



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

Tuesday, October 20, 2015 @ 6:00 PM
COUNCIL CHAMBERS

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A. Call To Order

B. Roll Call

C. Pledge of Allegiance

D. PROCLAMATION AND COMMUNITY ACKNOWLEDGEMENTS

District Internal [Eric Bennett, long-time Surprise resident and teacher at Shadow Ridge High School, Gold medal recipient.](#) None
Mayor
Wolcott

E. City Manager Report:

District Internal [Surprise Students/Teachers for Education](#) None
Paul
Bernardo,
Youth
Services
Administrator

F. City Attorney Report:

G. City Clerk Report:

District Citywide [Voter Outreach Update](#) None
Sherry Ann
Aguilar,
City Clerk

H. 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 on any item not 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.

I. Regular City Council Meeting Agenda:

Consent Agenda:

- | | | | |
|----|-------------------|---|--|
| 1. | District Citywide | <u>Consideration and action adopting a Title VI plan for the City's transit obligations related to receipt and use of Federal Funds for transit services; Resolution # 2015-98.</u> | None
David
Kohlbeck
Public
Works
Business
Manager |
| 2. | District Citywide | <u>Consideration and action authorizing the City Manager to execute an Intergovernmental Agreement with the Arizona Department of Transportation for the Reems Rd. Intelligent Transportation System enhancements; Resolution # 2015-80.</u> | Approve
Michael
Boule,
Public
Works
Department |
| 3. | District Citywide | <u>Consideration and action accepting the State of Arizona, Department of Homeland Security grant in the amount of \$50,000 in support of the Urban Area Security Initiative (UASI) program and to amend the FY2016 budget by reallocating appropriations of \$10,000 within the grants and contingency fund for the purposes of adjusting the budget authority related to the grant; Resolution # 2015-97.</u> | None
Tom
Abbott, Fire
Chief |
| 4. | District Citywide | <u>Consideration and action accepting the Tohono O'odham Nation grant in the amount of \$50,000 supporting the Surprise Fire-Medical Department's compressor replacement and to amend the FY16 budget by reallocating appropriations of \$50,000 within the grants and contingency fund for receipt of the grant funding; Resolution # 2015-96.</u> | None
Tom
Abbott, Fire
Chief |
| 5. | District 1 | <u>Consideration and action approving a final plat entitled "Final Plat for Kreibich-Phillips Estates", property generally located east of 163rd Avenue and south of the Skinner Road alignment.</u> | None
Robert
Kuhfuss,
Community
Development |
| 6. | District Citywide | <u>Consideration and action amending the fiscal year 2016 budget by reallocating appropriations of \$130,000 from the Community and Recreation Services Donation Fund General Operations #29999 to the Surprise Farms Capital Improvement Project #21417; Resolution #2015-104.</u> | None
Mark A.
Coronado,
Community
and
Recreation
Services
Director |
| 7. | District Citywide | <u>Consideration and the minutes of October 6, 2015 Regular Work</u> | None |

Session and Regular City Council Meeting.

Sherry Ann
Aguilar,
City Clerk

Regular Agenda Item - Public Hearing:

- | | | | |
|----|-------------------|---|---|
| 8. | District Citywide | <u>Consideration and action amending Surprise Municipal Code, Chapter 122, Surprise Unified Development Code, Section 122-112, Wireless Communications, to allow Wireless Telecommunication Facilities to conform to federal regulations and current technology (this is a Zoning Text Amendment); Ordinance 2015-15.</u> | None
Hobart
Wingard -
Community
Development |
| 9. | District 4 | <u>Consideration and action regarding proposed Zone Change from CR to IP-PUD, CR to CR-PUD, and from IP to CR-PUD for Dysart Subdivision located at the southwest corner of Bell Road and Dysart Road; Ordinance 2015-16.</u> | None
Robert
Kuhfuss,
Community
Development |

Regular Agenda Item - Non-Public Hearing:

- | | | | |
|-----|-------------------|---|--|
| 10. | District Internal | <u>Discussion regarding the amendments to the Surprise Municipal Code relating to the new reporting authority for the City Attorney.</u> | No Action
Outside
Legal
Counsel,
Andrew
McGuire |
| 11. | District Internal | <u>Consideration and action to retain outside counsel to provide a second and alternative draft ordinance regarding the realignment of reporting of the City Attorney.</u> | None
CM Biundo
& CM
Winters |
| 12. | District Citywide | <u>Discussion and possible action on a recommendation to the Arizona Department of Transportation (ADOT) and the Maricopa Association of Governments (MAG) on whether or not to move forward with the Bell/Grand Intersection Project.</u> | None
Bob
Wingenroth,
City
Manager |
| 13. | District 5 | <u>The Council shall hear and discuss a presentation regarding potential options for aesthetic improvements on the Bell/Grand interchange project.</u> | No Action
Nicole
Lance,
Deputy City
Manager |
| 14. | District 4 | <u>Consideration and action approving the final plat entitled "Final Plat for Dysart Subdivision" for property generally located at the southwest corner of Bell Road and Dysart Road.</u> | None
Robert
Kuhfuss,
Community
Development |
| 15. | District Internal | <u>Consideration and action regarding appointment of David Farago to fill the Arts & Cultural Advisory Commission vacancy with a term expiration of June 30, 2016, and Bruce Hertzog to fill the vacancy on the Disability Advisory Commission with a term expiration of June 30, 2016.</u> | None
Sherry Ann
Aguilar, City
Clerk |

- | | | |
|-----------------------|---|--|
| 16. District Citywide | <u>Consideration and action on the Committee on Community Outreach, Partnerships & Grants recommendations for Surprise Community Outreach Program funding for FY16.</u> | None
Vice Mayor
John Williams
and
Councilwoman
Rachel
Villanueva |
| 17. District 3 | <u>Consideration and action recognizing of the 1936 Ramola Plat; Resolution #2015-94.</u> | None
Eric Fitzer,
Community
Development |
| 18. District 3 | <u>Consideration and action to annex 1.06 Acres along the Cactus Road alignment between 171st Avenue and Cotton Lane; Ordinance 2015-17.</u> | None
Eric Fitzer,
Community
Development |

J. Other Business and Future Agenda Items:

K. Mayor/Council Reports:

L. 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).

M. Adjournment:

SHERRY ANN AGUILAR, CITY CLERK, MMC

POSTED:

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

October 20, 2015 @ 6:00:00 PM

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Council Meeting Date: October 20, 2015

Contact Person:

Mayor Wolcott

Submitting Department:

District:

Internal

Staff Recommendations: None

Consent

Regular

Public Hearing

Report/Discussion

Agenda Wording:

Pledge of Allegiance

Motion:

None

Background:

Objective Analysis:

Policy Compliant:

Financial Impact:

Budget Impact:

FTE Impact:

ATTACHMENTS:

[Click to download](#)

No Attachments Available



CITY OF SURPRISE
Regular City Council Meeting

October 20, 2015 @ 6:00:00 PM

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Council Meeting Date:	October 20, 2015	Contact Person:	Paul Bernardo, Youth Services Administrator
Submitting Department:		District:	Internal
Staff Recommendations:	None		

Consent	Regular	Public Hearing	Report/Discussion
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Agenda Wording:

Surprise Students/Teachers for Education

Motion:

No action

Background:

Objective Analysis:

Policy Compliant:

Financial Impact:

Budget Impact:

FTE Impact:

ATTACHMENTS:

[Click to download](#)

No Attachments Available



CITY OF SURPRISE
Regular City Council Meeting

October 20, 2015 @ 6:00:00 PM

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Council Meeting Date:	October 20, 2015	Contact Person:	David Kohlbeck Public Works Business Manager
Submitting Department:		District:	Citywide
Staff Recommendations:	None		

Consent	x	Regular	Public Hearing	Report/Discussion
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Agenda Wording:

Consideration and action adopting a Title VI plan for the City's transit obligations related to receipt and use of Federal Funds for transit services; Resolution # 2015-98.

Motion:

I move to approve Resolution # 2015-98.

Background:

The Federal Transit Administration (FTA) is responsible for ensuring that its funding recipients fully comply with Title VI of the Civil Rights Act of 1964, which among other things prohibits discrimination based on race, color, and national origin. The City of Phoenix is the designated recipient of all FTA funds for the region.

FTA funding for public transportation programs (Dial-a-Ride), are distributed through the City of Phoenix Public Transit Department as the primary recipient of said funds. As a sub-recipient the City of Surprise is required to comply with Title VI in order to continue to apply for and receive FTA funding.

This action tonight will ensure that that City of Surprise remains compliant with the FTA and City of Phoenix guidelines.

Objective Analysis:

Failure to adopt a Title VI plan would preclude the City from receiving any Federal funds related to transit services which would place the entire burden of funding transit services on the general fund.

Policy Compliant:

This item is compliant with City and Council policy as it relates to transit and transit services for Surprise residents as part of the City's General Plan and Mayor, Council strategic plan.

Financial Impact:

Federal Funds associated with FY2016 Title VI plan are \$94,900. The City would have to program an additional \$94,900 if the plan is not adopted.

Budget Impact:

All Title VI funding is programmed as part of the FY2016 transit budget.

FTE Impact:

There are no FTE changes related to adoption of the Title VI plan.

ATTACHMENTS:

Click to download

- ☐ [Resolution 2015-98](#)
 - ☐ [Title VI Plan](#)
-

RESOLUTION # 2015-98

**A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY
OF SURPRISE, ARIZONA APPROVING AND ADOPTING THE
CITY OF SURPRISE TITLE VI IMPLEMENTATION PLAN.**

WHEREAS, the Federal Transit Administration (FTA) is responsible for ensuring that its funding recipients fully comply with Title VI of the Civil Rights Act of 1964, which among other things prohibits discrimination based on race, color, and national origin;

WHEREAS, City of Surprise is a sub-recipient of FTA funding for public transportation programs (Dial-a-Ride), distributed through the City of Phoenix Public Transit Department as the primary recipient of said funds;

WHEREAS, all sub-recipients of FTA funds must develop, update, and submit every three years a Title VI Plan to the primary recipient to assist in the primary recipient's respective Title VI compliance requirements; and

WHEREAS, the City has updated its Title VI plan to comply with new requirements which were adopted by the FTA in October of 2012.

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

Section 1. The Title VI Implementation Plan, hereby attached as Exhibit A and incorporated by reference, is approved and adopted as the City of Surprise Title VI Plan.

APPROVED AND ADOPTED this ____ day of _____, 2015.

Sharon R. Wolcott, Mayor

Attest:

Approved as to form:

Sherry Aguilar, City Clerk

Misty Leslie, City Attorney

Title VI Implementation Plan



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Title VI Policy Statement

The City of Surprise is committed to ensuring that no person is discriminated against on the grounds of color, race, or national origin as provided by Title VI of the Civil Rights Act of 1964 and related legislation. This purpose of this policy is to ensure full compliance with Title VI of the Civil Rights act of 1964, the Restoration Act of 1987, section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990 (ADA), and related statutes and regulations in all programs and activities. Specifically, Title VI provides that “no person shall on the grounds of race, color, national origin, or disability be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination” under any program or activity receiving federal financial assistance; this includes City of Surprise sponsored transit-related programs or activities, regardless of the sources of funding.

Furthermore, the City of Surprise will also ensure that every effort will be made to prevent discrimination through the impacts of its programs, policies and activities on minority and low-income populations. This includes the City of Surprise taking reasonable steps to provide meaningful access to services for persons with limited English proficiency.

When City of Surprise distributes Federal-aid funds to another entity/person, the City of Surprise will ensure all sub-recipients fully comply with City of Surprise Title VI nondiscrimination program requirements. The City Manager has delegated the authority to City of Surprise TITLE VI Program Coordinator, to oversee and implement FTA Title VI requirements.

Bob Wingenroth
City Manager

Date

Title VI Notice to the Public

Notifying the Public of Rights Under Title VI City of Surprise

The City of Surprise operates its programs and services without regard to race, color, national origin or disability in accordance with Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act of 1990 (ADA). For more information on the City of Surprise or Valley Metro's obligations under Title VI, and the procedures to file a complaint, contact Scott Bailey, the City of Surprise Title VI Coordinator at 623-222-1000, (TTY 623-222-1002); email hr@surpriseaz.gov; or visit our administrative office at 16000 N. Civic Center Drive, Surprise AZ 85374. For more information, visit <http://www.surpriseaz.gov/index.aspx?NID=2891>.

Any person who believes she or he has been aggrieved by any unlawful discriminatory practice under Title VI may file a complaint with Valley Metro Customer Service, (602) 253-5000 (TTY: (602) 251-2039, ValleyMetro.org, Via e-mail at csr@valleymetro.org or by mailing the complaint to Valley Metro Customer Service, 4600 E. Washington Street, Suite 101, Phoenix, AZ 85304.

A complainant may also file a complaint directly with the Federal Transit Administration (FTA) by filing a complaint with the Title VI Program Coordinator, East Building, 5th Floor-TCR 1200 New Jersey Ave., SE Washington DC 20590

If information is needed in another language, contact 1-800-752-6096. Para información en Español llame: 1-800-752-6096.

Title VI Notice to the Public -Spanish

Aviso al Público Sobre los Derechos Bajo el Título VI Ciudad de Surprise/Valley Metro

Ciudad de Surprise o Valley Metro (*y sus subcontratistas, si cualquiera*) asegura cumplir con el Título VI de la Ley de los Derechos Civiles de 1964, Sección 504 de la Ley de Rehabilitación de 1973 y La Ley de ciudadanos Americanos con Discapacidades de 1990 (ADA). El nivel y la calidad de servicios de transporte serán proveídos sin consideración a su raza, color, o país de origen. Para obtener más información sobre las obligaciones de la Ciudad de Surprise o Valley Metro's programa de derechos civiles contacte Scott Bailey Ciudad de Surprise Title VI Coordinator 623-222-1000, (TTY 623-222-1002); email hr@surpriseaz.gov; o visite nuestra oficina administrativa en 16000 N. Civic Center Drive, Surprise AZ 85374. Para obtener más información, visite <http://www.surpriseaz.gov/index.aspx?NID=2891>.

Cualquier persona que considere que se han violado sus derechos puede presentar una queja dirigida a Valley Metro Customer Service, (602) 253-5000 (TTY: (602) 251-2039, ValleyMetro.org, por correo electrónico a csr@valleymetro.org o puede enviar la queja por correo postal dirigido a Valley Metro Customer Service, 4600 E. Washington Street, Suite 101, Phoenix, AZ 85304.

El puede presentar una queja directamente con Federal Transit Administration (FTA) mediante la presentación de una queja directamente con FTA: ATTN Title VI Program Coordinator, East Building, 5th Floor –TCR 1200 New Jersey Ave., SE Washington DC 20590

The above notices are posted in the following locations: City of Surprise Clerk's Office, City of Surprise website, and City of Surprise Park and Ride facility located at 134th Ave and Bell Rd.

The notices are posted online at <http://www.surpriseaz.gov/index.aspx?NID=2891>.

Title VI Complaint Procedures

Any person who believes she or he have been discriminated against on the basis of race, color, or national origin by Valley Metro or our transit service provider may file a Title VI complaint by completing and submitting the agency's Title VI Complaint Form or by calling Valley Metro's Customer Service. This anti-discrimination protection also extends to the activities and programs of Valley Metro's third party contractors. Any such complaint must be filed within 180 days of the alleged discriminatory act (or latest occurrence). All complaints are logged into Valley Metro's Customer Assistance System (CAS) and will be investigated according to federal standards.

Passengers using federally funded public transportation are entitled to equal access, seating and treatment. Under Title VI of the Civil Rights Act of 1964 (as amended) and related statutes, Valley Metro must ensure that no person shall, 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 federally funded program, activity or service it administers.

Complaints for alleged non-compliance with Title VI and related statutes may be lodged with Valley Metro Customer Service.

To submit a complaint online, fill out the online complaint form. Valley Metro's Title VI Complaint Form (English and Spanish) is located on the website:

http://www.valleymetro.org/about_valleymetro/civil_rights_policy_statement

To submit a claim by mail, by phone, or in person, please fill out the printable complaint form and mail/take to or call:

Regional Public Transportation Authority
4600 E. Washington St., Suite 101
Phoenix, Arizona 85034
Email: csr@valleymetro.org
Phone: (602) 253-5000
TTY: (602) 251-2039

Individuals may also file complaints directly with the Federal Transit Administration (FTA) within the 180-day timeframe.

Federal Transit Administration (FTA)
Attention: Title VI Coordinator
East Building, 5th Floor –TCR 1200
New Jersey Avenue, SE
Washington, D.C. 20590

Complaints received by Customer Service will be assigned to the appropriate staff member(s) for investigation in accordance with federal standards (28 CFR Part 35 and FTA Circular 4702.1B). After the complaint is processed, Customer Service will respond to the complainant and, if warranted by the investigation, take appropriate action. The City of Phoenix, as the designated recipient of federal funds for this region, is responsible for monitoring this process.

Note: To request information about Valley Metro's Title VI Policy, please send an e-mail to TitleVICoordinator@valleymetro.org. To request information in alternative formats, please contact Customer Service at csr@valleymetro.org or phone: (602) 253-5000, TTY: (602) 251-2039.

Valley Metro has 30 days to investigate each complaint. If more information is needed to resolve the case, Valley Metro may contact the complainant. Following the investigation of the complaint, a possibility of two letters will be sent to the complainant: a closure letter or a letter of finding. A closure letter states that there was not a Title VI violation; therefore, the case will be closed. A letter of finding states that there was a Title VI violation and explains what corrective action will be taken to remedy the situation. A complainant can appeal the decision within 60 days of receiving the letter. All appeals must be submitted to Valley Metro Customer Service.

TRACKING

Complaint comes in and is logged into the CAS system.

The Customer Service Administrator sends the complaint to the cities/transit provider for investigation and documentation within 24 hours. Complaint is returned to the Customer Service Administrator to ensure the information is complete and closes the complaint. Each cities administrator audits the complaints as well to ensure they meet the guidelines for Title VI.

The administrator reviews an outstanding weekly report identifying outstanding complaints. During the review process the administrator will send out notifications to the agency and a copy to the relevant city to remind the entity that the complaint is not yet resolved or closed out. This process is reinitiated each week to ensure timely compliance.

The administrator audits all completed Title VI complaints to check for accuracy and has complaint reopened by Customer Service administrator and sent back if not completed accurately.

INVESTIGATING

STEP ONE: Summary of the complaint, completed by the Regional Services Customer Relations staff.

STEP TWO: Statement of issues. List every issue derived from the complaint summary. Include questions raised by each issue:

1. Who?
2. What?
3. When?
4. Where?
5. How?

Add new issues that surface during investigation. The final list of issues becomes outline for investigation.

STEP THREE: Respondent's reply to each issue. Obtain information from each respondent, listen to each tape, review each document. All staff will document information collected in the customer contact (respondent area). After all respondent information is documented, complete the documentation (remaining steps). Determine the action taken. Follow up with the customer.

Note: "Respondent" is not confined to the transit vehicle operator. "Respondent" is defined as any source of information that can contribute to the investigation, such as:

Operator (Interview/History)
Radio/Dispatch/OCC reports
GPS tracking software and programs
Maintenance (Staff/Records)
City Transit staff
Witnesses
Complainant (Interview/History)
Spotter reports
Video (camera) and/or audio recordings
Courtesy cards
Incident reports (supervisor, transit police, fare/security inspectors)
Other transit employees
Route history

STEP FOUR: Findings of fact. Investigate every "issue" (stated in the "statement of issues noted in step two). Separate facts from opinions.

STEP FIVE: Citations of pertinent regulations and rules. Develop list of all regulations, rules, policies, and procedures that apply to the investigation

Title VI requirements

Company rules and procedures

Valley Metro policies and service standards

STEP SIX: Conclusions of law. Compare each fact from “findings of fact” to the list of regulations, rules, etc...Make decision on whether violation(s) occurred. List of violations becomes “conclusions of law”.

STEP SEVEN: Description of remedy for each violation. Specific corrective actions for each violation found. Include plans for follow-up checks. Do not conclude report with “no action taken”. If no violations found, conclude the report in a positive manner. Review policies and procedures. Review Title VI provisions.

RESPONSE TO CUSTOMER

Detailed summary of conversation with customer. Send copy of letter to customer.

ACTION TAKEN

Must include specific corrective action for each violation found.

Include a follow-up action plan.

If no violations found, note policies, procedures, etc. reviewed with operator.

Never state “no action taken”.

TITLE VI COMPLAINT FORM

Any person who believes that he or she has been discriminated against by Valley Metro or any of its service providers, and believes the discrimination was based upon race, color or national origin may file a formal complaint with Valley Metro Customer Service.

Please provide the following information to process your complaint. Alternative formats and languages are available upon request. You can reach Customer Service at (602) 253-5000/TTY: (602) 251-2039, or email at csr@valleymetro.org.

Section I: Customer Information

Name:

Address:

City:

State:

Zip:

Work Phone:

Home Phone:

Cell Phone:

Email Address:

Section II: Incident Information

Date of Incident:

Time of Incident:

AM/PM

City:

Incident Location:

Direction of Travel:

Route #:

Bus/Light Rail #:

Service Type:

☐ Local

☐ LINK

☐ Express/RAPID

☐ Light Rail

☐ Circulator/Connector

☐ Dial-a-Ride

Operator Name:

Operator Description:

What was the discrimination based on? (Check all that apply)

☐ Race

☐ Color

☐ National Origin

☐ Limited English Proficiency

☐ Other:

Explain as clearly as possible what happened and why you believe you were discriminated against. Describe all persons who were involved. Include the name and contact information of the person(s) who discriminated against you (if known), as well as names and contact information of any witnesses. If more space is needed, please use the back of this form.

Have you filed this complaint with the Federal Transit Administration?

☐ Yes

☐ No

If yes, please provide information about a contact person at the Federal Transit Administration where the complaint was filed.

Name:

Title:

Address:

Telephone:

Have you previously filed a Title VI complaint with this agency:

☐ Yes

☐ No

You may attach any written materials or other information that you think is relevant to your complaint.

Signature and date required below:

Signature

Date

602.253.5000
TTY: 602.251.2039
valleymetro.org



FORMA DE QUEJAS DEL TITULO VI

Cualquier persona que crea que ha sido discriminada basándose en su raza, color u origen nacional por Valley Metro o sus proveedores de servicio puede registrar una queja del Título VI con el Servicio al Cliente de Valley Metro.

Por favor provea la siguiente información necesaria para que se procese su queja. Hay formatos e idiomas alternos disponibles si se solicitan. Llene esta forma y envíela por correo postal a o entréguela en: Regional Public Transportation Authority, 4600 E. Washington St., Suite 101, Phoenix, Arizona 85034. Usted puede comunicarse con el Servicio al Cliente llamando al (602) 253-5000/TTY: (602) 251-2039, ó por correo electrónico en csr@valleymetro.org.

Sección I: Información del Cliente

Nombre:

Domicilio:

Ciudad:

Estado:

Código Postal:

Teléfono del Trabajo:

Teléfono del Hogar:

Teléfono Celular:

Domicilio Electrónico:

Sección II: Información del Incidente

Fecha del Incidente:

Hora del Incidente:

AM/PM

Ciudad:

Ubicación del Incidente:

Dirección de Viaje:

de Ruta:

de Autobús/Tren Ligero:

Tipo de Servicio:

☐ Local

☐ LINK

☐ Express/RAPID

☐ Tren Ligero

☐ Circulador/Connector

☐ Dial-a-Ride

Nombre del/la Conductor/a:

Descripción del/la Conductor/a:

¿En qué se basó la discriminación? (Marque todo lo que sea aplicable)

☐ Raza

☐ Color

☐ Origen Nacional

☐ Dominio Limitado del Inglés

☐ Otro:

Explique tan claramente como sea posible lo que sucedió y por qué cree usted que se le discriminó. Describa a todas las personas que estuvieron involucradas. Incluya el nombre y la información de contacto de la/s persona/s que le discriminó/aron a usted (si los sabe), así como los nombres y la información de contacto de cualquier testigo. Si necesita más espacio, por favor use el reverso de esta forma.

¿Ha usted registrado esta queja con la Administración Federal de Tránsito?

☐ Sí

☐ No

Si contestó sí, por favor provea información sobre la persona de contacto en la Administración Federal de Tránsito donde se registró la queja:

Nombre:

Título:

Domicilio:

Teléfono:

¿Ha usted registrado previamente una queja del Título VI con esta agencia?:

☐ Sí

☐ No

Usted puede adjuntar cualquier material por escrito o cualquier otra información que crea que sea relevante a su queja.

Se requieren la firma y la fecha abajo:

Firma

Fecha

valleymetro.org
602.253.5000
TTY: 602.251.2039



RPT243

Title VI Investigations, Complaints, and Lawsuits

The City of Phoenix and Valley Metro operate Surprise transit service, therefore, those entities have reported all Surprise complaints in the respective programs for 2012-2015.

City of Surprise/Valley Metro Public Participation Plan



City Hall
Surprise Civic Center

City of Surprise/Valley Metro is engaging the public in its planning and decision-making processes, as well as its marketing and outreach activities. The public will be invited to participate in the process whether through public meetings or surveys. As an agency receiving federal financial assistance, City of Surprise/Valley Metro made the following community outreach efforts:

- 1) Public Community hearing/meeting re: Valley Metro route changes(February 2012)
- 2) Public Press Release re: Dial-a-Ride Improvements/changes (August 2012)
- 3) Four Public Community Hearings re: Proposed Dial-a-Ride changes (September 2012)
- 4) Community-wide Publication and dissemination via USPS of Dial-a-Ride (Fall 2012)
- 5) Northwest Valley Transit Public Community Workshop (January 2014)
- 6) Public Press Release re: Dial-a-Ride Expansion (December 2014)

In the upcoming Year City of Surprise/Valley Metro will make the following community outreach efforts:

The City of Surprise does not anticipate that its transit-related programs and activities will change during the next year. In the event there are changes proposed to the City will utilize Valley Metro's Title VI Public Participation Plan.

Public Meetings:

- (1) Public meetings are scheduled to increase the opportunity for attendance by stakeholders and the general public. This may require scheduling meetings during non-traditional business hours, holding more than one meeting at different times of the day or on different days, and checking other community activities to avoid conflicts.
- (2) When a public meeting or public hearing is focused on a planning study or program related to a specific geographic area or jurisdiction within the region, the meeting or hearing is held within that geographic area or jurisdiction.
- (3) Public meetings are held in locations accessible to people with disabilities and are located near a transit route when possible.



1.0 Introduction

Throughout the year Valley Metro conducts public outreach activities related to capital projects, transit service changes, fare changes, as well as other transit-related events. To ensure adequate inclusion of the public throughout the Phoenix metropolitan community and to comply with the content and considerations of Title VI, this inclusive Public Participation Plan was established. Following guidance from the Title VI Requirements and Guidelines for Federal Transit Administration Recipients Circular¹ (Circular), Valley Metro uses this plan to ensure adequate involvement of low-income, minority and limited English proficient (LEP) populations.

Involving the general public in Valley Metro practices and decision-making processes provides helpful information to improve the transit system or better meet the needs of the community. Although public participation methods and extent may vary with the type of plan, program and/or service under consideration as well as the resources available, a concerted effort to involve all affected parties will be conducted in compliance with this plan along with Federal regulations. To include effective strategies for engaging low-income, minority and LEP populations, the Circular suggests that the following may be considered:

- Scheduling meetings at times and locations that are convenient and accessible for minority and LEP communities.
- Employing different meeting sizes and formats.
- Coordinating with community- and faith-based organizations, educational institutions and other organizations to implement public engagement strategies that reach out specifically to members of affected minority and/or LEP communities.
- Considering radio, television, or newspaper ads on stations and in publications that serve LEP populations. Outreach to LEP populations could also include audio programming available on podcasts.
- Providing opportunities for public participation through means other than written communication, such as personal interviews or use of audio or video recording devices to capture oral comments.

Valley Metro currently practices all of these strategies, in compliance with Federal regulations, so that minority, low-income and LEP populations have meaningful opportunities to engage in planning activities.

2.0 Public Participation Methods

Valley Metro uses several specific public involvement techniques to ensure that minority, low-income and LEP persons are involved in transit decisions. Through the use of public involvement, media

¹ US DOT FTA Circular 4702.1B



outlets and printed or electronic materials, Valley Metro disseminates information regarding planning efforts. These efforts include the activities described below.

- Public meetings, hearings and open houses are held regularly at community-familiar locations with public transportation access and at convenient times. These meetings provide an opportunity to meet with citizens and receive their comments and questions on proposed service changes and other programs. For each program, Valley Metro varies its meeting format in order to best engage the targeted population.
- Valley Metro has staff available at public meetings, hearings, events and open houses to answer questions and receive comments in both English and Spanish. Valley Metro also utilizes court reporters to record verbal comments at public hearings.
- Outreach for biannual service changes and other programs are conducted at or near the affected area, for example, along an affected bus route or at an affected transfer location, thus targeting the population that may be most impacted by proposed changes to service or routes. Oftentimes, these efforts are at transit stations, community centers, civic centers, or major transfer locations.
- Coordination with community- and faith-based organizations, educational institutions and other organizations occurs regularly. These coordination efforts assist Valley Metro in executing public engagement strategies that reach out to members of the population that may be impacted.
- Valley Metro conducts specially tailored transit presentations to community groups. This includes mobility training for senior citizens and persons with a disability as well as information on how to use the transit system for new residents and refugees. More comprehensive training is also conducted monthly at a regional center for disabled persons.
- All public meeting notices for biannual service changes and other programs are translated to Spanish. Notices regarding Valley Metro projects and programs are widely distributed to the public through multiple methods, including through community- and faith based organizations as well as door hangers, direct mail, newspaper advertisement, electronic messaging (email through existing data-base), social media, door-to-door canvassing and on-board announcements on the transit system.
- Valley Metro publishes advertisements of any proposed service or fare change in minority publications in an effort to make this information more easily available to the public. Additionally, Valley Metro sends out press releases on service changes and other programs to Spanish-language media.
- Major surveying efforts are conducted in both English and Spanish to ensure that the data collected is representative of the general public.
- Valley Metro Customer Service staff is multilingual.

- All comments are documented in a centralized database. For biannual service changes, comments are categorized by “in favor,” “not in favor” or “indifferent.” Comment summary information is provided to Valley Metro’s city partners for review and is also presented to the Valley Metro Board for consideration when taking action on proposed service changes.

Dependent upon the type of project, program, or announcement, public participation methods may vary to ensure that the general public is adequately involved in the decision-making process.

3.0 Typical Public Participation Opportunities

Valley Metro provides opportunities to share information or receive public input through a variety of methods for public participation utilized to engage low-income, minority and LEP populations through many outlets.

For planning efforts, including fare and service changes, public meeting locations are held at a centralized area or nearby affected route areas and bilingual staff is available. Public notices and announcements are published in minority-focused publications; some examples include: the *Arizona Informant* (African American community), *Asian American Times* (Asian American community), *La Voz* and *Prensa Hispana* (Hispanic community). Press releases are also sent to these media sources regarding fare changes, service changes and other programs. Additionally, printed materials, including comment cards or surveys, are available in Spanish.

A key effort conducted every two years is the Rider Satisfaction Survey. This survey is administered on transit routes across the region reaching transit riders that live in minority and/or low-income communities. The survey, administered in English and Spanish, measures citizen satisfaction with transit services and captures comments for improvements.

Throughout the year, minority, low-income and LEP populations have access to information via the Valley Metro Customer Service Center. The Customer Service Center is open 6 a.m. to 8 p.m. Monday through Friday, 7 a.m. to 7 p.m. Saturdays, and 8 a.m. to 5 p.m. Sundays and designated holidays. Customer Service staff are bilingual. Also available is the website www.valleymetro.org. Most information including meeting announcements, meeting materials and other program information is available on the website in both English and Spanish. If users would like information in another language, Valley Metro features Google translate on its website. This allows Valley Metro to reach citizens in 91 languages with information on transportation services, proposed service changes and other programs.

4.0 Conclusion

Valley Metro conducts public outreach throughout the year to involve the general public with activities and transit planning processes. Using a variety of communication techniques such as facilitating meetings at varied times and locations using multiple formats, placing printed materials at multiple outlets and providing opportunities via phone and web to share or collect information, Valley Metro ensures that outreach efforts include opportunities for minority, low-income and LEP populations that may be impacted by the activity or transit planning process under consideration. Valley Metro will continue to involve all communities in an effort to be inclusive of all populations throughout the



Metropolitan Phoenix area and also to comply with Federal regulations. Valley Metro will continue to monitor and update this Inclusive Public Participation Plan as part of the Title VI Program which is updated triennially.

Limited English Proficiency Plan

City of Surprise/Valley Metro

Limited English Proficiency Plan



Valley Metro has conducted a thorough LEP four factor analysis and resulting Language Access Plan to be utilized by all Valley Metro member agencies. This Language Access Plan, as set forth below, will be utilized by the City of Surprise to ensure compliance with its obligations to Limited English Proficiency (LEP) person under Title VI.



1.0 INTRODUCTION

In 1993, the Valley Metro Regional Public Transportation Authority (RPTA) board adopted the name Valley Metro as the identity for the regional transit system in the Phoenix metropolitan area. Under the Valley Metro brand, local governments joined to fund the Valley-wide transit system that serves more than 73 million riders annually. Valley Metro provides fixed route bus service, light rail service and complementary paratransit service across the region. Valley Metro distributes transit funds from the countywide transit sales tax to its member agencies including the cities of Tempe, Mesa, Glendale, Phoenix, Buckeye, Tolleson, Wickenburg, Surprise, Peoria, Chandler, Gilbert, El Mirage, Avondale, Goodyear, Scottsdale, and Maricopa County. For the most part, Valley Metro and its member agencies utilize service providers for operations of bus, light rail and paratransit services. The cities of Glendale, Scottsdale, Peoria, and Phoenix contract some of their service directly to service providers.

The regional transit system has 44 local bus routes, 15 key local bus routes, 1 limited stop peak and 2 limited stop all-day routes, 20 Express/RAPID routes, 19 community circulator routes, one rural connector route, and one light rail system for a total of 103 regional routes. Eight regional entities provide Dial-a-Ride service for seniors and persons with disabilities, as well as ADA paratransit service for those who are unable to use fixed route bus service.

Valley Metro and the region supports the goal of the U.S. Department of Transportation (USDOT) limited English proficient (LEP) guidance to provide meaningful access to its services by LEP persons. The Federal Transit Administration (FTA) notes that transit agencies that provide language assistance to LEP persons in a competent and effective manner will help ensure that their services are safe, reliable, convenient, and accessible to those persons. These efforts may attract riders who would otherwise be excluded from using the service because of language barriers and, ideally, will encourage riders to continue using the system after they are proficient in English and/or have more transportation options.

1.1 Regulatory Guidance

Title VI of the Civil Rights Act of 1964, provides that no person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity that receives federal financial assistance.

Executive Order 13166, "Improving Access to Services for Persons with Limited English Proficiency," issued on August 11, 2000, directs each federal agency to publish guidance for its respective recipients in order to assist with its obligations to LEP persons under Title VI. The Executive Order states that recipients must take reasonable steps to ensure meaningful access to their programs and activities by LEP persons. Providing English-only services may constitute national origin discrimination in violation of Title VI and its implementing regulations.

Language Assistance Plan
07/27/2015

The FTA Circular 4702.1B, “Title VI Requirements and Guidelines for Federal Transit Administration Recipients”, issued in October 2012 reiterates this requirement. Chapter III states that — FTA recipients must take responsible steps to ensure meaningful access to the benefits, services, information, and other important portions of their programs and activities for individuals who are Limited English Proficient (page III-6).”

In the Phoenix Metropolitan Area, there are over seventy different languages identified in households where English is not the predominate language. Using the “Four Factor Analysis” prescribed by the FTA, this plan was developed to ensure that all transit providers effectively communicate with all users of the public transportation agency’s services provided.

1.2 Four Factor Analysis

The FTA Circular 4702.1B identifies four factors that recipients of federal funds should follow when determining what reasonable steps should be taken to ensure meaningful access for LEP persons.

The four factor analysis involved the following:

1. Identify the number or proportion of LEP persons eligible to be served or likely to be encountered with transit service.
2. Determine the frequency with which LEP individuals come in contact with transit service.
3. Determine the nature and importance of transit service provided to LEP individuals.
4. Assess the resources available to the recipient for LEP outreach, as well as costs associated with that outreach.

This document describes Valley Metro’s four-factor analysis and summarizes its LEP efforts, including staff training, followed by a description of how the plan will be monitored and updated.

2.0 LIMITED ENGLISH PROFICIENT POPULATION (FACTOR 1)

The Factor 1 analysis assessed the number and proportion of persons with limited English speaking proficiency likely to be encountered within the service area, which is defined as a one-half mile radial buffer around all fixed route services. The LEP population is those individuals who reported to the Census Bureau that they speak English “less than very well.”

2.1 Evaluation Methods and Data Sources

In accordance with the FTA's policy guidance, the initial step for providing meaningful access to services for LEP persons and maintaining an effective LEP program is to identify LEP populations in the service area and their language characteristics through an analysis of available data. Determining the presence of LEP populations in the Valley Metro service area was completed through an analysis of several data sources, including:

- U.S. Census Bureau, Census 2000
- U.S. Census Bureau, 2013 American Community Survey (ACS) 5-Year Sample

The U.S. Decennial Census 2010 data was not used, as the 2010 Census did not include language specific information on the census forms. The Census 2000 data provides some general information about language groups that is included below; though recognized to be 15 years old. Notably the demographic landscape has transformed since 2000, though this dataset provides a historical comparison and additional insight given the long form of Census 2000 provided more detailed sampling for population characteristics like language proficiency as compared to Census 2010 and the ACS, which is more of a random sample.

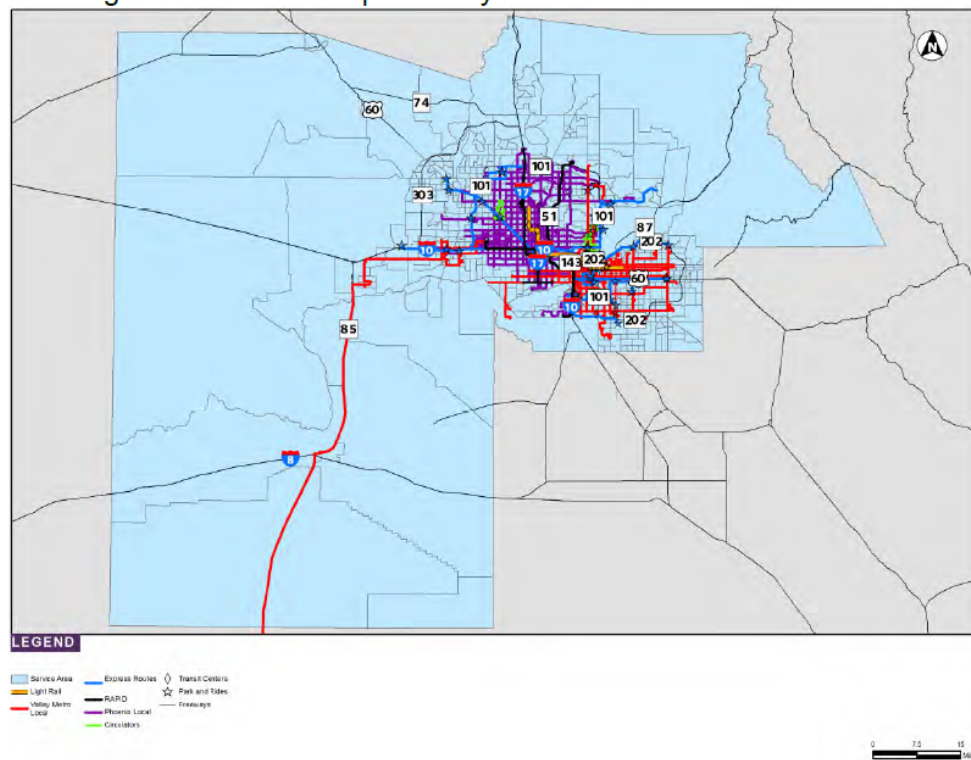
2.2 LEP Population Identification

FTA describes LEP persons as having a limited ability to read, write, speak, or understand English. For this LEP analysis, those who reported to the Census Bureau that they speak English "less than very well" were used to tabulate the LEP population for the transit service area.

Census 2000

U.S. Decennial Census 2000 provides information about English language proficiency within the Valley Metro service area. The census provides information on languages; recognizably this data is 15 years old and may not reflect the current state of the region. These data are available at the census block group and census tract level. There are 618 census tracts with one-half mile of fixed transit service. Figure 1 depicts the census tracts within the County. Census tracts encapsulated within the one-quarter mile buffer are also included in the estimates.

Figure 1: 2015 Maricopa County and Fixed Route Transit Service



The Census 2000 data include the number of persons ages 5 and above who self-identified their ability to speak English as “very well”, “well”, “not well”, and “not at all”. Table 1 shows English proficiency for the County and for Valley Metro’s service area using the Census 2000 data. The table shows that 12.1 percent of the population age 5 and over within the service area reported speaking English less than very well and is considered the overall LEP population. The census tracts within one-half mile of fixed route service have slightly higher population of LEP than Maricopa County.

Table 1: 2000 Census Data by Location

County or Area	Total Population Age 5 and Over	Speaks English Only	Speaks English		Percentage Less than Very Well
			Very Well	Less than Very Well	
Maricopa County	2,832,694	2,148,696	355,963	328,035	11.6%
Census Tracts within ½ -mile fixed routes	2,651,705	1,986,112	344,003	321,590	12.1%

Table 2 displays the data on English language proficiency for the census tracts within one-quarter mile around the fixed route service population ages 5 years and above by the linguistic categories identified by the U.S. Census Bureau, which include Spanish,



Indo-European, Asian or Pacific Islander, and All Other Languages. Predominately the population self-identified as speaking English less than “Very Well” is of Spanish language group, encompassing 10.4 percent of the total population ages 5 years and over. Indo-European, Asian or Pacific Islander, and All Other Languages groups comprised 1.7percent of the population. Of all those speaking English less than very well, the Spanish group comprises 86.0 percent of the total population over age five with limited English proficiency.

Table 2: 2000 Census Data by Language Category

Language Category	Total Population Age 5 and Over	Speaks English				Percentage Less than Very Well
		Very Well	Well	Not Well	Not At All	
Total	2,651,705	344,003	133,047	113,289	75,254	12.1%
English	1,986,112	-	-	-	-	0.0%
Spanish	528,613	252,587	103,991	99,549	72,486	10.4%
Indo-European	66,605	47,582	12,276	5,667	1,080	0.7%
Asian or Pacific Islander	44,109	24,273	12,210	6,372	1,254	0.7%
All Other Languages	26,266	19,561	4,570	1,701	434	0.3%

The Census 2000 data also provide information on linguistically isolated households. “A linguistically isolated household is one in which no member 14 years old and over (1) speaks only English and (2) speaks a non-English language and speaks English ‘very well.’ In other words, all members 14 years old and over have at least some difficulty with English” (Census 2000). In total, the Census 2000 Summary File 3 data identified 1,048,128 households. The entire membership of a linguistically isolated household would be considered LEP. Table 3 details those data for linguistically and non-linguistically isolated households by language category.

Table 3: 2000 Census Data by Linguistically Isolated Households

Language Category	Total Households	Isolated Households	Non-isolated Households	Percentage Isolated Households
Census Tracts 1/2 mile fixed routes	1,053,667	62,471	201,748	5.9%
English	788,723	-	-	-
Spanish	190,507	51,213	139,294	4.9%
Indo-European	40,883	5,161	35,498	0.5%
Asian or Pacific Islander	20,853	4,744	16,109	0.5%
All Other Languages	12,701	1,405	11,296	0.1%

Within the fixed route transit area 5.9 percent of households are considered linguistically isolated. Again, these are predominately Spanish households making up 4.9percent of the total. Remaining languages comprise 1.1percent of households that are classified as linguistically isolated.

Figure 2 shows a map depicting the concentrations of linguistically isolated households in census tracts within one-quarter mile of fixed route service. Most areas throughout the region are mixed, though there are a few pockets of Census blocks that have concentrations of linguistically isolated households, thus identified as persons with limited English proficiency.

American Community Survey

The American Community Survey (ACS) is a continuous nationwide survey conducted monthly by the U.S. Census Bureau to produce annually updated estimates for the same small area (census tracts and block groups) formerly surveyed via the decennial census long-form survey. It is intended to measure changing socioeconomic characteristics and conditions of the population on a recurring basis. It is important to note that the ACS does not provide official counts of the population between each decennial census, but instead provides weighted population estimates.

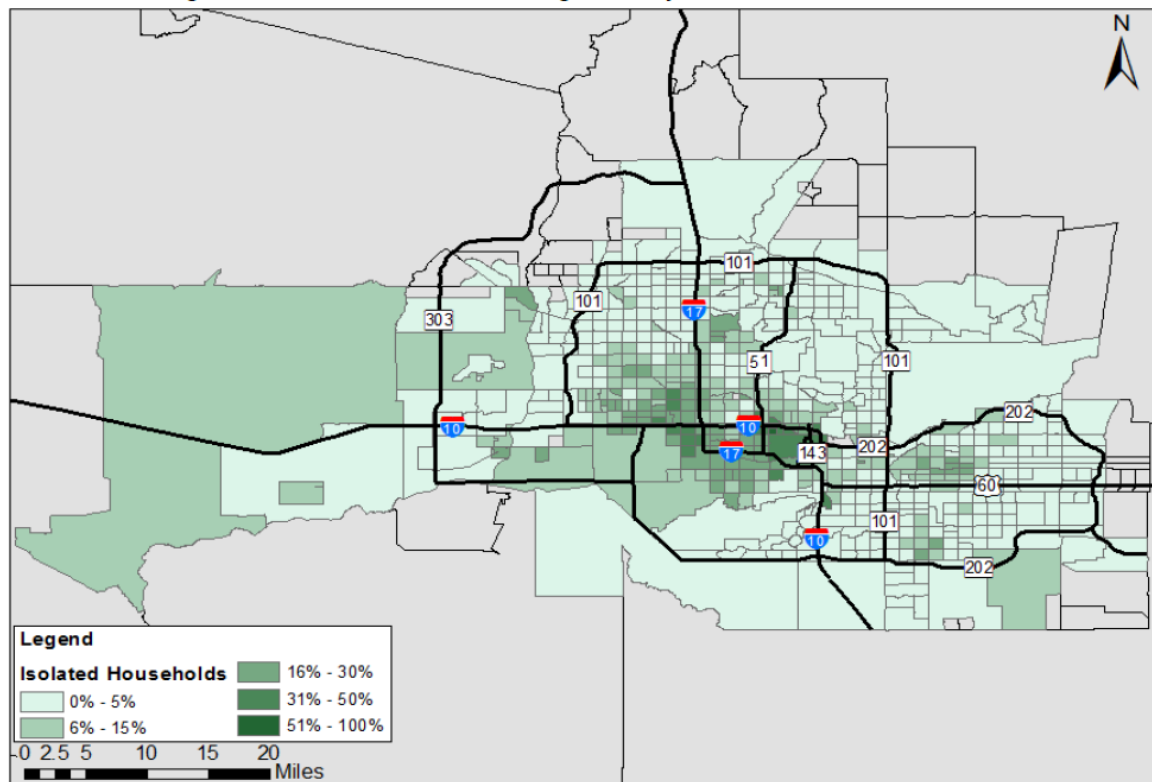
Figure 3 shows the census tracts within the ½ mile buffer of transit routes. Census tracts encapsulated within this area are included in the estimates though they may not be within a ½ mile of a fixed route.

Within this area, the most recent census data from the ACS 2013 data estimate the population age 5 years and older within the service area to be 3,051,428 with 340,076, or 11.1 percent, of the population is LEP; see Table 4.

Table 4: ACS 2013 Data by Location

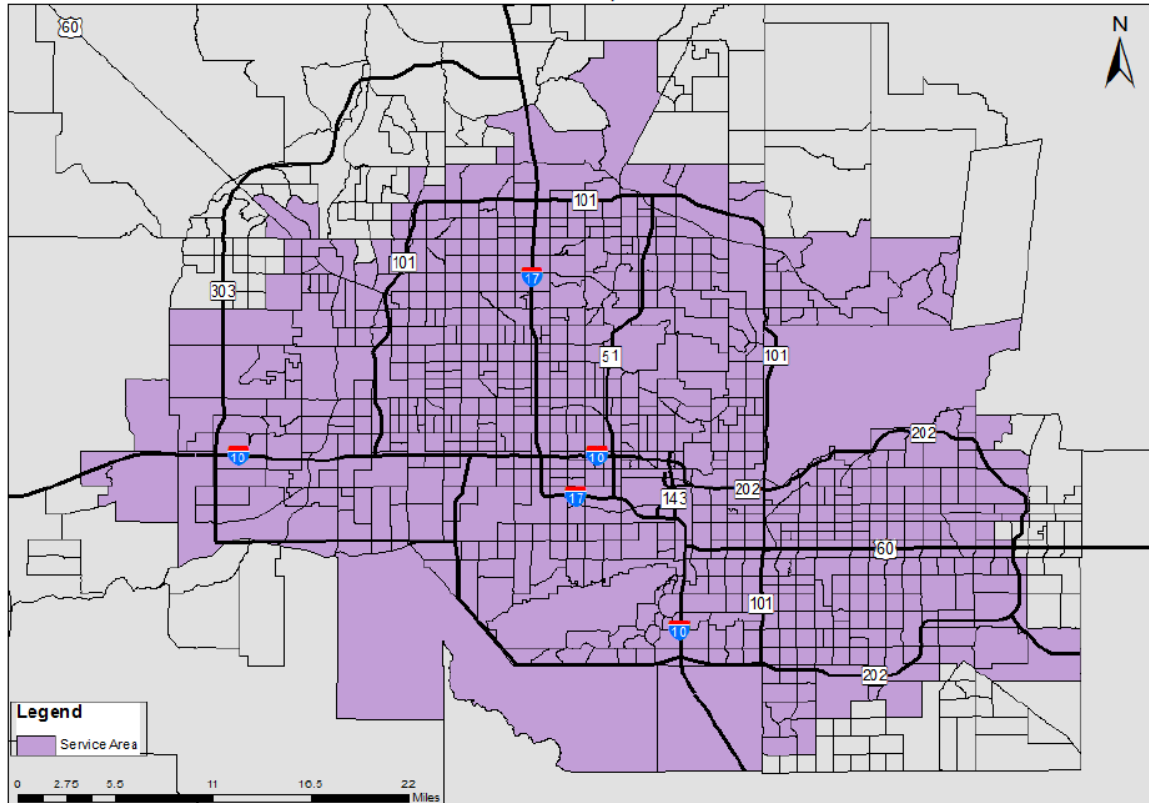
County or Area	Total Population Age 5 and Over	Speaks English Only	Speaks English		Percentage Less than Very Well
			Very Well	Less than Very Well	
Maricopa County	3,610,510	2,660,946	589,679	359,884	10.0%
Census Tracts 1/2-mile fixed routes	3,051,428	2,171,136	540,216	340,076	11.1%

Figure 2: Census tracts with Linguistically Isolated Households



Source: Census 2000

Figure 3: 2015 Census Tracts within One-Quarter Mile of Fixed Route Service (ACS 2013)



Source: ACS 2013

The ACS data show 19 languages or language groups with 1,000 or more LEP persons. However, only one LEP population exceeds 5 percent of the total population of persons eligible to be served or likely encountered. Table 5 shows the populations that meet either of these thresholds using ACS 2013 population by language and ability, sorted by percentage of LEP population.

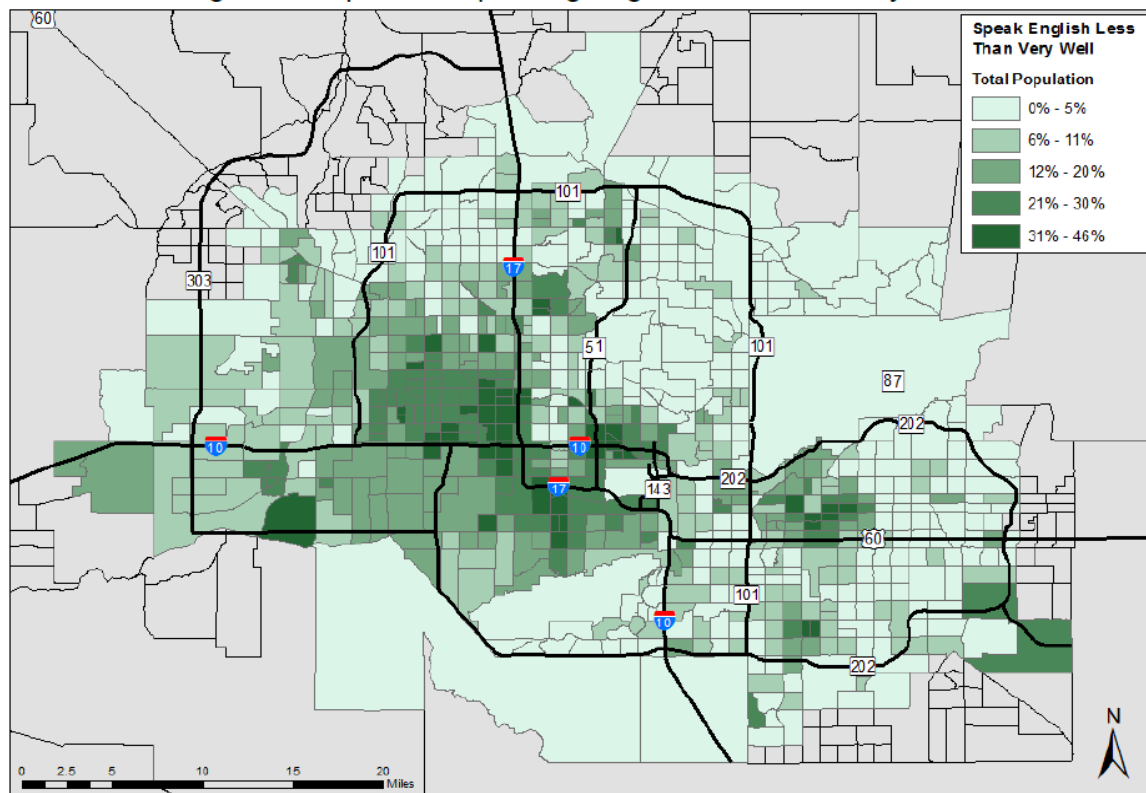
Table 5: ACS 2013 Data by Language within One-Quarter Mile of Fixed Route Service

Language	Speak English		Total Population	Percentage of Language LEP of Total LEP Population
	Less Than Very Well	Very Well		
All Languages	340,076	-	-	100%
Spanish	275,370	416,599	691,969	81.05%
Chinese	9,005	8,305	17,310	2.65%
Vietnamese	9,391	5,669	15,060	2.76%
Arabic	4,908	7,552	12,460	1.44%
Tagalog	4,114	8,918	13,032	1.21%
Other Asian	3,549	7,208	10,757	1.04%
African	3,301	4,485	7,786	0.97%
Korean	3,105	3,568	6,673	0.91%
Serbo-Croatian	2,833	4,177	7,010	0.83%
Other Languages	2,227	1,844	4,071	0.65%
Other Indo European	2,132	3,494	5,636	0.63%
Other Indic	1,894	3,989	5,883	0.56%
French	1,788	7,299	9,087	0.53%
Persian	1,788	2,821	4,609	0.53%
Other Pacific Island	1,278	3,037	4,315	0.38%
Russian	1,245	3,017	4,262	0.37%
Japanese	1,236	2,474	3,710	0.36%
Navajo	1,183	7,348	8,531	0.35%
German	1,199	9,624	10,823	0.35%

Within one-half mile of fixed route service, the majority (81%) of the LEP population is the Spanish speaking population; this is the only language group to exceed 5percent of the LEP population. The Spanish LEP population consists of 275,370 persons within the service area. Chinese and Vietnamese followed with 2.65percent and 2.76percent respectively, both were approximately 9,000 persons. There are 4,908 Arabic speaking LEP persons or 1.44percent of the LEP population. The fifth largest LEP population is Tagalog consisting of 4,114 people, or 1.21% of the LEP population within the service area.

Figure 4 shows a map depicting the concentrations of population speaking English Less than Very Well throughout the service area. Most areas throughout the region are mixed, though there are a few pockets of Census blocks that have concentrations of persons with limited English proficiency.

Figure 4: Population Speaking English “Less than Very Well”



3.0 FREQUENCY OF CONTACT WITH LIMITED ENGLISH PROFICIENT POPULATION (FACTOR 2)

The first step of the four-factor LEP needs assessment revealed that the largest language group was overwhelmingly Spanish; followed by Chinese, Vietnamese, Arabic, and Tagalog. Factor 2 is intended to assess the frequency with which LEP persons interact with Valley Metro programs, activities, or services. The USDOT “Policy Guidance Concerning Recipients’ Responsibilities to Limited English Proficient (LEP) Person” (USDOT 2005) advises that:

Recipients should assess, as accurately as possible, the frequency with which they have or should have contact with LEP individuals from different language groups seeking assistance, as the more frequent the contact, the more likely enhanced language services will be needed (emphasis added). The steps that are reasonable for a recipient that serves an LEP person on a one-time basis will be very different than those expected from a recipient that serves LEP persons daily.



The frequency of use was evaluated by assessing current resources, available data, and a short survey of transit employees.

3.1 Evaluation Methods and Data Sources

In an effort to determine the frequency that LEP persons interact with the agency, both quantitative and qualitative methods were used to analyze access to services. Anecdotal information regarding interactions with LEP persons, garnered through conversations with Valley Metro employees is also included in this section. More structured analysis is included using several sources of information:

- Transit Employee Survey
- Customer Service Interactive Voice Response (IVR) Call Log
- Transit Education Program
- Valley Metro Website Translation Data

Together these sources provide a picture of the interaction of LEP persons with programs, activities, or services provided by the agency.

3.2 Frequency of Contact Analyses

With about a quarter of the region speaking more than only English, Valley Metro recognizes the value of providing convenient and efficient information to transit riders. Understanding how often LEP persons are utilizing services will assist in serving customers better in the future with quality services, programs, and activities.

Transit Employee Survey

An employee survey was performed in an effort to determine how often those employees in contact with transit riders regularly encounter LEP persons. During late March and early April 2015, a voluntary survey of customer service and transit employees was conducted regarding the interaction with LEP persons and languages spoken. A copy of the survey instrument can be found as Appendix B. The Valley Metro Customer Service Representatives provide passenger assistance most commonly through email, but also via the phone. In addition, there are several Customer Service Representatives that are dedicated for fare sales, transit information, or are stationed at transit passenger facilities¹ to provide assistance to passengers. Employees surveyed were of one of the following locations:

- Customer Service Representatives (via Customer Assistance System, letter, phone, or email)
- Central Station Transit Center
- Ed Pastor Transit Center

¹ Facilities operated by the City of Phoenix or the City of Tempe

- Metrocenter Transit Center
- Sunnyslope Transit Center
- Tempe Transportation Center

In total 26 respondents provided information about their experiences. Approximately 70% of those surveyed were Customer Service Representatives employed at the Mobility and Customer Service Center.

When asked if representatives have had any requests for materials in another language, 31% responded yes they had encountered a request; see Figure 5. Of these, most interpretation or translation requests were for Spanish.

By cross-referencing the locations of respondents with responses that language assistance had been requested, only three locations had received requests: Central Station Transit Center (50% of requests), the Mobility and Customer Service Center (38% of requests), and Ed Pastor Transit Center (13% of requests).

Languages requested were predominately Spanish (55%) followed by French (18%). See Figure 6 for a full breakdown of the languages requested, including Japanese, Swahili, and Sa'ban.

Due to a low number of requests that had been received for materials in other languages the questions regarding frequency of requests shown in Table 6 were quite evenly spread.

Figure 5: Requests for Information or Materials in Another Language

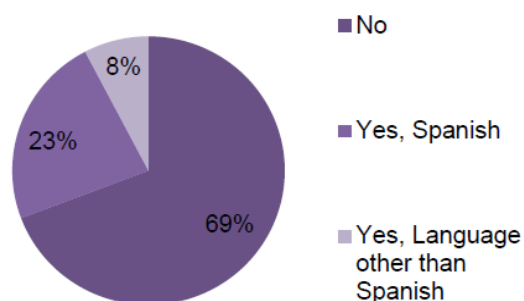


Figure 6: Chart of Requested Languages

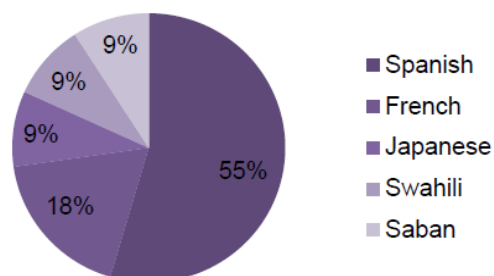


Table 6: Frequency of Requests Received

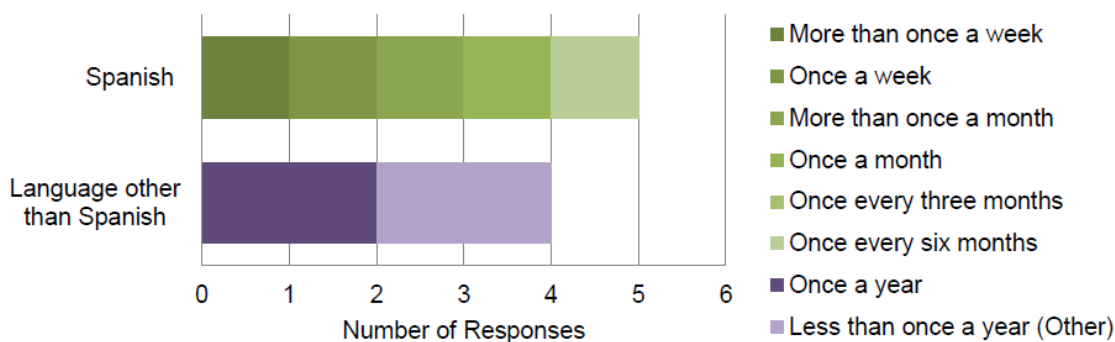
How often do you receive requests?	Number	Percentage
Once a week	1	11%
More than once a week	1	11%
Once a month	1	11%
More than once a month	1	11%
Once every six months	1	11%
Once a year	2	22%
Other	2	22%
TOTAL	9 ²	100%

Recognizing that 60% of language requests were for the Spanish language, the two write-in responses for “Other” provide some telling qualitative information. Those responses were:

- “French-every six months, Swahili only once ever”
- “Once in 19 years” -for Japanese

These responses were categorized appropriately and cross-referenced with the language requested. See Figure 7 for a comparison. Spanish was much more frequently requested than any other language. Additionally, languages other than Spanish were requested at a less frequent rate.

Figure 7: Language Requested by Frequency



This survey helped support that there are many languages encountered by transit professionals, yet Spanish is the most common and most frequent of those encountered.

Customer Service Interactive Voice Response (IVR) Call Log

The Customer Service Center updated the automated phone system mid-2014³ to establish the Interactive Voice Response (IVR) feature. With this expansion, the new

² One respondent provided two responses – the second being a write in under the “Other” response.

system is able to provide a log to which line callers have requested to be transferred. Available are six topic categories, each in English and Spanish for twelve options total. The topics available include:

- Americans with Disabilities Act (ADA)
- Customer Relations (CR)
- Light Rail
- Lost and Found
- Transit Information (TI)

This system allows Spanish-speaking callers to be automatically transferred to a bilingual representative reducing the time it takes to be served in the preferred language. Beyond being more convenient and helpful, this system also is more efficient by reducing the likelihood callers may be redirected to a bilingual representative. Currently, 12 bilingual customer service representatives are employed by Valley Metro. The new phone system prioritizes selection of Spanish calls received. Acknowledging that this is a truncated data set, Table 7 below shows the distribution of calls by option selected, followed by the sum of calls by language.

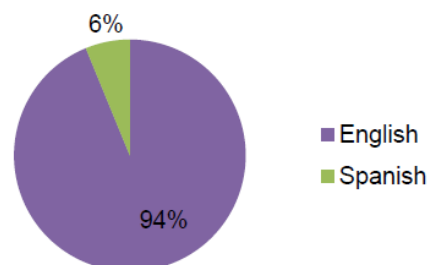
Table 7: Customer Service Call Log

	Total Calls	% of Total Calls
ADA-English	13,840	1.26%
ADA-Spanish	139	0.01%
CR-English	75,874	6.90%
CR-Spanish	371	0.03%
Light Rail-English	184	0.02%
Light Rail-Spanish	5	0.00%
Lost Found-English	5,073	0.46%
Lost Found-Spanish	22	0.00%
TI-English	936,408	85.16%
TI-Spanish	67,630	6.15%
English	1,031,379	93.8%
Spanish	68,167	6.2%
Total Calls	1,099,546	100.00%

Figure 8 shows a pie chart of the calls by language. Approximately 94% of calls were for English and 6% of calls were for Spanish. At the time of this report, 37 customer service representatives were currently on staff; of these, twelve are bilingual (32%).

When evaluating the customer service call logs, the bulk of calls received are through the

Figure 8: Customer Service Calls by Language



³ Data available July 2014 through April 2015



English phone lines with a small portion (6%) selecting a Spanish option.

Transit Education Program

Valley Metro has a Transit Education program that presents information to various groups to teach about public transit, benefits of transit, and how to use the system. Staff visit schools, present to new residents and refugee groups, and provide mobility training for senior citizens and persons with disabilities. Additionally, transit information and assistance is provided at community or special events including environmental fairs, transportation or vehicle days, career days, and more. This team also conducts general presentations by request to any group who wants to learn more about the transit system. For more-comprehensive training, monthly sessions are held at the Disability Empowerment Center and Glendale Adult Center.

Discussions with the program staff revealed some helpful anecdotal information. Typically, persons encountered spoke English fluently or well. The second most common language encountered was Spanish. Fifty percent of this team speaks Spanish and regularly provide information in Spanish.

Occasionally, presentations are made to various refugee groups. Due to the varied backgrounds of the participants, the hosting organizations generally provide necessary interpreters. Anecdotally, predominately Arabic and less often Burmese are the languages typically encountered during these presentations. However, it was noted that languages from around the world have been encountered through these group presentations.

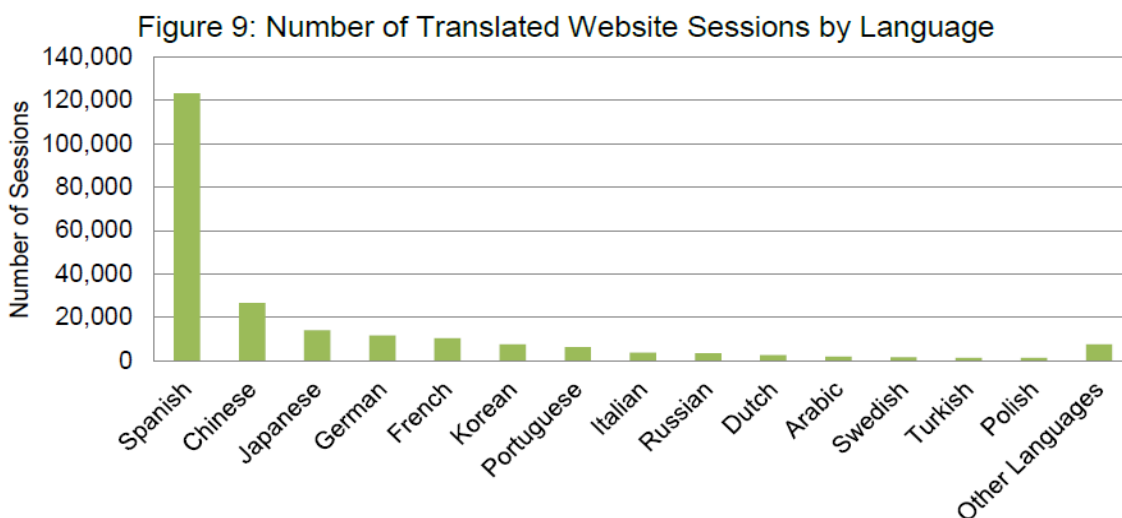
Website Translation

Apart from accessing information via transit employees whether by phone, email, in person or another method, many customers utilize the www.valleymetro.org website for information. The website is equipped with the Google Translate feature, which allows translation into 90 languages. Users have translated the Valley Metro website into 70 different languages using this feature. Approximately 99% of sessions were utilizing the default English setting. The remaining 1% was comprised of 69 other languages. Table 8 provides an itemization of the languages translated and the percentage of sessions. Note that only languages comprising at least 0.01% of total sessions are included below; a full table of entries is available in Appendix C.

Table 8: Website Sessions by Language⁴

Language	Number of Sessions	Percent of Total Sessions
Total	21,614,462 ⁵	100%
English	21,392,285	98.91%
Other Languages	222,177	1.03%
Language	Number of Sessions	Percent of Total Sessions
Spanish	123,377	0.57%
Chinese	26,684	0.12%
Japanese	13,950	0.06%
German	11,502	0.05%
French	10,316	0.05%
Korean	7,496	0.03%
Portuguese	6,225	0.03%
Italian	3,638	0.02%
Russian	3,303	0.02%
Dutch	2,576	0.01%
Arabic	1,822	0.01%
Swedish	1,483	0.01%
Turkish	1,221	0.01%
Polish	1,127	0.01%
Other Languages	7,457	0.03%

Once again, Spanish was overwhelmingly the most utilized language with the website translation service comprising 0.57% of sessions, followed by Chinese (0.12%), Japanese (0.06%), German (0.05%), and French (0.05%). See Figure 9 below for a chart of the number of translated sessions by language.



⁴ Valley Metro. (2015). Language [Data file]. Available from <http://www.google.com/analytics/ce/mws/>

⁵ There were 13,829 entries excluded from the analysis that did not have a valid ISO language code associated with the website visit; thus, entries were deemed invalid.



The website was translated to an additional 55 languages that each comprises less than 0.01% of the sessions; collectively these viewings attribute to 0.03% of all sessions. These languages include:

- | | | | |
|---------------|--------------|--------------|--------------|
| • Acoli | • Esperanto | • Javanese | • Romanian |
| • Afrikaans | • Estonian | • Kannada | • Serbian |
| • Albanian | • Filipino | • Kanuri | • Slovak |
| • Armenian | • Finnish | • Latvian | • Slovenian |
| • Aymara | • Galician | • Lithuanian | • Tagalog |
| • Azerbaijani | • Georgian | • Macedonian | • Telugu |
| • Bengali | • Greek | • Malay | • Thai |
| • Bosnian | • Gujarati | • Malay | • Tonga |
| • Breton | • Hebrew | • Malayalam | • Turkmen |
| • Bulgarian | • Hindi | • Marathi | • Ukrainian |
| • Catalan | • Hungarian | • Navajo | • Vietnamese |
| • Croatian | • Icelandic | • Norwegian | • Walloon |
| • Czech | • Indonesian | • Persian | • Welsh |
| • Danish | • Irish | • Pushto | |

Persons around the region utilize the website to gather information in languages from around the world using the Google Translate feature. The majority of translated sessions are for the Spanish language (0.57%).

Furthermore, many documents uploaded to Valley Metro's website are translated into Spanish since they are disseminated as paper materials to the public. Individuals may utilize these documents without translating the website into Spanish, but rather use the Google Translate feature. Some of these documents include project updates, route maps and schedules, instructions and applications for a Reduced Fair ID, service change information, policies, brochures, and forms.

Conclusion

The Factor 2 analysis revealed that there is regular contact between the LEP population and Valley Metro personnel. The Transit Employee Survey conducted revealed that 31% of all respondents had encountered an LEP person; of those who had encountered a request for assistance in another language, 55% of requests were for Spanish. The Customer Service Call Log, though limited, showed that a mere 6% of customers utilized one of the six Spanish options. Information from the Transit Education team qualitatively identified Spanish as the main language group, while there were also occasional encounters with Arabic-speaking populations. Finally, translation data from the Valley Metro website indicated 1.03% of sessions were translated; approximately half of which were translated to Spanish. The website was translated to 70 different languages. Overall, there is broad diversity within the Phoenix region that accesses regional transit services, however; these are predominately English and Spanish speaking individuals.

4.0 NATURE AND IMPORTANCE OF THE PROGRAM, ACTIVITY OR SERVICE PROVIDED (FACTOR 3)

The third step in the four-factor LEP needs assessment is an evaluation of the importance of Valley Metro services to persons with limited English proficiency. The first component of the Factor 3 analysis is to identify critical services. Next, input received from community organizations was used to identify ways to improve these services for LEP populations. The U.S. Department of Transportation (USDOT) “Policy Guidance Concerning Recipients’ Responsibilities to Limited English Proficient (LEP) Persons” (USDOT 2005) advises that:

The more important the activity, information, service, or program, or the greater the possible consequences of the contact to the LEP individuals, the more likely language services are needed. The obligations to communicate rights to an LEP person who needs public transportation differ, for example, from those to provide recreational programming. A recipient needs to determine whether denial or delay of access to services or information could have serious or even life-threatening implications for the LEP individual . . . providing public transportation access to LEP persons is crucial. An LEP person’s inability to utilize effectively public transportation may adversely affect his or her ability to obtain health care, education, or access to employment.

With assistance from Valley Metro’s Community Relations and Marketing departments, a list of services provided was prepared and prioritized. The input from community organizations and LEP persons were incorporated to ensure views of the importance of services provided are adequately prioritized.

4.1 Services Provided

In cooperation with Valley Metro’s Communications and Operations departments, services currently provided to LEP persons were queried. Typically, materials in both English and Spanish are available on both bus and light rail services. Below is a list of available materials and services in Spanish that includes next bus and light rail specific services:

- Press Releases
- Public materials; including, but not limited to:
 - Route Scout (announcements on buses and light rail)
 - Ride Guide and Destinations Guide
 - Service changes materials

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-
- Transit book
 - Website
 - Project updates
 - Title VI forms
 - Large special events materials (e.g. Super Bowl public materials)
 - Direct mailers or door hangers for targeted outreach
 - Ticket vending machines (Spanish and Braille)
 - Bilingual customer service staff
 - Email List Serv Messages
 - Bus specific services:
 - Car cards (on-board advertisements)
 - Bus signs (i.e. priority seating, caution signs, entry/exit, etc.)
 - Variable message sign that displays announcements on buses
 - Light Rail specific services:
 - LRT vehicle signage including priority seating, manners, and other train information
 - VMS Announcements on vehicles and at stations
 - System maps and auxiliary information
 - Operator call boxes on trains
 - Emergency call box at stations
 - Safe place notices

Critical Services

Public transit is a key means of mobility for persons with limited English proficiency. Of those services identified above, a subset of critical services was prioritized to ensure that those services imperative to utilize Valley Metro public transportation options are available to all users.

Basic trip information is available both printed and electronically in Spanish, including service hours, tickets, trip planning, airport and transit connections, parking, bicycles, and services for persons with disabilities. Also available in Spanish is information regarding how to utilize transit, manners, priority seating, caution signs, and exit locations on vehicles. Ticket vending is available in both Spanish and Braille. Emergency notification measures are also translated, including audio VMS⁶ Announcements on vehicles (bus and rail), operator call boxes, emergency call boxes, and Safe Place notices.

⁶ Variable message signs
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Bilingual customer service representatives are available during regular call center hours. Representatives use the same procedures for comments and note that the inquiry was in Spanish so that a bilingual representative is assigned in any follow-up response if needed. Outside of customer service hours, the website is available for translation to most languages at any time. For public meetings and hearings, a Spanish translator is usually available; additional translators are available upon request or appropriate context. Typically, additional translation services requested are provided for American Sign Language through an on-call contract.

Community Outreach

Valley Metro conducted interviews with six community organizations that encounter various LEP populations. The organizations interviewed range from cultural adult centers to refugee services organizations.

Key findings from outreach effort:

- Public transportation is the main form of transportation to access jobs, medical appointments, social services, grocery shopping and school.
- Many of the organizations provide an orientation to transportation services and also provide free transit passes for employment searches.
- Two primary challenges with the public transportation system were voiced, which related to route location and schedule.
 - The schedule does not accommodate early morning or late night shifts.
 - The transit system does not travel to all locations, especially those on the outer reaches of the Phoenix metropolitan region.

Community Organizations Interviews

To garner insight on the use and role of Valley Metro services to the LEP populations within the Phoenix Metropolitan region, six community organizations were interviewed:

- Catholic Charities
- Friendly House
- Refugee Focus
- Arizona Immigration Refugee Services (AIRS)
- Chinese Senior Center
- Hope VI

Organizations were identified to ensure that a wide variety of cultural and language groups were reached over large service areas. These organizations indicated that they serve populations speaking a broad range of languages, including Spanish, Arabic, Somali, Chinese, Burmese and French.

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Participating agencies were asked a series of questions from the FTA handbook “Implementing the Department of Transportation’s Policy Guidance Concerning Recipients’ Responsibilities to Limited English Proficient (LEP) Persons” (FTA 2007b). Organizations interviewed expressed needs of LEP populations regarding language assistance including:

- **System Map Information:** LEP populations have expressed a difficulty in understanding and familiarizing themselves with system maps.
- **On-Board Messaging:** LEP populations have expressed hardship in reading and understanding on-board signage/message boards as well as driver instructions.
- **Transit Service Information:** LEP populations have expressed the desire for information, such as how to ride and fare payment information, be communicated in an understandable format. Symbols could be used to communicate messages to a wider audience. Also, offering orientation to these populations, through their respective agencies, would familiarize them with the transit system.

5.0 CURRENT RESOURCES AVAILABLE AND THE COSTS TO PROVIDE LANGUAGE ASSISTANCE SERVICES (FACTOR 4)

The final step of the four-factor LEP analysis is an evaluation of the current and projected financial and personnel resources available to meet the current and future needs for language assistance. The first component of the Factor 4 analysis was to identify current language assistance measures and associated costs. The next step was to determine what additional services may be needed to provide meaningful access. The USDOT “Policy Guidance Concerning Recipients’ Responsibilities to Limited English Proficient (LEP) Persons” (USDOT 2005) advises that:

A recipient’s level of resources and the costs imposed may have an impact on the nature of the steps it should take in providing meaningful access for LEP persons. Smaller recipients with more limited budgets are not expected to provide the same level of language services as larger recipients with larger budgets. In addition, ‘reasonable steps’ may cease to be reasonable where the costs imposed substantially exceed the benefits.

Valley Metro has a strong commitment to reducing the barriers encountered by LEP persons in accessing its services and benefits, to the extent resources are available. Valley Metro currently does not break down all cost expenditures related to providing language assistance. Valley Metro will evaluate how to consolidate its language assistance measures to deliver the most cost-effective services.

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5.1 Current Measures and Costs

Costs incurred by Valley Metro for the language assistance measures currently being provided include:

- Translation of materials
- Printing, advertising, or other marketing costs
- Interpretation services
- Staff costs associated with Title VI efforts in adhering to language assistance measures

Typically, an amount is embedded into the project costs by activity (logged under printing or other direct expenses) for translation and production of any materials. Agency wide there is a standing on-call contract for any interpretation needs. Any production costs are included in printing and public meetings budgets. Furthermore, there are bilingual employees that provide intermittent language assistance needs as part of their other duties. Specifically, the Public Relations team has two employees (33% of the department staff) that are bilingual. These employees may be assigned to prepare press releases or media events with Spanish-speaking publications in addition to their typical duties. These soft costs are not tracked, though most of the formal interpretation services are contracted.

Interpreters are contracted for public meetings or hearings to ensure that any language assistance needs are met so that public relations staff can focus on facilitating the event. All hearings are staffed with interpreters while public meetings are staffed depending on the anticipated number of persons reached and upon request. Valley Metro's current contract for interpreters at public meetings allow for approximately \$200 per meeting. Annually \$5,000-\$6,000 is spent for interpreters to staff meetings and public hearings for various projects and efforts. In addition, \$800-\$1,200 is spent annually for sign language interpreters at requested meetings and public hearings. Costs for translating and producing materials like meeting notices, display boards, news releases, and project update sheets are also budgeted annually; approximately \$14,000 - \$15,000. In total, approximately \$20,000 - \$25,000 is contracted out directly in support of language assistance services for interpreters, translation, and materials dependent on the projects and programs implemented each year.

Additional soft costs include other staff time utilized on an ad hoc or regular basis to provide translation or interpretive services. Over thirty percent of Public Relations and Customer Service Representatives are bilingual, servicing Spanish-speaking customers as well as English-speaking customers. Being bilingual is a preferred qualification when hiring customer service staff though not required. There are also bilingual employees



that may assist on an informal, ad hoc basis to communicate with LEPs in other departments.

5.2 Cost-effective Practices

Valley Metro will continue to evaluate ways to improve the cost-effectiveness and the quality of its language services. Additional strategies for saving costs or improving quality may include developing internal and external language services, with the opportunity to coordinate across multiple agencies in the region. Current measures practiced to ensure services are cost effective include:

- bilingual staff trained to act as interpreters and translators
- shared customer service center and other information for combined translation and interpretation resources
- some standardized common documents with transit and other public agencies
- translated vital documents currently posted on <valleymetro.org>

Strategies for consolidating the regional language assistance measures to achieve efficiencies may include:

- creating a one-stop LEP information center for Valley Metro employees
- surveying Valley Metro staff to determine any additional existing multilingual resources
- conducting outreach to various community organizations to secure volunteers for translation and interpretation services that are currently contracted or completed in-house
- consolidating contract services for oral and written translation to secure the most cost-effective rates

Valley Metro continues to use qualified translators and interpreters to uphold the quality of language assistance measures. Valley Metro strives to provide basic informational training for volunteer staff on its language assistance measures.

5.3 Additional Services and Budget Analysis

Valley Metro is committed to reducing the barriers encountered by LEP persons in accessing its services to the extent funding is available. While Valley Metro currently does break down contracted cost expenditures related to providing language assistance, expenditures of efforts for translation and interpretation completed in-house are less well documented. As part of the Language Assistance Plan, Valley Metro will better monitor efforts in the future. Valley Metro will further evaluate how to consolidate its language assistance measures to deliver the most cost-effective services.

The information received from community organizations provided some insight on additional services that may ease access for LEP persons to regional transit services.

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The summary above portrays more insight of the interviews conducted. Services requested were centered on service expansions that included increased frequencies and later services at night. However, these would be greater improvements for consideration and prioritization of the system rather than specific services for LEP persons. Therefore, they were excluded here and assigned to the general public process for service requests.

Other requests included using more symbols to depict messaging and system routes. Audio messaging is also shown using VMS⁷ that could potentially show messaging in another language as well. The light rail system VMS currently shows messages in English and Spanish. Bus messaging is typically location data and in close proximity depending on stop locations. The feasibility and helpfulness of VMS translation should be evaluated.

As applicable, through the annual budget process, additional services requested or identified may be considered for implementation. In 2015, Valley Metro has shifted to a zero based budget that is approved by two appointed boards: Valley Metro Rail Board and the Valley Metro Regional Public Transportation Authority Board of Directors. Year by year the budget is developed as appropriate to the unique needs and demands of the agency at that point in time.

5.4 Projected Costs

Requests for added services include expanded symbols to understand how to use transit services, on-board messaging, and system map information. With a commitment to providing reasonable language assistance measures, Valley Metro will assess current symbolism used on vehicles, at station locations, and elsewhere to determine the sort of improvements that could be made so that the system is more easily understood visually. With expanded symbolism, it is expected that the need for enhancing the on-board messaging and system map information may be reduced. Furthermore, these could be incorporated into the regular updates of this information and signage. Biannually in coordination with the service changes, updated system maps are produced.

Other improvements would be considered after analyzing the staff costs, third party contract costs, and costs related to volunteer or community organization coordination. These would be evaluated in comparison with anticipated benefits to the LEP population. Other considerations may include operational issues and implementation time.

⁷ LINK stations, light rail stations and vehicles are equipped with VMS announcements; most fixed route vehicles are also equipped with VMS capabilities



6.0 LANGUAGE ASSISTANCE MEASURES

Valley Metro is committed to full compliance with Title VI and Executive Order 13166 to provide meaningful access and reduce barriers to services and benefits for persons with limited English proficiency.

6.1 Current Language Assistance Measures

As discussed earlier in this Language Assistance Plan, Valley Metro currently provides both oral and written language assistance. Oral language assistance includes bilingual customer service representatives, speaking Spanish. Additionally, Spanish interpreters are available at public meetings; sign language and other language interpreters are available as requested. On vehicles and at stations, VMS announcements are also in Spanish.

Written Spanish language assistance includes signage, press releases, list serv messages, service change materials, Title VI complaint forms, policies, and procedures. Additional translation of some vital documents is provided, such as schedules, maps, ride and destination guides, route scouts, and more. Meeting notices and public input surveys at public meetings are translated. The website is equipped with the Google Translate feature, which allows translation into 90 languages (www.translate.google.com). Fare vending machines provide Spanish and Braille translations as well.

Notices to the public of language assistance measures are typically provided side-by-side an English version of the document. For example, Ride Guide documents are provided in both English and Spanish and are available together wherever disseminated. Where available, documents are commonly printed on both sides with an English version and a Spanish version on each side of the paper. When calling into the customer service line, the interactive voice response system will ask if Spanish is the preferred language automatically prior to being connected with a representative.

6.2 Staff Training

Specific policies and procedures for interacting with LEP persons are not formally adopted on a standalone basis. These policies and procedures are in essence those for all customers and have been embedded into multiple documents (including the Title VI Plan, trainings, instructions, etc.).

Using the customer service center as an example, Spanish calls are assigned directly to a Spanish-speaking representative through the phone system. In the customer assistance system a note is made that the customer speaks Spanish so that if the query is not able to be responded to immediately, any response is assigned to another

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bilingual representative. This training is implanted into general customer assistance staff training to ensure cost effective practices and efficient use of training resources. Title VI of the Civil Rights Act of 1964 is distributed to new employees and where applicable, employees are expected to know how to file discrimination claims based on race, color, or national origin. Additionally, there are related trainings available including quarterly Civil Rights Workshops, training sessions for conducting complaint investigations according to federal guidelines and streamlining the complaint investigative process.

Training for employees who regularly encounter the public may also include:

- Type of language services available,
- How staff and/or LEP customers can obtain these services,
- How to respond to LEP callers,
- How to respond to correspondence from LEP customers,
- How to respond to LEP customers in person, and
- How to document LEP needs.

Valley Metro continues to consider opportunities to provide quality services for LEP persons throughout the service area.

6.3 Future Language Assistance Services

With the development of subsequent Language Assistance Plans, it is expected that through the monitoring, evaluation, and update process that additional services continue to be identified and considered for feasibility of implementation. Valley Metro strives to serve LEP populations adequately with an equal opportunity to use transportation options available. Section 7 provides more information about the monitoring and update process of this plan.

7.0 MONITORING AND UPDATING THE LANGUAGE ASSISTANCE PLAN

Triennially Valley Metro will review, monitor, and update this LAP. Feedback from agency staff and community members will be accepted throughout the year at the email address: TitleVICoordinator@ValleyMetro.org. Additional community feedback may be elicited during the update process. Internal monitoring will be conducted using the template provided from the FTA handbook “Implementing the Department of Transportation’s Policy Guidance Concerning Recipients’ Responsibilities to Limited English Proficient (LEP) Persons” (FTA 2007b). Using this checklist periodically, stations, vehicles, customer service, community outreach, and public relations are monitored.

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Using this information, changes may be made to the language assistance plan recognizing any cost implications and resources available. Depending on this evaluation, language assistance measures may be expanded, modified or eliminated based on their effectiveness.

As the transit service area is modified through service changes, the demographics served will be reviewed to ensure that those high concentrations of LEP persons are reflected accurately in an effort to provide language assistance measures to areas with expanded transit services.

Throughout the monitoring period, Valley Metro will continue to follow the recommendations and use the resources provided by Executive Order 13166, FTA Circular 4702.1B, the USDOT “Policy Guidance Concerning Recipients’ Responsibilities to Limited English Proficient (LEP) Person” (USDOT 2005), and the FTA handbook “Implementing the Department of Transportation’s Policy Guidance Concerning Recipients’ Responsibilities to Limited English Proficient (LEP) Persons” (FTA 2007b). Valley Metro will be better able to apply the DOT LEP guidance’s four-factor framework and will continue to determine an appropriate mix of language assistance in the preparation of language assistance implementation plans.

Non-elected Committees Membership Table

A sub recipient who selects the membership of transit-related, non-elected planning boards, advisory councils, or committees must provide a table depicting the membership of those organizations broken down by race. Subrecipients also must include a description of the efforts made to encourage participation of minorities on these boards, councils, and committees.

The City of Surprise does not currently have any transit-related, non-elected planning boards, advisory councils, or committees. Therefore, this section is currently not applicable and the City does not have a process by which to encourage the participation of minorities on same. However, if and when the City of Surprise creates any such transit-related, non-elected planning boards, advisory councils, or committees, the City will adopt and implement a process which is fully compliant with Title VI and is designed to encourage and facilitate the participation of minorities in compliance with Title VI and any other applicable federal and state law, regulations, and rules.

Monitoring for Subrecipient Title VI Compliance

☐ The City of Surprise does NOT currently have subrecipients and therefore does NOT monitor subrecipients for Title VI compliance. In the event subrecipients come under the control of the City of Surprise, the City will adopt and implement a policy and procedure which ensures that all subrecipients comply with their obligations under Title VI and any other applicable federal and state laws, regulations, and rules.

Title VI Equity Analysis

A sub-recipient planning to acquire land to construct certain types of facilities must not discriminate on the basis of race, color, or national origin, against persons who may, as a result of the construction, be displaced from their homes or businesses. “Facilities” in this context does not include transit stations or bus shelters, but instead refers to storage facilities, maintenance facilities, and operation centers.

There are many steps involved in the planning process prior to the actual construction of a facility. It is during these planning phases that attention needs to be paid to equity and non-discrimination through equity analysis. The Title VI Equity Analysis must be done before the selection of the preferred site.

Note: Even if facility construction is financed with non-FTA funds, if the subrecipient organization receives any FTA dollars, it must comply with this requirement.

The City of Surprise has no current or anticipated plans to develop new transit facilities covered by these requirements.

Board Approval for the Title VI Program



CITY OF SURPRISE
Regular City Council Meeting

October 20, 2015 @ 6:00:00 PM

+ [Back](#) [Print](#)

Council Meeting Date:	October 20, 2015	Contact Person:	Michael Boule, Public Works Department
Submitting Department:		District:	Citywide
Staff Recommendations:	Approve		

Consent	☒	Regular	Public Hearing	Report/Discussion
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Agenda Wording:

Consideration and action authorizing the City Manager to execute an Intergovernmental Agreement with the Arizona Department of Transportation for the Reems Rd. Intelligent Transportation System enhancements; Resolution # 2015-80.

Motion:

I move to approve Resolution # 2015-80.

Background:

The project will utilize Federal Congestion Mitigation and Air Quality (CMAQ) funding; therefore the project is being administered by ADOT. This project will install new fiber optic backbone, install closed circuit TV hardware and software, install new digital message signs, and replace antiquated video detection equipment. Once this project is complete it will allow the City's Traffic Management Center to more effectively manage the traffic along Reems Rd. The City is required to fund the design, pay ADOT for their administration costs, and fund 5.7% of the construction costs.

Objective Analysis:

The objective of these Intelligent Transportation System enhancements along the Reems Rd. corridor is to more efficiently move, manage and control traffic for the safety and convenience of the traveling public.

Policy Compliant:

Surprise Municipal Code charges city officials with the duty to develop ways and means to improve traffic conditions. The city strives to utilize new technologies such as Intelligent Transportation Systems to maximize the capacity and efficiency of the transportation system and provide connectivity to the region, ease of movement into, within, and out of Surprise, and support a high standard of community life. This item is consistent with these objectives.

Financial Impact:

The City of Surprise has secured Congestion Mitigation and Air Quality (CMAQ) funding for the construction costs associated with this project. The CMAQ funding will cover 94.3% of the construction costs. The remaining 5.7% will be funded by the General Fund, non-growth (36.40%) and the Public Works Development Impact Fee Fund (63.60%). There is also a \$30,000 ADOT administration fee paid by the City of Surprise. The City will also be funding the design of this project, the estimated design fee is \$90,000. Please see details below:

Federal-aid funds @ 94.3% (capped) \$ 804,851.00
Project Management & Design Review Cost \$ 30,000.00
City's match 5.7% \$ 48,650.00

Estimated TOTAL Project Cost \$ 883,501.00

Summary:

Total Estimated City Funds \$ 78,650. 00

Total Federal Funds \$ 804,851.00

City Design Fee \$ 90,000.00

Total Project Cost for City \$ 168,650.00

Budget Impact:

This project was approved as part of the FY2016 budget.

FTE Impact:

This item does not change the full time equivalent count.

ATTACHMENTS:

Click to download

- ☐ [Presentation](#)
 - ☐ [Resolution 2015-80](#)
 - ☐ [IGA](#)
-

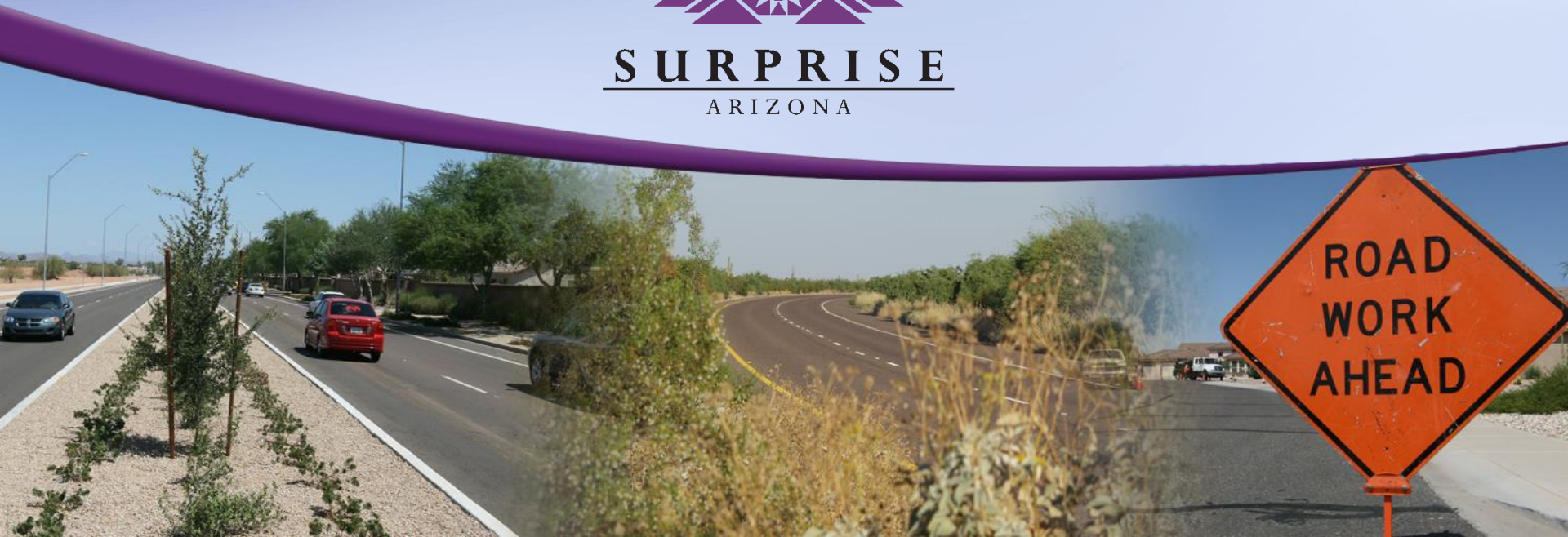
Reems Rd.-Peoria Ave. to Bell Rd. ITS Improvements Construction IGA CIP 21601

October 20, 2015

Public Works Department



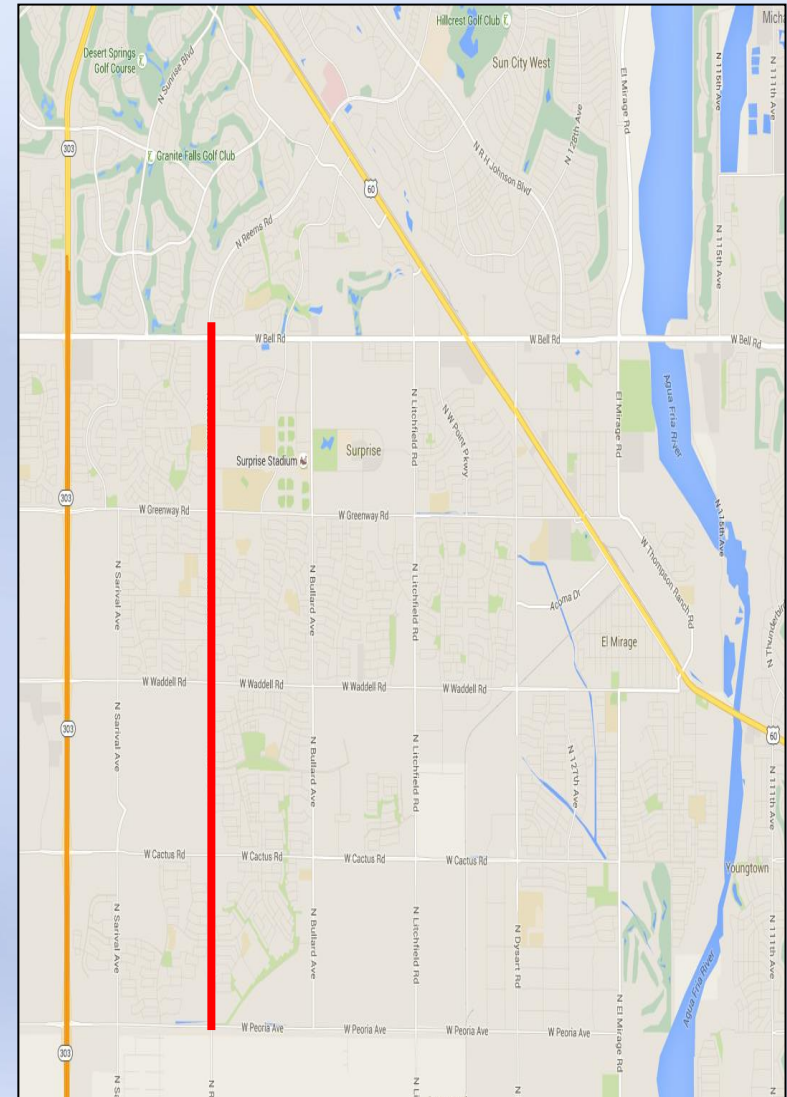
S U R P R I S E
ARIZONA



ITS Construction IGA



- Construction IGA with ADOT for the construction of the Reems Rd. Intelligent Transportation Improvements.
- Project Features
 - CCTV Installation
 - Fiber Optic Installation & Interconnect
 - Vehicle Detection Upgrade
 - Integration to TMC
 - ITS Server Upgrades



Financial Impact



- CMAQ grant for 94.3% of construction costs.
 - \$804,851
- City match is 5.7%
 - \$48,860
 - General fund 36.40%
 - PW development impact fee fund 63.60%
- City pay \$30,000 admin fee to ADOT
- Estimated Design Fee paid by City- \$90,000
- ADOT will procure construction contractor

Questions and Answers



RESOLUTION # 2015-80

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA, APPROVING THE INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF SURPRISE AND THE ARIZONA DEPARTMENT OF TRANSPORTATION PERTAINING TO THE REEMS ROAD, FROM PEORIA AVENUE TO BELL ROAD, INTELLIGENT TRANSPORTATION SYSTEM ENHANCEMENTS.

WHEREAS, pursuant to Arizona Revised Statutes § 48-572, the City of Surprise has the authority to enter into intergovernmental agreements with other governmental entities for the purposes set forth herein;

WHEREAS, the parties desire to enter into an intergovernmental agreement ("IGA") in order to facilitate the construction of Intelligent Transportation System enhancements on Reems Road from Peoria Avenue to Bell Road; and

WHEREAS, the Arizona Department of Transportation ("ADOT"), pursuant to the terms of the IGA, will act as a conduit in order to obtain federal funding for the Intelligent Transportation System enhancements.

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 Arizona Department of Transportation, 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 _____, 2015.

Sharon R. Wolcott, Mayor

Attest:

Approved as to form:

Sherry Aguilar, City Clerk

Misty Leslie, City Attorney

ADOT File No.: IGA/JPA 15-0005316-I
AG Contract No.: P0012015 xxx
Project: Fiber Optics and DMS
Section: Reems Rd: Peoria Ave-Bell Rd
Federal-aid No.: SUR-0(224)T
ADOT Project No.: SZ187 01D/01C
TIP/STIP No.: SUR17-401
CFDA No.: 20.205 Highway Planning
and Construction
Budget Source Item No.: n/a

INTERGOVERNMENTAL AGREEMENT

BETWEEN
THE STATE OF ARIZONA
AND
THE CITY OF SURPRISE

THIS AGREEMENT is entered into this date _____, 2015, pursuant to the Arizona Revised Statutes §§ 11-951 through 11-954, as amended, between the STATE OF ARIZONA, acting by and through its DEPARTMENT OF TRANSPORTATION (the "State" or "ADOT") and the City, acting by and through its MAYOR and CITY COUNCIL (the "City"). The State and the City are collectively referred to as "Parties."

I. RECITALS

1. The State is empowered by Arizona Revised Statutes § 28-401 to enter into this Agreement and has delegated to the undersigned the authority to execute this Agreement on behalf of the State.
 2. The City is empowered by Arizona Revised Statutes § 48-572 to enter into this Agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this Agreement and has authorized the undersigned to execute this Agreement on behalf of the City.
 3. The work proposed under this Agreement consists of design and construction of two (2) Digital Message Signs (DMS), extension of fiber optic cable and conduit, installation of CCTV cameras, installation of video detection equipment, installation and deployment of any other hardware or software to support the installation of Intelligent Transportation System (ITS) equipment and infrastructure, herein referred to as the "Project". The City will administer the design and the State will advertise, bid, award and administer the construction of the Project. The plans, estimates and specifications for the Project will be prepared and, as required, submitted to Federal Highway Administration (FHWA) for approval.
 4. The interest of the State in this Project is the acquisition of federal funds for the use and benefit of the City and the authorization of such federal funds for the Project, pursuant to federal law and regulations. The State shall be the designated agent for the City for the Project, if the Project is approved by FHWA and funds for the Project are available. The Project will be performed, completed, accepted and paid for in accordance with the requirements of the Project specifications and terms and conditions.
 5. The City, in order to obtain federal funds for the construction of the Project, is willing to provide City funds to match federal funds in the ratio required or as finally fixed and determined by the City and FHWA, including actual construction engineering and administration costs (CE).
 6. The Parties will perform their responsibilities consistent with this Agreement and any change or modification to the Project will only occur with the mutual written consent of both Parties.
-

7. The federal funds will be used for construction of the Project, including the construction engineering and administration cost (CE). The estimated Project costs are as follows:

SZ187 01D (ADOT Project Management & Design Review (PMDR) Cost, non-federal-aid):

PMDR costs*	\$ 30,000.00
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SZ187 01C (construction):

Federal-aid funds @ 94.3% (capped)	\$ 804,851.00
City's match @ 5.7%	\$ 48,650.00

Subtotal – Construction* (State administered)	\$ 853,501.00
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Estimated TOTAL Project Cost	\$ 883,501.00
-------------------------------------	----------------------

Summary:

Total Estimated City Funds	\$ 78,650.00
Total Federal Funds	\$ 804,851.00

* (Included in the City's Estimated Funds)

** (Includes 15% CE and 5% Project contingencies)

The Parties acknowledge that the final Project costs may exceed the initial estimate(s) shown above, and in such case, the City is responsible for, and agrees to pay, any and all, actual costs exceeding the initial estimate. If the final bid amount is less than the initial estimate, the difference between the final bid amount and the initial estimate will be de-obligated or otherwise released from the Project. The City acknowledges it remains responsible for, and agrees to pay according to the terms of this Agreement, any and all actual costs exceeding the final bid amount.

THEREFORE, in consideration of the mutual Agreements expressed herein, it is agreed as follows:

II. SCOPE OF WORK

1. The State will:

a. Upon execution of this Agreement, and prior to performing or authorizing any work, invoice the City for the initial PMDR costs, estimated at **\$30,000.00**. Invoice the City in increments of \$5,000.00 to cover projected PMDR costs if, during the development of the design, additional funding from the City is required. Once the Project costs have been finalized, the State will either invoice or reimburse the City for the difference between estimated and actual costs.

b. Upon receipt of the PMDR costs, on behalf of the City, review and approve documents required by FHWA to qualify certain projects for and to receive federal funds, providing comments to the City as appropriate. Such documents may consist of, but are not specifically limited to, environmental documents; the preparation of the analysis requirements for documentation of environmental categorical exclusion determinations; review of reports, design plans, maps, and specifications; geologic materials testing and analysis; right-of-way related activities and such other related tasks essential to the achievement of the objectives of this Agreement.

c. Upon notification from the City of the completion of design and prior to bid authorization, invoice the City, for the City's share of Project construction costs estimated at **\$48,650.00**. Once the

Project costs have been finalized, the State will either invoice or reimburse the City for the difference between estimated and actual costs.

d. Upon receipt of the City's estimated share of the Project construction costs, submit all documentation required to FHWA with the recommendation that funding be approved for construction. Request the maximum federal funds programmed for the construction of this Project. Should costs exceed the maximum federal funds available, it is understood and agreed that the City will be responsible for any overage.

e. Upon FHWA authorization, proceed to administer construction, advertise for, receive and open bids, award and enter into a contract(s) with a firm(s) for the construction of the Project. If the bid amounts exceed the construction cost estimate, obtain City concurrence prior to awarding the contract.

f. Be granted, without cost requirements, the right to enter City right-of-way as required to conduct any and all construction and pre-construction related activities for said Project, including without limitation, temporary construction easements or temporary rights of entry on to and over said rights-of-way of the City.

g. Notify the City when the Project has been completed and is considered acceptable, coordinating with the City as appropriate, to turn over full responsibility of the Project improvements. De-obligate or otherwise release any remaining federal funds from the construction phase of the Project within ninety (90) days of final acceptance.

h. Not be obligated to maintain said Project, should the City fail to budget or provide for proper and perpetual maintenance, as set forth in this Agreement.

2. The City will:

a. Upon execution of this Agreement, designate the State as authorized agent for the City for the Project.

b. Upon execution of this Agreement and prior to performing or authorizing any work, and within thirty (30) days of receipt of an invoice from the State, pay the initial PMDR costs, estimated at **\$30,000.00**. Be responsible for any difference between the estimated and actual PMDR costs.

c. Provide to the State, design plans, specifications and other such documents and services required for the construction bidding and construction of the Project, including scoping/design plans and documents required by FHWA to qualify projects for and to receive federal funds. Incorporate State design review comments as appropriate.

d. Enter into an agreement with the design consultant(s), which states that the design consultant shall provide professional post-design services as required and requested throughout the construction phase of the Project.

e. Upon completion of design, within thirty (30) days of receipt of an invoice from the State and prior to bid advertisement, pay the State, the City's Project construction costs, estimated at **\$48,650.00**. Once the Project costs have been finalized, the State will either invoice or reimburse the City, for the difference between the estimated and actual costs.

f. Be responsible for all costs incurred in performing and accomplishing the work as set forth under this Agreement, not covered by federal funding. Should costs be deemed ineligible or exceed the maximum federal funds available, it is understood and agreed that the City is responsible for these costs.

g. Certify that all necessary rights-of-way have been or will be acquired prior to advertisement for bid and that all obstructions or unauthorized encroachments of any nature, either above or below the

surface of the Project area, shall be removed from the proposed right-of-way, or will be removed prior to the start of construction, in accordance with The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 as amended; 49 CFR 24.102 Basic Acquisition Policies; 49 CFR 24.4 Assurances, Monitoring and Corrective Action, parts (a) & (b) and ADOT ROW Manual: 8.02 Responsibilities, 8.03 Prime Functions, 9.07 Monitoring Process and 9.08 Certification of Compliance. Coordinate with the appropriate State's Right-of-Way personnel during any right-of-way process performed by the City, if applicable.

h. Grant the State, its agents and/or contractors, without cost, the right to enter City rights-of-way, as required, to conduct any and all construction and preconstruction related activities, including without limitation, temporary construction easements or temporary rights of entry to accomplish among other things, soil and foundation investigations.

i. Be obligated to incur any expenditure should unforeseen conditions or circumstances increase the cost of said work required by a change in the extent of scope of the work requested by the City. Such changes require the prior approval of the State and FHWA. Be responsible for any contractor claims for additional compensation caused by Project delays attributable to the City. Payment for these costs shall be made within thirty (30) days of receipt of an invoice from the State.

j. Upon notification of Project completion, agree to accept, maintain and assume full responsibility of the Project in writing.

k. Upon completion of the construction phase of the Project, provide an electronic version of the record drawings to Arizona Department of Transportation, Statewide Project Management Group, 205 South 17th Avenue, Mail Drop 614E, Phoenix, Arizona 85007.

III. MISCELLANEOUS PROVISIONS

1. The terms, conditions and provisions of this Agreement shall remain in full force and effect until completion of said Project and related deposits or reimbursement, except any provisions for maintenance shall be perpetual, unless assumed by another competent entity. This Agreement may be cancelled at any time prior to the award of the Project construction contract, upon thirty (30) days written notice to the other Party. It is understood and agreed that, in the event the City terminates this Agreement, the City will be responsible for all costs incurred by the State up to the time of termination. It is further understood and agreed that should the City terminate this Agreement, the State shall in no way be obligated to maintain said Project.

2. The State assumes no financial obligation or liability under this Agreement, or for any resulting construction Project. The City, in regard to the City's relationship with the State only, assumes full responsibility for the design, plans, specifications, reports, the engineering in connection therewith and the construction of the improvements contemplated, cost over-runs and construction claims. It is understood and agreed that the State's participation is confined solely to securing federal aid on behalf of the City and the fulfillment of any other responsibilities of the State as specifically set forth herein; that any damages arising from carrying out, in any respect, the terms of this Agreement or any modification thereof shall be solely the liability of the City and that to the extent permitted by law, the City hereby agrees to save and hold harmless, defend and indemnify from loss the State, any of its departments, agencies, officers or employees from any and all liability, costs and/or damage incurred by any of the above arising or resulting from this Agreement; and from any other liability, damage to any person or property whatsoever, which is caused by any activity, condition, misrepresentation, directives, instruction or event arising out of the performance or non-performance of any provisions of this Agreement by the State, any of its departments, agencies, officers and employees, or its independent contractors, the City, any of its agents, officers and employees, or its independent contractors. Costs incurred by the State, any of its departments, agencies, officers or employees shall include in the event of any action, court costs, and expenses of litigation and attorneys' fees.

3. The cost of construction and construction engineering work under this Agreement is to be covered by the federal funds set aside for this Project, up to the maximum available. The City acknowledges that the eventual actual costs may exceed the maximum available amount of federal funds, or that certain costs may not be accepted by the federal government as eligible for federal funds. Therefore, the City agrees to pay the difference between actual costs of the Project and the federal funds received.

4. Should the federal funding related to this Project be terminated or reduced by the federal government, or Congress rescinds, fails to renew, or otherwise reduces apportionments or obligation authority, the State shall in no way be obligated for funding or liable for any past, current or future expenses under this Agreement.

5. The cost of the Project under this Agreement includes indirect costs approved by the FHWA, as applicable.

6. The Parties warrant compliance with the Federal Funding Accountability and Transparency Act of 2006 and associated 2008 Amendments (the "Act"). Additionally, in a timely manner, the City will provide information that is requested by the State to enable the State to comply with the requirements of the Act, as may be applicable.

7. The City acknowledges compliance with federal laws and regulations and may be subject to the Office of Management and Budget (OMB), Single Audit, Circular A-133 (Audits of States, Local Governments, and Non-Profit Organizations). Entities that expend \$500,000.00 or more (prior to 12/26/14) and \$750,000.00 or more (on or after 12/26/14) of federal assistance (federal funds, federal grants, or federal awards) are required to comply by having an independent audit. Either an electronic or hardcopy of the Single Audit is to be sent to Arizona Department of Transportation Financial Management Services within the required deadline of nine (9) months of the sub recipient fiscal year end.

ADOT – FMS
Attn: Cost Accounting Administrator
206 S 17th Ave. Mail Drop 204B
Phoenix, AZ 85007
SingleAudit@azdot.gov

8. This Agreement shall become effective upon signing and dating of the Determination Letter by the State's Attorney General.

9. This Agreement may be cancelled in accordance with Arizona Revised Statutes § 38-511.

10. To the extent applicable under law, the provisions set forth in Arizona Revised Statutes §§ 35-214 and 35-215 shall apply to this Agreement.

11. This Agreement is subject to all applicable provisions of the Americans with Disabilities Act (Public Law 101-336, 42 U.S.C. 12101-12213) and all applicable federal regulations under the Act, including 28 CFR Parts 35 and 36. The Parties to this Agreement shall comply with Executive Order Number 09-09 issued by the Governor of the State of Arizona and incorporated herein by reference regarding "Non-Discrimination".

12. Non-Availability of Funds: Every obligation of the State under this Agreement is conditioned upon the availability of funds appropriated or allocated for the fulfillment of such obligations. If funds are not allocated and available for the continuance of this Agreement, this Agreement may be terminated by the State at the end of the period for which the funds are available. No liability shall accrue to the State in the event this provision is exercised, and the State shall not be obligated or liable for any future payments as a result of termination under this paragraph.

13. In the event of any controversy, which may arise out of this Agreement, the Parties hereto agree to abide by required arbitration as is set forth for public works contracts in Arizona Revised Statutes § 12-1518.

14. The Parties shall comply with the applicable requirements of Arizona Revised Statutes § 41-4401.

15. The Parties hereto shall comply with all applicable laws, rules, regulations and ordinances, as may be amended.

16. All notices or demands upon any Party to this Agreement shall be in writing and shall be delivered in person or sent by mail, addressed as follows:

For Agreement Administration:

Arizona Department of Transportation
Joint Project Administration
205 S. 17th Avenue, Mail Drop 637E
Phoenix, Arizona 85007
(602) 712-7124
(602) 712-3132 Fax

City of Surprise
16000 North Civic Center Plaza
Surprise, Arizona 95374
Phone 623-222-7040
Fax 623-222-6006
Michael.boule@surpriseaz.gov

For Project Administration:

Arizona Department of Transportation
Robert Knighten P. E.
Urban Project Management
1611 W Jackson Street
Phoenix, Arizona 85007

City of Surprise
16000 North Civic Center Plaza
Surprise, Arizona 95374
Phone 623-222-7040
Fax 623-222-6006
Michael.boule@surpriseaz.gov

For Financial Administration:

Arizona Department of Transportation
Joint Project Administration
205 S. 17th Avenue, Mail Drop 637E
Phoenix, Arizona 85007
(602) 712-7124
(602) 712-3132 Fax

City of Surprise
16000 North Civic Center Plaza
Surprise, Arizona 95374
Phone 623-222-7040
Lindsey.duncan@surpriseaz.gov

17. In accordance with Arizona Revised Statutes § 11-952 (D) attached hereto and incorporated herein is the written determination of each Party's legal counsel that the Parties are authorized under the laws of this State to enter into this Agreement and that the Agreement is in proper form.

IN WITNESS WHEREOF, the Parties have executed this Agreement the day and year first above written.

CITY OF SURPRISE

STATE OF ARIZONA

Department of Transportation

By _____
SHARON WOLCOTT
Mayor

By _____
STEVE BOSCHEN, P.E.
ITD Director

ATTEST:

By _____
SHERRY AGUILAR
City Clerk

ATTORNEY APPROVAL FORM FOR THE CITY OF SURPRISE

I have reviewed the above referenced Intergovernmental Agreement between the State of Arizona, acting by and through its DEPARTMENT OF TRANSPORTATION, and the CITY OF SURPRISE, an agreement among public agencies which, has been reviewed pursuant to Arizona Revised Statutes §§ 11-951 through 11-954 and declare this Agreement to be in proper form and within the powers and authority granted to the City under the laws of the State of Arizona.

No opinion is expressed as to the authority of the State to enter into this Agreement.

DATED this _____ day of _____, 2015.

City Attorney



CITY OF SURPRISE
Regular City Council Meeting

October 20, 2015 @ 6:00:00 PM

+ [Back](#) [Print](#)

Council Meeting Date:	October 20, 2015	Contact Person:	Tom Abbott, Fire Chief
Submitting Department:		District:	Citywide
Staff Recommendations:	None		

Consent	x	Regular	Public Hearing	Report/Discussion
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Agenda Wording:

Consideration and action accepting the State of Arizona, Department of Homeland Security grant in the amount of \$50,000 in support of the Urban Area Security Initiative (UASI) program and to amend the FY2016 budget by reallocating appropriations of \$10,000 within the grants and contingency fund for the purposes of adjusting the budget authority related to the grant; Resolution # 2015-97.

Motion:

I move to approve Resolution # 2015-97.

Background:

The Surprise Fire-Medical Department was awarded a CBRNE response vehicle in 2009 with grant funding. The department has been very successful with annual grant awards for sustainment funding to maintain their CBRNE response program. The department remains active in the Central Regional Advisory Council (RAC) participating on various committees supporting various strategic emergency operations and response initiatives which has in turn contributed to the success of the CBRNE program for the city.

Objective Analysis:

This grant award will provide funding to purchase technical and operational equipment and supplies as well as provide the necessary funding to train one additional Hazardous Material Technician. This will enable the Fire-Medical Department to more effectively respond to natural or manmade disasters or events on a local, regional or national level if needed. Additionally, this grant will provide ongoing sustainment funding for the maintenance of current equipment.

Policy Compliant:

This grant complies with all city policies and the sub-grantee agreement requires the City to follow all applicable state and city procurement codes. Legal has reviewed this grant, all award documents and the sub-grantee agreement.

Financial Impact:

This is a one-time, zero match grant. All funds are reimbursable through the Arizona Department of Homeland Security.

Budget Impact:

Receipt of UASI CBRNE grant funding in the amount of \$60,000 was included as a part of the FY2016 budget. Due to the final award being less than estimated, a reallocation of \$10,000 within Grants Fund contingency will be done to align the project's budget with the actual grant award. This does not represent an actual transfer of funds, but only a transfer of budget authority and does not increase or decrease the total budget.

FTE Impact:

There is no FTE impact with this grant.

ATTACHMENTS:

Click to download

- ☐ [REsolution 2015-97 UASI CBRNE-Final](#)
 - ☐ [RFLS 4822 SFMD FY15 UASI Grant](#)
 - ☐ [BA FY15 UASI CBRNE Signed 100115](#)
 - ☐ [FY15 UASI Award Letter](#)
 - ☐ [Subgrantee Agrmt 150821-01 Dual Signatures](#)
-

RESOLUTION # 2015-97

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA, AMENDING THE FISCAL YEAR 2016 BUDGET BY REALLOCATING APPROPRIATIONS OF \$10,000 WITHIN THE GRANTS AND CONTINGENCY FUND FOR THE PURPOSES OF ADJUSTING BUDGET AUTHORITY RELATED TO AN ARIZONA DEPARTMENT OF HOMELAND SECURITY GRANT.

WHEREAS, the State of Arizona, Department of Homeland Security has awarded the City of Surprise Fire-Medical Department a Chemical, Biological, Radiological, Nuclear, and Explosives (CBRNE) sustainment grant in the amount of \$50,000 in support of the FY2015 Urban Area Security Initiative (UASI) grant program;

WHEREAS, this grant award was estimated at \$60,000 and included as a part of the FY2016 budget;

WHEREAS, it is necessary to decrease the budget for this grant by \$10,000 to allow the city to have current and updated budgetary amounts;

WHEREAS, the FY2016 budget was adopted by Council Resolution #2015-53 on June 2, 2015;

WHEREAS, this action will necessitate a budget amendment; and

WHEREAS, 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. The City is hereby authorized to accept a grant in the amount of \$50,000 from the State of Arizona, Department of Homeland Security as part of the CBRNE sustainment grant program in support of the FY2015 Urban Area Security Initiative (UASI) grant program.

Section 2. That Bob Wingenroth, City Manager, or his designees, are authorized to conduct all negotiations and to execute and submit all documents and other necessary or desirable instruments in connection with said application and grant award.

Section 3. 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, 2015 through June 30, 2016.

APPROVED AND ADOPTED this ____ day of _____, 2015.

Sharon R. Wolcott, Mayor

Attest:

Approved as to form:

Sherry Aguilar, City Clerk

Misty Leslie, City Attorney

RESOLUTION # 2015-97
Exhibit A

The FY2016 Annual Budget is amended by reallocating appropriations among lawfully available appropriations to ensure the continued operations of the City of Surprise in the payment of necessary expenditures. These allocations do not represent an actual transfer of funds, but only a transfer of spending authority. Additionally, these reallocations do not increase or decrease the total budget.

Grants and Contingency Fund, FY15 Fire UASI Grant	Current Appropriation	Increase (Decrease)	Amended Appropriation
Operating Equipment, Tools, and Parts < \$10,000	\$48,000	(\$36,400)	\$11,600
Personal Protective Equipment	0	20,400	20,400
EE Certifications and Licensing	3,500	0	3,500
Machinery and Equipment Maintenance	0	3,000	3,000
Overtime Compensation	8,500	1,500	10,000
Furniture, Fixtures, and Equipment < \$10,000	0	1,500	1,500
Contingency	7,730,700	10,000	7,740,700
	<u>\$7,790,700</u>	<u>\$0</u>	<u>\$7,790,700</u>
 Federal Grant Revenue	 \$60,000	 (\$10,000)	 \$50,000
Other Grant Revenue	8,192,400	10,000	8,202,400
	<u>\$8,252,400</u>	<u>\$0</u>	<u>\$8,252,400</u>

The fund changes are as follows:

- The amendment transfers \$10,000 back to Grants Fund contingency to adjust for the UASI CBRNE grant being awarded at less than originally budgeted and adjusts the budget for personal protective equipment, operating equipment, equipment maintenance, and overtime compensation to align with the revised grant award, without exceeding the approved total annual budget for FY2016.

100%

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RFLS NO: 4822
SUBMIT DATE: 9/22/2015

SURPRISE CITY ATTORNEY REQUEST FOR LEGAL SERVICES

Please retain form with document throughout the entire process.

Requestor: Kimberly Drabik

Department & Extension: Fire Department, Ext. 25030

Contract Title: Res 2015-97 Budget Amd and subrecipient agreement

Date of Contract, Event/Performance: 10/2/2015

Description of Legal Services Requested: Please review/approve the FY15 UASI CBRNE sub-grantee agreement, resolution and budget amendment (this has been worked with Finance in advance). All supporting documents will be uploaded.

Vendor Name, Address & Phone: State of Arizona - Dept of Homeland Security
1700 West Washington Street, Suite
210 Phoenix 85007 602/542-7013

To Council? Yes, with Resolution

If Yes, Council Meeting Date: 10/20/2015

*****City Attorney's Office Use*****

RFLS Status: Approved

Attorney Comment:

IGA/grant documents are OK. Resolution had a couple of words added and is ready to proceed. This item is ready to go into NOVUS.

HAROLD.BRADY

10/1/2015

10/1/2015 4:02:43 PM

Budget Amendment Request

To: Jared Askelson, Budget and Research Manager
CC: Brandi Flores, Senior Financial Analyst
From: Kimberly Drabik, Financial Management Analyst
Date: 9/22/2015
Re: FY15 UASI CBRNE Sustainment Grant Budget Amendment

Description/Background:

(e.g. dates of consideration by board/commission, grant award, project history, third party involvement, etc.)

On June 8, 2015, Surprise Fire-Medical Department (SFMD) submitted a FY15 UASI CBRNE Sustainment grant. On September 11, 2015, SFMD was awarded that grant in the amount of \$50,000 for enhancement of the CBRNE program. This grant will allow for new personal protective equipment, operational equipment, sustainment maintenance of current equipment, as well as provide funding to train one additional Hazardous Material Technician.

Please enter the reason for the request:

This request is to establish the budget authority for \$50,000 to support the FY15 UASI CBRNE enhancement grant.

Budget Amendment Type (Please check the appropriate box):

Type of Amendment	Category	Sub-Category	Authorization	Check
Between Funds	All	All	Mayor and City Council	☐
Between Departments in General Fund	All	All	Mayor and City Council	☐
Grants	Revenue Expense	Establishment of a grant budget	Mayor and City Council	☒
Personnel	Full Time Personnel	Between divisions	Department Director	☐
		Between part time and full time (no change in total FTE)	City Manager	☐
		To/from any other category (Change in total FTE)	Mayor and City Council	☐
Commodities/Supplies Contractual Services	Within a Department	Between divisions or within a division	Department Director	☐
Capital	Non-CIP or minor CIP	Between divisions	City Manager	☐
	Major CIP (incl. change in total amount and/or change in scope)	All	Mayor and City Council	☐
Contingency	All	All	Mayor and City Council	☐
Targeted Savings	All	All	CFO	☐

Council Work Session Date: [Click here to enter date.](#)

Council Meeting Date: 10/20/2015

Financial Impact Statement:

Authorizing the budget amendment of \$10,000 will allow SFMD lawfully reallocate the previously authorized appropriations to accept the grant and coordinate the procurement of the various equipment, maintenance sustainment and training of one additional Hazardous Material Technician. This is a zero match grant. As expenses are incurred, periodic reimbursement requests will be generated thus yielding no cost increase to the City's budget.

