TO RESIDENTIAL MEDIUM DENSITY WITH A PLANNED UNIT DEVELOPMENT OVERLAY (RM-9 PUD) AMENDING DEVELOPMENT STANDARDS AND LIMITING RESIDENTIAL DENSITY TO 3.11 DWELLING UNITS PER ACRE FOR ENCLAVE IV AT PALOMA CREEK, A PROPERTY GENERALLY LOCATED NORTH OF THE FRONTIER ROAD ALIGNMENT AND WEST OF THE 159th AVENUE ALIGNMENT.

WHEREAS, this Ordinance was properly noticed for public hearing and the necessary hearings and opportunity for public input were completed;

WHEREAS, the subject site is located generally north of the Frontier Road alignment and west of the 159th Avenue alignment;

WHEREAS, on June 15, 2021, the City Council approved the annexation of the subject property under City of Surprise Ordinance No. 2021-09;

WHEREAS, the subject site was zoned Residential Ranch (RR) upon City Council approval of the annexation;

WHEREAS, the proposed use of the subject site requires modification of the applicable zoning regulations;

WHEREAS, the City Council adopted the Land Development Ordinance on December 15, 2020;

WHEREAS, the effective date of the Land Development Ordinance was January 14, 2021;

WHEREAS, the applicant filed the subject rezoning request for Enclave IV on November 13, 2020 under case FS20-738;

WHEREAS, accordingly, the Surprise Unified Development Code, not the Land Development Ordinance, is the code applicable to the application to rezone Enclave IV;

WHEREAS, the proposed rezone to Residential Medium Density with a Planned Unit Development Overlay (RM-9 PUD), amending development standards, and limiting residential density to 3.11 dwelling units per acre, satisfies the requirements set forth in Chapter 122 of the Surprise Unified Development Code;

WHEREAS, the subject property is located within the “Benefited Area” as described in the Rancho Mercado Supplemental Development Agreement, between the City of Surprise and William Lyon Homes, Inc., as recorded with the Maricopa County Recorder’s Office on July 19, 2017, as MCR 20170526362, and as amended by the First Amendment to the Rancho Mercado Supplemental Development Agreement, as recorded with the Maricopa County Recorder’s Office on September 17, 2020, as MCR 20200875257;

WHEREAS, this rezone is in harmony with the purposes and intent of the zoning ordinance and the Surprise General Plan; and

WHEREAS, on April 15, 2021, the Planning and Zoning Commission recommended denial of the Enclave IV at Paloma Creek Rezone.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the City of Surprise, Arizona, as follows:

Section 1. *Rezoning.* The parcel legally described on ***Exhibit A*** and depicted on ***Exhibit B***, known as “Enclave IV at Paloma Creek” is rezoned from Residential Ranch (RR) to Residential Medium Density with a Planned Unit Development Overlay (RM-9 PUD), amending development standards and limiting residential density to 3.11 dwelling units per acre, subject to the following stipulations:

- a. Development and use of the site shall be consistent with the rezone narrative entitled “Enclave IV at Paloma Creek”, prepared by KAX Group, LLC with a revised date of May 26, 2021.
- b. Prior to the City recording a final plat or approving a site plan or building permit within the property, the applicant shall provide the City with a Notice of Payment from William Lyon Homes, Inc., that the Happy Valley West (“HVW”) Buy-in Fee, the Happy Valley East (“HVE”) Buy-in Fee, the Sewer Buy-in Fee, and the Water Buy-in Fee, as applicable, all as described in the Rancho Mercado Supplemental Development Agreement (Regional Improvements Overlay Agreement), as amended, have been paid.
- c. Non-compliance with the stipulations of approval of this case will be treated as a violation in accordance with the applicable provisions of the Surprise Municipal Code.
- d. The maximum number of dwelling units shall not exceed 31.

Section 2. *Amendment of Zoning Map.* The City of Surprise zoning map is herewith amended to reflect the change in districts referred to in Section 1 above.

Section 3. *Codification.* This Ordinance is not of a general nature and shall not be codified.

Section 4. *Repeal of Conflicting Ordinances.* All ordinances or parts of ordinances in conflict with the provisions of this ordinance or any part of the code adopted herein by reference are hereby repealed, upon the effective date of this Ordinance.

Section 5. *Severability.* If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

Section 6. *Effective Date.* This ordinance shall become effective at the time and in the manner prescribed by law.

PASSED AND ADOPTED this _____ day of _____ 2021.

Skip Hall, Mayor

Attest:

Approved as to form:

Sherry Aguilar, City Clerk

Robert Wingo, City Attorney

EXHIBIT A
LEGAL DESCRIPTION FOR PROPERTY

EXHIBIT "A"

DESCRIPTION

REZONE OF 9.9581 ACRES FROM RESIDENTIAL RANCH (RR) to RESIDENTIAL MEDIUM DENSITY with a PLANNED UNIT DEVELOPMENT OVERLAY (RM-9 PUD) AMENDING DEVELOPMENT STANDARDS AND LIMITING RESIDENTIAL DENSITY TO 3.11 DWELLINGS PER ACRES FOR ENCLAVE IV AT PALOMA CREEK, CASE FS20-738.

The Southeast Quarter of the Southeast Quarter of the Northwest Quarter of Section 6, Township 4 North, Range 1 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, described by metes and bounds as follows:

BEGINNING at the Center Quarter Corner of said Section 6;
Thence North 89°48'24" West along the East-West mid-section line 658.26 feet;
Thence North 00°03'17" West 658.77 feet;
Thence South 89°47'38" East 658.82 feet to the North-South midsection line of said Section 6;
Thence South 00°00'23" East along said mid-section line 658.62 feet to the POINT OF BEGINNING.

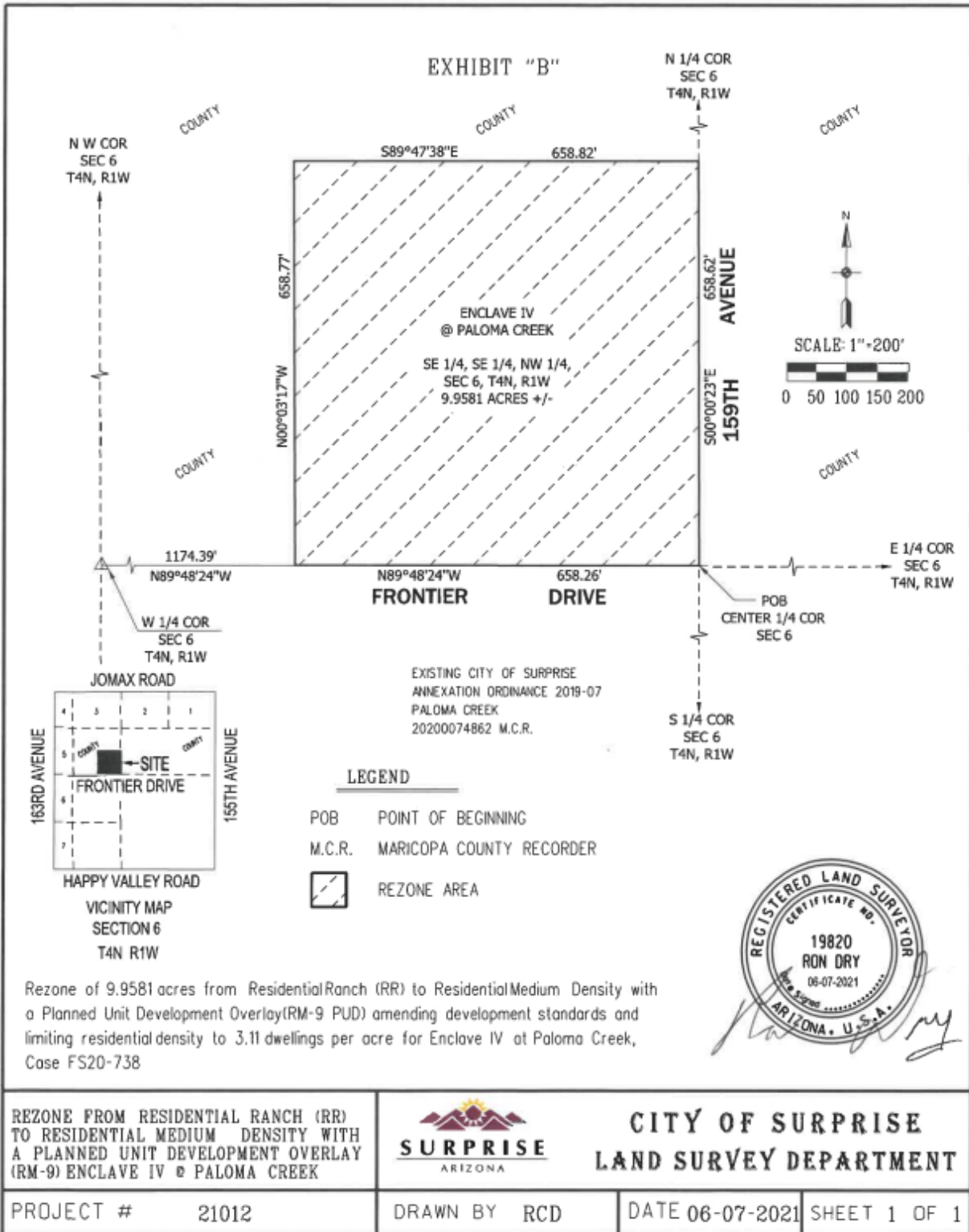
Containing 9.9581 acres, more or less.

Attached is EXHIBIT "B" and by this reference is made a part hereof.

End of description



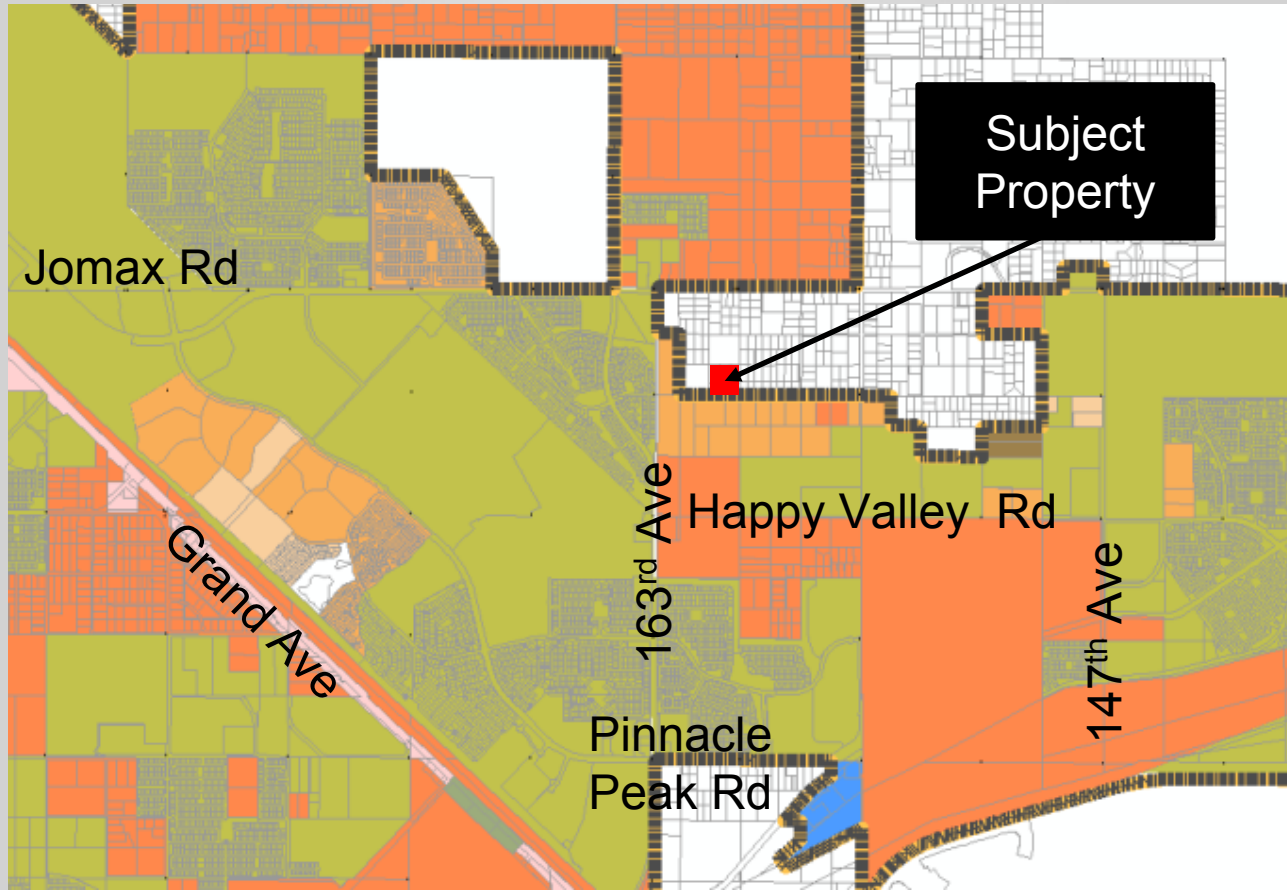
EXHIBIT B DEPICTION OF THE PROPERTY TO BE RE-ZONED



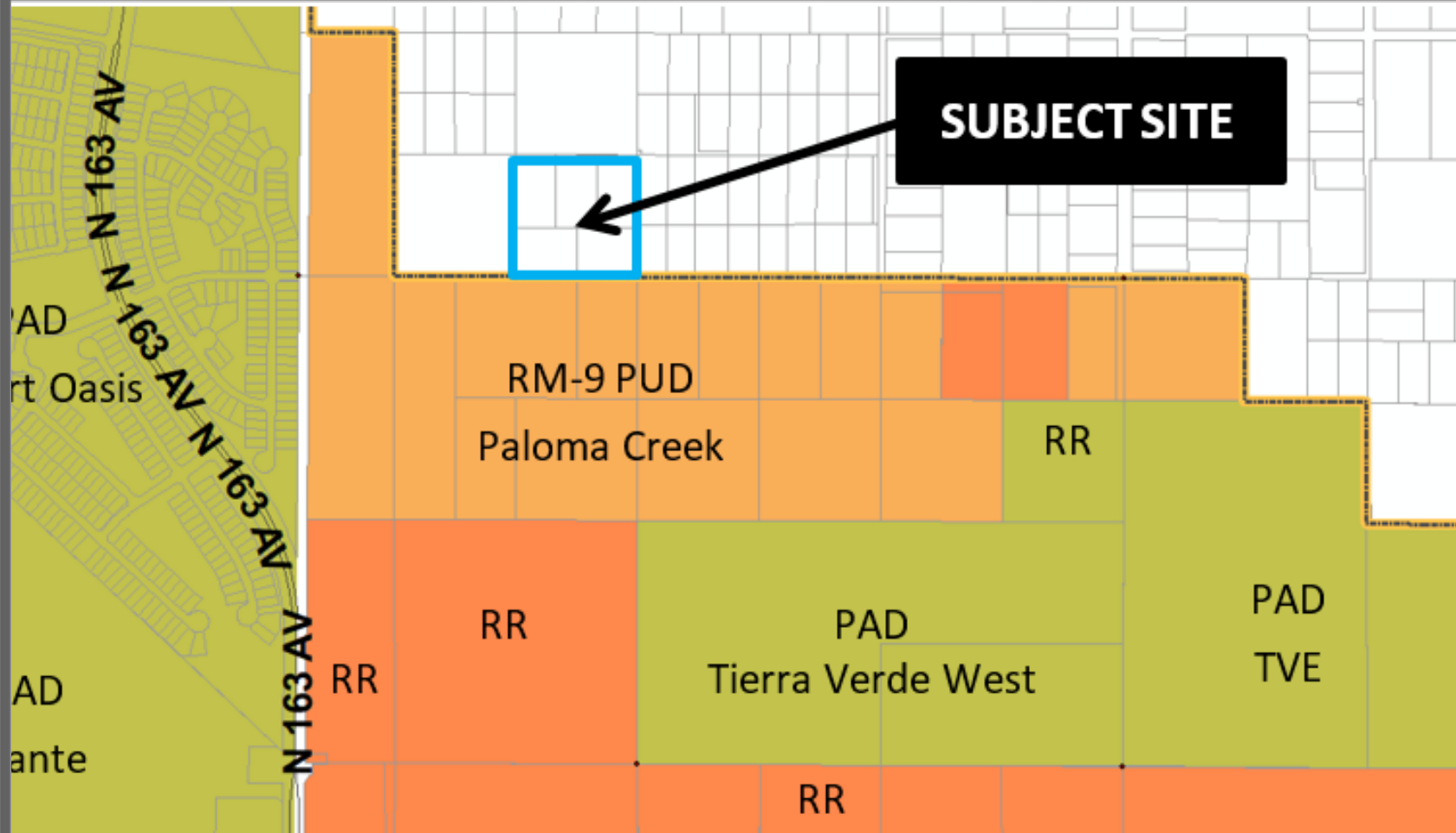


City Council
June 15, 2021

Enclave IV at Paloma Creek Rezone
FS20-738



FS20-738 Vicinity Map



FS20-738 Case Map

Table A
Residential Medium Density RM-9 PUD Overlay Development Standards

Development Standard	City Base RM-9 Development Standards	Proposed RM-9 PUD Development Standards
Net Residential Acreage Open Space	20%	23.50%
Maximum Density	9.0	3.21
Minimum Lot Area	4,500 Sq. Ft.	6,000 Sq. Ft.
Minimum Lot Width	40'	60'
Minimum Lot Depth	100'	100'
Front Setback (Livable)	12'	12'
Front Setback (Garage)	20'	20' (1) (2)
Minimum Side Yard Setback	- (3)	5'
Minimum Rear Yard Setback	20'	20' (5)
Maximum Building Height	35'	35' (6)
Driveway Width Percentage	30%	40%
Driveway Area Percentage	30%	40%
Street Side/Corner Lot	- (4)	5'

Increase

Decrease

Increase

Increase

Added

Increase

Increase

Added

FS20-738 Development Standards

Exhibit D

UNINCORPORATED MARICOPA
COUNTY PARCELS
ZONED: RU-43

Concept Plan

159TH AVENUE

Subject Property
Proposed
Enclave
4 at Paloma
Creek PUD

Paloma Creek PUD
Zoning: RM-9 (MDR)

Open Space:

- 20% Required
- 23.5% Proposed
 - Passive (TBD at Pre-plat)
 - Active (TBD at Pre-plat)

FS20-738 Open Space

Table A
Residential Medium Density RM-9 PUD Overlay Development Standards

Development Standard	City Base RM-9 Development Standards	Proposed RM-9 PUD Development Standards
Net Residential Acreage Open Space	20%	26.29%
Maximum Density	9.0	3.11
Minimum Lot Area	4,500 Sq. Ft.	6,000 Sq. Ft.
Minimum Lot Width	40'	60'
Minimum Lot Depth	100'	115'
Front Setback (Livable)	12'	12'
Front Setback (Garage)	20'	20' (1) (2)
Minimum Side Yard Setback	- (3)	5'
Minimum Rear Yard Setback	20'	20' (5)
Maximum Building Height	35'	35' (6)
Driveway Width Percentage	30%	40%
Driveway Area Percentage	30%	40%
Street Side/Corner Lot	- (4)	5'

Increase

Decrease

Increase

Increase

Added

Increase

Increase

Added

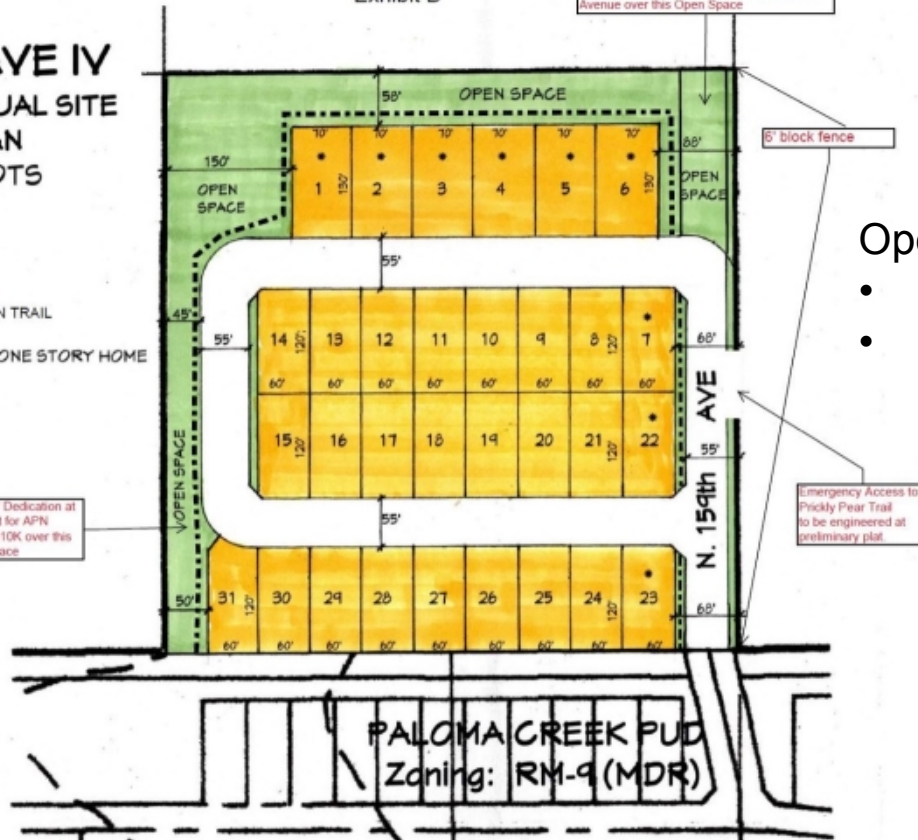
Revised Zoning Request

FS20-738 Development Standards

ENCLAVE IV CONCEPTUAL SITE PLAN 31 LOTS

--- PEDESTRIAN TRAIL
• DENOTES ONE STORY HOME

55' ROW Dedication at
Final Plat for APN
503-55-010K over this
Open Space



Revised Zoning Request

Open Space:

- 20% Required
- 26.29% Proposed
 - Passive (TBD at Pre-plat)
 - Active (TBD at Pre-plat)

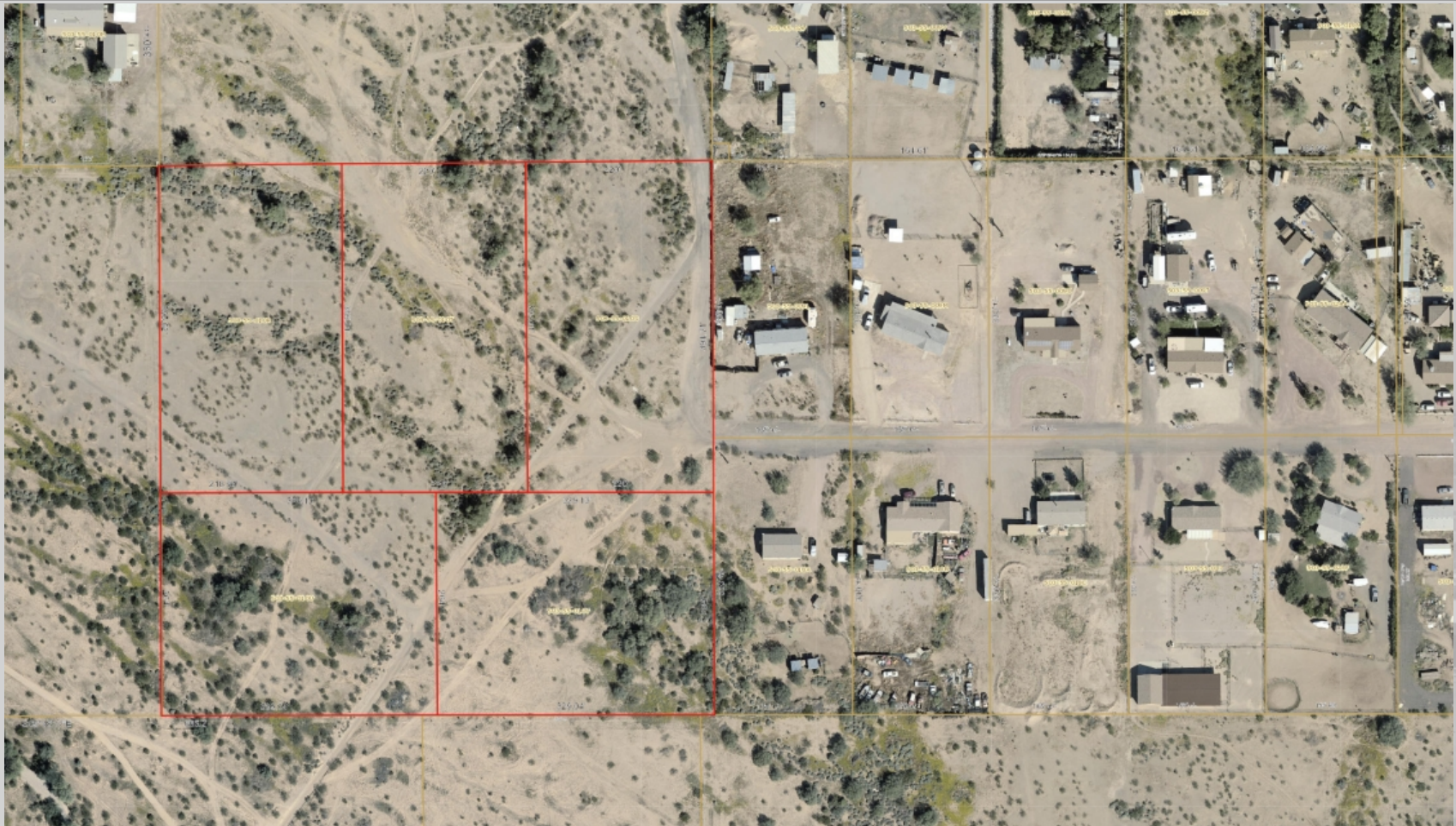
FS20-738 Open Space

Outreach:

Meeting held on February 25, 2021

Considerable opposition

Additional meeting held on May 24, 2021



Staff Recommendation:

**Approve subject to stipulations 'a' through 'd'
(stipulation 'b' revised from staff report)**

Commission Recommendation:

Deny

Stipulations as presented to Planning and Zoning Commission

- a. Development and use of the site shall be consistent with the rezone narrative entitled “Enclave IV at Paloma Creek”, prepared by KAX Group, LLC and received March 1, 2021.
- b. Prior to the City approving a final plat, site plan, or building permit within the property, the applicant shall provide the City with a Notice of Payment from William Lyon Homes, Inc., that the Happy Valley West (“HVW”) Buy-in Fee, the Happy Valley East (“HVE”) Buy-in Fee, the sewer Buy-in Fee, and the Water Buy-in Fee, as applicable, all as described in the Rancho Mercado Supplemental Development Agreement (Regional Improvements Overlay Agreement), as amended, have been paid.
- c. Non-compliance with the stipulations of approval of this case will be treated as a violation in accordance with the applicable provisions of the Surprise Municipal Code.
- d. The maximum number of dwelling units shall not exceed 32.

Stipulations based on the Revised Zoning Request

- a. Development and use of the site shall be consistent with the rezone narrative entitled “Enclave IV at Paloma Creek”, prepared by KAX Group, LLC and received May 26, 2021.
- b. Prior to the City approving a final plat, site plan, or building permit within the property, the applicant shall provide the City with a Notice of Payment from William Lyon Homes, Inc., that the Happy Valley West (“HVW”) Buy-in Fee, the Happy Valley East (“HVE”) Buy-in Fee, the sewer Buy-in Fee, and the Water Buy-in Fee, as applicable, all as described in the Rancho Mercado Supplemental Development Agreement (Regional Improvements Overlay Agreement), as amended, have been paid.
- c. Non-compliance with the stipulations of approval of this case will be treated as a violation in accordance with the applicable provisions of the Surprise Municipal Code.
- d. The maximum number of dwelling units shall not exceed 31.



QUESTIONS OR COMMENTS?

Thank You



CITY OF SURPRISE Regular City Council Meeting

Council Meeting Date: June 15, 2021 Contact Person: Joshua Mike
Submitting Department: Community Development District: District 1
Staff Recommendations: None

Consent: No Regular: Yes Public Hearing: No Report/Discussion: No

Agenda Wording:

Consideration and action directing the recordation of a blank petition setting forth the legal description and map of the proposed annexation in case FS20-732 Windstone Ranch North; Resolution # 2021-83.

Motion:

I move to approve Resolution # 2021-83.

Background:

A property owner is seeking annexation of undeveloped land generally located ½ mile north of Happy Valley Road on the west side of 151st Avenue. The annexation proposal is for 1 parcel, consisting of 19.9 acres of unincorporated land within Maricopa County zoning district Rural-43. If annexed, the property will assume the similar zoning district of Rural Residential (RR) as outlined in the Land Development Ordinances, and the owners will request a rezoning (FS21-208) for Residential Low Density (R-1). The Resolution for the Intent to Annex directs City Staff to begin the annexation process per A.R.S. § 9-471.

The applicant held a hybrid (in-person and virtual) Citizen Review meeting on May 17, 2021. Advertisements were posted in a local newspaper and (3) signs were posted within the subject property. Neighboring residents attended to express their concerns about the compatibility with their residences.

Objective Analysis:

Positive impacts include adding additional property to the incorporated limits which will generate additional property taxes and potential development fees. Negative impacts could include providing services to a 19.9-acre area the City has not previously served.

Policy Compliant:

The annexation is not being approved at this time. However if the City Council moves forward to annex property into the City limits, the annexation would be deemed policy compliant by expanding the range of influence of the City.

Financial Impact:

While this item does not have an immediate or direct financial impact, ongoing development activity in the City will inevitably have a future financial impact as additional resources are needed to provide city

services. If the area is annexed, this action could result in future development fees and sales and property taxes. Also a Financial Impact Analysis will be conducted and submitted along with the final annexation documents.

Budget Impact:

At this time there are no budget impacts related to this item. If the City Council moves forward to annex property into the City limits, there could be minor budget impacts to the City to provide services to an area the City did not previously serve. If the area is annexed, this action could result in future development fees and sales and property taxes.

FTE Impact:

This item does not have an impact on current staff levels.

ATTACHMENTS:

1. 01 FS21-209 Windstone Ranch North-Res. 2021-83 Intent to Annex
 2. 02 FS21-209 Windstone Ranch North Intent to Annex Case Map
 3. 03 FS21-209 Windstone Ranch North Intent to Annex Presentation
-

RESOLUTION # 2021-83

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA DIRECTING THE RECORDING OF A BLANK PETITION FOR ANNEXATION PURSUANT TO A.R.S. § 9-471, PERTAINING TO A CERTAIN PROPERTY THAT ADJOINS AND IS CONTIGUOUS TO THE CITY OF SURPRISE CONSISTING OF APPROXIMATELY 19.896 ACRES LOCATED ONE-HALF MILE NORTH OF HAPPY VALLEY ROAD AND ON THE WEST SIDE OF 151ST AVE, MARICOPA COUNTY, ARIZONA

WHEREAS, it has been proposed that the City of Surprise annex certain property within the South half of the Northeast quarter of the Southwest quarter of Section 5, Township 4 North, Range 1 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, more particularly described in the attached ***Exhibit A***;

WHEREAS, the area to be annexed adjoins the exterior boundary of the City of Surprise for at least 300 feet and is otherwise contiguous to the City, as required by A.R.S. § 9-471(H); and

WHEREAS, A.R.S. § 9-471(A)(1) requires that the City file, in the office of the Maricopa County, Arizona Recorder, a blank petition setting forth the legal description, attached hereto as ***Exhibit A***, and an accurate map of the exterior boundaries of the territory proposed to be annexed, attached hereto as ***Exhibit B***.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Surprise, Arizona, as follows.

Section 1. The City Clerk shall record with the Office of the Maricopa County Recorder a blank annexation petition containing the legal description of the property, attached hereto as ***Exhibit A***, and an accurate map of the exterior boundaries of the territory proposed to be annexed, attached hereto as ***Exhibit B***. The City Clerk shall also record a sworn affidavit verifying that no part of the territory proposed to be annexed is already subject to an earlier filing for annexation.

Section 2. The City Clerk shall call a public hearing for the purpose of consideration of the proposed annexation, said hearing to be noticed for a date between 20-30 days after filing the blank annexation petition, in accordance with A.R.S. § 9-471 (A)(3).

[SIGNATURES TO FOLLOW ON THE NEXT PAGE]

APPROVED AND ADOPTED this ____ day of _____, 2021.

Skip Hall, Mayor

Attest:

Approved as to form:

Sherry Aguilar, City Clerk

Robert Wingo, City Attorney

EXHIBIT "A"

DESCRIPTION

ANNEXATION

WINDSTONE RANCH NORTH

The South half of the Northeast Quarter of the Southwest Quarter of Section 5, Township 4 North, Range 1 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, described by metes and bounds as follows:

COMMENCING at the West Quarter Corner of said Section 5, from whence the Southwest corner of said Section 5 bears South 00°08'49" West a distance of 2639.35 feet;

Thence South 89°41'02" East along the North line of the Southwest quarter of said Section 5 a distance of 1309.67 feet to the Northwest corner of the Northeast quarter of the Southwest quarter of said Section 5;

Thence South 00°05'23" West along the West line thereof a distance of 660.20 feet to the Northwest corner of the South half of the Northeast quarter of the Southwest quarter of said Section 5 and the POINT OF BEGINNING;

Thence South 89°40'04" East along the North line thereof a distance of 1310.32 feet to the Northeast corner of the South half of the Northeast quarter of the Southwest quarter of said Section 5;

Thence South 00°02'07" West along the East line thereof a distance of 660.57 feet to the Southeast corner of the Northeast quarter of the Southwest quarter of said Section 5;

Thence North 89°39'08" West along the South line thereof a distance of 1310.95 feet to the Southwest corner of the Northeast quarter of the Southwest quarter of said Section 5;

Thence North 00°05'23" East along the West line thereof a distance of 660.20 feet to the POINT OF BEGINNING.

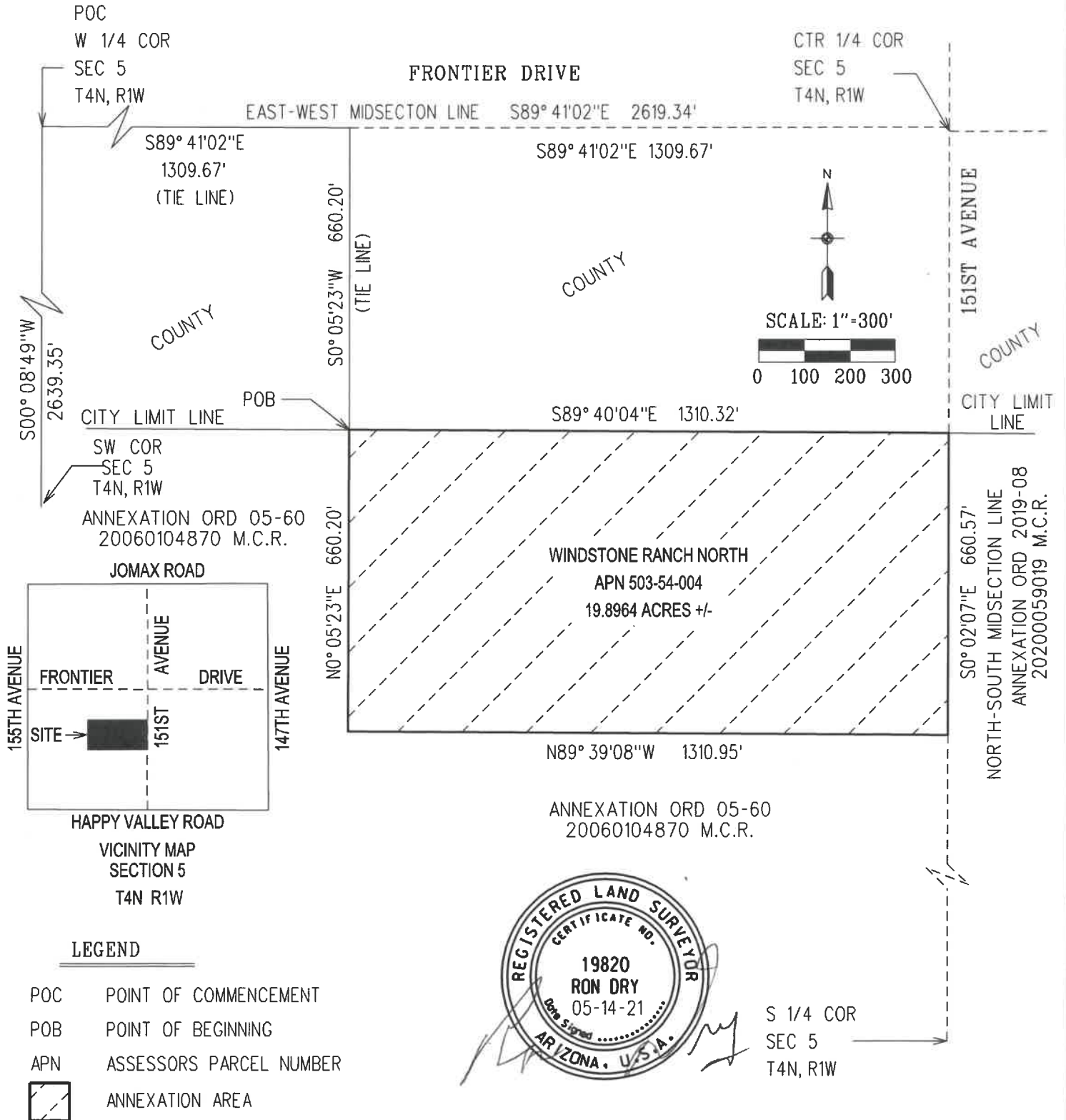
Containing 19.8964 acres, more or less.

Attached is EXHIBIT "B" and by this reference is made a part hereof.

End of description



EXHIBIT "B"



ANNEXATION
WINDSTONE RANCH NORTH



CITY OF SURPRISE
LAND SURVEY DEPARTMENT

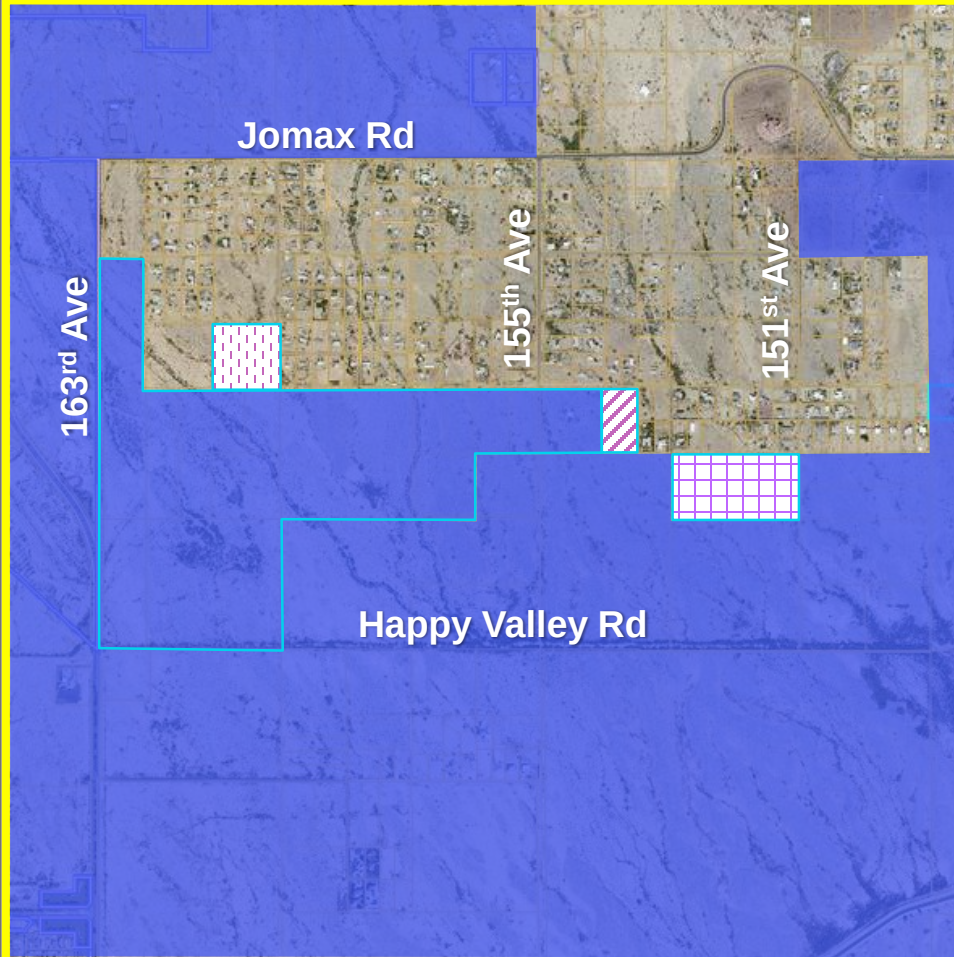
PROJECT # 21016

DRAWN BY RCD

DATE 05-14-2021

SHEET 1 OF 1

Case Map



-  Existing Surprise Incorporated Limits
-  Approved Paloma Creek Boundary
-  Approved Enclave III at Paloma Creek
- Proposed Annexation location
-  FS20-739 Enclave IV at Paloma Creek
-  FS21-209 Windstone Ranch North

