CITY OF SURPRISE
Regular City Council Meeting
16000 N. Civic Center Plaza
Surprise, AZ 85374
Tuesday, August 1, 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

E. City Manager Report

1.	Citywide	Recognition of the 2023 WHAM's Top Golf winners.	None City Manager Office
2.	Citywide	Recognition for City of Surprise as Policymaker of the Year by the Association for Career and Technical Education of Arizona.	Economic Development

F. City Clerk Report

G. Call To The Public

INSTRUCTIONS: In order to address the City Council, you will need to fill out a Call to the Public Form available at the front counter, and then turn it in to the City Clerk before the meeting begins.
Download the Call to the Public form (PDF download requires Adobe Acrobat Reader)
Fill out the Call to the Public form online If submitting form electronically, please submit to City Clerk at least one hour before the meeting start time.
The Call to the Public form is also available at the front counter.

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

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

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

H. Regular City Council Meeting Agenda

CONSENT AGENDA:

3.	Internal	Consideration and action to approve the June 20, 2023 City Council Workshop Minutes and Regular Council Meeting Minutes.	None Kristi Passarelli City Clerk
4.	Internal	Consideration and action to move the Regular Work Session and Council Meeting scheduled for Tuesday, November 7, 2023 to Monday, November 6, 2023 due to the November Special Election falling on Tuesday, November 7, 2023.	None Kristi Passarelli City Clerk
5.	Citywide	Consideration and action to approve a request by Steven Christopher Bonillas for a Series 12 (Restaurant) Liquor License for Don Rubens Mexican Food located at 11340 W Bell Rd, Surprise, AZ 85378.	None Kristi Passarelli City Clerk
6.	District 3	Consideration and action to approve a request by Ryan Winter Anderson for a Series 09 (Liquor Store) Liquor License for Safeway #0048 located at 17230 W. Peoria, Surprise, AZ 85355.	None Kristi Passarelli City Clerk
7.	Citywide	Consideration and action to approve a request by Ryan Winter Anderson for a Series 09 (Liquor Store) Liquor License for Safeway Express #5830 located at 10730 N Cotton Lane, Surprise, AZ 85355.	None Kristi Passarelli City Clerk
8.	Citywide	Consideration and action pertaining to the approval of a Contract for Services between the City of Surprise and First Things First for Early Childhood Programming, authorizing the City to accept grant funding from First Things First and amending the Fiscal Year 2024 budget by moving budget authority of $250,000 from General Contingency to project G51750, revising the Contract Awarding Authority List, and the addition of two full-time equivalent (FTE) positions to the Human Services and Community Vitality Department (HSCV); Resolution #2023-103.	Seth Dyson Human Svcs and Comm Vitality
9.	District 1	Consideration and action pertaining to approval of the Final Plat entitled, "HC Estates" and dated May 4, 2023, a property located at the southeast corner of Dixileta Drive and 165th Avenue; Case FS23-0067.	None Jani Wertin Community Development
10.	District 1	Consideration and action pertaining to approval of the Final Plat entitled, "Jomax Acres" and dated May 8, 2023, a property located at the northwest corner of Jomax Road and 155th Avenue; Case FS23-0019.	None Jani Wertin Community Development
11.	District 1	Consideration and action pertaining to approval of the Final Plat entitled, "Windstone Ranch Phase 2" and dated May 2023, for property generally located at the northeast corner of Happy Valley Road and 151st Avenue; Case FS21-1037	None Chris Sexton Community Development
12.	Internal	Consideration and action ratifying the June 20, 2023 approval of an Intergovernmental Agreement with the City of Buckeye for access to the Imagetrend reporting software and correcting a scrivener's error; Resolution #2023-102.	Robert Wingo Legal

13.	Internal	Consideration and action ratifying the June 06, 2023 amendment to Chapter 30, Article III, Section 30-41 of the Surprise Municipal Code pertaining to the Judicial Selection Advisory Commission and correcting a scrivener's error; Ordinance #2023-22.	Robert Wingo Legal
14.	District 1	Consideration and action pertaining to approval of the Final Plat entitled, "NW-NWC 175th Avenue & Dale Lane" and dated May 30, 2023, a property located north of Dale Lane and west of 175th Avenue; Case FS23-0299.	Tanner Wessel Community Development
15.	Citywide	Consideration and action pertaining to the acceptance of the Law Enforcement Mutual Aid Agreement between the Tohono O'Odham Nation and the City of Surprise Police Department; Resolution #2023-88	Police
16.	District 3	Consideration and action pertaining to approval of the Final Plat entitled, "Dignity Prasada" and dated June 28, 2023, a property generally located at the southwest corner of Greenway Road and Loop 303; Case FS23-0033.	None Community Development
17.	District 5	Consideration and action pertaining to approval of the Final Plat entitled, "SimonCRE at Surprise Center" and dated received June 21, 2023, for property generally located at the southeast corner of Bell Road and Bullard Avenue; Case FS22-1606.	Chris Sexton Community Development
18.	District 3	Consideration and action pertaining to approval of the Final Plat entitled, "Cactus & Perryville Park" and dated July 06, 2023, a property located at the northeast corner of Cactus Road and Perryville Road; Case FS23-0434.	None Tanner Wessel Community Development
19.	Citywide	Consideration and action pertaining to the approval of an intergovernmental agreement with the County of Maricopa, State of Arizona for Regional Emergency Operations Management and Disaster services; Resolution #2023-113.	City Manager Office
20.	Citywide	Consideration and action pertaining to the approval of an amendment to the Fiscal Year 2024 budget by moving budget authority of $45,000 from General Contingency to project G34195A to account for the acceptance of a grant from the Arizona Department of Homeland Security; Resolution #2023-108.	None Brenden Espie Fire - Medical
21.	District 5	Consideration and action to grant a utility easement to Arizona Public Service Company, north of Tierra Buena Lane and west of Civic Center Plaza.	Mike Hoover Economic Development
22.	District 3	Consideration and action pertaining to acceptance of the Dedication of Public Right-of-Way With Conditions from High Desert Development, Inc. for right of way along Waddell near Cotton Lane.	Lloyd Abrams Community Development
	REGULAR AGENDA ITEM - PUBLIC HEARING:		
23.	District 1	Consideration and action pertaining to a Major PAD Amendment to the Asante PAD to change the land use designation for approximately 101 gross acres from commercial to mixed-use and modify development standards. The site is generally located at the southwest	Trever Fleetham Community Development

		corner of 163rd Avenue and Pat Tillman Blvd, within the Asante PAD. Case FS22-0517	
24.	District 4	Consideration and action pertaining to a rezone of approximately 13.2 acres from Community Commercial (C-2) to Residential High Density (R-3) for a site generally located on the southwest corner of Mountain View Blvd. and White Horse Trail, Case FS23-0198; Ordinance #2023-21.	Community Development

REGULAR AGENDA ITEM - NON-PUBLIC HEARING:

25.	Citywide	Consideration and action pertaining to acceptance of the Intergovernmental Agreement Between the Dysart Unified School District No. 89 of Maricopa County and The City of Surprise, Arizona to provide school resource officers to certain schools within the district; Resolution #2023-99.	Police
26.	Internal	Consideration and action pertaining to an amendment to the City of Surprise Policies and Procedures Manual pertaining to public participation.	Robert Wingo Legal

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

KRISTI PASSARELLI, CITY CLERK

POSTED: Thursday July 27, 2023 @ 10:45 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: August 1, 2023
Submitting Department: City Clerk
Staff Recommendations:

Contact Person:
District: Internal

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

Agenda Wording:
Invocation

Motion:

Background:

Objective Analysis:

Policy Compliant:

Financial Impact:

Budget Impact:
FTE Impact:

ATTACHMENTS:

CITY OF SURPRISE
Regular City Council Meeting

Council Meeting Date: August 1, 2023
Submitting Department: City Manager Office
Staff Recommendations: None

Contact Person:
District: Citywide

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

Agenda Wording:
Recognition of the 2023 WHAM's Top Golf winners.

Motion:
N/A

Background:

Objective Analysis:

Policy Compliant:

Financial Impact:

Budget Impact:
FTE Impact:

ATTACHMENTS:

CITY OF SURPRISE
Regular City Council Meeting

Council Meeting Date: August 1, 2023 Contact Person:
Submitting Department: Economic Development District: Citywide
Staff Recommendations:

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

Agenda Wording:
Recognition for City of Surprise as Policymaker of the Year by the Association for Career and Technical Education of Arizona.

Motion:

Background:
Jim Grieshaber, Director Career and Technical Education for Dysart Unified School District will present on behalf of the Association for Career and Technical Education of Arizona.

ACTEAZ Policy Maker of the year is the City of Surprise Economic Development.

The City of Surprise has been a Champion for CTE. Last year at Dysart's annual CTE program review, the City Economic Development Office announced a CTE proclamation and handed out City of Surprise/CTE pins that show the City's commitment to CTE. Surprise attends this event every year to talk about business and industry coming to Surprise and the vitality of a local CTE partnership.

The City Economic Development Office intentionally includes Career Technical Education as an integral part of the City's workforce development strategy. The City Economic Development Office includes the importance of embedding local high school CTE in pitches to attract industry. They provide space for local high CTE programs at all community career and training fairs. In addition, they actively connect industry representatives to CTE program advisory councils.

They share what Career Technical Education is, and the impact it makes on student test scores, industry assessments and academic achievement.

A great service is that they feature local high school CTE programs in social media posts for the City of Surprise residents to receive more information on CTE.

The City of Surprise provides tuition reimbursement/scholarship for adult students completing CTE programs with Estrella Mountain Community College (EMCC) and West-MEC Adult Ed to ensure a trained workforce.

The City of Surprise designed, advocated, and are launching a city ride share program to provide safe transportation to and from CTE training sites for one dollar a ride!

Thank you for your leadership in championing CTE for the schools and for the families to assist with education and workforce development.

Objective Analysis:

Policy Compliant:
Surprise City Council Strategic Plan

COMMUNITY LIVABILITY & LIFE-LONG LEARNING

Strategy 3.2: SUPPORT OUR EDUCATIONAL PARTNERS TO ADDRESS LIFELONG LEARNING INITIATIVES.

• Support city and school/ college initiatives and partnerships to engage with our youth population, while promoting Career and Technical Education (CTE) opportunities in Surprise to enhance vocational and technical training opportunities for Surprise residents.

Financial Impact:

Budget Impact:
FTE Impact:

ATTACHMENTS:

CITY OF SURPRISE
Regular City Council Meeting

Council Meeting Date: August 1, 2023
Submitting Department: City Clerk
Staff Recommendations: None

Contact Person: Kristi Passarelli, City Clerk
District: Internal

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

Agenda Wording:
Consideration and action to approve the June 20, 2023 City Council Workshop Minutes and Regular Council Meeting Minutes.

Motion:
I move to approve the June 6, 2023 Special City Council Minutes and Regular Council Meeting Minutes.

Background:

Objective Analysis:

Policy Compliant:

Financial Impact:

Budget Impact:
FTE Impact:

ATTACHMENTS:
1. 062023 Workshop Minutes
2. 062023 Regular Minutes

CITY OF SURPRISE
Regular City Council Work Session
16000 N. Civic Center Plaza
Surprise, AZ 85374
Tuesday, June 20, 2023 @ 4:00 PM
COUNCIL CHAMBERS

A. Call To Order
Mayor Hall called the City Council Work Session of Tuesday June 20th, 2023 to order at 4:02 pm 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 Nick Haney, Patrick Duffy, Jack Hastings, and Alyson Cline (Late). 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

H. Regular City Council Work Session Agenda

1. CONSENT AGENDA:

2. REGULAR AGENDA ITEM - PUBLIC HEARING:

3. REGULAR AGENDA ITEM - NON-PUBLIC HEARING:

1. Presentation and discussion regarding general transportation updates.

Kristin Tytler, Public Works Director, gave a PowerPoint Presentation, she thanked Eric Boyles as the Transportation Director, she talked about the Micro Transit WeRide program and the extended free rides through Aug 31 she said they have done 1700 rides since April. She further talked about the
New Performance Dashboard, Traffic Accidents, Enforcement, Travel Time as well as Pavement Conditions.
Assistant Police Chief Charles Morin talked about the overview traffic unit, he said they added 2nd shift and officers, he also said they have 1 day shift vacancy 2 vacancy night shifts. He talked about the Mission for Traffic.
Kristin talked about the focus on decreasing traffic collisions Litchfield & Bell. She said there were 65 signals currently, potentially adding 10+. She further talked about New Programs: the Bell Rd Adaptive Signals which monitors real time / Emergency Preemption; Grant funding to be complete early next year for clearing intersections for ER vehicles; Flashing Yellow Arrows 13 left to retrofit for complete city coverage Received MAG funding to install fiber; ADOT Projects for US60/SR303 Long Term $130-140 Mil projects. Focus Litchfield / 303 alignment and connection from El Mirage to Happy Valley; far west valley Jomax area. Capital Improvements: 163rd /Cactus/ Waddell/Cotton Lane/Sarival/Happy Valley Nov Bond

to retrofit for complete city coverage Received MAG funding to install fiber; ADOT Projects for US60/SR303 Long Term $130-140 Mil projects. Focus Litchfield / 303 alignment and connection from El Mirage to Happy Valley; far west valley Jomax area. Capital Improvements: 163rd /Cactus/ Waddell/Cotton Lane/Sarival/Happy Valley Nov Bond

Vice-Mayor Judd asked about Flashing Yellow accident reduction? Yes, information will be sent over.

2. Presentation and discussion pertaining to the draft of the Surprise General Plan 2040.

Jason Moquin, Planning Manager, gave a PowerPoint presentation.
Publishing later this month for public comment - held 8 GPAG meetings 5 in person workshops 3 virtual 4 booths 2 presentations Planning & Zoning 3 joint educational sessions multiple stakeholder meetings virtual surveys to HOAs Youth Council; process timeline
Matt Klyszseko consultant - 60 day review then begin public hearings preparation for Aug 2024 election
Vision Statement proposed - advisory group crafted; Plan Core Values - Welcoming Place, Livable Community, Concerned City, Competing Economy, Healthy Lifestyle, and a Sustaining Environment.
Organizational Structure - Diagram; structured around the vision and core values

Mayor Hall asked if public safety is not demonstrated in values, as we grow we want to support safety; companies look at safety for their employees why is that not more prominent? response: safety/healthy lifestyle of community would capture safety but will evaluate further to show emphasis; Mayor Hall, very important that safety is focus

Growth Areas - revised map adding planning area 7 understanding not currently annexed
Land Use Plan - Rural Residential Overlay
Open Space Plan - wildlife and recreational connectivity - state and county corridor assessment reviewed

Vice-Mayor Judd Question; are the plans current vs proposed? No - proposed only - white tank area not shown? these are 2 separate maps one for trails one for wildlife - Mayor Hall suggests labeling Vice-Mayor Judd, does every wildlife corridor have a trail? No, Vice-Mayor Judd - sometimes they are not compatible - response take a look for conflicts to mitigate as necessary, one key area to note is shown hatched area

Mayor Hall asked about the yellow within green, what does that mean? - yellow is wildlife corridor or wash area; green is buffer area

Councilmember Cline Question: if possible to make an overlay would be helpful for visual; yes

Housing - make it more prominent in the plan - goal balanced condition for all; generally work toward expanding living within community not focus on one type of housing and affordable

Mayor Hall commented that we need recruitment, developers that are creative great designs etc. for rent and no condos for sale we need more attached types for sale in our plan to aggressively recruit; response yes agree and recognize giving confidence for goal and policies and action items to help move the needle very helpful thoughts

Transportation - functional classification plan
Water Resources - Management and Conservation more prominent - move discussion to earlier in the plan; clear goals; delivery of water
Next Steps - 60 day review begins June 30; Workshop #3; Planning & Zoning Commission Hearings October 5 / Nov 2 - Council Consideration / Ratification Aug 2024

Councilmember Hastings - Comment - agree with Mayor on Safety ; what about Education? review 2nd slide comparison values likes the left side better; response - beginning of document goals for plan showing education and safety focus areas -virtual aspect to navigate the plan; Councilmember Hastings - for voters need to make sure this is simple for voters to understand what does Surprise care - response committee about be specific and balance to emphasize areas appropriately

Mayor Hall - Comment - The left side being easier to read, simple and concrete.

Vice-Mayor Judd - Comment - Thank you to Chairman Doolittle for leadership of the committee; likes the vision statement; likes new core values; more emphasis on recreation within healthy lifestyle; Water -moving to the front? Response; last topic discussed but will be moved up in the plan based on committee meeting discussion - land/transportation/water - Vice-Mayor Judd - move water to #1

Councilmember Haney - Comment - Public Safety - response times credit to department proactive; Question- Quality Transportation System - history of discussion as why it's not on the 2035 - Response - several components are carried over to the new plan; Councilmember Haney - clearly prioritizing infrastructure in prior version, critical to put priority Water and Transportation are the two top categories. Loves that the change says "We"

Councilmember Cline - Comment - Education - expand a little bit local education to category about the competing economy.

3. Presentation and discussion pertaining to the results of the Housing Study.

Seth Dyson introduced the item as well as the Matrix Design Group - Charlie Perham, Christian Caron, Robert Mansolilo. There was a PowerPoint Presentation showing the results of the Housing Study. Hired Nov 2022 – Tasks. Results - Data Points - Housing Stock 2021 - 83% - Median Rent - High; Average Gross Rent 2022 Q1 - higher than pre-pandemic levels; Neighborhoods % below $1500; Median Home Sales double over 10 years; Surprise higher than west valley but lower as a whole by county;
Charlie asked about previous 10 years, and thoughts on cost; 2007 peak
Cost burdened Renters/Homeowners - 53% Renters 25% Owners. Single Income -typically fail to meet household. Senior Housing - 23% 65+ - 12% vacancy; Available housing - not affordable. Projected Gaps in Owner Market / Rental Market.

Vice-Mayor Judd asked about the affordable ones, and how much rent could an one family afford? Christian replied that 30% of income low earnings (500 month lowest income bracket).

Christian talked about the conclusions; renters cost burden; surprise lowest share of affordable rental units; most affordable units continue short supply; ownership out of reach for many due to rapid increase in price; deficit affordable and luxury owner homes to grow

Councilmember Cline, asked about excess apartments and if it would impact rent to come down? She said it would seem rates will come down for buildings to stay afloat? Charlie replied that the chart shows not enough luxury now but not enough available in city now will continue. Councilmember Cline followed up by asking if other affordable homes will be taken instead? Charlie replied that less units built at higher cost. Councilmember Cline said that downsizing and making affordable options less available.

Councilmember Duffy asked how much data is factoring in economic cycles? What happens in next recession? Christian replied; yes, they accounted for that in the data. Councilmember Duffy asked what factored in high interest? Will we have a surplus of apartments? Christian said that risk based decisions on this type of data by developers yes, the model accounts for fluctuation in market.

Councilmember Cline asked about recessionary trend, did data analysis include properties in process as of now? Christian said yes, depending on different phases. Councilmember Cline asked about properties are in build now? Christian said only accounts for units occupied. based on what is in the pipeline could close gaps. Councilmember Cline said it could mitigate top 2 tiers.

Charlie talked about Potential Solutions - allow duplex and triplex / reevaluate off street parking requirements; pursue finance zero interest loans or grants; educate stakeholders low income housing tax credit; augment Newtown Community Land Trust; legislation establish land banks use of TIF; offer developer incentives

Vice-Mayor Judd asked about Community of HOA's and if they will say no? Charlie said they understood the challenge.

4. Presentation and discussion pertaining to the FY2023 Financial Status Report through March 2023.

Andrea Davis, Chief Financial Officer talked about the General Fund Sources, the $3.9 Million over estimate sources, as well as the General Fund Uses.

I. Other Business and Future Agenda Items

J. City Council Reports

K. Executive Session

1. Executive Disclaimer - Part 1

L. Adjournment

Vice-Mayor Judd moved to adjourn the meeting, Councilmember Cline Seconded the motion. The motion pass 6 "yes" votes, 1 excused. Meeting Adjourned at 5:06 P.M.

_____

Skip Hall, Mayor

ATTEST:

_____

Kristi Passarelli, City Clerk

CERTIFICATION:

I, Kristi Passarelli, City Clerk for the City of Surprise, Maricopa County, Arizona, do hereby verify that these are the true and correct minutes of the Regular City Council Meeting of **Tuesday, June 20, 2023.**

_____

Kristi Passarelli, City Clerk

CITY OF SURPRISE
Amended Regular City Council Meeting
16000 N. Civic Center Plaza
Surprise, AZ 85374
Tuesday, June 20, 2023 @ 6:00 PM
COUNCIL CHAMBERS
Amended Agenda (Item # 47 & 48) - June 16, 2023 @ 4:00 PM*

A. Call To Order
Mayor Hall called the Regular City Council Meeting of Tuesday June 20th, 2023 to order at 6:10 pm, located at Surprise City Hall, 16000 N.Civic Center Plaza, Surprise, AZ 85374.

1. Invocation
Mayor Hall led the Invocation

B. Roll Call
Present: Mayor Hall, Vice Mayor Judd, Councilmembers Haney, Cline, Duffy & Hastings.
Councilmember Remley - Excused

C. Pledge of Allegiance
Mayor Hall led the Pledge of Allegiance.

D. Proclamation and Community Acknowledgements

1. Juneteenth Proclamation
Mayor Hall Presented to Pastor Alan Shepherd

E. City Manager Report

1. Reports

1. Kingswood Elementary Sports Teams Recognition
Coach Renee - Kingswood Elementary
Boys and Girls Basketball and Girls Volleyball Teams won championship games
Coach Trey and Bryan, Principal and Manager

2. Recognition of community collective impact to help a Veteran in need.
Daniel Osborn - West Valley Veterans Success Center
Water Resources reported water leak and seeked to provide assistance
Research costs with "Patriotic Plumbing" veterans support company
Allison Wisniewski and team did outreach to secure funding to support the repair cost estimated at $3,250.00

Larry Layton; Keith Gray; Military Order of Purple Heart; Melani Ruiz Director of Charities.

F. City Clerk Report

1. Reports

3. The Ceremonial Oath of Office will be issued to newly appointed **City Clerk, Kristi Passarelli**

4. Consideration and action to reappoint the following Committee Members for the **Personnel Appeals Board** with a term expiration of June 30, 2027: LaCoya Shelton; Ted Grove and Mitchell Friedlander and newly appoint Timothy Tait.

Motion to Approve Councilmember Cline
2nd Councilmember Haney
Vote 6 YES/1 Excused (Remley)

5. Consideration and action to reappoint the following Committee Members for the **Veterans, Disabilities and Human Services Commission** with a term expiration of June 30, 2027: Shawna Daigle and Steffan Hanzel.
   Councilmember Cline Motion to Approve
   2nd Councilmember Haney
   Vote: 6 YES/1 Excused (Remley)
6. Consideration and action to reappoint the following Committee Members for the **Parks and Recreation Commission** with a term expiration of June 30, 2027: Brent Bailey; Patricia Blaisdell and Wayne Turner and newly appointed member Matthew Ives.
   Motion to Approve Councilmember Cline
   2nd Councilmember Haney
   Vote: 6 YES/1 Excused (Remley)
7. Consideration and action to reappoint the following Committee Members for the **Planning & Zoning Commission,** Matthew Keating, Ken Chapman, Dennis Bash and new appointment of Jay Leondard with a term expiration of June 30, 2027:
   Motion to Approve Councilmember Cline
   2nd Councilmember Haney
   Vote: 6 YES/1 Excused (Remley)
8. Consideration and action to reappoint the following Committee Member Margaret Lieu for the **Arts & Cultural Advisory Commission** with term expiration of June 30, 2027, and new appointments for Crystal Kupper, Charlotte Pullins and Taylor Ingro with term expirations of June 30, 2027.
   Motion to Approve Councilmember Cline
   2nd Councilmember Haney
   Vote: 6 YES/1 Excused (Remley)
9. Consideration and action to appoint the following Committee Members for the new **Library Commission** with a term expiration of June 30, 2027 for 4 members William Shields, Jill Thomsen, Lillian Nieto and Deborah Gentry and June 30, 2025 for 3 members Jamie Baker, Kady McCarthy and Kevin Perry.
   Motion to Approve Councilmember Cline
   2nd Councilmember Haney
   Vote: 6 YES/1 Excused (Remley)

G. Call To The Public
   Mark Savage - Your Sure Foundation Non-Profit
   Presentation to Mayor and Council
   Thank you for support of their non-profit over the past few months
   Thank you Human Vitality Department/Surprise Resource Center supporting one another
   Invitation July 13- 11am-1pm - Ceremony at noon

H. Regular City Council Meeting Agenda

1. CONSENT AGENDA:
   Items Removed From Consent: 12, 16, 20, 29, 32, 36
   Vice Mayor Judd Motion to approve all other items
   2nd Councilmember Cline
   Vote: 6 YES/1 Excused (Remley)

10. Consideration and action to approve the June 6, 2023 Special City Council Minutes and Regular Council Meeting Minutes.
    Approved
11. Consideration and action pertaining to the approval of an Intergovernmental Agreement with Maricopa County Library District to allow the City to receive library materials; Resolution #2023-80.
    Approved
12. Consideration and action pertaining to approval of the Final Plat entitled, "Dignity Prasada" and dated May 9, 2023, a property generally located at the southwest corner of Greenway Road and Loop 303; Resolution #2023-92.
    Motion to Continue Indefinitely made by Councilmember Duffy, seconded by Councilmember Hastings.
    Vote: 6 YES/1 Excused (Remley)
13. Consideration and action pertaining to approval of the Final Plat entitled, "Putman Dixileta" and dated April 7, 2023, a property located at the southeast corner of Dixileta Drive and 166th Avenue; Case FS22-1261.
    Approved
14. Consideration and action pertaining to the approval of an Intergovernmental Agreement with Maricopa County for Workforce Development Services and amending the Fiscal Year 2024 budget by moving budget authority of $167,200 within the General Fund from Economic Development Contingency to project N51010 Workforce Development Services and revising the Contract Awarding Authority List; Resolution #2023-84
    Approved
15. Consideration and action pertaining to approval of the Final Plat entitled, "Re-plat For A Portion Of Beardsley Townsite – Tract O" and dated February 13, 2023, a property generally located west of the intersection of Yorkshire Drive and Grand Avenue. Case FS22-1387
    Approved
16. Consideration and action pertaining to approval of the Fourth Amendment to the Intergovernmental Agreement (IGA) between the City of Surprise and Regional Public Transit Authority (RPTA) for Fiscal Year 2024 Transit Services; Resolution #2023-78.

    Kristin Taylor, Transportation, gave a PowerPoint Presentation. She talked about: Route 571 funding - We Ride is separate contract - total cost over 2 mil, Net 1.4 mil.
    Councilmember Cline commented about para transit. The City is not required to have service, she said this is something we have chosen to do and absorb costs.

    Motion to Approve Councilmember Cline, seconded by Councilmember Duffy
    Vote: 6 YES/1 Excused(Remley)

17. Consideration and action pertaining to the approval of an amendment to the Intergovernmental Agreement with Maricopa County to provide Community Action Program Services, authorizing the City to accept grant funding in the amount of $482,700, and amending the Fiscal Year 2024 budget by moving budget authority of $482,700 from general contingency to project G51594; Resolution #2023-87
    Approved

18. Consideration and action pertaining to approval of an amendment to the fiscal year 2024 budget by moving budget authority in the amount of $60,400 within contingency to a grant project for the acceptance of a grant from the Gila River Indian Community; Resolution #2023-94.
    Approved
19. Consideration and action pertaining to approval of an amendment to the fiscal year 2024 budget by moving budget authority in the amount of $375,000 within the Grants Fund for the acceptance of a grant from the Arizona Department of Administration; Resolution #2023-95.
    Approved
20. Consideration and action pertaining to approval of the Final Plat entitled, "Cactus & Perryville Park" and dated May 22, 2023, a property located at the northeast corner of Cactus Road and Perryville Road; Case FS23-0434.

    Motion to Continue Indefinitely Councilmember Duffy, seconded by Councilmember Cline.

    Vote: 6 YES/1 Excused (Remley)
21. Consideration and action pertaining to approval of the Final Plat entitled, "Asante Unit 4.10" and dated May 5, 2023, a property generally located near West Gray Fox Trail and Happy Valley Road; Case FS23-0086.
    Approved
22. Consideration and action pertaining to the conditional acceptance and maintenance of certain streets and public utility improvements at west Dynamite Boulevard and north 171st Avenue; Resolution # 2023-61.
    Approved
23. Consideration and action pertaining to the conditional acceptance and maintenance of certain streets and public utility improvements at west Dynamite Boulevard and north 175th Lane; Resolution # 2023-62.
    Approved
24. Consideration and action pertaining to the conditional acceptance and maintenance of certain streets and public utility improvements at west Dynamite Boulevard and north 175th Lane; Resolution # 2023-69.
    Approved
25. Consideration and action pertaining to the conditional acceptance and maintenance of certain streets and public utility improvements at west Oberlin Way and north 175th Lane; Resolution # 2023-68.
    Approved
26. Consideration and action pertaining to the conditional acceptance and maintenance of certain streets and public utility improvements at west Dynamite Boulevard and north 177th Avenue; Resolution # 2023-70.
    Approved
27. Consideration and action pertaining to approval of an amendment to the Fiscal Year 2023 budget by reallocating appropriations of $4,000 within the Grants Fund from Contingency to Salaries in Project G54102 in order to accept a distribution from the Michael Phelps Foundation for the reimbursement of expenses related to implementing the Michael Phelps IM program; Resolution #2023-81.
    Approved

28. Consideration and action pertaining to the conditional acceptance and maintenance of certain streets and public utility improvements at west Pinnacle Peak Road and north 183rd Avenue; Resolution # 2023-86.
    Approved
29. Consideration and action approving an amendment extending the existing Intergovernmental Agreement with the Arizona Game and Fish Commission to continue the Community Fishing Program at Surprise Lake located within the Surprise Community Park; Resolution #2023-71.

    Holly Osborn, Director of Parks and Recreation, gave a presentation. She talked about the $5900/year to stock Surprise Lake.
    Vice Mayor Judd commented that this is a great program.
    Councilmember Cline said that this is a great class for kids to learn about fishing.

    Vice Mayor Judd Motion to Approve, seconded by Councilmember Cline
    Vote: 6 YES/1 Excused (Remley)
30. Consideration and action appointing a Chief Fiscal Officer pursuant to A.R.S. § 41-1279.07(E) for the purpose of submitting the annual AELR report for fiscal years 2023 and 2024; Resolutions #2023-90 and #2023-91.
    Approved
31. Consideration and action pertaining to approval of the Contract for Services between the City of Surprise and Area Agency on Aging, authorizing the City to accept grant funding in the amount of $92,000, and amending the Fiscal Year 2024 budget by moving budget authority of $92,000 from general contingency to projects G51507 and G51517; Resolution #2023-89.
    Approved
32. Consideration and action pertaining to the approval of an amendment to the Comprehensive Citywide Fee Schedule by revising and adding library printing fees; Resolution 2023-96.

    Kathryn Smithyman, City Librarian gave a PowerPoint Presentation about Library Print Fees.
    Councilmember Cline wanted to thank staff for providing simple resources; amazing and honorable service at actual cost and saving residents money.

    Vice Mayor Judd Motion to Approve, Seconded by Councilmember Haney
    Vote: 6 YES/1 Excused (Remley)
33. Consideration and action pertaining to approval of the 2023 Intentionally Created Surplus (ICS) agreement with the Central Arizona Project; Resolution #2023-93.
    Approved
34. Consideration and action to designate the City of Surprise Sports and Tourism Department as the designated official Destination Marketing Organization (DMO) for the purpose of coordinating tourism promotion with the Arizona Office of Tourism (AOT); Resolution #2023-67.
    Approved
35. Consideration and action pertaining to approval of an Intergovernmental Agreement between the City of Surprise and City of Buckeye for the purpose of Records Management System (RMS) Sharing; Resolution #2023-62.
    Approved
36. Consideration and action pertaining to acceptance of the Dedication of Public Right-of-Way With Conditions from High Desert Development, Inc. for right of way along Waddell near Cotton Lane.
    Motion to Continued to August 1 2023 made by Councilmember Duffy, seconded by Councilmember Cline.

Vote: 6 YES/1 Excused (Remley)

37. Consideration and action pertaining to approval of a funding agreement between the City of Surprise and the West-MEC Alliance in the amount of $100,000 for the Surprise Career Development Scholarship Fund.
Approved

2. REGULAR AGENDA ITEM - PUBLIC HEARING:

38. Consideration and action pertaining to a rezone of an approximately 2.42 acre property, generally located west of the intersection of Yorkshire Drive and Grand Avenue and consisting of six vacant parcels, from Rural Residential (RR) to Community Commercial (C-2) (Case FS22-1387); Ordinance #2023-17.

Leslie Carnie, Planner, gave a PowerPoint Presentation.
Councilmember Cline commented that only adding 1 person to staff. she thanked staff for the presentation and said it was a great addition to the area
Public Hearing - No speaker

Motion to Approve made by Councilmember Cline, seconded by Vice-Mayor Judd

Vote: 6 YES/1 Excused (Remley)

39. Consideration and action pertaining to a rezone of an approximately 2.66 acre vacant property, generally located southwest of the intersection of 163rd Avenue and Grand Avenue, from split zoning of Community Commercial (C-2)/Rural Residential (RR) to exclusively Community Commercial (C-2) (Case FS21-552); Ordinance #2023-19.

Leslie Carnie, Planner, gave a PowerPoint Presentation about the Site Plan for the Zoning of the Maverik Gas Station. She further talked about outreach and the Neighborhood meeting - no attendees; working with county parks and rec re: public comment received after public meeting.

Councilmember Haney had a question regarding residents concerns impact on lanes/ADOT is there coordination with ADOT? Leslie deferred to applicant for response. Paul Gilbert can to reply, he said we have to drill underground so we will definitely coordinate and will not interfere with current plans.

Public Hearing - No Speakers

Motion to Approve made by Councilmember Haney, Seconded by Councilmember Hastings.

Vote: 6 YES/1 Excused (Remley)

40. Consideration and action pertaining to a rezone of approximately 12.9 acres on the northwest corner of Cactus Road and Cotton Lane from Regional Commercial (CR/C-3 and CR/PUD) to Residential High Density (R-3); Ordinance #2023-16.

Trever Fleetham, Planner, gave a PowerPoint Presentation regarding: Market Study / Site Plan / Bungelow style units (108 max); Outreach at 2 neighborhood meetings / Virtual / no opposition to project.

The Applicant, Brenan Ray, gave a presentation on behalf of NexMetro. He talked about: Avila Foothills located at Cactus and Cotton Lane; and coordination with Legacy Schools - They are supportive of plan.

Public Hearing - Speaker - Paul Gilbert - Representing property owner Mr. Gary Davidson
He said that this is not a good property area for commercial development - Mr. Davidson is an experienced developer for commercial - access points are limited; not good for both partners. Recommend council to approve this rezone.

Councilmember Duffy asked about why there is no entrance and exit on Cotton? Why Not?
Trever said the frequency of driveway entries 600 ft closest point for intersection on both sides - distance from intersection and driveway impacts and median exists; items of concern have been addressed; perfect example of why to change; no more than 108 units.

Vice Mayor Judd echoed Councilmember Duffy on his points; we do not like to give up commercial property; this is not a good spot for commercial development.

Councilmember Haney said he appreciated the consideration for the school; said that he likes the plan.

Councilmember Cline said there was a lot of effort that went into this plan; she likes the pool included; drainage considerations; makes sense for benefit of community; glad parents provided input; flooding consideration.

Motion to Approve made by Councilmember Duffy, seconded by Vice-Mayor Judd

Vote: 6 YES/1 Excused (Remley)

41. Consideration and action pertaining to a Zoning Text Amendment (ZTA) to the Surprise Land Development Ordinances (LDO) to revise standards for active single-family residential signs and model home complex signs; Ordinance #2023-14.

Tanner Wessel, planner, gave a PowerPoint Presentation, he said there was no opposition at meetings. He gave his recommendation.

Councilmember Cline asked about the temporary signs When are they required to remove them?
Tanner said the timeframe included within the ordinance (when 90 % are sold or the sale office closed whichever is first).

Vice Mayor Judd asked if there are any restriction for offsite signage requiring that it be in city limits? Tanner said the signage is tied to model home complex within city.

Public Hearing - Speaker Jackson Mall - CEO Homebuilders Association. He said that builders speak highly of city - best practices for other municipalities - support the item and consideration of this request.

Councilmember Hastings asked if they support the amendment? Jackson said the amendment addresses the issues that have been presented.

Robert Wingo, City Attorney, said confirming the items are in the "amended packet"; Ordinance showing plan Alt A or Alt B

Vice-Mayour Judd made the Motion to Approve with Option B, Councilmember Haney Seconded the motion.

Vote: 6 YES/1 Excused (Remley)

3. REGULAR AGENDA ITEM - NON-PUBLIC HEARING:

42. Consideration and action levying primary property taxes at a rate of $0.7591 per hundred dollars ($100) of assessed valuation and secondary property taxes at a rate of $0.3880 per one hundred

dollars ($100) of assessed valuation for Fiscal Year 2024 within the City of Surprise; Resolution #2023-77.

Andrea Davis, Chief Financial Officer, thanked Eric Boyles; she introduced the item.
Eric Boyles then gave a PowerPoint Presentation. He talked about: Final Action for adoption of FY24 budget; Notice and Publications May 23 & May 30; Rate stays same as FY23.

Councilmember Hastings made the Motion to Approve, it was seconded by Vice-Mayor Judd.

Vote: 6 YES / 1 Excused (Remley)

43. Consideration and action levying an amount not to exceed the maximum rate of $1.20 per one-hundred dollars of assessed valuation for each Street Light Improvement District (SLID) within the City of Surprise during the Fiscal Year 2024; Resolution #2023-75.

Eric Boyles gave a PowerPoint Presentation about: Special Taxing Districts, 134 Street Light Improvement District.

Councilmember Hastings made a Motion to Approve, it was seconded by Vice-Mayor Judd

Vote: 6 YES / 1 Excused (Remley)

44. Consideration and action pertaining to the Fiscal Year 2024 grant award for the Surprise Community Outreach Program.

Jodi Tas, Government Relations Program Direction, gave a PowerPoint Presentation about: Community Grant Program; May 30th Review Applications; 34 applications presented and considered; 23 received funding; 1 non- profit removed themselves from consideration ($6,500).

Vice-Mayor Judd commented thanking the committee; he recommended that $6500 be given to AASK Kinship.

Councilmember Haney said it was great to be on the committee.

Councilmember Hastings agreed that it was great to be on the committee.

Vice-Mayor Judd made a Motion to Approve with stipulation to add $6,500 to AASK Kinship and Remove $6500 from Surprise Rotary Club; Seconded by Councilmember Hastings.

Vote: 6 YES / 1 Excused (Remley)

45. Consideration and action ordering the recording of a blank petition for the proposed annexation of approximately 4.97 acres generally located east of 163rd Avenue and South of Planada Lane (Case FS23-0138); Resolution #2023-60.

Chris Sexton, Planner, gave a PowerPoint Presentation. She talked about: Annexation from County to Rural Residential; Next Steps - Approve Resolution to annex; July 17 File Blank Petition; 30 day waiting period (received public comment); obtain signatures for annexation; Public hearing required tentative date August 15 2023; 1 year to collect signatures; estimated date September 19, 2023; Concurrent Case FS23-0138.

Councilmember Haney asked for clarification if this is not approval of rezone correct? He asked if this moves forward where will the concurrent case be? When is the next opportunity for residents to voice input? Chris said that August 15 public hearing and public comment during the 30 day waiting period; signage with all applicable dates posted.

Councilmember Haney asked if right now the county could also rezone? Chris said yes; we know 163rd/Grand is a major problem area, not our fault but our problem. She said she wants to be

clear this is only a step to begin the process for annexation and the public has the opportunity to voice concerns.

Councilmember Cline asked if this is this part of the tree farm? Chris said yes, it was part of Sunrise Nursery

Councilmember Hastings asked about reviewing the timeline; he would like to see results of bond election prior to voting on this as a development. Bond contains improvements to 163rd.

Motion to Approve made by Councilmember Hastings, second by Councilmember Haney

Vote: 6 YES/1 Excused (Remley)

46. Consideration and action pertaining to the Fiscal Year 2024 award of the Arts and Cultural Advisory Commission's Grant Program.

Julie Akerly, Arts & Culture Manager gave a Presentation PowerPoint. She talked about: Activities must take place in Surprise; 9 applications; $96,240 requested; continuously growing program.

Councilmember Hastings asked if there was a request and noted minimum; is is correct they must provide what the project funds used for? Julie said yes.

Motion to Approve made by Councilmember Hastings; Seconded by Councilmember Cline.

47. *Consideration and action pertaining to approval of the Final Plat entitled "Final Plat of Prasada North", dated June 15, 2023, a property located at the northwest corner of Waddell Road and Sarival Avenue. Case FS22-1422.

Trever Fleetham gave a PowerPoint Presentation; Final Plat Prasada North.

Motion to Approve made by Councilmember Duffy, seconded by Councilmember Haney.

Vote: 6 YES / 1 Excused (Remley)

48. *Consideration and action pertaining to a City Center Infrastructure Improvement Agreement between the City of Surprise and Surprise Center Development Company and City Center Simon Surprise for improvements to Elm Street.

Mike Hoover, Assistant Director, gave a PowerPoint Presentation. He talked about: City Center Development; Restaurant Retail Space; Scott with Simon CRE talked about commitment to project - joint partnership; Elm ST & Luke Parkway.

Councilmember Hastings said it was exciting to be a part of the plan and was happy to support.

Councilmember Cline said it was great to provide community we have been talking about since 2002; she appreciates working together for viable things coming to the area; she thanked staff for hard work.

Vice-Mayor Judd asked if the city 6.5 mil for improvement and return get land? Mike said 9 acres and design of project as urban design; what can be done with the easement; received as open space city decides what can be done no requirement for anything. Vice-Mayor Judd asked if parks are expensive and maintain it maybe not extremely useful and flexible to choose? Mike said it will be coordinated effort for use of the space.

Councilmember Hastings made a Motion to approve; Councilmember Cline seconded.

Vote: 6 YES/1 Excused (Remley)

I. Other Business and Future Agenda Items
NONE

J. City Council Reports
Councilmember Haney said there would be community meetings 6/28 - update meeting with Dale Lane residents at Asante Prep; 6/29 - Asante Library 6 month community meeting in office. He said he met with Michelle and Kimberly about concerns about rural areas and keeping community interest. He wanted to congratulate Kristi, and thanked Sherry.

Councilmember Cline said she met the mayors at 6/6 AZ Broadway Theater. On 6/7 Salvation Army check and on 6/8 Surprise Youth Council. On 6/15 Police Retirement Event, and on 6/16 Citizen Patrol Award Banquet. She said she has 2 meetings coming up 6/23 AZ Traditions 6/27 6-8 PM Last Evening Meeting in SC Grand moving to day time.

Vice-Mayor Judd - Thanked Sherry for being the face of Surprise and Historian. On 6/21 at the Tap House Community Meeting.

Councilmember Hastings said he had 1 person not from his district talked about Sycamore Farms, he thanked her for coming; council try to make the best decisions for the city even when they disagree. He thanked Sherry for her service.

Councilmember Duffy said he had no meetings in July. He said he would miss Sherry.

Mayor said on July 4 there would be fireworks and free baseball game 5pm - staff collecting canned foods; Red White and Pool Party - Music Food Trucks etc June 20 ticket sales; Fireworks begin at 8:45 PM. Surprise Day of Service on July 12 St Marys Food Bank event. He said that there would be an event for Sherry tomorrow at 2:30 PM.

K. Executive Session
NONE

1. Executive Session Items

2. Executive Disclaimer - Part 1

3. Executive Disclaimer - Part 2

4. Executive Disclaimer - Part 3

L. Adjournment
Motion Adjourn made by Vice-Mayor Judd; Seconded by Councilmember Duffy.

Vote: 6 YES / 1 Excused (Remley)
Meeting adjourned at 8:37 PM

_____
Skip Hall, Mayor

ATTEST:

_____
Kristi Passarelli, City Clerk

CERTIFICATION:

I, Kristi Passarelli, City Clerk for the City of Surprise, Maricopa County, Arizona, do hereby verify that these are the true and correct minutes of the Regular City Council Meeting of **Tuesday, June 20, 2023.**

_____
Kristi Passarelli, City Clerk

CITY OF SURPRISE
Regular City Council Meeting

Council Meeting Date: August 1, 2023
Submitting Department: City Clerk
Staff Recommendations: None

Contact Person: Kristi Passarelli, City Clerk
District: Internal

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

Agenda Wording:
Consideration and action to move the Regular Work Session and Council Meeting scheduled for Tuesday, November 7, 2023 to Monday, November 6, 2023 due to the November Special Election falling on Tuesday, November 7, 2023.

Motion:
I move to move the Regular Work Session and Council Meeting scheduled for Tuesday, November 7, 2023 to Monday, November 6, 2023 due to the November Special Election falling on Tuesday, November 7, 2023.

Background:

- **Sec. 2-65. - Meeting, location and time.**

Regular meeting of the city council will be held on the first and third Tuesday of each month at 6:00 p.m. at City Hall, 16000 N. Civic Center Plaza, Surprise, Arizona, unless otherwise provided in the public notice.
Work sessions may be held for the purpose of presentations to and discussions with council. Action by council at work sessions is limited to general consensus, conveying questions or requesting information. No formal action of the city council may be taken at work sessions.
Special meetings may be convened by the mayor at any time.
The city council may call, vacate, or change the date, time or location of a specific meeting by majority vote.
(Ord. No. 2013-09, § 2(Exh. A), 11-12-2013; Ord. No. 2014-03, § 2, 1-28-2014).

Objective Analysis:

Policy Compliant:
Yes

Financial Impact:

N/A

Budget Impact:
FTE Impact:

ATTACHMENTS:

CITY OF SURPRISE
Regular City Council Meeting

Council Meeting Date: August 1, 2023
Submitting Department: City Clerk
Staff Recommendations: None

Contact Person: Kristi Passarelli, City Clerk
District: Citywide

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

Agenda Wording:
Consideration and action to approve a request by Steven Christopher Bonillas for a Series 12 (Restaurant) Liquor License for Don Rubens Mexican Food located at 11340 W Bell Rd, Surprise, AZ 85378.

Motion:
I move to approve a request by Perry Charles Huellmantel for a Series 10 (Beer and Wine Store) Liquor License for Quiktrip #464 located at 16475 W Grand Avenue, Surprise, AZ 85387.

Background:

Objective Analysis:

Policy Compliant:

Financial Impact:

Budget Impact:
FTE Impact:

ATTACHMENTS:
1. PD - Don Rubens Mexican Food
2. Fire - 11340 W Bell Ste 125A Liquor License
3. Finance - Don Rubens Mexican Food - 11340 W Bell Rd
4. CD - Don Rubens REPORT
5. DON RUBENS MAP

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

REFERENCE: DATE: October 29, 2019

JOB NUMBER - 247411
Series #12 – New License
Current License at Location: 12078032

APPLICANT:
Don Rubens Mexican Food
11340 W. Bell Road, Ste 125A
Surprise, Arizona 85374

FINDINGS:

1) ***Evidence concerning the nature of the proposed business, its potential market and its likely customers.***
Don Rubens a looking to open up in the very near future as a full-service restaurant specializing in traditional Mexican cuisine, for lunch and dinner. There have been various restaurants at this location since 2009, but the suite has been vacant for approximately two years. There is a scheduled seating capacity of 199 persons with 24of those as part of a bar area. There is no scheduled entertainment listed. The potential market should continue be for patrons of all ages.

2) ***Effect of vehicular traffic in close proximity.***
The main egress and ingress is off of Avenue of the Arts Blvd, north of Bell Road. There is also egress and ingress off of Bell Road into the shopping plaza for east bound Bell Road only, due to a raised median on Bell Road, preventing west bound traffic from the plaza. There is a traffic signal light at 114th Avenue and Bell Road which is adequate to handle the traffic flow in this area.

3) ***The history for the past five years of liquor violations and reported criminal activity at the proposed premises provided that the applicant has received a detailed report of such activity at lest 20 days before the hearing.***
Over the past five years, there have not been many police calls for service and zero calls for liquor violations. In August ‘22, there was a homeless person who had set up a camp on the patio, but property management had officers remove and trespass the man. Another homeless person was trespassed in June ’21. A welfare check re: suspicious activity was requested by previous restaurant employees in August ’20, which resulted in all no action required.

4) ***Comparison of hours of operation of the proposed premises to the existing businesses in close proximity.***
Don Rubens is in the Bel Mar shopping plaza. Don Rubens had previously been operating in Glendale and has changed names to a new Mexican food restaurant with similar menu. The hours there are from 11 AM to 8 PM every day, except for Sundays when they open at 9 AM. Hurricane Grill & Wings is another restaurant in the same plaza, which also has a current series 12 license. Their hours are from 11 AM to 8 PM, except for Fridays, when it closes at 9 PM. The Angry Crab restaurant is also in the plaza and has a series 12 license, and is open every night until 9 PM, except for Friday and Saturday nights, when they close at 10 PM. There are some smaller shops in the plaza and a medical office which all have normal business type hours.

5) ***Appropriateness of series license requested.***
A series 12 license is appropriate and applicable for the Don Rubens, per state guidelines for restaurants.

Submitted by Officer Chris Tovar #2059

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

June 20, 2023

To: Sherry Ann Aguilar, City Clerk

From: Keith Tanner, Fire Marshal

Subject: Liquor License Application

Applicant: Don Ruben's Mexican Food
11340 W Bell Rd, #125A, Surprise, AZ 85378

The Surprise Fire-Medical Department has been involved with the pre-construction / plan review process at the above referenced location within the last few months to ensure compliance with the applicable fire codes within the tenant space and building. Since construction work is still ongoing, there are no known fire code violations. Therefore, fire has no comment on the application at this time.

If you have any questions feel free to contact me.

Keith Tanner

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

SURPRISE
ARIZONA

MEMO

Date: 6/9/2023

To: Sherry Aguilar, City Clerk
Charles Vasquez, Deputy City Clerk

From: Courtnee Chavez, Business Compliance Specialist

RE: Liquor License Application – Don Rubens Mexican Food - 11340 W Bell Rd

Business License Status:

☑ Application link emailed on 6/9/2023 .

☐ License # , current and valid for .

☐ Applied for license but is still pending and waiting on customer to provide additional information or documents.

REVENUE DIVISION FINANCE
DEPARTMENT CITY OF
SURPRISE

16000 N. Civic Center Plaza
Surprise, AZ 85374
business.license@surpriseaz.gov

6/9/23

DON RUBENS MEXICAN FOOD
11340 W BELL RD 125A
SURPRISE, AZ 85378

Re: City of Surprise business license requirement

To Whom It May Concern and/or Business Owner,

Please be advised that a city business license is required and must be obtained per City of Surprise Municipal Code.

Article II. – Business Licenses

Section 26-20 – License required.

(a) It is unlawful for any person to practice, transact or carry on any business within the municipal limits of the city without first having procured a license from the city to do so, or without complying with any and all regulations of such business designated in this article, unless exempted pursuant to section 26-27.

The link for our code can be found here:
https://library.municode.com/az/surprise/codes

Business license applications may be obtained from the City of Surprise website at www.surpriseaz.gov/1491/Business-Licensing or by visiting our office at the above address. Please complete and return the application by 6/23/23 .

Should you have any questions, please contact us by email at Business.License@surpriseaz.gov. You can apply online at **https://primeweb.surpriseaz.gov/** .

Respectfully,
City of Surprise - Revenue Division

COMMUNITY DEVELOPMENT DEPARTMENT

SURPRISE
ARIZONA

Date: June 12, 2023

To: Sherry Aguilar, City Clerk

From: Lloyd Abrams, Community Development Director
Alexander Ferruccio, Zoning Specialist

Re: Liquor License Application for:

Agent, Steven Christopher Bonillas
Don Rubens Mexican Food
11340 W Bell Road 125 A
SURPRISE, AZ. 85378

Series 12 (New Application – Restaurant)- Application # 247411

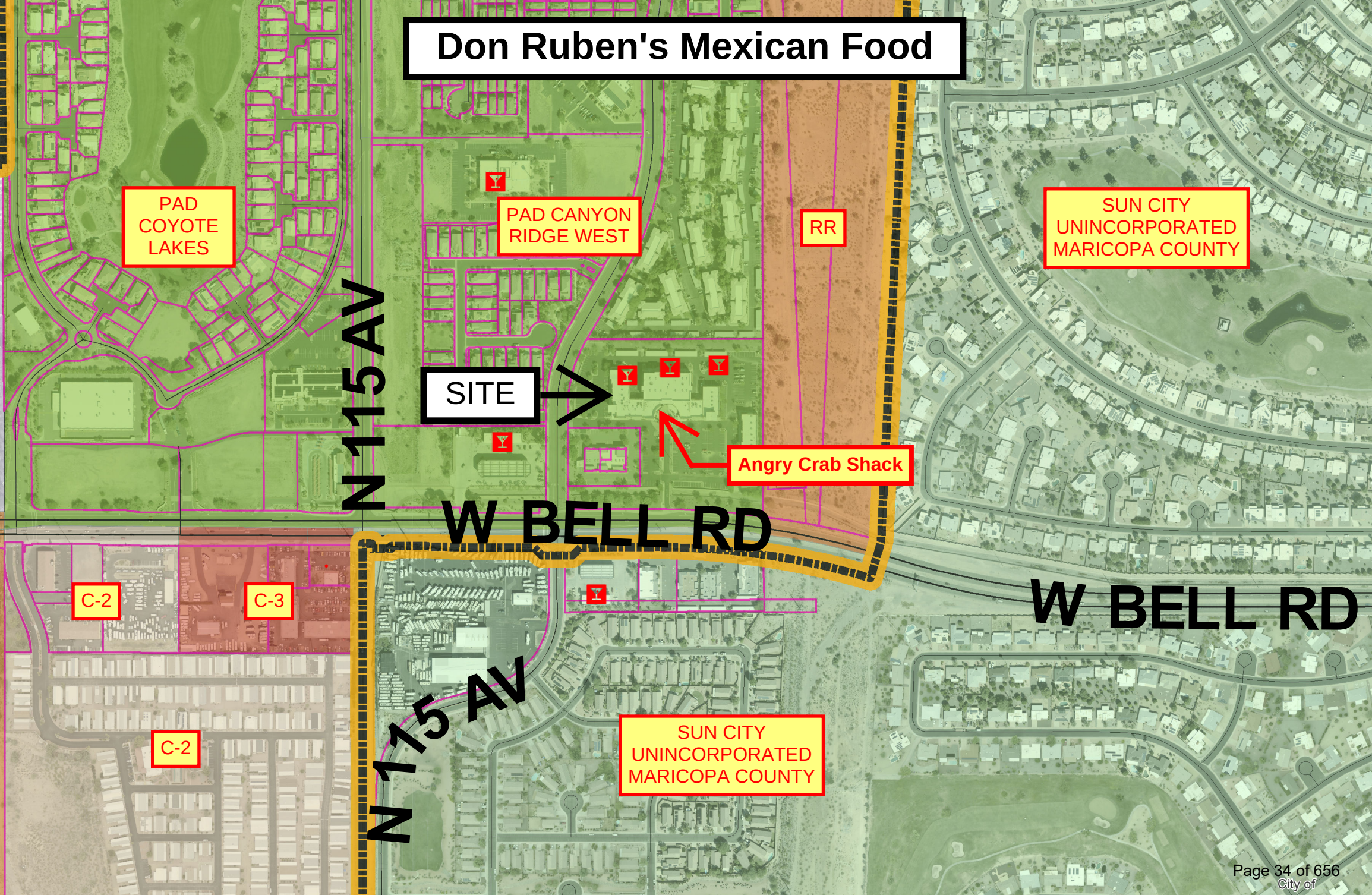
The number and series of licenses in close proximity to the subject site are:

1. Quiktrip #494 (Series 10) – 11420 W Bell Road
2. 5 & Diner 2 (Series 12) – 11340 W Bell Road STE 125A (Expired)
3. Angry Crab Shack (Series 12) – 11340 W Bell Road STE 118A
4. Hurricane Grill & Wings (Series 12) – 11340 W Bell Road STE 103
5. Circle K Store #6285 (Series 9) – 11339 W Bell Road

The immediate area is comprised of commercial and residential zoning. The property is zoned PAD Canyon Ridge West (Commercial) which is consistent with the proposed use.

Commercial and residential growth is expected to remain static.

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


Don Ruben's Mexican Food
PAD COYOTE LAKES
PAD CANYON RIDGE WEST
RR
SUN CITY UNINCORPORATED MARICOPA COUNTY
SITE
Angry Crab Shack
N 115 AV
W BELL RD
C-2
C-3
C-2
N 115 AV
SUN CITY UNINCORPORATED MARICOPA COUNTY
W BELL RD

CITY OF SURPRISE
Regular City Council Meeting

Council Meeting Date: August 1, 2023
Submitting Department: City Clerk
Staff Recommendations: None

Contact Person: Kristi Passarelli, City Clerk
District: District 3

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

Agenda Wording:
Consideration and action to approve a request by Ryan Winter Anderson for a Series 09 (Liquor Store) Liquor License for Safeway #0048 located at 17230 W. Peoria, Surprise, AZ 85355.

Motion:
I move to approve a request by Perry Charles Huellmantel for a Series 10 (Beer and Wine Store) Liquor License for Quiktrip #464 located at 16475 W Grand Avenue, Surprise, AZ 85387.

Background:

Objective Analysis:

Policy Compliant:

Financial Impact:

Budget Impact:
FTE Impact:

ATTACHMENTS:
1. Finance_Safeway -17230 W Peoria Ave
2. Fire - Safeway #0048 17230 W Peoria Ave Liquor License
3. PD - Safeway Store 17230 W Peoria Ave
4. SAFEWAY # 0048 Report
5. CD - SAFEWAY # 0048 MAP

SURPRISE
ARIZONA

MEMO

Date: 6/5/2023

To: Sherry Aguilar, City Clerk
Charles Vasquez, Deputy City Clerk

From: Courtnee Chavez, Business Compliance Specialist

RE: Liquor License Application – Safeway - 17230 W Peoria Ave

Business License Status:

☑ Application link emailed on 6/5/2023 .

☐ License # , current and valid for .

☐ Applied for license but is still pending and waiting on customer to provide additional information or documents.

REVENUE DIVISION FINANCE
DEPARTMENT CITY OF
SURPRISE

16000 N. Civic Center Plaza
Surprise, AZ 85374
business.license@surpriseaz.gov

6/5/23

SAFEWAY #0048
20427 N 27TH AVE
PHOENIX, AZ 85027

Re: City of Surprise business license requirement

To Whom It May Concern and/or Business Owner,

Please be advised that a city business license is required and must be obtained per City of Surprise Municipal Code.

Article II. – Business Licenses

Section 26-20 – License required.

(a) It is unlawful for any person to practice, transact or carry on any business within the municipal limits of the city without first having procured a license from the city to do so, or without complying with any and all regulations of such business designated in this article, unless exempted pursuant to section 26-27.

The link for our code can be found here:
https://library.municode.com/az/surprise/codes

Business license applications may be obtained from the City of Surprise website at www.surpriseaz.gov/1491/Business-Licensing or by visiting our office at the above address. Please complete and return the application by 6/19/23 .

Should you have any questions, please contact us by email at Business.License@surpriseaz.gov. You can apply online at **https://primeweb.surpriseaz.gov/** .

Respectfully,
City of Surprise - Revenue Division

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

May 30, 2023

To: Sherry Ann Aguilar, City Clerk

From: Keith Tanner, Fire Marshal

Subject: Liquor License Application

Applicant: Safeway #0048
17230 W Peoria Ave.
Surprise, AZ

The Surprise Fire-Medical Department has been involved with the pre-construction / plan review process at the above referenced location within the last few months to ensure compliance with the applicable fire codes within the tenant space and building. Since construction work is still ongoing, there are no known fire code violations. Therefore, fire has no comment on the application at this time.

If you have any questions feel free to contact me.

Keith Tanner

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

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

REFERENCE:

Application Number – 246541 July 14, 2023
Series #09
New Application – Liquor Store

APPLICANT:

Safeway #0048
17230 W. Peoria Avenue
Surprise, Arizona 85355

FINDINGS:

1) ***Evidence concerning the nature of the proposed business, its potential market and its likely customers.***
Safeway is a grocery store chain with stores established already in Surprise and nationwide. This store's potential market consists of all residents of the City of Surprise and the surrounding northwest valley.

2) ***Effect of vehicular traffic in proximity.***
Brand new roads are being established simultaneously with the store and the rest of the plaza's construction. Cotton Lane, which borders on the east side of the store has been recently expanded to multiple lanes for north and south bound travel, and Peoria Avenue, which borders on the south has recently been expanded and is currently under more improvements currently to accommodate the anticipated increased traffic, which should be adequate for the plaza.

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

4) ***Comparison of hours of operation of the proposed premises to the existing businesses in close proximity.***
According to research, the two other existing local Safeway stores are open every day from 6 AM – 10 PM, and there appears to be no reason this store will differ. Safeway is the largest occupants of a future shopping center at this location and there are no other stores are completed currently.

5) ***Appropriateness of series license requested.***
The series #9 license is appropriate for this Safeway Food & Drug.

Submitted by Officer C. E. Tovar #2059

COMMUNITY DEVELOPMENT DEPARTMENT

SURPRISE
ARIZONA

Date: July 17, 2023

To: Charles Vasquez, Deputy City Clerk

From: Lloyd Abrams, Community Development Director
James Stewart, Zoning Specialist

Re: Liquor License Application for:

AGENT, Ryan Witner Anderson
Safeway #0048
17230 W. Peoria Ave.
Surprise, Arizona 85355

New Series 09 (NEW APPLICATION – LIQUOR STORE) – Application # 246541

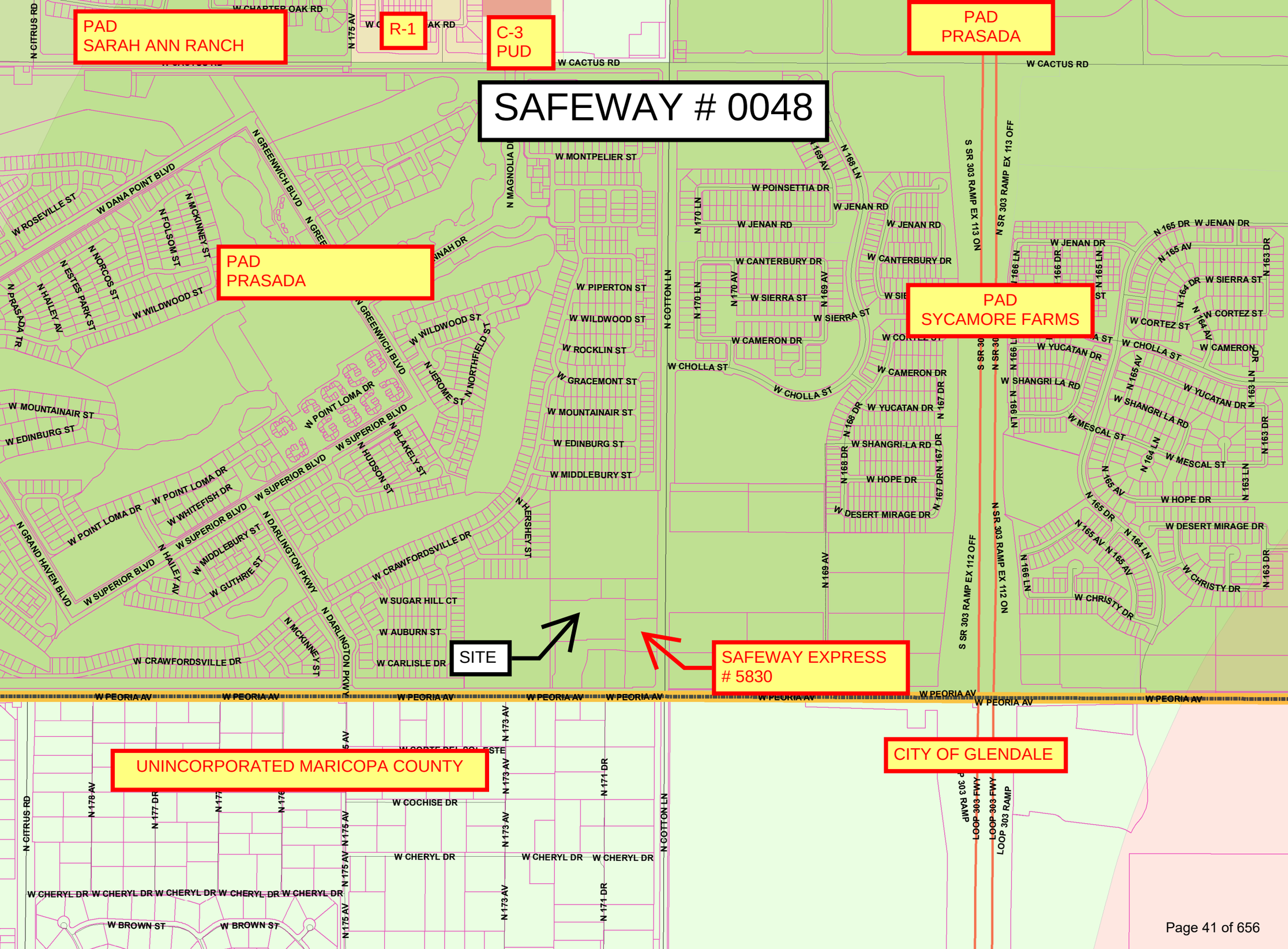
The number and series of licenses in close proximity to the subject site are:

1. Safeway Express #5830 (Series 09) – 10730 N. Cotton Lane

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

Commercial and residential growth is increasing in this area.

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


SAFEWAY # 0048
PAD
SARAH ANN RANCH
R-1
C-3
PUD
PAD
PRASADA
PAD
PRASADA
PAD
SYCAMORE FARMS
SITE
SAFEWAY EXPRESS
5830
UNINCORPORATED MARICOPA COUNTY
CITY OF GLENDALE
W CACTUS RD
W PEORIA AV
W MONTPELIER ST
W POINSETTIA DR
W JENAN RD
W CANTERBURY DR
W SIERRA ST
W WILDWOOD ST
W ROCKLIN ST
W GRACEMONT ST
W MOUNTAINAIR ST
W EDINBURG ST
W MIDDLEBURY ST
W CAMERON DR
W CHOLLA ST
W YUCATAN DR
W SHANGRI LA RD
W MESCAL ST
W HOPE DR
W DESERT MIRAGE DR
W CHRISTY DR
W CRAWFORDSVILLE DR
W SUGAR HILL CT
W AUBURN ST
W CARLISLE DR
W SUPERIOR BLVD
W POINT LOMA DR
W WHITEFISH DR
W GUTHRIE ST
W COCHISE DR
W CHERYL DR
W BROWN ST
N MAGNOLIA DR
N GREENWICH BLVD
N MCKINNEY ST
N FOLSOM ST
N NORCOS ST
N ESTES PARK ST
N HAILEY AV
N PRASADA TR
N JEROME ST
N NORTHFIELD ST
N BLAKELY ST
N HUDSON ST
N DARLINGTON PKWY
N HERSHEY ST
N GRAND HAVEN BLVD
N COTTON LN
N 175 AV
N 173 AV
N 171 DR
N 170 LN
N 170 AV
N 169 AV
N 168 LN
N 168 DR
N 167 DR
N 166 LN
N 165 DR
N 165 AV
N 164 DR
N 164 AV
N 164 LN
N 163 DR
N 163 LN
N 178 AV
N 177 DR
S SR 303 RAMP EX 113 OFF
N SR 303 RAMP EX 113 ON
S SR 303 RAMP EX 112 OFF
N SR 303 RAMP EX 112 ON
LOOP 303 FWY
LOOP 303 RAMP

CITY OF SURPRISE
Regular City Council Meeting

Council Meeting Date: August 1, 2023
Submitting Department: City Clerk
Staff Recommendations: None

Contact Person: Kristi Passarelli, City Clerk
District: Citywide

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

Agenda Wording:
Consideration and action to approve a request by Ryan Winter Anderson for a Series 09 (Liquor Store) Liquor License for Safeway Express #5830 located at 10730 N Cotton Lane, Surprise, AZ 85355.

Motion:
I move to approve a request by Perry Charles Huellmantel for a Series 10 (Beer and Wine Store) Liquor License for Quiktrip #464 located at 16475 W Grand Avenue, Surprise, AZ 85387.

Background:

Objective Analysis:

Policy Compliant:

Financial Impact:

Budget Impact:
FTE Impact:

ATTACHMENTS:
1. Finance - Safeway Express - 10730 N Cotton Ln
2. Fire - Safeway Express #5830 10730 N Cotton Lane Liquor Licene
3. PD - Safeway Express Store 10730 N Cotton Lane
4. CD - SAFEWAY EXPRESS # 5830 Report
5. SAFEWAY EXPRESS # 5830 MAP

SURPRISE
ARIZONA

MEMO

Date: 6/6/2023

To: Sherry Aguilar, City Clerk
Charles Vasquez, Deputy City Clerk

From: Courtnee Chavez, Business Compliance Specialist

RE: Liquor License Application – Safeway Express - 10730 N Cotton Ln

Business License Status:

☑ Application link emailed on 6/6/2023 .

☐ License # , current and valid for .

☐ Applied for license but is still pending and waiting on customer to provide additional information or documents.

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

June 6, 2023

To: Sherry Ann Aguilar, City Clerk

From: Keith Tanner, Fire Marshal

Subject: Liquor License Application

Applicant: Safeway Express #5830
10730 N Cotton Lane
Surprise, AZ

The Surprise Fire-Medical Department has been involved with the pre-construction / plan review process at the above referenced location within the last few months to ensure compliance with the applicable fire codes within the tenant space and building. Since construction work is still ongoing, there are no known fire code violations. Therefore, fire has no comment on the application at this time.

If you have any questions feel free to contact me.

Keith Tanner

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

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

REFERENCE:

Application Number – 246547 July 14, 2023
Series #09
New Application – Liquor Store

APPLICANT:

Safeway Express #5830
10730 N. Cotton Lane
Surprise, Arizona 85355

FINDINGS:

1) ***Evidence concerning the nature of the proposed business, its potential market and its likely customers*.**
Safeway is a grocery store chain with stores established already in Surprise and nationwide. This Safeway Express will be a smaller convenience store at one corner of the shopping plaza's parking lot and near the new main Safeway grocery store. Its potential market should consist of all residents of the City of Surprise and the surrounding northwest valley.

2) ***Effect of vehicular traffic in proximity.***
Brand new roads are being established simultaneously with the store and the rest of the plaza's construction. Cotton Lane, which borders on the east side of the store has been recently expanded to multiple lanes for north and south bound travel, and Peoria Avenue, which borders on the south has recently been expanded and is currently under more improvements currently to accommodate the anticipated increased traffic, which should be adequate for the plaza.

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

4) ***Comparison of hours of operation of the proposed premises to the existing businesses in close proximity.***
According to research, I found one other existing local Safeway Express store in the east valley and it's hours also are similar to the main grocery store, which is open every day from 6 AM – 10 PM. Currently, there are no other businesses open in the area.

5) ***Appropriateness of series license requested.***
The series #9 license is appropriate for this Safeway Food & Drug.

Submitted by Officer C. E. Tovar #2059

COMMUNITY DEVELOPMENT DEPARTMENT

SURPRISE
ARIZONA

Date: July 17, 2023

To: Charles Vasquez, Deputy City Clerk

From: Lloyd Abrams, Community Development Director
James Stewart, Zoning Specialist

Re: Liquor License Application for:

AGENT, Ryan Witner Anderson
Safeway Express #5830
10730 N. Cotton Lane
Surprise, Arizona 85355

New Series 09 (NEW APPLICATION – LIQUOR STORE) – Application # 246547

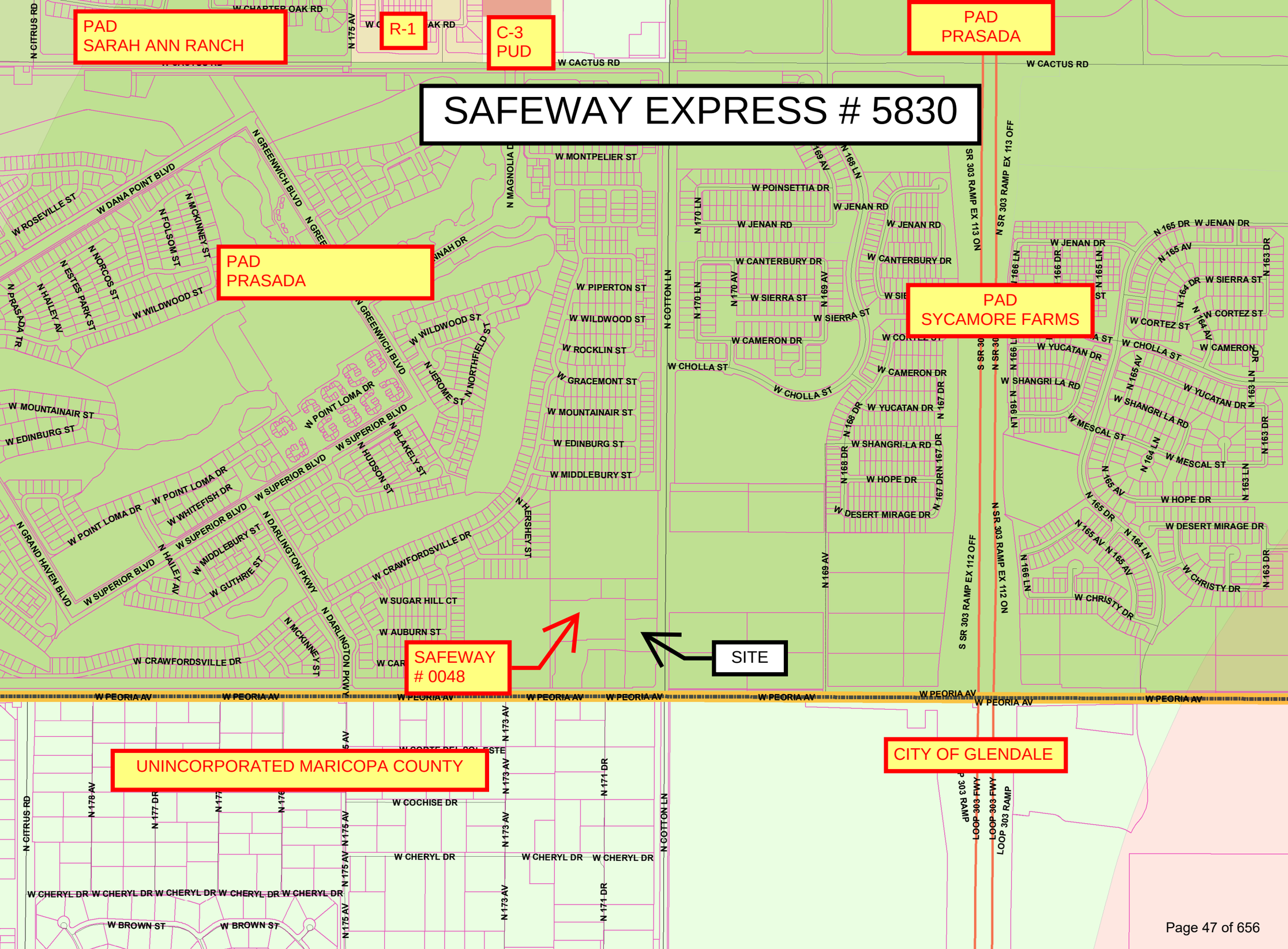
The number and series of licenses in close proximity to the subject site are:

1. Safeway #0048 (Series 09) – 17230 W. Peoria Ave.

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

Commercial and residential growth is increasing in this area.

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


SAFEWAY EXPRESS # 5830
PAD
SARAH ANN RANCH
R-1
C-3
PUD
PAD
PRASADA
PAD
PRASADA
PAD
SYCAMORE FARMS
SAFEWAY
0048
SITE
UNINCORPORATED MARICOPA COUNTY
CITY OF GLENDALE
W CACTUS RD
W PEORIA AV
W CHARTER OAK RD
W MONTPELIER ST
W POINSETTIA DR
W JENAN RD
W CANTERBURY DR
W SIERRA ST
W CAMERON DR
W CHOLLA ST
W YUCATAN DR
W SHANGRI-LA RD
W HOPE DR
W DESERT MIRAGE DR
W CHRISTY DR
W MESCAL ST
W CORTEZ ST
W SIERRA ST
W JENAN DR
W PIPERTON ST
W WILDWOOD ST
W ROCKLIN ST
W GRACEMONT ST
W MOUNTAINAIR ST
W EDINBURG ST
W MIDDLEBURY ST
W CRAWFORDSVILLE DR
W SUGAR HILL CT
W AUBURN ST
W COCHISE DR
W CHERYL DR
W BROWN ST
W ROSEVILLE ST
W DANA POINT BLVD
W WILDWOOD ST
W POINT LOMA DR
W WHITEFISH DR
W SUPERIOR BLVD
W MIDDLEBURY ST
W GUTHRIE ST
W MOUNTAINAIR ST
W EDINBURG ST
N GREENWICH BLVD
N MAGNOLIA DR
N COTTON LN
N 169 AV
N 170 AV
N 170 LN
N 168 LN
N 167 DR
N 168 DR
N 166 LN
N 165 AV
N 165 DR
N 164 LN
N 164 DR
N 163 DR
N 163 LN
N 173 AV
N 171 DR
N 175 AV
N 177 DR
N 178 AV
N CITRUS RD
N SR 303 RAMP EX 113 ON
N SR 303 RAMP EX 113 OFF
S SR 303 RAMP EX 112 OFF
N SR 303 RAMP EX 112 ON
LOOP 303 FWY
LOOP 303 RAMP
N GRAND HAVEN BLVD
N DARLINGTON PKWY
N HERSHEY ST
N BLAKELY ST
N HUDSON ST
N JEROME ST
N NORTHFIELD ST
N MCKINNEY ST
N HAILEY AV
N ESTES PARK ST
N NORCOS ST
N FOLSOM ST
N PRASADA TR

Council Meeting Date: August 1, 2023
Submitting Department: Human Svcs and Comm Vitality
Staff Recommendations:

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

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

Agenda Wording:
Consideration and action pertaining to the approval of a Contract for Services between the City of Surprise and First Things First for Early Childhood Programming, authorizing the City to accept grant funding from First Things First and amending the Fiscal Year 2024 budget by moving budget authority of $250,000 from General Contingency to project G51750, revising the Contract Awarding Authority List, and the addition of two full-time equivalent (FTE) positions to the Human Services and Community Vitality Department (HSCV); Resolution #2023-103.

Motion:
I move to approve Resolution #2023-103.

Background:
The City of Surprise, through its Human Service & Community Vitality (HSCV) Department, applied for the First Things First Family Resource Centers grant in order to provide early childhood programming through the Surprise Resource Center.

Objective Analysis:
This action will allow the HSCV Department to provide early childhood programming at the Surprise Resource Center.

Policy Compliant:
This action is compliant with City and Council policies.

Financial Impact:
The grant award is a reimbursement grant of $250,000 for Early Childhood Programming. All expenditures will be reimbursed on a monthly basis. An in-kind match is not required.

Budget Impact:
This action requires the movement of budget authority in the amount of $250,000 from General Contingency to Project G51750 to cover expected expenditures. This action represents a transfer of spending authority and does not increase or decrease the total adopted citywide expenditure budget.

FTE Impact:

The grant provides two additional FTE to run and operate the program. The two positions are 100% covered by grant funds through the term of the grant. This action will add two full-time equivalent positions to the Human Services and Community Vitality department.

ATTACHMENTS:

1. Grant Terms & Conditions from NW_Maricopa_RFGA_Family_Resource_Centers
2. Res 2023-103

Grant Terms and Conditions

1. Grant Agreement. The Request for Grant Applications (RFGA), the Offer and Acceptance and Statement of Assurances (Offer and Acceptance), and the Grantee's grant application, together with all exhibits, incorporated documents and amendments, constitute the Grant Agreement.

2. Term. The term of this Grant Agreement is July 1, 2023 through June 30, 2024, unless terminated, cancelled or renewed as otherwise provided herein. This Grant Agreement only takes effect if a First Things First authorized designee has signed the Offer and Acceptance or another official grant form indicating acceptance of the Offer.

3. Renewal. The parties may renew the Grant Agreement as indicated in the Available Funding section of the RFGA.

4. Services. The Grantee will complete the program and implementation plan described in its grant application and approved by First Things First. In providing these services, the Grantee will follow the Scope of Work, the Standards of Practice and the Data Security, Submission and Suppression Guidelines and Requirements for Collaborators found in and/or referenced in the RFGA. For assistance in obtaining copies of any of these documents, email the request to grants@azftf.gov.

5. Reimbursement/Payment.

    5.1. First Things First will pay the Grantee on a cost-reimbursement basis for expenses approved in the budget. Payment is conditioned upon First Things First's receipt of timely, accurate and complete (i) reimbursement documents, (ii) Program Narrative Reports and (iii) Data Submission Reports submitted via the First Things First Partner Grant Management System (PGMS).

    5.2. The Grantee will submit reimbursement requests at least quarterly, though not more frequently than monthly. **The Grantee must submit a final reimbursement request marked "final" no more than forty-five (45) days after the Grant Agreement term end date.** The Grantee must pay, accrue or obligate expenses eligible for reimbursement by the Grantee by the Grant Agreement term end date. Final payment is conditioned upon receipt of all fiscal, programmatic, and data reports required of the Grantee under this Grant Agreement. Requests for reimbursement received later than forty-five (45) days after the Grant Agreement term end date will not be paid.

    5.3. **The Grantee must have sufficient funds to meet obligations for at least sixty (60) days while awaiting reimbursements.** If the Grantee desires an exception to this requirement, the Grantee should make the exception request in the grant application and describe the justification and need for alternative considerations. The request will be separately considered during the application review and may not be approved. An exception request submitted after First Things First awards the grant is also subject to separate review and may not be approved.

    5.4. The Grantee will only use funds awarded under this Grant Agreement to fulfill the Grantee's responsibilities under this Grant Agreement. Therefore, if the Grantee does not expend the

full amount of the grant award for any reason, including due to completion of the work at a lower cost than budgeted or ending of the work before completion, the Grantee will only receive the amount of the grant award spent in accordance with the Grant Agreement and will not receive the full original award. If the Grantee is under budget, the parties may amend the Grant Agreement to increase the contracted service units to use the full amount of the original grant award.

5.5. If the Grantee receives reimbursement for expenditures that are disallowed by an audit exception by First Things First, the state or the federal government, the Grantee will promptly repay the funds to First Things First.

6. Quarterly Program Narrative and Data Submission Reports.

6.1. At a minimum, the Grantee will submit quarterly one Program Narrative Report and one Data Submission Report by the 20th of the month following the quarter via PGMS. Failure to submit timely reports will result in suspension of reimbursement. The reports will contain the information deemed necessary by First Things First.

6.2. Program Narrative and Data Submission Reports are due:

1st Quarter (July 1 - September 30)	Due: October 20
2nd Quarter (October 1 - December 31)	Due: January 20
3rd Quarter (January 1 - March 31)	Due: April 20
4th Quarter (April 1 - June 30)	Due: July 20

6.3. When a report due date falls on a weekend or holiday, the reports are due the following business day.

6.4. If the Grantee provides services to more than one First Things First region (multi-regional strategies), the Grantee will collect, store and report the data for the Data Submission Reports separately for each region served.

7. FTF Grants Uniform Terms and Conditions. First Things First's Grants Uniform Terms and Conditions (revision date October 2019) are hereby incorporated by reference into this Grant Agreement as if fully set forth herein. A copy of this document is available by emailing grants@azftf.gov.

8. Grant Administration and Operations.

8.1. Working on Tribal Land. If the Grantee performs any work under this Grant Agreement on sovereign land of a tribe, the Grantee must comply with any requirements of the tribe in relation to essential functions of the grant operation, including data collection. It is a material requirement of this Grant Agreement that the Grantee follow all First Things First tribal policies and procedures including the Tribal Data Policy as applicable, obtain all appropriate parental consents and obtain appropriate tribal approvals as designated by tribal authorities, which approval may include a requirement to participate in cultural education and community orientation classes.

8.2. Advertising, Publishing and Promotion of Grant. The Grantee will not use, advertise or promote information for commercial benefit concerning this Grant Agreement without the prior written approval of First Things First.

8.3. Review of Printed Materials. First Things First must review and approve all Grantee publications and/or media funded or partially funded through this Grant Agreement for compliance with this Grant Agreement. The Grantee will submit to First Things First via PGMS all print and electronic materials related to the programs and services funded under this Grant Agreement before publicly distributing those materials so that First Things First may first review and approve prior to release. If deemed necessary by First Things First, the Grantee will revise the materials as indicated by First Things First before publicly distributing the materials. First Things First will have full and complete rights to reproduce, duplicate, disclose, perform, and otherwise use all materials prepared under this Grant Agreement.

8.4. Acknowledgment of FTF Funding. The Grantee will recognize First Things First as a funding source of programs and services funded in whole or part under this Grant Agreement in all publicly distributed print or electronic materials related to those programs and services. The Grantee will make this recognition in a manner described in First Things First's most current protocol and style guide. First Things First will post any updates to the protocol and style guide under the Grantee Resources section of PGMS. The Grantee will also recognize First Things First as a funding source of programs and services funded in whole or part under this Grant Agreement in all formal oral presentations and media interviews related to those programs and services.

8.5. Public Awareness Efforts. The Grantee will consult with First Things First in the planning of public awareness/marketing strategies, such as websites, advertising or media campaigns, related to the programs or services funded under this Grant Agreement.

8.6. Ownership of Materials and Data. Any materials and data required to be collected, delivered or created under this Grant Agreement, including but not limited to reports, computer programs and other deliverables are the sole property of the State (First Things First). The Grantee will not use or release these materials or data without the prior written consent of First Things First. The Grantee is not entitled to a patent or copyright on these materials and data and may not transfer the patent or copyright to anyone else.

8.7. Ownership of Intellectual Property. First Things First will be the owner (for and on behalf of the State of Arizona) of any and all intellectual property, including but not limited to copyright, invention, trademark, trade name, service mark and/or trade secrets, created or conceived in the course of carrying out this Grant Agreement and any related subcontract or subgrant ("Intellectual Property"). The parties agree that the Intellectual Property will be considered a work made for hire under the U.S. Copyright Act to the extent applicable. To the extent the Intellectual Property is not a work made for hire, the Grantee hereby transfers all of its ownership of the Intellectual Property to First Things First. First Things First will own the entire right, title and interest to the Intellectual Property throughout the world. The Grantee will notify First Things First, within thirty (30) days, of the creation of any Intellectual Property by it, its subcontractor or its subgrantee. The Grantee, on behalf of itself and any subcontractors and subgrantees, agrees to execute all documents necessary to assure ownership of the Intellectual Property vests in First Things First and will take no

affirmative action that might have the effect of vesting all or part of the Intellectual Property in any other entity. The Grantee and its subcontractors and subgrantees will not disclose inventions or trade secrets covered by this paragraph to any entity not the State without the express written authorization of First Things First.

8.8. Fund Management. The Grantee must maintain any funds received under this Grant Agreement on other than a cost reimbursement basis in separate ledger accounts and cannot mix these funds with other sources. The Grantee must manage all funds according to applicable regulations for administrative requirements, cost principles and audits. The Grantee will maintain proper audit trails for all reports related to this Grant Agreement.

9. Mandated Reporting of Child Abuse and Neglect. The Grantee will ensure that all employees, contractors and volunteers report child injuries, abuse, neglect and other reportable offenses, if and as required by A.R.S. § 13-3620 or 18 U.S.C. § 1169(a). The federal law is limited to incidents on federally recognized tribal lands. To help comply with this provision, the Grantee may need to provide professional development or information to staff concerning signs and symptoms of child abuse and neglect, laws and procedures for reporting suspected child abuse or neglect, whether and how to inform parents about a report and following up with the Department of Child Safety.

10. Non-Availability of Funds. In accordance with A.R.S. § 35-154, if First Things First's performance under this Grant Agreement depends on the appropriation of funds by the Arizona Legislature, and if the Legislature fails to appropriate the funds necessary for performance, then First Things First may provide written notice of this to the Grantee and terminate this Grant Agreement without further obligation of First Things First. Appropriation is a legislative act and is beyond the control of First Things First.

11. Capital Expenditures. Certain capital expenditures with a cost totaling $20,000 or more may be subject to First Things First's Capital Expenditure Policy regarding construction, renovation, real property and vehicles. This Capital Expenditure Policy (revision date December 2019) is incorporated by reference into this Grant Agreement as if fully set forth herein. Copies of this document are available by emailing grants@azftf.gov .

12. Sectarian Purposes. Funds provided under this Grant Agreement may not be expended for any sectarian purpose or activity, including religious worship or instruction, except as consistent with the First Amendment of the United States Constitution. The Grantee will implement the programs or services funded under this Agreement consistent with the First Amendment as well. With respect to these programs or services, the Grantee also will not discriminate against any program or service beneficiary or applicant on the basis of religion. First Things First reserves the right to verify or monitor compliance with this paragraph. The Grantee will repay any funds awarded under this Grant Agreement that the Grantee spends in violation of this paragraph.

13. Non-Discrimination. In accordance with State Executive Orders 2023-01 and 2009-09, the Grantee will not discriminate in employment based on race, color, sex, pregnancy, childbirth or medical conditions related to pregnancy or childbirth, political or religious affiliation or ideas, culture, creed, social origin or condition, genetic information, sexual orientation, gender identity or expression, national origin, ancestry, age, disability, military service or veteran status, or marital status; however, this requirement does not affect the applicability of federal and state law exemptions contemplated by the Executive Orders. The provisions of Executive Order 2009-09 are incorporated

herein by reference into this Grant Agreement as if fully set forth herein. The Grantee will also comply with all other applicable state and federal statutes, regulations and executive orders concerning non-discrimination practices, including the Americans with Disabilities Act and Federal Executive Order No. 13279 – Equal Protection of the Laws for Faith-Based and Community Organizations.

14. Records. Pursuant to A.R.S. §§ 8-1174 and 35-214, the Grantee will retain and will contractually require each subcontractor and subgrantee to retain all books, accounts, reports, files and other records ("records") relating to the Grant Agreement for a period of five years after the completion of the Grant Agreement. All records will be subject to inspection and audit by the State (including First Things First) and by an independent auditor at all reasonable times. Upon request, the Grantee will produce the records at First Things First's main office in Phoenix, Arizona.

    Notwithstanding the foregoing paragraph, pursuant to 2 C.F.R. § 200.333, if the grant includes federal pass-through funds, then the Grantee will retain and will contractually require each subcontractor and subgrantee to retain all records pertaining to the federal pass-through funds for a period of three years from the date of submission of the final expenditure report and until any litigation, claims or audit findings involving the records have been resolved and final action taken. All such records will be accessible and subject to audit in accordance with 2 C.F.R. § 200.336. This paragraph does not apply to a grantee, subgrantee or subcontractor that is a federal agency.

15. Nonprofit Corporation Audit Reports. As required by A.R.S. § 35-181.03, if the Grantee is a nonprofit corporation that receives in excess of two hundred fifty thousand dollars ($250,000) in state assistance in any fiscal year, the Grantee will file with First Things First for each such fiscal year at the Grantee's expense either audited financial statements prepared in accordance with federal single audit regulations or financial statements prepared in accordance with generally accepted accounting principles and audited by an independent certified public accountant.

16. Certifications.

    16.1. No Boycott of Israel. If (i) the Grantee is a company as defined in A.R.S. § 35-393 that engages in for-profit activity and has ten or more full-time employees, (ii) this Grant Agreement has a value of $100,000 or more, and (iii) this Grant Agreement involves acquiring or disposing of services, supplies, information technology or construction, then the Grantee certifies that it is not currently engaged in, and agrees for the duration of the Grant Agreement to not engage in, a boycott of goods or services from Israel. Notwithstanding the foregoing, this paragraph is inapplicable to all grantees and no certification is made or required under this paragraph unless and until the Court's injunction in *Jordahl v. Brnovich*, 336 F.Supp.3d 1016 (D. Ariz. 2018) is stayed or lifted.

    16.2. Forced Labor of Ethnic Uyghurs. If the Grantee is a company as defined in A.R.S. § 35-394 that engages in for-profit activity and has ten or more full-time employees and this Grant Agreement involves acquiring or disposing of services, supplies, information technology, goods or construction, then the Grantee certifies that it will comply with A.R.S. § 35-394 regarding the use of forced labor of ethnic Uyghurs in China.

17. Relationship of Parties. The Grantee under this Grant Agreement is an independent contractor. Neither party to this Grant Agreement will be deemed to be the employee or agent of the other

party.

18. Indemnification.

18.1. Not Government Agency. This paragraph applies if the Grantee is not a governmental entity. To the fullest extent permitted by law, the Grantee will defend, indemnify and hold harmless the State of Arizona and its departments, agencies, boards, commissions, universities, officers, officials, agents and employees ("State") from and against any and all claims, actions, liabilities, damages, losses, costs or expenses (including court costs, attorneys' fees and costs of claim processing, investigation and litigation) ("Claims") for bodily injury or personal injury (including death) or loss or damage to tangible or intangible property caused, or alleged to be caused, in whole or in part, by the negligent or willful acts or omissions of the Grantee or any of its owners, officers, directors, agents, employees, volunteers, subcontractors or subgrantees. This indemnity includes any Claim or amount arising out of, or recovered under, the Workers' Compensation Law or arising out of the failure of the Grantee to conform to any federal, state or local law, statute, ordinance, rule, regulation or court decree. It is the specific intention of the parties that the State will, in all instances, except for Claims arising solely from the negligent or willful acts or omissions of the State, be indemnified by the Grantee from and against any and all Claims. It is agreed that the Grantee will be responsible for primary loss investigation, defense and judgment costs where this indemnification is applicable. In consideration of the award of this grant, the Grantee agrees to waive all rights of subrogation against the State for losses arising from the work performed by the Grantee for the State.

18.2. Government Agency. This paragraph applies if the Grantee is a governmental entity and is not a department, agency, board, commission or university of the State of Arizona. Each party (as "Indemnitor") agrees to indemnify, defend and hold harmless the other party (as "Indemnitee") from and against any and all Claims arising out of bodily injury of any person (including death) or property damage but only to the extent that such Claims which result in vicarious/derivative liability to the Indemnitee are caused by the act, omission, negligence, misconduct or other fault of the Indemnitor or any of its officers, officials, agents, employees or volunteers.

18.3. Patent and Copyright. The Grantee shall indemnify and hold harmless the State against any liability, including costs and expenses, for infringement of any patent, trademark or copyright arising out of grant performance or use by the State of materials furnished or work performed under this Grant Agreement. The State shall reasonably notify the Grantee of any claim for which it may be liable under this paragraph. This paragraph does not apply if the Grantee is insured pursuant to A.R.S. § 41-621.

18.4. Subcontractors. The Grantee shall contractually require its subcontractors and subgrantees, if any, to defend, indemnify and hold harmless the State as described in this Section unless the subcontractor or subgrantee is a state agency.

19. Insurance.

19.1. In the event the Grantee is a governmental entity, then the insurance requirements in this Section do not apply, except that such governmental entity grantee shall provide a

Certificate of Self-Insurance. If the governmental entity grantee is a department, agency, board, commission or university of the State of Arizona, then the Certificate of Self-Insurance requirement does not apply either.

19.2. The Grantee shall procure and maintain until all of its obligations have been discharged, including any warranty periods under this Grant Agreement, insurance with limits of liability not less than the amounts stated below against claims for injury to persons or damage to property arising from or in connection with the performance of the work hereunder by the Grantee, including its agents, representatives, employees, volunteers, subcontractors or subgrantees. The Grantee shall require and ensure that all of its subcontractors and subgrantees comply with this Section as well.

19.3. The insurance requirements herein are minimum requirements for this Grant Agreement and in no way limit the indemnity covenants. First Things First in no way warrants that these minimum requirements are sufficient to protect the Grantee from liabilities that might arise out of the performance of the work under this Grant Agreement by the Grantee, including its agents, representatives, employees, volunteers, subcontractors or subgrantees, and the Grantee is free to purchase additional insurance. The minimum insurance requirements are as follows:

Commercial General Liability (CGL) – Occurrence Form
Policy shall include bodily injury, property damage, and broad form contractual liability coverage.

- General Aggregate $2,000,000
- Products – Completed Operations Aggregate $1,000,000
- Personal and Advertising Injury $1,000,000
- Damage to Rented Premises $50,000
- Each Occurrence $1,000,000

The policy shall include coverage for sexual abuse and molestation (SAM). This coverage may be sub-limited to no less than $500,000. The limits may be included within the General Liability limit or provided by separate endorsement with its own limits. If you are unable to obtain SAM coverage under your General Liability because the insurance market will not support it, it should be included with the Professional Liability.

The Grantee must provide the following statement on its Certificate(s) of Insurance: “Sexual Abuse and Molestation coverage is included” or “Sexual Abuse and Molestation coverage is not excluded.”

The policy shall be endorsed to include the State of Arizona and its departments, agencies, boards, commissions, universities, officers, officials, agents and employees as additional insureds with respect to liability arising out of the activities performed by or on behalf of the Grantee.

The policy shall contain a waiver of subrogation endorsement in favor of the State of Arizona and its departments, agencies, boards, commissions, universities, officers, officials,

agents and employees for losses arising from work performed by or on behalf of the Grantee.

Business Automobile Liability
Bodily Injury and Property Damage for any owned, hired, and/or non-owned vehicles used in the performance of this Grant Agreement.

- Combined Single Limit (CSL) $1,000,000

The policy shall be endorsed to include the State of Arizona and its departments, agencies, boards, commissions, universities, officers, officials, agents and employees as additional insureds with respect to liability arising out of the activities performed by or on behalf of the Grantee involving automobiles owned, hired and/or non-owned by the Grantee.

The policy shall contain a waiver of subrogation endorsement in favor of the State of Arizona and its departments, agencies, boards, commissions, universities, officers, officials, agents and employees for losses arising from work performed by or on behalf of the Grantee.

Workers' Compensation and Employers' Liability

- Workers' Compensation Statutory
- Employers' Liability
  Each Accident $1,000,000
  Disease – Each Employee $1,000,000
  Disease – Policy Limit $1,000,000

The policy shall contain a waiver of subrogation endorsement in favor of the State of Arizona and its departments, agencies, boards, commissions, universities, officers, officials, agents and employees for losses arising from work performed by or on behalf of the Grantee.

This requirement shall not apply to each grantee or subcontractor exempt under A.R.S. Chapter 23, Title 6 (§ 23-901 et seq.) when such grantee or subcontractor executes the appropriate waiver (Sole Proprietor/Independent Contractor) form.

Professional Liability (Errors and Omissions Liability)

- Each Claim $2,000,000
- Annual Aggregate $2,000,000

If sexual abuse and molestation (SAM) coverage is being provided under this policy then the Grantee must provide the following statement on its certificate(s) of insurance: "Sexual Abuse and Molestation coverage is included" or "Sexual Abuse and Molestation coverage is not excluded." This coverage may be sub-limited to no less than $500,000.

In the event that the professional liability insurance required by this Grant Agreement is written on a claims-made basis, the Grantee warrants that any retroactive date under the

policy shall precede the effective date of this Grant Agreement and that either continuous coverage will be maintained or an extended discovery period will be exercised for a period of two (2) years beginning at the time work under this Grant Agreement is completed.

The policy shall cover professional misconduct or wrongful acts for the positions of professionals/Key Personnel identified in this Grant Agreement.

19.4. Additional Insurance Requirements. The policies shall include, or be endorsed to include, the following provisions:

The Grantee's policies shall stipulate that the insurance afforded the Grantee shall be primary and that any insurance carried by First Things First, its agents, its officials, its employees or the State of Arizona shall be excess and not contributory insurance, as provided by A.R.S. § 41-621(E).

Insurance provided by the Grantee shall not limit the Grantee's liability assumed under the indemnification provisions of this Grant Agreement.

19.5. Notice of Cancellation. Applicable to all insurance policies required within the Insurance Requirements of this Grant Agreement, the Grantee's insurance shall not be permitted to expire, be suspended, be canceled, or be materially changed for any reason without thirty (30) days prior written notice to the State of Arizona. Within two (2) business days of receipt, the Grantee must provide notice to the State of Arizona if it receives notice of a policy that has been or will be suspended, canceled, materially changed for any reason, has expired, or will be expiring. Such notice shall be sent directly to First Things First, Fiscal Specialist via hand-delivery or certified mail, return receipt requested, to 4000 N. Central, Suite 800, Phoenix, AZ 85012, or via email to grants@azftf.gov.

19.6. Acceptability of Insurers. The Grantee's insurance shall be placed with companies licensed in the State of Arizona or on hold approved non-admitted status on the Arizona Department of Insurance List of Qualified Unauthorized Insurers. Insurers shall have an "A.M. Best" rating of not less than A- VII. The State of Arizona in no way warrants that the above-required minimum insurer rating is sufficient to protect the Grantee from potential insurer insolvency.

19.7. Verification of Coverage. The Grantee shall furnish the State of Arizona with certificates of insurance (valid ACORD form or equivalent approved by the State of Arizona) evidencing the Grantee has insurance as required by this Grant Agreement. An authorized representative of the insurer shall sign the certificates.

All certificates of insurance and policy endorsements must be received by the State of Arizona before work commences. The State of Arizona's receipt of any certificates of insurance or policy endorsements that do not comply with this Grant Agreement shall not waive or otherwise affect the requirements of this Grant Agreement.

Each insurance policy required by this Grant Agreement must be in effect at or prior to commencement of work under this Grant Agreement. Failure to maintain the insurance

policies as required by this Grant Agreement or to provide evidence of renewal is a material breach of the Grant Agreement.

All certificates required by this Grant Agreement shall be sent directly to First Things First, Fiscal Specialist, 4000 N. Central, Suite 800, Phoenix, AZ 85012. The State of Arizona program/grant number and program description shall be noted on the certificate of insurance. The State of Arizona reserves the right to require complete copies of all insurance policies required by this Grant Agreement at any time. DO NOT SEND CERTIFICATES OF INSURANCE TO THE STATE OF ARIZONA'S RISK MANAGEMENT SECTION.

19.8. Subcontractors. The Grantee's certificate(s) shall include all subcontractors and subgrantees as insureds under its policies or Grantee shall be responsible for ensuring and/or verifying that all subcontractors have valid and collectable insurance as evidenced by the certificates of insurance and endorsements for each subcontractor. All coverages for subcontractors and subgrantees shall be subject to the minimum insurance requirements identified above. First Things First reserves the right to require, at any time throughout the life of the Grant Agreement, proof from the Grantee that its subcontractors and subgrantees have the required coverage.

19.9. This Section assumes the grant award is for more than $50,000, that the Grantee will be using vehicles beyond commuting in order to provide the services under the Grant Agreement, that the Grantee will be working with children in order to provide the services under the Grant Agreement, and that the Grantee will be providing professional services in order to provide the services under the Grant Agreement. If any of these assumptions do not apply to this Grant Agreement, then upon agreement of First Things First, the insurance requirements will be reduced or removed in part from the Grant Agreement as appropriate.

19.10. If the Grant Agreement requires the Grantee to handle money on behalf of the State, the Grantee shall also procure and maintain a commercial crime policy or blanket fidelity bond, consistent with the State of Arizona Risk Management Insurance Modules, that includes third party fidelity coverage.

19.11. If the Grant Agreement requires the Grantee to provide technology services or products, the Grantee shall also procure and maintain technology errors and omissions (Tech E&O) coverages, consistent with the State of Arizona Risk Management Insurance Modules. Depending on the nature of the work and the services or products provided by the Grantee, the Grantee may also be required to procure and maintain coverages for data breach, network security and privacy liability.

19.12. If the purpose of the Grant Agreement is for the administration of Quality First incentives or scholarships, then for the purposes of this insurance section Quality First participants that ultimately receive the incentives or scholarships are not subcontractors or subgrantees subject to these insurance requirements.

19.13. The Grantee understands and agrees that First Things First, in consultation with the Department of Administration, Risk Management Section or in accordance with its published Insurance Modules, reserves the right to review or make modifications to the insurance limits, required coverages, or endorsements throughout the life of this Grant

Agreement, as deemed necessary. Such action will not require a formal grant amendment, but may be made by administrative action.

20. Notices. First Things First will provide notices to the Grantee required by the Grant Agreement to the person indicated on the Offer and Acceptance form submitted by the Grantee unless otherwise stated in the Grant Agreement. The Grantee will provide notices to First Things First required by the Grant Agreement to an authorized First Things First representative, unless otherwise stated. An authorized representative of either party may change its person who receives notices by providing a written notice to the other party without amending the Grant Agreement.

Instructions to Applicants

A. Preparation

1. Technical Requirements. Applications will be reviewed initially for compliance with technical requirements. Noncompliance with these requirements may result in the application being deemed non-responsive, and therefore not susceptible for award. To be eligible to receive five (5) technical points, applications must be submitted by the due date and time in hard copy, single-sided, and include one (1) original copy of the application with signatures (clearly marked "original") with nine (9) additional copies and must include:
   - Application Cover Sheet
   - Completed and signed First Things First Offer and Acceptance/Statement of Assurances form, including initials for each assurance
   - Program Narrative Responses and Implementation Plan (Section A)
   - Personnel - Completed Program Personnel Table and Program Organizational Chart (Section B)
   - Completed Line Item Budget and Budget Narrative (Section C)
   - Completed Fiscal Information form (Section D)
   - Agency/Organization Profile (Section E)

2. Application Format. In addition to the formatting requirements referenced above, applications will:
   - Be typed using a twelve-point font, single-spaced, and single-sided.
   - Include page numbers on all pages and a table of contents that follows the layout of the application.
   - Be stapled (or secured with a binder clip) in the upper left-hand corner. Applications are not to be bound in spiral binders or in 3-ring notebooks.
   - Be clearly marked with the **name** of the submitting agency/organization and the **RFGA number** on the outside of a **sealed** envelope/package.

3. Application Content. In addition to the content requirements referenced above, include one copy of the following with the original hard copy application:
   - Set of signed amendments issued for the RFGA (if amendments were issued)
   - State of Arizona Substitute W-9 Form - if new to doing business with the State of Arizona, have not done business with the state in the past year, or if there has been a change in address or Employer Identification Number (EIN) - then complete the downloaded form,

sign, and submit with application. The form can be downloaded here: https://gao.az.gov/sites/default/files/GAO-W-9_072815-S%26S%26A.pdf

- Copy of the applicant's audit report for its previous fiscal year, if the Federal Audit Requirement described below applies OR
- Copy of the applicant's audited financial statements for its previous fiscal year, if the Nonprofit Corporation Audit Reports provision described in the Grant Terms and Conditions applies.
- If an evaluation outcome study or implementation study has been completed on the proposed program, include a copy of the study and its findings.

Do not include additional materials, such as promotional brochures or materials, unless they directly relate to the information required in the application.

No facsimile or electronic versions of applications will be accepted by First Things First.

4. Evidence of Intent to be Bound. The Offer and Acceptance and Statement of Assurances form included in the RFGA will be submitted with an authorized signature, which will signify the applicant's intent to be bound by the application, and the Grant Terms and Conditions included in the RFGA and that the information provided within the application is true, accurate and complete. Failure to submit verifiable evidence of intent to be bound, such as an original signature, may result in rejection of the application.

5. Exceptions to Terms and Conditions. All exceptions included with the application shall be submitted in a clearly identified separate section of the application in which the applicant identifies the specific paragraphs of the RFGA where the exceptions occur. Any exceptions not included in such a section shall be without force and effect in any resulting grant agreement unless such exception is specifically accepted by First Things First in a written statement. The applicant's preprinted or standard terms will not be considered by First Things First as a part of any resulting grant agreement. All exceptions that are contained in the application may negatively impact the applicant's susceptibility for award and may result in the rejection of the application.

6. Budget Increases. If an applicant seeks annual cost of living or inflationary increases in its budget in the event the applicant is awarded a grant and the Grant Agreement spans multiple years, the applicant will specify the amount of the requested annual increases by budget line item in the application.

7. Capital Expenditures. If items over $5,000 with a life of more than one (1) year are allowable, they must be included in the line item budget and budget narrative to explain the purpose, intent and use specific to the benefit of the grant services that the applicant will provide.

8. Federal Audit Requirement. If this RFGA is funded in whole or in part by federal pass-through funds and the applicant expends $750,000 or more in federal awards during its fiscal year, the applicant will provide a copy of its audit report for its previous fiscal year with its application.

9. Subcontracts. An applicant will clearly list any proposed subcontractors or subgrantees and their proposed responsibilities in the application.

10. RFGA Amendments. If an RFGA amendment is released prior to the application due date, it will be posted on the FTF website, http://www.firstthingsfirst.org/grants/grant-opportunities. A copy of the amendment must be submitted with an original, authorized signature and be submitted with the application or no later than the application due date and time. It is the sole responsibility of the applicant to check the website. Failure to return a signed copy of an RFGA Amendment may result in rejection of the application.

11. FTF Data Reporting Requirements. If the strategy in the RFGA has data reporting requirements, the Data Reporting Requirements document(s) can be accessed on the First Things First website, https://www.firstthingsfirst.org/strategy-toolkit/ by selecting the appropriate Goal Area and then selecting the "View" button next to the name of the strategy. It is the responsibility of the applicant to review the FTF Data Reporting Requirements and if awarded, adhere to the data requirements. If there is difficulty in accessing any of the documents, email the name of the document and the RFGA number to grants@azftf.gov for assistance.

12. Statement of Lawful Presence. An applicant that is a natural person (i.e., individual), as opposed to an agency/organization, will be required to submit a completed Statement of Lawful Presence & Eligibility form and acceptable evidence of eligibility and lawful presence as required by federal regulations and Arizona Revised Statutes sections 1-501 & 1-502. The Statement of Lawful Presence & Eligibility form, which includes a list of acceptable evidence of eligibility and lawful presence, is available on the FTF website, http://www.firstthingsfirst.org/grants/grantee-resources. After the application due date, First Things First will notify any applicant to whom this paragraph applies. At that point, the applicant will submit the completed form and acceptable evidence within thirty (30) days, otherwise the application will not be susceptible for award.

B. Inquiries

1. Submission in Writing. All inquiries/questions related to the RFGA must be submitted in writing and must include the RFGA number, page and paragraph. Emails are preferred, which should be sent to grants@azftf.gov. Inquiries should be sent at least seven days before the application due date for adequate review and determination by First Things First.

2. Pre-Application Conference. If a Pre-Application Conference is scheduled for this RFGA, applicants should raise any inquiries/questions about the RFGA at that time. However, FTF staff may direct applicants to submit any questions that raise material issues and potentially result in an RFGA Amendment in writing to grants@azftf.gov. An applicant will not rely on verbal responses to inquiries. A verbal reply to an inquiry does not constitute a modification of the RFGA.

3. Other Contacts. Other than as described in this Section, an applicant should not contact any state employee concerning this RFGA while the solicitation and evaluation are in process.

C. Submission

1. Method. Applications must be submitted in hard copy and received by the First Things First designated location by the due date and time. If more than one version of an application is

submitted before the due date and time, they must be complete submissions and FTF will accept the latest timely received version, disregarding any previous submissions.

2. Late Applications. Applications received after the specified due date and time will be rejected.

3. Application Amendment or Withdrawal. An application may not be amended after the application due date and time except as otherwise provided under this RFGA or applicable law.

4. Application Opening. Applications will be opened publicly at the time and place identified in this RFGA. The name of each applicant will be read publicly and recorded.

5. Disqualification. An applicant (including each of its principals) who is currently debarred, suspended or otherwise lawfully prohibited from any public procurement activity will have its application rejected.

6. Confidential Information. If an applicant believes that any portion of the application, a protest, or correspondence contains a trade secret or other proprietary information, the document will clearly designate the trade secret and other proprietary information using the term "confidential." The applicant will provide a statement detailing the reasons why the information should not be disclosed, including the specific harm or prejudice that may arise upon disclosure. First Things First will review all requests for confidentiality and provide a written determination. Until a written determination is made, First Things First will not disclose information designated as confidential except to those individuals deemed to have a legitimate state interest. In the event First Things First denies the request for confidentiality, the applicant may appeal the determination to the Chief Executive Officer of First Things First within the time specified in the written determination. Contract terms and conditions, pricing, and information generally available to the public are not considered confidential information.

D. Award

1. Award. First Things First may award one or multiple grants under this RFGA. First Things First also reserves the right to fund more than one program in an area, not to award the entire amount of available funds, or to award an amount that is greater than the posted available funds.

2. Grant Inception. An application does not constitute a grant nor does it confer any rights on the applicant to the award of a grant. A grant is not created until the application is accepted in writing by the First Things First authorized designee's signature on the Offer and Acceptance Form. A notice of award or of the intent to award will not constitute acceptance of the application.

3. Budget and CSU Adjustments. After submission of the application and before award, First Things First may request changes in the proposed contracted service units (CSUs) and budget.

4. Geographic Distribution. First Things First seeks applications that propose to serve children across an entire First Things First region (or statewide). An application that offers to provide programs or services only for the benefit of children living within a limited area (e.g., zip code)

of a region may receive an award, at First Things First's discretion, if there is a disparate need for the program or services in that limited area that will not be met by other Grantees.

5. Waiver and Rejection Rights. Notwithstanding any other provision of the RFGA, First Things First reserves the right to:
    5.1 Waive any minor informality,
    5.2 Reject any and all applications or portions thereof, or
    5.3 Cancel the RFGA.

6. Effective Date. A grant will be effective on the date that the First Things First authorized designee signs the Offer and Acceptance form or other official grant form indicating acceptance of the Offer, unless another date is specifically stated in the Grant Agreement.

7. Public Record/Inspection. All applications submitted and opened are public records. Applications will be open and available to public inspection after the grant is awarded pursuant to A.R.S. § 41-2702, except for portions of such applications designated trade secrets or proprietary if First Things First concurs with the designation.

8. Protest. A protest of the RFGA, a determination of not susceptible for award, or the award of a grant will comply with and be resolved according to A.R.S. §§ 41-2611 & 41-2704 and A.A.C. R2-7-A901 et seq. If the protest is based upon alleged improprieties in an RFGA that are apparent before the application due date and time, the interested party will file the protest before the application due date and time. For any other protest, the interested party will file the protest within ten (10) calendar days after First Things First makes the applications and evaluator assessments available for public inspection. All protests will be in writing and filed with the Chief Executive Officer, Arizona Early Childhood Development and Health Board (with a copy to the state procurement administrator) and include:

    8.1 The name, address, email address, and telephone number of the interested party,
    8.2 The signature of the interested party or its representative,
    8.3 Identification of the RFGA or grant number,
    8.4 A detailed statement of the legal and factual grounds of the protest including copies of relevant documents, and
    8.5 The form of relief requested.

RESOLUTION # 2023-103

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA APPROVING A CONTRACT FOR SERVICES BETWEEN THE CITY OF SURPRISE AND FIRST THINGS FIRST; AUTHORIZING THE CITY TO ACCEPT GRANT FUNDING IN THE AMOUNT OF $250,000 FROM FIRST THINGS FIRST FOR FAMILY RESOURCE CENTER SERVICES; AMENDING THE FISCAL YEAR 2024 BUDGET BY MOVING BUDGET AUTHORITY OF $250,000 FROM GENERAL CONTINGENCY TO PROJECT G51750 REVISING THE CONTRACT AWARDING AUTHORITY LIST AND THE ADDITION OF TWO FULL-TIME EQUIVALENT POSITIONS TO THE HUMAN SERVICES AND COMMUNITY VITALITY DEPARTMENT.

WHEREAS, the City of Surprise, through its Human Service & Community Vitality Department, applied for a grant from Arizona Early Childhood Development and Health Board, First Things First, for Family Resource Center services to be offered out of the Surprise Resource Center;

WHEREAS, the City desires to enter into a Contract for Services with First Things First for the purpose of receiving a grant for $250,000 to support the Family Resource Center and Early Childhood Development program;

WHEREAS, all service expenditures pursuant to the Contract for Services are on a reimbursement basis, up to $250,000;

WHEREAS, the creation of this program will require the addition of two full-time equivalent positions to the Human Services and Community Vitality Department;

WHEREAS, the FY2024 budget, including the FY2024 Contract Awarding Authority List, was adopted by Council Resolution #2023-85 on June 6, 2023;

WHEREAS, this action will necessitate a budget amendment;

WHEREAS, the City of Surprise Administrative Policies requires the approval of the Mayor and Council for budget amendments of this nature; and

WHEREAS, the City of Surprise Procurement Code §2-338 (d) requires the authority of the Mayor and Council when the cost to the city is greater than $50,000.

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

Section 1. That the statements and schedules attached as ***Exhibit A*** and incorporated by reference are adopted, amending the budget and the Contract Awarding Authority List of the City of Surprise, Arizona for the fiscal year July 1, 2023 through June 30, 2024.

Section 2. That the City of Surprise is authorized to accept a grant in the amount of $250,000 from First Things First for Family Resource Center services.

Section 3. That the Contract for Services between First Things First and the City of Surprise (Contract #FTF-RC008-24-0788-04), attached as ***Exhibit B***, is hereby approved.

Section 4. 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:

Kristi Passarelli, City Clerk

Approved as to form:

Robert Wingo, City Attorney

RESOLUTION 2023-XX
EXHIBIT A

1. Appropriation - The allocations below represent the movement of budget authority in the amount of $250,000 from General Contingency to Project G51750 to cover projected expenditures associated with the Family Resource Center Program.

Fund	Department	Project/Category	Rev/ Exp	Current Budget	Increase/ (Decrease)	Amended Budget
Grants	Human Services and Community Vitality	#G51750 FY24 First Things First	E	-	250,000	250,000
Grants	Human Services and Community Vitality	#G51750 FY24 First Things First	R	-	250,000	250,000
Contingency	General Operations	Contingency	E	80,454,600	(250,000)	80,204,600
Contingency	General Operations	Other	R	80,798,300	(250,000)	80,548,300
			Expense Total	**80,454,600**	**-**	**80,454,600**
			Revenue Total	**80,798,300**	**-**	**80,798,300**

2. Full-Time Equivalent (FTE) - The expansion of the Family Resource Center Early Childhood Development program requires the addition of 2 new FTEs.

Fund	Department	Current FTEs	Increase/ (Decrease)	Amended FTEs
General Fund	Human Services and Community Vitality	29.3	2	31.3

3. Contract Awarding Authority List – Project G51750 First Things First is a new project to support Early Childhood Development. When Council approved the FY2024 Contract Awarding Authority List, project G51750 was not included. This amount was based on the grant award received.

Reference #	Description	Current Amount	Increase/ (Decrease)	Amended Amount
24635	Family Resource Center	$0	$250,000	$250,000

RESOLUTION 2023-103
EXHIBIT B

Contract for Services (Contract #FTF-RC008-24-0788-04)

CITY OF SURPRISE
Regular City Council Meeting

Council Meeting Date: August 1, 2023 Contact Person: Jani Wertin
Submitting Department: Community Development District: District 1
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, "HC Estates" and dated May 4, 2023, a property located at the southeast corner of Dixileta Drive and 165th Avenue; Case FS23-0067.

Motion:
I move to approve the Final Plat entitled, "HC Estates" and dated May 4, 2023.

Background:
Justin Bills of Honor Contracting LLC seeks approval of a Final Plat of the subject property located at the southeast corner of Dixileta Drive and 165th Avenue. The proposed Final Plat splits the subject property, one (1) existing parcel of approximately 4.17 gross acres, into four (4) parcels.

Objective Analysis:
Approval of the proposed Final Plat will allow the applicant the ability to subdivide the property as proposed.

Policy Compliant:
The proposed Final Plat is consistent with the Surprise General Plan 2035 and the City of Surprise 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-FS23-0067 HC Estates Final Plat - Staff Report
2. 01 - FS23-0067 HC Estates Final Plat - Vicinity Map
3. 02 - FS23-0067 HC Estates Final Plat - Zoning Map
4. 03 - FS23-0067 HC Estates Final Plat - Final Plat
5. 04 - FS23-0067 HC Estates Final Plat - Final Plat Exhibit
6. 05 - FS23-0067 HC Estates Final Plat - Luke AFB Letter
7. FS23-0067 HC Estates Final Plat - PowerPoint

FINAL PLAT

REPORT TO THE CITY COUNCIL

Case:	**FS23-0067**
Project Name:	HC Estates Final Plat
Council District:	1 – Acacia
City Council Date:	**August 1, 2023**
Planner:	Jani Wertin, Planner I

Owner:	Honor Contracting LLC
Applicant:	Justin Bills of Honor Contracting LLC
Request:	Final Plat to subdivide one (1) parcel approximately 4.17 gross acres into four (4) parcels.
Site Location:	Located at the southeast corner of Dixileta Drive and 165th Avenue
Site Size:	Approximately 4.17 gross acres

Findings:

- The proposed Final Plat is consistent with the Surprise General Plan 2035.
- The proposed Final Plat is consistent with the Surprise Land Development Ordinance.

Alternative Actions:

Approve – Approval of the proposed Final Plat will allow the applicant the ability to subdivide the property as proposed.

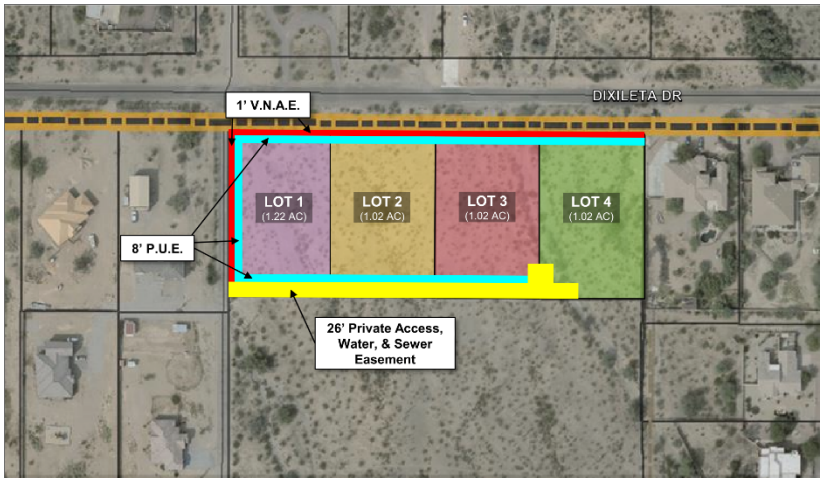
Deny – Denial of the requested Final Plat will prevent the applicant from subdividing the property as proposed.

Additional Information:

Justin Bills of Honor Contracting LLC requests approval of a Final Plat entitled “Final Plat of HC Estates”, dated May 4, 2023. The subject parcel is zoned Rural Residential (RR) and is located at the southeast corner of Dixileta Drive and 165th Avenue. The proposed Final Plat subdivides one (1) existing parcel of approximately 4.17 gross acres into four (4) parcels.

As part of this subdivision, a 1-foot vehicle non-access easement (VNAE) and an 8-foot public utility easement (PUE) will be dedicated along the northern boundary of Lots 1, 2, 3, and 4, adjacent to Dixileta Drive. At the west end of the site, another 1-foot VNAE and 8-PUE will be dedicated adjacent to 165th Avenue, ending where the 26-foot private access, water, and sewer easement and 8-foot PUE will be dedicated along the southern boundary of Lots 1, 2, 3, and 4.

No right of way (ROW) is being dedicated with this plat.



Lots 1, 2, 3, and 4 of the proposed Final Plat meet or exceed the development standards of the Rural Residential (RR) zoning district as outlined in Table 106-2b of the City of Surprise Land Development Ordinance.

Table 106-2b – Rural Residential (RR) Zoning District	
Min. lot area (sf)	≥ 43,560
Min. lot width	130
Min. front setback (ft)	30
Min. rear setback[1] (ft)	30
Min. side setback[1] (ft)	20
Min. street side setback[1] (ft)	20
Max. bldg. height (ft)	40
Lot coverage	25%

Open space (% of gross acres of residential development)[2]	10%
Notes: 1. Garage face and embellishments shall be setback a minimum of 20 feet measured from the opposing property line except rear, alley loaded garages, which shall be setback nine feet from edge of alley line. 2. The city requires open spaces on a new subdivision; if recorded as metes and bounds or by a minor land division than open space will be required on each individual lot; such as open space of trail easements.	

The proposed Final Plat dedicates the following easements for each lot:

- 8-foot public utility easement (PUE) along the northern portion of Lots 1, 2, 3 and 4 adjacent to Dixileta Drive.
- 1-foot vehicle non-access easement (VNAE) abutting the proposed 8-foot PUE along the northern portion of Lots 1, 2, 3 and 4 adjacent to Dixileta Drive.
- 8-foot public PUE along the western portion of Lot 1, adjacent to Dixileta Drive.
- 1-foot VNAE abutting the proposed 8-foot PUE along the western portion of Lot 1, adjacent to Dixileta Drive.
- 26-foot private access, water, and sewer easement along the southern boundary of Lots 1, 2, 3, and 4.
- 8-foot PUE abutting the proposed 26-foot private access, water, and sewer easement along the southern portion of Lots 1, 2, 3 and 4.
- No ROW is being dedicated with this plat.

The square footage for each parcel is below:

- Lot 1 – 1.22 acres (48,891 square feet)
- Lot 2 – 1.02 acres (44,247 square feet)
- Lot 3 – 1.02 acres (44,249 square feet)
- Lot 4 – 1.02 acres (44,250 square feet)

General Plan Conformance:

The proposed final plat was reviewed against the goals, polices, recommendations, and guidelines of the City of Surprise General Plan 2035. The proposed final plat is consistent with the General Plan in some of the following ways:

This project is located within the Neighborhood character area of the General Plan. The proposed lot split adheres to the design guidelines of the character area which allows for residential development.

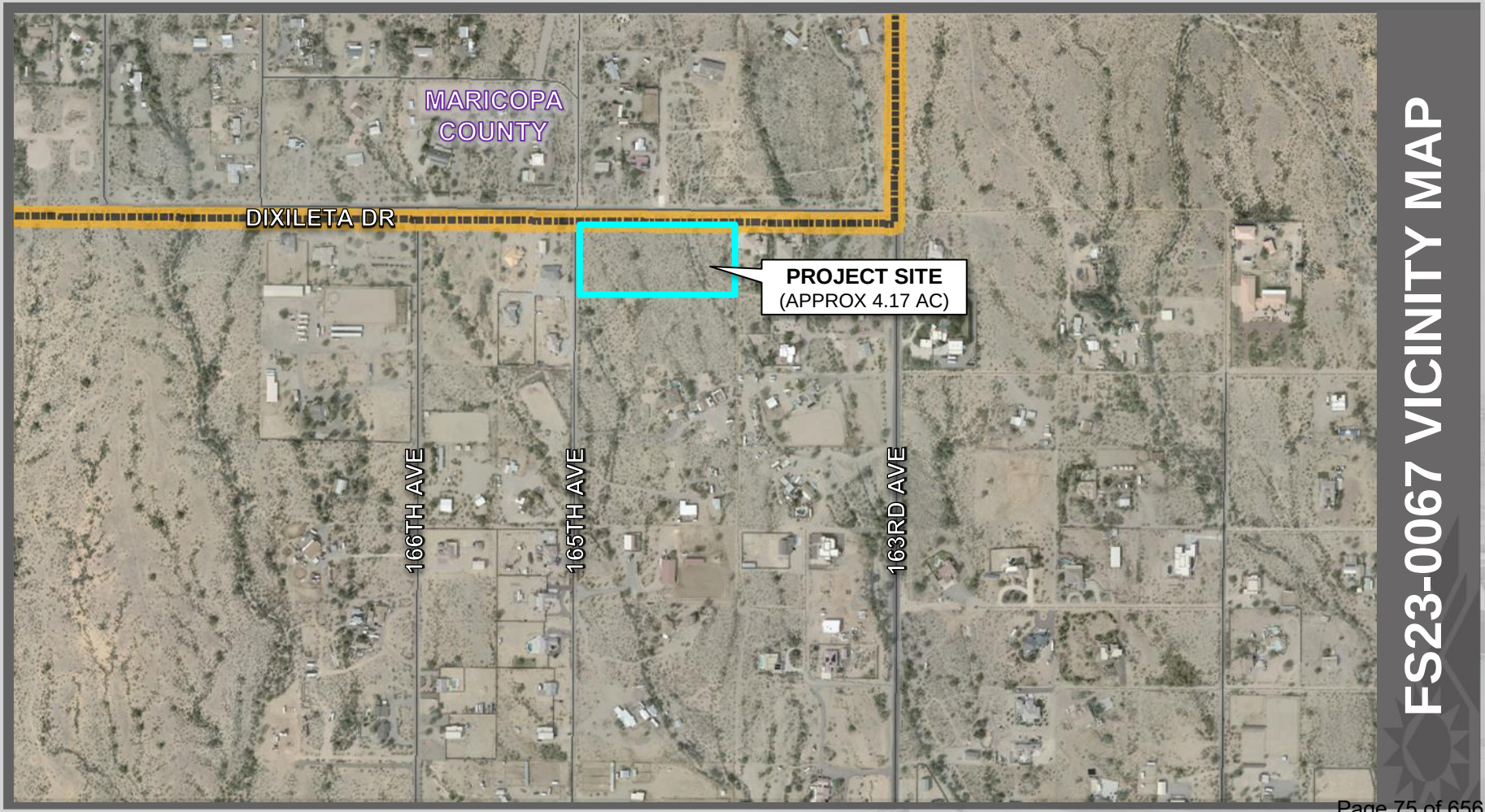
This project maintains compatibility with the quality of existing land uses in the surrounding area in that it continues the Rural Residential development pattern established in the vicinity of this parcel.

Reviewing Agencies:

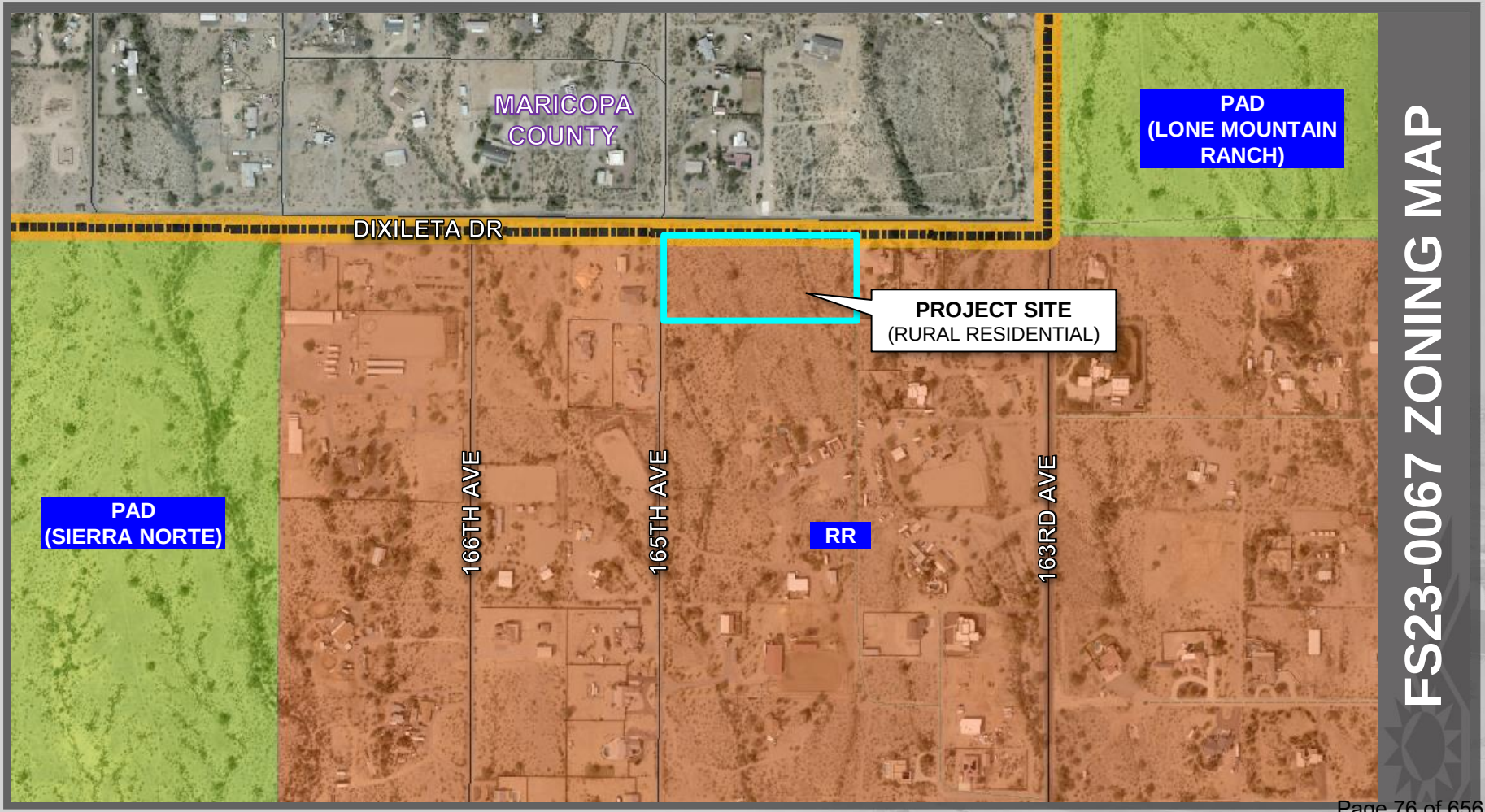
This project was routed to both Luke Air Force Base and the Maricopa County Department of Transportation. Both agencies have indicated no objections.

Attachments:

01 Vicinity Map
02 Zoning Map
03 Final Plat
04 Plat Exhibit
05 Luke Letter
PPT

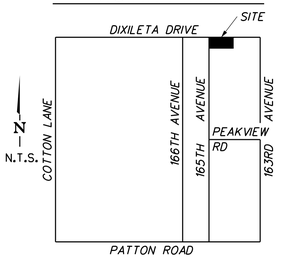


FS23-0067 VICINITY MAP


MARICOPA COUNTY
PAD (LONE MOUNTAIN RANCH)
DIXILETA DR
PROJECT SITE
(RURAL RESIDENTIAL)
PAD (SIERRA NORTE)
166TH AVE
165TH AVE
RR
163RD AVE
FS23-0067 ZONING MAP

FINAL PLAT
OF
HC ESTATES
A PORTION OF THE NORTHEAST QUARTER OF SECTION 25, TOWNSHIP 5 NORTH, RANGE 2 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA

VICINITY MAP



RELEASE OF LIABILITY

RELEASE OF LIABILITY
HONOR CONTRACTING, LLC, AN ARIZONA LIMITED LIABILITY COMPANY "OWNER" DOES HEREBY (1) RELEASE AND DISCHARGE THE CITY OF SURPRISE, (2) INDEMNIFY, DEFEND, AND HOLD HARMLESS 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 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 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 THE RIGHT-OF-WAY IS IMPROVED TO CITY STANDARD AND ACCEPTED BY THE CITY OF SURPRISE.

OWNER HEREBY FURTHER AGREES TO INDEMNIFY, DEFEND, AND 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.

RELEASE OF LIABILITY
HONOR CONTRACTING, LLC, AN ARIZONA LIMITED LIABILITY COMPANY "OWNER" DOES HEREBY (1) RELEASE AND DISCHARGE THE UNITED STATES OF AMERICA DEPARTMENT OF THE 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 ITS 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, FUEL, AND LUBRICANT PARTICLES.

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 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.

ACKNOWLEDGEMENT

STATE OF ARIZONA)
) SS
COUNTY OF MARICOPA)

BEFORE ME THIS_____DAY OF_____,20___

_____PERSONALLY APPEARED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, WHO ACKNOWLEDGED THEMSELVES BE

_____ JUSTIN BILLS AS OWNER OF HONOR CONTRACTING LLC, AN ARIZONA LIMITED LIABILITY COMPANY, THE LEGAL OWNER OF THE PROPERTY PLATTED HEREON AND ACKNOWLEDGE THAT

_____ AS IT'S _____

_____, EXECUTED THIS INSTRUMENT FOR THE PURPOSE HEREIN CONTAINED.

IN WITNESS WHEREOF, I HEREUNTO SET MY HAND AND SEAL

_____. _____.
NOTARY REPUBLIC MY COMMISSION EXPIRES

PARENT PARCEL DESCRIPTION PER TITLE REPORT

THE NORTH ONE HALF OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 25, TOWNSHIP 5 NORTH, RANGE 2 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA.

PLAT NOTES

1. SPRINKLERS ARE REQUIRED IN ALL ONE- AND TWO-FAMILY DWELLINGS BUILT IN AREAS WHICH DO NOT HAVE AN ADEQUATE WATER SUPPLY.

2. THE PROPERTY OWNER AT THE TIME WHEN CITY OF SURPRISE WATER, AND/OR SEWER INFRASTRUCTURE IS AVAILABLE AT THE PROPERTY, SHALL BE REQUIRED TO CONNECT IN ACCORDANCE WITH SURPRISE MUNICIPAL CODE AND PAY ALL APPLICABLE FEES. ANY OWNER OF THE PROPERTY SHALL NOTIFY PROSPECTIVE BUYERS AND THE PUBLIC OF THIS NOTE, AND ANY SALES CONTRACTS OR SALES REPORTS SHALL INCLUDE SUCH NOTE.

3. NO ON-SITE GRADING OR EXCAVATION SHALL OCCUR WITHOUT FIRST OBTAINING A PERMIT FROM THE CITY OF SURPRISE.

4. IN ACCORDANCE WITH ARS § 9-461.07, THE CITY OF SURPRISE HAS DETERMINED THAT ALL DEDICATIONS OCCURRING WITH THIS PLAT ARE IN CONFORMANCE WITH THE SURPRISE GENERAL PLAN.

5. PURSUANT TO 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.

6. THE OWNERS AGREE TO DEDICATE THE AREA OF PUBLIC ACCESS EASEMENT TO THE CITY OF SURPRISE FOR PUBLIC ROADWAY PURPOSES, IF AND WHEN, THE CITY REQUESTS THE DEDICATION FOR THIS PURPOSE.

7. AT THE TIME OF BUILDING PERMIT, THE PROPERTY OWNERS WILL BE RESPONSIBLE FOR IMPROVING AND MAINTAINING THE ADJACENT SEGMENTS OF THE ROAD TO MCDOT RURAL ROAD STANDARDS AND MEET FIRE DEPARTMENT REQUIREMENTS.

8. THE MAINTENANCE OF LANDSCAPING WITHIN THE OPEN SPACES, LANDSCAPED TRACTS, RETENTION BASINS, AND PARKS SHALL BE THE RESPONSIBILITY OF THE OWNER OR THE HOMEOWNERS' ASSOCIATION FORMED BY THE OWNER. 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. LANDSCAPING MAINTENANCE OF THE MEDIANS WITHIN THE PUBLIC RIGHT-OF-WAY WITHIN ANY ARTERIAL OR PARKWAY STREET CLASSIFICATION SHALL BE RESPONSIBILITY OF THE CITY OF SURPRISE AFTER ACCEPTANCE.

WATER NOTES

THE PROPERTY OWNERS WILL BE RESPONSIBLE FOR OBTAINING A WILL-SERVE LETTER FROM WATER PROVIDER PRIOR TO ISSUANCE OF A BUILDING PERMIT.

THE OWNER OR SUBSEQUENT OWNERS OF ANY EXISTING OR FUTURE WELLS ON THE LAND DESCRIBED IN THIS PLAT SHALL BE REQUIRED TO SIGN A WELL IMPACT WAIVER(S) WITH THE CITY OF SURPRISE.

DEDICATION

STATE OF ARIZONA)
) SS
COUNTY OF MARICOPA)

KNOW ALL PERSONS BY THESE PRESENTS: HONOR CONTRACTING, LLC, AN ARIZONA LIMITED LIABILITY COMPANY, AS OWNER, HAS SUBDIVIDED UNDER THE NAME OF HC ESTATES, A SUBDIVISION LOCATED IN THE NORTHEAST QUARTER OF SECTION 25, TOWNSHIP 5 NORTH, RANGE 2 WEST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, AS SHOWN AND PLATTED HEREON AND DOES HEREBY PUBLISH THIS PLAT AS AND FOR THE PLAT OF HC ESTATES 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 GIVEN TO EACH RESPECTIVELY AS SHOWN ON PLAT.

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 EASEMENT ACROSS THE PLAT INCLUDING ROADS AND STREETS, OPEN SPACES, COMMUNITY FACILITIES, TRACTS, SIDEWALKS, DRAINAGE BASINS, AND ANY PROPERTY WITHIN THE PLAT OWNED BY THE HOMEOWNERS ASSOCIATION FOR THE PURPOSE OF PROVIDING CONTINUOUS AND UNINTERRUPTED INGRESS AND EGRESS FOR TRASH COLLECTION VEHICLES.

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 PUBLIC A PERPETUAL NON-EXCLUSIVE PEDESTRIAN ACCESS AND SIDEWALK CONSTRUCTION AND MAINTENANCE EASEMENT OVER, UPON AND ACCROSS THE AREAS DESIGNATED AS SIDEWALK EASEMENTS AS SHOWN ON THE PLAT.

ALL IMPROVEMENTS, FOR STREETS AND PUBLIC UTILITIES OWNED AND OPERATED BY THE CITY, INSTALLED OR CONSTRUCTED BY 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 OWNER TO THE CITY UPON THEIR COMPLETION; HOWEVER, SUCH TRANSFER SHALL NOT OCCUR UNTIL THE CITY COUNCIL FOR THE CITY OF SURPRISE MANIFESTS ITS ACCEPTANCE BY SEPARATE FORMAL COUNCIL ACTION.

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.

FIRE SPRINKLERS ARE REQUIRED IN ALL ONE AND TWO FAMILY DWELLINGS BUILT IN AREAS WHICH DO NOT HAVE AN ADEQUATE WATER SUPPLY.

IN WITNESS WHEREOF, OWNERS'S HAVE HEREUNDER CAUSED JUSTIN BILLS AS OWNER OF HONOR CONTRACTING LLC, AN ARIZONA LIMITED LIABILITY COMPANY TO BE SIGNED, THIS _____ DAY OF _____, 20___.

BY: _____

ITS: _____

CITY OF SURPRISE ENGINEER APPROVAL

DATA ON THIS PLAT WAS REVIEWED AND APPROVED THIS _____ DAY OF _____, 20 _____ BY THE CITY ENGINEER OF SURPRISE, ARIZONA

APPROVED: _____
CITY ENGINEER DATE

CITY OF SURPRISE COUNCIL APPROVAL

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

ATTEST:

_____
MAYOR DATE

_____
CITY CLERK DATE

BASIS OF BEARING

BASIS OF BEARING IS THE NORTH LINE OF THE NORTHEAST QUARTER OF SECTION 25, BEARS SOUTH 89°29'36" EAST PER BOOK 656 OF MAPS, PAGE 21, RECORDS OF MARICOPA COUNTY, ARIZONA.

ZONING

RUAL RESIDENTIAL

PROPERTY ADDRESS

NOT CURRENTLY ASSIGNED

OWNER

HONOR CONTRACTING, LLC AN ARIZONA LIMITED LIABILITY COMPANY

BENCHMARK

GLO BRASS CAP IN HANDHOLE
AT 163RD AVE. AND DIXILETA DR.
STAMPED "T5N R1W S19 S30 R2W
S25 S36 1916"
ELEVATION=1521.58 NAVD '88

UTILITY PROVIDERS

SEWER: CITY OF SURPRISE
WATER: SAGUARO ACRE'S WATER COMPANY
ELECTRIC: ARIZONA PUBLIC SERVICE COMPANY

REFERENCE DOCUMENTS

BK. 540 OF MAPS, PAGE 18, M.C.R.
BK. 552 OF MAPS, PAGE 29, M.C.R.
BK. 577 OF MAPS, PAGE 36, M.C.R.
BK. 580 OF MAPS, PAGE 40, M.C.R.
BK. 602 OF MAPS, PAGE 18, M.C.R.
BK. 625 OF MAPS, PAGE 13, M.C.R.
BK. 656 OF MAPS, PAGE 21, M.C.R.
BK. 699 OF MAPS, PAGE 14, M.C.R.
BK. 735 OF MAPS, PAGE 45, M.C.R.
BK. 746 OF MAPS, PAGE 02, M.C.R.
BK. 802 OF MAPS, PAGE 16, M.C.R.
BK. 850 OF MAPS, PAGE 20, M.C.R.
BK. 984 OF MAPS, PAGE 02, M.C.R.
BK. 986 OF MAPS, PAGE 15, M.C.R.
BK. 1376 OF MAPS, PAGE 35, M.C.R.
BK. 1380 OF MAPS, PAGE 19, M.C.R.
BK. 1446 OF MAPS, PAGE 09, M.C.R.
BK. 1447 OF MAPS, PAGE 37, M.C.R.
BK. 1498 OF MAPS, PAGE 08, M.C.R.
BK. 1504 OF MAPS, PAGE 35, M.C.R.

SURVEYOR:

EVERETT ALAN GROUP
6300 E. CAVE CREEK
SUITE #202
CAVE CREEK, AZ 85331

PHONE: (480) 990-0545
FAX: (480) 994-9097
WWW.EVERETTALANGROUP.COM

SURVEYOR'S NOTES

1. ALL TITLE INFORMATION IS BASED UPON A COMMITMENT FOR TITLE INSURANCE PREPARED BY LAWYERS TITLE OF ARIZONA, INC.

   FILE NO.: 01989667-802-TRH-LD COMMITMENT DATE: SEPTEMBER 6, 2022
   AMENDMENT NO. 1, AMENDMENT DATE: SEPTEMBER 14, 2022

2. THIS SURVEY IS NOT INTENDED FOR ENGINEERING DESIGN OR LAYOUT.

3. SURVEY IS VALID ONLY IF PRINT HAS ORIGINAL SEAL AND SIGNATURE OF SURVEYOR.

5. ANY INFORMATION, OTHER THAN SURVEY RELATED, DEPICTED ON THIS MAP ARE INFORMATIONAL ONLY. NO CERTIFICATION IS GIVEN AS TO IT'S ACCURACY. THIS WOULD INCLUDE, BUT NOT BE LIMITED TO, ALL MATTERS EASILY VERIFIED VIA PUBLIC RECORDS.

6. ALL DIMENSIONS SHOWN HEREON ARE MEASURED UNLESS OTHERWISE NOTED.

7. MONUMENTS NOTED WILL BE SET UPON RECORDATION OF THIS PLAT.

FLOOD ZONE

THE PROPERTY IS LOCATED WITHIN AN AREA HAVE FLOOD ZONE X BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, ON FLOOD INSURANCE RATE MAP 04013C0795L, WITH A DATE OF IDENTIFICATION OF, REVISION DATE OCTOBER 16, 2013. FOR COMMUNITY NO. 040053, IN MARICOPA COUNTY, STATE OF ARIZONA, WHICH IS THE CURRENT FLOOD INSURANCE RATE MAP FOR THE COMMUNITY IN WHICH SAID PROPERTY IS SITUATED.

SURVEYOR'S CERTIFICATION

THIS IS TO CERTIFY THAT THE SURVEY AND SUBDIVISION OF THE PREMISES DESCRIBED AND PLATTED HEREON WAS MADE UNDER MY DIRECTION DURING THE MONTH OF APRIL, 2022; THAT THE SURVEY IS TRUE AND COMPLETE AS SHOWN; THAT THE MONUMENTS SHOWN ACTUALLY EXIST OR WILL BE SET AS SHOWN; THAT THEIR POSITIONS ARE CORRECTLY SHOWN; AND THAT SAID MONUMENTS ARE SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED.

_____ 5/4/23
REGISTERED LAND SURVEYOR SIGNATURE DATE

REGISTERED LAND SURVEYOR
CERTIFICATE NO.
26404
JAMES A.
LOFTIS
5/4/23
BAR SCORE
ARIZONA, U.S.A.

REGISTRATION
EXPIRES 9/30/25

FINAL PLAT OF HC ESTATES
A PORTION OF THE NORTHEAST QUARTER OF SECTION 25, TOWNSHIP 5 NORTH, RANGE 2 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA

EVERETT ALAN { GROUP }

EVERETT ALAN GROUP
6300 E. CAVE CREEK
SUITE # 202
CAVE CREEK, AZ 85331
PHONE: (480) 990-0545
FAX: (480) 994-9097
WWW.EVERETTALANGROUP.COM

PROJECT NO.
220925

SURVEYOR: J. LOFTIS
CAD TECH: S. LOFTIS

SHEET NO.
1 of 2

FINAL PLAT
OF
HC ESTATES
A PORTION OF THE NORTHEAST QUARTER OF SECTION 25, TOWNSHIP 5 NORTH, RANGE 2 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA

N
NW NE
W E
SW SE
S

0 20 40 80
GRAPHIC SCALE 1" = 40 '

LEGEND

- FOUND MONUMENT (TYPE SHOWN)
- PROPERTY LINE
- SET MONUMENT (1/2" REBAR W/ CAP 26404)

V.N.A.E. VEHICULAR NON-ACCESS EASEMENT

80' ROAD DECLARATION PER M.C.R. DOC# 2001-0709019

55' EASEMENT AND AGREEMENT FOR HIGHWAY PURPOSES PER M.C.R. DOC# 2003-1443847 & AGREEMENT FOR RIGHT OF ENTRY PER M.C.R. DOC# 2003-0951110

N1/4 COR., SEC. 25
M.C.D.O.T. BRASS CAP
IN HANDHOLE RLS #26411

N89°29'36"W
1321.76

W. DIXILETA DRIVE

660.88

2643.51
660.88

NE COR., SEC. 25
GLO BRASS CAP
IN HANDHOLE

55.00
329.81

S89°29'36"E
177.88

1' V.N.A.E. DEDICATED HEREON

161.00

8' PUBLIC UTILITY EASEMENT DEDICATED HEREON

161.00

660.89

161.00

55.00
329.85

1/2" REBAR, NO I.D.
0.5' NORTH, NOT
ACCEPTED

2637.76

BK 1498, PG 608 M.C.R

1' V.N.A.E. DEDICATED HEREON

274.82

274.83

274.84

274.85

2639.17

60' ACCESS, UTILITIES AND PUBLIC AND PRIVATE SERVICES OF ANY KIND WHATSOEVER PER M.C.R. DKT 12284, PG 235 & DKT 11036, PG 1026

30'

30'

165TH AVENUE

274.81

LOT 1
AREA 1.224 ACRES
48,891 S.F.

LOT 2
AREA 1.016 ACRES
44,247 S.F.

LOT 3
AREA 1.016 ACRES
44,249 S.F.

LOT 4
AREA 1.016 ACRES
44,250 S.F.

APN 503-51-293
BEACH CLAY/LORI
BK. 580 PG. 40 M.C.R.

8' PUBLIC UTILITY EASEMENT DEDICATED HEREON

N0°15'40"E

S0°15'3"W

S0°15'3"W

S0°15'3"W

S0°15'58"W

W. FACE OF WALL
IS 0.4' W. OF PL

10' 10' 20'

R=28'

R=20'

73'

177.93
N89°29'23"W

161.00

161.00

161.00

630.94

60'

1/2" BENT REBAR NO I.D.
LOCATION ACCEPTED
REHABILITATED MONUMENT
W/ 1/2" REBAR W/
CAP RLS 26404

8' PUBLIC UTILITY EASEMENT DEDICATED HEREON

26' PRIVATE ACCESS AND WATER AND SEWER EASEMENT DEDICATED HEREON

SET PK NAIL ON TOP
OF WALL W/
WASHER STAMPED
RLS 26404

503-51-138
PONTE HARRY V/ERNESTINE TR

N. 163RD AVENUE

N00°16'53"E

N0°14'27"E

SITE DATA

SUBDIVISION AREA=4.170 ACRES, 181,637 S.F.
LOT 1=1.224 ACRES 48,891 S.F.
LOT 2=1.016 ACRES 44,247 S.F.
LOT 3=1.016 ACRES 44,249 S.F.
LOT 4=1.016 ACRES 44,250 S.F.
MINUMUM LOT WIDTH=130'
AVERAGE LOT WIDTH=165.23'

REGISTERED LAND SURVEYOR
CERTIFICATE NO.
26404
JAMES A.
LOFTIS
5/4/23
ARIZONA, U.S.A.

N89°27'47"W

2645.40

CENTER SEC. 25
1/2" REBAR
RLS #57279

W. PEAKVIEW ROAD

E1/4 SEC. 25
M.C.D.O.T. BRASS CAP
IN HANDHOLE

FINAL PLAT OF HC ESTATES
A PORTION OF THE NORTHWEST QUARTER OF SECTION 26, TOWNSHIP 5 NORTH, RANGE 2 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA

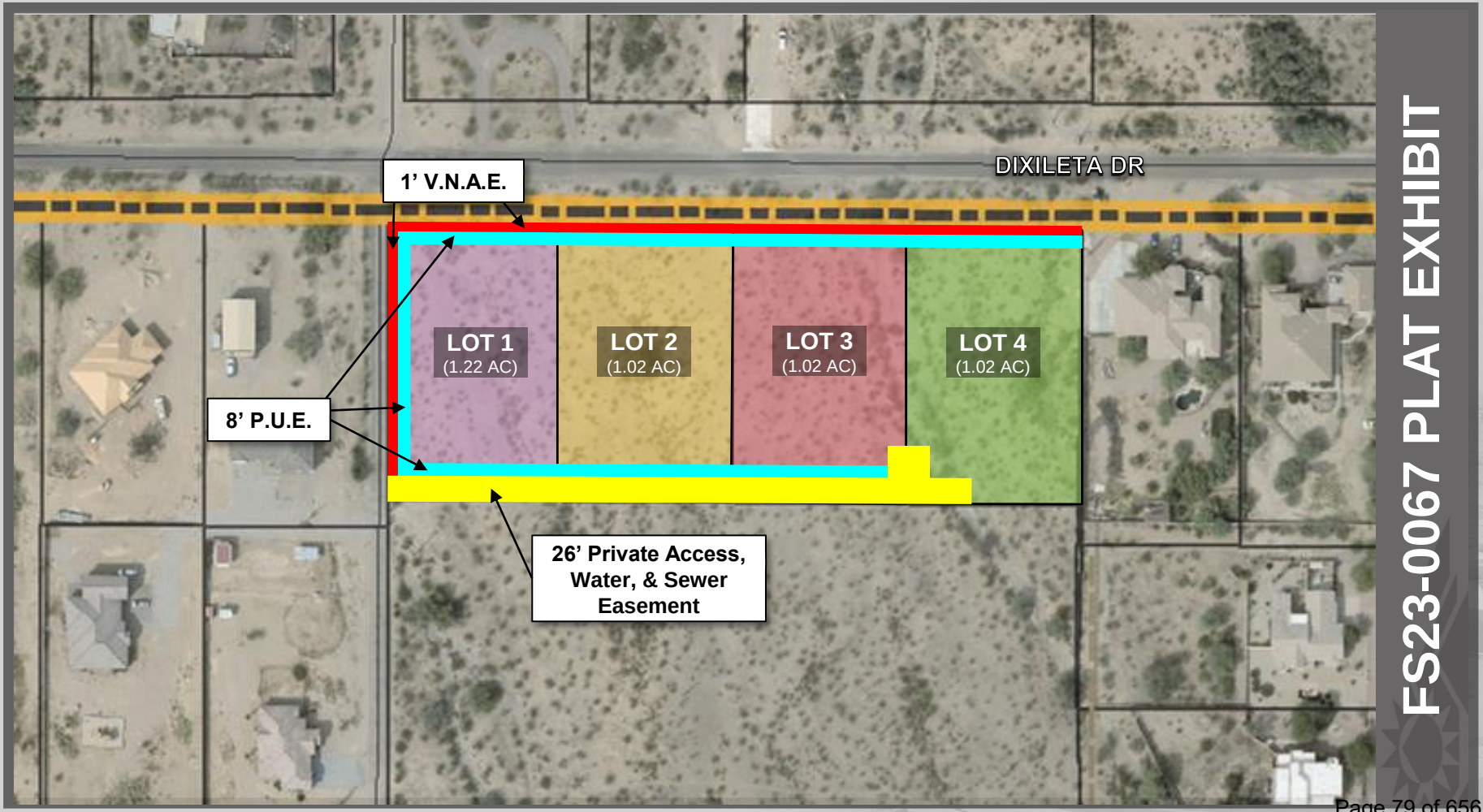
EVERETT ALAN GROUP

EVERETT ALAN GROUP
6300 E. CAVE CREEK
SUITE # 202
CAVE CREEK, AZ 85331
PHONE: (480) 990-0545
FAX: (480) 994-9097
WWW.EVERETTALANGROUP.COM

PROJECT NO.
220925

SURVEYOR: J. LOFTIS
CAD TECH: S. LOFTIS

SHEET NO.
2 of 2



FS23-0067 PLAT EXHIBIT

Jani Wertin

From: JAMES, MARK C CIV USAF AETC 56 FW/CVE <mark.james.14@us.af.mil>
Sent: Thursday, January 26, 2023 2:25 PM
To: Tierney Farago
Cc: 56 FW/CIT Community Initiative
Subject: RE: FS23-0067 HC Estates New Digital Submittal 01.17.23
Attachments: smime.p7s; ATT00001.txt; ATT00002.htm

Importance: High

Tierney,

Thank you for the opportunity to provide comments on HC Estates application.

As described, this project will not negatively impact the flying operations at Luke AFB. Since the site will be located within the "territory in the vicinity of a military airport," it will be subjected to approximately 170 over flights per day. We also recommend a strong notification program on the part of the applicant to inform about Luke AFB operations.

Respectfully,

Mark James
Deputy Director, Community Initiatives Team
56th Fighter Wing
Luke AFB AZ 85309
Office: 623-856-6175
DSN: 896-6175

From: Tierney Farago <Tierney.Farago@surpriseaz.gov>
Sent: Wednesday, January 18, 2023 8:26 AM
To: 56 FW/CIT Community Initiative <56FW.CIT.CommunityInitiative@us.af.mil>; Afshin Ahouraiyan (Flood Control District of Maricopa County) <Afshin.Ahouraiyan@Maricopa.Gov>; Alex Garza (Maricopa Assoc of Governments) <AGarza@azmag.gov>; Aspasia Angelou (Nadaburg School District) <aangelou@nadaburgsd.org>; Chris Cain (Maricopa Water District) <chrisc@mwdaz.com>; Debbie Trasancos (Maricopa Water District) <debbiet@mwdaz.com>; Ernest (USPS) <Ernest.L.James@usps.gov>; Ibeth - USPS <Ibeth.L.Roman@usps.gov>; Jerome Choy (ADOT) <jchoy@azdot.gov>; Kevin Shipman <kevin.shipman@dysart.org>; Leslie - MWD <lesliej@mwdaz.com>; Mark Frago <fragom@mail.maricopa.gov>; Mary Orta - Surprise Chamber <mary.orta@surpriseregionalchamber.com>; MCDOT <MCDOTPlanning@maricopa.gov>; Raoul Sada - Surprise Chamber <raoul@surpriseregionalchamber.com>; Victor.Schaum <Victor.Schaum@cox.com>; Yvonne Aguirre <yvonne.aguirre@swgas.com>
Cc: Nichole Flores <Nichole.Flores@surpriseaz.gov>
Subject: [Non-DoD Source] FS23-0067 HC Estates New Digital Submittal 01.17.23

Good afternoon,

Attached please find the **application**, **narrative, and minor land division** for the above referenced project.

Please feel free to contact us with any questions.

Thanks,

TIERNEY FARAGO
Planning Project Coordinator
City of Surprise | Community Development
16000 N. Civic Center Plaza
Surprise, AZ 85374
623-222-3154

PLEASE NOTE: Effective August 3, 2022 we will be adding 2 business days for out-processing notices.

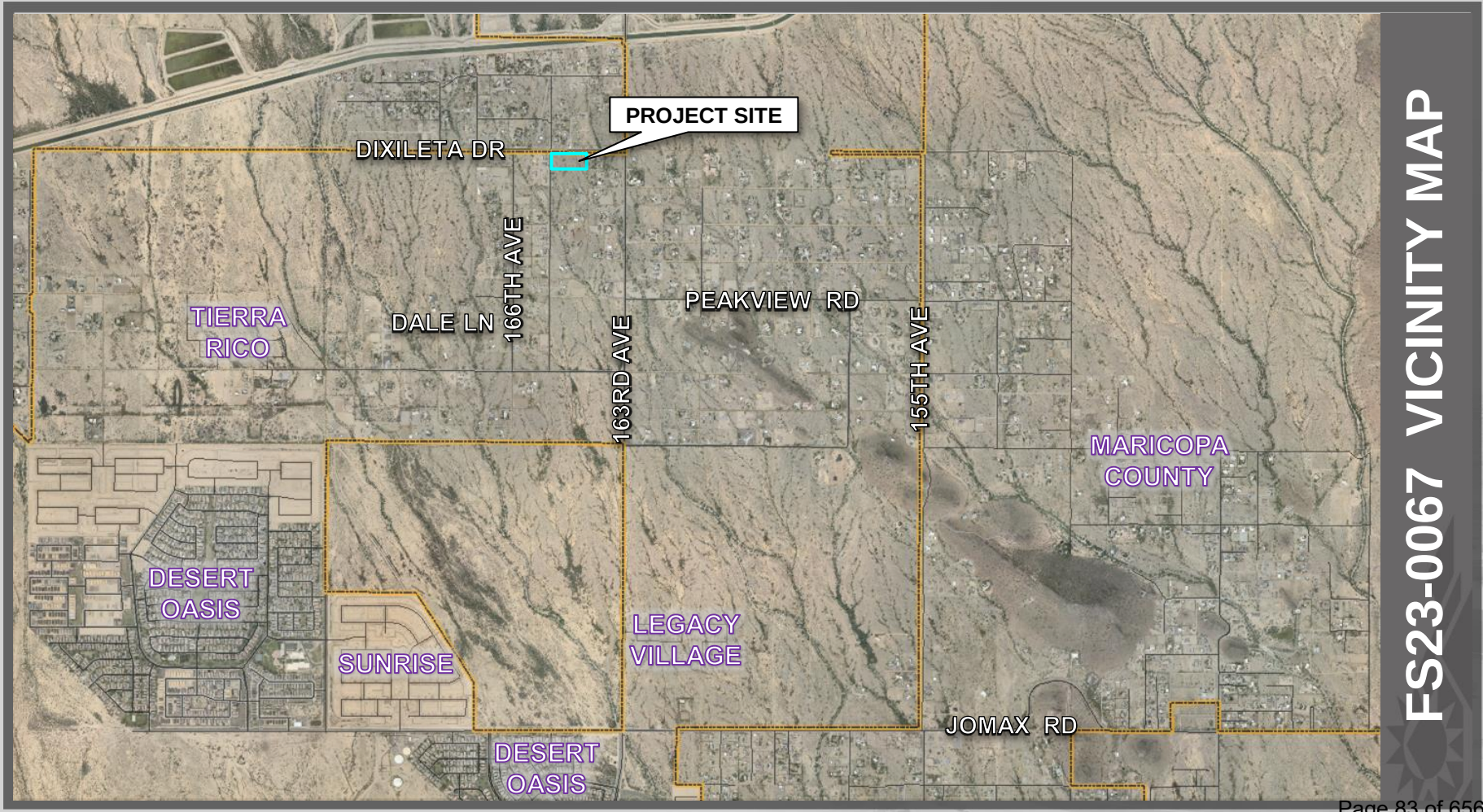
This e-mail and any accompanying files transmitted are intended solely for the use of the individual or entity to whom they are addressed; if you have received this e-mail in error please delete it and notify the sender. In addition, under Arizona law, e-mail communications and e-mail addresses may be public records.
0.1

SURPRISE
ARIZONA

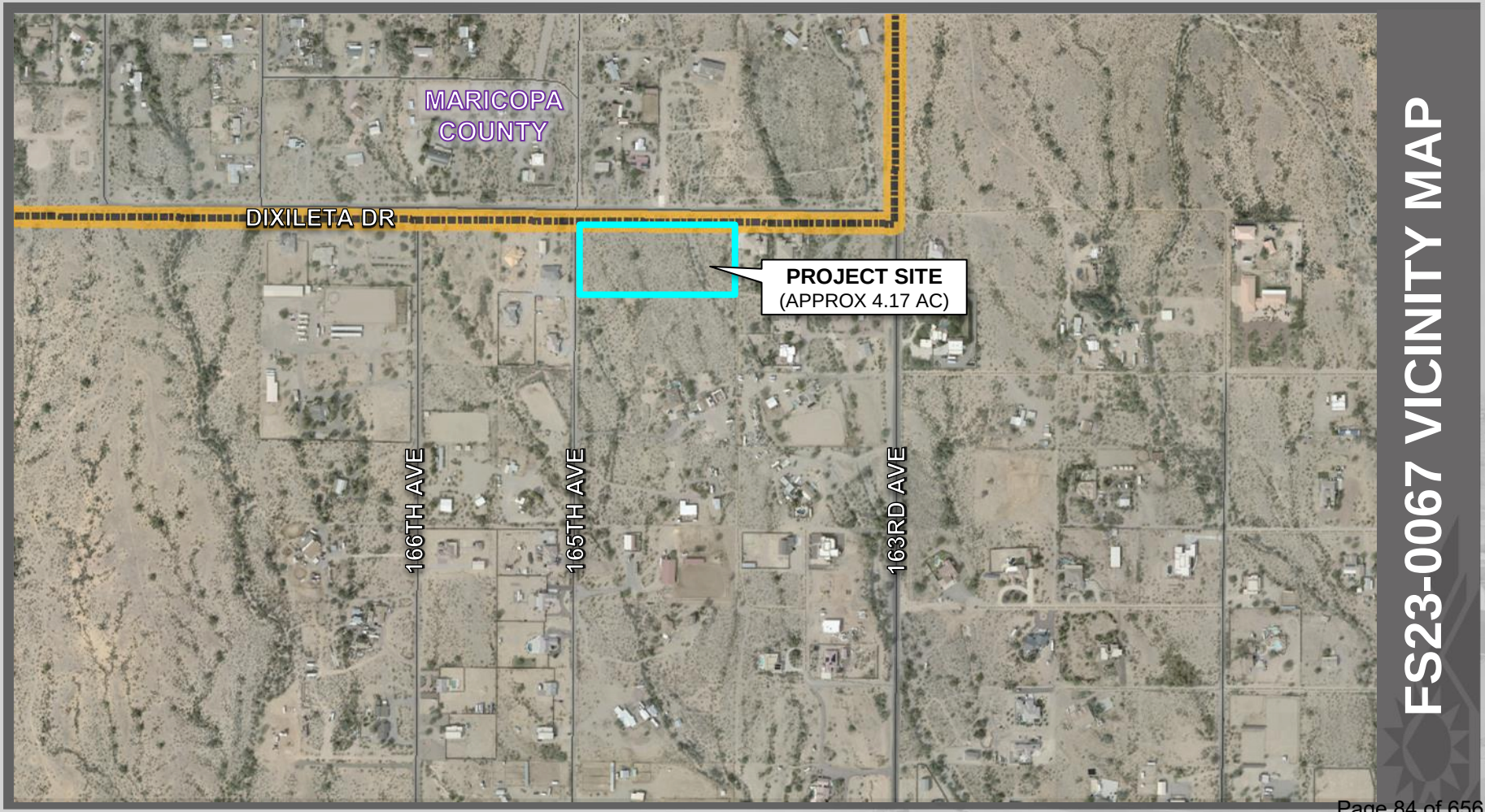
FS23-0067
HC Estates - Final Plat

City Council

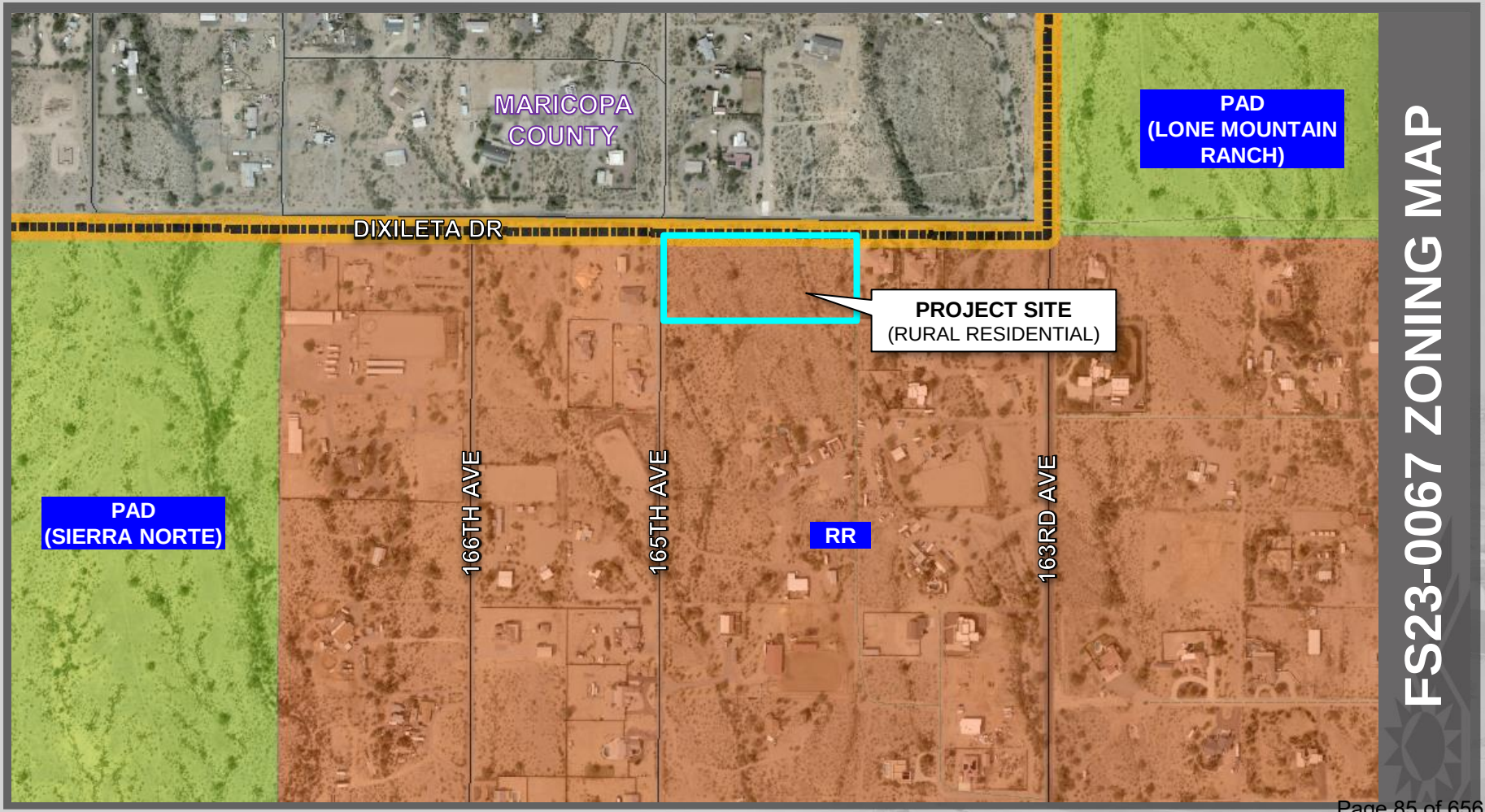
August 1, 2023

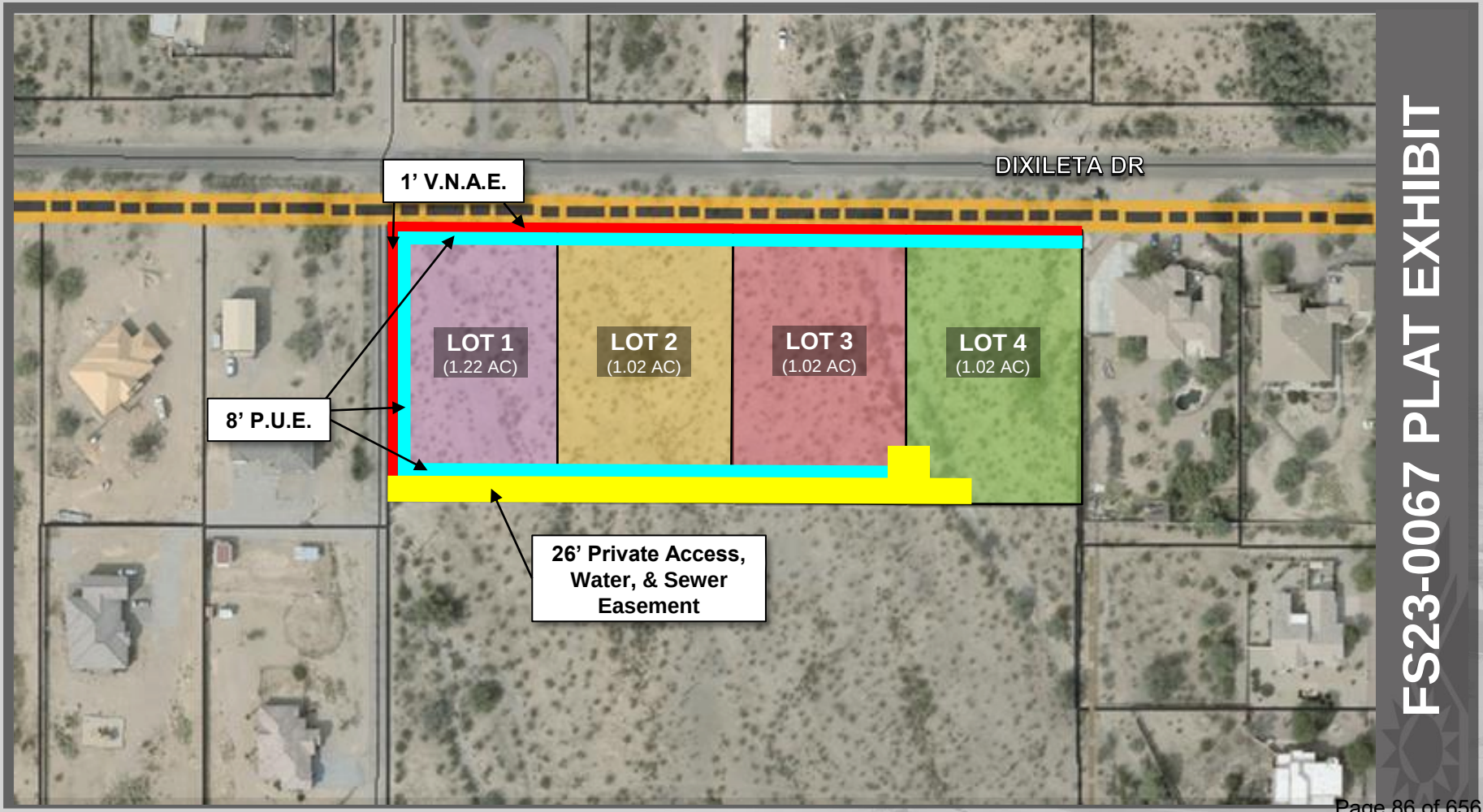


FS23-0067 VICINITY MAP



FS23-0067 VICINITY MAP

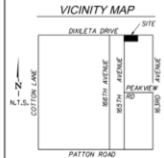

MARICOPA COUNTY
PAD (LONE MOUNTAIN RANCH)
DIXILETA DR
PROJECT SITE
(RURAL RESIDENTIAL)
PAD (SIERRA NORTE)
166TH AVE
165TH AVE
RR
163RD AVE
FS23-0067 ZONING MAP



FS23-0067 PLAT EXHIBIT

FINAL PLAT
OF
HC ESTATES
A PORTION OF THE NORTHEAST QUARTER OF SECTION 25, TOWNSHIP 5 NORTH, RANGE 2 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA

VICINITY MAP



RELEASE OF LIABILITY

RELEASE OF LIABILITY
HONOR CONTRACTING, LLC, AN ARIZONA LIMITED LIABILITY COMPANY "OWNER" DOES HEREBY (1) RELEASE AND DISCHARGE THE CITY OF SURPRISE, (2) INDEMNIFY, DEFEND, AND HOLD HARMLESS 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 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 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 THE RIGHT-OF-WAY IS IMPROVED TO CITY STANDARD AND ACCEPTED BY THE CITY OF SURPRISE.

OWNER HEREBY FURTHER AGREES TO INDEMNIFY, DEFEND, AND 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.

RELEASE OF LIABILITY
HONOR CONTRACTING, LLC, AN ARIZONA LIMITED LIABILITY COMPANY "OWNER" DOES HEREBY (1) RELEASE AND DISCHARGE THE UNITED STATES OF AMERICA DEPARTMENT OF THE 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 ITS 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, FUEL, AND LUBRICANT PARTICLES.

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 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.

ACKNOWLEDGEMENT

STATE OF ARIZONA)
) SS
COUNTY OF MARICOPA)

BEFORE ME THIS_____DAY OF_____,20____

_____PERSONALLY APPEARED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, WHO ACKNOWLEDGED THEMSELVES BE

_____ JUSTIN BILLS AS OWNER OF HONOR CONTRACTING LLC, AN ARIZONA LIMITED LIABILITY COMPANY, THE LEGAL OWNER OF THE PROPERTY PLATTED HEREON AND ACKNOWLEDGE THAT

_____ AS IT'S _____

_____,EXECUTED THIS INSTRUMENT FOR THE PURPOSE HEREIN CONTAINED.

IN WITNESS WHEREOF, I HEREUNTO SET MY HAND AND SEAL

_____ _____
NOTARY REPUBLIC MY COMMISSION EXPIRES

PARENT PARCEL DESCRIPTION PER TITLE REPORT

THE NORTH ONE HALF OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 25, TOWNSHIP 5 NORTH, RANGE 2 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA.

PLAT NOTES

1. SPRINKLERS ARE REQUIRED IN ALL ONE– AND TWO–FAMILY DWELLINGS BUILT IN AREAS WHICH DO NOT HAVE AN ADEQUATE WATER SUPPLY.

2. THE PROPERTY OWNER AT THE TIME WHEN CITY OF SURPRISE WATER, AND/OR SEWER INFRASTRUCTURE IS AVAILABLE AT THE PROPERTY, SHALL BE REQUIRED TO CONNECT IN ACCORDANCE WITH SURPRISE MUNICIPAL CODE AND PAY ALL APPLICABLE FEES. ANY OWNER OF THE PROPERTY SHALL NOTIFY PROSPECTIVE BUYERS AND THE PUBLIC OF THIS NOTE, AND ANY SALES CONTRACTS OR SALES REPORTS SHALL INCLUDE SUCH NOTE.

3. NO ON–SITE GRADING OR EXCAVATION SHALL OCCUR WITHOUT FIRST OBTAINING A PERMIT FROM THE CITY OF SURPRISE.

4. IN ACCORDANCE WITH ARS § 9–461.07, THE CITY OF SURPRISE HAS DETERMINED THAT ALL DEDICATIONS OCCURRING WITH THIS PLAT ARE IN CONFORMANCE WITH THE SURPRISE GENERAL PLAN.

5. PURSUANT TO 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.

6. THE OWNERS AGREE TO DEDICATE THE AREA OF PUBLIC ACCESS EASEMENT TO THE CITY OF SURPRISE FOR PUBLIC ROADWAY PURPOSES, IF AND WHEN, THE CITY REQUESTS THE DEDICATION FOR THIS PURPOSE.

7. AT THE TIME OF BUILDING PERMIT, THE PROPERTY OWNERS WILL BE RESPONSIBLE FOR IMPROVING AND MAINTAINING THE ADJACENT SEGMENTS OF THE ROAD TO MCDOT RURAL ROAD STANDARDS AND MEET FIRE DEPARTMENT REQUIREMENTS.

8. THE MAINTENANCE OF LANDSCAPING WITHIN THE OPEN SPACES, LANDSCAPED TRACTS, RETENTION BASINS, AND PARKS SHALL BE THE RESPONSIBILITY OF THE OWNER OR THE HOMEOWNERS' ASSOCIATION FORMED BY THE OWNER. 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. LANDSCAPING MAINTENANCE OF THE MEDIANS WITHIN THE PUBLIC RIGHT–OF–WAY WITHIN ANY ARTERIAL OR PARKWAY STREET CLASSIFICATION SHALL BE RESPONSIBILITY OF THE CITY OF SURPRISE AFTER ACCEPTANCE.

DEDICATION

STATE OF ARIZONA)
) SS
COUNTY OF MARICOPA)

KNOW ALL PERSONS BY THESE PRESENTS: HONOR CONTRACTING, LLC, AN ARIZONA LIMITED LIABILITY COMPANY, AS OWNER, HAS SUBDIVIDED UNDER THE NAME OF HC ESTATES, A SUBDIVISION LOCATED IN THE NORTHEAST QUARTER OF SECTION 25, TOWNSHIP 5 NORTH, RANGE 2 WEST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, AS SHOWN AND PLATTED HEREON AND DOES HEREBY PUBLISH THIS PLAT AS AND FOR THE PLAT OF HC ESTATES 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 GIVEN TO EACH RESPECTIVELY AS SHOWN ON PLAT.

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 EASEMENT ACROSS THE PLAT INCLUDING ROADS AND STREETS, OPEN SPACES, COMMUNITY FACILITIES, TRACTS, SIDEWALKS, DRAINAGE BASINS, AND ANY PROPERTY WITHIN THE PLAT OWNED BY THE HOMEOWNERS ASSOCIATION FOR THE PURPOSE OF PROVIDING CONTINUOUS AND UNINTERRUPTED INGRESS AND EGRESS FOR TRASH COLLECTION VEHICLES.

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 PUBLIC 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.

ALL IMPROVEMENTS, FOR STREETS AND PUBLIC UTILITIES OWNED AND OPERATED BY THE CITY, INSTALLED OR CONSTRUCTED BY 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 OWNER TO THE CITY UPON THEIR COMPLETION. HOWEVER, SUCH TRANSFER SHALL NOT OCCUR UNTIL THE CITY COUNCIL FOR THE CITY OF SURPRISE MANIFESTS ITS ACCEPTANCE BY SEPARATE FORMAL COUNCIL ACTION.

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.

FIRE SPRINKLERS ARE REQUIRED IN ALL ONE AND TWO FAMILY DWELLINGS BUILT IN AREAS WHICH DO NOT HAVE AN ADEQUATE WATER SUPPLY.

IN WITNESS WHEREOF, OWNER'S HAVE HEREUNDER CAUSED JUSTIN BILLS AS OWNER OF HONOR CONTRACTING LLC, AN ARIZONA LIMITED LIABILITY COMPANY TO BE SIGNED, THIS _____ DAY OF _____, 20_____.

BY:_____

ITS:_____

WATER NOTES

THE PROPERTY OWNERS WILL BE RESPONSIBLE FOR OBTAINING A WILL–SERVE LETTER FROM WATER PROVIDER PRIOR TO ISSUANCE OF A BUILDING PERMIT.

THE OWNER OR SUBSEQUENT OWNERS OF ANY EXISTING OR FUTURE WELLS ON THE LAND DESCRIBED IN THIS PLAT SHALL BE REQUIRED TO SIGN A WELL IMPACT WAIVER(S) WITH THE CITY OF SURPRISE.

CITY OF SURPRISE ENGINEER APPROVAL

DATA ON THIS PLAT WAS REVIEWED AND APPROVED THIS _____ DAY OF _____, 20_____ BY THE CITY ENGINEER OF SURPRISE, ARIZONA

APPROVED:_____
CITY ENGINEER DATE

CITY OF SURPRISE COUNCIL APPROVAL

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

ATTEST:

_____
MAYOR DATE

_____
CITY CLERK DATE

BASIS OF BEARING

BASIS OF BEARING IS THE NORTH LINE OF THE NORTHEAST QUARTER OF SECTION 25, BEARS SOUTH 89°29'36" EAST PER BOOK 656 OF MAPS, PAGE 21, RECORDS OF MARICOPA COUNTY, ARIZONA.

ZONING

RUAL RESIDENTIAL

PROPERTY ADDRESS

NOT CURRENTLY ASSIGNED

OWNER

HONOR CONTRACTING, LLC AN ARIZONA LIMITED LIABILITY COMPANY

BENCHMARK

GLO BRASS CAP IN HANDHOLE AT 16,390 AVE. AND DIXILETA DR. STAMPED "T5N R1W S19 S30 R2W S25 S36 1916" ELEVATION=1521.58 NAVD '88

UTILITY PROVIDERS

SEWER: CITY OF SURPRISE
WATER: SAGUARO ACRES WATER COMPANY
ELECTRIC: ARIZONA PUBLIC SERVICE COMPANY

REFERENCE DOCUMENTS

BK. 540 OF MAPS, PAGE 18, M.C.R.
BK. 552 OF MAPS, PAGE 29, M.C.R.
BK. 577 OF MAPS, PAGE 36, M.C.R.
BK. 580 OF MAPS, PAGE 40, M.C.R.
BK. 602 OF MAPS, PAGE 18, M.C.R.
BK. 625 OF MAPS, PAGE 13, M.C.R.
BK. 656 OF MAPS, PAGE 21, M.C.R.
BK. 699 OF MAPS, PAGE 14, M.C.R.
BK. 735 OF MAPS, PAGE 45, M.C.R.
BK. 746 OF MAPS, PAGE 02, M.C.R.
BK. 802 OF MAPS, PAGE 16, M.C.R.
BK. 850 OF MAPS, PAGE 20, M.C.R.
BK. 984 OF MAPS, PAGE 02, M.C.R.
BK. 986 OF MAPS, PAGE 15, M.C.R.
BK. 1376 OF MAPS, PAGE 35, M.C.R.
BK. 1380 OF MAPS, PAGE 19, M.C.R.
BK. 1446 OF MAPS, PAGE 09, M.C.R.
BK. 1447 OF MAPS, PAGE 37, M.C.R.
BK. 1498 OF MAPS, PAGE 08, M.C.R.
BK. 1504 OF MAPS, PAGE 35, M.C.R.

SURVEYOR:

EVERETT ALAN GROUP
6300 E. CAVE CREEK
SUITE #202
CAVE CREEK, AZ 85331

PHONE: (480) 990-0545
FAX: (480) 994-9097
WWW.EVERETTALANGROUP.COM

SURVEYOR'S NOTES

1. ALL TITLE INFORMATION IS BASED UPON A COMMITMENT FOR TITLE INSURANCE PREPARED BY: LAWYERS TITLE OF ARIZONA, INC.

   FILE NO.: 01989667–802–TRH–LD COMMITMENT DATE: SEPTEMBER 6, 2022 AMENDMENT NO. 1, AMENDMENT DATE: SEPTEMBER 14, 2022

2. THIS SURVEY IS NOT INTENDED FOR ENGINEERING DESIGN OR LAYOUT.

3. SURVEY IS VALID ONLY IF PRINT HAS ORIGINAL SEAL AND SIGNATURE OF SURVEYOR.

5. ANY INFORMATION, OTHER THAN SURVEY RELATED, DEPICTED ON THIS MAP ARE INFORMATIONAL ONLY. NO CERTIFICATION IS GIVEN AS TO IT'S ACCURACY. THIS WOULD INCLUDE, BUT NOT BE LIMITED TO, ALL MATTERS EASILY VERIFIED VIA PUBLIC RECORDS.

6. ALL DIMENSIONS SHOWN HEREON ARE MEASURED UNLESS OTHERWISE NOTED.

7. MONUMENTS NOTED WILL BE SET UPON RECORDATION OF THIS PLAT.

FLOOD ZONE

THE PROPERTY IS LOCATED WITHIN AN AREA HAVE FLOOD ZONE X BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, ON FLOOD INSURANCE RATE MAP (MOI.)0379SL, WITH A DATE OF IDENTIFICATION OF, REVISION DATE OCTOBER 16, 2013, FOR COMMUNITY NO. 040053, IN MARICOPA COUNTY, STATE OF ARIZONA, WHICH IS THE CURRENT FLOOD INSURANCE RATE MAP FOR THE COMMUNITY IN WHICH SAID PROPERTY IS SITUATED.

SURVEYOR'S CERTIFICATION

THIS IS TO CERTIFY THAT THE SURVEY AND SUBDIVISION OF THE PREMISES DESCRIBED AND PLATTED HEREON WAS MADE UNDER MY DIRECTION DURING THE MONTH OF APRIL, 2022; THAT THE SURVEY IS TRUE AND COMPLETE AS SHOWN; THAT THE MONUMENTS SHOWN ACTUALLY EXIST OR WILL BE SET AS SHOWN; THAT THEIR POSITIONS ARE CORRECTLY SHOWN; AND THAT SAID MONUMENTS ARE SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED.

5/4/23
REGISTERED LAND SURVEYOR SIGNATURE DATE

REGISTRATION EXPIRES 9/30/25

FINAL PLAT OF HC ESTATES
A PORTION OF THE NORTHEAST QUARTER OF SECTION 25, TOWNSHIP 5 NORTH, RANGE 2 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA

EVERETT ALAN GROUP

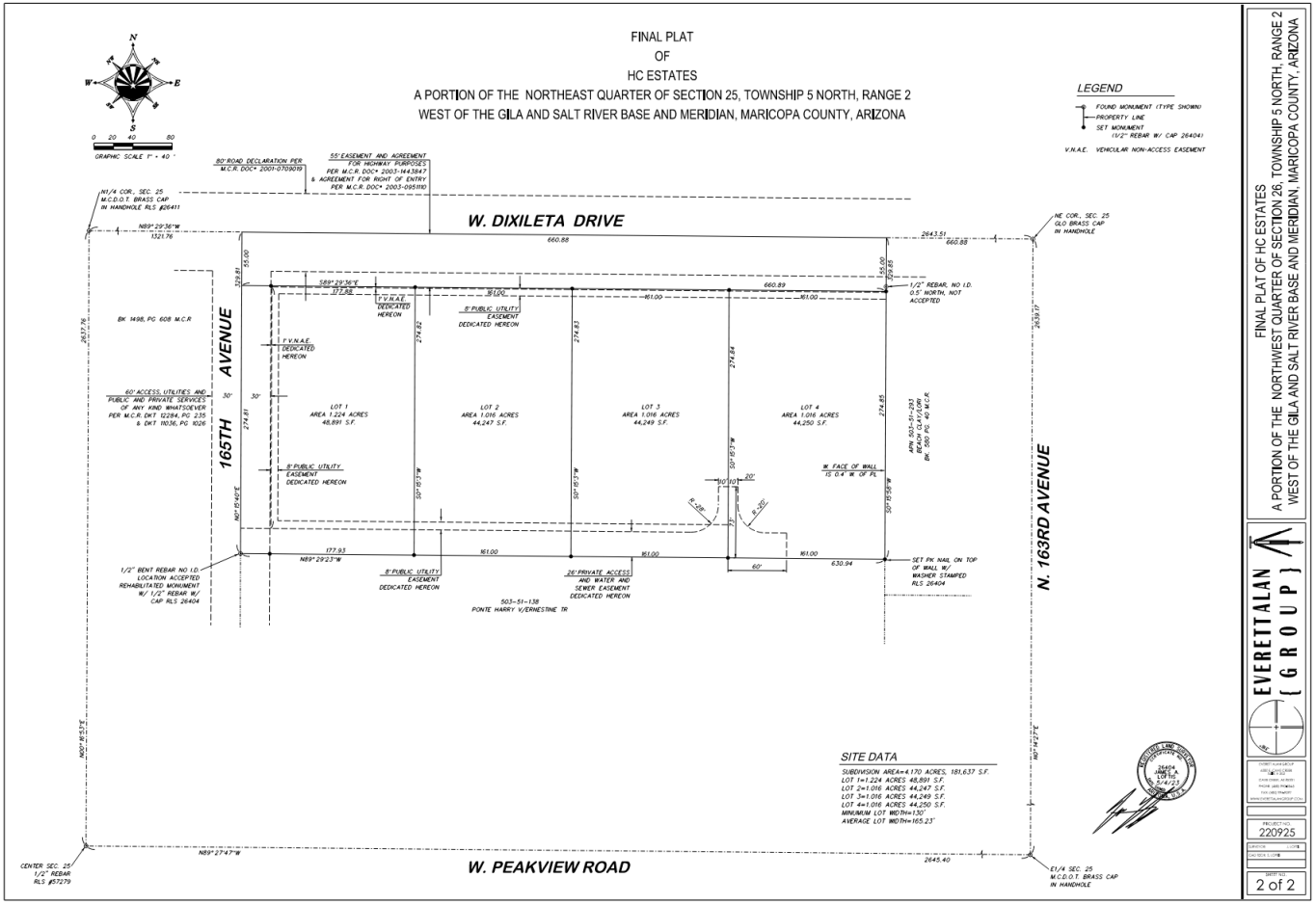
PROJECT NO.
220925

SHEET
1 of 2

FS23-0067 FINAL PLAT

5/4/2023 6:08:43 AM

FS23-0067



FS23-0067 FINAL PLAT

SURPRISE
ARIZONA

QUESTIONS OR COMMENTS?

Thank You

CITY OF SURPRISE
Regular City Council Meeting

Council Meeting Date: August 1, 2023 Contact Person: Jani Wertin
Submitting Department: Community Development District: District 1
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, "Jomax Acres" and dated May 8, 2023, a property located at the northwest corner of Jomax Road and 155th Avenue; Case FS23-0019.

Motion:
I move to approve the Final Plat entitled, "Jomax Acres" and dated May 8, 2023.

Background:
Brady Andrews of Garrett Brady Properties LLC seeks approval of a Final Plat of the subject property located at the northwest corner of Jomax Road and 155th Avenue. The proposed Final Plat splits the subject property, one (1) existing parcel of approximately 3.74 gross acres, into 3 parcels.

Objective Analysis:
Approval of the proposed Final Plat will allow the applicant the ability to subdivide the property as proposed.

