



CITY OF SURPRISE
Regular City Council Meeting
16000 N. Civic Center Plaza
Surprise, AZ 85374
Tuesday, March 21, 2023 @ 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

Fix a Leak Week Proclamation

Recognition of the Valley Vista High School Girls Basketball team's 2023 Arizona Interscholastic Association 6A State Championship

E. City Manager Report

F. City Clerk Report

G. Call To The Public

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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.

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H. Regular City Council Meeting Agenda

CONSENT AGENDA:

- | | | | |
|---|--|---|--|
| 1. | Internal | Consideration and action to approve minutes for the Regular Work Session and Regular Council Meeting of Tuesday, March 7, 2023. | None

Sherry Aguilar
City Clerk |
| 2. | District 6 | Consideration and action pertaining to approval of the Final Plat entitled, "Surprise Logistics Park" and received January 11, 2023, an approximately 28.42 acre property generally located on the southwest corner of Litchfield Rd. and Laurel Ln; Case FS22-1340. | None

Leslie Carnie
Community Development |
| 3. | District 1 | Consideration and action to accept an Amendment to Right of Way from the Arizona State Land Department for 227 th Avenue between Sun Valley Parkway and Beardsley. | Lloyd Abrams
Community Development |
| 4. | District 1 | Consideration and action to accept a Quit Claim Deed from The Goertzen Trust for Right of Way along Dale Lane near 165th Avenue. | Lloyd Abrams
Community Development |
| 5. | District 1 | Consideration and action to accept a Quit Claim Deed from Eugene and Valerie Rollin for Right of Way along Dale Lane near 175th Avenue. | Lloyd Abrams
Community Development |
| 6. | District 1 | Consideration and action to accept a Quit Claim Deed from HOH Land Holdings for Right of Way along Dale Lane at 163rd Avenue. | Lloyd Abrams
Community Development |
| 7. | District 1 | Consideration and action to accept a transfer of Right of Way from Arizona State Land Department for 163 rd Avenue between Dixileta and White Wing. | Lloyd Abrams
Community Development |
| 8. | | Consideration and action to approve an amendment to the Fiscal Year 2023 budget moving budget authority within grant and capital projects to/from contingency or between projects to adjust amounts originally estimated during the FY2022 budget process, as required by grant stipulations and guidelines, or based on anticipated revenues; Resolution #2023-29. | Eric Boyles
Finance |
| REGULAR AGENDA ITEM - PUBLIC HEARING: | | | |
| 9. | District 1 | Consideration and action pertaining to approval of a Major Planned Area Development (PAD) Amendment to the Vistas Montanas PAD; Ordinance #2023-07. | Chris Sexton
Community Development |
| REGULAR AGENDA ITEM - NON-PUBLIC HEARING: | | | |
| 10. | District 4 | Consideration and action pertaining to a Ground Lease between the City of Surprise and the Housing Authority of Maricopa County for affordable senior housing in Surprise; Resolution #2023-35. | Seth Dyson
Human Svcs and Comm Vitality |
| 11. | Citywide | Consideration and action pertaining to the approval of an Intergovernmental Agreement with the Housing Authority of Maricopa County for affordable senior housing in Surprise; Resolution #2023-36. | Seth Dyson
Human Svcs and Comm Vitality |
| I. | Other Business and Future Agenda Items | | |
| J. | City Council Reports | | |

K. Executive Session

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: Thursday, March 16, 2023 @ 2:00 PM
Amended Agenda (Added Item 11 Attachments) - March 20, 2023 @ 3:30 PM

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CITY OF SURPRISE
Regular City Council Meeting

Council Meeting Date: March 21, 2023
Submitting Department: City Clerk
Staff Recommendations:

Contact Person:
District: Internal

Consent: No	Regular: No	Public Hearing: No	Report/Discussion: No
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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: March 21, 2023
Submitting Department: City Manager Office
Staff Recommendations:

Contact Person:
District: Citywide

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

Agenda Wording:
Fix a Leak Week Proclamation

Motion:

Background:

Objective Analysis:

Policy Compliant:

Financial Impact:

Budget Impact:

FTE Impact:

ATTACHMENTS:



CITY OF SURPRISE
Regular City Council Meeting

Council Meeting Date: March 21, 2023
Submitting Department: City Manager Office
Staff Recommendations:

Contact Person:
District: District 5

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

Agenda Wording:

Recognition of the Valley Vista High School Girls Basketball team's 2023 Arizona Interscholastic Association 6A State Championship

Motion:

Background:

Objective Analysis:

Policy Compliant:

Financial Impact:

Budget Impact:

FTE Impact:

ATTACHMENTS:



CITY OF SURPRISE Regular City Council Meeting

Council Meeting Date: March 21, 2023
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
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Agenda Wording:

Consideration and action to approve minutes for the Regular Work Session and Regular Council Meeting of Tuesday, March 7, 2023.

Motion:

I move to approve minutes for the Regular Work Session and Regular Council Meeting of Tuesday, March 7, 2023.

Background:

Objective Analysis:

Policy Compliant:

Financial Impact:

Budget Impact:

FTE Impact:

ATTACHMENTS:

1. 030723 Work Session Minutes
 2. 030723 Regular Council Meeting Minutes
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CITY OF SURPRISE
Regular City Council Work Session
16000 N. Civic Center Plaza
Surprise, AZ 85374
Tuesday, March 7, 2023 @ 4:00 PM
COUNCIL CHAMBERS

A. Call To Order

Mayor Hall called the Regular City Council Work Session of Tuesday, March 7, 2023 to order at 4:00 p.m., located at Surprise City Hall, 16000 N. Civic Center Plaza, Surprise, AZ. 85374.

B. Roll Call

In attendance with Mayor Hall were Vice-Mayor Chris Judd, Councilmembers Jack Hastings, Patrick Duffy, Aly Cline, and Nicholas Haney. Councilmember Ken Remley was excused.

C. Pledge of Allegiance

Mayor Hall led the Pledge of Allegiance.

D. Proclamation and Community Acknowledgements

E. City Manager Report

F. City Clerk Report

G. Call To The Public

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H. Regular City Council Work Session Agenda

CONSENT AGENDA:

REGULAR AGENDA ITEM - PUBLIC HEARING:

REGULAR AGENDA ITEM - NON-PUBLIC HEARING:

1. Citywide Presentation and discussion pertaining to proposed amendments to the Surprise Municipal Code regarding City Council and Boards and Commissions policies and procedures. Robert Wingo Legal

Attorney Wingo presented proposed revisions and amendments to the municipal code. He reviewed the history of the topic which led to the current approach to the changes. He reviewed the parliamentary procedures and addressed the differences between current procedures and proposed changes in league with Robert's Rules of Order. Another provision identified with the legal department was consolidated meetings, identified the current code as an obsolete revision. He suggested either strike the mandate or follow it. Mr. Wingo went on to talk about Bylaws and the City Code. He put forth for consideration a clause about prohibiting employees as candidates for a public body.

Councilmember Hastings commented about starting out on the arts commission and being a part-time employee at the same time. He asked if our current code distinguishes from full time and part time employees participating as candidates? Wingo state that the current code simply says that employees may not serve on a public body. Councilmember Duffy said he started out similarly to Councilmember Hastings. Attorney Wingo asked for further direction from council, saying that right now it requires anyone applying would need to resign. Mayor Hall said it was Draconian to ask the candidate to resign prior to getting a job. Councilmember Hastings agreed and said it made more sense to resign if you get the job instead of right when applying. Wingo stated that his office would advise more caution should that situation be brought to his office now.

Vice-Mayor Judd asked about potential conflicts of interested with a hiring board in that type of situation. Wingo stated that they would refer to state law if there was any conflict of interests.

Vice-Mayor Judd said he wouldn't be against having part time employees participate in public bodies. Councilmember Hastings wanted to remind everyone that they were all part time as council members.

Councilmember Cline agreed with her colleagues, she stated that it would be more difficult if the Board and Commission aligned with the job you were applying for it would make it more difficult. she wants people involved in the city to enjoy the opportunities of being involved with the city further.

Councilmember Haney asked if past practice comes into play? Could an employee reference past practice to continue forward now. Attorney Wingo replied and said it wouldn't set precedence. He said that the code should be followed but said he would do further research. Wingo then asked if it should allow for part-time employees.

Attorney Wingo continued to the next topic about Political Activity. He said that for some reason the term "Salaried" position was exempt from the code and would like to bring it in to be in line with state law.

Attorney Wingo next addressed the topic of term limits in regards to being a chair or vice-chair for a board and commission. He suggested limiting the terms to two consecutive terms. He then asked for council input. Mayor Hall suggested two years. Councilmember Cline stated that she had been on number of public bodies previously. She thinks it would make sense for two-year limits but have the limit reset with a full new term of services. Councilmember Hastings stated that he supported term limits across the board. He compared the Planning & Zoning to the City Council with how they rotate chairs and vice-chairs. Vice-Mayor Judd agreed with the sentiment.

Attorney Wingo then asked about term limits for sitting on boards, and asked to weigh the pros and cons of such a proposal. He suggested two consecutive terms and no limit on the number of

nonconsecutive terms. Councilmember Cline stated that some people get on these boards because it is their passion. She said she would hate for people not to be able to get on and suggested that they interview for the position at the end of a term should they want to continue to make sure they are still interested. Mayor Hall agreed with the suggestion. Councilmember Hastings liked the points made but said they should alternate. He is in favor of setting a limit of 12 years with a break of 4 years. Councilmember Haney was concerned about outing someone who is passionate about that particular board and not having enough people able to serve on a board. Mayor Hall asked the City Clerk if that had happened. Clerk Aguilar stated that it had in the past.

Mayor Hall said that P&Z was statutory and asked about other boards and commissions and state law requirements for those boards? Attorney Wingo stated that he didn't believe it was. Councilmember Duffy said that sometimes someone terms out and no body applies. He said he agreed with Cline to open it back up to make it competitive but not to force anyone out. Mayor Hall agreed. Councilmember Cline asked if we could make the requirements consistent across the board.

Attorney Wingo brought up constancy with the Veterans, Disability, and Human Service Commission stating it was an anomaly with 11 members. He suggested reducing the number of members for this Commission to go down to 7 and that would accrue through attrition. Councilmember Cline said that this particular board was composed of two different commissions and why it is the number it is. She agreed with having that board reduce through attrition. Mayor Hall said he agreed.

Attorney Wingo thanked everyone and said he would return in the future with their suggestions.

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| 2. | Citywide | Presentation and discussion pertaining to the FY2023 Financial Status Report through December 2022. | None |
| | | | Andrea Davis
Finance |

Andrea Davis introduced the FY 2023 General Fund Sources.

Mayor Hall said that it didn't look like the state share wasn't as big as originally thought. Andrea stated that these were still conservative estimates. She said they are still waiting to hear back from the state in the next week or so. She then proceeded go over the FY23 General Fund Uses. Mayor Hall noted that the report was different from what was shown. Andrea said that they revised the numbers to be closer to the estimates.

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|----|----------|--|-------------------------|
| 3. | Citywide | Presentation and discussion pertaining to the FY2024 Budget Department Overview - Public Safety, General Government, & Community Services. | None |
| | | | Andrea Davis
Finance |

Andrea Davis introduced the FY 24 Budget Department Overview. She cautioned about an inflation increase in the costs and packages. All the directors are present for any of the departments being addressed in the presentation. She gave details for the City Court, and Police budgets respectively.

Councilmember Hastings asked the Chief Pina how many officers do we have in the schools in surprise and how are they paid for? Chief Pina talked about SROs and the grants that help with the costs. We're in a 50/50 split with the district for the costs. We are currently evaluating. We could get a request for more officers and possible staffing needs.

Andrea then introduced the Fire budget, and broke down the operating costs. Vice-Mayor Judd asked about Overtime increases and further asked about positions vs overtime costs. Andrea and Fire Chief Espie talked about the factors involved with hiring people to compensate for overtime and the current strategy used to staff the fire department. Vice-Mayor Judd asked when 309 would be opening? Chief Espie said they were hoping for September/October of 2024. Vice-Mayor Judd then asked the average cost of overtime? Andrea said it was averaging \$2 million. Mayor Hall said that there is a point where hiring more people is more cost effective than granting

overtime. Andrea and Chief Espie explained the challenges of hiring quality candidates for the type of work done in the Fire Department, and what they could practically do offer now. Councilmember Duffy asked if there was any plans for a fire truck out for 309 due to the bigger residential buildings. Chief Espie agreed that they would need one in the next few years. Andrea mentioned that the cost of a truck was almost as much as a new station. Mayor Hall asked about the Fulfillment time for a ladder truck? Chief Espie said it takes about 3 years. Further discussion about financing versus buying outright and the pros and cons of that approach.

Andrea proceeded to talk about the budgets for: Community Services, Arts Culture and Library, Parks and Recreation, and Sports and Tourism.

Eric Boyles introduced the General Government Budget for the following departments: Mayor and Council, City Manager's Office, City Auditor, Marketing and Communications, City Attorney, City Clerk, Finance, Human Resources, and Information and Technology.

- I. Other Business and Future Agenda Items
- J. City Council Reports
- K. Executive Session

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- L. Adjournment

Councilmember Cline made the motion to adjourn. Seconded by Councilmember Hastings. Unanimous yes vote to adjourn at 5:32 p.m.

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, March 7, 2023.

POSTED: Thursday, March 2, 2022 @ 10:00 AM

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CITY OF SURPRISE
Regular City Council Meeting
16000 N. Civic Center Plaza
Surprise, AZ 85374
Tuesday, March 7, 2023 @ 6:00 PM
COUNCIL CHAMBERS

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Invocation led by Pastor, DJ Bosler

B. Roll Call

In attendance with Mayor Hall were Vice-Mayor Chris Judd, Councilmembers Jack Hastings, Patrick Duffy, Aly Cline, and Nicholas Haney. Councilmember Ken Remley was excused.

C. Pledge of Allegiance

Mayor Hall led the Pledge of Allegiance.

D. Proclamation and Community Acknowledgements

E. City Manager Report

The City Manager introduced the Recreation Coordinator Gina Neria to talk about some awards.

Gina wanted to introduce Danielle Edgerton from Dysart Unified School District to present the essay contest winners.

Katy Fumiya Countryside Elementary
Rose Vasquez Countryside Elementary
Tatiana Pelegrino Freedom Traditional School
Caleb Delgado Shadowridge Highschool

The Youth Council Members on the Dias for 3/7/23:

Maya Calugaru 11th grade at Canyon View High School

Amaya Trent 12th grade at Willow Canyon High School

F. City Clerk Report

G. Call To The Public

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Alejandro Christ a Surprise citizen, wanted to give kudos about the Surprise App and whoever is running it. He talked about the city's growth. He then went on to talk about loitering and begging in the City. He also asked if there could be improvements for cell phone services within the City. He voiced concerns about finding a place for the truck drivers to park.

H. Regular City Council Meeting Agenda

CONSENT AGENDA:

No items were removed from the consent agenda.

Councilmember Duffy made the motion to approve items 1 through 14 on the Consent Agenda. Seconded by Councilmember Cline. 6 yes votes. 1 excused. Motion carried.

- | | | | |
|----|------------|---|---|
| 1. | Internal | Consideration and action to approve the February 21, 2023 Regular Work Session, Regular Council Meeting & Executive Session Minutes and the Special Council/Planning & Zoning Commission Meeting Minutes of February 23, 2023. | None

Sherry Aguilar
City Clerk |
| 2. | District 1 | Consideration and action to approve a request by Charlotte Ella Pollack (Agent) for a Multi-License Acquisition of Control for BABBO's Italian Eatery (Series 12 - Restaurant) located at 16433 W. Bell Road, Surprise, AZ. 85374. | None

Sherry Aguilar
City Clerk |
| 3. | District 1 | Consideration and action pertaining to approval of the Final Plat entitled "Mach Compound", dated January 5, 2023, a property located at the southeast corner of Jomax Road and 237 th Drive. Case FS22-1382. | None

Tanner Wessel
Community
Development |
| 4. | District 1 | Consideration and action pertaining to the conditional acceptance and maintenance of certain streets and public improvements at North 163 rd Avenue and East of West Asante Boulevard. Resolution # 2023-18. | Kristin Tytler
Public Works |

5.	District 1	Consideration and action pertaining to the conditional acceptance and maintenance of certain streets and public utility improvements at N. Citrus Road and W. Enoch Drive. Resolution # 2023-10.	Kristin Tytler Public Works
6.	District 3	Consideration and action pertaining to the conditional acceptance and maintenance of certain streets and public utility improvements at Ryder Ranch. Resolution # 2023-19.	Kristin Tytler Public Works
7.	District 1	Consideration and action pertaining to the conditional acceptance and maintenance of certain streets and public utility improvements at North 163 rd Avenue and East of West Asante Boulevard. Resolution # 2023-24.	Kristin Tytler Public Works
8.	District 1	Consideration and action pertaining to the conditional acceptance and maintenance of certain streets and public utility improvements on Sunrise Parcel A. Resolution # 2023-20.	Kristin Tytler Public Works
9.	District 1	Consideration and action pertaining to the conditional acceptance and maintenance of certain streets and public utility improvements on Sunrise Parcel B. Resolution # 2023-21.	Kristin Tytler Public Works
10.	District 1	Consideration and action pertaining to the conditional acceptance and maintenance of certain streets and public utility improvements at Sunrise Parcel D. Resolution # 2023-22.	Kristin Tytler Public Works
11.	Citywide	Consideration and action pertaining to approval of the Multi-district Litigation opioid settlement with Teva, Allergan, Walmart, CVS, and Walgreens and authorizing the City Attorney to execute any and all documents necessary to effectuate approval and participation in the settlements.	Robert Wingo Legal
12.	District 1	Consideration and action pertaining to approval of the Final Plat entitled "Dale 166", dated January 13, 2023, a property generally located on the northwest corner of 165 th Avenue and Dale Lane. Case FS23-0057.	Jessica Brinton Community Development
13.	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 2023 Budget by moving budget authority in the amount of \$61,900 within the Grants Fund; Resolution # 2023-23.	Seth Dyson Human Svcs and Comm Vitality
14.	Citywide	Consideration and action authorizing the Mayor and Council to accept the First Amendment to the Surprise	Michael Boule

REGULAR AGENDA ITEM - PUBLIC HEARING:

15. District 1 Consideration and action pertaining to a Major General Plan Amendment to change approximately 3,588 acres from Neighborhood Character Area to Employment Character Area, generally located east of US-60/Grand Avenue and Black Mountain Road. Case FS22-0502. Resolution #2023-14. Trevor Fleetham Community Development

Senior Planner, Trevor Fleetham gave a presentation for this item.

Councilmember Duffy wanted to know if highway 74 was going to be the main lane in and out of the plan? Trevor differed to the applicant to answer the question. Nick Woods came to talk, he stated that they have not done a traffic analysis. Obviously 74 is a state highway but they are nowhere near being able to answer the question clearly.

Councilmember Cline wanted to clarify that all that council was being asked to do is to change the designation from “residential” to “employment”; and that any further details would be determined be presented in a future meeting.

Mayor Hall opened the meeting to public comments.

Mitch Murray who lives near the development with no address, spoke on the issue. He mentioned how Ohio had been a huge disaster, and how a similar event would impact Surprise. He further talked about the quality of the BNSF workforce. He Asked how devastating it would be if there was a wreck and who would be accountable for these decisions.

Elizabeth Oldham a Morristown resident, asked if all the information has proved to make an appropriate decision. She talked about BNSF intentions with the city. She asked about the potential hazmat and health problems. She expressed her concerns about any potential future incidents.

Ray Manker a Whittman resident, stated that he wasn’t concerned about the annexation; but was more concerned about the potential traffic issues. He voiced his wishes that the current traffic problems addressed first.

Bonnie Carmin a Whittman resident, stated that she wants the City to deny the request. She talked about the history of her community and how the proposed changes will have an impact. She expressed her concerns about the air, water, and other types of pollution. She suggested annexing smaller portions of the land. She then talked about the potential truck traffic going to the proposed site. She had concerns about impact of the natural landscape. She was asking why it was necessary to annex that much land.

Pete Weinelt a Circle City Resident, had concerns about the traffic. He suggested that the City expand Grand Avenue to three lanes to assist with the flow of traffic. He’s concerned that the new traffic would have a bigger impact on the Bell Road and 303 intersection. He then asked, how many vehicles would go there? Any roads being made? What would the noise impact be? Linda Deberge a Morristown Resident, wanted to address the City’s development and BNSF. She wanted to know what were the water and environmental impact statements? She had concerns about potential flood zones and unchecked development traffic. She wanted to know if there would be down lighting for the site?

Mayor Hall closed the public hearing.

Nick Woods returned to talk about how remarkable it is where the city is today. He talked about the growth of the city and how BNSF wanted to expand the employment base for the City. He stated that if amendment is granted that it doesn't give BNSF the right to anything except to file a zoning case with the City.

Vice-mayor Judd asked if BNSF owned the 4000 acres already? Nick said that they do. Judd then asked what would happen if the amendment isn't approved? Nick said they would then go to the county to ask. Judd said he would rather be a partner to help address the problems. Vice-Mayor Judd then asked if the green lines on the map were environmental corridors, and said he would pay close attention to those if the amendment is approved and a future zoning case presented. He then asked if the next step would be annexation? Nick said they would proceed that way. Judd said that traffic is horrendous and said that the City can't fix it themselves. He then asked if BNSF would be able to help getting the highway fixed? Nick said that BNSF is all about solutions. Vice-Mayor Judd also asked if they regularly transport hazmat materials? Nick asked if Ron Acosta could answer that question.

Acosta said that railroads have a common carrier obligation. He said that it does include hazmat commodities. He said that this project doesn't change that fact. He said that a vast majority of hazmat materials arrive safely through BNSF. He talked about a culture of safety within BNSF. Vice-mayor Judd asked if wheel failure would cause derailments. Acosta said that they develop a profile for every car for preventative measures to avoid that.

Vice-mayor Judd wanted to know about the lighting for light pollution concerns. Acosta said that they would address that issue.

Vice-mayor Judd then asked about train horn noises. Acosta said that communities could establish quiet zones but had legal obligations for road crossings.

Councilmember Cline said that if it was all residential it would add more cars and traffic. She stressed that the next step would have all the details about the potential traffic impact of the site. She was concerned about not having a voice in the process if BNSF goes to the County.

Councilmember Haney wanted to thank all the citizens for showing up. He gave a brief update on the 303 and Grand situation. He voiced his concerns about the impact of truck traffic on an already stressed infrastructure. He said that there is a solution in the works, and though he has concerns about this amendment he stressed the importance of proceeding with a partnership for this situation.

Councilmember Haney made the motion to approve Resolution #2023-14. Seconded by Councilmember Cline. 6 yes votes. 1 excused. Motion carried.

REGULAR AGENDA ITEM - NON-PUBLIC HEARING:

- | | | | |
|-----|----------|---|---|
| 16. | Citywide | Consideration and action authorizing the Mayor and Council to accept the Willow Trails Water Agreement. Resolution # 2023-31. | Michael Boule
Water Resource
Management |
|-----|----------|---|---|

Michael Boule gave a presentation about Willow Trails.

Mayor Hall said he was proud of the department and said that this situation was a win-win for the City.

Councilmember Haney asked if the construction of the waterline will impact traffic? Michael said they would be working hard to avoid that.

Councilmember Cline wanted to know how the City would work with the water company? Michael stated that we are providing redundancy with two different sources of water.

Vice-Mayor Judd made the motion to approve items 1 through 12 on the Consent Agenda. Seconded by Councilmember Haney. 6 yes votes. 1 excused. Motion carried.

17. Citywide Consideration and action pertaining to a Temporary Wastewater Treatment and Interconnection Agreement with EPCOR Water of Arizona Inc., Resolution 2023-08 Michael Boule Water Resource Management

Michael Boule gave a presentation for the EPCOR wastewater agreement.

Vice-Mayor Judd said that this looks like a fantastic deal for the City. He said there were concerns about their water being difficult to treat. Michael said that there is a learning curve, but there is no concern about the strain on our system.

Councilmember Cline asked if there would be any issues with processing that much water? Michael said not at all. She then asked what would the cost be for the residents? Michael said there would be no cost. Cline stated that it sounded like a win-win then.

Councilmember Cline made the motion to approve items 1 through 12 on the Consent Agenda. Seconded by Vice-Mayor Judd. 6 yes votes. 1 excused, Motion carried.

I. Other Business and Future Agenda Items

Vice-Mayor Judd wants a presentation with economic development and finance about procurement and involving small local businesses to participate. Councilmember Cline seconded.

Mayor Hall would like the top cellular companies to come into the council to answer questions. Vice-Mayor Judd seconded.

Councilmember Haney would like a presentation on sober living homes. Councilmember Cline seconded.

J. City Council Reports

Councilmember Hastings stated that spring training games are a great opportunity for the City to show off. He has been to games with the Sundancers, BNSF, small businesses, first responders, and carefree partners. His next meet and greet is Tuesday the 14th 6:00 PM at State48.

Councilmember Duffy said that there were two more openings in his district; Ross and Alta did their ribbon cutting ceremonies. Over the weekend the Paradise Honors Middle School cheer squad won the state title.

Councilmember Haney got to attend some ribbon cuttings with Councilmember Duffy. His next community meeting will be on the 16th 6:00 PM at Asanta library. He said that they will have more space, and would be providing updates and seeking community input.

Councilmember Cline went to some ribbon cuttings and spring training games. She wanted to thank economic development for the work they did on the small business game. She went to the library ribbon cutting and talked about her experience there. She talked about how her, and several other councilmembers did Read Across America. She picked up 3300 books from Paradise Honors Elementary from a book drive; the books are offered to the residents at a reduced price and teachers for free. Her next meeting at Grand is on Tuesday the 28th at 6:00 PM in the Pima room. She has another meeting on Friday the 31st at Arizona Traditions ball room at 10:00 AM.

Vice-Mayor Judd on Saturday went to an art and music event, he thanked Connie Whitlock from WHAM. He said that reading last week was fun. His next meet and greet is after the next Council meeting. He said that on March 17th St. Patrick's Day, Irish Wolfhound will be closing their parking lot for a big celebration.

Councilmember Hastings said that the Valley Vista Highschool girls basketball team just won their 6th state championship and would like them honored at a future meeting.

Mayor Hall said that the first Bases and Brew festival is coming on March 24th, 25th, and 26th. He said he would like to invite citizens to the State of the City event on March 30th from 6-8 PM.

K. Executive Session

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

Mayor Hall commented that there is no other business to discuss and asked for a motion to adjourn.

Vice-Mayor Judd made the motion to adjourn. Seconded by Councilmember Cline. Unanimous yes vote to adjourn at 7:47 p.m.

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, March 7, 2023.

SHERRY ANN AGUILAR, CITY CLERK, MMC

POSTED: Thursday, March 2, 2023 @ 10:15 AM

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: March 21, 2023 Contact Person: Leslie Carnie
Submitting Department: Community Development District: District 6
Staff Recommendations: None

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

Agenda Wording:

Consideration and action pertaining to approval of the Final Plat entitled, "Surprise Logistics Park" and received January 11, 2023, an approximately 28.42 acre property generally located on the southwest corner of Litchfield Rd. and Laurel Ln; Case FS22-1340.

Motion:

I move to approve the Final Plat entitled, "Surprise Logistics Park" and dated January 11, 2023.

Background:

Traver Jones with Kimley-Horne on behalf of SL6 Surprise Industrial LP, seeks approval of a Final Plat that divides the 28.42 acre parcel into three lots and dedicates drainage, sidewalk, and public utility easements.

Objective Analysis:

Approval of the proposed Final Plat will provide the applicant with the ability to develop a new industrial project as proposed in the concurrent Site Plan review case FS22-1105

Policy Compliant:

This proposed Final Plat is consistent with the Surprise General Plan 2035 and the Land Development Ordinance.

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 - FS22-1340 Surprise Logistics -Staff Report
 2. 01 – FS22-1340 Surprise Logistics – Vicinity Map
 3. 02 – FS22-1340 Surprise Logistics – Zoning Map
 4. 03 – FS22-1340 Surprise Logistics – Final Plat
 5. 04 – FS22-1340 Surprise Logistics – Plat Exhibit
 6. FS22-1340 Surprise Logistics Final Plat- Powerpoint Presentation
-

FINAL PLAT

REPORT TO THE CITY COUNCIL

Case: FS22-1340

Project Name: Surprise Logistics

Council District: 6 – Palo Verde

City Council Date: March 21, 2023

Planner: Leslie Carnie

Owner: SL6 Surprise Industrial LP

Applicant: Traver Jones with Kimley-Horn

Request: Final Plat for Surprise Logistics - an industrial development

Site Location: Generally located on the southwest corner of Litchfield Rd. and Laurel Ln.

Site Size: 28.42 acres (approx.)

General Plan Conformance: The proposal is consistent with the Surprise General Plan 2035

Findings:

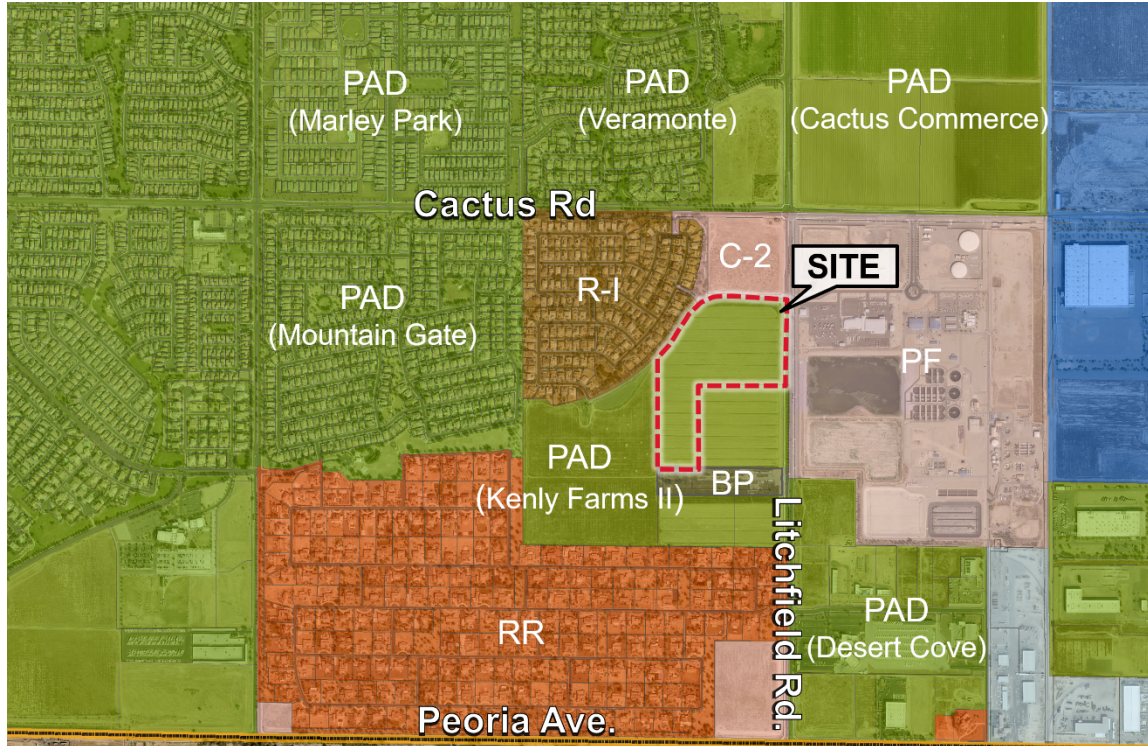
- The proposed Final Plat is consistent with the applicable City of Surprise regulations.
- The proposed Final Plat is consistent with Kenly Farms II PAD.
- The reviewing agencies have indicated no objections to the request.
- The proposed Site Plan is consistent with the Surprise General Plan 2035.

PROJECT DESCRIPTION:

Traver Jones with Kimley-Horn on behalf of SL6 Surprise Industrial LP, seeks approval of a Final Plat that divides the approximately 28.42 acre parcel into three lots and dedicates drainage, sidewalk, and public utility easements.

SURROUNDING LAND ZONING:

The following map depicts the existing zoning of the subject site and its surrounds:



R-1	C-2	PAD - Cactus Commerce
PAD - Kenly Farms II	PAD - Kenly Farms II	PF
PAD - Kenly Farms II	BP	PAD – Desert Cove

BACKGROUND

August 10, 1995: The subject property was annexed into the City of Surprise by the Mayor and City Council.

July 24, 2003: The Mayor and City Council approved Ordinance 03-20, approving the rezoning RZ03-173 from R1-43 to Planned Area Development (PAD) to include the uses described in ARS §28-8481(K) and all other uses deemed compatible with military operations by the City of Surprise and Luke Air Force Base.

March 15, 2022: A Concept Review Waiver was approved for the subject project.

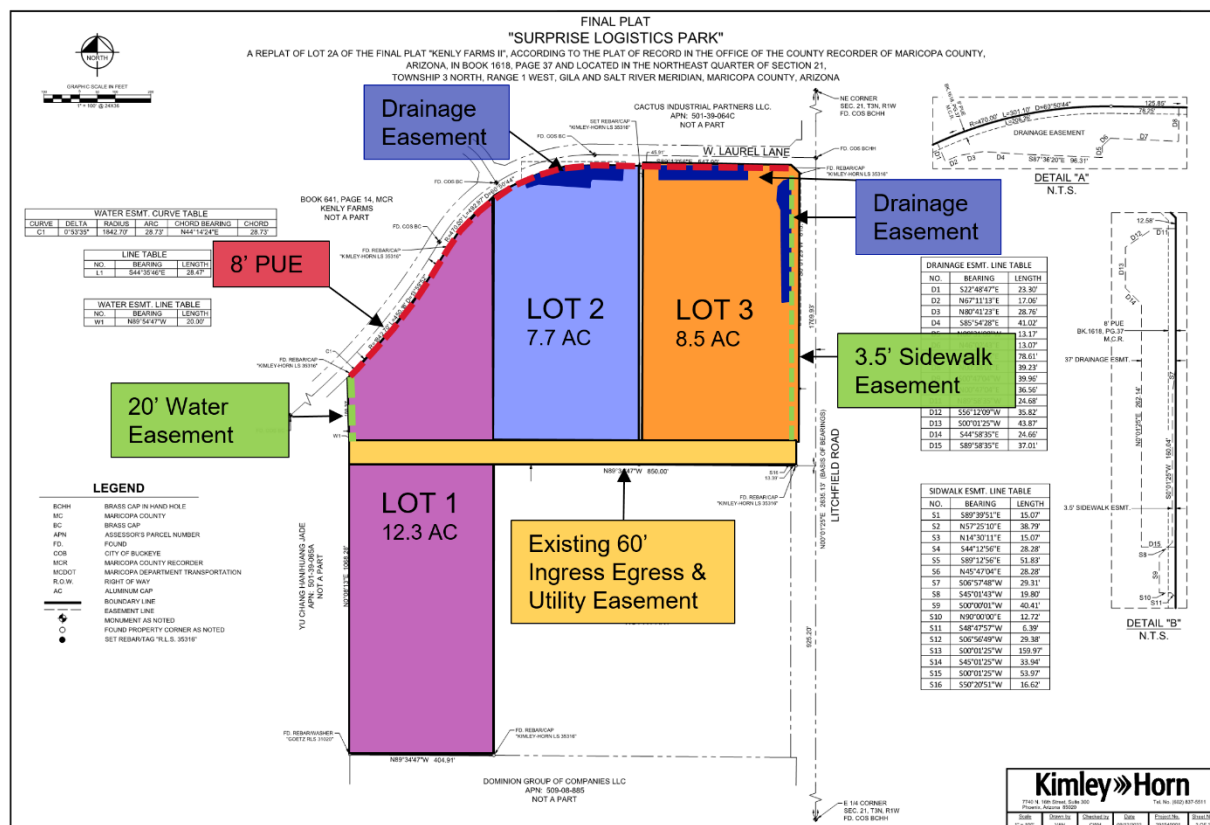
August 08, 2022: The applicant submitted site plan documents under case FS22-1105.

October 06, 2022: The applicant submitted final plat documents under case FS22-1340, the subject case.

ANALYSIS AND DISCUSSION:

The subject Final Plat will divide an approximately 28.42 acre parcel into three lots to allow for the construction of three new industrial buildings and supporting infrastructure. The Site Plan for this project is currently under review under case # FS22-1105. The plat dedicates an 8' public utility, 3.5' sidewalk, and 20' water easement. There are also two easements dedicated for drainage infrastructure.

Total Area:	28.42 Acres
Lot 1:	12.27 Acres
Lot 2:	7.67 Acres
Lot 3:	8.48 Acres



Access

Two full access points are provided off of Laurel Ln. at the northern end of the site. Full access to each of the parcels is provided off of a private drive just south of parcels 2 and 3. An additional right-in right-out access point is located off of Litchfield Rd.

Utility and Services Table:

Water:	City of Surprise
Wastewater:	City of Surprise
School District:	Dysart Unified

Conformance with Adopted Plans:

The Surprise General Plan 2035 shows the subject property as lying within the Employment Character Area, which supports uses such as that proposed.

The proposed development carries forward the vision and relevant goals and policies of the Employment Character area by creating a site that will promote economic and business opportunities as well as create jobs that are vital to the economic sustainability and growth of the City of Surprise.

Reviewing Agencies:

In addition to the standard city reviewing agencies, who indicate no objections to the requests, Luke Air Force Base and Maricopa Water District, were included in the routing of this case. These agencies also indicate no objections.

Summary:

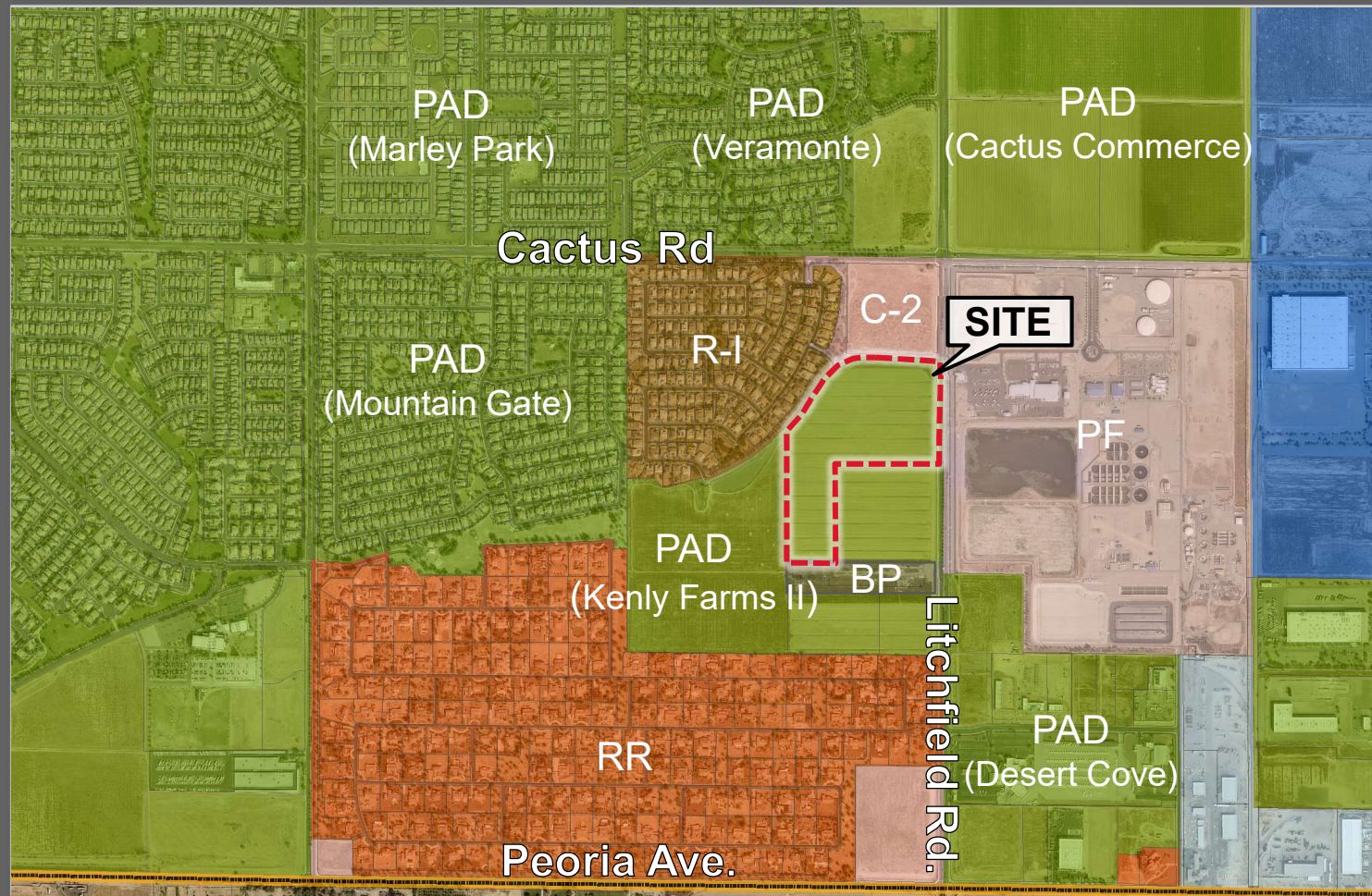
The proposed Final Plat meets the requirements of the Surprise General Plan, the Kenly Farms II PAD, and all applicable zoning codes.

Attachments:

- 01 Vicinity Map
- 02 Zoning Map
- 03 Final Plat
- 04 Plat Exhibit



FS22-1340 VICINITY MAP



FS22-1340 ZONING MAP

DEDICATION

STATE OF ARIZONA)
) S. S.
COUNTY OF MARICOPA)

KNOW ALL MEN BY THESE PRESENTS:

THAT SL6 SURPRISE INDUSTRIAL, LP, A TEXAS LIMITED PARTNERSHIP AS OWNER HAS SUBDIVIDED UNDER THE NAME "SURPRISE LOGISTICS PARK", A SUBDIVISION RE-PLAT OF LOT 2A, OF A FINAL PLAT MAP FOR KENLY FARMS II, ACCORDING TO THE PLAT RECORD IN THE OFFICE OF THE COUNTY RECORDER OF MARICOPA COUNTY, ARIZONA, IN BOOK 1618 OF MAPS, PAGE 37. LOCATED IN THE NORTHEAST QUARTER OF SECTION 21, TOWNSHIP 3 NORTH, RANGE 1 WEST OF THE GILA AND SALT RIVER MERIDIAN, CITY OF SURPRISE, MARICOPA COUNTY, ARIZONA. AS SHOWN AND PLATTED HEREON AND DOES HEREBY PUBLISH THIS PLAT AS AND FOR THE RE-PLAT OF "SURPRISE LOGISTICS PARK" AND DECLARES THAT THIS PLAT SETS FORTH THE LOCATION AND GIVES THE DIMENSIONS OF EACH LOT, TRACT, STREET, AND EASEMENT CONSTITUTING SAME, AND THAT EACH LOT, TRACT, STREET, AND EASEMENT SHALL BE KNOWN BY THE NUMBER, LETTER, AND/OR NAME GIVEN TO EACH RESPECTIVELY AS SHOWN ON THIS PLAT. ALL IMPROVEMENTS, FOR STREETS AND PUBLIC UTILITIES OWNED AND OPERATED BY THE CITY, INSTALLED OR CONSTRUCTED BY THE OWNER WITHIN THE PUBLIC RIGHTS-OF-WAY, THE EASEMENTS, OR ANY TRACTS OR PARCELS HEREBY DEDICATED TO THE CITY OF SURPRISE SHALL BE DEEMED TO HAVE BEEN DEDICATED BY THE OWNER TO THE CITY UPON THEIR COMPLETION; HOWEVER, SUCH TRANSFER SHALL NOT OCCUR UNTIL THE CITY OF SURPRISE MANIFESTS ITS ACCEPTANCE BY SEPARATE FORMAL COUNCIL ACTION.

OWNER HEREBY DEDICATES TO THE CITY OF SURPRISE FEE TITLE TO ALL PUBLIC RIGHTS-OF-WAY AS SHOWN ON THE PLAT.

OWNER HEREBY GRANTS TO THE PUBLIC A PERPETUAL NON-EXCLUSIVE EASEMENT IN, UPON, OVER, UNDER, THROUGH, AND ACROSS THE AREAS DESIGNATED AS PUBLIC UTILITY EASEMENTS AS SHOWN ON THE PLAT FOR THE PURPOSE OF ACCESSING, INSTALLING, CONSTRUCTING, MAINTAINING, REPAIRING, REPLACING AND UTILIZING PUBLIC UTILITIES.

OWNER HEREBY GRANTS TO THE CITY OF SURPRISE AN EXCLUSIVE EASEMENT OVER, UPON AND ACROSS ALL WATER/SEWER LINES, MANHOLES, FIRE HYDRANTS, AND WATER METERS AS SHOWN ON THE PLAT FOR THE FOR THE PURPOSE OF INSTALLING, CONSTRUCTING, MAINTAINING, REPAIRING AND UTILIZING THE WATER/SEWER LINES, MANHOLES, FIRE HYDRANTS AND WATER METERS.

OWNER HEREBY GRANTS TO THE CITY OF SURPRISE A PERPETUAL EASEMENT ACROSS THE PLAT INCLUDING ROADS AND STREETS, OPEN SPACES, COMMUNITY FACILITIES, TRACTS, SIDEWALKS, DRAINAGE BASINS FOR THE PURPOSE OF PROVIDING CONTINUOUS AND UNINTERRUPTED INGRESS AND EGRESS FOR TRASH COLLECTION VEHICLES.

OWNER HEREBY GRANTS TO THE CITY OF SURPRISE A PERPETUAL CROSS ACCESS EASEMENT ACROSS THE PLAT INCLUDING ROADS AND STREETS, OPEN SPACES, COMMUNITY FACILITIES, TRACTS, SIDEWALKS, DRAINAGE BASINS FOR THE PURPOSE OF PROVIDING CONTINUOUS AND UNINTERRUPTED INGRESS AND EGRESS FOR EMERGENCY VEHICLES.

OWNER HEREBY GRANTS TO THE UNITED STATES OF AMERICA DEPARTMENT OF THE AIR FORCE ("USAF") AN AVIGATION EASEMENT OVER AND ACROSS THIS PLAT AND EVERY LOT AND PARCEL THEREOF, WHICH EASEMENT SHALL INCLUDE, BUT NOT BE LIMITED TO, THE RIGHT OF FLIGHT OF AIRCRAFT OVER THIS PLAT, TOGETHER WITH ITS ATTENDANT NOISE, VIBRATIONS, FUMES, DUST, FUEL AND LUBRICANT PARTICLES, AND ALL OTHER EFFECTS THAT MAY BE CAUSED BY THE OPERATION OF AIRCRAFT LANDING AT, OR TAKING OFF FROM, OR OPERATING AT OR ON LUKE AIR FORCE BASE AND AUXILIARY FIELD.

OWNER HEREBY GRANTS TO THE CITY OF SURPRISE AN ODOR EASEMENT OVER, UPON AND ACROSS THIS PLAT AND EVERY LOT AND PARCEL THEREOF, WHICH EASEMENT SHALL INCLUDE, BUT NOT BE LIMITED TO, THE RIGHT TO INVADE WITH ODORS, FUNES, SMELLS, AND PHYSICAL AIRBORNE PARTICLES CAUSED BY THE OPERATION AND MAINTENANCE OF THE CITY'S WATER RECLAMATION FACILITIES.

OWNER HEREBY GRANTS TO THE CITY OF SURPRISE A PERPETUAL NON-EXCLUSIVE EASEMENT OVER, UPON, AND ACROSS THE AREAS DESIGNATED AS SIGHT VISIBILITY TRIANGLES FOR THE PURPOSE OF ENSURING THAT THESE AREAS REMAIN FREE OF SIGHT VISIBILITY OBSTRUCTIONS.

OWNER HEREBY GRANTS TO THE CITY OF SURPRISE A PERPETUAL NON-EXCLUSIVE PEDESTRIAN ACCESS AND SIDEWALK CONSTRUCTION AND MAINTENANCE EASEMENT OVER, UPON, AND ACROSS THE AREAS DESIGNATED AS SIDEWALK EASEMENTS AS SHOWN ON THE PLAT.

THE MAINTENANCE OF LANDSCAPING WITHIN OPEN SPACES, LANDSCAPE TRACTS, RETENTION BASINS AND PARKS SHALL BE THE RESPONSIBILITY OF THE OWNER OR THE HOMEOWNERS' ASSOCIATION FORMED BY THE OWNER.

LANDSCAPING MAINTENANCE WITHIN THE MEDIANS WITHIN THE PUBLIC RIGHT-OF-WAY WITHIN ANY ARTERIAL OR PARKWAY STREET CLASSIFICATION SHALL BE THE RESPONSIBILITY OF THE CITY OF SURPRISE AFTER ACCEPTANCE.

THE MAINTENANCE OF LANDSCAPING WITHIN THE ADJACENT PUBLIC RIGHTS-OF-WAY, INCLUDING LANDSCAPED MEDIANS WITHIN COLLECTORS AND LOCAL STREETS AND LANDSCAPED AREAS BETWEEN THE CURB AND THE DETACHED SIDEWALK, SHALL BE THE RESPONSIBILITY OF THE ADJACENT PROPERTY OWNER OR THE HOMEOWNERS' ASSOCIATION FORMED BY THE ADJACENT PROPERTY.

TEMPORARY EASEMENTS FOR THE PURPOSE OF CONSTRUCTING, OPERATING, MAINTAINING, ADDING TO, ALTERING OR REPLACING PRESENT OR FUTURE STORM WATER MANAGEMENT FACILITIES, DRAINAGE, AND ALL NECESSARY APPURTENANCES FOR THE COLLECTION AND TRANSMISSION THROUGH, ON AND ACROSS THE SAID PROPERTY OF THE OWNER SHALL AUTOMATICALLY BECOME NULL AND VOID AT SUCH TIME AS ALTERNATIVES HAVE BEEN APPROVED BY THE APPROPRIATE DEPARTMENT AND INSTALLED BY THE OWNER OR ITS SUCCESSORS.

THE EASEMENTS GRANTED WITHIN THIS DEDICATION ARE PERMANENT AND PERPETUAL AND SHALL RUN WITH THE LAND AND BE BINDING UPON OWNER AND ITS HEIRS, ASSIGNS AND SUCCESSORS IN INTEREST TO THIS PLAT OR ANY PARCEL OR LOT THEREOF.

IN WITNESS WHEREOF, OWNERS HAVE HEREUNTO CAUSED ITS CORPORATE NAME TO BE SIGNED AND ITS CORPORATE SEAL TO BE AFFIXED BY THE UNDERGROUND, DULY AUTHORIZED OFFICER THIS _____ DAY OF _____, 2022.

SL6 SURPRISE INDUSTRIAL, LP, A TEXAS LIMITED PARTNERSHIP

BY: SL6 SURPRISE INDUSTRIAL GP, LLC, A TEXAS LIMITED LIABILITY COMPANY, ITS GENERAL PARTNER

BY: _____
NAME: KENNETH E. ABOUSSIE, JR.
TITLE: CO-PRESIDENT

ACKNOWLEDGMENT:

STATE OF _____)
) S. S.
COUNTY OF _____)

ON THIS, THE ____ DAY OF _____, 20____, BEFORE ME THE UNDERSIGNED NOTARY,

_____ PERSONALLY APPEARED WHO ACKNOWLEDGED HIMSELF/HERSELF TO BE THE AUTHORIZED SIGNATORY OF SL6 SURPRISE INDUSTRIAL LP, AS OWNER AND ACKNOWLEDGED THAT HE/SHE, BEING DULT AUTHORIZED SO TO DO, EXECUTED THIS INSTRUMENT FOR THE PURPOSES HEREIN CONTAINED. IN WITNESS WHEREOF:

I HEREUNTO SET MY HAND AND OFFICIAL SEAL:

NOTARY PUBLIC MY COMMISSION EXPIRES

FINAL PLAT
"SURPRISE LOGISTICS PARK"

A REPLAT OF LOT 2A OF THE FINAL PLAT "KENLY FARMS II", ACCORDING TO THE PLAT OF RECORD IN THE OFFICE OF THE COUNTY RECORDER OF MARICOPA COUNTY, ARIZONA, IN BOOK 1618, PAGE 37 AND LOCATED IN THE NORTHEAST QUARTER OF SECTION 21, TOWNSHIP 3 NORTH, RANGE 1 WEST, GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA

NOTES:

1. CONSTRUCTION WITHIN PUBLIC UTILITY EASEMENTS EXCEPT BY THE PUBLIC AGENCIES AND UTILITY COMPANIES SHALL BE LIMITED TO UTILITIES, AND WOOD, WIRE OR REMOVABLE SECTION-TYPE FENCING UNLESS APPROVED OTHERWISE BY THE CITY OF SURPRISE.
2. ALL ELECTRIC AND COMMUNICATION LINES TO BE CONSTRUCTED UNDERGROUND AS REQUIRED BY THE ARIZONA CORPORATION COMMISSION.
3. THIS SUBDIVISION IS LOCATED WITHIN THE CITY OF SURPRISE WATER SERVICE AREA AND HAS BEEN DESIGNATED AS HAVING AN ASSURED WATER SUPPLY.
4. NO STRUCTURES SHALL BE CONSTRUCTED IN OR ACROSS, NOR SHALL OTHER IMPROVEMENTS OR ALTERCATIONS BE MADE TO THE DRAINAGE FACILITIES THAT ARE A PART OF THIS DEVELOPMENT WITHOUT WRITTEN AUTHORIZATION OF THE CITY OF SURPRISE.
5. ALL UTILITIES SHALL BE PLACED UNDERGROUND.
6. THE CITY OF SURPRISE IS NOT RESPONSIBLE FOR AND WILL NOT ACCEPT THE MAINTENANCE OF ANY PRIVATE STREETS, PRIVATE UTILITIES, PRIVATE FACILITIES AND LANDSCAPED AREAS WITHIN PROJECT.
7. ALL RETENTION BASINS MUST DRAIN ANY STORM EVENT UP TO AND INCLUDING THE 100-YEAR, TWO-HOUR STORM WITHIN THIRTY-SIX (36) HOURS. OWNER(S) OF ANY BASIN FAILING TO MEET THIS REQUIREMENT MUST TAKE CORRECTIVE ACTION TO BRING THE BASIN INTO COMPLIANCE.
8. ALL DRYWELLS ON THE PROJECT SHALL BE MAINTAINED BY THE OWNER(S) AND ARE TO BE REPLACED BY THE OWNER(S) WHEN THE CEASE TO DRAIN THE SURFACE WATER IN A THIRTY-SIX (36) HOUR PERIOD. REGULAR MAINTENANCE OF THE DRYWELL SILTING CHAMBER IS REQUIRED TO ACHIEVE THE BEST OPERATION OF THE DRYWELL.
9. ALL INDIVIDUAL LOT PROPERTY CORNERS SHALL BE SET WITH 1/2" REBAR AND CAP BEARING THE REGISTRATION NUMBER OF THE SURVEYOR RESPONSIBLE FOR THEIR PLACEMENT.
10. THE PROPERTY OWNERS, OR ANY SUBSEQUENT OWNERS SHALL NOT PROCEED WITH ANY ON SITE GRADING OR EXCAVATION WITHOUT FIRST OBTAINING A PERMIT FROM THE CITY OF SURPRISE.
11. ALL COMMERCIAL/INDUSTRIAL BUILDINGS SHALL BE EQUIPPED WITH A FIRE SPRINKLING SYSTEM, SUBJECT TO THE REVIEW AND APPROVAL BY THE CITY OF SURPRISE FIRE CHIEF OR THE FIRE CHIEF'S DESIGNEE.
12. ZONING FOR THIS PROPERTY IS P.A.D. (PLANNED AREA DEVELOPMENT).
13. THE PROPERTY LOCATED WITHIN AN AREA HAVING FLOOD ZONE "X" DESIGNATED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, ON FLOOD INSURANCE RATE MAP 1680L, WITH A DATE OF IDENTIFICATION OF OCTOBER 16, 2013 FOR COMMUNITY NO. 04013C, IN MARICOPA COUNTY, STATE OF ARIZONA, WHICH THE CURRENT FLOOD INSURANCE RATE MAP FOR THE COMMUNITY IN WHICH SAID PROPERTY IS SITUATED.
14. BASIS OF BEARING FOR THIS SURVEY IS MEASURED BEARING OF NORTH 00°01'25" EAST, ALONG THE EAST LINE OF THE NORTHEAST QUARTER OF SECTION 21, TOWNSHIP 3 NORTH, RANGE 1 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA.
15. PURSUANT OF A.R.S. § 42-11102, THE CITY OF SURPRISE, A POLITICAL SUBDIVISION OF THE STATE OF ARIZONA, IS EXEMPT FROM ALL TAXES AND ASSESSMENTS BASED ON ASSESSED VALUE EXCEPT FOR SPECIAL DISTRICTS #14751 AND 14710, WHEN APPLICABLE.
16. IN ACCORDANCE WITH A.R.S. § 9-461.07, THE CITY OF SURPRISE HAS DETERMINED THAT ALL DEDICATIONS OCCURRING WITH THIS PLAT ARE IN CONFORMANCE WITH THE SURPRISE GENERAL PLAN.