Budget Amendment Approval:

Title	Signature	Date
Department Director		10/01/15
Budget Manager		
Chief Financial Officer		
City Manager		

CITY OF SURPRISE

Prepared by:
Approved by:
Approved by:
Approved by:
Entered by:

Kimberly Drabik

Date:	10/1/2015
Date:	10/1/2015
Date:	
Date:	
Date:	

Period:	4
Year:	2016
Batch ID:	
Resolution No.:	

Budgetary amendment for receipt of the SFMD FY15 UASI CBRNE Sustainment Grant (150821-01)

[illegible]

Budgetary amendment for receipt of the SFMD FY15 UASI CBRNE Sustainment Grant (150821-01)

Totals

This amendment transfers \$10,000 back to Grants Fund contingency to adjust for the UASI CBRNE grant being awarded at less than originally budgeted and adjusts the budget for personal protective equipment, operating equipment, equipment maintenance, and overtime compensation to align with the revised grant award, without exceeding the approved total annual budget for FY2016.



State of Arizona Department of Homeland Security



Governor Douglas A. Ducey

Director Gilbert M. Orrantia

September 11, 2015

Chief Tom Abbott
Surprise Fire Medical Department
14250 W Statler Plaza
Surprise, AZ 85374-7473

Subject: FFY 2015 Homeland Security Grant Program Award
Subrecipient Agreement Number: **150821-01**
Project Title: **CBRNE Sustainment**

Dear Chief Tom Abbott:

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 "**CBRNE Sustainment**" has been fully funded under the URBAN AREA SECURITY INITIATIVE for **\$50,000**. The grant performance period is **October 1, 2015 through September 30, 2016**. 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).

To initiate the award process, the following action items must be completed, signed and returned to AZDOHS:

1. Project Administration Page (enclosed).
2. Environmental and Historic Preservation (EHP) required documentation, if applicable (see enclosed EHP Designation Letter).
3. Two Subrecipient Agreements - go to www.azdohs.gov under Grants and download two original Subrecipient Agreements.
4. NIMS Compliance Certification - go to www.azdohs.gov under Grants and download one original certification.

Hard copies of the Subrecipient Agreement and NIMS Compliance Certification will **not** be mailed to you. 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 (if applicable), 3 and 4 above is not signed and received by AZDOHS on or before January 31, 2016, this award is rescinded and the funds will be reallocated.**

Additional grant requirements:

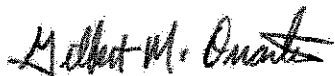
- Reimbursements are limited to approved quantities and funding thresholds.
- If your project requires an Environmental and Historic Preservation (EHP) review, this must be completed, submitted and **approved** by FEMA/AZDOHS prior to any expenditure of funds.
- All radio equipment purchased with Homeland Security funds should be P25 capable, comply with SAFECOM Guidance, and the Land Mobile Radio Minimum Equipment Standards as approved by the Statewide Interoperability Executive Committee (SIEC), and be programmed in accordance with the Arizona State Interoperable Priority Programming Guide.
- Subrecipients are subject to the AZDOHS Site Monitoring Program.
- Quarterly programmatic reports must be submitted on the most recent form/template available on the AZDOHS website.
- Consultants/Trainers/Training Providers costs must be within the prevailing rates; must be obtained under consistent treatment with the procurement policies of the subrecipient and 2 CFR 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.

- Terrorism Liaison Officer (TLO) Chemical, Biological, Radiological, Nuclear and Explosive (CBRNE) Response Vehicles purchased with Department of Homeland Security Grant Program funding must be assigned to and used by certified TLOs working with the Arizona Counter Terrorism Information Center (ACTIC).
 - Persons receiving TLO vehicles shall be available to respond to incidents and events on a "call out" basis and shall be available for regional and statewide deployment for TLO operations and training.
 - TLO equipment and/or services purchased or maintained with Department of Homeland Security Grant Program funding will be assigned to and used by certified TLOs working with the ACTIC TLO Program. This equipment may include: radios, computers, cell phones, cellular and satellite service fees, open source data services, cameras, GPS devices and any other equipment needed to complete the TLO mission.
- All reimbursements for personnel costs must be in compliance with AZDOHS Time and Effort Reporting requirements available on the AZDOHS website.
- Subrecipients are either required to submit an electronic copy of their annual A133 Audit or a statement stating that they were not required to complete an audit to AZDOHS each year to audits@azdohs.gov. The AZDOHS reserves the right to withhold reimbursement payments or future subrecipient agreements until the A133 Audit or statement has been received and, if applicable, an approved action plan for compliance has been completed.
- The FFY 2015 federal award date as indicated in the U.S. DHS award package is 8/10/2015 with a total amount of funding of \$21,768,000. The Federal Award Identification Number is EMW-2015-SS-00084-S01.
- 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,



Gilbert M. Orrantia
Director

Cc: Battalion Chief Brenden Espie

Attachments: Project Administration Page, Application Summary Page, Budget Narrative page(s), EHP Designation Letter

This form is to be signed and returned.

Grant #: **150821-01** Subrecipient: **Surprise Fire Medical Department**

Project Title: **CBRNE Sustainment**
Grant Program: **URBAN AREA SECURITY INITIATIVE**

1. Unit of Government: **Surprise Fire Medical Department**
Point of Contact: **Battalion Chief Brenden Espie**

Subrecipient Address:
Street: **14250 W Statler Plaza**

City/State/Zip: **Surprise, AZ 85374-7473**

Head of Agency: **Chief Tom Abbott**
Authorized individual has delegated authority to make application on behalf of the agency.
Phone#: **623-222-5000**

E-mail Address: **tom.abbott@surpriseaz.gov**

2. Organization Type: **Local Government / Municipality**
3. Region or Entity: **Phoenix UASI**
4. Initiative Title: **Strengthen CBRNE Detection, Response & Decontamination Capabilities-**
5. Total Dollar Amount Requested: **\$50,000** Total Dollar Amount Awarded: **\$50,000**

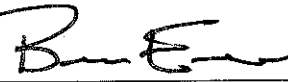
APPROVAL PROCESS

The signatures below verify the submission/approval process. All parties signify that all aspects of this project are allowable, reasonable and justifiable in accordance with published federal grant guidelines and the Subrecipient Agreement. The signatures indicate the subrecipient agrees to the additional grant requirements outlined in the award letter. The signatures confirm the acceptance that the funding amounts and quantities are limited to the amounts and quantities approved and awarded on the Application Summary and Budget Narrative page(s) (Equipment, Training, Exercise, Planning, Organization, M&A, if applicable) as provided in the award letter attachments.

Subrecipient Project Point of Contact

Battalion Chief Brenden
Espie

Print Name



Signature

9/14/15

Date

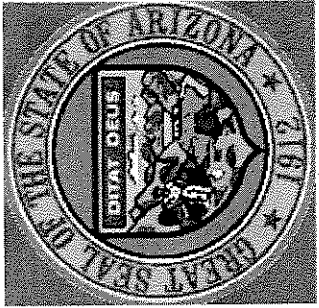
AZDOHS Staff

Print Name

Signature

Date

This form is to be signed and returned.



STATE OF ARIZONA

Department of Homeland Security

2015 STATE HOMELAND SECURITY GRANT PROGRAM PROJECT DETAIL

Surprise Fire Medical Department

150821-01

Training - Budget Detail Worksheet

FEMA Approved Training Class and Course Number and Title and/or Training Event:
Haz-Mat Technician 200 hour course number AZ-001-RESP

Enter a Brief Course Description. MUST include: 1) Proposed Location, 2) Training Provider, 3) Provider Address, 4) Provider Point of Contact, Number and Web
This class will be hosted by the Phoenix Fire Department at the special operations section. The address for the class is still TBD but will likely be at the Phoenix Fire Special Operations center. The POC for the class will be Captain Darrell Wiseman. SFMD will be sending 1 staff member.

How does the requested training support FEMA mission scope to prepare personnel to prevent, protect, respond to and recover from all critical hazards?

This class is the 200 hr Haz-Mat Tech class that is required to be on the CBRNE response team. This additional staff member will assist the SFMD with daily response requirements within the Phoenix UASI and any state needs that arise.

How does the requested training build additional capabilities that support the UASI or SHSGP Strategy?

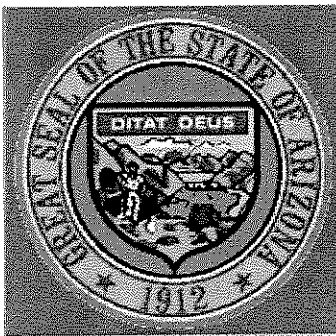
Threat and Hazard Identification Core Capability, training - This training will train and additional member of the SFMD to the Haz-Mat technician level. This will help to ensure that we are able to staff and maintain an expected response level of at least 4 techs to any incident with in an hour.

Mission Area: Respond

Training Level: Performance

If requesting supplies, you must provide a list of all consumable supplies requested.

# of Deliverables	Backfill Overtime		Workshops / Conf		Contrs / Consults		Supplies		Travel		Other		Total
	Requested	Awarded	Requested	Awarded	Requested	Awarded	Requested	Awarded	Requested	Awarded	Requested	Awarded	
1	\$10,000	\$10,000.00	\$3,500	\$3,500.00	\$0	\$0.00	\$0	\$0.00	\$0	\$0.00	\$0	\$0.00	
Subtotals:	\$10,000	\$10,000.00	\$3,500	\$3,500.00	\$0	\$0.00	\$0	\$0.00	\$0	\$0.00	\$0	\$0.00	\$13,500.00
Training Totals:	\$10,000	\$10,000.00	\$3,500	\$3,500.00	\$0	\$0.00	\$0	\$0.00	\$0	\$0.00	\$0	\$0.00	\$13,500.00



STATE OF ARIZONA

Department of Homeland Security

2015 STATE HOMELAND SECURITY GRANT PROGRAM

PROJECT DETAIL

Surprise Fire Medical Department

150821-01

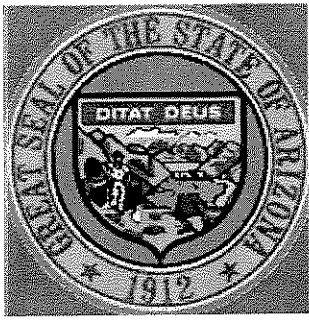
Equipment - Budget Narrative

Budget Description: List each item from your budget worksheet pages in the same order in which they are listed on the proceeding page. For Equipment, each Allowable Equipment Category (PPE, Interoperable Communications, Detection, etc.) must be listed. Under the federal guidelines "Equipment" has been defined as any single item that has a value of more than 5,000 and a life expectancy greater than a year. However, for this budget narrative please be sure to include any and all items that can be found on the AEL. Please be sure to provide a brief description of each item and how each item will be utilized. Equipment cost estimates must be listed. For each item of equipment, list the Authorized Equipment List (AEL) Item Number. The most current AEL can be found on line at the Responder Knowledge Base at the following website: www.rkb.us. If "Other Authorized Equipment" was annotated, specify the equipment here. All equipment associated with this grant must be listed on this page only. If you have any questions or concerns regarding the AEL, please feel free to contact Michael Stidham at mstidham@azdohs.gov.

Brief Description and Utilization:	All of the equipment listed below will assist the SFMD with maintaining a ready state of the CBRNE response team. All of the meters will help us to stay current and on the cutting edge of the detection and identification world. These meters will allow the SFMD to quickly identify threats and relay that information to the incident commanders for strategic level decisions to be made.
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AEL #	Item Description	Quantity	Cost	Total Cost	AZDOHS Approved	Approved Quantity	Approved Cost
01SP-01-ENSE	Level B Suit	12	\$300.00	\$3,600.00	Jake Kelly	12	\$3,600.00
01VF-01-ENSM	Level A Suit	6	\$2,800.00	\$16,800.00	Jake Kelly	6	\$16,800.00
04HW-01-INHW	Laptop Computer	1	\$1,500.00	\$1,500.00	Jake Kelly	1	\$1,500.00
07CD-01-DPPI	Multi Gas Detector with calibration kit	1	\$2,500.00	\$2,500.00	Jake Kelly	1	\$2,500.00
07CD-01-DPRS	Natural Gas Detector	2	\$2,000.00	\$4,000.00	Jake Kelly	2	\$4,000.00
19GN-00-FANE	Ventilation Fan	1	\$2,500.00	\$2,500.00	Jake Kelly	1	\$2,500.00
19MH-00-CONT	Storage compartment enhancement	1	\$2,100.00	\$2,100.00	Jake Kelly	2	\$2,100.00
21GN-00-MAIH	Methan Calibration Kit	2	\$250.00	\$500.00	Jake Kelly	2	\$500.00
21GN-00-MAIN	Meter maintenance	1	\$3,000.00	\$3,000.00	Jake Kelly	1	\$3,000.00

Totals For Surprise Fire Medical Department Contract Number 150821-01 Requested \$36,500.00 Approved \$36,500.00



STATE OF ARIZONA
Department of Homeland Security
2015 STATE HOMELAND SECURITY GRANT PROGRAM
PROJECT DETAIL

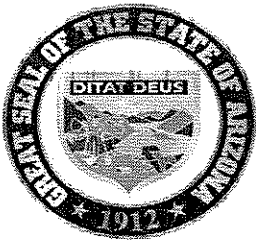
Surprise Fire Medical Department

150821-01

Application Summary

Award Funded As Follows:

	<i>Requested Amounts</i>	<i>Recommended Amounts</i>	<i>Awarded Amounts</i>
<i>Equipment</i>	\$36,500.00	\$36,500.00	\$36,500.00
<i>Training</i>	\$13,500.00	\$13,500.00	\$13,500.00
<i>Exercise</i>	\$0.00	\$0.00	\$0.00
<i>Planning</i>	\$0.00	\$0.00	\$0.00
<i>M & A</i>	\$0.00	\$0.00	\$0.00
<i>Organization</i>	\$0.00	\$0.00	\$0.00
<i>Award Totals</i>	\$50,000.00	\$50,000.00	\$50,000.00



Governor Douglas A. Ducey



Director Gilbert M. Orrantia

State of Arizona

Department of Homeland Security

FFY 2015

Dear Stakeholder:

The project that your agency submitted to the Arizona Department of Homeland Security (AZDOHS) for consideration under the Homeland Security Grant Program has been awarded.

Please be advised, all projects require an Environmental and Historic Preservation review. Your project has been reviewed and it has been determined to have no potential impact to environmental or historic concerns. No further EHP review is required unless you modify the project and it is approved by AZDOHS. If you need further clarification please contact Michael Stidham at (602) 542-7041 or mstidham@azdohs.gov with AZDOHS for further information regarding the EHP specific requirements for your award.

As stated in the subrecipient agreement:

The subrecipient shall comply with Federal EHP regulations, laws and Executive Orders as applicable. 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 DHS/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. DHS/FEMA will not fund projects that are initiated without the required EHP review.

Additionally, all recipients are required to comply with DHS/FEMA EHP Policy Guidance. This EHP Policy Guidance can be found in FP 108-023-1, Environmental Planning and Historic Preservation Policy Guidance, and FP 108.24.4, Environmental Planning and Historical Preservation Policy.

SUBRECIPIENT AGREEMENT

15-AZDOHS-HSGP- 150821-01

Enter Subrecipient Agreement Number Above (e.g., 150xxx-xx)

Between

**The Arizona Department of Homeland Security
And
City of Surprise Fire-Medical Department**

Enter the Name of the Subrecipient Agency Above

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

City of Surprise Fire-Medical Department

Enter the Name of the Subrecipient Agency Above

(subrecipient) for services under the terms of this Subrecipient Agreement.

I. PURPOSE OF AGREEMENT

The purpose of this Agreement is to specify the responsibilities and procedures for the subrecipient's role in administering homeland security grant funds.

II. TERM OF AGREEMENT, TERMINATION AND AMENDMENTS

This Agreement shall become effective on **October 1, 2015** and shall terminate on **September 30, 2016**. 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 the State of Arizona, Arizona Department of Homeland Security as approved in the grant application titled

“ FY15 CBRNE Sustainment ”

Enter Title of Application Above

and funded at \$ 50,000 (as may have been modified by the award letter).

Enter Funded Amount Above

IV. MANNER OF FINANCING

The AZDOHS shall under the U.S. Department of Homeland Security grant #EMW-2015-SS-00084-S01 and CFDA #97.067:

a) Provide up to \$ 50,000 to the subrecipient for services provided under Paragraph III. Enter Funded Amount Above

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. Any modification to quantity or scope of work must be preapproved in writing by the AZDOHS. 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 terms specified in A.R.S. § 35-214 and § 35-215.

- a) In addition, in compliance with the Federal Single Audit Act (31 U.S.C. par. 7501-7507), as amended by the Single Audit Act Amendments of 1996 (P.L. 104 to 156), the subrecipient must have an annual audit conducted in accordance with 2 CFR 200 (Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards) if the subrecipient expends more than \$750,000 from Federal awards. If the subrecipient has expended more than \$750,000 in Federal dollars, a copy of the subrecipient's audit report for the previous fiscal year and subsequent years within the period of performance is due annually to AZDOHS within nine (9) months of the subrecipient's fiscal year end.
- b) Subrecipients will be monitored periodically by the AZDOHS staff, 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 contract including but not limited to the review and analysis of the financial, programmatic, equipment, performance, and administrative issues relative to each program and will identify areas where technical assistance and other support may be needed.

VII. APPLICABLE FEDERAL REGULATIONS

The subrecipient must comply with the Notice of Funding Opportunity (NOFO) Office of Management and Budget Code of Federal Regulations (CFR) 2 CFR 200: Uniform Guidance. The NOFO for this program is hereby incorporated into your award 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.

Where applicable and with prior written approval from AZDOHS/DHS/FEMA, HSGP Program recipients using funds for construction projects must comply with the *Davis-Bacon Act* (40 U.S.C. 3141 *et seq.*). Recipients 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
<http://www.dol.gov/compliance/laws/comp-dbra.htm>.

Included within the above mentioned guidance documents are provisions for the following:

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 Notice of Funding Opportunity (NOFO).

Environmental Planning and Historic Preservation

The subrecipient shall comply with Federal EHP regulations, laws and Executive Orders as applicable. 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 DHS/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. DHS/FEMA will not fund projects that are initiated without the required EHP review.

Additionally, all recipients are required to comply with DHS/FEMA EHP Policy Guidance. This EHP Policy Guidance can be found in FP 108-023-1, Environmental Planning and Historic Preservation Policy Guidance, and FP 108.24.4, Environmental Planning and Historical Preservation Policy.

Consultants/Trainers/Training Providers

Billings 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 CFR 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. In addition to the per day \$450 maximum amount, the consultant/trainer/training provider may be reimbursed reasonable travel, lodging, and per diem 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, and per diem on travel days for consultants/trainers/training providers.

Contractors/Subcontractors

The subrecipient may enter into written subcontract(s) for performance of certain of its functions under the contract in accordance with terms established in 2 CFR 200 and the 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, in the opinion of the subrecipient, may result in litigation related in any way to the Agreement with the AZDOHS.

Personnel and Travel Costs

All grant funds expended for personnel, travel, lodging, and per diem must be consistent with the subrecipient's policies and procedures; and the State of Arizona Accounting Manual (SAAM); must be applied uniformly to both federally financed and other activities of the agency; and will be reimbursed 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>.

Procurement

The subrecipient shall comply with all internal agency procurement rules/policies and must also comply with Federal procurement rules/policies as outlined in section VII and all procurement must comply with Arizona State procurement code 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. The Noncompetitive Procurement Request Form and instructions are located on the AZDOHS website: www.azdohs.gov/grants/.

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 approved through the ADEM/AZDOHS training request process prior to execution of training contract(s). All exercises must utilize the FEMA Homeland Security Exercise and Evaluation Program (HSEEP) guidance for exercise design, development, conduct, evaluation and reporting. Subrecipient agrees to:

- a) Submit an exercise summary and attendance/sign-in roster to AZDOHS with all exercise reimbursement requests.
- b) Within 90 days of completion of an exercise, or as prescribed by the most current HSEEP guidance, the exercise host subrecipient is required to email the After Action Report/Improvement Plan (AAR/IP) to the local County Emergency Manager, the AZDOHS Strategic Planner, and the Arizona Division of Emergency Management (ADEM) Exercise Branch.

Nonsupplanting Agreement

The subrecipient shall not use funds to supplant State or Local funds or other resources that would otherwise have been made available for this program/project. 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 compliance with all Federal immigration laws and regulations relating to employees and warrants its compliance with Section 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 regarding compliance with immigration laws and regulations shall be deemed a material breach of the contract and the subrecipient may be subject to penalties up to and including termination of the Agreement.
- c) The AZDOHS retains the legal right to inspect the papers of any employee who works on the Agreement to ensure that the subrecipient is complying with the warranty under paragraph (a) above.

Property Control

Effective control and accountability must be maintained for all property. The subrecipient must adequately safeguard all such property and must assure that it is used for authorized purposes as described in the NOFO, grant application, and Code of Federal Regulations 2 CFR 200. The subrecipient shall exercise caution in the use, maintenance, protection and preservation of such property.

- a) 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 CFR 200.313 - Equipment. Any loss, damage, or theft shall be investigated and reported to the AZDOHS.
- b) Nonexpendable Property and Capital Assets:
 - 1. Nonexpendable Property 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.
 - 2. 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. A Property Control Form can be located at www.azdohs.gov/Grants/. 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 and Capital Assets must be taken and the results reconciled with the Property Control Form at least once every two years.
 - 1. 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 to AZDOHS.
 - 2. Adequate maintenance procedures must be developed to keep the property in good condition.
- e) When Nonexpendable Property and/or Capital Assets are no longer in operational use by the subrecipient, an updated Property Control Form must be submitted to AZDOHS immediately. The disposition of equipment shall be in compliance with the AZDOHS Disposition Guidance and 2 CFR 200. If the subrecipient is requesting disposition of Capital Assets for reasons other than theft, destruction, or loss, the subgrantee must submit an Equipment Disposition Request Form and receive approval prior to the disposition. The Equipment Disposition Request Form can be found at www.azdohs.gov/Grants/.

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 grant funds for any indirect costs that may be incurred are in accordance with 2 CFR 200 and the NOFO.
- b) The subrecipient 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 agrees to comply with the Federal Debarment and Suspension regulations as outlined in the "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion – Lower Tier Covered Transactions." All recipients must comply with Executive Orders 12549 and 12689, which provide protection against waste, fraud, and abuse by debarring or suspending those persons deemed irresponsible in their dealings with the Federal government.

IX. FUNDS MANAGEMENT

The subrecipient must maintain funds received under this Agreement in separate ledger accounts and cannot mix these funds with 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) working 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 www.azdohs.gov/Grants/. If the scope of 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. Quarterly programmatic reports shall be submitted to the AZDOHS until the entire scope of the project is completed.
- b) 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)
- c) Final Quarterly Report:
The final quarterly report is due no more than fifteen (15) days after the end of the performance period. Subrecipients 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).

d) 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 disposition of equipment must be in compliance with the AZDOHS Disposition Guidance and 2 CFR 200.313.

e) Financial Reimbursements

The subrecipient shall provide as frequently as monthly but not less than quarterly requests for reimbursement. 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 termination of this Agreement no more than **forty-five (45) calendar days** after the end of the Agreement. Requests for reimbursement received later than forty-five (45) days after the Agreement termination will not be paid. The final reimbursement request as submitted shall be marked FINAL.

The AZDOHS requires that all requests for reimbursement are submitted via U.S. mail (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 it feels necessary in order to process reimbursements.

All reports shall be submitted to the contact person as described in Paragraph XL, NOTICES, of this Agreement.

XI. ASSIGNMENT AND DELEGATION

The subrecipient may not assign any rights hereunder without the express, prior written consent 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 representative of the subrecipient and the AZDOHS. The AZDOHS shall have the right to immediately amend this Agreement so that it complies with any new legislation, laws, ordinances, or rules affecting this Agreement.

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 – Acceptance of Post Award Changes

In the event FEMA determines that changes are necessary to the award document after an award has been made, including changes to period of performance or terms and conditions, recipients will be notified of the changes in writing. Once notification has been made, any subsequent request for funds will indicate recipient acceptance of the changes to the award.

Article B - Disposition of Equipment Acquired Under the Federal Award

When original or replacement equipment acquired under this award by the recipient or its sub-recipients is no longer needed for the original project or program or for other activities currently or previously supported by DHS/FEMA, you must request instructions from DHS/FEMA to make proper disposition of the equipment pursuant to 2 CFR § 200.313.

Article C - DHS Specific Acknowledgements and Assurances

All recipients of financial assistance must acknowledge and agree—and require any subrecipients, 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. Recipients must cooperate with any compliance review or complaint investigation conducted by DHS.
2. Recipients must give DHS access 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. Recipients must submit timely, complete, and accurate reports to the appropriate DHS officials and maintain appropriate backup documentation to support the reports.
4. Recipients must comply with all other special reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance.
5. If, during the past three years, the recipient has been accused of discrimination on the grounds of race, color, national origin (including limited English proficiency), sex, age, disability, religion, or familial status, the recipient must provide a list of all such proceedings, pending or completed, including outcome and copies of settlement agreements to the DHS awarding office and the DHS Office of Civil Rights and Civil Liberties.
6. In the event any court or administrative agency makes a finding of discrimination on grounds of race, color, national origin (including limited English proficiency), sex, age, disability, religion, or familial status against the recipient, or the recipient settles a case or matter alleging such discrimination, recipients must forward a copy of the complaint and findings to the DHS Component and/or awarding office.

The United States has the right to seek judicial enforcement of these obligations.

Article D - Use of DHS Seal, Logo and Flags

All recipients 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 E - USA Patriot Act of 2001

All recipients 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), which amends 18 U.S.C. §§ 175–175c. Among other things, the USA PATRIOT Act prescribes criminal penalties for possession of any biological agent, toxin, or delivery system of a type or in a quantity that is not reasonably justified by a prophylactic, protective, bona fide research, or other peaceful purpose.

Article F - Trafficking Victims Protection Act of 2000

All recipients of financial assistance will 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), located at 2 CFR Part 175. This is implemented in accordance with OMB Interim Final Guidance, Federal Register, Volume 72, No. 218, November 13, 2007.

In accordance with the statutory requirement, in each agency award under which funding is provided to a private entity, Section 106(g) of the TVPA, as amended, requires the agency to include a condition that authorizes the agency to terminate the award, without penalty, if the recipient or a subrecipient —

1. Engages in severe forms of trafficking in persons during the period of time that the award is in effect;
2. Procures a commercial sex act during the period of time that the award is in effect; or
3. Uses forced labor in the performance of the award or subawards under the award.

Full text of the award term is provided at 2 CFR § 175.15.

Article G - Non-supplanting Requirement

All recipients must ensure that Federal funds do not replace (supplant) funds that have been budgeted for the same purpose through non-Federal sources. Applicants or award recipients 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.

Article H - Lobbying Prohibitions

All recipients must comply with 31 U.S.C. § 1352, which provides that none of the funds provided under an award may be expended by the recipient to pay any person to influence, or attempt to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with any Federal action concerning the award or renewal.

Article I - Hotel and Motel Fire Safety Act of 1990

In accordance with Section 6 of the Hotel and Motel Fire Safety Act of 1990, 15 U.S.C. §2225(a), all recipients must ensure that all conference, meeting, convention, or training space funded in whole or in part with Federal funds complies with the fire prevention and control guidelines of the Federal Fire Prevention and Control Act of 1974, 15 U.S.C. §2225.

Article J - Fly America Act of 1974

All recipients must comply with Preference for U.S. Flag Air Carriers: Travel supported by U.S. Government funds requirement, which states preference for the use of 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 B138942.

Article K - Federal Debt Status

All recipients are required to be non-delinquent in their 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 and form SF-424, item number 17 for additional information and guidance.

Article L - False Claims Act and Program Fraud Civil Remedies

All recipients must comply with the requirements of 31 U.S.C. § 3729 which set forth that no recipient of federal payments shall submit a false claim for payment. See also 38 U.S.C. § 3801-3812 which details the administrative remedies for false claims and statements made.

Article M - Duplication of Benefits

State, Local and Tribal recipients must comply with 2 CFR Part §225, Appendix A, paragraph (C)(3)(c), which provides that any cost allocable to a particular Federal award or cost objective under the principles provided for in this authority may not be charged to other Federal awards to overcome fund deficiencies.

Article N - Drug-Free Workplace Regulations

All recipients must comply with the Drug-Free Workplace Act of 1988 (412 U.S.C. § 701 et seq.), which requires that all organizations receiving grants from any Federal agency agree to maintain a drug-free workplace. These regulations are codified at 2 CFR 3001.

Article O - Copyright

All recipients 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, unless the work includes any information that is otherwise controlled by the Government (e.g., classified information or other information subject to national security or export control laws or regulations).

Article P - Best Practices for Collection and Use of Personally Identifiable Information (PII)

All award recipients who collect PII are required to have a publicly-available privacy policy that describes what PII they collect, how they use the PII, whether they share PII with third parties, and how individuals may have their PII corrected where appropriate. Award recipients may also find as a useful resource the DHS Privacy Impact Assessments guidance and template located at: http://www.dhs.gov/xlibrary/assets/privacy/privacy_pia_guidance_june2010.pdf and http://www.dhs.gov/xlibrary/assets/privacy/privacy_pia_template.pdf, respectively.

Article Q - Activities Conducted Abroad

All recipients 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 R - Acknowledgement of Federal Funding from DHS

All recipients must acknowledge their 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 S - Assurances, Administrative Requirements and Cost Principles

Recipients of DHS federal financial assistance must complete OMB Standard Form 424B Assurances – Non-Construction Programs. Certain assurances in this document may not be

applicable to your program, and the awarding agency may require applicants to certify additional assurances. Please contact the program awarding office if you have any questions. The administrative and audit requirements and cost principles that apply to DHS award recipients originate from 2 CFR Part 200, *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards*, as adopted by DHS at 2 CFR Part 3002.

Article T - Age Discrimination Act of 1975

All recipients 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 U - Americans with Disabilities Act of 1990

All recipients must comply with the requirements of Titles I, II, and III of the Americans with Disabilities Act, which prohibits recipients 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 (42 U.S.C. §§ 12101–12213).

Article V - Title VI of the Civil Rights Act of 1964

All recipients 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 CFR Part 21 and 44 CFR 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 W- Civil Rights Act of 1968

All recipients 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 CFR 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 CFR § 100.201).

Article X - Limited English Proficiency (Civil Rights Act of 1964, Title VI)

All recipients must comply with the Title VI of the Civil Rights Act of 1964 (Title VI) 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. Providing meaningful access for persons with LEP may entail providing language assistance services, including oral interpretation and written translation. In order to facilitate compliance with Title VI, recipients are encouraged to consider the need for language services for LEP persons served or encountered in developing program budgets. Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency (August 11, 2000), requires federal agencies to issue guidance to recipients, assisting such organizations and entities in understanding their language access obligations. DHS published the required recipient guidance in April 2011, DHS Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons, 76 Fed. Reg. 21755-21768, (April 18, 2011). The Guidance provides helpful information such as how a recipient can determine the extent of its obligation to provide language services; selecting language services; and elements of an effective plan on language assistance for LEP persons. 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 Y - SAFECOM

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 Z - Title IX of the Education Amendments of 1975 (Equal Opportunity in Education Act)

All recipients must comply with the requirements of Title IX of the Education Amendments of 1972 (20 U.S.C. § 1681 et seq.), which provides 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 AA - Rehabilitation Act of 1973

All recipients must comply with the requirements of Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, as amended, 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 AB - Energy Policy and Conservation Act

All recipients must comply with the requirements of 42 U.S.C. § 6201 which contain policies relating to energy efficiency that are defined in the state energy conservation plan issues in compliance with this Act.

Article AC - Patents and Intellectual Property Rights

Unless otherwise provided by law, recipients are subject to the Bayh-Dole Act, Pub. L. No. 96-517, as amended, and codified in 35 U.S.C. § 200 et seq. All recipients are subject to the specific requirements governing the development, reporting, and disposition of rights to inventions and patents resulting from financial assistance awards are in 37 CFR Part 401 and the standard patent rights clause in 37 CFR § 401.14.

Article AD- Procurement of Recovered Materials

All recipients must comply with section 6002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act. The requirements of Section 6002 include procuring only items designated in guidelines of the Environmental Protection Agency (EPA) at 40 CFR Part 247 that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition, where the purchase price of the item exceeds \$10,000 or the value of the quantity acquired by the preceding fiscal year exceeded \$10,000; procuring solid waste management services in a manner that maximizes energy and resource recovery; and establishing an affirmative procurement program for procurement of recovered materials identified in the EPA guidelines.

Article AE - Contract Provisions for Non-federal Entity Contracts under Federal Awards

- a) Contracts for more than the simplified acquisition threshold set at \$150,000.
All recipients who have contracts exceeding the acquisition threshold currently set at \$150,000, which is the inflation adjusted amount determined by Civilian Agency Acquisition Council and the Defense Acquisition Regulation Council as authorized by 41 U.S.C. §1908,

must address administrative, contractual, or legal remedies in instance where contractors violate or breach contract terms and provide for such sanctions and penalties as appropriate.

b) Contracts in excess of \$10,000.

All recipients that have contracts exceeding \$10,000 must address termination for cause and for convenience by the non-Federal entity including the manner by which it will be effected and the basis for settlement.

Article AF - Terrorist Financing E.O. 13224

All recipients must comply with U.S. Executive Order 13224 and U.S. law that prohibit transactions with, and the provisions of resources and support to, individuals and organizations associated with terrorism. It is the legal responsibility of recipients to ensure compliance with the E.O. and laws.

Article AG - Whistleblower Protection Act

All recipients 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. §§ 4304 and 4310.

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 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.

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 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 assigns 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. 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) days of the events giving the rise to the dispute. The subrecipient agrees to terms specified in A.R.S. § 12-1518.

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 and its Exhibits constitute 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. The subrecipient agrees to comply with any such amendment within ten (10) business days of receipt of a fully executed amendment. 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. RESTRICTIONS ON LOBBYING

The subrecipient shall not use funds made available to it under this Agreement to pay for, influence, or seek to influence any officer or employee of a State or Federal government.

XXVI. 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.

XXVII. NON-DISCRIMINATION

The subrecipient shall comply with all State and Federal equal opportunity and non-discrimination requirements and conditions of employment, including the Americans with Disabilities Act, in accordance with A.R.S. title 41, Chapter 9, Article 4 and Executive Order 2009-09.

XXVIII. 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.

XXIX. SEVERABILITY

The provisions of this Agreement are severable. Any term or condition deemed illegal or invalid shall not affect any other term or condition of the Agreement.

XXX. ADVERTISING AND PROMOTION OF AGREEMENT

The subrecipient shall not advertise or publish information for commercial benefit concerning this Agreement without the written approval of the AZDOHS.

XXXI. OWNERSHIP OF INFORMATION, PRINTED AND PUBLISHED MATERIAL

The AZDOHS reserves the right to review and approve any publications funded or partially funded through this Agreement. All publications funded or partially funded through this Agreement shall recognize the AZDOHS and the U.S. Department of Homeland Security. The U.S. Department of Homeland Security and the AZDOHS shall have full and complete rights to reproduce, duplicate, disclose, perform, and otherwise use all materials prepared under this Agreement.

The subrecipient agrees that any report, printed matter, or publication (written, visual, or sound, but excluding press releases, newsletters, and issue analyses) issued by the subrecipient describing programs or projects funded in whole or in part with Federal funds shall contain the following statement:

"This document was prepared under a grant from the U.S. Department of Homeland Security. Points of view or opinions expressed in this document are those of the authors and do not necessarily represent the official position or policies of the U.S. Department of Homeland Security."

The subrecipient also agrees that one copy of any such publication, report, printed matter, or publication shall be submitted to the AZDOHS to be placed on file and distributed as appropriate to other potential subrecipients or interested parties. The AZDOHS may waive the requirement for submission of any specific publication upon submission of a request providing justification from the subrecipient.

The AZDOHS and the subrecipient recognize that research resulting from this Agreement has the potential to become public information. However, prior to the termination of this Agreement, the subrecipient agrees that no research-based data resulting from this Agreement shall be published or otherwise distributed in any form without express written permission from the AZDOHS and possibly the U.S. Department of Homeland Security. It is also agreed that any report or printed matter completed as a part of this agreement is a work for hire and shall not be copyrighted by the subrecipient.

XXXII. 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.

XXXIII. 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, (State Agency) 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.

XXXIV. TERMINATION

- a) All parties reserve the right to terminate the Agreement in whole or in part due to the failure of the subrecipient or the grantor 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. The staff of either party shall provide a written thirty (30) day advance notice of the termination and the reasons for it.
- b) If the subrecipient chooses to terminate the contract 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 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.

XXXV. 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.

XXXVI. 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.

XXXVII. 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.

XXXVIII. 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.

XXXIX. SPECIAL CONDITIONS

- a) The subrecipient must comply with the most recent version of the Administrative Requirements, Cost Principles, and Audit requirements
- b) The subrecipient acknowledges that the U.S. Department of Homeland Security 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.
- c) 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.
- d) The subrecipient is prohibited from transferring funds between programs (State Homeland Security Program, Urban Area Security Initiative, Operation Stonegarden).

XL. 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.

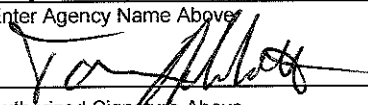
The AZDOHS shall address all notices relative to this Agreement to:

Fire Chief Tom Abbott
Enter Title, First & Last Name Above
City of Surprise Fire-Medical Department
Enter Agency Name Above
14250 W Statler Plaza, Ste 101
Enter Street Address Above
Surprise, AZ 85374
Enter City, State, ZIP Above

XLI. IN WITNESS WHEREOF

The parties hereto agree to execute this Agreement.

FOR AND BEHALF OF THE

City of Surprise Fire-Medical Department
Enter Agency Name Above

Authorized Signature Above
Tom Abbott, Fire Chief
Print Name & Title Above

09/28/15
Enter Date Above

FOR AND BEHALF OF THE

Arizona Department of Homeland Security

Gilbert M. Orrantia
Director

Date

(Complete and mail two original documents to the Arizona Department of Homeland Security.)



CITY OF SURPRISE
Regular City Council Meeting

October 20, 2015 @ 6:00:00 PM

+ [Back](#) [Print](#)

Council Meeting Date:	October 20, 2015	Contact Person:	Tom Abbott, Fire Chief
Submitting Department:		District:	Citywide
Staff Recommendations:	None		

Consent	x	Regular	Public Hearing	Report/Discussion
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Agenda Wording:

Consideration and action accepting the Tohono O'odham Nation grant in the amount of \$50,000 supporting the Surprise Fire-Medical Department's compressor replacement and to amend the FY16 budget by reallocating appropriations of \$50,000 within the grants and contingency fund for receipt of the grant funding; Resolution # 2015-96.

Motion:

I move to approve Resolution # 2015-96.

Background:

Currently, the Police Department does not have access to any type of support vehicle and SFMD relied on our automatic aid partners for support vehicles on larger emergency scenes. With over 14,000 calls annually, congested roads and limited access, it often took up to 45 minutes for a support truck from a neighboring jurisdiction to arrive on scene to provide rehabilitation to responders. The Surprise Fire-Medical Department was presented with an opportunity to purchase a used utility truck from a neighboring agency at a very low cost. Unfortunately the vehicle had a compressor that was beyond its life and it was eventually determined that the cost of repairs would outweigh the cost of a new unit. In June 2015, SFMD put in a proposal to the Tohono O'odham Indian Nation to have the compressor replaced on this utility truck and on August 31, 2015, SFMD received an award letter for \$50,000 for the project.

Objective Analysis:

Receiving this award would provide the SFMD with another reliable resource to improve response efforts, mitigate fire suppression efforts, provide safety and rehabilitation (rehab sector) to first responders including the Police Department and by virtue of our automatic aid agreement, this resource would provide assistance to other jurisdictions just as they have assisted SFMD in the past. Ultimately, the replacement of this compressor provides a new 20 year life span on the apparatus and the compressor has been spec'd to be removed if needed to be placed on any replacement apparatus in the future.

Policy Compliant:

This grant complies with all city policies and will follow all applicable state and city procurement codes. Legal has reviewed this grant, all award documents and the associated agreement.

Financial Impact:

This is a one-time, zero match grant. All funds are reimbursable through the Tohono O'odham Nation.

Budget Impact:

Acceptance of this Tohono O'odham Nation grant will reallocate appropriations in the amount of \$50,000 from Grants Fund contingency for professional and outside services. This does not represent an actual transfer of funds, but only a transfer of budget authority and does not increase or decrease the total budget.

FTE Impact:

There is no FTE impact with this grant.

ATTACHMENTS:

Click to download

- ☐ [Resolution 2015-96 Tohono O'odham Final](#)
 - ☐ [Tohono O'odham Award Letter 083115](#)
 - ☐ [RFLS 4821 Tohono O'Odham Grant](#)
 - ☐ [COS Tohono O'odham Compressor Grant IGA](#)
 - ☐ [BA Tohono O'odham Signed](#)
-

RESOLUTION # 2015-96

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA, ACCEPTING GRANT FUNDS FOR THE TOHONO O'ODHAM NATION AND AMENDING THE FISCAL YEAR 2016 BUDGET BY REALLOCATING APPROPRIATIONS OF \$50,000 WITHIN THE GRANTS FUND.

WHEREAS, the Tohono O'odham Nation has awarded the City of Surprise Fire-Medical Department (SFMD) a compressor repair grant in the amount of \$50,000;

WHEREAS, the City desires to accept the grant funding in the amount of \$50,000 for the compressor replacement on SFMD's utility truck;

WHEREAS, the FY2016 budget was adopted by Council Resolution #2015-53 on June 2, 2015;

WHEREAS, this action will necessitate a budget amendment; and

WHEREAS, 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. The City is hereby authorized to accept grant funding from the Tohono O'odham Nation in the amount of \$50,000.

Section 2. The City Manager, or his designee, is authorized to conduct all negotiations and to execute and submit all documents and other necessary or desirable instruments in connection with said agreement.

Section 3. 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, 2015 through June 30, 2016.

SIGNATURES ON THE FOLLOWING PAGE

APPROVED AND ADOPTED this ____ day of _____, 2015.

Sharon R. Wolcott, Mayor

Attest:

Approved as to form:

Sherry Aguilar, City Clerk

Misty Leslie, City Attorney

RESOLUTION # 2015-96

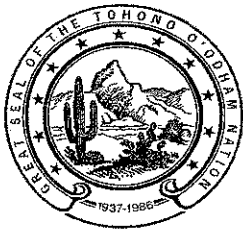
Exhibit A

The FY2016 Annual Budget is amended by reallocating appropriations among lawfully available appropriations to ensure the continued operations of the City of Surprise in the payment of necessary expenditures. These allocations do not represent an actual transfer of funds, but only a transfer of spending authority. Additionally, these reallocations do not increase or decrease the total budget.

Grants and Contingency Fund	Current Appropriation	Increase (Decrease)	Amended Appropriation
Professional and Outside Services	\$0	\$50,000	\$50,000
Contingency	7,730,700	(50,000)	7,680,700
	<u>\$7,730,700</u>	<u>\$0</u>	<u>\$7,730,700</u>
Other Grant Revenue	\$0	\$50,000	\$50,000
Other Grant Revenue	8,192,400	(50,000)	8,142,400
	<u>\$0</u>	<u>\$0</u>	<u>\$8,192,400</u>

The fund changes are as follows:

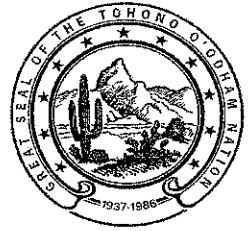
- The amendment utilizes Grants Fund contingency in the amount of \$50,000 for professional and outside services without exceeding the approved total annual budget for FY2016.



Tohono O'odham Nation
Office of the Chairman and Vice Chairman

Edward D. Manuel
Chairman

Verlon M. Jose
Vice Chairman



August 31, 2015

RECEIVED SEP 08 2015

RECEIVED SEP 08 2015

Mr. Brenden Espie
Battalion Chief
Surprise Fire Medical Department
14250 W. Statler Plaza
Ste. 101
Surprise, AZ 85374

Dear Mr. Espie

I am pleased to inform you that your proposal submitted on behalf of the Surprise Fire Medical Department was selected by the Tohono O'odham Nation as a recipient of the 12% grant funding in the amount of \$50,000 for a Compressor. We are honored to support local communities and hope that this grant will help the Surprise Fire Medical Department make positive impacts in Arizona.

As was indicated in the Request for Proposals issued by the Nation, the grant is conditional upon development of an Intergovernmental Agreement (IGA).

Please contact Roberta Tekala in my office immediately at 520-383-2028 so we can begin drafting the IGA and take the steps necessary for final approval of this grant funding. Congratulations to you and the Surprise Fire Medical Department; I look forward to working with you to finalize your grant award.

Sincerely,

Edward D. Manuel
Chairman, Tohono O'odham Nation

100%

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RFLS NO: 4821
SUBMIT DATE: 9/22/2015

SURPRISE CITY ATTORNEY REQUEST FOR LEGAL SERVICES

Please retain form with document throughout the entire process.

Requestor: Kimberly Drabik

Department & Extension: Fire Department, Ext. 25030

Contract Title: Res2015-96 Budget Amd & Grant Acceptance Tohono O'odham Nation

Date of Contract, Event/Performance: 10/2/2015

Description of Legal Services Requested: A review of the Resolution and the IGA will be needed prior to uploading into Novus. Also included is the award letter and the Budget Amendment which has already been worked through Finance.

Vendor Name, Address & Phone: Tohono O'odham Nation
PO Box 837 Sells 85634 520/383-3379

To Council? Yes, with Resolution

If Yes, Council Meeting Date: 10/20/2015

*****City Attorney's Office Use*****

RFLS Status: Approved

Attorney Comment:

Sorry, resolution did not need to be changed on this IGA.

HAROLD.BRADY

10/1/2015

10/1/2015 3:59:12 PM

**Grant-in-Aid Agreement
between
the Tohono O'odham Nation
and
the City of Surprise**

THIS GRANT-IN-AID AGREEMENT ("Grant") is entered into as of the 20th day of October, 2015, by and between the Tohono O'odham Nation, a federally recognized Indian tribe (the "Nation"), and the City of Surprise, a municipal government.

R E C I T A L S

A. The Constitution of the Tohono O'odham Nation, Article VI, Section 1(f) provides that the Tohono O'odham Legislative Council is authorized to negotiate and conclude agreements on behalf of the Tohono O'odham Nation with Federal, State and local governments.

B. The Constitution of the Tohono O'odham Nation Article VII, Section 2(f) provides that the Chairman of the Nation is the official representative of the Tohono O'odham Nation; and as such, upon passage of a Resolution by the Legislative Council approving of any agreement with Federal, State and local governments, the Chairman is authorized to sign such agreements on behalf of the Nation.

C. That City Manager for the city of Surprise, 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 grant through Resolution approved by the Surprise City Council.

Now, therefore, in consideration of the mutual promises contained herein, the parties hereby agree as follows:

P R O V I S I O N S

1. Purpose. The purpose of this Grant is to set forth the rights and responsibilities of the parties with respect to the payment and distribution of the Contribution, as hereinafter defined. The Grantee may not change the scope of the project or use the funds for a project other than that explained in Exhibit "A" without the written consent of the Nation.

2. Contribution. The Nation shall issue payment to the City of Surprise in the amount described in Exhibit "A" (the "Contribution") for the purpose(s) detailed in Exhibit "A" on or about November 30, 2015.

3. Funding. The Contribution payment shall be delivered to the City of Surprise, without any further notice or invoice required, at the address set forth in Paragraph 7 below, upon the complete execution of this Grant.

4. Money Unclaimed. In the event that the City of Surprise fails to accept the grant funding on or before January 1, 2016, this Grant will be deemed to have been terminated by the City of Surprise and the Nation will award the grant funding to another applicant.

5. Dispute Resolution. The parties mutually agree that any disputes arising pursuant to this Grant shall be resolved through informal dispute resolution. For all disputes arising under this agreement the Nation and the City of Surprise shall first attempt to negotiate a resolution. All disputes that cannot be resolved through informal dispute resolution shall be resolved in the Courts of the Nation, subject to the laws of the Nation.

6. Reports: Unless otherwise extended by the Nation upon request of the City of Surprise, no later than July 29, 2016, the City of Surprise shall provide a report to the Nation explaining how and when the funds provided under this Grant were used. This report may be in the form of an affidavit signed by an officer of the City of Surprise and may be accompanied by supporting documentation. The report shall address: (i) changes in the scope of the project or purchase funded under this grant, (ii) the total expenses under the project or purchase funded by the Grant, (iii) a brief description of who has benefited from this Grant, and (iv) the Grantee's next steps with regard to the project or purchase made under this Grant. The Grantee will submit a final report to the Nation within 30 days of the end of this Agreement.

7. Notices. Any notice, consent or other communication required or permitted under this Grant shall be in writing and shall be deemed received at the time it is personally delivered, on the day it is sent by facsimile transmission, on the second day after its deposit with any commercial air courier or express service or if mailed, three (3) days after the notice is deposited in the United States mail addressed as follows:

If to the Nation: Edward D. Manuel
 Chairman
 P.O. Box 837
 Sells, Arizona 85634
 Fax: 520-383-3379

and

 Roberta Tekala
 Chief Administrative Officer
 P.O. Box 837
 Sells, Arizona 85634
 Fax: 520-383-3379

If to the City of Surprise:

 Brenden Espie
 Battalion Chief
 14250 W. Statler Plaza Suite 101
 Surprise, Arizona 85374
 Email: Brenden.espie@surpriseaz.gov
 Phone: 302-2929-0256

Kimberly Drabik
Financial Analyst
14250 W. Statler Plaza Suite 101
Surprise, Arizona 85374
Email: kimberly.drabik@surpriseaz.gov
Phone: 623-810-4630

Any time period stated in a notice shall be computed from the time the notice is deemed received. Either party may change its mailing address or the person to receive notice by notifying the other party as provided in this paragraph.

8. Term of Grant. The term of this Grant shall begin on the date of execution and shall terminate on the one-year anniversary of this Grant.

9. Entire Grant, Waivers and Amendments. This Grant is executed in three (3) duplicate originals, each of which is deemed to be an original. This Grant constitutes the entire understanding and agreement of the parties. This Grant integrates all of the terms and conditions mentioned herein or incident hereto, and supersedes all negotiations or previous agreements between the parties with respect to all or any part of the subject matter hereof. All waivers of the provisions of this Grant and all amendments hereto must be in writing and signed by the appropriate authorities of each of the parties to this Grant.

10. No Waiver. Except as otherwise expressly provided in this Grant, any failure or delay by any party in asserting any of its rights or remedies as to any default, shall not operate as a waiver of any default, or of any such rights or remedies, or deprive any such party of its right to institute and maintain any actions or proceedings which it may deem necessary to protect, assert or enforce any such rights or remedies.

11. Severability. If any provision of this Grant shall be found invalid or unenforceable by a court of competent jurisdiction, the remaining provisions of this Grant shall not be affected thereby and shall be valid and enforceable to the fullest extent permitted by law.

12. Sovereign Immunity. Nothing in this Grant shall be deemed a waiver of either party's sovereign immunity in any forum or jurisdiction.

TOHONO O'ODHAM NATION

Edward D. Manuel, Chairman
Tohono O'odham Nation

Dated _____

City of Surprise

Title

Dated _____

Attest:

Approved as to form:

Laura Berglan, Acting Attorney General
Tohono O'odham Nation

Dated _____

EXHIBIT “A”

<u>Program</u>	<u>Contribution</u>
Compressor	\$50,000.00
TOTAL	\$50,000.00

Budget Amendment Request

To: Jared Askelson, Budget and Research Manager
CC: Brandi Flores, Senior Financial Analyst
From: Kimberly Drabik, Financial Management Analyst, Sr. *VP*
Date: 9/23/2015
Re: Budget Amendment for Tohono O'odham Grant

Description/Background:

In June, the Surprise Fire-Medical Department submitted a grant proposal to replace the compressor for the rehab utility vehicle in their current fleet. On August 31, 2015, the Tohono O'odham Nation notified SFMD of the award of the grant in the amount of \$50,000.

Please enter the reason for the request:

This request is to establish the budget authority for \$50,000 to support the Tohono O'odham compressor grant.

Budget Amendment Type (Please check the appropriate box):

Type of Amendment	Category	Sub-Category	Authorization	Check
Between Funds	All	All	Mayor and City Council	☐
Between Departments in General Fund	All	All	Mayor and City Council	☐
Grants	Revenue Expense	Establishment of a grant budget	Mayor and City Council	X
Personnel	Full Time Personnel	Between divisions	Department Director	☐
		Between part time and full time (no change in total FTE)	City Manager	☐
		To/from any other category (Change in total FTE)	Mayor and City Council	☐
Commodities/Supplies Contractual Services	Within a Department	Between divisions or within a division	Department Director	☐
Capital	Non-CIP or minor CIP	Between divisions	City Manager	☐
	Major CIP (incl. change in total amount and/or change in scope)	All	Mayor and City Council	☐
Contingency	All	All	Mayor and City Council	☐
Targeted Savings	All	All	CFO	☐

Council Work Session Date: Click here to enter date. **Council Meeting Date:** 10/20/2015

Financial Impact Statement:

Authorizing the budget authority will allow the Surprise Fire-Medical Department to accept and coordinate the compressor replacement on their current rehab utility truck. Once the project is completed, SFMD will submit for a full reimbursement of all costs associated with the project. There is no required grant match for this project and once completed all funds will be reimbursed, thus yielding no cost increase to the City's budget.

Budget Amendment Approval:

Title	Signature	Date
Department Director	<i>Donnell Johnson</i>	9/22/2015

CITY OF SURPRISE

Prepared by:
Approved by:
Approved by:
Approved by:
Entered by:

Kimberly Drabik
Kimberly Drabik

Date:	9/22/2015
Date:	9/22/2015
Date:	
Date:	
Date:	

Period: 4
Year: 2016
Batch ID: _____
Resolution No.: _____

Description: BUDGETARY AMENDMENT FOR RECEIPT OF TOHONO O'ODHAM GRANT FUNDING

[illegible]

BUDGETARY AMENDMENT FOR RECEIPT OF TOHONO O'ODHAM GRANT FUNDING

Totals

The exact amount of this grant was not known when the FY2016 budget was approved. This amendment transfers budget authority from the Grants Fund contingency for receipt of grant funding from the Tohono O'odham Nation for repair of a utility truck compressor.



CITY OF SURPRISE
Regular City Council Meeting

October 20, 2015 @ 6:00:00 PM

+ [Back](#) [Print](#)

Council Meeting Date:	October 20, 2015	Contact Person:	Robert Kuhfuss, Community Development
Submitting Department:		District:	1
Staff Recommendations:	None		

Consent	x	Regular	Public Hearing	Report/Discussion
---------	---	---------	----------------	-------------------

Agenda Wording:

Consideration and action approving a final plat entitled "Final Plat for Kreibich-Phillips Estates", property generally located east of 163rd Avenue and south of the Skinner Road alignment.

Motion:

I move to approve the Final Plat for Kreibich-Phillips Estates.

Background:

The owners created two parcels through the recordation of a deed, but in the absence of a final plat as required by the Surprise Unified Development Code.

Objective Analysis:

The requested Final Plat will remedy an unrecognized lot split, allowing the owners of the property to move forward with the construction of their respective single-family residences, one of which is currently under review. Approval of this Final Plat will also secure the dedication of a 135' half-width right-of-way along 163rd Avenue adjacent to the site, while limiting access to the site from 163rd Avenue, consistent with future development plans.

Policy Compliant:

The proposed Final Plat advances the goals and policies of the Surprise General Plan and the City Council's Strategic Plan.

Financial Impact:

All activity related to ongoing development of the City of Surprise has an economic and fiscal impact on the city and the region.

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:

Click to download

- ☐ [FS15-251 - Kreibich-Phillips Final Plat - Staff Report](#)
 - ☐ [01 - FS15-251 - Kreibich - Phillips Final Plat - Vicinty Map](#)
 - ☐ [02 - FS15-251 - Kreibich - Phillips Final Plat - Case Map](#)
 - ☐ [03 - FS15-251 - Kreibich - Phillips Final Plat - Final Plat](#)
 - ☐ [04 - FS15-251 - Kreibich - Phillips Final Plat - MWD Comments](#)
 - ☐ [05 - FS15-251 - Kreibich - Phillips Final Plat - Luke AFB Comments](#)
 - ☐ [06 - FS15-251 - Kreibich - Phillips Final Plat - Presentation](#)
-

FINAL PLAT

REPORT TO THE CITY COUNCIL

Case: FS15-251

Project Name: Kreibich-Phillips Estates Final Plat

Council District: 1

Meeting Date: October 20, 2015

Planner: Robert H. Kuhfuss, AICP

Owner/Applicant: Michael Kreibich, et. al.

Request: A two (2) lot Final Plat in the R1-43 zoning district

Site Location: East side of 163rd Avenue, south of the Skinner Road alignment

Site Size: 5.16 acres (approx.)

Density: 0.37 DU/Ac

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

Support/Opposition: None known

Findings:

- The proposed Final Plat complies with the SUDC.
- The reviewing agencies indicate no objections to the request.

Alternative Actions: **Approval** of the requested Final Plat will remedy an unrecognized lot split, allowing the owners of the property to move forward with the construction of their respective single-family residences, one of which is currently under review. Approval of this Final Plat will also secure the dedication of a 135' half-width right-of-way along 163rd Avenue adjacent to the site, while limiting access to the site from 163rd Avenue, consistent with future development plans.

Denial – Denial of the requested Final Plat would allow the existing unrecognized lot-split to remain in a manner inconsistent with the SUDC thereby rendering the property undevelopable.

40 **PROJECT DESCRIPTION:**

41
42 The subject request seeks approval of a two (2) lot Final Plat in the R1-43 zoning district. The
43 property currently exists as two separate parcels, which were recorded through the Maricopa
44 County Recorder's Office and recognized by the Maricopa County Assessor's Office, but not
45 recognized by the City of Surprise as they were not included in a Final Plat as required by the
46 Surprise Unified Development Code.

47
48 Both lots are oriented in an east/west manner and abut the current 163rd Avenue right-of-way. The
49 proposed Final Plat provides for the dedication of additional right-of-way along 163rd avenue to
50 accommodate the future parkway development, although no improvements are required of this
51 applicant. The Final Plat includes a 1-foot vehicular non-access easement along the ultimate 163rd
52 avenue right-of-way, which will prevent vehicular access to the lots from 163rd Avenue; however,
53 legal and physical access will occur from the east via Skinner Road and a common easement shared
54 by both lots.

55
56 **SUMMARY:**

57
58 Staff believes the proposed Final Plat will bring the property into compliance with the SUDC and
59 allow the owners to proceed with the construction of their respective residences.

60
61 **Attachments:**

- 62
63 01 – Vicinity Map (1 page)
64 02 – Final Plat Case Map (1 page)
65 03 – Final Plat (1 page)
66 04 – MWD comments (1 page)
67 05 – Luke AFB comments (1 page)

SUBJECT SITE

SITE INFORMATION

OWNER OF RECORD: MICHAEL K. KREIBICH and DEBORA KREIBICH, HUSBAND AND WIFE.
SITE ADDRESS: 29063 N. 163RD AVE #2, SURPRISE, AZ
PROPOSED APN LOT 1: 503-80-990; PROPOSED APN LOT 2: 503-80-989
ZONING: R1-43

DEDICATION

STATE OF ARIZONA
COUNTY OF MARICOPA

KNOW ALL PERSONS BY THESE PRESENTS: THAT MICHAEL K. KREIBICH and DEBORA KREIBICH, husband and wife, ("OWNER"), HAS SUBDIVIDED UNDER THE NAME KREIBICH-PHILLIPS, A SUBDIVISION LOCATED IN A PORTION OF SECTION 30, 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 KREIBICH-PHILLIPS 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 NON-EXCLUSIVE EASEMENT OVER, UPON 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.

MICHAEL K. KREIBICH and DEBORA KREIBICH ("OWNER") DOES HEREBY (1) RELEASE AND DISCHARGE THE CITY OF SURPRISE, AND (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 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.

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 _____, 201____, MICHAEL K. KREIBICH and DEBORA KREIBICH, HUSBAND AND WIFE.

BY _____

ITS _____

ACKNOWLEDGEMENT

STATE OF ARIZONA
COUNTY OF ARIZONA

BY: _____
ON THIS, THE _____ DAY OF _____, 201____, 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

APPROVALS

CITY OF SURPRISE ENGINEER APPROVAL

DATA ON THIS PLAT REVIEWED AND APPROVED THIS _____ DAY OF _____, 201____, BY THE CITY OF SURPRISE, ARIZONA.

APPROVED _____
CITY ENGINEER DATE

CITY OF SURPRISE COUNCIL APPROVAL

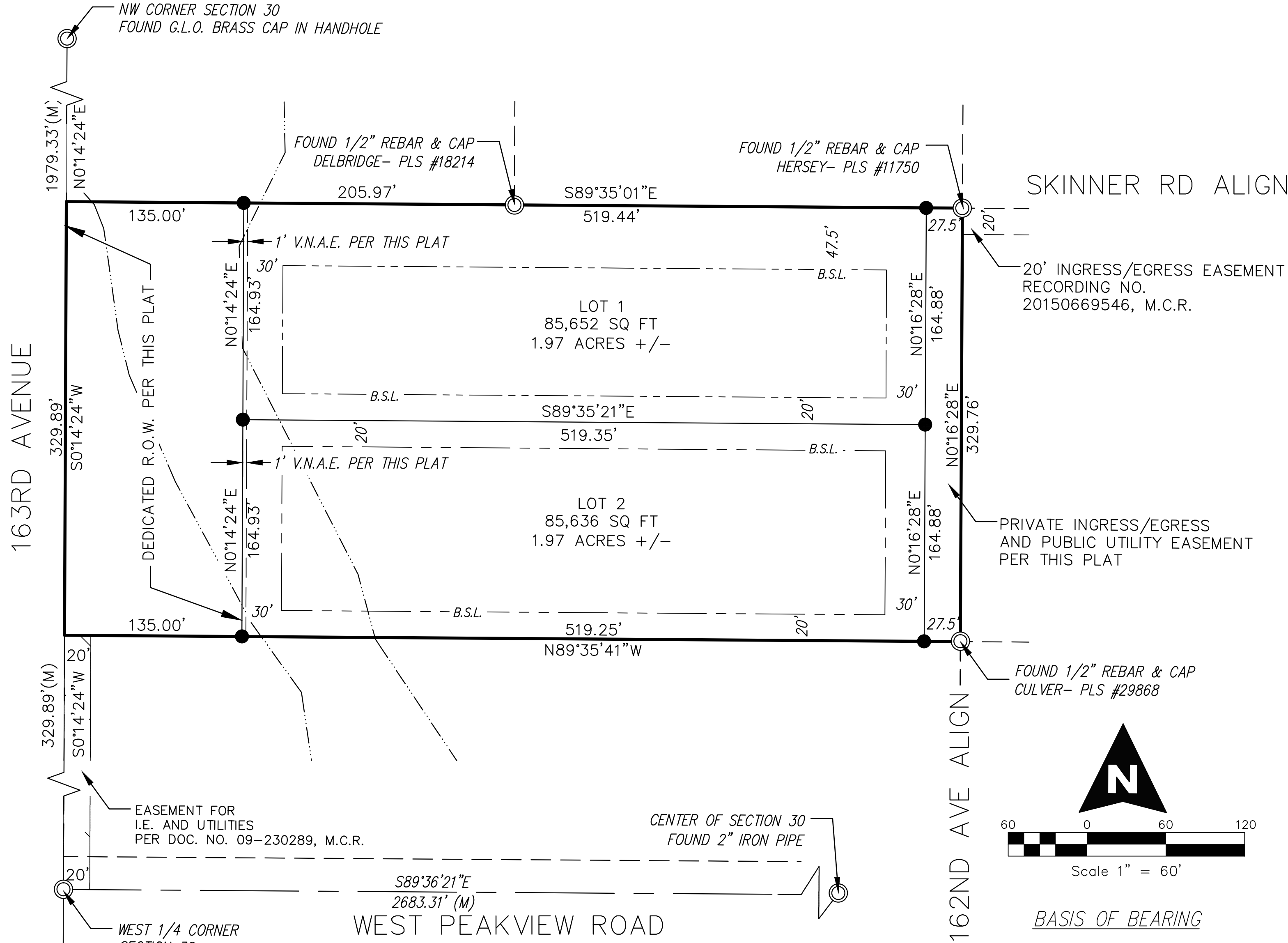
APPROVED BY THE CITY COUNCIL OF SURPRISE, ARIZONA. THIS _____ DAY OF _____, 201____

MAYOR DATE

CITY CLERK DATE

FINAL PLAT
KREIBICH-PHILLIPS ESTATES

A PORTION OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER, SECTION 30, TOWNSHIP 5 NORTH, RANGE 1 WEST, OF THE GILA & SALT RIVER BASE & MERIDIAN, MARICOPA COUNTY, ARIZONA.

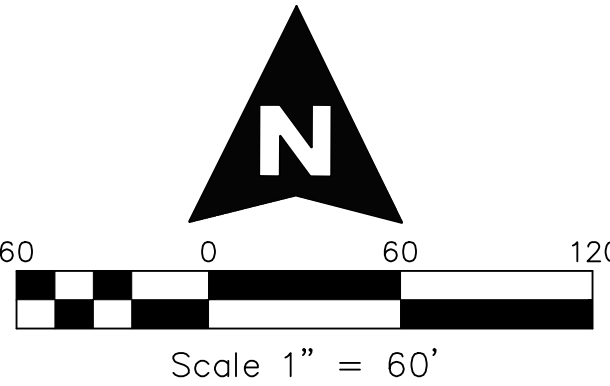


SKINNER RD ALIGN

20' INGRESS/EGRESS EASEMENT
RECORDING NO.
20150669546, M.C.R.

PRIVATE INGRESS/EGRESS
AND PUBLIC UTILITY EASEMENT
PER THIS PLAT

FOUND 1/2" REBAR & CAP
CULVER- PLS #29868



BASIS OF BEARING

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

LEGEND

- SECTION LINE
- ADJOINING LOT LINE
- PROPERTY LINE
- BUILDING SETBACK LINE
- R.O.W. LINE
- FLOODWAY/FLOODPLAIN - ZONE AE

A.P.N. ASSESSOR PARCEL NUMBER
M.C.R. MARICOPA COUNTY RECORDER
I.E. INGRESS-EGRESS EASEMENT
R.O.W. RIGHT OF WAY
B.S.L. BUILDING SETBACK LINE
G.L.O. GENERAL LAND OFFICE
M.C.D.O.T. MARICOPA COUNTY DEPT. OF TRANS.
V.N.A.E. VEHICLE NON-ACCESS EASEMENT
(M) FIELD MEASUREMENT

FOUND MONUMENT AS DESCRIBED
SET 1/2" REBAR W/CAP LS #37793

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

- MICHAEL K. KREIBICH and DEBORA KREIBICH, husband and wife, ("OWNER") DOES HEREBY (1) RELEASE AND DISCHARGE THE USAF AND THE CITY OF SURPRISE, AND (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 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. 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.
- 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.
- SPRINKLERS ARE REQUIRED IN ALL ONE AND TWO FAMILY DWELLINGS BUILT IN AREAS WHICH DO NOT HAVE AN ADEQUATE WATER SUPPLY.
- 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.
- 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.
- THE AREA PLATTED HEREON LIES WITHIN THE DOMESTIC WATER SERVICE AREA OF SAGUARO VIEW WHICH IS DESIGNATED AS HAVING AN ASSURED WATER SUPPLY PURSUANT A.R.S. § 45-576.
- 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.

NOTES

- 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.
- 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.

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 OCTOBER, 2014.



PREPARED BY:
82 BRAVO, LLC
SURVEYING AND MAPPING SOLUTIONS
20118 N. 67th Avenue Phone - (602) 885-8346
SUITE #300-233 Email: info@82bravo.com
Glendale, Arizona 85308 www.82bravo.com

DRAWN: KOS	JOB NO: 14162	DATE: 09/18/15
CHECK: KOS		SHEET: 1 OF 1
REVISION: CITY COMMENTS 1& 2 FS15-251 DATED 9/16/15		

LOT DESCRIPTIONS

LOT 1:

THE NORTH HALF OF THE NORTH HALF OF FOLLOWING DESCRIBED PROPERTY: THE WEST HALF OF THE SOUTH HALF OF LOT 2, SECTION 30, TOWNSHIP 5 NORTH, RANGE 1 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA; EXCEPT ALL COAL AND OTHER MINERALS AS RESERVED IN THE PATENT FROM THE UNITED STATES OF AMERICA.

LOT 2:

THE SOUTH HALF OF THE NORTH HALF OF FOLLOWING DESCRIBED PROPERTY: THE WEST HALF OF THE SOUTH HALF OF LOT 2, SECTION 30, TOWNSHIP 5 NORTH, RANGE 1 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA; EXCEPT ALL COAL AND OTHER MINERALS AS RESERVED IN THE PATENT FROM THE UNITED STATES OF AMERICA.

AREA TABULATION		
PARCEL NAME	AREA (ACRES +/-)	AREA (SQ. FT +/-)
LOT 1	1.97	85,632
LOT 2	1.97	85,636
163RD AVE. R.O.W.	1.02	44,534
I.E. EASEMENT.	0.21	9,069
TOTAL PARENT PARCEL	5.16	224,891

PARENT PROPERTY DESCRIPTION

PARCEL NO. 1:

THE NORTH HALF OF THE FOLLOWING DESCRIBED PROPERTY: THE WEST HALF OF THE SOUTH HALF OF LOT 2, SECTION 30, TOWNSHIP 5 NORTH, RANGE 1 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA; EXCEPT ALL COAL AND OTHER MINERALS AS RESERVED IN THE PATENT FROM THE UNITED STATES OF AMERICA.

PARCEL NO. 2:

AN UNDIVIDED INTEREST IN AND TO THE WEST 165 FEET OF THE SOUTH 100 FEET OF THE NORTH HALF OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 25, TOWNSHIP 5 NORTH, RANGE 2 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA.

PARCEL NO. 3:

AN EASEMENT FOR INGRESS, EGRESS AND PUBLIC UTILITIES OVER THE WEST 20 FEET OF THE SOUTH HALF OF THE WEST HALF OF THE SOUTH HALF OF LOT 2, SECTION 30, TOWNSHIP 5 NORTH, RANGE 1 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA.

Jamie,

Thank you for providing the Electronic Submittal for the Kreibich/Phillips Lot Split (FS15-251).

Maricopa Water District has reviewed this submittal and determine this lies outside the current boundaries of MWD.

Thanks again,

Debbie Trasancos

Property & Contracts Specialist

Maricopa Water District

14825 W. Grand Ave.

Surprise, AZ 85374

623/546-8266

fax 623/584-2536

debbiet@mwdaz.com

Kreibich and Phillips Lot Split
FS15-251
503-52-012J
Final Plat

This site is outside the 1988 JLUS 65 Ldn, "high noise or accident potential zone" as defined by A.R.S. § 28-8461 and is NOT within the "territory in the vicinity of a military airport" also defined by A.R.S. § 28-8461. No need for Luke to comment.

v/r
Barbara

BARBARA S. PLANTE, GS-12, DAFC
56th Fighter Wing
Community Initiatives Team
14185 W. Falcon Street
Luke AFB AZ 85309-1629
Phone: 623 856-9981

FS15-251 Kreibich-Phillips Estates Final Plat

City Council Regular Session

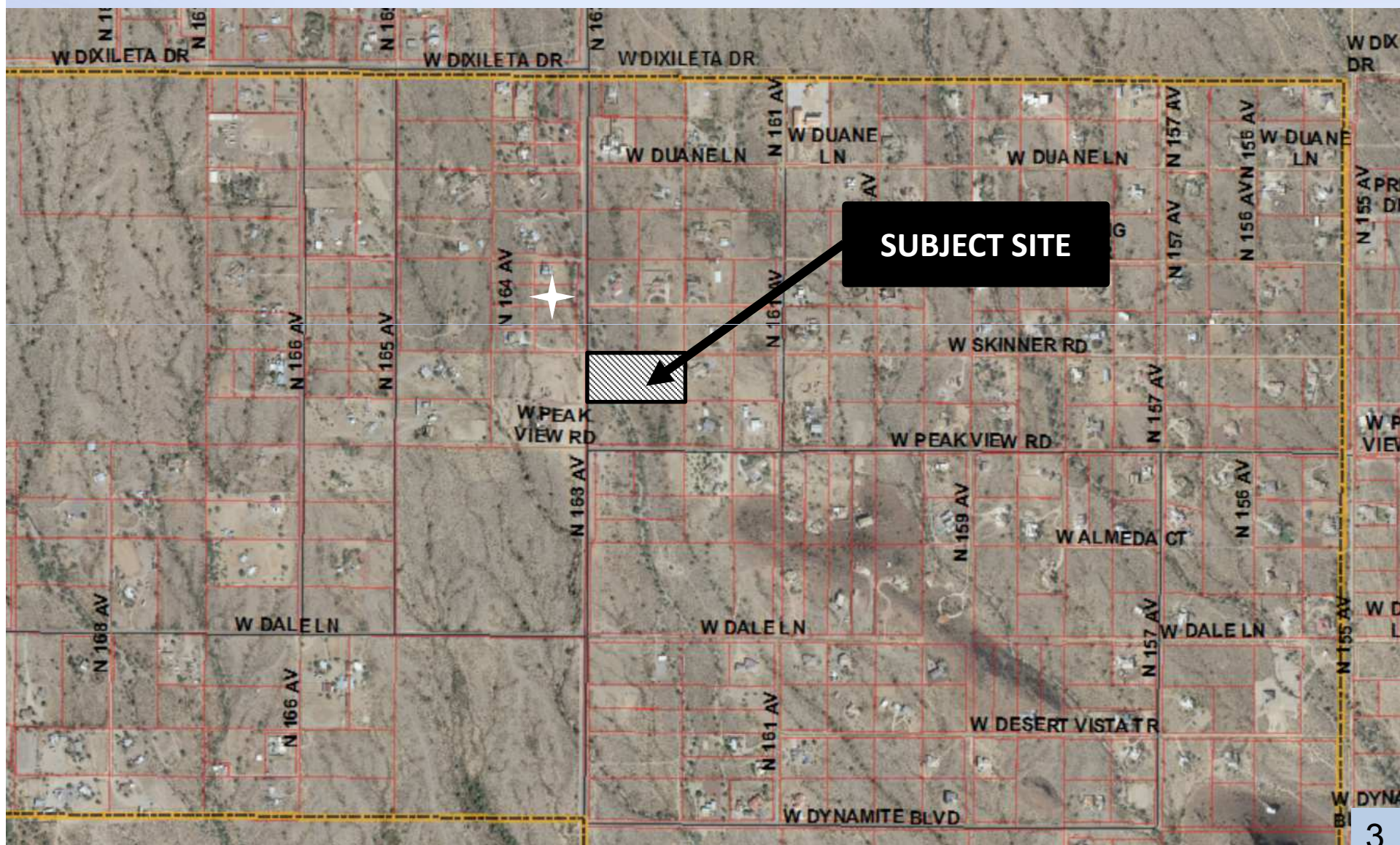
October 20, 2015



SURPRISE
ARIZONA



Case Map



FS15-251 Kreibich-Phillips Estates



SITE INFORMATION

OWNER OF RECORD: MICHAEL K. KREIBICH and DEBORA KREIBICH, HUSBAND AND WIFE.
SITE ADDRESS: 29063 N. 163RD AVE. #2, SURPRISE, AZ
PROPOSED APN LOT 1: 503-80-990, PROPOSED APN LOT 2: 503-80-989
ZONING: R1-43

DEDICATION

STATE OF ARIZONA
COUNTY OF MARICOPA

KNOW ALL PERSONS BY THESE PRESENTS: THAT MICHAEL K. KREIBICH and DEBORA KREIBICH, HUSBAND AND WIFE, (OWNER'S), HAS SUBDIVIDED UNDER THE NAME KREIBICH-PHILLIPS, A SUBDIVISION LOCATED IN A PORTION OF SECTION 30, TOWNSHIP 5 NORTH, RANGE 1 WEST, OF THE GILA & SALT RIVER BASE & MERIDIAN, MARICOPA COUNTY, ARIZONA, AS SHOWN AND PLATTED HEREON AND DOES HEREBY PUBLISH THIS PLAT AS AND FOR THE PLAT OF KREIBICH-PHILLIPS 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 NON-EXCLUSIVE EASEMENT OVER, UPON 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.

MICHAEL K. KREIBICH and DEBORA KREIBICH (OWNER'S) DOES HEREBY (1) RELEASE AND DISCHARGE THE CITY OF SURPRISE, AND (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 SHOWN 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/S FOR 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 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 LIKE AIR FORCE BASE AND AUXILIARY FIELD.

IN WITNESS WHEREOF, OWNER HAS HEREINTO CAUSED ITS CORPORATE NAME TO BE SIGNED AND ITS CORPORATE SEAL TO BE AFFIXED BY THE UNDERSIGNED, DULY AUTHORIZED OFFICER THIS _____ DAY OF _____, 201____, MICHAEL K. KREIBICH and DEBORA KREIBICH, HUSBAND AND WIFE.

BY: _____
ITS: _____

ACKNOWLEDGEMENT

STATE OF ARIZONA
COUNTY OF MARICOPA

BEFORE ME, THE _____ DAY OF _____, 201____, 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 FORGING INSTRUMENT FOR THE PURPOSES THEREIN CONTAINED.

IN WITNESS WHEREOF, I HERETO SET MY HAND AND OFFICIAL SEAL, MY COMMISSION EXPIRES _____.

NOTARY PUBLIC

APPROVALS

CITY OF SURPRISE ENGINEER APPROVAL

DATA ON THIS PLAT REVIEWED AND APPROVED THIS _____ DAY OF _____, 201____, BY THE CITY OF SURPRISE, ARIZONA.

APPROVED: _____ CITY ENGINEER DATE _____

CITY OF SURPRISE COUNCIL APPROVAL

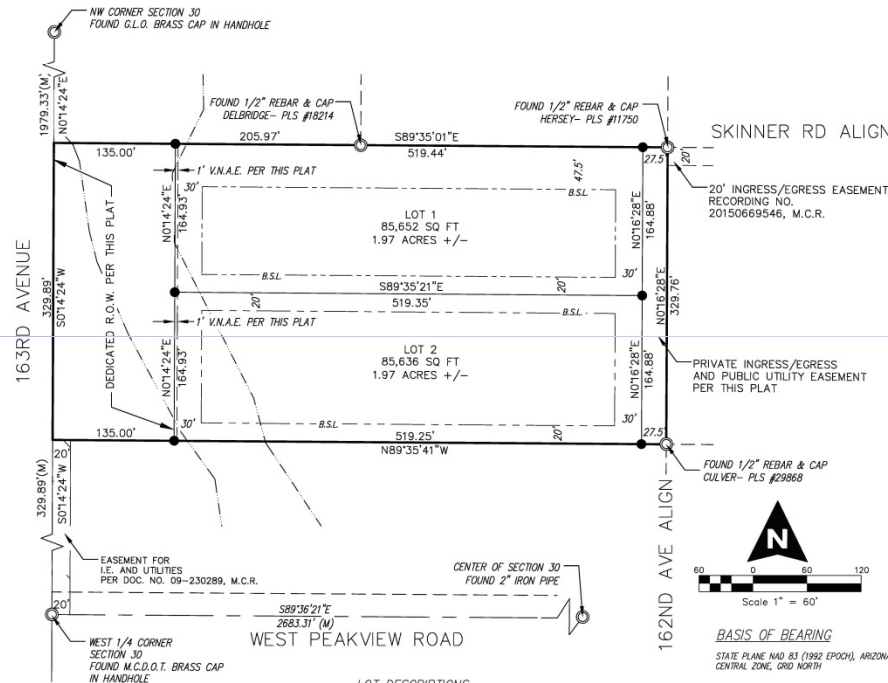
APPROVED BY THE CITY COUNCIL OF SURPRISE, ARIZONA, THIS _____ DAY OF _____, 201____.

_____, MAYOR DATE _____

_____, CITY CLERK DATE _____

FINAL PLAT KREIBICH-PHILLIPS ESTATES

A PORTION OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER, SECTION 30, TOWNSHIP 5 NORTH, RANGE 1 WEST, OF THE GILA & SALT RIVER BASE & MERIDIAN, MARICOPA COUNTY, ARIZONA.



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LOT 2:

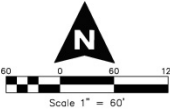
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I.E. EASEMENT	0.21	9,069
TOTAL PARENT PARCEL	5.16	224,891

SKINNER RD ALIGN

20' INGRESS/EGRESS EASEMENT
RECORDING NO. 20150669546, M.C.R.

FOUND 1/2" REBAR & CAP
CULVER- PLS #29868



BASIS OF BEARING

STATE PLANE NAD 83 (1983 EPOCH), ARIZONA
CENTRAL ZONE, GRID NORTH

LEGEND

- SECTION LINE
- ADJOINING LOT LINE
- PROPERTY LINE
- BUILDING SETBACK LINE
- R.O.W. LINE
- FLOODWAY/FLOODPLAIN - ZONE AE

- A.P.N. MARICOPA COUNTY RECORDER
- I.E. INGRESS-EGRESS EASEMENT
- R.O.W. RIGHT OF WAY
- B.S.L. BUILDING SETBACK LINE
- G.L.O. GENERAL LAND OFFICE
- M.C.D.O.T. MARICOPA COUNTY DEPT. OF TRANS.
- V.N.A.E. VEHICLE NON-ACCESS EASEMENT
- (M) FIELD MEASUREMENT
- FOUND MONUMENT AS DESCRIBED
- SET 1/2" REBAR W/CAP L/S #37793

PUBLIC NOTICE

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- SPRINKLERS ARE REQUIRED IN ALL ONE AND TWO FAMILY DWELLINGS BUILT IN AREAS WHICH DO NOT HAVE AN ADEQUATE WATER SUPPLY.
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- THE PROPERTY IS LOCATED WITHIN AN AREA HAVING FLOOD ZONE "AE" BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, ON FLOOD INSURANCE RATE MAP NO. 04032C0101, WITH A DATE OF IDENTIFICATION OF OCTOBER 16, 2013, FOR COMMUNITY NO. 04032, IN MARICOPA COUNTY, STATE OF ARIZONA, WHICH IS THE CURRENT FLOOD INSURANCE RATE MAP FOR THE COMMUNITY IN WHICH SAID PROPERTY IS SITUATED.

NOTES

- IN ACCORDANCE WITH ARS § 9-481.07, THE CITY OF SURPRISE HAS DETERMINED THAT ALL DEDICATIONS OCCURRING WITH THIS PLAT ARE IN CONFORMANCE WITH THE SURPRISE GENERAL PLAN.
- 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 #4751 AND 14710, WHEN APPLICABLE.

CERTIFICATE OF SURVEY

I, KENNETH G. SHIPLEY HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR IN THE STATE OF ARIZONA, AND THAT THIS PLAT CORRECTLY REPRESENTS A SURVEY MADE UNDER MY DIRECT SUPERVISION DURING THE MONTH OF OCTOBER, 2014.



PREPARED BY:
82 BRAVO, LLC
SURVEYING AND MAPPING SOLUTIONS
2018 N. 67th Avenue Phone - (602) 885-8346
Suite #300-233 Email: info@82bravo.com
Glendale, Arizona 85308 www.82bravo.com

DRAWN: KOS JOB NO: 14162 DATE: 08/18/15
CHECK: KOS SHEET: 1 OF 1
REVISION: CITY COMMENTS 1& 2 FS15-251 DATED 9/16/15

Questions or Comments?



CITY OF SURPRISE
Regular City Council Meeting

October 20, 2015 @ 6:00:00 PM

+ [Back](#) [Print](#)

Council Meeting Date: October 20, 2015

Contact Person: Mark A. Coronado, Community and Recreation Services Director

Submitting Department:

District: Citywide

Staff Recommendations: None

Consent	x	Regular	Public Hearing	Report/Discussion
---------	---	---------	----------------	-------------------

Agenda Wording:

Consideration and action amending the fiscal year 2016 budget by reallocating appropriations of \$130,000 from the Community and Recreation Services Donation Fund General Operations #29999 to the Surprise Farms Capital Improvement Project #21417; Resolution #2015-104.

Motion:

I move to approve Resolution #2015-104.

Background:

The FY2015 adopted budget included funding of \$1,686,300 for the construction of Surprise Farms Community Park. A dog park was included in the initial design of Surprise Farms Community Park. Based on public input, the City recently identified that an alternate location for the dog park at Surprise Farms would be more suitable for residents of Surprise Farms.

Objective Analysis:

The Surprise Farms Park Project has been a multi-year public process. City staff as well as the Community and Recreation Advisory Commission obtained feedback from residents of Surprise Farms. Completing this project is necessary and funding is available from sponsors and can be utilized to complete the project.

Policy Compliant:

This action is consistent with City and Council Policy.

Financial Impact:

This is a one-time allocation of \$130,000 in the Donations Fund to complete the Surprise Farms Park project. The total cost of the project will increase from \$1,686,300 to \$1,816,300.

Budget Impact:

A total project budget of \$1,686,300 that utilizes Parks and Recreation Development Impact Fees was previously adopted by the Mayor and Council. This action will allocate \$130,000 of Community and Recreation Services sponsorship revenues for the purposes of completing the dog park at the Surprise Farms Community Park. This will increase the total project budget to \$1,816,300. This action represents a reallocation of budget authority and does not increase the overall budget of the City.

FTE Impact:

This action does not have an impact on full time staff.

ATTACHMENTS:

Click to download

- ☐ [Resolution 2015-104.](#)
 - ☐ [15.10.12 Surprise Farms](#)
-

RESOLUTION #2015-104

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA, AMENDING THE FISCAL YEAR 2016 BUDGET BY REALLOCATING APPROPRIATIONS OF \$130,000 FROM THE DONATIONS FUND GENERAL OPERATIONS #29999 TO THE SURPRISE FARMS CAPITAL IMPROVEMENT PROJECT #21417 FOR THE ADDITIONAL PROJECT EXPENSE ASSOCIATED WITH RELOCATING THE DOG PARK.

WHEREAS, Council adopted the project in the amount \$1,686,300 for the construction of Surprise Farms Community Park;

WHEREAS; a dog park was included in the initial design of Surprise Farms Community Park based on public input;

WHEREAS, the City recently identified that an alternate location for the dog park at Surprise Farms would be more suitable for residents of Surprise Farms;

WHEREAS, the CRS Department wishes to utilize donations from sponsors to assist with the increased costs of the new dog park location;

WHEREAS, the FY2016 budget was adopted by Council Resolution #2015-53 on June 2, 2015;

WHEREAS, this action will necessitate a budget amendment; and

WHEREAS, 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, 2015 through June 30, 2016.

APPROVED AND ADOPTED this ____ day of _____, 2015.

Sharon R. Wolcott, Mayor

Attest:

Approved as to form:

Sherry Aguilar, City Clerk

Misty Leslie, City Attorney

RESOLUTION #2015-104
Exhibit A

The FY2016 Annual Budget is amended by reallocating appropriations among lawfully available appropriations to ensure the continued operations of the City of Surprise in the payment of necessary expenditures. These allocations do not represent an actual transfer of funds, but only a transfer of spending authority. Additionally, these reallocations do not increase or decrease the total budget.

Fund/Project	Current Appropriation	Increase (Decrease)	Amended Appropriation
Donations, Surprise Farms Park #21417	\$0	\$130,000	\$130,000
Donations, Operations #29999	401,100	(130,000)	271,100
	<u>\$401,100</u>	<u>\$0</u>	<u>\$401,100</u>

The fund changes are as follows:

- The amendment utilizes funding in the CRS Donations Fund and reallocates appropriation from general operations #29999 to Surprise Farms Community Park #21417 project in the amount of \$130,000 for the completion of the Surprise Farms Community Park without exceeding the approved total annual budget for FY2016.
- The total project funding will be revised to be:

Fund	Amount
Parks and Recreation Development Fee Fund	1,686,300
Donations Fund	130,000
Total	1,816,300

RESOLUTION #2015-104

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA, AMENDING THE FISCAL YEAR 2016 BUDGET BY REALLOCATING APPROPRIATIONS OF \$130,000 FROM THE DONATIONS FUND GENERAL OPERATIONS #29999 TO THE SURPRISE FARMS CAPITAL IMPROVEMENT PROJECT #21417 FOR THE ADDITIONAL PROJECT EXPENSE ASSOCIATED WITH RELOCATING THE DOG PARK.

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Fund/Project	Current Appropriation	Increase (Decrease)	Amended Appropriation
Donations, Surprise Farms Park #21417	\$0	\$130,000	\$130,000
Donations, Operations #29999	401,100	(130,000)	271,100
	<u>\$401,100</u>	<u>\$0</u>	<u>\$401,100</u>

The fund changes are as follows:

- The amendment utilizes funding in the CRS Donations Fund and reallocates appropriation from general operations #29999 to Surprise Farms Community Park #21417 project in the amount of \$130,000 for the completion of the Surprise Farms Community Park without exceeding the approved total annual budget for FY2016.
- The total project funding will be revised to be:

Fund	Amount
Parks and Recreation Development Fee Fund	1,686,300
Donations Fund	130,000
Total	1,816,300



CITY OF SURPRISE
Regular City Council Meeting

October 20, 2015 @ 6:00:00 PM

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Council Meeting Date:	October 20, 2015	Contact Person:	Sherry Ann Aguilar, City Clerk
Submitting Department:		District:	Citywide
Staff Recommendations:	None		

Consent	x	Regular	Public Hearing	Report/Discussion
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Agenda Wording:

Consideration and the minutes of October 6, 2015 Regular Work Session and Regular City Council Meeting.

Motion:

I move to approve the meeting minutes.

Background:

Objective Analysis:

Policy Compliant:

Financial Impact:

Budget Impact:

FTE Impact:

ATTACHMENTS:

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

Tuesday, October 6, 2015 @ 04:00 PM

Call to Order

Roll Call

Vice Mayor Williams called the **Regular City Council Work Session** to order at 04:00 PM at Surprise City Hall Council Chamber, 16000 North Civic Center Plaza Surprise, Arizona 85374, on **Tuesday, October 6, 2015**. Also in attendance with Vice Mayor Williams were Council Member Winters, Council Member Biundo, Council Member Villanueva, Council Member Hall and Council Member Tande.

Staff Present: City Manager, Bob Wingenroth, Deputy City Attorney, Robert Wingo.
and City Clerk, Sherry Ann Aguilar.

Pledge of Allegiance

Call to the Public

Leo Mankiewicz - Item #16 - Caliber Collision - new development across from, Cobalt Medical Facility. Concerned that this project is right at the City's Gateway. No form based code in the City, there is a real need to get ahead of the wave of development that is coming our way. I will assemble an interested group of citizens to help with the development of this vision. There is a lot of talent and interest in developing this process.

3. Presentation and discussion updating Council on the establishment of Boys and Girls Club satellite locations in Surprise - NO ACTION

CRS Director, Mark Coronado gave a powerpoint presentation and led discussion regarding the satellite locations for the Boys and Girls Club. Also in attendance were CRS Commission Chair, Wayne Turner and CRS Manager, Paul Frie.

Regular City Council Work Session Minutes – October 14, 2015 – Page 2

Mr. Coronado commented that we are not asking for additional funding for this project and will not make these facilities permanent Boys & Girls Club locations, and these locations will service the center of the City.

Council Member Tande: City programs will not go away, correct?

Mr. Coronado: That is correct.

Council Member Tande: Is this going to be operated by the current City staff? I like the enhanced programs.

Mr. Coronado - We would look to incorporate the curriculum of the B&G Club, we would be enhancing more to our children and youth in the community. The current programs will not go away.

Council Member Biundo: I am impressed.

Council Member Winters: Great job to you and your staff for putting this together. Are you targeting July 1st?

Mr. Coronado - We need to come back with a budget and plan to Council for you to endorse. 60-90 days. May come back in November/December with a final plan.

Council Member Villanueva - This is a dream of Roy Villanueva's for over 10 years, and you and your staff have done a wonderful job. How are you going to keep track of who is in the club and are not in the club?

Mr. Coronado - Tara Combs and her team raised half million dollars in donations from corporate sponsorships and that is really big. We are going to put 10% of all donations that we raise, and place in B&G Club initiative. Our recreation programming, we never say no. We can only enhance the opportunities and when we build the big facility, we will be on track. The Rangers and Royals are all in for this.

Community and Recreation Services Advisory Commission Chair, Wayne Turner gave a status report 7 to 0 vote, all about having more questions and where is the funding going to go. We are 100% behind this idea, just need clarification.

Vice Mayor Williams: Concerned voice in the community, current programs and you have answered.

Emily Mann: Attends Sierra Montana Recreation Center and go there daily. maximum capacity 145 youth. The recreation center gives my age range a place to hang out and keep us off the street. The staff at the recreation center takes their time. My opinion, my voice, my future.

Regular City Council Work Session Minutes – October 14, 2015 – Page 3

Mr. Coronado: We staff recreation programs by 100%. Always have committed to recreation for kids.

Margery Jones: Sierra Montana resident for 10 years. Thrilled we have a recreation center for our children. I feel that our kids are going to be bumped out, will this affect our property values, mode of transportation, kids wandering around our neighborhood, where will the kids come from? Our kids should have priority. I am really concerned and thank you for letting me speak.

Mary Arend: Sierra Montana resident. Our kids use this center, we enjoy meeting there in the park and use the facility. We would be sad to lose our facility. How far will the students be bussed?

2. Presentation and discussion involving suggested changes to Surprise City Code Chapter 10 regarding Animals. Amongst many changes are the provisions for dealing with vicious animals and changing the definition of when an animal is at large, especially as it relates to gated communities - NO ACTION

Lt. Harold Brady gave a powerpoint presentation regarding vicious animals and changing the definition of when an animal is at large, especially as it related to gated communities. Reviewed various sections of the proposed code.

Council Member Winters: Two concerns, 1st is that we are not going to do anything? More enforcement action, we will go to owner and advise?

Council Member Hall: I am in agreement with most said tonight.

Council Member Biundo: There may be vacancies for 6 months, my preference would be "leashed" even if in your front yard. People who have dropped dogs off in SC Grand and they are running loose there. A person took the dog home, called Animal Control, 3 days later someone showed up to take the dog and wanted to negotiate selling the dog to them.

Council Member Winters: Questioned licensing, are handled through Maricopa County, and we don't receive any funding, correct?

Lt. Brady: Yes that is correct.

Regular City Council Work Session Minutes – October 14, 2015 – Page 4

Council Member Villanueva - I don't have a dog, but isn't it normal for dogs to bark on occasion? In the OTS when we call animal control, the dog is gone, and there is nothing that we can do. If we know where the dog belongs, can we let animal control know this?

Lt. Brady: If we know the owner of the dog, we will approach the owner, if it is a repeat offender, then we will issue citations.

Council Member Hall: I think one complaint is enough, especially if the neighbors are out of town for a long period of time. I agree with some of Villanueva's comments.

Council Member Biundo - There is some sort of regulation of the number of dogs that one household can have, is that correct? Shouldn't it be incorporated with this ordinance?

Code enforcement would take care of this type of issue.

Vice Mayor Williams: A leash and 1 person report seems to be the consensus.

3. Presentation and update on the Surprise Conference and Training Center located at the SPA 1 Water Reclamation Facility - NO ACTION

Water Resources Director, Terry Lowe gave a powerpoint presentation on the Surprise Conference and Training Center at SPA1.

Council Member Hall: This is right in our wheelhouse as a City, fits our strategic plan. Gateway, they are going to furnish equipment?

Mr. Lowe: The City will furnish the facility, and Gateway will furnish educational components.

Council Member Winters: Can you tell me what the starting student population will be?

Council Member Villanueva: The name of the school is amazing, it fits the college and the City.

Council Member Tande: Will we be involved with Dysart and Charter schools to let them know about the program?

Mr. Lowe: The word is out we have already had Peoria High School contact us, but we will rely on Gateway to market the schools on the program.

Regular City Council Work Session Minutes – October 14, 2015 – Page 5

Vice Mayor Williams: Students will make \$40,000. coming right out of training for our residents. Outstanding work.

Council Member Villanueva: What is your timeframe for training?

Executive Session

Adjournment

Council Member Winters made the motion to adjourn the Regular City Council Work Session of October 6, 2015 at 5:30 PM. Council Member Tande seconded the motion. Six yes votes. Motion carried.

Sharon R. Wolcott, Mayor

ATTEST:

Sherry Ann Aguilar, City Clerk

CERTIFICATION:

I, Sherry Ann Aguilar, City Clerk for the City of Surprise, Maricopa County, Arizona, do hereby verify that these are the true and correct minutes of the Regular City Council Work Session of **Tuesday, October 6, 2015.**

Sherry Ann Aguilar, City Clerk

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

Tuesday, October 6, 2015 @ 06:00 PM

Call to Order

Roll Call

Vice Mayor Williams called the **Regular City Council Meeting** to order at 06:00 PM Surprise City Hall Council Chamber 16000 North Civic Center Plaza Surprise, Arizona 85374, on **Tuesday, October 6, 2015**. Also in attendance with Vice Mayor Williams were Council Member Winters, Council Member Biundo, Council Member Villanueva, Council Member Hall, and Council Member Tande.

Staff Present: City Manager, Bob Wingenroth, Deputy City Attorney, Robert Wingo, and City Clerk, Sherry Ann Aguilar.

Pledge of Allegiance

Proclamation and Community Acknowledgements:

Proclamation - Domestic Violence - Vice Mayor Williams read the proclamation and presented to Laura Hornsley, Eve's Place.

City Manager Report

Surprise Students/Teachers for Education

Paul Bernardo presented Surprise Students/Teachers for Education. Showcase our students in our communities. Recognized faculty in the audience from Imagine Prep Charter School. Students spoke on Rosefield history.

City Attorney Report

Regular City Council Meeting Minutes – October 6, 2015 – Page 2

City Clerk Report

Early voting starts tomorrow and ends October 30th. November 3rd is Election Day, voters will need to go to their polling location.

Call to the Public:

Lawrence Goldberg - opposed to City Attorney reporting to City Manager

Olga Perez - Present Mayor Wolcott with a complaint letter and concerns on District 4. Code Enforcement issue and ended up in court. Attended a District 4 meeting and completed a survey, street lights out for many months.

Frank Reed - City Attorney reporting to the City Manager. Policy change proposed. Little or no public review, deserves a thorough public review. Have searched for other cities that the Attorney serves under the City Manager, and have found none.

Matt Nisbett - Veteran's small businesses, small veteran owned business in Surprise and are 100% disabled veterans and live in Surprise.

Connie Whitlock & Mike Woodard - Art Project for Bell & Grand - no discussion of costs at the stakeholder's meeting. WHAM is in support of all artistic endeavors in the City and would offer our help and support for the Gateway of our City.

Mike Woodard - This is an important issue for me and for the community. I have not heard of any other proposals coming forward open for other artists. I would like to encourage Council to do a Call to local and statewide Artists, we have a lot of experience and talent.

Consent Agenda

Council Member Winters made the motion to approve the consent agenda, excluding items 5 and 6. Council Member Villanueva seconded the motion. Six yes votes. Motion carried.

1– Consideration and action declaring the City's intention to create a lighting improvement district pursuant to A.R.S. 48-616 for the purpose of purchasing facilities and energy for lighting the public streets and parks for the Sycamore Farms Parcel 12 North #146 Street Lighting Improvement District'; Resolution 2015-84 - APPROVED

2 – Consideration and action dissolving the Sycamore Farms Parcel 12 #136 Lighting Improvement District now covered by the Sycamore Farms Parcel 12 North #146 Lighting Improvement District; Resolution # 2015-91 - APPROVED

3 – Consideration and action on accepting maintenance of the public improvements for the Shops at 303 & Waddell, generally located on the northwest corner of Waddell Road and SR303; Resolution No. 2015-81 - APPROVED

4 – Consideration and action approving an amendment to the "Surprise Pointe North" final plat, dividing the existing parcel into 9 smaller parcels consistent with existing structures - APPROVED

5 – Consideration and action on a fiscal year 2016 budget amendment reallocating appropriations from various funds for fiscal year 2016 budget and adjusting budget authority; Resolution 2015-89 - APPROVED

Council Member Hall removed items 5 and 6 from the consent agenda.

Council Member Biundo made the motion to approve item #5. Council Member Tande seconded the motion. Six yes votes. Motion carried.

6 – Consideration and action on a fiscal year 2015 budget amendment reallocating appropriations from various funds required too close the fiscal year 2015 budget; Resolution 2015-88 - APPROVED

Council Member Villanueva made the motion to approve item #6. Council Member Hall seconded the motion. Six yes votes. Motion carried.

7 – Consideration and action; amending FY2016 budget by reallocating appropriations from contingency in the grants and contingency fund to project #28034 in the general capital fund for the purchase of replacement stadium seating at Surprise Stadium in an amount not to exceed \$1.2M ; Resolution No. 2015-92 - APPROVED

8 – Consideration and action to approve a Series 12 liquor license request by Daniel Avila for Daniel's Original Mexican Food located at 13761 W. Bell Road, #213, Surprise, Arizona 85374 (New License/Corporation - 1207A368) - APPROVED

9 – Consideration and action on the minutes of September 15, 2015 Regular City Council Work Session and Regular City Council Meeting and September 22, 2015 Special City Council Work Session - APPROVED

10 – Consideration and action amending the Vehicle Replacement Fund budget by \$1,000,000 increasing the Public Works Departments ability to replace City vehicles and equipment that have been delayed; Resolution 2015-95 - APPROVED

11 – Consideration and action amending the Water Resource Management Departments capital projects budget; Resolution 2015-93 - APPROVED

Regular Agenda Item - Public Hearing

12 – Consideration and action on a Zoning Text Amendment to allow accessory structures to be limited by lot coverage on residential properties one (1) acre or more in size; Ordinance 2015-13 - APPROVED

City Planner, Hobart Wingard reported on this item. He referred to Title 17 and the SUDC.

Council Member Tande commented that for clarification this allows more flexibility to what residents can do. He inquired about the .99 acres.

Council Member Hall referred to a 12' high accessory structure and 8' setback.

Council Member Tande inquired about shaded areas (decorative).

Public Comments:

Erin Husk, a contractor in Peoria. He stated that he does a lot of these structures all over the valley and that Apache Junction has the same ordinance. He spoke of people wanting to have structures built on their property.

Council Member Winters made the motion to approve Ordinance 2015-13. Council Member Hall seconded the motion. Six yes votes. Motion carried.

13 – Consideration and action amending Surprise Municipal Code, Chapter 122, Surprise Unified Development Code, Section 122-112, Wireless Communications, to allow Wireless Telecommunication Facilities to conform to federal regulations and current technology (this is a Zoning Text Amendment); Ordinance 2015-15 - CONTINUED TO OCTOBER 20, 2015 REGULAR COUNCIL MEETING

Council Member Hall made the motion to continue Ordinance 2015-15 to the October 20, 2015 Regular Council Meeting. Council Member Biundo seconded the motion. Six yes votes. Motion carried.

14 – Consideration and action authorizing the renewal of the CenturyLink Cable Television License Agreement; Resolution No. 2015-75 - APPROVED

IT Director, Tammie Hollowell gave a powerpoint presentation on the CenturyLink Cable Television License Agreement.

Council Member Hall inquired about their service, specifically internet service. He further commented that he has received feedback that their internet service is slow and it needs to be addressed.

Michael DiMaria of CenturyLink stated that 75 million dollars have gone into the valley to improve the network issues. He spoke of upgrades, speed and a bonding system.

Council Member Winters inquired about contract renegotiations.

Council Member Winters made the motion to approve Resolution 2015-75. Council Member Villanueva seconded the motion. Six yes votes. Motion carried.

15 – Consideration and action amending the 2012 International Building Code, as referenced in Surprise Municipal Code Section 105-19(a), by authorizing the use of a new Accessibility Icon; Ordinance 2015-18 - APPROVED

Code Enforcement Manager, Chris Boyd reported on the amendment to the Building Code.

Council Member Winters clarified that you do not have to replace the old icon.

Council Member Biundo spoke of the importance of getting the message out about this.

No public comments were made.

Council Member Hall made the motion to approve Ordinance 2015-18. Council Member Winters seconded the motion. Six yes votes. Motion carried.

16 – Consideration and action regarding a proposed Zone Change from CR to IP-PUD, CR to CR-PUD, and from IP to CR-PUD for Dysart Subdivision located at the southwest corner of Bell Road and Dysart Road; Ordinance 2015-16 - CONTINUED TO OCTOBER 20, 2015 REGULAR COUNCIL MEETING

Council Member Hall made the motion to continue Ordinance 2015-16 to the October 20, 2015 Regular City Council Meeting. Council Member Biundo seconded the motion. Six yes votes. Motion carried.

17 – Consideration and action on a Preliminary Plat entitled "Sycamore Farms Parcel 12, Phase 1," generally located between SR303 and 165th Drive, south of Cactus Road; Resolution 2015-100 - APPROVED

City Planner, Hobart Wingard gave a presentation for Resolutions 2015-100, 2015-102, 2015-101 and 2015-103.

Council Member Hall inquired about limitations on investor non-occupied purchases.

Mr. Wingard stated that we do not.

Council Member Winters asked for clarification regarding existing Sycamore Farms.

Mr. Wingard explained the difference.

Vice Mayor Williams likes the layout and the pool concerned about what it's going to look like in 10-15 years.

No public comments were made.

Council Member Biundo made the motion approve Resolution 2015-100. Council Member Tande seconded the motion. Six yes votes. Motion carried.

18 – Consideration and action on a Preliminary Plat entitled "Sycamore Farms Parcel 12, Phase 2," generally located between SR303 and 165th Drive, south of Cactus Road; Resolution 2015-102 - APPROVED

No public comments were made.

Council Member Hall made the motion approve Resolution 2015-102. Council Member Tande seconded the motion. Six yes votes. Motion carried.

Regular Agenda Item - Non-Public Hearing

19 – Consideration and action on a Final Plat entitled "Sycamore Farms Parcel 12, Phase 1," generally located between SR303 and 165th Drive, south of Cactus Road; Resolution 2015-101 - APPROVED

Council Member Biundo made the motion to approve Resolution 2015-101. Council Member Hall seconded the motion. Six yes votes. Motion carried.

20 – Consideration and action on a Final Plat entitled "Sycamore Farms Parcel 12, Phase 2," generally located between SR303 and 165th Drive, south of Cactus Road; Resolution 2015-103 - APPROVED

Council Member Hall made the motion to approve Resolution 2015-103. Council Member Tande seconded the motion. Six yes votes. Motion carried.

21 – Consideration and action; amending FY2016 budget by reallocating appropriations from contingency in the general fund to the Community and Recreation Services Department general fund for the Veterans Day Celebration Event in an amount not to exceed \$20,000; Resolution No. 2015-73 - APPROVED

Donna Miller reported on the event, entries, parade, breakfast and budget.

Council Member Villanueva made the motion to approve Resolution 2015-73. Council Member Hall seconded the motion. Five yes votes, one abstained (Williams). Motion carried.

22 – Consideration and action amending Surprise Municipal Code Chapter 34, Offenses and Miscellaneous Provisions, Sections 34-76, 34-77 pertaining to unauthorized entry onto athletic fields during contests, and Sections 34-226 and 34-227 pertaining to obstructing or interfering with a police officer or police dog; Ordinance 2015-06 - APPROVED

Lt. Harold Brady gave a presentation regarding Ordinance 2015-06.

Council Member Villanueva made the motion to approve Ordinance 2015-06. Council Member Tande seconded the motion. Six yes votes. Motion carried.

23 – Consideration and possible action adopting the City Council Board and Commission Handbook (2015 edition), replacing all prior board/commission handbooks - TABLED INDEFINITELY WITH STIPULATION TO TAKE BACK TO COMMITTEE FOR FURTHER REVIEW

Deputy City Attorney, Robert Wingo reported on this item.

Council Member Hall: Page 6, paragraph 2. Asked that the staff liaison relays exactly what's in the minutes of that meeting. He also referred to pages 8 and 28.

Council Member Biundo: referred to pages 8 and 28; agendas and call to the public and page 10.

Council Member Winters: page 28 is contradicting; absences and page 14.

Council Member Tande: having "State Law" in it is important; absences

Council Member Hall: re-applying at a later date; public participation

Council Member Tande: the State Law part is helpful and referred to page 8 and absences.

Council Member Biundo suggested taking it back to the committee then the committee bringing it back to Council to discuss topics of concern.

Council Member Biundo made the motion to table this item indefinitely and have the committee review further. Council Member Tande seconded the motion. Six yes votes. Motion carried.

Other Business and Future Agenda Items

Council Member Biundo: Thank you Vice Mayor. We all received just this past week from outside council a draft regarding possible code changes. What I'd like is to direct the City Manager to bring forward a second draft ordinance, in essence a second opinion for discussion and possible action at the October 20th Meeting.

City Clerk Aguilar: I didn't catch the topic of your item.

Council Member Biundo: I'm sorry, it's the draft ordinance regarding possible code changes on the city attorney.

Council Member Hall: Thank you Vice Mayor. On the October 20th agenda I would like to have an item on the agenda discussing and possible action on a recommendation to ADOT and MAG to move forward or not on the Bell/Grand intersection.

Council Member Tande: Also for the October 20th meeting, just to let the Council know that we have some unfinished PEL business. I am anticipating an executive session and a committee executive session just before that. It's to tie up loose ends and work through the HR Director's requirements.

Mayor and Council Reports

Mayor and Council attended and/or reported on the following:

Council Member Biundo: Constitution Day, Capital Scholars Reception and Arts Commission Breakfast

Council Member Winters: G.A.I.N

Council Member Villanueva: Fiesta coming up on October 17.

Executive Session

Adjournment

Council Member Villanueva made the motion to adjourn the Regular City Council Meeting of October 6, 2015 at 8:05 PM. Council Member Hall seconded the motion. Six yes votes. Motion carried.

Sharon R. Wolcott, Mayor

ATTEST:

Sherry Ann Aguilar, City Clerk

CERTIFICATION:

I, Sherry Ann Aguilar, City Clerk for the City of Surprise, Maricopa County, Arizona, do hereby verify that these are the true and correct minutes of the Regular City Council Meeting of **Tuesday, October 6, 2015.**

Sherry Ann Aguilar, City Clerk



CITY OF SURPRISE
Regular City Council Meeting

October 20, 2015 @ 6:00:00 PM

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Council Meeting Date:	October 20, 2015	Contact Person:	Outside Legal Counsel, Andrew McGuire
Submitting Department:		District:	Internal
Staff Recommendations:	No Action		

Consent	Regular	Public Hearing	Report/Discussion
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Agenda Wording:

Discussion regarding the amendments to the Surprise Municipal Code relating to the new reporting authority for the City Attorney.

Motion:

N/A

Background:

On June 16, 2015, the City Council discussed possible City Code changes to move the City Attorney's line of reporting from the City Council to the City Manager. The item was tabled until August 4, 2015. At the August 4, 2015, meeting, the City Council voted to approve "directing Legal Counsel to bring forward a code change that will place the City Attorney and City Attorney's staff to operate under the direction of the City Manager." The item for discussion this evening is the resulting ordinance prepared by our office.

Objective Analysis:

We believe the ordinance is our best effort to reconcile the provisions of state law (particularly 9-271(B)(3)(b) - dealing with the requirement that the Council appoint a City Attorney), the City Attorney's ethical obligations to her/his client, the public body (which cannot be modified by code) and the practical reality that the City Attorney is going to have to be the final authority on recommendations to the Council regarding legal matters (which is consistent with the way the arrangement is handled in Phoenix and other cities). Each modified City Code section is discussed below to provide context to the changes. Section 2-100. The changes in this section were purely functional, shifting the City Attorney from the position of a Council direct-report to one of the officers for whom the Council has delegated appointment authority to the City Manager. While the section was being amended, we corrected the omission of the required position of City Physician (see A.R.S. 9-271(B)(3)(d)). Also, in the clean-up process, we added the reference to other officers specified by State Law so that the current practice of City Manager-appointed staff members would conform to the statute. Section 2-101. This section generally prohibits the City Council from directing staff who are otherwise under the City Manager's supervision, either publicly or privately. This prohibition created an obvious conflict with both the

statutory instances whereby the Council needs to communicate directly with the City Attorney (e.g. executive sessions for legal advice, contract negotiations and litigation) and the ethical obligations the City Attorney has in representing her client, the municipal body (e.g. Rules of Professional Conduct, ER 1.13). Accordingly, to prevent a City Code violation for communication that, in some instances, is required between the City Council and the City Attorney, we added subsection 2-101(c). Subsection 2-101(d) was added to address those circumstances when the a Council Member needs to communicate with the City Attorney for purposes of determining, for instance, if the Council Member has a statutory conflict of interest under A.R.S. 38-501 et seq. In that case, only the City Attorney can provide the conflict opinion pursuant to A.R.S. 38-507, the only process by which a Council Member can avoid liability in certain circumstances. Section 2-122. The modifications to this section were included to ensure that the City Council's delegation of its appointing authority was accomplished in a manner consistent with State Law. The Council may delegate its administrative authority, but to be permissible, it must include standards governing its use. See, e.g. *Redelsperger v. City of Avondale*, 207 Ariz. 430 (App. Div. 1 2004). Accordingly, we believed it was very important to ensure that the authority delegated in Section 2-122(a) and 2-122(b)(1) was clearly limited only to the City Manager, preventing a further delegation to one of the City Manager's subordinates. We drafted the termination provisions in 2-122(b)(2) to include approval by the City Council for one primary reason: the current City Attorney has a contract, which contract was approved by the City Council. We do not believe the City Manager is authorized to terminate a contract that was Council-approved. This is, however, a temporary situation. The City of Phoenix does not have an employment agreement with its City Attorney. At the natural expiration of the current City Attorney contract, the City Council could choose not to renew a contract, at which point the City Manager may appoint a City Attorney without an employment agreement, which would be consistent with the City of Phoenix and the Town of Marana (Yuma's City Attorney has an employment agreement despite reporting to the City Manager). Accordingly, we believe Subsection 2-122(b)(2) can be treated as permanent or interim, at the discretion of the City Council. If it is treated as interim, the subsection should be deleted from the City Code upon the expiration of the current City Attorney's contract. We felt it was equally important for the delegation to clearly address, in 2-122(b)(3), the independent roles the City Manager and the City Attorney play under the City's risk management process. As the municipal corporation is the City Attorney's client, the City Attorney must be in the position to provide unfettered and unfiltered legal advice to the City Council (which body, when acting in a public meeting, represents the municipal corporation. The City Attorney's obligations to her client are not governed by the City Code, but rather by her ethical obligations and her oath of office, both of which require here to act in the best interests of the City. This bifurcation of authority in risk management situations is commonly found in other cities and towns, including the City of Phoenix, where the City Attorney serves at the pleasure of the City Manager. It is important to note the distinction between authority to execute settlement agreements (which authority is commonly delegated to the City Manager or risk manager), and authority to make the legal determinations related to the recommendations given to the City Council. The City Manager cannot render legal advice to the City Council; only the City Attorney may do so, and the language in this section was intended to clearly spell out their respective roles. Section 2-140 If the City Council determines the employment agreement will be an interim condition, as discussed above, the language in this section beginning with "subject to" would need to be deleted after the current City Attorney contract expires. Section 2-141 If the City Council determines the employment agreement will be an interim condition, as discussed above, this section would require modification or deletion. If the Council prefers, we can easily add language now to address the interim nature of the contract provisions. Rather than guess at the Council's intent, we opted to wait for input at the public meeting prior to crafting the necessary "bridging" language. Section 3-2 This section is purely the clean-up made necessary by the modifications to other sections. We also added the reference to "and any officer specified by State Law" to cause the City Code section to more closely track the statutory language.

Financial Impact:

Budget Impact:

FTE Impact:

ATTACHMENTS:

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No Attachments Available



CITY OF SURPRISE
Regular City Council Meeting

October 20, 2015 @ 6:00:00 PM

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Council Meeting Date:	October 20, 2015	Contact Person:	CM Biundo & CM Winters
Submitting Department:	City Mgr	District:	Internal
Staff Recommendations:	None		

Consent	Regular	Public Hearing	Report/Discussion
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Agenda Wording:

Consideration and action to retain outside counsel to provide a second and alternative draft ordinance regarding the realignment of reporting of the City Attorney.

Motion:

I move to approve _____ law firm to provide a second and alternative draft ordinance regarding the realignment of reporting of the City Attorney.

Background:

Councilmember Jim Biundo asked during the October 6th Regular Council Meeting during Future Agenda Items, that this item come forward in order to provide a second opinion on ordinance wording on the City Attorney reporting structure.

Attached to this item for Council consideration, are proposals and statements of professional experience from two firms

Objective Analysis:

Costs and qualifications for:
Sims Murray, LTD and
Ellen M. Van Riper Attorney at Law are attached.

Policy Compliant:

This action is in accordance with Surprise City Code as indicated below.

Sec. 2-142. - Legal department.

(a) There will be a legal department headed by the city attorney consisting of a civil division and a criminal division and such other divisions or sections as designated by the city attorney.

(b) Except for legal counsel engaged by the city council, all legal counsel for the city will be engaged exclusively by the city attorney and no expenditure may be made or indebtedness incurred for legal services except with the written consent and approval of the city attorney.

(Ord. No. 2013-09, 2(Exh. A), 11-12-2013)

Financial Impact:

The impact depends on the complexity of the work performed. If the firm works 20-40 hours on the project the cost would range from \$4,500 - \$9,000.

Budget Impact:

Sufficient funds are available in the FY16 approved budget for outside legal services.

FTE Impact:

There is no FTE impact associated with this project.

ATTACHMENTS:

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- ☐ [Sims Murray LTD Proposal](#)
 - ☐ [Sims Murray LTD Professional experience](#)
 - ☐ [Ellen Van Riper Attorney at law Proposal](#)
 - ☐ [Ellen Van Riper Attorney at law Professional experience](#)
-

SIMS ■ MURRAY

2020 North Central Avenue
Suite 670
Phoenix, Arizona 85004
P: 602-772-5500 F: 602-772-5509

William J. Sims III
Direct Line: 602-772-5501
wjsims@simsmurray.com

June 19, 2013

April Reynolds
Human Resources Director
City of Surprise
16000 N. Civic Center Plaza
Surprise, Arizona 85374

Re: Engagement Letter

Dear Ms. Reynolds:

We are pleased to offer our services to the City of Surprise in connection with review of the City Attorney Employment Agreement. Our general Engagement Policies and Procedures are set out in Attachment A. Please let me know if you have any questions about the understandings and conditions on which we both are entering into this representation.

We issue statements monthly on approximately the 10th day of the month. We will charge the City the firm's typical governmental rates as follows:

William J. Sims (Partner)	\$225
Associate	\$175
Paralegal	\$ 85

The statements will show the fees and charges incurred during the previous month, in accordance with the attached policies. We expect payment within 30 days after the date of the statement. Our obligation to give independent advice compels us to stay clear of financing our clients. We have a policy against continuing representation if an account is not current.

I will review each statement before it is mailed to you or to a person you designate and will make any adjustments we believe are appropriate. You should be certain, however, to alert us promptly to any questions you may have about the statement or the work for which you were billed by contacting me.

June 19, 2013
Page 2

Once again, we appreciate your confidence and look forward to serving as your legal counsel. Please do not hesitate to call if you have any questions.

Very truly yours,

SIMS MURRAY, LTD.



William J. Sims III

AGREED AND ACCEPTED:

CITY OF SURPRISE, ARIZONA

By: _____

April Reynolds, HR Director

Date

6/20/13

ATTACHMENT A

SIMS MURRAY, LTD. Engagement Policies and Procedures

This document describes the Engagement Policies and Procedures of Sims Murray, Ltd. (the “**Firm**”) and the commitments to be entered into by you with respect to the Firm’s representation of you. Please read this statement of policies and procedures in connection with the engagement letter to which it is attached (the “**Engagement Letter**”). Upon acceptance by you, the Engagement Letter and the Engagement Policies and Procedures constitute our agreement for your legal representation by the Firm.

1. The Firm’s Commitment to You. We commit to representing you to the best of our ability. Depending upon the project undertaken, our services may include not only preparing documents, memoranda, agreements, opinions, corporate records, instruments, and correspondence on your behalf, but also may include office and telephone conferences, negotiations, and contact with other attorneys, and business people. Since these services may be performed in your absence, in some instances you will only be aware that they have occurred when you receive your monthly statement, but all such services will be performed in connection with matters you have approved.

Since you are hiring the Firm and not one attorney, other attorneys or staff may assist the responsible attorney in performing services on your behalf. The Firm will endeavor to represent you effectively and efficiently to the successful conclusion of any of your matters. All information regarding your legal matters will be treated as strictly confidential by the entire Firm.

2. Your Commitment to the Firm. We ask that you honor the provisions of this agreement regarding payment and that you keep the Firm informed of changes in your address, telephone number, and general circumstances.

The Firm reserves the right to withdraw from representing you if you misrepresent or fail to disclose relevant material facts or if you do not make the payments required by this agreement in a timely manner.

3. Billing of Fees and Expenses. A statement is generated at the end of the billing period showing the total fees due for the prior period and the expenses incurred to the billing cut-off date.

4. Expenses. The Firm does not charge for faxes and photocopies necessary in the ordinary course of business. We advance on your behalf charges for such necessary services and costs as outside-communication services, offsite or high-volume photocopying, outside messenger services, court fees, meeting and travel expenses. Such items are charged monthly as they are received and processed by the firm. We will submit certain charges directly to you for prompt payment.

June 19, 2013

Page 2

5. Statements. Monthly statements are normally mailed prior to the 15th day of the month and payment is due upon receipt whether or not the legal representation in the particular matter has been successfully completed. Statements will be mailed to the address shown on the cover letter. If they should go to a different address or if you want us to furnish copies to anyone else, please let us know. If you disagree with the amount of any fee, please call me immediately to discuss your questions.

The Firm's taxpayer identification number is 45-5040705.

7. Summary. We will be happy to discuss these policies and procedures with you at any time. If you have any questions, please feel free to inquire. We encourage you to discuss with us any problems you may have with any matters that arise in connection with our representation.

William J. Sims III
SIMS MURRAY, LTD.
2020 N. Central Avenue, Suite 670
Phoenix, AZ 85004

Practice

Practice concentrated in representing cities, towns, counties and school districts; negotiating and documenting development projects and other complex transactions involving the financing, construction and operation of public facilities. Extensive experience in connection with large public-private partnership contracts. Teaches the League of Arizona Cities and Town's course on public service ethics for newly elected officials.

Represents the members of private golf and country clubs during the turnover of ownership-management of the golf club from the developer to the members, including Terravita Golf and Country Club, The Estancia Club, The Boulders Club, Iron Horse Golf Club. The Country Club at DC Ranch and FireRock Country Club.

Advises approximately 76 cities and towns on land use matters as part of the Arizona Municipal Risk Retention Pool land use counseling program and services.

- Town Attorney, Town of Camp Verde
- Town of Cave Creek
- City Attorney, City of Globe
- Town Attorney, Town of Jerome
- Town Attorney, Town of Pinetop-Lakeside
- Interim City Attorney, City of Safford
- Town Attorney, Town of Tusayan

Bar Admissions

Arizona, 1986

Court Admissions

Supreme Court of Arizona, 1986

Education

J.D., *summa cum laude*, University of Arizona, 1985
Member, Arizona Law Review, 1983-1985
M.A., Oxford University, 1981
B.A., Oxford University, 1976
B.S., United States Air Force Academy, 1974
Rhodes Scholar

Professional Memberships and Activities

State Bar of Arizona
Association of Rhodes Scholars

ELLEN M. VAN RIPER

ATTORNEY AT LAW

1109 EAST BRAEBURN DRIVE

PHOENIX, ARIZONA 85022

TELEPHONE: (602) 540-6809

ELECTRONIC MAIL: ELLEN@EVRLAW.COM

WEBSITE: EVRLAW.COM

October 9, 2015

VIA ELECTRONIC MAIL ONLY

[\(bob.wingenroth@surpriseaz.gov\)](mailto:bob.wingenroth@surpriseaz.gov)

Mr. Bob Wingenroth
City Manager
City of Surprise
16000 N. Civic Center Plaza
Surprise, Arizona 85374

Re: Request for Proposal for Opinion regarding code amendment to have
City Attorney report to City Manager

Dear Mr. Wingenroth:

This letter responds to the request I received from Misty Leslie yesterday that I present a proposal to you for the purpose of providing a “second opinion” to the Surprise Mayor and Council relative to a proposed City Code change to have the City Attorney report to the City Manager, as opposed to the City Council, which is the City’s current practice.

Please see below a summary of my relevant legal experience and a proposal for providing this service to the City.