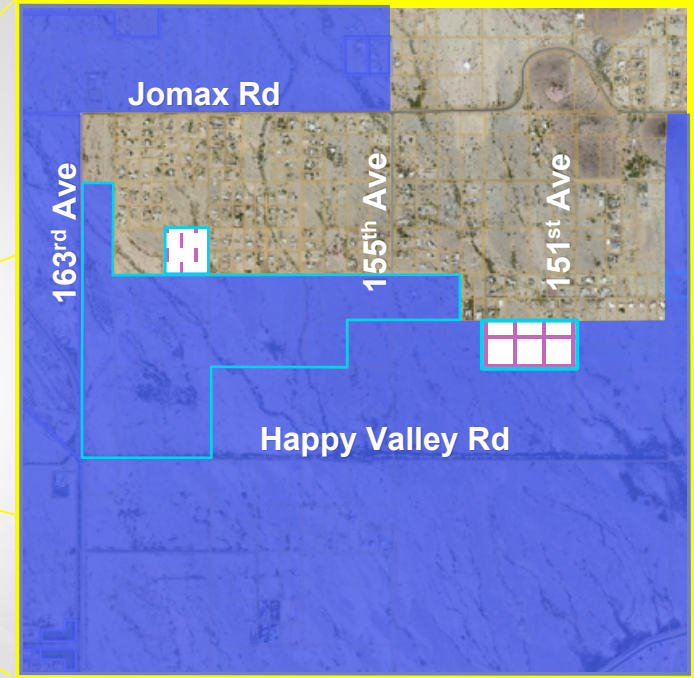
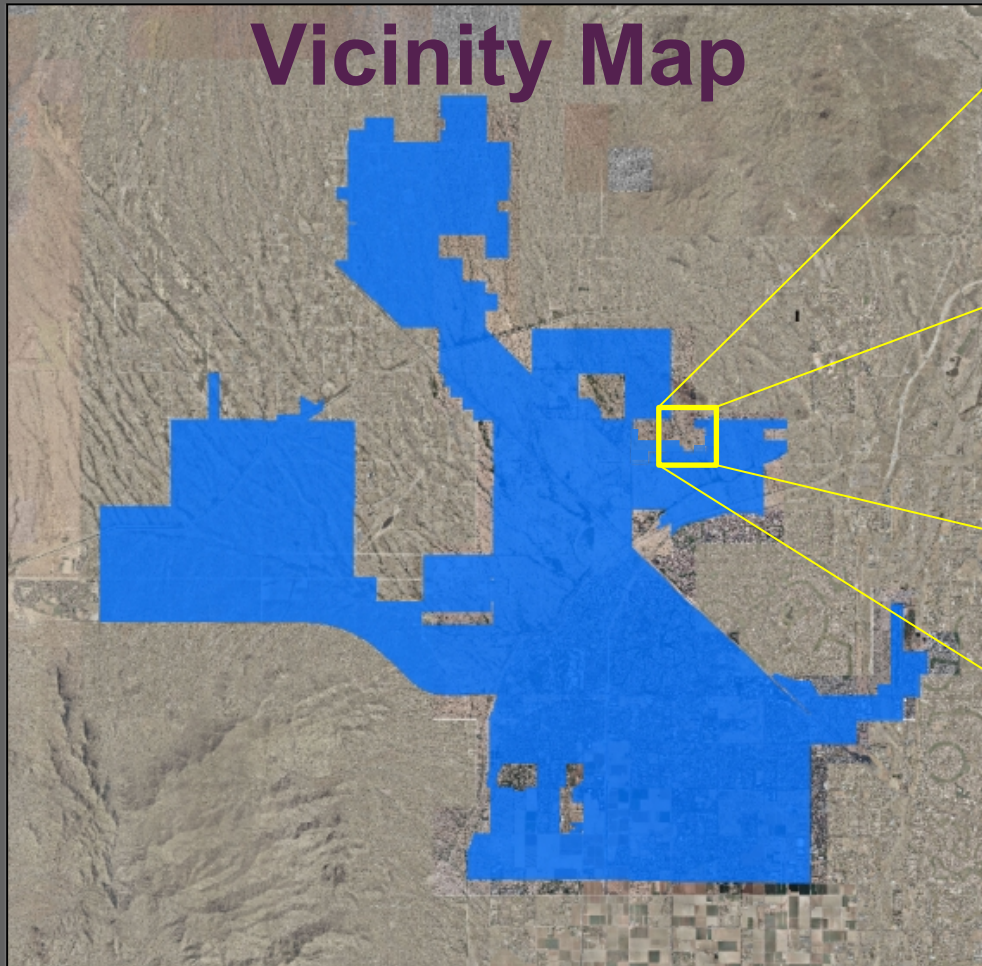


Resolution for Intent to Annex

FS21-209 – Windstone Ranch North

City Council
June 15, 2021

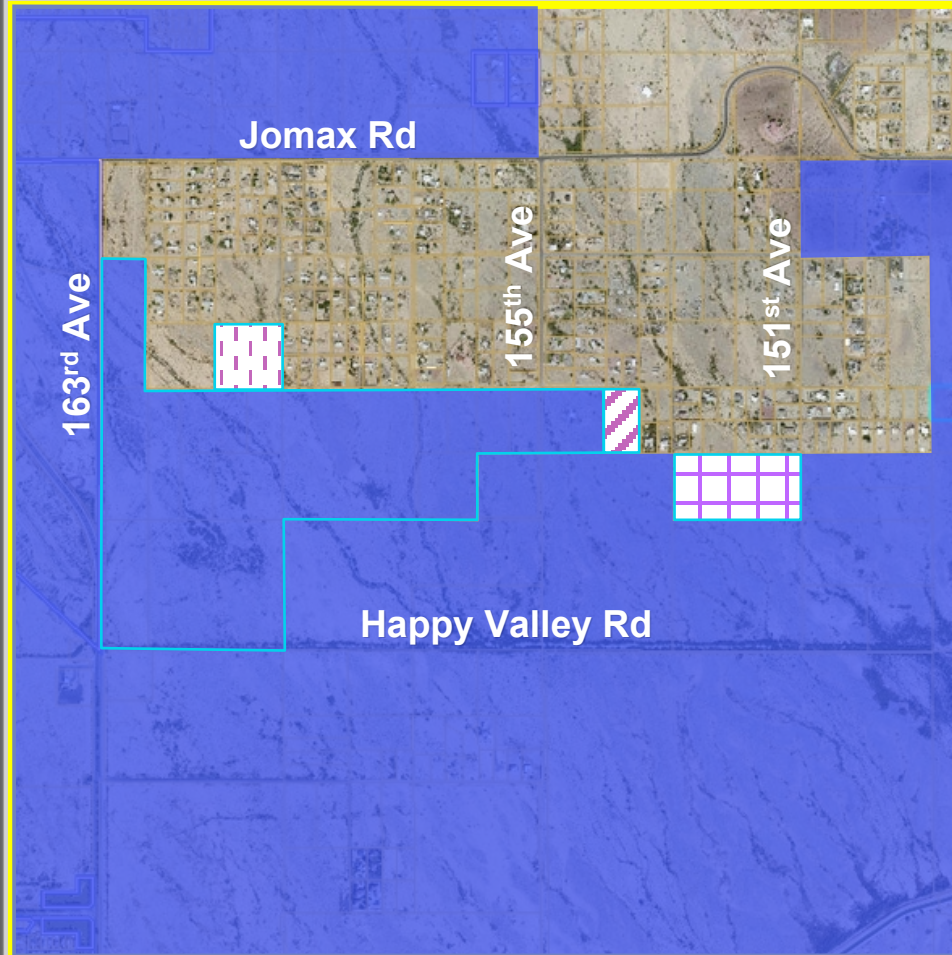
Vicinity Map



Proposed Annexation Location

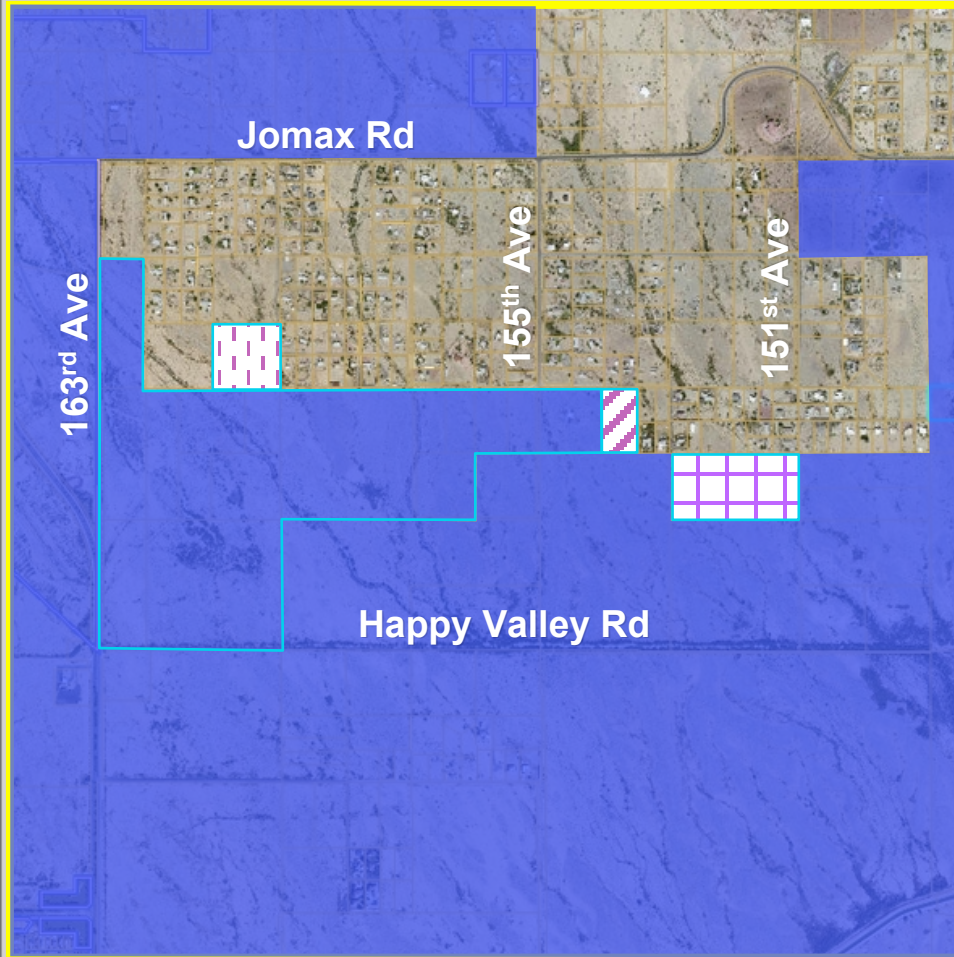
-  Existing Surprise Incorporated Limits
-  Approved Paloma Creek Boundary
-  FS20-739 – Enclave IV at Paloma Creek ~ 10 acres
-  FS21-209 – Windstone Ranch North ~ 20 acres

Case Map



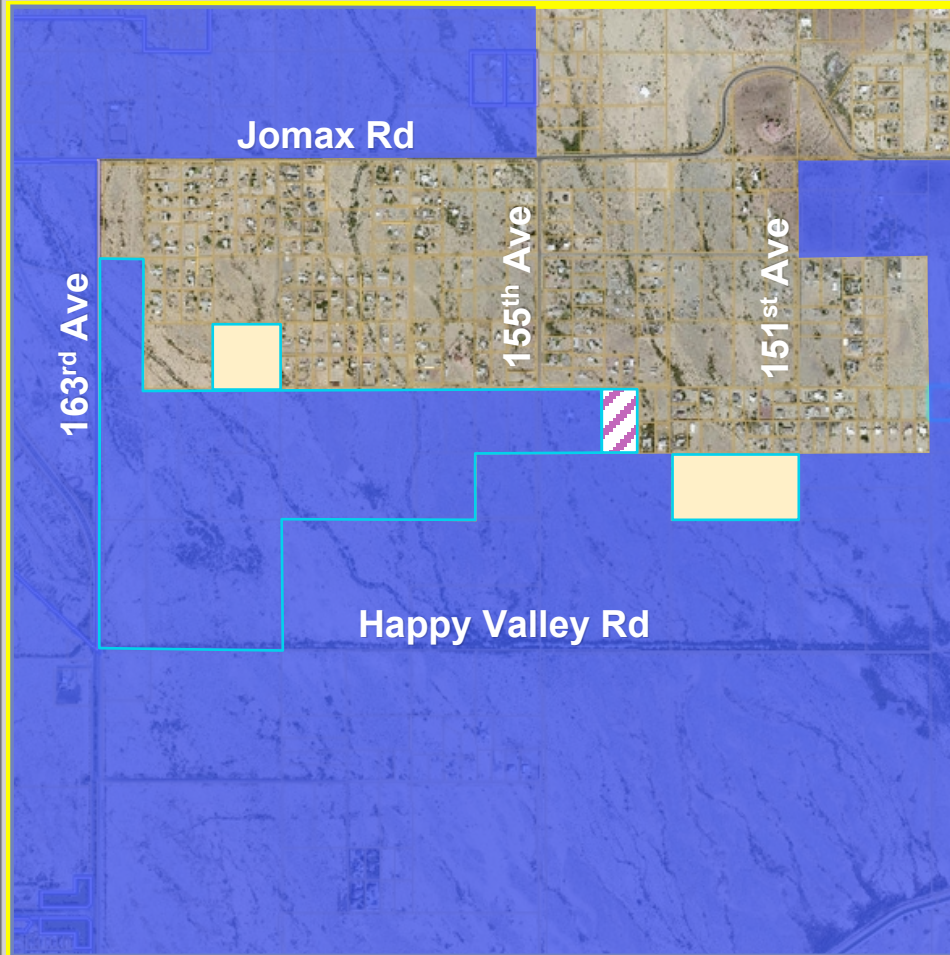
- Existing Surprise Incorporated Limits
- Approved Paloma Creek Boundary
- Approved Enclave III at Paloma Creek
- Proposed Annexation location
- FS20-739 Enclave IV at Paloma Creek
- FS21-209 Windstone Ranch North

Case Map



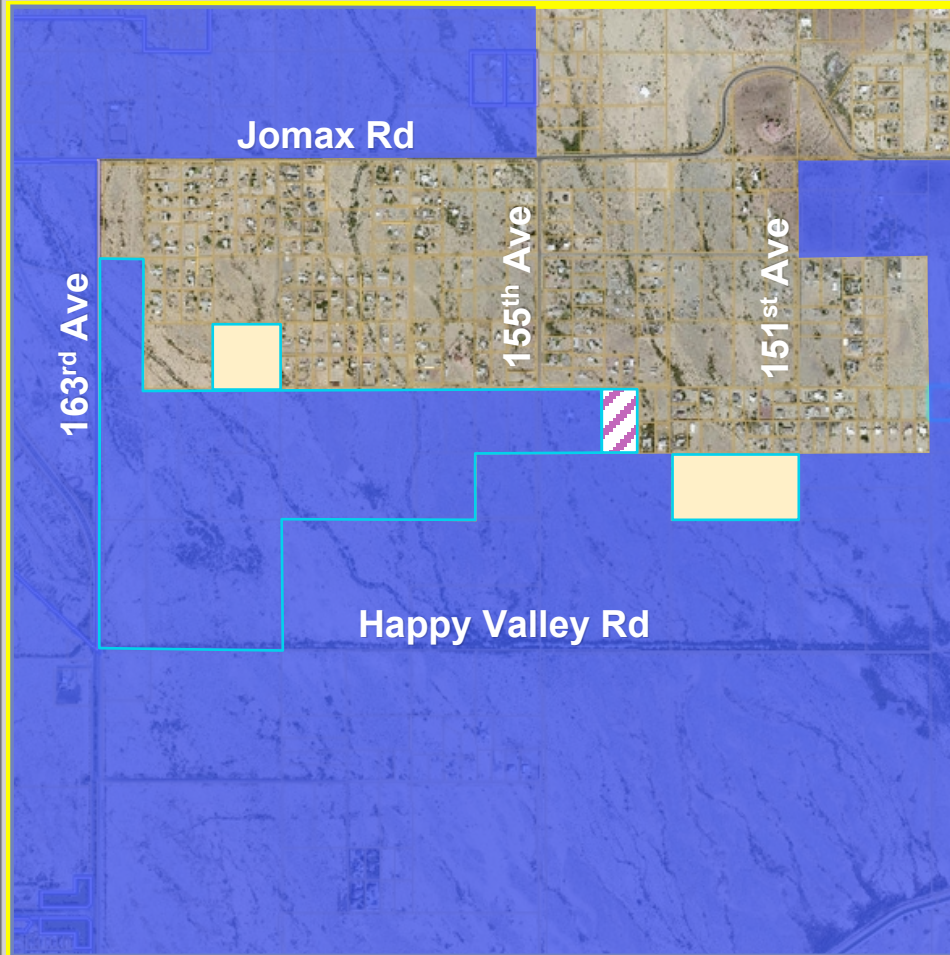
-  Existing Surprise Incorporated Limits
-  Approved Paloma Creek Boundary
-  Approved Enclave III at Paloma Creek
- Proposed Annexation location
-  FS20-739 Enclave IV at Paloma Creek
-  FS21-209 Windstone Ranch North

Zoning



- Existing Surprise Incorporated Limits
- Approved Paloma Creek Boundary
- Approved Enclave III at Paloma Creek
- Current County Zoning
- RU-43 Maricopa County Zoning

Zoning



-  Existing Surprise Incorporated Limits
-  Approved Paloma Creek Boundary
-  Approved Enclave III at Paloma Creek
- Current City Zoning
-  RR City Zoning

Next Steps

Resolution for the Intent to Annex

- City Council – June, 2021

File Blank Petition:

- Begins 30-day waiting period;
- Reach out to County Assessor and Dept. of Revenue
- Date TBD

Public Hearing:

- City council holds public hearing to discuss the annexation proposal
- Date TBD (approximately 21-30 days after filing blank petition)

Obtain signatures on annexation petitions

- Applicant has 1 year to complete petition
- City Council adopts annexation ordinance

Concurrent Cases

FS21-209 – Windstone Ranch North Annexation

- FS21-208 – Windstone Ranch North Rezone
- Rezoning: From RR to R1 (max 62 lots ~ 3.12 DU/Ac)



QUESTIONS OR COMMENTS?

Thank You



CITY OF SURPRISE Regular City Council Meeting

Council Meeting Date: June 15, 2021 Contact Person: Sergio Angulo
Submitting Department: Community Development District: District 1
Staff Recommendations: None

Consent: No Regular: Yes Public Hearing: No Report/Discussion: No

Agenda Wording:

Consideration and action pertaining to approval of the Preliminary Plat entitled, "Desert Oasis" and dated February 22, 2021, an approximately 3.38 acre property generally located on the northeast and southeast corners of 176th Avenue and Straight Arrow Lane (Case FS20-826).

Motion:

I move to approve the Preliminary Plat entitled "Desert Oasis", dated February 22, 2021, subject to stipulations "a" through "d" as memorialized in the staff report.

Background:

3 Engineering LLC, on behalf of 175th & Straight Arrow LLC, requests approval of a Preliminary Plat to allow for the development of two (2) 3-lot single-family residential subdivisions on approximately 3.38 acres located in the vicinity of Parcels L13 and Parcel L14 of Desert Oasis at Surprise. The sites are located on the northeast and southeast corners of 176th Avenue and Straight Arrow Lane.

Objective Analysis:

The developer is proposing a total of six (6) single-family residential units, at a gross density of 1.78 DU/Ac. The project provides a mixture of 65' to 103' wide lots and 0.44 acres of open space. The subject Preliminary Plat meets the requirements of the Desert Oasis at Surprise PAD, in addition to other requirements as set forth in the municipal code. All city reviewing departments have reviewed the request and offered no concerns.

Policy Compliant:

The Surprise General Plan 2035 shows the subject property as lying within the Neighborhood Character Area, which supports residential development of up to 8 DU/Ac in a suburban neighborhood. At 1.78 DU/Ac, the project is consistent with the General Plan in this regard.

Financial Impact:

While this item does not have an immediate or direct financial impact, ongoing development activity in the City will inevitably have a future financial impact as additional resources are needed to provide City Services.

Budget Impact:

There is no anticipated budget impact associated with this item.

FTE Impact:

This item does not have an impact on current staffing levels.