NOTICE OF INTERGOVERNMENTAL AGREEMENT

THE CITY OF SURPRISE ("CITY") AND MWD ENTERED INTO AN INTERGOVERNMENTAL AGREEMENT FATED APRIL 8, 1997, AND RECORDED IN THE MARICOPA COUNTY RECORDER'S OFFICE ON APRIL 9, 1997, UNDER DOCKET NO. 97-0231759 ("IGA"). CITY AND MWD HAVE FACILITIES AND PROPERTY INTERESTS DESCRIBED AND DELINEATED WITH CERTAIN SUBDIVISION PLATS OR, FOR LANDS NOT INCLUDED IN A SUBDIVISION PLAT, DECLARATIONS OF TURF LANDS OR DECLARATIONS OF URBANIZED AREA, THAT HAVE PRIOR AND SUPERIOR RIGHTS TO THE UTILITY SERVICE PROVIDERS, AS DEFINED IN THE IGA. THE IGA PROVIDES FOR THE CITY TO HAVE A PUBLIC UTILITY EASEMENT WITHIN CERTAIN MWD PROPERTY INTEREST AND FOR MWD TO HAVE AN EASEMENT WITHIN THE CITY'S PUBLIC RIGHTS-OF-WAY. CITY AND MWD RIGHTS WITHIN THESE EASEMENTS ARE SUBJECT TO AN CONTROLLED BY THE TERMS AND CONDITION OF THE IGA.

IN LOCATIONS WHERE APPLICABLE, INCLUDING ANY AND ALL DEDICATIONS WITHIN A SUBDIVISION PLAT, MWD'S PRIOR AND SUPERIOR RIGHTS OF ACCESS TO AND USE OF EXISTING AND FUTURE MWD FACILITIES AND PROPERTY INTEREST, SHALL BE SUBJECT TO THE TERMS AND CONDITIONS OF THE IGA.

CITY SHALL HAVE THE RIGHT TO AUTHORIZE AND CONTROL THE UTILITY SERVICE PROVIDERS USE AND OCCUPANCY OF THESE EASEMENTS. CITY REQUIRES THAT UTILITY SERVICE PROVIDERS CONSENT TO BE BOUND BY THE IGA PRIOR TO THE USE OF OCCUPANCY OF THE EASEMENTS GRANTED UNDER THE IGA. SUCH USE OF OCCUPANCY OF THE EASEMENTS CONSTITUTES CONSENT OF THE UTILITY SERVICE PROVIDERS TO BE BOUND BY THE IGA.

SOUND ATTENUATION AND OVERFLIGHT LANGUAGE

PUBLIC NOTICE
THE LOTS DEPICTED ON THIS PLAT ARE LOCATED WITHIN THE VICINITY OF LUKE AIR FORCE BASE AND MAY BE SUBJECT TO OVERFLIGHTS BY JET AIRCRAFT. ALL STRUCTURES WITHIN THIS PLAT SHALL BE CONSTRUCTED IN COMPLIANCE WITH THE SOUND ATTENUATION STANDARDS ADOPTED BY THE CITY OF SURPRISE. A MAP DEPICTING THE MOST CURRENT ADOPTED MAG NOISE CONTOURS IN THE RELATION TO THIS PLAT SHALL BE DISPLAYED IN ALL SALES OFFICES. ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE CITY OF SURPRISE COMMUNITY DEVELOPMENT DEPARTMENT.

RELEASE OF LIABILITY

SL6 SURPRISE INDUSTRIAL, LP, A TEXAS LIMITED PARTNERSHIP, ("OWNERS"), DO HEREBY (1) RELEASE AND DISCHARGE THE UNITED STATES OF AMERICA DEPARTMENT OF AIR FORCE (USAF) AND THE CITY OF SURPRISE, AND (2) INDEMNIFY, DEFEND, AND HOLD HARMLESS THE USAF AND THE CITY OF SURPRISE, OF AND FROM ANY LIABILITY FOR ANY AND ALL CLAIMS FOR DAMAGES OF ANY KIND TO PERSONS OR PROPERTY THAT MAY ARISE AT ANY TIME IN THE FUTURE OVER, OR IN CONNECTION WITH AIRCRAFT OVERFLIGHTS FROM AIRCRAFT UTILIZING LUKE AIR FORCE BASE, WHETHER SUCH DAMAGE SHALL ORIGINATE FROM NOISE, VIBRATION, FUMES, DUST, FUEL AND LUBRICANT PARTICLES, AND ALL OTHER EFFECTS THAT MAY BE CAUSED BY THE OPERATION OF AIRCRAFT LANDING AT, OR TAKING OFF FROM, OR OPERATING AT OR ON LUKE AIR FORCE BASE AND ITS AUXILIARY FIELDS. THIS INSTRUMENT SHALL RUN WITH THE LAND AND BE BINDING UPON OWNER AND HEIRS, ASSIGNS, AND SUCCESSORS IN INTEREST TO THIS PLAT OR ANY PARCEL OR LOT THEREOF. THIS INSTRUMENT DOES NOT RELEASE THE USAF FROM LIABILITY FOR DAMAGE OR INJURY TO PERSON OR PROPERTY CAUSED BY FALLING AIRCRAFT OR FALLING PHYSICAL OBJECTS FROM AIRCRAFT, EXCEPT AS STATED HEREIN WITH RESPECT TO NOISE, FUMES, DUST, FUELS, AND LUBRICANT PARTICLES.

OWNER:

SL6 SURPRISE INDUSTRIAL, LP, A TEXAS LIMITED PARTNERSHIP

LEGAL DESCRIPTION: (PARENT PARCEL)

LOT 2A, OF A RE-PLAT MAP OF DEDICATION FOR KENLY FARMS II, ACCORDING TO THE PLAT OF RECORD IN THE OFFICE OF THE COUNTY RECORDER OF MARICOPA COUNTY, ARIZONA, IN BOOK 1618, PAGE 37.

LOT AREAS:

LOT 1 GROSS AND NET AREA : 12.266 ACRES	DEDICATION: 0 SQUARE FEET
LOT 2 GROSS AND NET AREA: 7.668 ACRES	DEDICATION: 0 SQUARE FEET
LOT 3 GROSS AND NET AREA: 8.484 ACRES	DEDICATION: 0 SQUARE FEET
TOTAL GROSS AND NET AREA: 28.418 ACRES	TOTAL DEDICATION: 0 SQUARE FEET

BASIS OF BEARING:

THE BASIS OF BEARING FOR THIS SURVEY IS THE EAST LINE OF THE NORTHEAST QUARTER OF SECTION 21, TOWNSHIP 3 NORTH, RANGE 1 WEST OF THE GILA AND SALT RIVER MERIDIAN, SAID LINE BEARS N00°01'25"E.

SURVEYOR:

KIMLEY-HORN AND ASSOCIATES, INC.
7740 N. 16TH STREET, SUITE 300
PHOENIX, ARIZONA 85020

RELEASE OF LIABILITY

SL6 SURPRISE INDUSTRIAL, LP, A TEXAS LIMITED PARTNERSHIP, ("OWNERS"), DO HEREBY (1) RELEASE AND DISCHARGE THE CITY OF SURPRISE, AND (2) INDEMNIFY, DEFEND, AND HOLD HARMLESS THE CITY OF SURPRISE, AND FORM ANY LIABILITY FOR ANY AND ALL CLAIMS FOR DAMAGES OF ANY KIND TO PERSONS OR PROPERTY THAT MAY ARISE AT ANY TIME IN THE FUTURE OVER, OR IN CONNECTION WITH THE AREAS LOCATED WITHIN THE NEWLY DEDICATED RIGHT-OF-WAY AS DEPICTED ON THIS PLAT UNTIL SUCH TIME THE RIGHT-OF-WAY IS IMPROVED TO THE CITY STANDARDS AND THOSE IMPROVEMENTS ARE APPROVED AND ACCEPTED BY THE CITY COUNCIL. THE MAINTENANCE OF THE AREA WITHIN ANY NEWLY DEDICATED RIGHT-OF-WAY AS SHOWN ON THIS PLAT SHALL BE THE RESPONSIBILITY OF THE ADJACENT OWNER/OR SUBSEQUENT ADJACENT OWNERS WITHIN THE BOUNDARY OF SAID PLAT UNTIL SUCH TIME THAT THE AREA WITHIN RIGHT-OF-WAY IS IMPROVED TO THE CITY STANDARD AND ACCEPTED BY THE CITY OF SURPRISE (3) HOLD HARMLESS THE CITY OF SURPRISE FROM ANY AND ALL CLAIMS FOR DAMAGES OF ANY KIND TO PERSONS OR PROPERTY THAT MAY ARISE IN CONNECTION WITH THE USE OF THE SIDEWALKS LOCATED WITHIN THE RIGHT-OF-WAY, UNTIL SUCH TIME THE CITY OF SURPRISE HAS ACCEPTED THE SIDEWALKS.

FLOOD ZONE

THE PROPERTY IS LOCATED WITHIN AN AREA HAVING FLOOD ZONE "X" BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, ON FLOOD INSURANCE RATE MAP NO. 1680L, WITH A DATE OF IDENTIFICATION OF OCTOBER 16, 2013 FOR COMMUNITY NO. 04012C, IN MARICOPA COUNTY, STATE OF ARIZONA, WHICH IS THE CURRENT FLOOD INSURANCE RATE MAP FOR THE COMMUNITY IN WHICH SAID PROPERTY IS SITUATED.

CITY OF SURPRISE COUNCIL APPROVAL:

APPROVED BY THE COUNCIL OF THE CITY OF SURPRISE, ARIZONA THIS ____ DAY OF _____, 20____.

BY: _____
MAYOR DATE

ATTEST: _____
CITY CLERK DATE

CITY OF SURPRISE ENGINEER APPROVAL:

DATA ON THIS PLAT WAS REVIEWED AND APPROVED THIS _____ DAY OF

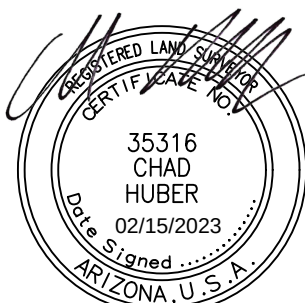
_____, 20____, BY THE CITY ENGINEER OF SURPRISE, ARIZONA.

BY: _____
CITY ENGINEER DATE

CERTIFICATION:

I, CHAD W. HUBER, HEREBY CERTIFY THAT I AM A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF ARIZONA, THAT THIS MAP, CONSISTING OF 2 SHEETS, CORRECTLY REPRESENTS A BOUNDARY SURVEY MADE UNDER MY SUPERVISION DURING THE MONTH OF SEPTEMBER 2022, THAT THE SURVEY IS TRUE AND COMPLETE AS SHOWN. THAT ALL EXTERIOR BOUNDARY MONUMENTS ACTUALLY EXIST, THAT THEIR POSITIONS ARE CORRECTLY SHOWN AND THAT SAID MONUMENTS ARE SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED.

CHAD W. HUBER
REGISTERED LAND SURVEYOR NO. 35316
KIMLEY-HORN AND ASSOCIATES, INC.
7740 N. 16TH STREET, SUITE 300
PHOENIX, ARIZONA 85020

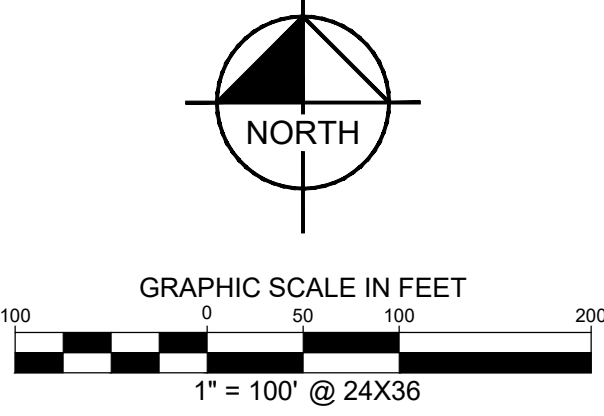


Kimley»Horn					
7740 N. 16th Street, Suite 300 Phoenix, Arizona 85020					
Tel. No. (602) 837-5511					
Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
1" = 100'	VAH	CWH	01/27/2023	291540001	1 OF 2

CASE # FS22-1340

FINAL PLAT
"SURPRISE LOGISTICS PARK"

A REPLAT OF LOT 2A OF THE FINAL PLAT "KENLY FARMS II", ACCORDING TO THE PLAT OF RECORD IN THE OFFICE OF THE COUNTY RECORDER OF MARICOPA COUNTY,
ARIZONA, IN BOOK 1618, PAGE 37 AND LOCATED IN THE NORTHEAST QUARTER OF SECTION 21,
TOWNSHIP 3 NORTH, RANGE 1 WEST, GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA



WATER ESMT. CURVE TABLE					
CURVE	DELTA	RADIUS	ARC	CHORD BEARING	CHORD
C1	0°53'35"	1842.70'	28.73'	N44°14'24"E	28.73'

LINE TABLE		
NO.	BEARING	LENGTH
L1	S44°35'46"E	28.47'

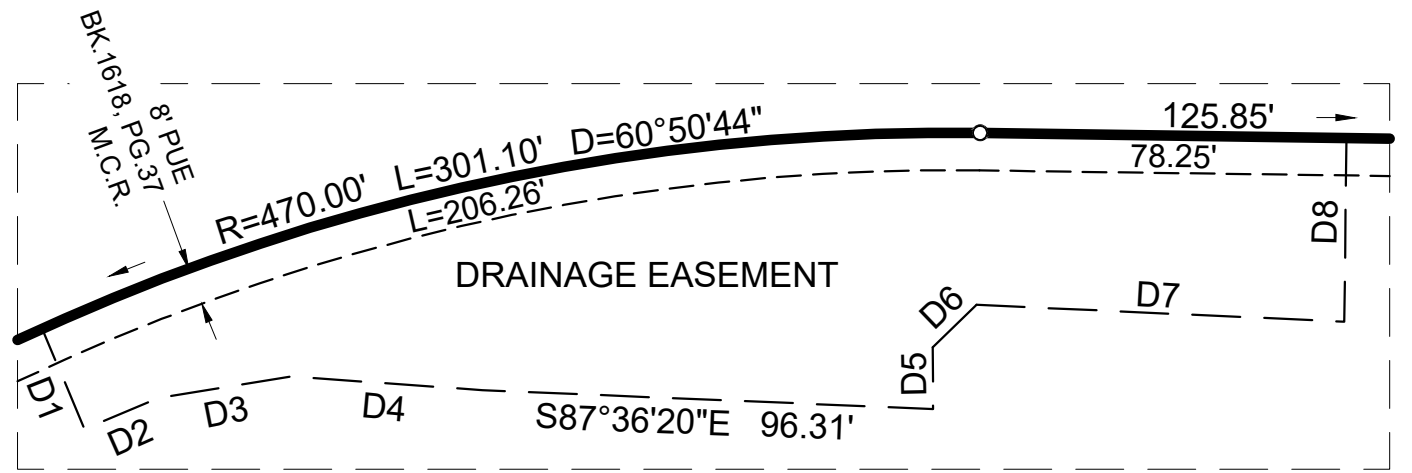
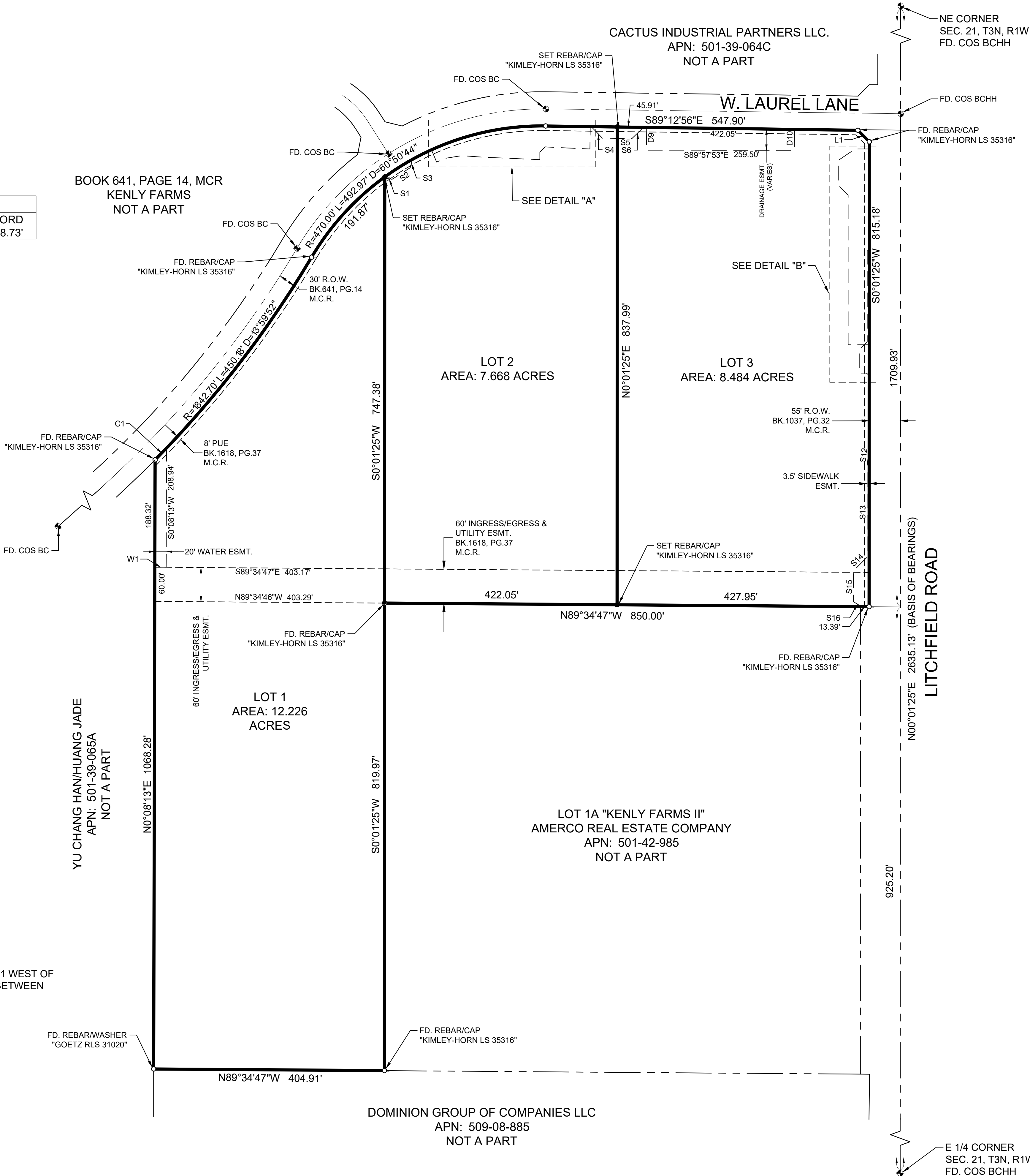
WATER ESMT. LINE TABLE		
NO.	BEARING	LENGTH
W1	N89°54'47"W	20.00'

LEGEND

BCHH	BRASS CAP IN HAND HOLE
MC	MARICOPA COUNTY
BC	BRASS CAP
APN	ASSESSOR'S PARCEL NUMBER
FD.	FOUND
COB	CITY OF BUCKEYE
MCR	MARICOPA COUNTY RECORDER
MCDOT	MARICOPA DEPARTMENT TRANSPORTATION
R.O.W.	RIGHT OF WAY
AC	ALUMINUM CAP
---	BOUNDARY LINE
- - -	EASEMENT LINE
○	MONUMENT AS NOTED
●	FOUND PROPERTY CORNER AS NOTED
●	SET REBAR/TAG "R.L.S. 35316"

BASIS OF BEARING:

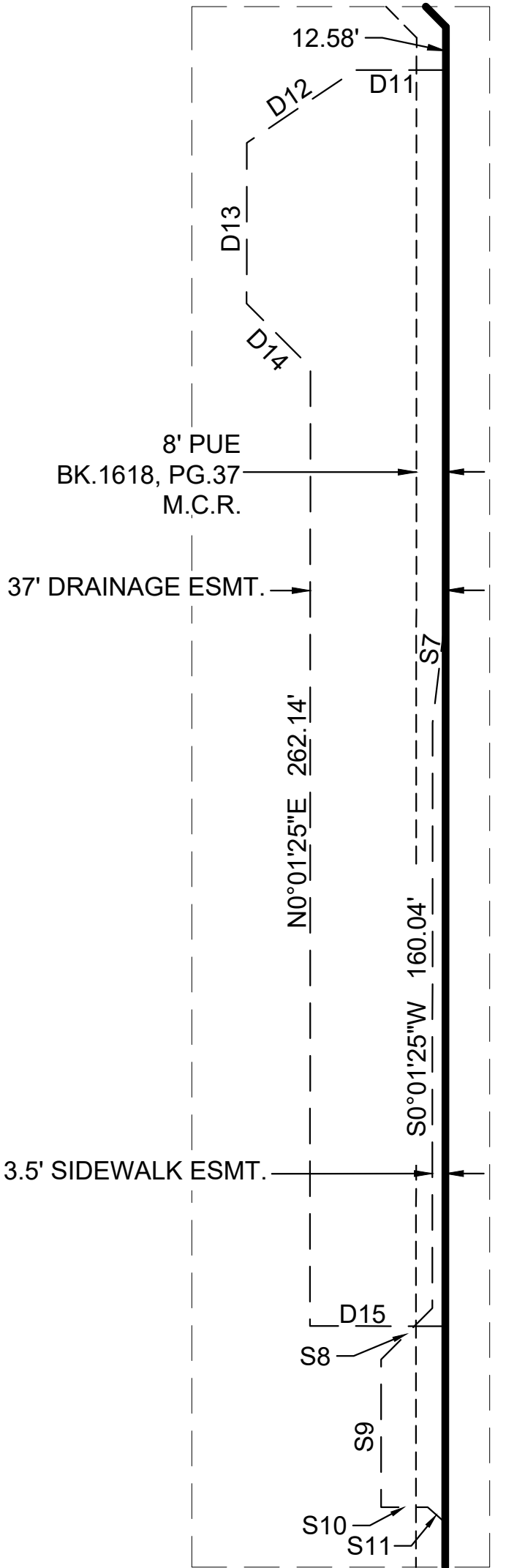
THE BASIS OF BEARING FOR THIS SURVEY IS THE EAST LINE OF THE
NORTHEAST QUARTER OF SECTION 21, TOWNSHIP 3 NORTH, RANGE 1 WEST OF
THE GILA AND SALT RIVER MERIDIAN, SAID LINE BEARS N00°01'25"E BETWEEN
THE FOUND MONUMENTS AS DESCRIBED.



DETAIL "A"
N.T.S.

DRAINAGE ESMT. LINE TABLE		
NO.	BEARING	LENGTH
D1	S22°48'47"E	23.30'
D2	N67°11'13"E	17.06'
D3	N80°41'23"E	28.76'
D4	S85°54'28"E	41.02'
D5	N00°31'08"W	13.17'
D6	N46°02'43"E	13.07'
D7	S87°23'26"E	78.61'
D8	N00°38'01"E	39.23'
D9	S00°47'04"W	39.96'
D10	N00°47'04"E	36.56'
D11	N89°58'35"W	24.68'
D12	S56°12'09"W	35.82'
D13	S00°01'25"W	43.87'
D14	S44°58'35"E	24.66'
D15	S89°58'35"E	37.01'

SIDEWALK ESMT. LINE TABLE		
NO.	BEARING	LENGTH
S1	S89°39'51"E	15.07'
S2	N57°25'10"E	38.79'
S3	N14°30'11"E	15.07'
S4	S44°12'56"E	28.28'
S5	S89°12'56"E	51.83'
S6	N45°47'04"E	28.28'
S7	S06°57'48"W	29.31'
S8	S45°01'43"W	19.80'
S9	S00°00'01"W	40.41'
S10	N90°00'00"E	12.72'
S11	S48°47'57"W	6.39'
S12	S06°56'49"W	29.38'
S13	S00°01'25"W	159.97'
S14	S45°01'25"W	33.94'
S15	S00°01'25"W	53.97'
S16	S50°20'51"W	16.62'



DETAIL "B"
N.T.S.

Kimley»Horn

7740 N. 16th Street, Suite 300
Phoenix, Arizona 85020

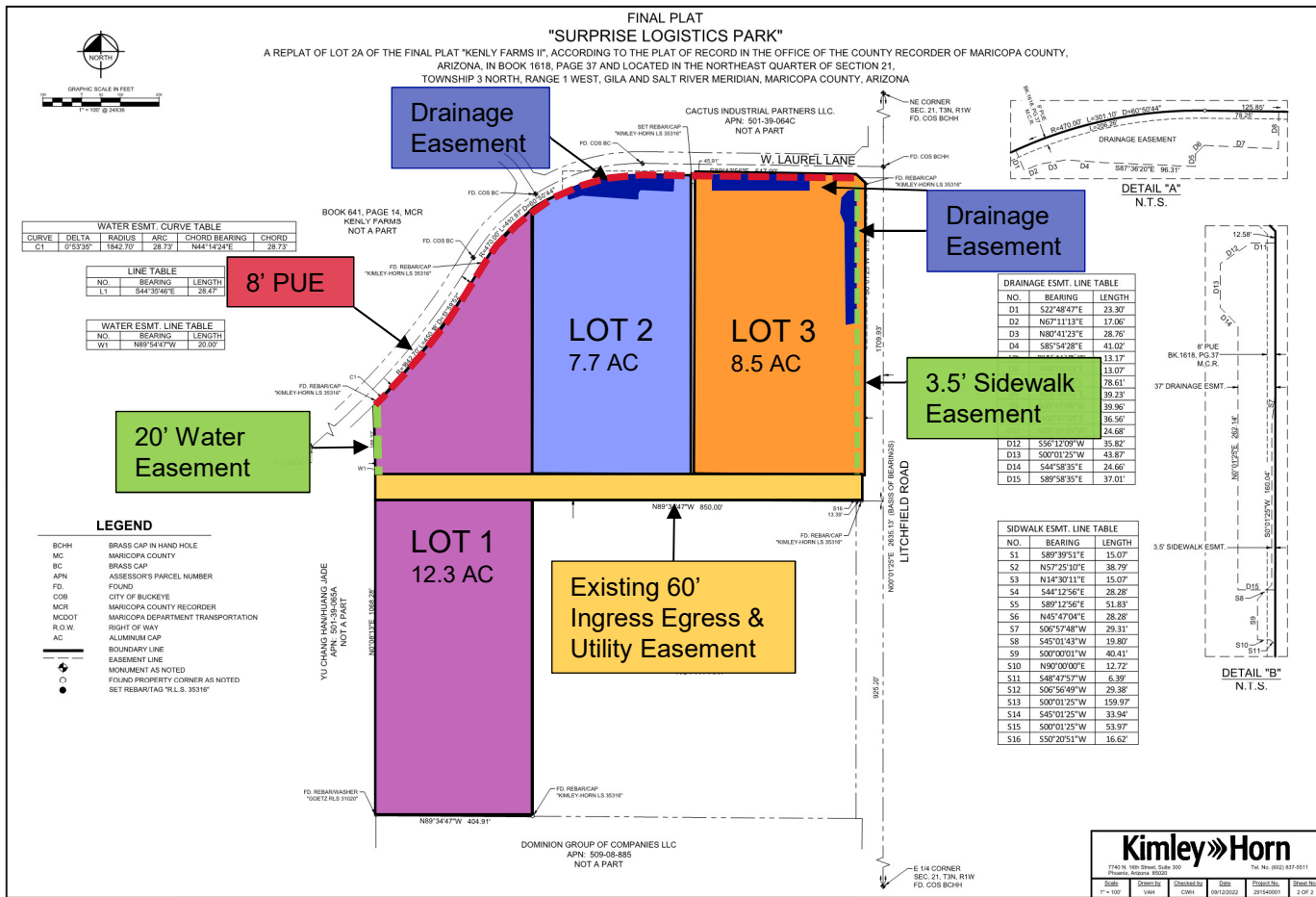
Tel. No. (602) 837-5511

Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
1" = 100'	VAH	CWH	01/27/2023	291540001	2 OF 2

CASE # FS22-1340



FS22-1340 PLAT EXHIBIT



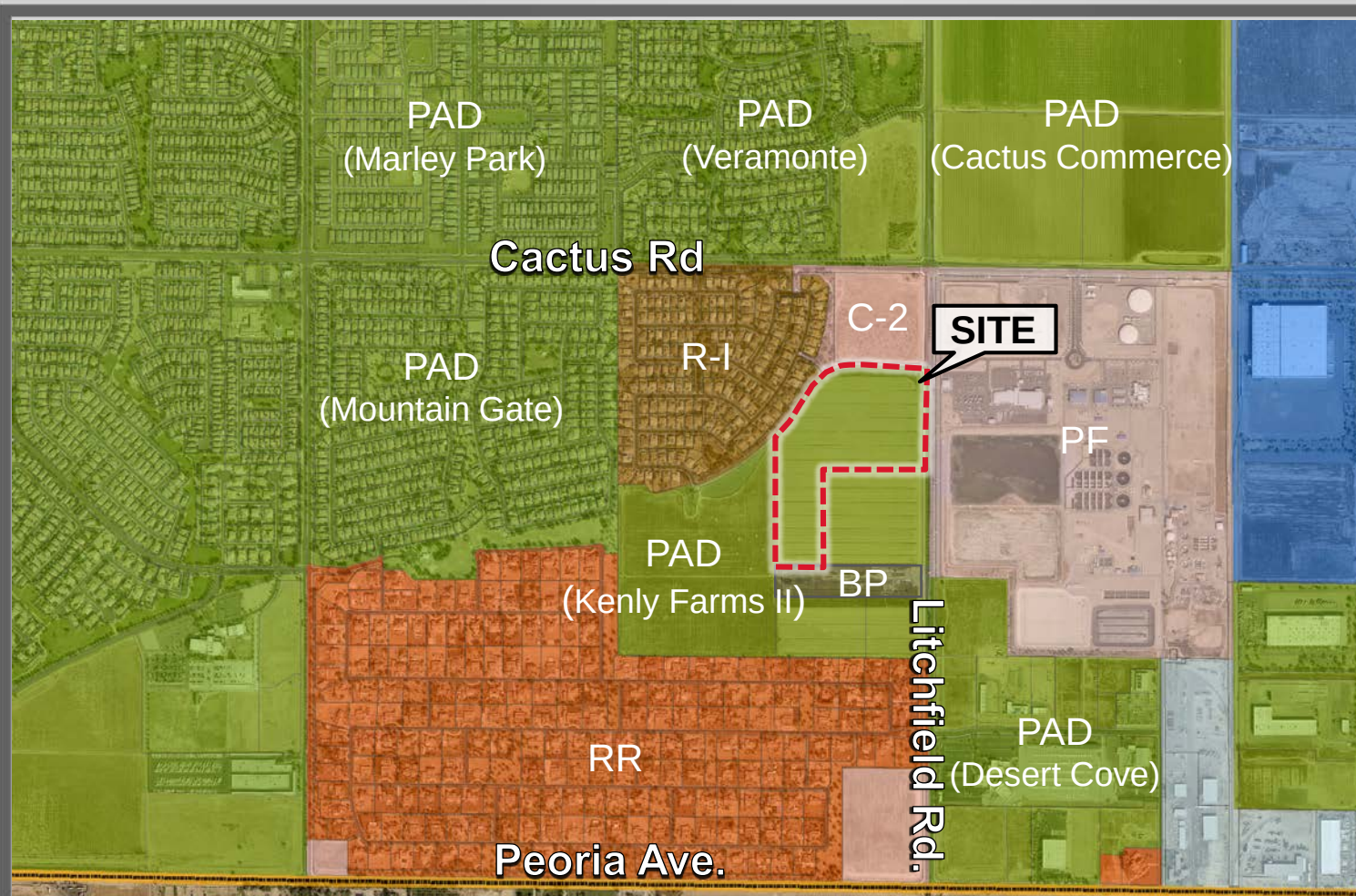


FS22-1340
Surprise Logistics
Final Plat

City Council
March 21, 2023



FS22-1340 VICINITY MAP



FS22-1340 ZONING MAP

FINAL PLAT "SURPRISE LOGISTICS PARK"

A REPLAT OF LOT 2A OF THE FINAL PLAT "KENLY FARMS II" ACCORDING TO THE PLAT OF RECORD IN THE OFFICE OF THE COUNTY RECORDER OF MARICOPA COUNTY, ARIZONA, IN BOOK 1515, PAGE 37 AND LOCATED IN THE NORTHEAST QUARTER OF SECTION 21, TOWNSHIP 3 NORTH, RANGE 1 WEST, GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA



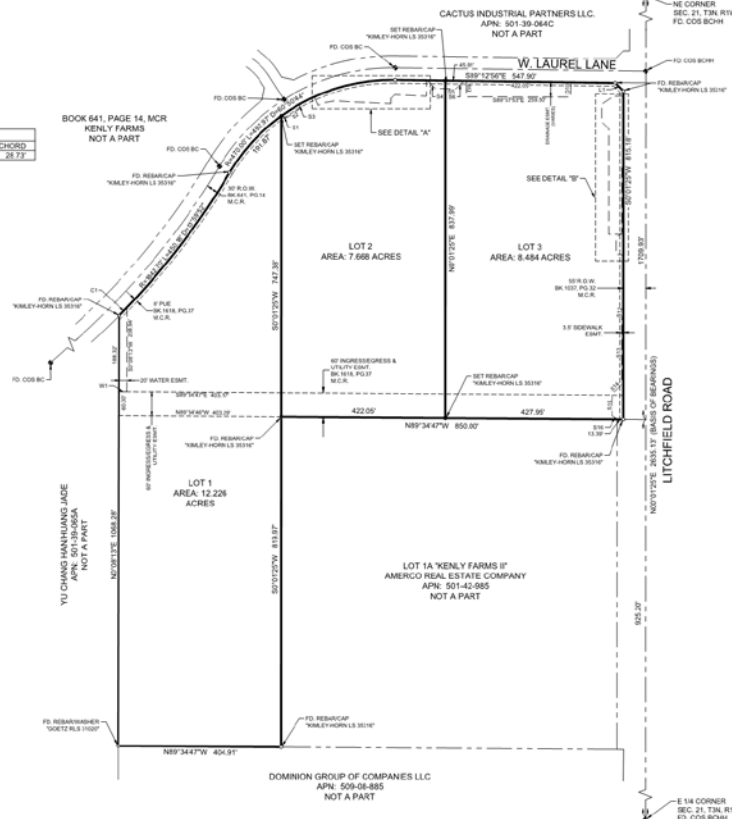
WATER ESMT. CURVE TABLE					
CURVE	DELTA	RADIUS	ARC	CHORD BEARING	CHORD
C1	5°32'35"	1842.77'	28.77'	N44°14'24"E	28.77'

LINE TABLE		
NO.	BEARING	LENGTH
L1	S44°30'45"E	28.47'

WATER ESMT. LINE TABLE		
NO.	BEARING	LENGTH
W1	N89°54'47"W	20.00'

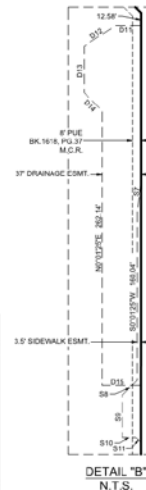
LEGEND

BOH	BRASS CAP IN HAND HOLE
MC	MARICOPA COUNTY
BC	BRASS CAP
APN	ASSESSOR'S PARCEL NUMBER
FD	FOUND
COB	CITY OF BUCKEYE
MCR	MARICOPA COUNTY RECORDER
MCROT	MARICOPA DEPARTMENT TRANSPORTATION
R.O.W.	RIGHT OF WAY
AC	ALUMINUM CAP
—	BOUNDARY LINE
- - -	EASEMENT LINE
○	MONUMENT AS NOTED
●	FOUND PROPERTY CORNER AS NOTED
●	SET REBAR/TAQ "SLS", 3531F



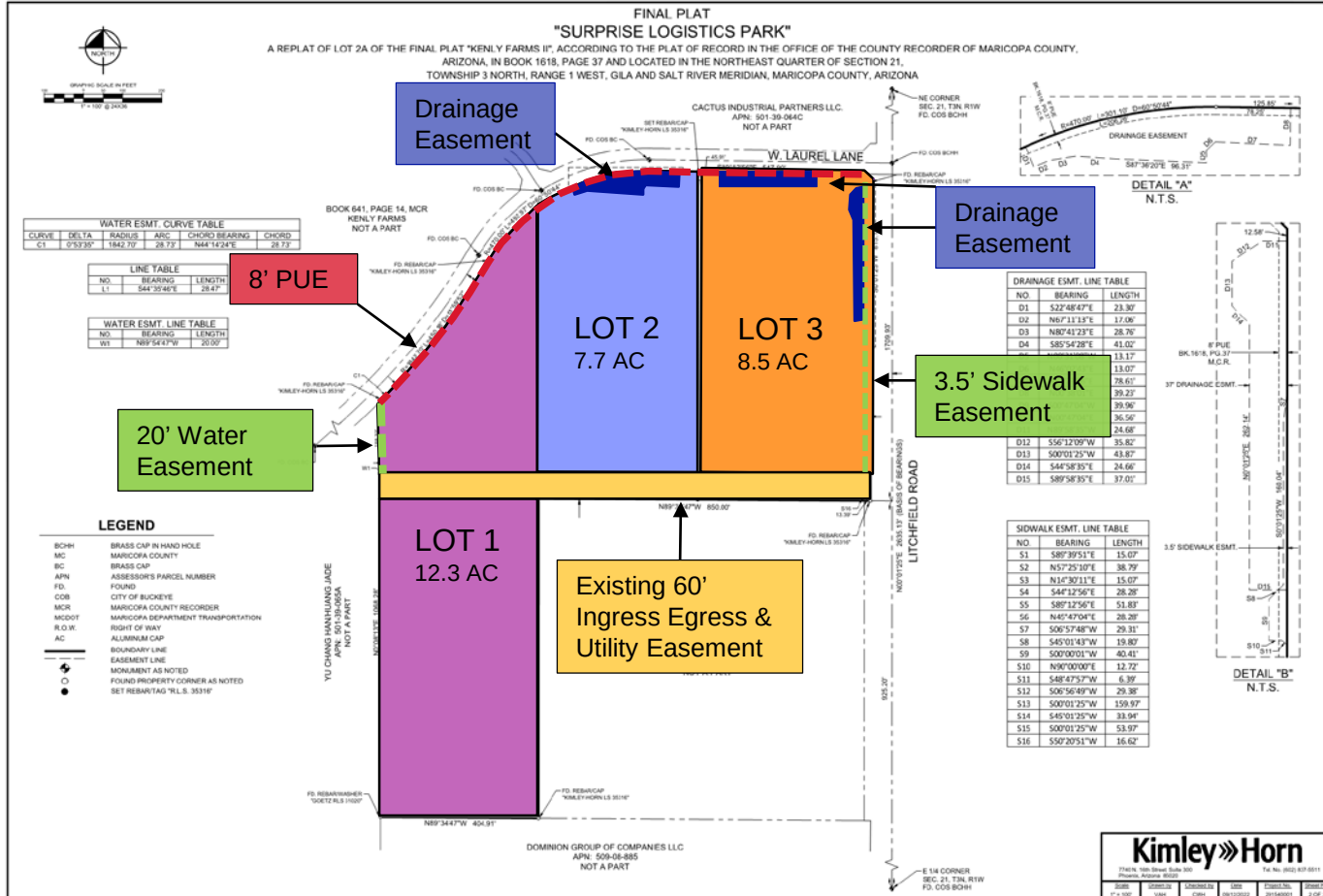
DRAINAGE ESMT. LINE TABLE		
NO.	BEARING	LENGTH
D1	S27°48'47"E	23.30'
D2	N69°11'13"E	17.08'
D3	N80°41'23"E	28.76'
D4	S85°54'28"E	41.02'
D5	N00°31'08"W	13.17'
D6	N40°02'43"E	13.07'
D7	S87°23'26"E	78.61'
D8	N00°38'01"E	39.27'
D9	S00°47'04"W	39.96'
D10	N00°47'04"W	36.56'
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D12	S56°12'09"W	35.82'
D13	S00°01'25"W	43.87'
D14	S44°58'35"E	24.68'
D15	S89°58'35"E	37.01'

SIDEWALK ESMT. LINE TABLE		
NO.	BEARING	LENGTH
S1	S89°39'51"E	15.07'
S2	N37°25'30"E	38.79'
S3	N34°30'11"E	15.07'
S4	S44°12'56"E	28.26'
S5	S89°12'56"E	53.83'
S6	N40°47'04"E	26.28'
S7	S06°57'48"W	29.31'
S8	S45°01'43"W	19.87'
S9	S00°00'01"W	40.41'
S10	N00°00'00"E	12.72'
S11	S48°47'57"W	6.39'
S12	S08°56'49"W	29.38'
S13	S00°01'25"W	159.97'
S14	S45°01'25"W	33.94'
S15	S00°01'25"W	53.97'
S16	S50°20'51"W	16.62'



Kimley»Horn

7741 N. 10th Street, Suite 300 Phoenix, Arizona 85020	Tel: (602) 937-5511
DATE: 08/11/2022	PROJECT: FS22-1340
BY: [Signature]	SCALE: 1" = 100'





SURPRISE
ARIZONA

**QUESTIONS OR
COMMENTS?**

Thank You



CITY OF SURPRISE Regular City Council Meeting

Council Meeting Date: March 21, 2023 Contact Person: Lloyd Abrams
Submitting Department: Community Development District: District 1
Staff Recommendations:

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

Consideration and action to accept an Amendment to Right of Way from the Arizona State Land Department for 227th Avenue between Sun Valley Parkway and Beardsley.

Motion:

I move to accept the Amendment to Right of Way from the Arizona State Land Department.

Background:

The City originally obtained right of way 16-110261 for roadway purposes from the Arizona State Land Department in 2006 at the request of the developer of Mesquite Mountain Ranch. The development is now moving forward and Southwest Gas is a utility that is being provided for the residents of the development. The City needs to amend the right of way to include underground utilities. With the approval of the amendment, the utilities will be able to locate their service lines in the right of way.

Objective Analysis:

The City continues to work with developers and communities to bring needed utilities to developing communities. The amendment makes the right of way available for multiple uses.

Policy Compliant:

Approval of this item is policy compliant.

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 currently no budgetary impact related to approval of this item. The City will plan for future O&M when the road and is in place and is accepted by the City.

FTE Impact:

This item does not have an impact on current staff levels.

ATTACHMENTS:

1. Finalized amendment 16-110261
 2. ASLD ROW 16-110261 Amendment
-

Katie Hobbs
Governor



Arizona State Land Department
1110 W. Washington St., Phoenix, AZ 85007

**IMPORTANT AMENDMENT
DOCUMENT ENCLOSED**

City of Surprise
ATTN: Lari Beth Kirkendall
16000 N. Civic Center Plaza
Surprise, AZ 85374

Date: February 1, 2023

Reference No.: 16-110261-00-100

Enclosed are two original amendment documents for your review and signature.

Please do the following:

- a. All persons named on the amendment document must **sign and date both documents**. If signing for a business, corporation or other entity, state your position within the entity.
- b. **Return both signed documents within 30 days** of the date above to:

Arizona State Land Department
ATTN: Bradley Le Vasseur
Title and Contracts Section
1110 W. Washington St.
Phoenix, AZ 85007

Pursuant to Arizona Administrative Code R12-5-509, Documents not signed and returned within 60 days from the date of mailing will be declared Null and Void and of no force and effect.

Please adhere to the following:

- a. **Do not** alter the documents. Alterations void the documents.
- b. **Do not** send copies. The documents are issued on bond paper, which must be returned.
- c. **Do not** have the documents notarized

THIS DOCUMENT IS NOT VALID NOR CONFERS ANY RIGHTS,
UNTIL SIGNED BY THE DEPARTMENT.

The address you provide will be used for all future notifications and billings. You will be held responsible for any charges, penalty and/or interest that may occur should you fail to notify the Department of any change in address.

Enc.

**STATE LAND DEPARTMENT
STATE OF ARIZONA**

AMENDMENT TO RIGHT OF WAY

NO. 16-110261-00

The Right of Way between the State of Arizona, Grantor, and _____

CITY OF SURPRISE

Grantee, by mutual consent, has been amended as follows:

As requested, purpose is amended to read: Public Road with Underground
Utilities. All other terms and conditions remain the same.

This Right of Way Amendment, when executed by the State Land Commissioner (Grantor) and the above mentioned Grantee and is affixed to the original Right of Way, shall be in full force and effect. All other terms and conditions of the Right of Way apply and shall remain in full force and effect.

IN WITNESS HEREOF, the parties hereto have signed this Right of Way effective the day and year set forth previously herein.

STATE OF ARIZONA, GRANTOR
Arizona State Land Commissioner

CITY OF SURPRISE
GRANTEE

By: _____

Date _____

(SEAL)

/Authorized Signature

/Date

/Printed Name

/Title

/Address

/City

/State

/Zip

APPENDIX A

STATE OF ARIZONA LAND DEPARTMENT
1110 W.WASHINGTON ST.
PHOENIX, AZ 85007

RUN DATE: 1 February 2023
RUN TIME: 13:06 PM
PAGE: 1

KE-LEASE# 016-110261-00-100 APPTYPE: AMENDMENT
AMENDMENT#: 0

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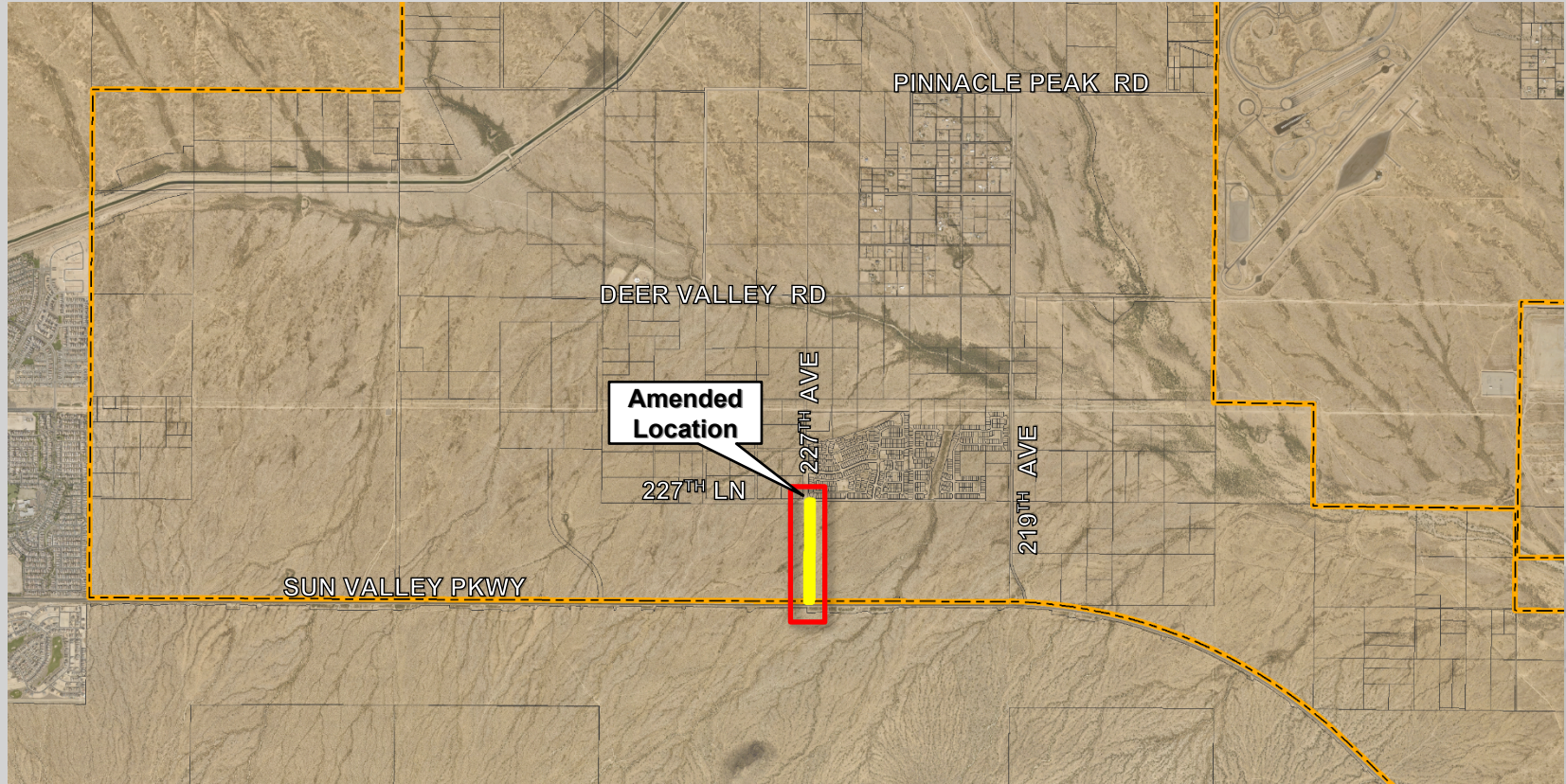
LAND#	LEGAL DESCRIPTION	AUS	ACREAGE
04.0-N-03.0-W-26-07-031-9004	M&B THRU W2W2NW	0.00	4.330
	TOTALS	0.00	4.330



Arizona State Land Department Right-of-Way 16-110261 Amendment

City Council – March 21, 2023

VICINITY MAP





QUESTIONS / COMMENTS?

Thank You



CITY OF SURPRISE Regular City Council Meeting

Council Meeting Date: March 21, 2023 Contact Person: Lloyd Abrams
Submitting Department: Community Development District: District 1
Staff Recommendations:

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

Agenda Wording:

Consideration and action to accept a Quit Claim Deed from The Goertzen Trust for Right of Way along Dale Lane near 165th Avenue.

Motion:

I move to accept the Quit Claim Deed from The Goertzen Trust.

Background:

The property being dedicated is along Dale Lane. The City has been working with the community to obtain contiguous right of way along Dale Lane for roadway maintenance.

Objective Analysis:

The City will continue to pursue and obtain right of way along Dale lane between 163rd avenue and 179th avenue.

Policy Compliant:

Approval of this item is policy compliant. The proposed dedication will advance the goals and policies of the Surprise General Plan and the City Council's Strategic 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 currently no budgetary impact related to approval of this item. The City will plan for future O&M when the road is in place and is accepted by the City.

FTE Impact:

This item does not have an impact on current staff levels.

ATTACHMENTS:

1. signed qcd goertzen
 2. Goertzen Trust RW dedication Dale Lane - PowerPoint
-

When Recorded Mail To:

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

Exempt from filing an
Affidavit of legal value
A.R.S. §11-1134(A)(3)

QUIT CLAIM DEED

For the consideration of One Dollar (\$1.00) and other valuable consideration, the receipt and sufficiency of which is hereby acknowledged,

David K and Connie J Goertzen Trust ("Grantors")

Does hereby quitclaim to the City of Surprise, an Arizona municipal corporation, all of Grantor's right, title, and interest in the real property as legally described in Exhibit A and depicted in Exhibit B.

Dated this 7 day of Feb, 202³.

GRANTOR:

By:



By:



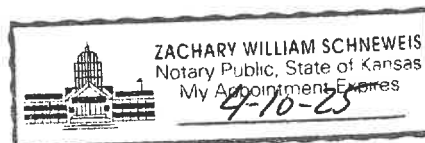
STATE OF)
)ss.
County of Maricopa)

This instrument was acknowledged and executed before me this 7 day of Feb, 202³, by David & Connie Goertzen.

My Commission Expires:



NOTARY PUBLIC



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 _____, 2022, by Skip Hall, known by my as the Mayor of the City of Surprise an Arizona municipal corporation.

Notary Public

My Commission Expires:

EXHIBIT "A"

DESCRIPTION

ROAD RIGHT-OF-WAY DEDICATION

APN 503-51-135F

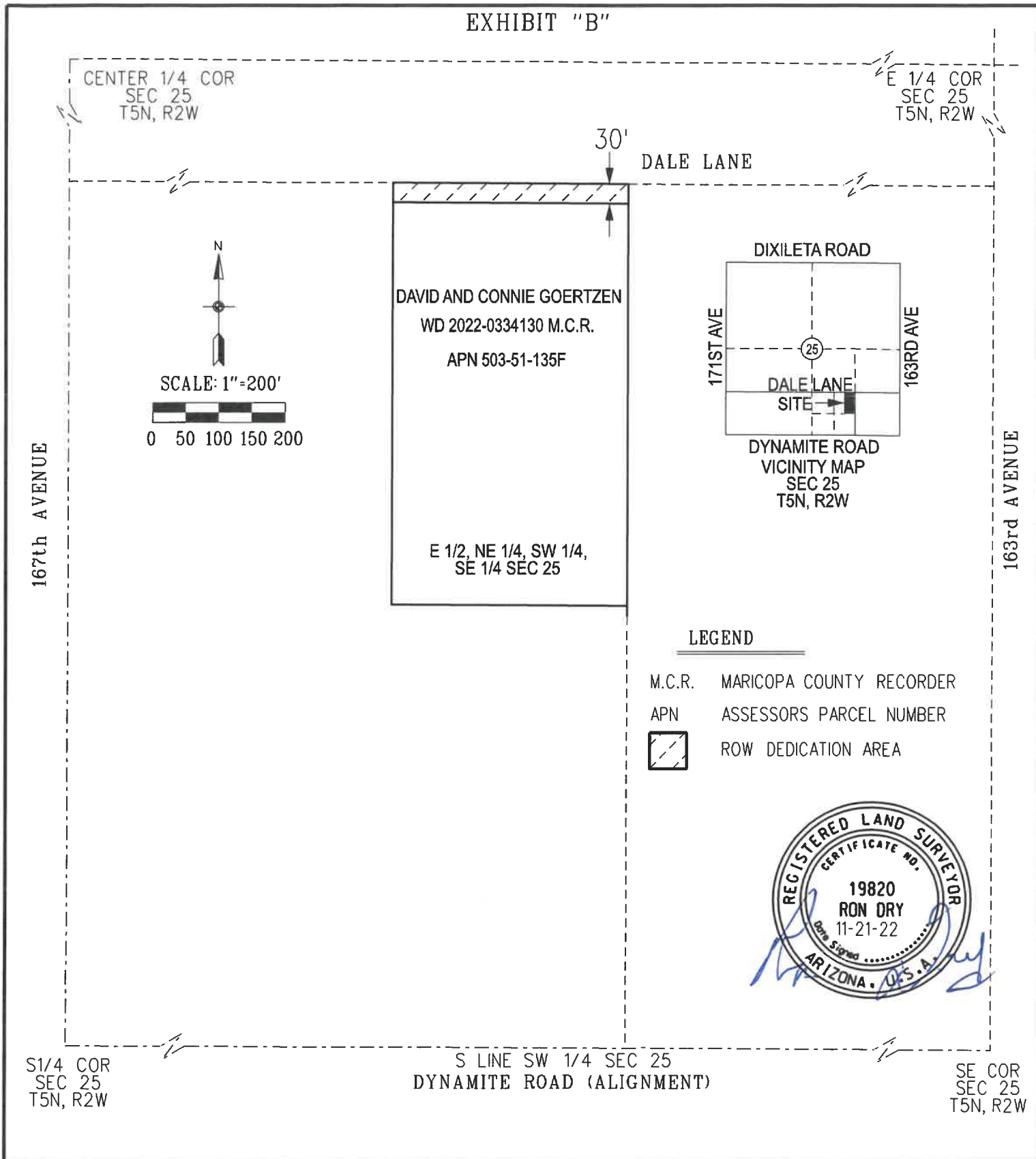
The north 30.00 feet of the east half of the northeast quarter of the southwest quarter of the southeast quarter of Section 25, Township 5 North, Range 2 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona.