RELEVANT EXPERIENCE

I have been a practicing attorney in Arizona since 1987 with the larger part of my experience having been providing a wide range of legal services to local governmental entities. During this time, I have become intimately familiar with Arizona laws and case decisions regulating how local governments are to operate, including the interrelationship between city councils, city managers, and city attorneys. As you know, the most common is Council-Manager government.

Mr. Bob Wingenroth
City Manager
City of Surprise
October 9, 2015
Page 2 of 3

I have previously provided legal representation to the City as outside counsel. In late 2013 through early 2014, I was retained by the City to serve as independent legal counsel to the Board of Adjustment for the appeal that arose from the then City Development Director's determination that a WinCo Foods Store could be lawfully developed at the southwest corner of Bell Road and Loop 303. My understanding is that the WinCo has been constructed. This was a complex legal representation that ended favorably for the City.

My most recent relevant experience is that I have been serving the City of Winslow as its contract City Attorney since May 2014. Prior to that, I served the City of Peoria as an Assistant City Attorney for five years between 2005 and 2010. I also served the Town of Cave Creek as its contract Town Attorney in the late 1990's and the City of Prescott as an Assistant City Attorney and Acting City Attorney in the late 1980's. I have also served as special counsel to a number of municipalities on a contract basis.

A copy of my current CV is enclosed.

PROFESSIONAL REFERENCES

City of Winslow, Arizona

Stephen Pauken, City Manager
Telephone: (928) 289-1414
Email: Stephen.pauken@ci.winslow.az.us

City of Peoria, Arizona

Stephen Kemp, City Attorney
Telephone: (623) 773-7330
Email: steve.kemp@peoriaaz.gov

City of San Luis, Arizona

Glenn J. Gimbut, City Attorney
Telephone: (928) 341-8520
Email: ggimbut@cityofsanluis.org

PROPOSAL

My standard practice is to provide general counsel services to municipalities at a rate of \$225.00 per hour. I should be able to estimate how many hours this project would take after I have had an opportunity to discuss it further with you.

Mr. Bob Wingenroth
City Manager
City of Surprise
October 9, 2015
Page 3 of 3

I do not charge travel time for cities and towns in the metro Phoenix area, which includes Surprise. Any extraordinary out-of-pocket expenses, such as overnight or expedited delivery or large numbers of photocopies, would be billed at cost with receipts provided.

I am immediately available to provide these services to the City and generally am available during normal business hours most days of the week. The only days when I would not be available would be the second and fourth Tuesday and Wednesday of each month, because I am in Winslow for City Council meetings on these days.

Please contact me if you have any questions or require additional information.

I greatly appreciate this opportunity to offer my professional services to the City of Surprise.

Sincerely,

Ellen M. Van Riper

Ellen M. Van Riper

Encl.: CV

**ELLEN M. VAN RIPER
ATTORNEY AT LAW**

**Telephone: (602) 540-6809
Email: ellen@evrlaw.com**

RELEVANT PROFESSIONAL EXPERIENCE

Sole Practitioner

Current

Solo practice providing a full-range of litigation and transactional legal services primarily for local governmental entities. Practice areas included land use and zoning, elections, 42 U.S.C. § 1983 liability defense, economic development, public employment, public contracts, and related litigation and civil appeals. I also provided administrative hearing officer and independent counsel services for local government boards and commissions.

City Attorney, Winslow, Arizona

Current

Assistant City Attorney -- July 2006 to June 2011

City of Peoria, Arizona.

General Counsel for Development and Transactional Services -- *March 2008 to June 2011*

Served as general counsel for land use, development, and transactional matters.

Civil Litigator -- *July 2006 to March 2008*

Served as lead counsel for civil litigation matters.

Associate Attorney -- March 2004 to March 2005

Curtis, Goodwin, Sullivan, Udall & Schwab, P.L.C. Phoenix, Arizona.

Member of municipal team serving as general counsel to the Town of Gilbert, City of Litchfield Park, Town of Wickenburg, and Town of Youngtown. Primarily responsible for

zoning, land use, election, and litigation matters.

Income Partner – February 1998 to May 2003

Irvine Van Riper, P.A.,

Small firm practice emphasizing land use, zoning, municipal law, elections, condemnation, construction, public construction and infrastructure financing, and real estate litigation and appeals for public sector entities, property and business owners, and citizen groups. Served as Town Attorney for the Town of Cave Creek and performed land use related defense work on behalf of numerous cities and towns through the Municipal Risk Retention Pool

Acting City Attorney – July 1990 to November 1990

Assistant City Attorney – September 1989 to July 1990

City of Prescott, Arizona. As Acting City Attorney, performed all duties normally associated with this position. As Assistant City Attorney, was primarily responsible for all civil litigation matters involving the City. Also performed duties of City Prosecutor for several months.

RELEVANT APPELLATE DECISIONS

Ponderosa Fire Dist. v. Coconino County, 334 P.2d 1256, 235 Ariz. 597 (App. Div. 2014) (action to compel use of subdivision improvement bonds) (prepared *amicus curiae* brief for League of Arizona Cities and Towns)

Prutch v. Town of Quartzsite, 231 Ariz. 431, 296 P.3d 94 (App. Div. 1, 2013) (election challenge)

Escamilla v. Cuello, 230 Ariz. 202, 282 P.3d 403 (2012) (challenge to legal. qualification of prospective city council candidate)

City of Tucson v. State of Arizona, et al., 229 Ariz.172, 273 P.3d 624 (2012) (city charter authority regarding local elections) (prepared *amicus curiae* brief on behalf of League of Arizona Cities and Towns)

Center Bay Gardens, L.L.C. v. City of Tempe City Council, 214 Ariz. 3532, 153 P.3d 374 (App. Div. 1, 2007) (Board of Adjustment appeal)

Gardner v. Yavapai County, 1 CA-CV 01-0360 (Arizona Court of Appeals, Division One, June 13, 2002) (Memorandum Decision) (Board of Adjustment)

69 Corridor Concerned Citizens v. City of Prescott, 1 CA-CV 00-0261 (Arizona Court of Appeals, Division One, December 23, 2000) (Memorandum Decision) (Arizona Constitution “Gift Clause” challenge to economic development sales tax incentive)

agreements for shopping mall)

KZPZ Broadcasting, Inc. v. Black Canyon City Concerned Citizens, 199 Ariz. 30, 13.P.3d 772 (App. Div. 1, 2000) (referendum)

Van Riper v. Threadgill, 183 Ariz. 580, 905 P.2d 589 (App. Div. 1, 1995) (referendum)

RELEVANT PRESENTATIONS

May, 2015, Flagstaff, Arizona: Presenter at Arizona City Attorney Association 2015 Summer Meeting. Topic: *Land Use Oddities*

May, 2015, Phoenix, Arizona: Presenter at National Business Institute seminar: Boundary Issues and Easement Law. Topic: *Resolving Boundary Disputes*

April, 2013, Phoenix, Arizona: Presenter at Minority Bar Convention. Topic: *Preserving Your Record for Appeal and Initiating Appeals*

October 2012, Phoenix, Arizona: Presenter at National Business Institute seminar. Legal Issues Involving Local Governments. Topic: *Ethical Dilemmas for Municipal Attorneys*

June 2012, Phoenix, Arizona: Presenter at State Bar of Arizona Annual Convention: Representing Animal Organizations in 2012—Protecting the Mission of Your Non-Profit Organization. Topic: *Political Activity, Lobbying, and Land Use Issues for Animal-Related Charities*

February 2012, Phoenix, Arizona: Presenter at State Bar of Arizona seminar: Animal Law 2012—The Good, the Bad, and the Ugly. Topic: *It's Raining Cats and Dogs: Zoning Issues for Rescuers, Hoarders, and Backyard Breeders*

September 2011, Phoenix, Arizona: Presenter at National Business Institute seminar: Land Use and Zoning Litigation. Topic: *Land Use and Zoning Litigation*.

June 2011, Tucson, Arizona: Presenter at Arizona City Attorney Association 2011 Summer Meeting. Topics: *Your City Just Got Sued—Now What; Economic Development Tools Post City North; Revitalizing Struggling and Stalled Existing Projects*.

BAR MEMBERSHIPS

Arizona, 1987; Arizona District Court, 1987; Ninth Circuit, 1991; U.S. Supreme Court, 1996; Colorado, 2011; White Mountain Apache Tribal Court, 2014

PROFESSIONAL ASSOCIATIONS AND ACTIVITIES

Speaker, State Bar of Arizona Continuing Legal Education and other CLE providers for seminars on Election, Land Use and Zoning, Civil Appeals, and Eminent Domain Law.

Member, State Bar of Arizona Governmental Lawyers Section

EDUCATION

J.D. Rutgers-Newark School of Law – May 1987

Member of *Rutgers Law Review*

B.A. (English Literature) Wilkes University, Wilkes-Barre, Pennsylvania – May 1983 (with honors)

HONORS AND AWARDS

Inductee to Wilkes University Athletic Hall of Fame – October 2007

CIVIC AND COMMUNITY ACTIVITIES

Cave Creek Museum Vice-President of Board of Directors and Legal Counsel -- November 2005 to May 2011

Youth Sports Coach, Paradise Valley Community Center, City of Phoenix -- September 2007 to November 2013

Commissioner, Town of Carefree, Arizona, Planning and Zoning Commission -- May 2001 to July 2005



CITY OF SURPRISE
Regular City Council Meeting

October 20, 2015 @ 6:00:00 PM

+ [Back](#) [Print](#)

Council Meeting Date:	October 20, 2015	Contact Person:	Bob Wingenroth, City Manager
Submitting Department:	City Mgr	District:	Citywide
Staff Recommendations:	None		

Consent	Regular	Public Hearing	Report/Discussion
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Agenda Wording:

Discussion and possible action on a recommendation to the Arizona Department of Transportation (ADOT) and the Maricopa Association of Governments (MAG) on whether or not to move forward with the Bell/Grand Intersection Project.

Motion:

Pending Council discussion

Background:

The Bell/Grand Interchange project has been the subject of numerous studies and reviews since 2003. A detailed informational timeline of the studies relative to the proposed interchange can be found in the attachments to this report in the project timeline section.

Primary considerations for the project have included safety, traffic flows, and economic impacts. Detailed information on the data and analysis relative to the project are also included in the attachments to this report.

City staff recently evaluated the best options for road closures relative to the project and has concluded, in consultation with our partners at the Arizona Department of Transportation (ADOT) and the Maricopa Association of Governments (MAG), that a full closure of Bell Road for a maximum of seven months would be the best course of action for completing construction of the interchange in order to minimize the duration of the construction. Currently, heavy construction on the project is projected to begin in April 2016 with pre-construction activities occurring as early as January 2016. Subsequently, the city completed an economic impact analysis of the proposed construction. This analysis is also included in the attachments to the report.

The city and ADOT have also conducted numerous public outreach opportunities, including face-to-face meetings with 289 businesses in the area likely to be affected by the project, presentations to local stakeholder groups, email and phone contact, and a specific business stakeholder group meeting of the businesses most directly impacted by the project.

At the October 6, 2015 Council meeting, Councilmember Skip Hall requested that an item be placed on

the October 20th agenda for discussion and possible action on a recommendation to the Arizona Department of Transportation (ADOT) and the Maricopa Association of Governments (MAG) on whether or not to move forward with the Bell/Grand Intersection Project.

Objective Analysis:

There are many long and short-term considerations for a project of this significance including, safety, traffic flows, economic impacts, and the health of the community overall should all be taken into account when discussing the construction of an interchange at Bell and Grand.

The attachments to this report contain a project timeline, an objective overview of the data and analysis which led to the recommendation for the interchange. Also included herein is an economic impact analysis, stakeholder input received regarding the project, and meeting minutes from a stakeholder meeting with the businesses represented in the area.

Policy Compliant:

Council discussion regarding the project and the ultimate identification of a recommendation to the Arizona Department of Transportation and the Maricopa Association of Governments is consistent with Council policy relative to the identification of a position on policy items and per the specific direction of Council.

Financial Impact:

Financial impact will be determined based on Council action and subsequent negotiations with the Arizona Department of Transportation and the Maricopa Association of Governments. If the project is delayed or canceled, the city may incur costs for reimbursement of expenses to date.

As seen in the attachments, the economic impact analysis indicated a loss of an estimated \$1.1 million in general fund tax revenues to the city.

Of note is if the project were to be completed with the 7 month full closure option, ADOT and APS has agreed to the construction of a duct bank that is estimated to be worth \$750K to \$1M. This facility will help support the Surprise Center Development.

This will be offset by an anticipated financial impact from construction sales tax of \$870,000.

Budget Impact:

Budgetary impact will similarly be determined based on Council action and subsequent negotiations with the Arizona Department of Transportation and the Maricopa Association of Governments. There is currently no budget in place for reimbursements if any were to be required.

FTE Impact:

There is no anticipated direct FTE impact associated with the construction of the project.

ATTACHMENTS:

Click to download

- ☐ [Attachment A - Project Timeline](#)
- ☐ [Attachment B - Project Overview](#)
- ☐ [Attachment C - Stakeholder Input](#)
- ☐ [Attachment D - Applied Economics Report](#)

Attachment A

Project Timeline

Time Line

- In 2003, the MAG-led Grand Avenue Northwest Corridor Study evaluated the need for improvements in the segment of Grand Avenue between SR 101L and SR 303L.
- In 2004, ADOT led the US60/Grand Avenue and Bell Road Intersection Study, concluding that the alternative of Bell Road over US60/Grand Avenue and BNSF was not practical or reasonable in the near future.
- In 2004, voters in Maricopa County approved the Regional Transportation Plan, which included funding for intersection and interchange improvements along Grand Avenue from SR 101L to SR 303L. A total of \$64.9 million was included for Phase II improvements (2011-2015) to Grand Avenue between SR 101L and SR 303L.
- In 2008, the Arizona Department of Transportation study (*Draft US 60 Improvements Feasibility Report*) was conducted by DMJM Harris and AECOM, setting out long term needs of US60 corridor from SR303 to SR101L.
- In 2009, Surprise proposed a Bond issue including a total of \$34 million for the Grand/Bell Interchange to be used as the local match. This Bond Issue failed.
- In the spring of 2011 there was a meeting at MAG including representatives from MAG, ADOT, the City of Surprise and the City of El Mirage where the Grand/Bell Interchange and the Thunderbird/Thompson/Grand intersection improvement projects were discussed. ADOT and MAG indicated they were working on alternatives for the Bell/Grand interchange to try to identify lower cost solutions.
- In October 2011, the City sent an e-mail to ADOT and MAG inquiring about the status of the work on the Bell/Grand Interchange project and asking for “some forward movement regarding the Bell interchange.” ADOT responded that their consultant (AECOM) was looking at various alternatives and updating the cost estimates for the Bell/Grand Interchange.
- On November 15, 2011 Surprise City Manager Hillman sent a letter to John Halikowski requesting that ADOT proceed with a Project Assessment and Environmental Studies for the Bell/Grand TI.
- On December 6, 2011 ADOT responded indicating they would have cost estimates for improvements at Bell and Grand complete by the end of 2011 and a Feasibility Study completed by spring of 2012.
- January 2012 MAG hired Burgess and Niple through their on-call contract to evaluate design options for the Bell and Grand Interchange in an effort to bring down the initial cost estimate so that the project could be constructed in the second and third phases of the RTP.
- 12/5/2012 MAG Regional Council approved “Advance construction from FY 2016 to 2015”.
- 2012-2014 ADOT AECOM completed a Project Assessment and Environmental Documentation study for the Bell/Grand intersection.
- 1/23/2013 ADOT sent Surprise a letter beginning utility work for the project.

- September 10, 2013, Surprise City Council approved Resolution 2013-98, endorsing the Median Urban Design Alternative for the Bell Road/Grand Avenue traffic interchange.
- Public comment period for the Draft EA began on April 15, 2014, and ended May 15, 2014.
- MAY 2014- Alternative A (Median Urban Design) selected to move forward - a new bridge on Bell Road which would span both US 60 and the BNSF tracks.
- July 2014 Finding of No Significant Impact (FONSI) received from Federal Highway Administration.
- 8/18/2014 FHWA issued the Finding of No Significant Impact (FONSI)
- November 14, 2014 Arizona State Transportation Board Res. No. 2014-11-A-046 – “Establish, by advance acquisition, new right as a state route for the future reconfiguration of the traffic interchange at Bell Road and US 60 to enhance convenience and safety for the traveling public.”
- December 9-10, 2014, FHWA SHRP2 R09 sponsored demonstration workshop grant– Managing Risk in Rapid Renewal Projects.
- January 25, 2015, MAG Regional Council approved the FY 2014-2018 Transportation Improvement Program (TIP) and the 2035 Long Range Plan, per TIP Amendment #8. DOT15-140D.
- April 17, 2015 Arizona Transportation Board approved a resolution for the right-of-way acquisitions.
- June 4, 2015 ADOT’s Priority Planning Advisory Committee approved to increase the construction budget by \$16,100,000 to \$49,100,000.
- Jan 2015, Feb 2015 Final DCR Completed; Request for Qualifications issued for Design Build Teams
- June 15, 2015 Request for Proposals to the 3 shortlisted teams
- July 20, 2015 Addendum #1
- Sep 9, 2015 Addendum #2
- October 10, 2015 Technical and Price Proposals are due
- 11/11/2015 Interviews
- 11/20/2015 Public Opening of Proposals

Additional Data

Traffic volumes

Bell Road	Grand	Year	Performed By
50,800	38,500	2005	ADOT
48,500	-	Feb- 2007	United Civil Group
43,000	-	May-12	Surprise
45,000	35,000	Nov- 12	ADOT
45,400	31,800	Mar-15	Surprise
47,800	35,200	Project - 2035	ADOT

MAG Population Projections

Year Created	2000	2005	2010	2020	2025	2030	2040
2003	37,700	-	115,200	213,300	312,300	-	395,500
2007	-	93,356	146,890	268,359	-	401,458	-
2013	-	-	127,623	159,171	-	241,901	336,911

MAG Employment Projections

Year Created	2000	2005	2010	2020	2030	2040
2003	8,999	-	28,088	50,954	118,383	-
2007	-	16,289	31,105	81,423	147,703	-
2013	-	-	19,516	35,174	64,562	92,189

U.S. Decennial Census

Census	Pop.	%±
1970	2,427	—
1980	3,723	53.4%
1990	7,122	91.3%
2000	30,848	333.1%
2010	117,517	281%
EST. 2014	126,275	7.5%

U.S. Decennial Employment

Census	Pop.	%±
1990	2,547	—
2000	11,080	335%
2010	44,414	300%
EST. 2013	48,737	10%

MAG Projections -2013

Year	Total Housing Units Planning Area
2010	56,854
2020	68024
2030	99309
2040	137999

For comparison purposes, the table below reflects actual data for the housing units and population for the City Limits.

Year	Housing Units	Population
2010	52,586	117,517
2011	52,859	118,349
2012	53,102	119,530
2013	53,609	121,629
2014	54,207	123,797

Attachment B

Project Overview – Current Status and Notes

The Bell/Grand interchange project is currently in the procurement process with ADOT. ADOT has proposed a 7 month full closure, or an 18 month partial closure construction project timeline. Based on feedback from stakeholder outreach, it was evident that the 7 month full closure option was preferred as long as it begins no later than April, finishing in October. The City has requested ADOT proceed with plans for the full closure.

The City of Surprise and ADOT have developed websites to provide additional information on the project. Those websites are: www.surpriseaz.gov/bellandgrand and www.azdot.gov/bellandgrand. The City of Surprise, over the past several months has initiated, participated, and hosted outreach activities to stakeholder groups. Approximately 290 businesses have been met with, a business focused outreach meeting was held, as well as several joint ADOT/ Surprise meetings have been held.

Following are projects in and around the Surprise region which may have impacts on traffic at the intersection of Bell Road and Grand Avenue. Because one of often cited reasons for the project is safety, and in particular the railroad crossing, rail information was also researched and included in this attachment.

System Perspective – Regional and Local Transportation Projects

Regional Projects and Potential Impacts.

The traffic modeling for the Bell Road and Grand Ave project utilized the MAG model which included funded projects found within the 2035 Regional Transportation Plan and Arterial Life Cycle Program. The Study Area limited the scope of the project to traffic patterns and volumes along Bell road from Litchfield Road to Dysart and along US 60 from Litchfield Road to Dysart, including:

- 2035 Regional Transportation Plan and Arterial Life Cycle Program
- SR 303 and US 60 Transportation Interchange
- Thompson Ranch and US 60 Intersection Improvements
- Thunderbird Road improvements from 127th Ave to US 60
- El Mirage Road improvements from Northern to Thunderbird Road.

Additional regional projects which could have impacts on traffic patterns and volumes at the intersection include:

- MCDOT 2035 TIP
- Deer Valley William Road Bridge and Extension
- Long-Range Illustrative Projects
- Northern Parkway from its current terminus to Loop 101
- Potential SR 303 – Litchfield/Dysart Transportation Interchange

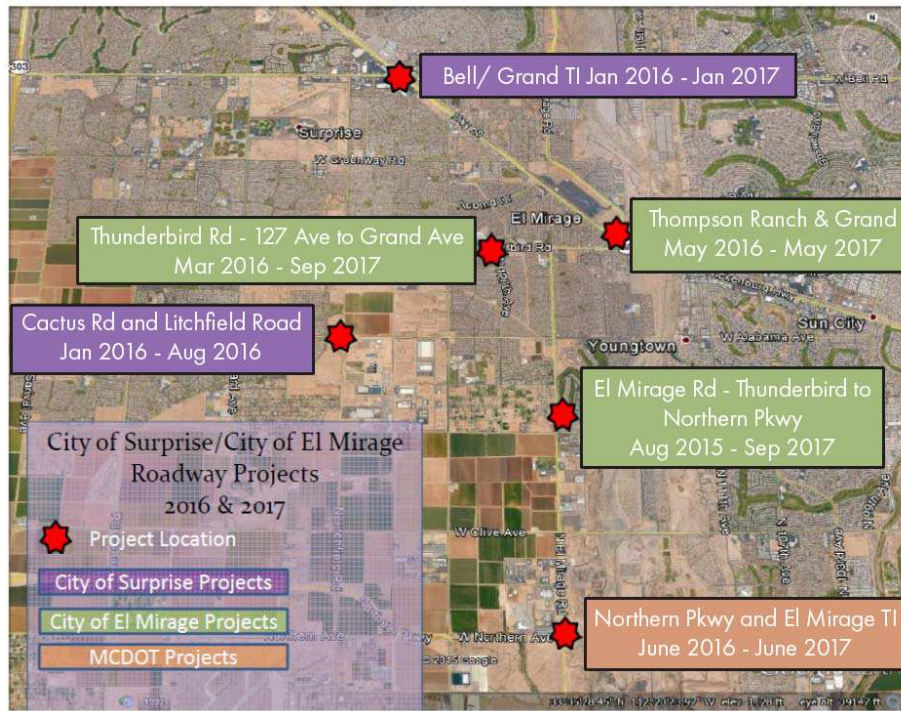
- Happy Valley Beardsley Cannel Crossing and Expansion (Connecting City of Surprise to the City of Peoria)

Local Projects and Potential Impacts. Six (6) road construction projects in addition to the Bell/Grand project in the immediate area may take place concurrently. Further, the Bell/Grand construction project was not anticipated when these projects were planned and funded.

The table below illustrates the seven (7) concurrent projects, and the attached map graphically illustrates the impact as well:

No.	Intersection	Time Frame
1	Bell/Grand	January 2016 to June 2017 (12 months) April to October Full Closure (Bell Rd- 7 months)
2	Thompson Ranch/Grand	May 2016 to May 2017 (12 months)
3	Thunderbird Road & 127th Avenue to Grand	March 2016 to May 2017 (12 months)
4	Cactus Road and Litchfield Road	January 2016 to August 2016 (8 months)
5	El Mirage Rd/Thunderbird to Northern Pkwy	August 2015 to Sept 2017 (26 months)
6	Northern Parkway and El Mirage	June 2016 to June 2017 (12 months)
7	Greenway Road and Litchfield Road	September 2015 to March 2016 (7 months)





The addition of the Bell/Grand construction project to the six planned projects is expected to create a tipping point of extreme congestion on our road system beyond a normal or acceptable amount. Based on information from our staff experts, the road system will fail daily during the construction period.

System Modeling.

As stated previously, the traffic modeling for the Bell Road and Grand Ave project utilized the MAG model which included funded projects found within the 2035 Regional Transportation Plan and Arterial Life Cycle Program. MAG population projections from 2013 were used as the basis for the final models. Additionally, the Final Environmental Assessment (EA) included an analysis of a “no-build alternative” in which the Bell/Grand Interchange is not constructed.

The Final Environmental Assessment is a 320 page document that details the project description, environmental assessment and the selected alternative. On pages 19 and 20 of the document, the following is presented:

C. Reasons for Not Selecting the No-Build Alternative

The reasons for selecting the Recommended Build Alternative, now the Selected Alternative, were discussed in detail on pages 38 through 54 of the Draft EA. Currently, the US 60/Bell Road intersection operates at a level-of-service (LOS) E for both eastbound and westbound US 60 traffic in both the morning and evening peak hours. The overall intersection operates at a LOS D. The US 60/Bell Road intersection does not meet current ADOT LOS criteria for an urban intersection. Traffic operations at the intersection are projected to continue to deteriorate as the population in the region continues to grow.

Under the No-Build Alternative, the overall intersection LOS for the AM peak hour will be LOS D; however, the eastbound and westbound movements on US 60 will be LOS E or F. The overall PM LOS for the intersection will be LOS E with eastbound and

westbound PM peak hour movements operating at LOS E or F. In addition, the intersection at Dysart Road would operate at an overall LOS E with westbound US 60 and northbound and southbound Dysart Road approaches operating at LOS E or F. In addition, under the No-Build, without the grade separation of Bell Road and the BNSF tracks, there would be increasing traffic volumes crossing the tracks. Trains crossing Bell Road during rush hour would continue to further exacerbate the peak hour congestion. Strong support was received from the City of Surprise and the rest of the project team for the Selected Alternative. The improvements at the US 60/Bell Road intersection have been a component of the City's General Plan and Transportation Plan for a number of years. The improved traffic operations at the intersection will benefit both the immediate project vicinity and the region as a whole.

D. Impacts to Businesses

Impacts to businesses were discussed on pages 62 through 69 of the Draft EA. The Selected Alternative will have both short-term and long-term impacts to the businesses within the project area.

The short-term impacts will primarily be a result of the changes in access and traffic patterns during construction. US 60 and Bell Road will remain open during construction, with the possible exception of night-time closures during construction of the overpass. Access to the two shopping centers located south of US 60 and the businesses along Bell Road north of US 60 and the railroad tracks will be maintained throughout construction. Access points to the shopping centers will be signed to maximize motorist awareness and minimize confusion. ADOT and the contractor will regularly update local businesses about the progress of construction and any changes in access. This information will also be made available on the ADOT project website, [http://www.azdot.gov/projects/phoenix-metro-area/us-60-\(grand-avenue\)-and-bell-roadinterchange](http://www.azdot.gov/projects/phoenix-metro-area/us-60-(grand-avenue)-and-bell-roadinterchange). US 60 (Grand Avenue) / Bell Road Traffic Interchange Final Environmental Assessment NH-060-B(212)T; 060 MA 142 H8485 01L

Specific concerns were expressed regarding access to businesses during construction. ADOT and the construction contractor will coordinate with the City of Surprise to provide signing to assist motorists in finding access points and locating businesses within the project area. The new overpass structure will have minimal impact on visibility of businesses from Bell Road or US 60. Most of the businesses are set back from both of those roads and are not immediately visible to motorists driving along either US 60 or Bell Road. The larger "box stores" and the stores located immediately adjacent to either US 60 or Bell Road will still be visible.

The Selected Alternative will result in four business displacements, six access points removed from service, and three driveways or local street connections modified to restrict traffic movements. The Bell Grande Drive signalized intersection will remain to provide full access to the Surprise Marketplace development, and the Towne Center Drive signalized intersection would be relocated to the west to provide full access to the Surprise Towne Center development.

The improved traffic flow will result in greater accessibility to businesses in the area. Overall impacts to the City's tax base would be minimal. During the public comment period, concerns were expressed relating to specific access points.

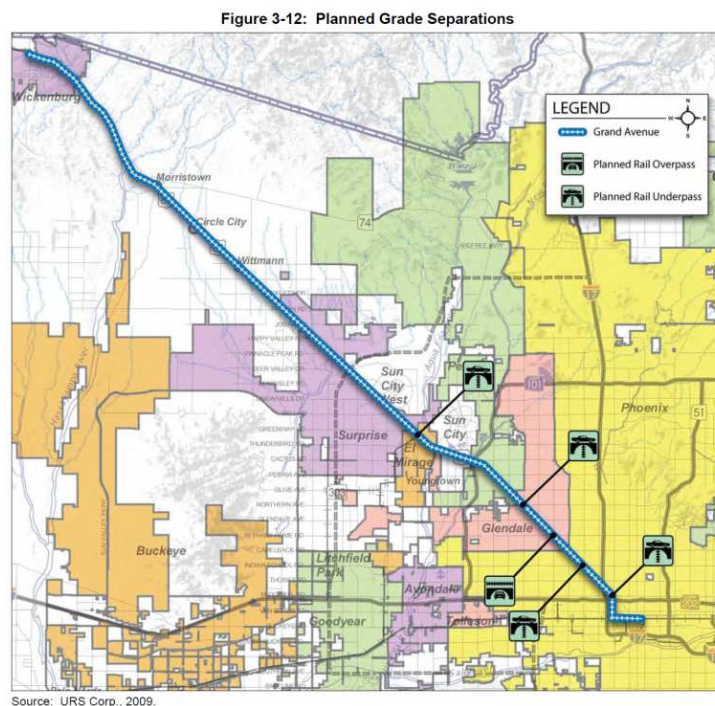
These concerns included access into and out of shopping centers as well as access to roads such as 134th Dr. Access concerns will be evaluated during final design to determine what refinements, if any, need to be made.

Concerns were also expressed regarding motorists not being able to find some of the businesses, and in particular businesses off of 134th Drive. The ADOT Engineer will coordinate with the City of Surprise to determine appropriate signing and signing locations to aid motorists in locating access points and businesses.

System Perspective - Rail, Burlington Northern Santa Fe (BNSF)

With regards to Rail volumes in the future on the BNSF branch line, we were unable to find any future assumptions or counts as of this time in the Bell Rd and Grand Avenue Design Concept Report. As such staff has conducted reviews and asked questions to regional partners regarding projected rail volumes on the BNSF branch line which passes through the City of Surprise. The following are our findings:

- Staff has reviewed the May 2010 Commuter Rail System Study and in the study the following are the findings (Source: www.azmag.gov/Documents/CRSS_2010-07-06_Commuter-Rail-System-Study-FINAL-Report_.pdf)
 - BNSF is looking to expand capacity but limit the number of trains accessing downtown Phoenix; They are exploring relocating activities from the Mobest Yard and Desert Lift Intermodal Facility and relocate those activities to the planned Surprise Intermodal Facility which is proposed Northwest of the City of Surprise.



- According to the answers to the questions staff posed with regards to BNSF activities and future projections of rail traffic on the BNSF line the following were the answers we received (Source: MAG Staff):
 - BNSF from a business standpoint does not envision more than 2-3 round trips on the Enis Branch Line (current City of Surprise rail branch line) in the next few decades;
 - § *Lumber, beer, chemicals and natural gas are the only products on the 9-mile corridor. It is effectively a 'local' branch line, so there is only so much freight that a short-line like that would handle.*
 - BNSF has stated that there may be a few more trains than the 7/8 per day currently occurring that go through the City of Surprise but no more than 10-15 per day;
 - § *There has never been more than 15 trips per day on the BNSF line in 115 years;*
 - § *If/when the proposed Surprise Intermodal Facility (located at the Dove Valley alignment near Wittman) is constructed this would accommodate the longer trains with the shorter ones venturing into Phoenix, The proposed Intermodal Facility is to consolidate all of that rail traffic from Mobest, Alhambra, Desert Lift and Glendale facilities to the far Northwest Valley past the Loop 303 thereby decreasing trips through Surprise.*
 - According to accident records from Atchison, Topeka & Santa Fe Railway (now BNSF) the last train-automobile accident at the Bell Road and Grand Avenue crossing happened on January 31st, 1975.
- According to the final Design Concept report, “The ADOT Traffic Section provided crash data for the segment of the US 60 corridor between Litchfield Road and Dysart Road. There were a total of 331 reported crashes within the study area between January 1, 2005 and December 31, 2009.” (DCR page 29 & 30 of the pdf, pg. 19 & 20 of the report)
- Also according to the final Design Concept Report, the following information relative to BNSF’s position on at-grade crossings was included: “During the development of the Draft Feasibility Report, the BNSF Railway provided a letter (dated February 29, 2008) which stated ‘In keeping with the United States Department of Transportation mandate to the nation’s railroads to reduce the number of at-grade railroad crossings by twenty-five percent, BNSF is in the process of evaluating all public and private crossings throughout its system’. The letter goes on to state that it is BNSF Railway’s goal to improve the safety of their employees, passengers, and the public and that for any at-grade railroad crossing alternative ‘the Railway is not in concurrence’. Recent discussions with representatives of the BNSF Railway confirm that they would not provide approval for any new or relocated at-grade crossings requested for this project. However, BNSF would consider allowing a temporary at-grade crossing to facilitate construction of a new grade separation. The temporary crossing would be removed once the grade separated structure is in service.”

Attachment C
Stakeholder Input

Because the stakeholder group that is most likely to be directly impacted by the Bell/Grand construction is the local businesses, several actions have been taken to address this very important stakeholder group. Staff conducted additional outreach specific to this group:

1. An outreach stakeholder meeting for local businesses was held on September 30, 2015. Minutes and comments from these stakeholders is attached below.
2. Emails, letters, etc. “for” and “against” the project are included below, received as of October 7, 2015. Any additional items received between October 8, 2015 and October 20, 2015 will be provided to the Council before the Council meeting of October 20, 2015.

Staff provides this information with the intent of fully informing the Council, and does not take a position or recommendation on the project.

This section intentionally blank

Business Stakeholder Outreach Meeting, 9/30/15

CITY OF SURPRISE
Bell & Grand Stakeholder Meeting

Meeting Minutes-draft

September 30, 2015 / 11:30 AM

Communiversity @ Surprise
15950 N Civic Center Plaza
SURPRISE, ARIZONA 85374

A. City Staff in attendance

City Manager Bob Wingenroth, Assistant City Manager Rick Buss and Michael Frazier, Eric Fitzer, Community Development, Lloyd Abrams, Long Range Planning Manager Martin Lucero, Transportation Planning Manager, Director, Jeanine Jerkovic, Economic Development Director, Suzanne Boyles and Kendra Pettis ED Coordinator, Mike Gent, Public Works, Director, Karl Zook, Assistant Director/Engineer, Jerry McCoy, Chief of Staff to the Mayor, Jodi Tas Assistant to Council II,

Mayor Sharon Wolcott, CM Jim Biundo, CW Rachel Villanueva, CM Skip Hall and CM Todd Tande

B. City Manager Opening Remarks

CM thanked the business owners for coming out to discuss the pending Bell & Grand overpass intersection. Purpose of the meeting is to have ADOT provide an overview and to hear the concerns of the businesses. The businesses at this corner generate 10 million dollars which fund 100 jobs at the City.

C. Brock Barnhart, Assistant Communications Director for Arizona Department of Transportation from (ADOT)

ADOT worked with the City of Surprise to visit 300 businesses to discuss the project. As part of the effort, we heard that the businesses were concerned about the duration of the project which was originally estimated at 18 months. ADOT is considering an approach that would condense the project timeline to 6 to 7 months which would help minimize the impacts of the construction duration. Diagrams of traffic flow for both options were available to the group for discussion after the meeting.

A 6/7 month construction would involve closing Bell Road, this would allow for accelerated construction and minimize the extent of the project itself. The closure would happen between April and September. 18 month phased approach the construction would impact 2 spring training seasons, 2 holiday shopping seasons and 2 school seasons. The phased approach would also cause uncertainty to driving patterns and a 30 day road closure because of the railroad, could lead to patrons going somewhere else to shop. 6 to 7 month approach would allow for a strategic communication campaign. The City is strongly suggesting the 6 to 7 month approach.

Video simulations were provided.

Access points were discussed, 134th Drive would be relocated between Cactus Jacks and the Pawn shop with a signalized intersection providing access to the businesses in that area. Left turn access into Chick-fil-A would still exist, closing driveways closest to Red Lobster and the driveway at Bank of America on the other side. The other two driveways at the east side of 134th would be closed.

Q: Will there be walkway access from Bell/Grand to RH Johnson?

A: Yes, there will be access for pedestrians and bicycles on one side of the street during construction. When construction is finished it will be provided on both sides of the streets.

Q: Will RH Johnson be affected?

A: No.

Q: What are the North and South detours?

A: Dysart down to Greenway west to Litchfield or Bullard.

Q: Chris Hall, Chick-fil-A: What are the hard closures East and West on Bell?

A: Traveling eastbound on Bell Road: closure will be just past of the Chick-fil-A, primary entry access would be Westpoint Parkway.

Q: What modification will be done to the detour roads either on Dysart or Greenway?

A: ADOT will be working closely with the City of Surprise and Maricopa County on any modification to signal timing.

City Manager advised that road modification of 2 lanes both directions will also occur on Greenway from Bullard to Litchfield and intersection work at Litchfield and intersection work at Dysart. This work should start in the next several months.

Q: Is the construction going to be 24/7 work?

A: There is a request for proposals out right now, not sure how the contracting team will work this out since this is based on profitability for them.

Q: Asset Manager for Surprise Town Center and Surprise Market Place: By closing Bell Rd for 6 to 7 months, will there be other construction work that will still need to be done that will affect Bell Rd?

A: Yes, minimal work that can be done at night.

Q: Looking at the plan for traffic at this time avoids the centers completely, has there been any thought what happens to businesses when people can longer get into them?

A: Business access will be maintained, a communication campaign will take place to make sure patrons can still get to you.

Q: Hard closures on Bell, will there be access on Grand?

A: there may be girders at night time or weekends, turning movements will be prohibited.

Q: If you do close Bell Rd for 6 to 7 months, what will be the access for Bank of America on Grand Ave?

A: Grand to Towne Center Dr.

Q: Coming from the East going West on Bell?

A: Detour Dysart south to Greenway north on Litchfield or get on Grand north to Towne Center Dr into the shopping center.

Q: Marc, TNT Car Wash: You were mentioning access of 134th Dr will that be the access point to get to Dysart during the 6/7 month closure?

A: In February part of the preliminary construction would be to move 134th Dr to maintain access, this road would remain permanent after the construction.

Q: Has there been any projection done so far regarding the loss of revenue for businesses and not just for the 6/7 months but for a year after the construction as our business tries to get our customers back?

A: CM indicated that currently we are working with an outside consulting firm to begin to understand the impact to the businesses but to also understand the impact to the City of Surprise revenues. We believe during the closure there will be a little over 1 million dollar impact to the City of Surprise or 10%; we do believe there will be a 50 million dollar total loss of revenue; and an impact of 1,000+ jobs, we believe there is 4,000 jobs in the area. Comment: Consider 6 months plus next year of recovering from new traffic patterns. Businesses will need time to recover.

Q: Rick, Barnes & Noble: Westpoint entrance by Target; what modification to Westpoint will need to take place to accommodate the increase of traffic?

A: To be determined. Comment: It's challenging now at Westpoint.

Q: Lisa, Bank of America, currently there is no signage code that would allow for signage tall enough for our business to be seen, is there any variance planned to allow signage?

A: Currently our city council is looking at ways to bring more flexibility and to balance aesthetics with business. Mr. Fitzer added currently looking at sign packages for these areas and to change and amend the packages we currently have to accommodate these businesses.

Q: Jesse, Applebee's: Drivers that are going east or west on Bell Rd, what directional signage is going to be there to go North on Grand?

A: North on Grand to Town Center Rd, Grand will remain open, or Dysart south to Greenway west to Litchfield north.

Q: During the construction period will the city allow for banners for additional exposure during construction?

A: Yes, we are discussing a signage plan, it is the best interest for all of us.

Comment: Marilyn, Windmill Suites: The detour looks/sounds bad but actually takes less time to take the detour to the Windmill then to drive on Bell Rd to the Windmill.

Q: Is there going to be any overnight changes on routes?

A: Not for the 6/7 month closure however, that could occur if we have the 18 month phased construction. Regarding the detour Brock also pointed out that El Mirage has been widened and 303 will be open.

Q: Greg, Sprouts: When we talk about detour Dysart to Greenway, have you really talked about the amount of traffic that will really occur during the construction? 6/7 month is better but it will affect home market value and Sun City Grand will not tolerate the cutting through that will take place.

A: Addressing the Sun City West cut-through, ADOT has provided a line item for enforcement, we cannot prohibit cut-through traffic but we can enforce it. ADOT is working with the County regarding impacts to Sun City.

Comment: Lori, Streets of New York, stated that people do develop different habits during construction that will impact her business (from experience), does have an issue with this project, and we just got out of tough economic times now one more issue that concerns her.

Comment: You indicated 10% loss of revenue during construction, I believe the loss is more like 25 to 40% with a complete closure, customers choose easiest places to shop, and this will move patrons away from the businesses and won't recover.

Comment: Erica, General Manager Gentle Dental: A lot of people are concerned of change of habits. For my business messing up traffic during the winter month would really hurt my business since most of my clients are in during the winters months, as long as we only close for 6/7 months during the summer this shouldn't impact my business as much.

Comment: Dennis Garcia, CBRE I believe it is important that our City leaders know in trying to lease space we have lost 8 to 10 prospects and some will not locate in Surprise because of the project. I feel the city is being unrealistic in terms of long term impact in sales tax as the long term impacts are significant. Prospective tenants could have brought in 2.4 million dollars in revenue to the center.

CM reply: We are very cognoscente of the loss; construction will take place during the time of year when sales tax is low already. The City is concerned with how this project will affect our businesses long term. The reason we are doing this project is in 2008 focus groups and committees rated this particular intersection as one of the top 3 busiest intersections in the valley; there is 80,000 vehicles that pass through per day. If we don't act the intersection could fail and hurt the business and if we do act the construction or the structure itself could hurt the business.

Comment: Applied Economics, the impact to the city is really 22% as an average which represents a full 12 months. 10% is only for 6 month construction period.

Comment: Leasing agent for Dennis Garcia (CBRE): Not only are we losing tenants during the construction project but they also want to see how these businesses rebound after the project. Our tenants want to be at a major intersection or they're not coming. Prospects will wait 2-3 years before looking at this area. Prospects won't go to Litchfield and Waddell or Greenway and Reems, they want Bell Road or won't come.

Q: You indicated that 1,000 jobs would be lost, so has the city taken this into account? Those people will get other jobs and not come back.

A: Yes the city is concerned with the job loss.

Q: Regarding the soft closure between Bell and Grand off of Dysart, traffic bottlenecks in this area, is there any consideration in widening Dysart?

A: Not aware of any consideration to widen Dysart.

Q: Mark, Mattress Firm: How realistic is that 6/7 month in completing the work?

A: There are 3 contracting teams that are submitting proposals for this project, what we have heard to date by the contractors is that they feel very confident in meeting that target. ADOT is building in liquated damages that the contractor will occur if they don't meet the timeline.

Q: Home Depot: Speak more on the Communication that will take place?

A: Envision working with the businesses to learn more about their business, a strong formation with the Chamber of Commerce, working with a core group. ADOT cannot promote your business, we can inform. There will be a project hotline 24/7 and an onsite trailer with staff.

Q: Is the city planning on using a contingency fund to help the businesses through construction?

A: Not currently but this is a good idea.

Q: Can the City of Surprise advertise ways to get to businesses?

A: We do envision an awareness campaign.

Q: During peak season, what is the impact to traffic count?

A: ADOT provided a regional model gauging where traffic would likely go and the number of cars. Can't quantify travel time.

Comment: Dave, Cactus Jack: From experience at their Camelback location, believes that they will suffer 50% decrease in business traffic. There will be traffic shifts. The City cannot do enough for the businesses in this room to help during the construction.

Comment: Tori, CBRE: Encouraging local business tenants to speak and inform the City of Surprise of their concerns.

Q: Any talk to delay it a little bit so we can have more time to save so that we can prepare for the construction?

Q: You talked about traffic fail on Bell road, if traffic fails what does that entail?

A: Adding significant time to get to your business. The other thing this project does have is a safety component, it takes the railroad crossing out of Bell road, and there will be no need to wait for our traffic signals to spool up again after a train crosses.

Q: Michelle, Stein Mart Stores: This project is not adding lanes or changing turns that will allow for more traffic other than going over the tracks. Train is not an issue.

A: It's not just the train track that you have to deal with but the Grand lights, eliminating both will allow for an increase of service level.

Comment: Jim, Olive Garden: We will be impacted quite a bit, we will be going from looking out into Bell Rd to looking at a 40' wall; do we really need this?

Comment: Brent, Five Guys: If it isn't broke don't fix it. I will need to shut down. I have 30 employees that will lose their jobs.

Comment: Broker: As we look at this solution, this really takes a prime piece of real estate to a piece of real estate that no one wants. This will be a horrible site.

Comment: You indicated if nothing is done the intersection will eventually fail, what is the population level that it will take to fail the intersection? Business failure will be immediate.

Comment: Once upon a time our store opened in 2008 right when the recession hit. It has been a struggle from day one, and we are finally making it work for us. This project will make it very hard for businesses.

Comment: Broker: Has the City of Surprise taken into account the appearance as you enter Surprise. After this project you will have 40 foot concrete wall as you enter the City?

Q: Rich from SouthWestIdeas.com: Key point that the City is using is the safety due to the railroad, what kind of incidents have occurred at the railroad?

A: In 10 years we have had zero incidents other than a couple of incidents of a bar hitting a car but no car/train collisions.

Comments: I understand the intersection has to be fixed. As a dental office, 18 months would kill my business, but 6/7 months is better for my business.

Q: A person asked how it will look when you come into Surprise; there was an art component, and where does that stand?

A: ADOT provides a standard aesthetics treatment, if chosen to enhance the aesthetics that would need to come from other contributions. CM added that currently our City Council is looking at enhancing the aesthetics.

Comments: There will be a winner in all this and that will be the new owners that take over our businesses when we go out of business. The new renter will benefit with reduced rent rates from the landlords who cannot rent the spaces anymore. But it won't be anyone in this room.

Q: Streets of New York: The City has been discussing this for 10 years; there's been a lot of money already spent on this project, businesses just now being brought into it?

A: ADOT has done a number of outreach components for the public and businesses throughout the process.

Q: Chris Chick-fil-A: Uncertainty is a big issue, if this construction takes place I have 6 months to plan for this, when will you know what will happen?

A: ADOT believes 6/7 months is the right direction to go. CM indicated that Council has to decide, if it is a go the City will let you know right away.

Q: Nicky, Bed Bath & Beyond: Is this project going forward regardless what is said here today and is the City prepared to lose 10 million dollars?

A: No the city is not prepared to lose that much money.

Comment: Then why do it?

Comment: The issue is there are not enough through streets to get in and out of Surprise, not railroad, this project is not going to solve this issue. Accident on Bell will cause the same traffic issues whether there's an overpass or not.

Q: Councilmember Villanueva: There are a lot of homes going in 163rd Ave which means traffic on Grand going south to increase, how will this project affect this?

A: We have models that we can show you.

Q: This project is not increasing any lanes, have we looked into the future as to the amount of traffic that will increase and are the current lanes going to be enough in the future meaning having to have this construction again to accommodate more traffic?

A: When we did this study we looked 20 years into the future (2035).

Comment: As a child, Bell Rd was two lanes no homes and look at Bell Rd now, this project is going to take place. What we should be doing is finding ways to make our businesses work and lobbying our Council for help and have the City suffer with us, by eliminating sales taxes to businesses, waiving the fees for signage during the construction. Bank of America will be a hole. How will you make it work?

Comment: Diane, Alterations West: How many lanes on the overpass and 6/7 month will be better than 18 months?

A: There will be 3 lanes in each direction.

Comment: Recommend 4 lanes. Cannot survive 18 months.

A: 18 months considered prior to business outreach.

Comment Carlos, U-Haul: Is located at ground zero, we will be very inconvenienced by this project. We are looking at a micro view of the project; we should be looking at a macro view, better traffic patterns for the entire area.

Detailed maps were available.

ADJOURNMENT – City Manager closed the meeting at 12:57 PM

Notetaker:

I, Gloria Bianco, Management Analyst for the City of Surprise City Manager's office. Maricopa County, Arizona, do hereby verify that these are true and correct minutes of the Bell and Grand Stakeholder meeting held on September 30, 2015.

Gloria Bianco, Management Analyst

Notetaker:

I, Suzanne Boyles, Economic Development Coordinator for the City of Surprise Economic Development office. Maricopa County, Arizona, do hereby verify that these are true and correct minutes of the Bell and Grand Stakeholder meeting held on September 30, 2015.

Suzanne Boyles, ED Coordinator

Emails, Letters, Etc. – “for” and “against”

From: Brentveach@cox.net [mailto:Brentveach@cox.net]
Sent: Wednesday, September 23, 2015 12:41 PM
To: Nienaber, Tori @ Phoenix
Cc: Brent Veach
Subject: RE: Del Taco - Surprise - Bell/Grand Construction

Hello Tori,

As discussed earlier, I will be speaking at a National Franchise Convention in Palm Springs next Wednesday, so unfortunately won't be able to attend the meeting. Below are some of my concerns based upon a similar traffic altering project associated with the Light Rail system in Phoenix:

- 1) Several retailers along the Main Street trade area in Mesa, including Wal Mart, Burger King and Del Taco ultimately closed their business and moved to other locations due to the negative impact the construction and altered traffic patterns had on their business.
- 2) We are currently dealing with a similar situation with the Light Rail construction along 19th Ave & Northern. Had we been a smaller operator, we probably would have closed our doors 2 years ago as have small operators in the area. We have suffered 3 years of negative traffic and sales impact due to construction and altered traffic patterns. The construction is almost complete and sales remain down ~25% from pre-construction volumes.

While the proposed Grand Avenue bridge construction is different from a Light Rail construction, I believe there are many similarities and that the temporary construction and long-term altered traffic patterns will have a negative impact on retail sales at the intersection of Bell Road and Grand Avenue.

I hope this perspective is helpful.

Brent Veach
Del Taco – Owner/Franchisee

From: Nienaber, Tori @ Phoenix [mailto:Tori.Nienaber@cbre.com]
Sent: Wednesday, September 23, 2015 12:29 PM
To: Brent Veach (brentveach@cox.net) <brentveach@cox.net>
Subject: FW: Del Taco - Surprise - Bell/Grand Construction

Tori Nienaber | Sr. Real Estate Manager
CBRE | Asset Services
2415 E. Camelback Rd | Phoenix, AZ 85016
T 602 735 5212 | F 602 735 1755 | C 480 229 1646
tori.nienaber@cbre.com

From: RbZ Yogurt [<mailto:rbzyogurt@gmail.com>]
Sent: Thursday, October 08, 2015 2:25 PM
To: BellandGrand
Cc: Nienaber, Tori @ Phoenix
Subject: Re: Bell and Grand Update

We started our business in Surprise in 2012 and invested our life savings of around \$250k. Majority of our customer base comes from patrons visiting the center, impulse buy from patrons traveling through Bell/Grand Intersection and snow birds. Over past three plus years, we have worked hard to build our customer fan base. A closure of Bell Road and/or Grand Ave extending for weeks or months will cause irreparable damage to our business. We will not only lose immediate sales and rake up huge losses, we will also lose our regular customers. In order to reduce our losses, we will need to reduce our payroll which will negatively impact many Surprise residents since majority of our employees are from city of Surprise. We do understand the need for a solution to traffic situation. At the same time being treated as Collateral Damage by the city which at one time was very inviting for entrepreneurs to come in and invest in Surprise is very heart breaking.

From: Ed Cunningham [<mailto:ed.cunningham@firehousesubs.com>]

Sent: Thursday, October 01, 2015 9:59 AM

To: Jeanine Jerkovic

Subject: Firehouse Subs

Jeanine,

It was a pleasure meeting you last night and I appreciate all of the information about the city and it's future. It has been a long road working to find a great location for a Firehouse Subs restaurant in Surprise. As a Firefighter here in the West Valley I chose Surprise because I know it very well and I saw the potential for long term growth. Though I have not lost that belief in Surprise, the entire looming unknown of the Bell overpass has caused a lot of apprehension on signing a lease anywhere near the Bell and Grande area. This has limited my business to outlying areas that are not as developed yet in hopes that we can open a store and create revenue while waiting out the impact of the construction. Talking with shop owners in the immediate area I have gotten the same nervousness and apprehension as well. I look forward to your feedback and working more with the City of Surprise and am hopeful for long term success and contribution to the City and especially the Public Safety personnel as well. We are currently working on additional grants for the City of Surprise Fire Department. Since giving back to the communities that we service is a huge part of who we are as a company, we are excited about helping in that way.

Sincerely,

Ed C Cunningham

Firehouse Subs

First Due 121 LLC

15073 W Roma Ave

Goodyear AZ 85395

ed.cunningham@firehousesubs.com | FirehouseSubs.com

p) [623-877-9565](tel:623-877-9565) m) [623-826-5504](tel:623-826-5504)

Order Firehouse Subs Online Today!

Kendra – input from Lowe’s below.

Tori Nienaber | Sr. Real Estate Manager

CBRE | Asset Services

2415 E. Camelback Rd | Phoenix, AZ 85016

T 602 735 5212 | F 602 735 1755 | C 480 229 1646

tori.nienaber@cbre.com

From: Paredes, Katrinka - Katrinka K [\[mailto:Katrinka.K.Paredes@store.lowes.com\]](mailto:Katrinka.K.Paredes@store.lowes.com)

Sent: Tuesday, October 06, 2015 11:23 AM

To: Nienaber, Tori @ Phoenix

Subject: Re: Bell/Grand – Construction

Tori,

I do not feel it is a waste of time to provide input. You never know what will make a difference. The meeting just seemed to imply the project was already approved, all that was left was to decide over 7 months or 18. I personally have not seen or experience any traffic build up that I would consider to be out of the ordinary. In addition, I think eliminating any entrances into this parking lot will be detrimental to many business owners. Both short and long term. As it is, there are only two driveways one way on Grand and one the opposite direction. All the driveways off Bell cause you to drive through the parking lot to get to us, making for undesirable options. That then leaves entering in front of Target to get to any business or driving behind the buildings. Both of these options will cause traffic build up and unsafe conditions. I am not looking forward to the increase traffics behind our building. If the shorter term gets the job done before our heaviest traffic begins and is the safer option, then that's the one I would chose.

Respectfully,

Katrinka

Sent from my iPad

-----Original Message-----

From: besabff@gmail.com [<mailto:besabff@gmail.com>]

Sent: Wednesday, October 07, 2015 7:58 PM

To: BellandGrand

Subject: Concerning the overpass @ Bell and Grand

To whom it may concern,

I, Gentiana Ahmetaj, owner of Hot Bagels & Deli on Bell and Grand, would like to express my concerns about the ADOT project for the overpass being built over Bell Rd and Grand Ave. First of all, I would like to tell you about our business. We've been in this business since 2007. All these years, we have invested our lives into this business. Even though we all know it's hard to own and run a business, we have done it from our hearts with passion. We love what we're doing. Even when the economy was down, we managed to get through it and made the best out of it. We've always done our jobs with dignity and respect and have always been loyal to the city of Surprise. The project of the overpass, is going to be nothing but destruction to all of the businesses on Bell and Grand. To put our businesses in danger for this long project, is like putting all of our families in danger. To me, and surely from any other business in the area, this project should not be approved and should not be done. I have a question, how will this project benefit the city of Surprise for closing all of these businesses doors? I am 100% against this project. Please do not put our businesses and our lives in danger.

Regards,

Gentiana Ahmetaj

Hot Bagels & Deli
13706 W Bell Rd
Surprise, AZ
85374

Streets of New York, Inc.				
Projections for Restaurant Located at 13736 West Bell Road, Surprise, AZ				
	Calendar Year (less 20%)	Calendar Year (less 40%)	Calendar Year (less 60%)	
Sales	688,152	516,114	344,076	100.00%
Cost of Sales				
Food & Beverage	184,434	138,325	92,217	26.80%
Labor	253,863	223,853	193,853	56.34%
Total Cost of Sales	438,297	362,178	286,070	83.14%
Gross Profit	249,855	153,936	58,006	16.86%
Occupancy Costs				
Rent	111,509	111,509	111,509	32.41%
Utilities	38,709	38,709	38,709	11.25%
Maintenance	4,851	4,851	4,851	1.41%
Other	3,173	3,173	3,173	0.92%
Total	158,242	158,242	158,242	45.99%
Operating Expenses				
Supplies	13,562	10,171	6,781	1.97%
Uniforms	2,312	1,734	1,156	0.34%
Delivery Expense	6,168	4,626	3,084	0.90%
Repairs & Maint	7,379	5,534	3,689	1.07%
Marketing	50,769	38,077	25,384	7.38%
Other	128	96	64	0.02%
Total	80,318	60,239	40,159	11.67%
Administrative Exp.	25,384	19,038	12,692	3.69%
Non Operating Exp.	12,923	9,692	6,461	1.88%
Net income (Loss)	(27,011)	(93,275)	(159,548)	-46.37%

Streets of New York, Inc. Projections for Restaurant Located at 13736 West Bell Road, Surprise, AZ				
	Year Ended December 31, 2014	Eight Months Ended August 31, 2015	Eight Months Annualized December 31, 2015	
Sales	746,680	573,460	860,190	100.00%
Cost of Sales				
Food & Beverage	225,019	153,695	230,542	26.80%
Labor	246,273	169,242	253,863	29.51%
Total Cost of Sales	471,293	322,937	484,405	56.31%
Gross Profit	275,387	250,523	375,785	43.69%
Occupancy Costs				
Rent	111,509	87,427	131,141	15.25%
Utilities	36,054	25,806	38,709	4.50%
Maintenance	2,895	3,234	4,851	0.56%
Other	5,795	2,116	3,173	0.37%
Total	156,253	118,583	177,874	20.68%
Operating Expenses				
Supplies	12,772	11,302	16,952	1.97%
Uniforms	3,059	1,927	2,890	0.34%
Delivery Expense	6,198	5,140	7,710	0.90%
Repairs & Maint	9,772	6,149	9,224	1.07%
Marketing	60,007	42,307	63,461	7.38%
Other	905	107	161	0.02%
Total	92,714	66,932	100,398	11.67%
Administrative Exp.	26,032	21,153	31,729	3.69%
Non Operating Exp.	11,300	10,769	16,154	1.88%
Net income (Loss)	(10,912)	33,086	49,629	5.77%

May 14, 2014

Surprise
MARKETPLACE

SURPRISE
TOWNE CENTER

FROM: Surprise Towne Center Holdings, LLC, Surprise Marketplace Holdings, LLC and Surprise TC II Holdings, LLC

Surprise Towne Center & Surprise Marketplace – located on the northwest and southwest corners of the proposed site for the Bell Road Interchange.

RE: ADOT Project #H848501L

We represent the ownership group for Surprise Towne Center and Surprise Marketplace located on the northwest and southwest corners of Bell & Grand in Surprise. These two centers, when combined with the anchors and pads we do not own, totals almost 1 Million square feet of retail space. During the last year we have attended several meetings with ADOT and City of Surprise officials, provided many comments on our concerns about the impact of this project on the health of the shopping centers, and continued to be open-minded about the different options being contemplated. We were optimistic that we could be in support of this project, but after the April 30th public meeting, we simply cannot support either of the build alternatives as presented. In an effort to preserve the health of the shopping centers, we support the No Build option.

Our concerns are focused on the impact to our shopping center tenants/patrons and area residents, and are summarized below:

Impact on Tenants/Patrons

- Traffic pattern disruption. The construction of the Bell Road Overpass will seriously impact not only the tenant's and patron's commuting habits, but the people traveling both north and south on Grand Avenue. Our concerns are centered on the fact that people traveling north on Grand Avenue will use Surprise Marketplace as a "cut through" solution to go west on Bell. This situation presents itself for the people traveling south on Grand as well and creates a significant safety hazard due to the increased traffic within the center which will impact the shoppers trying to access the businesses. Our patrons will be faced with frustrated drivers trying to either get to work or get home by way of the shopping center's parking lot.
- Business disruption/revenue decline. Based on an analysis from the light rail construction impact, tenant business is projected to decline by 50% during construction.
- Sales tax revenue. The shopping centers provide the City of Surprise and the State Of Arizona with an estimate of over \$2 Million in sales tax revenue on an annual basis. When combined, the retailers in the shopping centers are one of the largest employers in the City of Surprise. As these shopping centers become blighted with vacancy,



diminished maintenance, and ultimately loss of shoppers, those revenues and sources of employment will undoubtedly trickle down to only hurt the community.

- The proposed barrier wall reduces the visibility of both shopping centers and our tenants to almost zero.
 - “View 2” of the renderings designed by ADOT and presented at the public meeting shows the view of Surprise Marketplace at the Bell/Grand intersection. The concrete walls block all visibility of the shopping center from Grand Avenue which is a fundamental and very important part of any retail business.
 - “View 1” of the renderings shows the view from the top of the overpass. The existing attractive visibility that the shopping centers provide at the intersection of Bell and Grand is eliminated by the bridge, and both centers are no longer visible by a patron waiting on the overpass.
 - Based on the height of the barrier walls and height of the bridge proposed to be built, we are unable to understand how residents, seasonal visitors, etc. will be able to navigate the roads and find the retailers in the centers. Due to the proposed road work, other shopping centers which are not burdened with the barrier walls and lack of visibility will become more attractive to retailers.
 - Shoppers will no longer see signage on the west side of Grand Avenue or as they approach from the east side of the railroad tracks on Bell. This condition occurs for the north-bound and south-bound customers on Grand Avenue as well.
- Co-Tenancy Impact. As is typical in leases with major tenants, some tenants at the shopping centers have rights to vacate the property under certain conditions including changes which result in lost income/profitability. In addition, other tenants at the centers have the right to terminate lease agreements should certain major tenants vacate as well. This is a significant risk that must be considered and addressed.
- Current designs impact access of ingress/egress to both shopping centers. Common area agreements and existing tenant leases have protection clauses in place that provide parcel owners and/or tenants the option to terminate/vacate/“go-dark” if some of those specific access points are changed in any way. Specifically, the movement of the Grand Avenue/Towne Center Drive access and closure of access along Bell Road are particular areas of concern.
- Moving the Towne Center Drive entrance off Grand Avenue will impact tenant businesses and require the loss of Applebee’s. As with any retail center, the strength of a center is the result of the traffic that all combined tenants attract (“tenant-mix”). The loss of a business that drives a significant amount of traffic to the center is going to hurt those businesses that benefit from such customers. It is not clear how the proposed build plans will replace parking spaces that will be eliminated on the parcel. In addition, the removal of any parcel owner/tenant impacts every tenant’s share of

common area expenses. As the number of contributing parcels decreases, the remaining retailers are now forced to make up the difference, again, resulting in a loss of income for the shopping centers.

- Patrons will avoid shopping at both centers during the projected 18-24 month construction phase due to congestion and uncertainty of how to access the properties. As those patrons find alternative shopping destinations, the question of whether or not their business will return after construction cannot be answered and is a significant risk of the Build alternatives.
- Property value and investment loss is projected. Due to the visibility loss, reduced and less convenient temporary and permanent access to the centers from Bell and Grand, and uncertainty related to shopping center customers' change in shopping patterns during the projected 18-24 months of construction, which may not be recovered even after construction is complete, we may have to agree to lower rental rates which will be required to maintain existing tenancy and to attract new tenancy. As an owner we must protect the value of our asset and our collective business interests. The proposed build alternatives to solve a "traffic problem" will significantly impact the value of the properties, and the strength that these centers have provided the community from a tax and employment standpoint, now and for years to come.

Impact on Area Residents:

- Construction/closed streets/rerouting and delays during the proposed construction period will significantly affect area residents.
- Public safety issues will be significant when residents drive through and around construction related to the Build options.
- Residents will be affected by the potential loss of convenient retail stores that close due to loss of sales as the result of the Build options. This will result in loss of tax revenue and employment to the City of Surprise.
- Empty retail space/shopping centers could affect the value of the residents' homes.

Build Alternative Budget Considerations:

Should either of the Build alternatives be approved, it is imperative that the budget for the project include the following:

- Rent relief to be provided to our tenants during the projected 18-24 month construction period.
- Permanent rent relief to those tenants whose premises will be permanently impacted by the design and construction this work.
- Marketing program to promote retailers during construction period.

- Community outreach on a regular basis to communicate construction activity and access alternatives to area residents.
- Temporary signage to provide tenant visibility during construction
- Permanent signage in the form of new pylon and monument signs visible from the newly constructed roads.
- Any other methods of providing visibility to the tenants at the centers.
- Replacement of parking spaces that will be eliminated as a result of the work.
- Appropriate signage on Grand Avenue to inform drivers of the left lane exit as contemplated by the MUD design.
- Compensation to the shopping center owners for the loss in value that the construction project will generate.

The retailers at this intersection are concerned about traffic and patronage being drawn away from the area. As the property owner, we fear these centers may eventually become obsolete and blighted with un-leasable big box spaces, which will negatively impact the sales tax revenue and the overall appeal of the City of Surprise.

ADOT and the City of Surprise should learn from other similarly-situated projects. A perfect example is the impact of the Loop 101 construction on the Sonora Village Center, located in north Scottsdale and developed by the Pederson Group as a Fry's Food Store community center. The Loop 101 blocked the centers' visibility along Pima Road (frontage) and created southbound only access issues. This shopping center has never been able to fully recover; this is something we think can be avoided.

We look forward to exploring these specific concerns with you beyond the formal comment period and work together to preserve local property and business values, while supporting your regional concerns.

Sincerely,

On Behalf of the Ownership of Surprise Town Center and Surprise Marketplace



Denise Garcia
Sr. Vice President
Clarion Partners
(213) 236-3410
Denise.Garcia@clarionpartners.com



Tori Nienaber
Sr. Real Estate Manager
CBRE
(602) 735-5212
Tori.Nienaber@cbre.com

Cc: Mayor Sharon Wolcott
Cc: Vice Mayor Skip Hall

Attachment D

Applied Economics Report



**ECONOMIC AND REVENUE IMPACTS OF THE PLANNED
BELL ROAD AND GRAND AVENUE OVERPASS
FINAL REPORT**

**PREPARED FOR:
CITY OF SURPRISE, ARIZONA
16000 NORTH CIVIC CENTER PLAZA
SURPRISE, ARIZONA 85374**

SEPTEMBER 22, 2015

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EXECUTIVE SUMMARY

The purpose of this study is to evaluate the business, employment and revenue impacts of the construction of the planned Bell Road / Grand Avenue overpass. This includes impacts to surrounding businesses during and after construction, based on changes in accessibility, visibility and market appeal. The scenario evaluated in the study includes a 7-month full closure of Bell Road from Litchfield Road to Dysart Road. This study assumes that the closure would occur from April through October to minimize the impact on the spring training baseball and holiday shopping seasons. The long term impacts are assessed based on a combination of background research on overpass projects around the country, a case-study examination of similar projects in metropolitan Phoenix and the specific attributes of the Bell Road and Grand Avenue intersection and the planned overpass.

Evaluation of the construction period impacts included:

- Building an enhanced inventory of existing businesses;
- Understanding how economic impacts are linked to the location and type of business;
- Relating the likely economic impacts to the businesses in the study area based on accessibility and traffic counts; and
- Assessing the resulting employment and sales tax impacts that can be expected based on the duration and timing of construction.

The final business inventory includes 289 businesses with an estimated 5,200 employees. Roughly 150 of these businesses submitted surveys detailing, among other things, their industry type, size and patronage patterns. The data by type of business was used to estimate employment of the remaining businesses. An industry sector was assigned to each business to group them into the categories used in the retail sales data provided by the City. The business location was used to assign a study area to each business, and to assess the impacts on that business relative to the project's street closures and restrictions during construction.

The impact of construction will vary by industry category, depending on each businesses need for physical accessibility, visibility and shear traffic volume. This applies not only between industry categories, but also within different types and sizes of business in a single category. Based on the expected timing and extent of road closures and restrictions during construction, the decreases and increases in traffic volumes and the relative sizes of the impacts in each industry category and sub-category, sales impact rates were assigned to each category for each study area. These range from a loss of 60 percent to gains of 10 percent.

Based on detailed assumptions of the impacts by study area and industry category, the construction of the overpass could cause a decline of about 22 percent in sales and employment during the 7-month closure of Bell Road. This would result in the temporary loss of up to 1,100 jobs and some \$1.1 million in city sales tax revenue. This implies a

loss of some \$50 million in taxable sales at local businesses during the construction period. About 35 percent of the decline will be in the Big Box / Automotive industry category, with another 31 percent in the Restaurant / Bar category.

The balance of the job losses are projected to be fairly evenly distributed between the Business & Industry, Other Retail and Service Related categories with about 10 percent of the employment impact each. Potential sales tax losses by the City of Surprise were estimated by applying the rate of sales impacts by industry category to the actual (baseline) sales data for the city which shows about \$5 million in current sales for the proposed construction period.

Evaluation of the long term impacts considered:

- The impact of other major overpass projects around the nation;
- The types of overpasses used in metropolitan Phoenix and on Grand Avenue;
- The land use, development and industry structure of businesses in the study areas; and
- The physical attributes of the proposed overpass structure and its impact on accessibility, visibility and market appeal.

In terms of the functional impacts, the impacts of overpasses stem from traffic flow/volume, accessibility and visibility. Interestingly, one of the impacts of overpasses may be to reduce customer volume if traffic does not have to stop or slow down significantly to pass through an intersection. However, overpasses generally have a positive impact on the accessibility of the area surrounding a major intersection, especially when a highway or freeway is involved. Beyond accessibility, visibility is by far the biggest issue associated with overpasses such as the one planned for Bell Road / Grand Avenue. This may result in a permanent change in the type of development that can be supported on some specific parcels.

A case-study examination of similar projects in metropolitan Phoenix highlights the unique circumstances surrounding the planned Bell Road / Grand Avenue overpass. The most important finding of this analysis may be that no good comparisons could be found since historically in metropolitan Phoenix when a highway or freeway is proposed to cross a major arterial road, the arterial remains at grade while the freeway/highway passes either over or under. This is especially true in commercial activity centers such as is the case at Bell Road / Grand Avenue.

Due, at least in part, to the lack of comparable intersections and projects in the Phoenix metropolitan area, it is very difficult to develop meaningful forecasts of exactly what the long term impacts of the overpass will be on Surprise. To illustrate the range of what the planned overpass could mean for economic development, a matrix was developed to look at each of the potential impacts as they relate to the specific types of businesses located in the area. The impacts of the overpass can be assessed based on the following factors:

- Functionality of the overpass – the ability to move traffic;
- Real and perceived safety impacts of the project;
- Neighborhood, community and regional market accessibility implications; and
- Impacts on visibility caused by the elevated overpass design.

The expected direction (positive or negative) of each of these impacts by industry category was used in assessing the likely long term impacts of the overpass. The actual functionality of the overpass appears to be sound, and will likely improve regional access. However, it will also likely reduce the amount of impulse expenditures in the study area, especially from motorists traveling north and south on Grand Avenue.

While the evidence does not suggest that these impacts will be crippling to the Bell Road / Grand Avenue commercial activity center, it does appear that the potential exists for negative impacts to specific businesses based on their location and to certain categories of businesses. This, in turn, may have a slightly negative impact on the property values of the directly adjacent properties. These impacts will likely result in a small number of business relocations, and re-use of some commercial properties with uses that are less impacted by visibility and direct street access.

1.0 INTRODUCTION

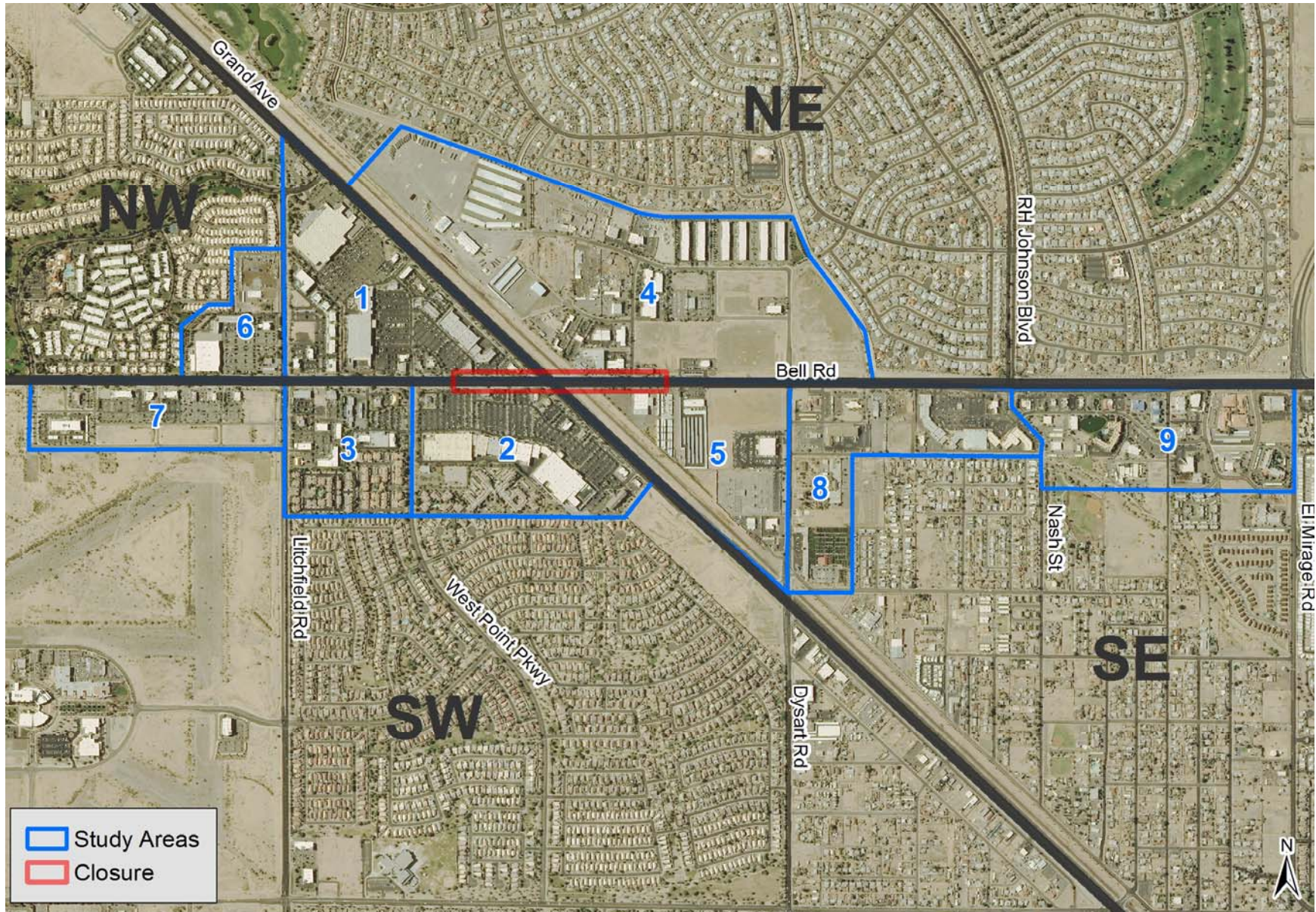
The purpose of this study is to evaluate the business, employment and revenue impacts of the construction of the planned Bell Road / Grand Avenue overpass. This includes impacts to surrounding businesses during and after construction, based on changes in accessibility, visibility and market appeal. With respect to the construction period impacts, the scenario evaluated in this study includes a 7-month full closure of Bell Road from Litchfield Road to Dysart Road. The timing of the construction is also important due to the holiday shopping season and spring training baseball. This study assumes that the closure would occur from April through October to minimize the impact.

The long term impacts are assessed based on a combination of background research on overpass projects around the country, a case-study examination of similar projects in metropolitan Phoenix and the specific attributes of the Bell Road and Grand Avenue intersection and the planned overpass. This includes, among other things, the very large base of retail and service industry businesses located in close proximity, the presence of the railroad line, and the elevated design of the planned structure. Beyond permanently limiting access to small parts of the area, long term impacts can result from reduced visibility of businesses immediately on both sides of Grand Avenue, and the public's perception of the overpass as a convenience or a barrier.

In order to properly assess the impact of the overpass on neighboring businesses and properties, the area surrounding the overpass was divided into four quadrants and nine study areas. As shown in **Figure 1**, the study areas are based on proximity to the Bell Road / Grand Avenue intersection, major streets and land use. Study Areas 1 through 5 are expected to bear the greatest impacts both during construction and in the future. On the west side of Grand Avenue, Study Area 1 includes Surprise Towne Center and Study Area 2 contains Surprise Marketplace. Study Area 3 covers the balance of the south side of Bell Road between Surprise Marketplace and Litchfield Road. On the east side of Grand Avenue, Study Areas 4 and 5 include a mix of light industrial and small retail and service establishments. Both study areas 4 and 5 will be impacted by access changes, although the nature of the businesses there may mitigate any long term impacts.

Study Areas 6 and 7 extend the reach of the analysis to the significant concentrations of retail businesses and restaurants just west of Litchfield Road along Bell Road. These areas would also be impacted by the closure of Bell Road and the increased traffic on the surrounding streets, though not quite to the extent of businesses in study areas 1 through 3. On the east side, Study Areas 8 and 9 encompass areas that could be both positively and negatively impacted. During construction, increased traffic on Dysart Road and Bell Road (east of Dysart Road) will increase exposure to potential customers, but may also prevent current customers from reaching a specific business.

FIGURE 1: PROJECT LOCATION AND STUDY AREAS



2.0 CONSTRUCTION PERIOD IMPACTS

The evaluation of the construction period impacts include:

- Compiling an enhanced inventory of existing businesses;
- Understanding how economic impacts are linked to the location and type of business;
- Relating the likely economic impacts to the businesses in the study area based on accessibility and traffic counts; and
- Assessing the resulting employment and sales tax impacts that can be expected based on the duration and timing of construction.

2.1 Business Inventory

The universe of existing businesses used in this study is based on the business inventory and business survey information compiled by ADOT/HDR and the City of Surprise. The business inventory includes about 300 businesses including the name and address, some of which were identified as being closed. The final list of 289 businesses was linked to the roughly 150 business surveys that were received. This data was used to obtain the self-reported information about the type and size of about half of the businesses in study areas.

For the balance of the businesses in the inventory, the industry sector of each business was determined, and used to assign them into the categories used in the retail sales data provided by the City. Their employment was estimated based on category-specific information for similar types of businesses. The final enhanced list of businesses were geocoded to a point location based on address, and rectified to the physical location by hand. The specific location was used to assign each business to a study area, and assess the location of specific businesses relative to the street closures and restrictions.

As shown in **Figure 2**, Study Areas 1, 2 and 3 contain the greatest concentration of businesses, which is unfortunate since these are also the study areas that will be most impacted by the construction of the overpass. These areas contain about 33 percent of all businesses and 60 percent of employment in the nine study areas. Study Areas 3, 4 and 8 contain large concentrations of small businesses that may be more heavily impacted by the loss of patronage than larger ones.

FIGURE 2: CONCENTRATION OF BUSINESSES BY SIZE

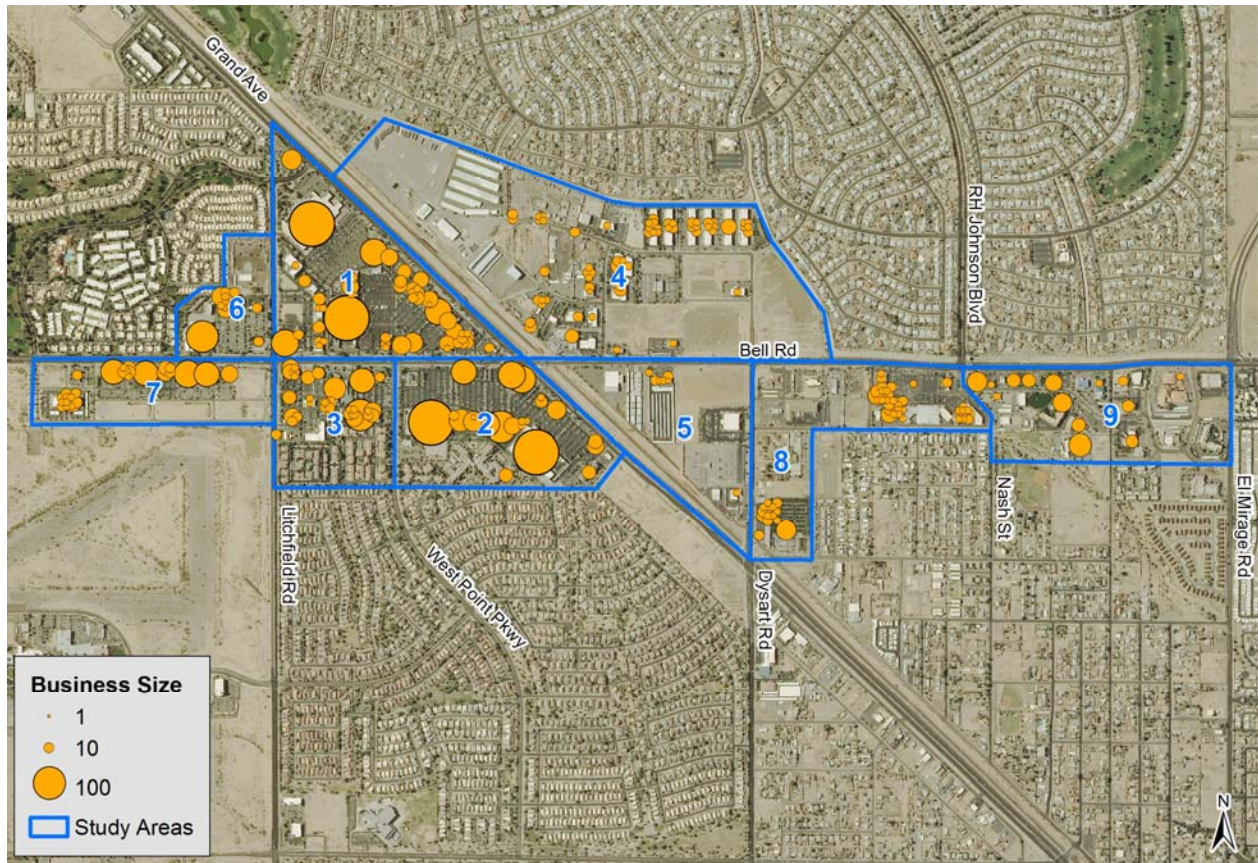


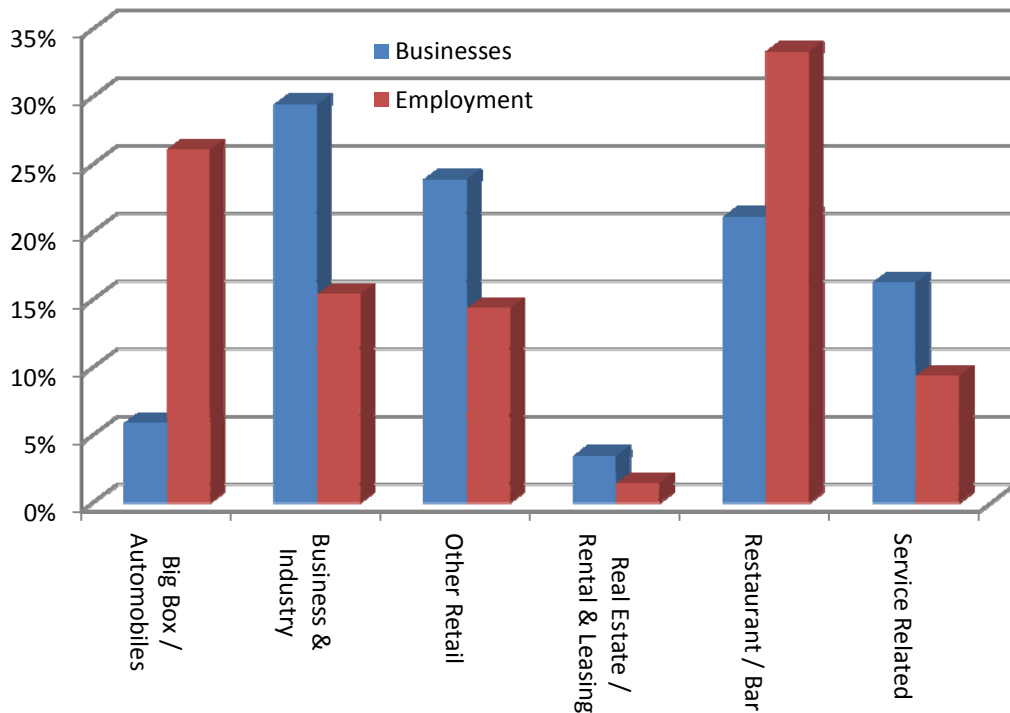
Table 1 details the distribution of businesses by category and study area, while **Table 2** provides estimated employment at those businesses. The 289 businesses employ approximately 5,200 workers, for an average of 18 workers per establishment. Study Areas 1 and 2 feature significantly larger businesses, averaging 26 and 46 workers per establishments, respectively. Much smaller businesses are found in study areas 4, 5 and 8, with many under 10 employees each.

The Big Box / Automobile industry category comprises just 6 percent of all establishments, but 26 percent of employment. Similarly, though much less dramatically, the Restaurant / Bar category comprises 21 percent of establishments and 33 of estimated employment. For the other four industry categories, the percentage of establishments is larger than that of employment, indicative of smaller businesses.

TABLE 1: ESTABLISHMENTS BY STUDY AREA AND INDUSTRY CATEGORY

Industry Category	Study Area									Total	Percent
	1	2	3	4	5	6	7	8	9		
Big Box / Automobiles	7	5		2		1		2		17	6%
Business & Industry	5	4	10	25	2	3	14	17	5	85	29%
Other Retail	9	6	8	15		7	1	22	1	69	24%
Real Estate / Rental & Leasing	3	1		5	1					10	3%
Restaurant / Bar	20	6	9	1		1	12	5	7	61	21%
Service Related	5	1	6	19	4	3		8	1	47	16%
Grand Total	49	23	33	67	7	15	27	54	14	289	100%

Sources: City of Surprise; ADOT/HDR; Applied Economics 2015.

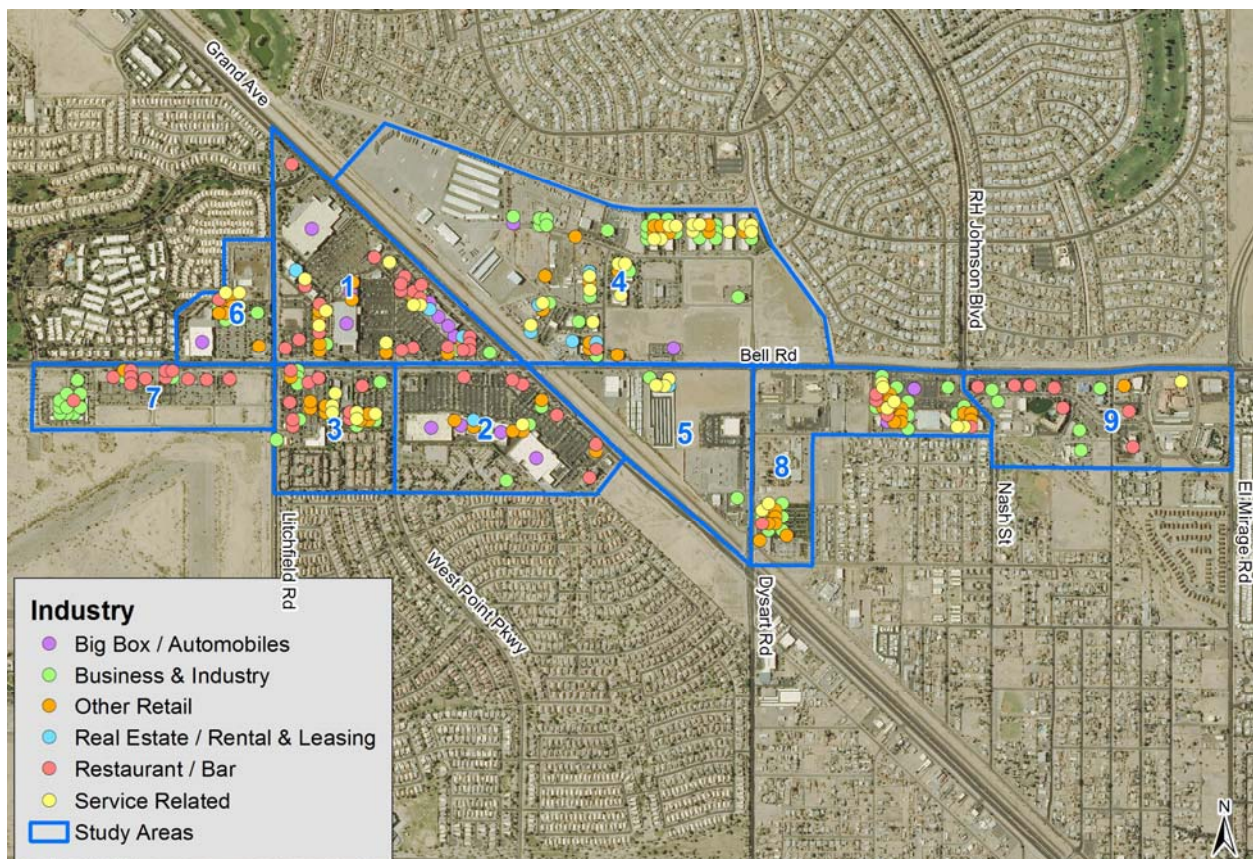
**TABLE 2: EMPLOYMENT BY STUDY AREA AND INDUSTRY CATEGORY**

Industry Category	Study Area									Total	Percent
	1	2	3	4	5	6	7	8	9		
Big Box / Automobiles	590	610		15		100		35		1,350	26%
Business & Industry	40	50	120	173	10	40	155	125	85	798	15%
Other Retail	65	120	165	125		50	5	205	10	745	14%
Real Estate / Rental & Leasing	13	3		55	3					74	1%
Restaurant / Bar	520	285	205	10		35	395	100	175	1,725	33%
Service Related	75	5	120	165	30	30		55	5	485	9%
Grand Total	1,303	1,073	610	543	43	255	555	520	275	5,177	100%

Sources: City of Surprise; ADOT/HDR; Applied Economics 2015.

The geographic distribution of businesses by industry category, shown in **Figure 3**, is another important component of understanding how the overpass project will impact existing businesses. The figure illustrates the large concentration of big box, restaurant and other retail businesses in study areas 1 through 3, which is in stark contrast to the service, business and industry, and other retail uses found in study areas 4 and 5. The placement of the specific types of businesses within each study area is important, such as the way restaurants are concentrated directly along Bell Road and Grand Avenue, due to their need for market access and visibility. This may also tend to exaggerate the construction period impacts on these businesses.

FIGURE 3: BUSINESSES BY INDUSTRY CATEGORY



2.2 Industry Categories for Impacts

The impact of construction will vary by industry category, driven by each businesses need for physical accessibility, visibility and shear traffic volume. So, for example, accessibility limitations have a greater impact on fast food restaurant than a dentist's office. These differences apply not only between industry categories, but also within different types and sizes of businesses in a single category. In order to address these differences, businesses in some of the industry categories were further coded with sub-categories.

As shown in **Table 3**, this included dividing the Other Retail and Service Related industry categories into large and small businesses, and the Restaurant / Bar industry category into convenience, destination and hotel businesses. For this study, “large” businesses are defined as having 15 or more employees. The convenience and destination categories of restaurants were designed to distinguish between the types of “fast food” restaurants that depend heavily on passing traffic, versus those that draw repeat customers from the surrounding community. This occurs independently of the size of the restaurant.

TABLE 3: INDUSTRY CATEGORIES AND SUB-CATEGORIES

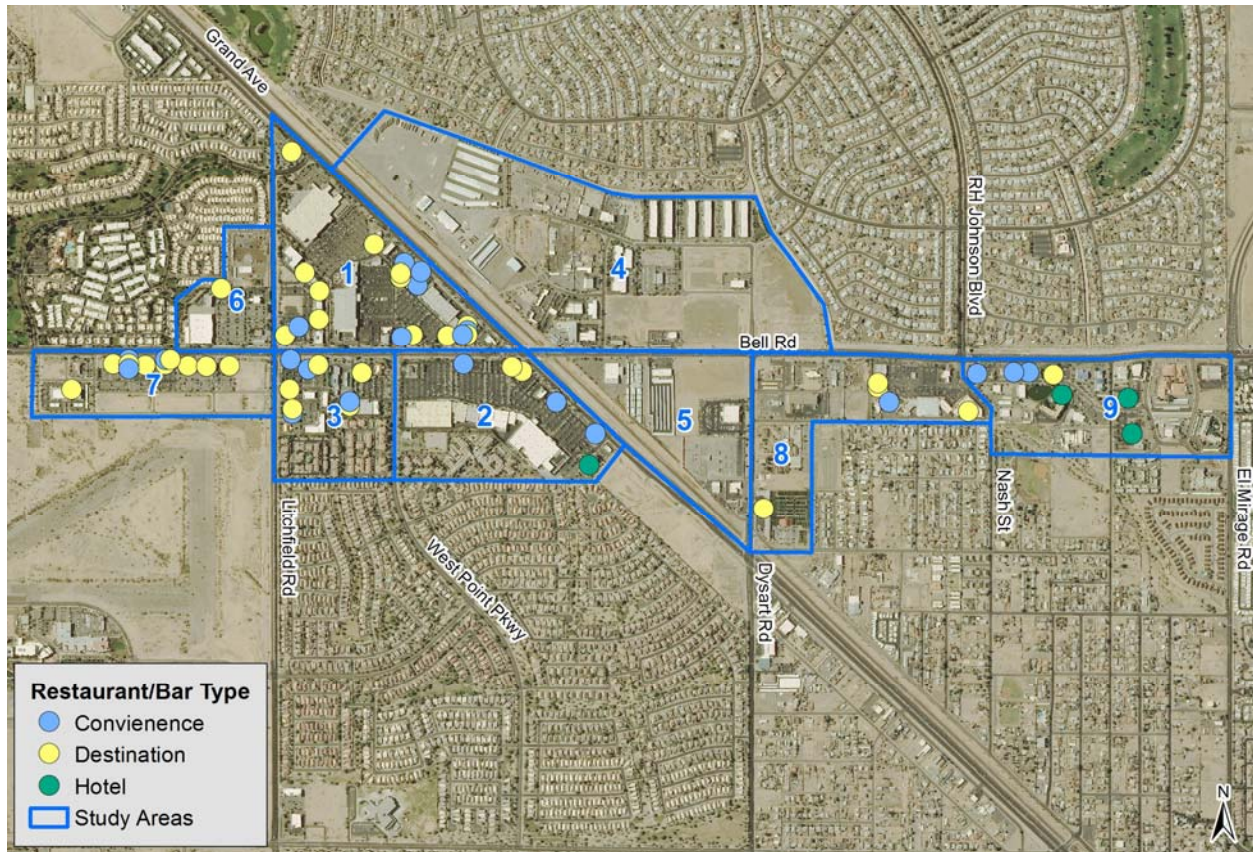
Big Box / Automobiles
Business & Industry
Other Retail
Large
Small
Real Estate / Rental & Leasing
Restaurant / Bar
Convenience
Destination
Hotel
Service Related
Large
Small

Source: Applied Economics, 2015.

In general, large Other Retail and Service Related, and Destination restaurants and bars experience less impact from limits to accessibility than businesses in the other categories. They do not tend to rely as much on visibility and draw customers from a wider area. As larger businesses, often part of a chain, they also have greater resources to mitigate the impacts through marketing and promotional efforts. The negative impacts on these businesses are likely to be only about half of what they could be for the other types of businesses in the same general category.

Figure 4 illustrates the geographic distribution of the three types of businesses in the Restaurant / Bar industry category. It shows high concentrations of convenience restaurants along Bell Road in Study Areas 1 through 3, with destination restaurants located further north, south and west. The presence of hotels is well east of the planned overpass, with three of the four being located in Study Area 9.

FIGURE 4: RESTAURANT/BAR CATEGORY BUSINESSES



2.3 Sales Impacts by Study Area and Industry Category

Based on the right-of-way acquisition, the expected timing and extent of road closures and restrictions during construction, the decreases and increases in traffic volumes and the relative sizes of the impacts in each industry category and sub-category, sales impact rates were assigned to each industrial category in each study area. This assignment takes into consideration the details of the overpass construction plans relative to the access options, planned and specific land acquisitions and businesses relocations.

Table 4 details the sales impact assumptions that were developed for each industry category based on the inventory of businesses, the extent and timing of the street closures and restrictions and planned mitigation measures. The rates of impact range from a loss of 50 percent of sales for small Other Retail, Service and Convenience Restaurants in Study Area 2, to an increase of 10 percent across the board in Study Area 9. The highest overall rates of impact are in Study Areas 1 and 2 with decreases of 27 percent and 35 percent, followed by Study Areas 3 and 4 with 23 percent and 25 percent decreases, respectively.

TABLE 4: IMPACT ASSUMPTIONS BY CATEGORY AND REGION

Industry Category	Study Area								
	1	2	3	4	5	6	7	8	9
Big Box / Automobiles	-25%	-35%		-20%		-15%		5%	
Business & Industry	-38%	-35%	-20%	-21%	-20%	-16%	-10%	5%	10%
Other Retail									
Large	-25%	-30%	-20%	-20%		-15%		5%	10%
Small	-40%	-50%	-35%	-35%		-30%	-20%	10%	
Real Estate / Rental & Leasing	-10%	-10%		-10%	-10%				
Restaurant / Bar									
Convenience	-40%	-50%	-35%				-20%	10%	10%
Destination	-25%	-30%	-20%	-20%		-15%	-10%	5%	10%
Hotel		-10%							10%
Service Related									
Large	-25%		-20%	-20%	-10%	-15%		5%	
Small	-40%	-50%	-35%	-35%	-30%	-30%		10%	10%

Source: Applied Economics, 2015.

2.4 Employment and Sales Tax Impacts

Applying the expected sales impact rates from Section 2.3 to the employment estimates from Section 2.1 results in the projected impact of the construction of the overpass during the 7-month closure of Bell Road. The sales impacts are assumed to be directly linked to the employment impacts, which may tend to overstate the loss of employment especially if the closure is limited to seven months. Under that circumstance, business owners may be inclined to retain key employees even if sales fall to levels that would not support them.

Based on the sales impacts by industry category and study area, employment could decline from the current total of about 5,200 jobs to about 4,100 jobs during construction. As shown in **Table 5**, about 35 percent of the 1,100 job decline is expected to be in the Big Box / Automotive industry category, with another 31 percent in the Restaurant / Bar category. The balance of the job losses are projected to be fairly evenly distributed between the Business & Industry, Other Retail and Service Related categories with about 10 percent of the employment impact each.

In terms of the percentage impact to each industry category, the greatest impact is expected in the Convenience Restaurant sub-category with a loss of about 30 percent in sales. This is followed closely by the Big Box and Small Service Related categories that are projected to have reductions in employment of about 28 percent. The negative impacts to the other categories range from about 13 percent in Business and Industry to about 20 percent in most Service Related and Other Retail businesses.

TABLE 5: EMPLOYMENT IMPACT BY STUDY AREA AND INDUSTRY CATEGORY

Industry Category	Study Area									Total	Percent of Total	Percent Impact
	1	2	3	4	5	6	7	8	9			
Big Box / Automobiles	-148	-214	0	-3	0	-15	0	2	0	-377	35%	-28%
Business & Industry	-15	-18	-24	-36	-2	-6	-16	6	9	-102	10%	-13%
Other Retail	-18	-37	-38	-38	0	-12	-1	16	1	-126	12%	-17%
Large	-14	-35	-27	-8	0	-3	0	5	1	-81	8%	-17%
Small	-4	-3	-11	-30	0	-9	-1	12	0	-45	4%	-16%
Real Estate / Rental & Leasing	-1	0	0	-6	0	0	0	0	0	-7	1%	-10%
Restaurant / Bar	-152	-105	-51	-2	0	-5	-44	6	18	-335	31%	-19%
Convenience	-58	-58	-23	0	0	0	-9	1	8	-138	13%	-30%
Destination	-94	-45	-28	-2	0	-5	-35	5	3	-202	19%	-17%
Hotel	0	-2	0	0	0	0	0	0	7	5	0%	5%
Service Related	-24	-3	-30	-54	-7	-8	0	5	1	-120	11%	-25%
Large	-10	0	-16	-5	-1	-2	0	1	0	-33	3%	-19%
Small	-14	-3	-14	-49	-6	-6	0	5	1	-87	8%	-28%
Grand Total	-357	-375	-142	-138	-9	-46	-61	35	28	-1,067	100%	-21%

Source: Applied Economics, 2015.

Finally, the projected sales impacts by region were aggregated by study area quadrant and industry category to estimate the impact on sales tax revenue to the City of Surprise. Sales tax revenue data by industry category for May 2014 through November 2014 was used to calculate the baseline level of sales tax for the period corresponding with anticipated timing of the construction. This 7-month period (58 percent of the year), was found to comprise about 52 percent of annual sales tax revenue. By comparison, a 7-month October to April project would increase the share to 63 percent of annual sales tax revenue from the area. This clearly illustrates the importance of the timing of the project.

Potential sales tax losses to the City of Surprise were estimated by applying the rate of sales impacts by industry category to the actual (baseline) sales data. As shown in **Table 6**, the loss could approach \$1.1 million for the 7-month period, based on about \$5 million in baseline sales tax collections.

TABLE 6: SALES TAX IMPACTS BY INDUSTRY CATEGORY

	Baseline*	With Project	Project Impact	
			Amount	Percent
Big Box / Automobiles	\$2,222,978	\$1,601,779	-\$621,199	-28%
All Other Retail	\$779,580	\$647,732	-\$131,848	-17%
Other Categories	\$302,715	\$264,136	-\$38,579	-13%
Restaurant / Bar	\$1,422,650	\$1,146,161	-\$276,489	-19%
Real Estate / Rental & Leasing	\$60,890	\$54,801	-\$6,089	-10%
Service Related	\$90,124	\$64,976	-\$25,148	-28%
Use Tax	\$82,853	\$82,853	\$0	0%
Total	\$4,961,790	\$3,862,438	-\$1,099,352	-22%

Sources: Sales Tax Data, City of Surprise, 2015; With Project, Applied Economics, 2015.

* Actual sales tax collections May 2014 through November 2014.

The vast majority of the decline is projected to come from the Big Box and Restaurant categories, accounting for about 80 percent of the loss in revenue. The largest percent impacts are projected to be experienced in the Big Box and Service Related categories with losses of about 28 percent in sales over the 7-month contruction closure.

3.0 LONG TERM IMPACTS

The long term impacts address the ongoing business, employment and revenue impacts that are likely to be associated with the new overpass. While very real and potentially significant, these impacts are more difficult to quantify than the construction period impacts. The sources of these impacts include the loss of prime commercial parcels or pads, permanent access restrictions off Bell Road (both east and west of Grand Avenue), restricted access to Bell Road from Grand Avenue, and perceived changes in market accessibility and safety on behalf of surrounding residents and visitors. The evaluation of the long term impacts includes:

- Reviewing the findings from studies of similar projects from across the nation;
- Examining similar situations and projects within Arizona; and
- Assessing the resulting employment and sales tax impacts that can be expected based on the specific attributes of the Bell Road and Grand Avenue intersection.

3.1 Literature Review

A set of articles about the impacts of similar overpass projects from across the nation were provided to the City of Surprise by the Urban Land Institute. The articles demonstrate the wide variation in the type, and even direction of impact that can occur as a result of the construction of an overpass. These examples were very useful in identifying:

- The functional impacts of overpasses;
- The wide variation in the level of economic impact by type of business; and
- The measures that are used to mitigate the impacts to businesses.

In terms of the functional impacts, the issues stem from traffic flow/volume, accessibility and visibility. Interestingly, one of the impacts of overpass projects is that traffic may bypass certain types of businesses if vehicles do not have to stop or slow down significantly to pass through an intersection. In some cases, overpasses have even been removed to improve transportation functionality and access to local businesses. That said, overpasses generally have a positive impact on the accessibility of the area surrounding a major intersection, especially when a highway or freeway is involved.

Beyond accessibility, visibility is by far the biggest issue associated with overpasses such as the one planned for Bell Road and Grand Avenue. The literature included several accounts of negative impacts to both sales levels and property values related to visibility. While these can be significant to specific businesses, they are generally limited to the small sub-set of properties that fall in the “shadow” of the overpass structure. This may result in a permanent change in the type of development that can be supported on certain parcels.

The long term impacts of an overpass to businesses in the vicinity of an intersection is closely related to the type and size of development and types of businesses are present in the immediate area. The impacts of elevating a roadway in an industrial area are very different than in a commercial or residential area. Furthermore, certain types of commercial uses such as restaurants and small service businesses are most likely to be impacted by accessibility and visibility issues.

Finally, a common theme in the assessment of the impacts of specific overpass projects was the importance of communication with the public and with business owners before, during and after construction. This ranges from the type of aggressive business outreach program being employed by ADOT and the City of Surprise now, to management of detour routes during construction, to permanent signage to guide patrons to specific businesses.

As important as any of these common themes, is the finding that the type and level of impacts that do or do not occur as a result of the construction of an overpass are ultimately linked to the specific combination of transportation infrastructure, existing land use and market area surrounding the project. This further reinforces the need for case study evidence from the local area.

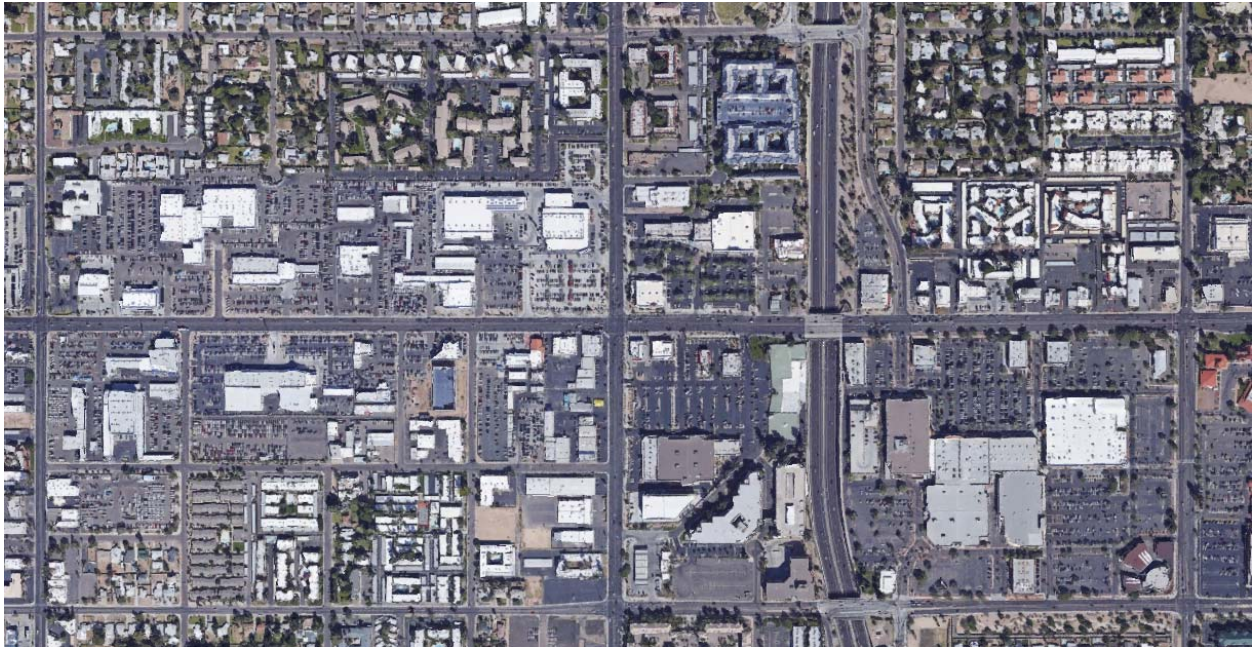
3.2 Case Study Analysis

A case-study examination of similar projects in metropolitan Phoenix highlights the unique circumstances surrounding the planned Bell Road/Grand Avenue overpass. The most important finding of this analysis may be that no good comparisons could be found since historically in metropolitan Phoenix when a highway or freeway is proposed to cross a major arterial road, the arterial remains at grade while the freeway/highway passes either over or under.

This is especially true in commercial activity centers with an existing heavy concentration of retail and service-related businesses in the immediate vicinity, such as is the case at Bell Road and Grande Avenue. For example, the construction of State Route 51 required crossing a number of high-traffic arterial roads, and in every instance the freeway passes above or below the east-west arterial as shown in **Figure 5**. The same is true for most of the major north-south arterials crossing the U.S. 60 in the East Valley.

The presence of the BNSF Railway is a major complicating factor in all of the intersections along Grand Avenue. At numerous intersections along the route, either the north-south or east-west arterial changes grade to accommodate Grand Avenue. Even in the few exceptions where Grand Avenue passes over or under the arterial, the railroad remains at grade. A review of the other Grand Avenue intersections demonstrates the variety of solutions used in the past, and how different these areas are from Bell Road / Grand Avenue intersection.

FIGURE 5: CAMELBACK ROAD AND STATE ROUTE 51



3.2.1 Grand Avenue / Bethany Home Road

In 2003, work began on the six-way intersection of Grand Avenue, 51st Avenue and Bethany Home Road. This project is similar to Bell-Grand in that a flyover was constructed to remove 51st avenue from the intersection, but it also restricted direct access from 51st Avenue to both Grand Avenue and Bethany Home Road as seen in **Figure 6**.

While traffic counts were slightly reduced on Bethany Home Road, there was little impact to surrounding businesses, which are primarily industrial. In this case, traffic reduction was likely a positive outcome for businesses, as commercial vehicles would experience less congestion while accessing Grand Avenue from Bethany Home Road. **Figure 7** from 2009 shows that development progressed after the overpass was built, following the existing pattern of industrial development.

3.2.2 Grand Avenue / Camelback Road

The intersection of Grand Avenue, 43rd Avenue and Camelback Road serves as an example where the north-south and east-west arterials remained at grade, while a flyover was constructed to remove Grand Avenue from the intersection. With business access unimpeded from the arterials, retail pads on the southwest corner were able to develop, as seen in **Figure 8**. In this scenario, increasing the elevation of Camelback Road, as is proposed with Bell Road, would likely have resulted in restricted access to this retail center, which may have weakened its viability for development.

FIGURE 6: GRAND AVENUE / BETHANY HOME - 2003



FIGURE 7: GRAND AVENUE / BETHANY HOME - 2015

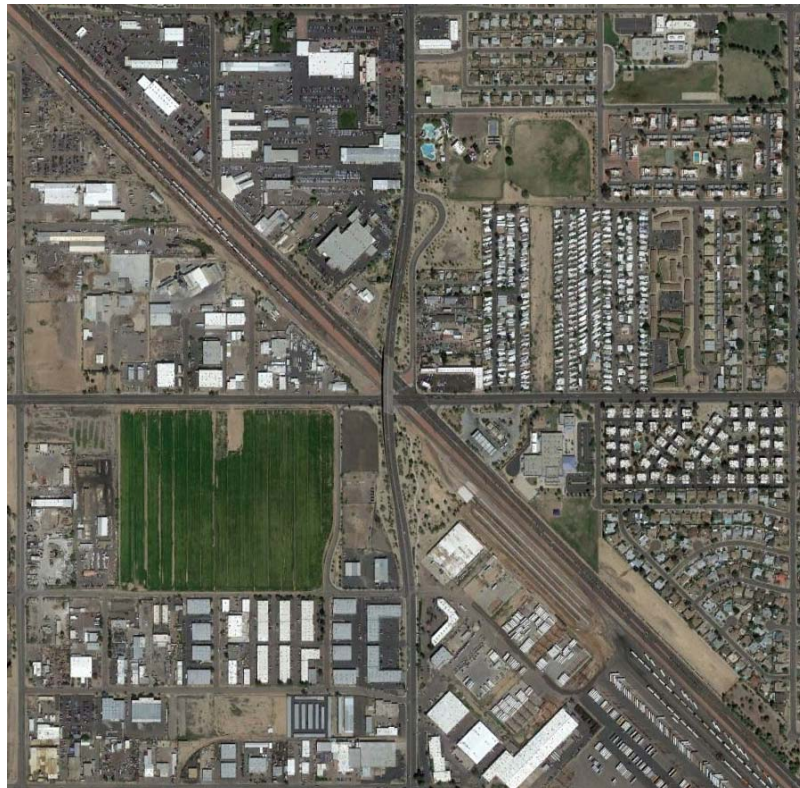


FIGURE 8: GRAND AVENUE / CAMELBACK ROAD - 2003

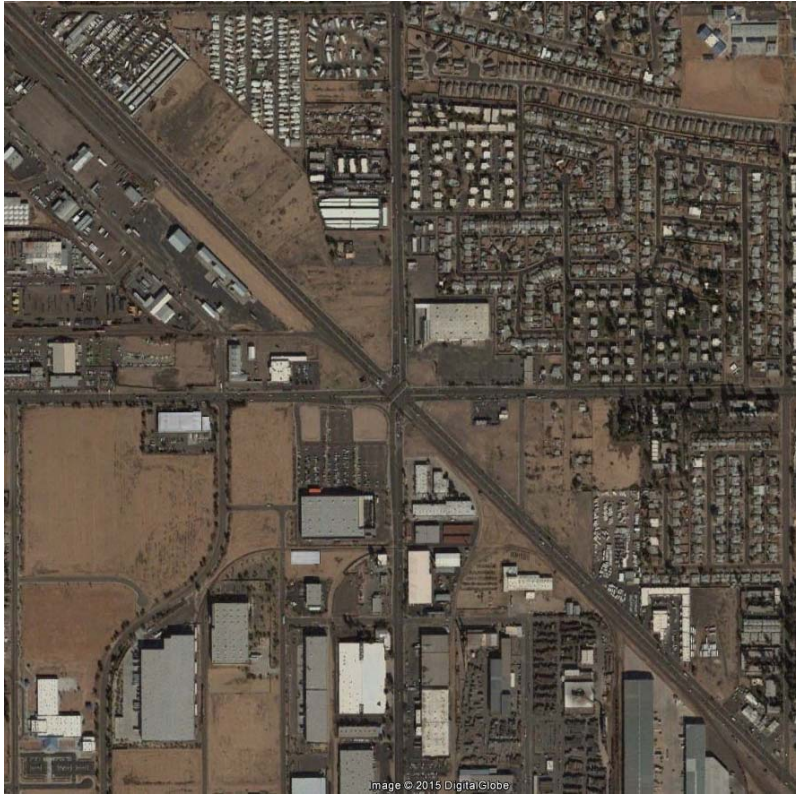


FIGURE 9: GRAND AVENUE / CAMELBACK ROAD - 2015



3.2.3 Grand Avenue / Glendale Avenue

The intersection of Glendale Avenue, Grand Avenue and 59th Avenue is another interesting case study where the arterials remained at grade, and Grand Avenue was recessed to pass under the intersection. As seen in **Figure 11**, the railway remained at grade. This intersection is interesting since the surrounding area around contains a substantial number of commercial businesses (though not as many as Grand Avenue / Bell Road), and the direct connection between Grand Avenue and Glendale Avenue was eliminated.

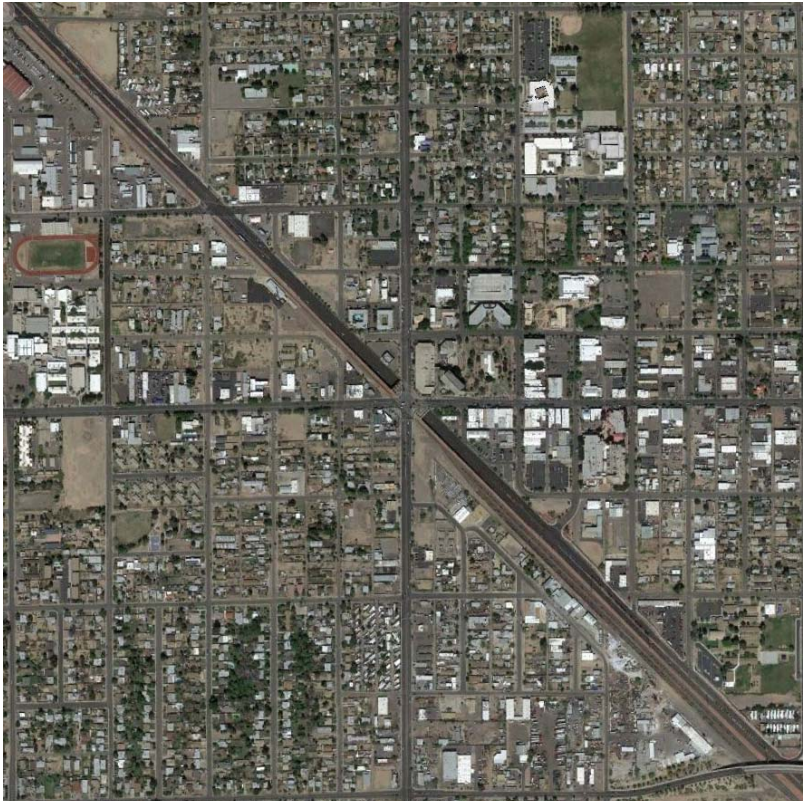
With no direct access from Grand Avenue to Glendale Avenue, traffic counts along Glendale Avenue decreased significantly from 24,000 vehicles per day to 17,000 vehicles per day. The effects of this were two-fold. While the congestion reduction was a positive for commuters, the decreased traffic translated to less exposure for retail storefronts in Downtown Glendale. This example illustrates the situation-oriented nature of these projects, and how the land use composition of the area is a major factor in determining the economic impact of transportation projects.

The case studies serve to demonstrate three important points. First, in instances where a freeway/highway intersects a major arterial in a developed commercial area in metropolitan Phoenix, it is standard to elevate or depress the highway or freeway, not the arterial. Second, changes in access and visibility can and do effect different areas in different ways. Third, no two intersections are exactly alike. This makes the task of assessing the probable long term impacts difficult.

FIGURE 10: GRAND AVENUE / GLENDALE AVENUE - 2004



FIGURE 11: GRAND AVENUE / GLENDALE AVENUE - 2015



3.3 Economic and Development Impacts

Due, at least in part, to the lack of comparable intersections and overpass projects in the Phoenix metropolitan area, it is very difficult to develop definitive forecasts of exactly what the long term impacts of the overpass will be in Surprise. On one hand, the structure appears to improve the functionality and safety of the intersection and could, with better traffic flows, encourage more commerce across a difficult barrier in the region. On the other hand, the structure imposes significant visibility constraints and minor access constraints that could have a long term impact on the types of businesses located nearest to the overpass, which in turn could cause development impacts.

In an effort to illustrate the range of impacts the overpass could have, a matrix was developed to look at each of the potential impacts as they relate to the specific industry categories of businesses located in the study areas. From a functionality and safety perspective, the planned overpass could provide many positive impacts. However, there is also the potential for negative collateral impacts based on accessibility limitations, visual obstructions, familiarity and perceived convenience.

Table 7 summarizes the expected direction of these impacts on the industry categories used to classify businesses in the study areas. The actual functionality of the overpass appears to be sound and will likely improve regional access. However, it will also likely reduce the amount of impulse expenditures in the study area, especially from motorists traveling north and south on Grand Avenue.

TABLE 7: LONG TERM IMPACT SOURCES BY INDUSTRY CATEGORY

	Share of Sales Tax	Functionality	Safety	Market Access	Visibility
Big Box / Automobiles	45.7%	+	+	0	0
All Other Retail	15.9%	0	+	+	-
Other Categories	6.6%	0	+	0	-
Restaurant / Bar	27.6%	-	+	0	-
Real Estate / Rental & Leasing	1.1%	0	+	0	0
Service Related	1.7%	0	+	+	-
Use Tax	1.4%	na	na	na	na
Total	\$9,479,767				

Sources: Sales Tax Data, City of Surprise, 2015; Impacts, Applied Economics, 2015.

* Actual sales tax collections July 2014 through June 2015.

In terms of safety, it is clear that grade separating the railway line from Bell Road will improve safety. It may also improve the perception of safety, especially in the case of the large concentration of senior citizen motorists that use that segment of Bell Road on a regular basis.

In terms of community and regional market accessibility, the impacts are likely to be neutral or positive. The area surrounding the intersection will never have the regional market potential that will be afforded along the Loop 303, but Grand Avenue is likely to

continue to be an important transportation corridor. Maintaining direct access to it will be important to the long term health of the businesses and residents of the City of Surprise. This may become even more evident in the future if regional commuter rail can link this vital intersection to the rest of Greater Phoenix.

Finally, there is the subject of visibility. This is a seemingly simple, yet very real issue for the planned overpass given the elevated design option selected. Not only is the planned design inconsistent with standard practices in the region, but there is precedent that links this type of structure with permanent losses in business activity, jobs and property values. While mitigation measures can be employed to help address these impacts (public information, local and thoroughfare road signage, and variances related to the size and height of signage), the potential loss related to the value of line of sight is real.

While the evidence does not suggest that these impacts will be crippling to the Bell Road / Grand Avenue commercial activity center, it does appear that the potential exists for negative impacts to specific properties and types of businesses. This, in turn, may have a slightly negative impact on the property values of the directly adjacent properties. There is precedent where such impacts have resulted in litigation between land owners and government agencies elsewhere in the nation.

These impacts will likely result in a small number of business relocations, and re-use of some commercial properties with uses that are less impacted by visibility and direct street access. This may take some time to resolve, with there being a sustained loss of sales at existing businesses during that period. The impacts could also require certain properties to be redeveloped, which could cause financial impacts to the property owners and to the City of Surprise if financial incentives are necessary to make the redevelopment efforts work out for the property owners.



CITY OF SURPRISE
Regular City Council Meeting

October 20, 2015 @ 6:00:00 PM

+ [Back](#) [Print](#)

Council Meeting Date:	October 20, 2015	Contact Person:	Nicole Lance, Deputy City Manager
Submitting Department:		District:	5
Staff Recommendations:	No Action		

Consent	Regular	Public Hearing	Report/Discussion
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Agenda Wording:

The Council shall hear and discuss a presentation regarding potential options for aesthetic improvements on the Bell/Grand interchange project.

Motion:

Move to approve selected option with comments as discussed.

Background:

Over the preceding year, staff has been reviewing options for the aesthetics of the proposed Bell Road/Grand Avenue Interchange. Artist Meg Saligman was engaged to design an aesthetics option for the bridge. Saligman is an internationally known public artist renowned for projects such as Common Threads (1998), an iconic Philadelphia project; a fresco in Mexico City (1995); a water tower in Tanzania (2013); Once in a Millennium Moon (2000) in Shreveport, Louisiana; and Fertile Ground (2009) in Omaha, Nebraska, measuring 32,500 square feet. Other well-known works in her native city of Philadelphia include Philadelphia Muses (2000), Perspective and Perception (2014) at the Pennsylvania Academy of Fine Arts, and Passing Through (2006), seen daily by hundreds of thousands of motorists on Interstate 76.

Public outreach meetings began in early 2015 and culminated with a work session presentation to the City Council on May 19, 2015 to share the final concept with Council and the community. Since that time, staff has been reviewing budget and funding options for the proposed concept. In addition, the Arizona Department of Transportation (ADOT) has been coordinating with the City of Surprise to develop an alternative concept for the aesthetics improvement. The goal of this work session discussion is to provide staff with the direction needed to pursue the next steps for finalizing the aesthetics concept for the Bell/Grand interchange.

Objective Analysis:

Council has two options for aesthetics improvements for the Bell/Grand interchange: Artist Meg Saligman's concept or the ADOT concept. Cost considerations for each option are summarized below in the "Financial Impact" section. Both options include positive and negative aspects for Council's

consideration.

Objectively, Meg Saligman's concept is more artistic and was created with significant community input regarding the concept itself. It is a more striking addition to the interchange and may provide greater benefits from an economic development perspective in terms of aesthetics enhancement. However, this concept is significantly more costly and will also require the city to maintain it for the life of the project.

The concept developed by ADOT in conjunction with feedback from city staff requires no additional funding up front and will also be maintained by ADOT for as long as the aesthetics application is in place as installed upon completion of the project. The proposed concept includes areas which may later be modified to allow for murals or other art concepts. In the event the city pursues this option, the city will bear the cost of application/installation and maintenance of these areas. However, the concept (as shown on the attached) is not nearly as artistically striking as the Saligman concept, although it is consistent with other ADOT aesthetics improvements across the state.

Policy Compliant:

Both options would be compliant with existing Council policy as it relates to procurement, any potential contingency requests, and expenditures of funds. Any future costs incurred through the completion of the aesthetics improvements will be budgeted for as needed in future years. Although there is currently no official policy relative to public art, Council has expressed a desire to integrate public art appropriately into the community when possible. Integration of an aesthetics component into the construction of the Bell/Grand interchange would be consistent with prior Council direction and discussion.