Policy Compliant:
The proposed Final Plat is consistent with the Surprise General Plan 2035 and the City of Surprise 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-FS23-0019 Arroyo Ranch South Lots Final Plat - Staff Report
2. 01 - FS23-0019 Arroyo Ranch South Lots Final Plat - Vicinity Map
3. 02 - FS23-0019 Arroyo Ranch South Lots Final Plat - Zoning Map
4. 03 - FS23-0019 Arroyo Ranch South Lots Final Plat - Final Plat
5. 04 - FS23-0019 Arroyo Ranch South Lots Final Plat - Final Plat Exhibit
6. 05 - FS23-0019 Arroyo Ranch South Lots Final Plat - Luke AFB Letter
7. FS23-0019 Arroyo Ranch South Lots Final Plat - PowerPoint

FINAL PLAT

REPORT TO THE CITY COUNCIL

Case:	**FS23-0019**
Project Name:	Arroyo Ranch South Lots Final Plat
Council District:	1 – Acacia
City Council Date:	**August 1, 2023**
Planner:	Jani Wertin, Planner I

Owner:	Garrett Brady Properties LLC
Applicant:	Brady Andrews of Garrett Brady Properties LLC
Request:	Final Plat to subdivide one (1) parcel approximately 3.74 gross acres into three (3) parcels.
Site Location:	Located at the northwest corner of Jomax Road and 155th Avenue
Site Size:	Approximately 3.74 gross acres

Findings:

- The proposed Final Plat is consistent with the Surprise General Plan 2035.
- The proposed Final Plat is consistent with the Surprise Land Development Ordinance.

Alternative Actions:

Approve – Approval of the proposed Final Plat will allow the applicant the ability to subdivide the property as proposed.

Deny – Denial of the requested Final Plat will prevent the applicant from subdividing the property as proposed.

Additional Information:

Brady Andrews of Garrett Brady Properties LLC requests approval of a Final Plat entitled "Final Plat Jomax Acres", dated May 8, 2023. The subject parcel is zoned Rural Residential (RR) and is located at the northwest corner of Jomax Road and 155th Avenue. The proposed Final Plat subdivides one (1) existing parcel of approximately 3.74 gross acres, into 3 parcels.

As a part of this subdivision a 26-foot ingress, egress, public utility easement, and fire access easement will be dedicated along the northern boundary of Lots 3A and 3C, and the western boundary of Lots 3A and 3B. The portion of the existing 1-foot vehicle non-access easement (VNAE) that runs along the southern boundary of Lot 3B and 3C and falls within the access easement will be abandoned accordingly to accommodate the new easement. At the northwest corner of Lot 3C, a 20 foot by 20 foot well easement will also be dedicated.

No right of way (ROW) is being dedicated with this plat.

Lots 3A, 3B, and 3C of the proposed Final Plat meet or exceed the development standards of the Rural Residential (RR) zoning district as outlined in Table 106-2b of the City of Surprise Land Development Ordinance.

Table 106-2b – Rural Residential (RR) Zoning District	
Min. lot area (sf)	≥ 43,560
Min. lot width	130
Min. front setback (ft)	30
Min. rear setback[1] (ft)	30
Min. side setback[1] (ft)	20
Min. street side setback[1] (ft)	20
Max. bldg. height (ft)	40
Lot coverage	25%

Open space (% of gross acres of residential development)[2]	10%
Notes: 1. Garage face and embellishments shall be setback a minimum of 20 feet measured from the opposing property line except rear, alley loaded garages, which shall be setback nine feet from edge of alley line. 2. The city requires open spaces on a new subdivision; if recorded as metes and bounds or by a minor land division than open space will be required on each individual lot; such as open space of trail easements.	

The proposed Final Plat dedicates the following easements for each lot:

- 26-foot ingress, egress, public utility easement, and fire access easement along the northern boundary of Lots 3A and 3C and the western boundary of Lots 3A and 3B.
- 20 foot by 20 foot well easement at the northwest corner of Lot 3C.
- No ROW is being dedicated with this plat.

The square footage for each parcel is below:

- Lot 3A – 1.00 acres (43,584 square feet)
- Lot 3B – 1.24 acres (53,918 square feet)
- Lot 3C – 1.50 acres (65,261 square feet)

General Plan Conformance:

The proposed final plat was reviewed against the goals, polices, recommendations, and guidelines of the City of Surprise General Plan 2035. The proposed final plat is consistent with the General Plan in some of the following ways:

This project is located within the Neighborhood character area of the General Plan. The proposed lot split adheres to the design guidelines of the character area which allows for residential development.

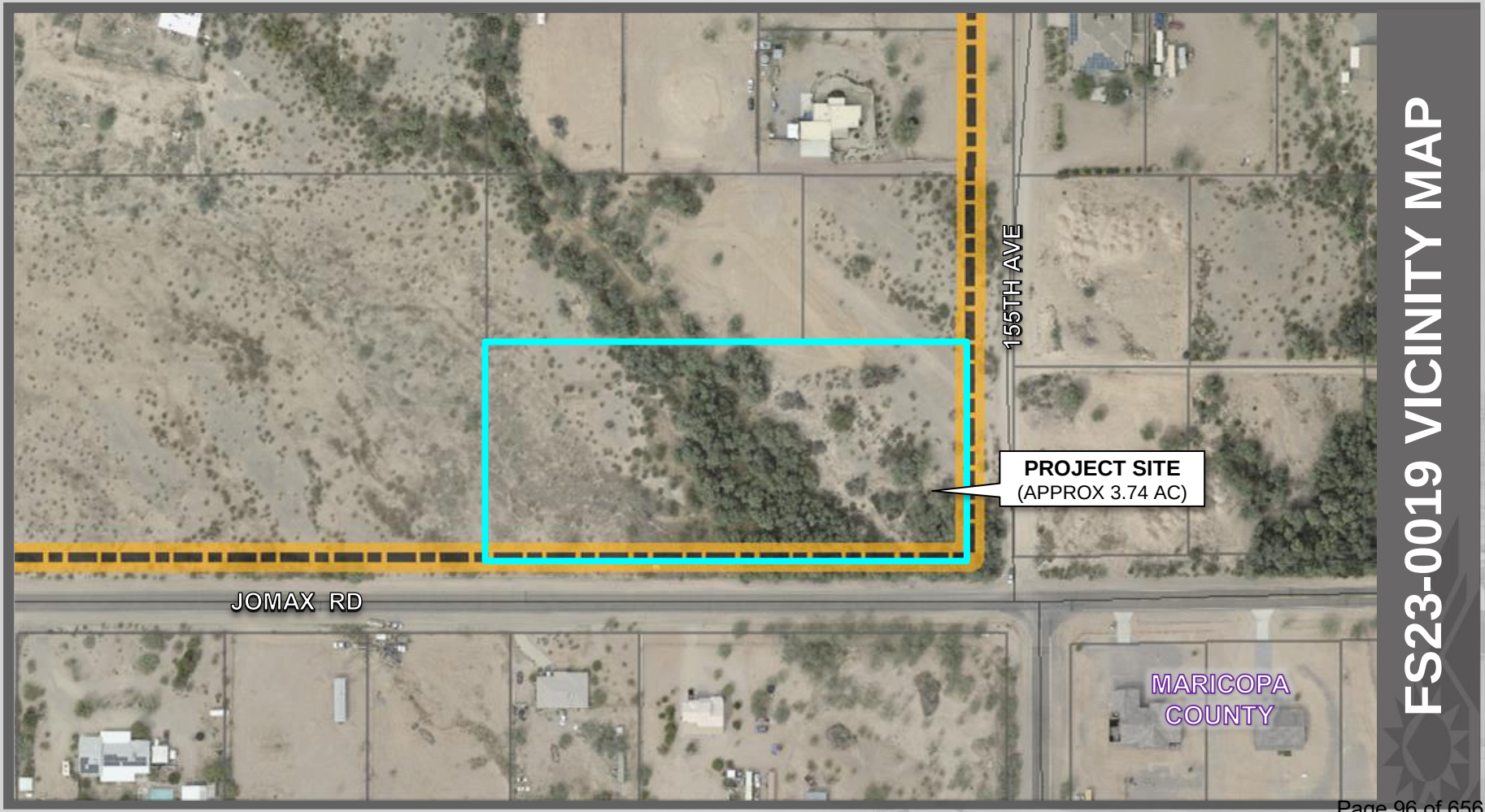
This project maintains compatibility with the quality of existing land uses in the surrounding area in that it continues the Rural Residential development pattern established in the vicinity of this parcel.

Reviewing Agencies:

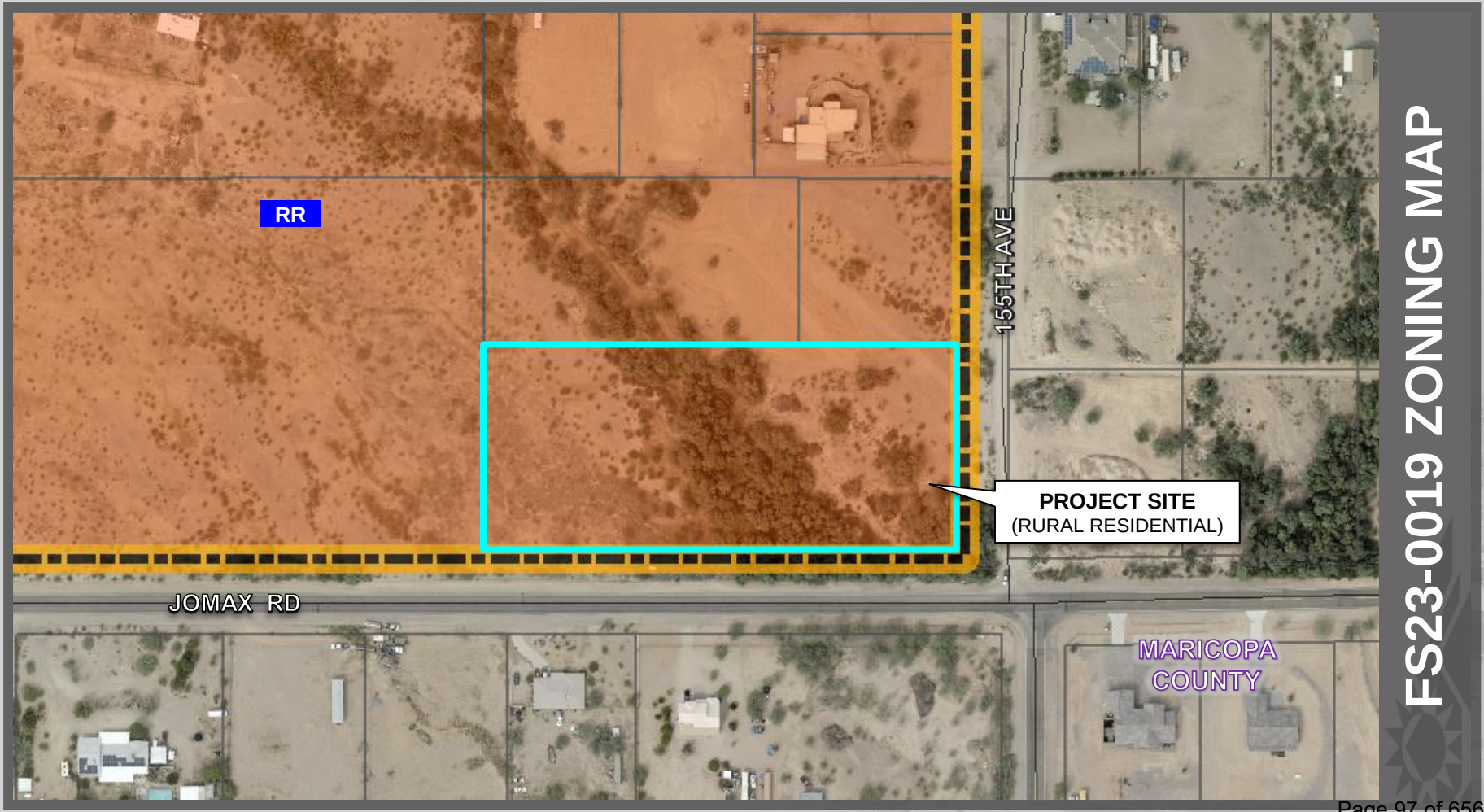
This project was routed to both Luke Air Force Base and the Maricopa County Department of Transportation. Both agencies have indicated no objections.

Attachments:

01 Vicinity Map
02 Zoning Map
03 Final Plat
04 Plat Exhibit
05 Luke Letter
PPT



FS23-0019 VICINITY MAP



FS23-0019 ZONING MAP

FINAL PLAT

JOMAX ACRES

A DIVISION OF LOT 3, ARROYO RANCH, A MINOR LAND DIVISION
BOOK 1657, PAGE 38, AND AFFIDAVIT OF CORRECTION INSTRUMENT NO 2022-0470950
OFFICIAL RECORDS OF MARICOPA COUNTY
LOCATED IN THE SOUTHEAST QUARTER OF
G.L.O. LOT 7, SECTION 31, TOWNSHIP 5 NORTH, RANGE 1 WEST OF THE GILA AND SALT
RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA

SITE INFORMATION

OWNER OF RECORD: GARRETT BRADY PROPERTIES LLC
SITE ADDRESS: 15520 W JOMAX RD, SURPRISE, AZ 85387
PARENT PARCEL APN: 503-55-944
ZONING: RURAL RESIDENTIAL (RR)

DEDICATION

STATE OF ARIZONA }
COUNTY OF MARICOPA }

KNOW ALL PERSONS BY THESE PRESENTS: THAT GARRETT BRADY PROPERTIES LLC, ("OWNER"), HAS SUBDIVIDED UNDER THE NAME JOMAX ACRES, A SUBDIVISION LOCATED IN A PORTION OF SECTION 31, TOWNSHIP 5 NORTH, RANGE 1 WEST, G&SRB&M, MARICOPA COUNTY, ARIZONA AS SHOWN AND PLATTED HEREON AND DOES HEREBY PUBLISH THIS PLAT AS AND FOR THE PLAT OF JOMAX ACRES 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.

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 CITY OF SURPRISE A CROSS ACCESS EASEMENT ACROSS THE ENTIRE PLAT FOR THE PURPOSE OF PROVIDING CONTINUOUS AND UNINTERRUPTED INGRESS AND EGRESS FOR EMERGENCY AND TRASH COLLECTION VEHICLES.

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 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 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.

IN WITNESS WHEREOF, OWNER HAS HEREUNTO CAUSED ITS CORPORATE NAME TO BE SIGNED AND ITS CORPORATE SEAL TO BE AFFIXED BY THE UNDERSIGNED, DULY AUTHORIZED OFFICER THIS _____ DAY OF _____, 202_. GARRETT BRADY PROPERTIES LLC.

BY_____

ITS_____

ACKNOWLEDGEMENT

STATE OF ARIZONA
COUNTY OF ARIZONA
BY: _____
ON THIS, THE _____DAY OF _____, 202_, BEFORE ME, THE UNDERSIGNED OFFICER, PERSONALLY APPEARED
_____ WHO ACKNOWLEDGED THEMSELVES TO BE THE OWNERS, AND ACKNOWLEDGED THAT THEY ARE, AUTHORIZED TO DO SO. EXECUTE THE FORGOING INSTRUMENT FOR THE PURPOSES THEREIN CONTAINED.
IN WITNESS WHEREOF: I HEREUNTO SET MY HAND AND OFFICIAL SEAL,
MY COMMISSION EXPIRES _____

_____
NOTARY PUBLIC

CITY OF SURPRISE ENGINEER APPROVAL

DATA ON THIS PLAT REVIEWED AND APPROVED THIS _____ DAY OF _____, 20____, BY THE CITY ENGINEER OF SURPRISE, ARIZONA.

_____
CITY ENGINEER DATE

CITY OF SURPRISE COUNCIL APPROVAL

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

ATTEST:

_____
MAYOR DATE

_____
CITY CLERK DATE

LOT DESCRIPTIONS

LOT 3A:

THAT PORTION OF LOT 3, ARROYO RANCH, A MINOR LAND DIVISION, AS RECORDED IN BOOK 1657, PAGE 38, AND AFFIDAVIT OF CORRECTION INSTRUMENT NUMBER 2022-0470950, OFFICIAL RECORDS OF MARICOPA COUNTY, ARIZONA;

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 3;

THENCE SOUTH 89 DEGREES 48 MINUTES 12 SECONDS EAST, ALONG THE NORTH LINE OF SAID LOT 3, A DISTANCE OF 284.83 FEET;

THENCE SOUTH 29 DEGREES 38 MINUTES 08 SECONDS EAST A DISTANCE OF 154.99 FEET;

THENCE SOUTH 89 DEGREES 59 MINUTES 40 SECONDS WEST A DISTANCE OF 361.77 FEET TO TO A POINT ON THE WEST LINE OF SAID LOT 3;

THENCE NORTH 0 DEGREES 07 MINUTES 44 SECONDS EAST A DISTANCE OF 270.18 FEET TO THE POINT OF BEGINNING.

CONTAINING 1.00 ACRES MORE OR LESS.

LOT 3B:

THAT OF LOT 3, ARROYO RANCH, A MINOR LAND DIVISION, AS RECORDED IN BOOK 1657, PAGE 38, AND AFFIDAVIT OF CORRECTION INSTRUMENT NUMBER 2022-0470950, OFFICIAL RECORDS OF MARICOPA COUNTY, ARIZONA;

COMMENCING AT THE NORTHWEST CORNER OF SAID LOT 3;

THENCE SOUTH 0 DEGREES 07 MINUTES 44 SECONDS WEST, ALONG THE WEST LINE OF SAID LOT 3, A DISTANCE OF 270.18 FEET TO THE POINT OF BEGINNING;

THENCE SOUTH 89 DEGREES 54 MINUTES 16 SECONDS EAST A DISTANCE OF 361.77 FEET;

THENCE SOUTH 29 DEGREES 38 MINUTES 08 SECONDS EAST A DISTANCE OF 154.68 FEET TO A POINT ON THE SOUTH LINE OF SAID LOT 3;

THENCE SOUTH 89 DEGREES 54 MINUTES 16 SECONDS WEST A DISTANCE OF 438.56 FEET TO THE SOUTHWEST CORNER OF SAID LOT 3;

THENCE NORTH 0 DEGREES 07 MINUTES 44 SECONDS EAST A DISTANCE OF 135.09 FEET TO THE POINT OF BEGINNING.

CONTAINING 1.24 ACRES MORE OR LESS.

LOT 3C:

THAT PORTION OF LOT 3, ARROYO RANCH, A MINOR LAND DIVISION, AS RECORDED IN BOOK 1657, PAGE 38, AND AFFIDAVIT OF CORRECTION INSTRUMENT NUMBER 2022-0470950, OFFICIAL RECORDS OF MARICOPA COUNTY, ARIZONA;

BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 3;

THENCE SOUTH 0 DEGREES 08 MINUTES 00 SECONDS WEST A DISTANCE OF 268.04 FEET TO THE SOUTHEAST CORNER OF SAID LOT 3;

THENCE SOUTH 89 DEGREES 59 MINUTES 40 SECONDS WEST A DISTANCE OF 166.25 FEET;

THENCE NORTH 29 DEGREES 38 MINUTES 08 SECONDS WEST A DISTANCE OF 309.67 FEET TO A POINT ON THE NORTH LINE OF SAID LOT 3;

THENCE SOUTH 89 DEGREES 48 MINUTES 12 SECONDS EAST A DISTANCE OF 320.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 1.50 ACRES MORE OR LESS.

PARENT PARCEL DESCRIPTION

LOT 3, ARROYO RANCH, ACCORDING TO THE PLAT OF RECORD IN THE OFFICE OF THE COUNTY RECORDER OF MARICOPA COUNTY, ARIZONA RECORDED IN BOOK 1657 OF MAPS, PAGE 38.

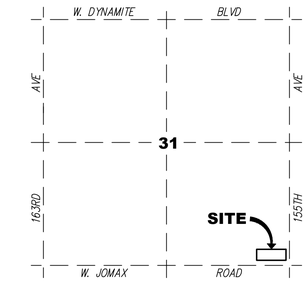
EXCEPT ALL COAL AND OTHER MINERALS AS RESERVED IN PATENT TO SAID LAND.

AREA TABULATION

PARCEL NAME	AREA (ACRES +/-)	AREA (SQ. FT +/-)
LOT 3A	1.00	43,584
LOT 3B	1.24	53,918
LOT 3C	1.50	65,261
TOTAL PARENT PARCEL	3.74	162,763

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 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.



VICINITY MAP
NOT TO SCALE

RELEASE OF LIABILITY

1. GARRETT BRADY PROPERTIES LLC ("OWNER") DOES HEREBY (1) RELEASE AND DISCHARGE THE UNITED STATES OF AMERICA DEPARTMENT OF THE 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 ITS 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, FUEL, AND LUBRICANT PARTICLES.
2. OWNER HEREBY FURTHER AGREES TO INDEMNIFY, DEFEND, AND 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.

NOTES

1. IN ACCORDANCE WITH ARS § 9-461.07, THE CITY OF SURPRISE HAS DETERMINED THAT ALL DEDICATIONS OCCURRING WITH THIS PLAT ARE IN CONFORMANCE WITH THE SURPRISE GENERAL PLAN.
2. PURSUANT TO 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.
3. SPRINKLERS ARE REQUIRED IN ALL ONE AND TWO FAMILY DWELLINGS BUILT IN AREAS WHICH DO NOT HAVE AN ADEQUATE WATER SUPPLY.
4. THE PROPERTY OWNER AT THE TIME WHEN CITY OF SURPRISE WATER, AND/OR SEWER INFRASTRUCTURE IS AVAILABLE AT THE PROPERTY, SHALL BE REQUIRED TO CONNECT IN ACCORDANCE WITH SURPRISE MUNICIPAL CODE AND PAY ALL APPLICABLE FEES. ANY OWNER OF THE PROPERTY SHALL NOTIFY PROSPECTIVE BUYERS AND THE PUBLIC OF THIS NOTE, AND SALES CONTRACT, REPORT SHALL CONTAIN SUCH NOTE.
5. NO ON-SITE GRADING OR EXCAVATION SHALL OCCUR WITHOUT FIRST OBTAINING A PERMIT FROM THE CITY OF SURPRISE.
6. THE PROPERTY IS LOCATED WITHIN AN AREA HAVING FLOOD ZONE "AE" BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, ON FLOOD INSURANCE RATE MAP NO. 04013C1210L, WITH A DATE OF IDENTIFICATION OF OCTOBER 16, 2013, FOR COMMUNITY NO. 040053, IN MARICOPA COUNTY, STATE OF ARIZONA, WHICH IS THE CURRENT FLOOD INSURANCE RATE MAP FOR THE COMMUNITY IN WHICH SAID PROPERTY IS SITUATED.
7. THE OWNER OR SUBSEQUENT OWNERS OF ANY EXISTING OR FUTURE WELLS ON THE LAND DESCRIBED IN THIS PLAT SHALL BE REQUIRED TO SIGN A WELL IMPACT WAIVER(S) WITH THE CITY OF SURPRISE.
8. THE MAINTENANCE OF LANDSCAPING WITHIN THE OPEN SPACES, LANDSCAPED TRACTS, RETENTION BASINS, AND PARKS SHALL BE THE RESPONSIBILITY OF THE OWNER OR THE HOMEOWNERS' ASSOCIATION FORMED BY THE OWNER. 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. LANDSCAPING MAINTENANCE OF THE MEDIANS WITHIN THE PUBLIC RIGHT-OF-WAY WITHIN ANY ARTERIAL OR PARKWAY STREET CLASSIFICATION SHALL BE RESPONSIBILITY OF THE CITY OF SURPRISE AFTER ACCEPTANCE.
9. IN GENERAL, DEVELOPMENT WITHIN OR MODIFICATION OF THE FLOODPLAIN IS DISCOURAGED. DEVELOPMENT SHOULD BE LOCATED OUTSIDE OF THE 100-YEAR FLOODPLAIN. IF DEVELOPMENT WITHIN THE FLOODPLAIN IS NECESSARY, APPROVAL FROM THE FLOOD CONTROL DISTRICT OF MARICOPA COUNTY FOR FLOODPLAIN USE PERMIT IS REQUIRED.
10. DEVELOPMENT WITHIN THE FLOODWAY IS PROHIBITED.

REGISTERED LAND SURVEYOR
CERTIFICATE NO.
37793
KENNETH O. SHIPLEY
05/08/23
ARIZONA, U.S.A.

CERTIFICATE OF SURVEY

I, KENNETH O. SHIPLEY HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR IN THE STATE OF ARIZONA, AND THAT THIS MAP CORRECTLY REPRESENTS A SURVEY MADE UNDER MY DIRECT SUPERVISION DURING THE MONTH OF FEBRUARY, 2023.

CASE NUMBER: FS23-0019

82 BRAVO Professional Land Surveying
(928) 684-5046 579 W Wickenburg Way
Info@82bravo.com Suite #2
www.82bravo.com Wickenburg, Arizona 85390

FINAL PLAT

PM:	JVS	JOB NO:	23109
DRAWN:	KOS	DATE:	05/08/2023
SCALE:	1" = 40'	SHEET:	1 OF 2

FINAL PLAT

JOMAX ACRES

A DIVISION OF LOT 3, ARROYO RANCH, A MINOR LAND DIVISION
BOOK 1657, PAGE 38, AND AFFIDAVIT OF CORRECTION INSTRUMENT NO 2022-0470950
OFFICIAL RECORDS OF MARICOPA COUNTY
LOCATED IN THE SOUTHEAST QUARTER OF
G.L.O. LOT 7, SECTION 31, TOWNSHIP 5 NORTH, RANGE 1 WEST OF THE GILA AND SALT
RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA

NORTH

40 0 40 80

Scale 1" = 40'

BASIS OF BEARING

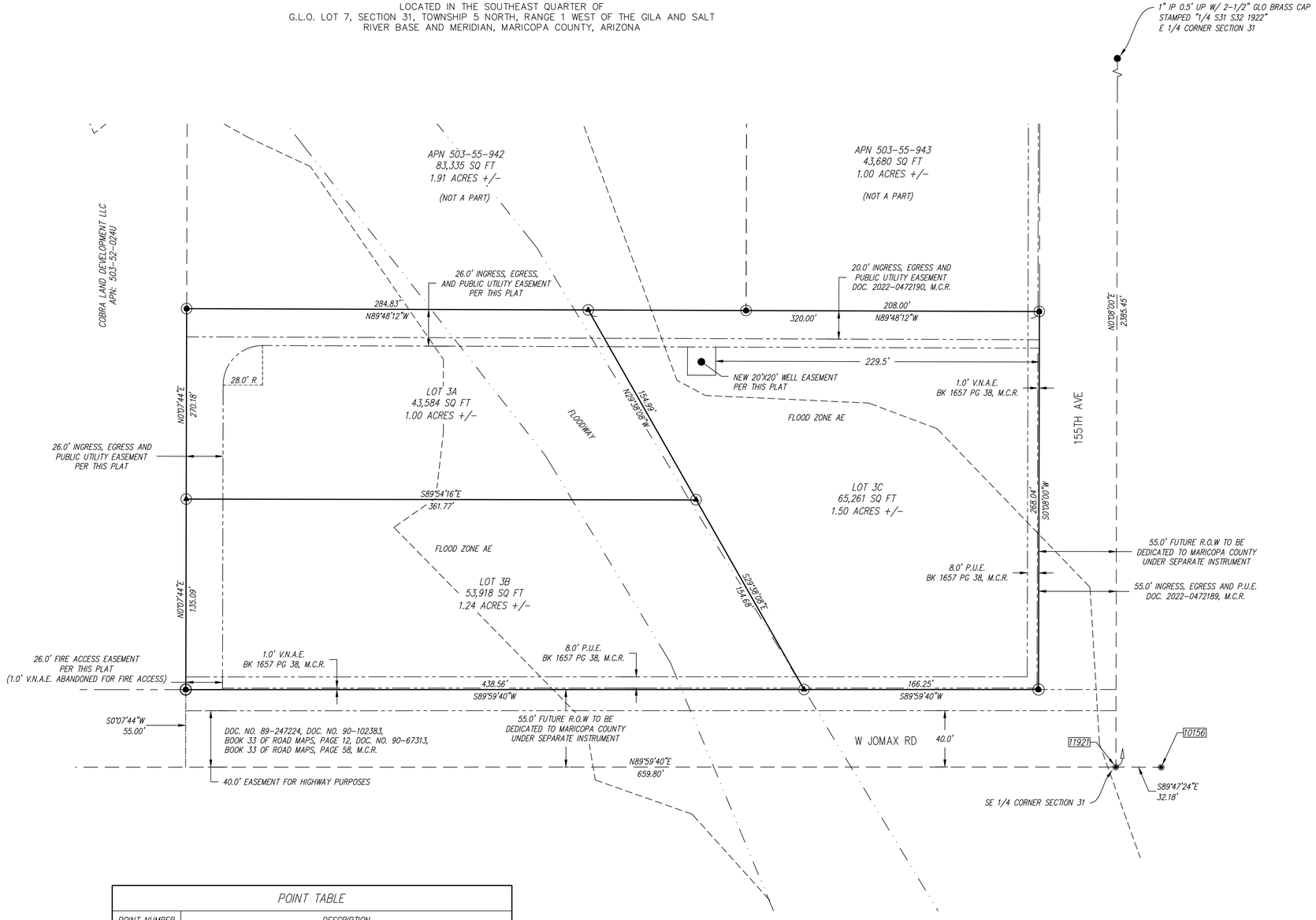
STATE PLANE NAD 83 (1992 EPOCH), ARIZONA CENTRAL ZONE, GRID NORTH

LEGEND

- SECTION LINE
- ADJOINING LOT LINE
- PROPERTY LINE
- EASEMENT LINE
- FLOOD ZONE AE
- FLOODWAY

A.P.N.	ASSESSOR PARCEL NUMBER
BC	BRASS CAP
HH	HAND HOLE
M.C.R.	MARICOPA COUNTY RECORDER
I.E.	INGRESS-EGRESS EASEMENT
R.O.W.	RIGHT OF WAY
GLO	GENERAL LAND OFFICE
P.U.E.	PUBLIC UTILITY EASEMENT
MCDOT	MARICOPA COUNTY DEPT. OF TRANS.
V.N.A.E.	VEHICLE NON-ACCESS EASEMENT

- FOUND MONUMENT AS DESCRIBED
- FOUND 1/2" REBAR WITH ALUM. CAP STAMPED "PLS 37793"
- SET 1/2" REBAR WITH ALUM. CAP STAMPED "PLS 37793"



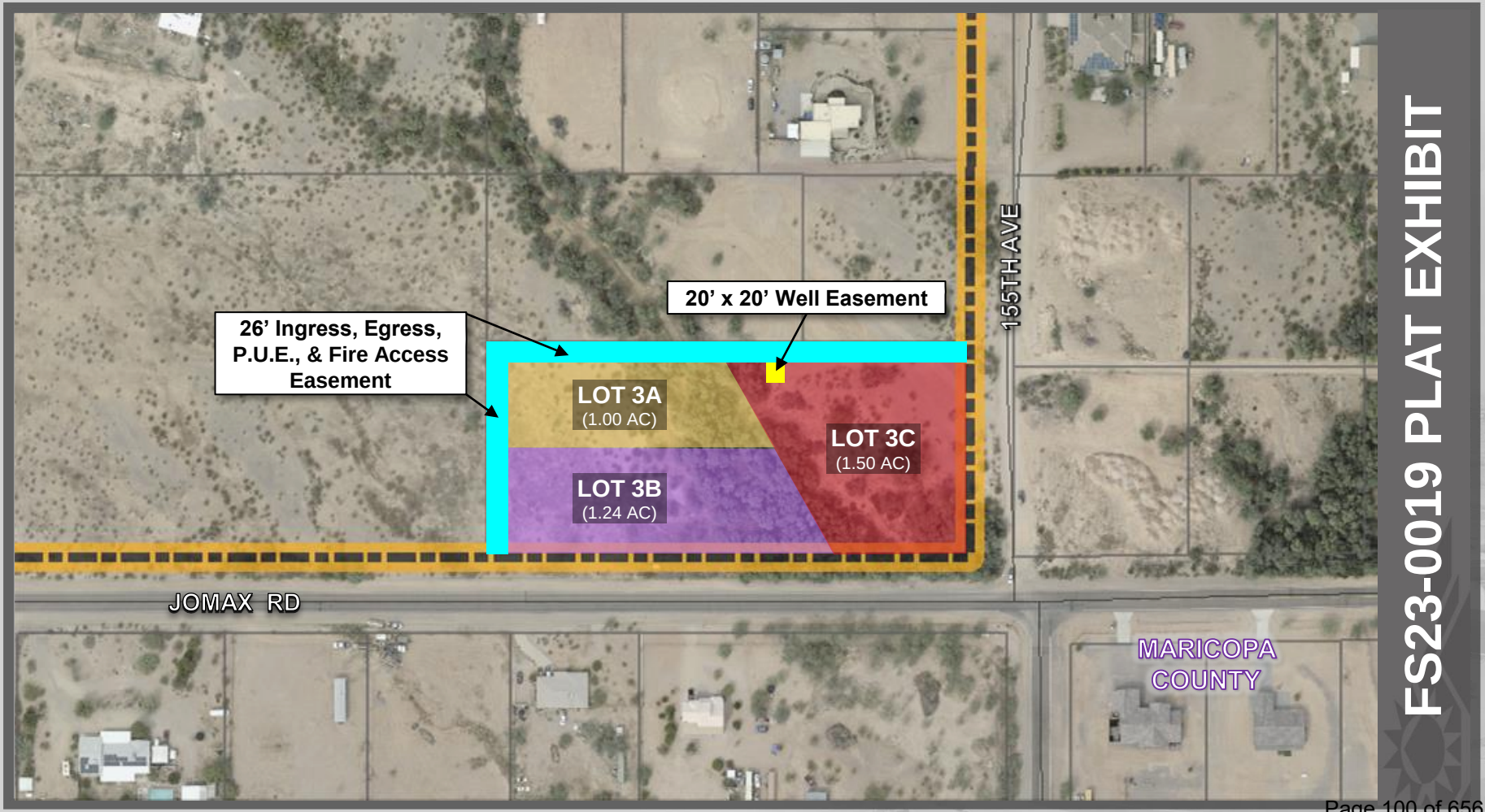
POINT TABLE	
POINT NUMBER	DESCRIPTION
10156	3" MCDOT BC IN HH 0.6' DN STAMPED "T5N R1W SC 32 6 5 T4N R1W LS 26411"
11921	3" MCDOT BC IN HH 0.7' DN STAMPED "T5N R1W 31 32 CC 6 T4 R1W LS 26411"

REGISTERED LAND SURVEYOR
CERTIFICATE NO.
37793
KENNETH O. SHIPLEY
05/08/23
ARIZONA, U.S.A.

82 BRAVO
Professional Land Surveying
(928) 684-5046 579 W Wickenburg Way
Info@82bravo.com Suite #2
www.82bravo.com Wickenburg, Arizona 85390

CASE NUMBER: FS23-0019

FINAL PLAT	
PM: JVS	JOB NO: 23109
DRAWN: KOS	DATE: 05/08/2023
SCALE: 1" = 40'	SHEET: 2 OF 2



FS23-0019 PLAT EXHIBIT

Jani Wertin

From: JAMES, MARK C GS-13 USAF AETC 56 FW/CVE <mark.james.14@us.af.mil>
Sent: Tuesday, January 10, 2023 10:53 AM
To: Nichole Flores
Cc: 56 FW/CIT Community Initiative
Subject: RE: FS23-0019 Arroyo Ranch South Lots - New Digital Submittal 01.04.23
Attachments: smime.p7s; ATT00001.txt; ATT00002.htm

Nichole,

Thank you for the opportunity to provide comments on the Arroyo Ranch South Lots application. The request, if approved, will not have a negative impact on Luke AFB flight operations.

Respectfully,

Mark James
Deputy Director, Community Initiatives Team
56th Fighter Wing
Luke AFB AZ 85309
Office: 623-856-6175
DSN: 896-6175

From: Nichole Flores <Nichole.Flores@surpriseaz.gov>
Sent: Wednesday, January 4, 2023 8:50 AM
To: 56 FW/CIT Community Initiative <56FW.CIT.CommunityInitiative@us.af.mil>; Afshin Ahouraiyan (Flood Control District of Maricopa County) <Afshin.Ahouraiyan@Maricopa.Gov>; Alex Garza (Maricopa Assoc of Governments) <AGarza@azmag.gov>; Aspasia Angelou (Nadaburg School District) <aangelou@nadaburgsd.org>; Barbara J Remondini, Ph.D. (Wickenburg School District) <bremondini@wusd9.org>; Chris Cain (Maricopa Water District) <chrisc@mwdaz.com>; Debbie Trasancos (Maricopa Water District) <debbiet@mwdaz.com>; Ernest (USPS) <Ernest.L.James@usps.gov>; Eva Pierce <eva.pierce@dysart.org>; Ibeth - USPS <Ibeth.L.Roman@usps.gov>; Jerome Choy (ADOT) <jchoy@azdot.gov>; Kevin Shipman <kevin.shipman@dysart.org>; Leslie - MWD <lesliej@mwdaz.com>; Mark Frago <fragom@mail.maricopa.gov>; Mary Orta - Surprise Chamber <mary.orta@surpriseregionalchamber.com>; MCDOT (MCDOTPlanning@maricopa.gov) <MCDOTPlanning@maricopa.gov>; Raoul Sada - Surprise Chamber <raoul@surpriseregionalchamber.com>; Shelby Rios (MWD) <shelbyr@mwdaz.com>; Victor.Schaum <Victor.Schaum@cox.com>; Yvonne Aguirre <yvonne.aguirre@swgas.com>
Cc: Tierney Farago <Tierney.Farago@surpriseaz.gov>
Subject: [Non-DoD Source] FS23-0019 Arroyo Ranch South Lots - New Digital Submittal 01.04.23

Good morning,

ON BEHALF OF TIERNEY FARAGO, attached please find the **application**, **narrative**, and **final plat** for the above referenced project.

Please feel free to contact us with any questions.

Best regards,

Nichole Flores

Planning Project Coordinator
City of Surprise | Community Development
16000 N Civic Center Plz | Surprise AZ 85374
(623) 222-3244 Direct
Please note effective August 3, 2022, we will be adding a 2-business day out-processing for ALL notices

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This e-mail and any accompanying files transmitted are intended solely for the use of the individual or entity to whom they are addressed; if you have received this e-mail in error please delete it and notify the sender. In addition, under Arizona law, e-mail communications and e-mail addresses may be public records.
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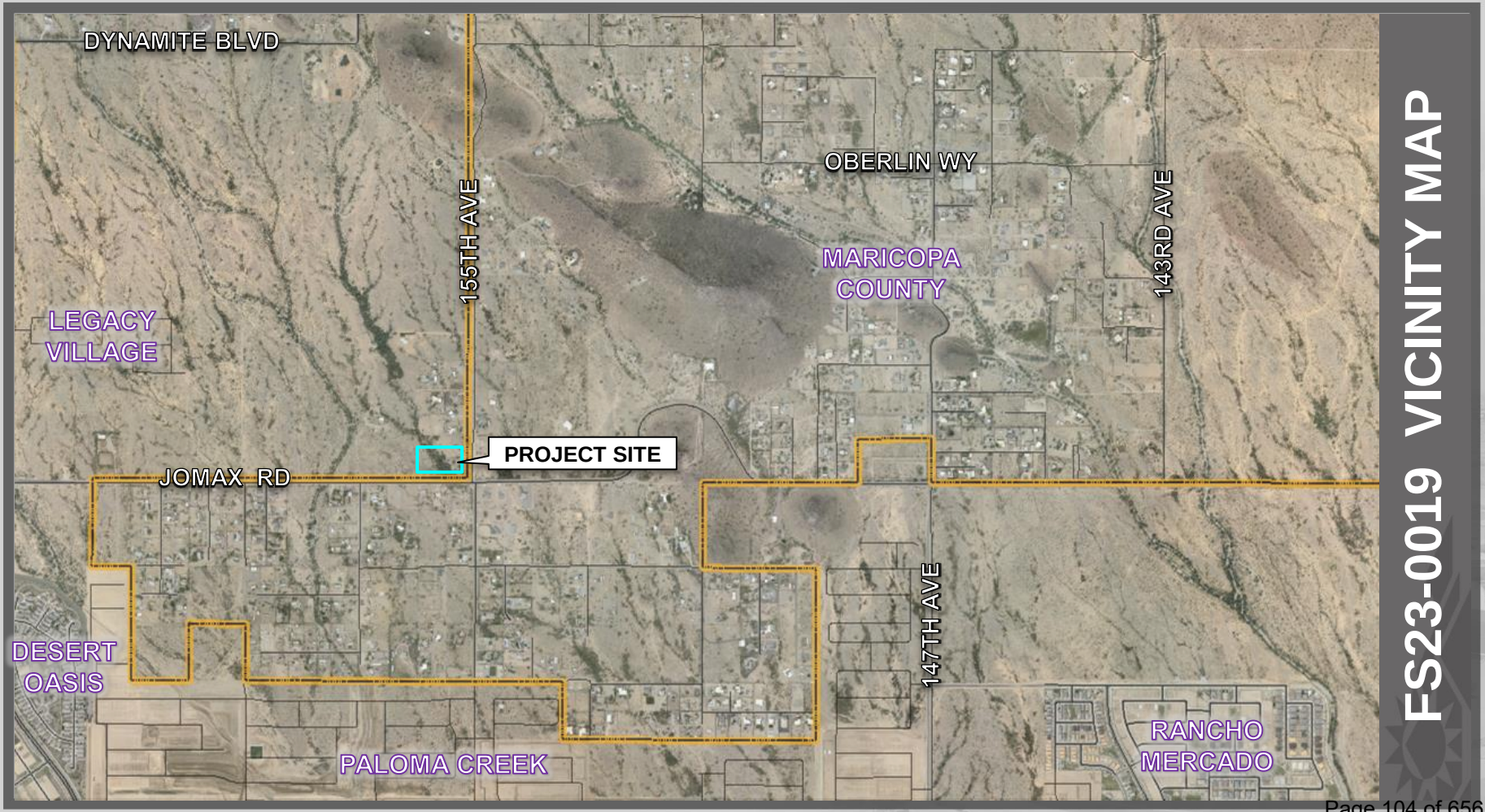
SURPRISE
ARIZONA

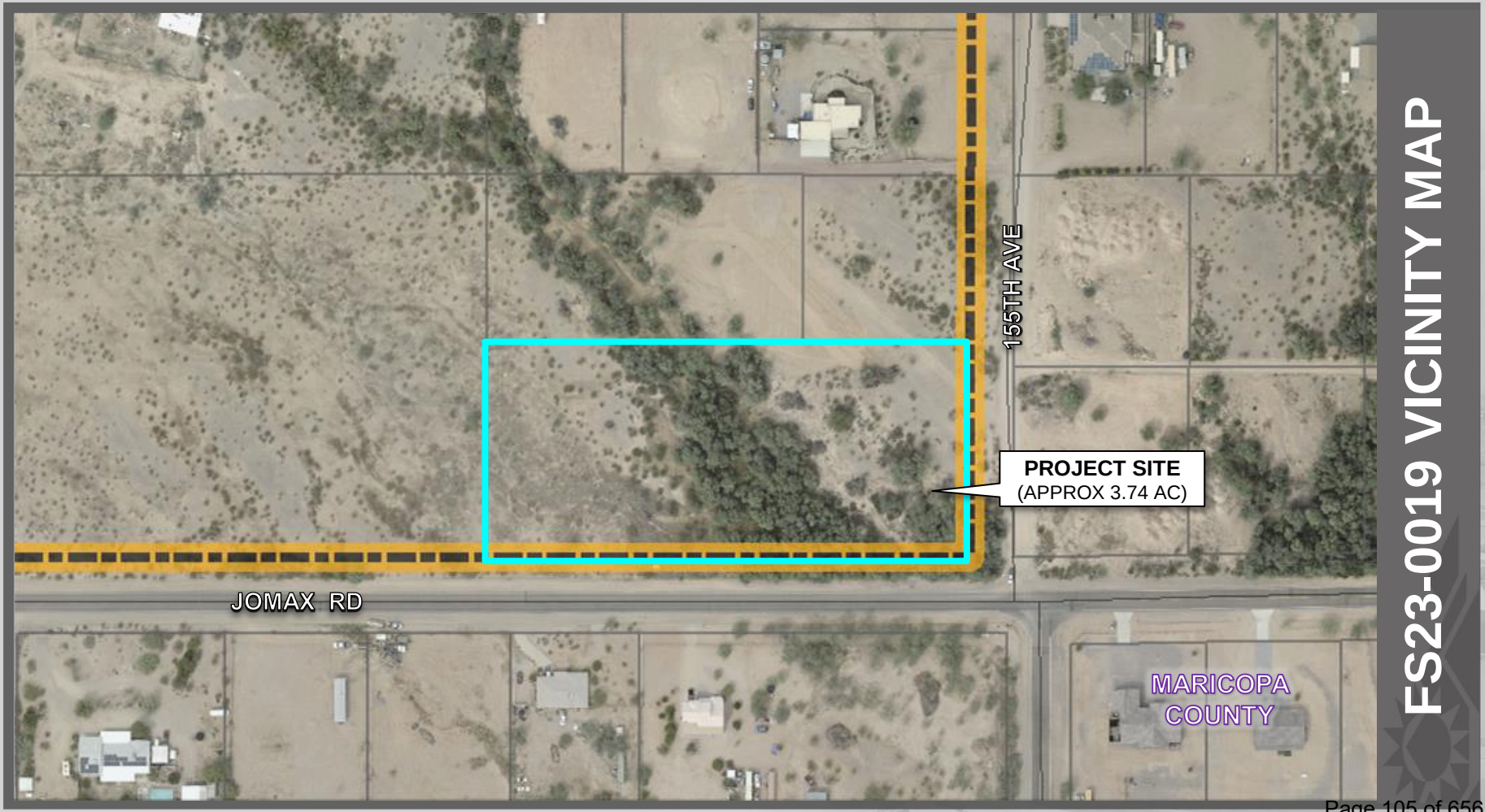
FS23-0019
Arroyo Ranch South Lots - Final Plat

City Council

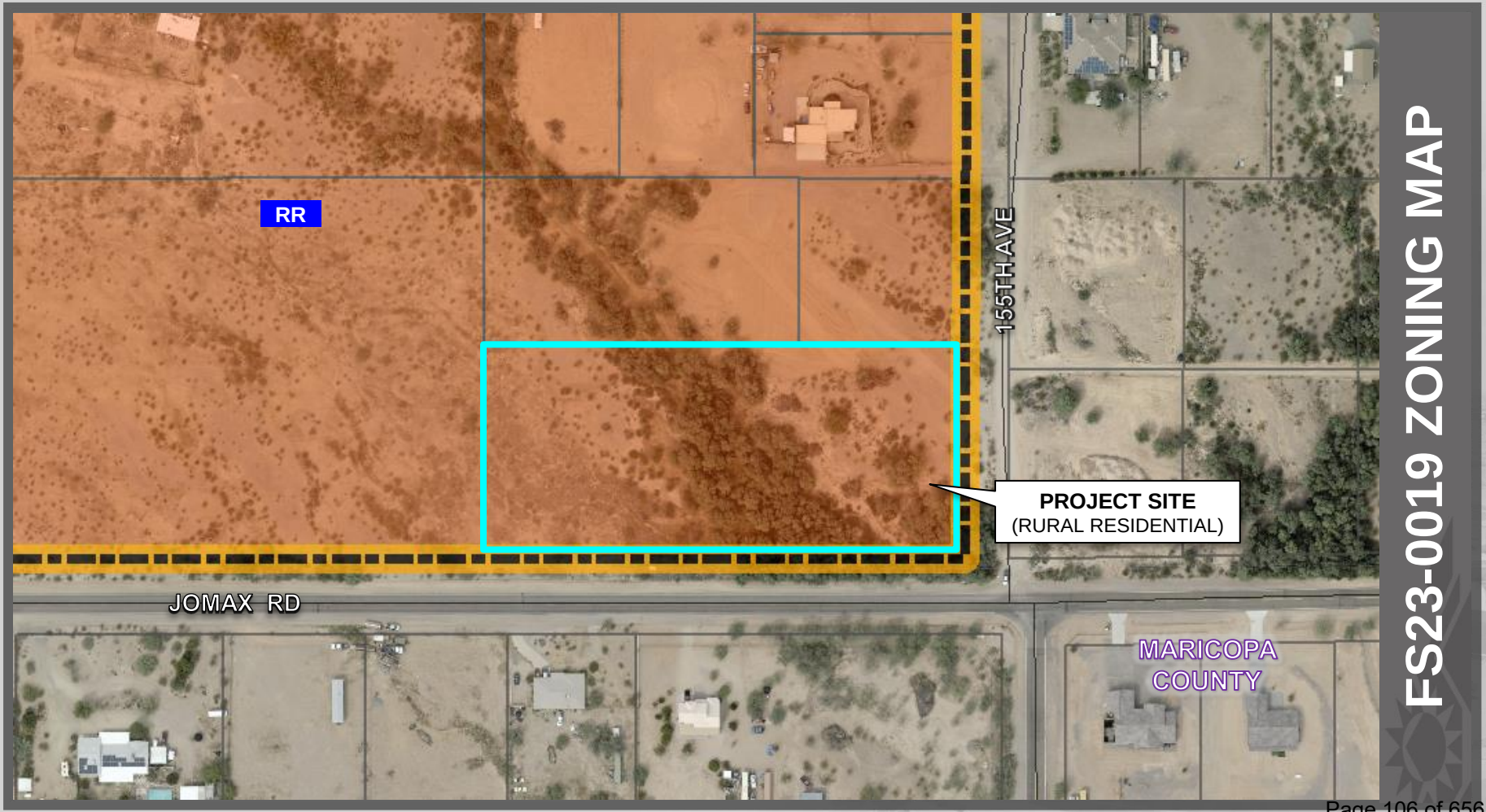
August 1, 2023



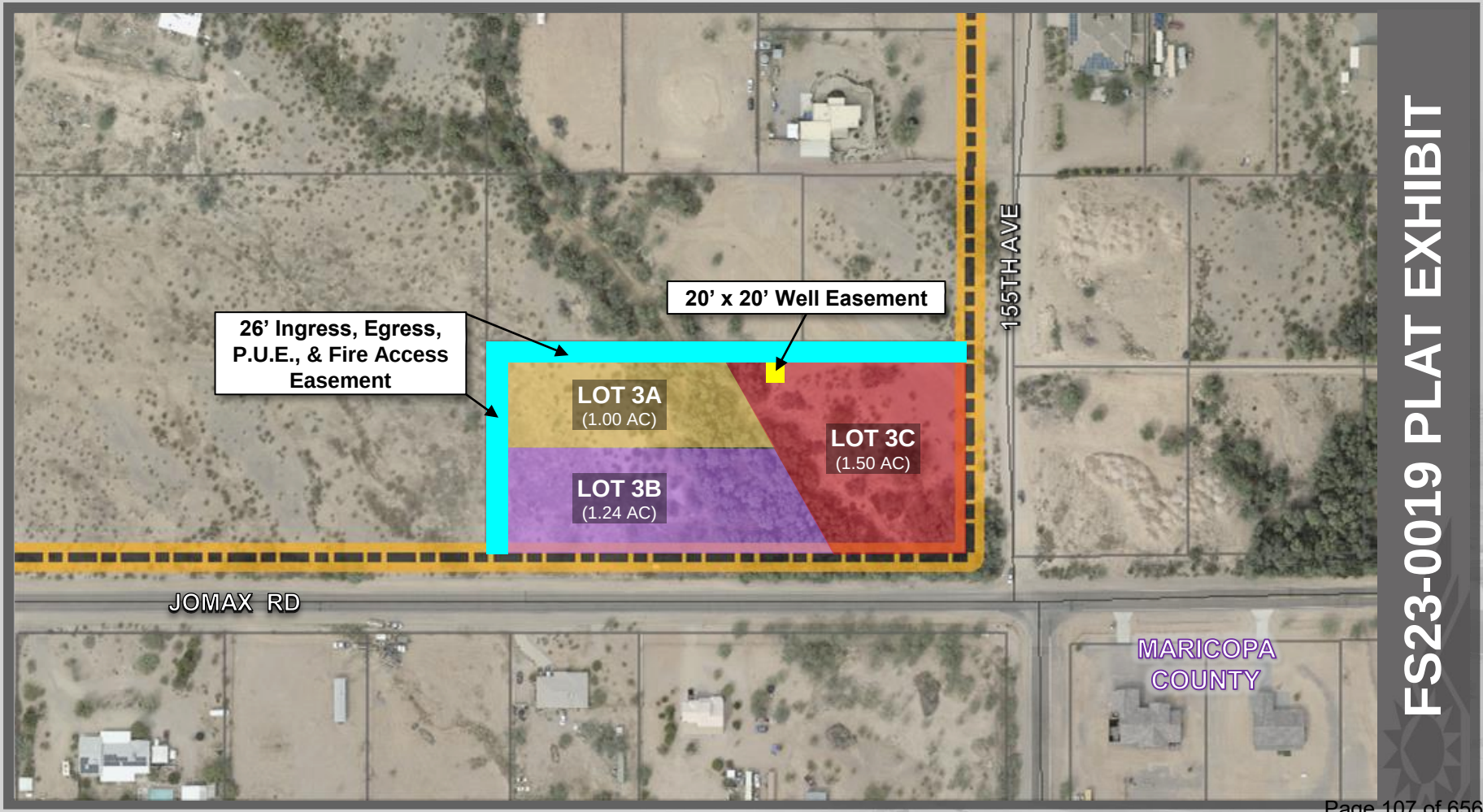
FS23-0019 VICINITY MAP



FS23-0019 VICINITY MAP



FS23-0019 ZONING MAP



FS23-0019 PLAT EXHIBIT

FINAL PLAT

JOMAX ACRES

A DIVISION OF LOT 3, ARROYO RANCH, A MINOR LAND DIVISION
BOOK 1657, PAGE 38, AND AFFIDAVIT OF CORRECTION INSTRUMENT NO 2022-0470950
OFFICIAL RECORDS OF MARICOPA COUNTY
LOCATED IN THE SOUTHEAST QUARTER OF
G.L.O. LOT 7, SECTION 31, TOWNSHIP 5 NORTH, RANGE 1 WEST OF THE GILA AND SALT
RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA

SITE INFORMATION

OWNER OF RECORD: GARRETT BRADY PROPERTIES LLC
SITE ADDRESS: 15520 W JOMAX RD, SURPRISE, AZ 85387
PARENT PARCEL APN: 503-55-944
ZONING: RURAL RESIDENTIAL (RR)

DEDICATION

STATE OF ARIZONA)
COUNTY OF MARICOPA)

KNOW ALL PERSONS BY THESE PRESENTS: THAT GARRETT BRADY PROPERTIES LLC, ("OWNER"), HAS SUBDIVIDED UNDER THE NAME JOMAX ACRES, A SUBDIVISION LOCATED IN A PORTION OF SECTION 31, TOWNSHIP 5 NORTH, RANGE 1 WEST, GILA RIVER, MARICOPA COUNTY, ARIZONA AS SHOWN AND PLATTED HEREON AND DOES HEREBY PUBLISH THIS PLAT AS AND FOR THE PLAT OF JOMAX ACRES 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.

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 CITY OF SURPRISE A CROSS ACCESS EASEMENT ACROSS THE ENTIRE PLAT FOR THE PURPOSE OF PROVIDING CONTINUOUS AND UNINTERRUPTED INGRESS AND EGRESS FOR EMERGENCY AND TRASH COLLECTION VEHICLES.

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 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 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.

IN WITNESS WHEREOF, OWNER HAS HEREUNTO CAUSED ITS CORPORATE NAME TO BE SIGNED AND ITS CORPORATE SEAL TO BE AFFIXED BY THE UNDERSIGNED, DULY AUTHORIZED OFFICER THIS _____ DAY OF _____, 202__. GARRETT BRADY PROPERTIES LLC:

BY:_____

ITS:_____

ACKNOWLEDGEMENT

STATE OF ARIZONA
COUNTY OF ARIZONA
BY: _____
ON THIS, THE _____ DAY OF _____, 202__, BEFORE ME, THE UNDERSIGNED OFFICER, PERSONALLY APPEARED _____, WHO ACKNOWLEDGED THEMSELVES TO BE THE OWNERS, AND ACKNOWLEDGED THAT THEY ARE AUTHORIZED TO DO SO, EXECUTE THE FOREGOING INSTRUMENT FOR THE PURPOSES THEREIN CONTAINED.
IN WITNESS WHEREOF, I HEREUNTO SET MY HAND AND OFFICIAL SEAL.
MY COMMISSION EXPIRES _____

_____
NOTARY PUBLIC

CITY OF SURPRISE ENGINEER APPROVAL

DATA ON THIS PLAT REVIEWED AND APPROVED THIS _____ DAY OF _____, 20____ BY THE CITY ENGINEER OF SURPRISE, ARIZONA.

_____ _____
CITY ENGINEER DATE

CITY OF SURPRISE COUNCIL APPROVAL

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

ATTEST:

_____ _____
MAYOR DATE

_____ _____
CITY CLERK DATE

LOT DESCRIPTIONS

LOT 3A:

THAT PORTION OF LOT 3, ARROYO RANCH, A MINOR LAND DIVISION, AS RECORDED IN BOOK 1657, PAGE 38, AND AFFIDAVIT OF CORRECTION INSTRUMENT NUMBER 2022-0470950, OFFICIAL RECORDS OF MARICOPA COUNTY, ARIZONA.

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 3;

THENCE SOUTH 89 DEGREES 48 MINUTES 12 SECONDS EAST ALONG THE NORTH LINE OF SAID LOT 3, A DISTANCE OF 284.83 FEET;

THENCE SOUTH 29 DEGREES 38 MINUTES 08 SECONDS EAST A DISTANCE OF 154.59 FEET;

THENCE SOUTH 89 DEGREES 59 MINUTES 40 SECONDS WEST A DISTANCE OF 361.77 FEET TO TO A POINT ON THE WEST LINE OF SAID LOT 3;

THENCE NORTH 0 DEGREES 07 MINUTES 44 SECONDS EAST A DISTANCE OF 270.18 FEET TO THE POINT OF BEGINNING.

CONTAINING 1.00 ACRES MORE OR LESS.

LOT 3B:

THAT OF LOT 3, ARROYO RANCH, A MINOR LAND DIVISION, AS RECORDED IN BOOK 1657, PAGE 38, AND AFFIDAVIT OF CORRECTION INSTRUMENT NUMBER 2022-0470950, OFFICIAL RECORDS OF MARICOPA COUNTY, ARIZONA.

COMMENCING AT THE NORTHWEST CORNER OF SAID LOT 3;

THENCE SOUTH 0 DEGREES 07 MINUTES 44 SECONDS WEST, ALONG THE WEST LINE OF SAID LOT 3, A DISTANCE OF 270.18 FEET TO THE POINT OF BEGINNING;

THENCE SOUTH 89 DEGREES 54 MINUTES 16 SECONDS EAST A DISTANCE OF 361.77 FEET;

THENCE SOUTH 29 DEGREES 38 MINUTES 08 SECONDS EAST A DISTANCE OF 154.68 FEET TO A POINT ON THE SOUTH LINE OF SAID LOT 3;

THENCE SOUTH 89 DEGREES 54 MINUTES 16 SECONDS WEST A DISTANCE OF 438.56 FEET TO THE SOUTHWEST CORNER OF SAID LOT 3;

THENCE NORTH 0 DEGREES 07 MINUTES 44 SECONDS EAST A DISTANCE OF 135.09 FEET TO THE POINT OF BEGINNING.

CONTAINING 1.24 ACRES MORE OR LESS.

LOT 3C:

THAT PORTION OF LOT 3, ARROYO RANCH, A MINOR LAND DIVISION, AS RECORDED IN BOOK 1657, PAGE 38, AND AFFIDAVIT OF CORRECTION INSTRUMENT NUMBER 2022-0470950, OFFICIAL RECORDS OF MARICOPA COUNTY, ARIZONA.

BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 3;

THENCE SOUTH 0 DEGREES 08 MINUTES 00 SECONDS WEST A DISTANCE OF 268.04 FEET TO THE SOUTHEAST CORNER OF SAID LOT 3;

THENCE SOUTH 89 DEGREES 59 MINUTES 40 SECONDS WEST A DISTANCE OF 166.25 FEET;

THENCE NORTH 29 DEGREES 38 MINUTES 08 SECONDS WEST A DISTANCE OF 309.67 FEET TO A POINT ON THE NORTH LINE OF SAID LOT 3;

THENCE SOUTH 89 DEGREES 48 MINUTES 12 SECONDS EAST A DISTANCE OF 320.80 FEET TO THE POINT OF BEGINNING.

CONTAINING 1.50 ACRES MORE OR LESS.

PARENT PARCEL DESCRIPTION

LOT 3, ARROYO RANCH, ACCORDING TO THE PLAT OF RECORD IN THE OFFICE OF THE COUNTY RECORDER OF MARICOPA COUNTY, ARIZONA RECORDED IN BOOK 1657 OF MAPS, PAGE 38.

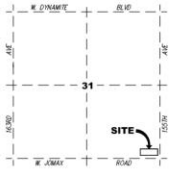
EXCEPT ALL COAL AND OTHER MINERALS AS RESERVED IN PATENT TO SAID LAND.

AREA TABULATION

PARCEL NAME	AREA (ACRES +/-)	AREA (SQ. FT +/-)
LOT 3A	1.00	43,584
LOT 3B	1.24	53,918
LOT 3C	1.50	65,261
TOTAL PARENT PARCEL	3.74	162,763

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 LET 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 AIR NOISE CONTOURS IN 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.



VICINITY MAP
NOT TO SCALE

RELEASE OF LIABILITY

1. GARRETT BRADY PROPERTIES LLC ("OWNER") DOES HEREBY (1) RELEASE AND DISCHARGE THE UNITED STATES OF AMERICA DEPARTMENT OF THE 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, ON 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 ITS 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, FUEL, AND LUBRICANT PARTICLES.
2. OWNER HEREBY FURTHER AGREES TO INDEMNIFY, DEFEND, AND 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.

NOTES

1. IN ACCORDANCE WITH ARS § 9-461.07, THE CITY OF SURPRISE HAS DETERMINED THAT ALL DEDICATIONS OCCURRING WITH THIS PLAT ARE IN CONFORMANCE WITH THE SURPRISE GENERAL PLAN.
2. PURSUANT TO 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 #1470 AND 14710, WHEN APPLICABLE.
3. SPRINKLERS ARE REQUIRED IN ALL ONE AND TWO FAMILY DWELLINGS BUILT IN AREAS WHICH DO NOT HAVE AN ADEQUATE WATER SUPPLY.
4. THE PROPERTY OWNER AT THE TIME WHEN CITY OF SURPRISE WATER, AND/OR SEWER INFRASTRUCTURE IS AVAILABLE AT THE PROPERTY, SHALL BE REQUIRED TO CONNECT IN ACCORDANCE WITH SURPRISE MUNICIPAL CODE AND PAY ALL APPLICABLE FEES. ANY OWNER OF THE PROPERTY SHALL NOTIFY PROSPECTIVE BUYERS AND THE PUBLIC OF THIS NOTE, AND SALES CONTRACT, REPORT SHALL CONTAIN SUCH NOTE.
5. NO ON-SITE GRADING OR EXCAVATION SHALL OCCUR WITHOUT FIRST OBTAINING A PERMIT FROM THE CITY OF SURPRISE.
6. THE PROPERTY IS LOCATED WITHIN AN AREA HAVING FLOOD ZONE "AE" BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, ON FLOOD INSURANCE RATE MAP NO. 04013C2195L, WITH A DATE OF IDENTIFICATION OF OCTOBER 16, 2013, FOR COMMUNITY NO. 040053, IN MARICOPA COUNTY, STATE OF ARIZONA, WHICH IS THE CURRENT FLOOD INSURANCE RATE MAP FOR THE COMMUNITY IN WHICH SAID PROPERTY IS SITUATED.
7. THE OWNER OR SUBSEQUENT OWNERS OF ANY EXISTING OR FUTURE WELLS ON THE LAND DESCRIBED IN THIS PLAT SHALL BE REQUIRED TO SIGN A WELL IMPACT WAIVER(S) WITH THE CITY OF SURPRISE.
8. THE MAINTENANCE OF LANDSCAPING WITHIN THE OPEN SPACES, LANDSCAPED TRACTS, RETENTION BASINS, AND PARKS SHALL BE THE RESPONSIBILITY OF THE OWNER OR THE HOMEOWNERS' ASSOCIATION FORMED BY THE OWNER. 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. LANDSCAPING MAINTENANCE OF THE MEDIANS WITHIN THE PUBLIC RIGHT-OF-WAY WITHIN ANY ARTERIAL OR PARKWAY STREET CLASSIFICATION SHALL BE RESPONSIBILITY OF THE CITY OF SURPRISE AFTER ACCEPTANCE.
9. IN GENERAL, DEVELOPMENT WITHIN OR MODIFICATION OF THE FLOODPLAIN IS DISCOURAGED. DEVELOPMENT SHOULD BE LOCATED OUTSIDE OF THE 100-YEAR FLOODPLAIN. IF DEVELOPMENT WITHIN THE FLOODPLAIN IS NECESSARY, APPROVAL FROM THE FLOOD CONTROL DISTRICT OF MARICOPA COUNTY FOR FLOODPLAIN USE PERMIT IS REQUIRED.
10. DEVELOPMENT WITHIN THE FLOODWAY IS PROHIBITED.

CERTIFICATE OF SURVEY

I, KENNETH G. SHIPLEY HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR IN THE STATE OF ARIZONA, AND THAT THIS MAP CORRECTLY REPRESENTS A SURVEY MADE UNDER MY DIRECT SUPERVISION DURING THE MONTH OF FEBRUARY, 2023.

82 BRAVO
Professional Land Surveying
(928) 684-5046 579 W Wickenburg Way
Info@82bravo.com Suite #2
www.82bravo.com Wickenburg, Arizona 85390

FINAL PLAT

DM:	JVC	JOB NO:	23109
DRAWN:	KGS	DATE:	05/08/2023
SCALE:	1" = 40'	SHEET:	1 OF 2

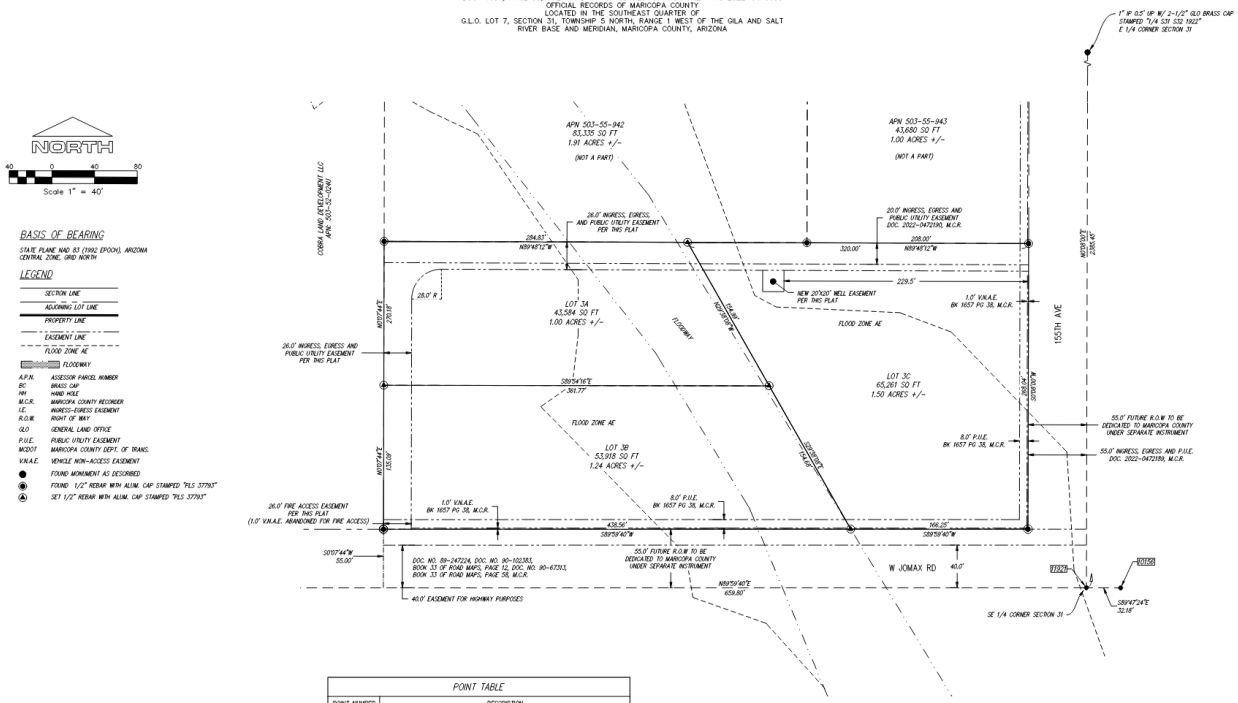
CASE NUMBER: FS23-0019

FS23-0019 FINAL PLAT

FINAL PLAT

JOMAX ACRES

A DIVISION OF LOT 3, ARROYO RANCH, A MINOR LAND DIVISION
BOOK 1657, PAGE 38, AND AFFIDAVIT OF CORRECTION INSTRUMENT NO 2022-0470950
OFFICIAL RECORDS OF MARICOPA COUNTY
LOCATED IN THE SOUTHEAST QUARTER OF
G.L.O. LOT 7, SECTION 31, TOWNSHIP 5 NORTH, RANGE 1 WEST OF THE GILA AND SALT
RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA



POINT TABLE	
POINT NUMBER	DESCRIPTION
10156	3" MCDOT BC IN HH 0.6' DN STAMPED "T5N R1W SC 32 6 5 T4N R1W LS 26411"
11926	3" MCDOT BC IN HH 0.7' DN STAMPED "T5N R1W 31 32 CC 6 T4 R1W LS 26411"

REGISTERED LAND SURVEYOR 37793 KENNETH G. SHIPLEY 05/08/23

82 BRAVO Professional Land Surveying
(928) 684-5046 579 W Wickenburg Way
Info@82bravo.com Suite #2
www.82bravo.com Wickenburg, Arizona 85390

CASE NUMBER: FS23-0019

FINAL PLAT	
PM: JVS	JOB NO: 23109
DRAWN: KOS	DATE: 05/08/2023
SCALE: 1" = 40'	SHEET: 2 OF 2

FS23-0019 FINAL PLAT

SURPRISE
ARIZONA

QUESTIONS OR COMMENTS?

Thank You

CITY OF SURPRISE
Regular City Council Meeting

Council Meeting Date: August 1, 2023 Contact Person: Chris Sexton
Submitting Department: Community Development District: District 1
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, "Windstone Ranch Phase 2" and dated May 2023, for property generally located at the northeast corner of Happy Valley Road and 151st Avenue; Case FS21-1037

Motion:
I move to approve the Final Plat entitled, "Windstone Ranch Phase 2" and dated May 2023.

Background:
The subject property overall encompasses approximately 60 acres of vacant land which includes a portion of the Tierra Verde East PAD and Windstone Ranch (RM-9 PUD). However, FS21-1037 is a request by Michael Park of Atwell for the approval of Phase 2 of the Windstone Ranch Final Plat. On January 17, 2023, City Council approved Phase I of Windstone Ranch Final Plat. Phase 2 consists of the development of approximately 29.98 acres resulting in 96 single family residential lots and a density of 3.20 DU/Ac.

Objective Analysis:
The subject Final Plat meets the requirements of the Tierra Verde PAD and the Windstone Ranch PUD, in addition to other requirements as set forth in the municipal code. All city reviewing departments have reviewed the request and offered no concerns.

Policy Compliant:
The Surprise General Plan 2035 shows the subject property as lying within the Neighborhood Character Area, which supports residential development of up to 8 DU/AC in a suburban neighborhood. At 3.20 DU/AC, the project is consistent with the General Plan in this regard.

Financial Impact:
While this item does not have an immediate or direct financial impact, ongoing development activity in the City will inevitably have a future financial impact as additional resources are needed to provide city services.

Budget Impact:

There is no anticipated budget impact related to this item.

FTE Impact:

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

ATTACHMENTS:

1. 00 - FS21-1037 Windstone Ranch Phase 2 Final Plat - Staff Report
2. 01 - FS21-1037 Windstone Ranch Phase 2 Final Plat - Vicinity Map
3. 02- FS21-1037 Windstone Ranch Phase 2 Final Plat - Zoning Map
4. 03 - FS2-1037 Windstone Ranch Phase 2 Final Plat - Final Plat
5. 04 - FS21-1037 Windstone Ranch Phase 2 Final Plat - Landscape Plan
6. 05 - FS21-1037 Windstone Ranch Final Plat Phase 2 - Luke AFB Letter
7. FS21-1037 Windstone Ranch Final Plat Phase 2 - Powerpoint

FINAL PLAT

REPORT TO THE CITY COUNCIL

Case: **FS21-1037**

Project Name: Windstone Ranch Phase 2 - Final Plat

Council District: 1 - Acacia

City Council Date: **August 1, 2023**

Planner: Chris Sexton, Planner II

Owner: Lennar Arizona Construction Inc.

Applicant: Michael Park with Atwell, LLC

Request: Final Plat for a 96-lot single-family residential subdivision

Site Location: Generally located north of Happy Valley Road and east of 151st Avenue

Site Size: 29.98 acres (approx.) Phase 2

Density: 3.20 DU/AC

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

Findings:

- The proposed Final Plat is consistent with the Tierra Verde East PAD and RM-9 PUD (Windstone Ranch) zoning districts.
- The proposed Final Plat is consistent with the Preliminary Plat approved under case FS20-596.
- The proposed Final Plat is consistent with the applicable City of Surprise regulations.
- The reviewing agencies have indicated no objections to the request.

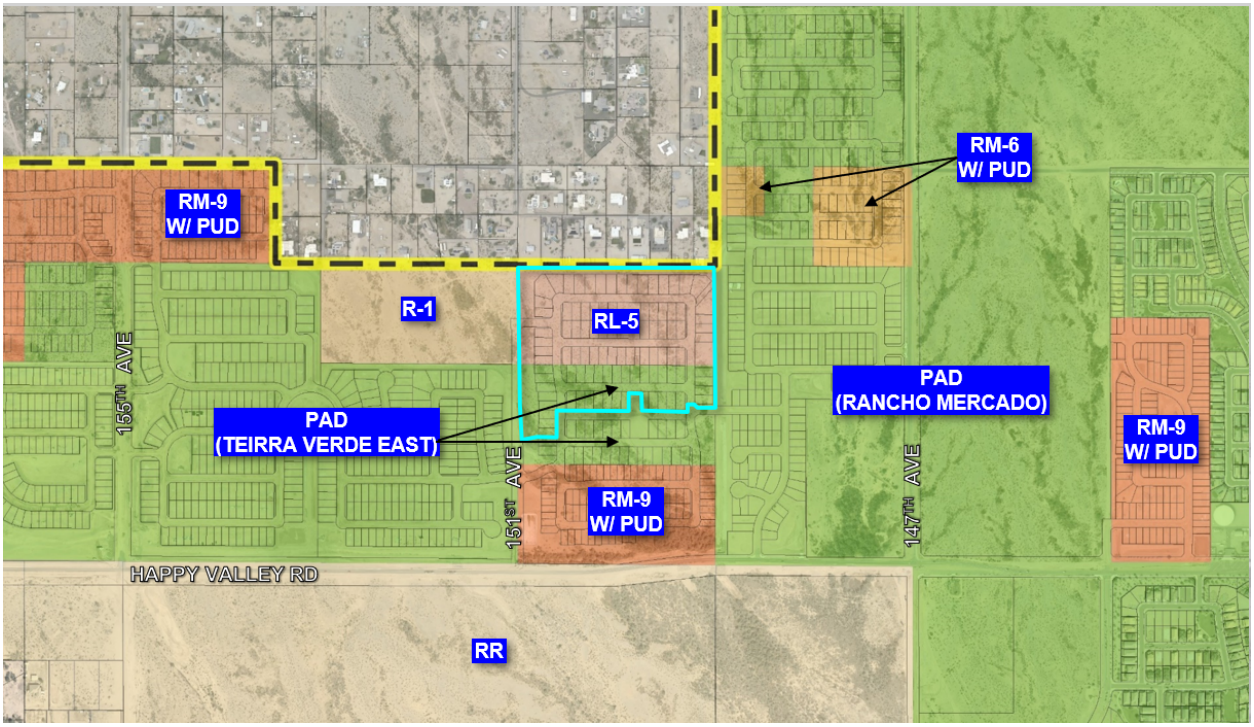
Alternative Actions: **Approve** – Approval of the proposed Final Plat will allow the applicant the ability to subdivide the property as proposed.
Deny – Denial of the requested Final Plat will prevent the applicant from subdividing the property as proposed.

PROJECT DESCRIPTION:

The subject property overall encompasses approximately 60 acres of vacant land which includes a portion of the Tierra Verde East PAD, and Windstone Ranch (RM-9 PUD). However, FS21-1037 is a request by Michael Park of Atwell for the approval of Phase 2 of the Windstone Ranch Final Plat. Phase 2 of Windstone Ranch Final Plat consists of the development of approximately 29.98 acres resulting in 96 single family residential lots and a density of 3.20 DU/AC.

SURROUNDING LAND ZONING:

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



R-1 (Single-family residential)	RU-43 (Maricopa County)	Rancho Mercado PAD (R1-8 RUPD)
Tierra Verde East PAD (LDR)	**RL-5 PUD** **Saddlehorn Ranch** **Tierra Verde East PAD (LDR)**	Rancho Mercado PAD (R1-8 RUPD)
Tierra Verde East PAD (LDR)	RM-9 with PUD	Rancho Mercado PAD (R1-8 RUPD)

BACKGROUND:

March 23, 2006: A portion of the subject property was added to the Tierra Verde East PAD as part of a rezoning application (Case PADA06-455) and rezoned from R1-43 to Planned Area Development (PAD) under Ordinance 07-50.

April 2, 2019: A portion of the subject property (Saddlehorn Ranch) was annexed under Ordinance 2019-08 and rezoned from RR to RL-5 PUD under Ordinance 2019-05.

May 5, 2020: A portion of the subject property (Windstone Ranch) rezoned from RR to RM-9 PUD under Ordinance 2020-11.

July 15, 2021: The Planning and Zoning Commission passed a motion to recommend approval of the preliminary plat to the Mayor and City Council under case FS20-596.

August 17, 2021: The Mayor and City Council approved the preliminary plat, under case FS20-596.

January 3, 2022: The applicant applied for the final plat under case FS21-1037.

January 17, 2023: The Mayor and City Council approved Phase 1 of the Windstone Ranch under case FS21-1007.

ANALYSIS AND DISCUSSION:

The subject request involves three (3) parcels within the Windstone Ranch PUD and Tierra Verde East PAD designated as single-family residential. The proposed lots for Phase 2 will be a range from a minimum 60' to 70' in lot width and will range from 120' and 130' in lot depth. There are a total of 96 lots over approximately 29.98 acres for a density of 3.20 DU/Ac.

Access

Access to the project will be from Happy Valley Road via 151st Avenue located along the westerly portion of the site where there is one access point to serve Phase 2. In addition, a second access point located in the southeasterly portion will be from Bronco Trail to the east through Rancho Mercado.

Open Space & Landscaping

The applicant, overall, proposes 6.8 acres (22.7%) of open space, exceeding the minimum 20% requirement of the (SUDC) comprising of 1.1 acres of active open space and 5.7 acres of passive open space.

Amenities

The entire project includes the development of three (3) neighborhood parks with large amenities along a crisscross open space corridor trail that balances active and passive open space tracts, all to be maintained by the Homeowners Association. The primary amenity areas conform to SUDC 122-137(o) including a ramada, seating areas, and tot lot area. Currently, a separate case is in review to propose a community pool with restrooms located in the southeasterly portion of the project (Phase 1). The local trail system will connect to the trail system in the adjacent Rancho Mercado and Tierra Verde East parcels.

Walls

Primary Theme Walls will consist of 6' high smooth-face CMU panels with a split-face cap, punctuated by stone-veneer columns. View walls will consist of 4'6" wrought iron fence atop dooley walls and 6' dooley walls around the trails system internal to the site.

Utility and Services Table:

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

Conformance with Adopted Plans:

This project is located within the Neighborhood character area of the General Plan. The proposed subdivision adheres to the design guidelines of the character area which allows for residential development.

This project maintains compatibility with the quality of existing land uses in the surrounding area in that it continues the single-family development pattern established in the vicinity of this parcel.

Reviewing Agencies:

In addition to the standard city reviewing agencies, Maricopa County, Arizona Department of Transportation, Maricopa Water District, and Luke AFB were included in the routing of this request, who have indicated no objections to the request.

Summary:

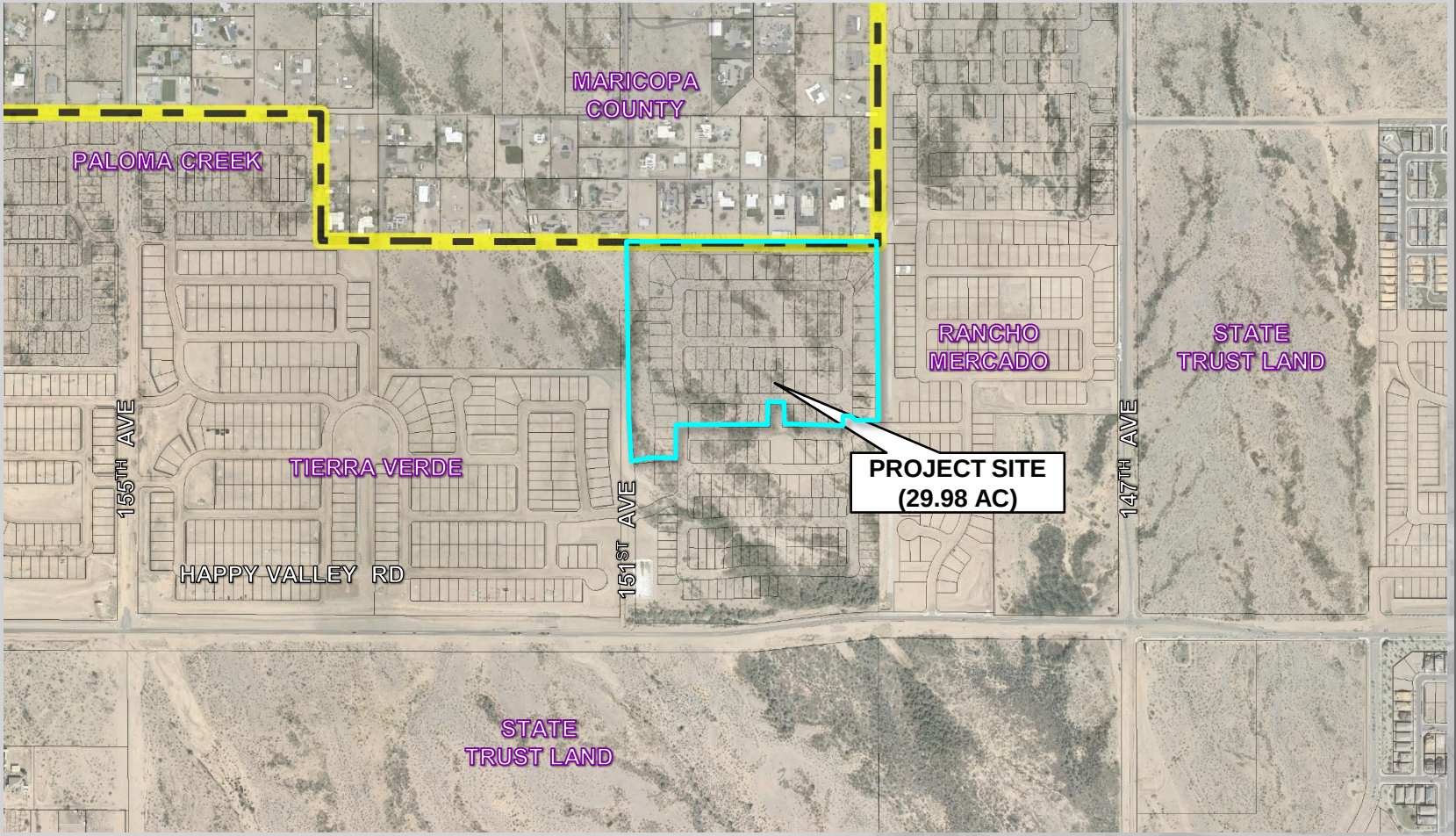
The applicant seeks a Final Plat across the subject property. The proposed development is compatible with the neighboring land uses and the amenities included will provide recreational opportunities for the neighborhood residents.

Findings:

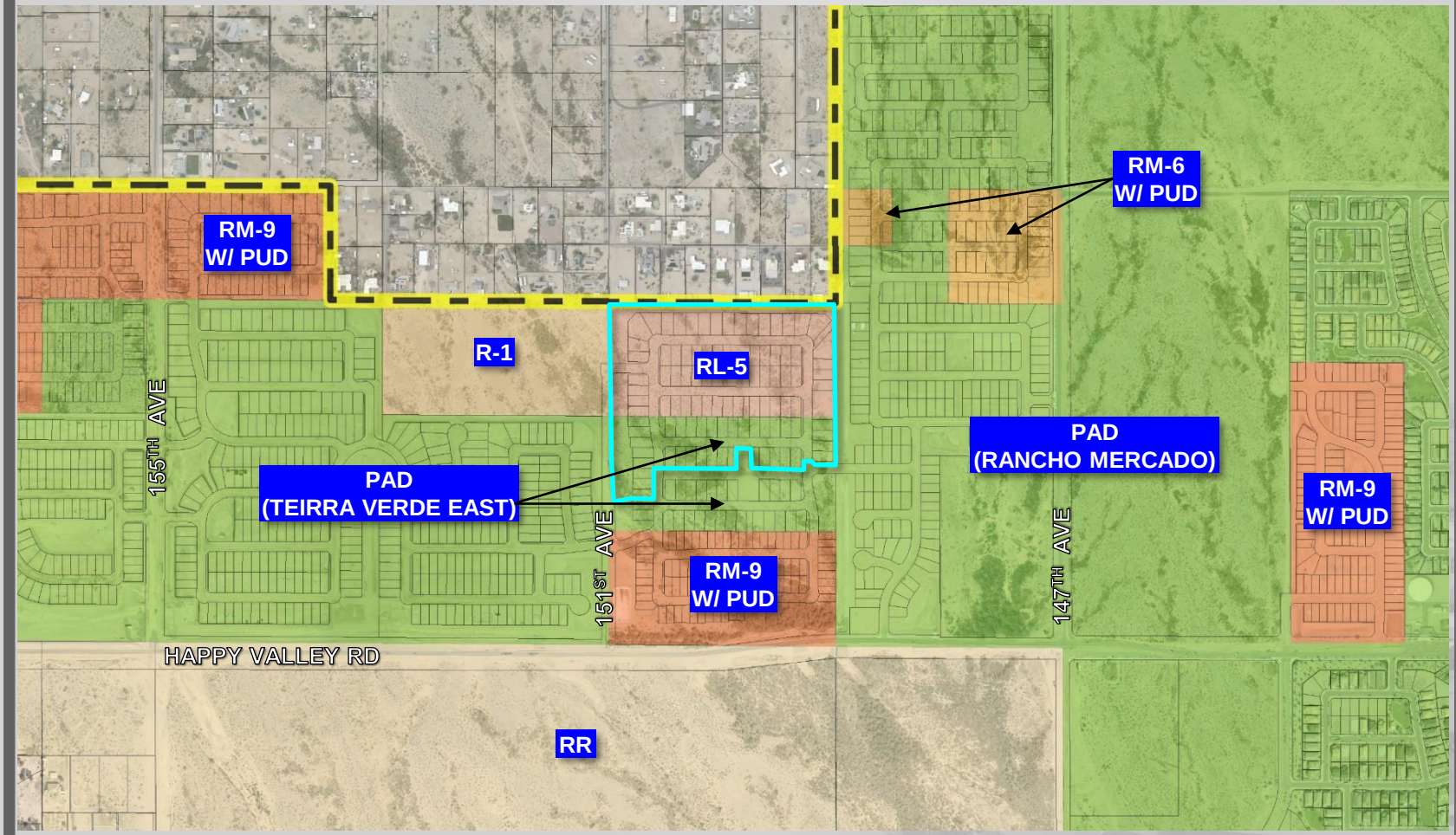
- The proposed Final Plat is consistent with the Tierra Verde East PAD and Ranch PUD zoning districts.
- The proposed Final Plat is consistent with the Preliminary Plat approved under case FS20-596.
- The proposed Final Plat is consistent with the applicable City of Surprise regulations.
- The reviewing agencies have indicated no objections to the request.

Attachments:

01 Vicinity Map
02 Zoning Map
03 Final Plat
04 Landscape Plan
05 Luke AFB comments



FS21-1037 VICINITY MAP



FS21-1037 ZONING MAP

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FINAL PLAT
OF
WINDSTONE RANCH
"PHASE 2"

A PORTION OF THE SOUTHEAST QUARTER OF SECTION 5, TOWNSHIP 4 NORTH, RANGE 1 WEST, OF THE GILA AND SALT RIVER BASE AND MERIDIAN, CITY OF SURPRISE, MARICOPA COUNTY, ARIZONA

DEDICATION

STATE OF ARIZONA:)
) SS
COUNTY OF MARICOPA:)

KNOW ALL PERSONS BY THESE PRESENTS:

THAT R-HEARTHSTONE LOT OPTION POOL 04, L.P., HEREINAFTER "OWNER", HAS SUBDIVIDED UNDER THE NAME "WINDSTONE RANCH PHASE 2", LOCATED WITHIN A PORTION OF THE SOUTHEAST QUARTER OF SECTION 5, TOWNSHIP 4 NORTH, RANGE 1 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, CITY OF SURPRISE, MARICOPA COUNTY, ARIZONA AND DOES HEREBY DECLARE 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 FINAL PLAT.

1. OWNER HEREBY DEDICATES TO THE CITY OF SURPRISE FEE TITLE TO ALL PUBLIC RIGHTS-OF-WAY AS SHOWN ON THE FINAL PLAT.
2. ALL IMPROVEMENTS, FOR STREETS AND PUBLIC UTILITIES OWNED AND OPERATED BY THE CITY, INSTALLED OR CONSTRUCTED BY 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 OWNER TO THE CITY UPON THEIR COMPLETION; HOWEVER, SUCH TRANSFER SHALL NOT OCCUR UNTIL THE CITY COUNCIL FOR THE CITY OF SURPRISE MANIFESTS ITS ACCEPTANCE BY SEPARATE FORMAL COUNCIL ACTION.
3. OWNER HEREBY GRANTS TO THE CITY OF SURPRISE A PERPETUAL NON-EXCLUSIVE EASEMENT OVER, UNDER, UPON, AND ACROSS ALL AREAS DESIGNATED ON THE PLAT AS WATER/SEWER LINES, MANHOLES, FIRE HYDRANTS AND WATER METERS FOR THE PURPOSE OF INSTALLING, CONSTRUCTING, MAINTAINING, REPAIRING, REPLACING, AND UTILIZING THE WATER/SEWER LINES, MANHOLES, FIRE HYDRANTS AND WATER METERS.
4. OWNER HEREBY GRANTS TO THE UNITED STATES OF AMERICA DEPARTMENT OF THE AIR FORCE ("USAF") AN AVIGATION EASEMENT OVER AND ACROSS THIS FINAL PLAT AND EVERY LOT AND PARCEL THEREOF, WHICH EASEMENT SHALL INCLUDE, BUT NOT BE LIMITED TO, THE RIGHT OF FLIGHT OF AIRCRAFT OVER THIS FINAL 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.
5. OWNER HEREBY GRANTS TO THE CITY OF SURPRISE AN ODOR EASEMENT OVER, UPON AND ACROSS THIS FINAL PLAT AND EVERY LOT AND PARCEL THEREOF, WHICH EASEMENT SHALL INCLUDE, BUT NOT BE LIMITED TO, THE RIGHT TO INVADE WITH ODORS, FUMES, SMELLS, AND PHYSICAL AIRBORNE PARTICULATES CAUSED BY THE OPERATION AND MAINTENANCE OF THE CITY'S WATER RECLAMATION FACILITY.
6. 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 FINAL PLAT OR ANY PARCEL THEREOF.
7. OWNER HEREBY WARRANTS AND REPRESENTS TO THE CITY OF SURPRISE THAT IT IS THE SOLE OWNER OF THE PROPERTY COVERED BY THIS FINAL PLAT, AND THAT EVERY LENDER, EASEMENT HOLDER OR OTHER PERSON OR ENTITY HAVING ANY INTEREST THAT IS ADVERSE TO OR INCONSISTENT WITH THE FOREGOING DEDICATION, OR ANY OTHER REAL PROPERTY INTEREST CREATED OR TRANSFERRED BY THIS FINAL PLAT, HAS CONSENTED TO OR JOINED IN THIS FINAL PLAT AS EVIDENCED BY INSTRUMENTS WHICH ARE RECORDED WITH THE MARICOPA COUNTY RECORDERS OFFICE OR WHICH OWNER WILL RECORD NOT LATER THAN THE DATE ON WHICH THIS FINAL PLAT IS RECORDED.
8. 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.
9. THE VEHICULAR NON ACCESS EASEMENTS " VNAE " ARE HEREBY DEDICATED TO THE WINDSTONE RANCH COMMUNITY ASSOCIATION, ITS SUCCESSORS AND ASSIGNS AND IS INTENDED TO PREVENT VEHICULAR TRAFFIC BETWEEN TRACTS AND LOTS WITH THE EXCEPTION OF PUBLIC UTILITY USES. SAID " VNAE " AS DEDICATED HEREON WILL CROSS PUBLIC UTILITY EASEMENTS "PUE" ALSO GRANTED HEREON, IN MULTIPLE LOCATIONS. THESE " VNAE " ARE NOT INTENDED TO PREVENT AUTHORIZED AGENTS OF THE PUBLIC UTILITY COMPANIES FROM CROSSING SAID " VNAE " DURING THE COURSE OF INSTALLATION, USE, MAINTENANCE AND REPAIR OF THE UTILITIES LOCATED IN SAID PUBLIC UTILITY EASEMENT "PUE".
10. ALL TRACTS ARE NOT DEDICATED TO THE PUBLIC, BUT ARE PLATTED AS COMMON PROPERTY FOR THE USE AND ENJOYMENT OF THE WINDSTONE RANCH COMMUNITY ASSOCIATION, AS MORE FULLY SET FORTH IN THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS.
11. TRACTS PLATTED HEREON ARE DEDICATED FOR THE PURPOSES AS NOTED IN THE TRACT TABLE ON THIS FINAL PLAT AND SHALL BE MAINTAINED BY WINDSTONE RANCH COMMUNITY ASSOCIATION.
12. OWNER HEREBY GRANTS TO THE CITY OF SURPRISE A PERPETUAL CROSS ACCESS EASEMENT ACROSS THE FINAL PLAT INCLUDING ROADS AND STREETS, OPEN SPACES, COMMUNITY FACILITIES, TRACTS, SIDEWALKS, DRAINAGE BASINS AND ANY PROPERTY WITHIN THE PLAT OWNED BY THE HOMEOWNERS ASSOCIATION FOR THE PURPOSE OF PROVIDING CONTINUOUS AND UNINTERRUPTED INGRESS AND EGRESS FOR EMERGENCY VEHICLES.
13. OWNER HEREBY GRANTS TO THE CITY OF SURPRISE A PERPETUAL EASEMENT ACROSS THE FINAL PLAT INCLUDING ROADS AND STREETS, OPEN SPACES, COMMUNITY FACILITIES, TRACTS, SIDEWALKS, DRAINAGE BASINS AND ANY PROPERTY WITHIN THE FINAL PLAT OWNED BY THE HOMEOWNERS ASSOCIATION FOR THE PURPOSE OF PROVIDING CONTINUOUS AND UNINTERRUPTED INGRESS AND EGRESS FOR TRASH COLLECTION VEHICLES.
14. 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.

IN WITNESS WHEREOF, OWNER HAS HEREUNTO CAUSED ITS PARTNERSHIP NAME TO BE SIGNED AND ITS PARTNERSHIP SEAL TO BE AFFIXED BY THE UNDERSIGNED, DULY AUTHORIZED OFFICER THIS_____ DAY OF_____, 2023.

R-HEARTHSTONE LOT OPTION POOL 04, L.P., A DELAWARE LIMITED PARTNERSHIP

BY: R-HEARTHSTONE PBLOJV GP, LLC, A DELAWARE LIMITED LIABILITY COMPANY
GENERAL PARTNER

BY: _____
STEVEN C. PORATH, AUTHORIZED PERSON

NOTARY ACKNOWLEDGEMENT

STATE OF CALIFORNIA

COUNTY OF LOS ANGELES

ON_____, _____, BEFORE ME, _____

PERSONALLY APPEARED _____, WHO PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE/THEY EXECUTED THE SAME IN HIS/HER/THEIR AUTHORIZED CAPACITY(IES), AND THAT BY HIS/HER/THEIR SIGNATURE(S) ON THE INSTRUMENT THE PERSON(S), OR THE ENTITY UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT.

WITNESS MY HAND AND OFFICIAL SEAL.

_____ _____
SIGNATURE (SEAL)

100 YEAR ASSURED WATER SUPPLY LANGUAGE

AREA PLATTED HEREON LIES WITHIN THE DOMESTIC WATER SERVICE AREA OF CITY OF SURPRISE DESERT OASIS PUBLIC WATER SYSTEM 04-07-523 WHICH IS DESIGNATED AS

HAVING AN ASSURED WATER SUPPLY PURSUANT A.R.S. § 45-576.

WINDSTONE RANCH COMMUNITY ASSOCIATION RATIFICATION

BY THIS RATIFICATION, _____, DULY ELECTED PRESIDENT OF THE WINDSTONE RANCH COMMUNITY ASSOCIATION ACKNOWLEDGES THE RESPONSIBILITIES DEDICATED HEREON.

BY: _____ ITS _____

NOTARY ACKNOWLEDGEMENT

STATE OF ARIZONA:)
) SS
COUNTY OF MARICOPA:)

ON THIS _____ DAY OF _____, 2023, _____ PERSONALLY APPEARED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, WHO ACKNOWLEDGED HIMSELF/HERSELF TO BE THE _____ OF THE WINDSTONE RANCH COMMUNITY ASSOCIATION, AND THAT HE/SHE, AS _____, EXECUTED THIS INSTRUMENT FOR THE PURPOSES HEREIN CONTAINED.

IN WITNESS WHEREOF, I HEREUNTO SET MY HAND AND OFFICIAL SEAL.

BY: _____ MY COMMISSION EXPIRES _____
NOTARY PUBLIC DATE

APPROVALS

CITY OF SURPRISE ENGINEER APPROVAL

DATA ON THIS PLAT REVIEWED AND APPROVED THIS _____ DAY OF _____, 2023,
BY THE CITY ENGINEER OF SURPRISE, ARIZONA.

APPROVED_____ _____
CITY ENGINEER DATE

CITY OF SURPRISE COUNCIL APPROVAL

APPROVED BY THE CITY COUNCIL OF THE CITY OF SURPRISE, ARIZONA.
THIS _____ DAY OF _____, 2023.

ATTEST:

_____ _____
MAYOR DATE

_____ _____
CITY CLERK DATE

AREA CALCULATIONS

TRACTS	297,699 SQ.FT.	6.83 AC
LOTS = 96	744,034 SQ.FT.	17.08 AC
RIGHT OF WAY	264,252 SQ.FT.	6.07 AC
TOTAL	1,305,985 SQ.FT.	29.98 AC

SHEET INDEX

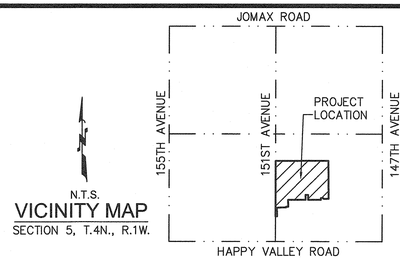
DESCRIPTION	SHEET NO
COVER SHEET	1
KEY MAP, LEGAL DESCRIPTION	2
PLAT SHEETS	3-6

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 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.

OWNER

R-HEARTHSTONE LOT OPTION POOL 04, L.P.,
23975 PARK SORRENTO
SUITE 220
CALABASAS, CA 91302
PHONE: 818-385-3697
CONTACT: STEVEN C. PORATH



N.T.S.
VICINITY MAP
SECTION 5, T.4N., R.1W.

RELEASE OF LIABILITY

1. R-HEARTHSTONE LOT OPTION POOL 04, L.P., "OWNER" DOES HEREBY (1) RELEASE AND DISCHARGE THE UNITED STATES OF AMERICA DEPARTMENT OF THE 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 ITS 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, FUEL, AND LUBRICANT PARTICLES.
2. THE CITY OF SURPRISE AGREES TO INDEMNIFY R-HEARTHSTONE LOT OPTION POOL 04, L.P., ITS OFFICERS, EMPLOYEES, AGENTS, CONTRACTORS OR THOSE OF AND ITS SUCCESSORS AND ASSIGNS, FOR ANY AND ALL DIRECT DAMAGES TO THE PERSONAL PROPERTY OR FOR PHYSICAL INJURY TO OR DEATH OF PERSONS OCCURRING ON THE AREA OF THIS EASEMENT CAUSED BY OR ARISING AS THE PROXIMATE RESULT OF THE ACTIVITIES OF THE CITY OF SURPRISE, EXCEPT FOR SUCH INJURY OR DAMAGES CAUSED BY OR ARISING SOLEY FROM THE NEGLIGENT, WILLFUL, MALICIOUS, OR GROSSLY NEGLIGENT CONDUCT OF R-HEARTHSTONE LOT OPTION POOL 04, L.P., ITS OFFICERS, EMPLOYEES, AGENTS, CONTRACTORS, OR THOSE OF ITS SUCCESSORS AND ASSIGNS THAT WAS THE DIRECT CAUSE OF THE INJURY TO THE USER.
3. R-HEARTHSTONE LOT OPTION POOL 04, L.P., OWNER HEREBY FURTHER AGREES TO INDEMNIFY, DEFEND, AND HOLD HARMLESS THE CITY OF SURPRISE FROM ANY AND ALL CLAIMS FOR DAMAGES OF ANY KIND TO PERSONS OR PROPERTY LOCATED WITHIN THE RIGHT OF WAY 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.
4. R-HEARTHSTONE LOT OPTION POOL 04, L.P., "OWNER" DOES HEREBY (1) RELEASE AND DISCHARGE THE CITY OF SURPRISE, (2) INDEMNIFY, DEFEND, AND HOLD HARMLESS 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 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 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 THE RIGHT-OF WAY IS IMPROVED TO CITY STANDARD AND ACCEPTED BY THE CITY OF SURPRISE.

GENERAL NOTES

1. IN ACCORDANCE WITH A.R.S. § 9-461.07, THE CITY OF SURPRISE HAS DETERMINED THAT ALL DEDICATIONS OCCURRING WITH THIS FINAL PLAT ARE IN CONFORMANCE WITH THE CITY OF SURPRISE GENERAL PLAN.
2. PURSUANT TO 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.
3. NO ON-SITE GRADING OR EXCAVATION SHALL OCCUR WITHOUT FIRST OBTAINING A PERMIT FROM THE CITY OF SURPRISE.
4. HAPPY VALLEY ROAD WILL BECOME A 6 LANE MAJOR ARTERIAL AT SOME FUTURE POINT.
5. SPRINKLERS ARE REQUIRED IN ALL ONE AND TWO FAMILY DWELLINGS BUILT IN AREAS WHICH DO NOT HAVE AN ADEQUATE WATER SUPPLY OF 2000 GPM @ 2 HOURS @ 20 PSI RESIDUAL.
6. THIS FINAL PLAT IS IN SUBSTANTIAL CONFORMANCE WITH THE PRELIMINARY PLAT APPROVED BY THE CITY OF SURPRISE UNDER CASE FS20-596 AND OUTLINES THE ZONING REQUIREMENT FOR EACH LOT.
7. A PORTION OF THE PROPERTY IS LOCATED WITHIN THE AREA HAVING FLOOD ZONES "X", "A" AND"AE", BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, ON FLOOD INSURANCE RATE MAPS NO. 04013C1210L AND NO. 04013C1230L, WITH A DATE OF IDENTIFICATION OF OCTOBER 16, 2013, FOR COMMUNITY NO. 040053, IN MARICOPA COUNTY, STATE OF ARIZONA, WHICH IS THE CURRENT FLOOD INSURANCE RATE MAP FOR THE COMMUNITY IN WHICH SAID PROPERTY IS SITUATED, AS MAY BE AMENDED FROM TIME TO TIME.
8. THE MAINTENANCE OF LANDSCAPING WITHIN THE OPEN SPACES, LANDSCAPED TRACTS, RETENTION BASINS, AND PARKS SHALL BE THE RESPONSIBILITY OF THE OWNER OR THE HOMEOWNERS' ASSOCIATION FORMED BY THE OWNER.
9. 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.
10. DEVELOPMENT STANDARDS ARE PER CITY OF SURPRISE CASE FS18-249 & FS18-316 OR AS SUBSEQUENTLY AMENDED
11. LANDSCAPING MAINTENANCE OF 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.

BASIS OF BEARING

THE WEST-EAST, MID-SECTION LINE OF SECTION 4, TOWNSHIP 4 NORTH, RANGE 1 WEST, OF THE GILA AND SALT RIVER MERIDIAN WHICH BEARS S89°46'48"E A DISTANCE OF 5255.54'
THIS POSITION WAS DERIVED FROM THE ESTABLISHED NGS POINTS DV0080 & AJ3867.
PROJECT THEN SCALED TO GROUND AT A COMBINED SCALE FACTOR OF 1.00013766895 AND VERIFIED AGAINST GDACS BOOK 834, PG 1. HORIZONTAL ERROR = (0.04') ANGLE ERROR = (00°00'01")

SURVEYOR'S CERTIFICATION

I, JAMES G. SPRING, PLS 22282, HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR IN THE STATE OF ARIZONA; THAT THIS PLAT CONSISTING OF SIX SHEETS REPRESENTS A SURVEY PREPARED UNDER MY SUPERVISION DURING THE MONTH OF MAY, 2023; THAT THE SURVEY IS CORRECT AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF; THAT THE EXTERIOR BOUNDARY MONUMENTS ACTUALLY EXIST AS SHOWN AND ARE SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED.

JAMES G. SPRING, PLS 22282
ATWELL, LLC
4700 EAST SOUTHERN AVENUE
MESA, ARIZONA 85206

NOTE:
A.R.S. § 32-151 STATES THAT THE USE OF THE WORD "CERTIFY" OR "CERTIFICATION" BY A PERSON OR FIRM THAT IS REGISTERED OR CERTIFIED BY THE BOARD IS AN EXPRESSION OF PROFESSIONAL OPINION REGARDING FACTS OR FINDINGS THAT ARE SUBJECT OF THE CERTIFICATION AND DOES NOT CONSTITUTE AN EXPRESS OR IMPLIED WARRANTY OR GUARANTEE.

FS21-1037

ATWELL
866.850.4200 www.atwell-group.com
4700 E. SOUTHERN AVENUE
MESA, AZ 85206
480.218.8581

COUNTY: MARICOPA
SECTION: 5
TOWNSHIP: 4 NORTH
RANGE: 1 WEST

FINAL PLAT
WINDSTONE RANCH
"PHASE 2"
CITY OF SURPRISE, ARIZONA

MAY 2023

REVISIONS:

ATWELL

PM. J. SPRING
DR. R. GILES
JOB NO.
19000032

N.T.S.

19000032 WINDSTONE PH2 FP.DWG

SHEET NO.
1 OF 6

K:\19000032 - WINDSTONE\DWG\SURVEY\PHASE 2\19000032 WINDSTONE PH2 FP.DWG SAVEDATE:5/24/2023 1:01 PM PLOTDATE:5/24/2023 1:02 PM

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OPEN SPACE TABLE		
TYPE	ACREAGE	PERCENTAGE OF TOTAL OPEN SPACE
ACTIVE	1.13	16.54%
PASSIVE	5.70	83.46%
TOTAL	6.83	100.00%
% OF TOTAL OPEN SPACE IN PLAT 22.78%		

LEGAL DESCRIPTION

LOCATED WITHIN A PORTION OF THE SOUTHEAST QUARTER OF SECTION 5, TOWNSHIP 4 NORTH, RANGE 1 WEST, OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA.

MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A FOUND PK NAIL WITH TAG PLS 22282, ACCEPTED AS THE SOUTHEAST CORNER OF SECTION 5, TOWNSHIP 4 NORTH, RANGE 1 WEST FROM WHICH A FOUND PK NAIL WITH TAG STAMPED PLS 22282, ACCEPTED AS THE EAST QUARTER CORNER OF SECTION 5, TOWNSHIP 4 NORTH, RANGE 1 WEST, THEREOF BEARS N00°07'05"W A DISTANCE OF 2645.63 FEET;

THENCE, ALONG THE EAST LINE OF SAID SECTION 5, N00°07'05"W A DISTANCE OF 1064.37 FEET;

THENCE, LEAVING THE EAST LINE OF SAID SECTION 5, S89°52'55"W A DISTANCE OF 1312.02 FEET TO THE POINT OF BEGINNING;

THENCE, S89°52'55"W A DISTANCE OF 116.33 FEET;

THENCE, N44°53'07"W A DISTANCE OF 28.17 FEET;

THENCE, N89°39'09"W A DISTANCE OF 55.00 FEET;

THENCE, S00°20'51"W A DISTANCE OF 44.80 FEET;

THENCE, N89°39'09"W A DISTANCE OF 311.00 FEET;

THENCE, N00°20'51"E A DISTANCE OF 120.00 FEET;

THENCE, N89°39'09"W A DISTANCE OF 64.00 FEET;

THENCE, S00°20'51"W A DISTANCE OF 120.00 FEET;

THENCE, N89°39'09"W A DISTANCE OF 431.00 FEET;

THENCE, S00°20'51"W A DISTANCE OF 170.63 FEET;

THENCE, N89°39'09"W A DISTANCE OF 55.00 FEET;

THENCE, S00°20'51"W A DISTANCE OF 14.87 FEET;

THENCE, N89°39'09"W A DISTANCE OF 120.00 FEET;

THENCE, S84°48'17"W A DISTANCE OF 106.53 FEET TO THE BEGINNING OF A NON-TANGENT CURVE CONCAVE TO THE RIGHT;

THENCE, SOUTHERLY ALONG SAID CURVE AN ARC LENGTH OF 164.25 FEET, WITH A RADIUS OF 1800.00 FEET AND THE RADIAL BEARING OF S84°48'17"W AND A CENTRAL ANGLE OF 05°13'42";

THENCE, S00°01'59"W A DISTANCE OF 45.13 FEET;

THENCE, N89°58'01"W A DISTANCE OF 40.00 FEET;

THENCE, N00°01'59"E A DISTANCE OF 1360.71 FEET;

THENCE, S89°40'13"E A DISTANCE OF 1310.87 FEET;

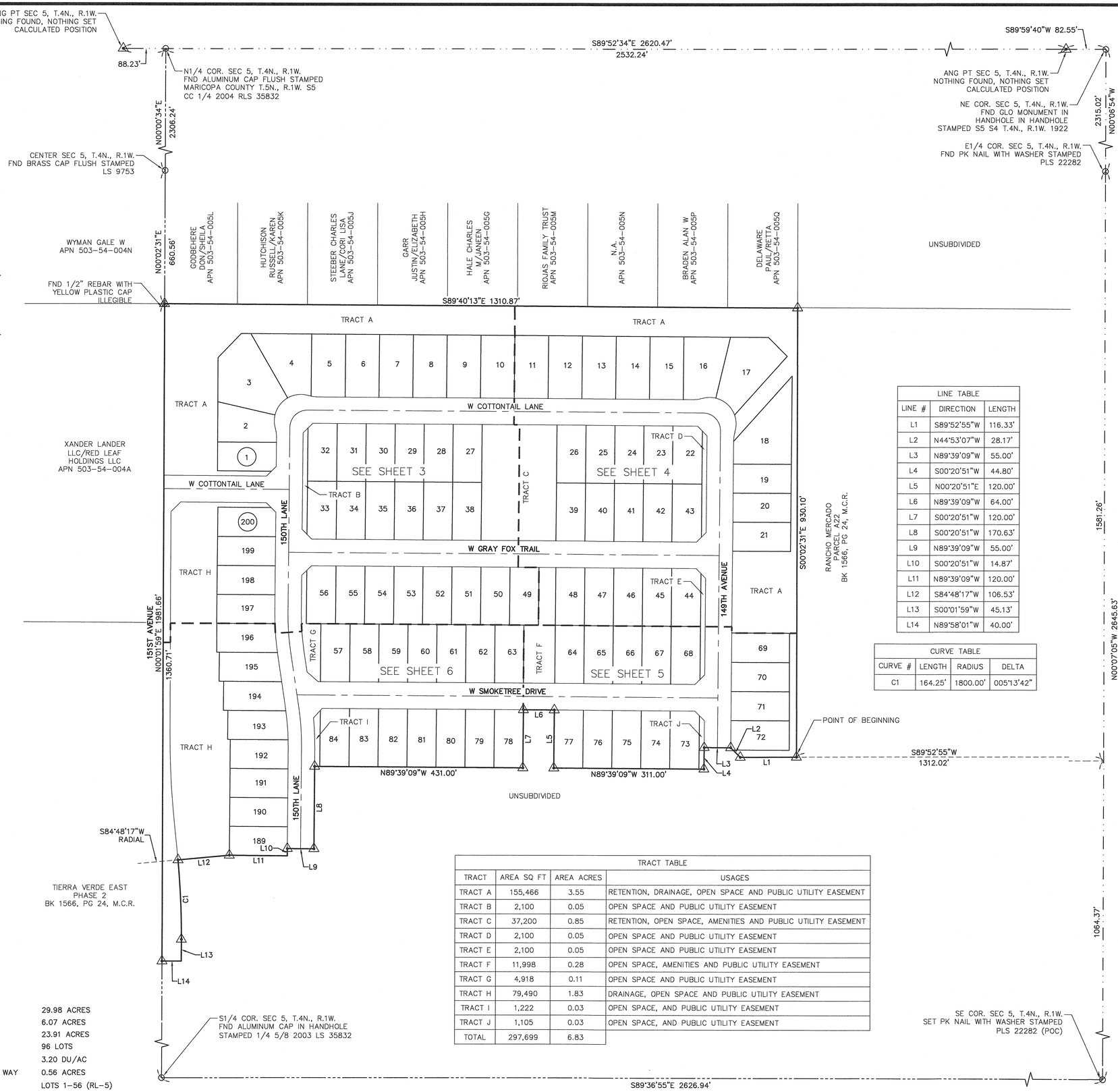
THENCE, S00°02'31"E A DISTANCE OF 930.10 FEET TO THE POINT OF BEGINNING.

LEGEND

	SUBDIVISION BOUNDARY
	RIGHT OF WAY LINE
	EXISTING RIGHT OF WAY LINE
	CENTERLINE
	EXISTING EASEMENT LINE
	PROPOSED EASEMENT LINE
	SECTION LINE
	ALIQUOT SECTION LINE
△	SUBDIVISION CORNER TO BE SET
○	FOUND MONUMENT AS NOTED
◉	CENTERLINE MONUMENT (TO BE SET BY CITY OF SURPRISE STANDARDS)
①	30'x30' SIGHT VISIBILITY EASEMENT
VNAE	VEHICULAR NON-ACCESS EASEMENT
PUE	PUBLIC UTILITY EASEMENT
M.O.D.	MAP OF DEDICATION
M.C.R.	MARICOPA COUNTY RECORDER
R/W	RIGHT-OF-WAY
FBSL	FRONT BUILDING SETBACK LINE
D	DELTA
C1	CURVE TABLE NUMBER
L1	LINE TABLE NUMBER
Ⓡ	RADIAL BEARING
FP	FINAL PLAT
DOC.	DOCUMENT

SITE DATA

GROSS SITE AREA	29.98 ACRES
RIGHT OF WAY	6.07 ACRES
NET SITE AREA	23.91 ACRES
NUMBER OF LOTS	96 LOTS
NET DENSITY	3.20 DU/AC
ARTERIAL RIGHT OF WAY	0.56 ACRES
ZONING	LOTS 1-56 (RL-5)
	LOTS 57-84 & 189-200 (TVE PAD)



LINE TABLE		
LINE #	DIRECTION	LENGTH
L1	S89°52'55"W	116.33'
L2	N44°53'07"W	28.17'
L3	N89°39'09"W	55.00'
L4	S00°20'51"W	44.80'
L5	N00°20'51"E	120.00'
L6	N89°39'09"W	64.00'
L7	S00°20'51"W	120.00'
L8	S00°20'51"W	170.63'
L9	N89°39'09"W	55.00'
L10	S00°20'51"W	14.87'
L11	N89°39'09"W	120.00'
L12	S84°48'17"W	106.53'
L13	S00°01'59"W	45.13'
L14	N89°58'01"W	40.00'

CURVE TABLE			
CURVE #	LENGTH	RADIUS	DELTA
C1	164.25'	1800.00'	005°13'42"

TRACT TABLE			
TRACT	AREA SQ FT	AREA ACRES	USAGES
TRACT A	155,466	3.55	RETENTION, DRAINAGE, OPEN SPACE AND PUBLIC UTILITY EASEMENT
TRACT B	2,100	0.05	OPEN SPACE AND PUBLIC UTILITY EASEMENT
TRACT C	37,200	0.85	RETENTION, OPEN SPACE, AMENITIES AND PUBLIC UTILITY EASEMENT
TRACT D	2,100	0.05	OPEN SPACE AND PUBLIC UTILITY EASEMENT
TRACT E	2,100	0.05	OPEN SPACE AND PUBLIC UTILITY EASEMENT
TRACT F	11,998	0.28	OPEN SPACE, AMENITIES AND PUBLIC UTILITY EASEMENT
TRACT G	4,918	0.11	OPEN SPACE AND PUBLIC UTILITY EASEMENT
TRACT H	79,490	1.83	DRAINAGE, OPEN SPACE AND PUBLIC UTILITY EASEMENT
TRACT I	1,222	0.03	OPEN SPACE, AND PUBLIC UTILITY EASEMENT
TRACT J	1,105	0.03	OPEN SPACE, AND PUBLIC UTILITY EASEMENT
TOTAL	297,699	6.83	

ATWELL
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COUNTY: MARICOPA
SECTION: 5
TOWNSHIP: 4 NORTH
RANGE: 1 WEST

FINAL PLAT
WINDSTONE RANCH "PHASE 2"
CITY OF SURPRISE, ARIZONA

MAY 2023

REVISIONS:

PROFESSIONAL LAND SURVEYOR
CERTIFICATE NO.
22282
JAMES G. SPRING
5/24/23
ARIZONA U.S.A.

PM. J. SPRING
DR. R. GILES
JOB NO. 19000032
SCALE 0 50 100
1" = 100 FEET
19000032 WINDSTONE PH2 FP.DWG
SHEET NO. 2 OF 6
FS21-1037

K:\19000032 - WINDSTONE\DWG\SURVEY\PHASE 2\19000032 WINDSTONE PH2 FP.DWG SAVEDATE:5/24/2023 1:01 PM PLOTDATE:5/24/2023 1:02 PM

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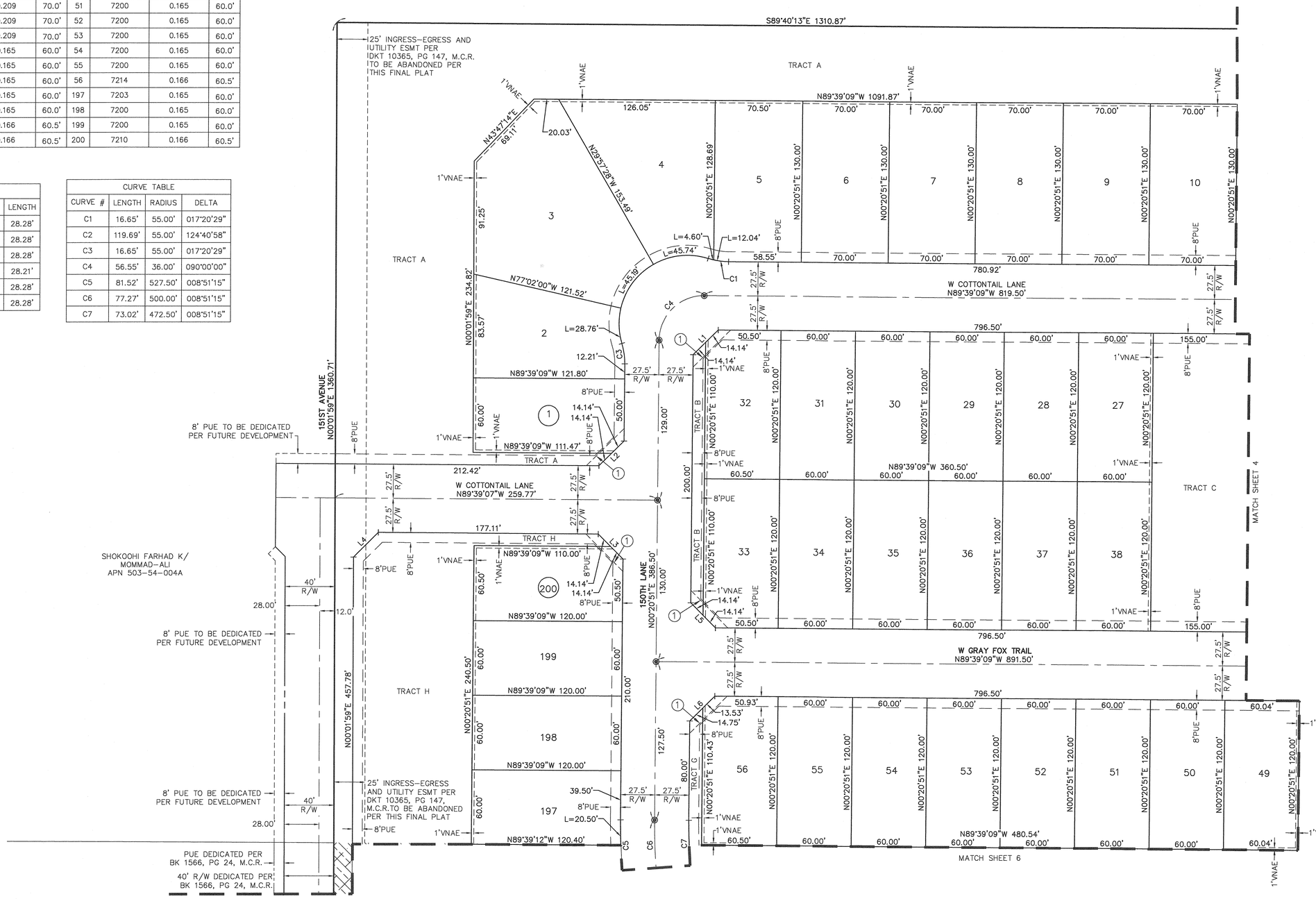
LOT TABLE\WIDTH BASED ON FBSL				LOT TABLE\WIDTH BASED ON FBSL			
LOT	AREA SQ FT	AREA ACRES	WIDTH	LOT	AREA SQ FT	AREA ACRES	WIDTH
1	7248	0.166	60.0'	34	7200	0.165	60.0'
2	8389	0.193	58.4'	35	7200	0.165	60.0'
3	15829	0.363	52.6'	36	7200	0.165	60.0'
4	11301	0.259	55.9'	37	7200	0.165	60.0'
5	9160	0.210	70.5'	38	7200	0.165	60.0'
6	9100	0.209	70.0'	49	7205	0.165	60.0'
7	9100	0.209	70.0'	50	7200	0.165	60.0'
8	9100	0.209	70.0'	51	7200	0.165	60.0'
9	9100	0.209	70.0'	52	7200	0.165	60.0'
10	9100	0.209	70.0'	53	7200	0.165	60.0'
27	7200	0.165	60.0'	54	7200	0.165	60.0'
28	7200	0.165	60.0'	55	7200	0.165	60.0'
29	7200	0.165	60.0'	56	7214	0.166	60.5'
30	7200	0.165	60.0'	197	7203	0.165	60.0'
31	7200	0.165	60.0'	198	7200	0.165	60.0'
32	7210	0.166	60.5'	199	7200	0.165	60.0'
33	7210	0.166	60.5'	200	7210	0.166	60.5'

LINE TABLE		
LINE #	DIRECTION	LENGTH
L1	N45°20'51"E	28.28'
L2	N45°20'51"E	28.28'
L3	N44°39'09"W	28.28'
L4	S45°11'25"W	28.21'
L5	N44°39'09"W	28.28'
L6	N45°20'51"E	28.28'

CURVE TABLE			
CURVE #	LENGTH	RADIUS	DELTA
C1	16.65'	55.00'	017°20'29"
C2	119.69'	55.00'	124°40'58"
C3	16.65'	55.00'	017°20'29"
C4	56.55'	36.00'	090°00'00"
C5	81.52'	527.50'	008°51'15"
C6	77.27'	500.00'	008°51'15"
C7	73.02'	472.50'	008°51'15"



ATWELL
866.850.4200 www.atwell-group.com
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MESA, AZ 85206
480.218.8631

COUNTY: MARICOPA
SECTION: 5
TOWNSHIP: 4 NORTH
RANGE: 1 WEST

FINAL PLAT
WINDSTONE RANCH "PHASE 2"
CITY OF SURPRISE, ARIZONA

MAY 2023

REVISIONS:

ATWELL

PM.	J. SPRING
DR.	R. GILES
JOB NO.	19000032

SCALE 0 20 40
1" = 40 FEET

19000032 WINDSTONE PH2 FP.DWG

SHEET NO.
3 OF 6

PROFESSIONAL LAND SURVEYOR CERTIFICATE NO. 22282 JAMES G. SPRING 5/24/23 Date Signed ARIZONA U.S.A.

FS21-1037

K:\19000032 - WINDSTONE\DWG\SURVEY\PHASE 2\19000032 WINDSTONE PH2 FP.DWG SAVEDATE:5/22/2023 9:28 AM PLOTDATE:5/24/2023 5:42 AM

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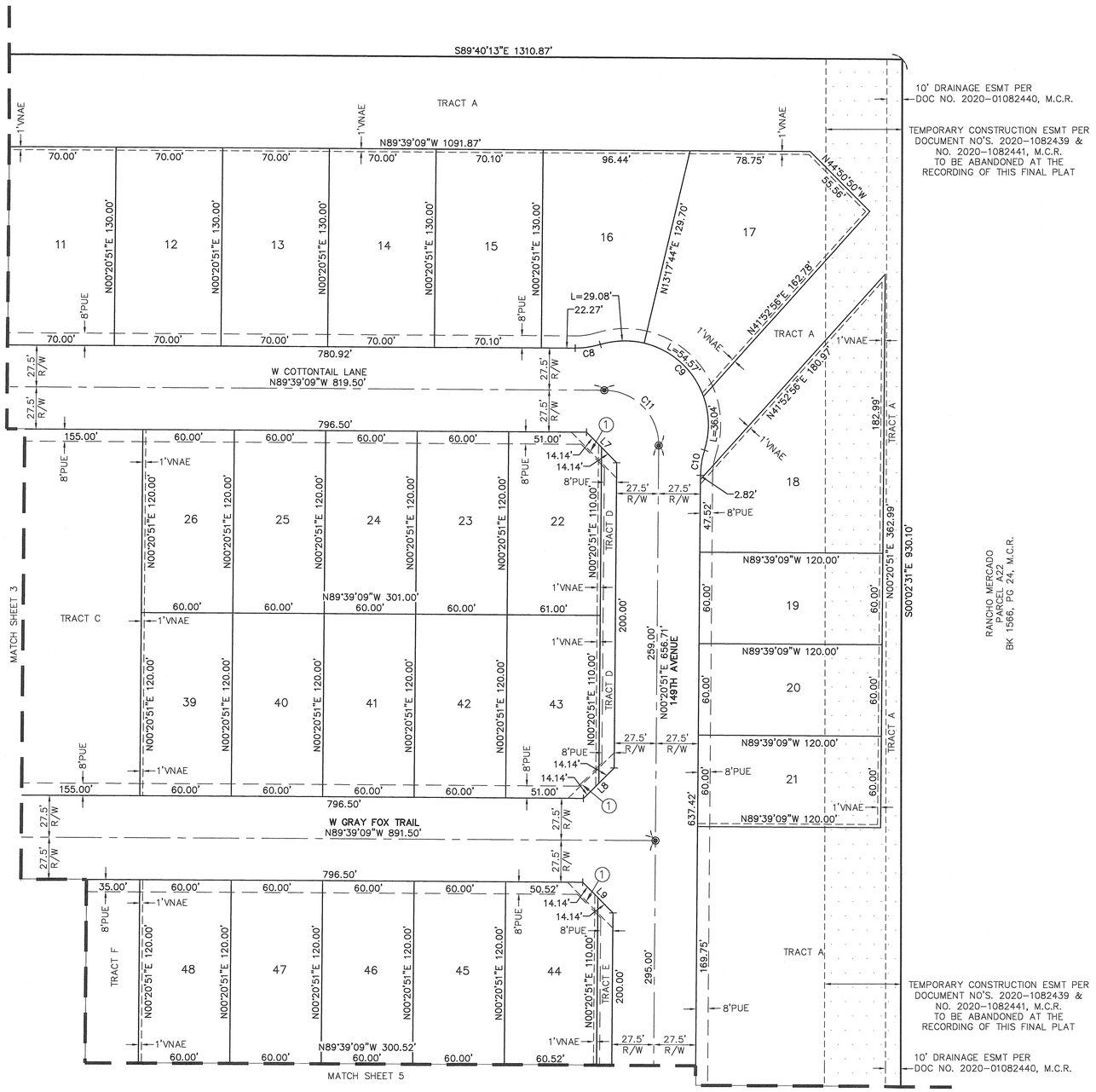
TEMPORARY CONSTRUCTION ESMT PER DOCUMENT NO'S. 2020-1082439 & NO. 2020-1082441, M.C.R. TO BE ABANDONED AT THE RECORDING OF THIS FINAL PLAT



LOT TABLE\WIDTH BASED ON FBSL				LOT TABLE\WIDTH BASED ON FBSL			
LOT	AREA SQ FT	AREA ACRES	WIDTH	LOT	AREA SQ FT	AREA ACRES	WIDTH
11	9100	0.209	70.0'	24	7200	0.165	60.0'
12	9100	0.209	70.0'	25	7200	0.165	60.0'
13	9100	0.209	70.0'	26	7200	0.165	60.0'
14	9100	0.209	70.0'	39	7200	0.165	60.0'
15	9113	0.209	70.0'	40	7200	0.165	60.0'
16	10458	0.240	68.9'	41	7200	0.165	60.0'
17	13606	0.312	57.8'	42	7200	0.165	60.0'
18	13831	0.318	58.8'	43	7270	0.167	61.0'
19	7200	0.165	60.0'	44	7212	0.166	60.5'
20	7200	0.165	60.0'	45	7200	0.165	60.0'
21	7200	0.165	60.0'	46	7200	0.165	60.0'
22	7270	0.167	61.0'	47	7200	0.165	60.0'
23	7200	0.165	60.0'	48	7200	0.165	60.0'

LINE TABLE		
LINE #	DIRECTION	LENGTH
L7	N44°39'09"W	28.28'
L8	N45°20'51"E	28.28'
L9	N44°39'09"W	28.28'

CURVE TABLE			
CURVE #	LENGTH	RADIUS	DELTA
C8	16.65'	55.00'	017°20'29"
C9	119.69'	55.00'	124°40'58"
C10	16.65'	55.00'	017°20'29"
C11	56.55'	36.00'	090°00'00"

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FINAL PLAT
WINDSTONE RANCH "PHASE 2"
CITY OF SURPRISE, ARIZONA

COUNTY: MARICOPA | SECTION: 5 | TOWNSHIP: 4 NORTH | RANGE:1 WEST

MAY 2023

REVISIONS:

ATWELL

PM.	J. SPRING
DR.	R. GILES
JOB NO.	19000032
SCALE	0 20 40
	1" = 40 FEET

19000032 WINDSTONE PH2 FP.DWG

SHEET NO. 4 OF 6

PROFESSIONAL LAND SURVEYOR CERTIFICATE NO. 22282 JAMES G. SPRING 5/24/23 Date Signed ARIZONA U.S.A.

FS21-1037

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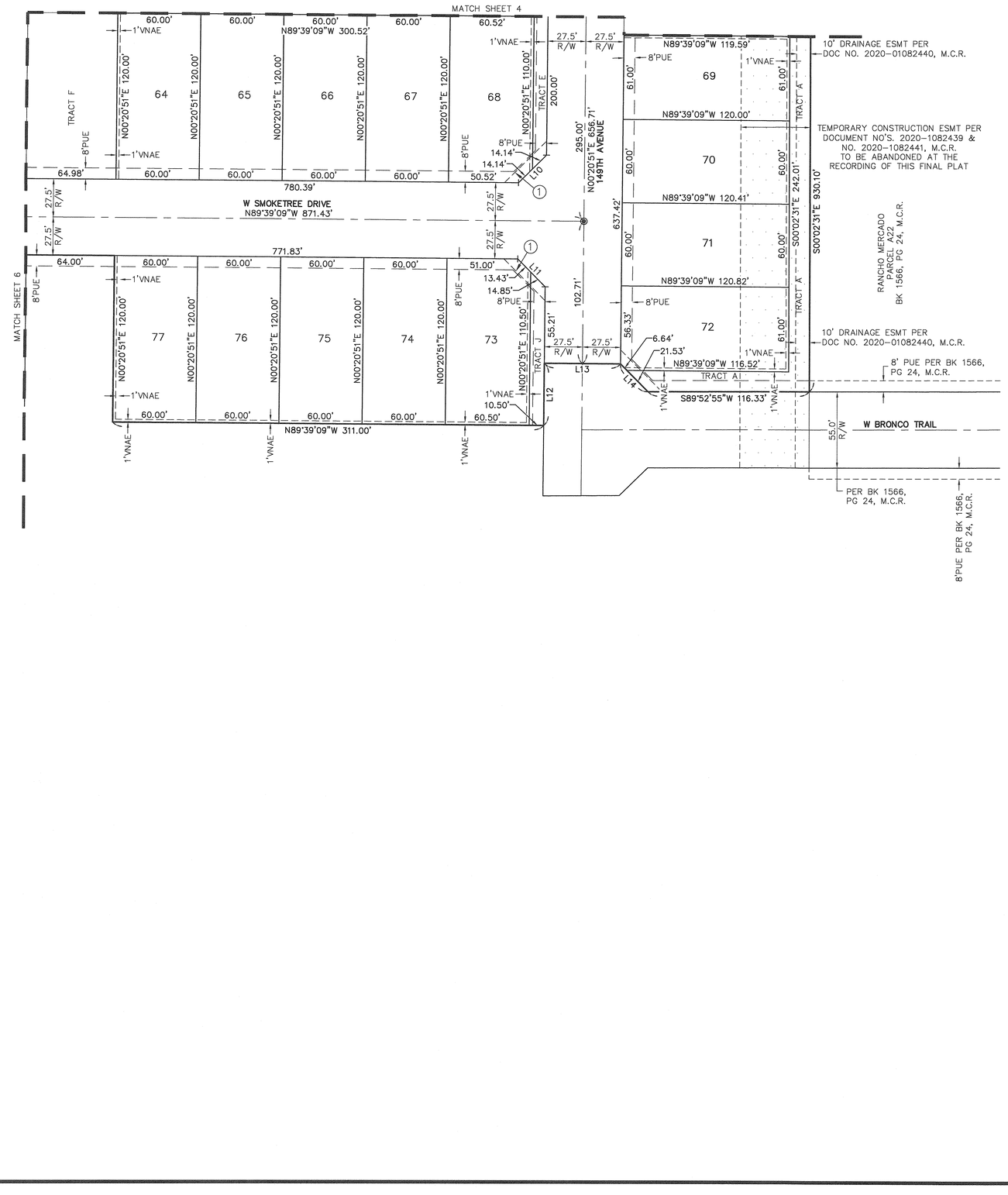

LOT TABLE\WIDTH BASED ON FBSL			
LOT	AREA SQ FT	AREA ACRES	WIDTH
64	7200	0.165	60.0'
65	7200	0.165	60.0'
66	7200	0.165	60.0'
67	7200	0.165	60.0'
68	7212	0.166	60.5'
69	7307	0.168	61.0'
70	7212	0.166	60.0'
71	7237	0.166	60.0'
72	7371	0.169	61.0'
73	7215	0.166	60.5'
74	7200	0.165	60.0'
75	7200	0.165	60.0'
76	7200	0.165	60.0'
77	7200	0.165	60.0'

LINE TABLE		
LINE #	DIRECTION	LENGTH
L10	N45°20'51"E	28.28'
L11	N44°39'09"W	28.28'
L12	S00°20'51"W	44.80'
L13	N89°39'09"W	55.00'
L14	N44°53'07"W	28.17'

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TOWNSHIP: 4 NORTH
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FINAL PLAT
WINDSTONE RANCH "PHASE 2"
CITY OF SURPRISE, ARIZONA

MAY 2023

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1" = 40 FEET

19000032 WINDSTONE PH2 FP.DWG

SHEET NO. 5 OF 6

PROFESSIONAL LAND SURVEYOR CERTIFICATE NO. 22282 JAMES G. SPRING 3/24/23 Date Signed ARIZONA U.S.A.

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LOT TABLE\WIDTH BASED ON FBSL				LOT TABLE\WIDTH BASED ON FBSL			
LOT	AREA SQ FT	AREA ACRES	WIDTH	LOT	AREA SQ FT	AREA ACRES	WIDTH
57	7260	0.167	60.5'	82	7200	0.165	60.0'
58	7200	0.165	60.0'	83	7200	0.165	60.0'
59	7200	0.165	60.0'	84	7252	0.166	60.5'
60	7200	0.165	60.0'	189	7200	0.165	60.0'
61	7200	0.165	60.0'	190	7200	0.165	60.0'
62	7200	0.165	60.0'	191	7205	0.165	60.0'
63	7174	0.165	59.8'	192	7209	0.166	60.0'
78	7200	0.165	60.0'	193	7407	0.170	60.0'
79	7200	0.165	60.0'	194	7485	0.172	60.0'
80	7200	0.165	60.0'	195	7485	0.172	60.0'
81	7200	0.165	60.0'	196	7363	0.169	60.0'

LINE TABLE		
LINE #	DIRECTION	LENGTH
L15	N49°04'47"W	30.38'
L16	N41°37'45"E	26.39'
L17	N89°39'09"W	55.00'
L18	S00°20'51"W	14.87'
L19	S00°01'59"W	45.13'
L20	N89°58'01"W	40.00'
L21	N05°53'54"W	55.43'
L22	N00°20'51"E	115.81'

CURVE TABLE			
CURVE #	LENGTH	RADIUS	DELTA
C12	73.02'	472.50'	008°51'15"
C13	77.27'	500.00'	008°51'15"
C14	81.52'	527.50'	008°51'15"
C15	73.02'	472.50'	008°51'15"
C16	77.27'	500.00'	008°51'15"
C17	58.46'	527.50'	006°21'01"
C18	22.09'	1800.00'	000°42'11"

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FINAL PLAT
WINDSTONE RANCH "PHASE 2"
CITY OF SURPRISE, ARIZONA

MAY 2023

REVISIONS:

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1" = 40 FEET

19000032 WINDSTONE PH2 FP.DWG

SHEET NO. 6 OF 6

PROFESSIONAL LAND SURVEYOR CERTIFICATE NO. 22282 JAMES G. SPRING 5/24/23 Date Signed ARIZONA U.S.A.

FS21-1037

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LANDSCAPE CONSTRUCTION DOCUMENTS

FOR

WINDSTONE RANCH PHASE 2

PHASE 2

SURPRISE, ARIZONA

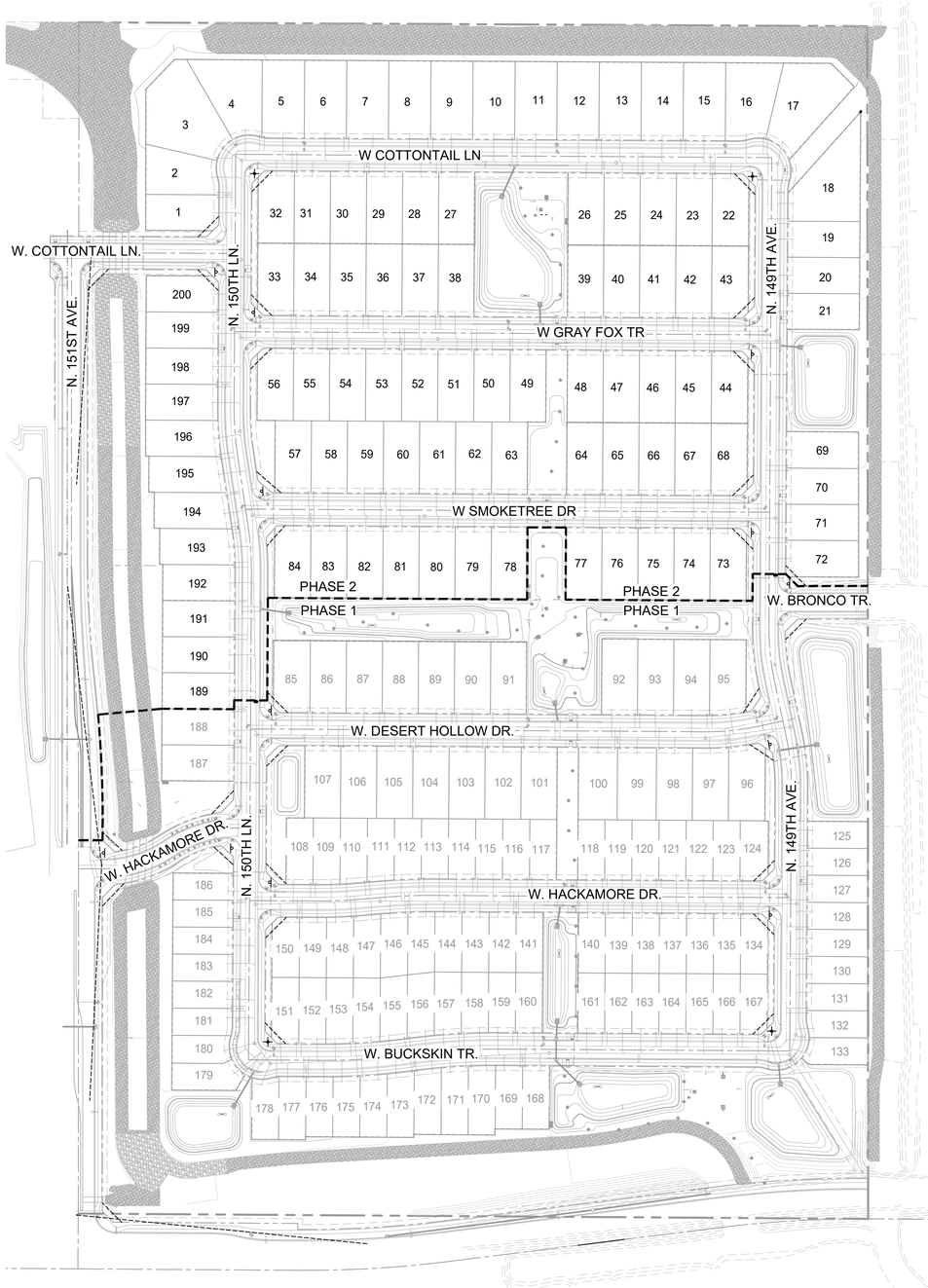
LENNAR

SUBMITTAL HISTORY

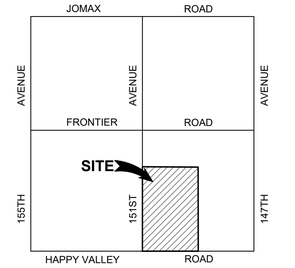
DATE	DESCRIPTION / COMMENTS
12/05/2021	1ST DEVELOPMENT SUBMITTAL
03/08/2022	2ND DEVELOPMENT SUBMITTAL

PROJECT TEAM

DISCIPLINE	CONTACT INFORMATION
OWNER	LENNAR JOAN SCARBROUGH 1665 W. ALMEADA DR. SUITE 130 TEMPE, AZ 85252 480.476.8443
LANDSCAPE ARCHITECT	RVi PLANNING + LANDSCAPE ARCH. SHAWN BYRON, PLA 120 S. ASH AVENUE, STE. 201 TEMPE, ARIZONA 85281 480.994.0994
CIVIL ENGINEER	ATWELL MICHAEL PARK, PE 4700 E. SOUTHERN AVE. MESA, ARIZONA 85206 480.218.8831



VICINITY MAP



SHEET INDEX

NUMBER	DESCRIPTION
L0.00	COVER
L0.01	GENERAL NOTES
L0.02	PLANTING NOTES
L1.00	WALL PLAN
L2.00	HARDSCAPE REFERENCE PLAN
L2.01 - L2.05	HARDSCAPE PLAN
L3.01	HARDSCAPE ENLARGEMENT PLAN
L4.01 - L4.03	HARDSCAPE DETAILS
L5.00	PLANTING REFERENCE PLAN
L5.01 - L5.11	PLANTING PLAN
L6.01	PLANTING DETAILS

IRRIGATION DEMAND

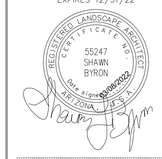
A. AREA OF TURF LANDSCAPE: - 0.27 AC (11,700 SQ FT)
B. AREA OF NON-TURF LANDSCAPE: - 4.45 AC (194,000 SQ FT)
C. TURF PEAK SEASON DEMAND: - 2,498 GPD
D. NON-TURF PEAK SEASON DEMAND: - 12,967 GPD
E. ANNUAL ESTIMATED TOTAL DEMAND: - 3,395,106 GAL.

Open Space Table

Total Project Area		
Type	**Acreage**	**Percentage of Total Open Space**
Active	1.13 AC	16.54%
Passive	5.70 AC	83.46%
Total	6.83 AC	100.00%
% Total Open Space in Plat		22.78%

RVi
120 S. Ash Avenue
Tempe, Arizona 85281
Tel: 480.994.0994
www.rvilanning.com

EXPIRES 12/31/22



Contact Arizona 811 at least two full working days before you begin excavation
ARIZONA811
Call 811 or click Arizona811.com

WINDSTONE RANCH PHASE 2
PHASE 2
SURPRISE, ARIZONA

PROJECT NO :	21004215
DATE :	03/08/2022
DRAWN:	TEAM
REVIEWED:	SLB

REVISIONS
1
2
3
4
5

COVER

L0.00

SHEET 01 OF 27

2ND SUBMITTAL - FS21-1037

L:\21004215-WINDSTONE LENNAR\6-21004215\LANDSCAPE\3-CD\4-PHASE 2 NORTH\3-SHEETS\4215-CD-PH2-COVER AND NOTES.dwg 3/8/2022 shawn byron

GENERAL CONSTRUCTION NOTES

1. THESE NOTES ARE TO BE USED FOR GENERAL REFERENCE IN CONJUNCTION WITH, AND AS A SUPPLEMENT TO THE WRITTEN SPECIFICATIONS, APPROVED ADDENDA, AND CHANGE ORDERS ASSOCIATED WITH THESE LANDSCAPE IMPROVEMENT DOCUMENTS.
2. CONTRACTOR SHALL BE RESPONSIBLE FOR SECURING ALL NECESSARY PERMITS AND SHALL NOTIFY ALL UTILITY COMPANIES WITH UTILITIES ON SITE PRIOR TO THE CONSTRUCTION OF THE PROJECT. CONTRACTOR SHALL ADHERE TO ALL APPLICABLE LOCAL, STATE AND/OR FEDERAL LAWS OR REGULATIONS PERTAINING TO THE PROJECT.
3. IN ALL CASES WHERE A CONFLICT MAY OCCUR, SUCH AS BETWEEN ITEMS COVERED IN SPECIFICATIONS AND NOTES ON THE DRAWINGS, OR BETWEEN GENERAL NOTES AND SPECIFIC DETAILS, THE LANDSCAPE ARCHITECT SHALL BE NOTIFIED AND HE OR SHE WILL INTERPRET THE INTENT OF THE CONTRACT DOCUMENTS.
4. A QUALIFIED SUPERVISOR SHALL BE PRESENT ON SITE AT ALL TIMES DURING CONSTRUCTION.
5. DETAILS NOTED AS "TYPICAL" SHALL APPLY IN ALL CASES UNLESS SPECIFICALLY SHOWN OR NOTED OTHERWISE.
6. LANDSCAPE CONTRACTOR SHALL INSPECT WITH THE OWNER'S AUTHORIZED REPRESENTATIVE AND/OR OWNER ALL EXISTING CONDITIONS PRIOR TO THE START OF ANY WORK. THE CONTRACTOR SHALL BE RESPONSIBLE UNDER THIS CONTRACT TO REPAIR AND/OR REPLACE, AT THEIR OWN EXPENSE, ANY STRUCTURES, FENCES, WALLS, PLANT MATERIAL, OR OTHER ITEMS DESTROYED DURING CONSTRUCTION. LIKEWISE THE CONTRACTOR SHALL BE RESPONSIBLE FOR REPAIRING AND/OR REPLACING ANY AND ALL DAMAGES TO ADJACENT PROPERTIES OR ANY OTHER AREAS OUTSIDE THE CONTRACT LIMITS. THE DAMAGED ITEMS/AREAS WILL BE RESTORED TO THEIR ORIGINAL CONDITION TO THE SATISFACTION OF THE OWNER'S AND/OR OWNER'S AUTHORIZED REPRESENTATIVE.
7. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO COORDINATE ALL PLANT MATERIAL LOCATIONS WITH OTHER TRADES PRIOR TO INSTALLATION. THE CONTRACTOR SHALL FAMILIARIZE THEMSELVES WITH THE LOCATIONS OF EXISTING AND FUTURE UNDERGROUND SERVICES AND IMPROVEMENTS WHICH MAY CONFLICT WITH THE WORK TO BE DONE. PRIOR TO THE START OF WORK, ALL UNDERGROUND UTILITIES ARE TO BE LOCATED AND PROTECTED. CONTRACTOR IS RESPONSIBLE FOR THE INITIAL CALL AND FUTURE UPDATES TO BLUE STAKE AT 602-263-1100. EXISTING UNDERGROUND SERVICES SHALL NOT BE DISTURBED OR REMOVED WITHOUT APPROVAL OF THE OWNER'S AND/OR OWNER'S AUTHORIZED REPRESENTATIVE, UNLESS SPECIFICALLY NOTED OTHERWISE ON DRAWINGS.
8. CONTRACTOR SHALL PROVIDE BARRICADES AND TRAFFIC CONTROL ALONG PUBLIC STREETS IF REQUIRED DURING CONSTRUCTION.
9. PLANTING AND IRRIGATION DESIGN MAY BE MODIFIED TO ADAPT TO WALK CONFIGURATIONS THAT DIFFER FROM THESE PLANS, AND DUE TO GRADE LIMITATIONS ON SITE.
10. REFER TO ENGINEERING PLANS FOR DRAINAGE FLOWS. THE LANDSCAPE CONTRACTOR SHALL BE RESPONSIBLE THAT THESE ARE PROVIDED FOR AND NOT IMPAIRED WITH OBSTRUCTIONS.
11. NO PART OF THE CONTRACT DOCUMENTS ARE INTENDED TO BE IN VIOLATION OF CODES. IF DISCREPANCIES EXIST, NOTIFY LANDSCAPE ARCHITECT AND OWNER IMMEDIATELY.
12. COORDINATE AND COOPERATE WITH ALL CONTRACTORS OF ATTACHED, ADJOINING AND/OR INTERFACING WORK TO INSURE ORDERLY AND EFFICIENT COMPLETION OF ALL WORK.
13. ALL CONSTRUCTION SHALL CONFORM TO ALL APPLICABLE CODES AND ORDINANCES (FEDERAL, STATE, LOCAL, AND HEALTH DEPARTMENTS), EXCEPT WHERE REQUIREMENTS OF CONTRACT DOCUMENTS ARE MOST STRINGENT.
14. ALL EXISTING PLANT MATERIAL SHALL REMAIN UNLESS OTHERWISE NOTED.
15. ANY PLANT MATERIAL THAT MUST BE REMOVED DUE TO CONSTRUCTION MUST BE APPROVED BY OWNER AND/OR OWNER'S AUTHORIZED REPRESENTATIVE. NOTIFY OWNER AND/OR OWNER'S AUTHORIZED REPRESENTATIVE AT LEAST 48 HOURS PRIOR TO REMOVAL AND/OR RELOCATION OF ALL PLANTS.
16. IF ANY EXISTING PLANT MATERIAL THAT IS TO REMAIN IS DAMAGED BY CONTRACTOR, THE CONTRACTOR SHALL REPLACE THE DAMAGED PLANT WITH A NEW ONE OF THE SAME SIZE AND VARIETY AT NO COST TO THE OWNER.
17. DO NOT DISTURB SOIL WITHIN BRANCH SPREAD OF TREES OR SHRUBS TO REMAIN WITHOUT APPROVAL OF THE OWNER AND/OR OWNER'S AUTHORIZED REPRESENTATIVE.
18. ANY DISCREPANCIES BETWEEN THE PLANS AND CONDITIONS ON SITE SHALL BE REPORTED IMMEDIATELY TO THE OWNER AND/OR OWNER'S AUTHORIZED REPRESENTATIVE.
19. CONTRACTOR SHALL PROVIDE OWNER WITH ALL WARRANTY INFORMATION, INSTRUCTION MANUALS AND ANY OTHER PRODUCT INFORMATION FOR ALL NEW EQUIPMENT OR MACHINERY INSTALLED ON THE SITE WITHIN TWO WEEKS AFTER SUBSTANTIAL COMPLETION.
20. NO DESIGN MODIFICATIONS SHALL BE MADE WITHOUT THE OWNER AND/OR OWNER'S AUTHORIZED REPRESENTATIVE APPROVAL.
21. CONTRACTOR SHALL BE RESPONSIBLE FOR HAULING AND LEGALLY DISPOSING OF MATERIALS DESIGNATED TO BE REMOVED. PROVIDE RECEIPTS FOR DUMPING TO OWNER FOR THEIR FILES.
22. ALL BASE INFORMATION IS FROM OTHER PROJECT TEAM MEMBERS AS LISTED IN THE 'PROJECT TEAM' LIST ON THIS SHEET. A THOROUGH ATTEMPT HAS BEEN MADE TO KEEP UP TO DATE WITH THE MOST CURRENT BASE INFORMATION. HOWEVER, DISCREPANCIES MAY EXIST BETWEEN THESE PLANS AND OTHER TEAM MEMBERS PLANS. IN ALL CASES THE ENGINEERS PLANS SHALL HAVE PRECEDENCE OVER THE LANDSCAPE PLANS FOR FINAL PROJECT CONFIGURATION.
23. ALL SIDEWALKS SHOWN ON THESE PLANS ARE FOR REFERENCE ONLY. REFER TO CIVIL ENGINEERING PLANS FOR FINAL LAYOUT, GRADES, FINISHES, DETAILS, AND METHODS OF CONSTRUCTION. RVi UNDER NO CIRCUMSTANCES ASSUMES RESPONSIBILITY FOR UNFORESEEN CONFLICTS, ENGINEERING, STRUCTURAL CALCULATIONS, OR INSTALLATION THAT IS BEYOND OUR CONTROL.
24. SIGHT LINES AND VISIBILITY TRIANGLES ARE SHOWN ON THESE PLANS FOR REFERENCE ONLY. REFER TO ENGINEERING PLANS OR GOVERNING MUNICIPALITY FOR SPECIFIC GUIDELINES. IN CASES WHERE THERE IS MORE THAN ONE GOVERNING BODY, THE MOST RESTRICTIVE GUIDELINE SHALL PREVAIL.
25. ALL WALLS AND VERTICAL SITE FEATURES DESIGNED IN THE INTEREST OF THIS PROJECT ARE SCHEMATIC IN NATURE. POTENTIAL CONSTRUCTION DETAILING AND TECHNIQUES ARE SHOWN FOR DESIGN INTENT CLARIFICATION ONLY. THE CONTRACTOR SHALL HAVE THE ULTIMATE RESPONSIBILITY TO ENSURE THAT ALL CONSTRUCTED ELEMENTS ON THIS PROJECT ARE STRUCTURALLY SOUND AND ARE BUILT WITHIN ALL APPLICABLE CITY, STATE, AND FEDERAL GUIDELINES. RVi UNDER NO CIRCUMSTANCES ASSUMES RESPONSIBILITY FOR UNFORESEEN CONFLICTS, ENGINEERING, STRUCTURAL CALCULATIONS, OR INSTALLATION.
26. SHOP DRAWING REVIEWS WILL BE DONE TO ENSURE THAT PRODUCT DATA, MATERIALS, AND SAMPLES MEET OR EXCEED THE ORIGINAL DESIGN INTENT OF THESE DRAWINGS ONLY. RVi UNDER NO CIRCUMSTANCES ASSUMES RESPONSIBILITY FOR UNFORESEEN CONFLICTS, ENGINEERING, STRUCTURAL CALCULATIONS OR INSTALLATION RESULTING FROM THE PRODUCTION OF ANY SHOP DRAWINGS.

GENERAL SCOPE OF WORK

1. THE SCOPE OF WORK FOR THIS PROJECT INCLUDES COMPLETE LANDSCAPING IMPROVEMENTS AS SHOWN ON THE DRAWINGS AND AS SPECIFIED HEREIN VERIFY QUESTIONS ON SCOPE OF WORK PRIOR TO SUBMITTING A BID.
2. CONTRACTOR SHALL PROVIDE ALL LABOR, MATERIALS INCLUDING WATER, EQUIPMENT AND INCIDENTALS AS SHOWN, SPECIFIED AND REQUIRED TO PERFORM LANDSCAPING WORK. THE EXTENT OF THE LANDSCAPING WORK IS SHOWN ON THE DRAWINGS AND IN THE SCHEDULES. THE TYPES OF LANDSCAPING REQUIRED MAY INCLUDE THE FOLLOWING:
   A. AESTHETIC FINISH GRADING
   B. BOULDER PLACEMENT
   C. INSTALLATION OF TREES, SHRUBS, GROUNDCOVERS, AND ANY OTHER NURSERY STOCK
   D. INSTALLATION OF TURF AREAS
   E. DECOMPOSED GRANITE AND PRE-EMERGENT APPLICATIONS (2)
   F. MULCHES, AND ALL OTHER MATERIAL NECESSARY TO COMPLETE THE PLANTING JOB AS SPECIFIED
   G. MISCELLANEOUS LANDSCAPE MATERIALS AND IMPROVEMENTS
   H. FERTILIZERS AND SOIL AMENDMENTS
   I. MAINTENANCE WORK AS SPECIFIED UNTIL COMPLETION OF THE CONTRACT
   J. GUARANTEES
3. OBTAIN ALL PERMITS AND PAY REQUIRED FEES TO ANY GOVERNMENTAL AGENCY HAVING JURISDICTION OVER THE WORK. ARRANGE INSPECTIONS REQUIRED BY LOCAL AGENCIES AND ORDINANCES DURING THE COURSE OF CONSTRUCTION AS REQUIRED.
4. COORDINATE AND COOPERATE WITH OTHER CONTRACTORS WORKING ON THE SITE FOR SUCCESSFUL COMPLETION OF THE PROJECT.
5. BEFORE COMMENCING WORK ON THE SITE, BECOME THOROUGHLY ACQUAINTED WITH LAYOUT OF ALL UNDERGROUND UTILITIES AND STRUCTURES OVER THE ENTIRE SITE. ALL REQUISITE REPAIRS TO DAMAGE CAUSED BY WORK OF THIS SECTION SHALL BE AT THE CONTRACTOR'S EXPENSE.
6. THE IRRIGATION WORK CONSISTS OF INSTALLING A COMPLETE UNDERGROUND SPRINKLER, EMITTER, AND BUBBLER SYSTEM FOR ALL TURF AND LANDSCAPED AREAS AS SHOWN ON THE DRAWINGS AND AS HEREINAFTER SPECIFIED, INCLUDING THE FURNISHING OF ALL LABOR, EQUIPMENT, APPLIANCES, AND MATERIALS INCLUDING WATER AND IN PERFORMING ALL OPERATION IN CONNECTION WITH THE CONSTRUCTION OF THE IRRIGATION SYSTEM. WORK SHALL INCLUDE FURNISHING AND INSTALLING ALL PLASTIC AND COPPER PIPE AND FITTINGS, AUTOMATIC CONTROL VALVES, VALVE ACCESS BOXES, ELECTRIC COMPUTERIZED CENTRAL CONTROLLERS, ELECTRIC WIRE, TELEPHONE ACCESS LINE (IF REQUIRED), ETC., AS REQUIRED FOR A COMPLETE SYSTEM AS SHOWN ON THE DRAWINGS AND AS CALLED FOR IN THESE SPECIFICATIONS OR AS MAY BE REQUIRED FOR PROPER OPERATION OF THE SYSTEM. THE CONTRACTOR IS RESPONSIBLE FOR ALL COSTS OF WATER USED IN CONNECTION WITH THE INSTALLATION OF THE IRRIGATION SYSTEM.
7. UNLESS OTHERWISE SPECIFIED OR INDICATED ON THE DRAWINGS, THE CONSTRUCTION OF THE IRRIGATION SYSTEM SHALL INCLUDE THE FURNISHING, INSTALLING AND TESTING OF ALL MAINS, LATERALS, RISERS, AND FITTINGS, THE FURNISHING AND INSTALLING OF IRRIGATION HEADS, CONTROL VALVES, CONTROLLERS, LOW AND HIGH VOLTAGE ELECTRIC WIRE, TELEPHONE ACCESS LINE TO CENTRAL CONTROL UNIT (IF REQUIRED), POINT OF CONNECTION, CONTROLS, RESTORATION OF EXISTING IMPROVEMENTS, EXCAVATION AND BACKFILL, AND ALL OTHER WORK IN ACCORDANCE WITH THE PLANS AND SPECIFICATIONS AS REQUIRED FOR A COMPLETE SYSTEM.
8. WHENEVER ANY MATERIAL IS SPECIFIED BY NAME AND/OR NUMBER, SUCH SPECIFICATIONS SHALL BE DEEMED TO BE USED FOR THE PURPOSE OF FACILITATING A DESCRIPTION OF THE MATERIALS AND ESTABLISHING QUALITY, AND SHALL BE DEEMED AND CONSTRUED TO BE FOLLOWED BY THE WORDS "OR APPROVED EQUAL." NO SUBSTITUTIONS WILL BE PERMITTED WHICH HAVE NOT BEEN SUBMITTED FOR APPROVAL PRIOR TO BIDDING.
9. LANDSCAPE CONTRACTOR SHALL CALL FOR "BLUE STAKE" AS REQUIRED. EXERCISE EXTREME CAUTION IN ALL PLANTING OPERATIONS, AS THERE MAY BE UNDERGROUND ELECTRIC AND TELEPHONE CABLES, SEWER LINES AND WATER LINES THROUGHOUT THE ENTIRE AREA. CONTRACTOR SHALL STUDY AND BE FAMILIAR WITH THE LOCATION OF THESE OBSTRUCTIONS AND UNDERGROUND UTILITIES. PLACE PLANTINGS WHERE SHOWN ON THE PLANS. IF THERE ARE OBSTRUCTIONS OR UNDERGROUND UTILITIES, RELOCATE PLANTS CLEAR OF ANY INTERFERENCE. LANDSCAPE CONTRACTOR SHALL REPAIR ALL DAMAGES CAUSED BY THEM TO OBSTRUCTIONS AND UNDERGROUND UTILITIES AT NO EXPENSE TO THE OWNER.
10. MAINTAIN UNINTERRUPTED WATER SERVICE TO BUILDING DURING NORMAL WORKING HOURS. ARRANGE FOR TEMPORARY WATER SHUT-OFF WITH ARCHITECT/ENGINEER DURING INSTALLATION OF IRRIGATION SYSTEM, IF NECESSARY.
11. ALL WORK AND MATERIALS TO BE IN FULL ACCORDANCE WITH THE LATEST RULES AND REGULATIONS OF SAFETY ORDERS OF DIVISION OF INDUSTRIAL SAFETY; THE UNIFORM BUILDING CODE, M.A.G. SPECIFICATIONS AND OTHER APPLICABLE LAWS OR REGULATIONS, INCLUDING ALL CITY CODES. NOTHING IN THESE SPECIFICATIONS IS TO BE CONSTRUED TO PERMIT WORK NOT CONFORMING TO THESE CODES. SHOULD THE CONSTRUCTION DOCUMENTS, OR INSTRUCTION, BE AT VARIANCE WITH THE AFOREMENTIONED RULES AND REGULATIONS, NOTIFY LANDSCAPE ARCHITECT AND GET INSTRUCTIONS BEFORE PROCEEDING WITH THE WORK AFFECTED. IF LANDSCAPE ARCHITECT IS NOT NOTIFIED OF ANY VARIANCE IT SHALL BE UNDERSTOOD THAT THE CONTRACTOR ASSUMES ANY AND ALL RESPONSIBILITY FOR THE WORK DONE.
12. CLEAN UP SHALL BE MADE DAILY AS EACH PORTION OF THE WORK PROGRESSES. REFUSE AND EXCESS DIRT SHALL BE REMOVED FROM THE SITE, AND WALKS AND PAVING SHALL BE SWEPT OR WASHED DOWN DAILY. ANY DAMAGE SHALL BE REPAIRED TO ORIGINAL CONDITIONS AT CONTRACTOR'S EXPENSE. LEAVE WORK IN CLEAN CONDITION.
13. SUBMIT DETAILED OPERATION AND MAINTENANCE DATA FOR ALL EQUIPMENT AND ACCESSORIES PROVIDED UNDER THESE PLANS INCLUDING ASSEMBLY AND PART LISTS FOR EACH TYPE OF VALVE, EMITTER, ETC., FURNISHED TO THE ENGINEER/OWNER'S REPRESENTATIVE.

COMMON ABBREVIATIONS

SYMBOL	DEFINITION	SYMBOL	DEFINITION	SYMBOL	DEFINITION
@	AT	EOP	EDGE OF PAVEMENT	OC	ON CENTER
AVG	AVERAGE	EQ	EQUAL	P/L	PROPERTY LINE
BPU	BACKFLOW PREVENTION UNIT	EX	EXISTING	POC	POINT OF CONNECTION
BOC	BACK OF CURB	FF	FINISH FLOOR	PUE	PUBLIC UTILITY EASEMENT
BTH	BROWN TRUNK HEIGHT	FG	FINISH GRADE	PSI	POUNDS PER SQUARE INCH
BW	BOTTOM OF WALL	FL	FLOW LINE	R, RAD	RADIUS
CAL	CALIPER	FOC	FACE OF CURB	R/W	RIGHT OF WAY (R.O.W.)
CB	CATCH BASIN	FT	FEET	SF	SQUARE FEET
CF	CUBIC FEET	GAL	GALLONS	STD	STANDARD
CJ	CONTROL JOINT	GPH	GALLONS PER HOUR	SDL	SIGHT DISTANCE LINE
CL	CENTERLINE	GPM	GALLONS PER MINUTE	SIM	SIMILAR
CLR	CLEAR	HORIZ	HORIZONTAL	SJ	SCORE JOINT
CMU	CONCRETE MASONRY UNIT	HP	HIGH POINT	SVT	SIGHT VISIBILITY TRIANGLE
CONC	CONCRETE	HT	HEIGHT	S/W	S/W
CONT	CONTINUOUS	LF	LINEAR FEET	TBS	TO BE SELECTED
Ø, DIA	DIAMETER	LOC	LIMIT OF CONSTRUCTION	TW	TOP OF WALL
DG	DECOMPOSED GRANITE	L/S	LANDSCAPE	TYP	TYPICAL
EA	EACH	MAX	MAXIMUM	VERT	VERTICAL
EJ	EXPANSION JOINT	MIN	MINIMUM	w/	WITH
ELEV	ELEVATION	NTS	NOT TO SCALE		

HARDSCAPE GENERAL NOTES

1. THESE NOTES ARE GENERAL AND MAY BE SUPERSEDED BY EITHER THE SPECIFICATIONS OR LOCAL TRADE PRACTICES.
2. ALL FORMWORK ALIGNMENT SHALL BE STRAIGHT AND EVEN. RADII AND CURVES ARE TO HAVE SMOOTH, CONTINUOUS TRANSITIONS WITHOUT ABRUPT CHANGES OR BENDS. JOINT LOCATIONS NOT SPECIFICALLY INDICATED ON THE PLANS SHALL BE EVENLY SPACED AND VISUALLY UNOBTRUSIVE.
3. ALL REINFORCING STEEL, DOWELS, ANCHOR BOLTS, AND OTHER INSERTS SHALL BE FIRMLY SECURED IN THE PROPER POSITION PRIOR TO PLACING CONCRETE.
4. ALL FLATWORK SHALL BE LAID WITH A CONSTANT SLOPE BETWEEN TWO SPOT ELEVATIONS. CHANGES IN SLOPE SHALL BE ACCOMPLISHED IN A GRADUAL MANNER. ALL HARDSCAPE SHALL SLOPE AWAY FROM BUILDINGS AT 1% SLOPE UNLESS NOTED OTHERWISE ON DRAWINGS.
5. NEW CONCRETE PAVING SHALL MATCH EXISTING IN COLOR AND TEXTURE, UNLESS NOTED OTHERWISE ON DRAWINGS.
6. IT IS RECOMMENDED THAT THE CONTRACTOR SHALL RETAIN THE SERVICES OF A REGISTERED GEOTECHNICAL ENGINEER TO PERFORM NECESSARY TESTING AND INSPECTIONS FOR QUALITY CONTROL TO ENSURE THAT THE REQUIREMENTS REFERENCED ARE COMPLIED WITH.
7. THE LANDSCAPE ARCHITECT AND STRUCTURAL ENGINEER ASSUMES NO RESPONSIBILITY FOR THE VALIDITY OF THE SUBSURFACE CONDITIONS DESCRIBED IN THE DRAWINGS.
8. ALL STEEL SURFACES SHALL BE CLEAN AND FREE OF OILS, BURRS, WELD RESIDUE AND OTHER DELETERIOUS MATERIALS PRIOR TO FINISHING.
9. CONTRACTOR SHALL PROVIDE COMPLETE SHOP DRAWINGS BASED ON FIELD DIMENSIONS, FOR ALL STEEL ELEMENTS PRIOR TO CONSTRUCTION, FOR REVIEW BY LANDSCAPE ARCHITECT. CONTRACTOR SHALL SUBMIT FINISH SAMPLE FOR REVIEW BY OWNER AND/OR LANDSCAPE ARCHITECT.
10. MEMBER SIZES INDICATED ARE FOR DESIGN INTENT ONLY. CONTRACTOR SHALL ENGINEER FOR STRUCTURAL INTEGRITY. FIELD VERIFY DIMENSIONS OF ADJACENT AND ADJOINING WORK. REPORT ANY DISCREPANCIES TO OWNER AND/OR LANDSCAPE ARCHITECT.
11. WELD CONNECTIONS CONTINUOUS AND SOLID. REMOVE ANY SPLATTER AND SLAG AND GRIND WELDS SMOOTH. PREPARE SURFACE FOR PAINTING TO CLEAN, SMOOTH, AND FREE OF OBJECTIONABLE MATERIAL. WASH, STEAM CLEAN, SANDBLAST, OR WIRE BRUSH TO BASE METAL.
12. BOLTS TO BE CADMIUM PLATED OR STAINLESS STEEL.
13. CAP EXPOSED ENDS OF TUBING.
14. REINFORCING MARKED "CONTINUOUS" MAY BE SPLICED WITH A LAP OF 30 BAR DIAMETERS (2'-0" MINIMUM) IN CONCRETE, 40 BAR DIAMETERS (2'-6" MINIMUM IN MASONRY), UNLESS NOTED OTHERWISE.
15. ALL REINFORCING SHALL BE SUPPORTED IN CONFORMANCE WITH "THE MANUAL OF STANDARD PRACTICE FOR REINFORCED CONCRETE STRUCTURES" LATEST EDITION.
16. REINFORCING SHALL HAVE THE FOLLOWING CONCRETE COVER UNLESS OTHERWISE INDICATED:
   A. WALLS @ 1-1/2"
   B. FORMED SURFACE IN CONTACT WITH EARTH @ 2"
   C. SURFACE DEPOSITED DIRECTLY AGAINST EARTH @ 3"
16. ANY DOWELS USED SHALL BE EQUAL IN SIZE AND SPACING TO VERTICAL BARS.
17. MASONRY UNITS: SHALL BE GRADE "N" TYPE I CONFORMING TO LATEST ASTM STANDARD SPECIFICATION C-90 AND MANUFACTURED IN ACCORDANCE WITH "CONCRETE MASONRY ASSOCIATION" STANDARDS. SPECIALTY BLOCK SHALL BE AS NOTED ON PLANS.
18. MORTAR: SHALL BE TYPE S, CONFORMING TO ASTM C270, WITH A 28 DAY COMPRESSIVE STRENGTH OF 1800 PSI.
19. GROUT: FRESHLY PREPARED AND UNIFORMLY MIXED. GROUT SHALL BE COMPOSED BY VOLUME OF 1 PART PORTLAND CEMENT AND 2 1/4 TO 3 PARTS SAND, TO WHICH MAY BE ADDED NOT MORE THAN ONE-TENTH PART LIME. WATER SHALL BE ADDED TO PRODUCE CONSISTENCY FOR POURING WITHOUT SEGREGATION OF THE CONSTITUENTS. GROUT SHALL ATTAIN A COMPRESSIVE STRENGTH OF 2000 PSI AT 28 DAYS.
20. PORTLAND CEMENT: SHALL BE TYPE II AND CONFORM TO LATEST ASTM STANDARD SPECIFICATION C-150.
21. WATERPROOF ALL MASONRY BELOW GRADE.

RVi
120 S. Ash Avenue
Tempe, Arizona 85281
Tel: 480.994.0994
www.rvilanning.com

EXPIRES 12/31/22

RECISTERED LANDSCAPE ARCHITECT
CERTIFICATE NO.
55247
SHAWN
BYRON
DATE SIGNED 03/08/2022
ARIZONA U.S.A.

Contact Arizona 811 at least two full working days before you begin excavation
ARIZONA811 BLUE STAKE, INC.
Call 811 or click Arizona811.com

WINDSTONE RANCH PHASE 2
SURPRISE, ARIZONA

PROJECT NO :	21004215
DATE :	03/08/2022
DRAWN:	TEAM
REVIEWED:	SLB

REVISIONS
1.
2.
3.
4.
5.

GENERAL NOTES

L0.01

SHEET 02 OF 27

2ND SUBMITTAL - FS21-1037

L:\21004215-WINDSTONE LENNAR\6-21004215\LANDSCAPE\3-CD\4-PHASE 2 NORTH\3-SHEETS\4215-CD-PH2-COVER AND NOTES.dwg 3/8/2022 shawn byron

PLANTING WARRANTY & MAINTENANCE NOTES

1. MAINTAIN ALL AREAS INCLUDED IN THE CONTRACT ON A WEEKLY BASIS DURING THE PROGRESS OF WORK, A 90 DAY MAINTENANCE PERIOD, AND UNTIL THE FINAL ACCEPTANCE OF WORK IS RECEIVED IN WRITING.

2. UPON ACCEPTANCE AFTER THE 90 DAY MAINTENANCE PERIOD, THE CONTRACTOR SHALL FURNISH A WRITTEN WARRANTY ON ALL PLANT MATERIAL AGREEING TO GUARANTEE THE CONTINUED GROWTH OF ACTIVE PLANT MATERIAL FOR THE SPECIFIED GUARANTEE PERIODS. ALL GUARANTEE PERIODS COMMENCE FROM THE TIME OF FINAL ACCEPTANCE AT THE END OF THE MAINTENANCE PERIOD.

3. THE CONTRACTOR SHALL WATER AND MAINTAIN ALL LANDSCAPE MATERIAL DURING THE MAINTENANCE PERIOD. THE OWNER WILL WATER AND MAINTAIN THE LANDSCAPE MATERIAL DURING THE WARRANTY PERIOD. THE CONTRACTOR SHALL INSPECT THE LANDSCAPE MATERIALS PERIODICALLY DURING THE WARRANTY PERIOD AND SHALL NOTIFY THE OWNER IN WRITING, IF, IN THE CONTRACTOR'S OPINION, THE LANDSCAPE MATERIALS ARE NOT RECEIVING PROPER CARE.

4. ALL TREES, PALMS, CACTI, ACCENTS, AND TURF SHALL BE GUARANTEED FOR A MINIMUM PERIOD OF ONE (1) YEAR AND ALL SHRUBS, GROUNDCOVERS, AND OTHER NON SPECIFIED PLANT MATERIAL SHALL BE GUARANTEED FOR A PERIOD OF 90 DAYS FROM THE DATE OF FINAL ACCEPTANCE. THE GUARANTEE SHALL BE AGAINST DEFECTS INCLUDING DEATH AND UNSATISFACTORY GROWTH, EXCEPT FOR DEFECTS RESULTING FROM NEGLECT BY OWNER, ABUSE BY OTHERS, OR UNUSUAL PHENOMENA OR INCIDENTS WHICH ARE BEYOND THE LANDSCAPE CONTRACTOR'S CONTROL.

5. ANY PLANT MATERIALS WHICH ARE NOT APPROVED PRIOR TO OCTOBER 1 OF THE CALENDAR YEAR IN WHICH THEY ARE INSTALLED, SHALL BE FURTHER GUARANTEED UNTIL MAY 15 OF THE FOLLOWING CALENDAR YEAR.

6. ALL PLANT MATERIALS MUST BE MAINTAINED IN HEALTH AND VIGOR AND BE ALLOWED TO ATTAIN NATURAL SIZE AND SHAPE IN ACCORDANCE WITH THE ORIGINALLY APPROVED LANDSCAPE PLAN.

7. REFER TO BOOK SPECIFICATIONS, IF INCLUDED IN THIS DOCUMENT SET, FOR ADDITIONAL INFORMATION ON THE SPECIFICS OF THE ANTICIPATED WARRANTY.

8. LANDSCAPE CONTRACTOR SHALL PREPARE AND SUBMIT TO THE OWNER TYPEWRITTEN MAINTENANCE GUIDELINES AT FINAL WALK-THRU AND PRIOR TO FINAL ACCEPTANCE OF WORK.

9. IF TURF IS USED ON THIS PROJECT THE LANDSCAPE CONTRACTOR SHALL REAPPLY SEED OR SOD IN ALL AREAS WHICH HAVE DEVELOPED BARE SPOTS HALFWAY THROUGH THE MAINTENANCE PERIOD. AREAS WHICH CANNOT BE RESEEDED FOR SUMMER GROWTH DUE TO CONTRACTOR'S INABILITY TO RESEED DURING PROPER GROWING SEASON SHALL BE OVERSEEDED OR SODDED WITH GRASS APPROPRIATE FOR THE CURRENT SEASON, CARED FOR THROUGHOUT THE OFF SEASON, AND PROPERLY SEEDED AT THE NEXT APPROPRIATE GROWING SEASON. THESE ARRANGEMENTS MUST BE MADE WITH THE OWNER PRIOR TO CONDITIONAL ACCEPTANCE OF THE WORK AND MAY REQUIRE A MONETARY HOLD-BACK.

10. COST FOR REPLACEMENTS DURING THE WARRANTY PERIOD IS ASSUMED PART OF THE BID QUOTATIONS AND THEREFORE WILL NOT RESULT IN ANY ADDITIONAL COST TO THE OWNER OR LANDSCAPE ARCHITECT.

EXISTING LANDSCAPE NOTES

1. BEFORE WORK BEGINS ON THE PROJECT, THE LANDSCAPE CONTRACTOR SHALL SCHEDULE A PRE-CONSTRUCTION CONFERENCE WITH OWNER AND/OR THE GENERAL CONTRACTOR TO REVIEW THE PROJECT. THE OWNER AND/OR OWNER'S AUTHORIZED REPRESENTATIVE IS TO APPROVE ANY CHANGES PRIOR TO THE START OF ANY WORK.

2. ALL DEMOLITION AREAS SHALL BE FLAGGED FOR APPROVAL PRIOR TO DEMOLITION.

3. ALL EXISTING PLANT MATERIAL SHALL REMAIN UNLESS OTHERWISE NOTED. SHOULD ANY CONFLICTS ARISE BETWEEN THE EXISTING PLANT MATERIAL ON-SITE AND PROPOSED IMPROVEMENTS SHOWN ON THE PLANS THE CONTRACTOR SHALL NOTIFY THE LANDSCAPE ARCHITECT IMMEDIATELY.

HYDROSEED SHRUB MIX SCHEDULE

BOTANICAL NAME	COMMON NAME	LBS/AC.	BOTANICAL NAME	COMMON NAME	LBS/AC.
ACACIA CONSTRICTA	WHITETHORN ACACIA	1.5	LARREA TRIDENTATA	CREOSOTE	4.0
ACACIA GREGGII	CATCLAW ACACIA	3.0	LUPINUS SPARSIFLORUS	DESERT LUPINE	2.0
AMBROSIA DELTOIDEA	BURSAGE	4.0	LYCIUM EXSERTUM	THORNBUSH	0.25
ARISTIDA PURPUREA	PURPLE THREE-AWN	1.0	PARKINSONIA FLORIDUM	BLUE PALO VERDE	3.0
ATRIPLEX CANESCENS	FOURWING SALTBUSH	1.0	PARKINSONIA MICROPHYLLUM	FOOTHILL PALO VERDE	3.0
BAILEYA MULTIRADIATA	DESERT MARIGOLD	1.0	OLNEYA TESOTA	IRONWOOD	2.0
BOUTELOUA ARISTIDOIDES	DROPSEED GRAMA GRASS	1.0	PENSTEMON PARRYI	PARRY'S PENSTEMON	0.5
CASSIA COVESII	DESERT SENNA	1.0	PHACELIA CAMPANULARIA	DESERT BLUEBELL	0.5
ENCELIA FARINOSA	BRITTLEBUSH	0.5	PROSOPIS VELUTINA	VELVET MESQUITE	1.0
ERICAMERIA LARICIFOLIA	TURPENTINE BUSH	0.5	PLANTAGO INSULARIS	INDIAN WHEAT	5.0
ERIOGONUM FASICULATUM	FLAT-TOP BUCKWHEAT	0.5	SPHAERALCEA AMBIGUA	GLOBEMALLOW	1.0
ESCHOLTZIA MEXICANA	MEXICAN POPPY	1.0	VIGUIERA DELTOIDEA	GOLDENEYE	0.25

NOTE:

SEED MIX SHALL BE PURE LIVE SEED. HYDRO MULCH SHALL BE GRADE A FIBER (NO PAPER) CONSISTING OF A SPECIALLY PREPARED VIRGIN WOOD FIBER PROCESSED TO CONTAIN NO GROWTH OR GERMINATION INHIBITING FACTORS. FURTHER, THE MULCH SHALL BE MANUFACTURED AND PROCESSED SO THE WOOD CELLULOSE FIBERS WILL REMAIN IN UNIFORM SUSPENSION IN WATER UNDER AGITATION AND WILL BLEND WITH SEED, 16-20-0 FERTILIZER (250 LBS./AC.), TACKIFIER (60 LBS./AC.), AND OTHER ADDITIVES TO FORM A HOMOGENOUS SLURRY. THE PROPOSED MULCH MATERIAL SHALL HAVE CHARACTERISTICS TO FORM A BLOTTER-LIKE GROUND COVER UPON APPLICATION, WITH MOISTURE AND PERCOLATION PROPERTIES AND THE ABILITY TO COVER AND HOLD SEED IN CONTACT WITH THE SOIL. HYDRO MULCH SHALL BE APPLIED AT 1,500 LBS./AC.

HYDROSEED NOTES

1. ALL DISTURBED AREA INDICATED ON THE PLANS SHALL BE SEEDED WITH A "REVEGETATION" SEED MIX AS SHOWN ON THE PLANTING PLANS. ALL AREAS DAMAGED BY CONSTRUCTION, EVEN IF NOT GRAPHICALLY SHOWN ON THIS PLAN, SHALL BE REVEGETATED. VERIFY LIMITS OF WORK AND SEEDING QUANTITIES WITH OWNER'S AUTHORIZED REPRESENTATIVE PRIOR TO INSTALLATION.

2. SEEDING WORK SHOULD COMMENCE AS SOON AS POSSIBLE AFTER SITE HAS BEEN PREPARED. MATERIAL SHALL BE SPREAD EVENLY ON ALL AREAS AND OVERLAPPED ON THE CRESTS OR TOP OF BERMS AND CUTS. SEED SHALL BE APPLIED TO THE GROUND BASE ONLY - NO OVER SPRAY ON SURROUNDING STRUCTURES, WALLS OR VEGETATION SHALL BE ACCEPTED.

3. SEEDS USED SHALL BE OF THE LATEST SEASONS CROP. SEED MIX SHALL BE DELIVERED TO THE SITE IN UNOPENED CONTAINERS BEARING THE NAME AND WARRANTIES OF THE SEED PRODUCER. THE CONTRACTOR SHALL PROVIDE THE OWNER WITH A CERTIFICATE SPECIFYING THE SEED MIXTURE, ANY WARRANTIES AND DATE OF SEED MIX PRODUCTION.

PLANTING GENERAL NOTES

1. VERIFY PLANT QUANTITIES PRIOR TO BIDDING AND INSTALLATION. QUANTITIES ARE LISTED FOR CONVENIENCE ONLY, THE ACTUAL NUMBER OF SYMBOLS INDICATED ON THE PLANTING PLANS SHALL HAVE PRIORITY OVER QUANTITIES LISTED WITHIN THE LANDSCAPE MATERIAL SCHEDULE. THE CONTRACTOR SHALL FURNISH ALL PLANT MATERIAL NECESSARY TO COMPLETE THE PLANTINGS AS SHOWN ON THE PLANS.

2. CLARIFICATION OF DISCREPANCIES BETWEEN THE CONSTRUCTION DOCUMENTS AND THE SITE SHOULD BE BROUGHT TO THE ATTENTION OF THE LANDSCAPE ARCHITECT AND/OR OWNER'S AUTHORIZED REPRESENTATIVE IMMEDIATELY.

3. THE LANDSCAPE ARCHITECT AND/OR OWNER'S AUTHORIZED REPRESENTATIVE IS TO APPROVE ANY PLANT MATERIAL SUBSTITUTIONS.

4. ALL PLANT MATERIAL MUST BE MAINTAINED IN HEALTH AND VIGOR, AND BE ALLOWED TO ATTAIN NATURAL SIZE AND SHAPE IN ACCORDANCE WITH ARIZONA NURSERY ASSOCIATION SPECIFICATIONS.

5. ALL PLANT MATERIAL MAY BE INSPECTED PRIOR TO ACCEPTANCE. THE LANDSCAPE ARCHITECT AND/OR OWNER'S AUTHORIZED REPRESENTATIVE RESERVES THE RIGHT TO REFUSE ANY PLANT MATERIAL DEEMED UNACCEPTABLE, EVEN AFTER DELIVERY TO SITE.

6. PLANT TREES AND SHRUBS PLUMB AND FACED TO GIVE THE BEST APPEARANCE OR RELATIONSHIP TO ADJACENT PLANTS, STRUCTURES, AND VIEWS. IF ANY SOIL NUTRIENT DEFICIENCIES EXIST, IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO AMEND THE SOIL.

7. PLANTING METHODS, SOIL AMENDMENT QUANTITIES (IF ANY), AND PREPARATION METHODS SHALL BE INSTALLED ACCORDING TO THE PLANTING SPECIFICATIONS AND DETAILS.

8. ALL PLANTING AREAS SHALL RECEIVE WEED CONTROL/PRE-EMERGENT PER THE GUIDELINES SET FORTH WITHIN THE SPECIFICATIONS AND DETAILS. REAPPLY AS NECESSARY TO COMPLETELY KILL NOXIOUS MATERIAL. REMOVE ALL DEAD AND/OR DYING DEBRIS PRIOR TO FINAL ACCEPTANCE.

9. ALL TREES LOCATED WITHIN SIGHT DISTANCE AREAS MUST BE TRIMMED TO BELOW 30" AND ABOVE 84" (7'-0").

10. UNLESS OTHERWISE NOTED ON PLANS, ROCK/BARK MULCH SHALL EXTEND UNDER ALL PLANTINGS AND BE RAKED UNIFORMLY ALONG CONCRETE FLATWORK, CURBS AND ETC.

11. THE FINISH GRADE OF LANDSCAPE AREAS RECEIVING ROCK/BARK MULCH MUST BE GRADED 2-1/2" BELOW CONCRETE OR OTHER ADJACENT PAVED SURFACES PRIOR TO INSTALLATION OF THE MULCH. FINISH GRADE OF LANDSCAPE AREAS RECEIVING TURF MUST BE GRADED 1-1/2" BELOW CONCRETE OR OTHER PAVED SURFACES PRIOR TO INSTALLATION OF TURF.

12. BOULDERS, IF USED, TO BE SURFACE SELECT GRANITE WITH A MINIMUM OF SHARP EDGES AND/OR CRACKING. ANY EXPOSED SURFACE SCARRING THAT MAY HAVE OCCURRED DURING TRANSPORTING OR CONSTRUCTION IS TO BE EONITED WITH NO ADDITIONAL COST TO THE OWNER.

13. STAKE ALL NURSERY GROWN TREE STOCK A MINIMUM OF 12" OUT FROM EDGE OF PLANTING WELL. THE EDGE OF ALL TREE PLANTING WELLS SHALL BE A MINIMUM OF 2 FEET AWAY FROM ALL CURB AND SIDEWALKS AND A MINIMUM OF 12 FEET AWAY FROM ALL BUILDING FOUNDATIONS. THE EDGE OF ALL SHRUB PLANTING WELLS SHALL BE A MINIMUM OF 18" AWAY FROM ALL CURB AND SIDEWALKS AND A MINIMUM OF 3 FEET AWAY FROM ALL BUILDING FOUNDATIONS.

14. LANDSCAPE CONTRACTOR SHALL CONTACT THE OWNER'S AUTHORIZED REPRESENTATIVE PRIOR TO EACH APPLICATION OF PRE-EMERGENT FOR VERIFICATION. CONTRACTOR SHALL PROVIDE OWNER WITH PROOF OF PRE-EMERGENT APPLICATION NO MORE THAN 7 DAYS AFTER EACH APPLICATION WITHOUT EXCEPTION.

15. ALL TREES WITHIN TURF AREAS SHALL BE INSTALLED WITH TEMPORARY PVC ARBOR GUARDS.

16. ALL TURF AREAS SHALL BE GRADED SMOOTH AND APPROVED BY THE OWNER'S AUTHORIZED REPRESENTATIVE PRIOR TO INSTALLING SOD OR SEED. ALL AREAS TO RECEIVE TURF SHALL BE COMPLETELY FREE OF ANY RUTS, TRENCH SETTLING, OR ANY MATERIAL OVER 1/2" IN DIAMETER PRIOR TO SOD OR SEED INSTALLATION.

17. LANDSCAPE CONTRACTOR IS REQUIRED TO OBTAIN ANY REQUIRED PERMITS FOR ALL ON-SITE AND OFF-SITE IMPROVEMENTS OUTLINED WITHIN THIS SET OF PLANS AND/OR ANY OTHER ADDITIONAL WORK THEY MAY PERFORM IN THE INTEREST OF THIS PROJECT.

18. ROCK/BARK MULCH SHALL BE AS SPECIFIED IN THE LANDSCAPE MATERIAL SCHEDULE. ALL PLANTING AREAS, UNLESS OTHERWISE NOTED ON THE PLANS, SHALL RECEIVE A UNIFORM APPLICATION OF THE SPECIFIED MATERIAL. CONTRACTOR SHALL SUBMIT A SAMPLE TO THE OWNER'S AUTHORIZED REPRESENTATIVE PRIOR TO SCHEDULING MASS DELIVERY. OWNER MAY REQUEST THAT AN INITIAL LOAD OF MATERIAL BE DELIVERED TO THE SITE AND BE SPREAD BY THE LANDSCAPE CONTRACTOR FOR THE OWNER'S APPROVAL PRIOR TO MATERIAL APPLICATION ON THE REMAINDER OF THE SITE.

19. IT SHALL BE THE RESPONSIBILITY OF THE LANDSCAPE CONTRACTOR TO COORDINATE WITH THE OWNER THE FINAL LAYOUT OF ALL HARDSCAPE ITEMS FOR THIS PROJECT. OWNER MAY REQUEST ALL HARDSCAPE ITEMS (HEADERS, SIDEWALKS, FLATWORK, ETC.) BE STAKED AND/OR CHALKED OUT FOR THEIR APPROVAL PRIOR TO INITIAL POUR.

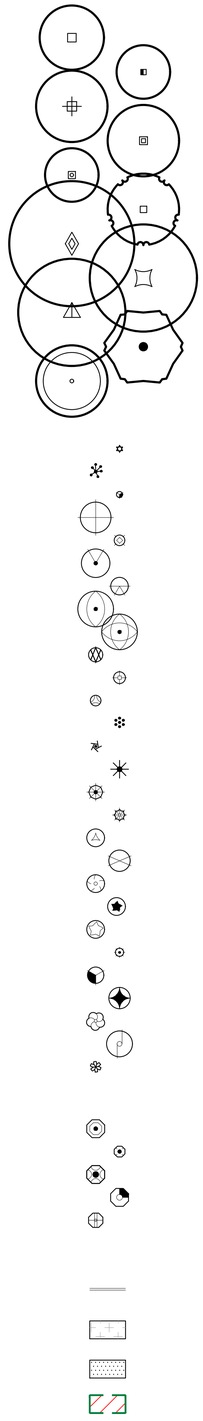
20. LANDSCAPE CONTRACTOR SHALL PRUNE ALL TREES AFTER INSTALLATION SO THAT NO BRANCH IS TOUCHING FINAL GRADE AND TRIM CANOPIES/BRANCHING TO A CLEAN AND NEAT APPEARANCE. ALL DEAD AND/OR DYING MATERIAL SHALL BE PRUNED FROM THE TREE PRIOR TO FINAL ACCEPTANCE.

21. WATER TEST ALL TREE PLANTING WELLS PRIOR TO PLANTING. IF TREE WELLS DO NOT PROPERLY DRAIN, REFER TO THE HARDPAN PLANTING DETAIL FOR ADDITIONAL INFORMATION.