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

End of description



EXHIBIT "B"



ROAD RIGHT OF WAY
DEDICATION
APN 503-51-135F



CITY OF SURPRISE
LAND SURVEY DEPARTMENT

PROJECT # 22026

DRAWN BY RCD

DATE 11-21-22

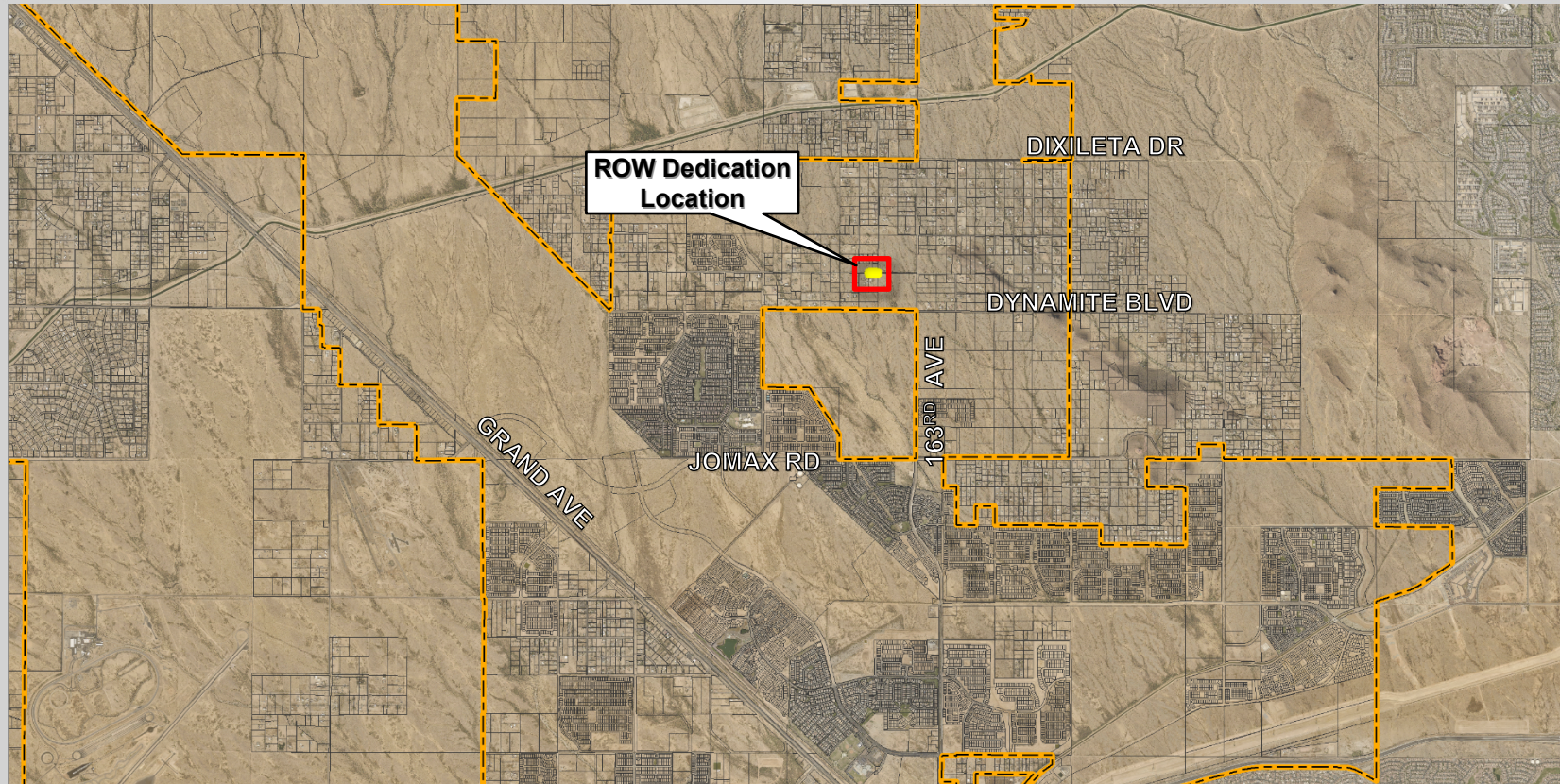
SHEET 1 OF 1



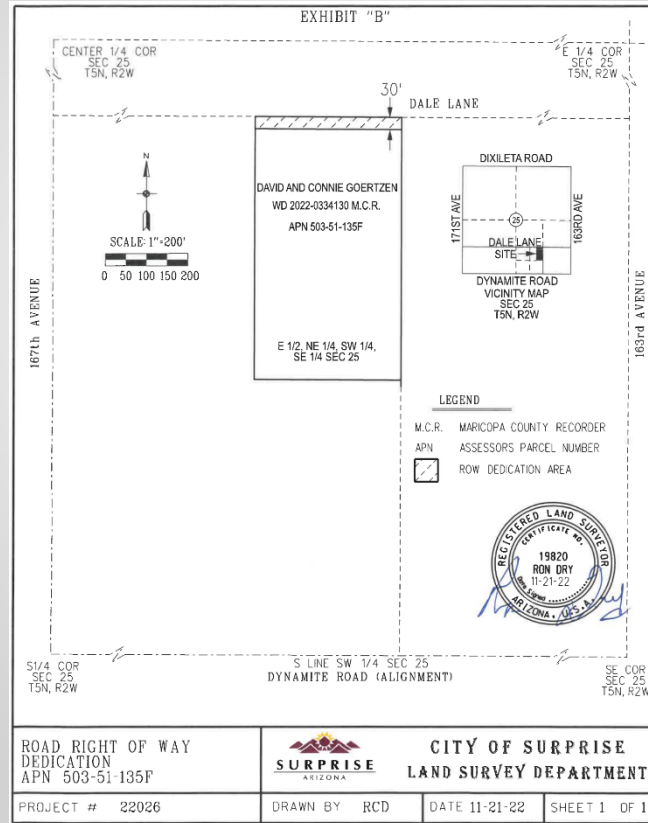
Goertzen Trust Right-of-Way Dedication Dale Lane

City Council – March 21, 2023

VICINITY MAP



EXHIBIT





SURPRISE
ARIZONA

QUESTIONS / COMMENTS?

Thank You



CITY OF SURPRISE Regular City Council Meeting

Council Meeting Date: March 21, 2023 Contact Person: Lloyd Abrams
Submitting Department: Community Development District: District 1
Staff Recommendations:

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

Agenda Wording:

Consideration and action to accept a Quit Claim Deed from Eugene and Valerie Rollin for Right of Way along Dale Lane near 175th Avenue.

Motion:

I move to accept the Quit Claim Deed from Eugene and Valerie Rollin.

Background:

The property being dedicated is on Dale Lane near 175th Avenue. The City has been working with the community to obtain contiguous right of way along Dale Lane for roadway maintenance.

Objective Analysis:

The City will continue to pursue and obtain right of way along Dale lane between 163rd Avenue and 179th Avenue.

Policy Compliant:

Approval of this item is policy compliant. The proposed dedication will advance the goals and policies of the Surprise General Plan and the City Council's Strategic 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 currently no budgetary impact related to approval of this item. The City will plan for future O&M when the road is in place and is accepted by the City.

FTE Impact:

This item does not have an impact on current staff levels.

ATTACHMENTS:

1. Rollin signed deed
 2. Rollin RW dedication Dale Lane - PowerPoint
-

When Recorded Mail To:

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

Exempt from filing an
Affidavit of legal value
A.R.S. §11-1134(A)(3)

QUIT CLAIM DEED

For the consideration of One Dollar (\$1.00) and other valuable consideration, the receipt and sufficiency of which is hereby acknowledged,

Eugene and Valerie Rollin, husband and wife ("Grantors")

Does hereby quitclaim to the City of Surprise, an Arizona municipal corporation, all of Grantor's right, title, and interest in the real property as legally described in Exhibit A and depicted in Exhibit B.

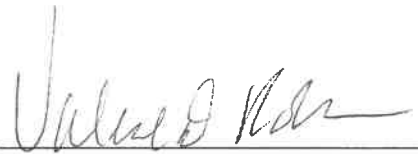
Dated this 7th day of February, 2023.

GRANTOR:

By:



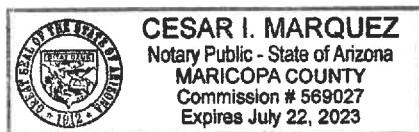
By:



STATE OF ARIZONA)
)ss.
County of Maricopa)

This instrument was acknowledged and executed before me this 7th day of February, 2023, by Eugene Rollin, Valerie D. Rollin

My Commission Expires: 07/22/2023


NOTARY PUBLIC

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 _____,
2022, by Skip Hall, known by my as the Mayor of the City of Surprise an Arizona municipal
corporation.

Notary Public

My Commission Expires:

EXHIBIT "A"

DESCRIPTION

ROAD RIGHT-OF-WAY DEDICATION

APNs 503-51-944A & 503-51-944B

The south 13.50 feet of the north 30.00 feet of the west half of the northwest quarter of the southwest quarter of the southeast quarter and the south 13.50 feet of the north 30.00 feet of the west half of the northeast quarter of the northwest quarter of the southwest quarter of the southeast quarter of Section 26, Township 5 North, Range 2 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona.

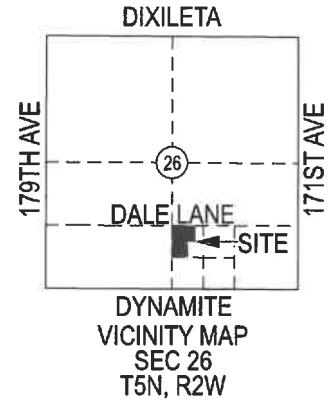
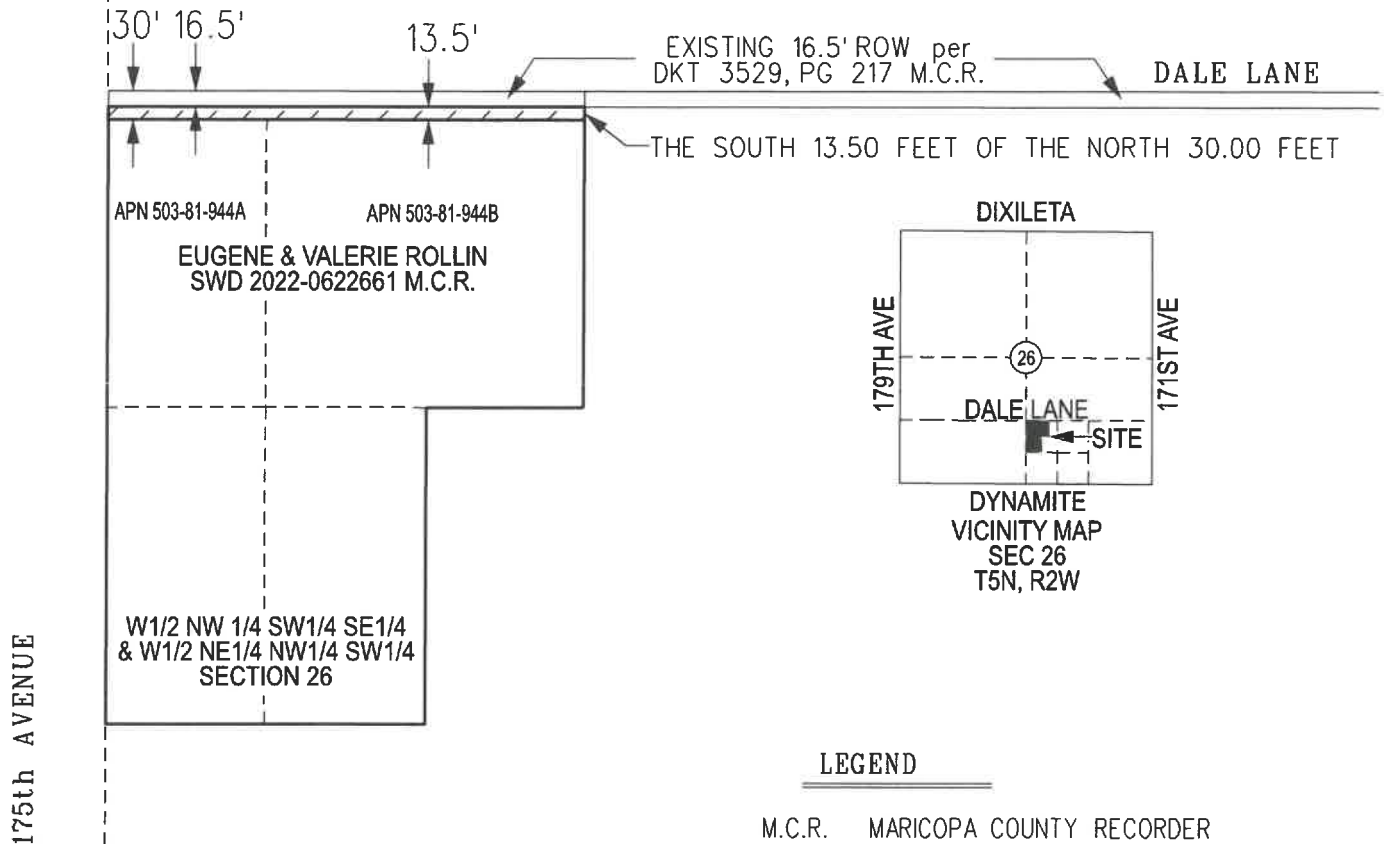
Attached is EXHIBIT "B" and by this reference is made a part hereof.

End of description



C 1/4 COR
SEC 26
T5N, R2W

EXHIBIT "B"



LEGEND

- M.C.R. MARICOPA COUNTY RECORDER
APN ASSESSORS PARCEL NUMBER
 ROW DEDICATION AREA



S1/4 COR
SEC 26
T5N, R2W

S LINE SW 1/4 SEC 26
DYNAMITE ROAD (ALIGNMENT)

ROAD RIGHT OF WAY
DEDICATION
APNs 503-81-944A &
503-81-944B



CITY OF SURPRISE
LAND SURVEY DEPARTMENT

PROJECT # 22026

DRAWN BY RCD

DATE 11-21-22

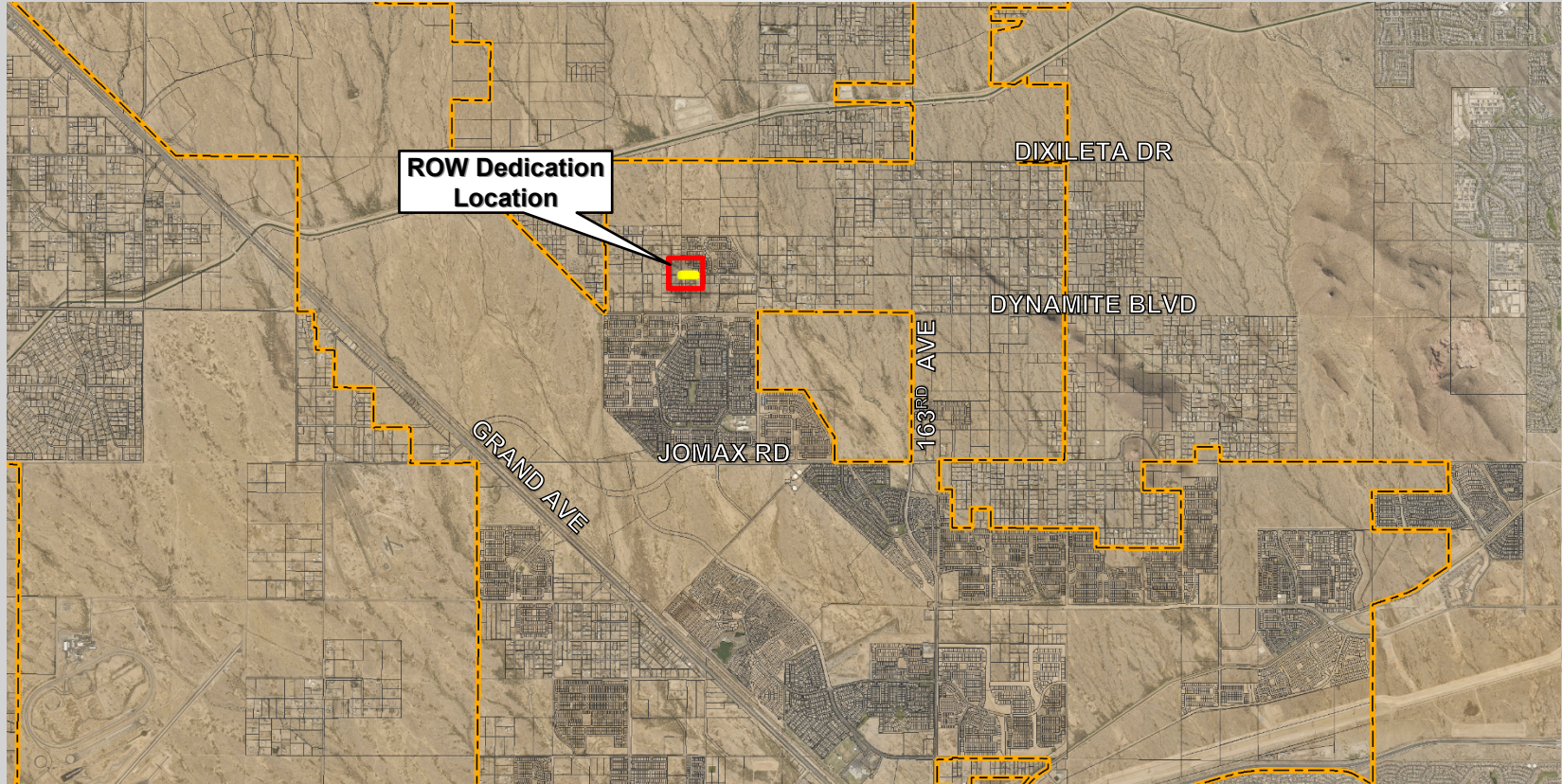
SHEET 1 OF 1



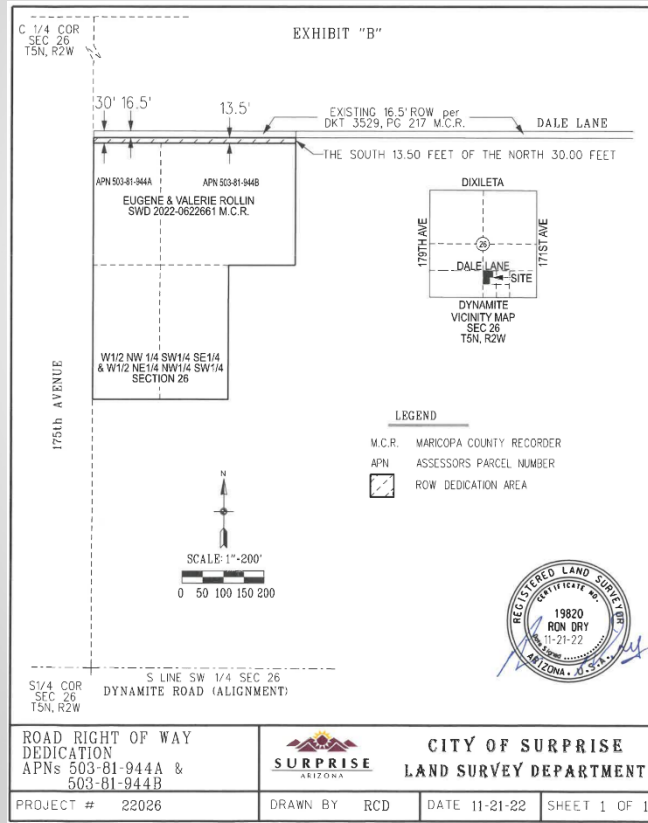
Rollin Right-of-Way Dedication Dale Lane

City Council – March 21, 2023

VICINITY MAP



EXHIBIT





SURPRISE
ARIZONA

QUESTIONS / COMMENTS?

Thank You



CITY OF SURPRISE Regular City Council Meeting

Council Meeting Date: March 21, 2023 Contact Person: Lloyd Abrams
Submitting Department: Community Development District: District 1
Staff Recommendations:

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

Consideration and action to accept a Quit Claim Deed from HOH Land Holdings for Right of Way along Dale Lane at 163rd Avenue.

Motion:

I move to accept the Quit Claim Deed from HOH Land Holdings.

Background:

The property being dedicated is at the northwest corner of Dale Lane and 163rd Avenue. The City has been working with the community to obtain contiguous right of way along Dale Lane for roadway maintenance. This dedication will allow the City to improve the access to Dale Lane from southbound traffic on 163rd Avenue.

Objective Analysis:

The City will continue to pursue and obtain right of way along Dale Lane between 163rd Avenue and 179th Avenue.

Policy Compliant:

Approval of this item is policy compliant. The proposed dedication will advance the goals and policies of the Surprise General Plan and the City Council's Strategic 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 currently no budgetary impact related to approval of this item. The City will plan for future O&M when the road is in place and is accepted by the City.

FTE Impact:

This item does not have an impact on current staff levels.

ATTACHMENTS:

1. Quit Claim deed to City of Surprise dedication of ROW
 2. HOH Land Holdings RW dedication Dale Lane - PowerPoint
-

When Recorded Mail To:

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

Exempt from filing an
Affidavit of legal value
A.R.S. §11-1134(A)(3)

QUIT CLAIM DEED

For the consideration of One Dollar (\$1.00) and other valuable consideration, the receipt and sufficiency of which is hereby acknowledged,

HOH Land Holdings LLC("Grantors")

Does hereby quitclaim to the City of Surprise, an Arizona municipal corporation, all of Grantor's right, title, and interest in the real property as legally described in Exhibit A and depicted in Exhibit B.

Dated this 17th day of February, 2023.

GRANTOR:

By: [Signature]

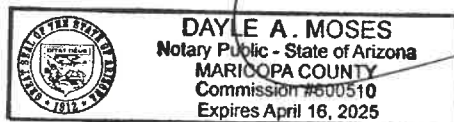
By: HOH Land Holdings / Managing Member / Waseem Hamada

STATE OF)
)ss.
County of Maricopa)

This instrument was acknowledged and executed before me this 17th day of FEBRUARY, 2023, by WASEEM HAMADA

My Commission Expires:

4/16/2025



[Signature]
NOTARY PUBLIC

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 _____, 2023, by Skip Hall, known by my as the Mayor of the City of Surprise an Arizona municipal corporation.

Notary Public

My Commission Expires:

EXHIBIT "A"

DESCRIPTION

ROAD RIGHT OF WAY DEDICATION

A portion of the Northeast Quarter of the Southeast Quarter of Section 25, Township 5 North, Range 2 West of the Gila and Salt River Base and Meridian, City of Surprise, Maricopa County, Arizona described as follows:

BEGINNING at the Northeast Corner of the Road Right of Way dedication described in that certain Quit Claim Deed recorded on September 13, 2016 as entry no. 2016662341 in the official records of said County;

Thence along the north line of said dedication North 89°40'06" West 30.00 feet;

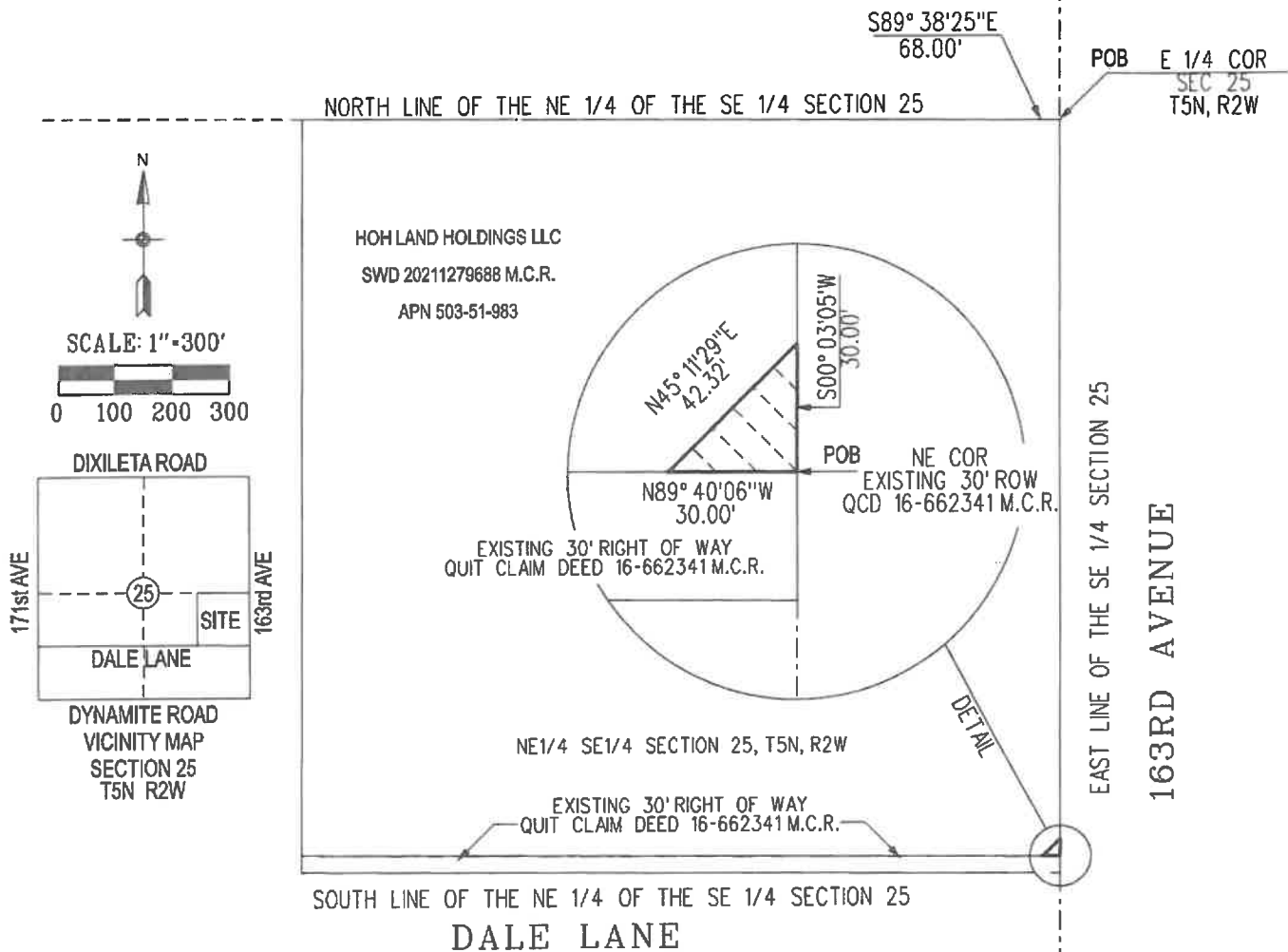
Thence departing said line North 45°11'29" East 42.32 feet to the east line of that real property described in that Special Warranty Deed recorded on December 2, 2021 as entry no. 20211279688 official records of said County;

Thence along said east line South 00°03'05" West 30.00 feet to the POINT OF BEGINNING.

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

End of description

EXHIBIT "B"



LEGEND

M.C.R.	MARICOPA COUNTY RECORDER
APN	ASSESSORS PARCEL NUMBER
POB	POINT OF BEGINNING
	RIGHT OF WAY DEDICATION AREA



SE COR
SEC 25
T5N, R2W

ROAD RIGHT OF WAY
DEDICATION
APN 503-51-983



CITY OF SURPRISE
LAND SURVEY DEPARTMENT

PROJECT # 23004

DRAWN BY RCD

DATE 02-13-23

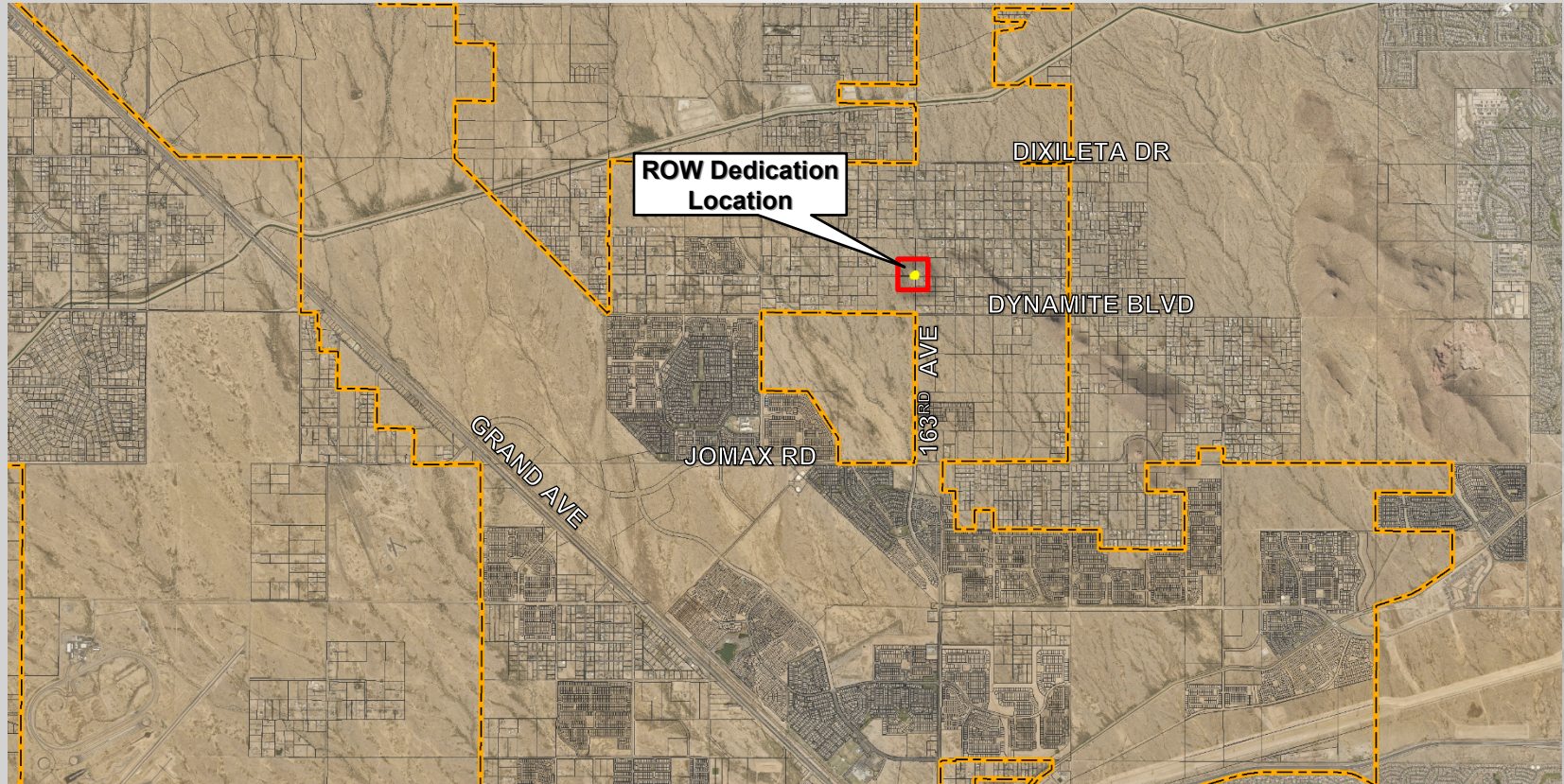
SHEET 1 OF 1



HOH Land Holdings Right-of-Way Dedication Dale Lane

City Council – March 21, 2023

VICINITY MAP







SURPRISE
ARIZONA

QUESTIONS / COMMENTS?

Thank You



CITY OF SURPRISE Regular City Council Meeting

Council Meeting Date: March 21, 2023 Contact Person: Lloyd Abrams
Submitting Department: Community Development District: District 1
Staff Recommendations:

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

Agenda Wording:

Consideration and action to accept a transfer of Right of Way from Arizona State Land Department for 163rd Avenue between Dixileta and White Wing.

Motion:

I move to accept the Right of Way from Arizona State Land Department.

Background:

In 2019, City Council approved Annexation Ordinance 2019-18 for the annexation of area along 163rd Avenue between Dixileta and Dove Valley for future development. Along with the land, right of way was annexed into the City. Once the annexation was completed, Maricopa County worked with the Arizona State Land Department to assign the right of way to the City, as it is now in City limits.

Objective Analysis:

The Arizona State Land Department transferred the right of way to the appropriate jurisdiction once the annexation was complete. The right of way will allow the City to maintain the roads within the City limits.

Policy Compliant:

Approval of this item is policy compliant.

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 currently no budgetary impact related to approval of this item. The City will plan for future O&M when the road and is in place and is accepted by the City.

FTE Impact:

This item does not have an impact on current staff levels.

ATTACHMENTS:

1. 16-92563 RW transfer from County
 2. ASLD ROW Transfer of 163rd - PowerPoint
 3. County transfer of ASLD RW to CITY
-

D 16 92563

STATE LAND DEPARTMENT
STATE OF ARIZONA

AMENDMENT TO RIGHT OF WAY

NO. 16-92563

The Right of Way between the State of Arizona, Grantor, and _____

MARICOPA COUNTY

Grantee, by mutual consent, has been amended as follows:

As requested, Section 36, Township 5 North, Range 2 West, has been transferred to Right of Way 16-120891, leaving 4.680 acres, remaining as described in Appendix A and in Exhibit Z.

This Right of Way Amendment, when executed by the State Land Commissioner (Grantor) and the above-mentioned Grantee and is affixed to the original Right of Way, shall be in full force and effect. All other terms and conditions of the Right of Way apply and shall remain in full force and effect.

STATE OF ARIZONA, GRANTOR
Arizona State Land Commissioner

By: _____

5-20-2020

Date

[Grantee signature page following]



IN WITNESS HEREOF, the parties hereto have signed this Right of Way effective the day and year set forth previously herein.

MARICOPA COUNTY
GRANTEE

301 W. JEFFERSON, 10th FLOOR
Address

Phoenix AZ 85003
City State Zip


By: Chairman, Board of Supervisors

ATTEST:

 APR 16 2020
Clerk, Board of Supervisors 031220 Date

Approved as to
Content:

 4.1.2020
Deputy County Attorney Date

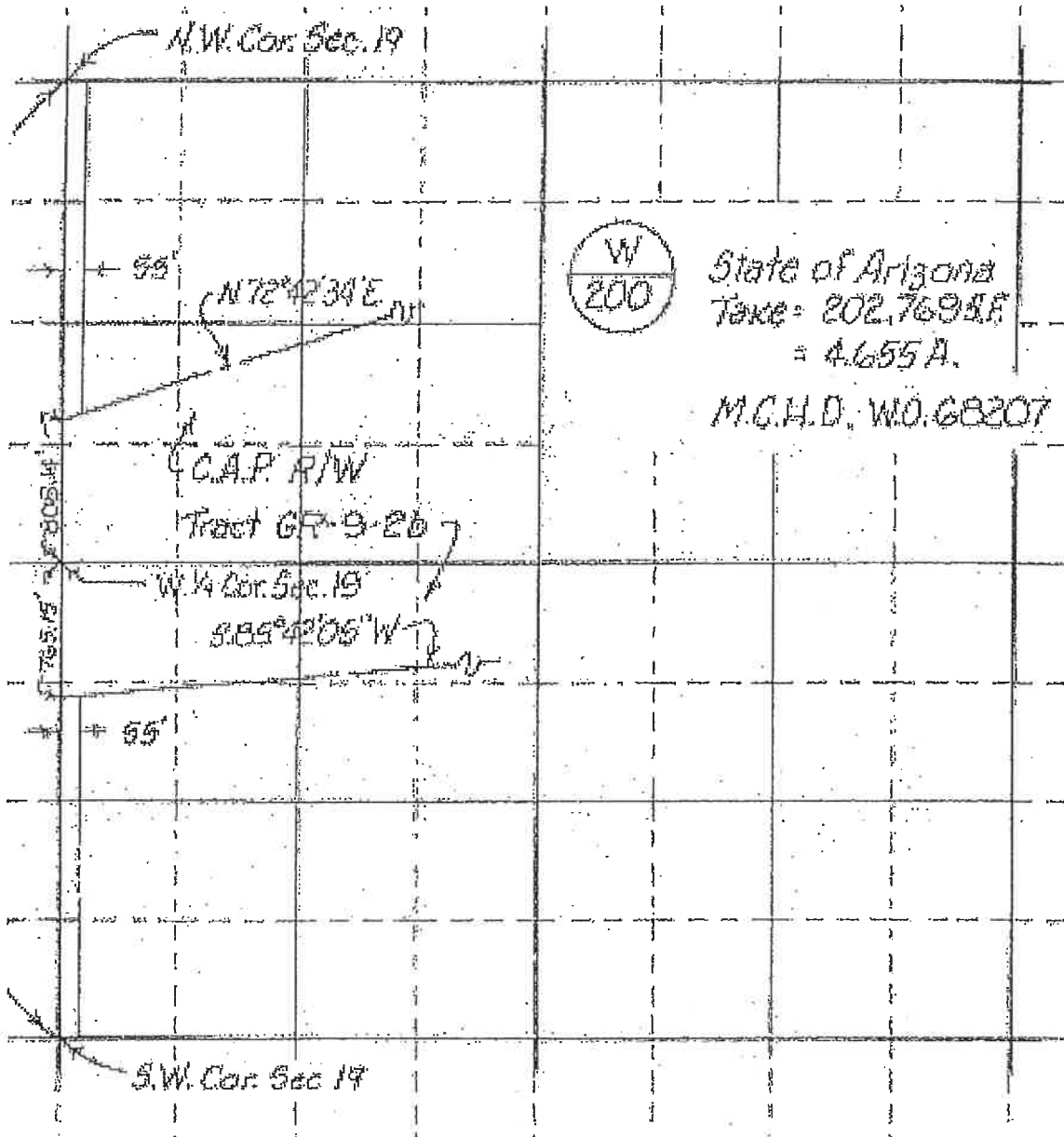
AMENDMENT

16-092563-00-100

Page 1 of 1

EXHIBIT Z - LEGAL DESCRIPTION AND/OR VISUAL DEPICTION OF RIGHT OF WAY

The West Fifty-five (55) feet of Section Nineteen (19), Township Five (5) North, Range One (1) West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona.
EXCEPT any portion thereof found to lie within the right-of-way of the C.A.P. canal.



APPENDIX A

STATE OF ARIZONA LAND DEPARTMENT
1616 W. ADAMS
PHOENIX, AZ 85007

RUN DATE: 20 February 2020
RUN TIME: 10:43 AM
PAGE: 1

KE-LEASE# 016-092563-00-100 APPTYPE: PARTIAL ASSIGNMENT
AMENDMENT#: 0

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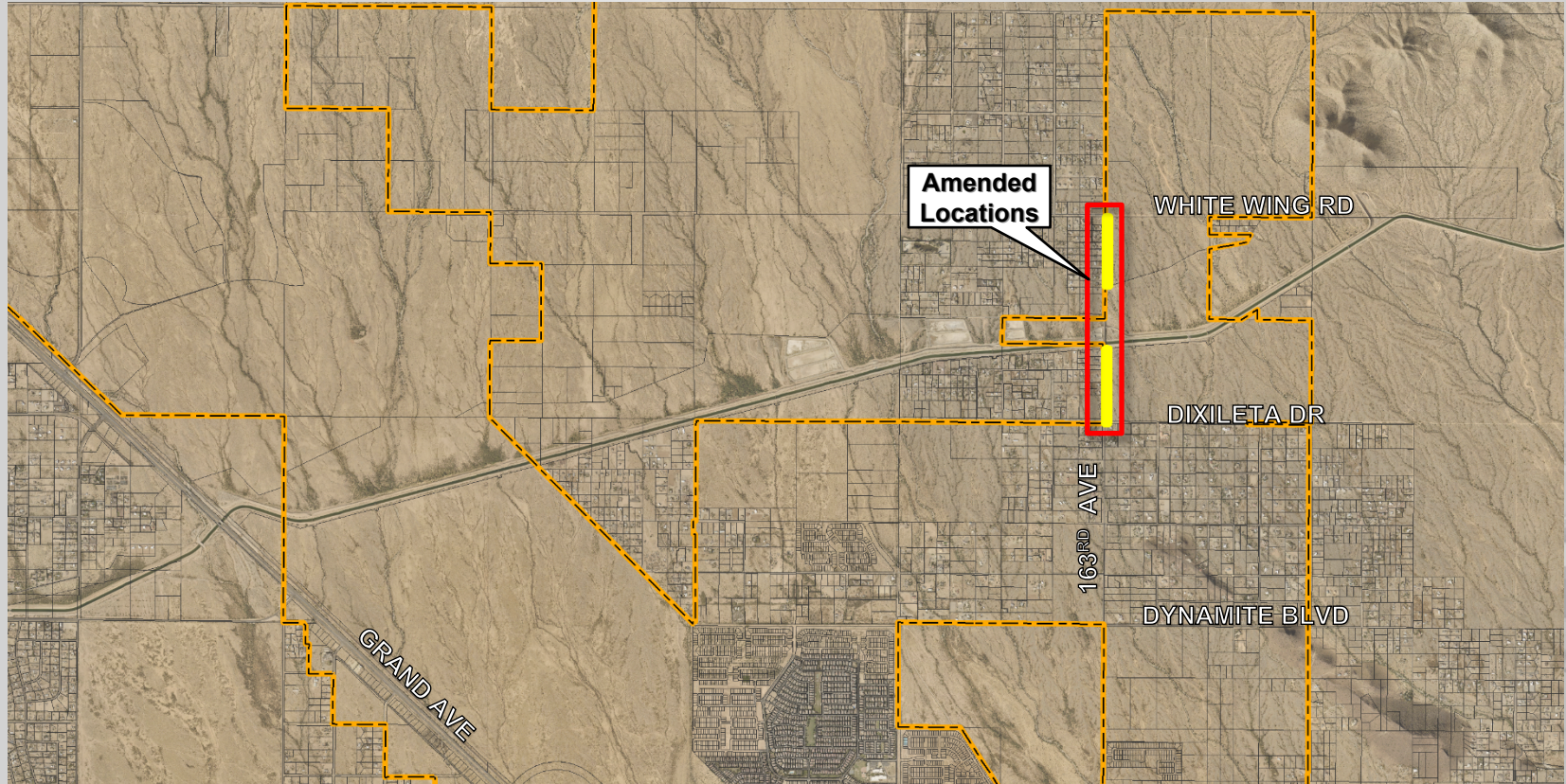
LAND#	LEGAL DESCRIPTION	AUS	ACREAGE
05.0-N-01.0-W-19-07-031-9000	M&B THRU LOTS 1 THRU 4	0.00	4.680
	TOTALS	0.00	4.680



Arizona State Land Department Right-of-Way Transfer to 163rd Avenue

City Council – March 21, 2023

VICINITY MAP



EXHIBIT

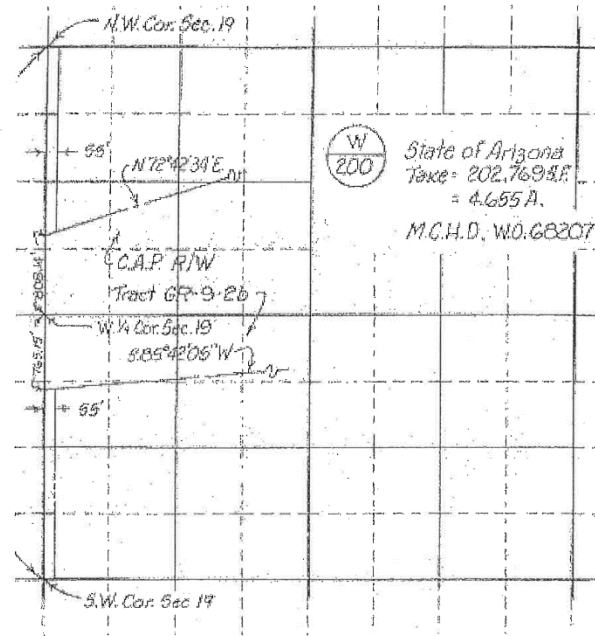
AMENDMENT

16-092563-00-100

Page 1 of 1

EXHIBIT Z - LEGAL DESCRIPTION AND/OR VISUAL DEPICTION OF RIGHT OF WAY

The West Fifty-five (55) feet of Section Nineteen (19), Township Five (5) North, Range One (1) West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona.
EXCEPT any portion thereof found to lie within the right-of-way of the C.A.P. canal.





SURPRISE
ARIZONA

QUESTIONS / COMMENTS?

Thank You



Maricopa County

Real Estate Department

From: Bradley Le Vasseur <blevasseur@azland.gov>
Sent: Tuesday, December 27, 2022 10:45 AM
To: Pat Mertz (RED) <Pat.Mertz@Maricopa.Gov>; LariBeth Kirkendall <laribeth.kirkendall@surpriseaz.gov>
Subject: Re: RW lease assignment

Good morning,

The transfer of ROW 16-92563 from Maricopa County to the City of Surprise is complete. Please see the attached document, with the hard copy being mailed to the City. If the County still has the hard copy of the original ROW agreement, please forward it to the City.

Thank you,

Bradley Le Vasseur | Contracts Management Specialist III
Arizona State Land Department
1110 W. Washington Street, Phoenix, AZ 85007
O: 602-542-2646 | blevasseur@azland.gov



Funding Arizona Public Schools and Institutions since 1915

D 169209

STATE LAND DEPARTMENT
STATE OF ARIZONA

AMENDMENT TO RIGHT OF WAY

NO. 16-92563

The Right of Way between the State of Arizona, Grantor, and _____

MARICOPA COUNTY

Grantee, by mutual consent, has been amended as follows:

As requested, Section 36, Township 5 North, Range 2 West, has been transferred to Right of Way 16-120891, leaving 4.680 acres, remaining as described in Appendix A and in Exhibit Z.

This Right of Way Amendment, when executed by the State Land Commissioner (Grantor) and the above-mentioned Grantee and is affixed to the original Right of Way, shall be in full force and effect. All other terms and conditions of the Right of Way apply and shall remain in full force and effect.

STATE OF ARIZONA, GRANTOR
Arizona State Land Commissioner

By: _____

Date

5-20-2020

[Grantee signature page following]



IN WITNESS HEREOF, the parties hereto have signed this Right of Way effective the day and year set forth previously herein.

MARICOPA COUNTY

GRANTEE

301 W. JEFFERSON, 10th Floor
Address

Phoenix AZ 85003
City State Zip


By: Chairman, Board of Supervisors

ATTEST:

 APR 16 2020
Clerk, Board of Supervisors 032520 Date

Approved as to
Content:

 4.1.2020
Deputy County Attorney Date

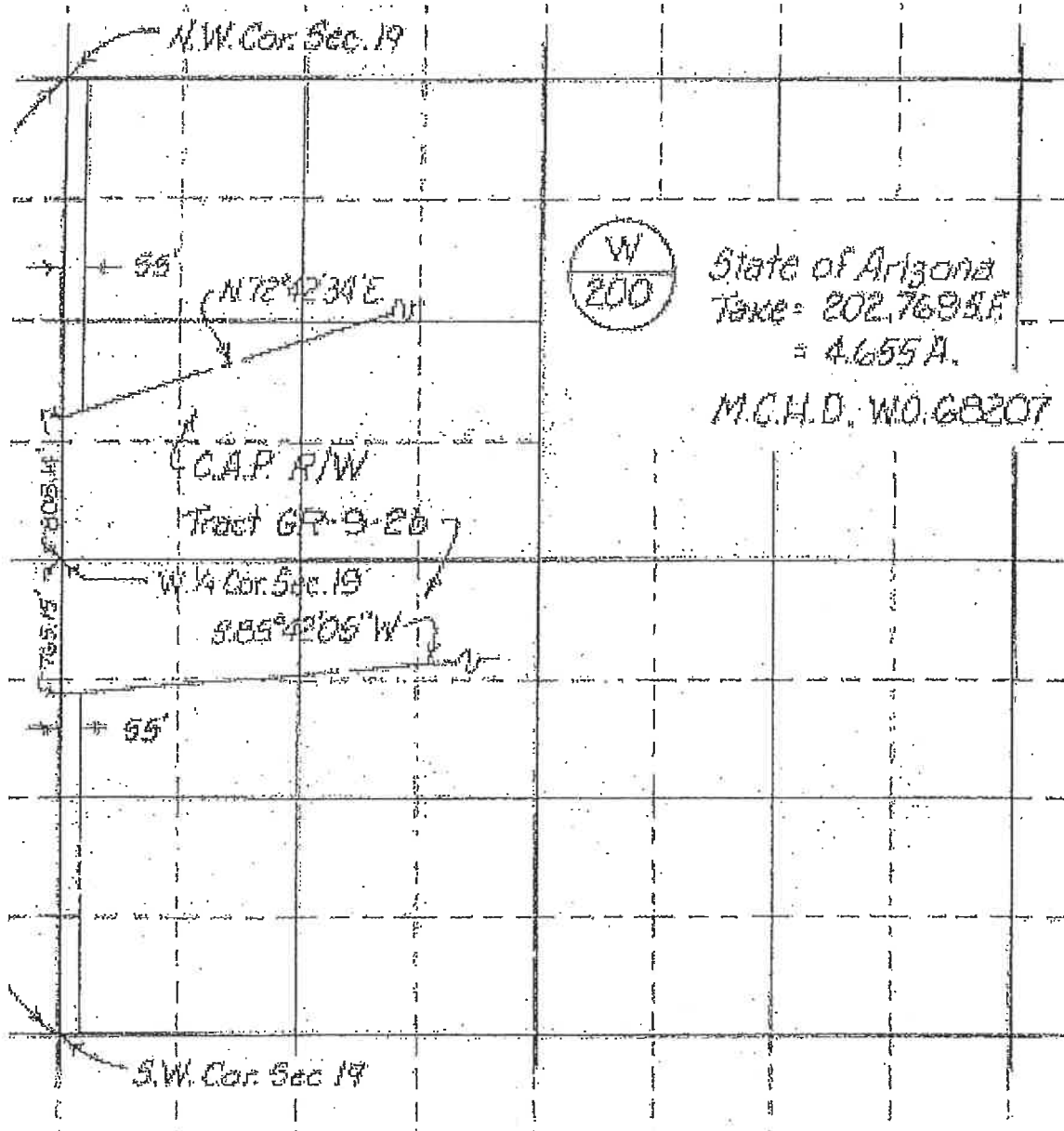
AMENDMENT

16-092563-00-100

Page 1 of 1

EXHIBIT Z - LEGAL DESCRIPTION AND/OR VISUAL DEPICTION OF RIGHT OF WAY

The West Fifty-five (55) feet of Section Nineteen (19), Township Five (5) North, Range One (1) West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona.
EXCEPT any portion thereof found to lie within the right-of-way of the C.A.P. canal.



APPENDIX A

STATE OF ARIZONA LAND DEPARTMENT
1616 W. ADAMS
PHOENIX, AZ 85007

RUN DATE: 20 February 2020
RUN TIME: 10:43 AM
PAGE: 1

KE-LEASE# 016-092563-00-100 APPTYPE: PARTIAL ASSIGNMENT
AMENDMENT#: 0

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=====
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LAND#	LEGAL DESCRIPTION	AUS	ACREAGE
05.0-N-01.0-W-19-07-031-9000	M&B THRU LOTS 1 THRU 4	0.00	4.680
	TOTALS	0.00	4.680



CITY OF SURPRISE Regular City Council Meeting

Council Meeting Date: March 21, 2023

Contact Person: Eric Boyles, ASSISTANT
DIRECTOR - FINANCE

Submitting Department: Finance

District: Citywide

Staff Recommendations:

Consent: Yes

Regular: No

Public Hearing: No

Report/Discussion: No

Agenda Wording:

Consideration and action to approve an amendment to the Fiscal Year 2023 budget moving budget authority within grant and capital projects to/from contingency or between projects to adjust amounts originally estimated during the FY2022 budget process, as required by grant stipulations and guidelines, or based on anticipated revenues; Resolution #2023-29.

Motion:

I move to approve Resolution #2023-29.

Background:

As part of preparing the FY2023 budget, FY2022 estimates as of a specific point in time are used to determine carryforward amounts in the capital and grant project accounts. Following the close of fiscal year 2022, final project expenses for FY2022 are determined and the actual carryforward amount to FY2023 may need to be adjusted (most projects will reflect a decrease, however, there are a few projects that require an increase) with a budget amendment(s). The result of the budget amendment(s) are capital and grant projects that reflect the actual amount available to spend within the projects. (Exhibit A of the Resolution)

With regard to the City's Community Development Block Grant (G51680D) and Neighborhood Stabilization Program Grant (G51370), pursuant to the Code of Federal Regulations (CFR), certain grant revenue received the year prior not exceeding a total of twenty-five thousand dollars must be given an expense budget authority the next year based on amount received and must be separated from the grants to allow for department expenditure without restriction. This program revenue is not defined as program income as described in 24 CFR 570.500(a), and therefore is excluded from the disposition requirements described in 24 CFR 570.504(b). This budget amendment will trigger an inter-fund cash transfer from the Grants/Contingency Fund to the General Fund. Inter-fund cash transfers do not represent an outflow of funds from the city, but rather a reallocation of funds within the city. (Exhibit B of the Resolution)

Objective Analysis:

Surprise City Council adopts the annual budget by department in each fund and by project in capital

funds per the Comprehensive Financial Management Policies effective July 1, 2022. The Budget Amendment Policies and Procedures are designed to place any amendments to the budget that cross those categories back before the City Council for approval. Inter-fund cash transfers and loans are not subject to the city's Budget Amendment Policies and Procedures, but rather are approved by the City Council based on the requirements of the Comprehensive Financial Management Policies. This approval does not change the total amount of the FY2023 adopted budget, it adjusts project budget authority based on actual amounts spent versus estimates and anticipated revenues.

Policy Compliant:

This action is compliant with the City's Comprehensive Financial Management Policy and Budget Amendment Policy.

Financial Impact:

This action has no direct financial impact, the approval of the change in revenues and expenditures is necessary in order to reflect the actual amount available to spend within the projects.

Budget Impact:

This action reallocates spending authority in multiple funds without increasing or decreasing the total budget for FY2023.

FTE Impact:

The number of full-time equivalents (FTE) is not impacted by this item.

ATTACHMENTS:

1. Res 2023-29 Bdgt Amnd Various Projects
-

RESOLUTION # 2023-29

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA, AMENDING THE FISCAL YEAR 2023 BUDGET BY MOVING BUDGET AUTHORITY BETWEEN VARIOUS PROJECTS AND FUNDS FOR THE PURPOSE OF ADJUSTING BUDGET AUTHORITY.

WHEREAS, in preparing the FY2023 budget, there were specific budgeted items in various funds and departments with amounts dependent on FY2022 expenditure estimates;

WHEREAS, FY2022 expenditure activity has been completed with actual amounts varying from the estimates used when preparing the FY2023 budget;

WHEREAS, movement of authority between projects is necessary for tracking purposes;

WHEREAS, certain grant revenue received the year prior not exceeding a total of twenty-five thousand dollars must be given an expense budget authority the next year based on the amount received and must be separated from the grants to allow for department expenditure without restriction;

WHEREAS, this amendment will allow the City to have current and updated budgetary amounts and help departments manage their project and line item expenditures;

WHEREAS, the FY2023 budget was adopted by Council Resolution #2022-56 on June 7, 2022;

WHEREAS, this action will necessitate a budget amendment; and

WHEREAS, the City of Surprise Budget Amendment Policies and Procedures require 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 *Exhibits A and B* and incorporated by reference are adopted, amending the budget of the City of Surprise, Arizona for the fiscal year July 1, 2022 through June 30, 2023.

SIGNATURES ON FOLLOWING PAGE

APPROVED AND ADOPTED this ____ day of _____, 2023.

Skip Hall, Mayor

Attest:

Approved as to form:

Sherry Aguilar, City Clerk

Robert Wingo, City Attorney

RESOLUTION # 2023-29**Exhibit A**

The FY2023 Annual Budget is amended by moving budget authority among projects and funds to ensure the continued operations of the City of Surprise in the payment of necessary expenditures. These allocations represent a transfer of spending authority and do not increase or decrease the total adopted citywide expenditure budget.