Financial Impact:

Artist Meg Saligman's concept as proposed at the May 19, 2015 Council meeting will cost a projected \$2,084,900 with additional fees on top of that for the artist's work coordinating the project. There will also be additional fees added for the up-front payment due in November for the standard ADOT mark-up on the project, an additional 46.35% on top of the \$2,084,900. Although some of the fees included in the ADOT mark-up may be eligible for reimbursement at the end of the project, that number will not be known until after the full completion of the project. According to ADOT, \$148,238.35 of the costs included in the \$2,084,900 could be "backed out" of the equation due to some of ADOT's duplicative base design elements. (On page 14 of the Saligman proposal, it is noted that "These cost estimates are a rough order of magnitude based on standard costs per square foot for the fabrication and installation of the art elements. What is not represented is the difference of these estimates over the base project [i.e. cost of MLS designed fence versus the standard fence], as those numbers are unknown at this time." The \$148,238.35 was the number given to the city by ADOT for the base project and is henceforth used for this analysis.) It is also of note that the Maricopa Association of Governments (MAG) offered to assist with \$500,000 of funding that would be allowed to be paid back to MAG over a period of 5-10 years in the event the City pursues the Saligman concept.

All aspects considered, the estimated costs of the project before artist's fees which are not known at this time and due to ADOT this Fall would be as follows:

Base cost: \$2,084,900

Less ADOT duplicate base design costs: \$1,936,662

Plus ADOT mark-up of 46.35%: \$2,834,305.

Budget Impact:

Ongoing maintenance fees for the Meg Saligman concept are not known at this time but would be borne in full by the City of Surprise.

The ADOT concept would not cost additional funds as the costs for this project are included within the existing approved project budget. Similarly, all maintenance costs for the life of the project as initially installed will be borne by ADOT.

There is no existing City of Surprise budget for the aesthetics improvement. Funding for the Saligman concept would require a general fund contingency request. There would be no budget impact for the ADOT concept.

	Saligman Concept	ADOT Concept
Construction cost	Not to exceed \$2.84 million	\$0
Maintenance costs	To be determined; City responsibility	ADOT responsibility

FTE Impact:

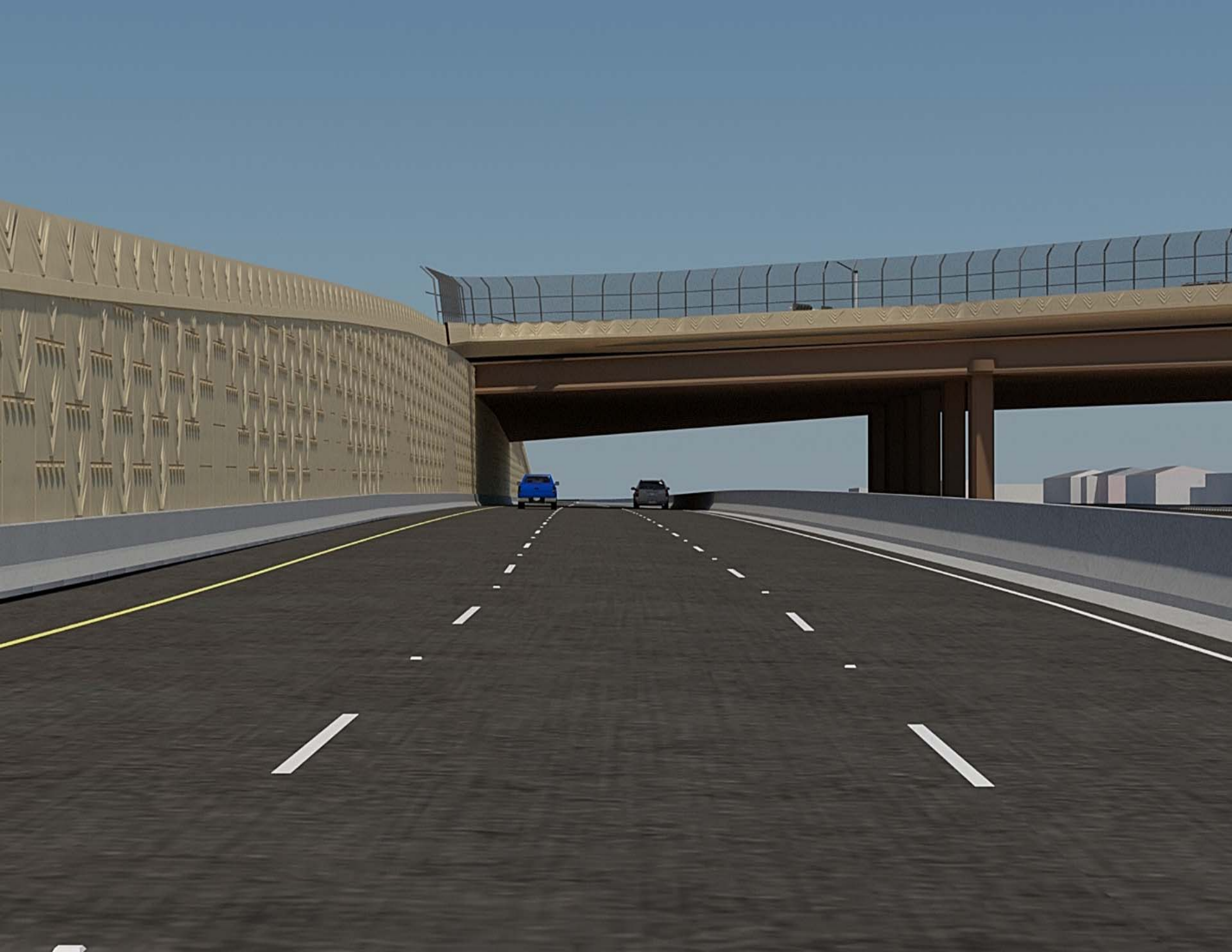
There is no FTE impact associated with this project.

ATTACHMENTS:

Click to download

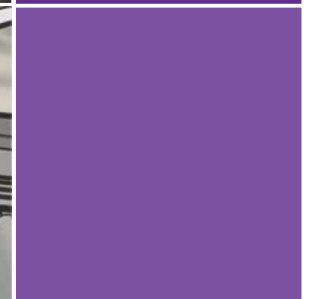
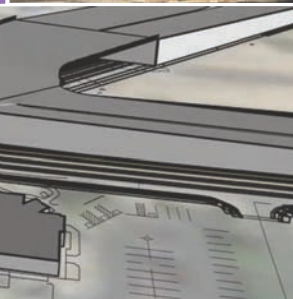
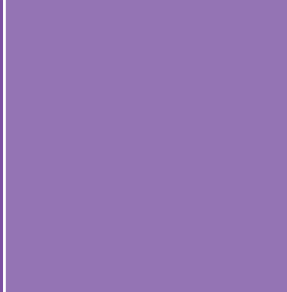
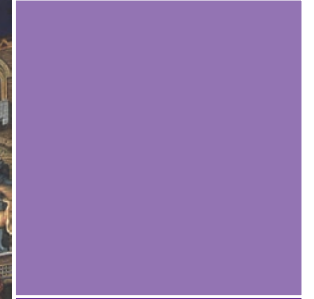
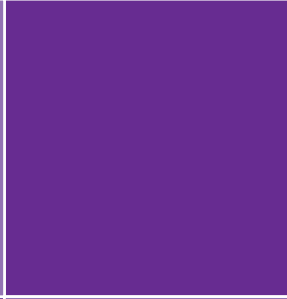
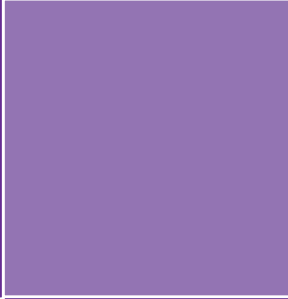
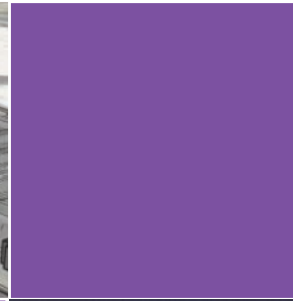
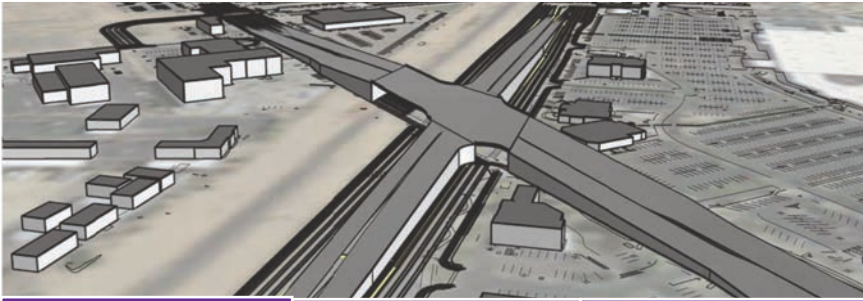
- ☐ [Concept View](#)
 - ☐ [Roadway View](#)
 - ☐ [Proposal](#)
-





Bell - Grand Art

Phase 1 - Concept Proposal



Prepared by:

Meg Saligman

HSA
Heckendorn Shiles Architects

In Association with:



Bell- Grand Art

Preferred Concept Proposal May 2015

INTRODUCTION

Meg Saligman Studios

megsaligman.com

Meg Saligman loves local color. As a public artist whose work has a worldwide following, Saligman is a master of transforming public spaces. Using a variety of media that includes paint, light, and glass, she is known for her collaborative process and intricate designs, which bring life to new and existing architecture. Meg's projects are always site specific and collaborative by nature. All elements of her designs come directly from their surrounding environment.

Heckendorn Shiles Architects

hsarch.com

Heckendorn Shiles Architects is a studio-based, entrepreneurial firm with commitments to client-first service and diverse portfolio. Founded in 1989, HSA has strived to establish strong ties and maintain participation in the managed development of the communities served, providing both a personable and professional approach to all projects. HSA offers services in architecture, interior design and planning with a broad range of project types, sizes and budgets.

Grenald Waldron Associates

gwalighting.com

A pioneer in the practice of architectural lighting since 1968, GWA has cultivated a widely diverse client base by producing unique and technically proficient design solutions. With its skilled lighting practitioners, the practice utilizes good qualitative lighting principles that render the architectural form and enhance the environmental experience. The firm is recognized for its creative expertise, responsiveness and qualitative results. The firm has received awards for a number of significant projects throughout the world, including two Presidential Awards for Design Excellence.

Project Partners

City of Surprise

<http://www.surpriseaz.gov>

Maricopa Association of Governments (MAG)

The Maricopa Association of Governments is a Council of Governments (COG) that serves as the regional agency for the metropolitan Phoenix area.

<http://www.azmag.gov>

Arizona Department of Transportation (ADOT)

The Arizona Department of Transportation is a multimodal transportation agency serving one of the fastest-growing areas of the country. ADOT is responsible for planning, building and operating a complex highway system in addition to building and maintaining bridges and the Grand Canyon Airport.

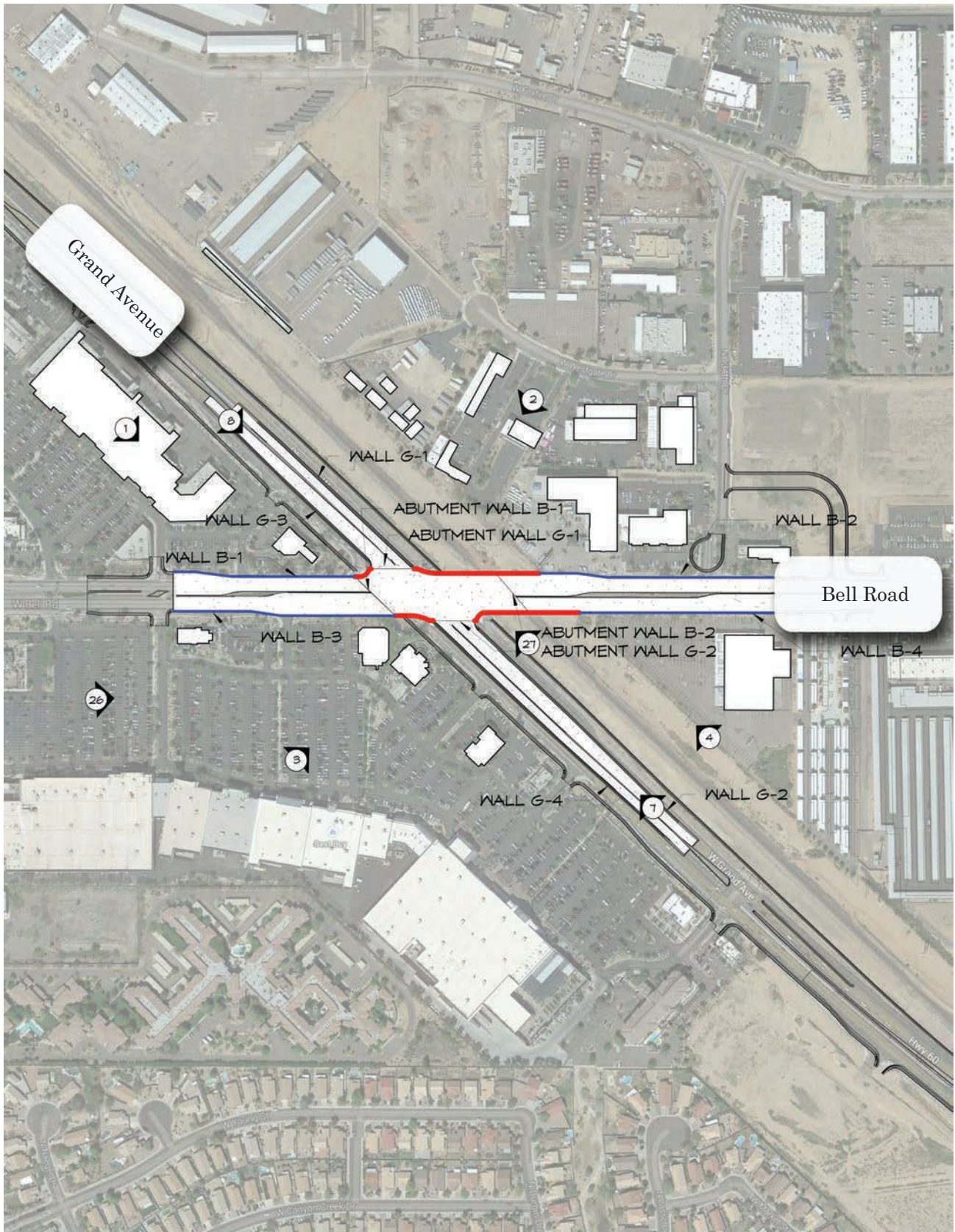
<http://azdot.gov>

Project Goals

Three main goals were established in order to guide development of the Bell - Grand Art Concept proposal.

- The art will create a gateway landmark and a sense that you have arrived in the City of Surprise.
- This project will lead the way in distinguishing the Grand Avenue corridor, serving as a unique example of place-making and creative development.
- This project will result in a world-class work of art that evokes the "soul" of the City of Surprise, a young city establishing its identity.
- These goals will be referred to throughout the design and implementation process to ensure that the proposed project is appropriate.

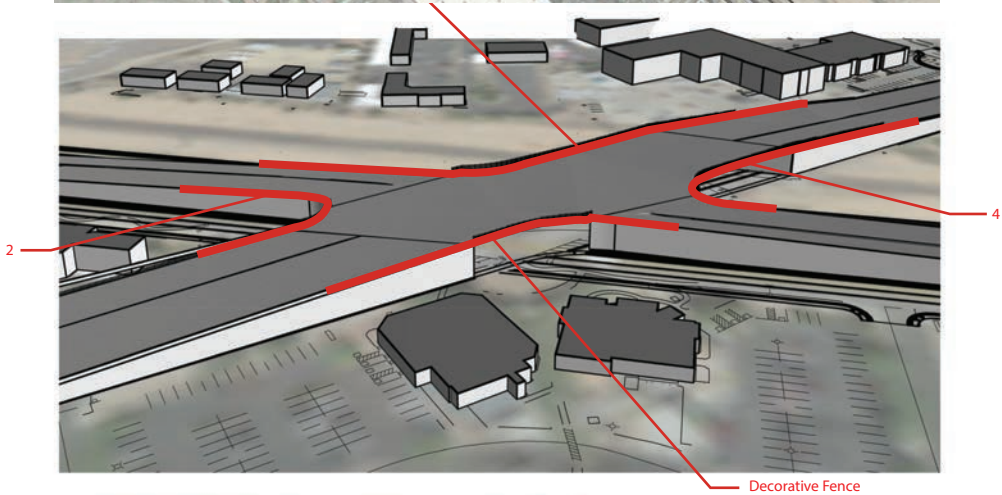
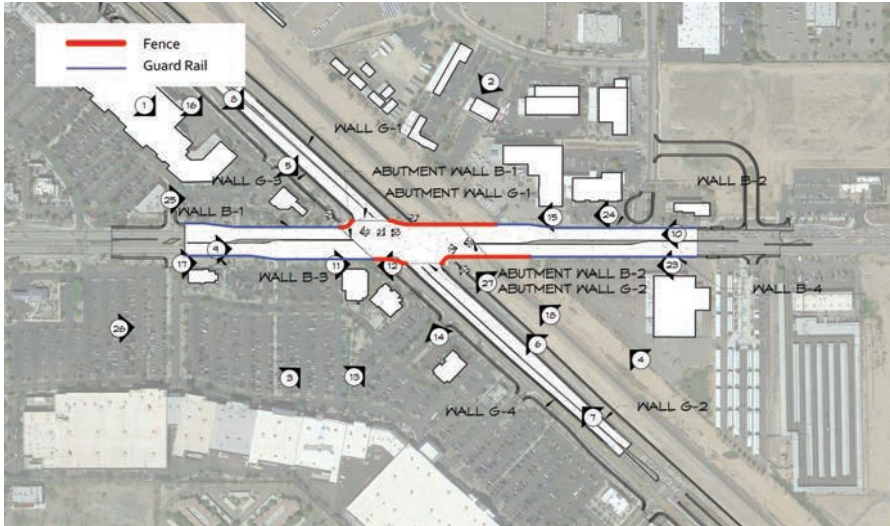
SITE MAP



Scale: 1" = 400' - 0"

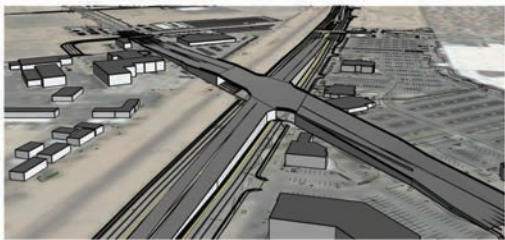
PROPOSED LOCATION

Fence:

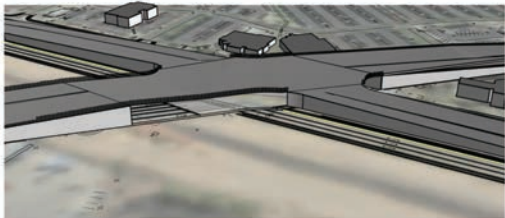


INTERSECTION AERIAL B-3, G-4

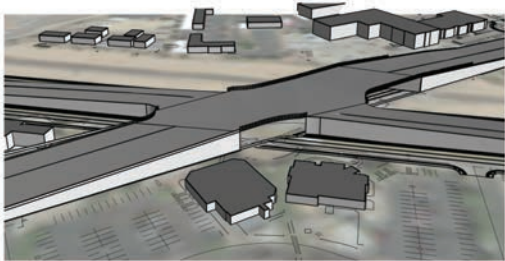
Side Walls:



1 INTERSECTION AERIAL B-1, G-3



2 INTERSECTION AERIAL B-2, G-1



3 INTERSECTION AERIAL B-3, G-4



4 INTERSECTION AERIAL B-4, G-2

PUBLIC PROCESS

Gathering public input is an important step in any design process. In addition to a public survey and multiple presentations, the project has been reviewed by the Arizona Department of Transportation and the City of Surprise during the preliminary planning stages. In April 2015, three concepts were presented for feedback to the Arts and Cultural Advisory Committee, City of Surprise City Council, ADOT and the general public. The preferred concept presented in this document incorporates their input and comments.

MLS will continue to invite the public to collaborate in all stages of the design and construction process, including the fabrication phase. As an example, citizens will be able to contribute images they have made in art workshops (see caption) for the painted portions of the art.

The following are a few of the comments that were received as a result of this public survey:

- "I hope the project helps bring people in Surprise together in ways they have never experienced. Building "community."
- "This needs to be UNIQUE, SPECIAL, a DESTINATION. Gives Surprise an awesome image that makes people want to come here"
- "Art should be visible from all points, but should be simple."
- "Progressive, modern, growing, sustainable"
- "Regional leader in the Arts. Corp HQ's from all over the country. Preserving and respecting the natural environment."
- "I can't wait! I hope someday to catch a train in Surprise- go to PHX or Las Vegas!"



These solargram images are made by placing objects on light - sensitive paper and exposing it to the sun. The simple and magical process quickly delights people of all ages and abilities. MLS will invite the public to create solargrams of local plants and objects that will be incorporated in the artwork.

PREFERRED CONCEPT

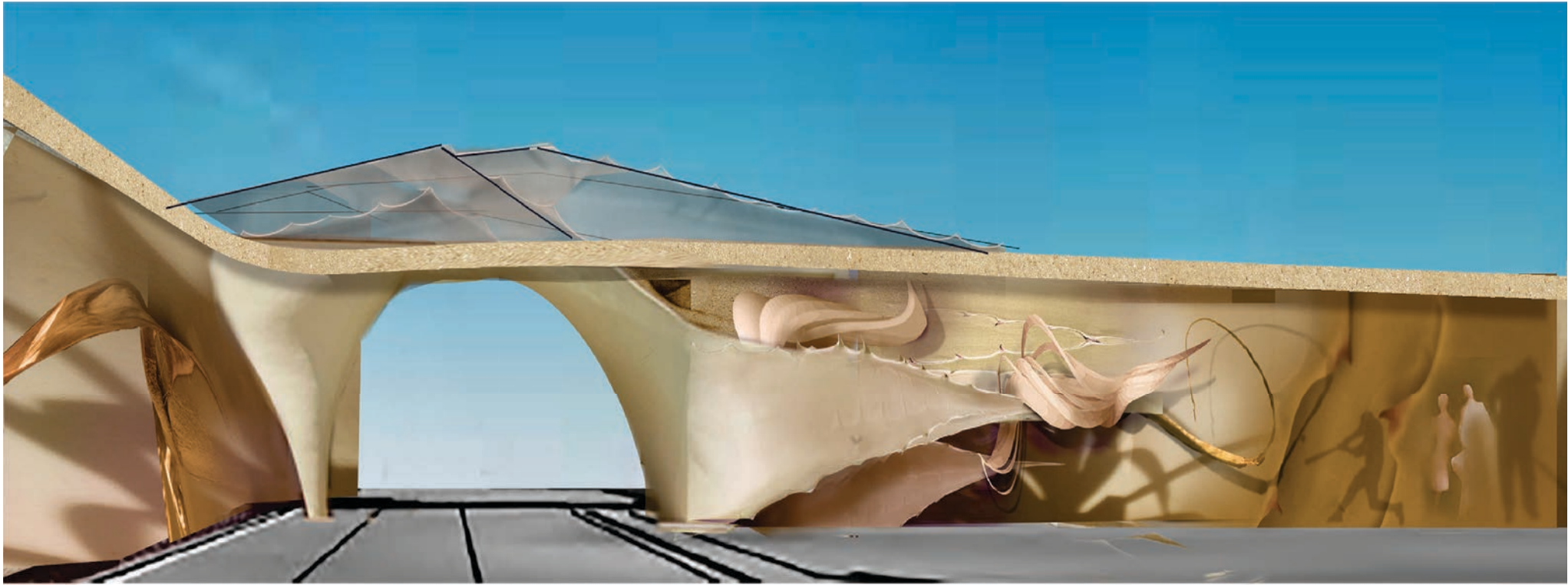
Agave

After shedding generations of leaves shortly before the end of its life, an agave goes out with a bang in a spectacular array of flowers. The older leaves print their impressions on the younger leaves as they peel away from the plant's core. Just as the agave flower is the result of the collective efforts of its parts, both old and young, the City of Surprise accomplishes amazing feats, more than what would be possible by an individual, through the cooperation of its citizens - more than what would be possible by an individual.

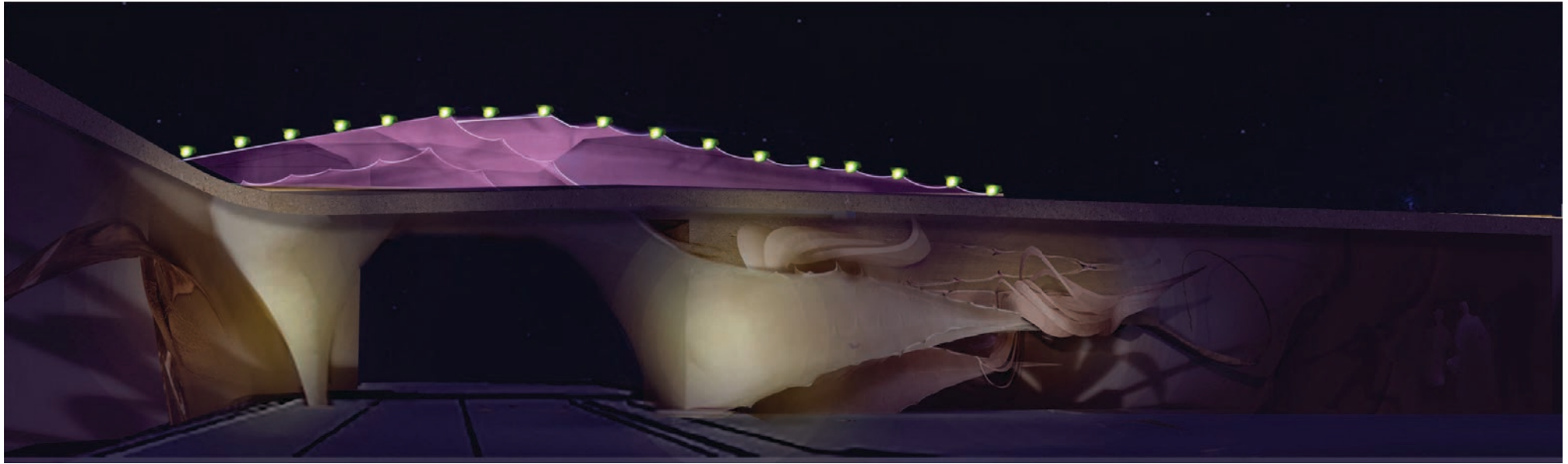
The agave plant will be used a point of reference for the design—weaving together a diversity of images and sculptural forms used to represent the community of Surprise.



Agave Bridge - Daytime View



Agave Bridge - Nighttime View



DESIGN ELEMENTS

The elements of the art will strive to bend the expected and hard geometry of a highway overpass. Elements will flow between the planes of the bridge abutments, ramp walls, fencing and pedestrian walkways to create something unexpected and marking the arrival to a special place. The focus of the art will change, offering different views and imagery depending on what direction one is traveling. Images and textures will be rich, offering something new with each trip. At night these elements will be transformed into another experience with the magic of lighting.

Concrete

- Using formed concrete, large sculptural elements will soften corners and push out from the plane of key walls at the central portions (largest walls) of the intersection. These elements will be approximately 30'H and over 100' in length.

Mural

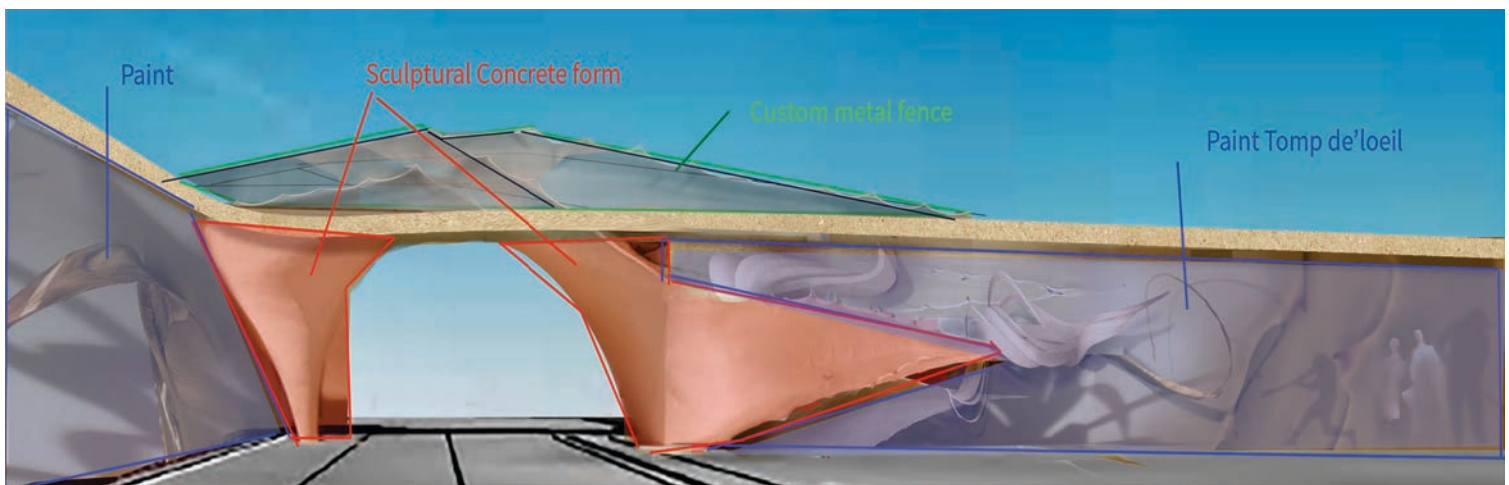
- Large-scale mural painting will heighten the effect begun by the concrete form of Agave leaf shapes. The actual design will continue to be developed as the artist collects images and ideas from the community.

Sculptural Fencing

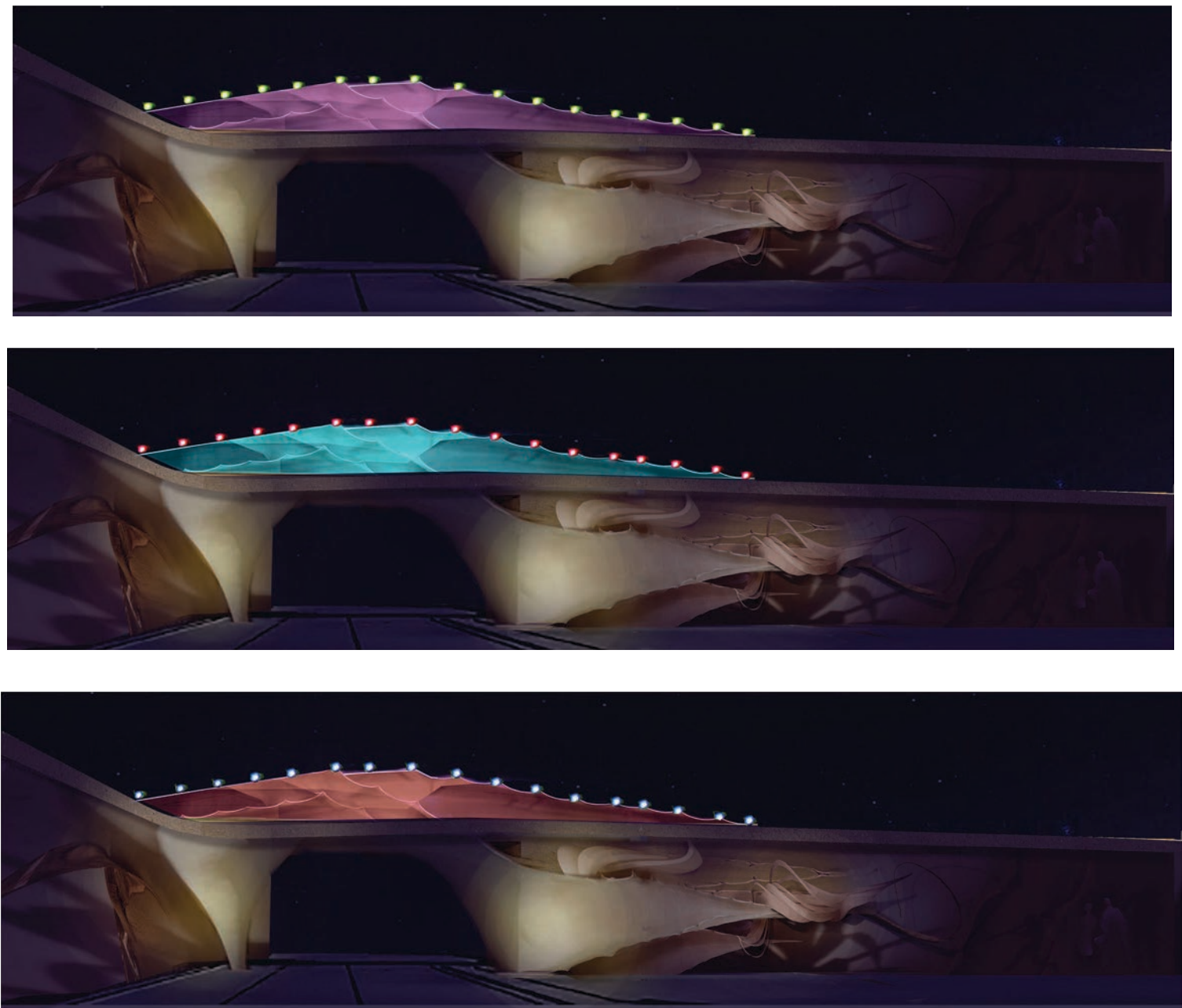
- Multiple fencing materials will be layered to echo the agave design begun in the mural and concrete below. This fence will give one experience to pedestrians and drivers along Bell while heightening the gateway for travelers passing underneath on Grand.

Lighting

- Lighting will be designed to create an engaging user experience with the art at night. Being developed for consideration are design treatments which will accentuate the art piece while addressing the illumination of the intersecting roadways, so that the prescribed light solutions will complement one another. The goal will be to reinforce the daytime experience of the bridge when seen at night and to transform its perception as a sculptural form.



Nighttime view - color changing lights on fence
designed from the colors of Surprise's sunset and sunrise.

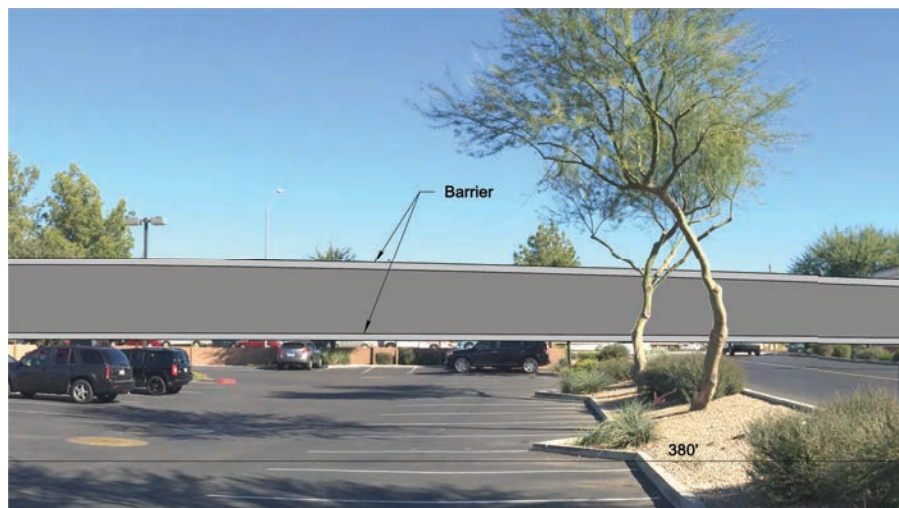


Proposed Design



Before

Proposed Design



Before

LOCATION SQUARE FOOTAGE RECOMMENDATION

A table of locations and their square footage is provided in Appendix 2.

MATERIALS

Paint

Due to the harsh conditions of the Arizona climate, we propose the use of KEIM Royalan. KEIM coatings and stains are based on a silicate water-glass binder system as opposed to acrylic and resin paint binders which form an adhesive film over the surface. KEIM is different. Combined with the finest inorganic (mineral) pigments and KEIM's silicate technology, KEIM finishes penetrate and chemically react with the mineral substrate you apply them to creating permanent covalent bonds. These chemical bonds are the same kind of bonds that hold brick together.

The most discussed reasons artists use KEIM are longevity, color fastness, inability to peel or blister, clean surfaces, and a natural appearance without glare of the flat matte sheen. KEIM's inorganic mineral pigments will never fade, even after decades of high ultraviolet exposure. Dirt and pollution are not attracted to KEIM's silicate finishes so the rains are generally enough to keep surfaces clean. And their flat matte natural mineral appearance means your work will complement mineral surfaces such as concrete, stucco, masonry, brick, stone, terra cotta, even CMU block.

KEIM patented its silicate finish technology and established its presence in the art world in 1878 where their silicate finishes were used to replicate the frescos of Italy. Silicate finishes proved durable against severe weathering, so durable that many of the German and Swiss decorated façades appear exactly as they did 125 years ago. Keim products were used on the Indian Bend Road Bridge in Scottsdale.

Concrete

In preliminary discussions with a structural engineer, MLS has identified two best options to construct the agave forms in concrete:

Cast-In-Place – The design-build firm would have two options – pouring the walls in place with formliners provided by MLS or constructing the structural wall with attachment provisions for the Agave forms and installing them.

Precast – In this scenario, the structural wall could be MSE or cast-in-place concrete. The Agave forms would be separate precast sections, anchored to the MSE panels. Precast typically provides better quality control and can be less costly than cast-in-place.

In either case, MLS would want to coordinate control joints, panel sizes and/or the placement of anchors with the wall behind. The desire would be to achieve the deepest relief patterns. More information is provided in Appendix I.

Another detail will include a design stamped into the concrete guard along the pedestrian walkway that will enhance the transition to the fence.

Fencing

The use of metal mesh will offer an opportunity to transition the design from solid concrete to the open air. Through a combination of curving structural supports and layering of different sections of metal mesh, a normally flat fence will become an elegant sculptural form that meets the requirement for safety. Furthermore, the woven metal will create a play of sunlight patterns changing with the time of day as well as a canvas for dramatic lighting at night. At a couple intervals, the fence will turn to provide a canopy that offers shade for people walking across. Information on fencing materials is provided in Appendix 4.

Light

A comprehensive light and control system will be designed and specified by Grenald Waldron Associates, an architectural lighting design firm which has extensive experience with the illumination of architectural spaces and unique structures, such as bridges, with dramatic effect. Being developed for consideration is a layering of design solutions which will meet the ADOT illumination standards for roadway lighting while utilizing a luminaire system which can enhance vehicular safety and not detract from the nighttime expression of the art-piece.

A blending of basic layered techniques that use LED luminaires rated to operate from 50,000 to +75,000 hours is to be utilized:

- A) Provide a controlled sharp cut-off LED up-light graze of the fence from points along the outside of the pedestrian railing. These lights will be the key lighting of the fence as viewed from the surrounding community.
- B) Incorporate LED linear accents within sections of the fence design to possibly articulate portions of the leaf pattern of the fence.
- C) Use a horizontal shallow wash-light directed down towards the fence forms from the roadway side, with LED fill-light from pole mounted twin-head cut-off luminaires and/or supplemental floodlights. This lighting treatment is to give added dimension to the impression of the fence form for the view from afar while also expressing the fence for people in their cars.
- D) Equally important is to address the illumination of select abutments to provide a visual base to support the art piece.

Color, intensity and distribution are key tools to render any environment.

- **COLOR:** While the surrounding roadway areas are lighted with the orange tonality of spectrum-limiting High Pressure Sodium roadway light sources, the benefit of working

with LED technology allows for standard high color-rendering sources. Research has shown sources with a high CRI provide better visual acuity. LED warm white or white sources in the 3000 to 4000 range would allow the bridge treatment to be a focal point. Some LED sources also offer a tunable color temperature selection which could be programmed to operate in a range from very warm to very cool. Additionally, LED sources can offer the ability to color mix the primary colors of red, green and blue to provide an almost infinite array of color.

- **INTENSITY:** LED digital technology allows the specifier to individually address the data signal to each point or segment of light, to control its intensity and to tell it to turn on or off. This control ability allows the designer to literally paint with light.

- **DISTRIBUTION:** Because the LED diodes are small and highly efficacious, luminaires can now be fabricated as compact linear fixtures or light nodes which can direct light in a highly sophisticated manner at a low wattage, for a long life and with high lumen output. And, their presence during the day can be minimized.

All LED sources have digitally addressable technology which offers programmable control of each luminaire. Lighting therefore can operate at different levels of intensity at different times of the night. It can also let the lighting techniques operate in a sequence of settings which can transform the visual expression of the fence through the available lighting tools that are used to render its form. These “shows” can occur at specific times or on specific days or for specific events. The goal is to increase the experience of the bridge at night and establish it as a distinct focal point for the community

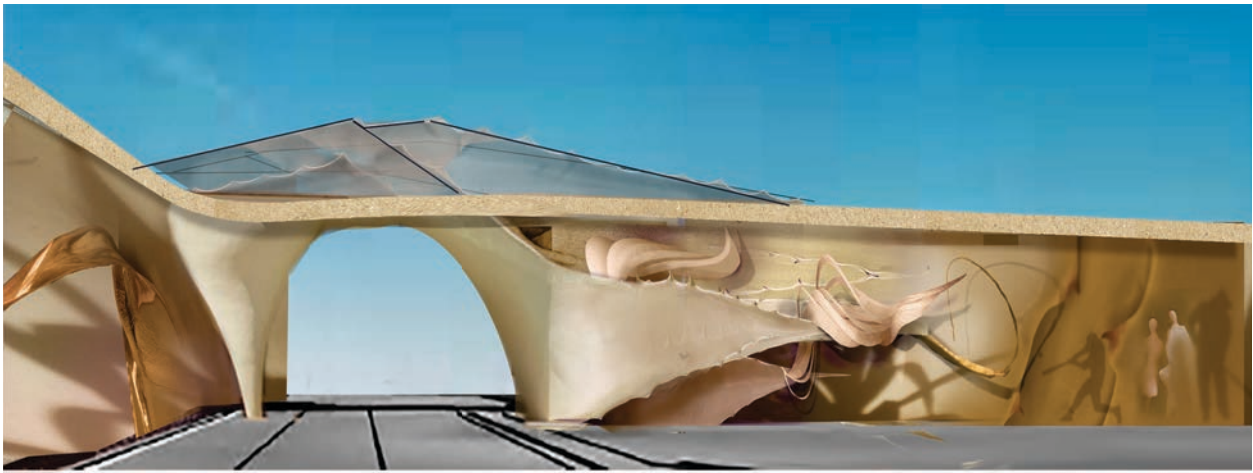
BUDGETARY INFORMATION

Preliminary Budget

These cost estimates are a rough order of magnitude based on standard costs per square foot for the fabrication and installation of the art elements. What is not represented is the difference of these estimates over the base project (i.e. cost of MLS designed fence versus the standard fence), as those numbers are unknown at this time. These costs will be refined as the bidding process for the overall project has been concluded by ADOT and design development can continue.

These numbers are intended to give a magnitude of scope and not intended as final budget numbers. A detail breakdown of the lighting costs provide by GWA is provided in Appendix 3.

Design Element	Material	Cost/sf	Location	sf	Total
Mural	Keim Royalan	\$20	25% Walls	21,785	\$435,700
Concrete- Cast in Place	Forms/ formaliners	\$26	abutment corners	24,000	\$624,000
Concrete- Architectural panels	Formliners	\$50	Side Walls	1,800	\$90,000
Concrete- Stamped	Formliners	\$7	Concrete guard - inside	1,600	\$11,200
Fencing	Metal	\$35	Overpass	10,800	\$378,000
Lighting	LED Luminaires	See Lighting Budget	See Lighting Budget Detail	See Lighting Budget Detail	\$546,000
				59,985	\$2,084,900



NEXT STEPS

1. Pre-Bid Meeting with design-bid firms – in order to assure that bidders clearly understand the requirements and coordination needs for a successful art installation; MLS requests that a mandatory pre-bid meeting focusing on the art be a part of the bid process.

2. Design Development/Documentation – with the approach of constructing the bridge through design-build, it is difficult for design development and documentation for the art to be finalized at this time. Additional planning, project coordination, possible design modifications, engineering and design specifications will need to be done in coordination with the chosen bidder.

The proposed scope would include

- Finalize Art Design (in conjunction with actual bridge design)
- Design Phase Approval by City of Surprise, ADOT
- Finalize Fence Material & Concrete form/finish
- Structural Engineering review of art additions
- Complete Material Specifications
- Complete Architectural Dimension Layout Drawings
- Complete Lighting Drawings (with fixture selection, layout and photometrics)

MLS requests to submit a fee proposal for this work.

RESPONSIBILITY MATRIX

The success of the art is dependent on communication, cooperation and coordination with the entire project team involved in the next phases of development. For discussion purposes, MLS studio is providing a matrix that outlines the roles and responsibilities of MLS in relation to the other partners.

RESPONSIBILITY MATRIX

BELL - GRAND ART INSTALLATION

Updated 2015-05-11

RESPONSIBILITY MATRIX

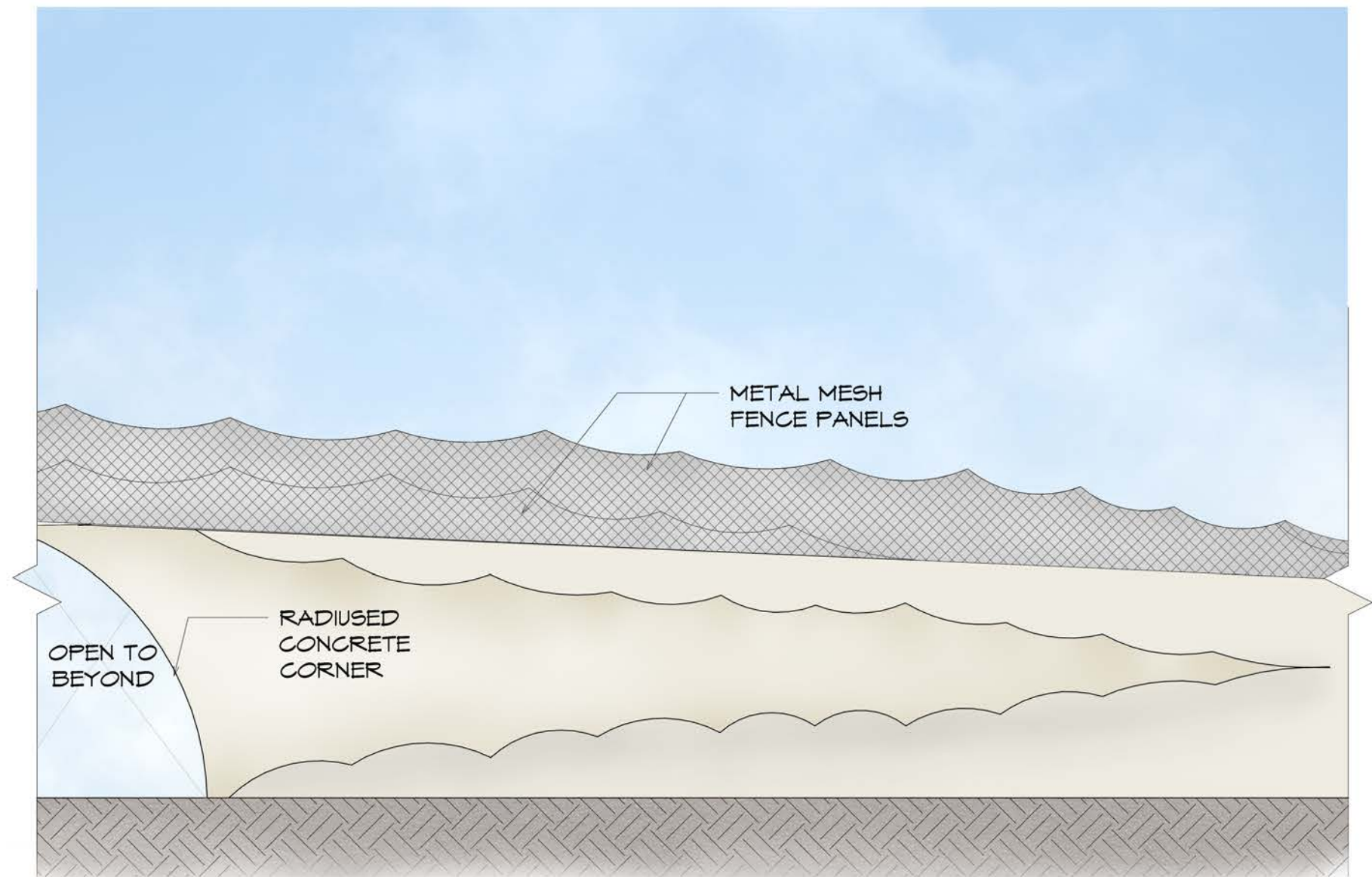
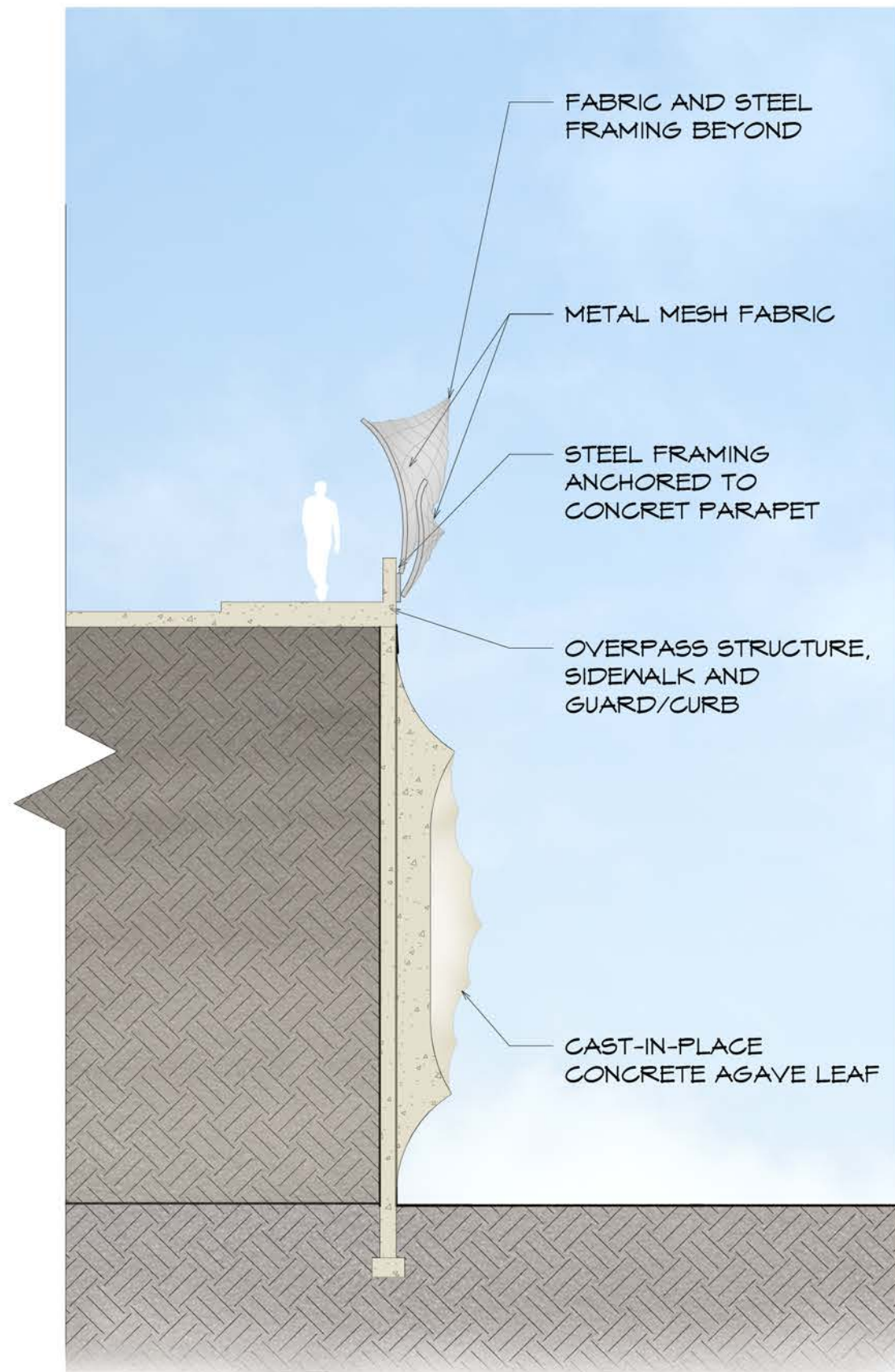
				Meg Saligman Studio Team					
			ADOT	Meg Saligman	Heckendorn Shiles Architects	Lighting Designer	Design Build Firm	Remarks	
Overall Design & Documentation									
		Overpass Retaining Wall and Abutment Wall Elevations/Design	X						
		RFP Development & Distribution	X	X (Art Coord Req's)				Meg Saligman Studio Team to provide coordination materials/requirements to ADOT for inclusion in the RFP.	
		Pre-Bid Meeting	X	X				Meg Saligman Studio Team Representative to attend Pre-Bid Design Build meeting to discuss Art Coordination Requirements.	
		Art Design Presentations		X				ADOT & Surprise Art "Sign-off" anticipated for May 13th	
1. Pedestrian Fencing									
	1A	Dimensional Layout Drawings (Elevations and Sections), Material Selections (Specifications)			X				
	1B	Review and Approval of Dimensional Layout Drawings	X						
	1C	Structural Engineering (of ART) for Fencing and Attachment to Retaining Walls		X				Provided by Structural Engineering Consultant to be selected.	
	1D	Preparation of Shop Drawings, Product Submittals					X		

	1E	Approval of Shop Drawings (for Fencing Materials and Layout)			X	X				
	1F	Fabrication and Installation of Fencing; Construction						X		
	1G	Construction Cost			X (increase over standard)			X (base ADOT standard)		Design-Build Contractors to provide specific cost allowance for ADOT Standard Fence in their proposal. Following completion of Fence Design Documents by Meg Saligman Studio Team, Design-Build Contractor to provide proposed cost for Fence as designed and documented.
2. Lighting										
	2A	Lighting Design & Documentation (Fixture Selection & Photometrics)					X			
	2B	Review and Approval of Fixture Selection & Photometrics	X							
	2C	Electrical Engineering Design & Documentation						X		
	2D	Preparation of Submittals						X		
	2E	Review and Approval of Submittals					X			
	2F	Procure Fixtures, Installation; Construction						X		
	2G	Construction Cost			X (increase over standard)			X (base ADOT standard)		Design-Build Contractors to provide specific cost allowance for ADOT Lighting in their proposal. Following completion of Lighting Design Documents by Meg Saligman Studio Team, Design-Build Contractor to provide proposed cost for Lighting as designed and documented.
3. Concrete										
	3A	Dimensional Layout Drawings of Concrete Rustication/Relief Design				X				
	3B	Review and Approval of Dimensional Layout Drawings	X							
	3C	Engineering of Concrete Forms		X						Provided by Structural Engineering Consultant to be selected.
	3D	Preparation of Submittals & Shop Drawings						X		

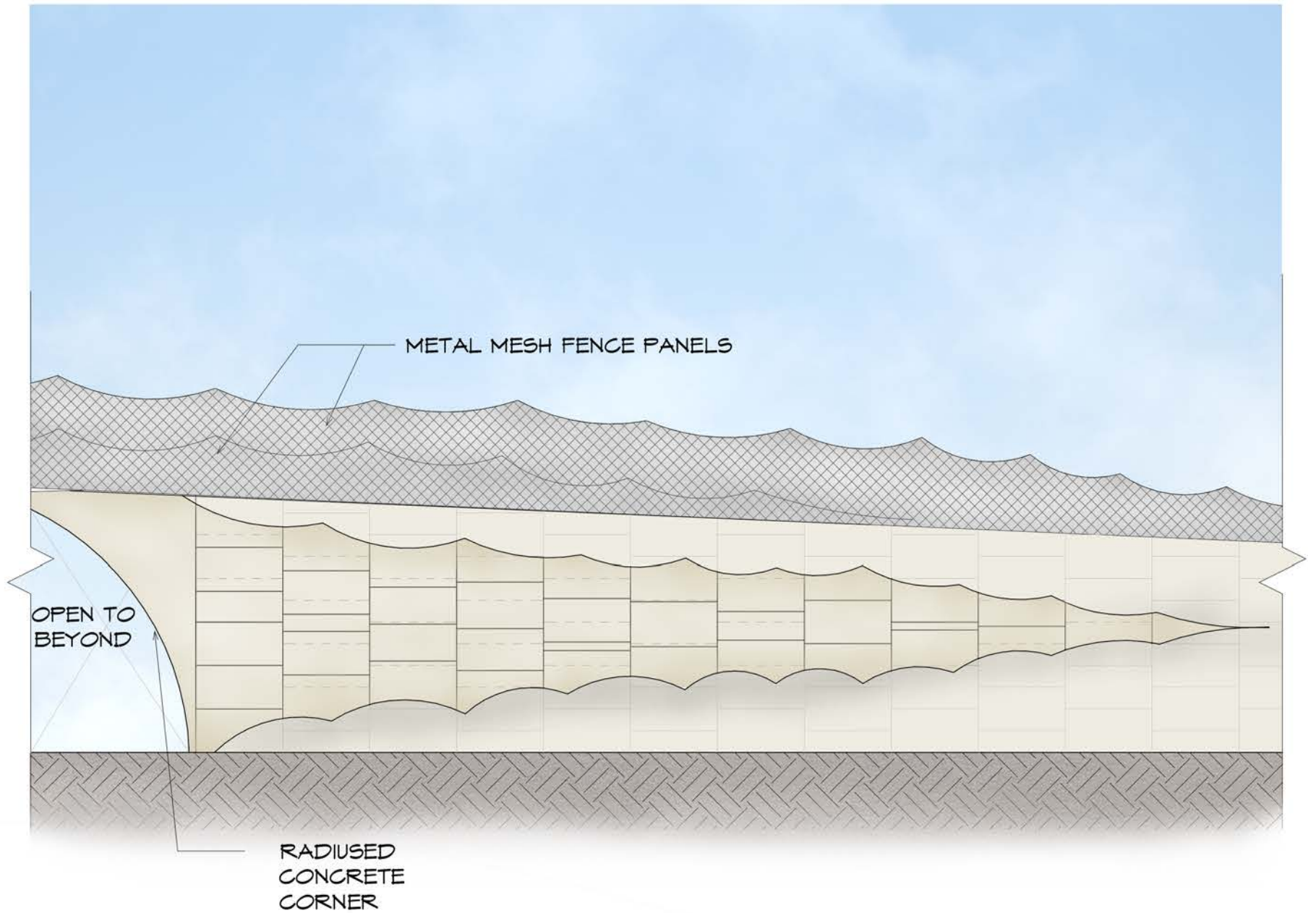
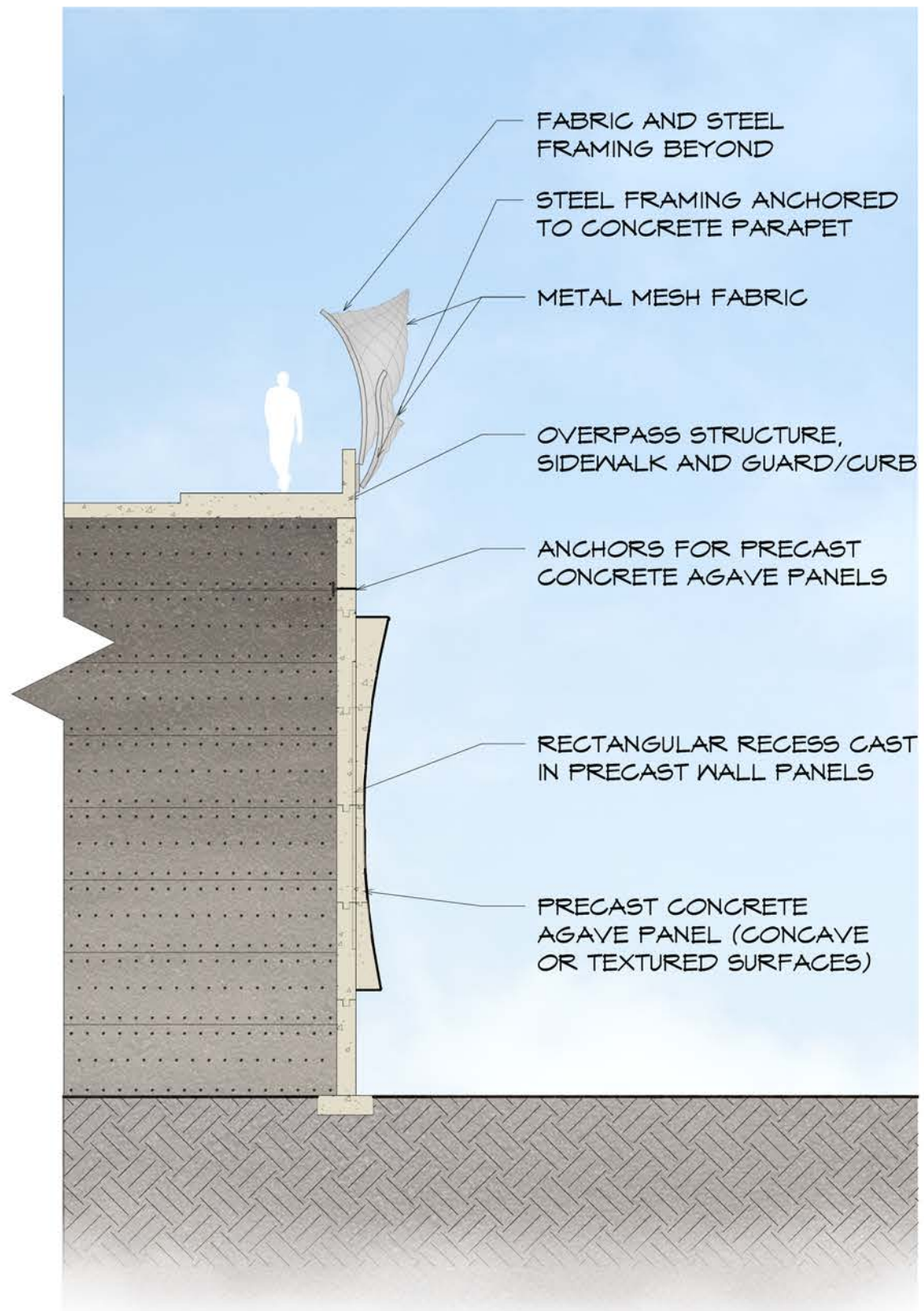
	3E	Review and Approval of Submittals			X	X				
	3F	Fabricate Forms; Construction							X	
	3G	Construction Cost			X (increase over standard)				X (base ADOT standard)	Design-Build Contractors to provide specific cost allowance for ADOT Standard Retaining Wall requirements in their proposal. Following completion of Concrete Design Documents by Meg Saligman Studio Team, Design-Build Contractor to provide proposed cost for Concrete as designed.
4. Paint										
	4A	Paint, Scaffold/Lift, etc.			X					MSS to provide all set-up/install requirements.

APPENDIX

1. Concrete Construction Options
2. Location Square Footage Recommendations
3. Lighting Budget Details
4. Fencing Materials and Construction



OPTION 1 - CAST IN PLACE CONCRETE



OPTION 2 - MSE PANELS

LOCATION SQUARE FOOTAGE RECOMMENDATIONS

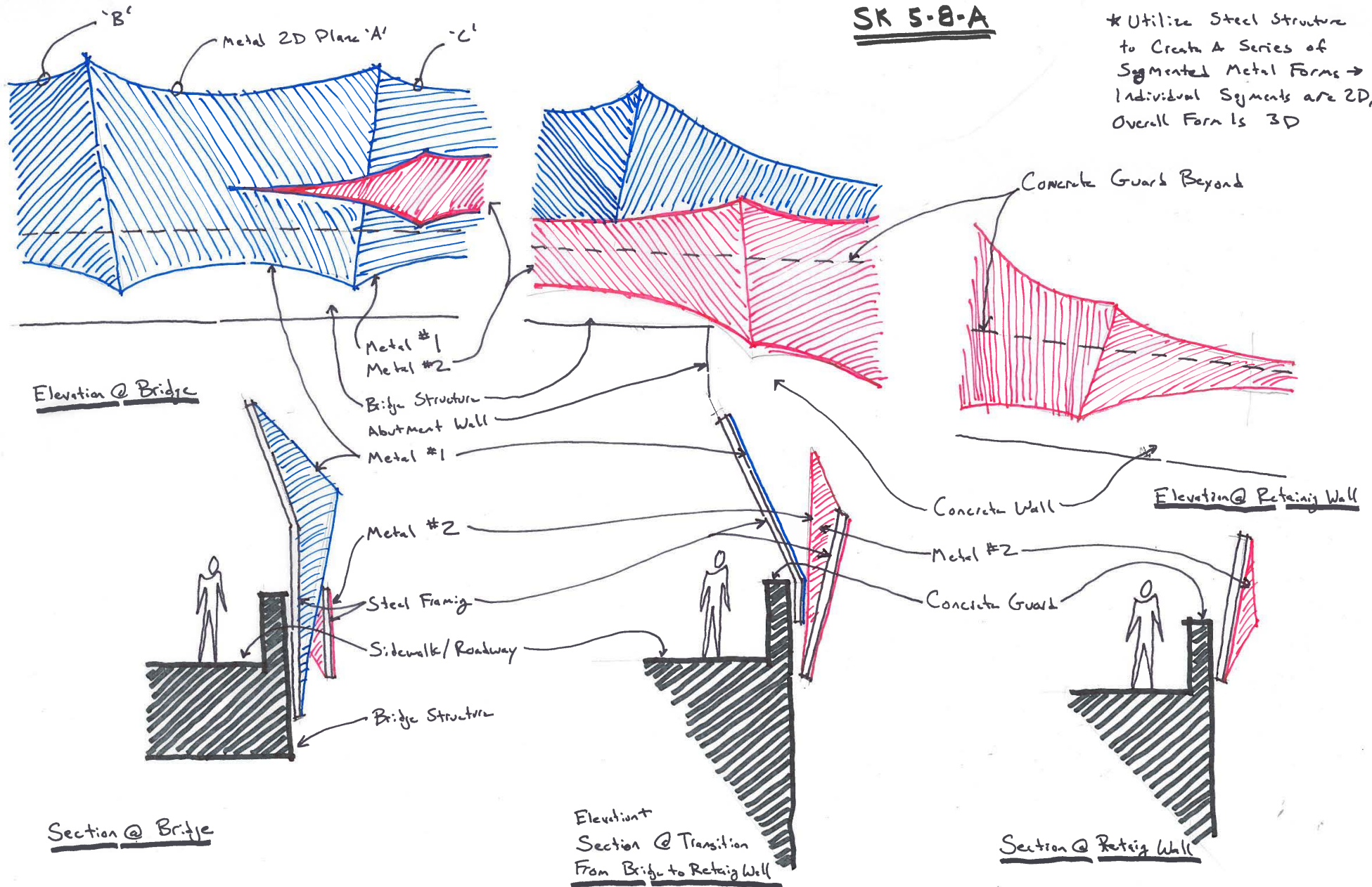
Side Walls		Plan Ref.	Square Footage (ft ²)	Art Area % (ft ²)	Art Area (ft ²)
	Grand East				
		G-1	7,050	25%	1,763
		G-2	8,150	25%	2,038
		Subtotal:	15,200		3,800
	Grand West				
		G-3	4,920	25%	1,230
		G-4	10,600	25%	2,650
		Subtotal:	15,520		3,880
	Bell North				
		B-1	7,340	25%	1,835
		B-2	13,570	25%	3,393
		Subtotal:	20,910		5,228
	Bell South				
		B-3	10,640	25%	2,660
		B-4	11,850	25%	2,963
		Subtotal:	22,490		5,623
		Total:	74,120		18,530
Abutment Walls		Plan Ref.	Square Footage (ft ²)		
		G-1	2,310	25%	578
		G-2	2890	25%	723
		B-1	3710	25%	928
		B-2	4110	25%	1,028
		Total:	13,020		3,255
Fence	Plan Ref.	Linear (ft)	Square Feet @ 10' - 0"		
	F-1	59	590	125%	738
	F-2	114	1140	125%	1,425
	F-3	371	3710	125%	4,638
	F-4	320	3200	125%	4,000
	Total:	864	8640		10,800
Location Totals	Walls		74,120		18,530
	Abutment Walls		13,020		3,255
	Fence		8640		10,800
	Total Area		95,780		32,585

LIGHTING BUDGET DETAIL

Lighting Budget detail				
Technique	QTY	Unit Estimate	Extended Luminaire Estimate	Labor
A) Fence Graze from railing nodes	100	800	\$ 80,000	\$ 100,000
B) Linear articulation of fence elements	300LF	150/LF	\$ 45,000	\$ 50,000
C) Fence washlight of roadway side	16	\$750	\$ 12,000	\$ 25,000
D) Key Abutment elements	24	\$600	\$ 14,000	\$ 20,000
Lighting Controls & Commissioning			\$ 80,000	\$ 20,000
Miscellaneous Wiring, Conduit & Electrical Hardware, bucket Trucks			\$ 50,000	\$ 50,000
			\$ 281,000	\$ 265,000
			Total Estimate	\$ 546,000

SK 5-8-A

* Utilize Steel Structure to Create A Series of Segmented Metal Forms → Individual Segments are 2D, Overall Form Is 3D



FENCE MATERIALS

METAL FABRICATION

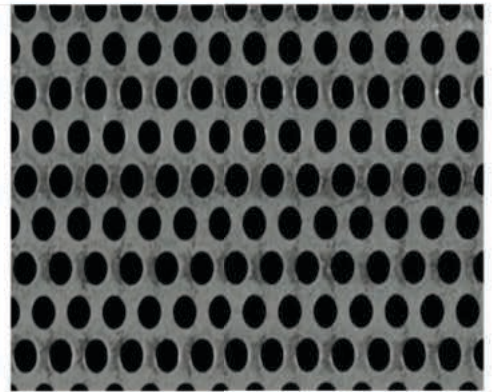
WELDED WIRE MESH / FABRIC

Similar to wire mesh, but unwoven. Wires are laid in perpendicular layers and welded at the intersections.



PERFORATED

Holes are punched in metal sheets to create a pattern. Patterns are determined by the size, shape, and spacing of the punch tools. Holes can also be laser-cut for custom patterns & designs.



CHAINLINK

Similar to metal mesh, but wires are twisted around each other instead of weaving. Very easy to manufacture and readily available all over the country.



EXPANDED

Metal sheets are sliced and pressed in a continual offset. The expanded sheets can then be rolled flat, if desired.



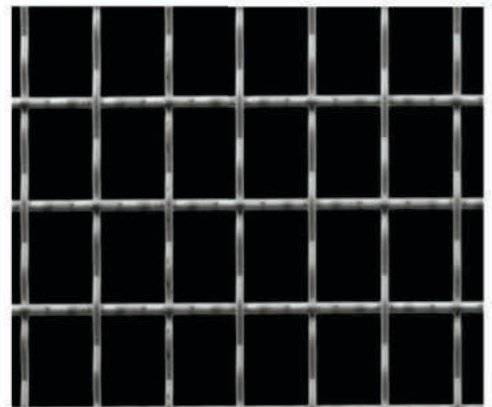
COLD ROLLED

Metal sheets are fed through a rolling machine and bent into various profiles. Includes plain sheets and perforated.



MESH

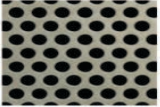
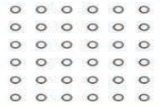
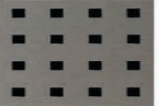
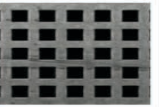
Metal wires are woven together to create a pattern.



FENCE MATERIALS

PERFORATED METAL

PERFORATED PRODUCT OPTIONS

Pattern Types:	Round Hole	Square Hole	Slotted	Hexagonal / Designer
				
				
				
Materials:	Plain Steel, Aluminum, Galvanized, Stainless, Corten - Others (i.e. copper) may be available from specialized manufacturers. Plain steel, aluminum and galvanized typically receive an additional finish for protection in exterior settings. Finishes include powder coating, vinyl coating, and anodizing for aluminum.			
Typical Sizes:	3'x8' - 5'x12'	3'x8' - 4'x10'	3'x8' - 3'x10'	3'x8' - 4'x10'
Cost/SF* (un-coated):	\$5 - \$10	\$4.84 - \$5.86	\$9.50+	\$3.34 - \$7.23

MANUFACTURERS

Keith Bush Associates, Inc. (PA Mfr. Rep.)
Dave Sedmak - 215-968-5255
<http://keithbushassociates.com/>

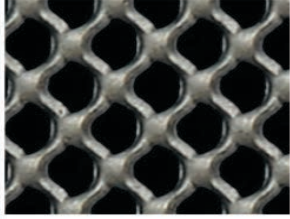
McNICHOLS CO. *
1-877-884-4653
<http://www.mcnichols.com>

Hendrick Architectural Metals
1-877-840-0881
<http://www.hendrickarchproducts.com>

Accurate Perforating Company, Inc.
1-888-664-6645
<http://accurateperforating.com>

EXPANDED METAL

EXPANDED PRODUCT OPTIONS

Pattern Types:	Standard Expanded	Rolled Expanded	Decorative
			
Materials:	Plain Steel, Aluminum, Galvanized, Stainless. Others (i.e. Corten) may be available from specialized manufacturers. Plain steel, aluminum and galvanized typically receive an additional finish for protection in exterior settings. Finishes include powder coating, vinyl coating, and anodizing for aluminum.		
Typical Sheet Sizes:	4'x8' - 6'x10'	3'x8' - 4'x12'	4'x8'
Cost/SF* (un-coated):	\$3-5.50	\$4.90-\$5.25	\$4.60

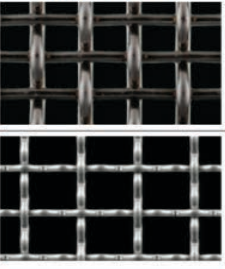
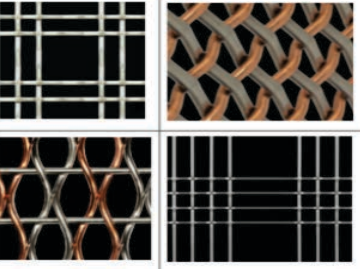
MANUFACTURERS

McNICHOLS CO. *
1-877-884-4653
<http://www.mcnichols.com>

Direct Metals Company, LLC.
1-800-711-4939
<http://www.directmetals.com>

METAL MESH

MESH PRODUCT OPTIONS

Pattern Types:	Square Mesh	Rectangular Mesh	Designer
			
Materials:	Plain Steel, Aluminum, Galvanized, Stainless. Others may be available from specialized manufacturers. Coatings may be available, but this type of metal is typically selected for the appearance of the uncoated metal. Materials labeled "coated mesh" are not typically woven but are welded.		
Typical Sheet Sizes:	4'x8' - 6'x10' Also in 50' & 100' coils.	3'x9' - 4'x12'	4'x8' - 5'x12'
Cost/SF*:	\$17 - \$22	\$7	\$6.50 - \$28

MANUFACTURERS

McNICHOLS CO. *
1-877-884-4653
<http://www.mcnichols.com>

Direct Metals Company, LLC.
1-800-711-4939
<http://www.directmetals.com>

FENCE MATERIALS

WELDED WIRE FABRIC

WELDED PRODUCT OPTIONS

	Square Welded	Rectangular Welded
Pattern Types:		
Materials:	Plain Steel, Galvanized, Stainless. Others may be available from specialized manufacturers. Plain steel and galvanized typically receive an additional finish for protection in exterior settings. Common finishes include powder coating and vinyl / PVC coating, which is applied after the fabric is welded.	
Typical Sheet Sizes:	4' x 10'	4'x10'
Cost/SF*:	\$0.50-\$14 Note: Welded wire for concrete reinforcement costs much less than visual-grade fabric.	\$8.28 - \$13.70

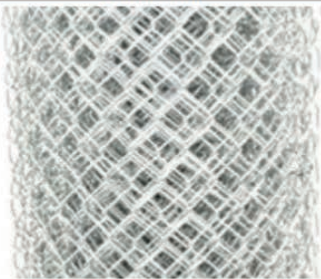
MANUFACTURERS

McNICHOLS CO. *
1-877-884-4653
<http://www.mcnichols.com>

Direct Metals Company, LLC.
1-800-711-4939
<http://www.directmetals.com>

CHAIN LINK

CHAIN LINK PRODUCT OPTIONS

	Unfinished	Coated
Finish Types:		
Note: Chain link fabric comes in one pattern that is either unfinished coated. The opening size is typically 1"-2".		
Materials:	Plain steel, Galvanized, Stainless, Aluminum. Others may be available from specialized manufacturers. Plain steel is not common since chain link is typically manufactured for exterior use. Stainless is also difficult to find.	
Typical Sizes:	3'-6' Wide x 50' Roll	4'-6' Wide x 50' Roll
Cost/SF:	\$0.50 - \$1.84 (Galvanized & Aluminum)	\$0.47 - \$0.92 (Plain steel w/plastic coating)

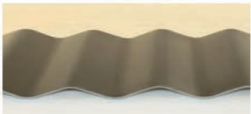
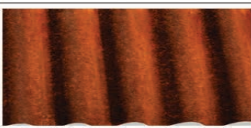
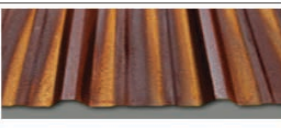
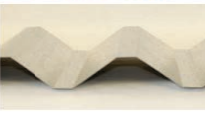
PROVIDERS

Western Fence Company
602/244.0368
westernfencecompany.net

Hoover Fence Co.
1-800-355-2335
<http://hooverfence.com>

COLD ROLLED

COLD ROLLED PRODUCT OPTIONS

	Corrugated	R-Panel	Box Rib	V-Beam / Rib
Common Profiles	 	 	 	
Materials:	Plain Steel, Aluminum, Galvanized, Stainless. Others may be available from specialized manufacturers. For typical wall and roof applications, coatings are typically applied to one side after rolling.			
Typical Sheet Sizes:	Width: 24-48" nominal Length: 8' - 45' (Depending on material and manufacturer)			
Cost:	Varies widely with type & thickness of metal, profile shape, quantity, coatings and manufacturer. Examples: - On the low end, a galvanized steel corrugated panel retails for \$0.97 / SF at Lowes. - Perforated corten 7/8" corrugated runs ~ \$3.50 / SF from Western States Metal.			

MANUFACTURERS

Corrugated Metals, Inc.
1-800-621-5617
corrugated-metals.com

Fabral, a Euramax company
800.884.4484
<http://www.fabral.com>

Western States Metal Roofing
855-4CORTEN (426-7836)
<http://www.corten.com>



CITY OF SURPRISE
Regular City Council Meeting

October 20, 2015 @ 6:00:00 PM

+ [Back](#) [Print](#)

Council Meeting Date:	October 20, 2015	Contact Person:	Robert Kuhfuss, Community Development
Submitting Department:	CD	District:	4
Staff Recommendations:	None		

Consent	Regular	Public Hearing	Report/Discussion
---------	---------	----------------	-------------------

Agenda Wording:

Consideration and action approving the final plat entitled "Final Plat for Dysart Subdivision" for property generally located at the southwest corner of Bell Road and Dysart Road.

Motion:

I move to approve the "Final Plat for the Dysart Subdivision".

Background:

The owner's agent met with staff to discuss the possibility of rezoning the property to accommodate a proposed automotive body repair facility in addition to future commercial uses as yet to be determined. These meetings were followed by a formal submittal to change the zoning of the property, in addition to a Master Site Plan and Final Plat. The approval of the proposed Final Plat anticipates the prior approval of the related Zone Change.

Objective Analysis:

The proposed Final Plat will allow the creation of one industrially zoned lot and two commercially zoned lots. Together with related Zone Change and Master Site Plan, the Final Plat will provide the mechanism needed to allow the owner to bring this otherwise vacant property to market, while providing for reciprocal cross-access, which will in turn allow it to be developed in a manner that is consistent with the goals and policies of the General Plan.

Policy Compliant:

The proposed Final Plat advances the goals and policies of the Surprise General Plan and the City Council's Strategic Plan.

Financial Impact:

All activity related to ongoing development of the City of Surprise has an economic and fiscal impact on the city and the region.

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:

Click to download

- ☐ [00 - FS15-155 - Dysart Subdivision - Caliber Collision - Staff Report](#)
 - ☐ [01 - FS15-155 - Dysart Subdivision - Caliber Collision - Final Plat - Vicinity Map](#)
 - ☐ [02 - FS15-155 - Dysart Subdivision - Caliber Collision - Final Plat - Case Map](#)
 - ☐ [03 - FS15-155 - Dysart Subdivision - Caliber Collision - Final Plat](#)
 - ☐ [04 - FS15-155 - Dysart Subdivision - Caliber Collision - Final Plat - ADOT Comments](#)
 - ☐ [05 - FS15-155 - Dysart Subdivision - Caliber Collision - Final Plat - MWD Comments](#)
 - ☐ [06 - FS15-155 - Dysart Subdivision - Caliber Collision - Final Plat - LUKE AFB Comments](#)
 - ☐ [FS15-155 - Dysart Subdivision - Caliber Collision - Presentation](#)
-

FINAL PLAT

REPORT TO THE CITY COUNCIL

Case: FS15-155

Project Name: Dysart Subdivision Final Plat

Council District: 4

Meeting Date: October 20, 2015

Planner: Robert H. Kuhfuss, AICP

Owner: Farhad and Kathryn Shokoohl

Applicant: Len Swartz, PE, of Ollson Associates, on behalf of Cross Development and Farhad and Kathryn Shokoohl

Request: Final Plat in the IP-PUD and CR-PUD zoning districts

Site Location: Southwest corner of Bell Road and Dysart Road

Site Size: 8.30 acres (approx.)

Density: N/A

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

Support/Opposition: None known

Findings:

- The proposed Final Plat demonstrates compliance with the proposed zoning.
- The reviewing agencies have indicated no objections to the request.

Actions: Should the Council wish to approve the related Zone Change the Council may also wish to approve the related Final Plat as presented.

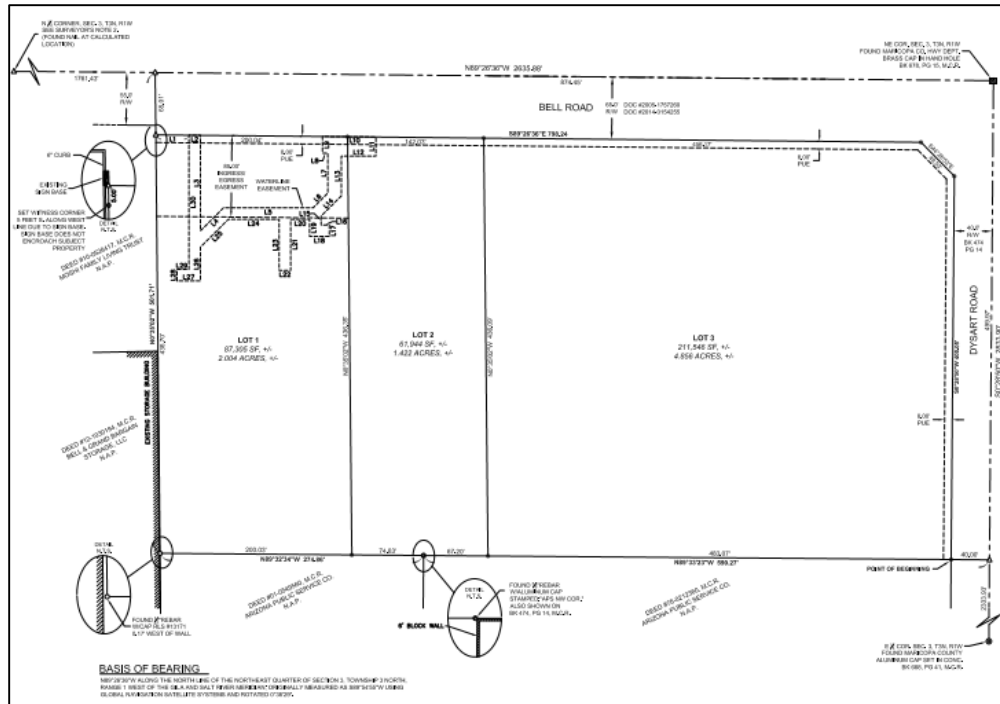
40 **PROJECT DESCRIPTION:**

41
42 Len Swartz, PE, of Ollson Associates, on behalf of Cross Development and Farhad and Kathryn
43 Shokoohl, seeks approval of three separate but related requests:
44

- 45 • A Zone Change from CR to IP-PUD, from CR to CR-PUD, and from IP to CR-PUD (discussed
46 under separate cover);
 - 47 • A Major Site Plan in these newly established districts (approved by the Planning and Zoning
48 Commission on October 1, 2015);
 - 49 • A three-lot Final Plat (the subject request).
- 50

51 The Zone Change and Major Site Plan were heard by the Planning and Zoning Commission on
52 October 1, 2015. The Commission recommended approval of the Zone Change to the City Council
53 and approved the Major Site Plan contingent upon the City Council's subsequent approval of the
54 Zone Change, and a requirement to "box-in" two exposed parapets. The Zone Change was
55 originally scheduled for the October 6, 2015 City Council meeting, but was continued at that
56 meeting to October 20, 2015. The Zone Change is discussed under separate cover; however,
57 assuming the Council is comfortable with approving the Zone Change, the Council may choose to
58 approve the subject Final Plat.
59

60 The layout of the proposed subdivision is shown below, with the actual Final Plat included in the
61 attachments. Essentially, Caliber Collision will acquire Lot 1, while Lots 2 and 3 will remain
62 undeveloped until such time as buyers are found. The entire plat will provide for reciprocal cross-
63 access. The common boundary between Lots 1 and 2 will be coincident with the zone boundary
64 between the IP-PUD and CR-PUD zoning districts.



SUMMARY:

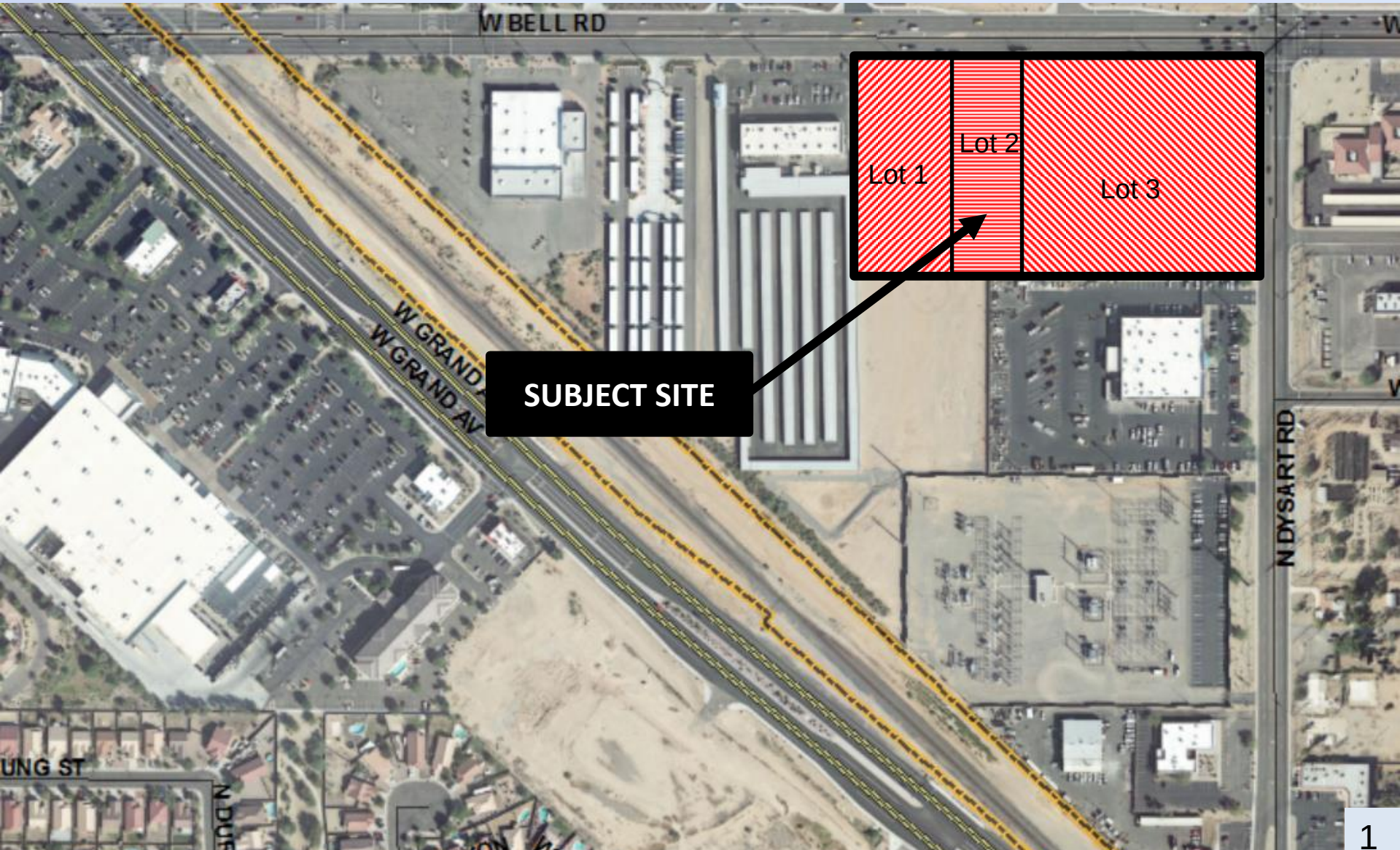
Staff believes the proposed Final Plat, in conjunction with the related Zone Change and the approved Master Site Plan, will provide the mechanism needed to allow the owner to bring the property to market, while providing for reciprocal cross-access, which will in turn allow it to be developed in a manner that is consistent with the goals and policies of the General Plan.

Attachments:

- 01 – Vicinity Map (1 page)
- 02 – Final Plat Case Map (1 page)
- 03 – Final Plat (2 pages)
- 04 – ADOT comments (1 page)
- 05 – MWD comments (1 page)
- 06 – Luke AFB comments (1 page)

[illegible]

Final Plat Case Map



DWG: F:\Projects\014-3199\40-Design\Survey\Final Plat\014-3199 Dysart Subdivision FINAL PLAT.dwg
DATE: Aug 14, 2015 12:35pm
USER: gtorpey

DEDICATION

STATE OF ARIZONA)
)SS
COUNTY OF MARICOPA)

KNOW ALL MEN BY THESE PRESENTS:

THAT FARHAD K. SHOKOOHI AND KATHRYN A. SHOKOOHI N.A.P., ("OWNER"), HAS SUBDIVIDED UNDER THE NAME "DYSART SUBDIVISION", A SUBDIVISION LOCATED IN A PORTION OF THE NORTHEAST QUARTER OF SECTION 3, TOWNSHIP 3 NORTH AND RANGE 1 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 "DYSART SUBDIVISION" 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 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 NON-EXCLUSIVE EASEMENT OVER, UPON 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 EPCOR WATER ARIZONA INC. AND IT'S SUCCESSOR'S AND ASSIGNS (COLLECTIVELY, "GRANTEE") A PERPETUAL WATERLINE EASEMENT AS DESCRIBED IN THE PLAT, TO CONSTRUCT, OPERATE, AND MAINTAIN WATER LINES AND APPURTENANT FACILITIES (COLLECTIVELY, "FACILITIES") UPON, ACROSS, OVER AND UNDER THE SURFACE OF THE EASEMENT, TOGETHER WITH THE RIGHT TO OPERATE, REPAIR, REPLACE, MAINTAIN, AND REMOVE THE FACILITIES FROM THE PREMISES; TO ADD OR TO ALTER THE FACILITIES, AND TO PROVIDE GRANTEE WITH REASONABLE INGRESS AND EGRESS TO THE FACILITIES. GRANTEE WILL HAVE UNRESTRICTED ACCESS TO THE EASEMENT FOR THE ACTIVITIES DESCRIBED ABOVE AND FORMAL NOTIFICATION OR APPROVAL BY ANY ASSOCIATION PRIOR TO ACCESSING THE EASEMENT WILL NOT BE REQUIRED. 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 THAT ARE NOT INCONSISTENT WITH USES WITHIN THE LIMITS OF SAID EASEMENT IN A MANNER THAT WILL NOT UNREASONABLY INTERFERE WITH GRANTEE'S ACCESS TO THE FACILITIES.

OWNER HEREBY GRANTS TO THE ULTIMATE OWNER OF LOT 1 CREATED BY THIS PLAT, A CROSS ACCESS EASEMENT OVER, UPON AND ACROSS THE ENTIRE PLAT FOR THE PURPOSE OF PROVIDING CONTINUOUS AND UNINTERRUPTED INGRESS AND EGRESS TO EACH PARCEL CREATED BY THIS PLAT.

OWNER HEREBY GRANTS TO THE ULTIMATE OWNER OF EACH PARCEL CREATED BY THIS PLAT, A CROSS ACCESS EASEMENT OVER, UPON AND ACROSS THE NORTH 85 FEET OF LOT 1 FOR THE PURPOSE OF PROVIDING CONTINUOUS AND UNINTERRUPTED INGRESS AND EGRESS TO EACH PARCEL CREATED BY THIS PLAT.

OWNER HEREBY GRANTS TO THE MOSHI FAMILY LIVING TRUST, AND IT'S SUCCESSOR'S AND ASSIGNS, A CROSS ACCESS EASEMENT OVER, UPON AND ACROSS THE NORTH 85 FEET OF LOT 1 FOR THE PURPOSE OF PROVIDING CONTINUOUS AND UNINTERRUPTED INGRESS AND EGRESS TO AND FROM IT'S WEST ADJOINING PROPERTY DESCRIBED IN THE DEED RECORDED IN DOCUMENT NO. 2010-0528417 OF OFFICIAL RECORDS OF MARICOPA COUNTY, ARIZONA.

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

OWNER DOES HEREBY (1) RELEASE AND DISCHARGE THE CITY OF SURPRISE, AND (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 FINAL PLAT UNTIL SUCH TIME THE RIGHT-OF-WAY IN 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 OWNERS/OR SUBSEQUENT ADJACENT OWNERS WITH 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.

BY: FARHAD K. SHOKOOHI AND KATHRYN A. SHOKOOHI N.A.P.

BY: _____ DATE: _____

NAME: _____ TITLE: _____

ACKNOWLEDGEMENT

STATE OF ARIZONA)
)SS
COUNTY OF MARICOPA)

ON THIS _____ DAY OF _____, 20____, BEFORE ME, THE UNDERSIGNED, PERSONALLY APPEARED _____ WHO ACKNOWLEDGED HIMSELF/HERSELF TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE INSTRUMENT WITHIN, AND WHO EXECUTED THE FOREGOING INSTRUMENT FOR THE PURPOSES THEREIN CONTAINED.

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

NOTARY PUBLIC _____ DATE _____

MY COMMISSION EXPIRES: _____, 20____

APPROVALS

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

CITY ENGINEER _____

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

MAYOR _____

ATTEST: _____

CITY CLERK _____ DATE _____

FINAL PLAT FOR DYSART SUBDIVISION
A PORTION OF THE NORTHEAST QUARTER OF SECTION 3, TOWNSHIP 3 NORTH, RANGE 1 WEST OF
THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA

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

FARHAD K. SHOKOOHI AND KATHRYN A SHOKOOHI ("OWNERS") DO HEREBY (1) RELEASE AND DISCHARGE THE USAF AND THE CITY OF SURPRISE, AND (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 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. 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.

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.

LEGAL DESCRIPTION

(PARENT PARCEL)

THAT PART OF THE NORTHEAST QUARTER OF SECTION 3, TOWNSHIP 3 NORTH, RANGE 1 WEST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

COMMENCING AT A MCDOT BRASS CAP IN HAND HOLE AT THE NORTHEAST CORNER OF SAID SECTION 3, FROM WHICH A MARICOPA COUNTY ALUMINUM CAP SET IN CONCRETE AT THE EAST QUARTER CORNER OF SAID SECTION 3, BEARS S00°28'50"W, A DISTANCE OF 2833.90 FEET;

THENCE S00°28'50"W, ALONG THE EAST LINE OF SECTION 3, A DISTANCE OF 499.97 FEET;

THENCE DEPARTING FROM SAID EAST LINE, N89°33'23"W, A DISTANCE OF 40.00 FEET TO THE WESTERLY RIGHT-OF-WAY OF DYSART ROAD, AS SHOWN IN BOOK 474 OF MAPS, PAGE 14, MARICOPA COUNTY RECORDS, BEING THE **POINT OF BEGINNING** OF THE HEREIN DESCRIBED PART;

THENCE N89°33'23"W, ALONG THE NORTHERLY LINE OF THE PROPERTY DESCRIBED IN DEED #78-0212360, MARICOPA COUNTY RECORDS, A DISTANCE OF 550.27 FEET TO THE NORTHWEST CORNER OF SAID PROPERTY DESCRIBED IN DEED #78-0212360;

THENCE N89°32'34"W, ALONG THE NORTHERLY LINE OF THE PROPERTY DESCRIBED IN DEED #01-0549560, MARICOPA COUNTY RECORDS, A DISTANCE OF 274.86 FEET TO THE NORTHWEST CORNER OF SAID PROPERTY DESCRIBED IN DEED #01-0549560;

THENCE N00°35'02"W, ALONG THE WEST LINE OF THE PROPERTY DESCRIBED IN DEED #98-0059073, MARICOPA COUNTY RECORDS, A DISTANCE OF 436.70 FEET TO THE SOUTHERLY RIGHT-OF-WAY OF BELL ROAD AS DESCRIBED IN DEED #14-0154255, MARICOPA COUNTY RECORDS;

THENCE S89°26'36"E, ALONG SAID SOUTHERLY RIGHT-OF-WAY, A DISTANCE OF 798.24 FEET;

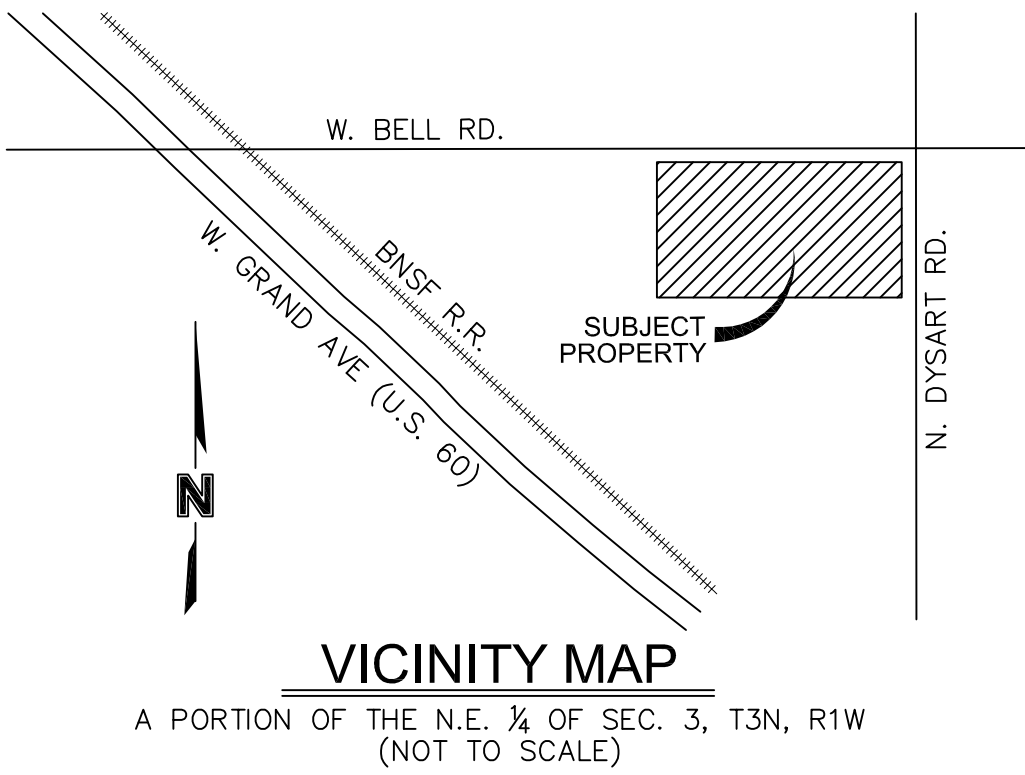
THENCE S44°28'53"E, A DISTANCE OF 49.53 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY OF SAID DYSART ROAD;

THENCE S00°28'50"W, ALONG SAID WESTERLY RIGHT-OF-WAY OF DYSART ROAD, A DISTANCE OF 400.05 FEET TO THE **POINT OF BEGINNING**.

CONTAINING 8.282 ACRES MORE OR LESS.

DEVELOPER

CROSS DEVELOPMENT, LLC
5317 INVERRARY DRIVE
PLANO, TEXAS
CONTACT: KEVIN MCKIBBEN (972) 398-6644



PLAT NOTES

- 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.
- 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.
- MAINTENANCE OF DRAINAGE FACILITIES SHALL BE THE RESPONSIBILITY OF THE PRESENT OWNERS AND/OR OWNER'S ASSOCIATION.
- MAINTENANCE OF LANDSCAPING WITHIN THE ADJACENT PUBLIC RIGHT-OF-WAY, INCLUDING 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.
- LANDSCAPE MAINTENANCE WITHIN 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.
- THE PROPERTY OWNERS OR ANY SUBSEQUENT OWNERS SHALL NOT PROCEED WITH ANY ONSITE GRADING OR EXCAVATION WITHOUT FIRST OBTAINING A PERMIT FROM THE CITY OF SURPRISE.

FLOOD ZONE CLASSIFICATION

THIS PROPERTY IS LOCATED WITHIN AN AREA HAVING A FLOOD ZONE DESIGNATION 'ZONE X' BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA), ON FLOOD INSURANCE RATE MAP (FIRM) NO. 04013C1240L, WITH AN IDENTIFICATION DATE OF OCTOBER 16, 2013, FOR COMMUNITY NO. 040053, MARICOPA COUNTY, STATE OF ARIZONA, WHICH IS THE CURRENT FLOOD INSURANCE RATE MAP FOR THE COMMUNITY IN WHICH SAID PROPERTY IS SITUATED.

REFERENCE DOCUMENTS:

- DOC.#98-0059073, M.C.R.
- DOC.#14-0072900 M.C.R.
- DOC.#78-0212360, M.C.R.
- DOC.#01-0549560, M.C.R.
- DOC.#12-1030194, M.C.R.
- DOC.#10-0528417, M.C.R.
- DEED #15-0000165, M.C.R.
- DEED #15-0000165, M.C.R.
- RECORD OF SURVEY, BOOK 474 OF MAPS, PAGE 14, RECORDS OF MARICOPA COUNTY, ARIZONA.
- GDACS SECTION 3, T3N, R1W, BOOK 688, PAGE 41, RECORDS OF MARICOPA COUNTY, ARIZONA.
- GDACS SECTION 34, T4N, R1W, BOOK 678, PAGE 15, RECORDS OF MARICOPA COUNTY, ARIZONA.
- FINAL PLAT, BOOK 1039 OF MAPS, PAGE 42, RECORDS OF MARICOPA COUNTY, ARIZONA.

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 2015, THAT THE SURVEY IS TRUE AND COMPLETE AS SHOWN, THAT THE MONUMENTS SHOWN ACTUALLY EXIST OR WERE SET AS SHOWN, THAT THEIR POSITIONS ARE CORRECTLY SHOWN, AND THAT SAID MONUMENTS ARE SUFFICIENT TO ENABLE THIS SURVEY TO BE RETRACED. FOR AND ON BEHALF OF OLSSON ASSOCIATES, INC.

R. REECE HENRY, RLS # 49097



OLSSON[®]

ASSOCIATES

7250 N 16TH STREET SUITE 210
Phoenix, AZ 85020
TEL 602.748.1000 www.olssonassociates.com

FINAL PLAT FOR DYSART SUBDIVISION

A PORTION OF THE NORTHEAST QUARTER OF SECTION 3, TOWNSHIP 3 NORTH, RANGE 1 WEST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA

SURPRISE, ARIZONA

drawn by: _____ RRH

checked by: _____ GT

approved by: _____ RRH

QA/QC by: _____ RRH

project no.: _____ 014-3199

drawing no.: _____ FINAL PLAT

date: _____ 06.12.2015

SHEET

1 OF 2

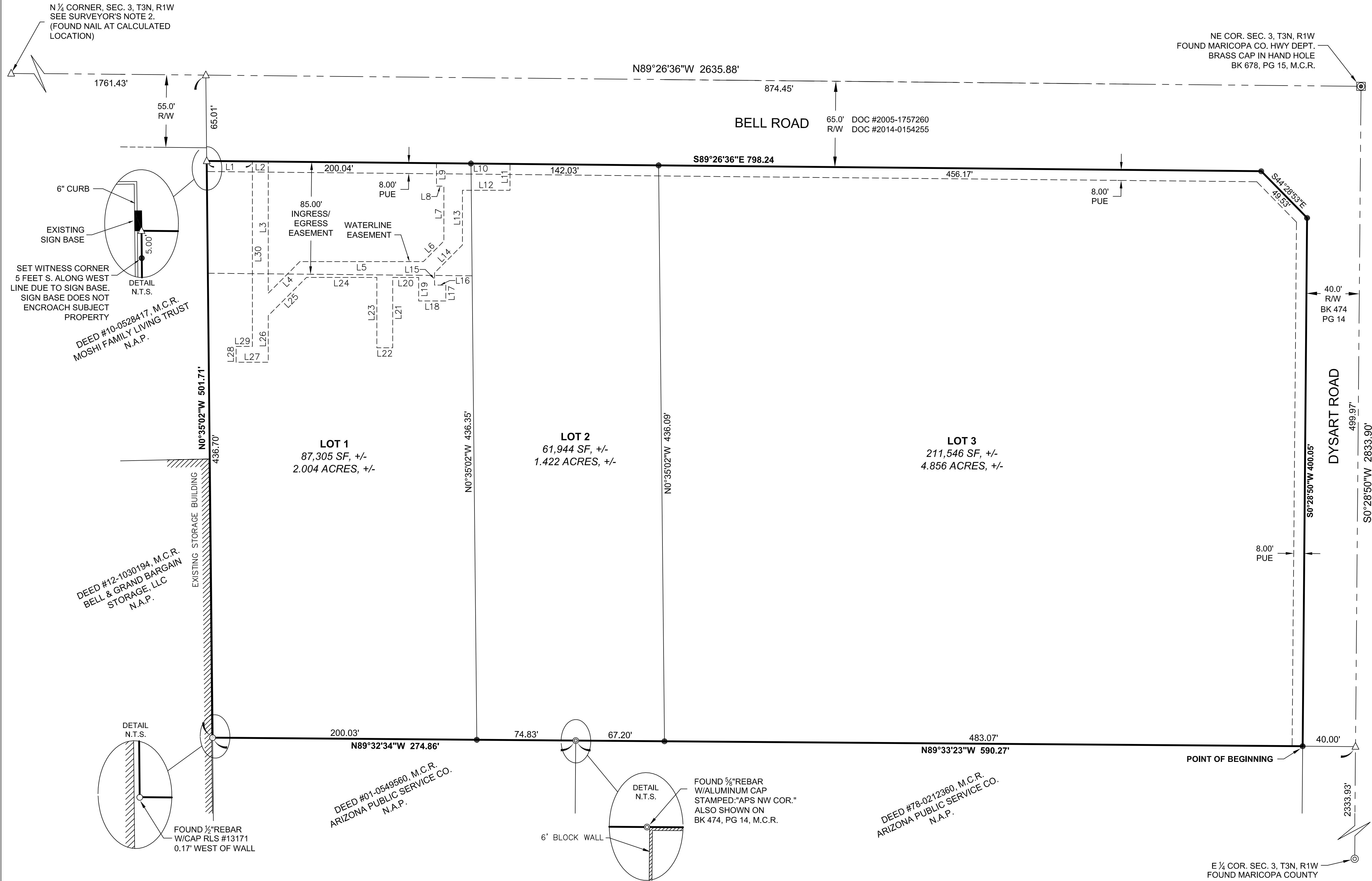
REVISIONS DESCRIPTION

DATE

REV. NO.

REVISIONS

A PORTION OF THE NORTHEAST QUARTER OF SECTION 3, TOWNSHIP 3 NORTH, RANGE 1 WEST OF
THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA



BASIS OF BEARING

N89°26'36"W ALONG THE NORTH LINE OF THE NORTHEAST QUARTER OF SECTION 3, TOWNSHIP 3 NORTH, RANGE 1 WEST OF THE GILA AND SALT RIVER MERIDIAN; ORIGINALLY MEASURED AS S89°54'55"W USING GLOBAL NAVIGATION SATELLITE SYSTEMS AND ROTATED 0°38'29".

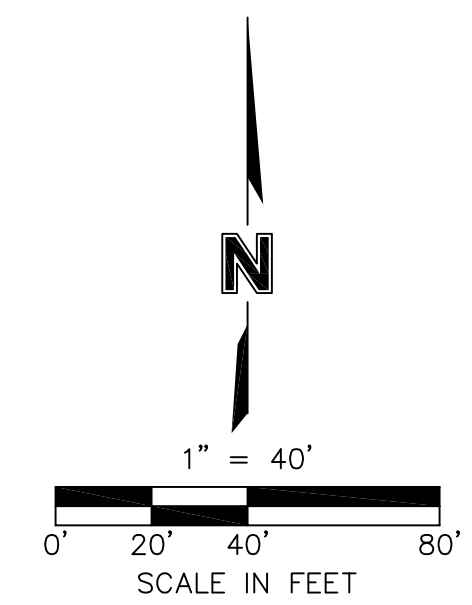
SURVEYOR'S NOTES:

1. ALL DISTANCES REPORTED ON THIS SURVEY ARE TO THE MONUMENTS FOUND OR SET UNLESS OTHERWISE NOTED.
2. A SEARCH FOR THE NORTH $\frac{1}{4}$ CORNER OF SECTION 3, T3N, R1W, RESULTED IN FINDING THE LOCATION (CALCULATED USING GDACS BK 678, PG 15, M.C.R.) PAVED OVER WITH ASPHALT; A NAIL WAS FOUND DRIVEN INTO THE ASPHALT PAVEMENT AT THE CALCULATED POSITION, THE NORTHEAST CORNER OF SAID SECTION 3 WAS FOUND CONSISTENT WITH SAID GDACS PLAT. THE EAST QUARTER CORNER OF SAID SECTION 3 WAS FOUND CONSISTENT WITH GDACS PLAT BK 688, PG 41, M.C.R. BASED ON THE CONSISTENT FINDINGS OF THE NORTHEAST CORNER & EAST $\frac{1}{4}$ CORNER, THE NORTH $\frac{1}{4}$ CORNER IS HELD AT THE CALCULATED LOCATION PER GDACS PLAT BK 678, PG 15, M.C.R.

PARENT PARCEL & LOTS

PARENT PARCEL = 360,795 SQ.FT. +/-, OR 8.282 ACRES +/-

LOT 1 = 87,305 SQ.FT. +/-, OR 2.004 ACRES +/-
 LOT 2 = 61,944 SQ.FT. +/-, OR 1.422 ACRES +/-
 LOT 3 = 211,546 SQ.FT. +/-, OR 4.856 ACRES +/-



LEGEND

- = SET REBAR W/CAP 49097
 ○ = FOUND CORNER AS NOTED
 △ = CALCULATED CORNER, NOTHING SET
 ⊙ = REBAR W/ ALUMINUM CAP
 ⊗ = ALUMINUM CAP FLUSH
 ⊕ = BRASS CAP FLUSH
 ⊞ = BRASS CAP IN HAND HOLE
 _____ = SUBJECT PROPERTY BOUNDARY
 _____ = CALCULATED LINES OR TIES
 _____ - - - - - = SECTION LINE
 _____ - - - - - = RIGHT-OF-WAY (R/W)
 - - - - - = EASEMENT LINE
 MCR = MARICOPA COUNTY RECORDS
 R/W = PUBLIC RIGHT-OF-WAY
 PUE = PUBLIC UTILITIES EASEMENT
 NAP = NOT A PART OF THIS SURVEY

WATERLINE EASEMENT LINE TABLE		
LINE #	DIRECTION	LENGTH
L1	S89°26'36"E	34.62'
L2	S89°26'36"E	12.00'
L3	S0°00'04"W	99.68'
L4	N45°00'04"E	33.81'
L5	S89°59'56"E	93.46'
L6	N45°00'04"E	21.93'
L7	N0°00'04"E	41.63'
L8	N89°59'56"W	5.54'
L9	N0°00'04"E	17.40'
L10	S89°26'36"E	55.60'
L11	S0°00'13"W	20.00'
L12	N89°59'47"W	35.96'
L13	S0°02'57"W	41.40'
L14	S45°00'04"W	29.82'
L15	S0°00'04"W	9.29'
L16	S89°59'56"E	8.49'
L17	S0°00'04"W	12.00'
L18	N89°59'56"W	20.49'
L19	N0°00'04"E	17.77'
L20	N89°59'56"W	19.66'
L21	S0°00'04"W	53.22'
L22	N89°59'57"W	12.00'
L23	N0°00'01"E	53.22'
L24	N89°59'56"W	53.32'
L25	S45°00'04"W	40.84'
L26	S0°00'04"W	35.27'
L27	N89°59'56"W	24.39'
L28	N0°00'04"E	12.00'
L29	S89°59'56"E	12.39'
L30	N0°00'04"E	140.04'

WOLSSON[®]
ASSOCIATES

[illegible]

FINAL PLAT FOR DYSART SUBDIVISION	2015
A PORTION OF THE NORTHEAST QUARTER OF SECTION 3, TOWNSHIP 3 NORTH, RANGE 1 WEST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA	

Drawn by:	RRH
Checked by:	GT
Approved by:	RRH
QA/QC by:	RRH
Project no.:	014-3199
Drawing no.:	ALTA
Date:	06.12.2015

SHEET
2 OF 2

DWG: F:\Projects\014-3199\40-Design\Survey\Final Plat\014-3199 Dysart Subdivision FINAL PLAT.dwg
DATE: Aug 14, 2015 12:35pm XREFS: USER: gtorpey

From: Bob Patoni
Sent: Wednesday, April 22, 2015 10:41 AM
To: 'Deborah.Perry@surprizeaz.gov'; 'lswartz@olssonassociates.com'
Cc: Vanessa Nunez
Subject: FW: FS15-155 Caliber Collision, Bell Rd East of Grand Ave

RE: FS15-155
Caliber Collision
Bell Road, East of Grand Avenue

Attention: Deborah Perry and Len Swartz

Thank you for your notice of rezoning and final plat application for the above-referenced proposed development.

ADOT is neutral regarding the proposed rezoning of the parcels cited in your rezoning package. However, the above-described project is in very close proximity to ADOT's planned US60 Bell Road Traffic Interchange, a grade-separated improvement that will have Bell Road elevated via a bridge over Grand Avenue. The Traffic Interchange is in design stage and is planned for construction in late 2015. We would recommend that the principals to your project familiarize themselves with the aspects of the US60 Bell Road Traffic Interchange project. For further information, please contact me at the below contact information.

Bob Patoni
Right of Way Project Coordinator

205 S. 17th Ave. MD: 612E
Phoenix, AZ 85007
602-712-6126
WWW.AZDOT.GOV



Deborah,

Thank you for providing the submittal for Caliber Collision (FS15-155).

Maricopa Water District (MWD) has reviewed this submittal and determined this lies outside the current boundaries of MWD.

Thank again,

Debbie Trasancos

Property & Contracts Specialist

Maricopa Water District

14825 W. Grand Ave.

Surprise, AZ 85374

623/546-8266

fax 623/584-2536

debbiet@mwdaz.com



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

27 April 2015

Mr. James R. Mitchell
Director, Community Initiatives Team
56th Fighter Wing
14185 West Falcon Street
Luke AFB AZ 85309-1629

Ms. Deborah Perry
City of Surprise Planning Department
16000 North Civic Center Plaza
Surprise AZ 85374

Re: FS15-155; Caliber Collison

Dear Ms. Perry

Thank you for the opportunity to comment on the Rezone, Final Plat, & Site Plan application for Caliber Collison located on 9.9 acres at the SWC of Bell and Dysart Roads in Surprise AZ. The project is comprised of new construction for a 14,000 square foot building which will house office, mechanic shop, parts sales, detailing and painting booth. The request is also to rezone 200 feet of parcel 501-16-001V from C-3 (Regional Commercial) to I-1 (Light Industrial) and to rezone parcel 501-16-001K from I-1 to C-3. The site is located approximately 1.7 miles outside the 1988 JLUS 65 Ldn, "high noise or accident potential zone" as identified by A.R.S. § 28-8461 and is within the "territory in the vicinity of a military airport" also defined by A.R.S. § 28-8461.

As described, this request will not negatively impact the flying operations at Luke AFB. Since the site is located within the "territory in the vicinity of a military airport," it will be subjected to noise from approximately 165 over flights a day, with some as low as 1,500 feet above ground level. We recommend you review the sound attenuation requirements found in A.R.S. § 28-8482. In addition, a strong notification program on the part of the applicant is essential to inform the tenant about Luke AFB operations. We also recommend a review of the Luke AFB web site at <http://www.luke.af.mil>, Community Interests and Community Initiatives links, for further information.

If there are any questions, please contact my Community Planner, Ms. Barbara Plante, at (623) 856-9981.

Sincerely

A handwritten signature in dark ink, appearing to read "JA Mitchell", is written over the word "Sincerely". Below the signature, the word "For" is written in a smaller, cursive script.