ATTACHMENTS:

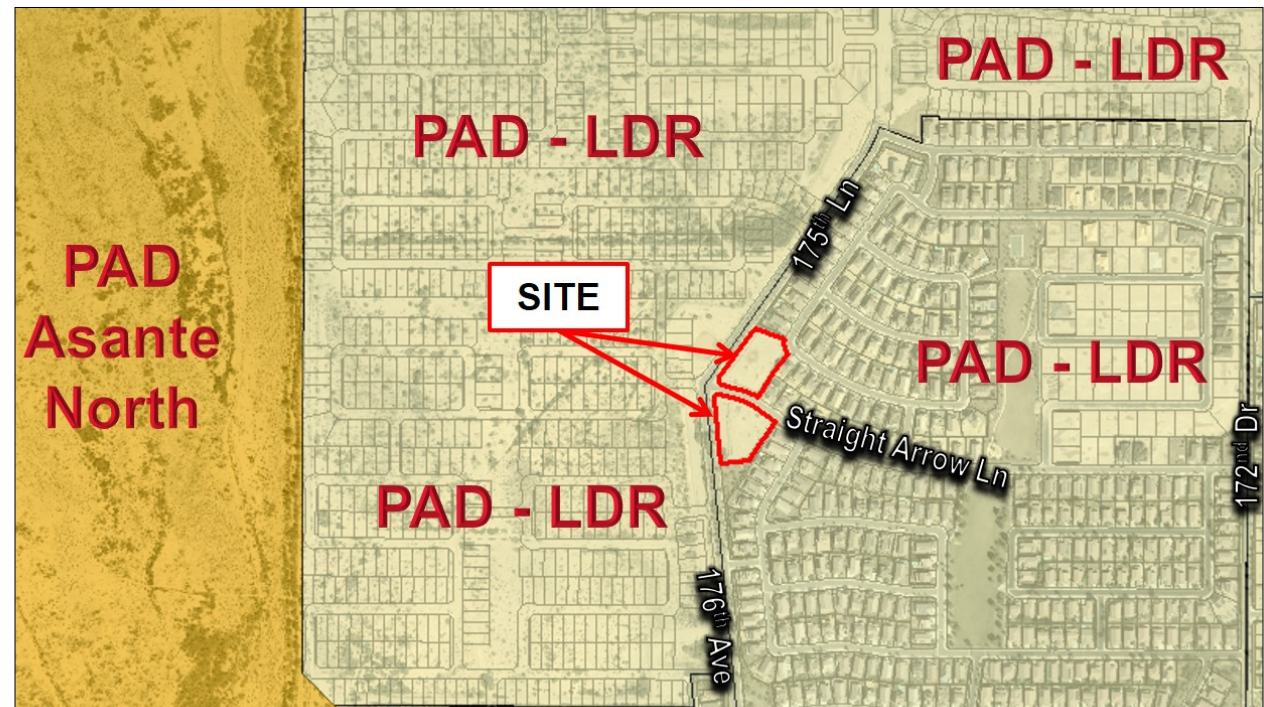
1. 00 - FS20-826 - Staff Report - CC
 2. 01 - FS20-826 - Vicinity Map Plat - CC
 3. 02 - FS20-826 - Preliminary Plat - CC
 4. 03 - FS20-826 - Preliminary Landscape Plans - CC
 5. FS20-826 - PowerPoint - CC
-

PRELIMINARY PLAT

REPORT TO THE CITY COUNCIL

1 **Case:** **FS20-826**
2
3 **Project Name:** Desert Oasis Lancer Parcel – Phase 1, Tracts A and R
4
5 **Council District:** 1
6
7 **Planning Commission Date:** May 20, 2021
8
9 **City Council Date:** **June 15, 2021**
10
11 **Planner:** Sergio Angulo
12
13
14 **Owner:** 175th & Straight Arrow LLC
15
16 **Applicant:** Matthew Mancini with 3 Engineering LLC
17
18 **Request:** Preliminary Plat for 6 Lots
19
20 **Site Location:** Located on the northeast and southeast corners of 176th Avenue and
21 Straight Arrow Lane.
22
23 **Dwelling Units:** 6 Units
24
25 **Site Size:** 3.38 acres (approx.)
26
27 **Density:** 1.78 DU/Ac
28
29 **General Plan Conformance:** The proposal is consistent with the Surprise General Plan 2035
30
31 **Support/Opposition:** None known
32
33 **Commission**
34 **Recommendation:** **Approve** subject to staff recommended stipulations ‘a’ through ‘d’.

35 **Project Description:**



PAD - LDR	PAD - LDR	PAD - LDR
PAD - LDR	PAD - LDR	PAD - LDR
PAD - LDR	PAD - LDR	PAD - LDR

Background:

October 12, 2000: The subject property was annexed into the City of Surprise by the Mayor and City Council.

November 24, 2004: The Mayor and City Council approved The Desert Oasis at Surprise Planned Area Development (PAD).

January 26, 2006: The City Council approved a Map of Dedication (MOD) for Desert Oasis at Surprise Lancer Parcel-Phase 1. This MOD was recorded on March 3, 2006 under Book 819, Page 49 MCR and served to create the two Tracts that are the subject of the current request.

June 25, 2020: A Concept Review meeting was held for the current proposal under case CR20-390.

December 30, 2020: The applicant filed a related request for a Preliminary Plat under case FS20-826, the subject case.

May 20, 2021: The Planning and Zoning Commission passed a motion to recommend approval of this preliminary plat to the Mayor and City Council subject to staff recommended stipulations 'a' through 'd'.

Citizen Outreach: N/A

Analysis and Discussion:

The subject property is zoned Planned Area Development (PAD) with a Low Density Residential land use designation. The two parcels that are the subject of this request were created by the recordation of the original Map of Dedication (MOD) for Desert Oasis Lancer Parcel-Phase 1. One parcel is located on the northeast corner of 175th Lane and Straight Arrow Lane, and the other is located on the southeast corner of 176th Avenue and Straight Arrow Lane.

This development proposes three (3) single-family residential lots for each of the two original Tracts created by the aforementioned MOD. Collectively, the site is approximately 3.38 acres and offers a total density of 1.78 DU/Ac, which is consistent with the approved PAD. The typical lot sizes proposed on site vary from 65' to 103' wide lots.

Lot 1 will be accessed from Bent Tree Drive at the interior of the existing subdivision for Parcel L13B of Desert Oasis, while Lots 2 – 6 will have access from Straight Arrow Lane.

This development dedicates approximately 0.44 acres (13.02%) for open space, most of which is intended for storm water retention. The developer plans to have these lots incorporated into the existing Desert Oasis HOA to give the residents of these lots access to the existing amenities in Desert Oasis. Stipulation 'c' ensures that the developer provide proof of an agreement between the existing HOA and the developer, prior to the approval of the Final Plat.

Development Standards Table:

Development Standard:	Desert Oasis PAD Zoning:	
Minimum Lot Area:	7,450 sq. ft.	9,000 sq. ft.
Minimum Lot Width:	65'	75'
Minimum Lot Depth:	115'	120'
Minimum Front Setback (livable):	12'	12'
Minimum Front Setback (garage):	18'	18'
Minimum Side Yard Setback:	5'/10'	5'/10'
Minimum Street Side Yard Setback:	10'	15'
Minimum Rear Yard Setback:	15'	20'
Maximum Lot Coverage:	40%	40%

85 **Utility and Services Table:**

Water:	City of Surprise
Wastewater:	City of Surprise
School District:	Nadaburg Unified School District

86 **Conformance with Adopted Plans:**

87

88 **Surprise General Plan 2035:** The Surprise General Plan 2035 shows the subject property as lying
89 within the Neighborhood Character Area, which supports residential development of up to 8 DU/Ac
90 in a suburban neighborhood. At 3.38 DU/Ac, the project is consistent with the General Plan in this
91 regard.

92

93 **Reviewing Agencies:**

94

95 In addition to the standard city reviewing agencies, who indicate no objections to the requests, Luke
96 Air Force Base, Maricopa Water District, and Maricopa County Flood Control District were included
97 in the routing of this case. These agencies also indicate no objections.

98

99 **Summary:**

100

101 The proposed Preliminary Plat meets the requirements of the Desert Oasis at Surprise PAD, the
102 Surprise Municipal Code, and the General Plan.

103

104 **Findings:**

105

- 106 • The proposed Preliminary Plat is consistent with the Surprise General Plan 2035
- 107 • The proposed Preliminary Plat is consistent with the Desert Oasis at Surprise PAD
- 108 • The reviewing agencies have indicated no objections to the request

109 **Commission Recommendation:**

110

111 Based on the findings noted above, the Commission voted to recommend **approval** of case **FS20-826**
112 to the City Council subject to stipulations 'a' through 'd' as follows:

113

- 114 a. Development and use of the site shall be consistent with the Preliminary Plat entitled
115 "Preliminary Plat for Desert Oasis" prepared by 3 Engineering and dated February 22,
116 2021.
- 117 b. Landscaping, walls, and amenities associated with the site shall be consistent with the
118 Preliminary Landscape Plan entitled "Desert Oasis" prepared by Design Ethic and
119 dated March 24, 2021.

120

121 c. Prior to approval of the Final Plat, the developer shall provide a statement from the
122 existing HOA stating that these properties will be incorporated into the existing HOA.

123 d. Non-compliance with the stipulations of approval of this case will be treated as a
124 violation in accordance with the provisions of Article XIV of the Surprise Unified
125 Development Code.

126

127 However, should the City Council wish to **deny** the request, Council should make its own findings and
128 base its decision on those alternative findings.

129

130 **Attachments:**

131

132 01 Vicinity Map

133 02 Preliminary Plat

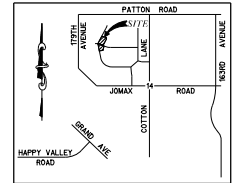
134 03 Preliminary Landscape Plans



FS20-826 VICINITY MAP

PRELIMINARY PLAT
FOR
DESERT OASIS
SURPRISE, ARIZONA 85388

LOCATED IN A PORTION OF THE SOUTHEAST QUARTER OF SECTION 35, TOWNSHIP 5 NORTH, RANGE 2 WEST
OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA



VICINITY MAP

CLIENT/DEVELOPER:
175TH & STRAIGHT ARROW, LLC
4540 E. HOGAN SCHOOL ROAD,
SUITE 21-506
PHOENIX, ARIZONA 85018
CONTACT: JASON ELWOOD
PHONE: (602) 678-5003
EMAIL: JELWOOD@175THANDSA.COM

ENGINEER:
N.T.S.
3 ENGINEERING
6375 E. THOMAS ROAD, SUITE 200
SCOTTSDALE, ARIZONA 85251
CONTACT: MATTHEW J. MANING, P.E.
PHONE: (602) 334-4381
EMAIL: MATT@3ENGINEERING.COM

PROJECT DESCRIPTION:
THIS PROJECT IS PROPOSED AS A
DETACHED SINGLE-FAMILY RESIDENTIAL
DEVELOPMENT WITH A DENSE DENSITY
PROPOSES A TOTAL OF 6 LOTS WITH
PUBLIC STREETS, AND PUBLIC
UTILITIES.

UTILITIES:
TELEPHONE - CENTURY LINK / COX COMMUNICATIONS
ELECTRIC - ARIZONA PUBLIC SERVICE
GAS - SOUTHWEST GAS COMPANY
CABLE TV - CENTURY LINK / COX COMMUNICATIONS
SEWER - CITY OF SURPRISE
WATER - CITY OF SURPRISE
POLICE - CITY OF SURPRISE
FIRE - CITY OF SURPRISE
REFUSE - CITY OF SURPRISE

BENCHMARK:
CITY OF SURPRISE BENCHMARK 52-1
BRASS CAP FLUSH STAMPED BM 52-1
ELEV: 4663.30 NAVD 83

BASIS OF BEARING:
BASIS OF BEARING: THE MONUMENT
LINE OF 17TH AVENUE USING A
BEARING OF NORTH 04 DEGREES
00 MINUTES 37 SECONDS WEST,
FOR THE DESERT OASIS AT
SURPRISE LANCER PARCEL -
PHASE MAP OF DEDICATION
RECORDED IN BOOK 819, PAGE 49,
M.C.C.

SITE DATA:
PARCEL # 503-51-389 & 503-51-390
TOTAL LOTS 5.38 ACRES
GROSS AREA INCLUDING
ADJACENT R/W 5.38 ACRES
DENSITY 1.78 DU/AC (GROSS) 2.35 DU/AC (NET)
MAX. BLDG. HEIGHT 35' 10" STORY
STORIES 3
AREA OF LOTS 2.71 ACRES
AREA OF OPEN SPACE 0.64 ACRES (13.02% GROSS) (17.25% NET)
AREA OF PUBLIC R/W 0.83 ACRES
LOT SALES PROPOSED YES
ZONING N.T.S.

INDEX OF SHEETS	
SHEET NO.	DESCRIPTION
PS001	COVER SHEET
PS002	PRELIMINARY PLAT
PS003	PRELIMINARY GRADING & DRAINAGE PLAN
PS004	PRELIMINARY UTILITY PLAN
PS005	PRELIMINARY SECTIONS

FLOOD INSURANCE RATE MAP (FIRM) INFORMATION:

COMMUNITY NUMBER	PANEL NUMBER	PANEL DATE	SUFFIX	FIRM DATE	FIRM ZONE	BASE FLOOD ELEVATION
040053	1205	OCTOBER 16, 2013	L	OCTOBER 16, 2013	X	N/A

LEGAL DESCRIPTION

TRACTS A & B, DESERT OASIS AT SURPRISE LANCER PARCEL - PHASE 1, ACCORDING TO THE PLAT OF
RECORD IN THE OFFICE OF THE COUNTY RECORDER OF MARICOPA COUNTY, ARIZONA, RECORDED IN BOOK
819 OF MAPS, PAGE 49, CERTIFICATE OF CORRECTION RECORDED IN DOCUMENT NO. 2008-005088.

SITE PLAN NOTES:

SEE SHEET 2 FOR NOTES.

SINGLE-FAMILY RESIDENTIAL DEVELOPMENT STANDARDS									
Min. Standard	MDR	LDR Lot Category							
Lot Category	N/A	B	C	D	E	F	G	H	I
Width Range	50'-57'	58'-62'	63'-67'	68'-74'	75'-82'	83'-9'	87'-85'		
Minimum Width	50'	55'	60'	65'	70'	75'	80'		
Min. Lot Area	17,940'	6,000'	6,000'	7,450'	8,650'	9,000'	9,350'		
Min. Lot Depth	75'	110'	120'	113'	113'	130'	120'		
Front Setback (Livable)	10'	12'	12'	12'	12'	12'	14'		
Front Setback (Curb)	4'	10'	10'	10'	10'	10'	12'		
Rear Setback (House)	10'	13'	13'	13'	13'	20'	20'		
Rear Setback (Garage)	3'	3'	3'	3'	3'	4'	4'		
Side Setback (House)	5'7 1/2"	5'8"	5'8"	5'10"	5'10"	5'10"	5'10"		
Side Setback (Garage)	3'	3'	3'	3'	3'	4'	4'		
Street Side House	7'	10'	10'	10'	13'	13'	13'		
Street Side Garage	3'	3'	3'	3'	3'	3'	3'		
Building Coverage	55%	40%	40%	40%	40%	40%	40%		
Average Density	6.0	4.3	3.9	3.7	3.5	3.4	3.75		

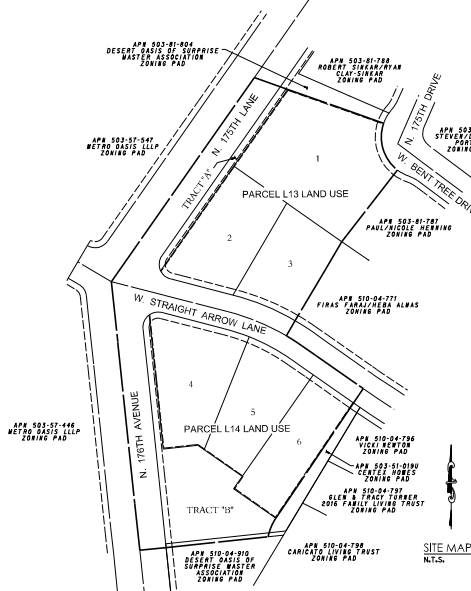
1. The Development Standards for the LDR lots meet or surpass the minimum standards for the Design Guidelines with the exception of garage side and rear yard setbacks.
2. Unconventional Lots (Medium Density Residential) MDR and Design Guidelines category is used to lots that have the option of alley access to rear garages to reduce the impact of garages on the streetscape.
3. "Grassy Area" shall be defined over rear detached garages.

1. The setbacks side and rear yard for garages allow the Traditional Neighborhood Development (TND) location of rear yard setbacks.
2. Change front setback, may be less than livable area as side-loaded garage only. Otherwise, minimum of 10' behind sidewalk.
3. Other setbacks may be increased by the driveway and top setbacks up to 10' the past specified.
4. Side yard setbacks may be increased by the driveway and top setbacks up to 10' the past specified.
5. Rear Setback Lot Coverage.
6. Setback with housing garden. See Design Guidelines.
7. Landscaping buffer shall be required over side yard setbacks to the width of road, up to 10' foot.
8. Rear or enclosed front setbacks. Side street setbacks are on front setbacks.
9. Enclosures, "grassy area" and side setbacks are encouraged for the exposure of livable and storage space and the reduction of energy and heat consumption.

TRACT AREA AND USE TABLE		
TRACT	AREA	USE
A	0.07 AC	LANDSCAPE, PUE
B	0.37 AC	LANDSCAPE, RETENTION, DRAINAGE, PUE
TOTAL	0.44 AC	

RETENTION SUMMARY			
AREA	VOLUME	VOLUME	EXCESS
IN (MGD)	IN (MGD)	IN (MGD)	IN (MGD)
A	4.026	8.494	4.468
TOTAL	4.026	8.494	4.468

DESERT OASIS LOT AREA TABLE (ALL LOTS ARE PAD)		
LOT NO.	AREA (SF)	AREA (AC)
1	24,110	0.55
2	14,549	0.33
3	11,388	0.26
4	15,516	0.35
5	13,093	0.30
6	12,255	0.28



SITE MAP

DESERT OASIS
CAREFREE, ARIZONA 85377
PRELIMINARY PLAT



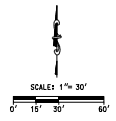
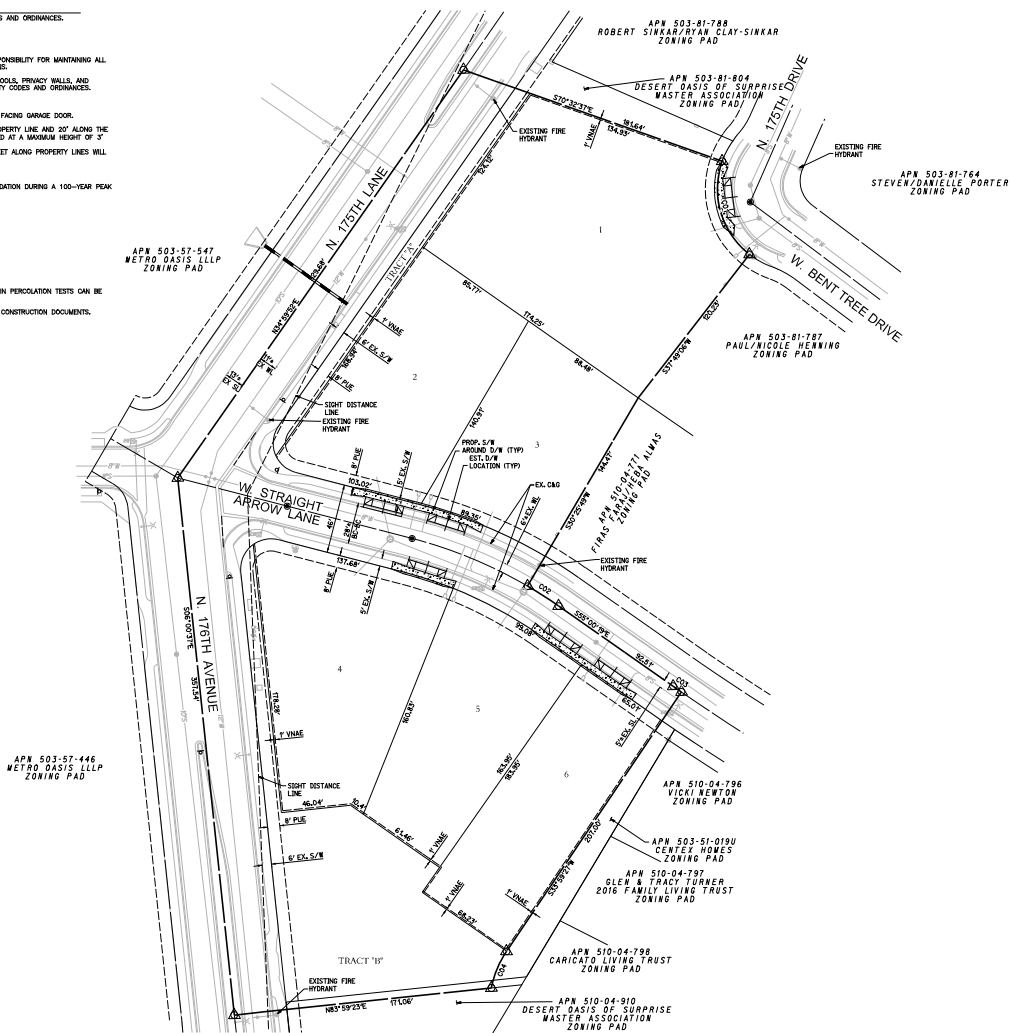
3eengineering
REGISTERED PROFESSIONAL ENGINEER
STATE OF ARIZONA
NO. 12345
DATE: 10/16/2013
SHEET NO. 1
1 of 5

PRELIMINARY PLAT NOTES:

DEVELOPMENT AND USE OF THIS SITE WILL CONFORM WITH ALL APPLICABLE CODES AND ORDINANCES.
 ALL NEW OR REDUCED UTILITIES WILL BE PLACED UNDERGROUND.
 ALL SIGNAGE REQUIRES SEPARATE APPROVALS AND PERMITS.
 OWNERS OF PROPERTY ADJACENT TO PUBLIC RIGHT-OF-WAY WILL HAVE THE RESPONSIBILITY FOR MAINTAINING ALL LANDSCAPING WITHIN THE RIGHTS-OF-WAYS IN ACCORDANCE WITH APPROVED PLANS.
 EACH LOT CONSTITUTES A BUILDING ENVELOPE AND ACCESSORY USES SUCH AS POOLS, PRIVACY WALLS, AND ACCESSORY STRUCTURES ARE PERMITTED AS OTHERWISE REGULATED BY OTHER CITY CODES AND ORDINANCES.
 EACH LOT IN THIS SUBDIVISION IS PERMITTED ONE DWELLING UNIT.
 A MINIMUM 20-FOOT SETBACK SHALL BE PROVIDED TO THE FACE OF THE FRONT FACING GARAGE DOOR.
 STRUCTURES AND LANDSCAPING WITHIN A TRUNKLE MEASURED 10' FROM THE PROPERTY LINE AND 20' ALONG THE PROPERTY LINE ON EACH SIDE OF THE DRIVEWAYS ENTRANCES WILL BE MAINTAINED AT A MAXIMUM HEIGHT OF 3'.
 THERE WILL BE NO ON LOT RETENTION FOR THIS PROJECT.
 ALL FINISHED FLOOR ELEVATIONS OF ANY STRUCTURE SHALL BE FREE FROM INUNDATION DURING A 100-YEAR PEAK RAINFALL EVENT.
 RETAINING WALLS TO BE DETERMINED AT FINAL DESIGN.
 STREET LIGHTS TO BE DETERMINED AT FINAL DESIGN.
 NATIVE PLANT INVENTORY TO BE COMPLETED DURING FINAL DESIGN.
 WATER IS PROVIDED BY THE CITY OF SURPRISE.
 SEWER IS PROVIDED BY THE CITY OF SURPRISE.
 ALL CONSTRUCTION SHALL ADHERE TO WAD AND CITY STANDARDS.
 DRYWELLS SHALL BE DESIGNED AT A RATE OF 0.5 GPM. POST CONSTRUCTION BISHOP PERCOLATION TESTS CAN BE COMPLETED TO DETERMINE IF DRYWELLS CAN BE REDUCED OR ELIMINATED.
 DRIVEWAYS TO BE DETERMINED DURING FINAL DESIGN, AND SHALL BE SHOWN ON CONSTRUCTION DOCUMENTS.
 DRIVEWAYS SHALL BE BASH STD. 255-1.