1. Capital Project Carry Forward – To adjust budget authority for items previously approved by Council which require adjustment from what was originally estimated during the FY2023 budget process due to expenditure activity in the prior Fiscal Year.

Fund	Department	Project/Category	Rev/Exp	Current Budget	Increase/(Decrease)	Amended Budget
Fire/EMS Dev Fee 2020	Fire - Medical	#P31030 PSERC & Police Training Facility	E	488,100	(384,700)	103,400
Fire/EMS Dev Fee 2020	Fire - Medical	#P34090 Fire Station 308	E	266,900	(200,600)	66,300
Fire/EMS Dev Fee 2020	General Operations	#P61940 Streets DIF Study	E	4,700	(1,300)	3,400
Fire/EMS Dev Fee 2020	General Operations	Services	E	8,226,700	586,600	8,813,300
Communications Asset Repl	Marketing and Communications	#A10010 Asset Repl_Communications	E	179,900	(30,700)	149,200
Facilities Asset Replacement	Public Works	#A61030 Asset Repl_Facilities	E	3,048,500	(308,600)	2,739,900
HSCV Asset Replacement	Human Svcs and Comm Vitality	#A51010 Asset Repl_Human Svcs & Comm Vit	E	14,100	(500)	13,600
IT Asset Replacement	Information Technology	#A17010 Asset Repl_Information Technology	E	3,403,900	(439,000)	2,964,900
Parks & Recreation Asset Repl	Parks and Recreation	#A54010 Asset Repl_Parks & Recreation	E	2,959,000	(255,000)	2,704,000
Sports and Tourism Asset Repl	Sports and Tourism	#A59020 Asset Repl_Sports and Tourism	E	4,218,700	(459,100)	3,759,600
General Capital Projects Fund	Parks and Recreation	#P54170 Countryside Park	E	10,276,300	1,452,400	11,728,700
General Capital Projects Fund	Parks and Recreation	#P54340 Renovation of NWRL	E	-	13,500	13,500
General Capital Projects Fund	Parks and Recreation	#N54310 Recreation Software	E	150,000	(150,000)	-
General Capital Projects Fund	Police	#A31020 Asset Repl_Police Department	E	484,700	(8,800)	475,900
General Capital Projects Fund	City Manager	#P12010 Land for Future Amenities/Services	E	4,863,000	(863,000)	4,000,000
General Capital Projects Fund	Police	#P31030 PSERC & Police Training Facility	E	931,100	(24,200)	906,900
General Capital Projects Fund	Police	#P31080 Animal Control Kennels	E	285,000	(25,700)	259,300

Fund	Department	Project/Category	Rev/ Exp	Current Budget	Increase/ (Decrease)	Amended Budget
General Capital Projects Fund	Economic Development	#P41030 ED Marketing & Feasibility Studies	E	240,100	(29,400)	210,700
General Capital Projects Fund	Community Development	#P42080 Permit Planning Software	E	383,700	(43,200)	340,500
General Capital Projects Fund	Parks and Recreation	#P54160 Community Park Improvements	E	4,049,600	(188,700)	3,860,900
General Capital Projects Fund	Parks and Recreation	#P54390 Security Measures	E	285,200	(53,600)	231,600
General Capital Projects Fund	Public Works	#P61480 Public Works Yard	E	9,000	(9,000)	-
General Capital Projects Fund	Public Works	#P61590 FY2021 FTE Police Vehicles	E	21,500	(5,600)	15,900
General Capital Projects Fund	Public Works	#P61820 Bell Rd Landscape & Street Lighting	E	589,300	(2,300)	587,000
General Capital Projects Fund	Public Works	#P61920 City Hall Security Improvements	E	412,000	(81,400)	330,600
General Capital Projects Fund	City Manager	#P71380 Regional Communication Tower #1	E	786,700	(100)	786,600
General Capital Projects Fund	Human Svcs and Comm Vitality	#R61460 Art_Pavement Preservation	E	-	33,300	33,300
General Fund	Parks and Recreation	#N54310 Recreation Software	E	-	150,000	150,000
General Fund	Economic Development	#N41020 City Center Civic Maintenance	E	405,100	(4,700)	400,400
General Fund	Human Svcs and Comm Vitality	#N51010 Workforce Development Services	E	91,400	(23,700)	67,700
General Fund	Human Svcs and Comm Vitality	#N51020 MCCCCDF Endowment Adjustment	E	27,800	(20,800)	7,000
General Fund	Human Svcs and Comm Vitality	#N51030 Excluded Program Funds	E	9,300	(2,000)	7,300
General Fund	Public Works	#P61751 New Citywide Vehicle Purchases*	E	1,471,500	(79,700)	1,391,800
Pavmnt Preservtn Election 2017	Public Works	#P61460 Bond Pavement Preservation	E	59,400	(20,700)	38,700
Public Safety Election 2017	Police	#P31030 PSERC & Police Training Facility	E	131,600	(1,800)	129,800
Public Safety Election 2017	Public Works	#P61480 Public Works Yard	E	28,100	(28,100)	-
Public Safety Election 2017	Human Svcs and Comm Vitality	#R61460 Art_Pavement Preservation	E	39,300	(32,300)	7,000
General Capital Projects Fund	General Operations	Contingency	E	52,417,700	3,426,100	55,843,800

Fund	Department	Project/Category	Rev/ Exp	Current Budget	Increase/ (Decrease)	Amended Budget
Contingency	General Operations	Contingency	E	24,114,000	(1,882,700)	22,231,300
Highway User Revenue Capital	Public Works	#A61010 Asset Repl_Pavement Preservation	E	3,491,000	(37,900)	3,453,100
Highway User Revenue Capital	Public Works	#A61070 Asset Repl_Vehicle and Equipment	E	1,045,900	(4,800)	1,041,100
Highway User Revenue Capital	Public Works	#A61080 Asset Repl_Traffic Engr Signals	E	716,800	(101,000)	615,800
Highway User Revenue Capital	Public Works	#A61711 Asset Repl_Street Crack Seal 4556	E	175,000	(170,900)	4,100
Highway User Revenue Capital	General Operations	Contingency	E	2,201,200	314,600	2,515,800
Parks/Rec Dev Fee 2020	General Operations	#P61940 Streets DIF Study	E	4,700	(1,300)	3,400
Parks/Rec Dev Fee 2020	General Operations	Services	E	7,495,300	1,300	7,496,600
Police Dev Fee	Police	#P31070 Police Substation #1	E	2,093,100	(19,900)	2,073,200
Police Dev Fee	Police	#P61590 FY2021 FTE Police Vehicles	E	205,900	(37,000)	168,900
Police Dev Fee	Public Works	#P61751 New Citywide Vehicle Purchases*	E	436,900	(33,700)	403,200
Police Dev Fee	General Operations	#P61940 Streets DIF Study	E	4,700	(1,300)	3,400
Police Dev Fee	General Operations	Services	E	3,153,400	91,900	3,245,300
Sewer SPA 1 Dev Fee 2014 Law	General Operations	#P61940 Streets DIF Study	E	4,800	(1,300)	3,500
Sewer SPA 1 Dev Fee 2014 Law	General Operations	Services	E	19,600	1,300	20,900
Sewer SPA 2 Dev Fee 2014 Law	General Operations	#P61940 Streets DIF Study	E	4,800	(1,300)	3,500
Sewer SPA 2 Dev Fee 2014 Law	General Operations	Services	E	19,600	1,300	20,900
Sewer Utility Capital	Water Resource Management	#N71010 Multi-Utility Rate Study Update	E	19,100	(19,100)	-
Sewer Operations	Water Resource Management	#N71010 Multi-Utility Rate Study Update	E	-	19,100	19,100
Sewer Utility Capital	Water Resource Management	#A71020 Asset Repl_Wastewater	E	3,415,500	(493,800)	2,921,700
Sewer Utility Capital	Water Resource Management	#A71381 Asset Repl_Backflow Asset Mgmt	E	27,000	(500)	26,500
Sewer Utility Capital	Water Resource Management	#A71382 Asset Repl_SCADA Asset Management	E	361,500	(65,000)	296,500

Fund	Department	Project/Category	Rev/ Exp	Current Budget	Increase/ (Decrease)	Amended Budget
Sewer Utility Capital	Water Resource Management	#P71110 Solar Biosolids Dryer	E	1,690,400	(37,700)	1,652,700
Sewer Utility Capital	Water Resource Management	#P71190 SPA1 Recharge Expansion	E	7,252,400	(74,600)	7,177,800
Sewer Utility Capital	Water Resource Management	#P71320 South Plant Ops Bldg Remodel	E	548,500	(368,100)	180,400
Sewer Utility Capital	Water Resource Management	#P71480 IWMP_FY2021 Update	E	12,400	(5,700)	6,700
Sewer Utility Capital	Water Resource Management	#P71490 Plant Capacity Increase/Enhancement	E	1,172,400	(275,800)	896,600
Sewer Utility Capital	Water Resource Management	#P71500 Wtr & WWtr SCADA Integrate/Enhance	E	426,100	(21,700)	404,400
Sewer Utility Capital	General Operations	Contingency	E	642,500	1,342,900	1,985,400
Solid Waste Capital	Public Works	#N71010 Multi-Utility Rate Study Update	E	15,900	(15,900)	-
Solid Waste Operations	Public Works	#N71010 Multi-Utility Rate Study Update	E	-	15,900	15,900
Stormwater Capital	Water Resource Management	#N71010 Multi-Utility Rate Study Update	E	15,900	(15,900)	-
Stormwater Operations	Water Resource Management	#N71010 Multi-Utility Rate Study Update	E	-	15,900	15,900
Stormwater Capital	Public Works	#P71310 Reems Rd Flooding Cactus & Waddell	E	682,100	(2,900)	679,200
Stormwater Capital	General Operations	Contingency	E	365,100	2,900	368,000
SW Gas Capital Expenditures	Water Resource Management	#A71020 Asset Repl_Wastewater	E	13,200	(13,200)	-
SW Gas Capital Expenditures	General Operations	Contingency	E	620,800	13,200	634,000
Traffic Election 2017	Human Svcs and Comm Vitality	#R61460 Art_Pavement Preservation	E	172,800	(900)	171,900
Transportation Improvement	Public Works	#A61010 Asset Repl_Pavement Preservation	E	2,993,500	(65,400)	2,928,100
Transportation Improvement	Public Works	#P61380 Cactus Rd (Litchfield-RR Track)	E	3,406,500	200,000	3,606,500
Transportation Improvement	Public Works	#P61500 Traffic Signals	E	2,498,600	(283,200)	2,215,400
Transportation Improvement	Public Works	#P61600 Sweetwater Ave (303-Sarival)	E	5,944,000	(1,420,400)	4,523,600
Transportation Improvement	General Operations	Contingency	E	9,560,500	1,569,000	11,129,500
Vehicle Replacement	Public Works	#A61070 Asset Repl_Vehicle and Equipment	E	5,298,700	(405,300)	4,893,400
Vehicle Replacement	General Operations	Contingency	E	-	405,300	405,300

Fund	Department	Project/Category	Rev/ Exp	Current Budget	Increase/ (Decrease)	Amended Budget
Water Operations	Public Works	#P61751 New Citywide Vehicle Purchases*	E	315,800	(46,900)	268,900
Water Operations	General Operations	Contingency	E	4,534,000	46,900	4,580,900
Water Utility Capital	Water Resource Management	#N71010 Multi-Utility Rate Study Update	E	19,100	(19,100)	-
Water Operations	Water Resource Management	#N71010 Multi-Utility Rate Study Update	E	-	19,100	19,100
Water Utility Capital	Water Resource Management	#A71010 Asset Repl_ Water	E	2,000,300	(332,100)	1,668,200
Water Utility Capital	Water Resource Management	#A71382 Asset Repl_ SCADA Asset Management	E	475,100	(12,100)	463,000
Water Utility Capital	Finance	#P15010 Citywide AMI Replacement	E	360,100	(30,000)	330,100
Water Utility Capital	Water Resource Management	#P71240 Water Acquisitions	E	1,985,600	(624,300)	1,361,300
Water Utility Capital	Water Resource Management	#P71260 Circle City Water Acquisition	E	737,300	(67,800)	669,500
Water Utility Capital	Water Resource Management	#P71320 South Plant Ops Bldg Remodel	E	308,200	(142,200)	166,000
Water Utility Capital	Water Resource Management	#P71420 SPA1 Wtr System Optimization-Study	E	1,305,300	(73,000)	1,232,300
Water Utility Capital	Water Resource Management	#P71500 Wtr & WWtr SCADA Integrate/Enhance	E	363,300	(16,700)	346,600
Water Utility Capital	Water Resource Management	#P71550 Rancho Mercado WSF Ph II	E	272,000	(251,400)	20,600
Water Utility Capital	General Operations	Contingency	E	3,616,500	1,549,600	5,166,100
Wtr Res Dev Fee 2020	General Operations	#P61940 Streets DIF Study	E	4,700	(1,300)	3,400
Wtr Res Dev Fee 2020	Water Resource Management	#P71390 Rancho Mercado Well No. 2	E	2,294,500	(27,300)	2,267,200
Wtr Res Dev Fee 2020	General Operations	Services	E	7,884,600	28,600	7,913,200
Wtr Sys SPA 1 Dev Fee 2014 Law	General Operations	#P61940 Streets DIF Study	E	4,800	(1,300)	3,500
Wtr Sys SPA 1 Dev Fee 2014 Law	Water Resource Management	#P71320 South Plant Ops Bldg Remodel	E	10,300	(10,300)	-
Wtr Sys SPA 1 Dev Fee 2014 Law	General Operations	Services	E	4,370,800	11,600	4,382,400
Wtr Sys SPA 2 Dev Fee 2014 Law	General Operations	#P61940 Streets DIF Study	E	4,800	(1,300)	3,500
Wtr Sys SPA 2 Dev Fee 2014 Law	Water Resource Management	Services	E	600,400	1,300	601,700

Fund	Department	Project/Category	Rev/ Exp	Current Budget	Increase/ (Decrease)	Amended Budget
Wtr Sys SPA 3 Dev Fee	General Operations	#P61940 Streets DIF Study	E	4,700	(1,300)	3,400
Wtr Sys SPA 3 Dev Fee	General Operations	Services	E	19,500	1,300	20,800
Expense Total				225,092,700	-	225,092,700

2. Grant Carry Forward – To adjust budget authority for items previously approved by Council which require adjustment from what was originally estimated during the FY2023 budget process due to expenditure activity in the prior Fiscal Year.

Fund	Department	Project/Category	Rev/ Exp	Current Budget	Increase/ (Decrease)	Amended Budget
Grants	Police	#G31051 FY19 WalMart Community Grant #5429	R	200	(100)	100
Grants	Police	#G31051 FY19 WalMart Community Grant #5429	E	300	(200)	100
Grants	Police	#G31055 Walmart Community Grant #5429 2777	R	300	(100)	200
Grants	Police	#G31055 Walmart Community Grant #5429 2777	E	300	(100)	200
Grants	Police	#G31056A FY20 WalMart Community Grant #5429	E	1,500	(500)	1,000
Grants	Police	#G31244 FFY22 DEA Task Force	R	9,700	(9,700)	-
Grants	Police	#G31244 FFY22 DEA Task Force	E	28,900	(28,900)	-
Grants	Police	#G31251 FY21 VOCA	R	203,500	(64,500)	139,000
Grants	Police	#G31251 FY21 VOCA	E	195,800	(78,200)	117,600
Grants	Police	#G31265 FFY22 GOHS DUI OT	R	21,900	(21,600)	300
Grants	Police	#G31265 FFY22 GOHS DUI OT	E	21,900	(21,600)	300
Grants	Police	#G31275 FFY22 GOHS Know Your Limit	R	11,700	(7,600)	4,100
Grants	Police	#G31275 FFY22 GOHS Know Your Limit	E	9,900	(5,700)	4,200
Grants	Police	#G31314 FFY22 GOHS STEP OT	R	23,000	(8,900)	14,100
Grants	Police	#G31314 FFY22 GOHS STEP OT	E	23,000	(8,900)	14,100
Grants	Police	#G31324 FFY22 GOHS Ped & Bike OT	R	22,500	(6,300)	16,200
Grants	Police	#G31324 FFY22 GOHS Ped & Bike OT	E	22,500	(6,300)	16,200
Grants	Police	#G31356 FFY22 GOHS OP Enforcement OT	R	25,400	(9,000)	16,400

Fund	Department	Project/Category	Rev/ Exp	Current Budget	Increase/ (Decrease)	Amended Budget
Grants	Police	#G31356 FFY22 GOHS OP Enforcement OT	E	22,600	(6,100)	16,500
Grants	Police	#G31364 FFY22 JLEO	R	5,600	(2,400)	3,200
Grants	Police	#G31364 FFY22 JLEO	E	8,400	(5,200)	3,200
Grants	Police	#G31393 FFY22 GOHS Motorcycle OT	R	25,000	(14,600)	10,400
Grants	Police	#G31393 FFY22 GOHS Motorcycle OT	E	22,000	(11,600)	10,400
Grants	Police	#G31412 FFY22 GOHS AI Equip	R	2,500	(1,800)	700
Grants	Police	#G31412 FFY22 GOHS AI Equip	E	2,500	(1,800)	700
Grants	Fire - Medical	#G34101 FFY18 SAFER	R	340,300	(189,900)	150,400
Grants	Fire - Medical	#G34101 FFY18 SAFER	E	342,400	(192,000)	150,400
Grants	Fire - Medical	#G34124 FFY22 GOHS DUI	R	4,000	(3,500)	500
Grants	Fire - Medical	#G34124 FFY22 GOHS DUI	E	4,000	(3,500)	500
Grants	Fire - Medical	#G34134 FFY22 GOHS Occupant Protection	E	9,400	(8,200)	1,200
Grants	Fire - Medical	#G34160 FY20 Community Paramedicine	R	-	21,800	21,800
Grants	Fire - Medical	#G34160 FY20 Community Paramedicine	E	-	21,800	21,800
Grants	Fire - Medical	#G34194 FFY21 AZDOHS CBRNE	R	54,500	(12,000)	42,500
Grants	Fire - Medical	#G34194 FFY21 AZDOHS CBRNE	E	43,700	(1,200)	42,500
Grants	Human Svcs and Comm Vitality	#G12101 ARPA Utility Assistance	R	-	481,300	481,300
Grants	Human Svcs and Comm Vitality	#G12101 ARPA Utility Assistance	E	496,500	(15,200)	481,300
Grants	Human Svcs and Comm Vitality	#G51515 FY22 AAA ARPA	R	14,700	(10,000)	4,700
Grants	Human Svcs and Comm Vitality	#G51515 FY22 AAA ARPA	E	7,500	(2,800)	4,700
Grants	Human Svcs and Comm Vitality	#G51710 ARPA (City of El Mirage)	R	685,000	(6,700)	678,300
Grants	Human Svcs and Comm Vitality	#G51710 ARPA (City of El Mirage)	E	685,000	(6,700)	678,300
Grants	Parks and Recreation	#G54101 USTA Grow the Game	R	-	1,600	1,600

Fund	Department	Project/Category	Rev/ Exp	Current Budget	Increase/ (Decrease)	Amended Budget
Grants	Parks and Recreation	#G54101 USTA Grow the Game	E	-	1,600	1,600
Grants	Parks and Recreation	#G54102 MPF Learn to Swim Program	R	-	1,600	1,600
Grants	Parks and Recreation	#G54102 MPF Learn to Swim Program	E	-	1,600	1,600
Neighborhood Revitalization	Human Svcs and Comm Vitality	#G51361 NSP 3 - Original Grant	R	69,400	(1,000)	68,400
Neighborhood Revitalization	Human Svcs and Comm Vitality	#G51361 NSP 3 - Original Grant	E	69,400	(1,000)	68,400
Neighborhood Revitalization	Human Svcs and Comm Vitality	#G51563 2020 HOME	R	147,600	(138,800)	8,800
Neighborhood Revitalization	Human Svcs and Comm Vitality	#G51563 2020 HOME	E	131,100	(122,300)	8,800
Neighborhood Revitalization	Human Svcs and Comm Vitality	#G51564 2021 HOME	R	193,500	(26,400)	167,100
Neighborhood Revitalization	Human Svcs and Comm Vitality	#G51564 2021 HOME	E	186,000	(18,900)	167,100
Neighborhood Revitalization	Human Svcs and Comm Vitality	#G51565 2022 HOME	R	33,000	(30,900)	2,100
Neighborhood Revitalization	Human Svcs and Comm Vitality	#G51565 2022 HOME	E	35,000	(32,900)	2,100
Neighborhood Revitalization	Human Svcs and Comm Vitality	#G51680 CDBG	R	998,600	(199,000)	799,600
Neighborhood Revitalization	Human Svcs and Comm Vitality	#G51680 CDBG	E	945,200	(145,600)	799,600
Neighborhood Revitalization	Human Svcs and Comm Vitality	#G51681 CARES Act	R	665,500	(15,500)	650,000
Neighborhood Revitalization	Human Svcs and Comm Vitality	#G51681 CARES Act	E	668,200	(18,200)	650,000
Grants/Contingency	General Operations	Contingency	E	3,160,100	718,600	3,878,700
Grants/Contingency	General Operations	Other	R	2,671,600	274,000	2,945,600
Expense Total				7,143,100	-	7,143,100
Revenue Total				6,229,000	-	6,229,000

RESOLUTION # 2023-29
Exhibit B

The FY2023 Annual Budget is amended by moving budget authority among projects and funds to ensure the continued operations of the City of Surprise in the payment of necessary expenditures. These allocations represent a transfer of spending authority and do not increase or decrease the total adopted citywide expenditure budget.

1. The allocation below represents a movement of budget authority in the amount of \$21,100 from Grants Contingency to project N51030. According to CFR 570.500(a)(4)(i), revenue received the prior year not exceeding a total of twenty-five thousand dollars is excluded from the disposition requirements described at 24 CFR 570.504(b). This action will provide budget authority to allow department expenditures without restriction.

Fund	Department	Project/Category	Rev/ Exp	Current Budget	Increase/ (Decrease)	Amended Budget
General Fund	Human Svcs and Comm Vitality	#N51030 Excluded Program Funds	E	7,300	21,100	28,400
Grants/Contingency	General Operations	Contingency	E	3,323,900	(21,100)	3,302,800
Expense Total				3,331,200	-	3,331,200

2. This will be an actual cash transfer of \$21,100 from Grants/Contingency to the General Fund based on the budget amendments in table 1 above.

Transfer from Fund	Transfer to Fund	Current Budgeted Transfer	Increase/ (Decrease)	Amended Budgeted Transfer
Grants/Contingency	General Fund	-	21,100	21,100



CITY OF SURPRISE Regular City Council Meeting

Council Meeting Date: March 21, 2023 Contact Person: Chris Sexton
Submitting Department: Community Development District: District 1
Staff Recommendations:

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

Consideration and action pertaining to approval of a Major Planned Area Development (PAD) Amendment to the Vistas Montanas PAD; Ordinance #2023-07.

Motion:

I move to approve Ordinance #2023-07.

Background:

City Council on September 20, 2022 continued this item to a date certain of January 16, 2023. This item was once again continued to a date certain of March 21, 2023 by City Council on January 16, 2023 at the applicant's request to allow the newly elected Councilmember to be fully briefed on the project and hear the community's concerns.

The subject request is a Major PAD Amendment to the Vista Montanas Planned Area Development. The original request was for the following: 1) increase the overall density from 2.4 du/ac to approximately 2.9 du/ac; 2) update the lot sizes and distribution of lots throughout the site; 3) increase the total open space allotment from 12 percent to 20 percent; 4) update the previous design option point system to match the development standards consistent with the Land Development Ordinance (LDO) and Planning and Engineering Design Standards (PEDS); and; 5) update the conceptual development plan and roadway network.

After hearing City Council's concerns at the September 20, 2022 meeting, the applicant has made additional revisions to the PAD to include the following: 1) elimination of four (4) 45'x120' lots located within Parcel A; 2) the park in Parcel A has expanded from 1.3 acres to 2.0 acres; and, 3) the park in Parcel A will include a swimming pool and parking spaces. FS22-0180.

Objective Analysis:

The subject PAD Amendment is in harmony with the purposes and intent of the Vista Montanas PAD, in addition to other applicable City of Surprise regulations. All city reviewing departments have reviewed the request and expressed no concerns.

Policy Compliant:

The subject parcel is consistent with the intent of the Land Development Ordinance 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 - FS22-0180 Vista Montanas - Staff report
 2. 01 - FS22 0180 Vista Montanas PAD Amendment Vicinity Map
 3. 02 - FS22-0180 Vista Montanas PAD Amendment Zoning Map
 4. 03 - FS22-0180 Vista Montanas PAD Amendment Zoning Document
 5. 04 - FS22-0180 Vista Montanas PAD Amendment Luke AFB Letter
 6. 05 - FS22-0180 Vista Montanas PAD Amendment Citizen Participation Report dated 04.25.22
 7. 05 - FS22-0180 Vista Montanas PAD Amendment Citizen Participation Report dated 06.13.22
 8. 06 - FS22-0180 Vistas Montanas PAD Amendment Affidavit of Posting.
 9. 07 - FS22-0180 Vistas Montanas PAD Amendment - Ordinance 2023-07
 10. FS22-0180 Vistas Montanas PAD Amendment - Presentation
-



Planned Area Development Amendment

REPORT TO THE CITY COUNCIL

Case: FS22-0180

Project Name: Vistas Montanas PAD Amendment

Council District: 1 - Acacia

City Council Date: March 21, 2023 (continued from September 20, 2022 and January 17, 2023)

Planner: Chris Sexton, Planner II

Owner: Omar Mirales with Surprise Land Holdings LLC

Applicant: Jeff Farr with RVi Planning & Landscape Architecture

Request: PAD Amendment to the Vistas Montanas PAD to increase the density from 2.4 du/ac to 2.9 du/ac, update lot sizes, increase the open space allotment from 12% to 20%, update the conceptual roadway network, development standards, and incorporate an enhanced amenity site.

Site Location: Generally located at the northeast corner of 179th Avenue and Peak View Road, between 179th Avenue and 173rd Avenue, south of Dixileta Road

Site Size: 179 acres (approx.)

Density: 2.9 dwelling units per acre

General Plan Conformance: The proposal is consistent with the Surprise General Plan 2035

Support/Opposition: Two (2) outreach meetings were scheduled on April 25, 2022 and May 23, 2022, respectively, but are not considered valid outreach meetings as the applicant did not post the signs on the subject parcel within the required time as stated in the Land Development Ordinance. One (1) outreach meeting was scheduled and held with the appropriate noticing and site posting on June 13, 2022.

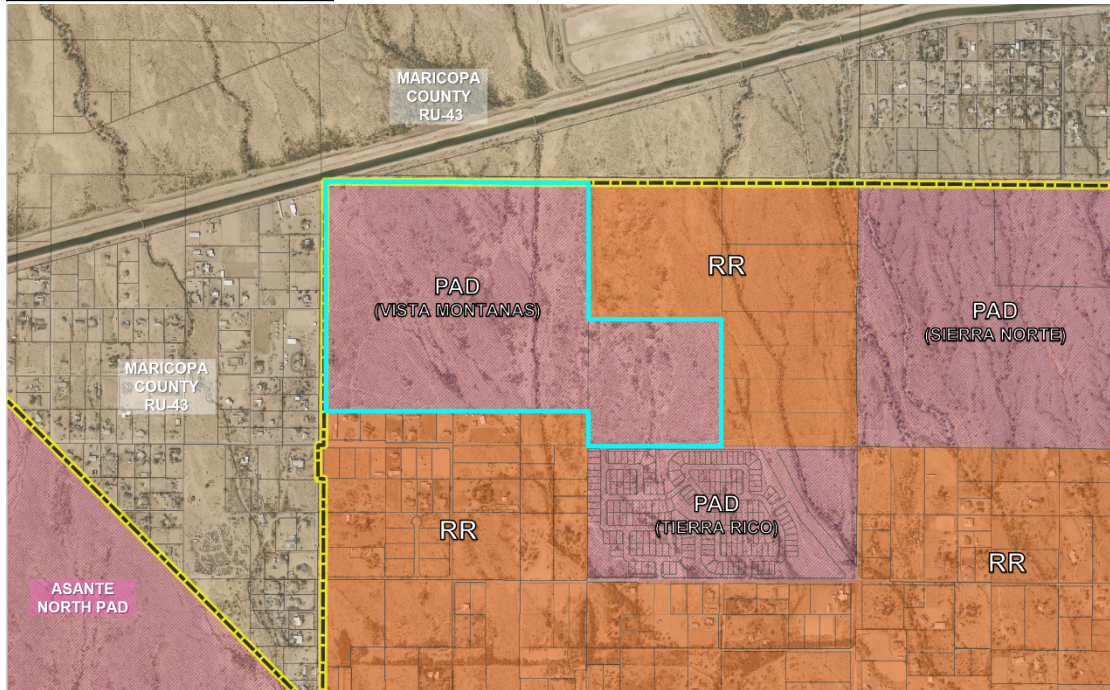
Commission Recommendation: Planning and Zoning Commission recommend approval of the Vistas Montanas Planned Area Development Amendment, case #FS22-0180.

Project Description:

The subject request is a Major PAD for the following: 1) increase the overall density from 2.4 du/ac to approximately 2.9 du/ac; 2) update the lot sizes and distribution of lots throughout the site; 3) increase the total open space allotment from 12% to 20%; 4) update the previous design option point system to match the development standards consistent with the Land Development Ordinance (LDO) and Planning and Engineering Design Standards (PEDS); and; 5) update the conceptual development plan and roadway network.

As discussed in the Background Section of this report, the applicant sought a continuance after hearing City Council's concerns at the September 20, 2022 meeting, and has since revised the amendment to include the following: 1) elimination of four (4) 45'x120' lots located within the Parcel A; 2) the park in Parcel A has expanded from 1.3 acres to 2.0 acres; and, 3) the park in Parcel A will include a pool and parking spaces.

Surrounding Land Zoning:



RU-43 – Maricopa County	RU-43 – Maricopa County	Rural Residential (RR)
RU-43 – Maricopa County	Vistas Montanas PAD	Tierra Rico PAD
Asante North PAD	Rural Residential (RR)	Rural Residential (RR)

Background:

November 3, 1988: The subject parcel was annexed into the City under Ordinance 88-24.

March 27, 2008: The Mayor and City Council approved a Planned Area Development for Vistas Montanas, under Case PAD 07-185.

December 17, 2020: A Concept Review meeting was held under case CR20-751.

January 25, 2022: A formal submittal to amend the Vistas Montanas PAD was submitted under case FS22-0180.

April 25, 2022: The applicant held a Neighborhood Meeting to discuss the project, however the sign was not posted in a timely manner to be considered valid.

May 23, 2022: The applicant held a Neighborhood Meeting to discuss the project, however the sign was not posted in a timely manner to be considered valid.

June 13, 2022: A properly noticed and posted Neighborhood Meeting was held.

September 15, 2022: Planning and Zoning Commission recommended approval to City Council.

September 20, 2022: The City Council reviewed and discussed the applicant's original request under FS22-0180, a Major PAD Amendment to the Vista Montanas Planned Area Development to 1) increase the overall density from 2.4 du/ac to approximately 2.9 du/ac; 2) update the lot sizes and distribution of lots throughout the site; 3) increase the total open space allotment from 12% to 20%; 4) update the previous design option point system to match the development standards consistent with the Land Development Ordinance (LDO) and Planning and Engineering Design Standards (PEDS); and; 5) update the conceptual development plan and roadway network. Upon hearing the concerns brought forth by the Council regarding the amenity site, the applicant requested that the matter be continued during which time, the applicant has revised the proposal to include the 1) elimination of four (4) 45'x120' lots located within the Parcel A; 2) the park in Parcel A has expanded from 1.3 acres to 2.0 acres; and, 3) the park in Parcel A will include a swimming pool and parking spaces.

Citizen Outreach:

On April 25, 2022, the applicant held a Neighborhood Meeting at Asante Preparatory Academy. The meeting was properly advertised per the requirements of the LDO in regards to legal advertising placed in the newspaper and mailers sent to property owners within 300 feet of the site. It was not discovered until the day after the meeting that the sign had not been properly posted on the site. During this meeting, there were approximately four (4) in-person attendees and three (3) virtual attendees from the neighboring communities. In general, the residents brought forth concerns pertaining to construction of roadways, who the homebuilder would be, the number of homes planned, questions regarding equestrian nature of the trail, surrounding development, CAP canal trail, lighting and time table for development. The developer addressed all concerns and questions.

A Neighborhood Meeting was scheduled on May 23, 2022. Legal advertising was placed in the newspaper and mailers were sent to property owners within 300' feet, however, staff discovered, after speaking to the applicant, that the signs were not posted within the appropriate timeframe therefore a meeting was not held.

On June 13, 2022, a Neighborhood Meeting was scheduled. The meeting was properly advertised and posted per the requirements of the LDO. The meeting was held at Asante Preparatory Academy. During this meeting there were two (2) in-person attendees and one (1) virtual attendee. The concerns that were brought forth were access to the site, road improvements, the number of homes proposed, fire access, and phasing of the site. The developer addressed all the concerns and questions.

Analysis and Discussion:

At the September 15, 2022, City Council hearing, the project was heard and public testimony was opened and closed. Following City Council discussion, the applicant requested that the project be continued to a date certain. The stated intent of the continuance was to allow the newly elected Councilmember to be fully briefed on the project and the community's concerns.

Since the meeting, the applicant has revised the Vistas Montanas PAD document to include the following revisions: 1) elimination of four (4) 45'x120' lots located within Parcel A; 2) the park in Parcel A has expanded from 1.3 acres to 2.0 acres; and, 3) the park will include a pool and parking spaces.

The applicant's original request for the PAD Amendment is for the following: 1) increase the overall density from 2.4 du/ac to approximately 2.9 du/ac; 2) update the lot sizes and distribution of lots throughout the site; 3) increase the total open space allotment from 12% to 20%; 4) update the previous design option point system to match the development standards consistent with the Land Development Ordinance (LDO) and Planning and Engineering Design Standards (PEDS); and; 5) update the conceptual development plan and roadway network.

Increase in density and lot size changes

The proposed amended lot sizes range from 5,400 to 7,800 square feet results in an increase of density from 2.4 du/ac to 2.9 du/ac (430 lots to 529 lots).

Currently, the PAD is divided into four parcel and consists of three-single-family detached, residential parcels with a variety of lot sizes. The current approved lot sizes are 65'x120', 75'x 120' and 85'x125' with an approved density of 2.4 du/ac. The amendment to the PAD is proposing five different parcels consisting of the following lot sizes: 45'x120', 55'x120', 65'x120' and 85'x125'. Below is the new, amended table with the revisions to the 45'x120' lot count and increased size of open space.

TABLE 3 — PROPOSED PAD AMENDMENT LOT DISTRIBUTION					
APPROVED PAD			PROPOSED PAD AMENDMENT		
Lot Dimensions	Count	% of Total	Lot Dimensions	Count	% of Total
65' x 120'	137	55%	45' x 120'	173	33%
75' x 120'	121	28%	55' x 120'	121	30%
85' x 125'	72	17%	65' x 120'	209	38%
			85' x 125'	26	5%
Total	430	100%	Total	529	100%
Gross Density	2.4 du/ac	-	Gross Density	2.9 du/ac	-
Open Space	22.5 ac	12.6%	Open Space	36.6 ac	20%

Note: These numbers are approximate and subject to change based on additional site studies, engineer studies, and City of Surprise review.

Parcel A is designed with 45'x120' lots which are situated at the north portion of the project. The lots will be situated away from the larger lots in the surrounding communities plus the additional wash corridors will provide a natural separation from 179th Avenue buffering the smaller lots. Parcels B and C are more centrally located and include a significant buffer along the southern portion of the project to the adjacent residential development. Parcel D is proposed to include 65'x125' lot sizes which are compatible with the adjacent Tierra Rico PAD development. Parcel E is reserved for the largest lots. The proposed lot sizes along the southwest corner of the site are sized 85'x125' and will be limited to single story in height.

EXHIBIT E: EXISTING CONCEPTUAL SITE PLAN

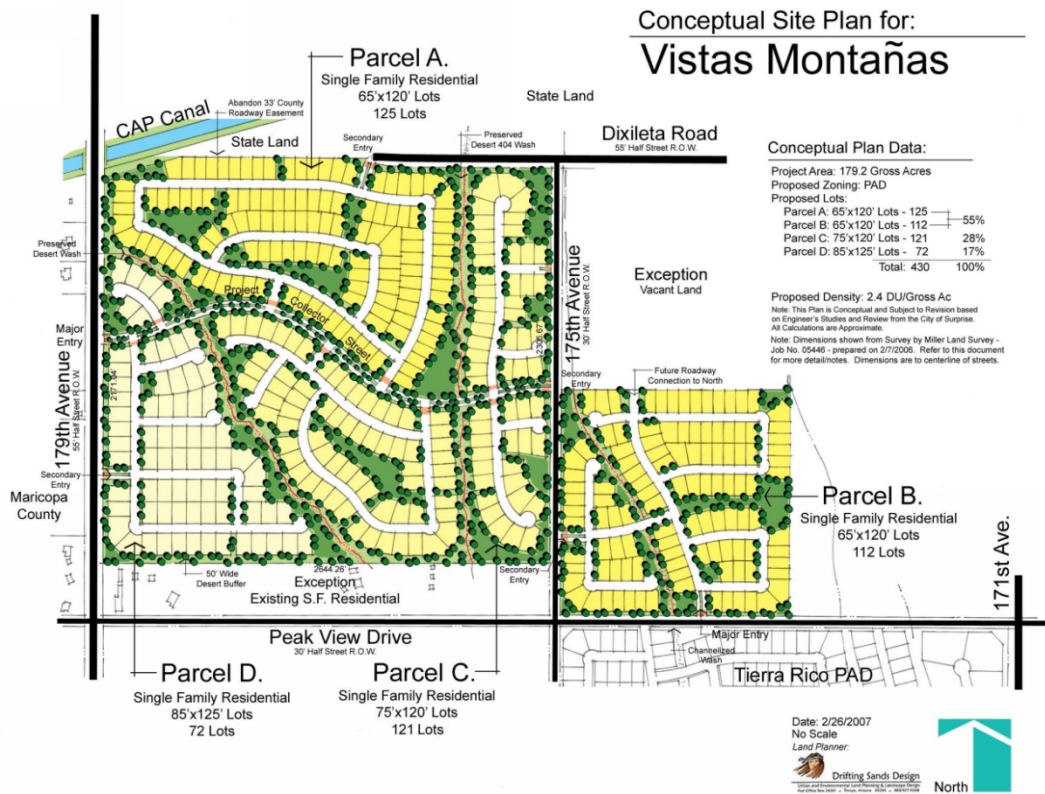
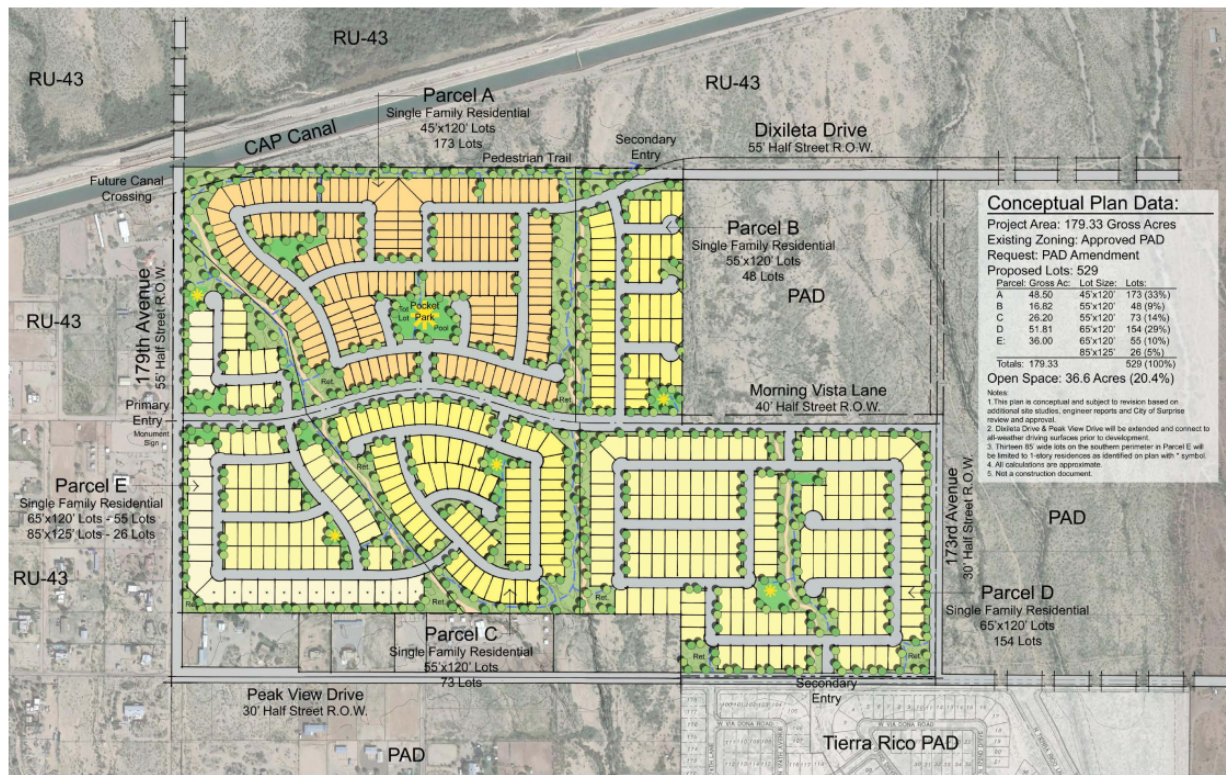


EXHIBIT F: AMENDED CONCEPTUAL SITE PLAN



Increase the Open Space percentage

The proposed amendment will increase the open space area from 12% to 20%. As currently designed six (6) pocket parks are strewn throughout the project. These parks will range in size with the smallest being approximately $\frac{1}{4}$ acre and the largest being approximately 2.0 acres. These parks will be located a short distance from each lot. These pocket parks will provide amenities such as a swimming pool, playgrounds with shade structures, large turf areas, half basketball courts, sand volleyball and ramadas.

In addition to the pocket parks, there are additional open space areas located throughout the community. This provides passive open space which offers visual relief from homes and hardscape. The linear open space areas within the existing washes will provide connectivity via pedestrian paths to the various parks throughout the development.

Trails and paths utilized in the community will consists of both unpaved and paved surfaces. The washes located within the Vistas Montanas PAD will contain 10-foot concrete paths and all internal pedestrian pathways will contain 6-foot concrete paths. All trails will be constructed of a compacted natural looking material. The trails are expected to meander within the entire wash erosion hazard setback and the floodway boundaries.

A pedestrian trail is proposed along the northern perimeter of the site following Dixileta Drive alignment. This pedestrian path will extend all the way to 179th Avenue and connect to the future trail system planned around the Cap canal crossing.

Development standards

The applicant is requesting to modernize the development standards to match those of the LDO and PEDS manual. Development is proposed to occur in accordance with the R-1 Zoning District standards. Unless otherwise noted within this PAD, all future development shall follow lot categories A³ and B located within Table 106-2c per the LDO as shown in the table below.

Table 106-2c - Residential Low Density (R-1) Zoning district						
Lot Categories	A ³	B	C	D	E	F
General Plan Compatibility	Suburban	Suburban	Suburban	Suburban and Rural	Rural	Rural
Lot Area (sf)	4950-7,999	8,000-11,999	12,000-17,999	18,000-27,999	28,000-43,559	≥ 43,560
Min Lot Width (sf)	45	60	80	90	100	130
Min. Front setback ¹ (ft)	12	12	15	20	20	30
Max. Front setback (ft)	25	25	30	35		
Min. Rear setback ¹ (ft)	15	20	20	25	30	30
Min. Side setback ¹ (ft)	5 & 8	5 & 10	10	10 & 15	20	20
Min. Street side setback ¹ (ft)	15	15	15	15	20	20
Max. Bldg. Height (ft)	35	35	35	35	35	35
Max Lot coverage		45%	40%	30%	30%	25%
Open space (% of gross area of residential development) ³	20%	20%	20%	15%	15%	10%
Notes: 1. <i>Garage</i> face and embellishments shall be <i>setback</i> a minimum of twenty feet (20') measured from any opposing property line; except rear <i>alley</i> loaded <i>garages</i> , which shall be <i>setback</i> six feet (6') from edge of <i>alley</i> line. 2. The City requires <i>open space</i> on a development/subdivision basis rather than on a <i>lot-by-lot</i> basis. Subdivisions with more than one lot category will provide the higher percentage of open space. 3. Residential projects shall contain no more than fifty percent (50%) of lots less than forty-eight feet (48') wide as calculated across whole subdivisions or preliminary plat and will include mitigating designs outline in Chapter 108 of this ordinance.						

Roadway Network

The project is currently served by two primary entryways via 179th Avenue aligning with the existing roadway serving the residential to the west and Peak View Drive which will align with the Tierra Rico development. A third primary entryway will be provided off Dixileta Drive which will be improved as development progresses.

Neighborhood access is provided off the primary collector roadway running through the center of the site into multiple parcels that make up the conceptual plan. The individual parcels will have access to this residential collector and each parcel will have a minimum of two different means of access.

Peak View Drive will be constructed with a minimum of 26 feet of pavement of vehicular travel to and from the development from the east boundary to the west boundary of the PAD. 179th Avenue is planned to extend north from Peak View Drive to meet the future collector proposed through the center of the site running from 179th Avenue to 173rd Avenue.

The Developer will be responsible for the construction of the half street right-of-way road improvements for all roads adjacent to the site.

Conformance with Adopted Plans:

The Surprise General Plan 2035 shows the subject property as lying within the Neighborhood Character of the General Plan 2035. The project is requesting a slight increase of density from 2.4 du/ac acre to 2.9 du/ac which is consistent with the density range in the Suburban Neighborhoods subcategory of 2 – 8 du/ac.

Reviewing Agencies:

The request was routed to internal and external agencies, who indicated no objections to the request. The following agencies offered the following comments.

Maricopa County Department of Transportation (MCDOT): In an email dated March 9, 2022, MCDOT indicated the following:

Any work connecting to, or which may impact, county right-of-way along Dixileta Drive will required a MCDOT right-of-way permit and review of the traffic study for potential offsite improvement requirements.

Maricopa Water District (MWD): In an email dated January 26, 2022, MWD indicated that the subject property is located outside of their service area and does not impact MWD.

Luke Air Force Base (Luke AFB): In an email dated February 3, 2022 (attached), Luke AFB indicated that the subject request meets the Graduated Density Concept (GDC) with the proposed 2.9 du/ac as the project is located approximately 1.2 to 2.1 miles outside the Aux-1 and will not have a negative impact on flight operations, but is located within the ‘territory in the vicinity of a military airport’ and that a strong notification program is essential.

Summary:

The proposed PAD Amendment is consistent with the manner and intent of the Vistas Montanas PAD and the Surprise Municipal Code, in which it occupies. If approved, the site will be allowed to be developed in accordance with the requirements of the City of Surprise.

Findings:

- The proposed PAD Amendment is consistent with the Surprise General Plan 2035
- The proposed PAD Amendment demonstrates compliance with the criteria set forth in the Vistas Montanas PAD
- The reviewing agencies have indicated no objections to the request

Commission Recommendation:

Based on the findings noted above, the Commission moved to recommend approval of case FS22-0180 to the City Council subject to stipulations 'a' and 'f' as follows:

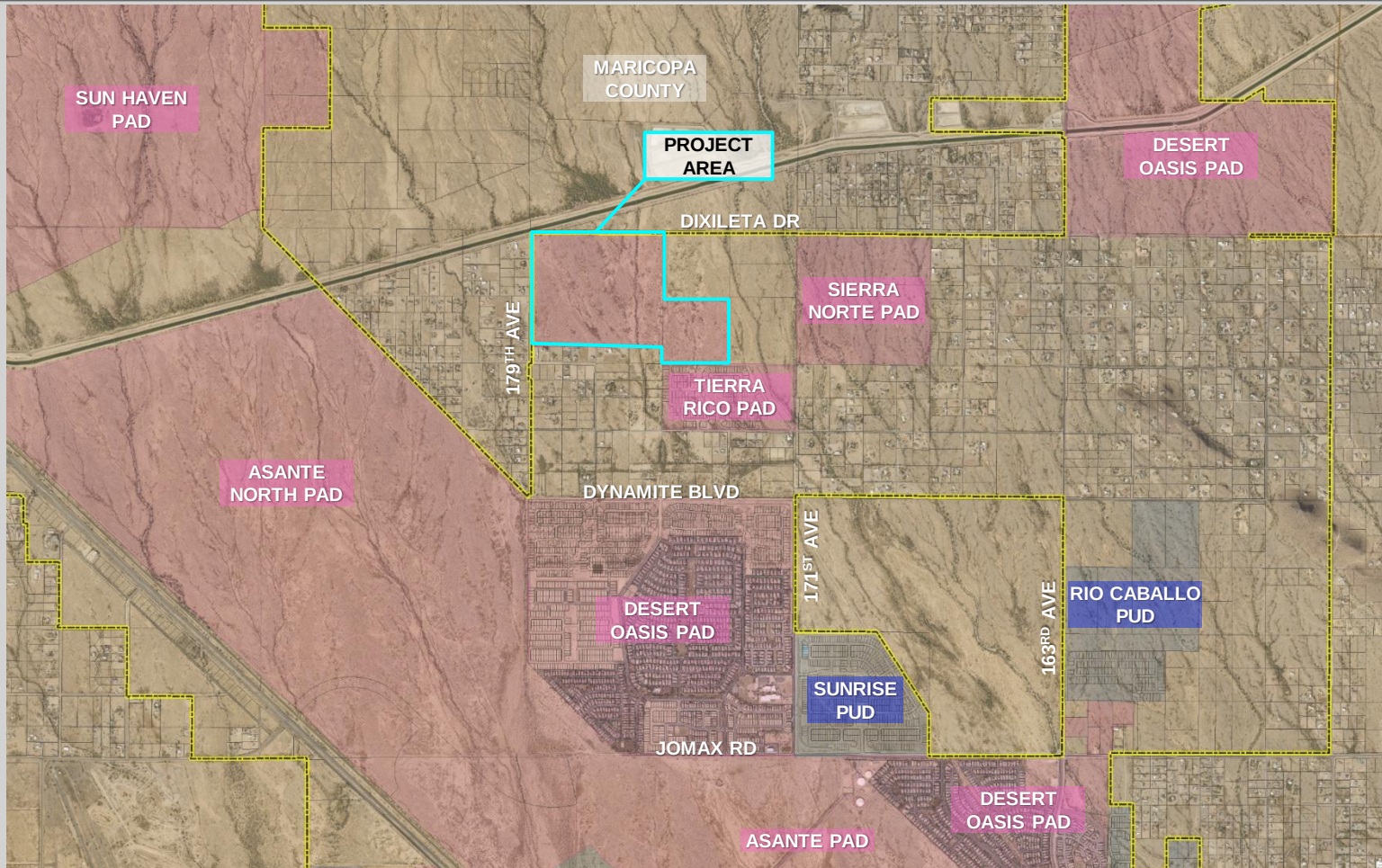
- a. Development and use of the site shall be consistent with the narrative entitled "Vistas Montanas PAD" dated February 15, 2023.
- b. Non-compliance with the stipulations of approval of this case will be treated as a violation in accordance with the applicable provisions of the Surprise Municipal Code.
- c. The water solution to serve this development will need to be documented in a development agreement before the City will approve a preliminary plat.
- d. The developer must submit proof of sewer treatment capacity with final plat submittals.
- e. The SPA 2 Water Reclamation Facility has a treatment capacity of 2 MGD and will treat wastewater generated from this development. The current Phase I wastewater capacity has been fully allocated in the form of EDUs of wastewater capacity totaling 9,524 per the SPA 2 Water Reclamation Facility Capacity Allocation Agreement recorded as instrument NO. 201503548465, Records of Maricopa County, Arizona dated 5/20/2015.
- f. The developer must submit proof of payment for SPA 2 Sewer Interceptor Agreement buy-in fee (MCR# 20090350621) prior to City approval of Final Plat.

However, should the Council wish to **deny** the request, the Council should make its own findings and base its decision on those alternative findings.

Attachments:

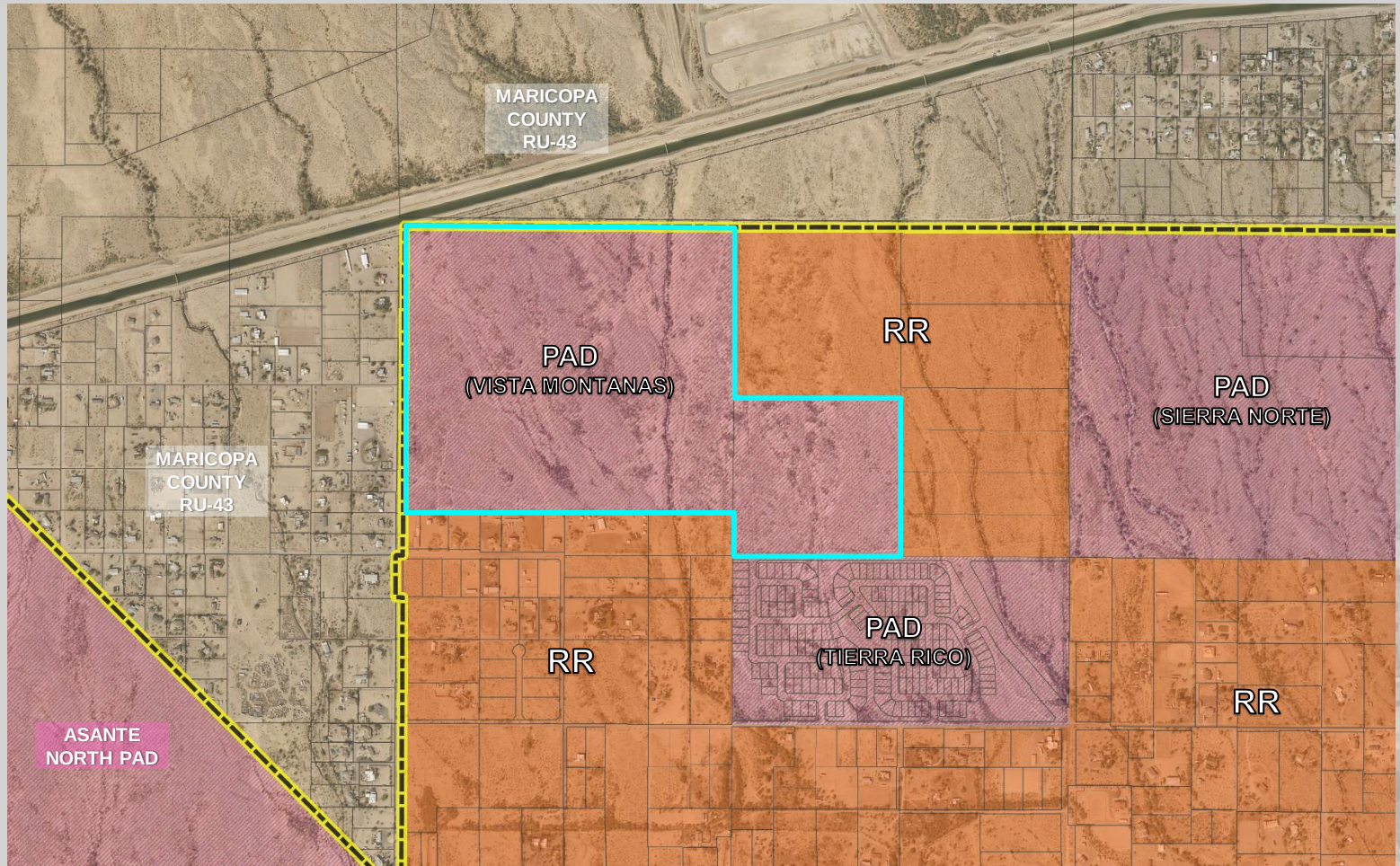
- 01 Vicinity Map
- 02 Zoning Map
- 03 Zoning Document

275 04 Luke AFB Letter
276 05 Citizen Participation Reports – REDACTED
277 April 25, 2022
278 June 13, 2022
279 06 Affidavit of Site Posting
280 07 Ordinance 2022-20
281 PowerPoint Presentation



VICINITY MAP





PLANNED AREA DEVELOPMENT **VISTAS MONTAÑAS**

1ST AMENDMENT



5th Submittal Draft: February 15, 2023
Case Number: FS22-0180

Proposed PAD Amendment for a development of approximately 179 acres,
located at the northeast corner of 179th Avenue and Peak View Road, between
179th Avenue and 173rd Avenue, south of Dixileta Road in Surprise, Arizona

DEVELOPMENT TEAM

OWNER AND DEVELOPER

HSL Properties

Omar Mireles
3901 E. Broadway Blvd.
Tucson, AZ 85711
Phone: 520.322.6994 x113
Email: omar@hslproperties.com

ENGINEER

Atwell, LLC

Michael Park, P.E.
4700 E. Southern Ave.
Mesa, AZ 85206
Phone: 602.350.0311
Email: mikepark@atwell-group.com

PLANNER/LANDSCAPE ARCHITECT

RVi Planning + Landscape Architecture

Jeff Farr
4900 N Scottsdale Road
Scottsdale AZ 85251
Phone: 480.994.0994
Email: jfarr@rviplanning.com

TRAFFIC ENGINEER

CivTech

Joseph Spadafino, P.E.
10605 North Hayden Road, Suite 140
Scottsdale, AZ 85260
Phone: 480.659.4250 ext. 20
Email: jspadafino@civtech.com

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1. INTRODUCTION

RVi Planning + Landscape Architecture, on behalf of HSL Properties and Surprise Land Holdings, LLC is pleased to submit this Major Planned Area Development (PAD) Amendment to the Vistas Montañas PAD, approved per case no. PAD07-185 in 2008. The Vistas Montañas site is approximately 179 acres and is located at the northeast corner of 179th Avenue and Peak View Road, between 179th Avenue and 173rd Avenue, south of Dixileta Road. The subject site is currently vacant and has no approved final plats. The parcels associated with this request are APN's 503-51-010R, 503-51-008G, 503-51-008H and 503-51-008J. The site is in Special Planning Area Two (SPA2). There is currently no City of Surprise potable water infrastructure abutting the subject property.