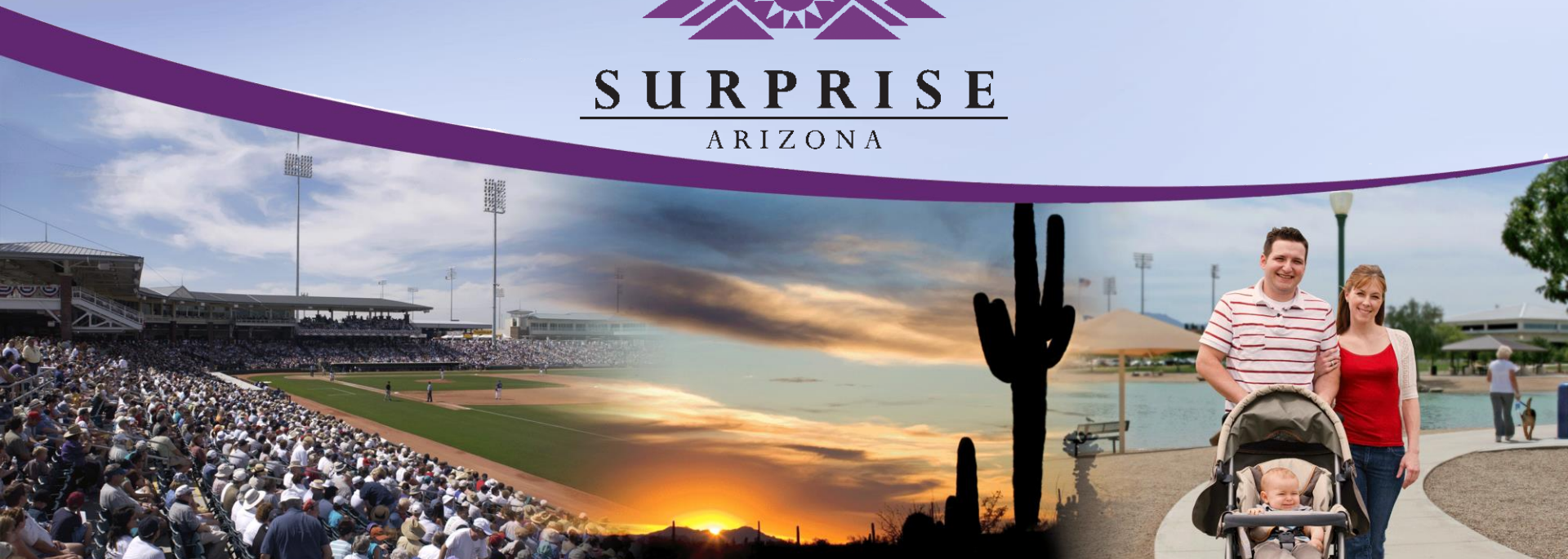
JAMES R. MITCHELL

cc:

Colonel Jeremy T. Sloane, Vice Commander, 56th Fighter Wing
Ms. Cindy L. Calderon, GS-13, General and Environmental Law Attorney, 56th Fighter Wing

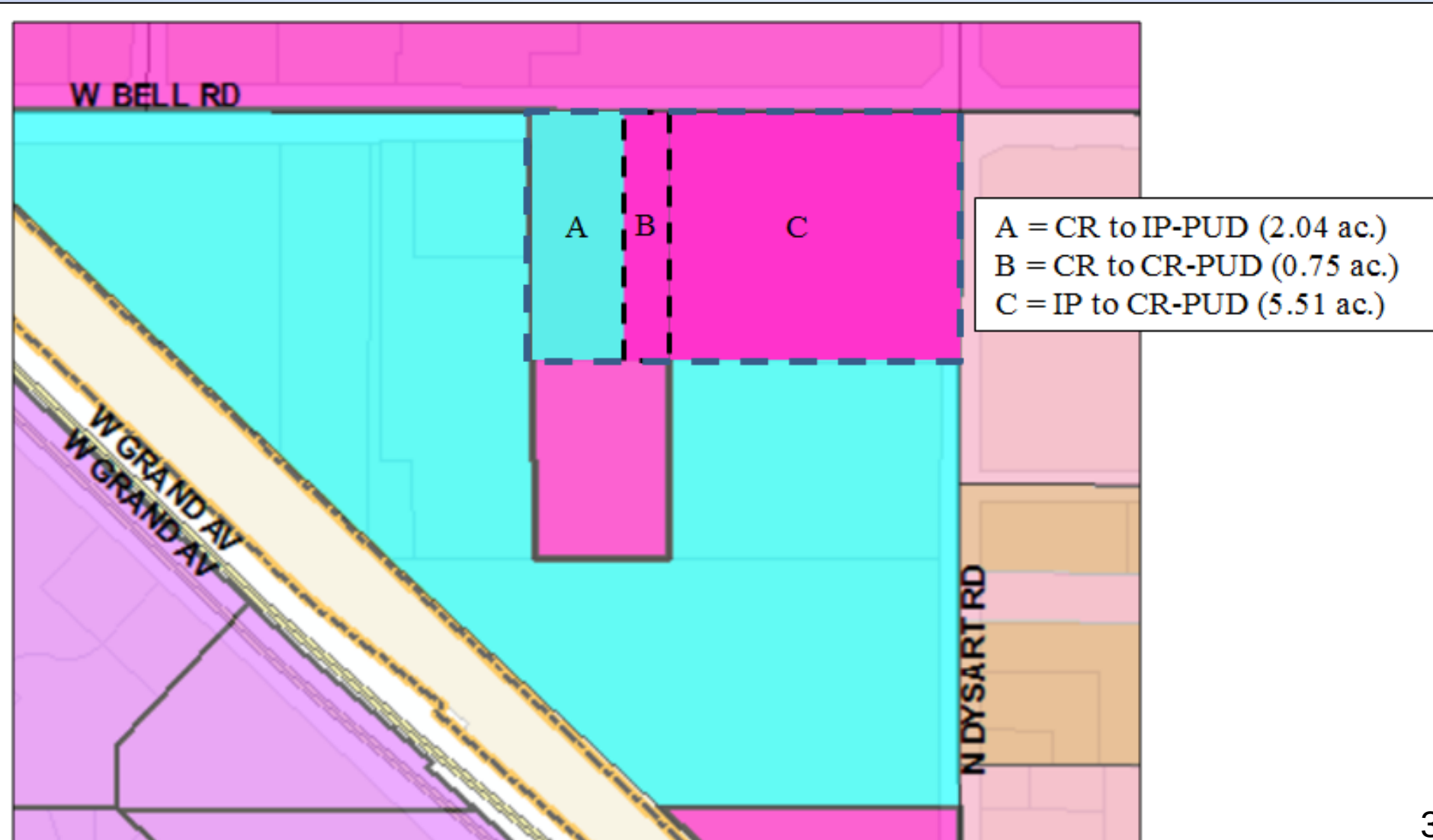
FS15-155 Dysart Subdivision Zone Change and Final Plat City Council Regular Session

October 20, 2015

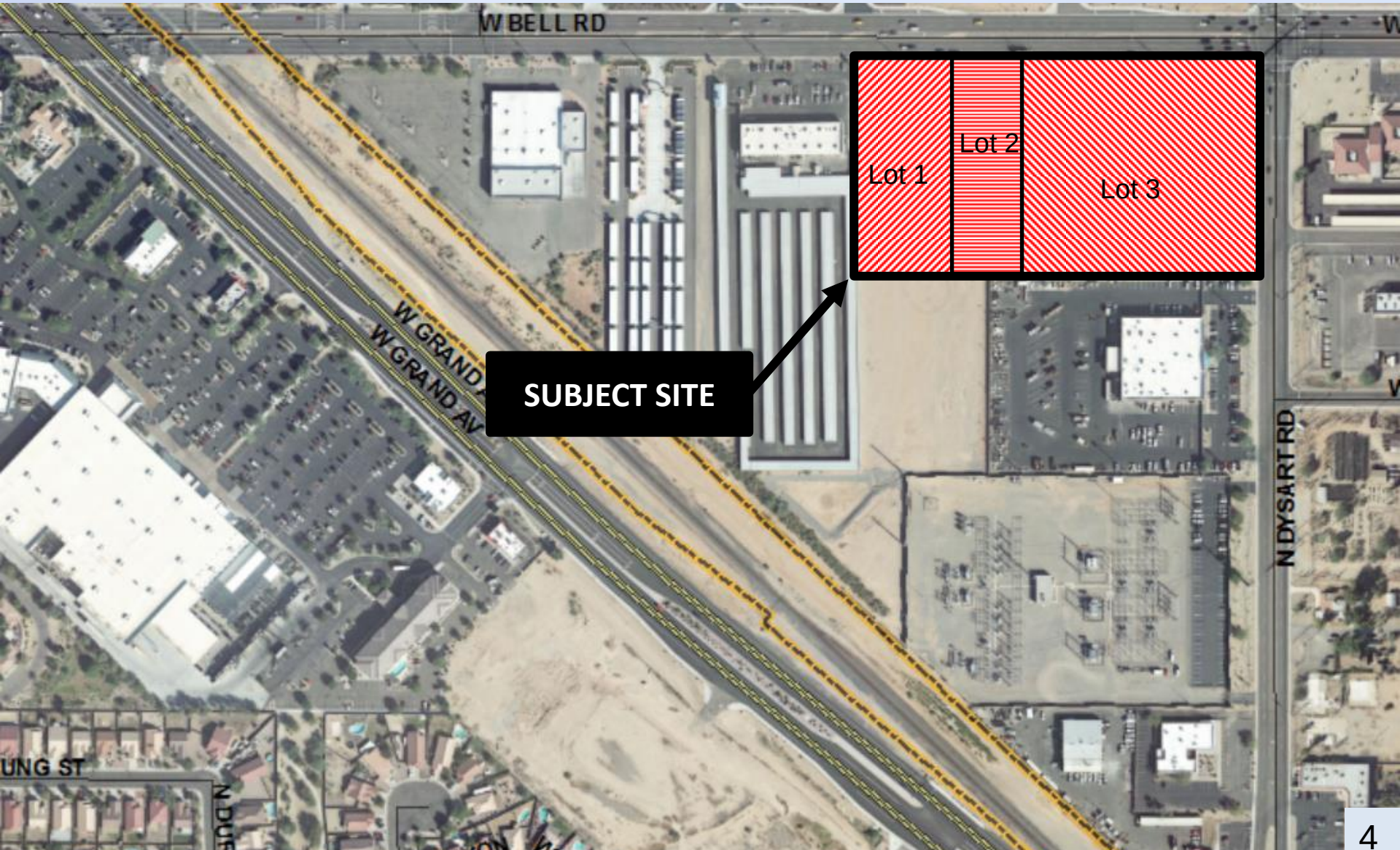


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Zoning Case Map

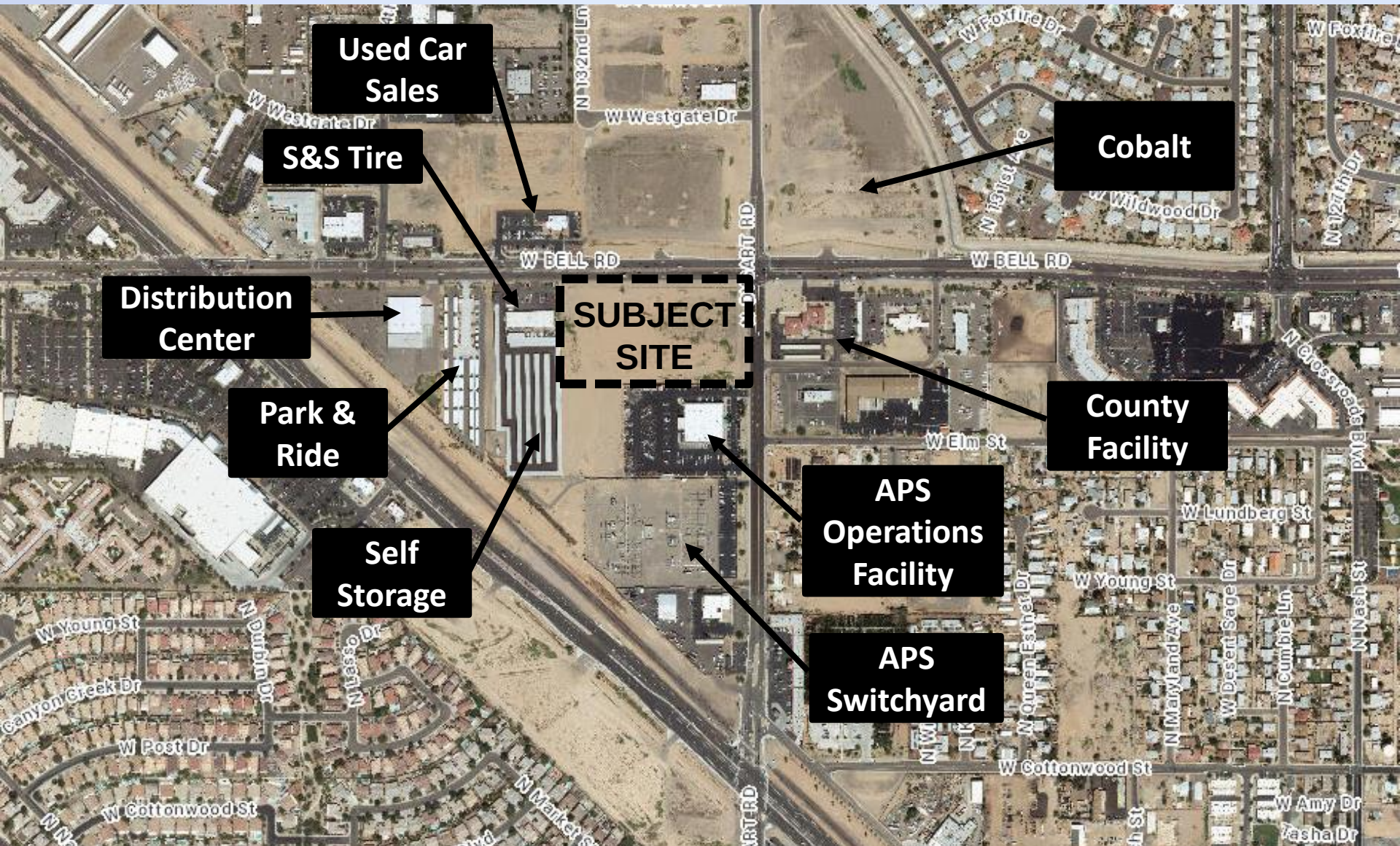


Final Plat Case Map



FS15-155 Dysart Subdivision

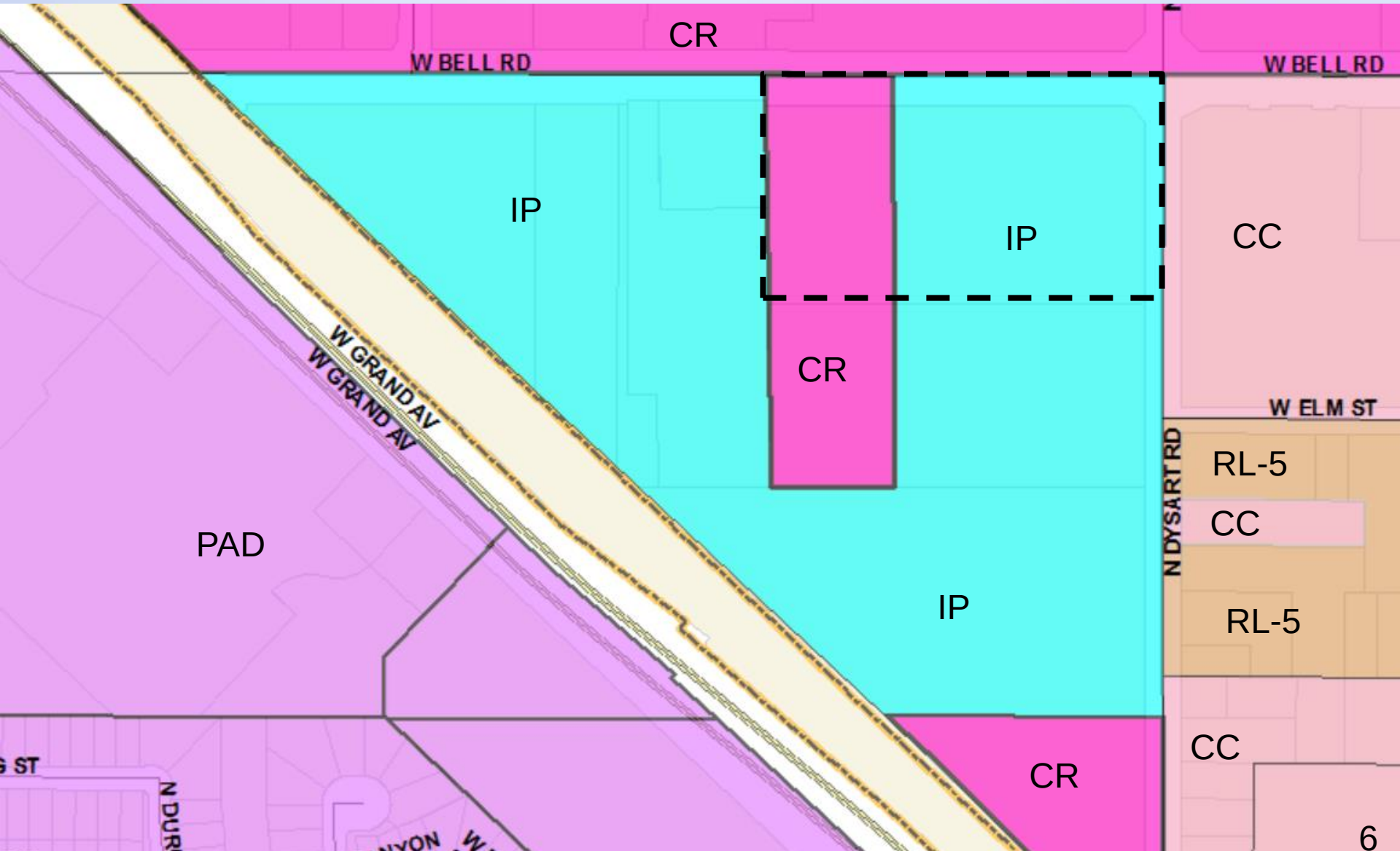
Context Map



FS15-155 Dysart Subdivision

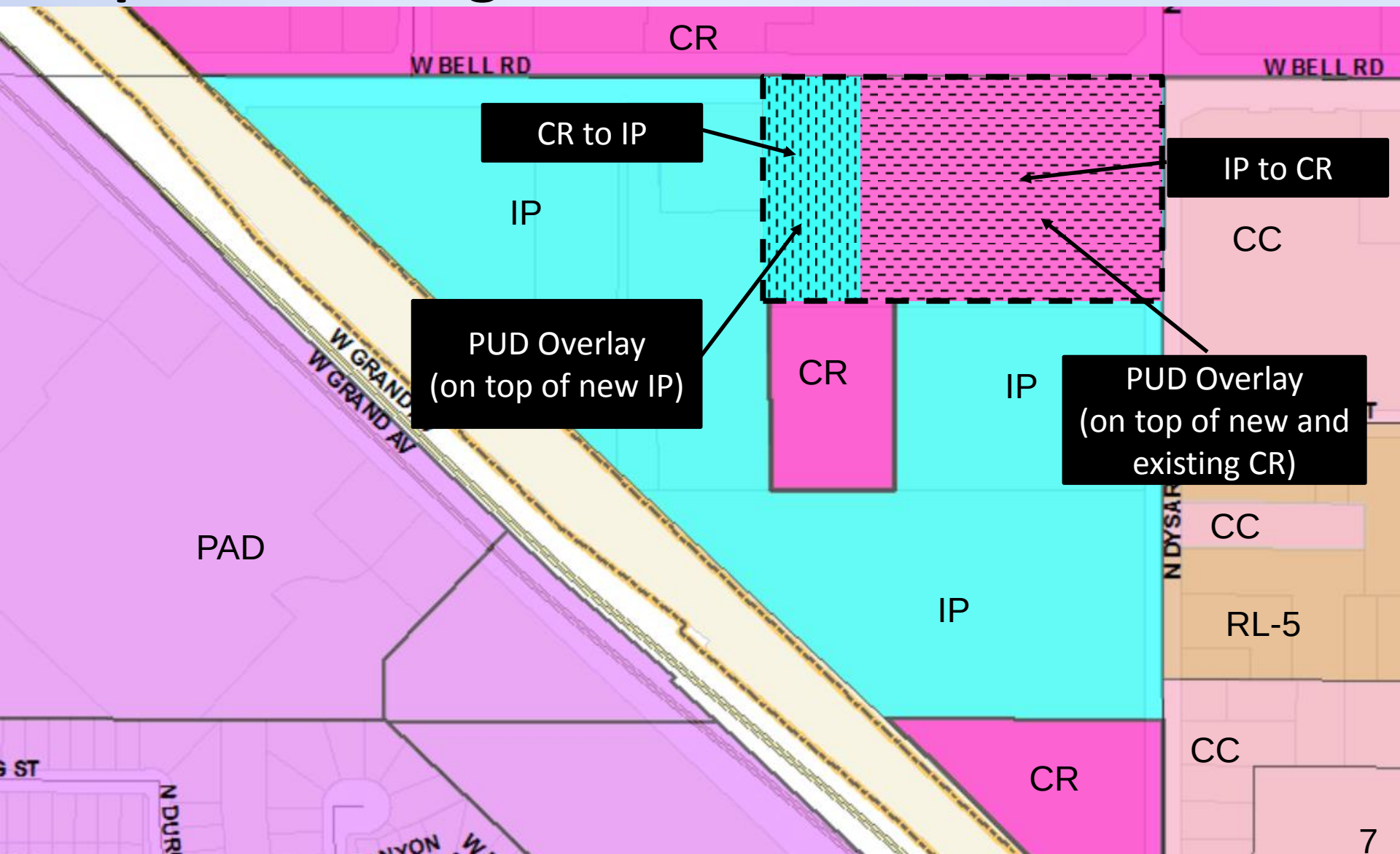


Current Zoning

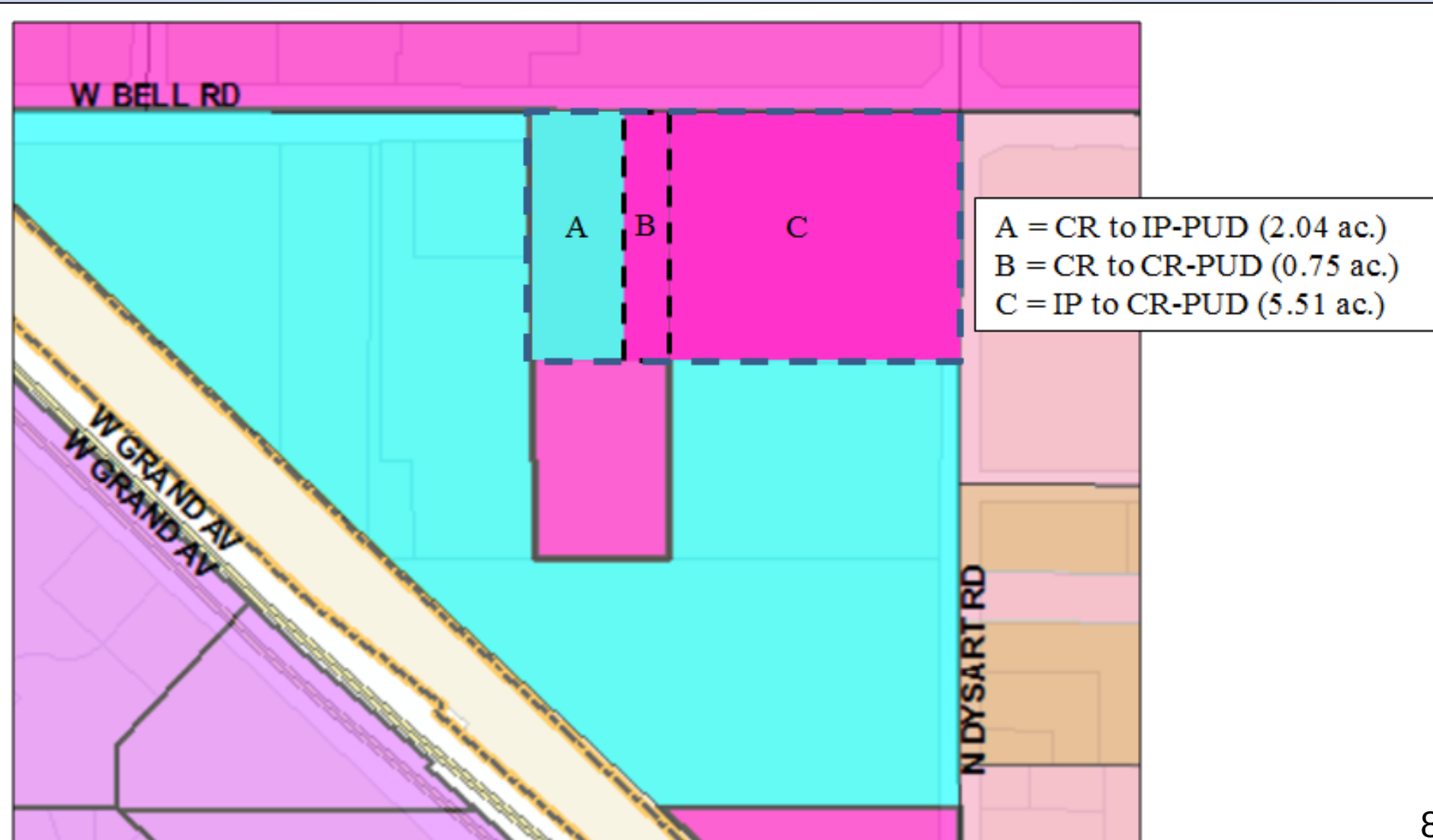


FS15-155 Dysart Subdivision

Proposed Zoning

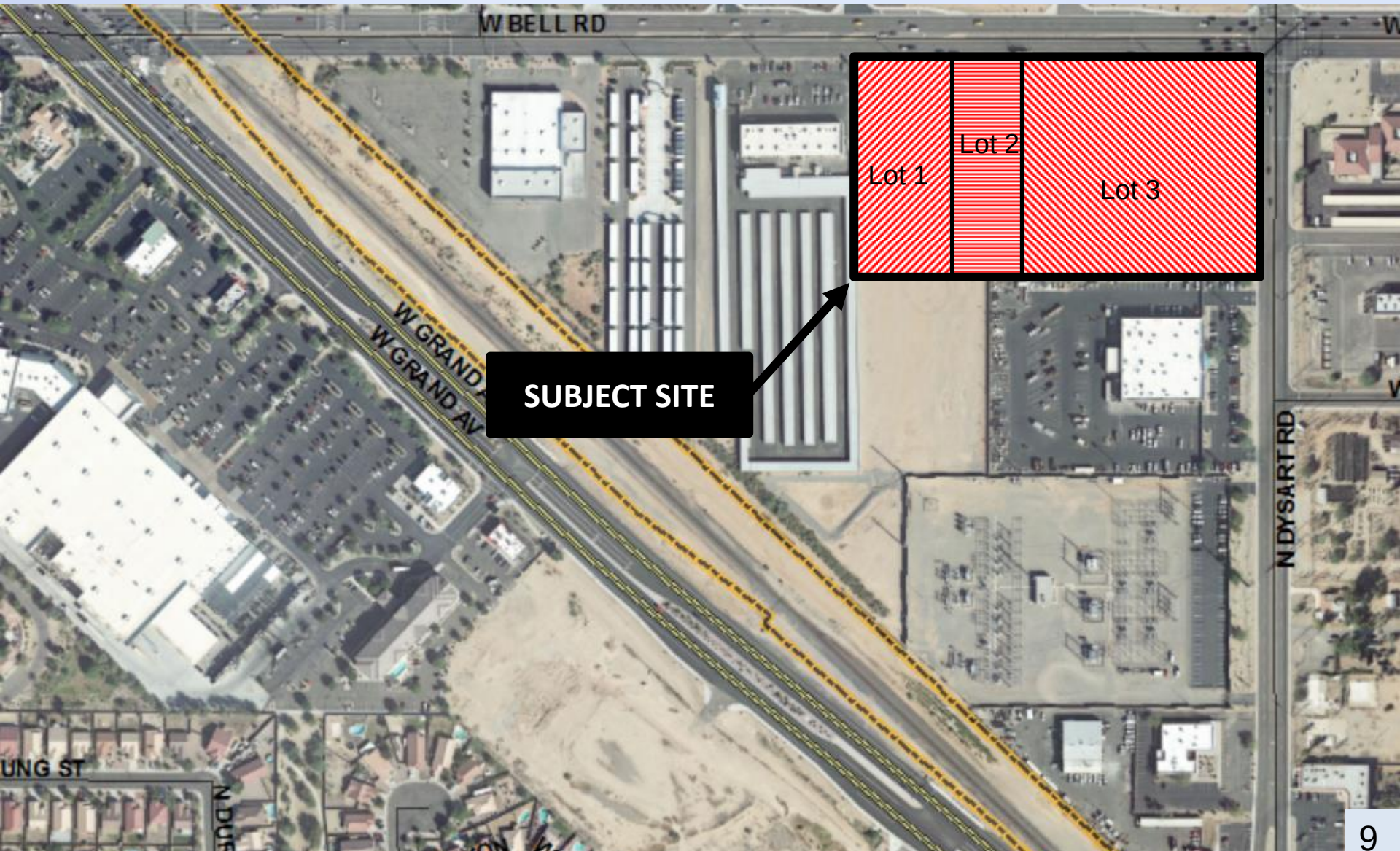


Zoning Case Map



FS15-155 Dysart Subdivision

Master Site Plan (approved by P&Z on 10/01/15)



IP-PUDCK-PUD DEVELOPMENT STANDARDS TABLE FOR DYSART SUBDIVISION (CASE F815-16)						
Shaded cells indicate development standards that is less restrictive than the base zoning district.						
Development Standard	All other IP-PUD		CR to CR-PUD		CR to CR-PUD	
	Base Zoning	IP-PUD	SUDC	Base Zoning	CR Overlay	SUDC
Interior Side Setback	15'	15'	122-360(2)(b)	24'	15'	122-360(2)(b)
Landscaping	45'	45', 77'	122-360(1)(b)	45'	45', 77'	122-360(1)(b)
Maximum (Area)	1.375 of CFA ¹	1.180 SF of CFA ¹	122-133(6)			122-133(6)
Sign Area	0.5 SF per 1 linear foot of elevation	0.6 SF per 1 linear foot of elevation	122(6)(1)(3)	1 linear foot of elevation	1 linear foot of elevation	122(6)(1)(3)

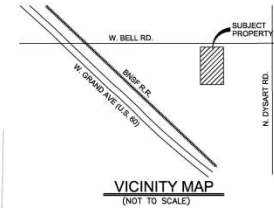
Footnotes:

1. Adjacent to Commercial or Industrial zoning district.

2. Includes driveway access from street and architectural encroachment allowed.

3. Limited driveway encroachment from the street to accommodate shared access allowed per site plan.

4. Based on Automotive Repair and Service use. 1' other than automotive Repair and Service. City of Surprise.



OWNER/DEVELOPER
CROSS DEVELOPMENT, LLC
5317 INVERRARY DRIVE
PLANO, TEXAS
PHONE: (502) 748-1000
CONTACT: KEVIN MCKIBBEN

ENGINEER
OLSSON ASSOCIATES
7250 NORTH 16TH STREET, SUITE 210
PHOENIX, ARIZONA 85020
PHONE: (602) 746-1000
FAX: (602) 746-1001
CONTACT: LEN SWARTZ

ARCHITECT
CROSS ARCHITECTS
1255 W. 15TH STREET
SUITE #125
PLANO, TEXAS 75075
PHONE: (972) 396-6844
CONTACT: SHAWN OFFUTT



APN: 501-16-001V AND 501-16-011K			
	GROSS	R/W	NET USE
LOT 1	74,302 SF	13,003 SF	87,305 SF
	1,706 AC	0.298 AC	2,004 AC
LOT 2	52,712 SF	9,232 SF	61,944 SF
	1,210 AC	0.212 AC	1,422 AC
LOT 3	158,969 SF	52,578 SF	211,546 SF
	3,683 AC	1.193 AC	4,876 AC
TOTAL	435,609 SF	74,813 SF	500,796 SF
	10.00 AC	1.703 AC	8.297 AC
REQUIRED LANDSCAPE:			
LOT 1	15% OF PARKING AREA = 637.44 SF		
LOT 2	15% OF PARKING AREA + TBD AT TIME OF SITE PLAN AMENDMENT		
LOT 3	15% OF PARKING AREA + TBD AT TIME OF SITE PLAN AMENDMENT		

THIS PLAN IS NOT FOR CONSTRUCTION

WOLSSON
ASSOCIATES



EXPIRES 06/30/17

PERSON ASSOCIATES ASSUME RESPONSIBILITY FOR EXISTING UTILITY LOCATIONS (HORIZONTAL OR VERTICAL). EXISTING UTILITIES SHOWN ON THIS DRAWING HAVE BEEN OBTAINED FROM THE BEST AVAILABLE INFORMATION. IT IS HOWEVER THE RESPONSIBILITY OF THE CONTRACTOR TO FIELD VERIFY THE LOCATION OF ALL UTILITIES PRIOR TO THE COMMENCEMENT OF ANY CONSTRUCTION ACTIVITIES.

REVISIONS DESCRIPTION
CITY COMMENTS
CITY COMMENTS

NO.	DATE
A	06/25/15
B	07/16/15

[illegible]

ROAD

COLLISION
DYSART F

CONSTRUCTION
OVERALL

BELL

en by:	SS
oked by:	EW
oved by:	LS
QC by:	PV
ect no.:	014-3198
ing no.:	100_C_SPL_143189

SHE
C10

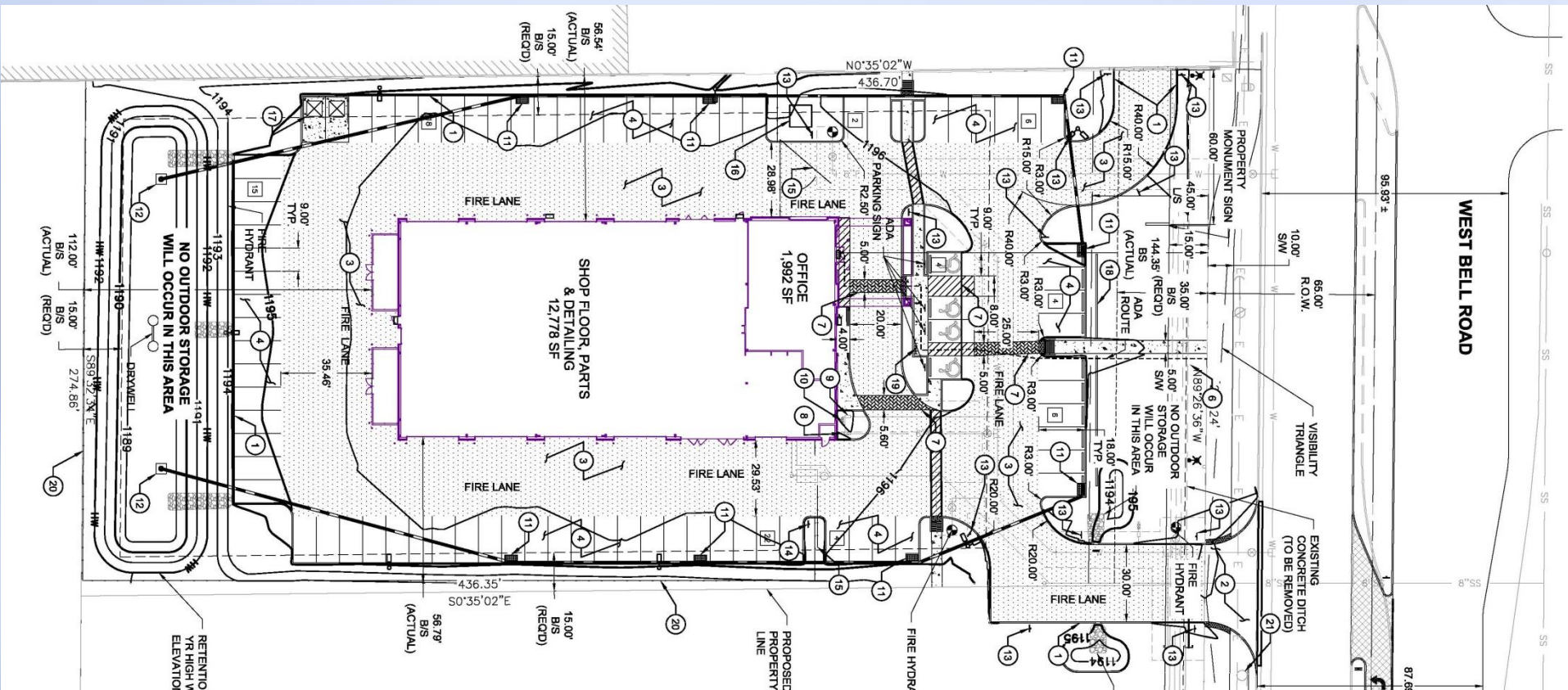
DWG: F:\Projects\014-3199\VO-Design\AutoCAD\Final Plans\Sheets\100-C_SPL_143199.dwg USER: op000
DATE: Aug 17, 2015 2:25pm XREFS: C_TBLX_143199 V_XCONT_143199 C_PBASE_143199 C_PBLDG_143199 V_XBASE_143199

0' 20' 40'

SCALE IN FEET

FS15-155 Dysart Subdivision

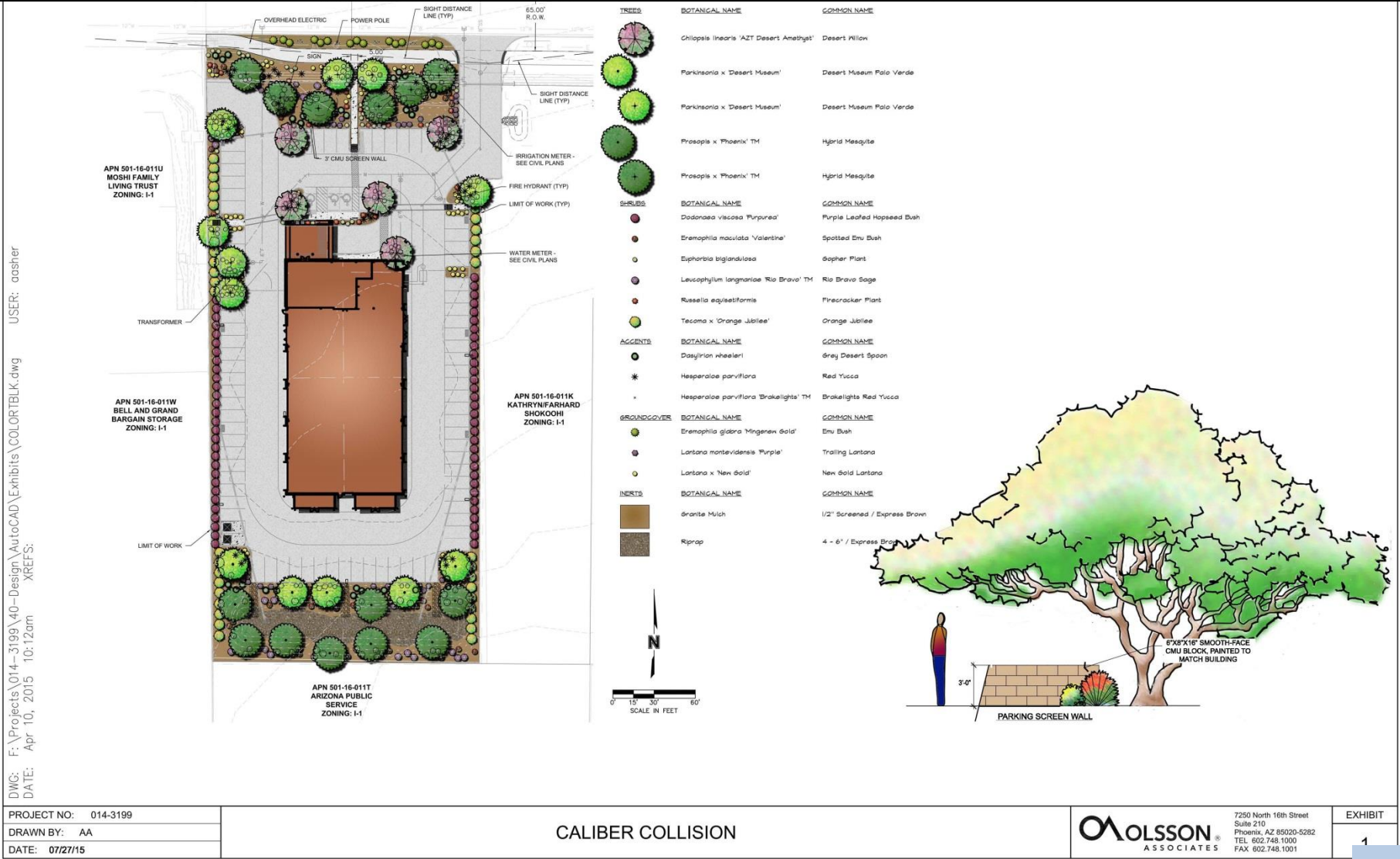
Master Site Plan (approved by P&Z on 10/01/15)



FS15-155 Dysart Subdivision



Landscape Plan (approved by P&Z on 10/01/15)



FS15-155 Dysart Subdivision

Proposed Development Standards

IP PUD/CR PUD DEVELOPMENT STANDARDS TABLE FOR DYSART SUBDIVISION (CASE FS15-155)
 Shaded cells indicate development standard that is less restrictive than the base zoning district.
 All other provisions of the IP and CR zoning districts apply.

Development Standard	IP – IP PUD			CR – CR PUD		
	Base Zoning	PUD Overlay	SUDC Reference	Base Zoning	PUD Overlay	SUDC Reference
Interior Side Setback	15'	15'	122-36(c)(2)b, Table 5-11	24'	15' ¹	122-36(c)(2)c, Table 5-12
Landscape Setback (Arterial)	45' ³	45' ^{2,3}	122-136(b)(18)(h)	45' ³	45' ²	122-136(b)(18)(h)
Maximum Parking Allowed	1:375 SF of GFA ⁵	1:180 SF of GFA ⁴	122-133(e)	As specified in Table 9-1	As specified in Table 9-1	122-133(e)
Secondary Wall Sign Area	0.5 SF per 1 linear foot of elevation	0.6 SF per 1 linear foot of elevation	113-129(a)(3)(a)	0.5 SF per 1 linear foot of elevation	0.5 SF per 1 linear foot of elevation	113-129(a)(3)(a)

Footnotes:

¹ Adjacent to Commercial or Industrial zoning districts.

² 10' limited driveway access encroachment from street and architectural encroachment allowed per 122-136(b)(18)(h), Table 10-4.

³ Limited driveway encroachment from the west to accommodate shared access allowed per site plan.

⁴ Based on Automotive Repair and Service use. If other than Automotive Repair and Service, Table 9-1 applies.

Deviation to Landscape Setback



Proposed Development Standards

IP PUD/CR PUD DEVELOPMENT STANDARDS TABLE FOR DYSART SUBDIVISION (CASE FS15-155)
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 All other provisions of the IP and CR zoning districts apply.

Development Standard	IP – IP PUD			CR – CR PUD		
	Base Zoning	PUD Overlay	SUDC Reference	Base Zoning	PUD Overlay	SUDC Reference
Interior Side Setback	15'	15'	122-36(c)(2)b, Table 5-11	24'	15' ¹	122-36(c)(2)c, Table 5-12
Landscape Setback (Arterial)	45' ³	45' ^{2,3}	122- 136(b)(18)(h)	45' ³	45' ²	122- 136(b)(18)(h)
Maximum Parking Allowed	1:375 SF of GFA ⁵	1:180 SF of GFA ⁴	122-133(e)	As specified in Table 9-1	As specified in Table 9-1	122-133(e)
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Footnotes:

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⁴ Based on Automotive Repair and Service use. If other than Automotive Repair and Service, Table 9-1 applies.

Deviation to Parking Standard

LOT 1 PARKING TABLE:
MINIMUM SPACES REQUIRED: 14,770 SF GROSS FLOOR AREA X 1:500 = 30 (BASED ON AUTO REPAIR AND SERVICE USE)
MAXIMUM SPACES REQUIRED: 14,770 SF GROSS FLOOR AREA X 1:180 = 82 (BASED ON AMENDED DEVELOPMENT STANDARD)
SPACES PROVIDED: 78 STANDARD + 4 ACCESSIBLE = 82 TOTAL
4 BICYCLE SPACES PROVIDED

Required Parking per SUDC:

Minimum = 1 space per 500 SF GFA = $14,770 \text{ SF} / 500 = 30$ spaces

Maximum = 1 space per 375 SF GFA = $14,770 \text{ SF} / 375 = 40$ spaces

Proposed Maximum:

Maximum = 1 space per 180 SF GFA = $14,770 \text{ SF} / 180 = 82$ spaces *

* Caveat that approved maximum ratio only applies if use remains automotive repair and service. Otherwise, Table 9-1 of SUDC applies.

FS15-155 Dysart Subdivision

Proposed Development Standards

IP PUD/CR PUD DEVELOPMENT STANDARDS TABLE FOR DYSART SUBDIVISION (CASE FS15-155)
 Shaded cells indicate development standard that is less restrictive than the base zoning district.
 All other provisions of the IP and CR zoning districts apply.

Development Standard	IP – IP PUD			CR – CR PUD		
	Base Zoning	PUD Overlay	SUDC Reference	Base Zoning	PUD Overlay	SUDC Reference
Interior Side Setback	15'	15'	122-36(c)(2)b, Table 5-11	24'	15' ¹	122-36(c)(2)c, Table 5-12
Landscape Setback (Arterial)	45' ³	45' ^{2,3}	122- 136(b)(18)(h)	45' ³	45' ²	122- 136(b)(18)(h)
Maximum Parking Allowed	1:375 SF of GFA ⁵	1:180 SF of GFA ⁴	122-133(e)	As specified in Table 9-1	As specified in Table 9-1	122-133(e)
Secondary Wall Sign Area	0.5 SF per 1 linear foot of elevation	0.6 SF per 1 linear foot of elevation	113-129(a)(3)(a)	0.5 SF per 1 linear foot of elevation	0.5 SF per 1 linear foot of elevation	113-129(a)(3)(a)

Footnotes:

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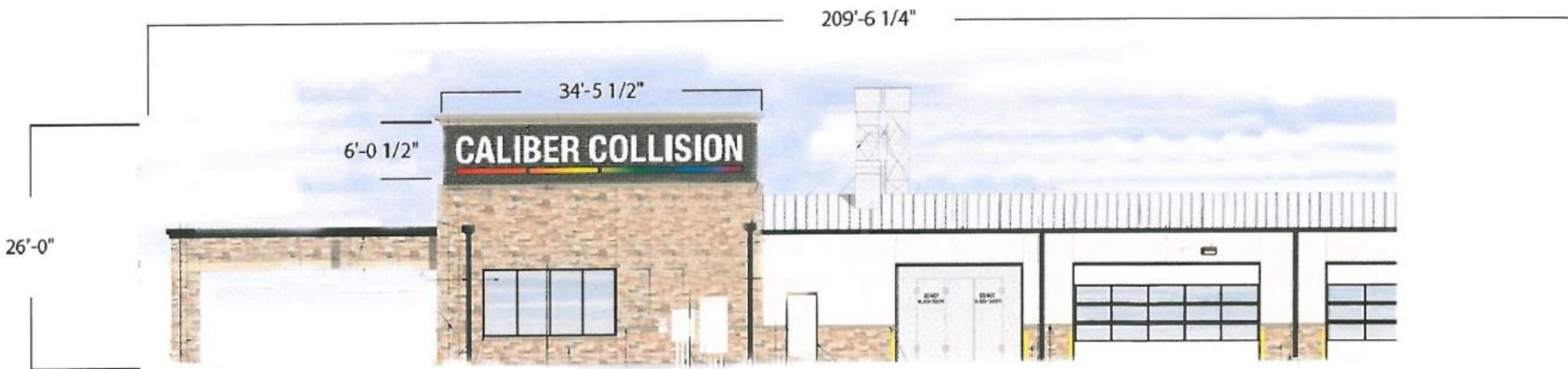
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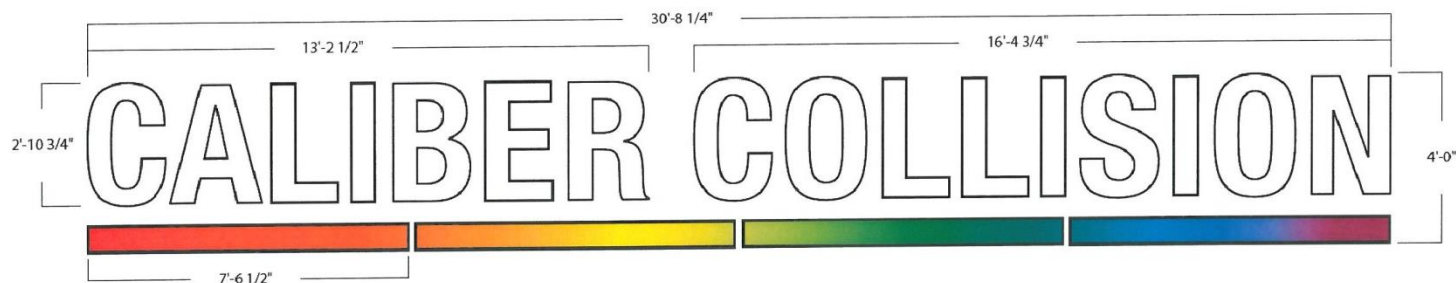
⁴ Based on Automotive Repair and Service use. If other than Automotive Repair and Service, Table 9-1 applies.

FS15-155 Dysart Subdivision

Proposed Signage (West)



B CHANNEL LETTERS
1 9/16" = 26'-0"



B CHANNEL LETTERS
3/8" = 1'-0"

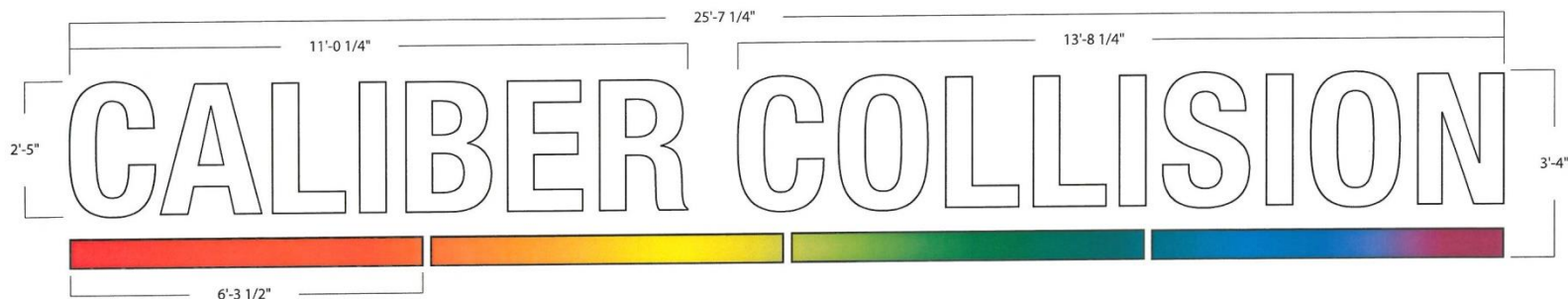
104.76 SF Allowed if at 0.5 SF / LF
125.71 SF allowed if at 0.6 SF/LF
122.45 SF Proposed

FS15-155 Dysart Subdivision

Proposed Signage (North)



A CHANNEL LETTERS
3/32" = 1'-0"

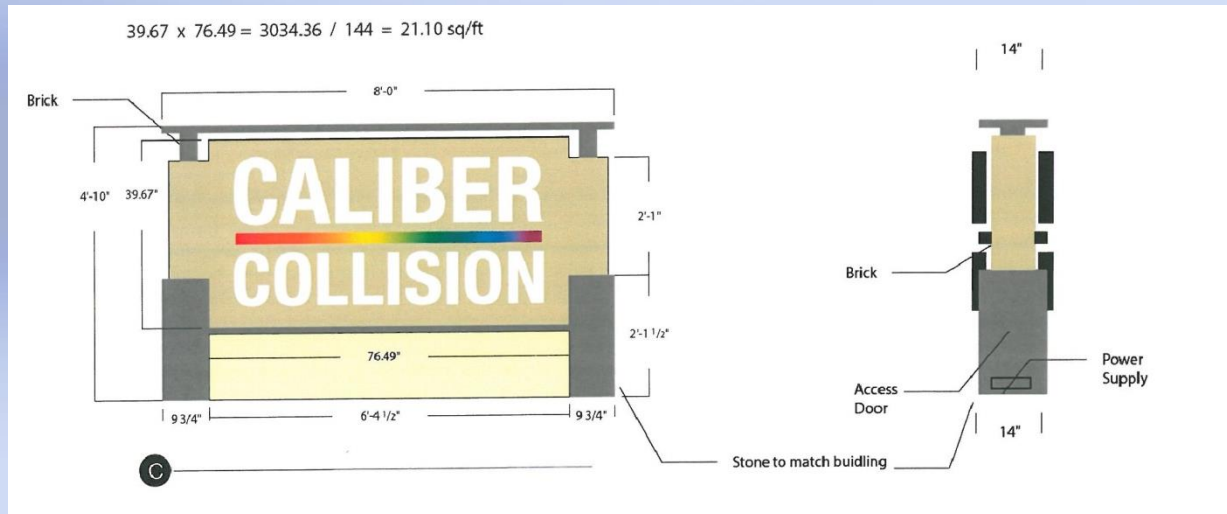


A CHANNEL LETTERS
1/2" = 1'-0"

86.75 SF Allowed
85.35 SF Proposed

FS15-155 Dysart Subdivision

Proposed Signage (Monument)



Proposed Development Standards

IP PUD/CR PUD DEVELOPMENT STANDARDS TABLE FOR DYSART SUBDIVISION (CASE FS15-155)
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 All other provisions of the IP and CR zoning districts apply.

Development Standard	IP – IP PUD			CR – CR PUD		
	Base Zoning	PUD Overlay	SUDC Reference	Base Zoning	PUD Overlay	SUDC Reference
Interior Side Setback	15'	15'	122-36(c)(2)b, Table 5-11	24'	15' ¹	122-36(c)(2)c, Table 5-12
Landscape Setback (Arterial)	45' ³	45' ^{2,3}	122- 136(b)(18)(h)	45' ³	45' ²	122- 136(b)(18)(h)
Maximum Parking Allowed	1:375 SF of GFA ⁵	1:180 SF of GFA ⁴	122-133(e)	As specified in Table 9-1	As specified in Table 9-1	122-133(e)
Secondary Wall Sign Area	0.5 SF per 1 linear foot of elevation	0.6 SF per 1 linear foot of elevation	113-129(a)(3)(a)	0.5 SF per 1 linear foot of elevation	0.5 SF per 1 linear foot of elevation	113-129(a)(3)(a)

Footnotes:

¹ Adjacent to Commercial or Industrial zoning districts.

² 10' limited driveway access encroachment from street and architectural encroachment allowed per 122-136(b)(18)(h), Table 10-4.

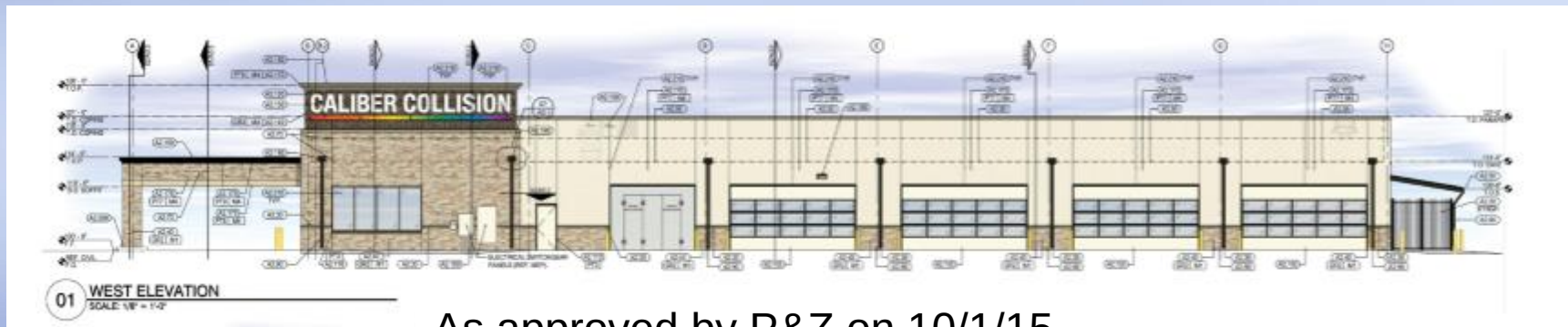
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⁴ Based on Automotive Repair and Service use. If other than Automotive Repair and Service, Table 9-1 applies.

Elevations - West



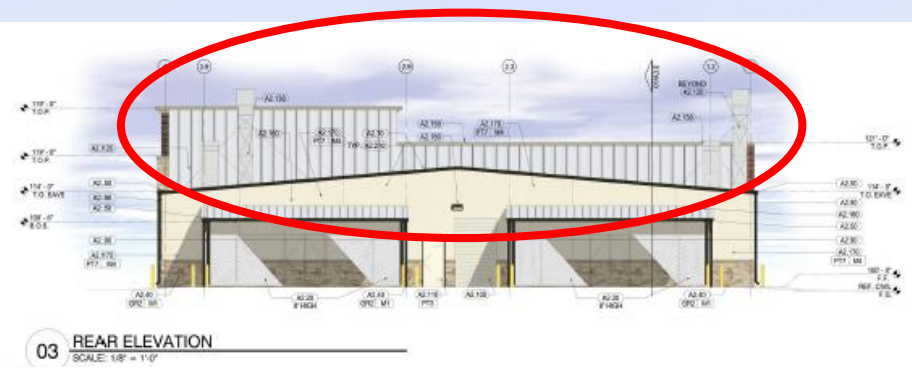
As Originally Proposed



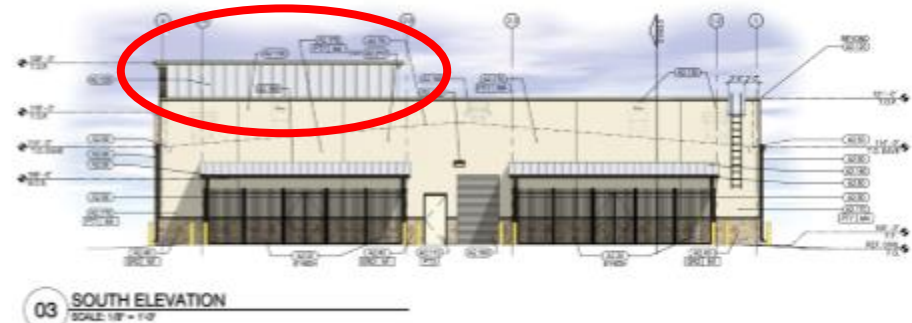
As approved by P&Z on 10/1/15

FS15-155 Dysart Subdivision

Elevations – North and South



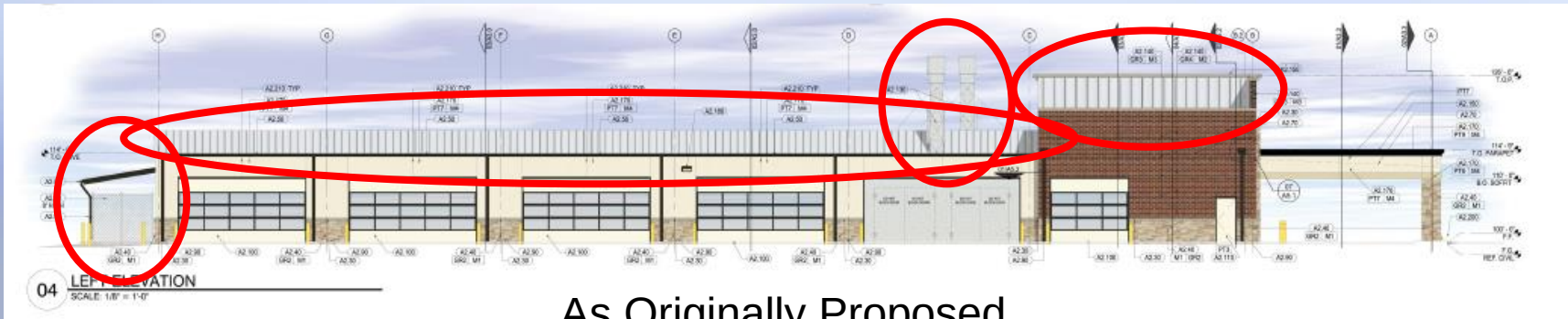
As Originally Proposed



As approved by P&Z on 10/1/15*

* Includes stipulation requiring the boxing in of the exposed parapet

Elevations - East



As Originally Proposed



As approved by P&Z on 10/1/15*

* Includes stipulation requiring the boxing in of the exposed parapet

FS15-155 Dysart Subdivision



FINAL PLAT FOR DYARSART SUBDIVISION

A PORTION OF THE NORTHEAST QUARTER OF SECTION 3, TOWNSHIP 3 NORTH, RANGE 1 WEST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA

DEDICATION

STATE OF ARIZONA }
COUNTY OF MARICOPA }

THAT FARHAD K. SHOKOHI AND KATHRYN A. SHOKOHI N.A.P., (TOWNERS), HAS SUBDIVIDED UNDER THE NAME "DYARSART SUBDIVISION", A SUBDIVISION LOCATED IN A PORTION OF THE NORTHEAST QUARTER OF SECTION 3, TOWNSHIP 3 NORTH AND RANGE 1 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 "DYARSART SUBDIVISION" 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 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 NON-EXCLUSIVE EASEMENT OVER, UPON 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 EPORC WATER ARIZONA INC. AND ITS SUCCESSORS AND ASSIGNS (COLLECTIVELY, "GRANTEE") A PERPETUAL WATERLINE EASEMENT AS DESCRIBED IN THE PLAT, TO CONSTRUCT, OPERATE, AND MAINTAIN WATER LINES AND APPURTENANT FACILITIES COLLECTIVELY, "FACILITIES" UPON, ACROSS, OVER AND UNDER THE SURFACE OF THE EASEMENT, TOGETHER WITH THE RIGHT TO OPERATE, REPAIR, REPLACE, MAINTAIN, AND REMOVE THE FACILITIES FROM THE PREMISES; TO ADD OR TO ALTER THE FACILITIES, AND TO PROVIDE GRANTEE WITH REASONABLE INGRESS AND EGRESS TO THE FACILITIES. GRANTEE WILL HAVE UNRESTRICTED ACCESS TO THE EASEMENT FOR THE ACTIVITIES DESCRIBED ABOVE AND FORMAL NOTIFICATION OR APPROVAL BY ANY ASSOCIATION PRIOR TO ACCESSING THE EASEMENT WILL NOT BE REQUIRED.

OWNER HEREBY GRANTS TO THE ULTIMATE OWNER OF LOT 1 CREATED BY THIS PLAT, A CROSS ACCESS EASEMENT OVER, UPON AND ACROSS THE ENTIRE PLAT FOR THE PURPOSE OF PROVIDING CONTINUOUS AND UNINTERRUPTED INGRESS AND EGRESS TO EACH PARCEL, CREATED BY THIS PLAT.

OWNER HEREBY GRANTS TO THE ULTIMATE OWNER OF EACH PARCEL, CREATED BY THIS PLAT, A CROSS ACCESS EASEMENT OVER, UPON AND ACROSS THE NORTH 85 FEET OF LOT 1 FOR THE PURPOSE OF PROVIDING CONTINUOUS AND UNINTERRUPTED INGRESS AND EGRESS TO EACH PARCEL, CREATED BY THIS PLAT.

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

OWNER DOES HEREBY (1) RELEASE AND DISCHARGE THE CITY OF SURPRISE, AND (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 FINAL 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 OWNERS OR SUBSEQUENT ADJACENT OWNERS WITH 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.

BY: FARHAD K. SHOKOHI AND KATHRYN A. SHOKOHI N.A.P.

STATE OF ARIZONA }
COUNTY OF MARICOPA }

ON THIS DAY OF 20, BEFORE ME, THE UNDERSIGNED, PERSONALLY APPEARED WHO ACKNOWLEDGED HIMSELF/HERSELF TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE INSTRUMENT WITHIN, AND WHO EXECUTED THE FOREGOING INSTRUMENT FOR THE PURPOSES THEREIN CONTAINED. IN WITNESS WHEREOF, I HERETO UNTO SET MY HAND AND OFFICIAL SEAL.

NOTARY PUBLIC DATE
MY COMMISSION EXPIRES: 20

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

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

MAYOR
ATTEST:

CITY CLERK DATE

PUBLIC NOTICE

THE LOTS NOTICED 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

FARHAD K. SHOKOHI AND KATHRYN A. SHOKOHI ("OWNERS") DO HEREBY (1) RELEASE AND DISCHARGE THE USAF AND THE CITY OF SURPRISE, AND (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 AIRCRAFT OVERFLIGHTS OF LUKE AIR FORCE BASE. THE RELEASE OF 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.

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.

LEGAL DESCRIPTION

(PARCEL PARCELS)
THAT PART OF THE NORTHEAST QUARTER OF SECTION 3, TOWNSHIP 3 NORTH, RANGE 1 WEST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

COMMENCING AT A MCDOT BRASS CAP IN HAND HOLE AT THE NORTHEAST CORNER OF SAID SECTION 3, FROM WHICH A MARICOPA COUNTY ALUMINUM CAP SET IN CONCRETE AT THE EAST QUARTER CORNER OF SAID SECTION 3, BEARS S89°28'50"W, A DISTANCE OF 2833.90 FEET;

THENCE S89°28'50"W, ALONG THE EAST LINE OF SECTION 3, A DISTANCE OF 499.0 FEET;

THENCE DEPARTING FROM SAID EAST LINE, N89°32'22"W, A DISTANCE OF 40.0 FEET TO THE WESTERLY RIGHT-OF-WAY OF DYARSART ROAD, AS SHOWN IN BOOK 474 OF MAPS, PAGE 14, MARICOPA COUNTY RECORDS, BEING THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PART;

THENCE N89°32'22"W, ALONG THE NORTHERLY LINE OF THE PROPERTY DESCRIBED IN DEED #78-0212360, MARICOPA COUNTY RECORDS, A DISTANCE OF 550.27 FEET TO THE NORTHWEST CORNER OF SAID PROPERTY DESCRIBED IN DEED #78-0212360;

THENCE N89°32'44"W, ALONG THE NORTHERLY LINE OF THE PROPERTY DESCRIBED IN DEED #01-0546960, MARICOPA COUNTY RECORDS, A DISTANCE OF 274.86 FEET TO THE NORTHWEST CORNER OF SAID PROPERTY DESCRIBED IN DEED #01-0546960;

THENCE S89°30'52"W, ALONG THE WEST LINE OF THE PROPERTY DESCRIBED IN DEED #98-0059073, MARICOPA COUNTY RECORDS, A DISTANCE OF 436.70 FEET TO THE SOUTHERLY RIGHT-OF-WAY OF BELL ROAD AS DESCRIBED IN DEED #14-0154555, MARICOPA COUNTY RECORDS;

THENCE S89°28'38"E, ALONG SAID SOUTHERLY RIGHT-OF-WAY, A DISTANCE OF 798.34 FEET;

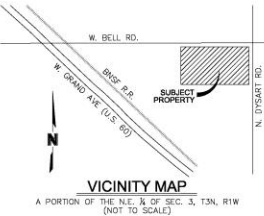
THENCE S44°28'31"E, A DISTANCE OF 49.53 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY OF SAID DYARSART ROAD;

THENCE S89°28'50"W, ALONG SAID WESTERLY RIGHT-OF-WAY OF DYARSART ROAD, A DISTANCE OF 400.05 FEET TO THE POINT OF BEGINNING.

CONTAINING 6.282 ACRES MORE OR LESS.

DEVELOPER

CROSS DEVELOPMENT, LLC
5317 INVERARY DRIVE
PLANO, TEXAS
CONTACT: KEVIN MCKIBBEN (972) 398-6644



PLAT NOTES

- 1. 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 #47451 AND #1715, WHEN APPLICABLE.
- 2. IN ACCORDANCE WITH A.R.S. § 9-461.07, THE CITY OF SURPRISE HAS DETERMINED THAT ALL DEDICATIONS OCCURRING WITH THIS PLAT ARE IN CONFORMANCE WITH THE SURPRISE GENERAL PLAN.
- 3. MAINTENANCE OF DRAINAGE FACILITIES SHALL BE THE RESPONSIBILITY OF THE PRESENT OWNERS AND/OR OWNERS ASSOCIATION.
- 4. MAINTENANCE OF LANDSCAPING WITHIN THE ADJACENT PUBLIC RIGHT-OF-WAY, INCLUDING 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.
- 5. LANDSCAPE MAINTENANCE WITHIN THE MEDIANS WITHIN THE PUBLIC RIGHT-OF-WAY WITH ANY ARTERIAL OR PARKWAY STREET CLASSIFICATION SHALL BE RESPONSIBILITY OF THE CITY OF SURPRISE AFTER ACCEPTANCE.
- 6. THE PROPERTY OWNERS OR ANY SUBSEQUENT OWNERS SHALL NOT PROCEED WITH ANY ONSITE GRADING OR EXCAVATION WITHOUT FIRST OBTAINING A PERMIT FROM THE CITY OF SURPRISE.

FLOOD ZONE CLASSIFICATION

THIS PROPERTY IS LOCATED WITHIN AN AREA HAVING A FLOOD ZONE DESIGNATION "ZONE X", BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) ON FLOOD INSURANCE RATE MAP (FIRM) NO. 04013C1242L, WITH AN IDENTIFICATION DATE OF OCTOBER 16, 2013, FOR COMMUNITY NO. 040053, MARICOPA COUNTY, STATE OF ARIZONA, WHICH IS THE CURRENT FLOOD INSURANCE RATE MAP FOR THE COMMUNITY IN WHICH SAID PROPERTY IS SITUATED.

REFERENCE DOCUMENTS:

- 1. DOC#88-0209073, M.C.R.
- 2. DOC#14-0372800, M.C.R.
- 3. DOC#78-0212360, M.C.R.
- 4. DOC#01-0546960, M.C.R.
- 5. DOC#12-0301394, M.C.R.
- 6. DOC#10-0326417, M.C.R.
- 7. DEED #15-0001165, M.C.R.
- 8. DEED #15-0001165, M.C.R.
- 9. RECORD OF SURVEY, BOOK 474 OF MAPS, PAGE 14, RECORDS OF MARICOPA COUNTY, ARIZONA.
- 10. GDACS SECTION 3, T3N, R1W, BOOK 688, PAGE 41, RECORDS OF MARICOPA COUNTY, ARIZONA.
- 11. GDACS SECTION 34, T4N, R1W, BOOK 678, PAGE 15, RECORDS OF MARICOPA COUNTY, ARIZONA.
- 12. FINAL PLAT, BOOK 1038 OF MAPS, PAGE 42, RECORDS OF MARICOPA COUNTY, ARIZONA.

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 2015, THAT THE SURVEY IS TRUE AND COMPLETE AS SHOWN, THAT THE MONUMENTS SHOWN ACTUALLY EXIST OR WERE SET AS SHOWN, THAT THEIR POSITIONS ARE CORRECTLY SHOWN, AND THAT SAID MONUMENTS ARE SUFFICIENT TO ENABLE THIS SURVEY TO BE RETRACED. FOR AND ON BEHALF OF OLSSON ASSOCIATES, INC.

R. REECE HERNEY, RLS #49097

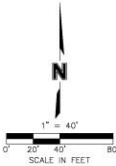
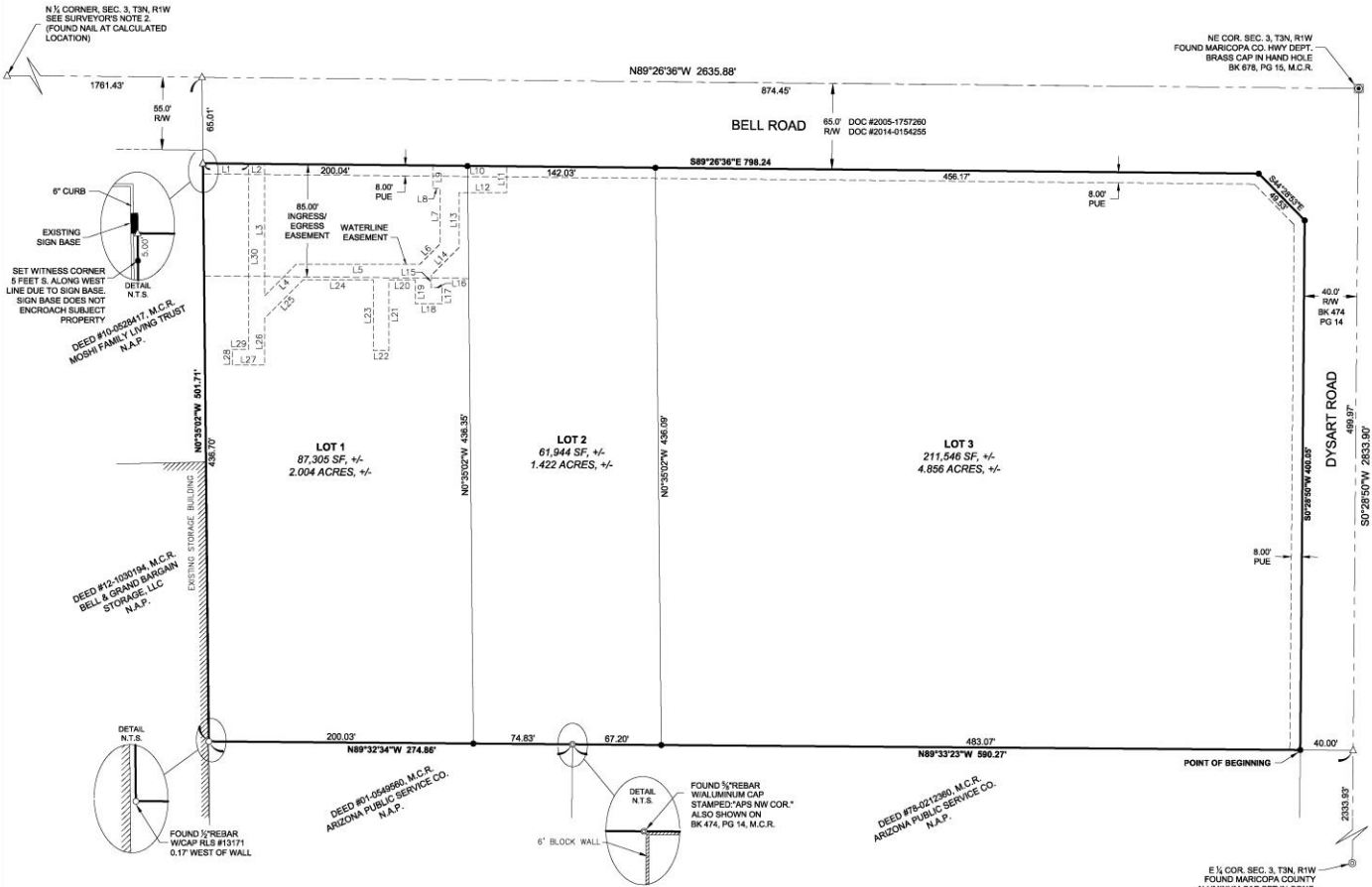


OLSSON ASSOCIATES logo and contact information. Includes address: 7200 N. WILLOW STREET SUITE 210, PHOENIX, ARIZONA 85042, TEL: 602.746.1000, WWW.OLSSONASSOCIATES.COM. Also includes a table for REVISIONS and a table for FINAL PLAT FOR DYARSART SUBDIVISION.

FS15-155 Dysart Subdivision



FINAL PLAT FOR DYSART SUBDIVISION A PORTION OF THE NORTHEAST QUARTER OF SECTION 3, TOWNSHIP 3 NORTH, RANGE 1 WEST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA



- LEGEND**
- = SET REBAR W/ CAP 49097
 - = FOUND CORNER AS NOTED
 - △ = CALCULATED CORNER, NOTHING SET
 - ⊙ = REBAR W/ ALUMINUM CAP
 - ⊕ = ALUMINUM CAP FLUSH
 - ⊗ = BRASS CAP FLUSH
 - ⊠ = BRASS CAP IN HAND HOLE
 - ⊡ = SUBJECT PROPERTY BOUNDARY
 - = CALCULATED LINES OR TIES
 - - - = SECTION LINE
 - - - = RIGHT-OF-WAY (RW)
 - - - = EASEMENT LINE
- MCR = MARICOPA COUNTY RECORDS
RW = PUBLIC RIGHT-OF-WAY
PUE = PUBLIC UTILITIES EASEMENT
NAP = NOT A PART OF THIS SURVEY

**WATERLINE EASEMENT
LINE TABLE**

LINE #	DIRECTION	LENGTH
L1	S89°28'36"E	34.62'
L2	S89°28'36"E	12.00'
L3	S0°00'04"W	99.68'
L4	N45°00'04"E	33.81'
L5	S89°59'56"E	93.46'
L6	N45°00'04"E	21.93'
L7	N0°00'04"E	41.63'
L8	N89°59'56"W	5.54'
L9	N0°00'04"E	12.40'
L10	S89°28'36"E	55.60'
L11	S0°00'13"W	20.00'
L12	N89°59'47"W	35.96'
L13	S0°02'57"W	41.40'
L14	S45°00'04"W	29.82'
L15	S0°00'04"W	9.29'
L16	S89°59'56"E	8.49'
L17	S0°00'04"W	12.00'
L18	N89°59'56"W	20.49'
L19	N0°00'04"E	17.77'
L20	N89°59'56"W	19.66'
L21	S0°00'04"W	53.22'
L22	N89°59'57"W	12.00'
L23	N0°00'01"E	53.22'
L24	N89°59'56"W	53.32'
L25	S45°00'04"W	40.84'
L26	S0°00'04"W	35.27'
L27	N89°59'56"W	24.39'
L28	N0°00'04"E	12.00'
L29	S89°59'56"E	12.39'
L30	N0°00'04"E	140.04'

BASIS OF BEARING
N89°28'36"W ALONG THE NORTH LINE OF THE NORTHEAST QUARTER OF SECTION 3, TOWNSHIP 3 NORTH, RANGE 1 WEST OF THE GILA AND SALT RIVER MERIDIAN, ORIGINALLY MEASURED AS S89°54'55"W USING GLOBAL NAVIGATION SATELLITE SYSTEMS AND ROTATED 0°38'29".

- SURVEYOR'S NOTES:**
- ALL DISTANCES REPORTED ON THIS SURVEY ARE TO THE MONUMENTS FOUND OR SET UNLESS OTHERWISE NOTED.
 - A SEARCH FOR THE NORTH 1/4 CORNER OF SECTION 3, T3N, R1W, RESULTED IN FINDING THE LOCATION (CALCULATED USING GDACS BK 678, PG 15, M.C.R.) PAVED OVER WITH ASPHALT. A NAIL WAS FOUND DRIVEN INTO THE ASPHALT PAVEMENT AT THE CALCULATED POSITION. THE NORTHEAST CORNER OF SAID SECTION 3 WAS FOUND CONSISTENT WITH SAID GDACS PLAT. THE EAST QUARTER CORNER OF SAID SECTION 3 WAS FOUND CONSISTENT WITH GDACS PLAT BK 688, PG 41, M.C.R. BASED ON THE CONSISTENT FINDINGS OF THE NORTHEAST CORNER & EAST 1/4 CORNER, THE NORTH 1/4 CORNER IS HELD AT THE CALCULATED LOCATION PER GDACS PLAT BK 678, PG 15, M.C.R.

PARENT PARCEL & LOTS
PARENT PARCEL = 360,795 SQ. FT. +/-, OR 8.282 ACRES +/-
LOT 1 = 87,305 SQ. FT. +/-, OR 2.004 ACRES +/-
LOT 2 = 61,944 SQ. FT. +/-, OR 1.422 ACRES +/-
LOT 3 = 211,546 SQ. FT. +/-, OR 4.856 ACRES +/-

7250 N. 40TH STREET SUITE 210
TOLSON, AZ 85388
TEL: 480.246.1000
WWW.MOLSSONASSOCIATES.COM

FINAL PLAT FOR DYSART SUBDIVISION

A PORTION OF THE NORTHEAST QUARTER OF SECTION 3, TOWNSHIP 3 NORTH, RANGE 1 WEST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA

drawn by: [signature]
checked by: [signature]
approved by: [signature]
project no.: 214-2199
date: 08.12.2015

REVISIONS

REV.	DATE	DESCRIPTION
1	2015	

Citizen Outreach

- Outreach meeting on July 21, 2015
- One phone inquiry
- One item of opposition

Commission Recommendation:

- Zone Change:
 - ✓ **Approve** subject to stipulations “a” through “d”

Questions or Comments?



CITY OF SURPRISE
Regular City Council Meeting

October 20, 2015 @ 6:00:00 PM

+ [Back](#) [Print](#)

Council Meeting Date: October 20, 2015

Contact Person: Sherry Ann Aguilar, City Clerk

Submitting Department:

District: Internal

Staff Recommendations: None

Consent

Regular

Public Hearing

Report/Discussion

Agenda Wording:

Consideration and action regarding appointment of David Farago to fill the Arts & Cultural Advisory Commission vacancy with a term expiration of June 30, 2016, and Bruce Hertzog to fill the vacancy on the Disability Advisory Commission with a term expiration of June 30, 2016.

Motion:

I move to approve appointment of David Farago to fill the Arts & Cultural Advisory Commission vacancy with a term expiration of June 30, 2016, and Bruce Hertzog to fill the vacancy on the Disability Advisory Commission with a term expiration of June 30, 2016.

Background:

Objective Analysis:

Policy Compliant:

This item follows the City of Surprise City Code process relating to Boards & Commission reappointments.

(a) Application process.

(1) Upon notice of a vacancy, the city clerk will promptly notify the nominations committee chair, and post all vacancies on the city website. Vacancies will also be posted at all designated posting locations, no later than three business days after a vacancy is created and continue such posting until the position is filled.

(2) The city clerk will maintain and distribute applications to all persons interested in being a member of a public body.

(3) All persons, including current members seeking re-appointment, interested in becoming a member of a public body must submit an application to the city clerk's office. Only applications received by the city clerk's office may be considered for body vacancies. Members with expiring terms who submit a timely application will automatically be nominated for reappointment unless the nominations committee objects to reappointment. Notice of the nominations committee's objection for reappointment will be provided to the member no less than ten business days after referral by the city clerk.

(4) All applications will be accepted on an open rolling basis and will be maintained as an active application for four years.

(b) Boards and commissions nominations committee.

(1) The mayor will designate one city council member to serve as the chair of the nominations committee, who will serve on an ongoing basis until such time as the mayor makes a new designation.

(2) The chair will select two additional city council members to serve on the nominations committee. At the discretion of the chair, the chair or designee of the respective public body may also serve on the nominations committee.

(3) The nominations committee will interview all qualified applicants. All applicants will be asked the same questions in order to ensure that a fair assessment can be made of each applicant; however, additional questions may be asked for purposes of clarification after the standard questions have been asked.

(4) The committee will submit the names of qualified applicants selected for nomination to a public body to the city clerk on an agenda action form.

(c) Appointment.

(1) The city clerk will place the nomination for appointment on the agenda for the next available regular city council meeting and provide the nominees with the date, time, location and any other appropriate information regarding the city council meeting at which their possible appointment will be discussed.

(2) Appointment of any nominee requires an affirmative vote by a majority of city council in attendance at a properly noticed city council meeting.

(3) The city clerk will swear in all newly appointed members prior to acting in the capacity as a body

Financial Impact:

N/A

Budget Impact:

N/A

FTE Impact:

ATTACHMENTS:

[Click to download](#)

C- 7-16-15
3:30 p.m.

CRS

Date/Time/Initials Received by Clerk's Office:

May 26, 2015
(Signature)

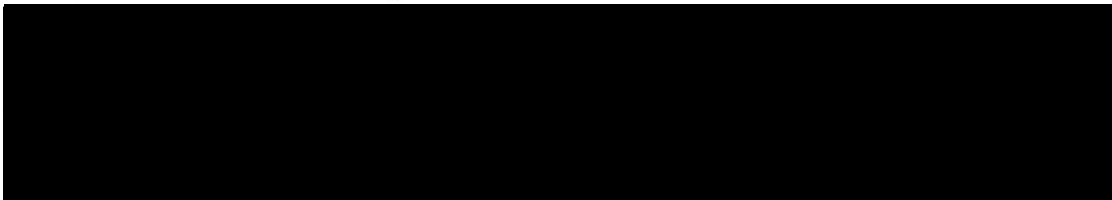


City of Surprise

APPOINTMENT APPLICATION FOR ALL SURPRISE COMMISSIONS

Name: David Farago

Date Submitted: 5-26-15



Resident of Surprise: X Yes 13 years

Board/Commission(s) you are applying for? Community and Recreation Advisory

Education: BACHELOR'S Degree, Hiram College, Hiram, OH, MATHEMATICS
SECONDARY EDUCATION CERTIFICATE, MASTER'S DEGREE, WESTERN GOVERNORS UNIVERSITY (PENDING)

EMPLOYMENT BACKGROUND:

Present Employer/Position: GRADUATION SOLUTIONS,
COMMUNITY RELATIONS DIRECTOR

Previous Employer(s)/Position (Last 5 Years): MORM ANNACLE HIGH SCHOOL,
DIRECTOR OF ONLINE INSTRUCTION,
PRIMAVERA ONLINE HIGH SCHOOL, MATHEMATICS TEACHER

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

BUSINESS OWNER- NAKED BEANS ORGANICS; MEMBER-AZ TECHCELERATOR;
VENDOR-SURPRISE PARTY; VOLUNTEER COACH- SURPRISE RECREATION;
HEAD SOFTBALL COACH, (Continued on Reverse Side)
PARADISE HONORS HS.
2011-12

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

N/A

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

I feel that I would be an asset to the Community and Recreation Advisory in that I have seen Surprise grow in both population and facilities. I have been involved in many aspects of this growth, including recreation, education, and business, and would like to apply my expertise and knowledge to this commission to continue the growth in Surprise.

Additional Information/Comments:

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



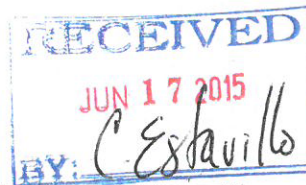
Applicant's Signature

Please return to:

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

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

7-14-15 3:45 p.m.



DAC

Date/Time/Initials Received by Clerk's Office:

2:11 p.m.



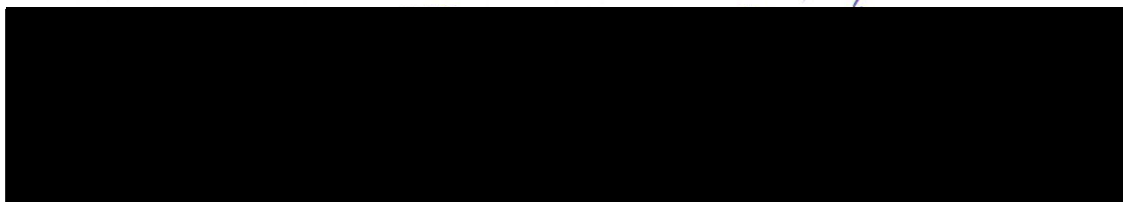
City of Surprise

APPOINTMENT APPLICATION FOR ALL SURPRISE COMMISSIONS

Name: BRUCE L. HERTZOG

Date Submitted: 6/9/15

10/13/15 - ~~11 AM~~
1 PM



Resident of Surprise: ☒ Yes ☐ No Number of Years: 2

Board/Commission(s) you are applying for? DISABILITY ADVISORY & BUILDING & CONST. REVIEW BOARD

Education: COLLEGE: WM JEWELL COLLEGE, PEABODIE COLLEGE

KC JR COLLEGE

EMPLOYMENT BACKGROUND:

Present Employer/Position: WASHINGTON ESD #16 / SPECIAL NEEDS
BUS DRIVER (5 yrs)

Previous Employer(s)/Position (Last 5 Years): D.H. PACE DOOR SERVICES
WBH INDUSTRIES, 3-G INDUSTRIES; NELSON HOLLAND;
HERTZOG RENOV

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

MEMBER OF BOARD OF APPEALS, TOWN OF PRESCOTT
VALLEY, AZ

(Continued on Reverse Side)

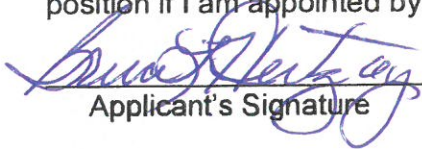
Do you currently serve, or have you previously served on any other City of Surprise Commissions? If yes, which one(s): NO

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

A MEANS TO PROVIDE BACK TO THE CITY FOR THE
MANY SERVICES MADE AVAILABLE TO MY FAMILY

Additional Information/Comments:

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


Applicant's Signature

Please return to:

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

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



CITY OF SURPRISE
Regular City Council Meeting

October 20, 2015 @ 6:00:00 PM

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Council Meeting Date:	October 20, 2015	Contact Person:	Vice Mayor John Williams and Councilwoman Rachel Villanueva
Submitting Department:		District:	Citywide
Staff Recommendations:	None		

Consent	Regular	Public Hearing	Report/Discussion
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Agenda Wording:

Consideration and action on the Committee on Community Outreach, Partnerships & Grants recommendations for Surprise Community Outreach Program funding for FY16.

Motion:

I move to approve the recommendations set forth by the Committee on Community Outreach, Partnerships & Grants for Surprise Community Outreach Program funding for FY16.

St. Vincent de Paul \$10,000
Northwest Valley Connect \$ 8,000
Dysart Education Foundation \$ 8,800
Homeless Youth Connection \$ 3,200
West Valley Arts Council \$ 5,000
West Valley Symphony \$ 5,000

For a total of \$40,000

Background:

The Surprise Community Outreach Grant Program (SCOP) was established by the City Council to provide a supplemental funding source to organizations providing direct service to citizens of the City of Surprise. Fiscal year 2015-2016 included a funding allocation of \$50,000; \$10,000 for a Neighborhood Grant Pilot Program and \$40,000 for the Surprise Community Outreach Program. The Surprise Community Outreach Grant Program began with a pre-application meeting in July followed by the availability of applications shortly thereafter.

The following list of agencies requested funding this fiscal year:

1. Benevilla \$10,000
2. Dysart Education Foundation \$10,000

3. Homeless Youth Connection \$3,200
4. Junior Achievement of AZ \$5,000
5. Monsoon Wrestling Club \$3,625
6. Northwest Valley Connect \$10,000
7. St. Vincent de Paul \$10,000
8. Valley View Community Food Bank \$8,000
9. West Valley Arts Council \$10,000
10. West Valley Symphony \$9,000
11. WHAM \$10,000
12. Willow Canyon H.S. PTSA \$10,000
13. Surprise Lions Foundation \$10,000
14. Arizona Charter Academy \$8,625

All submitting organizations with the exception of Homeless Youth Council (Goodyear entity) and Valley View Food Bank (Sun City entity) are in Surprise; however, both funding requests would assist Surprise residents.

Benevilla has received full requested funding (\$10,000) for the previous two years in addition to CDBG funding (\$14,269 in 2014 and \$10,000 in 2015). They have requested \$10,000 in CDBG funding in FY2016. WHAM has also requested and received full funding (\$10,000) the previous two years. St Vincent de Paul was awarded requested amount of \$10,000 last year and \$5,000 in 2014. Northwest Valley Connect requested and was granted \$8,000 last year.

Surprise Community Outreach Program grant applications were due on September 16.

Objective Analysis:

N/A

Policy Compliant:

This action is consistent with the Surprise Community Outreach Program guidelines.

Financial Impact:

Program funding will be in accordance with City Council's FY2016 approved budget of \$50,000.

Budget Impact:

The FY16 approved budget includes a total of \$50,000 for community outreach activities; \$10,000 for a Neighborhood Grant Pilot Program and \$40,000 for the Surprise Community Outreach Program.

FTE Impact:

The approval of the Committee on Community Outreach, Partnerships & Grants will not have an additional FTE impact.

ATTACHMENTS:

Click to download

☐ [Surprise Community Outreach Grant Program](#)

City of Surprise Community Outreach Program FY2015-2016



Community Outreach Program Purpose



- **To support local non-profit organizations which serve the City of Surprise**
 - FY2015-2016 allocation: \$50,000
- Committee on Community Outreach, Partnerships & Grants
 - Meets regularly to discuss program guidelines, review grant applications and make funding recommendations
 - Vice Mayor John Williams, Chair
 - Councilwoman Rachel Villanueva
 - Councilman Roland Winters

Community Outreach Program Guidelines



- Must provide 501(c)3 verification
- Must submit new application every program cycle
- Event/program/activity must take place in the City of Surprise
- Must include proposed budget for use of the funds
- Reporting required on a quarterly basis
- Recipients will acknowledge the award in press releases
- Maximum award is \$10,000
- Funds are provided on an invoice or reimbursement basis

Community Outreach Program



- This year, the Committee on Community Outreach, Partnerships and Grants received 14 grant applications
 - A total of \$117,175 was requested
- The Committee met on Monday, October 5th to review all applications and make a recommendation

Funding recommendations:

- Dysart Education Foundation
 - Provide mini-grants for teachers, twice a year
 - Requested: \$10,000
 - **Recommended: \$8,800**
- Homeless Youth Connection
 - Participation for two homeless Surprise youth in the “Empowering Youth for the Future” program
 - Requested: \$3,200
 - **Recommended: \$3,200**

Recommendations, continued:

- Northwest Valley Connect
 - Support Mobility Center (Call-Click-Connect) and volunteer transportation program (RideConnect).
 - Requested: \$10,000
 - **Recommended: \$8,000**
- St. Vincent de Paul
 - Provide housing, food and utility assistance to 33 families in Surprise annually.
 - Requested: \$10,000
 - **Recommended: \$10,000**

Recommendations, continued:

- West Valley Arts Council
 - Support Backyard Concerts in Marley Park and various community events at West Valley Arts Council
 - Requested: \$10,000
 - **Recommended: \$5,000**
- West Valley Symphony
 - Support 5 live, professional symphonic concerts, several educational events and continue partnerships with community
 - Requested: \$9,000
 - **Recommended: \$5,000**

Requests received but not recommended for funding:

- Benevilla; \$10,000
- Junior Achievement of AZ; \$5,000
- Monsoon Wrestling Club; \$3,625
- Valley View Community Food Bank; \$8,000
- WHAM; \$10,000
- Willow Canyon High School PTSA; \$10,000
- Surprise Lions Foundation; \$10,000
- Arizona Charter Academy; \$8,350

Questions or Comments?





CITY OF SURPRISE
Regular City Council Meeting

October 20, 2015 @ 6:00:00 PM

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Council Meeting Date:	October 20, 2015	Contact Person:	Eric Fitzer, Community Development
Submitting Department:	CD	District:	3
Staff Recommendations:	None		

Consent	Regular	Public Hearing	Report/Discussion
---------	---------	----------------	-------------------

Agenda Wording:

Consideration and action recognizing of the 1936 Ramola Plat; Resolution #2015-94.

Motion:

I move to approve Resolution 2015-94.

Background:

Staff in an effort to improve safety and connectivity in the community attempted to obtain Rights-of-Way donations for Cactus Road between Cotton Lane and 175th Avenue. The reason for this request is that currently this section of Cactus Road is unpaved. The City has budgeted \$500,000 to pave two lanes within this section of Cactus Road. Staff has been able to obtain Rights-of-Way donations from all but two property owners; which have been unwilling to grant such right-of-way. As such staff through research has determined that Right-of-Way does exist on Cactus Road per the 1936 Ramola Plat. As such staff is requesting that the City Council recognize the aforementioned plat so that the City may annex the public roadway pursuant to A.R.S. Section 9-471(N) which allows for an alternative annexation method for county roadways.

Objective Analysis:

The proposed annexation will provide a safe transportation option and improve connectivity.

Policy Compliant:

The proposal is policy compliant by providing safe transportation connectivity within the community.

Financial Impact:

The financial impact associated with the annexation process is expected to be minimal. However, the annexation would allow for the continuation of the Cactus Road (175th Avenue to Cotton Lane) capital improvement project within the Transportation Improvement Fund. The total phase I project cost is anticipated to be \$295,000. Ongoing operating costs are expected to be minimal.

Budget Impact:

Any expenses related to the annexation process would be budgeted in the operating budget of the Community Development Department within the General Fund. The amended FY2016 budget for the Cactus Road (175th Avenue to Cotton Lane) capital improvement project is \$272,300. Any additional operating costs related to the Cactus Road project are expected to be absorbed by the Public Works Department once the project has been completed.

FTE Impact:

This item will not have any impact on current staff levels.

ATTACHMENTS:

Click to download

- ☐ [FS15-366 - Ramola Plat - Staff Report](#)
 - ☐ [FS15-366 - Ramola Plat - Plat](#)
 - ☐ [FS15-366 - Ramola Plat - Presentation](#)
 - ☐ [2015-94 Resolution Ramola](#)
-

ANNEXATION

REPORT TO THE CITY COUNCIL

Case: FS15-366

Project Name: Ramola Plat Resolution # 2015-94

Council District: 3 – Mesquite

Meeting Date: October 20, 2015

Planner: Eric Fitzer

Owner: Maricopa County

Applicant: City of Surprise

Request: The City of Surprise Community Development Department requests consideration and action to recognize the 1936 Ramola Plat.

Site Location: East of 171st Avenue and West of Cotton Lane within Maricopa County

Site Size: 640 acres (approx.)

Density: N/A

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

Support/Opposition: None known

Staff Recommendation: Staff recommends the City Council **recognize** FS15-366 the 1936 Ramola Plat Resolution# 2015-94.

PROJECT DESCRIPTION:

The City of Surprise proposes to recognize the 1936 Ramola plat which sets forth public roadway dedications in Section 14, Township 3 North, Range 2 West. The public roadways dedicated by the plat include Cactus Road; Citrus Road; Waddell Road; and Cotton Lane. As of this time other dedications have occurred for Citrus Road and portions of Waddell; Cotton and Cactus. That being said the City of Surprise has a pending Annexation of the Cactus Road public roadway as dedicated by the Ramola Plat pursuant to A.R.S. § 9-471(N), which is as follows:

39
40 *As an alternative to the procedures established in this section, a county right-of-way*
41 *or roadway may be transferred to an adjacent city or town by mutual consent of the*
42 *governing bodies of the county and city or town if the property transferred is*
43 *adjacent to the receiving city or town and if the city or town and county each*
44 *approve the proposed transfer as a published agenda item at a regular public*
45 *meeting of their governing bodies. A transfer of property made pursuant to this*
46 *subsection shall be treated by the receiving city or town as if the transferred property*
47 *was newly annexed territory.*
48

49 Therefore the City of Surprise as an alternative to the standard procedures established for
50 annexation, is proposing to annex Cactus Road a county roadway, established by the 1936 Ramola
51 Plat. Per the statute no taxable real property may be annexed to an adjacent city or town by mutual
52 consent of the governing bodies of the county and city.
53

54 **BACKGROUND:**
55

56 Staff in an effort to improve safety and connectivity in the community attempted to obtain Rights-
57 of-Way donations for Cactus Road between Cotton Land and 175th Avenue. The reason for this
58 request is that currently this section of Cactus Road is unpaved. The City has budgeted \$500,000 to
59 pave two lanes within this section of Cactus Road. Staff has been able to obtain Rights-of-Way
60 donations from all but two property owners; which have been unwilling to grant such right-of-way.
61 As such staff through research has determined that Right-of-Way does exist on Cactus road via the
62 1936 Ramola Plat.
63

64 Staff recommends that the Ramola plat be recognized by the City Council. If the plat is recognized
65 and the Annexation approved the ordinance will also be placed on a Maricopa County Board of
66 Supervisors agenda for the County Board approval of the ROW annexation.
67

68 **RECOMMENDATION:**
69

70 Based on the information above, staff recommends the City Council **recognize** FS15-366 the Ramola
71 Plat Resolution 2015-94.
72

73 **Attachments:**
74

- 75 01 – Resolution 2015-94
76 02 – 1936 Ramola Plat
77
78

UNOFFICIAL DOCUMENT

KNOW ALL MEN BY THESE PRESENTS, THAT THE ARIZONA CITRUS LAND CO., THE OWNER OF EACH AND EVERY PARCELL OF LAND WITHIN THE SUBDIVISION OF UNIT 23 OF ROMOLA GRAPE FRUIT UNIT, BEING A SUBDIVISION OF SECTION 14, TOWNSHIP 3 SOUTH OF RANGE 2 WEST, GIL AND SALT RIVER BASIN AND MERIDIAN, HAS FILED THE ACCOMPANYING PLAT OF A REPLAT PLAT OF SAID SUBDIVISION, AND BY THE FILING OF SAID REPLAT PLAT HEREBY DEDICATES TO THE PUBLIC FOR GENERAL USE AS PUBLIC HIGHWAYS, THOSE PORTIONS OF SAID PREMISES SHOWN AS LOTS OR TRACTS ON THE ACCOMPANYING PLAT; SUBJECT, HOWEVER, TO THE RIGHT WHICH IS HEREBY GRANTED TO MARICOPA COUNTY MUNICIPAL WATER CONSERVATION DISTRICT NO. 1 TO CONSTRUCT, OPERATE AND MAINTAIN WITHIN AND ACROSS THE AREAS SO DEDICATED IRRIGATION DITCHES, DRAIN DITCHES, LATERALS AND SUBLATERALS AND TRIBUTARIES THEREOF, INCLUDING DITCH LINES, DITCH VAYS, CATCHMENTS AND APPURTENANCES, AND SUCH OTHER DITCHES AND MEANS FOR DEVELOPING, DELIVERING OR CONVEYING WATER AS MAY BE FOUND DESIRABLE OR NECESSARY; SUBJECT ALSO TO THE RIGHT TO CONSTRUCT, OPERATE AND MAINTAIN ALONG THE PROPERTY LINES, WITHIN THE AREAS SO DEDICATED AS ROADS OR STREETS, TELEPHONE, TELEPHONE AND POWER LINES, AND GAS AND WATER LINES, PROVIDED THAT ALL ROADS, STREETS, TRAILWAYS, TELEPHONE LINES, AND GAS AND WATER LINES, WHEN MADE OR OFFERED TO BE MADE FOR OR TO THE PUBLIC USE BY ANY INDIVIDUAL OR PLATS HERETOFORE MADE OR FILED IN THE OFFICE OF THE COUNTY RECORDER OF MARICOPA COUNTY, ARIZONA, OR ELSEWHERE, AND NOT SHOWN ON THE ACCOMPANYING PLAT, ARE HEREBY REVOKED, WITHDRAWN AND CANCELLED, AND DECLARED OF NO FORCE OR EFFECT.

IN WITNESS WHEREOF, SAID ARIZONA CITRUS LAND CO. HAS CAUSED ITS SIGNATURE TO BE HERETO AFFIXED THIS 30TH DAY OF MARCH, 1936.

ATTEST:
ARIZONA CITRUS LAND CO.
BY *[Signature]* SEAL
PRESIDENT
SECRETARY
STATES OF ARIZONA
COUNTY OF MARICOPA

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS 30TH DAY OF MARCH, 1936, BY D. E. WALDELL, AS PRESIDENT, AND SCOTT L. LIBBY, JR., AS SECRETARY OF ARIZONA CITRUS LAND CO.

MY COMMISSION EXPIRES JANUARY 31, 1940.
12367 INDEX
[Signature]
NOTARY PUBLIC

REPLAT FOR VACATING

SUBDIVISION
UNIT NUMBER 23
ROMOLA OF ARIZONA
GRAPE FRUIT UNIT
Being a subdivision of
Section 14, T3N R2W 48 SR.B Am.
Maricopa County, Arizona
Date March 28, 1936 Scale 1"=40'

Book
24
Page
21

San Joaquin Valley, Cal.
N. 07° 27' 30" E 1285' 00"

14

S 89° 51' 46" W 5287.10'

N 19° 47' 30" E 5291.09'

50' 96"

83'

33'

S 89° 51' 46" W 5287.10'

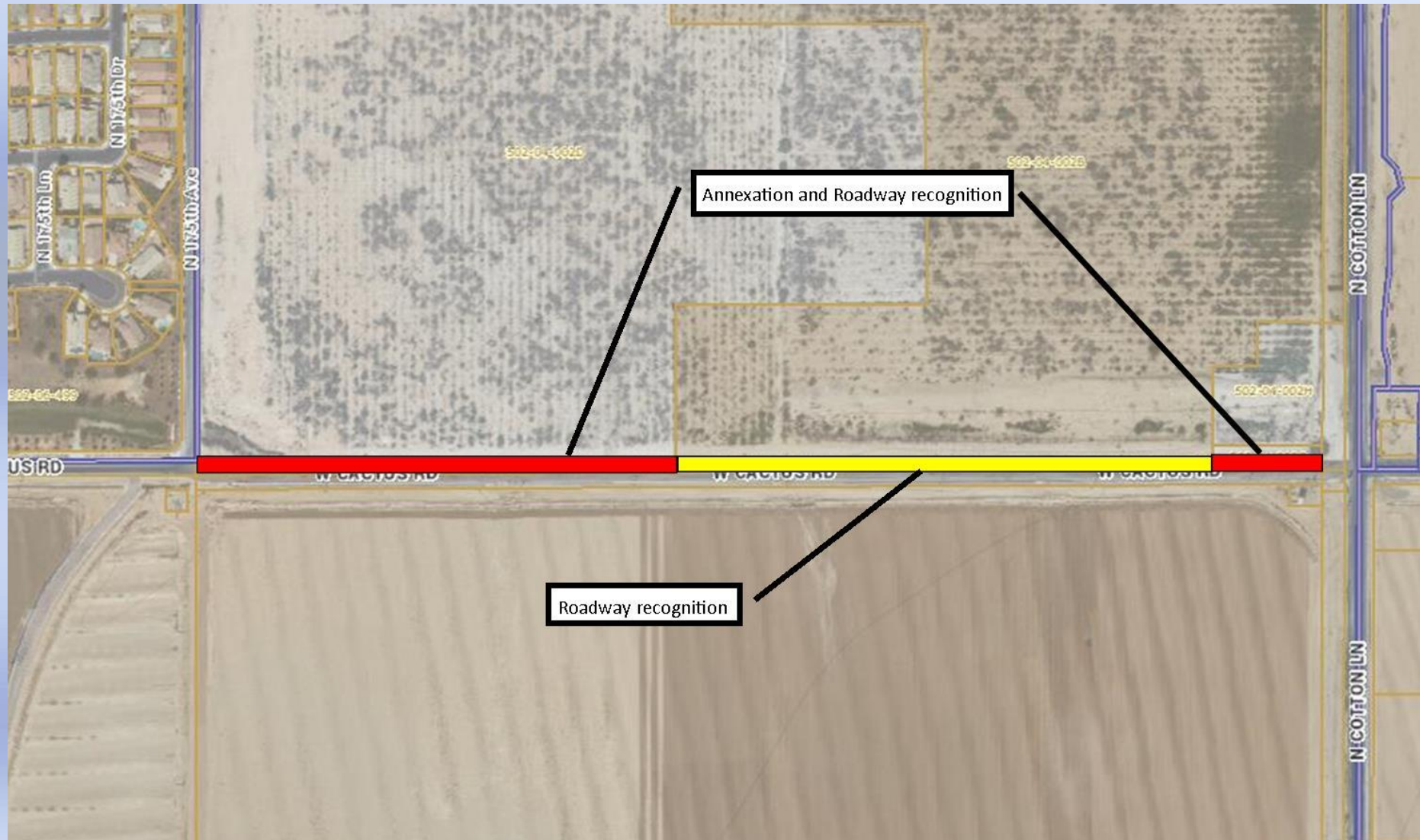
60' 00"

FS15-366 Ramola Plat Resolution 2015-94 and Cotton Road Roadway Annexation Ordinance 2015-17

October 20, 2015



Site



21

UNOFFICIAL DOCUMENT

KNOW ALL MEN BY THESE PRESENTS, That

[illegible]

HAS CAUSED ITS SIGNATURE TO BE HERETO AFFIXED THIS 30TH DAY OF MARCH, 1936.

ATTEST:
[Signature]
SECRETARY
STATE OF ARIZONA
COUNTY OF MARICOPA

ARIZONA CITRUS L-NO. 00. ^{SEAL}
BY *[Signature]*
PRESIDENT

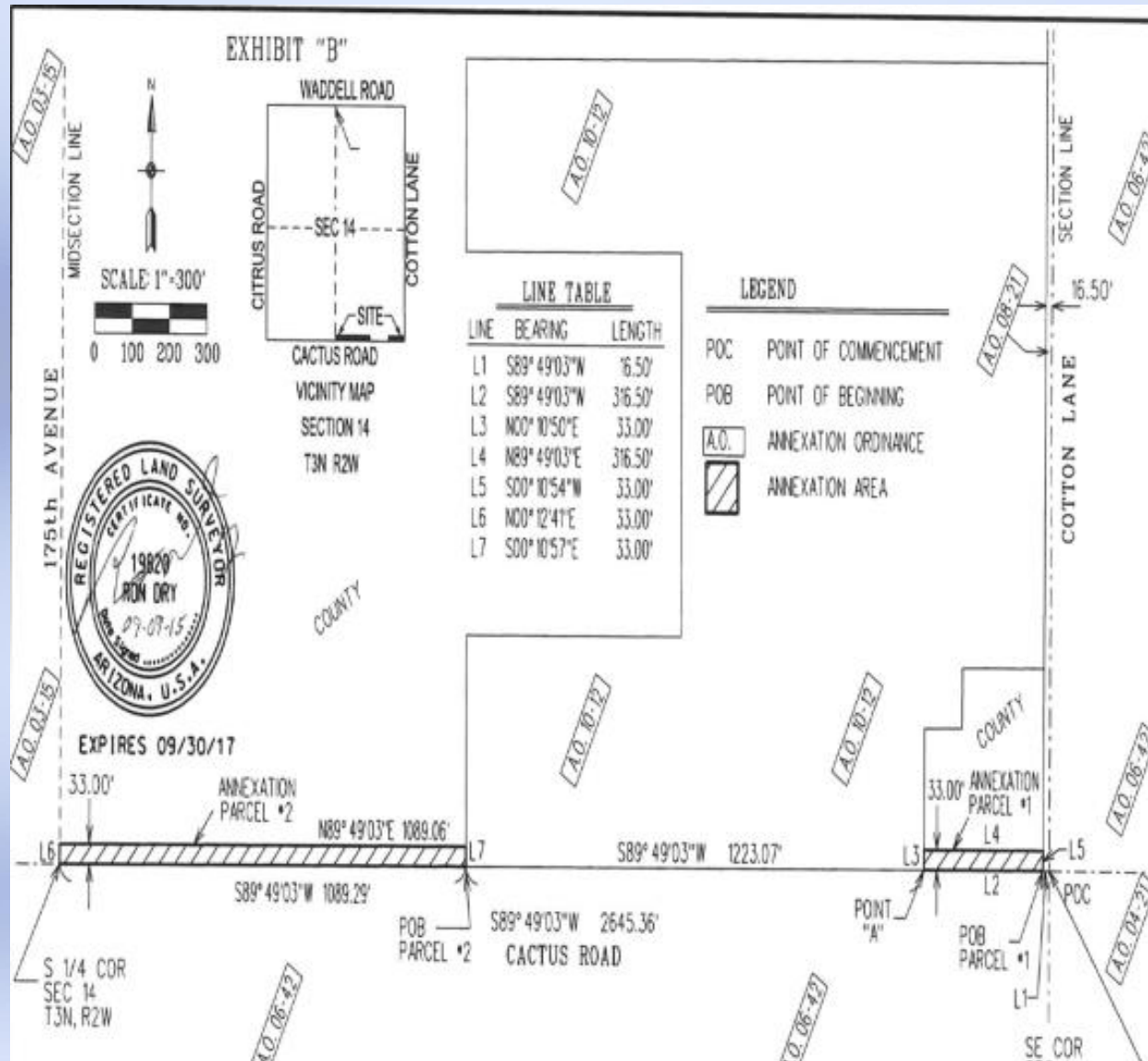
THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS 30TH DAY OF MARCH, 1936, BY D. H. WALDELL, AS PRESIDENT, AND LOOTT L. LINBY, JR., AS SECRETARY OF DELONA CITRUS LAND CO.

MY COMMISSION EXPIRES JANUARY 31, 1940.
368 JUNE.

RECEIVED
FBI - NEW YORK
JAN 10 1968
FROM: SAC, NEW YORK
SUBJECT: [illegible]
[illegible]
W. H. LINDLEY
[illegible]

REPLAT FOR VACATING

SUBDIVISION
OF
UNIT NUMBER 25
ROMOLA OF ARIZONA
GRAPE FRUIT UNIT
Being a Subdivision of
Section 14 T3N R2W E8 S.R.B.M.
Maricopa County Arizona
Date March 28 1936 Scale 1"=50'



Questions or Comments?



RESOLUTION # 2015-94

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA, TO ACCEPT A DEDICATION OF PUBLIC RIGHT-OF-WAY ON CACTUS ROAD BETWEEN COTTON LANE AND 175TH AVENUE.

WHEREAS, the City has the power to establish and maintain public streets pursuant to Ariz. Rev. Stat. § 9-276 and now intends to connect the pavement on Cactus Road between Cotton Lane and 175th Avenue;

WHEREAS, the City may accept a dedication of land for streets by resolution of the City Council pursuant to SMC § 122-118;

WHEREAS, upon filing a map or plat, the fee of a street is vested in the City pursuant to Ariz. Rev. Stat. § 9-254;

WHEREAS, owners of property along Cactus Road have dedicated different segments of right-of-way either to the public in general or specifically to the City of Surprise, either by deed or by plat;

WHEREAS, the City of Surprise desires to accept the dedication of public right-of-way contained within the real property described in Exhibit A and depicted on Exhibit B, and to maintain the right-of-way as a public road;

WHEREAS, the plat attached as Exhibit C ("Romola Plat"), which was recorded with the Maricopa County Recorder's Office as document number 19290024768, dedicates a public right-of-way along Cactus Road that includes the real property described in Exhibit A;

WHEREAS, the deed attached as Exhibit D, which was recorded with the Maricopa County Recorder's Office as document number 19300004990, conveyed property adjacent to Cactus Road, including the real property described in Exhibit A, and maintained that the real property was subject to a dedicated public right-of-way along Cactus Road;

WHEREAS, the plat attached as Exhibit E, which was recorded with the Maricopa County Recorder's Office as document number 19360015438, vacated the previously recorded plat but maintained that the real property is subject to a dedicated public right-of-way along Cactus Road;

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

Section 1. The City of Surprise accepts the dedication of public right-of-way of the real property described in the attached Exhibit A, and depicted in Exhibit B, which are incorporated by this reference.

APPROVED AND ADOPTED this ____ day of _____, 2015.

Sharon R. Wolcott, Mayor

Attest:

Approved as to form:

Sherry Aguilar, City Clerk

Misty Leslie, City Attorney

Exhibit A

[Description of Public Right-of-Way]

EXHIBIT "A"

DESCRIPTION

ANNEXATION: CACTUS ROAD

ANNEXATION PARCEL #1

A portion of the Southeast quarter of Section 14, Township 3 North, Range 2 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona described as follows:

COMMENCING at the southeast corner of said Section 14 from which the south quarter corner of said Section 14 lies South 89°49'03" West 2645.36 feet;

Thence along the south line of said southeast quarter South 89°49'03" West 16.50 feet to the southwest corner of that real property as described in the City of Surprise Annexation Ordinance # 08-21 as recorded in Book 2008-0498462, Records of said Maricopa County being also on the northerly line of that real property as described in the City of Surprise Annexation Ordinance # 06-42 as recorded in Book 2006-1354327, Records of said Maricopa County, being the POINT OF BEGINNING;

Thence continuing along said south line and said northerly line of Annexation Ordinance # 06-42 South 89°49'03" West 316.50 feet to the most southerly southeast corner of that real property as described in the City of Surprise Annexation Ordinance # 10-12 as recorded in Book 2010-0568578, Records of said Maricopa County, said corner also being designated as POINT "A" for the purposes of this description;

Thence along an east line of said Annexation Ordinance # 10-12 North 00°10'50" East 33.00 feet;

Thence North 89°49'03" East 316.50 feet to the westerly line of said Annexation Ordinance # 08-21;

Thence along said westerly line South 00°10'54" West 33.00 feet to the POINT OF BEGINNING.

Containing 10,444 square feet, more or less.

TOGETHER WITH

(description continued on page 2 of 2)



EXPIRES 09-30-2017

DESCRIPTION (continued from page 1 of 2)

ANNEXATION PARCEL #2

COMMENCING at the aforesaid POINT "A";

Thence along said south line of the southeast quarter, the south line of said Annexation Ordinance #10-12 and the northerly line of said Annexation Ordinance # 06-42 South 89°49'03" West 1223.07 feet to the most southerly southwest corner of said Annexation Ordinance # 10-12 and the POINT OF BEGINNING;

Thence continuing along said south line and said northerly line of Annexation Ordinance # 06-42 South 89°49'03" West 1089.29 feet to said south quarter corner and the southeast corner of that real property as described in the City of Surprise Annexation Ordinance # 03-15 as recorded in Book 2003-0920269, Records of said Maricopa County;

Thence along the east line of said Annexation Ordinance #03-15 North 00°12'41" East 33.00 feet;

Thence North 89°49'03" East 1089.06 feet to the west line of said Annexation Ordinance #10-12;

Thence along said west line South 00°10'57" East 33.00 feet to the POINT OF BEGINNING.

Containing 35,943 square feet, more or less.

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

End of description



EXPIRES 09-30-2017

Exhibit B

[Surveyed Plan of Public Right-of-Way]

EXHIBIT "B"

WADDELL ROAD

CITRUS ROAD

SEC 14

COTTON LANE

SITE

CACTUS ROAD

VICINITY MAP

SECTION 14

T3N R2W

LINE TABLE

LINE	BEARING	LENGTH
L1	S89° 49'03"W	16.50'
L2	S89° 49'03"W	316.50'
L3	N00° 10'50"E	33.00'
L4	N89° 49'03"E	316.50'
L5	S00° 10'54"W	33.00'
L6	N00° 12'41"E	33.00'
L7	S00° 10'57"E	33.00'

LEGEND

POC POINT OF COMMENCEMENT

POB POINT OF BEGINNING

A.O. ANNEXATION ORDINANCE

ANNEXATION AREA

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 parallelscale: 1.000045 (exact)

SURPRISE
ARIZONA

CITY OF SURPRISE

LAND SURVEY DEPARTMENT

16000 N. CIVIC CENTER PLAZA

SURPRISE AZ. 85374

ANNEXATION: CACTUS ROAD

PROJECT # 15028	DRAWN BY RCD	DATE 09-09-15	SHEET 1 OF 1
-----------------	--------------	---------------	--------------

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)



CITY OF SURPRISE
LAND SURVEY DEPARTMENT
16000 N. CIVIC CENTER PLAZA
SURPRISE AZ. 85374

ANNEXATION: CACTUS ROAD

PROJECT # 15028

DRAWN BY RCD

DATE 09-09-15

SHEET 1 OF 1

Exhibit C

[Plat, Doc. No. 19290024768]

06085 7/10/01

THAT JOHN R. SHADON AND DONALD W. MADDALE ARE THE OWNERS OF SECTION 14, 1E TO 15TH ST, NORTH, BARBER ST, EAST, OF THE TILA AND 3RD AVENUE, IN THE CITY OF ALBUQUERQUE, BERNALILLO COUNTY, ARIZONA, AND HAVE CAUSED THE SAID PROPERTY TO BE SURVEYED, SUB-DIVIDED AND PLATTED AS SHOWN ON THE ACCOMPANYING PLAT, EACH SAID PLOT 36363 SHALL BE KNOWN AS KNOWN AS UNIT 10, OF BLOCK 27, OF BLOCK 27, ARIZONA, IN A PRUIT UNIT, AND AS BEHOLDERS THE SAID PLAT SETS FORTH THE LOCATION AND GIVES THE RESPECTIVE DIMENSIONS OF EACH PLOT, BLOCK, STREET, ROADWAY OR ALLEY CONSTITUTING SAID UNIT NO. 27, OF BLOCK 27, ALBUQUERQUE, BERNALILLO COUNTY, ARIZONA, AND THE EACH LOT OF BLOCK 27 IS DESIGNATED AS BEHOLD, AS SHOWN UPON THE ACCOMPANYING PLAT.

THIRTY-THREE FEET OF EACH SIDE OF ALL SECTION LINES, AS PL. THREE IS HEREBY DEDICATED TO THE PUBLIC FOR ITS GENERAL USE AS PUBLIC HIGHWAYS, SUBJECT, HOWEVER, TO THE FACT THAT SUCH DEDICATION IS LIMITED TO SANBORN COUNTY MUNICIPAL WATER CONSERVATION DISTRICT NO. 1 TO CONSTRUCT, OPERATE AND MAINTAIN WITHIN AND ACROSS THE AREAS HEREBY DEDICATED, AS WELL AS WITHIN AND ACROSS ALL OTHER LAIDS, ROADWAYS, STREETS AND EIGHTHYS SECOND ON THIS PLAT. INITIATION DITCHES, DRAIN DITCHES, LATERALS AND SUB-LATERALS AND STRUCTURES THEREON INCLUDING PIPE LINES, LATERALS, STRUCTURES AND APPURTENANCES AND SUCH OTHER LAIDS AND MEANS OF DEVELOPING, DELIVERING OR CONVEYING WATER AS MAY BE FOUND DESIRABLE OR NECESSARY. SUGGESTS THE RIGHT TO CONSTRUCT, OPERATE AND MAINTAIN SUCH PROPERTY LINES AS SAID SIXTY SIX FOOT ROAD AND WITHIN ALL OTHER AREAS SECOND ON THIS PLAT, STREETS OR ROADWAYS, AS WELL AS ACROSS PRIVATELY PROPERTY LINES, TELEPHONE, TELEPHONE, POWER LINES, AS WELL AS GAS AND WATER LINES. THE STREETS AND ROADWAYS ABOVE UPON THIS PLAT OTHER THAN THE ROADWAYS HEREBY DEDICATED TO THE PUBLIC FOR ITS GENERAL USE ARE DEDICATED AND SET ASIDE AS ROADWAYS FOR THE USE OF PROPERTY OWNERS TRAVELING THEREON AS A MEANS OF BUSINESS AND ACCESS TO AND FROM THE PUBLIC AREAS FIRST JOINTLY ACCESSIBLE TO SUCH PROPERTY OWNERS FOR THE PURPOSES OF SUCH PROPERTY OWNERS TO THE CENTER OF SAID SECTION LINES AND ROADWAYS, AND WITH THE LIMIT HEREON ALL SUCH PROPERTY OWNERS TO BE IN THE YEAR 1907, OCCUPY AND ENJOY SUCH AREAS UNTIL SUCH PERIOD OF TIME SHALL ELAPSE AND THE ROADWAYS THEREON.

IN WITNESS WHEREOF THE ONES HAVE AFFIXED THEIR SIGNATURES
HEREON THIS 28th DAY OF MARCH, 1949.

John R. Branton
Stella W. Wessel

STATE OF ARIZONA
COUNTY OF MARICOPA

THIS INSTRUMENT WAS SIGNED BEFORE ME THIS 15 DAY
OF March, 1940, BY JOHN H. SHANDLER AND DONALD S. VALERIE.

BY 202133104 KOF JACS

July 14, 1931

I HEREBY CERTIFY THAT THE SUBDIVISIONS OF THE PROPERTY DESCRIBED AND PLATTED HEREON WAS SURVEYED AND PLATTED UNDER MY DIRECTION IN THE MONTH OF March 1929.

13042

RECORDER'S OFFICE
Phoenix, Maricopa County, Arizona
Filed and Recorded at request of

Pomola Inc
112 20 1979

Date MAR 30 1968
at 9:18 A.
Month 20 of May
Year 45

J. K. Ward
County Recorder

Betsy Lee Deputy

Subdivision
OF
UNIT NUMBER 23
ROMOLA OF ARIZONA
GRAPE FRUIT UNIT
Being a Subdivision of
Section 14 T.3N.R.2W G.4 S.R.B.4M.
Maricopa County, Arizona
Date March 8, 1929

Exhibit D

[Quit-claim Deed, Doc. No. 19300004990]

and consideration therein expressed.

My commission will expire July 14, 1930.

Given under my hand and seal of office, this 18th day of June, A. D. 1930.

(SEAL)

J. J. Barkley, Notary Public.

STATE OF ARIZONA
County of Yavapai ss.

Before me, the undersigned, a Notary Public in and for the County of Yavapai, State of Arizona, on this day personally appeared EARL W. PHILLIPS and MARY PHILLIPS, his wife, known to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they executed the same for the purposes and consideration therein expressed.

My commission expires MY COMMISSION EXPIRES JUNE 23rd, 1931.

Given under my hand and seal of office this 19th day of June, A. D. 1930

(SEAL)

P. H. Miller, Notary Public.

Filed and recorded at request of Donald H. Simpson, Jun 23 1930 at 9:00 A. M.

J. K. Ward, County Recorder.
By Irene Kohl, Deputy.

#25631 COMPARED
READ TO M. L.
READ BY L. B. G.

k k k l d d k k k k l k k l k k k k k k k k k

QUIT-CLAIM DEED

DEEDS 247 to 376

KNOW ALL MEN BY THESE PRESENTS: That BEARDSLEY LAND AND INVESTMENT COMPANY, a corporation, organized and existing under and by virtue of the laws of the State of Arizona, grantor herein, for and in consideration of Ten (\$10.00) Dollars and other good and valuable considerations in hand paid to it by ARIZONA CITRUS LAND COMPANY, a corporation, organized and existing under and by virtue of the laws of the State of Arizona, grantee herein, has remised, released and quitclaimed, and by these presents does remise, release and quitclaim unto the said grantee, all of those certain premises, situate in the County of Maricopa, State of Arizona, described by reference to the United States Survey thereof and by reference to certain platted subdivisions known as Romola of Arizona Grapefruit Units, according to the map or plats thereof, recorded in the office of the County Recorder of Maricopa County, respectively, as follows:

In Township Four North, Range One West of the Gila and Salt River Base and Meridian, County of Maricopa, State of Arizona.

All of Section Nineteen; the North Half and the Southwest Quarter of Section Twenty; all of Section Twenty-one; all of Section Twenty-two; all of Section Twenty-three; all of Section Twenty-four; all of Section Twenty-five; all of Section Twenty-six; the Southeast Quarter, the Southwest Quarter, and the East Half of the Northeast Quarter of Section Twenty-seven; the Southeast Quarter, the Southwest Quarter; the Northwest Quarter and the West Half of the Northeast Quarter of Section Twenty-eight; all of Section Twenty-nine; all of Section Thirty; all of Section Thirty-one; all of Section Thirty-two; the North Half of Section Thirty-four; and all of Section Thirty-five;

In Township Four North, Range Two West of the Gila and Salt River Base and Meridian, said County and State.

All of Section Twenty-four; all of Section Twenty-five; the East Half of Section Twenty-six; the East Half of Section Thirty-four; all of Section Thirty-five; and all of Section Thirty-six;

In Township Three North, Range One West of the Gila and Salt River Base and Meridian, said County and State:

All of Section Six; the West Half of Section Seven; all of Section Eighteen; and all of Section Thirty-one;

In Township Three North, Range Two West of the Gila and Salt River Base and Meridian, said County and State;

All of Section One; all of Section Two; all of Section Three; the East Half of Section Four; the East Half of Section Nine; all of Section Ten; all of Section Eleven, being Unit No. 19 as recorded on April 22, 1929, in Book 21 of Maps, at Page 8 thereof; all of Section Twelve; all of Section Thirteen; all of Section Fourteen, being Unit No. 23; as recorded on March 30, 1929, in Book 20 of Maps at Page 45 thereof; all of Section Fifteen, being Unit No. 22 as recorded on April 22, 1929, in Book 21 of Maps at Page 9 thereof; the East Half of Section Twenty-one, being Unit No. 26, as recorded on December 10, 1929, in Book 22 of Maps at Page 16 thereof; all of Section Twenty-two, being Unit No. 27 as recorded on December 2, 1929, in Book 22 of Maps at Page 13 thereof; The East half and the Southwest Quarter and the Northeast Quarter of Northwest Quarter, Section Twenty-three; all of Section Twenty-six, being Unit No. 33 as recorded on December 10, 1929, in Book 22 of Maps at Page 15 thereof; all of Section Twenty-seven, being Unit No. 32 as recorded on July 16, 1928, in Book 19 of Maps at Page 20 thereof; the East Half of Section Twenty-eight; the East Half of Section Thirty-three, being Unit No. 36 as recorded on February 24, 1928, in Book 18 of Maps at Page 12 thereof; all of Section Thirty-four, being Unit No. 37 as recorded on February 24, 1928, in Book 18 of Maps at Page 13 thereof.

In Township Two North, Range Two West of the Gila and Salt River Base and Meridian, said County and State.

All of Section Two, being Unit No. 43, as recorded on May 3, 1928, in Book 18 of Maps, at Page 41 thereof; all of Section Three, being Unit No. 42, as recorded on May 2, 1928, in Book 18 of Maps at Page 40 thereof; the East Half of Section Four, being Unit No. 41 as recorded on May 3, 1928, in Book 18 of Maps at Page 39 thereof; East Half of Section Nine, being Unit No. 45, as recorded on July 16, 1928, in Book 19 of Maps at Page 22 thereof; all of Section Ten, being Unit No. 46, as recorded on June 21, 1928, in Book 19 of Maps at Page 7 thereof; all of Section Eleven, being amended Unit No. 47, as recorded on December 18, 1929, in Book 22 of Maps at Page 17 thereof; all of Section Fourteen, being Unit No. 50, as recorded on June 5, 1928, in Book 18 of Maps, at Page 51, thereof; all of Section Fifteen, being Unit No. 49, as recorded on July 16, 1928, in Book 19 of Maps, at Page 23 thereof; the East Half of Section Twenty-one; all of Section Twenty-two; all of Section Twenty-three, being Unit No. 52, as recorded on July 16, 1928, in Book 19 of Maps at Page 24 thereof; all of Section Twenty-six; all of Section Twenty-seven; the East Half of Section Twenty-eight; the East Half of Section Thirty-three; the East Half and the Northwest Quarter of Section Thirty-four; and all of Section Thirty-five.

There is expressly excepted and excluded therefrom all of the following pieces or parcels which prior to April 23, 1930, were conveyed by Beardsley Land and Investment Company, a corporation, to Romola Inc., a corporation, as the same are described in the hereinabove mentioned recorded plats of Romola of Arizona Grapefruit Units, to-wit:

Unit	Block No.
43	4653 CDE
43	4654 ABCDE
43	4655 ABCDE
43	4656 ABCDE
43	4657 ABCDE
43	4658 ABCDE
43	4662 ABCDE
43	4694 ABCDE
43	4695 DE
37	4029 ABC
37	3966 B
42	4523 A
46	5003 E
43	4706 ABC
42	4562 AB
42	4612 ABCD
Unit	Block No.
43	4644 ABCD
43	4645 ABCDE
43	4674 ABCD
43	4646 ABC
32	3405 ABC
43	4754 E
43	4755 ABCDE
52	5662 ABCDE
43	4723 ABCDE
42	4604 B
42	4613 B
43	4744 BDE
43	4710 CDE
37	4053 ABCDE
37	4054 ABCDE
43	4743 ABCDE
46	4955 E
37	4049 A
43	4685 A
52	5663 D
43	4652 ABC

Unofficial Document

There is further excepted and excluded from the hereinabove described premises the North Half of the Northwest Quarter and the North Half of the North Half of the South Half of the Northwest Quarter of Section Twenty-six, township Three North, Range Two West of the Gila and Salt River Base and Meridian, containing one hundred acres more or less, which have heretofore been deeded by Beardsley Land and Investment Company to John R. Brandon.