DESERT OASIS LOT AREA TABLE (ALL LOTS ARE PAD)		
LOT NO.	AREA (SQ. FT.)	
1	24,710	
2	14,549	
3	11,388	
4	17,210	
5	14,235	
6	12,255	

CURVE TABLE			
NO.	DELTA	RADIUS	LENGTH
CD1	Δ=71°31'13"	55.00'	68.65'
CD2	Δ=04°39'38"	300.00'	24.40'
CD3	Δ=00°17'48"	1299.00'	6.73'
CD4	Δ=22°37'44"	87.00'	26.46'



DESERT OASIS
 CAREFREE, ARIZONA 85337
 PRELIMINARY SITE PLAN

3aeengineering

REGISTERED PROFESSIONAL ENGINEER
 STATE OF ARIZONA
 LICENSE NO. 5184
 DATE: 03/03/2019
 EXPIRATION: 03/03/2024

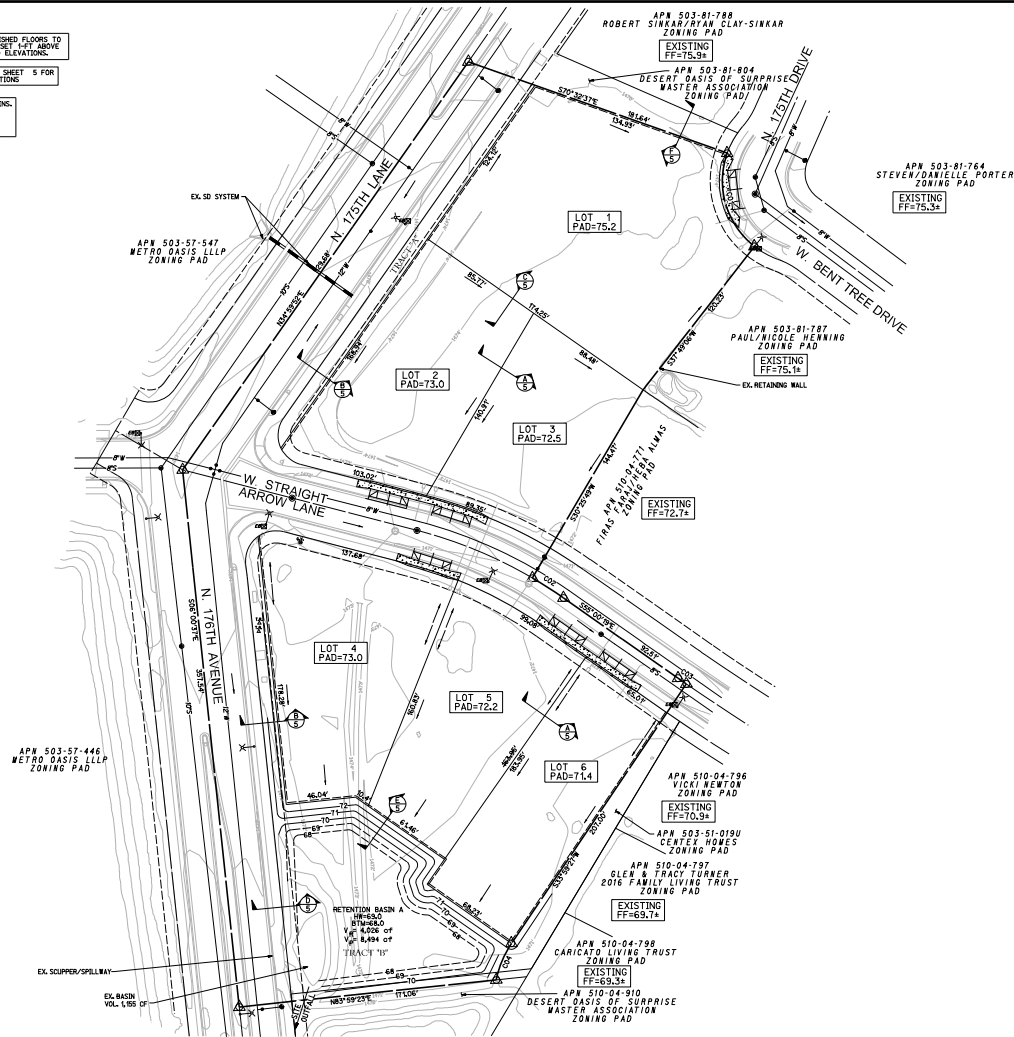
PROJECT NO. 15184
 DATE: 03/03/2019
 DRAWN BY: J. HARRIS
 CHECKED BY: J. HARRIS
 APPROVED BY: J. HARRIS
 TITLE: PRELIMINARY SITE PLAN

RETENTION BASIN VOLUME TABLE

RETENTION BASIN	VOLUME REQUIRED (CF)	VOLUME PROVIDED (CF)	DRYWELLS
A	4,026	8,494	0 (11-FT BASIN)

FINISHED FLOORS TO BE SET 1" ABOVE PAD ELEVATIONS.
SEE SHEET 5 FOR SECTIONS

NOTE: NORTH LOTS (LOTS 1-3) DRAIN TO STREETS THAT GO TO EXISTING BASINS.
NOTE: SOUTH LOTS (LOTS 4-6) DRAIN TO EXISTING BASIN.
NOTE: EXISTING BASIN TO BE INCREASED BY 2,471 CF MIN.
NOTE: EX. BASIN VOLUME (PER CAD) = 1,185 CF
VOL. REQUIRED = 4,026 CF



DESERT OASIS
CAREFREE, ARIZONA 85337

PRELIMINARY GRADING PLAN

DATE: 12/17/2021

BY: [Signature]

SCALE: 1" = 30'

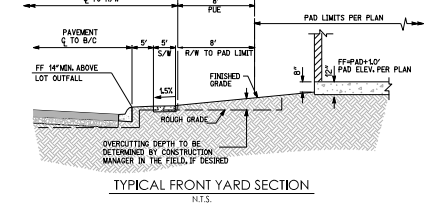
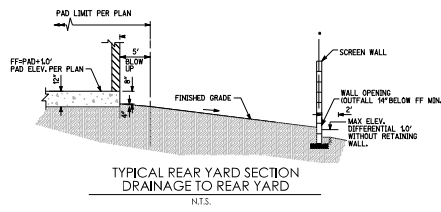
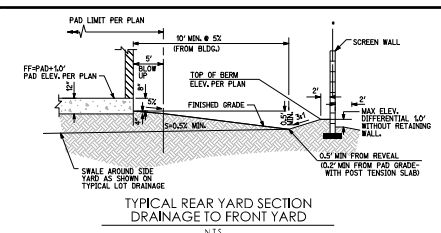
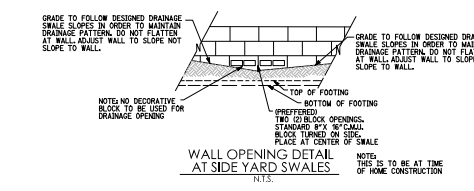
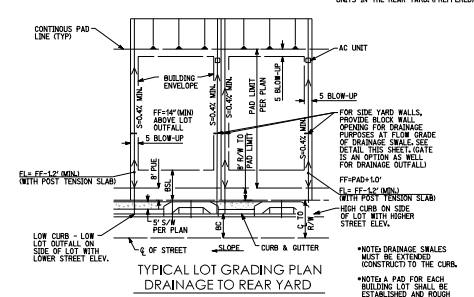
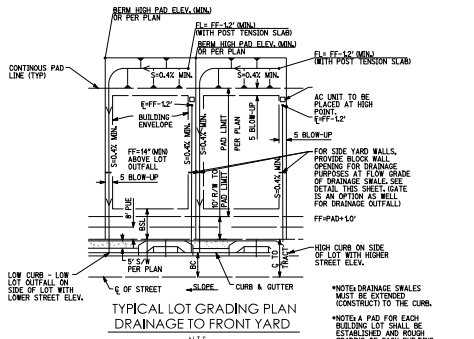
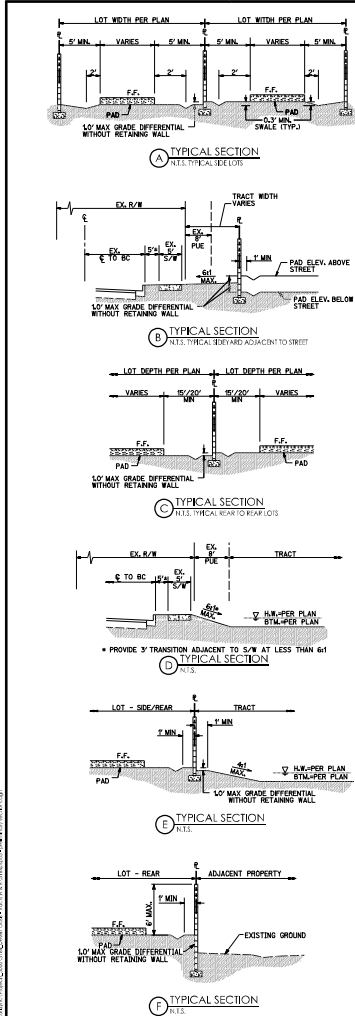
3e engineering

15184

PP03

3 of 5

FS20-4526



WALL NOTE:
THE HEIGHT OF A RETAINING WALL SHALL BE NO HIGHER THAN SIX FEET MEASURED FROM THE SIDE THAT HAS THE HIGHEST GRADE. IN NO CASE SHALL THE HEIGHT OF EITHER SIDE OF THE WALL EXCEED FOUR FEET.

DESIGNER: DESHAUN D. WILLIAMS
DATE: 12/21/2021
PROJECT: 5184
SHEET: 5 OF 5

DESERT OASIS
CAREFREE, ARIZONA 85377

PRELIMINARY SECTIONS

DESERT OASIS - PARCEL SUBDIVISION

project consultants

DESIGN ETHIC, LLC
7555 EAST 17TH AVENUE
SCOTTSDALE, ARIZONA 85261
PHONE: 480.223.7077
EMAIL: bpolifieldesignethic.net

landscape architect

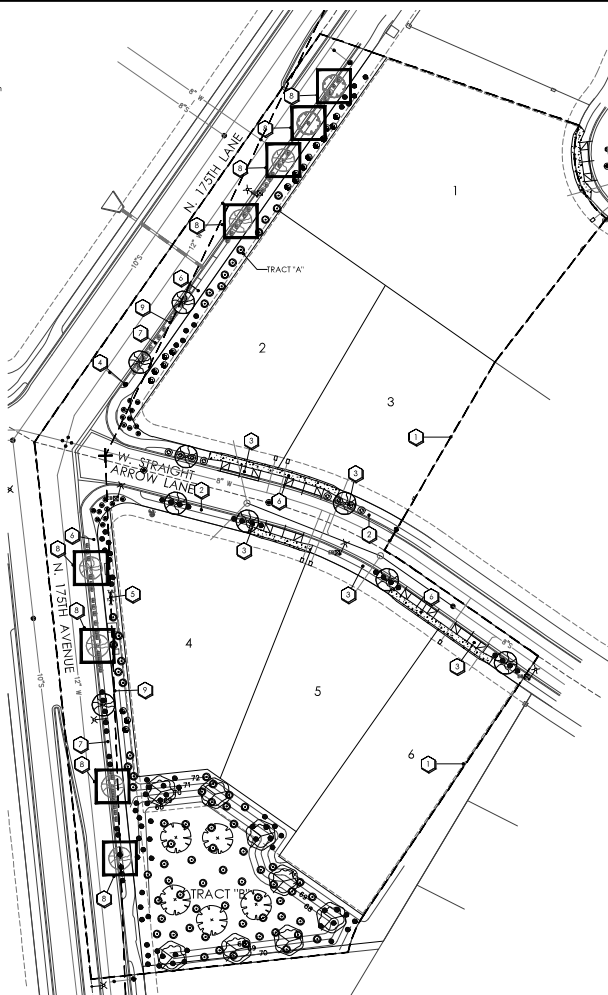
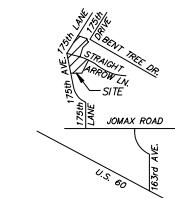
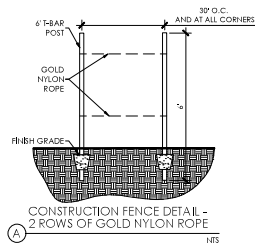
DESIGN ETHIC, LLC
7555 EAST 17TH AVENUE
SCOTTSDALE, ARIZONA 85261
PHONE: 480.223.7077
EMAIL: bpolifieldesignethic.net

irrigation data

TURF LANDSCAPE AREA: 0.5 F.
NON-TURF LANDSCAPE AREA: 1.87 F.
TURF PEAK GPM DEMAND: 0 GPM
NON-TURF PEAK GPM DEMAND: 49 GPM
ANNUAL TOTAL DEMAND: 73,117 GAL

city of surprise general notes

- ALL LANDSCAPING SHALL BE IN ACCORDANCE WITH THE DEPARTMENT OF WATER RESOURCES' WATER CONSERVATION GUIDELINES. PLANT MATERIAL SHALL BE SELECTED FROM THE APPROVED DWR PLANT LIST.
- NO LANDSCAPED AREAS SHALL BE USED FOR THE PARKING OF VEHICLES OR THE STORAGE OR DISPLAY OF MATERIALS, SUPPLIES OR MERCHANDISE.
- ALL LANDSCAPING MATERIALS AND EQUIPMENT AS PROVIDED FOR ON THE APPROVED FINAL LANDSCAPE PLAN FOR ANY RESIDENTIAL, COMMERCIAL, OR INDUSTRIAL DEVELOPMENT, OR IN THE CASE OF PHASED DEVELOPMENT, FOR THE PARTICULAR PHASE, SHALL BE INSTALLED PRIOR TO THE ISSUANCE OF ANY OCCUPANCY PERMIT, UNLESS A FINANCIAL GUARANTEE IN THE AMOUNT OF ONE HUNDRED FIFTY PERCENT OF THE COST OF THE MATERIALS AND LABOR IS SUBMITTED TO THE CITY. FINANCIAL GUARANTEES SHALL BE OF THE TYPE AND FORM AS PROVIDED IN CHAPTER 16.24 OF THE CITY CODE. IN THE EVENT THAT A CASH DEPOSIT IS MADE FOR THE PURPOSE OF A FINANCIAL GUARANTEE, NO INTEREST SHALL BE PAID BY THE CITY. UNLESS SPECIFIC ARRANGEMENTS ARE MADE FOR SUCH INTEREST TO BE PAID, PRIOR TO CITY ACCEPTANCE OF THE DEPOSIT. (ORD. 97-16 5.22, 1997; ORD. 86-68-003, 1986)
- TREE ROOT BARRIERS ARE REQUIRED PER CITY OF SURPRISE ENGINEERING DEVELOPMENT STANDARDS DETAIL 6-4 WHEN TREES ARE WITHIN THREE FEET OF SIDEWALKS, CURBS, PAVEMENT OR WALLS.



existing plant legend

botanical name	common name	emitters	size	qty	comments
ACACIA ANEURA	MESQUITE	(5 @ 1.0 GPH)	24" BOX	2	H. W. CAL. STAKE IN PLACE
ACACIA SALICINA	WILLOW ACACIA	(5 @ 1.0 GPH)	24" BOX	6	H. W. CAL. STAKE IN PLACE
BREMONTIA SP.	VALENTINE	(1 @ 1.0 GPH)	5 GAL.	4	PLANT AT 4 O.C.
HEPERALOE PARVIFLORA	RED YUCCA		5 GAL.	14	PLANT AT 3 O.C.
LANIANA NEW GOLD	NEW GOLD LANIANA		1 GAL.	32	PLANT AT 4 O.C.

plant legend

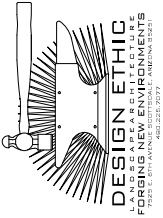
botanical name	common name	emitters	size	qty	comments
ACACIA FARNESIANA	SWEET ACACIA	(5 @ 1.0 GPH)	24" BOX	5	H. W. CAL. STAKE IN PLACE
ACACIA SALICINA	WILLOW ACACIA	(5 @ 1.0 GPH)	24" BOX	9	H. W. CAL. STAKE IN PLACE
PARBEGONIA PRAECOX	PALE BREA	(5 @ 1.0 GPH)	24" BOX	8	H. W. CAL. STAKE IN PLACE
BREMONTIA SP.	VALENTINE	(1 @ 1.0 GPH)	5 GAL.	18	PLANT AT 4 O.C.
NERJUM OLEANDER	PETITE PINK OLEANDER	(1 @ 1.0 GPH)	5 GAL.	8	PLANT AT 5 O.C.
HEPERALOE PARVIFLORA	RED YUCCA	(1 @ 1.0 GPH)	5 GAL.	97	PLANT AT 3 O.C.
MONEMERICA ROBNS	DEER GRASS		5 GAL.	71	PLANT AT 3 O.C.
LANIANA NEW GOLD	NEW GOLD LANIANA		1 GAL.	20	PLANT AT 4 O.C.
TABLE MESA BROWN	TABLE MESA BROWN	1" MINUS 5 F.	2" MINIMUM ALL PLANTERS		

planting key notes

- PROPERTY LINE / RIGHT OF WAY LINE LIMITS OF CONSTRUCTION
- EXISTING TRANSFORMER.
- EXISTING SIDEWALK.
- EXISTING LANDSCAPE TO REMAIN.
- TEMPORARY FENCING - SEE DETAIL 4-01 ON THE SHEET.
- SHOT DISTANCE LINES PER TABLE A IN SURPRISE EDS DETAIL 4-01.