2. PURPOSE OF REQUEST

Since the original PAD approval in 2008, the site has been vacant and no additional development applications have been submitted. The development team worked with a brokerage firm to better understand the current market conditions in this area. The analysis showed that to make this project economically feasible, an increase in the total number of lots and associated lot sizes was required to modernize the prior PAD. Additionally, the approval of the original PAD was received under a zoning ordinance that is now outdated, with design criteria that are no longer applicable with the adoption of the new Surprise Land Development Ordinance approved in 2020. However, most of the PAD elements, including the layout of the conceptual development plan as part of the original PAD remain similar. Where applicable, the proposed PAD amendment seeks to align more closely with the Land Development Ordinance (LDO) and Planning and Engineering Design Standards (PEDS) recently approved in 2021. The following sections outline changes to the original PAD and serve as a guide to future development in the PAD.

3. LOCAL CONTEXT

The parcels are located within the northwest quarter of section 26, Township 5 north, range 2 west of the Gila Salt River Base and Meridian, in the County of Maricopa, State of Arizona. The parcels associated with this request are APN's 503-51-010R, 503-51-008G, 503-51-008H and 503-51-008J. The property is described in greater detail as shown by the associated ALTA provided with this PAD amendment. See **Exhibit A: Vicinity Map and Exhibit B: Regional Context Aerial**.

The property is more than 20 miles from the main Luke Air Force Base (LAFB) and is located within approximately five miles from LAFB Auxiliary Field #1. However, according to the Luke Air Force Base Graduated Density Concept, this proposal is not considered to be located in the vicinity of LAFB or the Auxiliary Field. The property is between one and three miles beyond the 65-decibel noise contour, where the permitted density is limited up to 6 du/ac. The existing PAD and proposed amendment is well under the permitted density per the LAFB Graduated Density Concept.

4. EXISTING SITE CONDITIONS

The Vistas Montañas site is relatively flat and consists of native desert land with a slight slope generally from the north to the south. The property is comprised of sparse, natural vegetation, except for areas within the three washes traversing the site, where moderate desert vegetation exists. To date, improvements on the property have not occurred.

The property is native desert land that gently slopes from the north to the south at approximately one percent. The site is sparsely vegetated except for the slightly more vegetated washes traversing the site. The tributary area for the Vistas Montañas subdivision originates north of the Central Arizona Project Canal and flows north of the aqueduct ponds before flowing through over chutes. The flow joins the tributaries south of the canal and

one overchute supplies water to a wash running through the subject property.

Table 1, below, provides a breakdown of the surrounding land uses and zoning designations. The property immediately north and east are currently vacant and zoned Rural Residential (RR). Existing large lot residential development is located to the west and south. To the southeast is the Tierra Rico PAD which includes a single family development.

TOPOGRAPHY & DRAINAGE

Existing Conditions

The property is native desert land that slopes from the north to the south at approximately one percent. The site is sparsely vegetated except for the washes traversing the site, which are more vegetated than the majority of the site. The tributary area of the project originates north of the Central Arizona Project Canal. It flows north of the aqueduct ponds before flowing through a piped over-chute. This flow then joins small tributaries south of the canal, and supplies water to the main wash running through this project.

A significant wash traverses the property from north to south. Minor washes carry local flows. The significant wash is located west of 175th Avenue, and is known as Wash 5 East. Wash 5 East has been designated by the Army Corps of Engineers as a Section 404 wash. Activity in or around this wash is strictly monitored by the Federal Government. As a result, activities that require permitting from the Corps will be minimized.

Flood Zone

The project is located in Zone X and Zone AE and the associated flood way as depicted on the Federal Emergency Management Agency (FEMA) flood Insurance Rate Map (FIRM) numbers 04013C1135G, 04013C1130G, 04013C1115G and 04013C0720G, City of Surprise, Arizona, effective date September 30th, 2005. The Zone X classification is defined as “areas of 500-year flood, areas of 100-year flood with average depths of less than one foot, or with drainage areas less than one square mile, and areas protected by levees from the 100-year flood.” The Zone AE classification is defined as a special flood hazard area inundated by the 100-year flood with base flood elevations determined. If required, a Conditional Letter of Map Revision (CLOMR) will be submitted to Flood Control District

TABLE 1 — SURROUNDING LAND USE DESIGNATIONS

DIRECTION	GENERAL PLAN LAND USE	EXISTING ZONING	EXISTING USE
Property	Neighborhood, Open Space	PAD	Vacant, wash corridors
North	Neighborhood	RU-43 (Unincorporated Maricopa County)	Vacant, USA/BOR, CAP Canal
East	Neighborhood	Rural Residential (RR)	Vacant
South	Neighborhood	PAD	Tierra Rico PAD
West	Neighborhood	Rural Residential (RR)	Large Lot Residential



of Maricopa County (FCDMC) and to FEMA. Upon approval by FEMA, a Letter of Map Revision (LOMR) will be obtained. In addition, a Floodplain Use Permit will be acquired prior to construction of any infrastructure in the floodplain.

Grading and Drainage

A Final Drainage Report for the Project will be submitted to the City, FCDMC and FEMA for permitting during final engineering. The drainage design for the community will be in accordance with the design guidelines provided in the Drainage Design Manual for Maricopa County, Arizona, Volume I, Hydrology, January 1995 the Drainage Design Manual for Maricopa County, Arizona, Volume II, Hydraulics, date January 1996 and the City of Surprise drainage guidelines. The hydrology for the basis of design of major drainage facilities in this region of the County is the Wittmann Area Drainage Master Study Update (ADMS), which was completed by Entellus for the FCDMC. The study included an update of the previous "A" zone delineation for Wash 5 East to an "AE" zone with a floodway delineation. An "AE" zone is defined as a special flood hazard area inundated by the 100-year flood with base flood elevations determined.

Currently, offsite flows enter the site at several locations on the north property line, and near the southwest property corner. Offsite flows generally enter the site flowing south and southeast in poorly defined, braided washes. Except for Wash 5 East, which is a well defined wash carry the largest

off-site flows (approximately 580 CFS) that are discharged over the canal. Wash 5 East is a 404 jurisdictional wash and shall be designed per City of Surprise Planning and Engineering Development Standards (PEDS Section 5.4). The existing capacity and hydraulic characteristics of Wash 5 East, as well as the existing hydrologic characteristics of the overall area will be preserved. The development will retain the 100-year, two hour event for the project's on-site improvements and adjacent half street improvements, and accommodate the pass through off-site flows per the City of Surprise Municipal Code. For the project property west of 175th Avenue, off-site flow along the Dixaleta Drive alignment will be swaled to and passed through the site in Wash 5 East. This flow is estimated at 580 CFS. There will be two road crossing along Wash 5 East. For the project property east of 175th Avenue will be swaled along the north property line and passed through the site and discharged at it's natural location along Peak View Drive. This flow is estimated at 150 CFS. The Tierra Rico project being constructed south of Peak View Drive is constructing a channel at this location to accommodate the flows.

A Final Drainage Report containing detailed hydraulic analysis of the washes/channels in the project, based upon the proposed grading for the development, will be submitted with final engineering. Finished floor elevations for homes adjacent to FEMA washes will be set at least one foot above the resultant 100-year water surface elevations. A Letter of Map Revision (CLOMR) application was included in the study, and submitted to FEMA to remove the developable portion of the Property from the floodplain.

Public Utilities and Services

Private utility companies will provide telephone, cable, Internet, gas (Southwest Gas) and electric service (Arizona Public Service) for the community. The City will provide water/sewer, police, fire protection and refuse collection. Electric service 12.0 kV or less and all other utilities will be placed below ground.

Streetlights and fire hydrants will be designed and installed per the City building codes and in accordance with the recommendations of the City Engineering and Fire Departments.

Potable Water System

Based on the City of Surprise Integrated Water Master Plan, June 2015, and the City of Surprise Water Infrastructure Master Plan, June 2004 ("City Master Plan"), Vistas Montana is located in zone 3A of the City of Surprise Special Planning Area two (SPA2). There is currently no City of Surprise potable water infrastructure abutting the property in question. The project site will ultimately be served by the Desert Oasis Water Campus (WSF-DO) for storage and pumping. For water supply, the project will need to construct wells, team with adjacent developers to install common wells, or buy into adjacent wells with capacity. Though the City has stated there is storage capacity at WSF-DO to temporarily service the project, the developer will need to pay an additional impact fee to the City to construct the ultimate storage and pumping for the site. The Tierra Rico project will construct a 12" water main stubbed at Peak View Drive and Tierra Rico Boulevard. The developer will need to connect to the 12" water main, and further extend water distribution mains in order to provide service to the Vista Montanas. According to the City's current master plan, this includes a 12" water main on Peak View Drive and Dixelata Drive, and a 24" water main on 179th Avenue.

Based on the PAD, Vista Montanas will have about 529 lots with a density of approximately 3 du/ac, using 320 gpd/du, the Average Day Demand will be 169,280 gpd and the Peak Hour Demand will be 507,840. Detailed Basis of Design Reports shall be provided with final engineering documents, particularizing the final design of the Vista Montanas distribution system. This study will detail the necessary design to meet City of Surprise standards, account for other properties within the vicinity and provide a reliable potable water source to the future residents of Vista Montanas. The design criteria used for the proposed water

system will be taken from the the City of Surprise Integrated Water Master Plan, June 2015, and the City of Surprise Integrated Water Master Plan, June 2015 ("City Master Plan"). It is the intent of the developer to work closely with the City of Surprise in this endeavor to ensure that the project is part of a regional solution.

Sewer System

Based on the City of Surprise Water Infrastructure Master Plan, June 2004 ("City Master Plan"), Vistas Montañas is located in the City of Surprise Special Planning Area Two (SPA2). SPA2 of the sewer service area of the City of Surprise.

The design of the proposed on-site wastewater system will be based on the land uses, population projections and design criteria described in the City Master Plan, and will discharge at one outfall location at the southeast corner of the Project. The Tierra Rico project south of Peak View Drive is constructing sewer through the Tierra Rico project and will provide a stub on Peak View Drive. The sewer will be sized to accommodate the Vistas Montañas project. The sewer flow from Vistas Montañas will be conveyed through city streets to the SPA2 wastewater treatment plant. The developer must obtain capacity in the existing Treatment Plant or fund an expansion.

The final design, location and construction sequence of the wastewater system improvements will be defined in each parcel report and a detailed analysis of the wastewater collection system will be submitted to the City for approval with future development applications.

GENERAL PLAN

The City of Surprise General Plan 2035 identifies that the entire site be developed as neighborhood with a suburban neighborhood character. Neighborhood is defined as various neighborhoods that are predominantly residential areas that can also be supported by locally oriented commercial and public facilities and can range from established to emerging and urban to rural in nature. The current approved PAD has a 2.4 du/ac which is consistent with the density range found in the Suburban Neighborhood subcategory of between 2-8 du/ac. See **Exhibit C: General Plan Land Use Map** and **Exhibit D: Existing Zoning Map**.

The Planning and Zoning Department is routinely tasked with the review of development proposals for compliance with the City of Surprise General Plan 2035. To evaluate the quality and appropriateness of a development proposal, City staff will use the goals, policies, recommendations and guidelines outlined within each element of this plan. The following section provides compliance statements to the goals and objectives defined by the 2035 Surprise General Plan.

Does the proposed development carry forward the vision and relevant goals and policies expressed in the General Plan or adopted Sub-Area plans as applicable?

Response: Yes, the proposed development is consistent with the neighborhood, suburban designation including the du/ac range outlined in the General Plan. The proposed project gross density is 2.9 du/ac. No Sub-Area plans apply in this area of the City.

Does the proposed development adhere to the design guidelines of the applicable Character Area(s) and/or Development Type(s)?

Response: The proposed development is in compliance with the Suburban Character Area as defined by the Neighborhood category within the General Plan and meets the intent of the aesthetics and built form characteristics within the General Plan.

Does the proposed development strengthen or compromise the character of the area by adding to the mixture of uses?

Response: Most of the land around the proposed project is currently vacant and low-density residential. To help mitigate the added density, the proposed development includes large landscaping buffers and larger, exterior lots adjacent to the existing large lot single family development. Strategically placed open spaces help buffer the proposed development to existing residential. Residential is the only proposed development in this area. The project team worked with the City of Surprise to define the required roadway infrastructure in context with the future transportation plans and existing developments. All proposed development seamlessly connect to the existing and future transportation system within the area.

Does the proposed development maintain compatibility with or contribute to the quality of existing land uses in the surrounding area?

Response: The proposed development includes several development features that are consistent with the new developments throughout the City of Surprise per the recently approved LDO. Additionally, this PAD amendment updates the outdated design elements found in the previous PAD to help achieve a style that is modern and compatible with the rural development style that fits the low density feel of the area. Unless otherwise stated, the development of the PAD will be in compliance with the PEDS and LDO design criteria.

Does the proposed development offer a range of mobility options and promote connectivity to adjacent or future development?

Response: The proposed development has reviewed, and is consistent with, the PEDS outlined in the Surprise LDO Pedestrian connectivity is a key element of the proposed plan and has been carefully incorporated throughout the conceptual plan. Curvilinear streets, limited street lengths, connecting natural washes and open space, are few of the elements provided throughout the site to help create diversity. The streetscape will provide detached sidewalks and landscaping which will provide an attractive visual setting throughout the community. All street designs will be consistent with the City of Surprise Engineering and Planning Design Guidelines. At this time, no preliminary plats are associated with the requests and these details will be evaluated further at the future stage of development.

Does the proposed development preserve natural systems (i.e. washes, wildlife corridors) and/or promote environmentally conscious practices (i.e. protect natural terrain, vegetation, viewsheds)?

Response: The proposed land plan incorporates all-natural areas as part of the plan including the many washes that divide the property. The intent of the development plan “parcels” is to activate these areas to provide both active and passive open space areas and pedestrian connectivity throughout the development from parcel to parcel. Additionally, a pedestrian trail in accordance with the City of Surprise Parks and Recreation Master Plan is provided at the north perimeter of the site, creating a natural path from 173th Avenue to the CAP canal.

Does the proposed development improve and/or expand the existing infrastructure to the surrounding area?

Response: In coordination with the City of Surprise, this development will be consistent with the long-range transportation plans of the City including major collectors and providing a CAP Canal trail on the north edge of the property. The development team has provided initial concepts to the City of Surprise and received valuable feedback that determined the proposed roadway system as part of the conceptual plan.

Does the proposed development further the provision of jobs in the surrounding area or the City as a whole?

Response: The proposed development consists of residential development only due to its location and no commercial development is proposed as part of the PAD amendment. However, the residential homes provided in this area will support the growing commercial base for the community allowing residents to live closer to amenities and job opportunities within the City of Surprise.

5. EXISTING PAD & CONCEPTUAL LAND USE PLAN

This PAD consists of three, single-family detached, residential parcels with a variety of lot sizes. The current approved lot sizes are 65'x120', 75'x120' and 85'x125' with an approximate density of 2.4 du/ac as shown by Table 2 below and **Exhibit E: Existing PAD Conceptual Site Plan**.

TABLE 2 — EXISTING LOT DISTRIBUTION		
LOT DIMENSIONS	COUNT	% OF TOTAL
65' x 120'	137	55%
75' x 120'	121	28%
85' x 125'	72	17%
Total	430	100%
Gross Density	2.4 du/ac	

The current plan is naturally divided into four parcels. The prior conceptual land use plan illustrates the lot categories proposed for the community. Due to the variety of lot categories, the Vistas Montañas PAD offers a series of neighborhoods consisting of a primary lot width and depth to meet the needs of a broad range of homebuyers. The previously proposed neighborhood lots range from 7,800 to 10,625 square feet. While the existing single-family homes include varying lot sizes, the neighborhood parcels are not isolated from each other. The community is designed with natural open spaces, amenities and a trail and path system intended connect the parcels to create a single cohesive community.

The following section provides additional context relating to the changes to the development standards and conceptual land use plan as part of this PAD amendment.

6. PROPOSED PAD AMENDMENT

The proposed amendment seeks to maintain substantial conformance with the current PAD zoning for active and passive open spaces, community amenities and the roadway network design. Due to the market conditions, the proposed PAD amendment updates the approved plans to address the current market conditions and encourage development. Updates include:

- Increase the overall density from 2.4 du/ac to approximately 2.9 du/ac.
- Update the lot sizes and distribution of lots throughout the site.
- Increase the total open space allotment from 12% to 20%.
- Update the previous design option point system to match the development standards consistent with the City of Surprise updated LDO and PEDS.
- Update conceptual development plan and roadway network.

The lotting layout and conceptual design of the proposed PAD amendment is proposed to remain relatively similar to the existing approved PAD. Due to the washes that divide the site, natural separations occur between the multiple parcels as shown in the approved PAD plan and proposed PAD which were desired to be maintained.

The wash areas will continue to be used as open space and provide connections throughout the development. As currently designed, there are multiple pocket parks dispersed throughout this Project. Most of which are large enough to provide amenities such as playgrounds with shade structures, large turf play areas, half basketball courts, sand volleyball. and ramadas.

In addition to the parks, smaller open space areas are located throughout the community to further enhance the potential for social interaction and offer visual relief from homes and hardscape. Additional details relating to the design and characteristics of these parks will be provided with the preliminary plat development applications.

Adjacency to the washes is an additional enhancement to all the parks and open space areas, providing easy access to the natural open space areas within the community. The linear open space areas within the existing washes provide connectivity among many of the various parks. All amenities and open space areas will be reviewed further with the intention to preserve existing designations which also includes the 50' landscape buffer to the existing single-family residential homes immediately south of the subject site.

With the addition of the 45' x 120' and 55' x 120' lots, the proposed lots sizes will range from 5,400 to 10,625 square feet, resulting in an increase of 99 lots to a proposed gross density of approximately 2.9 du/ac. Table 3 provides a breakdown of the proposed amendment changes.

In addition to the changes to the varying lot sizes, the neighborhood parcels are designed with natural open spaces, pocket parks, amenities, and a trail and path system that connect the parcels to create a single, cohesive community of connected open spaces.

By adjusting lot sizes, roadway circulation, and responding to existing site conditions, the amount of open space across the community was able to increase from 22.5 ac (12.6%) to 36.6 ac (20%).

When comparing the existing and proposed site exhibits, an increase in open space is created by the following :

- An increase from 5 to 6 parks being provided across the site, this includes a neighborhood pool located on a 2-acre park site in Parcel A
- Increasing the number of parks from 5 to 6
- Providing a 2-acre park site in Parcel A for a neighborhood pool
- Increasing open space along 179th Avenue, at the main entrance and along the wash corridor
- Providing two additional open spaces along Peak View Drive
- Widening wash corridors to address drainage considerations and incorporating pedestrian paths designed to current City standards
- Providing meaningful open spaces adjacent to wash corridors
- Adding a 50-foot-wide open space corridor along the northern property line and a portion of the southern property line to create a 10-foot-wide paved loop path

TABLE 3 — PROPOSED PAD AMENDMENT LOT DISTRIBUTION					
APPROVED PAD			PROPOSED PAD AMENDMENT		
Lot Dimensions	Count	% of Total	Lot Dimensions	Count	% of Total
65' x 120'	137	55%	45' x 120'	173	33%
75' x 120'	121	28%	55' x 120'	121	30%
85' x 125'	72	17%	65' x 120'	209	38%
			85' x 125'	26	5%
Total	430	100%	Total	529	100%
Gross Density	2.4 du/ac	-	Gross Density	2.9 du/ac	-
Open Space	22.5 ac	12.6%	Open Space	36.6 ac	20%

Note: These numbers are approximate and subject to change based on additional site studies, engineer studies, and City of Surprise review.

Proposed Conceptual Plan

The proposed Vistas Montañas development plan is divided into five parcels. Parcel A is designed with 45' x 120' lots which are situated at the north end of the project. Care was taken to ensure this lot size was situated away from the larger lots in the surrounding communities. Additional wash corridors provide natural separation from 179th Avenue further buffering the smaller lots. Parcel E is reserved for the largest lot sizes, consistent with the previous proposed lot sizes in this area. The proposed lot sizes along the southwest corner of the site are sized 85' x 125' and will be limited to single story in height, as shown by the conceptual site plan. Parcels B and C are more centrally located and include a significant buffer along the southern perimeter to adjacent residential development. Parcel D is proposed to include 65'x125' lot sizes which are compatible with the adjacent Tierra Rico PAD development. See **Exhibit F: Amended Conceptual Site Plan**.

Conceptual Open Space Plan

As currently designed, six pocket parks are dispersed throughout this project. Most are large enough to provide amenities such as playgrounds with shade structures, large turf play areas, half basketball courts, sand volleyball and ramadas. The pocket parks are intended to provide the community with smaller-scale amenities that provide children and families a place to play and socialize. These pocket parks will range in size with the smallest being approximately $\frac{1}{4}$ acre and the largest being approximately 2 acres. Within the 2-acre pocket park, located in Parcel A, there will be a neighborhood pool, ramada, and tot lot, as well as restrooms and parking spaces. The pool is located within Parcel A and is intended to primarily benefit residents living on the smaller lots but also be accessible to other parcels within the community.

These parks will be located a short distance from each home. In addition to the parks, there are additional open space areas located throughout the community to further enhance the potential for passive open space which offer visual relief from homes and hardscape. The adjacency to the washes is an additional enhancement to all

the parks and open space areas, providing easy access to the natural open space within the community. The linear open space areas within the existing washes will provide connectivity via pedestrian paths to the various parks throughout the development. These areas are included as part of the open space areas. Onsite drainage channels will not be designed as a trapezoidal concrete channel. They will be designed to resemble a natural wash and serve as a trail amenity for this development. See **Exhibit G-1: Open Space Plan and Exhibit G-2: Parcel A - Pocket Park Concept**

Vehicular Circulation

This project is served by two primary entryways: one off 179th Avenue aligning with the existing roadway serving the residential to the west and an entry off Peak View Drive which will align with the Tierra Rico development. Peak View Drive will be constructed with a minimum of 26' of pavement for vehicular travel to and from the development from the east boundary to the west boundary of the PAD. 179th Avenue is planned to extend north from Peak View Drive to meet the future collector proposed through the center of the site running from 179th Avenue to 173rd Avenue. A third primary entryway will be provided off Dixileta Drive which will be improved as development progresses. Neighborhood access is provided off the primary collector roadway running through the center of the site into the multiple parcels that make up the conceptual plan. Each internal parcel will have access to this residential collector and each neighborhood will have a minimum of two different means of access, in conformance with the City's policies and regulations. The Developer will be responsible for construction of the half street right-of-way improvements for all roads adjacent to the site.

Landscape tracts and open space areas surround both sides of the collector creating view corridors; hence, these landscape open space areas are visible from both arterials and local streets as well. Within the open space areas adjacent to the collector streets and arterial roads, sidewalks are detached from the curb to ensure separation of vehicular traffic from pedestrians.

Pedestrian Circulation

Trails and paths utilized in the community will consist of both unpaved and paved surfaces. The surface will depend on the location and type of trail or path within the community. The washes traversing Vistas Montañas will contain 10' concrete paths and all internal pedestrian pathways will contain 6' concrete paths. All trails will be constructed of a compacted natural looking material complimenting the natural landscaping of each wash. The trails are expected to meander within the entire wash erosion hazard setback and the floodway boundaries. If wash crossings are needed, they will be designed to minimize any impacts on the jurisdictional wash limits. It is anticipated that adjacent developments will connect into the wash trails to eventually create a network that extends beyond this community.

Paths internal to the community will run through open space tracts and along the front yards of many of the homes within the community. When local street sidewalks are utilized as part of the path system, the five-foot detached sidewalks will be delineated by using materials such as colored concrete or salt finished colored concrete. These paths are intended to provide safe connections between the homes and the open spaces such as the pocket parks and the wash trails. Additionally, a pedestrian trail in accordance with the City's Parks and Recreation Plan is proposed along the northern perimeter of the site following the Dixileta roadway alignment. This pedestrian path will extend all the way to 179th Avenue and connect to the future trail system planned around the CAP canal crossing. As development continues, the project team will work with the CAP Canal representative to provide a pedestrian trail connection to the proposed regional trail along the canal.

All amenities within the community including paths, trails and other recreational facilities/equipment will be maintained by the Vistas Montanas HOA. The developer will work with City Staff during pre-plat to ensure that the path and trail standards for the project are consistent with the City of Surprise standards.

Development Phasing

While phasing is unknown currently, this project is likely to develop from the east at the southeast corner (Parcel D) and proceeding west. The Tierra Rico project south of Vistas Monanas has an approved pre-plat and Peak View Drive is on their north boundary for which they are responsible for building half street improvements. Because of the timing of that project and the cost to build infrastructure/roads, Peak View Road is likely to be the initial infrastructure constructed in this area. More details will be provided at the preliminary plat where a phasing plan will be included.

7. REGULATORY DEVELOPMENT STANDARDS

As part of this PAD amendment, the proposed project seeks to modernize the development standards to match those of the current Surprise LDO and PEDS manual. As such, development is proposed to occur in accordance with the following development standards.

R-1 Zoning District

The Residential Low Density (R-1) zoning district provides areas for single-family homes on varying lot sizes and a mix of densities together with schools, parks, and other public services necessary for suburban residential neighborhoods. All future development shall follow the criteria of Lot Categories A and B of Table 106-2c of the LDO, **and** proposed Table 3 of this document on page 8. For reference, Table 106-2c of the LDO is provided below with additional notes in black.

TABLE 106-2C, CITY OF SURPRISE LDO:

Table 106-2c—Residential Low Density (R-1) Zoning District						
Lot Categories	A ³	B	C	D	E	F
General Plan compatibility	Suburban	Suburban	Suburban	Suburban and rural	Rural	Rural
Lot area (sf)	4,950— 7,999	8,000— 11,999	12,000— 17,999	18,000— 27,999	28,000— 43,559	≥43,560
Min. lot width (sf)	45	60	80	90	100	130
Min. front setback ¹ (ft)	12	12	15	20	20	30
Max. front setback (ft)	25	25	30	35	30	30
Min. rear setback ¹ (ft)	15	20	20	25	30	30
Min. side setback ¹ (ft)	5 & 8	5 & 10	10	10 & 15	20	20
Min. street side setback ¹ (ft)	15	15	15	15	20	20
Max. bldg. height (ft)	35	35	35	35	35	35
Max. lot coverage		45%	40%	30%	30%	25%
Open space (% of gross area of residential development) ³	20%	20%	20%	15%	15%	10%

Notes:

1. *Garage* face and embellishments shall be *setback* a minimum of 20 feet measured from any opposing property line; except rear *alley* loaded *garages*, which shall be *setback* six feet from edge of *alley* line.
2. The city requires *open space* on a development/subdivision basis rather than on a *lot-by-lot* basis. Subdivisions with more than one lot category will provide the higher percentage of open space.
3. Residential projects shall contain no more than 50 percent of lots less than 48 feet wide as calculated across whole subdivisions or preliminary plat and will include mitigating designs outline in [Chapter 108](#) of this ordinance.

These LDO Lot Categories do not apply to the proposed project.

8. CONCLUSION

In summary, the proposed PAD Amendment accomplishes the following:

- Redistributes specific lot types throughout the conceptual site plan to better align with the recently approved LDO standards.
- Increases the total open space allotment.
- Provides a neighborhood pool
- Redefines the proposed roadway network and classifications through the site per City direction.
- Update the previous design option point system to more modern zoning standards consistent with the LDO and PEDS.
- Update development graphics and conceptual exhibits within the PAD as applicable.

EXHIBIT A: VICINITY MAP

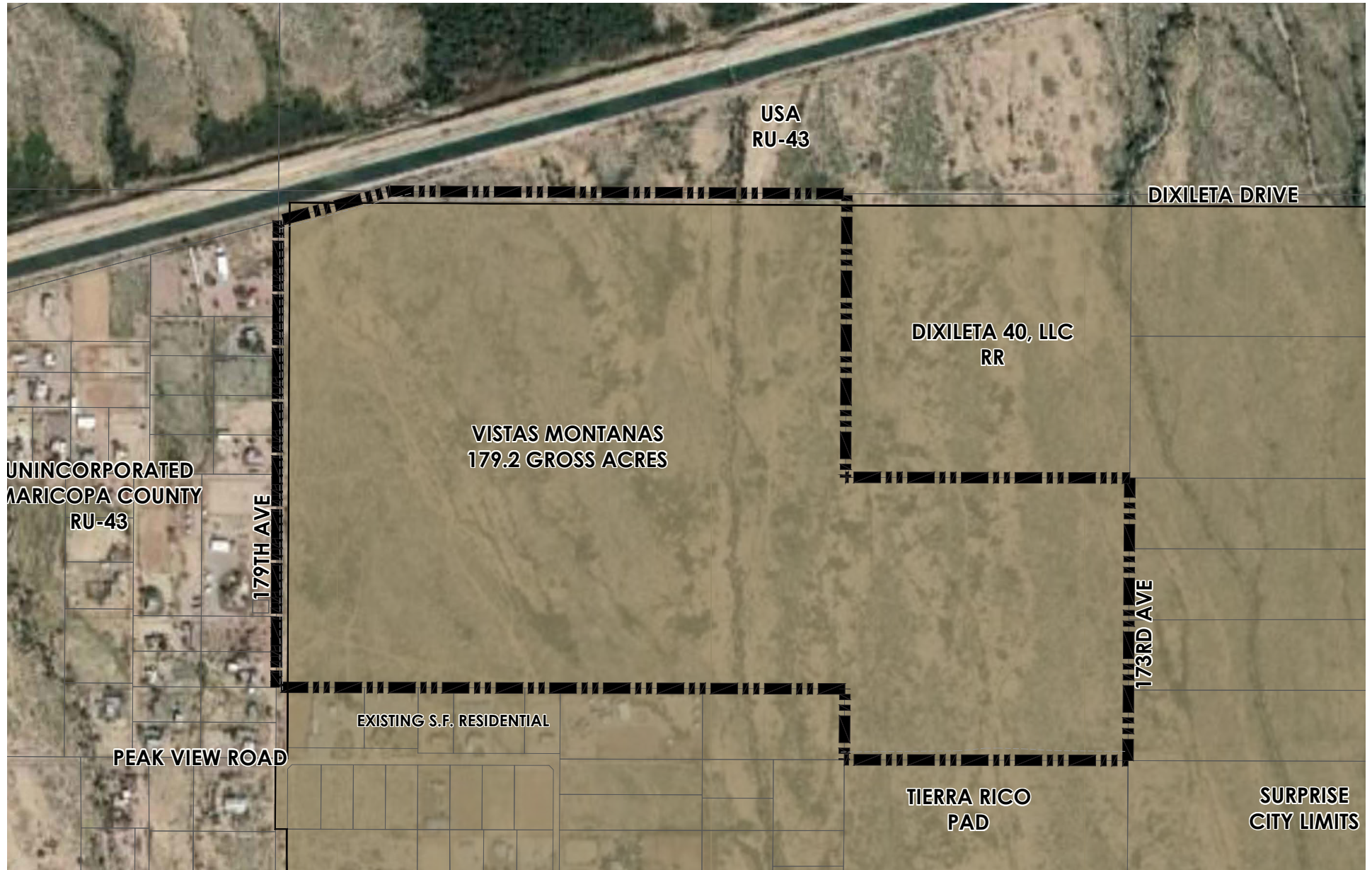


EXHIBIT B: REGIONAL CONTEXT MAP

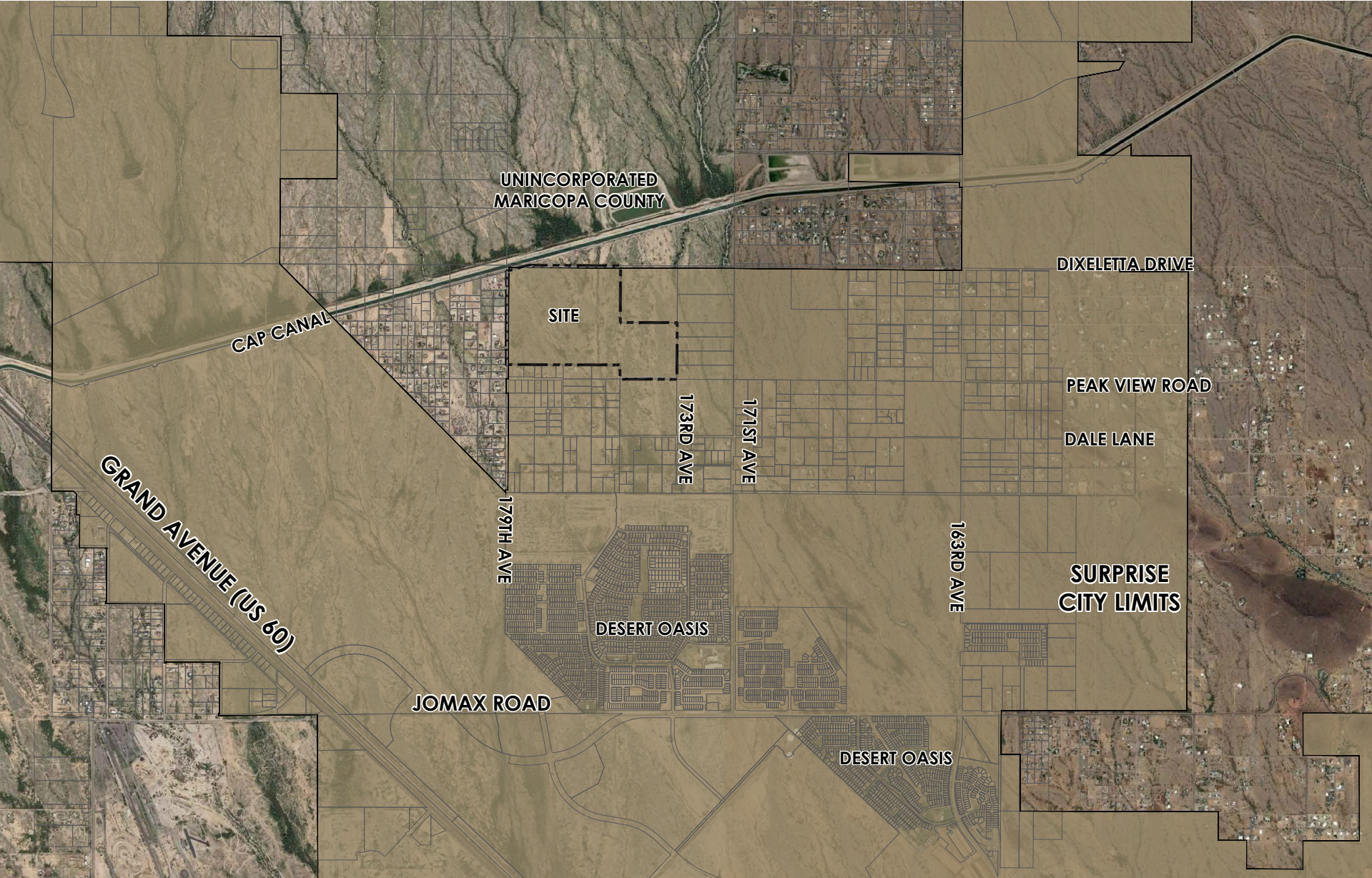


EXHIBIT C: GENERAL PLAN LAND USE MAP

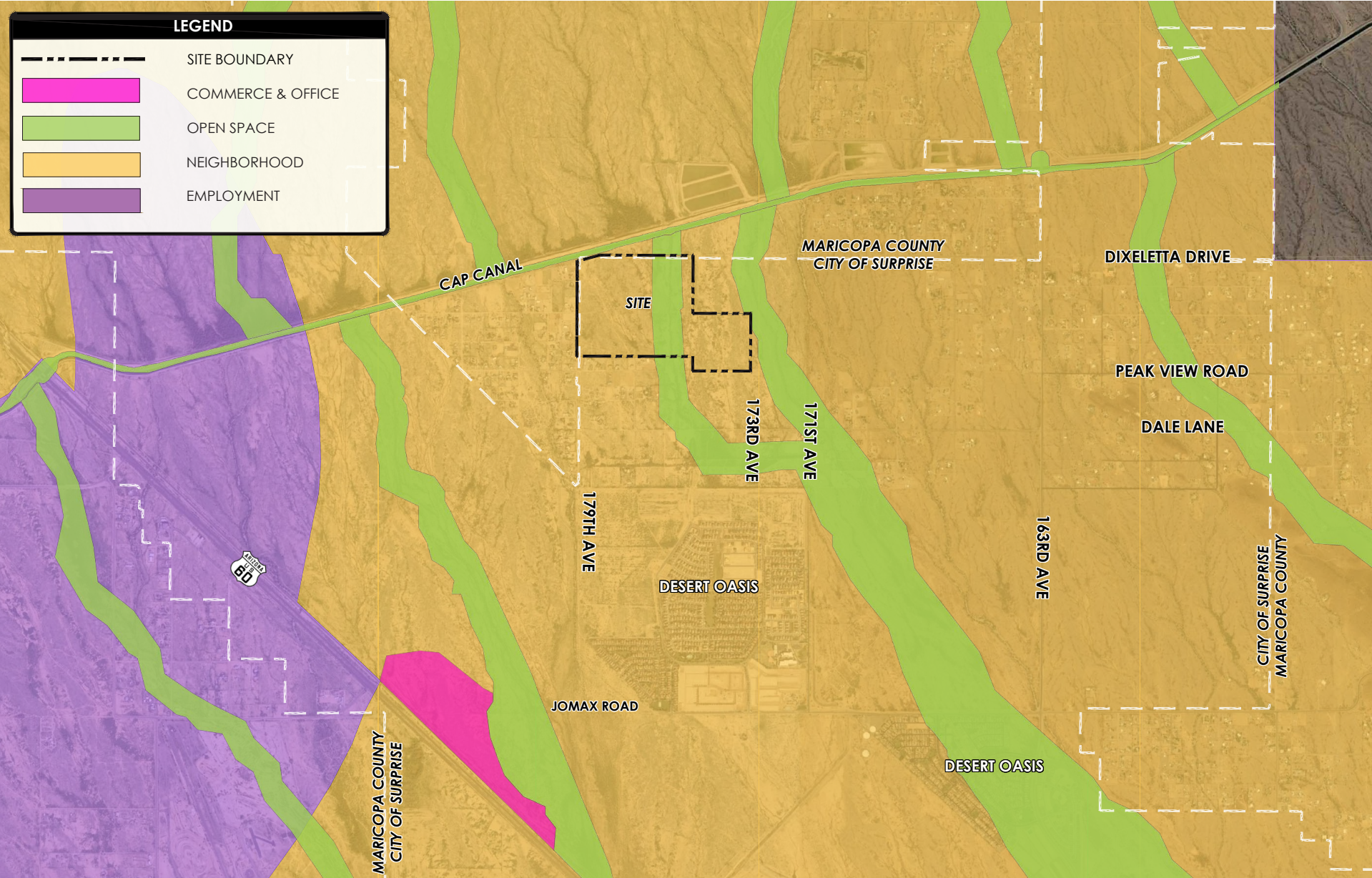


EXHIBIT D: EXISTING ZONING MAP

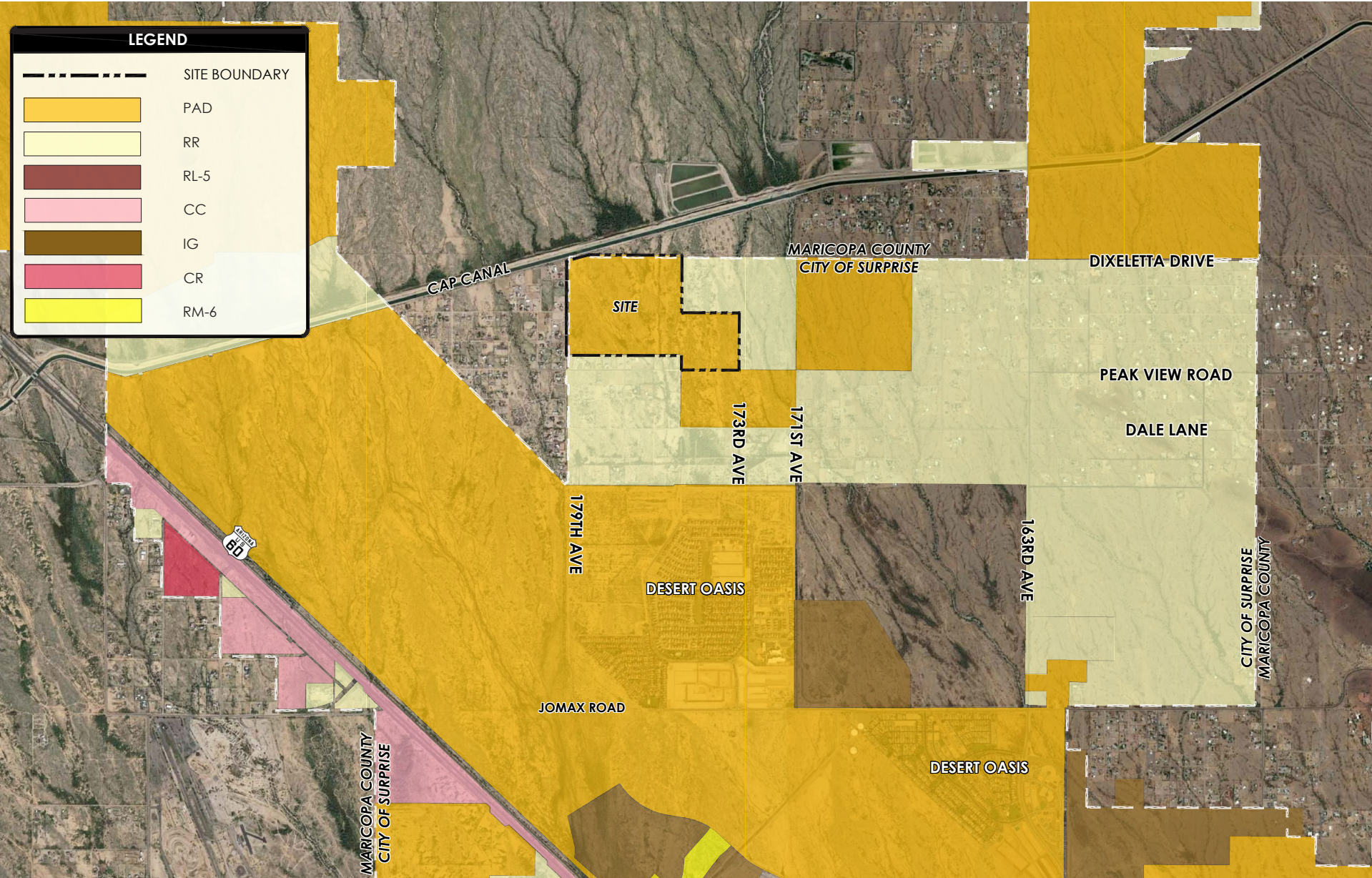


EXHIBIT E: EXISTING CONCEPTUAL SITE PLAN

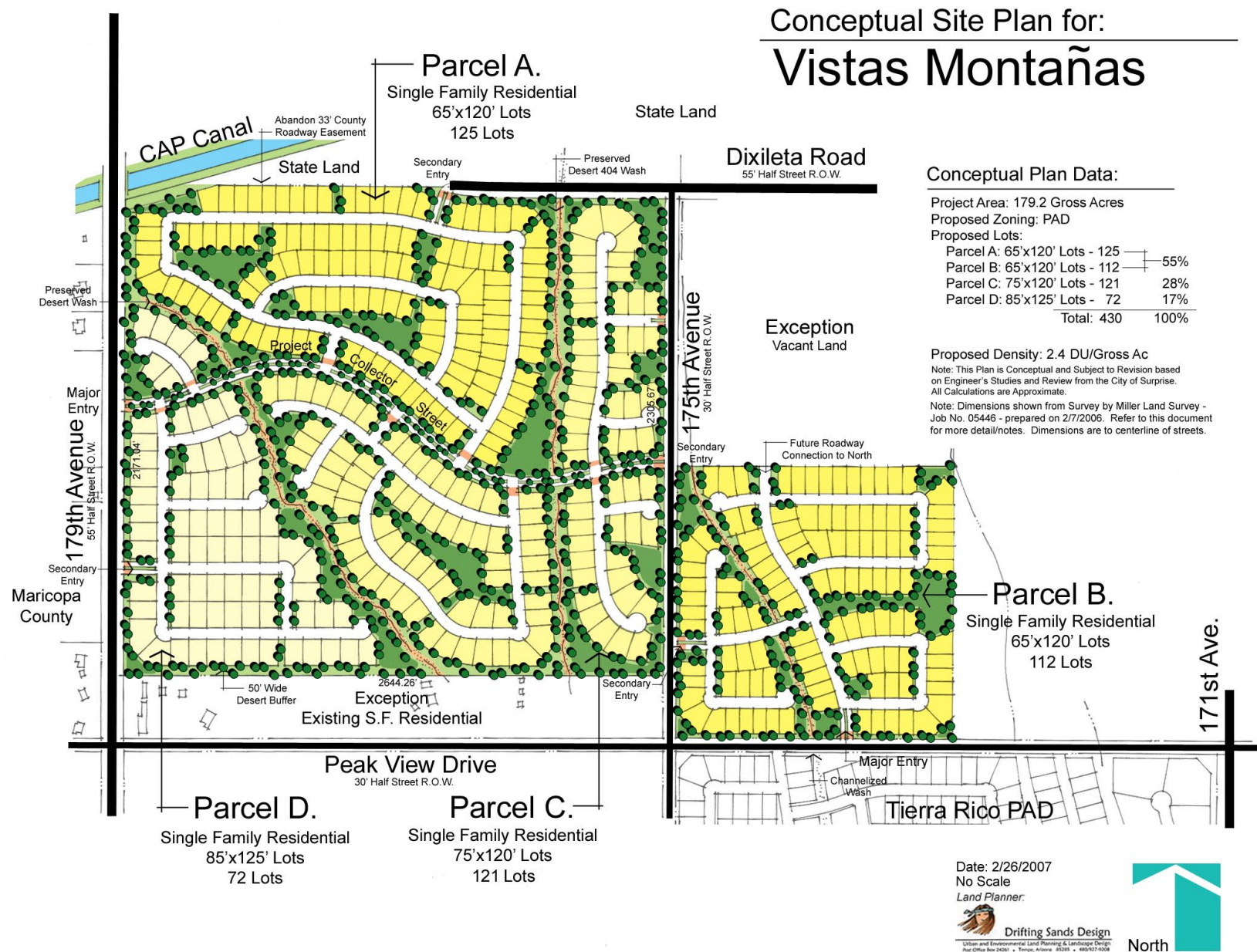


EXHIBIT F: AMENDED CONCEPTUAL SITE PLAN



EXHIBIT G-1: OPEN SPACE PLAN

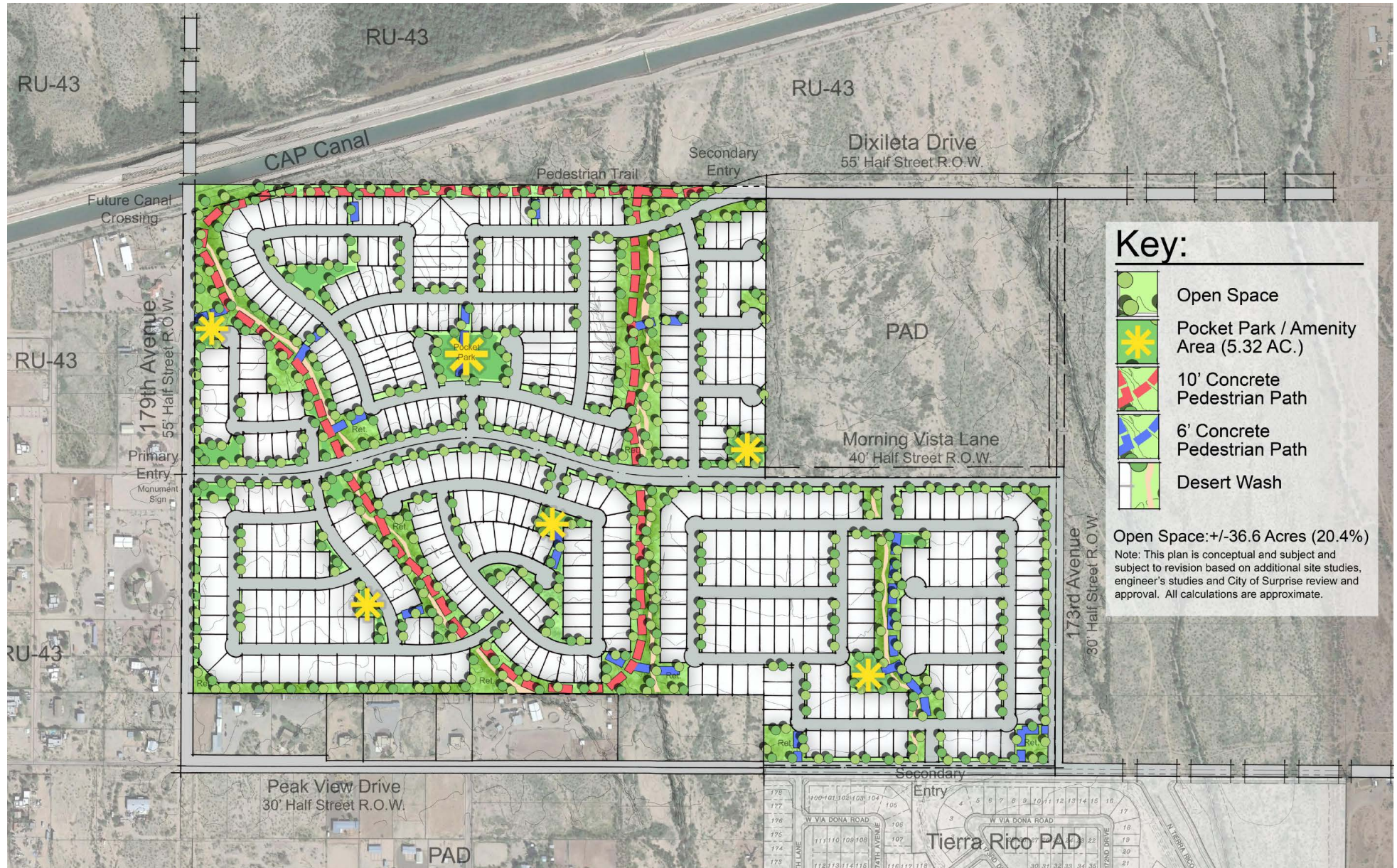
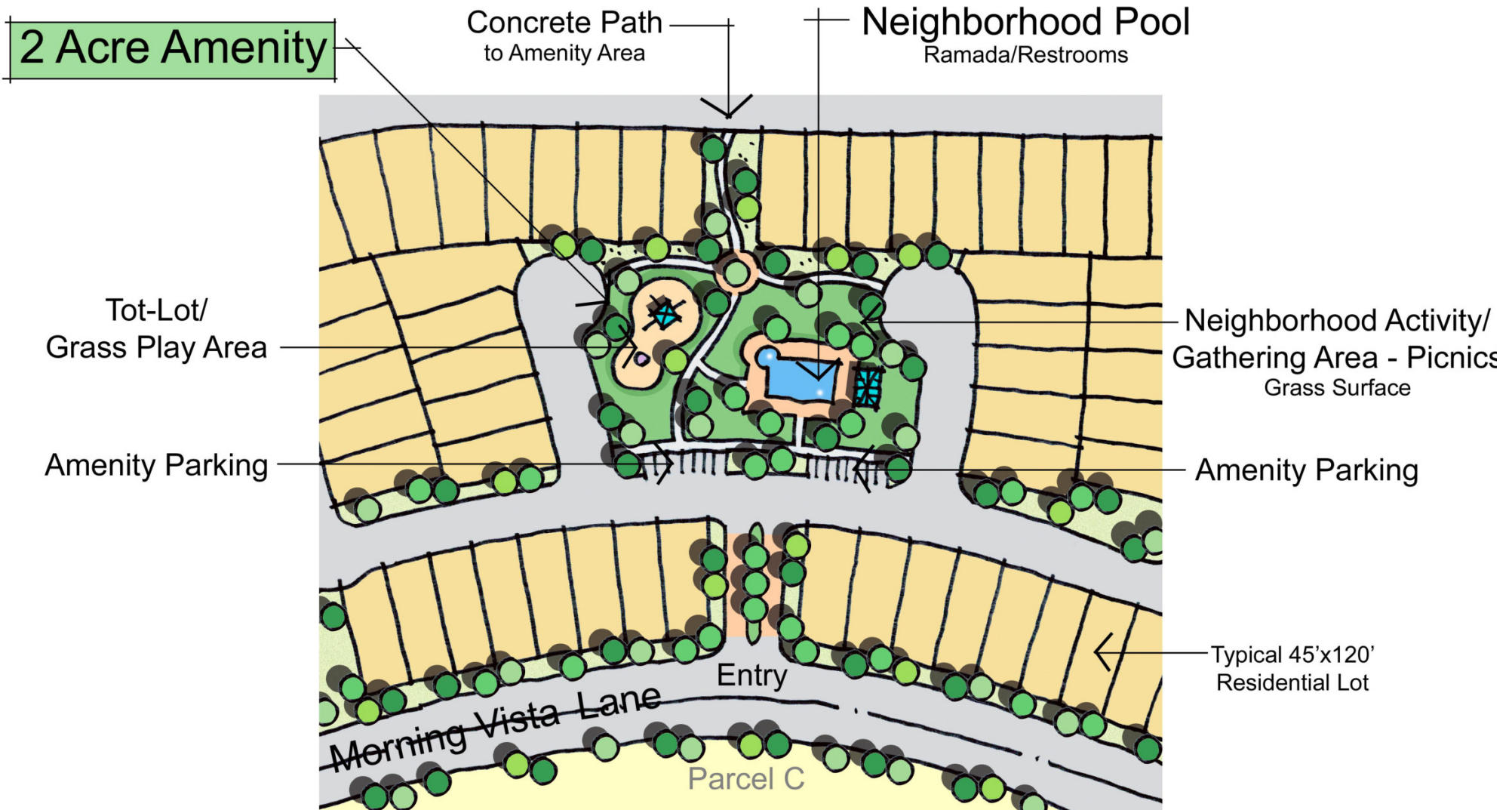


EXHIBIT G-2 : PARCEL A - POCKET PARK CONCEPT





ONE COMPANY.
INFINITE SOLUTIONS.