22. REFER TO GENERAL CONSTRUCTION NOTES ON THE COVER SHEET FOR ADDITIONAL INFORMATION THAT RELATES TO THE SCOPE OF WORK IN THIS SECTION. ALSO REFER TO ANY WRITTEN SPECIFICATION, SHOULD THEY ACCOMPANY THESE DRAWINGS, FOR ADDITIONAL REQUIREMENTS NOT COVERED WITHIN THESE PLANS.

23. SIGHT DISTANCE REQUIREMENTS ON ARTERIALS AND COLLECTORS WILL ADHERE TO SURPRISE DETAIL 4-01. SIGHT VISIBILITY WITHIN THE UNOBSTRUCTED VIEW EASEMENT AREA AND IN FRONT OF STOP SIGNS MUST MEET OR EXCEED REQUIREMENTS IN SURPRISE DETAILS 4-01 AND 4-02. TREES, SHRUBS, AND OTHER LANDSCAPING ARE PERMITTED WITHIN THE SIGHT VISIBILITY TRIANGLE PROVIDED LIMBS, LEAVES, NEEDLES OR OTHER FOLIAGE ARE KEPT BELOW 30 INCHES OR ABOVE 84 INCHES, PER SURPRISE EDS DETAIL 4-01.

LANDSCAPE MATERIAL SCHEDULE



TREES BOTANICAL / COMMON NAME	SIZE	QTY	QTY w/ LOTS	COMMENTS
Acacia aneura MULGA	24" BOX	31	37	
Acacia constricta WHITEHORN ACACIA	15 GAL.	45	-	
Acacia greggii CATCLAW ACACIA	15 GAL.	41	-	
Acacia salicina WILLOW ACACIA	15 GAL.	11	20	
Acacia willardiana PALO BLANCO	15 GAL.	26	-	
Chilopsis linearis DESERT WILLOW	15 GAL.	38	23	
Fraxinus velutina VELVET ASH	24" BOX	8	-	
Pistacia x `Red Push` RED PUSH PISTACHE	15 GAL.	3	-	
Prosopis chilensis `Thornless` THORNLESS CHILEAN MESQUITE	15 GAL.	6	-	
Vitex agnus-castus CHASTE TREE	15 GAL.	11	-	
Salvage Tree RELOCATED	SALVAGE	20	-	

SHRUBS & ACCENTS BOTANICAL / COMMON NAME	SIZE	QTY	QTY w/ LOTS	COMMENTS
Aloe x `Blue Elf` BLUE ELF ALOE	5 GAL	74	-	
Asclepias subulata DESERT MILKWEED	5 GAL	54	-	
Bouteloua curtipendula SIDE OATS GRAMA	5 GAL	174	-	
Caesalpinia pulcherrima RED BIRD OF PARADISE	5 GAL	12	-	
Calliandra eriophylla PINK FAIRY DUSTER	5 GAL	41	-	
Cordia parvifolia LITTLE LEAF CORDIA	5 GAL	26	-	
Dalea pulchra INDIGO BUSH	5 GAL	38	-	
Dodonaea viscosa HOPSEED BUSH	5 GAL	21	-	
Dodonaea viscosa `Purpurea` PURPLE LEAFED HOPSEED BUSH	5 GAL	13	-	
Eremophila decipiens SLENDER EMU BUSH	5 GAL	40	-	
Eremophila hygrophana `Blue Bells` BLUE BELLS	5 GAL	42	-	
Ericameria laricifolia TURPENTINE BUSH	5 GAL	89	-	
Euphorbia antisyphilitica CANDELILLA	5 GAL	67	-	
Euphorbia rigida GOPHER PLANT	5 GAL	117	-	
Hesperaloe parviflora RED YUCCA	5 GAL	96	9	
Hesperaloe parviflora `Yellow` YELLOW YUCCA	5 GAL	8	18	
Hesperaloe x `Perfu` PINK PARADE RED YUCCA	5 GAL	10	27	
Justicia californica `Chuperosa` CHUPEROSA	5 GAL	67	-	
Larrea tridentata CREOSOTE BUSH	5 GAL	83	-	
Leucophyllum langmaniae `Lynn`s Legacy` LYNN`S LEGACY TEXAS RANGER	5 GAL	5	7	
Leucophyllum langmaniae `Rio Bravo` TM RIO BRAVO TEXAS RANGER	5 GAL	7	-	
Leucophyllum zygophyllum `Cimarron` BLUE RANGER	5 GAL	7	-	
Muhlenbergia capillaris `Regal Mist` TM REGAL MIST PINK MUHLY GRASS	5 GAL	48	42	
Muhlenbergia rigens DEER GRASS	5 GAL	36	93	
Nolina microcarpa BEAR GRASS	5 GAL	24	-	
Opuntia santa-rita 'Tubac' TM PURPLE PRICKLY PEAR	5 GAL	11	-	
Simmondsia chinensis JOJOBA	5 GAL	28	-	
Yucca pallida PALE LEAF YUCCA	5 GAL	23	-	

GROUNDCOVER BOTANICAL / COMMON NAME	SIZE	QTY	QTY w/ LOTS	COMMENTS
Acacia redolens `Desert Carpet` TM DESERT CARPET BANK CATCLAW	1 GAL	45	-	
Dalea capitata `Sierra Gold` TM SIERRA GOLD DALEA	1 GAL	192	62	
Lantana camara `Dallas Red` DALLAS RED LANTANA	1 GAL	59	-	
Lantana montevidensis TRAILING LANTANA	1 GAL	44	70	
Verbena rigida SANDPAPER VERBENA	1 GAL	40	54	

MISCELLANEOUS BOTANICAL / COMMON NAME	SIZE	QTY	QTY w/ LOTS	COMMENTS
CONCRETE HEADER	6" x 4"	FIELD VERIFY	FIELD VERIFY	REFER TO DETAIL 3 / L4.03
ROCK MULCH 'GRANDE ROSE'	1" SCREENED	FIELD VERIFY	FIELD VERIFY	2" DEPTH, FIELD VERIFY S.F., REFER TO DETAIL 6 / L6.01, (www.pioneersand.com, 866.600.0652)
'MID IRON' BERMUDA	SOD	11,675 S.F.		FIELD VERIFY S.F.
HYDROSEED		FIELD VERIFY		REFER TO HYDROSEED MIX. SCHED., FIELD VERIFY S.F.

NOTE:

- Tags for registered or trademarked (®, ™) material are to remain on plants.

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EXPIRES 12/31/22

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BYRON
DATE SIGNED 3/8/2022
ARIZONA U.S.A.

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WINDSTONE RANCH PHASE 2

PHASE 2

SURPRISE, ARIZONA

PROJECT NO :	21004215
DATE :	03/08/2022
DRAWN:	TEAM
REVIEWED:	SLB

REVISIONS
1
2
3
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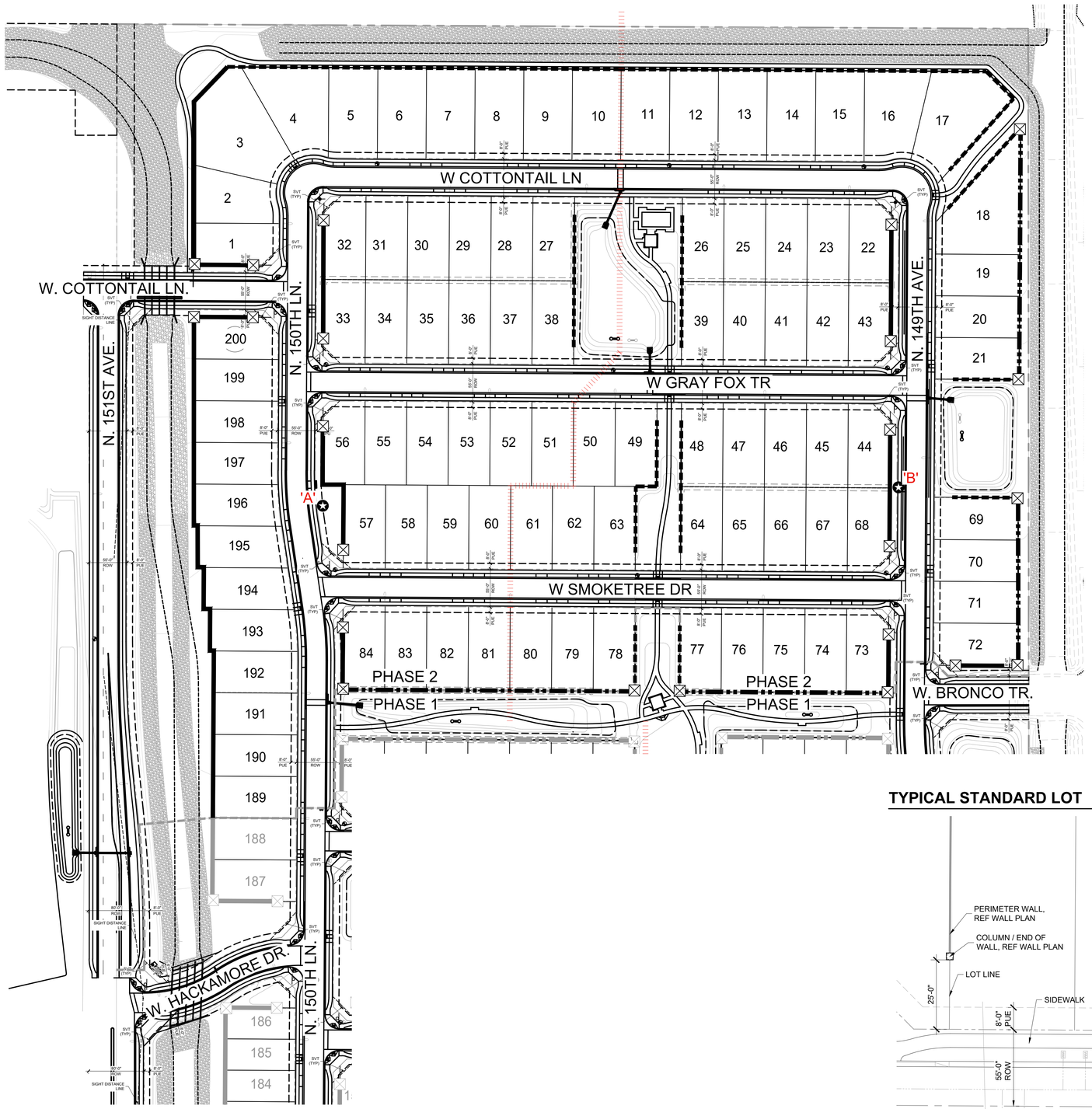
PLANTING NOTES

L0.02

SHEET 03 OF 27

2ND SUBMITTAL - FS21-1037

L:\21004215\WINDSTONE LENNAR\6-21004215-LANDSCAPE\3-CD\4-PHASE 2 NORTH\3-SHEETS\4215-CD-PH2-COVER AND NOTES.dwg 3/8/2022 shawn byron



LEGEND

- THEME WALL, REFER TO DETAIL 1 / L4.01
- DOOLEY WALL, REFER TO DETAIL 6 /L4.01
- PARTIAL VIEW WALL, REFER TO DETAIL 2 / L4.01
- THEME COLUMN, REFER TO DETAIL 1 / L4.01
- MAILBOX 'A' OR 'B' (PER PLAN), REFER TO DETAIL 1 / L4.02
  'A': TYPE 1, 'B': TYPE 1
- MAILBOX ZONE LINE
- 2' RETAINING WALL, REFER TO CIVIL DRAWINGS

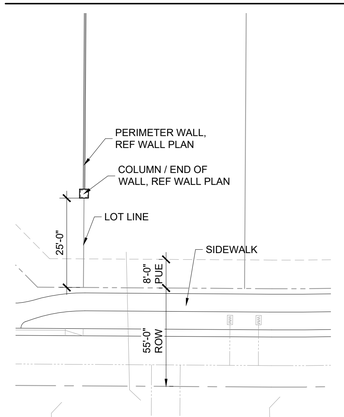
WALL NOTES

1. THESE NOTES ARE GENERAL AND MAY BE SUPERSEDED BY EITHER THE SPECIFICATIONS OR LOCAL TRADE PRACTICES.
2. FOOTINGS SHALL BEAR ON UNDISTURBED NATIVE SOIL OR COMPACTED FILL.
3. THE EXPOSED UPPERMOST SOIL TO RECEIVE FILL SHALL BE SCARIFIED 6" DEEP, MOISTURE CONDITIONED TO ±3% OF OPTIMUM DENSITY CURVE FOR EACH TYPE OF SOIL ENCOUNTERED AND COMPACTED TO 95% OF MAXIMUM DRY DENSITY PER ASTM D-2922 OR D-3017.
4. FILL MATERIAL SHALL BE PREDOMINANTLY GRANULAR, NON-EXPANSIVE, CLEAN OF ALL ORGANIC OR DETRITUS SUBSTANCES, AND HAVE A PLASTICITY INDEX LESS THAN SEVEN (7). BACKFILL SHALL BE COMPACTED TO 95% OF MAXIMUM DENSITY IN HORIZONTAL 8" LIFTS.
5. EXCAVATIONS FOR FOUNDATIONS SHALL BE NEAT TO LINES OF FOOTINGS. ALL LOOSE MATERIAL SHALL BE REMOVED FROM SURFACE TO RECEIVE CONCRETE.
6. ALLOWABLE SOIL BEARING PRESSURES AT FOOTING ON COMPACTED SOIL: 1500 PSI.
7. CONCRETE MIX DESIGN FOR FOOTINGS SHALL BE MAG CLASS 'B' (2500 PSI), UNLESS OTHERWISE NOTED ON DRAWINGS.
8. NO PIPES OR DUCTS SHALL BE PLACED IN STRUCTURAL CONCRETE UNLESS SPECIFICALLY DETAILED.
9. CONCRETE FOOTINGS SHALL BE CONTINUOUS POUR TO GREATEST EXTENT PRACTICAL. STEP FOOTINGS IN EVEN BLOCK INCREMENTS.
10. WALL CONTRACTOR TO BE RESPONSIBLE FOR STRUCTURAL CALCULATIONS OF THE WALLS.
11. SUBMIT TEST REPORTS FOR CONCRETE MIX DESIGNS TO LANDSCAPE ARCHITECT FOR REVIEW.
12. WATERPROOF AND GROUT SOLID RETAINING WALLS TO HIGH GRADE, IF APPLICABLE.
13. ALL IRON/STEEL WORK TO BE OF HIGHEST QUALITY WITH WELDS GROUND SMOOTH. ALL IRON WORK, EXCEPT WHERE NOTED, TO BE PRIMED AND PAINTED. PAINT COLOR TO BE SELECTED BY OWNER AND/OR LANDSCAPE ARCHITECT.
14. VERIFY HEIGHTS AND SLOPES AND TURNDOWNS BEFORE POURING FOOTINGS.
15. NEW WALL FINISHES SHALL MATCH EXISTING SURFACES, UNLESS OTHERWISE NOTED ON DRAWINGS.
16. GROUT SOLID ALL CMU CELLS AND VOIDS BELOW GRADE AND/OR CONTAINING REBAR.

ALL WALL LOCATIONS AND ALIGNMENTS ARE SCHEMATIC. WALLS SHALL NOT BE INSTALLED IN RIGHT-OF-WAYS, UTILITY EASEMENTS, OR SIGHT VISIBILITY TRIANGLES. CONTRACTOR TO STAKE WALL CORNERS AND TURN POINTS AND GET CLIENT AND/OR LANDSCAPE ARCHITECT APPROVAL PRIOR TO INSTALLATION.

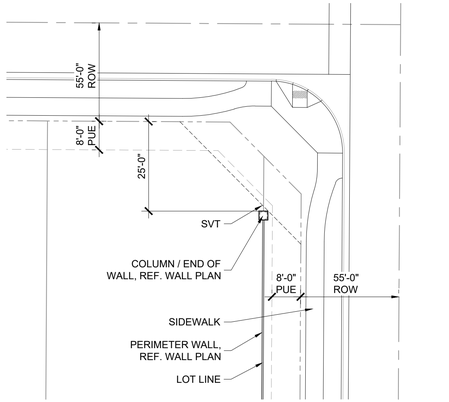
TYPICAL STANDARD LOT

SCALE: 1"=20'-00"



TYPICAL CORNER LOT

SCALE: 1"=20'-00"



0 40' 80' 160'

SCALE: 1" = 80'-0"

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WINDSTONE RANCH PHASE 2

PHASE 2

SURPRISE, ARIZONA

PROJECT NO :	21004215
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REVIEWED:	SLB

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1.
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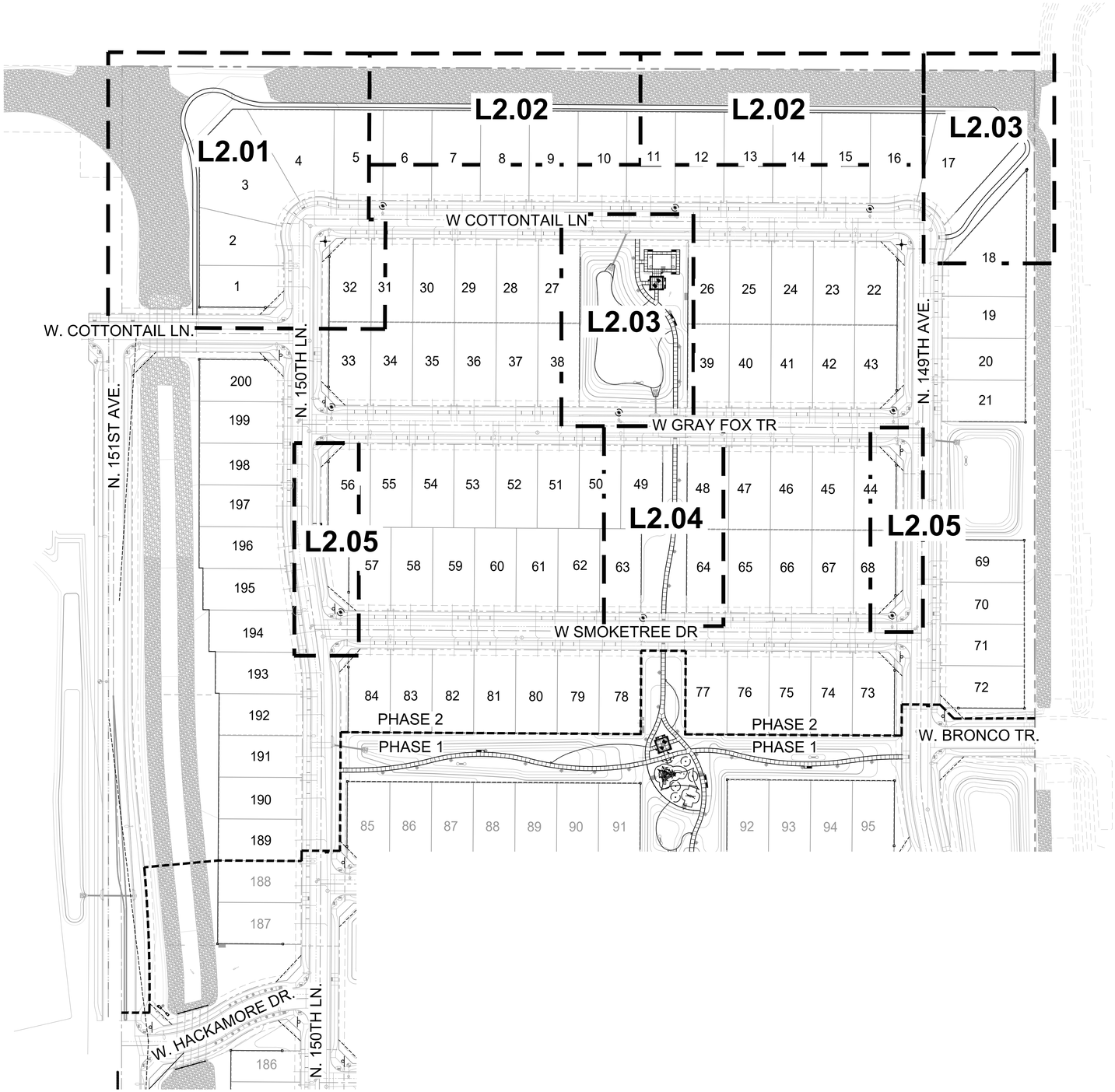
WALL PLAN

L1.00

SHEET 04 OF 27

2ND SUBMITTAL - FS21-1037

L:\21004215-WINDSTONE LENNAR\6-21004215-LANDSCAPE\3-CD\A-PHASE 2 NORTH\3-SHEETS\4215-CD-PH2-WALL PLAN.dwg 3/8/2022 shawn byron



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SCALE: 1" = 80'-0"

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WINDSTONE RANCH PHASE 2

PHASE 2
SURPRISE, ARIZONA

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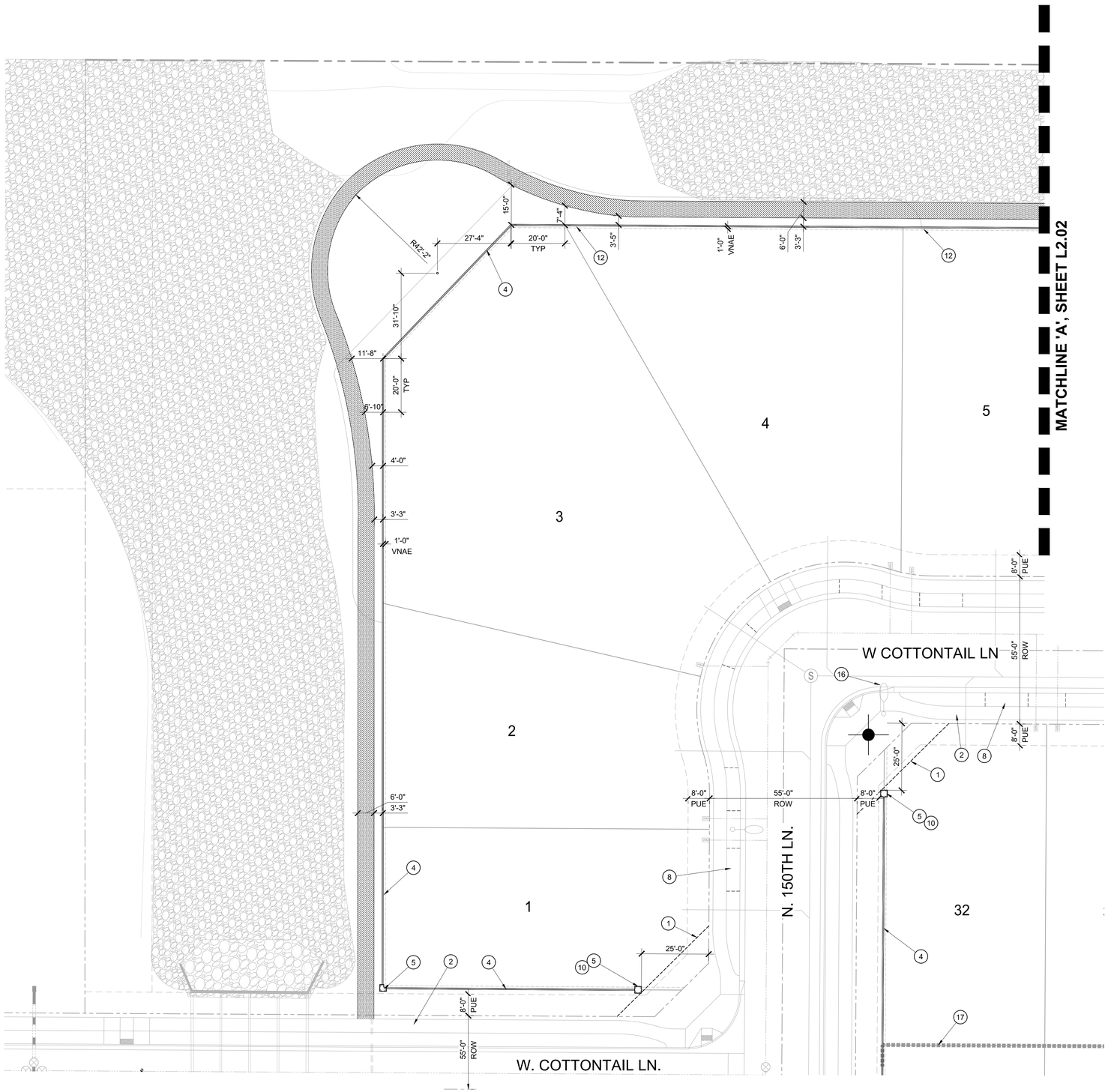
HARDSCAPE REFERENCE PLAN

L2.00

SHEET 05 OF 27

2ND SUBMITTAL - FS21-1037

L:\21004215\WINDSTONE LENNAR\6-21004215-LANDSCAPE\3-CD\4-PHASE 2 NORTH\3-SHEETS\4215-CD-PH2-REFERENCE PLANS.dwg 3/8/2022 shawn byron



AMENITY SCHEDULE

A	ITEM	BREAKWATER PICNIC TABLE 6'
	COLOR	CHROMITE
	SPECIFICATIONS	BW6-6, 70" L x 50 ¾" W x 30" H, INSTALL PER MFR SPEC'S
	MANUFACTURER	KEYSTONE RIDGE DESIGNS (www.keystoneridgedesigns.com, 800.284.820)
B	ITEM	BREAKWATER ADA PICNIC TABLE 6'
	COLOR	CHROMITE
	SPECIFICATIONS	BW6-6-ADA, 70" L x 50 ¾" W x 30" H, INSTALL PER MFR SPEC'S
	MANUFACTURER	KEYSTONE RIDGE DESIGNS (www.keystoneridgedesigns.com, 800.284.820)
C	ITEM	EXETER BENCH W/ BACK 6'
	COLOR	CHARCOAL
	SPECIFICATIONS	EX26, 72 ½" L x 26" W x 35 ⅛" H, INSTALL PER MFR SPEC'S
	MANUFACTURER	KEYSTONE RIDGE DESIGNS (www.keystoneridgedesigns.com, 800.284.820)
D	ITEM	BASKET LITTER RECEPTACLE 22 GAL W/ DOME LID
	COLOR	SAPPHIRE
	SPECIFICATIONS	BA3-22, 23" L x 23" W x 25 ¾" H; DL - ROUND, 23 ⅝" L x 23 ⅝" W x 9 ⅞" H, INSTALL PER MFR SPEC'S
	MANUFACTURER	KEYSTONE RIDGE DESIGNS (www.keystoneridgedesigns.com, 800.284.820)
E	ITEM	DOG WASTE RECEPTACLE
	COLOR	BLACK
	SPECIFICATIONS	ALUMINUM HEADER PAK DOGIPOT® PET STATION (#1003HP-L-BLK), INSTALL PER MFR SPEC'S
	MANUFACTURER	DOGIPOT (www.dogipot.com, 800.364.7681)
F	ITEM	BARBECUE GRILL
	COLOR	BLACK
	SPECIFICATIONS	ECG1941 COVERED CHARCOAL GRILL, EMBED MOUNT, MOUNT ALL GRILLS AT 34IN ABOVE GRADE, INSTALL PER MFR SPEC'S
	MANUFACTURER	KAY PARK RECREATION (www.kaypark.com, 866.431.2449, sales@kaypark.com)

HARDSCAPE KEYNOTES

1. VISIBILITY EASEMENT, ALL TREE LIMBS, LEAVES, NEEDLES OR OTHER FOLIAGE MUST BE TRIMMED TO BE ABOVE 84" AND BELOW 30". REFER TO COS DETAILS 4-01 AND 4-02
2. LOCATION OF SIDEWALK, REFER TO ENGINEERING PLANS FOR MORE INFORMATION.
3. FIRE HYDRANT - TREES AND SHRUBS TO MAINTAIN A 5'-0" CLEARANCE
4. THEME WALL, REFER TO DETAIL 1 / L4.01
5. COLUMN, REFER TO DETAIL 1 / L4.01
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10. SIDEYARD WALL END. FINAL LOCATION TO BE STAKED AND OR ADJUSTED IN FIELD
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12. DOOLEY / BUILDER WALL, REFER TO DETAIL 6 / L4.01
13. CORNHOLE COURT, REFER TO DETAIL 6 / L4.03
14. MAILBOX LOCATION, REFER TO DETAIL 1 / L4.02
15. SITE LIGHT, REFER TO ELECTRICAL PLANS FOR MORE INFORMATION
16. STREET LIGHT, REFER TO ELECTRICAL PLANS FOR MORE INFORMATION
17. 2' RETAINING WALL, REFER TO CIVIL PLANS

PAVING SCHEDULE

- ALL SIDEWALKS NATURAL GRAY CONCRETE w/ HEAVY BROOM FINISH. REFER TO DETAIL 1 & 2 / SHEET L4.03
  EXPANSION JOINT
  CONTROL / SCORE JOINT
- 4" - 8" RIP RAP. SANTA FE BROWN. (www.pioneersand.com, 866.600.0652).
- 1/4" MINUS STABILIZED DECOMPOSED GRANITE. COCO BROWN. (www.pioneersand.com, 866.600.0652). REFER TO DETAIL 4 / L4.03
- ARTIFICIAL TURF- EASY TURF 'NUTMEG LUSH' (866-327-9887, www.easyturf.com). INSTALL PER MANUFACTURER'S SPECS. REFER TO DETAIL 5 / L4.03

KEY MAP

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WINDSTONE RANCH PHASE 2

PHASE 2

SURPRISE, ARIZONA

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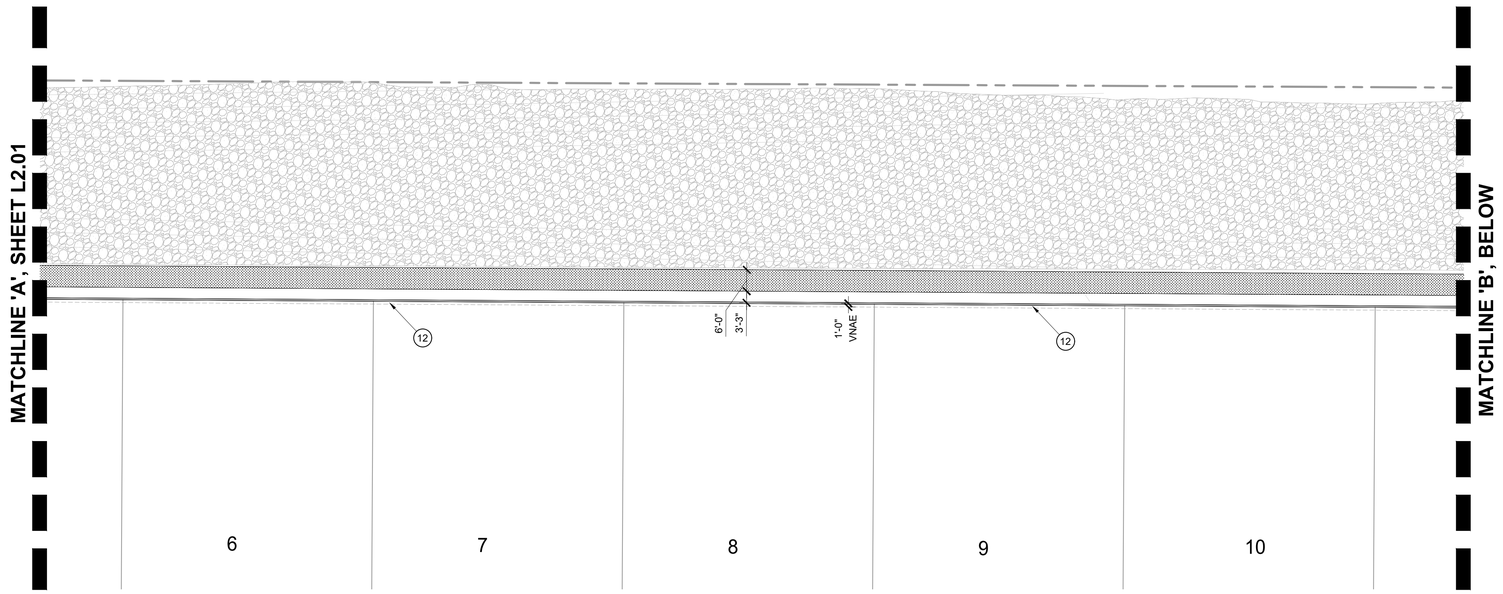
HARDSCAPE PLAN

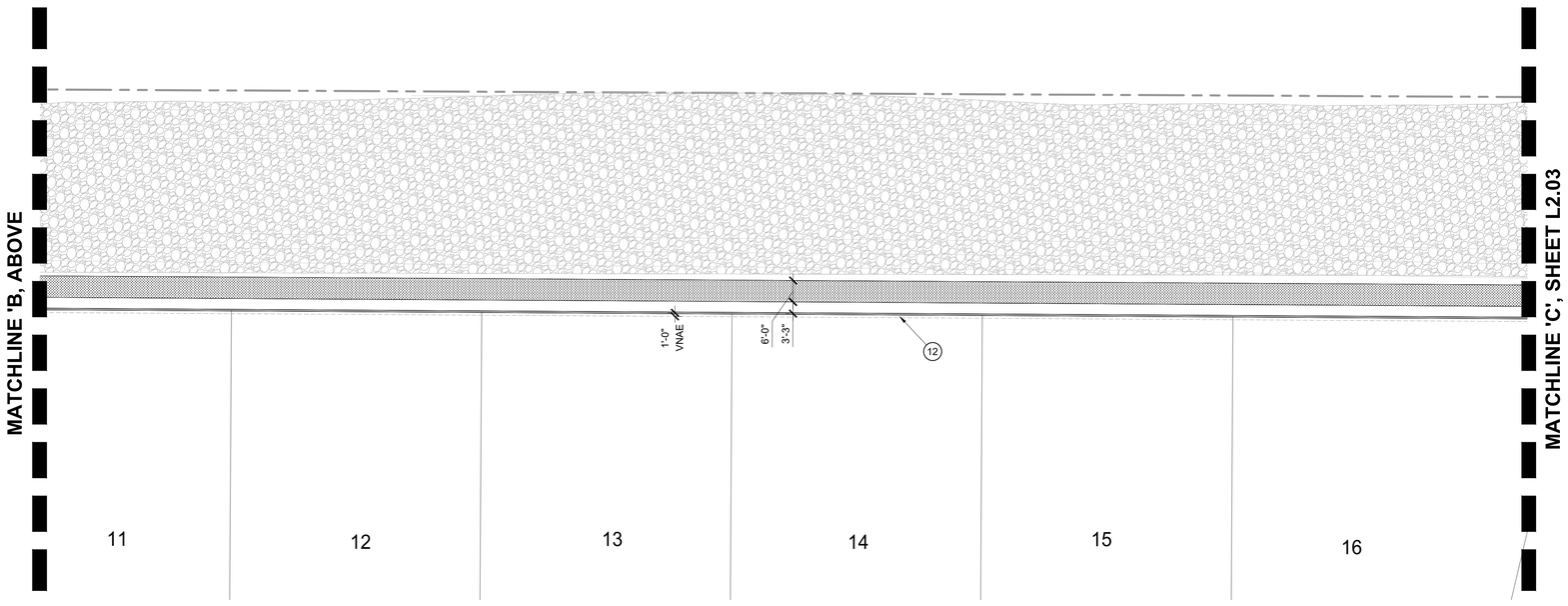
L2.01

SHEET 06 OF 27

2ND SUBMITTAL - FS21-1037

L:\21004215-WINDSTONE-LENNAR\6-21004215-LA\NSCAPE\3-CD\4-PHASE 2 NORTH\3-SHEETS\4215-CD-PH2-HARDSCAPE PLAN.dwg 3/8/2022 shawn.byron





0 10' 20' 40'

SCALE: 1" = 20'-0"

AMENITY SCHEDULE

A	ITEM	BREAKWATER PICNIC TABLE 6'
	COLOR	CHROMITE
	SPECIFICATIONS	BW6-6, 70" L x 50 ¾" W x 30" H, INSTALL PER MFR SPEC'S
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	COLOR	BLACK
	SPECIFICATIONS	ALUMINUM HEADER PAK DOGIPOT® PET STATION (#1003HP-L-BLK), INSTALL PER MFR SPEC'S
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F	ITEM	BARBECUE GRILL
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  CONTROL / SCORE JOINT
- 4" - 8" RIP RAP. SANTA FE BROWN. (www.pioneersand.com, 866.600.0652).
- 1/4" MINUS STABILIZED DECOMPOSED GRANITE. COCO BROWN. (www.pioneersand.com, 866.600.0652). REFER TO DETAIL 4 / L4.03
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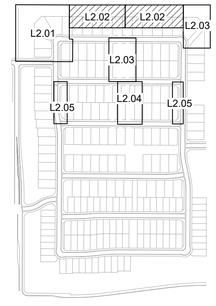
KEY MAP



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WINDSTONE RANCH PHASE 2

PHASE 2

SURPRISE, ARIZONA

PROJECT NO :	21004215
DATE :	03/08/2022
DRAWN:	TEAM
REVIEWED:	SLB

REVISIONS
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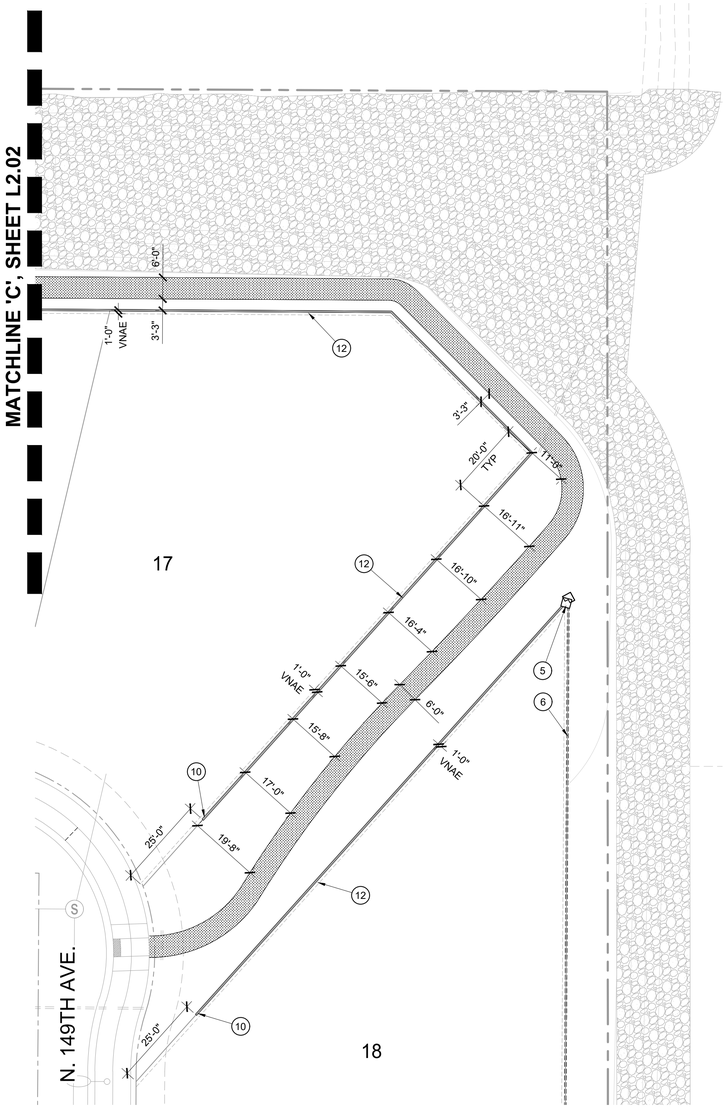
HARDSCAPE PLAN

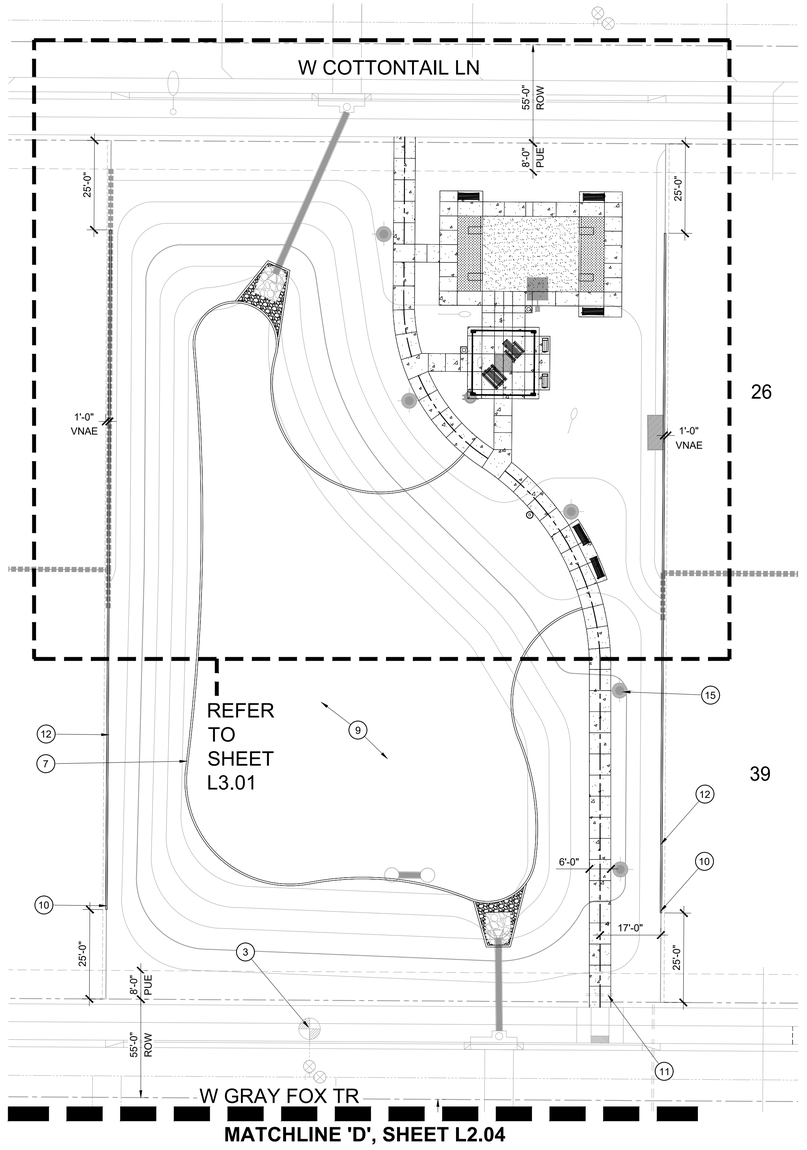
L2.02

SHEET 07 OF 27

2ND SUBMITTAL - FS21-1037

L:\21004215\WINDSTONE LENNAR\6-21004215-LANDSCAPE\3-CD\4-PHASE 2 NORTH\3-SHEETS\4215-CD-PH2-HARDSCAPE PLAN.dwg 3/8/2022 shawn byron





AMENITY SCHEDULE

A	ITEM	BREAKWATER PICNIC TABLE 6'
	COLOR	CHROMITE
	SPECIFICATIONS	BW6-6, 70" L x 50 ¾" W x 30" H, INSTALL PER MFR SPEC'S
	MANUFACTURER	KEYSTONE RIDGE DESIGNS (www.keystoneridgedesigns.com, 800.284.820)
B	ITEM	BREAKWATER ADA PICNIC TABLE 6'
	COLOR	CHROMITE
	SPECIFICATIONS	BW6-6-ADA, 70" L x 50 ¾" W x 30" H, INSTALL PER MFR SPEC'S
	MANUFACTURER	KEYSTONE RIDGE DESIGNS (www.keystoneridgedesigns.com, 800.284.820)
C	ITEM	EXETER BENCH W/ BACK 6'
	COLOR	CHARCOAL
	SPECIFICATIONS	EX26, 72 ½" L x 26" W x 35 ⅛" H, INSTALL PER MFR SPEC'S
	MANUFACTURER	KEYSTONE RIDGE DESIGNS (www.keystoneridgedesigns.com, 800.284.820)
D	ITEM	BASKET LITTER RECEPTACLE 22 GAL W/ DOME LID
	COLOR	SAPPHIRE
	SPECIFICATIONS	BA3-22, 23" L x 23" W x 25 ¾" H; DL - ROUND, 23 ⅝" L x 23 ⅝" W x 9 ⅞" H, INSTALL PER MFR SPEC'S
	MANUFACTURER	KEYSTONE RIDGE DESIGNS (www.keystoneridgedesigns.com, 800.284.820)
E	ITEM	DOG WASTE RECEPTACLE
	COLOR	BLACK
	SPECIFICATIONS	ALUMINUM HEADER PAK DOGIPOT® PET STATION (#1003HP-L-BLK), INSTALL PER MFR SPEC'S
	MANUFACTURER	DOGIPOT (www.dogipot.com, 800.364.7681)
F	ITEM	BARBECUE GRILL
	COLOR	BLACK
	SPECIFICATIONS	ECG1941 COVERED CHARCOAL GRILL, EMBED MOUNT, MOUNT ALL GRILLS AT 34IN ABOVE GRADE, INSTALL PER MFR SPEC'S
	MANUFACTURER	KAY PARK RECREATION (www.kaypark.com, 866.431.2449, sales@kaypark.com)

HARDSCAPE KEYNOTES

1. VISIBILITY EASEMENT, ALL TREE LIMBS, LEAVES, NEEDLES OR OTHER FOLIAGE MUST BE TRIMMED TO BE ABOVE 84" AND BELOW 30". REFER TO COS DETAILS 4-01 AND 4-02
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3. FIRE HYDRANT - TREES AND SHRUBS TO MAINTAIN A 5'-0" CLEARANCE
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6. PARTIAL VIEW WALL, REFER TO DETAIL 2 / L4.01
7. 6" x 4" CONCRETE HEADER, REFER TO DETAIL 3 / L4.03
8. PROPOSED DRIVEWAY LOCATION
9. RAMADA, REFER TO DETAIL 7 / L4.03
10. SIDEYARD WALL END. FINAL LOCATION TO BE STAKED AND OR ADJUSTED IN FIELD
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12. DOOLEY / BUILDER WALL, REFER TO DETAIL 6 / L4.01
13. CORNHOLE COURT, REFER TO DETAIL 6 / L4.03
14. MAILBOX LOCATION, REFER TO DETAIL 1 / L4.02
15. SITE LIGHT, REFER TO ELECTRICAL PLANS FOR MORE INFORMATION
16. STREET LIGHT, REFER TO ELECTRICAL PLANS FOR MORE INFORMATION
17. 2' RETAINING WALL, REFER TO CIVIL PLANS

PAVING SCHEDULE

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  CONTROL / SCORE JOINT ———
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KEY MAP

0 10' 20' 40'
SCALE: 1" = 20'-0"

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WINDSTONE RANCH PHASE 2

PHASE 2

SURPRISE, ARIZONA

PROJECT NO :	21004215
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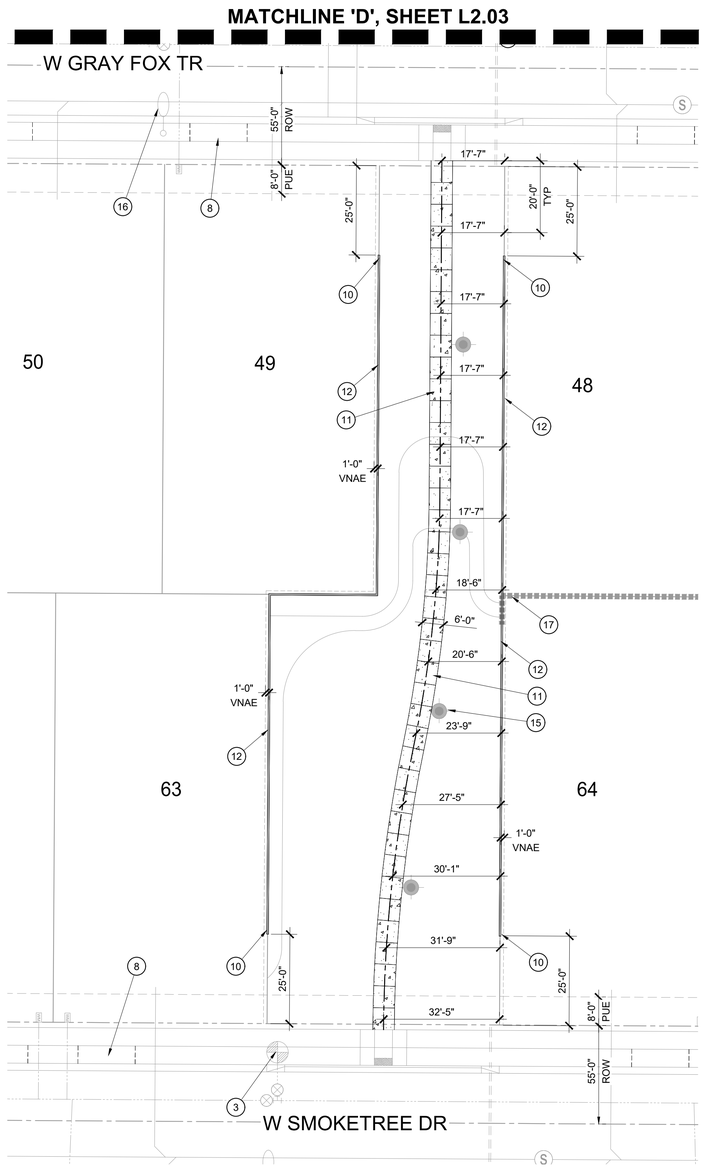
HARDSCAPE PLAN

L2.03

SHEET 08 OF 27

2ND SUBMITTAL - FS21-1037

L:\21004215-WINDSTONE-LENNAR\6-21004215-LANDSCAPE\3-CD\4-PHASE 2 NORTH\3-SHEETS\4215-CD-PH2-HARDSCAPE PLAN.dwg 3/8/2022 shawn.byron



AMENITY SCHEDULE

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B	ITEM	BREAKWATER ADA PICNIC TABLE 6'
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C	ITEM	EXETER BENCH W/ BACK 6'
	COLOR	CHARCOAL
	SPECIFICATIONS	EX26, 72 ½" L x 26" W x 35 ⅛" H, INSTALL PER MFR SPEC'S
	MANUFACTURER	KEYSTONE RIDGE DESIGNS (www.keystoneridgedesigns.com, 800.284.820)
D	ITEM	BASKET LITTER RECEPTACLE 22 GAL W/ DOME LID
	COLOR	SAPPHIRE
	SPECIFICATIONS	BA3-22, 23" L x 23" W x 25 ¾" H; DL - ROUND, 23 ⅝" L x 23 ⅝" W x 9 ⅞" H, INSTALL PER MFR SPEC'S
	MANUFACTURER	KEYSTONE RIDGE DESIGNS (www.keystoneridgedesigns.com, 800.284.820)
E	ITEM	DOG WASTE RECEPTACLE
	COLOR	BLACK
	SPECIFICATIONS	ALUMINUM HEADER PAK DOGIPOT® PET STATION (#1003HP-L-BLK), INSTALL PER MFR SPEC'S
	MANUFACTURER	DOGIPOT (www.dogipot.com, 800.364.7681)
F	ITEM	BARBECUE GRILL
	COLOR	BLACK
	SPECIFICATIONS	ECG1941 COVERED CHARCOAL GRILL, EMBED MOUNT, MOUNT ALL GRILLS AT 34IN ABOVE GRADE, INSTALL PER MFR SPEC'S
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PAVING SCHEDULE

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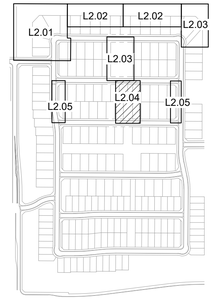
KEY MAP



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WINDSTONE RANCH PHASE 2

PHASE 2
SURPRISE, ARIZONA

PROJECT NO :	21004215
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1
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HARDSCAPE PLAN

L2.04

SHEET 09 OF 27

2ND SUBMITTAL - FS21-1037

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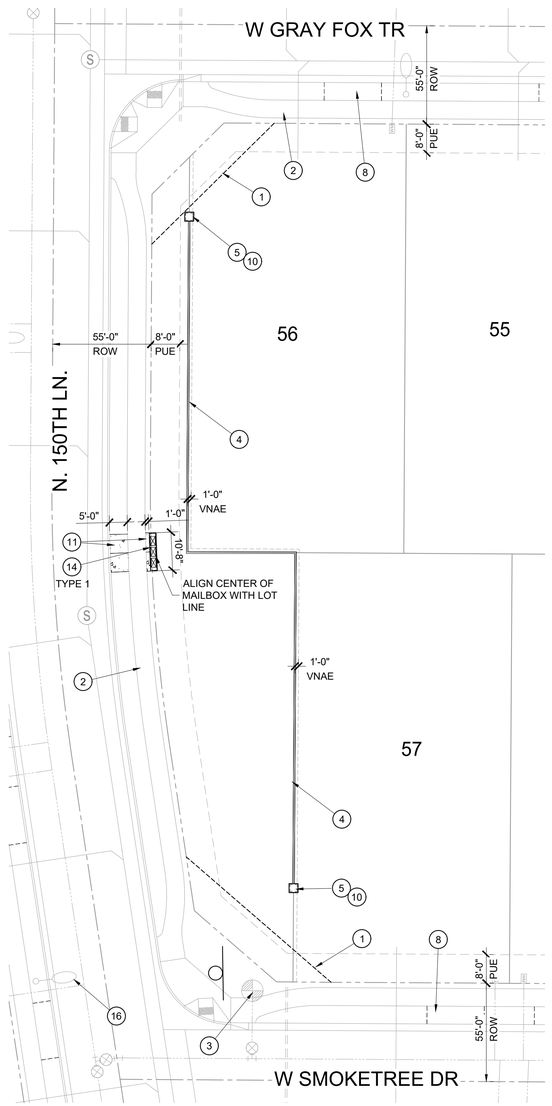

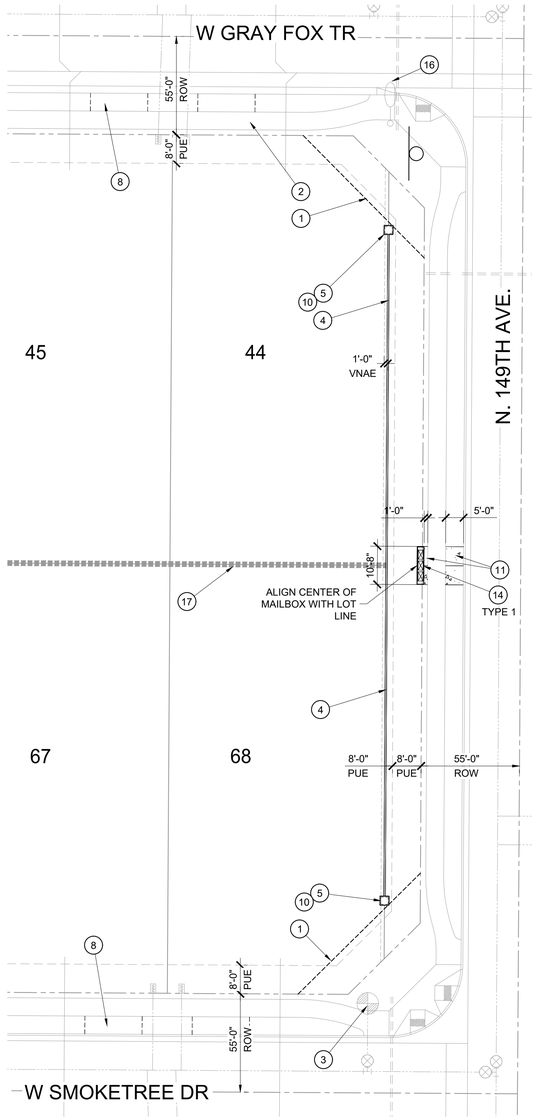

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	MANUFACTURER	KEYSTONE RIDGE DESIGNS (www.keystoneridgedesigns.com, 800.284.820)
C	ITEM	EXETER BENCH W/ BACK 6'
	COLOR	CHARCOAL
	SPECIFICATIONS	EX26, 72 ½" L x 26" W x 35 ⅛" H, INSTALL PER MFR SPEC'S
	MANUFACTURER	KEYSTONE RIDGE DESIGNS (www.keystoneridgedesigns.com, 800.284.820)
D	ITEM	BASKET LITTER RECEPTACLE 22 GAL W/ DOME LID
	COLOR	SAPPHIRE
	SPECIFICATIONS	BA3-22, 23" L x 23" W x 25 ¾" H; DL - ROUND, 23 ⅝" L x 23 ⅝" W x 9 ⅞" H, INSTALL PER MFR SPEC'S
	MANUFACTURER	KEYSTONE RIDGE DESIGNS (www.keystoneridgedesigns.com, 800.284.820)
E	ITEM	DOG WASTE RECEPTACLE
	COLOR	BLACK
	SPECIFICATIONS	ALUMINUM HEADER PAK DOGIPOT® PET STATION (#1003HP-L-BLK), INSTALL PER MFR SPEC'S
	MANUFACTURER	DOGIPOT (www.dogipot.com, 800.364.7681)
F	ITEM	BARBECUE GRILL
	COLOR	BLACK
	SPECIFICATIONS	ECG1941 COVERED CHARCOAL GRILL, EMBED MOUNT, MOUNT ALL GRILLS AT 34IN ABOVE GRADE, INSTALL PER MFR SPEC'S
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PAVING SCHEDULE

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WINDSTONE RANCH PHASE 2

PHASE 2

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HARDSCAPE PLAN

L2.05

SHEET 10 OF 27

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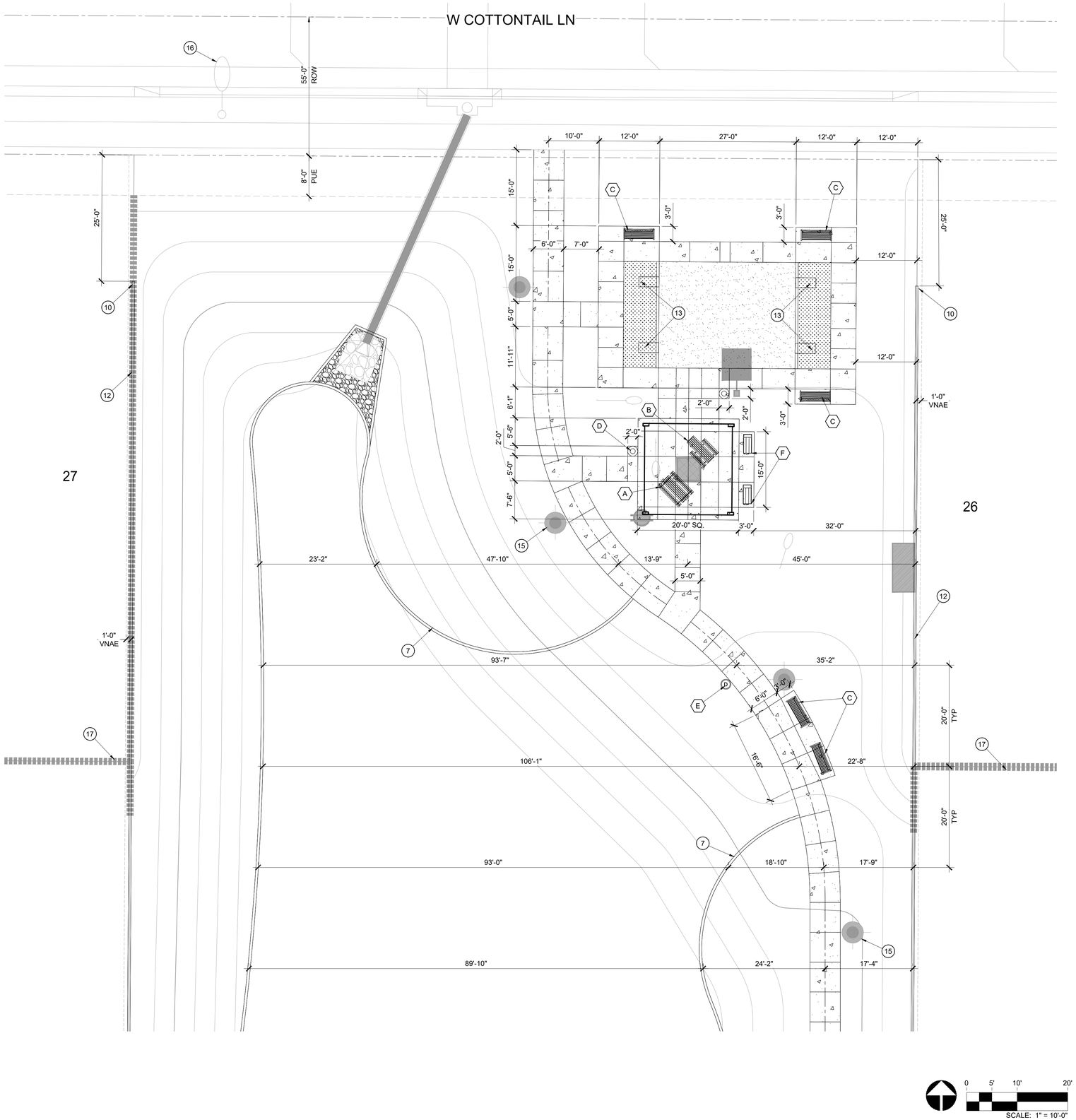

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PROJECT NO :	21004215
DATE :	03/08/2022
DRAWN:	TEAM
REVIEWED:	SLB

REVISIONS
1
2
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4
5

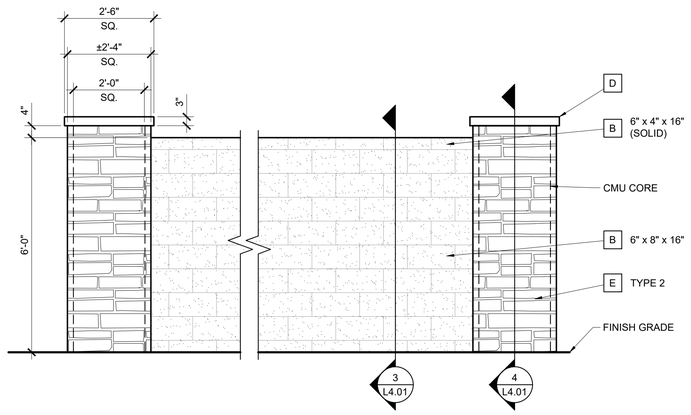
HARDSCAPE ENLARGEMENT PLAN

L3.01

SHEET 11 OF 27

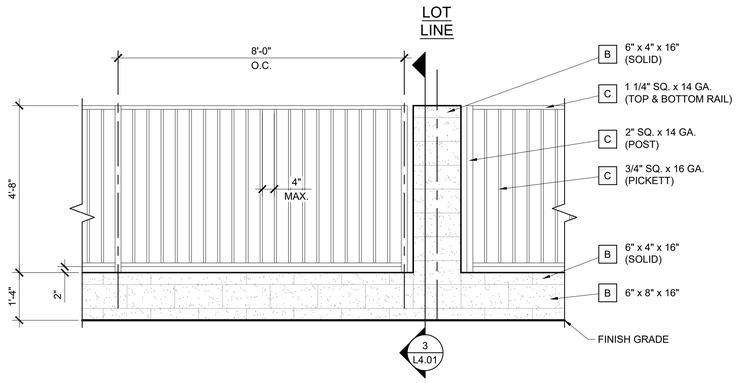
2ND SUBMITTAL - FS21-1037

L:\21004215-WINDSTONE LENNAR\6-21004215-LANDSCAPE\3-CD\4-PHASE 2 NORTH\3-SHEETS\4215-CD-PH2-ENLARGED HARDSCAPE PLAN.dwg 3/8/2022 shawn byron



1 THEME WALL ELEVATION

SCALE: 1/2" = 1'-0"



2 PARTIAL VIEW WALL ELEVATION

SCALE: 1/2" = 1'-0"

NOTE:
- Refer to elevation for materials
- Refer to structural for footing size & depth & all reinforcing sizes and quantities

3 THEME WALL SECTION

SCALE: 1/2" = 1'-0"

NOTE:
- Refer to elevation for materials
- Refer to structural for footing size & depth & all reinforcing sizes and quantities

4 THEME COLUMN SECTION

SCALE: 1/2" = 1'-0"

NOTE:
- Refer to elevation for materials
- Refer to structural for footing size & depth & all reinforcing sizes and quantities

5 PARTIAL VIEW WALL SECTION

SCALE: 1/2" = 1'-0"

6 DOOLEY / BUILDER WALL ELEVATION

SCALE: 1/2" = 1'-0"

NOTE:
- Refer to elevation for materials
- Refer to structural for footing size & depth & all reinforcing sizes and quantities

7 DOOLEY / BUILDER WALL SECTION

SCALE: 1/2" = 1'-0"

NOTE:
- Refer to elevation for materials
- Refer to structural for footing size & depth & all reinforcing sizes and quantities

8 DOOLEY / BUILDER WALL PILASTER SECTION

SCALE: 1/2" = 1'-0"

HARDSCAPE SCHEDULE

A	ITEM	SMOOTH FACE BLOCK
	COLOR	TBD
	FINISH	STANDARD GREY BLOCK
	SPECIFICATIONS	ALL BLOCK SIZES PER PLANS & DETAILS. JOINTS SHALL BE CONCAVE
	MANUFACTURER	SUPERLITE BLOCK (800-366-7677, www.superliteblock.com)
B	ITEM	SPLIT FACE BLOCK
	COLOR	TBD
	FINISH	STANDARD GREY BLOCK / SATIN FINISH PAINT
	SPECIFICATIONS	ALL BLOCK SIZES PER PLANS & DETAILS. JOINTS SHALL BE CONCAVE. BLOCK SHALL BE PRIMED & PAINTED PER MFR'S SPEC'S
	MANUFACTURER	SUPERLITE BLOCK (1-800-366-7677, www.superliteblock.com) DUNN EDWARDS (1.888.337.2468, www.dunnedwards.com)
C	ITEM	TUBULAR STEEL
	COLOR	TBD
	FINISH	SATIN FINISH PAINT
	SPECIFICATIONS	ALL SIZES PER PLANS & DETAILS. ALL TUBULAR STEEL ENDS SHALL BE CAPPED. ALL WELDS & SHARP EDGES / CORNERS SHALL BE GROUND SMOOTH. PRIME & PAINT PER PAINT MFR'S SPEC'S
	MANUFACTURER	DUNN EDWARDS (1.888.337.2468, www.dunnedwards.com)
D	ITEM	PRECAST CONCRETE CAP
	COLOR	TBD
	FINISH	SATIN FINISH PAINT
	SPECIFICATIONS	SIZE PER PLANS & DETAILS
	MANUFACTURER	DUNN EDWARDS (1.888.337.2468, www.dunnedwards.com)
E	ITEM	STONE VENEER
	COLOR	TYPE 1: SEASHELL TYPE 2: SIERRA
	FINISH	N/A
	SPECIFICATIONS	TYPE 1: CUT COARSE STONE (MONUMENT) TYPE 2: MOUNTAIN LEDGE STONE (WALLS) DRYSTACK FIT. INSTALL W/ SELF-FURRED GALVANIZED EXPANDED METAL LATHE PER MFR. SPEC'S
	MANUFACTURER	EL DORADO STONE (REP: APACHE STONE (623.581.7625, www.apachestone.com)
F	ITEM	PRE-FABRICATED RAMADA
	COLOR	ROOF: MEDIUM BRONZE (MCELROY METAL), FRAME: RAL7005, SUNBURST: RAL7006
	FINISH	POWDER COAT
	SPECIFICATIONS	SEDONA MODEL 18FT x 18FT, 1 3/4" RIB HT. STANDING SEAM ROOF. RAMADA SIZE PER PLANS & DETAILS. MFR. SHALL PROVIDE ALL STRUCTURAL. INSTALL PER MFR. SPEC'S.
	MANUFACTURER	CLASSIC RECREATION (www.shadesun.com, 800.697.2195)

RVi
120 S. Ash Avenue
Tempe, Arizona 85281
Tel: 480.994.0994
www.rviplanning.com

EXPIRES 12/31/22

REGISTERED LANDSCAPE ARCHITECT
CERTIFICATE NO.
55247
SHAWN
BYRON
DATE SIGNED 3/8/2022
ARIZONA U.S.A.

Contact Arizona 811 at least two full working days before you begin excavation
ARIZONA 811 BLUE STAKE, INC.
Call 811 or click Arizona811.com

WINDSTONE RANCH PHASE 2

PHASE 2
SURPRISE, ARIZONA

PROJECT NO :	21004215
DATE :	03/08/2022
DRAWN:	TEAM
REVIEWED:	SLB

REVISIONS
1
2
3
4
5

HARDSCAPE DETAILS

L4.01

SHEET 12 OF 27

2ND SUBMITTAL - FS21-1037

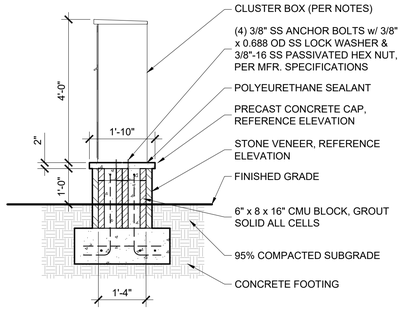
L:\21004215-WINDSTONE LENNAR\6-21004215\LANDSCAPE\3-CD\4-PHASE 2 NORTH\3\SHEETS\4215-CD-PH2-HARDSCAPE DETAILS.dwg 3/8/2022 shawn byron

NOTE:

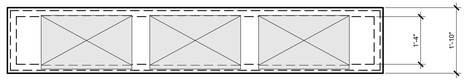
- Cluster boxes available from Salsbury Industries (www.mailboxes.com, 800.624.5299)
- 16 door box (model 3316-SAN-U), Color: 'Sandstone'
- 8 door box (model 3306-SAN-U), Color: 'Sandstone'
- Refer to plan for locations (to be approved by USPS).

INSTALLATION REQUIREMENTS PER USPS REGULATIONS

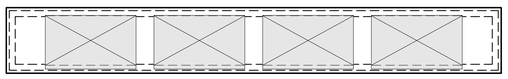
- The floor of the lowest patron mailbox shall be no less than 28" above finished floor (AFF).
- The patron lock in the highest mailbox shall be no more than 67" above the finished floor.
- The USPS Arrow lock (master door lock) opening must be a minimum of 36" and a maximum of 48" above the finished floor.
- The floor of the lowest parcel locker shall be no less than 15" above the finished floor.
- The master access door(s) must be allowed to open a minimum of 90 degrees with no obstruction.



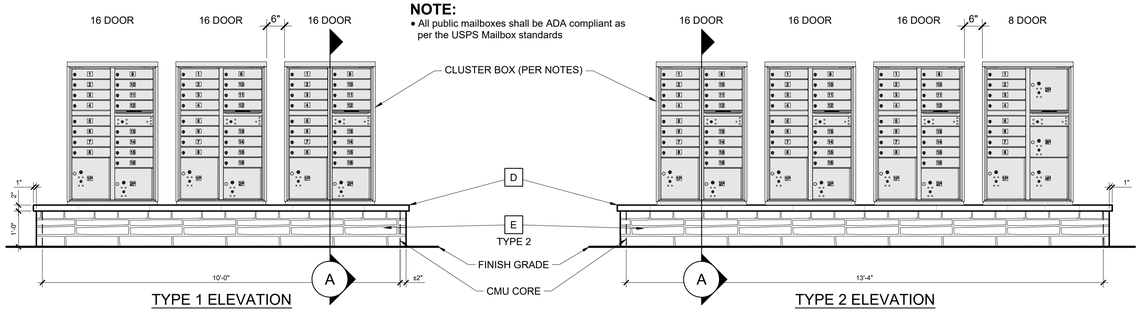
SECTION 'A'



TYPE 1 PLAN



TYPE 2 PLAN



TYPE 1 ELEVATION

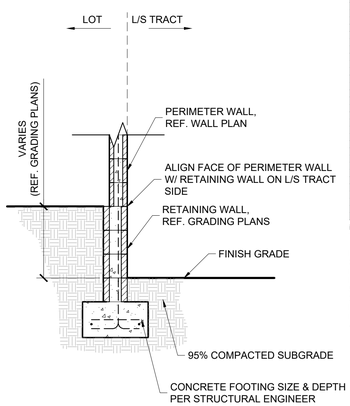
TYPE 2 ELEVATION

NOTE:

- All public mailboxes shall be ADA compliant as per the USPS Mailbox standards

1 MAIL BOX

SCALE: 1/2" = 1'-0"



RETAINING WALL LOCATION AND HEIGHT

LOT	LOCATION	SIDE	EXPOSED WALL HEIGHT
27	EAST	EXTERIOR AT TRACT	8
33	NORTH	INTERIOR OF LOT	8
34	NORTH	INTERIOR OF LOT	8
35	NORTH	INTERIOR OF LOT	8
36	NORTH	INTERIOR OF LOT	8
37	NORTH	INTERIOR OF LOT	8
38	NORTH	INTERIOR OF LOT	8
39	NORTH	INTERIOR OF LOT	8
40	NORTH	INTERIOR OF LOT	8
41	NORTH	INTERIOR OF LOT	8
42	NORTH	INTERIOR OF LOT	8
43	NORTH	INTERIOR OF LOT	8
57	NORTH	INTERIOR OF LOT	8
64	NORTH	INTERIOR OF LOT	8
65	NORTH	INTERIOR OF LOT	8
66	NORTH	INTERIOR OF LOT	8
67	NORTH	INTERIOR OF LOT	8
68	NORTH	INTERIOR OF LOT	8
77	SOUTH	EXTERIOR AT TRACT	8
78	SOUTH	EXTERIOR AT TRACT	8
79	SOUTH	EXTERIOR AT TRACT	8
80	SOUTH	EXTERIOR AT TRACT	8
81	SOUTH	EXTERIOR AT TRACT	8
82	SOUTH	EXTERIOR AT TRACT	8
83	SOUTH	EXTERIOR AT TRACT	8
84	SOUTH	EXTERIOR AT TRACT	8
85	NORTH	EXTERIOR AT TRACT	8
86	NORTH	EXTERIOR AT TRACT	8
87	NORTH	EXTERIOR AT TRACT	8
88	NORTH	EXTERIOR AT TRACT	8
140	WEST	EXTERIOR AT TRACT	8
151	WEST	EXTERIOR AT TRACT	8

NOTE:
1. THE EXPOSED WALL HEIGHT PROVIDED INCLUDES THE RETAINING WALL AND THE SCREEN WALL OR BUILDER WALL HEIGHT COMBINED.
2. THE COMBINED WALL HEIGHT, RETAINING WALL PLUS SCREEN WALL OR BUILDER WALL DOES NOT EXCEED A TOTAL HEIGHT OF 8' PER CITY OF SURPRISE REQUIREMENTS
3. AS-BUILT WALL HEIGHTS MAY SLIGHTLY DEVIATE FROM THE HEIGHTS SPECIFIED ON THE PLANS BASED ON THE MASONRY BLOCK SIZES AVAILABLE AT THE TIME OF CONSTRUCTION.

2 PERIMETER WALL ON RETAINING WALL

SCALE: 1/2" = 1'-0"

HARDSCAPE SCHEDULE

A	ITEM	SMOOTH FACE BLOCK
	COLOR	TBD
	FINISH	STANDARD GREY BLOCK
	SPECIFICATIONS	ALL BLOCK SIZES PER PLANS & DETAILS. JOINTS SHALL BE CONCAVE
	MANUFACTURER	SUPERLITE BLOCK (800-366-7677, www.superliteblock.com)
B	ITEM	SPLIT FACE BLOCK
	COLOR	TBD
	FINISH	STANDARD GREY BLOCK / SATIN FINISH PAINT
	SPECIFICATIONS	ALL BLOCK SIZES PER PLANS & DETAILS. JOINTS SHALL BE CONCAVE. BLOCK SHALL BE PRIMED & PAINTED PER MFR'S SPEC'S
	MANUFACTURER	SUPERLITE BLOCK (1-800-366-7677, www.superliteblock.com) DUNN EDWARDS (1.888.337.2468, www.dunnedwards.com)
C	ITEM	TUBULAR STEEL
	COLOR	TBD
	FINISH	SATIN FINISH PAINT
	SPECIFICATIONS	ALL SIZES PER PLANS & DETAILS. ALL TUBULAR STEEL ENDS SHALL BE CAPPED. ALL WELDS & SHARP EDGES / CORNERS SHALL BE GROUND SMOOTH. PRIME & PAINT PER PAINT MFR'S SPEC'S
	MANUFACTURER	DUNN EDWARDS (1.888.337.2468, www.dunnedwards.com)
D	ITEM	PRECAST CONCRETE CAP
	COLOR	TBD
	FINISH	SATIN FINISH PAINT
	SPECIFICATIONS	SIZE PER PLANS & DETAILS
	MANUFACTURER	DUNN EDWARDS (1.888.337.2468, www.dunnedwards.com)
E	ITEM	STONE VENEER
	COLOR	TYPE 1: SEASHELL TYPE 2: SIERRA
	FINISH	N/A
	SPECIFICATIONS	TYPE 1: CUT COARSE STONE (MONUMENT) TYPE 2: MOUNTAIN LEDGE STONE (WALLS) DRYSTACK FIT. INSTALL W/ SELF-FURRED GALVANIZED EXPANDED METAL LATHE PER MFR. SPEC'S
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	COLOR	ROOF: MEDIUM BRONZE (MCELROY METAL), FRAME: RAL7005, SUNBURST: RAL7006
	FINISH	POWDER COAT
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WINDSTONE RANCH PHASE 2

PHASE 2

SURPRISE, ARIZONA

PROJECT NO :	21004215
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DRAWN:	TEAM
REVIEWED:	SLB

REVISIONS

1
2
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HARDSCAPE DETAILS

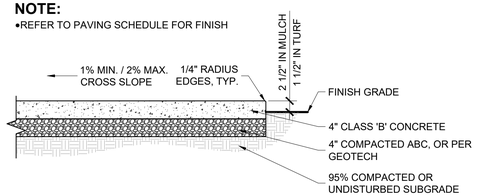
L4.02

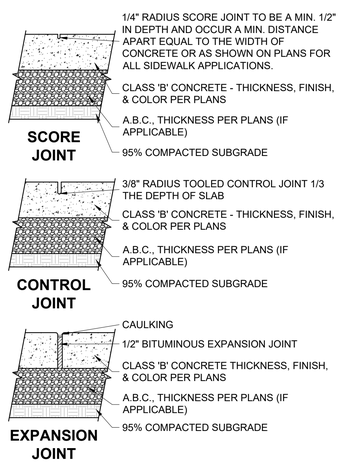
SHEET 13 OF 27

2ND SUBMITTAL - FS21-1037

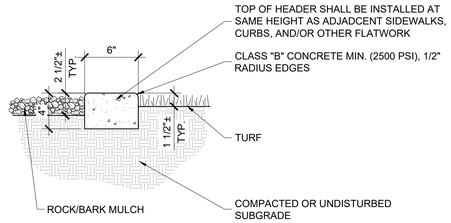
L:\21004215-WINDSTONE-LENNAR\6-21004215-LA\NSCAPE\3-CD\4-PHASE 2 NORTH\3-SHEETS\4215-CD-PH2-HARDSCAPE DETAILS.dwg 3/8/2022 shawn byron

NOTE:
- REFER TO PAVING SCHEDULE FOR FINISH





NOTE:
- Primary control joints occur at 10'-0" o.c. Expansion joints to occur at a max. spacing of 30'-0" & between all adjacent concrete surfaces.
- Landscape contractor to show layout of header w/ marking paint or 1/2" pvc tubing for owner approval prior to initial pour.
- All curved headers shall be smooth, continuous transitions w/ a uniform width as noted on plans.
- All curbing & headers shall not impeed onsite drainage flows. Should this occur, provide swale depressions as required.



HARDSCAPE SCHEDULE

A	ITEM	SMOOTH FACE BLOCK
	COLOR	TBD
	FINISH	STANDARD GREY BLOCK
	SPECIFICATIONS	ALL BLOCK SIZES PER PLANS & DETAILS. JOINTS SHALL BE CONCAVE
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C	ITEM	TUBULAR STEEL
	COLOR	TBD
	FINISH	SATIN FINISH PAINT
	SPECIFICATIONS	ALL SIZES PER PLANS & DETAILS. ALL TUBULAR STEEL ENDS SHALL BE CAPPED. ALL WELDS & SHARP EDGES / CORNERS SHALL BE GROUND SMOOTH. PRIME & PAINT PER PAINT MFR'S SPEC'S
	MANUFACTURER	DUNN EDWARDS (1.888.337.2468, www.dunnedwards.com)
D	ITEM	PRECAST CONCRETE CAP
	COLOR	TBD
	FINISH	SATIN FINISH PAINT
	SPECIFICATIONS	SIZE PER PLANS & DETAILS
	MANUFACTURER	DUNN EDWARDS (1.888.337.2468, www.dunnedwards.com)
E	ITEM	STONE VENEER
	COLOR	TYPE 1: SEASHELL TYPE 2: SIERRA
	FINISH	N/A
	SPECIFICATIONS	TYPE 1: CUT COARSE STONE (MONUMENT) TYPE 2: MOUNTAIN LEDGE STONE (WALLS) DRYSTACK FIT. INSTALL W/ SELF-FURRED GALVANIZED EXPANDED METAL LATHE PER MFR. SPEC'S
	MANUFACTURER	EL DORADO STONE (REP: APACHE STONE (623.581.7625, www.apachestone.com)
F	ITEM	PRE-FABRICATED RAMADA
	COLOR	ROOF: MEDIUM BRONZE (MCELROY METAL), FRAME: RAL7005, SUNBURST: RAL7006
	FINISH	POWDER COAT
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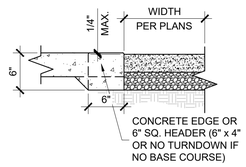
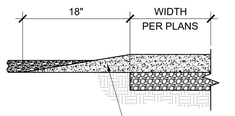
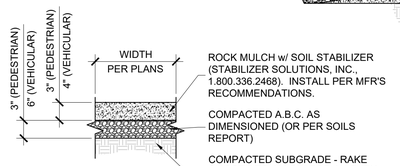
	MANUFACTURER	CLASSIC RECREATION (www.shadesun.com, 800.697.2195)

1 CONCRETE WALK
SCALE: 3/4" = 1'-0"

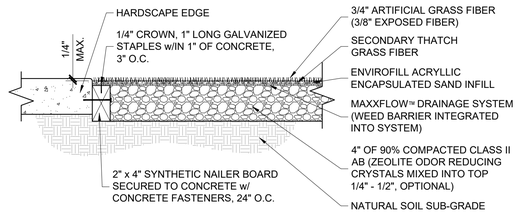
NOTE:
- Refer to Paving Schedule for rock size and color.
- Stabilizer and rock shall be pre-mixed prior to installation per mfr's recommendations.
- Where stabilized rock meets existing or new hardscape surfaces, the vertical distance between the two surfaces shall be no greater than 1/4".
- Stabilized rock shall have a 2% max. cross slope & 5% max. running slope.
- Once placed, the stabilizer and rock mixture shall be watered in and compacted per mfr's. recommendations.



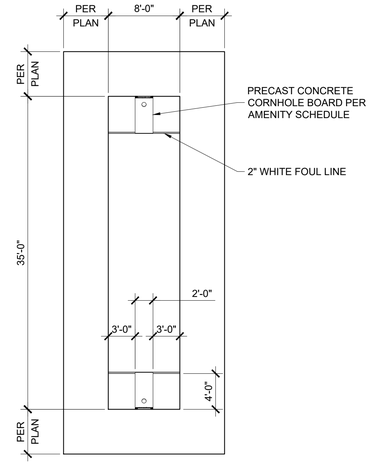




2 CONCRETE JOINTS
SCALE: 1 1/2" = 1'-0"



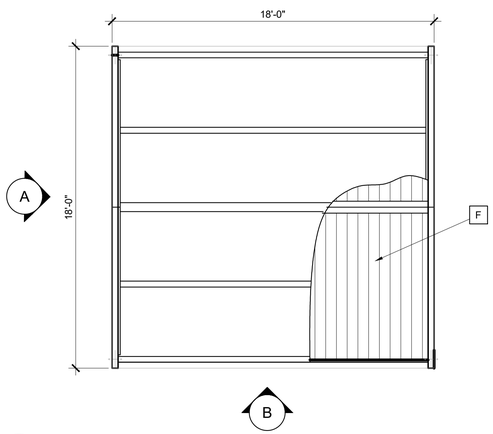
3 6" x 4" EXTRUDED CONCRETE HEADER
SCALE: 1 1/2" = 1'-0"

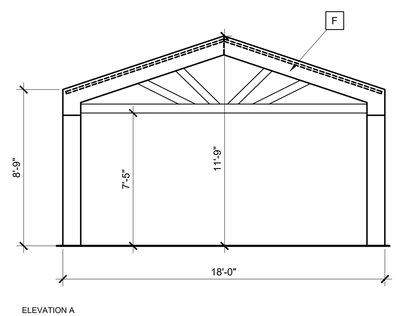


4 STABILIZED GRANITE
SCALE: 1" = 1'-0"

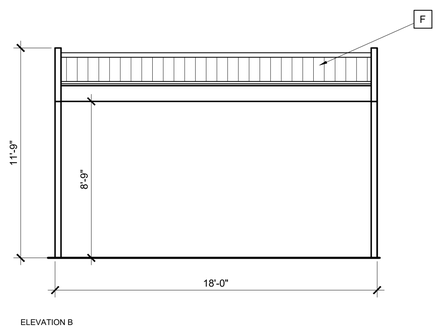
5 ARTIFICIAL TURF
SCALE: 1 1/2" = 1'-0"

6 CORNHOLE COURT
SCALE: 1/8" = 1'-0"





ELEVATION A



ELEVATION B

7 RAMADA
SCALE: 1/4" = 1'-0"

RVi
120 S. Ash Avenue
Tempe, Arizona 85281
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www.rviplanning.com

EXPIRES 12/31/22

RECISTERED LANDSCAPE ARCHITECT
CERTIFICATE NO.
55247
SHAWN
BYRON
Date Signed 3/8/2022
ARIZONA U.S.A.

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Call 811 or click Arizona811.com

WINDSTONE RANCH PHASE 2
PHASE 2
SURPRISE, ARIZONA

PROJECT NO :	21004215
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REVIEWED:	SLB

REVISIONS
1
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3
4
5

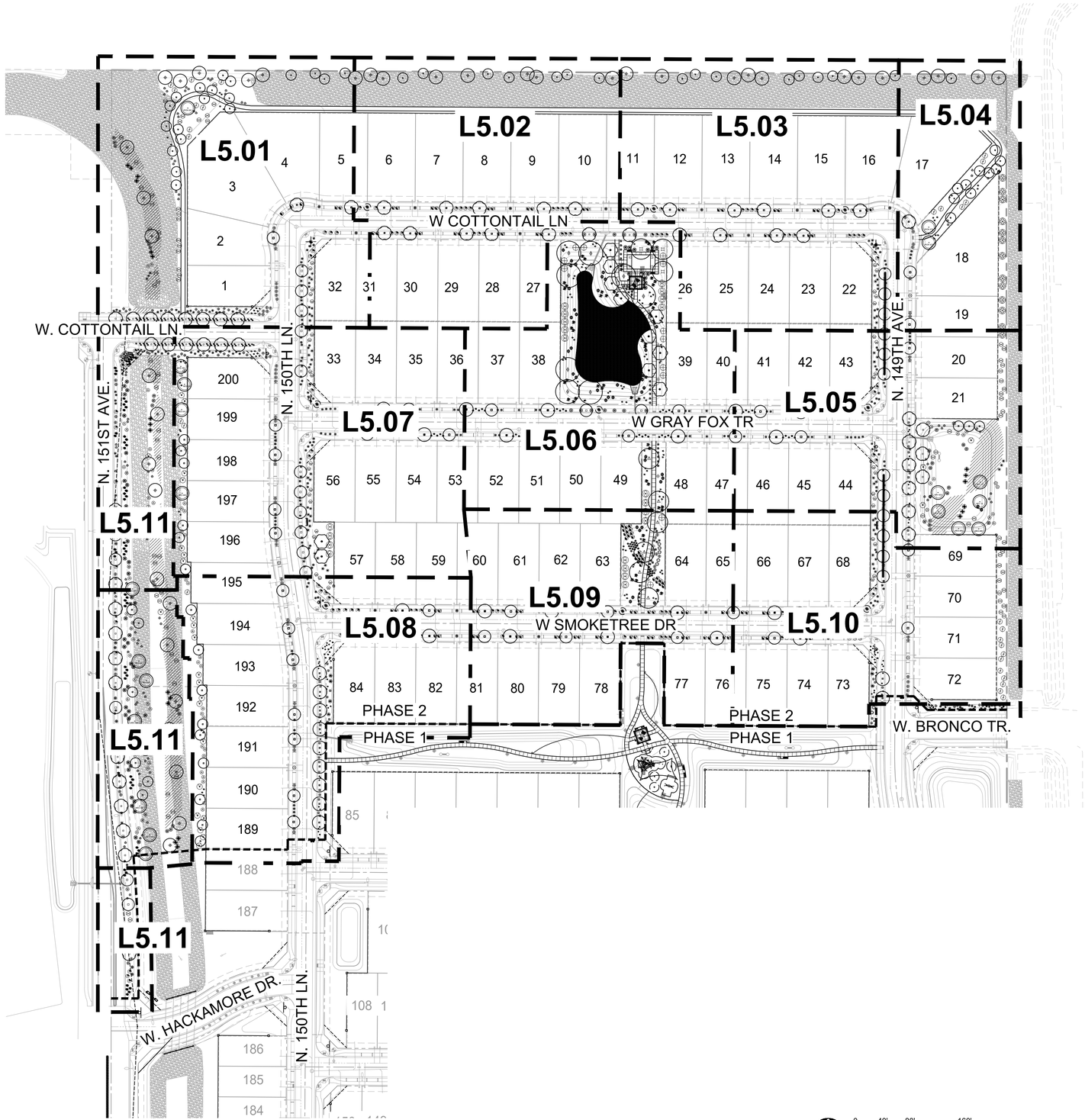
HARDSCAPE DETAILS

L4.03

SHEET 14 OF 27

2ND SUBMITTAL - FS21-1037

L:\21004215-WINDSTONE LENNAR\6-21004215-LANDSCAPE\3-CD\4-PHASE 2 NORTH\SHEETS\4215-CD-PH2-HARDSCAPE DETAILS.dwg 3/8/2022 shawn byron



0 40' 80' 160'

SCALE: 1" = 80'-0"

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EXPIRES 12/31/22

REGISTERED LANDSCAPE ARCHITECT
CERTIFICATE NO.
55247
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Call 811 or click Arizona811.com

WINDSTONE RANCH PHASE 2

PHASE 2
SURPRISE, ARIZONA

PROJECT NO :	21004215
DATE :	03/08/2022
DRAWN:	TEAM
REVIEWED:	SLB

REVISIONS
1
2
3
4
5

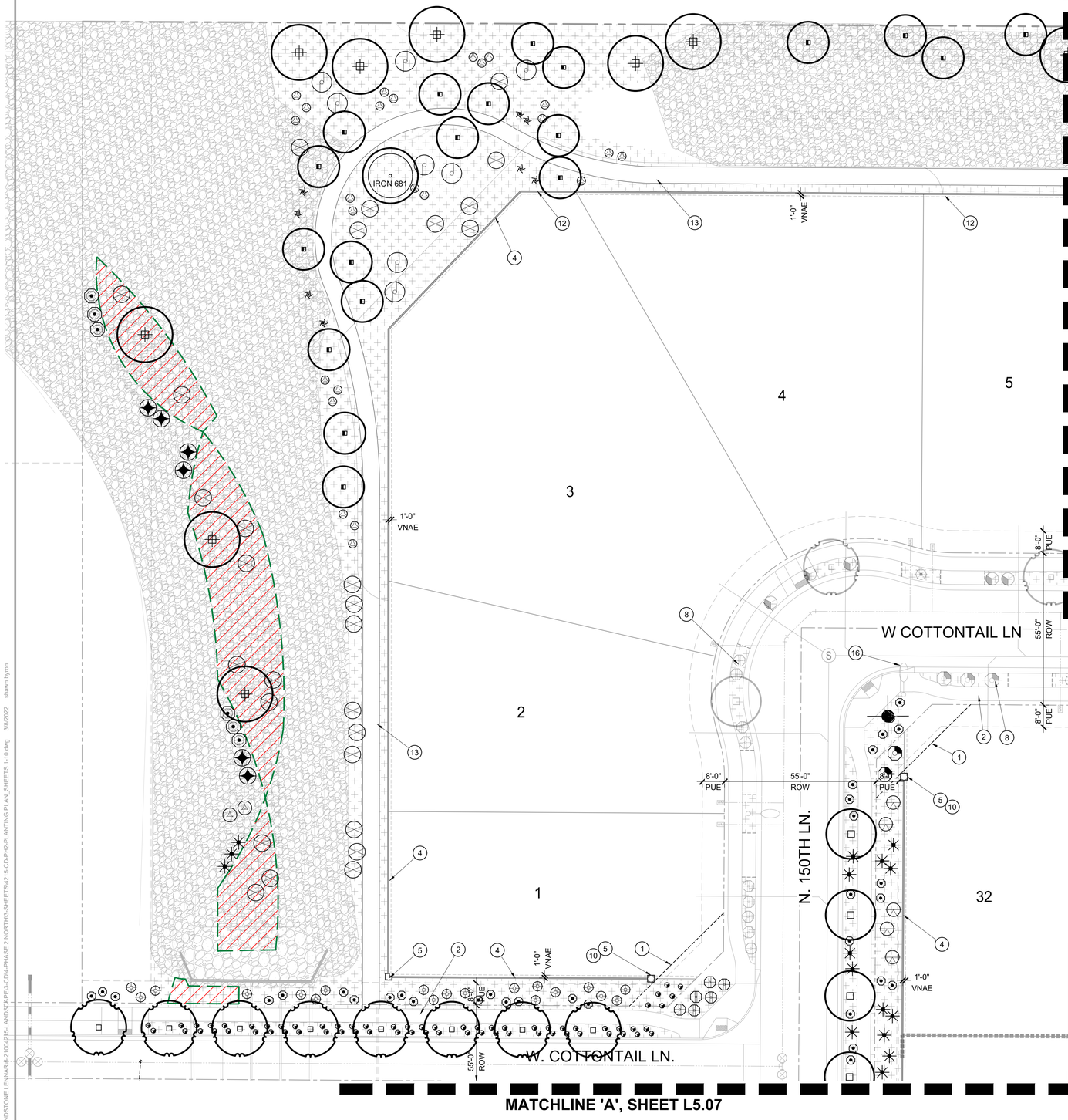
PLANTING REFERENCE PLAN

L5.00

SHEET 15 OF 27

2ND SUBMITTAL - FS21-1037

L:\21004215-WINDSTONE LENNAR\6-21004215-LANDSCAPE\3-CD\4-PHASE 2 NORTH\3-SHEETS\4215-CD-PH2-REFERENCE PLANS.dwg 3/8/2022 shawn byron



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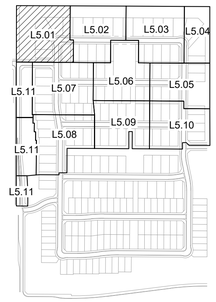

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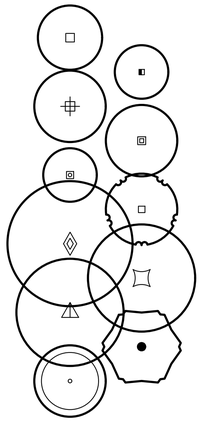

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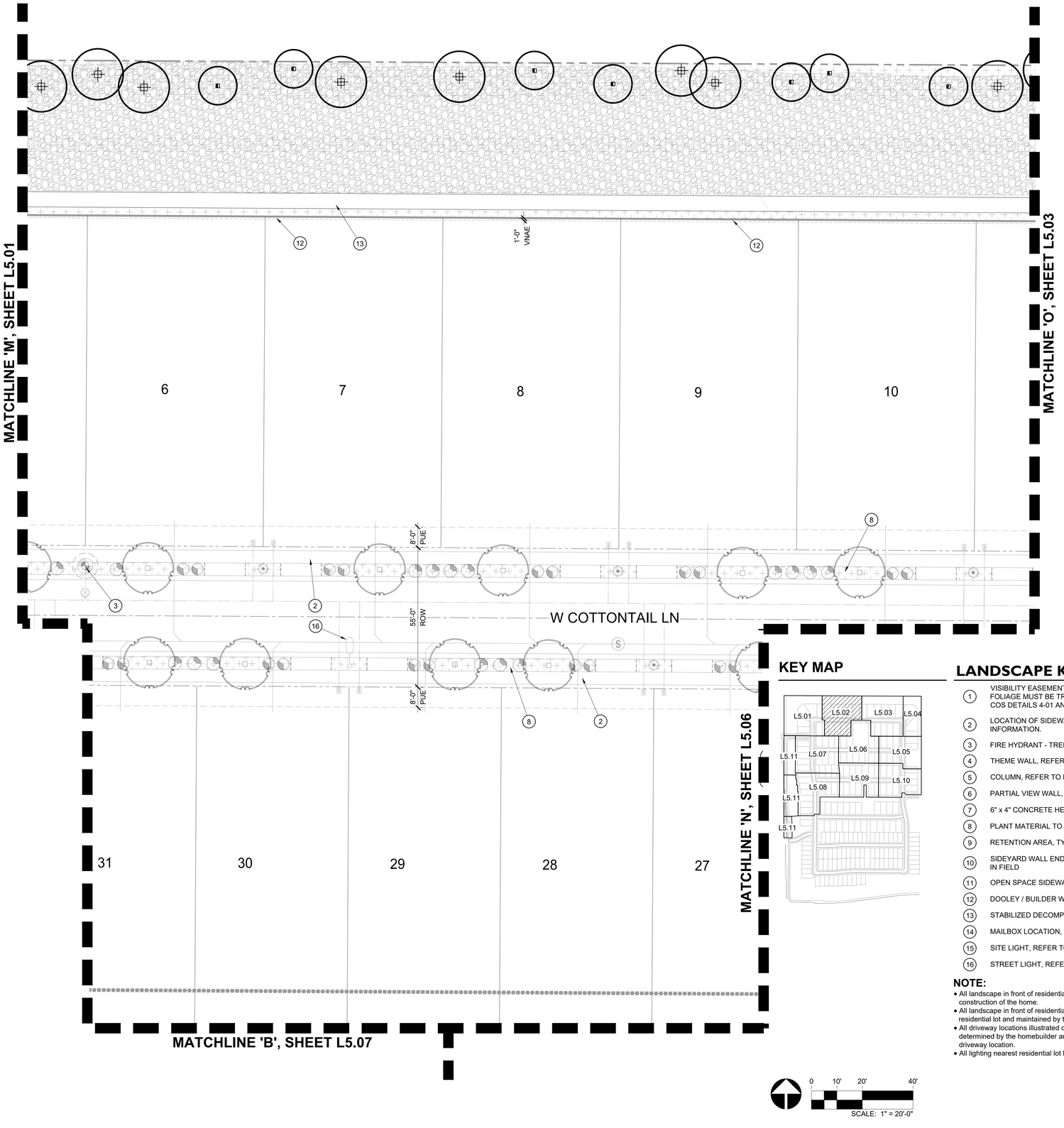

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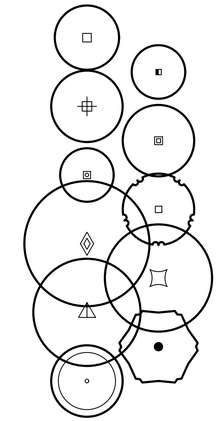

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PLANTING PLAN

L5.02

SHEET 17 OF 27

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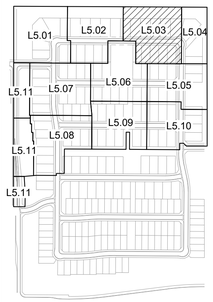

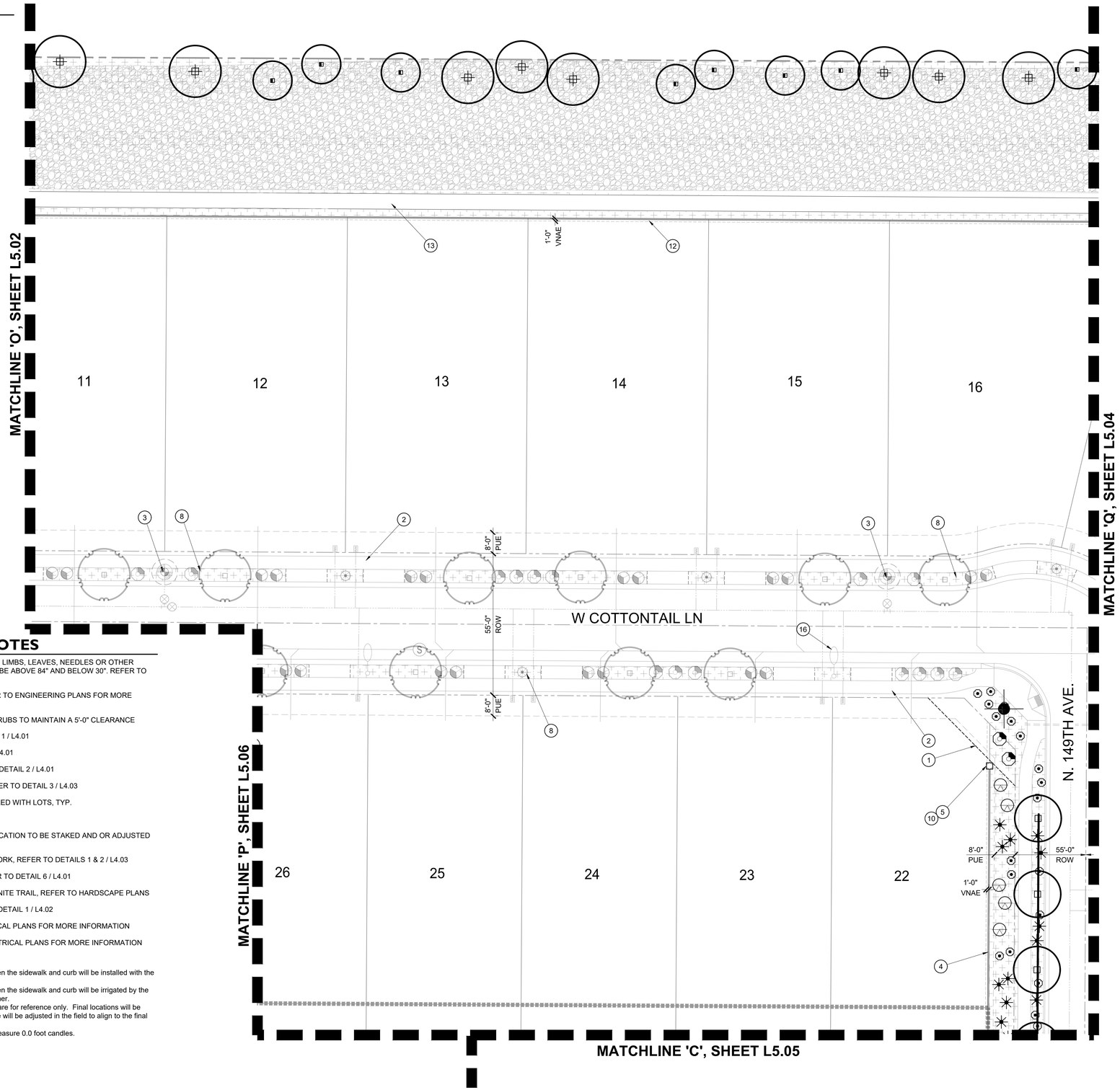

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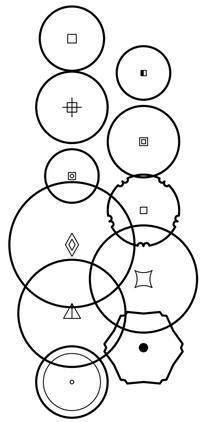

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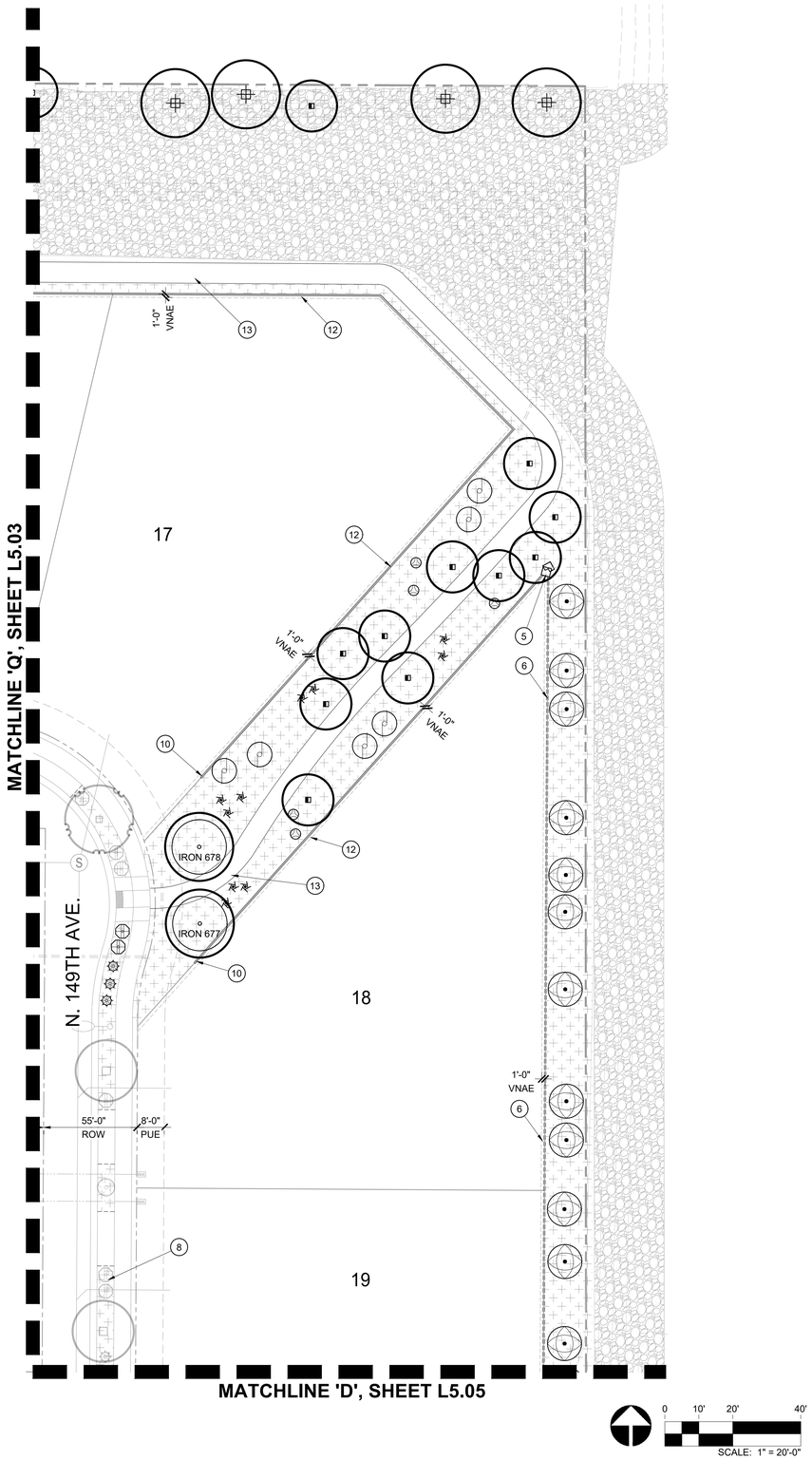

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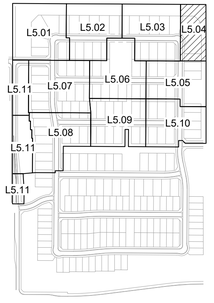

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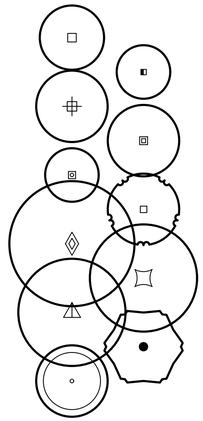

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WINDSTONE RANCH PHASE 2

PHASE 2
SURPRISE, ARIZONA

PROJECT NO :	21004215
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REVIEWED:	SLB

REVISIONS
1
2
3
4
5

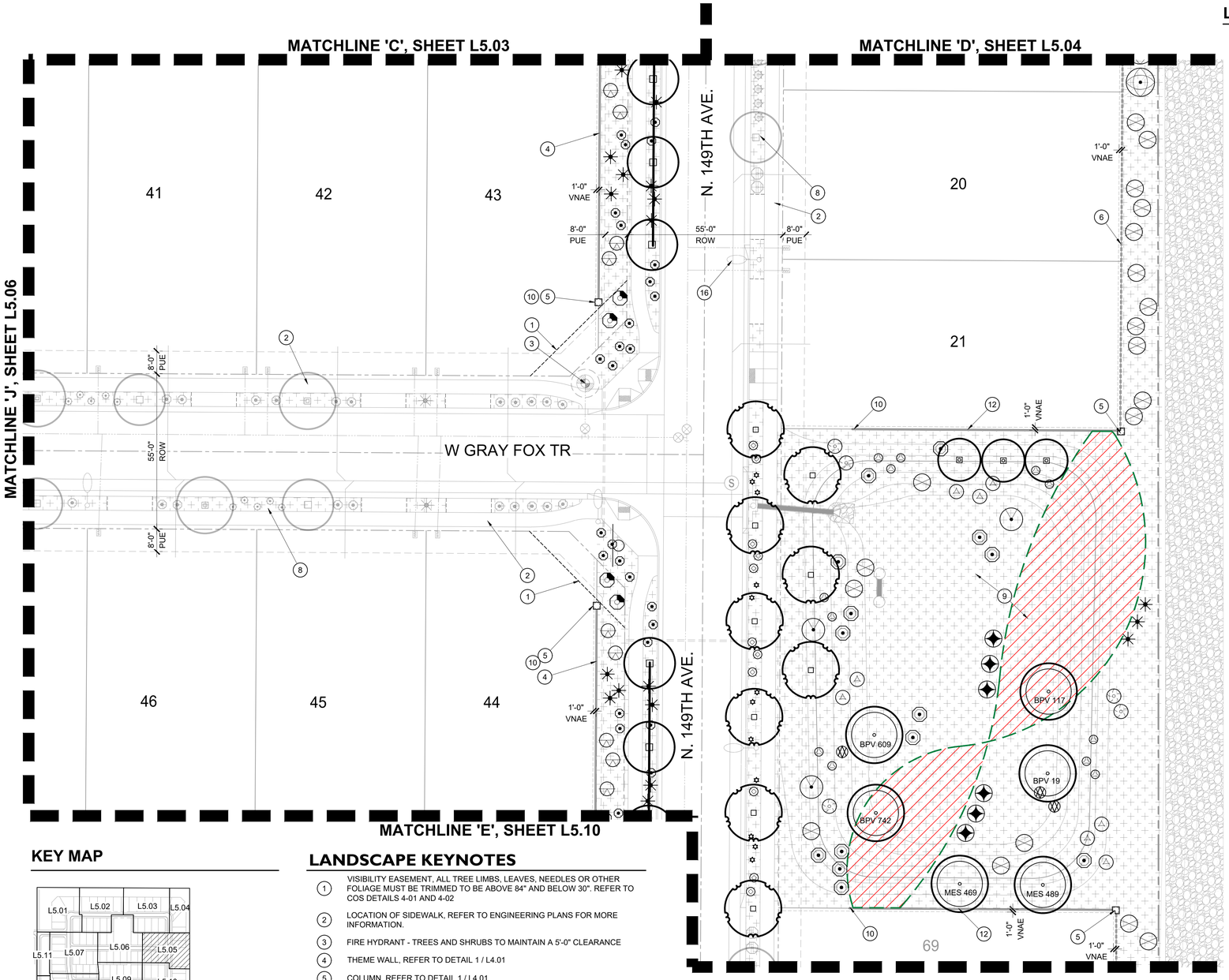
PLANTING PLAN

L5.04

SHEET 19 OF 27

2ND SUBMITTAL - FS21-1037

L:\21004215\WINDSTONE LENNAR\6-21004215-LANDSCAPE\3-CD\4-PHASE 2 NORTH\3-SHEETS\4215-CD-PH2-PLANTING PLAN_SHEETS 1-10.dwg 3/8/2022 shawn byron



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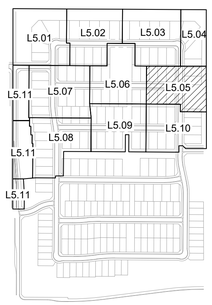

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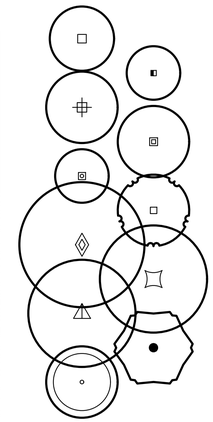

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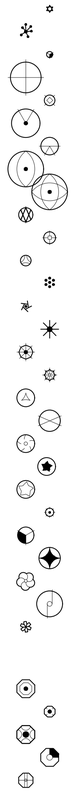

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L5.05

SHEET 20 OF 27

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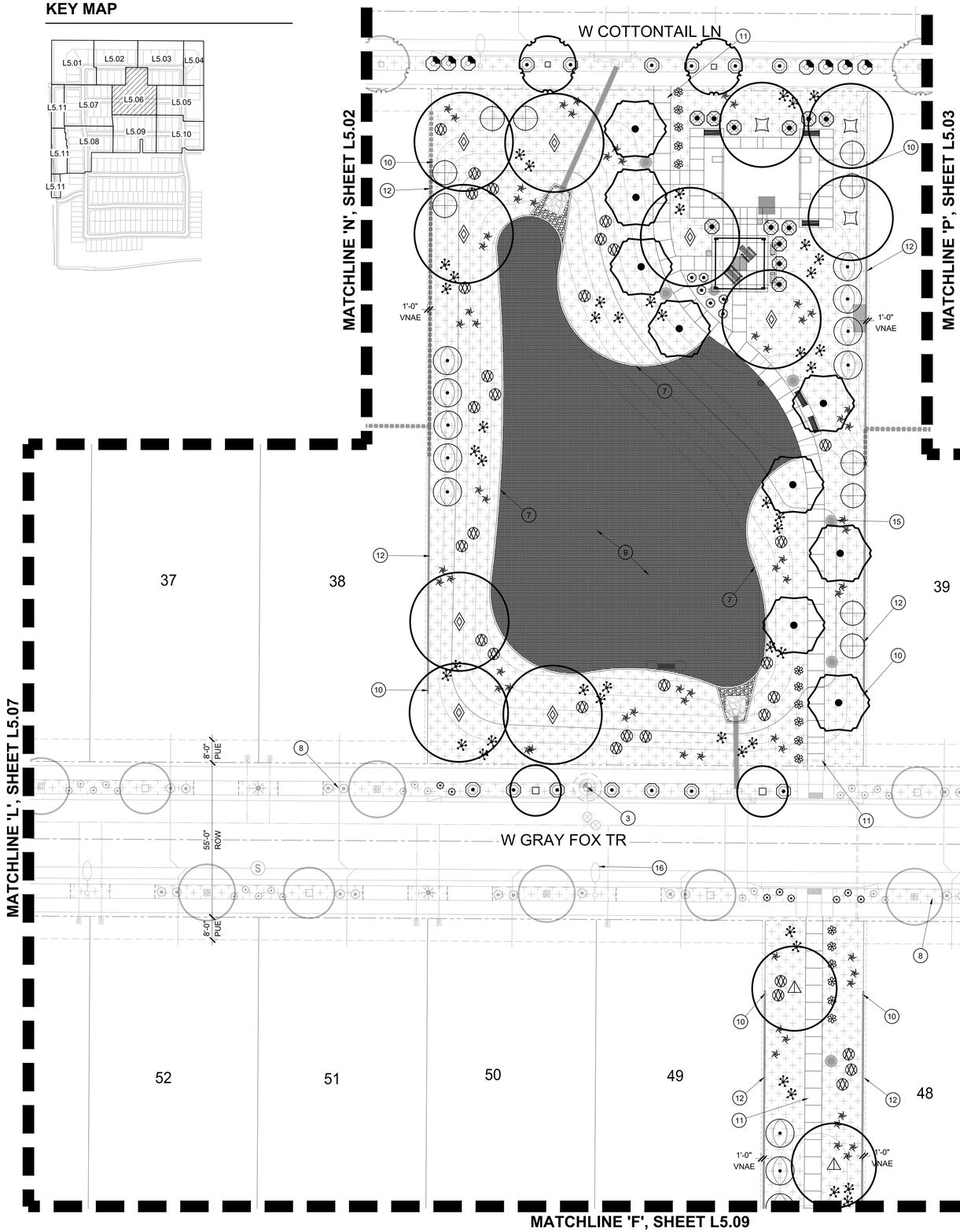

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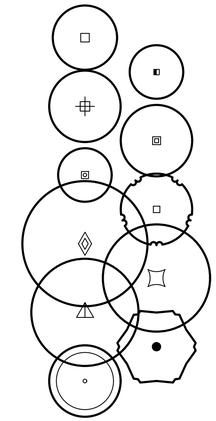

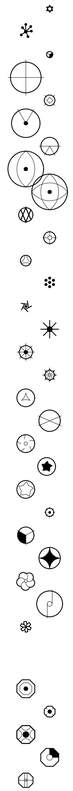

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PHASE 2

SURPRISE, ARIZONA

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PLANTING PLAN

L5.06

SHEET 21 OF 27

2ND SUBMITTAL - FS21-1037

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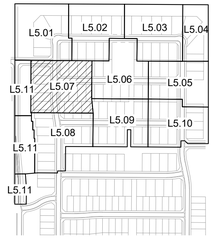

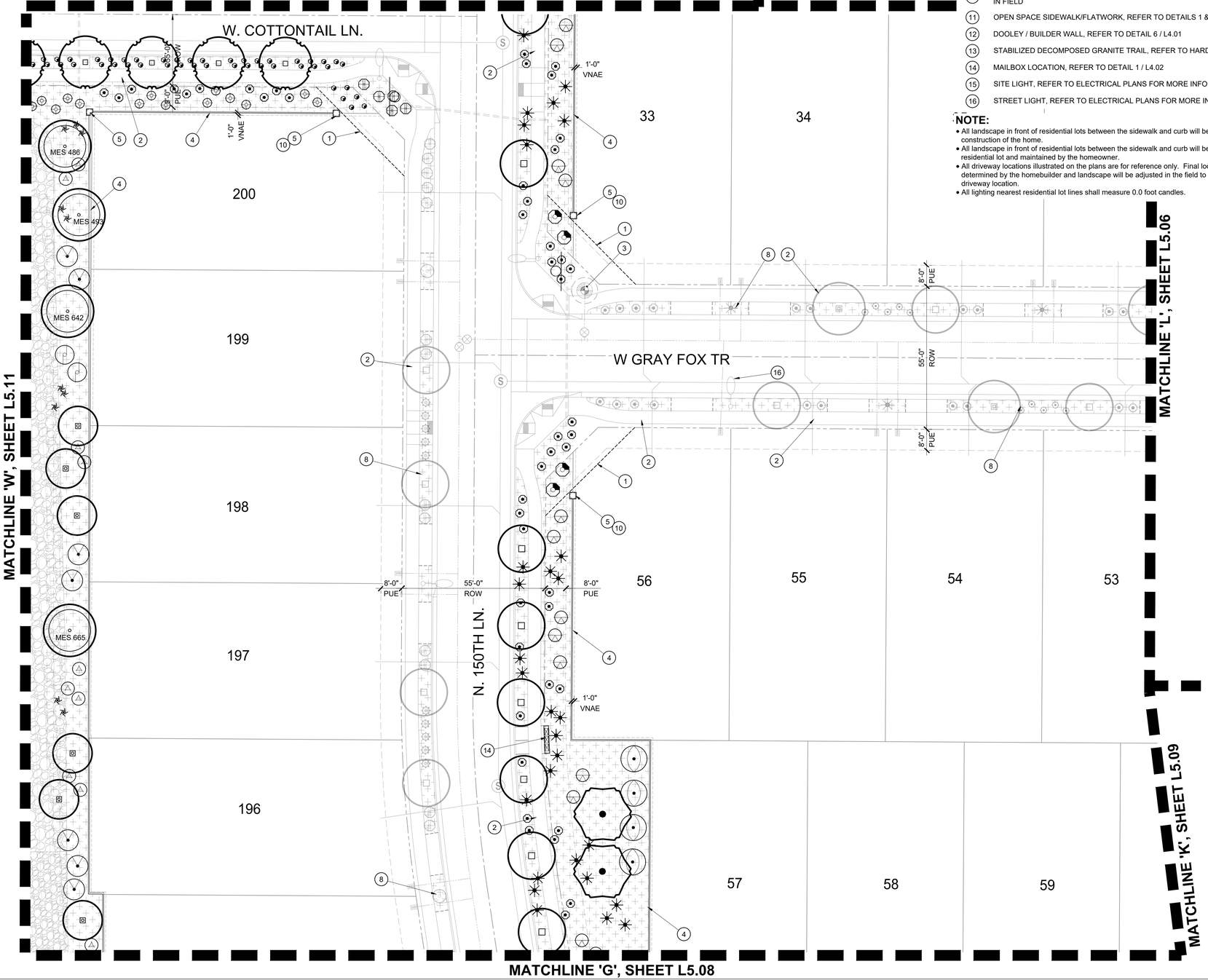

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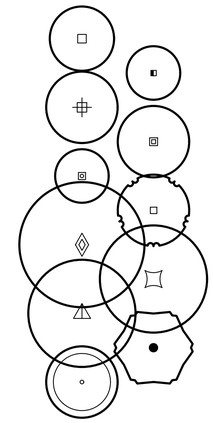

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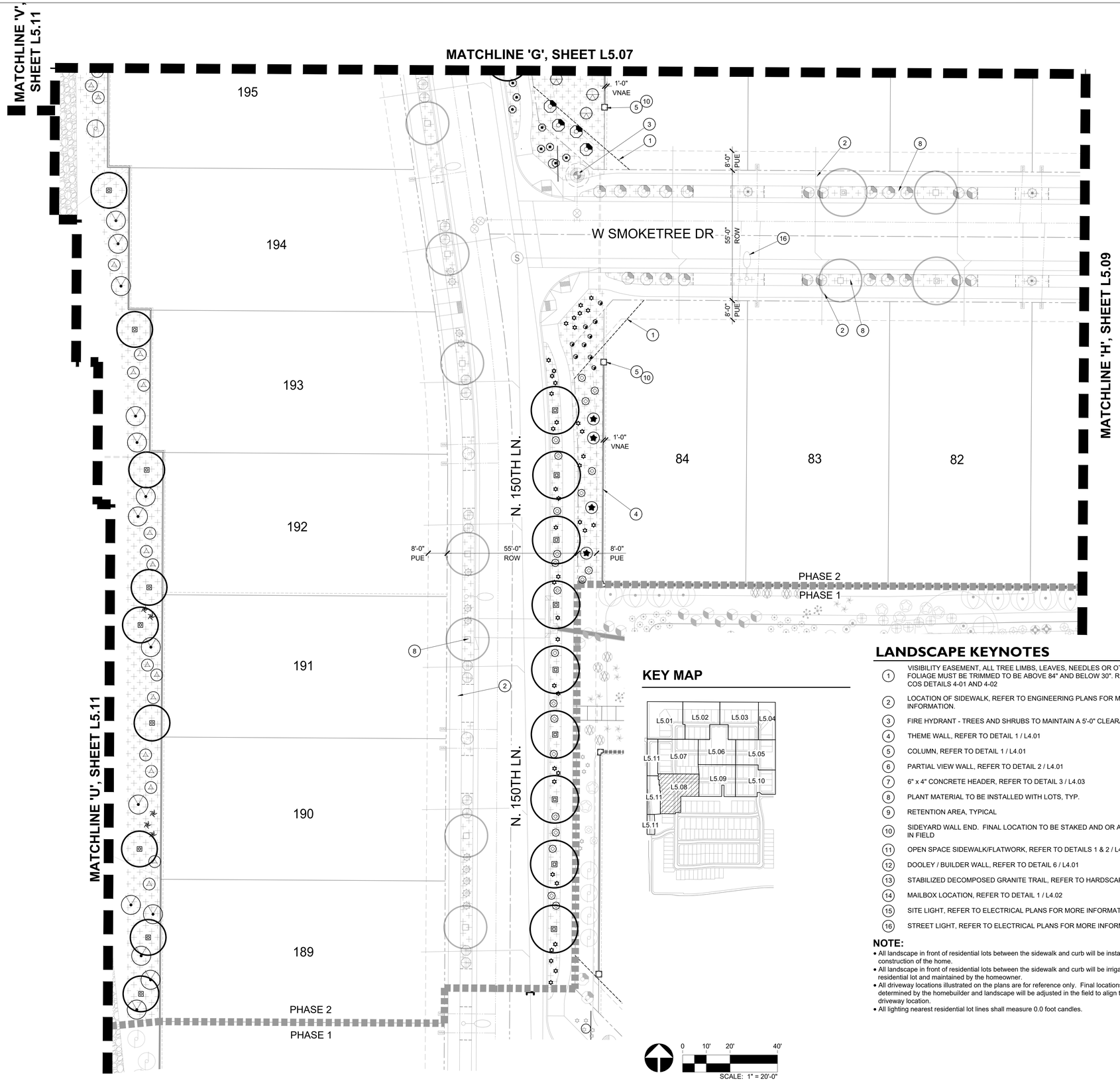

KEY MAP

0 10' 20' 40'
SCALE: 1" = 20'-0"

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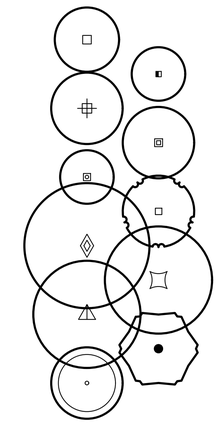

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Acacia willardiana
PALO BLANCO

Chilopsis linearis
DESERT WILLOW

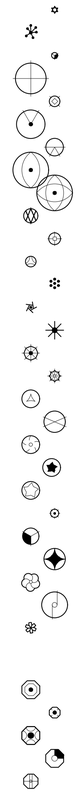
Fraxinus velutina
VELVET ASH

Pistacia x `Red Push`
RED PUSH PISTACHE

Prosopis chilensis `Thornless`
THORNLESS CHILEAN MESQUITE

Vitex agnus-castus
CHASTE TREE

Salvage Tree
RELOCATED



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CERTIFICATE NO.
55247
SHAWN
BYRON
DATE SIGNED 8/8/2022
ARIZONA U.S.A.

Contact Arizona 811 at least two full working days before you begin excavation
ARIZONA811 BLUE STAKE, INC.
Call 811 or click Arizona811.com

WINDSTONE RANCH PHASE 2

PHASE 2
SURPRISE, ARIZONA

PROJECT NO :	21004215
DATE :	03/08/2022
DRAWN:	TEAM
REVIEWED:	SLB

REVISIONS
1.
2.
3.
4.
5.

PLANTING PLAN

L5.08

SHEET 23 OF 27

2ND SUBMITTAL - FS21-1037

L:\21004215-WINDSTONE LENNAR\6-21004215-LANDSCAPE\3-CD\4-PHASE 2 NORTH\3-SHEETS\4215-CD-PH2-PLANTING PLAN_SHEETS 1 -10.dwg 3/8/2022 shawn byron

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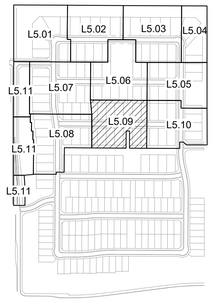

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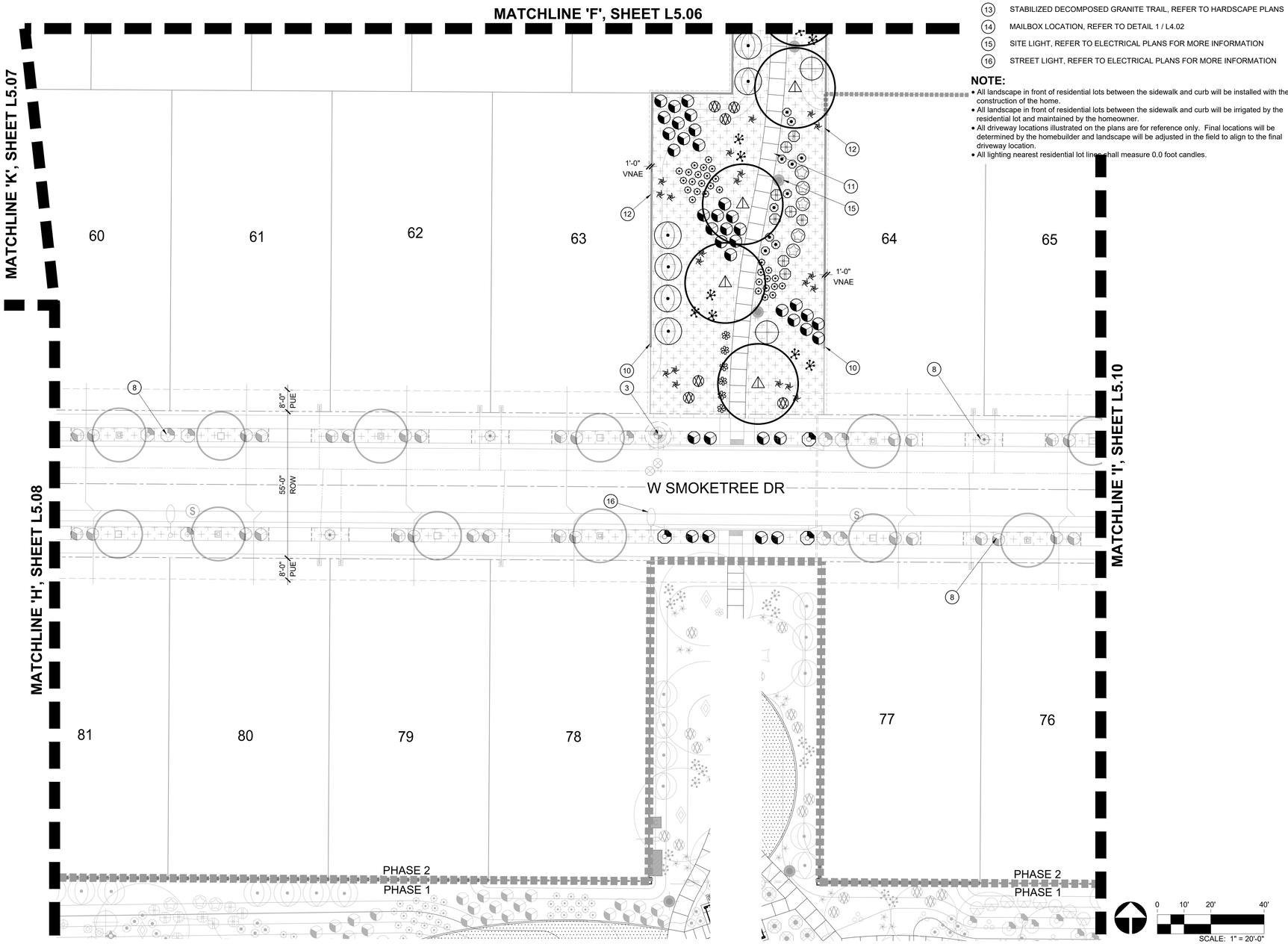
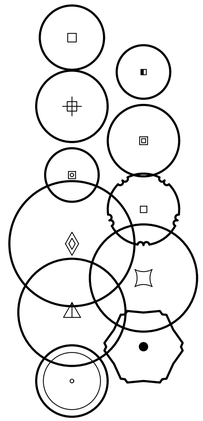


LANDSCAPE PALETTE



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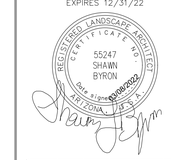

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SURPRISE, ARIZONA

PROJECT NO :	21004215
DATE :	03/08/2022
DRAWN:	TEAM
REVIEWED:	SLB

REVISIONS
1
2
3
4
5

PLANTING PLAN

L5.09

SHEET 24 OF 27

2ND SUBMITTAL - FS21-1037

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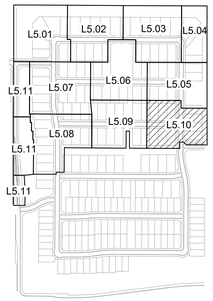

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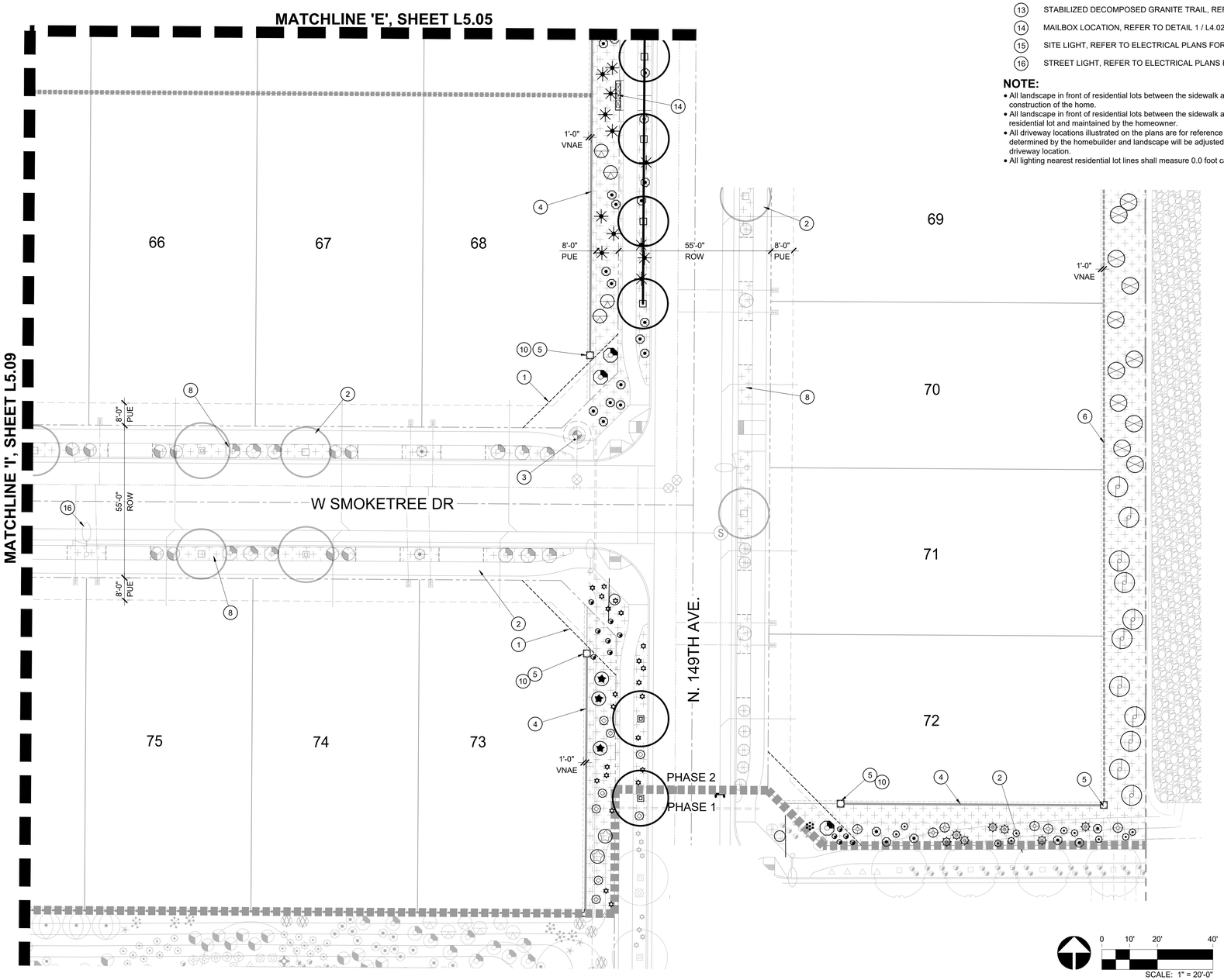

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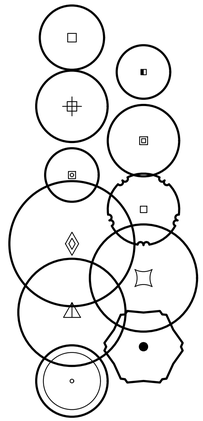

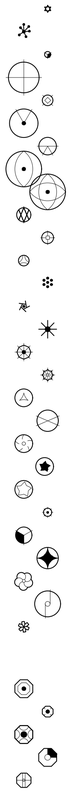

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REGISTERED LANDSCAPE ARCHITECT — CERTIFICATE NO. 55247 — SHAWN BYRON — DATE SIGNED 03/08/2022 — ARIZONA U.S.A.

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SURPRISE, ARIZONA

PROJECT NO :	21004215
DATE :	03/08/2022
DRAWN:	TEAM
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REVISIONS
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PLANTING PLAN

L5.10

SHEET 25 OF 27

2ND SUBMITTAL - FS21-1037

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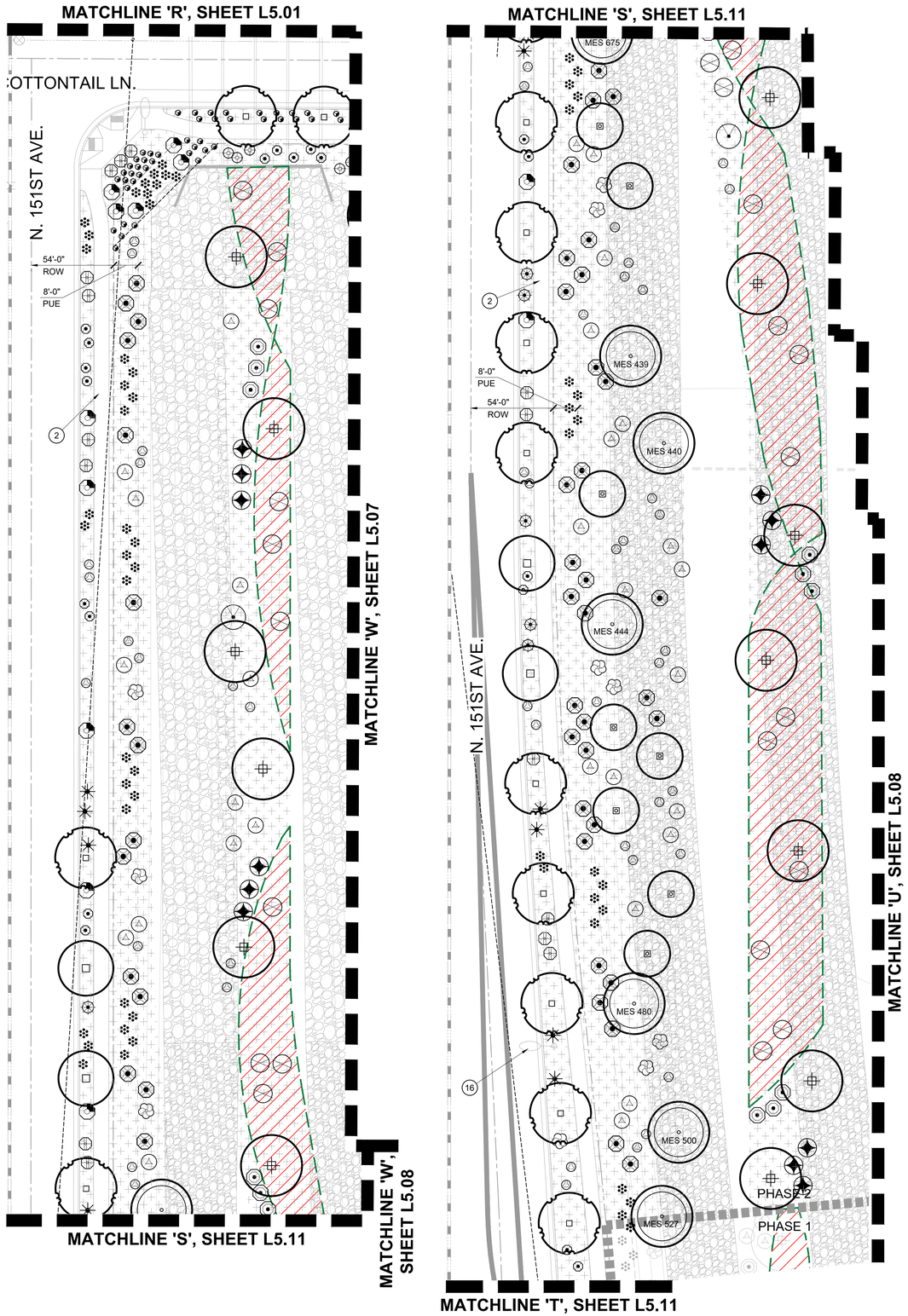

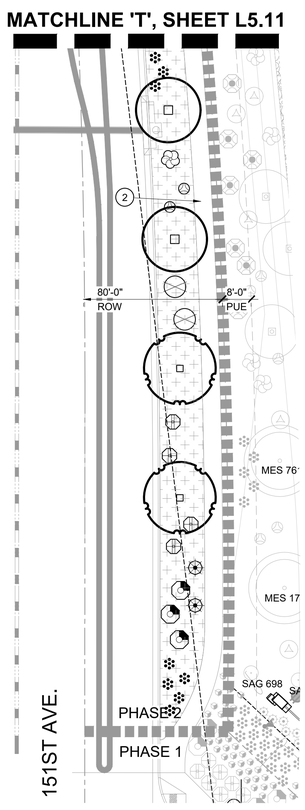

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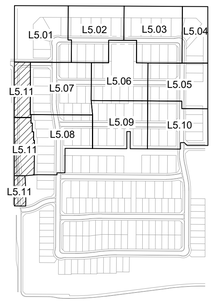

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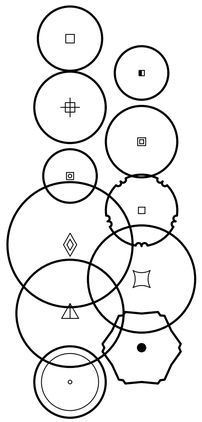
LANDSCAPE PALETTE



TREES
BOTANICAL / COMMON NAME

Acacia aneura
MULGA

Acacia constricta
WHITEHORN ACACIA

Acacia greggii
CATCLAW ACACIA

Acacia salicina
WILLOW ACACIA

Acacia willardiana
PALO BLANCO

Chilopsis linearis
DESERT WILLOW

Fraxinus velutina
VELVET ASH

Pistacia x `Red Push`
RED PUSH PISTACHE

Prosopis chilensis `Thornless`
THORNLESS CHILEAN MESQUITE

Vitex agnus-castus
CHASTE TREE

Salvage Tree
RELOCATED

SHRUBS & ACCENTS
BOTANICAL / COMMON NAME

Aloe x `Blue Elf`
BLUE ELF ALOE
Asclepias subulata
DESERT MILKWEED
Bouteloua curtipendula
SIDE OATS GRAMA
Caesalpinia pulcherrima
RED BIRD OF PARADISE
Calliandra eriophylla
PINK FAIRY DUSTER
Cordia parvifolia
LITTLE LEAF CORDIA
Dalea pulchra
INDIGO BUSH
Dodonaea viscosa
HOPSEED BUSH
Dodonaea viscosa `Purpurea`
PURPLE LEAFED HOPSEED BUSH
Eremophila decipiens
SLENDER EMU BUSH
Eremophila hygrophana `Blue Bells`
BLUE BELLS
Ericameria laricifolia
TURPENTINE BUSH
Euphorbia antisyphilitica
CANDELILLA
Euphorbia rigida
GOPHER PLANT
Hesperaloe parviflora
RED YUCCA
Hesperaloe parviflora `Yellow`
YELLOW YUCCA
Hesperaloe x `Perfu`
PINK PARADE RED YUCCA
Justicia californica `Chuperosa`
CHUPEROSA
Larrea tridentata
CREOSOTE BUSH
Leucophyllum langmaniae `Lynn`s Legacy`
LYNN`S LEGACY TEXAS RANGER
Leucophyllum langmaniae `Rio Bravo` TM
RIO BRAVO TEXAS RANGER
Leucophyllum zygophyllum `Cimarron`
BLUE RANGER
Muhlenbergia capillaris `Regal Mist` TM
REGAL MIST PINK MUHLY GRASS
Muhlenbergia rigens
DEER GRASS
Nolina microcarpa
BEAR GRASS
Opuntia santa-rita 'Tubac' TM
PURPLE PRICKLY PEAR
Simmondsia chinensis
JOJOBA
Yucca pallida
PALE LEAF YUCCA

GROUNDCOVER
BOTANICAL / COMMON NAME

Acacia redolens `Desert Carpet` TM
DESERT CARPET BANK CATCLAW
Dalea capitata `Sierra Gold` TM
SIERRA GOLD DALEA
Lantana camara `Dallas Red`
DALLAS RED LANTANA
Lantana montevidensis
TRAILING LANTANA
Verbena rigida
SANDPAPER VERBENA

MISCELLANEOUS
BOTANICAL / COMMON NAME

CONCRETE HEADER

ROCK MULCH
'GRANDE ROSE'

'MID IRON' BERMUDA

HYDROSEED

NOTE:

- Tags for registered or trademarked (®, ™) material are to remain on plants.

0 10' 20' 40'
SCALE: 1" = 20'-0"

RVi
120 S. Ash Avenue
Tempe, Arizona 85281
Tel: 480.994.0994
www.rviplanning.com

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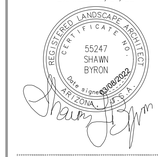


Contact Arizona 811 at least two full working days before you begin excavation
ARIZONA811 BLUE STAKE, INC.
Call 811 or click Arizona811.com

WINDSTONE RANCH PHASE 2

PHASE 2

SURPRISE, ARIZONA

PROJECT NO :	21004215
DATE :	03/08/2022
DRAWN:	TEAM
REVIEWED:	SLB

REVISIONS
1
2
3
4
5

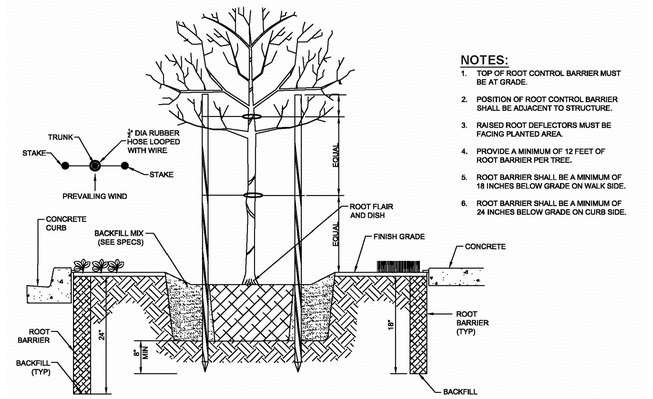
PLANTING PLAN

L5.11

SHEET 26 OF 27

2ND SUBMITTAL - FS21-1037

L:\21004215-WINDSTONE LENNAR\6-21004215-LA\NSCAPE\3-CD\4-PHASE 2 NORTH\3-SHEETS\4215-CD-PH2-PLANTING PLAN_SHEETS 1-10.dwg 3/8/2022 shawn bynon



NOTES:

1. TOP OF ROOT CONTROL BARRIER MUST BE AT GRADE.
2. POSITION OF ROOT CONTROL BARRIER SHALL BE ADJACENT TO STRUCTURE.
3. RAISED ROOT DEFLECTORS MUST BE FACING PLANTED AREA.
4. PROVIDE A MINIMUM OF 12 FEET OF ROOT BARRIER PER TREE.
5. ROOT BARRIER SHALL BE A MINIMUM OF 18 INCHES BELOW GRADE ON WALK SIDE.
6. ROOT BARRIER SHALL BE A MINIMUM OF 24 INCHES BELOW GRADE ON CURB SIDE.

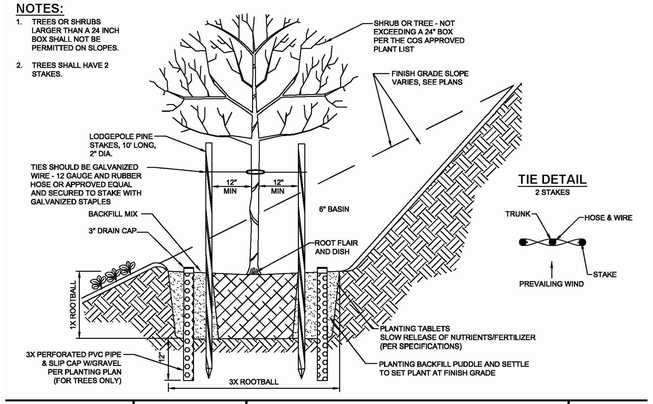
DATE REVISED: 8/2016	SURPRISE ARIZONA	ROOT BARRIER	DETAIL NO: 8-14
APPROVED FOR DISTRIBUTION (SIGNATURE ON FILE)			

3 ROOT BARRIER

SCALE: NTS

NOTES:

1. TREES OR SHRUBS LARGER THAN A 24 INCH BOX SHALL NOT BE PERMITTED ON SLOPES.
2. TREES SHALL HAVE 2 STAKES.



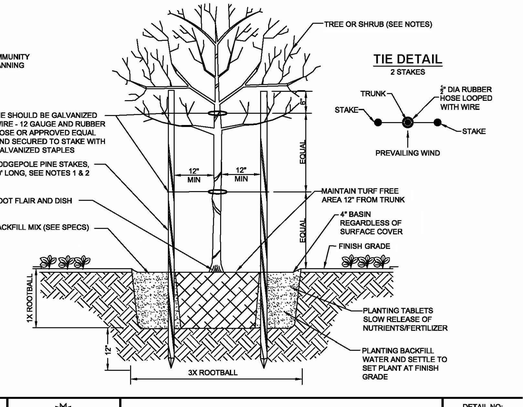
DATE REVISED: 8/2016	SURPRISE ARIZONA	TREE OR SHRUB PLANTING ON SLOPE - 5 GAL., 15 GAL. AND 24" BOX	DETAIL NO: 8-12
APPROVED FOR DISTRIBUTION (SIGNATURE ON FILE)			

2 TREE OR SHRUB PLANTING ON SLOPE

SCALE: NTS

NOTES:

1. PLANTS SHALL BE APPROVED BY COMMUNITY DEVELOPMENT PLANNING DIVISION



DATE REVISED: 8/2016	SURPRISE ARIZONA	SHRUB OR TREE PLANTING	DETAIL NO: 8-15
APPROVED FOR DISTRIBUTION (SIGNATURE ON FILE)			

1 TREE OR SHRUB PLANTING

SCALE: NTS

PROVIDE FINAL APPLICATION OF WEED CONTROL UPON FINAL RAKING.

ROCK/BARK MULCH. REFER TO LANDSCAPE MATERIAL SCHEDULE FOR MORE INFO.

APPLY PRE-EMERGENT HERBICIDE AS PER MANUFACTURER'S RECOMMENDATIONS (SURFLAN, DACTHOL, OR APPROVED EQUAL).

FINE GRADED SUBGRADE. RAKE SMOOTH TO ALLOW FOR AN EVEN APPLICATION OF MULCH & INSURE POSITIVE DRAINAGE FROM ALL STRUCTURES

NOTE:

- The finish grade of landscape areas receiving rock/bark mulch must be graded 2-1/2" below concrete or other adjacent paved surfaces prior to installation of the mulch.
- Contractor to provide rock/bark mulch sample to owner prior to installation for approval.
- Contractor to be responsible for any variation from approved mulch.
- Contractor to provide two separate applications of pre-emergent. DO NOT APPLY PRE-EMERGENT IN AREAS TO BE HYDROSEEDED.

6 ROCK MULCH

SCALE: NTS

NOTES:

1. LOCATE PLANTS SPACED EQUIDISTANT (D) FROM EACH OTHER AS SHOWN. D = GROUND COVER SPACING (DIMENSION AS SHOWN ON PLANTING PLAN).
2. PLANTS SHALL BE AS APPROVED BY COMMUNITY DEVELOPMENT PLANNING DIVISION.

DATE REVISED: 8/2016	SURPRISE ARIZONA	MULCH LAYER AND GROUND COVER PLANTING	DETAIL NO: 8-13
APPROVED FOR DISTRIBUTION (SIGNATURE ON FILE)			

5 MULCH LAYER AND GROUND COVER PLANTING

SCALE: NTS

NOTE:

- Primary control joints occur at 10'-0" o.c. Expansion joints to occur at a max. spacing of 30'-0" & between all adjacent concrete surfaces.
- Landscape contractor to show layout of header w/ marking paint or 1/2" pvc tubing for owner approval prior to initial pour.
- All curved headers shall be smooth, continuous transitions w/ a uniform width as noted on plans.
- All curbing & headers shall not impeed onsite drainage flows. Should this occur, provide swale depressions as required.

4 6" x 4" EXTRUDED CONCRETE HEADER

SCALE: NTS

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Tempe, Arizona 85281
Tel: 480.994.0994
www.rviplanning.com

EXPIRES 12/31/22

RECISTERED LANDSCAPE ARCHITECT CERTIFICATE NO. 55247 SHAWN BYRON DATE SIGNED 3/8/2022 ARIZONA U.S.A.

Contact Arizona 811 at least two full working days before you begin excavation
ARIZONA 811 BLUE STAKE, INC.
Call 811 or click Arizona811.com

WINDSTONE RANCH PHASE 2

PHASE 2
SURPRISE, ARIZONA

PROJECT NO :	21004215
DATE :	03/08/2022
DRAWN:	TEAM
REVIEWED:	SLB

REVISIONS
1.
2.
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4.
5.

PLANTING DETAILS

L6.01

SHEET 27 OF 27

2ND SUBMITTAL - FS21-1037

L:\21004215-WINDSTONE LENNAR\6-21004215-LANDSCAPE\3-CD\4-PHASE 2 NORTH\3-SHEETS\4215-CD-PH2-PLANTING DETAILS.dwg 3/8/2022 shawn byron

Christina Sexton

From: JAMES, MARK C GS-12 USAF AETC 56 FW/CVE <mark.james.14@us.af.mil>
Sent: Wednesday, January 12, 2022 10:38 AM
To: Nichole Flores
Cc: 56 FW/CIT Community Initiative
Subject: RE: FS21-1037 Windstone Ranch Phase 2 - New Digital Submittal 12.23.21
Attachments: smime.p7s; ATT00001.txt; ATT00002.htm

Nichole,

Thank you for allowing Luke AFB to make comments on the Windstone Ranch Phase 2 Application. This final plat application is for development of Phase 2 of the development. The site is located approximately 5 miles outside the Luke AFB 1988 JLUS 65 Ldn, "high noise or accident potential zone" as defined by A.R.S. § 28-8461 and is inside the "territory in the vicinity of a military airport" also defined by A.R.S. § 28-8461.

As described in the application, this request will not have a negative impact on Luke AFB Flight Operations. Since the site will be located inside the "territory in the vicinity of a military airport," it will be subjected to approximately 165 over flights per day, as low as 1,500 feet above the ground. 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 the tenant about Luke AFB operations.

Respectfully,

Mark

Mark James
Planning Manager, Community Initiatives Team
Luke AFB AZ 85309
Office: 623-856-9981
DSN: 896-9981

From: Nichole Flores <Nichole.Flores@surpriseaz.gov>
Sent: Thursday, December 23, 2021 11:07 AM
To: 56 FW/CIT Community Initiative <56FW.CIT.CommunityInitiative@us.af.mil>; Afshin Ahouraiyan (Flood Control District of Maricopa County) <Afshin.Ahouraiyan@Maricopa.Gov>; Alex Garza (Maricopa Assoc of Governments) <AGarza@azmag.gov>; Aspasia Angelou (Nadaburg School District) <aangelou@nadaburgsd.org>; Chris Cain (Maricopa Water District) <chrisc@mwdaz.com>; Debbie Trasancos (Maricopa Water District) <debbiet@mwdaz.com>; Ernest (USPS) <Ernest.L.James@usps.gov>; Eva Pierce <eva.pierce@dysart.org>; Greg Welch <greg.welch@surpriseaz.gov>; Ibeth - USPS <Ibeth.L.Roman@usps.gov>; Jerome Choy (ADOT) <jchoy@azdot.gov>; Judy Lopez - Beardsley Water Company <managefnm365@aol.com>; Kevin Shipman <kevin.shipman@dysart.org>; Leslie - MWD <lesliej@mwdaz.com>; Lynn Greene (Wickenburg SD) <lgreene@wusd9.org>; Lynndsay ONeil <lynndsay.oneill@maricopa.gov>; Mark Frago <fragom@mail.maricopa.gov>; Mary Orta - Surprise Chamber <mary.orta@surpriseregionalchamber.com>; Raoul Sada - Surprise Chamber <raoul@surpriseregionalchamber.com>; Rovell Foggy (Liberty Utilities) <Rovell.Foggy@libertyutilities.com>; Victor.Schaum <Victor.Schaum@cox.com>; Yvonne Aguirre <yvonne.aguirre@swgas.com>
Cc: Lorraine Nevarez <Lorraine.Nevarez@surpriseaz.gov>
Subject: [Non-DoD Source] FS21-1037 Windstone Ranch Phase 2 - New Digital Submittal 12.23.21

Good morning,

Attached please find the **application**, **narrative**, and **final plat** for the above referenced project.

Please feel free to contact us with any questions.

Best regards,

Nichole Flores
Planning Project Coordinator
City of Surprise | Community Development
16000 N Civic Center Plz | Surprise AZ 85374
(623) 222-3244 Direct

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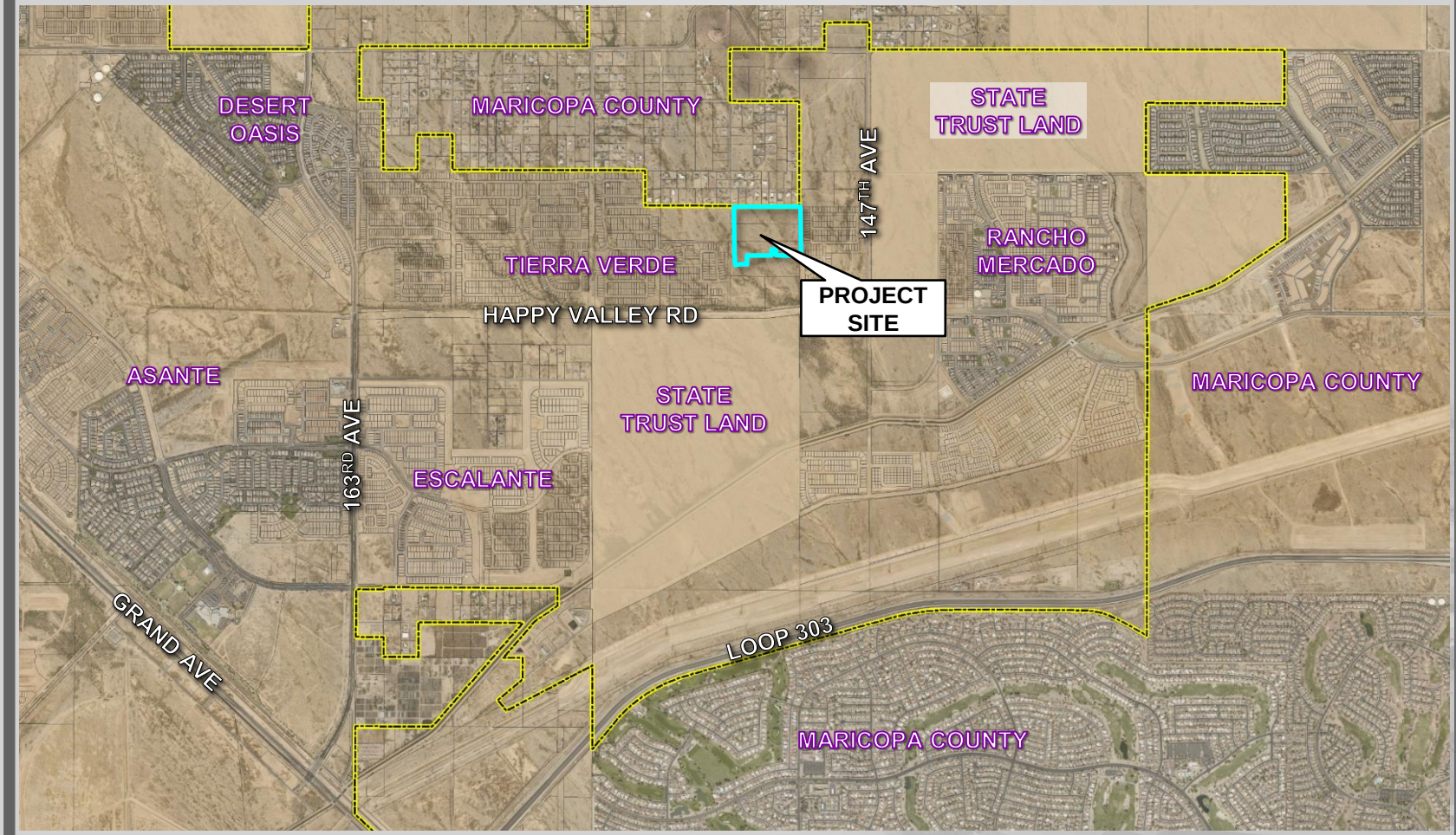
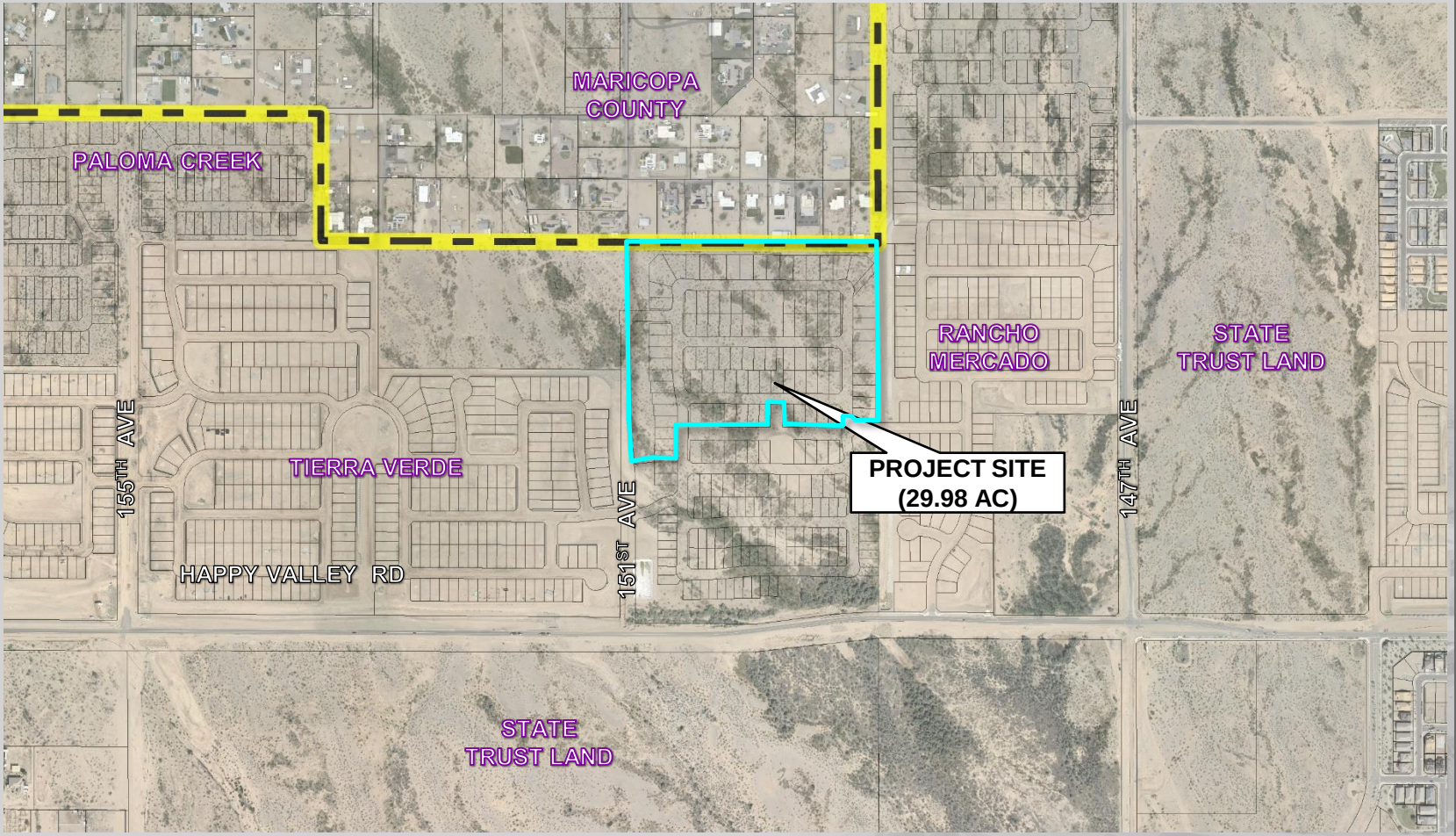
SURPRISE
ARIZONA

FS21-1037
Windstone Ranch Phase 2 - Final Plat

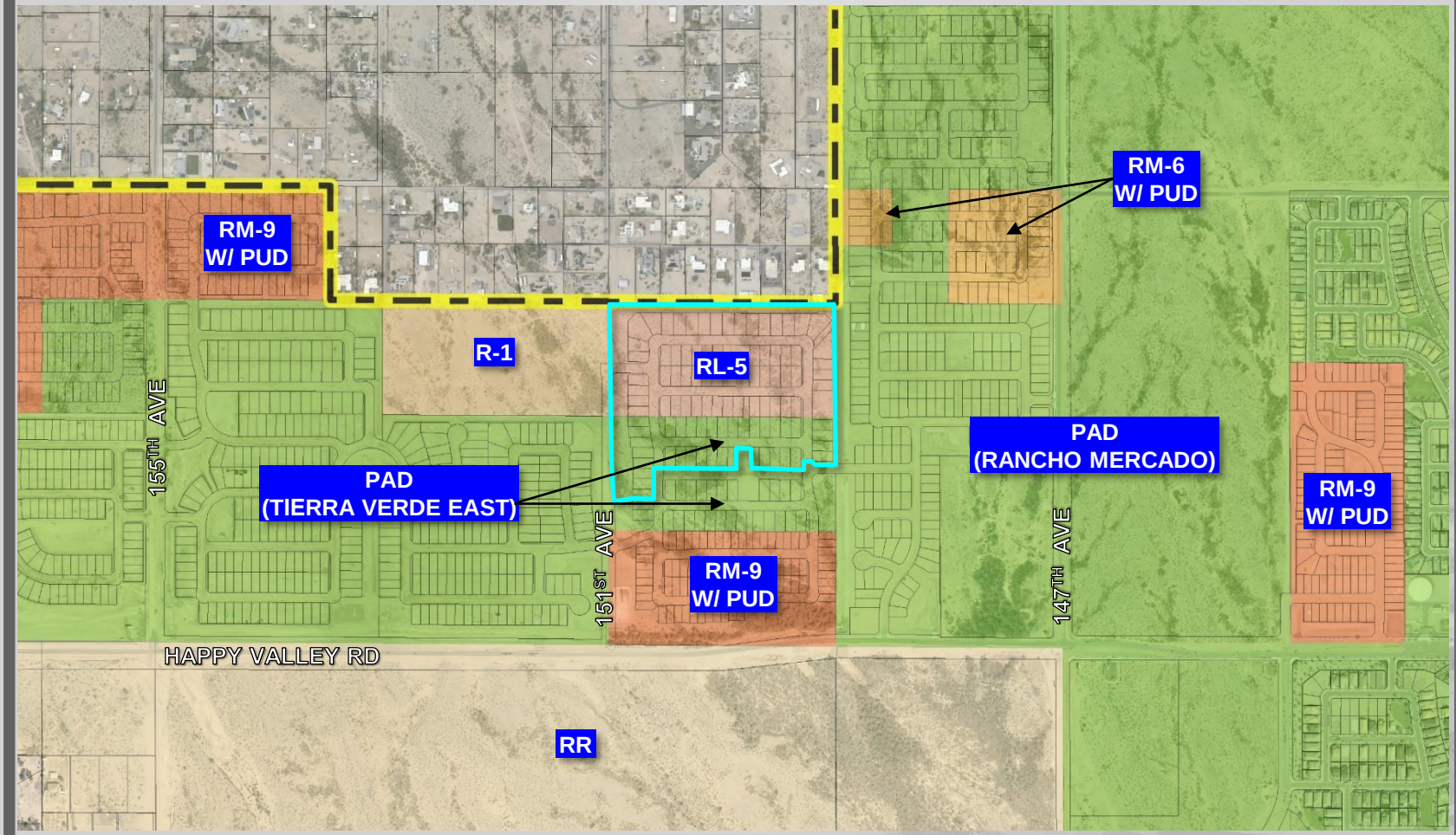
City Council – August 1, 2023



FS21-1037 VICINITY MAP

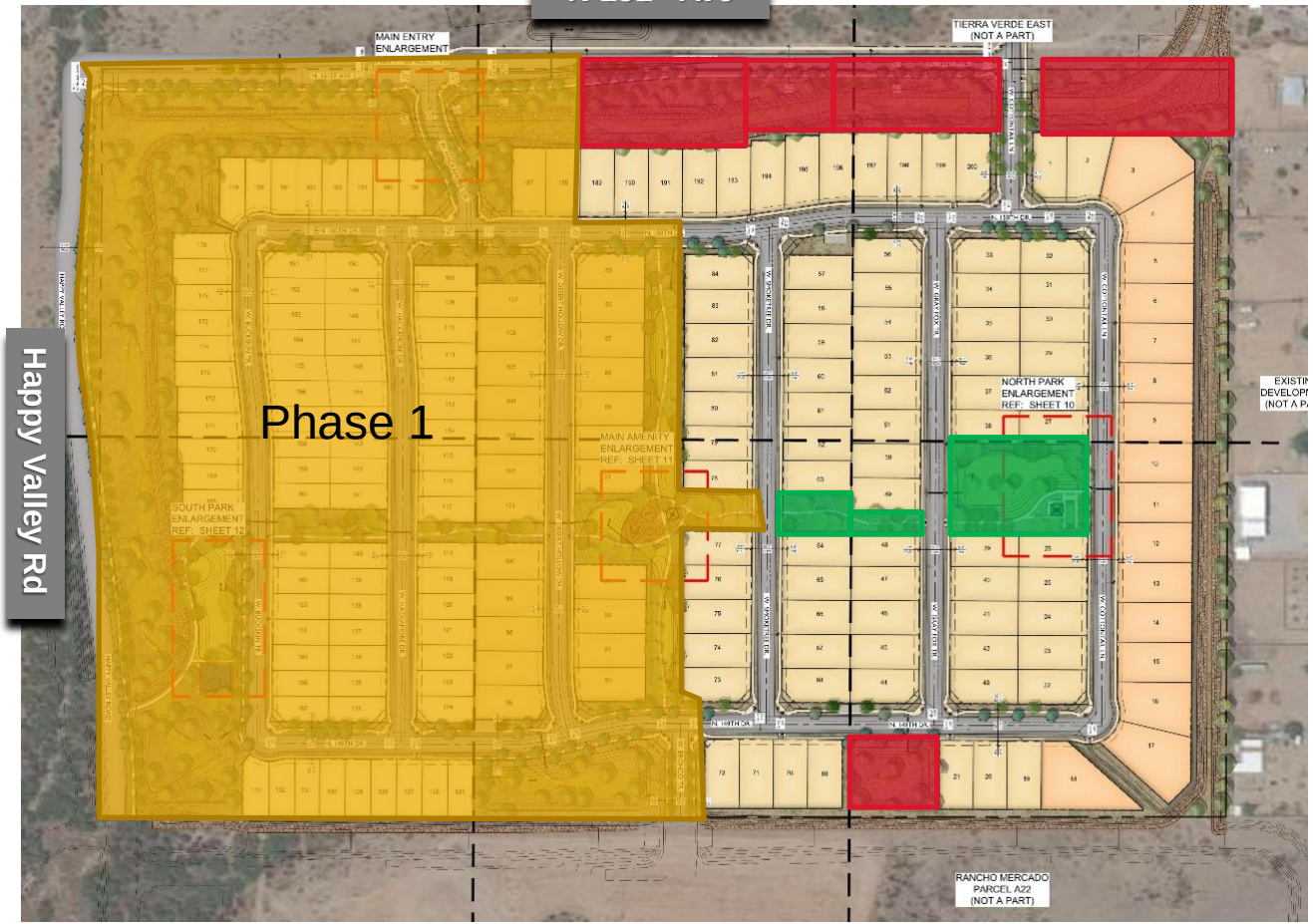


FS21-1037 VICINITY MAP



FS21-1037 ZONING MAP

FS21-1037 OPEN SPACE



Total Open Space -6.83 ac (22.7%)

Active Rec Space – 1.1 ac

Passive Rec Space – 5.7 ac

FS21-1037 AMENITY SITE

Turf & Retention

Playground

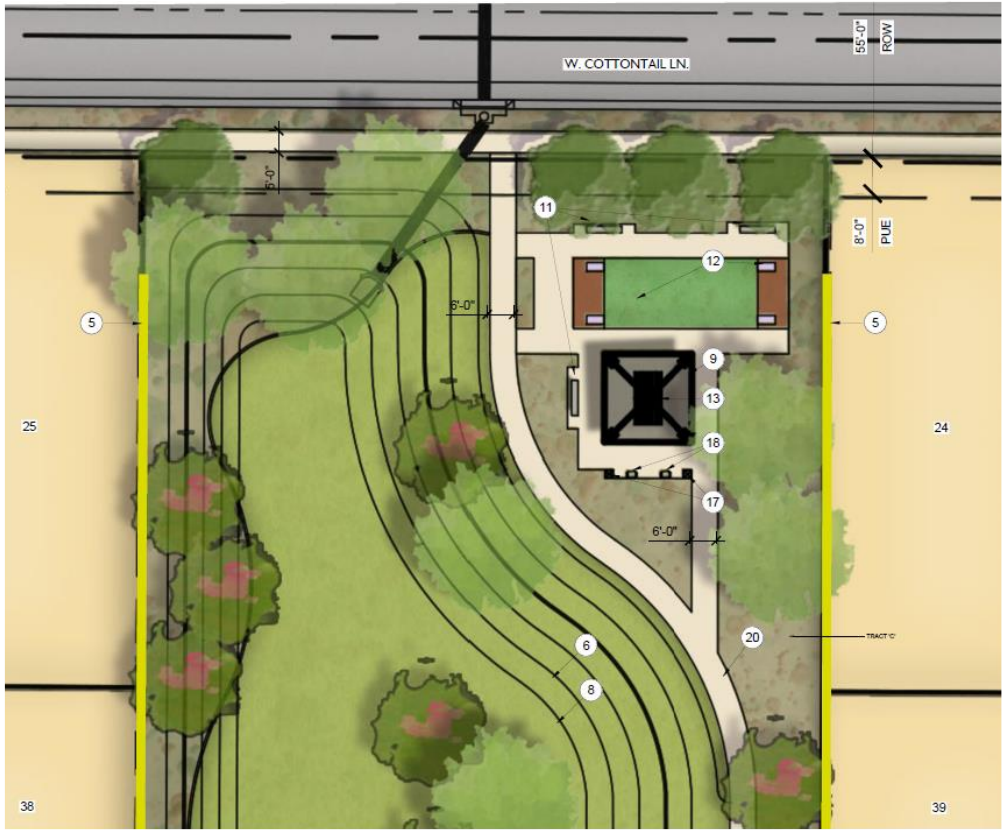
- Tot Lot and Swings

Seat walls

Ramada with:

- Grills
- Table

FS21-1037 AMENITY SITE



Turf & Retention

Sport Courts

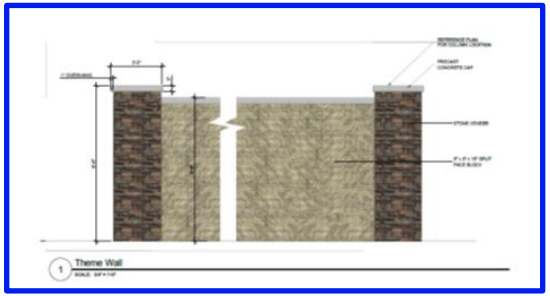
- Cornhole

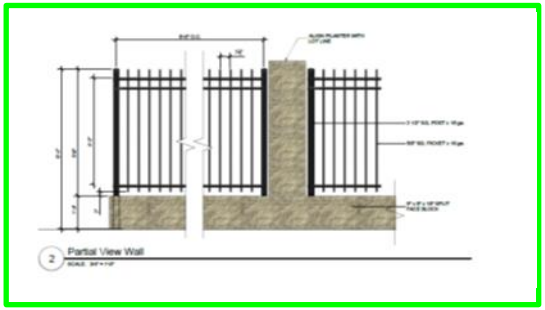
Seat walls

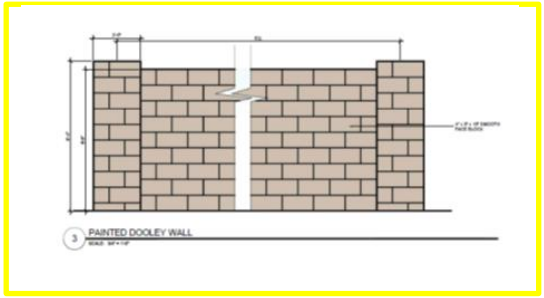
Ramada with:

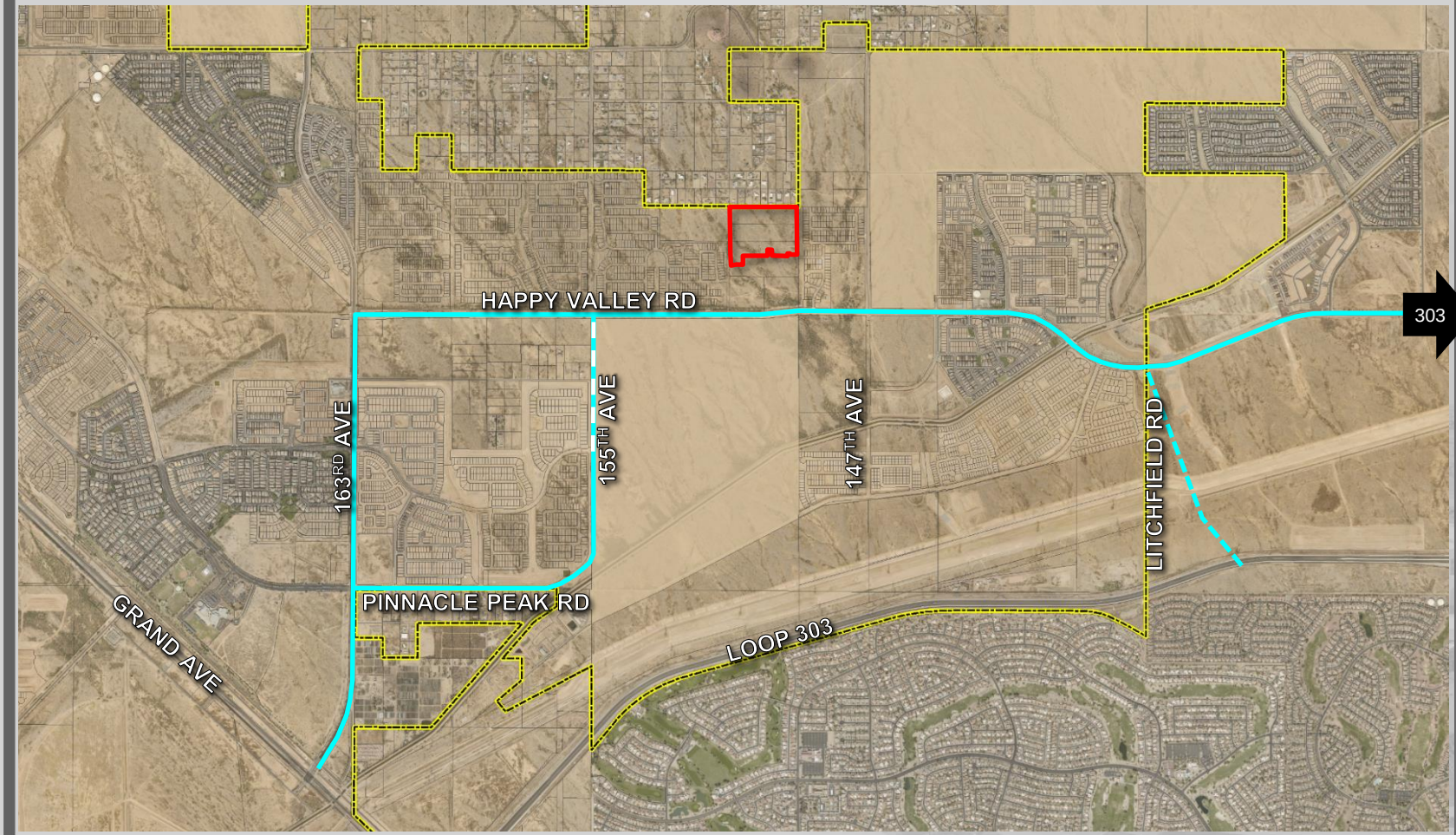
- Grills
- Table

FS21-1037 WALL PLAN









FS21-1037 TRAFFIC MAP

SURPRISE
ARIZONA

QUESTIONS / COMMENTS?

Thank You

CITY OF SURPRISE
Regular City Council Meeting

Council Meeting Date: August 1, 2023
Submitting Department: Legal
Staff Recommendations:

Contact Person: Robert Wingo, CITY ATTORNEY
District: Internal

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

Agenda Wording:
Consideration and action ratifying the June 20, 2023 approval of an Intergovernmental Agreement with the City of Buckeye for access to the Imagetrend reporting software and correcting a scrivener's error; Resolution #2023-102.

Motion:
I move to ratify the June 20, 2023 approval of an Intergovernmental Agreement with the City of Buckeye for access to the Imagetrend reporting software and correct a scrivener's error by approval of Resolution #2023-102.

Background:
At the June 20, 2023 Regular City Council Meeting, City Council approved an Intergovernmental Agreement with the City of Buckeye for access to the Imagetrend reporting software by Resolution #2023-62. Subsequent to that approval, it was discovered by the City Clerk's Office that Resolution #2023-62 had previously been assigned and used for acceptance of public improvements at the Desert Oasis Phase 3 development earlier in the same meeting and therefore the numbering of Resolution #2023-62 for the approval of the Buckeye Intergovernmental Agreement was a scrivener's error. The correct Resolution number should have been Resolution #2023-102. Therefore, it is necessary for the City Council to correct the scrivener's error in resolution numbering and ratify the approval of the Buckeye Intergovernmental Agreement.

Objective Analysis:
The original approval on June 20, 2023, by the incorrectly numbered Resolution is a routine matter that approved an Intergovernmental Agreement between Surprise and Buckeye is consistent with Arizona state law, city ordinance, policy, and practice. This ratification by approval of Resolution #2023-102 will correct a scrivener's error in the numbering of resolutions.

Policy Compliant:
This approval will correct a scrivener's error in the numbering of Resolutions and ensure that the City Clerk's Office will maintain accurately numbered Resolutions as part of the official records of the City of Surprise.

Financial Impact:

None.

Budget Impact:

None.

FTE Impact:

None.

ATTACHMENTS:

1. Res 2023-102 IGA Buckeye ImageTrend software

RESOLUTION # 2023-102

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA APPROVING AN INTERGOVERNMENTAL AGREEMENT WITH CITY OF BUCKEYE FOR ACCESS TO THE IMAGETREND REPORTING SOFTWARE.

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 within;

WHEREAS, the parties desire to enter into an intergovernmental agreement in order to document response and service delivery to fire and medical calls using a cost effective and well-designed software system; and

WHEREAS, the software will facilitate the exchange of call information when responding to calls for service in jointly served areas.

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 City of Buckeye, 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:

Kristi Passarelli, City Clerk

Approved as to form:

Robert Wingo, City Attorney

EXHIBIT A

INTERGOVERNMENTAL AGREEMENT
BETWEEN THE CITY OF SURPRISE AND THE CITY OF BUCKEYE FOR SHARING FIRE-MEDICAL RECORD SOFTWARE

INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF SURPRISE AND THE CITY OF BUCKEYE FOR SHARING FIRE-MEDICAL RECORD SOFTWARE

This Intergovernmental Agreement ("Agreement") is entered into this ___ day of _____, 2023 ("the "Effective Date") by and between the City of Surprise, Arizona ("Surprise") and the City of Buckeye, Arizona ("Buckeye"). Surprise and Buckeye are referred to as a "Party" and jointly referred to as "the Parties".

Pursuant to A.R.S. §11-952, the City of Surprise and the City of Buckeye are authorized to enter into intergovernmental agreements with other governmental agencies, and the Mayor of the City or the City Manager is authorized and empowered by law to execute such agreements.

AGREEMENT

1. **Effective Date/Duration** - The agreement shall become effective upon the execution of at least three (3) originals by the parties hereto and upon one (1) original being filed with the respective City Clerks. The initial term of this Agreement shall be three (3) years from the effective date. The agreement will renew itself annually upon the first day of July each year unless either Party provides prior written notice of its intent not to renew.
2. **Purpose and Intent** – The Parties use the ImageTrend records management system ("RMS") for documenting responses to and services delivered upon fire-medical and ambulance calls. Buckeye desires to become a member of the regional system to reduce setup costs and setup time. This partnership will also help to ensure compliance with all state and federal reporting requirements. In addition to the time, price, and compliance benefits, the Parties are members of the Phoenix Regional Automatic Aid System. That membership results in the Parties regularly taking calls and providing services within the other's jurisdiction. This Agreement will help the partners provide residents and employees with the most up-to-date information possible. The Parties enter this Agreement to operate under the same system as separate agencies.

3. **Ownership of RMS Subscription** - Each Party is responsible for directly maintaining its contracted service with ImageTrend. The Parties have no control over contracts for service and access to the system.
4. **System Administration Control** - Until all the Parties, including any future Party who desires to participate, establish a governing body, Surprise will continue to control the administrative software options for the RMS having sole system administrator authority. Each Party will have full control over their agency.
5. **Ownership of Data** - The data in the system is owned by the Party that enters the data into RMS. However, the Parties intend that this Agreement provides for the cooperative use of data entered into the RMS, subject to legal mandates and privacy restrictions.
6. **Costs and Maintenance** - Buckeye is responsible for all costs associated with Buckeye's transition into the RMS inside the ImageTrend environment. ImageTrend will bill each Party their share of the costs and maintenance associated with the RMS. This agreement does not govern any service contacts between Buckeye and ImageTrend. This agreement only covers daily operations of the system after Buckeye executes its terms with ImageTrend. Each Party shall be responsible for any hardware or equipment costs for that Party's usage of the RMS.
7. **On-going Operations** - There are no ongoing costs to maintain the regional RMS. If the parties identify an ongoing cost in the future, an addendum will be created and approved by all parties to cover such costs.
8. **Termination** – Either Party, upon thirty days' notice may terminate this Agreement without further obligation or penalty.
9. **Hold Harmless and Indemnification** - Each Party agrees that it will be responsible for any liability or loss that may be incurred as a result of any claim, demand, cost, or judgment made against that party to the extent arising from any negligent, reckless, or intentional act or omission by any of that party's employees, agents, or servants in connection with work or responsibilities performed pursuant to this Agreement.
    1. To the extent permitted by law, each Party (an "Indemnitor") shall indemnify, hold harmless, and defend the other party (the "Indemnified Parties") against all claims and lawsuits resulting from any claim, demand, cost, or judgment made against the Indemnified

Party to the extent arising from any negligent, reckless, or intentional act or omission by any of the Indemnitor's employees, agents, or servants in connection with work or responsibilities performed pursuant to this Agreement.

2. In the event of any lawsuit that names the Parties as a defendant ("Defendant Party" or "Defendant Parties"), the Defendant Parties shall seek to secure an allocation of comparative negligence among themselves where appropriate, and each Defendant Party shall provide a contribution to each other Defendant Party to the extent of the comparative allocation.
3. The Parties further agree that they are not joint employers for the purpose of workers' compensation coverage and that any Party's employee assigned by a Party to do work under this agreement shall remain an employee of such Party.

10. **Insurance** - Each party, at its cost, shall maintain comprehensive general liability insurance with limits of not less than $1,000,000 per occurrence, insuring against all liability of said party and its authorized representatives. Said insurance shall include broad form contractual liability covering, without limitation, the liability assumed under the indemnification provisions of this Agreement. If the policy is to be written with an annual aggregate limit, that limit shall be not less than $2,000,000. Comprehensive general liability shall name the other party to this Agreement as an additional insured. All insurance policies shall provide that the policies cannot be canceled, not renewed, or limited in the scope of coverage or limits until and unless thirty (30) calendar days prior notice is given to the other party. The parties' obligations for the insurance specified in this Section may be satisfied by a self-insurance program containing the same coverage and elements set herein for third-party insurance.
    1. The Parties shall be fully responsible for any workers' compensation claims made by an individual determined to be an employee of that Party and assigned by the particular Party.
11. **Immigration** - A.R.S. § 41-4401 – The parties understand and acknowledge the applicability of the Immigration Reform and Control Act of 1986 (IRCA). Each party agrees to comply with the IRCA in performing under

this Agreement and to permit inspection of its personnel records to verify such compliance.

12. **Notices** - Any notice provided for in this Agreement shall be in writing and delivered in person, or sent by registered or certified mail, postage prepaid, to:

If to Buckeye:

City Manager

City of Buckeye

530 Monroe Ave

Buckeye, AZ 85326

If to Surprise:

City Manager

City of Surprise

16000 N. Civic Center Plaza

Surprise, AZ 85374

or such other addresses as each party may notify one another in writing.

13. **Governing Law** - The terms, conditions, and provisions of this Agreement shall be governed by and construed in accordance with the laws of the State of Arizona.
14. **Authority and Responsibility** - This Agreement shall not be construed to imply authority to perform any tasks or accept any responsibility not expressly set forth herein. This Agreement shall be strictly construed against creating a duty or responsibility unless the intention to do so is clearly and unambiguously set forth herein.

15. **Assignment** - Neither Party will assign this Agreement or the rights and privileges herein, in whole or in part.
16. **No Third Party Beneficiaries** - Nothing in the provisions of this Agreement is intended to create duties or obligations to, or rights in, third parties not parties to this Agreement.
17. **Counterparts** - This Agreement may be executed in any number of separate counterparts, each of which, when executed and delivered, shall be deemed an original, and all such counterparts shall together constitute one original Agreement. All signatures need not be on the same counterpart.
18. **Conflicts of Interest** - The parties hereto acknowledge that this agreement is subject to cancellation pursuant to the provisions of Section 38-511, Arizona Revised Statutes.
19. **Termination or Non-Renewal** - If this Agreement ends due to non-renewal pursuant to either Section 1 (Effective Date/Duration) or ends due to termination pursuant to Section 8 (Termination), the Parties agree to meet and develop a plan to remove Buckeye from the regional RMS. Such withdrawal will minimally provide for the legal and privacy protections necessary for the data in the RMS system impacted by such withdrawal. In that event, each Party shall be responsible for any data extraction costs generated by such action. Neither Party shall be liable to the other Party for any cost associated with data extraction for the other Party's data.

[End of Agreement. Signature pages follow.]

IN WITNESS WHEREOF, THE Parties hereby subscribe their names this ___ day of _____, 2021.

City of Surprise

By: _____

Bob Wingenroth, City Manager

Date: _____

Attest: _____

Sherry Ann Aguilar, City Clerk

The foregoing Intergovernmental Agreement between the City of Surprise and the City of Buckeye has been reviewed pursuant to A.R.S. §11-952 by the undersigned, who has determined that it is in a proper form and is within the powers and authority granted under the laws of the State of Arizona to the City of Surprise.

By: _____

Robert Wingo, City Attorney

Date: _____

City of Buckeye

By: _____

Daniel Cotterman, City Manager

Date: April 18, 2023

Attest: _____

Lucinda Aja, City Clerk

The foregoing Intergovernmental Agreement between the City of Surprise and the City of Buckeye has been reviewed pursuant to A.R.S. §11-952 by the undersigned, who has determined that it is in a proper form and is within the powers and authority granted under the laws of the State of Arizona to the City of Buckeye.

By: _____

K. Scott McCoy, City Attorney

Date: April 18, 2023

Adobe Acrobat Sign Transaction Number: CBJCHBCAABAAdmSyQpBqwLZcSTFuWHfyNivD-EVbThow

CITY OF SURPRISE
Regular City Council Meeting

Council Meeting Date: August 1, 2023
Submitting Department: Legal
Staff Recommendations:

Contact Person: Robert Wingo, CITY ATTORNEY
District: Internal

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

Agenda Wording:
Consideration and action ratifying the June 06, 2023 amendment to Chapter 30, Article III, Section 30-41 of the Surprise Municipal Code pertaining to the Judicial Selection Advisory Commission and correcting a scrivener's error; Ordinance #2023-22.

Motion:
I move to ratify the June 6, 2023 approval of the amendment to Chapter 30, Article III, Section 30-41 of the Surprise Municipal Code pertaining to the Judicial Selection Advisory Commission and correct a scrivener's error by approval of Ordinance #2023-22.

Background:
At the June 6 and 20, 2023, Regular City Council Meetings, City Council approved two ordinances that were both erroneously numbered as 2023-16. The first so numbered ordinance amended Chapter 30, Article III, Section 30-41 of the Surprise Municipal Code by removing the Maricopa County residency requirement to serve on the Judicial Selection Advisory Commission. The second ordinance numbered 2023-16 approved a rezone for the proposed development named Avilla Foothills. Therefore, it is necessary for the City Council to correct the scrivener's error in the duplicate ordinance numbering and ratify the approval of Surprise Municipal Code amendment pertaining to the Judicial Selection Advisory Commission.

Objective Analysis:
The original approval of the Surprise Municipal Code amendment on June 6, 2023, removing residency requirements from a City Council created commission is a discretionary legislative function consistent with city ordinance, policy, and practice. This ratification by approval of Ordinance #2023-22 will correct a scrivener's error.