There is further excepted and excluded from the hereinabove described premises the Northwest Quarter of the Northeast Quarter; the Northeast Quarter of the Northeast Quarter except the Easterly eighty three feet thereof; the North Half of the North Half of the South Half of the Northeast Quarter except the Easterly Eighty three feet thereof, all in Section Twenty-six, Township Three North, Range Two West, containing 98.11 acres, more or less, which have heretofore been conveyed by Beardsley Land and Investment Company to Donald W. Waddell.

There is further excepted and excluded from the premises hereinabove described that certain piece or parcel of land heretofore conveyed by Beardsley Land and Investment Company to Union Oil Company, a corporation, described by metes and bounds as follows, to wit:

Beginning at the East Quarter corner of Section Twenty Nine, Township Four North, Range One West, Gila and Salt River Base and Meridian; thence North Seventy-eight degrees Thirty-five minutes West 1684.2 feet to a point on the Northwesterly right of way line of Atchison, Topeka and Santa Fe Railway Company's Wye track, distant westerly Twenty-five feet measured radially from the center line of said wye track and being the true point of beginning of the herein described parcel; thence North Forty-four degrees sixteen minutes west 130.36 feet to a point; thence South Forty-five degrees Forty-four minutes west two hundred feet to a point; thence South Forty-four degrees Sixteen minutes east One hundred fifty feet more or less to a point on aforesaid northwesterly railway right of way line, distant Twenty-five feet measured at right angles from center line of wye track; thence along said Northwesterly right of way line on the following courses and distances; North Forty-four degrees Forty-five minutes East six feet to the point of a curve; thence on a curve to the left concave to the West, having a radius of 1181.57 feet for a distance of 73.89 feet to a point; thence North Forty-two degrees 09 minutes East Fifteen feet to the point of a curve; thence on a curve to the left concave to the West having a radius of 578.8 feet for a distance of 106.60 feet more or less to the true point of beginning, containing 0.65 acres more or less.

SUBJECT TO:

- (a) All rights of way and easements of record and legally in force at the date hereof.
- (b) The lien of that certain mortgage dated January 20, 1928, from Beardsley Land and Investment Company to C. W. Jones of Los Angeles, California, recorded in the office of the County Recorder of Maricopa County, Arizona, in Book 209 of Mortgages, at pag 188 thereof.
- (c) The terms of that certain contract dated February 23, 1929, between Beardsley Land and Investment Company and Romola Incorporated, made in lieu of and in substitution for all contracts theretofore existing between Beardsley Land and Investment Company and Alexander Hursh, giving said Romola Incorporated the option to purchase certain land hereinabove mentioned.
- (d) The terms of that certain trust indenture dated February 25, 1929, wherein The Beardsley Land and Investment Company is named Trustor, and The United States National Bank of Los Angeles, is named Trustee, made pursuant to the contract mentioned in the foregoing paragraph.
- (e) The terms of a certain deed from Beardsley Land and Investment Company to The United States National Bank of Los Angeles conveying certain of the above-described lands in trust pursuant to the purposes of the contract hereinabove in Paragraph (c) mentioned, and of the trust indenture hereinabove in Paragraph (d) mentioned.
- (f) The obligation of Beardsley Land and Investment Company to convey to Romola Incorporated two hundred and eighty acres of land in exchange for six hundred and twenty-three shares of capital stock of Beardsley Land and Investment Company, incurred pursuant to resolution adopted by the board of directors of Beardsley Land and Investment Company on July 6, 1929.

(h) The terms of that certain assignment dated March 26, 1929, from Beardsley Land and Investment Company to Santa Fe Land & Improvement Company of certain moneys accrued and to accrue from certain specified contracts of sale of Romola Incorporated to what is known as "The well drilling fund."

(j) All District, state and county taxes.

TO HAVE AND TO HOLD the above described premises, together with all and singular the rights and appurtenances thereto in anywise belonging unto the said grantee, its successors and assigns forever.

BEARDSLEY LAND AND INVESTMENT COMPANY,
By Robert O. Beardsley, Its President.

Before me Nina Weems, a Notary Public in and for said Maricopa County, State of Arizona, on this day personally appeared Robert O Beardsley and P H Hayes known to me to be the persons whose names are subscribed to the foregoing instrument as President and Secretary, respectively, of BEARDSLEY LAND AND INVESTMENT COMPANY, a corporation, named as grantor in the foregoing instrument, and as such President and Secretary, acknowledged to me that they executed the same for said corporation, for the purposes and consideration therein expressed, as its free act and deed, and by each of them voluntarily executed.

Unofficial Document

My commission expires July 14 1931

GIVEN under my hand and seal of office this 6 day of June, 1930.

(SEAL) Nina Weems, Notary Public.

Filed and recorded at request of Ellinwood & Ross, Jun 23 1930 at 10:05 A. M.

#25666 COMPARED J. K. Ward, County Recorder.
By Irene Kohl, Deputy.

#25666 COMPARED
READ T. L. B. G
READ BY M. L

k k

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS:

That BEARDSLEY LAND AND INVESTMENT COMPANY, a corporation organized and existing under and by virtue of the laws of the State of Arizona, grantor, for and in consideration of the sum of Ten (\$10.00) Dollars and other good and valuable considerations in hand paid to it by ARIZONA CITRUS LAND COMPANY, a corporation organized and existing under and by virtue of the laws of the State of Arizona, grantee, receipt whereof is hereby expressly acknowledged, has granted, sold and conveyed, and by these presents does grant, sell and convey unto said Arizona Citrus Land Company all of the following described real estate situate in the County of Maricopa, State of Arizona, to-wit:

The Northwest Quarter of the Northwest Quarter of the Southeast Quarter; the Northeast Quarter of the Northwest Quarter of the Southeast Quarter; the Southeast Quarter of the Northwest Quarter of the Southeast Quarter; the Southwest of the Northwest Quarter of the Southeast Quarter; and the Southwest Quarter of the Southeast Quarter, all in Section Twenty, Township Four North, Range One West of the Gila and Salt River Base and Meridian;

The Northwest Quarter of the Northwest Quarter; the Southwest Quarter of the Northwest Quarter; the North Half of the Southeast Quarter of the Northwest Quarter; the Southwest Quarter of the Southeast Quarter of the Northwest Quarter; the Southeast Quarter of the Southeast Quarter of the Northwest Quarter; all in Section Twenty Three, Township Three North, Range Two West of the Gila and Salt River Base and Meridian.

The Northwest Quarter of the Southwest Quarter of the Southwest Quarter; the Northeast Quarter of the Southwest Quarter; the Southwest Quarter of the Southwest Quarter, and the Southeast Quarter of the Southwest Quarter, all in Section Thirty-four, Township 2 North, Range Two West of the Gila and Salt River Base and Meridian.

SUBJECT TO:

1. All State, county and district taxes.
2. All easements and rights of way of record in force and effect at the date hereof.
3. All liabilities and obligations imposed upon the hereinabove described premises by inclusion thereof within the boundaries of Maricopa County Municipal Water Conservation District No. 1.
4. All school district, irrigation district, county and state bond issues.

Exhibit E

[Vacated Plat, Doc. No. 19360015438]

UNOFFICIAL DOCUMENT

KNOW ALL MEN BY THESE PRESENTS:

THAT THE ARIZONA CITRUS LAND CO., THE OWNER OF EACH AND EVERY PARCELS OF LAND WITHIN THE SUBDIVISION OF UNIT 23 OF ROMOLA OF ARIZONA GRAPE FRUIT UNIT, BEING A SUBDIVISION OF SECTION 14, TOWNSHIP 3 SOUTH OF RANGE 2 WEST, GIL AND SALT RIVER BASIN AND MERIDIAN, HAS FILED THE ACCOMPANYING PLAT OF A REPLAT PLAT OF SAID SUBDIVISION, AND BY THE FILING OF SAID REPLAT PLAT HEREBY DEDICATES TO THE PUBLIC FOR GENERAL USE AS PUBLIC HIGHWAYS, THOSE PORTIONS OF SAID PREMISES SHOWN AS LOTS OR TRACTS ON THE ACCOMPANYING PLAT; SUBJECT, HOWEVER, TO THE RIGHT WHICH IS HEREBY GRANTED TO MARICOPA COUNTY MUNICIPAL WATER CONSERVATION DISTRICT NO. 1 TO CONSTRUCT, OPERATE AND MAINTAIN WITHIN AND ACROSS THE AREAS SO DEDICATED IRRIGATION DITCHES, DRAIN DITCHES, LATERALS AND SUBLATERALS AND TRIBUTARIES THEREOF, INCLUDING DITCH LINES, DITCH VAYS, CATCHMENTS AND APPURTENANCES, AND SUCH OTHER DITCHES AND MEANS FOR DEVELOPING, DELIVERING OR CONVEYING WATER AS MAY BE FOUND DESIRABLE OR NECESSARY; SUBJECT ALSO TO THE RIGHT TO CONSTRUCT, OPERATE AND MAINTAIN ALONG THE PROPERTY LINES, WITHIN THE AREAS SO DEDICATED AS ROADS OR STREETS, TELEPHONE, TELEPHONE AND POWER LINES, AND GAS AND WATER LINES, PROVIDED THAT ALL ROADS, STREETS, TRAILWAYS, OR OTHER DEDICATIONS TO THE PUBLIC USE UPON OR ACROSS THE PREMISES SHOWN ON THE ACCOMPANYING PLAT HERETOBY MADE OR OFFERED TO BE MADE FOR OR TO THE PUBLIC USE BY ANY PLAT OR PLATS HERETOFORE MADE OR FILED IN THE OFFICE OF THE COUNTY RECORDER OF MARICOPA COUNTY, ARIZONA, OR ELSEWHERE, AND NOT SHOWN ON THE ACCOMPANYING PLAT, ARE HEREBY REVOKED, WITHDRAWN AND CANCELLED, AND DECLARED OF NO FORCE OR EFFECT.

IN WITNESS WHEREOF, SAID ARIZONA CITRUS LAND CO. HAS CAUSED ITS SIGNATURE TO BE HERETO AFFIXED THIS 30TH DAY OF MARCH, 1936.

ATTEST:
SECRETARY
STATES OF ARIZONA
COUNTY OF MARICOPA

ARIZONA CITRUS LAND CO.
BY *[Signature]*
PRESIDENT

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS 30TH DAY OF MARCH, 1936, BY D. E. WALDELL, AS PRESIDENT, AND SCOTT L. LIBBY, JR., AS SECRETARY OF ARIZONA CITRUS LAND CO.

[Signature]
NOTARY PUBLIC

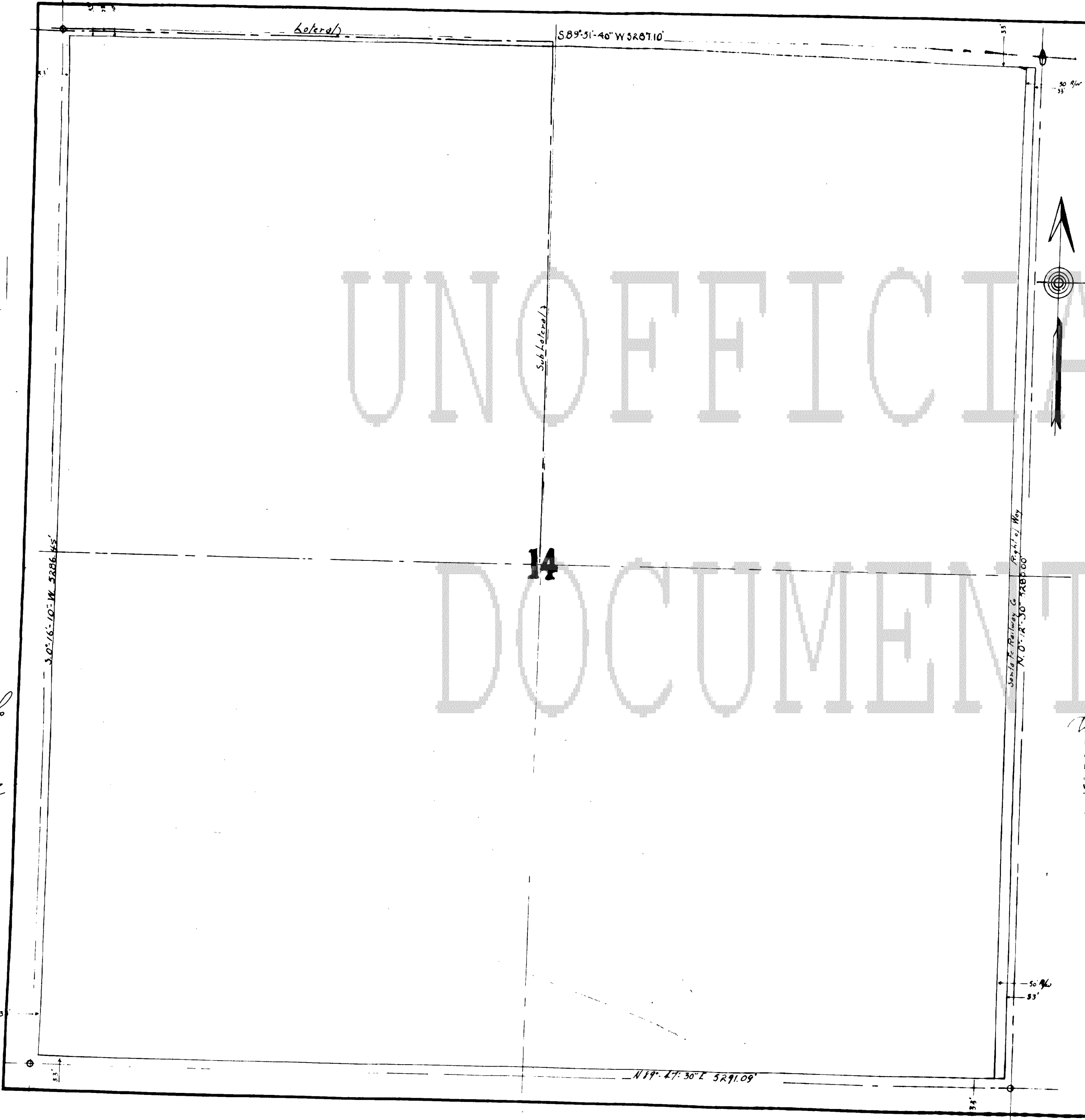
MY COMMISSION EXPIRES JANUARY 31, 1940.
12367 INDEX.

[Signatures and stamps]
W.H. LINVILL
Notary Public

REPLAT FOR VACATING

SUBDIVISION
UNIT NUMBER 23
ROMOLA OF ARIZONA
GRAPE FRUIT UNIT
Being a subdivision of
Section 14, T3N R2W 48 SR. B. Am.
Maricopa County, Arizona
Date March 28, 1936 Scale 1"=400'

Book
24
Page
21





CITY OF SURPRISE
Regular City Council Meeting

October 20, 2015 @ 6:00:00 PM

+ [Back](#) [Print](#)

Council Meeting Date:	October 20, 2015	Contact Person:	Eric Fitzer, Community Development
Submitting Department:	CD	District:	3
Staff Recommendations:	None		

Consent	Regular	Public Hearing	Report/Discussion
---------	---------	----------------	-------------------

Agenda Wording:

Consideration and action to annex 1.06 Acres along the Cactus Road alignment between 171st Avenue and Cotton Lane; Ordinance 2015-17.

Motion:

I move to approve Ordinance 2015-17.

Background:

Staff in an effort to improve safety and connectivity in the community attempted to obtain Rights-of-Way donations for Cactus Road between Cotton Lane and 175th Avenue. The reason for this request is that currently this section of Cactus Road is unpaved. The City has budgeted \$500,000 to pave two lanes within this section of Cactus Road. Staff has been able to obtain Rights-of-Way donations from all but two property owners; which have been unwilling to grant such right-of-way. As such staff through research has determined that Right-of-Way does exist on Cactus road.

Pursuant to A.R.S. Section 9-471(H) (1), the proposed annexation territory conforms with contiguity requirements. Pursuant to A.R.S Section 9-471(A) (6), it has been determined that no part of the territory for which filing shall be made is already subject to an earlier filing

Objective Analysis:

The proposed annexation will provide a safe transportation option and improve connectivity.

Policy Compliant:

The proposal is policy compliant by providing safe transportation connectivity within the community.

Financial Impact:

The financial impact associated with the annexation process is expected to be minimal. However, the

annexation would allow for the continuation of the Cactus Road (175th Avenue to Cotton Lane) capital improvement project within the Transportation Improvement Fund. The total phase I project cost is anticipated to be \$295,000. Ongoing operating costs are expected to be minimal.

Budget Impact:

Any expenses related to the annexation process would be budgeted in the operating budget of the Community Development Department within the General Fund. The amended FY2016 budget for the Cactus Road (175th Avenue to Cotton Lane) capital improvement project is \$272,300. Any additional operating costs related to the Cactus Road project are expected to be absorbed by the Public Works Department once the project has been completed.

FTE Impact:

This item will not have any impact on current staff levels.

ATTACHMENTS:

Click to download

- ☐ [FS15-366 - Cactus Road - ROW Annexation - Staff Report](#)
 - ☐ [FS15-366 - Cactus Road - ROW Annexation - Legal Description](#)
 - ☐ [FS15-366 - Cactus Road - ROW Annexation - Plat](#)
 - ☐ [FS15-366 - Cactus Road - ROW Annexation - Presentation](#)
 - ☐ [Annexation Impact Analysis](#)
 - ☐ [Ordinance 2015-17 Revised](#)
-

ANNEXATION

REPORT TO THE CITY COUNCIL

Case: FS15-366

Project Name: Cactus Road Public Roadway Annexation Ordinance# 2015-17

Council District: 3 – Mesquite

Meeting Date: October 20, 2015

Planner: Eric Fitzer

Owner: Maricopa County

Applicant: City of Surprise

Request: The City of Surprise Community Development Department requests consideration and action of the annexation of a County Public Roadway into the City of Surprise pursuant to A.R.S § 9-471 (N).

Site Location: East of 171st Avenue and West of Cotton Lane within Maricopa County

Site Size: 1.06 acres (approx.)

Density: N/A

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

Support/Opposition: None known

Staff Recommendation: Staff recommends the City Council **approve** FS15-366 Cactus Road Public Roadway Annexation Ordinance# 2015-17.

33 **PROJECT DESCRIPTION:**

34
35 Pursuant to A.R.S. § 9-471(N), which is as follows:

36
37 *As an alternative to the procedures established in this section, a county right-of-way*
38 *or roadway may be transferred to an adjacent city or town by mutual consent of the*
39 *governing bodies of the county and city or town if the property transferred is*
40 *adjacent to the receiving city or town and if the city or town and county each*
41 *approve the proposed transfer as a published agenda item at a regular public*
42 *meeting of their governing bodies. A transfer of property made pursuant to this*
43 *subsection shall be treated by the receiving city or town as if the transferred property*
44 *was newly annexed territory.*

45
46 Therefore the City of Surprise as an alternative to the standard procedures established for
47 annexation, is proposing to annex Cactus Road a county roadway, established by the 1936 Ramola
48 Plat. Per the statute no taxable real property may be annexed to an adjacent city or town by mutual
49 consent of the governing bodies of the county and city. The property proposed to be annexed is
50 adjacent to the City of Surprise corporate limits for the entire length of the annexation.

51
52 **BACKGROUND:**

53
54 Staff in an effort to improve safety and connectivity in the community attempted to obtain Rights-
55 of-Way donations for Cactus Road between Cotton Land and 175th Avenue. The reason for this
56 request is that currently this section of Cactus Road is unpaved. The City has budgeted \$500,000 to
57 pave two lanes within this section of Cactus Road. Staff has been able to obtain Rights-of-Way
58 donations from all but two property owners; which have been unwilling to grant such right-of-way.
59 As such staff through research has determined that Right-of-Way does exist on Cactus road.

60
61 Pursuant to A.R.S. Section 9-471(H) (1), the proposed annexation territory conforms with contiguity
62 requirements. Pursuant to A.R.S Section 9-471(A) (6), it has been determined that no part of the
63 territory for which filing shall be made is already subject to an earlier filing

64
65 Staff recommends that Cactus Road between 175th Avenue and Cotton Lane that is Maricopa
66 County roadway, per ARS Section 9-471 N., be annexed into the city to facilitate the construction
67 and maintenance of the same. The ordinance will also be placed on a Maricopa County Board of
68 Supervisors agenda for the County Board approval of the ROW annexation.

69
70 **RECOMMENDATION:**

71
72 Based on the information above, staff recommends the City Council **approve** FS15-366 Annexation
73 of the Cactus Road Public roadway Ordinance 2015-17.

74
75 **Attachments:**

76
77 01 – Ordinance 2015-17
78 03 – Annexation Legal Description
79 02 – 1936 Ramola Plat
80
81

EXHIBIT "A"

DESCRIPTION

ANNEXATION: CACTUS ROAD

ANNEXATION PARCEL #1

A portion of the Southeast quarter of Section 14, Township 3 North, Range 2 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona described as follows:

COMMENCING at the southeast corner of said Section 14 from which the south quarter corner of said Section 14 lies South 89°49'03" West 2645.36 feet;

Thence along the south line of said southeast quarter South 89°49'03" West 16.50 feet to the southwest corner of that real property as described in the City of Surprise Annexation Ordinance # 08-21 as recorded in Book 2008-0498462, Records of said Maricopa County being also on the northerly line of that real property as described in the City of Surprise Annexation Ordinance # 06-42 as recorded in Book 2006-1354327, Records of said Maricopa County, being the POINT OF BEGINNING;

Thence continuing along said south line and said northerly line of Annexation Ordinance # 06-42 South 89°49'03" West 316.50 feet to the most southerly southeast corner of that real property as described in the City of Surprise Annexation Ordinance # 10-12 as recorded in Book 2010-0568578, Records of said Maricopa County, said corner also being designated as POINT "A" for the purposes of this description;

Thence along an east line of said Annexation Ordinance # 10-12 North 00°10'50" East 33.00 feet;

Thence North 89°49'03" East 316.50 feet to the westerly line of said Annexation Ordinance # 08-21;

Thence along said westerly line South 00°10'54" West 33.00 feet to the POINT OF BEGINNING.

Containing 10,444 square feet, more or less.

TOGETHER WITH

(description continued on page 2 of 2)



EXPIRES 09-30-2017

DESCRIPTION (continued from page 1 of 2)

ANNEXATION PARCEL #2

COMMENCING at the aforesaid POINT "A";

Thence along said south line of the southeast quarter, the south line of said Annexation Ordinance #10-12 and the northerly line of said Annexation Ordinance # 06-42 South 89°49'03" West 1223.07 feet to the most southerly southwest corner of said Annexation Ordinance # 10-12 and the POINT OF BEGINNING;

Thence continuing along said south line and said northerly line of Annexation Ordinance # 06-42 South 89°49'03" West 1089.29 feet to said south quarter corner and the southeast corner of that real property as described in the City of Surprise Annexation Ordinance # 03-15 as recorded in Book 2003-0920269, Records of said Maricopa County;

Thence along the east line of said Annexation Ordinance #03-15 North 00°12'41" East 33.00 feet;

Thence North 89°49'03" East 1089.06 feet to the west line of said Annexation Ordinance #10-12;

Thence along said west line South 00°10'57" East 33.00 feet to the POINT OF BEGINNING.

Containing 35,943 square feet, more or less.

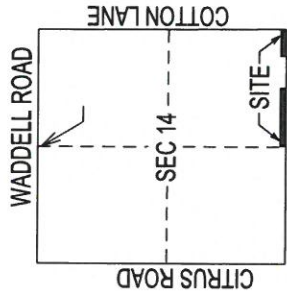
Attached is Exhibit "B" and by this reference is made a part hereof.

End of description



EXPIRES 09-30-2017

EXHIBIT "B"



EXPIRES 09/30/17

ANNEXATION
PARCEL #2

S89° 49'03"W 1089.29'
N89° 49'03"E 1089.06'

POB
PARCEL #2

S 1/4 COR
SEC 14
T3N, R2W

LINE	BEARING	LENGTH
L1	S89° 49'03"W	16.50'
L2	S89° 49'03"W	316.50'
L3	N00° 10'50"E	33.00'
L4	N89° 49'03"E	316.50'
L5	S00° 10'54"W	33.00'
L6	N00° 12'41"E	33.00'
L7	S00° 10'57"E	33.00'

LEGEND

- POC POINT OF COMMENCEMENT
- POB POINT OF BEGINNING
- A.O. ANNEXATION ORDINANCE
- ANNEXATION AREA

COUNTY

A.O. 10-12

A.O. 10-12

A.O. 06-42

S89° 49'03"W 1223.07'

POC

S89° 49'03"W 2645.36'

CACTUS ROAD

A.O. 06-42

SE COR
SEC 14
T3N, R2W

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)



CITY OF SURPRISE
LAND SURVEY DEPARTMENT
16000 N. CIVIC CENTER PLAZA
SURPRISE AZ. 85374

ANNEXATION: CACTUS ROAD

PROJECT # 15028

DRAWN BY RCD

DATE 09-09-15

SHEET 1 OF 1

UNOFFICIAL DOCUMENT

KNOW ALL MEN BY THESE PRESENTS:

THAT THE ARIZONA CITRUS LAND CO., THE OWNER OF EACH AND EVERY PARCELS OF LAND WITHIN THE SUBDIVISION OF UNIT 23 OF ROMOLA OF ARIZONA GRAPE FRUIT UNIT, BEING A SUBDIVISION OF SECTION 14, TOWNSHIP 3 SOUTH OF RANGE 2 WEST, GIL AND SALT RIVER BASIN AND MERIDIAN, HAS FILED THE ACCOMPANYING PLAT OF A REPLAT PLAT OF SAID SUBDIVISION, AND BY THE FILING OF SAID REPLAT PLAT HEREBY DEDICATES TO THE PUBLIC FOR GENERAL USE AS PUBLIC HIGHWAYS, THOSE PORTIONS OF SAID PREMISES SHOWN AS LOTS OR TRACTS ON THE ACCOMPANYING PLAT; SUBJECT, HOWEVER, TO THE RIGHT WHICH IS HEREBY GRANTED TO MARICOPA COUNTY MUNICIPAL WATER CONSERVATION DISTRICT NO. 1 TO CONSTRUCT, OPERATE AND MAINTAIN WITHIN AND ACROSS THE AREAS SO DEDICATED IRRIGATION DITCHES, DRAIN DITCHES, LATERALS AND SUBLATERALS AND TRIBUTARIES THEREOF, INCLUDING DITCH LINES, DITCH VAYS, CATCHMENTS AND APPURTENANCES, AND SUCH OTHER DITCHES AND MEANS FOR DEVELOPING, DELIVERING OR CONVEYING WATER AS MAY BE FOUND DESIRABLE OR NECESSARY; SUBJECT ALSO TO THE RIGHT TO CONSTRUCT, OPERATE AND MAINTAIN ALONG THE PROPERTY LINES, WITHIN THE AREAS SO DEDICATED AS ROADS OR STREETS, TELEPHONE, TELEPHONE AND POWER LINES, AND GAS AND WATER LINES, PROVIDED THAT ALL ROADS, STREETS, TRAILWAYS, OR OTHER DEDICATIONS TO THE PUBLIC USE UPON OR ACROSS THE PREMISES SHOWN ON THE ACCOMPANYING PLAT HERETOBY MADE OR OFFERED TO BE MADE FOR OR TO THE PUBLIC USE BY ANY PLAT OR PLATS HERETOFORE MADE OR FILED IN THE OFFICE OF THE COUNTY RECORDER OF MARICOPA COUNTY, ARIZONA, OR ELSEWHERE, AND NOT SHOWN ON THE ACCOMPANYING PLAT, ARE HEREBY REVOKED, WITHDRAWN AND CANCELLED, AND DECLARED OF NO FORCE OR EFFECT.

IN WITNESS WHEREOF, SAID ARIZONA CITRUS LAND CO. HAS CAUSED ITS SIGNATURE TO BE HERETO AFFIXED THIS 30TH DAY OF MARCH, 1936.

ATTEST:
ARIZONA CITRUS LAND CO.
BY *[Signature]* SEAL
PRESIDENT
SECRETARY
STATES OF ARIZONA
COUNTY OF MARICOPA

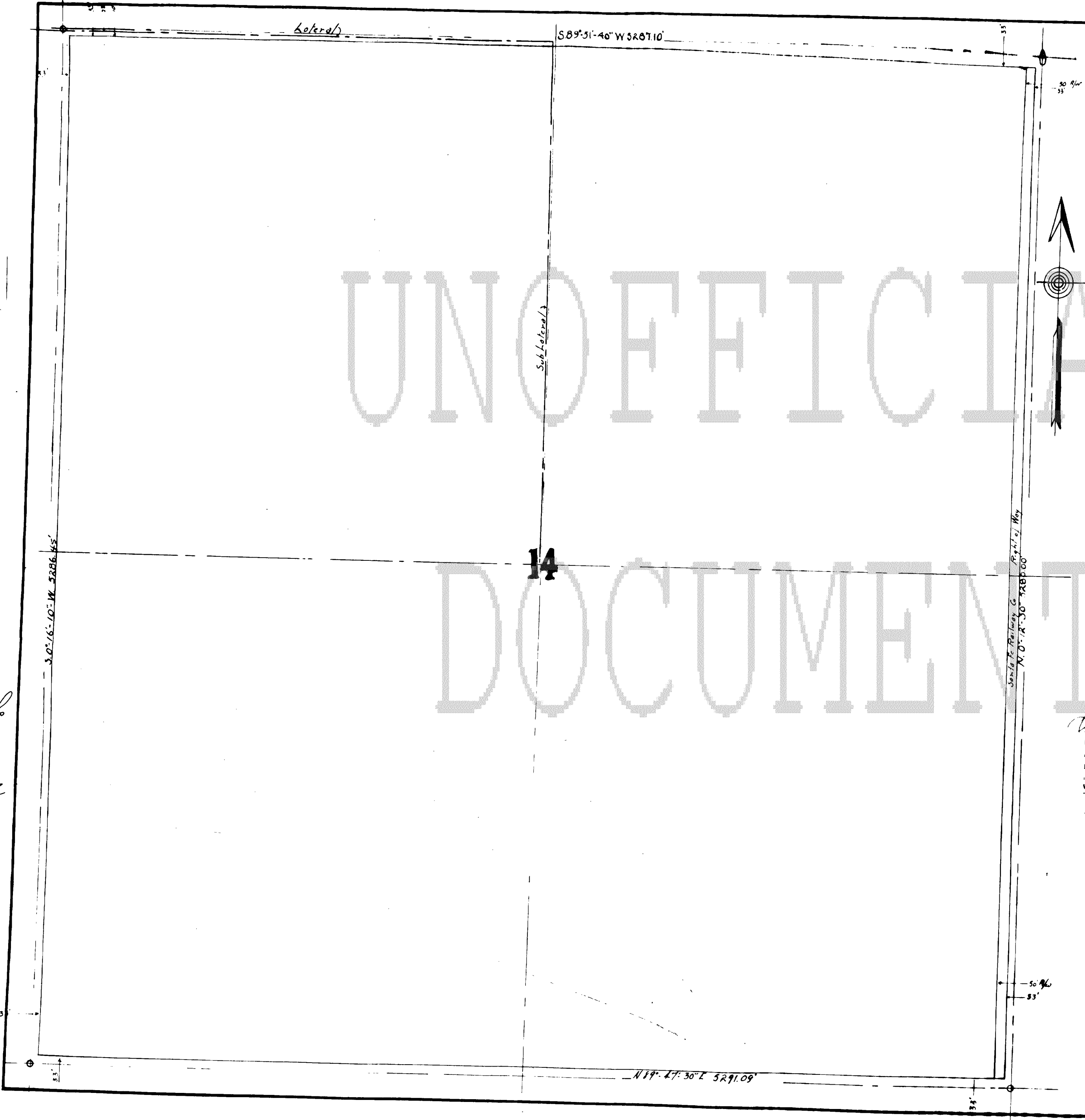
THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS 30TH DAY OF MARCH, 1936, BY D. E. WALDELL, AS PRESIDENT, AND SCOTT L. LIBBY, JR., AS SECRETARY OF ARIZONA CITRUS LAND CO.

MY COMMISSION EXPIRES JANUARY 31, 1940.
12367 INDEX
[Signature] SEAL
NOTARY PUBLIC

REPLAT FOR VACATING

SUBDIVISION
UNIT NUMBER 23
ROMOLA OF ARIZONA
GRAPE FRUIT UNIT
Being a subdivision of
Section 14, T3N R2W 48 SR.B Am.
Maricopa County, Arizona
Date March 28, 1936 Scale 1"=400'

Book
24
Page
21

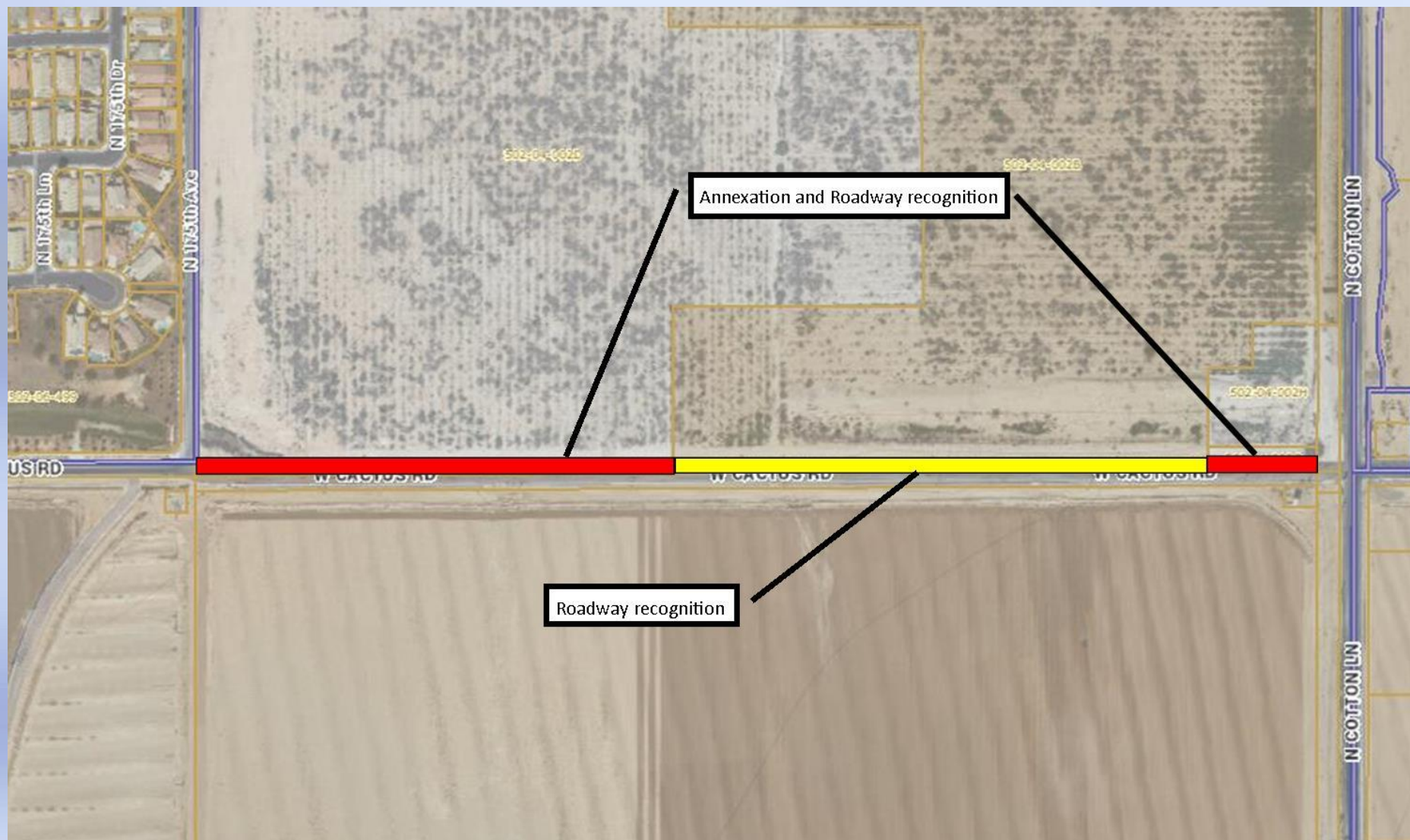


FS15-366 Ramola Plat Resolution 2015-94 and Cotton Road Roadway Annexation Ordinance 2015-17

October 20, 2015



SURPRISE
ARIZONA



21

UNOFFICIAL DOCUMENT

KNOW ALL MEN BY THESE PRESENTS, That

[illegible]

HAS CAUSED ITS SIGNATURE TO BE HERETO AFFIXED THIS 30TH DAY OF MARCH, 1936.

ATTEST:
[Signature]
SECRETARY
STATE OF ARIZONA
COUNTY OF MARICOPA

ARIZONA CITRUS L-NG CO. ^{SEAL}
BY *[Signature]*
PRESIDENT

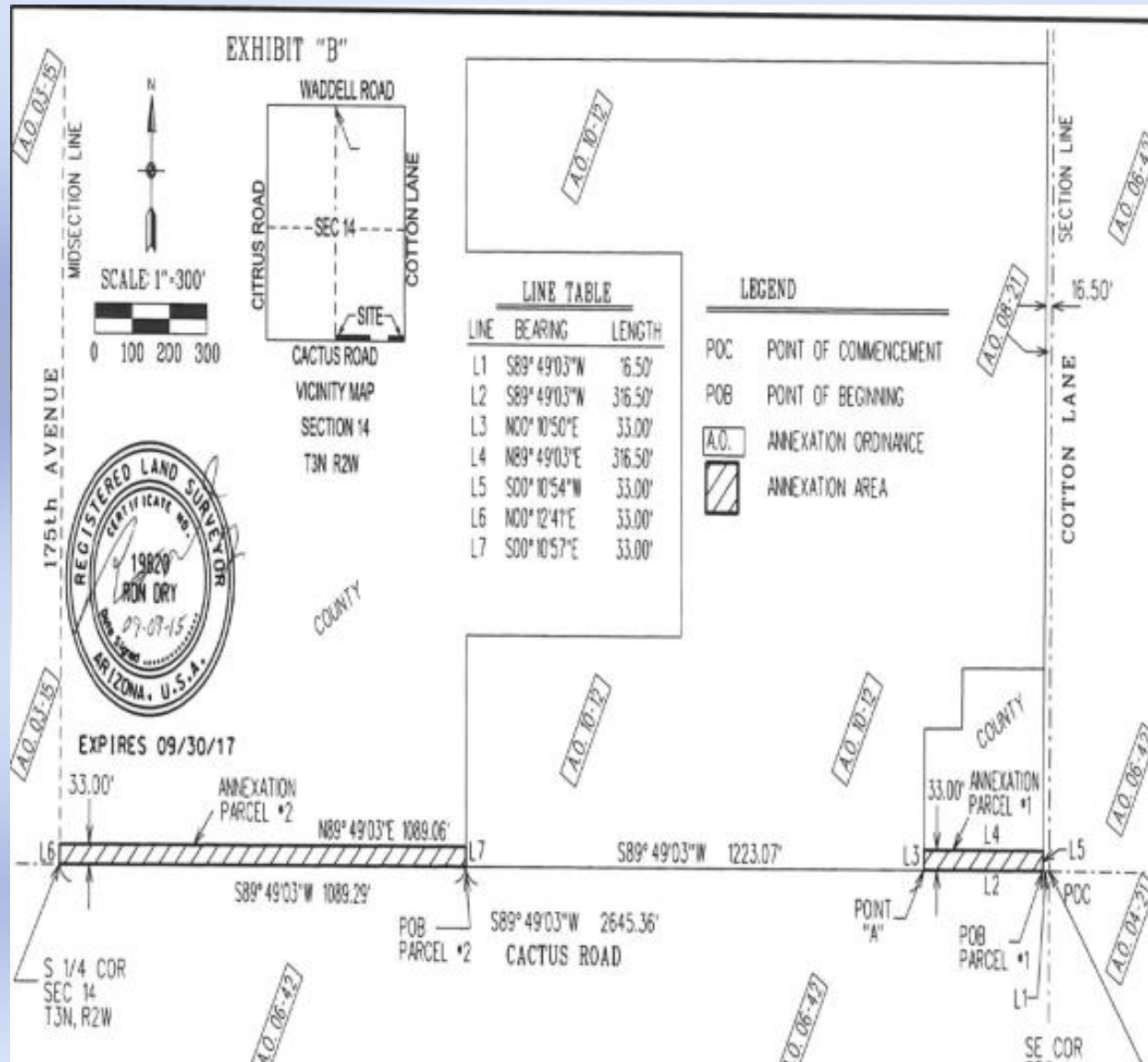
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MY COMMISSION EXPIRES JANUARY 31, 1940.
368 JUNE.

RECORDED
 INDEXED
 FILED
 MAY 10 1960
 U.S. DEPT. OF JUSTICE
 W. H. LINDLEY
 100-440890-100

REPLAT FOR VACATING

SUBDIVISION
OF
UNIT NUMBER 25
ROMOLA OF ARIZONA
GRAPE FRUIT UNIT
Being a Subdivision of
Section 14 T3N R2W E8 S.R.B.M.
Maricopa County Arizona
Date March 28 1936 Scale 1"=50'



Questions or Comments?





Memorandum

To: Eric Fitzer, Community Development Director
From: Matt Schilz, Sr. Financial Analyst
Date: October 8, 2015
Re: FS15-366 Cactus Road Annexation Impact Analysis

Per the Annexation Policy Manual - 2008 Revision, an annexation impact analysis has been conducted utilizing the data provided by the Community Development Department. The data provided assumes annexation of approximately 1.06 acres of right-of-way and approximately 0.25 lane miles at Cactus Road from 175th Avenue to approximately 1,100 feet east of 175th Avenue and at Cactus Road from approximately 50 feet west of Cotton Lane to approximately 300 feet west of Cotton Lane. Based on this information, the net financial impact to the city of Surprise is negative. Expenditures are estimated to be greater than revenue by approximately \$21,600 over twenty years, an average of approximately \$1,100 annually.

ORDINANCE 2015-17

AN ORDINANCE OF THE CITY OF SURPRISE, ARIZONA, EXTENDING AND INCREASING THE CORPORATE LIMITS OF THE CITY OF SURPRISE, ARIZONA MARICOPA COUNTY, STATE OF ARIZONA PURSUANT TO THE PROVISIONS OF ARIZONA REVISED STATUTES § 9-471 AND AMENDMENTS THERETO, BY ANNEXING CERTAIN ROADWAY CONTIGUOUS TO THE EXISTING CITY LIMITS OF THE CITY OF SURPRISE.

WHEREAS, Arizona law establishes a simplified procedure for annexing roadway in A.R.S. § 9-471 (N);

WHEREAS, the real property described in Exhibit A, attached hereto and incorporated herein by reference, and as illustrated on the map attached hereto as Exhibit B, which is likewise incorporated herein, is right-of-way (hereafter "right-of-way") dedicated to the public and located in Maricopa County; and

WHEREAS, the City of Surprise, Arizona is desirous of extending and increasing the corporate limits of the City of Surprise, Arizona to include the right-of-way; and

WHEREAS, the right-of-way is adjacent to the existing corporate limits of the City of Surprise, Arizona for the entire length of the proposed annexation; and

WHEREAS, through this Ordinance, the Mayor and Council is requesting the governing body of Maricopa County, Arizona to give its mutual consent to the annexation of this right-of-way located within Maricopa County, Arizona; and

WHEREAS, by adoption of this ordinance, it is the intent and desire of the Mayor and Council of the City of Surprise, Arizona, to annex the right-of-way to the City of Surprise, Arizona, and to give their mutual consent thereto;

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

SECTION 1. That, subject to the concurrence of the Board of Supervisors of Maricopa County, Arizona, the territory in the Maricopa County right-of-way as described in Exhibits A and B attached hereto is hereby annexed to the City of Surprise, Arizona, and that the present corporate limits of the City of Surprise, Arizona are hereby extended and increased to include the Maricopa County right-of-way described in Exhibits A and B attached hereto, all of which such right-of-way is contiguous for the entire length thereof to the present corporate limits of the City of Surprise, Arizona.

SECTION 2. That a copy of this Ordinance, together with an accurate map of the territory hereby annexed, be forthwith filed and recorded in the office of the County Recorder of Maricopa County, Arizona.

SECTION 3. The annexation herein provided for shall become effective upon the last of the following to occur:

1. The effective date of this Ordinance, in the manner prescribed by law, or
2. The date that the consent of the governing body of Maricopa County, Arizona consenting the annexation herein enacted shall become effective in the manner provided by law.

PASSED AND ADOPTED by the Mayor and Council of the City of Surprise, Arizona this _____ day of October, 2015.

Sharon R. Wolcott, Mayor

Attest:

Approved as to form:

Sherry Aguilar, City Clerk

Misty Leslie, City Attorney

EXHIBIT "A"

DESCRIPTION

ANNEXATION: CACTUS ROAD

ANNEXATION PARCEL #1

A portion of the Southeast quarter of Section 14, Township 3 North, Range 2 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona described as follows:

COMMENCING at the southeast corner of said Section 14 from which the south quarter corner of said Section 14 lies South 89°49'03" West 2645.36 feet;

Thence along the south line of said southeast quarter South 89°49'03" West 16.50 feet to the southwest corner of that real property as described in the City of Surprise Annexation Ordinance # 08-21 as recorded in Book 2008-0498462, Records of said Maricopa County being also on the northerly line of that real property as described in the City of Surprise Annexation Ordinance # 06-42 as recorded in Book 2006-1354327, Records of said Maricopa County, being the POINT OF BEGINNING;

Thence continuing along said south line and said northerly line of Annexation Ordinance # 06-42 South 89°49'03" West 316.50 feet to the most southerly southeast corner of that real property as described in the City of Surprise Annexation Ordinance # 10-12 as recorded in Book 2010-0568578, Records of said Maricopa County, said corner also being designated as POINT "A" for the purposes of this description;

Thence along an east line of said Annexation Ordinance # 10-12 North 00°10'50" East 33.00 feet;

Thence North 89°49'03" East 316.50 feet to the westerly line of said Annexation Ordinance # 08-21;

Thence along said westerly line South 00°10'54" West 33.00 feet to the POINT OF BEGINNING.

Containing 10,444 square feet, more or less.

TOGETHER WITH

(description continued on page 2 of 2)



EXPIRES 09-30-2017

DESCRIPTION (continued from page 1 of 2)

ANNEXATION PARCEL #2

COMMENCING at the aforesaid POINT "A";

Thence along said south line of the southeast quarter, the south line of said Annexation Ordinance #10-12 and the northerly line of said Annexation Ordinance # 06-42 South 89°49'03" West 1223.07 feet to the most southerly southwest corner of said Annexation Ordinance # 10-12 and the POINT OF BEGINNING;

Thence continuing along said south line and said northerly line of Annexation Ordinance # 06-42 South 89°49'03" West 1089.29 feet to said south quarter corner and the southeast corner of that real property as described in the City of Surprise Annexation Ordinance # 03-15 as recorded in Book 2003-0920269, Records of said Maricopa County;

Thence along the east line of said Annexation Ordinance #03-15 North 00°12'41" East 33.00 feet;

Thence North 89°49'03" East 1089.06 feet to the west line of said Annexation Ordinance #10-12;

Thence along said west line South 00°10'57" East 33.00 feet to the POINT OF BEGINNING.

Containing 35,943 square feet, more or less.

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

End of description



EXPIRES 09-30-2017



CITY OF SURPRISE
Regular City Council Meeting

October 20, 2015 @ 6:00:00 PM

+ [Back](#) [Print](#)

Council Meeting Date:	October 20, 2015	Contact Person:	Hobart Wingard - Community Development
Submitting Department:	CD	District:	Citywide
Staff Recommendations:	None		

Consent	Regular	Public Hearing	x	Report/Discussion
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Agenda Wording:

Consideration and action amending Surprise Municipal Code, Chapter 122, Surprise Unified Development Code, Section 122-112, Wireless Communications, to allow Wireless Telecommunication Facilities to conform to federal regulations and current technology (this is a Zoning Text Amendment); Ordinance 2015-15.

Motion:

I move to approve Ordinance 2015-15.

Background:

The City is required under Section 6409 of the Spectrum Act (The Middle Class Tax Relief and Job Creation Act of 2012) and the Eligible Facility Request Rules established in the Order, to adopt and implement local development and zoning regulations that are consistent with Section 6409 and the Order. These requirements coincide with the need to update the Surprise Unified Development Code to regulate Wireless Telecommunication Facilities due to advancing technology.

Objective Analysis:

The ordinance will give residents and businesses improved wireless capabilities while conforming to federal law.

Policy Compliant:

The proposed zoning text amendment is consistent with City and Councils' Policies.

Financial Impact:

All activity related to ongoing development of the City of Surprise has an economic and fiscal impact on the city and the region.

Budget Impact:

Not applicable

FTE Impact:

Not applicable

ATTACHMENTS:

Click to download

- ☐ [FS15-176 - Wireless Telecommunications Facility ZTA - Staff Report](#)
 - ☐ [FS15-176 - Wireless Telecommunications Facility ZTA - Presentation](#)
 - ☐ [Ordinance 2015-15](#)
-



ZONING TEXT AMENDMENT

REPORT TO THE MAYOR AND CITY COUNCIL

Case: FS15-176

Project Name: Wireless Telecommunications Facilities

Council District: Citywide

Meeting Date: October 20, 2015

Planner: Hobart Wingard, 623.222.3156

Owner: Citywide

Applicant: City Initiated

Request: Zoning text amendment modifying the Surprise Unified Development Code to allow Wireless Telecommunication Facilities to conform to federal regulations and current technology.

Site Location: Citywide

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

Support/Opposition: The proposal received a positive reaction from a single industry representative. No indication of opposition was received

Staff Recommendation: Staff recommends approval of Ordinance 2015-15, a zoning text amendment modifying the Surprise Unified Development Code to allow Wireless Telecommunication Facilities to conform to federal regulations and current technology.

Background:

Since the advent of wireless telecommunications in the 1980's, the City of Surprise has processed permits for various types of communications facilities which include "cell towers" and related equipment. In 1997, the city adopted regulations regarding the placement of telecommunication towers and required an approval of a Conditional Use Permit (CUP). The process was changed to an Administrative Use Permit (AUPC) in 2007 only to return to a CUP process in 2009 with the adoption of the Surprise Unified Development Code (SUDC).

As technology and demand accelerate, staff has recognized the need for modification of the current regulations to allow physically smaller systems that boost cellular coverage while demanding a system that allows a smaller buffering and dimensional requirements.

In 2012, Congress passed the “Middle Class Tax Relief and Job Creation Act of 2012” (The Spectrum Act) which included Section 6409 that implemented additional substantive and procedural limitations upon state and local government authority to regulate modification of existing telecommunication facilities.

Project Description:

The proposed regulations utilize recent federal law as well as current City of Surprise wireless telecommunications facilities language to craft the attached ordinance. The coordination of definitions, classification of reviews, design requirements, and various minor requirements make up the proposed code language.

Wireless telecommunication facilities fall within one of the following categories:

- Wireless locations governed by the Spectrum Act allow eligible collocations and modifications to be approved administratively and within 60 days of filing. These applications include items such as panel and ground equipment replacement and collocations on an existing facility.
- Collocations and modifications not covered by the Spectrum Act will require an administrative, Type 1 design review process. These reviews will be completed within 90 days of filing. These include modifications that propose a larger impact than what is regulated by federal law.
- The third type of application will also require an administrative, Type 1 design review process. These applications include wireless products not seen in the city before; small cell sites. These small cell sites will be located in a broader range of areas as they will be higher in number and will focus on transferring large amounts of data. These applications include structure mounted facilities as well as facilities located in rights-of-ways such as light poles. These too will be reviewed within 90 days.
- The fourth type of wireless facility are a more conventional facility, but will disguised to fit into the environment. These facilities, such as monopalm and alternative tower structures, will follow the Type 2 design review process and will be heard by the Planning and Zoning Commission.
- All other facilities will require a Type 3, conditional use permit process. These will require proper notification, outreach meeting, and a public hearing with the Planning and Zoning Commission.

The following portion of the ordinance refers to design. The emphasis is placed on aesthetics and blending into the existing environment. This section provides direction for the size of small cell facility footprints to the number of fronds on a monopalm.

Submittal requirements are outlined in the next set of regulations. The requirements vary little from existing requirements and include plans, elevations, photo simulations, market coverage maps, and leases.

Cellular on wheels (COW) have never before been addressed in our city code. The proposed section of language allows these facilities during construction or maintenance As well as during special events where expanded wireless coverage is required.

Current and past city code has limited conditional use permits for cellular facilities to five (5) years requiring another conditional use permit at the end of the time. Staff has proposed that each wireless telecommunication facility provide to the city documentation certifying that the facility meets federal standards every five (5) years.

The final section of the ordinance addresses discontinuation of use which requires removal of all facilities after 90 days of abandonment. This section is similar to the existing section of the current code.

Reviewing Agencies:

In addition to the standard internal city reviewing divisions, the standard outside agencies were included in the routing of this request. None of the reviewing agencies indicated any concerns over the request.

Citizen Review:

The Citizen Review meeting was held on May 27, 2015 from 6:00 to 7:00 PM in the Council Overflow Room at City Hall. A single industry representative attended the meeting. A discussion regarding the proposed code and the present and future needs of the industry was held.

Planning and Zoning Commission:

On October 1, 2015, the Planning and Zoning Commission recommended approval of Case 2015-173, a zoning text amendment to modify the Surprise Unified Development Code to allow Wireless Telecommunication Facilities to conform to federal regulations and current technology.

Findings:

- The proposed zone change is consistent with the Surprise General Plan 2035
- The proposed zone change will advance the goals of the City Council

Recommendation:

Based on the findings noted above, staff recommends approval of Ordinance 2015-15, a zoning text amendment to modify the Surprise Unified Development Code to allow Wireless Telecommunication Facilities to conform to federal regulations and current technology.

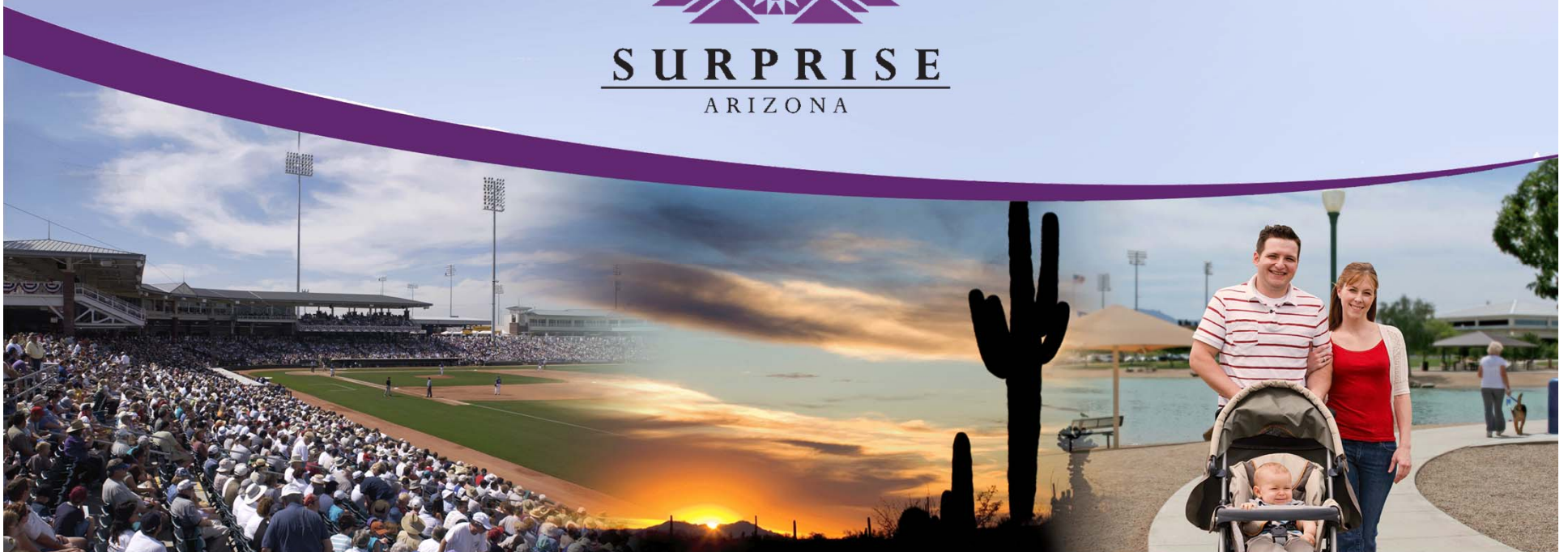
However, should the Mayor and City Council wish to recommend denial of the request, the Council should make its own findings and base its decision on those alternative findings.

Attachments:

Ordinance 2015-15

ZONING TEXT AMENDMENT WIRELESS TELECOMMUNICATION FACILITIES

City Council
October 20, 2015



PURPOSE



- In 1997, the city adopted regulations regarding the placement of telecommunication towers and required an approval of a Conditional Use Permit (CUP). The process was changed to an Administrative Use Permit (AUPC) in 2007 only to return to a CUP process in 2009 with the adoption of the Surprise Unified Development Code (SUDC).
- As technology and demand accelerate, staff has recognized the need for modification of the current regulations to allow for changing technology.
- The “Middle Class Tax Relief and Job Creation Act of 2012” (The Spectrum Act) implemented additional substantive and procedural limitations upon local government regarding existing telecommunication facilities.

CURRENT CODE LANGUAGE



- Section 122-112 – Basic Dimensional Requirements and Aesthetics. CUP Required.



ORDINANCE SUMMARY



- **Definitions**
- **Process**
- **Design**
- **COWs**
- **Time Limits**
- **Abandonment and Removal**



PROCESSES



- **Minor Changes Within Spectrum Act**
 - Building Permit (60 Days)
- **Minor Changes Outside The Spectrum Act**
 - Minor Administrative Site Plan Design Review (90 Days)
- **Small Cell Sites**
 - Minor Administrative Site Plan Design Review (90 Days)
- **Conventional Disguised Cell Towers**
 - Site Plan Design Review With Planning And Zoning Commission (150 Days)
- **Other Facilities Not Covered By Above Referenced Processes**
 - Conditional Use Permit Reviewed By The Planning and Zoning Commission (150 Days)

PROCESSES



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 - Building Permit (60 Days)
- **Minor Changes Outside The Spectrum Act**
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PROCESSES



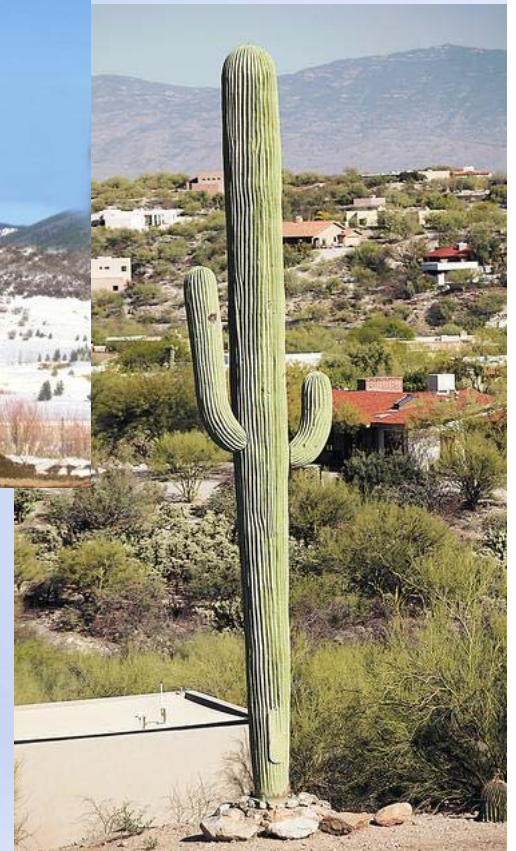
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DESIGN – DISGUISED TOWERS



DESIGN – BUILDING AND ROOFTOP



DESIGN – SMALL CELLS



DESIGN - OTHER



CELLULAR ON WHEELS (COW)



- Never Addressed Before
- Allowed For:
 - Construction and Maintenance
 - Special Events

Mobile Towers – COW (Cell On Wheels)



TIME LIMITS AND ABANDONMENT



- Current Code Limits Cell Tower Entitlements To Five (5) Years
 - Proposing Requiring FCC Certification Every Five (5) Years
- Rules on Abandonment and Cessation of Use remain at 90 days

Questions or Comments?



ORDINANCE 2015-15

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA, APPROVING A ZONING TEXT AMENDMENT FOR THE LOCATION, COLLOCATION, REMOVAL AND REPLACEMENT OF WIRELESS TELECOMMUNICATION FACILITIES

WHEREAS, this Ordinance was properly noticed for public hearing and the necessary hearings and opportunity for public input were completed;

WHEREAS, in 1934, Congress enacted the Communications Act of 1934, creating the FCC and granting it authority over common carriers engaged in the provision of interstate or foreign communications services; and

WHEREAS, in 1996 Congress enacted Pub. L. No. 104-104, 110 Stat. 70 (the “**1996 Act**”), amending the Communications Act of 1934 and implementing regulations applicable to both wireless and wireline communications facilities for the purpose of removal of barriers to entry into the telecommunications market while preserving local government zoning authority except where specifically limited under the 1996 Act; and

WHEREAS, in the 1996 Act, Congress imposed substantive and procedural limitations on the traditional authority of state and local governments to regulate the location, construction, and modification of wireless facilities and incorporated those limitations into the Communications Act of 1934; and

WHEREAS, the City has adopted regulations that have been codified as part of the Municipal Code of the City establishing local requirements for the location, construction, and modification of wireless facilities; and

WHEREAS, in 2012 Congress passed the “Middle Class Tax Relief and Job Creation Act of 2012” (the “**Spectrum Act**”) (PL-112-96; codified at 47 U.S.C. § 1455(a)); and

WHEREAS, Section 6409 (hereafter “**Section 6409**”) of the Spectrum Act implements additional substantive and procedural limitations upon state and local government authority to regulate modification of existing wireless antenna support structures and base stations; and

WHEREAS, Congress through its enactment of Section 6409 of the Spectrum Act, has mandated that local governments approve, and cannot deny, an application requesting modification of an existing tower or base station if such modification does not substantially change the physical dimensions of such tower or base station; and

WHEREAS, the 1996 Act empowers the Federal Communications Commission (the “**FCC**”) to prescribe such rules and regulations as may be necessary in the public interest to carry out the provisions of the 1996 Act, and subsequently added portions of the 1996 Act such as Section 6409; and

WHEREAS, the FCC, pursuant to its rule making authority, adopted and released a Notice of Proposed Rulemaking in September of 2013 (*In re Acceleration of Broadband Deployment by Improving Wireless Facilities Siting Policies*, WT Docket Nos. 13-238, 13-32; WC Docket No. 11-59; FCC 13-122) which focused in part upon whether or not the FCC should adopt rules regarding implementation of Section 6409; and

WHEREAS, on October 21, 2014, the FCC issued its report and order, WT Docket Nos. 13-238, 13-32; WC Docket No. 11-59; FCC 14-153, in the above described proceeding (the “**Report and Order**” or “**Order**”) clarifying and implementing statutory requirements related to state and local government review of infrastructure siting, including Section 6409, with the intent of facilitating and expediting the deployment of equipment and infrastructure to meet the demand for wireless capacity; and

WHEREAS, the rules adopted by the FCC in its Report and Order implementing Section 6409 are intended by the FCC to spur wireless broadband deployment, in part, by facilitating the sharing of infrastructure that supports wireless communications through incentives to collocate on structures that already support wireless facilities; and

WHEREAS, the Report and Order also adopts measures that update the FCC’s review processes under the National Environmental Policy Act of 1969 (“**NEPA**”) and section 106 of the National Historic Preservation Act of 1966 (“**NHPA**”), with a particular emphasis on accommodating new wireless technologies that use smaller antennas and compact radio equipment to provide mobile voice and broadband service; and

WHEREAS, on January 5, 2015, the FCC released an Erratum to the Report and Order making certain amendments to the provisions of the Report and Order related to NEPA and Section 106 of the NHPA; and

WHEREAS, that part of the Report and Order related to implementation of Section 6409, amends 47 C.F.R. Part 1 (PART 1 – PRACTICE AND PROCEDURE) by adding new Subpart CC § 1.40001 and establishing both substantive and procedural limitations upon local government application and development requirements applicable to proposals for modification to an existing antenna support structure or an existing base station (“**Eligible Facility Request Rules**”); and

WHEREAS, the Order, among other things, defines key terms utilized in Section 6409, establishes application requirements limiting the information that can be required from an applicant, implements a 60 day shot clock and tolling provisions, establishes a “deemed approved” remedy for applications not timely responded to, requires cities to

approve a project permit application requesting modification of an existing tower or base station that does not substantially change the physical dimensions of such tower or base station, and establishes development standards that govern such proposed modifications; and

WHEREAS, the Report and Order provides that the Eligible Facility Request Rules will be effective 90 days following publication in the Federal Register; and

WHEREAS, the Order was published in the Federal Register on Thursday, January 8, 2015, Federal Register; Vol. 80; No. 5, resulting in the Eligible Facility Request Rules becoming effective on April 8, 2015; and

WHEREAS, the Order is subject to appeal, however, even if an appeal is filed, the appeal will not automatically result in delay of implementation of the Eligible Facility Request Rules; and

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

WHEREAS, on October 1, 2015, the Planning and Zoning Commission recommended approval of the zoning text amendment for the location, collocation, removal and replacement of wireless telecommunication facilities.

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

Section 1. The City Council finds that it is required under Section 6409 of the Spectrum Act and the Eligible Facility Request Rules established in the Order, to adopt and implement local development and zoning regulations that are consistent with Section 6409 and the Order; and

Section 2. Section 122-112, *Wireless Communication Facilities (WCF)*, of the Surprise Uniform Development Code is hereby amended as per the attached Exhibit A, and incorporated by this reference.

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 _____, 2015.

Sharon R. Wolcott, Mayor

Attest:

Approved as to form:

Sherry Aguilar, City Clerk

Misty Leslie, City Attorney

FS15-176

Zoning Text Amendment

Wireless Telecommunications Facilities (WTF)

Legislative Edit

Section 122-112 – Wireless ~~Communications~~ Telecommunications Facilities (W~~CTF~~)

~~When allowed, the following minimum development standards shall apply to all wireless communications facilities in addition to any development standards that apply in the underlying zoning district in which a wireless communication facility is located and/or additional requirements in any conditions of approval attached to a conditional use approval.~~

~~a. Siting standards.~~

- ~~(1) No new WTF shall be located within 1,320 feet of an existing WTF unless the existing WTF does not meet the structural specifications or technical requirements necessary for additional antenna co-location, or unless a co-location agreement could not be obtained at commercial reasonable terms and conditions, including price. WTF used to support athletic field lighting or parking lot lighting, and are camouflaged to disguise the presence of the antennas shall be exempt from this requirement;~~
- ~~(2) A WTF shall be set back from all non-residential lot lines a minimum distance equal to the height of the pole; and from all residential lot lines a minimum distance of 200 feet of the height of the mount. However, in no instance, shall the WTF, other than a minor antenna be placed closer than 200 feet from a residential dwelling or from the property line of a vacant lot or vacant parcel in a residentially zoned district;~~
- ~~(3) A WTF may be mounted on a structure that is not a dwelling unit on the side or roof in accordance with the requirements of this section.~~
- ~~(4) All WTF shall be adequately insured for injury and property damage.~~

~~b. Design standards.~~

- ~~(1) Materials, colors, textures and landscaping shall be designed to blend in naturally with the surrounding setting. A WTF shall be finished or painted to minimize visual obtrusiveness by using a non-reflective color or color scheme appropriate to the background against which the WTF would be viewed from a majority of points within its viewshed. Panel antennae and their associated cables and hardware mounted on or against an existing structure shall be painted to match the existing façade or be otherwise camouflaged to reduce their visual impact;~~

- ~~(2) A WTF shall be:~~
- ~~a. Completely screened from public view and rights-of-way by trees, mature vegetation, natural features or structures on the subject property; and/or~~
 - ~~b. Completely camouflaged in a manner that is architecturally compatible with the structure on which it is mounted and integrated as an integral architectural element of the structure. The required screening may exist on the subject property or be installed as part of the proposed WTF or a combination of both.~~
- ~~(3) A WTF shall not be illuminated unless otherwise required by state or federal regulations;~~
- ~~(4) All wireless communication facilities shall have an identification plaque no larger than 12 inches by 12 inches permanently affixed which clearly identifies the name, address, and emergency phone number of the provider. No other identification or sign is permitted on a WTF or related facility;~~
- ~~(5) All WTF support structures and required fencing shall be equipped with appropriate anti-climbing devices.~~
- ~~(6) A security barrier, if any, shall be screened from view through the use of appropriate landscaping materials consistent with the city landscaping standards.~~
- ~~(7) The silhouette of the WTF shall be reduced to minimize visual impact. To the extent allowed by law, the city shall consider the cumulative visual effects of WTF and any mount, specifically their appearance or domination of the skyline, natural and structural features or terrain, in determining whether to approve a WTF.~~
- ~~(8) Any access road to a WTF site shall withstand all-weather and dust controlled surfaces.~~
- ~~(9) An equipment cabinet shall be located below natural grade underground if site conditions permit and if technically feasible. An equipment cabinet shall be completely screened from view by compatible wall, fence or landscaping consistent with the city landscaping standards except that an equipment cabinet larger than 144 cubic feet may not be required to be totally screened from view if the city manager or designee finds, in its discretion, that the cabinet has been designed with a structure or façade, materials, colors or detailing that affect a structure which emulates the architectural character of the area;~~
- ~~(10) The maximum height of a monopole including the base and platform, but excluding attached antennae, shall be limited to 65 feet above the finished grade of the site. The maximum height of the antennae attached to a wireless communication monopole shall not exceed 80 feet above the finished grade of the site. Whip antennas are excluded from this calculation. However, in no case shall a WTF be permitted when heights are found to be intrusive, obtrusive or out of character with the surrounding area.~~
- ~~(11) A WTF co-located on existing monopoles and towers shall be subject to the following criteria:~~

~~(12) The monopole or tower shall not increase in height more than six feet; and~~

~~(13) The maximum height of the antennae attached to a wireless~~

~~(14) The pole portion of a monopole may not exceed 42 inches in diameter. No microwave dish or similar device may be mounted on the pole portion of a monopole.~~

~~(15) A WTF that is located on traffic signal poles shall be subject to the following criteria:~~

~~a. Antennas shall be limited to canister-mount antennas, shall be no more than 18 inches in diameter and shall not increase the city standards traffic pole height more than six feet;~~

~~b. All cables shall be located inside the pole.~~

~~c. Co-location and limitations.~~

~~(1) A proposal for a new wireless communication facility shall not be approved unless the communications equipment cannot be accommodated on an existing or approved monopole or structure within a one mile search radius of the proposed WTF due to one or more of the following reasons:~~

~~a. The planned equipment would exceed the structural capacity of the existing or approved structure, as documented by a qualified and licensed professional engineer, and the existing or approved WTF cannot be reinforced, modified, or replaced to accommodate planned or equivalent equipment at a reasonable cost.~~

~~b. The planned equipment would cause interference materially impacting the usability of other existing or planned equipment at the WTF as documented by a qualified and licensed professional engineer and the interference cannot be prevented at a reasonable cost.~~

~~c. Existing or approved structures within the search radius cannot accommodate the planned equipment at a height necessary to function reasonably as documented by a qualified and licensed professional engineer.~~

~~d. Cessation of use.~~

~~(1) In the event the use of any WTF has been discontinued for a period of 60 consecutive days, the WTF shall be deemed to be abandoned. Upon such abandonment, the owner/operator of the tower shall have 60 days to:~~

~~a. Reactivate the use of the WTF or transfer the WTF to another owner/operator who makes actual use of the WTF; or~~

~~b. Dismantle and remove the WTF. If such WTF is not removed within said 60 days, the city may remove such WTF at the owner's expense. If there are several users of a single WTF, then this provision shall only require that the unnecessary sections of the WTF be removed.~~

- ~~(2) At the earlier of 60 days from the date of abandonment without reactivation or upon completion of dismantling and removal, city approval for the WTF shall automatically expire.~~
- ~~(3) If an abandonment of a WTF occurs by all of the permittees or licensees and the owner of the tower, the owner of the tower shall remain primarily responsible if the tower ceases to be used for its intended purposes by either it or other permittees or licensees for the transmission or reception of wireless services. In the event that the WTF ceases to be licensed by the FCC for the transmission of radio energy, the owner of the WTF shall maintain the prescribed painting and/or illumination of such tower until it is dismantled.~~
- ~~(4) Upon removal of the wireless service facility, the site shall be returned to its natural state and topography and vegetated consistent with the natural surroundings.~~
- ~~e. Additional submittal requirements. In addition to the information requested for a conditional use permit, the following items shall be required for a WTF application:~~
- ~~(1) A site plan showing the subject property and adjacent properties; all existing and proposed buildings on the subject property and their purpose; the specific placement of the WTF antenna, mount and equipment cabinet; security barrier, including type and extent and point of controlled entry on the site; fall zone; all proposed changes to the existing site, including grading, vegetation, roads, sidewalks and driveways;~~
- ~~(2) A landscape plan showing specific placement of existing and proposed vegetation, trees, shrubs, identified by species and size of specimen at installation in accordance with city landscape standards;~~
- ~~(3) Photographs, diagrams, photo simulations and sight line representations as listed below:~~
- ~~a. A diagram or map showing the viewshed of the proposed facility;~~
- ~~b. Sight line representation;~~
- ~~c. Existing (before condition) photographs illustrated by four by six inch color photograph(s) of what can currently be seen from any adjacent buildings and properties, private roads and rights-of-way adjacent to the site;~~
- ~~d. Photo simulations of the proposed facility from each adjacent residential properties or buildings, private roads and public rights-of-way adjacent to the site (after condition photographs). Such photo simulations shall include, but not be limited to, each of the existing condition photographs with the proposed WTF superimposed on it to show what will be seen from residential buildings, properties, private roads and rights-of-way adjacent to the site;~~
- ~~e. Aerial photograph.~~
- ~~(4) Siting elevations, or views at natural grade, from all directions (north, south, east, west) for a 50-foot radius around the proposed WTF plus from all existing rights-~~

~~of-way and private roads that serve the subject property. Elevations shall be at one-quarter inch equals one foot scale and show the following:~~

- ~~a. Antenna, mount, equipment cabinet;~~
- ~~b. If the security barrier will block views of the WTF, the barrier drawing shall be cut away to show the view behind the barrier;~~
- ~~c. Any and all structures on the subject property, existing trees and shrubs at current height and proposed trees and shrubs at proposed height at time of installation;~~
- ~~d. Grade changes or cuts and fills to be shown at original grade and new grade line.~~

~~(5) Design submittals as follows:~~

- ~~a. Equipment brochures for the WTF such as manufacturer's specifications or trade journal reprints;~~
- ~~b. Materials of the WTF and security barrier, if any, specified by generic type and specific treatment, such as brick, masonry with stucco finish, anodized aluminum, stained wood, etc.;~~
- ~~c. Colors represented by samples or a color board showing actual colors proposed;~~
- ~~d. Dimensions of all equipment specified for all three dimensions: height, width and depth;~~
- ~~e. Appearance shown by at least two photographic superimpositions of the WTF within the site. The photographic superimpositions shall include the antenna, mount, equipment cabinet and security barrier, if any, for the total height, width and breadth. The submittal may also include, if required by the city, a scaled three dimensional model of the WTF on the site.~~

~~(6) Market and service maps as follows:~~

- ~~a. A map showing the service area of the proposed WTF and the explanation of the need for that facility;~~
- ~~b. A map showing the locations and service areas of other WTF sites operated by the permittee and those that are proposed by the permittee which are close enough to impact service within the city or are within a two-mile radius of the limits of the city.~~

~~(7) Co-location submittals, including signed statements indicating:~~

- ~~a. The permittee agrees to allow for the potential co-location of additional WTF(s) by other personal wireless services and carriers on the permittee's structure or facility or within the same site;~~
- ~~b. That the permittee agrees to remove the WTF as required by this section;~~

- ~~c. That the permittee has made a good faith effort to achieve co-location with other carriers and facilities as required in this section, and if co-location is not feasible for this application for a substantial technical reason, a written statement of the reasons for the infeasibility.~~
- ~~(8) A lease agreement with the owner or landholder shall also be submitted that:~~
- ~~a. Allows the landholder to enter into leases with other providers;~~
 - ~~b. Specifies that if the carrier fails to remove the WTF when required by this section, the responsibility for removal falls upon the landholder;~~
 - ~~c. Allows entry by the city and its agent for the purpose of inspection and compliance with city codes;~~
 - ~~d. Consents to the terms of subsection J (permit limitations and general conditions) of this section.~~
- ~~f. *Permit limitations and general conditions.* In addition to the requirements of this section and any additional administrative use processing requirements located in article VIII herein, a WTF administrative use permit thereto shall comply with the following requirements:~~
- ~~(1) An administrative use permit shall expire five years after the date of the permit approval. A permittee wishing to continue the use at the end of the five-year period must apply for a conditional use permit renewal application to continue the use at least six months prior to its expiration. The permittee shall be responsible for initiating a review of the approved wireless facility and shall demonstrate that changes in technology, that are economically feasible, have not eliminated the need for the conditional use permit. In ruling on the renewal, the city manager or designee shall apply all then existing regulations affecting the application;~~
- ~~(2) If the conditional use permit expires, terminates, is abandoned or revoked for any reason pursuant to this section or any City Municipal Code, if removal of the WTF is required in this section, or if the use is discontinued pursuant to this section, the WTF shall be removed as required herein. If the WTF is not so removed, the city may cause the facility to be removed and the owner of the land where the facility is located shall pay all expenses of removal. If not paid by the owner within 30 days of notice by the city, the permittee agrees that the city's costs shall constitute a lien upon the subject property upon its execution and filing with the county recorder's office. The term "remove" shall include but not be limited to the following:~~
- ~~a. Removal of antenna, mount, equipment cabinet, security barrier from the site;~~
 - ~~b. Transportation of the antenna, mount, equipment cabinet, or security barrier to a location off-site; if the location is within the city limits, it is subject to approval by the city;~~
 - ~~c. Restoration of the site of the WTF to its natural condition, except that any landscaping and grading shall remain in finished condition.~~

- ~~(3) A wireless service carrier, upon granting of a conditional use permit or amendment for a WTF use, shall indemnify, protect and hold harmless the city, its officers and agents, from and against any and all liabilities, losses, damages, demands, claims and costs, including court costs and attorney fees (collectively "liabilities") incurred by the city arising directly or indirectly from the:~~
- ~~a. WTF use as contemplated herein and in the use permit; and~~
 - ~~b. installation and operation of the WTF permitted thereby, including without limitation, any and all liabilities arising from emission by the WTF of electromagnetic fields or other energy waves or emissions. The wireless service carrier's compliance with this subsection is an express condition of the conditional use permit or amendment and is binding on any and all personal wireless service carrier's successors and assigns. The requirements of this subsection shall survive the termination of any such permit or amendment.~~
- ~~(4) The permittee shall maintain the WTF to standards that are imposed by the city at the time of granting of a permit or amendment thereto. Such maintenance shall include, but shall not be limited to, maintenance of the paint, structural integrity and landscaping. If the permittee fails to maintain the facility, the city may undertake the maintenance at the expense of the permittee or terminate or revoke the permit, at its sole option. If the owner does not pay such maintenance expense within 30 days of notice by the city, the permittee agrees that the city's costs shall constitute a lien upon the subject property upon its execution and filing with the county recorder's office.~~
- ~~(5) An administrative use permit granted to an permittee is specific to the owner and personal wireless service carrier and may not be assigned, provided however that the personal wireless service carrier may assign its interest in the permit to any subsidiary or other affiliate of the personal wireless carrier. In the event of such assignment, the assignee shall re-execute the administrative use permit or amendment thereto within 30 days of the effective date of the assignment or the permit shall automatically expire. The permittee shall notify the city of any change in ownership or operation of the WTF at least 90 days prior to such change taking place for approval by the planning and zoning commission, which approval shall not be unreasonably withheld.~~
- ~~(6) In its consideration of applications herein, and in addition to criteria in this section, and within authority granted by law, the city may also consider and prescribe limitations on the locations and numbers of conditional use permits which may be granted pursuant to this section.~~
- ~~(7) Within 90 days after issuance of the FCC operational permit, the wireless service carrier shall provide a copy of such permit to the city and register the WTF, providing information and the city may request data as. Any change in the permit or registration data shall be filed with the city within 30 days after the change is made. The wireless service carrier shall submit to the city a copy of its FCC Form~~

~~600 prior to the city's approval of final inspection of a building permit for the WTF or portion thereof.~~

~~(8) The city and its agents are authorized to enter on the subject property and WTF site for the purpose of inspection and determining compliance with this section and the provisions of the conditional use permit or amendment thereto.~~

~~(Ord. No. 09-12, § 2(Exh. A), 5-14-09)~~

THE PURPOSE OF THE WIRELESS TELECOMMUNICATIONS FACILITY ("WTF") REGULATIONS IS TO ENCOURAGE AND PROMOTE WIRELESS COMMUNICATIONS COVERAGE FOR ALL AREAS OF THE CITY WHILE MINIMIZING THE VISUAL, ENVIRONMENTAL, AND NEIGHBORHOOD IMPACTS. WTF'S ARE ALLOWED IN ALL ZONING DISTRICTS, BUT THE PREFERRED WTF LOCATIONS INCLUDE LOCATIONS HAVING THE LEAST AMOUNT OF VISUAL AND NEIGHBORHOOD IMPACT. THE WIRELESS COMMUNICATIONS SERVICE PROVIDERS WILL ADHERE TO ALL APPLICABLE FEDERAL REGULATIONS.

(a) DEFINITIONS - THE FOLLOWING DEFINITIONS WILL APPLY IN THE INTERPRETATION AND ENFORCEMENT OF THIS SECTION, UNLESS THE CONTEXT CLEARLY REQUIRES OTHERWISE. ANY TERM OR PHRASE NOT DEFINED HEREIN WILL BE DEFINED BY THE CITY MANAGER OR DESIGNEE. WHEN NOT INCONSISTENT WITH THE CONTEXT, WORDS USED IN THE PRESENT TENSE INCLUDE THE FUTURE, WORDS IN THE PLURAL INCLUDE THE SINGULAR, AND WORDS IN THE SINGULAR INCLUDE THE PLURAL. THE WORDS "WILL" AND "SHALL" WILL ALWAYS BE MANDATORY AND NOT MERELY DIRECTORY AND THE WORD "MAY" IS ALWAYS DISCRETIONARY. REFERENCES TO GOVERNMENTAL ENTITIES (WHETHER PERSONS OR ENTITIES) REFER TO THOSE ENTITIES OR THEIR SUCCESSORS IN AUTHORITY. IF SPECIFIC PROVISIONS OF LAW, REGULATION OR RULE REFERRED TO HEREIN BE RENUMBERED OR AMENDED, THEN THE REFERENCE WILL BE READ TO REFER TO THE RENUMBERED OR AMENDED PROVISION.

(1) "ALTERNATIVE TOWER STRUCTURE" IS AN INNOVATIVE WIRELESS TELECOMMUNICATIONS TOWER DESIGN SUCH AS A CLOCK TOWER, GRAIN SILO, BELL TOWER, FALSE CHIMNEY, STEEPLE, LIGHT POLE, FLAG POLE, WINDMILL, AND SIMILAR DESIGN MOUNTING STRUCTURES THAT CAMOUFLAGE OR CONCEAL THE PRESENCE OF WIRELESS TELECOMMUNICATIONS ANTENNAS OR TOWERS. ALTERNATIVE TOWER STRUCTURES MAY ALSO INCLUDE UTILIZATION OF A TRAFFIC SIGNAL STREET LIGHT POLE OR SIMILAR STRUCTURE, OR FREE STANDING STRUCTURE WITHIN A PUBLIC RIGHT OF WAY AS APPROVED BY THE ENGINEERING DEPARTMENT ON A CASE BY CASE BASIS.

(2) "AUTHORIZED PERSON" IS THE PERSON, EMPLOYEES, AGENTS, CONSULTANTS, AND CONTRACTORS, AUTHORIZED IN WRITING BY

APPLICANT TO COMPLETE AND SUBMIT A WTF APPLICATION, TO INCLUDE AN ELIGIBLE FACILITIES (EF) APPLICATION ON BEHALF OF APPLICANT AND WHO IS AUTHORIZED TO RECEIVE ANY NOTICES ON BEHALF OF APPLICANT OF ANY ACTION TAKEN BY THE CITY REGARDING THE WTF APPLICATION.

- (3) "BACKHAUL" WILL MEAN THE CONNECTION FROM A WTF BASE STATION TO THE CORE NETWORK OF THE INTERNET.
- (4) "BASE STATION" WILL MEAN AND REFER TO THE STRUCTURE OR EQUIPMENT AT A FIXED LOCATION THAT ENABLES WIRELESS COMMUNICATIONS LICENSED OR AUTHORIZED BY THE FCC, BETWEEN USER EQUIPMENT AND A COMMUNICATIONS NETWORK. THE TERM DOES NOT ENCOMPASS A TOWER AS DEFINED IN THIS CHAPTER OR ANY EQUIPMENT ASSOCIATED WITH A TOWER.
 - a. THE TERM INCLUDES, BUT IS NOT LIMITED TO, EQUIPMENT ASSOCIATED WITH WIRELESS COMMUNICATIONS SERVICES SUCH AS PRIVATE, BROADCAST, AND PUBLIC SAFETY SERVICES, AS WELL AS UNLICENSED WIRELESS SERVICES AND FIXED WIRELESS SERVICES.
 - b. THE TERM INCLUDES, BUT IS NOT LIMITED TO, RADIO TRANSCEIVERS, ANTENNAS, COAXIAL OR FIBER-OPTIC CABLE, REGULAR AND BACKUP POWER SUPPLIES, AND COMPARABLE EQUIPMENT, REGARDLESS OF TECHNOLOGICAL CONFIGURATION (INCLUDING DISTRIBUTED ANTENNA SYSTEMS AND SMALL-CELL NETWORKS).
 - c. THE TERM INCLUDES ANY STRUCTURE OTHER THAN A TOWER THAT, AT THE TIME THE RELEVANT WTF APPLICATION IS FILED WITH THE CITY UNDER THIS CHAPTER, SUPPORTS OR HOUSES EQUIPMENT, AND THAT HAS BEEN REVIEWED AND APPROVED UNDER THE APPLICABLE ZONING OR SITING PROCESS, OR UNDER ANOTHER STATE, COUNTY OR LOCAL REGULATORY REVIEW PROCESS, EVEN IF THE STRUCTURE WAS NOT BUILT FOR THE SOLE OR PRIMARY PURPOSE OF PROVIDING SUCH SUPPORT.
 - d. THE TERM DOES NOT INCLUDE ANY STRUCTURE THAT, AT THE TIME THE RELEVANT WTF APPLICATION IS FILED WITH THE CITY UNDER THIS CHAPTER, DOES NOT SUPPORT OR HOUSE EQUIPMENT DESCRIBED IN PARAGRAPHS (a.) AND/OR (b.) ABOVE.
- (5) "CELL ON WHEELS" (COW) IS A MOBILE CELL SITE THAT CONSISTS OF A CELLULAR ANTENNA TOWER AND ELECTRONIC RADIO TRANSCEIVER EQUIPMENT ON A TRUCK OR A TRAILER, DESIGNED TO BE PART OF A CELLULAR NETWORK AND TEMPORARY IN NATURE.
- (6) "COLLOCATION" WILL MEAN AND REFER TO THE MOUNTING OR INSTALLATION OF TRANSMISSION EQUIPMENT ON AN ELIGIBLE

SUPPORT STRUCTURE FOR THE PURPOSE OF TRANSMITTING AND/OR RECEIVING RADIO FREQUENCY SIGNALS FOR COMMUNICATIONS PURPOSES.

- (7) "CONCEAL" OR "CONCEALMENT" WILL MEAN AND REFER TO WTF'S DESIGNED TO LOOK LIKE SOME FEATURE OTHER THAN A WIRELESS TOWER OR BASE STATION.
- (8) "DEEMED APPROVED" WILL MEAN AND REFER TO AN EF MODIFICATION APPLICATION THAT HAS BEEN DEEMED APPROVED UPON THE CITY'S FAILURE TO ACT, AND HAS BECOME EFFECTIVE, AS PROVIDED PURSUANT THE FCC ELIGIBLE FACILITIES REQUEST RULES AND THIS CHAPTER.
- (9) "EF MODIFICATION APPLICATION" WILL, UNLESS THE CONTEXT CLEARLY REQUIRES OTHERWISE, MEAN AND REFER TO A WRITTEN DOCUMENT SUBMITTED TO THE CITY PURSUANT TO THIS CHAPTER FOR REVIEW AND APPROVAL OF A PROPOSED FACILITIES MODIFICATION.
- (10) "EF MODIFICATION" WILL MEAN AND REFER TO ANY PROPOSED FACILITIES MODIFICATION THAT HAS BEEN DETERMINED PURSUANT TO THE PROVISIONS OF THIS CHAPTER TO BE SUBJECT TO THIS CHAPTER AND WHICH DOES NOT RESULT IN A SUBSTANTIAL CHANGE IN THE PHYSICAL DIMENSIONS OF AN ELIGIBLE SUPPORT STRUCTURE.
- (11) "EF MODIFICATION PERMIT" OR "PERMIT" WILL, UNLESS THE CONTEXT CLEARLY REQUIRES OTHERWISE, MEAN AND REFER TO A WRITTEN DOCUMENT ISSUED BY THE APPROVAL AUTHORITY PURSUANT TO THIS CHAPTER APPROVING AN EF MODIFICATION APPLICATION.
- (12) "ELIGIBLE SUPPORT STRUCTURE" WILL MEAN AND REFER TO ANY EXISTING TOWER OR BASE STATION, PROVIDED THAT IT IS IN EXISTENCE AT THE TIME THE EF MODIFICATION APPLICATION IS FILED WITH THE CITY UNDER THIS CHAPTER.
- (13) "EXISTING" WILL, FOR PURPOSE OF THIS CHAPTER AND AS APPLIED TO A TOWER OR BASE STATION, MEAN AND REFER TO A CONSTRUCTED TOWER OR BASE STATION THAT HAS BEEN REVIEWED AND APPROVED UNDER THE APPLICABLE ZONING OR SITING PROCESS, PROVIDED THAT, A TOWER THAT HAS NOT BEEN REVIEWED AND APPROVED BECAUSE IT WAS NOT IN A ZONED AREA WHEN IT WAS BUILT, BUT WAS LAWFULLY CONSTRUCTED, IS EXISTING FOR PURPOSES OF THIS DEFINITION.
- (14) "EF REQUEST" WILL MEAN AND REFER TO A PROPOSAL SUBMITTED BY AN APPLICANT TO MODIFY AN ELIGIBLE SUPPORT STRUCTURE WHICH THE APPLICANT ASSERTS IS SUBJECT TO REVIEW UNDER SECTION 6409 OF THE SPECTRUM ACT ON GROUNDS THAT IT DOES

NOT SUBSTANTIALLY CHANGE THE PHYSICAL DIMENSIONS OF SUCH TOWER OR BASE STATION, AND INVOLVING:

- a. COLLOCATION OF NEW TRANSMISSION EQUIPMENT;
- b. REMOVAL OF TRANSMISSION EQUIPMENT; OR
- c. REPLACEMENT OF TRANSMISSION EQUIPMENT.

- (15) "FCC" WILL MEAN AND REFER TO THE FEDERAL COMMUNICATIONS COMMISSION OR ITS SUCCESSOR.
- (16) "FCC EF REQUEST RULES" WILL MEAN AND REFER TO 47 C.F.R. PART ONE (1) (PART ONE (1) – PRACTICE AND PROCEDURE), SUBPART CC § 1.40001 AS ESTABLISHED PURSUANT TO ITS REPORT AND ORDER IN, IN RE ACCELERATION OF BROADBAND DEPLOYMENT BY IMPROVING WIRELESS FACILITIES SITING POLICIES, WT DOCKET NOS. 13-238, 13-32; WC DOCKET NO. 11-59; FCC 14-153, OR AS MAY BE THEREAFTER AMENDED.
- (17) "MONOPOLE" IS A STRUCTURE COMPOSED OF A SINGLE SPIRE USED TO SUPPORT TELECOMMUNICATIONS EQUIPMENT HAVING NO GUY WIRES OR GROUND ANCHORS.
- (18) ROOFTOP MOUNTED WTF MEANS A WIRELESS TELECOMMUNICATION FACILITY WITH THE ANTENNAS LOCATED ON THE ROOF OF A BUILDING OR ON TOP OF A STRUCTURE AND CONSISTING OF ANTENNAS, SUPPORT STRUCTURES AND ACCESSORY EQUIPMENT, BUT ARE ADEQUATELY SCREENED SO AS NOT TO APPEAR AS STAND-ALONE DEVICES ABOVE THE TOP OF THE ROOF LINE.
- (19) "SITE" WILL, FOR TOWERS OTHER THAN TOWERS IN THE PUBLIC RIGHTS-OF-WAY, MEAN AND REFER TO THE CURRENT BOUNDARIES OF THE PROPERTY SURROUNDING THE TOWER AND ANY ACCESS OR UTILITY EASEMENTS CURRENTLY RELATED TO THE SITE, AND, FOR OTHER ELIGIBLE SUPPORT STRUCTURES, WILL MEAN AND BE FURTHER RESTRICTED TO, THAT AREA IN PROXIMITY TO THE STRUCTURE AND TO OTHER TRANSMISSION EQUIPMENT ALREADY DEPLOYED ON THE GROUND.
- (20) "SMALL CELL FACILITY" MEANS A WIRELESS TELECOMMUNICATION FACILITY THAT MAY CONSIST OF ONE (1) OR MORE RADIO RECEIVERS, ANTENNAS, INTERCONNECTING CABLES, POWER SUPPLY, OTHER ASSOCIATED ELECTRONICS, AND ACCESSORY EQUIPMENT, WHICH ARE ATTACHED TO A STRUCTURE AND MEET THE PARAMETERS IN SUBSECTIONS (a.) AND (b.) BELOW. FOR PURPOSES OF THESE DEFINITIONS, VOLUME IS A MEASURE OF THE EXTERIOR DISPLACEMENT, NOT THE INTERIOR VOLUME OF THE ENCLOSURES. ANTENNAS OR ACCESSORY EQUIPMENT CONCEALED FROM PUBLIC

VIEW IN OR BEHIND AN OTHERWISE APPROVED STRUCTURE OR CONCEALMENT ARE NOT INCLUDED IN CALCULATING VOLUME.

- a. ALL ANTENNAS ARE LOCATED INSIDE AN ANTENNA ENCLOSURE OF NO MORE THAN 12 CUBIC FEET IN VOLUME OR, IN THE CASE OF ANTENNAS THAT HAVE EXPOSED ELEMENTS, THE ANTENNAS AND ALL OF ITS EXPOSED ELEMENTS COULD FIT WITHIN AN IMAGINARY ENCLOSURE OF NO MORE THAN 12 CUBIC FEET; AND
 - b. PRIMARY EQUIPMENT ENCLOSURES ARE NO LARGER THAN 50 CUBIC FEET IN VOLUME. THE FOLLOWING ASSOCIATED EQUIPMENT MAY BE LOCATED OUTSIDE THE PRIMARY EQUIPMENT ENCLOSURE AND IF SO LOCATED, ARE NOT INCLUDED IN THE CALCULATION OF EQUIPMENT VOLUME: ELECTRIC METER, CONCEALMENT, TELECOMM DEMARCATION BOX, GROUND-BASED ENCLOSURES, BATTERY BACK-UP POWER SYSTEMS, GROUNDING EQUIPMENT, POWER TRANSFER SWITCH, AND CUT-OFF SWITCH.
- (21) "SMALL CELL NETWORK" WILL MEAN AND REFER TO A COLLECTION OF INTERRELATED SMALL CELL FACILITIES DESIGNED TO DELIVER PERSONAL WIRELESS SERVICES.
- (22) "SPECTRUM ACT" WILL MEAN AND REFER TO THE "MIDDLE CLASS TAX RELIEF AND JOB CREATION ACT OF 2012" (PUBLIC LAW 112-96; CODIFIED AT 47 U.S.C. § 1455(a)).
- (23) "STRUCTURE-MOUNTED WIRELESS TELECOMMUNICATION FACILITY" MEANS A WIRELESS TELECOMMUNICATION FACILITY WITH THE ANTENNAS LOCATED ON THE WALL OR ROOF OF A BUILDING OR ON THE SIDE OR TOP OF A STRUCTURE, INCLUDING CO-LOCATING ON AN EXISTING FREESTANDING WIRELESS TELECOMMUNICATION FACILITY AND CONSISTING OF ANTENNAS, SUPPORT STRUCTURES AND ACCESSORY EQUIPMENT.
- (24) "SUBSTANTIAL CHANGE" IS THAT COMBINATION OF FACTORS DESCRIBED IN SECTION 122-12 (b) OF THIS CHAPTER, ENTITLED CLASSIFICATIONS AND APPLICATION PROCESSES.
- (25) "TRANSMISSION EQUIPMENT" WILL MEAN AND REFER TO EQUIPMENT THAT FACILITATES TRANSMISSION FOR ANY WIRELESS COMMUNICATION SERVICE LICENSED OR AUTHORIZED BY THE FCC, INCLUDING, BUT NOT LIMITED TO, RADIO TRANSCEIVERS, ANTENNAS, COAXIAL OR FIBER-OPTIC CABLE, AND REGULAR AND BACKUP POWER SUPPLY. THE TERM INCLUDES EQUIPMENT ASSOCIATED WITH WIRELESS COMMUNICATIONS SERVICES INCLUDING, BUT NOT LIMITED TO, PRIVATE, BROADCAST, AND PUBLIC SAFETY SERVICES, AS WELL AS UNLICENSED WIRELESS SERVICES AND FIXED WIRELESS SERVICES SUCH AS MICROWAVE BACKHAUL.

- (26) "TOWER" WILL MEAN AND REFER TO ANY STRUCTURE BUILT FOR THE SOLE OR PRIMARY PURPOSE OF SUPPORTING ANY ANTENNAS AND THEIR ASSOCIATED FACILITIES, LICENSED OR AUTHORIZED BY THE FCC, INCLUDING STRUCTURES THAT ARE CONSTRUCTED FOR WIRELESS COMMUNICATIONS SERVICES INCLUDING, BUT NOT LIMITED TO, PRIVATE, BROADCAST, AND PUBLIC SAFETY SERVICES, AS WELL AS UNLICENSED WIRELESS SERVICES AND FIXED WIRELESS SERVICES SUCH AS MICROWAVE BACKHAUL, AND THE ASSOCIATED SITE.
- (27) "WIRELESS TELECOMMUNICATION FACILITY" (WTF) WILL MEAN ANY FACILITY ESTABLISHED FOR THE PURPOSE OF PROVIDING WIRELESS TRANSMISSION OF VOICE, DATA, IMAGES OR OTHER INFORMATION INCLUDING, BUT NOT LIMITED TO, CELLULAR TELEPHONE SERVICE, PERSONAL COMMUNICATIONS SERVICE, AND PAGING SERVICE. A WTF CAN CONSIST OF ONE (1) OR MORE ANTENNAS, ACCESSORY EQUIPMENT, SUPPORT STRUCTURES AND A BASE STATION.

(b) CLASSIFICATIONS AND APPLICATION PROCESSES:

- (1) WTF COLLOCATION AND MODIFICATION REQUESTS GOVERNED BY SECTION 6409 OF THE SPECTRUM ACT ("ACT"). REQUESTS FOR COLLOCATION OR MODIFICATION THAT FALL WITHIN THE ACT INCLUDE QUALIFYING MODIFICATIONS TO EXISTING TOWERS, BASE STATIONS AND RELATED FACILITIES THAT DO NOT SUBSTANTIALLY CHANGE THE PHYSICAL DIMENSIONS OF THE STRUCTURE.

a. A REQUESTED CHANGE IS "SUBSTANTIAL" IF IT MEETS ANY OF THE FOLLOWING CRITERIA:

1. FOR TOWERS OTHER THAN TOWERS IN THE PUBLIC RIGHTS-OF-WAY, IT INCREASES THE HEIGHT OF THE TOWER BY MORE THAN TEN (10) PERCENT OR BY THE HEIGHT OF ONE ADDITIONAL ANTENNA ARRAY WITH SEPARATION FROM THE NEAREST EXISTING ANTENNA NOT TO EXCEED 20 FEET, WHICHEVER IS GREATER; FOR OTHER ELIGIBLE SUPPORT STRUCTURES, IT INCREASES THE HEIGHT OF THE STRUCTURE BY MORE THAN TEN (10) PERCENT OR MORE THAN TEN (10) FEET, WHICHEVER IS GREATER;
 - i. CHANGES IN HEIGHT WILL BE MEASURED FROM THE ORIGINAL SUPPORT STRUCTURE IN CASES WHERE DEPLOYMENTS ARE OR WILL BE SEPARATED HORIZONTALLY, SUCH AS ON BUILDINGS' ROOFTOPS; IN OTHER CIRCUMSTANCES, CHANGES IN HEIGHT SHOULD BE MEASURED FROM THE DIMENSIONS OF THE TOWER OR BASE STATION, INCLUSIVE OF ORIGINALLY APPROVED APPURTENANCES AND ANY MODIFICATIONS THAT WERE APPROVED PRIOR TO THE PASSAGE OF THE ACT.
2. FOR TOWERS OTHER THAN TOWERS IN THE PUBLIC RIGHTS-OF-

WAY, IT INVOLVES ADDING AN APPURTENANCE TO THE BODY OF THE TOWER THAT WOULD PROTRUDE FROM THE EDGE OF THE TOWER MORE THAN 20 FEET, OR MORE THAN THE WIDTH OF THE TOWER STRUCTURE AT THE LEVEL OF THE APPURTENANCE, WHICHEVER IS GREATER; FOR OTHER ELIGIBLE SUPPORT STRUCTURES, IT INVOLVES ADDING AN APPURTENANCE TO THE BODY OF THE STRUCTURE THAT WOULD PROTRUDE FROM THE EDGE OF THE STRUCTURE BY MORE THAN SIX (6) FEET;

3. FOR ANY ELIGIBLE SUPPORT STRUCTURE, IT INVOLVES INSTALLATION OF MORE THAN THE STANDARD NUMBER OF NEW EQUIPMENT CABINETS FOR THE TECHNOLOGY INVOLVED, BUT NOT TO EXCEED FOUR (4) CABINETS; OR, FOR TOWERS IN THE PUBLIC RIGHTS-OF-WAY AND BASE STATIONS, IT INVOLVES INSTALLATION OF ANY NEW EQUIPMENT CABINETS ON THE GROUND IF THERE ARE NO PRE-EXISTING GROUND CABINETS ASSOCIATED WITH THE STRUCTURE, OR ELSE INVOLVES INSTALLATION OF GROUND CABINETS THAT ARE MORE THAN TEN (10) PERCENT LARGER IN HEIGHT OR OVERALL VOLUME THAN ANY OTHER GROUND CABINETS ASSOCIATED WITH THE STRUCTURE;
 4. IT ENTAILS ANY EXCAVATION OR DEPLOYMENT OUTSIDE THE CURRENT SITE;
 5. IT WOULD DEFEAT THE CONCEALMENT ELEMENTS OF THE ELIGIBLE SUPPORT STRUCTURE; OR
 6. IT DOES NOT COMPLY WITH CONDITIONS ASSOCIATED WITH THE SITING APPROVAL OF THE CONSTRUCTION OR MODIFICATION OF THE ELIGIBLE SUPPORT STRUCTURE OR BASE STATION EQUIPMENT, PROVIDED HOWEVER THAT THIS LIMITATION DOES NOT APPLY TO ANY MODIFICATION THAT IS NON-COMPLIANT ONLY IN A MANNER THAT WOULD NOT EXCEED THE THRESHOLDS IDENTIFIED IN § 1.40001(B)(7)(I) THROUGH (IV).
 7. ALL CHANGES WILL BE MEASURED CUMULATIVELY, TO PRESERVE THE LIMITS ESTABLISHED BY FEDERAL LAW.
 8. THE BASELINE FOR MEASURING CHANGES FOR ANTENNAS ON A BUILDING OR STRUCTURE WILL BE THE ORIGINAL BUILDING HEIGHT, PRE-ANTENNA.
- b. REVIEW CRITERIA: THE COMMUNITY DEVELOPMENT DIRECTOR OR DESIGNEE SHALL APPROVE AN APPLICATION FOR MODIFICATIONS TO AN EXISTING WIRELESS TOWER OR BASE STATION THAT DOES NOT SUBSTANTIALLY CHANGE, AS DEFINED ABOVE, THE PHYSICAL DIMENSIONS OF SUCH TOWER OR BASE STATION UPON HIS

DETERMINATION THAT THE APPLICATION IS BOTH COMPLETE AND COMPLAINT WITH THIS CHAPTER.

- c. TIMING: AN APPLICANT SEEKING COLLOCATION OR MODIFICATION OF AN ELIGIBLE SUPPORT STRUCTURE WILL FILE A PROPOSED FACILITIES MODIFICATION APPLICATION FOR REVIEW BY THE COMMUNITY DEVELOPMENT DIRECTOR OR DESIGNEE. SAID DECISION WILL BE RENDERED WITHIN 60 DAYS OF THE FILING OF THE APPLICATION, UNLESS TOLLED BY MUTUAL AGREEMENT. IF THE APPLICATION IS GRANTED, AN EF MODIFICATION PERMIT WILL BE ISSUED TO THE APPLICANT.
- d. APPEALS: THE DECISION OF THE COMMUNITY DEVELOPMENT DIRECTOR OR DESIGNEE MAY BE APPEALED TO THE PLANNING AND ZONING COMMISSION, WHOSE DECISION WILL BE FINAL. THE COMMUNITY DEVELOPMENT DIRECTOR OR DESIGNEE SHALL USE THE SAME CRITERIA USED TO REVIEW THE ORIGINAL APPLICATION.

(2) WTF, COLLOCATION, AND MODIFICATION REQUESTS NOT GOVERNED BY SECTION 6409 OF THE SPECTRUM ACT: REQUESTS TO MODIFY OR COLLOCATE A WTF THAT FALL OUTSIDE SECTION 6409 OF THE ACT ARE GENERALLY THOSE REQUESTS THAT WILL SUBSTANTIALLY CHANGE THE PHYSICAL DIMENSIONS OF THE STRUCTURE AS DESCRIBED IN THE PREVIOUS SECTION.

- a. REVIEW PROCESS: REQUESTS TO MODIFY OR COLLOCATE A WTF THAT FALL OUTSIDE SECTION 6409 OF THE ACT WILL BE PROCESSED AS A TYPE 1 SITE PLAN DESIGN REVIEW FOUND IN ARTICLE XII OF THIS CHAPTER, IF THEY MEET THE CRITERIA CONTAINED IN THESE REGULATIONS.
- b. TIMING: APPLICATIONS PROCESSED PURSUANT TO THIS SUBSECTION WILL BE ACTED UPON WITHIN 90 DAYS OF SUBMITTAL OF A COMPLETE APPLICATION.
- c. WAIVER: APPLICANTS MAY FILE FOR A FORMAL WRITTEN REQUEST FOR WAIVER OF THE REQUIREMENTS FOR A SITE PLAN WITH THE COMMUNITY DEVELOPMENT DIRECTOR. IT IS THE RESPONSIBILITY OF THE APPLICANT TO ESTABLISH EVIDENCE IN SUPPORT OF THE WAIVER CRITERIA REQUIRED BY THIS SECTION. THE COMMUNITY DEVELOPMENT DIRECTOR MAY WAIVE THE REQUIREMENTS FOR A SITE PLAN AND INSTEAD REQUIRE A FACILITIES MODIFICATION APPLICATION FOR COLLOCATIONS AND MODIFICATIONS THAT MEET THE FOLLOWING CRITERIA:
 - 1. THE PROPOSED FACILITY OR EQUIPMENT IS COLLOCATED ON OR ADJOINING AN EXISTING WTF;

2. THE FACILITY IS LOCATED ON A PROPERTY OR COMMERCIAL CENTER DEVELOPED PREDOMINANTLY WITH COMMERCIAL LAND USES;
 3. THE WTF IS DESIGNED IN CONFORMANCE WITH THE DESIGN STANDARDS FOUND IN THIS SECTION;
 4. THE EXISTING WTF WAS SUBJECT TO CUP APPROVAL AND COMPLIES WITH THE CURRENT CITY OF SURPRISE POLICIES AND REGULATIONS
- d. APPEALS: THE DECISION OF THE COMMUNITY DEVELOPMENT DIRECTOR OR DESIGNEE MAY BE APPEALED TO THE PLANNING AND ZONING COMMISSION, WHOSE DECISION WILL BE FINAL. THE COMMUNITY DEVELOPMENT DIRECTOR OR DESIGNEE SHALL USE THE SAME CRITERIA USED TO REVIEW THE ORIGINAL APPLICATION.
- (3) THE FOLLOWING TYPES OF WCF APPLICATIONS WILL BE PROCESSED AS A TYPE I ADMINISTRATIVE SITE PLAN DESIGN REVIEW, FOUND IN ARTICLE XII OF THIS CHAPTER, IF THEY MEET THE CRITERIA CONTAINED IN THESE REGULATIONS. APPLICATIONS PROCESSED PURSUANT TO THIS SUBSECTION WILL BE ACTED UPON WITHIN 90 DAYS OF SUBMITTAL OF A COMPLETE APPLICATION:
- e. SMALL CELL FACILITIES
 - f. *STRUCTURES LOCATED ON CITY PROPERTIES OR RIGHTS-OF-WAYS*
 - g. BUILDING OR STRUCTURE MOUNTED FACILITIES
 - h. ROOFTOP MOUNTED FACILITIES
- (4) THE FOLLOWING TYPE'S OF WCF APPLICATIONS WILL BE PROCESSED AS A TYPE II SITE PLAN DESIGN REVIEW, FOUND IN ARTICLE XII OF THIS CHAPTER, IF THEY MEET THE CRITERIA CONTAINED IN THESE REGULATIONS. APPLICATIONS PROCESSED PURSUANT TO THIS SUBSECTION WILL BE ACTED UPON WITHIN 90 DAYS OF SUBMITTAL OF A COMPLETE APPLICATION:
- i. MONOPALMS
 - j. MONOCACTUS
 - k. MONOPINE
 - l. BROADLEAF TREE
 - m. RECREATION FIELD LIGHT POLES, LOCATED IN A DISTRICT THAT ALLOWS RECREATION FIELDS WITH LIGHT POLES
 - n. WATER TOWERS OR TANKS, LOCATED IN A DISTRICT THAT ALLOWS WATER TOWERS OR TANKS
 - o. PUBLIC UTILITY POLES

p. ALTERNATIVE TOWER STRUCTURE, LOCATED IN A DISTRICT THAT
ALLOWS THE ALTERNATIVE TOWER THAT IS THE SUBJECT OF THE
APPLICATION.

- (5) ALL OTHER WTF FACILITIES THAT DO NOT FALL UNDER SUBSECTIONS
ONE (1), TWO (2), THREE (3), OR FOUR (4) WILL FOLLOW THE TYPE III CUP
PROCESS FOUND IN ARTICLE XII OF THIS CHAPTER. IN ADDITION TO
COMPLYING WITH THE CUP CRITERIA, ANY APPLICATION UNDER THIS
SUBSECTION WILL COMPLY WITH THE FOLLOWING CRITERIA:

AESTHETICS STANDARDS

NUMBER AND HEIGHT RESTRICTIONS

SAFETY CONCERNS [FALL ZONES, ETC.]

ENVIRONMENTAL

SET BACKS AND OTHER PROTECTIONS FOR RESIDENTIAL
AREAS AND HISTORIC AREAS

PROTECTIONS OF PROPERTY VALUES

TIMING: APPLICATIONS PROCESSED PURSUANT TO THIS SUBSECTION
WILL BE ACTED UPON WITHIN 150 DAYS OF SUBMITTAL OF A COMPLETE
APPLICATION.

- (6) EXCEPTIONS FROM REGULATIONS REGARDING LEGAL NON-
CONFORMING USES: NOTWITHSTANDING THIS CHAPTER, TOWERS OR
BASE STATIONS THAT RECEIVED EXPRESS CITY ZONING APPROVAL AT
THE TIME THEY WERE CONSTRUCTED, OR WERE BUILT PRIOR TO
ANNEXATION INTO THE CITY, ARE DEEMED APPROVED AND THEREFORE
ARE NOT NON-CONFORMING SO LONG AS THEY COMPLY WITH THE
PROVISIONS OF THIS SECTION.

(c) DESIGN STANDARDS:

- (1) ALL WTFS WILL BE DESIGNED TO BLEND INTO THE ARCHITECTURE AND
LANDSCAPE OF THE ZONE IN WHICH IT IS PLACED.
- (2) ALL WTF ANTENNAS, MOUNTING HARDWARE, AND CABLING SHALL BE
COVERED OR PAINTED TO MATCH THE COLOR AND TEXTURE OF THE
BUILDING, TOWER, OR POLE ON WHICH IT IS MOUNTED. WHEN
REQUIRED, BASE STATIONS WILL BE SCREENED BY SOLID WALLS,
LANDSCAPING, OR BERMS. SCREENING SHALL BLEND WITH OR
ENHANCE THE SURROUNDING CONTEXT IN TERMS OF SCALE, FORM,
TEXTURE, MATERIALS, AND COLOR.
- (3) THE HEIGHT OF FREE-STANDING WTF SHALL BE MEASURED FROM
NATURAL GRADE TO THE TOP OF ALL APPURTENANCES.
- (4) THE SETBACK OF ALL WTF'S SHALL MEET THE YARD DEVELOPMENT
STANDARDS AND SETBACK REQUIREMENTS OF THE UNDERLYING

ZONING DISTRICT, EXCEPT AS OTHERWISE PERMITTED HEREIN. THE SETBACK SHALL BE MEASURED FROM THE LOT LINE TO THE WCF FACILITY. ADDITIONALLY, ALL TOWERS SHALL BE SETBACK FROM ANY RESIDENTIAL LOT LINES A DISTANCE EQUAL TO TWICE THE HEIGHT OF THE TOWER.

(5) LIGHTING OF WTFS IS ONLY ALLOWED WHEN REQUIRED BY THE FEDERAL AVIATION ADMINISTRATION (FAA) OR OTHER FEDERAL REGULATION.

(6) WTF IDENTIFICATION. EACH WTF SHALL BE IDENTIFIED BY A PERMANENTLY INSTALLED PLAQUE OR MARKER ON THE DOOR OF THE BASE STATION, NO LARGER THAN FOUR (4) INCHES BY SIX (6) INCHES, CLEARLY IDENTIFYING THE WIRELESS COMMUNICATIONS SERVICE PROVIDER'S NAME, ADDRESS, E-MAIL CONTACT, AND EMERGENCY PHONE NUMBER. THE PLAQUE OR MARKER REQUIRED BY THIS SECTION SHALL BE REVISED WITHIN 30 DAYS OF ANY CHANGE IN THE REQUIRED INFORMATION/CONTENT.

(7) INDUSTRIAL ZONING DISTRICTS:

a. THE STAND OFF MOUNTING ARM APPARATUS OF THE ANTENNA ARRAY WILL NOT EXTEND, IN ANY DIRECTION, MORE THAN 30 INCHES FROM THE STRUCTURE TO WHICH IT IS ATTACHED.

1. THE DIAMETER OF THE POLE STRUCTURE WILL NOT EXCEED 26 INCHES AT ITS WIDEST POINT.

2. ALL CABLES WILL BE CONCEALED WITHIN THE POLE STRUCTURE.

3. THE MAXIMUM HEIGHT OF THE POLE STRUCTURE, EXCLUDING ANTENNAE, WILL BE LIMITED TO 65 FEET ABOVE THE FINISHED GRADE OF THE SITE. THE MAXIMUM HEIGHT OF THE ANTENNAE ATTACHED TO A WTF [ENTIRE WTF] WILL NOT EXCEED 80 FEET ABOVE THE FINISHED GRADE OF THE SITE.

4. NO MORE THAN TWO (2) MICROWAVE DISHES WILL BE PERMITTED ON EACH WTF. MICROWAVE DISHES WILL BE LIMITED TO TWO (2) SQUARE FEET IN SIZE.

5. CLIMBING PEGS ARE PROHIBITED ON THE POLE STRUCTURE.

6. WHEN INSTALLING THE WTF, INSTALLATION WILL MINIMIZE THE REMOVAL OF EXISTING MATURE VEGETATION AT THE SITE OR SUCH VEGETATION WILL BE REPLACED. ANY CHANGE IN SITE LANDSCAPE MUST BE CONSISTENT WITH A CITY APPROVED LANDSCAPE PLAN AS REQUIRED BY THE THIS CHAPTER.

(8) RESIDENTIAL, MIXED USE, COMMERCIAL AND BUSINESS PARK ZONING DISTRICTS:

a. SMALL CELL FACILITY:

1. THE ANTENNA OR POWER-RADIATING COMPONENTS OF A SMALL CELL OR WIRELESS MESH NETWORK FACILITY MUST BE MOUNTED A MINIMUM OF 12 FEET ABOVE GROUND.
 2. WIRELESS SMALL CELL OR WIRELESS MESH NETWORKING FACILITIES MAY NOT EXTEND MORE THAN SIX (6) FEET ABOVE THE FACILITY OR STRUCTURE ON WHICH THEY ARE MOUNTED.
 3. SMALL CELL FACILITIES MAY NOT BE INSTALLED ON TRAFFIC SIGNAL POLES OR MAST ARMS AND MAY NOT UTILIZE TRAFFIC SIGNAL PULL BOXES, VAULTS, CONDUIT, CABINETS, OR OTHER TRAFFIC SIGNAL INFRASTRUCTURE. SMALL CELL FACILITIES ARE PERMITTED ON MAST ARMS ONLY AS LONG AS THEY DO NOT INTERFERE WITH CITY COMMUNICATION EQUIPMENT. APPROVAL OF THESE FACILITIES ON TRAFFIC SIGNAL POLES OR MAST ARMS WILL BE DETERMINED ON A CASE BY CASE BASIS BY THE PUBLIC WORKS DEPARTMENT.
- b. WTF'S LOCATED ON CITY PROPERTY OR WITHIN RIGHTS-OF-WAYS:
1. BASE STATIONS, TOWERS, OR FACILITIES LOCATED WITHIN THE STREET RIGHT-OF-WAY WILL NOT BE ALLOWED ON LOCAL RESIDENTIAL STREETS.
 2. ARE EXEMPT FROM ALL SETBACK REQUIREMENTS OF THE UNDERLYING ZONING DISTRICT AND ARE INSTEAD SUBJECT TO THOSE REQUIREMENTS FOUND IN THIS SECTION.
 3. THE MAXIMUM ALLOWABLE WIDTH OF AN ANTENNA ARRAY IS FOUR (4) FEET.
 4. THE ANTENNA, WHETHER OR NOT PART OF AN ARRAY, WILL NOT EXTEND MORE THAN 24 INCHES FROM THE STRUCTURE TO WHICH IT IS ATTACHED. THIS RESTRICTION SHALL NOT APPLY TO RECREATION FIELD LIGHT POLES, MONOPALMS, MONOPINES, BROADLEAF TREES, OR ALTERNATIVE TOWER STRUCTURES LOCATED ON CITY PROPERTY.
 5. THE ADDITION OF AN ANTENNA OR WTF TO A UTILITY POLE WILL NOT INCREASE THE HEIGHT OF THE UTILITY POLE BY MORE THAN TEN (10) FEET.
 6. ALL CABLES WILL BE CONCEALED WITHIN THE PUBLIC UTILITY POLE OR A CABLE SHROUD.
 7. MICROWAVE DISHES WILL BE LIMITED TO TWO (2) SQUARE FEET IN SIZE.
 8. NO MORE THAN TWO (2) EXTERNAL MICROWAVE DISHES ARE PERMITTED ON EACH STRUCTURE.

9. ALL MICROWAVE DISHES, ANTENNAS, CABLE SHROUDS, AND ATTACHING APPARATUS WILL BE PAINTED TO MATCH THE STRUCTURE.
- c. BUILDING OR STRUCTURE MOUNTED FACILITY:
1. ANTENNAS WILL BE MOUNTED ON A BUILDING WALL OR SIDE OF A STRUCTURE TO THE MAXIMUM EXTENT PRACTICABLE. IF THE APPLICANT DEMONSTRATES THAT IT IS NOT FEASIBLE TO MOUNT THE ANTENNAS ON A BUILDING WALL OR SIDE OF A STRUCTURE, THE ANTENNAS MAY BE MOUNTED ON THE ROOF OR TOP OF THE STRUCTURE, PROVIDED THE FACILITY COMPLIES WITH ALL OTHER APPLICABLE STANDARDS.
 2. A BUILDING OR STRUCTURE MOUNTED WIRELESS TELECOMMUNICATION FACILITY SHALL NOT BE LOCATED ON A BUILDING WITH PRIMARILY RESIDENTIAL USES.
 3. ANTENNAS MAY ENCROACH INTO A SIDE OR REAR SETBACK A MAXIMUM OF TWO (2) FEET, BUT WILL NOT EXTEND OVER A PROPERTY LINE.
 4. ANTENNAS MOUNTED ON A BUILDING WALL OR SIDE OF A STRUCTURE SHALL COMPLY WITH THE FOLLOWING STANDARDS:
 - i. ANTENNAS WILL BE MOUNTED FLUSH TO THE BUILDING WALL OR SIDE OF A STRUCTURE TO THE MAXIMUM EXTENT PRACTICABLE UNLESS TECHNICAL REASONS DICTATE ANOTHER TYPE OF INSTALLATION AND WILL NOT EXTEND ABOVE THE ROOF LINE OR PARAPET OF THE BUILDING OR TOP OF THE STRUCTURE.
 - ii. SUPPORT STRUCTURES, ACCESSORY EQUIPMENT INCLUDING EQUIPMENT CABINETS, AND ALL OTHER APPURTENANCES SHALL BE FULLY SCREENED FROM VIEW AND NOT VISIBLE FROM THE GROUND.
 - iii. ANTENNAS SHALL BE PAINTED A COLOR TO MATCH THE BUILDING OR STRUCTURE TO WHICH THEY ARE MOUNTED OR WILL BE CAMOUFLAGED AS PART OF THE BUILDING ARCHITECTURE IN A CITY APPROVED BUILDING ELEVATION.
- d. ROOFTOP MOUNTED FACILITIES:
1. ROOFTOP MOUNTED WTF'S ARE NOT PERMITTED ON PORTIONS OF BUILDINGS WITH PITCHED ROOFS.
 2. A ROOFTOP MOUNTED WTF SHALL NOT BE LOCATED ON A BUILDING WITH PRIMARILY RESIDENTIAL USES.
 3. A WTF LOCATED ON A BUILDING ROOF OR TOP OF STRUCTURE SHALL COMPLY WITH THE FOLLOWING STANDARDS:

- i. ANTENNAS, SUPPORT STRUCTURES, ACCESSORY EQUIPMENT, AND ALL OTHER APPURTENANCE SHALL BE FULLY SCREENED FROM VIEW THROUGH THE USE OF ARCHITECTURALLY COMPATIBLE FEATURES, SCREENING MATERIALS AND COLORS THAT MATCH THE BUILDING OR STRUCTURE TO WHICH THE FACILITY IS MOUNTED.
 - ii. ANTENNAS SHALL EXTEND NO MORE THAN TEN (10) FEET ABOVE THE PARAPET OF THE ROOF OR THE STRUCTURE TO WHICH THEY ARE MOUNTED.
 - iii. PANEL AND MICROWAVE ANTENNAS SHALL EXTEND NO MORE THAN TEN (10) FEET ABOVE THE PARAPET OF THE ROOF OR THE STRUCTURE TO WHICH THEY ARE MOUNTED.
 - iv. ACCESSORY EQUIPMENT STRUCTURES SHALL EXTEND NO MORE THAN EIGHT (8) FEET ABOVE ANY PARAPET OF THE ROOF OR THE STRUCTURE TO WHICH THEY ARE MOUNTED AND MUST BE FULLY SCREENED FROM VIEW.
- e. *MONOPALMS:*
- 1. WILL CONTAIN A MINIMUM OF 55 PALM FRONDS THAT DISGUISE THE LENGTH OF THE ANTENNA.
 - 2. THE STAND OFF MOUNTING ARM APPARATUS OF THE ANTENNA ARRAY WILL NOT EXTEND MORE THAN 30 INCHES FROM THE STRUCTURE TO WHICH IT IS ATTACHED.
 - 3. THE POLE STRUCTURE WILL BE CLAD WITH FAUX BARK THAT BEGINS AT THE BASE OF THE POLE STRUCTURE AND CONTINUES TO THE HEIGHT OF THE FIRST PALM FROND ATTACHMENT. THE BALANCE OF THE POLE STRUCTURE AND THE ATTACHMENTS WILL BE PAINTED TO BLEND WITH THE PALM FRONDS.
 - 4. THE DIAMETER OF THE POLE STRUCTURE WILL NOT EXCEED 26 INCHES AT ITS WIDEST POINT.
 - 5. ALL CABLES WILL BE CONCEALED WITHIN THE POLE STRUCTURE.
 - 6. THE MAXIMUM HEIGHT OF THE POLE STRUCTURE, EXCLUDING ANTENNAE, WILL BE LIMITED TO 65 FEET ABOVE THE FINISHED GRADE OF THE SITE. THE MAXIMUM HEIGHT OF THE ANTENNAE ATTACHED TO A WIRELESS COMMUNICATION MONOPALM WILL NOT EXCEED 80 FEET ABOVE THE FINISHED GRADE OF THE SITE.
 - 7. NO MORE THAN TWO (2) MICROWAVE DISHES WILL BE PERMITTED ON EACH MONOPALM. MICROWAVE DISHES WILL BE LIMITED TO ONE (1) SQUARE FOOT IN SIZE AND WILL BE CONCEALED WITHIN THE MONOPALM, TRIMMED LEAF CLUSTER, OR PALM FRONDS.