LEGAL DESCRIPTION
PAD EXHIBIT
VISTAS MONTANAS
APN 503-51-008J
CITY OF SURPRISE, ARIZONA

LOCATED WITHIN A PORTION OF THE NORTH HALF OF SECTION 26, TOWNSHIP 5 NORTH,
RANGE 2 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY,
ARIZONA.

MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A FOUND IRON PIPE ACCEPTED AS THE NORTH QUARTER CORNER OF SAID
SECTION 26 FROM WHICH A FOUND GLO BRASS CAP BEING THE NORTHEAST CORNER OF
SAID SECTION 26 THEREOF BEARS N89°50'39"E A DISTANCE OF 2645.11 FEET;

THENCE, LEAVING SAID NORTH LINE OF SAID SECTION 26, S00°00'15"W A DISTANCE OF
1317.13 FEET;

THENCE, N89°51'41"E A DISTANCE OF 1322.17 FEET;

THENCE, S00°02'29"W A DISTANCE OF 1317.48 FEET;

THENCE, S89°52'09"W A DISTANCE OF 1321.82 FEET;

THENCE, N00°01'34"E A DISTANCE OF 329.32 FEET;

THENCE, S89°52'57"W A DISTANCE OF 2644.58 FEET, TO A POINT ON THE WEST LINE OF SAID
SECTION 26;

THENCE ALONG SAID WEST LINE, N00°01'23"W A DISTANCE OF 2171.29 FEET;

THENCE, N74°51'15"E A DISTANCE OF 534.92 FEET TO A POINT ON THE NORTH LINE OF SAID
SECTION 26;

THENCE, S89°59'10"E A DISTANCE OF 2129.65 FEET ALONG SAID NORTH LINE TO THE **POINT
OF BEGINNING.**



A handwritten signature in black ink, appearing to be "J. Spring", written over the surveyor's seal.

PAGE 1 OF 3



ONE COMPANY.
INFINITE SOLUTIONS.

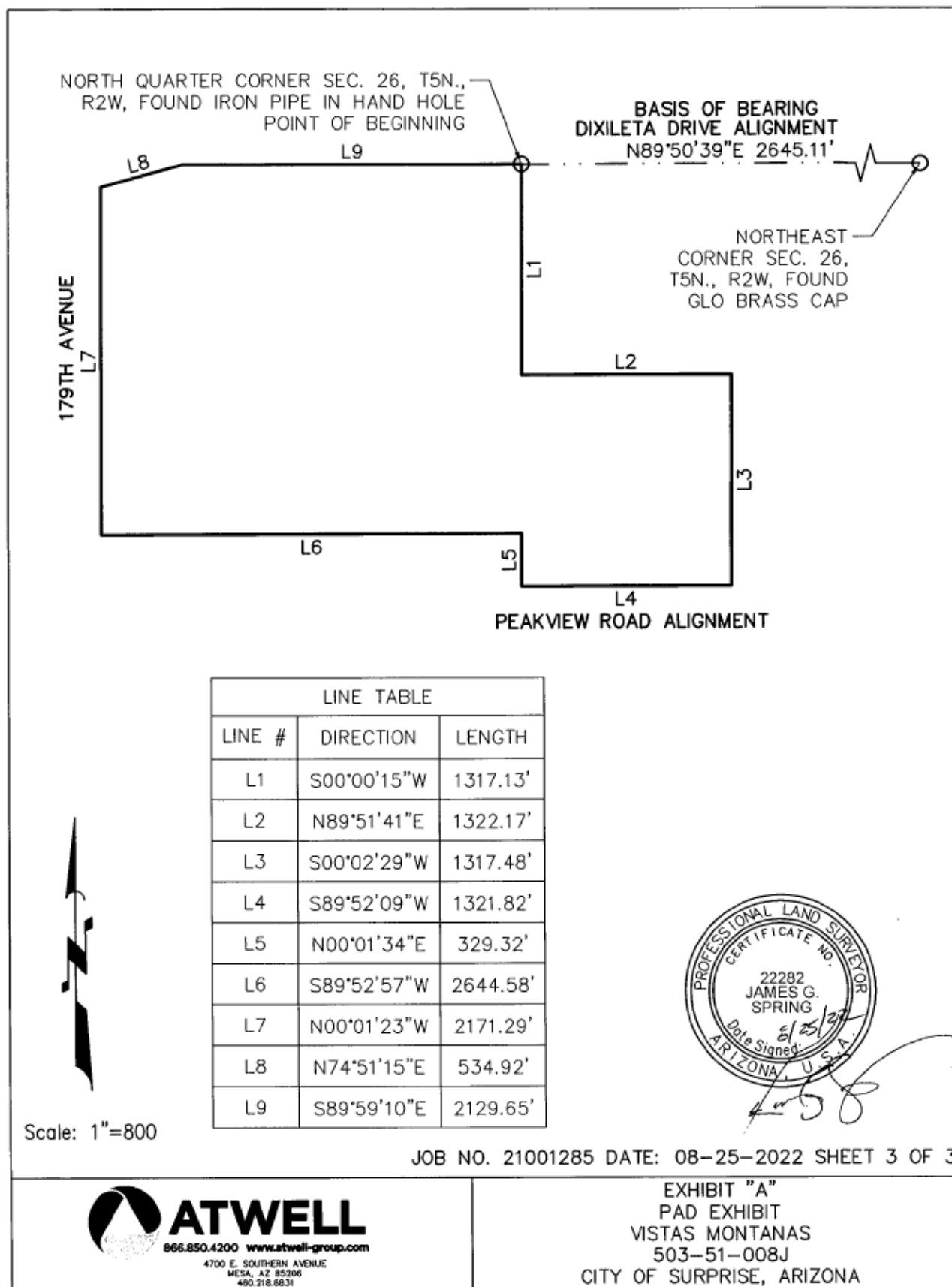
THE ABOVE DESCRIBED PARCEL CONTAINS A COMPUTED AREA OF 7,811,448 SQUARE FEET OR 179.33 ACRES, MORE OR LESS AND IS SUBJECT TO ANY EASEMENTS, RESTRICTIONS, OR RIGHTS OF WAY OF RECORD OR OTHERWISE.

THE DESCRIPTION SHOWN HEREON IS NOT TO BE USED TO VIOLATE ANY SUBDIVISION REGULATIONS OF THE STATE, COUNTY AND/OR MUNICIPALITY OR ANY OTHER LAND DIVISION RESTRICTIONS.

PREPARED BY:
ATWELL, LLC
4700 E. SOUTHERN AVENUE
MESA, ARIZONA 85206
PROJECT NO. 21001285
AUGUST 25TH, 2022



EXHIBIT H: LEGAL DESCRIPTION, PAGE 3/3





**DEPARTMENT OF THE AIR FORCE
AIR EDUCATION AND TRAINING COMMAND**

3 February 2022

Mr. Christopher P. Toale
Director, Community Initiatives Team
56th Fighter Wing
14185 West Falcon Street
Luke AFB AZ 85309-1629

Ms. Lorraine Nevarez
Project Coordinator
City of Surprise Planning Department
16000 N. Civic Center Plaza
Surprise AZ 85374

Re: FS22-0180: Vista Montana Major PAD (APNs: 503-51-010R, 503-51-008G, 503-51-008H & 503-51-008J)

Dear Ms. Nevarez

Thank you for the opportunity to provide comments on the Vista Montana Major PAD application. The request is for development of approximately 179 acres, located at the northeast corner of 179th Avenue and Peak View Road in Surprise, Arizona. The PAD states the development will consist of 430 single-family lots resulting in a 2.4 du/ac density. The site is approximately 1.2 to 2.1 miles outside the Aux-1 2004 JLUS 65 DNL, "high noise or accident potential zone" as identified by A.R.S. § 28-8461 and is within the "territory in the vicinity of a military airport" also defined by A.R.S. § 28-8461.

In an effort to promote a more compatible co-existence, Luke AFB follows the guidelines in the Graduated Density Concept (GDC). The GDC proposes, in the absence of a more restrictive state, county or municipal general or comprehensive plan, graduating densities away from the 65 DNL as follows: a maximum of 2 du/ac from the 65 DNL to 1/2 mile, a maximum of 4 du/ac from 1/2 to 1 mile, and a maximum of 6 du/ac from 1 to 3 miles. The proposal for the property as stated in the narrative, consisting of 2.4 du/ac meets the GDC, therefore will not negatively impact the flying operations at Luke AFB.

Since the development will be located within the "territory in the vicinity of a military airport," it will be subjected to approximately 165 over flights a day, with some as low as 1,500 feet above ground level. We recommend you review the sound attenuation requirements found in A.R.S. § 28-8482. In addition, a strong notification program on the part of the applicant is essential to inform potential residents about Luke AFB operations.

If there are any questions, please contact my Community Planner, Mr. Mark James, at (623) 856-9981.

Sincerely

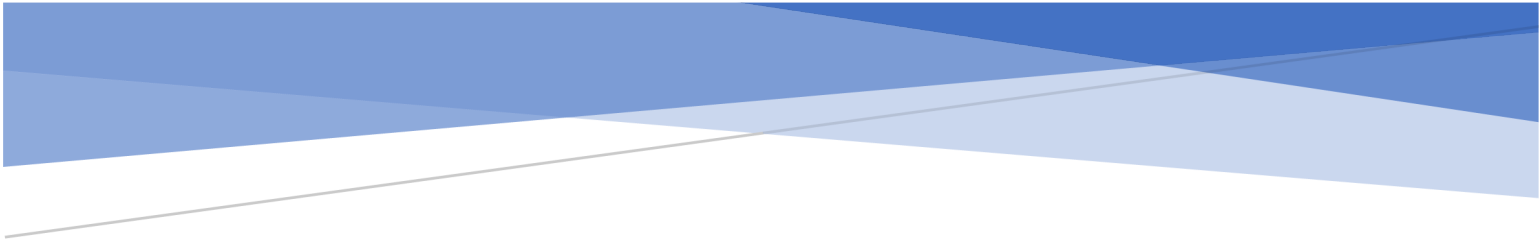
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HER.P.1039696165
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96165
Date: 2022.02.03 09:43:57 -07'00'

CHRISTOPHER P. TOALE

cc:

Colonel Luke B. Casper, Vice Commander, 56th Fighter Wing

Mr. Anthony C. Avitable, GS-13, General Law Attorney, 56th Fighter Wing



CITIZEN PARTICIPATION REPORT

Vistas Montanas PAD Amendment

Surprise, AZ
April 25, 2022
FS22-0180



Introduction

Every development application in the City of Surprise that requires a public hearing in shall be accompanied by a Citizen Participation Report designed to detail the results of their citizen participation effort prior to the notice of public hearing. The following sections document the first neighborhood meeting that was held as it relates to the Vistas Montanas PAD Amendment, FS22-0180.

Public Outreach

A neighborhood meeting was held for this project on April 25 in accordance with the City requirements. Notices were mailed to residents and neighborhood associations fifteen (15) days prior to the meeting by the City of Surprise using a mailing list generated by the City of Surprise for the following date and location:

April 25, 2022

6:00 pm

Asante Preparatory School

23251 N 166th Dr

Surprise, AZ 85387

Sign-In sheet at **Exhibit A: April 25th Neighborhood Meeting Sign in Sheet**

Additionally, this meeting was held virtually, and attendance details were provided on the neighborhood meeting letter notification mailout.

Summary of Neighborhood Meeting

The neighborhood meeting was held within proximity to the subject site at the Asante Preparatory Elementary School. The applicant introduced the project via a PowerPoint presentation and described the specifics of the project. Upon conclusion of the formal presentation, the applicant answered questions from the attendee(s). The following sections highlights the questions asked and the responses from the applicant at the neighborhood meeting held on April 25th.

There were four people who attended in person and another three that attended virtually. The meeting started at 6:05 PM.

Who is the homebuilder?

Response: The applicant is representing the property owner on this PAD zoning amendment and no builder has been selected for this site.

What are the roadways that will need to be built to access the site? What about Peak View Road across our frontage?

Response: The team explained the regional transportation network and how this site will have primary access of 179th Avenue. To achieve this, Peak View Road will need to be improved and ROW will need to be acquired from the property owners. This means that in the future, the City and the developer will need to work with the property owners along Peak View Road to acquire this ROW.

Additionally, the developer will need to improve 179th avenue and Dixelea Road to meet the requirements of the City.

How many homes are planned?

Response: There are 533 total homes planned for this site. This is an increase of 103 homes from the original approved plan in 2007.

There were questions about the equestrian nature of the area.

Response: The applicant team listened to the concerns of the residents and learned that a number of the existing residents use the subject property to ride their horses. The team explained that this is private property and when it is developed, this access will no longer be viable due to the development of the community. The HOA will maintain the pedestrian trail system within the community for the residents of the community. The project team also explained that there is a 50' buffer along the south property line that will remain as planned. This means there will be an adequate landscape buffer to help mitigate the impact of the development immediately adjacent to residents at the southern border of the site.

Concern was expressed about the buffer and what this looks like.

Response: The project team explained that the subdivision walls will be built 50' north of the property line and will not join the existing walls/fences of the existing residential at the south boundary line. This would allow some space between the two sites.

Concern was expressed about the washes that run through the property

Response: The project team explained that a few of these washes are federally designated meaning they have strict requirements that will need to be followed. The team explained the purpose of the drainage reports that are required and the City standards that need to be met. Through this, the development must not make any situation worse and retain a lot of the flows on site preventing further problems down stream. A more detailed analysis will come at the preliminary and final plat stage of the development.

Questions were asked about timing

The project team explained that there is no specific time table for development. Right now, the property owner is seeking entitlements and once obtained, they would begin to market the property for sale at a higher price point. It is estimated that it is at least 3-5 years before the first home is in the ground. A number of other roadway logistics/improvements will need to be worked out before development can commence which also takes significant time.

The adjacent property owners asked about the feasibility of an equestrian trail at the south border.

Response: The project team explained that they would look into this in greater detail and work with the City to see if there is a feasible option for this.

Questions were asked about the County lots to the west

Response: The project team explained the City's boundary and that the property owners to the west are unincorporated Maricopa County. This means that 179th Avenue also is owned and maintained by

the County which will require coordination between the City, developer, and the County in the future when development commences.

Question about the surrounding developments, including Tierra Rico

Response: The project team explained that they believe that Tierra Rico is in preliminary plat stages and is planned to have access off Peak View. The project team explained the regional outlook including a map that shows some of the existing and proposed development that is planned in the future.

Questions about timing of approval and next steps.

Response: The project team reiterated that this project requires a public hearing and additional notices from the City will be given once the project advances forward.

Questions were asked about the wildlife of the area

Response: The project team explained that an environmental inventory report must be provided at the preliminary plat stage to illustrate how the project is accommodating any endangered species or natural resources that need to be preserved. This is something that will commence in the next stage of the approval process.

The residents asked the City a number of questions relating to the roadway network and future plans for the bridge across the CAP Canal.

Response: It was explained that there is no timetable for a bridge across the CAP Canal and will be reviewed based on demand and future transportation capacity and long-range plans. This project does not generate enough traffic to justify construction of the bridge currently.

Additionally, the City explained the roads that are public and maintained by the City in the area.

Questions about notification process

Response: The project team explained the protocol of the City and responsibilities for notification procedure, which includes letters, site postings, and newspaper publishing to notify people within a specific radius around the subject site.

Questions about surrounding ownership and the CAP Canal trail

Response: The project team explained the surrounding ownership and stated that there is no existing CAP Canal trail currently but a Maricopa County Regional Trails Plan identified the CAP Canal as an opportunity for a regional trail. No additional details about the timing and look of this trail are known at this time.

Questions about whether this is public or private community

Response: All plans were developed and planned accordingly for public subdivision rather than private. This does not mean the developer in the future wont amend the plan to make this a private community.

Questions about dark skys and light pollution

Response: The project team explained that the City of Surprise has engineering requirements relating to streetlights that will need to be followed. Thus, we would defer to them on whether or not the streetlights out here would be dark sky compliant. The team explained that it is unlikely that these requirements would render this subdivision as dark sky compliant due to these requirements.

There were no questions asked from the residents attending virtually and the meeting commenced at approximately 7:05 PM.

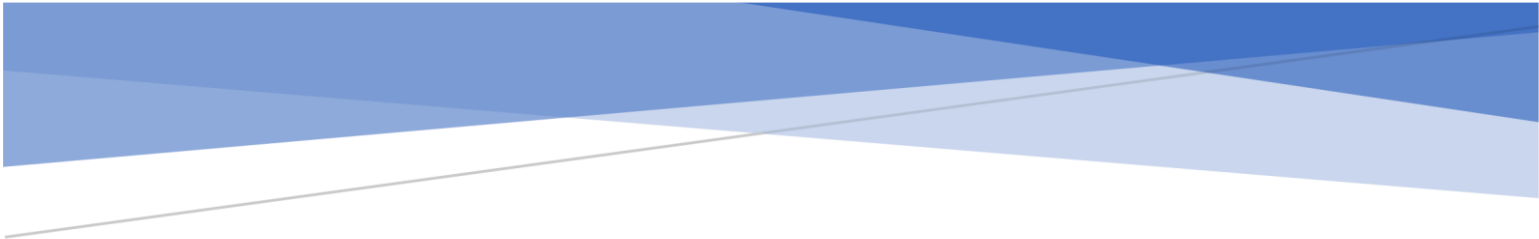
Project: Vistas Montanas - Neighborhood Meeting

Location: Asante Preparatory Academy – Media Center
23251 N 166th Dr
Surprise, AZ 85387

Date and Time: Monday April 25, 2022 – 6:00 PM

NEIGHBORHOOD MEETING SIGN-IN SHEET

NAME	ADDRESS	PHONE	EMAIL
Raymond Grom			
			
Rory & Norma PULZAN			



CITIZEN PARTICIPATION REPORT

Vistas Montanas PAD Amendment

Surprise, AZ
June 13th 2022
FS22-0180



Introduction

Every development application in the City of Surprise that requires a public hearing shall be accompanied by a Citizen Participation Report designed to detail the results of their citizen participation effort prior to the notice of public hearing. The following sections documents the second neighborhood meeting that was held on Vistas Montanas PAD Amendment, case FS22-0180.

Public Outreach

A neighborhood meeting was held for this project on June 13th in accordance with the City requirements. Notices for the meeting were mailed to residents and neighborhood associations fifteen (15) days prior to the meeting by the City of Surprise using a mailing list generated by the City of Surprise for the following date and location:

June 13, 2022

6:00 pm

Asante Preparatory School

23251 N 166th Dr

Surprise, AZ 85387

Sign-In sheet at **Exhibit A: June 13th Neighborhood Meeting Sign in Sheet**

Additionally, the following exhibit is included as part of the Citizen Participation Report:

- Site posting for June 13th meeting at **Exhibit B: Sign Posting Affidavit**

This meeting was also held virtually, and attendance details were provided on the neighborhood meeting letter notification mailout.

Summary of Neighborhood Meeting

The neighborhood meeting was held within proximity to the subject site at the Asante Preparatory Elementary School. The applicant introduced the project via a PowerPoint presentation and described the specifics of the project. Upon conclusion of the formal presentation, the applicant answered questions from the attendee(s). The following section highlights the questions asked and the responses from the applicant at each neighborhood meeting.

The neighborhood meeting started at 6:00 pm. Three staff members of the City of Surprise Planning team, the District City Councilmember, and one member of the public attended the meeting in-person. One resident joined the meeting online. Two representatives of RVi hosted the meeting in-person, and one hosted the meeting online via zoom.

RVi welcomed everyone to the meeting and walked through a 9-slide presentation which went over the site's context/location, the existing and surrounding zoning, the proposed development and how it compares to the existing entitlement of the site, the open space plan, purpose of the request, and timeline of the public review process.

It is appreciated how engaged the two residents were in the meeting; below are the comments and questions they asked followed by answers from RVi:

The resident attending the meeting in-person shared that the majority of his neighbors are gone for the summer but that they have all been discussing the project together, and that his input is of his own as well as on behalf of those residents.

RVi noted this comment.

What is PAD?

PAD stands for Planned Area Development. It is a zoning district/overlay that property owners may propose to rezone to. PAD provides the option for developers to propose extra open space, specific design standards, or higher quality amenities in exchange for rezoning the property to a residential use. For example, this proposal has over 30 acres of open space, and certain homes, and certain homes are restricted to only being single-story.

How will the site be accessed?

There is a primary entrance on 179th Avenue, and secondary entrances from Dixileta Drive and Peak View Drive.

How will the roads be improved and how many lanes?

Dixileta: Dixileta is planned as a Minor Arterial providing 110' of ROW with a center lane median.

179th: 179th Avenue is planned as a Minor Arterial Roadway in accordance with the City of Surprise requirements and provided by the Traffic Impact Analysis. This results in 2 lanes in each direction.

Peak View Drive: Peak View Drive is planned as a collector with 60' of total ROW. This includes 38' feet of pavement and one lane in each direction.

How many homes are proposed?

533 single-family homes are proposed.

What will the border be between the proposed homes in Parcel C and the existing homes to the south along Peak View Drive? These existing homes do not have walls. These are large properties with metal rails / wire fencing along their rear property line for their animals. Will vandalism/trespassing be prevented?

The presentation included an exhibit showing a proposed 50' buffer between the rear walls of the proposed lots, and the rear property lines of the lots on Peak View Drive. The proposed lots will have a 6-foot-tall solid wall. The 50' buffer concept shows space for people to traverse the buffer, near the existing homes rear property line. Staff clarified that the 50-foot buffer will need to be vegetated to provide a transition/screening. The concept is to have this landscaping blend in with the surrounding desert.

We want an easier way to connect to the 60. We have big horse trailers, we don't want to have to use small curvy roads to get to the 60. We are looking for a better connection to the 60.

City staff provided information regarding 163rd eventually going north to connect to 74 and mentioned the existing connection of to the 60.

Will there be a fire access to the site?

The City requires that there be three points for emergency fire access.

One of the main concerns is the safety of children and our animals. We live a very different lifestyle than the residents of the proposed homes, and while we understand that development is inevitable, we want to make sure we can safely and comfortably continue our lifestyle and equally be respectful of theirs.

RVi agreed that safety and neighborly respect being important concerns.

Will the site be constructed in phases?

A home builder will determine if the project will be developed at one or in phases. At this time, a home building has not been identified for the site. RVi is hired by the property owner to provide land planning and entitlement services. After the site is entitled, a home builder may buy the site and then being to plan how construction will take place.

Any construction process (phased or all at once) will need to meet City criteria of what improvements may be required to be constructed prior to homes being built. (i.e streets, community entrances, fire access, community-wide open space/landscaping, retention etc.) While RVi is not the homebuilder, it was shared that based on the layout of the neighborhood, it could be imagined that it may be constructed from east to west.

At 6:34 pm, RVi in-person staff confirmed with the host of the online meter that there were no further questions. Everyone was thanked for attending the meeting and it was closed.

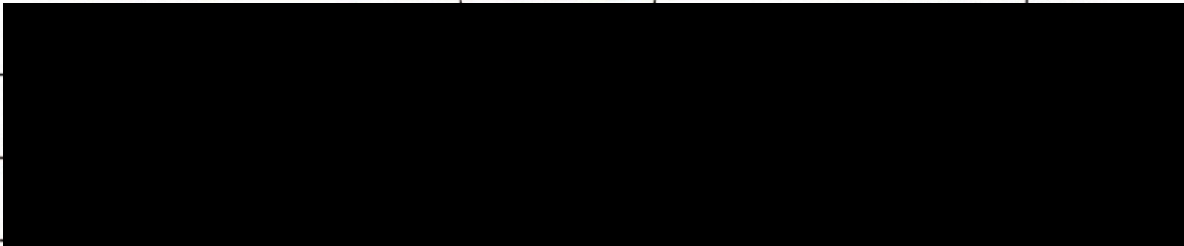
Ongoing Coordination

Throughout the processing of the rezoning application, the development team will engage with all interested parties to provide up to date information and tracking to the schedule public hearings. To date, no additional phone calls or email conversations have occurred as it relates to either application.

EXHIBIT A: JUNE 13TH NEIGHBORHOOD MEETING SIGN-IN SHEET

Project: Vistas Montanas - Neighborhood Meeting
Location: Asante Preparatory Academy – Media Center
23251 N 166th Dr
Surprise, AZ 85387

Date and Time: Monday June 13, 2022 – 6:00 PM

NEIGHBORHOOD MEETING SIGN-IN SHEET			
NAME	ADDRESS	PHONE	EMAIL
<i>Robert W. [unclear]</i>			
<i>CONRADO OCHOA</i>			
<i>Josue Morales</i>			

AFFIDAVIT OF POSTING

Application No: FS22-0180
Applicant Name: RVI
Location: NEC 179th Ave and Peak View Rd
Date Site Posted: 05/13/22

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).

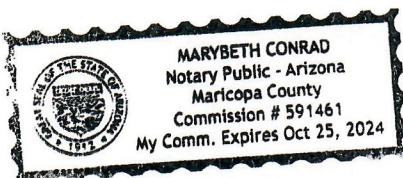
Such notice shall be clearly legible and placed at a prominent location on the site – Generally adjacent and perpendicular to the public right-of-way. It shall be the *responsibility of the applicant* to erect and to maintain the sign on the subject property and to maintain the hearing information on 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.

Meghan Liggett 5/13/22
Applicant/Representative Signature Date

This instrument was acknowledged before me on 05/13/22, by Meghan Liggett. I witness whereof I hereunto set my hand and official seal.



Mary Beth Conrad
Notary Public
10.25.24
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).*

Notice of Public Hearing City of Surprise

In-Person and Virtual

Neighborhood Meeting

Date: June 13, 2022

Time: 6:00 P.M.

Location: Asante Preparatory Academy
23251 N 166th Dr.
Surprise, AZ 85387

Planning & Zoning

Date: TBD

Time: 6:00 P.M.

Location: 16000 N Civic Center Plaza
Surprise, AZ 85374

City Council

Date: TBD

Time: 6:00 P.M.

Location: 16000 N Civic Center Plaza
Surprise, AZ 85374

Virtual Meeting Link: <https://bit.ly/3smkHdB>

Meeting ID: 834 5110 7350

Passcode: 134220

Phone: 1-669-900-6833

Case number: FS22-0180

Request: A Major Zoning Amendment to the Vistas Montanas Planned Area Development (PAD) to update the conceptual development plan and development of a single-family residential development.

Please call to confirm dates: 623-222-3600 or Surpriseaz.gov

VICINITY MAP



May 13, 2022 at 10:40:40 AM

City of Surprise

Neighborhood Meeting

Planning & Zoning

City Council

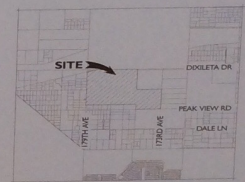
Date: TBD

Time: 6:00 P.M.

Location: 16000 N Civic Center Plaza
Surprise, AZ 85374

Case number: FS22-0180

VICINITY MAP



Please call to confirm dates: 623- 222-3011 Surpriseaz.gov

In-Person and Virtual

Planning & Zoning

Date: June 13, 2022

Time: 6:00 P.M.

Location: Asante Preparatory Academy
23251 N 166th Dr.
Surprise, AZ 85387

Date: TBD

Time: 6:00 P.M.

- Location: 16000 N Civic Center Plaza
Surprise, AZ 85374

Date: TBD

Time: 6:00 P.M.

Location: 16000 N Civic Center Plaza
Surprise, AZ 85374

Virtual Meeting Link <https://bit.ly/3smkHdB>

Meeting ID: 834 5110 7350

Passcode: 134220

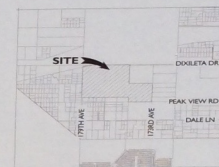
Phone: 1-669-900-6833

Case number: FS22-0180

Request: A Major Zoning Amendment to the Vistas Montanas Planned Area Development (PAD) to update the conceptual development plan and development of a single-family residential development.

Please call to confirm dates: 623- 222-3011 Surpriseaz.gov

VICINITY MAP



Notice of Public Hearing

City of Surprise

In-Person and Virtual

Neighborhood Meeting

Planning & Zoning

City Council

Date: June 13, 2022

Date: TBD

Date: TBD

Time: 6:00 P.M.

Time: 6:00 P.M.

Time: 6:00 P.M.

Location: Asante Preparatory Academy
23251 N 166th Dr.
Surprise, AZ 85387

Location: 16000 N Civic Center Plaza
Surprise, AZ 85374

Location: 16000 N Civic Center Plaza
Surprise, AZ 85374

Virtual Meeting Link <https://bit.ly/3smkHdB>

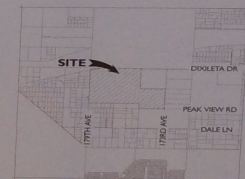
Meeting ID: 834 5110 7350

Passcode: 134220

Phone: 1-669-900-6833

Case number: FS22-0180

VICINITY MAP



Request: A Major Zoning Amendment to the Vistas Montanas Planned Area Development (PAD) to update the conceptual development plan and development of a single-family residential development.

Please call to confirm dates: 623- 222-3011 Surpriseaz.gov

May 13, 2022 at 10:27:37 AM

AFFIDAVIT OF POSTING

Application No: FS22-0180
Applicant Name: RVI
Location: NEC 179th Ave and Peak View Rd
Date Site Posted: 02/09/23

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.

Meghan Liggett
Applicant/Representative Signature

2/9/23
Date

This instrument was acknowledged before me on 02/09/23, by Meghan Liggett. I witness whereof I hereunto set my hand and official seal.



Marybeth Conrad
Notary Public

10-25-24
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).*

Notice of Public Hearing

City of Surprise

In-Person and Virtual

Neighborhood Meeting

Planning & Zoning

City Council

Date: June 13, 2022

Date: September 15, 2022

Date: March 21, 2023

Time: 6:00 P.M.

Time: 6:00 P.M.

Time: 6:00 P.M.

Location: Asante Preparatory Academy
23251 N 166th Dr.
Surprise, AZ 85387

Location: 16000 N Civic Center Plaza
Surprise, AZ 85374

Location: 16000 N Civic Center Plaza
Surprise, AZ 85374

Virtual Meeting Link: <https://bit.ly/3smkHdB>

Meeting ID: 834 5110 7350

Passcode: 134220

Phone: 1-669-900-6833

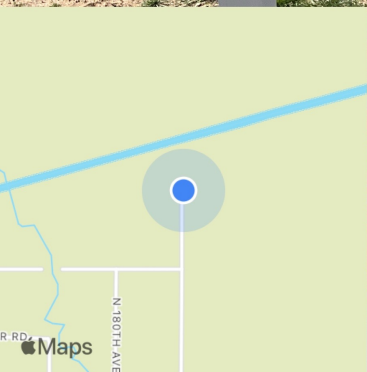
Case number: FS22-0180

Request: A Major Zoning Amendment to the Vistas Montanas Planned Area Development (PAD) to update the conceptual development plan and development of a single-family residential development.

VICINITY MAP



Please call to confirm dates: 623- 222-3011 Surpriseaz.gov



Feb 09, 2023 10:43AM
29740-29754 N 179th Ave
Maricopa County

Notice of Public Hearing

City of Surprise

In-Person and Virtual

Neighborhood Meeting

Planning & Zoning

City Council

Date: June 13, 2022

Date: September 15, 2022

Date: March 21, 2023

Time: 6:00 P.M.

Time: 6:00 P.M.

Time: 6:00 P.M.

Location: Asante Preparatory Academy
23251 N 166th Dr.
Surprise, AZ 85387

Location: 16000 N Civic Center Plaza
Surprise, AZ 85374

Location: 16000 N Civic Center Plaza
Surprise, AZ 85374

Virtual Meeting Link: <https://bit.ly/3smkHdB>

Meeting ID: 834 5110 7350

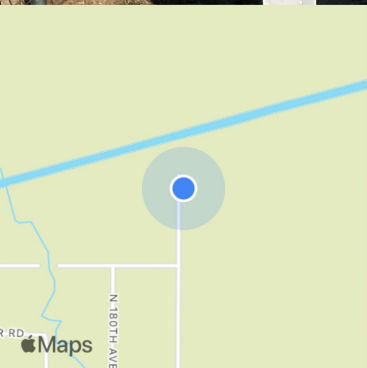
Passcode: 134220

Phone: 1-669-900-6833

Case number: FS22-0180

Request: A Major Zoning Amendment to the Vistas Montanas Planned Are Development (PAD) to update the conceptual development plan and development of a single-family residential development.

VICINITY MAP



Page 165 of 227

Notice of Public Hearing

City of Surprise

In-Person and Virtual

Neighborhood Meeting

Date: June 13, 2022

Time: 6:00 P.M.

Location: Asante Preparatory Academy
23251 N 166th Dr.
Surprise, AZ 85387

Planning & Zoning

Date: September 15, 2022

Time: 6:00 P.M.

Location: 16000 N Civic Center Plaza
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City Council

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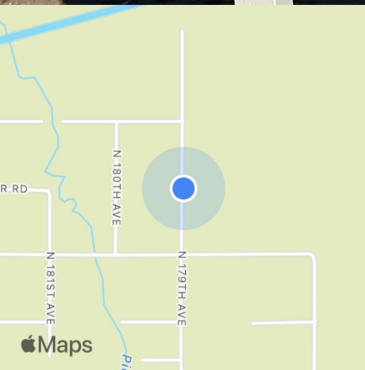
Phone: 1-669-900-6833

Case number: FS22-0180

Request: A Major Zoning Amendment to the Vistas Montanas Planned Area Development (PAD) to update the conceptual development plan and development of a single-family residential development.

Please call to confirm dates: 623-222-3011 Surpriseaz.gov

VICINITY MAP



Feb 09, 2023 10:38AM
29000-29398 N 179th Ave
Maricopa County

Notice of Public Hearing City of Surprise

In-Person and Virtual

Neighborhood Meeting

Date: June 13, 2022

Time: 6:00 P.M.

Location: Asante Preparatory Academy
23251 N 166th Dr.
Surprise, AZ 85387

Planning & Zoning

Date: September 15, 2022

Time: 6:00 P.M.

Location: 16000 N Civic Center Plaza
Surprise, AZ 85374

City Council

Date: March 21, 2023

Time: 6:00 P.M.

Location: 16000 N Civic Center Plaza
Surprise, AZ 85374

Virtual Meeting Link <https://bit.ly/3smkHdB>

Meeting ID: 834 5110 7350

Passcode: 134220

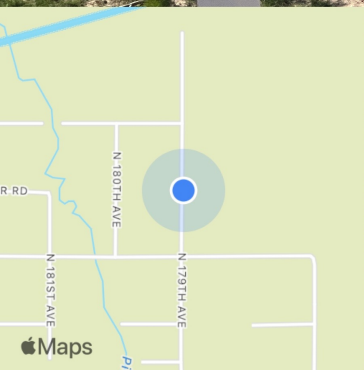
Phone: 1-669-900-6833

Case number: FS22-0180

Request: A Major Zoning Amendment to the Vistas Montanas Planned Area Development (PAD) to update the conceptual development plan and development of a single-family residential development.

Please call to confirm dates: 623- 222-3011 Surpriseaz.gov

VICINITY MAP



Feb 09, 2023 10:37AM
29000-29398 N 179th Ave
Maricopa County

ORDINANCE # 2023-07

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA, APPROVING A MAJOR PLANNED AREA DEVELOPMENT (PAD) AMENDMENT FOR DEVELOPMENT STANDARDS FOR VISTA MONTANAS (PAD07-185), GENERALLY LOCATED AT THE NORTHEAST CORNER OF 179TH AVENUE AND PEAK VIEW ROAD, BETWEEN 179TH AVENUE AND 173RD AVENUE, SOUTH OF DIXILETA ROAD.

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 at the northeast corner of 179th Avenue and Peak View Road, between 179th Avenue and 173rd Avenue, south of Dixileta Road;

WHEREAS, the subject site is zoned Vista Montanas PAD pursuant to PAD07-185 approved on March 27, 2008;

WHEREAS, the proposed use of the subject site requires modification of the applicable zoning regulations;

WHEREAS, this PAD amendment is in harmony with the purposes and intent of the Vistas Montanas PAD, the zoning ordinance, and the Surprise General Plan; and

WHEREAS, on August 18, 2022, the Planning and Zoning Commission recommended approval of the subject Vistas Montanas PAD amendment.

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

Section 1. *Major PAD Amendment.* The “Vistas Montanas PAD” is herewith amended to reflect the development changes subject to the following stipulations:

- a. Development and use of the site shall be consistent with the narrative entitled “Vistas Montanas PAD” dated February 15, 2023.
- b. 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.

- c. The water solution to serve this development will need to be documented in a development agreement before the City will approve a preliminary plat.
- d. The developer must submit proof of sewer treatment capacity with final plat submittals.
- e. The SPA 2 Water Reclamation Facility has a treatment capacity of 2 MGD and will treat wastewater generated from this development. The current Phase I wastewater capacity has been fully allocated in the form of EDUs of wastewater capacity totaling 9,524 per the SPA 2 Water Reclamation Facility Capacity Allocation Agreement recorded as instrument No. 201503548465, Records of Maricopa County, Arizona dated 5/20/2015.
- f. The developer must submit proof of payment for SPA 2 Sewer Interceptor Agreement buy-in fee (MCR# 20090350621) prior to City approval of a final plat.

Section 2. *Codification.* This Ordinance is not of a general nature and shall not be codified.

Section 3. *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 4. *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 5. *Effective Date.* This ordinance shall become effective at the time and in the manner prescribed by law.

SIGNATURES TO FOLLOW ON NEXT PAGE

PASSED AND ADOPTED this _____ day of _____ 2023.

Skip Hall, Mayor

Attest:

Approved as to form:

Sherry Aguilar, City Clerk

Robert Wingo, City Attorney

EXHIBIT A
LEGAL DESCRIPTION FOR PROPERTY



ONE COMPANY.
INFINITE SOLUTIONS.

LEGAL DESCRIPTION
PAD EXHIBIT
VISTAS MONTANAS
APN 503-51-008J
CITY OF SURPRISE, ARIZONA

LOCATED WITHIN A PORTION OF THE NORTH HALF OF SECTION 26, TOWNSHIP 5 NORTH,
RANGE 2 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY,
ARIZONA.

MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A FOUND IRON PIPE ACCEPTED AS THE NORTH QUARTER CORNER OF SAID
SECTION 26 FROM WHICH A FOUND GLO BRASS CAP BEING THE NORTHEAST CORNER OF
SAID SECTION 26 THEREOF BEARS N89°50'39"E A DISTANCE OF 2645.11 FEET;

THENCE, LEAVING SAID NORTH LINE OF SAID SECTION 26, S00°00'15"W A DISTANCE OF
1317.13 FEET;

THENCE, N89°51'41"E A DISTANCE OF 1322.17 FEET;

THENCE, S00°02'29"W A DISTANCE OF 1317.48 FEET;

THENCE, S89°52'09"W A DISTANCE OF 1321.82 FEET;

THENCE, N00°01'34"E A DISTANCE OF 329.32 FEET;

THENCE, S89°52'57"W A DISTANCE OF 2644.58 FEET, TO A POINT ON THE WEST LINE OF SAID
SECTION 26;

THENCE ALONG SAID WEST LINE, N00°01'23"W A DISTANCE OF 2171.29 FEET;

THENCE, N74°51'15"E A DISTANCE OF 534.92 FEET TO A POINT ON THE NORTH LINE OF SAID
SECTION 26;

THENCE, S89°59'10"E A DISTANCE OF 2129.65 FEET ALONG SAID NORTH LINE TO THE **POINT
OF BEGINNING.**



PAGE 1 OF 3



ONE COMPANY.
INFINITE SOLUTIONS.

THE ABOVE DESCRIBED PARCEL CONTAINS A COMPUTED AREA OF 7,811,448 SQUARE FEET OR 179.33 ACRES, MORE OR LESS AND IS SUBJECT TO ANY EASEMENTS, RESTRICTIONS, OR RIGHTS OF WAY OF RECORD OR OTHERWISE.

THE DESCRIPTION SHOWN HEREON IS NOT TO BE USED TO VIOLATE ANY SUBDIVISION REGULATIONS OF THE STATE, COUNTY AND/OR MUNICIPALITY OR ANY OTHER LAND DIVISION RESTRICTIONS.

PREPARED BY:
ATWELL, LLC
4700 E. SOUTHERN AVENUE
MESA, ARIZONA 85206
PROJECT NO. 21001285
AUGUST 25TH, 2022

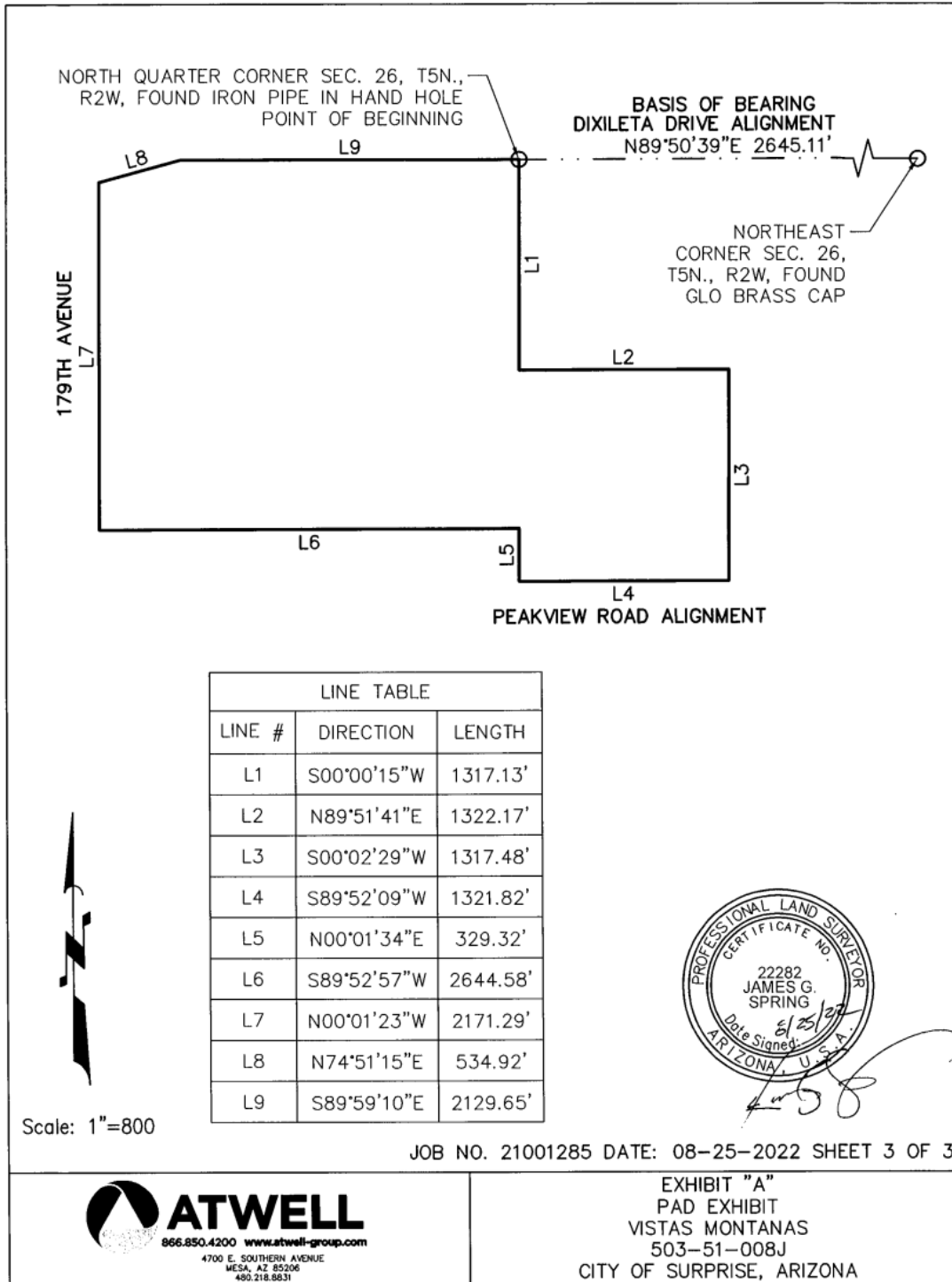


PAGE 2 OF 3

Ordinance No. 2023-07
RFLS #8449
Rev 03/23

EXHIBIT B

DEPICTION OF PROPERTY SUBJECT TO THE PAD AMENDMENT



K:\21001285 - VISTAS MONTANAS PAD AMENDMENT\DWG\SURVEY\EXHIBIT\PAD LEGAL DESCRIPTION\21001285 VISTAS PAD.DWG
SAVE DATE: 8/25/2022 11:42 AM PLOT DATE: 8/25/2022 11:46 AM

Ordinance No. 2023-07
RFLS #8449
Rev 03/23



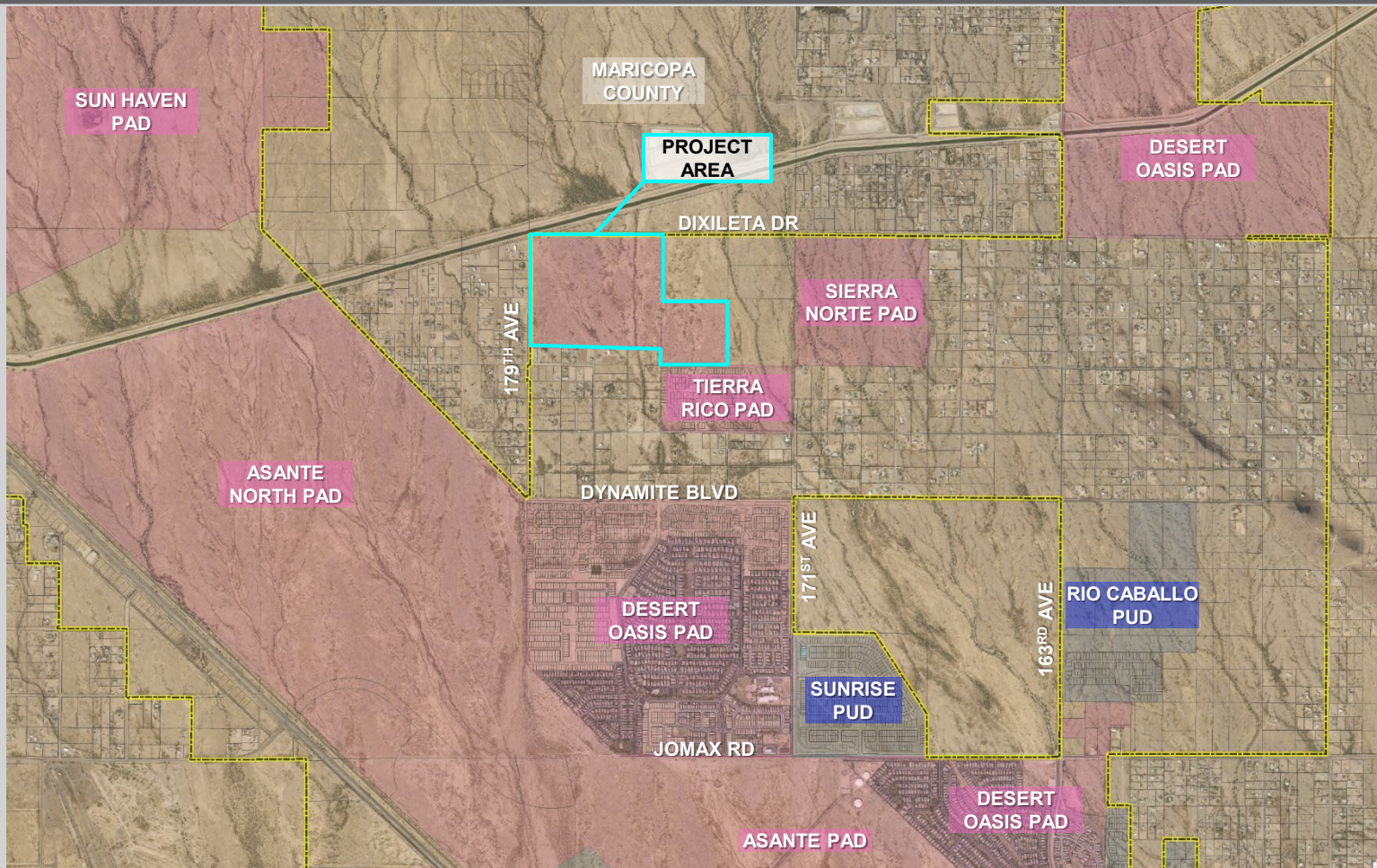
FS22-0180

Vista Montanas PAD Amendment

City Council
March 21, 2023

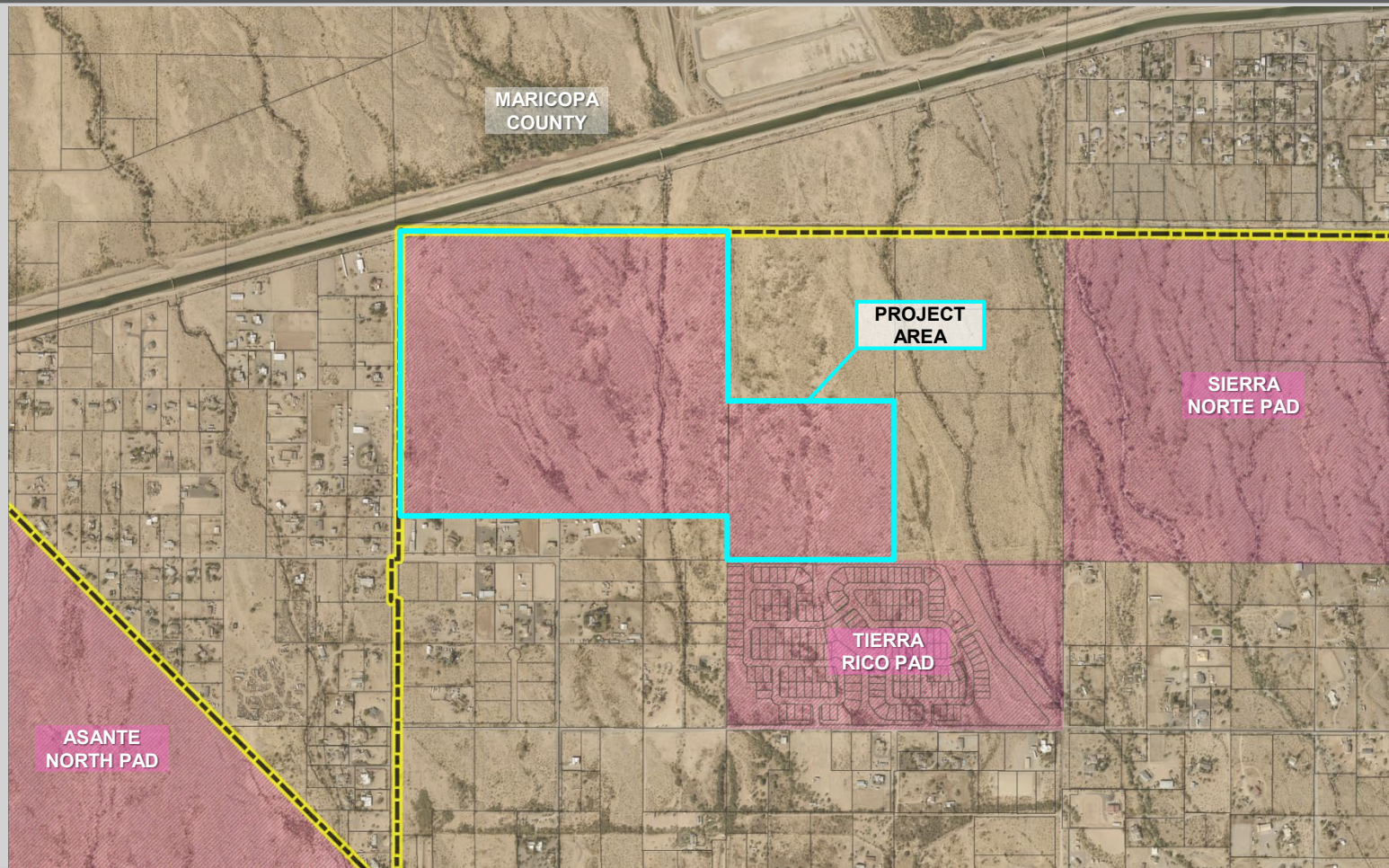


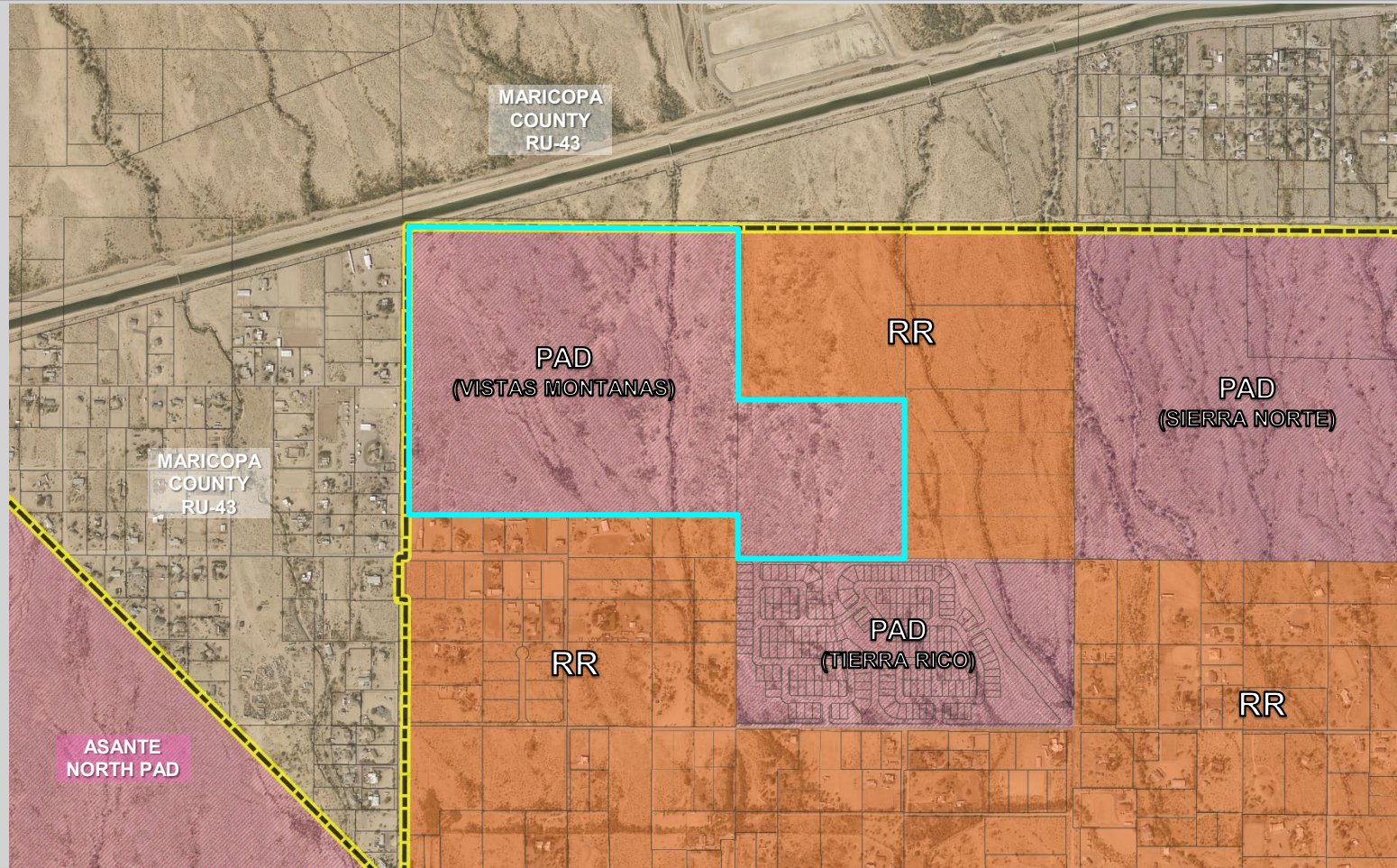
Continued from September 20, 2022 City Council meeting



VICINITY MAP









PAD Amendment Request

- Update the previous design option point system to match the development standards consistent with the Land Development Ordinance (LDO) and Planning and Engineering Design Standards
- Update the conceptual development plan and roadway network