Policy Compliant:
This approval will correct a scrivener's error in the duplicate numbering of ordinances and ensure that the City Clerk's Office will maintain accurately numbered ordinances as part of the official records of the City of Surprise.

Financial Impact:

None.

Budget Impact:

None.

FTE Impact:

None.

ATTACHMENTS:

1. Ord 2023-22 (003)

ORDINANCE # 2023-22

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA, AMENDING CHAPTER 30, ARTICLE lll, **SECTION 30-41 OF THE SURPRISE MUNICIPAL CODE PERTAINING TO RESIDENCY OF THE MEMBERS OF THE JUDICIAL SELECTION ADVISORY COMMISSION; INCLUDING SEVERABLITY; ESTABLISHING AN EFFECTIVE DATE; AND REPEALING CONFLICTING ORDINANCES.**

WHEREAS, Chapter 30, Article lll, Section 30-41 of the Surprise Municipal Code pertaining to membership requirements of the Judicial Selection Advisory Commission was last revised in February of 2011; and

WHEREAS, the Mayor and City Council of the City of Surprise find and determine that it is in the best interest of the city to revise Chapter 30, Article lll, Section 30-41 of the Surprise City Code to lessen the residency requirement pertaining to the appellate court judges who are recommended for appointment by the Chief Justice to serve on the Judicial Selection Advisory Commission.

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

Section 1. Chapter 30, Article lll, Section 30-41, Subsection (b) of the Surprise Municipal Code is hereby repealed and reserved.

Section 2. All ordinances, resolutions or codes in conflict with the provisions of this Ordinance or Code adopted by this Ordinance are repealed.

Section 3. If any section, subsection, sentence, clause, phrase or portion of this Ordinance or any part of these amendments to the municipal code adopted herein is for any reason held to be invalid or unconstitutional by decision of any court of competent jurisdiction, such decision will not be read to affect the validity of the remaining portions thereof.

Section 4. This ordinance will become effective at the time and manner prescribed bylaw.

SIGNATURES ON THE FOLLOWING PAGE

PASSED AND ADOPTED this _____ day of _____, 2023.

Skip Hall, Mayor

Attest:

Kristi Passarelli, City Clerk

Approved as to form:

Robert Wingo, City Attorney

CITY OF SURPRISE
Regular City Council Meeting

Council Meeting Date: August 1, 2023 Contact Person: Tanner Wessel
Submitting Department: Community Development District: District 1
Staff Recommendations:

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

Agenda Wording:

Consideration and action pertaining to approval of the Final Plat entitled, "NW-NWC 175th Avenue & Dale Lane" and dated May 30, 2023, a property located north of Dale Lane and west of 175th Avenue; Case FS23-0299.

Motion:

I move to approve the Final Plat entitled, "NW-NWC 175th Avenue & Dale Lane" and dated May 30, 2023.

Background:

James Williamson of Superior Surveying Services seeks approval of a Final Plat of the subject property located north of Dale Lane and west of 175th Avenue. The proposed Final Plat splits the subject property into 4 parcels.

Objective Analysis:

Approval of the proposed Final Plat will allow the applicant the ability to subdivide the property as proposed.

Policy Compliant:

The proposed Final Plat is consistent with the Surprise General Plan 2035 and the City of Surprise 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-FS23-0299 NW-NWC 175th Ave & Dale Ln - Final Plat - Staff Report
2. 01 - FS23-0299 NW-NWC 175th Ave & Dale Ln - Final Plat - Vicinity Map
3. 02 - FS23-0299 NW-NWC 175th Ave & Dale Ln - Final Plat - Zoning Map
4. 03 - FS23-0299 NW-NWC 175th Ave & Dale Ln - Final Plat
5. 04 - FS23-0299 NW-NWC 175th Ave & Dale Ln - Final Plat - Final Plat Exhibit
6. 05 - FS23-0299 NW-NWC 175th Ave & Dale Ln - Final Plat - Luke Letter
7. FS23-0299 NW-NWC 175th Ave & Dale Ln - Final Plat - PowerPoint

FINAL PLAT

REPORT TO THE CITY COUNCIL

Case:	**FS23-0299**
Project Name:	NW-NWC 175th Avenue & Dale Ln - Final Plat
Council District:	1 – Acacia
City Council Date:	**August 01, 2023**
Planner:	Tanner Wessel, Planner II

Owner:	Garrett Brady Properties LLC
Applicant:	James Williamson of Superior Surveying Services, Inc.
Request:	Final Plat to subdivide three (3) parcels totaling approx. 5.00 acres into four (4) lots.
Site Location:	Located north of Dale Lane and west of 175th Avenue
Site Size:	Approximately 5.00 gross acres

Findings:

- The proposed Final Plat is consistent with the Surprise General Plan 2035.
- The proposed Final Plat is consistent with the Surprise Land Development Ordinance.

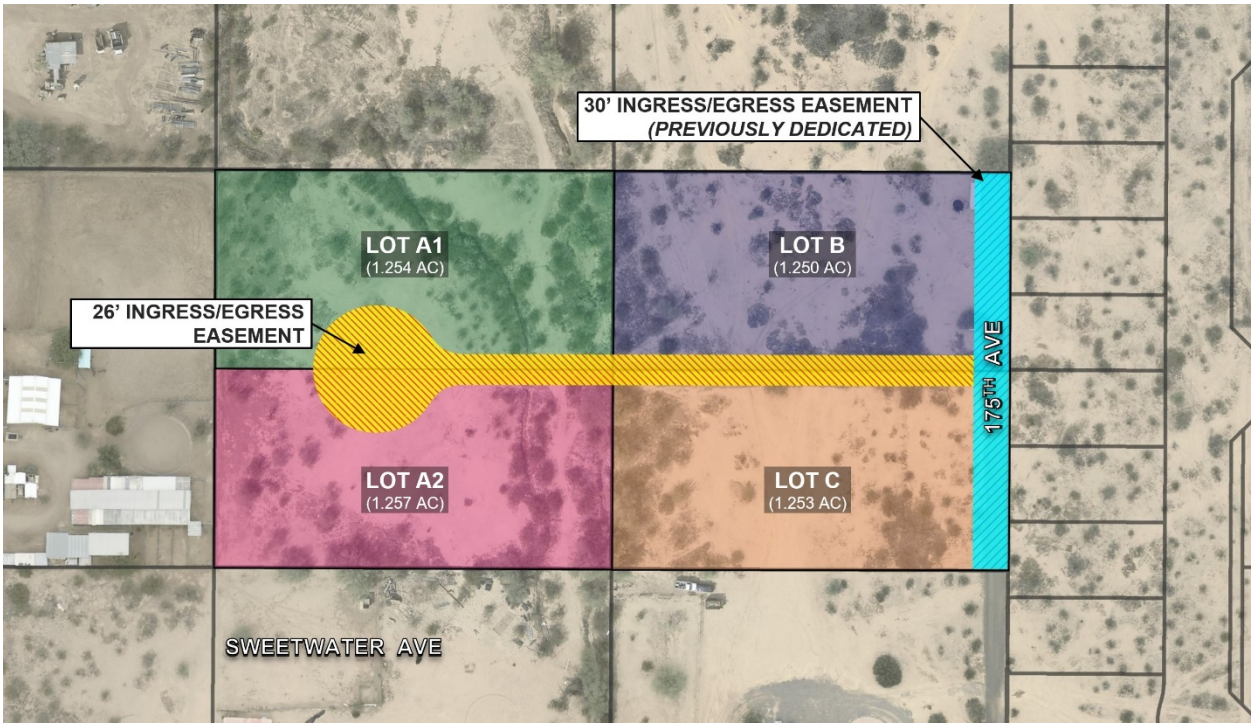
Alternative Actions:

Approve – Approval of the proposed Final Plat will allow the applicant the ability to subdivide the property as proposed.

Deny – Denial of the requested Final Plat will prevent the applicant from subdividing the property as proposed.

Additional Information:

James Williamson of Superior Surveying Services requests approval of a Final Plat entitled "NW-NWC 175th Avenue & Dale Lane" dated May 30, 2023. The subject parcel is zoned Rural Residential (RR) and is located north of Dale Lane and west of 175th Avenue. The proposed Final Plat subdivides three (3) vacant parcels of approximately 5.00 gross acres into four (4) lots. This Final Plat will establish a 26-foot ingress/egress easement along the southern portion of Lots A1 and Lot B and along the northern portion of Lots A2 and Lot C.



Lots A1, A2, B, and C of the proposed Final Plat meet the development standards of the Rural Residential (RR) zoning district as outline in Table 106-2b of the City of Surprise Land Development Ordinance. Lots A1, A2, B, and C meet or exceed the minimum lot area and minimum lot width requirements.

Table 106-2b – Rural Residential (RR) Zoning District	
Min. lot area (sf)	≥ 43,560
Min. lot width	130
Min. front setback (ft)	30
Min. rear setback[1] (ft)	30
Min. side setback[1] (ft)	20
Min. street side setback[1] (ft)	20
Max. bldg. height (ft)	40
Lot coverage	25%
Open space (% of gross acres of residential development)[2]	10%

Notes:
1. Garage face and embellishments shall be setback a minimum of 20 feet measured from the opposing property line except rear, alley loaded garages, which shall be setback nine feet from edge of alley line.
2. The city requires open spaces on a new subdivision; if recorded as metes and bounds or by a minor land division than open space will be required on each individual lot; such as open space of trail easements.

The area for each parcel is shown below:

- Lot A1 – approximately 1.25 acres
- Lot A2 – approximately 1.26 acres
- Lot B – approximately 1.25 acres
- Lot C – approximately 1.25 acres

The proposed Final Plat dedicates the following:

- 26-foot ingress/egress easement along the southern portion of Lots A1 and Lot B and along the northern portion of Lots A2 and Lot C

General Plan Conformance:

The proposed final plat was reviewed against the goals, polices, recommendations, and guidelines of the City of Surprise General Plan 2035. The proposed final plat is consistent with the General Plan in some of the following ways:

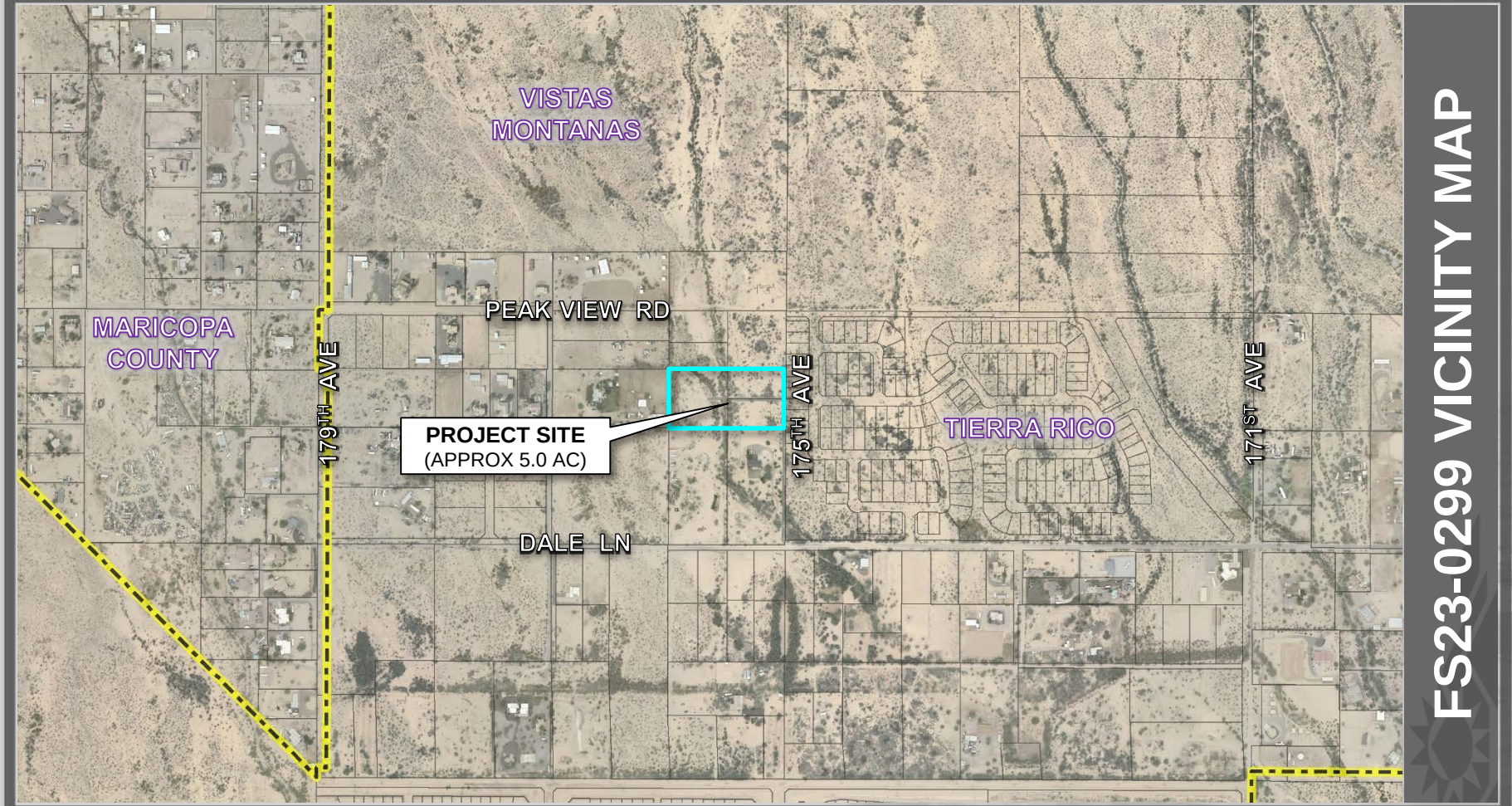
This project is located within the Neighborhood character area of the General Plan. The proposed lot split adheres to the design guidelines of the character area which allows for residential development

This project maintains compatibility with the quality of existing land uses in the surrounding area in that it continues the Rural Residential development pattern established in the vicinity of this parcel.

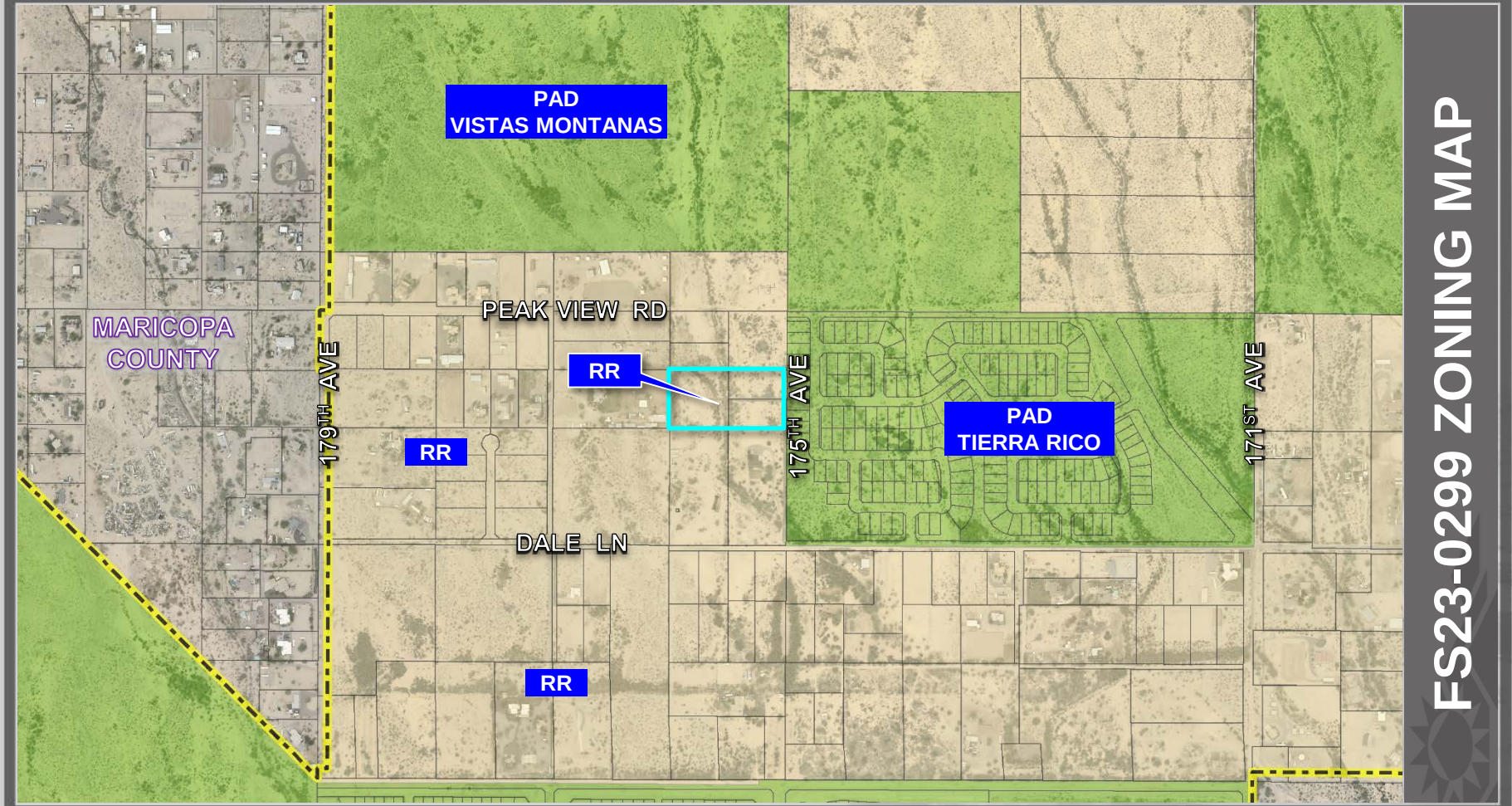
Reviewing Agencies:

This project was routed to both Luke Air Force Base and the Maricopa Water District for review. Both agencies have indicated no objections.

Attachments:
01 Vicinity Map
02 Zoning Map
03 Final Plat
04 Plat Exhibit
05 Luke Letter
PPT



FS23-0299 VICINITY MAP


PAD
VISTAS MONTANAS
PEAK VIEW RD
MARICOPA
COUNTY
179TH AVE
RR
RR
175TH AVE
PAD
TIERRA RICO
171ST AVE
DALE LN
RR
FS23-0299 ZONING MAP

FINAL PLAT
NW-NWC 175TH AVENUE & DALE LANE FINAL PLAT

OF LOTS A, B AND C "MINOR LAND DIVISION" RECORDED IN BOOK 1398 OF MAPS, PAGE 10, RECORDS OF MARICOPA COUNTY, ARIZONA, LOCATED IN A PORTION OF THE SOUTHWEST QUARTER OF SECTION 26, TOWNSHIP 5 NORTH, RANGE 2 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, CITY OF SURPRISE, MARICOPA COUNTY, ARIZONA

DEDICATION

STATE OF ARIZONA)
) ss
COUNTY OF MARICOPA)

OWNER HEREBY GRANTS TO THE UNITED STATES OF AMERICA DEPARTMENT OF THE AIR FORCE ("USAF") AN AVGATION 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.

FIRE SPRINKLERS ARE REQUIRED IN ALL ONE AND TWO FAMILY DWELLINGS BUILT IN AREAS WHICH DO NOT HAVE AN ADEQUATE WATER SUPPLY

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 AND ANY PROPERTY WITHIN THE PLAT OWNED BY THE ASSOCIATION FOR THE PURPOSES OF PROVIDING CONTINUOUS AND UNINTERRUPTED INGRESS AND EGRESS FOR TRASH COLLECTION VEHICLES AND EMERGENCY VEHICLES.

GRANTOR SHALL NOT ERECT OR CONSTRUCT OR PERMIT TO BE ERECTED OR CONSTRUCTED ANY BUILDING, STRUCTURE OR SIMILAR IMPROVEMENT WITHIN THE LIMITS OF THE EASEMENT GRANTED HEREIN, GRANTOR SHALL NOT, NOR PERMIT, THE GRADE OVER GRANTEE'S FACILITIES TO BE SUBSTANTIALLY ALTERED WITHOUT, IN EACH INSTANCE, THE PRIOR WRITTEN CONSENT OF GRANTEE, AND GRANTOR AGREES THAT NO OTHER PIPES OR CONDUITS SHALL BE PLACED WITHIN THE PREMISES SUBJECT TO THE EASEMENT GRANTED HEREIN, EXCEPT PIPES CROSSING GRANTEE'S FACILITIES AT RIGHT ANGLES, IN WHICH CASE, A MINIMUM VERTICAL DISTANCE OF TWO (2) FEET (AS MEASURED FROM THE CLOSEST POINTS ON THE OUTSIDE EDGES) SHALL BE MAINTAINED BETWEEN GRANTEE'S FACILITIES AND SUCH OTHER PIPES OR CONDUITS.

UNLESS GRANTEE EXPRESSLY CONSENTS IN WRITING OTHERWISE, ANY AND ALL SEWER PIPES CROSSING THE EASEMENT GRANTED HEREIN SHALL BE LAID BELOW GRANTEE'S FACILITIES. HOWEVER, GRANTOR SHALL HAVE THE RIGHT TO CONSTRUCT AND ERECT FENCES, TO INSTALL LANDSCAPING, PARKING FACILITIES AND DRIVEWAYS, AND TO ESTABLISH OTHER USES WHICH ARE NOT INCONSISTENT WITH USES WITHIN THE LIMITS OF SAID EASEMENT IN A MANNER WHICH WILL NOT UNREASONABLY INTERFERE WITH GRANTEE'S ACCESS TO THE 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."

IN WITNESS WHEREOF, OWNER HAS HEREUNTO CAUSED ITS CORPORATE NAME TO BE SIGNED AND ITS CORPORATE SEAL TO BE AFFIXED BY THE UNDERSIGNED, DULY AUTHORIZED OFFICER THIS _____ DAY OF _____, 2023.

BY: GARRETT BRADY PROPERTIES LLC., A TEXAS LIMITED LIABILITY COMPANY,

SIGNATURE: _____

NAME: _____

TITLE: _____

ACKNOWLEDGMENT

STATE OF _____)
) ss
COUNTY OF _____)

ON _____ BEFORE ME, _____
PERSONALLY APPEARED _____, WHO PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME IN THEIR AUTHORIZED CAPACITY, AND THAT BY THEIR SIGNATURE ON THE INSTRUMENT THE PERSON, OR THE ENTITY UPON BEHALF OF WHICH THE PERSON ACTED, EXECUTED THE INSTRUMENT.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF _____ THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT.

WITNESS MY HAND AND OFFICIAL SEAL.

SIGNATURE _____

PLAT NOTE

THIS FINAL PLAT SHALL COMPLY WITH THE CITY OF SURPRISE RESIDENTIAL DEVELOPMENT STANDARDS.

NO DEDICATIONS ARE OCCURRING AS PART OF THIS FINAL PLAT.

NO ON-SITE GRADING OR EXCAVATION SHALL OCCUR WITHOUT FIRST OBTAINING A PERMIT FROM THE CITY OF SURPRISE.

THE INGRESS/EGRESS EASEMENT FOR SUBJECT PROPERTY CROSSES THROUGH A FLOODWAY AND FLOODPLAIN ZONE AREA. PHYSICAL ACCESS TO SUBJECT PROPERTY MAY BE LIMITED DURING HEAVY PRECIPITATION EVENTS.

PURSUANT TO 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.

THIS PROPERTY IS IN THE FUTURE CITY OF SURPRISE POTABLE WATER SERVICE AREA. THE CITY CURRENTLY DOES NOT HAVE POTABLE WATER SERVICE AVAILABLE TO THE PROPERTY; HOWEVER, PER CITY OF SURPRISE MUNICIPAL CODE CHAPTER 58-181, ONCE POTABLE WATER SERVICE IS AVAILABLE WITHIN 500 FEET OF THESE PROPERTIES, THE OWNER(S) WILL BE REQUIRED TO CONNECT TO CITY SERVICES WITHIN 90 DAYS. IN ADDITION, THE PROPERTY OWNER MUST PROPERLY ABANDON PER ANY PRIVATE WELL SYSTEM PER CITY AND COUNTY REQUIREMENTS.

THE CITY CURRENTLY DOES NOT HAVE SEWER SERVICE AVAILABLE TO THE PROPERTY; HOWEVER, PER CITY OF SURPRISE MUNICIPAL CODE CHAPTER 58-314, ONCE SEWER SERVICE IS AVAILABLE WITHIN 500 FEET OF THESE PROPERTIES, THE OWNER(S) WILL BE REQUIRED TO CONNECT TO CITY SERVICES WITHIN 90 DAYS. IN ADDITION, OWNER MUST PROPERLY ABANDON ANY PRIVATE SEPTIC SYSTEM PER CITY AND COUNTY REQUIREMENTS.

THE PROPERTY OWNER AT THE TIME WHEN CITY OF SURPRISE WATER, AND/OR SEWER INFRASTRUCTURE IS AVAILABLE AT THE PROPERTY, SHALL BE REQUIRED TO CONNECT IN ACCORDANCE WITH SURPRISE MUNICIPAL CODE AND PAY ALL APPLICABLE FEES. ANY OWNER OF THE PROPERTY SHALL NOTIFY PROSPECTIVE BUYERS AND THE PUBLIC OF THIS NOTE, AND ANY SALES CONTRACTS OR SALES REPORTS SHALL INCLUDE SUCH NOTE.

THE OWNER OR SUBSEQUENT OWNERS OF ANY EXISTING OR FUTURE WELLS ON THE LAND DESCRIBED IN THIS FINAL PLAT SHALL BE REQUIRED TO SIGN A WELL IMPACT WAIVER(S) WITH THE CITY OF SURPRISE.

THE PROPERTY IS LOCATED WITHIN AN AREA HAVING FLOOD ZONE X AND AE DESIGNATION BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, ON FLOOD INSURANCE RATE MAP NO. 04013C1205L, WITH A DATE OF IDENTIFICATION OF OCTOBER 16, 2013, FOR COMMUNITY NO. 040053, IN CITY OF SURPRISE, STATE OF ARIZONA, WHICH IS THE CURRENT FLOOD INSURANCE RATE MAP FOR THE COMMUNITY IN WHICH SAID PROPERTY IS SITUATED.

IN GENERAL, DEVELOPMENT WITHIN OR MODIFICATION OF THE FLOODPLAIN IS DISCOURAGED. DEVELOPMENT SHOULD BE LOCATED OUTSIDE OF THE 100-YEAR FLOODPLAIN. IF DEVELOPMENT WITHIN THE FLOODPLAIN IS NECESSARY, APPROVAL FROM THE FLOOD CONTROL DISTRICT OF MARICOPA COUNTY FOR FLOODPLAIN USE PERMIT IS REQUIRED.

DEVELOPMENT WITHIN THE FLOODWAY IS PROHIBITED.

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

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.

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

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 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.

ENGINEERING

OWNER HEREBY GRANTS TO THE CITY OF SURPRISE A PERPETUAL CROSS ACCESS EASEMENT ACROSS THE ENTIRE PLAT FOR THE PURPOSE OF PROVIDING CONTINUOUS AND UNINTERRUPTED INGRESS AND EGRESS FOR EMERGENCY AND TRASH COLLECTION VEHICLES.

PARENT DESCRIPTION

PARCEL 1 (APN 503-60-973):
THE SOUTH HALF OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 26, TOWNSHIP 5 NORTH, RANGE 2 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA.

EXCEPT THE EAST 330 FEET THEREOF.

NOTE: ALSO BEING SHOWN AS LOT A, OF MINOR LAND DIVISION, ACCORDING TO THE PLAT OF RECORD IN THE OFFICE OF THE COUNTY RECORDER OF MARICOPA COUNTY, ARIZONA, RECORDED IN BOOK 1398 OF MAPS, PAGE 10.

PARCEL 2 (APN 503-60-974):
THE NORTH 165 FEET OF THE EAST 330 FEET OF THE SOUTH HALF OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 26, TOWNSHIP 5 NORTH, RANGE 2 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA.

NOTE: ALSO BEING SHOWN AS LOT B, OF MINOR LAND DIVISION, ACCORDING TO THE PLAT OF RECORD IN THE OFFICE OF THE COUNTY RECORDER OF MARICOPA COUNTY, ARIZONA, RECORDED IN BOOK 1398 OF MAPS, PAGE 10.

PARCEL 3 (APN 503-60-975):
THE EAST 330 FEET OF THE SOUTH HALF OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 26, TOWNSHIP 5 NORTH, RANGE 2 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA.

EXCEPT THE NORTH 165.00 FEET THEREOF.

NOTE: ALSO BEING SHOWN AS LOT C, OF MINOR LAND DIVISION, ACCORDING TO THE PLAT OF RECORD IN THE OFFICE OF THE COUNTY RECORDER OF MARICOPA COUNTY, ARIZONA, RECORDED IN BOOK 1398 OF MAPS, PAGE 10.

APPROVALS

CITY OF SURPRISE ENGINEER APPROVAL

DATA ON THIS PLAT REVIEWED AND APPROVED THIS _____ DAY OF _____, 20__, BY THE CITY ENGINEER OF SURPRISE, ARIZONA.

APPROVED _____
CITY ENGINEER DATE

CITY OF SURPRISE COUNCIL APPROVAL

APPROVED BY THE CITY COUNCIL OF THE CITY OF SURPRISE, ARIZONA.

THIS _____ DAY OF _____, 20__.

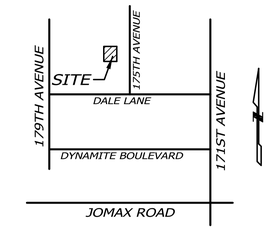
_____
MAYOR DATE

ATTEST:

_____
CITY CLERK DATE

RELEASE OF LIABILITY

GARRETT BRADY PROPERTIES LLC., A TEXAS LIMITED LIABILITY COMPANY, ("OWNER") DOES HEREBY
(1) RELEASE AND DISCHARGE THE UNITED STATES OF AMERICA DEPARTMENT OF THE 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 ITS 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, FUEL, AND LUBRICANT PARTICLES.



VICINITY MAP

NOT TO SCALE

OWNER

GARRETT BRADY PROPERTIES LLC.,
A TEXAS LIMITED LIABILITY COMPANY
239 COUNTY ROAD 242, HOBSON, TX 78117

ZONING

RURAL RESIDENTIAL
(RR)

REFERENCES

GENERAL LAND OFFICE RECORDS ON FILE WITH THE U.S. DEPARTMENT OF THE INTERIOR BUREAU OF LAND MANAGEMENT

RECORD OF SURVEY IN BOOK 656 OF MAPS, PAGE 21, MARICOPA COUNTY RECORDS

MINOR LAND DIVISION IN BOOK 1398 OF MAPS, PAGE 10, MARICOPA COUNTY RECORDS

RECORD OF SURVEY IN BOOK 1630 OF MAPS, PAGE 6, MARICOPA COUNTY RECORDS

RECORD OF SURVEY IN BOOK 1635 OF MAPS, PAGE 45, MARICOPA COUNTY RECORDS

RECORD OF SURVEY IN BOOK 1701, OF MAPS, PAGE 9, MARICOPA COUNTY RECORDS

JOINT TENANCY DEED IN 1988-0069681, MARICOPA COUNTY RECORDS

GRANT OF EASEMENT IN 1988-0108588, MARICOPA COUNTY RECORDS,

INGRESS, EGRESS AND UTILITY EASEMENT IN 2017-0845948, MARICOPA COUNTY RECORDS

SPECIAL WARRANTY DEED IN 2022-0404752, MARICOPA COUNTY RECORDS

CERTIFICATION

THIS IS TO CERTIFY THAT THIS FINAL PLAT IS CORRECT AND ACCURATE AND THE MONUMENTS DESCRIBED HEREIN HAVE EITHER BEEN SET OR LOCATED AS DESCRIBED TO THE BEST OF MY KNOWLEDGE AND BELIEF.

JUNE 23, 2023
JAMES M. WILLIAMSON
R.L.S. 76041
2122 W. LONE CACTUS DRIVE, SUITE 11
PHOENIX, AZ 85027

REGISTERED LAND SURVEYOR
CERTIFICATE NO.
76041
JAMES M.
WILLIAMSON
6/23/23
ARIZONA U.S.A.

CASE NUMBER: FS23-0299

FINAL PLAT
NW-NWC 175TH AVENUE & DALE LANE FINAL PLAT
SURPRISE, AZ 85387

2122 W. Lone Cactus Drive, Suite 11
Phoenix, AZ 85027
623-869-0223 (office) 623-869-0726 (fax)
www.superiorsurveying.com
info@superiorsurveying.com

SUPERIOR SURVEYING SERVICES, INC.

DWN: LE CHK: JW
SHEET 1 OF 2
DATE: 6/23/23
JOB: 202210066

FINAL PLAT
NW-NWC 175TH AVENUE & DALE LANE FINAL PLAT
SURPRISE, AZ 85387

S 89°50'24" E (R)
S 89°50'11" E (R)
S 89°50'29" E (M)

(ALIGNMENT)
PEAK VIEW

661.02' (R)
661.69' (M)

NORTHWEST CORNER,
NW. 1/4, NE. 1/4,
SW. 1/4, SECTION 26

NORTHWEST CORNER,
NE. 1/4, NE. 1/4,
SW. 1/4, SECTION 26

661.48' (R)
661.27' (M)

1322.50' (R)
1322.96' (M)

CENTER OF SECTION 26,
T05N, R02W

N 00°15'33" E (R)
N 00°16'48" E (M)

330.19' (R)
330.30' (M)

NW. CORNER, S. 1/2,
NE. 1/4, NE. 1/4, SW. 1/4,
SECTION 26

N 89°49'06" W (R)
N 89°49'56" W (M)

331.27' (R)
331.18' (M)

NE. CORNER, S. 1/2, NE. 1/4, NE. 1/4, SW. 1/4, SECTION 26
FOUND 1/2" TAGGED REBAR WITH ILLEGIBLE STAMP
(1.13' WEST) AS SHOWN ON BK. 1635, PG. 45, M.C.R
AND ALUMINUM CAP STAMPED "KLEIN 42137 WC"

330.40'

661.27' (R)
661.18' (M)

330.00'

1320.66' (R)
1320.78' (M)

660.56' (R)
660.39' (M)

330.38' (R)
330.30' (M)

165.00'

LOT A1
54,641 SQ. FEET
1.254 ACRES

330.36' (R)
330.35' (M)

165.00'

LOT B
54,450 SQ. FEET
1.250 ACRES

20'X40' WELL SITE EASEMENT
PER 2017-0845949 &
2017-0845949, M.C.R.

WELL SITE EASEMENT
PER BK. 1398, PG. 10,
M.C.R.

2643.31' (R)
2643.23' (M)

165.00'

25' EASEMENT FOR ACCESS & UTILITY LINES
PER 2017-0845949 & 2017-0845949, M.C.R.

30' EASEMENT FOR INGRESS & EGRESS
PER DKT. 9180, PG. 47 AND
1988-069681, M.C.R.

6' EASEMENT FOR WATER LINE
PER BK. 1398, PG. 10, M.C.R.

15' EASEMENT FOR ACCESS & UTILITY LINES
PER 2017-0845949 & 2017-0845949,
M.C.R.

(BASIS OF BEARINGS)

C1
C2
C3

N 89°49'56" W
126.73'

N 89°49'56" W
331.13'

105.6'

N 89°49'56" W
126.85'

26' EASEMENT FOR
INGRESS & EGRESS
DEDICATED HEREON

105.6' ø CUL-DE-SAC
DEDICATED HEREON

25' EASEMENT FOR INGRESS,
EGRESS, WATER LINE & UTILITY
PER 2017-0845948, M.C.R.

N 89°49'06" W (R)
N 89°49'56" W (M)

330.00'

S. LINE, N. 165', E. 330', S. 1/2,
NE. 1/4, NE. 1/4, SW. 1/4, SECTION 26

26' EASEMENT FOR
INGRESS & EGRESS
DEDICATED HEREON

176TH AVENUE

N 00°17'41" E (R)
N 00°16'48" E (M)

165.30'

S 00°17'44" W

165.35'

LOT A2
54,741 SQ. FEET
1.257 ACRES

LOT C
54,575 SQ. FEET
1.253 ACRES

30' EASEMENT FOR INGRESS & EGRESS
PER DKT. 9180, PG. 47 AND
1988-069681, M.C.R.

165.33' (R)
165.40' (M)

N 00°17'44" E

0 30 60
SCALE IN FEET
SCALE : 1" = 30'

N 89°50'32" W (R)
N 89°49'24" W (M)

661.28' (R)
661.30' (M)

331.26' (R)
331.09' (M)

N 89°49'21" W (R)
N 89°49'24" W (M)

330.00'

661.26' (R)
661.09' (M)

SOUTHWEST CORNER,
NW. 1/4, NE. 1/4,
SW. 1/4, SECTION 26

SEE DETAIL "A"

SOUTH LINE, N. 1/2,
NE. 1/4, SW. 1/4,
SECTION 26

30' EASEMENT FOR
INGRESS & EGRESS
& PUBLIC UTILITIES
PER 1998-0108588 M.C.R.

175TH AVENUE

N 00°16'37" E (R)
N 00°14'47" E (M)

660.10' (R)
660.39' (M)

S 00°16'48" W

660.60'

661.01' (R)
660.81' (M)

RM1
RM2
RM3

DETAIL "A"
NOT TO SCALE

SOUTHWEST CORNER,
NE. 1/4, SW. 1/4, SECTION 26

SOUTHWEST CORNER,
SE. 1/4, NE. 1/4,
SW. 1/4, SECTION 26

660.91'

660.91'

SOUTHEAST CORNER,
NE. 1/4, SW. 1/4,
SECTION 26

N 89°48'04" W (R)
N 89°48'18" W (M)

DALE LANE

1321.97' (R)
1321.82' (M)

1321.61' (R)
1321.62' (M)

SOUTH 1/4 CORNER
SECTION 26, T05N, R02W

DYNAMITE BOULEVARD
(ALIGNMENT)

REFERENCE MONUMENT LINE TABLE		
LINE	BEARINGS	LENGTH
RM1	S 82°08'47" E	1.02'
RM2	N 78°15'52" W	0.57'
RM3	N 80°30'52" E	0.63'

CURVE TABLE					
CURVE	RADIUS	LENGTH	DELTA	CHORD BEARING	CHORD DISTANCE
C1	28.00'	29.14'	59°38'05"	N 60°00'54" W	27.85'
C2	52.80'	275.55'	299°00'53"	S 00°17'42" W	53.58'
C3	28.00'	29.02'	59°22'49"	S 60°28'39" W	27.74'

LEGEND

- BOUNDARY LINE
- CENTER LINE OR MONUMENT LINE
- —x— FENCE
- SET 1/2" REBAR WITH ALUMINUM CAP STAMPED "WILLIAMSON 76041" (UNLESS OTHERWISE NOTED)
- FOUND 1/2" TAGGED REBAR STAMPED "LS 12216"
- FOUND 1/2" REBAR WITH ALUMINUM CAP STAMPED "KLEIN 42137"
- SET 1/2" REBAR WITH ALUMINUM CAP STAMPED "WILLIAMSON 76041" ALSO FOUND 1/2" REBAR WITH PURPLE PLASTIC CAP STAMPED 50620 (1.13' WEST)
- FOUND 1/2" REBAR WITH YELLOW PLASTIC CAP STAMPED "RLS 26404"
- FOUND 1/2" CAPPED REBAR STAMP ILLEGIBLE
- FOUND 2" IRON PIPE NO IDENTIFICATION ALSO FOUND 1/2" TAGGED REBAR STAMPED "LS 14216"
- FOUND 1/2" REBAR NO IDENTIFICATION

A.P.N.	ASSESSORS PARCEL NUMBER
M.C.R.	MARICOPA COUNTY RECORDS
R/W	RIGHT OF WAY
BK.	BOOK
PG.	PAGE
(R)	RECORD PER BK. 1398, PG. 10, M.C.R.
(M)	MEASURED

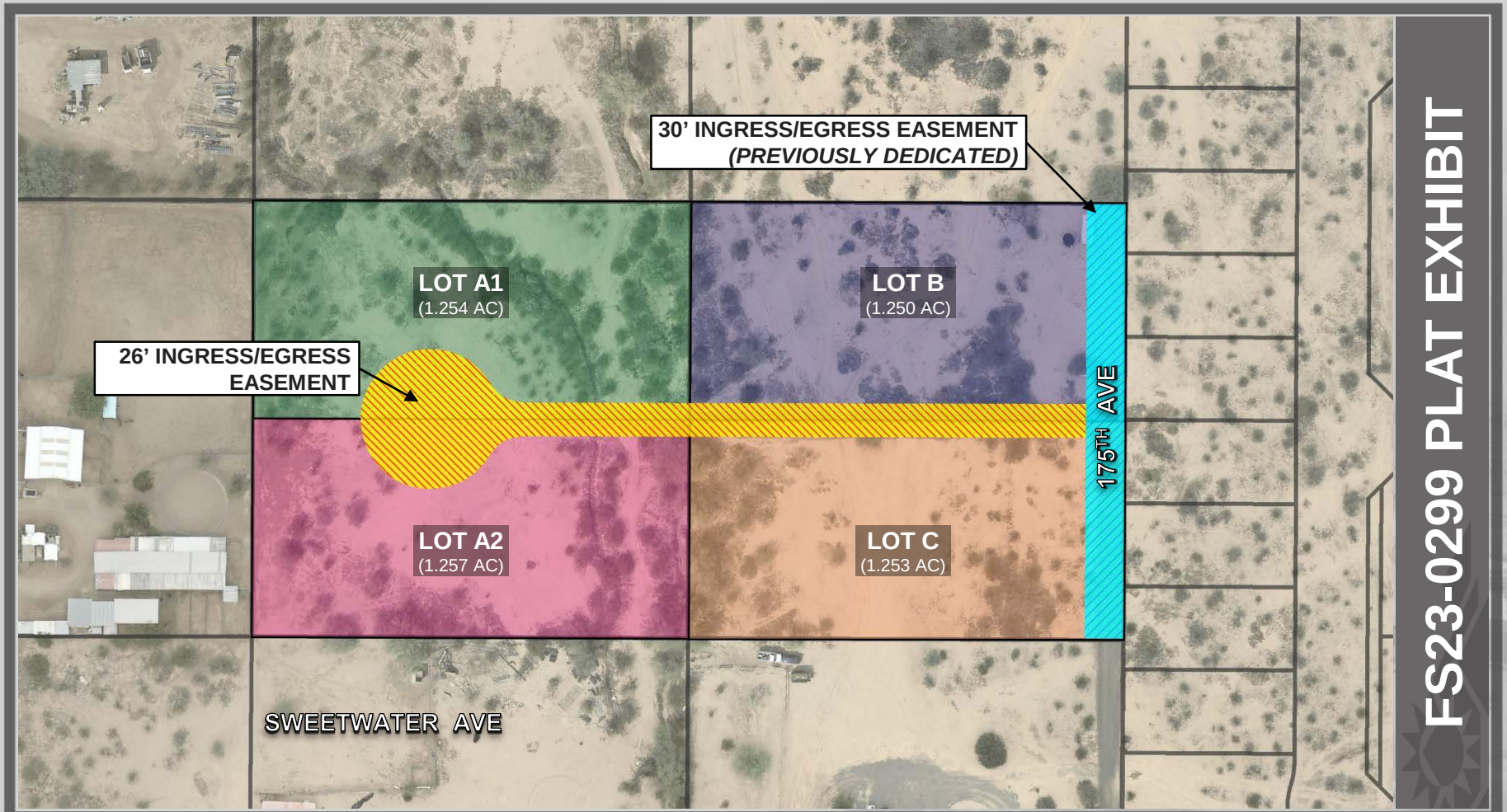
REGISTERED LAND SURVEYOR
CERTIFICATE NO.
76041
JAMES M. WILLIAMSON
6/23/23
Date Signed

CASE NUMBER: FS23-0299

2122 W. Lone Cactus Drive, Suite 11
Phoenix, AZ 85027
623-869-0223 (office) 623-869-0726 (fax)
www.superiorsurveying.com
info@superiorsurveying.com

SUPERIOR SURVEYING SERVICES, INC.

DWN: LE	CHK: JW
SHEET 2 OF 2	
DATE: 6/23/23	
JOB: 202210066	


30’ INGRESS/EGRESS EASEMENT
(PREVIOUSLY DEDICATED)
LOT A1
(1.254 AC)
LOT B
(1.250 AC)
26’ INGRESS/EGRESS
EASEMENT
175TH AVE
LOT A2
(1.257 AC)
LOT C
(1.253 AC)
SWEETWATER AVE
FS23-0299 PLAT EXHIBIT

From:	RAHN, JENNIFER L CIV USAF AETC 56 FW/CVE
To:	Tierney Farago
Cc:	JAMES, MARK C CIV USAF AETC 56 FW/CVE; 56 FW/CIT Community Initiative
Subject:	RE: FS23-0299 Minor Land Division NW-NWC 175th Avenue & Dale Ln New Digital Submittal 04.05.23
Date:	Friday, April 14, 2023 1:37:30 PM
Importance:	High

The e-mail below is from an external source. Please do not open attachments or click links from an unknown or suspicious origin.

Good afternoon Ms. Farago,

Thank you for allowing Luke AFB to make comments on the Minor Land Division NW-NWC 175th Avenue & Dale Ln application. The application requests a division of the existing lot(s) into four parcels. The site is located at APN 503-60-973, 503-60-974, & 503-60-975 in Surprise, AZ. It is approximately 1.5 miles outside of the Luke AFB 1988 JLUS 65 Ldn, "high noise or accident potential zone" as defined by A.R.S. § 28-8461 and is inside the "territory in the vicinity of a military airport" also defined by A.R.S. § 28-8461.

As described in the final site plan application, this request will not have a negative impact on Luke AFB Flight Operations. However, Luke AFB requests to review any future construction submittals on these parcels. Since the site will be located inside the "territory in the vicinity of a military airport," it will be subjected to approximately 170 over flights per day. We recommend a strong notification program on the part of the applicant to inform future occupant(s) about Luke AFB operations.

Respectfully,

Jenn Rahn
Senior Planner, Community Initiatives Team
56th Fighter Wing
Luke AFB AZ 85309
Office: 623-856-9981
DSN: 896-9981

From: Tierney Farago <Tierney.Farago@surpriseaz.gov>
Sent: Wednesday, April 5, 2023 3:47 PM
To: 56 FW/CIT Community Initiative <56FW.CIT.CommunityInitiative@us.af.mil>; Afshin Ahouraiyan (Flood Control District of Maricopa County) <Afshin.Ahouraiyan@Maricopa.Gov>; Alex Garza (Maricopa Assoc of Governments) <AGarza@azmag.gov>; Chris Cain (Maricopa Water District) <chrisc@mwdaz.com>; Darren Gerard <Darren.Gerard@maricopa.gov>; Debbie Trasancos (Maricopa Water District) <debbiet@mwdaz.com>; Ernest (USPS) <Ernest.L.James@usps.gov>; Eva Pierce <eva.pierce@dysart.org>; Ibeth - USPS <Ibeth.L.Roman@usps.gov>; Jerome Choy (ADOT) <jchoy@azdot.gov>; Kevin Shipman <kevin.shipman@dysart.org>; Leslie - MWD <lesliej@mwdaz.com>; Mark Frago <fragom@mail.maricopa.gov>; Mary Orta - Surprise Chamber <mary.orta@surpriseregionalchamber.com>; MCDOT <MCDOTPlanning@maricopa.gov>; Raoul Sada

- Surprise Chamber <raoul@surpriseregionalchamber.com>; Victor.Schaum <Victor.Schaum@cox.com>; Yvonne Aguirre <yvonne.aguirre@swgas.com>
Cc: Nichole Flores <Nichole.Flores@surpriseaz.gov>
Subject: [Non-DoD Source] FS23-0299 Minor Land Division NW-NWC 175th Avenue & Dale Ln New Digital Submittal 04.05.23

Good afternoon,

Attached please find the **application, narrative, and minor land division** for the above referenced project.

Please feel free to contact us with any questions.

Thanks,

TIERNEY FARAGO
Planning Project Coordinator
City of Surprise | Community Development
16000 N. Civic Center Plaza
Surprise, AZ 85374
623-222-3154

PLEASE NOTE: Effective August 3, 2022 we will be adding 2 business days for out-processing notices.

This e-mail and any accompanying files transmitted are intended solely for the use of the individual or entity to whom they are addressed; if you have received this e-mail in error please delete it and notify the sender. In addition, under Arizona law, e-mail communications and e-mail addresses may be public records.
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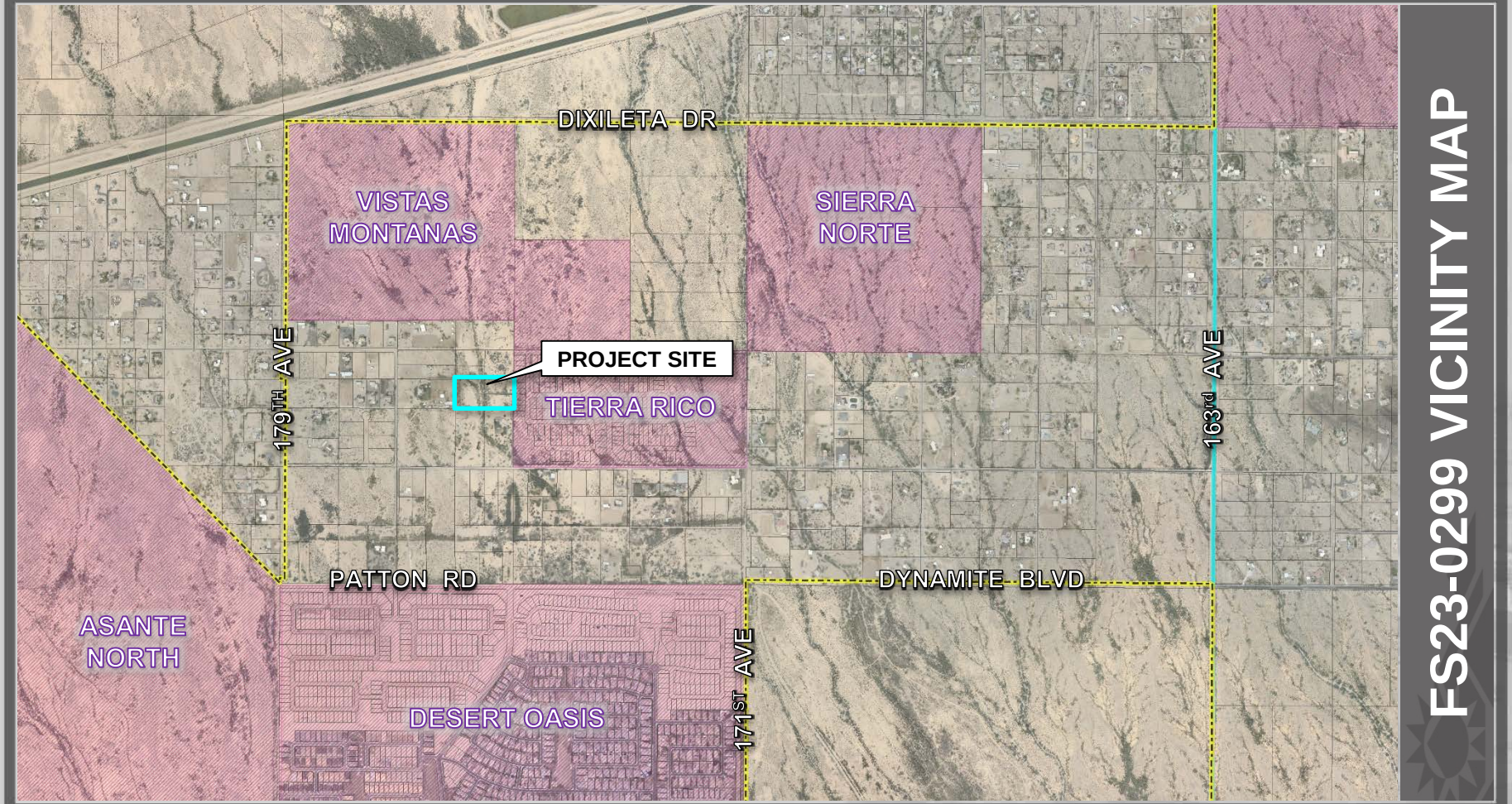
SURPRISE
ARIZONA

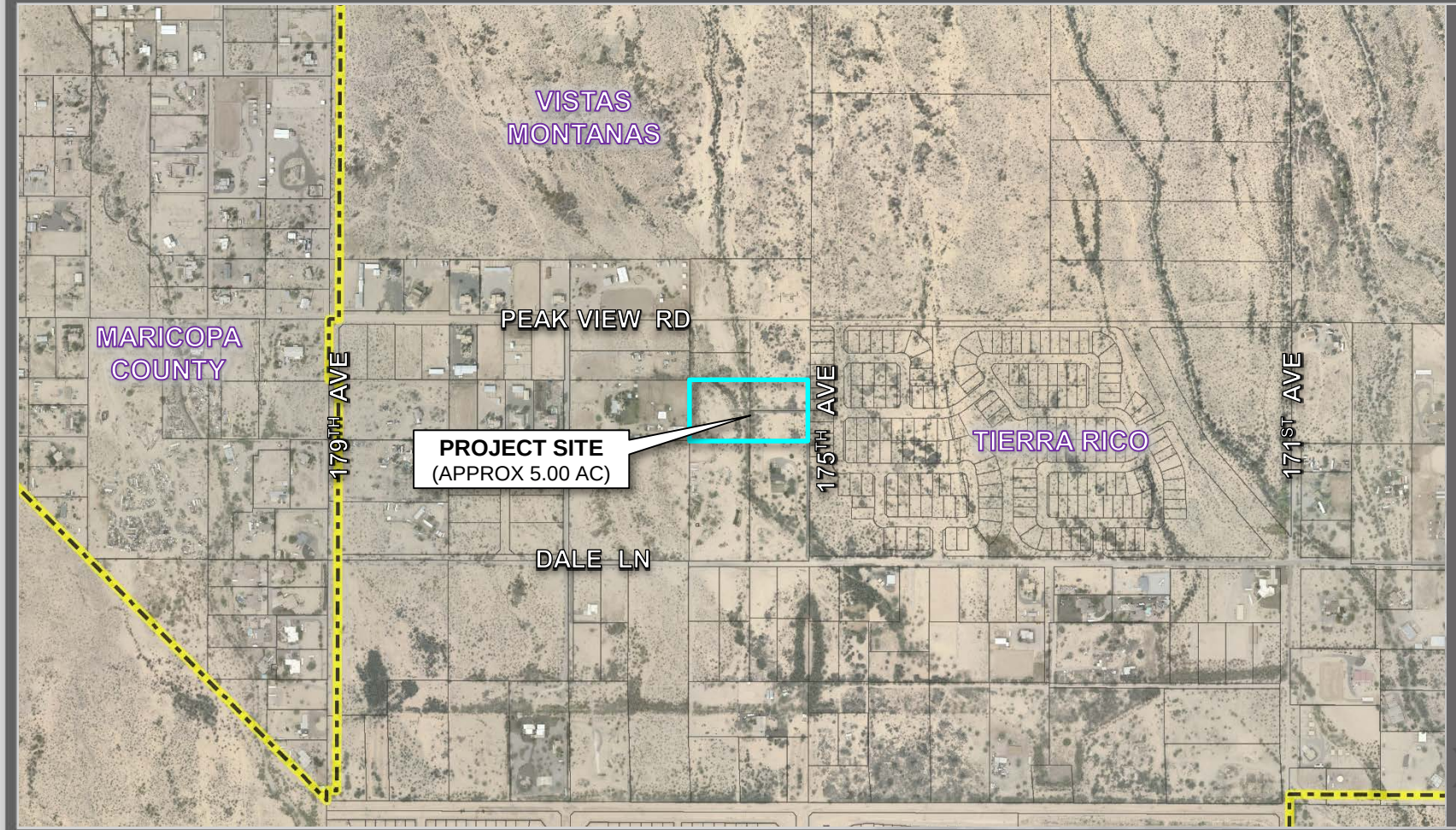
FS23-0299
NW-NWC 175th Ave & Dale Ln
Final Plat

City Council

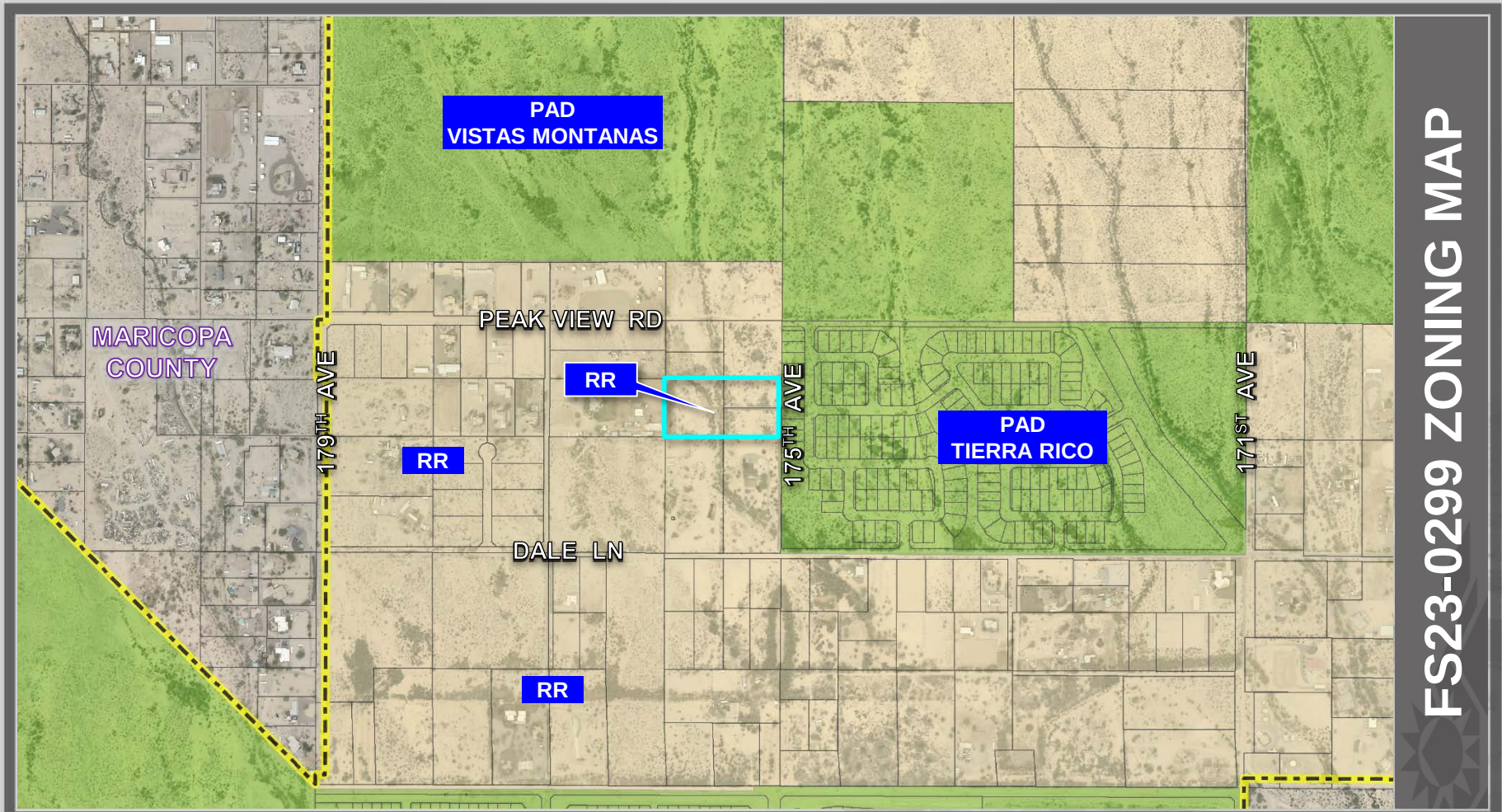
August 01, 2023

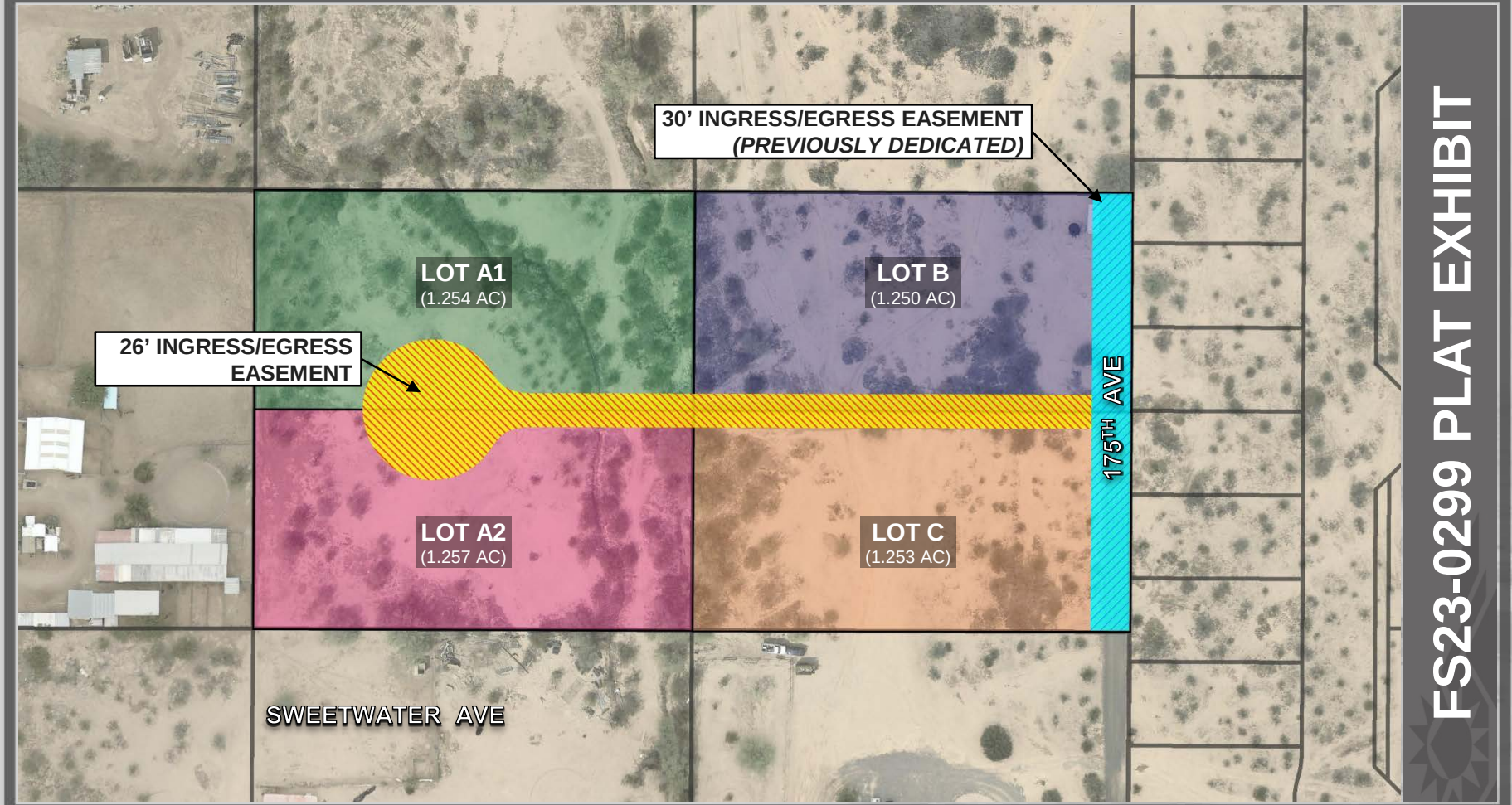


FS23-0299 VICINITY MAP



FS23-0299 VICINITY MAP


PAD
VISTAS MONTANAS
MARICOPA
COUNTY
PEAK VIEW RD
179TH AVE
RR
RR
175TH AVE
PAD
TIERRA RICO
171ST AVE
DALE LN
RR
FS23-0299 ZONING MAP


30’ INGRESS/EGRESS EASEMENT
(PREVIOUSLY DEDICATED)
LOT A1
(1.254 AC)
LOT B
(1.250 AC)
26’ INGRESS/EGRESS
EASEMENT
175TH AVE
LOT A2
(1.257 AC)
LOT C
(1.253 AC)
SWEETWATER AVE
FS23-0299 PLAT EXHIBIT

FINAL PLAT
NW-NWC 175TH AVENUE & DALE LANE

OF LOTS A, B AND C "MINOR LAND DIVISION" RECORDED IN BOOK 1398 OF MAPS, PAGE 10, RECORDS OF MARICOPA COUNTY, ARIZONA, LOCATED IN A PORTION OF THE SOUTHWEST QUARTER OF SECTION 26, TOWNSHIP 5 NORTH, RANGE 2 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, CITY OF SURPRISE, MARICOPA COUNTY, ARIZONA

DEDICATION

STATE OF ARIZONA)
) ss
COUNTY OF MARICOPA)

OWNER HEREBY GRANTS TO THE UNITED STATES OF AMERICA DEPARTMENT OF THE AIR FORCE ("USAF") AN AVIATION 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.

FIRE SPRINKLERS ARE REQUIRED IN ALL ONE AND TWO FAMILY DWELLINGS BUILT IN AREAS WHICH DO NOT HAVE AN ADEQUATE WATER SUPPLY.

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 AND ANY PROPERTY WITHIN THE PLAT OWNED BY THE ASSOCIATION FOR THE PURPOSES OF PROVIDING CONTINUOUS AND UNINTERRUPTED INGRESS AND EGRESS FOR EMERGENCY VEHICLES.

GRANTOR SHALL NOT ERECT OR CONSTRUCT OR PERMIT TO BE ERECTED OR CONSTRUCTED ANY BUILDING, STRUCTURE OR SIMILAR IMPROVEMENT WITHIN THE LIMITS OF THE EASEMENT GRANTED HEREIN. GRANTOR SHALL NOT, NOR PERMIT, THE GRADE OVER GRANTEE'S FACILITIES TO BE SUBSTANTIALLY ALTERED WITHOUT, IN EACH INSTANCE, THE PRIOR WRITTEN CONSENT OF GRANTEE AND GRANTOR AGREES THAT NO OTHER PIPES OR CONDUITS SHALL BE PLACED WITHIN THE PREMISES SUBJECT TO THE EASEMENT GRANTED HEREIN, EXCEPT PIPES CROSSING GRANTEE'S FACILITIES AT RIGHT ANGLES. IN WHICH CASE, A MINIMUM VERTICAL DISTANCE OF TWO (2) FEET (AS MEASURED FROM THE CLOSEST POINTS ON THE OUTSIDE EDGES) SHALL BE MAINTAINED BETWEEN GRANTEE'S FACILITIES AND SUCH OTHER PIPES OR CONDUITS.

UNLESS GRANTEE EXPRESSLY CONSENTS IN WRITING OTHERWISE, ANY AND ALL SEWER PIPES CROSSING THE EASEMENT GRANTED HEREIN SHALL BE LAID BELOW GRANTEE'S FACILITIES. HOWEVER, GRANTOR SHALL HAVE THE RIGHT TO CONSTRUCT AND ERECT FENCES, TO INSTALL LANDSCAPING, PARKING FACILITIES AND DRIVEWAYS, AND TO ESTABLISH OTHER USES WHICH ARE NOT INCONSISTENT WITH USES WITHIN THE LIMITS OF SAID EASEMENT IN A MANNER WHICH WILL NOT UNREASONABLY INTERFERE WITH GRANTEE'S ACCESS TO THE 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."

IN WITNESS WHEREOF, OWNER HAS HEREUNTO CAUSED ITS CORPORATE NAME TO BE SIGNED AND ITS CORPORATE SEAL TO BE AFFIXED BY THE UNDERSIGNED, DULY AUTHORIZED OFFICER THIS _____ DAY OF _____, 20____.

BY: GARRETT BRADY PROPERTIES LLC., A TEXAS LIMITED LIABILITY COMPANY,

SIGNATURE: _____

NAME: _____

TITLE: _____

ACKNOWLEDGMENT

STATE OF _____)
) ss
COUNTY OF _____)

ON _____ BEFORE ME, _____ WHO PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME IN HIS AUTHORIZED CAPACITY, AND THAT BY HIS SIGNATURE ON THE INSTRUMENT THE PERSON, OR THE ENTITY UPON BEHALF OF WHICH THE PERSON ACTED, EXECUTED THE INSTRUMENT.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF _____ THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT.

WITNESS MY HAND AND OFFICIAL SEAL.

SIGNATURE _____

PLAT NOTE

THIS FINAL PLAT SHALL COMPLY WITH THE CITY OF SURPRISE RESIDENTIAL DEVELOPMENT STANDARDS.

NO DEDICATIONS ARE OCCURRING AS PART OF THIS FINAL PLAT.

NO ON-SITE GRADING OR EXCAVATION SHALL OCCUR WITHOUT FIRST OBTAINING A PERMIT FROM THE CITY OF SURPRISE.

THE INGRESS/EGRESS EASEMENT FOR SUBJECT PROPERTY CROSSES THROUGH A FLOODWAY AND FLOODPLAIN ZONE AREA. PHYSICAL ACCESS TO SUBJECT PROPERTY MAY BE LIMITED DURING HEAVY PRECIPITATION EVENTS.

PURSUANT TO 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 (#1475) AND 14710, WHEN APPLICABLE.

THIS PROPERTY IS IN THE FUTURE CITY OF SURPRISE POTABLE WATER SERVICE AREA. THE CITY CURRENTLY DOES NOT HAVE POTABLE WATER SERVICE AVAILABLE TO THE PROPERTY; HOWEVER, PER CITY OF SURPRISE MUNICIPAL CODE CHAPTER 58-181, ONCE POTABLE WATER SERVICE IS AVAILABLE WITHIN 500 FEET OF THESE PROPERTIES, THE OWNER(S) WILL BE REQUIRED TO CONNECT TO CITY SERVICES WITHIN 90 DAYS. IN ADDITION, THE PROPERTY OWNER MUST PROPERLY ABANDON PER ANY PRIVATE WELL SYSTEM PER CITY AND COUNTY REQUIREMENTS.

THE CITY CURRENTLY DOES NOT HAVE SEWER SERVICE AVAILABLE TO THE PROPERTY; HOWEVER, PER CITY OF SURPRISE MUNICIPAL CODE CHAPTER 58-314, ONCE SEWER SERVICE IS AVAILABLE WITHIN 500 FEET OF THESE PROPERTIES, THE OWNER(S) WILL BE REQUIRED TO CONNECT TO CITY SERVICES WITHIN 90 DAYS. IN ADDITION, OWNER MUST PROPERLY ABANDON ANY PRIVATE SEPTIC SYSTEM PER CITY AND COUNTY REQUIREMENTS.

THE PROPERTY OWNER AT THE TIME WHEN CITY OF SURPRISE WATER, AND/OR SEWER INFRASTRUCTURE IS AVAILABLE AT THE PROPERTY, SHALL BE REQUIRED TO CONNECT IN ACCORDANCE WITH SURPRISE MUNICIPAL CODE AND PAY ALL APPLICABLE FEES. ANY OWNER OF THE PROPERTY SHALL NOTIFY PROSPECTIVE BUYERS AND THE PUBLIC OF THIS NOTE, AND ANY SALES CONTRACTS OR SALES REPORTS SHALL INCLUDE SUCH NOTE.

THE OWNER OR SUBSEQUENT OWNERS OF ANY EXISTING OR FUTURE WELLS ON THE LAND DESCRIBED IN THIS FINAL PLAT SHALL BE REQUIRED TO SIGN A WELL IMPACT WAIVER(S) WITH THE CITY OF SURPRISE.

THE PROPERTY IS LOCATED WITHIN AN AREA HAVING FLOOD ZONE X AND AE DESIGNATION BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, ON FLOOD INSURANCE RATE MAP NO. 04013C1210L, WITH A DATE OF IDENTIFICATION OF OCTOBER 16, 2013, FOR COMMUNITY NO. 040053, IN CITY OF SURPRISE, STATE OF ARIZONA, WHICH IS THE CURRENT FLOOD INSURANCE RATE MAP FOR THE COMMUNITY IN WHICH SAID PROPERTY IS SITUATED.

IN GENERAL, DEVELOPMENT WITHIN OR MODIFICATION OF THE FLOODPLAIN IS DISCOURAGED. DEVELOPMENT SHOULD BE LOCATED OUTSIDE OF THE 100-YEAR FLOODPLAIN. IF DEVELOPMENT WITHIN THE FLOODPLAIN IS NECESSARY, APPROVAL FROM THE FLOOD CONTROL DISTRICT OF MARICOPA COUNTY FOR FLOODPLAIN USE PERMIT IS REQUIRED.

DEVELOPMENT WITHIN THE FLOODWAY IS PROHIBITED.

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

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.

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

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 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.

ENGINEERING

OWNER HEREBY GRANTS TO THE CITY OF SURPRISE A PERPETUAL CROSS ACCESS EASEMENT ACROSS THE ENTIRE PLAT FOR THE PURPOSE OF PROVIDING CONTINUOUS AND UNINTERRUPTED INGRESS AND EGRESS FOR EMERGENCY AND TRASH COLLECTION VEHICLES.

PARENT DESCRIPTION

PARCEL 1 (APN 503-60-873):
THE SOUTH HALF OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 26, TOWNSHIP 5 NORTH, RANGE 2 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA.

EXCEPT THE EAST 330 FEET THEREOF.

NOTE: ALSO BEING SHOWN AS LOT A, OF MINOR LAND DIVISION, ACCORDING TO THE PLAT OF RECORD IN THE OFFICE OF THE COUNTY RECORDER OF MARICOPA COUNTY, ARIZONA, RECORDED IN BOOK 1398 OF MAPS, PAGE 10.

PARCEL 2 (APN 503-60-874):
THE NORTH 165 FEET OF THE EAST 330 FEET OF THE SOUTH HALF OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 26, TOWNSHIP 5 NORTH, RANGE 2 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA.

NOTE: ALSO BEING SHOWN AS LOT B, OF MINOR LAND DIVISION, ACCORDING TO THE PLAT OF RECORD IN THE OFFICE OF THE COUNTY RECORDER OF MARICOPA COUNTY, ARIZONA, RECORDED IN BOOK 1398 OF MAPS, PAGE 10.

PARCEL 3 (APN 503-60-875):
THE EAST 330 FEET OF THE SOUTH HALF OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 26, TOWNSHIP 5 NORTH, RANGE 2 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA.

EXCEPT THE NORTH 165.00 FEET THEREOF.

NOTE: ALSO BEING SHOWN AS LOT C, OF MINOR LAND DIVISION, ACCORDING TO THE PLAT OF RECORD IN THE OFFICE OF THE COUNTY RECORDER OF MARICOPA COUNTY, ARIZONA, RECORDED IN BOOK 1398 OF MAPS, PAGE 10.

APPROVALS

CITY OF SURPRISE ENGINEER APPROVAL

DATA ON THIS PLAT REVIEWED AND APPROVED THIS _____ DAY OF _____, 20____ BY THE CITY ENGINEER OF SURPRISE, ARIZONA.

APPROVED _____
CITY ENGINEER DATE

CITY OF SURPRISE COUNCIL APPROVAL

APPROVED BY THE CITY COUNCIL OF THE CITY OF SURPRISE, ARIZONA.

THIS _____ DAY OF _____, 20____.

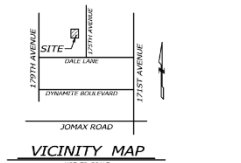
_____
MAYOR DATE

ATTEST:

_____
CITY CLERK DATE

RELEASE OF LIABILITY

GARRETT BRADY PROPERTIES LLC., A TEXAS LIMITED LIABILITY COMPANY, ("OWNER") DOES HEREBY:
(1) RELEASE AND DISCHARGE THE UNITED STATES OF AMERICA DEPARTMENT OF THE AIR FORCE (USAF) AND FROM THE CITY OF SURPRISE, AND
(2) INDEMNIFY, DEFEND, AND HOLD HARMLESS THE USAF AND THE CITY OF SURPRISE, OR 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 ITS 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 ABOVE WITH RESPECT TO NOISE, FUMES, DUST, FUEL, AND LUBRICANT PARTICLES.



VICINITY MAP
NOT TO SCALE

OWNER

GARRETT BRADY PROPERTIES LLC.,
A TEXAS LIMITED LIABILITY COMPANY
239 COUNTY ROAD 242, HOBSON, TX 78117

ZONING

RURAL RESIDENTIAL
(RR)

REFERENCES

GENERAL LAND OFFICE RECORDS ON FILE WITH THE U.S. DEPARTMENT OF THE INTERIOR BUREAU OF LAND MANAGEMENT

MINOR LAND DIVISION IN BOOK 1398 OF MAPS, PAGE 10, MARICOPA COUNTY RECORDS

SPECIAL WARRANTY DEED IN 2022-0434752, MARICOPA COUNTY RECORDS

JOINT TENANCY DEED IN 1988-0083681, MARICOPA COUNTY RECORDS

GRANT OF EASEMENT IN 1988-0108588, MARICOPA COUNTY RECORDS,

INGRESS, EGRESS AND UTILITY EASEMENT IN 2017-0845948, MARICOPA COUNTY RECORDS

RECORD OF SURVEY IN BOOK 656 OF MAPS, PAGE 21, MARICOPA COUNTY RECORDS

RECORD OF SURVEY IN BOOK 1630 OF MAPS, PAGE 6, MARICOPA COUNTY RECORDS

RECORD OF SURVEY IN BOOK 1635 OF MAPS, PAGE 45, MARICOPA COUNTY RECORDS

RECORD OF SURVEY IN BOOK 1701, OF MAPS, PAGE 9, MARICOPA COUNTY RECORDS

CERTIFICATION

THIS IS TO CERTIFY THAT THIS FINAL PLAT IS CORRECT AND ACCURATE AND THE MONUMENTS DESCRIBED HEREIN HAVE EITHER BEEN SET OR LOCATED AS DESCRIBED TO THE BEST OF MY KNOWLEDGE AND BELIEF.

MAY 22, 2023
JAMES M. WILLIAMSON
R.L.S. 76041
2122 W. LONE CACTUS DRIVE, SUITE 11
PHOENIX, AZ 85027

JAMES M. WILLIAMSON
76041
REGISTERED
LAND SURVEYOR
5/22/23

—FOR REVIEW
NOT FOR
CONSTRUCTION
OR RECORDING

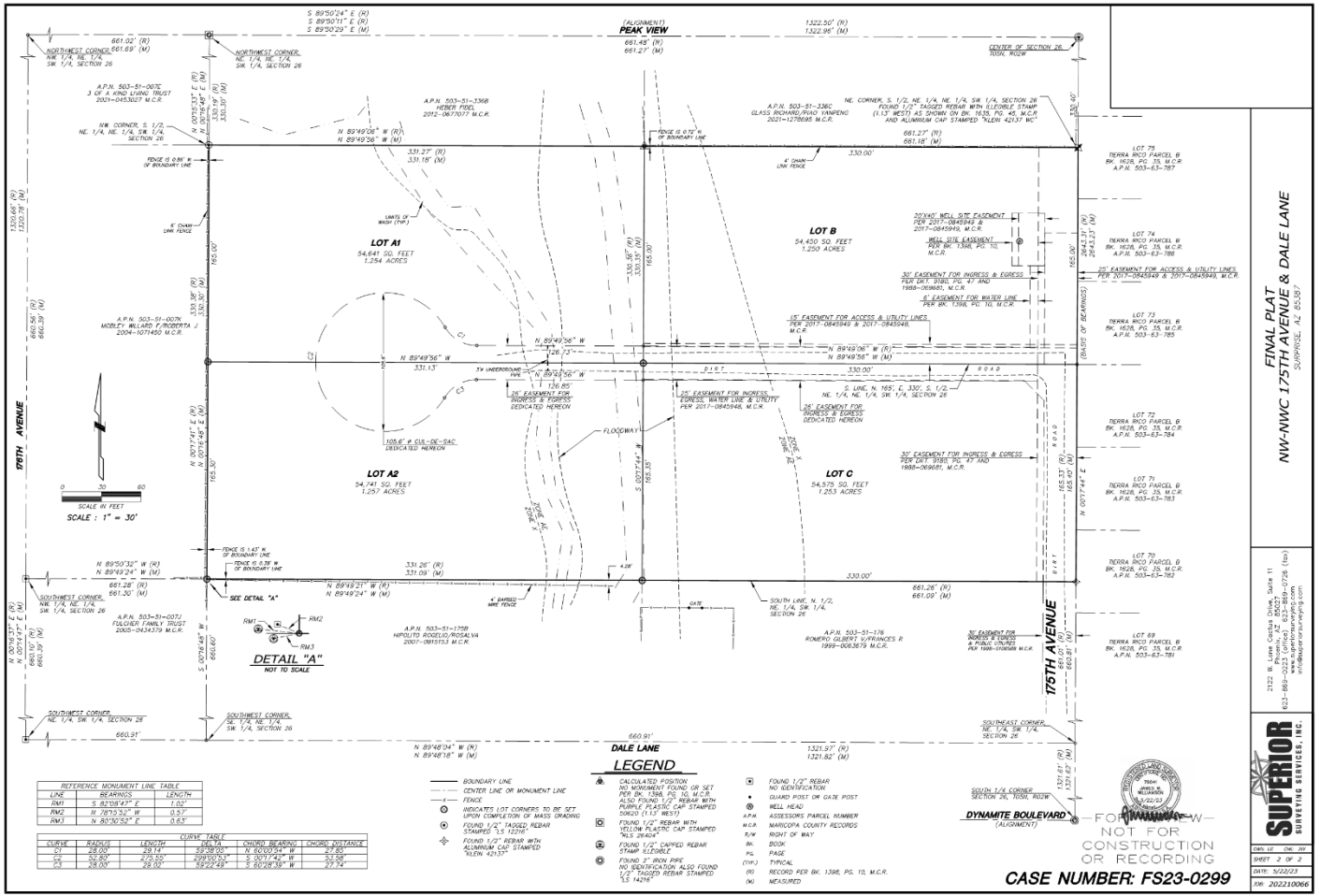
CASE NUMBER: FS23-0299

FINAL PLAT
NW-NWC 175TH AVENUE & DALE LANE
SURPRISE, AZ 85387

FS23-0299 FINAL PLAT

SUPERIOR
SURVEYING SERVICES, INC.
2122 W. Lone Cactus Drive, Suite 11
Phoenix, AZ 85027
623-869-0223 (office) 623-869-0736 (fax)
info@superiorsurveyinginc.com

DRAWN: LE CHK: JM
SHEET 1 OF 2
DATE: 5/22/23
JOB: 202210066


FINAL PLAT
NW-NWC 175TH AVENUE & DALE LANE
SURPRISE, AZ 85387
FS23-0299 FINAL PLAT
LOT A1
54,641 SQ. FEET
1.254 ACRES
LOT A2
54,741 SQ. FEET
1.257 ACRES
LOT B
54,430 SQ. FEET
1.250 ACRES
LOT C
54,575 SQ. FEET
1.253 ACRES
175TH AVENUE
DALE LANE
DYNAMITE BOULEVARD
(ALIGNMENT)
PEAK VIEW
SCALE : 1" = 30'
DETAIL "A"
NOT TO SCALE
LEGEND
CASE NUMBER: FS23-0299
NOT FOR CONSTRUCTION OR RECORDING
SUPERIOR SURVEYING SERVICES, INC.
2122 W. Lone Cactus Drive, Suite 11
Phoenix, AZ 85027
623-869-0223 (office) 623-869-0726 (fax)
www.superiorsurveying.com
info@superiorsurveying.com
SHEET 2 OF 2
DATE: 5/22/23
JOB: 202210066

SURPRISE
ARIZONA

QUESTIONS OR COMMENTS?

Thank You

CITY OF SURPRISE
Regular City Council Meeting

Council Meeting Date: August 1, 2023
Submitting Department: Police
Staff Recommendations:

Contact Person:
District: Citywide

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

Agenda Wording:
Consideration and action pertaining to the acceptance of the Law Enforcement Mutual Aid Agreement between the Tohono O'Odham Nation and the City of Surprise Police Department; Resolution #2023-88

Motion:
I move to approve Resolution #2023-88

Background:
The City of Suprise and the Surprise Police Department will enter into an agreement with the Tohono O'odham Nation to provide law enforcement assistance of sworn peace officers, other personnel and resources as available, in order to more efficiently and economically facilitate law enforcement services and provide for the maximum amount of protection for public health, safety and welfare of its citizens.

Objective Analysis:
This agreement permits federal and tribal law enforcement agencies with primary jurisdiction over crimes committed by Indians within the exterior boundaries of the Tohono O'odham Nation to request law enforcement assistance from the Surprise Police Department.

Policy Compliant:
The City regularly partners with other government entities when it is beneficial to do so. This action is compliant with City and Council Policy.

Financial Impact:
There is no direct financial impact as a result of entering into this Law Enforcement Mutual Aid Agreement.

Budget Impact:
The FY 2024 adopted budget includes appropriations for expenses related to this agreement, and therefore, does not require a budget amendment.

FTE Impact:

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

ATTACHMENTS:

1. Law Enforcement Mutual Aid Agreement Tohono O Odham
2. Res 2023-88 Surprise -Tohono O'Odham Nation IGA

LAW ENFORCEMENT MUTUAL AID AGREEMENT
Between
THE TOHONO O'ODHAM NATION
And
THE CITY OF SURPRISE

This LAW ENFORCEMENT MUTUAL AID AGREEMENT (the "Agreement") is entered into between the TOHONO O'ODHAM NATION, (hereinafter referred to as the "NATION") and the CITY OF SURPRISE, a political subdivision of the State of Arizona, (hereinafter referred to as "SURPRISE").

WHEREAS, it is to the mutual benefit of the parties that they enter into an agreement of mutual aid and assistance in the field of law enforcement; and

WHEREAS, SURPRISE and the SURPRISE Police Department are authorized by A.R.S. § 13-3872 and A.R.S §§ 11-951 *et seq*. to enter into this Agreement and provide law enforcement assistance of sworn peace officers, other personnel and resources as they determine are available in order to more efficiently and economically facilitate law enforcement services and provide for the maximum amount of protection for public health, safety and welfare of its citizens; and

WHEREAS, 25 U.S.C. §§ 2801 *et seq*., through this Agreement, permits federal and tribal law enforcement agencies with primary jurisdiction over crimes committed by Indians within the exterior boundaries of the NATION to request law enforcement assistance from the SURPRISE Police Department (for the purposes of this Agreement, the federal and tribal law enforcement agencies referred to above include: the Federal Bureau Investigation (FBI), the U.S. Department of the Interior, Bureau of Indian Affairs, Law Enforcement Division (BIA), and the police officers of the Tohono O'odham Nation); and

WHEREAS, the NATION, pursuant to the authority contained under the Tohono O'odham Constitution, Article VI, Section 1(f), Section 1.3 of the Tohono O'odham Nation's Criminal Code and pursuant to 25 U.S.C. §§ 2801 *et seq*., is authorized to enter into this Agreement in order to more efficiently and economically facilitate law enforcement services and provide for the maximum amount of protection for public health, safety and welfare of its citizens; and

WHEREAS, SURPRISE, by Resolution No. _____ and the NATION, by Resolution No. _____, true and correct copies of which are attached, have each approved this Agreement.

NOW, THEREFORE, it is mutually agreed by the parties:

I. PURPOSE AND INTENT.

The purpose of this Agreement is for SURPRISE and the NATION to provide each other with law enforcement mutual aid services as necessary and as resources permit. SURPRISE, through the SURPRISE Police Department, operates and maintains a law enforcement agency within the geographical boundaries of SURPRISE. The NATION, through the Tohono O'odham

Police Department, operates and maintains a tribal law enforcement agency within the Nation's geographical boundaries.

II. TERM.

The initial term of this Agreement shall be for a period of five (5) years, commencing on the date the last party signs this Agreement. The Agreement may be renewed for two additional three-year terms upon written agreement by of the parties and is subject to early termination. There are no automatic renewals.

III. PARTIES TO THE AGREEMENT.

The parties to this Agreement shall include the following: SURPRISE and the NATION.

IV. ACKNOWLEDGMENTS.

A. The parties to this Agreement formally recognize the authority of the NATION's Police Department to provide primary law enforcement services on the NATION. Primary law enforcement services on the NATION shall include, but are not limited to: the enforcement of Tribal laws and ordinances upon its Tribal members and Indian residents; responding to calls for law enforcement services within the NATION's boundaries; investigating reported violations of Tribal law and ordinances; and providing for the security of persons who reside upon or travel onto the NATION.

B. The parties to this Agreement formally recognize the authority of the BIA, its subdivisions and individual agents, as well as the FBI, to investigate violations of Federal Law committed on NATION lands.

C. Federal Indian Law and applicable Arizona State law, i.e., A.R.S. §§ 13-386, and 13-3871 - 3875, govern the authority of off-reservation Law Enforcement agencies (SURPRISE Police Department, Medical Examiners, SURPRISE City Attorney, their bureaus, divisions and individual members) to enforce Arizona State laws over non-Indians who reside upon, or travel onto, the NATION. Federal Indian Law and applicable Arizona State law also govern the authority of Reservation Law Enforcement Agencies (the NATION's Police Department and the NATION's Prosecutor's Office, their bureaus, divisions and individual members) to enforce Arizona State laws over individuals who reside upon or travel onto, non-reservation lands within the State of Arizona. The parties acknowledge current law, as the law may change from time to time, regarding jurisdiction:

i. **Crimes by a Non-Indian against an Indian in Indian Country**. States and the federal government have concurrent jurisdiction over crimes committed by non-Indians against Indians in Indian Country. *Oklahoma v. Castro-Huerta*, 597 U.S. ___ (2022). If the crime in question is defined by a federal enclave statute, prosecution of the non-Indian proceeds under the Indian Country Crimes Act, 18 U.S.C. § 1152. If there is no federal enclave crime, state substantive law is incorporated by reference, through the Assimilative Crimes Act, 18 U.S.C. § 13. The Major Crimes Act, 18 U.S.C. § 1153, does not apply because it covers only crimes committed by Indians. The Tribal courts may not prosecute under the rule in *Oliphant. See Oliphant v. Suquamish Indian Tribe*, 435 U.S. 191 (1978). The Violence Against Women Reauthorization Act of 2013 (hereinafter "VAWA 2013"), Pub. L. 113-4, Title IX

§§901-910(2013), as codified 25 U.S.C. §1304, authorizes tribes to exercise special domestic violence criminal jurisdiction (hereinafter "SDVCJ") over non-Indian defendants for certain specified crimes. The Violence Against Women Reauthorization Act of 2022 (hereinafter "VAWA 2022"), as codified 25 U.S.C. §1304, which takes effect on October 1, 2022, authorizes tribes to exercise special tribal criminal jurisdiction (hereinafter "STCJ") over non-Indian defendants for certain additional specified crimes.

ii. **Crimes by a Non-Indian against a Non-Indian in Indian Country**. The *McBratney* rule holds that crimes by a non-Indian against a non-Indian in Indian Country go to state court, except in the case of obstruction of justice or assault of Tribal justice personnel, the latter of which may be prosecuted by tribes that are exercising STCJ. Otherwise, federal courts and tribal courts have no jurisdiction. *See U.S. v. McBratney*, 104 U.S. 621 (1881); VAWA 2022.

iii. **Victimless/Consensual Crimes by a Non-Indian in Indian Country**. Federal courts have jurisdiction over crimes covered by federal enclave law or state law (via the Assimilative Crimes Act) under the Indian Country Crimes Act. The state courts have concurrent jurisdiction pursuant to *Castro-Huerta*. The rationale under *McBratney* would allow state jurisdiction only if no interest of the tribe, its members or property is involved and if federal policy towards Indians in not impacted. *Cf. Oliphant,* supra.

iv. **Sex Offender Registration and Notification Act**. P.L. 109-248 Title I of the Adam Walsh Child Protection and Safety Act of 2006 (SORNA) requires minimum standards for sex offender registration and notification in the United States, including within Tribal reservation boundaries. The parties agree to collaborate on sharing relevant information on registered sex offenders as may be required by SORNA.

V. MUTUAL AGREEMENTS.

A. Under this Agreement, SURPRISE agrees to the following:

i. **Requesting Aid**. When deemed necessary and appropriate, the SURPRISE Police Chief or his designee(s) may call upon law enforcement officers of the NATION for back up or assistance in emergencies or life-threatening situations, provided that the call does not conflict with the then-current duties of the NATION officer.

ii. **General Aid**. Any law enforcement personnel of SURPRISE responding to a request for assistance from the NATION shall maintain a secondary "back up" presence if feasible and not initiate any law enforcement action unless specifically requested to do so by an Agent of the FBI, the BIA, or a ranking NATION's Police Department official, or confronted with an emergency or life-threatening situation.

a. For the purpose of this Agreement "immediate back up" shall be limited to those instances in which insufficient personnel from an agency of primary jurisdiction, is present at the scene of an "in progress" crime to provide for the safety of uninvolved third parties, or individual law enforcement officers and agents or other parties as necessary and appropriate.

1. In such instances, personnel providing "back up" officers will act as assisting personnel, providing an additional law enforcement presence, in a secondary role, and will take action only at the request of an officer or agent whose

department or agency retains primary jurisdiction or as reasonable safety needs and concerns make necessary. Personnel of the Offices of the SURPRISE Police Department or SURPRISE City Attorney shall not initiate independent law enforcement action on the Reservation.

b. Personnel of the SURPRISE Police Department will not personally serve, or be otherwise involved in the service of misdemeanor warrants for the arrest of Indians on Tribal lands.

iii. Availability of Resources. The provision of assistance is subject to the providing party's assessment of availability of resources and ability to render aid. The party providing aid shall undertake its best efforts to render such aid as it is able to provide consistent with its own service needs at the time, taking into consideration the providing party's existing commitments within its own jurisdiction and applicable law. The providing party shall be the sole judge of what aid it has available to furnish to the requesting party pursuant to this Agreement.

B. Under this Agreement, the NATION agrees to the following:

i. Requesting Aid. When deemed necessary and appropriate, the NATION Police Chief or his designee(s) may call upon law enforcement personnel of SURPRISE for back up or assistance in emergencies or life threatening situations, provided that the call does not conflict with the then-current duties of the SURPRISE officer.

ii. General Aid. Any law enforcement personnel of the NATION responding to a request for assistance from SURPRISE shall maintain a secondary "back up" presence if feasible and not initiate any law enforcement action unless specifically requested to do so by a ranking SURPRISE police official, or confronted with an emergency or life threatening situation.

a. The NATION's Police Department will not request assistance from SURPRISE where personnel from agencies with primary jurisdiction over crimes committed on Tribal lands are available and can provide an appropriate and timely response.

b. The NATION's Police Department will not request back up assistance during routine calls for services or in cases where off-duty personnel of the NATION's Police Department are available and can provide an appropriate and timely response.

iii. Availability of Resources. The provision of assistance is subject to the providing party's assessment of availability of resources and ability to render aid. The party providing aid shall undertake its best efforts to render such aid as it is able to provide consistent with its own service needs at the time, taking into consideration the providing party's existing commitments within its own jurisdiction and applicable law. The providing party shall be the sole judge of what aid it has available to furnish to the requesting party pursuant to this Agreement.

VI. SUPERVISION.

At all times throughout the duration of this Agreement, SURPRISE shall have sole supervisory authority over City personnel and SURPRISE Police Department shall have sole supervisory authority over SURPRISE Police Department personnel. Likewise, the NATION shall have sole supervisory authority over NATION personnel and the NATION's Police Department shall have sole supervisory authority over NATION Police Department personnel.

VII. PROCEDURES, SCOPE AND LIMITATIONS.

A. Law Enforcement Authority on the Tribal Lands. Personnel of SURPRISE Police Department shall not become involved in the investigation of any offense committed within the NATION unless the perpetrator has been reasonably identified as a non-Indian, or as otherwise duly requested and authorized by Federal and/or Tribal authorities. For matters involving a non-Indian perpetrator, SURPRISE is authorized to hold and prosecute the non-Indian perpetrator.

B. Deaths on Tribal Lands. SURPRISE Police Department may assist in the investigation of deaths which occur on Tribal lands in the following cases:

i. When the decedent is non-Indian.

ii. When the decedent is an Indian and the death was the result of criminal conduct or suspected criminal violation being investigated by an agency that has primary jurisdiction on the Reservation.

a. In such investigation, SURPRISE will act in concert with, and assist the investigating agency with primary jurisdiction.

iii. Pursuant to subsection ii.a. above, SURPRISE Police Department personnel acting in concert with and assisting with investigations shall decrease proportionately as the capability of the NATION increases or shall decrease to the extent that the NATION deems appropriate. The agencies agree to maintain consistent communication when the need for, and availability of, resources change.

C. Hot Pursuit. Upon crossing into the NATION, the Non-Tribal law enforcement officer in hot-pursuit shall as soon as practicable notify and if feasible maintain contact with the NATION's Police Department until a NATION's Police Department officer responds to the scene.

D. Consistency with Applicable Laws. The provisions of these procedures shall be interpreted and construed so as to effectuate its general purpose to make uniform any and all applicable tribal, state and federal laws; provided that under no circumstances shall the provisions of this Agreement be interpreted to authorize the extradition, pursuit, or arrest of any person within the exterior boundaries of the NATION without complying with this Agreement.

E. Special Law Enforcement Commissions. The NATION's Police Department may sponsor those officers identified by SURPRISE Police Department in an application for a federal Special Law Enforcement Commission pursuant to a Deputation Agreement with the Bureau of Indian Affairs Office of Justice Services for the purpose of providing assistance in the enforcement of Federal criminal statutes and Federal hunting and fishing regulations within

the exterior boundaries of the NATION or individual Indian allotments standing within SURPRISE.

VIII. LIABILITY, INSURANCE AND INDEMNITY.

Nothing in this Agreement shall be construed to mean that any of the parties hereto have, by executing this Agreement, waived any immunity or subjected themselves to any liabilities to which they would not be otherwise subjected by law. No party to this Agreement shall be held liable for any loss or damage by reason of its failure to effectively respond to any law enforcement problem in the territory or jurisdiction of any other party. This Agreement shall not be construed as, or deemed to be, an agreement for the benefit of any third parties and no third party or parties shall have the right of action hereunder for any cause whatsoever. The provisions of this entire section shall survive the termination of this Agreement. The parties further agree as follows:

A. Liability. Each party shall be responsible and liable for damages caused by the acts or omissions of its officers, agents or other employees during that party's participation under this Agreement. The employees of each party to this Agreement shall remain under the ultimate control of said party. Each party shall remain responsible for its employees' salaries and employee-related benefits, discipline and similar matters and shall be solely responsible for its employee's civil wrongs, and each employee shall be deemed to be performing regular duties for the primary employer party while engaged in this Agreement.

Accordingly, when providing mutual assistance, the NATION shall be solely responsible and liable for any and all claims, losses, liability(ies), demands, judgments (including all costs, expenses, and attorney's fees) resulting in any bodily injury (up to and including death) of any person (including employees) arising out of the performance of the NATION's Police Department and/or NATION personnel.

Likewise, when providing mutual assistance, SURPRISE shall be solely responsible and liable for any and all claims, losses, liability(ies), demands, judgments (including all costs, expenses, and attorney's fees) resulting in any bodily injury (up to and including death) of any person (including employees) arising out of the performance of SURPRISE Police Department and/or SURPRISE personnel.

B. Workers Compensation, Employee Rights and Benefits. For purposes of workers' compensation, an employee of a party to this Agreement, who works under the jurisdiction or control of, or who works within the jurisdictional boundaries of another party pursuant to this Agreement, is deemed to be an employee of both the party who is his primary employer and the party under whose jurisdiction or control or within whose jurisdictional boundaries he is then working, as provided in A.R.S. § 23-1022(D). The primary employer party of such employee shall be solely liable for payment of worker's compensation benefits for the purposes of this section. Each party to this Agreement shall further comply with the provisions of A.R.S. § 23-1022(E) by posting the required public notice.

The employees of each party to this Agreement shall remain under the ultimate control of that respective party. Employees of each party participating under this Agreement are not considered employees of any other party except in the case of the exception listed in the paragraph above. Each party shall remain liable for its employees' salaries, employee-related benefits, discipline and civil liabilities and each employee shall be deemed to be performing regular duties for the primary employer party while performing services under this

Agreement. All personnel retain all pension and disability rights, salaries, and all rights of regular employment while acting under authority conferred pursuant to this Agreement.

C. **Insurance**. Each party to this Agreement agrees that it shall be liable for all legally determined damages caused by its own personnel. The NATION agrees to continue certification necessary to maintain coverage afforded the NATION's Police Department personnel under the Federal Tort Claims Act, 28 U.S.C. § 2680. Each party agrees to adequately self-insure and/or obtain sufficient insurance or excess insurance coverage, to meet its responsibility hereunder. The provisions of this section shall survive the termination or expiration of this Agreement.

D. **Cooperative Defense**. In the event that litigation is initiated by a third party against any party, it is hereby agreed that no party will resolve or take action in that litigation which is detrimental to the position of any other party, except when such other party's position is in direct violation of the law. In addition to any insurance coverage required by this Agreement, each party agrees that it will be solely responsible for and will assume sole liability for its employee's acts or omissions of any kind, while performing any service or activity under this Agreement. In the event that a claim is made against any party for acts or omissions of any kind, it is the intent of the parties to cooperate fully in the defense of said claim or claims and to cause their insurers to do likewise, to the extent practicable

E. **Indemnity**. To the fullest extent permitted by law, each party to this Agreement shall defend, indemnify, and hold harmless the other and its departments, officers, officials, agents, and employees from and against any and all claims, losses, liability, costs or expenses (including reasonable attorney's fees) arising out of bodily injury or death of any person or any property damage, but only to the extent that such claims which result in vicarious, derivative or other form of liability to the indemnitee, are caused by the act, omission, negligence, misconduct or other fault of the indemnitor or its officers, agents, personnel, professionals or employees.

F. **No Right, Interest, Entitlement or Cause of Action Created**. No employment right, property interest, liberty, civil or personal entitlement of any kind shall be created by the extending, acceptance or holding of a cross-deputation pursuant to this Agreement. No personnel of a party shall have a cause of action against the other party, its officers or employees, for failure to deliver or for arbitrary revocation of a cross-deputation. Each party agrees to indemnify and hold harmless every other party from all such claims by its own personnel.

G. **Preservation of Immunities, Exemptions, Laws, and Policies of Primary Jurisdiction**. All the immunities from liabilities, exemptions from laws, ordinances, and policies and procedures which personnel employed by the various parties hereto have in their own jurisdictions, shall be effective in the jurisdiction in which they are acting, to the extent allowed by law.

IX. TERMINATION.

This Agreement may be canceled or terminated by either party at any time upon thirty (30) days' prior written notice by certified mail.

X. NOTICES.

All notices provided under this Agreement shall be written and shall be sent via certified mail to the respective addressee(s) provided below:

If to **SURPRISE**:

SURPRISE Chief of Police
14250 W. Statler Plaza
SURPRISE, AZ 85374

If to the **NATION**:

Chief of Police
P.O. Box 189
Sells, Arizona 85634

XI. MISCELLANEOUS.

A. Amendment. The provisions of this Agreement may be amended or modified only upon mutual written agreement of both parties

B. Other Duties Imposed by Law. Nothing in this Agreement shall be construed as relieving the involved public agencies of any obligation or responsibility imposed on it by law.

C. Conflicts of Interest. To the extent permitted and/or required by law, the provisions of A.R.S. §38-511 relating to cancellation of contracts due to conflicts of interest apply to this Agreement.

D. Waiver of Terms and Conditions. The failure of either party to insist in any one or more instances on performance of any of the terms or conditions of this Agreement or to exercise any right or privilege contained herein shall not be considered as thereafter waiving such terms, conditions, rights or privileges, and they shall remain in full force and effect.

E. Compliance with Civil Rights. To the extent permitted and/or required by law, the parties agree to comply with A.R.S. Title 41, Chapter 9 (Civil Rights), Arizona Executive Orders 75-5 and 99-4 and any other applicable federal or state laws relating to equal opportunity and non-discrimination, including the Americans with Disabilities Act.

F. Compliance with Laws, Regulations and Policies. The parties shall comply with all applicable federal, state and local laws, rules, regulations, standards and Executive Orders, without limitation to those designated within this Agreement. The laws and regulations of the State of Arizona shall govern the rights of the parties, the performance of this Agreement and any disputes hereunder. Furthermore, the parties agree to abide by each party's policies to the extent appropriate and required or permitted by law.

G. No Joint Venture. It is not intended by this Agreement to, and nothing contained in this Agreement shall, be construed to, create any partnership, joint venture or employment relationship between the parties or create any employer-employee relationship between the parties' employees. Neither party shall be liable for any debts, accounts, obligations or other liabilities whatsoever of the other party, including, but without limitation, the other party's obligation to withhold Social Security and income taxes for itself or any of its employees.

H. No Third Party Beneficiaries. Nothing in this Agreement is intended to create duties or obligations to or rights in third parties not parties to this Agreement or affect the legal liability of either party to the Agreement by imposing any standard of care with respect to the maintenance of public facilities different from the standard of care imposed by law.

I. **Non-assignment**. Neither party shall assign its interest in this Agreement, either in whole or in part.

J. **Severability**. If any part, term or provision of this Agreement shall be held illegal, unenforceable or in conflict with any law, the validity of the remaining portions and provisions hereof shall not be affected.

K. **Entire Agreement**. This Agreement represents the entire agreement between the parties and supersedes all prior negotiations, representations or agreements, either expressed or implied, written or oral. It is mutually understood and agreed that no alteration or variation of the terms and conditions of this Agreement shall be valid unless made in writing and signed by the parties.

L. **Sovereign Immunity.** Nothing in this Agreement shall be construed as an express or implied waiver of the sovereign immunity of either party in any forum or jurisdiction.

M. **Counterparts**. This Agreement may be executed in any number of counterparts, all such counterparts shall be deemed to constitute one and the same instrument, and each of said counterparts shall be deemed original hereof.

(Signatures on following page)

IN WITNESS WHEREOF, this Agreement has been executed and approved by the parties and persons whose signatures appear below.

SURPRISE, a political subdivision of the State of Arizona

By: _____
Bob Wingenroth
City Manager
City of SURPRISE

_____
Date

TOHONO O'ODHAM NATION

By: _____
Ned Norris Jr.
Chairman
Tohono O'odham Nation

_____
Date

ATTEST

By: _____
Kristi Passarelli
City Clerk
City of SURPRISE

_____
Date

By: _____
Benny Piña
Chief of Police
City of SURPRISE

_____
Date

By: _____
Elton Begay
Chief of Police
Tohono O'odham Nation

_____
Date

APPROVED AS TO FORM

By: _____
Robert Wingo
City Attorney
City of SURPRISE

_____
Date

APPROVED AS TO FORM

By: _____
Howard Shanker
Attorney General
Tohono O'odham Nation

_____
Date

RESOLUTION # 2023-88

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA, APPROVING THE LAW ENFORCEMENT MUTUAL AID AGREEMENT BETWEEN THE TOHONO O'ODHAM NATION AND THE CITY OF SURPRISE POLICE DEPARTMENT.

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

WHEREAS, it is to the mutual benefit of the parties that they enter into an agreement of mutual aid and assistance in the field of law enforcement; and

WHEREAS, SURPRISE and the SURPRISE Police Department are authorized by A.R.S. § 13-3872 and A.R.S §§ 11-951 *et seq*. to enter into this Agreement and provide law enforcement assistance of sworn peace officers, other personnel and resources as they determine are available in order to more efficiently and economically facilitate law enforcement services and provide for the maximum amount of protection for public health, safety and welfare of its citizens; and

WHEREAS, 25 U.S.C. §§ 2801 *et seq*., through this Agreement, permits federal and tribal law enforcement agencies with primary jurisdiction over crimes committed by Indians within the exterior boundaries of the NATION to request law enforcement assistance from the SURPRISE Police Department (for the purposes of this Agreement, the federal and tribal law enforcement agencies referred to above include: the Federal Bureau Investigation (FBI), the U.S. Department of the Interior, Bureau of Indian Affairs, Law Enforcement Division (BIA), and the police officers of the Tohono O'odham Nation); and

WHEREAS, the NATION, pursuant to the authority contained under the Tohono O'odham Constitution, Article VI, Section 1(f), Section 1.3 of the Tohono O'odham Nation's Criminal Code and pursuant to 25 U.S.C. §§ 2801 *et seq*., is authorized to enter into this Agreement in order to more efficiently and economically facilitate law enforcement services and provide for the maximum amount of protection for public health, safety and welfare of its citizens; and

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

Section 1. The Law Enforcement Mutual Aid Agreement between the Tohono O'odham Nation and the City of Surprise, attached as Exhibit A, is approved.

Section 2. The City Manager, or his designee, is hereby authorized to execute and submit all documents and other necessary or desirable instruments in connection with said agreements.

APPROVED AND ADOPTED this _____day of _____, 2023.

Skip Hall, Mayor

Attest:

Kristi Passarelli, City Clerk

Approved as to form:

Robert Wingo, City Attorney

Exhibit A

Law Enforcement Mutual Aid Agreement
between
the Tohono O'odham Nation and the City of Surprise

CITY OF SURPRISE
Regular City Council Meeting

Council Meeting Date: August 1, 2023 Contact Person:
Submitting Department: Community Development District: District 3
Staff Recommendations: None

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

Agenda Wording:
Consideration and action pertaining to approval of the Final Plat entitled, "Dignity Prasada" and dated June 28, 2023, a property generally located at the southwest corner of Greenway Road and Loop 303; Case FS23-0033.

Motion:
I move to approve the Plat entitled, "Dignity Prasada" and dated June 28, 2023.

Background:
HilgartWilson, on behalf of Dignity Health, seeks approval of a Final Plat of the subject property generally located at the southwest corner of Greenway Road and Loop 303. The proposed Final Plat creates a legal, conforming lot approximately 40 acres in size to align with future development plans of the Dignity Prasada development.

Objective Analysis:
Approval of the proposed Final Plat will make the subject parcel legal and conforming.

Policy Compliant:
The proposed Final Plat is consistent with the Surprise General Plan 2035 and the City of Surprise 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 - FS23-0033 Dignity Prasada Final Plat - Staff Report 080123 CC
2. 01 - FS23-0033 Dignity Prasada Final Plat - Vicinity Map
3. 02 - FS23-0033 Dignity Prasada Final Plat - Zoning Map
4. 03 - FS23-0033 Dignity Prasada Final Plat - Plat
5. 04 - FS23-0033 Dignity Prasada Final Plat - Plat Exhibit
6. FS23-0033 Dignity Prasada Final Plat - Presentation

FINAL PLAT

REPORT TO THE CITY COUNCIL

Case:	**FS23-0033**
Project Name:	Dignity Prasada Final Plat
Council District:	3 – Mesquite
City Council Date:	**August 1, 2023**
Planner:	Trever Fleetham, AICP

Owner:	Dignity Health
Applicant:	HilgartWilson, LLC
Request:	Final Plat to create a 40-acre lot.
Site Location:	Generally located at the southwest corner of Greenway Road and Loop 303
Site Size:	Approximately 40 gross acres

Findings:

- The proposed Final Plat is consistent with the Surprise General Plan 2035.
- The proposed Final Plat is consistent with the Surprise Land Development Ordinance.

Alternative Actions:

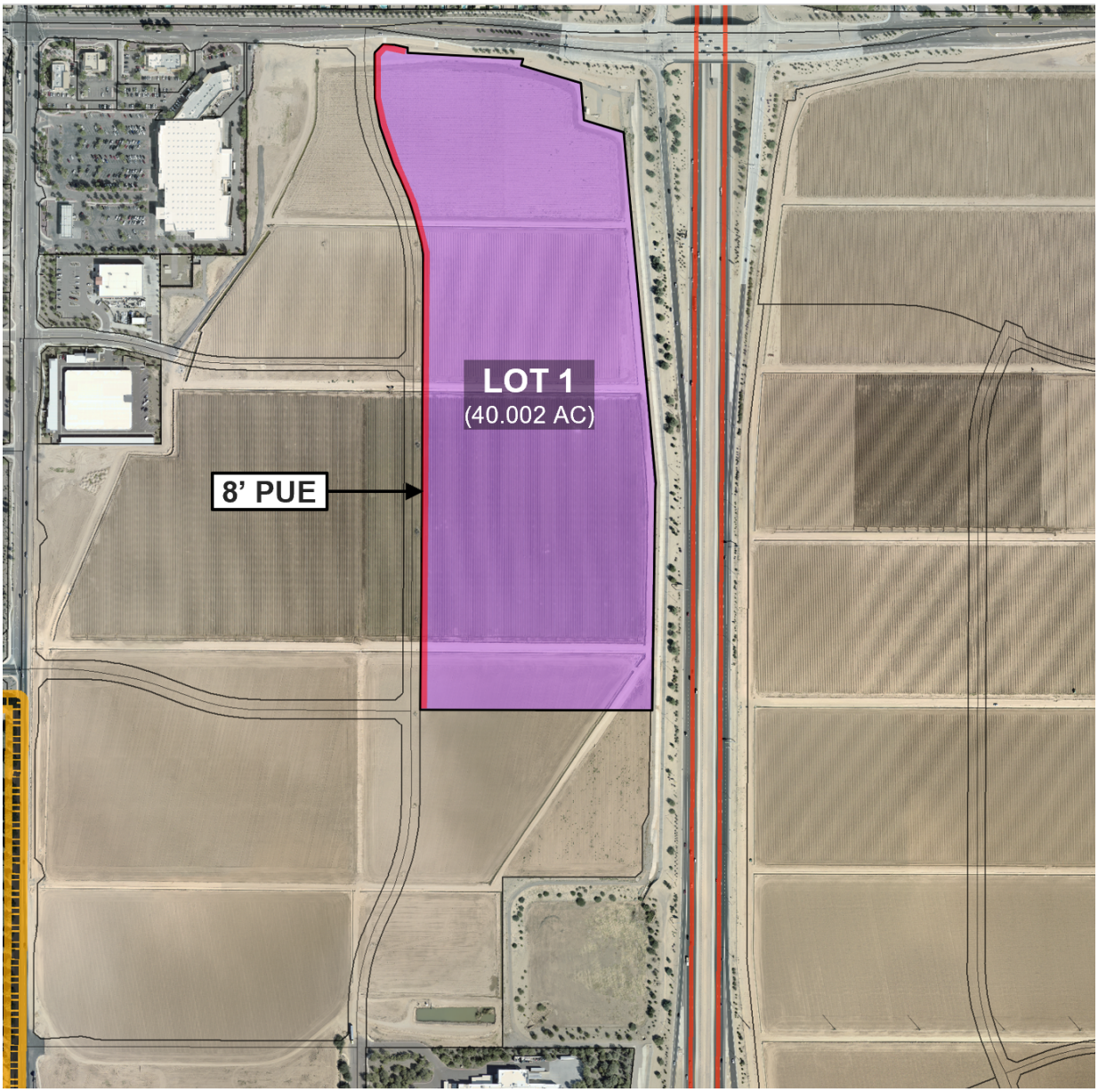
Approve – Approval of the proposed Final Plat will make the subject parcel legal and conforming.

Deny – Denial of the requested Final Plat will leave the subject parcel as-is.

Additional Information:

HilgartWilson, on behalf of Dignity Health, requests approval of a Final Plat entitled "Final Plat of Dignity Prasada" dated June 28, 2023. The subject parcel is zoned Planned Area Development (PAD) – Prasada and is located at the southwest corner of Greenway Road and Loop 303. The proposed Final Plat creates a legal, conforming lot approximately 40 acres in size to align with the future development of Dignity Prasada.

This Final Plat does not propose any right-of-way dedications. However, an 8-foot Public Utility Easement (PUD) is being proposed along the western property line adjacent to Prasada Parkway.



The area for each parcel is shown below:

- Lot 1 – approximately 40.002 acres

The proposed Final Plat dedicates the following:

- 8-foot Public Utility Easement (PUE) on Lots 1
- No ROW is being dedicated with this plat

Sheet 3 of the subject plat shows the remaining portion of the original lot an is labeled as "(NOT A PART)". Prior to developing, the owner/developer of this lot will need to submit for review and approval and plat to make this lot legal and conforming.

General Plan Conformance:

The proposed final plat was reviewed against the goals, polices, recommendations, and guidelines of the City of Surprise General Plan 2035. The proposed final plat is consistent with the General Plan in some of the following ways:

This project is located within the Commerce & Office character area of the General Plan. The proposed plat adheres to the design guidelines of the character area which allows for regional commercial development

This project maintains compatibility with the quality of existing land uses in the surrounding area in that it continues the Commercial development pattern established in the vicinity of this parcel.

Reviewing Agencies:

This project was routed to both Luke Air Force Base and the Maricopa Water District for review. Both agencies have indicated no objections.

Attachments:

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

FS23-0033 VICINITY MAP

Surprise Farms PAD
Northwest Ranch PAD
Greenway Rd
Sierra Montana PAD
Cotton Ln
Prasada PAD
Sarival Ave
Reems Rd
Loop 303
Waddell Rd
Prasada PAD
FS23-0033 ZONING MAP

FINAL PLAT
OF
"DIGNITY PRASADA"
SURPRISE, ARIZONA
A PORTION OF THE WEST HALF OF SECTION 12, TOWNSHIP 3 NORTH, RANGE 2 WEST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA

DEDICATION

STATE OF ARIZONA)
) SS
COUNTY OF MARICOPA)

KNOW ALL PERSONS BY THESE PRESENTS:
THAT **COMMONSPIRIT**, AS OWNER, OF A SUBDIVISION WITHIN THE COUNTY OF MARICOPA, HAS SUBDIVIDED UNDER THE NAME OF **"FINAL PLAT OF DIGNITY PRASADA"**, BEING A PORTION OF THE NORTHWEST QUARTER OF SECTION 12, TOWNSHIP 3 NORTH, RANGE 2 WEST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, AS SHOWN AND PLATTED HEREON AND DOES HEREBY PUBLISH THIS PLAT AS AND FOR THE PLAT OF SAID **"FINAL PLAT OF DIGNITY PRASADA"** AND DECLARES THAT THIS PLAT SETS FORTH THE LOCATION AND GIVES THE DIMENSIONS OF EACH PARCEL AND EASEMENTS CONSTITUTING SAME, AND THAT EACH PARCEL AND EASEMENT SHALL BE KNOWN BY THE NUMBER, LETTER, AND/OR NAME GIVEN TO EACH RESPECTIVELY AS SHOWN ON THIS PLAT.

OWNERS 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 AND ANY PROPERTY WITHIN THE PLAT FOR THE PURPOSES OF PROVIDING CONTINUOUS AND UNINTERRUPTED INGRESS AND EGRESS FOR EMERGENCY VEHICLES.

OWNER HEREBY GRANTS TO THE CITY OF SURPRISE A PERPETUAL NON-EXCLUSIVE EASEMENT OVER, UNDER, UPON, AND ACROSS ALL AREAS DESIGNATED ON THE PLAT AS WATER/SEWER LINES, MANHOLES, FIRE HYDRANTS AND WATER METERS FOR THE PURPOSE OF INSTALLING, CONSTRUCTING, MAINTAINING, REPAIRING, REPLACING, AND UTILIZING THE WATER/SEWER LINES, MANHOLES, FIRE HYDRANTS AND WATER METERS.

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

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.

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.

OWNERS HEREBY GRANTS TO THE UNITED STATES OF AMERICA DEPARTMENT OF THE AIR FORCE ("USAF") AN AVIGATION EASEMENT OVER AND ACROSS THIS PLAT AND EVERY 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.

ALL IMPROVEMENTS, FOR STREETS AND PUBLIC UTILITIES OWNED AND OPERATED BY THE CITY, INSTALLED OR CONSTRUCTED BY 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 OWNER TO THE CITY UPON THEIR COMPLETION; HOWEVER, SUCH TRANSFER SHALL NOT OCCUR UNTIL THE CITY COUNCIL FOR THE CITY OF SURPRISE MANIFESTS ITS ACCEPTANCE BY SEPARATE FORMAL COUNCIL ACTION.

IN WITNESS WHEREOF:

COMMONSPIRIT, AS OWNER, HAS HEREUNTO CAUSED ITS CORPORATE NAME TO BE SIGNED AND ITS CORPORATE SEAL TO BE AFFIXED BY THE UNDERSIGNED, DULY AUTHORIZED OFFICER THIS _____ DAY OF _____, 2023.

COMMONSPIRIT

BY: _____

ITS: _____

ACKNOWLEDGMENT

STATE OF ARIZONA)
) SS
COUNTY OF MARICOPA)

BEFORE ME THIS _____ DAY OF _____, 2023 _____ PERSONALLY APPEARED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, WHO ACKNOWLEDGED

HIMSELF/HERSELF TO BE THE _____, OF **COMMONSPIRIT**, THE LEGAL OWNER OF THE PROPERTY PLATTED HEREON AND

ACKNOWLEDGED THAT HE/SHE, AS _____ EXECUTED THIS INSTRUMENT FOR THE PURPOSES HEREIN CONTAINED.

IN WITNESS WHEREOF, I HEREUNTO SET MY HAND AND OFFICIAL SEAL.

NOTARY PUBLIC: _____

MY COMMISSION EXPIRES: _____

INDEMNIFICATION/RELEASE OF LIABILITY

RELEASE OF LIABILITY – RIGHTS-OF-WAY
COMMONSPIRIT, ("OWNER") DOES HEREBY (1) RELEASE AND DISCHARGE THE CITY OF SURPRISE, (2) INDEMNIFY, DEFEND, AND HOLD HARMLESS 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 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 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 THE RIGHT-OF-WAY IS IMPROVED TO CITY STANDARD AND ACCEPTED BY THE CITY OF SURPRISE.

RELEASE OF LIABILITY – SIDEWALKS
OWNER HEREBY FURTHER AGREES TO INDEMNIFY, DEFEND, AND 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.

RELEASE OF LIABILITY – SOUND ATTENUATION AND OVERFLIGHT
COMMONSPIRIT, AS OWNER DOES HEREBY (1) RELEASE AND DISCHARGE THE UNITED STATES OF AMERICA DEPARTMENT OF THE 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 ITS 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, FUEL, AND LUBRICANT PARTICLES.

NOTICE OF INTERGOVERNMENTAL AGREEMENT

THE CITY OF SURPRISE ("CITY") AND MARICOPA COUNTY MUNICIPAL WATER CONSERVATION DISTRICT NUMBER ONE ("MWD") ENTERED INTO AN INTERGOVERNMENTAL AGREEMENT DATED 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 WITHIN 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 INTERESTS AND FOR MWD TO HAVE AN EASEMENT WITHIN CITY'S PUBLIC RIGHTS-OF-WAY. CITY AND MWD RIGHTS WITHIN THESE EASEMENTS ARE SUBJECT TO AND CONTROLLED BY THE TERMS AND CONDITIONS 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 INTERESTS, SHALL BE SUBJECT TO THE TERMS AND CONDITIONS OF THE IGA.

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

PUBLIC NOTICE - SOUND ATTENUATION AND OVERFLIGHT

THE PARCELS 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 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.

CITY OF SURPRISE COUNCIL APPROVAL:

APPROVED BY THE CITY COUNCIL OF THE CITY OF SURPRISE, ARIZONA THIS_____ DAY OF _____, 2023

ATTEST:

_____
MAYOR DATE

_____
CITY CLERK DATE

NOTES

1. NO PERMANENT STRUCTURE OF ANY KIND SHALL BE CONSTRUCTED ON, OVER OR PLACED WITHIN EASEMENTS. IT SHALL BE FURTHER UNDERSTOOD THAT THE CITY OF SURPRISE SHALL NOT BE REQUIRED TO REPLACE ANY OBSTRUCTIONS OR PLANTING THAT MUST BE REMOVED DURING THE COURSE OF MAINTENANCE, CONSTRUCTION, OR RECONSTRUCTION OF CITY UTILITIES.
2. ALL NEW OR RELOCATED UTILITIES WILL BE PLACED UNDERGROUND.
3. ALL EXTERIOR SUBDIVISION BOUNDARY CORNERS ARE AS SHOWN PER THIS PLAT IN CONFORMANCE WITH ARIZONA STATUTE. ALL INTERIOR CORNERS AND MONUMENTS ARE TO BE SET BY THE SURVEYOR RESPONSIBLE FOR THE CONSTRUCTION SURVEY AND STAKING OF THIS PROJECT AND MUST BE IN CONFORMANCE WITH SAID ARIZONA STATUTORY REQUIREMENTS.
4. PROVISIONS SHALL BE MADE FOR DEVELOPMENT AND MAINTENANCE OF STREET LIGHTS THROUGH EITHER THE ASSOCIATION OR THROUGH THE CREATION OF A STREET LIGHT IMPROVEMENT DISTRICT (S.L.I.D.).
5. NO ON-SITE GRADING OR EXCAVATION SHALL OCCUR WITHOUT FIRST OBTAINING A PERMIT FROM THE CITY OF SURPRISE.
6. THE PROPERTY IS LOCATED WITHIN AN AREA HAVING FLOOD ZONE SHADED "X" BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, ON FLOOD INSURANCE RATE MAPS NO. 04013C1660L, WITH A DATE OF IDENTIFICATION OF OCTOBER 16, 2013, FOR COMMUNITY NO. 040053, IN MARICOPA COUNTY, STATE OF ARIZONA, WHICH IS THE CURRENT FLOOD INSURANCE RATE MAP FOR THE COMMUNITY IN WHICH SAID PROPERTY IS SITUATED.
7. IN ACCORDANCE WITH ARS § 9-461.07, THE CITY OF SURPRISE HAS DETERMINED THAT ALL DEDICATIONS OCCURRING WITH THIS PLAT ARE IN CONFORMANCE WITH THE SURPRISE GENERAL PLAN.
8. PURSUANT TO A.R.S. § 42-1102, 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.
9. THE MAINTENANCE OF LANDSCAPING WITHIN THE OPEN SPACES, LANDSCAPED TRACTS, RETENTION BASINS, AND PARKS SHALL BE THE RESPONSIBILITY OF THE PARCEL OWNERS
10. 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.
11. LANDSCAPING MAINTENANCE OF THE MEDIANS WITHIN THE PUBLIC RIGHT-OF-WAY WITHIN ANY ARTERIAL OR PARKWAY STREET CLASSIFICATION SHALL BE RESPONSIBILITY OF THE CITY OF SURPRISE AFTER ACCEPTANCE.

NOTICE OF PRASADA PHASE 2A DEVELOPMENT AGREEMENT

LANDOWNER HAS ENTERED INTO A PRASADA PHASE 2A DEVELOPMENT AGREEMENT DATED NOVEMBER 19, 2007 ("AGREEMENT") WITH MARICOPA COUNTY MUNICIPAL WATER CONSERVATION DISTRICT NUMBER ONE ("MWD") FOR WHICH A MEMORANDUM OF AGREEMENT WAS RECORDED ON NOVEMBER 21, 2007, AT THE MARICOPA COUNTY RECORDER'S OFFICE AT DOCKET #2007-1241466. THE PROPERTIES INVOLVED IN THIS PLAT ARE SUBJECT TO THIS AGREEMENT. THE AGREEMENT AND THIS PLAT, INCLUDING ANY AND ALL DEDICATIONS THEREIN, HEREBY PRESERVE MWD'S PRIOR AND SUPERIOR RIGHTS OF ACCESS TO AND USE OF EXISTING AND FUTURE MWD FACILITIES AND MWD PROPERTY INTERESTS. AS SUCH TERMS ARE DEFINED IN THE AGREEMENT, THEY ENABLE MWD TO ACCOMPLISH ALL OF MWD'S PURPOSES, INCLUDING, BUT NOT LIMITED TO, THE TRANSMISSION AND DISTRIBUTION OF WATER, WASTEWATER, POWER COMMUNICATIONS, AND TO CONSTRUCT, RECONSTRUCT, OPERATE, MAINTAIN AND REPLACE THOSE MWD FACILITIES AND MWD PROPERTY INTERESTS. THE AGREEMENT IS ON FILE AT THE OFFICES OF LANDOWNER AT 5 TRIAD CENTER, SUITE 325, SLAT LAKE CITY, UTAH 84180, AND MAY BE REVIEWED AS TO ALL DETAILS, WITH PARTICULAR REFERENCE TO SECTION 7 AND SECTION 9, UPON REASONABLE REQUEST.

DATED THIS _____ DAY OF _____ , 2023.

MARICOPA COUNTY MUNICIPAL WATER CONSERVATION DISTRICT NUMBER ONE, A POLITICAL SUBDIVISION OF THE STATE OF ARIZONA ("MWD")

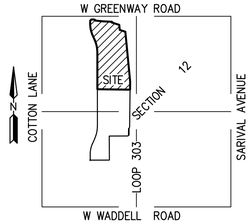
BY: _____ DATE: _____
CHRISTINE CAIN
ITS: PROPERTY & CONTRACTS MANAGER

ATTEST: _____ DATE: _____
GLEN VORTHERMS
ITS: ASSISTANT SECRETARY

COMMONSPIRIT

BY: _____ DATE: _____

ITS: _____



VICINITY MAP
NOT TO SCALE

OWNER/CLIENT

COMMONSPIRIT
3400 DATA DRIVE
SACRAMENTO, CA 95670
PHONE :
CONTACT:

CLIENT: DIGNITY HEALTH

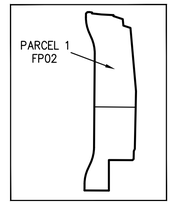
SURVEYOR

HILGARTWILSON, LLC
2141 E. HIGHLAND AVE., STE. 250
PHOENIX, ARIZONA 85016
PHONE: (602) 490-0535
CONTACT: PHIL REIMER, RLS #48078

SHEET INDEX

FP01 COVER SHEET
FP02 – FP03 FINAL PLAT

PARCEL TABLE		
PARCEL NO.	AREA (SQ.FT)	AREA (ACRES)
LOT 1	1,742,491	40.002
OVERALL	3,102,288	71.219



BASIS OF BEARING

BASIS OF BEARING IS S00°28'35"W (M), S00°28'33"W (R) PER BOOK 1016, PAGE 20) ALONG THE NORTH-SOUTH MID-SECTION LINE OF SECTION 12, TOWNSHIP 3 NORTH, RANGE 2 WEST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, BETWEEN THE MONUMENTS AS SHOWN HEREON.

REFERENCE DOCUMENTS

1. RECORD OF SURVEY (GDACS) AS RECORDED IN BOOK 661, PAGE 18, MCR
2. FINAL PLAT AS RECORDED IN BOOK 960, PAGE 16, MCR
3. FINAL PLAT AMENDMENT AS RECORDED IN BOOK 1014, PAGE 26, MCR
4. FINAL PLAT AS RECORDED IN BOOK 1016, PAGE 20, MCR
5. FINAL PLAT AMENDMENT AS RECORDED IN BOOK 1504, PAGE 43, MCR
6. REPLAT AS RECORDED IN BOOK 1546, PAGE 33, MCR

CITY OF SURPRISE ENGINEER APPROVAL:

DATA ON THIS PLAT WAS REVIEWED AND APPROVED THIS_____ DAY OF _____, 2023 BY THE CITY ENGINEER OF SURPRISE, ARIZONA.

APPROVED: _____
CITY ENGINEER DATE

CERTIFICATION

THIS IS TO CERTIFY THAT THE SURVEY AND SUBDIVISION OF THE PREMISES DESCRIBED AND PLATTED HEREON WAS MADE UNDER MY DIRECTION DURING THE MONTH OF MARCH 2022; THAT THE SURVEY IS TRUE AND COMPLETE AS SHOWN; THAT THE EXTERIOR BOUNDARY MONUMENTS SHOWN ACTUALLY EXIST OR WILL BE SET AS SHOWN; THAT THEIR POSITIONS ARE CORRECTLY SHOWN; AND THAT SAID MONUMENTS ARE SUFFICIENT TO ENABLE THIS SURVEY TO BE RETRACED.

PHIL REIMER
RLS# 48078
HILGARTWILSON, LLC
2141 E. HIGHLAND AVE., STE. 250
PHOENIX, ARIZONA 85016
P: 602.490.0535
preimer@hilgartwilson.com

REGISTERED LAND SURVEYOR
CERTIFICATE NO.
48078
PHIL
REIMER
6/29/23
Date Signed
ARIZONA, U.S.A.
Expires 6/30/2024

NOTE:
A.R.S. 32-151 STATES THAT THE USE OF THE WORD "CERTIFY" OR "CERTIFICATION" BY A PERSON OR FIRM THAT IS REGISTERED OR CERTIFIED BY THE BOARD IS AN EXPRESSION OF PROFESSIONAL OPINION REGARDING FACTS OR FINDINGS THAT ARE SUBJECT OF THE CERTIFICATION AND DOES NOT CONSTITUTE AN EXPRESS OR IMPLIED WARRANTY OR GUARANTEE.

HILGARTWILSON
ENGINEER | PLAN | SURVEY | MANAGE
2141 E. HIGHLAND AVE., STE. 250 | P: 602.490.0535 / F: 602.368.2436
PHOENIX, AZ 85016 www.hilgartwilson.com

DIGNITY PRASADA
STATE ROUTE 303 AND WEST GREENWAY ROAD
SURPRISE, ARIZONA

FINAL PLAT

STATUS:
MUNICIPAL TRACKING NO:
PROJ. NO.:1432
DATE: APRIL 2023
SCALE: AS SHOWN
DRAWN: LC/DSP
APPROVED: PR

DWG. NO.
FP01
SHT. 1 OF 3

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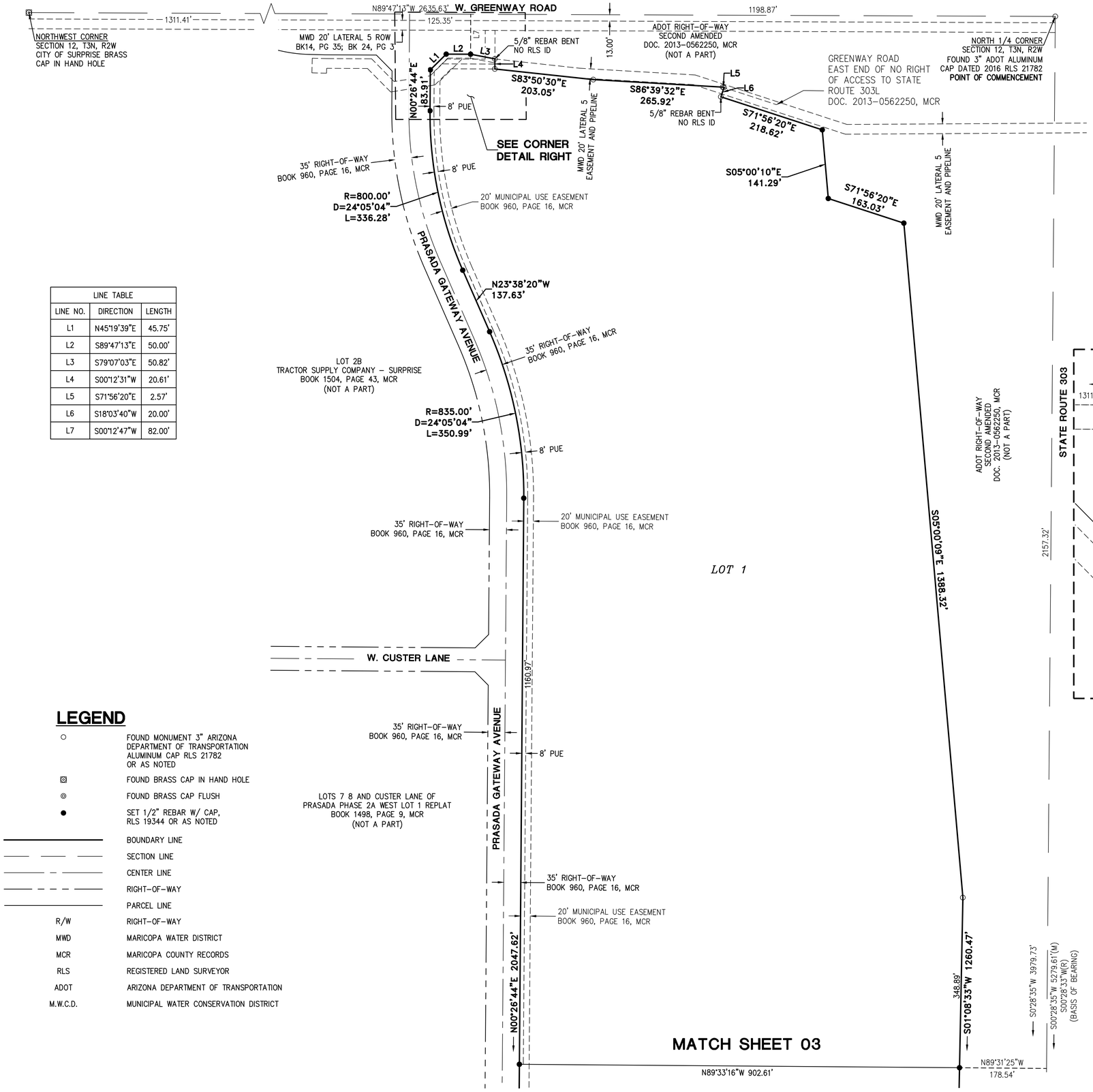
FS23-0033

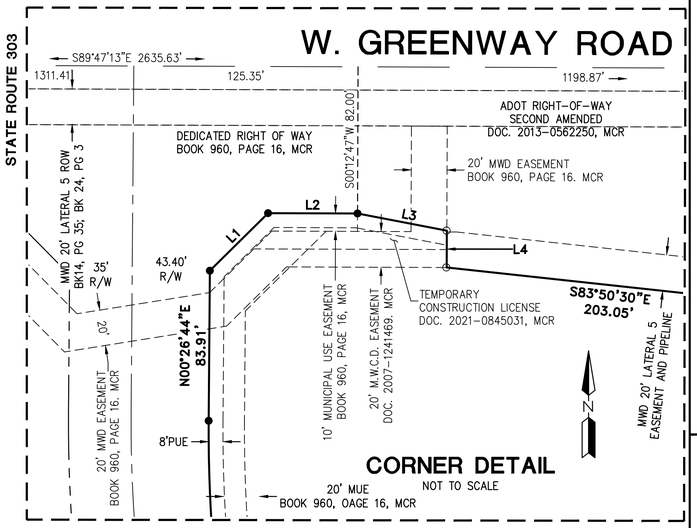
FINAL PLAT
OF
"DIGNITY PRASADA"



LINE TABLE		
LINE NO.	DIRECTION	LENGTH
L1	N45°19'39"E	45.75'
L2	S89°47'13"E	50.00'
L3	S79°07'03"E	50.82'
L4	S00°12'31"W	20.61'
L5	S71°56'20"E	2.57'
L6	S18°03'40"W	20.00'
L7	S00°12'47"W	82.00'

LEGEND

○	FOUND MONUMENT 3" ARIZONA DEPARTMENT OF TRANSPORTATION ALUMINUM CAP RLS 21782 OR AS NOTED
▣	FOUND BRASS CAP IN HAND HOLE
◎	FOUND BRASS CAP FLUSH
●	SET 1/2" REBAR W/ CAP, RLS 19344 OR AS NOTED
———	BOUNDARY LINE
—— —— ——	SECTION LINE
——— – ———	CENTER LINE
——— – – ———	RIGHT-OF-WAY
———	PARCEL LINE
R/W	RIGHT-OF-WAY
MWD	MARICOPA WATER DISTRICT
MCR	MARICOPA COUNTY RECORDS
RLS	REGISTERED LAND SURVEYOR
ADOT	ARIZONA DEPARTMENT OF TRANSPORTATION
M.W.C.D.	MUNICIPAL WATER CONSERVATION DISTRICT



CORNER DETAIL
NOT TO SCALE

100 50 0 100 200
SCALE: 1" = 100'

HILGARTWILSON
ENGINEER | PLAN | SURVEY | MANAGE
2141 E. HIGHLAND AVE., STE. 250 | P: 602.490.0535 / F: 602.368.2436
PHOENIX, AZ 85016 www.hilgartwilson.com

DIGNITY PRASADA
STATE ROUTE 303 AND WEST GREENWAY ROAD
SURPRISE, ARIZONA

FINAL PLAT

STATUS:

PROJ. NO.: 1432
DATE: APRIL 2023
SCALE: AS SHOWN
DRAWN: LC/DSP
APPROVED: PR

MUNICIPAL TRACKING NO:

DWG. NO.
FP02
SHT. 2 OF 3

FS23-0033

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FINAL PLAT
OF
"DIGNITY PRASADA"

LEGAL DESCRIPTION

A PORTION OF LAND BEING SITUATED WITHIN THE WEST HALF OF SECTION 12, TOWNSHIP 3 NORTH, RANGE 2 WEST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A FOUND 3 INCH ARIZONA DEPARTMENT OF TRANSPORTATION (ADOT) ALUMINUM CAP DATED 2016 RLS 21782, ACCEPTED AS THE NORTH QUARTER CORNER OF SAID SECTION 12, FROM WHICH A FOUND MARICOPA COUNTY DEPARTMENT OF TRANSPORTATION (MCDOT) BRASS CAP IN HAND HOLE RLS 31038, ACCEPTED AS THE SOUTH QUARTER CORNER THEREOF BEARS SOUTH 00°28'35" WEST, 5279.61 FEET;

THENCE SOUTH 00°28'35" WEST, 3979.73 FEET ALONG THE NORTH–SOUTH MID–SECTION LINE OF SAID SECTION 12 TO THE EASTERLY EXTENSION OF THE NORTH LINE OF A REPLAT OF LOT 1 OF THE FINAL PLAT FOR PRASADA – PHASE 2 WEST, AS RECORDED IN BOOK 1546, PAGE 33, RECORDS OF MARICOPA COUNTY, ARIZONA;

THENCE LEAVING SAID MID–SECTION LINE AND ALONG SAID NORTH LINE, NORTH 89°43'51" WEST, 748.49 FEET TO THE WEST RIGHT OF WAY LINE FOR STATE ROUTE 303 AND THE **POINT OF BEGINNING**;

THENCE NORTH 89°43'51" WEST, 532.11 FEET CONTINUING ALONG SAID NORTH LINE TO THE EAST RIGHT OF WAY LINE OF PRASADA GATEWAY AVENUE AS RECORDED IN BOOK 960, PAGE 16, RECORDS OF MARICOPA COUNTY, ARIZONA;

THENCE ALONG THE EAST RIGHT OF WAY LINE OF SAID PRASADA GATEWAY AVENUE THE FOLLOWING TEN (10) COURSES;

THENCE NORTH 00°26'33" EAST, 150.00 FEET TO THE BEGINNING OF A TANGENT CURVE, CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 765.00 FEET;

THENCE NORTHEASTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 24°04'58", AN ARC LENGTH OF 321.55 FEET TO A TANGENT LINE;

THENCE NORTH 24°31'31" EAST, 150.00 FEET TO THE BEGINNING OF A TANGENT CURVE, CONCAVE NORTHWESTERLY, HAVING A RADIUS OF 835.00 FEET;

THENCE NORTHERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 24°04'47", AN ARC LENGTH OF 350.93 FEET TO A TANGENT LINE;

THENCE NORTH 00°26'44" EAST, 2047.62 FEET TO THE BEGINNING OF A TANGENT CURVE, CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 835.00 FEET;

THENCE ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 24°05'04", AN ARC LENGTH OF 350.99 FEET TO A TANGENT LINE;

THENCE NORTH 23°38'20" WEST, 137.63 FEET TO THE BEGINNING OF A TANGENT CURVE, CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 800.00 FEET;

THENCE ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 24°05'04", AN ARC LENGTH OF 336.28 FEET TO A TANGENT LINE;

THENCE NORTH 00°26'44" EAST, 83.91 FEET;

THENCE NORTH 45°19'39" EAST, 45.75 FEET TO THE SOUTHERLY RIGHT OF WAY LINE FOR GREENWAY ROAD AS RECORDED IN SAID BOOK 960, PAGE 16;

THENCE SOUTH 89°47'13" EAST, 50.00 FEET TO THE EAST LINE OF SAID BOOK 960, PAGE 16, AND TO THE WESTERLY NEW RIGHT OF WAY LINE OF STATE ROUTE 303, AS REFERENCED IN SECOND AMENDED SUBURBAN LAND RESERVE, INC. CONDEMNATION, RECORDED IN DOCUMENT 2013–0562250, RECORDS OF MARICOPA COUNTY, ARIZONA;

THENCE ALONG SAID NEW RIGHT OF WAY LINE THE FOLLOWING SIXTEEN (16) COURSES:

THENCE SOUTH 79°07'03" EAST, 50.82 FEET;

THENCE SOUTH 00°12'31" WEST, 20.61 FEET;

THENCE SOUTH 83°50'30" EAST, 203.05 FEET;

THENCE SOUTH 86°39'32" EAST, 265.92 FEET;

THENCE SOUTH 71°56'20" EAST, 2.57 FEET;

THENCE SOUTH 18°03'40" WEST, 20.00 FEET;

THENCE SOUTH 71°56'20" EAST, 218.62 FEET;

THENCE SOUTH 05°00'10" EAST, 141.29 FEET;

THENCE SOUTH 71°56'20" EAST, 163.03 FEET;

THENCE SOUTH 05°00'09" EAST, 1388.32 FEET;

THENCE SOUTH 01°08'33" WEST, 1260.47 FEET;

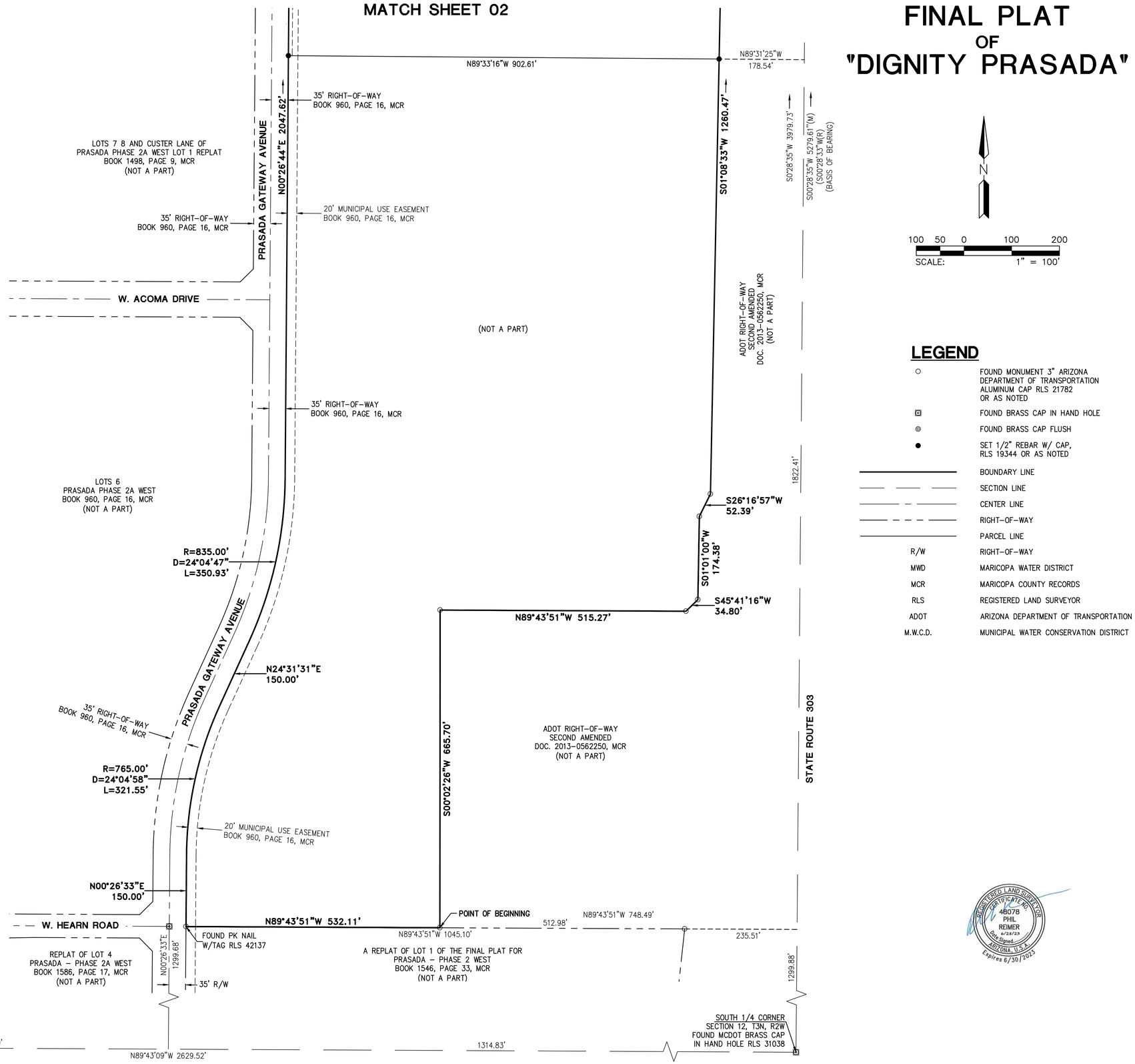
THENCE SOUTH 26°16'57" WEST, 52.39 FEET;

THENCE SOUTH 01°01'00" WEST, 174.38 FEET;

THENCE SOUTH 45°41'16" WEST, 34.80 FEET;

THENCE NORTH 89°43'51" WEST, 515.27 FEET;

THENCE SOUTH 00°02'26" WEST, 665.70 FEET TO THE **POINT OF BEGINNING**.



N

100 50 0 100 200

SCALE: 1" = 100'

LEGEND

○	FOUND MONUMENT 3" ARIZONA DEPARTMENT OF TRANSPORTATION ALUMINUM CAP RLS 21782 OR AS NOTED
⊠	FOUND BRASS CAP IN HAND HOLE
◎	FOUND BRASS CAP FLUSH
●	SET 1/2" REBAR W/ CAP, RLS 19344 OR AS NOTED
———	BOUNDARY LINE
—— —— ——	SECTION LINE
—— – ——	CENTER LINE
—— – – ——	RIGHT–OF–WAY
———	PARCEL LINE
R/W	RIGHT–OF–WAY
MWD	MARICOPA WATER DISTRICT
MCR	MARICOPA COUNTY RECORDS
RLS	REGISTERED LAND SURVEYOR
ADOT	ARIZONA DEPARTMENT OF TRANSPORTATION
M.W.C.D.	MUNICIPAL WATER CONSERVATION DISTRICT

REGISTERED LAND SURVEYOR
CERTIFICATE NO.
48078
PHIL
REINER
6/28/23
Date Signed
ARIZONA, U.S.A.
Expires 6/30/2025

HILGARTWILSON
ENGINEER | PLAN | SURVEY | MANAGE
2141 E. HIGHLAND AVE. STE. 250 | P: 602.490.0535 / F: 602.368.2436
PHOENIX, AZ 85016 www.hilgartwilson.com

DIGNITY PRASADA
STATE ROUTE 303 AND WEST GREENWAY ROAD
SURPRISE, ARIZONA

FINAL PLAT

PROJ. NO.: 1432
STATUS:
DATE: APRIL 2023
SCALE: AS SHOWN
MUNICIPAL TRACKING NO:
DRAWN: LC/DSP
APPROVED: PR

DWG. NO.
FP03
SHT. 3 OF 3

FS23–0033

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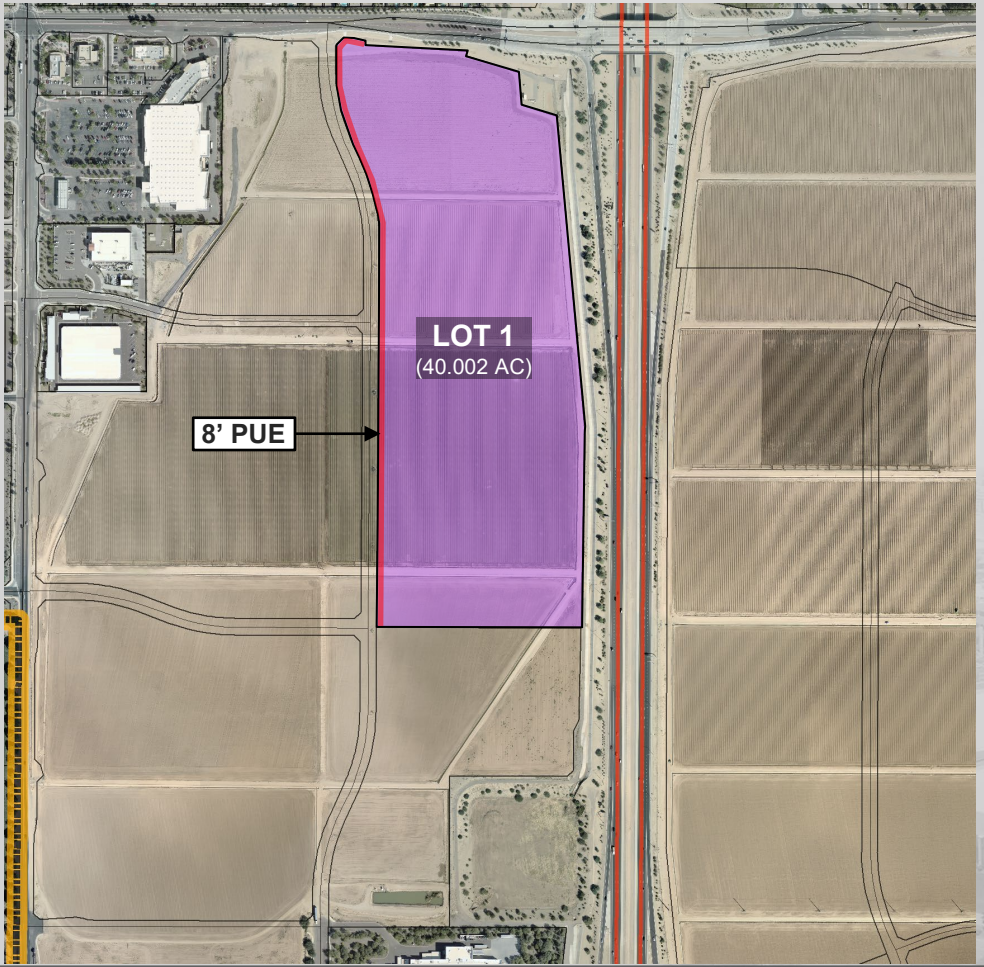
FS23-0033 PLAT EXHIBIT



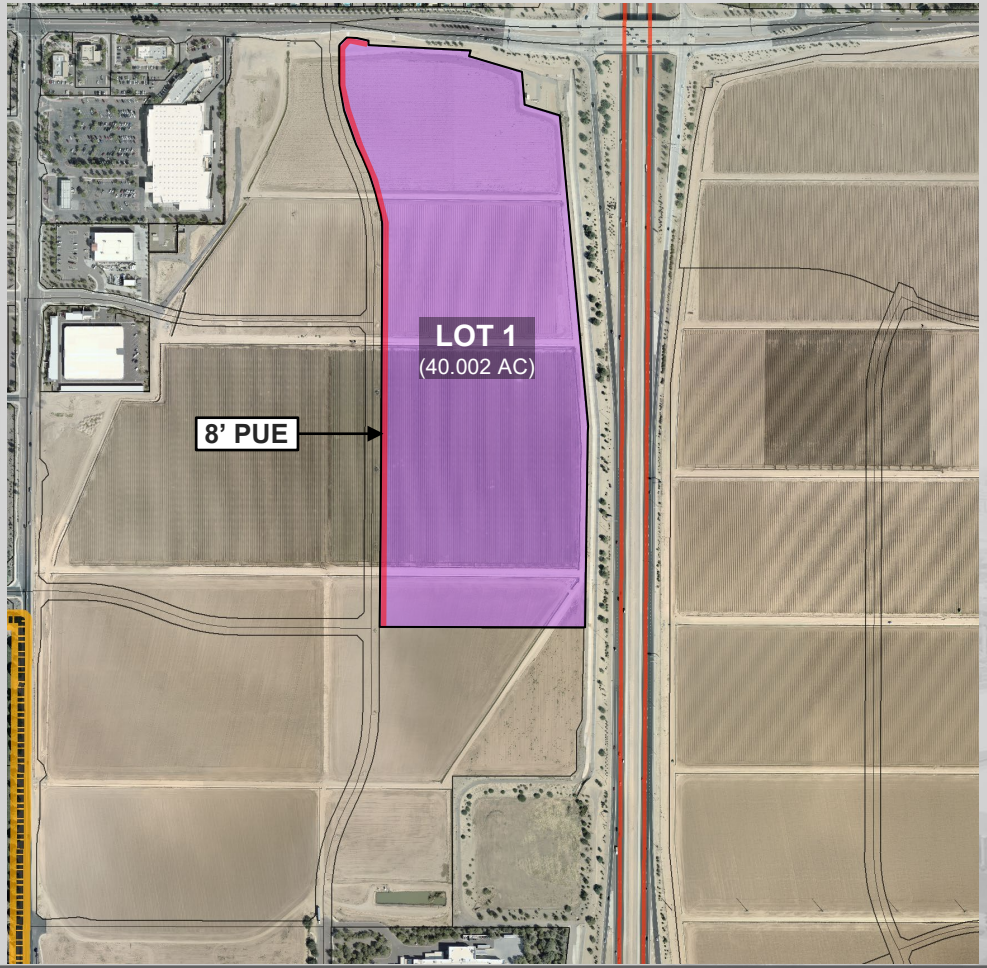
SURPRISE
ARIZONA

FS23-0033
Dignity Prasada
Final Plat

City Council
August 1, 2023

FS23-0033 VICINITY MAP

Surprise Farms PAD
Northwest Ranch PAD
Greenway Rd
Sierra Montana PAD
Cotton Ln
Prasada PAD
Sarival Ave
Reems Rd
Loop 303
Waddell Rd
Prasada PAD
FS23-0033 ZONING MAP



FS23-0033 PLAT EXHIBIT

FINAL PLAT
OF
"DIGNITY PRASADA"
SURPRISE, ARIZONA
A PORTION OF THE WEST HALF OF SECTION 12,
TOWNSHIP 3 NORTH, RANGE 2 WEST OF THE GILA AND
SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA

DEDICATION

STATE OF ARIZONA }
} SS
COUNTY OF MARICOPA }

KNOW ALL PERSONS BY THESE PRESENTS:
THAT **COMMONSPIRIT**, AS OWNER, OF A SUBDIVISION WITHIN THE COUNTY OF MARICOPA, HAS SUBDIVIDED UNDER THE NAME OF **"FINAL PLAT OF DIGNITY PRASADA"**, BEING A PORTION OF THE NORTHWEST QUARTER OF SECTION 12, TOWNSHIP 3 NORTH, RANGE 2 WEST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, AS SHOWN AND PLATTED HEREON AND DOES HEREBY PUBLISH THIS PLAT AS AND FOR THE PLAT OF SAID **"FINAL PLAT OF DIGNITY PRASADA"** AND DECLARES THAT THIS PLAT SETS FORTH THE LOCATION AND GIVES THE DIMENSIONS OF EACH PARCEL AND EASEMENTS CONSTITUTING SAME, AND THAT EACH PARCEL AND EASEMENT SHALL BE KNOWN BY THE NUMBER, LETTER, AND/OR NAME GIVEN TO EACH RESPECTIVELY AS SHOWN ON THIS PLAT.

OWNERS 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 AND ANY PROPERTY WITHIN THE PLAT FOR THE PURPOSES OF PROVIDING CONTINUOUS AND UNINTERRUPTED INGRESS AND EGRESS FOR EMERGENCY VEHICLES.

OWNER HEREBY GRANTS TO THE CITY OF SURPRISE A PERPETUAL NON-EXCLUSIVE EASEMENT OVER, UNDER, UPON, AND ACROSS ALL AREAS DESIGNATED ON THE PLAT AS WATER/SEWER LINES, MANHOLES, FIRE HYDRANTS AND WATER METERS FOR THE PURPOSE OF INSTALLING, CONSTRUCTING, MAINTAINING, REPAIRING, REPLACING, AND UTILIZING THE WATER/SEWER LINES, MANHOLES, FIRE HYDRANTS AND WATER METERS.

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

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.

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.

OWNERS HEREBY GRANTS TO THE UNITED STATES OF AMERICA DEPARTMENT OF THE AIR FORCE ("USAF") AN AVIGATION EASEMENT OVER AND ACROSS THIS PLAT AND EVERY 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.

ALL IMPROVEMENTS, FOR STREETS AND PUBLIC UTILITIES OWNED AND OPERATED BY THE CITY, INSTALLED OR CONSTRUCTED BY 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 OWNER TO THE CITY UPON THEIR COMPLETION; HOWEVER, SUCH TRANSFER SHALL NOT OCCUR UNTIL THE CITY COUNCIL FOR THE CITY OF SURPRISE MANIFESTS ITS ACCEPTANCE BY SEPARATE FORMAL COUNCIL ACTION.

IN WITNESS WHEREOF:

COMMONSPIRIT, AS OWNER, HAS HEREUNTO CAUSED ITS CORPORATE NAME TO BE SIGNED AND ITS CORPORATE SEAL TO BE AFFIXED BY THE UNDERSIGNED, DULY AUTHORIZED OFFICER THIS _____ DAY OF _____, 2023.

COMMONSPIRIT

BY: _____

ITS: _____

ACKNOWLEDGMENT

STATE OF ARIZONA }
} SS
COUNTY OF MARICOPA }

BEFORE ME THIS _____ DAY OF _____, 2023 _____ PERSONALLY APPEARED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, WHO ACKNOWLEDGED

HIMSELF/HERSELF TO BE THE _____, OF **COMMONSPIRIT**, THE LEGAL OWNER OF THE PROPERTY PLATTED HEREON AND

ACKNOWLEDGED THAT HE/SHE, AS _____ EXECUTED THIS INSTRUMENT FOR THE PURPOSES HEREIN CONTAINED.

IN WITNESS WHEREOF, I HEREUNTO SET MY HAND AND OFFICIAL SEAL.

NOTARY PUBLIC: _____

MY COMMISSION EXPIRES: _____

INDEMNIFICATION/RELEASE OF LIABILITY

RELEASE OF LIABILITY – RIGHTS-OF-WAY
COMMONSPIRIT, ("OWNER") DOES HEREBY (1) RELEASE AND DISCHARGE THE CITY OF SURPRISE, (2) INDEMNIFY, DEFEND, AND HOLD HARMLESS 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 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 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 THE RIGHT-OF-WAY IS IMPROVED TO CITY STANDARD AND ACCEPTED BY THE CITY OF SURPRISE.

RELEASE OF LIABILITY – SIDEWALKS
OWNER HEREBY FURTHER AGREES TO INDEMNIFY, DEFEND, AND 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.

RELEASE OF LIABILITY – SOUND ATTENUATION AND OVERFLIGHT
COMMONSPIRIT, AS OWNER DOES HEREBY (1) RELEASE AND DISCHARGE THE UNITED STATES OF AMERICA DEPARTMENT OF THE 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 ITS 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, FUEL, AND LUBRICANT PARTICLES.

NOTICE OF INTERGOVERNMENTAL AGREEMENT

THE CITY OF SURPRISE ("CITY") AND MARICOPA COUNTY MUNICIPAL WATER CONSERVATION DISTRICT NUMBER ONE ("MWD") ENTERED INTO AN INTERGOVERNMENTAL AGREEMENT DATED APRIL 16, 1997, AND RECORDED IN THE MARICOPA COUNTY RECORDER'S OFFICE ON APRIL 9, 1997, UNDER DOCKET NO. 97-0231750 ("IGA"). CITY AND MWD MAY HAVE FACILITIES AND PROPERTY INTERESTS DESCRIBED AND DELINEATED WITHIN 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 INTERESTS AND FOR MWD TO HAVE AN EASEMENT WITHIN CITY'S PUBLIC RIGHTS-OF-WAY. CITY AND MWD RIGHTS WITHIN THESE EASEMENTS ARE SUBJECT TO AND CONTROLLED BY THE TERMS AND CONDITIONS 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 INTERESTS, SHALL BE SUBJECT TO THE TERMS AND CONDITIONS OF THE IGA.

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

PUBLIC NOTICE - SOUND ATTENUATION AND OVERFLIGHT

THE PARCELS 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 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.

CITY OF SURPRISE COUNCIL APPROVAL:

APPROVED BY THE CITY COUNCIL OF THE CITY OF SURPRISE, ARIZONA THIS_____ DAY OF _____ 2023

ATTEST:

_____ _____
MAYOR DATE

_____ _____
CITY CLERK DATE

NOTES

1. NO PERMANENT STRUCTURE OF ANY KIND SHALL BE CONSTRUCTED ON, OVER OR PLACED WITHIN EASEMENTS. IT SHALL BE FURTHER UNDERSTOOD THAT THE CITY OF SURPRISE SHALL NOT BE REQUIRED TO REPLACE ANY OBSTRUCTIONS OR PLANTING THAT MUST BE REMOVED DURING THE COURSE OF MAINTENANCE, CONSTRUCTION, OR RECONSTRUCTION OF CITY UTILITIES.
2. ALL NEW OR RELOCATED UTILITIES WILL BE PLACED UNDERGROUND.
3. ALL EXTERIOR SUBDIVISION BOUNDARY CORNERS ARE AS SHOWN PER THIS PLAT IN CONFORMANCE WITH ARIZONA STATUTE. ALL INTERIOR CORNERS AND MONUMENTS ARE TO BE SET BY THE SURVEYOR RESPONSIBLE FOR THE CONSTRUCTION SURVEY AND STAKING OF THIS PROJECT AND MUST BE IN CONFORMANCE WITH SAID ARIZONA STATUTORY REQUIREMENTS.
4. PROVISIONS SHALL BE MADE FOR DEVELOPMENT AND MAINTENANCE OF STREET LIGHTS THROUGH EITHER THE ASSOCIATION OR THROUGH THE CREATION OF A STREET LIGHT IMPROVEMENT DISTRICT (S.L.I.D.).
5. NO ON-SITE GRADING OR EXCAVATION SHALL OCCUR WITHOUT FIRST OBTAINING A PERMIT FROM THE CITY OF SURPRISE.
6. THE PROPERTY IS LOCATED WITHIN AN AREA HAVING FLOOD ZONE SHADED "X" BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, ON FLOOD INSURANCE RATE MAPS NO. 04013C1960L, WITH A DATE OF IDENTIFICATION OF OCTOBER 16, 2013, FOR COMMUNITY NO. 040053, IN MARICOPA COUNTY, STATE OF ARIZONA, WHICH IS THE CURRENT FLOOD INSURANCE RATE MAP FOR THE COMMUNITY IN WHICH SAID PROPERTY IS SITUATED.
7. IN ACCORDANCE WITH ARS § 9-461.07, THE CITY OF SURPRISE HAS DETERMINED THAT ALL DEDICATIONS OCCURRING WITH THIS PLAT ARE IN CONFORMANCE WITH THE SURPRISE GENERAL PLAN.
8. PURSUANT TO A.R.S. § 42-1102, 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 § 14-755 AND 14-756, WHEN APPLICABLE.
9. THE MAINTENANCE OF LANDSCAPING WITHIN THE OPEN SPACES, LANDSCAPED TRACTS, RETENTION BASINS, AND PARKS SHALL BE THE RESPONSIBILITY OF THE PARCEL OWNERS
10. 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.
11. LANDSCAPING MAINTENANCE OF THE MEDIANS WITHIN THE PUBLIC RIGHT-OF-WAY WITHIN ANY ARTERIAL OR PARKWAY STREET CLASSIFICATION SHALL BE RESPONSIBILITY OF THE CITY OF SURPRISE AFTER ACCEPTANCE.

NOTICE OF PRASADA PHASE 2A DEVELOPMENT AGREEMENT

LANDOWNER HAS ENTERED INTO A PRASADA PHASE 2A DEVELOPMENT AGREEMENT DATED NOVEMBER 19, 2007 ("AGREEMENT") WITH MARICOPA COUNTY MUNICIPAL WATER CONSERVATION DISTRICT NUMBER ONE ("MWD") FOR WHICH A MEMORANDUM OF AGREEMENT WAS RECORDED ON NOVEMBER 21, 2007, AT THE MARICOPA COUNTY RECORDER'S OFFICE AT DOCKET 2007-1241655. THE PROPERTIES INCLUDED IN THIS PLAT ARE SUBJECT TO THIS AGREEMENT. THE AGREEMENT AND THIS PLAT, INCLUDING ANY AND ALL DEDICATIONS THEREIN, HEREBY PRESERVE MWD'S PRIOR AND SUPERIOR RIGHTS OF ACCESS TO AND USE OF EXISTING AND FUTURE MWD FACILITIES AND MWD PROPERTY INTERESTS, AS SUCH TERMS ARE DEFINED IN THE AGREEMENT, THEY ENABLE MWD TO ACCOMPLISH ALL OF MWD'S PURPOSES, INCLUDING, BUT NOT LIMITED TO, THE TRANSMISSION AND DISTRIBUTION OF WATER, WASTEWATER, POWER COMMUNICATIONS, AND TO CONSTRUCT, RECONSTRUCT, OPERATE, MAINTAIN AND REPLACE THOSE MWD FACILITIES AND MWD PROPERTY INTERESTS. THE AGREEMENT IS ON FILE AT THE OFFICES OF LANDOWNER AT 5 BROAD CENTER, SUITE 325, SALT LAKE CITY, UTAH 84180, AND MAY BE REVIEWED AS TO ALL DETAILS, WITH PARTICULAR REFERENCE TO SECTION 7 AND SECTION 11, UPON REASONABLE REQUEST.

DATED THIS _____ DAY OF _____, 2023.

MARICOPA COUNTY MUNICIPAL WATER CONSERVATION DISTRICT NUMBER ONE, A POLITICAL SUBDIVISION OF THE STATE OF ARIZONA ("MWD")

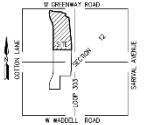
BY: _____ DATE: _____
CHRISTINE CAIN
ITS: PROPERTY & CONTRACTS MANAGER

ATTEST: _____ DATE: _____
GLEN WORTHENS
ITS: ASSISTANT SECRETARY

COMMONSPIRIT

BY: _____ DATE: _____

ITS: _____



VICINITY MAP
NOT TO SCALE

OWNER/CLIENT

COMMONSPIRIT
3400 DATA DRIVE
SACRAMENTO, CA 95670
PHONE:
CONTACT:

CLIENT: DIGNITY HEALTH

SURVEYOR

HILGARTWILSON, LLC
2141 E. HIGHLAND AVE., STE. 250
PHOENIX, ARIZONA 85016
PHONE: (602) 490-0535
CONTACT: PHIL REIMER, RLS #48078

SHEET INDEX

FP01	COVER SHEET
FP02 – FP03	FINAL PLAT

PARCEL TABLE

PARCEL NO.	AREA (SQ.FT.)	AREA (ACRES)
LOT 1	1,742,481	40.002
OVERALL	3,103,288	71.219

BASIS OF BEARING

BASIS OF BEARING IS S00°28'35"W (M), S00°28'53"W (R) PER BOOK 1316, PAGE 20, ALONG THE NORTH-SOUTH MID-SECTION LINE OF SECTION 12, TOWNSHIP 3 NORTH, RANGE 2 WEST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, BETWEEN THE MONUMENTS AS SHOWN HEREON.

REFERENCE DOCUMENTS

1. RECORD OF SURVEY (CENSUS) AS RECORDED IN BOOK 661, PAGE 18, MCR
2. FINAL PLAT AS RECORDED IN BOOK 960, PAGE 16, MCR
3. FINAL PLAT AMENDMENT AS RECORDED IN BOOK 1316, PAGE 28, MCR
4. FINAL PLAT AS RECORDED IN BOOK 1096, PAGE 20, MCR
5. FINAL PLAT AMENDMENT AS RECORDED IN BOOK 1504, PAGE 43, MCR
6. REPLAT AS RECORDED IN BOOK 1546, PAGE 33, MCR

CITY OF SURPRISE ENGINEER APPROVAL:

DATA ON THIS PLAT WAS REVIEWED AND APPROVED THIS_____ DAY OF _____ 2023 BY THE CITY ENGINEER OF SURPRISE, ARIZONA.

APPROVED:

_____ _____
CITY ENGINEER DATE

CERTIFICATION

THIS IS TO CERTIFY THAT THE SURVEY AND SUBDIVISION OF THE PREMISES DESCRIBED AND PLATTED HEREON WAS MADE UNDER MY DIRECTION DURING THE MONTH OF MARCH 2022; THAT THE SURVEY IS TRUE AND COMPLETE AS SHOWN; THAT THE EXTERIOR BOUNDARY MONUMENTS SHOWN ACTUALLY EXIST OR WILL BE SET AS SHOWN; THAT THEIR POSITIONS ARE CORRECTLY SHOWN; AND THAT SAID MONUMENTS ARE SUFFICIENT TO ENABLE THIS SURVEY TO BE RETRACED.

PHIL REIMER
RLS# 48078
HILGARTWILSON, LLC
2141 E. HIGHLAND AVE., STE. 250
PHOENIX, ARIZONA 85016
P: 602.490.0535
preimer@hilgartwilson.com

NOTE:
A.R.S. 32-151 STATES THAT THE USE OF THE WORD "CERTIFY" OR "CERTIFICATION" BY A PERSON OR FIRM THAT IS REGISTERED OR CERTIFIED BY THE BOARD IS AN EXPRESSION OF PROFESSIONAL OPINION REGARDING FACTS OR FINDINGS THAT ARE SUBJECT OF THE CERTIFICATION AND DOES NOT CONSTITUTE AN EXPRESS OR IMPLIED WARRANTY OR GUARANTEE.

HILGARTWILSON
2141 E. HIGHLAND AVE., STE. 250 | PHOENIX, AZ 85016 | P: 602.490.0535 | F: 602.368.2436
www.hilgartwilson.com

DIGNITY PRASADA
STATE ROUTE 303 AND WEST GREENWAY ROAD
SURPRISE, ARIZONA

FINAL PLAT

STATUS: MUNICIPAL TRACKING NO:
PROJ. NO.: 11432
DATE: APRIL 2023
SCALE: AS SHOWN
DESIGN: EC/PSP
APPROVED: PSR

DWG. NO.
FP01
SHT. 1 OF 3

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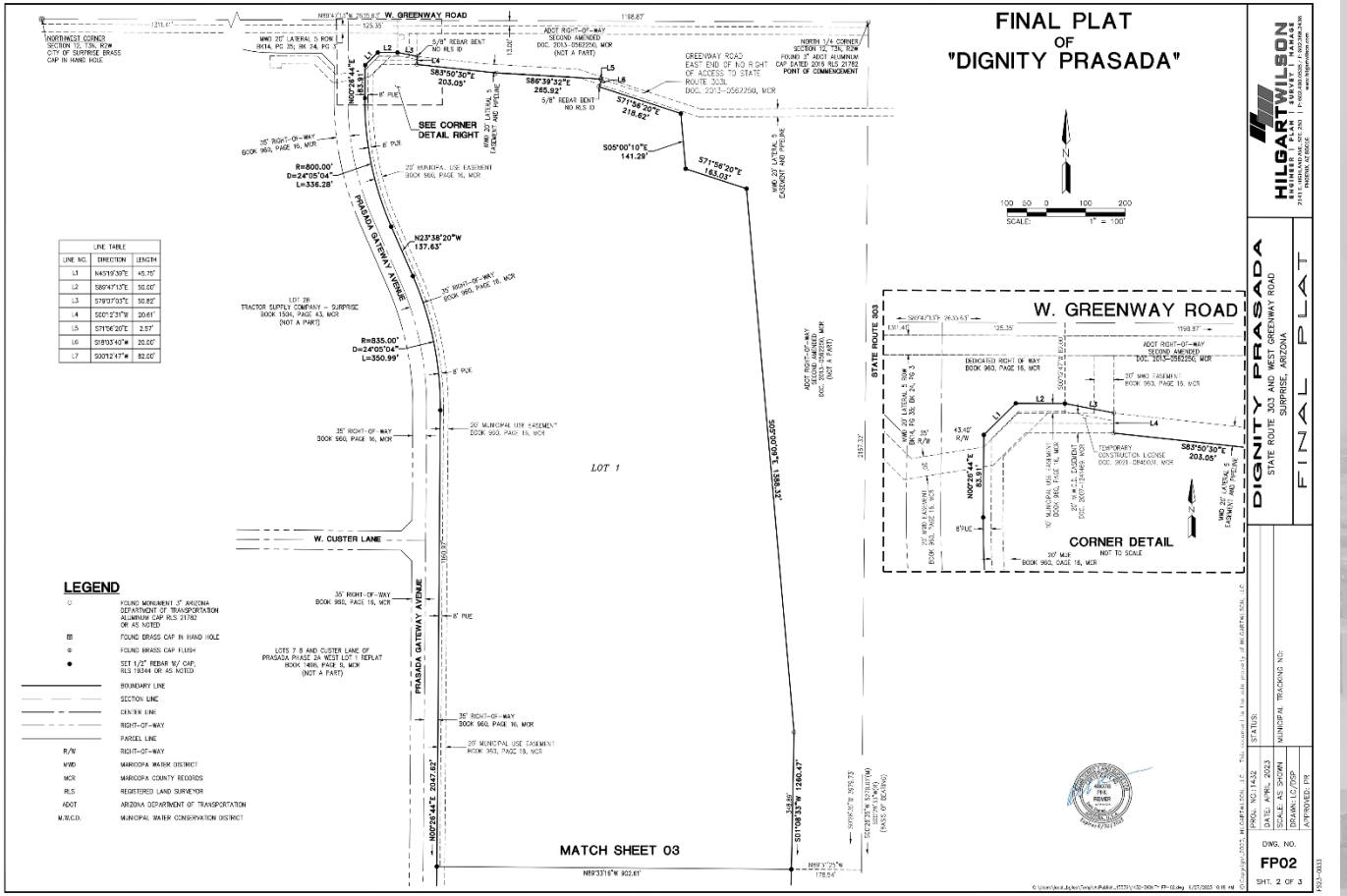
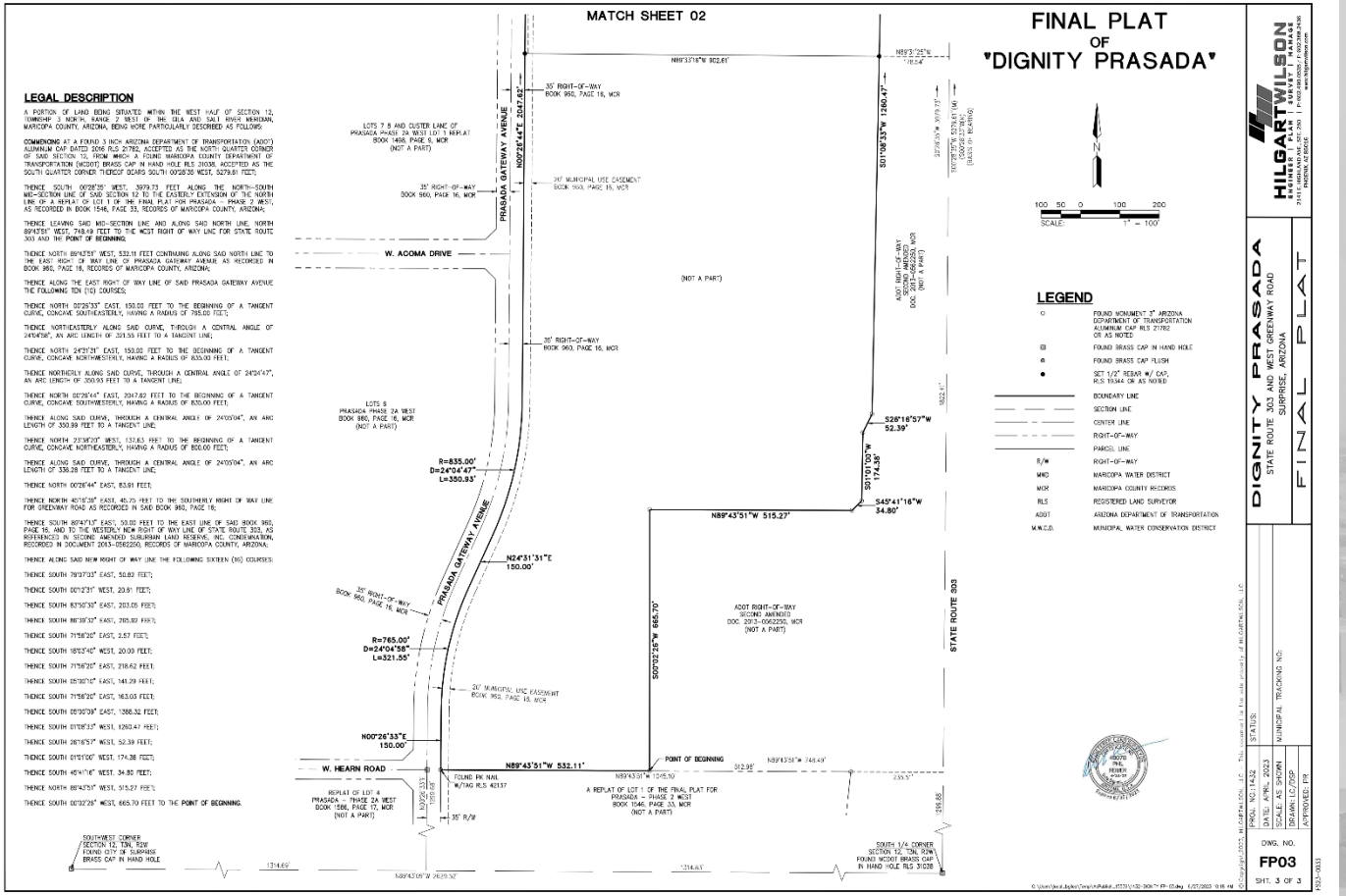
FS23-0033

FS23-0033 FINAL PLAT



FS23-0033 FINAL PLAT



FS23-0033 FINAL PLAT

SURPRISE
ARIZONA

QUESTIONS OR COMMENTS?

Thank You

CITY OF SURPRISE
Regular City Council Meeting

Council Meeting Date: August 1, 2023 Contact Person: Chris Sexton
Submitting Department: Community Development District: District 5
Staff Recommendations:

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

Agenda Wording:
Consideration and action pertaining to approval of the Final Plat entitled, "SimonCRE at Surprise Center" and dated received June 21, 2023, for property generally located at the southeast corner of Bell Road and Bullard Avenue; Case FS22-1606.

Motion:
I move to approve the Final Plat entitled, "SimonCRE at Surprise Center" and dated received June 21, 2023.

Background:
The project involves a re-plat of dividing one lot into three lots. The subject property overall encompasses approximately 142.45 acres of vacant land.

Objective Analysis:
The subject Final Plat meets the requirements of the Surprise City Center PAD, in addition to other requirements as set forth in the municipal code. All city reviewing departments have reviewed the request and offered no concerns.

Policy Compliant:
The Surprise General Plan 2035 shows the subject property as lying within Multiple Use Character Area supports commercial uses in a suburban neighborhood.

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 - FS22-1606 Surprise City Center Phase 1 - Staff Report
2. 01 - FS22-1606 Surprise City Center Phase 1 Final Plat - Vicinity Map
3. 02 - FS22-1606 Surprise City Center Phase 1 Final Plat - Zoning Map
4. 03 - FS22-1606 Surprise City Center Phase 1 Final Plat - Final Plat
5. 04 - FS22-1606 Surprise City Center Phase 1 Final Plat - Final Plat Exhibit
6. FS22-1606 Surprise City Center Phase 1 Final Plat - PowerPoint

FINAL PLAT

REPORT TO THE CITY COUNCIL

Case:	**FS22-1606**
Project Name:	Surprise City Center Phase 1 – Final Plat
Council District:	5 - Palm
City Council Date:	August 1, 2023
Planner:	Chris Sexton, Planner II

Owner:	Surprise Center Development LLC
Applicant:	SimonCRE Ute, LLC
Request:	Re-plat to subdivide one lot into three lots.
Site Location:	Generally located at the southeast corner of Bell Road and Bullard Avenue
Site Size:	142.45 acres (approx.)
General Plan Conformance:	The proposal is consistent with the Surprise General Plan 2035

Findings:

- The Final Plat is consistent with the Surprise City Center PAD and applicable City of Surprise regulations.
- The reviewing agencies have indicated no objections to the request.

PROJECT DESCRIPTION:

SimonCRE Ute, LLC on behalf of Surprise Center Development LLC request approval of a Replat entitled “Final Plat for SimonCRE at Surprise Center.” The parcel is zoned Surprise City Center Planned Area Development (PAD) and is located at the southeast corner of Bell Road and Bullard Avenue. The project involves a re-plat of one (1) 142.45-acre lot into three (3) lots.

The size of each parcel is below:

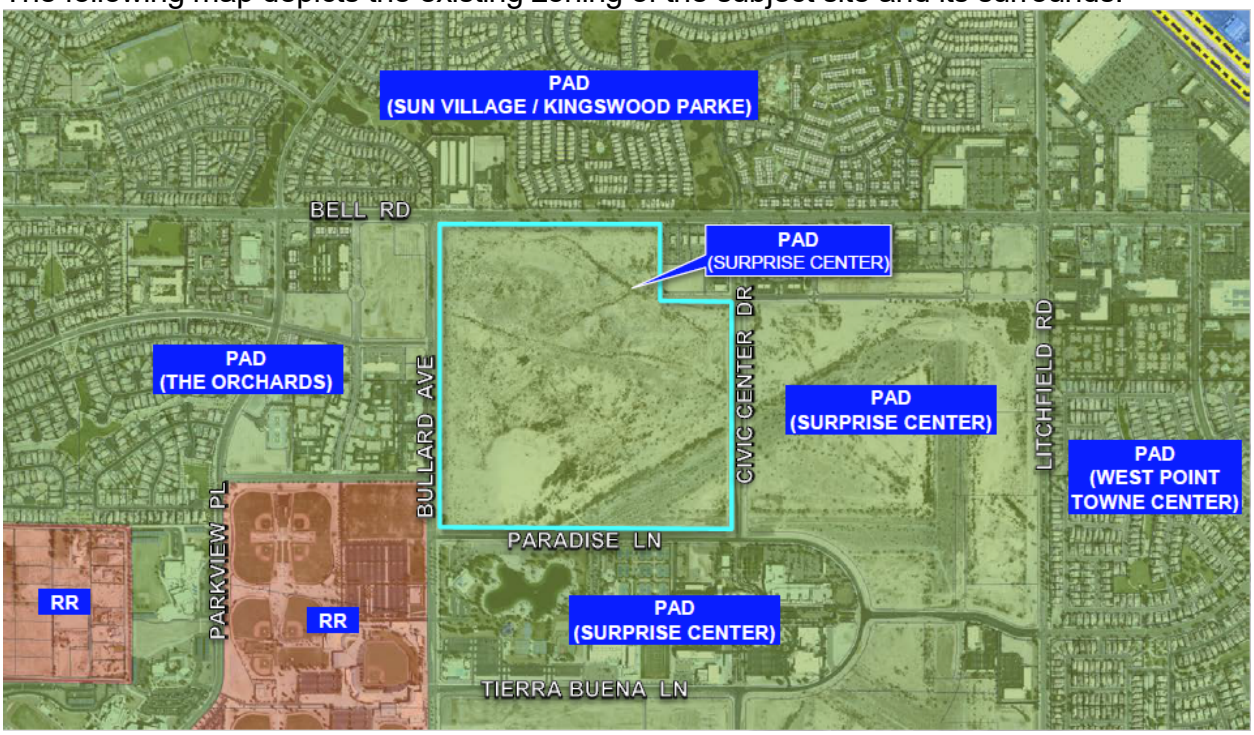
Lot 9: 16.836 acres
Lot 10: 8.21 acres
Lot 11: 112.81 acres
ROW dedication: 4.60 acres

The proposed Final Plat dedicates public right-of-way (ROW) and easements as follows for each lot:

Lots 9 & 10: 80; feet of ROW dedication for 145th Avenue between the two lots.
Lots 9, 10, 11: - 80' feet of ROW dedication for Elm Street between the three lots.

SURROUNDING LAND ZONING:

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



Sun Village/Kingswood Parke PAD	Sun Village/Kingswood Parke PAD	Sun Village/Kingswood Parke PAD
The Orchards PAD	Surprise City Center PAD	Surprise City Center PAD
Rural Residential(RR)	Surprise City Center PAD	Surprise City Center PAD

BACKGROUND:

June 12, 1980: The subject parcel was annexed into the City under Ordinance 80-03.

February 3, 2022: A Concept Review meeting was held to discuss the proposal, subject case CR22-0108.

December 16, 2022: The applicant applied for the final plat, subject case FS22-1606.

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 Multiple Use Character Area supports commercial uses in a suburban neighborhood.

Reviewing Agencies:

In addition to the standard city reviewing agencies, Maricopa Water District and Luke AFB were included in the routing of this request, who have indicated no objections to the request.

Summary:

The applicant seeks a Final Plat across the subject property. The proposed development is compatible with the neighboring commercial land uses.

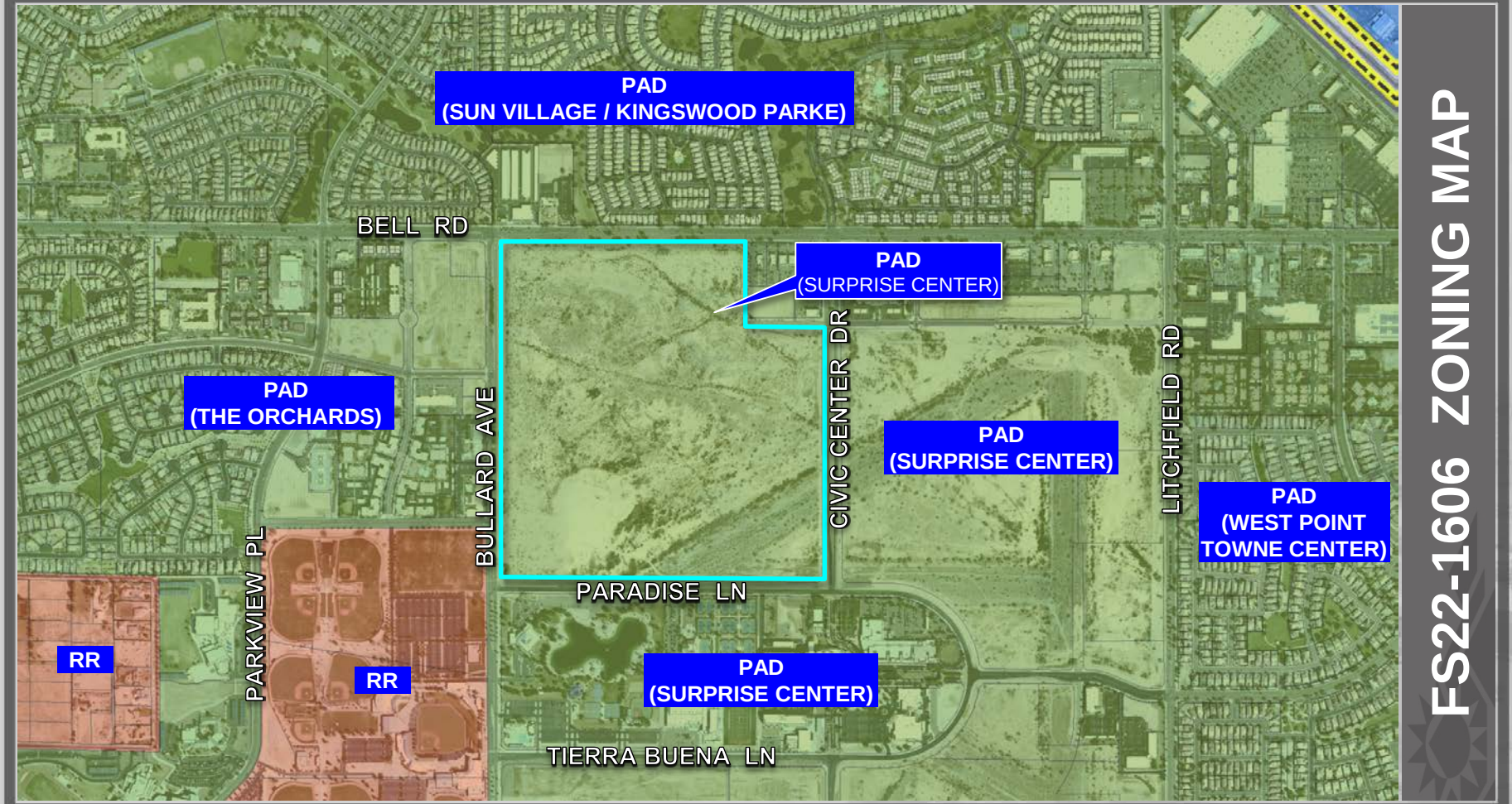
Findings:

- The Final Plat is consistent with the Surprise City Center PAD and applicable City of Surprise regulations.
- The reviewing agencies have indicated no objections to the request.

Attachments:

01 Vicinity Map
02 Zoning Map
03 Final Plat
04 Final Plat Exhibit
PowerPoint Presentation

FS22-1606 VICINITY MAP
SUN VILLAGE
BELL RD
PROJECT SITE
(APPROX 142.45 AC)
THE ORCHARDS
BULLARD AVE
CIVIC CENTER DR
LITCHFIELD RD
WEST POINT TOWNE CENTER
PARKVIEW PL
PARADISE LN
TIERRA BUENA LN


PAD
(SUN VILLAGE / KINGSWOOD PARKE)
BELL RD
PAD
(SURPRISE CENTER)
PAD
(THE ORCHARDS)
BULLARD AVE
CIVIC CENTER DR
LITCHFIELD RD
PAD
(SURPRISE CENTER)
PAD
(WEST POINT
TOWNE CENTER)
PARADISE LN
PARKVIEW PL
RR
RR
PAD
(SURPRISE CENTER)
TIERRA BUENA LN
FS22-1606 ZONING MAP

FINAL PLAT
FOR
"SIMONCRE AT SURPRISE CENTER"
A REPLAT OF LOT 7 OF "REPLAT OF THOMPSON THRIFT AT SURPRISE CENTER" AS RECORDED IN BOOK 1489, PAGE 30, M.C.R.
A PART OF THE NORTHWEST QUARTER OF SECTION 4, TOWNSHIP 3 NORTH, RANGE 1 WEST, OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA

DEDICATIONS

STATE OF ARIZONA)
) SS
COUNTY OF MARICOPA)

KNOW ALL PERSONS BY THESE PRESENTS: THAT SURPRISE CENTER DEVELOPMENT COMPANY, LLC, AN ARIZONA LIMITED LIABILITY COMPANY, AS OWNER, HAVE SUBDIVIDED UNDER THE NAME OF "SIMONCRE AT SURPRISE CENTER", A SUBDIVISION LOCATED IN A PORTION OF THE NORTHWEST QUARTER OF SECTION 4, TOWNSHIP 3 NORTH, RANGE 1 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY ARIZONA, AS SHOWN AND AS AND FOR THE PLAT OF "SIMONCRE AT SURPRISE CENTER" PLATTED HEREON, AND DOES HEREBY PUBLISH THIS PLAT 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.