8. THE TRIMMED LEAF CLUSTER WILL BE MOUNTED DIRECTLY BELOW THE PALM FRONDS AND WILL BE PAINTED TO BLEND WITH THE POLE STRUCTURE.
 9. CLIMBING PEGS ARE PROHIBITED ON THE POLE STRUCTURE.
 10. WHEN INSTALLING THE MONOPALM, INSTALLATION WILL MINIMIZE THE REMOVAL OF EXISTING MATURE VEGETATION AT THE SITE OR SUCH VEGETATION WILL BE REPLACED. ANY CHANGE IN SITE LANDSCAPE MUST BE CONSISTENT WITH A CITY APPROVED LANDSCAPE PLAN AS REQUIRED BY THE THIS CHAPTER.
- f. *MONOCACTUS*:
1. THE *MONOCACTUS* STRUCTURE WILL BE CLAD WITH A FAUX FINISH THAT RESEMBLES A SAGUARO CACTUS FROM THE BASE OF THE STRUCTURE AND CONTINUE TO THE TOP OF THE STRUCTURE.
 2. THE DIAMETER OF THE *MONOCACTUS* STRUCTURE WILL NOT EXCEED 34 INCHES AT ITS WIDEST POINT AND WILL HAVE A NATURAL APPEARING TAPER FROM THE BOTTOM TO THE TOP.
 3. THE HEIGHT OF THE *MONOCACTUS* STRUCTURE WILL NOT EXCEED 30 FEET IN HEIGHT.
 4. ALL ANTENNA AND CABLES WILL BE CONCEALED WITHIN THE *MONOCACTUS* STRUCTURE.
 5. EXTERNAL MICROWAVE DISHES AND CLIMBING PEGS ARE PROHIBITED ON THE *MONOCACTUS* STRUCTURE.
 6. WHEN INSTALLING THE *MONOCACTUS*, INSTALLATION WILL MINIMIZE THE REMOVAL OF EXISTING MATURE VEGETATION AT THE SITE OR SUCH VEGETATION WILL BE REPLACED. ANY CHANGE IN SITE LANDSCAPE MUST BE CONSISTENT WITH A CITY APPROVED LANDSCAPE PLAN AS REQUIRED BY THE THIS CHAPTER.
- g. *MONOPINE OR BROADLEAF TREE*:
1. THE POLE STRUCTURE WILL BE CLAD WITH FAUX BARK. THE FAUX BARK WILL START AT THE BASE OF THE POLE STRUCTURE AND CONTINUE TO THE HEIGHT OF THE FIRST BRANCH ATTACHMENT. THE BALANCE OF THE POLE STRUCTURE AND THE ATTACHMENTS WILL BE PAINTED TO BLEND WITH THE BRANCHES.
 2. THE DIAMETER OF THE POLE STRUCTURE WILL NOT EXCEED 36 INCHES AT THE BASE AND WILL TAPER TO NO GREATER THAN 28 INCHES AT THE TOP OF THE POLE STRUCTURE.
 3. ALL CABLES WILL BE CONCEALED WITHIN THE POLE STRUCTURE.

4. THE MAXIMUM HEIGHT OF THE POLE STRUCTURE WILL BE LIMITED TO 65 FEET ABOVE THE FINISHED GRADE OF THE SITE. THE MAXIMUM HEIGHT OF THE ANTENNAE ATTACHED THE POLE STRUCTURE WILL NOT EXCEED 80 FEET ABOVE THE FINISHED GRADE OF THE SITE.
5. BRANCHES:
 - i. WILL BE CONSTRUCTED TO A DENSITY OF NO LESS THAN 2.5 BRANCHES FOR EACH ONE (1) VERTICAL FOOT OF POLE.
 - ii. WILL START NO LESS THAN 15 FEET ABOVE FINISHED GRADE AND CONTINUE TO THE TOP OF THE POLE STRUCTURE.
 - iii. WILL BE A MINIMUM OF EIGHT (8) FEET LONG AROUND THE CIRCUMFERENCE OF THE LOWER LEVEL AND WILL TAPER AS THE BRANCHES PROGRESS UPWARD, CONSISTENT WITH THE SPECIES OF TREE IMITATED BY THE STRUCTURE. THE BRANCHES WILL APPROXIMATE THE APPEARANCE OF A PARTICULAR TREE SPECIES GROWN IN THE VICINITY OF THE SITE AND THAT GROWS TO APPROXIMATELY THE HEIGHT OF THE MONOPINE OR BROADLEAF TREE WTF.
 - iv. THE ENTIRE LENGTH OF ALL ANTENNAE AND THEIR ATTACHING APPARATUS WILL BE DISGUISED BY THE BRANCHES AND THE STAND OFF MOUNTING ARM APPARATUS OF THE ANTENNA ARRAY WILL NOT EXTEND MORE THAN 30 INCHES FROM THE POLE STRUCTURE TO WHICH IT IS ATTACHED.
6. MICROWAVE DISHES WILL BE LIMITED TO ONE (1) SQUARE FOOT IN SIZE. DISHES AND ATTACHING APPARATUS WILL BE PAINTED TO BLEND WITH THE BRANCHES.
7. NO MORE THAN FOUR (4) MICROWAVE DISHES ARE PERMITTED PER MONOPINE OR BROADLEAF TREE.
8. CLIMBING PEGS ARE PROHIBITED ON THE POLE STRUCTURE.
9. WHEN INSTALLING THE MONOPINE OR BROADLEAF TREE, INSTALLATION WILL MINIMIZE THE REMOVAL OF EXISTING MATURE VEGETATION AT THE SITE OR SUCH VEGETATION WILL BE REPLACED. ANY CHANGE IN SITE LANDSCAPE MUST BE CONSISTENT WITH A CITY APPROVED LANDSCAPE PLAN AS REQUIRED BY THE THIS CHAPTER.
- h. *RECREATION FIELD LIGHT POLES:*
 1. THE MAXIMUM ALLOWABLE WIDTH OF AN ANTENNA ARRAY IS FOUR (4) FEET.

2. THE STAND OFF MOUNTING ARM APPARATUS OF THE ANTENNA ARRAY WILL NOT EXTEND MORE THAN 30 INCHES FROM THE STRUCTURE TO WHICH IT IS ATTACHED.
 3. THE MAXIMUM ALLOWABLE LENGTH OF EACH ANTENNA IS TEN (10) FEET.
 4. THE DIAMETER OF THE POLE STRUCTURE WILL NOT EXCEED 36 INCHES.
 5. THE ADDITION OF A WTF TO A RECREATION FIELD LIGHT WILL NOT INCREASE THE HEIGHT OF THE LIGHT STRUCTURE BY MORE THAN TEN (10) FEET.
 6. ALL CABLES WILL BE CONCEALED WITHIN THE POLE STRUCTURE.
 7. MICROWAVE DISHES WILL BE LIMITED TO TWO (2) SQUARE FEET IN SIZE.
 8. NO MORE THAN TWO (2) EXTERNAL MICROWAVE DISHES ARE PERMITTED ON EACH RECREATION FIELD LIGHT POLE.
 9. ALL MICROWAVE DISHES, ANTENNAS, AND ATTACHING APPARATUS WILL BE PAINTED TO MATCH THE RECREATION FIELD LIGHT POLE.
 10. INSTALLATION WILL MINIMIZE THE REMOVAL OF EXISTING MATURE VEGETATION AT THE SITE OR SUCH VEGETATION WILL BE REPLACED.
- i. *WATER TOWERS/TANKS:*
1. THE MAXIMUM ALLOWABLE WIDTH OF AN ANTENNA ARRAY IS FOUR (4) FEET. THERE IS NO WIDTH LIMIT FOR ANTENNA ARRAYS INSTALLED INSIDE A FAUX WATER TOWER/TANK.
 2. THE ANTENNA WILL NOT EXTEND MORE THAN 18 INCHES FROM THE STRUCTURE TO WHICH IT IS ATTACHED. THIS RESTRICTION DOES NOT APPLY TO ANTENNAS INSTALLED INSIDE A FAUX WATER TOWER/TANK.
 3. THE MAXIMUM ALLOWABLE LENGTH OF EACH ANTENNA ARRAY IS TEN (10) FEET.
 4. THE ADDITION OF A WTF WILL NOT INCREASE THE HEIGHT OF THE WATER TOWER/TANK STRUCTURE.
 5. ALL CABLES WILL BE CONCEALED WITHIN THE SUPPORT STRUCTURE OR FULLY ENCLOSED WITHIN A CABLE SHROUD.
 6. MICROWAVE DISHES WILL BE LIMITED TO TWO (2) SQUARE FEET IN SIZE.

7. NO MORE THAN TWO (2) MICROWAVE DISHES WILL BE PERMITTED ON EACH WATER TOWER OR WATER TANK.
 8. ALL MICROWAVE DISHES, ANTENNAS, CABLE SHROUDS, AND ATTACHING APPARATUS WILL BE PAINTED TO MATCH THE WATER TOWER OR WATER TANK.
 9. INSTALLATION WILL MINIMIZE THE REMOVAL OF EXISTING MATURE VEGETATION AT THE SITE OR SUCH VEGETATION WILL BE REPLACED.
- j. *ALTERNATIVE TOWER STRUCTURE:*
1. THE MAXIMUM ALLOWABLE WIDTH OF AN ANTENNA ARRAY IS FOUR (4) FEET. THERE IS NO WIDTH LIMIT FOR ANTENNA ARRAYS INSTALLED INSIDE AN *ALTERNATIVE TOWER STRUCTURE*.
 2. THE ANTENNA WILL NOT EXTEND MORE THAN 18 INCHES FROM THE STRUCTURE TO WHICH IT IS ATTACHED. THIS RESTRICTION DOES NOT APPLY TO ANTENNA ARRAYS INSTALLED INSIDE AN *ALTERNATIVE TOWER STRUCTURE*.
 3. THE MAXIMUM ALLOWABLE LENGTH OF EACH ANTENNA ARRAY IS TEN (10) FEET.
 4. ALL CABLES WILL BE CONCEALED WITHIN THE SUPPORT STRUCTURE OR FULLY ENCLOSED WITHIN A CABLE SHROUD.
 5. MICROWAVE DISHES WILL BE LIMITED TO TWO (2) SQUARE FEET IN SIZE.
 6. NO MORE THAN TWO (2) MICROWAVE DISHES WILL BE PERMITTED ON EACH *ALTERNATIVE TOWER STRUCTURE*.
 7. ALL MICROWAVE DISHES, ANTENNAS, CABLE SHROUDS, AND ATTACHING APPARATUS WILL BE PAINTED TO MATCH THE *ALTERNATIVE TOWER STRUCTURE*
 8. INSTALLATION WILL MINIMIZE THE REMOVAL OF EXISTING MATURE VEGETATION AT THE SITE OR SUCH VEGETATION WILL BE REPLACED.
- k. BASE STATION(S) WILL BE LOCATED INSIDE BUILDINGS, SCREENED BEHIND WALLS, POLE MOUNTED, OR BURIED UNDERGROUND:
1. WILL COMPLY WITH THE HEIGHT AND YARD DEVELOPMENT STANDARDS OF THE UNDERLYING ZONING DISTRICT, EXCEPT AS PROVIDED BELOW:
 - i. BASE STATIONS LOCATED OUTSIDE THE RIGHT-OF-WAY WILL NOT EXCEED EIGHT (8) FEET TALL AND 300 CUBIC FEET, MEASURED ABOVE GROUND LEVEL.

- ii. ALL EQUIPMENT CABINETS THAT ARE LOCATED WITHIN THE RIGHT-OF-WAY OR COMPLETELY UNDERGROUND ARE EXEMPT FROM YARD DEVELOPMENT STANDARDS, BUT MUST BE LOCATED AS FAR AWAY FROM THE STREET AS POSSIBLE.

(d) SUBMITTAL REQUIREMENTS:

- (1) A SITE PLAN SHOWING THE SUBJECT PROPERTY AND ADJACENT PROPERTIES; ALL EXISTING AND PROPOSED BUILDINGS ON THE SUBJECT PROPERTY AND THEIR PURPOSE; THE SPECIFIC PLACEMENT OF THE BASE STATION AND CELL TOWER, INCLUDING TYPE AND EXTENT AND POINT OF ENTRY ON THE SITE; ALL PROPOSED CHANGES TO THE EXISTING SITE, INCLUDING GRADING, VEGETATION, ROADS, SIDEWALKS AND DRIVEWAYS SIGNED AND SEALED BY A PROFESSIONAL REGISTRANT FROM THE STATE OF ARIZONA INCLUDING EXPIRATION DATE ;
- (2) A LANDSCAPE PLAN SHOWING SPECIFIC PLACEMENT OF EXISTING AND PROPOSED VEGETATION, TREES, SHRUBS, IDENTIFIED BY SPECIES AND SIZE OF SPECIMEN AT INSTALLATION IN ACCORDANCE WITH CITY LANDSCAPE GUIDELINES;
- (3) A GRADING AND DRAINAGE PLAN OF THE ENTIRE PROJECT SITE AS DETERMINED BY THE PUBLIC WORKS DEPARTMENT.
- (4) PHOTOGRAPHS, DIAGRAMS, PHOTOSIMULATIONS AND SIGHT LINE REPRESENTATIONS AS LISTED BELOW:
 1. SIGHT LINE REPRESENTATION UNLESS DEEMED UNNECESSARY BY THE COMMUNITY DEVELOPMENT DIRECTOR OR DESIGNEE;
 2. EXISTING (BEFORE CONDITION) PHOTOGRAPHS AND PROPOSED (AFTER CONDITION) PHOTOSIMULATIONS OF THE PROPOSED FACILITY FROM RESIDENTIAL PROPERTIES OR BUILDINGS, PRIVATE ROADS AND PUBLIC RIGHTS-OF-WAY ADJACENT TO THE SITE. SUCH PHOTOSIMULATIONS SHALL INCLUDE, BUT NOT BE LIMITED TO, SUPERIMPOSED REPRESENTATIONS OF THE PROPOSED BASE STATION AND TOWER TO SHOW WHAT WILL BE SEEN FROM RESIDENTIAL BUILDINGS, PROPERTIES, PRIVATE ROADS AND RIGHTS-OF WAY ADJACENT TO THE SITE;
 3. AERIAL PHOTOGRAPH(S).
- (5) ELEVATIONS FROM ALL DIRECTIONS (NORTH, SOUTH, EAST, AND WEST) FOR A FIFTY-FOOT RADIUS AROUND THE PROPOSED BASE STATION AND TOWER. ELEVATIONS SHALL BE AT ONE-QUARTER INCH EQUALS ONE (1) FOOT SCALE AND SHOW THE FOLLOWING:

1. MATERIALS OF THE BASE STATION AND SECURITY BARRIER, IF ANY, SPECIFIED BY GENERIC TYPE AND SPECIFIC TREATMENT, SUCH AS BRICK, MASONRY WITH STUCCO FINISH, ANODIZED ALUMINUM, STAINED WOOD, ETC.;
 2. COLORS REPRESENTED BY SAMPLES OR A COLOR BOARD SHOWING ACTUAL COLORS PROPOSED;
 3. DIMENSIONS OF ALL EQUIPMENT SPECIFIED FOR ALL THREE (3) DIMENSIONS: HEIGHT, WIDTH AND DEPTH;
- (6) MARKET AND SERVICE MAPS : EXCEPT FOR THOSE APPLICATION COVERED BY SECTION 6409 (a) OF THE SPECTRUM ACT, THE APPLICANT MUST SUBMIT THE FOLLOWING MARKET AND SERVICE MAPS:
1. A MAP SHOWING THE SERVICE AREA OF THE PROPOSED FACILITY AND THE EXPLANATION OF THE NEED FOR THAT FACILITY;
 2. A MAP SHOWING THE LOCATIONS AND SERVICE AREAS OF OTHER BASE STATIONS AND TOWER SITES OPERATED BY THE APPLICANT AND THOSE THAT ARE PROPOSED BY THE APPLICANT WHICH ARE WITHIN A TWO (2)-MILE RADIUS OF THE LIMITS OF THE SITE;
- (7) COLLOCATION SUBMITTALS, INCLUDING SIGNED STATEMENTS INDICATING:
1. THE APPLICANT AGREES TO ALLOW FOR THE POTENTIAL COLLOCATION OF ADDITIONAL WTF'S BY OTHER WIRELESS SERVICES AND CARRIERS ON THE APPLICANT'S STRUCTURE OR FACILITY OR WITHIN THE SAME SITE;
 2. THAT THE APPLICANT AGREES TO REMOVE THE WTF AS REQUIRED BY THIS SECTION;
 3. THAT THE APPLICANT HAS MADE A GOOD FAITH EFFORT TO ACHIEVE COLLOCATION WITH OTHER CARRIERS AND FACILITIES AS REQUIRED IN THIS SECTION, AND IF COLLOCATION IS NOT FEASIBLE FOR THIS APPLICATION FOR A SUBSTANTIAL TECHNICAL OR OTHER REASON(S), A WRITTEN STATEMENT OF THE REASONS FOR THE INFEASIBILITY;
- (8) A LEASE AGREEMENT WITH THE OWNER OR LANDHOLDER SHALL ALSO BE SUBMITTED PRIOR TO A BUILDING PERMIT BEING ISSUED THAT:
1. ALLOWS THE LANDHOLDER TO ENTER INTO LEASES WITH OTHER PROVIDERS;
 2. SPECIFIES THAT IF THE CARRIER FAILS TO REMOVE THE BASE STATION AND TOWER WHEN REQUIRED BY THIS SECTION, THE

RESPONSIBILITY FOR REMOVAL FALLS UPON THE LANDHOLDER;
AND

3. ALLOWS ENTRY BY THE CITY AND ITS AGENT FOR THE PURPOSE OF
INSPECTION AND COMPLIANCE WITH CITY CODES;

(9) THE CITY MANAGER OR DESIGNEE MAY REQUIRE ADDITIONAL
INFORMATION OR MAY WAIVE SUBMITTAL REQUIREMENTS DETERMINED
UNNECESSARY FOR APPROPRIATE REVIEW OF THE PROJECT.

(e) CELLULAR ON WHEELS (COW)

(1) COWS ARE ALLOWED DURING:

a. CONSTRUCTION OF A PERMANENT WTF NOT TO EXCEED DURATION
OF ONE (1) YEAR.

1. UTILIZATION OF THE COW WILL REQUIRE A TYPE ONE (1)
ADMINISTRATIVE SITE REVIEW AS PER ARTICLE XII OF THIS
CHAPTER.

b. MAINTENANCE OR REPLACEMENT OF EQUIPMENT.

1. UTILIZATION OF A COW WILL BE INCLUDED WITH THE BUILDING
PERMIT ASSOCIATED WITH THE WTF MAINTENANCE OR
REPLACEMENT OF EQUIPMENT.

c. SPECIAL EVENTS.

1. UTILIZATION OF THE COW FOR A SPECIAL EVENT WILL REQUIRE A
TEMPORARY USE PERMIT AS PER ARTICLE VII OF THIS CHAPTER.
COW PLACEMENT WILL BE LIMITED TO A DURATION NOT TO
EXCEED 30 DAYS UNLESS APPROVED BY THE CITY MANAGER OR
DESIGNEE.

d. AN EMERGENCY OR DISASTER AS DETERMINED BY THE CITY
MANAGER OR DESIGNEE.

(2) COWS WILL BE SET BACK FROM ALL RESIDENTIAL LOT LINES A MINIMUM
DISTANCE EQUAL TO THE FULLY EXTENDED HEIGHT OF THE COW.

(3) COWS ARE PERMITTED ON A UTILITY TRAILER WITH A MAXIMUM WIDTH
OF TEN (10) FEET AND MAXIMUM LENGTH OF 35 FEET.

(4) PERMITTED POWER SOURCES:

a. A GENERATOR OR OTHER UTILITY SOURCE WILL BE USED THAT
EMITS AN AVERAGE NOISE LEVEL NOT TO EXCEED 60 DB, MEASURED
AT ANY PROPERTY LINE THAT IS ZONED OR USED FOR RESIDENTIAL
PURPOSES.

b. USE OF ON-SITE UTILITY SERVICES WILL REQUIRE A BUILDING
PERMIT.

(f) CONTINUED MONITORING:

- (1) EVERY FIVE (5) YEARS, EACH WIRELESS COMMUNICATIONS SERVICE PROVIDER SHALL SUBMIT TO THE CITY A WRITTEN REPORT VERIFYING THAT, AT ITS MAXIMUM LOAD, INCLUDING CUMULATIVE EFFECTS OF MULTIPLE FACILITIES, EACH WTF WAS TESTED AND CERTIFIED TO MEET OR EXCEED THE FCC'S RADIO FREQUENCY SAFETY STANDARDS. THE FIVE (5) YEARS WILL BE FROM THE MOST RECENT APPROVAL OF THE RESPECTIVE WTF OR FROM THE EFFECTIVE DATE OF THIS ORDINANCE, WHICHEVER IS EARLIER, AND EVERY FIVE (5) YEARS THEREAFTER.

(g) DISCONTINUATION OF USE:

- (1) IN THE EVENT THE USE OF ANY WTF HAS BEEN DISCONTINUED FOR A PERIOD OF 90 CONSECUTIVE DAYS, THE WTF WILL BE DEEMED TO BE ABANDONED. UPON SUCH ABANDONMENT, THE OWNER AND/OR OPERATOR OF THE TOWER AND/OR PROPERTY OWNER WILL HAVE AN ADDITIONAL 90 DAYS TO:
 - a. REACTIVATE THE USE OF THE WTF OR TRANSFER THE WTF TO ANOTHER OWNER/OPERATOR WHO MAKES ACTIVE USE OF THE WTF; OR
 - b. DISMANTLE AND REMOVE THE WTF. UPON REMOVAL OF THE WIRELESS SERVICE FACILITY, THE SITE WILL BE RETURNED TO ITS BUILT OR NATURAL STATE AND TOPOGRAPHY AND VEGETATED CONSISTENT WITH THE NATURAL SURROUNDINGS.



CITY OF SURPRISE
Regular City Council Meeting

October 20, 2015 @ 6:00:00 PM

+ [Back](#) [Print](#)

Council Meeting Date:	October 20, 2015	Contact Person:	Robert Kuhfuss, Community Development
Submitting Department:	CD	District:	4
Staff Recommendations:	None		

Consent	Regular	Public Hearing	x	Report/Discussion
---------	---------	----------------	---	-------------------

Agenda Wording:

Consideration and action regarding proposed Zone Change from CR to IP-PUD, CR to CR-PUD, and from IP to CR-PUD for Dysart Subdivision located at the southwest corner of Bell Road and Dysart Road; Ordinance 2015-16.

Motion:

Motion to approve Ordinance 2015-16.

Background:

The owner's agent met with staff to discuss the possibility of rezoning the property to accommodate a proposed automotive body repair facility in addition to future commercial uses as yet to be determined. These meetings were followed by a formal submittal to change the zoning of the property, in addition to a Master Site Plan and Final Plat. The Planning and Zoning Commission recommended approval of the Zone Change request to the City Council subject to staff-recommended stipulations. The matter was scheduled for public hearing on October 6, 2015 but continued by the City Council to October 20, 2015.

Objective Analysis:

The proposed Zone Change will facilitate the development of the property as an automotive repair facility and other as-yet to be determined commercial uses. Together with related Final Plat and Master Site Plan, the proposed Zone Change will provide the mechanism needed to allow the owner to bring this otherwise vacant property to market, which will in turn allow it to be developed in a manner that is consistent with the goals and policies of the General Plan.

Policy Compliant:

The proposed Zone Change advances the goals and policies of the Surprise General Plan and the City Council's Strategic Plan.

Financial Impact:

All activity related to ongoing development of the City of Surprise has an economic and fiscal impact on

the city and the region.

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:

Click to download

- ☐ [Ordinance 2015-16](#)
 - ☐ [CC00 - FS15-155 - Dysart Subdivision - Caliber Collision - Staff Report](#)
 - ☐ [CC01 - FS15-155 - Dysart Subdivision - Caliber Collision - Rezone - Vicinity Map](#)
 - ☐ [CC02 - FS15-155 - Dysart Subdivision - Caliber Collision - Rezone - Zone Change Case Map](#)
 - ☐ [CC03 - FS15-155 - Dysart Subdivision - Caliber Collision - Rezone - Zoning Narrative](#)
 - ☐ [CC04 - FS15-155 - Dysart Subdivision - Caliber Collision - Rezone - P&Z Commission Zone Change Staff Report](#)
 - ☐ [CC05 - FS15-155 - Dysart Subdivision - Caliber Collision - Rezone - P&Z Commission Master Site Plan Staff Report](#)
 - ☐ [CC06 - FS15-155 - Dysart Subdivision - Caliber Collision - Rezone - Site Plan \(1 & 2 of 3\)](#)
 - ☐ [CC06 - FS15-155 - Dysart Subdivision - Caliber Collision - Rezone - Site Plan \(3 of 3\)](#)
 - ☐ [CC07 - FS15-155 - Dysart Subdivision - Caliber Collision - Rezone - Landscape Rendering](#)
 - ☐ [CC08 - FS15-155 - Dysart Subdivision - Caliber Collision - Rezone - Elevation Rendering](#)
 - ☐ [CC09 - FS15-155 - Dysart Subdivision - Caliber Collision - Rezone - Sign Package](#)
 - ☐ [CC10 - FS15-155 - Dysart Subdivision - Caliber Collision - Rezone - ADOT Comments](#)
 - ☐ [CC11 - FS15-155 - Dysart Subdivision - Caliber Collision - Rezone - MWD Comments](#)
 - ☐ [CC12 - FS15-155 - Dysart Subdivision - Caliber Collision - Rezone - Luke AFB Comments](#)
 - ☐ [CC13 - FS15-155 - Dysart Subdivision - Caliber Collision - Rezone - Excerpt of the October 1 2015 P&Z Minutes](#)
 - ☐ [FS15-155 - Dysart Subdivision - Caliber Collision - Rezone - Presentation](#)
-

ORDINANCE 2015-16

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA, APPROVING A REZONE FROM CR TO IP, FROM CR TO CR AND FROM IP TO CR WITH A PLANNED UNIT DEVELOPMENT (PUD) OVERLAY FOR THE DYSART SUBDIVISION, LOCATED AT THE SOUTHWEST CORNER OF BELL ROAD AND DYSART ROAD.

WHEREAS, this Ordinance was properly noticed for public hearing and the necessary hearings and opportunity for public input were completed;

WHEREAS, the subject site is located at the southwest corner of Bell Road and Dysart Road;

WHEREAS, the subject site is zoned as CR and IP;

WHEREAS, the Zone Change and PUD overlay district is authorized by Surprise Municipal Code §122-68;

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

WHEREAS, the proposed PUD overlay satisfies the requirements set forth in Chapter 122 of the Surprise Municipal Code;

WHEREAS, this Zone Change and PUD overlay is in harmony with the purposes and intent of the zoning ordinance and the Surprise General Plan; and

WHEREAS, on October 1, 2015, the Planning and Zoning Commission recommended approval of the application to re-zone from CR to IP-PUD and from CR to CR-PUD and PUD overlay.

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

Section 1. The parcel legally described on Exhibit A and depicted on Exhibit B, known as the “Dysart Subdivision” is rezoned from CR to IP PUD, from CR to CR PUD and from IP to CR PUD with a planned unit development (PUD) overlay, in conformance with the “Dysart Subdivision Zone Change and PUD Overlay” document, dated August 17, 2015. This re-zoning approval is subject to the following conditions:

- a. Development and use of the site shall be in substantial conformance with the project narrative entitled "Dysart Subdivision Rezone Document PUD Overlay", prepared by Olsson Associates, consisting of 20 pages dated revised August 17, 2015 and stamped received August 17, 2015, except as modified by the following stipulations.
- b. If a Final Plat has not been recorded within one (1) year of approval of this Zone Change request by the City Council, the subject zone change may be scheduled for public hearing by the Planning and Zoning Commission and City Council for consideration of reverting the property to its former zoning per ARS § 9-462.01.E.
- c. Non-compliance with the stipulations of approval of this case will be treated as a violation in accordance with the provisions of Article XIV of the Surprise Unified Development Code.
- d. The Property owner and successors waive claim for diminution of in value if the City takes action to rescind approval of this zone change request due to non-compliance with the stipulations of approval.

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 will 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.

SIGNATURES ON FOLLOWING PAGE

PASSED AND ADOPTED this _____ day of _____, 2015.

Sharon R. Wolcott, Mayor

Attest:

Approved as to form:

Sherry Aguilar, City Clerk

Misty Leslie, City Attorney

ZONE CHANGE

REPORT TO THE CITY COUNCIL

Case:	FS15-155
Project Name:	Dysart Subdivision Rezone
Council District:	4
Meeting Date:	October 20, 2015 (continued from October 6, 2015)
Planner:	Robert H. Kuhfuss, AICP
Owner:	Farhad and Kathryn Shokoohl
Applicant:	Len Swartz, PE, of Ollson Associates, on behalf of Cross Development and Farhad and Kathryn Shokoohl
Request:	Rezone from CR to IP-PUD (approx. 2.04 acres), from CR to CR-PUD (approx. 0.75 acres), and from IP to CR-PUD (approx. 5.51 acres)
Site Location:	Southwest corner of Bell Road and Dysart Road
Site Size:	8.30 acres (approx.)
Density:	N/A
General Plan Conformance:	The proposal is consistent with the Surprise General Plan 2035
Support/Opposition:	One (1) individual expressed concerns over the requested rezone during the October 6, 2015 City Council Regular Work Session
Findings:	- The proposed Zone Change is consistent with the Surprise General Plan 2035. - The reviewing agencies have indicated no objections to the request.
Alternative Actions:	Approval: Should the City Council wish to approve the proposed Zone Change, the Council may wish to include the following stipulations of approval, as recommended by the Planning and Zoning Commission on October 1, 2015:

- 40 a. Development and use of the site shall be in substantial conformance with the project
41 narrative entitled "Dysart Subdivision Rezone Document PUD Overlay", prepared by Olsson
42 Associates, consisting of 20 pages dated revised August 17, 2015 and stamped received
43 August 17, 2015, except as modified by the following stipulations.
44
- 45 b. If a Final Plat has not been recorded within one (1) year of approval of this Zone Change
46 request by the City Council, the subject zone change may be scheduled for public hearing by
47 the Planning and Zoning Commission and City Council for consideration of reverting the
48 property to its former zoning per ARS § 9-462.01.E.
49
- 50 c. Non-compliance with the stipulations of approval of this case will be treated as a violation in
51 accordance with the provisions of Article XIV of the Surprise Unified Development Code.
52
- 53 d. The Property owner and successors waive claim for diminution of in value if the City takes
54 action to rescind approval of this zone change request due to non-compliance with the
55 stipulations of approval.
56

57 **Denial:** Should the Council wish to deny the requested Zone Change
58 the existing zoning will remain in place.
59

60 **PROJECT DESCRIPTION:**
61

62 Len Swartz, PE, of Ollson Associates, on behalf of Cross Development and Farhad and Kathryn
63 Shokoohl, seeks approval of three separate but related requests:
64

- 65 • A Zone Change from CR to IP-PUD, from CR to CR-PUD, and from IP to CR-PUD (the subject
66 request);
- 67 • A Major Site Plan in these newly established districts (approved by the Planning and Zoning
68 Commission on October 1, 2015);
- 69 • A three-lot Final Plat (discussed under separate cover).
70

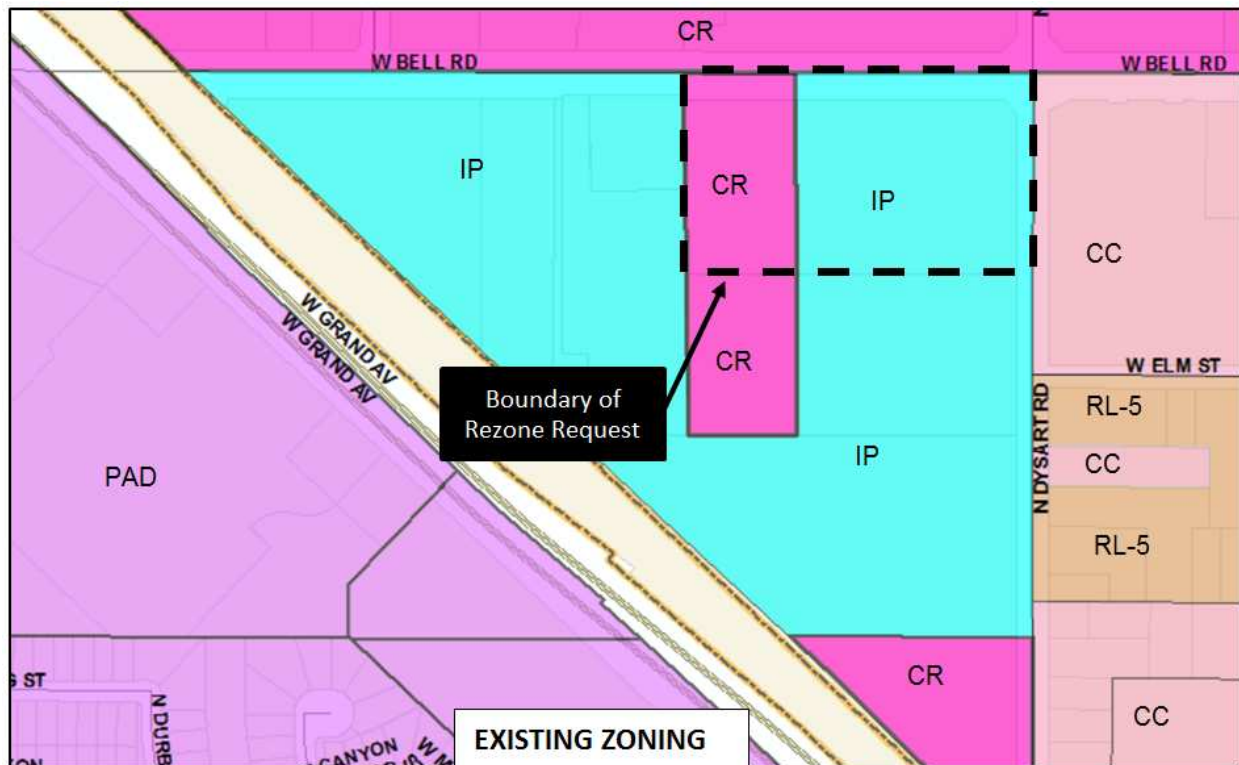
71 The Zone Change was heard by the Planning and Zoning Commission on October 1, 2015. The
72 Commission recommended approval of the Zone Change to the City Council subject to the staff-
73 recommended stipulations outlined above. The merits of the Zone Change are discussed in the
74 attached Planning and Zoning Commission Zone Change Staff Report.
75

76 The Commission also approved the related Major Site Plan subject to several staff-recommended
77 stipulations including a provision requiring the City Council's subsequent approval of the Zone
78 Change, plus an additional requirement to "box-in" two exposed parapets. The merits of the
79 Master Site Plan are discussed in the attached Planning and Zoning Commission Master Site Plan
80 Staff Report.
81

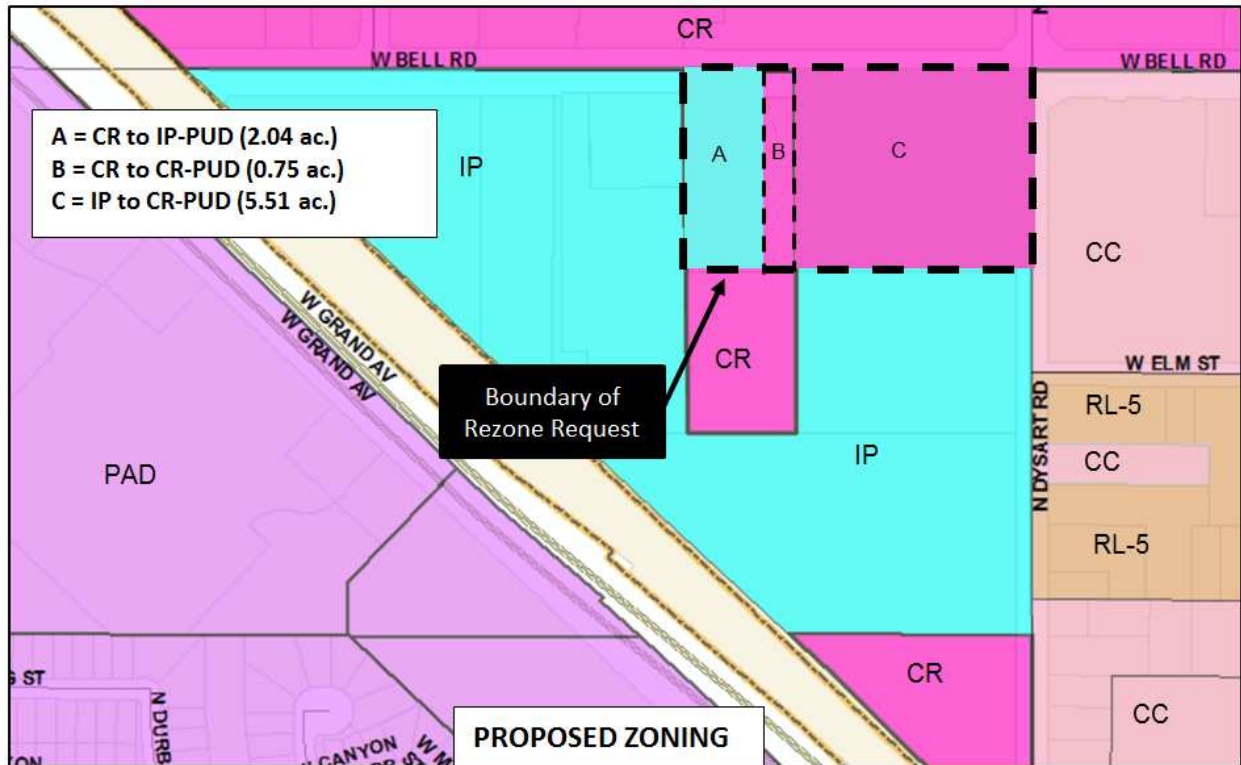
Also, for background purposes, an excerpt of the October 1, 2015 Planning and Zoning Commission draft minutes are included as an attachment to this report.

The subject Zone Change was originally scheduled for the October 6, 2015 City Council hearing, but was continued on that date to October 20, 2015. The Final Plat is discussed under separate cover; however, assuming the Council approves the subject Zone Change, the Council may choose to approve the Final Plat.

All three actions anticipate the development of a Caliber Collision Center and other as-yet to be determined commercial uses. As noted, the merits of the Zone Change are discussed in the attached staff report to the Planning and Zoning Commission; however, the following two maps express the current and proposed zoning of the property. Note that Caliber Collision will be located on the area labeled as "A" on the second map, while areas "B" and "C" on the second map will remain vacant and available for future commercial development, subject to the provisions of the SUDC in place for CR zoning as amended by the proposed PUD Overlay.



[Proposed Zoning Map on following page.]



OPPOSITION:

The applicant held a Citizen Outreach meeting on June 21, 2015, which generated no input; however, during the Call to the Public at the City Council Regular Work Session of October 6, 2015, a resident expressed opposition to the Zone Change request citing concerns over the aesthetics of the proposed facility and its potential impacts to the city's gateway image.

SUMMARY:

Staff notes there seems to be a misconception that the Caliber facility will be located on the "hard" corner of Bell Road and Dysart Road. While the requested Zone Change includes the entire 8-acre site, the Caliber facility will only occupy the westernmost 200' of that property, leaving the balance of the site vacant and available for commercial uses more in keeping with the stated vision of the City Council. Critical to the understanding of the ramifications of this case is the fact that should the subject rezone request fail, the existing zoning would remain intact and the applicant could simply renegotiate their contract with the seller to locate the collision center at the intersection of Bell Road and Dysart Road as a by-right use.

Staff believes the proposed Zone Change, in conjunction with the related Final Plat and the approved Master Site Plan, will provide the mechanism needed to allow the owner to bring the property to market, while providing for reciprocal cross-access, which will in turn allow it to be developed in a manner that is consistent with the goals and policies of the General Plan.

119	<u>Attachments:</u>
120	
121	01 – Vicinity Map (1 page)
122	02 – Zone Change Case Map (1 page)
123	03 – Zoning Narrative (20 pages)
124	04 – Planning and Zoning Commission Zone Change Staff Report (8 pages)
125	05 – Planning and Zoning Commission Master Site Plan Staff Report (9 pages)
126	06 – Site Plan (3 pages)
127	07 – Landscape Rendering (1 page)
128	08 – Elevation Rendering (1 page)
129	09 – Sign Package (5 pages)
130	10 – ADOT comments (1 page)
131	11 – MWD comments (1 page)
132	12 – Luke AFB comments (1 page)
133	13 – Excerpt of the October 1, 2015 P&Z Minutes (2 pages)



PROJECT:
CALIBER COLLISION
SURPRISE, AZ

O	DATE
2	REVISION #1
3	REVISION #2

PROJ. NO.:
15053
SHEET NUMBER

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A2.10	SIGNAGE (BY OTHERS).
A2.20	ORNAMENTAL SECURITY FENCE, HEIGHT NOTED BESIDE KEYNOTE.
A2.30	CAST STONE SILL/ WATER TABLE.
A2.40	NATURAL STONE VENEER.
A2.50	METAL VALLEY - ALONG PARAPET BASE (PROVIDED BY METAL BUILDING AND GC INSTALLED)

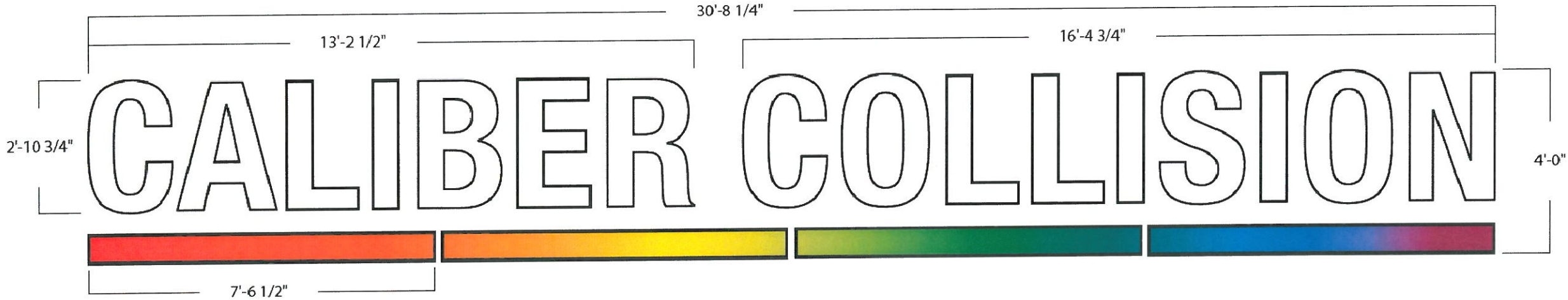
A2 60	STOREFRONT/GLAZING.
A2 70	ROOF LINE BEYOND.
A2 80	12" X 8" THROUGH WALL OVERFLOW SCUPPER.
A2 90	PRE-FINISHED 6" W X 4" D (SQUARE) METAL DOWNSPOUT - BURNISHED SLATE (PROVIDED BY METAL BUILDING AND GC INSTALLED).
A2 100	FACTORY FINISHED SECTIONAL O.H. DOOR.

A2.110	HOLLOW METAL DOOR AND FRAME.
A2.120	PRE-FINISHED METAL BUILDING SIDING.
A2.130	EXHAUST AND AIR INTAKE (REF. GARMAT SHEETS).
A2.140	BRICK VENEER.
A2.150	PRE-FINISHED METAL COPING - BURNISHED SLATE (PROVIDED BY METAL BUILDING AND GC INSTALLED).

A2.160	PRE-FINISHED METAL BUILDING "R" PANEL ROOFING.
A2.170	EIFS VENEER.
A2.180	WALL MOUNTED LIGHT FIXTURE (REFER MEP).
A2.190	PRIMARY/ SECONDARY SCUPPER.
A2.200	INTERNAL DOWNSPOUT.
A2.210	CONTROL JOINT.

1. DOWNSPOUTS ARE INDICATED FOR SIZE, QUANTITY, AND APPROXIMATE LOCATION ONLY.
2. HOLLOW METAL STEEL DOORS, FRAMES, EXPOSED METAL FLASHING AND EXPOSED MISCELLANEOUS STEEL SHALL MATCH ADJACENT BUILDING COLOR UNLESS NOTED OTHERWISE. IF THERE ARE TWO ADJACENT COLORS AT THE DOOR LOCATIONS CONTRACTOR TO USE THE BASE OF THE BOTTOM FINISH FOR THE ENTIRE DOOR.
3. CONTRACTOR TO PROVIDE PLYWOOD BACKING FOR SIGNAGE AS SHOWN. PLYWOOD BACKING TO EXTEND 1'-0" BEYOND EDGES OF SIGN.
4. REFER SHEET A1.3 FOR FINISHES AND MATERIALS.





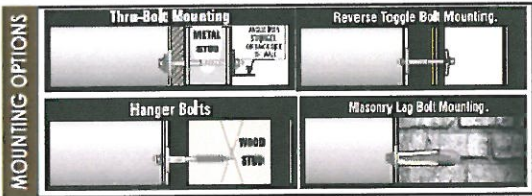
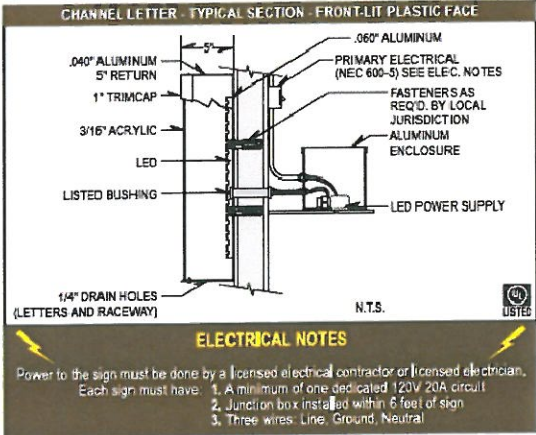
B CHANNEL LETTERS
3/8" = 1'-0"

total square footage for both channel letter signs is 208.5 sq/ft

Quantity: ONE (1)
Total Sq.Ft: 123 sq/ft
Returns: 5" Black
Trimcap: 1" Black
Face: 7328 White Plex
First-surface translucent vinyl:
• Digital Print for rainbow strip
Illumination: White LED's

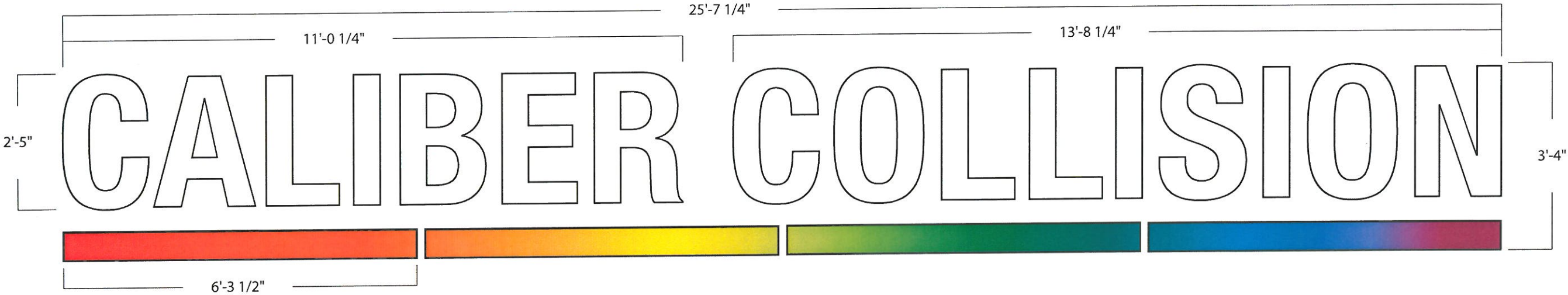
- NOTES:
- Individually Mounted Letters
 - White interiors for increased illumination
 - All paint two-stage automotive acrylic

209' 6 1/4" (linear ft) x .6 (sq ft) = 125.7 (allowed footage)



B CHANNEL LETTERS
1 9/16" = 26'-0"





A CHANNEL LETTERS
1/2" = 1'-0"

- Quantity:** ONE (1)
Total Sq.Ft: 85.5 sq/ft
Returns: 5" Black
Trimcap: 1" Black
Face: 7328 White Plex
First-surface translucent vinyl:
• Digital Print for rainbow strip
Illumination: White LED's

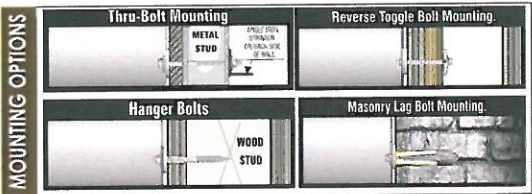
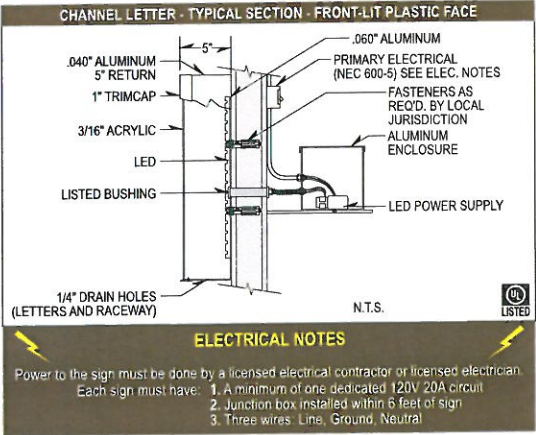
- NOTES:**
- Individually Mounted Letters
 - White interiors for increased illumination
 - All paint two-stage automotive acrylic

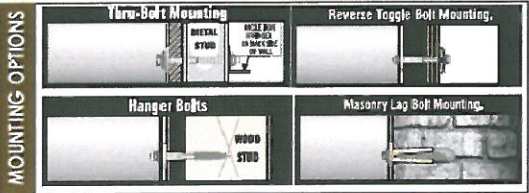
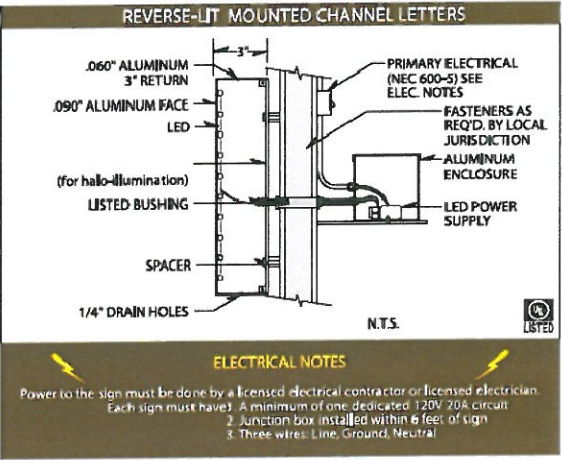
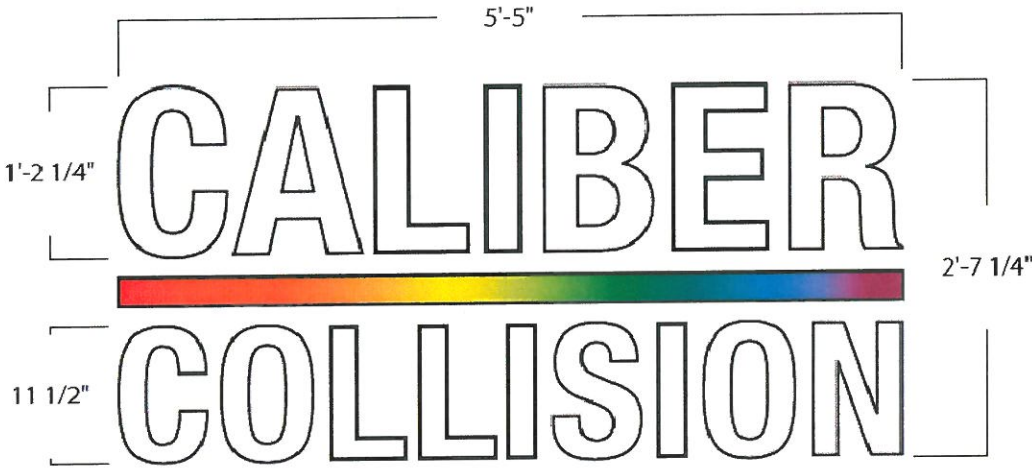
total square footage for both channel letter signs is 208.5 sq/ft



86.75(1linear ft) x 1 (sq ft) = 86.75 (allowed footage)

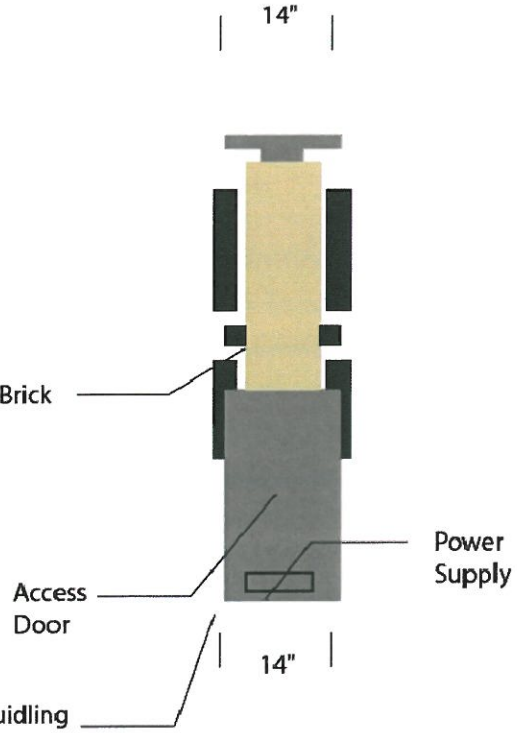
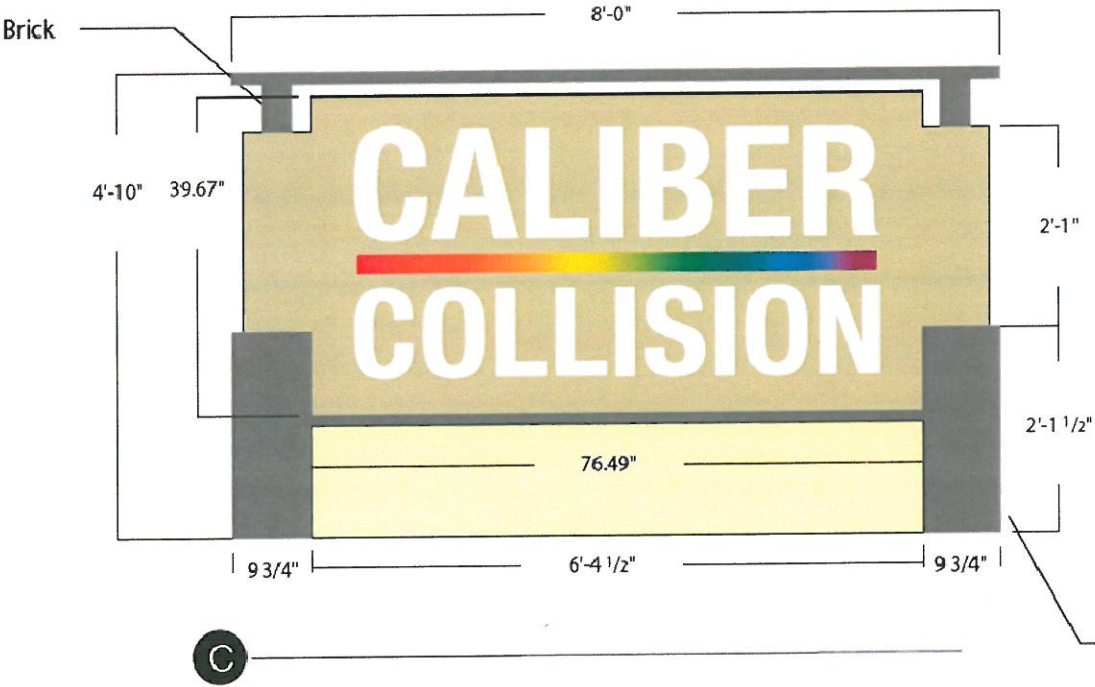
A CHANNEL LETTERS
3/32" = 1'-0"





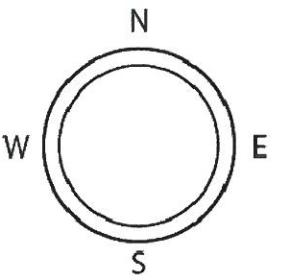
C MONUMENT SIGN
3/4" = 1'-0"

$39.67 \times 76.49 = 3034.36 / 144 = 21.10 \text{ sq/ft}$



Quantity: ONE (1)
Total Sq.Ft: 22 sq/ft
Returns: 5" Black
Trimcap: 1" Black
Face: 7328 White Plex
First-surface translucent vinyl:
• Digital Print for rainbow strip
Illumination: White LED's

- NOTES:
- Individually Mounted Reverse Letters
 - White interiors for increased illumination
 - All paint two-stage automotive acrylic
 - Fabricate and install (1) D/S illuminated cabinet
 - Flagstone base to match architect's drawings
 - Brick veneer / Hanson Century Plus V224 Velour



From: Bob Patoni
Sent: Wednesday, April 22, 2015 10:41 AM
To: 'Deborah.Perry@surprizeaz.gov'; 'lswartz@olssonassociates.com'
Cc: Vanessa Nunez
Subject: FW: FS15-155 Caliber Collision, Bell Rd East of Grand Ave

RE: FS15-155
Caliber Collision
Bell Road, East of Grand Avenue

Attention: Deborah Perry and Len Swartz

Thank you for your notice of rezoning and final plat application for the above-referenced proposed development.

ADOT is neutral regarding the proposed rezoning of the parcels cited in your rezoning package. However, the above-described project is in very close proximity to ADOT's planned US60 Bell Road Traffic Interchange, a grade-separated improvement that will have Bell Road elevated via a bridge over Grand Avenue. The Traffic Interchange is in design stage and is planned for construction in late 2015. We would recommend that the principals to your project familiarize themselves with the aspects of the US60 Bell Road Traffic Interchange project. For further information, please contact me at the below contact information.

Bob Patoni
Right of Way Project Coordinator

205 S. 17th Ave. MD: 612E
Phoenix, AZ 85007
602-712-6126
WWW.AZDOT.GOV



Deborah,

Thank you for providing the submittal for Caliber Collision (FS15-155).

Maricopa Water District (MWD) has reviewed this submittal and determined this lies outside the current boundaries of MWD.

Thank again,

Debbie Trasancos

Property & Contracts Specialist

Maricopa Water District

14825 W. Grand Ave.

Surprise, AZ 85374

623/546-8266

fax 623/584-2536

debbiet@mwdaz.com



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

27 April 2015

Mr. James R. Mitchell
Director, Community Initiatives Team
56th Fighter Wing
14185 West Falcon Street
Luke AFB AZ 85309-1629

Ms. Deborah Perry
City of Surprise Planning Department
16000 North Civic Center Plaza
Surprise AZ 85374

Re: FS15-155; Caliber Collision

Dear Ms. Perry

Thank you for the opportunity to comment on the Rezone, Final Plat, & Site Plan application for Caliber Collision located on 9.9 acres at the SWC of Bell and Dysart Roads in Surprise AZ. The project is comprised of new construction for a 14,000 square foot building which will house office, mechanic shop, parts sales, detailing and painting booth. The request is also to rezone 200 feet of parcel 501-16-001V from C-3 (Regional Commercial) to I-1 (Light Industrial) and to rezone parcel 501-16-001K from I-1 to C-3. The site is located approximately 1.7 miles outside the 1988 JLUS 65 Ldn, "high noise or accident potential zone" as identified by A.R.S. § 28-8461 and is within the "territory in the vicinity of a military airport" also defined by A.R.S. § 28-8461.

As described, this request will not negatively impact the flying operations at Luke AFB. Since the site is located within the "territory in the vicinity of a military airport," it will be subjected to noise from approximately 165 over flights a day, with some as low as 1,500 feet above ground level. We recommend you review the sound attenuation requirements found in A.R.S. § 28-8482. In addition, a strong notification program on the part of the applicant is essential to inform the tenant about Luke AFB operations. We also recommend a review of the Luke AFB web site at <http://www.luke.af.mil>, Community Interests and Community Initiatives links, for further information.

If there are any questions, please contact my Community Planner, Ms. Barbara Plante, at (623) 856-9981.

Sincerely

A handwritten signature in dark ink, appearing to read "JA Mitchell", is written over the word "Sincerely". Below the signature, the word "For" is written in a smaller, cursive script.

JAMES R. MITCHELL

cc:

Colonel Jeremy T. Sloane, Vice Commander, 56th Fighter Wing
Ms. Cindy L. Calderon, GS-13, General and Environmental Law Attorney, 56th Fighter Wing

**EXCERPT OF THE
CITY OF SURPRISE
PLANNING AND ZONING COMMISSION**

MEETING MINUTES

Relating to Caliber Collision

October 1, 2015 / 6:00 PM

**COUNCIL CHAMBERS
16000 North Civic Center Plaza
Surprise, AZ 85374**

REGULAR AGENDA ITEMS REQUIRING A PUBLIC HEARING:

Item 3 – DISTRICT 4 – Consideration and action recommending to the Mayor and City Council approval of a Zone Change from CR to IP-PUD, CR to CR-PUD, and IP to CR-PUD for the Dysart Subdivision located on the Southwest corner of Bell and Dysart.

Robert Kuhfuss, Planner II, presented the project to the Commission. At this time he presented both items 3 and 4 to the Commission concurrently.

The Commission discussed:

- Eastern part of site reverting back to IP
- Effect of Major General Plan Amendment to this rezone proposal
- Concern regarding what type of business should be located at a gateway into the City
- Possible location of alternative site
- Existing zoning of this site in relation to permitted use
- Possible land locking of adjacent property
- Rezone of IP to CR helpful to the City
- Collision center needed in Surprise
- Employment draw in Surprise
- Possible noise concerns
- Block screening wall on west side of project
- Parapet around sign
- Shared driveway with neighboring property

Chair Somers opened the Call to the Public for both items 3 and 4.

Dori Phillips, Surprise resident, agreed with Chair Somers that the sign located at the top of the building should be boxed off and asked about how the overpass will affect this project.

Chair Somers closed the Call to the Public for both items 3 and 4.

Commissioner Keating made a motion to recommend approval to the City Council of a Zone Change for the Dysart Subdivision subject to stipulations 'a' through 'd' as listed in the staff report. Vice Chair Chapman seconded the motion. The motion passed with 4 yes votes, 1 no vote (Somers) and 2 absent (Hoyler, Ferguson).

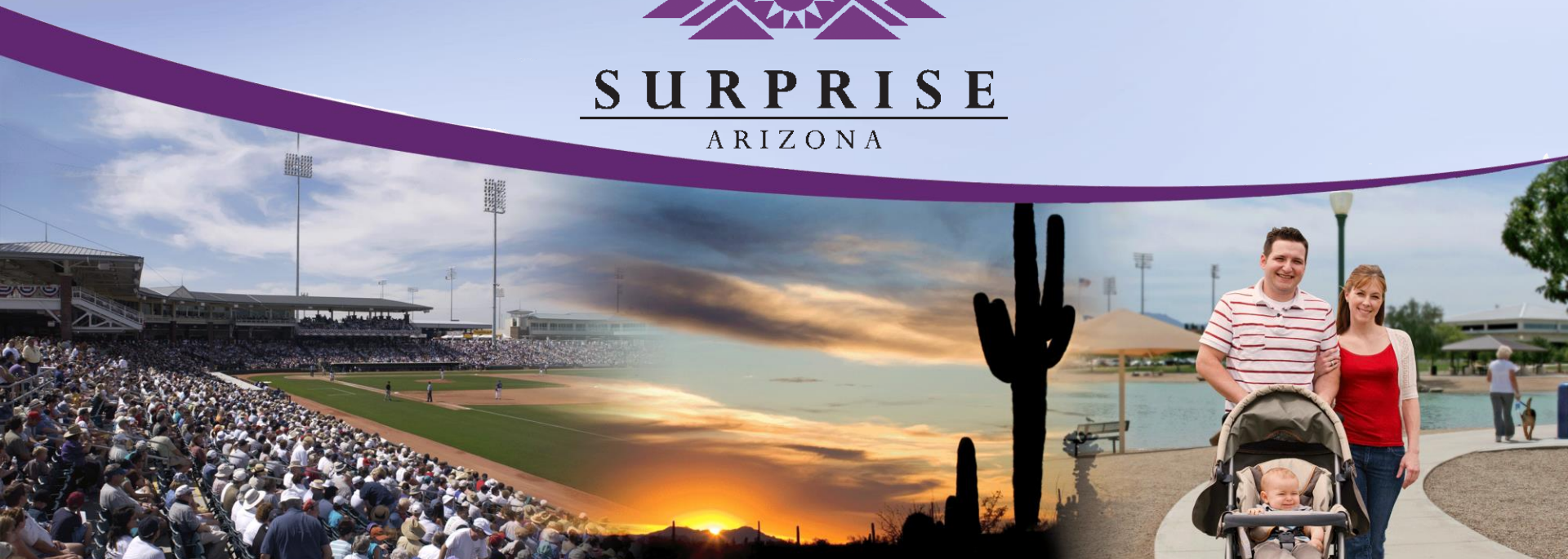
Item 4 – DISTRICT 4 – Consideration and action on a Master Site Plan for the Dysart Subdivision located on the Southwest Corner of Bell and Dysart Roads.

Robert Kuhfuss, Planner II, presented the project to the Commission concurrently with item 3 above.

Vice Chair Chapman made a motion to approve a Master Site Plan for the Dysart Subdivision subject to stipulations 'a' through 'i' as listed in the staff report and additional stipulation 'j' to add a four sided parapet wall to look like an enclosed building. Commissioner Smith seconded the motion. The motion passed with 4 yes votes, 1 no vote (Somers) and 2 absent (Hoyler, Ferguson).

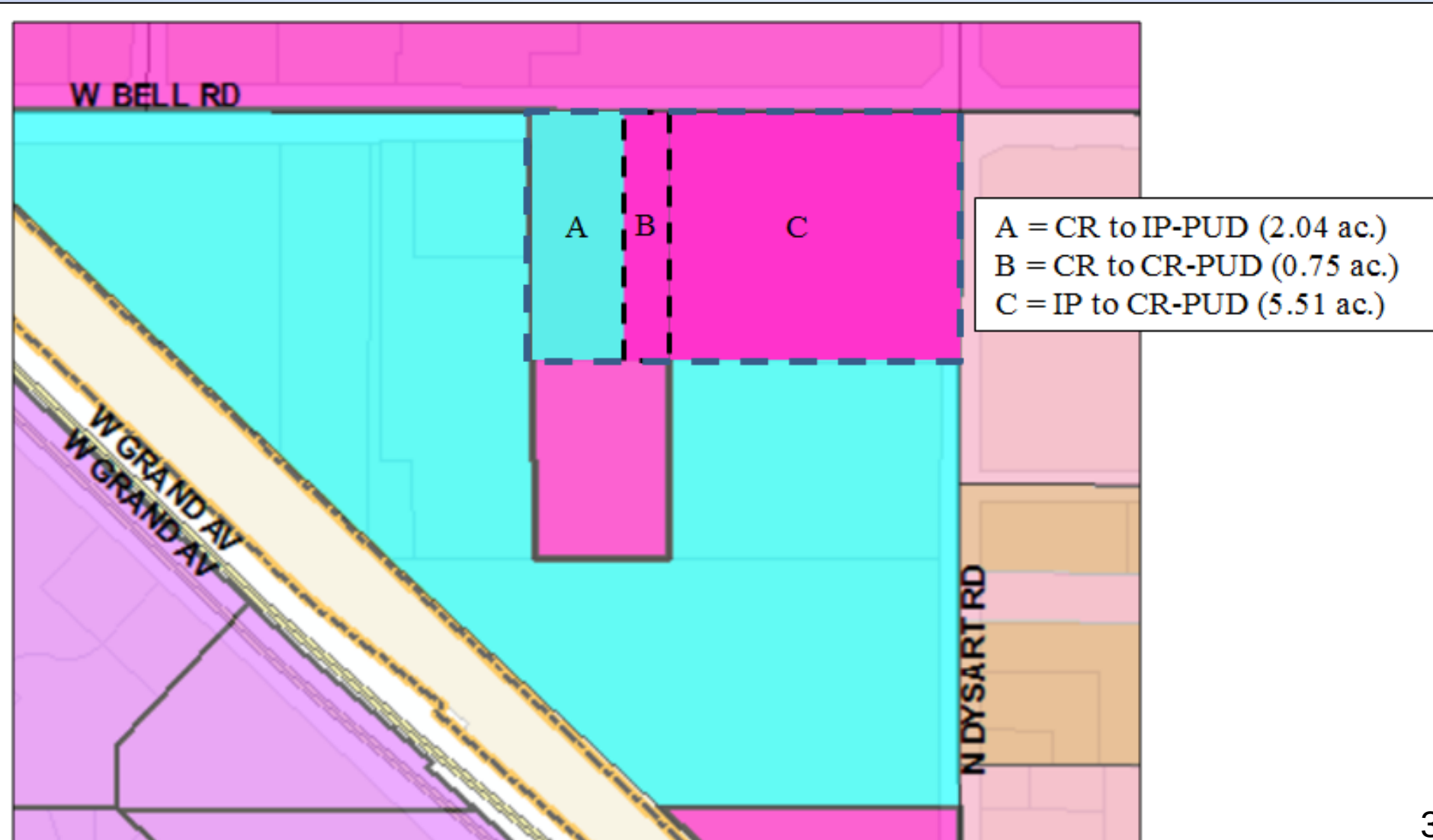
FS15-155 Dysart Subdivision Zone Change and Final Plat City Council Regular Session

October 20, 2015

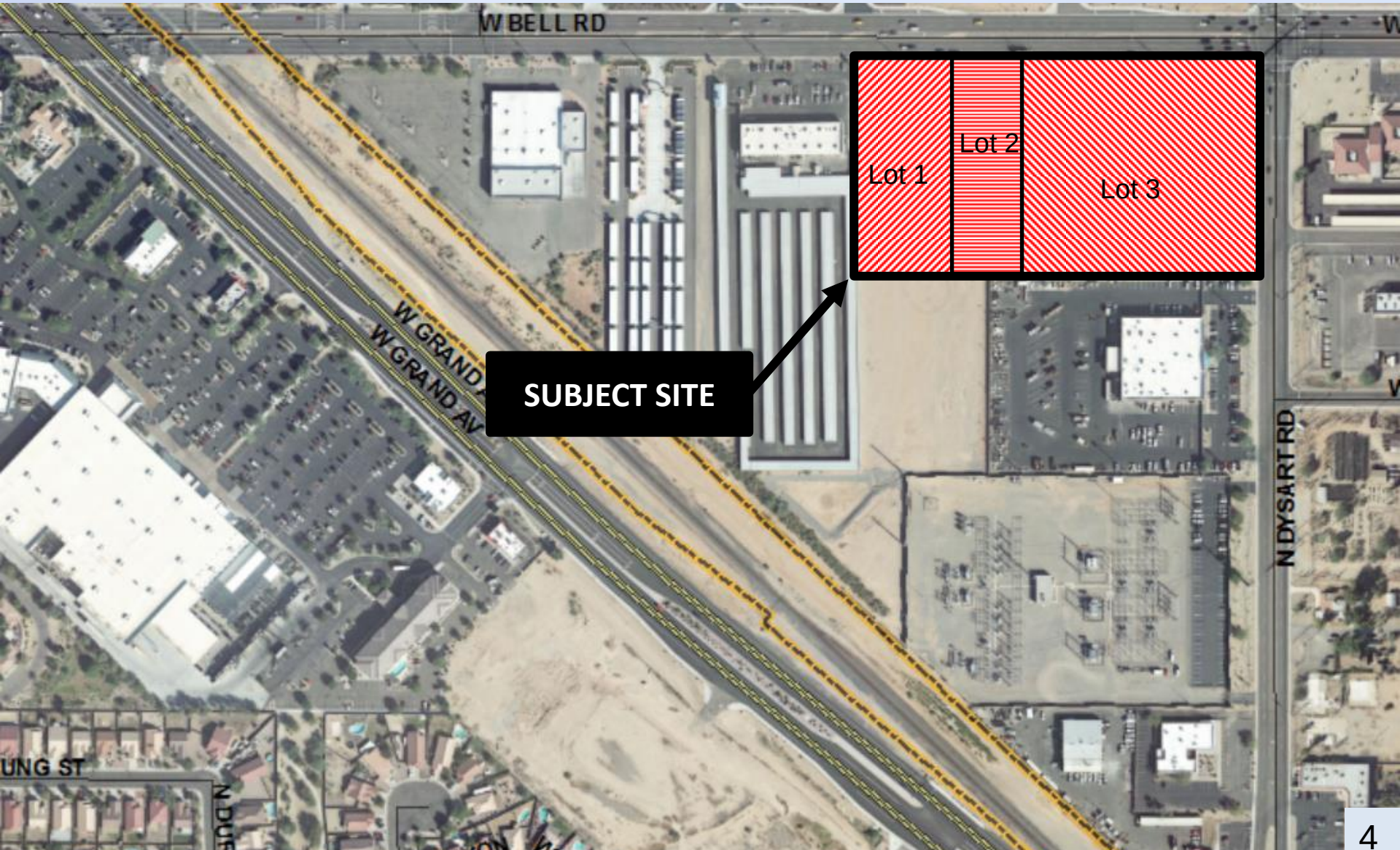


[illegible]

Zoning Case Map

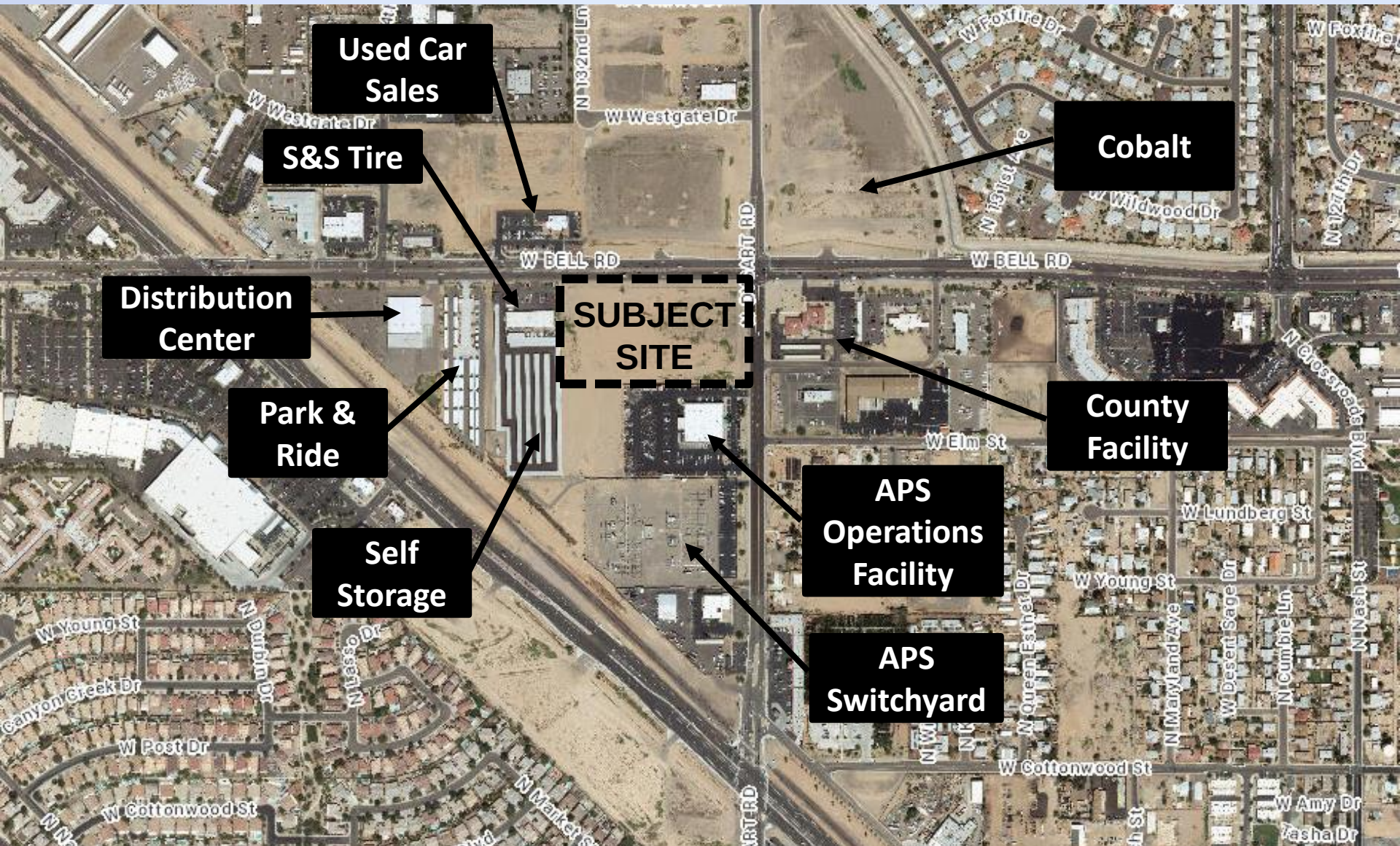


Final Plat Case Map



FS15-155 Dysart Subdivision

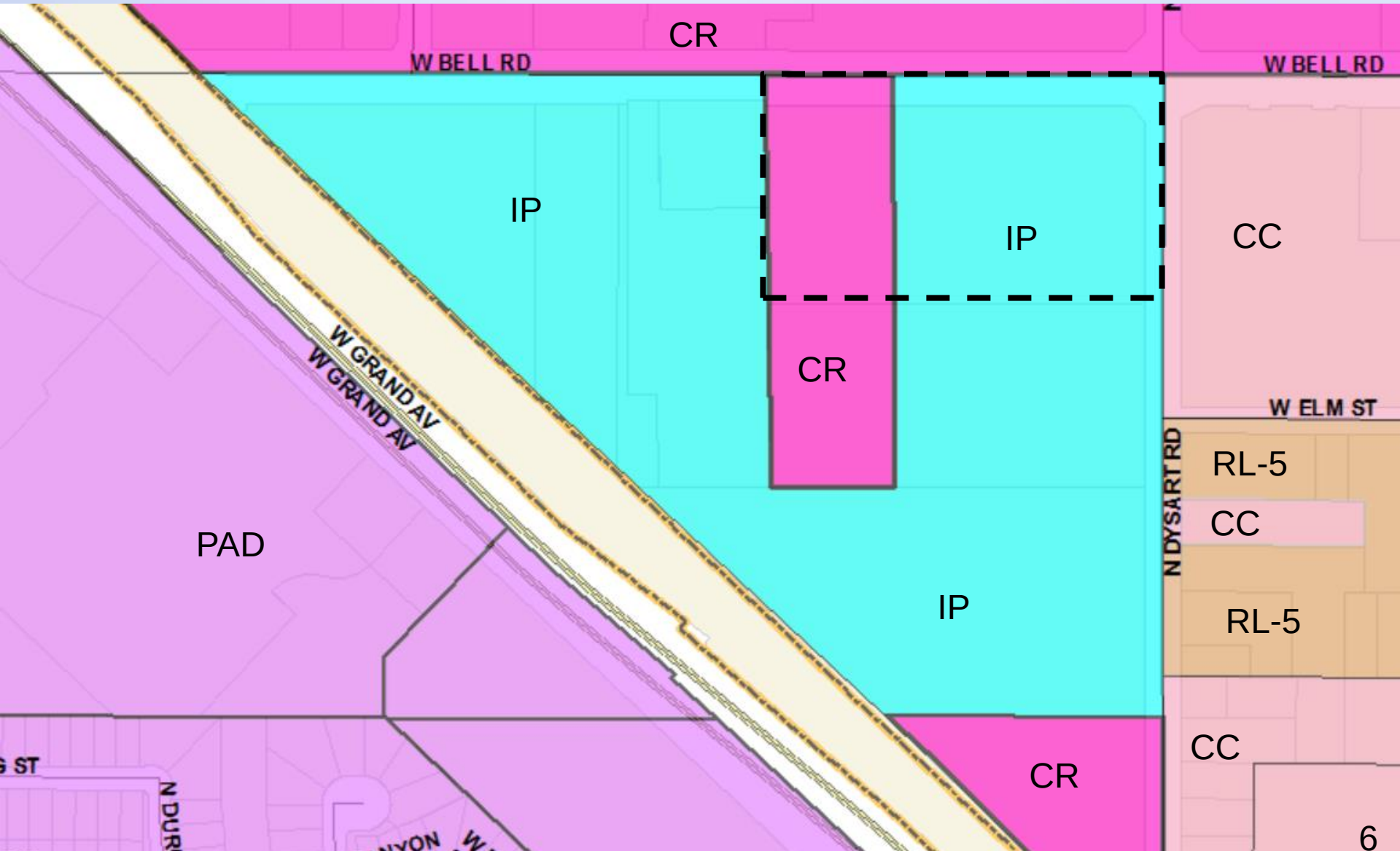
Context Map



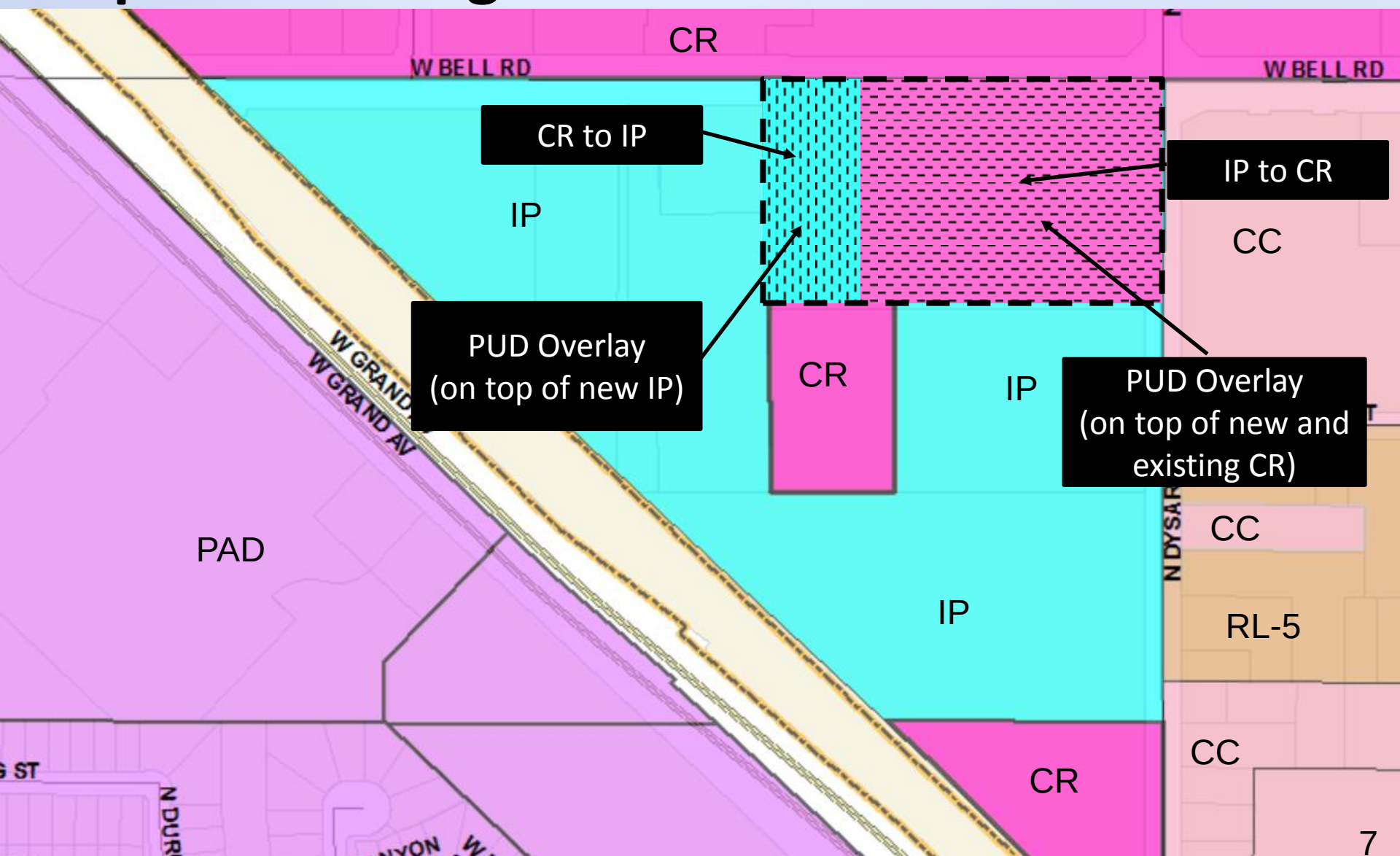
FS15-155 Dysart Subdivision



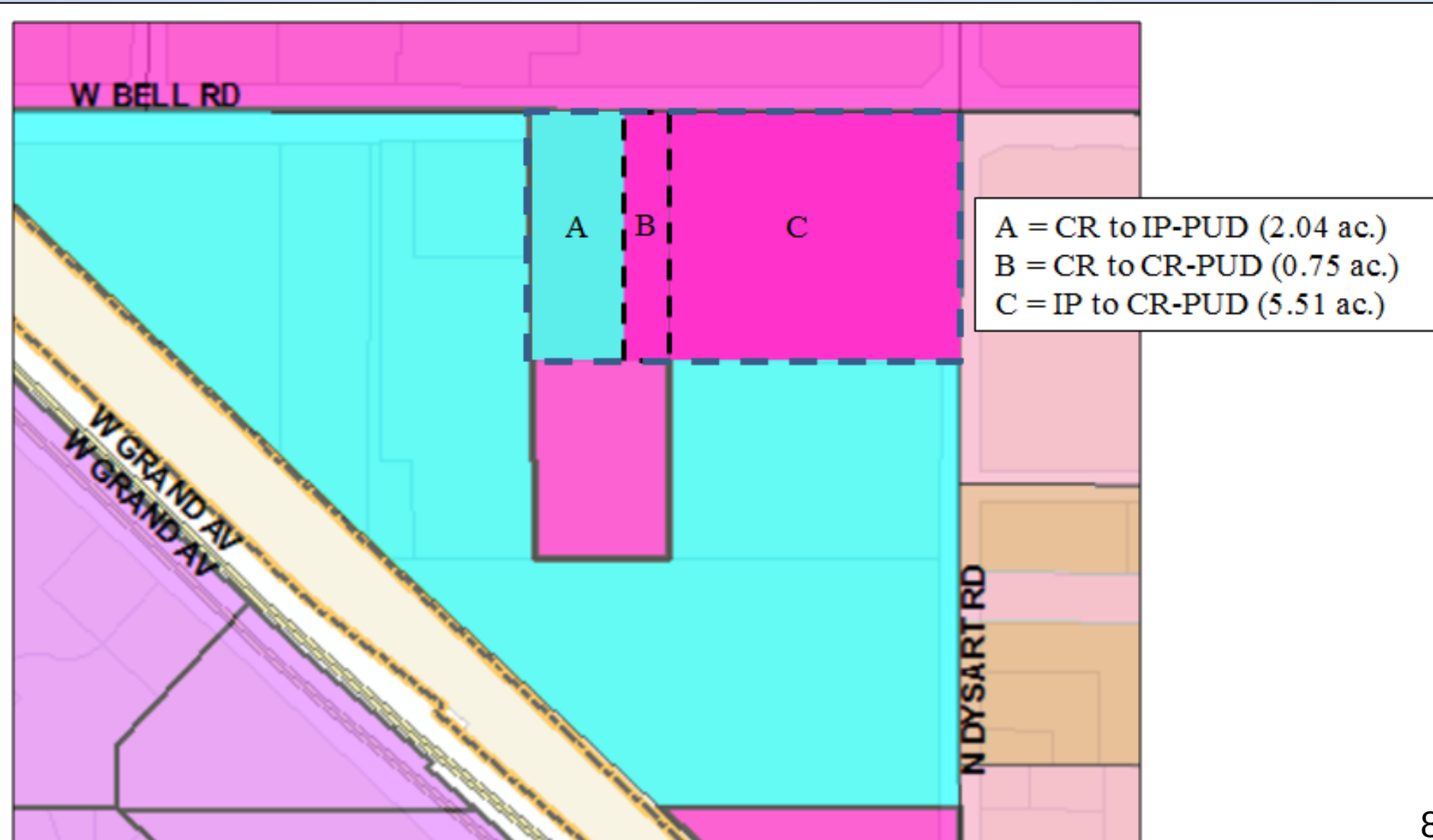
Current Zoning



Proposed Zoning

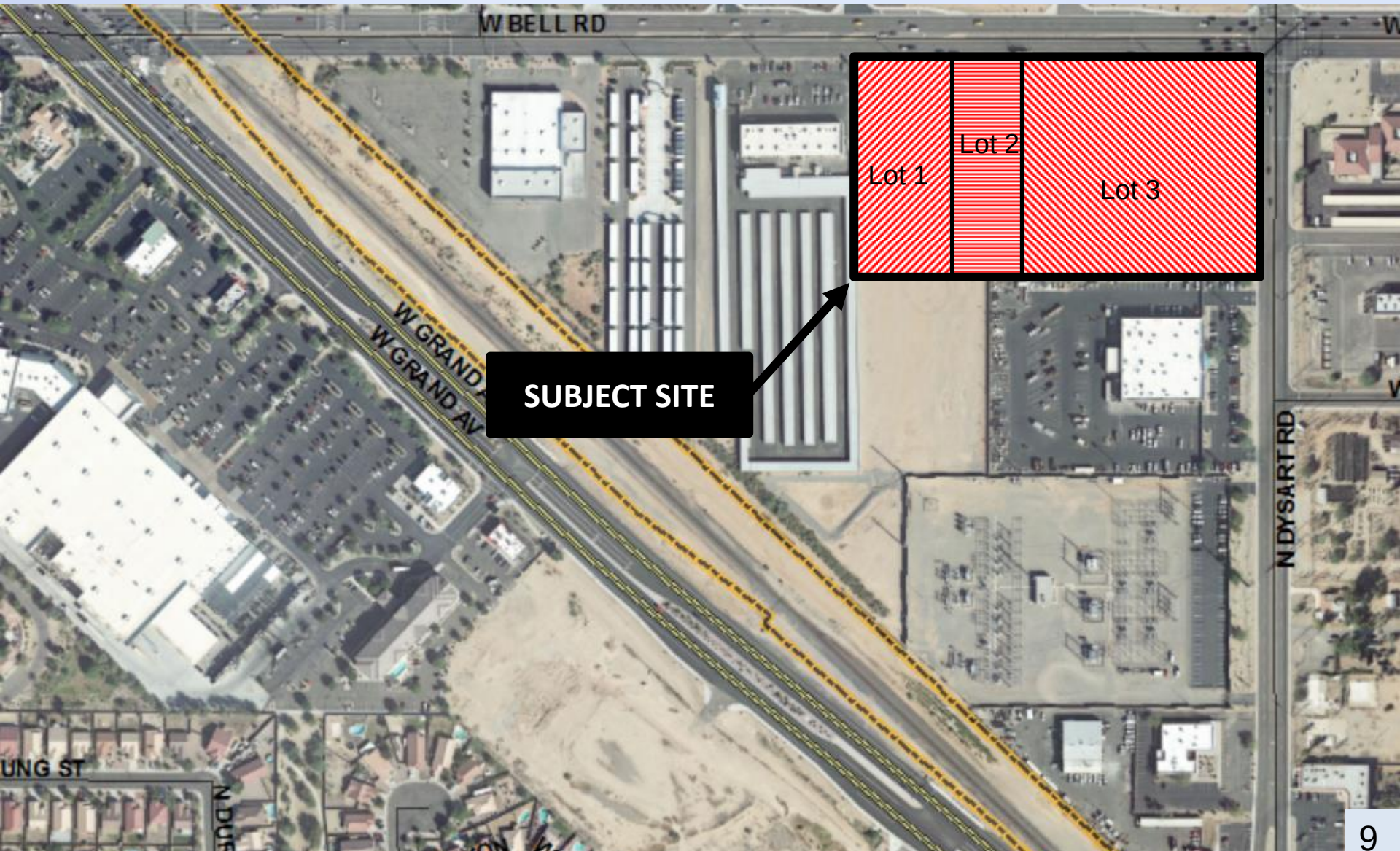


Zoning Case Map



FS15-155 Dysart Subdivision

Master Site Plan (approved by P&Z on 10/01/15)



IP-PUDCK-PUD DEVELOPMENT STANDARDS TABLE FOR DYSART SUBDIVISION (CASE F815-16)						
Development Standard	All other areas		IP-PUD		CR to CR-PUD	
	Base Zoning	Base Zoning	SUDC Reference	Base Zoning	CR Overlay	SUDC Reference
Interior Side Setback	15'	15'	122-360(c)(2)	24'	15'	122-360(c)(2)
Landscaping	15'	45'-77'	122-360(d)(1)	24'	45'-77'	122-360(d)(1)
Maximum (Area)	1.375 of CFS ¹	1.180 SF of CFS ¹	122-133(b)			122-133(b)
Sign Area	0.5 SF per 1 linear foot of elevation	0.8 SF per 1 linear foot of elevation	122(a)(3), 113.	1 linear foot of elevation	1 linear foot of elevation	122(a)(3), 113.

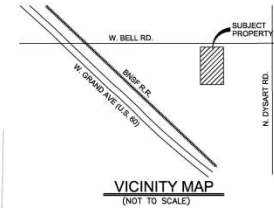
Footnotes:

1. Adjacent to Commercial or Industrial zoning district.

2. Limited driveway encroachment from street and architectural encroachment allowed.

3. Limited driveway encroachment from the street to accommodate shared access allowed per site plan.

4. Based on Automotive Repair and Service use. 1' other than automotive Repair and Service, City of Surprise.



OWNER/DEVELOPER
CROSS DEVELOPMENT, LLC
5317 INVERRARY DRIVE
PLANO, TEXAS
PHONE: (502) 748-1000
CONTACT: KEVIN MCKIBBEN

ENGINEER
OLSSON ASSOCIATES
7250 NORTH 16TH STREET, SUITE 210
PHOENIX, ARIZONA 85020
PHONE: (602) 746-1000
FAX: (602) 746-1001
CONTACT: LEN SWARTZ

ARCHITECT
CROSS ARCHITECTS
1255 W. 15TH STREET
SUITE #125
PLANO, TEXAS 75075
PHONE: (972) 396-6844
CONTACT: SHAWN OFFUTT



APN: 501-16-001V AND 501-16-011K			
	GROSS	R/W	NET
LOT 1	74,302.97	13,003.57	87,306.57
	1,706.48	0.298	2,004.44
LOT 2	52,712.58	9,232.59	61,944.57
	1,210.48	0.212	1,422.44
LOT 3	156,968.97	52,576.57	211,546.57
	3,863.43	11.913	4,856.44
TOTAL	433,608.57	74,843.57	508,796.57
	10.00 AC	1.703 AC	8.297 AC

REQUIRED LANDSCAPE:

LOT 1	15% OF PARKING AREA = 6372.44 SF
LOT 2	15% OF PARKING AREA = TBD AT TIME OF SITE PLAN AMENDMENT
LOT 3	15% OF PARKING AREA = TBD AT TIME OF SITE PLAN AMENDMENT

THIS PLAN IS NOT FOR CONSTRUCTION

OLSSON
ASSOCIATES

10th Street, Suite 210
50300-5382

TEL: 602 748-1009
FAX: 602 748-1001

www.olsonassociates.com



EXPIRES 06/30/17

ASSOCIATES ASSUMES RESPONSIBILITY FOR EXISTING UTILITY LOCATIONS (HORIZONTAL OR VERTICAL). THE EXISTING UTILITIES SHOWN ON THE DRAWING HAVE BEEN OBTAINED FROM THE BEST AVAILABLE INFORMATION. IT IS HOWEVER THE RESPONSIBILITY OF THE CONTRACTOR TO FIELD VERIFY THE LOCATION OF ALL UTILITIES PRIOR TO THE COMMENCEMENT OF ANY CONSTRUCTION ACTIVITIES.

REVISIONS

2015

CONSTRUCTION PLANS
OVERALL SITE PLAN

Designed by:	SS
Checked by:	EW
Approved by:	LS
QC by:	PV
Plot no.:	014-3198

SHE 1
C10

F:\Projects\014-3199\40-Design\AutoCAD\Final Plans\100-C_SDI_143199.dwg USER: apoge
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 DATE: Aug 17, 2015 2:23pm

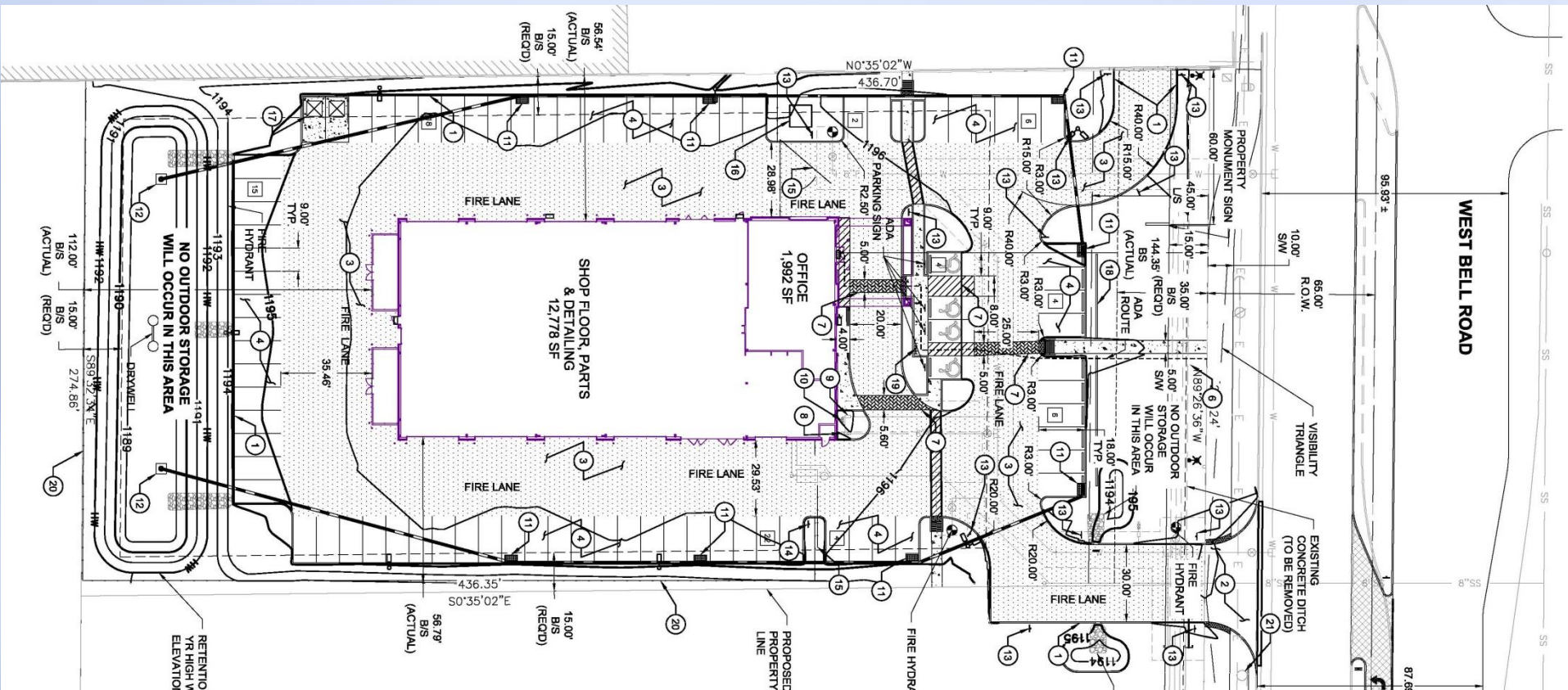
APN 501-16-011N
BELL AND GRAND
BARGAIN STORAGE
EXISTING BUILDING

APN 501-16-011T



FS15-155 Dysart Subdivision

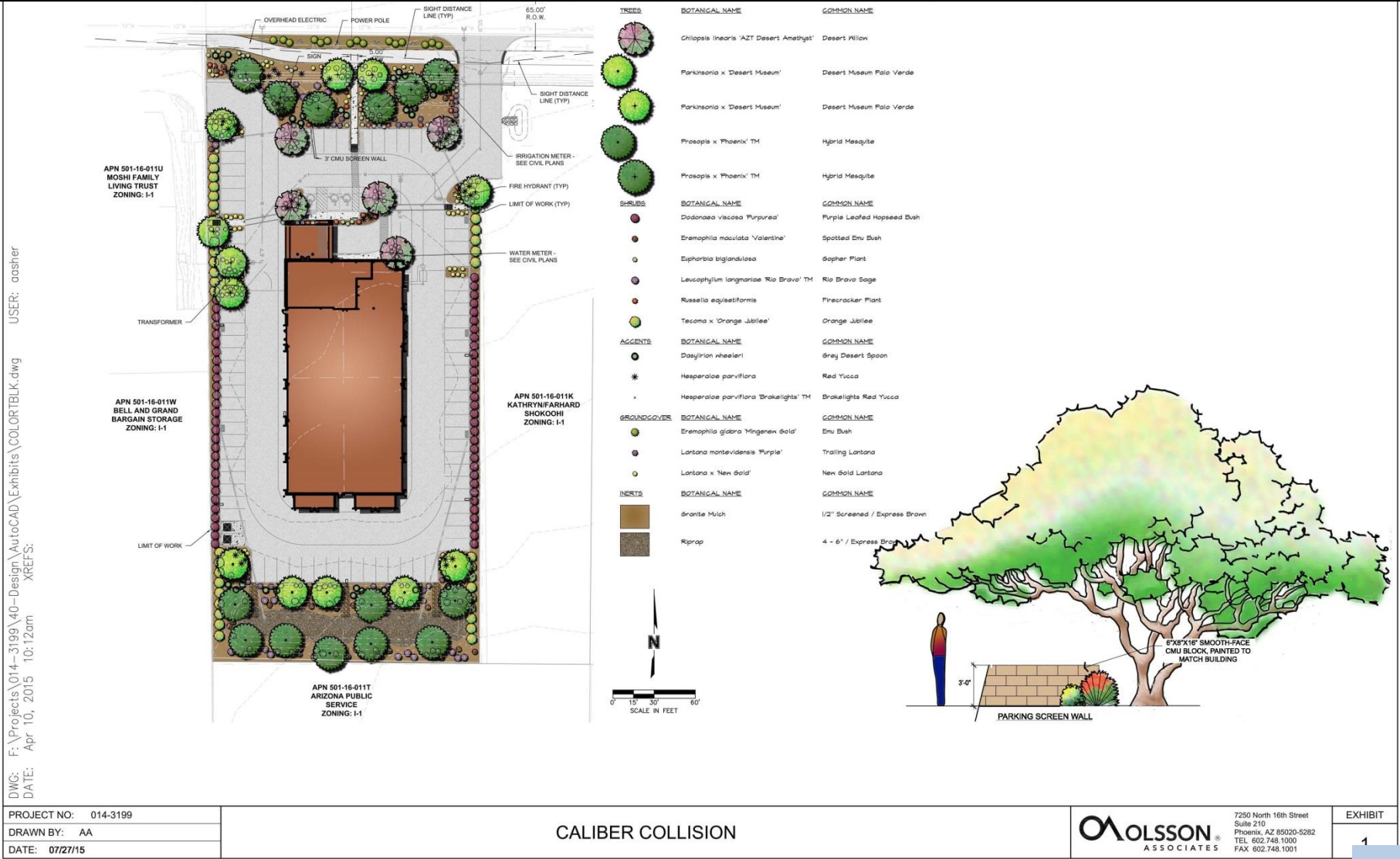
Master Site Plan (approved by P&Z on 10/01/15)



FS15-155 Dysart Subdivision



Landscape Plan (approved by P&Z on 10/01/15)



PROJECT NO: 014-3199
DRAWN BY: AA
DATE: 07/27/15

CALIBER COLLISION

MOLSSON ASSOCIATES
7250 North 16th Street
Suite 210
Phoenix, AZ 85020-5282
TEL: 602.748.1000
FAX: 602.748.1001

EXHIBIT
1

FS15-155 Dysart Subdivision

Proposed Development Standards

IP PUD/CR PUD DEVELOPMENT STANDARDS TABLE FOR DYSART SUBDIVISION (CASE FS15-155)
 Shaded cells indicate development standard that is less restrictive than the base zoning district.
 All other provisions of the IP and CR zoning districts apply.

Development Standard	IP – IP PUD			CR – CR PUD		
	Base Zoning	PUD Overlay	SUDC Reference	Base Zoning	PUD Overlay	SUDC Reference
Interior Side Setback	15'	15'	122-36(c)(2)b, Table 5-11	24'	15' ¹	122-36(c)(2)c, Table 5-12
Landscape Setback (Arterial)	45' ³	45' ^{2,3}	122- 136(b)(18)(h)	45' ³	45' ²	122- 136(b)(18)(h)
Maximum Parking Allowed	1:375 SF of GFA ⁵	1:180 SF of GFA ⁴	122-133(e)	As specified in Table 9-1	As specified in Table 9-1	122-133(e)
Secondary Wall Sign Area	0.5 SF per 1 linear foot of elevation	0.6 SF per 1 linear foot of elevation	113-129(a)(3)(a)	0.5 SF per 1 linear foot of elevation	0.5 SF per 1 linear foot of elevation	113-129(a)(3)(a)

Footnotes:

¹ Adjacent to Commercial or Industrial zoning districts.

² 10' limited driveway access encroachment from street and architectural encroachment allowed per 122-136(b)(18)(h), Table 10-4.

³ Limited driveway encroachment from the west to accommodate shared access allowed per site plan.

⁴ Based on Automotive Repair and Service use. If other than Automotive Repair and Service, Table 9-1 applies.

Deviation to Landscape Setback



Proposed Development Standards

IP PUD/CR PUD DEVELOPMENT STANDARDS TABLE FOR DYSART SUBDIVISION (CASE FS15-155)
 Shaded cells indicate development standard that is less restrictive than the base zoning district.
 All other provisions of the IP and CR zoning districts apply.

Development Standard	IP – IP PUD			CR – CR PUD		
	Base Zoning	PUD Overlay	SUDC Reference	Base Zoning	PUD Overlay	SUDC Reference
Interior Side Setback	15'	15'	122-36(c)(2)b, Table 5-11	24'	15' ¹	122-36(c)(2)c, Table 5-12
Landscape Setback (Arterial)	45' ³	45' ^{2,3}	122- 136(b)(18)(h)	45' ³	45' ²	122- 136(b)(18)(h)
Maximum Parking Allowed	1:375 SF of GFA ⁵	1:180 SF of GFA ⁴	122-133(e)	As specified in Table 9-1	As specified in Table 9-1	122-133(e)
Secondary Wall Sign Area	0.5 SF per 1 linear foot of elevation	0.6 SF per 1 linear foot of elevation	113-129(a)(3)(a)	0.5 SF per 1 linear foot of elevation	0.5 SF per 1 linear foot of elevation	113-129(a)(3)(a)

Footnotes:

¹ Adjacent to Commercial or Industrial zoning districts.

² 10' limited driveway access encroachment from street and architectural encroachment allowed per 122-136(b)(18)(h), Table 10-4.

³ Limited driveway encroachment from the west to accommodate shared access allowed per site plan.

⁴ Based on Automotive Repair and Service use. If other than Automotive Repair and Service, Table 9-1 applies.

Deviation to Parking Standard

LOT 1 PARKING TABLE:

MINIMUM SPACES REQUIRED:
14,770 SF GROSS FLOOR AREA X 1:500 = 30 (BASED
ON AUTO REPAIR AND SERVICE USE)

MAXIMUM SPACES REQUIRED:
14,770 SF GROSS FLOOR AREA X 1:180 = 82 (BASED
ON AMENDED DEVELOPMENT STANDARD)

SPACES PROVIDED:
78 STANDARD + 4 ACCESSIBLE = 82 TOTAL

4 BICYCLE SPACES PROVIDED

Required Parking per SUDC:

Minimum = 1 space per 500 SF GFA = $14,770 \text{ SF} / 500 = 30$ spaces

Maximum = 1 space per 375 SF GFA = $14,770 \text{ SF} / 375 = 40$ spaces

Proposed Maximum:

Maximum = 1 space per 180 SF GFA = $14,770 \text{ SF} / 180 = 82$ spaces *

* Caveat that approved maximum ratio only applies if use remains automotive repair and service. Otherwise, Table 9-1 of SUDC applies.

FS15-155 Dysart Subdivision

Proposed Development Standards

IP PUD/CR PUD DEVELOPMENT STANDARDS TABLE FOR DYSART SUBDIVISION (CASE FS15-155)
 Shaded cells indicate development standard that is less restrictive than the base zoning district.
 All other provisions of the IP and CR zoning districts apply.

Development Standard	IP – IP PUD			CR – CR PUD		
	Base Zoning	PUD Overlay	SUDC Reference	Base Zoning	PUD Overlay	SUDC Reference
Interior Side Setback	15'	15'	122-36(c)(2)b, Table 5-11	24'	15' ¹	122-36(c)(2)c, Table 5-12
Landscape Setback (Arterial)	45' ³	45' ^{2,3}	122- 136(b)(18)(h)	45' ³	45' ²	122- 136(b)(18)(h)
Maximum Parking Allowed	1:375 SF of GFA ⁵	1:180 SF of GFA ⁴	122-133(e)	As specified in Table 9-1	As specified in Table 9-1	122-133(e)
Secondary Wall Sign Area	0.5 SF per 1 linear foot of elevation	0.6 SF per 1 linear foot of elevation	113-129(a)(3)(a)	0.5 SF per 1 linear foot of elevation	0.5 SF per 1 linear foot of elevation	113-129(a)(3)(a)

Footnotes:

¹ Adjacent to Commercial or Industrial zoning districts.

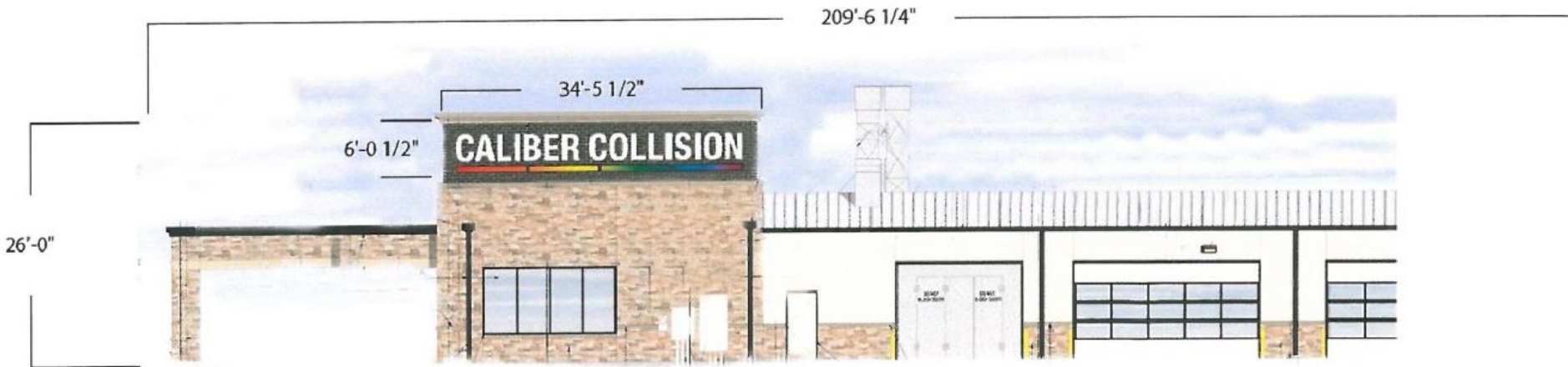
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³ Limited driveway encroachment from the west to accommodate shared access allowed per site plan.

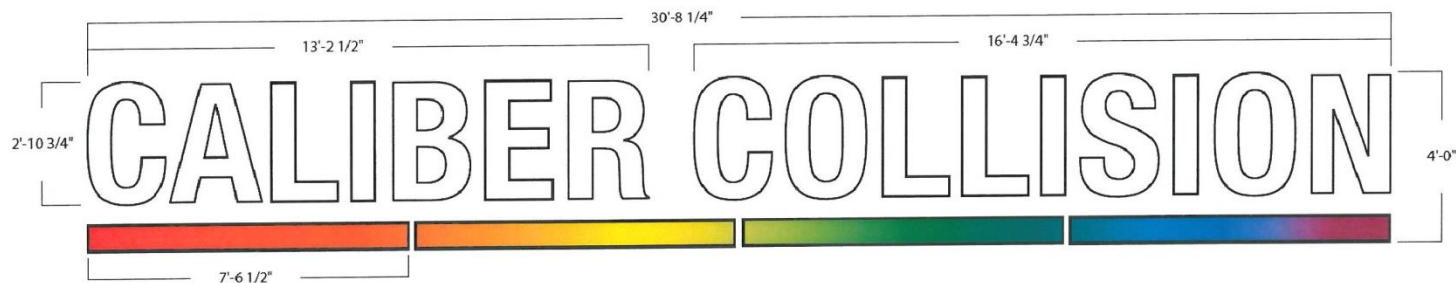
⁴ Based on Automotive Repair and Service use. If other than Automotive Repair and Service, Table 9-1 applies.

FS15-155 Dysart Subdivision

Proposed Signage (West)



B CHANNEL LETTERS
1 9/16" = 26'-0"



B CHANNEL LETTERS
3/8" = 1'-0"

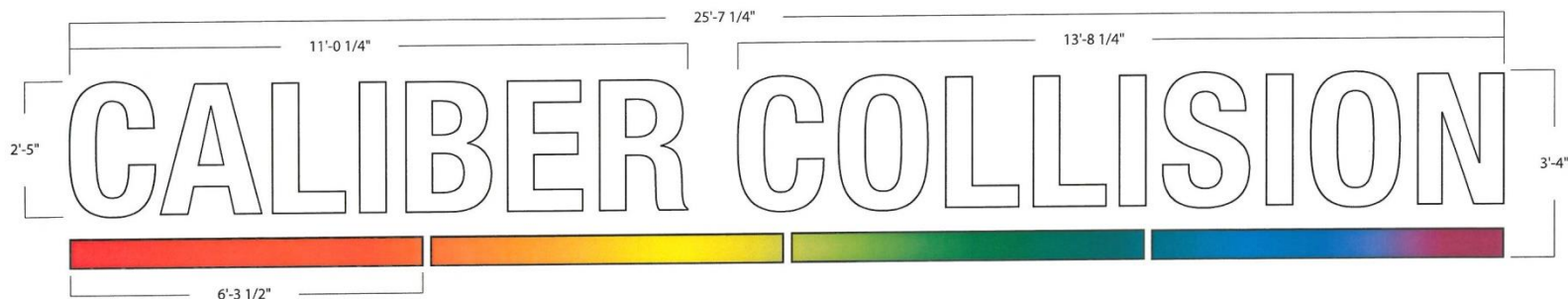
104.76 SF Allowed if at 0.5 SF / LF
125.71 SF allowed if at 0.6 SF/LF
122.45 SF Proposed

FS15-155 Dysart Subdivision

Proposed Signage (North)



A CHANNEL LETTERS
3/32" = 1'-0"

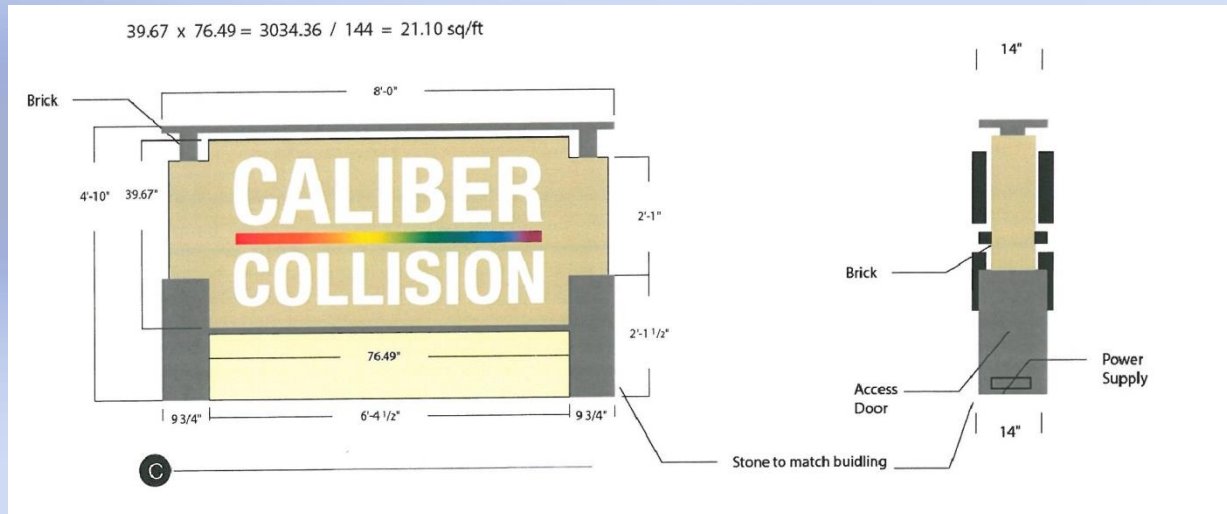


A CHANNEL LETTERS
1/2" = 1'-0"

86.75 SF Allowed
85.35 SF Proposed

FS15-155 Dysart Subdivision

Proposed Signage (Monument)



Proposed Development Standards

IP PUD/CR PUD DEVELOPMENT STANDARDS TABLE FOR DYSART SUBDIVISION (CASE FS15-155)
 Shaded cells indicate development standard that is less restrictive than the base zoning district.
 All other provisions of the IP and CR zoning districts apply.

Development Standard	IP – IP PUD			CR – CR PUD		
	Base Zoning	PUD Overlay	SUDC Reference	Base Zoning	PUD Overlay	SUDC Reference
Interior Side Setback	15'	15'	122-36(c)(2)b, Table 5-11	24'	15' ¹	122-36(c)(2)c, Table 5-12
Landscape Setback (Arterial)	45' ³	45' ^{2,3}	122- 136(b)(18)(h)	45' ³	45' ²	122- 136(b)(18)(h)
Maximum Parking Allowed	1:375 SF of GFA ⁵	1:180 SF of GFA ⁴	122-133(e)	As specified in Table 9-1	As specified in Table 9-1	122-133(e)
Secondary Wall Sign Area	0.5 SF per 1 linear foot of elevation	0.6 SF per 1 linear foot of elevation	113-129(a)(3)(a)	0.5 SF per 1 linear foot of elevation	0.5 SF per 1 linear foot of elevation	113-129(a)(3)(a)

Footnotes:

¹ Adjacent to Commercial or Industrial zoning districts.

² 10' limited driveway access encroachment from street and architectural encroachment allowed per 122-136(b)(18)(h), Table 10-4.

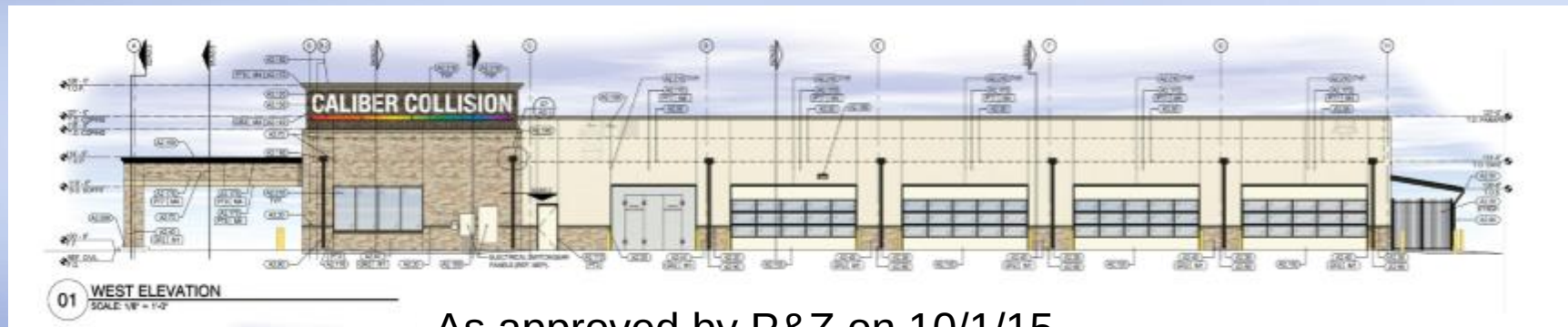
³ Limited driveway encroachment from the west to accommodate shared access allowed per site plan.

⁴ Based on Automotive Repair and Service use. If other than Automotive Repair and Service, Table 9-1 applies.

Elevations - West



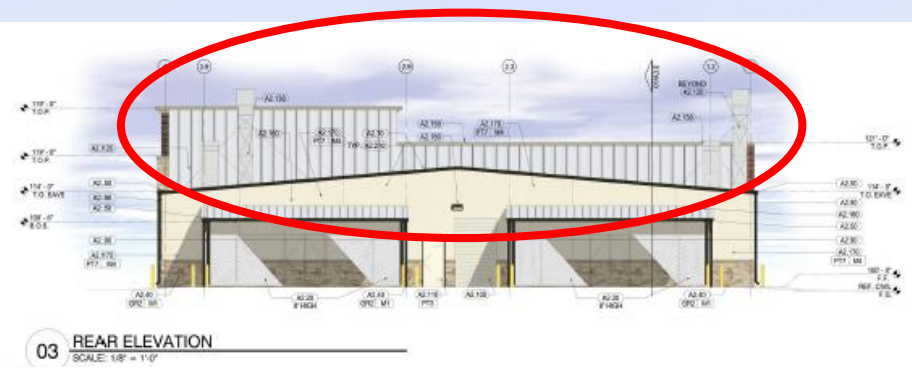
As Originally Proposed



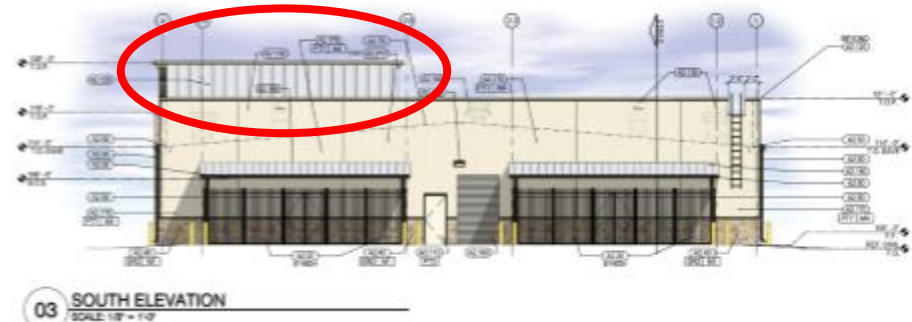
As approved by P&Z on 10/1/15

FS15-155 Dysart Subdivision

Elevations – North and South



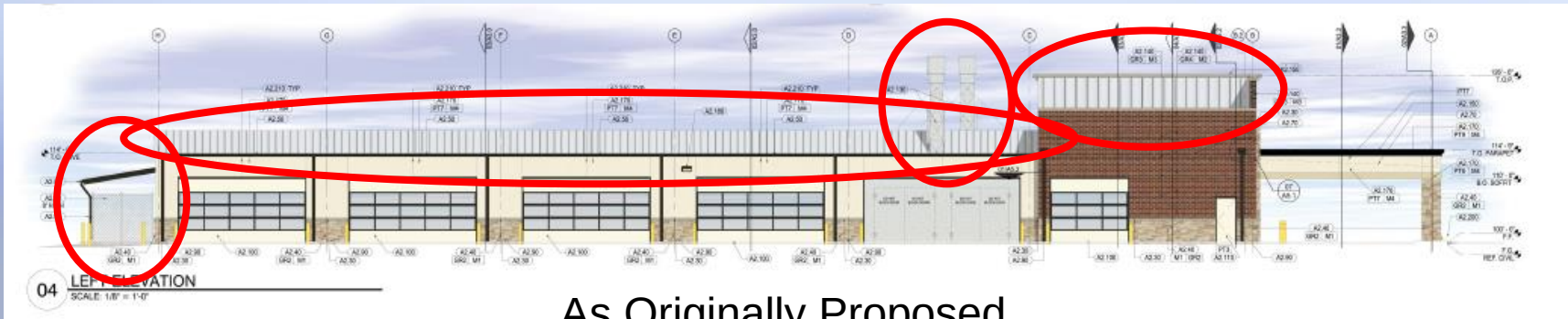
As Originally Proposed



As approved by P&Z on 10/1/15*

* Includes stipulation requiring the boxing in of the exposed parapet

Elevations - East



As Originally Proposed



As approved by P&Z on 10/1/15*

* Includes stipulation requiring the boxing in of the exposed parapet

FS15-155 Dysart Subdivision



FINAL PLAT FOR DYARSART SUBDIVISION

A PORTION OF THE NORTHEAST QUARTER OF SECTION 3, TOWNSHIP 3 NORTH, RANGE 1 WEST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA

DEDICATION

STATE OF ARIZONA }
COUNTY OF MARICOPA }

THAT FARHAD K. SHOKOHI AND KATHRYN A. SHOKOHI N.A.P., (TOWNERS), HAS SUBDIVIDED UNDER THE NAME "DYARSART SUBDIVISION", A SUBDIVISION LOCATED IN A PORTION OF THE NORTHEAST QUARTER OF SECTION 3, TOWNSHIP 3 NORTH AND RANGE 1 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 "DYARSART SUBDIVISION" 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 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 NON-EXCLUSIVE EASEMENT OVER, UPON 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 EPORC WATER ARIZONA INC. AND ITS SUCCESSORS AND ASSIGNS (COLLECTIVELY, "GRANTEE") A PERPETUAL WATERLINE EASEMENT AS DESCRIBED IN THE PLAT, TO CONSTRUCT, OPERATE, AND MAINTAIN WATER LINES AND APPURTENANT FACILITIES COLLECTIVELY, "FACILITIES" UPON, ACROSS, OVER AND UNDER THE SURFACE OF THE EASEMENT, TOGETHER WITH THE RIGHT TO OPERATE, REPAIR, REPLACE, MAINTAIN, AND REMOVE THE FACILITIES FROM THE PREMISES; TO ADD OR TO ALTER THE FACILITIES, AND TO PROVIDE GRANTEE WITH REASONABLE INGRESS AND EGRESS TO THE FACILITIES. GRANTEE WILL HAVE UNRESTRICTED ACCESS TO THE EASEMENT FOR THE ACTIVITIES DESCRIBED ABOVE AND FORMAL NOTIFICATION OR APPROVAL BY ANY ASSOCIATION PRIOR TO ACCESSING THE EASEMENT WILL NOT BE REQUIRED.