PAD Amendment Request

- Increase the overall density from 2.4 du/ac to 2.9 du/ac
- Update the lot sizes and distribution of lots throughout the site
- Increase the percentage of open space from 12% to 20%



PAD Amendment Request

Additional requests:

- Elimination of four (4) 45'x120' lots located within Parcel A
- Park located within Parcel A has expanded from 1.3 acres to 2.0 acres
- Parcel A park includes a swimming pool and parking spaces for the amenity site

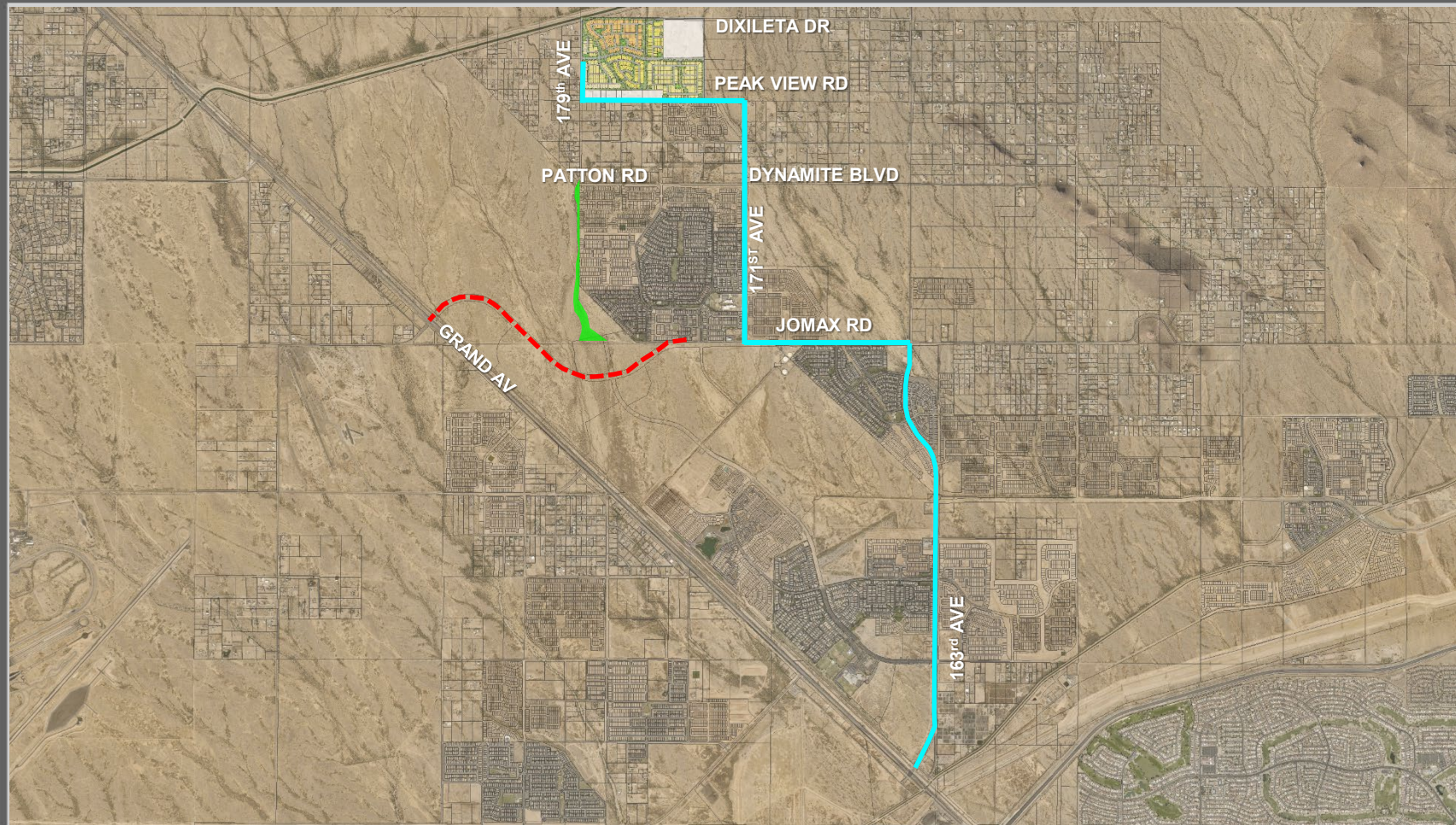
DEVELOPMENT STANDARDS

Table 106-2c - Residential Low Density (R-1) Zoning district

Lot Categories	A ³	B	C	D	E	F
General Plan Compatibility	Suburban	Suburban	Suburban	Suburban and Rural	Rural	Rural
Lot Area (sf)	4950-7,999	8,000-11,999	12,000-17,999	18,000-27,999	28,000-43,559	≥ 43,560
Min Lot Width (sf)	45	60	80	90	100	130
Min. Front setback ¹ (ft)	12	12	15	20	20	30
Max. Front setback (ft)	25	25	30	35		
Min. Rear setback ¹ (ft)	15	20	20	25	30	30
Min. Side setback ¹ (ft)	5 & 8	5 & 10	10	10 & 15	20	20
Min. Street side setback ¹ (ft)	15	15	15	15	20	20
Max. Bldg. Height (ft)	35	35	35	35	35	35
Max Lot coverage		45%	40%	30%	30%	25%
Open space (% of gross area of residential development) ³	20%	20%	20%	15%	15%	10%

Notes:

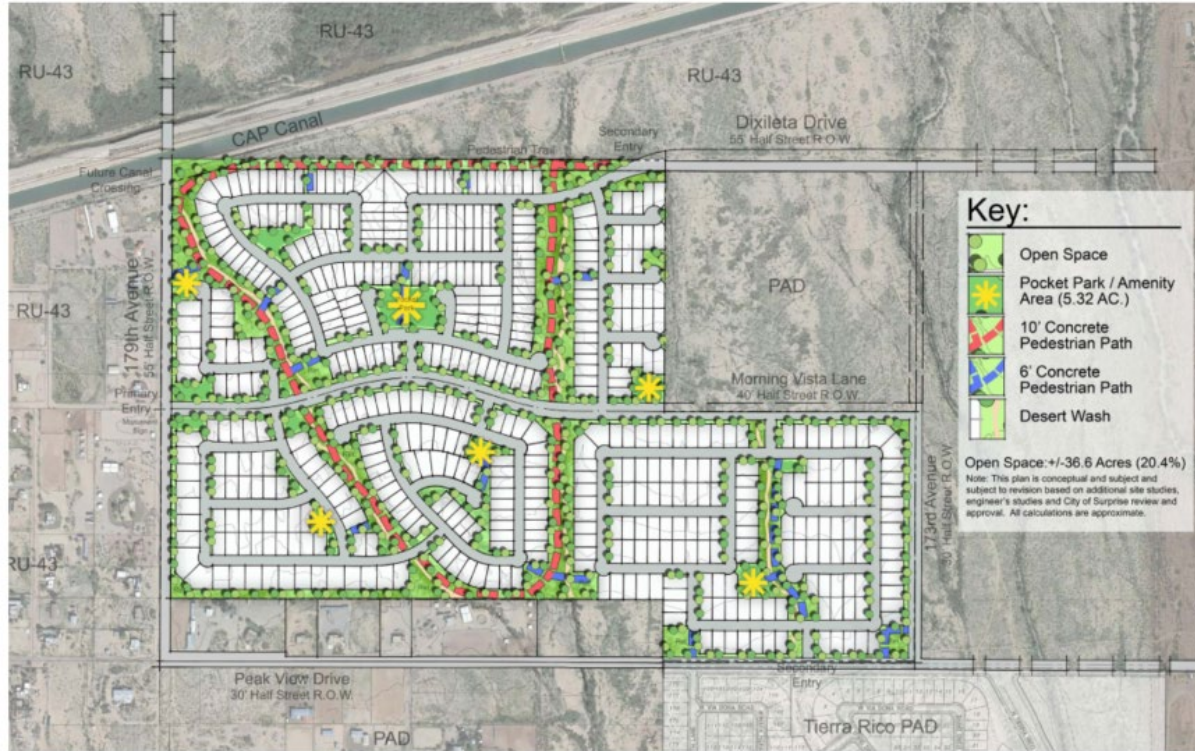
1. *Garage* face and embellishments shall be *setback* a minimum of twenty feet (20') measured from any opposing property line; except rear *alley* loaded *garages*, which shall be *setback* six feet (6') from edge of *alley* line.
2. The City requires *open space* on a development/subdivision basis rather than on a *lot-by-lot* basis. Subdivisions with more than one lot category will provide the higher percentage of open space.
3. Residential projects shall contain no more than fifty percent (50%) of lots less than forty-eight feet (48') wide as calculated across whole subdivisions or preliminary plat and will include mitigating designs outline in Chapter 108 of this ordinance.



CONNECTIVITY MAP

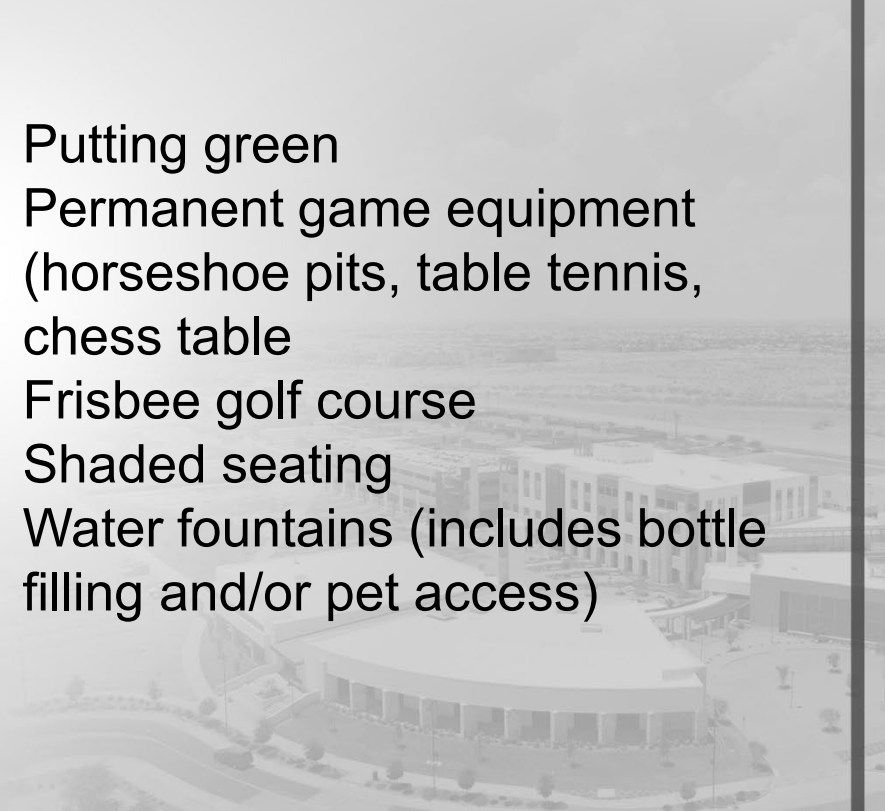
Open Space Plan

EXHIBIT G-1: OPEN SPACE PLAN





AMENITIES

- Pool
 - Ramada with BBQ/seating
 - Tot lot area, min 3,000 sq ft
 - Sport court
 - Concrete multi-use court (60x60 min)
 - Outdoor fitness equipment
 - Weight room
 - Putting green
 - Permanent game equipment (horseshoe pits, table tennis, chess table)
 - Frisbee golf course
 - Shaded seating
 - Water fountains (includes bottle filling and/or pet access)
- 

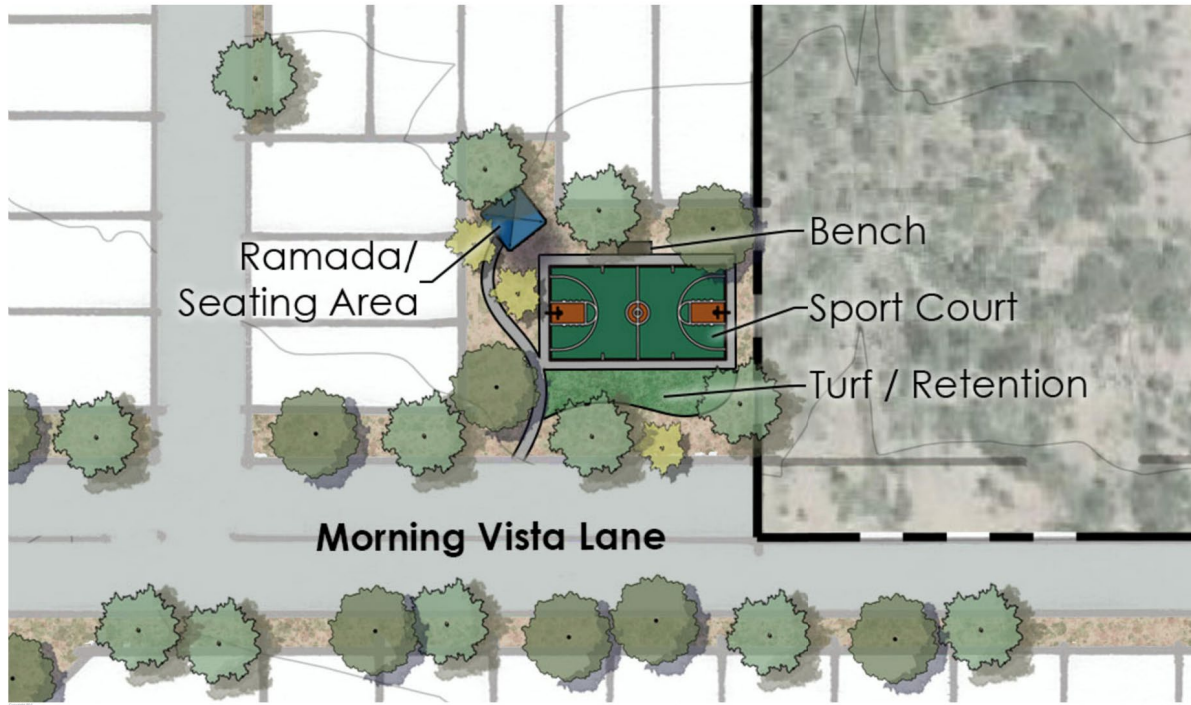
Conceptual Plan Pocket Park A



Developer proposes the following amenities for Pocket Park A:

- Pool
- Tot lot
- Ramada with seating
- Turf Play area

Conceptual Plan Pocket Park B

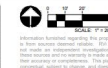


Developer proposes the following amenities for Pocket Park B:

- Ramadas with seating
- Turf Play area
- Half basketball court



VISTAS MONTANAS • CONCEPTUAL POCKET PARK / AMENITY FOR PARCEL B
● SURPRISE, AZ
■ 2020-08-08
● 20200214
▲ SURPRISE LAND HOLDINGS, LLC





OUTREACH

Citizen Participation Meetings

- April 25, 2022 – 4 in-person/3 virtual attendees
- May 23, 2022 - meeting was not held
- June 13, 2022 – 2 in-person attendees/1 virtual attendee

Concerns – timing, access to site, homebuilder, equestrian nature of area, trails to CAP, construction of roadways, surrounding development.



RECOMMENDATION

Commission Recommendation:

Approve subject to stipulations “a” through “e”



SURPRISE
ARIZONA

QUESTIONS OR COMMENTS?

Thank You



STIPULATIONS

- a. Development and use of the site shall be consistent with the narrative entitled “Vista Montanas PAD” dated February 15, 2023.
- b. 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.
- c. The water solution to serve this development will need to be documented in a development agreement before the City will approve a preliminary plat. Applicant must submit proof of sewer treatment capacity with final plat submittals.
- d. The SPA 2 Water Reclamation Facility has a treatment capacity of 2 MGD and will treat wastewater generated from this development. The current Phase I wastewater capacity has been fully allocated in the form of EDUs of wastewater capacity totaling 9,524 per the SPA 2 Water Reclamation Facility Capacity Allocation Agreement recorded as instrument NO. 201503548465, Records of Maricopa County, Arizona dated 5/20/2015.
- e. Applicant must submit proof of payment for SPA 2 Sewer Interceptor Agreement buy-in fee (MCR# 20090350621) prior to City approval of Final Plat.



CITY OF SURPRISE Regular City Council Meeting

Council Meeting Date: March 21, 2023
Submitting Department: Human Svcs and Comm
Vitality
Staff Recommendations:

Contact Person: Seth Dyson, DIRECTOR - HSCV
District: District 4

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

Consideration and action pertaining to a ground lease between the City of Surprise and the Housing Authority of Maricopa County for affordable senior housing in Surprise. Resolution 2023-35.

Motion:

I move to approve Resolution #2023-35.

Background:

The Human Service and Community Vitality Department is proposing to enter into a ground lease agreement with the Housing Authority of Maricopa County (HAMC) for city-owned property located at 15627 North Nash Street. HAMC will then utilize federal, Section 202, funding awarded by the U.S. Department of Housing and Urban Development on September 21, 2021 to develop 99 units of affordable senior housing in Surprise.

City and HAMC recognize the importance of providing affordable housing for low-income, elderly persons. In response to growing affordable housing concerns and the impact of rising housing costs, HSCV, in partnership with HAMC, is proposing to establish a ground lease for the development of a senior housing complex in the City of Surprise. People aged 50 and older make up over thirty percent of the nation's homeless population and that number is projected to more than double by 2050. Federal and State, age-defined housing resources are available in Maricopa County. However, many senior Surprise residents have difficulty accessing resources outside of Surprise. The senior housing complex will provide affordable permanent housing for low-income senior residents, which will in turn offer stability and help prevent them from becoming homeless.

The Intergovernmental Agreement associated with this item is presented to Council for consideration in a separate item, #3, Resolution 2023-36.

Objective Analysis:

This action authorizes the City to enter into a ground lease agreement with the Housing Authority of Maricopa County in order to develop affordable senior housing in Surprise.

Policy Compliant:

This action is compliant with City and Council policy.

Financial Impact:

Pursuant to the terms of the proposed Ground Lease, the City will lease the Property to HAMC for the amount of ten dollars (\$10.00) per year for a period of seventy-five (75) years. In total, the City will receive \$750 in revenue for the leased property. The proposed Heritage Senior Apartments development is estimated to be a \$23 million investment in the Original Townsite of Surprise.

Budget Impact:

The anticipated annual revenue of \$10 per year will be considered when setting future budgets. There are no anticipated expenditures with the approval of this item.

FTE Impact:

There is no FTE impact.

ATTACHMENTS:

1. 23.03.10 EVR TH Ground Lease with City of Surprise
-

RESOLUTION # 2023-35

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA APPROVING A GROUND LEASE BETWEEN THE CITY OF SURPRISE AND THE HOUSING AUTHORITY OF MARICOPA COUNTY FOR CONSTRUCTION OF AFFORDABLE SENIOR HOUSING IN SURPRISE.

WHEREAS, the City of Surprise is authorized by Arizona Revised Statutes ("A.R.S.") § 9-241(A) to lease city-owned real property;

WHEREAS, the City and the Housing Authority of Maricopa County ("HAMC") propose to enter into the Ground Lease attached as **Exhibit A** pursuant to the Intergovernmental Agreement ("IGA") concurrently approved pursuant to Resolution #2023-36;

WHEREAS, the City recognizes the importance of housing that is affordable to people of all income levels, and in particular senior citizens, and that HAMC, in part, provides such affordable housing to people in Maricopa County, including the City of Surprise;

WHEREAS, the property is located within the Original Town Site ("OTS") at 15627 North Nash Street, Surprise, Arizona, and is identified by Maricopa County Assessor's Parcel Numbers 501-80-034A and 501-80-034C, as more particularly described in the Ground Lease (the "Property");

WHEREAS, the City will lease the Property to HAMC for \$10.00 per year for a period of 75 years and the Ground Lease shall be eligible for two additional ten-year extensions;

WHEREAS, the City authorizes HAMC to sublease the Property for the purpose of allowing its subtenant to construct and operate a 99-unit low-income senior apartment complex on the Property;

WHEREAS, the parties desire to enter into the Ground Lease attached as **Exhibit A** for the purpose stated herein.

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

Section 1. The Ground Lease between the City of Surprise and the Housing Authority of Maricopa County, 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 agreement.

APPROVED AND ADOPTED this ____ day of _____, 2023.

Skip Hall, Mayor

Attest:

Approved as to form:

Sherry Aguilar, City Clerk

Robert Wingo, City Attorney

EXHIBIT A

GROUND LEASE BETWEEN
THE CITY OF SURPRISE AND THE HOUSING AUTHORITY OF
MARICOPA COUNTY



CITY OF SURPRISE Regular City Council Meeting

Council Meeting Date: March 21, 2023
Submitting Department: Human Svcs and Comm
Vitality
Staff Recommendations:

Contact Person: Seth Dyson, DIRECTOR - HSCV
District: Citywide

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

Consideration and action pertaining to the approval of an Intergovernmental Agreement with the Housing Authority of Maricopa County for affordable senior housing in Surprise. Resolution 2023-36

Motion:

I move to approve Resolution #2023-36.

Background:

The City of Surprise, Human Service and Community Vitality Department and Housing Authority of Maricopa County (HAMC) recognize the importance of providing affordable housing for low-income, elderly persons. In response to growing affordable housing concerns and the impact of rising housing costs, HSCV, in partnership with HAMC would like to address the issue of affordable housing for low-income seniors. The City owns the property located at 15627 North Nash Street within the City of Surprise which will be leased to HAMC through the proposed ground lease (**the ground lease is presented to Council for consideration in a separate item, #2, Resolution 2023-35**). The senior housing complex will provide affordable permanent housing for low-income senior residents, which will in turn offer stability and help prevent them from becoming homeless.

The parties desire to enter into an intergovernmental agreement in order to set forth respective intentions for the structure of ownership and management of the property and project.

Objective Analysis:

This action authorizes the City to enter into an intergovernmental agreement with the Housing Authority of Maricopa County in order to develop affordable senior housing in Surprise.

Policy Compliant:

This action is compliant with City and Council policy.

Financial Impact:

The proposed Intergovernmental Agreement (IGA) requires the City to ground lease the property located at 15627 North Nash Street to HAMC for \$10 per year for a term of 75 years. There are no

anticipated expenses associated with the execution of either the IGA or ground lease. The management and on-going maintenance of the property will be the responsibility of HAMC and their project partner. The proposed Heritage Senior Apartments development is estimated to be a \$23 million investment in the Original Townsite of Surprise.

Budget Impact:

The anticipated annual revenue of \$10 per year will be considered when setting future budgets. There are no anticipated expenditures with the approval of this item.

FTE Impact:

There is no FTE impact.

ATTACHMENTS:

1. 23.03.10 EVR REDLINE Revised Surprise IGA w HAMC
-

RESOLUTION # 2023-36

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA APPROVING AN INTERGOVERNMENTAL AGREEMENT WITH THE HOUSING AUTHORITY OF MARICOPA COUNTY FOR CONSTRUCTION AND OPERATION OF AFFORDABLE SENIOR HOUSING IN SURPRISE.

WHEREAS, pursuant to Arizona Revised Statute §11-951, *et seq.*, the City of Surprise has the authority to enter into intergovernmental agreements with other governmental entities for the purposes set forth therein;

WHEREAS, the City recognizes the importance of housing that is affordable to people of all income levels, and in particular senior citizens, and that HAMC, in part, provides such affordable housing to people in Maricopa County, including the City of Surprise;

WHEREAS, the City owns certain real property located at 15627 North Nash Street, Surprise, Arizona which is identified as Maricopa County Assessor's Parcel Numbers 501-80-034A and 501-80-034C (the "Property"), which the City desires to lease to HAMC and HAMC desires to lease from the City pursuant to the Ground Lease approved concurrently by Resolution #2023-35;

WHEREAS, utilizing the Department of Housing and Urban Development, Section 202 Supportive Housing For Elderly Persons, HAMC, through its nonprofit corporation, GEM Housing Solutions, and project partner, Gorman & Company, LLC, a Wisconsin limited liability company, desire to cooperatively develop an affordable senior housing project ("Project") on the Property pursuant to the Ground Lease, such Project to consist of 99 apartments, common rooms, common areas, and parking; and

WHEREAS, the parties desire to enter into the Intergovernmental Agreement attached hereto as **Exhibit A** in order to facilitate the structure and ownership of the Project on the Property pursuant to the Ground Lease;

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

Section 1. The Intergovernmental Agreement between the City of Surprise and the Housing Authority of Maricopa County, 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 agreement.

APPROVED AND ADOPTED this ____ day of _____, 2023.

Skip Hall, Mayor

Attest:

Approved as to form:

Sherry Aguilar, City Clerk

Robert Wingo, City Attorney

EXHIBIT A

INTERGOVERNMENTAL AGREEMENT BETWEEN
THE CITY OF SURPRISE AND THE HOUSING AUTHORITY OF
MARICOPA COUNTY

EXHIBIT B
SITE PLAN

INTERGOVERNMENTAL AGREEMENT BETWEEN
HOUSING AUTHORITY OF MARICOPA COUNTY
AND
THE CITY OF SURPRISE
FOR AFFORDABLE HOUSING IN SURPRISE, ARIZONA
KNOWN AS “HERITAGE SENIOR APARTMENTS”
(C-XX-XX-_____)

This Intergovernmental Agreement (“**Agreement**”) is entered by and between the Housing Authority of Maricopa County, a political subdivision of the State of Arizona (“**HAMC**”), and the City of Surprise, an Arizona municipal corporation (“**City**”). HAMC and the City are collectively referred to as the “**Parties**” or individually as a “**Party**.”

STATUTORY AUTHORIZATION

1. Arizona Revised Statutes § 11-951 *et seq.* authorizes public agencies to enter into Intergovernmental Agreements for the provision of services or for joint cooperative action.

BACKGROUND

2. City owns certain real property located at 15627 North Nash Street within the City of Surprise and identified by Maricopa County Assessor’s Parcel Numbers (“**APN**”) 501-80-034A and 501-80-034C, as more particularly described on the attached ***Exhibit “A”***, which will be leased to HAMC (the “**Property**”).

3. City and HAMC recognize the importance of providing affordable housing to low income, elderly persons.

4. HAMC’s Board of Commissioners approved the creation of GEM Housing Solutions, an Arizona nonprofit corporation, hereinafter referred to as the (“**Corporation**”), to “lessen the burdens of Government,” as that term is used in Treasury Regulation 1.501(c)(3)-1(d)(2), through the performance of activities and services that promote the availability and expansion of affordable housing in Maricopa County by the provision of support to HAMC.

5. The Corporation submitted an application for funding to the U.S. Department of Housing and Urban Development (“**HUD**”) Section 202 Supportive Housing For Elderly Persons, (“**HUD 202 Program**”). The Corporation was awarded FY 2020 Section 202 Supportive Housing for the Elderly Program funds on September 21, 2021 (“**202 Award**”), to be used to complete a new construction build of affordable elderly apartment units in the Surprise Old Town Site (“**OTS**”), which will be named Heritage Senior Apartments, hereinafter referred to as the (“**Project**”). As

required by the 202 Award, the apartment units will be used solely as rental housing for very-low income elderly persons.

6. The Corporation formed an affiliate, GEM Heritage LLC, which will be the owner of the Project (“**Project Owner**”). The Corporation is the sole member of the Project Owner and HAMC is the manager of the Project Owner.

7. The Project Owner and HAMC desire to cooperatively develop ninety-nine (99) apartment units, common areas, and parking, as depicted on the site plan attached as **Exhibit “B”** (“**Site Plan**”).

8. The Parties agree that the Property and the Project are to be dedicated to providing affordable housing in perpetuity, including for the duration of the Lease. Accordingly, the Parties also agree that, subject to restrictions required by HUD related to the 202 Award, City may record a deed restriction against the Property limiting use of the Property to affordable housing in perpetuity or until such time as a super majority of the Surprise City Council should agree to remove the restriction. The Parties further agree that the Lease will include an express provision to this effect.

9. It is anticipated that one or more entities affiliated with a low-income housing tax credit investor (such entities being the “**Investor Members**”) will be admitted as members of Project Owner in connection with the closing of financing for the Project. HAMC, as lessee, will enter into a Ground Lease with City, as lessor, for the Property (“**Lease**”), to be executed prior to or at the first closing for the Project (“**First Closing**”).

10. HAMC will enter into a Ground Sublease with the Project Owner for the Property (“**Sublease**”) at or prior to the First Closing for the Project. HAMC and City acknowledge, that during the term of the Sublease, Project Owner will be considered, for all purposes, the owner of all improvements (including, but not limited to, buildings, fixtures and other real property improvements to the Property) making up the Project.

PURPOSE OF THE AGREEMENT

11. City and HAMC desire to enter into this Agreement to set forth respective intentions for the structure of ownership and management of the Property and the Project. City and HAMC understand and agree that the Lease and the Sublease will provide the substantive detail with regard to the relationship of City as “Landlord” and HAMC as “Tenant” under the Lease and the relationship of HAMC as “Landlord” and Project Owner as “Tenant” under the Sublease.

TERMS OF THE AGREEMENT

12. **Background and Purpose.** Information set forth in the Background and Purpose of the Agreement is incorporated herein by reference.

13. Obligations of the City.

- A.** The City will lease the Property to HAMC for the amount of ten dollars (\$10.00) per year for a period of seventy-five (75) years from the date of the First Closing and the Lease and Sublease shall be eligible for a minimum of two (2) ten (10) year extensions. The City authorizes HAMC to sublease the Property to the Project Owner. The complete terms and conditions of the Lease and Sublease will be subject to the mutual agreement of City, HAMC, and Project Owner.
- B.** The City will comply with Lease covenants and conditions and all applicable Federal, State, and local laws, rules, and regulations.
- C.** City will work in good faith with HAMC and Project owner to meet the objective of providing affordable elderly housing on the Property.
- D.** City will not exercise control over HAMC, the Property, the Project, or the Project Owner, but may apply and enforce Surprise Municipal Code provisions that normally are applicable to development of real property within the City and other customary police power ordinances and regulations, and agrees that HAMC, or a HAMC or a Project Owner designated person or entity, will be the property manager for the Project and that Project Owner will have sole authority and control over the management and operation of the Project and the Property, subject to the terms of the Lease and Sublease and the conditions of the HUD 202 program and other funding and agency requirements referenced in 13B above. Notwithstanding the foregoing, HAMC agrees that City will retain fee ownership of the Property.

14. Obligations of HAMC.

- A.** HAMC will, with Project Owner, develop the Property substantially in accordance with the Site Plan and in accordance with applicable provisions of the Surprise Municipal Code and design guidelines.
- B.** HAMC will comply with HUD and other lending guidelines in the operation of the Project, as well as all other applicable Federal, State, and local laws, rules, and regulations.
- C.** HAMC will comply with the terms of the Lease and Sublease.
- D.** HAMC will coordinate and cooperate with the City on the planning of campus activities and events at or near the multigenerational community resource center to be developed by the City on property adjacent to the Project.

GENERAL TERMS AND CONDITIONS

- 15.** By entering into this Agreement, the Parties agree that to the extent permitted by law, each Party will defend, indemnify, and save the other Party harmless, including any of the Parties' departments, agencies, officers, employees, elected official or agents, from and against all loss, expense, damage, or claim of any nature whatsoever which is caused by any activity, condition, or event arising out of the performance or nonperformance by the indemnifying Party of any of the provisions of this Agreement. By entering into this Agreement, each Party indemnifies the other against all liability (including but not limited to vicarious liability), losses, and damages of any nature that is occasioned by the performance or nonperformance of this

Agreement, except such injury or damage that is occasioned by the negligence or intentional misconduct of that other Party. The damages which are the subject of the indemnity will include but not be limited to the damages incurred by any Party, its departments, agencies, officers, employees, elected officials, or agents. In the event of an action, the damages which are the subject of this indemnity will include costs, expense of litigation, and reasonable attorneys' fees.

HAMC and the City acknowledge and agree that the Parties to this Agreement are each self-insured.

16. The Parties will comply with Executive Order 75-5, as amended by Executive Order 2009-09, which mandates that all persons, regardless of race, color, religion, sex, age, national origin, or political affiliation, will have equal access to employment opportunities, and all other applicable State and Federal employment laws, rules, and regulations, including the Americans with Disabilities Act. The Parties will take affirmative action to ensure that applicants for employment related to development of the Project and management and operation of the Project and employees are not discriminated against due to race, creed, color, religion, sex, gender identification, national origin, or disability.

17. The Parties will comply with A.R.S. § 23-214, which requires verification of employment eligibility through the e-verify program, provides economic development incentives for those that comply, and requires a list to be provided quarterly to the United States SOS listing those employers who have adhered to the requirements.

18. This document is the complete and exclusive statement of understanding between the Parties, and it supersedes all proposals, oral or written, and all other documents or communications between the parties relative to the subject matter herein covered, unless such documents or communications are specifically included by reference.

19. The laws of the State of Arizona will govern the construction and interpretation of this Agreement, and the venue for any arbitration or claim arising out of or in any way related to this Agreement will be Maricopa County, Arizona. Upon the occurrence of a default under this Agreement, the non-defaulting party may seek any right or remedy allowed at law or in equity or by statute or otherwise (except as provided below) for such breach, including, but not limited to seeking specific performance, all of which shall be construed and held to be cumulative and non-exclusive; provided, however, the non-defaulting party shall not seek, and hereby waives any right to, damages from the defaulting party for loss of profits, loss of sub-rents, loss of any other revenue, loss of business opportunity, loss of good will, or loss due to business interference. The Parties further agree that their recourse for any damages shall be limited to collection from the defaulting party's interest in the Property and not from any other assets of the defaulting party.

20. This Agreement is subject to the provisions of A.R.S. § 38-511 relating to conflicts of interest.

21. This Agreement is subject to the provisions of A.R.S. § 12-1518 relating to the use of arbitration.

22. Any amendments to this Agreement will be in writing and signed by both Parties to the Agreement.

23. This Agreement will become effective on the date that it has been approved and fully executed by the Mayor and City Council for the City of Surprise and the HAMC Board of Commissioners and will remain in full force and effect until all stipulations previously indicated have been satisfied except that it may be amended upon written agreement of the Parties. The initial term of this Agreement will be seventy-five (75) years from the effective date and may be extended for a minimum of two (2) ten (10) year extensions upon written agreement of the Parties.

24. The Parties warrant that they are in compliance with A.R.S. Section 41-4401 and further acknowledge that:

24.1 Any contractor or subcontractor who is contracted by a Party to perform work on the subject of this Agreement will warrant their compliance with all federal immigration laws and regulations that relate to their employees and their compliance with the E-Verify program under A.R.S. Section 23-214(A), and will keep a record of the verification for the duration of the employee's employment or at least three (3) years, whichever is longer.

24.2 Any breach of the warranty will be deemed a material breach of this Agreement, and is subject to penalties up to and including termination of the contract.

24.3 The Parties retain the legal right to inspect the papers of any contractor or subcontractor employee who works on the Project to ensure that the contractor or subcontractor is complying with the warranty above and to require that the contractor make all papers and employment records of any employee available during normal working hours in order to facilitate such an inspection.

24.4 Nothing in this Agreement will make any contractor or subcontractor an agent or employee of the Parties to this Agreement.

25. All notices required under this agreement to be given in writing will be sent to:

City of Surprise
16000 North Civic Center Plaza
Surprise, Arizona 85374
Facsimile:
Attn: City Manager

With copy to: Surprise City Attorney's Office
16000 North Civic Center Plaza
Surprise, Arizona 85374
Facsimile:

Housing Authority of Maricopa County
8910 North 78th Avenue
Peoria, Arizona 85342
Attn: Executive Director

With copy to: Harvey Law, PLLC
7702 East Doubletree Ranch Road, Suite 300
Scottsdale, Arizona 85258
Attn: Travys Harvey, Esq.

26. This Agreement does not create a duty or responsibility unless the intention to do so is clearly and unambiguously stated in the Agreement.
27. Sections and other headings contained in this Agreement are for reference purposes only and will not affect in any way the meaning or interpretation of this Agreement.
28. This Agreement may be executed in two (2) or more counterparts, each of which will be deemed an original but all of which together will constitute the same instrument. Faxed, copied, and scanned signatures are acceptable as original signatures.
29. The Parties agree that each Party retains ownership of its data. Neither Party may release, store, save, disseminate, or otherwise use data that has been shared by the other Party, unless previously consented to in writing by the other Party.
30. The Parties agree that each Party is responsible for safely maintaining the integrity and confidentiality of the other Party's data received or under its control as a result of the Agreement. Each Party will immediately notify the other Party upon discovery of a breach of the data, and will work cooperatively with the other Party to terminate, minimize, and resolve the breach.
31. Notwithstanding any other provision of this Agreement to the contrary, the Parties acknowledge that they are subject to A.R.S. 39-121 through 39-128 regarding public records. Any provision regarding confidentiality is limited to the extent necessary to comply with the provisions of Arizona law.
- 32. City acknowledges that this Agreement imposes no contractual obligation upon Maricopa County; and that in the event of a default under this Agreement, of any kind whatsoever, City will look solely to HAMC or HAMC related parties to the transactions contemplated in this Agreement, the Lease and Sublease, for remedy or relief; and that neither Maricopa County nor any Supervisor, elected official, officer, agent, or employee of Maricopa County will be liable to City, or any successor in interest to City in any way.**
- 33. HAMC acknowledges that, in the event of a default under this Agreement of any kind whatsoever, HAMC will look solely to the City for remedy or relief, and that no elected or appointed official, officer, agent, or employee of the City will be liable to HAMC, or any successor in interest to HAMC in any way.**

Remainder of page intentionally blank.

IN WITNESS WHEREOF, the Parties have executed this Agreement at their respective Arizona offices.

APPROVED BY:

**HOUSING AUTHORITY OF
MARICOPA COUNTY**

Chairman, Board of Commissioners

Date: _____

Attested To:

Clerk of the Board

IN ACCORDANCE WITH A.R.S. §§ 11-952, 11-201, AND 11-251, THIS AGREEMENT HAS BEEN REVIEWED BY THE UNDERSIGNED ATTORNEYS WHO HAVE DETERMINED THAT THIS AGREEMENT IS PROPER IN FORM AND WITHIN THE POWERS AND AUTHORITY GRANTED UNDER THE LAWS OF THE STATE OF ARIZONA.

APPROVED AS TO FORM:

By: _____
Attorney

Date: _____

IN WITNESS WHEREOF, the Parties have executed this Agreement at their respective Arizona offices.

APPROVED BY:

CITY OF SURPRISE

Mayor

Date: _____

APPROVED AS TO FORM:

By: _____
City Attorney

Date: _____

Attested To:

Clerk of the Council

EXHIBIT A

PROPERTY LEGAL DESCRIPTION

SEE ATTACHED

EXHIBIT "A"

DESCRIPTION

HERITAGE SENIOR APARTMENTS

A portion of the Southeast Quarter of Section 2, Township 3 North, Range 1 West of the Gila and Salt River Meridian, City of Surprise, Maricopa County, Arizona described as follows:

COMMENCING at the Southeast Corner of said Section 2 from which the East Quarter Corner of said Section 2 lies North 00°03'18" West 2656.89 feet;

Thence along the east line of the Southeast Quarter of said Section 2 North 00°03'18" West 1660.56 feet;

Thence departing said line North 89°36'07" West 2303.07 feet;

Thence South 00°05'06" East 265.07 feet to the POINT OF BEGINNING;

Thence continuing South 00°05'06" East 573.45 feet to the northeast Right of Way line of Santa Fe Drive;

Thence along said Right of Way line North 46°49'10" West 411.11 feet to the intersection of the east Right of Way line of Nash Street and said northeast Right of Way line of Santa Fe Drive;

Thence along said east Right of Way line of Nash Street North 00°04'36" West 194.11 feet;

Thence departing said line South 89°37'08" East 140.11 feet;

Thence North 00°04'52" West 100.00 feet;

Thence South 89°37'18" East 159.23 feet to the POINT OF BEGINNING.

Containing 2.6593 acres, more or less.

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

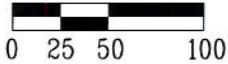
End of description



EXHIBIT "B"



SCALE: 1"=100'



NASH STREET

N00° 04' 36" W 194.11'

S89° 37' 08" E 140.11'

N00° 04' 52" W 100.00'

S89° 37' 18" E 159.23'

S00° 05' 06" E 265.07'

N89° 36' 07" W 2303.07'

POB

LEGEND

- POC POINT OF COMMENCEMENT
- POB POINT OF BEGINNING
-  PARCEL AREA

S00° 05' 06" E 573.45'

N46° 49' 10" W 411.11'

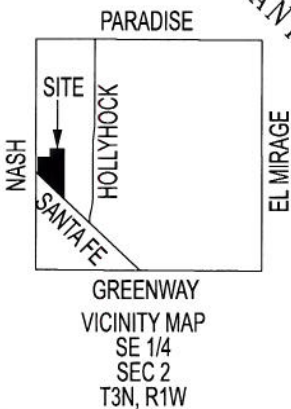
SANTA FE DRIVE

E 1/4 COR
SEC 2
T3N, R1W

N 00° 03' 18" W 2656.89'

N00° 03' 18" W 1660.56'

POC SE COR
SEC 2
T3N, R1W



HERITAGE SENIOR APARTMENTS
FS22-1620



CITY OF SURPRISE
LAND SURVEY DEPARTMENT

PROJECT # 23008

DRAWN BY RCD

DATE 02-21-23

SHEET 1 OF 1

EXHIBIT B

SITE PLAN

SEE ATTACHED

The diagram illustrates various symbols used in architectural drawings, organized into two columns. Each symbol is accompanied by a descriptive label and a small example of its application.

Left Column Symbols:

- SHEET NUMBER WHERE LOCATED:** A diamond shape containing the text "A2 XX".
- ELEVATION NUMBER:** The number "3" below the sheet number symbol.
- SHEET NUMBER WHERE LOCATED:** A rectangle containing the text "A2 X".
- ELEVATION NUMBER:** The number "4" below the sheet number symbol.
- DETAIL NUMBER:** A dashed rectangle with the text "SIM" and "A101" inside.
- SHEET NUMBER:** A circle with the text "SIM" and "A101" inside.
- SECTION NUMBER:** A triangle with the text "SIM" and "A101" inside.
- PLAN NORTH:** A circle with a crosshair and a north arrow pointing upwards.
- TRUE NORTH:** A circle with a crosshair and a north arrow pointing upwards.

Right Column Symbols:

- INTERIOR ELEVATION MARKER:** A vertical line with a horizontal bar at the top.
- EXTERIOR ELEVATION MARKER:** A vertical line with a horizontal bar at the bottom.
- ROOM NAME:** A rectangle containing the text "XX222".
- DETAIL MARKER / ENLARGED PLAN MARKER:** A dashed rectangle with the text "SIM" and "A101" inside.
- SECTION CUT:** A triangle with the text "SIM" and "A101" inside.
- PLAN NORTH:** A circle with a crosshair and a north arrow pointing upwards.
- TRUE NORTH:** A circle with a crosshair and a north arrow pointing upwards.

North Arrow: A circle with a crosshair and a north arrow pointing upwards.

ACP	ACOUSTICAL CEILING PANELS	MB	MARKER BOARD
APF	ABOVE FINISHED FLOOR	MECH	MECHANICAL
ALUM	ALUMINUM	MFR	MANUFACTURER
ANOD	ANODIZED	MO	MASONRY OPENING
		MTD	MOUNTED
BF	BARRIER FREE		
BO	BOTTOM OF	PCT	PORCELAIN CERAMIC TILE
BS	BOTTOM OF STEEL	PLAM	PLASTIC LAMINATE
BNG	BEARING	PNT	PAINT
BSMT	BASEMENT	PR	PAIR
		PRE-ENG	PRE-ENGINEERED
CG	CORNER GUARD	PRE-FIN	PRE-FINISHED
CJ	CONTROL JOINT	PT	PRESSURE TREATED
CLG	CEILING		
CMU	CONCRETE MASONRY UNIT	QT	QUARRY TILE
COL	COLUMN		
COMB	COMBUSTIBLE	R	RISER
CONC	CONCRETE	RB	RUBBER BASE
CPT	CARPET	RD	ROOF DRAIN
		REF	REFRIGERATOR
D	DRYER	REINF	REINFORCED, REINFORCING,
DF	DRINKING FOUNTAIN		REINFORCEMENT
DV	DIVISION	RF	RUBBER FLOORING
DS	DOWNSPOUT	RFT	RUBBER FLOOR TILE
		RO	ROUGH OPENING
EJ	EXPANSION JOINT		
ELEC	ELECTRICAL	SB	SMART BOARD
ELEV	ELEVATION	SC	SOLID CORE
EM	ENTRANCE MAT	SCONC	SEALED CONCRETE
EP	ELECTRICAL PANEL	SS	SQUARE
EPT	EPOXY PAINT	SQ	SOLID SURFACE
EQUIP	EQUIPMENT	STSL	STAINLESS STEEL
EWX	EXISTING WATER COOLER	ST	STAIN
EXIST	EXISTING	SUSP	SUSPENDED
EXP	EXPANSION	SV	SHIELD VINYL
EXT	EXTERIOR		
FD	FLOOR DRAIN	T	TREAD
FE	FIRE EXTINGUISHER	TAG	TONGUE AND GROOVE
FEC	FIRE EXTINGUISHER CABINET	TB	TACKBOARD
FF	FINISHED FLOOR	TC	TRAFFIC COATING
FFC	FIRE HOSE CABINET	TEMP	TEMPERED
FND	FOUNDATION	TERR	TERRAZZO
FG	FOOTING	TGB	TOP OF BEAM
		TOF	TOP OF FOUNDATION, TOP OF FOOTING
		TOJ	TOP OF JOIST
		TOS	TOP OF STEEL
		TOW	TOP OF WALL
GA	GAUGE		
GALV	GALVANIZED	UL	UNDERWRITER'S LABORATORY
GML	GLAZED MASONRY UNIT		
GWS	GYPSUM WALLBOARD		
H	HOLLOW CORE	VB	VINYL BASE
HDCP	HANDICAPPED	VCT	VINYL COMPOSITION TILE
HDWD	HARDWOOD	VERT	VERTICAL
HM	HOLLOW METAL	VEST	VESTIBULE
HORIZ	HORIZONTAL	VTR	VENT THROUGH ROOF
HTG	HEATING	VWC	VINYL WALLCOVERING
HVAC	HEATING, VENTILATION, AND AIR CONDITIONING		
		W	WASHER
		WR	WATER RESISTANT
INSUL	INSULATING, INSULATION	WWF	WELDED WIRE FABRIC
		WWM	WELDED WIRE MESH
JC	JANITOR CLOSET		
LN	LINEOLEUM		
LLP	LONG LEG VERTICAL		
LP	LOW POINT		

ALT	ALTERNATE
APPROX	APPROXIMATELY
BULD	BUILDING
CF	CUBIC FEET
CL	CENTERLINE
CM	CONSTRUCTION MANAGER
CONT	CONTINUOUS
D	DEEP, DEPTH
DEMO	DEMOLITION
DEPT	DEPARTMENT
DIA	DIAMETER
DIM	DIMENSION
DN	DOWN
DWG	DRAWING
EA	EACH
EGC	ENTERPRISE GREEN COMMUNITIES
EQ	EQUAL
FT	FOOT, FEET
GC	GENERAL CONTRACTOR
GSF	GROSS SQUARE FEET
H	HIGH
HT	HEIGHT
INFO	INFORMATION
LEED	LEADERSHIP IN ENERGY AND ENVIRONMENTAL DESIGN
LF	LINEAR FEET
MAX	MAXIMUM
MIN	MINIMUM
MISC	MISCELLANEOUS
NIC	NOT IN CONTRACT
NSF	NET SQUARE FEET
NTS	NOT TO SCALE
OC	ON CENTER
OFCI	OWNER FURNISHED, CONTRACTOR INSTALLED
OFOI	OWNER FURNISHED, OWNER INSTALLED
R	RADIUS
REQD	REQUIRED
RM	ROOM
SIM	SIMILAR
SF	SQUARE FEET
TFCI	TENANT FURNISHED, CONTRACTOR INSTALLED
TYP	TYPICAL
UL	UNDERWRITERS LABORATORIES
UNO	UNLESS NOTED OTHERWISE
VIF	VERIFY IN FIELD
W	WIDE, WIDTH

IMPERVIOUS AREA	
TOTAL AREA OF SITE	115,843 SF
TOTAL IMPERVIOUS AREA OF SITE	89,102 SF
ADJUSTED TOTAL OF PERVIOUS AREA OF SITE	26,741 SF
PERCENTAGE OF IMPERVIOUS AREA FOR THE SITE	77%

Administrative Approval	
Community Development Director	
<i>Lloyd Abrams</i>	3/17/2023 Date:
City Engineer	
<i>Mungia Lemke</i>	03/17/2023 Date:

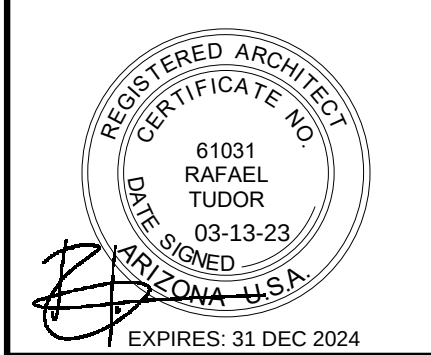
PROJECT DESCRIPTION:	BUILDING USE: RESIDENTIAL COMMUNITY AMENITY NUMBER OF BUILDINGS AND NUMBER OF STORIES: (1) SINGLE-STORY BUILDING OVERALL BUILDING AREA(S): 2,153 SF CONSTRUCTION MATERIALS FLOORS/WALLS/ROOF FRAMING: WOOD FRAMED CONSTRUCTION EXTERIOR WALL MATERIALS: STUCCO, THIN SET BRICK ROOFING MATERIALS: METAL PANEL AUTOMATIC SPRINKLER SYSTEM TYPE: SEE BELOW SUSTAINABILITY GOALS: 2020 ENTERPRISE GREEN COMMUNITIES HISTORIC STATUS/GOALS: N/A														
APPLICABLE CODES:	2018 INTERNATIONAL BUILDING CODE 2018 INTERNATIONAL MECHANICAL CODE 2018 INTERNATIONAL PLUMBING CODE 2017 NEC 2009 ICC/ANSI A117.1 2018 INTERNATIONAL ENERGY CONSERVATION CODE 2018 INTERNATIONAL FIRE CODE WITH LOCAL AMENDMENTS (ORD. #2021-01) SURPRISE AZ MUNICIPAL CODE														
USE GROUP:	ASSEMBLY GROUP A3 (SECTION 303) BUSINESS GROUP B (SECTION 304)														
CONSTRUCTION TYPE: (T-506.2, 602.5)	VB														
AUTOMATIC SPRINKLER SYSTEM: (903.3.1.1)	FULLY SPRINKLERED														
ALLOWABLE BUILDING HEIGHT: (T-504.3, T-504.4)	A, B: 60' ABOVE GRADE PLANE A-3: 2 STORIES ABOVE GRADE PLANE														
ACTUAL BUILDING HEIGHT:	15'-7" ABOVE GRADE PLANE 1 STORY ABOVE GRADE PLANE														
FLOOR AREA TOTALS:	<table><tr><td>GROSS AREA (CALCULATED FROM FACE OF EXTERIOR SHEATHING AND WALL CENTERLINE)</td><td colspan="2">CANOPY AREAS (AREA BENEATH CALCULATED FROM EDGE OF SOFFIT AND FROM SHEATHING OF EXTERIOR WALL)</td></tr><tr><td>A-3: 1020 SF</td><td>PORTE COCHERE:</td><td>1,055 SF</td></tr><tr><td>B: 1,253 SF</td><td>RESIDENT ENTRANCE CANOPY:</td><td>308 SF</td></tr><tr><td>OVERALL: 2,273 SF</td><td></td><td></td></tr></table>			GROSS AREA (CALCULATED FROM FACE OF EXTERIOR SHEATHING AND WALL CENTERLINE)	CANOPY AREAS (AREA BENEATH CALCULATED FROM EDGE OF SOFFIT AND FROM SHEATHING OF EXTERIOR WALL)		A-3: 1020 SF	PORTE COCHERE:	1,055 SF	B: 1,253 SF	RESIDENT ENTRANCE CANOPY:	308 SF	OVERALL: 2,273 SF		
GROSS AREA (CALCULATED FROM FACE OF EXTERIOR SHEATHING AND WALL CENTERLINE)	CANOPY AREAS (AREA BENEATH CALCULATED FROM EDGE OF SOFFIT AND FROM SHEATHING OF EXTERIOR WALL)														
A-3: 1020 SF	PORTE COCHERE:	1,055 SF													
B: 1,253 SF	RESIDENT ENTRANCE CANOPY:	308 SF													
OVERALL: 2,273 SF															
ALLOWABLE AREA FACTOR: (T-506.2)	A-3: 24,000 SF (GOVERNS) B: 27,000 SF														
ACTUAL BUILDING AREA:	2,273 SF PROPOSED BUILDING IS WITHIN LIMITS														
SEPARATION OF OCCUPANCIES: (508.4)	NON-SEPARATED USES														
INCIDENTAL USES: (TABLE 509)	N/A														
FIRE RESISTANCE RATING REQUIREMENTS FOR BUILDING ELEMENTS: (T-601)	PRIMARY STRUCTURAL FRAME: 0 HOUR BEARING WALLS EXTERIOR: 0 HOUR INTERIOR: 0 HOUR ROOF CONSTRUCTION: 0 HOUR														
FIRE RESISTANCE RATING REQUIREMENTS FOR EXTERIOR WALLS BASED ON FIRE SEPARATION DISTANCES: (T-602)	N/A														
FIRE WALLS (T-706.4):	N/A														
FIRE BARRIERS: (707)	SHAFT ENCLOSURES (707.3.1/713.4): N/A INTERIOR EXIT STAIRWAY AND RAMP CONSTRUCTION (707.3.2/1023): N/A EXIT ACCESS STAIRWAY ENCLOSURE (707.3.3/1023): N/A EXIT PASSAGEWAY (707.3.4/1024.3): N/A HORIZONTAL EXIT (707.3.5): N/A ATRIUMS (707.3.6): N/A INCIDENTAL USES (707.3.7/TABLE 509): N/A CONTROL AREAS (707.3.8/414.2.4): N/A SEPARATED OCCUPANCIES (707.3.9/TABLE 508.4): SEE ABOVE FIRE AREAS (707.3.10/TABLE 707.3.10): N/A														
FIRE PARTITIONS: (708)	SEPARATION WALLS REQUIRED BY 402.2: N/A WALLS SEPARATING TENANT SPACES REQUIRED BY 402.4.2.1: N/A CORRIDOR WALLS (TABLE 1020.1): 0 HOUR WITH SPRINKLER SYSTEM ELEVATOR LOBBY SEPARATIONS REQUIRED BY 9006.2: N/A EGRESS BALCONIES REQUIRED BY 1019.2: N/A														
SMOKE BARRIERS (709.3):	N/A														
SMOKE PARTITIONS (710.3):	N/A														
HORIZONTAL ASSEMBLIES: (711)	SEPARATING MIXED OCCUPANCIES (711.2.4.1): N/A SEPARATING FIRE AREAS (711.2.4.2): N/A DWELLING UNITS AND SLEEPING UNITS (711.2.4.3): N/A SEPARATING SMOKE COMPARTMENTS (711.2.4.4/709): N/A														
FIRE-RESISTIVE JOINT SYSTEMS: (715.1)	JOINTS INSTALLED IN OR BETWEEN FIRE-RESISTANCE-RATED WALLS, FLOOR OR FLOOR/CEILING ASSEMBLIES AND ROOFS OR ROOF/CEILING ASSEMBLIES SHALL BE PROTECTED BY AN APPROVED FIRE-RESISTIVE JOINT SYSTEM DESIGNED TO RESIST THE PASSAGE OF FIRE FOR A TIME PERIOD NOT LESS THAN THE REQUIRED FIRE-RESISTANCE RATING OF THE WALL, FLOOR, OR ROOF IN OR BETWEEN WHICH THE SYSTEM IS INSTALLED. FIRE-RESISTIVE JOINT SYSTEMS SHALL BE TESTED IN ACCORDANCE WITH THE REQUIREMENTS OF EITHER ASTM E1966 OR UL 2079.														
FIRE-RESISTIVE JOINT SYSTEMS IN SMOKE BARRIERS: (715.6)	N/A														
INTERIOR FINISHES: (TABLE 803.13)	FLAME SPREAD: A-3 ASSEMBLY	FLAME SPREAD: B BUSINESS													
	VERTICAL EXITS AND EXIT PASSAGEWAYS	CLASS B	CLASS B												
	EXIT ACCESS CORRIDORS	CLASS B	CLASS C												
	ROOMS & ENCLOSED SPACES	CLASS C	CLASS C												
AUTOMATIC SPRINKLER SYSTEM: (903.3.1.1)	AN AUTOMATIC SPRINKLER SYSTEM IN ACCORDANCE WITH NFPA 13 (EXCEPT AS PROVIDED IN SECTIONS 903.3.1.1.1) SHALL BE INSTALLED. AUTOMATIC SPRINKLER SYSTEM SHALL BE DESIGNED BY A LICENSED FIRE PROTECTION CONTRACTOR, AND SHOP DRAWINGS, CALCULATIONS, AND ANY ADDITIONAL DATA SHALL BE SUBMITTED TO ALL APPLICABLE AGENCIES FOR REVIEW AFTER SAID CONTRACTOR HAS BEEN SELECTED.														
FIRE ALARM AND DETECTION SYSTEMS: (907)	N/A														
OCCUPANT LOAD: (T-1004.1.2)	A-3 ASSEMBLY: 646 S.F./ 15 N.S.F. PER OCC. = 43 PEOPLE (COMMUNITY SPACE) B BUSINESS: 283 G.S.F./ 50 G.S.F. PER OCC. = 6 PEOPLE (FITNESS) 266 G.S.F./ 150 G.S.F. PER OCC. = 2 PEOPLE (RESIDENT HEALTH/ PANTRY) 901 G.S.F./ 150 G.S.F. PER OCC. = 6 PEOPLE (OFFICES AND UTILITY) TOTAL: 57 PEOPLE														
MINIMUM CAPACITY AT STAIRWAYS: (PER IBC-T-403.1)	REQUIRED: N/A PROVIDED: N/A														
MINIMUM CAPACITY AT OTHER EGRESS COMPONENTS (1005.3.2 EXG. 1):	REQUIRED: 15 INCHES PER OCCUPANT PROVIDED: 32' / 15-213 OCCUPANTS PER DOOR X 4 DOORS = 853 OCCUPANT CAPACITY														
MINIMUM NUMBER OF EXITS: (1008)	REQUIRED: 1 PROVIDED: 2														
COMMON PATH OF TRAVEL: (T-1006.2.1)	REQUIRED: A: 75 FEET MAXIMUM WITH SPRINKLER SYSTEM (GOVERNS) B: 100 FEET MAXIMUM WITH SPRINKLER SYSTEM PROVIDED: 51 FEET 6 INCHES, PROPOSED IS WITHIN LIMITS														
EXIT ACCESS TRAVEL DISTANCE: (T-1017.2)	REQUIRED: A: 250 FEET MAXIMUM WITH SPRINKLER SYSTEM B: 300 FEET MAXIMUM WITH SPRINKLER SYSTEM PROVIDED: 71 FEET 5 INCHES, PROPOSED IS WITHIN LIMITS														
MINIMUM CORRIDOR WIDTH: (T-1020.2)	REQUIRED: 36 INCHES MINIMUM WHERE OCCUPANCY IS LESS THAN 50 PROVIDED: 62 INCHES														
DEAD END CORRIDORS: (1020.4 EXC. 4)	REQUIRED: 50 FEET MAXIMUM PROVIDED: 30 FEET														
TOILET FIXTURE COUNT: (PER IPC-T-403.1)	A USE: 43 OCC/2 = 22 EA. SEX REQUIREMENTS: 1/75 WC MALE, 1/75 WC FEMALE, 1/200 LAV. EACH														
COUNTS ARE BASED FOR WATER CLOSETS- ALL RESTROOMS WILL BE SINGLE STALL)	B USE: 14 OCC/2 = 7 EA. SEX REQUIREMENTS: 1/25 WC MALE, 1/25 WC FEMALE, 1/40 LAV. EACH PROVIDED: 1 W.C. MALE, 1 LAV. MALE, 1 WC FEMALE, 1 LAV. FEMALE BUILDING COMPLIES FOR MAXIMUM FIXTURE REQUIREMENTS ALL USES														
	GENERAL: 1 HIGH/ LOW ACCESSIBLE E.W.C. PROVIDED 1 SERICE SINK PROVIDED														