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 CITY OF SURPRISE A PERPETUAL CROSS ACCESS EASEMENT ACROSS THE PLAT INCLUDING ROADS AND STREETS, OPEN SPACES, COMMUNITY FACILITIES, TRACTS, SIDEWALKS, DRAINAGE BASINS, AND ANY PROPERTY WITHIN THE PLAT OWNED BY THE HOMEOWNERS ASSOCIATION FOR THE PURPOSES OF PROVIDING CONTINUOUS AND UNINTERRUPTED INGRESS AND EGRESS FOR EMERGENCY VEHICLES.

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 AND ANY PROPERTY WITHIN THE PLAT OWNED BY THE HOMEOWNERS ASSOCIATION FOR THE PURPOSE OF PROVIDING CONTINUOUS AND UNINTERRUPTED INGRESS AND EGRESS FOR TRASH COLLECTION VEHICLES.

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 INSTALLING, CONSTRUCTING, MAINTAINING, REPAIRING, REPLACING AND UTILIZING PUBLIC UTILITIES.

OWNER HEREBY GRANTS TO THE CITY OF SURPRISE A PERPETUAL NON-EXCLUSIVE EASEMENT OVER, UNDER, UPON, AND ACROSS ALL AREAS DESIGNATED ON THE PLAT AS WATER / SEWER LINES, MANHOLES, FIRE HYDRANTS AND WATER METERS FOR THE PURPOSE OF INSTALLING, CONSTRUCTING, MAINTAINING, REPAIRING, REPLACING, AND UTILIZING THE WATER / SEWER LINES, MANHOLES, FIRE HYDRANTS AND WATER METERS.

OWNER HEREBY GRANTS TO THE CITY OF SURPRISE A PERPETUAL EXCLUSIVE EASEMENT OVER, UNDER, UPON, AND ACROSS ALL AREAS DESIGNATED ON THE PLAT AS WATERLINE EASEMENT FOR THE PURPOSE OF INSTALLING, CONSTRUCTING, MAINTAINING, REPAIRING, REPLACING, AND UTILIZING THE WATERLINES.

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.

ALL IMPROVEMENTS, FOR STREETS AND PUBLIC UTILITIES OWNED AND OPERATED BY THE CITY, INSTALLED OR CONSTRUCTED BY OWNERS 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 OWNER TO THE CITY UPON THEIR COMPLETION; HOWEVER, SUCH TRANSFER SHALL NOT OCCUR UNTIL THE CITY COUNCIL FOR THE CITY OF SURPRISE MANIFESTS ITS ACCEPTANCE BY SEPARATE FORMAL COUNCIL ACTION.

GRANTOR HEREBY GRANT AND CONVEY TO THE CITY OF SURPRISE A PERPETUAL, EXCLUSIVE EASEMENT OVER THE EASEMENT AREAS FOR INSTALLATION AND MAINTENANCE OF WATER METERS.

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.

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, OWNER HAS HEREUNTO CAUSED ITS CORPORATE NAME TO BE SIGNED AND ITS CORPORATE SEAL TO BE AFFIXED BY THE UNDERSIGNED, DULY AUTHORIZED OFFICER THIS

DATED THIS _____ DAY OF _____, 20_____.

BY: SURPRISE CENTER DEVELOPMENT COMPANY, L.L.C., AN ARIZONA LIMITED LIABILITY COMPANY
ITS: SOLE MEMBER AND MANAGER
ITS: AIRFIELD CAPITAL PARTNERS, L.L.C., AN ARIZONA LIMITED LIABILITY COMPANY
ITS: MANAGING MEMBER
BY: AIRFIELD MANAGEMENT ASSOCIATES, L.L.C., AN ARIZONA LIMITED LIABILITY COMPANY
ITS: MANAGING MEMBER
BY: TRW PARTNERS LLC,, AN ARIZONA LIMITED LIABILITY COMPANY
ITS: MEMBER
BY: WEST MANAGEMENT LIMITED PARTNERSHIP, AN ARIZONA LIMITED PARTNERSHIP
ITS: MANAGING MEMBER
BY: RICHARD WEST CO., AN ARIZONA CORPORATION
ITS: GENERAL MANAGER

BY: _____
RICHARD B. WEST, III,

ITS: _____

ACKNOWLEDGEMENT

STATE OF ARIZONA)
) SS
COUNTY OF MARICOPA)

THIS DOCUMENT WAS ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____, 20_____, SURPRISE CENTER DEVELOPMENT COMPANY, LLC, AN ARIZONA LIMITED LIABILITY COMPANY, IN WITNESS WHEREOF, I HEREUNTO SET MY HAND AND OFFICIAL SEAL.

_____
NOTARY PUBLIC

MY COMMISSION EXPIRES: _____

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 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.

AVIGATION EASEMENT

SURPRISE CENTER DEVELOPMENT COMPANY, LLC, AN ARIZONA LIMITED LIABILITY COMPANY ("OWNER") DOES HEREBY GRANT, BARGAIN, SELL, AND CONVEY UNTO THE UNITED STATES OF AMERICA DEPARTMENT OF THE AIR FORCE ("USAF"), ITS SUCCESSORS AND ASSIGNS, A NON-EXCLUSIVE PERPETUAL AND PERMANENT AVIGATION EASEMENT, OVER AND ACROSS THE PLAT AND EVERY LOT AND PARCEL THEREOF, WHICH EASEMENT WILL INCLUDE BUT NOT BE LIMITED TO THE RIGHT TO FLY AIRCRAFT OVER THE EASEMENT AREA 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 LUKE AIR FORCE BASE. GRANTOR WILL NOT ALLOW ANYTHING TO IMPEDE THE USAF'S USE OF THIS AVIGATION EASEMENT.

RELEASE OF LIABILITY

SURPRISE CENTER DEVELOPMENT COMPANY, LLC, AN ARIZONA LIMITED LIABILITY COMPANY ("OWNER") DOES HEREBY (1) RELEASE AND DISCHARGE THE UNITED STATES OF AMERICA DEPARTMENT OF THE AIR FORCE (USAF) AND THE CITY OF SURPRISE, AND (2) INDEMNIFY, DEFEND, AND HOLD HARMLESS THE USAF AND 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 ITS 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, FUEL, AND LUBRICANT PARTICLES.

SURPRISE CENTER DEVELOPMENT COMPANY, LLC, AN ARIZONA LIMITED LIABILITY COMPANY ("OWNER") DOES HEREBY (1) RELEASE AND DISCHARGE THE CITY OF SURPRISE, (2) INDEMNIFY, DEFEND, AND HOLD HARMLESS 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 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 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 THE RIGHT-OF-WAY IS IMPROVED TO CITY STANDARD AND ACCEPTED BY THE CITY OF SURPRISE.

OWNER HEREBY FURTHER AGREES TO INDEMNIFY, DEFEND, AND 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.

LEGAL DESCRIPTION

A PORTION OF THE NORTHWEST QUARTER OF SECTION 4, TOWNSHIP 3 NORTH, RANGE 1 WEST, OF THE GILA AND SALT RIVER BASE AND MERIDIAN, CITY OF SURPRISE, MARICOPA COUNTY, ARIZONA, DESCRIBED AS LOT 7 OF "REPLAT OF THOMPSON THRIFT AT SURPRISE CENTER" AS RECORDED IN BOOK 1489 OF MAPS, PAGE 30, RECORDS OF MARICOPA COUNTY, ARIZONA.

BASIS OF BEARING

SOUTH 00 DEGREES 11 MINUTES 05 SECONDS WEST (MEASURED), SOUTH 00 DEGREES 13 MINUTES 19 SECONDS WEST (RECORD AS SHOWN ON BOOK 1489 OF MAPS, PAGE 30, RECORDS OF MARICOPA COUNTY, ARIZONA) ALONG THE WEST LINE OF THE NORTHWEST QUARTER OF SECTION 4, TOWNSHIP 3 NORTH, RANGE 1 WEST, OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA.

LOT AREA SUMMARY TABLE

LOT 9: 733,031.34 S.F. OR 16.83 ACRES

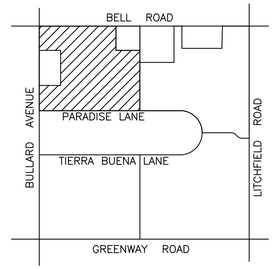
LOT 10: 357,812.65 S.F. OR 8.21 ACRES

LOT 11: 4,913,865.24 S.F. OR 112.81 ACRES

R.O.W. DEDICATION: 200,561.36 S.F. OR 4.60 ACRES

TOTAL: 6,205,270.59 S.F. OR 142.45 ACRES

RECORDER



VICINITY MAP
SCALE: N.T.S. SEC. 4 T.3N., R.1W.

OWNER

SURPRISE CENTER DEVELOPMENT COMPANY, L.L.C.
11811 N. TATUM BLVD., STE. 4052
PHOENIX, AZ 85028
CONTACT: SCOTT PHILLIPS
PH: (602) 953-8708

SURVEYOR

INFINITY ENGINEERING SERVICES, LTD.
P.O. BOX 88034
PHOENIX, AZ 88034
CONTACT: BRETT NOWACKI, R.L.S.
PH: (602) 670-8635

GENERAL NOTES

1. FIRE SPRINKLERS ARE REQUIRED IN ALL ONE AND TWO FAMILY DWELLINGS BUILT IN AREAS WHICH DO NOT HAVE AN ADEQUATE WATER SUPPLY.
2. NO ON-SITE GRADING OR EXCAVATION SHALL OCCUR WITHOUT FIRST OBTAINING A PERMIT FROM THE CITY OF SURPRISE.
3. THE AREA PLATTED HEREON LIES WITHIN THE DOMESTIC WATER SERVICE AREA OF THE CITY OF SURPRISE WHICH IS DESIGNATED AS HAVING AN ASSURED WATER SUPPLY PURSUANT A.R.S. § 45-576.
4. THE ROADS DESIGNATED AS "PRIVATE" AND ANY APPURTENANCES INCLUDING BUT NOT LIMITED TO ROAD SIGNS, STRIPING, CURB AND GUTTER, AND SIDEWALKS ARE PRIVATE; SUCH ROADS AND APPURTENANCES ARE OWNED, MAINTAINED AND REPAIRED BY OWNER OR THE HOMEOWNER'S ASSOCIATION FORMED BY OWNER. THE CITY OF SURPRISE SHALL NOT MAINTAIN OR REPAIR ANY ROAD DESIGNATED AS "PRIVATE".
5. IN ACCORDANCE WITH ARS § 9-461.07, THE CITY OF SURPRISE HAS DETERMINED THAT ALL DEDICATIONS OCCURRING WITH THIS PLAT ARE IN CONFORMANCE WITH THE SURPRISE GENERAL PLAN.
6. PURSUANT TO 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.
7. THE MAINTENANCE OF LANDSCAPING WITHIN THE OPEN SPACES, LANDSCAPED TRACTS, RETENTION BASINS AND PARKS SHALL BE THE RESPONSIBILITY OF THE OWNER OR THE ASSOCIATION FORMED BY THE OWNER.
8. 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 PROPERTY ASSOCIATION FORMED BY THE ADJACENT PROPERTY.
9. LANDSCAPING MAINTENANCE OF THE MEDIANS WITHIN THE PUBLIC RIGHT-OF-WAY WITHIN ANY ARTERIAL OR PARKWAY STREET CLASSIFICATION SHALL BE RESPONSIBILITY OF THE CITY OF SURPRISE AFTER ACCEPTANCE.
10. WHERE NO PUBLIC UTILITY EASEMENT IS PROVIDED, DRY UTILITIES WILL BE LOCATED INTERNAL TO THE PROJECT SITE AND EASEMENTS PROVIDED FOR DRY UTILITIES AS REQUIRED.

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. 04013C1240L AND 04013C1240L, WITH EFFECTIVE DATES OF OCTOBER 16, 2013, FOR COMMUNITY NO. 040053, IN MARICOPA COUNTY, STATE OF ARIZONA, WHICH IS THE CURRENT FLOOD INSURANCE RATE MAP FOR THE COMMUNITY IN WHICH SAID PROPERTY IS SITUATED.

100 YEAR ASSURED WATER SUPPLY

THE AREA PLATTED HEREON LIES WITHIN THE DOMESTIC WATER SERVICE AREA OF CITY OF SURPRISE MOUNTAIN VISTA PUBLIC WATER SYSTEM 04-07-500 WHICH IS DESIGNATED AS HAVING AN ASSURED WATER SUPPLY PURSUANT A.R.S. § 45-576.

CITY OF SURPRISE ENGINEER APPROVAL

DATA ON THIS PLAT REVIEWED AND APPROVED THIS _____ DAY OF _____, 20___, BY CITY ENGINEER OF SURPRISE, ARIZONA.

APPROVED _____
CITY ENGINEER DATE

CITY OF SURPRISE COUNCIL APPROVAL

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

_____
MAYOR DATE

ATTEST:

_____
CITY CLERK DATE

LAND SURVEYOR'S CERTIFICATION:

THE IS TO CERTIFY THAT THE SURVEY AND PLAT OF THE PREMISES DESCRIBED HEREON WERE MADE UNDER MY DIRECTION AND THIS PLAT IS CORRECT AND ACCURATE AND THE FOUND MONUMENTS SHOWN HEREON HAVE BEEN LOCATED AND ARE SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED.

BY: _____
BRETT NOWACKI
REGISTERED LAND SURVEYOR # 41896

FS22-1606

OWNERS
SURPRISE CENTER DEVELOPMENT COMPANY, LLC

PREPARED FOR
BECK CONSULTING ENGINEERS 2942 N. 24TH STREET #114 PHOENIX, AZ 85016 (602) 943-6200

PROPERTY INFO
A PART OF THE NORTHWEST 1/4 OF SECTION 4, T-3N, R1-W, CITY OF SURPRISE, MARICOPA COUNTY, ARIZONA

SURPRISE CENTER
228001

FINAL PLAT
"SIMONCRE AT SURPRISE CENTER"
COVER SHEET
A PART OF THE NORTHWEST 1/4 OF SECTION 4, T-3N, R-1W
MARICOPA COUNTY, ARIZONA

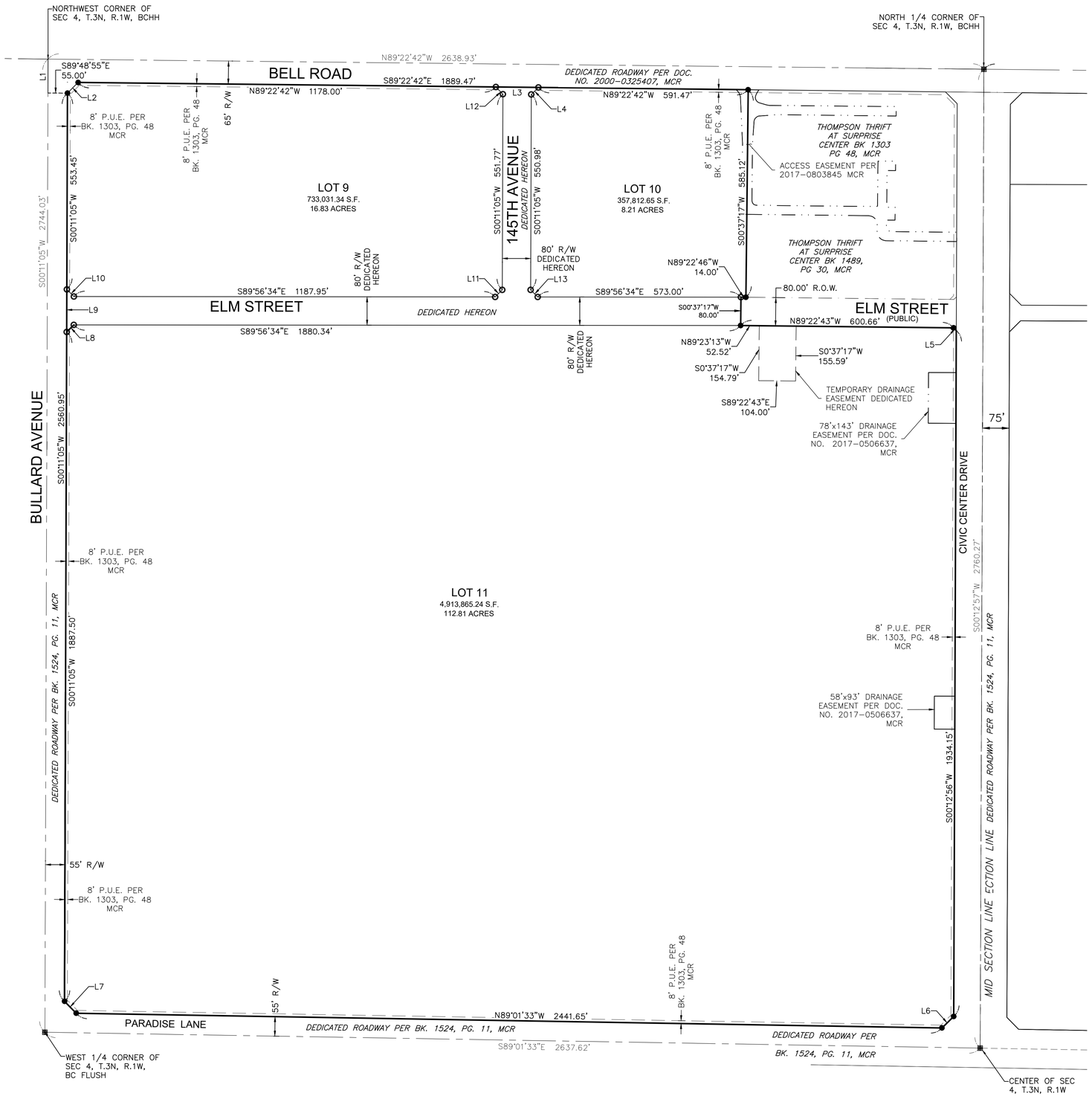
DRAWN BY:	BLN
CHECKED BY:	AJW
DATE:	11/10/20
SCALE:	AS SHOWN
PROJECT #:	16042
LAST MODIFIED:	11/10/20
LAST MODIFIED BY:	BLN

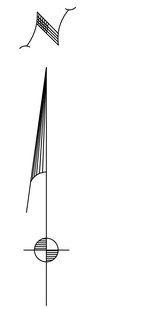
infinity ENGINEERING SERVICES, ltd.
P.O. BOX 88034
PHOENIX, AZ 85080
PHONE: (602) 670-8635

SHEET	OF
1	2

PL1

CITY OF SURPRISE





150 0 150 300

SCALE: 1" = 150'
(24"x36" SHEET ONLY)

LEGEND

APN	ASSESSORS PARCEL NUMBER
FND	FOUND
(C)	CALCULATED
(R)	RECORDED
(M)	MEASURED
R/W	RIGHT OF WAY
R.L.S.	REGISTERED LAND SURVEYOR
M.C.R.	MARICOPA COUNTY RECORDER
P.U.E.	PUBLIC UTILITY EASEMENT
BK. PG.	BOOK AND PAGE
▣	FND SURVEY MONUMENT
●	FND ALUM CAP COS 19820
▲	FND ALUM CAP RLS 52139
△	FND ALUM CAP RLS 44007
O	SET REBAR W/CAP RLS 41896
———	SUBDIVISION PROPERTY LINE
———	LOT LINE
— — —	EASEMENT LINE
— · — · —	EXISTING PROPERTY LINE
——— — ———	CENTER LINE

LINE TABLE		
LINE	LENGTH	BEARING
L1	95.83	N0° 11' 05"E
L2	42.55	S44° 59' 47"W
L3	120.00	S89° 22' 42"E
L4	28.18	N45° 24' 12"E
L5	10.64	N44° 34' 55"W
L6	46.36	N45° 35' 41"E
L7	46.99	N44° 25' 14"W
L8	28.32	S45° 07' 16"W
L10	28.25	S44° 52' 44"E
L11	28.32	N45° 07' 16"E
L12	28.39	N44° 35' 48"W
L13	28.25	S44° 52' 44"E

FS22-1606

OWNER

SURPRISE CENTER DEVELOPMENT, LLC,

PREPARED FOR

BECK CONSULTING ENGINEERS
2942 N. 24TH STREET #114
PHOENIX, AZ 85016
(602) 943-6200

PROPERTY INFO

A PART OF THE NORTWEST 1/4, SECTION 4, T-3N, R1W, CITY OF SURPRISE, MARICOPA COUNTY, ARIZONA

FINAL PLAT
"SIMONCRE AT SURPRISE CENTER"
A PART OF THE NORTHWEST 1/4 OF SECTION 4, T-3N, R-1W
MARICOPA COUNTY, ARIZONA

DRAWN BY:	BLN
CHECKED BY:	06/06/22
DATE:	06/06/22
SCALE:	AS SHOWN
PROJECT #:	16042
LAST MODIFIED:	06/06/22
LAST MODIFIED BY:	BLN

Infinity ENGINEERING SERVICES, ltd.
P.O. BOX 88034
PHOENIX, AZ 85080
PHONE: (602) 670-8635

REGISTERED LAND SURVEYOR
NO. 41806
BRETT L. NOWACKI
06/09/23

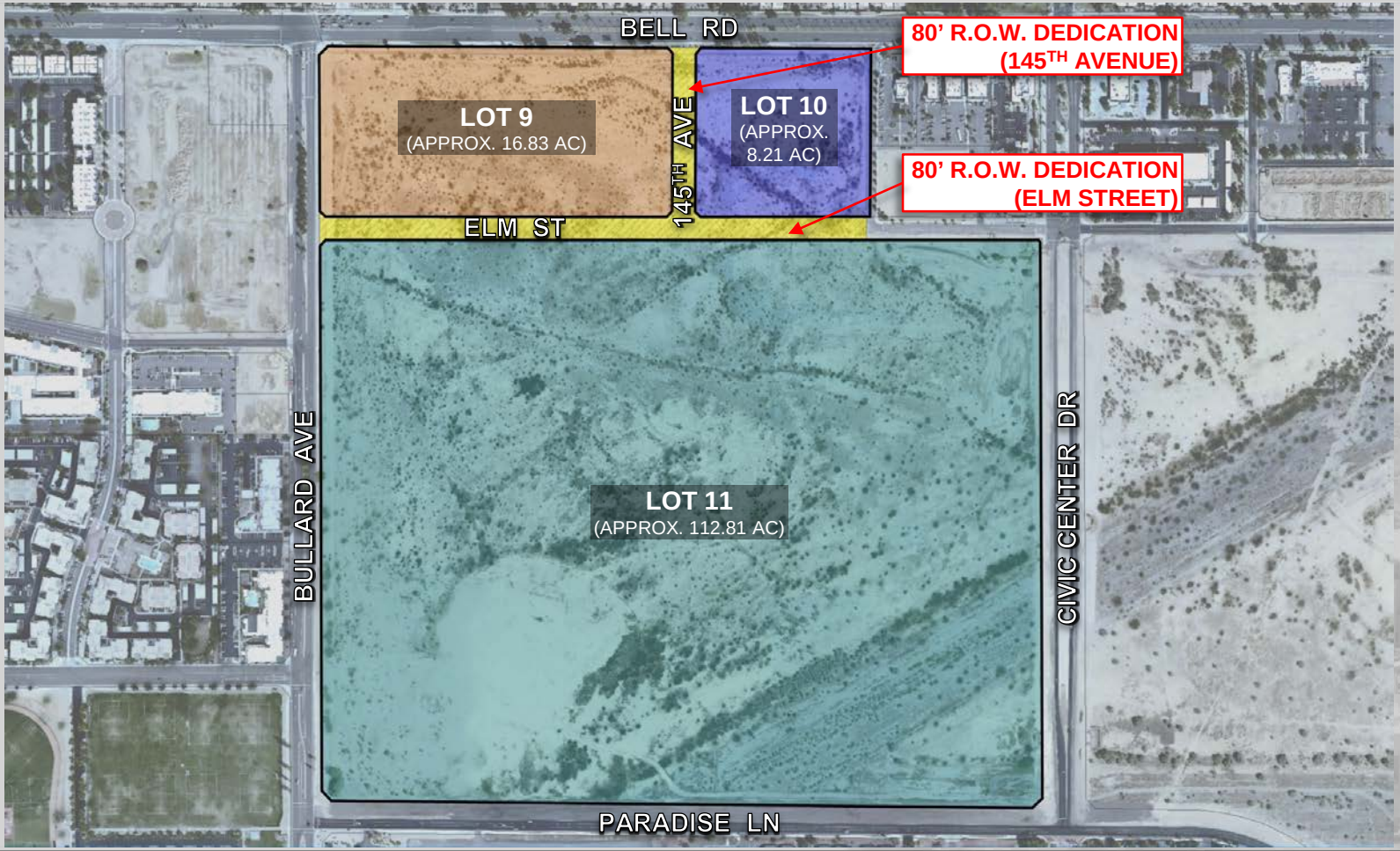
SHEET 2 OF 2

PL2

SURPRISE CENTER

228001

CITY OF SURPRISE



FS22-1606 PLAT EXHIBIT

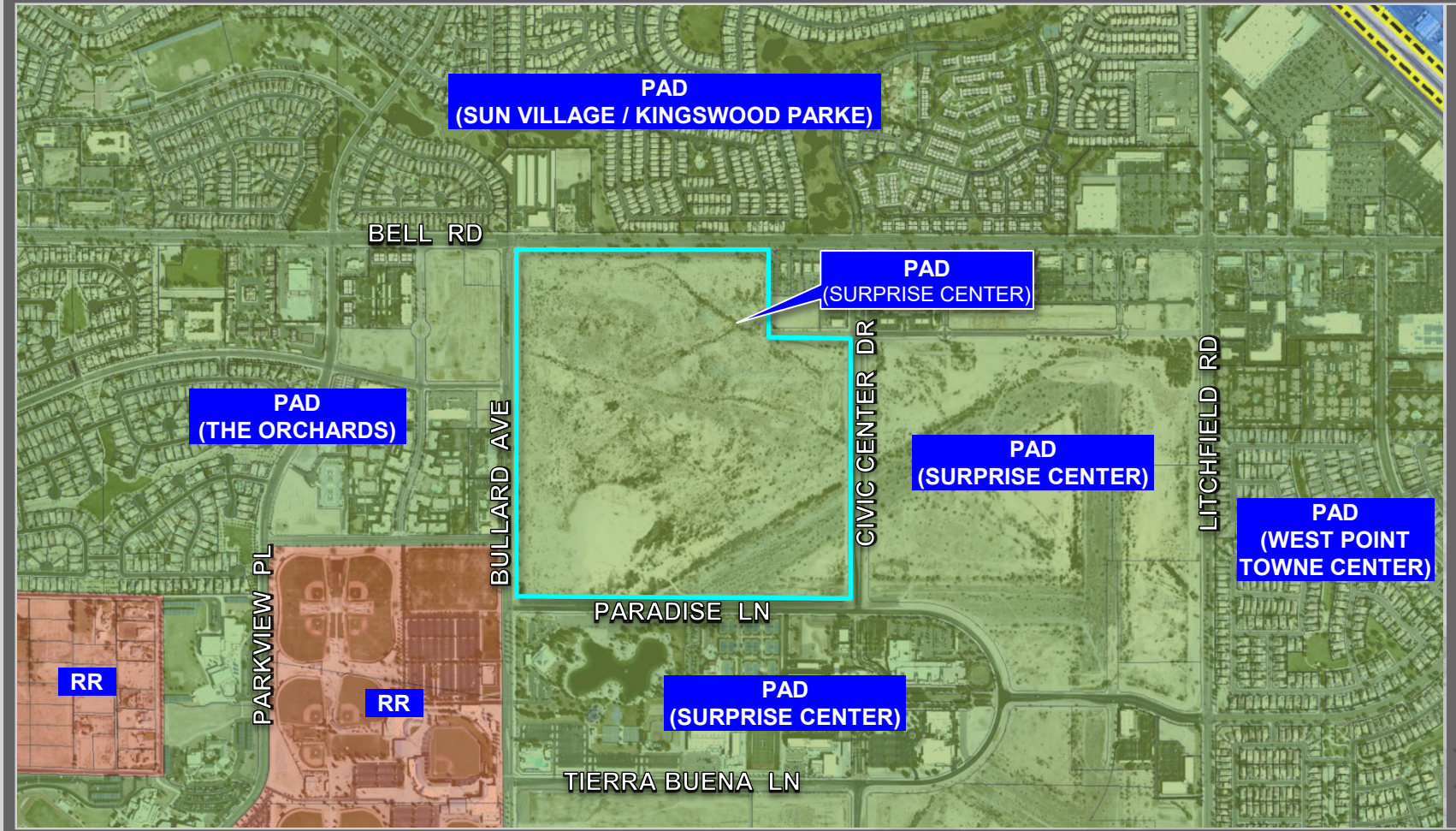
SURPRISE
ARIZONA

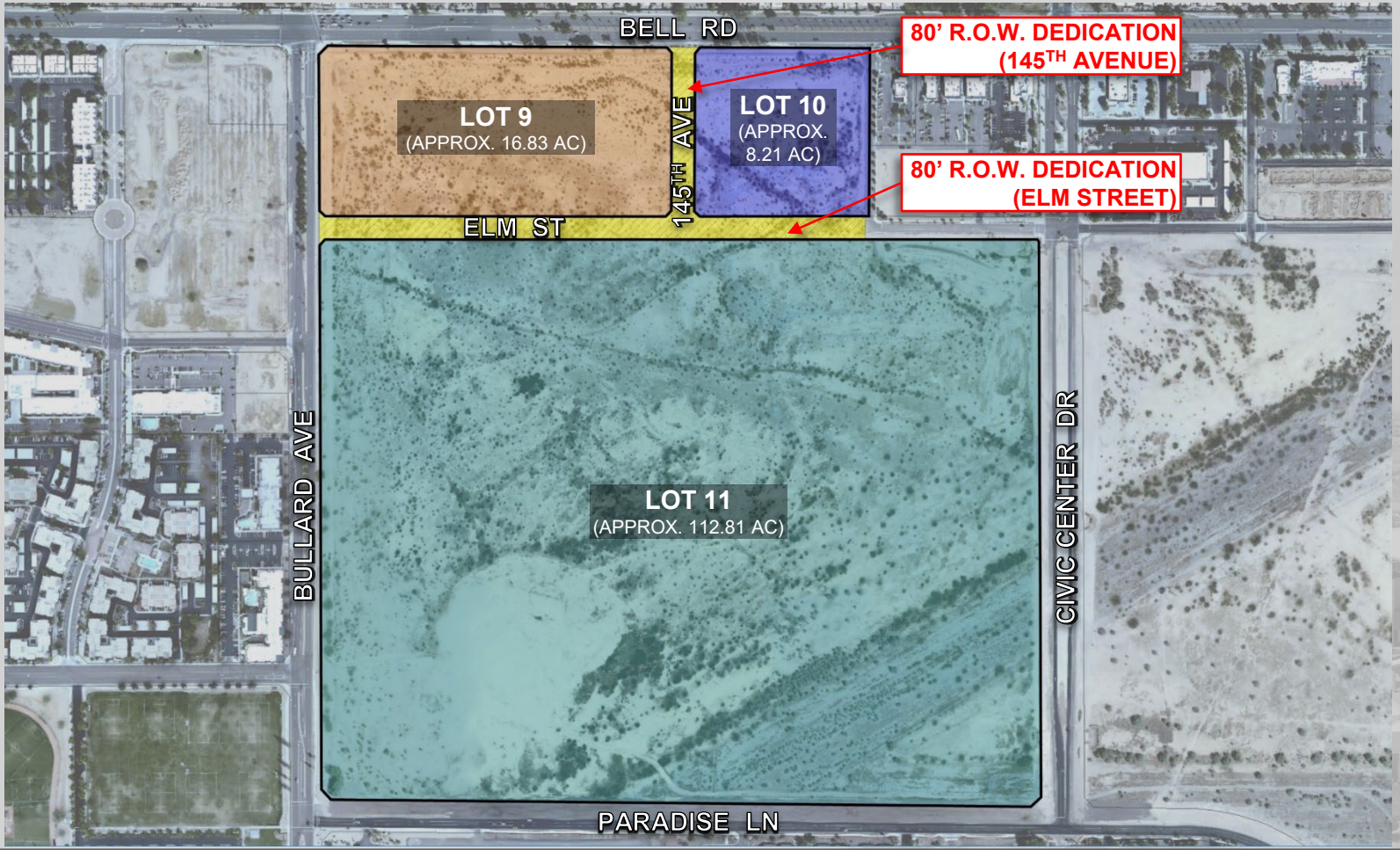
FS22-1606
Surprise City Center Phase 1 – Final Plat

City Council

August 01, 2023

FS22-1606 VICINITY MAP


PAD
(SUN VILLAGE / KINGSWOOD PARKE)
BELL RD
PAD
(SURPRISE CENTER)
PAD
(THE ORCHARDS)
BULLARD AVE
CIVIC CENTER DR
LITCHFIELD RD
PAD
(SURPRISE CENTER)
PAD
(WEST POINT
TOWNE CENTER)
PARADISE LN
PARKVIEW PL
RR
RR
PAD
(SURPRISE CENTER)
TIERRA BUENA LN
FS22-1606 ZONING MAP



FS22-1606 PLAT EXHIBIT

FINAL PLAT
FOR
"SIMONCRE AT SURPRISE CENTER"
A REPLAT OF LOT 7 OF "REPLAT OF THOMPSON THRIFT AT SURPRISE CENTER" AS RECORDED IN BOOK 1489, PAGE 30, M.C.R.
A PART OF THE NORTHWEST QUARTER OF SECTION 4, TOWNSHIP 3 NORTH, RANGE 1 WEST, OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA

DEDICATIONS

STATE OF ARIZONA }
} SS
COUNTY OF MARICOPA }

KNOW ALL PERSONS BY THESE PRESENTS: THAT SURPRISE CENTER DEVELOPMENT COMPANY, LLC, AN ARIZONA LIMITED LIABILITY COMPANY, AS OWNER, HAVE SUBDIVIDED UNDER THE NAME OF "SIMONCRE AT SURPRISE CENTER", A SUBDIVISION LOCATED IN A PORTION OF THE NORTHWEST QUARTER OF SECTION 4, TOWNSHIP 3 NORTH, RANGE 1 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY ARIZONA, AS SHOWN AND AS AND FOR THE PLAT OF "SIMONCRE AT SURPRISE CENTER" PLATTED HEREON, AND DOES HEREBY PUBLISH THIS PLAT 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.

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 CITY OF SURPRISE A PERPETUAL CROSS ACCESS EASEMENT ACROSS THE PLAT INCLUDING ROADS AND STREETS, OPEN SPACES, COMMUNITY FACILITIES, TRACTS, SIDEWALKS, DRAINAGE BASINS AND ANY PROPERTY WITHIN THE PLAT OWNED BY THE HOMEOWNERS ASSOCIATION FOR THE PURPOSES OF PROVIDING CONTINUOUS AND UNINTERRUPTED INGRESS AND EGRESS FOR EMERGENCY VEHICLES.

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 AND ANY PROPERTY WITHIN THE PLAT OWNED BY THE HOMEOWNERS ASSOCIATION FOR THE PURPOSE OF PROVIDING CONTINUOUS AND UNINTERRUPTED INGRESS AND EGRESS FOR TRASH COLLECTION VEHICLES.

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 INSTALLING, CONSTRUCTING, MAINTAINING, REPAIRING, REPLACING AND UTILIZING PUBLIC UTILITIES.

OWNER HEREBY GRANTS TO THE CITY OF SURPRISE A PERPETUAL NON-EXCLUSIVE EASEMENT OVER, UNDER, UPON, AND ACROSS ALL AREAS DESIGNATED ON THE PLAT AS WATER / SEWER LINES, MANHOLES, FIRE HYDRANTS AND WATER METERS FOR THE PURPOSE OF INSTALLING, CONSTRUCTING, MAINTAINING, REPAIRING, REPLACING, AND UTILIZING THE WATER / SEWER LINES, MANHOLES, FIRE HYDRANTS AND WATER METERS.

OWNER HEREBY GRANTS TO THE CITY OF SURPRISE A PERPETUAL EXCLUSIVE EASEMENT OVER, UNDER, UPON, AND ACROSS ALL AREAS DESIGNATED ON THE PLAT AS WATERLINE EASEMENT FOR THE PURPOSE OF INSTALLING, CONSTRUCTING, MAINTAINING, REPAIRING, REPLACING, AND UTILIZING THE WATERLINES.

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.

ALL IMPROVEMENTS, FOR STREETS AND PUBLIC UTILITIES OWNED AND OPERATED BY THE CITY, INSTALLED OR CONSTRUCTED BY OWNERS 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 OWNER TO THE CITY UPON THEIR COMPLETION; HOWEVER, SUCH TRANSFER SHALL NOT OCCUR UNTIL THE CITY COUNCIL FOR THE CITY OF SURPRISE MANIFESTS ITS ACCEPTANCE BY SEPARATE FORMAL COUNCIL ACTION.

GRANTOR HEREBY GRANT AND CONVEY TO THE CITY OF SURPRISE A PERPETUAL, EXCLUSIVE EASEMENT OVER THE EASEMENT AREAS FOR INSTALLATION AND MAINTENANCE OF WATER METERS.

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.

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, OWNER HAS HEREUNTO CAUSED ITS CORPORATE NAME TO BE SIGNED AND ITS CORPORATE SEAL TO BE AFFIXED BY THE UNDERSIGNED, DULY AUTHORIZED OFFICER THIS

DATED THIS _____ DAY OF _____, 20_____

BY: SURPRISE CENTER DEVELOPMENT COMPANY, L.L.C., AN ARIZONA LIMITED LIABILITY COMPANY
ITS: SOLE MEMBER AND MANAGER
ITS: AIRFIELD CAPITAL PARTNERS, L.L.C. AN ARIZONA LIMITED LIABILITY COMPANY
ITS: MANAGING MEMBER
BY: AIRFIELD MANAGEMENT ASSOCIATES, L.L.C., AN ARIZONA LIMITED LIABILITY COMPANY
ITS: MANAGING MEMBER
BY: TRW PARTNERS LLC, AN ARIZONA LIMITED LIABILITY COMPANY
ITS: MEMBER
BY: WEST MANAGEMENT LIMITED PARTNERSHIP, AN ARIZONA LIMITED PARTNERSHIP
ITS: MANAGING MEMBER
BY: RICHARD WEST CO., AN ARIZONA CORPORATION
ITS: GENERAL MANAGER

BY: _____
RICHARD B. WEST, III.

ITS: _____

ACKNOWLEDGEMENT

STATE OF ARIZONA }
} SS
COUNTY OF MARICOPA }

THIS DOCUMENT WAS ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____ 20_____ SURPRISE CENTER DEVELOPMENT COMPANY, LLC, AN ARIZONA LIMITED LIABILITY COMPANY, IN WITNESS WHEREOF, I HEREUNTO SET MY HAND AND OFFICIAL SEAL.

_____
NOTARY PUBLIC

MY COMMISSION EXPIRES: _____

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 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.

AVIGATION EASEMENT

SURPRISE CENTER DEVELOPMENT COMPANY, LLC, AN ARIZONA LIMITED LIABILITY COMPANY ("OWNER") DOES HEREBY GRANT, BARGAIN, SELL, AND CONVEY UNTO THE UNITED STATES OF AMERICA DEPARTMENT OF THE AIR FORCE ("USAF"), ITS SUCCESSORS AND ASSIGNS, A NON-EXCLUSIVE PERPETUAL AND PERMANENT AVIGATION EASEMENT, OVER AND ACROSS THE PLAT AND EVERY LOT AND PARCEL THEREOF, WHICH EASEMENT WILL INCLUDE BUT NOT BE LIMITED TO THE RIGHT TO FLY AIRCRAFT OVER THE EASEMENT AREA 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 LUKE AIR FORCE BASE. GRANTOR WILL NOT ALLOW ANYTHING TO IMPEDE THE USAF'S USE OF THIS AVIGATION EASEMENT.

RELEASE OF LIABILITY

SURPRISE CENTER DEVELOPMENT COMPANY, LLC, AN ARIZONA LIMITED LIABILITY COMPANY ("OWNER") DOES HEREBY (1) RELEASE AND DISCHARGE THE UNITED STATES OF AMERICA DEPARTMENT OF THE AIR FORCE (USAF) AND THE CITY OF SURPRISE, AND (2) INDEMNIFY, DEFEND, AND HOLD HARMLESS THE USAF AND 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 ITS 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 FAULTY AIRCRAFT OR FAULTY PHYSICAL OBJECTS FROM AIRCRAFT, EXCEPT AS STATED HEREIN WITH RESPECT TO NOISE, FUMES, DUST, FUEL, AND LUBRICANT PARTICLES.

SURPRISE CENTER DEVELOPMENT COMPANY, LLC, AN ARIZONA LIMITED LIABILITY COMPANY ("OWNER") DOES HEREBY (1) RELEASE AND DISCHARGE THE CITY OF SURPRISE, (2) INDEMNIFY, DEFEND, AND HOLD HARMLESS 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 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 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 THE RIGHT-OF-WAY IS IMPROVED TO CITY STANDARD AND ACCEPTED BY THE CITY OF SURPRISE.

OWNER HEREBY FURTHER AGREES TO INDEMNIFY, DEFEND, AND 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.

LEGAL DESCRIPTION

A PORTION OF THE NORTHWEST QUARTER OF SECTION 4, TOWNSHIP 3 NORTH, RANGE 1 WEST, OF THE GILA AND SALT RIVER BASE AND MERIDIAN, CITY OF SURPRISE, MARICOPA COUNTY, ARIZONA, DESCRIBED AS LOT 7 OF "REPLAT OF THOMPSON THRIFT AT SURPRISE CENTER" AS RECORDED IN BOOK 1489 OF MAPS, PAGE 30, RECORDS OF MARICOPA COUNTY, ARIZONA.

BASIS OF BEARING

SOUTH 00 DEGREES 11 MINUTES 05 SECONDS WEST (MEASURED), SOUTH 00 DEGREES 13 MINUTES 19 SECONDS WEST (RECORD AS SHOWN ON BOOK 1486 OF MAPS, PAGE 30, RECORDS OF MARICOPA COUNTY, ARIZONA) ALONG THE WEST LINE OF THE NORTHWEST QUARTER OF SECTION 4, TOWNSHIP 3 NORTH, RANGE 1 WEST, OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA.

LOT AREA SUMMARY TABLE

LOT 9: 733,031.34 S.F. OR 16.83 ACRES
LOT 10: 357,812.65 S.F. OR 8.21 ACRES
LOT 11: 4,913,865.24 S.F. OR 112.81 ACRES
R.O.W. DEDICATION: 200,561.36 S.F. OR 4.60 ACRES
TOTAL: 6,205,270.59 S.F. OR 142.45 ACRES

RECORDER

VICINITY MAP
SCALE: N.T.S. SEC. 4 T.3N. R.1W.

OWNER

SURPRISE CENTER DEVELOPMENT COMPANY, L.L.C.
11811 N. TATUM BLVD., STE. 4052
PHOENIX, AZ 85028
CONTACT: SCOTT PHILLIPS
PH: (602) 953-8708

SURVEYOR

INFINITY ENGINEERING SERVICES, LTD.
P.O. BOX 88034
PHOENIX, AZ 88034
CONTACT: BRETT NOWACKI, R.L.S.
PH: (602) 670-8635

GENERAL NOTES

1. FIRE SPRINKLERS ARE REQUIRED IN ALL ONE AND TWO FAMILY DWELLINGS BUILT IN AREAS WHICH DO NOT HAVE AN ADEQUATE WATER SUPPLY.
2. NO ON-SITE GRADING OR EXCAVATION SHALL OCCUR WITHOUT FIRST OBTAINING A PERMIT FROM THE CITY OF SURPRISE.
3. THE AREA PLATTED HEREON LIES WITHIN THE DOMESTIC WATER SERVICE AREA OF THE CITY OF SURPRISE WHICH IS DESIGNATED AS HAVING AN ASSURED WATER SUPPLY PURSUANT A.R.S. § 45-576.
4. THE ROADS DESIGNATED AS "PRIVATE" AND ANY APPURTENANCES INCLUDING BUT NOT LIMITED TO ROAD SIGNS, STRIPING, CURB AND GUTTER, AND SIDEWALKS ARE PRIVATE; SUCH ROADS AND APPURTENANCES ARE OWNED, MAINTAINED AND REPAIRED BY OWNER OR THE HOMEOWNER'S ASSOCIATION FORMED BY OWNER. THE CITY OF SURPRISE SHALL NOT MAINTAIN OR REPAIR ANY ROAD DESIGNATED AS "PRIVATE".
5. IN ACCORDANCE WITH ARS § 9-461.07, THE CITY OF SURPRISE HAS DETERMINED THAT ALL DEDICATIONS OCCURRING WITH THIS PLAT ARE IN CONFORMANCE WITH THE SURPRISE GENERAL PLAN.
6. PURSUANT TO 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 14770, WHEN APPLICABLE.
7. THE MAINTENANCE OF LANDSCAPING WITHIN THE OPEN SPACES, LANDSCAPED TRACTS, RETENTION BASINS AND PARKS SHALL BE THE RESPONSIBILITY OF THE OWNER OR THE ASSOCIATION FORMED BY THE OWNER.
8. 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 PROPERTY ASSOCIATION FORMED BY THE ADJACENT PROPERTY.
9. LANDSCAPING MAINTENANCE OF THE MEDIANS WITHIN THE PUBLIC RIGHT-OF-WAY WITHIN ANY ARTERIAL OR PARKWAY STREET CLASSIFICATION SHALL BE RESPONSIBILITY OF THE CITY OF SURPRISE AFTER ACCEPTANCE.
10. WHERE NO PUBLIC UTILITY EASEMENT IS PROVIDED, DRY UTILITIES WILL BE LOCATED INTERNAL TO THE PROJECT SITE AND EASEMENTS PROVIDED FOR DRY UTILITIES AS REQUIRED.

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. 04013C1240L AND 04013C1240L WITH EFFECTIVE DATES OF OCTOBER 16, 2013, FOR COMMUNITY NO. 040053, IN MARICOPA COUNTY, STATE OF ARIZONA, WHICH IS THE CURRENT FLOOD INSURANCE RATE MAP FOR THE COMMUNITY IN WHICH SAID PROPERTY IS SITUATED.

100 YEAR ASSURED WATER SUPPLY

THE AREA PLATTED HEREON LIES WITHIN THE DOMESTIC WATER SERVICE AREA OF CITY OF SURPRISE MOUNTAIN VISTA PUBLIC WATER SYSTEM 04-07-500 WHICH IS DESIGNATED AS HAVING AN ASSURED WATER SUPPLY PURSUANT A.R.S. § 45-576.

CITY OF SURPRISE ENGINEER APPROVAL

DATA ON THIS PLAT REVIEWED AND APPROVED THIS _____ DAY OF _____, 20____ BY CITY ENGINEER OF SURPRISE, ARIZONA.

APPROVED _____
CITY ENGINEER DATE

CITY OF SURPRISE COUNCIL APPROVAL

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

_____
MAYOR DATE

ATTEST:

_____
CITY CLERK DATE

LAND SURVEYOR'S CERTIFICATION:

THE IS TO CERTIFY THAT THE SURVEY AND PLAT OF THE PREMISES DESCRIBED HEREON WERE MADE UNDER MY DIRECTION AND THIS PLAT IS CORRECT AND ACCURATE AND THE FOUND MONUMENTS SHOWN HEREON HAVE BEEN LOCATED AND ARE SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED.

BY: _____
BRETT NOWACKI
REGISTERED LAND SURVEYOR # 41896

FS22-1606

OWNERS
SURPRISE CENTER DEVELOPMENT COMPANY, LLC

PREPARED FOR
RSEK CONSULTING ENGINEERS
2942 N. 24TH STREET #114
PHOENIX, AZ 85016
(602) 943-0200

PROPERTY INFO
A PART OF THE NORTHWEST 1/4 OF SECTION 4, T-3N, R-1W, MARICOPA COUNTY, ARIZONA

DRAWN BY:	BLN
CHECKED BY:	AJW
DATE:	11/15/20
SCALE:	AS SHOWN
PROJECT #:	16042
ORIGINALLY PLOTTED:	11/15/20
LAST MODIFIED BY:	BLN

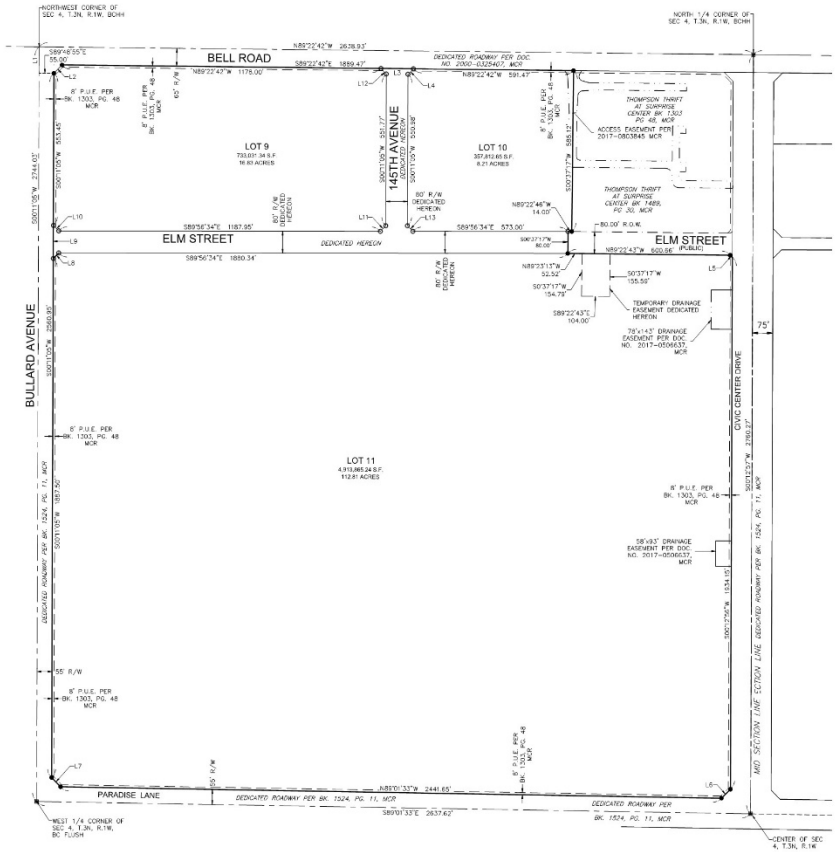
Hattenbach Engineering Services, Ltd.
P.O. BOX 88034
PHOENIX, AZ 85038
PHONE (602) 670-8635

SHEET 1 OF 2
PL1

FINAL PLAT
"SIMONCRE AT SURPRISE CENTER"
COVER SHEET
A PART OF THE NORTHWEST 1/4 OF SECTION 4, T-3N, R-1W
MARICOPA COUNTY, ARIZONA

CITY OF SURPRISE

FS22-1606 FINAL PLAT



150 0 150 300
SCALE: 1" = 100'
(24"x36" SHEET ONLY)

LEGEND

APN	ASSESSORS PARCEL NUMBER
FND	FOUND
(C)	CALCULATED
(R)	RECORDED
(M)	MEASURED
R/W	RIGHT OF WAY
R.L.S.	REGISTERED LAND SURVEYOR
M.C.R.	MARICOPA COUNTY RECORDER
P.U.E.	PUBLIC UTILITY EASEMENT
BK. PG.	BOOK AND PAGE
■	FND SURVEY MONUMENT
●	FND ALUM CAP COS 19820
▲	FND ALUM CAP RLS 52139
△	FND ALUM CAP RLS 44027
O	SET REBAR W/CAP RLS 41896
	SUBDIVISION PROPERTY LINE
	LOT LINE
	EASEMENT LINE
	EXISTING PROPERTY LINE
	CENTER LINE

LINE TABLE

LINE	LENGTH	BEARING
L1	55.83	N0° 11' 05"E
L2	42.50	S44° 58' 47"W
L3	120.00	S89° 22' 42"E
L4	28.18	N45° 24' 12"E
L5	10.64	N44° 34' 55"W
L6	46.36	N45° 35' 41"E
L7	46.99	N44° 25' 14"W
L8	28.32	S45° 07' 16"W
L10	28.25	S44° 52' 44"E
L11	28.32	N45° 07' 16"E
L12	28.39	N44° 35' 48"W
L13	28.25	S44° 52' 44"E

FS22-1606

OWNER
SURPRISE CORE DEVELOPMENT, LLC

PREPARED FOR
ELDC CONSULTING ENGINEERS
3140 N. 24th STREET #114
PHOENIX, AZ 85016
(602) 943-6200

PROPERTY INFO
A PART OF THE NORTHWEST 1/4, SECTION 4, T.-3N, R.1W, CITY OF SURPRISE, MARICOPA COUNTY, ARIZONA

FINAL PLAT
"SIMONCRE AT SURPRISE CENTER"
A PART OF THE NORTHWEST 1/4 OF SECTION 4, T.3N, R.1W
MARICOPA COUNTY, ARIZONA

DRAWN BY:	BLN
CHECKED BY:	06/06/22
DATE:	06/06/22
SCALE:	AS SHOWN
PROJECT #:	1606.1
LAST MODIFIED:	06/06/22
LAST MODIFIED BY:	BLN

Hilgart Wilson engineering | surveying | services, Inc.
P.O. BOX 18824 PHOENIX, AZ 85060
PHONE: (602) 674-8300

SHEET 2 OF 2
PL2

CITY OF SURPRISE

FS22-1606 FINAL PLAT

SURPRISE
ARIZONA

QUESTIONS OR COMMENTS?

Thank You

CITY OF SURPRISE
Regular City Council Meeting

Council Meeting Date: August 1, 2023 Contact Person: Tanner Wessel
Submitting Department: Community Development District: District 3
Staff Recommendations: None

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

Agenda Wording:
Consideration and action pertaining to approval of the Final Plat entitled, "Cactus & Perryville Park" and dated July 06, 2023, a property located at the northeast corner of Cactus Road and Perryville Road; Case FS23-0434.

Motion:
I move to approve the Final Plat entitled, "Cactus & Perryville Park" and dated July 06, 2023.

Background:
Jamie Sullivan seeks approval of a Final Plat of the subject property located at the northeast corner of Cactus Road and Perryville Road. The proposed Final Plat assembles six (6) parcels of approx. 80.23 acres into three (3) lots and dedicates right-of-way for the development of a future City of Surprise park and fire station.

Objective Analysis:
Approval of the proposed Final Plat will allow the applicant the ability to subdivide the property as proposed.

Policy Compliant:
The proposed Final Plat is consistent with the Surprise General Plan 2035 and the City of Surprise 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-FS23-0434 Cactus & Perryville Park - Final Plat - Staff Report
2. 01 - FS23-0434 Cactus & Perryville Park - Final Plat - Vicinity Map
3. 02 - FS23-0434 Cactus & Perryville Park - Final Plat - Zoning Map
4. 03 - FS23-0434 Cactus & Perryville Park - Final Plat - Final Plat
5. 04 - FS23-0434 Cactus & Perryville Park - Final Plat - Final Plat Exhibit
6. 05 - FS23-0434 Cactus & Perryville Park - Luke Letter
7. FS23-0434 Cactus & Perryville Park - Final Plat - PowerPoint

FINAL PLAT

REPORT TO THE CITY COUNCIL

Case:	**FS23-0434**
Project Name:	Fire Station 309 and Community Pool - Final Plat
Council District:	3 – Mesquite
City Council Date:	**August 01, 2023**
Planner:	Tanner Wessel, Planner II

Owner:	City of Surprise
Applicant:	City of Surprise, Jamie Sullivan
Request:	Final Plat to assemble six (6) parcels approx. 80.23 acres into three (3) lots and dedicate right-of-way for the development of a future City of Surprise park and fire station.
Site Location:	Located at the northeast corner of Cactus Road and Perryville Road
Site Size:	Approximately 80.23 gross acres

Findings:

- The proposed Final Plat is consistent with the Surprise General Plan 2035.
- The proposed Final Plat is consistent with the Surprise Land Development Ordinance.

Alternative Actions:

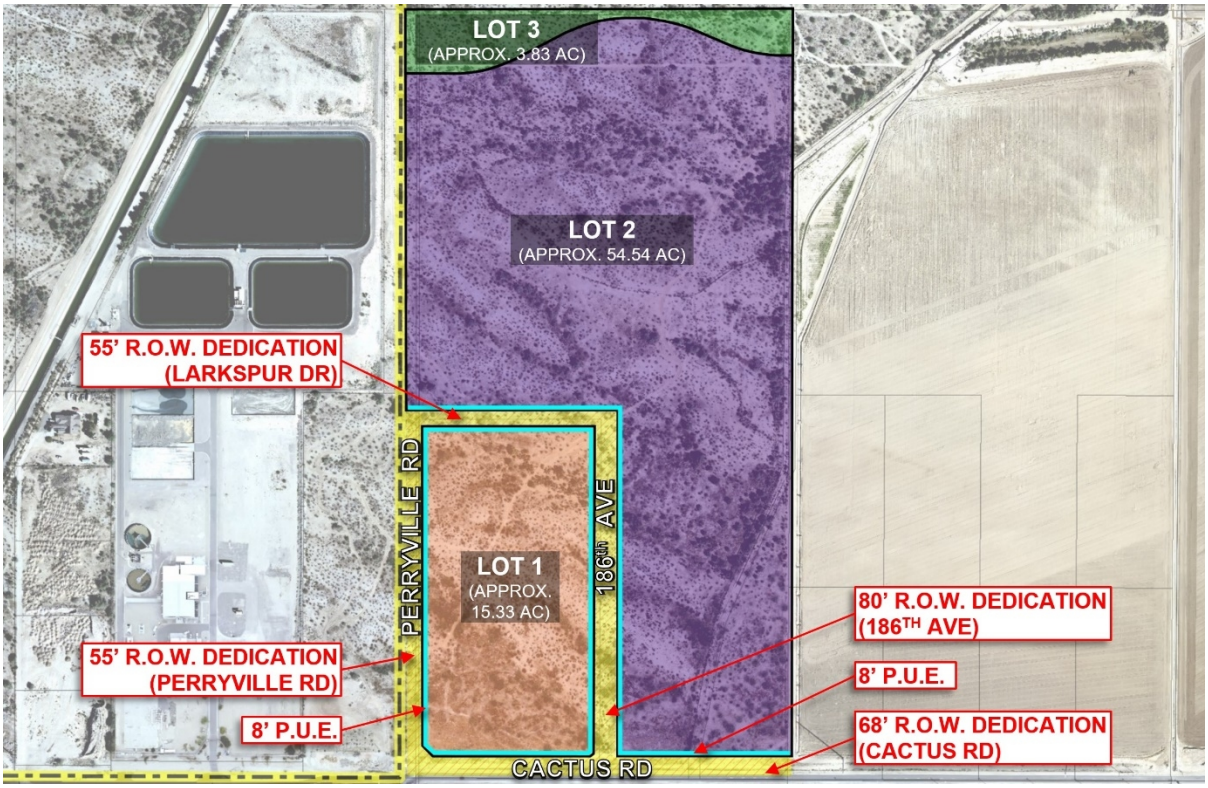
Approve – Approval of the proposed Final Plat will allow the applicant the ability to subdivide the property as proposed.

Deny – Denial of the requested Final Plat will prevent the applicant from subdividing the property as proposed.

Additional Information:

Jamie Sullivan of City of Surprise requests approval of a Final Plat entitled "Final Plat of Cactus & Perryville Park" dated July 06, 2023. The subject parcel is zoned Planned Area Development (PAD) – Zanjero Trails, and is located at the northeast corner of Cactus Road and Perryville Road. The proposed Final Plat assembles six (6) parcels of approximately 80.23 gross acres into three (3) vacant parcels and dedicates right-of-way for the development of a future City of Surprise community pool and fire station.

This Final Plat will dedicate 68-feet of right-of-way for Cactus Road, 55-feet of right-of-way for Perryville Road, 55-feet of right-of-way for Larkspur Drive, and 80-feet of right-of-way for 186th Avenue. An 8-foot public utility easement (PUE) is also established along the north, south, east and western boundaries of Lot 1 and along the southern boundary of Lot 2.



The area for each parcel is shown below:

- Lot 1 – approximately 15.33 acres
- Lot 2 – approximately 54.54 acres
- Lot 3 – approximately 3.83 acres

The proposed Final Plat dedicates the following:

- 68-foot right-of-way (ROW) dedication for Cactus Road.
- 55-foot right-of-way (ROW) dedication for Perryville Road.
- 80-foot right-of-way (ROW) dedication for 186th Avenue.

- 55-foot right-of-way (ROW) dedication for Larkspur Drive.
- 8-foot public utility easement (PUE) along the northern, eastern, southern, and western boundary of Lot 1 and the southern boundary of Lot 2.

General Plan Conformance:

The proposed final plat was reviewed against the goals, polices, recommendations, and guidelines of the City of Surprise General Plan 2035. The proposed final plat is consistent with the General Plan in some of the following ways:

This project is located within the Neighborhood Character Area of the General Plan. The proposed lot split adheres to the design guidelines of the character area which allows for civic uses including municipal parks.

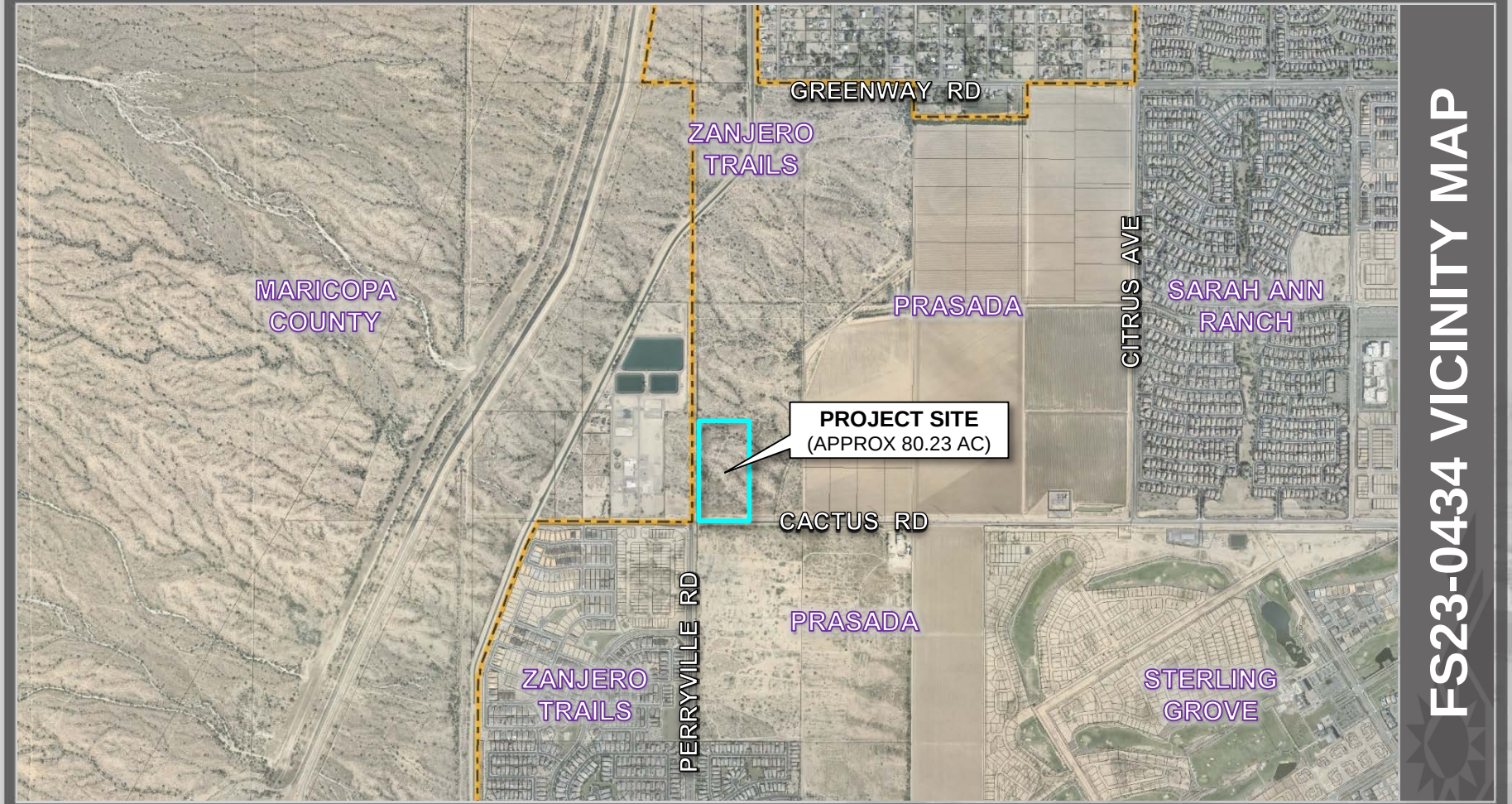
This project maintains compatibility with the quality of existing land uses in the surrounding area in that it continues the Suburban development pattern established in the vicinity of this parcel.

Reviewing Agencies:

This project was routed to both Luke Air Force Base and the Maricopa Water District for review. Both agencies have indicated no objections.

Attachments:

01 Vicinity Map
02 Zoning Map
03 Final Plat
04 Plat Exhibit
05 Luke Letter
PPT



FS23-0434 VICINITY MAP

FS23-0434 ZONING MAP

FINAL PLAT OF CACTUS & PERRYVILLE PARK

A PORTION OF SECTION 15
TOWNSHIP 3 NORTH, RANGE 2 WEST
OF THE GILA AND SALT RIVER BASE AND MERIDIAN
CITY OF SURPRISE, MARICOPA COUNTY, ARIZONA

DEDICATION

STATE OF ARIZONA }
COUNTY OF MARICOPA }

KNOW ALL PERSONS BY THESE PRESENTS: THAT THE CITY OF SURPRISE, ARIZONA, A CORPORATE ENTITY, AND THE MARICOPA COUNTY MUNICIPAL WATER CONSERVATION DISTRICT 1 (MWD),(OWNERS) HAVE SUBDIVIDED UNDER THE NAME OF "FINAL PLAT OF CACTUS & PERRYVILLE PARK", A SUBDIVISION LOCATED IN A PORTION OF THE SOUTHWEST QUARTER OF SECTION 15, TOWNSHIP 3 NORTH, RANGE 2 WEST OF THE GILA AND SALT RIVER MERIDIAN, CITY OF SURPRISE, MARICOPA COUNTY, ARIZONA, AS SHOWN AND PLATTED HEREON AND DO HEREBY PUBLISH THIS PLAT AS AND FOR THE PLAT OF "FINAL PLAT OF CACTUS & PERRYVILLE PARK" AND DECLARE 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.

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

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

OWNERS HEREBY GRANT TO THE CITY OF SURPRISE A 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.

OWNERS HEREBY GRANT 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.

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

ALL IMPROVEMENT, FOR STREETS AND PUBLIC UTILITIES OWNED AND OPERATED BY THE CITY, INSTALLED OR CONSTRUCTED BY 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 OWNER TO THE CITY UPON THEIR COMPLETION; HOWEVER, SUCH TRANSFER SHALL NOT OCCUR UNTIL THE CITY COUNCIL FOR THE CITY OF SURPRISE MANIFESTS ITS ACCEPTANCE BY SEPARATE FORMAL COUNCIL ACTION.

IN ACCORDANCE WITH ARS §9-461.07, THE CITY OF SURPRISE HAS DETERMINED THAT ALL DEDICATIONS OCCURRING WITH THIS PLAT ARE IN CONFORMANCE WITH THE SURPRISE GENERAL PLAN.

IN WITNESS WHEREOF, OWNER HAS HEREUNTO CAUSED ITS CORPORATE NAME TO BE SIGNED AND ITS CORPORATE SEAL TO BE AFFIXED BY THE UNDERSIGNED, DULY AUTHORIZED OFFICER THIS _____DAY OF _____, 2023.

BY THE CITY OF SURPRISE

ITS _____

IN WITNESS WHEREOF, OWNER HAS HEREUNTO CAUSED ITS CORPORATE NAME TO BE SIGNED AND ITS CORPORATE SEAL TO BE AFFIXED BY THE UNDERSIGNED, DULY AUTHORIZED OFFICER THIS _____DAY OF _____, 2023.

MARICOPA COUNTY MUNICIPAL WATER CONSERVATION DISTRICT NUMBER 1
A POLITICAL SUBDIVISION OF THE STATE OF ARZONA ("MWD")

ATTEST: _____ DATE _____
GLEN VORTHERMS
ITS: GENERAL MANAGER

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 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 SOUND ATTENUATION AND OVERFLIGHT

MARICOPA COUNTY MUNICIPAL WATER CONSERVATION DISTRICT NUMBER 1 AND THE CITY OF SURPRISE (OWNERS) DO HEREBY (1) RELEASES AND DISCHARGE THE UNITED STATES OF AMERICA DEPARTMENT OF THE AIR FORCE (USAF) AND THE CITY OF SURPRISE, AND (2) INDEMNIFY, IDEFEND, 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 LANDAND BE BINDING UPON OWNER AND ITS 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, FUEL, AND LUBRICANT PARTICLES.

NOTES

THE PROPERTY IS LOCATED WITHIN AN AREA HAVING FLOOD ZONE "X" BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, ON FLOOD INSURANCE RATE MAP NO. 04013C1655L, WITH A DATE OF IDENTIFICATION OF 10/16/2013, FOR COMMUNITY NO. 040053, IN MARICOPA COUNTY, STATE OF ARIZONA, WHICH IS THE CURRENT FLOOD ZONE INSURANCE RATE MAP FOR THE COMMUNITY IN WHICH SAID PROPERTY IS SITUATED.

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.

NO PERMANENT STRUCTURES SHALL BE CONSTRUCTED ON, OVER OR PLACED WITHIN EASEMENTS. IT SHALLL BE FURTHER UNDERSTOOD THAT THE CITY OF SURPRISE SHALL NOT BE REQUIRED TO REPLACE ANY OBSTRUCTIONS OR PLANTINGS THAT MAY BE REMOVED DURING THE COURSE OF MAINTENANCE, CONSTRUCTION, OR RECONSTRUCTION OF CITY UTILITES.

ALL NEW OR RELOCATED UTILITIES SHALL BE PLACED UNDERGROUND.

PURSUANT TO 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.

THE MAINTENANCE OF LANDSCAPING WITHIN THE OPEN SPACES, LANDSCAPED TRACTS, RETENTION BASINS, AND PARKS SHALL BE THE RESPONSIBILIY OF THE PARCEL OWNERS.

THE MAINTENANCE OF LANDSCAPING WITHIN THE ADJACENT PUBLIC RIGHT-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.

LANDSCAPING MAINTENANCE OF 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.

PARENT PARCELS LEGAL DESCRIPTIONS

SPECIAL WARRANTY DEED 2022-0606352 M.C.R.
A parcel of land located in the Southwest Quarter of the Southwest Quarter of Section 15, Township 3 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 Southwest Corner of said Section 15, from which the West Quarter Corner of said Section 15 lies North 00°05'32" West 2634.72 feet:
Thence along the west line of the Southwest Quarter of said Section 15 North 00°05'32" West 1229.75 feet:
Thence departing said line South 89°54'07" East 687.12 feet:
Thence South 00°05'53" West 1228.82 feet to the south line of said Southwest Quarter of Section 15:
Thence along said south line North 89°58'44" West 683.04 feet to the POINT OF BEGINNING.
Containing 19.3334 acres, more or less.

WARRANTY DEED Docket 404, Page 595 M.C.R. (PARCEL NO. 2)
The West half (W1/2) of the Southwest quarter (SW 1/4) of Section Fifteen (15), Township three (3) North, Range two (2) West, of the Gila and Salt River Base and Meridian, Maricopa County, Arizona.

SPECIAL WARRANTY DEED Docket 4739 Page 93 M.C.R. (PARCEL NO. 7)
That part of the West half of the West half of Section Fifteen (15), Township Three (3) North, Range Two (2) West of the Gila and Salt River Base and Meridian, lying South and East of the Southeasterly right of way line of the Main Canal of the Maricopa County Municipal Water Conservation District Number 1.

BOOK 562 of DEEDS PAGE 269-270 M.C.R. (PARCEL NO. 5)
A strip of land forty (40) feet wide, twenty (20) feet on each side of a center line, beginning at a point on the center line of the sublateral 2223 feet South and ten (10) feet East of the North quarter corner of Section fifteen (15), Township three (3), North, Range two (2) West, G. and S.R.B. and M., Maricopa County, Arizona: thence South 51° 05' West 1720 feet to a point on the North-South quarter-quarter section line 555.7 feet South of the East-West midsection line of said section: thence South on said quarter-quarter section line a distance of 1018 feet to a point: thence on an angle to the right of 24° 00' a distance of 576 feet to a point: thence on an angle to the left of 13° 08' a distance of 469 feet: thence on an angle to the left of 10° 52' a distance of 96.9 feet to the south boundary line of said section, containing 3.56 acres, more or less.

RESULTANT OVERALL BOUNDARY LEGAL DESCRIPTION

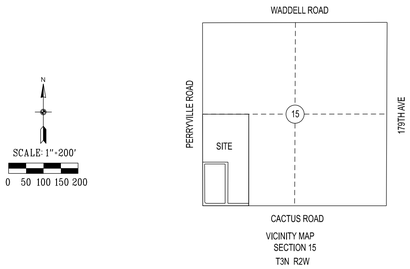
The West Half of the Southwest Quarter of Section 15, Township 3 North, Range 2 West of the Gila and Salt River Base and Meridian, City of Surprise, Maricopa County, Arizona.

RESULTANT LOT LEGAL DESCRIPTIONS

LOT 1
A portion of the West half of the Southwest Quarter of Section 15, Township 3 North, Range 2 West of the Gila and Salt River Base and Meridian, City of Surprise, Maricopa County, Arizona described as follows:
COMMENCING at the Southwest Corner of said Section 15: Thence along the West line of said Southwest Quarter North 00° 05'26" West 102.89 feet: Thence departing said line North 89° 54'34" East 55.00 feet to the POINT OF BEGINNING: Thence North 00° 05'26" West 1099.17 feet: Thence South 89° 54'07" East 592.03 feet: Thence South 00° 05'53" West 951.37 feet: Thence North 89° 58'47" West 3.00 feet: Thence South 00° 05'53" West 172.00 feet: Thence South 45° 03'33" West 14.15 feet: Thence North 89° 58'47" West 540.29 feet: Thence North 45° 02'07" West 49.55 feet to the POINT OF BEGINNING. Containing 15.3328 Acres, more or less.

LOT 2
A portion of the West half of the Southwest Quarter of Section 15, Township 3 North, Range 2 West of the Gila and Salt River Base and Meridian, City of Surprise, Maricopa County, Arizona described as follows:
COMMENCING at the Southwest Corner of said Section 15: Thence along the west line of said Southwest Quarter North 00° 05'26" West 1257.25 feet to the POINT OF BEGINNING: Thence continuing along said line North 00° 05'26" West 1155.63 feet: Thence South 89° 54'34" East 162.45 feet to the beginning of a tangent curve, concave northwesterly, having a radius of 486.00 feet: Thence northeasterly along the arc of said curve through a central angle of 27° 40'36" a distance of 234.76 feet: Thence North 62° 13'46" East 157.51 feet to the beginning of a tangent curve concave southerly having a radius of 543.00 feet: Thence easterly along the arc of said curve through a central angle of 50° 11'02" a distance of 475.60 feet: Thence South 67° 35'12" East 136.43 feet to the beginning of a tangent curve concave northeasterly having a radius of 486.00 feet: Thence southeasterly along the arc of said curve through a central angle of 22° 19'02" a distance of 189.30 feet: Thence South 89° 54'03" East 31.62 feet to the east line of said west half of the Southwest Quarter of Section 15: Thence along said east line South 00° 05'57" West 2407.72 feet: Thence North 89° 58'47" West 598.56 feet: Thence North 00° 05'53" East 1188.26 feet: Thence North 89° 54'07" West 727.21 feet to the POINT OF BEGINNING. Containing 54.544 acres, more or less.

LOT 3
A portion of the West Half of the Southwest Quarter of Section 15, Township 3 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 West Quarter corner of said Section 15: Thence along the north line of said Southwest Quarter of Section 15 North 89° 56' 22" East 1330.36 feet to the West 1/16th Corner of said Section 15: Thence South 00° 05'57" West 160.89 feet: Thence North 89° 54'03" West 31.62 feet to the beginning of a tangent curve concave northeasterly having a radius of 486.00 feet: Thence northwesterly along the arc of said curve through a central angle of 22° 19'02" a distance of 189.30 feet: Thence North 67° 35'12" West 136.43 feet to the beginning of a tangent curve concave southerly having a radius of 543.00 feet: Thence westerly along the arc of said curve through a central angle of 50° 11'02" a distance of 475.60 feet: thence South 62° 13'46" West 157.51 feet to the beginning of a tangent curve concave northwesterly having a radius of 486.00 feet: Thence southwesterly along the arc of said curve through a central angle of 27° 40'36" a distance of 234.76 feet: Thence South 89° 54'34" West 162.45 feet to the west line of said Southwest Quarter of Section 15: Thence along said west line North 00° 05'26" West 221.86 feet to the POINT OF BEGINNING. Containing 3.831 acres, more or less.



VICINITY MAP
SECTION 15
T3N R2W

OWNER

CITY OF SURPRISE, ARIZONA, a corporate entity
16000 NORTH CIVIC CENTER PLAZA
SURPRISE, ARIZONA 85374-7470

OWNER

MARICOPA COUNTY MUNICIPAL WATER CONSERVATION DISTRICT NUMBER 1
A POLITICAL SUBDIVISION OF THE STATE OF ARZONA ("MWD")
PO BOX 900, WADDELL, AZ. 85355-0900

APPROVALS

CITY OF SURPRISE ENGINEERING APPROVAL

DATA ON THIS PLAT REVIEWED AND APPROVED THIS_____ DAY OF _____, 2023, BY THE CITY ENGINEER OF SURPRISE, ARIZONA.

APPROVED

_____
CITY ENGINEER DATE

CITY OF SURPRISE COUNCIL APPROVAL

APPROVED BY THE CITY COUNCIL OF THE CITY OF SURPRISE, ARIZONA
THIS _____ DAY OF_____, 2023

_____
MAYOR DATE

ATTEST:

_____
CITY CLERK DATE

MARICOPA MUNICIPAL WATER CONSERVATION DISTRICT NUMBER 1 APPROVAL ("MWD")

APPROVED BY MARICOPA MUNICIPAL WATER CONSERVATION DISTRICT NUMBER 1
THIS_____ DAY OF _____, 2023

APPROVED:

_____
GENERAL MANAGER DATE

COUNTY RECORDER

LAND SURVEYORS CERTIFICATION

This is to certify that I, Ron Dry, RLS No. 19820 have performed a land survey of the hereon referenced real property during the month of March, 2023, that this plat correctly represents the results of this survey and have found or have set monuments as shown hereon, and that the monuments are sufficient to enable the survey to be retraced.

REGISTERED LAND SURVEYOR
CERTIFICATE NO.
19820
RON DRY
07-05-23
ARIZONA U.S.A.

FS23-0434

CITY OF SURPRISE
LAND SURVEY DEPARTMENT
16000 N. CIVIC CENTER PLAZA
SURPRISE, ARIZONA 85374
(623)222-6154

FINAL PLAT CACTUS & PERRYVILLE PARK

PROJECT NO. 22029		SURVEYED BY	RCD
DATE	07-05-23	DRAWN BY	RCD

SHEET 1 OF 2

FINAL PLAT OF CACTUS & PERRYVILLE PARK

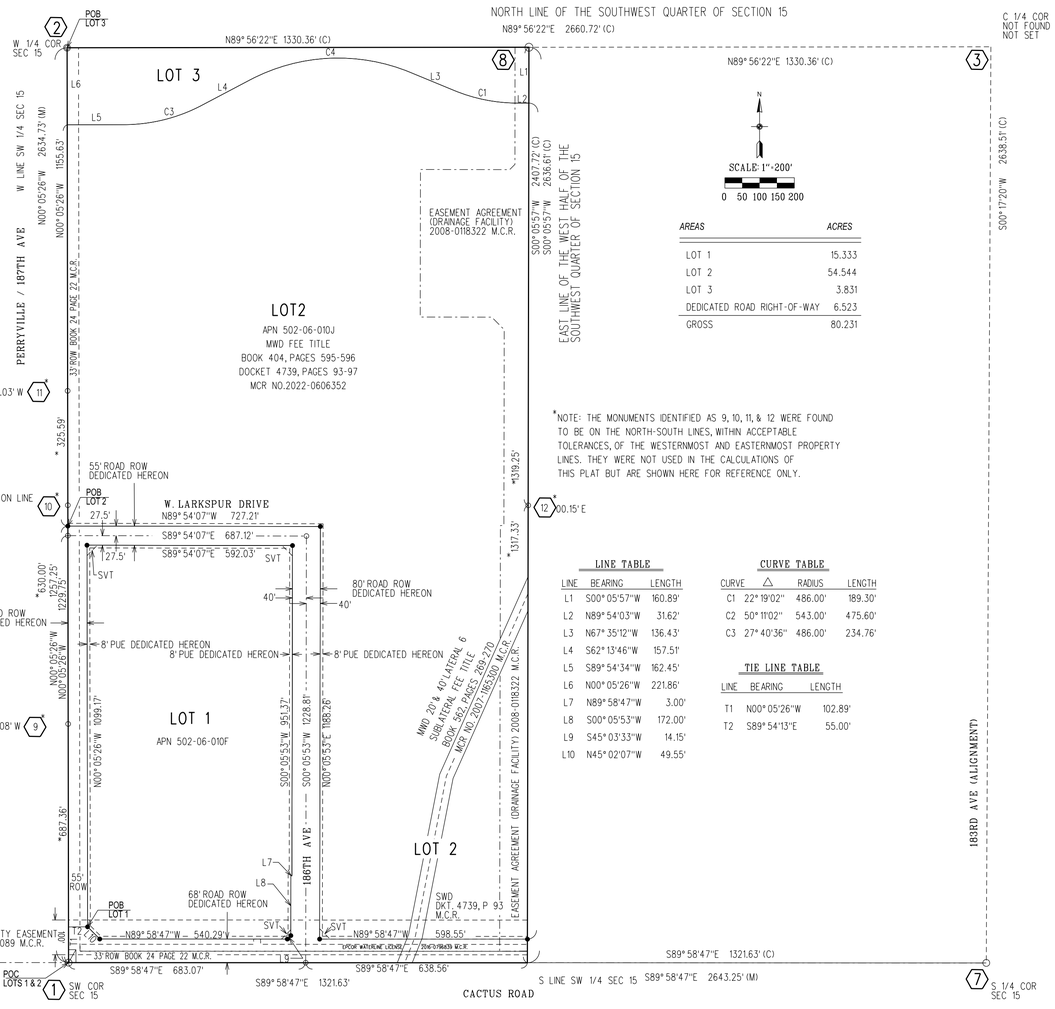
A PORTION OF SECTION 15
TOWNSHIP 3 NORTH, RANGE 2 WEST
OF THE GILA AND SALT RIVER BASE AND MERIDIAN
CITY OF SURPRISE, MARICOPA COUNTY, ARIZONA

MONUMENT DESCRIPTIONS

1	SOUTHWEST CORNER	COS BCF STAMPED AS SHOWN BELOW
2	WEST 1/4 CORNER	2" MC AC STAMPED AS SHOWN BELOW
3	CENTER 1/4 CORNER	NOTHING FOUND OR SET POSITION ESTABLISHED BY INTERSECTION OF MIDSECTION LINES
4	EAST 1/4 CORNER	COS BCF
5	NORTHEAST CORNER	COS BCF STAMPED BM 32-9
6	NORTH 1/4 CORNER	3" MCHD AC FLUSH
7	SOUTH 1/4 CORNER	COS BCF
8	WEST 1/16 CORNER	RB/PC STAMPED LS 7146
9		RB/PC STAMPED MILLER 15336
10		RB/PC STAMPED MILLER 15336
11		RB/PC STAMPED 28719
12		IRON BAR NO IDENTIFICATION IN THE CENTER OF A CONCRETE LINED IRRIGATION DITCH APPROXIMATELY 3' EAST OF A BARBED WIRE FENCE

CITY OF SURPRISE
T3N R2W
S16 | S15
S21 | S22
LS 33307
2011
1

MARICOPA COUNTY
1/4
T3N R2W
S16 | S15
2003
28891
2



AREAS	ACRES
LOT 1	15.333
LOT 2	54.544
LOT 3	3.831
DEDICATED ROAD RIGHT-OF-WAY	6.523
GROSS	80.231

*NOTE: THE MONUMENTS IDENTIFIED AS 9, 10, 11, & 12 WERE FOUND TO BE ON THE NORTH-SOUTH LINES, WITHIN ACCEPTABLE TOLERANCES, OF THE WESTERNMOST AND EASTERNMOST PROPERTY LINES. THEY WERE NOT USED IN THE CALCULATIONS OF THIS PLAT BUT ARE SHOWN HERE FOR REFERENCE ONLY.

LINE TABLE

LINE	BEARING	LENGTH
L1	S00° 05'57"W	160.89'
L2	N89° 54'03"W	31.62'
L3	N67° 35'12"W	136.43'
L4	S62° 13'46"W	157.51'
L5	S89° 54'34"W	162.45'
L6	N00° 05'26"W	221.86'
L7	N89° 58'47"W	3.00'
L8	S00° 05'53"W	172.00'
L9	S45° 03'33"W	14.15'
L10	N45° 02'07"W	49.55'

CURVE TABLE

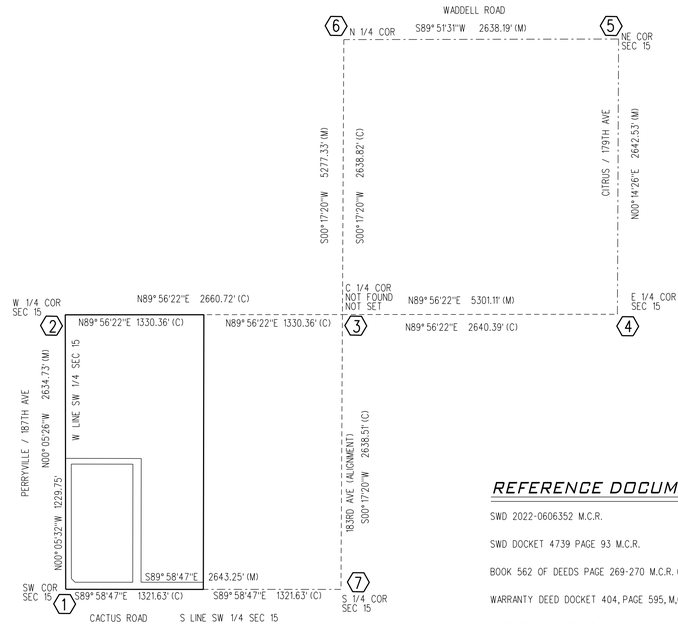
CURVE	Δ	RADIUS	LENGTH
C1	22° 19'02"	486.00'	189.30'
C2	50° 11'02"	543.00'	475.60'
C3	27° 40'36"	486.00'	234.76'

TIE LINE TABLE

LINE	BEARING	LENGTH
T1	N00° 05'26"W	102.89'
T2	S89° 54'13"E	55.00'

LEGEND

POB	POINT OF BEGINNING
M.C.R.	MARICOPA COUNTY RECORDER
APN	ASSESSORS PARCEL NUMBER
MC	MARICOPA COUNTY
MCHD	MARICOPA COUNTY HIGHWAY DEPARTMENT
COS	CITY OF SURPRISE
BCF	BRASS CAP FLUSH
AC	ALUMINUM CAP
RB/PC	REBAR W. PLASTIC CAP
RB/AC	REBAR W. ALUMINUM CAP
●	SET REBAR WITH 2" ALUMINUM CAP STAMPED "CITY OF SURPRISE RLS 19820"
○	ROAD CENTERLINE BRASS CAP MONUMENTS TO BE SET SUBSEQUENT TO CONSTRUCTION
ROW	ROAD RIGHT-OF WAY
PUE	PUBLIC UTILITIES EASEMENT
RLS	REGISTERED LAND SURVEYOR
(M)	MEASURED
(C)	CALCULATED
SWD	SPECIAL WARRANTY DEED
SVT	30'X30' SIGHT VISIBILITY TRIANGLE



SECTION BREAKDOWN
(NO SCALE)

REFERENCE DOCUMENTS

SWD 2022-0606352 M.C.R.

SWD DOCKET 4739 PAGE 93 M.C.R.

BOOK 562 OF DEEDS PAGE 269-270 M.C.R. (PARCEL NO. 5)

WARRANTY DEED DOCKET 404, PAGE 595, M.C.R.

RIGHT-OF-WAY EASEMENT 2011-1006089 M.C.R.

LICENSE TO USE MWD LAND 2016-0796839 M.C.R.

RECORDED DISCLOSURE FOR TERRITORY IN THE VICINITY OF A MILITARY AIRPORT 2001-0743413 M.C.R.

RESULTS OF SURVEY BOOK 1046 PAGE 49 M.C.R.

MARICOPA COUNTY WATER CONSERVATION DISTRICT NO. 1 PLAT BOOK 24 PAGE 3 M.C.R.

COUNTY RECORDER

BASIS OF BEARING

Maricopa County Low Distortion Projection
Linear unit: International foot
Geodetic Datum: NAD 1983
Projection type: Lambert Conformal Conic (single parallel)
Latitude of origin: 33°15'00"N
Central meridian: 112°15'00" W
False northing: 1,500,000.000 ift
False Easting: 2,500,000.000 ift
Standard parallel scale: 1.000045 (exact)

LAND SURVEYORS CERTIFICATION

This is to certify that I, Ron Dry, RLS No. 19820 have performed a land survey of the hereon referenced realproperty during the month of March, 2023, that this plat correctly represents the results of that survey and have found or have set monuments as shown hereon, and that the monuments are sufficient to enable the survey to be retraced.

REGISTERED LAND SURVEYOR
CERTIFICATE NO.
19820
RON DRY
07-05-23
ARIZONA U.S.A.

FS23-0434

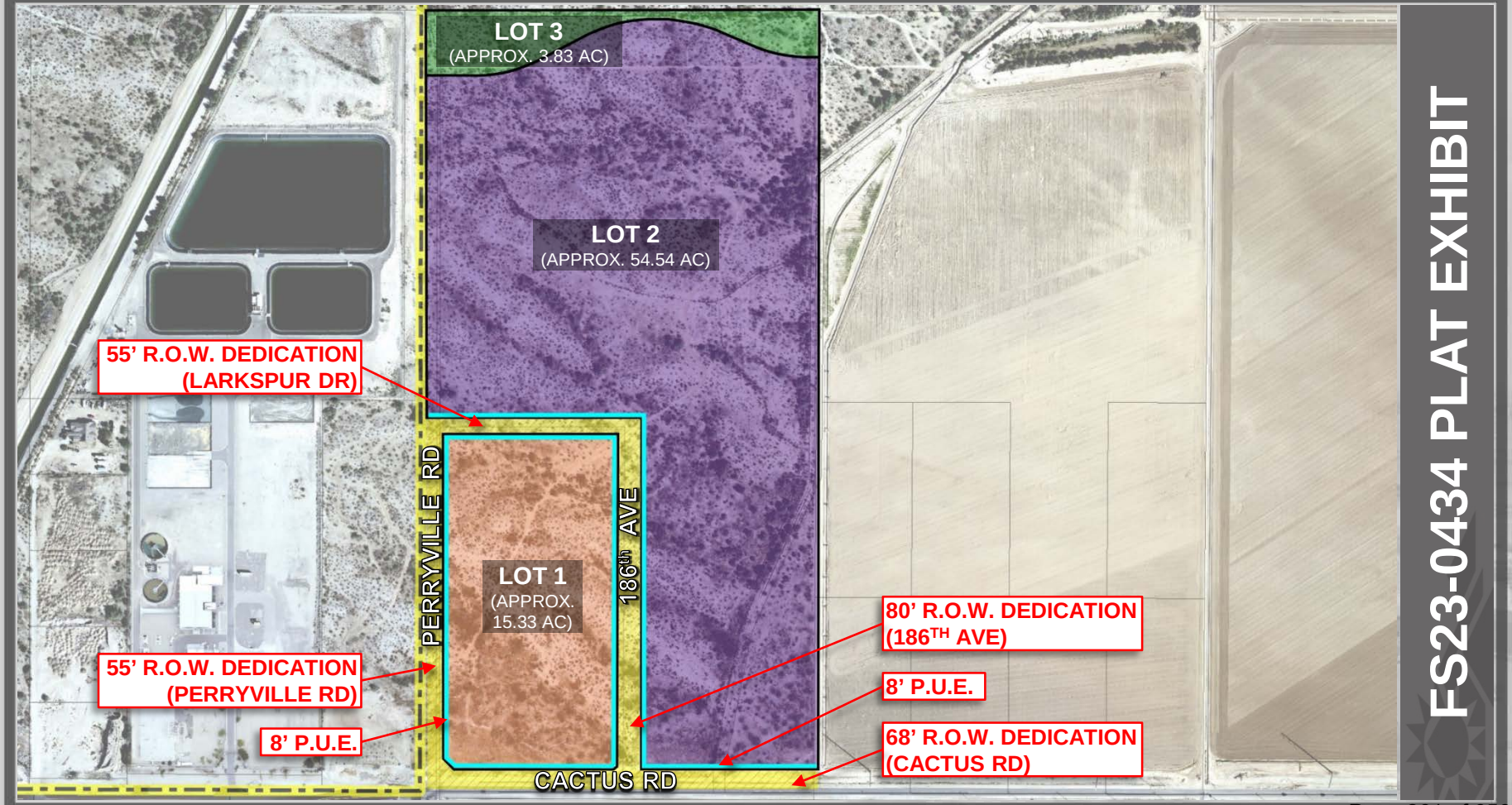
SURPRISE ARIZONA

CITY OF SURPRISE
LAND SURVEY DEPARTMENT
16000 N. CIVIC CENTER PLAZA
SURPRISE, ARIZONA 85374
(623)222-6154

FINAL PLAT CACTUS & PERRYVILLE PARK

PROJECT NO.	22029	SURVEYED BY	RCD
DATE	07-05-23	DRAWN BY	RCD

SHEET 2 OF 2


LOT 3
(APPROX. 3.83 AC)
LOT 2
(APPROX. 54.54 AC)
LOT 1
(APPROX. 15.33 AC)
55' R.O.W. DEDICATION (LARKSPUR DR)
55' R.O.W. DEDICATION (PERRYVILLE RD)
8' P.U.E.
80' R.O.W. DEDICATION (186TH AVE)
8' P.U.E.
68' R.O.W. DEDICATION (CACTUS RD)
PERRYVILLE RD
186th AVE
CACTUS RD
FS23-0434 PLAT EXHIBIT

From: RAHN, JENNIFER L CIV USAF AETC 56 FW/CVE
To: Tierney Farago
Cc: Nichole Flores; 56 FW/CIT Community Initiative
Subject: RE: FS23-0434 Fire Station 309 and Community Pool New Digital Submittal 05.22.23
Date: Tuesday, May 23, 2023 3:49:21 PM
Attachments: smime.p7s
ATT00001.txt
ATT00002.htm
Importance: High

Good afternoon Ms. Farago,

Thank you for allowing Luke AFB to make comments on the Fire Station 309 & Community Pool application. This final site review proposes construct a 16,000SF fire station with four parking bays, a community pool with three bodies of water, and separate restrooms, locker rooms, concessions, and a guard/training room. Additionally, there will be an outdoor playground, splashpad, ramada area, and sand volleyball courts. The site is located on the northeast corner of Perryville Road and Cactus Road in Surprise, AZ. It is approximately 3.8 miles outside the Luke AFB 1988 JLUS 65 Ldn, "high noise or accident potential zone" as defined by A.R.S. § 28-8461 and is inside the "territory in the vicinity of a military airport" also defined by A.R.S. § 28-8461.

As described in the application, this request will not have a negative impact on Luke AFB Flight Operations. Since the site will be located inside the "territory in the vicinity of a military airport," it will be subjected to approximately 170 over flights per day. We recommend a strong notification program on the part of the applicant to inform the tenant(s) about Luke AFB operations.

Respectfully,

Jenn Rahn
Senior Planner, Community Initiatives Team
56th Fighter Wing
Luke AFB AZ 85309
Office: 623-856-9981
DSN: 896-9981

From: Tierney Farago <Tierney.Farago@surpriseaz.gov>
Sent: Monday, May 22, 2023 4:27 PM
To: 56 FW/CIT Community Initiative <56FW.CIT.CommunityInitiative@us.af.mil>; Afshin Ahouraiyan (Flood Control District of Maricopa County) <Afshin.Ahouraiyan@Maricopa.Gov>; Alex Garza (Maricopa Assoc of Governments) <AGarza@azmag.gov>; Chris Cain (Maricopa Water District) <chrisc@mwdaz.com>; Darren Gerard <Darren.Gerard@maricopa.gov>; Debbie Trasancos (Maricopa Water District) <debbiet@mwdaz.com>; Douglas Kirkland (Epcor) <dkirkland@epcor.com>; Ernest (USPS) <Ernest.L.James@usps.gov>; Eva Pierce <eva.pierce@dysart.org>; Ibeth - USPS <Ibeth.L.Roman@usps.gov>; Jerome Choy (ADOT) <jchoy@azdot.gov>; Kevin Shipman <kevin.shipman@dysart.org>; Leslie - MWD <lesliej@mwdaz.com>; Mark Frago <fragom@mail.maricopa.gov>; Mary Orta - Surprise Chamber

<mary.orta@surpriseregionalchamber.com>; MCDOT <MCDOTPlanning@maricopa.gov>; Raoul Sada - Surprise Chamber <raoul@surpriseregionalchamber.com>; Victor.Schaum <Victor.Schaum@cox.com>; Yvonne Aguirre <yvonne.aguirre@swgas.com>
Cc: Nichole Flores <Nichole.Flores@surpriseaz.gov>
Subject: [Non-DoD Source] FS23-0434 Fire Station 309 and Community Pool New Digital Submittal 05.22.23

Good afternoon,

Attached please find the **application, narrative, and final plat** for the above referenced project.

Please feel free to contact us with any questions.

Thanks,

TIERNEY FARAGO
Planning Project Coordinator
City of Surprise | Community Development
16000 N. Civic Center Plaza
Surprise, AZ 85374
623-222-3154

PLEASE NOTE: Effective August 3, 2022 we will be adding 2 business days for out-processing notices.

This e-mail and any accompanying files transmitted are intended solely for the use of the individual or entity to whom they are addressed; if you have received this e-mail in error please delete it and notify the sender. In addition, under Arizona law, e-mail communications and e-mail addresses may be public records.
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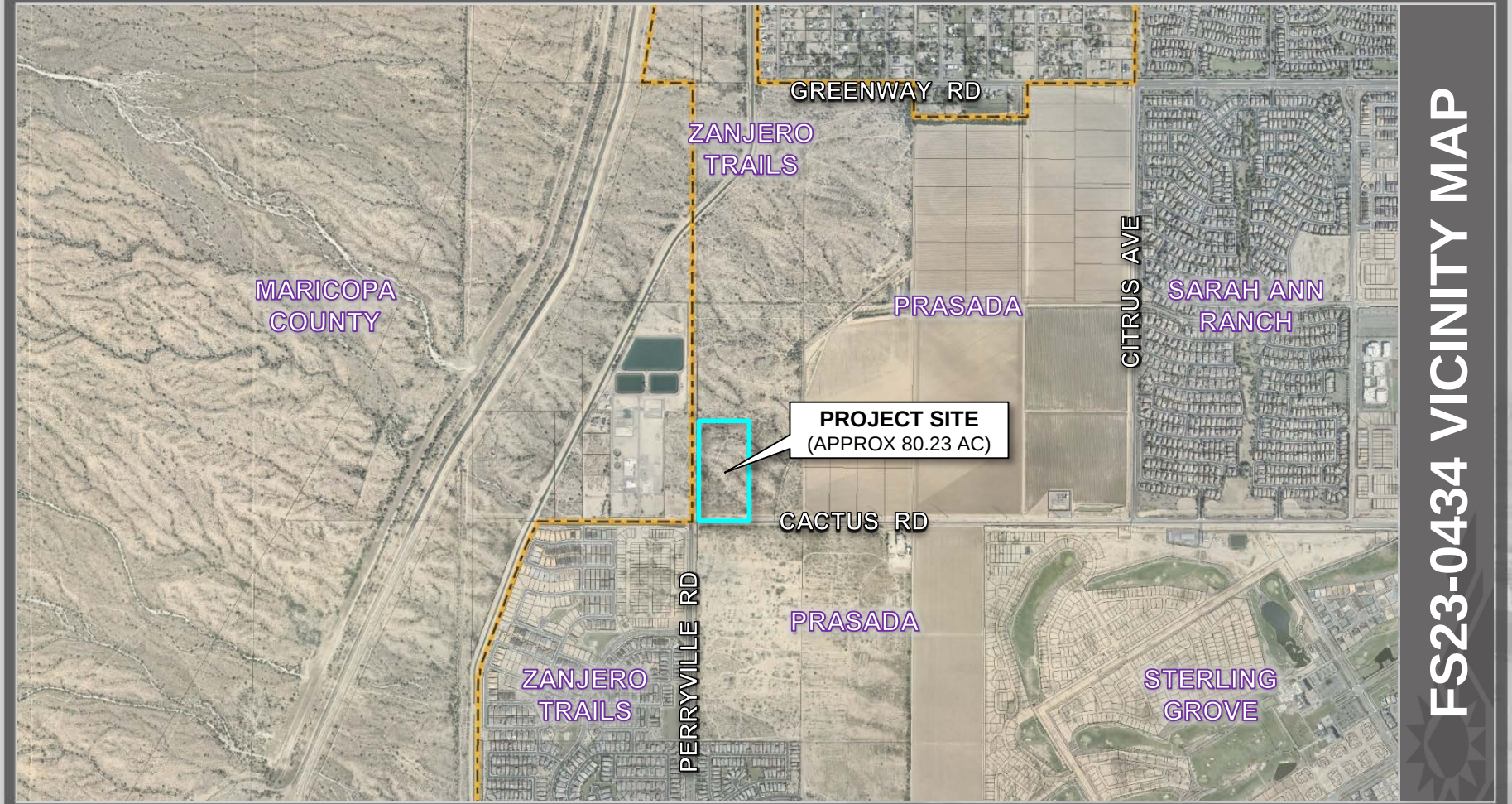
SURPRISE
ARIZONA

FS23-0434
Cactus & Perryville Park – Final Plat

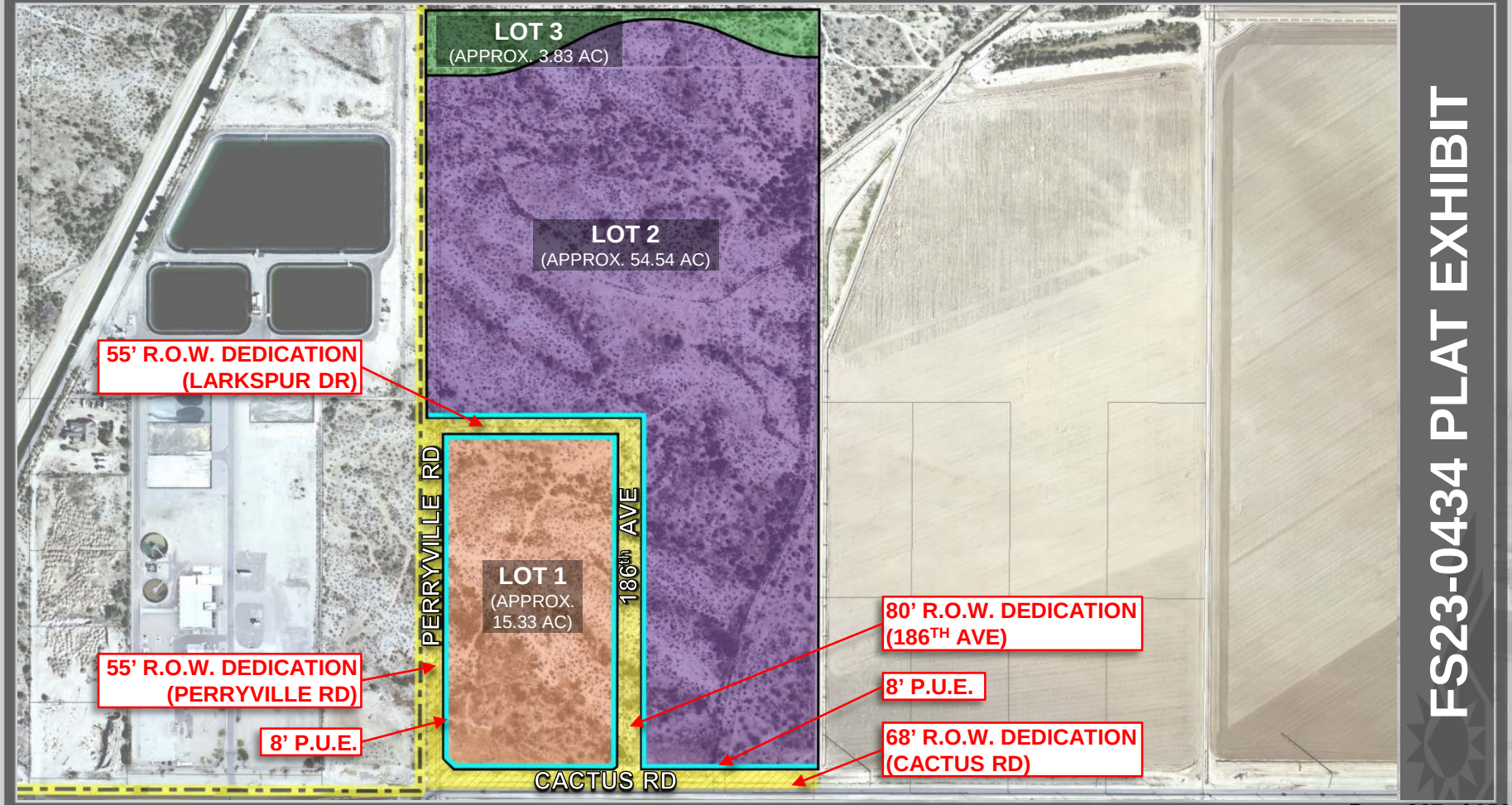
City Council

August 01, 2023



FS23-0434 VICINITY MAP

FS23-0434 ZONING MAP


LOT 3
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LOT 2
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PERRYVILLE RD
186th AVE
CACTUS RD
FS23-0434 PLAT EXHIBIT

FINAL PLAT OF CACTUS & PERRYVILLE PARK

A PORTION OF SECTION 15
TOWNSHIP 3 NORTH, RANGE 2 WEST
OF THE GILA AND SALT RIVER BASE AND MERIDIAN
CITY OF SURPRISE, MARICOPA COUNTY, ARIZONA

DEDICATION

STATE OF ARIZONA)
COUNTY OF MARICOPA)

KNOW ALL PERSONS BY THESE PRESENTS: THAT THE CITY OF SURPRISE, ARIZONA, A CORPORATE ENTITY, AND THE MARICOPA COUNTY MUNICIPAL WATER CONSERVATION DISTRICT NUMBER ONE(MWCD) HAVE SUBDIVIDED UNDER THE NAME OF "FINAL PLAT OF CACTUS & PERRYVILLE PARK", A SUBDIVISION LOCATED IN A PORTION OF THE SOUTHWEST QUARTER OF SECTION 15, TOWNSHIP 3 NORTH, RANGE 2 WEST OF THE GILA AND SALT RIVER MERIDIAN, CITY OF SURPRISE, MARICOPA COUNTY, ARIZONA, AS SHOWN AND PLATTED HEREON AND DO HEREBY PUBLISH THIS PLAT AS AND FOR THE PLAT OF "FINAL PLAT OF CACTUS & PERRYVILLE PARK" AND DECLARE 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.

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

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

OWNERS HEREBY GRANT TO THE CITY OF SURPRISE A 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.

OWNERS HEREBY GRANT 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.

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

ALL IMPROVEMENT, FOR STREETS AND PUBLIC UTILITIES OWNED AND OPERATED BY THE CITY, INSTALLED OR CONSTRUCTED BY OWNER WITHIN THE PUBLIC RIGHTS-OF-WAY, THE EASEMENTS, OR ANY TRACTS OR PARCELS HEREBY DEDICATED TO THE CITY OF SURPRISE SHALL BE DESIGNED TO HAVE BEEN DEDICATED BY OWNER TO THE CITY UPON THEIR COMPLETION HOWEVER, SUCH TRANSFER SHALL NOT OCCUR UNTIL THE CITY COUNCIL FOR THE CITY OF SURPRISE MANIFESTS ITS ACCEPTANCE BY SEPARATE FORMAL COUNCIL ACTION.

IN ACCORDANCE WITH ARS 19-480.07, THE CITY OF SURPRISE HAS DETERMINED THAT ALL DEDICATIONS OCCURRING WITH THIS PLAT ARE IN CONFORMANCE WITH THE SURPRISE GENERAL PLAN.

IN WITNESS WHEREOF, OWNER HAS HEREUNTO CAUSED ITS CORPORATE NAME TO BE SIGNED AND ITS CORPORATE SEAL TO BE AFFIXED BY THE UNDERSIGNED, DULY AUTHORIZED OFFICER THIS _____ DAY OF _____, 2023.

BY: THE CITY OF SURPRISE

ITS: _____

IN WITNESS WHEREOF, OWNER HAS HEREUNTO CAUSED ITS CORPORATE NAME TO BE SIGNED AND ITS CORPORATE SEAL TO BE AFFIXED BY THE UNDERSIGNED, DULY AUTHORIZED OFFICER THIS _____ DAY OF _____, 2023.

MARICOPA COUNTY MUNICIPAL WATER CONSERVATION DISTRICT NUMBER 1
A POLITICAL SUBDIVISION OF THE STATE OF ARIZONA ("MWD")

ATTEST: _____ DATE: _____
GLEN VORTHERING
ITS: GENERAL MANAGER

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 SOUND ATTENUATION STANDARDS ADOPTED BY THE CITY OF SURPRISE. A MAP DEPICTING THE MOST CURRENT ADOPTED NOISE CONTOURS IN 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 SOUND ATTENUATION AND OVERFLIGHT

MARICOPA COUNTY MUNICIPAL WATER CONSERVATION DISTRICT NUMBER 1 AND THE CITY OF SURPRISE, NOMINEES DO HEREBY (1) RELEASES AND DISCHARGE THE UNITED STATES OF AMERICA DEPARTMENT OF THE 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(S) BE BINDING UPON OWNER AND ITS 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, FUEL, AND LUBRICANT PARTICLES.

NOTES

THE PROPERTY IS LOCATED WITHIN AN AREA HAVING FLOOD ZONE "X" BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, ON FLOOD INSURANCE RATE MAP NO. 04013C0955L, WITH A DATE OF IDENTIFICATION OF 10/16/2013, FOR COMMUNITY NO. 040053, IN MARICOPA COUNTY, STATE OF ARIZONA, WHICH IS THE CURRENT FLOOD ZONE INSURANCE RATE MAP FOR THE COMMUNITY IN WHICH SAID PROPERTY IS SITUATED.

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.

NO PERMANENT STRUCTURES SHALL BE CONSTRUCTED ON, OVER OR PLACED WITHIN EASEMENTS. IT SHALL BE FURTHER UNDERSTOOD THAT THE CITY OF SURPRISE SHALL NOT BE REQUIRED TO REPLACE ANY OBSTRUCTIONS OR PLANTAGE THAT MAY BE REMOVED DURING THE COURSE OF MAINTENANCE, CONSTRUCTION, OR RECONSTRUCTION OF CITY UTILITIES.

ALL NEW OR RELOCATED UTILITIES SHALL BE PLACED UNDERGROUND.

PURSUANT TO 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.

THE MAINTENANCE OF LANDSCAPING WITHIN THE OPEN SPACES, LANDSCAPE TRACTS, RETENTION BASINS, AND PARKS SHALL BE THE RESPONSIBILITY OF THE PARCEL OWNERS.

THE MAINTENANCE OF LANDSCAPING WITHIN THE ADJACENT PUBLIC RIGHT-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.

LANDSCAPING MAINTENANCE OF 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.

PARENT PARCELS LEGAL DESCRIPTIONS

SPECIAL WARRANTY DEED 2022-0865253 M.C.R.
A parcel of land located in the Southwest Quarter of the Southwest Quarter of Section 15, Township 3 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 Southwest Corner of said Section 15, from which the West Quarter Corner of said Section 15 lies North 00°05'22" West 2634.72 feet
Thence along the west line of the Southwest Quarter of said Section 15 North 00°05'22" West 1229.75 feet
Thence departing said line South 89°54'07" East 687.01 feet
Thence South 00°05'53" West 1228.82 feet to the south line of said Southwest Quarter of Section 15
Thence along said south line North 89°58'44" West 683.04 feet to the POINT OF BEGINNING.
Containing 19.3334 acres, more or less

WARRANTY DEED Docket 434, Page 595 M.C.R. (PARCEL NO. 2)
The West half (W1/2) of the Southwest quarter (SW 1/4) of Section Fifteen (15), Township three (3) North, Range two (2) West, of the Gila and Salt River Base and Meridian, Maricopa County, Arizona.

SPECIAL WARRANTY DEED Docket 4738 Page 83 M.C.R. (PARCEL NO. 7)
That part of the West half of the West half of Section Fifteen (15), Township Three (3) North, Range Two (2) West of the Gila and Salt River Base and Meridian, lying South and East of the Southeasterly right of way line of the Main Canal of the Maricopa County Municipal Water Conservation District Number 1

BOOK 562 of DEEDS PAGE 269-270 M.C.R. (PARCEL NO. 5)
A strip of land forty (40) feet wide, being (20) feet on each side of a center line, beginning at a point on the center line of the subdivard 2223 feet South and ten (10) feet East of the North quarter corner of Section fifteen (15), Township three (3) North, Range two (2) West, C. and S.R.B. and M., Maricopa County, Arizona: Thence South 51°05' West 1729 feet to a point on the North-South quarter-quarter section line 555.7 feet South of the East-West midsection line of said sections thence South on said quarter-quarter section line a distance of 1018 feet to a point thence on an angle to the right of 24°10' a distance of 576 feet to a point thence on an angle to the left of 10°30' a distance of 466 feet thence on an angle to the left of 91°52' a distance of 96.9 feet to the south boundary line of said section, containing 3.56 acres, more or less.

RESULTANT OVERALL BOUNDARY LEGAL DESCRIPTION

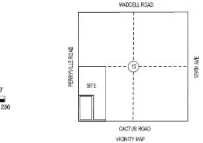
The West half of the Southwest Quarter of Section 15, Township 3 North, Range 2 West of the Gila and Salt River Base and Meridian, City of Surprise, Maricopa County, Arizona.

RESULTANT LOT LEGAL DESCRIPTIONS

LOT 1
A portion of the West half of the Southwest Quarter of Section 15, Township 3 North, Range 2 West of the Gila and Salt River Base and Meridian, City of Surprise, Maricopa County, Arizona described as follows:
COMMENCING at the Southwest Corner of said Section 15; Thence along the West line of said Southwest Quarter North 00°05'26" West 102.88 feet; Thence departing said line North 89°54'34" East 55.00 feet to the POINT OF BEGINNING; Thence North 00°05'26" West 1269.07 feet; Thence South 89°54'07" East 330.03 feet; Thence South 00°05'53" West 651.37 feet; Thence North 89°58'47" West 3.00 feet; Thence South 00°05'53" West 172.60 feet; Thence South 45°45'53" West 14.15 feet; Thence North 89°58'47" West 340.28 feet; Thence North 45°42'07" West 45.55 feet to the POINT OF BEGINNING. Containing 15.3328 Acres, more or less

LOT 2
A portion of the West half of the Southwest Quarter of Section 15, Township 3 North, Range 2 West of the Gila and Salt River Base and Meridian, City of Surprise, Maricopa County, Arizona described as follows:
COMMENCING at the Southwest Corner of said Section 15; Thence along the west line of said Southwest Quarter North 00°05'26" West 1257.25 feet to the POINT OF BEGINNING; Thence continuing along said line North 00°05'26" West 1150.63 feet; Thence South 89°54'34" East 162.45 feet to the beginning of a tangent curve, concave northwesterly, having a radius of 486.00 feet; Thence northeasterly along the arc of said curve through a centralangle of 27°40'38" a distance of 234.76 feet; Thence North 62°21'46" East 157.31 feet to the beginning of a tangent curve concave southerly having a radius of 54.00 feet; Thence easterly along the arc of said curve through a centralangle of 50°11'02" a distance of 47.5.60 feet; Thence South 67°27'12" East 130.43 feet to the beginning of a tangent curve concave southwesterly having a radius of 414.00 feet; Thence southeasterly along the arc of said curve through a centralangle of 27°40'38" a distance of 199.99 feet; Thence South 39°46'34" East 31.62 feet to the beginning of a tangent curve concave northwesterly having a radius of 54.00 feet; Thence southwesterly along the arc of said curve through a centralangle of 89°58'47" a distance of 84.80 feet; Thence South 50°12'13" West 157.31 feet to the beginning of a tangent curve concave southeasterly having a radius of 414.00 feet; Thence southwesterly along the arc of said curve through a centralangle of 27°40'38" a distance of 199.99 feet; Thence South 22°31'35" West 130.43 feet to the beginning of a tangent curve concave southerly having a radius of 54.00 feet; Thence easterly along the arc of said curve through a centralangle of 50°11'02" a distance of 47.5.60 feet; Thence South 62°21'46" West 157.31 feet to the beginning of a tangent curve concave northwesterly having a radius of 486.00 feet; Thence southwesterly along the arc of said curve through a centralangle of 27°40'38" a distance of 234.76 feet; Thence South 89°54'34" West 162.45 feet to the west line of said Southwest Quarter of Section 15; Thence along said west line North 00°05'26" West 221.86 feet to the POINT OF BEGINNING. Containing 3.831 acres, more or less.

LOT 3
A portion of the West Half of the Southwest Quarter of Section 15, Township 3 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 West Quarter corner of said Section 15; Thence along the north line of said Southwest Quarter of Section 15 North 89°56'22" East 1333.36 feet to the West 1/16th Corner of said Section 15; Thence South 00°05'57" West 160.88 feet; Thence North 89°54'07" West 31.62 feet to the beginning of a tangent curve concave northeasterly having a radius of 486.00 feet; Thence northwesterly along the arc of said curve through a centralangle of 22°40'02" a distance of 159.30 feet; Thence North 67°25'27" West 130.43 feet to the beginning of a tangent curve concave southerly having a radius of 54.00 feet; Thence westerly along the arc of said curve through a centralangle of 50°11'02" a distance of 47.5.60 feet; Thence South 62°21'46" West 157.31 feet to the beginning of a tangent curve concave northwesterly having a radius of 486.00 feet; Thence southwesterly along the arc of said curve through a centralangle of 27°40'38" a distance of 234.76 feet; Thence South 89°54'34" West 162.45 feet to the west line of said Southwest Quarter of Section 15; Thence along said west line North 00°05'26" West 221.86 feet to the POINT OF BEGINNING. Containing 5.544 acres, more or less.



OWNER

CITY OF SURPRISE, ARIZONA, a corporate entity
16000 NORTH CIVIC CENTER PLAZA
SURPRISE, ARIZONA 85374-7472

OWNER

MARICOPA COUNTY MUNICIPAL WATER CONSERVATION DISTRICT NUMBER 1
A POLITICAL SUBDIVISION OF THE STATE OF ARIZONA ("MWD")
PO BOX 906, MAIDDELL, AZ 85355-0906

APPROVALS

CITY OF SURPRISE ENGINEERING APPROVAL

DATA ON THIS PLAT REVIEWED AND APPROVED THIS _____ DAY OF _____, 2023, BY THE CITY ENGINEER OF SURPRISE, ARIZONA.

APPROVED

_____
CITY ENGINEER DATE

CITY OF SURPRISE COUNCIL APPROVAL

APPROVED BY THE CITY COUNCIL OF THE CITY OF SURPRISE, ARIZONA THIS _____ DAY OF _____, 2023

_____
MAYOR DATE

ATTEST:

_____
CITY CLERK DATE

MARICOPA MUNICIPAL WATER CONSERVATION DISTRICT NUMBER 1 APPROVAL ("MWD")

APPROVED BY MARICOPA MUNICIPAL WATER CONSERVATION DISTRICT NUMBER 1 THIS _____ DAY OF _____, 2023

APPROVED:

_____
GENERAL MANAGER DATE

COUNTY RECORDER

LAND SURVEYORS CERTIFICATION

This is to certify that I, Ron Dry, R.L.S. No. 19820 have performed a field survey of the hereon referenced realproperty during the month of March, 2023, that this plat correctly represents the results of that survey and have found or have set monuments as shown hereon, and that the monuments are sufficient to enable the survey to be retraced.

19820
RON DRY
07-06-23
REGISTERED LAND SURVEYOR

FS23-0434

CITY OF SURPRISE
LAND SURVEY DEPARTMENT
16000 N. CIVIC CENTER PLAZA
SURPRISE, ARIZONA 85374
(623)222-6154

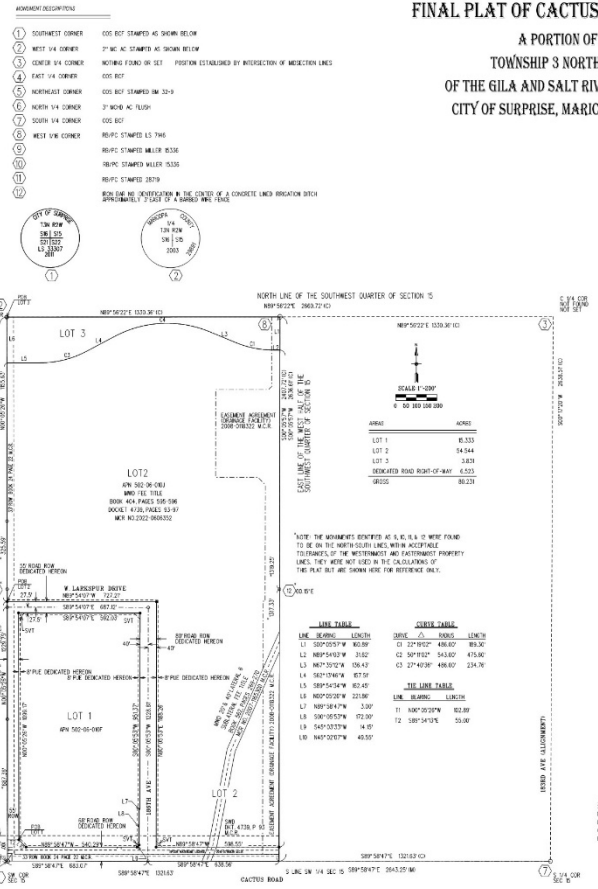
FINAL PLAT CACTUS & PERRYVILLE PARK

PROJECT NO.	22029	SURVEYED BY	RCD	SHEET 1 OF 2
DATE	07-06-23	DRAWN BY	RCD	

FS23-0434 FINAL PLAT

FINAL PLAT OF CACTUS & PERRYVILLE PARK

A PORTION OF SECTION 15
TOWNSHIP 3 NORTH, RANGE 2 WEST
OF THE GILA AND SALT RIVER BASE AND MERIDIAN
CITY OF SURPRISE, MARICOPA COUNTY, ARIZONA



FS23-0434 FINAL PLAT

SURPRISE
ARIZONA

QUESTIONS OR COMMENTS?

Thank You

CITY OF SURPRISE
Regular City Council Meeting

Council Meeting Date: August 1, 2023
Submitting Department: City Manager Office
Staff Recommendations:

Contact Person:
District: Citywide

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

Agenda Wording:
Consideration and action pertaining to the approval of an intergovernmental agreement with the County of Maricopa, State of Arizona for Regional Emergency Operations Management and Disaster services; Resolution #2023-113.

Motion:
I move to approve Resolution #2023-113.

Background:
The City of Surprise first entered into an Intergovernmental Agreement (IGA) with Maricopa County for Regional Emergency Operations Management and Disaster Services on July 1, 2003. Twenty-five cities in the valley participate in this IGA and it is beneficial to all. There is a fee associated with this IGA and it is determined by population. The fee covers a myriad of services to be provided by the County including assistance in the development and maintenance of the City's Emergency Operations Plan (EOP), Multi-Hazard Mitigation Plan and Community Wildfire Protection Plan, disaster and emergency management training, maintenance of the County's warning and communication systems, comprehensive emergency management and planning, an Emergency Operations Center, assistance with local declarations and obtaining Federal and/or State funds available to the City for emergency management and disaster purposes, and assistance with public awareness and education. Responsibilities of the City are to develop, publish and distribute an EOP, develop and conduct emergency management training programs and exercises, act as a backup to the County if it needs an alternate location, and collect and provide disaster and emergency management information.

Objective Analysis:
The Emergency Manager is presenting this IGA to Council for review and execution by the Mayor and City Attorney. This IGA will provide the City's Emergency Management team with extraordinary resources to mitigate and manage emergency situations.

Policy Compliant:
This IGA has been reviewed by City legal counsel and was found suitable for execution

Financial Impact:

There is an annual fee associated with this IGA and it is determined by population. The agreement will continue through June 30, 2033. The annual financial impact to maintain this IGA through June 30, 2024 is $10,579.88.

Budget Impact:

The assessment due to Maricopa County was planned for and included in the FY24 budget.

FTE Impact:

There is no FTE impact

ATTACHMENTS:

1. 23.07.24 Res 2023 -113 IGA Emergency Op Mgmt and Disaster Srvs final
2. 23.01.09 FY24-34 IGA Surprise (002)
3. FY24 Budget Memo-Surprise

RESOLUTION # 2023-113

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA APPROVING AN INTERGOVERNMENTAL AGREEMENT WITH THE COUNTY OF MARICOPA, STATE OF ARIZONA FOR REGIONAL EMERGENCY OPERATIONS MANAGEMENT AND DISASTER SERVICES.

WHEREAS, the Parties recognize the possibility of the occurrence of disasters resulting from natural, technological, national security or other causes; and

WHEREAS, the parties desire to enter into an intergovernmental agreement in order to facilitate the coordinated preparation and execution of emergency management programs and plans for the preservation of life and property when such disasters occur.

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 County of Maricopa, State of Arizona, 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:

Kristi Passarelli, City Clerk

Approved as to form:

Robert Wingo, City Attorney

EXHIBIT A

INTERGOVERNMENTAL AGREEMENT FOR REGIONAL EMERGENCY OPERATIONS MANAGEMENT AND DISASTER SERVICES BETWEEN MARICOPA COUNTY, ARIZONA AND THE CITY OF SURPRISE

INTERGOVERNMENTAL AGREEMENT FOR
REGIONAL EMERGENCY OPERATIONS MANAGEMENT AND DISASTER SERVICES
BETWEEN MARICOPA COUNTY, ARIZONA
AND THE
CITY OF SURPRISE

This Regional Disaster and Emergency Management Services Agreement ("Agreement") goes into effect on the 1st day of July 2023 (the "Effective Date"), by and between Maricopa County, a political subdivision of the State of Arizona ("County"), and the City of Surprise, an Arizona municipal corporation ("Public Agency"). County and Public Agency may each be referred to herein as a "Party" or, collectively, the "Parties."

STATUTORY AUTHORIZATION

County and Public Agency are empowered by ARIZ.REV. STAT. § 11-951 et seq. and ARIZ.REV. STAT. §§ 26-308 (A) and (B) to enter into this Agreement.

BACKGROUND

WHEREAS, there is an existing possibility of the occurrence of disasters of unprecedented size and destructiveness resulting from natural, technological, national security or other causes; and,

WHEREAS, the Parties mutually desire that preparation shall be adequate to provide for the common defense against disaster; and,

WHEREAS, the Parties mutually desire to assure the coordinated preparation and execution of emergency management programs and plans for the preservation of life and property when disasters occur in accordance with the guidance set forth in the Robert T. Stafford Disaster Relief and Emergency Assistance Act, Public Law 93-288, as amended, 42 U.S.C. 5121-5207; Post Katrina Emergency Management Reform Act of 2006, Public Law 109-295; applicable Federal Emergency Management Guides and Directives; and applicable State of Arizona Emergency Plans:

NOW, THEREFORE, in consideration of the mutual covenants contained herein, it is hereby agreed by and between County and Public Agency as follows:

DEFINITIONS

1. For purposes of this Agreement, the term "public agency" shall have the same definition as that contained in ARIZ.REV. STAT. §11-951.

2. "Participating Public Agencies" means those public agencies, which have active agreements for Disaster and Emergency Management Services with County.

3. "Total Budget" means the Maricopa County Department of Emergency Management's General Fund and Grant Fund expenditure budgets as adopted by the Maricopa County Board of Supervisors, plus baseline internal/central service charges, for the Preceding Fiscal Year. Budgeted fund balance expenditures, annual maintenance cost for the comprehensive emergency management tool and capital items are not included in the "Total Budgeted" calculation.

4. "Local Budget" means the Total Budget less any contributions or reimbursements to that budget from the federal government.

5. "Preceding Fiscal Year" means the year immediately preceding the fiscal year for which a participating public agency's annual assessment is being determined. Annual Assessments are based on the proceeding year's Local Budget. For example, a public agency's annual assessment for FY2024 is based on the Maricopa County Department of Emergency Management's Local Budget for FY2023.

6. "Capital Items" means fixed assets such as furniture, computers, etc., which shall remain the property of the County. Capital items will physically remain with County, which shall bear the risk of damage thereto or loss thereof.

7. "Population" means the most recent U.S. census figure for each Participating Public Agency. This figure is normally calculated every 10 years, but if a supplementary census is conducted out of the 10 year cycle, the supplementary census numbers will be used, provided that all participating public agencies are included in the supplementary census.

TERMS OF AGREEMENT

1. **County Obligations**

County shall:

a. Prepare and maintain a county Emergency Operations Plan or Plans ("EOP") with due consideration of hazards that affect all areas in the County.

b. Advise and assist Public Agency in the development, review, update, publication, and distribution of an EOP developed by Public Agency.

c. Advise and assist Public Agency in the development, review, update, publication, and distribution of Continuity of Operations Plans.

d. Advise and assist Public Agency in the development, review, update, publication, and distribution of a Multi-Hazard Mitigation Plan.

e. Advise and assist Public Agency in the development, review, update, publication, and distribution of a Community Wildfire Protection Plan.

f. Advise and assist Public Agency with the disaster and emergency management training of such employees as Public Agency shall designate.

g. Provide and maintain a coordinated countywide emergency management program for extraordinary operational systems not provided for in normal governmental operations, including: Warning Systems, Communications System, comprehensive emergency management and planning, and an Emergency Operations Center ("EOC").

h. Provide and maintain, and issue to Public Agency, access to a comprehensive emergency management software tool to expedite the emergency operations center processes.

i. Develop and maintain a countywide comprehensive electronic interactive resource database of government owned and other resources available for use in the event of a disaster.

j. Provide assistance with local emergency declarations and obtaining Federal and / or State funds available to Public Agency for emergency management and disaster purposes.

k. Advise and assist Public Agency in the timely preparation of reports and other documentation required by the state and / or federal governments for emergency management purposes.

l. Offer coordination assistance to Public Agency for major events or disasters affecting Public Agency.

Commented [HW1]: What is deemed a "major event" or "disaster"? Who makes such determination?

m. In its sole discretion, have the option to act as a backup Emergency Operations Center for partner cities.

n. Assist Public Agency in the design, development, delivery, and after action reporting of exercises scheduled by Public Agency to test its disaster response capability.

o. Advise and assist Public Agency with emergency shelter assessments and Americans with Disabilities Act compliance.

p. Advise and assist Public Agency in complying with the provisions of Title 26, Chapter 2, Arizona Revised Statutes, and State policies and procedures.

q. Advise and assist Public Agency with public awareness and education including but not limited to:

(1) providing disaster response pamphlets/handouts to Public Agency emergency management personnel for later distribution to the public.

(2) delivering disaster response pamphlets/handouts to libraries, community centers, and senior centers located in Public Agency.

(3) coordinating with Public Agency to assist with public outreach activities on disaster and emergency-related subjects to schools, civic groups and similar organizations.

(4) coordinating with Public Agency to assist with public outreach activities such as staffing information booths at fairs, safety days and similar events.

(5) providing to Public Agency a permanent, irrevocable, sublicenseable license to use, provide, and transfer any materials the County creates, distributes, or otherwise provides to Public Agency for distribution to the public or other third parties.

(6)

r. Notify Public Agency of its annual assessment for each upcoming fiscal year no later than March 1 of the Preceding Fiscal Year.

s. Assist Public Agency with other disaster and emergency management programs as may be agreed upon.

2. **Public Agency Obligations**

Public Agency shall:

a. Develop, publish and distribute an EOP which is complementary to and reasonably compatible with County's EOP.

b. Develop and conduct such emergency management training programs and exercises as it deems necessary.

c. Have the option to act as a backup to the County if it needs an alternate location.

d. Collect and provide disaster and emergency management information, such as annual NIMS reporting, when so required by the state or federal government.

e. During each fiscal year (July 1 to June 30) of the term of this Agreement, pay to County an annual assessment to be determined as follows:

(1) County will pay 50% of the Local Budget plus that portion of the Local budget allocated to Capital Items.

(2) The remainder of the Local Budget will be paid by the participating public agencies.

(3) Public Agency's annual assessment shall be determined by dividing Public Agency's Population by the Total Population of the participating public agencies and then multiplying the quotient by that portion of the Local Budget allocated to the participating public agencies in the preceding paragraph.

(4) Public Agencies will pay a fixed amount based on the actual annual maintenance cost of comprehensive emergency management tool. The total annual maintenance will be divided by all Participating Public Agencies equally.

3. This Agreement supersedes any and all agreements, either written or oral, between the Parties hereto with respect to the subject matter contained herein and contains all the covenants and agreements between the Parties with respect to the rendering of disaster and emergency management services. Except as otherwise provided herein, any modification of this Agreement must be in writing signed by both Parties. Neither Party may assign or subcontract this Agreement without the prior written consent of the other Party. In addition, each Party will act in its individual capacity and not as an agent, employee, partner, joint venturer, or associate of the other.

4. The Parties acknowledge that this Agreement is subject to cancellation pursuant to ARIZ.REV. STAT. §38-511.

5. In the event of any controversy, which may arise out of this Agreement, the Parties agree that the matter shall be arbitrated as provided in ARIZ.REV. STAT. §12-1518(A). The method of arbitration and the selection of arbitrators shall be decided by the mutual agreement of the Parties at such time as arbitration services are needed. This Agreement shall be governed by and construed in accordance with the laws of the State of Arizona and shall occur in Maricopa County, Arizona.

6. The term of this Agreement shall commence on the Effective Date and continue until June 30, 2033, unless sooner terminated as provided herein. The Agreement may be terminated by either Party giving written notice of such intention to the other Party not less than ninety (90) days prior to June 30 of the year during which the notice is given, which shall be the effective date of the termination.

7. To the extent provisions of ARIZ.REV. STAT. §41-4401 are applicable, all Parties warrant to each Party that they will comply with all Federal Immigration laws and regulations that relate to their employees and that each now complies with the E-Verify Program under ARIZ.REV. STAT. §23-214(A).
   a. A breach of this warranty will be considered a material breach of this Agreement and may subject the breaching party to penalties up to and including termination of this Agreement.

   b. All of the Parties retain the legal right to inspect the papers of any employee who works pursuant to this Agreement or any related subcontract to ensure compliance with the warranty given above.

   c. Any Party may conduct a random verification of the employment records of any other Party to ensure compliance with this warranty.

   d. A Party will not be considered in material breach of this Agreement if it establishes that it has complied with the employment verification provisions prescribed by 8 USCA §1324(a) and (b) of the Federal Immigration and Nationality Act and the E-Verify requirements prescribed by ARIZ.REV. STAT. §23-214(A).

   e. The provisions of this Article must be included in any contract either Party enters into with any and all of its contractors or subcontractors who provide services under this Agreement.

8. To the extent permitted by law, each Party does hereby covenant and agree to indemnify, defend, and hold harmless the other Party, their elected officials, appointees, officers, employees, contractees, and agents from and against any and all suits, actions, legal or administrative proceedings, claims, demands or damages of any kind or nature relating to this Agreement which, are the result of any act or omission of the Party, its officers, employees, contractors, agents, and anyone acting under its direction or control, whether intentional or negligent, in connection with or incident to this Agreement.

9. Each Party shall be solely responsible and liable for payment of any worker's compensation benefits afforded to their respective employees.

10. Any notices required or permitted to be given hereunder by either Party to the other may be given by personal delivery in writing or by registered or certified mail, postage prepaid, with return receipt requested. Notices shall be addressed to the Parties at the addresses appearing below, but each Party may change such party's address by written notice given in accordance with this paragraph. Notices delivered personally will be deemed communicated as of actual receipt; mailed notices will be deemed communicated as of three (3) days mailing. Notices shall be addressed as follows:

To County to the attention of:	To Public Agency to the attention of:
Director Maricopa County Department of Emergency Management	Emergency Manager City of Surprise

5630 East McDowell Rd
Phoenix, AZ 85008

16000 N. Civic Center Plaza
Surprise, AZ 85374

11. If any provision of this Agreement is held by a court of competent jurisdiction or applicable state or federal law and their implementing regulations to be invalid, void or unenforceable, the remaining provisions will nevertheless continue in full force and effect.

12. Israel. The County and the Public Agency certify that it is not currently engaged in, and agrees for the duration of this Agreement that it will not engage in a "boycott," as that term is defined in Ariz. Rev. Stat. § 35-393, of Israel.

13. Insurance. The County shall maintain insurance coverage throughout the entirety of this Agreement, including Commercial General Liability ($1,000,000 per occurrence and $2,000,000 in the annual aggregate) and Professional Liability (Liability ($1,000,000 per claim and $2,000,000 in the annual aggregate) coverages. Such policies may not be cancelled, reduced, or otherwise materially changed without prior written notice to the Public Agency. In addition, the Public Agency shall be named an additional insured on all such policies. The coverages named herein shall be primary and non-contributory with respect to all other sources, and shall include a waiver of subrogation against the Public Agency. The County shall provide endorsements evidencing all of the foregoing to the Public Agency upon the effective date of this Agreement and every anniversary of the effective date thereafter.

Dated this ___ day of _____, 2023

_____
Skip Hall, Mayor

Dated this ___ day of _____, 2023

_____
TBD
Chairman, Board of Supervisors

ATTEST:

_____
Kristi Passarelli, City Clerk

_____
Juanita Garza
Clerk of the Board

ATTORNEY DETERMINATION

The undersigned attorneys for the respective parties each hereby certify that they have reviewed this Agreement and find that it is in proper form, and within the power and authority granted to their respective clients under the laws of the State of Arizona.

_____
City Attorney

_____
Deputy County Attorney

Maricopa County
Department of Emergency Management

5630 E. McDowell Road
Phoenix, Arizona 85008
Phone: (602) 273-1411
Fax: (602) 275-1638
TT: (602) 244-1638

FY2024 ASSESSMENT July 1, 2023 - June 30, 2024
INTERGOVERNMENTAL AGREEMENT WITH
MARICOPA COUNTY DEPARTMENT OF EMERGENCY MANAGEMENT

INFORMATIONAL ONLY - DO NOT PAY AT THIS TIME

Surprise City Manager's Office Ms. Kimberly Campbell 16000 N Civic Center Plaza Surprise, AZ 85374	
TOTAL IGA ASSESSMENT DUE:	$10,579.88

INFORMATIONAL ONLY - DO NOT PAY AT THIS TIME

CITY OF SURPRISE
Regular City Council Meeting

Council Meeting Date: August 1, 2023

Contact Person: Brenden Espie, ASSISTANT FIRE CHIEF

Submitting Department: Fire - Medical

District: Citywide

Staff Recommendations: None

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

Agenda Wording:

Consideration and action pertaining to the approval of an amendment to the Fiscal Year 2024 budget by moving budget authority of $45,000 from General Contingency to project G34195A to account for the acceptance of a grant from the Arizona Department of Homeland Security; Resolution #2023-108.

Motion:

I move to approve Resolution # 2023-108.

Background:

For several years, the Surprise Fire-Medical Department (SFMD) has been successful in obtaining grant funding from the Arizona Department of Homeland Security (AZDOHS) to sustain the department's CBRNE (Chemical, Biological, Radiological, Nuclear and Explosives) program, equipment and training needs. The CBRNE program supports the City's hazardous materials apparatus and personnel. For FY2023, the AZDOHS Urban Area Security Initiative (UASI) program awarded the SFMD $40,000 to partially fund the purchase of equipment for the sustainment of the department's CBRNE program. The AZDOHS is now awarding the department with an additional $45,000 from the FFY 2020 UASI Reallocation funds, in order to fully fund the purchase of requested equipment.

Objective Analysis:

Accepting the UASI grant reallocation funding from AZDOHS will provide the department's Hazardous Materials Response team with new equipment.

Policy Compliant:

The action is compliant with City and Council policies.

Financial Impact:

This action will authorize the acceptance of a one-time grant award totaling $45,000 for the purchase of equipment to support current SFMD programs. There is no city-match requirement.

Budget Impact:

The FY2024 adopted budget did not include appropriations for revenue and expenses related to the

AZDOHS grant awarded to the Fire-Medical department. Acceptance of the grant will require a movement of budget authority of $45,000 from General Contingency to Project G34195A to cover expenses associated with the acceptance of the grant from the Arizona Department of Homeland Security. The awarded grants will support the Fire-Medical Department's Hazardous Materials Response team and program. This action represents a transfer of spending authority and does not increase or decrease the total adopted citywide expenditure budget.

FTE Impact:

There is no FTE impact.

ATTACHMENTS:

1. 200822-02_Surprise Fire_Medical_Award Letter
2. 200822-02_Surprise Fire_SRA
3. 23.07.24 Res2023-108 - AZDOHS Reallocation Grant Resolution

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June 19, 2023

Fire Chief Brenden Espie
Surprise Fire-Medical Department
14250 W Statler Plaza Suite 101
Surprise, AZ 85374-7473

Subject: FFY 2020 Homeland Security Grant Program Award - REALLOCATION
Subrecipient Agreement Number: **200822-02**
Project Title: **Surprise Fire-Medical CBRNE Sustainment**

Dear Fire Chief Brenden Espie,

The application that your agency submitted to the Arizona Department of Homeland Security (AZDOHS) for consideration under the Homeland Security Grant Program has been awarded. The project titled "**Surprise Fire-Medical CBRNE Sustainment**" has been **partially funded** under the 2020 Urban Area Security Initiative Grant Program for **$45,000**. The grant performance period is ***July 1, 2023 to June 30, 2024***. Your application will be kept on file and may be considered for additional funding if reallocation funding becomes available. This grant program is part of the U.S. Department of Homeland Security Grant Program and specifically is awarded under CFDA #97.067 (Catalog of Federal Domestic Assistance). The FFY 2020 federal award date as indicated in the U.S. DHS award package is 9/01/2020 with a total amount of funding of$25,332,352.00. The Federal Award Identification Number is EMW-2020-SS-00017-S01.

To establish acceptance of the award, please follow these instructions:
To initiate the award process, the following action items must be completed and returned to AZDOHS:

1. Project Administration Page - Print and sign one original Project Administration Page.
2. Two Subrecipient Agreements - Print and sign two original Subrecipient Agreements, completing sections XXXVII and XXXVIII.
3. Environmental and Historic Preservation (EHP) required documentation, if applicable.

These items must be completed and on file at AZDOHS in order for your agency to be eligible for reimbursement. **If all documentation listed in numbers 1, 2, and 3 (if applicable), above is not signed and received by AZDOHS on or before September 30, 2023 this award is rescinded and the funds will be reallocated.**

This letter does **not** serve as authorization to obligate or begin spending funds toward this award. Obligations and expenditures cannot take place until July 1, 2023. If your project requires an Environmental and Historic Preservation (EHP) review, this must be completed, submitted and approved by FEMA/AZDOHS prior to any obligation/expenditure of funds. Additionally, all actions associated with this project must be completed, invoiced and received by the end of the period of performance. Reimbursements are limited to approved quantities and funding thresholds. You will not be reimbursed for quantities in excess of what you have been authorized to purchase. AZDOHS reserves the right to request additional documentation at any time.

If you should have any questions, please do not hesitate to contact your Strategic Planner.

Congratulations on your Homeland Security Grant Program award.

Sincerely,

Susan Dzbanko
Interim Director

SUBRECIPIENT AGREEMENT - REALLOCATION

20-AZDOHS-HSGP-200822-02

Between

The Arizona Department of Homeland Security

And

Surprise Fire-Medical Department (UEI: CNDLLN6WTTE3)

WHEREAS, A.R.S. § 41-4254 charges the Arizona Department of Homeland Security (AZDOHS) with the responsibility of administering funds.

THEREFORE, it is agreed that the AZDOHS shall provide funding to the **Surprise Fire-Medical Department** (Subrecipient) for services under the terms of this Agreement (the "Agreement").

I. **PURPOSE OF AGREEMENT**
The purpose of this Agreement is to specify the rights and responsibilities of AZDOHS in administering the distribution of homeland security grant funds to the Subrecipient, and to specify the rights and responsibilities of the Subrecipient as the recipient of these funds.

II. **PERIOD OF PERFORMANCE, TERMINATION AND AMENDMENTS**
This Agreement shall become effective on **July 1, 2023** and shall terminate on **June 30, 2024**.
The obligations of the Subrecipient as described herein will survive termination of this agreement.

III. **DESCRIPTION OF SERVICES**
The Subrecipient shall provide the services for AZDOHS as set forth in writing in Subrecipient's grant application titled: **"Surprise Fire-Medical CBRNE Sustainment"** and funded at **$45,000** (as may have been modified by the award letter).

IV. **MANNER OF FINANCING**
The AZDOHS shall under the U.S. Department of Homeland Security grant # EMW-2020-SS-00017-S01 and CFDA #97.067:

a. Provide up to **$45,000** to the Subrecipient for services provided under Paragraph III.

b. Payment made by the AZDOHS to the Subrecipient shall be on a reimbursement basis only and is conditioned upon receipt of proof of payment and applicable, accurate and complete reimbursement documents, as deemed necessary by the AZDOHS, to be submitted by the Subrecipient. A listing of acceptable documentation can be found at www.azdohs.gov. Payments will be contingent upon receipt of all reporting requirements of the Subrecipient under this Agreement.

V. FISCAL RESPONSIBILITY

It is understood and agreed that the total amount of the funds used under this Agreement shall be used only for the project as described in the application and award documentation. Therefore, should the project not be completed, the Subrecipient shall reimburse said funds directly to the AZDOHS immediately. If the project is completed at a lower cost than the original budget called for, the amount reimbursed to the Subrecipient shall be for only the amount of dollars actually spent by the Subrecipient in accordance with the approved application. For any funds received under this Agreement for which expenditure is disallowed by an audit exemption or otherwise by the AZDOHS, the State, or Federal government, the Subrecipient shall reimburse said funds directly to the AZDOHS immediately.

VI. FINANCIAL AUDIT/PROGRAMMATIC MONITORING

The Subrecipient agrees to comply with the record-keeping requirements and other requirements of A.R.S. 35-214 and 35-215.

a) In addition, in compliance with the Federal Single Audit Act (31 USC 7501-7507) as amended by the Single Audit Act Amendments of 1996 (P.L. 104-156) and 2 C.F.R. 200.501, the Subrecipient must have a Single Audit or program specific audit conducted in accordance with 2 C.F.R. 200 (Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards) if the Subrecipient expends $750,000 or more from Federal awards in its previous fiscal year. If the Subrecipient has expended $750,000 or more in Federal dollars, a copy of the Subrecipient's single audit or program specific audit report for the previous fiscal year and subsequent fiscal years that fall within the period of performance is due annually to AZDOHS within nine (9) months of the Subrecipient's fiscal year end.

b) Failure to comply with any requirements imposed as a result of an audit will suspend reimbursement by AZDOHS to the Subrecipient until the Subrecipient is in compliance with all such requirements. Additionally, the Subrecipient will not be eligible for any new awards until the Subrecipient is in compliance with all such requirements.

c) Subrecipients who do not expend $750,000 or more in Federal dollars in the previous fiscal year and subsequent fiscal years that fall within the period of performance must submit to AZDOHS via audits@azdohs.gov, a statement stating they do not meet the threshold and therefore do not have to complete a single audit or program specific audit.

d) Subrecipient will be monitored periodically by AZDOHS, both programmatically and financially, to ensure that the project goals, objectives, performance requirements, timelines, milestone completion, budgets, and other related program criteria are being met. Monitoring will be accomplished through a combination of office-based reviews and on-site monitoring visits. Monitoring can involve aspects of the work involved under this Agreement including but not limited to the review and analysis of financial, programmatic, equipment, performance, and administrative issues relative to each program and will identify areas where technical assistance and other support may be needed. Subrecipient shall participate in and cooperate with all such monitoring by AZDOHS, and shall provide access to all personnel, documents, and other records as may be requested from time to time by AZDOHS. Subrecipient also shall comply with all requests of AZDOHS that AZDOHS deems necessary to assure the parties' compliance with their obligations under this Agreement.

e) The Subrecipient agrees to cooperate with any assessments, state/national evaluation efforts, or information or data collection requests, including, but not limited to, the provision of any information required for the assessment or evaluation of any activities within this Agreement.

VII. APPLICABLE STANDARDS AND REGULATIONS

The Subrecipient must comply with the applicable Notice of Funding Opportunity (NOFO) and Code of Federal Regulations (C.F.R.) 2 C.F.R. 200. The NOFO for this program is hereby incorporated into this Agreement by reference. By accepting this award, the Subrecipient agrees that all allocation and use of funds under this grant will be in accordance with the requirements contained in the NOFO and all other applicable law.

Davis Bacon Act

HSGP Program subrecipients using funds for construction projects must comply with the *Davis-Bacon Act* (40 U.S.C. 3141 *et seq*.). Subrecipients must obtain written approval from AZDOHS prior to use of any HSGP funds for construction or renovation. Subrecipients must ensure that their contractors or subcontractors for construction projects pay workers no less than the prevailing wages for laborers and mechanics employed on projects of a character similar to the contract work in the civil subdivision of the state in which the work is to be performed. Additional information regarding compliance with the *Davis-Bacon Act*, including Department of Labor (DOL) wage determinations, is available from the following website https://www.dol.gov/whd/govcontracts/dbra.htm.

Insurance Coverage

The Subrecipient affirms the organization maintain insurance coverage as described in 2 C.F.R. 200.310. The non-Federal (Subrecipient) entity must, at a minimum, provide the equivalent insurance coverage for real property and equipment acquired or improved with Federal funds as provided to property owned by the non-Federal (Subrecipient) entity. Federally-owned property need not be insured unless required by the terms and conditions of the Federal award.

National Incident Management System (NIMS)

The Subrecipient agrees to remain in compliance with National Incident Management System (NIMS) implementation initiatives as outlined in the applicable NOFO.

Environmental Planning and Historic Preservation

The Subrecipient shall comply with Federal, State and Local environmental and historical preservation (EHP) regulations, laws and Executive Orders as applicable. *See* FEMA publication FP 108-023-1, titled "Environmental Planning and Historic Preservation (EHP) Policy Guidance," available at https://www.fema.gov/media-library-data/1533321728657-592e122ade85743d1760fd4747241776/GPD_EHP_Policy_Final_Amendment_GPD_final_508.pdf. Subrecipients proposing projects that have the potential to impact the environment, including but not limited to construction of communication towers, modification or renovation of existing buildings, structures and facilities, or new construction including replacement of facilities, must participate in the Federal Department of Homeland Security (DHS)/Federal Emergency Management Agency (FEMA) EHP review process. The EHP review process involves the submission of a detailed project description that explains the goals and objectives of the proposed project along with supporting documentation so that DHS/FEMA may determine whether the proposed project has the potential to impact environmental resources and/or historic properties. In some cases, DHS/FEMA is also required to consult with other regulatory agencies and the public in order to complete the review process. The EHP review process must be completed before funds are released to carry out the proposed project. If ground disturbing activities occur during project implementation, the Subrecipient must ensure monitoring of ground disturbance and if any archeological resources are discovered, the Subrecipient shall immediately cease construction in that area and notify FEMA, AZDOHS and the appropriate State Historic Preservation Office. DHS/FEMA will not fund projects that are initiated without the required EHP review. In addition, the following provisions must be adhered to:

Consultants/Trainers/Training Providers

Invoices for consultants/trainers/training providers must include at a minimum: a description of services; dates of services; number of hours for services performed; rate charged for services; and, the total cost of services performed. Consultant/trainer/training provider costs must be within the prevailing rates; must be obtained under consistent treatment with the procurement policies of the Subrecipient and 2 C.F.R. 200; and shall not exceed the maximum of $450 per day per consultant/trainer/training provider unless prior written approval is granted by the AZDOHS. This includes internal personnel hired on backfill/overtime to deliver training. In addition to the per day $450 maximum amount, the consultant/trainer/training provider may be reimbursed reasonable travel, lodging, meal and incidental expenses not to exceed the State rate. Itemized receipts are required for lodging and travel reimbursements. The Subrecipient will not be reimbursed costs other than travel, lodging, meals and incidentals on travel days for consultants/trainers/training providers. See Travel Costs below.

Contractors/Subcontractors
The Subrecipient may enter into written subcontract(s) for performance of certain of its functions under the Agreement in accordance with terms established in 2 C.F.R. 200 and the applicable NOFO. The Subrecipient agrees and understands that no subcontract that the Subrecipient enters into with respect to performance under this Agreement shall in any way relieve the Subrecipient of any responsibilities for performance of its duties. The Subrecipient shall give the AZDOHS immediate notice in writing by certified mail of any action or suit filed and prompt notice of any claim made against the Subrecipient by any subcontractor or vendor which may result in litigation related in any way to this Agreement.

Travel Costs
All grant funds expended for travel, lodging, meals and incidentals are subject to the standards of the Subrecipient's policies and procedures, as well as the State of Arizona Accounting Manual (SAAM). These policies must be applied uniformly to both federally financed and other activities of the Subrecipient. AZDOHS will reimburse at the most restrictive allowability and rate. At no time will the Subrecipient's reimbursement(s) exceed the State rate established by the Arizona Department of Administration, General Accounting Office Travel Policies: https://gao.az.gov/travel.

Procurement
The Subrecipient shall comply with its own procurement rules/policies and must also comply with Federal procurement rules/policies and all Arizona state procurement code provisions and rules. The Federal intent is that all Homeland Security Funds are awarded competitively. The Subrecipient shall not enter into a Noncompetitive (Sole or Single Source) Procurement Agreement, unless prior written approval is granted by the AZDOHS via the Noncompetitive Procurement Request Form. The Noncompetitive Procurement Request Form and instructions are located on the AZDOHS website: *https://azdohs.gov/grant-program-forms.*

Training and Exercise
The Subrecipient agrees that any grant funds used for training and exercise must be in compliance with the applicable NOFO. All training must be included and approved in your application and/or approved through the DEMA/AZDOHS training request process prior to execution of training contract(s). All exercises must utilize and comply with the FEMA Homeland Security Exercise and Evaluation Program (HSEEP) guidance for exercise design, development, conduct, evaluation and reporting. The Subrecipient agrees to:

a) Submit an exercise summary and attendance/sign-in roster to AZDOHS with all related reimbursement requests.

b) Email the After Action Report/Improvement Plan (AAR/IP) to the local County Emergency Manager, the AZDOHS Strategic Planner, and the Arizona Department of Military Affairs (DEMA) Exercise Branch within 90 days of completion of an exercise or as prescribed by the most current HSEEP guidance.

Communications Equipment

All Land Mobile Radio equipment purchased with Homeland Security funds is required to comply with the following:

a) P25 (Project 25) standards;
b) SAFECOM Guidance (*see* https://www.dhs.gov/safecom);
c) Land Mobile Radio Minimum Equipment Standards as approved by the Statewide Interoperability Executive Committee (SIEC); and
d) Arizona's State Interoperable Priority Programming Guide also as approved by the SIEC

Nonsupplanting Agreement

The Subrecipient shall not use funds received under this Agreement to supplant Federal, State, Tribal or Local funds or other resources that would otherwise have been made available for this program/project. The Subrecipient may be required to demonstrate and document that a reduction in non-Federal resources occurred for reasons other than the receipt of expected receipt of Federal funds. Further, if a position created by a grant is filled from within, the vacancy created by this action must be filled within thirty (30) days. If the vacancy is not filled within thirty (30) days, the Subrecipient must stop charging the grant for the new position. Upon filling the vacancy, the Subrecipient may resume charging for the grant position.

E-Verify

Compliance requirements for A.R.S. 41-4401—immigration laws and E-Verify requirement.

a) The Subrecipient warrants its compliance with all State and Federal immigration laws and regulations relating to its employees and to employees of any contractor or subcontractor retained through Subrecipient to provide goods or services related to this Agreement, including but not limited to A.R.S. 23-214, Subsection A (that subsection reads: “After December 31, 2007, every employer, after hiring an employee, shall verify the employment eligibility of the employee through the E-Verify program”).

b) A breach of a warranty by Subrecipient regarding compliance with immigration laws and regulations shall be deemed a material breach of this Agreement and the Subrecipient may be subject to penalties to be determined at AZDOHS’s discretion, up to and including termination of this Agreement.

c) The AZDOHS retains the legal right to inspect the papers of any Subrecipient employee who works on the Agreement, and to those of any employee of any contractor or subcontractor retained through Subrecipient to provide goods or services related to this Agreement, to ensure that the Subrecipient is complying with the warranty under paragraph (a) above.

Property Control

Effective control and accountability must be maintained by Subrecipient for all property/equipment purchased under this Agreement. The Subrecipient must adequately safeguard all such

property/equipment and must assure that it is used for authorized purposes as described in the NOFO, the grant application as approved by AZDOHS, and 2 C.F.R. 200. The Subrecipient shall exercise caution in the use, maintenance, protection and preservation of such property.

a) Property/equipment shall be used by the Subrecipient in the program or project for which it was acquired as long as needed, whether or not the program or project continues to be supported by federal grant funds. Subrecipient is required to maintain and utilize equipment as outlined in 2 C.F.R. 200.313 - Equipment. Any loss, damage, or theft shall be investigated by Subrecipient and reported by Subrecipient to the AZDOHS. Any equipment lost, damaged or stolen shall be replaced by the Subrecipient at the Subrecipient's expense and an updated Property Control Form shall be submitted to AZDOHS by Subrecipient.

b) Nonexpendable Property/Equipment and Capital Assets:

    a. Nonexpendable Property/Equipment is property which has a continuing use, is not consumed in use, is of a durable nature with an expected service life of one or more years, has an acquisition cost of $5,000 (Five Thousand Dollars) or more, and does not become a fixture or lose its identity as a component of other equipment or systems.

    b. A Capital Asset is any personal or real property, or fixture that has an acquisition cost of $5,000 (Five Thousand Dollars) or more per unit and a useful life of more than one year.

c) A Property Control Form (if applicable) shall be maintained for the entire scope of the program or project for which property was acquired through the end of its useful life and/or disposition. All Nonexpendable Property and Capital Assets must be included on the Property Control Form. The Subrecipient shall provide AZDOHS a copy of the Property Control Form with the final quarterly programmatic report. The Property Control Form can be located at *https://azdohs.gov/grant-program-forms.* The Subrecipient agrees to be subject to equipment monitoring and auditing by state or federal authorized representatives to verify information.

d) A physical inventory of Nonexpendable Property/Equipment and Capital Assets must be taken and the results reconciled with the Property Control Form at least once every two years.

    a. A control system must be developed to ensure adequate safeguards to prevent loss, damage, or theft of the property. Any loss, damage, or theft shall be investigated and reported by Subrecipient to AZDOHS immediately.

    b. Adequate maintenance procedures must be developed to keep the property in good condition.

e) When Nonexpendable Property/Equipment and/or Capital Assets are no longer in operational use by the Subrecipient, an updated Property Control Form must be submitted by Subrecipient to AZDOHS immediately. The disposition of equipment shall be in compliance with the AZDOHS Disposition Guidance and 2 C.F.R. 200. If the Subrecipient is requesting disposition of Capital Assets for reasons other than theft, destruction, or loss, the Subrecipient must submit an Equipment Disposition Request Form to AZDOHS and receive approval prior to the disposition. The Equipment Disposition Guidance and Request Form can be found at *https://azdohs.gov/grant-program-forms.*

f) Equipment Record Retention
Pursuant to 2 C.F.R. 200.333(c), records for real property and equipment acquired with Federal funds must be retained for three (3) years after final disposition.

Allowable Costs
The allowability of costs incurred under this Agreement shall be determined in accordance with the general principles of allowability and standards for selected cost items as set forth in the applicable Code of Federal Regulations, authorized equipment lists, and guidance documents referenced above.

a) The Subrecipient agrees that use of grant funds for any indirect costs that may be incurred must be in accordance with 2 C.F.R. 200 and the applicable NOFO. Indirect costs must be applied for and approved in writing by the AZDOHS prior to expenditure and reimbursement.

b) The Subrecipeint agrees that grant funds are not to be expended for any Management and Administrative (M&A) costs that may be incurred by the Subrecipient for administering these funds unless explicitly applied for and approved in writing by the AZDOHS and shall be in compliance with the applicable NOFO.

VIII. DEBARMENT CERTIFICATION

The Subrecipient is to the non-procurement debarment and suspension regulations implementing Executive Orders 12549 and 12689, which are at 2 C.F.R. Part 180 as adopted by DHS at 2 C.F.R. Part 3000. These regulations restrict federal financial assistance awards, subawards, and contracts with certain parties that are debarred, suspended, or otherwise excluded from or ineligible for participation in federal assistance programs or activities.

IX. FUNDS MANAGEMENT

The Subrecipient must maintain funds received under this Agreement in separate ledger accounts and cannot mix these funds with funds from other sources. The Subrecipient must manage funds according to applicable Federal regulations for administrative requirements, costs principles, and audits.

The Subrecipient must maintain adequate business systems to comply with Federal requirements. The business systems that must be maintained are:

- Financial Management
- Procurement
- Personnel
- Property
- Travel

A system is adequate if it is 1) written; 2) consistently followed – it applies in all similar circumstances; and 3) consistently applied – it applies to all sources of funds.

X. REPORTING REQUIREMENTS

Regular reports by the Subrecipient shall include:

a) Programmatic Reports
The Subrecipient shall provide quarterly programmatic reports to the AZDOHS within fifteen (15) calendar days of the last day of the quarter in which services are provided. The Subrecipient shall use the form provided by the AZDOHS to submit quarterly programmatic reports. The report shall contain such information as deemed necessary by the AZDOHS. The Subrecipient shall use the Quarterly Programmatic Report form, which is posted at *https://azdohs.gov/grant-program-forms*. Quarterly programmatic reports shall be submitted to the AZDOHS until the entire project is completed. If the project has been fully completed and implemented, and there will be no further updates, then the quarterly programmatic report for the quarter in which the project was completed will be sufficient as the final report. The report

should be marked as final and should be inclusive of all necessary and pertinent information regarding the project as deemed necessary by the AZDOHS.

b) Subrecipients must provide substantial/detailed information as to the status of completion of the milestones included in the application as approved by AZDOHS. Failure to adequately provide complete information will result in the Quarterly Report being rejected and resubmission will be required.

c) Quarterly Programmatic Reports are due:
January 15 (for the period from October 1– December 31)
April 15 (for the period from January 1 – March 31)
July 15 (for the period from April 1 – June 30)
October 15 (for the period from July 1 – September 30)

d) Final Quarterly Report:
The final quarterly report is due no more than fifteen (15) calendar days after the end of the performance period. Subrecipient may submit a final quarterly report prior to the end of the performance period if the scope of the project has been fully completed and implemented. The Property Control Form is due with the final quarterly report (if applicable).

e) Property Control Form – if applicable:
The Subrecipient shall provide the AZDOHS a copy of the Property Control Form with the final quarterly report.

    a. In case of equipment disposition:
    The Property Control Form shall be updated and a copy provided to AZDOHS no more than forty-five (45) calendar days after equipment disposition, if applicable. The Subrecipient's use and disposition of equipment must be in compliance with the AZDOHS Disposition Guidance and 2 C.F.R. 200.313.

f) Financial Reimbursements
The Subrecipient shall provide AZDOHS with requests for reimbursement as frequently as monthly but not less than quarterly. Reimbursement requests are only required when expenses have been incurred. Reimbursement requests shall be submitted with the Reimbursement Form provided by the AZDOHS staff. The Subrecipient shall submit a final reimbursement request for expenses received and invoiced prior to the end of the period of performance. The final reimbursement must be received by AZDOHS no more than **forty-five (45) calendar days** after the end of the period of performance. Requests for reimbursement received by AZDOHS later than **forty-five (45) calendar** days after the end of the period of performance will not be paid. The final reimbursement request as submitted shall be marked as final.

Subrecipients will only be reimbursed for expenses that have been obligated, expended and received within the authorized Period of Performance as identified in Section II of this Agreement. Subrecipients are not authorized to obligate or expend funds prior to the start date of the Period of Performance. Any expenses obligated or expended prior to the Period of Performance start date will be deemed unallowable and will not be reimbursed. Any expenses/services that occur beyond the Period of Performance (i.e. cell phone service) will be deemed unallowable and will not be reimbursed.

The AZDOHS requires that all requests for reimbursement are submitted via United States Postal Service, FedEx, UPS, etc. or in person. Reimbursement requests submitted via fax or by any electronic means will not be accepted.

The AZDOHS reserves the right to request and/or require any supporting documentation and/or information it feels necessary in order to process reimbursements. Subrecipient shall promptly provide AZDOHS with all such documents and/or information.

All reports shall be submitted to the contact person as described in Paragraph XXXVII, NOTICES, of this Agreement.

XI. ASSIGNMENT AND DELEGATION

The Subrecipient may not assign any rights hereunder without the express, prior written agreement of both parties.

XII. AMENDMENTS

Any change in this Agreement including but not limited to the Description of Services and budget described herein, whether by modification or supplementation, must be accomplished by a formal Agreement amendment signed and approved by and between the duly authorized representatives of the Subrecipient and the AZDOHS. In the event of any new legislation, laws, ordinances, or rules affecting this Agreement, the parties agree that the terms of this Agreement shall automatically incorporate the terms of such new legislation, laws, ordinances, or rules.

Any such amendment shall specify: 1) an effective date; 2) any increases or decreases in the amount of the Subrecipient's compensation, if applicable; 3) be titled as an "Amendment," and 4) be signed by the parties identified in the preceding paragraph. The Subrecipient expressly and explicitly understands and agrees that no other method of communication, including any other document, correspondence, act, or oral communication by or from any person, shall be used or construed as an amendment or modification or supplementation to this Agreement.

XIII. US DEPARTMENT OF HOMELAND SECURITY AGREEMENT ARTICLES

Article A - Disposition of Equipment Acquired Under the Federal Award

When original or replacement equipment acquired in conjunction with this Agreement by the Subrecipient is no longer needed for the original project or program or for other activities currently or previously supported by DHS/FEMA, the Subrecipient must request instructions from DHS/FEMA via AZDOHS by submitting an Equipment Disposition Request Form in order to make proper disposition of the equipment pursuant to 2 C.F.R. 200.313.

Article B – Acceptance of Post Award Changes

In the event FEMA determines that changes are necessary to this Agreement after it has been entered into, including changes to period of performance or terms and conditions, the Subrecipient will be notified of the changes in writing. Once notification has been made, any subsequent request for funds by Subrecipient will constitute Subrecipient's acceptance of the changes to this Agreement and the incorporation of such changes into this Agreement.

Article C - Procurement of Recovered Materials

The Subrecipient hereby acknowledges and agrees that it must comply with section 6002 of the Solid Waste Disposal Act, Pub. L. No. 89-272 (1965) (codified as amended by the Resource Conservation and Recovery Act, 42 U.S.C. 6962) and that the requirements of Section 6002 include procuring only items designated in guidelines of the Environmental Protection Agency (EPA) at 40 C.F.R. Part 247 that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition.

Article D - Whistleblower Protection Act

The Subrecipient hereby acknowledges and agrees that it must comply with the statutory requirements for whistleblower protections (if applicable) at 10 U.S.C. 2409, 41 U.S.C. 4712, and 10 U.S.C. 2324, 41 U.S.C. section 4304 and 4310.

Article E - Use of DHS Seal, Logo and Flags
Subrecipient hereby acknowledges that it must obtain DHS's approval prior to using the DHS seal(s), logos, crests or reproductions of flags or likenesses of DHS agency officials, including use of the United States Coast Guard seal, logo, crests or reproductions of flags or likenesses of Coast Guard officials.

Article F - USA Patriot Act of 2001
Subrecipient hereby acknowledges and agrees that it must comply with the requirements of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act (USA PATRIOT Act, P.L. 107-56), which amends 18 U.S.C. section 175–175c.

Article G – Universal Identifier and System of Award Management (SAM)
Subrecipient hereby acknowledges and agrees that is must comply with the requirements set forth in the government-wide financial assistance award term regarding the System for Award Management and Universal Identifier Requirements located at 2 C.F.R. Part 25, Appendix A.

Article H - Reporting of Matters Related to Recipient Integrity and Performance
If the total value of your currently active grants, cooperative agreements, and procurement contracts from all Federal assistance offices exceeds $10,000,000 for any period of time during the period of performance of this Federal award, you must comply with the requirements set forth in the government-wide Award Term and Condition for Recipient Integrity and, Performance Matters located at 2 C.F.R. Part 200 Appendix XII, the full text of which is incorporated here by reference in the terms and conditions of your award.

Article I - Rehabilitation Act of 1973
The Subrecipient hereby acknowledges and agrees that it must comply with the requirements of Section 504 of the Rehabilitation Act of 1973, P. L. No. 93-112 (1973) (codified as amended at 29 U.S.C. 794), which provides that no otherwise qualified handicapped individual in the United States will, solely by reason of the handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. These requirements pertain to the provision of benefits or services as well as to employment.

Article J - Trafficking Victims Protection Act of 2000
Subrecipient hereby acknowledges and agrees that it must comply with the requirements of the government-wide award term which implements Section 106(g) of the Trafficking Victims Protection Act (TVPA) of 2000, as amended (22 U.S.C. 7104). The award term is located at 2 C.F.R. Part 175.15, the full text of which is incorporated here by reference.

Article K - Terrorist Financing
The Subrecipient hereby acknowledges and agrees that it must comply with U.S. Executive Order 13224 and all U.S. laws that prohibit transactions with, and the provisions of resources and support to, individuals and organizations associated with terrorism. It is the legal responsibility of the Subrecipient to ensure compliance with all such laws and U.S. Executive Order 13224.

Article L - SAFECOM
The Subrecipient hereby acknowledges and agrees that recipients who receive awards made under programs that provide emergency communication equipment and its related activities must comply with the SAFECOM Guidance for Emergency Communication Grants, including provisions on technical standards that ensure and enhance interoperable communications.

Article M - Reporting Subawards and Executive Compensation

All subrecipients are required to comply with the requirements set forth in the government-wide Award Term on Reporting Subawards and Executive Compensation located at 2 C.F.R. Part 170, Appendix A, the full text of which is incorporated here by reference in the terms and conditions of your award.

Article N – Department and Suspension
The Subrecipient hereby acknowledges and agrees that it is subject to the non-procurement debarment and suspension regulations implementing Executive Orders 12549 and 12689, and 2 C.F.R. Part 180. These regulations restrict Federal financial assistance awards, subawards, and contracts with certain parties that are debarred, suspended, or otherwise excluded from or ineligible for participation in Federal assistance programs or activities.

Article O - Copyright
The Subrecipient hereby acknowledges and agrees that it must affix the applicable copyright notices of 17 U.S.C. 401 or 402 and an acknowledgement of Government sponsorship (including award number) to any work first produced under Federal financial assistance awards.

Article P - Civil Rights Act of 1964 - Title VI
The Subrecipient hereby acknowledges and agrees that it must comply with the requirements of Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.), codified at 6 C.F.R. Part 21 and 44 C.F.R. Part 7, which provides that no person in the United States will, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

Article Q - Best Practices for Collection and Use of Personally Identifiable Information (PII)
The Subrecipient hereby acknowledges and agrees that if it collects PII, it is required to have a publically-available privacy policy that describes standards on the usage and maintenance of PII it collects. DHS defines personally identifiable information (PII) as any information that permits the identity of an individual to be directly or indirectly inferred, including any information that is linked or linkable to that individual. Subrecipients may also find the DHS Privacy Impact Assessments: Privacy Guidance and Privacy template as useful resources respectively.

Article R - Americans with Disabilities Act of 1990
The Subrecipient hereby acknowledges and agrees that it shall comply with all State and Federal equal opportunity and non-discrimination requirements and conditions of employment, including but not limited to Arizona Executive Order 2009-9 and the requirements of Titles I, II, and III of the Americans with Disabilities Act, P.L. No. 101-336 (1990) (codified as amended at 42 US.C. 12101-12213), which prohibit subrecipients from discriminating on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities.

Article S - Age Discrimination Act of 1975
The Subrecipient hereby acknowledges and agrees that it must comply with the requirements of the Age Discrimination Act of 1975 (42 U.S.C. 6101 et seq.), which prohibits discrimination on the basis of age in any program or activity receiving Federal financial assistance.

Article T - Activities Conducted Abroad
The Subrecipient hereby acknowledges and agrees that it must ensure that project activities carried on outside the United States are coordinated as necessary with appropriate government authorities and that appropriate licenses, permits, or approvals are obtained.

Article U - Acknowledgement of Federal Funding from DHS

The Subrecipient hereby acknowledges and agrees that it must acknowledge its use of federal funding when issuing statements, press releases, requests for proposals, bid invitations, and other documents describing projects or programs funded in whole or in part with Federal funds.

Article V - DHS Specific Acknowledgements and Assurances
Subrecipient hereby acknowledges and agrees—and agrees to require any contractors, successors, transferees, and assignees acknowledge and agree—to comply with applicable provisions governing DHS access to records, accounts, documents, information, facilities, and staff.

1. Subrecipient hereby agrees to cooperate with any compliance review or complaint investigation conducted by DHS and/or AZDOHS.

2. Subrecipient hereby agrees to give DHS access and AZDOHS to and the right to examine and copy records, accounts, and other documents and sources of information related to the grant and permit access to facilities, personnel, and other individuals and information as may be necessary, as required by DHS regulations and other applicable laws or program guidance.

3. Subrecipient hereby agrees to submit timely, complete, and accurate reports to the appropriate DHS and AZDOHS officials and maintain appropriate backup documentation to support the reports.

4. Subrecipient hereby agrees to comply with all other special reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance.

Article W - Assurances, Administrative Requirements and Cost Principles, and Audit Requirements
The Subrecipient hereby acknowledges and agrees that it must complete OMB Standard Form 424B Assurances – Non-Construction Programs, or OMB Standard Form 424D Assurances – Construction Programs as applicable.

DHS financial assistance recipients are required to follow the applicable provisions of the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards located at 2 C.F.R. Part 200, and adopted by DHS at 2 C.F.R. Part 3002.

Article X - Patents and Intellectual Property Rights
Unless otherwise provided by law, the Subrecipient hereby acknowledges and agrees that it is subject to the Bayh-Dole Act, P.L. 96-517, codified in 35 U.S.C. 200 et seq., and that it is subject to the specific requirements governing the development, reporting, and disposition of rights to inventions and patents resulting from financial assistance awards that are in 37 C.F.R. Part 401 and the standard patent rights clause in 37 C.F.R. 401.14.

Article Y – Nondiscrimination in Matters Pertaining to Faith-Based Organizations
It is DHS policy to ensure the equal treatment of faith-based organizations in social service programs administered or supported by DHS or its component agencies, enabling those organizations to participate in providing important social services to beneficiaries. All subrecipients must comply with the equal treatment policies and requirements contained in 6 C.F.R. Part 19 and other applicable statutes, regulations, and guidance governing the participations of faith-based organizations in individual DHS programs.

Article Z – National Environmental Policy Act

All subrecipients must comply with the requirements of the National Environmental Policy Act (NEPA) 42 U.S.C. 4321 et seq., and the Council on Environmental Quality (CEQ) Regulations (40 C.F.R. Parts 1500-1508) for Implementing the Procedural Provisions of NEPA, which requires Subrecipients to use all practicable means within their authority, and consistent with other essential considerations of national policy, to create and maintain conditions under which people and nature can exist in productive harmony and fulfill the social, economic, and other needs of present and future generations of Americans.

Article AA - Lobbying Prohibitions
The Subrecipient hereby acknowledges and agrees that it must comply with 31 U.S.C. 1352, and acknowledges and agrees that none of the funds provided under this Agreement may be used to pay any person to influence, or attempt to influence an officer or employee of any agency (whether State or Federal), a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with any Federal action related to a Federal award or contract, including any extension, continuation, renewal, amendment, or modification.

Article AB - Limited English Proficiency (Civil Rights Act of 1964, Title VI)
The Subrecipient hereby acknowledges and agrees that it must comply with the Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) prohibition against discrimination on the basis of national origin, which requires that recipients of federal financial assistance take reasonable steps to provide meaningful access to persons with Limited English Proficiency (LEP) to their programs and services. For additional assistance and information regarding language access obligations, please refer to the DHS Recipient Guidance *https://www.dhs.gov/guidance-published-help-department-supported-organizations-provide-meaningful-access-people-limited* and additional resources on *http://www.lep.gov*.

Article AC - Hotel and Motel Fire Safety Act of 1990
In accordance with Section 6 of the Hotel and Motel Fire Safety Act of 1990 and the Federal Fire Prevention and Control Act of 1974, 15 U.S.C. section 2225(a), the Subrecipient hereby acknowledges and agrees that it must ensure that all conference, meeting, convention, or training space funded in whole or in part with Federal funds complies with all applicable fire prevention and control guidelines of the Federal Fire Prevention and Control Act of 1974, 15 U.S.C. section 2225.

Article AD - Fly America Act of 1974
The Subrecipient hereby acknowledges and agrees that it must comply with Preference for U.S. Flag Air Carriers (air carriers holding certificates under 49 U.S.C. 41102) for international air transportation of people and property to the extent that such service is available, in accordance with the International Air Transportation Fair Competitive Practices Act of 1974, 49 U.S.C. 40118, and the interpretative guidelines issued by the Comptroller General of the United States in the March 31, 1981, amendment to Comptroller General Decision B-138942.

Article AE - Federal Leadership on Reducing Text Messaging while Driving
All subrecipients are encouraged to adopt and enforce policies that ban text messaging while driving as described in U.S. Executive Order 13513, including conducting initiatives described in Section 3(a) of the Order when on official Government business or when performing any work for or on behalf of the federal government.

Article AF - Federal Debt Status
The Subrecipient hereby acknowledges and agrees that it is required to be non-delinquent in its repayment of any Federal debt. Examples of relevant debt include delinquent payroll and other taxes, audit disallowances, and benefit overpayments. See OMB Circular A-129.

Article AG - False Claims Act and Program Fraud Civil Remedies

The Subrecipient hereby acknowledges and agrees that it must comply with the requirements of The False Claims Act (31 U.S.C. 3729-3733) which prohibits the submission of false or fraudulent claims for payment to the Federal government. See also 31 U.S.C. 3801-3812 which details the administrative remedies for false claims and statements made.

Article AH - Energy Policy and Conservation Act
The Subrecipient hereby acknowledges and agrees that it must comply with the requirements of The Energy Policy and Conservation Act, Pub. L. No. 94-163 (1975) (codified as amended at 42 U.S.C. 6201 et. seq.) which contain policies relating to energy efficiency that are defined in the state energy conservation plan issued in compliance with this Act.

Article AI - Education Amendments of 1972 (Equal Opportunity in Education Act) – Title IX
The Subrecipient hereby acknowledges and agrees that it must comply with the requirements of Title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.), which provide that no person in the United States will, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity receiving Federal financial assistance. These regulations are codified at 6 CFR Part 17 and 44 CFR Part 19.

Article AJ - Duplication of Benefits
Any cost allocable to a particular Federal award, provided for in 2 C.F.R. Part 200, Subpart E may not be charged to other Federal awards to overcome fund deficiencies, to avoid restrictions imposed by Federal statutes, regulations, or terms and conditions of the Federal awards, or for other reasons. However, this prohibition would not preclude a subrecipient from shifting costs that are allowable under two or more Federal awards in accordance with existing Federal statutes, regulations, or the terms and conditions of the Federal award.

Article AK - Drug-Free Workplace Regulations
The Subrecipient hereby acknowledges and agrees that it must comply with the drug-free workplace requirements in Subpart B (or Subpart C, if the Subrecipient is an individual) of 2 C.F.R. part 3001, which adopts the Government-wide implementation (2 C.F.R. part 182) of sec. 5152-5158 of the Drug-Free Workplace Act of 1988 (Pub. L. 100-690, Title V, Subtitle D; 41 U.S.C. 8101-8106).

Article AL - Civil Rights Act of 1968
The Subrecipient hereby acknowledges and agrees that it must comply with Title VIII of the Civil Rights Act of 1968, which prohibits recipients from discriminating in the sale, rental, financing, and advertising of dwellings, or in the provision of services in connection therewith, on the basis of race, color, national origin, religion, disability, familial status, and sex (42 U.S.C. 3601 et seq.), as implemented by the Department of Housing and Urban Development at 24 C.F.R. Part 100. The prohibition on disability discrimination includes the requirement that new multifamily housing with four or more dwelling units—i.e., the public and common use areas and individual apartment units (all units in buildings with elevators and ground-floor units in buildings without elevators)—be designed and constructed with certain accessible features (see 24 C.F.R. 100.201).

Article AM - Prohibitions on Expending FEMA Award Funds for Covered Telecommunications Equipment or Services

Per 889(b)(1) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (FY 2019 NDAA), Pub. L. No. 115-232 (2018):

1. AZDOHS Subrecipients may not use any FEMA funds under open or new awards to:

a. Procure or obtain any equipment, system, or service that uses "covered telecommunications equipment or services" (as defined in ¶2 of this Article AM) as a substantial or essential component of any system, or as critical technology of any system;
b. Enter into, extend, or renew a contract to procure or obtain any equipment, system, or service that uses covered telecommunications equipment or services as a substantial or essential component of any system, or as critical technology of any system; or
c. Enter into, extend, or renew contracts with entities that use covered telecommunications equipment or services as a substantial or essential component of any system, or as critical technology as part of any system.

2. For purposes of this Article AM "covered telecommunications equipment or services" means:
   a. Telecommunications equipment produced by Huawei Technologies Company or ZTE Corporation (or any subsidiary or affiliate of such entities);
   b. Video surveillance and telecommunications equipment produced by Hytera Communications Corporation, Hangzhou Hikvision Digital Technology Company, or Dahua Technology Company (or any subsidiary or affiliate of such entities);
   c. Telecommunications or video surveillance services provided by such entities or using such equipment; or
   d. Telecommunications or video surveillance equipment or services produced or provided by an entity that the Secretary of Defense, in consultation with the Director of National Intelligence or the Director of the Federal Bureau of Investigation, reasonably believes to be an entity owned or controlled by, or otherwise connected to, the People's Republic of China.

3. FEMA grant funding may be permitted to procure replacement equipment and services impacted by this Article AM. Subrecipients should refer to applicable program guidance or contact the AZDOHS to determine if replacement equipment or services are eligible under the awarded grant program.

XIV. OFFSHORE PERFORMANCE OF WORK PROHIBITED

Due to security and identity protection concerns, all services under this Agreement shall be performed within the borders of the United States. All storage and processing of information shall be performed within the borders of the United States. This provision applies to work performed by the Subrecipient's contractors and subcontractors at all tiers.

XV. AGREEMENT RENEWAL

This Agreement shall not bind nor purport to bind the AZDOHS for any contractual commitment in excess of the original Agreement period, which may not be changed except by a writing signed by all parties hereto in conformity with Paragraph XII, AMENDMENTS.

XVI. RIGHT TO ASSURANCE

If the AZDOHS in good faith has reason to believe that the Subrecipient does not intend to, or is unable to perform or continue performing under this Agreement, the AZDOHS may demand in writing that the Subrecipient give a written assurance of intent and ability to perform. If the Subrecipient fails to provide written assurance within the number of days specified in the demand, the AZDOHS at its option may terminate this Agreement.

XVII. CANCELLATION FOR CONFLICT OF INTEREST

The AZDOHS may, by written notice to the Subrecipient, immediately cancel this Agreement without penalty or further obligation pursuant to A.R.S. 38-511 if any person significantly involved

in initiating, negotiating, securing, drafting, or creating the Agreement on behalf of the State or its subdivisions (unit of Local Government) is an employee or agent of any other party in any capacity or a consultant to any other party to the Agreement with respect to the subject matter of the Agreement. Such cancellation shall be effective when the parties to the Agreement receive written notice from the AZDOHS, unless the notice specifies a later time.

XVIII. THIRD PARTY ANTITRUST VIOLATIONS

The Subrecipient hereby assigns to the State of Arizona any claim for overcharges resulting from antitrust violations to the extent that such violations concern materials or services supplied by third parties to Subrecipient toward fulfillment of this Agreement.

XIX. AVAILABILITY OF FUNDS

Every payment obligation of the AZDOHS under this Agreement is conditioned upon the availability of funds appropriated or allocated for the payment of such obligations under A.R.S. 35-154. If the funds are not allocated and available for the continuance of this Agreement, the AZDOHS may terminate this Agreement at the end of the period for which funds are available. No liability shall accrue to the AZDOHS in the event this provision is exercised, and the AZDOHS shall not be obligated or liable for any future payments or for any damages as a result of termination under this paragraph, including purchases and/or contracts entered into by the Subrecipient in the execution of this Agreement.

XX. FORCE MAJEURE

If either party hereto is delayed or prevented from the performance of any act required in this Agreement by reason of acts of God, strikes, lockouts, labor disputes, civil disorder, or other causes without fault and beyond the control of the party obligated, performance of such act will be excused for the period of the delay.

XXI. PARTIAL INVALIDITY

Any term or provision of this Agreement that is hereafter declared contrary to any current or future law, order, regulation, or rule, or which is otherwise invalid, shall be deemed stricken from this Agreement without impairing the validity of the remainder of this Agreement.

XXII. ARBITRATION

In the event of any dispute arising under this Agreement, written notice of the dispute must be provided to the other party within thirty (30) calendar days of the events giving the rise to the dispute. Any claim made by or against the State or any of its political subdivisions (including but not limited to AZDOHS) relating to this Agreement shall be resolved through the administrative claims process. In the event that the parties would otherwise be in court and/or if A.R.S. 12-1518 applies, the parties shall proceed in arbitration through the American Arbitration Association ("AAA"), with the arbitrator to be selected pursuant to AAA rules and the arbitration to be conducted according to the applicable AAA rules, and with the costs of arbitration (including but not limited to the arbitrator's fees and costs) to be divided 50/50 between the parties, subject to reallocation between the parties by the arbitrator. In the event that the parties become involved in litigation with each other relating to this Agreement for any reason in any other forum, both parties agree to have any claim(s) resolved in arbitration on the terms set forth in this part XXII. Any arbitration award may be enforced through the Maricopa County Superior Court or the U.S. District Court located in Phoenix, Arizona.

XXIII. GOVERNING LAW AND CONTRACT INTERPRETATION

a) This Agreement shall be governed and interpreted in accordance with the laws of the State of Arizona.

b) This Agreement is intended by the parties as a final and complete expression of their agreement. No course of prior dealings between the parties and no usage of the trade shall supplement or explain any terms in this document.

c) Either party's failure to insist on strict performance of any term or condition of the Agreement shall not be deemed a waiver of that term or condition even if the party accepting or acquiescing in the nonconforming performance knows of the nature of the performance and fails to object.

XXIV. ENTIRE AGREEMENT

This Agreement constitutes the entire Agreement between the parties hereto pertaining to the subject matter hereof and may not be changed or added to except by a writing signed by all parties hereto in conformity with Paragraph XII, AMENDMENTS. All prior and contemporaneous agreements, representations, and understandings of the parties, oral, written, pertaining to the subject matter hereof, are hereby superseded or merged herein.

XXV. LICENSING

The Subrecipient, unless otherwise exempted by law, shall obtain and maintain all licenses, permits, and authority necessary to perform those acts it is obligated to perform under this Agreement.

XXVI. SECTARIAN REQUESTS

Funds disbursed pursuant to this Agreement may not be expended for any sectarian purpose or activity, including sectarian worship or instruction in violation of the United States or Arizona Constitutions.

XXVII. ADVERTISING AND PROMOTION OF AGREEMENT

The Subrecipient shall not advertise or publish information for commercial benefit concerning this Agreement without the prior written approval of the AZDOHS.

XXVIII. OWNERSHIP OF INFORMATION, PRINTED AND PUBLISHED MATERIAL

The Subrecipient acknowledges that the DHS and the AZDOHS reserve a royalty-free, non-exclusive, and irrevocable license to reproduce, publish, or otherwise use, and authorize others to use, for Federal government purposes: (a) the copyright in any work developed under an award or sub-award; and (2) any rights of copyright to which a subrecipient purchases ownership with Federal support. The Subrecipient shall consult with the AZDOHS regarding the allocation of any patent rights that arise from, or are purchased with, this funding

XXIX. CLOSED-CAPTIONING OF PUBLIC SERVICE ANNOUNCEMENTS

Any television public service announcement that is produced or funded in whole or in part by the Subrecipient shall include closed captioning of the verbal content of such announcement.

XXX. INDEMNIFICATION

Each party (as "Indemnitor") agrees to defend, indemnify, and hold harmless the other party (as "Indemnitee") from and against any and all claims, losses, liability, costs, or expenses (including reasonable attorney's fees) (hereinafter collectively referred to as "Claims") arising out of bodily injury of any person (including death) or property damage, but only to the extent that such Claims which result in vicarious/derivative liability to the Indemnitee are caused by the act, omission, negligence, misconduct, or other fault of the Indemnitor, its officers, officials, agents, employees, or volunteers. The State of Arizona (AZDOHS) is self-insured per A.R.S. 41-621.

In addition, should Subrecipient utilize a contractor(s) and subcontractor(s), the indemnification clause between Subrecipient and contractor(s) and subcontractor(s) shall include the following:

Contractor shall defend, indemnify, and hold harmless the (insert name of other governmental entity) and the State of Arizona, and any jurisdiction or agency issuing any permits for any work arising out of this Agreement, and its departments, agencies, boards, commissions, universities, officers, officials, agents, and employees (hereinafter referred to as "Indemnitee") from and against any and all claims, actions, liabilities, damages, losses, or expenses (including court costs, attorneys' fees, and costs of claim processing, investigation and litigation) (hereinafter referred to as "Claims") for bodily injury or personal injury (including death), or loss or damage to tangible or intangible property caused, or alleged to be caused, in whole or in part, by the negligent or willful acts or omissions of the contractor or any of the directors, officers, agents, or employees or subcontractors of such contractor. This indemnity includes any claim or amount arising out of or recovered under the Workers' Compensation Law or arising out of the failure of such contractor to conform to any federal, state or local law, statute, ordinance, rule, regulation or court decree. It is the specific intention of the parties that the Indemnitee shall, in all instances, except for Claims arising solely from the negligent or willful acts or omissions of the Indemnitee, be indemnified by such contractor from and against any and all claims. It is agreed that such contractor will be responsible for primary loss investigation, defense and judgment costs where this indemnification is applicable. Additionally on all applicable insurance policies, contractor and its subcontractors shall name the State of Arizona, and its departments, agencies, boards, commissions, universities, officers, officials, agents, and employees as an additional insured and also include a waiver of subrogation in favor of the State.

XXXI. TERMINATION

a) All parties reserve the right to terminate the Agreement in whole or in part due to the failure of the Subrecipient or AZDOHS to comply with any term or condition of the Agreement, to acquire and maintain all required insurance policies, bonds, licenses, and permits or to make satisfactory progress in performing the Agreement. A party invoking the right to terminate shall provide written thirty (30) day advance notice of the termination and the reasons for it to the other party.

b) If the Subrecipient chooses to terminate the Agreement before the grant deliverables have been met, then the AZDOHS reserves the right to collect all reimbursements distributed to the Subrecipient.

c) The AZDOHS may, upon termination of this Agreement, procure, on terms and in the manner that it deems appropriate, materials or services to replace those that otherwise would have been provided by Subrecipient under this Agreement. The Subrecipient shall be liable to the AZDOHS for any excess costs incurred by the AZDOHS in procuring materials or services in substitution for those due from the Subrecipient.

XXXII. CONTINUATION OF PERFORMANCE THROUGH TERMINATION

The Subrecipient shall continue to perform, in accordance with the requirements of the Agreement, up to the date of termination, as directed in the termination notice.

XXXIII. PARAGRAPH HEADINGS

The paragraph headings in this Agreement are for convenience of reference only and do not define, limit, enlarge, or otherwise affect the scope, construction, or interpretation of this Agreement or any of its provisions.

XXXIV. COUNTERPARTS

This Agreement may be executed in any number of counterparts, copies, or duplicate originals. Each such counterpart, copy, or duplicate original shall be deemed an original, and collectively they shall constitute one Agreement.