existing landscape & irrigation notes

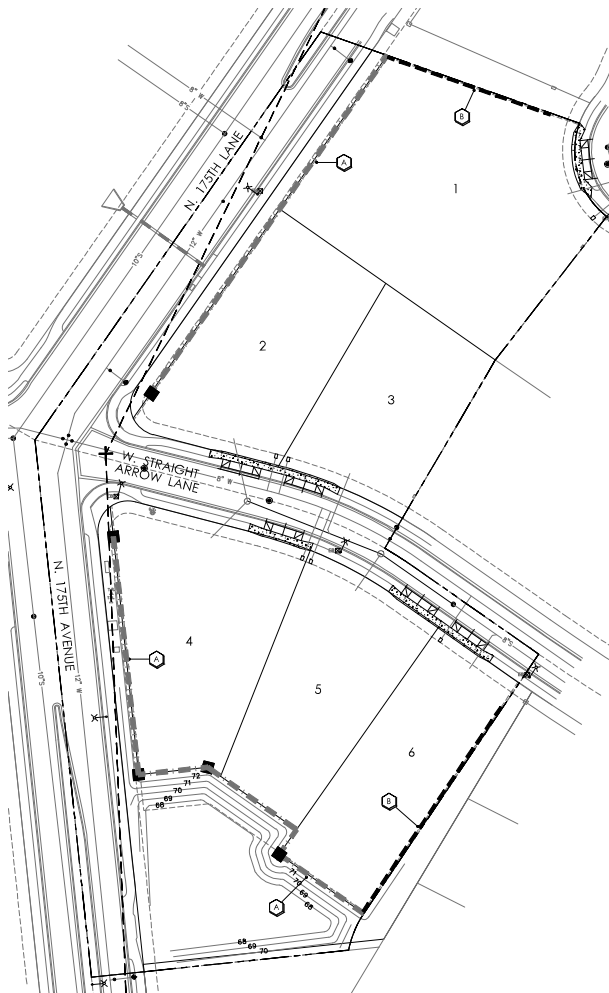
- SITE VERIFY ALL EXISTING CONDITIONS PRIOR TO BIDDING. ANY DEFICIENCIES ARE TO BE BROUGHT TO THE LANDSCAPE ARCHITECT'S ATTENTION WITHIN 24 HOURS OF THE OBSERVATION.
- CONTRACTOR TO INSPECT EXISTING IRRIGATION SYSTEM AND VERIFY THAT THE SYSTEM IS WORKING PROPERLY.
- ALL PLANT MATERIAL DESIGNATED AS 'EXISTING TO REMAIN' SHALL BE PROTECTED DURING ALL PHASES OF CONSTRUCTION. ANY TREES THAT DIE DUE TO LACK OF WATER, LACK OF MAINTENANCE OR CARE, NEGLIGENCE OR VANDALISM SHALL BE REPLACED BY A SIMILAR SPECIES OF TREE (MINIMUM 48" BOX) AT NO ADDITIONAL COST TO OWNER. PALMS THAT DIE SHALL BE REPLACED WITH LIKE TYPE, HEIGHT AND SIZE. ALL SHRUBS AND GROUNDCOVER SHALL BE REPLACED WITH 5 GAL. ON PLANTS.
- LANDSCAPE AREAS DISTURBED BY NEW CONSTRUCTION SHALL BE REPAIRED WITH SOD IN TURF AREAS AND NEW DECOMPOSED GRANITE MATCHING EXISTING. BLEND ALL DISTURBED AREAS WITH UNDISTURBED SO THERE IS A SMOOTH TRANSITION BETWEEN ALL EDGES. REPLACE ALL DISTURBED, BROKEN OR DAMAGED HEADGUTS WITH MATCHING TYPE.
- ALL EXISTING PLANT MATERIAL AND ADJACENT PLANT MATERIAL SHALL HAVE UNINTERRUPTED WATERING DURING ALL PHASES OF CONSTRUCTION. THE SHALL INCLUDE BUT NOT BE LIMITED TO: HAND WATERING, TEMPORARY ABOVE GROUND IRRIGATION, SPRINKLER SYSTEM, ETC.
- THE EXISTING IRRIGATION SYSTEM SHALL BE PROTECTED, MAINTAINED AND REPAIRED DURING ALL PHASES OF CONSTRUCTION. ALL EQUIPMENT SUCH AS MAINLINE, WIRING, LATERAL HEADS AND ETC. SHALL BE REPAIRED AND REPLACED TO MAINTAIN CONTINUOUS WATER.
- PROVIDE NEW SCHEDULE 40 SLEEVES AT ALL NEW DRIVES. (SEE SLEEVE SCHEDULE FOR SEE) ANY EXISTING IRRIGATION SYSTEM IS TO BE MAINTAINED AT ALL TIMES DURING CONSTRUCTION AND GUARANTEE 100% COVERAGE.
- EXISTING TREES TO REMAIN SHALL BE SELECTIVELY PRUNED PER LANDSCAPE ARCHITECT INSTRUCTIONS.
- TREES, SHRUBS, AND OTHER LANDSCAPING ARE PERMITTED WITHIN THE SIGHT VISIBILITY TRIANGLE PROVIDED LIMITS, LEAVES, NEEDLES OR OTHER FOLIAGE ARE KEPT BELOW 30 INCHES OR ABOVE 14 INCHES, PER SURPRISE EDS DETAIL 4-01.
- SIGHT VISIBILITY WITHIN THE UNOBTSTRUCTED VIEW EASEMENT AREA AND IN FRONT OF STOP SIGNS MUST MEET OR EXCEED REQUIREMENTS IN SURPRISE DETAILS 4-01 AND 4-02.



DESERT OASIS
175TH AVE & BROKEN ARROW LN
SURPRISE, AZ
COVER SHEET & NOTES

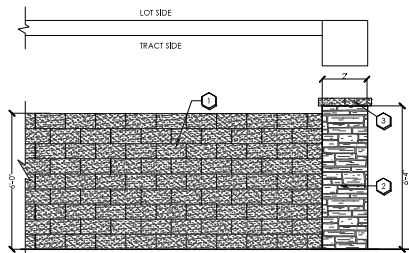
PROJECT: DESERT OASIS
JOB NO: 20-102
DATE: 03.24.2021
DRAWN BY: B. PAUL
SUBMITTED: 03.24.2021
REVISED:

SHEET
L.01 of L.02
FS20-826



Wall key notes

- 1 6" HIGH 8" X 8" X 16" SPLIT FACE BLOCK WALL
SEE SHEET L.02, DETAIL 'A',
638 L.F.
- 2 6" HIGH PARTIAL VIEW WALL
SEE SHEET L.02, DETAIL 'B',
278 L.F.
- 3 24" X 24" CMU COLUMN WITH STACKED STONE.
SEE SHEET L.02 DETAIL 'A',
5 TOTAL



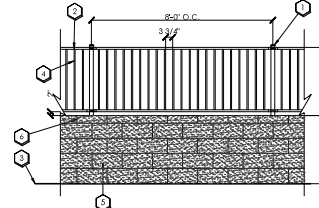
key notes

- 1 8" X 8" X 16" SPLIT FACE VERTICAL SCORE BLOCK
COLOR: TO MATCH EXISTING COMMUNITY COLOR
- 2 STACKED STONE FACING ON COLUMN.
STONE MANUFACTURER AND STYLE TO
MATCH EXISTING COMMUNITY COLUMNS
- 3 6" SPLIT FACE CAP. COLOR TO MATCH
ESTABLISHED COMMUNITY BLOCK COLOR

PERIMETER THEME WALL WITH COLUMN ELEVATION

NOTE: THE CONTRACTOR SHALL PROVIDE SHOP DRAWINGS TO THE LANDSCAPE ARCHITECT FOR REVIEW AND APPROVAL PRIOR TO THE BEGINNING OF CONSTRUCTION.

SCALE: 1/2" = 1'-0"



key notes

- 1 2" X 2" STEEL POSTS 14 GAUGE W/ CAST IRON
FLAT CAP. SPACING 96" OR AS PER PLAN
- 2 1" X 1" SQ. TUBULAR STEEL RAIL
- 3 FINISH GRADE
- 4 3/4" X 3/4" SQ. TUBULAR STEEL PICKETS
AT 36" O.C. MAXIMUM SPACING
- 5 8" X 8" X 16" SPLIT FACE VERTICAL SCORE BLOCK
COLOR: TO MATCH EXISTING COMMUNITY COLOR
- 6 8" X 4" X 16" SPLIT FACE VERTICAL SCORE BLOCK
COLOR: TO MATCH EXISTING COMMUNITY COLOR

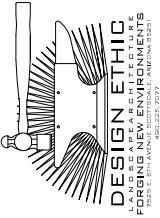
3'-0" CMU WALL W/ 3'-0" VIEW FENCE

NOTE: THE CONTRACTOR SHALL PROVIDE SHOP DRAWINGS TO THE LANDSCAPE ARCHITECT FOR REVIEW AND APPROVAL PRIOR TO THE BEGINNING OF CONSTRUCTION.

SCALE: 1/2" = 1'-0"



EXISTING WALL & COLUMN



DESERT OASIS
175TH AVE & BROKEN ARROW LN
SURPRISE, AZ

COVER SHEET & NOTES

PROJECT:

SHEET TITLE:

JOB NO: 204-02
DATE:
DRAWN BY: B. PAUL
SUBMITTED: 03.24.2021
REVISED:

SHEET

L.02 of L.02
FS20-826



FS20-826

**Desert Oasis Lancer Parcel-Phase 1, Tracts A & R
Preliminary Plat**

City Council
June 15, 2021



FS20-826 VICINITY MAP

PAD
Asante
North

PAD - LDR

PAD - LDR

SITE

PAD - LDR

PAD - LDR

175th Ln
Straight Arrow Ln

176th Ave

172nd Dr

FS20-826 ZONING

3.38 Acres

Lots:6

Density: 3.38 DU/Ac

Lot With: 65' – 103'

DESERT OASIS LOT AREA TABLE (ALL LOTS ARE PAD)		
LOT NO.	AREA AC	
1	24.710	
2	14.349	
3	11.388	
4	11.210	
5	14.275	
6	12.205	

CURVE TABLE			
BL	DELTA	RADIUS	LENGTH
C01	8°11'31.13"	955.00'	96.83'
C02	8°10'43.58"	3000.00'	24.43'
C03	8°00'17.48"	1299.00'	6.73'
C04	8°32'37.64"	91.00'	26.46'



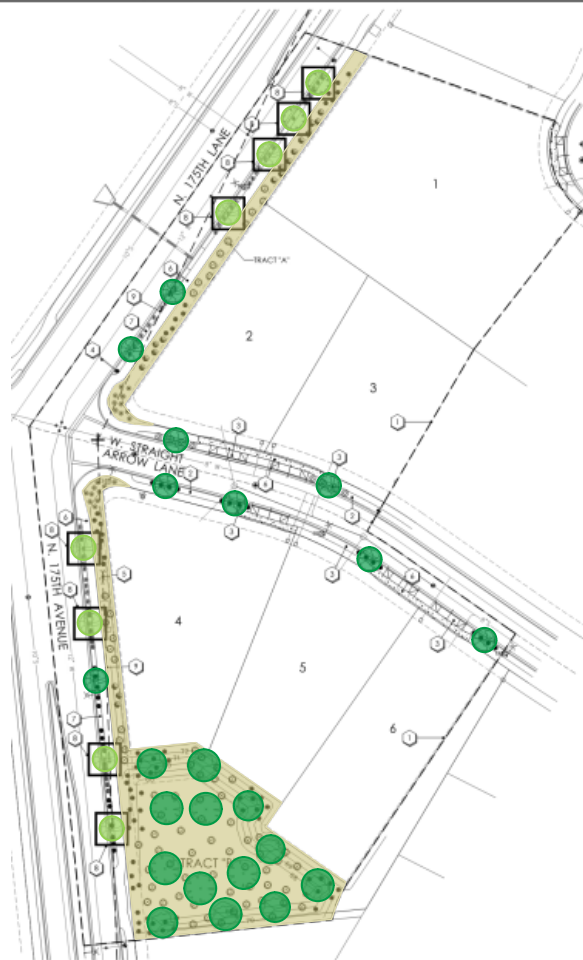
FS20-826 PRE-PLAT

Required: 13%
Provided: 13.02%

- All Passive

Stip. 'c'

- Join Adjacent HOA



existing plant legend

types	botanical name	quantity	size	qty	comments
1	ACACIA ANSERINA	(5 @ 1.0 GPH)	24"	2	H. W. CAL. STAKE IN PLACE
2	ACACIA SALICINA	(5 @ 1.0 GPH)	24"	6	H. W. CAL. STAKE IN PLACE
3	EREMOPHILA SP. VALENTINE	(1 @ 1.0 GPH)	5 GAL	4	PLANT AT 4 O.C.
4	HEPERALOE PARVIFLORA		5 GAL	14	PLANT AT 3 O.C.
5	LANTANA NEW GOLD		1 GAL	32	PLANT AT 4 O.C.

plant legend

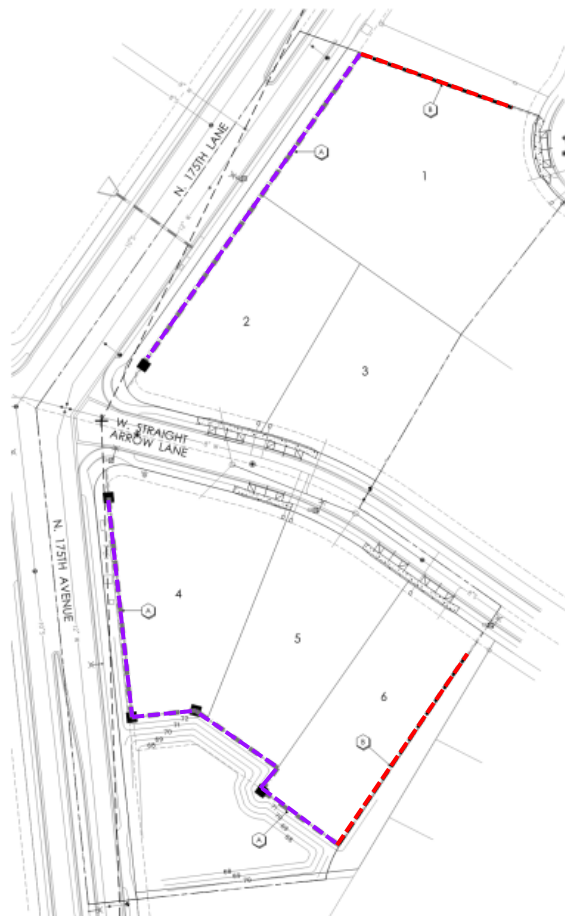
types	botanical name	quantity	size	qty	comments
1	ACACIA FARNESIANA	(5 @ 1.0 GPH)	24"	5	H. W. CAL. STAKE IN PLACE
2	ACACIA SALICINA	(5 @ 1.0 GPH)	24"	9	H. W. CAL. STAKE IN PLACE
3	EREMOPHILA SP. VALENTINE	(1 @ 1.0 GPH)	5 GAL	18	PLANT AT 4 O.C.
4	HEPERALOE PARVIFLORA		5 GAL	8	PLANT AT 3 O.C.
5	LANTANA NEW GOLD		1 GAL	32	PLANT AT 4 O.C.

planting key notes

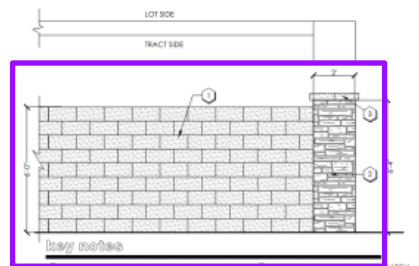
- PROPERTY LINE / RIGHT OF WAY LINE
- DECOMPOSED GRANITE IN ALL PLANTING AREAS UNLESS OTHERWISE NOTED
- PROPOSED PLANTING TO BE REMOVED AS REQUIRED TO ACCOMMODATE FUTURE DRIVEWAY LOCATION. MAINTAIN MINIMUM PLANTING PER COMMUNITY GUIDELINES.
- EXISTING FIRE HYDRANT
- EXISTING TRANSFORMER
- EXISTING SIDEWALK
- EXISTING LANDSCAPE TO REMAIN
- TEMPORARY FENCING. SEE DETAIL "A" ON THIS SHEET.
- SHOT DISTANCE LINES PER TABLE A IN SURPRISE EGS DETAIL 4-01.

existing landscape & irrigation notes

- SITE VERIFY ALL EXISTING CONDITIONS PRIOR TO BIDDING. ANY DISCREPANCIES ARE TO BE BROUGHT TO THE LANDSCAPE ARCHITECT'S ATTENTION WITHIN 24 HOURS OF THE OBSERVATION.
- CONTRACTOR TO INSPECT EXISTING IRRIGATION SYSTEM AND VERIFY THAT THE SYSTEM IS WORKING PROPERLY.
- ALL PLANT MATERIAL DESIGNATED AS "EXISTING" SHALL BE PROTECTED DURING ALL PHASES OF CONSTRUCTION. ANY TREES THAT DIE DUE TO LACK OF WATER, LACK OF MAINTENANCE OR CARE, NEGLECT OR VANDALISM SHALL BE REPLACED BY A SIMILAR SPECIES OF TREE. MINIMUM 4" DBH AT 4' HO. ADDITIONAL COST TO OWNER. PALMS THAT DIE SHALL BE REPLACED WITH LIKE TYPE, HEIGHT AND SIZE. ALL TREES AND GROUND COVER SHALL BE REPLACED WITH 1 GALLON PLANTS.
- LANDSCAPE AREAS DESTROYED BY NEW CONSTRUCTION SHALL BE REPAIRED WITH SOIL IN TURF AREAS AND NEW DECOMPOSED GRANITE MATCHING EXISTING. BOND ALL DISTURBED AREAS WITH UNDISTURBED SOIL. THERE IS A SMOOTH TRANSITION BETWEEN ALL EDGES. REPLACE ALL DISTURBED, BROKEN OR DAMAGED READERS WITH MATCHING TYPE.
- ALL EXISTING PLANT MATERIAL AND ADJACENT PLANT MATERIAL SHALL HAVE UNINTERRUPTED WATERING DURING ALL PHASES OF CONSTRUCTION. THIS SHALL INCLUDE BUT NOT BE LIMITED TO: HAND WATERING, TEMPORARY ABOVE GROUND IRRIGATION, EXISTING SYSTEM, ETC.
- THE EXISTING IRRIGATION SYSTEM SHALL BE PROTECTED, MAINTAINED AND REPAIRED DURING ALL PHASES OF CONSTRUCTION. ALL EQUIPMENT (SUCH AS: MAINLINE, SPINES, LATERAL HEADS AND ETC.) SHALL BE REPAIRED AND REPLACED TO MAINTAIN CONTINUOUS WATER.
- PROVIDE NEW SCHEDULE 40 SLEEVES AT ALL NEW DRIVEL. SEE LEE SCHEDULE FOR SIZE. ANY EXISTING IRRIGATION SYSTEM IS TO BE MAINTAINED AT ALL TIMES DURING CONSTRUCTION AND GUARANTEE TYPE COVERAGE.
- EXISTING TREES TO REMAIN SHALL BE SELECTIVELY PRUNED PER LANDSCAPE ARCHITECT INSTRUCTIONS.
- TREES, SHRUBS, AND OTHER LANDSCAPING ARE PRUNED WITHIN THE SHOT VISIBILITY TRIANGLE PROVIDED (LINE, LEAVES, HEADS OR OTHER FOLIAGE ARE KEPT BELOW 36 INCHES OR ABOVE 66 INCHES PER SURPRISE EGS DETAIL 4-01).
- SHOT VISIBILITY WITHIN THE UNOCCUPIED VIEW EASEMENT AREA AND IN FRONT OF STOP SIGNS MUST MEET OR EXCEED REQUIREMENTS IN SURPRISE DETAILS 4-01 AND 4-02.



- wall key notes**
- ① 6' HIGH 8" X 8" X 16" SPLIT FACE BLOCK WALL
SEE SHEET L.O.D. DETAIL "A"
4380 L.F.
 - ② 6' HIGH PARTIAL VIEW WALL
SEE SHEET L.O.D. DETAIL "B"
278 L.F.
 - ③ 2' X 2' CMU COLUMN WITH STACKED STONE
SEE SHEET L.O.D. DETAIL "A"
3 TOTAL

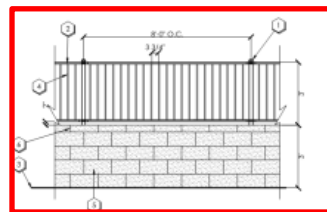


- key notes**
- ① COLOR TO MATCH EXISTING COMMUNITY COLOR
 - ② ESTABLISHED COMMUNITY BLOCK COLOR
 - ③ STACKED STONE FACING ON COLUMN
STONE MANUFACTURER AND STYLE TO
MATCH EXISTING COMMUNITY COLUMNS

(A) PERIMETER THEME WALL WITH COLUMN ELEVATION

NOTE: THE CONTRACTOR SHALL PROVIDE SHOP DRAWINGS TO THE LANDSCAPE ARCHITECT FOR REVIEW AND APPROVAL PRIOR TO THE BEGINNING OF CONSTRUCTION

SCALE: 1/2" = 1'-0"



key notes

- ① 2" X 2" STEEL POSTS 14' ON-CENTER (W/ CAST IRON
FLAT CAP, SPACING 16" OR AS PER PLAN)
- ② 1" X 1" SQ. TUBULAR STEEL RAIL
- ③ FINISH GRADE
- ④ 3/4" X 3/4" SQ. TUBULAR STEEL PICKETS
AT 3'-3 1/4" O.C. MAXIMUM SPACING
- ⑤ 6" X 8" X 16" SPLIT FACE VERTICAL SCORE BLOCK
COLOR TO MATCH EXISTING COMMUNITY COLOR
- ⑥ 6" X 4" X 16" SPLIT FACE VERTICAL SCORE BLOCK
COLOR TO MATCH EXISTING COMMUNITY COLOR

(B) 3'-0" CMU WALL W/ 3'-0" VIEW FENCE

NOTE: THE CONTRACTOR SHALL PROVIDE SHOP DRAWINGS TO THE LANDSCAPE ARCHITECT FOR REVIEW AND APPROVAL PRIOR TO THE BEGINNING OF CONSTRUCTION

SCALE: 1/2" = 1'-0"



EXISTING WALL & COLUMN

FS20-826 WALL PLAN



RECOMMENDATION

P&Z Commission Meeting

May 20, 2021

- Recommended Approval to the Mayor and City Council subject to stipulations ‘a’ – ‘d’.



QUESTIONS OR COMMENTS?