PROJECT DESCRIPTION:	BUILDING USE: RESIDENTIAL, SENIOR INDEPENDENT LIVING NUMBER OF BUILDINGS AND NUMBER OF STORIES: (1) 3-STORY BUILDING OVERALL BUILDING AREA(S): SEE BELOW NUMBER OF UNITS: 99 CONSTRUCTION MATERIALS FLOORS/WALLS/ROOF FRAMING: WOOD FRAMED CONSTRUCTION EXTERIOR WALL MATERIALS: STUCCO, THIN SET BRICK ROOFING MATERIALS: TPO MEMBRANE, METAL PANEL AUTOMATIC SPRINKLER SYSTEM: SEE BELOW SUSTAINABILITY GOALS: 2020 ENTERPRISE GREEN COMMUNITIES HISTORIC STATUS/GOALS: N/A																	
APPLICABLE CODES:	2018 INTERNATIONAL BUILDING CODE 2018 INTERNATIONAL MECHANICAL CODE 2018 INTERNATIONAL PLUMBING CODE 2017 NEC 2009 ICC ANS I A117.1 2018 INTERNATIONAL ENERGY CONSERVATION CODE 2018 INTERNATIONAL FIRE CODE WITH LOCAL AMENDMENTS (ORD. #2021-01) SURPRISE AZ MUNICIPAL CODE																	
USE GROUP: (310)	R-2 RESIDENTIAL																	
CONSTRUCTION TYPE: (T-506.2, 602.5)	VA																	
AUTOMATIC SPRINKLER SYSTEM: (903.3.1.1)	FULLY SPRINKLERED																	
ALLOWABLE BUILDING HEIGHT: (T-504.3, T-504.4)	R- 60' ABOVE GRADE PLANE R-2: 4 STORIES ABOVE GRADE PLANE																	
ACTUAL BUILDING HEIGHT:	32'-2" ABOVE GRADE PLANE 3 STORIES ABOVE GRADE PLANE																	
FLOOR AREA TOTALS:	<table><tr><td>GROSS AREA (CALCULATED FROM FACE OF EXTERIOR SHEATHING)</td><td colspan="2">GROSS APARTMENT AREA (CALCULATED FROM FACE OF EXTERIOR SHEATHING, DEMISING WALL, CENTERLINE, AND CORRIDOR FACE OF GWE)</td></tr><tr><td>FIRST FLOOR:</td><td>28,072 SF</td><td></td></tr><tr><td>SECOND AND THIRD FLOORS:</td><td>27,838 SF</td><td>1BR-1: 694 SF</td></tr><tr><td>OVERALL:</td><td>83,748 SF</td><td>1BR-2: 777 SF</td></tr><tr><td></td><td></td><td>BALCONY: 17 SF</td></tr></table>			GROSS AREA (CALCULATED FROM FACE OF EXTERIOR SHEATHING)	GROSS APARTMENT AREA (CALCULATED FROM FACE OF EXTERIOR SHEATHING, DEMISING WALL, CENTERLINE, AND CORRIDOR FACE OF GWE)		FIRST FLOOR:	28,072 SF		SECOND AND THIRD FLOORS:	27,838 SF	1BR-1: 694 SF	OVERALL:	83,748 SF	1BR-2: 777 SF			BALCONY: 17 SF
GROSS AREA (CALCULATED FROM FACE OF EXTERIOR SHEATHING)	GROSS APARTMENT AREA (CALCULATED FROM FACE OF EXTERIOR SHEATHING, DEMISING WALL, CENTERLINE, AND CORRIDOR FACE OF GWE)																	
FIRST FLOOR:	28,072 SF																	
SECOND AND THIRD FLOORS:	27,838 SF	1BR-1: 694 SF																
OVERALL:	83,748 SF	1BR-2: 777 SF																
		BALCONY: 17 SF																
ALLOWABLE AREA FACTOR: (T-506.2)	R-2: 36,000 SF																	
ACTUAL BUILDING AREA:	FIRST FLOOR: 28,072 SF PROPOSED BUILDING IS WITHIN LIMITS																	
SEPARATION OF OCCUPANCIES: (508.3.3)	N/A																	
INCIDENTAL USES: (T-509)	N/A																	
FIRE RESISTANCE RATING REQUIREMENTS FOR BUILDING ELEMENTS: (T-601)	PRIMARY STRUCTURAL FRAME: 1 HOUR BEARING WALLS EXTERIOR: 1 HOUR INTERIOR: 1 HOUR ROOF CONSTRUCTION: 1 HOUR																	
FIRE RESISTANCE RATING REQUIREMENTS FOR EXTERIOR WALLS BASED ON FIRE SEPARATION DISTANCES: (T-602)	N/A																	
FIRE WALLS (T-706.4):	N/A																	
FIRE BARRIERS: (707)	SHAFT ENCLOSURES (707.3.1/713.4): 1 HOUR INTERIOR EXIT STAIRWAY AND RAMP CONSTRUCTION (707.3.2/1023): 1 HOUR EXIT ACCESS STAIRWAY ENCLOSURE (707.3.3/1023): N/A EXIT PASSAGEWAY (707.3.4/1024.3): N/A HORIZONTAL EXIT (707.3.5): N/A ATRIUMS (707.3.6): N/A INCIDENTAL USES (707.3.7/TABLE 509): NA CONTROL AREAS (707.3.8/414.2.4): N/A SEPARATED OCCUPANCIES (707.3.9/TABLE 508.4): NA FIRE AREAS (707.3.10/TABLE 707.3.10): NA																	
FIRE PARTITIONS: (708)	SEPARATION WALLS REQUIRED BY 420.2: 1 HOUR WALLS SEPARATING TENANT SPACES REQUIRED BY 402.4.2.1: N/A CORRIDOR WALLS (TABLE 1020.1): 0.5 HOURS WITH SPRINKLER ELEVATOR LOBBY SEPARATIONS REQUIRED BY 5006.2: N/A EGRESS BALCONIES REQUIRED BY 1019.2: N/A																	
SMOKE BARRIERS (709.3):	N/A																	
SMOKE PARTITIONS (710.3):	N/A																	
HORIZONTAL ASSEMBLIES: (711)	SEPARATING MIXED OCCUPANCIES (711.2.4.1): N/A SEPARATING FIRE AREAS (711.2.4.2): N/A DWELLING UNITS AND SLEEPING UNITS (711.2.4.3): 1 HOUR SEPARATING SMOKE COMPARTMENTS (711.2.4.4/709): N/A																	
FIRE-RESISTIVE JOINT SYSTEMS: (715.1)	JOINTS INSTALLED IN OR BETWEEN FIRE-RESISTANCE-RATED WALLS, FLOOR OR FLOOR/CEILING ASSEMBLIES AND ROOFS OR ROOF/CEILING ASSEMBLIES SHALL BE PROTECTED BY AN APPROVED FIRE-RESISTIVE JOINT SYSTEM DESIGNED TO RESIST THE PASSAGE OF FIRE FOR A TIME PERIOD NOT LESS THAN THE REQUIRED FIRE-RESISTANCE RATING OF THE WALL, FLOOR, OR ROOF IN OR BETWEEN WHICH THE SYSTEM IS INSTALLED. FIRE-RESISTIVE JOINT SYSTEMS SHALL BE TESTED IN ACCORDANCE WITH THE REQUIREMENTS OF EITHER ASTM E1966 OR UL 2079.																	
FIRE-RESISTIVE JOINT SYSTEMS IN SMOKE BARRIERS: (715.6)	N/A																	
INTERIOR FINISHES: (T-903.11)	<table><tr><td></td><td>FLAME SPREAD: R-2 RESIDENTIAL</td></tr><tr><td>VERTICAL EXITS AND EXIT PASSAGEWAYS</td><td>CLASS C</td></tr><tr><td>EXIT ACCESS CORRIDORS</td><td>CLASS C</td></tr><tr><td>ROOMS & ENCLOSED SPACES</td><td>CLASS C</td></tr></table>				FLAME SPREAD: R-2 RESIDENTIAL	VERTICAL EXITS AND EXIT PASSAGEWAYS	CLASS C	EXIT ACCESS CORRIDORS	CLASS C	ROOMS & ENCLOSED SPACES	CLASS C							
	FLAME SPREAD: R-2 RESIDENTIAL																	
VERTICAL EXITS AND EXIT PASSAGEWAYS	CLASS C																	
EXIT ACCESS CORRIDORS	CLASS C																	
ROOMS & ENCLOSED SPACES	CLASS C																	
AUTOMATIC SPRINKLER SYSTEM: (903.3.1.1)	AN AUTOMATIC SPRINKLER SYSTEM IN ACCORDANCE WITH NFPA 13 (EXCEPT AS PROVIDED IN SECTIONS 903.3.1.1.1) SHALL BE INSTALLED. AUTOMATIC SPRINKLER SYSTEM SHALL BE DESIGNED/BUILD BY A LICENSED FIRE PROTECTION CONTRACTOR, AND SHOP DRAWINGS, CALCULATIONS, AND ANY ADDITIONAL DATA SHALL BE SUBMITTED TO ALL APPLICABLE AGENCIES FOR REVIEW AFTER SAID CONTRACTOR HAS BEEN SELECTED.																	
FIRE ALARM AND DETECTION SYSTEMS: (907)	N/A																	
OCCUPANT LOAD: (T-1004.1.2)	R-2 RESIDENTIAL: 27,510 S.F/ 200 G.S.F PER OCC = 138 PEOPLE																	
MINIMUM CAPACITY AT STAIRWAYS: (1005.3.1 EXC 1)	REQUIRED: 0.2 INCHES PER OCCUPANT = 0.2 X 138 = 28 INCHES MINIMUM PROVIDED: 3'-6" AND 3'-10"																	
MINIMUM CAPACITY AT OTHER EGRESS COMPONENTS (1005.3.2 EXC 1):	REQUIRED: 0.15 INCHES PER OCCUPANT = 0.15 X 138 = 21 INCHES MINIMUM PROVIDED: 32" /0.15 = 213 OCCUPANTS PER DOOR X 4 DOORS = 853 OCCUPANT CAPACITY																	
MINIMUM NUMBER OF EXITS: (T-1006.3.2)	REQUIRED: 2 PROVIDED: 3 FOR FIRST FLOOR, 2 FOR SECOND AND THIRD FLOORS																	
COMMON PATH OF TRAVEL: (T-1006.2.1)	REQUIRED: R-2: 125 FEET MAXIMUM PROVIDED: 45 FEET, PROPOSED IS WITHIN LIMITS																	
EXIT ACCESS TRAVEL DISTANCE: (T-1017.2)	REQUIRED: R: 250 FEET MAXIMUM PROVIDED: 242 FEET, PROPOSED IS WITHIN LIMITS																	
MINIMUM CORRIDOR WIDTH: (T-1020.2)	REQUIRED: 44 INCHES, 36 INCHES WHERE OCCUPANCY IS LESS THAN 50 PROVIDED: VARIES, BUILDING IS WITHIN LIMITS																	
DEAD END CORRIDORS: (1020.4)	REQUIRED: 50 FEET MAXIMUM PROVIDED: N/A																	



Hooker DeJong Inc.
ARCHITECTS • ENGINEERS • PLANNERS

Hooker DeJong Inc
ARCHITECTS • ENGINEERS • PLANNERS
316 Morris Avenue
Suite 410
Muskegon, MI 49440
P 231.722.3407
F 231.722.2589



NEW CONSTRUCTION

HERITAGE SENIOR APARTMENTS

15627 & 15646 N NASH ST., SURPRISE, AZ. 85378, APN:
501-80-034A & 501-80-034C

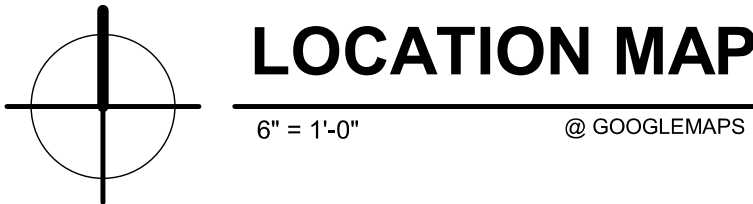
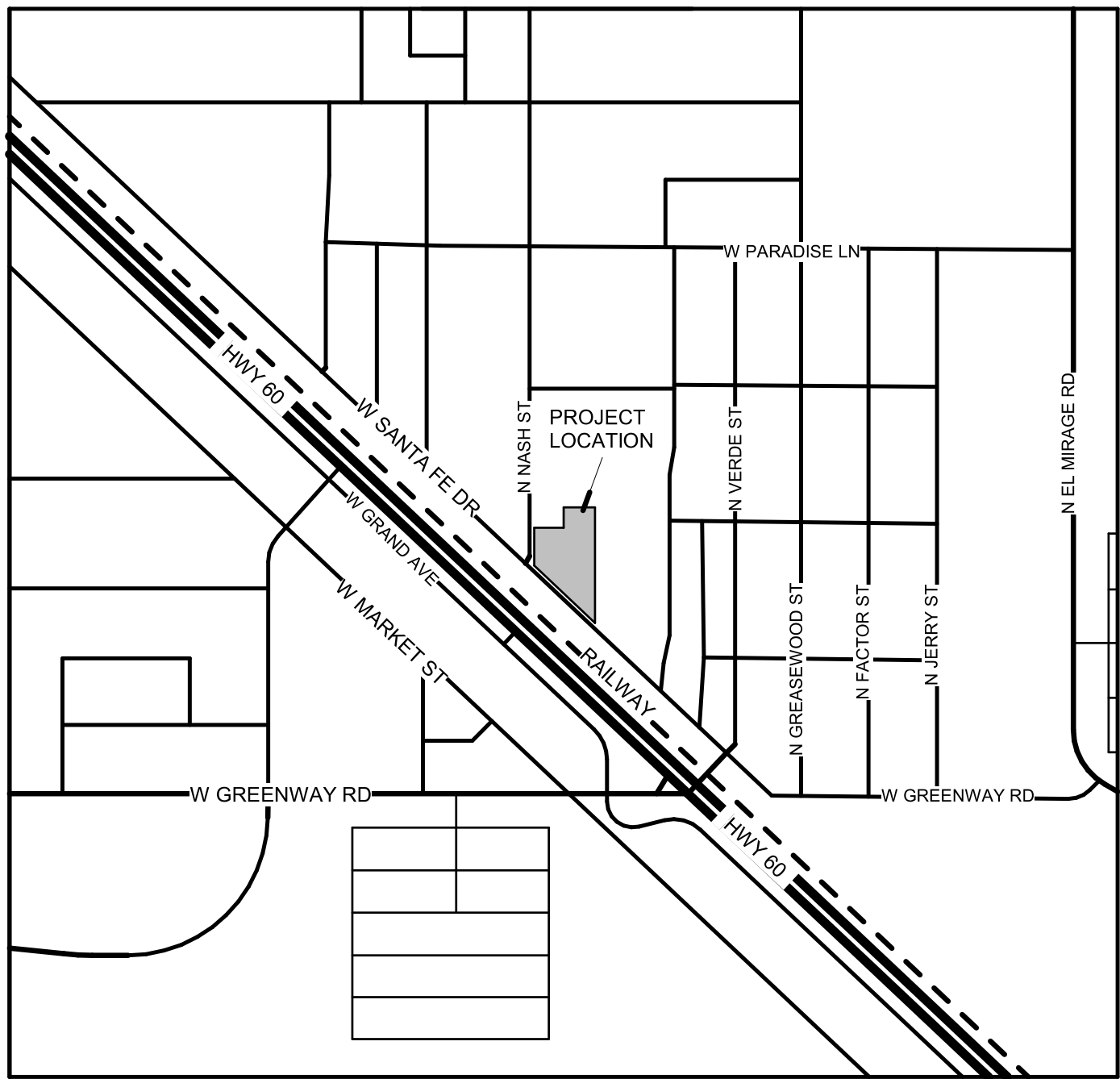
GORMAN & COMPANY

PROJECT NUMBER		2022.0099
ISSUANCE		
NO.	DATE	DESCRIPTION
1	2022.11.29	PERMIT SET
3	2023.03.10	CITY OF SURPRISE RESPONSE #1

CASE #:
FS22-1620

CODE REVIEW & ABBREVIATIONS

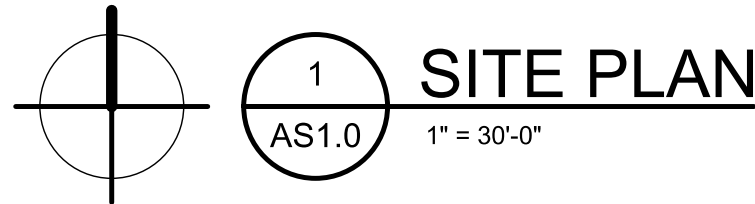
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FIRE LANE
CITY OF SURPRISE
MUNICIPAL CODE
SEC 54-89 (a) (14)

FIRE LANE SIGNAGE DETAIL

501-80-057
SHD-CO



501-20-062
SHD-RO

501-20-061
SHD-RO

501-20-034D
SHD-RO

501-22-088
SHD-CO

501-80-034D
SHD-CO

501-79-034
SHD-CO

501-80-038A
SHD-CO

LEGAL DESCRIPTION

A portion of the Southeast Quarter of Section 2, Township 3 North, Range 1 West of the Gila and Salt River Meridian, City of Surprise, Maricopa County, Arizona described as follows:

COMMENCING at the Southeast Corner of said Section 2 from which the East Quarter Corner of said Section 2 lies North 00°03'18" West 2656.89 feet;

Thence along the east line of the Southeast Quarter of said Section 2 North 00°03'18" West 1660.56 feet;

Thence departing said line North 89°36'07" West 2303.07 feet;

Thence South 00°05'06" East 265.07 feet to the POINT OF BEGINNING;

Thence continuing South 00°05'06" East 573.45 feet to the northeast Right of Way line of Santa Fe Drive;

Thence along said Right of Way line North 46°49'10" West 411.11 feet to the intersection of the east Right of Way line of Nash Street and said northeast Right of Way line of Santa Fe Drive;

Thence along said east Right of Way line of Nash Street North 00°04'36" West 194.11 feet;

Thence departing said line South 89°37'08" East 140.11 feet;

Thence North 00°04'52" West 100.00 feet;

Thence South 89°37'18" East 159.23 feet to the POINT OF BEGINNING.

Containing 2.6593 acres, more or less.

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

End of description.

APPLICABLE CODES

2018 INTERNATIONAL BUILDING CODE
2018 INTERNATIONAL MECHANICAL CODE
2018 INTERNATIONAL PLUMBING CODE
2017 NEC
2009 ICC/ANSI A117.1
2018 INTERNATIONAL ENERGY CONSERVATION CODE
2018 INTERNATIONAL FIRE CODE WITH LOCAL AMENDMENTS (ORD. #2021-01)
SURPRISE AZ MUNICIPAL CODE

PROJECT DIRECTORY

PROPERTY OWNER
GEM HOUSING SOLUTIONS
(HOUSING AUTHORITY OF MARICOPA COUNTY)
8910 N. 78TH AVENUE
PEORIA, AZ 85345
PH: (602) 526-6633
ATTN: CHANCHAL SINGH

CONTRACTOR
GORMAN GENERAL CONTRACTORS, LLC
200 N MAIN STREET
OREGON, WI 53575
PH: (608) 835-5915
ATTN: RON SWIGGUM

ARCHITECT OF RECORD
GORMAN & COMPANY, LLC
200 N MAIN STREET
OREGON, WI 53575
PH: (608) 835-3326
ATTN: RAFAEL TUDOR

DESIGN ARCHITECT
HOOKER DEJONG, INC
5010 E SHEA BLVD, SUITE 125
PHOENIX, AZ 85014
PH: (602) 908-1001
ATTN: AMELIA ELLIOTT

CIVIL ENGINEER
CYPRESS CIVIL DEVELOPMENT
4450 N 12TH STREET, #228
PHOENIX, AZ 85014
PH: (623) 282-2498
ATTN: JEFF HUNT

MEPF ENGINEER
HOOKER DEJONG, INC
316 MORRIS AVE, SUITE 410
MUSKEGON, MI 49440
PH: (231) 722-3407

LANDSCAPE ARCHITECT
TRUEFORM LANDSCAPE ARCHITECTURE STUDIO
820 N CENTRAL AVENUE
PHOENIX, AZ 85004
PH: (480) 382-4244
ATTN: MARC BEYER

WATER RESOURCE MANAGEMENT

TOTAL AREA OF THE SITE: 115,843 SF
TOTAL IMPERVIOUS AREA OF THE SITE: 89,102
ADJUSTED TOTAL OF PERVIOUS AREA OF THE SITE: 26,741
PERCENTAGE OF IMPERVIOUS AREA FOR THE SITE: 77%

(NOTE: CALCULATIONS PROVIDED BY CIVIL ENGINEER, PER STORMWATER CALCULATIONS)

GENERAL ARCHITECTURAL SITE PLAN NOTES

- PROTECT SITE FROM DAMAGE DURING CONSTRUCTION AND RESTORE DAMAGE TO ORIGINAL CONDITION ACCEPTABLE TO OWNER.
- PREPARE PLANS AND COORDINATE WITH OWNER FOR STAGING AREAS AND SITE SECURITY.
- AN ERRC RADIO SURVEY TEST WILL BE CONDUCTED PRIOR TO C OF D. IF THE TEST FAILS AN ERRC RADIO SYSTEM SHALL BE INSTALLED. - IFC 510
- SOLID WASTE COLLECTION VEHICLE ROUTES SHALL PROVIDE A MINIMUM WIDTH OF 20 FEET CLEAR OF ALL OBSTRUCTIONS IN ORDER TO PREVENT DAMAGE FROM THE COLLECTION VEHICLE OR DAMAGE TO THE VEHICLE ITSELF. OBSTRUCTIONS INCLUDING, BUT NOT LIMITED TO, PLANT GROWTH, STRUCTURES, AWNINGS, BUILDING PROJECTION, AND ATHLETIC EQUIPMENT, SHALL NOT PROJECT INTO THE ROADWAY OR ALLEY, AND A MINIMUM OVERHEAD CLEARANCE OF 14 FEET IS REQUIRED. GREATER CLEARANCE IS REQUIRED FOR OVERHEAD ELECTRICAL AND COMMUNICATION LINES PER NATIONAL ELECTRICAL SAFETY CODE RULE 232. REQUIREMENTS MAY VARY DEPENDING ON UTILITY. REFER TO RULE 232 FOR THOSE REQUIREMENTS.

ZONING REQUIREMENTS

ZONING:
SHD-CO- SURPRISE HERITAGE DISTRICT COMMERCIAL OVERLAY

DENSITY (106-3.1.):
4000 SOFT LOT AREA / UNIT
MAXIMUM: 115,844 SOFT (PER ALTA) / 4000 = **28 UNITS**
PROPOSED: **99 UNITS**

SETBACKS (Table 106-3b):
FRONT: 15'
SIDE: 10'
BACK: 10'

MAX HEIGHT MIXED USE (Table 106-3b): **45'**
PROPOSED HEIGHT: **37'**

PARKING REQUIREMENTS

1 SPACE PER 1BR UNIT
1 SPACE PER 250 SOFT OF CLUBHOUSE SPACE
0.2 VISITOR SPACES PER UNIT
(Table 107-4C)

99 UNITS = **99 SPACES**
2154 CLUBHOUSE SOFT/250 = **9 SPACES**
99 UNITS X 0.2 = **20 VISITOR SPACES**

TOTAL REQUIRED SPACES: **128**
PROVIDED: **99 (SEE WAIVER REQUEST)**

REQUIRED ADA SPACES: **4**
PROVIDED: **4**

REQUIRED VAN ADA SPACES: **1**
PROVIDED: **4**

ALLOWABLE COMPACT (107-4.5): 30% OF 99 = **29**
PROVIDED: **21**

One (1) parking lot (Landscape) island with one (1) foot of ribbon curbing shall be provided every ten (10) parking spaces and at the end of each parking row. (107-4.4.)

Where wheel stops are not used the width of the abutting landscape median or sidewalk shall be increased in by at least two (2) feet. (107-4.4.)

Bicycle spaces will be provided at the rate of one (1) bicycle space for every twenty (20) vehicle parking spaces in accordance with the below specifications; with the exception of residential uses in RR, R-1, and R-2 zoning districts. (107-4.6.)

REQUIRED BICYCLE SPACES: **5**
PROVIDED: **6**

1 SITE PLAN KEYNOTES

- EXISTING CONCRETE SIDEWALK TO REMAIN
- NEW CONCRETE SIDEWALK - SEE CIVIL AND LANDSCAPE
- BITUMINOUS ASPHALT
- CONCRETE PAVEMENT
- LANDSCAPING - SEE CIVIL AND LANDSCAPE
- DUMPSTER ENCLOSURE WITH ACCESSIBLE ROUTING TO AND FROM APARTMENT BUILDING. SEE LANDSCAPE AND STRUCTURAL FOR DETAIL 12/S2.02
- BICYCLE RACKS
- CURB RAMP
- STRIPING
- COMMUNITY GARDEN - SEE LANDSCAPE
- RAISED CROSSING - SEE LANDSCAPE
- GRANITE SIDEWALK - SEE CIVIL AND LANDSCAPE
- CONCRETE BENCH PAD
- CONCRETE PAVERS
- NEW 6" CMU SITE WALL. SEE LANDSCAPE AND STRUCTURAL. WALL TO BE PAINTED "CLASSIC LIGHT BUFF" SW 0050.
- INSTALL FIRE DEPARTMENT KNOX BOX
- FDC LOCATION
- NEW FIRE HYDRANT - SEE CIVIL
- DRINKING FOUNTAIN
- SCREEN WALL
- HEAT PUMP UNIT
- MONUMENT SIGN - SEE DETAIL 4-AS1.1

SITE KEY

- STRUCTURE
- LANDSCAPE
- ASPHALT DRIVE
- CONCRETE SIDEWALK
- GRANITE SIDEWALK
- CONCRETE PAVERS
- CONCRETE PAVEMENT

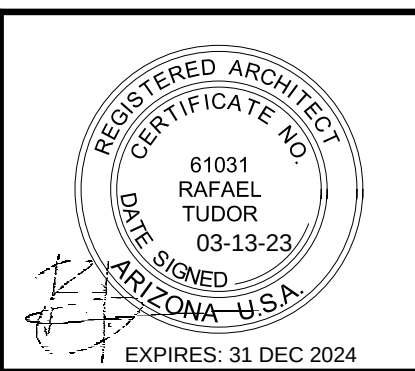
Administrative Approval

Community Development Director 3/17/2023
Lloyd Abrams Date:

City Engineer 03/17/2023
Munira Lemra Date:



Hooker DeJong Inc.
ARCHITECTS + ENGINEERS + PLANNERS
316 Morris Avenue
Suite 410
Muskegon, MI 49440
P 231.722.3407
F 231.722.2589



NEW CONSTRUCTION
HERITAGE SENIOR APARTMENTS

16627 & 16646 N NASH ST, SURPRISE, AZ 85376, APN: 501-80-034A & 501-80-034C

GORMAN & COMPANY

PROJECT NUMBER **2022.0099**

ISSUANCE		
NO.	DATE	DESCRIPTION
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CASE #:
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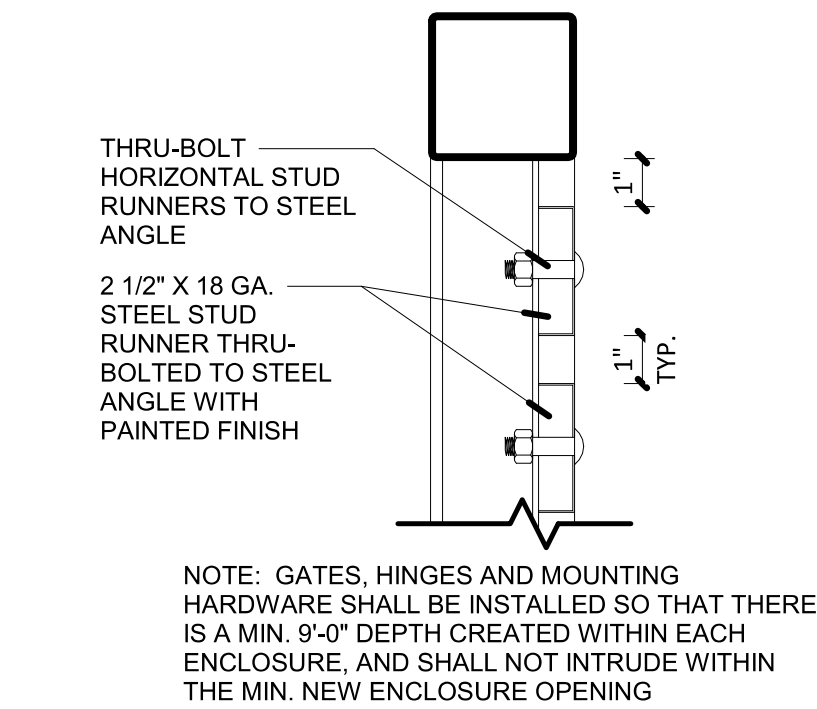
ARCHITECTURAL
SITE PLAN

AS1.0

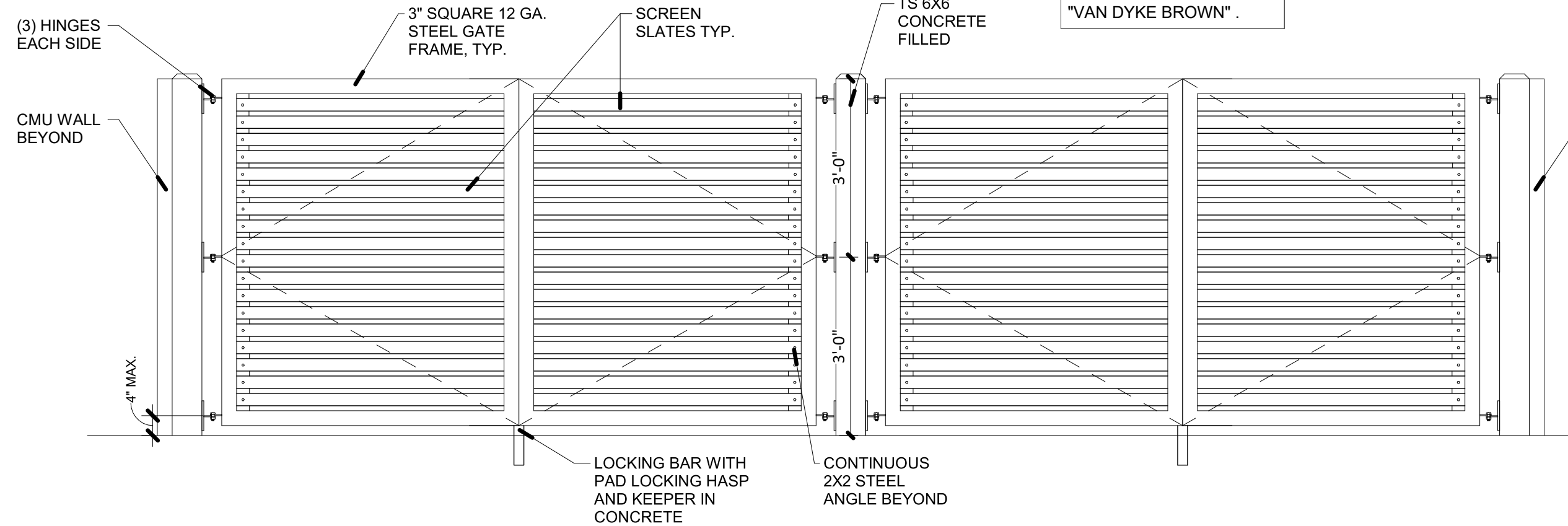
Administrative Approval

Community Development Director
Lloyd Abrams
City Engineer
Munga Lemke

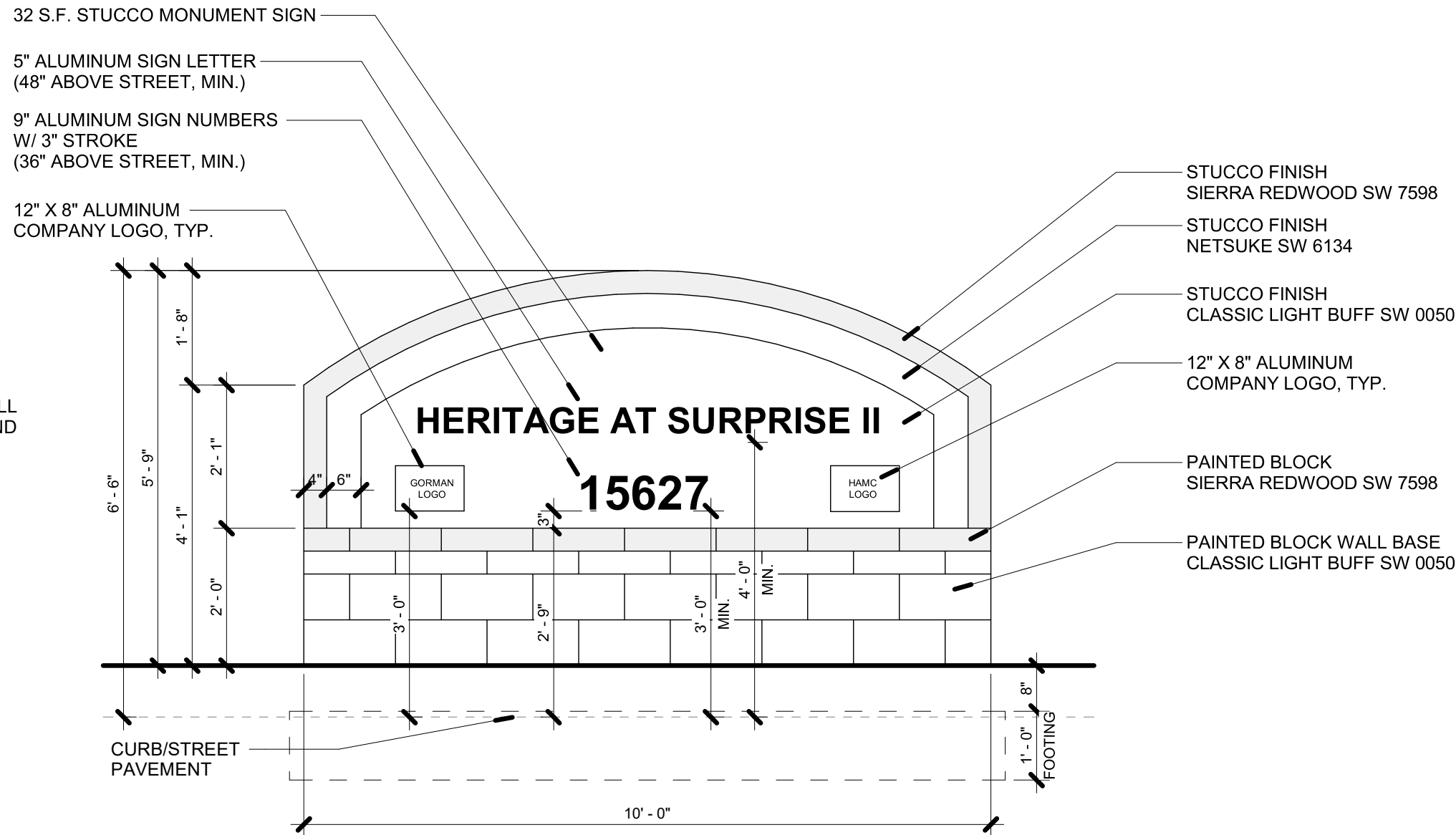
3/17/2023
Date:
03/17/2023
Date:



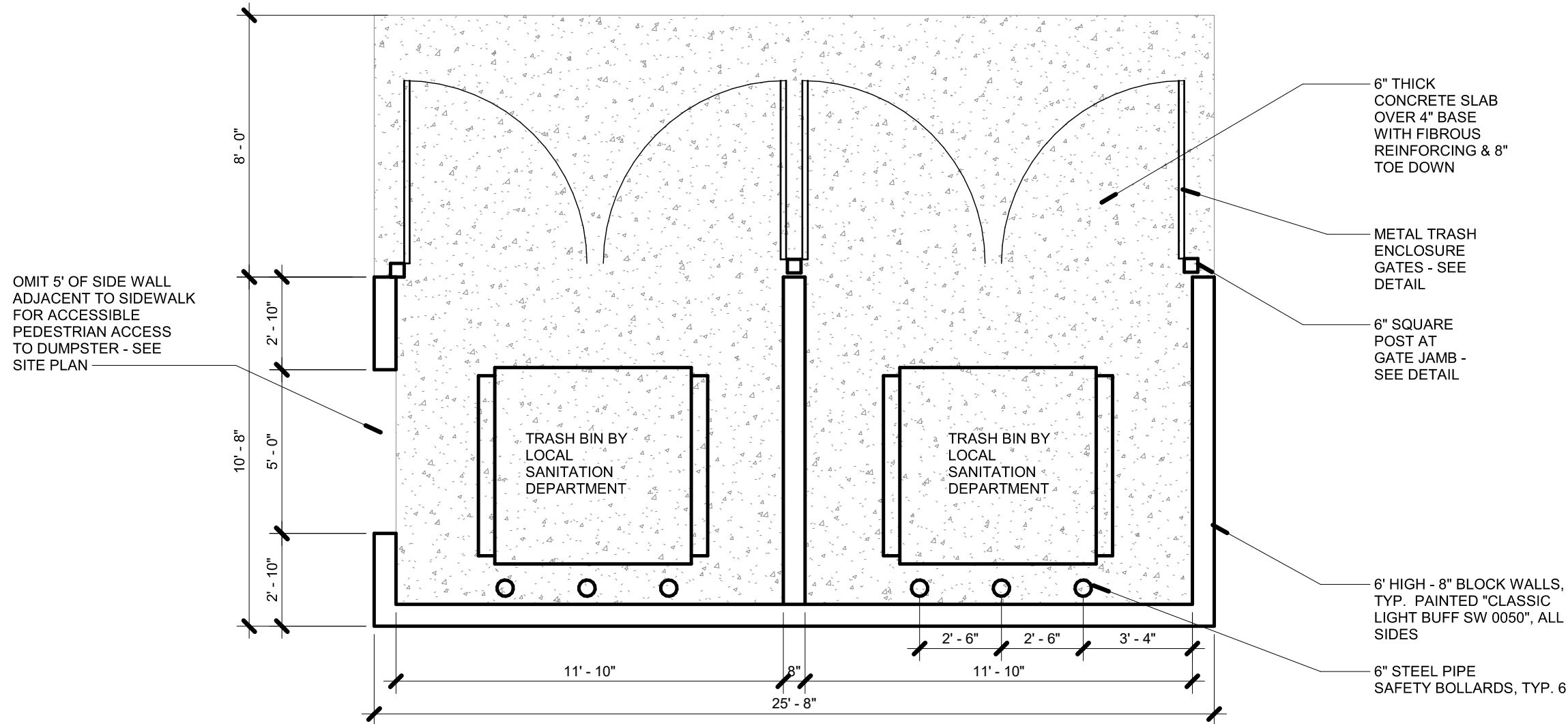
TRASH ENCLOSURE GATE HEAD



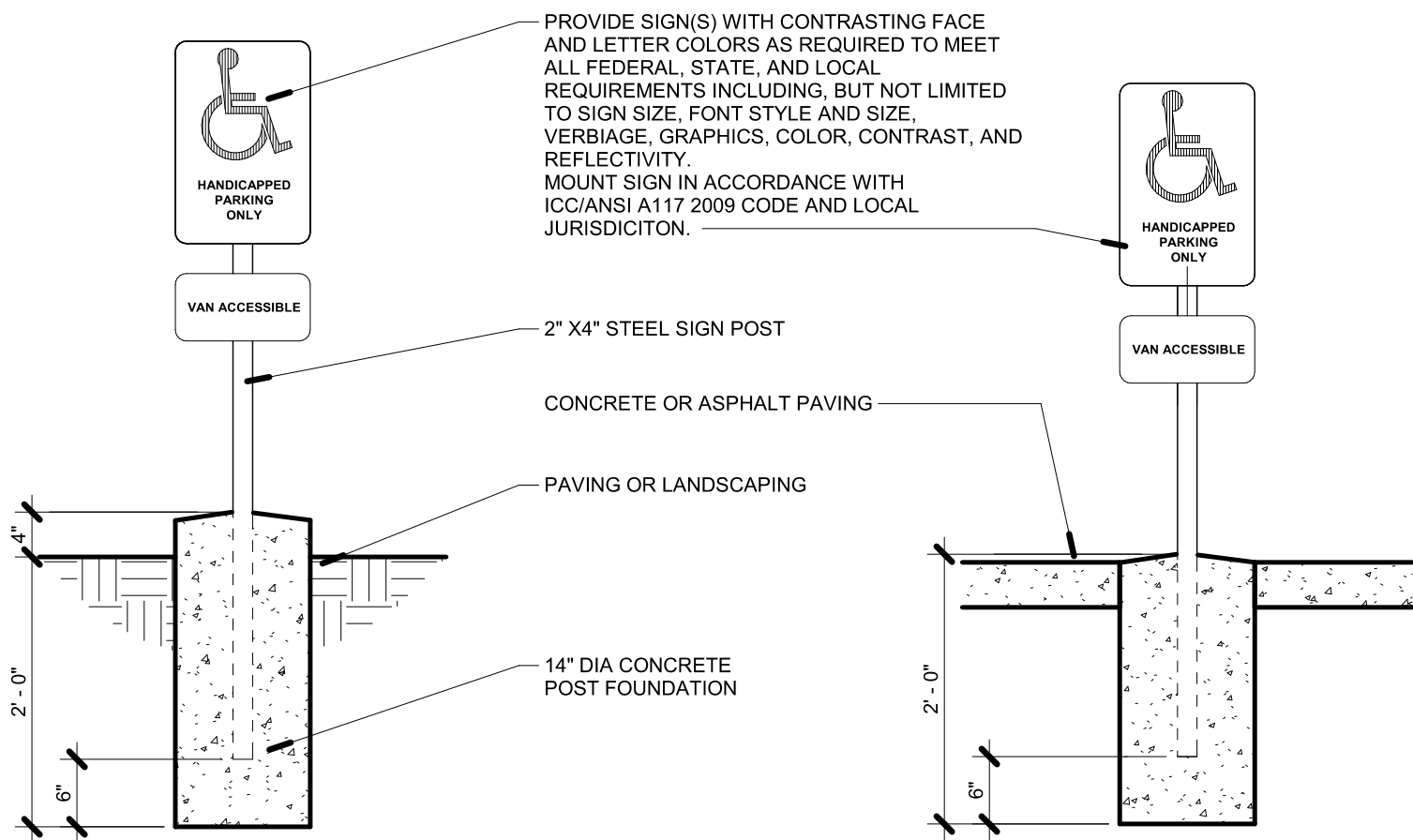
TRASH ENCLOSURE GATE ELEVATION



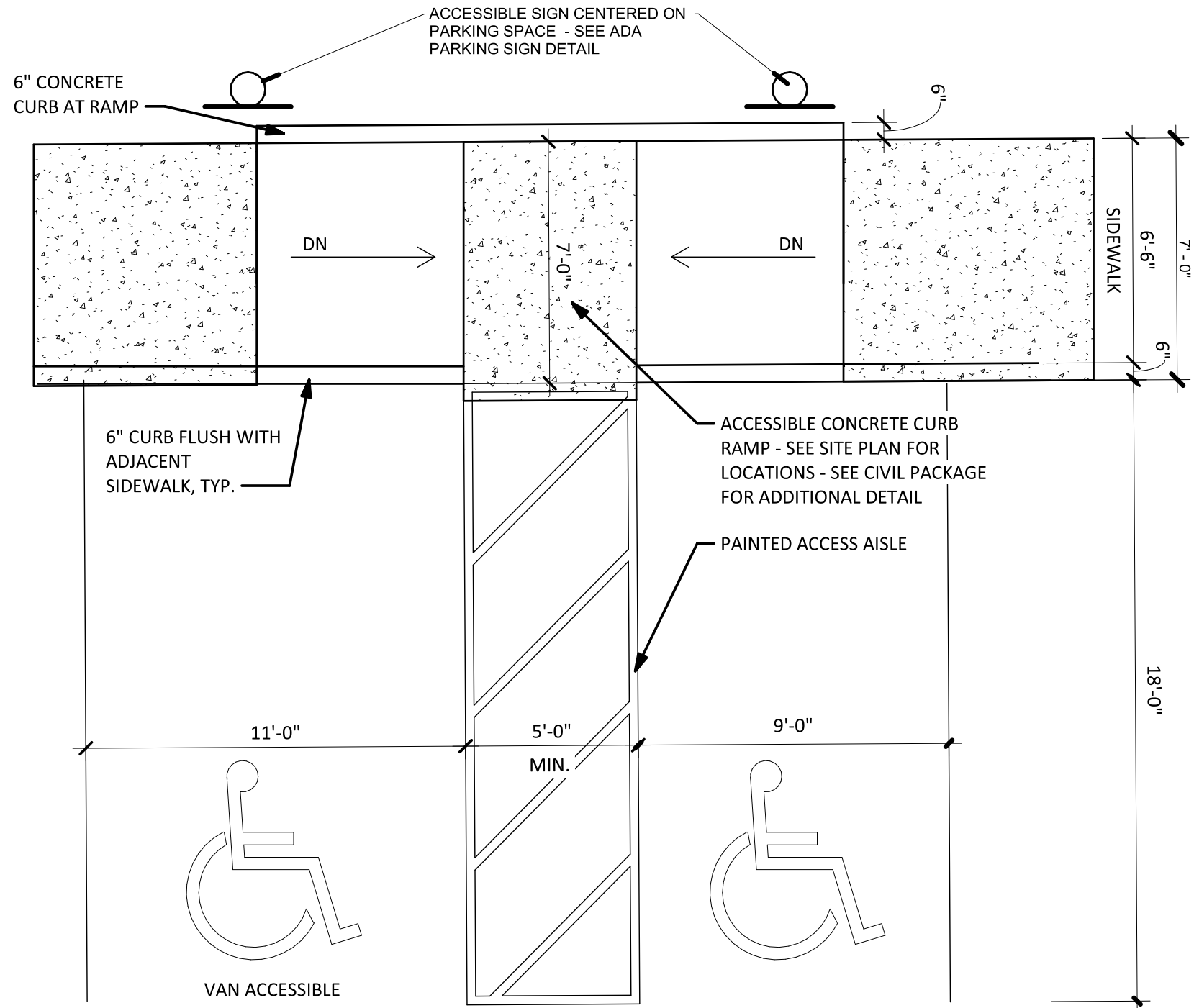
MONUMENT SIGN



TRASH ENCLOSURE ENLARGED PLAN - DOUBLE



ACCESSIBLE PARKING SIGN DETAILS



ACCESSIBLE RAMP DETAIL @ ACCESSIBLE PARKING STALL

HDJ

Hooker DeJong Inc
ARCHITECTS • ENGINEERS • PLANNERS

Hooker DeJong Inc
ARCHITECTS • ENGINEERS • PLANNERS

316 Morris Avenue
Suite 410
Muskegon, MI 49440
P 231.722.3407
F 231.722.2589

CERTIFICATE NO. 61031
RAFAEL TUDOR
03-13-23
DESIGNED
VERIFIED
APPROVED
USA
EXPIRES: 31 DEC 2024

NEW CONSTRUCTION

HERITAGE SENIOR APARTMENTS

15627 & 15646 N NASH ST. SURPRISE, AZ 85076, APN: 501-90-034A & 501-90-034C

GORMAN & COMPANY

PROJECT NUMBER 2022.0099		
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SITE DETAILS

AS1.1



HUMAN SERVICE AND COMMUNITY VITALITY

Date: March 21, 2023

To: Mayor and City Council

From: Seth Dyson, Director
Ellen Van Riper, Chief Deputy City Attorney

Re: Intergovernmental Agreement - Housing Authority of Maricopa County

Summary

The City of Surprise recognizes the importance of housing that is affordable to people of all income levels and that the Housing Authority of Maricopa County (HAMC) provides such affordable housing to people in Maricopa County, including the City of Surprise. Utilizing the U.S. Department of Housing and Urban Development (HUD) 202 program, HAMC and project partner Gem Housing Solutions desire to cooperatively develop and manage an estimated \$23 million 99 unit affordable senior housing development on city owned property. All parties agree this project be dedicated to providing affordable housing in perpetuity, including the duration of the 75 year lease. The agreement provides the city with a long-term affordable senior housing development with on-site services.

Background

The Housing Authority of Maricopa County serves Surprise and people throughout Maricopa County with affordable housing. HAMC is a medium-sized agency that develops and manages multifamily and single family homes. According to the National Low Income Housing Coalition, Arizona has a shortage of 143,998 available affordable rentals. Rents can be out of reach for many households. According to Real Data, Inc., in the third quarter of 2022, the overall median rent for an apartment in Surprise was \$1,675.

Agreement Profile

The City will lease the property to HAMC located in the original town site, bounded by Santa Fe Drive to the South and North Nash Street to the west.

Obligations for the City:

- City will lease the property to HAMC for the amount of ten dollars (\$10.00) per year for a period of seventy-five years with two ten year extension periods. The City authorizes HAMC to sublease the property.

Obligations of HAMC:

- HAMC will, with project partner, develop the property substantially in accordance with the Site Plan and in accordance with applicable provisions of the Surprise Municipal Code and design guidelines.
- HAMC will comply with HUD 202 and other lending guidelines in the operation of the project.
- HAMC will collaborate with the City on services for residents of the development and the greater community.
- HAMC will comply with the terms of the lease and sublease.

Financial & Budget Impact

The proposed Heritage at Surprise development is estimated to be a \$23 million investment in the City of Surprise and original town site. The management and on-going maintenance of the property will be the responsibility of HAMC and their project partner.



Intergovernmental Agreement with the Housing Authority of Maricopa County

Human Service & Community Vitality | March 21, 2023



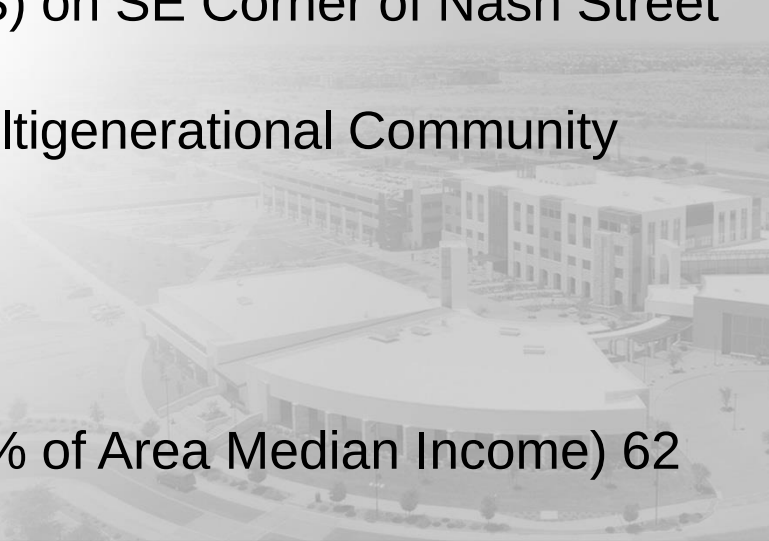
Overview

- Partnership with Housing Authority of Maricopa County
- Intergovernmental agreement outlining land lease
- Placed in service December, 2024





Heritage Senior

- 99 one-bedroom affordable senior housing units
 - Three story, elevator loaded apartment building
 - Resident services including a small gym and exercise room and a mini-clinic to be used by healthcare providers
 - Located in the Original Town Site (OTS) on SE Corner of Nash Street & Santa Fe Drive
 - Site will be adjacent to the planned Multigenerational Community Resource Center
 - Estimated \$23m investment
 - \$9m HUD 202 grant award
 - LIHTC 9% award
 - Who: very low-income (at or below 50% of Area Median Income) 62 years and older
- 



SURPRISE
ARIZONA

**QUESTIONS OR
COMMENTS?**

Thank You