XXXV. AUTHORITY TO EXECUTE THIS AGREEMENT

Each individual executing this Agreement on behalf of the Subrecipient represents and warrants that he or she is duly authorized to execute this Agreement on behalf of the Subrecipient.

XXXVI. SPECIAL CONDITIONS

a) The Subrecipient must comply with the most recent version of the Administrative Requirements, Cost Principles, and Audit requirements.

b) The Subrecipient is prohibited from transferring funds between programs (e.g., State Homeland Security Program, Urban Area Security Initiative, Operation Stonegarden).

c) The Subrecipient agrees to comply with the U.S. Department of Homeland Security regulation 6 C.F.R Part 19, which prohibits discrimination based on religion in social service programs

XXXVII. NOTICES

Any and all notices, requests, demands, or communications by either party to this Agreement, pursuant to or in connection with this Agreement shall be in writing, be delivered in person, or shall be sent to the respective parties at the following addresses:

Arizona Department of Homeland Security
1700 West Washington Street, Suite 210
Phoenix, AZ 85007

The Subrecipient shall address all programmatic and reimbursement notices relative to this Agreement to the appropriate AZDOHS staff; contact information at www.azdohs.gov.

The AZDOHS shall address all notices relative to this Agreement to:

Fire Chief, Brenden Espie
Enter Title, First & Last Name Above
Surprise Fire-Medical Department
Enter Agency Name Above
16000 N. Civic Center Plaza
Enter Street Address Above
Surprise, AZ 85374
Enter City, State, ZIP Above

XXXVIII. IN WITNESS WHEREOF

The parties hereto agree to execute this Agreement.

FOR AND BEHALF OF THE	FOR AND BEHALF OF THE
Surprise Fire-Medical Department Enter Agency Name Above	Arizona Department of Homeland Security
Authorized Signature Above	Susan Dzbanko, Interim Director
Brenden Espie, Fire Chief Print Name & Title Above	
Enter Date Above	Date

(Complete and mail two original documents to the Arizona Department of Homeland Security.)

RESOLUTION # 2023-108

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA, AUTHORIZING THE CITY TO ENTER INTO A SUBRECIPIENT AGREEMENT WITH THE ARIZONA DEPARTMENT OF HOMELAND SECURITY, ACCEPTING A GRANT IN THE AMOUNT OF $45,000, AND AMENDING THE FISCAL YEAR 2024 BUDGET BY MOVING BUDGET AUTHORITY OF $45,000 FROM CONTINGENCY TO PROJECT G34195A WITHIN THE GRANTS FUND TO SUSTAIN THE DEPARTMENT'S HAZARDOUS MATERIALS RESPONSE VEHICLE AND EQUIPMENT.

WHEREAS, the State of Arizona Department of Homeland Security has awarded the City of Surprise Fire-Medical Department, an FFY2020 Homeland Security Grant Program Award - Reallocation in the amount of $45,000 for the sustainment of the department's Hazardous Materials response vehicle and its associated equipment;

WHEREAS, the City desires to accept the grant funding from the Arizona Department of Homeland Security in the above amount totaling $45,000;

WHEREAS, the FY2024 budget was adopted by Council Resolution #2023-85 on June 6, 2023;

WHEREAS, this action will necessitate a budget amendment; and

WHEREAS, the City of Surprise Administrative Policies requires the approval of the Mayor and Council for budget amendments of this nature.

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

Section 1. That the statements and schedules attached as *Exhibit A* and incorporated by reference are adopted, amending the budget of the City of Surprise, Arizona for the fiscal year July 1, 2023 through June 30, 2024.

Section 2. The City is hereby authorized to accept the grant funding from the Arizona Department of Homeland Security in support of the Surprise Fire-Medical Department's hazardous response team in the amount of $45,000. The City Manager, or his designees, is authorized to conduct all negotiations and to execute and submit all documents and other necessary or desirable instruments in connection with said agreement.

SIGNATURES ON THE FOLLOWING PAGE

APPROVED AND ADOPTED this _____day of _____, 2023.

Skip Hall, Mayor

Attest:

Kristi Passarelli, City Clerk

Approved as to form:

Robert Wingo, City Attorney

RESOLUTION # 2023-108
Exhibit A

1. Appropriation - The exhibit below represents a movement of budget authority in the amount of $45,000 from General Contingency to project G34195A to cover expenses associated with the acceptance of a grant from the Arizona Department of Homeland Security. The awarded grants will support the Fire-Medical Department's hazardous materials response program. This action represents a transfer of spending authority and does not increase or decrease the total adopted citywide expenditure budget.

Fund	Department	Project/Category	Rev/ Exp	Current Budget	Increase/ (Decrease)	Amended Budget
Contingency	General Operations	Contingency	E	79,752,400	(45,000)	79,707,400
Contingency	General Operations	Other	R	80,219,600	(45,000)	80,174,600
Grants	Fire - Medical	#G34195A FFY20 UASI Reallocation	E	-	45,000	45,000
Grants	Fire - Medical	#G34195A FFY20 UASI Reallocation	R	-	45,000	45,000
			Expense Total	**79,752,400**	**-**	**79,752,400**
			Revenue Total	**80,219,600**	**-**	**80,219,600**

CITY OF SURPRISE
Regular City Council Meeting

Council Meeting Date: August 1, 2023
Submitting Department: Economic Development
Staff Recommendations:

Contact Person: Mike Hoover, Assistant Director
District: District 5

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

Agenda Wording:
Consideration and action to grant a utility easement to Arizona Public Service Company, north of Tierra Buena Lane and west of Civic Center Plaza.

Motion:
I move to approve the City of Surprise-APS Utility Easement Agreement with Arizona Public Service Company.

Background:
An approximate 8 to 12 foot wide utility easement is proposed north of Tierra Buena and west of Civic Center Plaza. The easement will be located north of Tierra Buena Lane, between Ottawa University "Spirit Field" and Ottawa University "Scholars Hall." The utility easement will provide power for the new Ottawa University "Veritas Hall". The new student housing building is located directly north of Scholars Hall and south of the City Hall Parking Garage. The utility easement is on university leased land from the city.

Objective Analysis:
The land lease agreement between the City of Surprise and Ottawa University provides for the university to request/facilitate easements to accommodate campus development.

Policy Compliant:
The proposed easement is consistent with the City Council Strategic Plan and University Land Lease Agreement.

Financial Impact:
Ongoing development activity in the city will inevitably have a future financial impact as additional resources are needed to provide city services; however, the development of a five-story university building on the campus will increase city revenues through fees and construction sales tax, as well as the economic impact of a growing residential campus environment.

Budget Impact:
There is no anticipated budget impact related to this item.

FTE Impact:

The item does not have an impact on current staffing levels.

ATTACHMENTS:

1. 001 Agreement - WA687536 EASEMENT
2. 002 Agreement Exhibit B - WA687536 501-18-567 LEGAL EXHIBIT
3. 003 Drawing -FS23-0140 APS WA687536 APPROVED PLAN-Revision-signed

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SW-4-3N-1W
33.628469, -112.369668
APN 501-18-567
CCW-23-33
WA687536
SER/RLM

CITY OF SURPRISE-APS
UTILITY EASEMENT

THE CITY OF SURPRISE, an Arizona municipal corporation, (hereinafter called "Grantor"), is the owner of the following described real property located in Maricopa County, Arizona (hereinafter called "Grantor's Property"):

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

Grantor, for and in consideration of One Dollar ($1.00) and other valuable consideration, receipt of which is hereby acknowledged, does hereby grant and convey to **ARIZONA PUBLIC SERVICE COMPANY**, an Arizona corporation, (hereinafter called "Grantee"), and to its successors and assigns, a non-exclusive right, privilege, and easement, 8 feet in width or as further described in attached exhibits at locations and elevations, in, upon, over, under, through and across, a portion of Grantor's Property described as follows (herein called the "Easement Premises"):

SEE EXHIBIT "B" ATTACHED HERETO AND MADE A PART HEREOF

Grantee is hereby granted the right to: construct, reconstruct, replace, repair, operate and maintain electrical lines, together with appurtenant facilities and fixtures for use in connection therewith, for the transmission and distribution of electricity to, through, across, and beyond Grantor's Property; and install, operate and maintain telecommunication wires, cables, conduits, fixtures and facilities solely for Grantee's own use incidental to supplying electricity (said electrical and telecommunication lines, facilities and fixtures collectively herein called "Grantee Facilities"). Grantee Facilities shall consist of underground electric lines and appurtenant facilities including pad mounted equipment. In no event may any overhead electric lines and associated overhead equipment be installed unless in an emergency to restore power. Grantee shall at all times have the right of full and free ingress and egress to and along the Easement Premises for the purposes herein specified.

Grantee is hereby granted the right, but not the obligation, to trim, prune, cut, and clear away trees, brush, shrubs, or other vegetation on, or adjacent to, the Easement Premises whenever in Grantee's judgment the same shall be necessary for the convenient and safe exercise of the rights herein granted.

Grantor shall not locate, erect or construct, or permit to be located, erected or constructed, any building or other structure or drill any well within the limits of the Easement Premises; nor shall Grantor plant or permit to be planted any trees within the limits of the Easement Premises without the prior written consent of Grantee. However, Grantor reserves all other rights, interests and uses of the Easement Premises that are not inconsistent with Grantee's easement rights herein conveyed and which do not interfere with or endanger any of the Grantee Facilities, including, without limitation, granting others the right to use all or portions of the Easement Premises for utility or roadway purposes and constructing improvements within the Easement Premises such as paving, sidewalks, landscaping, driveways, and curbing. Notwithstanding the foregoing, Grantor shall not have the right to lower by more than one foot or raise by more than two feet the surface grade of the Easement Premises without the prior written consent of Grantee, and in no event shall a change in the grade compromise Grantee's minimum cover requirements or interfere with Grantee's operation, maintenance or repair.

Grantee shall not have the right to use the Easement Premises to store gasoline or petroleum products, hazardous or toxic substances, or flammable materials; provided however, that this prohibition shall not apply to any material, equipment or substance contained in, or a part of, the Grantee Facilities, provided that Grantee must comply with all applicable federal, state and local laws and regulations in connection therewith. Additionally, the Easement Premises may not be used for the storage of construction-related materials or to park or store construction-related vehicles or equipment except on a temporary basis to construct, reconstruct, replace, repair, operate, or maintain the Grantee Facilities.

Grantor shall maintain clear areas that extend: 1) 3 feet from and around all edges of all switching cabinet pads and 2 feet from and around all edges of all transformer pads and other equipment pads, and 2) a clear operational area that extends 10 feet immediately in front of all transformer, switching cabinet and other equipment openings, and 3) a 6 feet by 6 feet hot-stick operating area off the front left corner of all transformers. No obstructions, trees, shrubs, large landscape rocks, fences, fixtures, or permanent structures shall be placed by Grantor within said clear areas; nor shall Grantor install landscape irrigation or sprinkler systems within said clear areas. Landscape irrigation or sprinkler systems installed adjacent to the clear areas shall be installed and maintained so that the transformers, switching cabinets or any other equipment do not get wet by spray or irrigation.

By accepting and utilizing this easement, Grantee agrees that following any installation, excavation, maintenance, repair, or other work by Grantee within the Easement Premises, the affected area will be restored by Grantee to as close to original condition as is reasonably practicable, at the expense of Grantee; and that Grantee shall indemnify Grantor, to the extent required by law, for any loss, cost or damage incurred by Grantor as a result of any negligent installation, excavation, maintenance, repair or other work performed by Grantee within the Easement Premises.

Grantee shall exercise reasonable care to avoid damage to the Easement Premises and all improvements thereon and agrees that following any installation, excavation, maintenance, repair, or other work by Grantee within the Easement Premises, the affected area, including without limitation, all pavement, landscaping, cement, and other improvements permitted within the Easement Premises pursuant to this easement will be restored by Grantee to as close to original condition as is reasonably possible, at the expense of Grantee.

Grantor reserves the right to require the relocation of Grantee Facilities to a new location within Grantor's Property; provided however, that: (1) Grantor pays the entire cost of redesigning and relocating Grantee Facilities; and (2) Grantor provides Grantee with a new easement in a form and location acceptable to Grantee and at no cost to Grantee. Upon the acceptance by Grantee of a new easement and after the relocation of Grantee Facilities to the new easement area, Grantee shall abandon its rights to use the Easement Premises granted in this easement. The easement granted herein shall not be deemed abandoned except upon Grantee's execution and recording of a formal instrument abandoning the easement.

If any of Grantee's electric facilities in this easement are not being used or are determined not to be useful, Grantor may request that the facilities that are no longer needed be removed and that portion of the easement be abandoned. Grantee will execute and record a formal instrument abandoning the easement, or a portion thereof. Any facilities that are determined to still be needed for Grantee's electrical system can be relocated pursuant to the above relocation requirements.

Grantee shall not have the right to transfer, convey or assign its interests in this easement to any individual, corporation, or other entity (other than to an affiliated entity of Grantee or an entity that acquires from Grantee substantially all of Grantee's electric distribution facilities within the area of Grantor's Property) without the prior written consent of Grantor, which consent shall not be unreasonably withheld. Grantee shall notify Grantor of the transfer, conveyance or assignment of any rights granted herein.

The covenants and provisions herein set forth shall extend and inure in favor and to the benefit of, and shall be binding on the heirs, administrators, executors, successors in ownership and estate, assigns and lessees of Grantor and Grantee.

[THE REST OF THIS PAGE IS INTENTIONALLY LEFT BLANK.]

IN WITNESS WHEREOF, **THE CITY OF SURPRISE**, an Arizona municipal corporation, has caused this Utility Easement to be executed by its duly authorized representative, this __ day of_____, 202__.

APPROVED AS TO FORM:

_____
City Attorney

THE CITY OF SURPRISE,
an Arizona municipal corporation.

By: _____
Mayor: Skip Hall

ATTEST:

_____
City Clerk

STATE OF _____ }
} ss.
County of _____ }

This instrument was acknowledged before me this ___ day of _____, 202__ by

_____ of _____, on behalf of

_____.

IN WITNESS WHEREOF I hereunto set my hand and official seal.

Notary Seal

_____
Notary Public

EXHIBIT “A”

(LEGAL DESCRIPTION OF GRANTOR’S PROPERTY)
AS RECORDED IN INSTRUMENT NUMBER 2020-0386687 M.C.R.

LOT 1, FINAL PLAT OF CIVIC CENTER PLAZA, BOOK 1524 OF MAPS, PAGE 11, OFFICIAL RECORDS OF THE COUNTY RECORDER, MARICOPA COUNTY, ARIZONA.

EXHIBIT “B”

ARIZONA PUBLIC SERVICE JOB #WA687536

A Utility Easement situated within the Southwest quarter of Section 4, Township 3 North, Range 1 West of the Gila and Salt River Meridian, Maricopa County, Arizona, more particularly described as follows:

COMMENCING at the most Southerly Southeast corner of LOT 1, FINAL PLAT OF CIVIC CENTER PLAZA” according to the plat of record in the office of the County Recorder of Maricopa County, Arizona, recorded in Book 1524 of Maps, page 11, from which the most Southerly Southwest corner of said Lot 1 bears North 89 degrees 05 minutes 13 seconds West, a distance of 2460.84 feet (basis of bearings);

THENCE North 89 degrees 05 minutes 13 seconds West, along the Southerly line of said LOT 1, a distance of 508.78 feet;

THENCE departing the Southerly line of said LOT 1, North 00 degrees 54 minutes 47 seconds East, a distance of 8.00 feet to the Northerly line of an 8 foot wide Public Utility Easement and the POINT OF BEGINNING of this Utility Easement description;

THENCE departing the Northerly line of said 8 foot wide Public Utility Easement, North 36 degrees 41 minutes 29 seconds East, a distance of 17.06 feet;

THENCE North 00 degrees 52 minutes 43 seconds East, a distance of 41.77 feet;

THENCE North 25 degrees 13 minutes 41 seconds West, a distance of 6.81 feet;

THENCE North 00 degrees 54 minutes 21 seconds East, a distance of 217.99 feet;

THENCE North 56 degrees 57 minutes 18 seconds East, a distance of 75.89 feet;

THENCE North 00 degrees 37 minutes 55 seconds East, a distance of 9.96 feet;

THENCE South 89 degrees 22 minutes 05 seconds East, a distance of 16.50 feet;

THENCE South 00 degrees 37 minutes 55 seconds West, a distance of 20.33 feet;

THENCE North 89 degrees 22 minutes 05 seconds West, a distance of 17.64 feet;

THENCE South 56 degrees 57 minutes 18 seconds West, a distance of 64.94 feet;

THENCE South 00 degrees 54 minutes 21 seconds West, a distance of 211.87 feet;

THENCE South 25 degrees 13 minutes 41 seconds East, a distance of 6.80 feet;

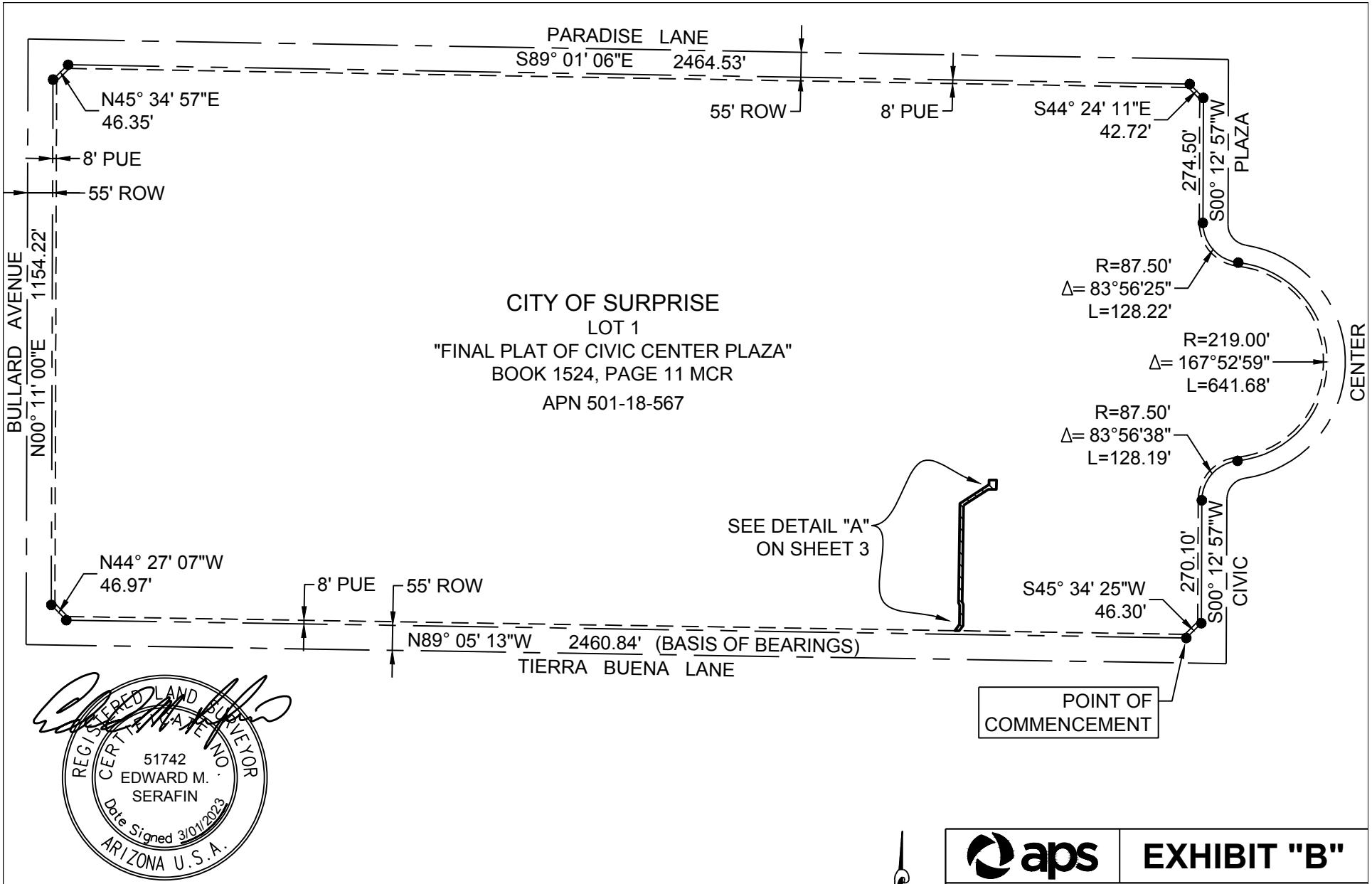
THENCE South 00 degrees 52 minutes 43 seconds West, a distance of 46.21 feet;

THENCE South 36 degrees 41 minutes 29 seconds West, a distance of 13.88 feet to the Northerly line of said 8 foot wide Public Utility Easement;

THENCE North 89 degrees 05 minutes 13 seconds West, a distance of 9.86 feet to the POINT OF BEGINNING.

Contains an area of 3154.31 square feet, more or less.

SHEET 1 OF 3
PAGE 5 OF 7



REGISTERED LAND SURVEYOR
CERTIFICATE NO.
51742
EDWARD M.
SERAFIN
Date Signed 3/01/2023
ARIZONA U.S.A.

LEGEND

EASEMENT AREA	●	PROPERTY CORNER
ROAD CENTERLINE	MCR	MARICOPA COUNTY RECORDER
PROPERTY LINE	APN	ASSESSORS PARCEL NUMBER
PUE LINE	PUE	PUBLIC UTILITY EASEMENT
TIE LINE	ROW	RIGHT OF WAY

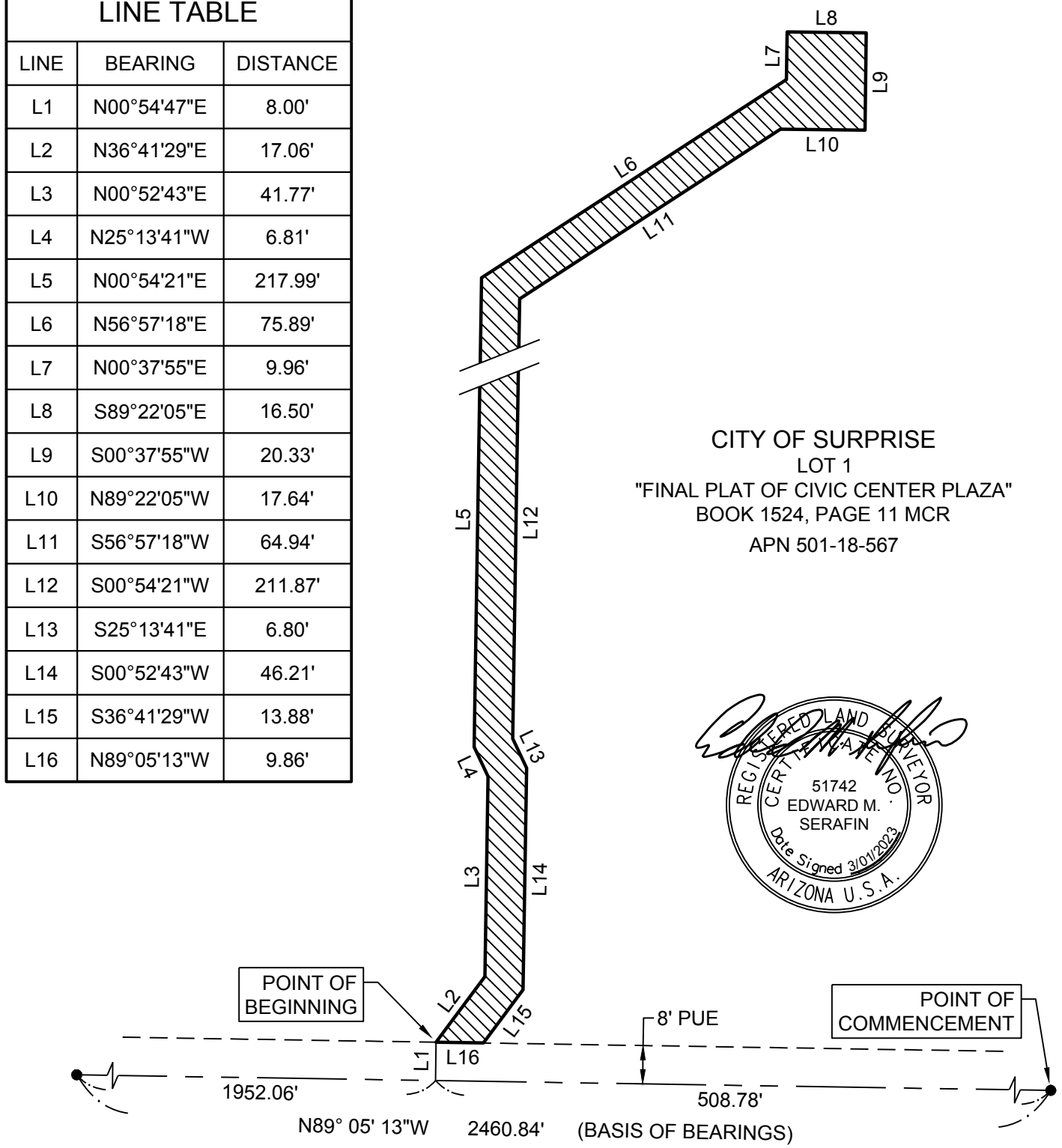
NORTH

aps

EXHIBIT "B"

JOB # WA687536	DATE: 3/1/2023
SW 1/4 SEC 4 T 3N R 1W	
SCALE: 1" = 300'	INDEX: CCW-23-33
R/W: S. REVORD	
SURVEY: O. FLORES	
DRAWN BY: E. SERAFIN	SHEET 2 OF 3

LINE TABLE		
LINE	BEARING	DISTANCE
L1	N00°54'47"E	8.00'
L2	N36°41'29"E	17.06'
L3	N00°52'43"E	41.77'
L4	N25°13'41"W	6.81'
L5	N00°54'21"E	217.99'
L6	N56°57'18"E	75.89'
L7	N00°37'55"E	9.96'
L8	S89°22'05"E	16.50'
L9	S00°37'55"W	20.33'
L10	N89°22'05"W	17.64'
L11	S56°57'18"W	64.94'
L12	S00°54'21"W	211.87'
L13	S25°13'41"E	6.80'
L14	S00°52'43"W	46.21'
L15	S36°41'29"W	13.88'
L16	N89°05'13"W	9.86'



CITY OF SURPRISE
LOT 1
"FINAL PLAT OF CIVIC CENTER PLAZA"
BOOK 1524, PAGE 11 MCR
APN 501-18-567

REGISTERED LAND SURVEYOR
CERTIFICATE NO.
51742
EDWARD M. SERAFIN
Date Signed 3/01/2023
ARIZONA U.S.A.

LEGEND

	EASEMENT AREA
— - —	ROAD CENTERLINE
— - —	PROPERTY LINE
— — —	PUE LINE
———	TIE LINE
●	PROPERTY CORNER
MCR	MARICOPA COUNTY RECORDER
APN	ASSESSORS PARCEL NUMBER
PUE	PUBLIC UTILITY EASEMENT
ROW	RIGHT OF WAY

DETAIL "A"

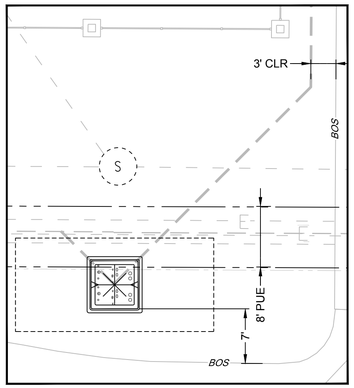
NORTH

aps **EXHIBIT "B"**

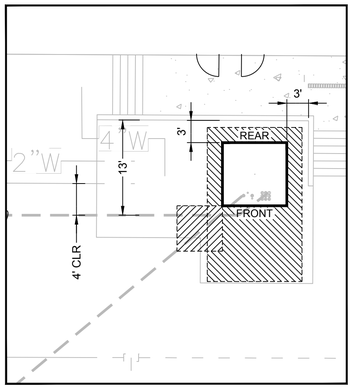
JOB # WA687536	DATE: 3/1/2023
SW 1/4 SEC 4 T3N R1W	
SCALE: 1" = 30'	INDEX: CCW-23-33
R/W: S. REVORD	
SURVEY: O. FLORES	
DRAWN BY: E. SERAFIN	SHEET 3 OF 3

TRANSFORMER ORDER (UNDERGROUND THREE PHASE TRANSFORMER)

OPERATING NO.	KVA	INST/REM	PHASING	EQUIPMENT NO.	SERIAL NO.	INSTALLED VOLTAGE PRIMARY	INSTALLED VOLTAGE SECONDARY	ADDRESS
TX888231	2000	INSTALL	A B C			12.5KV	277/480V	14470 W TIERRA BUENA LANE

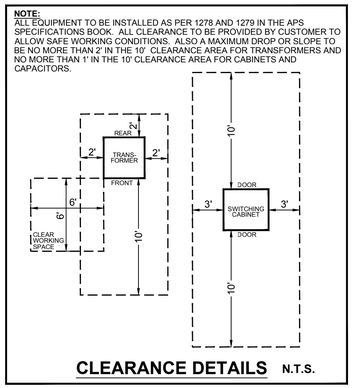


SC888230
DETAIL SCALE: 1"=10' 03

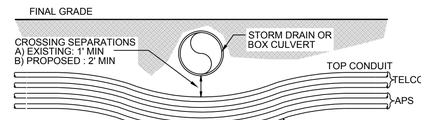


TX888231
DETAIL SCALE: 1"=10' 04

NOTE:
ALL EQUIPMENT TO BE INSTALLED AS PER 1278 AND 1279 IN THE APS SPECIFICATIONS BOOK. ALL CLEARANCE TO BE PROVIDED BY CUSTOMER TO ALLOW SAFE WORKING CONDITIONS. ALSO A MAXIMUM DROP OR SLOPE TO BE NO MORE THAN 2' IN THE 10' CLEARANCE AREA FOR TRANSFORMERS AND NO MORE THAN 1' IN THE 10' CLEARANCE AREA FOR CABINETS AND CAPACITORS.



CLEARANCE DETAILS N.T.S.



ELECTRICAL CONDUIT CLEARANCES UNDER STORM DRAIN OR BOX CULVERT
NOT TO SCALE

KEYNOTES:

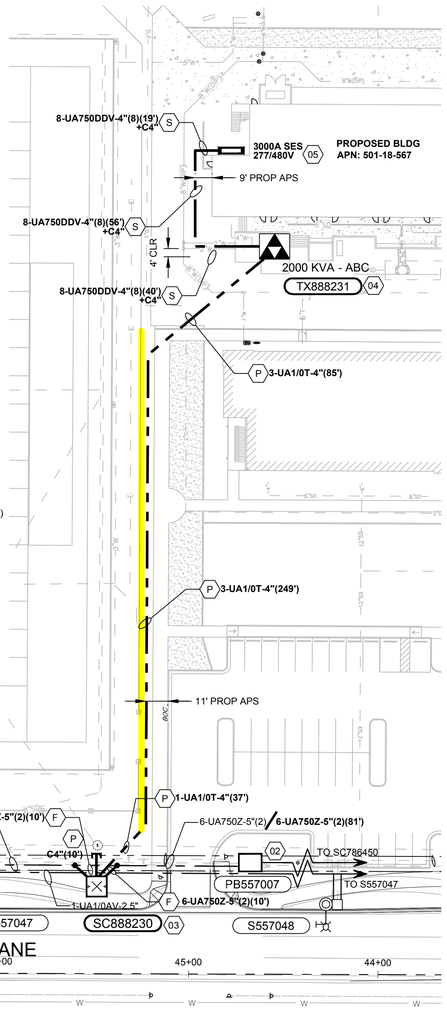
01 **REMOVE** 2895.JUA750T(6) / **INSTALL** 2895.JUA750T(6)

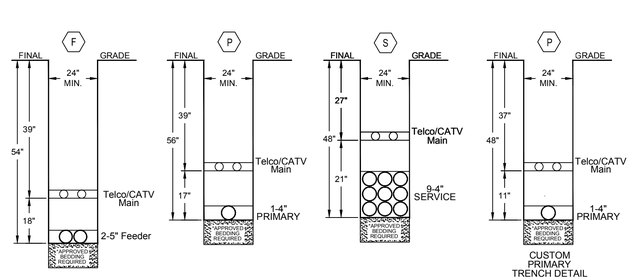
02 **REMOVE** 2550.UA1100Z(6) / **INSTALL** 2550.UA1100Z(6) (12,470V)

03 **INSTALL**
8476.A09 (12,470/7,200V)
2895.JUA750T(12)
2470.B
2894.FAUA1/0T(3)
2894.C(3)
2660.CD100(3)
8542.B (APS TO PROVIDE, CUSTOMER TO INSTALL PAD)
8881.JQ(4) (APS TO PROVIDE, CUSTOMER TO INSTALL 5" PLUGS)
8881.GQ(2) (APS TO PROVIDE, CUSTOMER TO INSTALL 4" PLUGS)

04 **INSTALL**
7666.B320 2,000 KVA 12,470V (277/480V) END-OF-LINE
2709.UA750DDV(8)
8881.GQ(10) (APS TO PROVIDE, CUSTOMER TO INSTALL 4" PLUGS)
8760.1 (APS TO PROVIDE, CUSTOMER TO INSTALL MARKERBALL)

05 **INSTALL**
9047.2B (2,000A SES, 277/480V, 3Ø, 4W)
2705.UA750DDV(8)





CUSTOM PRIMARY TRENCH DETAIL

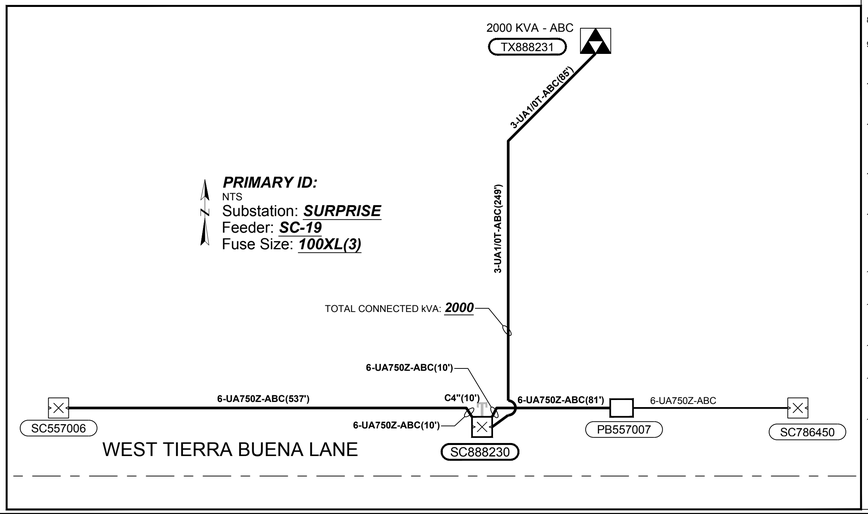
JOINT USE TRENCH DETAILS

MAINTAIN 2 FEET VERTICAL SEPARATION BETWEEN TOP OF CONDUIT AND BOTTOM OF UTILITY CROSSING APS CONDUITS, FOR FUTURE UTILITY INSTALLATIONS OF STORM DRAINS, WATER LINES, ETC. MAINTAIN 1 FEET VERTICAL SEPARATION BETWEEN APS CONDUITS AND UTILITIES BEING CROSSED. ALSO MAINTAIN A MINIMUM COVER OF AT LEAST 36" FROM FINAL GRADE FOR APS CONDUITS. TRENCH DEPTH MAY BE DEEPER WHEN APPROACHING APS EQUIPMENT. SEE APS TRANSMISSION AND DISTRIBUTION CONSTRUCTION STANDARDS SPECIFICATION **8601** AND **8648** FOR MORE DETAIL. (CITY AND COUNTY JURISDICTIONS TAKE PRECEDENT REGARDING MINIMUM COVER FROM FINAL GRADE - CONTRACTOR TO VERIFY)

TRENCH DEPTH MAY BE REDUCED UTILIZING APS RANDOM LAY REQUIREMENTS (REFER TO SPECS 8601 & 8610) CHECK WITH OTHER UTILITIES FOR HORIZONTAL & VERTICAL SEPARATION REQUIREMENTS.

*** ALL SERVICE CROSSINGS IN CITY & COUNTY R/W TO MAINTAIN 36" MINIMUM COVER.**

****CHECK WITH OTHER UTILITIES FOR HORIZONTAL SEPARATION REQUIREMENTS.**



CONSTRUCTION NOTES:

1. CUSTOMER TO MAINTAIN A MINIMUM OF 2' CLEARANCE WHEN TRENCHING NEXT TO WATER AND 3' MINIMUM NEXT TO SEWER.
2. CUSTOMER TO ENSURE THAT PERMANENT DRIVABLE ACCESS IS PROVIDED TO ALL APS EQUIPMENT AND SERVICE ENTRANCE SECTIONS.
3. CUSTOMER TO ENSURE DESIGNATED AREA AT TRANSFORMER PAD IS LEVEL AND PROPERLY COMPACTED PER APS ESRM **SEC 600.8** AND MEETS APS REQUIRED ACCESS & CLEARANCES. IRRIGATION LINES TO BE REROUTED ACCORDINGLY.
4. CUSTOMER TO INSTALL CONCRETE CAP AROUND PROPOSED APS CONDUITS WHEN GOING THRU SCREEN WALLS OR STRUCTURES.
5. CUSTOMER TO PROVIDE 24-HOUR ACCESS TO ELECTRICAL PANEL IN PROPOSED ELECTRICAL CLOSET(IF APPLICABLE). PROPOSED PANEL LOCATION MUST MEET APS REQUIRED CLEARANCES PER APS ESRM **SEC 309.1**
6. REFER TO CIVIL ENGINEERING PLANS FOR ACTUAL LOCATIONS OF PROPOSED & EXISTING FACILITIES (I.E. WATER, SEWER, CATV, ETC.)
7. VOLTAGE DROP AND FLICKER DESIGNED TO BE LESS THAN 5% DROP.
8. CUSTOMER TO INSTALL APS PROVIDED ELECTRONIC MARKERS AT ALL CONDUIT STUB-OUTS.
9. A MINIMUM OF 36" COVER IS REQUIRED OVER ALL FACILITIES IN CITY AND COUNTY RIGHT-OF WAYS.
10. MINIMUM CONDUCTOR LENGTH IS REQUIRED TO LIMIT FAULT CURRENT PER APS ESRM SECTION 800. CUSTOMER ELECTRICAL CONTRACTOR SHALL COORDINATE WITH APS REP TO DETERMINE MINIMUM CONDUIT DISTANCE BETWEEN PROPOSED TRANSFORMER AND PANEL LOCATION. IT IS THE RESPONSIBILITY OF THE CUSTOMER TO INSTALL SERVICE ENTRANCE EQUIPMENT AND PROTECTIVE DEVICES CAPABLE OF INTERRUPTING AND WITHSTANDING THE AVAILABLE FAULT CURRENT.
11. CUSTOMER TO MAINTAIN A MINIMUM OF 2' CLEARANCE WHEN TRENCHING NEXT TO EXISTING APS DIRECT BURIED CABLE.
12. CUSTOMER TO LOCATE AND COORDINATE WIRE REMOVAL WITH APS (APS TO IDENTIFY) PRIOR TO TIE ONTO EXISTING 2-5" CONDUITS AND EXTEND TO NEW SWITCHING CABINET (SC1) AS SHOWN. ALL CONDUIT LOCATIONS SHOWN IN PLAN ARE APPROXIMATE ONLY. CUSTOMER IS RESPONSIBLE FOR EXTENDING TRENCH AND CONDUITS IN ORDER TO CONNECT TO PROPOSED LOCATIONS OF APS EQUIPMENT.

CITY OF SURPRISE APPROVAL

THIS SET OF PLANS HAS BEEN REVIEWED FOR COMPLIANCE WITH CITY REQUIREMENTS PRIOR TO ISSUANCE OF PERMITS. THE CITY NEITHER ACCEPTS NOR ASSUMES ANY LIABILITY FOR ERRORS OR OMISSIONS. THIS COMPLIANCE APPROVAL SHALL NOT PREVENT THE CITY ENGINEER FROM REQUIRING CORRECTIONS OF ERRORS OR OMISSIONS IN PLANS FOUND TO BE IN VIOLATION OF LAWS OR ORDINANCES.

CITY OF SURPRISE ENGINEER — DATE 03/20/2023

SURPRISE ARIZONA GENERAL NOTES FOR UTILITY CONSTRUCTION

DETAIL NO: 2-11

1. ALL UTILITY CONSTRUCTION SHALL CONFORM TO THE LATEST MARICOPA ASSOCIATION OF GOVERNMENTS (MAG) UNIFORM STANDARD SPECIFICATIONS AND DETAILS FOR PUBLIC WORKS CONSTRUCTION AND TO THE CITY OF SURPRISE SUPPLEMENTS TO MAG.
2. ALL WORK PERFORMED IN THE CITY OF SURPRISE RIGHT-OF-WAY WILL REQUIRE AN APPROVED TRAFFIC CONTROL PERMIT ISSUED TO A BARRICADE COMPANY LICENSED TO WORK IN THE CITY OF SURPRISE.
3. ALL PUBLIC UTILITY COMPANIES' CONTRACTORS AND SUB-CONTRACTORS ARE REQUIRED TO OBTAIN A CITY OF SURPRISE BUSINESS LICENSE PRIOR TO THE PERFORMANCE OF ANY WORK.
4. PLAN APPROVAL BY THE CITY OF SURPRISE FOR COMPLIANCE WITH CITY REQUIREMENTS SHALL NOT PREVENT THE CITY FROM REQUIRING THE CORRECTION OF ERRORS FOUND TO BE IN VIOLATION OF ANY LAW, ORDINANCE, OR CITY OF SURPRISE REQUIREMENT FOR UTILITY CONSTRUCTION IN THE RIGHT-OF-WAY.
5. THE CONTRACTOR OR UTILITY COMPANY MUST HAVE A COPY OF THE APPROVED/STAMPED CONSTRUCTION PLANS AND APPROVED TRAFFIC CONTROL PLAN AT THE PROJECT SITE AT ALL TIMES.
6. ALL UTILITIES CROSSING STREETS OR ROADS MUST BE DIRECTIONAL BORED WHERE POSSIBLE. PERMISSION TO BORE AND TO OPEN CUT EXISTING PAVEMENT REQUIRES SPECIFIC PLAN APPROVAL AND RIGHT-OF-WAY PERMIT FOR THE PROPOSED CONSTRUCTION.
7. PRIOR TO STARTING ANY WORK IN A MAJOR ARTERIAL OR COLLECTOR STREET, THE UTILITY COMPANY OR SUB-CONTRACTOR SHALL SCHEDULE A PRE-CONSTRUCTION MEETING WITH THE CITY OF SURPRISE CIVIL CONSTRUCTION INSPECTION PERSONNEL. SEE PERMIT FOR CONTACT INFORMATION.
8. THE CITY OF SURPRISE DOES NOT WARRANT ANY OF THE QUANTITIES SHOWN ON THESE PLANS.
9. THE UTILITY COMPANY SHALL CONTACT THE CITY OF SURPRISE CIVIL CONSTRUCTION INSPECTION PERSONNEL A MINIMUM OF FORTY-EIGHT (48) HOURS IN ADVANCE OF ANY WORK. THE PERMIT NUMBER AND LOCATION MUST BE PROVIDED IN ORDER TO SCHEDULE INSPECTIONS.
10. ALL WORK REQUIRING ASPHALT REPLACEMENT, CONCRETE REPLACEMENT, OR RESURFACING, IN THE CITY OF SURPRISE RIGHT-OF-WAY, WILL REQUIRE A FINAL INSPECTION WITH THE UTILITY COMPANY REPRESENTATIVE AT THE TIME OF COMPLETION.
11. MAINTAIN THE FOLLOWING MINIMUM SEPARATIONS: SIX (6) FEET HORIZONTAL FROM WATER AND SEWER MAINS, AND TWO (2) FEET HORIZONTAL FROM ALL OTHER UTILITIES. MAINTAIN A MINIMUM OF ONE (1) FOOT VERTICAL SEPARATION FROM ALL UTILITIES. ALL DISTANCES ARE MEASURED FROM OUTSIDE OF PIPE TO OUTSIDE OF PIPE.
12. ALL POTHOLES FOR EXISTING UTILITY CROSSINGS OR SOIL BORINGS FOR FUTURE UTILITIES WILL BE REPAIRED PER MAG STANDARD DETAIL #212. THE CITY MAY REQUIRE ADDITIONAL REPAIRS, AS REQUIRED BY THE CIVIL ENGINEERING INSPECTOR.
13. THE FOLLOWING ITEMS SHALL BE APPROVED IN THE FIELD, TO ACCOUNT FOR UNFORESEEN CONDITIONS, BY THE CITY OF SURPRISE CIVIL ENGINEERING INSPECTOR:
    - BACKFILL AND COMPACTION
    - CONCRETE REPAIR AND CURING
    - ASPHALT REPAIR AND PAVEMENT MATCHING
14. ALL TRENCHES IN EXISTING AND FUTURE PAVEMENT ARE REQUIRED TO BE BACKFILLED WITH A MINIMUM OF ONE-HALF (1/2) SACK SLURRY CONTROLLED LOW STRENGTH MATERIAL PER MAG SECTIONS 604 AND 728.
15. ALL TRENCHING WITHIN TWO (2) FEET OF THE BACK OF CURB OR EDGE OF PAVEMENT WILL REQUIRE ABC COMPACTED TO NINETY-FIVE (95) PERCENT OR ONE-HALF (1/2) SACK SLURRY CONTROLLED LOW-STRENGTH MATERIAL PER MAG SECTIONS 604 AND 728.
16. ALL WORK THAT LIES WITHIN A DESIGNATED FLOODPLAIN AREA WILL REQUIRE A FLOODPLAIN USE PERMIT FROM THE FLOOD CONTROL DISTRICT OF MARICOPA COUNTY.
17. ANY DAMAGE TO PUBLIC OR PRIVATE PROPERTY SHALL BE REPORTED TO THE CITY OF SURPRISE AND THE OWNER. REPAIR AND/OR REPLACEMENT IN KIND SHALL BE PER THE AGREEMENT WITH THE OWNER AND/OR THE CITY ON A CASE-BY-CASE BASIS.
18. THE MINIMUM DEPTH OF COVER FOR VARIOUS UTILITIES SHALL BE AS SHOWN BELOW. TEMPORARY PAVEMENT REPLACEMENT THAT USES COLD-MIX ASPHALT SHALL BE REPLACED NO LATER THAN SEVEN (7) CALENDAR DAYS AFTER INITIAL PLACEMENT.

TYPE	MINIMUM DEPTH
• DIRECT BURY CABLE	36"
• FIBER OPTIC CABLE	36"
• TELEVISION, TELEPHONE, CABLE, AND OTHER	24" TO 36"
• GAS	36"

ISSUED-FOR-CONSTRUCTION
FINAL DESIGN
03/18/23 — JOSE DAVID

(REMOVAL UNDERGROUND) TOTAL WIRE DATA FOOTAGE:

PRIMARY
6215.UA750Z = 3,420'

(INSTALL-UNDERGROUND) TOTAL WIRE DATA FOOTAGE:

PRIMARY
6215.UA1/0T = 1,160'
6215.UA750Z = 4,140'

SECONDARY / SERVICE / ST. LT. / D-D
6220.UA750DDV = 1,134'
FLATSTRAP = 2,902'
LUBRICANT = 28 GALS.

NOTE

A.P.S. ELECTRIC SERVICE REQUIREMENTS LOCATED ON THE INTERNET AT:

WWW.apsc.com/esrm

TOTAL TRENCH (ft):

TOTAL TRENCH IN R/W (ft):

TOTAL TRENCH IN PUE (ft):

DISCLAIMER

BY ACCEPTING THIS DATA, RECIPIENT ACKNOWLEDGES AND AGREES TO THE FOLLOWING CONDITIONS:

- ALL DATA PROVIDED BY APS IS RESTRICTED TO USE AND REFERENCE ONLY TO THE SITE AND PROJECT FOR WHICH IT WAS ORIGINALLY PREPARED. ANY OTHER USES ARE PROHIBITED WITHOUT WRITTEN AUTHORIZATION FROM APS.
- ANY USE OF ELECTRONIC DATA RECEIVED FROM APS BY RECIPIENT SHALL BE AT THE RECIPIENT'S FULL RISK. RECIPIENT INDEMNIFIES AND HOLDS APS HARMLESS FROM DAMAGES, CLAIMS, OR LOSSES RESULTING FROM THE USE OF PROVIDED ELECTRONIC DATA. IN THE EVENT OF REQUIRED DEFENSE, RECIPIENT SHALL BE RESPONSIBLE FOR ANY AND ALL LEGAL EXPENSES AND ATTORNEYS' FEES. THE ELECTRONIC DATA RECEIVED FROM APS IS PROHIBITED FROM FURTHER DISTRIBUTION TO THIRD PARTIES WITHOUT WRITTEN AUTHORIZATION FROM APS.
- RECIPIENT ACKNOWLEDGES THAT CONSTRUCTION PLANS MAY BE UPDATED AND THE ELECTRONIC DATA PROVIDED HEREIN BY APS MAY BECOME OUTDATED. THE ELECTRONIC DATA SHALL NOT BE CONSIDERED "CONSTRUCTION DOCUMENTS". ALL DOCUMENTS CONSIDERED "CONSTRUCTION DOCUMENTS" SHALL BE HARD COPY ONLY AND IT IS RECIPIENTS' RESPONSIBILITY TO ASSURE THE ELECTRONIC DATA CONFORMS AND MATCHES THE LATEST SET OF CONSTRUCTION DOCUMENTS.
- IT IS THE RECIPIENTS RESPONSIBILITY TO CONTACT BLUE STAKE PRIOR TO TRENCHING OR DIGGING. FAILURE TO CONTACT BLUE STAKE MAY RESULT IN VIOLATIONS OF A.R.S. SS 40-360.22 AND 40-360.23A
- BY SIGNING THIS APPROVM ED DOCUMENT, CUSTOMER ACKNOWLEDGES THAT ALL INFORMATION CONTAINED WITHIN THESE DRAWINGS ARE APS PROPRIETARY AND CUSTOMER ASSUMES FULL RESPONSIBILITY DUE TO ANY DEVIATIONS OR CHANGES WITHOUT WRITTEN CONSENT TO APS.

APS UTILITIES KEY

EXISTING		PROPOSED
W	WATER	W
S	SEWER	S
G	GAS	G
SD	STORM DRAIN	SD
IRR	IRRIGATION	IRR
TS	TRAFFIC SIGNAL	TS
T	TELE	T
CATV	CATV	CATV
FO	FIBER	FO
UG ELECTRIC NOMINAL TRANSMISSION (69KV)*		
UG ELECTRIC NOMINAL PRIMARY (12,470/7,200V)*		
UG ELECTRIC NOMINAL SECONDARY/SERVICE (120/240V)*		
OH ELECTRIC NOMINAL TRANSMISSION (69KV)*		
OH ELECTRIC NOMINAL PRIMARY (12,470/7,200V)*		
OH ELECTRIC NOMINAL SECONDARY/SERVICE (120/240V)*		
CONDUIT		
TRENCH RUNNING LINE		

* UNLESS OTHERWISE NOTED

APS SYMBOLS LEGEND

EXISTING EQUIPMENT	PROPOSED EQUIPMENT	DESCRIPTION
		- PADMOUNTED TRANSFORMER
		- SWITCHING CABINETS
		- 1Ø SWITCHING CABINET
		- OH/UG CAPACITOR BANK
		- J-BOX / PULL BOX
		- MANHOLES
		-OH TRANSFORMER
		-OH SWITCH (KPF)
		- APS OWNED POLE
		- APS OWNED STEEL POLE
		- APS OWNED JOINT USE POLE
		- DIP (TRANSITION) POLE
		- STREET LIGHT
		- DUSK TO DAWN LIGHT

aps

WA687536
OTTAWA UNIVERSITY
14470 W TIERRA BUENA LANE
SURPRISE, AZ 85374

Contact Arizona 811 at least two full working days before you begin excavation
ARIZONA811 BLUE STAKE, INC.
Call 811 or click Arizona811.com

PLEASE READ

IN ORDER TO AVOID DELAYS IN GETTING POWER TO YOUR PROJECT PLEASE NOTE THAT CUSTOMER IS RESPONSIBLE FOR CONTACTING APS FOR FINAL TRENCH AND CONDUIT INSPECTION (CALL 602-397-0078), FINAL INSPECTION OF SERVICE ENTRANCE SECTION (CALL 480 745-4863) AND CUSTOMER HAS APPLIED FOR SERVICE WITH THE APS BUSINESS CENTER (CALL 602-371-6767).

ONCE APS HAS GIVEN APPROVAL ON THE INSPECTIONS, ALL MONIES HAVE BEEN COLLECTED, EASEMENTS HAVE BEEN SECURED, AGREEMENTS SIGNED AND RETURNED, THE PROJECT WILL NORMALLY BE WORKED BY THE APS CREW WITHIN **3 WEEKS.**

THE METER CAN NOT BE SET UNTIL APPROVAL HAS BEEN GIVEN BY THE CITY OR COUNTY AND NOTIFIED APS OF THE CLEARANCE.

GENERAL CONSTRUCTION NOTES

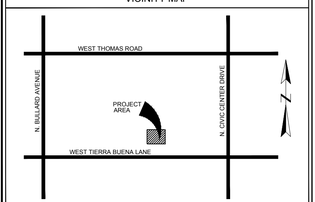
1. CUSTOMER TO PROVIDE & INSTALL STAKING PROPERTY CORNERS WITH OFFICIAL SURVEY CAPS, ELEVATIONS AND GRADES. THERE IS A RESTAKING FEE IF RESURVEYING IS REQUIRED DUE TO APS SURVEY STAKES BEING DESTROYED IN THE FIELD.
2. CUSTOMER TO PROVIDE & INSTALL ALL APPROVED TRENCH & CONDUIT MATERIALS IN COMPLIANCE WITH THE A.P.S. TRENCH AGREEMENT & THE TRANSMISSION & DISTRIBUTION CONSTRUCTION STANDARDS, UNLESS OTHERWISE NOTED.
3. APS TO PROVIDE, CUSTOMER TO INSTALL ALL APS EQUIPMENT PADS (EXCEPT THREE-PHASE TRANSFORMER PADS), J-BOXES, PULL BOXES, FLAT STRAPS AND MANHOLES UNLESS NOTED OTHERWISE. PLEASE CONTACT CSR TO ARRANGE TO PICK UP YOUR MATERIAL.

COORDINATE WITH WORK ORDER NO:

CURBS AND SIDEWALKS
SIDEWALKS AND CURBS INSTALLED PRIOR TO THE COMPLETION OF APS CONSTRUCTION, WHICH MAY INTERFERE WITH APS CONSTRUCTION, WILL BE REPAIRED AT CUSTOMER'S EXPENSE.
REVISIONS
THERE WILL BE A CHARGE TO THE CUSTOMER FOR CHANGES MADE AT THE REQUEST OF THE CUSTOMER TO THE FINAL DESIGN.
EASEMENTS
TRENCH, CONDUIT, AND ANY OTHER FACILITIES INSTALLED PRIOR TO OBTAINING EASEMENTS IS AT THE RISK OF THE CUSTOMER. IF THE FINAL DESIGN MUST CHANGE BECAUSE EASEMENTS CANNOT BE GRANTED, THE CUSTOMER IS RESPONSIBLE FOR ALL COST AND INSTALLATION ASSOCIATED WITH THE CHANGE.
PERMITS
APS WILL SUBMIT PERMITS. CONTRACTOR MUST SHOW PROOF OF BOND AND SIGN PERMITS PRIOR TO STARTING WORK.
EXISTING UNDERGROUND ELECTRIC LINES
THE LOCATION OF LINES IS APPROXIMATE AND THE AS-BUILT LOCATIONS IN THE FIELD MAY BE DIFFERENT.

DATA MODIFIED PER FIELD CONDITIONS

VICINITY MAP



QUARTER SECTION GRID DATA

T03.0N R01.0W Sec 04 SW 1/4	MAP#

CONTACT: TAMMY BILLMAN	
PHONE: 480 273-6559	MOBILE:
INSPECTOR: BOB PICKERING	
PHONE: 602-397-0078	MOBILE:

NO.	DATE	DESCRIPTION	BY
1	02/23/23	RELOCATE PROPOSED SC	JCD

aps — OTTAWA UNIVERSITY, 14470 W TIERRA BUENA LANE

WO#:	WA687536	DATE:	3/18/2023
BY:	JOSE DAVID	SCALE:	1:40
FILENAME:	WA687536-FINAL(REV1).DWG	SHEET	1 OF 1

CITY OF SURPRISE
Regular City Council Meeting

Council Meeting Date: August 1, 2023 Contact Person: Lloyd Abrams
Submitting Department: Community Development District: District 3
Staff Recommendations:

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

Agenda Wording:
Consideration and action pertaining to acceptance of the Dedication of Public Right-of-Way With Conditions from High Desert Development, Inc. for right of way along Waddell near Cotton Lane.

Motion:
I move to accept the Dedication of Public Right-of-Way with Conditions from High Desert Development, Inc.

Background:
The City has been working with landowners along Waddell and Cotton Lane to obtain right of way in order to widen the roadway in this area. The City has identified this corridor for a Capital Improvement Project (CIP) to improve traffic conditions in this area.

Objective Analysis:
The City will continue to pursue right of way along Waddell Road and Cotton Lane to improve the safety and capacity of the roadway network within the general area of this intersection.

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 the future Capital Improvement Project and O&M through the normal budgetary process.

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

ATTACHMENTS:

1. 23.06.01 EVR CLEAN Draft Dedication of ROW
2. Exhibit A High Desert Holdings
3. Exhibit B High Desert ROW
4. Exhibit C High Desert Holdings - Waddell Real Estate GP
5. Bradbury RW dedication with conditions - PowerPoint

When Recorded Mail To:

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

DEDICATION OF PUBLIC RIGHT- OF-WAY WITH CONDITIONS

(* Draft 06.01.23 ***)**

GRANTOR: High Desert Development, Inc., an Arizona corporation

GRANTEE: City of Surprise, an Arizona municipal corporation ("**City**")

Grantor, for and in consideration of the sum of $1.00 and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, does hereby dedicate to Grantee, subject to all matters of record, fee title to that real property depicted in Exhibit A hereto and legally described in Exhibit B hereto (the land area legally described in Exhibit B hereto being herein referred to as the "**Property"**) as public right-of-way for the expansion of Waddell Road and utility use. The Property is a portion of Maricopa County Assessor Parcel Number (APN) 502-01-018H (said tax parcel being herein referred to as the "**Master Parcel**"). The Master Parcel is physically located at 14014 North 172nd Avenue, and is within an unincorporated area of Maricopa County, Arizona.

This grant of public right-of-way is subject to the following conditions:

(1) The City shall cause to be constructed any and all improvements, now contemplated or hereafter determined to be necessary, in conjunction with the planned expansion of Waddell Road to the arterial road standards of the City then in effect at the time such construction commences, including, but not limited to, the construction of all travel and turn lanes, traffic control devices, medians and sidewalks, necessary relocation of existing utilities, removal and/or relocation and replacement of the existing adjacent fencing, and the removal and/or relocation of any trees existing within or upon the Property or any other portion of the Master Parcel (all such work being herein referred to collectively as the "**Roadway Expansion Work**").

(a) The City acknowledges that no costs or expenses incurred in conjunction with the performance of the Roadway Expansion Work shall be recoverable from either or both Grantor or Waddell Real Estate GP, LLC, an Arizona limited liability company ("**WRE**"), or any subsequent owner of either or both the Master Parcel or that real property presently owned by WRE as legally described in Exhibit C hereto (herein, the "**Adjacent Ranch Parcel**"). Furthermore, if the obligation to perform all or any part of the Roadway Expansion Work is imposed by the City upon any subsequent owner of either or both the Master Parcel or the Adjacent Ranch Parcel as a condition precedent to the approval by

the City of any development or redevelopment plans submitted with respect to either or both of such parcels, then those costs and expenses incurred by an owner who performs any of the Roadway Expansion Work which the owner is required to perform as a condition precedent to the approval by the City of the owner's redevelopment plans shall be reimbursed by the City for that Roadway Expansion Work which the owner actually performs as soon as practicable after the completion thereof by said owner.

(b) Notwithstanding subpart (a) above, Grantor or WRE, as applicable, or any subsequent owner of either the Master Parcel or the Adjacent Parcel, as applicable, shall be responsible for the construction, at their own cost and expense, of any roadway improvements not contemplated as part of the Roadway Expansion Work, but only to the extent such alternative or additional roadway improvements become necessary as a result of any development or redevelopment of either or both the Master Parcel or the Adjacent Ranch Parcel occurring after the date hereof. By way of illustration and not limitation, such alternative or additional roadway improvements might include driveways, deceleration lanes, acceleration lanes, or turn pockets; *provided, however*, if the development or redevelopment of either the Master Parcel or the Adjacent Parcel renders unnecessary the performance by the City of any portion of the Roadway Expansion Work, then an amount equal to the cost savings achieved by the City as a result of not having to perform the applicable portion of the Roadway Expansion Work shall be paid by the City to the developer responsible for the development or redevelopment of the Master Parcel or the Adjacent Ranch Parcel, as applicable, as soon practicable after the qualifying work has been completed by the developer and accepted by the City Engineer of the City. For purposes of this subpart (b), the amount for which reimbursement is being requested shall be supported by paid invoices/contracts for the work and be consistent with the total costs eligible for reimbursement pursuant to Chapter 42 of the Surprise City Code.

(2) Utility service to the Master Parcel shall be continued without interruption during the performance of the Roadway Expansion Work.

(3) Existing access from 172nd Avenue to the Master Parcel shall not be materially altered or relocated without the prior written consent of the Grantor, which prior written consent Grantor shall not unreasonably withhold, condition, or delay. Furthermore, the City shall implement commercially reasonable measures to ensure that access to 172nd Avenue from the intersection of Cotton Lane and Waddell Road is at all times available to the owners of the Master Parcel and the Adjacent Ranch Parcel, and their respective guests and business invitees. Such measures shall include, by way of illustration and not limitation, the creation of temporary roadways along the shoulders of Cotton Lane and Waddell Road, as well as the installation of temporary directional signage from the intersection of Cotton Lane and Waddell Road to the Master Parcel and the Adjacent Ranch Parcel.

(4) If necessary, Grantee shall, at Grantee's sole and absolute expense, coordinate with the United States Postal Service (USPS) for relocation of the existing mail delivery boxes on 172nd Avenue from and after the date upon which the Roadway Expansion work commences until the Roadway Expansion Work is completed to an alternative location reasonably acceptable to Grantor and the USPS so as to ensure uninterrupted mail delivery.

(5) If Grantee fails to commence the performance of the Roadway Expansion Work within seven (7) years from the date of execution of this document by Grantor, Grantee agrees that Grantor, or the then current owner of fee title to the Master Parcel, as applicable, may thereafter at its option, , but not if the Roadway Expansion Work has in fact commenced, make written demand upon Grantee that Grantee take all legal action necessary to cause title to the Property to revert or be reconveyed to Grantor, or the then current owner of fee title to the Master Parcel, as applicable. Written demand for such reversion or reconveyance shall be served upon Grantee, and Grantee shall thereafter prepare documentation to effectuate the reversion or reconveyance reasonably acceptable to Grantor or the then current owner of fee title to the Master Parcel owner, as applicable, with such acceptance not to be unreasonably withheld, conditioned, or delayed. The reversion or reconveyance of the Property shall be completed by Grantee as soon as practicable after demand has been made by Grantor, or the then current owner of fee title to the Master Parcel, as applicable, but in no event more than sixty (60) days thereafter.

(6) When reference is made to the commencement of the performance of the Roadway Expansion Work anywhere in this document including, without limitation, Paragraph 5 above, such phrase shall, in a circumstance where the City is performing the Roadway Expansion Work, mean the date upon which the City issues a "notice to proceed" to the contractor hired by the City to perform the Roadway Expansion Work. In any circumstance where the City is not performing the Roadway Expansion Work, the commencement of the performance of the Roadway Expansion Work shall mean the date upon which the party responsible for the performances of the Roadway Expansion Work is first issued a permit by the City for the performance of any aspect of the Roadway Expansion Work.

Subject to all matters of record on the date of execution hereof by Grantor, Grantor hereby binds itself and its successors to warrant and defend title to the Property as against all acts of Grantor, and none other.

DATED: June ___, 2023.

ACCEPTED BY:

HIGH DESERT DEVELOPMENT, INC., Arizona corporation

By: _____
George L. Bradbury IV, President

"Grantor"

CITY OF SURPRISE, an Arizona an municipal corporation

By: _____
Skip Hall, Mayor

"Grantee"

ATTEST:

DRAFT

_____
Sherry Ann Aguilar, City Clerk

(ACKNOWLEDGMENTS)

STATE OF ARIZONA)
) ss.
COUNTY OF MARICOPA)

This instrument was acknowledged before me on _____2023, By George L. Bradbury IV, the President of High Desert Development, Inc., an Arizona corporation, on behalf of said corporation.

_____
Notary Public in and for the State of Arizona

My Commission Expires:

_____

STATE OF ARIZONA)
) ss.
COUNTY OF MARICOPA)

This instrument was acknowledged before me on _____, 2023, by Skip Hall, the Mayor of the City of Surprise, an Arizona municipal corporation.

_____
Notary Public in and for the State of Arizona

My Commission Expires:

_____

DRAFT

EXHIBIT “A”

DESCRIPTION

ROAD RIGHT OF WAY DEDICATION

A portion of the Southeast Quarter of Section 11, Township 3 North, Range 2 West of the Gila and Salt River Meridian, Maricopa County, Arizona described as follows:

COMMENCING at the Southeast Corner of said Section 11 from which the South ¼ Corner of said Section lies South 89°50’28” West 2643.50 feet;

Thence along the south line of said Southeast Quarter South 89°50’28” West 1321.75 feet;

Thence departing said line North 00°13’50”E 40.00 feet to the southeast corner of that real property described in that Special Warranty Deed recorded as entry no. 2006-0537131 records of said County, and the POINT OF BEGINNING;

Thence along the south line of said real property South 89°50’28” West 660.88 feet to the southwest corner of said real property;

Thence along the west line of said real property North 00°13’37” East 28.00 feet;

Thence departing said line North 89°50’28” East 660.88 feet to the east line of said real property;

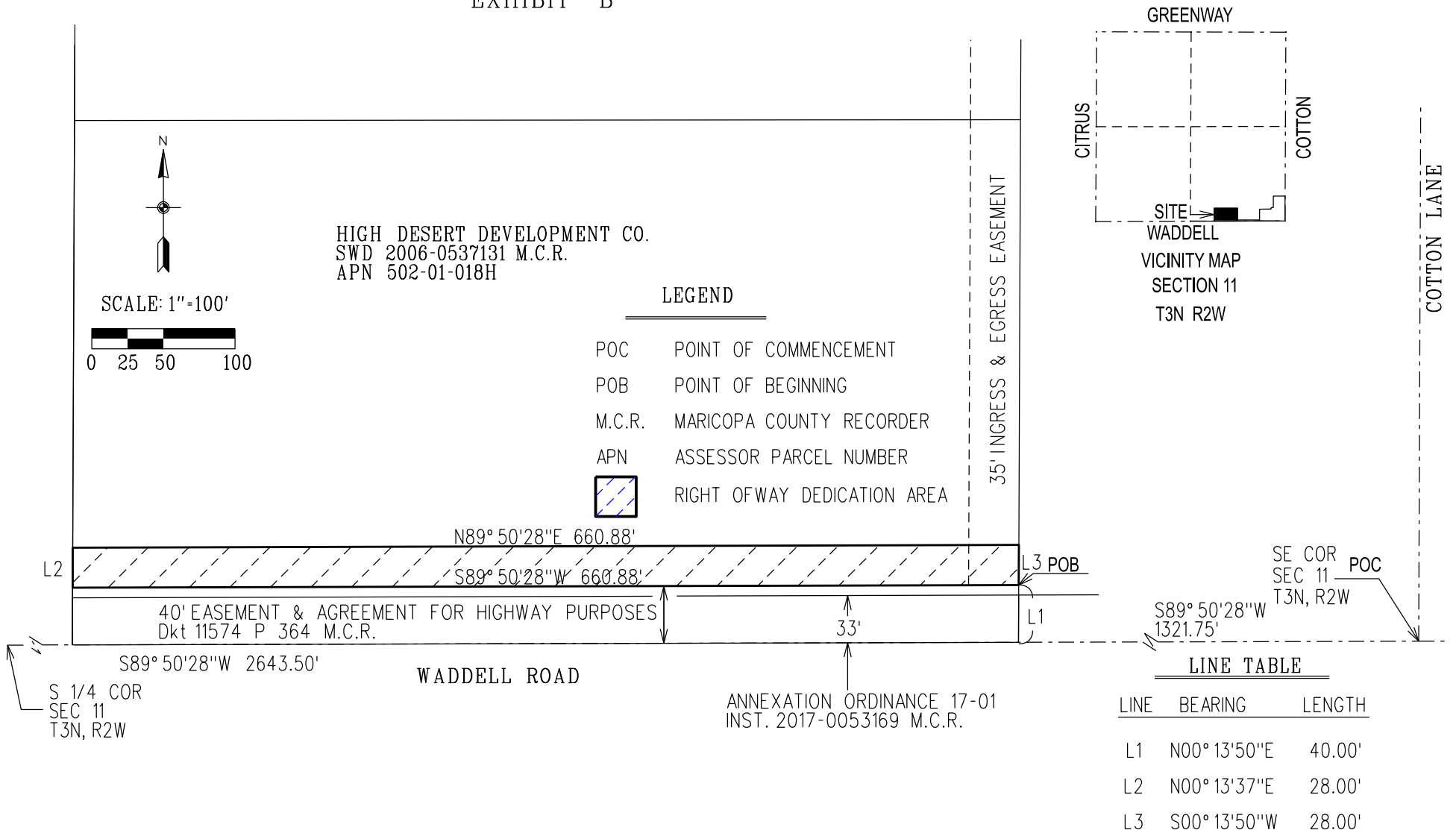
Thence along said east line South 00°13’50” West 28.00 feet to the POINT OF BEGINNING.

Containing 0.42481 acres, more or less.

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

End of description

EXHIBIT "B"



LINE TABLE

LINE	BEARING	LENGTH
L1	N00° 13'50"E	40.00'
L2	N00° 13'37"E	28.00'
L3	S00° 13'50"W	28.00'

BASIS OF BEARINGS

Maricopa County Low Distortion Projection
Linear unit: International foot
Geodetic Datum: NAD 1983
Projection type:
Lambert Conformal Conic (single parallel)
Latitude of origin: 33° 15'00"N
Central meridian: 112° 15'00" W
False northing: 1,500,000.000 ift
False easting: 2,500,000.000 ift
Standard parallel scale: 1.000045 (exact)

REGISTERED LAND SURVEYOR
CERTIFICATE NO.
19820
RON DRY
02-21-23
Date Signed
ARIZONA • U.S.A.

SURPRISE
ARIZONA

CITY OF SURPRISE
LAND SURVEY DEPARTMENT
16000 N. CIVIC CENTER PLAZA
SURPRISE AZ. 85374

ROAD RIGHT OF WAY DEDICATION

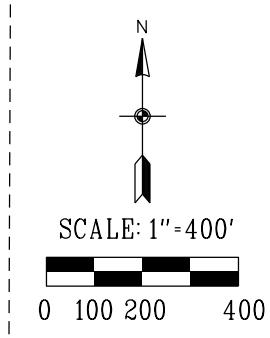
PROJECT # 23007	DRAWN BY RCD	DATE 02-21-23	SHEET 1 OF 1

EXHIBIT "C"

CTR 1/4 COR
SEC 11
T3N, R2W

E 1/4 COR
SEC 11
T3N, R2W

N LINE OF THE SE 1/4 SECTION 11



W LINE OF THE SE 1/4 SECTION 11

1964.50'

THE EAST 1/2 OF THE WEST 1/2 OF THE SOUTHEAST QUARTER OF SECTION 11, TOWNHIP 3 NORTH, RANGE 2 WEST

2276.50'

COTTON LANE

PARCEL 1
The South 311.00 feet of the North 1,964.50 feet of the East Half of the West half of the Southeast Quarter of Section 11, Township 3 North, Range 2 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona

PARCEL 2
The South 312.00 feet of the North 2,276.50 feet of the East Half of the West half of the Southeast Quarter of Section 11, Township 3 North, Range 2 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona

PARCEL 3
The East Half of the West half of the Southeast Quarter of Section 11, Township 3 North, Range 2 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona
EXCEPT the North 2,276.50 feet thereof.

311.00'

PARCEL 1

PARCEL 2

312.00'

PARCEL 3

REGISTERED LAND SURVEYOR
CERTIFICATE NO.
19820
RON DRY
06-05-23
Date Signed
ARIZONA, U.S.A.

S 1/4 COR
SEC 11
T3N, R2W

WADDELL ROAD

SE COR
SEC 11
T3N, R2W

MASTER PARCEL

SURPRISE
ARIZONA

CITY OF SURPRISE
LAND SURVEY DEPARTMENT

PROJECT # 23015	DRAWN BY RCD	DATE 06-05-23	SHEET 1 OF 1

SURPRISE
ARIZONA

Bradbury
Waddell Right-of-Way Dedication With Conditions

City Council – August 1, 2023

VICINITY MAP

EXHIBIT

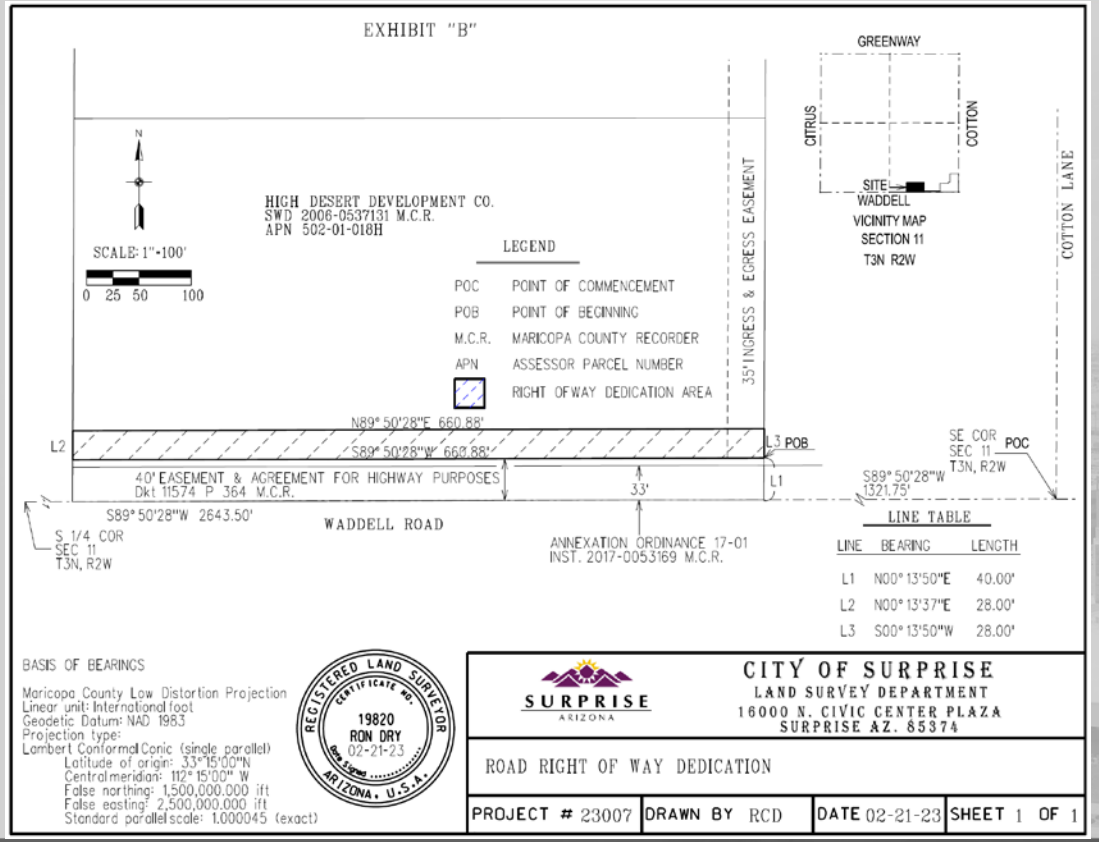


EXHIBIT "B"
GREENWAY
CITRUS
COTTON
SITE
WADDELL
VICINITY MAP
SECTION 11
T3N R2W
COTTON LANE
35' INGRESS & EGRESS EASEMENT
HIGH DESERT DEVELOPMENT CO.
SWD 2006-0537131 M.C.R.
APN 502-01-018H
SCALE: 1"=100'
0 25 50 100
LEGEND
POC POINT OF COMMENCEMENT
POB POINT OF BEGINNING
M.C.R. MARICOPA COUNTY RECORDER
APN ASSESSOR PARCEL NUMBER
RIGHT OF WAY DEDICATION AREA
N89° 50'28"E 660.88'
S89° 50'28"W 660.88'
L2
L3 POB
SE COR
SEC 11
T3N, R2W
POC
S89° 50'28"W
1321.75'
40' EASEMENT & AGREEMENT FOR HIGHWAY PURPOSES
Dkt 11574 P 364 M.C.R.
33'
L1
S89° 50'28"W 2643.50'
WADDELL ROAD
S 1/4 COR
SEC 11
T3N, R2W
ANNEXATION ORDINANCE 17-01
INST. 2017-0053169 M.C.R.
LINE TABLE
LINE BEARING LENGTH
L1 N00° 13'50"E 40.00'
L2 N00° 13'37"E 28.00'
L3 S00° 13'50"W 28.00'
BASIS OF BEARINGS
Maricopa County Low Distortion Projection
Linear unit: International foot
Geodetic Datum: NAD 1983
Projection type:
Lambert Conformal Conic (single parallel)
Latitude of origin: 33° 15'00"N
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REGISTERED LAND SURVEYOR
CERTIFICATE NO.
19820
RON DRY
02-21-23
ARIZONA, U.S.A.
SURPRISE
ARIZONA
CITY OF SURPRISE
LAND SURVEY DEPARTMENT
16000 N. CIVIC CENTER PLAZA
SURPRISE AZ. 85374
ROAD RIGHT OF WAY DEDICATION
PROJECT # 23007
DRAWN BY RCD
DATE 02-21-23
SHEET 1 OF 1

SURPRISE
ARIZONA

QUESTIONS / COMMENTS?

Thank You

CITY OF SURPRISE
Regular City Council Meeting

Council Meeting Date: August 1, 2023
Contact Person: Trever Fleetham, PLANNER SENIOR
Submitting Department: Community Development
District: District 1
Staff Recommendations:

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

Agenda Wording:
Consideration and action pertaining to a Major PAD Amendment to the Asante PAD to change the land use designation for approximately 101 gross acres from commercial to mixed-use and modify development standards. The site is generally located at the southwest corner of 163rd Avenue and Pat Tillman Blvd, within the Asante PAD. Case FS22-0517

Motion:
I move to approve Ordinance #2023-03 Alternative 1.
I move to approve Ordinance #2023-03 Alternative 2.
I move to approve Ordinance #2023-03 Alternative 3.

Background:
Withey Morris, PLC, the applicant, on behalf of Kimco Barclay Surprise II, LLC, the owner, requests a Major PAD Amendment to the Asante PAD to change the land use designation for approximately 101 gross acres from commercial to mixed-use and modify development standards. The change would result in a mixture of residential and commercial land uses at the southwest corner of 163rd Avenue and Pat Tillman Blvd.

Objective Analysis:
This Major PAD Amendment would allow the applicant to develop the property with a mix of uses.

Policy Compliant:
The requested Major PAD Amendment, as outlined and detailed in the amendment document, is consistent with the Surprise 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 staffing levels.

ATTACHMENTS:

1. 00 - FS22-0517 Asante Major PAD Amendment - Staff Report 080123 CC
2. 01 - FS22-0517 Asante Major PAD Amendment - Vicinity Map
3. 02 - FS22-0517 Asante Major PAD Amendment - Existing Land Use Map
4. 03 - FS22-0517 Asante Major PAD Amendment - Proposed Land Use Map
5. 04 - FS22-0517 Asante Major PAD Amendment - Amendment Document Reduced File Size
6. 05 - FS22-0517 Asante Major PAD Amendment - Luke AFB Comments
7. 06 - FS22-0517 Asante Major PAD Amendment - Affidavit of Site Posting
8. 07 - FS22-0517 Asante Major PAD Amendment - Citizen Participation Report
9. 08 - FS22-0517 Asante Major PAD Amendment - Support & Opposition
10. 09a - FS22-0517 Asante Major PAD Amendment - Ordinance Alternative 1 (Original Request)
11. 09b - FS22-0517 Asante Major PAD Amendment - Ordinance Alternative 2 (PZ Recommendation)
12. 09c - FS22-0517 Asante Major PAD Amendment - Ordinance Alternative 3 (Revised Proposal)
13. FS22-0517 Asante Major PAD Amendment - 080123 CC

MAJOR PAD AMENDMENT

REPORT TO THE CITY COUNCIL

Case:	**FS22-0517**
Project Name:	Asante Major PAD Amendment
Council District:	1 – Acacia
Meeting Date:	**August 1, 2023**
Planner:	Trever Fleetham, AICP
Owner:	Kimco Barclay Surprise II, LLC
Applicant:	Withey Morris PLC
Request:	Major Planned Area Development (PAD) Amendment to the Asante PAD to change the land use designation for approximately 101 gross acres from commercial to mixed-use and modify development standards.
Site Location:	Generally located at the southwest corner of 163rd Avenue and Pat Tillman Blvd, within the Asante PAD.
Site Size:	101 gross acres (approx.)
General Plan Conformance:	The proposal is consistent with the Surprise General Plan 2035.
Support/Opposition:	See attached Citizen Participation Report
Commission Recommendation:	The Planning & Zoning Commission recommended **approval** with the following additional stipulations: • The residential area shall be capped at a total of 475 dwelling units. • Commercial development shall be built concurrently with the residential development.

Project Description:

Withey Morris, PLC, the applicant, on behalf of Kimco Barclay Surprise II, LLC, the owner, requests a Major PAD Amendment to the Asante PAD to change the land use designation for approximately 101 gross acres from commercial to mixed-use and modify development standards. The change would result in approximately 21.9 acres of C-2 commercial, 28.8 acres of C-3 commercial, and 50.3 acres of R-3 high density residential at the southwest corner of 163rd Avenue and Pat Tillman Blvd.

Background:

November 3, 1988: The subject property was annexed into the City of Surprise under Ordinance #88-24

November 24, 2004: The Mayor and City Council approved the Asante Planned Area Development under case PAD04-124, Ordinance #04-41.

October 28, 2021: The applicant met with staff to discuss the subject proposal during a regularly scheduled Concept Review Meeting under case CR21-567.

April 8, 2022: The applicant submitted for a Major PAD Amendment to the Asante PAD under case FS22-0517, the subject case.

February 16, 2023: The subject case was heard by the Planning & Zoning Commission, who recommended approval subject to stipulations ‘a’ through ‘d’.

April 4, 2023: The subject case was scheduled for a public hearing during a regularly scheduled City Council meeting. At the request of the applicant, the item was continued to a date certain of May 16, 2023, and ultimately continued to August 1, 2023.

May 16, 2023: The subject case was scheduled for a public hearing during a regularly scheduled City Council meeting, and at the request of the applicant it was continued again, ultimately for the August 1, 2023 City Council meeting. During this time the applicant revised the request.

Analysis and Discussion:

The subject site, Parcel 1.2 of the Asante PAD, is currently designated as C-2 commercial. The applicant is requesting a change in the land use map to reduce the amount of commercial and incorporate residential development. Initially, the applicant proposed approximately 15 acres of C-2 commercial, with the remainder of the site being a combination of R-2 single-family residential and R-3 multi-family residential. After multiple City reviews and neighborhood outreach, the applicant elected to amend the proposal.

The revised proposal included a combination of multi-family residential, community commercial, and regional commercial, following the R-3, C-2, and C-3 standards of the LDO. The north half of the site, which is carried through from the original proposal, is planned as a mixed-use development. The 29.2 acre R-3 parcel is planned for a build-to-rent cottage community – the site plan for which was reviewed under the same case number. This development has been planned to integrate with the C-2 commercial development to the east. The applicant has incorporated site design elements between these two developments, such as vehicular and pedestrian connectivity, shared open space, and building orientation and massing, in order to achieve a horizontal mixed-use development.

These mixed-use elements have already been incorporated into the site plan for the north side multi-family currently in review with the City. Since a site plan has not been submitted for review for the C-2 commercial, specific design guidelines have been incorporated into the proposed amendment to ensure future integration. The C-2 commercial development is planned for neighborhood scale commercial uses such as retail, restaurant, and offices.

The 28.8 acre C-3 parcel on the south side of the subject site is included with the intent that it will be more employer focused, with an emphasis on healthcare, hospital, professional offices, and supporting services. The 21.1 acre R-3 parcel on the south is proposed as an additional residential component to the overall development to support the C-3 employment uses. While the R-3 zoning designation allows for high-density residential, this site will be limited to 187 dwelling units per the updated water report, unless additional capacity is provided.

Water & Wastewater

The original Asante Joint Development Agreement, and its associated water and wastewater reports, allocated water and wastewater capacity for the subject site based on its original and current land use designation of C-2 commercial. Updated water and wastewater reports were provided in association with the subject request to contemplate the change in demands due to the change in the land use plan, while remaining within the original approved capacity for the site. The reports utilized standard demands for commercial areas, and the number of known dwelling units planned for the northern R-3 area, to calculate the number of dwelling units possible in the southern R-3 area without increasing the original approved capacity. Additional capacity may be required in the future as the subject site develops.

Open Space & Trails

In order to be consistent with the Asante PAD and the Surprise General Plan, a trail network has been incorporated into this proposal. Connection points have been planned to the adjacent roadways, existing Asante trails, between each development, and to the central amenity area. The northern residential parcel has been planned with several connection points to the commercial parcel to the east for proper mixed-use integration. This residential development also includes the central open space amenity site for the overall parcel. While included in the site plan for the rental cottages development, this open space will be accessible to the public and include sports courts, playground, turf, and pedestrian amenities.

Amended Request

After hearing feedback from the public and the Planning & Zoning Commission, the applicant again amended the proposal request prior to a City Council public hearing. The latest amended request reduces the amount of R-3 and C-2 area and increases the amount of C-3 area. This revised proposal, which will be presented to the City Council by the applicant, includes a total of 26 acres of R-3, 15 acres of C-2, and 60.1 acres of C-3.

Utility and Services Table:

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

Conformance with Adopted Plans:

Surprise General Plan 2035: The Surprise General Plan 2035 shows the subject property as lying within the Commerce & Office Character Area, which can accommodate a variety of land uses. The General Plan states that these areas are “intended to provide opportunities for a mixture of commercial and retail uses, office and employment areas, higher density housing, hospitality developments, government and civic uses, educational and medical campuses, and entertainment choices to encourage a true live, work play environment.”

The proposed amendment was planned to utilize two of the development types contained within the Commerce & Office Character Area: ‘Commercial Office’ and ‘Mixed Use – Residential.’ The north half of the site is designed as a horizontal mixed use development, with a majority of the area being residential and the remainder being neighborhood level commercial. Site layout and design guidelines have been incorporated to ensure integration between the two land uses. The south half of the site utilizes the Commercial Office development type, which supports employment level commercial and supporting, stand-alone multi-family.

As such, the proposed Major PAD Amendment demonstrates consistency with this land use category and advances the goals and policies of the General Plan.

Reviewing Agencies:

In addition to the standard city reviewing agencies, Maricopa Water District, Maricopa County Department of Transportation (MCDOT) and Luke AFB were included in the routing of this request. These agencies indicated no objections to the request.

Citizen Outreach:

The applicant held neighborhood outreach meetings on June 28th and June 29th, 2022 that were properly advertised per the requirements of the LDO. One meeting was held in-person at Asante Preparatory Academy and the other was held virtually via Zoom. During these meetings, residents from the vicinity expressed their concerns regarding traffic, loss of commercial land, prospective commercial uses, parking, construction timing, and housing.

The applicant elected to amend the proposed land use plan after these neighborhood outreach meetings were held. The applicant subsequently held additional, voluntary neighborhood outreach meetings to present and receive feedback on the revised plan. See the attached Citizen Participation Report for a detailed summary of all meetings held.

Summary:

The applicant is requesting a change in the land use designation for the subject property from C-2 Commercial to a mixture of commercial and residential. Initially, the applicant proposed a combination of R-2, R-3, and C-2 commercial. After receiving feedback from the community, the applicant amended their initial request to a combination of R-3, C-2, and C-3. This combination included 21.9 acres of C-2 commercial, 28.8 acres of C-3 commercial, and 50.3 acres of R-3 high density residential and was the proposal that was presented to the Planning & Zoning Commission.

After the Commission hearing, the applicant elected to amend the proposal again to incorporate more C-3 commercial and reduce the amount of R-3 residential. This latest proposal will be presented by the applicant to the Council following staff's presentation.

Findings:

- The proposed Major PAD Amendment is consistent with, and will advance the goals and policies of, the Surprise General Plan 2035.

Commission Recommendation:

Based on the findings noted above, staff recommended the Commission move to recommend approval of case FS22-0517 to the City Council subject to stipulations 'a' and 'b' as follows:

a. Development and use of the site shall be consistent with the rezone narrative entitled "Asante Trails", prepared by Withey Morris, PLC, dated January 13, 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.

The Planning & Zoning Commission recommended **approval** to the City Council with two (2) additional stipulations as follows:

c. The residential area shall be capped at a total of 475 dwelling units.

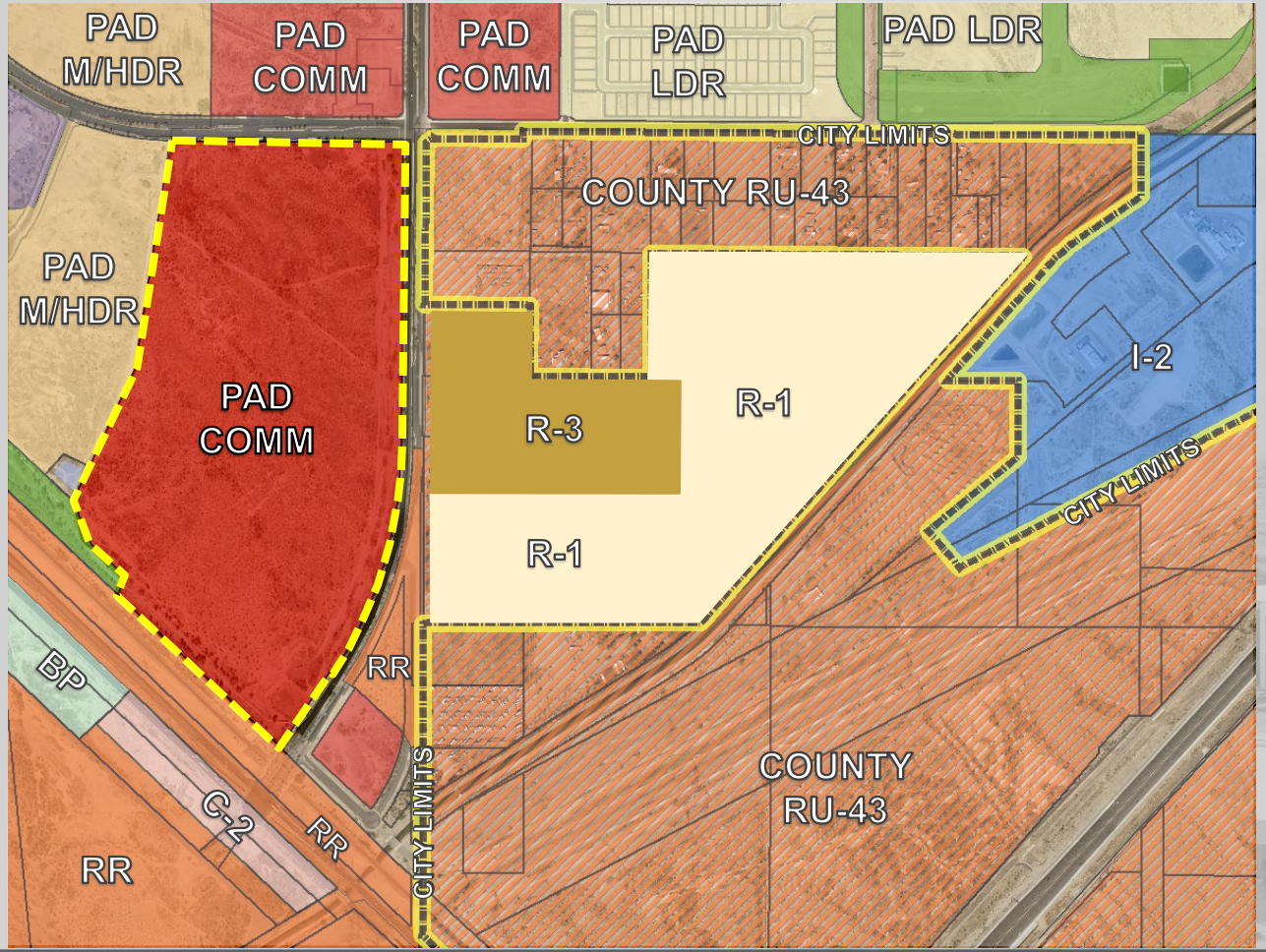
d. Commercial development shall be built concurrently with the residential development.

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

Attachments:

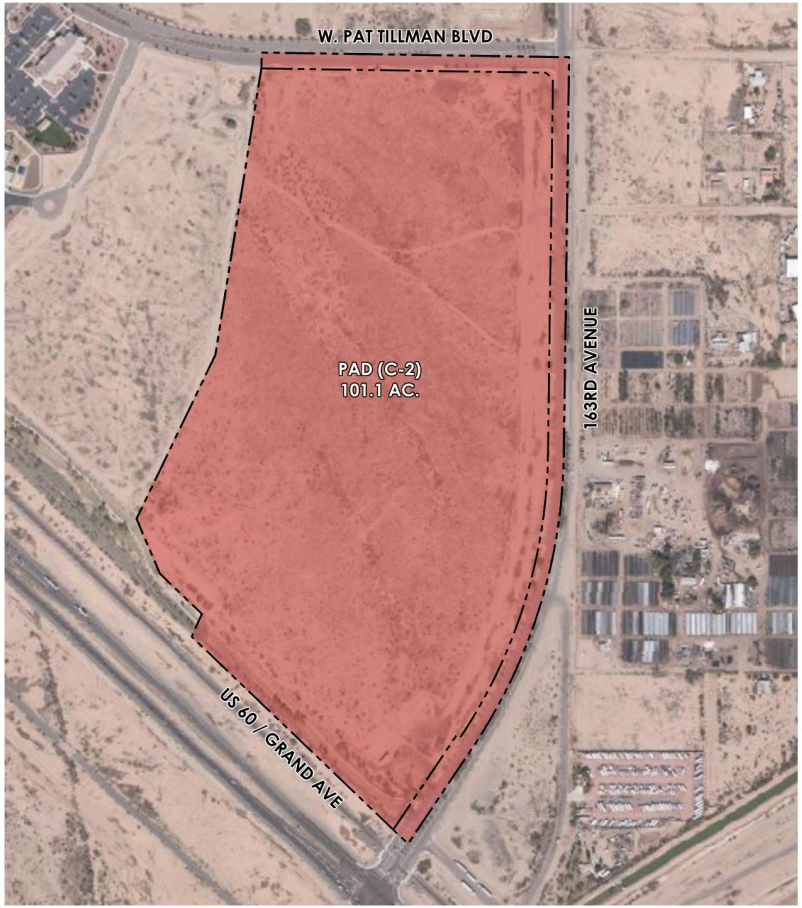
01 Vicinity Map
02 Existing Land Use Map
03 Proposed Land Use Map
04 PAD Amendment Document
05 Luke AFB comments
06 Affidavit of Site Posting
07 Citizen Outreach Report – REDACTED
08 Support/Opposition
09a Ordinance #2023-03 Alternative 1
09b Ordinance #2023-03 Alternative 2
09c Ordinance #2023-03 Alternative 3
PPT

HERITAGE
ASANTE
163rd Ave
US-60/ Grand Ave
ASANTE
ESCALANTE
Pat Tillman Blvd
Austin Ranch/
North Copper
Canyon
SITE
Loop 303
VICINITY MAP

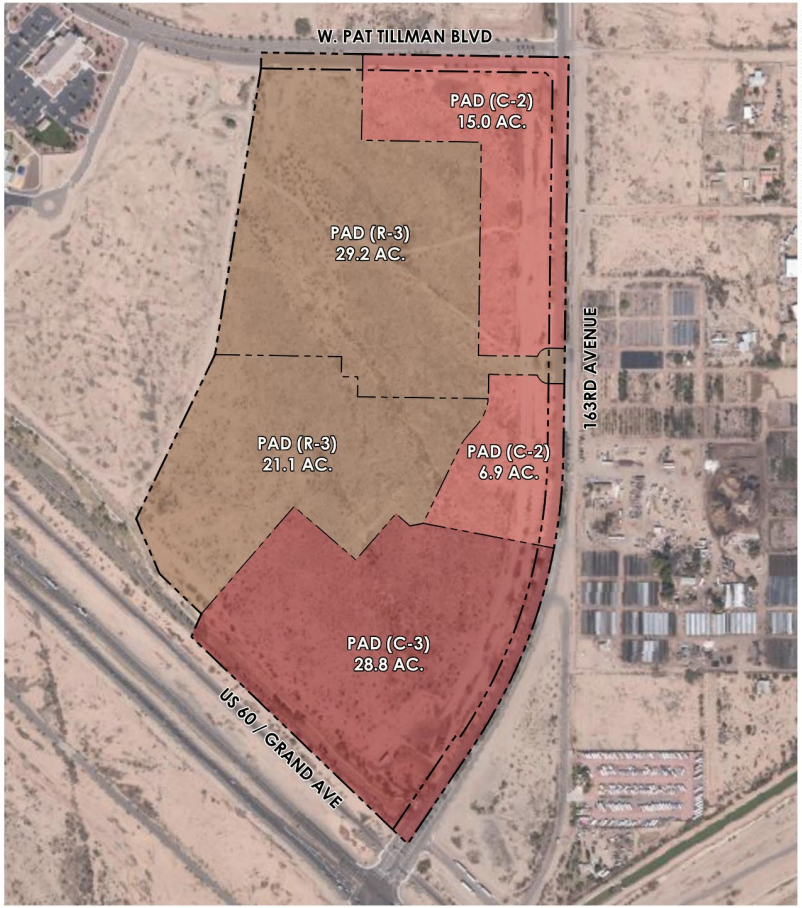


EXISTING LAND USE

PROPOSED LAND USE



EXISTING ZONING DISTRICT



PROPOSED ZONING DISTRICTS

Asante PAD

“Asante Trails”

FS22-0517

Major PAD Amendment Narrative
Amendment No. 8

Submitted: April 2022
Resubmitted: September 2022
Resubmitted: December 2022
Resubmitted: January 2023

Development Team

Applicant

Withey Morris, PLC
2525 E. Arizona Biltmore Circle Ste. A-212
Phoenix, AZ 85016
Contact: Adam Baugh
Email: adam@witheymorris.com
Phone: (602) 230-0600

Owner

Kimco Surprise II, LLC
3830 W. Pinnacle Peak
Glendale, Arizona 85310

Land Planning

RVi Planning & Landscape Architecture
120 S. Ash Avenue, Suite 201
Tempe, AZ 85281
Contact: Mark Reddie
Email: mreddie@rviplanning.com
Phone: 480-994-0994

Leasing

SRS Real Estate Partners
3131 E. Camelback Road
Phoenix, AZ 85016
Contact: Ed Beeh
Email: ed.beeh@srsre.com
Phone: 602-682-6200

Engineer

Terrascape Consulting
645 E Missouri Ave, Ste 160
Phoenix, AZ 85012
Contact: Dave Soltysik
Email: dsoltysik@terrascape.us
Phone: (480) 454-8010

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Introduction

This Major PAD Amendment request is for the property located at the southwest corner of Pat Tillman Pkwy & 163rd Ave, commonly known as Maricopa County Assessor's Parcel Number 503-76-803 (the "Property") (**Exhibit A**). The Property is approximately 101.1 gross acres in size. It is vacant land located within the Asante PAD. Refer to the enclosed Existing Zoning Map (**Exhibit B**).

Asante History

The Asante Planned Area Development ("PAD") was approved by the City Council in November 2004 through adoption of Ordinance #04-41. The original approval included 1,508 gross acres and has been amended several times. When it was originally approved in 2004, this subject property was initially considered for commercial (75.5 ac) and medium to high density residential (77.4 ac) uses.

In 2005, the city approved a land use revision that increased the size of the commercial area by 27 more acres and reduced the M/HDR area by an equal amount. The intent at the time was to create a large retail power center.

In 2012, the Asante PAD was changed again to modify the size of the commercial power center to 97.1 net acres and was planned as a "lifestyle" oriented commercial shopping center. M/HDR uses were still planned in the Gateway area with a target of 8.3 du/ac (1062 units), however, specific parcels were noted to range between 6 to 20 du/ac.

The existing and proposed Asante Land Use Plans are included herein at **Exhibit C** and **Exhibit D**.

Major PAD Amendment

The change in the Gateway Area commercial acreage designation represents a major amendment to the Asante PAD and is a necessity for the long-term commercial prospects at this location. Initially, the owner's acquisition of this site 16 years ago was for the purpose of developing a large retail center. However, traditional brick and mortar retail development has drastically changed since this PAD was adopted and a 97-acre retail power center is not practical nor feasible here. Based on our experience developing retail centers, coupled with guidance from commercial brokers in this area, we've learned that a neighborhood scale shopping center on the north side is more appropriate to serve local resident needs. This makes sense given the Fry's anchored commercial center directly north is already 19 acres bringing the total proposed size of commercial zoned land at this intersection to 34 gross acres. Additionally, the frontage on US 60 allows the opportunity for another 35.7 acres of additional commercial zoning that could be more focused on employment and healthcare related uses. In total, we are proposing 50.7 acres of commercial land, with the balance as residential R-3 (50.4).

The Asante PAD remains committed to a combination of commercial and residential uses planned in a comprehensive manner that will contribute to the quality of the city and provide nearby shopping and a quality residential living environment. To right-size the commercial acreage on the Property, we propose a mixed-use project that blends residential, commercial, and healthcare relates uses. More than half of the site will provide commercial uses along the street frontages where it is most likely to succeed, with residential uses placed behind it. The R-3 product will add to the housing diversity in the area and create a greater demand for retail and healthcare services as well as the already committed retail uses to the north.

This change will update the allowed unit cap for the Gateway Area, which increases from 1,062 to 1,542 units consistent with the proposal. The additional units in the Gateway Area helps create a viable development plan more appropriate for this site.

Request

This amendment seeks to rezone +/- 101.1 gross acres within the Asante Planned Area Development (PAD) from Commercial (C-2) to Commercial (C-2) (21.9 gross acres), Commercial (C-3) (28.8 gross acres) and Residential High (R-3) (50.4 gross acres) (**Exhibit E**). This request also includes an update in the amount of residential units permitted in the Gateway Area from 1,062 units to 1,542 units. This is an increase of 480 units within the Gateway Area which equates to a 9.5 gross du/ac. This PAD amendment will provide a more realistic balance of commercial uses to the overall master plan concept with high-quality living options for all types of families.

General Plan Conformance

The Surprise General Plan land use map designates the property as "Commerce & Office" (**Exhibit F**), which has four subcategories, two of which apply to the site.

South Half

The southern half sub-category is Commercial Office which per the General Plan permits "office buildings…and supporting retail, restaurant, hotel and civic spaces to support the concentration of professional offices. Educational and medical campuses along with their typical support facilities may also be located within this development type. Stand-alone multi-family residential development could be integrated into the overall design, were appropriate, to offer housing options near quality jobs that shorten commute times and reduce congestion."

The south half proposal is expected to include office, medical campus and healthcare uses, and stand-along multi-family per the general plan. The large C-3 zoned area is intended for a healthcare user that could include a hospital, office, and medical uses. Adjacent to that area is supporting retail C-2 zoning which strengthens the employment aspect by providing commercial amenities nearby. Behind the C-3 and C-2 is R-3 zoning "to offer housing options near quality jobs that shorten commute times and reduce congestion"

North Half

The north half sub-category is Mixed Use: Residential which is the most appropriate subcategory for this site in today's environment. The general plan text for Mixed Use Residential states that it "includes a vertical and or horizontal mixture of residential and non-residential land uses where the residential component of the project constitutes at least 75% of the overall square footage or acreage. The remaining 25% of acreage would constitute commercial retail, office, education, medical, entertainment, or civic related uses."

In this instance, the development will provide at least 75% of its acreage for residential and will integrate with the commercial parcel through pedestrian, vehicular and modal cohesion and connectivity. We further plan to incorporate view corridors, open spaces and building massing plans to account for optimal functionality, livability and use integration as mentioned previously included in this plan.

The General Plan highlights some key mixed-use planning principles that help create an integrated environment as outlined below:

P.29: "*The Commerce & Office Land Use Character Area supports both a **horizontal** and vertical mixture of uses on a larger scale. However, the development pattern for this character area remains walkable and accommodates other forms of transportation including cars, bicycles, and transit to encourage a more urban style living environment."*

Response: The bubble plan illustrates how the development is walkable and bicycle friendly as demonstrated by the various dashed yellow pathways leading from the commercial to the residential. This proposal is walkable and accommodates bicycles and pedestrian access directly to the commercial area via trail systems, sidewalks, walkways, and plazas. Connection areas are intentional as they engage with the commercial use rather than turn their back to it.

Additional forms of vehicular and public transit are also available on the surrounding street network. A bus bay can be accommodated easily along the commercial frontage should the city opt to provide that service in this area.

p.30: "Where appropriate, all mixed-use developments should include active and passive open space areas designed, located and oriented to provide; high pedestrian accessibility to adjacent development."

Response: The proposed plan achieves the intended pedestrian friendly integration by placing building openings and courtyards that open up to the residential area rather than closed off. This is achieved through courtyard plazas, outdoor spaces, and connection to adjacent park spaces. Additionally, the central open space area between the north/south half provides significant active open spaces for the broader Asante community. This new amenity area includes a sport court, playground, large turf area, plazas, ramada, game plaza and more along with public street parking.

P.31*: "**Stand-alone multi-family residential development could be integrated** into the overall design, where appropriate, to offer housing options near quality jobs that shorten commute times and reduce congestion."*

Response: Integration between the commercial and residential areas occur between connecting pedestrian walkways, plazas and open space areas.

The two project components combine through the use of commercial plazas and connecting courtyards. The integration of residential next to commercial helps place housing options near quality jobs and shortens commute times.

A NEIGHBORHOOD COMMERCIAL PLAZAS

B CONNECTED PEDESTRIAN TRAIL SYSTEM

p.*30: "Where appropriate, all mixed-use developments should include active and passive open space areas designed, located and oriented to provide;* ***high pedestrian accessibility to adjacent development****."*

Response: The proposed plan achieves the intended pedestrian friendly integration by placing building openings and courtyards that open up to the residential area rather than closed off. This is achieved through courtyard plazas, outdoor spaces, and connection to adjacent park spaces.

Additionally, the central open space area between the north/south half provides significant active open spaces for the broader Asante community. This new amenity area includes a sport court, playground, large turf area, plazas, ramada, game plaza and more along with public street parking. In this manner, the central active open space creates a necessary pedestrian link to the parcels to the west, thus allowing pedestrians, cyclists, and runners a connected pathway that ties together all parts of Asante towards the commercial area along 163rd Avenue.

LANDSCAPE KEYNOTES

1. PEDESTRIAN PLAZA
2. BISTRO SEATING
3. RAISED PLANTER
4. PLAYGROUND
5. MOUNDED OPEN-SPACE
6. RAMADA
7. CORNHOLE
8. ARTIFICIAL TURF
9. OPEN-SPACE LAWN
10. SHADE SAIL
11. MULTI-SPORT COURT
12. BENCH SEATING
13. BENCH SEATING

The General Plan also talks about using "transition measures" like:

- Adjust densities to provide a gradual transition to surrounding uses;
- Provide similar streetscape and landscape design to surrounding uses;
- Utilize similar setbacks to surrounding uses;

- Place enhanced landscape/open space buffers between uses; additional measures should be taken to emphasize transition through integration and encourage connectivity between new development and surrounding uses.

Our land plan accomplishes these items above by providing greater density next to the commercial uses,. There is consistent landscape theming, streetscape, and design across the full project site that unifies all components together. We have placed thoughtful open spaces next to the commercial uses to emphasize transition through integration and encourage connectivity between new development and surrounding uses. Additionally, a linear park is located in the project center to create a blended space where residents, employees, and commercial users can enjoy.

Mixed-Use Project Overview

The applicant proposes a balanced mixed-use community (**Exhibit G, Site Plan**) that includes a commercial shopping center, rental cottage homes, employment and active community open space areas. The key planning emphasis is integration between the commercial shopping center, employment areas, and the residential components through the use of linear parks and pathways that link the overall Asante community through the site and towards the commercial uses. The land plan creates an area with diverse housing options and lifestyle amenities incorporated with social, entertainment, and employment opportunities that create economic and social vitality and provides flexibility in the design of new developments.

Diverse housing options are provided along with integrated commercial uses offering social, entertainment, and employment opportunities. It is our intent to permit a wider variety of residential uses but a more specific range of commercial uses focused on meeting the daily needs of the residents while being compatible with and integrated into the residential neighborhoods.

Commercial

This development proposal aims to provide convenient access to commercial services in the area, employment opportunities and amenities. The proposed plan will create an intimate community designed to foster connections and caring relationships amongst other residents by a series of interconnected trails and view corridors along with gathering spaces for all residents.

This horizontally integrated mixed-use community has residential and commercial components in separate buildings that are designed to have integrated pedestrian connections, circulation system and parking concept. The plan integrates a variety of different land uses including employment areas, rental cottages, and commercial uses all linked through a comprehensive network of pedestrian trails and walkways. Onsite open space areas include amenities and safety features that enable residents to use the open space amenities within and between the land uses providing safe connectivity between the mix of uses. The plan also demonstrates an integrated circulation system and parking through shared primary entry theme roads for all three uses that features on-street parking, amenitized central open spaces, and pedestrian connections.

A variety of C-2 commercial uses are provided within a neighborhood scale site allowing for a diverse range of uses. Commercial zoning is located along the north side where there is synergy with the Fry's commercial shopping center to the north. Commercial uses then extend south along 163rd Ave to provide new retail amenities at a neighborhood scale.

Closer to US 60, an additional 28.8 acres of C-3 commercial zoning is provided to allow for additional commercial uses next to the highway corridor, as was always expected at this location. It is expected that uses in that area will have a greater degree of employment, officer, medical care, and other public service uses. In this manner, the site is able to provide both neighborhood scale retail and healthcare type uses for the long-term buildout of Asante.

The commercial site plan is conceptual at this stage but will develop consistent with the C-2 development standards within the Surprise Land Development Ordinance (LDO). The concept plan represents a likely building layout in combination with drive aisles, access points, and integrated outdoor open space areas. Future buildings will pursue their own individual site plan and architecture approval through a site plan

application, pursuant to the commercial design guidelines identified with this PAD.

To that end, a variety of commercial uses are provided with a more neighborhood scaled site allowing for a diverse range of uses other than those that will be located to the site to the north. The northern commercial area will include uses such as restaurants, cleaners, spas, and childcare, as well as retail office uses such as medical and financial services. It is also the intent of these districts to create the live-work-play environment designed to promote a pedestrian scaled walkable development. Hence, a variety of residential, non-residential and open space amenities create a live-work-play environment in a pedestrian scaled walkable neighborhood.

The southern commercial (C-3) area is intended to be more employer focused, with an emphasis on healthcare, hospital, professional offices, and supporting services.

Rental Cottages

The rental cottages will be limited to a certain area of the community that is most conducive to higher density and proximate to commercial activity. The key feature of this community is interconnectivity with the adjacent commercial uses through open space amenities and pedestrian connections.

The rental cottage community will offer residences in 1-bedroom small, 1-bedroom large, 2-bedroom, 2-bedroom carriage, and 3-bedroom configurations. Each rental home will have a private rear yard. Several pocket parks are planned throughout and integrated with the adjoining commercial area. A large central park amenity is located near the primary entrance to the community and is intended to be a key amenity and identity feature for not only the rental community but the overall masterplan. The overall community open space is 11.5 acres (40.5% gross), and the private rear yard areas totals 1.8 acres (6.3% gross).

The homes will be arranged around several active and passive space areas, which may include a dog park, barbecue station, fire pit, pool, and indoor amenity areas, creating a gathering place for residents and cultivating a sense of community. Garages, covered, and uncovered parking for residents and guests will be provided for convenient access to each residential home. The proposed project will feature a lush, drought-tolerant landscape palette consistent with the area. All homes will have a private outdoor patio and backyard.

R-3 (Southeast side)

A portion of the south-eastern area (21.1 ac) is set aside to develop at R-3 standards. The residential site plan, product type and design will be a part of a future site plan application when market conditions warrant.

Community Active Open Space

A key feature of this plan is the central open space amenity between the north and south halves. This area is strategically placed to bring all plan elements together in a larger community benefit. The design for this active open space area includes

- Palm plazas at the ends of the medians providing height and gathering spaces to be consistent to the added plazas within the commercial area.
- A playground and open turf area near the eastern side so that it is accessible by all uses.
- Moving west a ramada is provided for shade and a viewing area for the playground and game plaza to the west.
- West of the ramada there is a cornhole / game plaza.
- Next is a multipurpose court.
- Public parking proximate to the open space area.
- Finally, the western median was designed to be larger open turf areas.

The benefit of this design is the way in which in ties into the broader Asante community. The central open space area creates a useful pedestrian link to the parcels to the west and the overall Asante community. Thus, pedestrians, cyclists, and runners can enjoy a connected pathway that ties together all parts of Asante towards the commercial area along 163rd Avenue.

Regional Trail and Project Connectivity

One of the key goals of the Surprise General Plan is to provide regional trail connectivity. Specifically, the General Plan suggests developing “a comprehensive greenway, trail and pocket park system along the extensive natural desert washes that also serve to promote off-street trail connections between neighborhoods and businesses in Surprise.” The General Plan also encourages residential developments to include a trail system, where appropriate, to accommodate pedestrian, bike and equestrian linkages to adjacent development.

This development proposal strives to accomplish that objective through a series of connected trails that span south to north, and west to east. As shown on the Open Space and Trails Master Plan (**Exhibit H**), the inter-connected trail system extends from within the four development areas. The overall project area is planned and designed to provide connectivity and linkage to integrated open space, pedestrian and trail systems.

The trail system also connects to regional, external trail pathways. This development provides a regional pedestrian connection to the commercial uses from the southern portion of the site along the railroad track (where a regional trail exists), through the western portion of our site within a proposed 30' trail easement, and through the middle of our site between the residential parcels to access the commercial parcel. These trail networks encourage pedestrian and bicycle travel between uses and minimize the need for motor vehicle trips within the Asante neighborhood.

Development Standards

Development of the Project shall conform to the standards set forth in the C-2, C-3 and R-3 zoning districts of the Surprise Land Development Ordinance. No deviations are requested other than the commercial design guidelines listed below which shall to apply to all C-2 zoned areas.

Commercial Design Guidelines

The commercial site plan is conceptual at this stage. Future buildings will pursue their own individual site plan and architecture approval through a site plan application, pursuant to the commercial design guidelines identified below. Conceptual imagery is included at **Exhibit I**.

General Standards

- The architectural design shall be clean and simple with exciting plaza areas and design elements.
- The materials pallet shall include exposed metal I beams, slump block and concrete block elements and suspended metal shade canopies.
- Buildings sited adjacent to public streets shall optimize the street exposure, creating a strong visual edge to the arterial roadway while buffering the required parking field from the general public view when practical.
- Throughout the site pedestrian connections shall be carefully planned to provide safe access and encourage adjacent residents to visit the center. The open pedestrian plaza between buildings will provide a common outdoor space for surrounding restaurants and shops.
- The pedestrian features shall create a focal point to the main entry drive and pedestrian connection.
- A pedestrian friendly experience should be considered along the main north-south driveway by a procession of columns with cantilevered beams, which also echo the future commercial building architecture.
- Provide tree lined “boulevard” at median break(s), with detached sidewalks and landscaping that leads directly into a pedestrian plaza or other amenity.
- Incorporate unique planter and seating features in pedestrian areas throughout site, including areas along the front of buildings.
- Develop an overall character theme that incorporates unique amenities (i.e., signage, light fixtures, screen walls/seat walls, etc.).
- Provide at least two (2) unique freestanding architectural site features that reflect the building architecture in addition to the required special features, such as entry arches, trellises, clock towers, rail fencing, etc.

Office-type buildings:

- Office buildings shall imbue a contemporary corporate vocabulary.
- The increased use of glass along the street frontage, including tinted only (non-reflective) in the primary office spaces, if any. This creates a stronger visual connection between the user occupied building and the passing motorists.
- Signature glass corner piece, with bold masonry piers supporting a cantilevered roof overhang should serve as an identifying icon statement.

- A combination of strip and punched windows, combined with multiple colors and masonry materials, will provide consistency in the design theme with the supporting commercial center while breaking down the larger building masses.

Commercial-type buildings:

- The retail buildings shall complement each other (or any office building design if planned), while incorporating additional pedestrian-oriented design features.
- Large retail buildings (buildings greater than 20,000 sf) shall be articulated to break up the building mass into smaller components which better relate to a pedestrian scale. This may be achieved by varying the plane of the front wall as well as using a variety of colors and materials.
- Metal shade canopies and I-beam trellis elements shall further define the balance of the retail buildings and enhance the pedestrian experience.
- Drive throughs, if any, shall be designed with columns and overhead trellises, tying these elements in to the overall architecture of the project.

Land Use Plan

The overall land use plan is shown in **Exhibit D**. Breakdown of the Gateway Area by use type is as follows.

Area	Use	Area (gr)	Base Zone***	Comment
1.1	Comm	6.8 AC	C-2	
1.2	Comm M/HDR	101.1	C-2 (21.9 ac) C-3 (28.8 ac) R-3 (50.4 ac)	PAD Amendment Area
1.4	Comm	19	C-2	
1.5	M/HDR	24.3	R-1, R-2, R-3	
1.6	M/HDR	28.2	R-1, R-2, R-3	
1.15	ES	16.1	R1-5	School Site
1.16	M/HDR	6.4	R-1, R-2, R-3	Church Site
1.17	M/HDR	32.8	R-1, R-2, R-3	

*Uses: Comm = Commercial; M/HDR = Medium/High Density Residential; LDR = Low Density Residential; PP/F = Public Park/Public Facility; ES = Elementary School Site
**Gross areas are approximate and subject to verification at platting.
***All base districts are for reference, zoning is PAD.

Zoning

Other than the changes to Area 1.2, there are no other changes proposed to the Gateway Area within the Asante PAD. The land use plan is implemented by City of Surprise zoning districts as shown in the following land use/zoning table.

Land Use Category	Zoning Districts*	Density Range	Target Density

Commercial	C-2	N/A	N/A
Commercial, Community (Grocery anchor)	C-2	N/A	N/A
Commercial, Neighborhood	C-2	N/A	N/A
Residential, Cluster Type, Townhouse, Z-lot, Zero Lot Line, Rental Cottages	R-1, R-2, R-3	6-20 DU/ac	8.0 DU/ac
Residential, Single Family	R-2, R1-5, R1-8	3-6 DU/ac	4.1 DU/ac

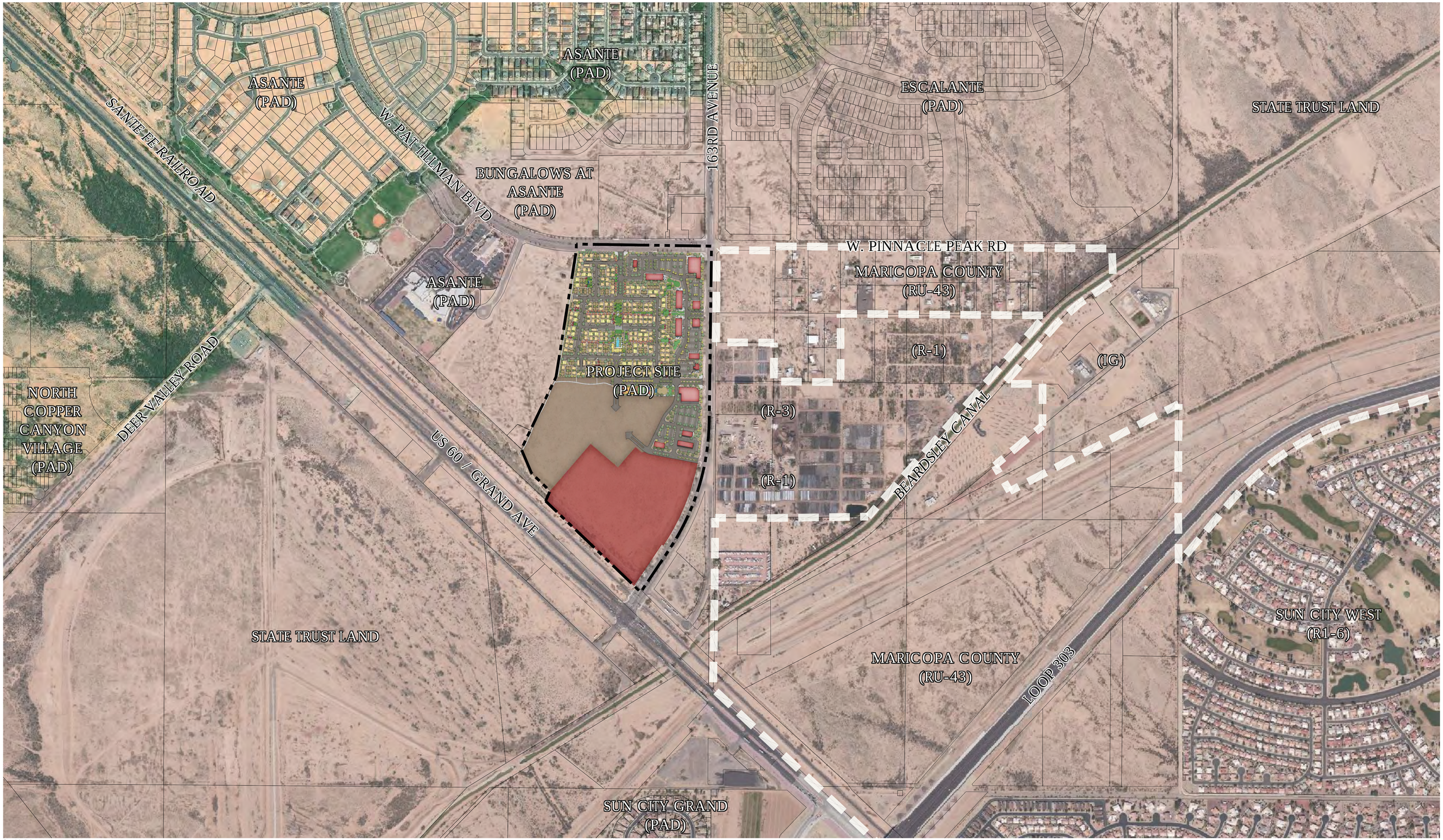
* Zoning Districts represent reference zoning. All zoning is PAD.

Conclusion

The development will be a benefit to the surrounding area and will activate a long-time vacant parcel. It will right-size the commercial portion for a more realistic commercial size reflective of today's commercial market needs. Further, this new quality development will contribute to the continued growth of the area and will provide new and unique housing opportunities and retail amenities within the northwest portion of Surprise.

Asante PAD will continue to be an exceptional community that exemplifies the best of the City of Surprise. It will contribute to the orderly growth of the city and is providing an impetus to solve regional transportation and sewer service problems. It is consistent with the Surprise General Plan and applicable regulations. The healthcare and commercial components will provide new tax revenues to the city as well as convenient shopping for local citizens. The future residents will enjoy a comprehensive parks and open space system organized around the pedestrian. A variety of housing types and prices will meet diverse housing needs. We believe that Asante will contribute to the continued planned growth of the City of Surprise and contribute to its quality of life. We respectfully request approval of this PAD amendment and look forward to moving into project implementation.

Exhibit A



L:\21002387-ASANTE GTIS\5-PLANNING\01-CAD\8-SUPPORTING EXHIBITS\RVi-2387-CONTEXT AERIAL.dwg

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ASANTE TRAILS • **CONTEXT AERIAL**

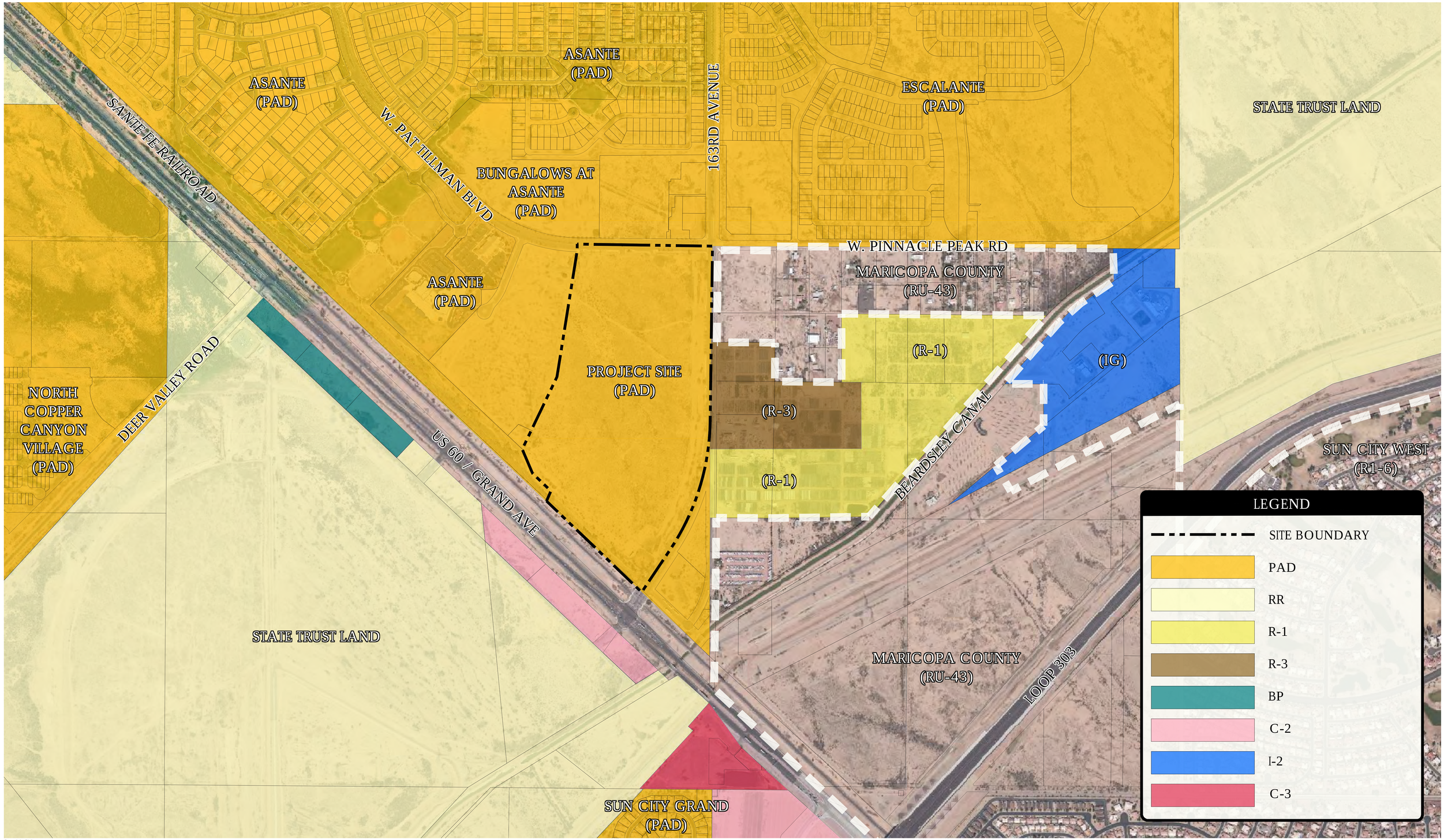
- SURPRISE
- 2023-01-11
- # 21002387

0 200' 400' 800'

SCALE: 1" = 400'-0"

Information furnished regarding this property is from sources deemed reliable. RVi has not made an independent investigation of these sources and no warranty is made as to their accuracy or completeness. This plan is conceptual, subject to change, and does not represent any regulatory approval.

Exhibit B



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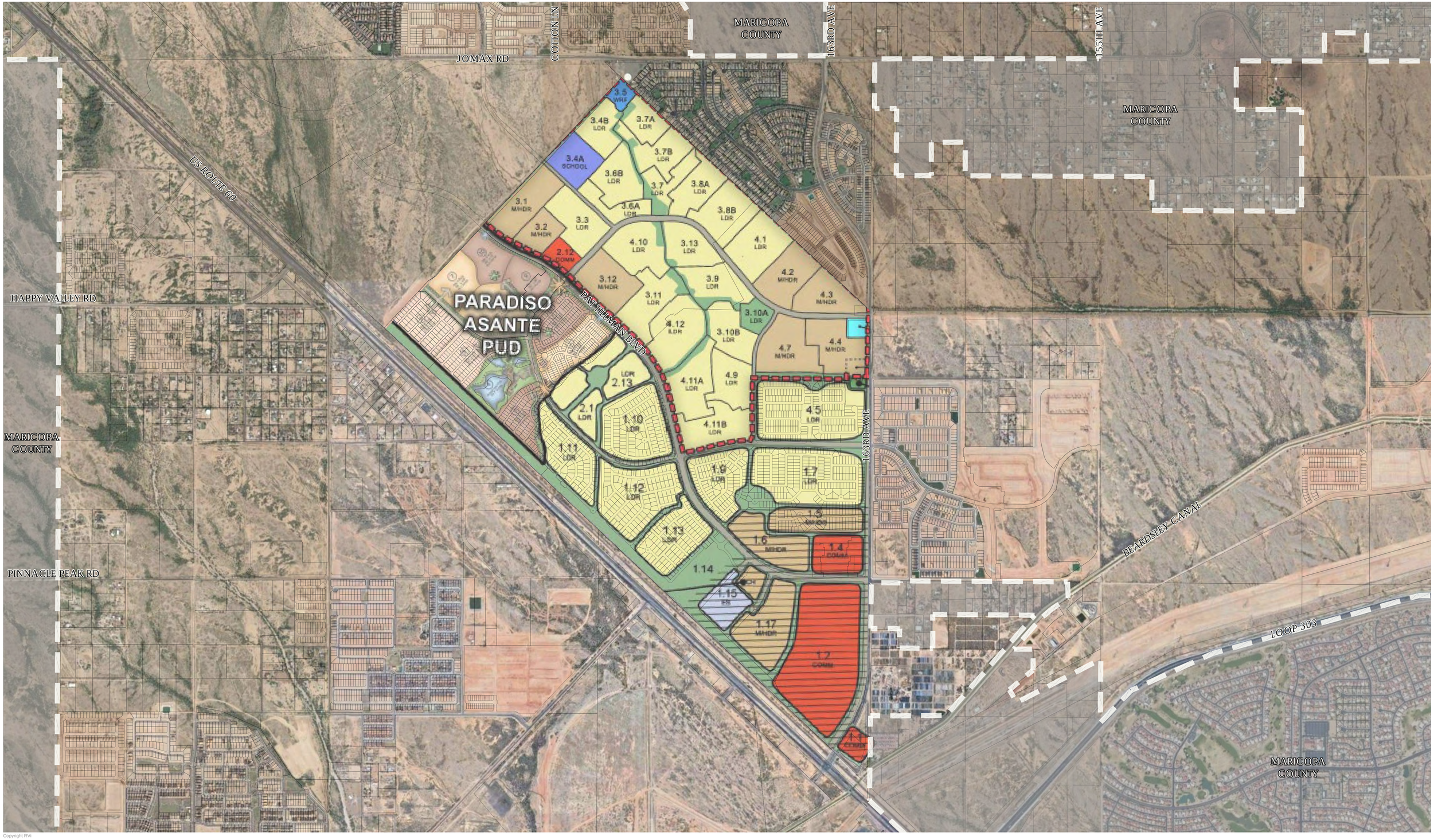
ASANTE TRAILS • **EXISTING ZONING**

SURPRISE
2022-01-11
21002387

0 200' 400' 800'
SCALE: 1" = 400'-0"

Information furnished regarding this property is from sources deemed reliable. RVi has not made an independent investigation of these sources and no warranty is made as to their accuracy or completeness. This plan is conceptual, subject to change, and does not represent any regulatory approval.

Exhibit C



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ASANTE TRAILS • **EXISTING ASANTE PAD LAND USE MAP**

SURPRISE, AZ

2023-01-11

21002387

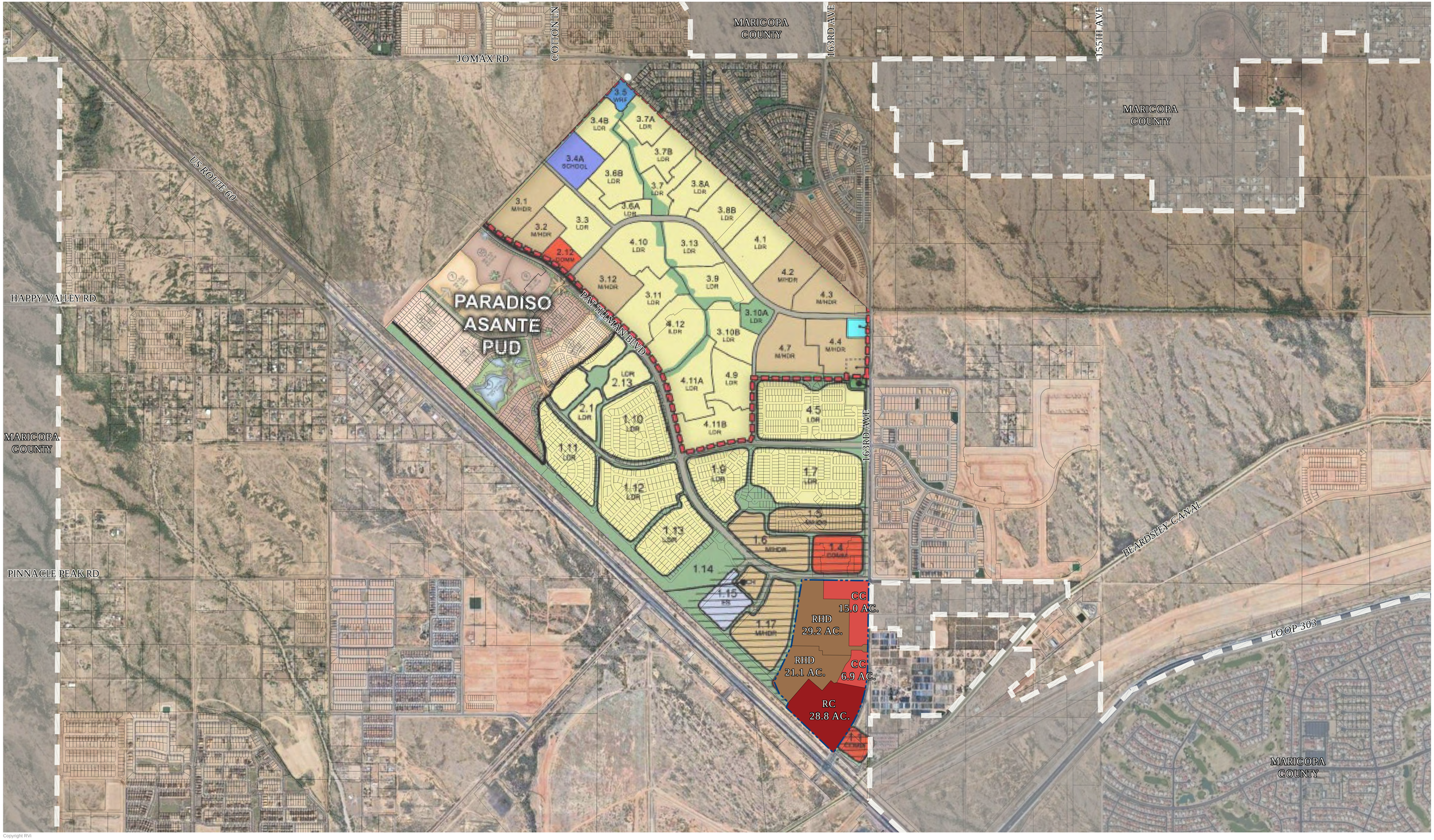
0 400' 800' 1600'

SCALE: 1" = 800'-0"

Information furnished regarding this property is from sources deemed reliable. RVi has not made an independent investigation of these sources and no warranty is made as to their accuracy or completeness. This plan is conceptual, subject to change, and does not represent any regulatory approval.

L:\21002387-ASANTE GTSIS-PLANNING\LC-CAD\8-SUPPORTING EXHIBITS\RV-2387-ASANTE PAD LAND USE PLAN.dwg

Exhibit D



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ASANTE TRAILS • **PROPOSED ASANTE PAD LAND USE MAP**

SURPRISE, AZ

2023-01-11

21002387

0 400' 800' 1600'

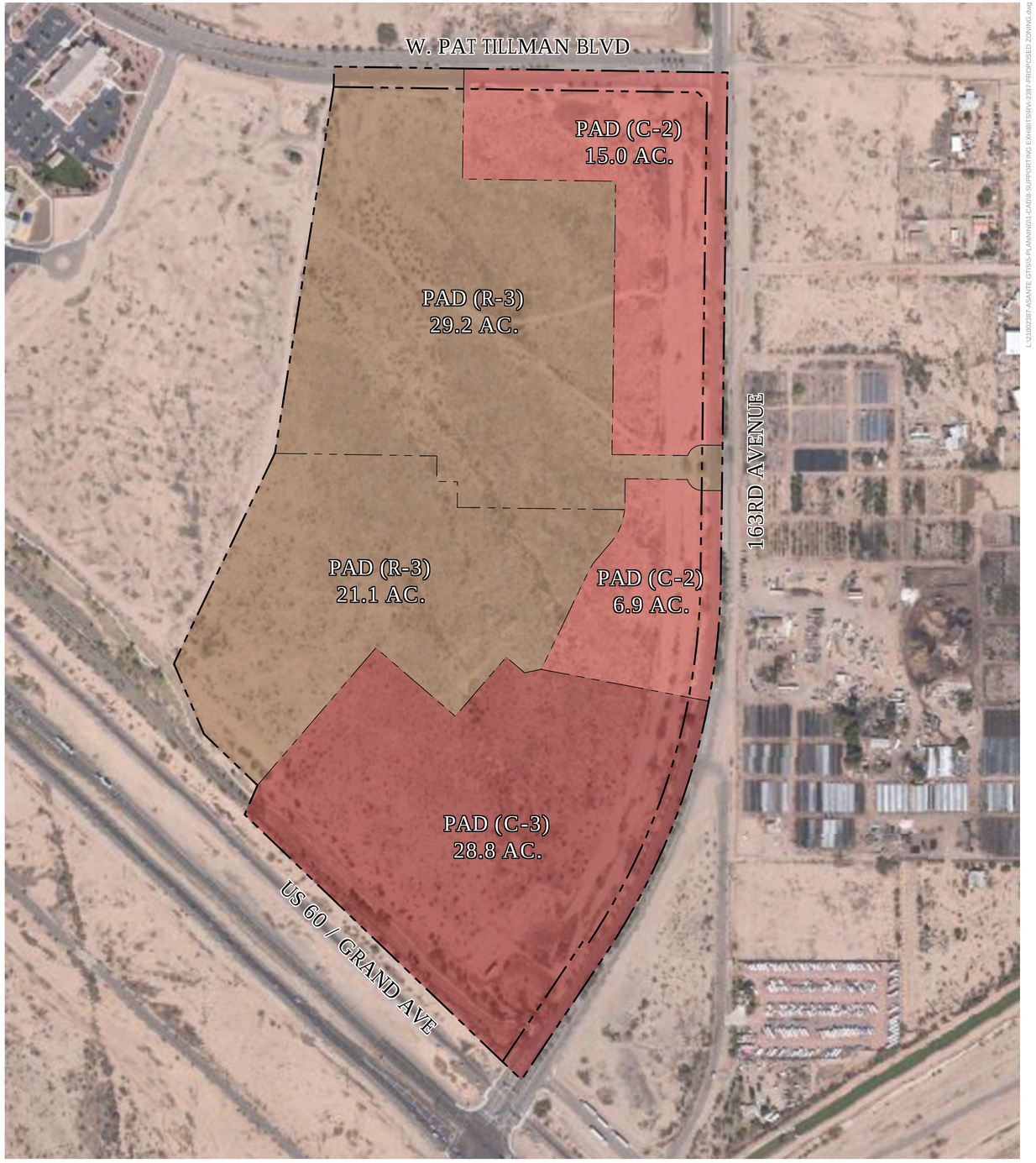
SCALE: 1" = 800'-0"

Information furnished regarding this property is from sources deemed reliable. RVi has not made an independent investigation of these sources and no warranty is made as to their accuracy or completeness. This plan is conceptual, subject to change, and does not represent any regulatory approval.

L:\21002387-ASANTE GTISIS-PLANNING\LC-CAD\8-SUPPORTING EXHIBITS\RVi-2387-ASANTE PAD LAND USE PLAN.dwg

Exhibit E

EXISTING ZONING DISTRICT



PROPOSED ZONING DISTRICTS

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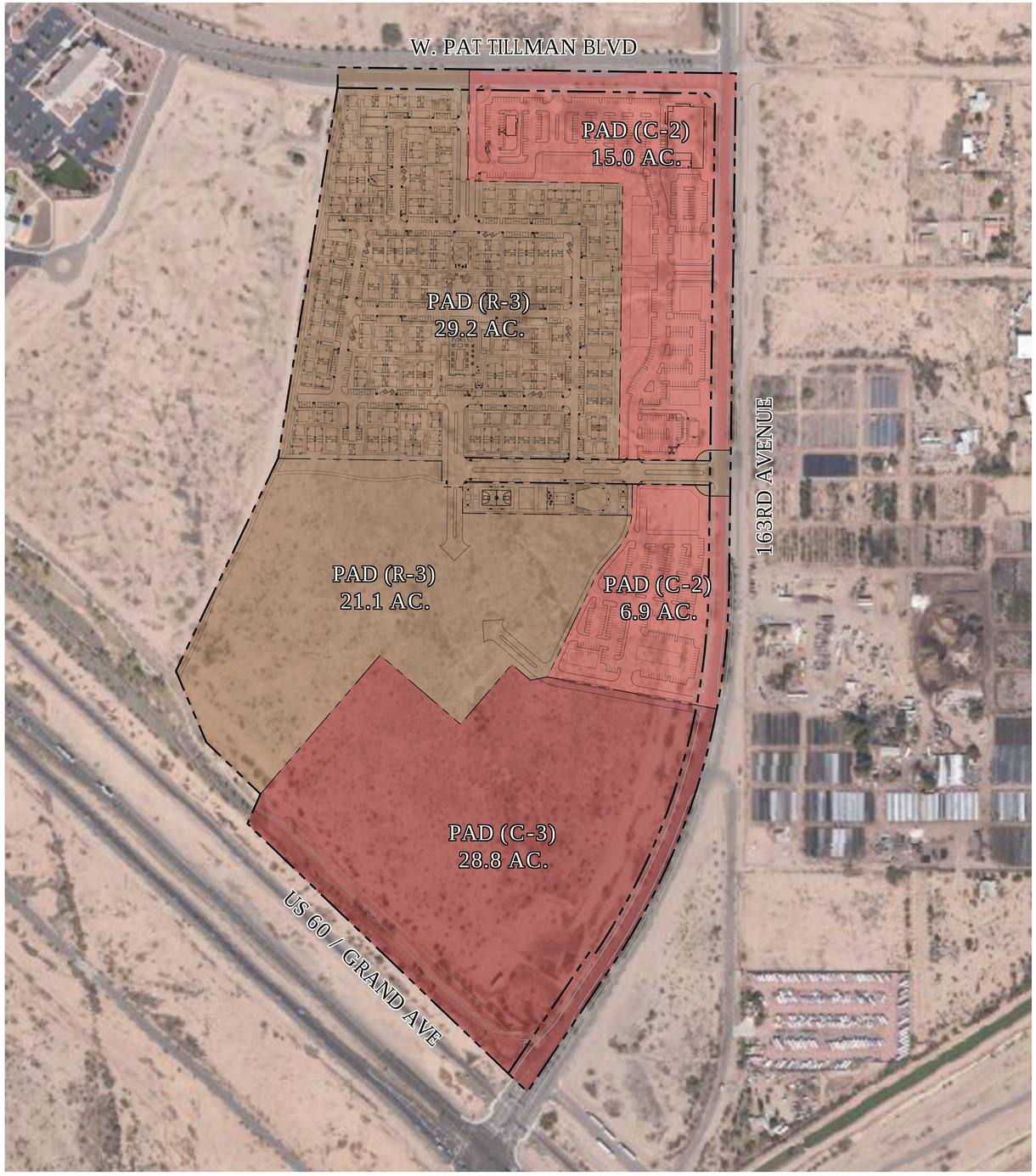
ASANTE TRAILS • **EXISTING AND PROPOSED ZONING DISTRICT MAP**

SURPRISE, AZ
2023-01-11
21002387

0 100' 200' 400'
SCALE: 1" = 200'-0"

Information furnished regarding this property is from sources deemed reliable. RVi has not made an independent investigation of these sources and no warranty is made as to their accuracy or completeness. This plan is conceptual, subject to change, and does not represent any regulatory approval.

EXISTING ZONING DISTRICT



PROPOSED ZONING DISTRICTS

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ASANTE TRAILS • **EXISTING AND PROPOSED ZONING DISTRICT MAP**

SURPRISE, AZ
2023-01-11
21002387

0 100' 200' 400'
SCALE: 1" = 200'-0"

Information furnished regarding this property is from sources deemed reliable. RVi has not made an independent investigation of these sources and no warranty is made as to their accuracy or completeness. This plan is conceptual, subject to change, and does not represent any regulatory approval.

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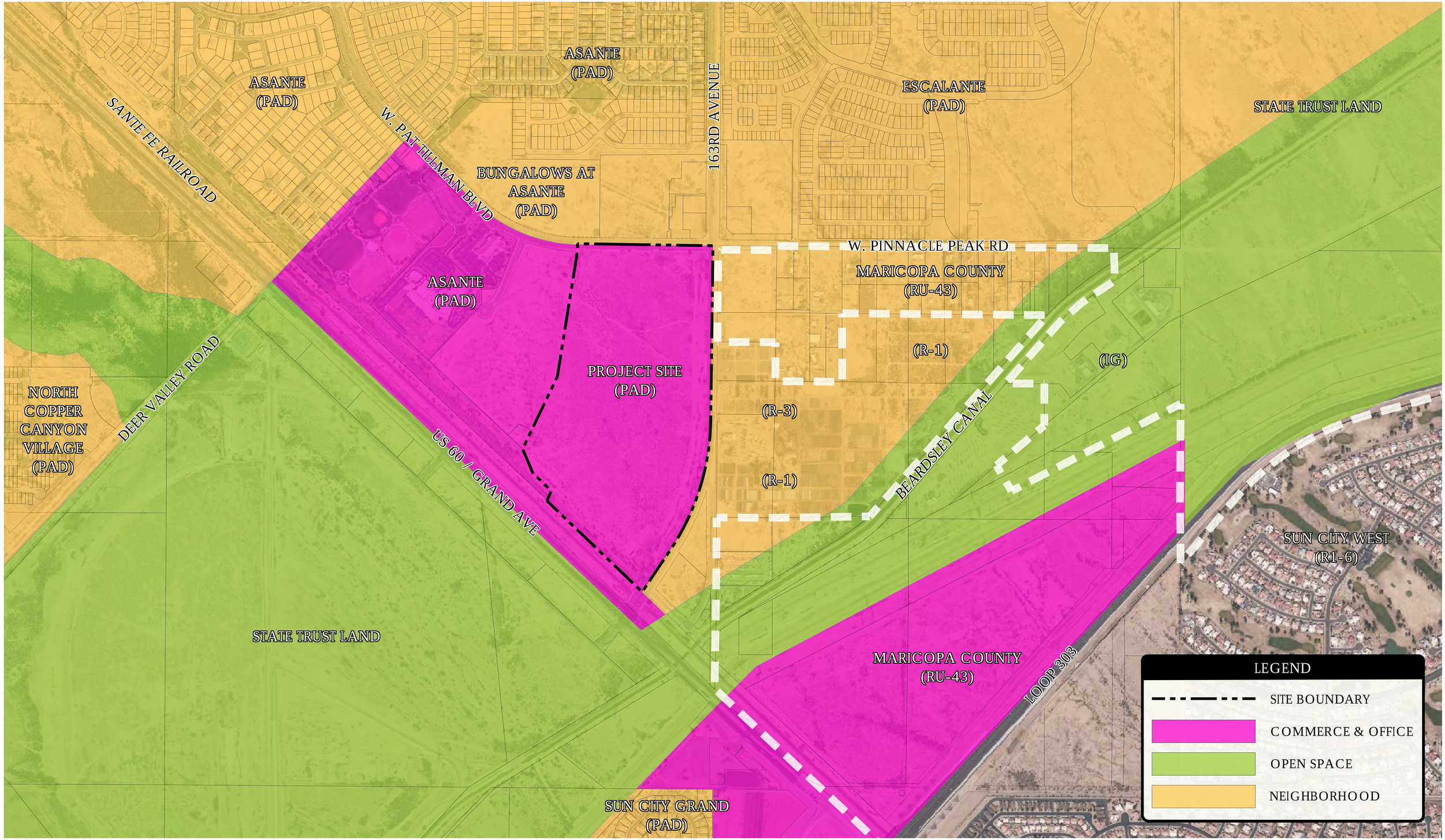
Exhibit F



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ASANTE TRAILS • **GENERAL PLAN**

SURPRISE
2023-01-11
21002387

0 200' 400' 800'
SCALE: 1" = 400'-0"

Information furnished regarding this property is from sources deemed reliable. RVi has not made an independent investigation of these sources and no warranty is made as to their accuracy or completeness. This plan is conceptual, subject to change, and does not represent any regulatory approval.

Exhibit G

LEGEND

1. COMMERCIAL PEDESTRIAN PLAZA
2. ON-STREET PARKING
3. COMMERCIAL PARKING
4. PROGRAMMED AMENITY
5. LINEAR PARK
6. COMMUNITY PRIMARY ENTRY
7. SECONDARY ENTRY
8. LOCAL TRAILS
9. REGIONAL TRAIL
10. PARCEL ENTRIES

PAT TILLMAN BLVD

163RD AVE

US 60

(R-3)

(C-3)

SITE DATA

BTR - 29.2 GROSS AC.
FUTURE R-3 - 21.1 GROSS AC.
C-2 - 21.9 GROSS AC.
FUTURE C-3 - 28.8 GROSS AC.

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ASANTE TRAILS LUXURY MIXED USE NEIGHBORHOOD • **CONCEPTUAL SITE PLAN**

SURPRISE, AZ
2023-01-11
21002387

0 120' 240'
SCALE: 1" = 120'-0"

For illustrative purposes only. Subject to change without notice.

LEGEND

1. COMMERCIAL PEDESTRIAN PLAZA
2. COMMERCIAL PARKING
3. COMMUNITY PRIMARY ENTRY
4. COMMUNITY SECONDARY ENTRY
5. COMMERCIAL ENTRY
6. PEDESTRIAN TRAIL
7. NEIGHBORHOOD AMENITY
8. NEIGHBORHOOD ENTRY
9. LINEAR PARK
10. ON-STREET PARKING

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ASANTE TRAILS LUXURY MIXED USE NEIGHBORHOOD • **COMMERCIAL SITE PLAN**

SURPRISE, AZ

2023-01-11

21002387

0 60' 120'

SCALE: 1" = 60'-0"

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Exhibit H

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Scottsdale, Arizona 85251
Tel: 480.994.0994
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ASANTE TRAILS • **OPEN SPACE & TRAILS MASTERPLAN**

SURPRISE, AZ

2023-01-11

21002387

0 60' 120' 240'

SCALE: 1" = 120'-0"

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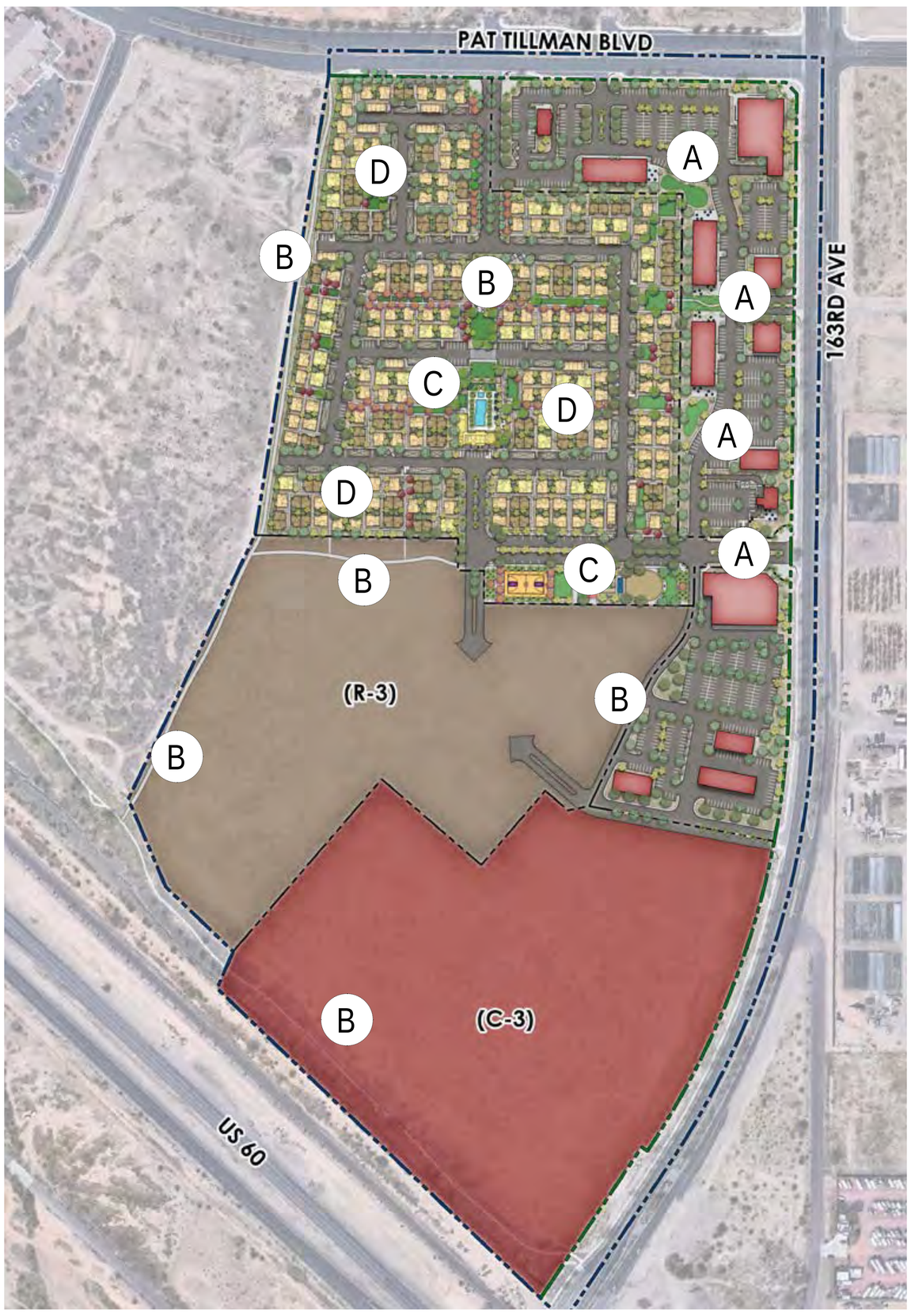
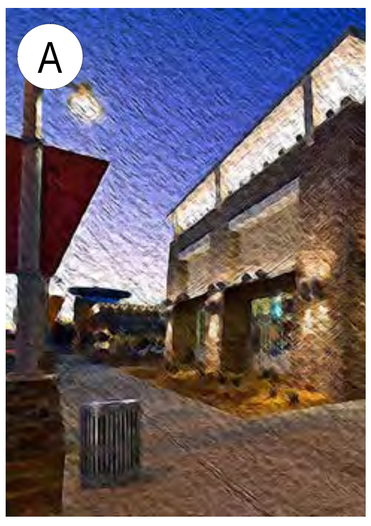
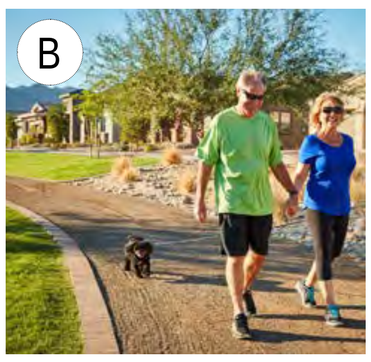
L:\21002387-ASANTE GTIS\5-PLANNING\1-CAD\8-SUPPORTING EXHIBITS\XR-2387-PS BASE.dwg

Exhibit I





A NEIGHBORHOOD COMMERCIAL PLAZAS



B CONNECTED PEDESTRIAN TRAIL SYSTEM

C NEIGHBORHOOD OPENSPACE

D NEIGHBORHOOD CHARACTER

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ASANTE TRAILS LUXURY MIXED USE NEIGHBORHOOD • **CONCEPTUAL IMAGERY**

SURPRISE, AZ

2023-01-11

21002387

0 150' 300'

SCALE: 1" = 300'-0"

For illustrative purposes only. Subject to change without notice.

From:	JAMES, MARK C GS-12 USAF AETC 56 FW/CVE
To:	Nichole Flores
Cc:	56 FW/CIT Community Initiative
Subject:	RE: FS22-0517 Asante Mixed Use Residential Site Plan & Major Zoning Amendment - New Digital Submittal 04.12.22
Date:	Thursday, April 14, 2022 4:06:51 PM
Attachments:	smime.p7s ATT00001.txt ATT00002.htm

Nichole,
Thank you for allowing Luke AFB to make comments on the Asante Mixed Use Residential Site Plan & Major Zoning Amendment Application. This application requests to right-size the commercial acreage, therefore a proposal for mixed-use project that blends residential with commercial and covers a range of residential densities and product types. The site is located approximately 3.2 miles outside the Aux-1 2004 JLUS 65 Ldn, "high noise or accident potential zone" as defined by A.R.S. § 28-8461 and is inside the "territory in the vicinity of a military airport" also defined by A.R.S. § 28-8461.

As described in the application, this request will not have a negative impact on Luke AFB Flight Operations. Since the site will be located inside the "territory in the vicinity of a military airport," it will be subjected to approximately 165 over flights per day, as low as 1,500 feet above the ground. 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 the tenant about Luke AFB operations.

Respectfully,

Mark James
Planning Manager, Community Initiatives Team
Luke AFB AZ 85309
Office: 623-856-9981
DSN: 896-9981

From: Nichole Flores <Nichole.Flores@surpriseaz.gov>
Sent: Tuesday, April 12, 2022 1:33 PM
To: 56 FW/CIT Community Initiative <56FW.CIT.CommunityInitiative@us.af.mil>; Afshin Ahouraiyan (Flood Control District of Maricopa County) <Afshin.Ahouraiyan@Maricopa.Gov>; Alex Garza (Maricopa Assoc of Governments) <AGarza@azmag.gov>; Chris Cain (Maricopa Water District) <chrisc@mwdaz.com>; Debbie Trasancos (Maricopa Water District) <debbiet@mwdaz.com>; Ernest (USPS) <Ernest.L.James@usps.gov>; Eva Pierce <eva.pierce@dysart.org>; Ibeth - USPS <Ibeth.L.Roman@usps.gov>; Jerome Choy (ADOT) <jchoy@azdot.gov>; Kevin Shipman <kevin.shipman@dysart.org>; Leslie - MWD <lesliej@mwdaz.com>; Lynndsay ONeil <lynndsay.oneill@maricopa.gov>; Mark Frago <fragom@mail.maricopa.gov>; Mary Orta - Surprise Chamber <mary.orta@surpriseregionalchamber.com>; Raoul Sada - Surprise Chamber <raoul@surpriseregionalchamber.com>; Victor.Schaum <Victor.Schaum@cox.com>; Yvonne Aguirre <yvonne.aguirre@swgas.com>

Cc: Lorraine Nevarez <Lorraine.Nevarez@surpriseaz.gov>
Subject: [Non-DoD Source] FS22-0517 Asante Mixed Use Residential Site Plan & Major Zoning Amendment - New Digital Submittal 04.12.22

Good afternoon,

Attached please find the **application**, **narrative/PADA** and **site plan** for the above referenced project.

Please feel free to contact us with any questions.

Best regards,

Nichole Flores
Planning Project Coordinator
City of Surprise | Community Development
16000 N Civic Center Plz | Surprise AZ 85374
(623) 222-3244 Direct

This e-mail and any accompanying files transmitted are intended solely for the use of the individual or entity to whom they are addressed; if you have received this e-mail in error please delete it and notify the sender. In addition, under Arizona law, e-mail communications and e-mail addresses may be public records.
0.1

CITY OF SURPRISE
Site posting Process

AFFIDAVIT OF POSTING

Application No: FS22-0517

Applicant Name: Withey Morris, PLC

Location: SWC 163rd Ave & Pat Tillman Blvd

Date Site Posted: 6/30/2023

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 — 6/30/2023

Applicant/Representative Signature — Date

This instrument was acknowledged before me on 6/30/2023, by Meghan Liggett. I witness whereof I hereunto set my hand and official seal.

MARYBETH CONRAD
Notary Public - Arizona
Maricopa County
Commission # 591461
My Comm. Expires Oct 25, 2024

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
Date: January 10, 2023
Time: 6:00 P.M.
Location: Asante Preparatory Academy - Media Room
23251 N 166th Dr. Surprise, AZ 85387
Planning & Zoning
Date: February 16, 2023
Time: 6:00 P.M.
Location: 16000 N Civic Center Plaza
Surprise, AZ 85374
City Council
Date: August 1, 2023
Time: 6:00 P.M.
Location: 16000 N Civic Center Plaza
Surprise, AZ 85374
Virtual Neighborhood Meeting
DATE: January 11, 2022 TIME: 6:00 PM
ONLINE ACCESS: https://us02web.zoom.us/j/87438992337?pwd=MUNMQ1ZrbFdpcFFUZEsrNThibk0wdz09
CALL IN: 1 669 444 9171
MEETING ID: 874 3899 2337
PASSCODE: 766552
Case number: FS22-0517
VICINITY MAP
Asante Blvd
Pat Tillman Blvd
Meeting Location
Project Location
Request: Major Planned Area Development (PAD) Amendment to the Asante PAD to change the land use designation for approximately 101 gross acres from commercial to C-2 and R-2 and modify development standards. The subject property is generally located at the southwest corner of 163rd Avenue and Pat Tillman Blvd, within the Asante Planned Area Development (APN 503-76-803).
For more information, call: 623-222-3011 Surpriseaz.gov
Maps
Jun 30, 2023 08:44AM
22436–22900 163rd Ave
Maricopa County

Notice of Public Hearing
City of Surprise
In-Person and Virtual
Neighborhood Meeting
Date: January 10, 2023
Time: 6:00 P.M.
Location: Asante Preparatory Academy - Media Room
23251 N 166th Dr. Surprise, AZ 85387
Planning & Zoning
Date: February 16, 2023
Time: 6:00 P.M.
Location: 16000 N Civic Center Plaza
Surprise, AZ 85374
City Council
Date: August 1, 2023
Time: 6:00 P.M.
Location: 16000 N Civic Center Plaza
Surprise, AZ 85374
Virtual Neighborhood Meeting
DATE: January 11, 2022 TIME: 6:00 PM
ONLINE ACCESS: https://us02web.zoom.us/j/87438992337?pwd=MUNMQ1ZrbFdpcFFUZEsrNThibk0wdz09
CALL IN: 1 669 444 9171
MEETING ID: 874 3899 2337
PASSCODE: 766552
Case number: FS22-0517
VICINITY MAP
Request: Major Planned Area Development (PAD) Amendment to the Asante PAD to change the land use designation for approximately 101 gross acres from commercial to C-2 and R-2 and modify development standards. The subject property is generally located at the southwest corner of 163rd Avenue and Pat Tillman Blvd, within the Asante Planned Area Development (APN 503-76-803).
For more information, call: 623-222-3011 Surpriseaz.gov
Fry's Food Stores
Maps
Jun 30, 2023 08:38AM
W Pat Tillman Blvd
Maricopa County

Notice of Public Hearing
City of Surprise
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For more information, call: 623-222-3011 Surpriseaz.gov
VICINITY MAP
Asante Blvd
Pat Tillman Blvd
Meeting Location
Project Location
Loop 303
Maps
Jun 30, 2023 08:43AM
22436–22900 163rd Ave
Maricopa County

Notice of Public Hearing
City of Surprise
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Neighborhood Meeting
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VICINITY MAP
Fry's Food Stores
Maps
Jun 30, 2023 08:38AM
W Pat Tillman Blvd
Maricopa County

1. CITIZEN PARTICIPATION REPORT FOR ASANTE TRAILS PAD AMENDMENT

(CASE NO. FS22-0517)

Submitted:
January 2023

WITHEY MORRIS PLC
ATTORNEYS AT LAW

2. Project Description/Request

A Major PAD Amendment has been requested for the property located at the southwest corner of Pat Tillman Pkwy & 163rd Ave, commonly known as Maricopa County Assessor's Parcel Number 503-76-803 (the "Property"). The applicant's initial request was to rezone +/- 101.1 gross acres within the Asante Planned Area Development (PAD) from Commercial (C-2) to Commercial (C-2) (15.4 gross acres), Residential Medium (R-2) (27.6 gross acres), and Residential High (R-3) (58.4 gross acres). However, in light of citizen and stakeholder feedback, as well as market changes, the applicant amended the request to request to allow: Commercial (C-2) (21.9 gross acres), Commercial (C-3) (28.8 gross acres) and Residential High (R-3) (50.4 gross acres). The proposed amendment also includes an update in the amount of residential units permitted in the Gateway Area from 1,062 units to 1,542 units. This is an increase of 480 units within the Gateway Area which equates to a 9.5 gross du/ac. The requested PAD amendment will provide a more realistic balance of commercial uses to the overall master plan concept with high-quality living options for all types of families.

3. Outreach/Notification Timeline

- **June 3, 2022:** Initial neighborhood meeting notice letters were mailed by the City to all property owners within 300 feet of the Property and all applicable registered neighborhood associations.
- **June 6, 2022:** The subject site was posted with two (2) neighborhood meeting signs.
- **June 28, 2022:** An in-person neighborhood meeting was held at 6:00 p.m. at the Asante Preparatory Academy, Cafeteria, 23251 N 166th Dr. Surprise, AZ 85387.
- **June 29, 2022:** A Virtual neighborhood meeting for the proposed project was held via Zoom software, in accordance with the City's requirements.
- **December 22, 2022:** Voluntary neighborhood meeting notice letters were mailed by the applicant to all property owners within 300 feet of the Property, all applicable registered neighborhood associations and identified stakeholders which participated in the initial neighborhood meeting process.
- **December 28, 2022:** The two (2) neighborhood meeting signs at the site were updated to include updated neighborhood meeting dates.
- **January 10, 2023:** A second, voluntary, in-person neighborhood meeting was held at 6:00 p.m. at the Asante Preparatory Academy, Media Room, 23251 N 166th Dr. Surprise, AZ 85387.
- **January 11, 2023:** A second, voluntary, virtual neighborhood meeting for the proposed project was held via Zoom software.

4. Notification Affidavits, Letters & Mailing Lists

- See **Tab 1.**

5. Neighborhood Meeting Summaries

A. Initial (Required) In-Person Neighborhood Meeting

Summary of Presentation, Questions and Applicant Responses

The applicant, along with the project development team and members of city staff, attended the initial in-person neighborhood meeting. In addition, approximately 27 interested individuals attended the neighborhood meeting.

The applicant commenced the neighborhood meeting by providing an introduction of the development team. The applicant then shared a presentation with neighborhood meeting attendees, which provided: an overview of the site history and context; a discussion regarding the land use pattern in the area and area changes; an overview of the proposed amendment and further specifics regarding the proposal.

Attendees had general questions regarding: prospective commercial uses, parking, commercial area, timing for construction, traffic and traffic improvements, and nature of rental units. The applicant responded to attendee comments as outlined below:

1. Prospective Commercial Uses

Residents had questions regarding prospective commercial uses. The applicant advised that early outreach to brokers had commenced, but that the development is early in the process to opine on uses. The applicant requested that attendees provide suggestions after the meeting as ideas for the broker team to pursue.

2. Parking

An attendee expressed concerns that the site plan did not include sufficient parking areas. The applicant advised that the site plan is conceptual and further site plan programming would occur at the site plan phase and that any plan would be required to conform to the City's development standard requirements.

3. Extent of Commercial Area

There was a concern that the proposed plan removed too much commercial from the area. The applicant advised that there are access considerations that preclude commercial development along certain portions of the site, depth considerations and more.

4. Timing for Construction

The applicant advised that, after the city's rezoning process, it would take approximately one year for construction to occur.

5. Traffic

Neighborhood meeting attendees expressed concerns regarding traffic. The applicant provided an analysis of the trip generation under the current approved zoning compared to the trips that would be generated by the requested development. It was also discussed that peak hours would differ for the subject uses and ultimately that development would help address traffic issues in the area given the city's improvement requirements.

6. Rental Units

There were questions during the neighborhood meeting regarding rental units versus condominium units. The applicant discussed that one of the reasons for rental units at this location is to support the proposed commercial services; but also because of TSMC and its need for employee housing in the area. The applicant further discussed the quality features of the architecture and amenities for the proposed rental homes.

Attendees also general concerns regarding the change of commercial land uses and regional traffic issues which were discussed at length.

B. Initial (Required) Virtual Neighborhood Meeting

Summary of Presentation, Questions and Applicant Responses

The applicant, along with the project development team and members of city staff, attended the virtual neighborhood meeting. In addition, approximately two (2) interested individuals attended the virtual neighborhood meeting.

The applicant commenced the neighborhood meeting by providing an introduction of the development team. The applicant then shared a presentation with neighborhood meeting attendees, which provided: an overview of the site history and context; a discussion regarding the land use pattern in the area and area changes; an overview of the proposed amendment and further specifics regarding the proposal.

The only question or comment that was raised by neighborhood meeting attendees was the timing for the development. The applicant responded with a summary of the public hearing process, further city review processes and indicated that construction may commence approximately one year (1) from approval.

In response to neighbor input and other considerations, the applicant, after several months of refining of plans, generated a revised land use plan and scheduled voluntary neighborhood meetings to share the updated plan with interested neighbors, as summarized in **Section C below.*

C. Voluntary Follow-Up In-Person Neighborhood Meeting

Number of Participants

The applicant, along with the project development team, attended the voluntary follow up in-person neighborhood meeting. In addition, approximately 24 interested individuals attended the neighborhood meeting.

Summary of Presentation, Questions and Applicant Responses

The applicant, along with the project development team, attended the follow-up in-person neighborhood meeting. In addition, approximately 24 interested individuals attended the neighborhood meeting.

The applicant commenced the neighborhood meeting by providing an introduction of the development team. The applicant then shared a presentation with neighborhood meeting attendees, which provided: an overview of the site history and context; a discussion regarding the land use pattern in the area and area changes; an overview of the initial plan that was proposed in June 2022 and changes that were made to the plan to address neighbor and stakeholder feedback from that initial meeting, as well market driven changes. The proposed changes were noted as including park open space, employment opportunities, more commercial land area, elimination of single family homes from the plan and more.

The plan revisions were very well received by neighborhood meeting attendees. The attendees had general questions regarding: residential product and type; surrounding area development; the developer and nature of the Master Developer's role with density; traffic signal improvements; construction timeline and processing; nature of employer uses; prospective retail tenants; how to support the project moving forward; and, parking. The applicant responded to attendee comments as outlined below:

1. Residential Product and Type

   The applicant discussed that the residential use is a for-rent cottage product with high quality amenities.

2. Surrounding Area Development

   There were several questions regarding adjacent or nearby parcels of which the applicant provided additional details where applicable.

3. Developer and Master Developer

   The applicant discussed that the residential developer is Sonoma Communities and that the role of Lennar, the Master Developer, was initially to allocate and keep track of residential units, but that they are not the developer of the subject site.

4. Traffic Signal Improvements

   There were questions related to the timing of the traffic signal at 163rd Ave & Pat Tilman Parkway. The applicant communicated that the improvements should occur very soon and that further information would be sought from the City.

5. Construction Timeline / Processing
   The applicant advised that, after the city's rezoning process, there are additional site planning and plat processes to be completed, and that construction would take a couple of years.

6. Nature of Employer Uses

   The applicant advised that healthcare uses are highly sought for the employment-based area on the plan.

7. Prospective Retail Tenants

   Neighbors asked about the types of retail tenants that may located to the site. The applicant responded that anchors would be needed but that the hope is for not only national brands but smaller local businesses as well.

8. Parking

   An attendee mentioned a concern regarding parking. The applicant responded by indicating that a future site plan would provide the appropriate review for parking and that the plan is conceptual for now. Additionally, it was noted that retailers and future tenants may have their own parking ratio minimums to locate to the site.

9. Support

   Several attendees expressed strong support for the plan revisions and project moving forward; some even asked the best way to communicate support as the plan moves forward.

The follow up neighborhood meeting was very productive and the revisions were well received.

D. Voluntary Second Virtual Neighborhood Meeting

Summary of Presentation, Questions and Applicant Responses

The applicant, along with the project development team, attended the virtual neighborhood meeting. In addition, approximately three (3) interested individuals attended the virtual neighborhood meeting.

The applicant commenced the neighborhood meeting by providing an introduction of the development team. The applicant then shared a presentation with neighborhood meeting attendees, which provided: an overview of the site history and context; a discussion regarding the land use pattern in the area and area changes; an overview of the initial plan that was proposed in June 2022 and changes that were made to the plan to address neighbor and stakeholder feedback from that initial meeting, as well market driven changes. The proposed changes were noted as including park open space, employment opportunities, more commercial land area, elimination of single family homes from the plan and more. The applicant responded to attendee comments as outlined below:

Neighbors had questions regarding C-3 uses; the demand for cottage homes; timing and information for surrounding area development.

1. C-3 Uses

An attendee wondered what type of uses were targeted for the C-3 zoning district. The applicant advised that employment based users were sought for that parcel, including healthcare industry type uses.

2. Cottage Home Demand

   The applicant provided an overview of cottage homes and discussed the strong demand for them, particularly in light of TSMC and its expansion. Due to its announced expansion, TSMC is in need of leased housing for its employees, and it has started to pre-lease communities including cottage-type communities.

3. Timing for Construction

   The applicant advised that, after the city's rezoning process, there are additional site planning and plat processes to be completed, and that construction would take a couple of years.

4. Surrounding Area Development

   The applicant provided background information on nearby properties as applicable.

Sign-in sheets for the in-person neighborhood meetings are enclosed at **Tab 2.**

6. CONCLUSION

The initial neighborhood meeting for the proposed amendment was held in June 2022 and the proposal raised several concerns and questions by neighbors. Since then, the applicant worked to refine a plan that is more palatable to the larger community in a manner which is also responsive to market trends. A series of voluntary neighborhood meetings were held and the additional meetings have been positive, with neighbors even expressing support for the project.

The applicant will continue to be available to answer questions throughout the rezoning process.

Tab 1

CITY OF SURPRISE
Site posting Process

AFFIDAVIT OF POSTING

Application No: FS22-0517

Applicant Name: Withey Morris, PLC

Location: SWC 163rd & Pat Tillman Rd.

Date Site Posted: 06/09/22

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 — 6/9/22

Applicant/Representative Signature — Date

This instrument was acknowledged before me on 06/09/22, by Meghan Liggett. I witness whereof I hereunto set my hand and official seal.

MARYBETH CONRAD
Notary Public - Arizona
Maricopa County
Commission # 591461
My Comm. Expires Oct 25, 2024

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).*

W Pat Tillman Blvd
Surprise AZ 85387
+33.696479,-112.412399
Thursday, June 9, 2022 at 5:22:00 AM

W Pat Tillman Blvd
Surprise AZ 85387
+33.696549,-112.412345
Thursday, June 9, 2022 at 5:21:38 AM

22436–22900 163rd Ave
Surprise AZ 85387
+33.691885,-112.409487
Thursday, June 9, 2022 at 5:17:33 AM

Notice of Public Hearing
City of Surprise
In-Person and Virtual
Neighborhood Meeting
Planning & Zoning
City Council
Date: June 28, 2022
Time: 6:00 P.M.
Location: Asante Preparatory Academy - Cafeteria
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 Neighborhood Meeting
DATE: Wednesday, June 29, 2022 TIME: 6:00 PM
ONLINE ACCESS: https://us02web.zoom.us/j/84554004166?pwd=aDk0OHpLRStQd2F5R1RtREdwZkRJQT09
CALL IN: +1 669 900 9128
MEETING ID: 845 5400 4166
PASSCODE: 823598
Case number: FS22-0517
VICINITY MAP
Asante Blvd
163rd Ave
Pat Tillman Blvd
Meeting Location
Project Location
Grand Ave/ US 60
Loop 303
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For more information, call: 623-222-3011 Surpriseaz.gov
W PINNACLE PEAK RD
W PLANADA
163RD AVE
N 162ND DR
N 159TH
Maps
22436–22900 163rd Ave
Surprise AZ 85387
+33.691886,-112.409598
Thursday, June 9, 2022 at 5:17:59 AM

CITY OF SURPRISE
Site posting Process

AFFIDAVIT OF POSTING

Application No: FS22-0517

Applicant Name: Withey Morris, PLC

Location: SWC 163rd & Pat Tillman Rd.

Date Site Posted: 12/28/22

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).

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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 — 12/28/22

Applicant/Representative Signature — Date

This instrument was acknowledged before me on 12/28/22, by Meghan Liggett. I witness whereof I hereunto set my hand and official seal.

MARYBETH CONRAD
Notary Public - Arizona
Maricopa County
Commission # 591461
My Comm. Expires Oct 25, 2024

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).*

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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.
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CALL IN: 1 669 444 9171
MEETING ID: 874 3899 2337
PASSCODE: 766552
VICINITY MAP
Asante Blvd
163rd Ave
Pat Tillman Blvd
Meeting Location
Project Location
Grand Ave (US 60)
Loop 303
Case number: FS22-0517
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For more information, call: 623-222-3011 Surpriseaz.gov
Maps
60
Dec 28, 2022 11:09AM
W Pat Tillman Blvd
Maricopa County

Notice of Public Hearing
City of Surprise
In-Person and Virtual
Neighborhood Meeting
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Maps
Dec 28, 2022 10:46AM
22436–22900 163rd Ave
Maricopa County

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Planning & Zoning
City Council
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Maps
Dec 28, 2022 10:46AM
22436–22900 163rd Ave
Maricopa County

DEVELOPMENT PROJECT
NEIGHBORHOOD MEETINGS

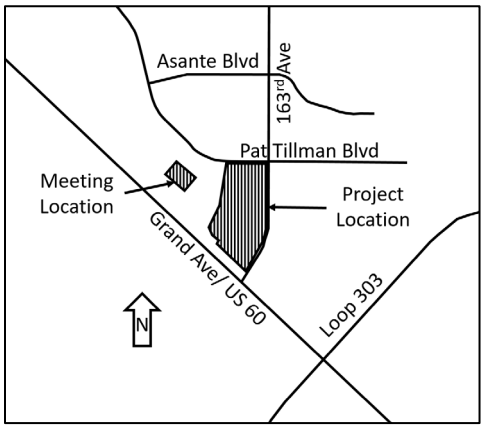
Please be advised, Withey Morris, PLC, on behalf of Kimco Barclay Surprise II, LLC, will host voluntary follow up Neighborhood Meetings to discuss the project referenced below. One meeting will be conducted in person, and a second meeting will be conducted virtually. Any member of the public may participate in the conversation as it pertains to this project. Please note, the City of Surprise is not the host of these meetings, however, the assigned City Planner may be contacted to provide information as needed in response to inquiries received from residents.

Applicant: Adam Baugh with Withey Morris, PLC, 602.230.0600, adam@witheymorris.com
City of Surprise Planner: Trever Fleetham, 623.222.3156, trever.fleetham@surpriseaz.gov

NEIGHBORHOOD MEETING DETAILS

In-Person Meeting		**Virtual Meeting**	
DATE:	Tuesday, January 10, 2023	DATE:	Wednesday, January 11, 2023
TIME:	6:00 PM	TIME:	6:00 PM
LOCATION:	Asante Preparatory Academy – Media Room 23251 N. 166th Dr. Surprise, AZ 85387	ONLINE ACCESS:	https://us02web.zoom.us/j/87438992337?pwd=MUNMQ1ZrbFdpcFFUZEsrNThibk0wdz09
		CALL IN:	+1 669 444 9171
		MEETING ID:	874 3899 2337
		PASSCODE:	766552

PROJECT & MEETING LOCATION



PROJECT DESCRIPTION:

Major Planned Area Development (PAD) Amendment to the Asante PAD to change the land use designation for approximately 101 gross acres from commercial to Commercial (C-2) and Residential High (R-2) and modify development standards. The subject property is generally located at the southwest corner of 163rd Avenue and Pat Tillman Blvd, within the Asante Planned Area Development (APN 503-76-803). Surprise Planning Case FS22-0517.

DEVELOPMENT PROJECT
NEIGHBORHOOD MEETINGS

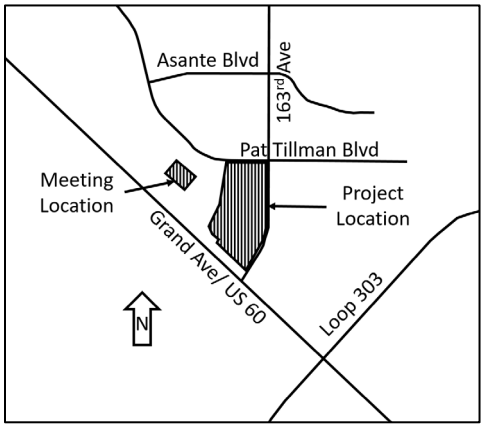
Please be advised, Withey Morris, PLC, on behalf of Kimco Barclay Surprise II, LLC, will host Neighborhood Meetings to discuss the project referenced below. One meeting will be conducted in person, and a second meeting will be conducted virtually. Any member of the public may participate in the conversation as it pertains to this project. According to Surprise Municipal Code, the applicant is required to host a Neighborhood Meeting to present their project to the public while soliciting feedback and providing answers to questions. Please note, the City of Surprise is not the host of these meetings, however, the assigned City Planner will be available to provide information as needed in response to inquiries received from residents.

Applicant: Adam Baugh with Withey Morris, PLC, 602.230.0600, adam@witheymorris.com
City of Surprise Planner: Trever Fleetham, 623.222.3156, trever.fleetham@surpriseaz.gov

NEIGHBORHOOD MEETING DETAILS

In-Person Meeting		**Virtual Meeting**	
DATE:	Tuesday, June 28, 2022	DATE:	Wednesday, June 29, 2022
TIME:	6:00 PM	TIME:	6:00 PM
LOCATION:	Asante Preparatory Academy – Cafeteria 23251 N. 166th Dr. Surprise, AZ 85387	ONLINE ACCESS:	https://us02web.zoom.us/j/84554004166?pwd=aDk0OHpLRStQd2F5R1RtREdwZkRJQT09
		CALL IN:	+1 669 900 9128
		MEETING ID:	845 5400 4166
		PASSCODE:	823598

PROJECT & MEETING LOCATION



PROJECT DESCRIPTION:

Major Planned Area Development (PAD) Amendment to the Asante PAD to change the land use designation for approximately 101 gross acres from commercial to mixed-use and modify development standards. The subject property is generally located at the southwest corner of 163rd Avenue and Pat Tillman Blvd, within the Asante Planned Area Development (APN 503-76-803). Surprise Planning Case FS22-0517.

Tab 2

SIGN-IN

CLYDE CAPITAL
SOUTHWEST CORNER OF 163RD AVENUE AND PAT TILLMAN BOULEVARD
NEIGHBORHOOD OPEN HOUSE MEETING
JUNE 28TH, 2022 – ASANTE PREPARATORY ACADEMY CAFETERIA – 23251 N 166TH DRIVE, SURPRISE, AZ – 6:00 PM

NAME (Please Print)	ADDRESS	PHONE NO.	E-MAIL ADDRESS
21. BARBARA KRAJCI	[redacted]		
22. Bess Krajci	[redacted]		
23. Mike • Janet Arbogast	[redacted]		
24. Matt Keating	[redacted]		
25. Larry Hancock	[redacted]		
26. RODNEY CLUFF	[redacted]		
27.			
28.			
29.			
30.			
31.			

SIGN-IN

CLYDE CAPITAL
SOUTHWEST CORNER OF 163RD AVENUE AND PAT TILLMAN BOULEVARD
NEIGHBORHOOD OPEN HOUSE MEETING
JUNE 28TH, 2022 – ASANTE PREPARATORY ACADEMY CAFETERIA – 23251 N 166TH DRIVE, SURPRISE, AZ – 6:00 PM

NAME (Please Print)	*ADDRESS*	*PHONE NO.*	*E-MAIL ADDRESS*
1. Brenda & Chris Lewis	[redacted]		
2. Andy Cepon	[redacted]		
3. Karen & Mike Fanton	[redacted]		
4. Steve & Twila French	[redacted]		
5. Bob & Connie Warren	[redacted]		
6. Orlando F. Winters	[redacted]		
7.			
8.			
9.			
10.			

SIGN-IN

CLYDE CAPITAL
SOUTHWEST CORNER OF 163RD AVENUE AND PAT TILLMAN BOULEVARD
NEIGHBORHOOD OPEN HOUSE MEETING
JUNE 28TH, 2022 – ASANTE PREPARATORY ACADEMY CAFETERIA – 23251 N. 166TH DRIVE, SURPRISE, AZ – 6:00 PM

NAME (Please Print)	ADDRESS	PHONE NO.	E-MAIL ADDRESS
51. Gina LaCarr	[redacted]		
52. Beth Gorrogias	[redacted]		
53. Don & Debbie Zimmerman	[redacted]		
54. Alan Pat Martin	[redacted]		
55. DAVE MARSH	[redacted]		
56. Donna & Jim Bella	[redacted]		
57. Brenda & Jim Overturf	[redacted]		
58.			
59.			
60.			

SIGN-IN

CLYDE CAPITAL

SOUTHWEST CORNER OF 163RD AVENUE AND PAT TILLMAN ROAD, SURPRISE, AZ.

NEIGHBORHOOD OPEN HOUSE MEETING

JANUARY 11TH, 2023-ASANTE PREPARATORY ACADEMY MEDIA ROOM – 23251 NORTH 166TH DRIVE, SURPRISE, AZ 85387

	NAME (Please Print)	*ADDRESS*	*PHONE NO.*	*E-MAIL ADDRESS*
21.	Robert Petrey	[redacted]		
22.	Paul VanDerWerf	[redacted]		
* 23.	Amy Wilson	[redacted]		
24.	DEAN WILSON & MIKE	[redacted]		
25.	Karen Fanton	[redacted]		
26.	Connie Warren	[redacted]		
27.	Jennifer Hill	[redacted]		
28.	Dillon	[redacted]		
29.	Kim Bell	[redacted]		
30.				

SIGN-IN

CLYDE CAPITAL

SOUTHWEST CORNER OF 163RD AVENUE AND PAT TILLMAN ROAD, SURPRISE, AZ.

NEIGHBORHOOD OPEN HOUSE MEETING

JANUARY 11TH, 2023-ASANTE PREPARATORY ACADEMY MEDIA ROOM – 23251 NORTH 166TH DRIVE, SURPRISE, AZ 85387

NAME (Please Print)	*ADDRESS*	*PHONE NO.*	*E-MAIL ADDRESS*
31. ROBERT WARREN	[redacted]		
32. BOB FRANZ	[redacted]		
33. DON ZIMMERMAN	[redacted]		
34. DEBBIE ZIMMERMAN	[redacted]		
35. RUSSELL BULLERI	[redacted]		
36. Michelle Haselwood	[redacted]		
37.			
38.			
39.			
40.			

SIGN-IN

CLYDE CAPITAL

SOUTHWEST CORNER OF 163RD AVENUE AND PAT TILLMAN ROAD, SURPRISE, AZ.

NEIGHBORHOOD OPEN HOUSE MEETING

JANUARY 11TH, 2023-ASANTE PREPARATORY ACADEMY MEDIA ROOM – 23251 NORTH 166TH DRIVE, SURPRISE, AZ 85387

NAME (Please Print)	*ADDRESS*	*PHONE NO.*	*E-MAIL ADDRESS*
1. MIKE MARCINKO	[redacted]		
2. Alex Pat Martin	"		
3. Steve & Twila French	[redacted]		[redacted]om
4. Gary + Betty Trotta	[redacted]		[redacted]t
5. DONNA + BARILLA	2[redacted]		[redacted].com
6. BRENDA OVERTURF	16[redacted]		[redacted]com
7.			
8.			
9.			
10.			

Planning & Zoning Commission Comment Form

07/18/2022 3:12 PM (EDT)

Call to the Public

For people wishing to address the Planning & Zoning Commission, please fill out the form below:

First Name	Michael
Last Name	Kallo
Address 1	[redacted]
City	Surprise
State	AZ
Zip Code	85387
Meeting Date	07/18/2022
Phone Number	[redacted]
Email	[redacted]
Please Choose One	Non-Agenda Item
Comment or Reason for Addressing the Commission	There have been community posts about a rezoning proposal for the plot of land on the northwest corner of 163rd ave and grand. Right now it is set aside for a large shopping plaza but the current rezoning proposal is looking to fill it with more housing, rentals, and leave a small retail lot in the northeast corner. Residents of this area are concerned that there are already too many homes than can be supported by the roads, schools, and complete lack of retail in the area. There are also other lots that are still zoned for residential, and mixed use, as well as neighborhoods that have just begun construction. What are our options as residents to oppose this rezoning?

Individuals wishing to address the Planning and Zoning Commission on specific terms, during public meetings or at the Call-to-the-Public segment of the public meeting shall be required to abide by the following rules:

1. Citizens wishing to be heard will be required to fill out a Call to the Public request form and turn it into the Planning and Zoning Commission Secretary before the meeting begins.
2. Each individual will be allowed to speak only once. Each speaker will be restricted to 3 minutes. The Chair will announce any time adjustments at the beginning of the meeting. Organized groups with one spokesperson may be allowed double time by the Chair, time permitting.
3. Speakers will begin by providing their name and address for the record. You will be required to complete your statement prior to the commission responding. This will assure the speaker their full time. Should the speaker ask questions, the questions will be responded to following the completion of the statement and directed by the Chair.
4. Respect the rights of the parties speaking whether you support or disagree with them. Parties failing to abide by these rules will be removed from the meeting.

ORDINANCE # 2023-03

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA, APPROVING A MAJOR PLANNED AREA DEVELOPMENT (PAD) AMENDMENT TO THE ASANTE PAD TO CHANGE THE LAND USE AND DEVELOPMENT STANDARDS FOR APPROXIMATELY 101 GROSS ACRES GENERALLY LOCATED AT THE SOUTHWEST CORNER OF 163RD AVENUE AND PAT TILLMAN BOULEVARD.

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 southwest corner of 163rd Avenue and Pat Tillman Blvd;

WHEREAS, the subject site is zoned Asante PAD pursuant to PAD04-124 approved on November 24, 2004;

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 Asante PAD, the zoning ordinance, and the Surprise General Plan; and

WHEREAS, on February 16, 2023, the Planning and Zoning Commission recommended approval of the subject Asante 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 "Asante 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 rezone narrative entitled "Asante Trails", prepared by Withey Morris, PLC, dated January 13, 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.

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.

PASSED AND ADOPTED this_____day of _____2023.

_____
Skip Hall, Mayor

Attest:

_____
Sherry Aguilar, City Clerk

Approved as to form:

_____
Robert Wingo, City Attorney

EXHIBIT A

LEGAL DESCRIPTION FOR PROPERTY

Legal Description
For
Zoning Boundary
GTIS - Asante

Located in the Northeast Quarter of Section 13, Township 4 North, Range 2 West, Gila and Salt River Meridian, Maricopa County, Arizona.

Beginning at the Northeast corner said Section 13;

Thence South 00°45'24" West, along the East line of said Northeast Quarter, a distance of 1,695.70 feet, to the beginning of a 2,291.83 feet radius curve, concave Northwesterly;

Thence departing said East line, Southwesterly along the arc of said curve, along the centerline of 163rd Avenue as shown on the Map of Dedication for "Asante Phase One", recorded in book 875, Page 17, Maricopa County records, through a central angle of 33°01'18", an arc distance of 1,320.86 feet;

Thence South 33°46'42" West, a distance of 497.79 feet to the North line of the AT & SF Railroad Right of Way;

Thence departing said centerline North 46°13'34" West, along said Right of Way, a distance of 1,276.10 feet to the West line of Lot Comm-2,3,5, per the Final Plat of Asante Phase I, recorded in Book 938, Page 32, Maricopa County Records;

Thence along said West line the following (5) five courses:

Thence North 23°32'06" East, a distance of 106.58 feet;

Thence North 46°13'34" West, a distance of 246.92 feet;

Thence North 23°04'27" West, a distance of 254.34 feet;

Thence North 25°38'16" East, a distance of 776.73 feet;

Thence North 09°06'47" East, a distance of 1,235.69 feet;

Thence departing said West line, North 00°52'02" East, a distance of 67.51 feet, to the centerline of Pat Tillman Blvd. as shown on the Map of Dedication for "Asante Phase One", recorded in book 857, Page 17, Maricopa County records, and the beginning of a 1,500.00 feet radius, non-tangent curve, whose center bears North 01°45'07" East;

Thence Easterly along said centerline and curve, through a central angle of 00°51'53", an arc distance of 22.64 feet;

Thence continuing along said centerline, South 89°08'07" East, a distance of 1,287.39 feet to the Point of Beginning.