OWNER HEREBY GRANTS TO THE ULTIMATE OWNER OF LOT 1 CREATED BY THIS PLAT, A CROSS ACCESS EASEMENT OVER, UPON AND ACROSS THE ENTIRE PLAT FOR THE PURPOSE OF PROVIDING CONTINUOUS AND UNINTERRUPTED INGRESS AND EGRESS TO EACH PARCEL, CREATED BY THIS PLAT.

OWNER HEREBY GRANTS TO THE ULTIMATE OWNER OF EACH PARCEL, CREATED BY THIS PLAT, A CROSS ACCESS EASEMENT OVER, UPON AND ACROSS THE NORTH 85 FEET OF LOT 1 FOR THE PURPOSE OF PROVIDING CONTINUOUS AND UNINTERRUPTED INGRESS AND EGRESS TO EACH PARCEL, CREATED BY THIS PLAT.

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

OWNER DOES HEREBY (1) RELEASE AND DISCHARGE THE CITY OF SURPRISE, AND (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 FINAL 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 OWNERS OR SUBSEQUENT ADJACENT OWNERS WITH 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.

BY: FARHAD K. SHOKOHI AND KATHRYN A. SHOKOHI N.A.P.

STATE OF ARIZONA }
COUNTY OF MARICOPA }

ON THIS DAY OF 20, BEFORE ME, THE UNDERSIGNED, PERSONALLY APPEARED WHO ACKNOWLEDGED HIMSELF/HERSELF TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE INSTRUMENT WITHIN, AND WHO EXECUTED THE FOREGOING INSTRUMENT FOR THE PURPOSES THEREIN CONTAINED.

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

NOTARY PUBLIC DATE
MY COMMISSION EXPIRES: 20

APPROVALS

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

CITY ENGINEER

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

MAYOR

ATTEST:

CITY CLERK DATE

PUBLIC NOTICE

THE LOTS NOTICED 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

FARHAD K. SHOKOHI AND KATHRYN A. SHOKOHI ("OWNERS") DO HEREBY (1) RELEASE AND DISCHARGE THE USAF AND THE CITY OF SURPRISE, AND (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 AIRCRAFT OVERFLIGHTS OVER THE PLAT. THE OWNERS SHALL BE RESPONSIBLE FOR 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. 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.

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.

LEGAL DESCRIPTION

(PARTIAL PARCELS)
THAT PART OF THE NORTHEAST QUARTER OF SECTION 3, TOWNSHIP 3 NORTH, RANGE 1 WEST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

COMMENCING AT A MCDOT BRASS CAP IN HAND HOLE AT THE NORTHEAST CORNER OF SAID SECTION 3, FROM WHICH A MARICOPA COUNTY ALUMINUM CAP SET IN CONCRETE AT THE EAST QUARTER CORNER OF SAID SECTION 3, BEARS S89°28'50"W, A DISTANCE OF 2833.90 FEET;

THENCE S89°28'50"W, ALONG THE EAST LINE OF SECTION 3, A DISTANCE OF 499.0 FEET;

THENCE DEPARTING FROM SAID EAST LINE, N89°32'22"W, A DISTANCE OF 40.0 FEET TO THE WESTERLY RIGHT-OF-WAY OF DYARSART ROAD, AS SHOWN IN BOOK 474 OF MAPS, PAGE 14, MARICOPA COUNTY RECORDS, BEING THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PART;

THENCE N89°32'22"W, ALONG THE NORTHERLY LINE OF THE PROPERTY DESCRIBED IN DEED #78-0212360, MARICOPA COUNTY RECORDS, A DISTANCE OF 550.27 FEET TO THE NORTHWEST CORNER OF SAID PROPERTY DESCRIBED IN DEED #78-0212360;

THENCE N89°32'44"W, ALONG THE NORTHERLY LINE OF THE PROPERTY DESCRIBED IN DEED #01-0546960, MARICOPA COUNTY RECORDS, A DISTANCE OF 274.86 FEET TO THE NORTHWEST CORNER OF SAID PROPERTY DESCRIBED IN DEED #01-0546960;

THENCE S89°30'50"W, ALONG THE WEST LINE OF THE PROPERTY DESCRIBED IN DEED #98-0059073, MARICOPA COUNTY RECORDS, A DISTANCE OF 436.70 FEET TO THE SOUTHERLY RIGHT-OF-WAY OF BELL ROAD AS DESCRIBED IN DEED #14-0154555, MARICOPA COUNTY RECORDS;

THENCE S89°28'38"E, ALONG SAID SOUTHERLY RIGHT-OF-WAY, A DISTANCE OF 798.34 FEET;

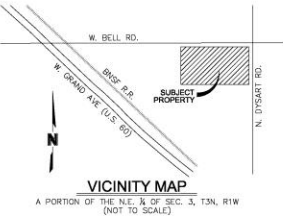
THENCE S44°28'31"E, A DISTANCE OF 49.53 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY OF SAID DYARSART ROAD;

THENCE S89°28'50"W, ALONG SAID WESTERLY RIGHT-OF-WAY OF DYARSART ROAD, A DISTANCE OF 400.05 FEET TO THE POINT OF BEGINNING.

CONTAINING 6.282 ACRES MORE OR LESS.

DEVELOPER

CROSS DEVELOPMENT, LLC
5317 INVERMAY DRIVE
PLANO, TEXAS
CONTACT: KEVIN MCKIBBEN (972) 398-6644



PLAT NOTES

- 1. 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 #47471 AND #1715, WHEN APPLICABLE.
- 2. IN ACCORDANCE WITH A.R.S. § 9-461.07, THE CITY OF SURPRISE HAS DETERMINED THAT ALL DEDICATIONS OCCURRING WITH THIS PLAT ARE IN CONFORMANCE WITH THE SURPRISE GENERAL PLAN.
- 3. MAINTENANCE OF DRAINAGE FACILITIES SHALL BE THE RESPONSIBILITY OF THE PRESENT OWNERS AND/OR OWNERS ASSOCIATION.
- 4. MAINTENANCE OF LANDSCAPING WITHIN THE ADJACENT PUBLIC RIGHT-OF-WAY, INCLUDING 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.
- 5. LANDSCAPE MAINTENANCE WITHIN THE MEDIANS WITHIN THE PUBLIC RIGHT-OF-WAY WITH ANY ARTERIAL OR PARKWAY STREET CLASSIFICATION SHALL BE RESPONSIBILITY OF THE CITY OF SURPRISE AFTER ACCEPTANCE.
- 6. THE PROPERTY OWNERS OR ANY SUBSEQUENT OWNERS SHALL NOT PROCEED WITH ANY ONSITE GRADING OR EXCAVATION WITHOUT FIRST OBTAINING A PERMIT FROM THE CITY OF SURPRISE.

FLOOD ZONE CLASSIFICATION

THIS PROPERTY IS LOCATED WITHIN AN AREA HAVING A FLOOD ZONE DESIGNATION "ZONE X", BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) ON FLOOD INSURANCE RATE MAP (FIRM) NO. 04013C1242L, WITH AN IDENTIFICATION DATE OF OCTOBER 16, 2013, FOR COMMUNITY NO. 040053, MARICOPA COUNTY, STATE OF ARIZONA, WHICH IS THE CURRENT FLOOD INSURANCE RATE MAP FOR THE COMMUNITY IN WHICH SAID PROPERTY IS SITUATED.

REFERENCE DOCUMENTS:

- 1. DOC#88-0209073, M.C.R.
- 2. DOC#14-0372800, M.C.R.
- 3. DOC#78-0212360, M.C.R.
- 4. DOC#01-0546960, M.C.R.
- 5. DOC#12-1030134, M.C.R.
- 6. DOC#10-0326417, M.C.R.
- 7. DEED #15-0007165, M.C.R.
- 8. DEED #15-0007165, M.C.R.
- 9. RECORD OF SURVEY, BOOK 474 OF MAPS, PAGE 14, RECORDS OF MARICOPA COUNTY, ARIZONA.
- 10. GDACS SECTION 3, T3N, R1W, BOOK 688, PAGE 41, RECORDS OF MARICOPA COUNTY, ARIZONA.
- 11. GDACS SECTION 34, T4N, R1W, BOOK 678, PAGE 15, RECORDS OF MARICOPA COUNTY, ARIZONA.
- 12. FINAL PLAT, BOOK 1038 OF MAPS, PAGE 42, RECORDS OF MARICOPA COUNTY, ARIZONA.

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 2015, THAT THE SURVEY IS TRUE AND COMPLETE AS SHOWN, THAT THE MONUMENTS SHOWN ACTUALLY EXIST OR WERE SET AS SHOWN, THAT THEIR POSITIONS ARE CORRECTLY SHOWN, AND THAT SAID MONUMENTS ARE SUFFICIENT TO ENABLE THIS SURVEY TO BE RETRACED. FOR AND ON BEHALF OF OLSSON ASSOCIATES, INC.

R. REECE HERNEY, RLS #49097

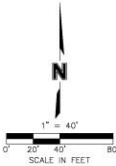
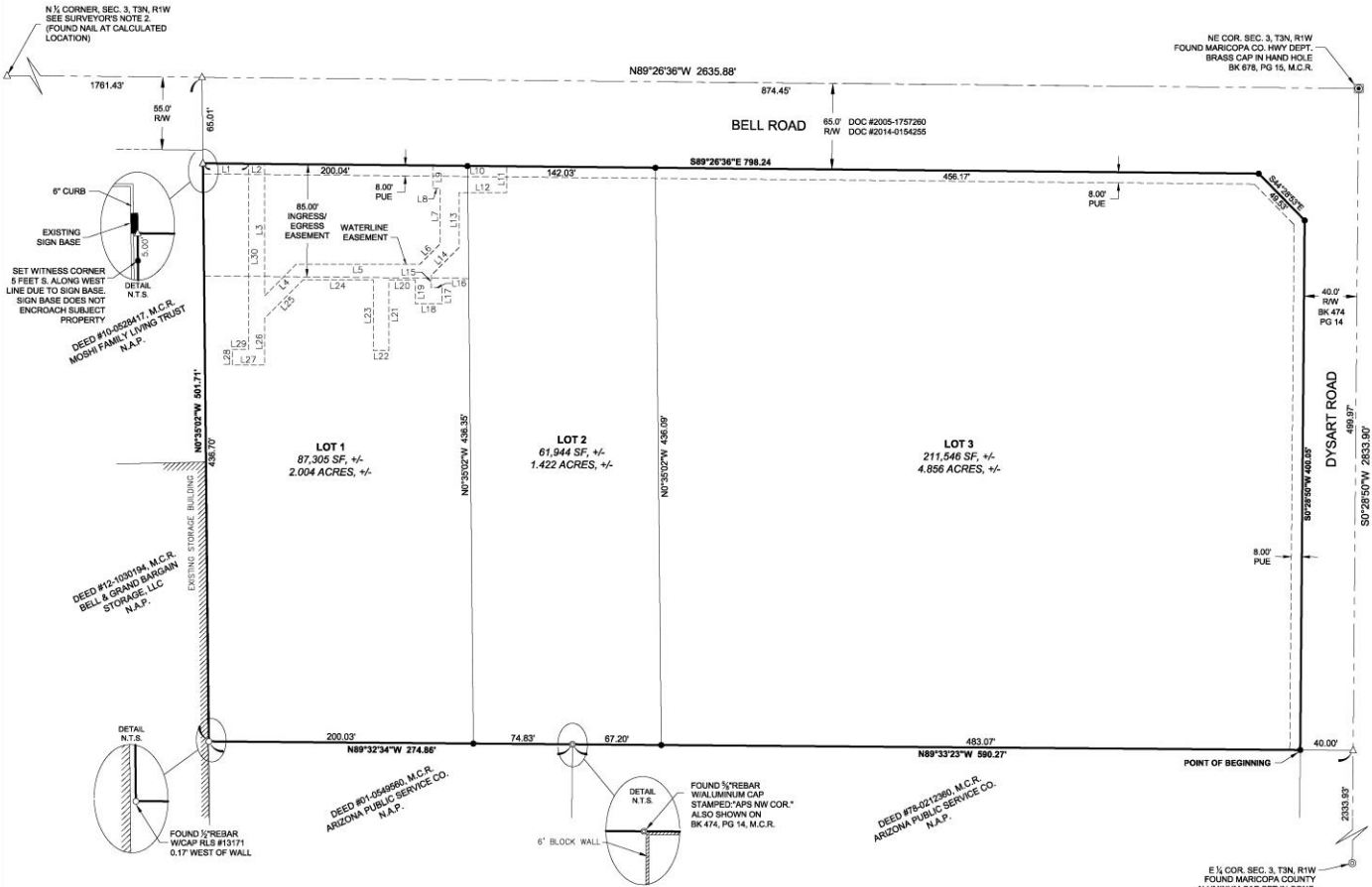


OLSSON ASSOCIATES logo and contact information. Includes address: 7200 N. WILLOW STREET SUITE 210, PHOENIX, ARIZONA 85042, TEL: 602.746.1000, WWW.OLSSONASSOCIATES.COM. Also includes a table for REVISIONS and a table for FINAL PLAT FOR DYARSART SUBDIVISION.

FS15-155 Dysart Subdivision



FINAL PLAT FOR DYSART SUBDIVISION A PORTION OF THE NORTHEAST QUARTER OF SECTION 3, TOWNSHIP 3 NORTH, RANGE 1 WEST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA



- LEGEND**
- = SET REBAR W/ CAP 49097
 - = FOUND CORNER AS NOTED
 - △ = CALCULATED CORNER, NOTHING SET
 - ⊙ = REBAR W/ ALUMINUM CAP
 - ⊕ = ALUMINUM CAP FLUSH
 - ⊗ = BRASS CAP FLUSH
 - ⊠ = BRASS CAP IN HAND HOLE
 - ⊡ = SUBJECT PROPERTY BOUNDARY
 - = CALCULATED LINES OR TIES
 - - - = SECTION LINE
 - · - · - = RIGHT-OF-WAY (RW)
 - · - · - = EASEMENT LINE
- MCR = MARICOPA COUNTY RECORDS
RW = PUBLIC RIGHT-OF-WAY
PUE = PUBLIC UTILITIES EASEMENT
NAP = NOT A PART OF THIS SURVEY

WATERLINE EASEMENT
LINE TABLE

LINE #	DIRECTION	LENGTH
L1	S89°28'36"E	34.62'
L2	S89°28'36"E	12.00'
L3	S0°00'04"W	99.68'
L4	N45°00'04"E	33.81'
L5	S89°59'56"E	93.46'
L6	N45°00'04"E	21.93'
L7	N0°00'04"E	41.63'
L8	N89°59'56"W	5.54'
L9	N0°00'04"E	12.40'
L10	S89°28'36"E	55.60'
L11	S0°00'13"W	20.00'
L12	N89°59'47"W	35.96'
L13	S0°02'57"W	41.40'
L14	S45°00'04"W	29.82'
L15	S0°00'04"W	9.29'
L16	S89°59'56"E	8.49'
L17	S0°00'04"W	12.00'
L18	N89°59'56"W	20.49'
L19	N0°00'04"E	17.77'
L20	N89°59'56"W	19.66'
L21	S0°00'04"W	53.22'
L22	N89°59'57"W	12.00'
L23	N0°00'01"E	53.22'
L24	N89°59'56"W	53.32'
L25	S45°00'04"W	40.84'
L26	S0°00'04"W	35.27'
L27	N89°59'56"W	24.39'
L28	N0°00'04"E	12.00'
L29	S89°59'56"E	12.39'
L30	N0°00'04"E	140.04'

BASIS OF BEARING
N89°28'36"W ALONG THE NORTH LINE OF THE NORTHEAST QUARTER OF SECTION 3, TOWNSHIP 3 NORTH, RANGE 1 WEST OF THE GILA AND SALT RIVER MERIDIAN, ORIGINALLY MEASURED AS S89°54'55"W USING GLOBAL NAVIGATION SATELLITE SYSTEMS AND ROTATED 0°38'29".

- SURVEYOR'S NOTES:**
- ALL DISTANCES REPORTED ON THIS SURVEY ARE TO THE MONUMENTS FOUND OR SET UNLESS OTHERWISE NOTED.
 - A SEARCH FOR THE NORTH 1/4 CORNER OF SECTION 3, T3N, R1W, RESULTED IN FINDING THE LOCATION (CALCULATED USING GDACS BK 678, PG 15, M.C.R.) PAVED OVER WITH ASPHALT. A NAIL WAS FOUND DRIVEN INTO THE ASPHALT PAVEMENT AT THE CALCULATED POSITION. THE NORTHEAST CORNER OF SAID SECTION 3 WAS FOUND CONSISTENT WITH SAID GDACS PLAT. THE EAST QUARTER CORNER OF SAID SECTION 3 WAS FOUND CONSISTENT WITH GDACS PLAT BK 688, PG 41, M.C.R. BASED ON THE CONSISTENT FINDINGS OF THE NORTHEAST CORNER & EAST 1/4 CORNER, THE NORTH 1/4 CORNER IS HELD AT THE CALCULATED LOCATION PER GDACS PLAT BK 678, PG 15, M.C.R.

PARENT PARCEL & LOTS
PARENT PARCEL = 360,795 SQ. FT. +/-, OR 8.282 ACRES +/-
LOT 1 = 87,305 SQ. FT. +/-, OR 2.004 ACRES +/-
LOT 2 = 61,944 SQ. FT. +/-, OR 1.422 ACRES +/-
LOT 3 = 211,546 SQ. FT. +/-, OR 4.856 ACRES +/-

MOLSSON ASSOCIATES
TOL 402 246 1000
WWW.MOLSSONASSOCIATES.COM



REVISIONS	
REV#	DESCRIPTION
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2	DATE
3	DATE
4	DATE
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FINAL PLAT FOR DYSART SUBDIVISION
A PORTION OF THE NORTHEAST QUARTER OF SECTION 3, TOWNSHIP 3 NORTH, RANGE 1 WEST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA
DRAWN BY: [Name]
CHECKED BY: [Name]
PROJECT NO.: 214-2198
DATE: 08-13-2015

Citizen Outreach

- Outreach meeting on July 21, 2015
- One phone inquiry
- One item of opposition

Commission Recommendation:

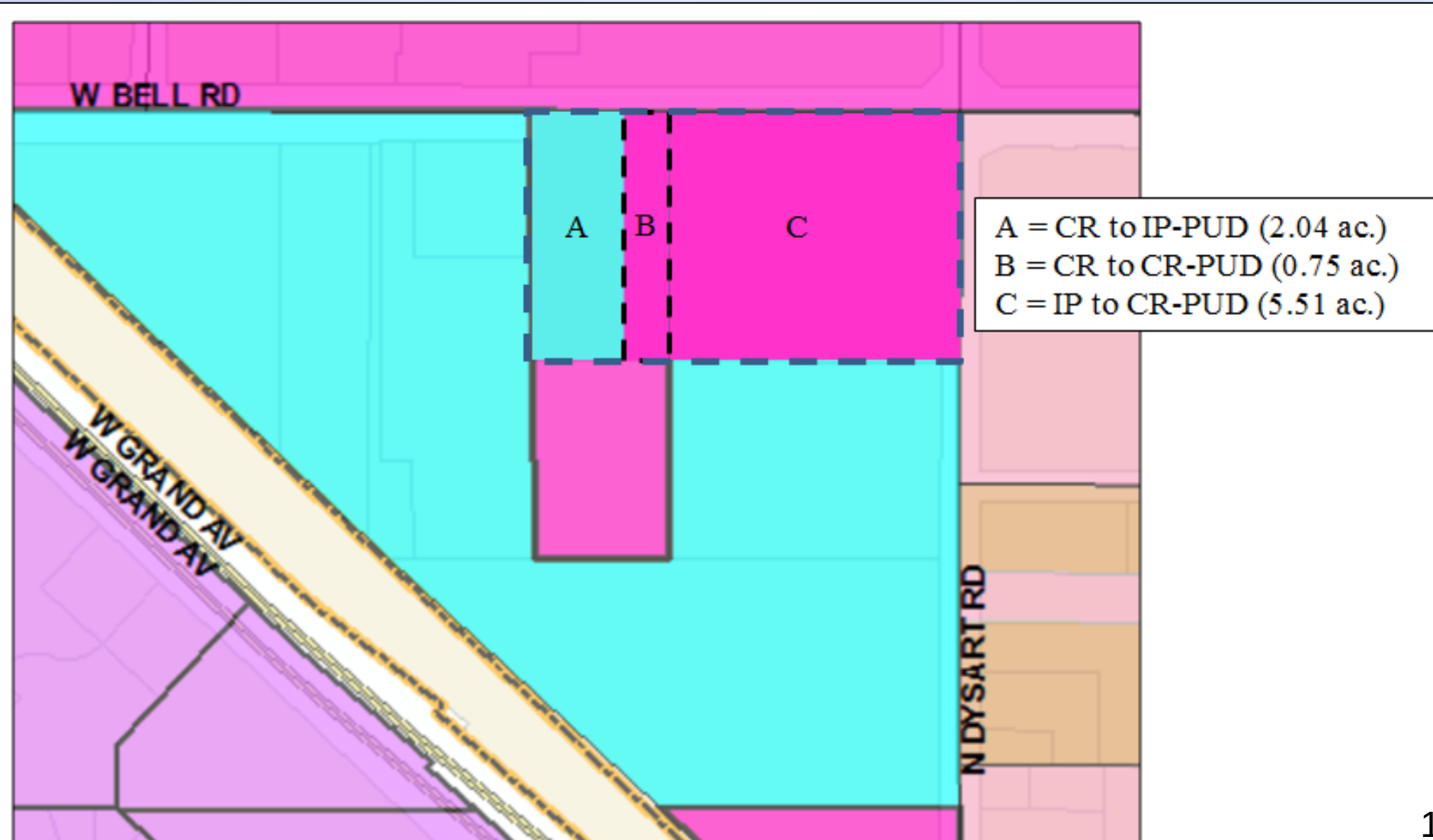
- Zone Change:
 - ✓ **Approve** subject to stipulations “a” through “d”

Questions or Comments?



An aerial photograph of a residential neighborhood with numerous streets. A red hatched rectangle marks the 'SUBJECT SITE' at the intersection of West Grand Avenue and North Dysart Road. An arrow points from the label to this site. Other visible streets include West Bell Road, Elm Street, Williams Drive, Kings Drive, Queen Drive, Esther Drive, Cumby Lane, Nash Street, Statler Drive, Paradise Lane, Rimrock Street, Central Street, Tara Lane, Saguaro Lane, Desert Lane, Acapulco Lane, Caribbean Lane, Wylong Street, Post Drive, Z Post Drive, Wagon Wheel Drive, Ironwood Street, and Market Street. A yellow dashed line runs diagonally across the map, possibly indicating a boundary or utility line.

Zoning Case Map





**Dysart Subdivision
Rezone Document
PUD Overlay**

**Southwest Corner of Bell and Dysart
501-16-011V and 501-16-011K**

**1st Submittal
April 10, 2015
Revision
June 26, 2015
Revision
July 24, 2015
Revision
August 17, 2015**

**Prepared by Olsson Associates
OA# 014-3199
Surprise Case # FS15-155**



Project Team

Developer
Cross Development
17430 Campbell Road, Suite 225
Dallas, TX 75252
214-422-3031
Kevin McKibben

Applicant and Engineer
Olsson Associates
7250 N 16th Street, Suite 210
Phoenix, AZ 85020
480-333-4319
Len Swartz, PE

Request:	Rezone of vacant land. From CR to IP-PUD and from IP to CR-PUD
Applicant:	Olsson Associates on behalf of Cross Development
Site Location:	Southwest corner of Bell and Dysart 501-16-011V and 501-16-011K
Existing Zoning:	CR and IP
Proposed Zoning:	IP-PUD and CR-PUD
Existing Land Use:	Vacant

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FIGURE 1 – AERIAL VIEW OF SITE

TABLE 1 – REZONING REQUEST TABLE

APPENDIX 1 – SITE PLAN

APPENDIX 2 – EXISTING ZONING MAP

APPENDIX 3 – PROPOSED ZONING MAP

APPENDIX 4 – PROPOSED LAND USE MAP

APPENDIX 5 – LOT 1, CALIBER COLLISION SITE PLAN

APPENDIX 6 – LOT 1, CALIBER COLLISION LANDSCAPE PLAN

1.0 INTRODUCTION

The proposed Dysart Subdivision (the “Site”) consists of 3 lots located along the south side of Bell Road beginning at the south-west corner of Bell Road and Dysart Road. The total gross area is 10.00 acres. A total Right-of Way dedication of 1.703 acres is proposed with the development of all 3 lots, resulting in a net area of 8.297 acres for the Site.

Lot 3 is located directly on the south-west corner of Bell & Dysart Roads, with approx. 456 feet of frontage on Bell Road and approx. 400 feet of frontage on Dysart Road. Lot 3 has a net area of 4.856 acres. Lot 3 is currently vacant land, with no plans at this time for development.

Lot 2 is located to the west of Lot 3, and has approx. 142 feet of frontage along Bell Road. Lot 2 has a net area of 1.422 acres. Lot 2 is currently vacant land, and is under design by another team for an anticipated commercial use.

Lot 1 is located to the west of Lot 2, and has approx. 200 feet of frontage along Bell Road. Lot 1 has a net area of 2.004 acres. Lot 1 is currently vacant land, and is under design for a Caliber Collision Repair Shop.

Figure 1 below shows an aerial view of the property, and a copy of the Site Plan can be found in Appendix 1.



FIGURE 2 – AERIAL VIEW OF SITE

2.0 SURROUNDING AREA AND EXISTING ZONING

As previously mentioned, all 3 lots are currently vacant and undeveloped. The Site is bounded on the north by Bell Road, and on the east by Dysart Road. South of the Site is a vacant, undeveloped property toward the west, and APS's office and facility toward the east. Neighboring to the west of the Site is a shops building and storage facility.

Currently the existing western parcel, (Lot 1, and approx. ½ of Lot 2) is zoned CR and the eastern parcels, (approx. ½ of Lot 2 & Lot 3) are zoned IP.

The Existing Zoning Map can be found in Appendix 2.

3.0 PROPOSED ZONING AND PUD OVERLAY

The purpose of the PUD Overlay on the IP Portion is to address landscape setbacks, parking and signage issues. The purpose of the PUD Overlay on the CR portion is to address the side yard setback.

The proposed condition will reflect rezoning the vacant land of the western parcel, (Lot 1) from CR to IP-PUD, and the remaining vacant property, (Lots 2 & 3) will be rezoned from CR & IP to CR-PUD through this request.

See Rezoning Request Table below for the full rezoning request:

IP-PUD/CR-PUD DEVELOPMENT STANDARDS TABLE FOR DYSART SUBDIVISION (CASE FS15-155) Shaded cells indicate development standard that is less restrictive than the base zoning district. All other provisions of the IP and CR zoning districts apply.						
Development Standard	IP to IP-PUD			CR to CR-PUD		
	Base Zoning	PUD Overlay	SUDC Reference	Base Zoning	PUD Overlay	SUDC Reference
Interior Side Setback	15'	15'	122-36(c)(2)b, Table 5-11	24'	15' ¹	122-36(c)(2)c, Table 5-12
Landscape Setback (Arterial)	45' ³	45' ^{2,3}	122-136(b)(18)(h)	45' ³	45' ²	122-136(b)(18)(h)
Maximum Parking Allowed	1:375 SF of GFA ⁴	1:180 SF of GFA ⁴	122-133(e)	As specified in Table 9-1	As specified in Table 9-1	122-133(e)
Secondary Wall Sign Area	0.5 SF per 1 linear foot of elevation	0.6 SF per 1 linear foot of elevation	113-129(a)(3)(a)	0.5 SF per 1 linear foot of elevation	0.5 SF per 1 linear foot of elevation	113-129(a)(3)(a)
Footnotes:						
¹ Adjacent to Commercial or Industrial zoning districts.						
² 10' limited driveway access encroachment from street and architectural encroachment allowed.						
³ Limited driveway encroachment from the west to accommodate shared access allowed peer site plan.						
⁴ Based on Automotive Repair and Service use. If other than automotive Repair and Service, City of Surprise, Municipal Code Section 122-133 Table 9-1 applies.						

TABLE 1 – REZONING REQUEST TABLE

The proposed uses fit well with the existing land uses and surrounding neighbors. The Proposed Zoning Map can be found in Appendix 3, and the Proposed Land Use Map can be found in Appendix 4.

The proposed uses include Caliber Collision on the IP-PUD property, (Lot 1), and the remainder of the site zoned CR-PUD with anticipated commercial uses that are compatible with neighboring properties.

3.1 SITE LAYOUT

As the properties to the east develop, detailed site/construction plans for those lots will be required. Only the Caliber Collision, (Lot 1) details are included with this submittal.

Caliber Collision is the nation's largest collision repair company. They were founded in 1997 and is headquartered in Texas. Caliber participates in a number of community involvement projects including food drives, recycled rides, and veteran organizations.

Caliber is committed to health, safety and environmental protection. They use the repair processes with the highest standards and have pioneered the use of water-based versus solvent based paint to reduce VOCs. More can be found about Caliber on their web site at <http://calibercollision.com/>

The proposed Caliber Collision site, (Lot 1), is located approximately 500 feet west of Dysart Road on the south side of Bell Road. The project is comprised of a 14,770 SF building. Within the building there will be an office, mechanic shop, parts sales, detailing, and painting booth. Customers can also rent a vehicle on location when they drop off their vehicle for repairs.

The site is proposing a new right in/right out/left in drive connection to Bell Road on the eastern boundary of the site. The existing left in median cut at the western side of the Caliber project will be closed off.

The intention is for the future development to the east to tie into the newly proposed drive as well. Cross access easements will be proposed on the plat allowing for cross access and a shared drive.

Neighboring to the west is a shops building and storage facility. Caliber will extend the front drive to align with their parking lot and allow for cross access. Caliber will work with the City on obtaining cross access easements with these owners to improve fire and emergency access.

Lot 1, Caliber Collision Site Plan can be found in Appendix 5.

3.2 LANDSCAPING

A Conceptual Landscape Plan for Lot 1, Caliber Collision, can be found in Appendix 6. The street frontage will be planted with Hybrid Mesquite, Desert Museum Palo Verde and Desert Willow, interspersed with Spotted Emu Bush, Gopher Plant, Rio Bravo Sage, Firecracker Plant, Grey Desert Spoon, Red Yucca, Trailing Lantana and New Gold Lantana. Each side, north of the gates will be planted with Orange Jubilee, and south of the gates will be Purple Leafed Hopseed Bush. The rear of the property, around the retention pond will be planted primarily with Hybrid Mesquite and Desert Museum Palo Verde, interspersed with Spotted Emu Bush, Gopher Plant, Rio Bravo Sage, Firecracker Plant, Grey Desert Spoon, Red Yucca, Trailing Lantana and New Gold Lantana.

As Lots 2 & 3 develop, detailed landscaping plans for those lots will be required.

3.3 ARCHITECTURE

The proposed building for Lot 1, Caliber Collision is a 14,770 SF mixed use structure with a 'B' and a 'S1' occupancy. Within the building there will be an office, mechanic shop, parts sales, detailing, and painting booth. The exterior is stone, brick, and EIFS veneer with a max parapet height of 26'-0". The roofing material is galvalume which also includes all RTU, (Roof Top Unit), screening and backsides of the parapet.

As Lots 2 & 3 develop, detailed architectural plans for those lots will be required.

3.4 MONUMENT SIGNAGE AND WALLS

Signage

Current Surprise Municipal Code Section 113-129(a)(3) restricts the maximum aggregate sign area for any business to 0.5 square feet for each linear foot of the business wall elevation along the street frontage on which the sign is displayed.

REQUESTED DEVIATION

1. That the allowable signage be increase to 0.6 square feet of signage for each linear foot of the business wall elevation along the street frontage on which the sign is displayed.

Walls

Current Surprise Municipal Code Section 122-136(b)(2)c requires that parking areas be screened from the street by a solid wall, earthen berms or opaque hedging. A solid 3' wall has been installed approx. 4' to the north of the parking lot to provide the required screening.

3.5 DEVELOPMENT STANDARDS

Current Surprise Municipal Code 122-36(c)(2)c requires the side landscape setback to be twenty-four feet, (24ft.).

REQUESTED DEVIATION

1. That the allowable side landscape setback be reduced to fifteen feet, (15ft.) from twenty-four feet, (24ft.)

3.6 PARKING STANDARDS

Current Surprise Municipal Code Section 122-133(e), Table 9-1, requires a maximum parking ratio of one to three-hundred-seventy-five, (1:375) for "Automobile Repair and Service Structures".

REQUESTED DEVIATION

1. That the maximum parking ratio be reduced from one to three-hundred-seventy-five, (1:375) to one to one-hundred-eighty, (1:180).

4.0 MISCELLANEOUS

4.1 UTILITIES

Water and sewer will be provided by EPCOR Utilities, a private company. Electrical service is provided by APS, and Southwest Gas will provide the natural gas service. Century Link and Cox are both available for telephone/internet services.

4.2 GRADING AND DRAINAGE

Grading, drainage and retention will be designed in accordance with the Maricopa County Drainage Design Manual and City of Surprise 2012 Engineering Development Manual.

4.3 SAFETY FACILITIES

Fire and police protection for the Site will be provided by the City of Surprise.

5.0 CONCLUSION

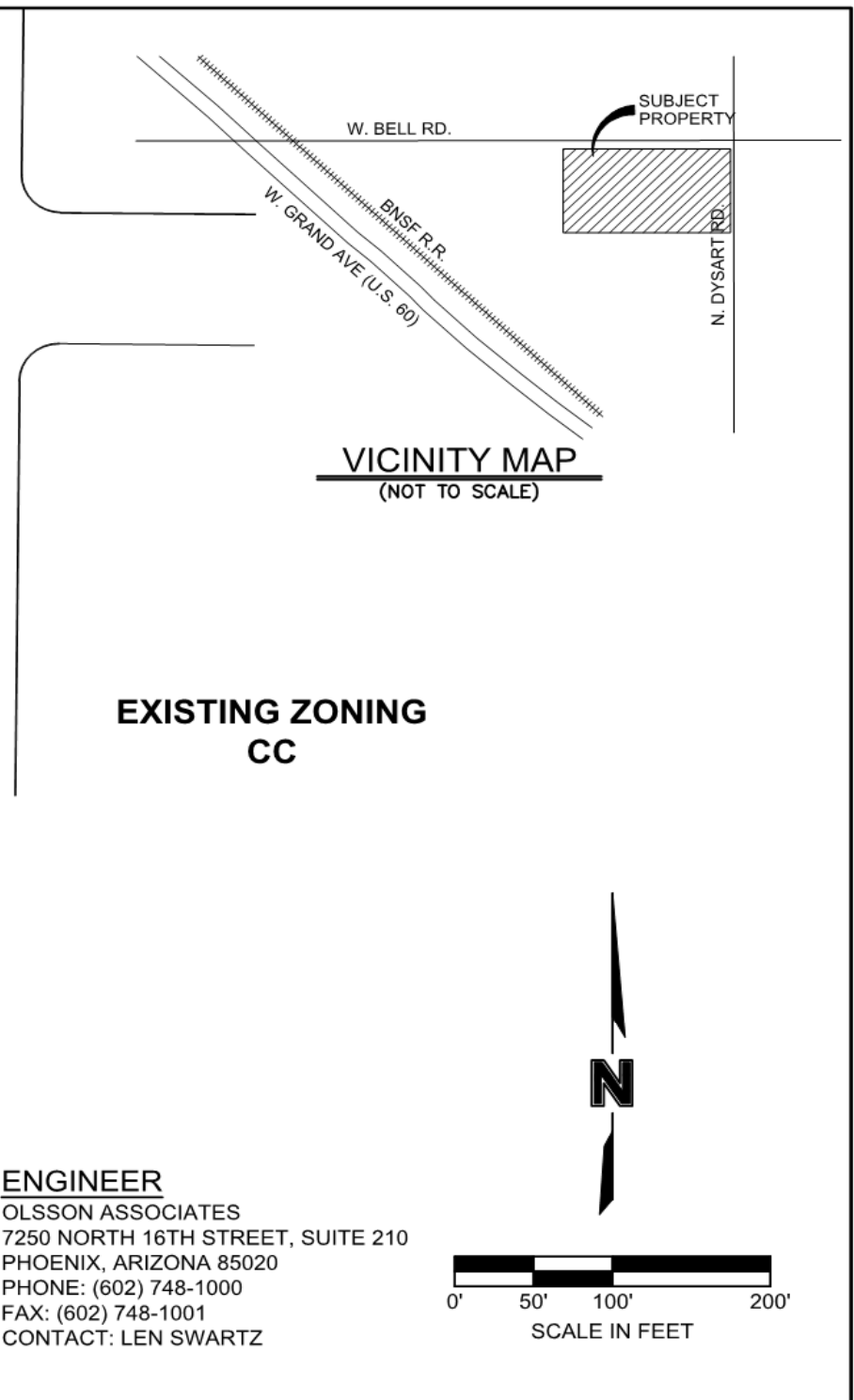
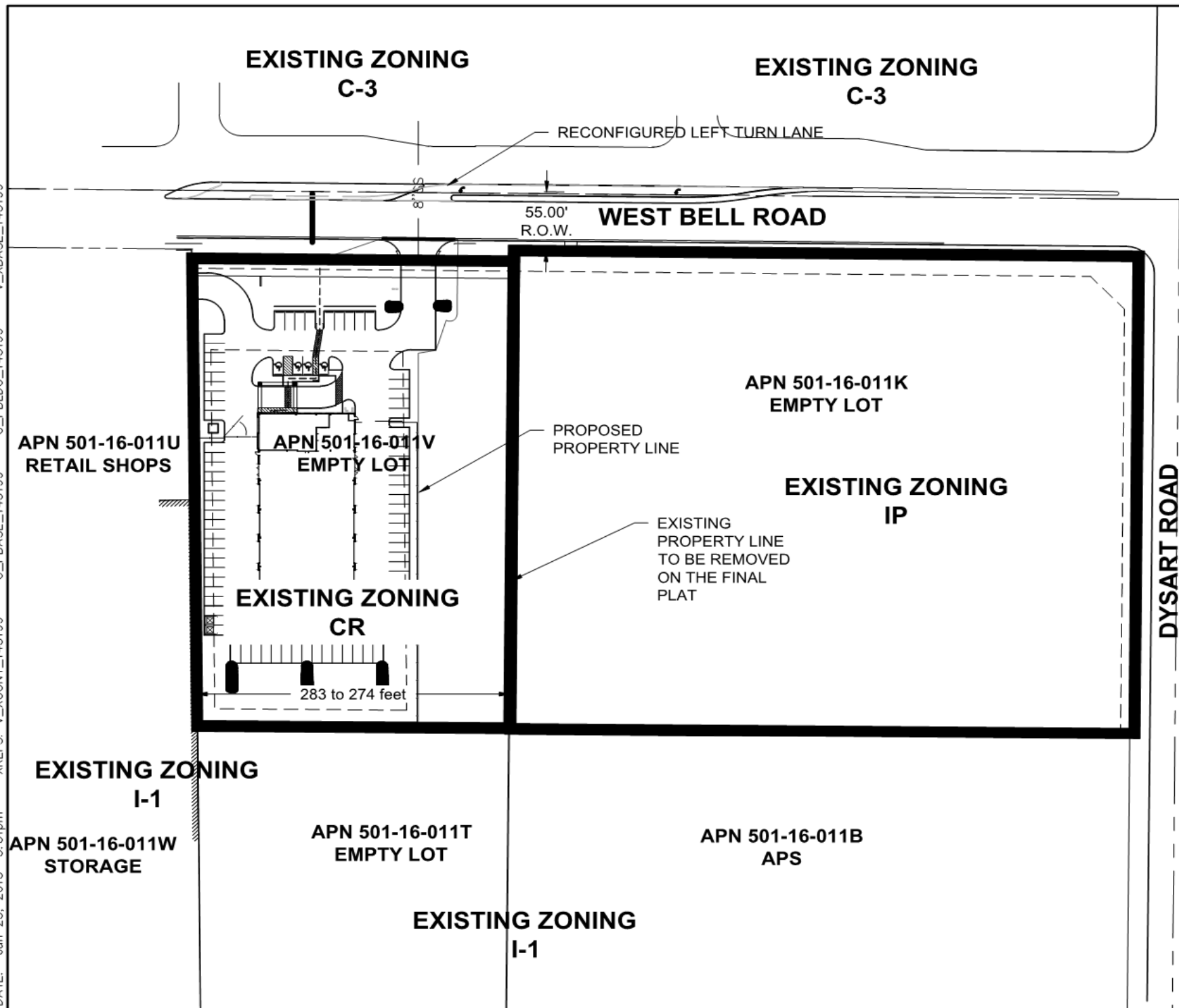
Caliber Collision, (Lot 1) is consistent with the General Plan and compatible with the surrounding area. The proposed uses for Lots 2 & 3 will be commercial, and thus will also be compatible with the surrounding area.

APPENDIX 1

SITE PLAN

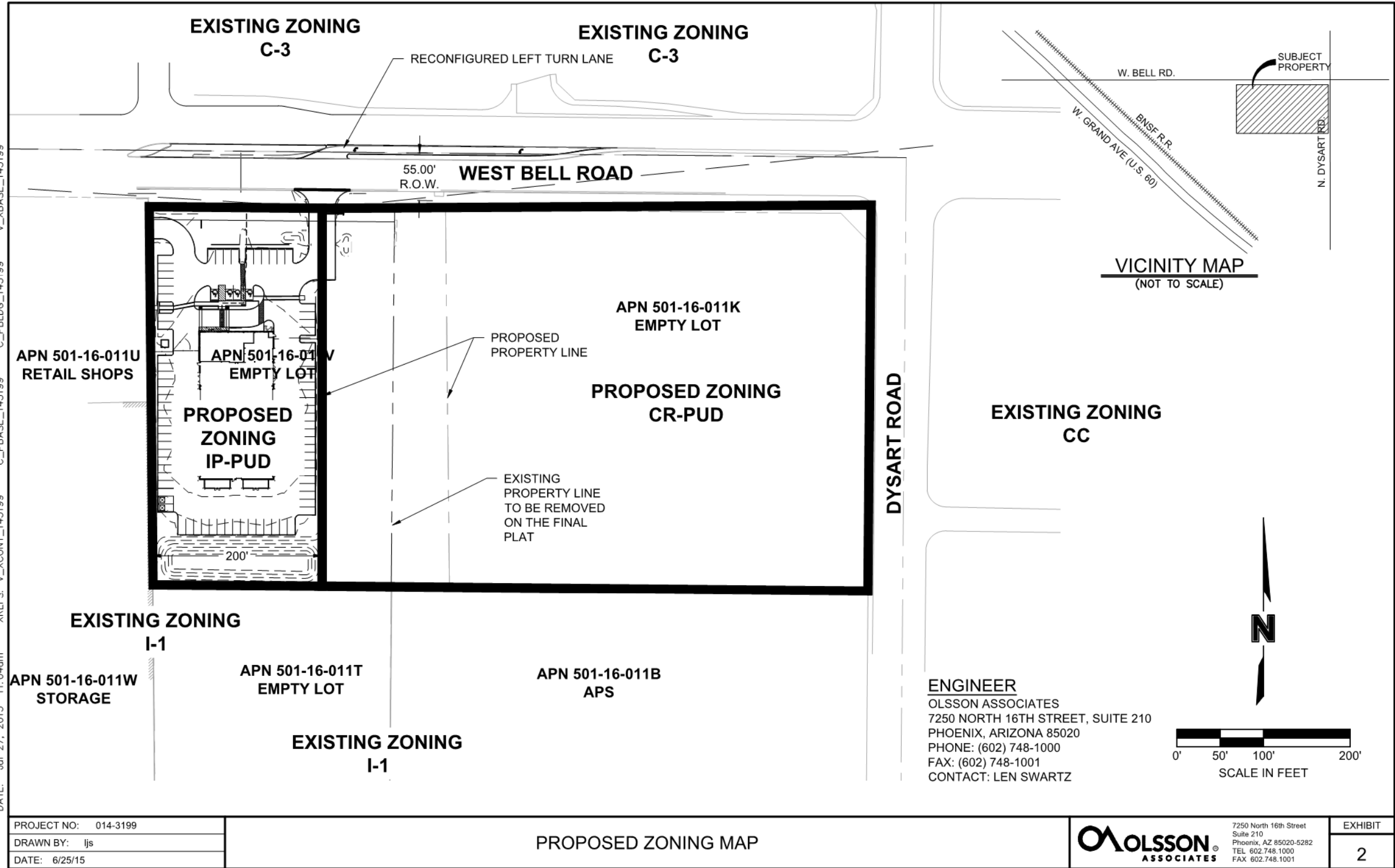
APPENDIX 2
EXISTING ZONING MAP

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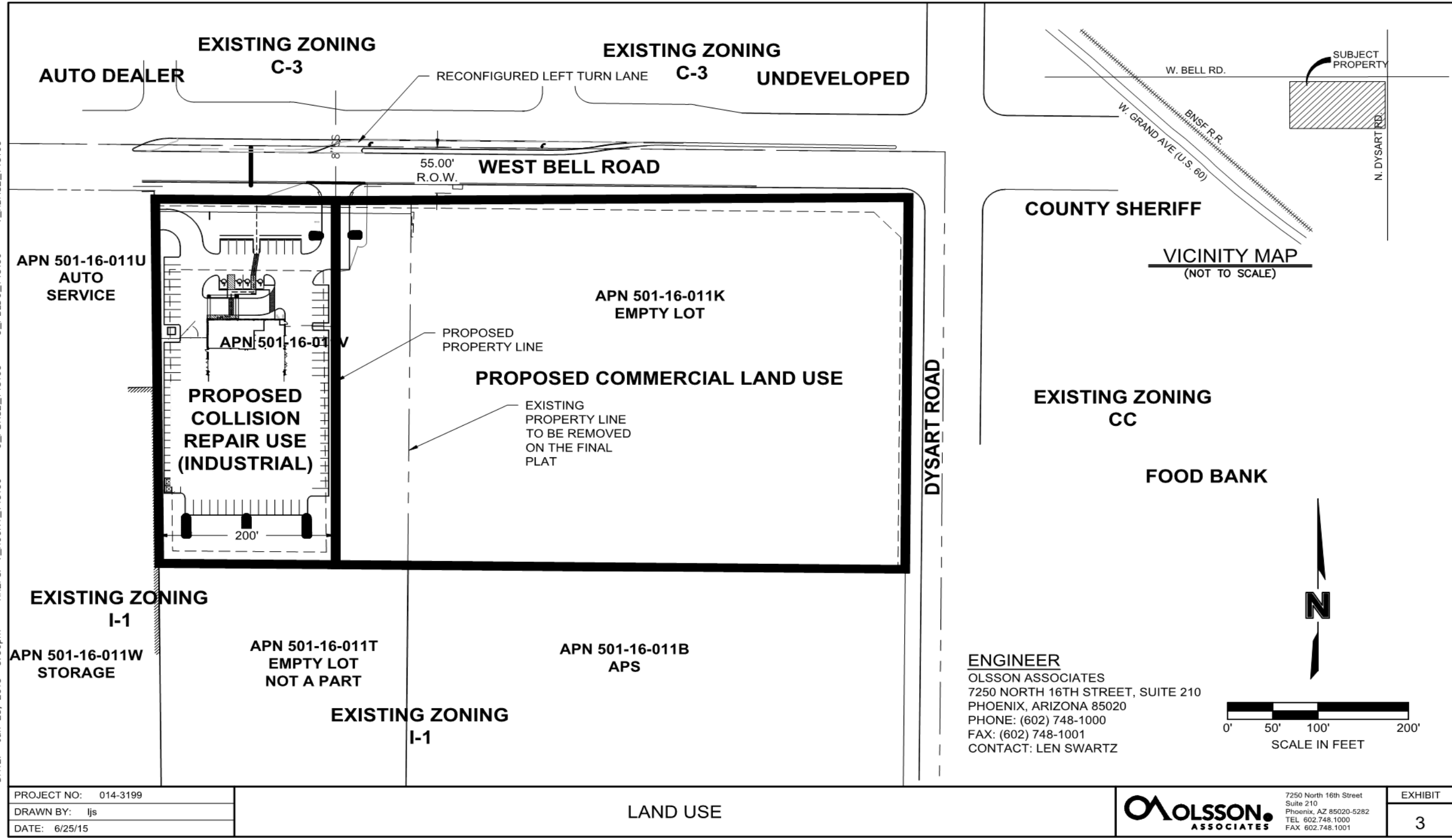
APPENDIX 3
PROPOSED ZONING MAP

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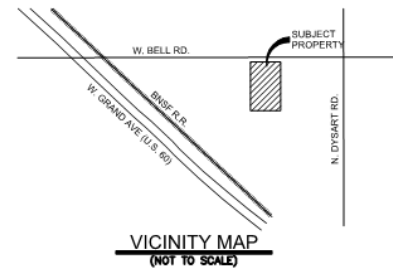
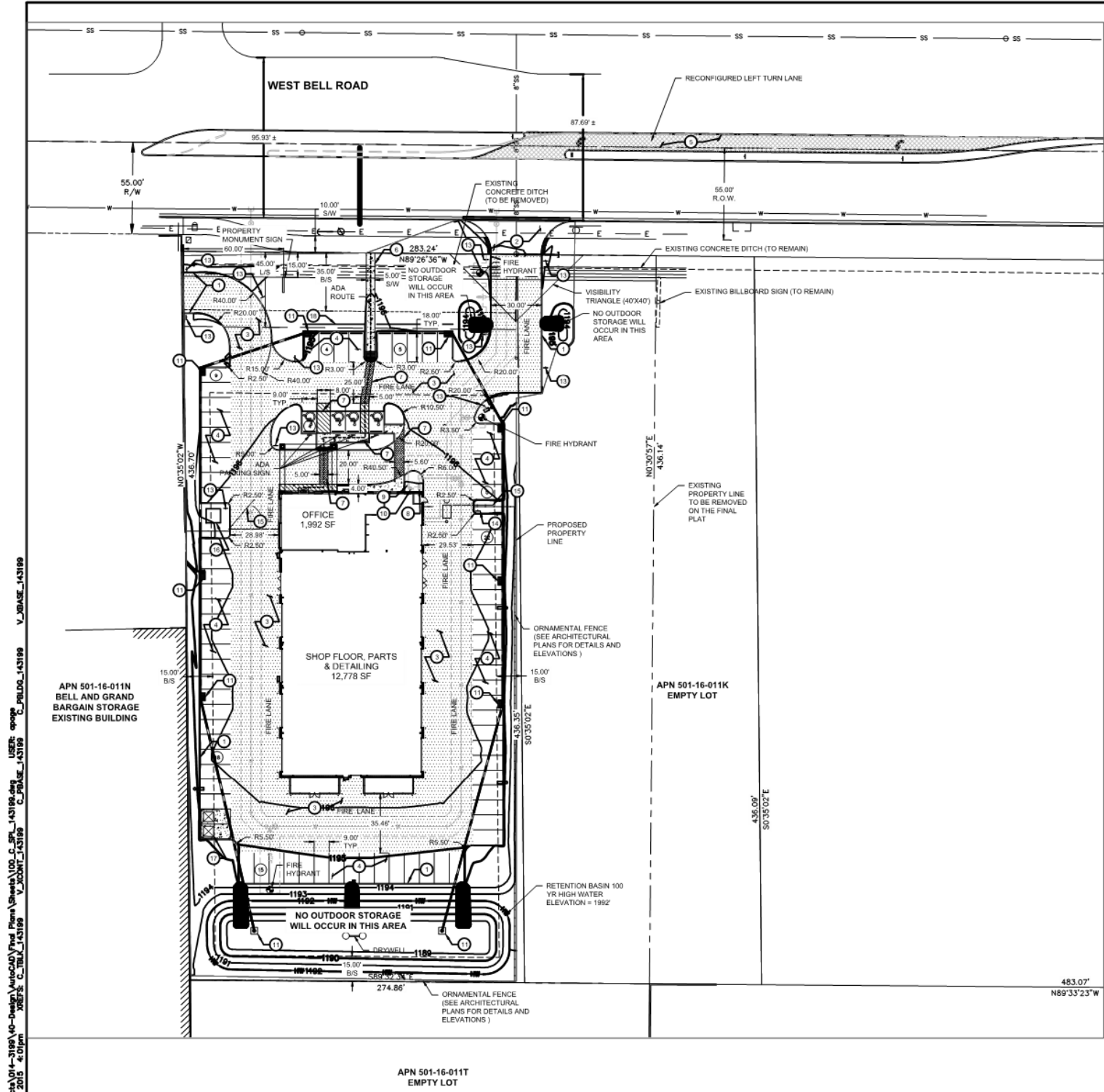


APPENDIX 4
PROPOSED LAND USE MAP

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USER: opage



APPENDIX 5
LOT 1, CALIBER COLLISION SITE PLAN



DESIGN TEAM CONTACTS
OWNER/DEVELOPER
CROSS DEVELOPMENT, LLC
5317 INVERRARY DRIVE
PLANO, TEXAS
PHONE: (902) 748-1000
CONTACT: KEVIN MCKIBBEN

ENGINEER
OLSSON ASSOCIATES
7250 NORTH 16TH STREET, SUITE 210
PHOENIX, ARIZONA 85020
PHONE: (602) 748-1000
FAX: (602) 748-1001
CONTACT: LEN SWARTZ

ARCHITECT
CROSS ARCHITECTS
1255 W. 15TH STREET
SUITE #125
PLANO, TEXAS 75075
PHONE: (972) 398-6644
CONTACT: SHAWN OFFUTT

- SITE CONSTRUCTION KEYNOTES**
- 1 6" SINGLE CURB PER MAG DETAIL 222, TYPE A
 - 2 DRIVEWAY PER CITY OF SURPRISE DETAIL 3-10
 - 3 HEAVY DUTY ASPHALT PAVEMENT PER GEOTECHNICAL ENGINEERS RECOMMENDATION, 4" AC ON 12" ABC
 - 4 LIGHT DUTY ASPHALT PAVEMENT PER GEOTECHNICAL ENGINEERS RECOMMENDATION, 3" AC ON 7.5" ABC
 - 5 HEAVY DUTY ASPHALT PAVEMENT ON BELL ROAD, 5" AC ON 8" ABC, OR REPLACE IN KIND, WHICH EVER IS GREATER
 - 6 SIDEWALK PER MAG DETAIL 230
 - 7 INTEGRALLY COLORED CONCRETE, COLOR TO MATCH ARCHITECTURE
 - 8 6" DOUBLE CHECK BACKFLOW PREVENTOR PER AWC DETAIL 320-1
 - 9 1 1/2" METER BOX PER EPDOR STD DTL 342-2
 - 10 1 1/2" REDUCED PRESSURE PRINCIPLE ASSEMBLY PER EPDOR STD DTL 310-1
 - 11 CATCH BASIN PER MAG STD DTL S34-1 TYPE E
 - 12 BUBBLER PER DETAIL SHEET C501
 - 13 STANDARD FIRE LANE SIGN, "FIRE LANE", PER CITY OF SURPRISE, SURPRISE FIRE DEPARTMENT-CHAPTER 1
 - 14 FIRE DEPARTMENT GATED ACCESS SIGN PER CITY OF SURPRISE, SURPRISE FIRE DEPARTMENT-CHAPTER 8
 - 15 PROPOSED GATES PER ARCHITECTURE PLANS
 - 16 PROPOSED TRANSFORMER
 - 17 PROPOSED TRASH ENCLOSURE
 - 18 PROPOSED 36" CMU SCREEN WALL, COLOR SCHEME TO MATCH BLDG.
 - 19 PROPOSED 4 BICYCLE PARKING RACK

- LEGEND:**
- HEAVY DUTY PAVEMENT (ONSITE)
 - LIGHT DUTY PAVEMENT
 - HEAVY DUTY PAVEMENT (BELL ROAD)
 - FIRE HYDRANT
 - WATERVALVE
 - CATCH BASIN
 - SEWER MANHOLE
 - CLEANOUT
 - BUBBLER
 - DRYWELL
 - SITE LIGHTING
 - FIRE LANE SIGN
 - ACCESSIBLE PARKING
 - TRASH ENCLOSURE
 - WATERMAIN
 - STORM DRAIN
 - SANITARY SEWER

LOT 1 PARKING TABLE:

MINIMUM SPACES REQUIRED: 14,770 SF GROSS FLOOR AREA X 1:500 = 30 (BASED ON AUTO REPAIR ON SERVICE USE)
MINIMUM SPACES REQUIRED: 14,770 SF GROSS FLOOR AREA X 1:200 = 74 (BASED ON VEHICLE RENTAL AND LEASING)
SPACES PROVIDED: 78 STANDARD + 4 ACCESSIBLE = 82 TOTAL (EXTRA SPACES DEEMED TO BE ASSOCIATED WITH STORAGE OF VEHICLES AWAITING REPAIR)
4 BICYCLE SPACES PROVIDED



THIS PLAN IS NOT FOR CONSTRUCTION

OLSSON ASSOCIATES
7250 NORTH 16TH STREET, SUITE 210
PHOENIX, ARIZONA 85020
TEL: (602) 748-1000
FAX: (602) 748-1001
WWW.OLSSONASSOCIATES.COM

OLSSON ASSOCIATES ASSUMES NO RESPONSIBILITY FOR EXISTING UTILITY LOCATIONS HORIZONTAL OR VERTICAL. THE EXISTING UTILITIES SHOWN ON THIS DRAWING HAVE BEEN PLOTTED FROM THE BEST AVAILABLE INFORMATION. IT IS HOWEVER THE RESPONSIBILITY OF THE CONTRACTOR TO FIELD VERIFY THE LOCATION OF ALL UTILITIES PRIOR TO THE COMMENCEMENT OF ANY CONSTRUCTION ACTIVITIES.

REV.	DATE	DESCRIPTION
1	08/20/15	CITY COMMENTS

CONSTRUCTION PLANS
SITE PLAN

CALIBER COLLISION
BELL ROAD AND DYSART ROAD
SURPRISE, ARIZONA

Drawn by: ES
Checked by: ETO
Approved by: LS
Designed by: JY
Project no.: 014-3199
Drawing no.: 100-C-001-143199.dwg
Date: 08/13/15

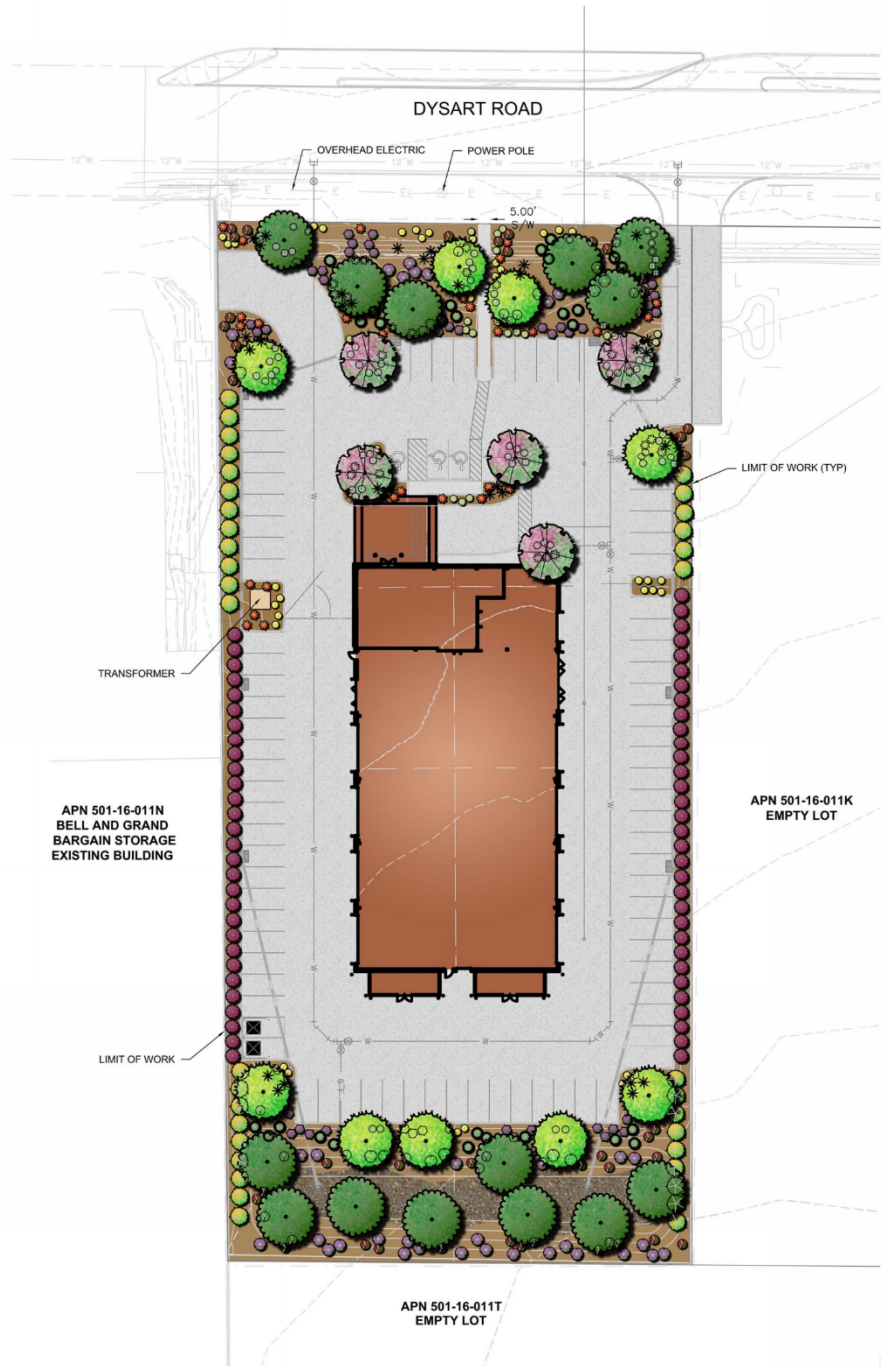
2015

SHEET
C100

APPENDIX 6

LOT 1, CALIBER COLLISION LANDSCAPE PLAN

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USER: aasher
XREFS:



PLANT SCHEDULE

TREES	BOTANICAL NAME	COMMON NAME
	Chilopsis linearis 'AZT Desert Amethyst'	Desert Willow
	Parkinsonia x 'Desert Museum'	Desert Museum Palo Verde
	Prosopis x 'Phoenix' TM	Hybrid Mesquite
SHRUBS	BOTANICAL NAME	COMMON NAME
	Dodonaea viscosa 'Purpurea'	Purple Leafed Hopseed Bush
	Eremophila maculata 'Valentine'	Spotted Emu Bush
	Euphorbia biglandulosa	Gopher Plant
	Leucophyllum langmaniae 'Rio Bravo' TM	Rio Bravo Sage
	Russelia equisetiformis	Firecracker Plant
	Tecoma x 'Orange Jubilee'	Orange Jubilee
ACCENTS	BOTANICAL NAME	COMMON NAME
	Dasylinon wheeleri	Gray Desert Spoon
	Hesperaloe parviflora	Red Yucca
GROUNDCOVER	BOTANICAL NAME	COMMON NAME
	Lantana montevidensis 'Purple'	Trailing Lantana
	Lantana x 'New Gold'	New Gold Lantana
INERTS	BOTANICAL NAME	COMMON NAME
	Granite Mulch	1/2" Screened / Express Brown
	Riprap	4 - 6" / Express Brown



PROJECT NO: 014-3199
DRAWN BY: AA
DATE: 04/10/15

CALIBER COLLISION

	7250 North 18th Street Suite 210 Phoenix, AZ 85020-5282 TEL 602.748.1000 FAX 602.748.1001	EXHIBIT
		1

ZONE CHANGE

REPORT TO THE PLANNING AND ZONING COMMISSION

Case: FS15-155

Project Name: Dysart Subdivision Rezone

Council District: 4

Meeting Date: October 1, 2015

Planner: Robert H. Kuhfuss, AICP

Owner: Farhad and Kathryn Shokoohl

Applicant: Len Swartz, PE, of Ollson Associates, on behalf of Cross Development and Farhad and Kathryn Shokoohl

Request: Rezone from CR to IP-PUD (approx. 2.04 acres), from CR to CR-PUD (approx. 0.75 acres), and from IP to CR-PUD (approx. 5.51 acres)

Site Location: Southwest corner of Bell Road and Dysart Road

Site Size: 8.30 acres (approx.)

Density: N/A

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

Support/Opposition: None known

Staff Recommendation: Staff recommends the Commission move to recommend **approval** of the proposed Zone Change to the City Council, subject to stipulations 'a'-d'.

[Note: See related Master Site Plan request being processed under this case, but discussed under separate cover.]

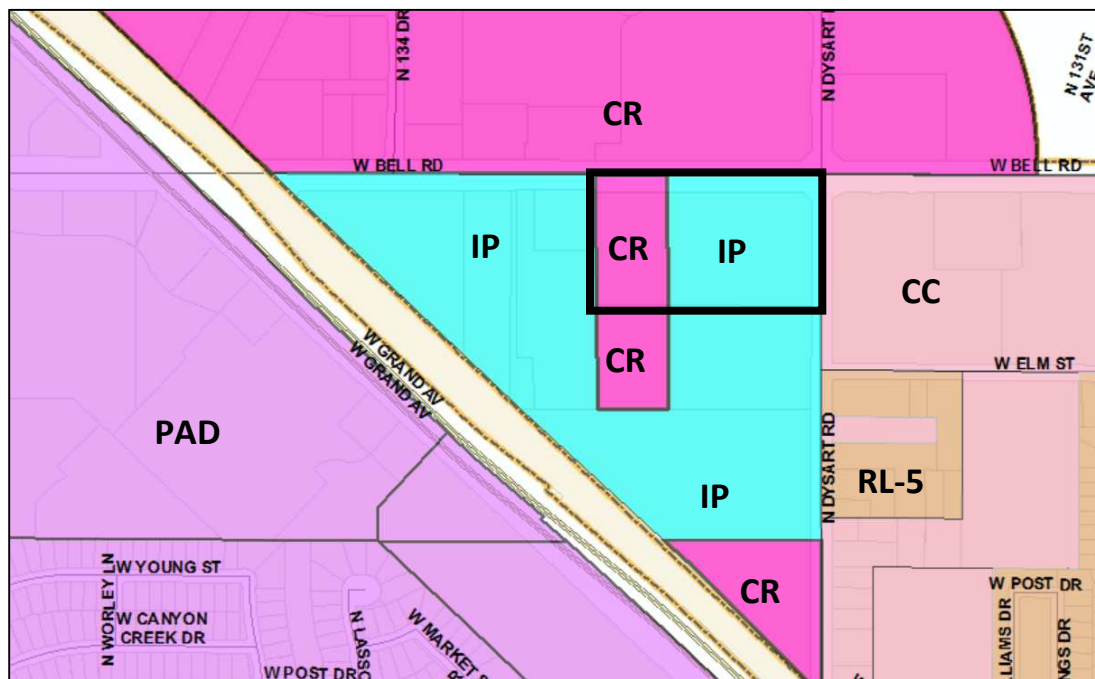
PROJECT DESCRIPTION:

Len Swartz, PE, of Ollson Associates, on behalf of Cross Development and Farhad and Kathryn Shokoohl, seeks approval of two separate but related requests. The first request involves a rezone from CR to IP-PUD (approx. 2.04 acres), from CR to CR-PUD (approx. 0.75 acres), and from IP to CR-PUD (approx. 5.51 acres). The second request involves a Major Site Plan in these newly established districts. These requests are also in conjunction with a related Final Plat, which is being processed under the same case number, but is being scheduled for City Council separately, pending the Commission's favorable action on the two requests discussed herein. All three actions anticipate the development of a Calber Collision Center and other as-yet to be determined commercial uses.

EXISTING ZONING:

The following chart and associated map depict the existing zoning of the subject site and its surrounds.

Regional Commercial (CR)	Regional Commercial (CR)	Regional Commercial (CR)
Industrial Performance (IP)	Community Commercial (CR) and Industrial Performance (IP)	Community Commercial (CC)
Industrial Performance (IP)	Regional Commercial (CR)	Community Commercial (CC)



57 **BACKGROUND:**

58
59 **December 18, 2014:** Staff met with the applicant to discuss the project during a regularly
60 scheduled Concept Review meeting under CR14-468.

61
62 **April 17, 2015:** The applicant filed a request for a Zone Change, Major Site Plan and Final Plat under
63 case FS15-155, the subject case.

64
65 **April 30, 2015:** Staff met with another entity to discuss the development of what would become
66 Lot 2 of the subject site during a regularly scheduled Concept Review meeting under CR15-165.

67
68 **June 21, 2015:** The applicant held a neighborhood outreach meeting to discuss the project.

69
70 **CITIZEN OUTREACH:**

71
72 As noted above, the applicant held a Citizen Review meeting on June 21, 2015, which generated no
73 input. Staff is not aware of any support to opposition regarding this request.

74
75 **ANALYSIS AND DISCUSSION:**

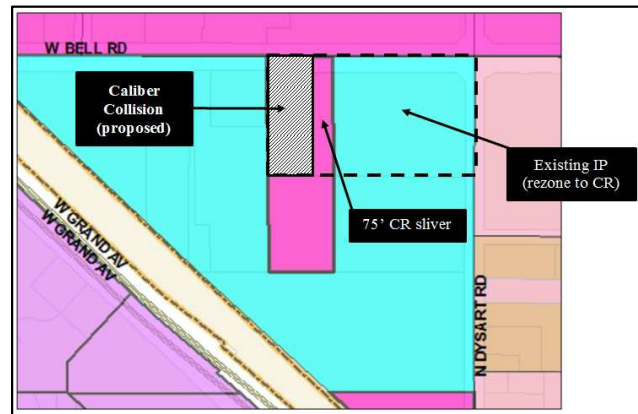
76
77 The subject property consists of two parcels, which are currently vacant except for an existing
78 billboard, which is presumed to be legal non-conforming due to its appearance in aerial
79 photography as early as 1986. The westernmost parcel is currently zoned CR and is immediately
80 north of and adjacent to another vacant CR parcel, which is owned by Arizona Public Service. The
81 easternmost parcel is currently zoned IP and is immediately north of and adjacent to another IP
82 parcel, currently developed as an APS facility. Located to the east of the subject property, across
83 Dysart Road, is an area of CC zoning, currently developed with state and county facilities. Just to
84 the west of the subject parcel is an existing tire shop located within IP zoning. The property located
85 across Bell Road from the property is currently vacant and zoned CR, while the property to the
86 northeast of the site, at the northeast corner of Dysart Road and Bell Road, is currently under
87 construction as a medical facility.

88
89 **Proposed Zoning:**

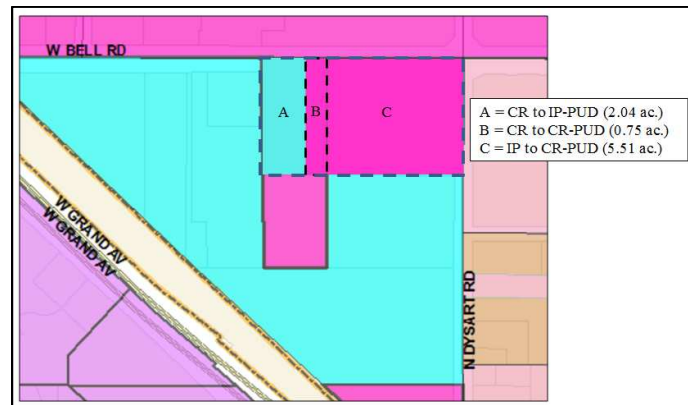
90
91 The westernmost parcel of the subject site is currently approximately 275' wide; however, Caliber
92 Collision is proposing to build a collision center on the westernmost 200' of that parcel. Since the
93 existing zoning of that parcel is CR, the collision center could be entitled through a Conditional Use
94 Permit; however, if zoned to IP, the collision center would be considered a principal, by-right use.
95 Given the proximity of the proposed use to the existing tire center, and the proximity to the existing
96 IP zoning, staff is comfortable with the concept of rezoning from CR to IP for that property.

Since Caliber Collision is only interested in acquiring and rezoning the westernmost 200' of the subject property, there will remain a 75' wide remnant property with CR zoning sandwiched in between new and existing IP zoning. In order to remove that incongruent sliver, either the sliver needs to be rezoned to IP so it is in line with the existing IP to the east, or the existing IP property should be rezoned to CR.

The following map depicts the condition that would be present if the 75' sliver remained intact.



The following map depicts the proposed zoning.



While no end users have been identified for the eastern end of the subject site, given the proximity of the subject site to the existing CC zoning to the east, rezoning the eastern end of the subject property to CR would provide an appropriate transition from the existing CC zoning to the east and the IP zoning to the west. Staff notes that this approach will create a CR island nearly completely surrounded by IP zoning; however, staff's desire would be for the owner of that parcel to ultimately seek IP zoning.

Development Standards Table:

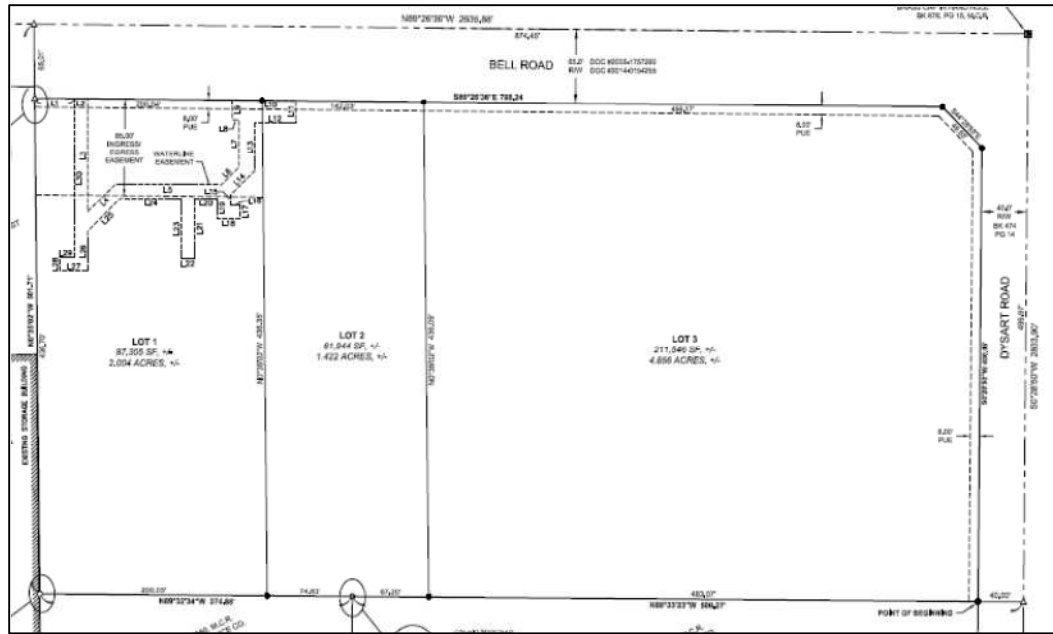
The subject rezone request also involves a PUD Overlay, which will serve to amend the development standards for the IP portion as they relate to the required landscape setback along Bell Road, the maximum allowed parking, and secondary wall sign area. The PUD overlay for the CR portion will serve to amend the development standards relating to the interior side yard setback adjacent to CR zoning. These development standards are depicted in the following table, which is included in Section 3.0 of the Project Narrative.

IP PUD/CR PUD DEVELOPMENT STANDARDS TABLE FOR DYSART SUBDIVISION (CASE FS15-155) Shaded cells indicate development standard that is less restrictive than the base zoning district. All other provisions of the IP and CR zoning districts apply.						
Development Standard	IP – IP PUD			CR – CR PUD		
	Base Zoning	PUD Overlay	SUDC Reference	Base Zoning	PUD Overlay	SUDC Reference
Interior Side Setback	15'	15'	122-36(c)(2)b, Table 5-11	24'	15' ¹	122-36(c)(2)c, Table 5-12
Landscape Setback (Arterial)	45' ³	45' ^{2,3}	122-136(b)(18)(h)	45' ³	45' ²	122-136(b)(18)(h)
Maximum Parking Allowed	1:375 SF of GFA ⁵	1:180 SF of GFA ⁴	122-133(e)	As specified in Table 9-1	As specified in Table 9-1	122-133(e)
Secondary Wall Sign Area	0.5 SF per 1 linear foot of elevation	0.6 SF per 1 linear foot of elevation	113-129(a)(3)(a)	0.5 SF per 1 linear foot of elevation	0.5 SF per 1 linear foot of elevation	113-129(a)(3)(a)
Footnotes:						
¹ Adjacent to Commercial or Industrial zoning districts.						
² 10' limited driveway access encroachment from street and architectural encroachment allowed per 122-136(b)(18)(h), Table 10-4.						
³ Limited driveway encroachment from the west to accommodate shared access allowed per site plan.						
⁴ Based on Automotive Repair and Service use. If other than Automotive Repair and Service, Table 9-1 applies.						

The IP-PUD development standards will allow the Caliber Collision facility to address the cross-access issue by allowing the driveway to encroach into the required landscape setback, while providing reasonable wall signage opportunities not currently allowed through the Municipal Code. The CR-PUD development standards came about as a result of the Concept Review for the proposed Lot 2 and are geared primarily to a decreased setback on one side to allow shade trees to be installed on the opposing side.

Staff notes that while the review of the proposed Final Plat is not within the Commission's purview, the Final Plat would serve to remove the existing lot line and create three new lots: the westernmost being the Caliber Collision site and the other two lots slated for future commercial development. The following image depicts this arrangement. The Final Plat also will provide for reciprocal cross-access throughout the plat as well as cross-access to the property to the west.

[See image on following page.]



UTILITY AND SERVICES TABLE:

Electric:	APS
Water:	EPCOR
Wastewater:	EPCOR
Refuse:	TBD
Natural Gas:	SWG
Irrigation:	N/A
Schools:	N/A

CONFORMANCE WITH ADOPTED PLANS:

Surprise General Plan 2035: The Surprise General Plan 2035 shows the subject property as lying within the Employment Land Use Category, which supports retail and light industrial uses. The proposed Zone Change and the related Major Site Plan and Final Plat, support the goals and policies of the General Plan, especially with respect to encouraging well managed and phased growth (Policy LU2.2), improving the jobs to housing ratio (Policy LU2.2), promoting a compatible mix of land uses (Policy LU3.1), encouraging sound urban design principles (Policy UD1.1), and the development of otherwise vacant infill land in the heart of the city (Policy UD1.4).

147 **REVIEWING AGENCIES:**

148
149 In addition to the standard city reviewing agencies, who indicate no objections to the requests,
150 Luke Air force Base, Maricopa Water District, and ADOT were included in the routing of this case.

151
152 **Luke Air Force Base (LAFB):** LAFB indicates no objections to the request, but advises the applicant
153 review sound attenuation requirements and engage in a strong notification program with respect
154 to the air base and its operations.

155
156 **Arizona Department of Transportation (ADOT):** ADOT indicated general neutrality regarding the
157 subject requests, but advises the project may be impacted by the Bell/Grand Overpass Project and
158 advises the applicant consult with ADOT in that regard.

159
160 **Maricopa Water District (MWD):** MWD advises the subject property lies outside of their service
161 area and offers no comment.

162
163 **SUMMARY:**

164
165 Staff believes the proposed Zone Change, Major Site Plan and Final Plat, will provide the mechanism
166 needed to allow the owner to bring the property to market, which will in turn allow it to be
167 developed in a manner that is consistent with the goals and policies of the General Plan.

168
169 **FINDINGS:**

- 170
171
 - The proposed Zone Change is consistent with the Surprise General Plan 2035.
 - The reviewing agencies have indicated no objections to the request.

172
173
174 **RECOMMENDATION:**

175
176 Based on the findings noted above, staff recommends the Commission move to recommend
177 **approval** of the proposed Zone Change under case **FS15-155** to the City Council, subject to
178 stipulations 'a' through 'd' as outlined below:

- 179
180
 - a. Development and use of the site shall be in substantial conformance with the project
181 narrative entitled "Dysart Subdivision Rezone Document PUD Overlay", prepared by Olsson
182 Associates, consisting of 20 pages dated revised August 17, 2015 and stamped received
183 August 17, 2015, except as modified by the following stipulations.
 - b. If a Final Plat has not been recorded within one (1) year of approval of this Zone Change
184 request by the City Council, the subject zone change may be scheduled for public hearing by
185 the Planning and Zoning Commission and City Council for consideration of reverting the
186 property to its former zoning per ARS § 9-462.01.E.

- 190 c. Non-compliance with the stipulations of approval of this case will be treated as a violation in
191 accordance with the provisions of Article XIV of the Surprise Unified Development Code.
192
- 193 d. The Property owner and successors waive claim for diminution of in value if the City takes
194 action to rescind approval of this zone change request due to non-compliance with the
195 stipulations of approval.
196

197 However, should the Commission wish to recommend denial of the request, the Commission
198 should make its own findings and base its decision on those alternative findings.
199

200 **Attachments:**
201

202 PZ01 – Vicinity Map (1 page)
203 PZ02 – Zone Change Case Map (1 page)
204 PZ03 – Master Site Plan Case Map (1 page)
205 PZ04 – Zoning Narrative (20 pages)
206 PZ05 – Site Plan (3 pages)
207 PZ06 – Landscape Plan (5 pages)
208 PZ07 – Landscape Rendering (1 page)
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211 PZ10 – Sign Package (5 pages)
212 PZ11 – ADOT comments (1 page)
213 PZ12 – MWD comments (1 page)
214 PZ13 – Luke AFB comments (1 page)

ZONE CHANGE

REPORT TO THE PLANNING AND ZONING COMMISSION

Case: FS15-155

Project Name: Dysart Subdivision Rezone

Council District: 4

Meeting Date: October 1, 2015

Planner: Robert H. Kuhfuss, AICP

Owner: Farhad and Kathryn Shokoohl

Applicant: Len Swartz, PE, of Ollson Associates, on behalf of Cross Development and Farhad and Kathryn Shokoohl

Request: Rezone from CR to IP-PUD (approx. 2.04 acres), from CR to CR-PUD (approx. 0.75 acres), and from IP to CR-PUD (approx. 5.51 acres)

Site Location: Southwest corner of Bell Road and Dysart Road

Site Size: 8.30 acres (approx.)

Density: N/A

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

Support/Opposition: None known

Staff Recommendation: Staff recommends the Commission move to recommend **approval** of the proposed Zone Change to the City Council, subject to stipulations 'a'-d'.

[Note: See related Master Site Plan request being processed under this case, but discussed under separate cover.]

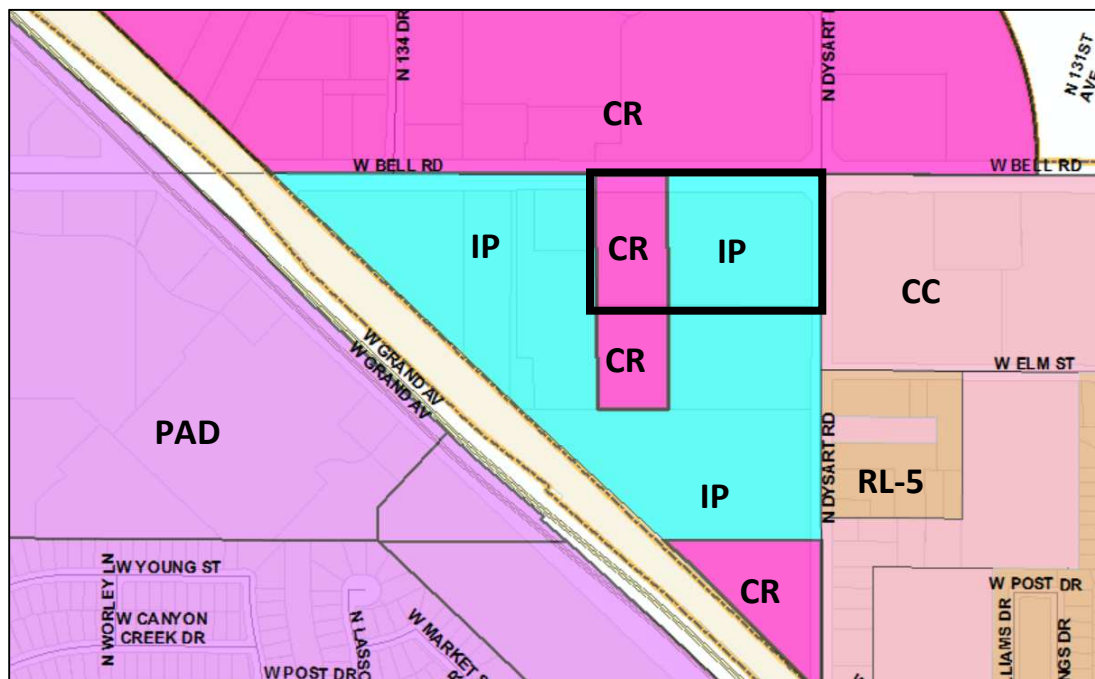
PROJECT DESCRIPTION:

Len Swartz, PE, of Ollson Associates, on behalf of Cross Development and Farhad and Kathryn Shokoohl, seeks approval of two separate but related requests. The first request involves a rezone from CR to IP-PUD (approx. 2.04 acres), from CR to CR-PUD (approx. 0.75 acres), and from IP to CR-PUD (approx. 5.51 acres). The second request involves a Major Site Plan in these newly established districts. These requests are also in conjunction with a related Final Plat, which is being processed under the same case number, but is being scheduled for City Council separately, pending the Commission's favorable action on the two requests discussed herein. All three actions anticipate the development of a Calber Collision Center and other as-yet to be determined commercial uses.

EXISTING ZONING:

The following chart and associated map depict the existing zoning of the subject site and its surrounds.

Regional Commercial (CR)	Regional Commercial (CR)	Regional Commercial (CR)
Industrial Performance (IP)	Community Commercial (CR) and Industrial Performance (IP)	Community Commercial (CC)
Industrial Performance (IP)	Regional Commercial (CR)	Community Commercial (CC)



57 **BACKGROUND:**

58
59 **December 18, 2014:** Staff met with the applicant to discuss the project during a regularly
60 scheduled Concept Review meeting under CR14-468.

61
62 **April 17, 2015:** The applicant filed a request for a Zone Change, Major Site Plan and Final Plat under
63 case FS15-155, the subject case.

64
65 **April 30, 2015:** Staff met with another entity to discuss the development of what would become
66 Lot 2 of the subject site during a regularly scheduled Concept Review meeting under CR15-165.

67
68 **June 21, 2015:** The applicant held a neighborhood outreach meeting to discuss the project.

69
70 **CITIZEN OUTREACH:**

71
72 As noted above, the applicant held a Citizen Review meeting on June 21, 2015, which generated no
73 input. Staff is not aware of any support to opposition regarding this request.

74
75 **ANALYSIS AND DISCUSSION:**

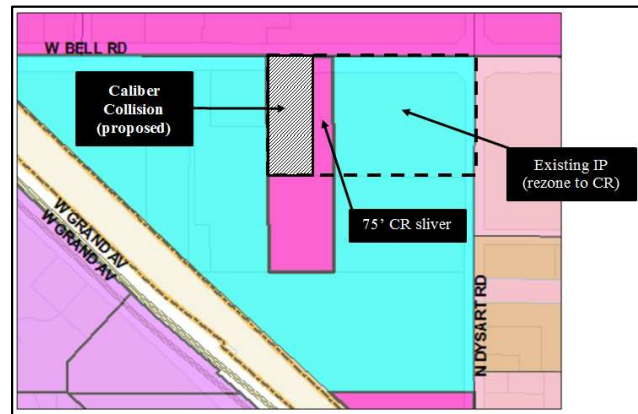
76
77 The subject property consists of two parcels, which are currently vacant except for an existing
78 billboard, which is presumed to be legal non-conforming due to its appearance in aerial
79 photography as early as 1986. The westernmost parcel is currently zoned CR and is immediately
80 north of and adjacent to another vacant CR parcel, which is owned by Arizona Public Service. The
81 easternmost parcel is currently zoned IP and is immediately north of and adjacent to another IP
82 parcel, currently developed as an APS facility. Located to the east of the subject property, across
83 Dysart Road, is an area of CC zoning, currently developed with state and county facilities. Just to
84 the west of the subject parcel is an existing tire shop located within IP zoning. The property located
85 across Bell Road from the property is currently vacant and zoned CR, while the property to the
86 northeast of the site, at the northeast corner of Dysart Road and Bell Road, is currently under
87 construction as a medical facility.

88
89 **Proposed Zoning:**

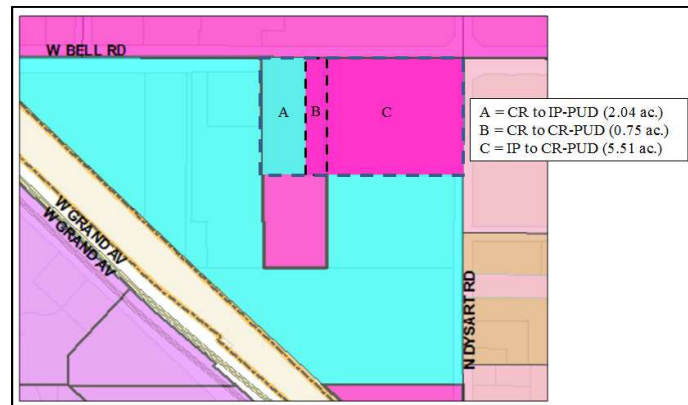
90
91 The westernmost parcel of the subject site is currently approximately 275' wide; however, Caliber
92 Collision is proposing to build a collision center on the westernmost 200' of that parcel. Since the
93 existing zoning of that parcel is CR, the collision center could be entitled through a Conditional Use
94 Permit; however, if zoned to IP, the collision center would be considered a principal, by-right use.
95 Given the proximity of the proposed use to the existing tire center, and the proximity to the existing
96 IP zoning, staff is comfortable with the concept of rezoning from CR to IP for that property.

Since Caliber Collision is only interested in acquiring and rezoning the westernmost 200' of the subject property, there will remain a 75' wide remnant property with CR zoning sandwiched in between new and existing IP zoning. In order to remove that incongruent sliver, either the sliver needs to be rezoned to IP so it is in line with the existing IP to the east, or the existing IP property should be rezoned to CR.

The following map depicts the condition that would be present if the 75' sliver remained intact.



The following map depicts the proposed zoning.



While no end users have been identified for the eastern end of the subject site, given the proximity of the subject site to the existing CC zoning to the east, rezoning the eastern end of the subject property to CR would provide an appropriate transition from the existing CC zoning to the east and the IP zoning to the west. Staff notes that this approach will create a CR island nearly completely surrounded by IP zoning; however, staff's desire would be for the owner of that parcel to ultimately seek IP zoning.

Development Standards Table:

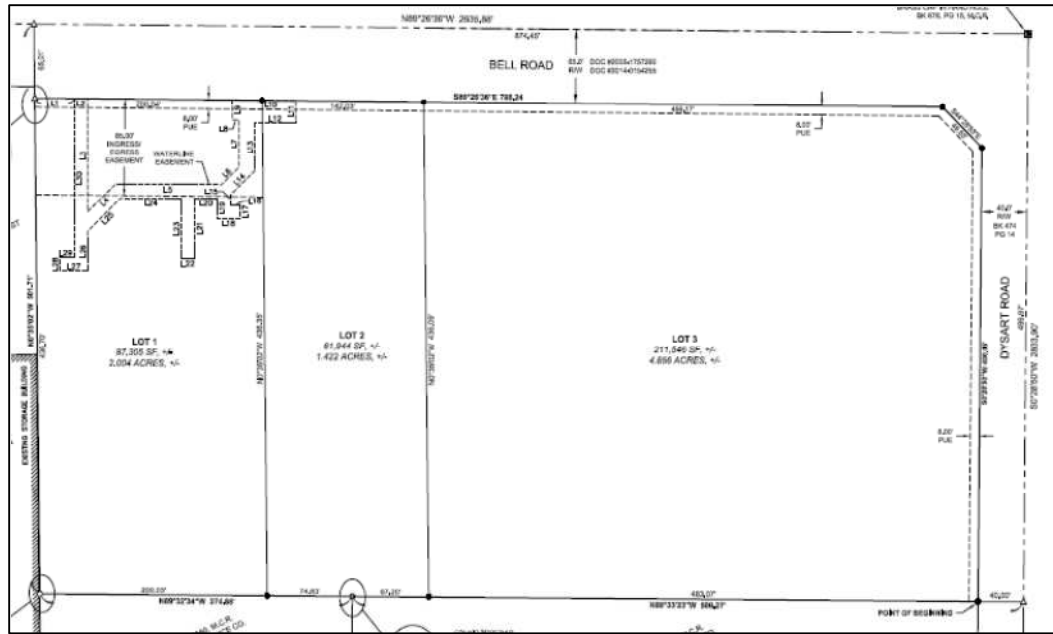
The subject rezone request also involves a PUD Overlay, which will serve to amend the development standards for the IP portion as they relate to the required landscape setback along Bell Road, the maximum allowed parking, and secondary wall sign area. The PUD overlay for the CR portion will serve to amend the development standards relating to the interior side yard setback adjacent to CR zoning. These development standards are depicted in the following table, which is included in Section 3.0 of the Project Narrative.

IP PUD/CR PUD DEVELOPMENT STANDARDS TABLE FOR DYSART SUBDIVISION (CASE FS15-155) Shaded cells indicate development standard that is less restrictive than the base zoning district. All other provisions of the IP and CR zoning districts apply.						
Development Standard	IP – IP PUD			CR – CR PUD		
	Base Zoning	PUD Overlay	SUDC Reference	Base Zoning	PUD Overlay	SUDC Reference
Interior Side Setback	15'	15'	122-36(c)(2)b, Table 5-11	24'	15' ¹	122-36(c)(2)c, Table 5-12
Landscape Setback (Arterial)	45' ³	45' ^{2,3}	122-136(b)(18)(h)	45' ³	45' ²	122-136(b)(18)(h)
Maximum Parking Allowed	1:375 SF of GFA ⁵	1:180 SF of GFA ⁴	122-133(e)	As specified in Table 9-1	As specified in Table 9-1	122-133(e)
Secondary Wall Sign Area	0.5 SF per 1 linear foot of elevation	0.6 SF per 1 linear foot of elevation	113-129(a)(3)(a)	0.5 SF per 1 linear foot of elevation	0.5 SF per 1 linear foot of elevation	113-129(a)(3)(a)
Footnotes:						
¹ Adjacent to Commercial or Industrial zoning districts.						
² 10' limited driveway access encroachment from street and architectural encroachment allowed per 122-136(b)(18)(h), Table 10-4.						
³ Limited driveway encroachment from the west to accommodate shared access allowed per site plan.						
⁴ Based on Automotive Repair and Service use. If other than Automotive Repair and Service, Table 9-1 applies.						

The IP-PUD development standards will allow the Caliber Collision facility to address the cross-access issue by allowing the driveway to encroach into the required landscape setback, while providing reasonable wall signage opportunities not currently allowed through the Municipal Code. The CR-PUD development standards came about as a result of the Concept Review for the proposed Lot 2 and are geared primarily to a decreased setback on one side to allow shade trees to be installed on the opposing side.

Staff notes that while the review of the proposed Final Plat is not within the Commission's purview, the Final Plat would serve to remove the existing lot line and create three new lots: the westernmost being the Caliber Collision site and the other two lots slated for future commercial development. The following image depicts this arrangement. The Final Plat also will provide for reciprocal cross-access throughout the plat as well as cross-access to the property to the west.

[See image on following page.]



UTILITY AND SERVICES TABLE:

Electric:	APS
Water:	EPCOR
Wastewater:	EPCOR
Refuse:	TBD
Natural Gas:	SWG
Irrigation:	N/A
Schools:	N/A

CONFORMANCE WITH ADOPTED PLANS:

Surprise General Plan 2035: The Surprise General Plan 2035 shows the subject property as lying within the Employment Land Use Category, which supports retail and light industrial uses. The proposed Zone Change and the related Major Site Plan and Final Plat, support the goals and policies of the General Plan, especially with respect to encouraging well managed and phased growth (Policy LU2.2), improving the jobs to housing ratio (Policy LU2.2), promoting a compatible mix of land uses (Policy LU3.1), encouraging sound urban design principles (Policy UD1.1), and the development of otherwise vacant infill land in the heart of the city (Policy UD1.4).

147 **REVIEWING AGENCIES:**

148
149 In addition to the standard city reviewing agencies, who indicate no objections to the requests,
150 Luke Air force Base, Maricopa Water District, and ADOT were included in the routing of this case.

151
152 **Luke Air Force Base (LAFB):** LAFB indicates no objections to the request, but advises the applicant
153 review sound attenuation requirements and engage in a strong notification program with respect
154 to the air base and its operations.

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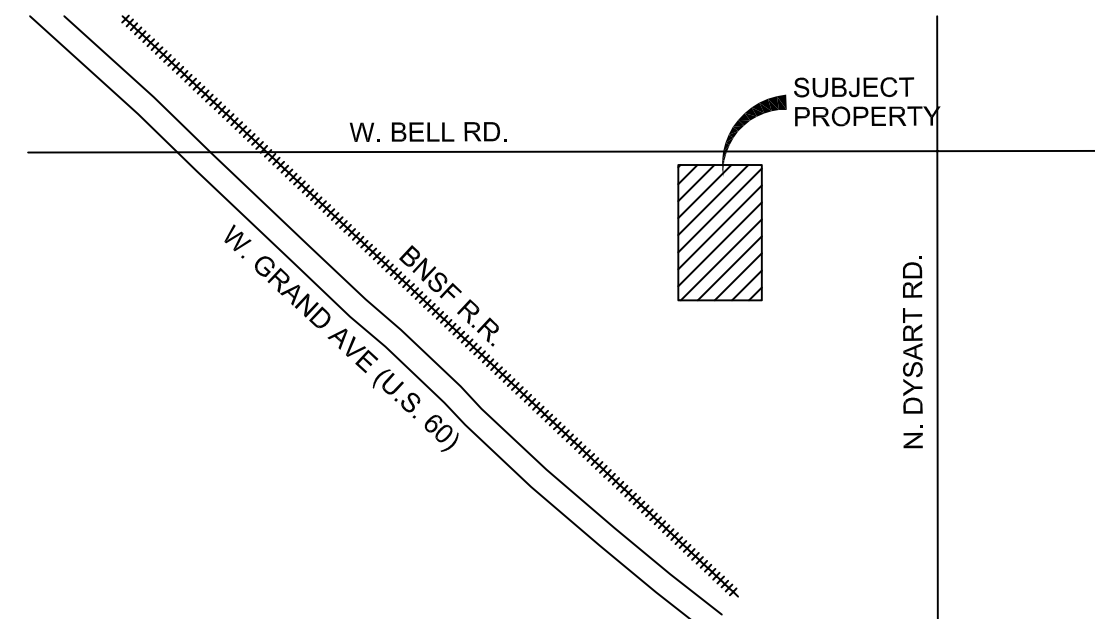
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VICINITY MAP
(NOT TO SCALE)

SITE CONSTRUCTION KEYNOTES

- 1 6" SINGLE CURB PER MAG DETAIL 222, TYPE A
- 2 DRIVEWAY PER CITY OF SURPRISE DETAIL 3-10
- 3 HEAVY DUTY ASPHALT PAVEMENT PER GEOTECHNICAL ENGINEERS RECOMMENDATION, 4" AC ON 12" ABC
- 4 LIGHT DUTY ASPHALT PAVEMENT PER GEOTECHNICAL ENGINEERS RECOMMENDATION, 3" AC ON 7.5" ABC
- 5 HEAVY DUTY ASPHALT PAVEMENT ON BELL ROAD, 5" AC ON 9" ABC, OR REPLACE IN KIND, WHICH EVER IS GRATER
- 6 SIDEWALK PER MAG DETAIL 230
- 7 INTEGRALLY COLORED CONCRETE. COLOR TO MATCH ARCHITECTURE
- 8 6" DOUBLE CHECK BACKFLOW PREVENTOR PER AWC DETAIL 320-1
- 9 1 1/2" METER BOX PER EPCOR STD DTL 342-2
- 10 1 1/2" REDUCED PRESSURE PRINCIPLE ASSEMBLY PER EPCOR STD DTL 310-1
- 11 CATCH BASIN PER MAG STD DTL 534-1 TYPE E
- 12 BUBBLER PER DETAIL SHEET C501
- 13 STANDARD FIRE LANE SIGN, "FIRE LANE", PER CITY OF SURPRISE, SURPRISE FIRE DEPARTMENT-CHAPTER 1
- 14 FIRE DEPARTMENT GATED ACCESS SIGN PER CITY OF SURPRISE, SURPRISE FIRE DEPARTMENT-CHAPTER 8
- 15 PROPOSED GATES (SEE SHEET C501 FOR DETAILS).
- 16 PROPOSED TRANSFORMER
- 17 PROPOSED TRASH ENCLOSURE
- 18 PROPOSED 36" CMU SCREEN WALL. COLOR SCHEME TO MATCH BLDG .
- 19 PROPOSED 4 BICYCLE PARKING RACK
- 20 SCREEN WALL (SEE SHEET C501 FOR DETAILS).
- 21 STREET LIGHT

DESIGN TEAM CONTACTS

OWNER/DEVELOPER

CROSS DEVELOPMENT, LLC
5317 INVERRARY DRIVE
PLANO, TEXAS
PHONE: (602) 748-1000
CONTACT: KEVIN MCKIBBEN

ENGINEER

OLSSON ASSOCIATES
7250 NORTH 16TH STREET, SUITE 210
PHOENIX, ARIZONA 85020
PHONE: (602) 748-1000
FAX: (602) 748-1001
CONTACT: LEN SWARTZ

ARCHITECT

CROSS ARCHITECTS
1255 W. 15TH STREET
SUITE #125
PLANO, TEXAS 75075
PHONE: (972) 398-6644
CONTACT: SHAWN OFFUTT

LEGEND:

- | | |
|---|---------------------------------|
|  | HEAVY DUTY PAVEMENT (ONSITE) |
|  | LIGHT DUTY PAVEMENT |
|  | HEAVY DUTY PAVEMENT (BELL ROAD) |
|  | FIRE HYDRANT |
|  | WATER VALVE |
|  | CATCH BASIN |
|  | SEWER MANHOLE |
|  | CLEANOUT |
|  | BUBBLER |
|  | DRYWELL |
|  | SITE LIGHTING |
|  | STREET LIGHT |
|  | FIRE LANE SIGN |
|  | ACCESSIBLE PARKING |
|  | TRASH ENCLOSURE |
|  | WATERMAIN |
|  | STORM DRAIN |
|  | SANITARY SEWER |

LOT 1 PARKING TABLE:

MINIMUM SPACES REQUIRED:
14,770 SF GROSS FLOOR AREA X 1:500 = 30 (BASED
ON AUTO REPAIR AND SERVICE USE)

MAXIMUM SPACES REQUIRED:
14,770 SF GROSS FLOOR AREA X 1:180 = 82 (BASED
ON AMENDED DEVELOPMENT STANDARD)

SPACES PROVIDED:
78 STANDARD + 4 ACCESSIBLE = 82 TOTAL

4 BICYCLE SPACES PROVIDED

OWNER HEREBY GRANTS TO THE ULTIMATE OWNER OF LOT 1 CREATED BY THIS PLAT, A CROSS ACCESS EASEMENT OVER, UPON AND ACROSS THE ENTIRE PLAT FOR THE PURPOSE OF PROVIDING CONTINUOUS AND UNINTERRUPTED INGRESS AND EGRESS TO EACH PARCEL CREATED BY THIS PLAT.

OWNER HEREBY GRANTS TO THE ULTIMATE OWNER OF EACH PARCEL CREATED BY THIS PLAT, A CROSS ACCESS EASEMENT OVER, UPON AND ACROSS THE NORTH 85 FEET OF LOT 1 FOR THE PURPOSE OF PROVIDING CONTINUOUS AND UNINTERRUPTED INGRESS AND EGRESS TO EACH PARCEL CREATED BY THIS PLAT.

OWNER HEREBY GRANTS TO THE MOSHI FAMILY LIVING TRUST, AND ITS SUCCESSOR'S AND ASSIGNS, A CROSS ACCESS EASEMENT OVER, UPON AND ACROSS THE NORTH 85 FEET OF LOT 1 FOR THE PURPOSE OF PROVIDING CONTINUOUS AND UNINTERRUPTED INGRESS AND EGRESS TO AND FROM ITS WEST ADJOINING PROPERTY DESCRIBED IN THE DEED RECORDED IN DOCUMENT NO. 2010-0528417 OF OFFICIAL RECORDS OF MARICOPA COUNTY, ARIZONA.

OLSSON[®]
ASSOCIATES



EXPIRES 06/30/17

SSON ASSOCIATES ASSUMES RESPONSIBILITY FOR LISTING UTILITY LOCATIONS (HORIZONTAL OR VERTICAL), THE LISTING UTILITIES SHOWN ON THIS DRAWING HAVE BEEN OBTAINED FROM THE BEST AVAILABLE INFORMATION. IT IS HOWEVER THE RESPONSIBILITY OF THE CONTRACTOR TO FIELD VERIFY THE LOCATION OF ALL UTILITIES PRIOR TO THE COMMENCEMENT OF ANY CONSTRUCTION ACTIVITIES.

		REVISIONS DESCRIPTION
NO.	DATE	
A	06/25/15	CITY COMMENTS
B	07/16/15	CITY COMMENTS
		REVISIONS

REVISIONS

2015

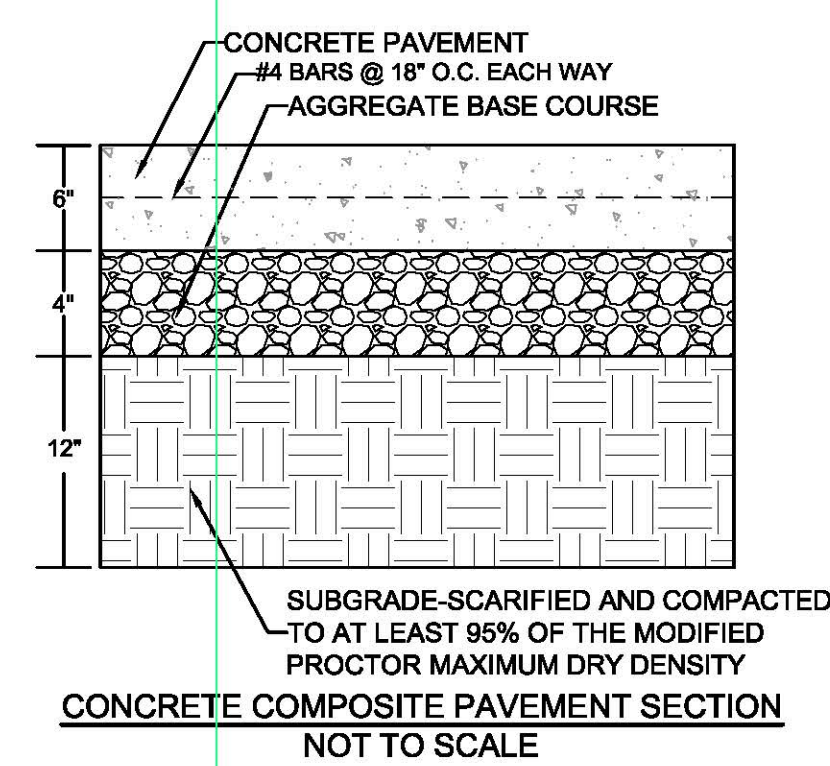
CONSTRUCTION PLANS SITE PLAN

CALIBER COLLISION
BELL ROAD AND DYSART R

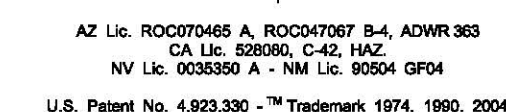
SURPRISE, ARIZONA

Drawn by:	SS
Checked by:	EW
Approved by:	LS
QC by:	PV
Project no.:	014-3199
Drawing no.:	100_C_SPL_143199.dwg
Date:	04/30/15

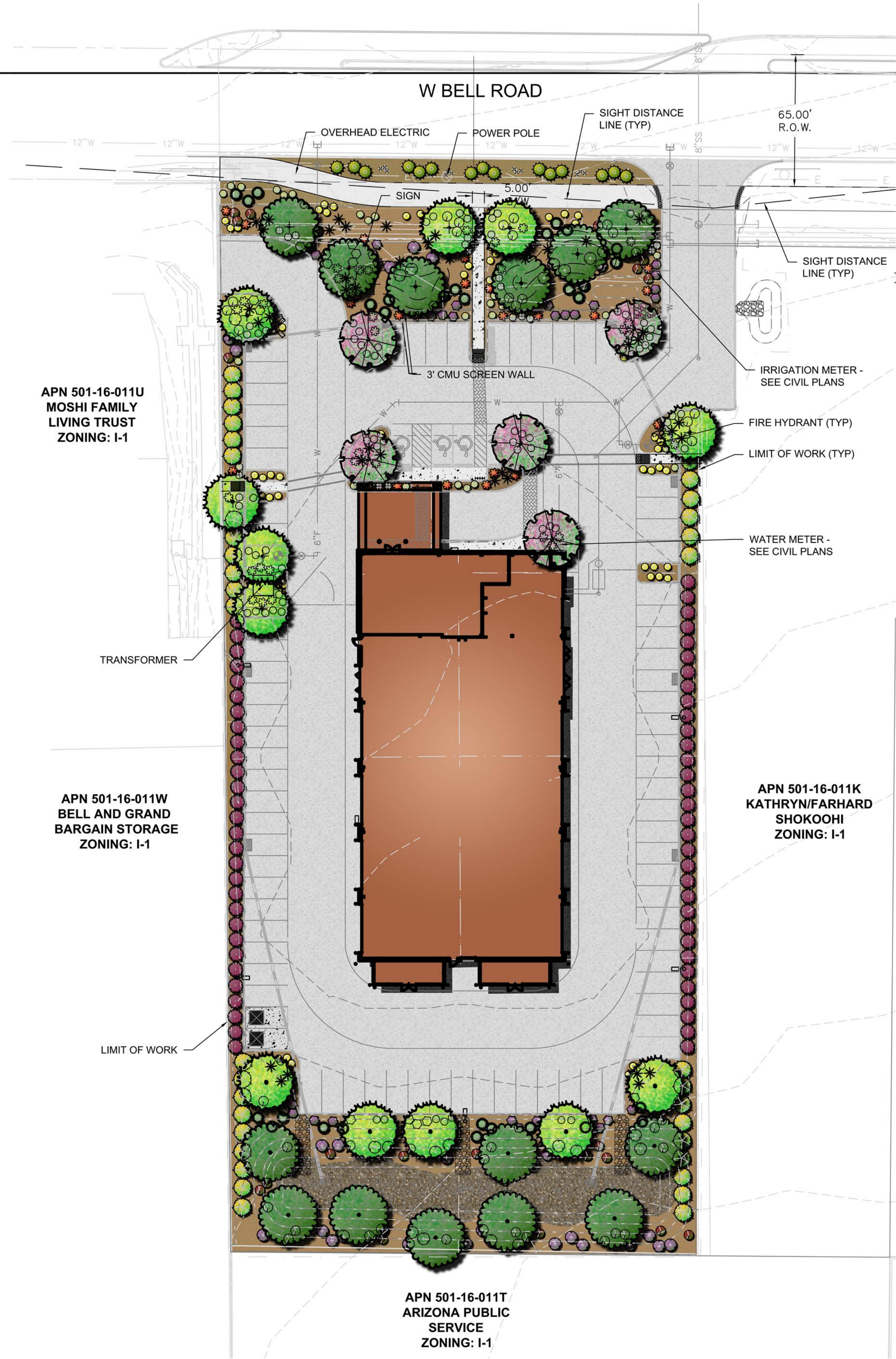
SHEET
C100



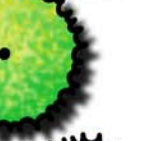
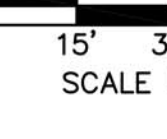
1. **MANHOLE CONE - MODIFIED FLAT BOTTOM.**
2. **STABILIZED BACKFILL - 1 SACK SLURRY.**
3. **BOLTED RING & GRATE/COVER -** DIAMETER AS SHOWN. CLEAN CAST IRON WITH WORDINGS "STORM WATER ONLY" IN RAISED LETTERS. BOLTED IN 2 LOCATIONS AND SECURED TO CONE WITH MORTAR. RIM ELEVATION $\pm 0.02'$ OF PLANS.
4. **GRADED BASIN OR PAVING (BY OTHERS).**
5. **COMPACTED BASE MATERIAL (BY OTHERS).**
6. **PUREFLO® DEBRIS SHIELD -** ROLLED 16 GA. STEEL X 24" LENGTH WITH VENTED ANTI-SIPHON AND INTERNAL .265" MAX. S.W.O FLATTENED EXPANDED STEEL SCREEN X 12" LENGTH. **FUSION BONDED EPOXY COATED.**
7. **PRE-CAST LINER -** 4000 PSI CONCRETE 48" ID. X 54" OD. **CENTER IN HOLE AND ALIGN SECTIONS TO MAXIMIZE BEARING SURFACE.**
8. **MIN. 6" Ø DRILLED SHAFT.**
9. **SUPPORT BRACKET -** FORMED 12 GA. STEEL. **FUSION BONDED EPOXY COATED.**
10. **OVERFLOW PIPE -** SCH. 40 PVC MATED TO DRAINAGE PIPE AT BASE SEAL.
11. **DRAINAGE PIPE -** ADS HIGH-WAY GRADE WITH TRI-A COUPLER. **SUSPEND PIPE DURING BACKFILL OPERATIONS TO PREVENT BUCKLING OR BREAKAGE. DIAMETER AS NOTED.**
12. **BASE SEAL -** GEOTEXTILE OR CONCRETE SLURRY.
13. **ROCK -** WASHED, SIZED BETWEEN 3/8" AND 1-1/2" **TO BEST COMPLEMENT SOIL CONDITIONS.**
14. **FLOFAST® DRAINAGE SCREEN -** SCH. 40 PVC 0.120" SLOTTED WELL SCREEN WITH 32 SLOTS PER ROW/FT. DIAMETER VARIES 120" OVERALL LENGTH WITH TRI-B COUPLER.
15. **MIN. 4" Ø SHAFT -** DRILLED TO **MAINTAIN PERMEABILITY** OF DRAINAGE SOILS.
16. **FABRIC CAP -** U.V. RESISTANT GEOTEXTILE - **TO BE REMOVED BY CUSTOMER** AT PROJECT COMPLETION.
17. **ABSORBENT -** HYDROPHOBIC PETROCHEMICAL SPONGE. MIN. 128 OZ. CAPACITY.
18. **CONNECTOR PIPE -** 4" Ø SCH. 40 PVC .
19. **ANTI-SIPHON VENT WITH FLOW REGULATOR.**
20. **INTAKE SCREEN -** SCH. 40 PVC 0.120" MODIFIED SLOTTED WELL SCREEN WITH 32 SLOTS PER ROW/FT. 48" OVERALL LENGTH WITH TRI-C END CAP.
21. **FREEBOARD DEPTH VARIES** WITH INLET PIPE ELEVATION. INCREASE PRIMARY/SECONDARY SETTLING CHAMBER DEPTHS AS NEEDED TO MAINTAIN ALL INLET PIPE ELEVATIONS ABOVE CONNECTOR PIPE OVERFLOW.
22. **OPTIONAL INLET PIPE (BY OTHERS).**
23. **MOISTURE MEMBRANE -** 6 MIL. PLASTIC. PLACE SECURELY AGAINST ECCENTRIC CONE AND HOLE SIDEWALL. USED IN LIEU OF SLURRY IN LANDSCAPED AREAS.
24. **EIGHT (8) PERFORATIONS PER FOOT, 2 ROWS MIN.**

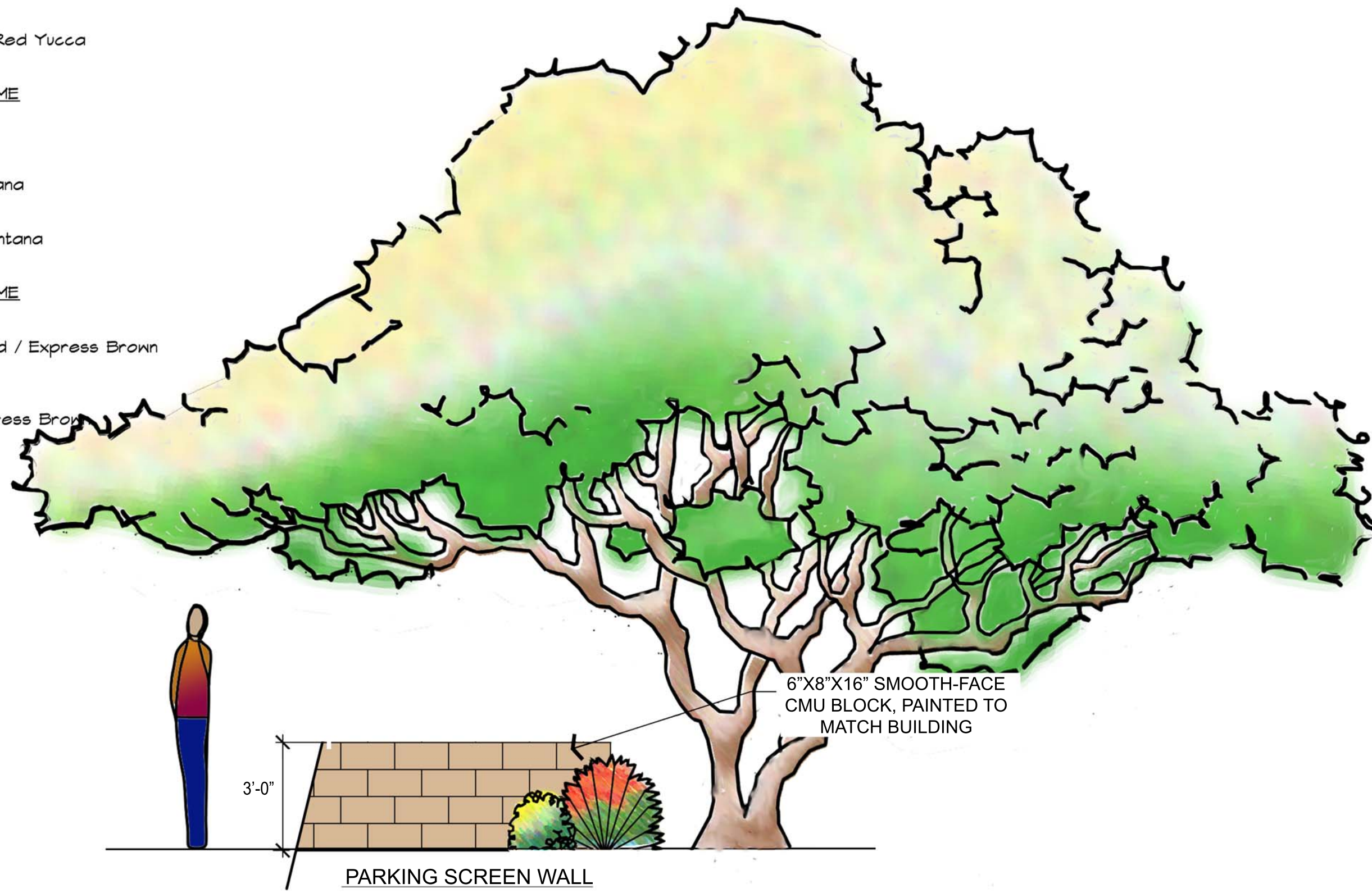
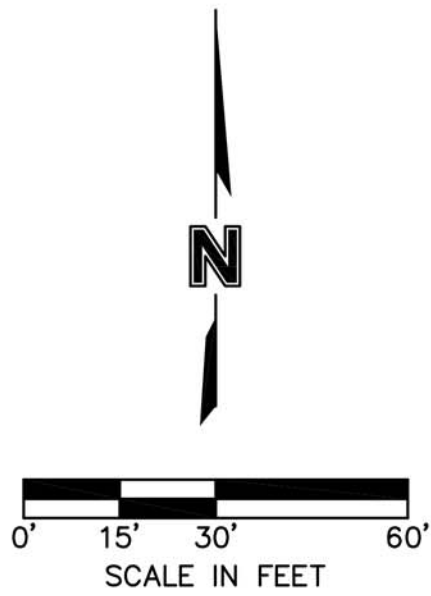


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DATE: Apr 10, 2015 10:12am
USER: aasher
XREFS:



PLANT SCHEDULE

TREES	BOTANICAL NAME	COMMON NAME
	<i>Chilopsis linearis</i> 'AZT Desert Amethyst'	Desert Willow
	<i>Parkinsonia</i> x 'Desert Museum'	Desert Museum Palo Verde
	<i>Parkinsonia</i> x 'Desert Museum'	Desert Museum Palo Verde
	<i>Prosopis</i> x 'Phoenix' TM	Hybrid Mesquite
	<i>Prosopis</i> x 'Phoenix' TM	Hybrid Mesquite
SHRUBS	BOTANICAL NAME	COMMON NAME
	<i>Dodonaea viscosa</i> 'Purpurea'	Purple Leaved Hopseed Bush
	<i>Eremophila maculata</i> 'Valentine'	Spotted Emu Bush
	<i>Euphorbia biglandulosa</i>	Gopher Plant
	<i>Leucophyllum langmaniae</i> 'Rio Bravo' TM	Rio Bravo Sage
	<i>Russelia equisetiformis</i>	Firecracker Plant
	<i>Tecoma</i> x 'Orange Jubilee'	Orange Jubilee
ACCENTS	BOTANICAL NAME	COMMON NAME
	<i>Dasyliirion wheeleri</i>	Grey Desert Spoon
	<i>Hesperaloe parviflora</i>	Red Yucca
	<i>Hesperaloe parviflora</i> 'Brakelights' TM	Brakelights Red Yucca
GROUND COVER	BOTANICAL NAME	COMMON NAME
	<i>Eremophila glabra</i> 'Mingenew Gold'	Emu Bush
	<i>Lantana montevidensis</i> 'Purple'	Trailing Lantana
	<i>Lantana</i> x 'New Gold'	New Gold Lantana
INERTS	BOTANICAL NAME	COMMON NAME
	Granite Mulch	1/2" Screened / Express Brown
	Riprap	4 - 6" / Express Brown



PROJECT NO: 014-3199
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DATE: 07/27/15

CALIBER COLLISION

MOLSSON
ASSOCIATES

7250 North 16th Street
Suite 210
Phoenix, AZ 85020-5282
TEL 602.748.1000
FAX 602.748.1001

EXHIBIT

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