Thank You



CITY OF SURPRISE Regular City Council Meeting

Council Meeting Date: June 15, 2021

Contact Person: Jodi Tas, MNGMNT ANALYST - SR

Submitting Department: Human Svcs and Comm Vitality

District: Citywide

Staff Recommendations: None

Consent: No

Regular: Yes

Public Hearing: No

Report/Discussion: No

Agenda Wording:

Consideration and action pertaining to the Council Subcommittee on Community Outreach, Partnerships, and Grants' recommendation for the Surprise Community Outreach Program (SCOP) Fiscal Year 2022 funding.

Motion:

I move to approve the fiscal year 2022 funding recommendations from the Council Subcommittee on Community Outreach, Partnerships, and Grants as presented.

Background:

The Surprise Community Outreach Program (SCOP) was established by the City Council to provide a supplemental funding source to organizations providing direct service to citizens of the City of Surprise. In fiscal year 2019 the allocation increased to \$110,000, with \$100,000 for SCOP and \$10,000 for the Neighborhood Grant Program. This fiscal year the Council allocated \$100,000 for SCOP.

Objective Analysis:

The Surprise Community Outreach Program was designed to provide non-profit 501(c)3 organizations with options for funding programs and/or events.

Policy Compliant:

The Surprise Community Outreach Program is consistent with city and council policies.

Financial Impact:

For FY2022, the committee's total award recommendation is \$100,000. The one-time awards are paid to agencies on a reimbursement basis upon completion of their project. The deadline for project completion and spending is June 15, 2022.

Budget Impact:

The FY2022 approved budget for the Human Service and Community Vitality Department includes a total of \$100,000 for the Surprise Community Outreach Program.

FTE Impact:

N/A

ATTACHMENTS:

1. HSCV Staff Report - SCOP FY 22
 2. SCOP FY22 Presentation
-



HUMAN SERVICE AND COMMUNITY VITALITY

Date: June 15, 2021

To: Surprise City Council

From: Jodi Tas, Governmental Relations Administrator
Seth Dyson, HSCV Director

Re: Surprise Community Outreach Program FY22

Introduction

The Surprise Community Outreach Program was designed to provide non-profit 501(c)3 organizations with options for funding programs and/or events.

Background

The Surprise Community Outreach Program (SCOP) was established by the City Council to provide a supplemental funding source to organizations providing direct service to citizens of the City of Surprise. Fiscal year 2019 the allocation increased to \$110,000, with \$100,000 for SCOP and \$10,000 for the Neighborhood Grant Program. This fiscal year the Council allocated \$100,000 for SCOP.

Funding

The City Council designated \$100,000 from the FY2022 budget for community outreach programs. The Committee on Community Outreach, Partnerships and Grants reviewed applications and are making recommendations to the full City Council for which groups get awarded.

Committee Recommendations

The Committee on Community Outreach, Partnerships and Grants held a meeting on May 13, to review, discuss and act upon the eligible applications received. A total of twenty-five (25) agency applicants were received. Applicants were given an opportunity to present their project during the May 13th committee meeting.

Committee recommendations are as follows:

	Requested	Recommendation
Employed and Overjoyed Foundation	\$10,000	\$10,000
Valley View Community Food Assistance	\$7,500	\$7,500
A New Leaf	\$10,000	\$6,000
Benevilla	\$10,000	\$5,000
Hart Pantry	\$6,000	\$5,000
Meals of Joy	\$10,000	\$5,000
Radiant Church	\$5,000	\$5,000
Seeds of Hope	\$5,000	\$5,000
Sounds of Autism	\$12,500	\$5,000
Special Olympic Arizona	\$5,000	\$5,000
St. Vincent de Paul	\$10,000	\$5,000
Surprise Young Life	\$5,000	\$5,000
Vetlink Foundation-Stand Down	\$5,000	\$5,000
WHAM	\$5,000	\$5,000
Dysart Education Foundation	\$10,000	\$4,000
Transformation Treehouse	\$10,000	\$4,000
Stepping up for Seniors	\$7,000	\$3,500
Fresh Start Women's Foundation	\$5,000	\$3,000
Youngtown Community Fund	\$5,000	\$3,000
Vetlink Foundation-Coffee for Vets	\$3,200	\$2,000
Women4Women Tempe	\$2,000	\$2,000
Banner Health Foundation	\$10,000	\$0
HeARTsy – Senior Art Classes	\$9,550	\$0
HeARTsy- Adaptive Art Classes	\$9,250	\$0
Northwest Valley Connect	\$10,000	\$0
TOTAL	\$ 187,000	\$ 100,000

Future Actions

- Award notifications to be sent immediately after Council action
- Spending and projects must be complete by June 15, 2022

Recommendation

Approval of Surprise Community Outreach Program awards as recommended by the Committee on Community Outreach, Partnerships and Grants.



Community Outreach Program

FY2021-2022

PROGRAM PURPOSE & OVERSIGHT

- To support local non-profit organizations serve the City of Surprise residents
- Surprise Sub-Committee on Community Outreach, Partnerships & Grants makes funding recommendations
- Sub-Committee Members are Councilmembers Chris Judd, Chair, Ken Remley, and Jack Hastings

PROGRAM GUIDELINES

- Must provide verification of 501(c)3 status
- Must submit a new application with every program cycle
- Events, programs, activities, etc. must take place in the City of Surprise
- Must include a proposed budget for use of funds
- Reporting is required
- Recipients will acknowledge grant award in press release
- Funds are provided on an invoice or reimbursement basis
- Maximum award is \$10,000
- FY21-22 SCOP allocation is \$100,000

FY 2021-2022 PROGRAM

- The Committee met on Wednesday, September 10th to review the applicants requests
- **25** applications were received
 - Total requested grant amount: **\$187,000**

	Requested	Recommendation
Employed and Overjoyed Foundation	\$ 10,000	\$ 10,000
Valley View Community Food Assistance	\$ 7,500	\$ 7,500
A New Leaf	\$ 10,000	\$ 6,000
Benevilla	\$ 10,000	\$ 5,000
Hart Pantry	\$ 6,000	\$ 5,000
Meals of Joy	\$ 10,000	\$ 5,000
Radiant Church	\$ 5,000	\$ 5,000
Seeds of Hope	\$ 5,000	\$ 5,000
Sounds of Autism	\$ 12,500	\$ 5,000
Special Olympic Arizona	\$ 5,000	\$ 5,000
St. Vincent de Paul	\$ 10,000	\$ 5,000
Surprise Young Life	\$ 5,000	\$ 5,000
Vetlink Foundation-Stand Down	\$ 5,000	\$ 5,000

	Requested	Recommendation
WHAM	\$ 5,000	\$ 5,000
Dysart Education Foundation	\$ 10,000	\$ 4,000
Transformation Treehouse	\$ 10,000	\$ 4,000
Stepping up for Seniors	\$ 7,000	\$ 3,500
Fresh Start Women's Foundation	\$ 5,000	\$ 3,000
Youngtown Community Fund	\$ 5,000	\$ 3,000
Vetlink Foundation-Coffee for Vets	\$ 3,200	\$ 2,000
Women4Women Tempe	\$ 2,000	\$ 2,000
Banner Health Foundation	\$ 10,000	\$ -
HeARTsy – Senior Art Classes	\$ 9,550	\$ -
HeARTsy – Adaptive Art Classes	\$ 9,250	\$ -
Northwest Valley Connect	\$ 10,000	\$ -
Total	\$ 187,000	\$ 100,000



QUESTIONS OR COMMENTS?

Thank You



CITY OF SURPRISE Regular City Council Meeting

Council Meeting Date: June 15, 2021

Contact Person: Danielle Osborne, HSCV
Administrator

Submitting Department: Human Svcs and Comm
Vitality

District: Citywide

Staff Recommendations: None

Consent: No

Regular: Yes

Public Hearing: No

Report/Discussion: No

Agenda Wording:

Consideration and action pertaining to the Arts and Cultural Advisory Commission's Grant Program funding recommendation for Fiscal Year 2022.

Motion:

I move to approve the fiscal year 2022 funding recommendations from the Arts & Cultural Advisory Commission, as presented.

Background:

The Arts & Cultural Advisory Commission established the grant program to award grants to non-profit organizations hosting events, programs or activities that further the Commission's mission to spur cultural growth in Surprise. This fiscal year the Commission allocated \$10,000 for the program.

Objective Analysis:

The Arts & Cultural Grant Program was designed to provide non-profit 501(c)3 organizations with options for funding art and cultural events, programs or activities.

Policy Compliant:

This action is consistent with city and council policies.

Financial Impact:

For FY2022, the Commission's total award recommendation is \$10,000. The one-time awards are paid to agencies on a reimbursement basis upon completion of their project. The deadline for project completion and spending is June 15, 2022.

Budget Impact:

The FY2022 approved budget for the Human Service and Community Vitality Department includes a total of \$10,000 for the Arts & Cultural Grant Program.

FTE Impact:

NA

ATTACHMENTS:

1. HSCV Staff Report - Arts & Culture FY22 (DO Edits)
 2. Arts Grant FY22 Presentation
-



HUMAN SERVICE AND COMMUNITY VITALTY

Date: June 15, 2021
To: Surprise City Council
From: Danielle Osborne, HSCV Administrator
Re: Arts & Culture Grant Program FY22

Introduction

The Arts & Culture Grant Program was designed to provide non-profit 501(c)(3) organizations with options for funding arts and cultural events, programs or activities.

Background

The Arts & Cultural Advisory Commission established the grant program to award grants to non-profit organizations hosting events, programs or activities that further the Commission's mission to spur cultural growth in Surprise.

Funding

The Commission has allocated \$10,000.00 towards the grant program in the FY2022 operating budget. The Arts & Cultural Advisory Commission have reviewed applications, and are making recommendations to the full City Council for award designations and amounts.

Committee Recommendations

The Arts & Cultural Advisory Commission held a meeting on May 3, 2021 to review, discuss, and act upon the eligible applications received. A total of five (5) agency applicants were received. Applicants were given an opportunity to present their proposal during the May 3rd commission meeting.

Commission recommendations are as follows:

Agency	Requested	Recommendation
HeARTsy - Adaptive	\$8,950	\$7,000
WHAM	\$4,000	\$2,000
West Valley Chorale	\$3,435	\$1,000
HeARTsy - Senior	\$8,950	\$0
West Valley Arts Council	\$10,000	\$0
TOTAL	\$35,335	\$10,000

Future Actions

- Award notifications to be sent immediately after Council action
- Spending and projects must be complete by June 15, 2022

Recommendation

Approval of Arts & Culture Grant Program awards as recommended by the Arts & Cultural Advisory Commission.



Arts & Culture Grant Program

FY2021-2022

PROGRAM PURPOSE & OVERSIGHT

- To support local non-profit organizations serving City of Surprise residents
- The Surprise Arts & Cultural Advisory Commission makes funding recommendations
- Commission Members are Chair Margaret Lieu, Vice-Chair Deborah Welch, Kathie Morgan, Susan deJong, Rhiannon Miett, Jay Lickus, and Jo Grant

PROGRAM GUIDELINES

- Must provide verification of 501(c)3 status
- Must submit a new application with every program cycle
- Events, programs, activities, etc. must take place in the City of Surprise
- Must include a proposed budget for use of funds
- Reporting is required
- Recipients will acknowledge grant award in all publicity
- Funds are provided on an invoice or reimbursement basis
- Maximum award is \$10,000
- FY21-22 Arts & Culture Grant allocation is \$10,000

FY 2021-2022 PROGRAM

- The Commission met on Monday, May 3rd to review the applicants' proposals
- 5 applications were received
 - Total requested grant amount: **\$35,335**

Agency	Requested	Recommendation
Heartsy Adaptive	\$8,950	\$7,000
WHAM	\$4,000	\$2,000
West Valley Chorale	\$3,435	\$1,000
Heartsy Senior	\$8,950	\$0
West Valley Arts Council	\$10,000	\$0
TOTAL	\$35,335	\$10,000



QUESTIONS OR COMMENTS?

Thank You



CITY OF SURPRISE Regular City Council Meeting

Council Meeting Date: June 15, 2021

Contact Person: Andrea Davis, DIRECTOR -
FINANCE, Holly Osborn, AD - FINANCE

Submitting Department: Finance

District: Citywide

Staff Recommendations: None

Consent: No	Regular: Yes	Public Hearing: No	Report/Discussion: No
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Agenda Wording:

Consideration and action levying primary property taxes at a rate of \$0.7591 per hundred dollars (\$100) of assessed valuation and secondary property taxes at a rate of \$0.3880 per one hundred dollars (\$100) of assessed valuation for Fiscal Year 2022 within the City of Surprise; Resolution #2021-94.

Motion:

I move to approve Resolution #2021-94. (In accordance with A.R.S. Section 42-17107(A)(4), a roll call vote on this motion is required.)

Background:

On June 1, 2021, the Mayor and City Council held a public hearing on the proposed levy of property taxes, and a roll call vote was held concerning the intention of passage of the primary property tax levy.

At that time, the City Council identified \$0.7591 per \$100 of assessed valuation as the proposed primary property tax rate and \$0.3880 per \$100 of assessed valuation as the proposed secondary property tax rate. All public hearings and notices were published and advertised in accordance with state law.

Adoption of Resolution #2021-94 will set the primary and secondary tax levies.

Objective Analysis:

This is the final step in the adoption process.

Policy Compliant:

This item is consistent with Arizona Revised Statutes 42-17104 and 42-17107, and the City and Council policies.

Financial Impact:

For FY2022, a primary property tax rate of \$0.7591 per \$100 of assessed value will be levied upon property, both real and personal, within the City and will generate a total of \$9,974,100 and a secondary property tax rate of \$0.3880 per \$100 of assessed value will be levied upon property, both real and personal, within the City and will generate a total of \$5,097,800.

Budget Impact:

Adoption of primary property tax levies will allow for the collection of these revenues, which are an integral part of the adopted fiscal year 2022 budget. The proposed primary property tax rate is \$0.7591 per \$100 of assessed value and will generate approximately \$9,974,100 and the proposed secondary property tax rate is \$0.3880 per \$100 of assessed value and will generate approximately \$5,097,800.

FTE Impact:

The number of full time equivalents (FTE) is not impacted by this item.

ATTACHMENTS:

1. Res 2021-94 Property Tax Levy
 2. FY22 Adoption of FY2022 Property Taxes
-

RESOLUTION # 2021-94

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA LEVYING UPON THE ASSESSED VALUATION OF PROPERTY WITHIN THE CITY A CERTAIN SUM OF MONEY FOR FISCAL YEAR 2022 TO BE ASSESSED AGAINST THE VALUATION OF REAL AND PERSONAL PROPERTY FOR PRIMARY AND SECONDARY TAX PURPOSES

WHEREAS, the City Council is required by Arizona Revised Statutes § 42-17253 to adopt an annual tax levy based upon the rate to be assessed per each One Hundred Dollars (\$100.00) of assessed valuation of property within the City;

WHEREAS, the primary and secondary tax levy for Fiscal Year 2022 beginning July 1, 2021 must be adopted by resolution prior to the third Monday in August, and not less than fourteen days after adoption of the municipal budget;

WHEREAS, the municipal budget of the City of Surprise was adopted at a special meeting of the City Council held on June 1, 2021, at least fourteen days prior to the adoption of this Resolution; and

WHEREAS, the City has computed tax rates at \$0.7591 per one hundred dollars (\$100.00) of assessed valuation to be levied and collected as primary taxes and \$0.3880 per one hundred dollars (\$100.00) of assessed valuation to be levied and collected as secondary taxes.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Surprise, Arizona, as follows.

Section 1. That there is hereby levied, as a primary property tax, \$0.7591 per each One Hundred Dollars (\$100.00) of the assessed value of all property, both real and personal, within the corporate limits of the City, except such property as may be by law exempt from taxation, a primary property tax rate sufficient to raise the sum of nine million, nine hundred seventy-four thousand, one hundred dollars (\$9,974,100.00) for the fiscal year ending on June 30, 2022.

Section 2. That there is hereby levied, as a secondary property tax, \$0.3880 per each One Hundred Dollars (\$100.00) of the assessed value of all property, both real and personal, within the corporate limits of the City, except such property as may be by law exempt from taxation, a secondary property tax rate sufficient to raise the sum of five million, ninety-seven thousand, eight hundred dollars (\$5,097,800.00) for the fiscal year ending on June 30, 2022.

Section 3. Any failure by the Maricopa County officials to properly return the delinquent tax list, irregularity in assessments or omissions in the same, or any irregularity in any proceedings shall not invalidate such proceedings nor invalidate any title conveyed by any tax deed, any sale or proceeding pursuant thereto, the validity of the assessment or levy of taxes, nor the judgment of sale by which the collection of taxes may be enforced. All actions by officers de facto shall be valid as if performed by officers de jure.

APPROVED AND ADOPTED this _____ day of _____, 2021.

Skip Hall, Mayor

Attest:

Approved as to form:

Sherry Aguilar, City Clerk

Robert Wingo, City Attorney



Adoption of FY2022 Property Taxes

City Council Meeting

June 15, 2021

Public Notice and Publications (ARS Title 42)

- Posted tax levy notices on website 60 days prior to adoption
- Published in paper of general circulation
 - May 18 & 25
 - Tentative Budget
 - Truth In Taxation Notice
 - Property Tax Rates
 - Primary
 - Secondary
 - SLIDs

Primary and Secondary Property Tax Levy

FY2022 Property Tax Rates

	Current Rate	Current Levy	Proposed Rate	Proposed Levy
Primary Property Tax	\$0.7591	\$9,135,500	\$0.7591	\$9,974,100
Secondary Property Tax	\$0.3880	\$4,669,500	\$0.3880	\$5,097,800

Street Light Improvement District Property Tax

FY2022 SLID Property Tax

- Special taxing districts
 - Levy property tax
 - Costs associated with electricity for street lighting
- 116 with levy amount for FY2022
- Total levy amount of \$2,396,600



SURPRISE

ARIZONA

**QUESTIONS OR
COMMENTS?**



CITY OF SURPRISE Regular City Council Meeting

Council Meeting Date: June 15, 2021

Contact Person: Andrea Davis, DIRECTOR -
FINANCE, Holly Osborn, AD - FINANCE

Submitting Department: Finance

District: Citywide

Staff Recommendations: None

Consent: No	Regular: Yes	Public Hearing: No	Report/Discussion: No
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Agenda Wording:

Consideration and action setting forth the Fiscal Year 2022 levy of property tax rates for Street Light Improvement Districts (SLID) within the City of Surprise; Resolution #2021-93.

Motion:

I move to approve Resolution # 2021-93 (In accordance with A.R.S. Section 42-17107(A)(4), this motion must be by roll call vote).

Background:

On June 1, 2021, the Mayor and City Council held a public hearing on the proposed FY2022 SLID tax levy. Per Arizona Revised Statute 42-17107, a public hearing was held to receive public comment on the proposed SLID tax levies for fiscal year 2022. This hearing was published and advertised in accordance with State law. Adoption of Resolution # 2021-93 will set said SLID property tax levies.

Objective Analysis:

The Street Light Improvement Districts are established to levy a property tax within specific geographic areas to pay for costs of providing street lighting. These costs would otherwise be paid for through other operating sources.

Policy Compliant:

This item is consistent with City and Council policy as well as Arizona Revised Statutes.

Financial Impact:

For FY2022, a property tax will be levied upon the assessed valuation of property for Street Light Improvement Districts (SLID) at an amount up to the maximum rate of \$1.20 per \$100 of assessed value for each SLID. The levies will generate \$2,396,600 of revenue in total. The funds will be used to pay for electricity, maintenance, and administration fees associated with each SLID.

Budget Impact:

The proposed SLID tax levies are included as a part of the FY2022 Final Budget which was approved by Council on June 1, 2021.

FTE Impact:

No FTE impact will occur with this item.

ATTACHMENTS:

1. Res 2021-93 SLID Levy adoption
-

RESOLUTION # 2021-93

**A RESOLUTION OF THE MAYOR AND COUNCIL OF THE
CITY OF SURPRISE, ARIZONA, SETTING FORTH THE
LEVY OF PROPERTY TAX RATES FOR STREET LIGHTING
IMPROVEMENT DISTRICTS**

WHEREAS, the provisions of Arizona Revised Statutes Section 48-616 require the governing body to levy taxes upon all property in municipal street lighting improvement districts necessary to pay the annual expenses of said districts;

WHEREAS, the City Council is required by Arizona Revised Statutes Section 42-17103 et seq. to hold a public hearing on or before the fourteenth day before the day on which it levies taxes, and the City council held such hearing on June 1, 2021; and

WHEREAS, the City has computed tax rates for Street Lighting Improvement Districts up to the maximum rate of \$1.20 for each one hundred dollars (\$100.00) of assessed valuation, as set forth on *Exhibit A* attached hereto.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Surprise, Arizona, as follows.

Section 1. For each Street Lighting Improvement District as set forth in *Exhibit A*, attached and incorporated herein, there is hereby levied an amount not to exceed the maximum rate of \$1.20 on each one hundred dollars (\$100.00) of assessed valuation, to be collected as provided by law and for the purpose provided by law.

APPROVED AND ADOPTED this ____ day of _____, 2021.