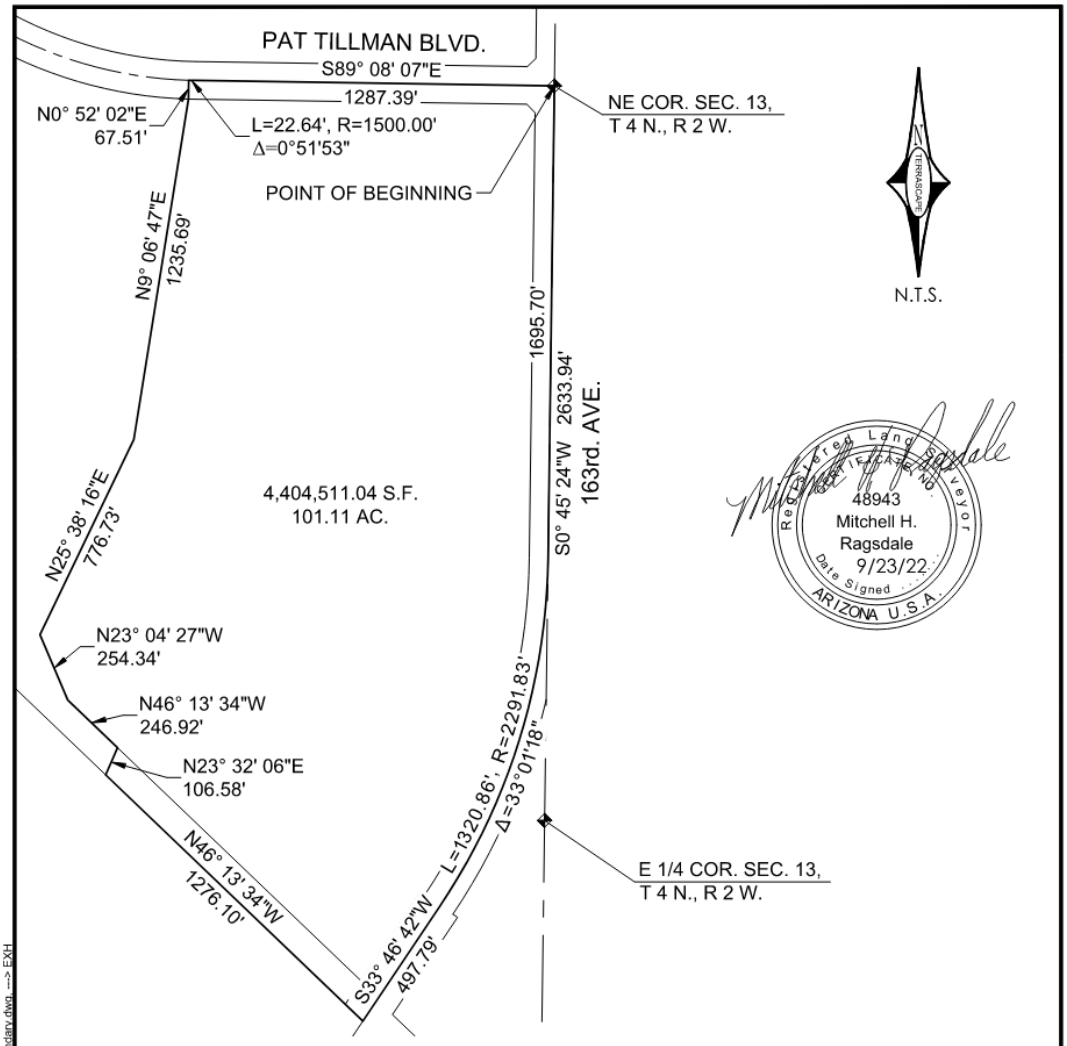
Containing 4,404,511.04 square feet or 101.11 acres, more or less.

Terrascapeconsulting.com

EXHIBIT B

DEPICTION OF PROPERTY SUBJECT TO THE PAD AMENDMENT

Ordinance No. 2023-03
RFLS # 8701
Rev 02/23



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consulting Terrascape
civil engineering • surveying • urban planning

645 E. MISSOURI AVE., STE. 420
PHOENIX, ARIZONA 85012

P:602.297.8732 • F:602.230.8458

EXHIBIT

ZONING BOUNDARY

GTIS - ASANTE

CITY OF SURPRISE

Project No. 1183 *Date : 9/23/22*
Sheet 1 of 1

Ordinance No. 2023-03
RFLS # 8701
Rev 02/23

ORDINANCE # 2023-03

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA, APPROVING A MAJOR PLANNED AREA DEVELOPMENT (PAD) AMENDMENT TO THE ASANTE PAD TO CHANGE THE LAND USE AND DEVELOPMENT STANDARDS FOR APPROXIMATELY 101 GROSS ACRES GENERALLY LOCATED AT THE SOUTHWEST CORNER OF 163RD AVENUE AND PAT TILLMAN BOULEVARD.

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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 residential area shall be capped at a total of 475 dwelling units.

d. Commercial development shall be built concurrently with the residential development.

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.

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PASSED AND ADOPTED this_____day of _____2023.

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Skip Hall, Mayor

Attest:

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Sherry Aguilar, City Clerk

Approved as to form:

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Robert Wingo, City Attorney

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For
Zoning Boundary
GTIS - Asante

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Thence North 09°06'47" East, a distance of 1,235.69 feet;

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Thence Easterly along said centerline and curve, through a central angle of 00°51'53", an arc distance of 22.64 feet;

Thence continuing along said centerline, South 89°08'07" East, a distance of 1,287.39 feet to the Point of Beginning.

Containing 4,404,511.04 square feet or 101.11 acres, more or less.

Terrascapeconsulting.com

EXHIBIT B

Ordinance No. 2023-03
RFLS # 8701
Rev 02/23

DEPICTION OF PROPERTY SUBJECT TO THE PAD AMENDMENT

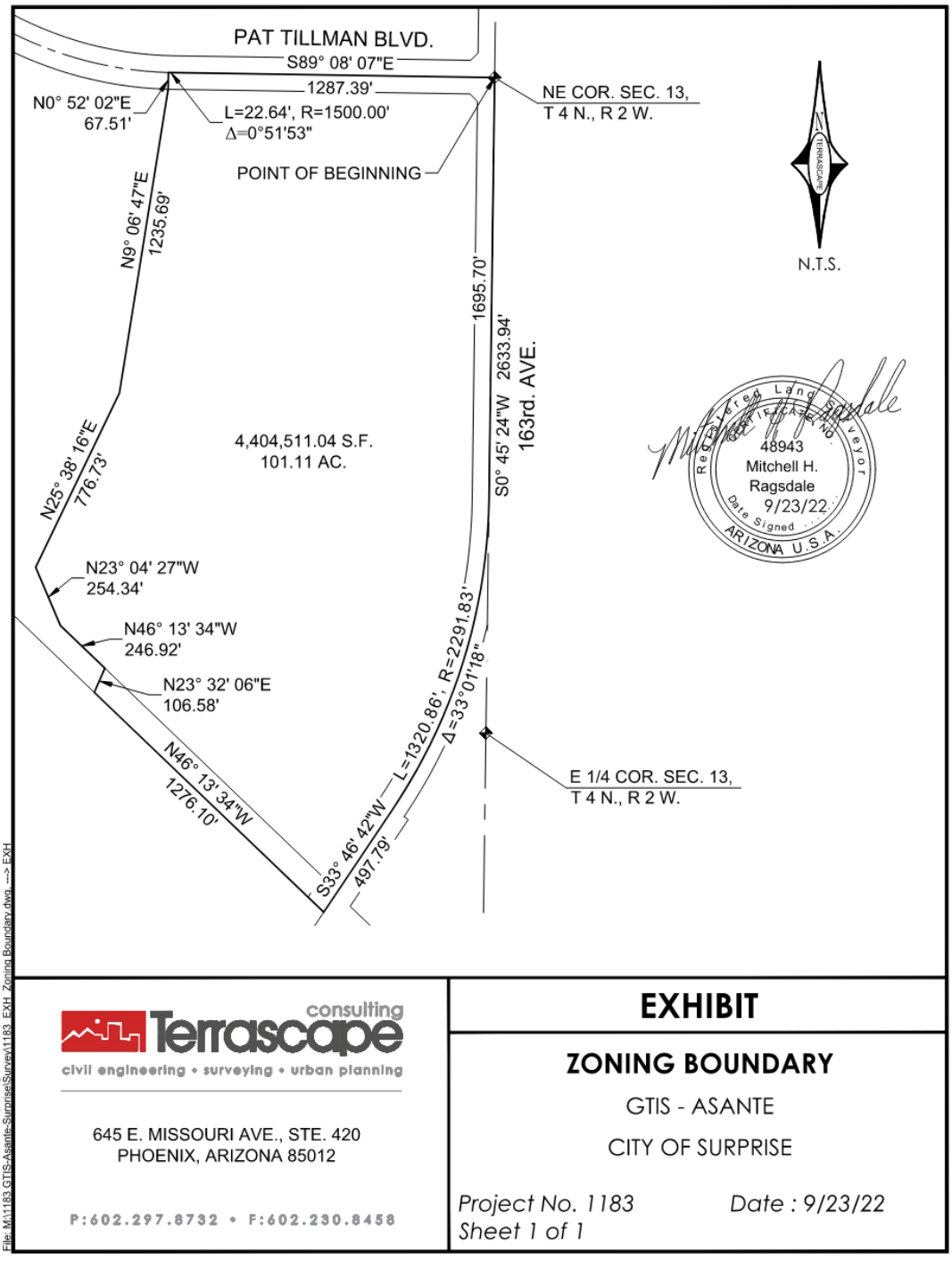

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EXHIBIT

ZONING BOUNDARY

GTIS - ASANTE

CITY OF SURPRISE

Project No. 1183 *Date : 9/23/22*
Sheet 1 of 1

Ordinance No. 2023-03
RFLS # 8701
Rev 02/23

ORDINANCE # 2023-03

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA, APPROVING A MAJOR PLANNED AREA DEVELOPMENT (PAD) AMENDMENT TO THE ASANTE PAD TO CHANGE THE LAND USE AND DEVELOPMENT STANDARDS FOR APPROXIMATELY 101 GROSS ACRES GENERALLY LOCATED AT THE SOUTHWEST CORNER OF 163RD AVENUE AND PAT TILLMAN BOULEVARD.

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

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

Section 1. *Major PAD Amendment.* The "Asante 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 PAD Amendment document entitled "Asante Trails", prepared by Withey Morris, PLC and dated June 2023, as revised pursuant to stipulation 'e'.

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 residential area shall be capped at a total of 475 dwelling units.

d. Commercial development shall be built concurrently with the residential development.

e. The applicant shall submit a revised PAD amendment document reflecting the approved changes within sixty (60) days of approval. If the applicant does not submit said revised PAD amendment document within the specified time, this Ordinance shall be deemed null and void.

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.

PASSED AND ADOPTED this_____day of _____2023.

_____
Skip Hall, Mayor

Attest:

_____
Sherry Aguilar, City Clerk

Approved as to form:

_____
Robert Wingo, City Attorney

EXHIBIT A

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Legal Description
For
Zoning Boundary
GTIS - Asante

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Beginning at the Northeast corner said Section 13;

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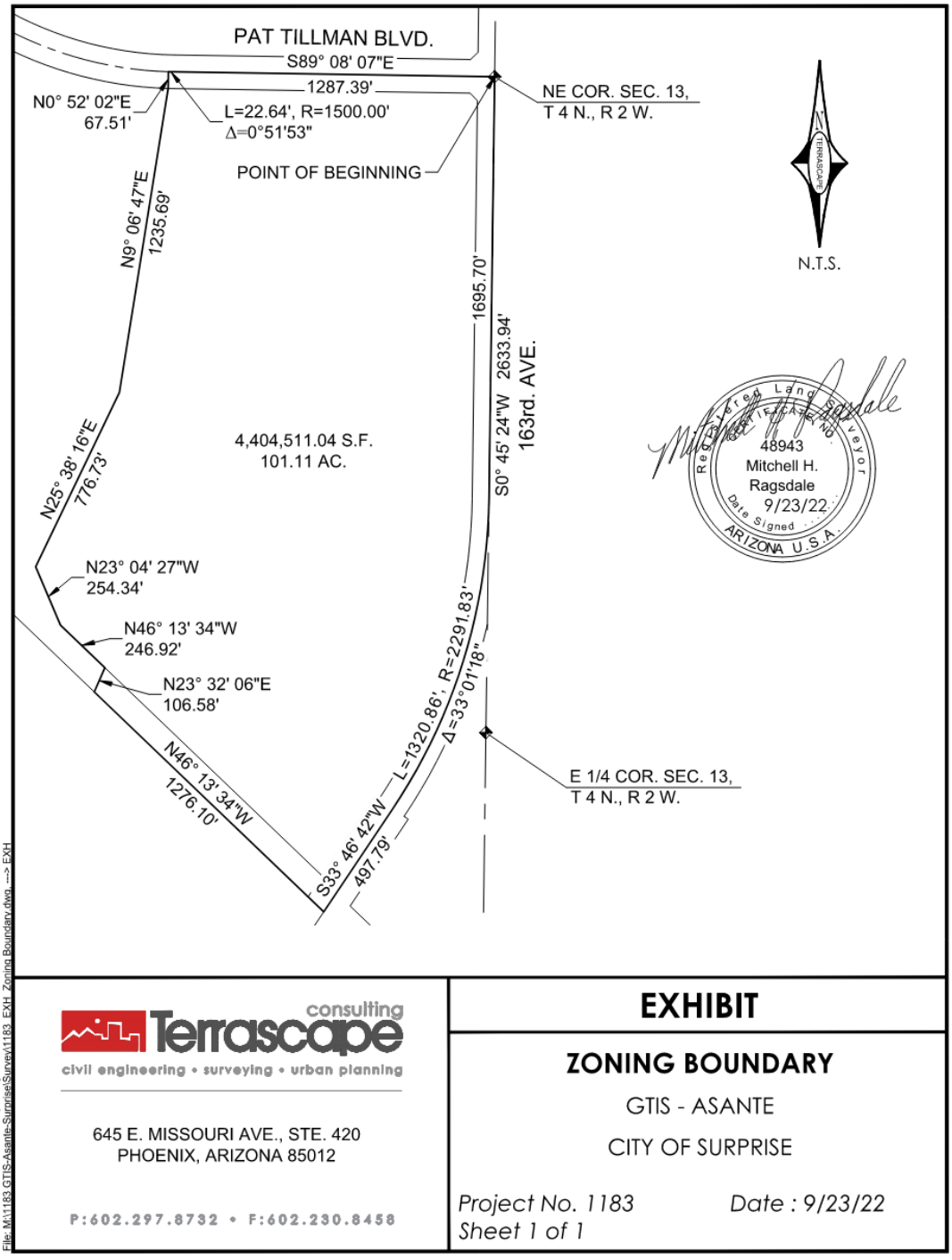
Containing 4,404,511.04 square feet or 101.11 acres, more or less.

Terrascapeconsulting.com

EXHIBIT B

DEPICTION OF PROPERTY SUBJECT TO THE PAD AMENDMENT



Ordinance No. 2023-03
RFLS # 8701
Rev 07/23

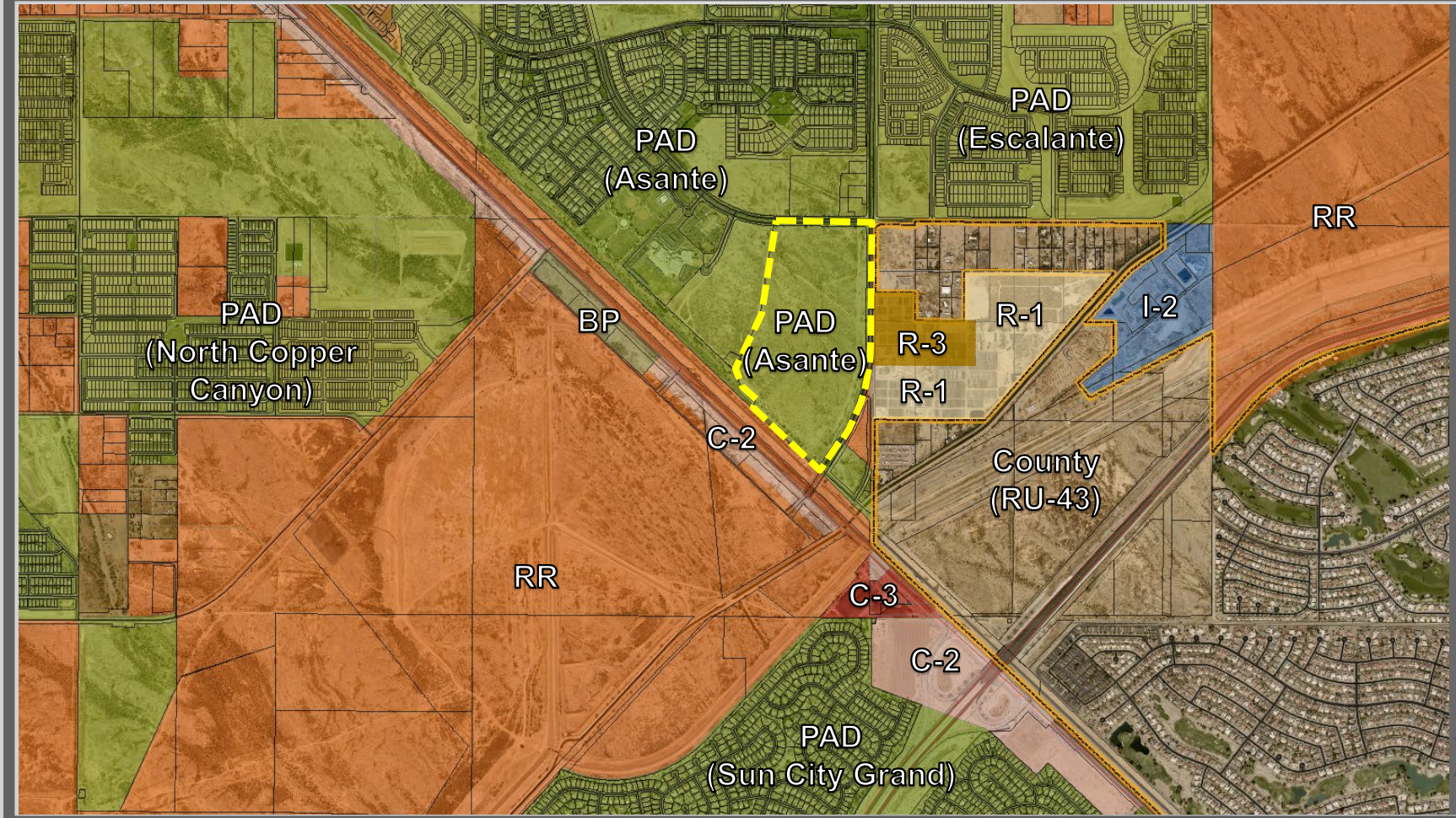
SURPRISE
ARIZONA

FS22-0517
Asante Major PAD Amendment

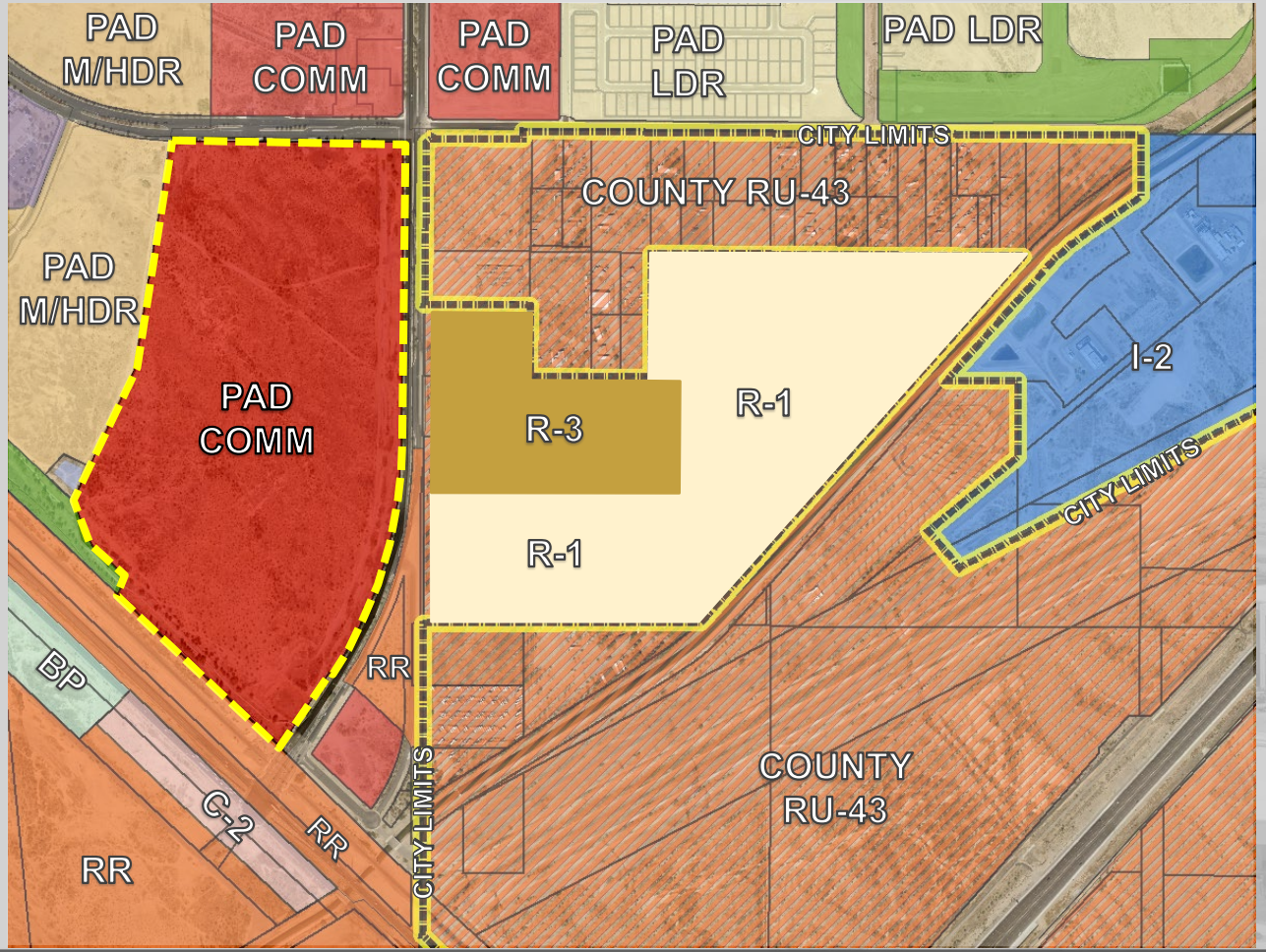
City Council

August 1, 2023

HERITAGE
ASANTE
163rd Ave
US-60/ Grand Ave
ASANTE
ESCALANTE
Pat Tillman Blvd
Austin Ranch/
North Copper
Canyon
SITE
Loop 303
VICINITY MAP

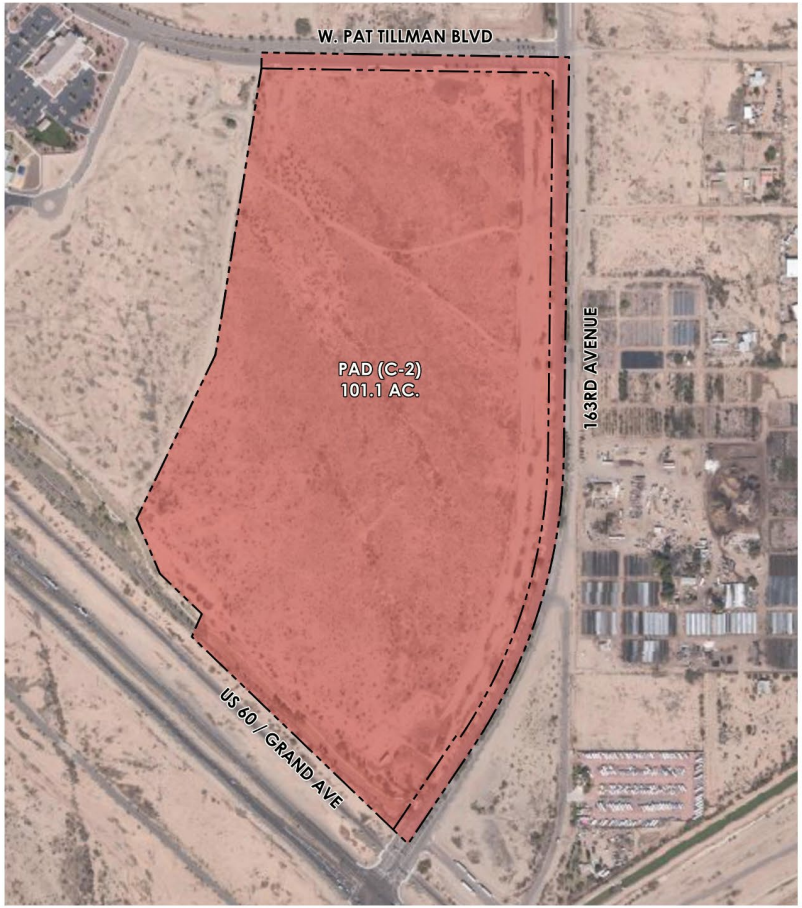

PAD
(Asante)
PAD
(Escalante)
RR
PAD
(North Copper
Canyon)
BP
PAD
(Asante)
R-3
R-1
I-2
R-1
C-2
County
(RU-43)
RR
C-3
C-2
PAD
(Sun City Grand)

ZONING MAP

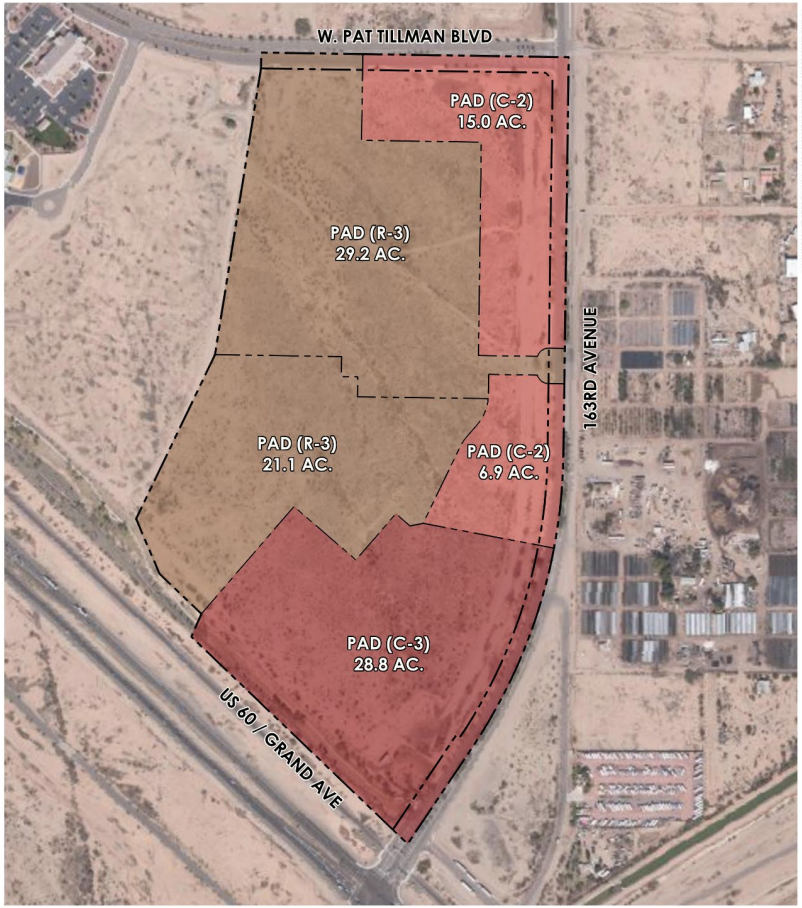


EXISTING LAND USE

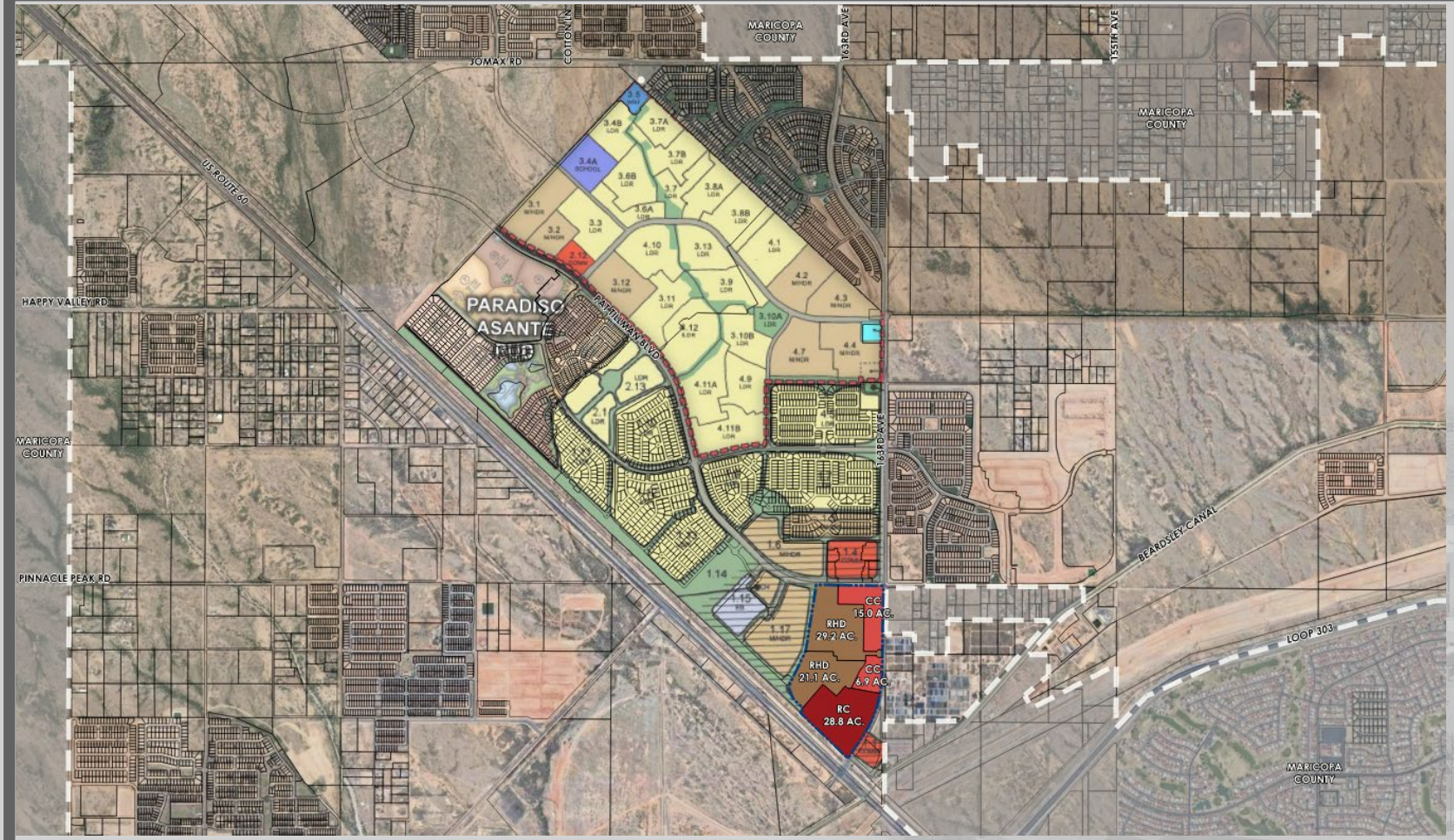
PROPOSED LAND USE



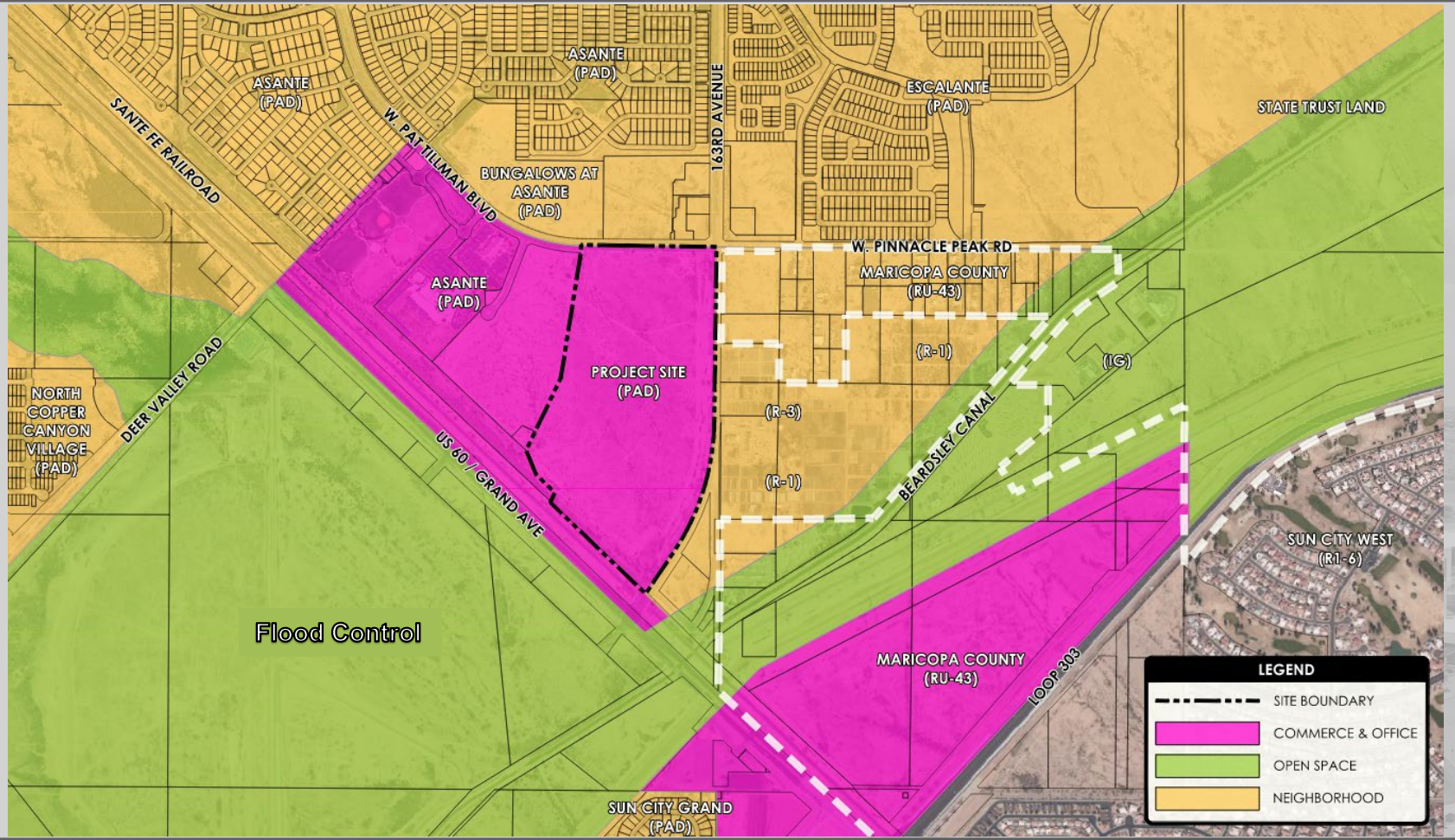
EXISTING ZONING DISTRICT



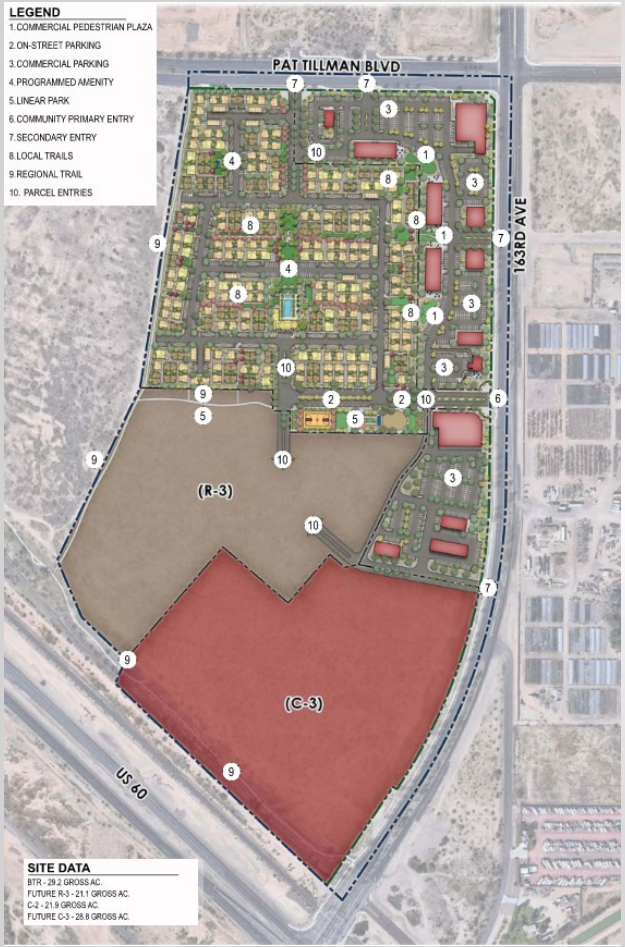
PROPOSED ZONING DISTRICTS


PROPOSED LAND USE
PARADISO ASANTE
MARICOPA COUNTY
JOMAX RD
COTTON LN
163RD AVE
155TH AVE
US ROUTE 60
HAPPY VALLEY RD
PINNACLE PEAK RD
PATRIMAN BLVD
BEARDSLEY CANAL
LOOP 303
CC 15.0 AC.
RHD 29.2 AC.
RHD 21.1 AC.
CC 6.9 AC.
RC 28.8 AC.

GENERAL PLAN LAND USE

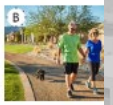


CONCEPTUAL SITE PLAN



CONCEPTUAL OPEN SPACE

A - NEIGHBORHOOD COMMERCIAL PLAZAS



B - CONNECTED PEDESTRIAN TRAIL SYSTEM

C - NEIGHBORHOOD OPENSPACE

D - NEIGHBORHOOD CHARACTER

OUTREACH

Neighborhood Meetings: June 28th & 29th, 2022

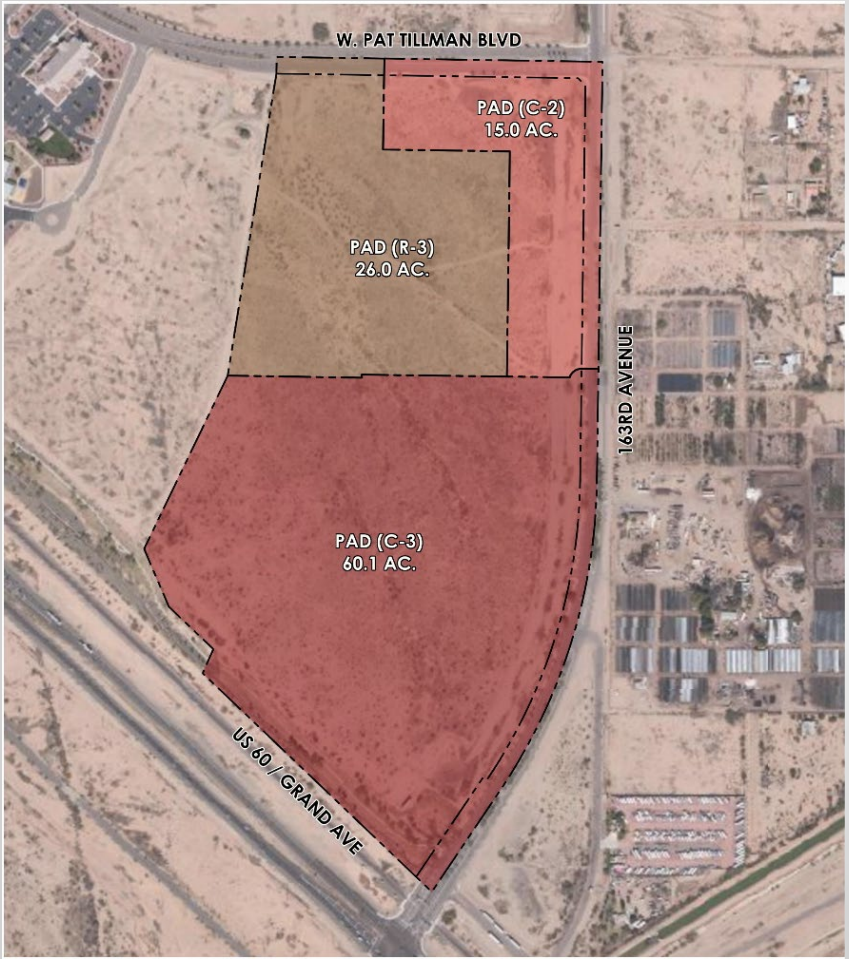
- Concerns:
  - Traffic
  - Loss of commercial land
  - Prospective commercial uses
  - Parking
  - Construction timing
  - Housing

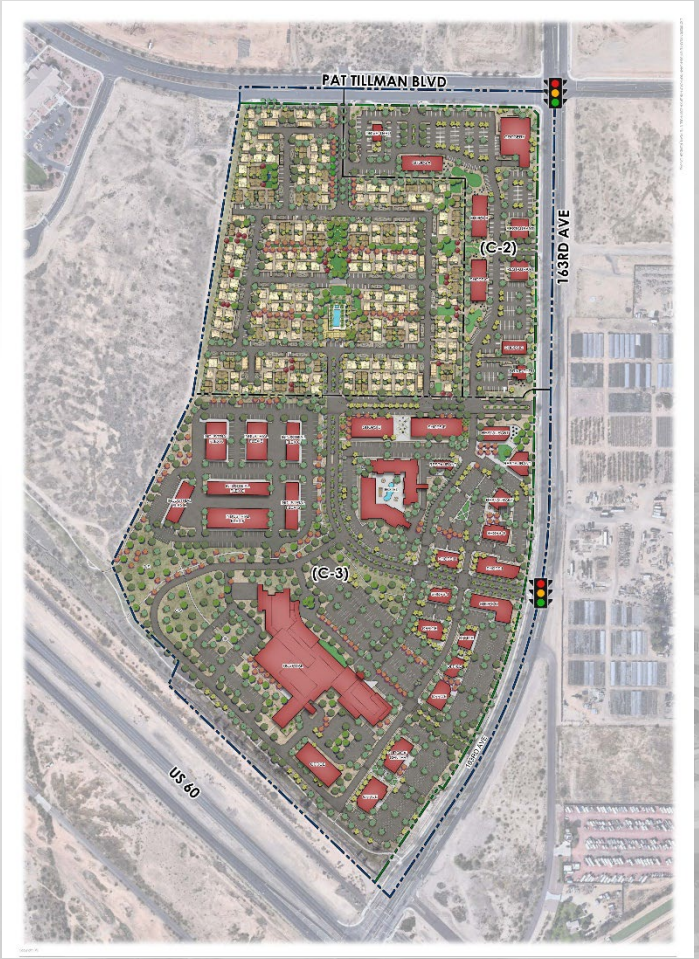
*The applicant held voluntary follow-up neighborhood meetings to present the revised plan to the community on January 10th & 11th, 2023

RECOMMENDATION

Commission recommended **approval** subject to stipulations ‘a’ through ‘d’

a. Development and use of the site shall be consistent with the rezone narrative entitled “Asante Trails”, prepared by Withey Morris, PLC, dated January 13, 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 residential area shall be capped at a total of 475 dwelling units.
d. Commercial development shall be built concurrently with the residential development.





REVISED PLAN

POSSIBLE MOTIONS

- Approval of Ordinance #2023-03 Alternative 1
  - Stipulations ‘a’ and ‘b’
  - Original Proposal
- Approval of Ordinance #2023-03 Alternative 2
  - Stipulations ‘a’ through ‘d’
  - Commission Recommendation
- Approval of Ordinance #2023-03 Alternative 3
  - Revised request
  - Stipulations ‘a’ through ‘e’
- Denial of Ordinance #2023-03

SURPRISE
ARIZONA

QUESTIONS OR COMMENTS?

Thank You

CITY OF SURPRISE
Regular City Council Meeting

Council Meeting Date: August 1, 2023 Contact Person:
Submitting Department: Community Development District: District 4
Staff Recommendations:

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

Agenda Wording:
Consideration and action pertaining to a rezone of approximately 13.2 acres from Community Commercial (C-2) to Residential High Density (R-3) for a site generally located on the southwest corner of Mountain View Blvd. and White Horse Trail, Case FS23-0198; Ordinance #2023-21.

Motion:
I move to approve Ordinance # 2023-21.

Background:
Carolyn Oberholtzer with Bergin, Frakes, Smalley, & Oberholtzer proposes to rezone approximately 13.2 acres from C-2 to R-3 for the development of a 260-unit multi-family residential development with 19.7 DU/Ac. The site is located on the southwest corner of Mountain View Blvd. and White Horse Trail.

Objective Analysis:
The rezone to R-3, satisfies the requirements set forth in the City of Surprise Land Development Ordinance (LDO). All city reviewing departments have reviewed the request and expressed no concerns.

Policy Compliant:
The requested rezone is consistent with the Commerce and Office Character and Transit Orientated Development District areas 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-FS23-0198 Prose Mountainview- Staff Report CC 08.01.23
2. 01 – FS23-0198 Prose Mountainview– Vicinity Map
3. 02 – FS23-0198 Prose Mountainview– Zoning Map
4. 03 – FS23-0198 Prose Mountainview –Proposed Zoning Map
5. 04 – FS23-0198 Prose Mountainview– Zoning Document
6. 05 – FS23-0198 Prose Mountainview – Conceptual Site Plan
7. 06 – FS23-0198 Prose Mountainview – Luke Letter
8. 07– FS23-0198 Prose Mountainview – Public Participation Report
9. 08 - FS23-0198 Prose Mountainview - Support Opposition Letters
10. 09 - FS23-0198 Prose Mountianview - Market Analysis
11. 10- FS23-0198 - Prose Mountain View Rezone Ordinance
12. FS23-0198 Prose Mountainview - Presentation

ZONE CHANGE

REPORT TO CITY COUNCIL

Case:	FS23-0198
Project Name:	Prose Mountain View
Council District:	4 - Mulberry
Meeting Date:	August 01, 2023
Planner:	Leslie Carnie
Owner:	**E & V Investments LLC**
Applicant:	Carolyn Oberholtzer with Bergin, Frakes, Smalley, & Oberholtzer PLLC (BFSO)
Request:	Zone Change from Community Commercial (C-2) to High Density Residential (R-3) to allow the development of Multi-Family Residential
Site Location:	Generally located on the southwest corner of Mountain View Blvd. and White Horse Trail.
Site Size:	13.2 Gross acres (approx.)
Density:	19.7 DU/Ac
General Plan Conformance:	The proposal is consistent with the Surprise General Plan 2035.
Support/Opposition:	Citizen Participation Meetings were held April 25, 2023, and April 27, 2023. Refer to attached Citizen Participation Report.
Commission Recommendation:	Planning and Zoning Commission recommends Approval.

Project Description:

Carolyn Oberholtzer with BFSO, on behalf of, E & V Investments, LLC requests a zone change of approximately 13.2 acres from Community Commercial (C-2) to Residential High Density (R-3) for the development of a multi-family residential project. The site is generally located on the southwest corner of Mountain View Blvd. and White Horse Trail.

Background

November 9, 1978: The subject parcels were annexed into the City under Ordinance 78-36.

January 13, 2022: A Concept Review meeting was held under case CR21-756.

April 21, 2022: The applicant filed a request for a Zone Change, Site Plan and Final Plat under case FS21-0588.

August 11, 2022: The applicant held a Citizen Outreach Meeting to discuss the project.

October 06, 2022: The Planning and Zoning Commission recommended denial of the Zone Change, case FS22-0588, to the City Council.

November 11, 2022: City Council denied the Zone Change, case FS22-0588.

March 07, 2023: The applicant filed a request for a Zone Change, Site Plan and Final Plat under case FS23-0198.

April 25, 2023: The applicant held an In-Person Citizen Outreach Meeting to discuss the project.

April 27, 2023: The applicant held a Virtual Citizen Outreach Meeting to discuss the project.

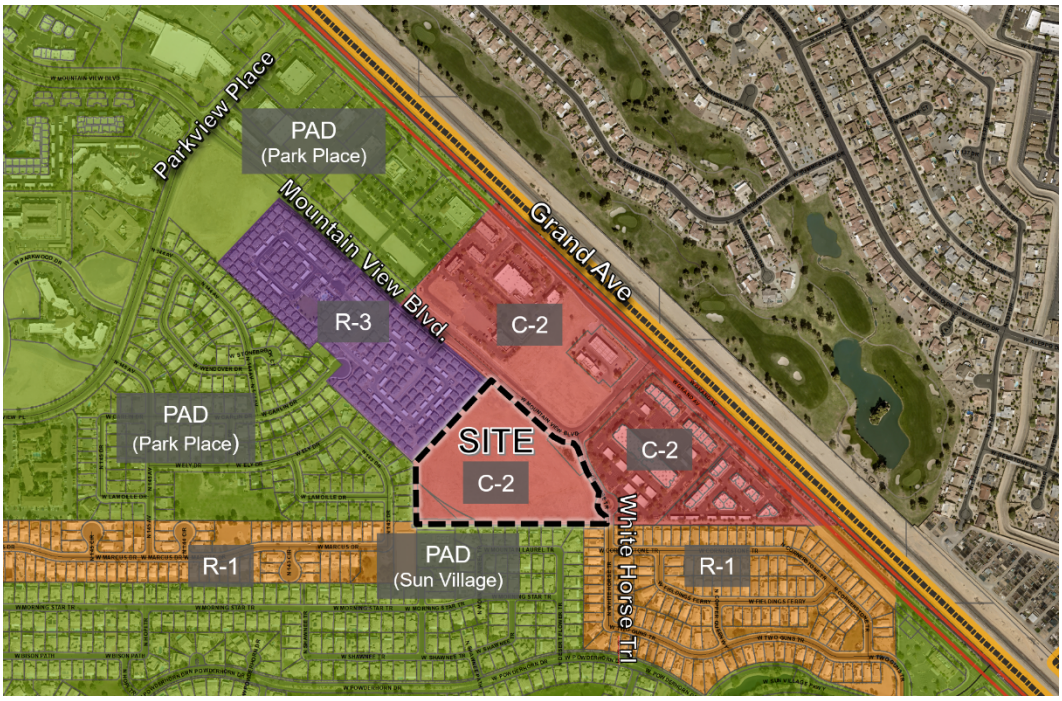
July 06, 2023: The Planning and Zoning Commission recommended approval of the Zone Change, case FS22-0198

Analysis and Discussion:

The applicant requests a rezone of approximately 13.2 acres from Community Commercial (C-2) to Residential High Density (R-3) to accommodate a multi-family residential project composed of both 3 and 2 story buildings. The (10) 3-story buildings have a total of (15) 1-bedroom units and (9) 2-bedroom units. The (1) 2-story building houses (2) 1-bedroom units. The conceptual site provides amenities such as a clubhouse, pool, and dog park. This project was brought before the Commission 10/06/2022 and City Council 11/15/2022. The result was denial of the Zone Change case FS22-0588. Working with the feedback provided at the public hearings, the applicant has since prepared a revised Conceptual Site Plan that is provided for illustrative purposes in support of the proposed re-zone application.

The proposed, for lease, apartment complex will have 260 units and a net density of 19.7 DU/Ac. This is a reduction from the 274 units and 23.4 DU/Ac proposed previously. The 2-story buildings previously situated along the south of the property have been eliminated and replaced with covered and uncovered parking spaces. The 3-story building at the southeast corner of the site has been replaced with a 2-story building. The setback from 3-story buildings to single family residential has been increased from 41'-5" to 98' and the buildings have been orientated at an angle to reduce visibility into neighboring properties. The adjacent MWD remnant parcels at the southwest corner have been incorporated into the site and an access gate has been provided to the currently landlocked easements belonging to the Sun Village property owners to the south.

Access to the site is provided from Mountain View Blvd. via a gated full movement main entrance. A secondary gated driveway will be provided from White Horse Trail for emergency vehicles only. A Site Plan and Final Plat are being reviewed concurrently under the same case number (FS23-0198).



Existing Zoning

Proposed Zoning

The development of the project site is subject to review and approval of a comprehensive site plan, in which the site design, architecture, parking, setbacks, and landscaping will be reviewed in accordance with the requirements prescribed by the City's LDO requirements and the adopted Planning and Engineering Design Standards (PEDS). The table below reflects the current LDO requirements for the R-3 Zoning District and those being provided in Conceptual Site Plan.

R-3 DEVELOPMENT STANDARDS		
	REQUIRED	PROVIDED
Setback: Street (Collector or Local)	15'	25'-10"
Setback: To Residential Zoning	20'	24'-4"
Setback: 3 Story to Single Family *	28'*	98'
Maximum Building Height	60'	38'
Open Space/Amenities (260 Units)	39,000 sq. ft.**	145,754 sq. ft.
* 20' plus 1' for every 1' of height over 30' ** 150 sq. ft. Per Unit		

Utility and Services Table:

Electric:	APS
Water:	EPCOR
School District	DYSART UNIFIED

Conformance with Adopted Plans:

The Surprise General Plan 2035 shows the subject property as lying within the Commerce and Office Character Area (CO) and is within the Transit Oriented Development District (TODD), which supports the development of high-density residential projects. The CO Character Area permits both medium and high-density residential projects with no limit on density. The proposed 19.7 DU/Ac is in conformance with the higher density housing that is encouraged in the CO Character Area and the TODD. The proposed Zone Change will allow for a high-density residential development in close proximity to existing and future commercial development creating the desired large scale horizontal mixture of uses in the General Plan CO Character Area.

Reviewing Agencies:

In addition to the standard city internal reviewing departments and Luke Air Force Base, the Maricopa Water District, and ADOT were included in the routing of this request. None of the reviewing agencies indicated any concerns over the request.

Citizen Outreach:

Two outreach meetings were held, an in-person meeting on April 25, 2023, and a virtual meeting on April 27, 2023. A summary of these meetings can be found in the attached Citizen Outreach Report.

Summary:

Staff believes the proposed Zone Change is consistent with the manner and intent of the Surprise Municipal Code. If approved, the site will be allowed to be developed in accordance with the requirements of the City of Surprise.

Findings:

- The proposed Zone Change is consistent with the Surprise General Plan 2035.
- The proposed Zone Change demonstrates compliance with the criteria set forth in the Surprise Municipal Code
- The reviewing agencies have indicated no objections to the request.

Recommendation:

Based on the findings noted above, Planning and Zoning Commission recommends **Approval** of the subject Zone Change to City Council subject to stipulations a. and b.

a. Development and use of the site shall be consistent with the narrative entitled Prose Mountain View Surprise Rezone" dated May 05, 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.

Attachments:

01 Vicinity Map
02 Existing Zoning Map
03 Proposed Zoning Map
04 Zoning Document
05 Conceptual Site Plan
06 Luke AFB comments
07 Citizen Outreach Report and Affidavit of Site Posting
08 Support/Opposition
09 Market Analysis
10 Ordinance
PPT

Parkview Place
Grand Village Center
Mountain View Blvd
Grand Ave
Christopher Todd Communities
Stonebrooke
SITE
(13.2 ac)
Ancona Professional Plaza
White Horse Trl.
Sun Village
VICINITY MAP

EXISTING ZONING
Parkview Place
Mountain View Blvd.
Grand Ave.
White Horse Trl
PAD
(Park Place)
R-3
C-2
SITE
C-2
C-2
PAD
(Park Place)
R-1
PAD
(Sun Village)
R-1

PROPOSED ZONING
Parkview Place
Mountain View Blvd.
Grand Ave.
White Horse Trl
PAD
(Park Place)
PAD
(Park Place)
R-3
C-2
SITE
R-3
C-2
R-1
PAD
(Sun Village)
R-1

PROSE MOUNTAIN VIEW

SURPRISE

Rezone

Case File: FS23-0198

Community Commercial (C-2) to Residential High Density (R-3)

13.2 Gross Acres

Southwest corner of West Mountain View Boulevard and North White Horse Trail

Surprise, Arizona

Prepare by: Bergin, Frakes, Smalley & Oberholtzer, PLLC

Submitted to: City of Surprise, Arizona

1st Submittal: March 6, 2023

2nd Submittal: May 5, 2023

Prose Mountain View Team

Alliance Realty Partners, LLC
7135 East Camelback Road, Suite 360
Scottsdale, Arizona 85251
Ian Swiergol
(602)778-2831

triARC
1924 E Camelback Rd, Suite 200
Phoenix, AZ 85016
(602) 229-1100

Anderson Design
815 N. First Ave, Suite 3
Phoenix AZ, 85003
(602) 682-6070

Hilgart Wilson
2141 E. Highland Ave., Ste 250
Phoenix, AZ 85016
(602) 490-0535

Bergin, Frakes, Smalley & Oberholtzer
Carolyn Oberholtzer
4343 East Camelback Road, Suite 210
Phoenix, Arizona 85018
(602) 888-7860

Table of Contents:

1. Introduction and Location
2. Vicinity Map
3. Description of Request
4. Development Standards
5. Conformance with the adopted Surprise General Plan 2035
6. Transportation/Access/Utilities
7. Results of the Rezone
8. *Exhibits*
    a. *Aerial Map of Project Site related to the Surrounding Area*
    b. *Existing Zoning Map and Proposed Zoning Map*
    c. *Conceptual Site Plan*
    d. *General Plan 2035 Land Use Map*
    e. *Legal Description*

Introduction and Location

Alliance Residential Company is one of the largest and most active rental residential real estate developers in the United States. Headquartered in Scottsdale, with 19 regional offices, Alliance is focused on the development, construction and management of residential communities across 17 states and 33 metropolitan markets. Alliance develops high-end multifamily housing communities and is known for creating some of the most popular communities to live in in Arizona and beyond.

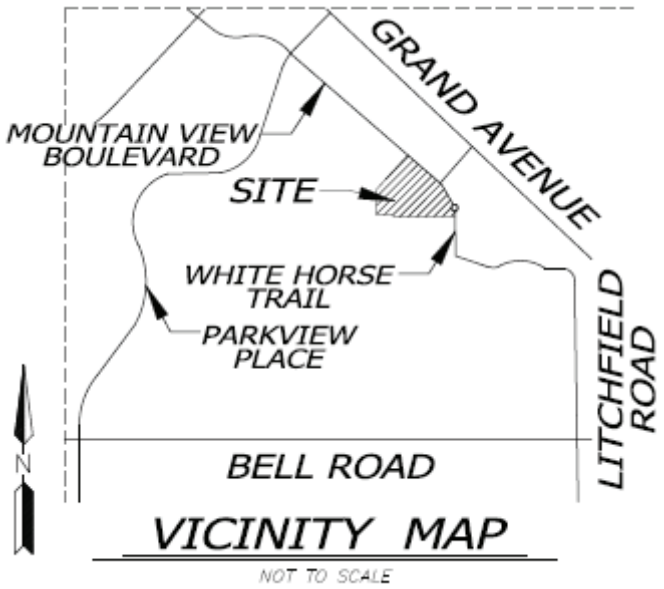
The planned Prose Mountain View Project ("Project") in Surprise seeks to bring a high-end apartment housing community to the Grand Avenue corridor that will provide multi-family options for residents in line with the vision of the Surprise General Plan.

The Vicinity Map identifies the Project generally located at the southwest corner of West Mountainview Boulevard and North White Horse Trail, Surprise, AZ 85374 which encompasses the Maricopa County Parcel Numbers 503-98-917, 503-98-923, 503-59-031K, 503-59-031B, 503-59-033F, and 503-59-033H (collectively, the "Property"). The Property is approximately 13.2 gross acres located at the southwest corner of W. Mountain View Boulevard and N. White Horse Trail within the City of Surprise, Arizona (the "City"). An aerial map is provided in **Exhibit A**.

The Property is effectively an infill development and this long-vacant property is ripe for residential to support the commercial uses in the area, which includes a grocery, drug store, multiple restaurants, retail stores, and an array of medical uses. The table below shows the surrounding current zoning and land uses.

Surrounding Land Use Table		
Direction	**Current Zoning**	**Current Land Use**
Project Site	C-2	Vacant Land
Northwest	R-3 with PUD Overlay	Detached Single-story Apartments: Christopher Todd Communities
North	C-2	Commercial
East	C-2	Commercial / Business Park
South	PAD	Single Family Residential
West	PAD	Single Family Residential

Vicinity Map:



Description of Request

The applicant is requesting a zone change of 13.2 gross acres from Community Commercial (C-2) to High Density Residential (R-3). See **Exhibit B** for Existing and Proposed Zoning Maps. The Project will comply with the development standards of the Land Development Ordinance (LDO) as shown in the **Exhibit C** Conceptual Site Plan, will exceed many of the applicable setbacks to ensure compatibility of land uses.

The proposed community consists of 260 residential units in a combination of 2 and 3 story residential buildings, and single-story garages. The community is built around a central amenity area that includes a clubhouse with fitness room, pool, and play area. Additionally, a dog park with a shade ramada will be included on the northeast edge of the Project.

The Project will be accessed via a gated full movement main entry from Mountain View Avenue – utilizing the existing median break. A secondary gated driveway will be provided on White Horse Trail on the eastern edge of the property and be limited to emergency vehicles only. The configuration of this circulation will limit traffic into the neighboring community in a manner that is significantly less than what otherwise might occur under the C-2 zoning.

Development Standards

Table 106-2e below identifies the required development standards for the Residential High Density (R-3) *zoning district.*

Table 106-2e - Residential High Density (R-3) Zoning district			
Net Density (du/ac)	8-11.9	12-14.9	15+
Min. Setback to Arterial ROW (ft)[2]	20	20	20
Min. Setback to Collector and Local ROW (ft)[2]	15	15	15
Min. Setback Adjacent to Residential Zoning (ft)	10	15	20
Min. Setback Adjacent to Non-Residential Zoning (ft)	20	20	20
Max. Bldg. Height[1] (ft)	45	50	60
Open space (sf/du)	150	150	150

Notes:

1. The *height* of any *structure*, or portions thereof, shall not exceed thirty feet (30') in *height* measured at the *setback* line when *adjacent* to *Single-family, Two-family, Three-family development parcels*. The *height* of the *accessory structure* may increase at a ratio of one foot vertical for every one foot horizontal (1':1') as measured relative to the property line to a maximum *height* equal to the *zoning*
2. *Setback* may be reduced to 10' along Collector or Local *right-of-way* for units that open to the *street* and exclude a perimeter wall

All projects shall provide one hundred and fifty square feet (150 sf) of onsite *open space* per *dwelling unit*, which shall include surfacing and safety features such as lighting, and *amenities* that enable residents to use the *open space.* Acceptable types of *open space* are listed below.

Common open space (excluding *setbacks*) with a minimum dimension of fifteen feet (15') in any direction that is accessible to all *dwelling units* by sidewalks or local paths. The space shall be oriented to maximize afternoon shade unless site conditions such as topography warrant waiving this requirement by the Community Development Director or Designee.

Individual balconies or patios (excluding front stoops) may be used for up to twenty-five percent (25%) of the required *open space*. To qualify as *open space*, balconies or patios must be at least forty square feet (40 sf) with no dimension less than five feet (5').

Rooftop decks and terraces may be used to meet up to fifty percent (50%) of the required *open space*, provided the space provides *amenities* such as seating areas, barbeques, fireplaces, recreational spaces, shade, and landscaping.

On-site indoor recreation areas may be used to meet up to twenty-five percent (25%) of the required *open space* provided the space is designed for communal *use* by all residents and provides space for entertaining, gathering, or exercise equipment and fitness activities.

Environmentally sensitive areas may count toward *open space* requirements if integrated into the site design to be visible and usable by residents with features such as trails and benches. Sensitive or critical areas meeting these requirements may count for up to fifty percent (50%) of the required *open space*." LDO §106-2.5.

Conformance with the adopted Surprise General Plan 2035

The 2035 Surprise General Plan ("General Plan") includes the Property in the "Commerce and Office Character Area" ("CO"), and it is within the Transit Oriented Development District ("TODD"). See **Exhibit D**. The TODD includes sub-areas of the General Plan to "promote a higher intensification of residential and non-residential uses near existing and planned transit stops." General Plan, page 63. Throughout the CO Character Area "stand alone multi-family residential development" and "higher density housing" are permitted and "multi-family residential uses – such as condominiums and apartments" are typical. The CO Character Area allows the greatest diversity and intensity of land uses." General Plan, pages 44-47. The intended use of the Property should qualify as a "Mixed Use-Residential" [1] development within the General Plan CO Character Area because the Property is adjacent to commercial and as a result, will include a "horizontal mixture of residential and non-residential land uses." General Plan, page 46. With 260 units on 13.2 gross acres, the density of the Project will be 19.7 dwelling units per acre.

The following describes the Project's conformance with the general Goals and policies of the Land Use Element and other elements of the plan.

Housing Element:

Goal 1: Housing Stock

Policy 8: *Promote and facilitate the build out of vacant and underutilized land through infill, reuse, revitalization, and redevelopment activities for appropriate rural, suburban, or urban housing development.*

Growth Element:

Goal 1: Sustainable Growth

Policy 5: *Promote and provide incentives for infill development, redevelopment, and growth in existing urbanized areas.*

The Project will be constructed on a vacant parcel – currently underutilized in an area ripe for development. The Project will bring high quality construction and amenitized residences to a very connected area of the city. As an infill project, the density of the residences will provide a unique opportunity for residences to be adjacent to commerce and assist in a growth pattern consistent with the General Plan's goal of improving underutilized land within the city boundaries.

[1] "Mixed Use – Residential Includes a vertical and or horizontal mixture of residential and non-residential land uses where the residential component of the project constitutes at least 75% of the overall square footage (vertical mixed use) or acreage (horizontal mixed use). The remaining 25% of the square footage or acreage would constitute commercial retail, office, education, medical, entertainment or civic related uses." General Plan, page 46.

Land Use Element:

Goal 1: Unique Community

Policy 1: *The City will guide the pattern and scale of development that provides visual diversity, choice of lifestyle, opportunities for social interaction, and that respects desirable community character and context.*

The Project will bring multi-family housing to an area in Surprise that will support housing diversity and living options for various lifestyles. In addition, the Project will include an array of amenities including a clubhouse with fitness room, pool, play area, and dog park that will provide opportunities for residents to interact and socialize within the community. In addition, the adjacency of the Project to myriad commercial uses within the freeway corridor will allow for a horizonal integration of the residents into the larger community. The Project is located within walking distance of numerous grocery store, retail, restaurant, and entertainment uses with the Grand Village Center.

Goal 4: Luke Air Force Base

Policy 1*: The City shall comply with all applicable statutes of the State of Arizona, applicable to territory within the vicinity of a military airport or ancillary military facility and land within the high noise and accident potential zones of Luke AFB or any ancillary military facility.*

Luke Air Force Base ("LAFB") has confirmed that the Project's proposed density is consistent with the LAFB graduated density standards.

Goal 6: Variety of Housing

Policy 1*: The City shall encourage development of neighborhoods that broaden the choice of type, size, and affordability of housing in Surprise.*

The multi-family design of the Project will help broaden the housing choices within Surprise. The housing options within the project will be attractive to people who are looking for this type of housing which is not currently available within the area. The nature of the Project's design will be attractive to young professionals, people looking to transition into the area, and others who are looking for affordable, but highly amenitized apartment living.

Policy 2*: The City shall promote various residential options that provide amenities and conveniences within the residence and surrounding community that is above the median housing mix.*

The Project will offer significant amenities and conveniences that will assist in elevating this community above the median housing mix of Surprise. The list of amenities includes a community clubhouse with a fitness room, a pool, a play area, and a dog park for the residents. These amenities will work cohesively to exceed the expectations of multi-family development within Surprise.

Policy 3*. The city shall strive to create a balanced housing mix of detached and attached housing that fosters an economically sustainable city.*

The Project will help diversify the housing mix available within the City. The surrounding area is largely developed with detached single-family housing. The Prose apartments will provide options to surprise residents that are interested in a community that offers a smaller and more intimate setting, while still offering high level amenities expected in larger communities.

Character Area Approach:

The Project is located within the Commerce and Office Character Area (CO) of the General Plan. The General Plan acknowledges the broad development potential of these areas and created this character area designation to encourage flexible land use. Higher density housing is noted specifically as an opportune use within these areas, and multi-family residential uses such as apartments and condominiums are typical. At 19.7 units per acre, the Project is explicitly compatible with the vision of the general plan as it applies to this location within the city of Surprise.

Compatibility and Transition Measures:

The Project will consider compatibility and transition measures as laid out in the General Plan. Garage buildings and a parking lane will be used to buffer the Project from the single-family homes to the south – providing an increased setback to the 3 story units within the interior of the Project. Building placement along the southern boundary will be limited to non-habitable, single-story garages or carports. Two-story residential buildings will be limited to 28 feet in height and be located a minimum of 60 feet from the southern property boundary (where the R-3 district would otherwise allow a 60-foot building height). The maximum building height of 39 feet will ensure that no building on the property is 40 feet or greater in height (in comparison to the existing C-2 Zoning which permits up to 40 feet in height within 40 feet for the property line). The three-story buildings will be located a minimum of 90 feet from the southern property boundary.

A dog park is planned just west of a retention area on the Mountain View and White Horse Trail which combined will provide additional transition space between the higher density residential and neighboring commercial parcel. Furthermore, landscaped perimeter sidewalks will create a sense of transition between the neighboring land uses.

The Project will exceed the required R-3 building setback standards from streets, single family residential zoning and multi-family residential zoning (see table below).

Building Setbacks			
	Required – C2	**Required – R3**	**Provided**
Street (Collector or Local)	20’-0”	15’-0”	25’-10”
To Single Family Residential Zoning	30’-0”	20‘-0”	66’-6”
To Multi-Family Residential Zoning	30’-0”	20’-0”	24’-4”
3-Story to Single Family **	39’-0”*	29’-0”**	98’-0”

* 30’ +1’ for every 1’ of building height

** 20’ + 1’ for every 1’ of building height

The Project will incorporate the following transition guidelines from the General Plan.

To help limit the impact on adjacent existing or potential uses and promote overall land use compatibility, new development should utilize the following transition measures at the neighborhood edge:

1. *Respect the context of adjacent building form and architectural style;*
    - The Prose buildings incorporate design elements reminiscent of the modern farmhouse style, such as prominent gable roofs with exposed beam ends, centered windows, and metal window shade awnings. The pitched roofs feature flat asphalt shingles with gable ends that accentuate vertical massing elements and provide varied roof lines.
2. *Adjust densities to provide a gradual transition to surrounding uses;*
3. *Step buildings (via building massing, footprint size, and height) to reduce the visual impact to surrounding uses;*
    - Building setbacks are provided to ensure that no building over one-story is within 60' of the adjacent residential community to the south. The layout includes small buildings rather than several large ones to provide both visual interest and also provide for broken up facades set far from the nearby residential to reduce visual impact.
4. *Provide similar streetscape and landscape design to surrounding uses;*
    - The included Landscape plans will include perimeter planting of Live Oaks and Chinese Pistache that will create a cohesive landscape with the surrounding development.
5. *Utilize appropriate setbacks to blend and transition between surrounding uses; and/or*
    - As noted above, the provided building setbacks will exceed the R-3 standards in each category.
6. *Place enhanced landscape/open space buffers between uses; additional measures should be taken to emphasize transition through integration and encourage connectivity between new development and surrounding uses.*
    - For the 3-story buildings, the pedestrian scale is enhanced by elements such as recessed patios with low walls, textured stone veneer, and window awnings. Mechanical equipment will be roof mounted and fully screened from view, allowing for patios and landscaping around the building.

Additionally, the building architecture and design will incorporate a variety of exterior materials including stone veneer, standing seam metal awnings and wrought iron balcony rails complement the warm earth tone stucco. The design choices combined with the stepped densities and building height provide compatibility with the current surrounding uses, while providing transitionary measures in line with the tenets of the General Plan.

Transportation/Access/Utilities

A traffic impact study is submitted with the rezone application. The study has largely determined that the development of the project under the R-3 zoning standards will cause less trips than if developed as a commercial space as an office building or shopping center – both of which would be compatible uses under the property's General Plan designation and current zoning.

Primary access to the Project will be via a gated full movement main entry from W. Mountain View Ave. - utilizing the existing median break. A secondary gated driveway will be provided on N. White Horse Trail on the eastern edge of the property and be limited to emergency vehicles only.

The site will be serviced by two private water systems. One will be for domestic water and the other will be for fire hydrants and sprinkler feeds. The two systems will be run parallel through the site looping the site and connecting into the public water line in Mountain View Boulevard at two locations. The fire line will be an 8-inch main that connects to the system once at the main entrance to the site and a second time at the fire truck exit on White Horse Trail. The domestic system will also connect once to an existing 4-inch water stub from Mountain View and once from an 8-inch stub from White Horse Trail.

The site is serviced with 3 private sewer lines. One connects to the sewer main in White Horse Trail near the emergency entrance to the site. The other two connect to the sewer main along the south border of the site. The 8-inch sewer mains run at a minimum slope of 0.55%. The 6-inch sewer services run at a minimum of 1.1% and the 4-inch sewer services run at a minimum of 2.2%.

The project site provides retention for the anticipated runoff from the 100-year 2-hour storm event for the site and the adjacent half street. Retention is provided in a combination of surface basins and underground retention vaults. Storm water is conveyed to the retention basins via surface flow and through a storm drain system around the site. The storm drain system will be sized for the peak runoff from the 100-year storm event. The storm water in the retention system will be dissipated using drywells.

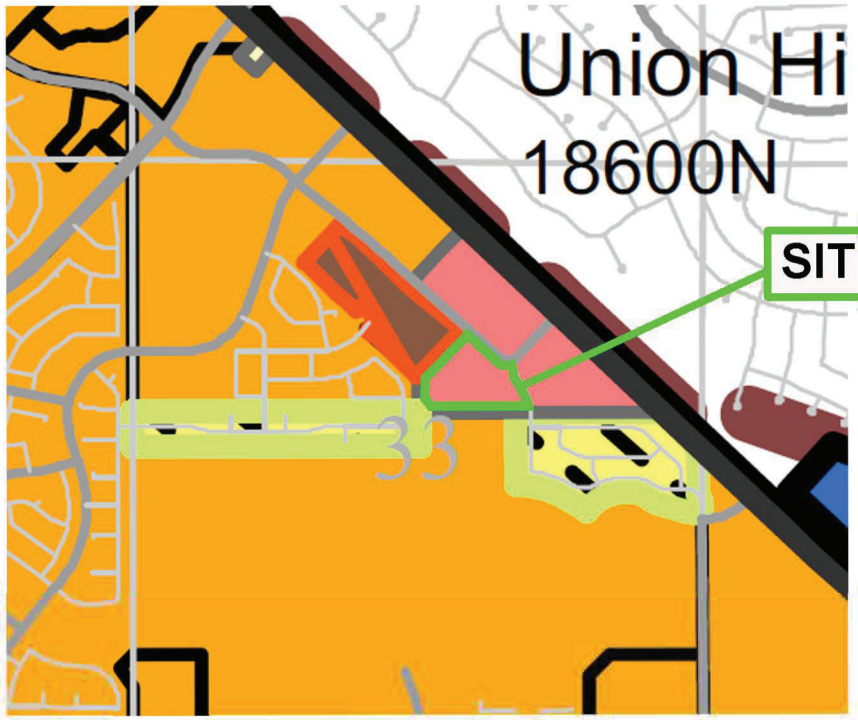
Results of the Rezone

The Prose Mountain View Rezone will allow for an infill development on vacant land. This project will be in conformance with the Surprise General Plan and expand housing diversity within the community. The design standards and architectural plans of the Project will ensure cohesion with current adjacent land uses while providing high quality and amenitized housing opportunity within the City of Surprise.

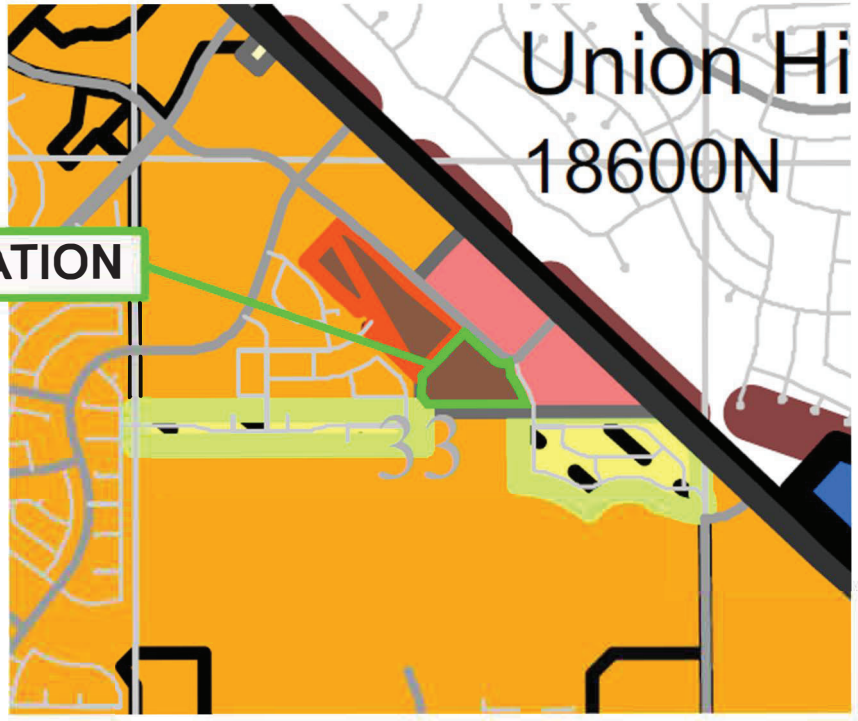
Exhibit A: Aerial Map

Exhibit B

Existing Zoning



Proposed Zoning



Zoning Districts

SURPRISE ARIZONA

- BP
- C-1
- C-2
- C-3
- I-1
- I-2
- I-3
- MU-1
- OS-2
- PF
- PAD
- PUD
- RR
- R-1
- R-2
- R-3
- SHD-C-2
- SHD-C-3
- SHD-CO
- SHD-R-1
- SHD-RO
- PUD OVERLAY
- COUNTY
- LUKE AFB 1992
- AUX 1 F-16
- SECTION LINES
- SURPRISE CORPORATE LIMITS
- SURPRISE PLANNING AREA

0 0.5 1 2 Miles

Zoning Districts

SURPRISE ARIZONA

- BP
- C-1
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- SHD-RO
- PUD OVERLAY
- COUNTY
- LUKE AFB 1992
- AUX 1 F-16
- SECTION LINES
- SURPRISE CORPORATE LIMITS
- SURPRISE PLANNING AREA

0 0.5 1 2 Miles

Exhibit C: Conceptual Site Plan

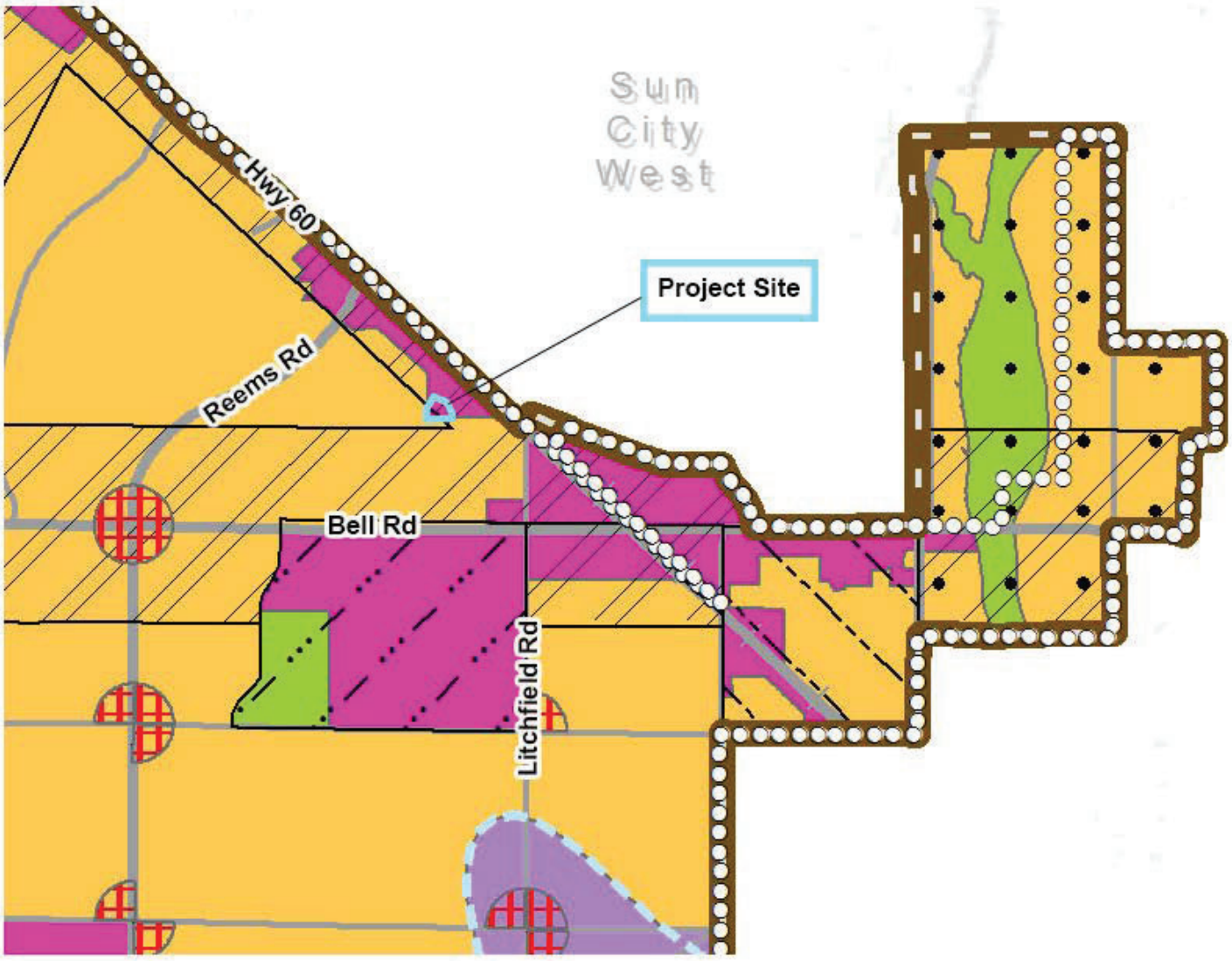
ALLIANCE RESIDENTIAL COMPANY | Overall Site Plan

Prose Mountain View

scale: 1:50 | date: 05.05.23

anderson
815 n. 1st avenue, suite 3
phoenix, az 85003

Exhibit D: General Plan Map



Character Areas

- Neighborhood
  - *Rural*
  - *Suburban*
  - *Urban*
- Commerce & Office
  - *Mixed Use: Residential*
  - *Mixed Use: Commercial*
  - *Regional Commercial*
  - *Commercial Office*
- Employment
  - *Business Park*
  - *Industrial*
- Open Space
  (As described on page 53)

Sub Areas

- Luke Compatibility District
- Scenic Lands Development
- Surprise Center District
- Surprise Heritage District
- Transit Oriented Development District
- Aggregate Resource Areas

Features

- Planning Area
- Aux 1 Noise Contours
- Luke AFB Noise Contours
- Canals
- Military
- Existing Community Commercial
- Public Facility
- Mining

Circulation

- Freeway
- Parkway
- Major Arterial
- Minor Arterial
- BNSF Rail

N

0 1 2 Miles

Michael Baker INTERNATIONAL

SURPRISE ARIZONA

PROSE MOUNTAIN VIEW – RESULTANT LEGAL DESCRIPTION

THAT PORTION OF LOT 3, TRACT C AND THE EXCEPTED PORTION AT THE SOUTHWEST CORNER OF GRAND AVENUE PROFESSIONAL PLAZA, AMENDED, RECORDED IN BOOK 652 OF MAPS, PAGE 29, RECORDS OF MARICOPA COUNTY, ARIZONA, LYING WITHIN A PORTION OF THE NORTHEAST QUARTER OF SECTION 33, TOWNSHIP 4 NORTH, RANGE 1 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE CENTER OF SAID SECTION 33, FROM WHICH THE NORTH QUARTER CORNER OF SAID SECTION 33 BEARS NORTH 00 DEGREES 15 MINUTES 22 SECONDS EAST 2,637.58 FEET, SAID LINE BEING THE BASIS OF BEARINGS FOR THIS DESCRIPTION;

THENCE NORTH 00 DEGREES 15 MINUTES 22 SECONDS EAST 315.00 FEET ALONG THE WEST LINE OF SAID NORTHEAST QUARTER TO THE POINT OF BEGINNING;

THENCE CONTINUING NORTH 00 DEGREES 15 MINUTES 22 SECONDS EAST 334.67 FEET ALONG SAID 'MEST LINE TO A GLUED WASHER IN TOP OF A WALL STAMPED "45378":

THENCE NORTH 43 DEGREES 45 MINUTES 56 SECONDS EAST 599.13 FEET TO A 1/2-INCH REBAR ON THE SOUTH RIGHT OF WAY LINE OF MOUNTAIN VIEW BOULEVARD;

THENCE SOUTH 47 DEGREES 50 MINUTES 51 SECONDS EAST 443.29 FEET ALONG SAID SOUTH RIGHT OF WAY LINE TO A 1/2-INCH REBAR WITH ALUMINUM CAP STAMPED "KLEIN 42137" AND THE BEGINNING OF A NON- TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 172.00 FEET AND A CHORD BEARING AND DISTANCE OF SOUTH 68 DEGREES 50 MINUTES 44 SECONDS EAST 123.27 FEET;

THENCE CONTINUING ALONG SAID SOUTH RIGHT OF WAY LINE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 41 DEGREES59 MINUTES 50 SECONDS AN ARC LENGTH OF 126.07 FEET TO A 1/2-INCH REBAR WITH ALUMINUM CAP STAMPED "KLEIN 42137" AND THE BEGINNING OF A REVERSE CURVE HAVING A RADIUS OF 20.00 FEET;

THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 76 DEGREES 26 MINUTES 43 SECONDS AN ARC LENGTH OF 26.68 FEET TO A 1/2-INCH REBAR WITH ALUMINUM CAP STAMPED "KLEIN 42137" AND THE 'MEST RIGHT OF WAY LINE OF WHITE HORSE TRAIL; THENCE ALONG SAID WEST RIGHT OF WAY LINE THE FOLLO'MNG SEVEN COURSES AND DISTANCES:

THENCE SOUTH 13 DEGREES 24 MINUTES 13 SECONDS EAST 44.51 FEET TO A 1/2-INCH REBAR WITH ALUMINUM CAP STAMPED "KLEIN 42137" AND THE BEGINNING OF A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 337.00 FEET AND A CHORD BEARING AND DISTANCE OF SOUTH 21 DEGREES 54 MINUTES 51 SECONDS EAST 100.51 FEET;

THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 17 DEGREES 09 MINUTES 10 SECONDS AN ARC LENGTH OF 100.89 FEET TO A 1/2-INCH REBAR WITH ALUMINUM CAP STAMPED "KLEIN 42137";

THENCE SOUTH 30 DEGREES 32 MINUTES 08 SECONDS EAST 118.99 FEET TO A 1/2-INCH REBAR WITH RIGHT HAVING A RADIUS OF45.00 FEET AND A CHORD BEARING AND DISTANCE OF SOUTH 02 DEGREES 15 MINUTES 01 SECONDS EAST 42.62 FEET;

THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 56 DEGREES 32 MINUTES 04 SECONDS AN ARC LENGTH OF 44.40 FEET TO A 1/2-INCH REBAR WITH ALUMINUM CAP STAMPED "KLEIN 42137" AND THE BEGINNING OF A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 64.00 FEET AND A CHORD BEARING AND DISTANCE OF SOUTH 19 DEGREES 56 MINUTES 25 SECONDS EAST 90.89 FEET;

THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 90 DEGREES 29 MINUTES 01 SECONDS AN ARC LENGTH OF 101.07 FEET TO A 1/2-INCH REBAR WITH ALUMINUM CAP STAMPED "KLEIN 42137" AND THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 20.00 FEET AND A CHORD BEARING AND DISTANCE OF SOUTH 32 DEGREES 18 MINUTES 27 SECONDS EAST 21.75 FEET;

THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 65 DEGREES 51 MINUTES 50 SECONDS AN ARC LENGTH OF 22.99 FEET TO A 1/2-INCH REBAR WITH ALUMINUM CAP STAMPED "KLEIN 42137";

THENCE SOUTH 00 DEGREES 39 MINUTES 49 SECONDS 'MEST 35.14 FEET TO A NAIL IN WASHER STAMPED "KLEIN 42137" ON THE SOUTH LINE OF SAID SUBDIVISION; THENCE NORTH 89 DEGREES 24 MINUTES 40 SECONDS WEST 1031.15 FEET ALONG SAID SOUTH LINE TO A 1 /2-INCH REBAR WITH ALUMINUM CAP STAMPED "KLEIN 42137" AND THE POINT OF BEGINNING;

ALLIANCE RESIDENTIAL COMPANY

Overall Site Plan

Prose Mountain View

0' 50' 100' 150'

scale: 1:50

date: 03.03.23

anderson
815 n. 1st avenue, suite 3
phoenix, az 85003

Leslie Carnie

From: JAMES, MARK C CIV USAF AETC 56 FW/CVE <mark.james.14@us.af.mil>
Sent: Monday, March 13, 2023 1:13 PM
To: Tierney Farago
Cc: 56 FW/CIT Community Initiative
Subject: RE: FS23-0198 Prose Mountain View New Digital Submittal 03.07.23
Attachments: Prose Apartments (FS22-0588).pdf; smime.p7s; ATT00001.txt; ATT00002.htm

Importance: High

Tierney,

Thank you for the opportunity to provide comments on the rezone application for the Prose Mountain View Multi-Family Project. The site sits on approximately 13.2 gross acres and is located at the intersection of Mountain View Boulevard and White Horse Trail within the City of Surprise. It is 2 miles outside the Luke AFB 1988 JLUS 65 Ldn, "high noise or accident potential zone" as defined by A.R.S. § 28-8461 and is inside the "territory in the vicinity of a military airport" also defined by A.R.S. § 28-8461. The intent is to develop 260 residential units over the 13.2 acres.

This project was previously commented on via Prose Apartments (FS22-0588)" (attached) and the minor changes listed in this rezone request will not affect our previous input. As described, this project will not negatively impact the flying operations at Luke AFB. Since the site will be located within the "territory in the vicinity of a military airport," it will be subjected to approximately 170 over flights per day. We also recommend a strong notification program on the part of the applicant to inform any potential tenants about Luke AFB operations.

Respectfully,

Mark James
Deputy Director, Community Initiatives Team
56th Fighter Wing
Luke AFB AZ 85309
Office: 623-856-6175
DSN: 896-6175

From: Tierney Farago <Tierney.Farago@surpriseaz.gov>
Sent: Tuesday, March 7, 2023 2:27 PM
To: 56 FW/CIT Community Initiative <56FW.CIT.CommunityInitiative@us.af.mil>; Afshin Ahouraiyan (Flood Control District of Maricopa County) <Afshin.Ahouraiyan@Maricopa.Gov>; Alex Garza (Maricopa Assoc of Governments) <AGarza@azmag.gov>; Chris Cain (Maricopa Water District) <chrisc@mwdaz.com>; Darren Gerard <Darren.Gerard@maricopa.gov>; Debbie Trasancos (Maricopa Water District) <debbiet@mwdaz.com>; Douglas Kirkland (Epcor) <dkirkland@epcor.com>; Ernest (USPS) <Ernest.L.James@usps.gov>; Eva Pierce <eva.pierce@dysart.org>; Ibeth - USPS <Ibeth.L.Roman@usps.gov>; Jerome Choy (ADOT) <jchoy@azdot.gov>; Kevin Shipman <kevin.shipman@dysart.org>; Leslie - MWD <lesliej@mwdaz.com>; Mark Frago <fragom@mail.maricopa.gov>; Mary Orta - Surprise Chamber <mary.orta@surpriseregionalchamber.com>; MCDOT <MCDOTPlanning@maricopa.gov>; Raoul Sada - Surprise Chamber <raoul@surpriseregionalchamber.com>; Victor.Schaum <Victor.Schaum@cox.com>; Yvonne Aguirre <yvonne.aguirre@swgas.com>
Cc: Nichole Flores <Nichole.Flores@surpriseaz.gov>
Subject: [Non-DoD Source] FS23-0198 Prose Mountain View New Digital Submittal 03.07.23

Good afternoon,

Attached please find the **application(s)**, **narrative, and site plan** for the above referenced project.

Please feel free to contact us with any questions.

Thanks,

TIERNEY FARAGO
Planning Project Coordinator
City of Surprise | Community Development
16000 N. Civic Center Plaza
Surprise, AZ 85374
623-222-3154

PLEASE NOTE: Effective August 3, 2022 we will be adding 2 business days for out-processing notices.

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0.1

Prose Mountain View

Citizen Participation Report

Case Number: FS23-0198

Submitted to:

City of Surprise

Planning Department

16000 N. Civic Center Plaza

Surprise, AZ 85374

(623) 222-1000

Citizen Participation Report Submittal: June 2, 2023

Citizen Participation Report

Prose Mountain View
Case # FS23-0198

Introduction

Alliance Residential ("Applicant") is seeking a rezone from Community Commercial (C-2) to Residential High Density (R-3) for 13.2 acres on the southwest corner of W. Mountain View Boulevard and N. White Horse Trail in Surprise, AZ to develop a multi-family apartment project to be known as Prose Mountain View ("Project"). The Project encompasses the Maricopa County Parcel Numbers 503-98-917, 503-98-923, 503-59-031K, 503-59-031B, 503-59-033F, and 503-59-033H (collectively, the "Property"). This report describes the public outreach completed by the Applicant for this Project.

Techniques Used to Involve the Public:

Website:

A website was created for the project – alliancemountainview.com. The project website had links to the rezoning application as well as a timeline of upcoming meetings and hearing for the project. A screenshot of the website is included as **Exhibit A**.

Correspondence:

Prior to the official neighborhood meetings, the Applicant received and responded to 5 responses from citizens through the project website voicing various concerns or asking for additional details on the application. After the meetings, the Applicant did not receive opposition to the project from the community. The Applicant did receive an email from a neighboring resident in support of the project who had attended the in-person neighborhood meeting. That email correspondence is included as **Exhibit B.**

Meetings:

The Applicant was closely engaged in conversations with the Sun Village homeowners closest to the Project who live on Mountain Laurel Trail prior to the rezone application being submitted to the City. Multiple meetings were held at "Chef Peters" with these residents to discuss the various design considerations that were taken into account to address compatibility concerns between the Project and their directly adjacent homes.

A neighborhood meeting was held at "The Kachina Ballroom" at Sun Village (17300 North Sun Village Parkway, surprise, AZ 85374) on Tuesday, April 25m 2023 at 6:00 pm. A second neighborhood meeting was held virtually on Thursday, April 27, 2023, through Zoom. A summary of the presentation given to attendees for both meetings as well as the questions and concerns of the citizens is documented in **Exhibit C**. Included in this report is a redacted list of attendees as well as a copy of the presentation materials.

On May 18, 2023, the Project team attended the Sun Village HOA Board Meeting to present the project once again to the community. This meeting additionally focused on the proposed easement that would allow the community to access the HOA owned parcel in the southwest of the project through a gated driveway within the Project.

Notifications:

Notification letters and legal advertisements were arranged by the City of Surprise. The Applicant posted the site on April 4, 2023, with information about the neighborhood meeting. An affidavit of the site posting, and photos of the signs are included as **Exhibit D**. The site postings were updated on June 1, 2023, to add the upcoming dates for the Planning and Zoning Commission and City Council hearing dates. An affidavit of the site posting, and photos of the signs are included as **Exhibit E**.

Concerns, Issues, and problems the applicant is unwilling or unable to address and why:

Through the public participation process, the Applicant has communicated with the vocal community regarding their concerns and has addressed their problems. The Applicant is continuing to work with the Sun Village Community Association to create an easement for access to their parcel on the southwest corner of the project.

Exhibits

A. Website Screen Shot
B. Support Email
C. Neighborhood Meeting Summary – with redacted sign-in sheets
D. Affidavit of Posting for Neighborhood Meeting – with photos
E. Affidavit of Posting for Public Hearings – with photos

Exhibit A

PROSE MOUNTAIN VIEW

ALLIANCE RESIDENTIAL COMPANY

Surprise, AZ

Application

Exhibit B

[redacted]

[redacted]

From: Carolyn Oberholtzer
Sent: Thursday, April 27, 2023 2:48 PM
To: 'Rebecca Keefe' [redacted]
Subject: RE: Neighborhood meeting

Becky- thanks so much for participating! And I really appreciate the positive feedback from you.

Were you able to find out more about your property in terms of that northern corner?

As to the signage, that's something we are talking to the City about (because they are public streets) and Jeannie's involvement would certainly help. With your permission, may I share your email with staff so that they know it is something at least you would like to see? Or would you like me to not?

Carolyn Oberholtzer
Bergin, Frakes, Smalley & Oberholtzer, PLLC
4343 East Camelback Road, Suite 210
Phoenix, Arizona 85018
Direct: 602.888.7860
[redacted]
Fax: 602.888.7856

B | F | S | O

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From: Rebecca Keefe [redacted]
Sent: Thursday, April 27, 2023 2:42 PM
To: Carolyn Oberholtzer <coberholtzer@bfsolaw.com>
Subject: Neighborhood meeting

Carolyn-
My name is Becky Keefe and I attended the "in-person" meeting held at Sun Village Tuesday night. It was very informative and I feel much better about what is going on after having heard your presentation.
Thank you for the professionalism you showed in dealing with some of the members of the audience. It is obvious you are trying to work with the neighborhood and address our concerns. But what some don't seem to understand is that your proposal is a much better scenario than keeping the property zoned for commercial use.
I spoke with you briefly afterwards regarding my property on N. WhiteHorse Trail next to the roundabout and REALLY like your idea about providing signage leading into the Summerfield neighborhood...something to the effect of "Local Traffic Only", or "No Cut-throughs", etc. I noticed, too, that there was no speed limit sign entering the neighborhood. Is this a conversation that needs to take place with Jeannie and the Summerfield HOA Board???
Thanks for your efforts in dealing with the concerns of the neighborhood.

Becky Keefe

Exhibit C

Neighborhood Meeting Summary for

Prose Mountain View

FS23-0198

April 25th at 6:00 p.m.

and

April 27th at 6:00 p.m.

A neighborhood meeting for a rezoning request for 13.2 acres located on the southwest corner of West Mountain View Boulevard and North White Horse Trail in Surprise, AZ was held at 6:00 p.m. on Tuesday April 25, 2023. The meeting was held in the "Kachina Ballroom" at Sun Village (17300 North Sun Village Parkway, Surprise, AZ 85374). 29 citizens attended this meeting. A copy of the sign in sheet is included as **Attachment A**.

A second neighborhood meeting was held virtually on Thursday, April 27th, 2023, through Zoom. Two citizens attended this meeting. A copy of the Zoom attendee list is included as **Attachment B**.

The public feedback and questions and answers have been combined within this report to give a clear picture of the public feedback on the Project.

Members of the development team present included:

Carolyn Oberholtzer – BFSO *(both meetings)*

Jon Garshick – Alliance *(both meetings)*

Lauren Trobaugh – BFSO *(in-person only)*

Brett Anderson – Anderson Design *(both meetings)*

Shelby – Anderson Design *(virtual only)*

Jon Hanna – TriArc *(virtual only)*

Jaqueline – TriArc *(in-person only)*

Tom Bilsten – Bilsten Consulting *(both meetings)*

Zach McCarthy – Alliance *(in-person only)*

Chip Getz – Alliance *(both meetings)*

City officials and staff present:

Leslie Carnie – City of Surprise *(both meetings)*

Chris Sexton – City of Surprise *(virtual only)*

Ms. Oberholtzer began the in-person meeting at 6:00 p.m. She introduced the project of Prose Mountain View as a rezone from C-2 (Community Commercial) to R-3 (High density Residential). Ms. Oberholtzer proceeded to give a PowerPoint presentation to the attendees. A copy of this presentation is included as **Attachment C**.

Ms. Oberholtzer gave an overview of the project site – which was originally part of the "Grand Avenue Professional Plaza" that is currently zoned C-2 for an array of Community Commercial uses. She reviewed a context map of the parcel reviewing the surrounding neighborhood to the project location. Ms. Oberholtzer discussed the changes present in the new application (the project had previously been presented to the community in 2022 under a different, but similar application). She discussed the addition of two Maricopa Water District parcels to the project site on the southwest corner of the property. Ms. Oberholtzer discussed the largest changes to the site plan including the removal of two-story carriage units along the southern property boundary, the 60-foot setback on 2 story buildings within the community, and the 90-foot setback for the 3 story buildings within the community. Additionally, she reviewed the setbacks of the project and how they exceed the standards of R3 required by the city.

Ms. Oberholtzer reviewed the conceptual site plan and discussed the amenities and entrance and egress points of the property. She then reviewed a slide that overlayed the new site plan and building orientations compared to the 2022 application. Of note, she discussed that the previously closest 3 story building to the southern property was reduced to 2 stories and moved further back from the southern property line than in the previous application.

After this, Ms. Oberholtzer reviewed some other sites within Surprise and the greater valley that showed 3-story multi-family homes adjacent to single-family developments. These examples included Park Place Condominiums, and Orchard Estates in Surprise as well as Dobson Ranch in Mesa. The Dobson Ranch community was noted as it is a current Alliance project and is located adjacent to a well-established HOA.

Ms. Oberholtzer reviewed the onsite management standards of Alliance within its communities. She reviewed the tenant profile that the development would likely attract and spoke to the many desirable employment uses for such tenants in the area. Ms. Oberholtzer concluded the presentation with a discussion on traffic, noting that in all scenarios of the traffic study, the proposed use generated less traffic than any of the commercial uses that were studied.

Ms. Oberholzer's presentation concluded, and the meeting was opened for a question-and-answer session. A summary of the questions and answers is below. *The questions and answers from the in-person and virtual meetings have been combined for this report.*

A citizen asked how many 55+ single-family communities are next to multi-family developments in Surprise. The citizens were concerned about noise from the multi-family communities coming from young people and families.

Ms. Oberholtzer pointed out that the development being composed of 1 and 2 bedrooms and wasn't catering to families necessarily. She explained that the community amenities were located in the middle and northern end of the community which would push the noise away from the community to the south.

A citizen asked about the noise from people driving from the site.

Ms. Oberholtzer explained that yes there would be traffic, and could be people driving early in the morning, but this could also happen under the property's current commercial zoning. She discussed the fewer trips that would be generated from this multifamily use and that they would be more regular and consistent than that of the variety of commercial uses that could happen by rite on the property.

A citizen asked why the buildings weren't made taller (4 stories) but further from the southern boundary.

Ms. Oberholtzer discussed that the 3-story buildings were a product that was part of Alliance's multi-family product portfolio and that their designs allowed them to control costs. She discussed that 4 story buildings would be a different construction type and would typically be larger buildings that would be elevator served and have air-conditioned hallways. The 2 and 3-story buildings allow Alliance to have more smaller buildings and break up the massing of the buildings within the project.

A citizen asked questions about lighting intrusion into the single-family homes on the southern boundary of the site.

The development team referred to the attendee to the lighting plan and discussed the nature of the site lighting – specifically referencing that the lighting design would comply with the standards from the city, and that the lighting would be directed downwards onto the site to minimize potential intrusion into the neighboring residences. Additionally, the development team referenced the landscaping and wall plans which proposed dense landscaping and a 6 ft. CMU wall between the development and the existing residential uses to the south of the site which would further decrease potential light intrusion from the proposed project.

A citizen asked if there were restrictions on how many people could live in each apartment – with a concern that 4 adults could live in a two-bedroom apartment. The citizens expressed concerns that there may not be enough parking within the community.

Ms. Oberholtzer explained that Alliance only allows one person on a lease but allows for multiple roommates within a unit. Specifically, the rule for the apartments is a maximum of "two per bedroom plus one." Thus, the maximum residents would be three in a single bedroom and five in a two-bedroom unit. She discussed the parking restrictions within the community that would limit the number of cars present.

Citizens had questions regarding the expected rental prices on the units. Additionally, there were questions on the square footage of the units as well as the number of bathrooms within the units.

The development team explained that the market rate was roughly $1,600 for a single bedroom and $2,000 for a 2-bedroom unit. It was noted that the single bedroom units are roughly 780 SF with one bathroom, and the 2-bedroom units are roughly 1,000 SF with two bathrooms.

A citizen asked a question regarding traffic and voiced concerns over increased traffic with the golf carts and bicycles currently using the streets. The citizen asked if there was a way for the city to widen Mountain View to add an additional lane.

Ms. Oberholtzer discussed that the traffic study didn't identify any deficits in the level of service that would necessitate significant road improvements, such as additional lanes, but confirmed that the applicant was fully willing to work with the City of Surprise on signage or other ideas to best protect the non-car road users within the proximity of the site.

A citizen asked how long it may be until construction if the rezoning was approved.

Mr. Garshick stated that he estimated that construction would begin in spring of 2024, with 18 months until the first units are complete and 24 months to complete construction.

There was concern from some citizens about the application and site design significantly after the rezone approval, specifically if the community would be changed to un-gated.

Ms. Oberholtzer explained that there wasn't a requirement in the zoning that the property would remain gated in perpetuity. She explained that there may be some sort of private agreement that could be developed between the applicant and the neighboring HOA that may be able to add some guarantees to the gated nature of the site. She additionally discussed that while changes could be made to the application after the rezoning, the likelihood of this was very small due to the nature of the application which is moving forward as a rezoning and accompanying site plan.

A citizen asked about the walling on the southern boundary of the project and asked about the landscaping along this border.

Ms. Oberholtzer explained that the current application proposed partial view fencing on the southern property line, but that the application would be updated to include a 6-foot CMU block wall at the request of the neighbors to the south of the property. She explained that the landscape plan included oak trees on the southern perimeter and discussed that their evergreen nature will produce minimal leaf litter.

A citizen asked what other things may be developed on the site under the current zoning.

Ms. Oberholtzer explained that there are many different uses that could be developed under the current commercial zoning, but that the site has several disadvantages due to its location, access, size, and orientation. She noted that the site has been vacant for over 20 years and that the owner has been unsuccessful in developing it as commercial.

A citizen asked about what sort of after hour services and security would be present on the site.

Ms. Oberholtzer explained the various ways in which Alliance and their management partners provide services, including emergency maintenance, to the residents. She reviewed, at a high level, their professional commitments and operational standards with the attendees.

A citizen asked about what access the city may need to get to a manhole that's currently located just south of the southern property line.

Ms. Oberholtzer explained that the city was aware of the issue and had plans to access it from the property to the west of the manhole if necessary.

A citizen asked how long the leases would be.

The development team explained that they are typically one year but could be six months.

A citizen asked if this was transitional housing that would be rented for 1-2 years.

Ms. Oberholtzer explained that while that was not guaranteed, it could be attractive to people at the Luke Air Force Base or within the semiconductor Industry who may be on a work assignment that could typically be 2 or 3 years. She also explained that the housing would be attractive to health care workers, first responders and even people working at the many commercial uses within the area.

A citizen asked if there were windows facing the backyards of the adjacent single family.

Ms. Oberholtzer explained that the orientation, distance, and landscaping plan would all contribute to obscuring the line of sight from the apartment buildings and the back yards of the single-family homes.

There was a question about the finished floor elevation with a citizen wondering if that would affect the building heights.

The development team stated the site would be grated during its development, but that there wasn't a significant elevation change expected due to this.

A citizen stated that she was disappointed that she wouldn't be able to run her dogs on the property anymore but was happy that the proposed community was gated and "upscale."

Attachment A

Neighborhood Meeting Sign-In Sheet

Prose Mountain View – Alliance Surprise
Case No. FS22-0588

Neighborhood Meeting – Tuesday April 25, 2023
City of Surprise
17300 N. Sun Village Pkwy
Surprise, AZ 85374

Name	Address	City & Zip Code	Phone/E-Mail
Dorothy C Lizzio	[redacted]		
Becky Keefe			
Jeanne Endres			
Robin Hughes			
Steve Strasce			
Sheila Rubin			
Jay Rubin			
Donna Hall			
Ron & Nancy Bonnett			

Neighborhood Meeting Sign-In Sheet

Prose Mountain View – Alliance Surprise
Case No. FS22-0588

Neighborhood Meeting – Tuesday April 25, 2023
City of Surprise
17300 N. Sun Village Pkwy
Surprise, AZ 85374

Name	Address	City & Zip Code	Phone/E-Mail
Karen LeMay Coggins	[redacted]		
Rachel Smith			
Nanette Stroble			
Leslie Cerni			
Kathi James			
MIKE RYDER			
Marsha Dawson			
Kathy Fry-Martin			

Name	Address	City & Zip Code	Phone/E-Mail
Bonnie Dean	[redacted]		
Rudy Dean			
Dave Dahl			
Barbara Edkins			
Mary Harden			
Mark Harden			

Neighborhood Meeting Sign-In Sheet

Prose Mountain View – Alliance Surprise
Case No. FS22-0588

Neighborhood Meeting – Tuesday April 25, 2023
City of Surprise
17300 N. Sun Village Pkwy
Surprise, AZ 85374

Name	Address	City & Zip Code	Phone/E-Mail
Zak Soukup	[redacted]		
Dorothy Fuentes			
Donna Sayat			

Name	Address	City & Zip Code	Phone/E-Mail
Sandra Erickson	[redacted]		
Doug Weeks			
Brian Joynt			

Attachment B: Zoom Participant List

Name (Original Name)	User Email	Join Time	Leave Time	Duration (Minutes)	Guest	Recording Consent
Carolyn Oberholtzer	coberholtzer@bfsolaw.com	4/27/2023 17:48	4/27/2023 18:45	58	No	Yes
Caleb - Work		4/27/2023 17:51	4/27/2023 18:45	54	Yes	
Jonathan Garshick		4/27/2023 17:53	4/27/2023 18:45	52	Yes	
Brett		4/27/2023 17:56	4/27/2023 18:45	50	Yes	
Tom		4/27/2023 17:59	4/27/2023 18:45	46	Yes	
[redacted]		4/27/2023 17:59	4/27/2023 18:44	45	Yes	
Chris Sexton		4/27/2023 18:01	4/27/2023 18:44	43	Yes	
[redacted]		4/27/2023 18:02	4/27/2023 18:44	42	Yes	
Leslie		4/27/2023 18:05	4/27/2023 18:45	41	Yes	
Shelby		4/27/2023 18:15	4/27/2023 18:44	29	Yes	
Jon Hanna		4/27/2023 18:17	4/27/2023 18:45	28	Yes	

Prose Mountain View Apartments

Case Number: FS23-0198

Rezone from C-2 (Community Commercial)

to R-3 (High Density Residential)

Neighborhood Meeting – Virtual

April 27, 2023

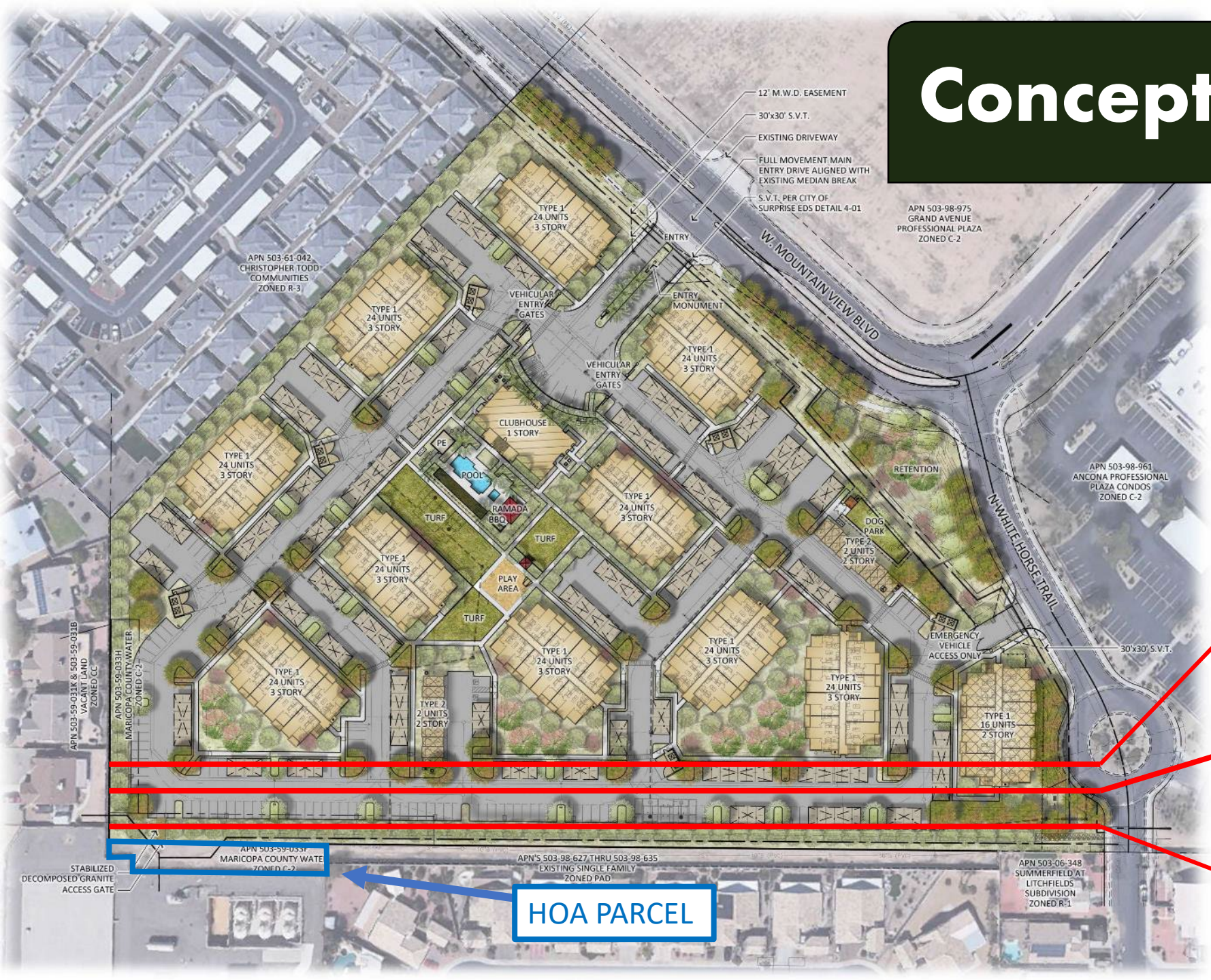
Project Location

- Originally “Grand Avenue Professional Plaza”
- Currently zoned C-2 for Community Commercial Uses

GRAND VILLAGE CENTER
Mountain View Blvd
Grand Ave
CHRISTOPHER TODD COMMUNITIES
ANCONA PROFESSIONAL PLAZA
HILLVIEW BAPTIST CHURCH
STONEBROOK
300 ft. Notification Buffer
SUN VILLAGE
White Horse Dr
Lichfield Rd
Bell Rd

W Mountain View Blvd
Mountain View Blvd
GRAND AVENUE
SHOPS
MCR: 1636-44
503-98-962A
503-98-975
GRAND AVENUE
PROFESSIONAL PLAZA AMD
MCR: 652-29
503-98-923
503-98-917
503-98-948
503-98-946
143Rd Dr
232-28-033
232-28-032
232-28-031
232-28-030
232-28-028
232-28-014
232-28-027
232-28-026
232-28-025
232-28-012
232-28-013
232-28-204
232-28-205
503-59-031B
503-59-031K
503-59-033F
Added MWD Parcels
Sun Village HOA Parcel
503-98-627
503-98-628
503-98-629
503-98-630
503-98-631
503-98-632
503-98-633
503-98-634
503-98-635
507-06-239
507-06-240
507-06-241
507-06-238
N White Horse Trl

Conceptual Site Plan



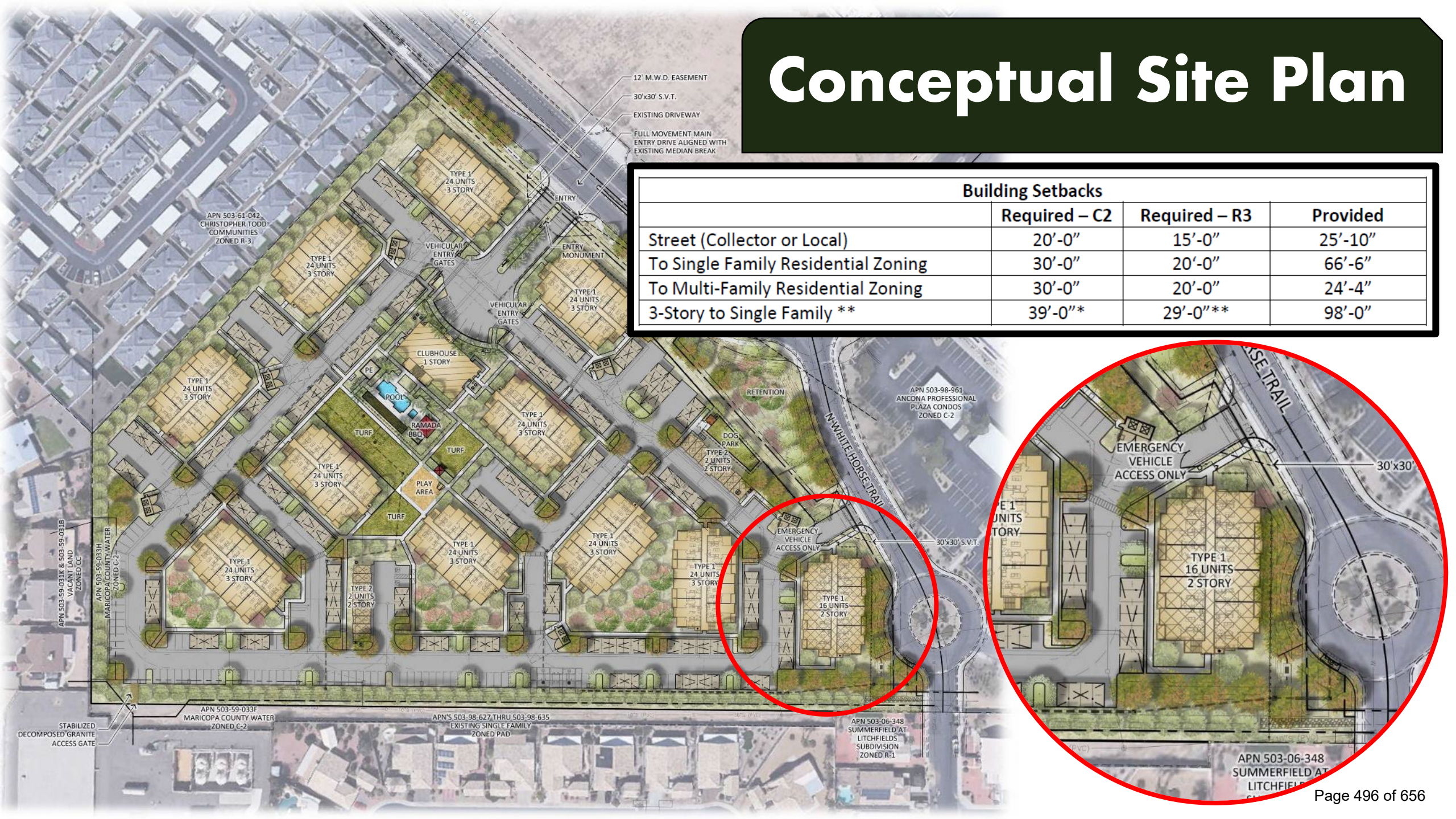
Three-story residential buildings min of 90 ft. from southern property boundary

Two-story residential buildings min of 60 ft. from southern property boundary

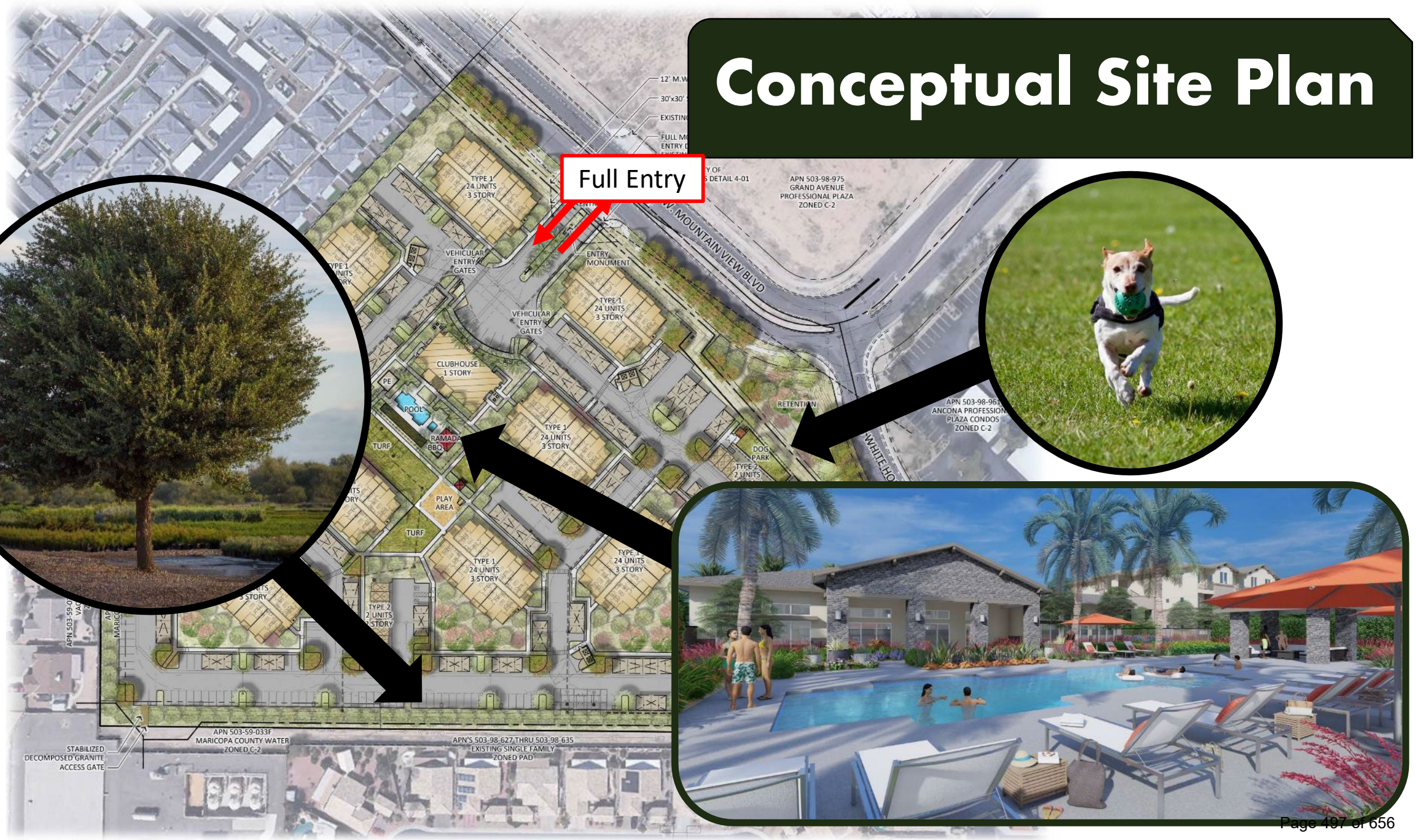
Only non-habitable, carports on southern property boundary

Conceptual Site Plan

Building Setbacks			
	Required – C2	Required – R3	Provided
Street (Collector or Local)	20'-0"	15'-0"	25'-10"
To Single Family Residential Zoning	30'-0"	20'-0"	66'-6"
To Multi-Family Residential Zoning	30'-0"	20'-0"	24'-4"
3-Story to Single Family **	39'-0"*	29'-0"**	98'-0"

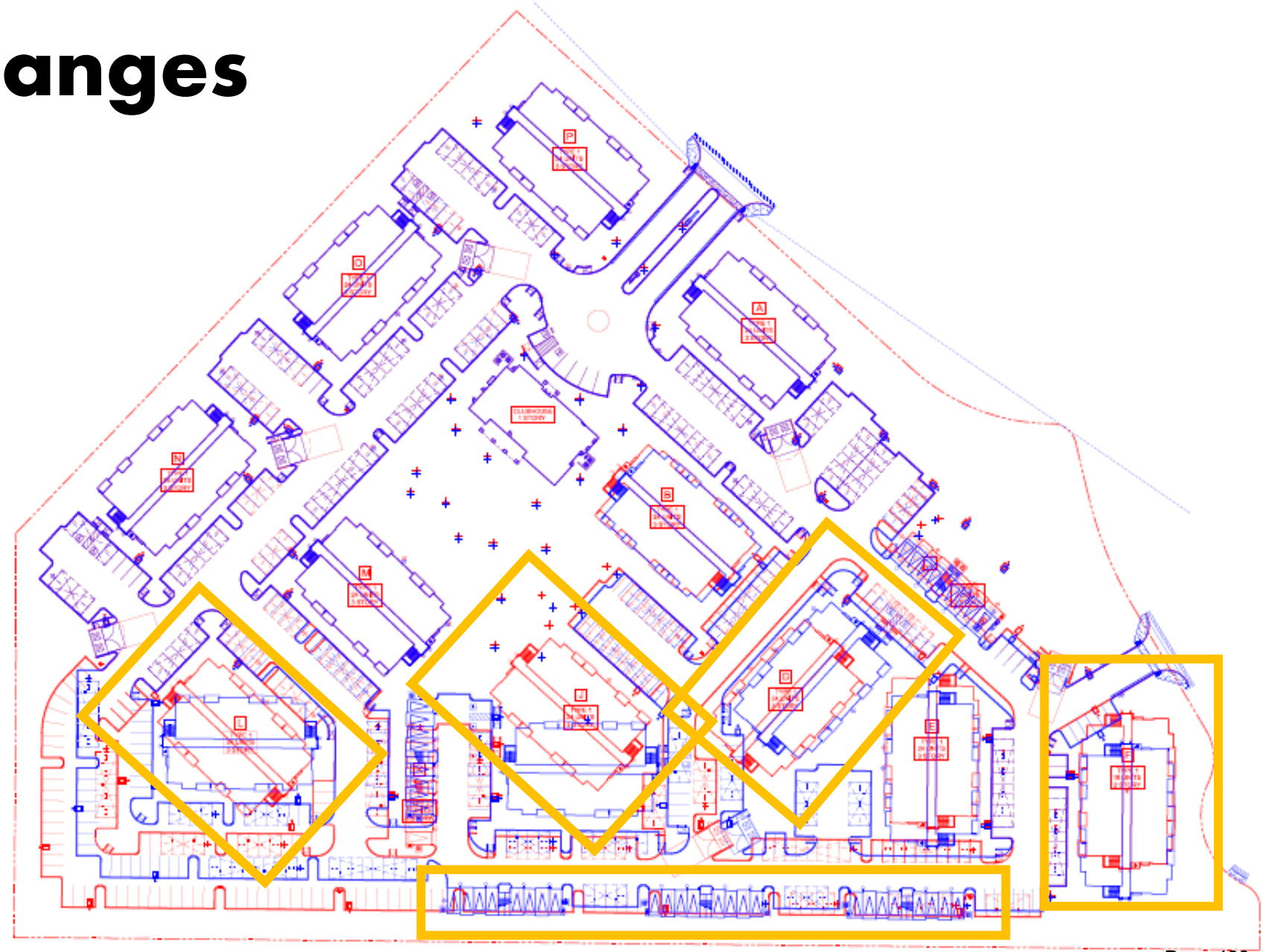


Conceptual Site Plan



Site Plan Changes

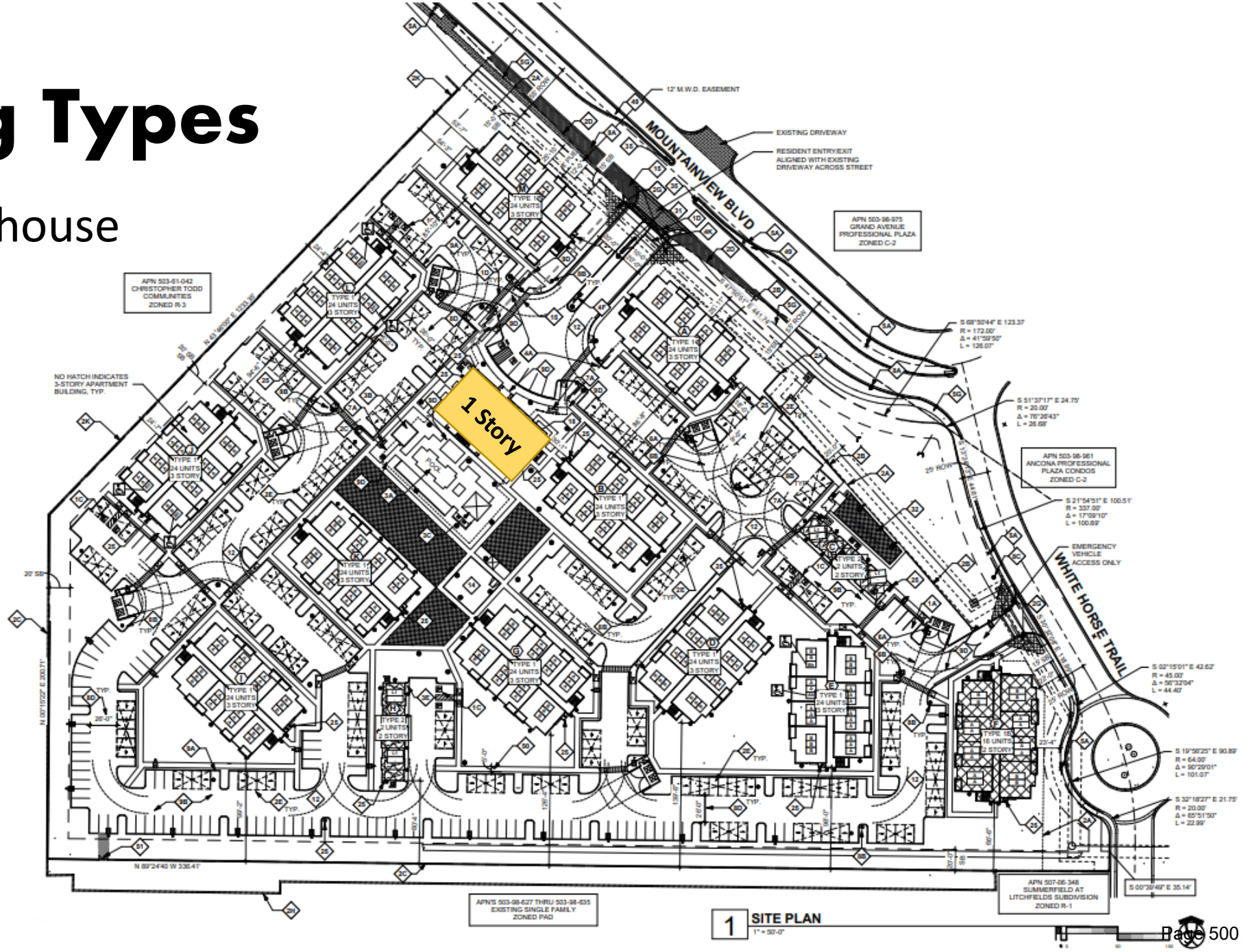
- Southeast 3 Story Building Reduced to 2 Stories and moved north.
- Carriage units along Southern border have been removed.
- 3 story buildings pushed further back and tilted in orientation to increase compatibility and transition between single family residential to the south.



UPDATED APPLICATION

Building Types

(1) Clubhouse



Building Elevations

Building Elevations

1 ELEVATION CLUBHOUSE FRONT.
1/8" = 1'-0"

2 ELEVATION CLUBHOUSE RIGHT SIDE.
1/8" = 1'-0"

3 ELEVATION CLUBHOUSE REAR.
1/8" = 1'-0"

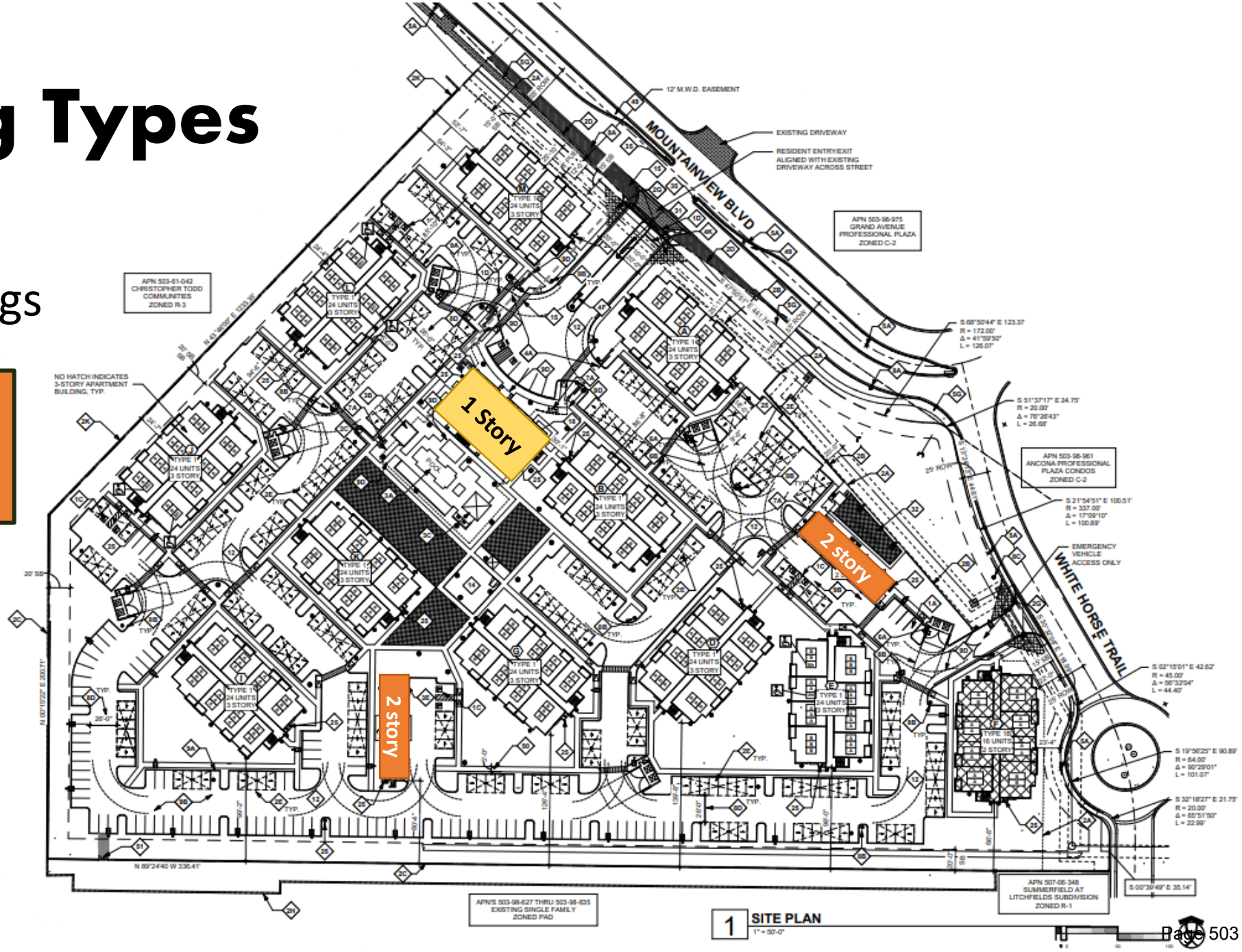
4 ELEVATION CLUBHOUSE LEFT SIDE.
1/8" = 1'-0"

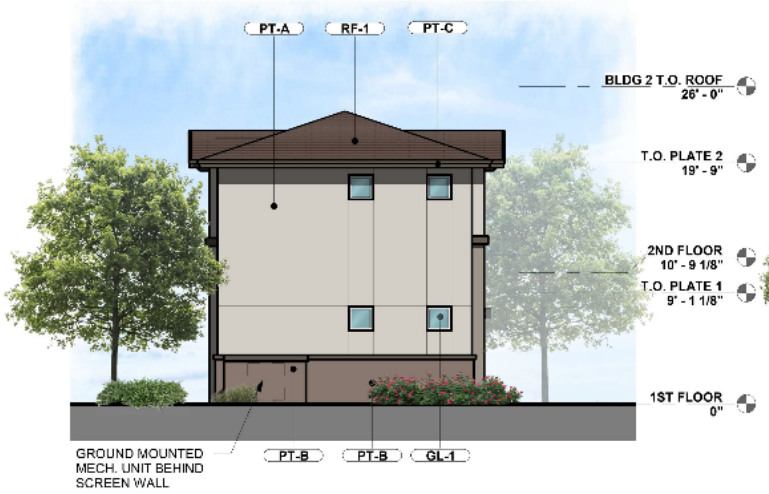
Building Types

(1) Clubhouse

(2) Type 2 Buildings

2 x 1-bedroom units per building



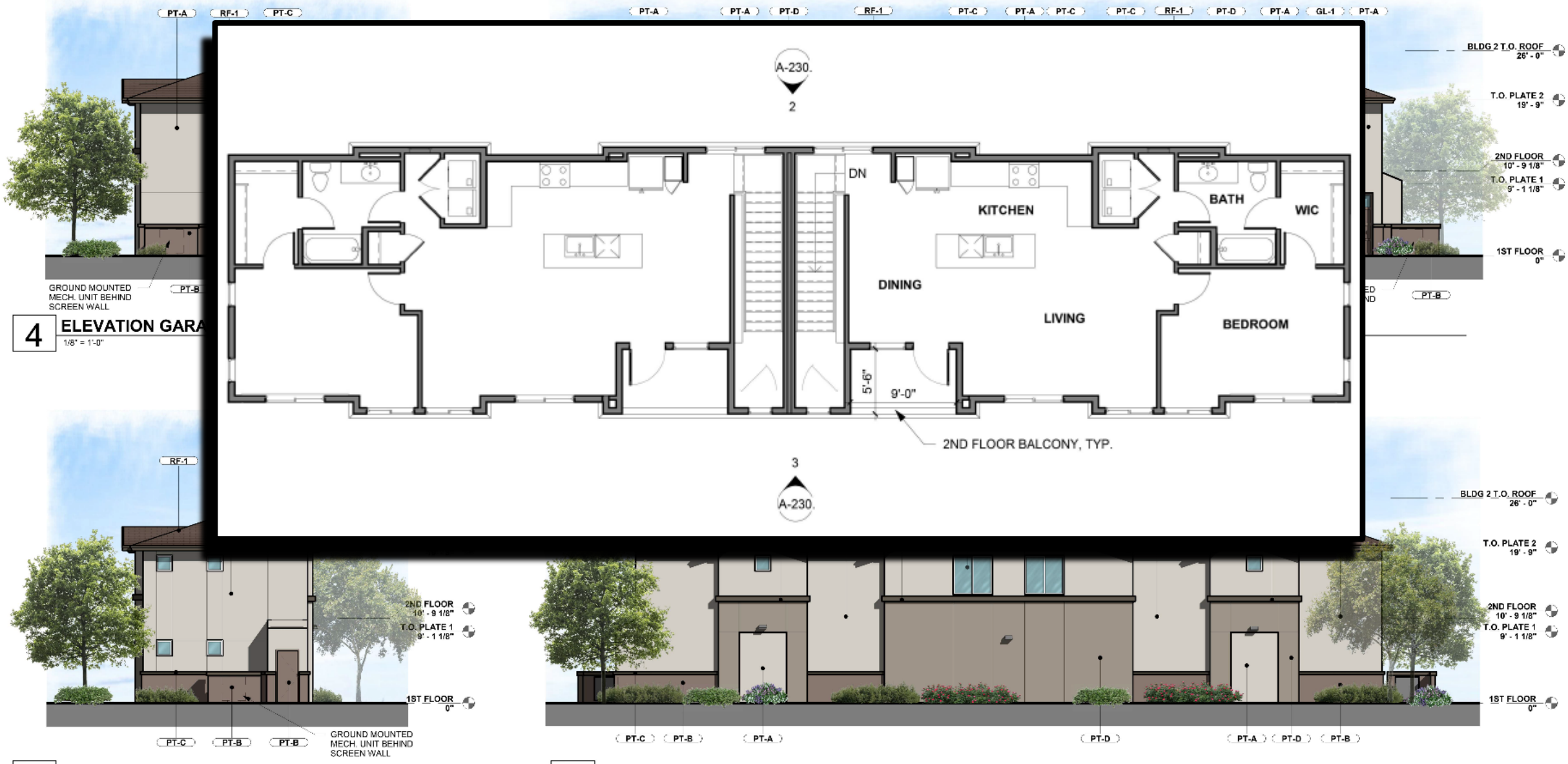


4 **ELEVATION GARAGE BUILDING LEFT.**
1/8" = 1'-0"

3 **ELEVATION GARAGE BUILDING FRONT.**
1/8" = 1'-0"

5 **ELEVATION GARAGE BUILDING RIGHT.**
1/8" = 1'-0"

2 **ELEVATION GARAGE BUILDING REAR.**
1/8" = 1'-0"



4 ELEVATION GARA
1/8" = 1'-0"

5 ELEVATION GARAGE BUILDING RIGHT.
1/8" = 1'-0"

2 ELEVATION GARAGE BUILDING REAR.
1/8" = 1'-0"

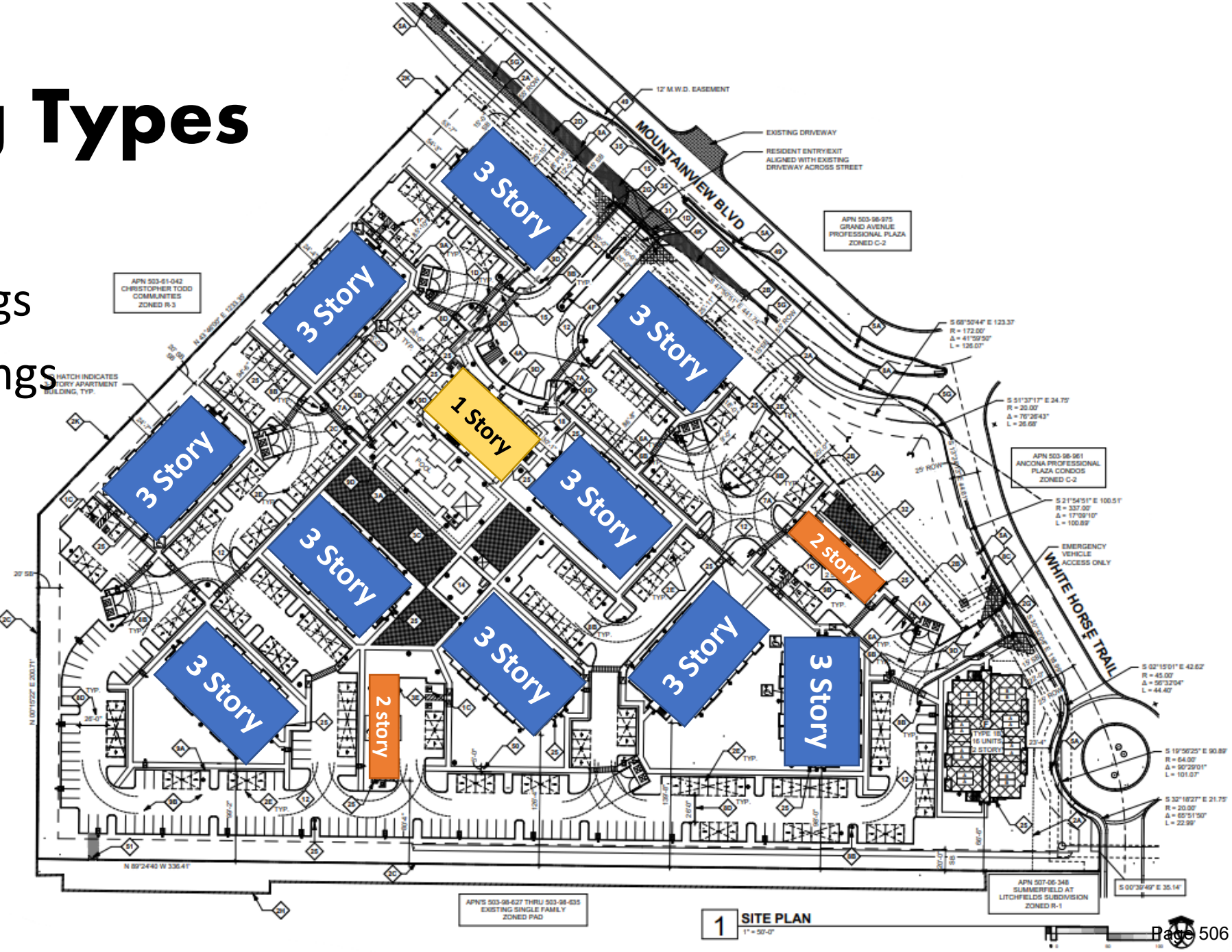
Building Types

(1) Clubhouse

(2) Type 2 Buildings

(10) Type 1 Buildings

Mix of 1 and 2 bedroom units



C
1008 - 1015
2008 - 2015
3008 - 3015

EXTERIOR FINISH LEGEND

- PT-A — STUCCO, DUNN EDWARDS, DET798 "MINERS DUST"
- PT-B — STUCCO, DUNN EDWARDS, DET620 "BARNWOOD BRAY"
- PT-C — STUCCO, ACCENT, STAIR RAILING, DUNN EDWARDS, DET634 "DOWNING TO EARTH"
- GL-1 — WINDOWS: VINYL, DUAL PANE, LOW-E, FRAME COLOR: WHITE
- RF-1 — ROOF: ASPHALT SHINGLE, FLAT, OWENS CORNING, DIAMONDS "DRIFTWOOD"
- MTL-1 — AWNING, STANDING SEAM, "SILVER"
- MAS-1 — BRICK VENEER, CORONADO STONE "OLD WORLD LEDGE", COLOR: HURON

1 ELEVATION BLDG 1 - STREET FACING.

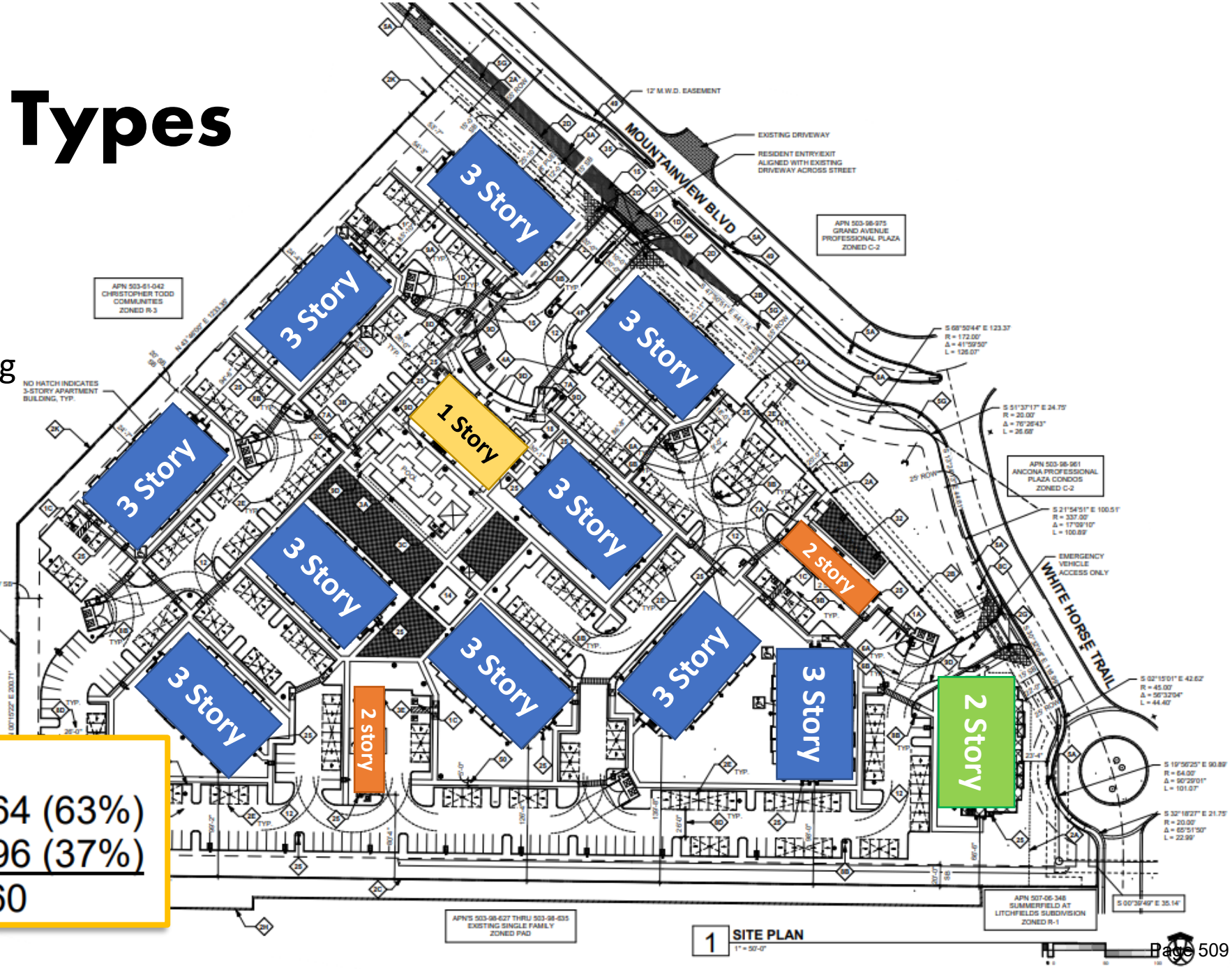
2 ELEVATION BLDG 1 - NON-STREET FACING.

4 ELEVATION BLDG 1 SIDE - NON-STREET FACING.

3 ELEVATION BLDG 1 SIDE - STREET FACING.

Building Types

(1) Clubhouse
(2) Type 2 Buildings
(10) Type 1 Buildings
(1) Type 1B 2-Story Building



DWELLING UNIT MIX:

1 BEDROOM = 164 (63%)
2 BEDROOM = 96 (37%)
TOTAL UNITS = 260

1 ELEVATION BUILDING 1B STREET FACING

3 ELEVATION BUILDING 1B SIDE - NON-STREET FACING
1/8" = 1'-0"

Park Place Condominiums

14575 W. Mountain View Blvd., SURPRISE 85374

Park Place Condominiums

14575 W. Mountain View Blvd., SURPRISE 85374

Orchard Estates

15380 W. Young St. 85374

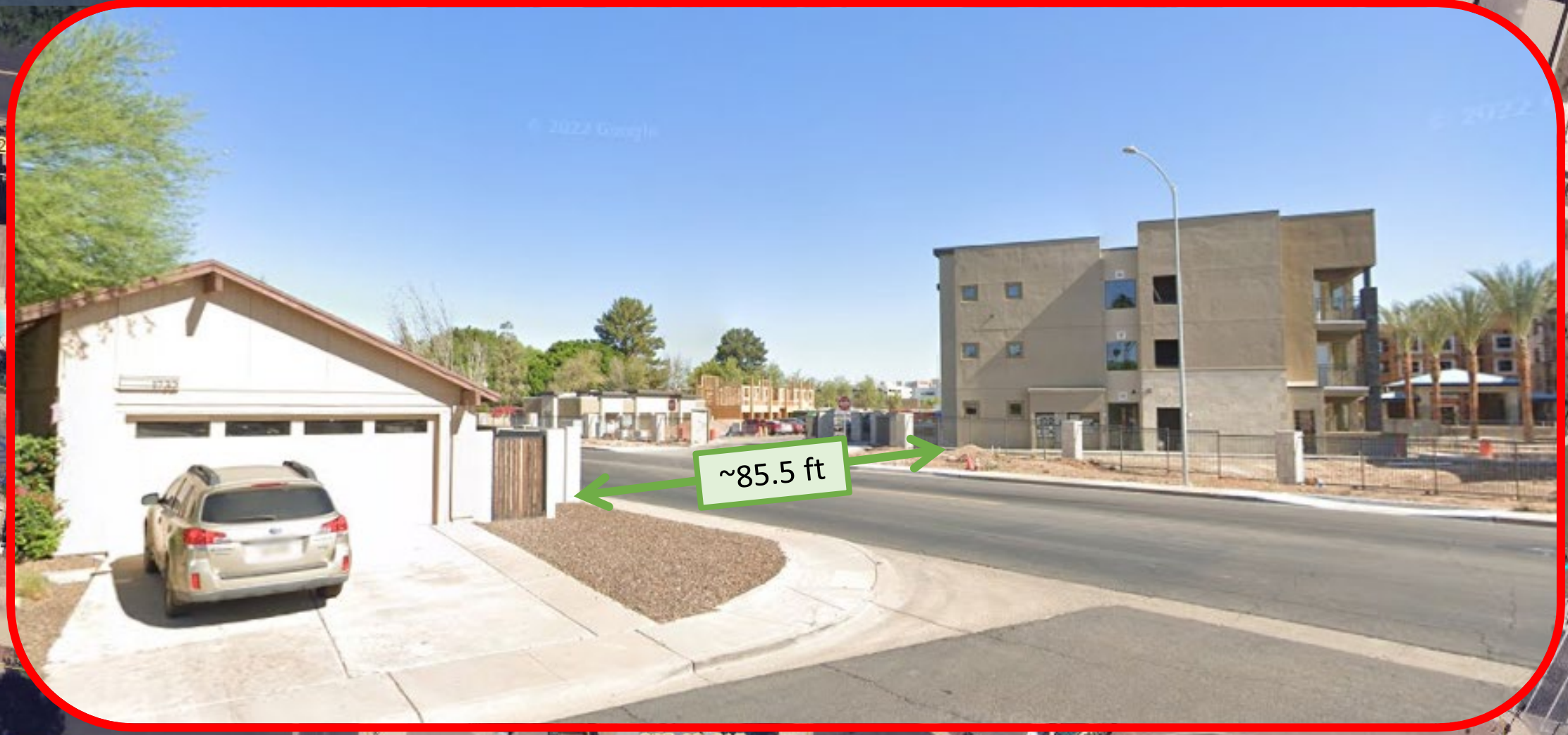
Orchard Estates

15380 W. Young St. 85374

Dobson Ranch – Mesa
1666S Dobson Rd Mesa 85202
305-02-646
305-02-645
305-02-644
305-02-643
305-02-642
305-02-641
305-02-640
305-02-639
305-02-619
305-02-620
305-02-621
305-02-622
305-02-623
305-02-618
305-02-617
305-02-616
305-02-615
305-02-612
305-02-613
85.5'
40
256
LOS ALTOS AMD
MCR: 107-27

Dobson Ranch – Mesa

1666S Dobson Rd Mesa 85202



Broadstone Dobson Ranch

WELCOME HOME

Here are somethings you will Need to Know;

Your new address is

1666 S Dobson Rd, #2046 Mesa, AZ 85202

o **Mailbox #100** Mailboxes are located to the north side of the leasing office

o **Parking Spot #C93**

o **Key Fob Remote Instructions:**

- Resident Parking - PRESS the top button on the key fob to open the parking gate
- Building and Amenity Door Access - SCAN your key fob on the black key fob reader to enter the amenity spaces or gates

o **Guests at the Community:** Guest parking is limited to the spaces at the front of the community as all parking behind the gate is assigned to residents. Please ask your guests not to park behind the gate or they will be at risk of being towed. Our community does back up to the Dobson Ranch neighborhood where street parking is also easily accessible,

o **Call Boxes:** Each building has a call box on one of the exterior doors that will allow you to let yourself or guests into the building. This code is the last four digits of the phone number you provided us.

o **Rent Due Dates:** Rent is due from 1st through the 3rd of each month. Rent is LATE as of the 4th of each month. Late fees apply. Broadstone Dobson Ranch does not accept cash, money orders or personal checks as a form of payment. Cashier's checks are accepted, or online payment.

o **Paying Rent Online:** Pay rent online at www.broadstonedobsonranch.com, via your renter's portal. You should have received a link to the portal at the time of your application.

o **Package Concierge and Mailroom:** You can access the mailroom just past the drive-in gate, and to your left. It is on the north side of the leasing office. Use your key fob by scanning your fob to the key pad. You will receive a registration email from package concierge to get your log in for the lockers. If you do not receive an email in the first 72 hours of your move in, please contact the leasing office so we can get your registration sent to you.

c **Pest Control:** Please contact the leasing office to schedule your apartment to be sprayed. Pest control is here every other week on Mondays.

c **Submitting a Service Request:** Service requests can be placed online via your renter's portal. Additionally, you can contact the leasing office by phone or email at broadstonedobson@greystar.com or (480) 576-4848.

c **Fire Extinguishers:** Fire extinguishers are located on each floor in the main hallways.

c **Maintenance Emergencies:** A maintenance emergency consists of the following: a flood, leak, no heat, no A/C, a fire, or plumbing concerns within your apartment home. Please call our direct line, **480-576-4848,** for any concerns after office hours and you will be prompted to dial Emergency Maintenance. We do not do lock outs.

o **Disposing of Trash:** Each building has a trash enclosure that is off the side of the building, where you can dispose of your trash in the trash bin. Please do not place any oversized pieces of debris here, including furniture, mattresses, etc.

o **Follow us on social media:** Stay Connected! Follow us on Facebook, Instagram, Twitter and Google+ for pictures, specials, reviews and community events.

We are a *SMOKE-FREE COMMUNITY.* As stated in your Lease Agreement, smoking of any kind is strictly prohibited inside of your apartment home, on your patio/balcony or in any shared community space. This policy applies to all occupants and guests. *For further information, refer to "Smoke Free" Addendum on the lease.

On-Site Management:

- Management is tasked to respond to maintenance issues thoroughly and accurately.
- After hours service requests taken care of no later than the next business day.
- Smoke free community.
- Regular pest control service on-site.
- Welcome letter clearly communicates guest parking areas and responsibilities.
- Clear and simple system for residents to submit service requests by email or phone.
- Direct phone line for maintenance emergencies.

Tenant Profile

- Couples and singles, making between $65-90K/year
- Pass a criminal and financial background check
- Typically work in the area; healthcare, military, education
- Retirees; turn-key seasonal residents
- Market Rate **Class A** Residential

Health Care Employers in one mile radius from site

- Banner Health (Del E Webb Hospital)
- Sun Health Foundation
- Sonora Quest Laboratories
- Arizona Center for Hematology
- Sante of Surprise
- Sunrise Medical Center

Traffic Analysis

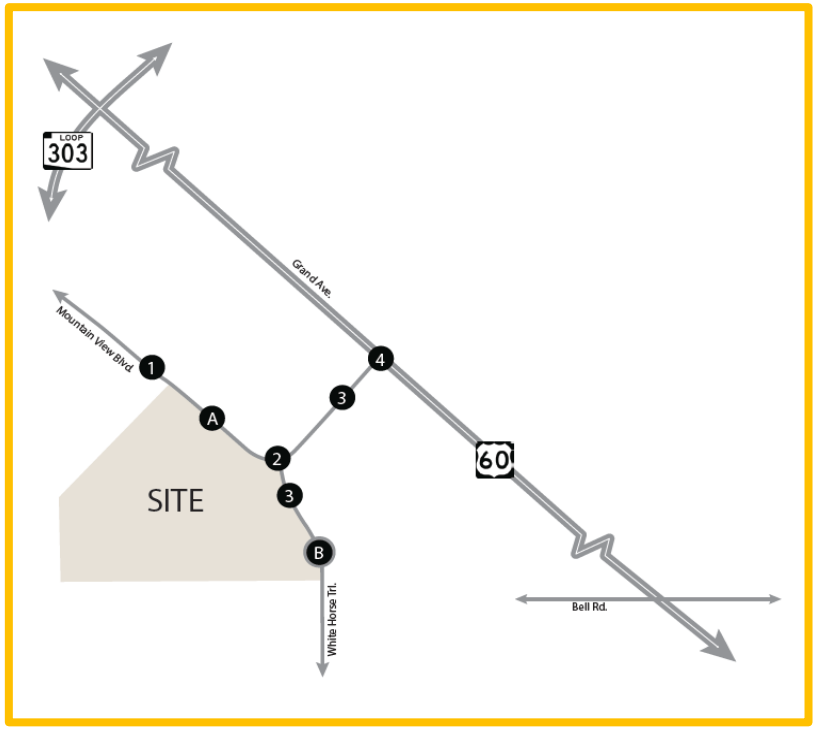


Table 4 – Trip Generation

Land Use	ITE Code	ITE Land Use Name	Quantity	Units+	AM Distribution In	AM Distribution Out	PM Distribution In	PM Distribution Out
Existing Zoning								
Retail	820	Shopping Center	94.087	KSF	62%	38%	48%	52%
General Office	710	General Office Building	188.174	KSF	88%	12%	17%	83%
Medical, Dental or Health Office Buildings and Clinics	720	Medical-Dental Office Building	188.174	KSF	79%	21%	30%	70%
Proposed								
Apartments	220	Multifamily Housing (Low-Rise)	260	DUs	24%	76%	63%	37%

Land Use	ADT Avg. Rate*	ADT Total	AM Peak Hour Avg. Rate*	AM Peak Hour In	AM Peak Hour Out	AM Peak Hour Total	PM Peak Hour Avg. Rate*	PM Peak Hour In	PM Peak Hour Out	PM Peak Hour Total
Existing Zoning										
Retail	37.01	3,482	0.84	49	30	79	3.40	154	166	320
Total		**3,482**		**49**	**30**	**79**		**154**	**166**	**320**
General Office	10.69	2,012	1.53	253	35	288	1.49	48	233	281
Total		**2,012**		**253**	**35**	**288**		**48**	**233**	**281**
Medical, Dental or Health Office Buildings and Clinics	36.00	6,774	3.10	461	122	583	3.93	222	518	740
Total		**6,774**		**461**	**122**	**583**		**222**	**518**	**740**
Proposed										
Apartments	6.68	1,832	0.39	26	82	108	0.51	87	51	138
Totals Trips		**1,832**		**26**	**82**	**108**		**87**	**51**	**138**
Difference from Retail (Reduction)		**(-1,650)**		**(-23)**	**52**	**29**		**(-67)**	**(-115)**	**(-182)**
Difference from Offices (Reduction)		**(-180)**		**(-227)**	**47**	**(-180)**		**39**	**(-182)**	**(-143)**
Difference from Medical, Dental or Health Office Buildings and Clinics (Reduction)		**(-4,942)**		**(-435)**	**(-40)**	**(-475)**		**(-135)**	**(-467)**	**(-602)**

Notes: *All average rates were calculated by dividing total trips generated using regression equation by the number of dwelling units. (See below.)
+ DUs = Dwelling Units

Next Steps

- **Planning & Zoning Commission Hearing**
  - TBD
  - 6:00 PM
  - 1600 N Civic Center Plaza
- **City Council Hearing**
  - TBD
  - 6:00 PM
  - 1600 N Civic Center Plaza

THANK YOU

Project Website:

www.AllianceMountainView.com

coberholtzer@bfsolaw.com
602-888-7860

Exhibit D

CITY OF SURPRISE
Site posting Process

AFFIDAVIT OF POSTING

Application No: FS23-0198

Applicant Name: Bergin, Frakes, Smalley & Oberholtzer, PLLC

Location: SEC Mountain View Blvd & White Horse Trl

Date Site Posted: 4/07/23

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 — 4/07/23

Applicant/Representative Signature — Date

This instrument was acknowledged before me on 4/07/23, by Meghan Liggett. I witness whereof I hereunto set my hand and official seal.

MARYBETH CONRAD
Notary Public - Arizona
Maricopa County
Commission # 591461
My Comm. Expires Oct 25, 2024

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 Neighborhood Meeting
Date: April 25, 2023
Time: 6:00 P.M.
Location: Sun Village (Kachina Ball Room)
17300 N. Sun Village Parkway
Surprise, AZ 85374
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
Case Number: FS23-0198
Virtual Neighborhood Meeting
Date: April 27, 2023
Time: 6:00 P.M.
Location: Zoom Meeting https://us02web.zoom.us/j/85039783823
Meeting ID: 850 3978 3823 Join by Phone: +12532158782, 85039783823#
PROJECT LOCATION
PROJECT DESCRIPTION: Alliance Residential Company is seeking a rezone from Community Commercial (C-2) to High Density Residential (R-3) for approximately 13.2 acres at the southwest corner of W. Mountain View Boulevard and N. White Horse Trail to accommodate the development of a high-end apartment housing community. The proposed community consists of 260 residential units in a combination of 2 and 3 story buildings built around a central amenity area that includes a clubhouse with fitness room, pool, play area and dog park.
Project Website: www.alliancemountainview.com
For more information, call: 623-222-3011 Surpriseaz.gov
Sun City West
Surprise
Maps
Apr 7, 2023 at 1:00:44 PM
14040–14054 W Mountain View Blvd
Surprise AZ 85374
United States

Notice of Public Hearing
City of Surprise
In-Person Neighborhood Meeting
Date: April 25, 2023
Time: 6:00 P.M.
Location: Sun Village (Kachina Ball Room)
17300 N. Sun Village Parkway
Surprise, AZ 85374
Planning & Zoning
Date: TBD
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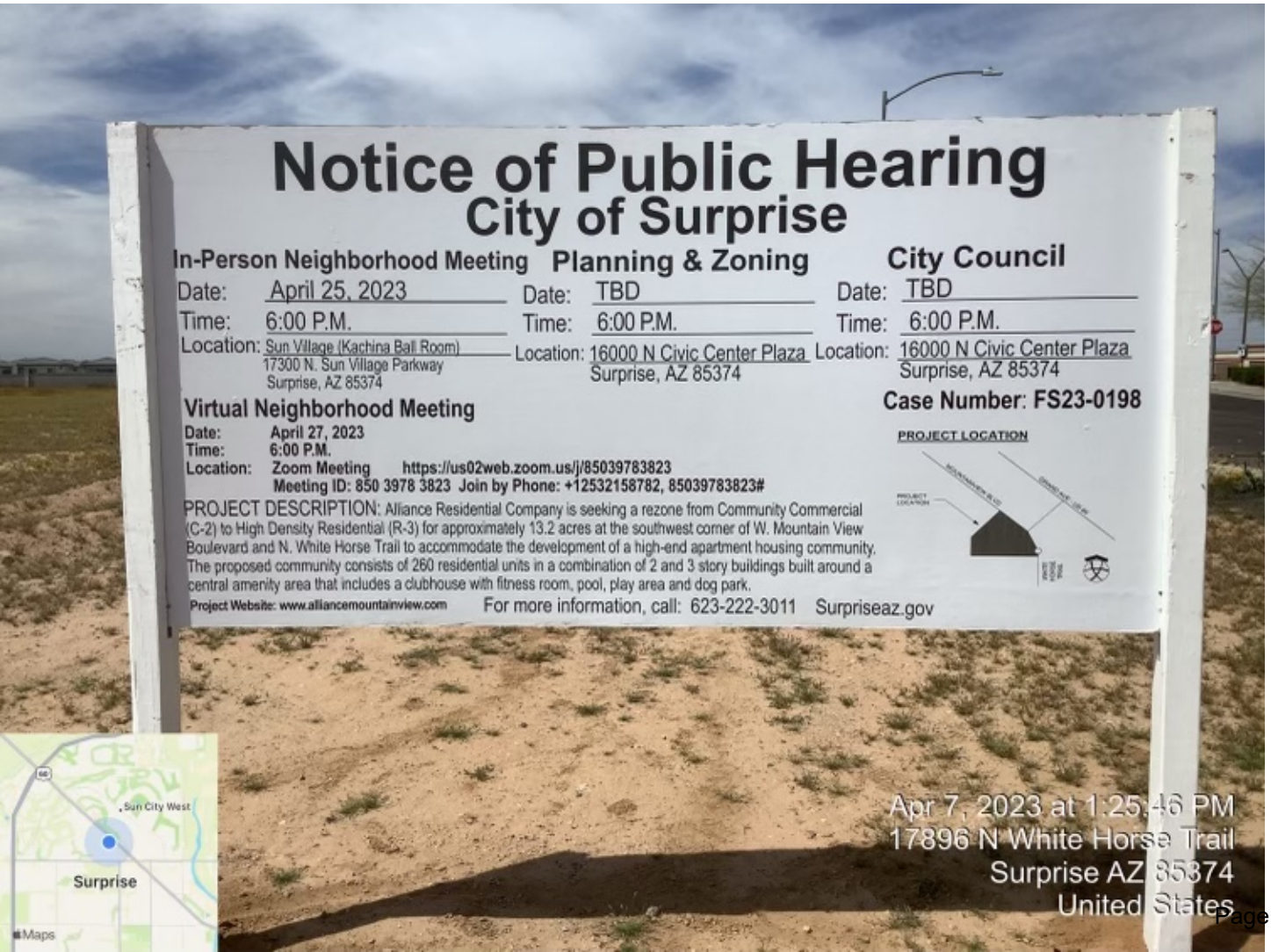
Project Website: www.alliancemountainview.com
For more information, call: 623-222-3011 Surpriseaz.gov
Sun City West
Surprise
Maps
Apr 7, 2023 at 1:00:57 PM
14040–14054 W Mountain View Blvd
Surprise AZ 85374
United States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Project Website: www.alliancemountainview.com
For more information, call: 623-222-3011 Surpriseaz.gov
Sun City West
Surprise
Maps
Apr 7, 2023 at 1:25:46 PM
17896 N White Horse Trail
Surprise AZ 85374
United States

Notice of Public Hearing
City of Surprise
In-Person Neighborhood Meeting
Date: April 25, 2023
Time: 6:00 P.M.
Location: Sun Village (Kachina Ball Room)
17300 N. Sun Village Parkway
Surprise, AZ 85374
Planning & Zoning
Date: TBD
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Project Website: www.alliancemountainview.com
For more information, call: 623-222-3011 Surpriseaz.gov
Sun City West
Surprise
Maps
Apr 7, 2023 at 1:25:59 PM
17896 N White Horse Trail
Surprise AZ 85374
United States

Exhibit E

CITY OF SURPRISE
Site posting Process

AFFIDAVIT OF POSTING

Application No: FS23-0198

Applicant Name: Bergin, Frakes, Smalley & Oberholtzer, PLLC

Location: SEC Mountain View Blvd & White Horse Trl

Date Site Posted: 06/01/23

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).

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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 — 6/1/23

Applicant/Representative Signature — Date

This instrument was acknowledged before me on 06/01/23, by Meghan Liggett. I witness whereof I hereunto set my hand and official seal.

MARYBETH CONRAD
Notary Public - Arizona
Maricopa County
Commission # 591461
My Comm. Expires Oct 25, 2024

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 Neighborhood Meeting
Date: April 25, 2023
Time: 6:00 P.M.
Location: Sun Village (Kachina Ball Room)
17300 N. Sun Village Parkway
Surprise, AZ 85374

Planning & Zoning
Date: July 6, 2023
Time: 6:00 P.M.
Location: 16000 N Civic Center Plaza
Surprise, AZ 85374

City Council
Date: August 1, 2023
Time: 6:00 P.M.
Location: 16000 N Civic Center Plaza
Surprise, AZ 85374

Case Number: FS23-0198

Virtual Neighborhood Meeting
Date: April 27, 2023
Time: 6:00 P.M.
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PROJECT LOCATION

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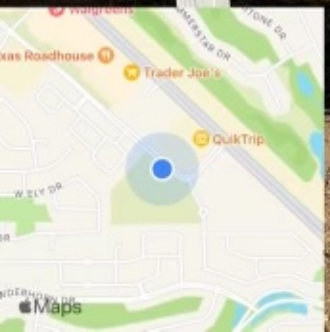
Project Website: www.alliancemountainview.com For more information, call: 623-222-3011 Surpriseaz.gov



Jun 01 2023 08:56AM
14000-14038 W Mountain View Blvd
Maricopa County

Notice of Public Hearing
City of Surprise

In-Person Neighborhood Meeting
Date: April 25, 2023
Time: 6:00 P.M.
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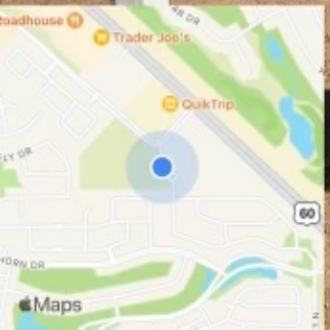

Jun 01, 2023 09:01AM
17896 N White Horse Trail
Maricopa County

Notice of Public Hearing
City of Surprise

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Date: April 25, 2023
Time: 6:00 P.M.
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17300 N. Sun Village Parkway
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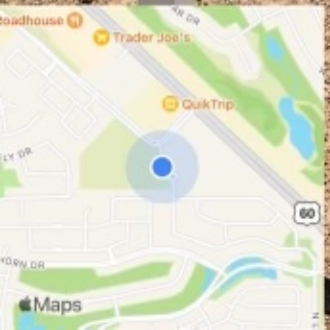

Jun 01, 2023 09:01AM
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Maricopa County

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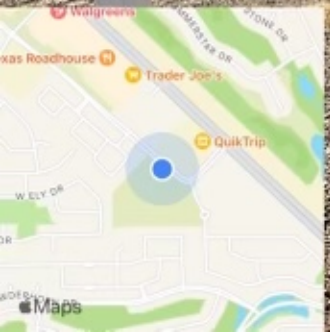

Jun 01 2023 08:56AM
14040-14054 W Mountain View Blvd
Maricopa County

Prose Mountain View

FS23-0198

Community Support Exhibits

[redacted]

[redacted]

From: Carolyn Oberholtzer
Sent: Thursday, April 27, 2023 2:48 PM
To: 'Rebecca Keefe' [redacted]
Subject: RE: Neighborhood meeting

Becky- thanks so much for participating! And I really appreciate the positive feedback from you.

Were you able to find out more about your property in terms of that northern corner?

As to the signage, that's something we are talking to the City about (because they are public streets) and Jeannie's involvement would certainly help. With your permission, may I share your email with staff so that they know it is something at least you would like to see? Or would you like me to not?

Carolyn Oberholtzer
Bergin, Frakes, Smalley & Oberholtzer, PLLC
4343 East Camelback Road, Suite 210
Phoenix, Arizona 85018
Direct: 602.888.7860
[redacted]
Fax: 602.888.7856

B | F | S | O

Visit us at www.bfsolaw.com

The information contained in this message is privileged and confidential. It is intended only to be read by the individual or entity named above or their designee. If the reader of this message is not the intended recipient, you are on notice that any distribution of this message, in any form is strictly prohibited. If you have received this message in error, please immediately notify the sender by telephone at 602.888.7860 or by fax at 602.888.7856 and delete or destroy any copy of this message. Thank you.

From: Rebecca Keefe [redacted]
Sent: Thursday, April 27, 2023 2:42 PM
To: Carolyn Oberholtzer <coberholtzer@bfsolaw.com>
Subject: Neighborhood meeting

Carolyn-
My name is Becky Keefe and I attended the "in-person" meeting held at Sun Village Tuesday night. It was very informative and I feel much better about what is going on after having heard your presentation.
Thank you for the professionalism you showed in dealing with some of the members of the audience. It is obvious you are trying to work with the neighborhood and address our concerns. But what some don't seem to understand is that your proposal is a much better scenario than keeping the property zoned for commercial use.
I spoke with you briefly afterwards regarding my property on N. WhiteHorse Trail next to the roundabout and REALLY like your idea about providing signage leading into the Summerfield neighborhood...something to the effect of "Local Traffic Only", or "No Cut-throughs", etc. I noticed, too, that there was no speed limit sign entering the neighborhood. Is this a conversation that needs to take place with Jeannie and the Summerfield HOA Board???
Thanks for your efforts in dealing with the concerns of the neighborhood.

Becky Keefe

June 19, 2023

Dear Members of the Surprise Mayor and City Council,

As a business leader in the community surrounding the rezoning case for the Prose Mountain View apartments, FS23-0198, I am in favor of these quality apartments and the residents that they would bring. We have experienced positive gains in business with the recent housing additions in the area and I'm sure the same would be the case here. It also seems to make much more sense to have a housing variety next to the existing homes rather than additional commercial space. Thank you for your continued support of our wonderful City.

Sincerely,

Rebecca Rebele

Big Lots #4502

To: City of Surprise
Planning Commission, Mayor and City Council
1600 N. Civic Center Plaza
Surprise, AZ 85374

Re: Prose Mountain View, Alliance Residential

Dear Community Leaders,

I am writing today to express my support for this proposed rezoning project near my business in the City of Surprise. The Alliance Residential project encourages cohesion between businesses and homes with a quality type of housing product that will enhance our community. Bringing new Surprise residents to the area is always a positive for us area businesses. Thank you for joining us in your support!

Thank you,

June 14, 2023

City of Surprise,

After careful review of the proposal from Alliance Residential for case FS23-0198, Prose Apartments at Mountain View, I support the proposal. The City of Surprise General Plan incorporates a vast amount of General Commercial in the area surrounding this project and an addition of housing variety would serve as an advantage to the area, especially with an attractive and distinct design, such as this one. Many area businesses suffered during the COVID downturn and the thought of bringing new customers to our businesses is both exciting and relieving. Thank you for your continued support of Surprise businesses.

Thank you,

Benjamin G Smith

Fine Fittings

June 19, 2023

June 19, 2023

Re: Prose Mountain View FS23-0198

Dear Members of the Surprise Mayor and City Council.

As you begin the public hearing process for the above mentioned rezoning case, I would like to express my support for the redevelopment of this underutilized, vacant piece of land. We have plenty of commercial land and vacant commercial buildings in the City of Surprise, and a lack of housing in the Valley. The rezoning of this land helps to solve two problems. The Prose Mountain View apartments are thoughtful and attractive and we look forward to the improvement it will make to the surrounding area.

Thank you,

Julie Rollan
BNC

November 13th , 2022

City of Surprise
ATTN: Mayor and City Council
1600 N Civic Center Plaza
Surprise, AZ 85374

RE.: **Prose Mountain View Apartments – Rezone Application FS22-0588**

Dear Mayor and Council,

I support the proposed rezone project in Surprise. The Prose Mountain View Rezone will allow for an infill development on vacant land. This project will be in conformance with the Surprise General Plan and expand housing diversity within the community. The design standards and architectural plans of the Project will ensure cohesion with current adjacent land uses while providing high quality and amenitized housing opportunity within the City of Surprise.

Regards,

Sylvia Moreno
Goodwill, Manager

Emily Goulx
Goodwill Customer Service Manager
6.14.23

Re: Prose Mountain View FS23-0198

Dear Surprise Planning Commission, Mayor, and Council,

I support the redevelopment of the Prose Mountain View project. The developers have worked hard to bring a project to the area that is a great fit for all stakeholders and we are excited to have housing diversity in our community. The residences will work well with the existing commercial uses surrounding the area, just as other new residential developments nearby have done as well. Please join us in support of this project.

Respectfully,

June 14, 2023

Lindsay Corcoran

Lindsay Corcoran

Little Champs Gym

littlechampsgym.com

November 13th, 2022

City of Surprise
ATTN: Mayor and City Council
1600 N Civic Center Plaza
Surprise, AZ 85374

RE.: **Prose Mountain View Apartments – Rezone Application FS22-0588**

Dear Mayor and Council,

My business is in support of the rezone project that will bring apartments to our area. I know we don't often get excited about "another apartment complex", but this one makes sense. It is a good use of the land.
The pictures I have seen show a good amount of attention has been placed on the quality and detail. The architecture and designs will enhance the neighborhood.
Our local businesses can always use more patrons in the area, so I ask you to consider this project for approval. Please accept my support of this project.

Regards, Juan Carrasco
MasterTacos

November 13th, 2022

City of Surprise
ATTN: Mayor and City Council
1600 N Civic Center Plaza
Surprise, AZ 85374

RE.: **Prose Mountain View Apartments – Rezone Application FS22-0588**

Dear Mayor and Council,

As a business manager in the immediate area, I want to lend my voice in support of FS22-0588. In this case, rezoning helps utilize the land and offering housing for our citizens.

The design and architecture of the project are tasteful and stylish. These should blend in nicely with the area, and enhance the overall appearance of the neighborhood. The opportunity to have additional patrons in walking distance is also a huge boost for our local economy.

Please consider my business's support in considering this application.

Many Thanks,

Tyler Randall

Tyler Randall
Outback Steakhouse

Tyler Phillips-Randall
6-14

June 14, 2023

City of Surprise
Planning Commission, Mayor and City Council
1600 N. Civic Center Plaza
Surprise, AZ 85374

Re: Prose Mountain View, Alliance Residential

Dear Mayor and Council,

I wanted to write to express my support for this rezoning case. As a local business in close proximity to this project, we look forward to welcoming new residents to the area. This project will be a nice addition to an underutilized, vacant lot and we hope you join us in supporting this case.

Thank you,

JOHNNY SAVAGE
PEP BOYS
SURPRISE, AZ
85374

To Whom it May Concern,

Please forward my support to the voting members of the Surprise Planning Commission, City Council and Mayor for the Alliance Residential apartments west of Grand Ave on Mountain View. The development team has worked hard over the last few months to create a project that fits well with the surrounding community and we believe it will be a nice addition to the neighborhood and to future patrons of our business.

Thank you,

Heidi Garman

June 19, 2023

November 13th, 2022

City of Surprise
ATTN: Mayor and City Council
1600 N Civic Center Plaza
Surprise, AZ 85374

RE.: **Prose Mountain View Apartments - Rezone Application FS22-0588**

Dear Mayor and Council,

I am a local business owner in the city of Surprise. I write to you in support of FS22-0588. After reviewing the materials and renderings, I feel that apartments make practical sense in this space.
We need more housing inventory in Surprise if we want to keep talented people living in the area. While not every apartment complex makes sense, this one seems like the right fit.

Allowing people to live where the work and shop helps reduce the cars on the road. Less traffic, more housing opportunities, and more customers make a nice win for the local business community!
Please accept my support and consider my comments in your voting.

Regards,

Kitchen manager 6/14/2023

ANTHONY RACICOT
OPERATIONS MANAGER
TEXAS ROADHOUSE

November 13th , 2022

City of Surprise
ATTN: Mayor and City Council
1600 N Civic Center Plaza
Surprise, AZ 85374

RE.: **Prose Mountain View Apartments – Rezone Application FS22-0588**

Please accept the support of my business for **Rezone Application FS22-0588** .The Prose Mountain View Rezone will allow for an infill development on vacant land. I support the proposed rezone project in Surprise. This project will be in conformance with the Surprise General Plan and expand housing diversity within the community. The design standards and architectural plans of the Project would be a nice addition to the area. We need more housing options within the City of Surprise.

Our local business can always use the added benefit of more customers in the immediate area, this project is good for business.

The Chicken Ranch

Regards,
Adrian, owner

November 13th, 2022

City of Surprise
ATTN: Mayor and City Council
1600 N Civic Center Plaza
Surprise, AZ 85374

RE.: **Prose Mountain View Apartments – Rezone Application FS22-0588**

Dear Mayor and Council,

I appreciate your time as I hope to lend my voice of support to the Prose Mountain View Apartment project.

As a business owner in the area, I have seen the wonderful evolution of our neighborhoods and businesses. As the area grows, it seems that options for housing have not kept pace. Let's build up, and not just out.

The space in question is well suited for apartments. Allowing this area to be put to use will serve the community and help our business. Let's keep people living, earning, and spending in our great city.

Khoa Dinh
6/14/23

Respectfully,

Khoa Dinh
Khoa Dinh
Vicky's Nails & Spa
623-556-5434

June 14, 2023
Re: Rezoning case FS23-0198, Prose Mountain View-Alliance Surprise

To Whom it May Concern,

Please join me in supporting the rezoning case before you regarding the new apartments near my business. The West Valley continues to grow and we continue to need more and more high quality housing options. This project is a win for the businesses and the team has also worked closely with neighbors to try and make everyone as comfortable with the changes as possible. Thank you for voting to bring this quality development to our community!

Thank you,

MIKEY JONES, WALGREENS STORE MANAGER

Retail & Residential Market Analysis
3134 E Weldon Avenue
North of NWC Grand Avenue & Bell Road
Surprise, Arizona

Prepared for:

Alliance Residential

September 2022

Prepared by:

Elliott D. Pollack & Company
7505 East 6th Avenue, Suite 100
Scottsdale, Arizona 85251

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Executive Summary

Key Findings

- The brick-and-mortar retail landscape has shifted dramatically over the last ten years, and new store locations are not as prevalent as they were before. E-commerce continues to gain market share, a trend that is expected to continue for the foreseeable future.

- Based on the relationship between expected residential growth and the amount of retail that will be demanded, the subject site's primary market area has a substantial oversupply of vacant commercial land. Many of the sites will not be needed for future commercial development.

- The location and shape of the subject site place it at a substantial disadvantage competitively with alternative vacant retail land locations within the primary market area.

    - The site is missing critical retail site location characteristics. It is an interior location with no frontage or visibility to either Grand Avenue or Bell Road, two of the region's major transportation corridors, and no hard corner on any major intersection. The site is located behind a gas station, office buildings and planned retail stores fronting Grand Avenue. The property has frontage along Mountain View Boulevard and White Horse Trail, with just a fraction of the vehicle traffic compared to Grand Avenue.

    - The size of the site at approximately 11.76 acres, would potentially accommodate up to 76,000 square feet of commercial space, the equivalent of a small neighborhood center. However, it's site characteristics disqualify it from ever competing for that type of retail offering.

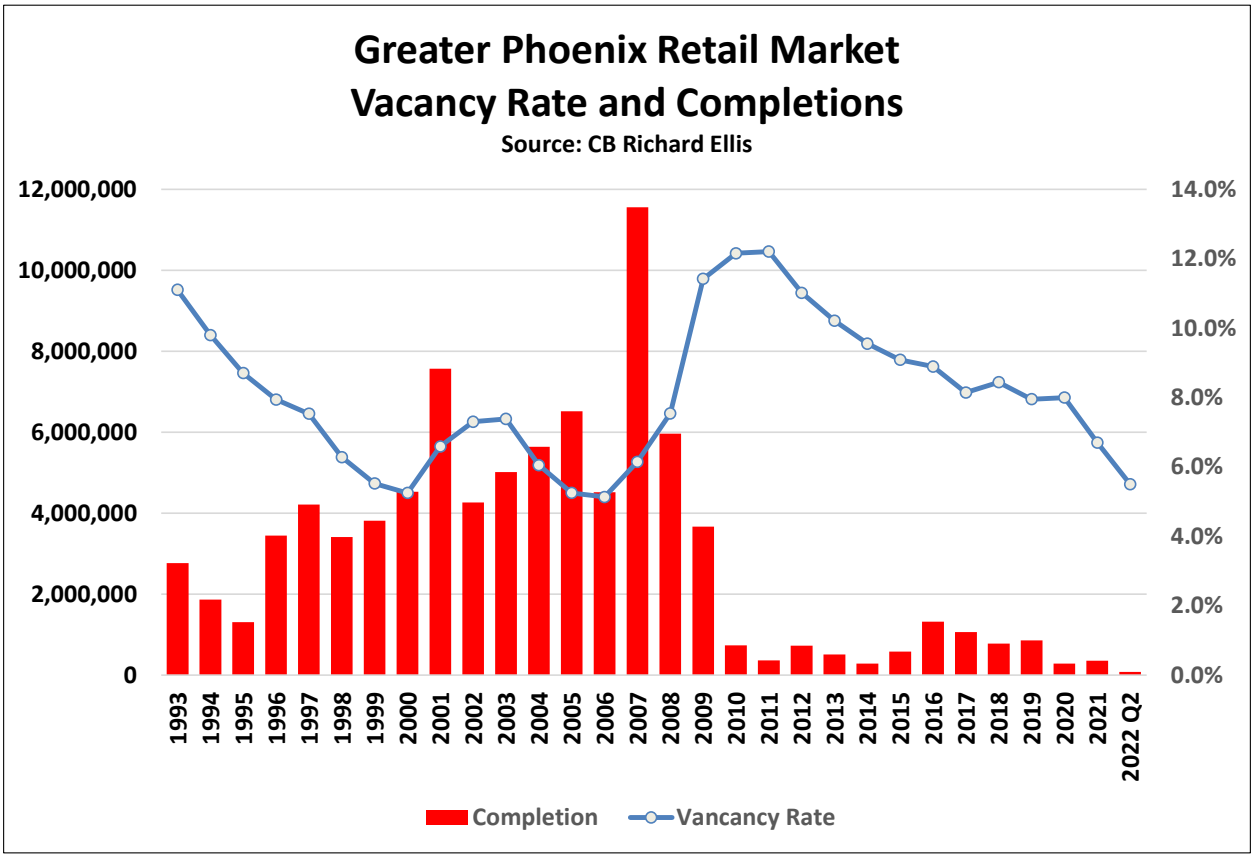
- Because there is an oversupply of commercial sites, converting the site to multifamily will not result in any lost opportunities for future retail development. To the contrary, new multifamily development will help balance the region's land uses and help to attract new retail to the area. In total, residents that will come to live in the proposed new residential community will be comprised of household incomes averaging $60,000 to $85,000 or more which will be attractive to restaurateurs and retailers. **An estimated total of $5.1 million in annual disposable income spending on retail goods and services will be added to the area from the proposed community**. This includes demand for retail shopping, restaurant spending, and spending on a wide variety of services such as vehicle repair, healthcare, insurance, utilities, and other personal services. **Based on retail spending alone, the proposed developments will create demand for nearly 12,000 square feet of retail space**.

- Greater Phoenix is facing a substantial housing shortage of both ownership and rental inventory which has caused housing prices and rent to spike. Resale home prices rose 40% and rents have increased over 38%% in the last 24 months. There is huge demand and a dire need for new residential housing in all asset classes, especially multifamily.

Report Summary

Elliott D. Pollack & Company was retained to conduct an economic analysis of a proposed rezoning of a vacant 11.76-acre parcel located north of the northeast corner of Grand Avenue and Bell Road in Surprise, Arizona, from commercial to residential uses. The scope of this engagement is to evaluate the various economic and real estate aspects of the proposed change and its impact on future local serving retail development.

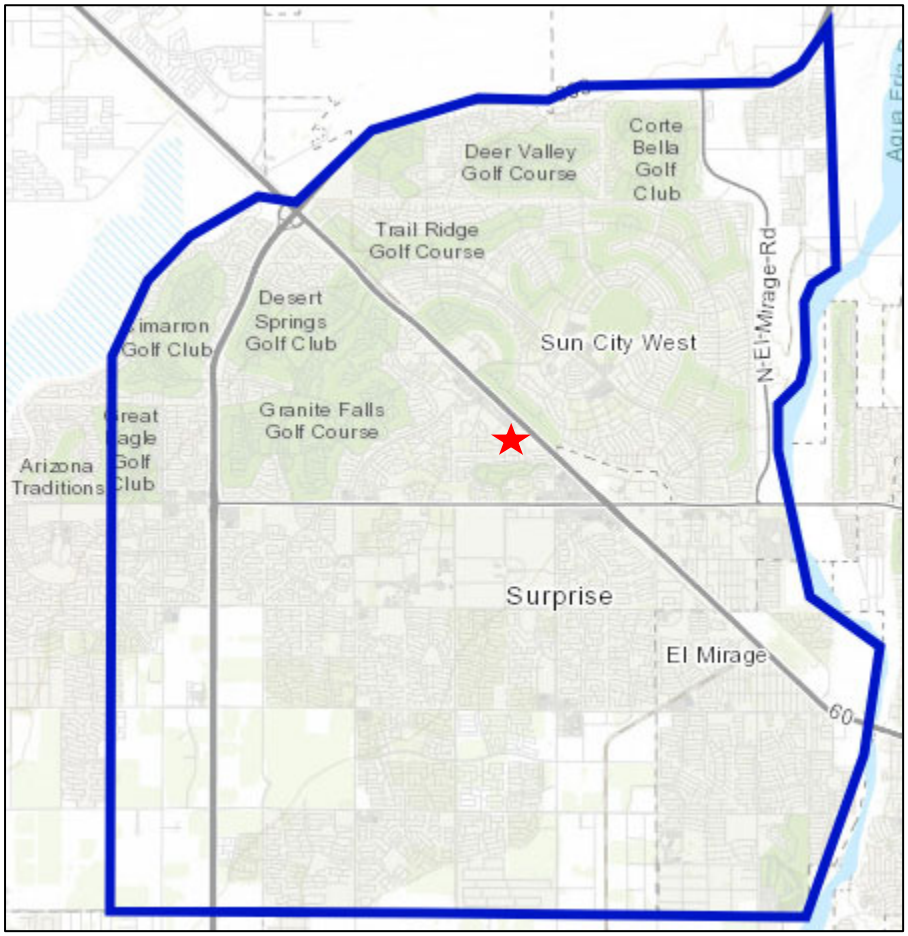
The retail marketplace has been significantly impacted by recent business cycles, e-commerce, and the rise of supercenters and warehouse clubs. Retailers have become much more cautious planning for new stores. Now more than ten years after the end of the Great Recession, retail development remains muted and nowhere near prior construction levels. This trend is likely to continue for the foreseeable future, especially with recent impacts related to COVID-19. This will negatively impact properties currently designated for commercial development.



The City of Surprise and the Primary Market Area is also well represented by major retailers such as Target, Lowe's, Home Depot, Walmart, Bed Bath & Beyond, Ross, Costco, Sam's Club, WinCo, and many neighborhood centers anchored by grocery stores, pharmacies, and fitness centers such as Fry's, Albertson's, Safeway, Walgreens, CVS, Mountainside Fitness, EOS, and others.

A Primary Market Area (PMA) is defined as "a division of a total market that reflects the preferences of a particular set of buyers and sellers."[1] it is the geographic area from which demand for a particular real estate product will arise and contains similar and, therefore, directly competitive real estate projects. The following map illustrates the subject site's PMA.

Primary Market Area Map



An important question related to a change in land use is its potential impact on the inventory of land available for future retail development. Adjusting retail vacancy from the current 2.5% to 5% representing a stabilized market, the PMA reports unmet demand for retail of approximately 185,200 square feet. The latest forecast for population growth in the PMA concludes that demand for additional retail land will total an additional 406,500 square feet for a total of 591,700 square feet, or the equivalent of 87.6 acres over the next 33 years (through 2055).

Forecasted retail demand is substantially lower than the estimated 6.0 million square feet of availability (combining 161,800 square feet of available space in existing centers and 877 acres of vacant commercial land) within the PMA. Compared to available vacant space and available commercial land, there is far too much land in the PMA designated for future retail development.

[1] *The Dictionary of Real Estate Appraisal,* Third Addition published by the Appraisal Institute.

Retail Supply/Demand Forecast N of NEC Grand Avenue & Bell Road Primary Market Area					
	Current Unmet Demand	2030	2040	2055	33-Year Total
Household Growth		4,786	1,967	2,161	**8,913**
New Retail Demand (SF)	185,160	218,261	89,703	98,557	**591,681**
New Retail Demand (acres)	27.4	32.3	13.3	14.6	**87.6**
Supply (Available for Additional Retail Development)					
				Acres	**SF**
Existing Retail Centers					161,755
Vacant Land				877	5,800,160
TOTAL					**5,961,915**
Sources: MAG, 2019; U.S. Consumer Expenditure Survey; AZ DOR; Maricopa County Assessor; City of Surprise; Elliott D. Pollack & Company					

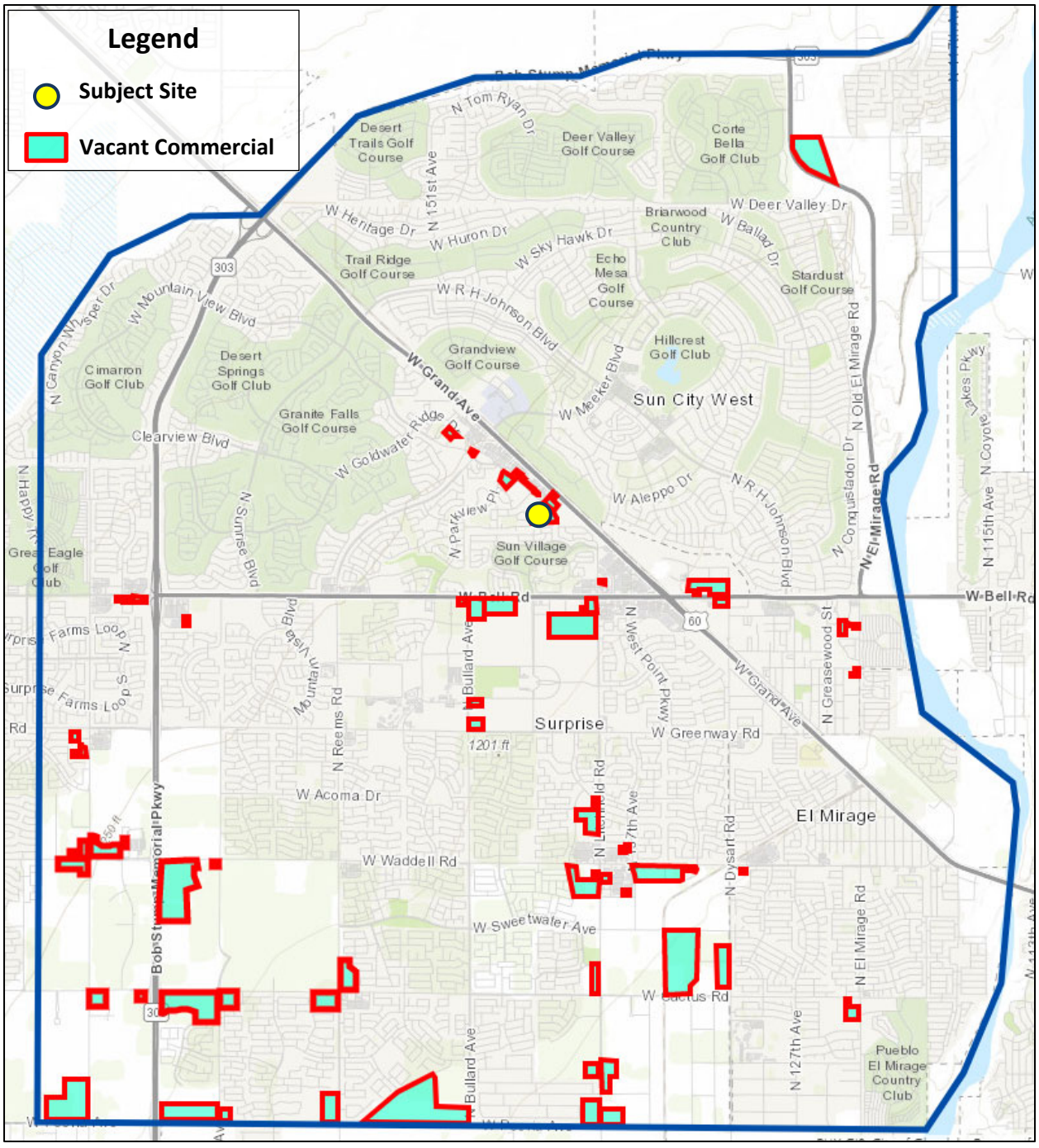
Current unmet demand will also soon be offset by retail development occurring throughout the PMA totaling nearly 872,200 square feet. The 700,000 square feet at Village at Prasada represents the vast majority of retail space under construction. This power center is nearly 100% pre-leased and includes notable tenants such as Sprouts, TJ Maxx, Home Goods, PetSmart, Fat Cats, Floor and Décor, Hobby Lobby, and many more.

Retail Development Pipeline - Under Construction N of NWC Grand Avenue & Bell Road Market Area		
Property Address	**Property Type**	**SF**
13020 Bell	Retail	6,111
13636 SW Waddell Rd & Litchfield Rd	Retail (Strip Center)	27,000
W Waddell Rd	Retail (Power Center)	700,000
14025 W Grand Ave	Retail	8,000
13550 N Litchfield Rd	Retail (Strip Center)	29,125
13630 N Litchfield Rd	Retail (Strip Center)	9,372
NWC Peoria & Cotton Ln	Retail (Strip Center)	63,290
13670 Waddell Rd & Litchfield Rd	Retail (Strip Center)	29,294
TOTAL		**872,192**
Source: Elliott D. Pollack & Company; Velocity Retail Group; Phoenix Commercial Advisors; Western Retail Advisors; Phoenix West Commercial; SRS Real Estate Partners; ZELL Commercial Real Estate Services; Cushman & Wakefield		

In addition, there are 18 other planned retail developments in the PMA which would create nearly 1.1 million square feet of space. In total, there is over 1.9 million square feet of commercial space either under construction or planned in the PMA.

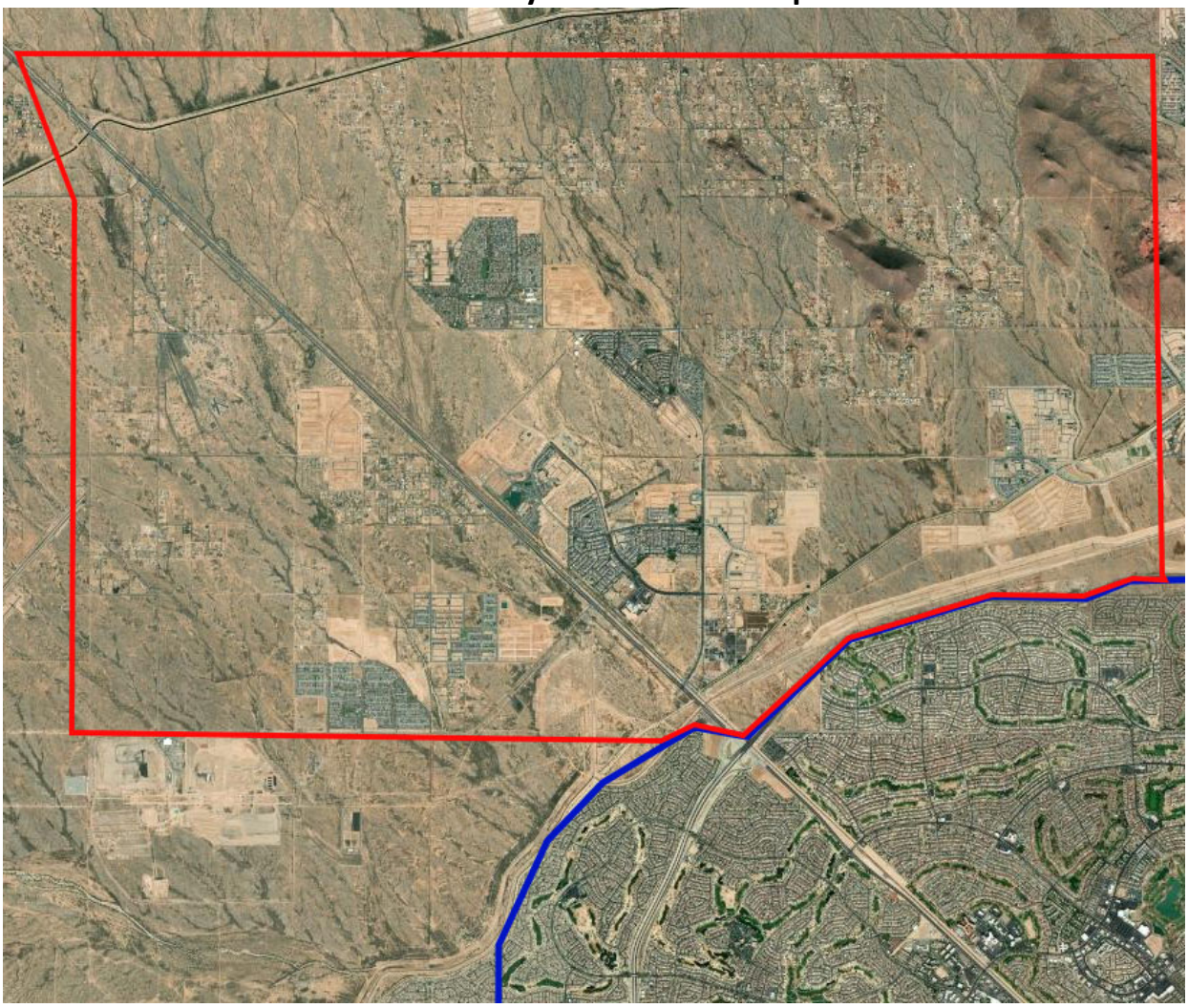
The map below displays the supply of available commercial land in proximity to the subject site. There are numerous commercial sites located along Loop 303, Peoria Avenue, Cactus Road, Waddell Road, Surprise City Center, and Grand Avenue. Every one of these sites are competing with the subject site to attract commercial development. Additionally, compared to expected demand, commercial land in the area is considered excessively oversupplied. Many of the sites will not be needed for commercial development.

Commercial Supply Map – Primary Market Area



Beyond the Primary Market Area, regions of City of Surprise extending northwest along Grand Avenue and areas north of the Loop 303 were also considered as a supplement to the core supply and demand analysis.

Secondary Market Area Map



This area of Surprise, totaling approximately 29 square miles, is currently sparsely populated with an estimated population of 17,215 residents, but has substantial growth prospects over the next few decades. Maricopa Association of Governments forecasts this region will grow to 37,000 residents by 2030, then accelerate growth to 69,000 residents by 2040 and surpass 92,000 residents by 2055.

Maricopa Association of Governments forecasts that this region will grow by over 25,000 households from now through 2055. New population will create nearly 1.3 million square feet of

retail demand. This equates to land demand of nearly 187 acres, or roughly 38% of the total land reserved for retail in the area.

Combined with the primary market area, there will be projected retail demand for just over 274 acres of retail land. Compared to the 1,370 acres of vacant land currently available and planned for retail space, there is again a substantial excess of commercial land compared to expected long term demand.

Retail Supply/Demand Forecast
North Surprise Secondary Market Area

	Current Unmet Demand	2030	2040	2055	33-Year Total
Household Growth		6,519	10,685	7,817	**25,021**
New Retail Demand (SF)		328,645	538,687	394,101	**1,261,433**
New Retail Demand (acres)		48.7	79.8	58.4	**186.8**
New PMA Retail Demand	27.4	32.3	13.3	14.6	**87.6**
Combined Retail Demand	**27.4**	**81.0**	**93.1**	**73.0**	**274.4**
Supply (Available for Additional Retail Development)					
				Acres	**SF**
Secondary Market Area					
Vacant Land				494	3,058,090
Primary Market Area					
Existing Retail Centers					161,755
Vacant Land				877	5,800,160
Combined Primary & Secondary Market					
TOTAL				**1,370**	**9,020,005**

Sources: MAG, 2019; U.S. Consumer Expenditure Survey; AZ DOR; Maricopa County Assessor; City of Surprise; Elliott D. Pollack & Company

In terms of competitiveness, The subject site is at a disadvantage to many of alternative sites with frontage and access along major arterials or the Loop 303 freeway. These sites enjoy better visibility, superior access, more traditional parcel shapes, and substantially higher traffic volumes. In contrast, the subject site is an irregular shape and located such that there is no visibility from Grand Avenue. It does not provide an intersection corner or frontage on a major arterial, but is instead an interior location, with the only frontage along Mountain View Boulevard (a collector

street). Retailers have not shown interest in interior locations, especially with significant retail development so close along Grand Avenue and Bell Road.

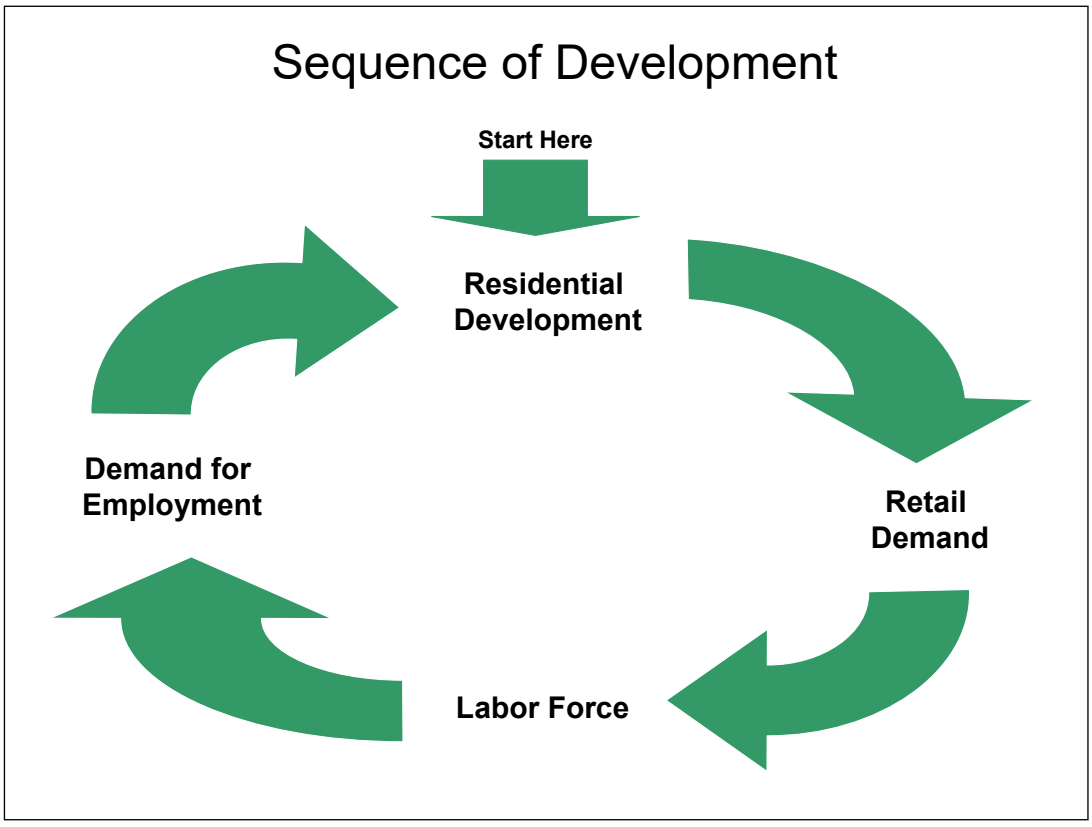
The subject site's disadvantages to competing sites identified above, combined with the fact that there is an excess of commercial land in the area, bodes poorly for the subject site's prospects to generate retail or other commercial development interest.

As mentioned previously, despite the fact that there are voids in the retail landscape locally, the study illustrates the difficulties facing brick-and-mortar retail, such as continuing growth in e-commerce and retailers pulling back on new store locations. In addition, the large amount of retail space already under construction, totaling nearly 872,200 square feet, represents an enormous influx of retail supply. Based on future population growth, the retail space currently

under construction will provide sufficient retail space for decades of future growth in the primary market area.

A change to residential development will help support future retail assets within the City of Surprise. Each new additional resident will create demand for additional local serving retail. In total, residents that will come to live in the proposed new residential community will be comprised of household incomes that will be attractive to restaurateurs and retailers, averaging between $60,000 to $85,000 or more. **An estimated total of $5.1 million in annual disposable income spending on retail goods and services will be added to the area from the proposed community**. This includes demand for retail shopping, restaurant spending, and spending on a wide variety of services such as vehicle repair, healthcare, insurance, utilities, and other personal services. **Based on retail spending alone, the proposed developments will create demand for nearly 12,000 square feet of retail space**.

Continued residential development in all forms within the market area will be critical to the eventual success of existing retail assets and additional commercial development. As the graphic helps to illustrate, local residents will be the main source of retail demand. This residential development must come first, eventually building to a critical mass of residents to attract additional retailers.



In our opinion, the rezoning of the subject site to residential uses will not affect the region's efforts to continue to attract new commercial development to the community. The area has a significant inventory of commercial land that will provide for the long-term economic health of the community. Additionally, as a residential project, new residents will support existing and planned commercial development. Overall, the proposed change for residential uses:

1. Is compatible for the site given its characteristics, neighboring developments, and location.

2. Will accommodate new resident growth which will support existing and planned commercial development.

3. Will not harm the city's efforts to continue to attract new commercial development based on available land compared to expected demand.

4. Recognizes that many alternative sites have competitive advantages over the subject site in terms of location, visibility, access, and interest from retailers.

1.0 Purpose of Study

The purpose of this analysis is to determine the current and future demand for local and regional serving retail (including restaurants) in the market area surrounding the 11.76-acre subject site located north of the northwest corner of Grand Avenue and Bell Road. Our analysis consists of evaluating the current size of the Primary Market Area, its potential development capacity, the supply of retail and available land, as well as the demand for commercial uses based on the surrounding market area population, the demographic characteristics of that population, and future growth.

1.1 Report Outline

Our study will consist of the following tasks.

1. Identification of the market area surrounding the subject site that would provide most of the demand for the project.
2. A summary of the demographic characteristics of the population in the market area.
3. Current and forecasted population growth estimates for the market area.
4. Supply of available retail space and land in the market area.
5. A forecast and summary of recommendations on the potential demand for commercial uses within the Primary Market Area based on market conditions.
6. A calculation of local retail demand that would be created from the proposed residential community.
7. A residential analysis of the supply and demand characteristics in the primary market area.

1.2 Limiting Conditions

This study prepared by Elliott D. Pollack & Company is subject to the following considerations and limiting conditions.

- It is our understanding that this study is for the client's due diligence and other planning purposes.
- The reported recommendation(s) represent the considered judgment of Elliott D. Pollack and Company based on the facts, analyses and methodologies described in the report.

- Except as specifically stated to the contrary, this study does not give consideration to the following matters to the extent they exist: (i) matters of a legal nature, including issues of legal title and compliance with federal, state and local laws and ordinances; and (ii) environmental and engineering issues, and the costs associated with their correction. The user of this study will be responsible for making his/her own determination about the impact, if any, of these matters.

- This study is intended to be read and used as a whole and not in parts.

- Our analysis is based on currently available information and estimates and assumptions about long-term future development trends. Such estimates and assumptions are subject to uncertainty and variation. Accordingly, we do not represent them as results that will be achieved. Some assumptions inevitably will not materialize, and unanticipated events and circumstances may occur; therefore, the actual results achieved may vary materially from the forecasted results. The assumptions disclosed in this analysis are those that are believed to be significant to the projections of future results.

2.0 Retail Market Overview

Market conditions existing today in the retail real estate sector have been severely affected by the growth of E-Commerce, the Great Recession, and most recently the economic shutdowns created by the COVID-19 pandemic. The last business cycle (2009-2020) exposed significant longer-term challenges for the brick-and-mortar retail market in Greater Phoenix and across the country. Compounding those issues, the COVID-19 pandemic suppressed local retail shopping in all but the most popular warehouse stores and grocers and shifted shopping patterns to online retailers. Future changes in shopping trends that will affect how the market performs over the long term. Following are some of those trends and challenges.

- **Domination:** The market has become dominated by big box retailers and power/community shopping centers.
- **Obsolescence**: Retailing is constantly changing resulting in some companies going out of business as others are entering the marketplace. Part of the problem for companies that are experiencing difficulties is the inability to anticipate trends in shopping patterns and the impact of alternative methods of purchasing goods and services. Currently, restaurants and value-oriented retail such as Walmart, Target, Ross, TJ Maxx, and others are the most viable in the market and actively expanding. The list of retailers and restaurants that are in bankruptcy or have been in bankruptcy is extensive and include:
  - Sears
  - Toys "R" Us
  - Sport Authority
  - Aeropostale
  - Beauty Brands
  - Shopko
  - Gymboree
  - Charlotte Russe
  - Payless Shoe Source
  - Diesel
  - Z Gallerie
  - Kona Grill
  - Perkins and Marie Callender's
  - Barneys New York
  - Forever 21
  - Destination Maternity
  - Avenue
  - Pier One
  - Charming Charlie
  - FTD
  - David's Bridal
  - Mattress Firm
  - Gump's
  - Brookstone
  - Rockport
  - Nine West
  - Claire's
  - Winn-Dixie
  - Bon-Ton
  - Rue21
  - BCBG Maxazria
  - Wet Seal
  - The Limited

The types of retailers that have experienced bankruptcies fall into a few categories. Bookstores long ago experienced significant declines in sales. More recently, clothing and accessory retailers, including shoe retailers, have experienced the most difficulties along with department stores and grocery chains. Department store sales have been declining for decades with the growth of low-cost supercenters and warehouse outlets. Grocery stores have come under attack from a wide range of retailers that have moved into the grocery business.

The traditional department store will continue to likely see declining sales. Macy's and Kohl's have reported sales slumps. JC Penney recently emerged from bankruptcy after being purchased by Simon Property Group (SPG) and Brookfield Asset Management.

- **Greater Phoenix is Over-Retailed:** Because of the Greater Phoenix region's tremendous history of growth, virtually all national retail chains want to be here, resulting in more retail space than is demanded by the population. According to the Lincoln Institute of Land Policy, the U.S. has 8.5 billion square feet of retail shopping center space or 24.5 square feet per person. By comparison, Maricopa County's population of more than 4.4 million has 34 square feet of retail space or 38% more than the national average. In the past, many national retail chains built stores in advance of growth to establish their market area. When growth slowed during the Great Recession, many planned stores were put on hold or abandoned. The coronavirus pandemic has further disrupted the growth of retail centers across the country and in Greater Phoenix.

- **Consolidation:** As retail market conditions change, consolidation of companies within the industry occurs. This trend has been particularly evident in the grocery store sector as chains try to compete with Walmart, Target and Costco. Local grocer Bashas' has been through bankruptcy and is likely still vulnerable.

- **Internet or E-Commerce Sales**: The long-term threat to brick-and-mortar retailing (and shifts from retail development to warehousing and distribution) is E-Commerce. Within the last 15 years, the market has seen seismic shifts in the manner in which people purchase retail goods and services. The COVID-19 pandemic has further pushed consumers towards internet-based purchases. Certain segments of the retail market have been particularly hard hit. A later section of this report will provide further information on the E-Commerce trend.

In summary, there are two major trends that have had a significant impact the retail market:

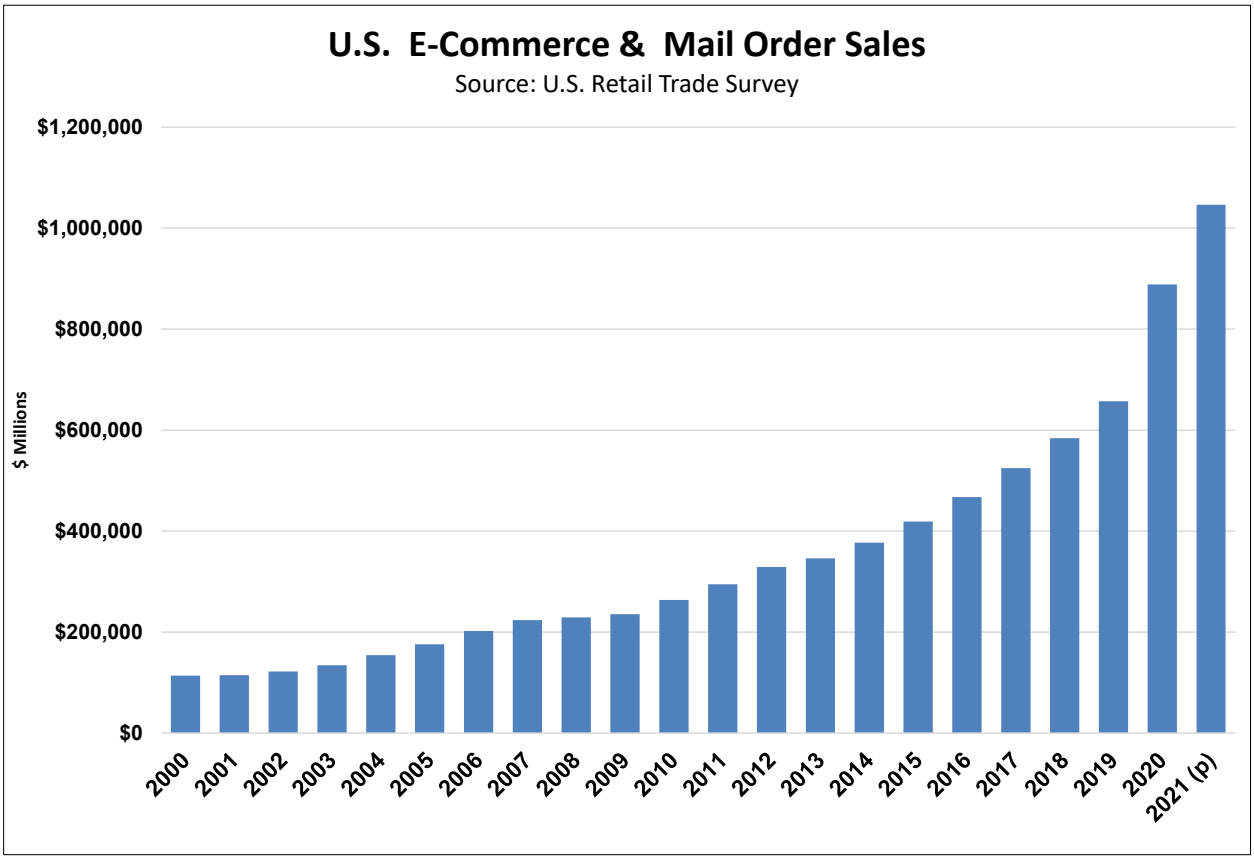
1. E-Commerce and
2. The rise of off-price retailers and low-price supercenters and warehouse outlets.

2.1 Impacts of E-Commerce

The U.S. Census defines E-commerce as "sales of goods and services where the buyer places an order, or the price and terms of the sale are negotiated, over an Internet, mobile device, extranet, Electronic Data Interchange (EDI) network, electronic mail, or other comparable online system. Payment may or may not be made online".

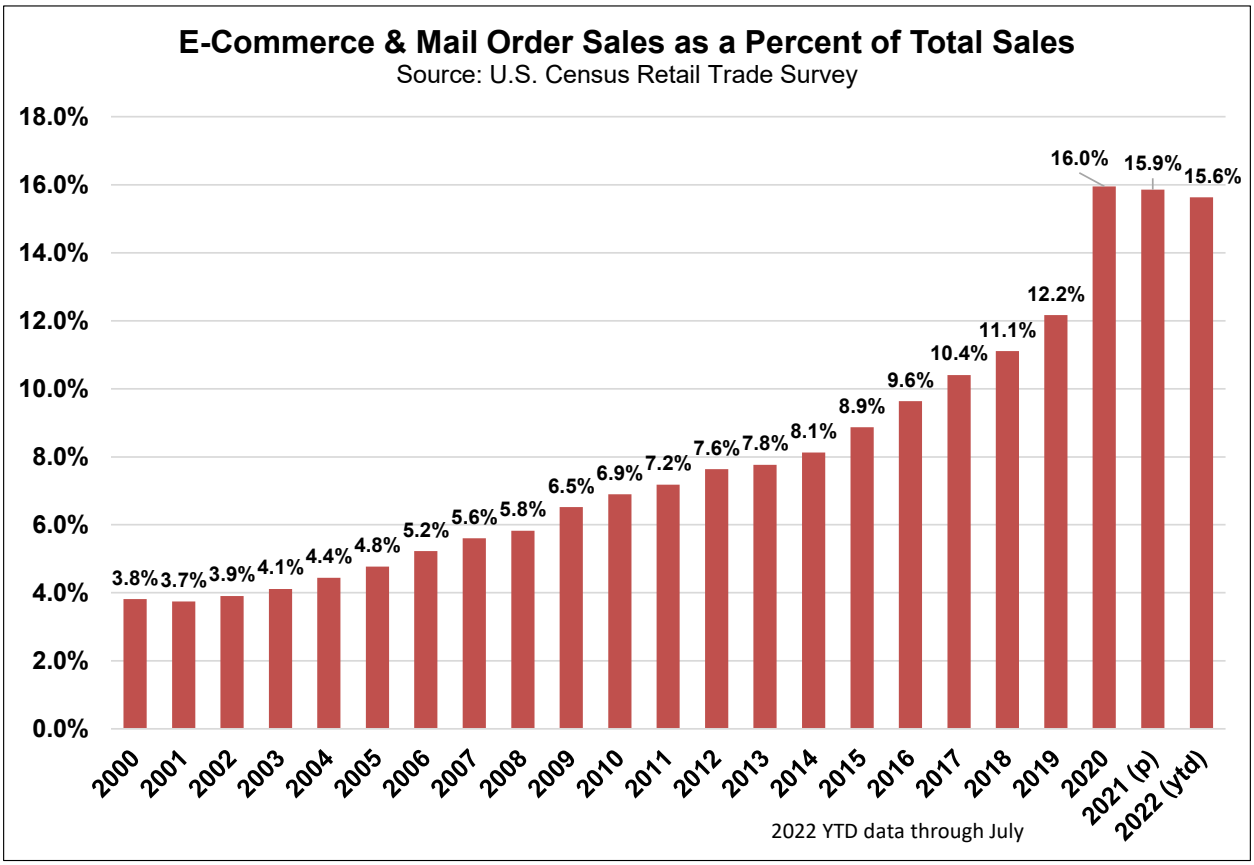
The above definition technically excludes mail order sales from catalogs or other mail-order businesses. It does not include such businesses as mail-order book clubs. However, most catalog and book club purchases today are made over the internet and should properly be categorized as E-Commerce. For this study, mail order sales will be included in E-Commerce sales data.

Between 2000 and 2021, E-Commerce sales have grown by over nine-fold to $1.04 trillion, accounting for 15.9% of all retail sales in 2021. The coronavirus pandemic had a significant impact on retail sales patterns pushing normal in-store purchases to online. Preliminary data for 2021 from the U.S. Census shows that 2021 E-Commerce sales have increased by 17.8% over 2020. This follows an annual increase of 35.2% in 2020.



1.

Comparing preliminary 2021 data and 2022 data through July, E-Commerce sales comprised 15.9% of total sales in 2021 and 15.6% of sales through the first seven months of this year. Due to the shutdown of the economy in March 2020 and peoples' desires to avoid crowds through the rest of the year, an above trendline portion of retail sales went to electronic shopping in 2020, jumping from 12.2% of sales in 2019 to 16.0% of sales in 2020. It appears that despite the decline in COVID cases, increased vaccination rates, and a return to more normal working conditions, the return to in-store shopping did not fully materialize and online shopping has largely maintained the jump in market share.



2.2 Impact of Superstores and Warehouse Clubs

In addition to the impact of E-Commerce on brick-and-mortar outlets, the expansion of superstores, such as Target and Walmart, and warehouse clubs, such as Costco, has resulted in a shift of retail spending from traditional department stores and small retailers. Off-price and value-oriented retailing has become the driving force in the retail sector. The following chart illustrates the shift in spending.

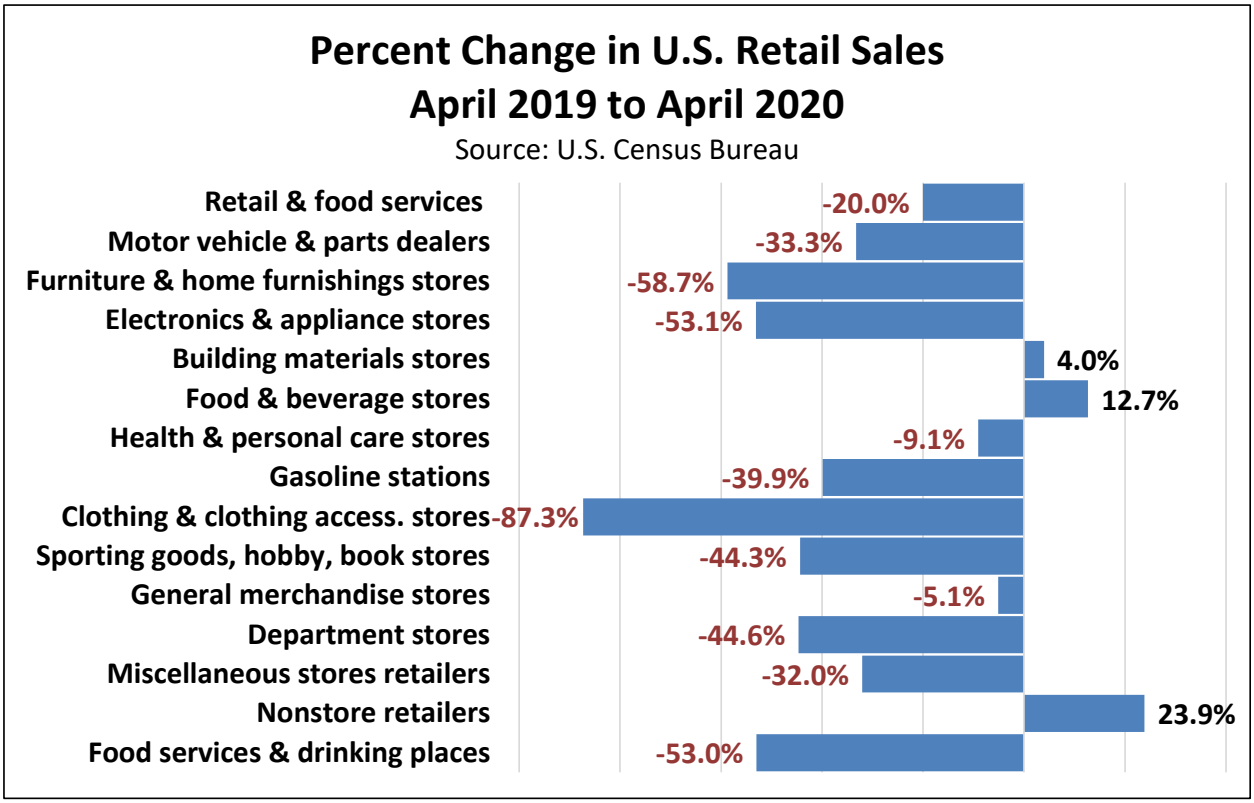
In 2000, spending at traditional department stores in the U.S. totaled more than $96 billion. Today, that spending has declined to less than $31 billion, resulting in the closure of many national and regional department store chains and bankruptcies such as Sears. By comparison, spending at supercenters and warehouse clubs ballooned from $140 billion in 2000 to $575 billion in 2021. Power centers anchored by Walmart, Target, Home Depot, Lowes and similar big-box retailers have become the primary outlets for retail sales.

2.3 COVID-19 Impacts

The trend away from consumer spending in department stores has been occurring over the past 20 years and is likely now accelerated due to COVID-19. Retailers that fared well during the pandemic include Walmart, Target, Home Depot, and a variety of grocery store chains. However, there were declines in sales at many other retailers. Restaurants and bars sustained significant reductions, as did fitness centers. The timing and extent of the reopening of the economy allowed these establishments to offset some losses, but some portion has been lost permanently.

The following chart provides some insight into retail sales patterns due to the pandemic. The data compares U.S. spending in April 2020 to April 2019. Virtually all retail sectors experienced

substantial losses, especially clothing, furniture, motor vehicles, sporting goods, department stores, and restaurants and bars. The winners in April were building materials, groceries, and non-store retailers (E-Commerce). Even general merchandise stores, which includes Walmart, Costco, and Target, show a loss of sales in April. Preliminary data shows these three retailers experienced growth in sales in April, but it was not enough to offset the losses of other general merchandise operators. Non-store retailers, primarily comprised of E-Commerce retailers, were the clear winners in April. The data shows the consumer's preferences for essential purchases while honoring stay-at-home recommendations. Non-essential purchases have shifted to E-Commerce to avoid travel and congregating in crowds to socially distance.

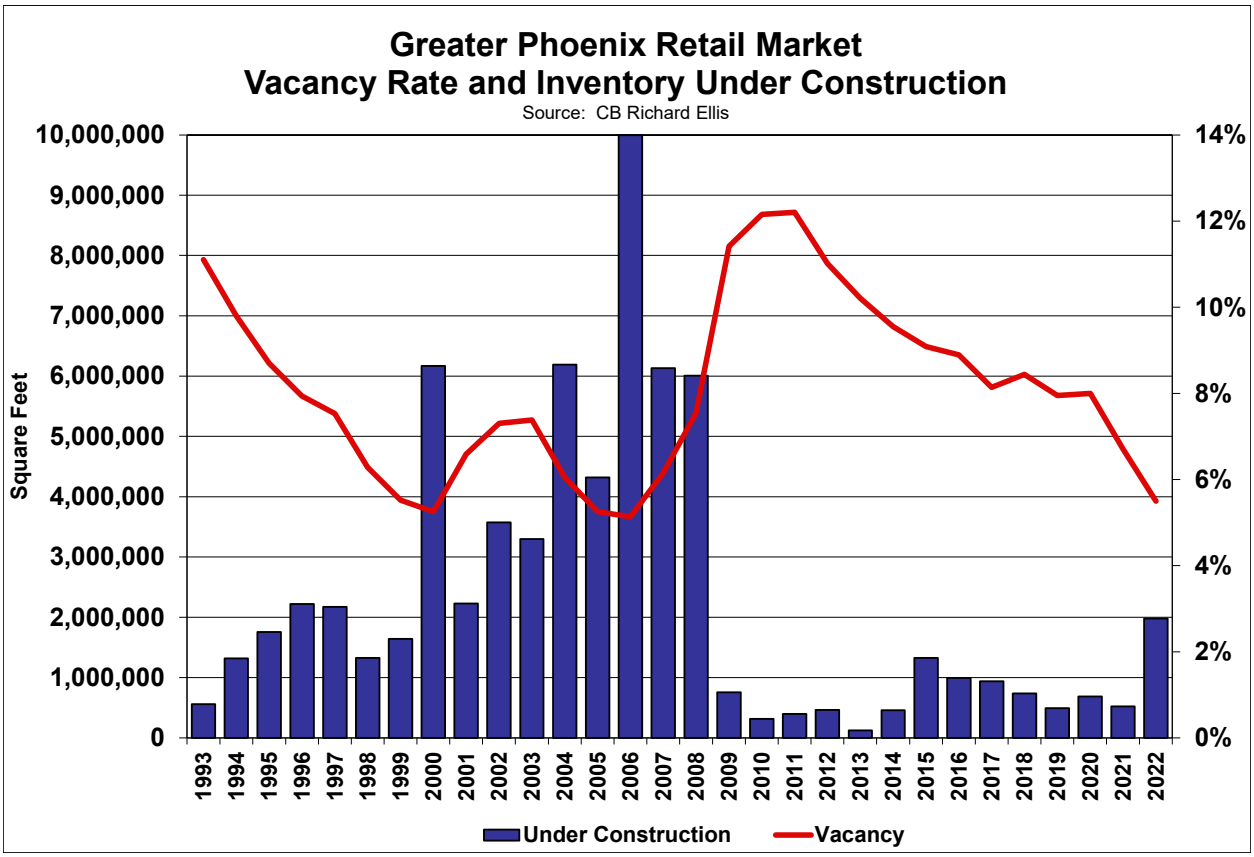


2.4 Greater Phoenix Retail Market

The Greater Phoenix retail vacancy rate has experienced a gradual decline over the last decade from its previous peak of over 12% to 5.5% in the second quarter 2022. However, even with the tightening of the market, new construction activity remains disciplined. During this time, construction activity has been dominated by grocery-anchored projects with Sprouts, Fry's and Whole Foods as primary tenants. Power center development has largely been absent from the market until recently with the Village at Prasada in Surprise under construction totaling 700,000 square feet and a few more in the planning stages.

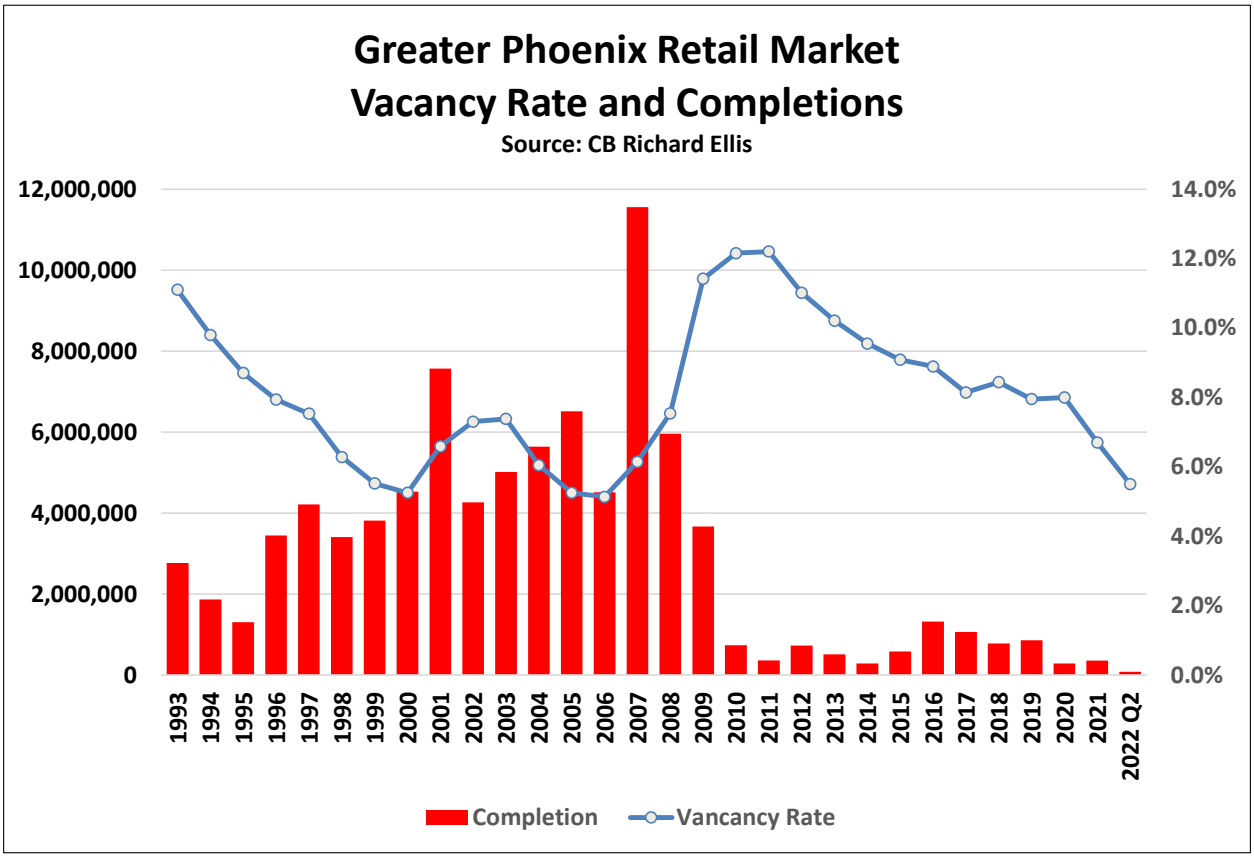
Much of the absorption of space in Greater Phoenix over the past few years has been due to fitness and entertainment users backfilling vacant big-box and grocery store space. Since 2016, fitness users have absorbed 35 big-box spaces totaling over 1.0 million square feet. Due to demand for affordable fitness concepts, users like EoS Fitness, Planet Fitness, and LA Fitness are adding to their existing footprints. Newcomers include Crunch Fitness and VASA Fitness.

With the population and employment growth of Greater Phoenix area over the past two years, in addition to the muted construction activity of the past 10 years, the retail market is now responding with more construction activity, with nearly 2 million square feet under construction. This is still far below development activity prior to 2010 but a significant uptick from recent years.



Greater Phoenix is in the top three metro areas in the country in job and population growth. Delivered retail space still is well below historic levels. Once again, E-Commerce and the popularity of supercenters and warehouse outlets is limiting extensive development of new retail space.

Since 2010, retail space delivered to the market has averaged 650,000 square feet annually or the equivalent of three to four neighborhood shopping centers each year. In 2020, only 286,300 square feet of retail space was delivered, and 355,500 square feet was delivered in 2021. Deliveries through the second quarter of 2022 total just 77,100 square feet, well below the already modest 10-year average. Deliveries should increase by the end of the year.

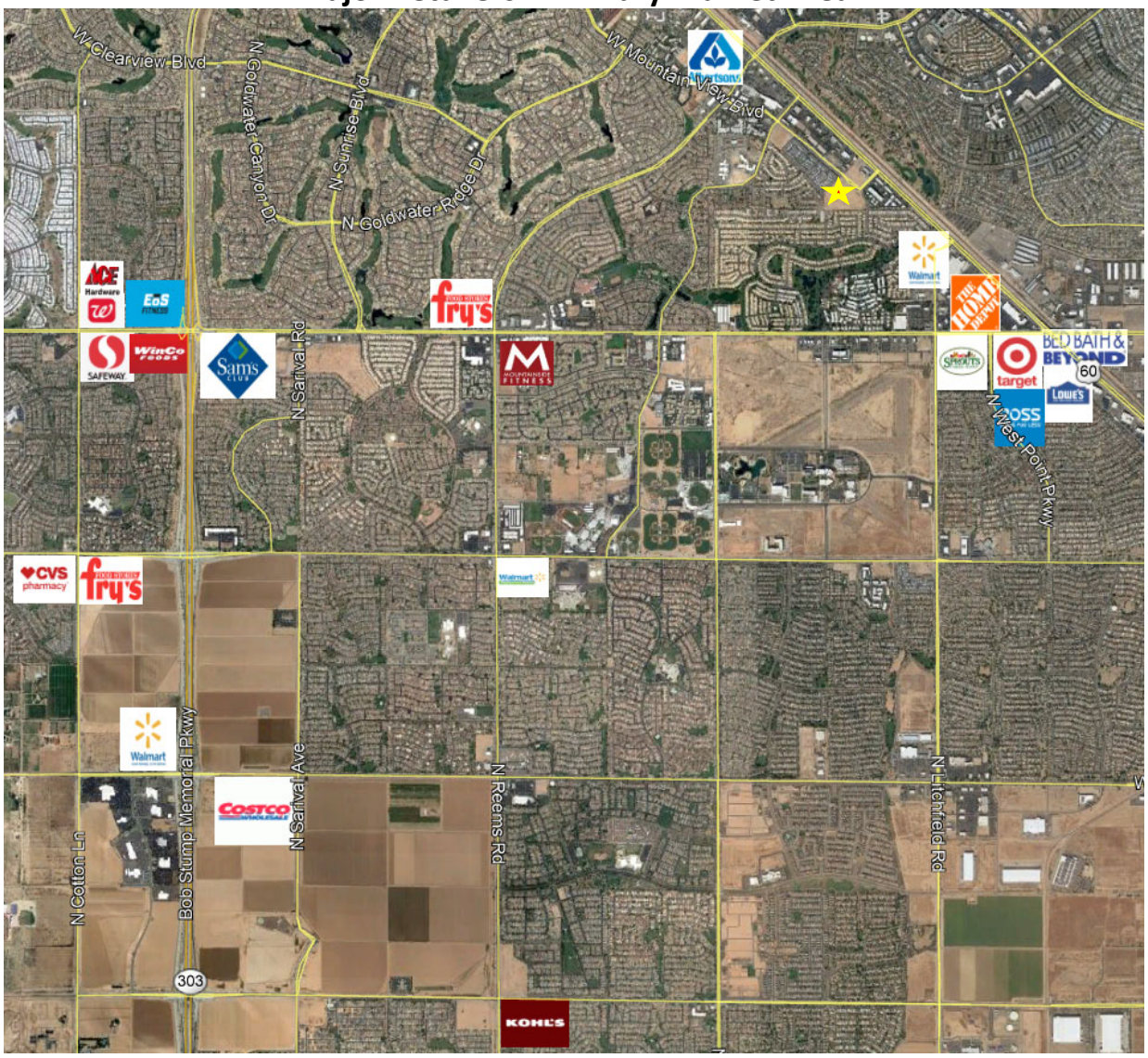


2.5 Surprise/PMA Retail Market

The Loop 303 corridor between Cactus and Bell as well as the Bell Road corridor from Cotton Lane to Grand Avenue have a significant mix of retail development including a large power center. The range of types of retail outlets and merchandisers is extensive and provides for the daily needs of residents. A number of grocery retailers are also located in the area.

An aerial photo of the primary anchor tenants in relation to the subject site's Primary Market Area is provided on the following page.

Major Retailers – Primary Market Area



The PMA currently has an estimated 7.5 million square feet of retail space and current vacancy is only 2.5% compared to the county average of 5.5%, indicating pent up demand. Adjusting vacancy to balanced market conditions, the PMA could accommodate an additional 185,200 square feet.

In terms of pipeline, there is currently a substantial amount of retail construction in the PMA totaling nearly 872,200 square feet. The 700,000 square feet at Village at Prasada represents the vast majority of retail space under construction. This power center is nearly 100% pre-leased and includes notable tenants such as Sprouts, TJ Maxx, Home Goods, PetSmart, Fat Cats, Floor and Décor, Hobby Lobby, and many more. These developments will satisfy current unmet needs.

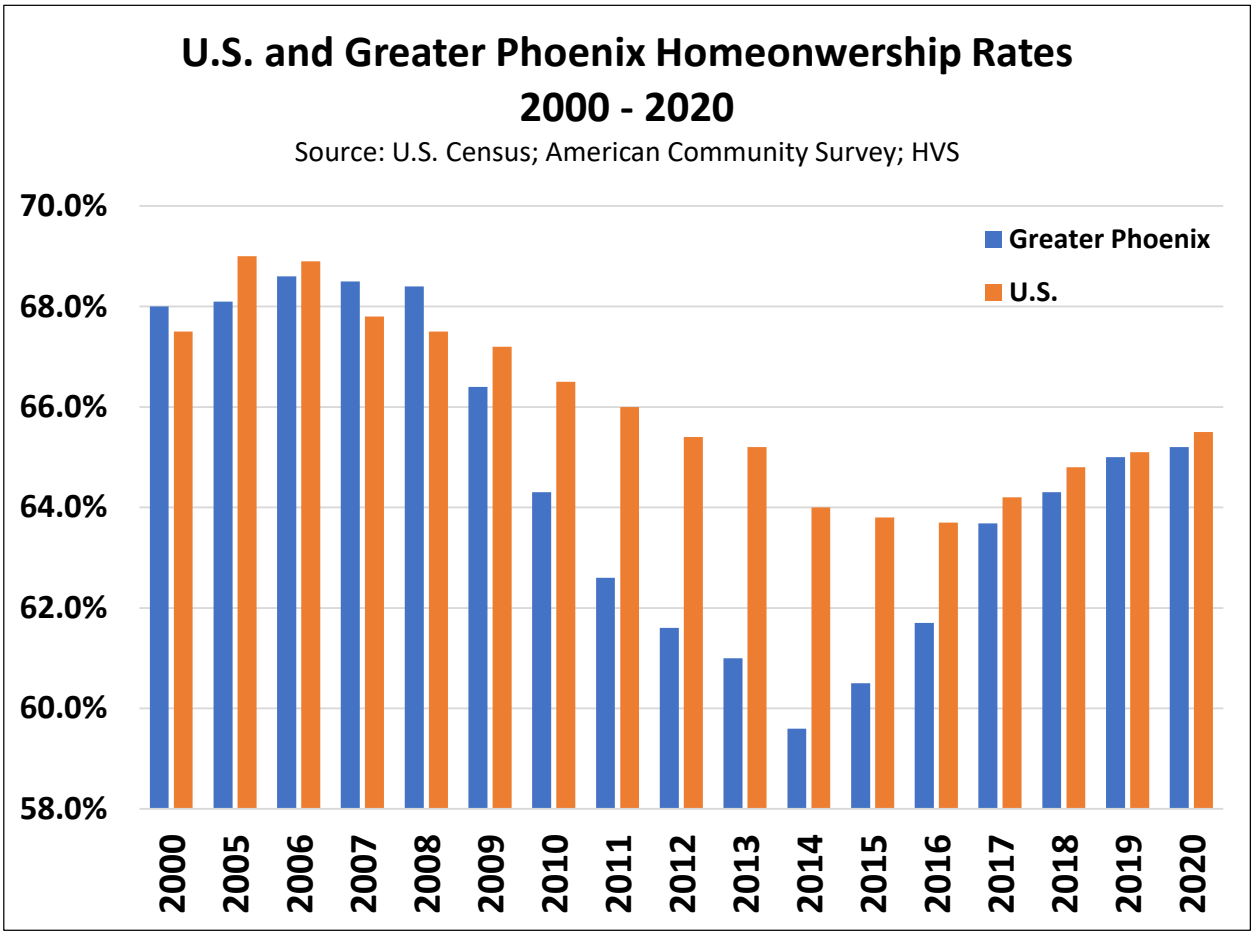
Retail Development Pipeline - Under Construction N of NWC Grand Avenue & Bell Road Market Area		
Property Address	**Property Type**	**SF**
13020 Bell	Retail	6,111
13636 SW Waddell Rd & Litchfield Rd	Retail (Strip Center)	27,000
W Waddell Rd	Retail (Power Center)	700,000
14025 W Grand Ave	Retail	8,000
13550 N Litchfield Rd	Retail (Strip Center)	29,125
13630 N Litchfield Rd	Retail (Strip Center)	9,372
NWC Peoria & Cotton Ln	Retail (Strip Center)	63,290
13670 Waddell Rd & Litchfield Rd	Retail (Strip Center)	29,294
TOTAL		**872,192**
Source: Elliott D. Pollack & Company; Velocity Retail Group; Phoenix Commercial Advisors; Western Retail Advisors; Phoenix West Commercial; SRS Real Estate Partners; ZELL Commercial Real Estate Services; Cushman & Wakefield		

In addition, there are 18 other planned retail developments in the PMA which would create nearly 1.1 million square feet of space. In total, there is over 1.9 million square feet of commercial space either under construction or planned in the PMA.

3.0 Residential Market Overview

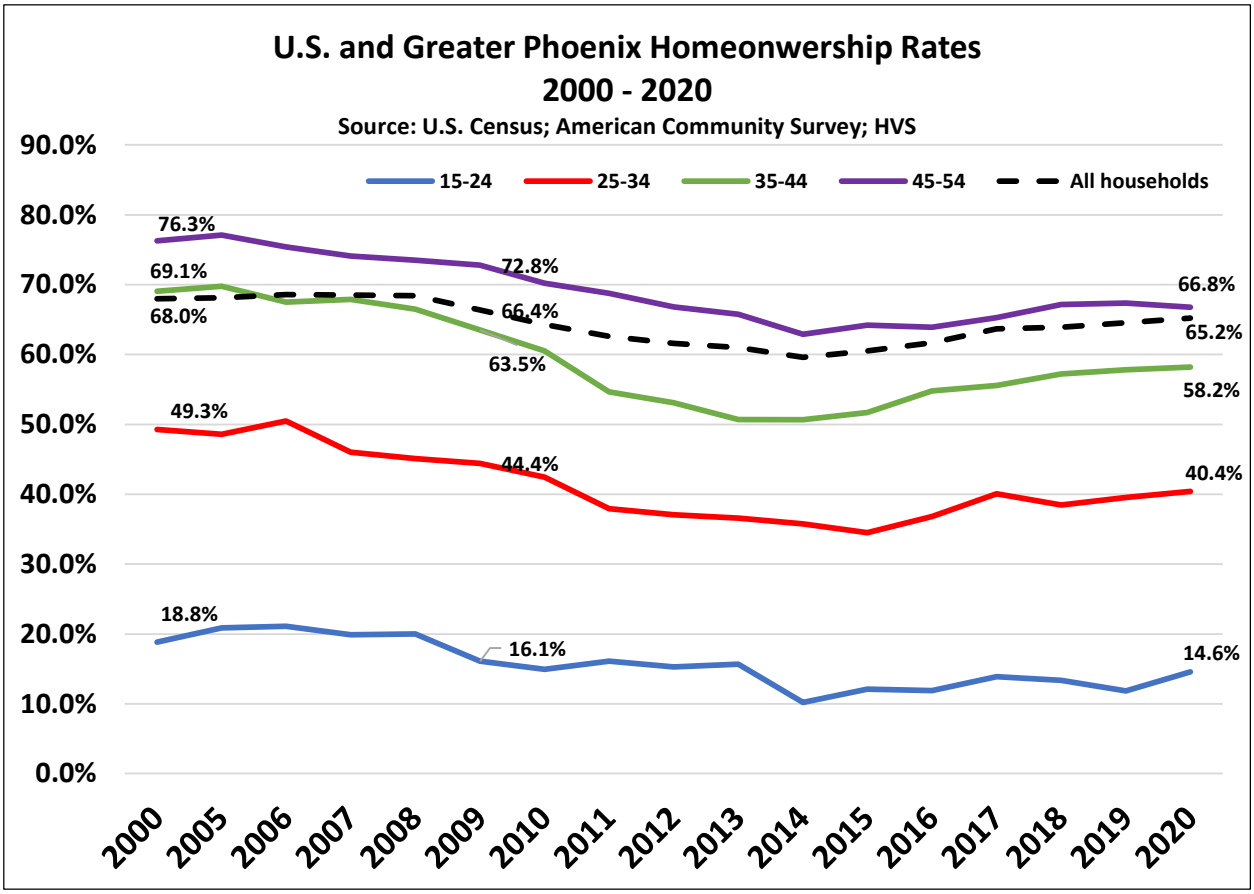
During the Great Recession, Greater Phoenix experienced a downturn that was more severe than in other metropolitan areas of the country, a result of overbuilding in both the single family and commercial real estate sectors. Real estate market downturns have occurred before in Greater Phoenix but not to this extent. However, excess inventories have all been absorbed and the area now faces a shortage of housing.

Homeownership rates in Greater Phoenix fell to historic lows between 2006 and 2014, declining to 59.6%. Comparatively, the homeownership rate for the U.S. only declined approximately five percentage points between 2005 and 2016. Greater Phoenix has made a significant recovery with its homeownership rate and is now essentially equal to the U.S. rate just above 65%. While homeownership in Greater Phoenix and the country is improving, it still has not recovered to pre-recession levels. This means that there are a higher percentage of renters in the marketplace.



One factor driving the demand for the multi-family market is the Millennial population. Millennials have delayed purchasing homes and forming families as they struggle with student debt and the psychological effects of the Great Recession. The homeownership rate for the 25-

to 34-year-old age group, which includes most Millennials, declined from near 50% in 2000 (before the housing bubble) to 35% in 2015. The homeownership rate for all age groups is now rising but is still below pre-recession levels. As a result, the demand for multi-family units has increased significantly over the past several years to accommodate this demand for housing.



Over the past 12 months, Greater Phoenix reported 23,783 new single family home sales. Over this same time period, median new home prices have increased 30.6% year over year. The median new home price across the Valley is now $478,600 compared to $366,500 one year ago.

New home permits in Greater Phoenix have totaled 27,462 permits over the last 12 months. The discrepancy between permit activity and closings highlights the issues builders are facing to complete homes due to a lack of labor and supply chain disruptions. Permit activity has also been declining since February and has now reached 36% below same month last year. Year-to-date permits are now down 16.2% compared to last year.

Resale activity in 2021 increased nearly 15% year over year. However, that trend has reversed in 2022 and sales activity is down nearly 15% year to date. Resale price appreciation is still overwhelmingly positive on a year over year basis at 10.0%. The median resale home price across the Valley is now $440,000 compared to $400,000 12 months ago. However, resale pricing peaked in May at $470,000 and has declined 6.4% over the last two months.

SUMMARY OF METRO PHOENIX HOUSING MARKET ACTIVITY THROUGH AUGUST 2022
GREATER PHOENIX METROPOLITAN STATISTICAL AREA

	Aug-21	Sep-21	Oct-21	Nov-21	Dec-21	Jan-22	Feb-22	Mar-22	Apr-22	May-22	Jun-22	Jul-22	Aug-22
NEW HOME CLOSINGS													
CLOSINGS BY MONTH	1,982	2,257	1,794	1,842	2,502	1,434	1,726	2,190	1,785	2,213	2,115	1,737	2,188
SAME MO LAST YEAR	2,107	2,250	2,212	2,009	2,496	1,497	1,780	2,274	1,960	2,273	2,151	1,727	1,982
PERCENT CHG	-5.9%	0.3%	-18.9%	-8.3%	0.2%	-4.2%	-3.0%	-3.7%	-8.9%	-2.6%	-1.7%	0.6%	10.4%
YTD CLOSINGS	15,644	17,901	19,695	21,537	24,039	1,434	3,160	5,350	7,135	9,348	11,463	13,200	15,388
YTD CLOSINGS LAST YR	15,396	17,646	19,858	21,867	24,363	1,497	3,277	5,551	7,511	9,784	11,935	13,662	15,644
PERCENT CHG	1.6%	1.4%	-0.8%	-1.5%	-1.3%	-4.2%	-3.6%	-3.6%	-5.0%	-4.5%	-4.0%	-3.4%	-1.6%
MED NEW PRICE	$366,476	$392,989	$415,179	$382,232	$420,505	$437,769	$448,237	$455,382	$455,403	$467,990	$470,490	$478,844	$478,603
MED PRICE % CHANGE	-6.34%	7.23%	5.65%	-7.94%	10.01%	4.11%	2.39%	1.59%	0.00%	2.76%	0.53%	1.78%	-0.05%
NEW HOME PERMITS													
PERMITS BY MONTH	2,283	2,178	2,044	2,045	2,529	2,540	2,764	3,267	2,549	2,377	2,031	1,677	1,461
SAME MO LAST YR	2,537	2,993	2,912	2,489	2,698	2,509	2,776	3,480	3,159	2,578	2,578	2,691	2,283
PERCENT CHG	-10.0%	-27.2%	-29.8%	-17.8%	-6.3%	1.2%	-0.4%	-6.1%	-19.3%	-7.8%	-27.5%	-37.7%	-36.0%
YTD PERMITS	22,273	24,451	26,495	28,540	31,069	2,509	5,273	8,540	11,111	13,488	15,519	17,196	18,657
LAST YTD PERMIT	17,873	20,866	23,778	26,267	28,965	2,182	5,285	8,765	11,918	14,496	17,299	19,990	22,273
PERCENT CHG	24.6%	17.2%	11.4%	8.7%	7.3%	15.0%	-0.2%	-2.6%	-6.8%	-7.0%	-10.3%	-14.0%	-16.2%
RESALES													
RESALE COE BY MONTH	10,670	10,929	10,929	10,190	10,144	8,136	8,965	11,522	10,718	10,443	9,303	6,886	6,645
SAME MO LAST YR	9,390	10,034	10,745	9,560	10,811	8,152	8,882	11,727	11,896	11,048	11,048	10,797	10,670
PERCENT CHG	13.6%	8.9%	1.7%	6.6%	-6.2%	-0.2%	0.9%	-1.7%	-9.9%	-5.5%	-15.8%	-36.2%	-37.7%
YTD RESALES	85,183	96,112	107,041	117,231	127,375	8,152	17,101	28,623	39,341	49,784	59,087	65,973	72,618
LAST YTD RESALES	69,847	79,881	90,626	100,186	110,997	7,534	17,034	28,761	40,657	51,705	51,705	74,513	85,183
PERCENT CHG	22.0%	20.3%	18.1%	17.0%	14.8%	8.2%	0.4%	-0.5%	-3.2%	-3.7%	14.3%	-11.5%	-14.8%
MED RES PRICE	$400,000	$405,400	$410,000	$418,000	$420,000	$425,000	$440,000	$450,000	$461,000	$470,000	$470,000	$451,825	$440,000
MED PRICE % CHANGE	0.25%	1.35%	1.13%	1.95%	0.48%	1.19%	3.53%	2.77%	2.44%	1.95%	0.00%	-3.87%	-2.62%

Source: RLBrownReports.com

Rent and vacancy data was obtained from RealData, a multi-family data vendor that compiles information on all multi-family communities with at least 50 units. According to RealData, at the end of 2021, there were approximately 338,563 conventional multi-family units in 1,624 communities. An additional 6,712 units have been delivered in 2022. Since the end of the recession in 2009, an estimated 89,044 units have been built, a 35% increase in total inventory.

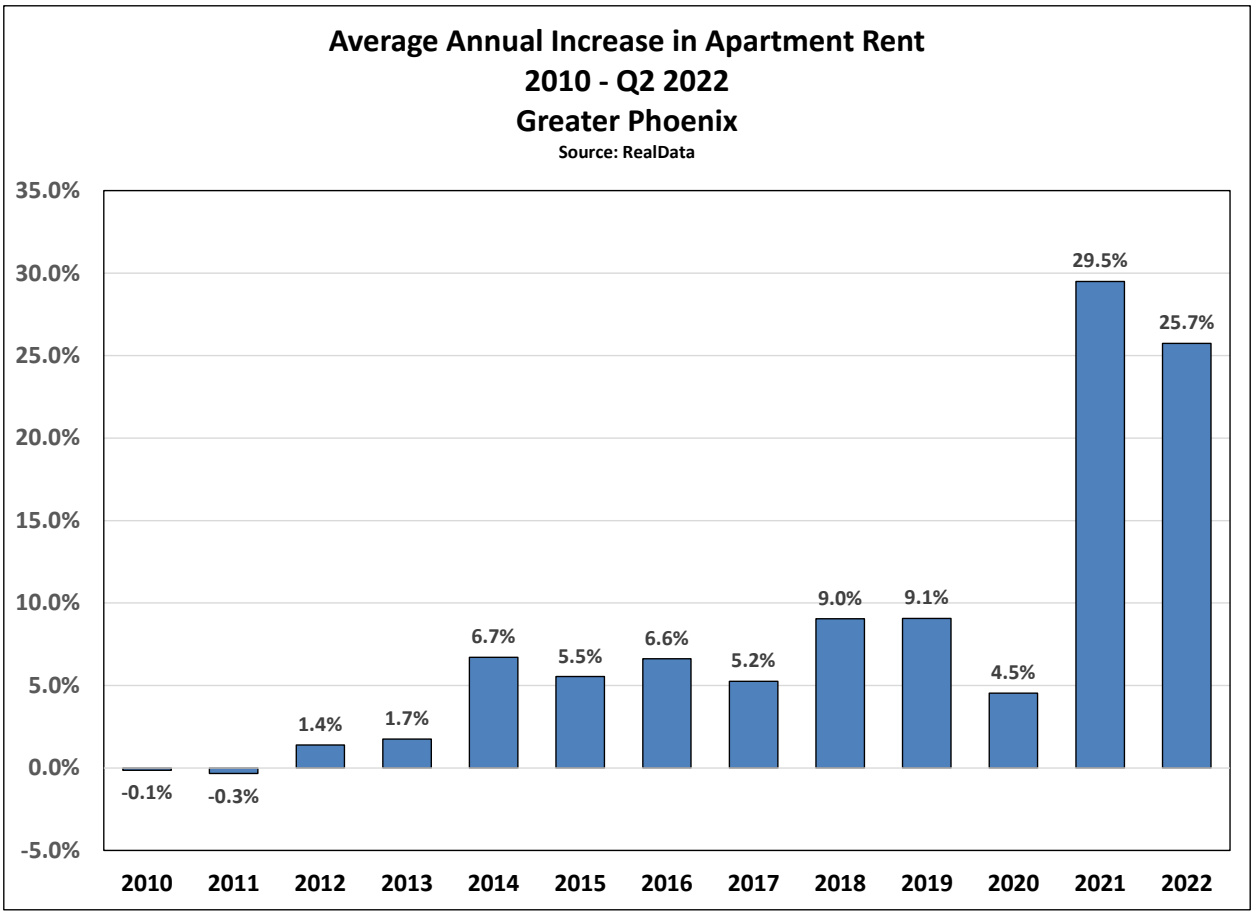
Vacancy rates peaked in 2009 at 14.9% as more units were brought to the market during a time of weak absorption. That trend ended in 2010 with reported absorption of nearly 11,000 units, lowering the average county vacancy rate to 11.2%. Very weak construction activity followed from 2010 to 2013, but in 2014 the supply of multi-family units began to increase rising to more than 10,000 newly constructed units in 2017. In the last two and a half years a total of 32,800 units have been delivered. However, the Valley remains substantially undersupplied.

Monthly rents have risen by $697 since 2016 or an average of 13.9% each year. In 2021, the average rent increased to $1,531 per month or $1.82 per square foot of livable area. This is a substantial jump from the year prior, a 29.5% increase in rent and 28.8% increase in price per square foot. In the second quarter of 2022, rents have increased 25.7% year over year to $1,601 or $1.91 per square foot. This again reiterates the substantial undersupply of units in the market.

Greater Phoenix Apartment Market Trends
2009 - Q2 2022

Year	Communities	Units	Change in Inventory	Average Rent/Unit	Average Rent/SF	Vacancy Rate
2009	1,231	256,231	-	$733	$0.90	14.9%
2010	1,244	257,672	1,441	$732	$0.90	11.2%
2011	1,251	258,896	1,224	$729	$0.90	9.8%
2012	1,259	260,469	1,573	$740	$0.91	8.8%
2013	1,278	264,299	3,830	$753	$0.92	7.9%
2014	1,305	266,747	2,448	$803	$0.97	7.4%
2015	1,331	277,454	10,707	$847	$1.03	7.3%
2016	1,374	285,472	8,018	$904	$1.09	7.3%
2017	1,421	295,505	10,033	$951	$1.15	7.9%
2018	1,457	303,967	8,462	$1,037	$1.24	7.3%
2019	1,494	312,464	8,497	$1,131	$1.35	7.0%
2020	1,549	323,480	11,016	$1,182	$1.42	6.7%
2021	1,624	338,563	15,083	$1,531	$1.82	6.9%
2022	1,651	345,275	6,712	$1,601	$1.91	7.9%

Source: RealData

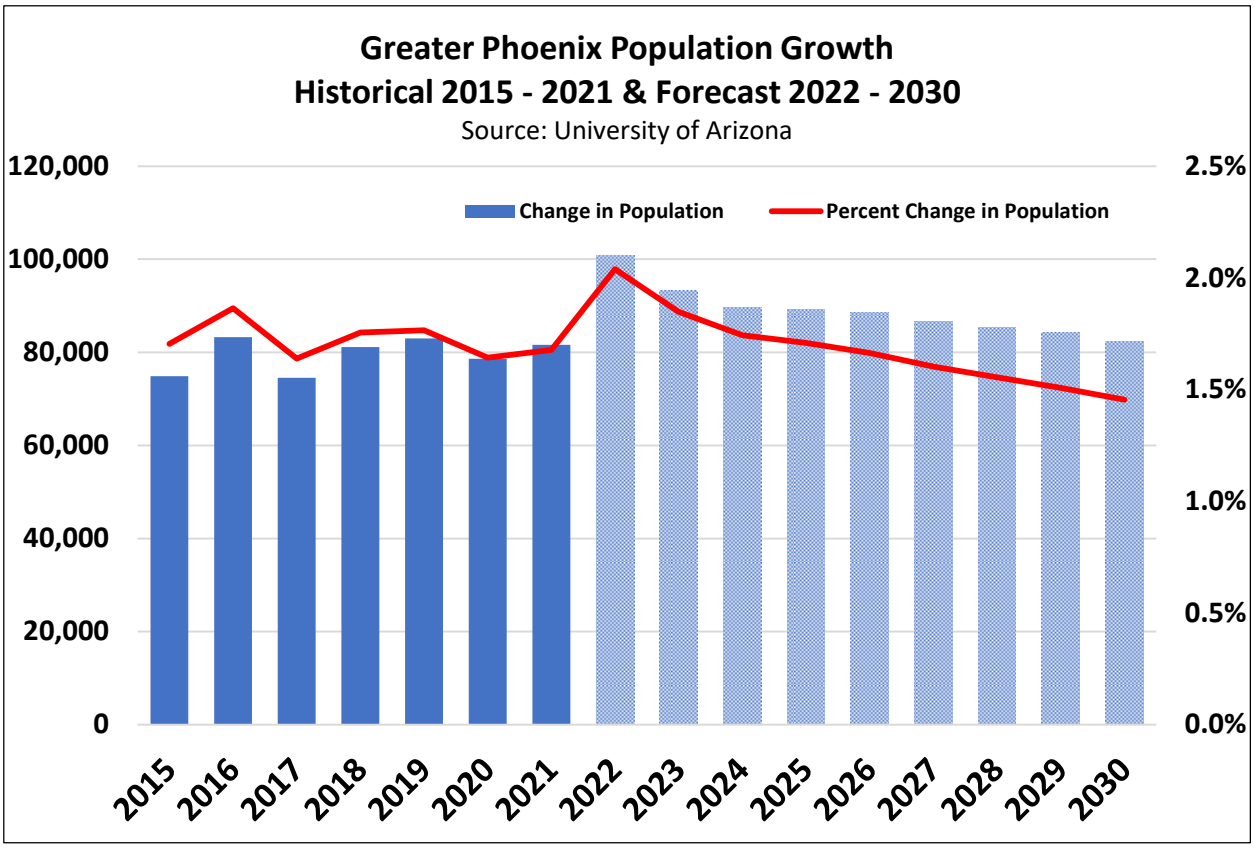


3.1 Forecasts

Employment and population growth forecasted for the Greater Phoenix area will continue to create demand for new residential units. Prior to the recession, Greater Phoenix historically grew in population at an average rate of 3.5% per year. Since that time, the percentage growth in population has only exceeded 2.0% in one year – 2017. The reduction in the growth rate is partly due to the fact that Greater Phoenix has become a large metro area with just under 5 million persons.

The latest forecast from the University of Arizona (Q3 2022) suggests a slowing of population growth occurred for 2020 with a slight rebound in 2021 and a large jump in 2022 as the impact of the pandemic diminished.

There is still a great amount of risk and uncertainty in the forecast with a projected recession that could occur in 2023. However, Arizona and Greater Phoenix thus far have outperformed the country in unemployment trends and rebounds in employment growth in past business cycles.



While mobility across the U.S. has decreased since the Great Recession, Greater Phoenix has attracted a significant number of new residents over the last few years. In 2018 and 2019, the region was one of the leaders in population growth in the nation. According to the U.S. Census, Greater Phoenix was the second fastest growing metro area in terms of absolute population increase with nearly 100,000 new residents each year (Note: the U.S. Census estimates vary from estimates from the University of Arizona that are cited in the above chart). Because of its overall size at more than 4.9 million persons, Greater Phoenix ranks third in percentage growth in 2019 behind only Austin and Raleigh which are much smaller metro areas.

One of the drivers of Arizona's economy is population growth. In 2019, Arizona was the second highest destination for people moving in the U.S. from one state to another. With the pandemic, people aren't moving as much right now. However, over the long term, in-migration to Arizona should return, creating demand for both single family and multifamily housing. In fact, the pandemic may benefit Arizona as people and companies choose to relocate to less dense environments that are more suburban in character.

Greater Phoenix is also a top 10 metro area in employment growth. In 2018, 68,100 jobs were created, second only to the Dallas-Fort Worth area. On a percentage basis, Greater Phoenix

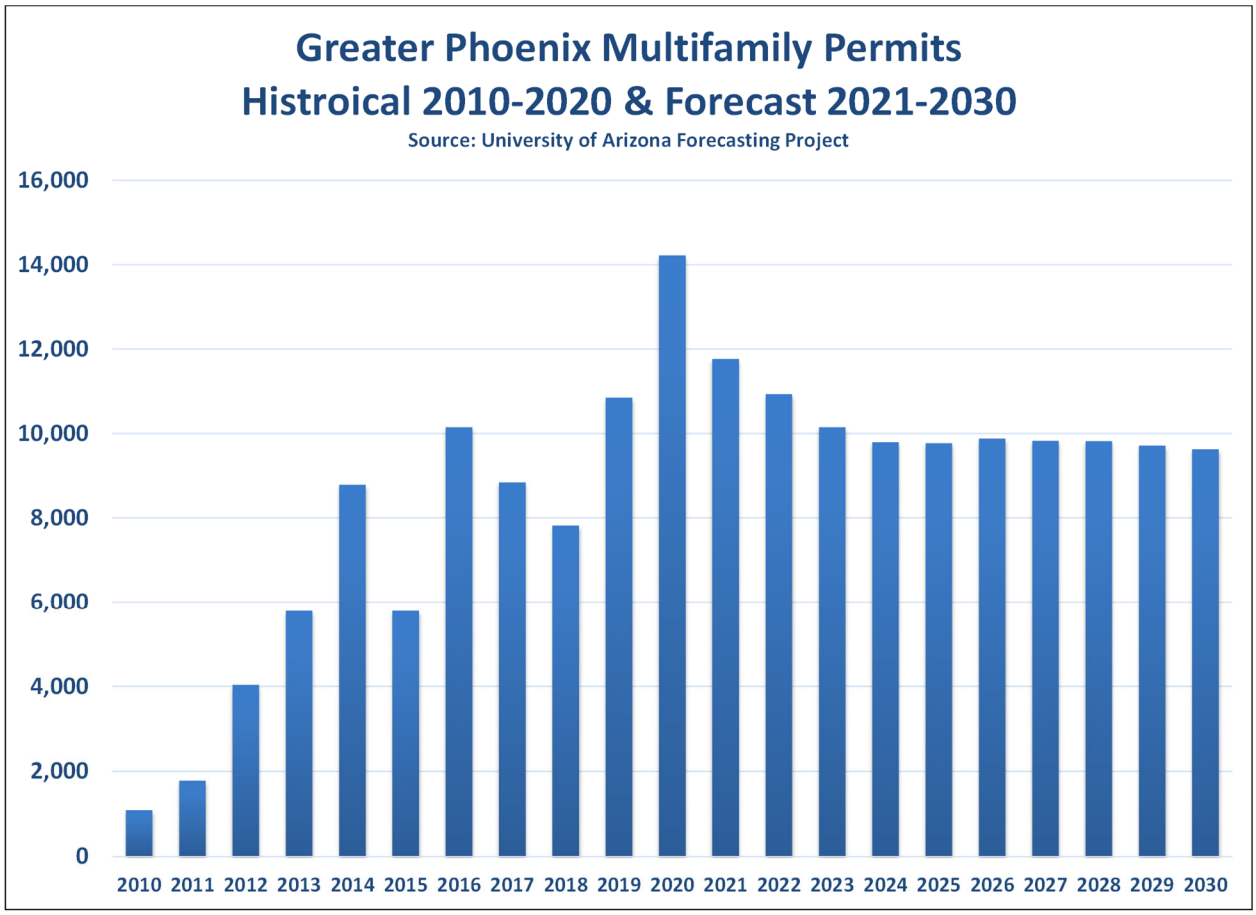
ended with a job increase of 3.34% for the year. The increase in job growth was replicated in 2019 but on a percentage growth basis, Greater Phoenix ranked fifth.

Prior to the pandemic, Greater Phoenix had fully recovered from the Great Recession. After losing 239,800 jobs in the recession, it has regained another 443,500 jobs (185% of jobs lost) since the bottom of the job market in September 2010.

The outlook for job growth in Greater Phoenix over the next two years is still uncertain due to the pandemic. The University of Arizona's current estimate reports a loss of between 42,500 jobs in 2020. These numbers represent the average loss of jobs during the year and do not take into account the large job losses that occurred in March and subsequently recovered through the rest of the year. The most likely forecast suggests a recovery and increase in jobs in 2021 (39,300 over 2019 peak), while the pessimistic forecast also expects the full recovery to occur in 2021 but with fewer gains (8,785 over 2019 peak).

With the growth in population forecasted for Greater Phoenix, housing will continue to be in demand for the foreseeable future. Although employment in certain sectors suffered in 2020, job growth has returned and will continue in 2021 with an estimated growth rate of 4.0%. The region is expected to exceed that growth in 2022 (5.3%) and 2023 (4.3%).

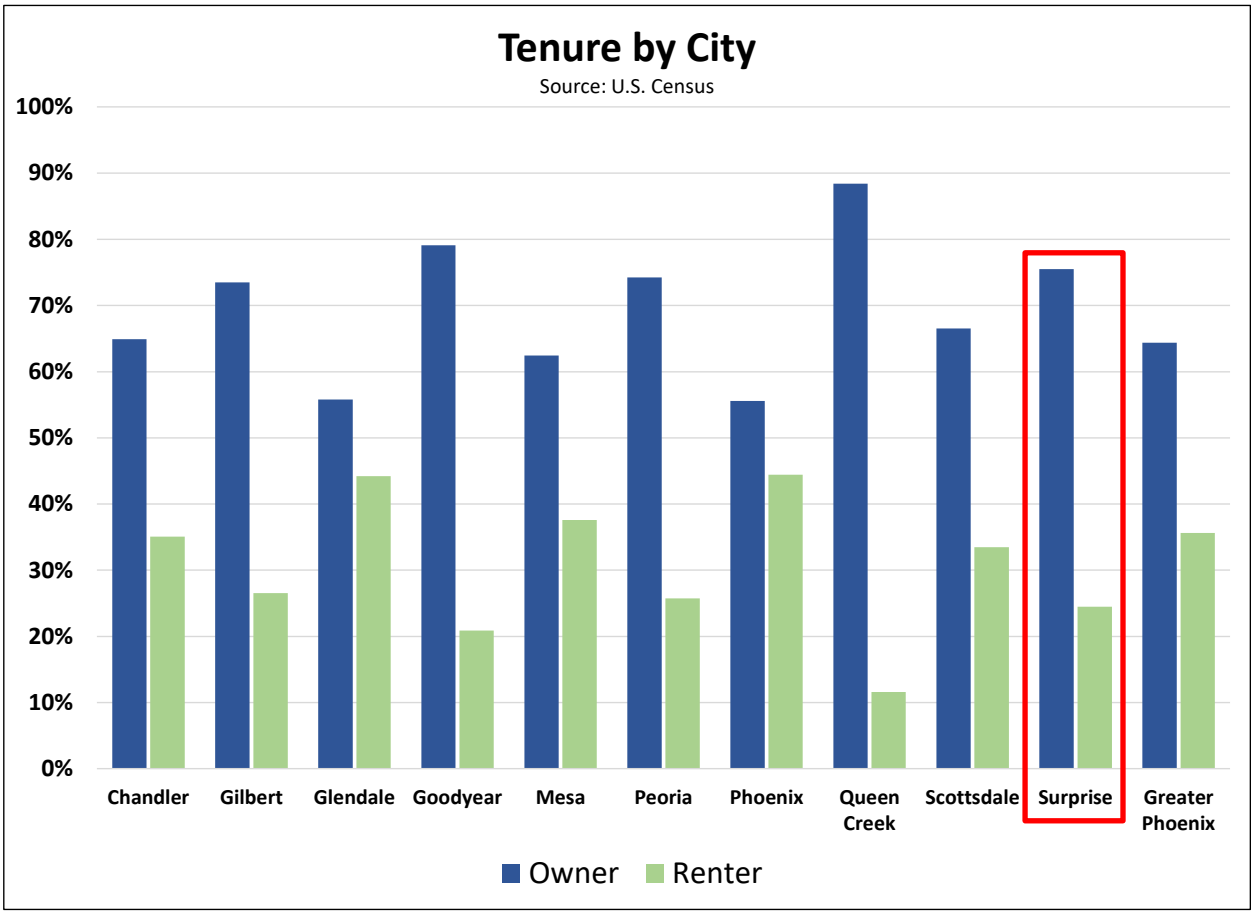
In order to accommodate the influx of new residents to Greater Phoenix, University of Arizona forecasts approximately 10,100 multifamily units to be built each year over the next ten years, representing 26%-28% of all new residential units. The University of Arizona's most likely forecast calls for 101,300 new multifamily permits through 2030. The pessimistic forecast is slightly lower at 90,300 permits.



Due to the dramatic rise in home prices, it is likely that the percentage of renter households will increase over time. With that dynamic and the current undersupply of rental units in the market today, it would not be unreasonable to expect as many as 15,000 rental units demanded per year. It is uncertain whether or not the construction industry has the capacity to deliver that volume of units.

3.2 Residential Inventory

City of Surprise is currently overweighted in terms of single family detached product and owner-occupied units. The following chart illustrates the mix of owners and renters throughout Greater Phoenix. Surprise, at 24%, is at the lower end of the range for renter occupied units. Municipalities with relatively low percentages of renter occupied units are largely still growing, such as Goodyear, Gilbert, Queen Creek, and Surprise, while more mature cities have a much higher renter population, such as Chandler, Phoenix, Mesa, and Scottsdale. The Greater Phoenix average is 36% renter occupied.



The lack of housing variety is even more stark when observing actual housing type by municipality. As the following table illustrates, Surprise has one of the highest percentages of single family detached homes and a low percentage of attached housing, including apartments.

Units in Structure by City					
	1, detached	1, attached	Multifamily	Other	Total
Chandler	69,948	4,148	23,878	2,293	**100,267**
	69.8%	4.1%	23.8%	2.3%	
Gilbert	71,717	2,774	9,635	311	**84,437**
	84.9%	3.3%	11.4%	0.4%	
Glendale	52,959	3,892	26,893	5,412	**89,156**
	59.4%	4.4%	30.2%	6.1%	
Goodyear	27,016	564	2,719	221	**30,520**
	88.5%	1.8%	8.9%	0.7%	
Mesa	117,634	12,565	54,435	30,197	**214,831**
	54.8%	5.8%	25.3%	14.1%	
Peoria	50,299	3,361	10,225	4,264	**68,149**
	73.8%	4.9%	15.0%	6.3%	
Phoenix	381,833	29,211	196,271	19,662	**626,977**
	60.9%	4.7%	31.3%	3.1%	
Queen Creek	16,431	151	629	234	**17,445**
	94.2%	0.9%	3.6%	1.3%	
Scottsdale	74,956	15,437	47,323	1,473	**139,189**
	53.9%	11.1%	34.0%	1.1%	
Surprise	48,621	980	4,058	2,973	**56,632**
	85.9%	1.7%	7.2%	5.2%	
Tempe	33,102	6,777	40,431	2,729	**83,039**
	39.9%	8.2%	48.7%	3.3%	
Tolleson	1,365	26	865	71	**2,327**
	58.7%	1.1%	37.2%	3.1%	
Greater Phoenix	1,268,686	98,894	448,096	128,137	**1,943,813**
	65.3%	5.1%	23.1%	6.6%	
Source: U.S. Census, ACS 2020 5-year Estimates					

According to a simple static calculation, Surprise would need to add at nearly 8,700 new rental units to approach the Greater Phoenix average for renters. With growth in single family development expected to continue, renter unit growth would need to surpass those estimates. The area could accommodate several new apartment communities without risk of oversaturation. This would also allow more household types, such as single person households, young professionals, renters by choice, empty nesters, and others to be able to choose Surprise as their place of residence.

3.3 Multi-Family Pipeline

Information from City of Surprise, City of El Mirage, RealData, Inc., CBRE and ABI Multifamily was reviewed as part of this study regarding any new apartment complexes that are being planned or were in the primary market area's entitlement process.

Fifteen market rate apartment projects were identified totaling 3,055 units under construction or planned within the PMA. One additional subsidized workforce housing community was identified totaling 613 units.

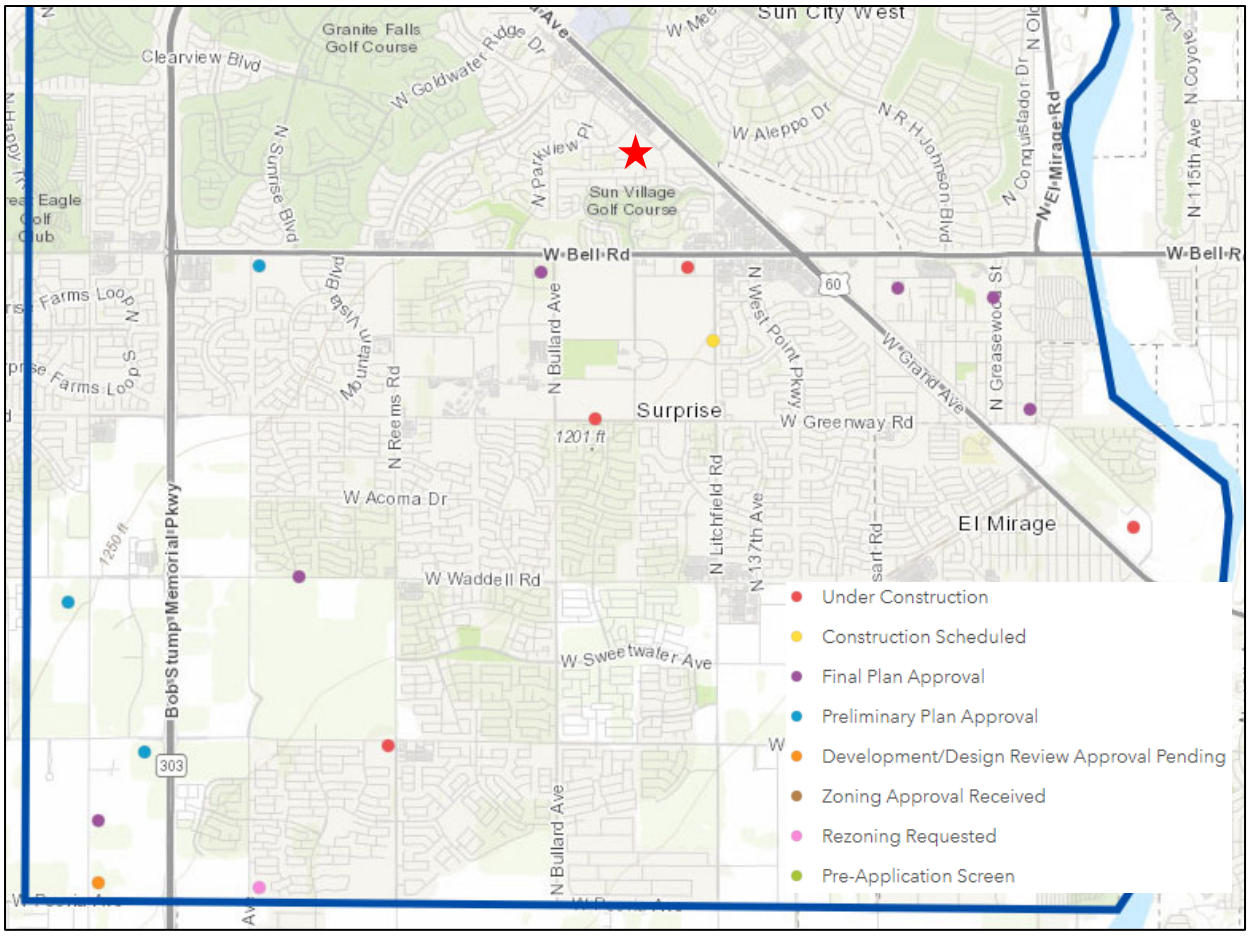
The single-family rental segment represents 10 of the fifteen market rate communities and 1,890 of the 3,055 total units. Two communities are under construction totaling 381 units with the remainder planned with no construction date established. The following table illustrates the details of the identified pipeline of multi-family units.

Planned Rental Communitiess - Primary Market Area			
Name	**Address**	**Units**	**Status**
Under Construction - Market Rate			
Ridgehouse at Surprise Center	14560 W Greenway Road	240	Under Construction; Opening Mar 2024
Sobremesa Villas	15549 W Cactus Road	150	Under Construction; Opening May 2023
Alta Surprise	16230 N Litchfield Road	312	Under Construction
Total		**702**	
Planned			
Springs at Stadium Village	SWC Bell Road & Bullard Ave	204	Final Plan Approval
Liv Surprise	10711 N Cotton Lane	259	Design Review Approval Pending
Total		**463**	
Single Family Rental			
Avilla Grand	11755 W Thompson Ranch Rd	267	Under Construction; Opening Sep 2022
Town at Surprise	16830 N 141st Avenue	114	Under Construction; Opening Dec 2022
CTC at Paradisi	SEC Cactus Road & Cotton Ln	192	Final Plan Approval
Hancock at Prasada	15901 W Waddell Road	331	Final Plan Approval
Heritage on Dysart	123939 W Elm Street	120	Final Plan Approval
Sunnyside Townhomes	16520 N Greasewood Street	148	Final Plan Approval
Villas at Vesta Views	15431 N El Mirage Road	72	Final Plan Approval
BTR Paradisi	SWC Cactus Rd & Loop 303	194	Preliminary Plan Approval
Bungalows on Sarival, The	SEC W Bell Rd & N Sarival Ave	338	Preliminary Plan Approval
Bungalows at Greer Ranch	NEC Peoria & Sarival Avenues	114	Rezoning Requested
Total		**1,890**	
Workforce Housing			
Truman Ranch Marketplace	SWC Waddell Rd & Cotton Ln	613	Preliminary Plan Approval
Total		**613**	

Source: CBRE; ABI Multi-Famly; RealData, Inc.; City of Phoenix; City of Surprise

The following map illustrates the location of each apartment community, categorized by development status.

Multi-Family Pipeline Map



3.4 Multi-Family Absorption

Absorption data for recently completed properties offers some valuable insight as to how absorption may perform at the proposed apartment site. Of the newly built communities, average monthly lease-up rates ranged from 11.6 units per month (CTC at Marley Park) to 16.7 units per month (Heritage at Surprise). The cumulative average lease up rate of all properties is 14.5 units per month.

The absorption of apartment units over the past three years has far surpassed the existing forecasts of future renters. ESRI forecasts approximately 65 new renter households per year over the next 5 years, or 323 total new renters. In 2019, there were 200 apartment units absorbed in the primary market area. In 2020 there were 274 new rental units absorbed. In 2021, the primary market area absorbed 235 units and 37 units have been absorbed so far in 2022 and the vacancy

rate is currently 4.7% which is well below a balanced market vacancy of 7%. Thus, recent performance of new rental units being absorbed has significantly outperformed expectations by many multiples.

Assuming that the rent structure and amenities for the proposed apartments meets market demand, based on the absorption history of other properties and the site's location, the proposed apartments should reasonably expect an absorption rate of 12 to 18 units per month, equating to a healthy lease up period (14-22 months or less).

Absorption History

Primary Market Area Properties

Historical Vacancy Rates

Property	Open Date	Total Units	2019 Q3	2019 Q4	2020 Q1	2020 Q2	2020 Q3	2020 Q4	2021 Q1	2021 Q2	2021 Q3	2021 Q4	2022 Q1	2022 Q2
Avilla Meadows	Mar-19	127	50%	10%	3%	14%	9%	8%	4%	1%	2%	1%	2%	5%
CTC at Marley Park	Jul-19	173	84%	39%	15%	11%	6%	3%	8%	5%	8%	8%	6%	8%
Heritage @ Surprise	Mar-20	100				16%	0%	0%	4%	2%	2%	4%	0%	6%
CTC on Mountain View	Aug-20	217						73%	24%	14%	6%	8%	4%	8%
Mera City Center	Jun-21	193									69%	45%	22%	14%

Occupied Units

Property	Open Date	Total Units	2019 Q3	2019 Q4	2020 Q1	2020 Q2	2020 Q3	2020 Q4	2021 Q1	2021 Q2	2021 Q3	2021 Q4	2022 Q1	2022 Q2
Avilla Meadows	Mar-19	127	64	114	123	109	116	117	122	126	124	126	124	121
CTC at Marley Park	Jul-19	173	28	106	147	154	163	168	159	164	159	159	163	159
Heritage @ Surprise	Mar-20	100				84	100	100	96	98	98	96	100	94
CTC on Mountain View	Aug-20	217						59	165	187	200	200	208	200
Mera City Center	Jun-21	193									60	106	151	166

Avg Monthly Absorption Rate

Property	Open Date	Total Units	2019 Q3	2019 Q4	2020 Q1	2020 Q2	2020 Q3	2020 Q4	2021 Q1	2021 Q2	2021 Q3	2021 Q4	2022 Q1	2022 Q2	Lease up Avg
Avilla Meadows	Mar-19	127	21	17	3	-	-	-	-	-	-	-	-	-	**13.7**
CTC at Marley Park	Jul-19	173	14	26	14	2	3	-	-	-	-	-	-	-	**11.6**
Heritage @ Surprise	Mar-20	100				28	5	-	-	-	-	-	-	-	**16.7**
CTC on Mountain View	Aug-20	217						20	35	7	4	-	-	-	**16.6**
Mera City Center	Jun-21	193									20	15	15	5	**13.8**

Source: RealData, Elliott D. Pollack & Company

4.0 Market Area Overview

4.1 Market Area Description

The Primary Market Area (PMA) is defined as the geographic area from which demand for a particular real estate product will arise. It is also the area containing similar and, therefore, directly competitive real estate projects. For this analysis, the focus of the primary market area surrounding the subject site is for local-serving, neighborhood retail development. For purposes of this report, the competitive market area will be called the Primary Market Area (PMA).

When conducting a market study, one of the most important steps is defining the project's primary trade, or market area. The first step in evaluating an appropriate market area is to analyze the characteristics of the neighborhoods immediately adjacent to the subject property. Typically, the market area includes the property three to five miles from the subject site, adjusted for the real estate product (in this case local serving retail such as grocery, personal and household services, restaurants, etc.), geographic features, socioeconomic conditions or economic circumstances.

It is common to utilize major freeways, or roads near major freeways, as market area borders since they often define neighborhoods within which people reside, shop and recreate. People become accustomed to residing in a particular part of the metro area and often do not stray far from those areas when relocating their place of residence. Natural topographic features are also a factor that affects people's living preferences and habits.

Based on analysis of the geographic features of the area and the layout of census tracts, existing neighborhood retail assets, preferable drive time for neighborhood retail, interviews with developers and economic development experts, as well as the experience of this firm in conducting market studies for neighborhood retail developments, it is the professional opinion of this firm that the primary market area is identified by the following: Loop 303 to the north; Agua Fria River to the east; Peoria Avenue to the south; and just west of Cotton Lane to the west.

The following map illustrates the PMA. Total area is approximately 54 square miles.

Primary Market Area

4.2 Population & Households

The following table shows the estimated population of the PMA, Surprise, and Maricopa County. The PMA grew an average of 1.3% in the decade from 2010 to 2020, compared to City of Surprise at 2% average annual growth and Maricopa County at 1.5% annual growth. In the last two years, the PMA and City of Surprise have maintained an average growth rate of 1.4% and 2.4%, respectively per year compared to 1.6% in the county. There are an estimated 2.56 persons per household within the Primary Market Area.

Population Estimates

	Market Area		Surprise		Maricopa County	
	Persons	Annual Percent Growth	Persons	Annual Percent Growth	Persons	Annual Percent Growth
2010	155,886		117,769		3,817,117	
2020	176,585	1.3%	143,148	2.0%	4,420,568	1.5%
2022	181,050	1.4%	153,334	2.4%	4,567,502	1.6%

Source: ESRI Business Analyst, U.S. Census Bureau, Census 2010, Esri forecasts for 2022 and 2027.

Income

Household incomes in the Primary Market Area are slightly more modest compared to Maricopa County and City of Surprise incomes. Median incomes are typically used to judge the well-being of a geographic area since they represent the mid-point of the range of incomes. It will also be utilized in terms of the PMA's ability to support retail development.

The overall Primary Market Area median income is lower than both the City of Surprise and Maricopa County. Median income in the PMA is an estimated $71,143 per household versus $79,097 for all of Surprise and $76,671 across Maricopa County. This data indicates there is average spending power due to slightly below average disposable incomes among current residents.

Household Income - 2022			
	Market Area	Surprise	Maricopa County
Total households	**70,044**	**55,655**	**1,699,321**
Less than $15,000	4.9%	3.9%	6.4%
$15,000 to $24,999	5.4%	3.8%	6.0%
$25,000 to $34,999	7.6%	5.8%	6.5%
$35,000 to $49,999	12.8%	11.2%	11.7%
$50,000 to $74,999	21.7%	21.3%	18.2%
$75,000 to $99,999	17.4%	18.3%	14.3%
$100,000 to $149,999	19.4%	22.1%	18.8%
$150,000 to $199,999	6.3%	7.8%	8.7%
$200,000 or more	4.4%	5.8%	9.5%
Median Income	**$71,143**	**$79,097**	**$76,671**
Avg Income	**$90,574**	**$99,638**	**$106,865**

Source: ESRI Business Analyst, U.S. Census Bureau, Census 2010, Esri forecasts for 2022 and 2027.

Age

The average age of Market Area residents is 42.2 years compared to 38.2 for Surprise and 36.5 for Maricopa County. The age demographics are consistent with the incomes found in the area.

Population by Age - 2022						
	Market Area		Surprise		Maricopa County	
Under 5 years	11,949	6.6%	11,040	7.2%	306,023	6.7%
5 to 9 years	11,949	6.6%	11,193	7.3%	310,590	6.8%
10 to 14 years	11,225	6.2%	10,580	6.9%	301,455	6.6%
15 to 24 years	18,286	10.1%	17,020	11.1%	593,775	13.0%
25 to 34 years	21,183	11.7%	19,780	12.9%	680,558	14.9%
35 to 44 years	21,726	12.0%	21,007	13.7%	602,910	13.2%
45 to 54 years	16,295	9.0%	16,100	10.5%	525,263	11.5%
55 to 64 years	15,389	8.5%	13,800	9.0%	511,560	11.2%
65 to 74 years	25,166	13.9%	18,860	12.3%	429,345	9.4%
75 to 84 years	19,372	10.7%	11,040	7.2%	223,808	4.9%
85 years and over	8,328	4.6%	2,760	1.8%	86,783	1.9%
TOTAL	**181,050**		**153,334**		**4,567,502**	
Median Age	**42.2**		**38.2**		**36.5**	

Source: ESRI Business Analyst, U.S. Census Bureau, Census 2010, Esri forecasts for 2022 and 2027.

Educational Attainment

Educational attainment among the residents of the Primary Market Area nearly matches the City Surprise and is comparable to County averages. There is a lower level of bachelor's degrees

compared to Surprise and the County and higher rates of residents with a high school diploma. Graduate and professional degrees match the citywide average. This is again consistent with household income results.

Educational Attainment						
	Market Area		Surprise		Maricopa County	
Highest Educational Level	Persons	Percent	Persons	Percent	Persons	Percent
Population 25 years and over	**127,604**		**103,397**		**3,021,269**	
Less than 9th grade	3,318	2.6%	1,861	1.8%	154,085	5.1%
9th to 12th grade, no diploma	6,763	5.3%	5,066	4.9%	196,382	6.5%
High school graduate/GED	33,432	26.2%	26,159	25.3%	664,679	22.0%
Some college, no degree	32,667	25.6%	27,193	26.3%	722,083	23.9%
Associate's degree	12,760	10.0%	11,063	10.7%	259,829	8.6%
Bachelor's degree	25,266	19.8%	21,196	20.5%	652,594	21.6%
Graduate or professional degree	13,398	10.5%	10,857	10.5%	374,637	12.4%

Source: ESRI Business Analyst, U.S. Census Bureau, Census 2010, Esri forecasts for 2022 and 2027.

Tenure

Approximately 64% of all housing units in Maricopa County are owner occupied with 36% renter occupied. In the PMA, the percentage of owners is substantially higher at 74% owners with 26% renters. This mix of tenure is indicative of the maturity of the real estate market in the Primary Market Area. Renter households are expected to increase their market share of total residents over time.

Tenure - Occupied Housing						
	Market Area		Surprise		Maricopa County	
Total:	70,044		55,655		1,699,321	
Owner occupied	51,847	74.0%	41,625	74.8%	1,087,565	64.0%
Renter occupied	18,197	26.0%	14,030	25.2%	611,756	36.0%

Source: U.S. Census; ESRI

The breakdown of renter household income is provided in the following table. An estimated 48.5% of current renter households make $50,000 or more, which is the lower income threshold

for new market rate rental units. An estimated 27.5% of renter households make $75,000 or more.

Renter Household Income						
	Market Area		Surprise		Maricopa County	
Total households	**18,197**		**14,030**		**611,756**	
Less than $5,000	531	2.9%	3,456	2.2%	31,594	5.2%
$5,000 to $9,999	481	2.6%	3,188	1.9%	24,559	4.0%
$10,000 to $14,999	1,050	5.8%	5,101	4.7%	32,683	5.3%
$15,000 to $19,999	997	5.5%	4,419	4.6%	33,767	5.5%
$20,000 to $24,999	1,045	5.7%	5,610	5.4%	38,994	6.4%
$25,000 to $34,999	2,659	14.6%	10,513	12.7%	74,884	12.2%
$35,000 to $49,999	2,616	14.4%	13,098	13.2%	101,713	16.6%
$50,000 to $74,999	3,815	21.0%	13,157	24.4%	120,286	19.7%
$75,000 to $99,999	2,622	14.4%	6,307	16.4%	67,139	11.0%
$100,000 to $149,999	1,920	10.6%	4,344	11.0%	57,533	9.4%
$150,000 or more	460	2.5%	1,589	3.5%	28,604	4.7%
Median Income	**$48,353**		**$55,437**		**$45,194**	
Renters with Income $50,000+	**8,818**	**48.5%**	**25,397**	**181.0%**	**153,276**	**25.1%**

Source: U.S. Census 2016-2020 American Community Survey 5-Year Estimates; ESRI; Elliott D. Pollack & Co.

4.3 Forecasts

Forecasts for the Primary Market Area from the Maricopa Association of Governments (MAG) are shown on the following table. The entire Primary Market Area population is expected to grow by nearly 13,200 persons over the next ten years (4,786 new households) equating to a 0.7% annual growth rate. The decade following between 2030 and 2040 is expected to bring an additional 5,300 residents (1,967 new households), or 0.3% growth per year. From 2040 to 2055 the Primary Market Area is expected to increase by 5,900 residents (2,161 new households), or 0.2% per year.

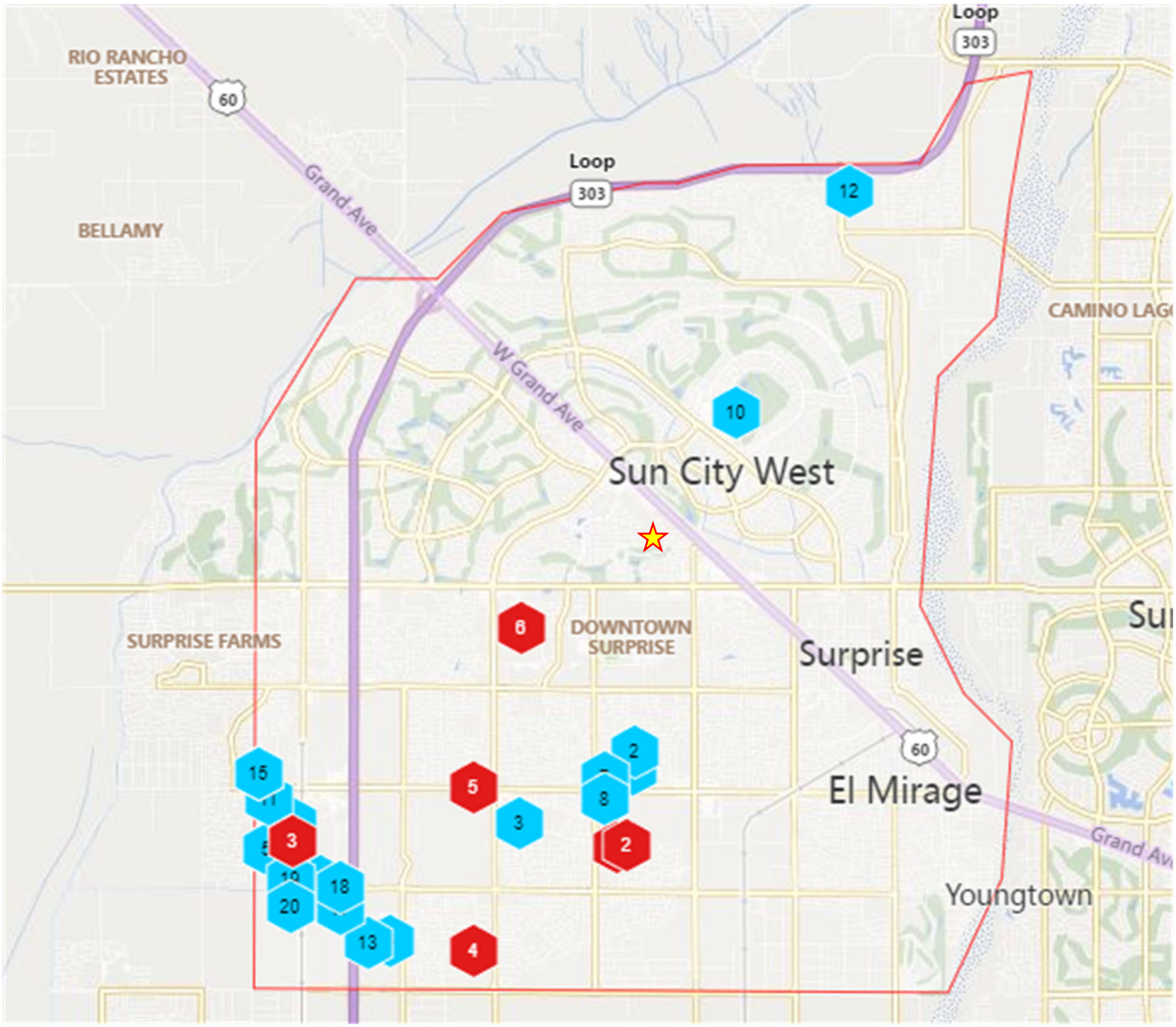
Employment in the market area is anticipated to grow 3.7% per year from 2020 to 2030 which would add 13,500 new employees to the area. Jobs are expected to increase by another 11,200 over the following decade (2030-2040) and by an additional 12,600 jobs from 2040 to 2055.

Primary Market Area Forecasts 2020-2055					
	2020	2030	2040	2050	2055
Population					
Total Population	169,017	182,189	187,531	191,345	193,429
Household Population	167,893	180,144	185,179	188,740	190,711
Households	65,583	70,369	72,336	73,727	74,496
Household Growth		4,786	1,967	1,391	770
Avg Annual % Growth		0.7%	0.3%	0.2%	0.2%
Employment					
Total Employment	30,390	43,889	55,104	62,870	67,753
Employment Growth		13,499	11,215	7,766	4,883
Avg Annual % Growth		3.7%	2.3%	1.3%	1.5%

Source: Maricopa Association of Governments Socioeconomic Projections, 2019

Within the PMA, areas in the northern section where the subject site is located are largely built out. New population within the PMA will concentrate around the Prasada master plan area south of Greenway down to Cactus as well as on large vacant and agricultural parcels found between Peoria Avenue and Cactus Road. This includes several master planned developments including Prasada, Marley Park, Greer Ranch, Sycamore Farms, and Sierra Sky. For perspective, the following map illustrates currently active new home subdivisions within the PMA.

Active New Home Subdivisions



Source: RL Brown

4.4 Summary

The population of the Market Area today is estimated at 181,050 persons. The Primary Market Area is expected to increase by nearly 6,500 new households between 2020 and 2030. Household incomes are slightly above the City and County medians. Residents have above average levels of education which is also consistent with resident incomes. Overall, we conclude that the Primary Market Area should continue to experience moderate growth trends with a forecasted average annual increase in population of 650 households per year over the coming decade.

5.0 Retail Supply & Demand Analysis

5.1 Market Area Retail Demand

The current population of the Primary Market Area is estimated at 181,050 persons. This population level is considered sufficient to provide support for a robust level of commercial retail development.

As previously mentioned, there is currently a substantial amount of retail development totaling 872,200 square feet. Once these developments are completed and occupied, the Primary Market Area will need to continue to increase in population before additional retail development will occur. Some retailers, such as Walmart, are highly aggressive in establishing their market territory based on growth prospects, even though the current population may not provide optimum demand levels. There are already three existing Walmart locations within the PMA and there isn't any likelihood that an additional location in the region is warranted. Additionally, the presence of the Target, Sam's Club, and Costco provide ample regional serving retail superstores.

Grocery stores are an important anchor for local-serving retail shopping centers, drawing shoppers to the center and creating foot traffic for smaller retailers who occupy the inline shops. From a demand perspective, across the Greater Phoenix area, there are approximately 22,200 persons for every traditional grocery chain (Fry's, Safeway, Bashas' and Albertson's). When natural food stores (Whole Foods and Sprouts) and specialty stores such as AJ's and Trader Joe's are added to the total, the demand level declines to 18,400 persons per store. The ratio of persons per grocery store has been growing over the last 20 years due to increased competition from major chains such as Walmart, Target, and Costco, to name a few. This has resulted in consolidation in the grocery industry, the latest of which is the purchase of the Safeway chain by Albertson's.

At a population of 181,050 persons, the Primary Market Area today can support between eight and 10 grocery stores. However, there are already 16 grocery stores in the PMA. Assuming the market is at equilibrium, based on MAG forecasts by 2050, one additional store could be supported. Additional population growth through 2055 is not likely sufficient to attract another grocery store.

The existing supply of grocery stores appears to satisfy much of the future demand for decades. One additional store location may be warranted over the next 30 years in the PMA.

Prior to the Great Recession, retailers were very aggressive in forward planning for store locations based on expectations of population growth. Greater Phoenix, with its tremendous history of rapid growth, is one region that historically has seen retailers anticipate where demand will develop and then enter the market in advance of that demand. The impact of the Great Recession, however, has resulted in the delay or cancellation of planned retail centers. Many of these planned centers have still not come to fruition. Retailers are also much more cautious today given the impact of online sales and slower population growth across the country.

E-Commerce has had a significant impact on the development of brick-and-mortar retail centers. In 2021, E-Commerce accounted for 15.9% of all retail sales in the U.S., up from just 1.1% in 2001. Since 2010, E-Commerce has been growing at an average rate of 13.6% per year. The country has witnessed the loss of traditional shopping center retailers such as bookstores, shoe stores, sporting goods stores, toy stores, and florists. The consolidation of businesses has also occurred in many segments of the market (groceries, office supplies, electronics). As a result, retailers have become much more cautious in planning for new outlets unless there are significant signs of demand and/or population growth.

Based on the ratios of persons per retail store, we can conclude that the demand for retail services in the Primary Market Area is likely satisfied by the current level of retail development, including inventory under construction, in the community.

A second method of determining demand for commercial development is to evaluate the spending potential of the Primary Market Area population based on the U.S. Consumer Expenditure Survey (CES). The Survey is a long-term nationwide household survey conducted by the U.S. Bureau of Labor Statistics (BLS) to find out how Americans spend their money. It is the only federal government survey that provides information on the complete range of consumers' expenditures as well as their incomes and demographic characteristics. The CES is used by analysts to determine the demand for retail goods and services based on household income levels.

As noted previously, the 2022 median income of Primary Market Area residents is estimated at $71,143 based on U.S. Census data. An economic model was prepared for this study to estimate the amount of retail and restaurant spending that may be derived from residents living in the Primary Market Area.

The following table outlines the spending that may be generated from the Market Area. Area residents would be expected to spend approximately 27.9% of gross income or $19,850 per household on retail goods and services and restaurants, excluding spending on the purchase of a

vehicle. Retail spending is then divided into two groups: local-serving retail spending and regional-serving retail spending. Local-serving spending includes groceries and other convenience goods and services (medical prescriptions, household supplies, tobacco products, and personal care products and services). Regional-serving spending is related to big-ticket items that typically are sold in large-format retail centers such as furniture, electronics, appliances, flooring, and apparel.

The following table shows that the typical Primary Market Area household is expected to spend an estimated $8,752 on local-serving retail items and $7,811 on regional-serving items. The remaining $3,282 is spent in restaurants and bars. Local-serving retail spending is then divided into grocery spending and non-grocery spending (household goods, day care, medical prescriptions and supplies, personal care products, etc.)

The lower part of the table converts the local-serving spending to potential retail square footage. For instance, grocery spending in the Primary Market Area is estimated at $302.2 million for the 70,044 households. At an average retail sales rate of $500 per square foot for a supermarket, the Primary Market Area can justify 604,400 square feet of grocery store space. Likewise, non-grocery, local retail spending of $4,438 per household will generate demand for just over 1.0 million square feet of additional retail space at $300 per square foot retail sales. Regional retail of 1.1 million square feet can also be supported by the local population. Restaurant spending supports another 459,800 square feet of space. Together, an estimated 3.2 million square feet of retail space can be supported in the Primary Market Area based on the current population.

2022 Retail Spending Analysis
N of NEC Grand Avenue & Bell Road Primary Market Area

Income & Spending Assumptions	Dollars	Percent of Income
Market Area Median Household Income 2022	$71,143	
Total Retail Spending/HH (Excluding vehicles)	$19,846	27.9%
Local-Serving Retail Spending	**$8,752**	**12.3%**
Grocery Spending/HH	$4,314	6.1%
Other Non-Grocery Local-Serving Retail Spending/HH	$4,438	6.2%
Regional-Serving Retail Spending/HH	**$7,811**	**11.0%**
Restaurant Spending/HH	**$3,282**	**4.6%**
2022 Population	181,050	
Households	70,044	

Supportable Local-Serving Retail Demand	Retail Demand
Total Grocery Spending	$302,198,447
Supportable SF at $500 Per SF in Sales	604,397
Other Local-Serving Retail Spending (excluding Groceries)	$310,857,006
Supportable SF at $300 Per SF in Sales	1,036,190
Restaurant Spending	$229,885,631
Supportable SF at $500 Per SF in Sales	459,771
Regional Serving Retail Spending	$547,119,693
Supportable SF at $500 Per SF in Sales	1,094,239
TOTAL RETAIL DEMAND	**3,194,598**

Sources: U.S. Consumer Expenditure Survey; AZ DOA; Elliott D. Pollack & Company

Today, the total estimated retail space within the PMA is approximately 7.5 million square feet which far exceeds the calculated local demand within the Primary Market Area. This confirms that the presence of regional serving retailers import shoppers from outside of the PMA currently. Given the currently low vacancy rate of 2.5%, it appears that the area has an unmet demand of retail space totaling approximately 185,200 square feet.

The calculated unmet demand will also soon be significantly offset by retail development occurring within the PMA, most notably the 700,000 square foot power center located at the

Loop 303 and Waddell Road. This power center is nearly 100% pre-leased and includes notable tenants such as Sprouts, TJ Maxx, Home Goods, PetSmart, Fat Cats, Floor and Décor, Hobby Lobby, and many more.

Beyond the retail space under construction, future retail development will be heavily dependent on new residential growth in the area to spur new construction.

5.2 Retail Forecast

The most recent population forecast for the Primary Market Area is for growth of 4,786 new households over the next ten years. In addition, the longer-term forecast anticipates 1.967 new households between 2030 and 2040 as well as 2,161 new households from 2040 to 2055. Total household growth over the next 33 years in the Primary Market Area is approximately 8,913 households.

Based on the above analysis, a 33-year forecast for retail demand was prepared for the Primary Market Area for the timeframe from 2022 to 2055. Including the calculation of current unmet demand (185,160 square feet), the forecast concludes that the demand for local and regional serving retail within the Primary Market Area will total approximately 87.6 acres, or 591,700 square feet of building space through 2055.

Retail Demand Forecast
N of NEC Grand Avenue & Bell Road Primary Market Area

	Current Unmet Demand	2030	2040	2055	-Year Total
Household Growth		4,786	1,967	2,161	**8,913**
New Retail Demand (SF)	185,160	218,261	89,703	98,557	**591,681**
New Retail Demand (acres)	27.4	32.3	13.3	14.6	**87.6**

Sources: MAG, 2019; U.S. Consumer Expenditure Survey; AZ DOR; Maricopa County Assessor; City of Surprise; Elliott D. Pollack & Company

5.3 Supply

The supply of future available retail space can be found within existing retail or mixed-use developments as well as parcels of land currently planned for commercial uses. The following is a summary of available inventory located within the Primary Market Area.

There were 28 existing retail developments identified in the Primary Market Area that have vacant space. Vacancy within these developments is as small as one shop totaling 1,179 square feet up to a significant amount of vacancy as a percent of the total center. Total vacant/available space among these developments is 161,755 square feet.

Commercial Real Estate Availability
N of NWC Grand Avenue & Bell Road Market Area

Property Address	Property Name	Property Type	SF	Total Available Space (SF)
15278 W Bell Rd	Bell Festival Center	Retail (Strip Center)	17,578	1,179
13864 W Bell Rd	Surprise Village	Retail (Neighborhood Center)	6,035	1,600
12301 W Bell Rd	Village Tower	Retail (Strip Center)	23,470	1,718
19423 N R H Johnson Blvd	Sundome Plaza	Retail (Community Center)	10,000	1,800
13681 N Litchfield Rd	Bldg B	Retail (Community Center)	6,417	2,000
14515 W Grand Ave	Shops	Retail (Community Center)	9,000	2,107
17058-17092 W Bell Rd	Shops West	Retail (Neighborhood Center)	21,890	2,600
13980 W Bell Rd	The Village at Surprise	Retail (Strip Center)	31,077	2,851
13576 W Camino Del Sol	West Building	Retail (Neighborhood Center)	10,700	3,100
13065-13073 W Grand Ave	Butler's Corner Plaza	Retail (Strip Center)	22,962	3,275
14545-14551 W Grand Ave		Retail (Neighborhood Center)	82,604	3,300
14155 W Bell Rd	SW Bell & Litchfield	Retail (Strip Center)	12,947	3,529
13839 W Bell Rd	Bldg D	Retail (Neighborhood Center)	23,450	3,596
16772 W Bell Rd	NWC of Bell & Loop 303	Retail (Neighborhood Center)	15,300	3,600
17063 W Greenway Rd		Retail (Neighborhood Center)	3,804	3,804
15643 N Reems Rd	Bldg D	Retail (Strip Center)	18,000	4,200
W Waddell & Litchfield Rd	Pad B	Retail (Neighborhood Center)	7,000	4,340
SWC Bell Rd & Loop 303		Retail (Strip Center)	5,000	4,600
13926 W Bell Rd	Bank Building	Retail	6,035	4,722
14455 W Grand Ave		Retail (Community Center)	9,000	4,849
19403 N RH Johnson Blvd	Sundome Crossing	Retail	6,000	6,000
16551 N Dysart Rd	Grand Bell Plaza	Retail (Neighborhood Center)	27,451	6,133
13706-13732 W Bell Rd	Shops C	Retail (Power Center)	100,979	7,782
12100 N Dysart Rd	Skyway Commons	Retail	16,835	8,200
13503-13595 E Camino Del Sol		Retail (Community Center)	190,259	8,787
13437 N Litchfield Rd	Boulevard Pointe	Retail (Community Center)	15,566	15,566
12751-12875 W Bell Rd		Retail (Community Center)	154,529	16,917
13794-13856 W Waddell Rd	Surprise Crossing	Retail (Neighborhood Center)	106,120	29,600
TOTAL				**161,755**

Source: Elliott D. Pollack & Company; Velocity Retail Group; Phoenix Commercial Advisors; Western Retail Advisors; Phoenix West Commercial; SRS Real Estate Partners; ZELL Commercial Real Estate Services; Cushman & Wakefield

Through the course of this research, an estimated 1.9 million square feet of retail space has been identified in the development pipeline within 26 projects. Eight projects are currently under construction totaling 872,200 square feet. The remaining developments totaling nearly 1.1 million square feet have uncertain development timelines.

Retail Development Pipeline - Under Construction
N of NWC Grand Avenue & Bell Road Market Area

Property Address	Property Type	SF
13020 Bell	Retail	6,111
13636 SW Waddell Rd & Litchfield Rd	Retail (Strip Center)	27,000
W Waddell Rd	Retail (Power Center)	700,000
14025 W Grand Ave	Retail	8,000
13550 N Litchfield Rd	Retail (Strip Center)	29,125
13630 N Litchfield Rd	Retail (Strip Center)	9,372
NWC Peoria & Cotton Ln	Retail (Strip Center)	63,290
13670 Waddell Rd & Litchfield Rd	Retail (Strip Center)	29,294
TOTAL		**872,192**

Source: Elliott D. Pollack & Company; Velocity Retail Group; Phoenix Commercial Advisors; Western Retail Advisors; Phoenix West Commercial; SRS Real Estate Partners; ZELL Commercial Real Estate Services; Cushman & Wakefield

Retail Development Pipeline - Planned
N of NWC Grand Avenue & Bell Road Market Area

Property Address	Property Type	SF
13426 N Litchfield Rd	Retail (Strip Center)	4,600
13595 E Camino Del Sol	Retail	1,350
13828 W Waddell Rd	Retail (Neighborhood Center)	25,380
13925 W Acoma	Retail	733,227
16995 W Greenway Rd	Retail (Neighborhood Center)	16,068
17122 W Peoria Ave	Retail (Strip Center)	7,750
NEC Cactus Rd & Loop 303	Retail	10,500
NEC Greenway & Bullard Ave	Retail	11,900
NWC Cotton Lane & Waddell Rd	Retail	15,650
NWC Peoria & Cotton Ln	Retail (Strip Center)	39,500
Peoria Ave	Retail (Strip Center)	26,500
SEC Of Cactus Rd & Sarival Ave	Retail (Strip Center)	52,010
SWC Bell Rd & Loop 303	Retail (Strip Center)	8,655
SWC Cactus Road and N El Mirage Rd	Retail (Neighborhood Center)	42,305
SWC Cotton Ln & Waddell Rd	Retail (Community Center)	21,533
SWC Greenway & Litchfield	Retail	40,755
W Grand Ave	Retail	5,000
W Waddell & Litchfield Rd	Retail (Neighborhood Center)	4,450
TOTAL		**1,067,133**

Source: Elliott D. Pollack & Company; Velocity Retail Group; Phoenix Commercial Advisors; Western Retail Advisors; Phoenix West Commercial; SRS Real Estate Partners; ZELL Commercial Real Estate Services; Cushman & Wakefield

Available Vacant Retail Land

In addition to existing centers with available space, 44 vacant retail parcels were located within the Primary Market Area, including the subject site. Combined, these vacant parcels total 877 acres. Utilizing a typical range of Floor Area Ratio (FAR) from .09 to .18, these parcels could accommodate over 5.8 million square feet of future retail or commercial development (under construction and proposed projects are included in this amount).

In total, there is nearly 6.0 million square feet of vacant space or land available for future retail development within the Primary Market Area.

Commercial Real Estate Assets
N of NEC Grand Aven & Bell Road Primary Market Area

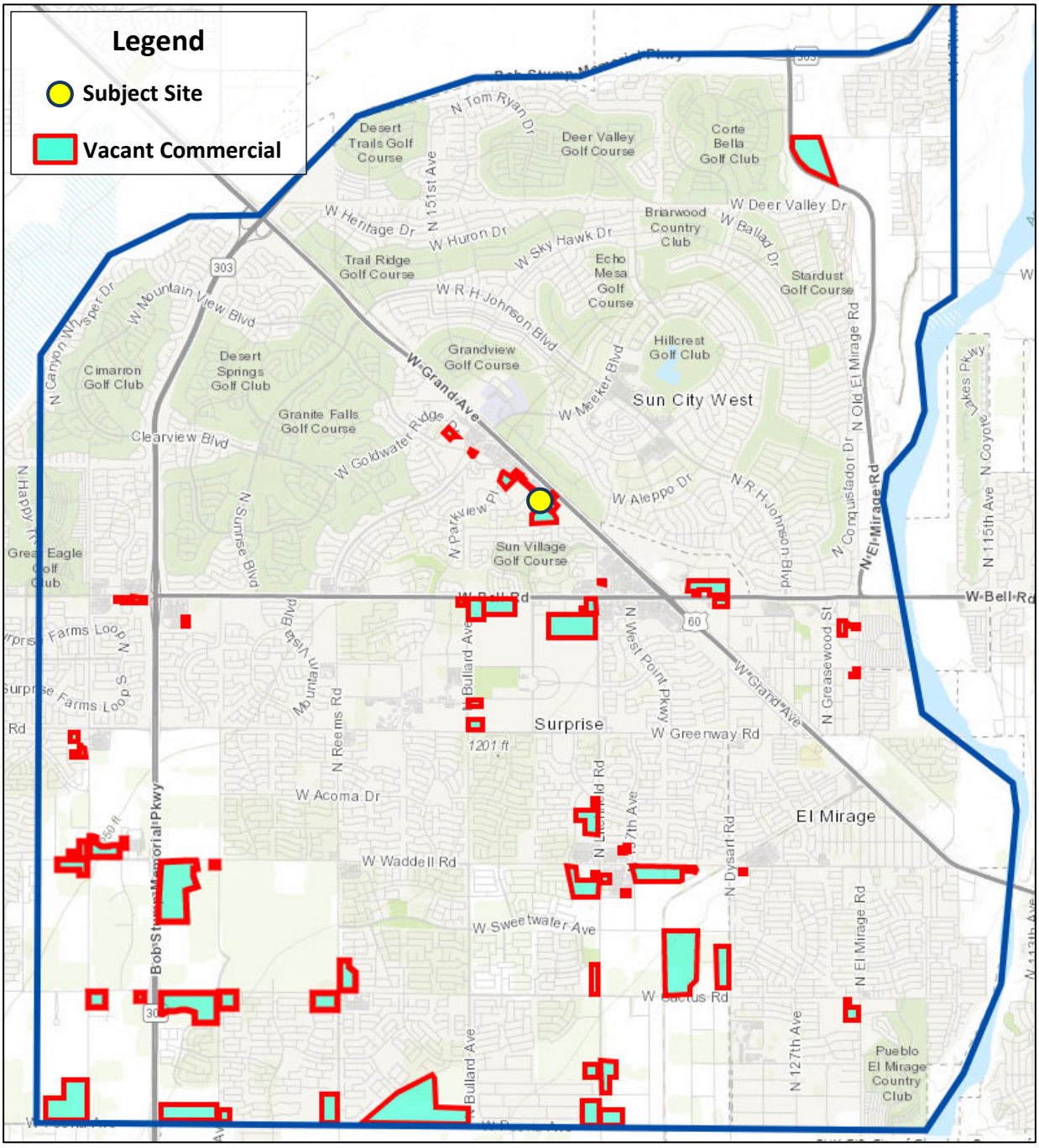
Commercial Land Parcels	Acres
NWC Peoria & Cotton	48
NWC Peoria & Sarival	30
NEC Peoria & Sarival	6
NWC Peoria & Reems	17
NWC Peoria & Bullard	101
NWC Peoria & Litchfield	15
NEC Peoria & Litchfield	12
NWC Litchfield & Desert Cove	20
NEC Litchfield & Desert Cove	6
SEC Cactus & Cotton	19
SWC Cactus & 303	21
SEC Cactus & 303	47
SEC Cactus & Sarival	10
SWC Cactus & Reems	15
NEC Reems & Cactus	15
NWC Cactus & Litchfield	8
NWC Cactus & Dysart	92
SWC Cactus & El Mirage	7
SEC Waddell & 303	71.5
NWC Waddell & Cotton	7
SWC Waddell & Cotton	12
NEC Waddell & Cotton	15
NEC Waddell & Hearn	1.5
SWC Waddell & Litchfield	26
SEC Waddell & Litchfield	5
NEC Waddell & Litchfield	4
NWC Waddell & Litchfield	17
SEC Waddell & 137th Ave	27
SWC Greenway & Cotton	6.0
NEC Greenway & Bullard	12.0
SWC Grand & Mountain View	6.0
SEC Mountain View & Parkview	4.8
SWC Mountain View & Grand	3.9
SWC Mountain View & White Horse (Subject)	11.8
NWC Reems & Mountain View	3.6
SEC El Mirage & Williams	42.0
NEC Bell & Grand	17.7
SEC Bell & Grand	3.5
SWC Bell & El Mirage	4.0
SWC Paradise Ln & El Mirage	1.0
SWC Bell & 303	4.5
SWC Bell & Litchfield	49.0
SWC Bell & Bullard	2.0
SEC Bell & Bullard	30.0
Total Acres	**876.8**
Gross SF	38,194,440
Yield SF (0.09-.18 FAR)	**5,800,160**

Source: Elliott D. Pollack & Company; City of Surprise; Maricopa Association of Governments; Maricopa County Assessor; Velocity Retail Group; Phoenix Commercial Advisors; Western Retail Advisors; Phoenix West Commercial; SRS Real Estate Partners; ZELL Commercial Real Estate Services; Cushman & Wakefield

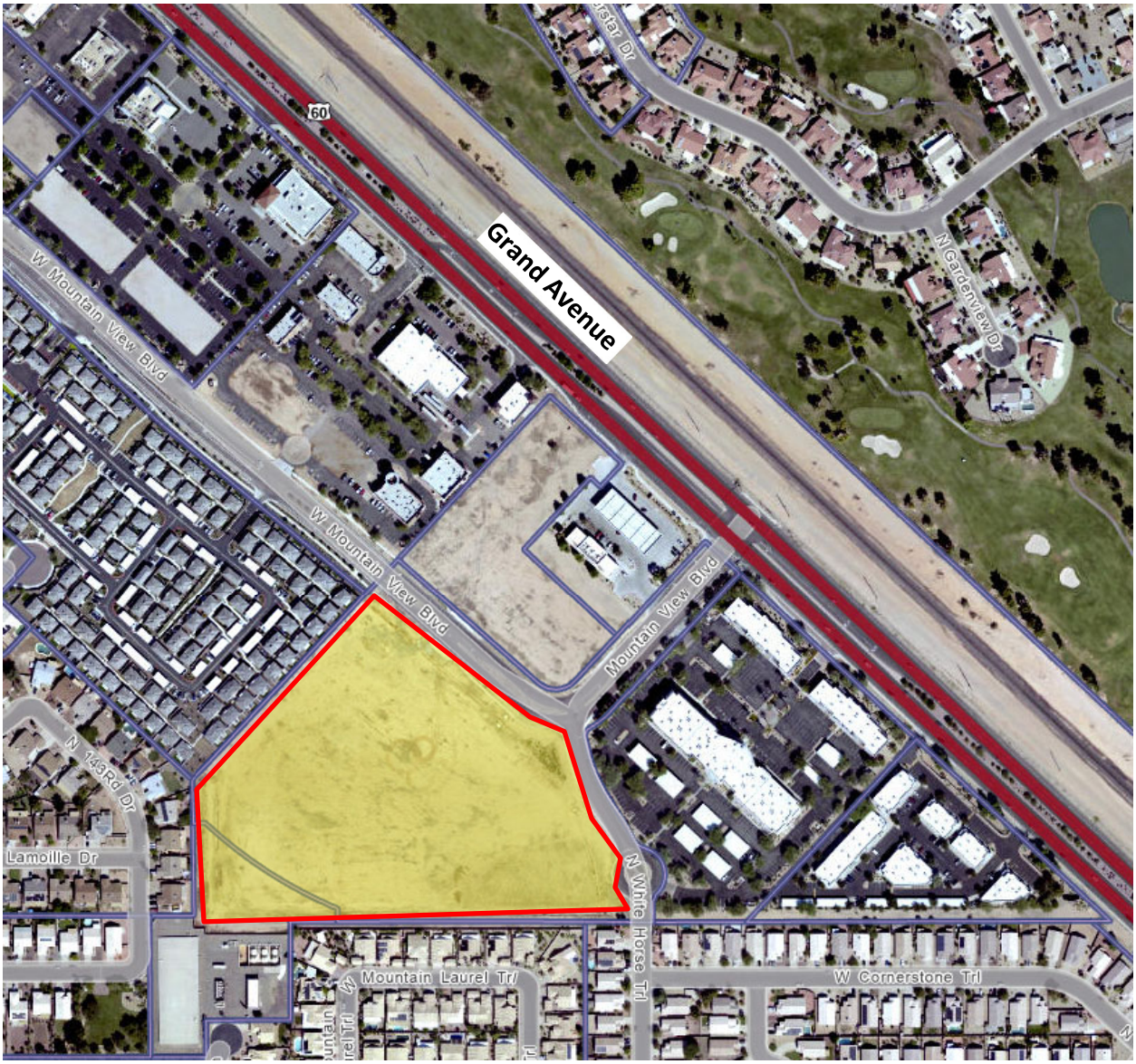
5.4 Site Comparison

The map below displays the supply of available commercial land in proximity to the subject site. There are numerous commercial sites located along Loop 303, Peoria Avenue, Cactus Road, Waddell Road, Surprise City Center, and Grand Avenue. Every one of these sites are competing with the subject site to attract commercial development. Additionally, compared to expected demand, commercial land in the area is considered excessively oversupplied. Many of the sites will not be needed for commercial development.

Commercial Supply Map – Primary Market Area



The subject site is at a disadvantage competitively with many of alternative sites with frontage and access along major arterials or the Loop 303 freeway. These sites enjoy better visibility, superior access, more traditional parcel shapes, and substantially higher traffic volumes. In contrast, the subject site is an irregular shape and located such that there is no visibility from Grand Avenue. It does not provide an intersection corner or frontage on a major arterial, but is instead an interior location, with the only frontage along Mountain View Boulevard (a collector street). Retailers have not shown interest in interior locations, especially with significant retail development so close along Grand Avenue and Bell Road.



The subject site's disadvantages to competing sites identified above, combined with the fact that there is an excess of commercial land in the area, bodes poorly for the subject site's prospects to generate retail or other commercial development interest.

5.5 Summary

The forecasted retail demand of 591,700 square feet (gross land demand of 87.6 acres) is substantially lower than the estimated 6.0 million square feet of availability (combining 161,800 square feet of available space and land within existing centers and 877 acres of vacant commercial land) within the Primary Market Area. Compared to the available vacant space and available commercial land, there is far too much land in the Primary Market Area designated for future retail development.

Retail Supply/Demand Forecast
N of NEC Grand Avenue & Bell Road Primary Market Area

	Current Unmet Demand	2030	2040	2055	33-Year Total
Household Growth		4,786	1,967	2,161	**8,913**
New Retail Demand (SF)	185,160	218,261	89,703	98,557	**591,681**
New Retail Demand (acres)	27.4	32.3	13.3	14.6	**87.6**
Supply (Available for Additional Retail Development)					
				Acres	**SF**
Existing Retail Centers					161,755
Vacant Land				877	5,800,160
TOTAL					**5,961,915**

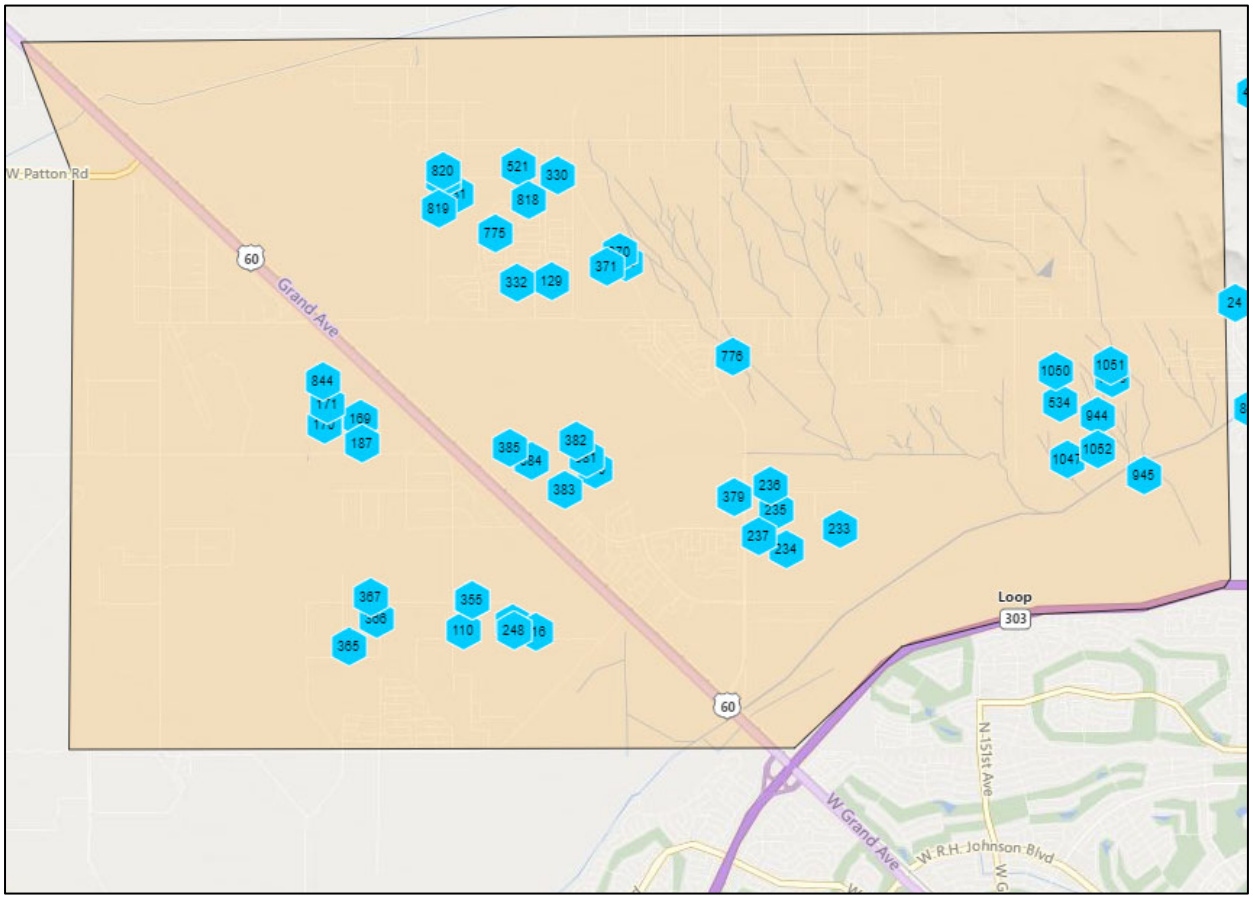
Sources: MAG, 2019; U.S. Consumer Expenditure Survey; AZ DOR; Maricopa County Assessor; City of Surprise; Elliott D. Pollack & Company

6.0 Secondary Market Area – North Surprise

Beyond the Primary Market Area, regions of City of Surprise extending northwest along Grand Avenue and areas north of the Loop 303 were also considered as a supplement to the core supply and demand analysis.

This area of Surprise, totaling approximately 29 square miles, is currently sparsely populated with an estimated population of 17,215 residents, but has substantial growth prospects over the next few decades. Maricopa Association of Governments forecasts this region will grow to 37,000 residents by 2030, then accelerate growth to 69,000 residents by 2040 and surpass 92,000 residents by 2055.

There are approximately 50 active subdivisions in this area accounting for 1,468 permits so far this year (through September). This equates to a future population of approximately 3,900 new residents as new homes are completed and occupied.



Retail demand for the existing population in tis region is outlined in the table below. With 5,753 households making a median household income of $87,500 the area's residents support

approximately 290,000 square feet of retail. With no existing retail assets in the area yet, this demand is currently met by stores to the south or east.

2022 Retail Spending Analysis
North Surprise Secondary Market Area

Income & Spending Assumptions	Dollars	Percent of Income
Market Area Median Household Income 2022	$87,513	
Total Retail Spending/HH (Excluding vehicles)	$21,954	25.1%
Local-Serving Retail Spending	**$9,480**	**10.8%**
Grocery Spending/HH	$4,599	5.3%
Other Non-Grocery Local-Serving Retail Spending/HH	$4,881	5.6%
Regional-Serving Retail Spending/HH	**$8,811**	**10.1%**
Restaurant Spending/HH	**$3,663**	**4.2%**
2022 Population	17,215	
Households	5,753	

Supportable Local-Serving Retail Demand	Retail Demand
Total Grocery Spending	$26,459,444
Supportable SF at $500 Per SF in Sales	52,919
Other Local-Serving Retail Spending (excluding Groceries)	$28,078,891
Supportable SF at $300 Per SF in Sales	93,596
Restaurant Spending	$21,073,068
Supportable SF at $500 Per SF in Sales	42,146
Regional Serving Retail Spending	$50,689,544
Supportable SF at $500 Per SF in Sales	101,379
TOTAL RETAIL DEMAND	**290,040**

Sources: U.S. Consumer Expenditure Survey; AZ DOA; Elliott D. Pollack & Company

Land reserved for retail development in the secondary market area was compiled and is outlined in the following table. There were 26 vacant retail parcels identified totaling nearly 494 acres. This could accommodate an estimated 3.1 million square feet of retail space at build out.

Commercial Real Estate Assets
North Surprise Secondary Market Area

Commercial Land Parcels	Acres
NWC Happy Valley & Dysart (Rancho Cabrillo)	3
SWC Jomax & Litchfield Road (Rancho Mercado)	14
SEC Jomax & 147th Ave (Rancho Mercado)	26
NWC Jomax & 147th Ave (Rancho Mercado)	9
NWC Happy Valley& 147th Ave (Rancho Mercado)	18
SEC Happy Valley & 147th Ave (Rancho Mercado)	10
SWC Jomax & 163rd Ave (Desert Oasis at Surprise)	13
SWC Patton & 183rd Ave (Asante North)	21
NWC Jomax & 183rd Ave (Asante North)	17
NEC Jomax & Grand Ave (Asante North)	36
NWC Jomax & 171st Ave (Mirano at Desert Oasis)	3
SWC Jomax & 175th Ln (Asante North)	16
SWC Jomax & 175th Ln (Asante North)	20
SWC Jomax & 175th Ln (Asante North)	3
NWC Asante Blvd & Pat Tillman Blvd (Asante)	8
NWC Pat Tillman Blvd & 163rd Ave (Asante)	19
SWC Pat Tillman Blvd & 163rd Ave (Asante)	94
SEC Grand Ave & 163rd Ave	4
SWC Grand Ave & 163rd Ave	3
NWC Grand Ave & 163rd Ave	5
SWC Grand Ave & Patton Rd	5
SWC Grand Ave & McArthur Rd (Churchill South)	31
NWC Grand Ave & Roadrunner Rd (Churchill South)	37
NWC Grand Ave & Jomax Rd (Churchill South)	14
S of SWC Grand Ave & Jomax Rd	56
SWC Grand Ave & Happy Valley	9
Total Acres	**493.6**
Gross SF	21,501,216
Yield SF (0.09-.18 FAR)	**3,058,090**

Source: Elliott D. Pollack & Company; City of Surprise; Maricopa Association of Governments; Maricopa County Assessor; Velocity Retail Group; Phoenix Commercial Advisors; Western Retail Advisors; Phoenix West Commercial; SRS Real Estate Partners; ZELL Commercial Real Estate Services; Cushman & Wakefield

Maricopa Association of Governments forecasts that this region will grow by over 25,000 households from now through 2055. New population will create nearly 1.3 million square feet of retail demand. This equates to land demand of nearly 187 acres, or roughly 38% of the total land reserved for retail in the area.

Combined with the primary market area, there will be projected retail demand for just over 274 acres of retail land. Compared to the 1,370 acres of vacant land currently available and planned for retail space, there is again a substantial excess of commercial land compared to expected long term demand.

Retail Supply/Demand Forecast
North Surprise Secondary Market Area

	Current Unmet Demand	2030	2040	2055	33-Year Total
Household Growth		6,519	10,685	7,817	**25,021**
New Retail Demand (SF)		328,645	538,687	394,101	**1,261,433**
New Retail Demand (acres)		48.7	79.8	58.4	**186.8**
New PMA Retail Demand	27.4	32.3	13.3	14.6	**87.6**
Combined Retail Demand	**27.4**	**81.0**	**93.1**	**73.0**	**274.4**
Supply (Available for Additional Retail Development)					
				Acres	**SF**
Secondary Market Area					
Vacant Land				494	3,058,090
Primary Market Area					
Existing Retail Centers					161,755
Vacant Land				877	5,800,160
Combined Primary & Secondary Market					
TOTAL				**1,370**	**9,020,005**

Sources: MAG, 2019; U.S. Consumer Expenditure Survey; AZ DOR; Maricopa County Assessor; City of Surprise; Elliott D. Pollack & Company

7.0 Retail Demand from Proposed Residential

The following summary calculates retail and restaurant demand that will be generated by new residential development at the subject site. Prose Surprise Apartments would consist of 274 housing units with a mix of one- and two-bedroom floor plans. It is expected that rents will be set in line with comparable new rental communities and household incomes are expected to match or exceed the median household income in the PMA.

The proposed residential developments will help to incrementally support existing retail assets within the area and will help induce new commercial development. Each additional resident will create demand for local serving retail and restaurants. Continued residential development in all forms within the market area will be critical to the eventual success of existing retail assets, additional commercial development, and the overall redevelopment efforts for this area.

After factoring in a stabilized vacancy rate for the proposed 274-unit multi-family community, Prose Surprise Apartments will introduce an estimated 260 new households with average household incomes of nearly $70,000. The new community would represent nearly $18.2 million of new household income, equating to over $5.1 million in disposable income spending based on the U.S. Consumer Expenditure Survey that can be captured locally. This includes retail shopping, restaurant spending, and spending on a wide variety of services such as vehicle repair, healthcare, insurance, utilities, and other personal services.

Based on retail spending alone, the proposed development will create demand for nearly 12,000 square feet of retail space. By category, this includes the following:

- 2,200 square feet of grocery store space
- 1,700 square feet of restaurant space
- 3,800 square feet of other local-serving retail (household and personal services, household supplies, vehicle maintenance and repair, medical supplies, medication, books, etc.)
- 4,000 square feet of regional-serving retail space (clothing, household furniture and equipment, entertainment, etc.)

Retail Demand Analysis
Proposed 274-Unit Prose Surprise Multifamily Community

Income & Spending Assumptions	Dollars	Percent of Income
Projected Household Income	$69,737	
Total Retail Spending/HH (Excluding vehicles)	$19,664	28.2%
Local-Serving Retail Spending	**$8,690**	**12.5%**
Grocery Spending/HH	$4,290	6.2%
Other Non-Grocery Local-Serving Retail Spending/HH	$4,400	6.3%
Regional-Serving Retail Spending/HH	**$7,725**	**11.1%**
Restaurant Spending/HH	**$3,249**	**4.7%**
New Households	260	

Supportable Local-Serving Retail Demand	Retail Demand
Total Grocery Spending	$1,116,674
Supportable SF at $500 Per SF in Sales	2,233
Other Local-Serving Retail Spending (excluding Groceries)	$1,145,322
Supportable SF at $300 Per SF in Sales	3,818
Restaurant Spending	$845,794
Supportable SF at $500 Per SF in Sales	1,692
Regional Serving Retail Spending	$2,010,875
Supportable SF at $500 Per SF in Sales	4,022
TOTAL RETAIL DEMAND	**11,800**

Sources: U.S. Consumer Expenditure Survey; AZ DOA; Elliott D. Pollack & Company

8.0 Conclusions & Recommendations

- The retail marketplace has been significantly impacted by recent recessions (both the Great Recession and COVID-19), e-commerce and the rise of supercenters and warehouse clubs.
    - For the Greater Phoenix area, the Great Recession resulted in much slower population and employment growth and retailers have become much more cautious planning for new stores. Some ten years after the end of the recession, retail development has not returned to prior construction levels. This trend may continue for the foreseeable future, especially with the recent impacts of the COVID-19 pandemic and will impact properties currently designated for commercial development.
    - Virtually all retail sectors experienced substantial losses due to the COVID-19 pandemic, especially clothing, furniture, motor vehicles, sporting goods, department stores, and restaurants and bars. The winners in April were building materials, groceries, and e-commerce. Sales data reflects consumers' preferences for just essential local purchases while honoring stay-at-home recommendations. Non-essential purchases shifted to e-commerce to avoid travel and congregating in crowds to socially distance.
    - It remains to be seen whether or not the pandemic has permanently shifted consumer behavior more heavily toward e-commerce. Preliminary data indicates that e-commerce has maintained its jump in market share. This could have material impacts on future commercial development and investment. Regardless, the shift toward online shopping will continue.
- The latest forecast for population growth in the Primary Market Area concludes that the demand for additional local serving retail land will total approximately 591,700 square feet or the equivalent of 87.6 acres over the next 33 years (through 2055). However, there is nearly 6.0 million square feet acres of available retail space and land (877 acres) within the Primary Market Area. There is far too much land in the Primary Market Area designated for future retail development compared to forecasted demand.
- There are at least 44 available commercial sites located within the subject site's primary market area. Every one of these sites are competing with the subject site property to attract retail development. Many of these sites, such as those with frontage and access along major freeways or arterials each have competitive advantages over the subject site in terms of location, major arterial frontage, a hard corner, parcel shape, and interest from retailers. These sites enjoy better visibility, access, and substantially higher traffic volumes compared

to the subject site. The subject site is an irregular shape and located such that there is no visibility from Grand Avenue. It does not provide an intersection corner or frontage on a major arterial, but is instead an interior location, with the only frontage along Mountain View Boulevard (a collector street). Retailers have not shown interest in interior locations, especially with significant retail development so close along Grand Avenue and Bell Road.

- The disadvantages compared to competing sites, combined with the fact that there is an excess of commercial land in the area, bodes poorly for the subject site's prospects to generate retail development interest.

- There are already sufficient neighborhood retail centers anchored by grocery stores for the market area's current and future population. One new grocery store may be justified with sufficient new population growth over the next 20 years, but the subject site would not be a preferred site, located in close proximity to four existing grocery stores.

- Despite the fact that there are voids in the retail landscape locally, the study illustrates the difficulties facing brick-and-mortar retail, such as continuing growth in e-commerce and retailers pulling back on new store locations as mentioned above. In terms of retail potential, our analysis concluded that demand for retail within the PMA is insufficient to trigger significant new retail projects *without new residential growth*.

- The proposed residential development will help to support existing retail assets within Surprise. Each new additional resident will create demand for additional local serving retail and restaurants. Residents that will be income-qualified to live in the proposed new residential community will be comprised of household incomes that will be attractive to restaurateurs and retailers, averaging $60,000 to $85,000 or more. **An estimated total of $5.1 million in annual disposable income spending on retail goods and services will be added to the area from the proposed community**. This includes demand for retail shopping, restaurant spending, and spending on a wide variety of services such as vehicle repair, healthcare, insurance, utilities, and other personal services. **Based on retail spending alone, the proposed developments will create demand for nearly 12,000 square feet of retail space**.

- Continued residential development in all forms within the market area will be critical to the eventual success of existing retail assets and additional commercial development. Local residents will be the main source of retail demand and also provide a local workforce for office development. This residential development must come first, eventually building to a critical mass of residents to attract additional retailers.

- Greater Phoenix is facing a substantial housing shortage of both ownership and rental inventory which has caused housing prices and rent to spike. Resale home prices rose 40%

and rents have increased over 38%% in the last 24 months. There is huge demand and a dire need for new residential housing in all asset classes, especially multifamily.

- Surprise generally has a lack of housing diversity beyond mostly single family detached housing and contains very little attached housing or traditional multifamily housing compared to the broader metro area, which limits who can live in the area. Renters make up only 24% of the population, compared to 36% in Greater Phoenix. Only 7.2% of the housing stock is multifamily units, compared to 23.1% in Greater Phoenix. Surprise would need at least 8,700 new rental units to reach the metro average. The proposed project would add 274 units of much needed multifamily rental stock.

- In our opinion, the rezoning of the subject site to residential uses will not affect the area's efforts to continue to attract new commercial development to the community. The region has a significant inventory of commercial land that will provide for the long-term economic health of the community. Additionally, as a residential project, new residents will support existing and planned commercial development.

ORDINANCE # 2023-21

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA, APPROVING A REZONE FROM COMMUNITY COMMERCIAL (C-2) TO RESIDENTIAL HIGH DENSITY (R-3) FOR PROSE MOUNTAIN VIEW, A PROPERTY LOCATED ON THE SOUTHWEST CORNER OF MOUNTAIN VIEW BLVD AND WHITE HORSE TRAIL.

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 on the southwest corner of Mountain View Blvd and White Horse Trail;

WHEREAS, the subject site is approximately 13.2 acres and is currently zoned Community Commercial (C-2);

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

WHEREAS, the proposed Rezone to Residential High Density (R-3), satisfies the requirements set forth in the City of Surprise Land Development Ordinance (LDO);

WHEREAS, this Rezone is in harmony with the purposes and intent of the zoning ordinance and the Surprise General Plan; and

WHEREAS, on July 06, 2023, the Planning and Zoning Commission recommended that the Rezone for Prose Mountain View be approved.

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

Section 1. *Rezoning.* The parcel legally described on ***Exhibit A*** and depicted on ***Exhibit B***, known as "Prose Mountain View," is rezoned from Community Commercial (C-2) to Residential High Density (R-3) subject to the following stipulations:

a. Development and use of the site shall be consistent with the narrative entitled "Prose Mountain View" dated May 05, 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.

Section 2. *Amendment of Zoning Map.* The City of Surprise zoning map is herewith amended to reflect the change in districts referred to in Section 1 above.

Section 3. *Codification.* This Ordinance is not of a general nature and shall not be codified.

Section 4. *Repeal of Conflicting Ordinances.* All ordinances or parts of ordinances in conflict with the provisions of this ordinance or any part of the code adopted herein by reference are hereby repealed, upon the effective date of this Ordinance.

Section 5. *Severability.* If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

Section 6. *Effective Date.* This ordinance shall become effective at the time and in the manner prescribed by law.

PASSED AND ADOPTED this_____day of _____2023.

_____
Skip Hall, Mayor

Attest:

_____
Sherry Aguilar, City Clerk

Approved as to form:

_____
Robert Wingo, City Attorney

EXHIBIT "A"

DESCRIPTION OF PROPERTY TO BE REZONED
SOUTHWEST CORNER OF WEST MOUNTAIN VIEW BOULEVARD AND
NORTH WHITE HORSE TRAIL
SURPRISE, AZ 85374

That portion of Lot 3, Tract C and the Excepted Portion at the Southwest corner of GRAND AVENUE PROFESSIONAL PLAZA, AMENDED, recorded in Book 652 of Maps, Page 29, records of Maricopa County, Arizona, lying within a portion of the Northeast quarter of Section 33, Township 4 North, Range 1 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, being more particularly described as follows:

Commencing at a 1/2–inch capped rebar stamped "51969" marking the North corner of said subdivision, on the West right of way line of Grand Avenue (U.S. 60) from which a 1/2–inch rebar marking the Southeast corner of said subdivision, on the said West right of way line, bears South 46 degrees 13 minutes 14 seconds East 1803.38 feet, said line being the basis of bearings for this description;
Thence South 46 degrees 13 minutes 14 seconds East 555.28 feet along said West right of way line to the centerline of Mountain View Boulevard;
Thence South 43 degrees 45 minutes 58 seconds West 449.98 feet along said centerline to the beginning of a non–tangent curve to the right having a radius of 117.00 feet and a chord bearing and distance of South 60 degrees 11 minutes 06 seconds West 66.14 feet;
Thence Southwesterly along the arc of said curve through a central angle of 32 degrees 50 minutes 16 seconds an arc length of 67.06 feet to the centerline of White Horse Trail and the Point of Beginning;
Thence South 13 degrees 24 minutes 13 seconds East 114.17 feet along said centerline to the beginning of a non–tangent curve to the left having a radius of 312.00 feet, a chord bearing and distance of South 21 degrees 54 minutes 35 seconds East 93.07 feet;
Thence along the arc of said curve through a central angle of 17 degrees 09 minutes 16 seconds an arc length of 93.41 feet;
Thence South 30 degrees 32 minutes 08 seconds East 131.06 feet to the beginning of a non–tangent curve to the right having a radius of 300.00 feet and a chord bearing and distance of South 14 degrees 58 minutes 52 seconds East 160.74 feet;
Thence Southerly along the arc of said curve through a central angle of 31 degrees 04 minutes 47 seconds an arc length of 162.73 feet;
Thence South 00 degrees 39 minutes 49 seconds West 28.83 feet to a point on the South line of said subdivision;

SHEET 1 OF 4

SUPERIOR SURVEYING SERVICES, INC.	2122 W. Lone Cactus Dr. Ste. 11, Phoenix, AZ 85027 623–869–0223 (office) 623–869–0726 (fax) www.superiorsurveying.com info@superiorsurveying.com
DATE: 6/21/23	*JOB NO.:* 202301007

EXHIBIT "A"

DESCRIPTION OF PROPERTY TO BE REZONED
SOUTHWEST CORNER OF WEST MOUNTAIN VIEW BOULEVARD AND
NORTH WHITE HORSE TRAIL
SURPRISE, AZ 85374

(Legal Description continued):

Thence North 89 degrees 24 minutes 40 seconds West 1,056.15 feet along said South line to a 1/2–inch rebar with aluminum cap stamped "Klein 42137" on the West line of said Northeast quarter;
Thence North 00 degrees 15 minutes 22 seconds East 334.66 feet along said West Line to a Washer stamped "45378":
Thence North 43 degrees 46 minutes 00 seconds East 654.15 feet to a point on the centerline of Mountain View Boulevard;
Thence South 47 degrees 50 minutes 51 seconds East 441.74 feet along said centerline to the beginning of a non–tangent curve to the left having a radius of 117.00 feet and a chord bearing and distance of South 75 degrees 37 minutes 17 seconds East 109.04 feet;
Thence Southeasterly along the arc of said curve through a central angle of 55 degrees 32 minutes 59 seconds an arc length of 113.43 feet to the Point of Beginning.

REGISTERED LAND SURVEYOR
CERTIFICATE NO.
42137
DAVID S.
KLEIN
Date Signed 6/21/23
ARIZONA, U.S.A.

SHEET 2 OF 4

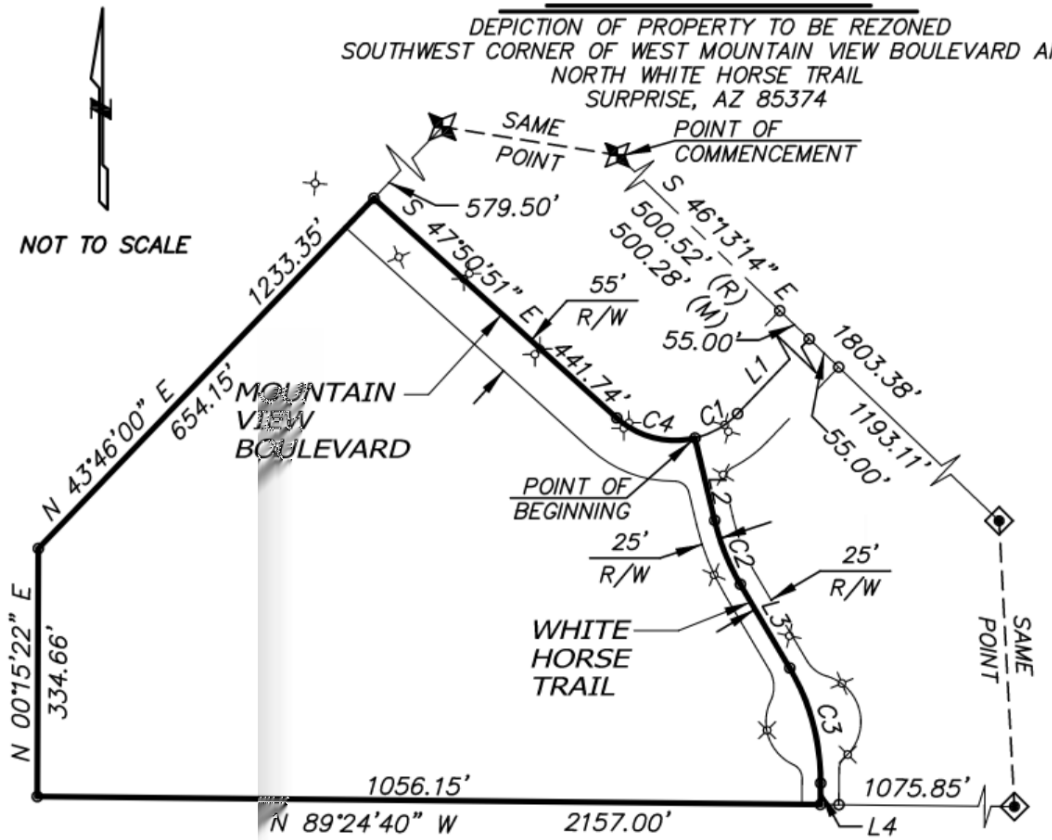
SUPERIOR
SURVEYING SERVICES, INC.

2122 W. Lone Cactus Dr.
Ste. 11, Phoenix, AZ 85027
623–869–0223 (office)
623–869–0726 (fax)
www.superiorsurveying.com
info@superiorsurveying.com

DATE: 6/21/23 | JOB NO.: 202301007

EXHIBIT "B"

DEPICTION OF PROPERTY TO BE REZONED
SOUTHWEST CORNER OF WEST MOUNTAIN VIEW BOULEVARD AND
NORTH WHITE HORSE TRAIL
SURPRISE, AZ 85374



REGISTERED LAND SURVEYOR
CERTIFICATE NO.
42137
DAVID S.
KLEIN
Date Signed 6/21/23
ARIZONA, U.S.A.

SHEET 3 OF 4

SUPERIOR
SURVEYING SERVICES, INC.

2122 W. Lone Cactus Dr., Ste. 11
Phoenix, AZ 85027
623-869-0223 (office)
623-869-0726 (fax)
www.superiorsurveying.com
info@superiorsurveying.com

DATE: 6/21/23

JOB NO 202301007

EXHIBIT "B"

DEPICTION OF PROPERTY TO BE REZONED
SOUTHWEST CORNER OF WEST MOUNTAIN VIEW BOULEVARD AND
NORTH WHITE HORSE TRAIL
SURPRISE, AZ 85374

LINE	BEARING	DISTANCE
L1	S 43°45'58" W	449.98'
L2	S 13°24'13" E	114.17'
L3	S 30°32'08" E	131.06'
L4	S 00°39'49" W	28.83'

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	117.00'	67.06'	66.14'	S 60°11'06" W	32°50'16"
C2	312.00'	93.41'	93.07'	S 21°54'35" E	17°09'16"
C3	300.00'	162.73'	160.74'	S 14°58'52" E	31°04'47"
C4	117.00'	113.43'	109.04'	S 75°37'17" E	55°32'59"

SHEET 4 OF 4

SUPERIOR
SURVEYING SERVICES, INC.

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623-869-0726 (fax)
www.superiorsurveying.com
info@superiorsurveying.com

DATE: 6/21/23 | JOB NO.: 202301007

SURPRISE
ARIZONA

FS23-0198
Prose Mountainview Rezone

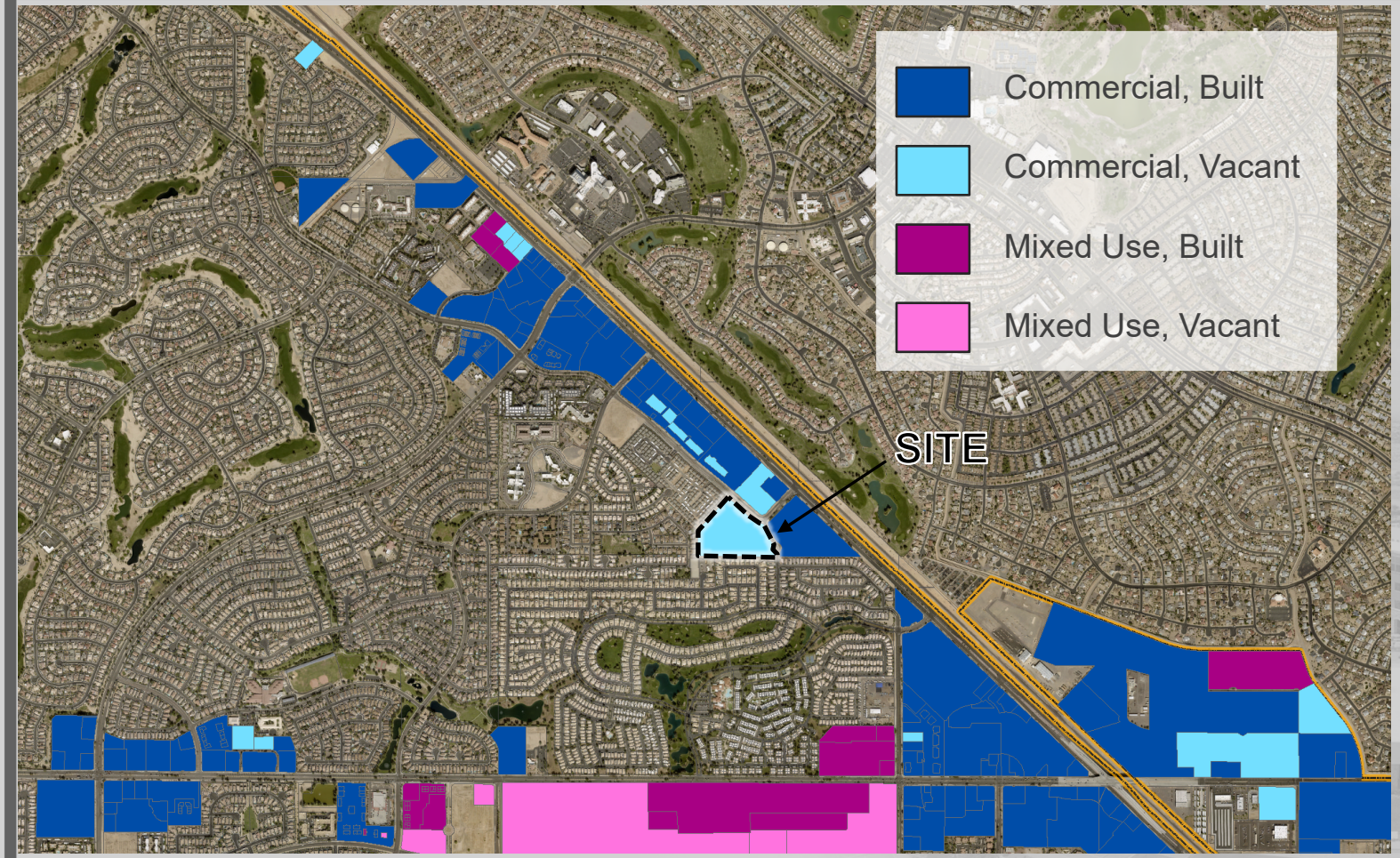
City Council

August 01, 2023

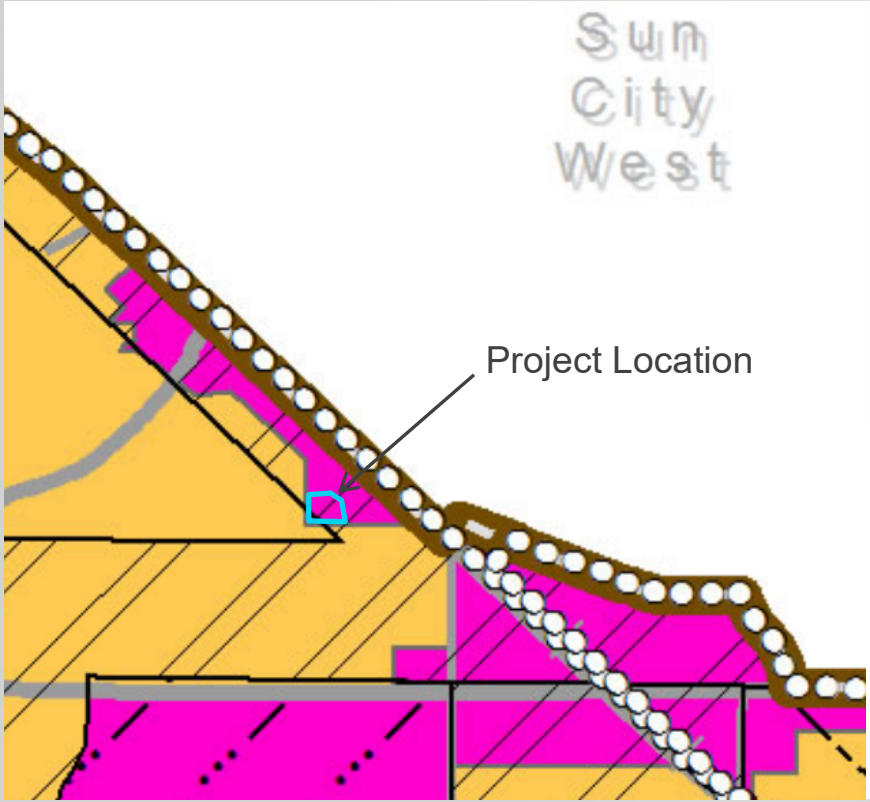
VICINITY MAP

EXISTING ZONING

PROPOSED ZONING



EXISTING COMMERCIAL



Character Areas

- Neighborhood
  - *Rural*
  - *Suburban*
  - *Urban*
- Commerce & Office
  - *Mixed Use: Residential*
  - *Mixed Use: Commercial*
  - *Regional Commercial*
  - *Commercial Office*
- Employment
  - *Business Park*
  - *Industrial*
- Open Space
  (As described on page 53)

Sub Areas

- Luke Compatibility District
- Scenic Lands Development
- Surprise Center District
- Surprise Heritage District
- Transit Oriented Development District
- Aggregate Resource Areas

- The Commerce & Office Character area supports a horizontal mixture of high-density housing and commercial uses.
- The Transit Orientated Development areas promote the intensification of residential and commercial uses.

CONCEPTUAL SITE PLAN

ALLIANCE RESIDENTIAL COMPANY | Overall Site Plan

Prose Mountain View

scale: 1:50 | date: 03.03.23

anderson
815 n. 1st avenue, suite 3
phoenix, az 85003

DEVELOPMENT STANDARDS

R-3 DEVELOPMENT STANDARDS		
	REQUIRED	PROVIDED
Setback: Street (Collector or Local)	15’	25’-10”
Setback: To Residential Zoning	20’	24’-4”
Setback: 3 Story to Single Family *	28’*	98’
Maximum Building Height	60’	38’
Open Space/Amenities (260 Units)	39,000 sq. ft.**	145,754 sq. ft.

* 20’ plus 1’ for every 1’ of height over 30’
** 150 sq. ft. Per Unit

OUTREACH

- Site Posting, 300’ Mailers, Newspaper Publishings, Project Website
- Citizen Participation Meetings:

1. In-Person: April 25, 2023
   - 29 attendees
2. Virtual: April 27, 2023
   - 2 attendees

- Questions and Comments

  - Building Height
  - Traffic
  - Resident Demographics

RECOMMENDATION

On July 06, 2023, Planning & Zoning Commission recommended **Approval** subject to stipulations “a” and “b”

SURPRISE
ARIZONA

QUESTIONS OR COMMENTS?

Thank You

STIPULATIONS

a) Development and use of the site shall be consistent with the narrative entitled “Prose Mountain View” dated May 05, 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.

CITY OF SURPRISE
Regular City Council Meeting

Council Meeting Date: August 1, 2023
Submitting Department: Police
Staff Recommendations:

Contact Person:
District: Citywide

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

Agenda Wording:
Consideration and action pertaining to acceptance of the Intergovernmental Agreement Between the Dysart Unified School District No. 89 of Maricopa County and The City of Surprise, Arizona to provide school resource officers to certain schools within the district; Resolution #2023-99.

Motion:
I move to approve Resolution #2023-99.

Background:
The Surprise Police Department (SPD) agrees to provide school resource officer services to Dysart Unified School District No.89. The City of Surprise will provide SRO services at three Dysart Unified High Schools and six Dysart Unified Middle Schools within the City of Surprise. The Dysart Unified School District No. 89 has approved funding in the amount of $870,109 to defray the total cost of six Middle School SRO's salary and benefits for FY2024.

Objective Analysis:
The City of Surprise has officers who can provide school resource officer services to Dysart Unified School District No. 89. This agreement allows the Surprise Police Department to partner with the Dysart Unified School District No. 89 in their school resource officer efforts.

Policy Compliant:
The City regularly partners with other government entities when it is beneficial to do so. This action is compliant with City and Council Policy.

Financial Impact:
This agreement will provide $870,109 in revenue for FY2024 to be paid in quarterly payments to offset salary, benefit and equipment costs associated with this service. This is a yearly agreement and may be extended annually upon written notification from the Dysart Unified School District No.89 to the City of Surprise by May 30th of each year.

Budget Impact:
The FY 2024 adopted budget includes appropriations for expenses related to this agreement, and

therefore, does not require a budget amendment.

FTE Impact:

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

ATTACHMENTS:

1. 2023-2024 Surprise SRO IGA- Reviewed Accepted Changes
2. Resolution 2023-99 Dysart Unified School District No 89 final after review

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INTERGOVERNMENTAL AGREEMENT

BETWEEN THE DYSART UNIFIED SCHOOL DISTRICT NO. 89

OF MARICOPA COUNTY AND

THE CITY OF SURPRISE, ARIZONA

The City of Surprise ("Surprise") and the Dysart Unified School District No. 89 ("District") enter into this Agreement for placement of certain School Resource Officer ("SROs") in the Dysart Unified School District High Schools, Middle Schools, and select Elementary Schools ("Agreement").

Background

A. The parties are authorized to enter into this Agreement under Arizona Revised Statutes § 11-952. The District is authorized to enter into this Agreement under A.R.S. § 15-342.

B. The purpose of this Agreement is to endorse, support, and extend the existing alliance between the students, faculty, staff, and administrators of the Dysart Unified School District ("District"), individual schools and classrooms and the families they represent, with the City of Surprise Police Department.

C. The District and the City of Surprise desire to meet the goals and objectives of providing a safe school campus which include:

Goal 1: The school safety goals and expectations contribute to an orderly, purposeful atmosphere, which promotes the feeling of safety conducive to teaching and learning.

Objective 1: Staff feels that the school is safe, and administration supports and monitors the consistency of actions/strategies/policies that will improve or maintain that feeling of safety,

***Objective 2*:** Students feel that the school is safe. They feel free from the threat of physical harm and verbal abuse. They feel they have an adult to go to with their safety concerns, and they feel their concerns are taken seriously and addressed.

Objective 3: Staff and students have a positive view of the School Resource Officer.

Goal 2: To provide students with safety and legal information that promotes a safe, orderly environment, and good citizenship.

D. Expectations of the partnership include:

1. Regular, open, and timely communication between all parties, to include SRO, school Principal, staff and teachers, District personnel, and Police Department supervisors.

2. Reasonable levels of accommodation for and by all parties.

3. Minimum commitment to school of one year by each SRO.

4. Availability of SRO at all times when students are on the campus unless precluded by

   a. court appointment, or,

   b. emergency within the Police Department or court system,

c. non-school related responsibilities which prevent the SRO from providing regular SRO duties,

5. Availability of the SRO for 10 months per year.

Agreement

The District and the City of Surprise desire to work in cooperation with each other to further the safety goals and expectations of the Dysart Unified School District High Schools and Middle Schools and select Elementary campuses. The City of Surprise, through this Agreement, will assign one school resource officer to Shadow Ridge High School, Valley Vista High School and Willow Canyon High School; Ashton Ranch Middle School, Cimarron Springs Middle School and Sonoran Heights Middle School; Asante Preparatory Academy, Kingswood Elementary, and Marley Park Elementary within the City of Surprise to perform the services listed herein. Therefore, in consideration of the mutual promises and undertaking contained herein, the parties agree as follows:

A. Duration of this Agreement shall be effective on approval of each party's governing board for a time period to conclude on May 29, 2024.

B. Responsibilities of the District:

Duties of the Superintendent (or designee):

1. Serve as primary liaison between (a) SRO supervisors and the Police Departments, and (b) the participating schools.

2. Remit payment to the City of Surprise within thirty (30) days of receipt of invoice from the SRO Supervisor to pay the Dysart contracted SRO salaries and benefits for a ten (10) month period.

Duties of the School Principal:

3. Support and communicate the school safety goals and expectations to all staff, students, and parents on the campus.

4. Guide the SRO with guidance from Surprise PD on protocol regarding which issues should be handled by school personnel and which require the involvement of the SRO.

5. Provide office space, access to telephone, fax, computer, and copier for the officer.

6. Develop a collaborative relationship with the SRO while allowing the officer to function independently and within legal parameters.

7. Be involved in the selection process of the school's SRO,

8. Review the school's EOP and staff expectations with the SRO.

9. Monitor safety data and meet with the SRO on a regular basis.

10. Remain responsible for any school policy violations.

11. Provide input to the SRO supervisor for an annual performance evaluation.

Duties of the Classroom Teacher:

13. Support and communicate information about the school safety goals and expectations in the classroom and to students and parents.

14. Work through the building principal before involving the SRO in legal issues.

C. Responsibilities of the City of Surprise

1. Provide an SRO at the three City of Surprise, Dysart Unified High Schools (Shadow Ridge, Valley Vista and Willow Canyon), provide an SRO at the three Dysart Unified Middle Schools within the City of Surprise (Ashton Ranch, Cimarron Springs, and Sonoran Heights) and provide an SRO at the following Elementary Schools within the City of Surprise: Asante Preparatory Academy, Kingswood Elementary, and Marley Park Elementary.

Duties of the SRO:

2. SRO should serve as a law enforcement/public safety specialist to

a. Assist the school administration to control order on the campus;

b. Intervene when conduct violates the law (in the case of a student, SRO should be backup to an arrest rather than the principal officer);

c. Work with school and district administrators to ensure timely and uniform reporting of criminal activities.

3. SRO should additionally:

a. Work as a team with any SRO or Probation Officer (PO) on the same campus;

b. Document presence on campus and advise the school principal or designee directly if

I. absent from the campus for the day,

II. emergency within the Police Department or court system requires leaving the school campus during the day, or

III. non-school related responsibilities prevent regular SRO duties for any reason.

c. Attend both staff and parent/community meetings as requested;

d. Serve on the Safety Committee.

e. Build a positive relationship with students, parents, and school staff.

f. Serve as a positive role model by

- setting clear limits to students about acceptable and unacceptable behaviors and the rewards of the former

- setting an example by modeling how to handle stress, resolve conflicts, be a friend, etc.

- encouraging students to take responsibility for their actions, and

- showing respect for administrators, teachers and staff

Duties of the SRO Supervisor:

4. Communicate regularly with site and district administration.

5. Submit monthly invoices to the District consistent with agreed upon expenditures for salary and benefit costs, documenting as needed by parties.

6. Participate in the development, review, and revision of the Intergovernmental Agreement.

7. Contact the school principal and district liaison if the SRO will be replaced and initiate the hiring procedure for a new officer.

8. Meet with the school Principal - if necessary to review SRO performance.

9. Review and update qualifications for SRO.

10. Provide SRO candidates to Principal and District for interviews and input regarding hiring and other placement decisions.

11. Replace SRO upon the recommendation of the Principal and District.

12. Work with the Superintendent or designee to communicate any concerns or problems on behalf of an SRO.

D. Termination

1. Parties understand that the continuation of this Agreement is subject to the budget of Surprise and District providing for the contract item as an expenditure. The Parties cannot guarantee that the budget item for funding this Agreement will be approved in the future. In such event, the either party may terminate this Agreement upon written notice.

2. Either party may terminate this Agreement, for convenience or cause, at any time by giving the other party at least five (5) business days prior written notice. The notice shall be given by either mail or via email to the person(s) identified in the Notices paragraph below.

E. Each party (as "Indemnitor") agrees to defend, indemnify, and hold harmless the other party (as "Indemnitee") from and against any and all claims, losses, liability, costs, or expenses (including reasonable attorney's fees) (hereinafter collectively referred to as "Claims") arising out of bodily injury of any person (including death) or property damage, but only to the extent that such Claims which result in vicarious/derivative liability to the Indemnitee are caused by the act, omission, negligence, misconduct, or other fault of the Indemnitor, its officers, officials, agents, employees, or volunteers.

F. Nothing contained in this Agreement will create any partnership, joint venture or agency relationship between Surprise and District. Except as explicitly provided herein, no term or provision of this Agreement is intended to, or will, be for the benefit of any person, entity, or third party not a party hereto, and no such other person, entity, or third party will have any right or cause of action hereunder. The employees, agents, or subcontractors of one party shall not be deemed or construed to be the employees or agents of the other party.

G. District shall pay Surprise an amount not to exceed $870,108.53 to defray the total cost of the Surprise Police SRO's salaries and benefits for a ten (10) month period. District shall remit payment to Surprise within thirty (30) days of receipt of invoice from the SRO Supervisor.

H. The City of Surprise and the District will expend funds only for the purposes and uses specified in the approved plan and budget. Funds shall not be used to pay City or District administrative costs for services associated with the receipt of those funds including, but not limited to, accounting, payroll, data processing, purchasing, personnel, overtime pay and building use.

I. Each party shall provide the other party with proof of insurance coverage or a Certificate of self-insurance equal to at least:

General Aggregate $3,000,000

Each Occurrence Limit $1,000,000

Conflict of Interest Cancellation. As required by A.R.S. § 38-511, the parties acknowledge and agree that either party may, within three years after its execution, cancel this contract, without penalty or further obligation, if any person significantly involved in initiating, negotiating, securing, drafting or creating the contract on behalf of either party is, at any time while the contract or any extension of the contract is in effect, an employee or agent of any other party to the contract in any capacity or a consultant to any other party of the contract with respect to the subject matter of the contract.

Entire Agreement. This Agreement contains the entire understanding of the parties hereto. There are no representations or other provisions other than those contained herein, and any amendment or modification of this Agreement shall be made only in writing and signed by the parties to this Agreement.

Severability. The parties agree that should any part of this Agreement be held to be invalid or void, the remainder of the Agreement shall remain in full force and effect and shall be binding on the parties.

Governing Law. This Agreement shall be construed under the laws of the State of Arizona and shall incorporate by reference all laws governing the intergovernmental agency agreements and mandatory contract provisions of state agencies required by statute or executive order.

No Israel Boycott. The Parties agree that they are not currently engaged in, and agree that for the duration of the Agreement they will not engage in a boycott of Israel, as that term is defined in A.R.S. §35-393.

Dispute Resolution. If there is a dispute, which is the subject of mandatory arbitration provisions of A.RS. § 12- 133, the parties shall submit the matter to binding arbitration in compliance with A.R.S. § 12-1518.

Notices. All notices, requests for payment, or other correspondence between the parties regarding this Agreement shall be mailed or delivered to the respective parties at the following address:

District: John Croteau, Superintendent

Dysart Unified School District 15802 N. Parkview Place

Surprise, AZ 85374

623.876.7000

City:

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date set forth below.

Dysart Unified School District

John P. Croteau

John Croteau

Superintendent

July 13, 2023

Date

City of Surprise

_____

Representative

_____

Date

INTERGOVERNMENTAL DETERMINATION

In accordance with A.R.S. § 11-952, the foregoing Agreement has been reviewed by the undersigned attorneys who have determined that said Agreement is in proper form and is within the powers and authority granted to the public body represented by their respective attorneys.

This 28 day of June, 2023

Attorney for District

This_____ day of _____, 2023

_____

Attorney for City of Surprise

RESOLUTION # 2023-99

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA AUTHORIZING THE CITY TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT TO PROVIDE THE DYSART UNIFIED SCHOOL DISTRICT NO. 89 OF MARICOPA COUNTY, STATE OF ARIZONA WITH SCHOOL RESOURCE OFFICER SERVICES

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

WHEREAS, the Dysart Unified School District No. 89 is in need of School Resource Officer services; and,

WHEREAS, the City of Surprise has School Resource Officers who are capable of providing the services to the Dysart Unified School District No. 89; and

WHEREAS, the City of Surprise is willing to make the School Resource Officers available to provide these services; and

WHEREAS, the duration of this IGA shall be effective on approval of each party's governing board for a time period to conclude on May 29, 2024 and may be extended annually upon written notification from the Dysart Unified School District No. 89 to the City of Surprise by May 30th of each year;

WHEREAS, the Dysart Unified School District No 89 is willing to pay $870,109 for the FY2024 to be made in quarterly payments; and

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 Dysart Unified School District No 89, attached as Exhibit A, is approved.

Section 2. The City Manager, or his designee, is hereby authorized to execute and submit all documents and other necessary or desirable instruments in connection with said agreements.

SIGNATURES ON FOLLOWING PAGE

APPROVED AND ADOPTED this _____day of _____, 2023.

Skip Hall, Mayor

Attest:

Approved as to form:

Kristi Passarelli, City Clerk

Robert Wingo, City Attorney

RESOLUTION # 2023-99
Exhibit A

INTERGOVERNMENTAL AGREEMENT BETWEEN

THE CITY OF SURPRISE AND DYSART UNIFIED SCHOOL DISTRICT NO. 89

(BEGINS ON THE NEXT PAGE)

CITY OF SURPRISE
Regular City Council Meeting

Council Meeting Date: August 1, 2023
Submitting Department: Legal
Staff Recommendations:

Contact Person: Robert Wingo, CITY ATTORNEY
District: Internal

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

Agenda Wording:
Consideration and action pertaining to an amendment to the City of Surprise Policies and Procedures Manual pertaining to public participation.

Motion:
I move to adopt the amendments to Appendix B as presented.
or
City Council may adopt any other amendments to Appendix B it deems necessary.

Background:
Based on certain public participation during City Council Meetings' call to the public during the last year, the City Attorney's Office has reviewed the City Council Policies and Procedures Manual, Appendix B, which relates to meeting decorum during call to the public. Potential amendments have been identified as beneficial in expressly establishing boundaries of public participation and memorializing City Council's legal ability to respond to allegations, disparagement, or personnel attacks. This item has been placed on the agenda to provide City Council with the opportunity to consider the proposed amendments and any other amendments that City Council may desire to adopt pertaining to public participation during the call to the public portion of agendas.

Objective Analysis:
City Council meetings are not a public forum in which any and all speech is protected. City Council meetings are a forum with the distinct and limited purpose of conducting City business in an efficient yet transparent manner. Per Arizona law, the public has the right to attend and witness the conducting of City business, and in certain limited situations participate in public hearings, but Arizona law does not require a call to the public. Therefore, it is within City Council's discretion to establish reasonable time, place, and manner restrictions on public participation during meetings.

Policy Compliant:
The proposed amendments and any other amendments that would establish time, place, and manner restrictions on speakers, is consistent with City Council's authority under Arizona state law.

Financial Impact:

None.

Budget Impact:

None.

FTE Impact:

None.

ATTACHMENTS:

1. 23.07.24 Rules for the Public at Council Meetings
2. 23.07.24 Proposed amendments Council Policies and Procedures Appendix B

Rules for the Public at Council Meetings

1) Presence in the Council Dais Area. During a Council meeting, members of the public are permitted within the area in front of the Council dais only at the invitation or consent of the chair for purposes of making presentations and providing information to Council.

2) Addressing Council
   a) Any member of the public desiring to address the Council may not proceed to the lectern until after being recognized by the Chair.
   b) At the lectern, the member of the public should clearly state their name, and approximate cross streets for the record.
   c) Statements will be limited to four (4) minutes per item to allow the meeting to proceed and end in a timely manner. The time limit may be extended at the option of the Chair.
   d) If several speakers desire to speak regarding a single topic, the Chair can limit the number of speakers or limit the time given to each group; however, an equal amount of time will be given to each side of an issue.
   e) Oral communications during the City Council meeting may not be used to lodge charges or complaints against any employee of the City or members of the body, regardless of whether such person is identified in the presentation by name or by any other reference that tends to identify him/her. Any such charges or complaints should be submitted during normal business hours to the City Manager for appropriate action.

3) No loud vocalization (shouting or calling out) will be permitted from the seating area of the Council Chamber.

4) Pursuant to A.R.S 38-431.01 (H), at the conclusion of an open call to the public, individual councilmembers may, in their sole discretion, respond to criticism made by those who have addressed the public body or ask staff to follow-up or review the matter raised.

5) A civil decorum will be expected of all speakers. Behavior that is disruptive and prevents the City Council from accomplishing its business in a reasonably efficient and timely manner or interferes with conducting an orderly meeting or other speakers' rights is prohibited. Prohibited disruptive behavior includes, but is not limited to, threats, profanity, words likely to provoke immediate combat or speech that exceeds pre-set time limits, is unduly repetitive, or extends discussion by irrelevancies. Speakers engaged in disruptive behavior may forfeit their speaking time, or be removed from City Council chambers by direction of the Chair.

SURPRISE
ARIZONA

Proposed Amendments to Council Policies and Procedures Manual

Appendix B
Rules for the Public at Council Meetings

City Attorney's Office

Appendix B

1) Presence in the Council Dais Area. During a Council meeting, members of the public are permitted within the area in front of the Council dais only at the invitation or consent of the chair for purposes of making presentations and providing information to Council.

Continued…

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Continued…

- 3) No loud vocalization (shouting or calling out) will be permitted from the seating area of the Council Chamber.

Proposed amendment:

4) Pursuant to A.R.S 38-431.01 (H), at the conclusion of an open call to the public, individual councilmembers may, in their sole discretion, respond to criticism made by those who have addressed the public body or ask staff to follow-up or review the matter raised.

Proposed amendment:

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- Discussion of other time, place, manner type restrictions?
- 4 minutes or ?

SURPRISE
ARIZONA

Thank you