Skip Hall, Mayor

Attest:

Approved as to form:

Sherry Aguilar, City Clerk

Robert Wingo, City Attorney

EXHIBIT "A"

Street Light Improvement Districts

Expense Estimates and Levy Rates

Fiscal Year 2022

County Number / City District Name by Assessment Type		Net Assessed Value ¹	Estimated Expenses	Levy Amount	Levy Rate ²
Ad Valorem					
23667	Asante Parcel 1.16	46,805	1,200	500	1.0682
23641	Asante Phase 1	13,003,499	52,400	39,400	0.3029
23183	Ashton Ranch I	3,106,923	14,200	11,200	0.3604
23238	Ashton Ranch II	3,614,598	15,800	12,000	0.3319
23355	Ashton Ranch III	3,283,162	17,700	13,200	0.4020
23358	Ashton Ranch IV	3,289,892	12,800	10,100	0.3070
23698	Autoshow East 1 #126 (Coulter Nissan)	977,507	700	700	0.0716
23872	Autoshow East 3 #132 (Toyota)	1,361,442	700	200	0.0146
23682	Autoshow NW #114 SLID	3,069,634	2,100	1,900	0.0618
23830	Autoshow West 1 #150	1,768,110	1,400	1,100	0.0622
23836	Autoshow West 2 #152	1,372,763	1,600	1,500	0.1019
23468	Bell Pointe I	5,532,680	24,500	18,900	0.3416
23193	Bell West Ranch	2,249,639	8,300	6,200	0.2755
23323	Bell West Ranch 1A	2,989,379	11,600	8,600	0.2876
23351	Bell West Ranch 1B	1,851,146	7,900	5,900	0.3187
23424	Bell West Ranch II	3,239,893	11,000	8,400	0.2592
23461	Bell West Ranch III	3,000,962	11,000	7,600	0.2532
23194	Canyon Ridge West	12,558,378	13,800	10,200	0.0812
23537	City @ Surprise Ph 1	2,735,974	8,500	7,700	0.2814
23125	Continental at Kingswood Parke	4,963,101	13,100	9,700	0.1954
23456	Cotton Gin	3,628,626	16,600	12,000	0.3307
23330	Countryside	9,530,560	35,000	27,700	0.2906
23590	Desert Oasis Lancer 5 A5B14A	3,635,742	31,400	24,200	0.6656
23450	Desert Oasis No. 1	10,409,436	25,800	16,500	0.1585
23700	Desert Oasis Pcl 13A	2,510,372	7,900	13,900	0.5537
23706	Desert Oasis Pcl 14C	2,496,635	8,800	6,900	0.2763
23258	Greenway Parc #1	3,830,728	20,700	18,400	0.4803
23329	Greenway Parc #2	3,354,232	17,200	13,900	0.4144
23268	Greenway Parc #3	893,789	6,500	4,700	0.5258
23525	Greer Ranch North Ph1	8,291,170	37,700	30,500	0.3678
23555	Greer Ranch North PH2	9,601,472	17,100	13,400	0.1395
23460	Greer Ranch South	13,343,304	46,900	36,100	0.2705
23644	Johnson Townhomes	550,064	1,200	1,100	0.1999
23469	Kenly Farms	3,936,114	12,600	10,300	0.2616
13980	Kingswood Parke	11,831,271	39,100	29,100	0.2459
23319	Legacy Parc	7,136,890	26,700	20,500	0.2872
23356	Legacy Parc G,H,I	3,048,760	16,000	12,600	0.4132
23419	Legacy Parc Parcels e, f, & j	3,605,127	11,300	8,300	0.2302
23449	Litchfield Manor	16,305,245	57,000	42,400	0.2600
23457	Marley Park I, p 1-4	7,545,533	30,500	23,900	0.3167
23521	Marley Park Ph 1, P 5, 6	5,040,693	18,500	13,300	0.2638
23512	Marley Park Ph 1, P 7, 8	3,948,444	11,700	8,800	0.2228
23566	Marley Park Ph 2, 9,11,12	4,700,072	15,500	12,700	0.2702
23135	Mountain Vista	8,723,997	21,000	16,500	0.1891
23191	Mountain Vista II	8,277,593	12,700	9,900	0.1196
23239	Mountain Vista III	5,975,686	19,300	14,200	0.2376
23267	Northwest Ranch #1	4,733,535	9,200	7,000	0.1478
23335	Northwest Ranch II	6,124,255	26,300	20,000	0.3265
23409	Orchards 1,2,3,4,5	9,047,773	31,700	24,700	0.2729
23417	Parke Row	909,583	3,300	2,700	0.2968

County Number / City District Name by Assessment Type		Net Assessed Value ¹	Estimated Expenses	Levy Amount	Levy Rate ²
Ad Valorem					
23661	Quick Trip # 410	306,750	900	0	0.0000
23390	Rancho Gabriella - Phase I	10,370,332	30,800	23,700	0.2285
23401	Rancho Gabriella 2,3,4A-B	22,488,659	63,900	48,800	0.2169
23487	Rancho Gabriella Ph 2 pcl 11	1,294,383	3,900	3,000	0.2317
23536	Rancho Gabriella PH 3 pcl 17	1,445,194	4,000	3,100	0.2145
23336	Roseview Units 1-6	9,787,824	39,400	31,100	0.3177
23333	Roseview Units 5, 5a, 7, 8	6,044,847	21,100	16,500	0.2729
23542	Royal Ranch Unit 2, P7	2,347,358	7,300	300	0.0127
23524	Royal Ranch Unit 2, pcl 8	1,505,985	6,800	4,900	0.3253
23506	Royal Ranch Unit II, pcl 5,6,9	7,462,086	21,500	2,600	0.0348
23673	Santa Fe Ave #111	681,679	1,300	1,300	0.1907
23591	Sarah Ann Ranch	18,102,939	64,700	51,500	0.2844
23455	Sierra Montana Parcel 12	1,579,702	8,900	6,700	0.4241
23668	Sierra Montana Parcel 14	2,585,288	11,200	8,500	0.3287
23581	Sierra Montana Parcel 7	1,391,330	3,900	3,300	0.2371
23811	Sierra Montana Phase 1 Parcel G #141	618,392	4,700	1,900	0.3072
23448	Sierra Montana Phase II	14,750,391	42,000	31,900	0.2162
23510	Sierra Verde Parcel 4	1,626,451	3,700	2,500	0.1537
23467	Sierra Verde Ph I	9,707,987	40,700	31,100	0.3203
23902	SU-Asante PAR4.5	1,198,514	0	0	0.0000
23869	SU-Highland Prep	0	0	0	0.0000
23950	SU-Hilton Garden Inn	1,342,655	1,700	5,800	0.4319
23458	Summerfield @ Litchfields	1,488,690	5,400	4,000	0.2686
23110	Sun City Grand (DW)	49,040,660	305,300	255,500	0.5209
23174	Sun City Grand II	132,364,092	528,600	447,100	0.3377
23184	Sun City Grand III	6,754,216	35,200	28,900	0.4278
23338	Sun City Grand IV	92,993,230	174,200	130,000	0.1397
23414	Surprise Farms 1A	14,324,536	44,300	32,400	0.2261
23444	Surprise Farms 1B	16,082,016	65,400	49,500	0.3068
23498	Surprise Farms Ph 2	12,895,229	48,600	38,000	0.2946
23517	Surprise Farms Ph 3	10,234,662	40,300	31,000	0.3028
23582	Surprise Farms PH 4, Par 1-6	11,593,586	34,600	23,600	0.2035
23654	Surprise Farms Phase 5	6,219,968	15,500	11,500	0.1848
23683	Surprise Medical Plaza SLID	1,430,142	3,700	3,300	0.2307
23645	Surprise Pointe CommI Subdivision	16,654,312	13,900	11,100	0.0666
23653	Surprise Valley Station (Trader Joe's)	2,411,369	1,100	1,100	0.0456
23563	Sycamore Estates Par 13	4,656,389	27,200	19,900	0.4273
23841	Sycamore Farms Parcel 12 Ph2 #138	1,146,770	8,100	200	0.0174
23405	Tash/Western Meadows	3,783,302	15,400	11,900	0.3145
23470	Veramonte	5,737,987	27,600	20,700	0.3607
23663	Westfield Commons	1,901,999	0	0	0.0000
23124	WestPoint Towne Center	19,425,570	76,100	58,500	0.3011
Total Ad Valorem			2,718,400	2,127,900	

County Number / City District Name by Assessment Type		# of Taxable Parcels ¹	Estimated Expenses	Levy Amount	Levy Rate ²
Equal Apportionment					
23838	Austin Ranch Parcel 1	420	30,000	25,100	59.76
23834	Austin Ranch West Parcel 4 #139	138	9,800	8,500	61.58
23868	Austin Ranch West Parcel 6 #143	116	3,700	4,300	37.06
23708	Autoshow East 2 #127 (L Miller Dodge)	1	900	1,600	1,600.00
23670	Commerce Park East #109 SLID	61	4,200	3,800	62.28
23671	Coyote Lakes #95 SLID	761	38,900	32,200	42.30
23662	Crescent Crown #82	2	2,100	2,000	1,000.00
23819	Desert Oasis Parcel 11	64	4,300	3,800	59.37
23829	Desert Oasis Parcel 13B #151	103	4,600	4,600	44.66
23842	Desert Oasis Parcel L10 Sanverno	93	3,400	2,400	25.80
23911	Dysart Mini Storage #145	1	600	600	600.00
23676	Kingswood Parke #105 SLID	47	1,700	1,600	34.04
23666	Marley Park Parcel 12	144	14,000	9,600	66.66
23810	Marley Park Ph 4, #140	858	7,500	7,800	9.09
23790	Marley Park Phase 3	594	22,900	23,900	40.23
23665	Marley Park Plaza #91	7	1,300	1,200	171.42
23702	OTS Commercial B #123	4	2,100	1,900	475.00
23674	Parkview Place #112	8	2,700	2,100	262.50
23434	Royal Ranch Unit I	516	22,600	17,400	33.71
23418	Sierra Montana Phase 1a	1,397	80,300	55,400	39.65
23692	Skyway Business Park #92	58	17,900	15,800	272.40
23669	Stadium Village Small A #107	9	7,900	6,800	755.55
23672	Stonebrook #103	164	5,100	4,200	25.60
23808	Sycamore Farms Parcel 12 North #146	154	4,700	4,500	29.22
23694	Westgate #122	1	700	1,300	1,300.00
23856	Zanjero Trails Parcels 16 & 17 #162	105	5,000	1,900	16.37
23807	Zanjero Trails PH 2 #133	544	25,900	24,400	44.84
Total Equal Apportionment			324,800	268,700	
Grand Total			3,043,200	2,396,600	

¹ Net Assessed Value based on Maricopa County Assessor's Office 2021 February State Abstract report.

² Levy rate per \$100 of assessed value for Ad Valorem assessments. Dollar levy per parcel for Equal Apportionment assessments.



CITY OF SURPRISE Regular City Council Meeting

Council Meeting Date: June 15, 2021
Submitting Department: Human Resources
Staff Recommendations: None

Contact Person: Lisa Angelini, DIRECTOR - HR
District: Internal

Consent: No	Regular: No	Public Hearing: No	Report/Discussion: No
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Agenda Wording:

Consideration and action pertaining to the reappointment of Louis Frank Dominguez to the position of Presiding Judge of the Surprise Municipal Court; Resolution # 2021-46.

Motion:

I move to approve Resolution # 2021-46.

Background:

The Municipal Code of Surprise, Sec 30-44 et seq. provides a reappointment process for incumbent presiding judges whereby the Judicial Selection Advisory Commission makes a recommendation to City Council after investigation and evaluation. This process has occurred and the Committee recommends reappointment of Presiding Judge Louis Frank Dominguez.

The Surprise Municipal Code provides that City Council will appoint or reappoint a Presiding Judge for a term of four years and will set compensation for that term; Resolution #2021-46 is compliant with this obligation and will reappoint Louis Frank Dominguez to the position of Presiding Judge of the Surprise Municipal Court.

Objective Analysis:

Pursuant to SMC Sec. 30-46, the City Council may accept or reject the recommendation submitted by the Judicial Selection Advisory Committee. If City Council were to reject the recommendation, per that section, it would be appropriate for City Council to refer the matter back to the Commission for more investigation and findings.

The Commission has completed the re-appointment evaluation process as set forth in SMC Chapter 30, Sec. 30-45 *et seq.*

Policy Compliant:

The process for reappointment of Surprise Municipal Court Judges as set forth in Surprise Municipal Code Chapter 30 has been complied with and the appointment is in accordance with the process requirements of the City Code.

Financial Impact:

The compensation of the Presiding Judge shall be fixed by the City Council and incorporated into the

City Court operations budget.

Budget Impact:

The compensation of the Presiding Judge shall be fixed by the City Council and incorporated into the City Court operations budget.

FTE Impact:

This item does not impact the overall full-time equivalent count.

ATTACHMENTS:

1. Res 2021-46 Reappointment of Judge Dominguez(2)
-

RESOLUTION # 2021-46

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA, REAPPOINTING LOUIS FRANK DOMINGUEZ AS PRESIDING JUDGE OF THE SURPRISE CITY COURT AND SETTING COMPENSATION.

WHEREAS, pursuant to City Code, Surprise City Council appoints and reappoints a Presiding Judge after recommendation by the Judicial Selection Advisory Commission (JSAC);

WHEREAS, the Surprise Judicial Selection Advisory Committee, pursuant to Surprise City Code §30-45, forwarded to the City Council the recommendation that Louis Frank Dominguez be re-appointed as Presiding Judge;

WHEREAS, the City Council desires to accept the JSAC recommendation and reappoint Louis Frank Dominguez as Presiding Judge of the Surprise City Court upon the expiration of his current term on June 30, 2021;

WHEREAS, the Surprise City Code provides that City Council appoint the Presiding Judge to a term not less than four years and set compensation at a fixed amount, "not [to] be reduced or increased during the term of office, except for adjustments which are applicable to all employees of the city, without regard to performance."

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Surprise, Arizona, as follows.

Section 1. Louis Frank Dominguez is hereby reappointed to the position of Presiding Judge of the Surprise City Court for a term of four years, commencing July 1, 2021, and ending June 30, 2025.

Section 2. The compensation for the Presiding Judge of the Surprise City Court is hereby fixed as follows:

- (a) Salary: \$204,652.51 Dollars annually (\$ 7,871.25) bi-weekly. Per City Code, this salary shall automatically be amended to reflect any salary adjustments, with the exception of merit or performance, that are generally provided or required by the City's compensation policies to all employees such as cost of living adjustments or other discretionary pay as approved by City Council.
- (b) Deferred Compensation: At the beginning of the fiscal year the City shall contribute an amount equal to ten percent of the Presiding Judge's salary into a 401(a) plan. If deferred compensation exceeds the amount allowed by the IRS, the remainder will be included in the Presiding Judge's pay.
- (c) Paid Time Off: Presiding Judge's accrued [through June 30, 2021] Paid Time Off ("PTO") will be carried over and available at the commencement of the term.

Thereafter, Presiding Judge will earn and accrue 280 hours of PTO per year upon July 1 of each year except as limited herein. In no event may total accrued but unused PTO exceed 560 total hours ("PTO Cap"). The annual PTO accrual will be reduced to the extent the accrued but unused PTO remaining at the end of any fiscal year is greater than 280 so as to assure the PTO Cap is not exceeded.

- (d) Benefits: Except as otherwise provided herein, the Presiding Judge is entitled to all other City benefits which are otherwise available to non-classified City employees including but not limited to Insurance (health, dental, vision), Deferred Compensation, Paid Medical Leave, Worker's Compensation, etc...

APPROVED AND ADOPTED this ____ day of _____, 2021.

Skip Hall, Mayor

Attest:

Approved as to form:

Sherry Aguilar, City Clerk

Robert Wingo, City Attorney



CITY OF SURPRISE Regular City Council Meeting

Council Meeting Date: June 15, 2021
Submitting Department: Human Resources
Staff Recommendations: None

Contact Person: Lisa Angelini, DIRECTOR - HR
District: Internal

Consent: No Regular: No Public Hearing: No Report/Discussion: No

Agenda Wording:

Consideration and action pertaining to the reappointment of Catherine Ann Gaudreau to the position of Associate Judge of the Surprise Municipal Court; Resolution # 2021-47.

Motion:

I move to approve Resolution # 2021-47.

Background:

The Municipal Code of Surprise, Sec 30-44 et seq. provides a reappointment process for incumbent presiding judges whereby the Judicial Selection Advisory Commission makes a recommendation to City Council after investigation and evaluation. This process has occurred and the Committee recommends reappointment of Associate Judge Catherine Ann Gaudreau.

The Surprise Municipal Code provides that City Council will appoint or reappoint an Associate Judge for a term of four years and will set compensation for that term; Resolution #2021-47 is compliant with this obligation and will reappoint Catherine Ann Gaudreau to the position of Associate Judge of the Surprise Municipal Court.

Objective Analysis:

Pursuant to SMC Sec. 30-46, the City Council may accept or reject the recommendation submitted by the Judicial Selection Advisory Committee. If City Council were to reject the recommendation, per that section, it would be appropriate for City Council to refer the matter back to the Commission for more investigation and findings.

The Commission has completed the re-appointment evaluation process as set forth in SMC Chapter 30, Sec. 30-45 *et seq.*

Policy Compliant:

The process for reappointment of Surprise Municipal Court Judges has been complied with and the appointment is in accordance with the requirements of the City Code.

Financial Impact:

The compensation of the Associate Judge shall be fixed by the City Council and incorporated into the City Court operations budget.

Budget Impact:

The compensation of the Associate Judge shall be fixed by the City Council and incorporated into the City Court operations budget.

FTE Impact:

This item does not impact the overall full-time equivalent count.

ATTACHMENTS:

1. 21.05.17 Res 2021-47 Reappointment of Associate Judge Gaudreau
-

RESOLUTION # 2021-47

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA, REAPPOINTING CATHERINE ANN GAUDREAU AS ASSOCIATE JUDGE OF THE SURPRISE CITY COURT AND SETTING COMPENSATION.

WHEREAS, pursuant to City Code, Surprise City Council appoints and reappoints a Associate Judge after recommendation by the Judicial Selection Advisory Commission (JSAC);

WHEREAS, the Surprise Judicial Selection Advisory Committee, pursuant to Surprise City Code §30-45, forwarded to the City Council the recommendation that Catherine Ann Gaudreau be re-appointed as Associate Judge;

WHEREAS, the City Council desires to accept the JSAC recommendation and reappoint Catherine Ann Gaudreau as Associate Judge of the Surprise City Court upon the expiration of her current term on June 30, 2021;

WHEREAS, the Surprise City Code provides that City Council appoint the Associate Judge to a term not less than four years and set compensation at a fixed amount, “not [to] be reduced or increased during the term of office, except for adjustments which are applicable to all employees of the city, without regard to performance.”

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Surprise, Arizona, as follows.

Section 1. Catherine Ann Gaudreau is hereby reappointed to the position of Associate Judge of the Surprise City Court for a term of four years, commencing July 1, 2021, and ending June 30, 2025.

Section 2. The compensation for the Associate Judge of the Surprise City Court is hereby fixed as follows:

- (a) Salary: \$186,803.40 Dollars (\$7,184.75 bi-weekly). Per City Code, this salary shall automatically be amended to reflect any salary adjustments, with the exception of merit or performance, that are generally provided or required by the City’s compensation policies to all employees such as cost of living adjustments or other discretionary pay as approved by City Council.
- (b) Paid Time Off: Associate Judge’s accrued [through June 30, 2021] Paid Time Off (“PTO”) will be carried over and available at the commencement of the term. Thereafter, Associate Judge will earn and accrue 280 hours of PTO per year upon July 1 of each year except as limited herein. In no event may total accrued but unused PTO exceed 560 total hours (“PTO Cap”). The annual PTO accrual

will be reduced to the extent the accrued but unused PTO remaining at the end of any fiscal year is greater than 280 so as to assure the PTO Cap is not exceeded.

- (c) Benefits: Except as otherwise provided herein, the Associate Judge is entitled to all other City benefits which are otherwise available to non-classified City employees including but not limited to Insurance (health, dental, vision), Deferred Compensation, Paid Medical Leave, Worker's Compensation, etc...

APPROVED AND ADOPTED this ____ day of _____, 2021.

Skip Hall, Mayor

Attest:

Approved as to form:

Sherry Aguilar, City Clerk

Robert Wingo, City Attorney



CITY OF SURPRISE
Regular City Council Meeting

Council Meeting Date: June 15, 2021

Contact Person: Robert Wingo, CITY
ATTORNEY, City Attorney

Submitting Department: Legal

District: Internal

Staff Recommendations: None

Consent: No	Regular: No	Public Hearing: No	Report/Discussion: No
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Agenda Wording:

Consideration and action to recess into executive session for discussion and consultation with the City's attorneys for legal advice, and to consider and instruct the City's attorneys regarding the City Council's position pertaining to opioid litigation pursuant to A.R.S. 38-431.03 (A)(3) and (4).

Motion:

Background:

Objective Analysis:

Policy Compliant:

Financial Impact:

Budget Impact:

FTE Impact:

ATTACHMENTS:
