



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

Tuesday, February 2, 2016 @ 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 Citywide [A proclamation recognizing February 2016 as Career and Technical Education Month. Mayor Wolcott will present the proclamation to Mr. Jim Grieshaber, Career and Technical Education Administrator for the Dysart Unified School District.](#)

None
Mayor
Wolcott

E. City Manager Report:

F. City Attorney Report:

G. City Clerk Report:

District Citywide [Passport and Election 2016 update, by City Clerk Aguilar](#)

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 4 [Consideration and action approving the sale of land and grant of a public utilities easement to Arizona Department of Transportation \(ADOT\) for the Bell Road Interchange Project; Resolution # 2016-22.](#) None
Lloyd Abrams,
Community Development
2. District Citywide [Consideration and action pertaining to approval of the application for, and acceptance of, fiscal year 2016 Arizona Lottery Fund \(ALF\) grant funds in the amount of \\$344,813; Resolution #2016-11.](#) None
David Kohlbeck
3. District Internal [Consideration and action pertaining to approval of the Arizona Mutual Aid Compact \(AZMAC\) among the signatory political jurisdictions and the Department of Emergency and Military Affairs \(DEMA\) for mutual aid during emergencies; Resolution # 2016-15.](#) None
Fire Chief Tom Abbott
4. District 6 [Consideration and action pertaining to conditional acceptance of the streets and public utility improvements at Marley Park Phase 3, including portions of 144th Drive and Sweetwater Avenue, improvements generally located on the northeast corner of Cactus Road and Bullard Avenue; Resolution # 2016-20.](#) None
Karl Zook,
Public Works Department
5. District 6 [Consideration and action pertaining to conditional acceptance of streets and public utility improvements at Marley Park Phase 3, including portions of Larkspur Drive, Via del Oro, 144th and 145th Avenues, improvements generally located on the northeast corner of Cactus Road and Bullard Avenue; Resolution # 2016-17.](#) None
Karl Zook,
Public Works Department
6. District 6 [Consideration and action pertaining to conditional acceptance of streets and public utility improvements at Marley Park Phase 3, including portions of 145th Avenue south of Sweetwater Avenue, improvements generally located on the northeast corner of Cactus Road and Bullard Avenue; Resolution # 2016-19.](#) None
Karl Zook,
Public Works Department
7. District 6 [Consideration and action pertaining to conditional acceptance of streets and public utility improvements at Marley Park Phase 3, including portions of Sweetwater Avenue east of Bullard Avenue, improvements generally located on the northeast corner of Cactus Road and Bullard Avenue; Resolution # 2016-18.](#) None
Karl Zook,
Public Works Department
8. District Citywide [Consideration and action on a resolution accepting a 60 day extension to the performance period for the State of Arizona, Department of Homeland Security grant in the amount of \\$54,000 in support of the Urban Area Security Initiative \(UASI\) program; Resolution # 2016-21.](#) None
Tom Abbott, Fire Chief
9. District Citywide [Consideration and action on the minutes of January 19, 2016 Regular City Council Work Session and Regular City Council Meeting.](#) None
Sherry Ann Aguilar,
City Clerk
10. District 3 [Consideration and action on Sampling Privileges for Safeway #1997 \(Current License 09070653\) located at 17049 W. Bell Road,](#) None
Sherry Ann

Regular Agenda Item - Non-Public Hearing:

- | | | |
|-----------------------|---|--|
| 11. District Citywide | <u>Discussion and presentation pertaining to the operating revenue sources available in FY2017.</u> | No Action
Lindsey
Duncan,
Finance
Director |
|-----------------------|---|--|

J. Other Business and Future Agenda Items:

K. Mayor/Council Reports:

L. Executive Session:

- | | | |
|-----------------------|--|---|
| 12. District Internal | <u>Discussion and action to enter executive session for discussion, consultation, and legal advice from the City Attorney; and to consider its position and instruct the City Attorney on litigation in City of Surprise v. Surprise Center Development Company pursuant to Arizona Revised Statutes 38-431.03 (A)(3) & (4).</u> | None
Robert
Wingo, City
Attorney |
|-----------------------|--|---|

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

February 2, 2016 @ 6:00:00 PM

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Council Meeting Date:	February 2, 2016	Contact Person:	Lloyd Abrams, Community Development
Submitting Department:	CD	District:	4
Staff Recommendations:	None		

Consent	x	Regular	Public Hearing	Report/Discussion
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Agenda Wording:

Consideration and action approving the sale of land and grant of a public utilities easement to Arizona Department of Transportation (ADOT) for the Bell Road Interchange Project; Resolution # 2016-22.

Motion:

I move to approve Resolution # 2016-22.

Background:

The Arizona Department of Transportation (ADOT) has identified a portion of the City's Park and Ride property for the Bell Road Interchange Project. The project is projected to start this April. ADOT has identified the need for 1,320 square feet for the project. ADOT also requires a public utilities easement to complete the project.

Objective Analysis:

The acquisition will allow for the completion of the Bell Road Interchange Project.

Policy Compliant:

The proposed land sale and easement advance the goals and policies of the Surprise General Plan and the City Council's Strategic Plan.

Financial Impact:

The Arizona Department of Transportation will acquire the land in fee. ADOT will pay the City of Surprise a total of Twenty-Nine Thousand, Three Hundred Dollars (\$29,300.00). The land was originally purchased with Proposition 400 for the purpose of improving regional transportation. These funds will need to be used in a similar manner.

Budget Impact:

This item was not included as a part of the FY2016 budget. The funds made available through this sale will be included as a part of the FY2017 for the purpose of improving regional transportation.

FTE Impact:

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

ATTACHMENTS:

Click to download

☐ [Resolution # 2016-22](#)

RESOLUTION # 2016-22

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA CONVEYING REAL PROPERTY AND GRANTING AN EASEMENT TO THE ARIZONA DEPARTMENT OF TRANSPORTATION FOR THE CONSTRUCTION OF THE BELL/GRAND OVERPASS.

WHEREAS, pursuant to Ariz. Rev. Stat. § 9-241, the City may convey real property for public purposes;

WHEREAS, the Arizona Department of Transportation requires a conveyance of 1,320 square feet of real property owned by the City as right-of-way for the Grand Avenue overpass along Bell Road (described in the Warranty Deed attached as Exhibit C);

WHEREAS, the Arizona Department of Transportation also requires a permanent public utilities easement covering 4,981 square feet of City-owned real property in order to construct the Grand Avenue overpass along Bell Road (described in the Public Utilities Easement attached as Exhibit D);

WHEREAS, the City of Surprise wishes to convey the required real property and easement in order to allow the Arizona Department of Transportation to construct the Bell/Grand overpass; and

WHEREAS, the Arizona Department of Transportation will compensate the City in the amount of \$29,300 for this conveyance.

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

Section 1. The Mayor is authorized and directed to execute the following documents attached as exhibits to this resolution: (1) Summary Statement of Offer to Purchase and Improvement Report, attached as Exhibit A; (2) Purchase Agreement, attached as Exhibit B; (3) Warranty Deed, attached as Exhibit C; and (4) Public Utilities Easement, attached as Exhibit D.

SIGNATURES ON THE FOLLOWING PAGE

APPROVED AND ADOPTED this ____ day of _____, 2016.

Sharon R. Wolcott, Mayor

Attest:

Approved as to form:

Sherry Aguilar, City Clerk

Robert Wingo, City Attorney

EXHIBIT A

Summary Statement of Offer to Purchase
and
Improvement Report

ARIZONA DEPARTMENT OF TRANSPORTATION (ADOT)
RIGHT OF WAY GROUP – STATEWIDE/URBAN ACQUISITION SECTION

**SUMMARY STATEMENT OF OFFER TO PURCHASE
AND
IMPROVEMENT REPORT**

This statement accompanies our letter of November 25, 2015 and shows the basis on which the offer is made, including any settlement amount.

A. IDENTIFICATION OF THE PROPERTY

The land is identified as Lot 2, Phoenix Newspapers Inc.
Maricopa County, Arizona

Also known as Assessor Parcel No (s) 501-18-523

B. THE ESTATE OR INTEREST NEEDED

The estate(s) or interest(s) needed is/are as follows (indicated by an "X"):

☒ Fee interest (new right-of-way)	1,320	Square Feet
☐ Underlying fee interest (existing rights-of-way)		Square Feet
☒ Public Utility Easement (new right-of-way)	4,981	Square Feet
☐ Easement		Square Feet
Temporary Construction Easement		Square Feet
☐		Square Feet

C. THE OFFER AS JUST COMPENSATION, AND BREAKDOWN

The amount offered represents just compensation, and is the result of a review and analysis of an appraisal made by a certified real estate appraiser. If only part of the property is needed, full consideration has been given to the value of the remaining property, including items requiring compensation on a "cost-to-cure" basis, if any. The analysis of the remaining property takes into account the effect of the acquisition of the land needed, and the establishment and construction of the project. A breakdown of the offer is as follows:

Land (including improvements)	\$	14,800
Severance Damages to remaining property	\$	
"Cost-to-Cure" compensation involving a facility or component on the remaining property	\$	500.00
Public Utility Easement	\$	14,000
Total Just Compensation	\$	29,300

D. THE IMPROVEMENTS

THE IMPROVEMENTS ASSOCIATED WITH THE PURCHASE ARE DESCRIBED AS FOLLOWS: Landscaping plants and irrigation

It is hereby acknowledged that all buildings and other improvements listed above that are situated entirely within or partially within the Right of Way take limits are conveyed to ADOT with Rights of Entry upon the Grantors remaining land for the purpose of building removal and other improvements as noted.

E. COST TO CURE

THE COST TO CURE ASSOCIATED WITH THE PURCHASE ARE DESCRIBED AS FOLLOWS: The center section of the landscape screen walls will need to be resurfaced along with the potential re-routing, or cut off of water lines associated with the landscape drip irrigation system.

F. THE DOCUMENTS NEEDED

Following is a summary of the documents requiring signature (indicated by "X"):

X Purchase Agreement (this document shows the terms of the transaction, and the attached Exhibit "A" provides the exact legal description)

X Warranty/Special Warranty/Quitclaim Deed (to be notarized)

☐ Extended Occupancy Agreement

☐ Manufactured Home

☐ Right of Way Contract (to be notarized)

X Public Utility Easement (to be notarized)

Temporary Construction Easement

☐ Arizona Substitute W-9 Form

X Summary Statement of Offer to Purchase and Improvement Report (see below)

G. SECURITY DEPOSIT INFORMATION AND ACKNOWLEDGMENT

ADOT shall withhold \$-0- in escrow, as a security deposit, in accordance with the terms of the Purchase Agreement.

H. SUBSURFACE IMPROVEMENT STATEMENT

1. I ☐ am ☐ am not aware of the presence of any subsurface improvements (e.g., septic systems, storm cellars, ground wells) within the area of ADOT's acquisition.*
2. Well(s) ☐ Yes ☐ No Well Registration No(s): 55-
3. Irrigation Water Rights ☐ Yes ☐ No IGR Number: 58-
4. Well is located ☐ within the acquisition area, ☐ outside the acquisition area.
(NOTE: If you answered yes regarding water rights, please provide a copy of the appropriate certificate if available)

*If aware of such improvements, please provide any information that may assist in locating same.

GRANTOR: CITY OF SURPRISE

Date

Date

08/1/12

Project: 060 MA 142 H8485 01R

Section: Bell Road TI Segment

Parcel: 7-11803

EXHIBIT B

Purchase Agreement

ARIZONA DEPARTMENT OF TRANSPORTATION
RIGHT OF WAY GROUP

PURCHASE AGREEMENT

Title Company	Security Title	Date	_____
Address	3636 N Central Ave	(to be completed by Title Company, if applicable)	
City	Phoenix	Zip Code	85012
Escrow Officer	Victoria Smith	Phone	602.230.6246
Escrow No.	_____	Fax No.	602.294.6247
Grantor	City of Surprise		
Address	16000 N. Civic Center Plaza, Surprise, Arizona 85374		
Phone/Fax/Mobile/Email	_____		

Grantee: The STATE OF ARIZONA, by and through its DEPARTMENT OF TRANSPORTATION (the "State")
Mailing Address: Arizona Department of Transportation, Right of Way Group
205 South 17th Avenue, MD 612E, Phoenix, Arizona 85007-3212

The STATE shall pay directly to the Grantor, or deposit with the Title Company ("Escrow Agent") if escrowed, the purchase price plus all lawful costs incidental to closing as follows:

Escrow Fees	_____
Title Policy Fees	_____
TOTAL ESCROW & TITLE FEES	\$0.00

Recording Fees	
Deed	_____
Easement	_____
Release	_____

TOTAL RECORDING FEES	\$0.00

Other Charges	
Release Fees	_____
SRVWUA Fee	_____
Prorated Taxes/Dates	_____
TOTAL OTHER CHARGES	\$0.00
Subtotal Fees	\$0.00

Title Report Credit (-)	_____
Total Closing Costs	\$0.00

Land & Improvements*	\$28,800.00
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Cost to Cure	\$500.00
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Total Purchase Price	\$29,300
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TOTAL WARRANT**	_____
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Charges and disbursements to be paid from Grantor's funds as follows (check all that apply):

☐ **Total Acquisition of Grantor's Property**: Full release of all monetary liens and encumbrances, and leases of any kind. Pay in full all due and delinquent real property taxes and general and special improvement assessments. Grantor will be charged for any costs necessary to make the property compliant with the Covenants, Conditions and Restrictions. Prorate the current year's real property taxes on closings that occur on or after the 3rd Monday of August each year. Escrow Agent shall withhold the prorated amounts from each party and pay the lien of the current year's taxes in full.

☒ **Partial Acquisition of Grantor's Property**: Partial release of all monetary liens and encumbrances, and leases of any kind. At the discretion of State, pay due and delinquent property taxes and general and special improvement assessments, including full payment of taxes and assessments on individual assessor parcels within State's partial acquisition, and any Certificate(s) of Purchase. The current year's taxes shall not be prorated regardless of the closing date.

☒ **Easement(s)**: Consent to easement(s) by secured party(ies).

☐ **Other Disbursements**:

☐ **Security Deposits and Prepaid Rents, if Applicable**: Grantor agrees to return all security deposits and prepaid rents directly to lessee(s) outside of escrow.

Possession Date: Close of escrow/date of recording.

Special Conditions Right of Way Contract Yes ☐ No ☐

Entry Agreement*** Yes ☐ No ☐

*** If yes, State shall pay statutory interest on the "Total Purchase Price" from _____ to the close of escrow/date of recording directly to Grantor by separate warrant.

Special Instructions/Information:

*Title policy fees based on this amount only.

**Sum of "Total Closing Costs" and "Total Purchase Price" only.

THE GRANTOR, having executed a conveyance of certain real property rights to the GRANTEE in a certain conveyance dated _____ described in Exhibit "A" attached hereto and made a part hereof, and having delivered same to the above Title Company as Escrow Agent, said agent is directed to deliver said conveyance to the STATE OF ARIZONA by and through its DEPARTMENT OF TRANSPORTATION; title to said property to pass upon the acceptance of delivery and possession by the ARIZONA DEPARTMENT OF TRANSPORTATION.

THIS PURCHASE AGREEMENT SHALL SERVE AS THE ESCROW INSTRUCTIONS

The Escrow Agent shall first apply the purchase price on deposit to satisfy such taxes, mortgage claims, leasehold interests, special assessments, fines, fees or charges to be paid to the homeowners association and other encumbrances as may be authorized for payment, and the balance thereof shall be paid in accordance with the terms hereof. If the subject property is encumbered with Covenants, Conditions and Restrictions, the Escrow Agent shall send a Notice of Pending Sale pursuant to A.R.S. 33-1806.

The Grantor agrees that should further encumbrances be attached to this property subject to this transaction during the escrow period, including but not limited to, monetary liens, leases, easements and permits, Grantor shall remain responsible for any damages in the event of non-compliance.

The Escrow Agent is to withhold \$0 as a security and/or site-clearance deposit pending satisfactory delivery of the subject property to the State by the Grantor. Grantor agrees the State may apply the security deposit to payment of any unpaid rents due the State from the Grantor, or to payment for any loss or damage sustained by the State caused by the Grantor after the date of this agreement. The State will make written authorization to the Escrow Agent for disbursement of the security deposit in accordance with this agreement, after acceptance of delivery and possession of the subject property. The Grantor is to notify the Arizona Department of Transportation, Right of Way Group, of the date Grantor intends to vacate the subject property.

Instructions to Escrow Agent: Deposit all escrowed funds in escrow account and disburse same by check; pay encumbrances in accordance with this agreement; prorate all agreed items; record such escrowed instruments as are necessary or proper in the issuance of title insurance; and pay the balance of the escrowed funds to the party or parties entitled thereto. It is further understood and agreed that the Title Company shall not be responsible for any liens or encumbrances not of record at the closing of escrow.

The Right of Way Group of the Arizona Department of Transportation will be furnished a copy of the Grantor's closing statement with the following certification signed by an authorized officer: "This is to certify this is a true and correct statement of disbursement of funds collected from the Arizona Department of Transportation."

The Escrow Agent is to request the Grantor acknowledge receipt of the amount shown on the closing statement as due Grantor. Either a copy of this request or a copy of a signed receipt is to be retained in the escrow file.

The State will pay the costs of any escrow services and/or title insurance desired by it, but may, at its option, waive escrow and/or title insurance. Upon such waiver, the references to Title Company, Escrow Agent, and title insurance herein are not applicable. If this transaction is not handled through a title company, the conveyance will be delivered direct to the State of Arizona and payment will be made direct from the Grantee to the Grantor or after approval and acceptance by the Director of the Arizona Department of Transportation and the final filing and recording of the documents.

If cost-to-cure moneys have been paid to remove or relocate improvements on the property conveyed, Grantor agrees to remove all buildings and appurtenances including fences, floors other than concrete, plumbing lines above grade, and all combustible material not later than 30 days from the date of payment. The Grantor assumes all liability connected with said removal. It is further agreed that upon expiration of the time provided for removal, all improvements remaining partially or wholly upon the lands conveyed shall become the property of the State of Arizona, and all rights of the Grantor to said improvements shall cease and terminate. Grantor shall be liable for the reasonable costs incurred in removing said improvements. License is hereby granted to the State of Arizona to enter upon the Grantor's remaining lands where necessary to accomplish the purpose of this agreement.

If the State is acquiring only a portion of Grantor's property, then Grantor grants to the State, its agents, employees and contractors, the right to enter Grantor's remaining property as necessary for utility reconnection, driveway reconnection, facilitating removal of buildings or appurtenances where portions of acquired buildings or appurtenances are situated on Grantor's remaining property, and to facilitate sound wall construction on adjacent State-owned right of way, if required. It is further understood and agreed that this temporary right will expire and terminate thirty (30) days after completion of State's project.

It is understood and agreed the consideration expressed herein is accepted by the Grantor as full and complete compensation for the interest being acquired, and in settlement for all injury or damage to the Grantor's remaining abutting lands. Further, said consideration shall constitute a waiver of any and all claims for damages or compensation to said abutting lands that may hereafter arise or result from the establishment and construction of the highway in the manner proposed by the State.

State is acquiring Grantor's property through its right of eminent domain under threat of condemnation; therefore, it is not a voluntary sale in the ordinary course of real estate negotiation. Further, the settlement herein is in lieu of condemnation and not admissible as evidence of value, nor for any other evidentiary purpose, in conjunction with any judicial or administrative proceeding.

☐ Yes ☐ No Addendum attached hereto and made part hereof.

☐ Notice of Pending Sale pursuant to A.R.S 33-1806.

The STATE OF ARIZONA, by and through its DEPARTMENT OF TRANSPORTATION

By _____

GRANTOR: City of Surprise

Date:

Dennis Smith, Right of Way Agent

Approved by the Director of the
Arizona Department of Transportation _____ 20 ____

Accepted: STATE OF ARIZONA _____ 20 ____

Accepted _____ Date _____
ESCROW OFFICER

By _____
RIGHT OF WAY MANAGER

EXHIBIT C

Warranty Deed

WHEN RECORDED RETURN
TO ARIZONA DEPARTMENT
OF TRANSPORTATION,
R/W OPERATIONS SEC.
205 S. 17TH AVE., MD 612E
PHOENIX, AZ 85007-3212

Escrow No.

EXEMPT FROM AFFIDAVIT
BY A.R.S. §11-1134-A-3

ARIZONA DEPARTMENT OF TRANSPORTATION

WARRANTY DEED

CITY OF SURPRISE, a municipal corporation, the Grantor, for the consideration of TEN DOLLARS AND OTHER VALUABLE CONSIDERATION, does hereby grant, convey and warrant to the **STATE OF ARIZONA**, by and through its **Department of Transportation**, the Grantee, that certain real property situated in Maricopa County, Arizona, more particularly described as:

SEE EXHIBIT "A" ATTACHED HERETO

AND BY REFERENCE MADE A PART HEREOF.

SUBJECT TO current taxes and assessments, reservations and all easements, rights of way, covenants, conditions, restrictions, liens and encumbrances of record.

PROJECT: 060 MA 142 H8485
060-B(212)T

LOCATION: Bell Road T.I.

PARCEL: 7-11803
sw 09-28-2015

The Grantor herein, in accordance with property repurchase rights pursuant to A.R.S. §28-7099, hereby elects and agrees to the following:

- ☐ Waives right of first refusal pursuant to A.R.S. §28-7099, and ADOT at its election, may use, or dispose of any remaining parcel pursuant to any means permitted by law;
 _____ (initial) _____ (initial)

-OR-

- ☐ Possibly would re-purchase excess land, if any, and hereby requests proper notification by the Department should excess land become available;
 _____ (initial) _____ (initial)

IN WITNESS WHEREOF, this instrument is executed this _____ day of _____, 20_____

(SIGNATURE)

(SIGNATURE)

BY: _____

BY: _____

ITS:

ITS:

NOTARY CERTIFICATION

Capacity claimed by signer(s)

- ☐
- INDIVIDUAL(S)

- ☐
- ATTORNEY-IN-FACT

- ☐
- TRUSTEE(S)

- ☐
- CORPORATE

- ## □ PARTNERSHIP

- ☐
- GOVERNMENT OFFICER(S)

- ☐
- OTHER

ENTITY(IES) REPRESENTED

TITLE OF SIGNER

STATE OF)
) SS
COUNTY OF)

Before me, _____, the undersigned officer/notary
(Name of Notary)
on _____, 20____ personally appeared _____

IN WITNESS, my hand and official seal.

(Signature of Notary)

My commission expires: _____

☐ personally known -OR- ☐ proved to me to be the person(s) whose name (s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity on behalf of which the person(s) acted, executed the instrument.

SEAL HERE

Approved by the Director
of the Arizona Department
of Transportation

Accepted:
STATE OF ARIZONA

_____, 20

_____, 20

By _____

Right of Way Manager

Document Type: WD Parcel No.: 7-11803

DESCRIPTION FOR FEE ESTATE

That portion of Lot 2, PHOENIX NEWSPAPER, INC., according to the plat of record in the Office of the County Recorder of Maricopa County, Arizona, in Book 1039 of Maps, Page 42, located in Section 3, Township 3 North, Range 1 West, Gila and Salt River Meridian, Maricopa County, Arizona, which lies northerly of the following described **NEW RIGHT OF WAY LINE**:

NEW RIGHT OF WAY LINE DESCRIPTION:

COMMENCING at a concrete nail flush with stradlers marking the North quarter corner of said Section 3, being North 89°50'59" West 2635.95 feet from a Maricopa County Highway Department brass cap in handhole 0.5 foot down marking the Northeast corner of said Section 3;

thence along the North line of said Section 3, coincident with the Construction centerline of Bell Road and the Township Line, South 89°50'59" East 1314.87 feet;

thence South 00°09'01" West 55.00 feet to the POINT OF BEGINNING on the existing South right of way line of Bell Road;

thence South 44°50'59" East 28.28 feet;

thence South 89°50'59" East 46.00 feet;

thence North 45°09'01" East 28.28 feet to the POINT OF ENDING on said existing South right of way line of Bell Road.

TOGETHER with, any and all of the Grantors' fee interest in and to all of the highway right of way for said Bell Road abutting said Lot 2, if any.

EXHIBIT "A"

PROJECT: 060 MA 142 H8485
060-B-(212)T

LOCATION: Bell Road T.I.

PARCEL: 7-11803
sw 09-30-2015

EXHIBIT D

Public Utilities Easement

WHEN RECORDED RETURN
TO ARIZONA DEPARTMENT OF TRANSPORTATION,
R/W OPERATIONS SEC.
205 S. 17TH AVE., MD 612E
PHOENIX, AZ 85007-3212

Escrow No.

ARIZONA DEPARTMENT OF TRANSPORTATION
PUBLIC UTILITIES EASEMENT

CITY OF SURPRISE, a municipal corporation, the Grantor, for and in consideration of the sum of ONE DOLLAR AND OTHER VALUABLE CONSIDERATION, does hereby grant to the **STATE OF ARIZONA,** acting by and through its **Department of Transportation,** and to its successors and assigns, the **Grantee,** a perpetual easement to construct, operate and maintain underground utilities, public and private, together with all of the necessary and appurtenant facilities thereto, under and across the following described property situated in the County of Maricopa, State of Arizona:

**SEE EXHIBIT "A" ATTACHED HERETO
AND BY REFERENCE MADE A PART HEREOF.**

GRANTOR shall not erect, construct or permit to be constructed any building or other structure, plant any trees, drill any well, or alter ground level by cut or fill within the limits of said easement. Parking will be allowed within said easement.

GRANTEE shall have the right to trim, cut and clear away trees or brush whenever in its judgment the same shall be necessary for the convenient and safe exercise of the rights herein granted, to permit the installation of any fixture, conduits or cables of any utility within the boundaries of this easement and shall at all times have the right of ingress and egress to said easement for the purpose herein specified.

The agreements herein set forth shall be binding on the successors, assigns and lessees of the respective parties hereto.

PROJECT: 060 MA 142 H8485
060-B(212)T

LOCATION: Bell Road T.I.

PARCEL: 7-11803
sw 09-28-2015

[illegible]

Capacity claimed by signer(s)

ENTITY(IES) REPRESENTED

STATE OF)
) SS
COUNTY OF)

Before me, _____, the undersigned officer/notary
on _____, 20____ personally appeared _____

IN WITNESS, my hand and official seal.

My commission expires: _____

SEAL here

_____ , 20

, 20

Right of Way Manager
Document Type: PUE Parcel No.: 7-11803

DESCRIPTION FOR PUBLIC UTILITY EASEMENT

That portion of Lot 2, PHOENIX NEWSPAPER, INC., according to the plat of record in the Office of the County Recorder of Maricopa County, Arizona, in Book 1039 of Maps, Page 42, located in Section 3, Township 3 North, Range 1 West, Gila and Salt River Meridian, Maricopa County, Arizona, which lies within the following described **NEW PUBLIC UTILITY EASEMENT**:

COMMENCING at a concrete nail flush with stradlers marking the North quarter corner of said Section 3, being North 89°50'59" West 2635.95 feet from a Maricopa County Highway Department brass cap in handhole 0.5 foot down marking the Northeast corner of said Section 3;

thence along the North line of said Section 3, also coincides with the Construction centerline of Bell Road and the Township Line, South 89°50'59" East 1259.21 feet;

thence South 00°09'01" West 55.00 feet to the POINT OF BEGINNING on the existing South right of way line of Bell Road and the West line of said Lot 2;

thence along said existing South right of way line of Bell Road, South 89°50'59" East 55.66 feet;

thence South 44°50'59" East 28.28 feet;

thence South 89°50'59" East 46.00 feet;

thence North 45°09'01" East 28.28 feet to said existing South right of way line of Bell Road;

thence along said existing South right of way line of Bell Road, South 89°50'59" East 61.82 feet;

thence continuing along said existing South right of way line of Bell Road, South 00°57'50" East 2.00 feet;

thence continuing along said existing South right of way line of Bell Road, North 89°46'05" East 177.14 feet;

thence South 84°07'24" West 201.74 feet to the East line of said Lot 2;

thence along said East line of Lot 2, South 00°09'01" West 13.00 feet;

thence North 89°50'59" West 180.03 feet to said West line of Lot 2;

thence along said West line of Lot 2, North 00°09'01" East 35.00 feet to the POINT OF BEGINNING.

EXHIBIT "A"

PROJECT: 060 MA 142 H8485
060-B-(212)T

LOCATION: Bell Road T.I.

PARCEL: 7-11803
sw 09-30-2015



CITY OF SURPRISE
Regular City Council Meeting

February 2, 2016 @ 6:00:00 PM

Back Print

Council Meeting Date:	February 2, 2016	Contact Person:	David Kohlbeck
Submitting Department:	Public Works	District:	Citywide
Staff Recommendations:	None		

Consent	x	Regular	Public Hearing	Report/Discussion
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Agenda Wording:

Consideration and action pertaining to approval of the application for, and acceptance of, fiscal year 2016 Arizona Lottery Fund (ALF) grant funds in the amount of \$344,813; Resolution #2016-11.

Motion:

I move to approve Resolution # 2016-11.

Background:

ALF – Arizona Lottery Fund is judicially mandated funding currently derived from Powerball lottery revenues to provide public transportation funding opportunities in Maricopa County. These funds were formerly distributed through the Local Transportation Assistance Fund (LTAF), which was eliminated in 2010.

An allocation of \$11,200,000 has been made available for FY2016 distribution. The City of Surprise's eligible portion is \$344,813. The program was made “transit use only” so the funds can only be used for public transit or special needs transportation, sponsored by a local government. The grant does not require matching funds; other funds are called out in the application to highlight the City's contribution to transit services.

This year's grant application is for City contracted On-Demand Transit Services through the Regional NW Dial-a-Ride agreement, and the City's portion of the Surprise's 571 express bus service. These state grant funds will be used to meet the City Council Strategic Planning Transportation goals.

After submission of the application for funding, the City will receive the requested funds in the amount of \$344,813. The proposed resolution authorizes both the application and acceptance of the funds upon receipt. A signed application was submitted to Valley Metro by close of business January 28, 2016 as outlined in the notification letter.

Objective Analysis:

Arizona Lottery Funds (ALF) allow the City to leverage general fund dollars to other City priorities without jeopardizing transit service to the Surprise residents on average in the amount of \$350,000

annually.

By not accepting these funds, and if the City wanted to maintain the current level of service in its Dial-a-Ride program the City would have to increase its general fund obligations on average an additional \$350,000.

Policy Compliant:

This action is consistent with Council Strategic Plan goal seven of identifying funding sources for the transportation system.

Financial Impact:

If approved, the City will formally recognize the application and receipt of AFL grant funds in the amount of \$344,813 for FY2016. All monies programmed with item are expended in the timelines and guidelines of acceptance of funds.

Budget Impact:

The FY2016 adopted budget includes a total of \$350,000 within the ALF fund for transit services and no budget amendments are necessary.

FTE Impact:

There is no FTE impact related to this item.

ATTACHMENTS:

Click to download

- ☐ [Resolution 2016-11](#)
 - ☐ [FY2016 ALF Application](#)
 - ☐ [FY2016 ALF Application Package](#)
-

RESOLUTION # 2016-11

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA AUTHORIZING THE ACCEPTANCE OF ARIZONA LOTTERY FUND (ALF) GRANT FUNDING FROM THE REGIONAL PUBLIC TRANSPORTATION AUTHORITY.

WHEREAS, the Regional Public Transportation Authority ("RPTA") is awarding funding for local transit projects relating to all aspects of transit services;

WHEREAS, the Arizona State Legislature has authorized an allocation of Arizona Lottery funds to the City of Surprise (the "City") to fund transit activities;

WHEREAS, the FY2016 budget was adopted by Resolution # 2015-53 on June 3, 2015;

WHEREAS, \$350,000 was budgeted for in the ALF fund of the FY2016 adopted budget; and

WHEREAS, the Council of the City of Surprise desires to accept the ALF grant funding in the amount of Three Hundred Forty-Four Thousand Eight Hundred Thirteen Dollars (\$344,813).

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

Section 1. The City of Surprise Public Works Director or his delegates are authorized to execute and submit all documents and other necessary or desirable instruments in connection with said funding.

Section 2. The City of Surprise hereby authorizes the Public Works Director to accept ALF award for FY2016 and receive funds in the amount of \$344,813 from the Regional Public Transit Authority.

[SIGNATURES ON THE FOLLOWING PAGE]

APPROVED AND ADOPTED this ____ day of _____, 2016.

Sharon R. Wolcott, Mayor

Attest:

Approved as to form:

Sherry Aguilar, City Clerk

Robert Wingo, City Attorney

SECTION I: APPLICANT INFORMATION

e-mail address: david.kohlbeck@surpriseaz.gov

Page 1 of 2

**ALF GRANT APPLICATION FOR
FISCAL YEAR 2015-16**

SECTION I: APPLICANT INFORMATION

Applicant: City of Surprise

Contact: David Kohlbeck

SECTION II: PROJECT REQUEST(S)

1. Transit Project

- a. Project Title: City NW Regional Dial-a-Ride contract service
- b. Project Location: City of Surprise Dial-a-Ride boundaries
- c. Project Description: Provide demand transit services to Surprise residents who are in need of public transportation for life sustaining, medical, work and shopping trips.

Coupled with the City's New Freedom grant money controlled by Valley Metro will provide 35,000 annual one way trips.

Additional project information may be attached.

- d. ALF funding requested (also include on line 2a) \$304,813
- e. Other Funds included in the Project (include on line 2b on page 1) \$483,900
- f. Total Project Cost \$788,713
- g. Type of Project: ☐ Planning ☐ Capital ☒ Operations ☐ Other _____
- h. Is the project included in the Regional Transportation Plan? (Yes or No) YES
- i. Is the project included in the TIP or UPWP? (Yes or No) _____

2. Transit Project

- a. Project Title: 571 Express Bus service
- b. Project Location: Surprise Park N Ride/ El Mirage Pak N Ride to Central Station and Capitol
- c. Project Description: Provide regional express bus service to NW valley residents into downtown Phoenix for work, school and other needs, with four (4) inbound and four (4) outbound trips each day per the Valley Metro regional express bus standards.

Based on historical data it is anticipated that this route will average 200 daily boardings.

Additional project information may be attached.

- d. ALF funding requested (also include on page 1 line 2a) \$40,000
- e. Other Funds included in the Project (include on line 2b on page 1) \$44,000
- f. Total Project Cost \$84,000
- g. Type of Project: ☐ Planning ☐ Capital ☒ Operations ☐ Other _____
- h. Is the project included in the Regional Transportation Plan? (Yes or No) YES
- i. Is the project included in the TIP or UPWP? (Yes or No) _____



December 15, 2015

ARIZONA LOTTERY FUND APPLICATION

Dear ALF Recipient

We are pleased to begin the application process for the FY2016 ALF funds. Revenues for FY2016 are budgeted to be \$11,200,000. To receive the funds agencies must apply annually. A copy of this notice has been provided to your Intergovernmental Representative and Transit Manager.

The attached application is self-explanatory. Please pay particular attention to the required signatures of financial officers and the jurisdiction's appropriate authorizing agent (city or county manager, program director, etc.). There are two other attachments: application instructions and guidelines which highlight and clarify certain aspects of this year's process, and a chart showing the allocation of funds to each agency or jurisdiction.

Applicants are required to provide more detailed information about the services or projects that will be funded with Arizona Lottery Funds than has been provided previously. Additional space has been provided on page two of the application form for this purpose. Concurrently in the Annual Report and Expenditure Certification, due after June 30, 2016, the project narrative should include a status of the project included in the original application and quantifiable data such as number of trips, miles and/or hours of service provided. If funds were used for a capital related project the status of the project, percentage complete, vehicles purchased, shelters installed, bus bays constructed and other relevant project related information.

Valley Metro distribution of funds to jurisdictions is anticipated to be near the end of April 2016. In order to be eligible for a distribution, the completed application must be returned to Valley Metro by the close of business on January 29, 2016. Please note that distributions may be withheld to jurisdictions which have not submitted their FY2015 Annual Report and Expenditure Certification. If you wish to opt out of the program for FY 2016, please submit a letter or email to this effect to Valley Metro indicating your jurisdiction does not wish to participate in this year's program. Additional instructions are provided in the attachments.

If you need assistance or have any questions, please don't hesitate to contact Jeff Dolfini by email at jdolfini@valleymetro.org or by phone at (602) 523-6012.

Sincerely,

A handwritten signature in black ink, appearing to read 'Paul Hodgins'.

Paul Hodgins
Revenue Generation & Financial Planning Manager

c: Intergovernmental Representatives
Transit Managers

**ARIZONA LOTTERY FUND
APPLICATION INSTRUCTIONS AND GUIDELINES FOR
ELIGIBLE RECIPIENTS**

INTRODUCTION AND GUIDELINES

Maricopa County and jurisdictions within the county that receive Arizona Lottery Fund (ALF) funding are required to use the funding for public transportation. There is no local match requirement for these funds. Following is a general outline of eligible expenditures and recipients. Attached is a Glossary that further describes the terminology used in this document.

Public transit is defined as any service, vehicle(s), or support facility for a vehicle(s), intended for the purpose of conveying multiple passengers (i.e. typically 5 or more ⁽¹⁾) and which meets applicable state and federal safety and accessibility laws, rules, and regulations. The definition also includes the planning and administrative support for such services. It is the intent of the program to provide funds for the purpose of providing transit service or facilities that is publicly available to the following populations:

- The general public;
- Elderly persons;
- Persons with disabilities;
- Welfare recipients and “low-income” persons engaged in employment activities.

Funding will be distributed directly to eligible jurisdictions in the county and includes Maricopa County, and cities and towns within the county.

In the case of private, not-for-profit agencies and private, for-profit transit providers, the city, town, or county receiving the ALF funding must enter into a contract or grant agreement with the proposed operator to provide the transportation service that is approved by its governing body. The contract and/or grant agreement, accompanied by Board or Council resolution, must be available to Valley Metro as evidence of the agreement.

Jurisdictions may enter into agreements to share ALF funding to provide eligible public transit services across jurisdictional boundaries in order to meet the mutual public transit needs of the jurisdictions involved. Additionally, funds may be utilized to provide “vouchers” or other remuneration for services rendered to for-profit transportation companies when there is clear evidence that the service is for the general public, special needs population, or “low-income” and “welfare to work” employment.

Projects must be included in or compatible with the adopted Regional Transportation Plan. Additionally, use of ALF funding implies that all applicable state and federal Civil Rights statutes are to be complied with in the provision of services rendered with these funds, including but not limited to, Title VI of the Civil Rights Act and the Americans with Disabilities Act. It is the responsibility of each community within the county in receipt of the funds and any end-use (grant or subcontract) recipient to be familiar with all portions of State and Federal Motor Vehicle Safety Standards, Motor Carrier, and Motor Vehicle Division regulation requirements, restrictions, and conditions.

(1) Some “special needs,” “dial-a-ride,” or other demand-responsive or carpool vehicles may have capacity of less than 5 passengers, and include vehicle types such as sedans or station wagons.

Eligibility

To be eligible Maricopa County and jurisdictions within the county must apply for funds annually, up to the amount indicated in the annual allocation. These funds have historically been used to support a variety of projects including transit operations, vehicle purchases, transit facility or amenity construction, and transit planning.

Subject to consultation with Valley Metro jurisdictions may work together to combine applications where it is mutually beneficial to do so from an operations or procurement perspective. Regardless, these applications must have the prior approval of Valley Metro, for such an arrangement and a signed letter of agreement between the city, town, or county manager must be received.

While not directly eligible as primary or first tier recipients from Valley Metro, local private-non-profit (PNP) agencies providing special needs transportation may approach local jurisdictions for all or a portion of its ALF allocations to support their transportation operations as sub-grantees of the primary recipient jurisdiction. These agreements are made between the jurisdictions and PNP and may or may not include local matching fund assistance from the PNP or local jurisdiction, which is at that jurisdiction's discretion. Any such transportation provided by the PNP must qualify as public transportation to be eligible for the funds.

Application Process

The application process is straightforward and for the most part self-explanatory. The spreadsheet includes two tabs. The first is a summary page with information about the applicant and a summary of the funding request. The second tab is for the project description(s). There is room for two projects on the tab. If more space is required simply copy the page as many times as needed. The funding totals for the projects should carry forward to the summary application page.

Please provide specific descriptions for projects. Support for fixed route and paratransit services should be reported as separate projects. If ALF is intended to support fixed route services, please provide specific routes that will be supported and whether the funds will be used for existing or expanded service levels.

The proposed projects must be included in or compatible with the adopted Regional Transportation Plan. Planning projects should be included in the adopted Unified Planning Work Program (UPWP) and capital projects should be included in the adopted Transportation Improvement Program (TIP). The grant funds do not require a local matching share.

Completed applications can be e-mailed to jdolfini@valleymetro.org. The application should be signed and scanned when submitting through e-mail. We will review your submission and reply promptly of acceptance or rejection of the application. We will also accept paper applications, but they have to be received in the Valley Metro offices by the due date indicated in the cover letter.

If a recipient elects not to make application for funding, it forfeits all rights to the funds allocated to that entity, and must submit a letter to this effect to Valley Metro indicating it does not wish to participate in this year's program. The letter needs to be signed by the County Manager or City or Town Manager or their proxy. The applicant also should understand that funds do not revert or otherwise flow back to that entity's ALF account or allocation for the following year, but will be used by Valley Metro within the region to support public transit activities, at the discretion of the Board of Directors.

ALF ELIGIBLE PUBLIC TRANSPORTATION EXPENDITURES

Planning and Training Related Expenses

ALF funding may be used for transit planning studies or portions of planning studies focused on transit planning needs for the community. Additionally transit training activities are eligible and include:

- Short and long range transit related plans and programs to develop, implement, or enhance transit patronage;
- Transit training for activities related to transit procurement and operations and travel training; and
- Transit related memberships in organizations and associations associated with transit activities.

Capital Expenses

Capital expenses include the acquisition, construction and improvement of public transit facilities and equipment needed for a safe, efficient and coordinated public transportation system. Examples of eligible capital expenditures include, but are not limited to:

- Fleet including buses, vans or paratransit vehicles;
- Light and rapid rail construction projects;
- Radios and communications equipment;
- Passenger shelters, bus stop signs, and similar passenger amenities;
- Vehicle rehabilitation, remanufacture, or overhaul;
- Storage or maintenance facility construction or rehabilitation;
- Extended warranties which do not exceed the industry standard;
- Operational support such as computer hardware or software;
- Installation costs; vehicle procurement, testing, inspection and acceptance costs;
- Construction or rehabilitation of transit facilities including design, engineering and land acquisition;
- Provide access or equipment for bicycle transport on transit vehicles or to transit facilities;
- Lease of equipment or facilities when lease is more cost effective than purchase;
- Transit related intelligent transportation systems, (e.g. passenger information kiosks, scheduling technology, vehicle locator or tracking systems, and road and weather information systems).

Operating Expenses

Operating expenses are considered those costs directly related to system operations. At a minimum, the following items are considered operating expenses:

- Fuel and oil for vehicles, and vehicle maintenance costs;
- Transit employee salaries and fringe benefits;
- Licenses;
- Insurance;
- Facility rental (appropriate to transit related operations);

Other Eligible Expenses

Additional expenses related to public transportation are also eligible for ALF funding and include:

- Marketing and administration of Transportation Demand Management programs to encourage reductions in travel and promote alternative modes of travel such as; carpooling, vanpooling, walking, bicycling, and alternative work schedules.
- Marketing to advertise and/or promote transit service in the service area.
- Expenses related to financial reporting requirements related to ALF.

Exceptions

If the grant recipient or end-use provider has a situation that varies from the eligible recipients and expenditures outlined above, it must contact Valley Metro to seek clarification regarding eligibility.

Two Year Expenditure Limit and Extensions

Funds distributed to Maricopa County and jurisdictions within the county must be utilized within two years from the date of distribution by Valley Metro. If an entity does not expect to expend all of its funds within this timeframe, it must submit a letter to Valley Metro requesting an extension if it wishes to retain those funds. Extensions are granted for a maximum of one (1) year. Granting of an extension is not automatic and requests are subject to Valley Metro review. If an entity does not meet the two-year expenditure limit and does not request an extension unspent funds are subject to remittance to Valley Metro or future funds may be forfeited and Valley Metro will utilize the funds where there is a need.

Annual Report and Expenditure Certification

Within 120 days after the end of each fiscal year (June 30) the recipient must submit to Valley Metro a Financial Report that includes all ALF funds received by year and a summary of expenditures to date for each category in the agency's financial system. Failure to submit a timely report may result in withholding or potential forfeiture of future disbursements from the ALF Program.

The report must also include a project narrative. The project narrative should include a detailed description of the service provided, qualitative description of program measures that impacted the availability of transportation services as a result of the project(s). Examples include geographic coverage, service quality and/or service times and milestones accomplished. Statistical information may include number of one-way trips, number of revenue miles or revenue hours provided by route, and/or total hours of demand service provided.

If funds were used for a capital related project(s) provide a detailed description on the additions or changes to environmental infrastructure (e.g. transportation facilities, bike paths, shelters installed, sidewalks, etc.) technology, vehicles purchased that impacted the availability of transportation services as a result of the project(s) during the reporting year.

The report should provide relevant information about the project(s) described in the original application. The report does not need an external auditor certification. The jurisdiction will self-certify. The report should be certified by the jurisdiction's chief financial officer, city controller or finance director. Valley Metro may require a review by an outside audit firm at its discretion.

Forfeiture of Funds

If a jurisdiction within the county elects NOT to make application for funding for a particular year, it forfeits all rights to the funds allocated to the jurisdiction, and must submit a letter of acknowledgement to this effect to Valley Metro indicating it does not wish to participate in this year's program. The letter needs to be signed by the ranking County Manager or City or Town Manager or their proxy. The applicant also should understand that these funds and any funds returned to Valley Metro do not revert or otherwise flow back specifically to that entity's ALF account or allocation for the following year, but will be used by Valley Metro within the region to support public transit activities.

GLOSSARY OF TERMS

ALF – Arizona Lottery Fund is judicially mandated funding currently derived from Powerball lottery revenues and provides public transportation funding in Maricopa County. These funds were formerly distributed through the Local Transportation Assistance Fund (LTAF), which was eliminated in 2010.

General public - Describes all individuals, regardless of age, race, minority status or physical or mental condition.

Elderly persons - Describes persons who are 60 years of age or older.

Persons with disabilities - Typically describes individuals with irreparable or otherwise chronic, long-term physical or mental impairments that impede significant life functions. As the term is used here, a “disability” does not typically imply or involve temporary or otherwise non-recurrent injury or impairment due to accident or illness.

Public Transportation or Transit - As defined in A.R.S. 48-5101.8 "Public transportation" means local transportation of passengers by means of a public conveyance. For the purposes of the ALF Program, the terms "Public Transportation" and "Transit" are interchangeable.

Welfare Recipient and Low Income Employment Activities - Describes service which is oriented to persons who are either welfare recipients or are under the federally defined “low income” threshold (see following definitions), who require transportation to government or privately-sponsored employment or employment programs, including but not limited to traditional “welfare-to-work” programs such as Access to Jobs, Temporary Assistance To Needy Families (TANF), etc.

Welfare Recipient - An individual who receives or received aid or assistance under a state program funded under Part A of Title IV of the Social Security Act (whether in effect before or after the effective date of the amendments made by Title I of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104-193); (110 Stat. 2110)) at any time during the three-year period before the date on which the applicant applies for a grant.

Low-Income Individual - An individual whose family income is at or below 150 percent of the poverty line (as that term is defined in Section 673(2) of the CSBG Act (42 U.S.C. 9902(2)) including any revisions required by that section for a family of the size involved, as calculated by HHS. The 1999 guidelines were published in the March 18, 1999, (Volume 64, Number 52) Federal Register, page 13428-13430, and are available on the web at <http://www.aoa.gov/network/99hhspov.html>.

A provider may place conditions on passenger age if it can document that it is not generally appropriate to its clientele group (such as a senior program), or cannot provide service to that individual(s) in a safe and responsive manner. An example of such a condition may be that service to a child under a specific age cannot be provided unless a travel assistant or guardian accompanies them. Situations may arise where it is permissible for a service provider to refuse to provide transportation to an individual(s). One such condition is when it can be documented that service cannot be provided in a safe and responsible manner to the individual(s), the passengers, or the driver/operator -- based on an assessment of the individual's condition and/or behavior or driver/operator's skills and capabilities. See the Americans with Disabilities Act (ADA) for further detail on what limitations may be placed on boarding refusals or operator-initiated de-boarding actions en route. Also see the ADA for other limitations or required service conditions such as service animals, medical equipment, and travel companions or assistants.

FY 2016 Arizona Lottery Local Transportation Assistance Fund Distribution

	2010 Population (1)	% of County Population	FY 2016 ALF Amount (2)
Apache Junction	294	0.008%	\$ 863
Avondale	76,238	1.997%	\$ 223,694
Buckeye	50,876	1.333%	\$ 149,278
Carefree	3,363	0.088%	\$ 9,868
Cave Creek	5,015	0.131%	\$ 14,715
Chandler	236,123	6.186%	\$ 692,821
El Mirage	31,797	0.833%	\$ 93,297
Fountain Hills	22,489	0.589%	\$ 65,986
Gila Bend	1,922	0.050%	\$ 5,639
Gilbert	208,453	5.461%	\$ 611,633
Glendale	226,721	5.940%	\$ 665,234
Goodyear	65,275	1.710%	\$ 191,527
Guadalupe	5,523	0.145%	\$ 16,205
Litchfield Park	5,476	0.143%	\$ 16,067
Mesa	439,041	11.502%	\$ 1,288,213
Paradise Valley	12,820	0.336%	\$ 37,616
Peoria	154,058	4.036%	\$ 452,030
Phoenix	1,445,632	37.872%	\$ 4,241,701
Queen Creek	25,912	0.679%	\$ 76,030
Scottsdale	217,385	5.695%	\$ 637,841
Surprise	117,517	3.079%	\$ 344,813
Tempe	161,719	4.237%	\$ 474,508
Tolleson	6,545	0.171%	\$ 19,204
Wickenburg	6,363	0.167%	\$ 18,670
Youngtown	6,156	0.161%	\$ 18,063
Maricopa County	284,404	7.451%	\$ 834,484
Totals	3,817,117	100.00%	\$ 11,200,000
Maricopa County Population	3,817,117	Estimated Allocation	\$ 11,200,000

(1) Population source 2010 Census Data

(2) FY 2016 budget allocation



CITY OF SURPRISE
Regular City Council Meeting

February 2, 2016 @ 6:00:00 PM

Back Print

Council Meeting Date:	February 2, 2016	Contact Person:	Fire Chief Tom Abbott
Submitting Department:	Fire	District:	Internal
Staff Recommendations:	None		

Consent	x	Regular	Public Hearing	Report/Discussion
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Agenda Wording:

Consideration and action pertaining to approval of the Arizona Mutual Aid Compact (AZMAC) among the signatory political jurisdictions and the Department of Emergency and Military Affairs (DEMA) for mutual aid during emergencies; Resolution # 2016-15.

Motion:

I move to approve Resolution # 2016-15.

Background:

The Arizona Mutual Aid Compact has been in existence for decades providing the highest level of service to participating jurisdictions in their time of critical need. Each participating agency agrees to respond to the affected area in accordance with local ordinances, resolutions, emergency plans or agreements.

Objective Analysis:

By participating in this agreement, the City of Surprise gains greater access to resources in time sensitive emergency situations. This agreement helps to minimize response times on critical incidents and improve overall patient/incident outcomes. This agreement provides for participating agencies to maintain mutually agreed upon apparatus, equipment, response criteria, staffing levels and other required supplies when requested in critical situations. By virtue of this agreement, SFMD units/apparatus, equipment, etc. could also be dispatched to respond to emergency situations outside the city within the automatic aid response area thus rendering them unavailable in their respective first due area. Automatic mutual aid is reciprocal.

Policy Compliant:

This action is compliant with City and Council policy.

Financial Impact:

This item will allow for financial reimbursement between participating jurisdictions and agencies. Operational costs as a result of providing or receiving mutual aid would be intermittent and

reimbursable per AZMAC procedures.

Budget Impact:

There is no direct budget impact anticipated as a result of entering into this compact.

FTE Impact:

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

ATTACHMENTS:

Click to download

- ☐ [Arizona Mutual Aid Compact](#)
 - ☐ [Resolution 2016-15](#)
-

ARIZONA MUTUAL AID COMPACT

This Compact is made and entered into by and among the signatory political jurisdictions within the State of Arizona and the Arizona Department of Emergency and Military Affairs.

Recitals

WHEREAS, one or more parties to this Compact may find it necessary to utilize all of their own resources to cope with emergencies and may require the assistance of another party or other parties; and,

WHEREAS, it is desirable that all resources of political subdivisions, municipal corporations, tribes and other public agencies be made available to respond to such emergencies; and,

WHEREAS, it is desirable that each of the parties hereto should assist one another when such emergency occurs by providing such resources as are available and needed including, but not limited to, fire, police, medical and health, environmental, communication, and transportation services to cope with the problems of response and,

WHEREAS, it is desirable that a compact be executed for the interchange of such mutual aid; and,

WHEREAS, it is desirable to utilize this agreement in exercising adopted emergency plans; and,

WHEREAS, it is desirable that the manner of financing of such cooperative undertakings be resolved in advance of such emergency;

NOW, THEREFORE, IT IS HEREBY AGREED by and between each and all of the signatories hereto as follows:

COMPACT

1. **Purpose.**

The purpose of this Compact is to define for the participating parties the emergency management terms and procedures which will be used among participating parties for dispatching mutual aid assistance to any affected area in accordance with local ordinances, resolutions, emergency plans or agreements. Contracting authority for political subdivisions of Arizona for this Compact is based upon A.R.S. § 26-308 which provides that each county and incorporated city and town of the state may appropriate and expend funds, make contracts and obtain and distribute equipment, materials and supplies for emergency management purposes. Tribal contracting authority will be in accordance with each Tribe's laws. Special District authority will be in accordance with their respective laws. Public education district authority is based on A.R.S. § 15-342(13) and A.R.S. § 11-952. This Agreement shall be construed in accordance the laws of the State of Arizona.

2. **Scope.**

The Scope of this Compact is to (1) provide the procedures to notify the Providing Parties of the need for emergency assistance; (2) to identify available resources; and, (3) to provide a mechanism for compensation for resources.

3. **Definitions.**

- **Automatic Mutual Aid** means the automatic dispatch and response of requested resources without incident specific approvals. These agreements are usually basic contracts; some may be informal accords.
- **Backfill** means replacement of the Requesting Party's personnel who perform the regular duties of other personnel while they are performing eligible emergency work.
- **Compact** means this document, the Arizona Mutual Aid Compact (AZMAC).
- **Director** is the Director of the Department of Emergency and Military Affairs (DEMA).
- **Emergency or Emergencies** means any disaster, emergency, or contingency situation which requires a collaborative effort among multiple Jurisdictions.
- **Exercise** is the exercising of adopted emergency plans utilizing the Homeland Security Exercise and Evaluation Program (HSEEP)
- **Jurisdiction** means an entity, including Political Subdivisions and tribal governments, which (1) has the authority to act, within a defined geographical area especially in times of emergency and (2) is a party to this Compact.

- **Local Mutual Aid** are agreements between neighboring jurisdictions or organizations that involve a formal request for assistance and generally cover a larger geographic area than automatic mutual aid.
- **Political Subdivision** means any county, incorporated city or town, fire district, or public education district, irrigation, power, electrical, agricultural improvement, drainage, and flood control districts, and other tax levying public improvement districts.
- **Providing Party** means the Jurisdiction providing aid in the event of an emergency.
- **Requesting Party** means the Jurisdiction requesting aid in the event of an Emergency.
- **Self-deployed** means to respond to an emergency without being requested by the Requesting Party.

4. **Guiding Policy.**

- Arizona Revised Statute (A.R.S.), Title 26, Military Affairs and Emergency Management.
- Arizona Administrative Code (A.A.C.), Title 8, Emergency and Military Affairs.
- National Incident Management System (NIMS), 2008

5. **Procedures for Requesting Assistance.**

A Requesting Party which needs assistance in excess of its own resources and existing automatic mutual aid or local mutual aid due to an emergency is authorized to request assistance from any party to this Compact. However, when making such requests, consideration shall be given to, and requests made, based on, but not limited to, the geographical proximity of other jurisdictions with that of the jurisdiction requesting assistance. All requests for assistance from the State must be coordinated through the Requesting Party's county emergency operations center, or tribal emergency operations center (whichever is applicable).

Requests should specify what the emergency is, what resources are needed and the estimated period of time during which such mutual aid shall be required, if known. Please use the Resource Request form provided in Appendix A.

6. **Providing Party's Assessment of Availability of Resources and Ability to Render Assistance.**

Subject to the terms of this Compact, the Providing Party shall make reasonable efforts to assist the Requesting Party. In all instances, the Providing Party shall render such mutual aid as it is able to provide consistent with its own service needs at the time, taking into

consideration the Providing Party's existing commitments within its own jurisdiction. The Providing Party shall be the sole judge of what mutual aid it has available to furnish to the Requesting Party pursuant to this Compact.

7. Implementation Plan.

Each party should develop an emergency operations plan that includes a process to provide for the effective mobilization of its resources, both public and private, including acceptance of mutual aid to provide or receive assistance under this Compact.

8. Contact List.

Each Party shall develop a contact list as outlined in Appendix B, which shall be provided to the Director for distribution to all other parties to this Compact.

9. Reimbursement Procedures between Parties.

If the Providing Party desires reimbursement for the assistance they are providing, the Requesting Party shall reimburse the Providing Party for all costs incurred in the mutual assistance, whether an incident has been declared an emergency or not. The Providing Party must declare its intent to seek reimbursement as part of their response to the Requesting Party's request for assistance (see Appendix A: Resource Request forms). The Providing Party and the Requesting party shall agree upon allowable costs for mutual assistance prior to the dispatch of any mutual assistance resources. Unless otherwise negotiated by the parties involved, the parties may reference the state allowable costs as defined in A.A.C. Title 8 (as may be amended from time to time). If the assistance is authorized and accepted, the Requesting Party shall reimburse the Providing Party all allowable costs of labor, equipment, and materials that have actually been expended during the execution of the mission assignment, after receipt of an itemized voucher and documentation is received.

If there has been a declaration of emergency from the Governor and/or President, the Requesting Party may be eligible for reimbursement for these mutual aid costs under the state or federal declaration of emergency. See item 10.

10. Reimbursement Procedures from the State.

If the Governor and/or President have declared an emergency, the Requesting Party can prepare an itemized voucher and documentation of all paid allowable costs including all the cost of the mutual aid resources reimbursed to any Providing Parties under this Compact, for submittal to the State for consideration for reimbursement in accordance with A.A.C. Title 8 (as may be amended from time to time). As per A.A.C. Title 8, R8-2-301, sub-parts 1, 12 & 15, only state agencies and political subdivisions are eligible to receive reimbursement under a Governor's Declaration. Any Tribal Nations as the Requesting Party would need to seek reimbursement under a Presidential Declaration. Any Tribal Nations as the Providing Party

would seek reimbursement from the Requesting Party as outlined in Item 9.

The state is not liable for any claim arising from an emergency for which the applicant receives funds from another source (A.A.C. Title 8, R8-2-312).

Self-deployed resources will not be reimbursed.

11. Personnel Compensation and Insurance.

The Requesting Party and the Providing Party shall be responsible for all compensation and insurance coverage of their respective employees and equipment.

12. Immunity.

The parties shall have such immunity as provided by applicable state, federal or tribal law.

13. 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. This compact is between Governmental entities. Should a signatory to this agreement use a contractor for any purpose, said contractor would be required to abide by ADOA Risk Management insurance requirements which are attached as Appendix C.

14. Term.

This Compact shall be effective on the date it is recorded with the Secretary of State. Except as otherwise provided in this Compact, this Compact shall terminate ten years after the effective date. This Compact, upon mutual consent of the parties may be extended for a period of time not to exceed 10 years. Any modification or time extension of this Compact shall be by formal written amendment and executed by the parties hereto.

15. ADA.

Each party shall comply with applicable provisions of the Americans with Disabilities Act (Public Law 101-336, 42 United States Code. 12101-12213) and all applicable federal regulations under the Act, including 28 Code of Federal Regulation Parts 35 and 36.

16. Non-Discrimination.

To the extent of the law the Parties shall comply with Executive Order 2009-9, which mandates that all persons, regardless of race, color, religion, sex, age, or national origin not mentioned in Order shall have equal access to employment opportunities, and all other applicable state and Federal employment laws, rules, and regulations, including the Americans with Disabilities Act. Parties shall take affirmative action to ensure that applicants for employment and employees are not discriminated against due to race, creed, color, religion, sex, national origin or disability.

17. Compliance with Laws.

Each party shall comply with all federal, tribal, state and local laws, rules, regulations, standards and Executive Orders, as applicable, without limitation to those designated within this Compact. Any changes in the governing laws, rules and regulations during the terms of this Compact shall apply but do not require an amendment.

18. Worker's Compensation.

Each Party herein shall comply with the provisions of A.R.S §23-1022(E) by posting the public notice required. As provided for in A.R.S. §23-1022(D), an employee of a public agency who works under the jurisdiction or control of or within the jurisdictional boundaries of another public agency pursuant to a specific intergovernmental agreement or contract entered into between the public agencies is deemed to be an employee of both public agencies. However, the primary employer is solely liable for the payment of Workers' Compensation benefits. As such, each Party shall maintain Workers' Compensation insurance coverage on all of its own employees providing services pursuant to this agreement.

19. Insurance.

Each Party shall bear the risk of its own actions, as it does with all its operations, and shall determine for itself an appropriate level of insurance coverage and maintain such coverage. Nothing in this Agreement shall be construed as a waiver of any limitation on liability that may apply to a Party.

20. Non-appropriation.

Every payment obligation of the Parties under this Agreement is conditioned upon the availability of funds appropriated and allocated for the payment of such obligation. If funds are not appropriated, allocated and available or if the appropriation is changed by the legislature resulting in funds no longer being available for the continuance of this Agreement, this Agreement may be terminated by the Parties at the end of the period for which funds are

available. No liability shall accrue to the Party in the event this provision is exercised, and neither Party shall be obligated or liable for any future payments or for any damages as a result of termination under this paragraph.

21. No Third Party Beneficiaries.

Nothing in the provisions of this Compact is intended to create duties or obligations to or rights in third parties not parties to this Compact or affect the legal liability of any party to the Compact by imposing any standard of care different from the standard of care imposed by law.

22. Entire Compact.

This document constitutes the entire Compact between the parties pertaining to the subject matter hereof. This Compact shall not be modified, amended, altered or extended except through a written amendment signed by the parties and recorded with the Arizona Secretary of State or Tribal government as appropriate.

23. Jurisdiction.

Nothing in this Compact shall be construed as otherwise limiting or extending the legal jurisdiction of any party. Nothing in this Compact is intended to confer any rights or remedies to any person or entity that is not a party.

24. Conflict of Interest.

The requirements of A.R.S. § 38-511 apply to this Agreement. The Parties may cancel this Agreement, without penalty or further obligation, if any person significantly involved in initiating, negotiating, securing, drafting or creating this Agreement on behalf of the Party is, at any time while this Agreement or any extension is in effect, an employee, agent or consultant of Party with respect to the subject matter of this Agreement.

25. Supervision and Control.

Management of an emergency shall remain with the jurisdiction in which the emergency occurred. Supervision and control of Providing Parties' personnel and equipment shall be in accordance with National Incident Management System. The Requesting Party will be responsible for providing supplies and services, such as food, shelter, gasoline and oil, for on-site use of equipment and for the personnel providing assistance. All equipment and personnel used pursuant to this Compact shall be returned to the Providing Party upon being released by the Requesting Party or on demand of the Providing Party for such return.

26. Severability: Effect on Other Agreements.

It is expressly understood that this Compact shall not supplant existing agreements between some of the parties, which do provide for the exchange or furnishing of certain types of services on a compensated basis.

27. Severability.

If any provision of this Compact is held to be invalid or unenforceable, the remaining provisions shall continue to be valid and enforceable to the full extent permitted by law.

28. Responsibility of the Department of Emergency and Military Affairs.

Nothing within this Compact limits or restricts the duties and obligations the State of Arizona may have to respond to the emergency of any party.

29. Effective Date.

This Compact shall become effective as to each party when adopted by resolution and executed by the governing body of the jurisdiction, and shall remain operative and effective as between each and every party that has heretofore or hereafter executed this Compact, until participation in this Compact is terminated by the party. The termination by one or more of the parties of its participation in this Compact shall not affect the operation of this Compact as between the other parties thereto. The Director shall identify on their website, with updates as needed, all parties signatory to this Compact.

30. Execution Procedure.

Execution of this Compact shall be as follows:

This Compact, which will be designated as "ARIZONA MUTUAL AID COMPACT," shall be executed in counterparts by the governing body of each party. Upon execution, the counterpart will be filed with the Secretary of State and the Tribal government as applicable and be provided to the Director. This Compact will be effective between all parties who execute this Compact even if it is not executed by all eligible jurisdictions.

31. Termination.

Termination of participation in this Compact may be effected by any party as follows:

Notice of termination will be given to the Director 20 days prior to termination.

Any party may, by resolution of its governing body, terminate its participation in this Compact and file a certified copy of such resolution with the Secretary of State or the Tribal government, with a copy to be provided to the Director.

The parties to this Compact understand and acknowledge that this Compact is subject

to cancellation by any party pursuant to A.R.S. § 38-511 or applicable Tribal law.

32. Dispute Resolution.

The Parties to this Agreement agree to resolve all disputes arising out of or relating to this Agreement through arbitration, after exhausting applicable administrative review, to the extent required by A.R.S. § 12-1518 except as may be required by other applicable statutes.

33. Record Retention

Pursuant to A.R.S. §§ 35-214 and 35-215, the Parties shall retain all records relating to this Agreement for a period of five years after completion of the Agreement. All records shall be subject to inspection and audit by the State of Arizona at reasonable times.

**ARIZONA MUTUAL AID COMPACT
SIGNATURE PAGE**

(NAME OF JURISDICTION)

IN WITNESS WHEREOF, the parties hereto each sign this Arizona Mutual Aid Compact signature page. The signor warrants that he or she has been duly authorized to commit the jurisdiction to participate in the Compact by formal approval of the jurisdiction's governing body.

(Signing Authority)

Date

ATTEST: _____
(Attesting Authority)

Date

Date of formal approval by governing body: _____

Pursuant to A.R.S. § 11-952(D) or applicable Tribal law, the attorney for the above entity has determined that the foregoing Compact is in proper form and is within the powers and authority of the entity as granted under the laws of this State and the applicable Tribal government.

(Attorney)

Date

Appendix A

ARIZONA MUTUAL AID COMPACT (AZMAC)

EMERGENCY MANAGEMENT RESOURCE REQUEST

Date of Request	Requesting Agency Tracking Number
Requesting Organization	Organization Point of Contact
	Work Cell E-Mail
Requested Resource Type/Kind	Quantity Unit of Measure Date/Time Required

Resource must come with:

- | | | | |
|--------------------------------------|----------------------------------|--------------------------------------|--------------------------------------|
| ☐ Fuel | ☐ Meals | ☐ Operator(s) | ☐ Water |
| ☐ Maintenance | ☐ Lodging | ☐ Power | ☐ Transporter |

Mission

--

Special Instructions

--

Request Forwarded to

Contact Name
Organization/Agency
Vendor
Date/Time of Submission

Request Approved by

Date _____

Appendix A

ARIZONA MUTUAL AID COMPACT (AZMAC) EMERGENCY MANAGEMENT RESOURCE REQUEST

Date of Request	Assisting Agency Tracking Number
Assisting Organization	Organization Point of Contact
	Work Cell E-Mail
Requested Resource Type/Kind	Quantity Unit of Measure Date/Time Required

Offer

Travel Costs
Equipment Costs
Commodities

Personnel

F. Name	L. Name	Phone	E-Mail	Regular Salary/ Hourly Rate	Regular Fringe Benefit Hourly Rate	Overtime Salary/ Hourly Rate	Overtime Fringe Benefit Hourly Rate

Estimated Resource Cost

Providing Party Agency Representative Signature and Date

Representative Name and Title (Print)

Signature & Date

Requesting Party Agency Representative Signature and Date

Representative Name and Title (Print)

Signature & Date

Appendix B

ARIZONA MUTUAL AID COMPACT (AZMAC) POINTS OF CONTACT

Date:

Name of Jurisdiction:

Mailing Address:

City, State, Zip Code:

Authorized Representatives to Contact for Mutual Aid Assistance

	Primary Contact	1 st Alternate	2 nd Alternate
Name			
Title			
24-Hr Phone No.			
Address			
Day Phone No.			
Night Phone No.			
Fax No.			
Email			

Appendix C

ARIZONA MUTUAL AID COMPACT (AZMAC) USE OF A CONTRACTOR

In addition, each signatory shall cause its contractor(s) and subcontractors, if any, to defend, indemnify, and hold harmless the State of Arizona, any jurisdiction or agency issuing any permits for any work arising out of this Agreement, and their respective directors, officers, officials, agents, and employees (hereinafter referred to as "Indemnatee") 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 signatory's 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 Indemnatee shall, in all instances, except for Claims arising solely from the negligent or willful acts or omissions of the Indemnatee, 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."

Insurance Requirements for Governmental Parties:

None.

Insurance Requirements for Any Contractors Used by a Party to the Intergovernmental Agreement:

(Note: this applies only to Contractors used by a governmental entity, not to the governmental entity itself.) The insurance requirements herein are minimum requirements and in no way limit the indemnity covenants contained in the Intergovernmental Agreement. The State of Arizona in no way warrants that the minimum limits contained herein are sufficient to protect the governmental entity or Contractor from liabilities that might arise out of the performance of the work under this Contract by the Contractor, his agents, representatives, employees or subcontractors, and Contractor and the governmental entity are free to purchase additional insurance.

A. Minimum Scope and Limits of Insurance: Contractor shall provide coverage with limits of liability not less than those stated below.

1. Commercial General Liability – Occurrence Form

Policy shall include bodily injury, property damage, personal and advertising injury and broad form contractual liability.

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

a. The policy shall be endorsed (Blanket Endorsements are not acceptable) to include the following additional insured language: “The State of Arizona, and its departments, agencies, boards, commissions, universities, officers, officials, agents, and employees shall be named as additional insureds with respect to liability arising out of the activities performed by or on behalf of the Contractor.” Such additional insured shall be covered to the full limits of liability purchased by the Contractor, even if those limits of liability are in excess of those required by this Contract.

(Note that the other governmental entity(ies) is/are also required to be additional insured(s) and they should supply the Contractor with their own list of persons to be insured.)

b. Policy shall contain a waiver of subrogation endorsement (Blanket Endorsements are not acceptable) in favor of the “State of Arizona, and its departments, agencies, boards, commissions, universities, officers, officials, agents, and employees” for losses arising from work performed by or on behalf of the Contractor.

2. Business Automobile Liability

Bodily Injury and Property Damage for any owned, hired, and/or non-owned vehicles used in the performance of this Contract.

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

a. The policy shall be endorsed (Blanket Endorsements are not acceptable) to include the following additional insured language: “The State of Arizona, and its departments, agencies, boards, commissions, universities, officers, officials, agents, and employees shall be named as additional insureds with respect to liability arising

out of the activities performed by or on behalf of the Contractor, involving automobiles owned, leased, hired or borrowed by the Contractor". Such additional insured shall be covered to the full limits of liability purchased by the Contractor, even if those limits of liability are in excess of those required by this Contract.

- b.** Policy shall contain a waiver of subrogation endorsement (Blanket Endorsements are not acceptable) in favor of the "State of Arizona, its departments, agencies, boards, commissions, universities and its officers, officials, agents, and employees" for losses arising from work performed by or on behalf of the Contractor.

(Note that the other governmental entity(ies) is/are also required to be additional insured(s) and they should supply the Contractor with their own list of persons to be insured.)

- c.** Policy shall contain a severability of interest provision.

3. Worker's Compensation and Employers' Liability

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

- a.** Policy shall contain a waiver of subrogation endorsement (Blanket Endorsements are not acceptable) in favor of the "State of Arizona, its departments, agencies, boards, commissions, universities and its officers, officials, agents, and employees" for losses arising from work performed by or on behalf of the Contractor.
- b.** This requirement shall not apply to: Separately, EACH contractor or subcontractor exempt under A.R.S. § 23-901, AND when such contractor or subcontractor executes the appropriate waiver (Sole Proprietor/Independent Contractor) form.

B. Additional Insurance Requirements: The policies are to contain, or be endorsed (Blanket Endorsements are not acceptable) to contain, the following provisions:

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

2. The Contractor's insurance shall apply separately to each insured against whom claim is made or suit is brought, except with respect to the limits of the insurer's liability. Coverage provided by the Contractor shall not be limited to the liability assumed under the indemnification provisions of its Contract with the other governmental entity(ies) party to the IGA.
- C. Notice of Cancellation: With the exception of (10) day notice of cancellation for non-payment of premium, any changes material to compliance with this contract in the insurance policies above shall require (30) days written notice to the State of Arizona. Such notice shall be sent directly to the Department and shall be sent by certified mail, return receipt requested.
- D. Acceptability of Insurers: Contractors insurance shall be placed with companies licensed in the State of Arizona. Insurers shall have an "A.M. Best" rating of not less than A- VII or duly authorized to transact Workers' Compensation insurance in the State of Arizona. The State of Arizona in no way warrants that the above-required minimum insurer rating is sufficient to protect the Contractor from potential insurer insolvency.
- E. Verification of Coverage: Contractor shall furnish the State of Arizona with certificates of insurance (ACORD form or equivalent approved by the State of Arizona) as required by this Contract. The certificates for each insurance policy are to be signed by an authorized representative.
- All certificates and endorsements (Blanket Endorsements are not acceptable) are to be received and approved by the State of Arizona before work commences. Each insurance policy required by this Contract must be in effect at or prior to commencement of work under this Contract and remain in effect for the duration of the project. Failure to maintain the insurance policies as required by this Contract, or to provide evidence of renewal, is a material breach of contract.
- All certificates required by this Contract shall be sent directly to the Department. The State of Arizona project/contract number and project description are to be noted on the certificate of insurance. The State of Arizona reserves the right to require complete, certified copies of all insurance policies required by this Contract at any time.
- F. Subcontractors: Contractor's certificate(s) shall include all subcontractors as insureds under its policies or Contractor shall furnish to the State of Arizona separate certificates for each subcontractor. All coverages for subcontractors shall be subject to the minimum requirements identified above.

- G.** Approval: Any modification or variation from the *insurance requirements* in any Intergovernmental Agreement must have prior approval from the State of Arizona Department of Administration, Risk Management Division, whose decision shall be final. Such action will not require a formal contract amendment, but may be made by administrative action.
- H.** Exceptions: In the event the Contractor or sub-contractor(s) is/are a public entity, then the Insurance Requirements shall not apply. Such public entity shall provide a Certificate of Self-Insurance. If the contractor or sub-contractor(s) is/are a State of Arizona agency, board, commission, or university then none of the above shall apply.

RESOLUTION # 2016-15

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA AUTHORIZING THE CITY TO ENTER INTO THE ARIZONA MUTUAL AID COMPACT WHICH IS AN AGREEMENT WITH SEVERAL PUBLIC AGENCIES ESTABLISHING A FRAMEWORK FOR THE PROVISION OF MUTUAL AID.

WHEREAS, it is desirable that the City of Surprise and other public agencies are prepared to cope with emergencies;

WHEREAS, the circumstances of an emergency within the City of Surprise might require the assistance of other public agencies for the City of Surprise to effectively deal with it and the City may desire to help other public agencies as they deal with emergencies;

WHEREAS, receiving and giving assistance raises many logistical and financial issues that are best addressed through jointly entering into a compact before the need for assistance arises; and

WHEREAS, the Arizona Mutual Aid Compact resolves these issues and establishes a framework for the provision of mutual aid.

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 enter into the Arizona Mutual Aid Compact.

Section 2. The 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 agreement.

APPROVED AND ADOPTED this ____ day of _____, 2016.

Sharon R. Wolcott, Mayor

Attest:

Approved as to form:

Sherry Aguilar, City Clerk

Robert Wingo, City Attorney

Resolution #2016-15
RFLS #4953
01/16-UN5482Fr6EH



CITY OF SURPRISE
Regular City Council Meeting

February 2, 2016 @ 6:00:00 PM

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

Council Meeting Date:	February 2, 2016	Contact Person:	Karl Zook, Public Works Department
Submitting Department:	Public Works	District:	6
Staff Recommendations:	None		

Consent	x	Regular	Public Hearing	Report/Discussion
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Agenda Wording:

Consideration and action pertaining to conditional acceptance of the streets and public utility improvements at Marley Park Phase 3, including portions of 144th Drive and Sweetwater Avenue, improvements generally located on the northeast corner of Cactus Road and Bullard Avenue; Resolution # 2016-20.

Motion:

I move to approve Resolution # 2016-20.

Background:

The Public Works Department conducted the final inspection of the public utility improvements for portions of 144th Drive and Sweetwater Avenue on or about July 7, 2015 totaling 13,170 SY (approximately ½ lane miles) and determined that the infrastructure was compliant and acceptable to the city. The infrastructure includes asphalt pavement, domestic water lines and wastewater lines.

Objective Analysis:

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

Policy Compliant:

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

Financial Impact:

Acceptance of streets, water, and sewer infrastructure increases the City's asset base and adds to future

maintenance commitments. The total acceptance value of the infrastructure items included with this item is \$677,593.

Budget Impact:

Funding for infrastructure maintenance is included in street preservation and maintenance, water and sewer operational budgets. The anticipated incremental additional maintenance expense associated with the acceptance of these infrastructure items will be incorporated in future budgets.

FTE Impact:

This action does not change the full time equivalent count.

ATTACHMENTS:

Click to download

- ☐ [Resolution 2016-20](#)
 - ☐ [Inspector sign off](#)
 - ☐ [Notice of Completion Letter](#)
 - ☐ [Final Plat](#)
 - ☐ [Final Plat Resolution](#)
-

RESOLUTION # 2016-20

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA, CONDITIONALLY ACCEPTING MAINTENANCE OF THE STREET AND PUBLIC UTILITY IMPROVEMENTS AT MARLEY PARK LEGACY SCHOOL, GENERALLY LOCATED AT THE NORTHEAST CORNER OF BULLARD AVENUE AND CACTUS ROAD.

WHEREAS, the Mayor and City Council of the City of Surprise approved a final plat entitled "Final Plat for Marley Park Legacy Charter School" on, December 16, 2014;

WHEREAS, DMB, Inc. the developer of Marley Park, dedicated to the City the street and public utility improvements, generally located at the northeast corner of Bullard Avenue and Cactus Road;

WHEREAS, the City of Surprise Public Works Department Engineering Division conditionally accepted the improvements describes in this resolution on August 18, 2015;

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

WHEREAS, the City of Surprise will release the warranty and begin maintenance of the street and public utility improvements upon final acceptance of the improvements.

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

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

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

SIGNATURES ON THE FOLLOWING PAGE

APPROVED AND ADOPTED this _____ day of _____, 2016.

Sharon R. Wolcott, Mayor

Attest:

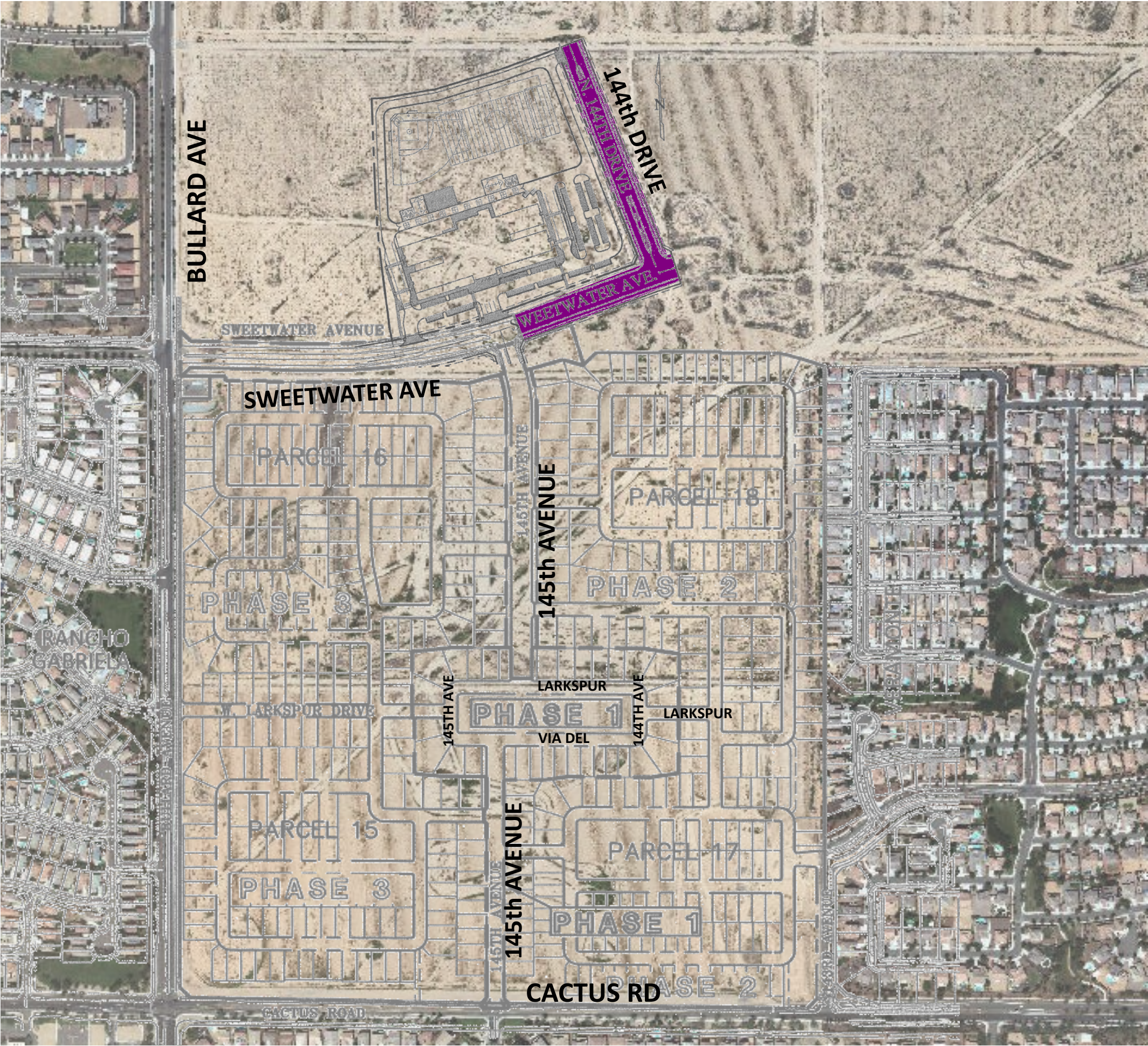
Approved as to form:

Sherry Aguilar, City Clerk

Robert Wingo, City Attorney

Exhibit A

Map of Infrastructure



MARLEY PARK PHASE 3

FS14-305 SWEETWATER AVE
144TH DR

EXHIBIT B

List and Cost of Improvements



Public Works Department
Engineering Division
16000 North Civic Center Plaza
Surprise, Arizona 85374
Phone 623-222-6000

Memorandum

To: City of Surprise City Council
From: Public Works – Engineering Services
Date: December 31, 2015
Re: Marley Park Legacy Charter School Off-sites

The public improvements for the above project have been completed and are on the February 2, 2016 council agenda for conditional acceptance. The amounts for the infrastructure have been provided by a third party and not the City of Surprise. The following are the infrastructure improvements included with this acceptance and the corresponding valuation that the City will be accepting:

- City Sewer - \$74,863.50
- City Paving - \$126,382.00
- City Concrete - \$119,686.00
- City Storm Drain - \$207,296.00
- City Water - \$111,932.00
- City Reclaim Water - \$37,433.65



PROJECT SIGN OFF FORM

PUBLIC WORKS - ENGINEERING SERVICES, INSPECTIONS

Date Submitted: 8/18/2015 ☐ Commercial ☐ Commercial w/Offsite ☒ Residential

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

7/7/2015 Date of Punch-List Walk 7/16/2015 Date Punch-List Completed

Permit Number: FS14-305

Project Name: Marley Park Sweetwater and 144 Drive Project Description (Phase/Parcel): _____

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

DMB

7600 E Doubletree Ranch Rd 300. Scottsdale Az 85258

MAG TIP Reporting:

Street Name	Classification	Begin Limits	End Limits	# Lanes	Length to nearest ¼ mi.	Features
SweetWater	Collector	145th Ave	144th Ave	2	1/4 mile	Median
144th Ave	Collector	Sweetwater Ave	Temp Closure	2	1/4 Mile	Median

MATERIALS:

Asphalt: Vulcan Materials Supplier 1/2 Mile Total Lane Miles 13,170 Total Square Yards

Water: 8" PVC Size/Type 70 Total Linear Feet 12" DIP Size/Type 1,330' Total Linear Feet

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

Sewer: 10" Size/Type 435' Total Linear Feet 12" Size/Type 765' Total Linear Feet

15" Size/Type 85' Total Linear Feet Size/Type Total Linear Feet

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

Additional Comments:

SUPPORTING DOCUMENTATION REQUIRED:

☒ Copy of Punch List

N/A Engineer of Record Reports to Include but not limited to:

ATC, AOC, Material Submittals, Water Test Results, Daily Reports

N/A Final Certification Letter from Engineer of Record

N/A Asphalt Concrete Emulsion Fog Seal Cert. (SS1H)

☒ Complete Geotechnical Testing Packet

☒ Asphalt Concrete Ticket w/ Name of Contractor

☒ Sewer Pressure Testing Results

☒ Streetlight Energize Letter

☒ Sewer Manhole Vacuum Testing Certification

☒ As built Documents (☒ 2 Bond and ☒ 1 Mylar)

☒ Sewer Manhole Insecticide Certification

☒ CD with As Built Documents in .pdf format

☒ Sewer Videos with Operators Notes (inc. re-videos)

Other (Specify)

APPROVAL:

Civil Inspector: [Signature]

Date: 8/18/2015

Civil Engineering Supervisor: [Signature]

Date: 8/18/2015



Public Works Department
Engineering Development Services
16000 North Civic Center Plaza
Surprise, Arizona 85374
Phone 623-222-6141
Fax 623-222-6006

August 25, 2015

Christopher Rivera
Marley Park Phase II, LLC
7600 E. Double Tree Ranch Rd
Suite 300
Scottsdale, AZ 85258

**RE: NOTICE OF COMPLETION AND COUNCIL ACTION REQUIREMENT FOR
MARLEY PARK LEGACY CHARTER SCHOOL OFFSITES – SWEETWATER
AVE (BULLARD TO 145TH AVE) AND 144TH DR (SWEETWATER TO SCHOOL
BOUNDARY) - FS14-305**

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

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

A notice of the required assurance amount and acceptable formats will be sent via email once actual construction costs have been submitted by the applicant. The warranty period starts upon council acceptance for a period of one (1) year; please ensure warranty assurance will not expire prior to this date. The applicant will be notified of the council date as soon as it is scheduled and the warranty financial assurance is required to be submitted to the city 10 calendar days prior to the council date. If a warranty financial assurance is not received within 10 calendar days, council action and start of the warranty period will be delayed, at a minimum, an additional two (2) weeks.

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

If you have any questions or concerns, you can reach me at 623-222-6141.

Sincerely,

Kristin Tytler, P.E.
Engineering Manager - Development

kt/jg

c: David Mobley, Civil Inspector
Cindy Coen, Legal
David Kohlbeck, Public Works
Mike Gent, Public Works
File

Andrea Davis, Finance
Antonio DeLaCruz, Public Works
Fermin Camacho, Public Works
Terry Lowe, Water Services

DRAWINGS AND SPECIFICATIONS AS INSTRUMENTS OF SERVICE ARE THE PROPERTY OF MARLEY PARK PHASE II LLC AND MAY NOT BE REPRODUCED WITHOUT THE WRITTEN PERMISSION OF MARLEY PARK PHASE II LLC

DEDICATION

STATE OF ARIZONA }
COUNTY OF MARICOPA } ss.

KNOW ALL PERSONS BY THESE PRESENTS:

THAT MARLEY PARK PHASE II LLC, AN ARIZONA LIMITED LIABILITY COMPANY, AS OWNER, HAS SUBDIVIDED UNDER THE NAME OF FINAL PLAT FOR "MARLEY PARK LEGACY CHARTER SCHOOL", LYING WITHIN THE WEST HALF OF SECTION 16, TOWNSHIP 3 NORTH, RANGE 1 WEST, OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, AS SHOWN HEREON AND HEREBY PUBLISHES THIS PLAT AS AND FOR THE PLAT OF SAID "MARLEY PARK LEGACY CHARTER SCHOOL", 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, STREET AND EASEMENT SHALL BE KNOWN BY THE NUMBER, LETTER OR NAME GIVEN TO EACH, RESPECTIVELY, AS SHOWN ON THIS PLAT AND INCLUDED IN THE ABOVE-DESCRIBED PREMISES.

OWNER HEREBY DEDICATES AND CONVEYS TO THE CITY OF SURPRISE, IN FEE, ALL REAL PROPERTY DESIGNATED ON THIS PLAT AS "RIGHT-OF-WAY" OR "R/W" FOR USE AS PUBLIC RIGHT-OF-WAY, EFFECTIVE UPON THE CONSTRUCTION AND ACCEPTANCE BY THE CITY OF SURPRISE OF THE PUBLIC STREET IMPROVEMENTS TO BE LOCATED THEREIN, SUCH DEDICATION TO BE SUBJECT TO THE EASEMENTS SET FORTH BELOW. ALL IMPROVEMENTS INSTALLED OR CONSTRUCTED BY OWNER WITHIN THE PUBLIC RIGHTS-OF-WAY HEREBY DEDICATED OR GRANTED TO THE CITY OF SURPRISE SHALL BE DEEMED TO HAVE BEEN DEDICATED BY OWNER TO THE CITY UPON THEIR COMPLETION; HOWEVER, SUCH TRANSFER SHALL NOT OCCUR UNTIL THE CITY OF SURPRISE MANIFESTS ITS ACCEPTANCE OF SUCH IMPROVEMENTS. NOTWITHSTANDING THE FOREGOING, OWNER HEREBY RESERVES AN INTEREST IN ANY OF THE FOREGOING REAL PROPERTY UPON WHICH WHAT WOULD BE "PUBLIC INFRASTRUCTURE" AS SUCH TERM IS DEFINED IN SECTION 48-701, ARIZONA REVISED STATUTES, AS AMENDED, HAS BEEN OR IS TO BE CONSTRUCTED. EXCEPT IF RELEASED PRIOR THERETO AS HEREINAFTER DESCRIBED, SUCH INTEREST IS TO BE ACQUIRED BY THE MARLEY PARK COMMUNITY FACILITIES DISTRICT. (SUCH INTEREST IS LIMITED TO ONE NECESSARY TO ACCOMMODATE THE FINANCING OF THE ACQUISITION OF SUCH PUBLIC INFRASTRUCTURE INCLUDING OF SUCH INTEREST IN SUCH REAL PROPERTY PURSUANT TO THE DEVELOPMENT AGREEMENT BETWEEN MARLEY PARK LLC AND THE CITY OF SURPRISE.) SUCH INTEREST IS TO BE RELEASED UPON THE EARLIER OF (A) THE ACQUISITION OF SUCH PUBLIC INFRASTRUCTURE ONLY BY SUCH DISTRICT PURSUANT TO SUCH DEVELOPMENT AGREEMENT OR (B) JUNE 30, 2029.

OWNER HEREBY GRANTS TO THE CITY OF SURPRISE A PERPETUAL, NON-EXCLUSIVE EASEMENT OVER, UPON AND ACROSS ALL PREMISES DESIGNATED ON THIS PLAT AS "PUBLIC UTILITIES EASEMENT" OR "P.U.E." FOR THE PURPOSE OF INSTALLING, CONSTRUCTING, MAINTAINING, REPLACING, REPAIRING AND UTILIZING PUBLIC UTILITY SERVICES, INCLUDING BUT NOT LIMITED TO ONE OR MORE SEWER LINES, WATER LINES, ELECTRIC LINES, GAS LINES, CATV LINES, FIBER OPTIC LINES, TELEPHONE LINES, COMMUNICATIONS LINES, SECURITY LINES AND FIRE CONTROL LINES AND RELATED FACILITIES, TOGETHER WITH ACCESS RELATED TO THE INSTALLATION, CONSTRUCTION, MAINTENANCE, REPLACEMENT AND REPAIR OF SAID UTILITY LINES AND RELATED FACILITIES; PROVIDED, HOWEVER, THAT ALL UTILITY LINES SHALL BE CONSTRUCTED UNDERGROUND AND UPON THE COMPLETION OF ANY INSTALLATION, CONSTRUCTION, MAINTENANCE, REPLACEMENT OR REPAIR OF ANY UTILITY LINE OR RELATED FACILITY WITHIN SUCH EASEMENT, THE CITY OF SURPRISE (OR ANY OTHER PERSON OR ENTITY CLAIMING A RIGHT THROUGH THE CITY OF SURPRISE TO USE SUCH EASEMENT), AT ITS SOLE EXPENSE, SHALL PROMPTLY RETURN THE AFFECTED PROPERTY (INCLUDING IMPROVEMENTS AND LANDSCAPING LOCATED THEREON) TO ITS PRIOR CONDITION.

OWNER HEREBY DEDICATES TO MARLEY PARK COMMUNITY ASSOCIATION, INC., A PERPETUAL NON-EXCLUSIVE EASEMENT OVER, UPON AND ACROSS ALL PREMISES DESIGNATED ON THIS PLAT AS "PUBLIC UTILITIES EASEMENT" OR "P.U.E." FOR THE PURPOSE OF INSTALLING, CONSTRUCTING, MAINTAINING, REPLACING, REPAIRING AND OPERATING SUCH IRRIGATION CONTROLLERS, BACKFLOW PREVENTION DEVICES, IRRIGATION LINES AND OTHER IRRIGATION FACILITIES, ELECTRICAL PANELS AND ELECTRICAL LINES, AND RELATED FACILITIES, AS MARLEY PARK COMMUNITY ASSOCIATION, INC. MAY DEEM APPROPRIATE TO SERVE THE SUBDIVISION SHOWN ON THIS PLAT AND NEIGHBORING SUBDIVISIONS WITHIN MARLEY PARK, WITHOUT LIMITING ANY OTHER RIGHT THAT MARLEY PARK COMMUNITY ASSOCIATION, INC. MAY HAVE TO INSTALL, CONSTRUCT, MAINTAIN, REPLACE OR REPAIR ANY SUCH FACILITIES ELSEWHERE IN THE SUBDIVISION SHOWN ON THIS PLAT.

OWNER HEREBY GRANTS TO THE CITY OF SURPRISE AN EXCLUSIVE EASEMENT OVER, UPON AND ACROSS ALL WATER LINES AS SHOWN ON THE PLAT FOR THE PURPOSE OF INSTALLING, CONSTRUCTING, MAINTAINING, REPLACING AND UTILIZING THE WATER LINES.

OWNER HEREBY GRANTS TO THE CITY OF SURPRISE A PERPETUAL, NON-EXCLUSIVE EASEMENT OVER, UPON AND ACROSS THE AREAS SHOWN ON THIS PLAT AS "SIGHT VISIBILITY EASEMENT" OR "S.V.E." FOR PURPOSES OF MAINTAINING VISIBILITY AREAS WITHIN WHICH NO LANDSCAPING, SIGN OR OTHER VISIBILITY OBSTRUCTION MAY BE CONSTRUCTED OR INSTALLED EXCEPT (A) LANDSCAPING THAT IS NO GREATER THAN 2 FEET IN HEIGHT, OR TREES WITH A CANOPY THAT IS AT LEAST 7 FEET IN HEIGHT UPON INSTALLATION, SUCH HEIGHTS TO BE MEASURED FROM NEAREST STREET LINE ELEVATION, AND (B) IMPROVEMENTS APPROVED BY THE CITY OF SURPRISE.

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

OWNER HEREBY GRANTS TO THE CITY OF SURPRISE AN ODOR EASEMENT OVER, UPON AND ACROSS, THIS PLAT AND EVERY LOT AND PARCEL THEREOF, WHICH EASEMENT SHALL INCLUDE, BUT NOT BE LIMITED TO, THE RIGHT TO INVADE WITH ODORS, FUMES, SMELLS, AND PHYSICAL AIRBORNE PARTICULATES CAUSED BY THE LAWFUL OPERATION AND MAINTENANCE OF THE CITY'S WASTEWATER TREATMENT PLANT LOCATED SOUTH OF CACTUS ROAD APPROXIMATELY ONE-HALF (1/2) MILE EAST OF LITCHFIELD ROAD.

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 MAP 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 MAP SHALL BE THE RESPONSIBILITY OF OWNER UNTIL SUCH TIME THAT THE AREA WITHIN THE RIGHT-OF-WAY IS IMPROVED TO CITY STANDARD AND ACCEPTED BY THE CITY OF SURPRISE.

THE MAINTENANCE OF LANDSCAPING WITHIN THE OPEN SPACES, LANDSCAPED TRACTS, AND RETENTION BASINS SHALL BE THE RESPONSIBILITY OF THE MARLEY PARK COMMUNITY ASSOCIATION, INC.

THE MAINTENANCE OF LANDSCAPING WITHIN THE ADJACENT PUBLIC RIGHTS-OF-WAY, INCLUDING LANDSCAPED MEDIANS WITHIN COLLECTORS AND LOCAL STREETS AND LANDSCAPED AREAS BETWEEN THE CURB AND THE DETACHED SIDEWALK, SHALL BE THE RESPONSIBILITY OF THE MARLEY PARK COMMUNITY ASSOCIATION, INC.

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

MARLEY PARK PHASE II LLC WARRANTS AND REPRESENTS TO THE CITY OF SURPRISE THAT IT AND MARLEY PARK COMMUNITY ASSOCIATION, INC. ARE THE SOLE OWNERS OF THE PROPERTY COVERED BY THIS PLAT, THAT MARLEY PARK COMMUNITY ASSOCIATION, INC., HAS RATIFIED THIS PLAT AS SHOWN HEREON, AND THAT EVERY LENDER, EASEMENT HOLDER OR OTHER PERSON OR ENTITY HAVING ANY INTEREST THAT IS ADVERSE TO OR INCONSISTENT WITH THE FOREGOING DEDICATION, OR ANY OTHER REAL PROPERTY INTEREST CREATED OR TRANSFERRED BY THIS PLAT, HAS CONSENTED TO OR JOINED IN THIS PLAT AS EVIDENCED BY INSTRUMENTS WHICH ARE RECORDED WITH THE MARICOPA COUNTY RECORDER'S OFFICE OR WHICH MARLEY PARK PHASE II LLC WILL RECORD NOT LATER THAN THE DATE ON WHICH THIS PLAT IS RECORDED.

IN WITNESS WHEREOF, MARLEY PARK PHASE II LLC HAS CAUSED ITS NAME TO BE AFFIXED BY THE UNDERSIGNED, DULY AUTHORIZED PERSONS AND ENTITIES, THIS ____ DAY OF _____, 2014.

MARLEY PARK PHASE II LLC, AN ARIZONA LIMITED LIABILITY COMPANY

BY: DMB ASSOCIATES, INC., AN ARIZONA CORPORATION, ITS MANAGER

BY: Daniel T. Kelly

ITS: SR VICE PRESIDENT

FINAL PLAT FOR MARLEY PARK LEGACY CHARTER SCHOOL BEING A PORTION OF THE WEST HALF OF SECTION 16, TOWNSHIP 3 NORTH, RANGE 1 WEST, OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA.

DEVELOPER/OWNER

MARLEY PARK PHASE II LLC
7600 E. DOUBLETREE RANCH ROAD
SUITE 300
SCOTTSDALE, AZ 85258
CONTACT: AMY WEIDMAN
PHONE: (480)-367-7386

APPROVALS

DATA ON THIS PLAT REVIEWED AND APPROVED THIS 8 DAY OF December, 2014, BY THE CITY ENGINEER OF SURPRISE, ARIZONA.

[Signature] 12/8/2014
CITY ENGINEER DATE

APPROVED BY THE CITY COUNCIL OF THE CITY OF SURPRISE, ARIZONA, THIS 16th DAY OF December, 2014.

[Signature]
MAYOR DATE

ATTEST: [Signature] 12-20-14
CITY CLERK DATE

RATIFICATION AND APPROVAL

STATE OF ARIZONA }
COUNTY OF MARICOPA } ss.

KNOW ALL MEN BY THESE PRESENTS:

THAT MARLEY PARK COMMUNITY ASSOCIATION, INC., AN ARIZONA NON-PROFIT CORPORATION, HEREBY RATIFIES, AFFIRMS AND APPROVES THIS PLAT FOR FINAL PLAT FOR "MARLEY PARK LEGACY CHARTER SCHOOL" AND THE RESPONSIBILITIES IMPOSED UPON IT UNDER THIS PLAT.

IN WITNESS WHEREOF, MARLEY PARK COMMUNITY ASSOCIATION, INC. HAS CAUSED ITS NAME TO BE AFFIXED BY THE UNDERSIGNED, DULY AUTHORIZED OFFICER THIS ____ DAY OF _____, 2014.

MARLEY PARK COMMUNITY ASSOCIATION, INC., AN ARIZONA NON-PROFIT CORPORATION

BY: [Signature]

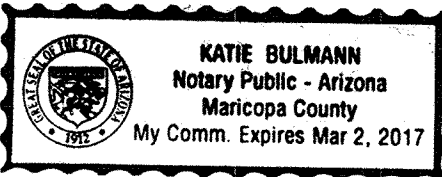
ITS: Vice President

ACKNOWLEDGMENT

STATE OF ARIZONA }
COUNTY OF MARICOPA } ss.

THE FOREGOING INSTRUMENT WAS EXECUTED BEFORE ME, THE UNDERSIGNED, NOTARY PUBLIC, THIS 4th DAY OF December, 2014, BY Melinda Gulick, Vice President OF MARLEY PARK COMMUNITY ASSOCIATION, INC., AN ARIZONA NON-PROFIT CORPORATION, ON BEHALF OF THE CORPORATION.

[Signature]
NOTARY PUBLIC
MY COMMISSION EXPIRES: March 2, 2017

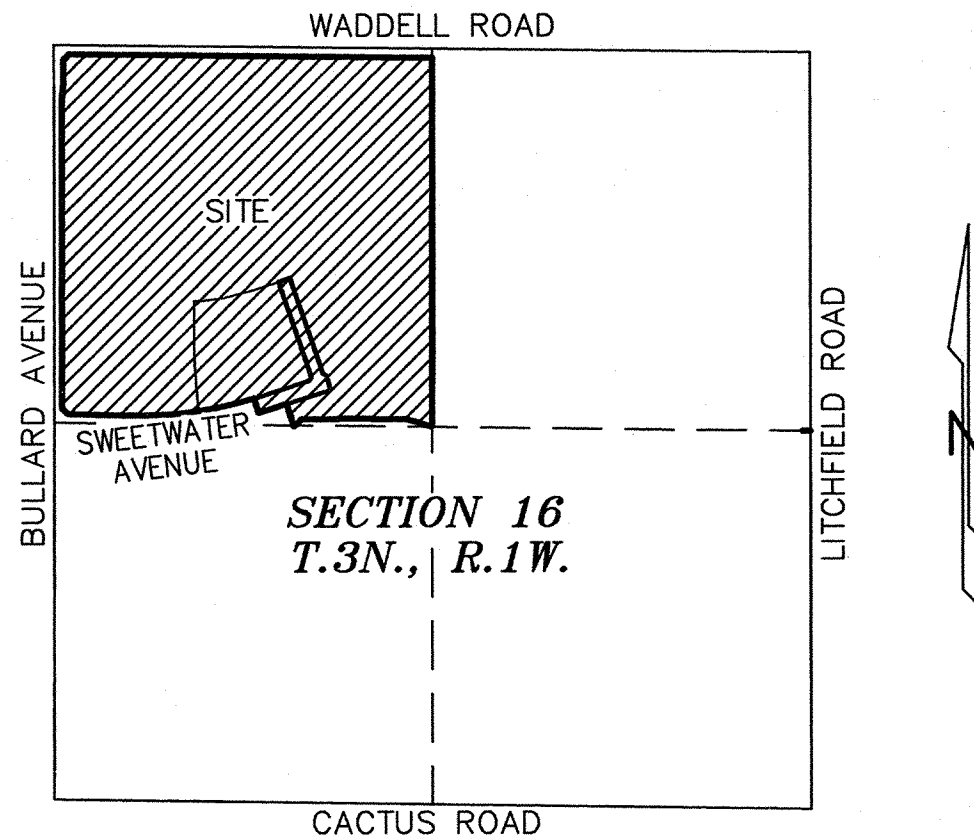
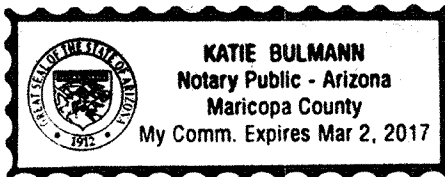


ACKNOWLEDGMENT

STATE OF ARIZONA }
COUNTY OF MARICOPA } ss.

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS 4th DAY OF December, 2014, BY Daniel T. Kelly, SR Vice President OF DMB ASSOCIATES, INC., AN ARIZONA CORPORATION, IN ITS CAPACITY AS MANAGER OF MARLEY PARK PHASE II LLC, AN ARIZONA LIMITED LIABILITY COMPANY.

[Signature]
NOTARY PUBLIC
MY COMMISSION EXPIRES: March 2, 2017



VICINITY MAP N.T.S.

OFFICIAL RECORDS OF
MARICOPA COUNTY RECORDER
HELEN PURCELL
20140841702 12/22/2014 02:02
BOOK 1211 PAGE 27
ELECTRONIC RECORDING

MarleyParkLegacy-4-1-1-M-
chagolla.j

DESCRIPTION

SEE SHEET 2

NOTES

SEE SHEET 2

AREA TABLE

	AREA SQUARE FEET	AREA ACRES
BOUNDARY TOTAL	6437078	147.7750
LOT 1	529560	12.1570
LOT 2	5791130	132.9460
R.O.W.	116388	2.6719

BASIS OF BEARING

THE BASIS OF BEARING IS THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SECTION 16, TOWNSHIP 3 NORTH, RANGE 1 WEST HAVING A BEARING OF NORTH 89 DEGREES 11 MINUTES 53 SECONDS WEST AS SHOWN ON THE MAP OF DEDICATION FOR WADDELL ROAD, LITCHFIELD ROAD AND CACTUS ROAD, RECORDED IN BOOK 839, PAGE 39, M.C.R.

PLAT CERTIFICATION

I, KATHY M. SVECHOVSKY, OF WOOD, PATEL & ASSOCIATES, INC., HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR IN THE STATE OF ARIZONA; THAT THIS PLAT CONSISTING OF FOUR (4) SHEETS REPRESENTS A SURVEY PERFORMED BY WOOD, PATEL & ASSOCIATES, INC., DURING THE MONTH OF OCTOBER 2014; THAT THE SURVEY IS CORRECT AND ACCURATE; THAT THE BOUNDARY MONUMENTS SHOWN ACTUALLY EXIST AS SHOWN AND ARE SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED.

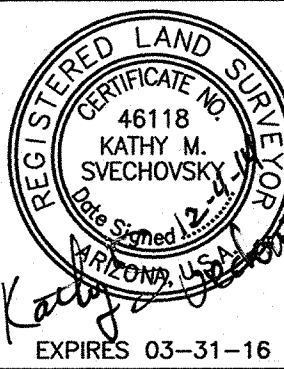
KATHY M. SVECHOVSKY
ARIZONA REGISTERED LAND SURVEYOR, #46118
WOOD, PATEL & ASSOCIATES, INC.
2051 WEST NORTHERN AVENUE, SUITE 100
PHOENIX, ARIZONA 85021

BOUNDARY AREA = 147.7750 AC.
NUMBER OF LOTS = 2

MARLEY PARK
SURPRISE, AZ.
MARLEY PARK LEGACY CHARTER SCHOOL



WOOD/PATEL
LAND DEVELOPMENT • WATER RESOURCES
TRANSPORTATION / TRAFFIC
WATER / WASTEWATER • SURVEYING
CONSTRUCTION MANAGEMENT
(602) 335-8500
PHOENIX • MESA • TUCSON



DRAWN
KMS/ISS
CHECKED
GSR/KMS
DATE
12/04/14
SCALE
N.T.S.
JOB NO.
NP#144227
SHEET

1 OF 4

DRAWINGS AND SPECIFICATIONS AS INSTRUMENTS OF SERVICE ARE THE PROPERTY OF MARLEY PARK PHASE II LLC AND MAY NOT BE REPRODUCED WITHOUT THE WRITTEN PERMISSION OF MARLEY PARK PHASE II LLC

FINAL PLAT
FOR
MARLEY PARK LEGACY CHARTER SCHOOL

OFFICIAL RECORDS OF
MARICOPA COUNTY RECORDER
HELEN PURCELL
20140841702 12/22/2014 02:02
BOOK 1211 PAGE 27
ELECTRONIC RECORDING

MarleyParkLegacy-4-1-1-M-
chagollaj



WOOD/PATEL
LAND DEVELOPMENT • WATER RESOURCES
TRANSPORTATION / TRAFFIC
WATER / WASTEWATER • SURVEYING
CONSTRUCTION MANAGEMENT
(602) 936-8500
PHOENIX • MESA • TUCSON

NOTES

- THIS SUBDIVISION IS LOCATED WITHIN THE CITY OF SURPRISE WATER SERVICE AREA AND HAS BEEN DESIGNATED AS HAVING AN ASSURED WATER SUPPLY.
- ALL NEW OR RELOCATED UTILITIES WILL BE PLACED UNDERGROUND.
- NO STRUCTURE OF ANY KIND MAY BE CONSTRUCTED ON, OVER, OR PLACED WITHIN THE EASEMENTS EXCEPT WOOD, WIRE, OR REMOVABLE SECTION FENCING AND OR PAVING. IT SHALL BE FURTHER UNDERSTOOD THAT THE CITY OF SURPRISE SHALL NOT BE REQUIRED TO REPLACE ANY OBSTRUCTION THAT MUST BE REMOVED DURING THE COURSE OF MAINTENANCE, CONSTRUCTION, OR RECONSTRUCTION OF CITY OWNED IMPROVEMENTS OR UTILITIES, OTHER THAN THE EXCEPTIONS LISTED ABOVE.
- DEVELOPMENT AND USE OF THIS SITE WILL CONFORM TO ALL APPLICABLE CODES AND ORDINANCES IN ACCORDANCE WITH THE MARLEY PARK P.A.D., AS AMENDED.
- RIGHTS-OF-WAY AND EASEMENTS OUTSIDE THE PLATTED BOUNDARY ARE FROM AVAILABLE PUBLIC RECORDS AND ARE SHOWN FOR INFORMATIONAL PURPOSES ONLY; NO WARRANTY IS EXPRESSED OR IMPLIED.
- 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 2035.

PUBLIC NOTICE

- THE LOTS DEPICTED ON THIS PLAT IS 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

- MARLEY PARK PHASE II LLC 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 THE 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.
- MARLEY PARK PHASE II LLC HEREBY 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 THIS PLAT, UNTIL SUCH TIME THE CITY OF SURPRISE HAS ACCEPTED THE SIDEWALKS.
- 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 ENGINEERING DEPARTMENT.
- THE PROPERTY IS LOCATED WITHIN AN AREA HAVING FLOOD ZONE "OTHER FLOOD AREAS ZONE X," BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, ON FLOOD INSURANCE RATE MAP NO. 04013C1680 L, 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
- ALL RESIDENTIAL LOTS, PRIOR TO ISSUANCE OF A CERTIFICATE OF OCCUPANCY, MUST BE FINISHED GRADED PER IRC R401.3, R403.1.7.3 AND R404.1.6 IF POSITIVE DRAINAGE CANNOT BE MAINTAINED PER IRC R403.1.7.3 AN UNDERGROUND DRAINAGE SYSTEM MUST BE INSTALLED. ALL LOTS REQUIRE REGULAR DRAINAGE INFRASTRUCTURE MAINTENANCE, INCLUDING WITHOUT LIMITATION MAINTENANCE OF LOT GRADING IN ACCORDANCE WITH IRC R401.3, R403.1.7.3 AND R404.1.6, WHICH MAINTENANCE IS THE RESPONSIBILITY OF THE HOMEOWNER. ANY LANDSCAPING, NEW CONSTRUCTION OR MODIFICATION OF EXISTING IMPROVEMENTS MUST ALSO COMPLY WITH THE FOREGOING REQUIREMENTS.
- ANY EASEMENT RIGHTS RESERVED HEREIN TO MARLEY PARK PHASE II LLC MAY BE ASSIGNED, IN WHOLE OR IN PART, TO MARLEY PARK COMMUNITY ASSOCIATION, INC. UPON ANY SUCH ASSIGNMENT, MARLEY PARK PHASE II LLC SHALL BE FULLY RELEASED FROM ANY LIABILITIES OR OBLIGATIONS THEREAFTER ARISING WITH RESPECT TO THE EXERCISE OF OR FAILURE TO EXERCISE SUCH EASEMENT RIGHTS, AND ALL ASSOCIATED LIABILITIES AND OBLIGATIONS.
- NO STRUCTURES OF ANY KIND MAY BE CONSTRUCTED, OR ANY VEGETATION NEITHER PLANTED NOR ALLOWED TO GROW WITHIN DRAINAGE EASEMENTS THAT WOULD IMPEDE THE FLOW OF WATER THROUGH THE EASEMENTS.
- THE CITY OF SURPRISE IS NOT RESPONSIBLE FOR, AND WILL NOT ACCEPT MAINTENANCE OF ANY PRIVATE UTILITIES, PRIVATE STREETS, PRIVATE FACILITIES AND LANDSCAPE AREAS WITHIN THE PROJECT.
- ALL LOT CORNERS SHALL BE MONUMENTED WITH 1/2 INCH REBAR AND CAP OR TAG BEARING THE REGISTRATION NUMBER OF THE SURVEYOR RESPONSIBLE FOR THE PLACEMENT.

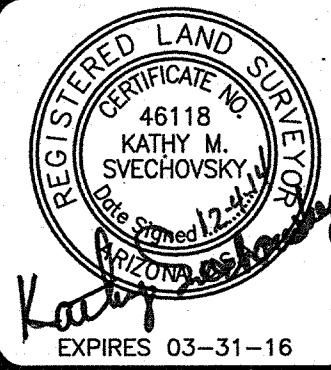
DESCRIPTION

A PARCEL OF LAND LYING WITHIN THE WEST HALF OF SECTION 16, TOWNSHIP 3 NORTH, RANGE 1 WEST, OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE WEST QUARTER CORNER OF SAID SECTION 16, A 3-INCH BRASS CAP FLUSH IN CONCRETE STAMPED T3N R1W 1/4 S-16 RLS 27239, FROM WHICH THE NORTHWEST CORNER OF SAID SECTION, A 3-INCH CITY OF SURPRISE BRASS CAP IN HANDHOLE STAMPED BM 31-10, BEARS NORTH 00°01'03" WEST (BASIS OF BEARING), A DISTANCE OF 2627.28 FEET;
THENCE ALONG THE WEST LINE OF SAID SECTION, NORTH 00°01'03" WEST, A DISTANCE OF 8.00 FEET, TO A POINT OF INTERSECTION WITH THE MONUMENT LINE OF SWEETWATER AVENUE, AS RECORDED IN BOOK 1193, PAGE 41, MARICOPA COUNTY RECORDS (M.C.R.);
THENCE LEAVING SAID SECTION LINE, ALONG SAID MONUMENT LINE, SOUTH 88°41'21" EAST, A DISTANCE OF 93.79 FEET;
THENCE LEAVING SAID MONUMENT LINE, NORTH 01°18'39" EAST, A DISTANCE OF 53.00 FEET, TO THE NORTHERLY RIGHT-OF-WAY LINE OF SAID SWEETWATER AVENUE AND THE POINT OF BEGINNING;
THENCE ALONG SAID NORTHERLY LINE, NORTH 44°21'12" WEST, A DISTANCE OF 57.22 FEET, TO THE EASTERLY RIGHT-OF-WAY LINE OF BULLARD AVENUE AS RECORDED IN BOOK 699, PAGE 29, M.C.R.;
THENCE LEAVING SAID NORTHERLY LINE, ALONG SAID EASTERLY LINE, NORTH 00°01'03" WEST, A DISTANCE OF 2155.41 FEET, TO THE EASTERLY RIGHT-OF-WAY LINE OF BULLARD AVENUE AS RECORDED IN BOOK 839, PAGE 39, M.C.R.;
THENCE CONTINUING ALONG SAID RIGHT-OF-WAY LINE, NORTH 06°44'20" EAST, A DISTANCE OF 102.00 FEET;
THENCE NORTH 00°01'03" WEST, A DISTANCE OF 165.05 FEET;
THENCE NORTH 45°19'04" EAST, A DISTANCE OF 56.24 FEET, TO THE SOUTHERLY RIGHT-OF-WAY LINE OF WADDELL ROAD AS RECORDED IN BOOK 839, PAGE 39, M.C.R.;
THENCE LEAVING SAID EASTERLY LINE, ALONG SAID SOUTHERLY LINE, SOUTH 89°20'49" EAST, A DISTANCE OF 2531.43 FEET;
THENCE SOUTH 89°21'05" EAST, A DISTANCE OF 0.72 FEET, TO THE NORTH-SOUTH MID-SECTION LINE OF SAID SECTION 16;
THENCE LEAVING SAID SOUTHERLY LINE, ALONG SAID NORTH-SOUTH MID-SECTION LINE, SOUTH 00°01'08" WEST, A DISTANCE OF 2565.34 FEET, TO THE NORTHERLY LINE OF MARLEY PARK PARCELS 17 AND 18 AS RECORDED IN BOOK 1195, PAGE 14, M.C.R.;
THENCE LEAVING SAID NORTH-SOUTH MID-SECTION LINE, ALONG SAID NORTHERLY LINE, NORTH 72°32'58" WEST, A DISTANCE OF 101.16 FEET;
THENCE NORTH 75°21'28" WEST, A DISTANCE OF 84.48 FEET;
THENCE NORTH 89°58'52" WEST, A DISTANCE OF 240.00 FEET;
THENCE NORTH 00°01'08" EAST, A DISTANCE OF 5.00 FEET;
THENCE NORTH 89°58'52" WEST, A DISTANCE OF 240.00 FEET;
THENCE SOUTH 00°01'08" WEST, A DISTANCE OF 5.00 FEET;
THENCE NORTH 89°58'52" WEST, A DISTANCE OF 255.14 FEET;
THENCE SOUTH 46°56'43" WEST, A DISTANCE OF 71.83 FEET;
THENCE NORTH 17°41'35" WEST, A DISTANCE OF 166.28 FEET;
THENCE SOUTH 72°18'25" WEST, A DISTANCE OF 171.40 FEET, TO THE BEGINNING OF A CURVE;
THENCE WESTERLY ALONG SAID CURVE, HAVING A RADIUS OF 2833.00 FEET, CONCAVE NORTHERLY, THROUGH A CENTRAL ANGLE OF 00°41'15", A DISTANCE OF 33.99 FEET, TO THE EASTERLY RIGHT-OF-WAY LINE OF SAID SWEETWATER AVENUE AND A POINT OF INTERSECTION WITH A NON-TANGENT LINE;
THENCE LEAVING SAID NORTHERLY LINE, ALONG SAID EASTERLY LINE, NORTH 17°00'20" WEST, A DISTANCE OF 106.00 FEET, TO THE SAID NORTHERLY RIGHT-OF-WAY LINE OF SWEETWATER AVENUE AND A POINT OF INTERSECTION WITH A NON-TANGENT CURVE;
THENCE LEAVING SAID EASTERLY LINE, ALONG SAID NORTHERLY LINE, WESTERLY ALONG SAID CURVE, HAVING A RADIUS OF 2727.00 FEET, CONCAVE NORTHERLY, WHOSE RADIUS BEARS NORTH 17°00'20" WEST, THROUGH A CENTRAL ANGLE OF 18°18'59", A DISTANCE OF 871.77 FEET, TO THE CURVE'S END;
THENCE NORTH 88°41'21" WEST, A DISTANCE OF 439.41 FEET, TO THE POINT OF BEGINNING.

CONTAINING 147.7750 ACRES, OR 6,437,078 SQUARE FEET OF LAND, MORE OR LESS.

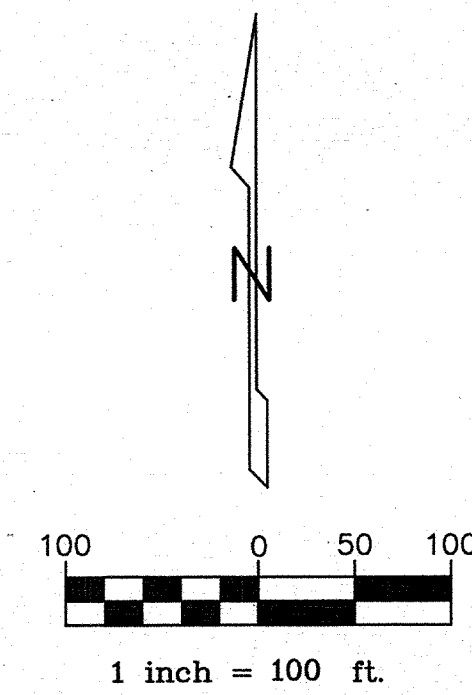
MARLEY PARK
SURPRISE, AZ.
MARLEY PARK LEGACY CHARTER SCHOOL



DRAWN KMS/ISS.
CHECKED GSR/KMS
DATE 12/04/14
SCALE N.T.S.
JOB NO. WP#144227
SHEET

DRAWINGS AND SPECIFICATIONS AS INSTRUMENTS OF SERVICE ARE THE PROPERTY OF MARLEY PARK PHASE II LLC AND MAY NOT BE REPRODUCED WITHOUT THE WRITTEN PERMISSION OF MARLEY PARK PHASE II LLC

FINAL PLAT FOR MARLEY PARK LEGACY CHARTER SCHOOL



LEGEND

- | | | | |
|--------|---|--------|----------------------------------|
| △ | CORNER OF THIS SUBDIVISION SET SURVEY MONUMENT W/ R.L.S. TAG OR CAP, UNLESS OTHERWISE NOTED | S.V.E. | SIGHT VISIBILITY EASEMENT |
| ● | SURVEY MONUMENT FOUND AS NOTED | R/W | RIGHT-OF-WAY |
| ○ | SURVEY MONUMENT BRASS CAP TO BE SET AT TIME OF CONSTRUCTION | EX. | EXISTING |
| M.C.R. | MARICOPA COUNTY RECORDS | FD. | FOUND |
| B.C.F. | BRASS CAP FLUSH | L1 | PROPERTY LINE - LINE TABLE ITEM |
| B.C.H. | BRASS CAP IN HANDHOLE | C4 | PROPERTY LINE - CURVE TABLE ITEM |
| P.U.E. | PUBLIC UTILITIES EASEMENT | W.E. | WATER LINE EASEMENT |
| BK. | BOOK | --- | SUBDIVISION BOUNDARY |
| PG. | PAGE | --- | EASEMENTS AS NOTED |
| C.O.S. | CITY OF SURPRISE | --- | MONUMENT LINE |
| | | --- | PROPERTY LINE |
| | | --- | SECTION LINE |
| | | --- | RIGHT-OF-WAY LINE |

LINE TABLE		
LINE	BEARING	DISTANCE
L1	N01°18'39"E	53.00'
L2	N44°21'12"W	57.22'
L3	N89°21'05"W	0.72'
L4	N72°32'58"W	101.16'
L5	N75°21'28"W	84.48'
L6	N00°01'08"E	5.00'
L7	S00°01'08"W	5.00'
L8	S46°56'43"W	71.83'
L9	N26°36'06"E	27.93'
L10	S62°19'19"E	29.21'
L11	S08°43'49"E	43.17'
L12	S88°24'39"W	44.33'
L13	N06°44'20"E	102.00'
L14	N45°19'04"E	56.24'

LINE TABLE		
LINE	BEARING	DISTANCE
L15	N17°41'35"W	166.28'
L16	N17°00'20"W	106.00'
L17	N15°19'10"W	106.00'

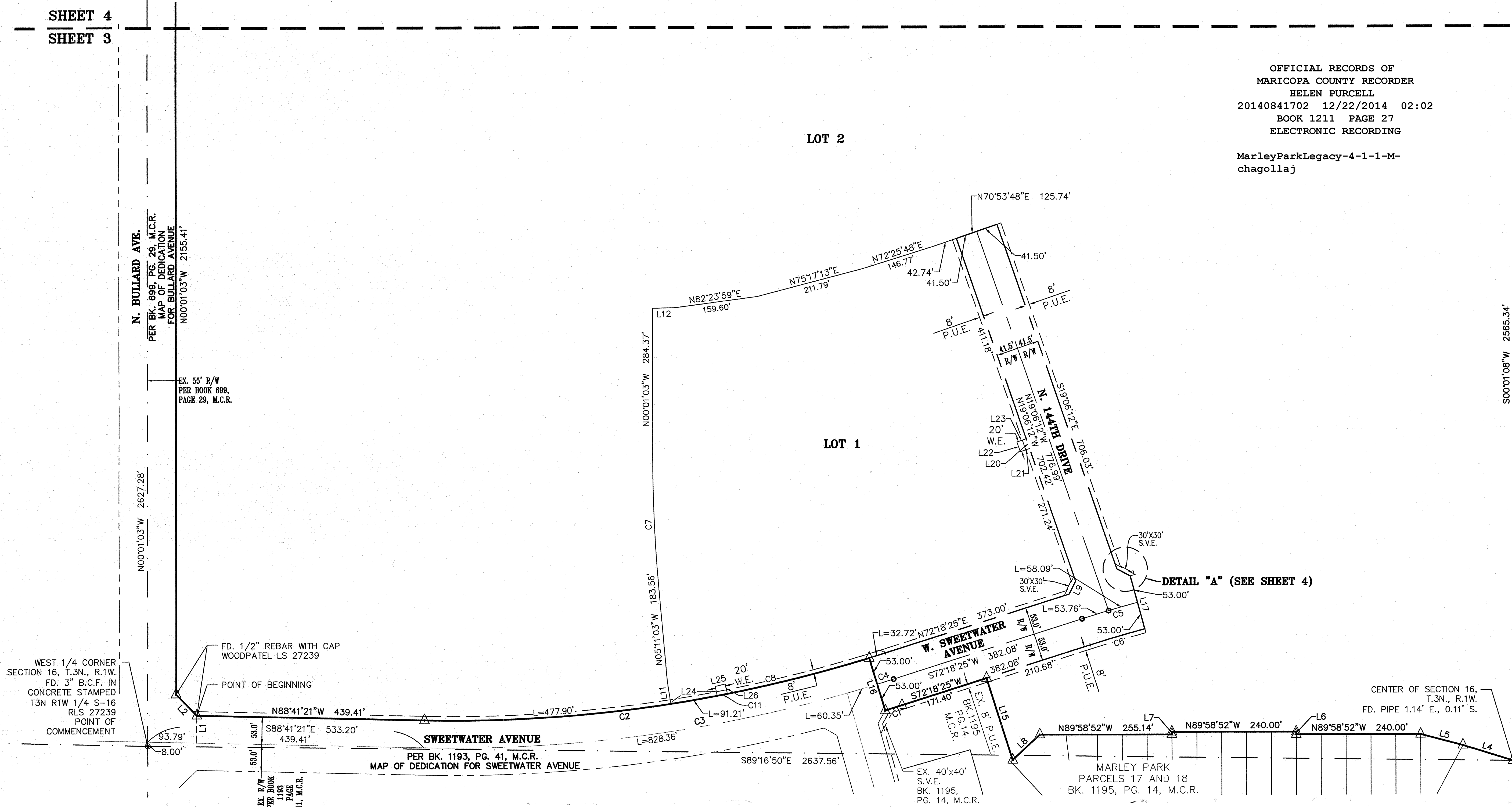
EASEMENT LINE TABLE		
LINE	BEARING	DISTANCE
L18	N62°16'23"W	2.77'
L19	N15°19'10"W	6.12'
L20	S19°06'12"E	20.00'
L21	S70°53'48"W	19.00'
L22	N19°06'12"W	20.00'
L23	S70°53'48"W	19.00'
L24	S13°16'11"E	18.57'
L25	N76°43'49"E	20.00'
L26	N13°16'11"W	19.41'

CURVE TABLE					
CURVE	DELTA	RADIUS	ARC	CHORD BEARING	CHORD
C1	0°41'15"	2833.00'	33.99'	N72°39'02.37"E	33.99
C2	18°18'59"	2727.00'	871.77'	N82°09'09.33"E	868.06
C3	18°18'59"	2780.00'	888.71'	N82°09'09.33"E	884.93
C4	0°41'15"	2780.00'	33.36'	N72°39'02.37"E	33.36
C5	2°22'25"	2700.00'	111.85'	S73°29'37.20"W	111.84
C6	2°22'25"	2647.00'	109.66'	S73°29'37.20"W	109.65
C7	5°10'00"	2834.00'	255.56'	S2°36'02.88"E	255.47
C8	8°57'46"	2727.00'	426.59'	N76°47'17.95"E	426.15

EASEMENT CURVE TABLE					
CURVE	DELTA	RADIUS	ARC	CHORD BEARING	CHORD
C9	0°12'31"	2753.00'	10.02'	S74°47'05.06"W	10.02
C10	0°06'02"	2761.00'	4.85'	S74°47'46.18"W	4.85
C11	0°25'14"	2727.00'	20.02'	N79°08'34.86"E	20.02

OFFICIAL RECORDS OF
MARICOPA COUNTY RECORDER
HELEN PURCELL
20140841702 12/22/2014 02:02
BOOK 1211 PAGE 27
ELECTRONIC RECORDING

MarleyParkLegacy-4-1-1-M-
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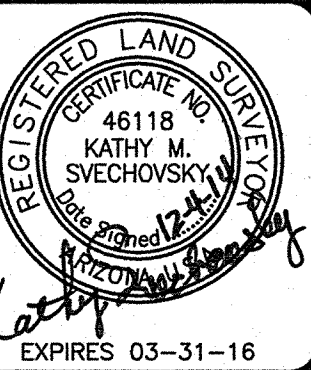


SHEET 4
SHEET 3

MARLEY PARK

SURPRISE, AZ.

MARLEY PARK LEGACY CHARTER SCHOOL



DRAWN KMS/ISS
CHECKED GSR/KMS
DATE 12/04/14
SCALE 1" = 100'
JOB NO. WP#44227
SHEET 3 OF 4

WOOD/PATEL
LAND DEVELOPMENT • WATER RESOURCES
TRANSPORTATION / TRAFFIC
WATER SUPPLY / WASTEWATER
CONSTRUCTION MANAGEMENT
(602) 335-8600
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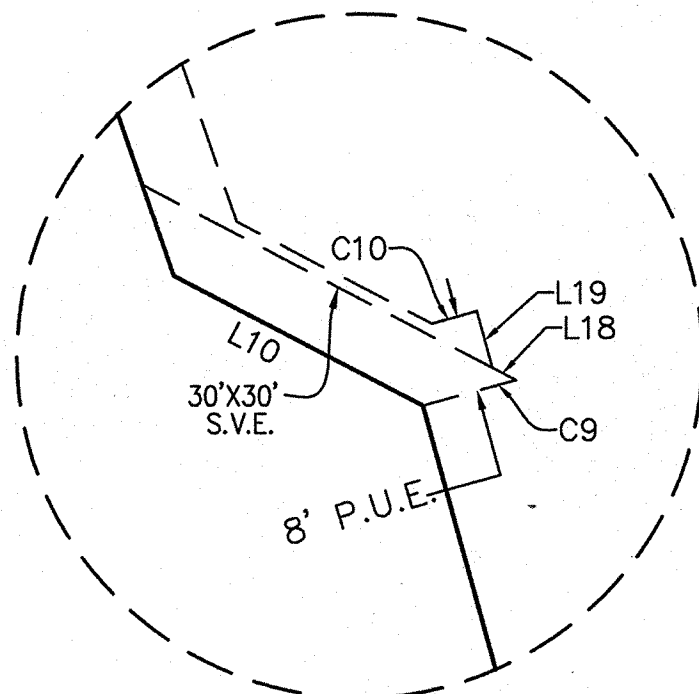
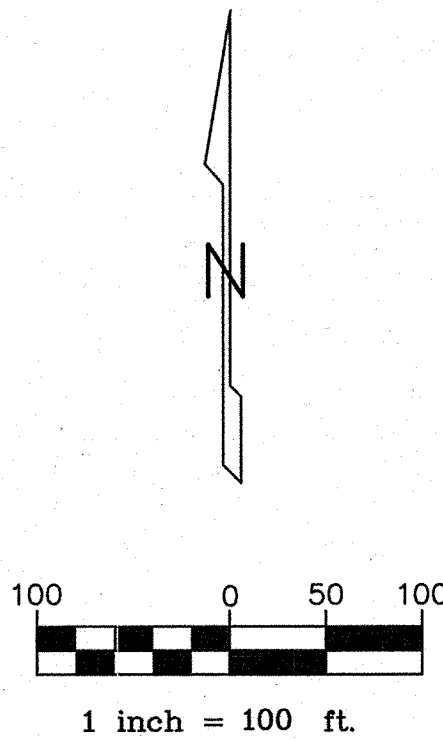


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FINAL PLAT
FOR
MARLEY PARK LEGACY CHARTER SCHOOL

LEGEND

- △ CORNER OF THIS SUBDIVISION SET
SURVEY MONUMENT W/ R.L.S. TAG OR
CAP, UNLESS OTHERWISE NOTED
- SURVEY MONUMENT FOUND
AS NOTED
- SURVEY MONUMENT BRASS CAP TO
BE SET AT TIME OF CONSTRUCTION
- M.C.R. MARICOPA COUNTY RECORDS
B.C.F. BRASS CAP FLUSH
B.C.H. BRASS CAP IN HANDHOLE
P.U.E. PUBLIC UTILITIES EASEMENT
BK. BOOK
PG. PAGE
C.O.S. CITY OF SURPRISE
- S.V.E. SIGHT VISIBILITY EASEMENT
R/W RIGHT-OF-WAY
EX. EXISTING
FD. FOUND
L1 PROPERTY LINE - LINE TABLE ITEM
C4 PROPERTY LINE - CURVE TABLE ITEM
W.E. WATER LINE EASEMENT
SUBDIVISION BOUNDARY
EASEMENTS AS NOTED
MONUMENT LINE
PROPERTY LINE
SECTION LINE
RIGHT-OF-WAY LINE



DETAIL "A"

LINE TABLE		
LINE	BEARING	DISTANCE
L1	N01°18'39"E	53.00'
L2	N44°21'12"W	57.22'
L3	N89°21'05"W	0.72'
L4	N72°32'58"W	101.16'
L5	N75°21'28"W	84.48'
L6	N00°01'08"E	5.00'
L7	S00°01'08"W	5.00'
L8	S46°56'43"W	71.83'
L9	N26°36'06"E	27.93'
L10	S62°19'19"E	29.21'
L11	S08°43'49"E	43.17'
L12	S88°24'39"W	44.33'
L13	N06°44'20"E	102.00'
L14	N45°19'04"E	56.24'

LINE TABLE		
LINE	BEARING	DISTANCE
L15	N17°41'35"W	166.28'
L16	N17°00'20"W	106.00'
L17	N15°19'10"W	106.00'

EASEMENT LINE TABLE		
LINE	BEARING	DISTANCE
L18	N62°16'23"W	2.77'
L19	N15°19'10"W	6.12'
L20	S19°06'12"E	20.00'
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L22	N19°06'12"W	20.00'
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L24	S13°16'11"E	18.57'
L25	N76°43'49"E	20.00'
L26	N13°16'11"W	19.41'

CURVE TABLE					
CURVE	DELTA	RADIUS	ARC	CHORD BEARING	CHORD
C1	0°41'15"	2833.00'	33.99'	N72°39'02.37"E	33.99
C2	18°18'59"	2727.00'	871.77'	N82°09'09.33"E	868.06
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C4	0°41'15"	2780.00'	33.36'	N72°39'02.37"E	33.36
C5	2°22'25"	2700.00'	111.85'	S73°29'37.20"W	111.84
C6	2°22'25"	2647.00'	109.66'	S73°29'37.20"W	109.65
C7	5°10'00"	2834.00'	255.56'	S2°36'02.88"E	255.47
C8	8°57'46"	2727.00'	426.59'	N76°47'17.95"E	426.15

EASEMENT CURVE TABLE					
CURVE	DELTA	RADIUS	ARC	CHORD BEARING	CHORD
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C10	0°06'02"	2761.00'	4.85'	S74°47'46.18"W	4.85
C11	0°25'14"	2727.00'	20.02'	N79°08'34.86"E	20.02

NORTHWEST CORNER
SECTION 16, T.3N., R.1W.
FD. 3" C.O.S. B.C.H. STAMPED
BM 31-10

NORTH 1/4 CORNER
SECTION 16, T.3N., R.1W.
NOTHING FD.
NOTHING SET

WADDELL ROAD
S89°20'49"E 2639.19'
PER BK. 839, PG. 39, M.C.R.
MAP OF DEDICATION FOR WADDELL ROAD

S89°20'49"E 2531.43'

FD. 1/2" REBAR WITH CAP
WOODPATEL LS 27239

EX. 65' R/W
PER BOOK 699,
PAGE 39, M.C.R.

EX. 67' R/W
PER BOOK 699,
PAGE 29, M.C.R.
AND BOOK 839,
PAGE 39, M.C.R.

FD. 1/2" REBAR WITH CAP
WOODPATEL LS 27239

EX. 55' R/W
PER BOOK 699,
PAGE 29, M.C.R.

BULLARD AVENUE
N00°01'03"W 2627.28'
PER BK. 699, PG. 29, M.C.R.
MAP OF DEDICATION
FOR BULLARD AVENUE

N00°01'03"W 2155.41'

EX. 65' R/W
PER BOOK 839,
PAGE 39, M.C.R.

FD. 1/2" REBAR
WITH CAP
WOODPATEL LS 27239

S00°01'08"W 2565.34'
S00°01'08"W 2630.34'

NORTH-SOUTH MID-SECTION
LINE OF SECTION 16

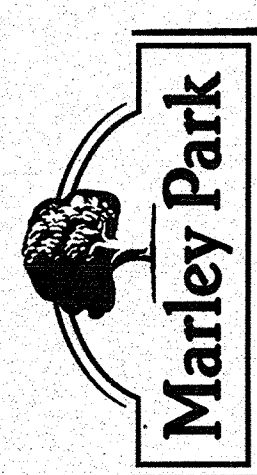
LOT 2

OFFICIAL RECORDS OF
MARICOPA COUNTY RECORDER
HELEN PURCELL
20140841702 12/22/2014 02:02
BOOK 1211 PAGE 27
ELECTRONIC RECORDING

MarleyParkLegacy-4-1-1-M-
chagollaj

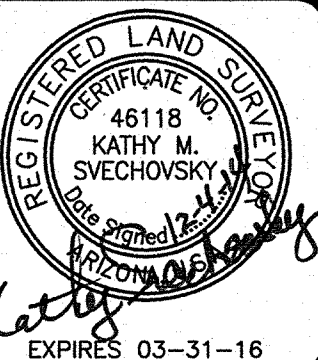
SHEET 4
SHEET 3

SHEET 4
SHEET 3



WOOD/PATEL
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WATER / WASTEWATER • SURVEYING
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MARLEY PARK
SURPRISE, AZ.
MARLEY PARK LEGACY CHARTER SCHOOL



DRAWN
KMS/ISS
CHECKED
GSR/KMS
DATE
12/04/14
SCALE
1" = 100'
JOB NO.
WP#144227
SHEET
4 OF 4

RESOLUTION #2014-121

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA, APPROVING A FINAL PLAT ENTITLED "MARLEY PARK LEGACY CHARTER SCHOOL," GENERALLY LOCATED EAST OF BULLARD AVENUE AND NORTH OF SWEETWATER AVENUE AND WAIVING PRELIMINARY PLAT REQUIREMENT.

WHEREAS, on October 25, 2000 the Mayor and City Council approved the Marley Park Planned Area Development;

WHEREAS, Arizona Revised Statutes A.R.S. § 9-463.01 allows the City Council to approve a Final Plat for a subdivision consisting of 10 or fewer lots in the absence of a Preliminary Plat;

WHEREAS, the proposed subdivision consists of two lots;

WHEREAS, the proposed final plat does not create any substandard or nonconforming lots; and

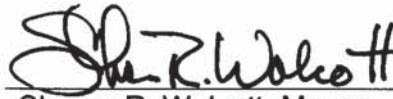
WHEREAS, the proposed Final Plat is in compliance with the Surprise Municipal Code and Surprise General Plan.

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

Section 1. The requirement for a preliminary plat prior to review and adoption of this Final Plat is hereby waived because this is a two (2) lot subdivision.

Section 2. The Final Plat entitled "Marley Park Legacy Charter School," dated December 4, 2014 is hereby approved.

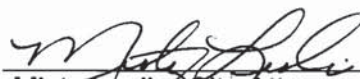
APPROVED AND ADOPTED this 16 day of December, 2014.


Sharon R. Wolcott, Mayor

Attest:

Approved as to form:


Sherry Aguilar, City Clerk


Misty Leslie, City Attorney



FINAL PLAT
FOR
MARLEY PARK LEGACY CHARTER SCHOOL

LEGEND

- △ CORNER OF THIS SUBDIVISION SET BY SURVEYOR AND NOTED OR CAP, UNLESS OTHERWISE NOTED
- SURVEY MONUMENT FOUND
- BE SET AT TIME OF CONSTRUCTION
- W.C.R. MARICOPA COUNTY RECORDS
- B.C.H. BRASS CAP IN HANDS
- P.U.E. PUBLIC UTILITIES EASEMENT
- PC. PLACED
- C.O.S. CITY OF SURPRISE
- S.V.L. SIGHT VISIBILITY EASEMENT
- RIGHT-OF-WAY
- EX. EXISTING
- FD. FOUND
- LI. PROPERTY LINE - LINE TABLE ITEM
- LI. SUBDIVISION LINE - LINE TABLE ITEM
- W.L. WATER LINE EASEMENT
- SUBDIVISION BOUNDARY
- EASEMENTS AS NOTED
- EASEMENT LINE
- MONUMENT LINE
- SECTION LINE

MONUMENT CORNER
SECTION 16, T.2N., R.1W.
FD. 3" C.O.S. B.C.H. STAMPED
BM 31-10

LINE TABLE	
LINE	BEARING
L1	N07°13'37"E
L2	N44°21'17"W
L3	N08°21'05"W
L4	N72°32'56"W
L5	N72°12'28"W
L6	N00°07'08"E
L7	S00°07'08"E
L8	N49°30'00"E
L9	N62°17'18"E
L10	S62°17'18"E
L11	S08°42'46"E
L12	S68°24'36"W
L13	N08°44'27"E
L14	N45°18'04"E
DISTANCE	
L1	53.00'
L2	57.22'
L3	6.72'
L4	101.16'
L5	84.48'
L6	5.00'
L7	5.00'
L8	71.83'
L9	27.83'
L10	29.21'
L11	43.17'
L12	44.33'
L13	103.00'
L14	56.24'

LINE TABLE	
LINE	BEARING
L15	N17°41'35"W
L16	N17°00'20"W
L17	N15°19'10"W
DISTANCE	
L15	186.24'
L16	106.00'
L17	106.00'

CURVE TABLE	
CURVE	DELTA
C1	0°41'15"
C2	18°18'36"
C3	18°18'36"
C4	0°41'15"
C5	2°22'35"
C6	2°22'35"
C7	5°10'00"
C8	8°57'48"
RADIUS	
C1	2833.00'
C2	2727.00'
C3	2760.00'
C4	2760.00'
C5	2760.00'
C6	2847.00'
C7	2834.00'
C8	2727.00'
ARC	
C1	472°02.37°
C2	487°09.33°
C3	487°09.33°
C4	472°02.37°
C5	57°32'37.20"
C6	57°32'37.20"
C7	52°36'02.86"
C8	48°47'47.85"
CHORD BEARING	
C1	33.99°
C2	33.56°
C3	33.56°
C4	33.56°
C5	111.84°
C6	111.84°
C7	109.65°
C8	109.65°

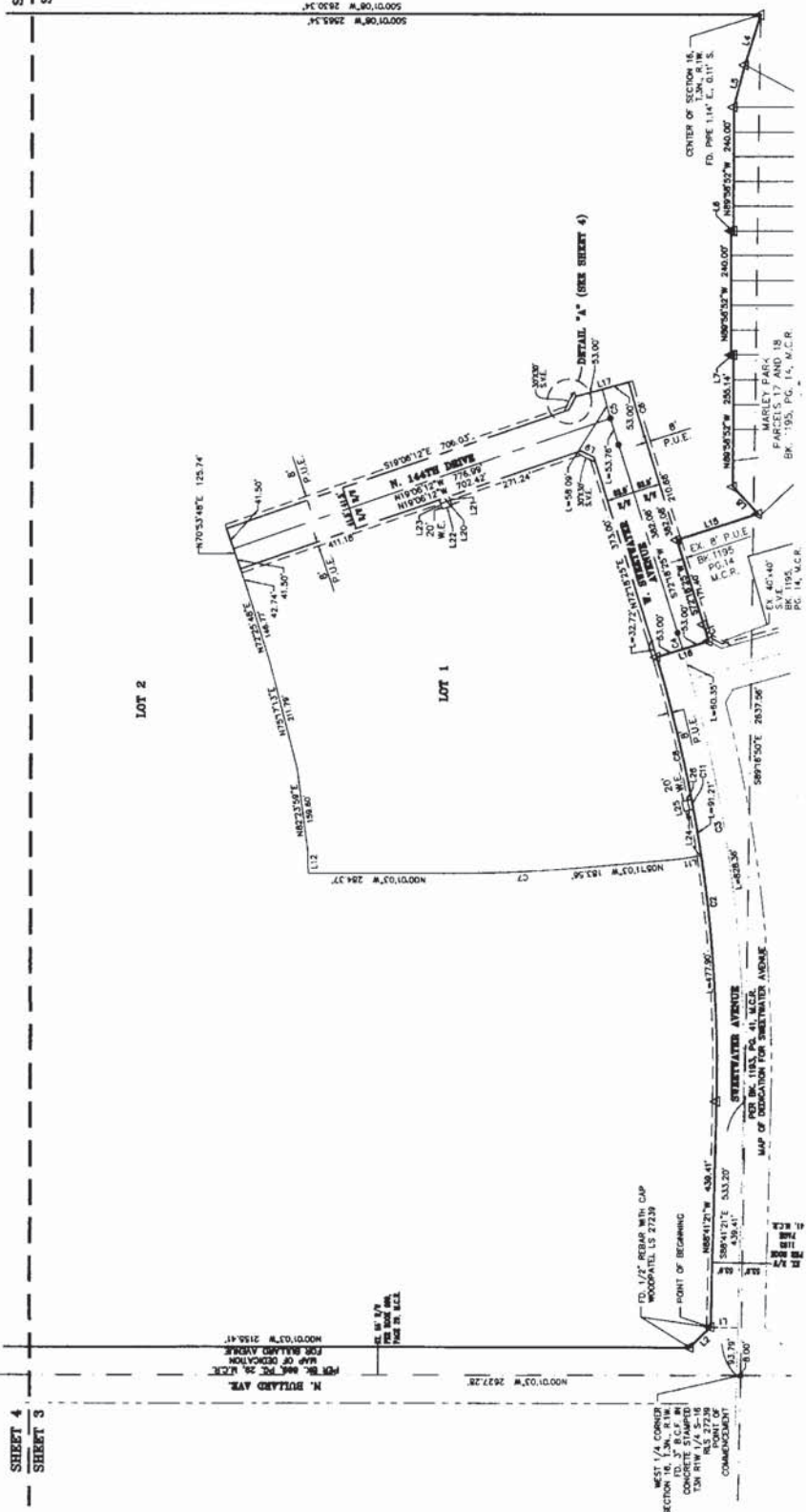
EASEMENT CURVE TABLE	
CURVE	DELTA
C9	0°41'15"
C10	0°41'15"
C11	0°41'15"
RADIUS	
C9	2833.00'
C10	2727.00'
C11	2760.00'
ARC	
C9	472°02.37°
C10	487°09.33°
C11	487°09.33°
CHORD BEARING	
C9	33.99°
C10	33.56°
C11	33.56°

SHEET 4
SHEET 3

SHEET 4
SHEET 3

LOT 2

LOT 1



MARLEY PARK
SURPRISE, AZ.
MARLEY PARK LEGACY CHARTER SCHOOL

WOOD/PATEL
LAND SURVEYORS & PLANNERS
14000 N. 19TH AVENUE, SUITE 100
SCOTTSDALE, AZ 85255
(480) 356-8000
MCHS-1054-17-0308



DATE: 12/04/14
BY: [Signature]
CHECKED BY: [Signature]
PROJECT: MARLEY PARK
SHEET: 5 OF 4

FINAL PLAT
FOR
MARLEY PARK LEGACY CHARTER SCHOOL



WOOD/PATEL
LAND DEVELOPMENT & WATER RESOURCES
CONSULTANTS
TALLAHASSEE, FLORIDA
WATER/WASTEWATER & SEWERAGE
CONSTRUCTION MANAGEMENT
(800) 326-9600
FLORENCE, SOUTH CAROLINA

MARLEY PARK
SURPRISE, AZ.
MARLEY PARK LEGACY CHARTER SCHOOL



DATE	80-31-18
EMPL	KMS/MS
CAR	65R/MS
DATE	12/04/14
SCALE	1" = 100'
JOB NO.	W88144221
BY	MS

CURVE	DELTA	MAJOR	CHORD BEARING	CHORD
C1	0°14'35"	2833.00'	33.98°	N 72°29'02.37"E 33.99'
C2	18°16'38"	2727.00'	87.71°	N 62°29'09.35"E 3868.06'
C3	18°16'38"	2780.00'	668.71°	N 62°29'09.35"E 3868.93'
C4	0°14'35"	2780.00'	33.98°	N 72°29'02.37"E 33.98'
C5	22°21'55"	2760.00'	111.85°	S 72°29'31.20"W 111.84'
C6	2222°35"	2943.00'	109.86°	S 72°29'31.20"W 109.85'
C7	5°10'00"	2834.00'	253.47°	S 72°29'02.37"E 253.47'
C8	83°37'48"	2727.00'	58.56°	N 72°29'02.37"E 428.15'

LINE TABLE		
LINE	BEARING	DISTANCE
L15	N17°41'35"W	166.28'
L16	N17°00'20"W	108.00'
L17	N15°19'10"W	106.00'

EASEMENT LINE TABLE		
LINE	BEARING	DISTANCE
L18	N62°16'23"W	2.77'
L19	N15°19'10"W	6.12'

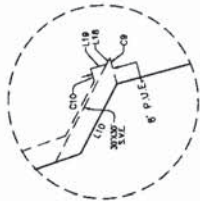
LINE	BEARING	DISTANCE
L1	N01°18'59"E	53.00'
L2	N44°21'12"W	57.22'
L3	N69°21'05"W	0.72'

L4	N72°32'58"W	101.16'
L5	N75°21'26"W	84.48'
L6	N00°01'08"E	5.00'
L7	S00°01'08"W	5.00'
L8	S48°56'43"W	71.83'

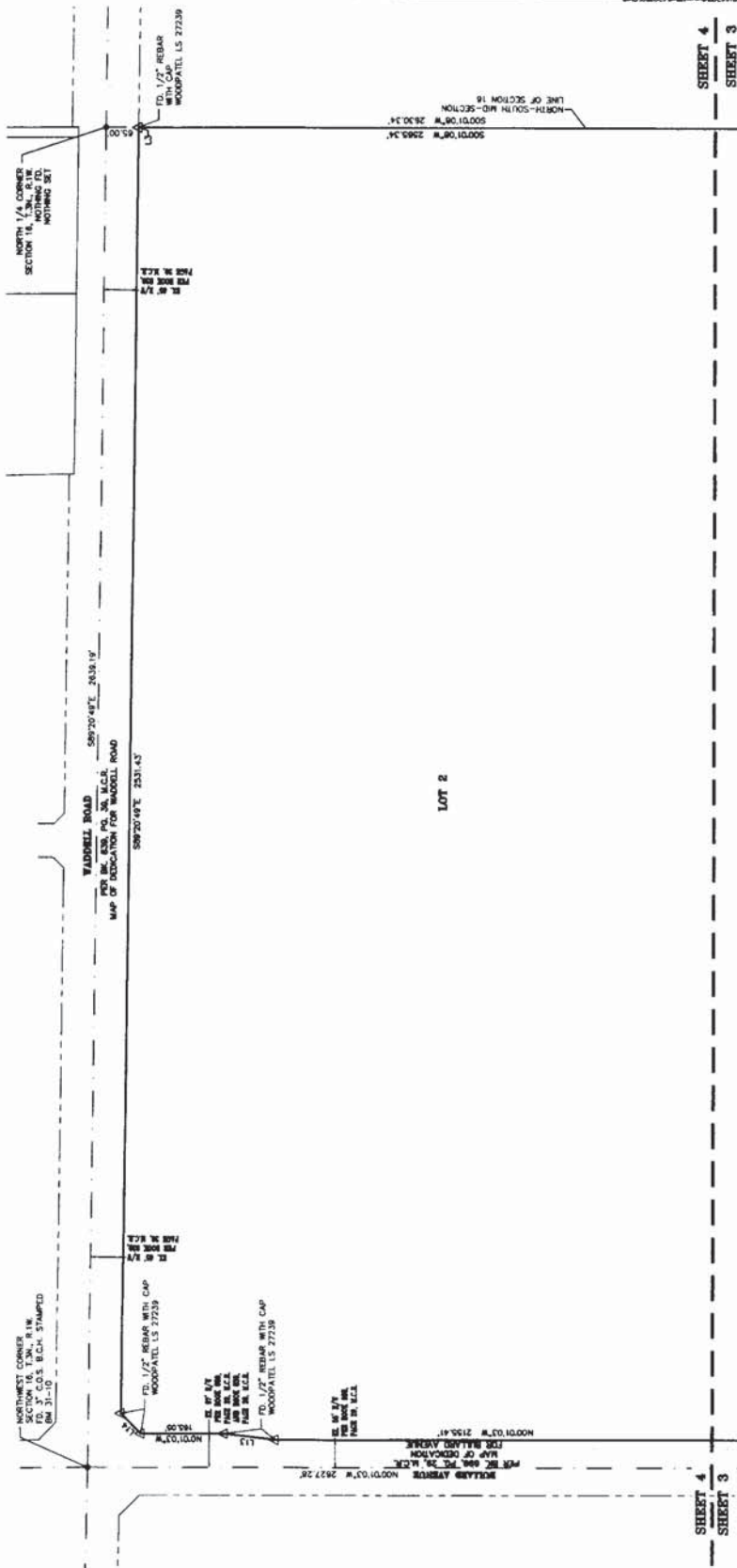
EASEMENT CURVE TABLE					
CURVE	DELTA	RADIUS	ARC	CHORD BEARING	CHORD
C8	0°2'31"	2753.00'	10.02'	S74°47'05.06"W	10.02
C10	0°06'02"	2781.00'	4.85'	S74°47'48.18"W	4.85
C11	0°05'54"	2322.00'	30.03'	N23°08'54.84"E	30.03

L20	S19°08'12"E	20.00'
L21	S70°35'48"W	19.00'
L22	N19°06'12"W	20.00'
L23	S70°35'48"W	19.00'
L24	S13°01'11"E	18.57'
L25	N74°34'48"E	20.00'

L0	N26°36'06"E	27.93'
L10	S42°19'19"E	26.21'
L11	S08°43'49"E	43.17'
L12	S08°24'39"W	44.33'
L13	N08°44'20"E	102.00'



DETAIL "A"



SHEET 4
—
SHEET 3

SHEET 4
—
SHEET 3



COMMUNITY DEVELOPMENT DEPARTMENT

Date: December 16, 2014
To: Mayor and City Council
From: Eric Fitzer, Community Development Director
Robert H. Kuhfuss, AICP, Planner II
Re: FS14-305 – Marley Park Legacy Charter School

Application Summary

Amy Weidman of Marley Park Phase II, LLC, filed an application for a Final Plat for the Marley Park Legacy Charter School. The Final Plat will encompass approximately 147.78 acres and produce two (2) parcels together with associated right-of-way. One of these (Lot 1) will consist of approximately 12.18 acres and will be for the Legacy Charter School. Also associated with this Final Plat is a Street Light Improvement District (SLID).

Location

The subject property is located east of Bullard Avenue and north of Sweetwater Avenue in Marley Park. The attached aerial photograph depicts the property within that PAD and its surrounds.

History

October 25, 2000: The City Council approved the original Marley Park PAD under case number PAD00-091.

August 14, 2014: Marley Park Phase II, LLC submitted the subject Final Plat covering the subject property, in addition to a segment of 144th Drive and a segment of Sweetwater Avenue under case FS14-305.

August 25, 2014: The Charter School Fund II, LLC, submitted a related Site Plan under case FS14-310.

Summary

The proposed final plat covers approximately 147.78 acres of currently undeveloped property. A separate but related case involving a Major Site Plan is being processed by a different applicant under FS14-310, which will be heard by the Planning and Zoning Commission on December 4, 2014.

Findings

- The proposed Final Plat meets the requirements of the Marley Park PAD.
- The proposed Final Plat meets the requirements of the Surprise SUDC.

Recommendations:

Staff recommends approval of the proposed Final Plat.

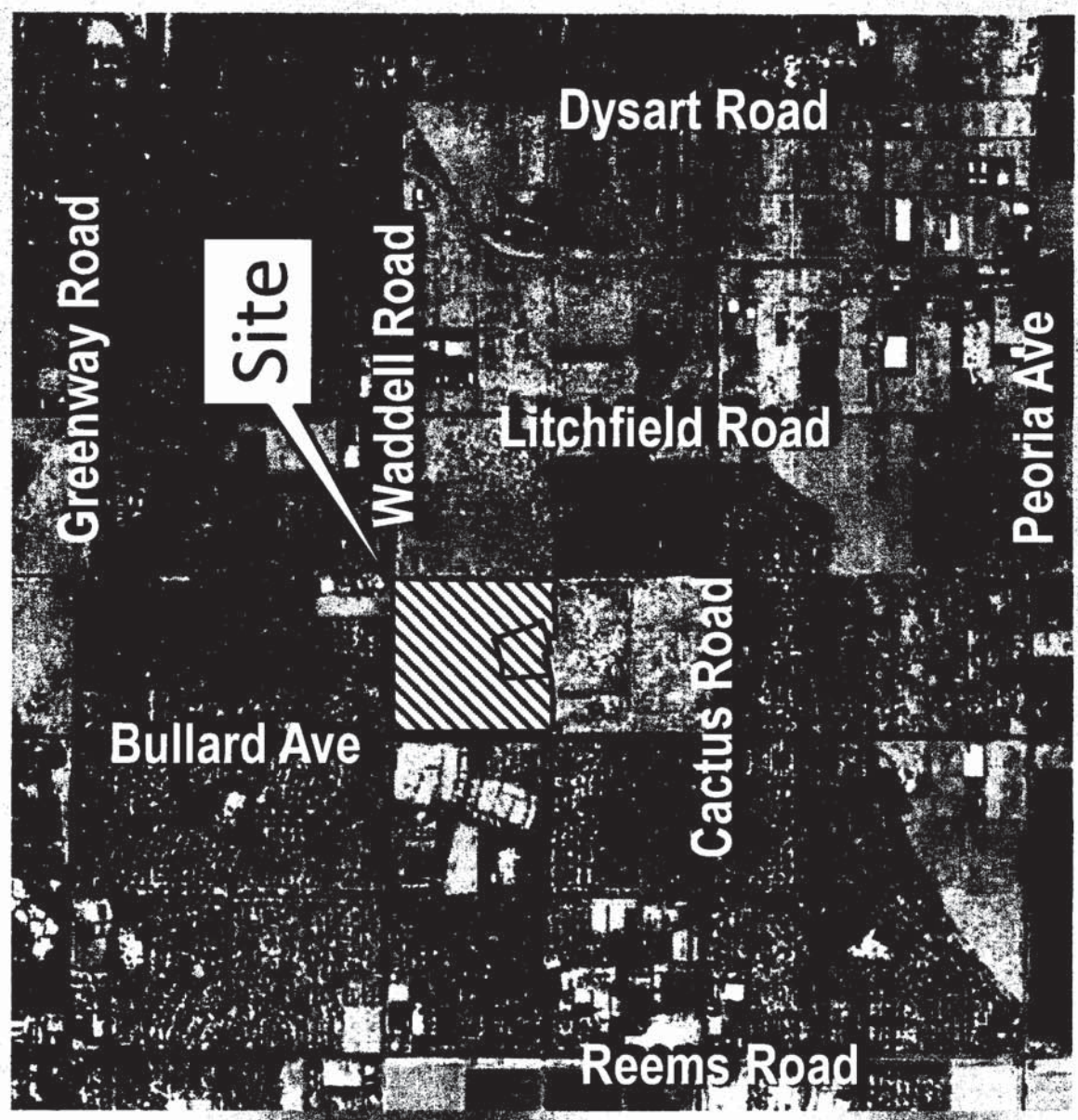
Attached:

Vicinity Map
Case Map
Resolution
Final Plat



SURPRISE

FS14-305 VICINITY MAP



FS14-305 CASE MAP





CITY OF SURPRISE
Regular City Council Meeting

December 16, 2014 @ 6:00:00 PM

Back Print

Council Meeting Date: December 16, 2014 Contact Person: Eric Fitzer, Community Development
Submitting Department: CD District: 6
Staff Recommendations: Approve

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

Agenda Wording:

Consideration and action approving the Marley Park Legacy Charter School final plat, dated December 4, 2014, a property generally located along the north side of Sweetwater Avenue alignment, approximately ¼ mile east of Bullard Road; Resolution 2014 - 121.

Motion:

I move to approve Resolution 2014-121.

Background:

The Final Plat will encompass approximately 147.78 acres and produce two parcels together with associated right-of-way. Lot 1 consists of approximately 12.18 acres and will be used for Legacy Charter School. A separate Major Site Plan covering the Legacy Charter School is being processed under FS14-310, which was approved on December 4, 2014 by the Planning and Zoning Commission. Also associated with this Final Plat is a Street Light Improvement District (SLID).

Financial Impact Statement:

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

ATTACHMENTS:

Click to download

- ☐ [Staff Report](#)
- ☐ [Vicinity Map](#)
- ☐ [Final Plat](#)

External Attachment Links:

Meeting Requirements:

Powerpoint x Video White Board Other x

Presentation Speaker Names (spelling and titles for TV captions):

Robert Kuhfuss, Planner

City Clerk's Office Use

COUNCIL ACTION

Motion/Second:

Results:

Wolcott _____
Winters _____
Biundo m _____
Williams S _____
Villanueva _____
Hall _____
Tande _____

For 2
Against 0
Passed ✓
Failed _____
Continued _____
Tabled _____
Absent _____
Abstained _____



CITY OF SURPRISE
Regular City Council Meeting

February 2, 2016 @ 6:00:00 PM

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

Council Meeting Date:	February 2, 2016	Contact Person:	Karl Zook, Public Works Department
Submitting Department:	Public Works	District:	6
Staff Recommendations:	None		

Consent	x	Regular	Public Hearing	Report/Discussion
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Agenda Wording:

Consideration and action pertaining to conditional acceptance of streets and public utility improvements at Marley Park Phase 3, including portions of Larkspur Drive, Via del Oro, 144th and 145th Avenues, improvements generally located on the northeast corner of Cactus Road and Bullard Avenue; Resolution # 2016-17.

Motion:

I move to approve Resolution # 2016-17.

Background:

The Public Works Department conducted the final inspection of the public utility improvements for portions of Larkspur Drive, Via del Oro, 144th Avenue, and 145th Avenue on or about July 24, 2015 totaling 6,001 SY (approximately $\frac{3}{4}$ lane miles) and determined that the infrastructure was compliant and acceptable to the city. The infrastructure includes asphalt pavement, domestic water lines and wastewater lines.

Objective Analysis:

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

Policy Compliant:

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

Financial Impact:

Acceptance of streets, water, and sewer infrastructure increases the City's asset base and adds to future maintenance commitments. The total acceptance value of the infrastructure items included with this item is \$936,057.

Budget Impact:

Funding for infrastructure maintenance is included in street preservation and maintenance, water and sewer operational budgets. The anticipated incremental additional maintenance expense associated with the acceptance of these infrastructure items will be incorporated in future budgets.

FTE Impact:

This action does not change the full time equivalent count.

ATTACHMENTS:

Click to download

- ☐ [Resolution 2016-17](#)
 - ☐ [Inspection Sign off](#)
 - ☐ [Notice of Completion](#)
 - ☐ [Final Plat](#)
 - ☐ [Final Plat Resolution](#)
-

RESOLUTION # 2016-17

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA, CONDITIONALLY ACCEPTING MAINTENANCE OF THE STREET AND PUBLIC UTILITY IMPROVEMENTS AT MARLEY PARK PHASE 3 MODEL COMPLEX, GENERALLY LOCATED ON THE NORTHEAST CORNER OF BULLARD AVENUE AND CACTUS ROAD.

WHEREAS, the Mayor and City Council of the City of Surprise approved a final plat entitled "Marley Park Phase 3 Model Complex" on, June 25, 2013;

WHEREAS, DMB, Inc. the developer of Marley Park, dedicated to the City the street and public utility improvements, generally located at the northeast corner of Bullard Avenue and Cactus Road;

WHEREAS, the City of Surprise Public Works Department Engineering Division conditionally accepted the improvements describes in this resolution on August 18, 2015;

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

WHEREAS, the City of Surprise will release the warranty and begin maintenance of the street and public utility improvements upon final acceptance of the improvements.

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

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

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

SIGNATURES ON THE FOLLOWING PAGE

APPROVED AND ADOPTED this _____ day of _____, 2016.

Sharon R. Wolcott, Mayor

Attest:

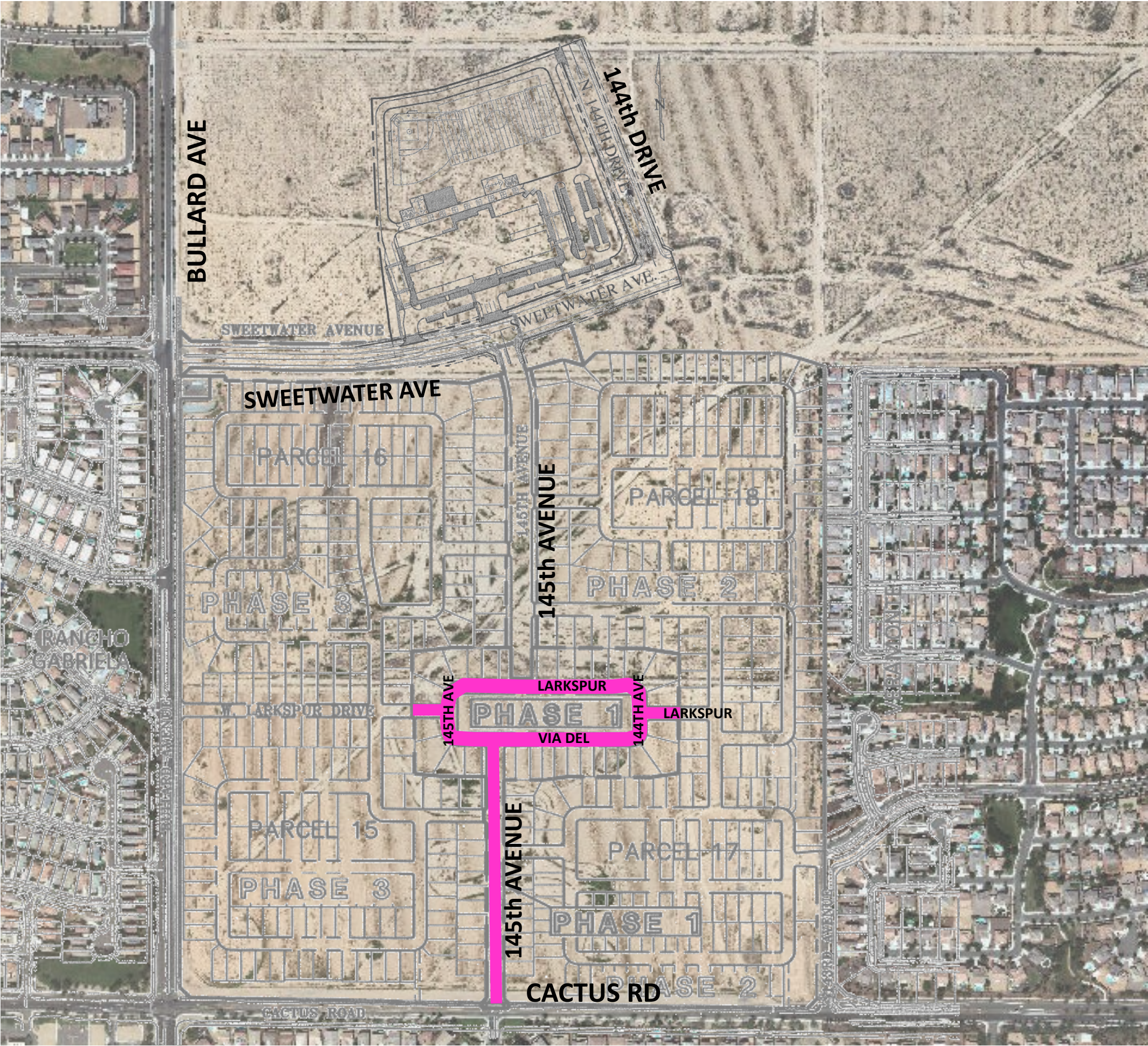
Approved as to form:

Sherry Aguilar, City Clerk

Robert Wingo, City Attorney

Exhibit A

Map of Infrastructure



MARLEY PARK PHASE 3

FS13-148	145TH AVE
(Ph1)	W. LARKSPUR DR
	VIA DEL ORO

EXHIBIT B

List and Cost of Improvements



Public Works Department
Engineering Division
16000 North Civic Center Plaza
Surprise, Arizona 85374
Phone 623-222-6000

Memorandum

To: City of Surprise City Council
From: Public Works – Engineering Services
Date: December 31, 2015
Re: Marley Park Ph. 3 145 Av & Model Home Complex

The public improvements for the above project have been completed and are on the February 2, 2016 council agenda for conditional acceptance. The amounts for the infrastructure have been provided by a third party and not the City of Surprise. The following are the infrastructure improvements included with this acceptance and the corresponding valuation that the City will be accepting:

- City Sewer - \$145,168.00
- City Paving - \$236,317.55
- City Concrete - \$205,695.90
- City Storm Drain - \$174,409.00
- City Water - \$174,466.80



PROJECT SIGN OFF FORM

PUBLIC WORKS - ENGINEERING SERVICES, INSPECTIONS

Date Submitted: 8/18/2015 ☐ Commercial ☐ Commercial w/Offsite ☒ Residential

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

7/24/2015 Date of Punch-List Walk 8/12/2015 Date Punch-List Completed

Permit Number: FS13-148

Project Name: Marley Park 145th & Model Complex Project Description (Phase/Parcel): 3

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

DMB

7600 E Doubletree Ranch Rd 300. Scottsdale Az 85258

MAG TIP Reporting:

Street Name	Classification	Begin Limits	End Limits	# Lanes	Length to nearest 1/4 mi.	Features
145th Ave	Local	Via Del Oro Ave	Cactus Road	2	1/4 mile	
W. Larkspur Drive	Local	145th Ave	144th Ave	2	1/4 Mile	
Via Del Oro Ave	Local	145th Ave	144th Ave	2	1/4 Mile	

MATERIALS:

Asphalt: Vulcan Materials Supplier 3/4 Mile Total Lane Miles 6,001 Total Square Yards

Water: 8" PVC Size/Type 3,710' Total Linear Feet Size/Type Total Linear Feet

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

Sewer: 8" PVC Size/Type 2,155 Total Linear Feet 10' PVC Size/Type 2,540' Total Linear Feet

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

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

Additional Comments:

SUPPORTING DOCUMENTATION REQUIRED:

☒ Copy of Punch List

N/A Engineer of Record Reports to Include but not limited to:

ATC, AOC, Material Submittals, Water Test Results, Daily Reports

N/A Final Certification Letter from Engineer of Record

N/A Asphalt Concrete Emulsion Fog Seal Cert. (SS1H)

☒ Complete Geotechnical Testing Packet

☒ Asphalt Concrete Ticket w/ Name of Contractor

☒ Sewer Pressure Testing Results

☒ Streetlight Energize Letter

☒ Sewer Manhole Vacuum Testing Certification

☒ As built Documents (☒ 2 Bond and n/a 1 Mylar)

☒ Sewer Manhole Insecticide Certification

☒ CD with As Built Documents in .pdf format

☒ Sewer Videos with Operators Notes (inc. re-videos)

Other (Specify)

APPROVAL:

Civil Inspector: [Signature]

Date: 8/18/2015

Civil Engineering Supervisor: [Signature]

Date: 8/18/2015



Public Works Department
Engineering Development Services
16000 North Civic Center Plaza
Surprise, Arizona 85374
Phone 623-222-6141
Fax 623-222-6006

August 25, 2015

Christopher Rivera
Marley Park Phase II, LLC
7600 E. Double Tree Ranch Rd
Suite 300
Scottsdale, AZ 85258

**RE: NOTICE OF COMPLETION AND COUNCIL ACTION REQUIREMENT FOR
MARLEY PARK PH 3 - Phase 1 (Model Home Complex - Larkspur Dr., Via Del
Oro, 145th Ave, 144th Ave) - FS13-148**

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

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

A notice of the required assurance amount and acceptable formats will be sent via email once actual construction costs have been submitted by the applicant. The warranty period starts upon council acceptance for a period of one (1) year; please ensure warranty assurance will not expire prior to this date. The applicant will be notified of the council date as soon as it is scheduled and the warranty financial assurance is required to be submitted to the city 10 calendar days prior to the council date. If a warranty financial assurance is not received within 10 calendar days, council action and start of the warranty period will be delayed, at a minimum, an additional two (2) weeks.

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

If you have any questions or concerns, you can reach me at 623-222-6141.

Sincerely,

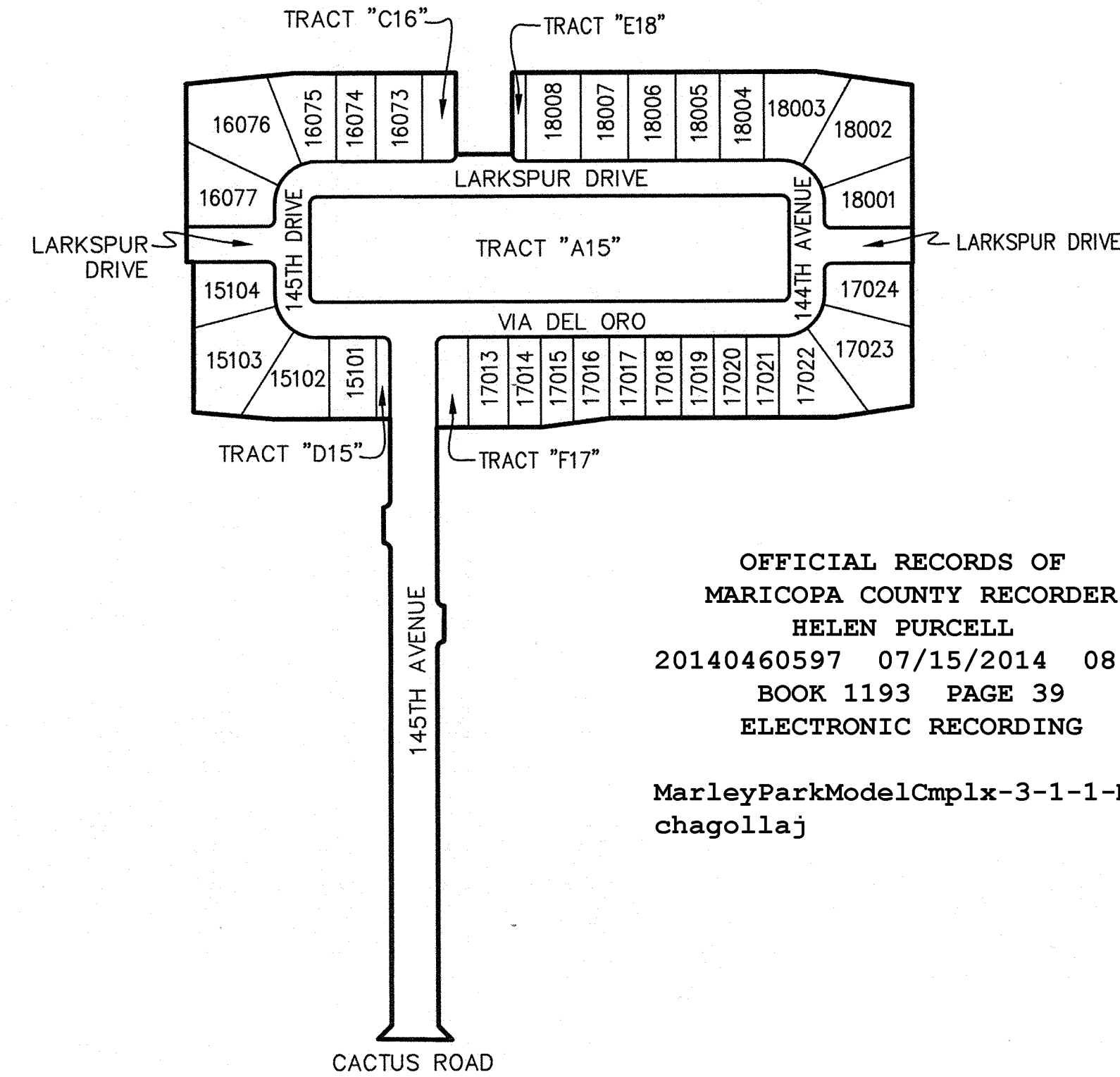
Kristin Tytler, P.E.
Engineering Manager - Development

kt/jg

c: David Mobley, Civil Inspector
Cindy Coen, Legal
David Kohlbeck, Public Works
Mike Gent, Public Works
File

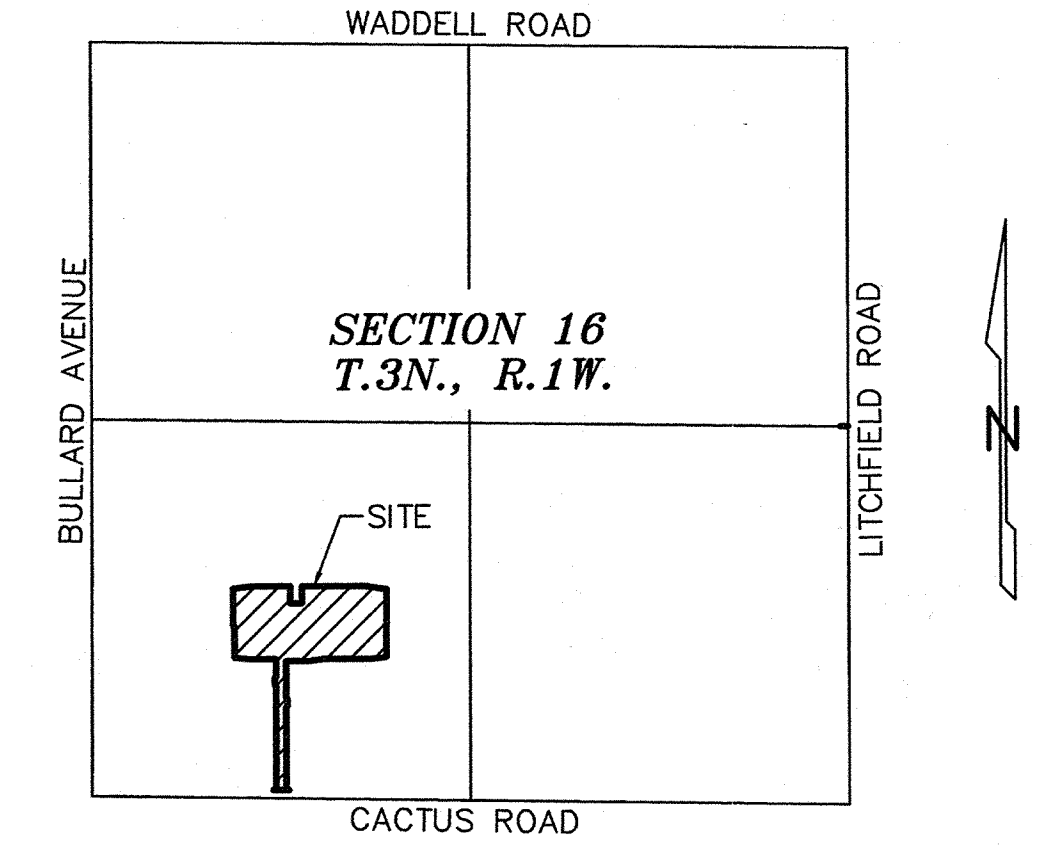
Andrea Davis, Finance
Antonio DeLaCruz, Public Works
Fermin Camacho, Public Works
Terry Lowe, Water Services

FINAL PLAT
FOR
MARLEY PARK PHASE 3 MODEL COMPLEX
BEING A PORTION OF THE SOUTHWEST QUARTER OF SECTION 16,
TOWNSHIP 3 NORTH, RANGE 1 WEST, OF THE GILA AND SALT RIVER
MERIDIAN, MARICOPA COUNTY, ARIZONA.



OFFICIAL RECORDS OF
MARICOPA COUNTY RECORDER
HELEN PURCELL
20140460597 07/15/2014 08:52
BOOK 1193 PAGE 39
ELECTRONIC RECORDING

MarleyParkModelCmplx-3-1-1-M-
chagollaj



VICINITY MAP
N.T.S.

DESCRIPTION
SEE SHEET 2

NOTES
SEE SHEET 2

LOT & TRACT AREA TABLES
SEE SHEET 2

BASIS OF BEARING

THE BASIS OF BEARING IS THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SECTION 16, TOWNSHIP 3 NORTH, RANGE 1 WEST HAVING A BEARING OF NORTH 89 DEGREES 11 MINUTES 53 SECONDS WEST AS SHOWN ON THE MAP OF DEDICATION FOR WADDELL ROAD, LITCHFIELD ROAD AND CACTUS ROAD, RECORDED IN BOOK 839, PAGE 39, M.C.R.

RATIFICATION AND APPROVAL

STATE OF ARIZONA }
COUNTY OF MARICOPA } ss.

KNOW ALL MEN BY THESE PRESENTS:

THAT MARLEY PARK COMMUNITY ASSOCIATION, INC., AN ARIZONA NON-PROFIT CORPORATION, HEREBY RATIFIES, AFFIRMS AND APPROVES THIS PLAT FOR "MARLEY PARK PHASE 3 MODEL COMPLEX" AND THE RESPONSIBILITIES IMPOSED UPON IT UNDER THIS PLAT.

IN WITNESS WHEREOF, MARLEY PARK COMMUNITY ASSOCIATION, INC. HAS CAUSED ITS NAME TO BE AFFIXED BY THE UNDERSIGNED, DULY AUTHORIZED OFFICER THIS 10 DAY OF July, 2013.

MARLEY PARK COMMUNITY ASSOCIATION, INC., AN ARIZONA NON-PROFIT CORPORATION

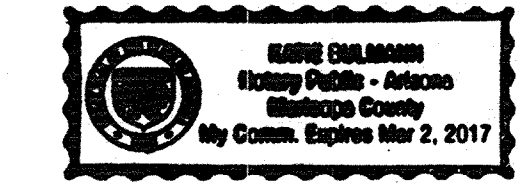
BY: M. Gulick
ITS: President

ACKNOWLEDGMENT

STATE OF ARIZONA }
COUNTY OF MARICOPA } ss.

THE FOREGOING INSTRUMENT WAS EXECUTED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, THIS 10th DAY OF July, 2013, BY Melinda Gulick, THE President OF MARLEY PARK COMMUNITY ASSOCIATION, INC., AN ARIZONA NON-PROFIT CORPORATION, ON BEHALF OF THE CORPORATION.

Kari Bulmann
NOTARY PUBLIC
MY COMMISSION EXPIRES: 03-02-2017



PLAT CERTIFICATION

I, KATHY M. SVECHOVSKY, OF WOOD, PATEL & ASSOCIATES, INC., HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR IN THE STATE OF ARIZONA; THAT THIS PLAT CONSISTING OF THREE (3) SHEETS REPRESENTS A SURVEY PERFORMED BY WOOD, PATEL & ASSOCIATES, INC., DURING THE MONTH OF DECEMBER OF 2012; THAT THE SURVEY IS CORRECT AND ACCURATE; THAT THE BOUNDARY MONUMENTS SHOWN ACTUALLY EXIST AS SHOWN AND ARE SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED.

Kathy M. Svechovsky
KATHY M. SVECHOVSKY
ARIZONA REGISTERED LAND SURVEYOR, #46118
WOOD, PATEL & ASSOCIATES, INC.
2051 WEST NORTHERN AVENUE, SUITE 100
PHOENIX, ARIZONA 85021

7-8-13
DATE

BOUNDARY AREA = 13.6655 AC.
NUMBER OF LOTS = 29

DEDICATION

STATE OF ARIZONA }
COUNTY OF MARICOPA } ss.

KNOW ALL PERSONS BY THESE PRESENTS:

THAT MARLEY PARK PHASE II LLC, AN ARIZONA LIMITED LIABILITY COMPANY, AS OWNER, HAS SUBDIVIDED UNDER THE NAME OF FINAL PLAT FOR "MARLEY PARK PHASE 3 MODEL COMPLEX", LYING WITHIN THE SOUTHWEST QUARTER OF SECTION 16, TOWNSHIP 3 NORTH, RANGE 1 WEST, OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, AS SHOWN HEREON AND HEREBY PUBLISHES THIS PLAT AS AND FOR THE PLAT OF SAID "MARLEY PARK PHASE 3 MODEL COMPLEX", 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 OR NAME GIVEN TO EACH, RESPECTIVELY, AS SHOWN ON THIS PLAT AND INCLUDED IN THE ABOVE-DESCRIBED PREMISES.

OWNER HEREBY DEDICATES AND CONVEYS TO THE CITY OF SURPRISE, IN FEE, ALL REAL PROPERTY DESIGNATED ON THIS PLAT AS "RIGHT-OF-WAY" OR "R/W" FOR USE AS PUBLIC RIGHT-OF-WAY, EFFECTIVE UPON THE CONSTRUCTION AND ACCEPTANCE BY THE CITY OF SURPRISE OF THE PUBLIC STREET IMPROVEMENTS TO BE LOCATED THEREIN, SUCH DEDICATION TO BE SUBJECT TO THE EASEMENTS SET FORTH BELOW. ALL IMPROVEMENTS INSTALLED OR CONSTRUCTED BY OWNER WITHIN THE PUBLIC RIGHTS-OF-WAY HEREBY DEDICATED OR GRANTED TO THE CITY OF SURPRISE SHALL BE DEEMED TO HAVE BEEN DEDICATED BY OWNER TO THE CITY UPON THEIR COMPLETION; HOWEVER, SUCH TRANSFER SHALL NOT OCCUR UNTIL THE CITY OF SURPRISE MANIFESTS ITS ACCEPTANCE OF SUCH IMPROVEMENTS. NOTWITHSTANDING THE FOREGOING, OWNER HEREBY RESERVES AN INTEREST IN ANY OF THE FOREGOING REAL PROPERTY UPON WHICH WHAT WOULD BE "PUBLIC INFRASTRUCTURE" AS SUCH TERM IS DEFINED IN SECTION 48-701, ARIZONA REVISED STATUTES, AS AMENDED, HAS BEEN OR IS TO BE CONSTRUCTED. EXCEPT IF RELEASED PRIOR THERETO AS HEREINAFTER DESCRIBED, SUCH INTEREST IS TO BE ACQUIRED BY THE MARLEY PARK COMMUNITY FACILITIES DISTRICT. (SUCH INTEREST IS LIMITED TO ONE NECESSARY TO ACCOMMODATE THE FINANCING OF THE ACQUISITION OF SUCH PUBLIC INFRASTRUCTURE (INCLUDING OF SUCH INTEREST IN SUCH REAL PROPERTY) PURSUANT TO THE DEVELOPMENT AGREEMENT BETWEEN MARLEY PARK PHASE II LLC AND THE CITY OF SURPRISE.) SUCH INTEREST IS TO BE RELEASED UPON THE EARLIER OF (A) THE ACQUISITION OF SUCH PUBLIC INFRASTRUCTURE ONLY BY SUCH DISTRICT PURSUANT TO SUCH DEVELOPMENT AGREEMENT OR (B) JUNE 30, 2029.

OWNER HEREBY GRANTS TO THE CITY OF SURPRISE A PERPETUAL, NON-EXCLUSIVE EASEMENT OVER, UPON AND ACROSS ALL PREMISES DESIGNATED ON THIS PLAT AS "PUBLIC UTILITIES EASEMENT" OR "P.U.E." FOR THE PURPOSE OF INSTALLING, CONSTRUCTING, MAINTAINING, REPLACING, REPAIRING AND UTILIZING PUBLIC UTILITY SERVICES, INCLUDING BUT NOT LIMITED TO ONE OR MORE SEWER LINES, WATER LINES, ELECTRIC LINES, GAS LINES, CATV LINES, FIBER OPTIC LINES, TELEPHONE LINES, COMMUNICATIONS LINES, SECURITY LINES AND FIRE CONTROL LINES AND RELATED FACILITIES, TOGETHER WITH ACCESS RELATED TO THE INSTALLATION, CONSTRUCTION, MAINTENANCE, REPLACEMENT AND REPAIR OF SAID UTILITY LINES AND RELATED FACILITIES; PROVIDED, HOWEVER, THAT ALL UTILITY LINES SHALL BE CONSTRUCTED UNDERGROUND AND UPON THE COMPLETION OF ANY INSTALLATION, CONSTRUCTION, MAINTENANCE, REPLACEMENT OR REPAIR OF ANY UTILITY LINE OR RELATED FACILITY WITHIN SUCH EASEMENT, THE CITY OF SURPRISE (OR ANY OTHER PERSON OR ENTITY CLAIMING A RIGHT THROUGH THE CITY OF SURPRISE TO USE SUCH EASEMENT), AT ITS SOLE EXPENSE, SHALL PROMPTLY RETURN THE AFFECTED PROPERTY (INCLUDING IMPROVEMENTS AND LANDSCAPING LOCATED THEREON) TO ITS PRIOR CONDITION.

OWNER HEREBY DEDICATES TO MARLEY PARK COMMUNITY ASSOCIATION, INC., A PERPETUAL NON- EXCLUSIVE EASEMENT OVER, UPON AND ACROSS TRACTS "A15", "C16", "D15", "E18", AND "F17" AND ALL PREMISES DESIGNATED ON THIS PLAT AS "PUBLIC UTILITIES EASEMENT" OR "P.U.E.", AND ALL PREMISES DESIGNATED ON THIS PLAT AS "SUBDIVISION FACILITIES EASEMENT" OR "S.F.E." FOR THE PURPOSE OF INSTALLING, CONSTRUCTING, MAINTAINING, REPLACING, REPAIRING AND OPERATING SUCH IRRIGATION CONTROLLERS, BACKFLOW PREVENTION DEVICES, IRRIGATION LINES AND OTHER IRRIGATION FACILITIES, ELECTRICAL PANELS AND ELECTRICAL LINES, AND RELATED FACILITIES, AS MARLEY PARK COMMUNITY ASSOCIATION, INC. MAY DEEM APPROPRIATE TO SERVE THE SUBDIVISION SHOWN ON THIS PLAT AND NEIGHBORING SUBDIVISIONS WITHIN MARLEY PARK, WITHOUT LIMITING ANY OTHER RIGHT THAT MARLEY PARK COMMUNITY ASSOCIATION, INC. MAY HAVE TO INSTALL, CONSTRUCT, MAINTAIN, REPLACE OR REPAIR ANY SUCH FACILITIES ELSEWHERE IN THE SUBDIVISION SHOWN ON THIS PLAT.

OWNER HEREBY GRANTS TO THE CITY OF SURPRISE A PERPETUAL, NON-EXCLUSIVE EASEMENT OVER, UPON AND ACROSS TRACT "A15" FOR PURPOSES OF WATER DRAINAGE, RETENTION AND DISCHARGE TO, ON, ACROSS AND FROM MARLEY PARK AND FOR THE PURPOSE OF INSTALLING, MAINTAINING, REPLACING AND REPAIRING THE PIPES, CHANNELS, CULVERTS, RETENTION AREAS AND OTHER DRAINAGE FACILITIES NOW OR HEREAFTER LOCATED THEREON.

OWNER HEREBY ESTABLISHES AND GRANTS TO THE OWNER OF EACH OF THE LOTS DEPICTED HEREON THAT IS ADJACENT TO ONE OR MORE TRACTS DEPICTED HEREON, A PERPETUAL, NON-EXCLUSIVE EASEMENT OVER, UPON AND ACROSS THE ADJACENT TRACT(S) FOR THE PURPOSE OF STORMWATER DRAINAGE AND DISCHARGE FROM SUCH LOT, OVER, UPON AND ACROSS SUCH ADJACENT TRACT(S).

OWNER HEREBY GRANTS TO THE CITY OF SURPRISE A PERPETUAL, NON-EXCLUSIVE EASEMENT OVER, UPON AND ACROSS THE AREAS SHOWN ON THIS PLAT AS "SIGHT VISIBILITY EASEMENT" OR "S.V.E." FOR PURPOSES OF MAINTAINING VISIBILITY AREAS WITHIN WHICH NO LANDSCAPING, SIGN OR OTHER VISIBILITY OBSTRUCTION MAY BE CONSTRUCTED OR INSTALLED EXCEPT (A) LANDSCAPING THAT IS NO GREATER THAN 2 FEET IN HEIGHT, OR TREES WITH A CANOPY THAT IS AT LEAST 7 FEET IN HEIGHT UPON INSTALLATION, SUCH HEIGHTS TO BE MEASURED FROM NEAREST STREET LINE ELEVATION, AND (B) IMPROVEMENTS APPROVED BY THE CITY OF SURPRISE.

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.

OWNER HEREBY GRANTS TO THE CITY OF SURPRISE AN ODOR EASEMENT OVER, UPON AND ACROSS, THIS PLAT AND EVERY LOT AND PARCEL THEREOF, WHICH EASEMENT SHALL INCLUDE, BUT NOT BE LIMITED TO, THE RIGHT TO INVADE WITH ODORS, FUMES, SMELLS, AND PHYSICAL AIRBORNE PARTICULATES CAUSED BY THE LAWFUL OPERATION AND MAINTENANCE OF THE CITY'S WASTEWATER TREATMENT PLANT LOCATED SOUTH OF CACTUS ROAD APPROXIMATELY ONE-HALF (1/2) MILE EAST OF LITCHFIELD ROAD.

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

OWNER WARRANTS AND REPRESENTS TO THE CITY OF SURPRISE THAT IT AND MARLEY PARK COMMUNITY ASSOCIATION, INC. ARE THE SOLE OWNERS OF THE PROPERTY COVERED BY THIS PLAT, THAT MARLEY PARK COMMUNITY ASSOCIATION, INC., HAS RATIFIED THIS PLAT AS SHOWN HEREON, AND THAT EVERY LENDER, EASEMENT HOLDER OR OTHER PERSON OR ENTITY HAVING ANY INTEREST THAT IS ADVERSE TO OR INCONSISTENT WITH THE FOREGOING DEDICATION, OR ANY OTHER REAL PROPERTY INTEREST CREATED OR TRANSFERRED BY THIS PLAT, HAS CONSENTED TO OR JOINED IN THIS PLAT AS EVIDENCED BY INSTRUMENTS WHICH ARE RECORDED WITH THE MARICOPA COUNTY RECORDER'S OFFICE OR WHICH MARLEY PARK PHASE II LLC WILL RECORD NOT LATER THAN THE DATE ON WHICH THIS PLAT IS RECORDED.

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 MAP 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 MAP SHALL BE THE RESPONSIBILITY OF OWNER UNTIL SUCH TIME THAT THE AREA WITHIN THE RIGHT-OF-WAY IS IMPROVED TO CITY STANDARD AND ACCEPTED BY THE CITY OF SURPRISE.

THE MAINTENANCE OF LANDSCAPING WITHIN THE OPEN SPACES, LANDSCAPED TRACTS, RETENTION BASINS AND PARKS SHALL BE THE RESPONSIBILITY OF THE MARLEY PARK COMMUNITY ASSOCIATION, INC.

THE MAINTENANCE OF LANDSCAPING WITHIN THE ADJACENT PUBLIC RIGHTS-OF-WAY, INCLUDING LANDSCAPED MEDIANS WITHIN COLLECTORS AND LOCAL STREETS AND LANDSCAPED AREAS BETWEEN THE CURB AND THE DETACHED SIDEWALK, SHALL BE THE RESPONSIBILITY OF THE MARLEY PARK COMMUNITY ASSOCIATION, INC.

LANDSCAPING 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.

DEDICATION CONTINUED

IN WITNESS WHEREOF, MARLEY PARK PHASE II LLC HAS CAUSED ITS NAME TO BE AFFIXED BY THE UNDERSIGNED, DULY AUTHORIZED PERSONS AND ENTITIES, THIS 10 DAY OF July, 2013.

MARLEY PARK PHASE II LLC, AN ARIZONA LIMITED LIABILITY COMPANY

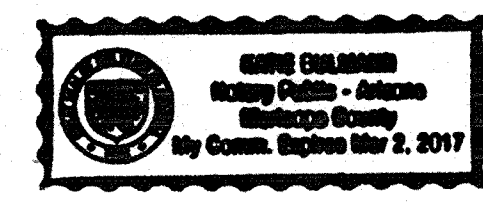
BY: DMB ASSOCIATES, INC., AN ARIZONA CORPORATION, ITS MANAGER
BY: Daniel T. Kelly
ITS: Sr. Vice President

ACKNOWLEDGMENT

STATE OF ARIZONA }
COUNTY OF MARICOPA } ss.

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS 10th DAY OF July, 2013, BY Daniel T. Kelly, THE Sr. Vice President OF DMB ASSOCIATES, INC., AN ARIZONA CORPORATION, IN ITS CAPACITY AS MANAGER OF MARLEY PARK PHASE II LLC, AN ARIZONA LIMITED LIABILITY COMPANY.

Kari Bulmann
NOTARY PUBLIC
MY COMMISSION EXPIRES: 03-02-2017



APPROVALS

DATA ON THIS PLAT REVIEWED AND APPROVED THIS 18th DAY OF MARCH, 2014 BY THE CITY ENGINEER OF SURPRISE, ARIZONA.

Frank J. Taylor 03-18-2014
CITY ENGINEER DATE

APPROVED BY THE CITY COUNCIL OF THE CITY OF SURPRISE, ARIZONA THIS 25 DAY OF June, 2013

R. Walcott 3/26/14
MAYOR DATE

ATTEST: Linda Stevens 3/26/14
CITY CLERK DATE

DEVELOPER/OWNER

MARLEY PARK PHASE II LLC
7600 E. DOUBLETREE RANCH ROAD
SUITE 300
SCOTTSDALE, AZ 85258
CONTACT: DAVID NILSEN
PHONE: (480)-367-7000



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WATER/WASTEWATER • SURVEYING
CONSTRUCTION MANAGEMENT
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MARLEY PARK
SURPRISE, AZ
MARLEY PARK PHASE 3 MODEL COMPLEX FINAL PLAT



DRAWN	KMS
CHECKED	TRG
DATE	07-08-13
SCALE	N.T.S.
JOB NO.	WP#123888
SHEET	1 OF 3

DRAWINGS AND SPECIFICATIONS AS INSTRUMENTS OF SERVICE ARE THE PROPERTY OF MARLEY PARK PHASE II LLC AND MAY NOT BE REPRODUCED WITHOUT THE WRITTEN PERMISSION OF MARLEY PARK PHASE II LLC

FINAL PLAT
FOR
MARLEY PARK PHASE 3 MODEL COMPLEX

NOTES

- THIS SUBDIVISION IS LOCATED WITHIN THE CITY OF SURPRISE WATER SERVICE AREA AND HAS BEEN DESIGNATED AS HAVING AN ASSURED WATER SUPPLY.
- ALL NEW OR RELOCATED UTILITIES WILL BE PLACED UNDERGROUND.
- NO STRUCTURE OF ANY KIND MAY BE CONSTRUCTED ON, OVER, OR PLACED WITHIN THE EASEMENTS EXCEPT WOOD, WIRE, OR REMOVABLE SECTION FENCING AND OR PAVING. IT SHALL BE FURTHER UNDERSTOOD THAT THE CITY OF SURPRISE SHALL NOT BE REQUIRED TO REPLACE ANY OBSTRUCTION THAT MUST BE REMOVED DURING THE COURSE OF MAINTENANCE, CONSTRUCTION, OR RECONSTRUCTION OF CITY OWNED IMPROVEMENTS OR UTILITIES, OTHER THAN THE EXCEPTIONS LISTED ABOVE.
- DEVELOPMENT AND USE OF THIS SITE WILL CONFORM TO ALL APPLICABLE CODES AND ORDINANCES IN ACCORDANCE WITH THE WADDELL P.A.D.
- RIGHTS-OF-WAY AND EASEMENTS OUTSIDE THE PLATTED BOUNDARY ARE FROM AVAILABLE PUBLIC RECORDS AND ARE SHOWN FOR INFORMATIONAL PURPOSES ONLY; NO WARRANTY IS EXPRESSED OR IMPLIED.
- 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 2020.

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

- MARLEY PARK PHASE II LLC 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 THE 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.
- MARLEY PARK PHASE II LLC HEREBY 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 THIS PLAT, UNTIL SUCH TIME THE CITY OF SURPRISE HAS ACCEPTED THE SIDEWALKS.
- 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 ENGINEERING DEPARTMENT.
- THE PROPERTY DEPICTED ON THE PLAT IS LOCATED WITHIN AN AREA DESIGNATED AS OTHER FLOOD AREAS ZONE "X" BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, ON FLOOD INSURANCE RATE MAP NO. 04013C1605 J, WITH A DATE OF IDENTIFICATION OF SEPTEMBER 30, 2005, 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.
- ALL RESIDENTIAL LOTS, PRIOR TO ISSUANCE OF A CERTIFICATE OF OCCUPANCY, MUST BE FINISHED GRADED PER IRC R401.3, R403.1.7.3 AND R404.1.6 IF POSITIVE DRAINAGE CANNOT BE MAINTAINED PER IRC R403.1.7.3 AN UNDERGROUND DRAINAGE SYSTEM MUST BE INSTALLED. ALL LOTS REQUIRE REGULAR DRAINAGE INFRASTRUCTURE MAINTENANCE, INCLUDING WITHOUT LIMITATION MAINTENANCE OF LOT GRADING IN ACCORDANCE WITH IRC R401.3, R403.1.7.3 AND R404.1.6, WHICH MAINTENANCE IS THE RESPONSIBILITY OF THE HOMEOWNER. ANY LANDSCAPING, NEW CONSTRUCTION OR MODIFICATION OF EXISTING IMPROVEMENTS MUST ALSO COMPLY WITH THE FOREGOING REQUIREMENTS.
- ANY EASEMENT RIGHTS RESERVED HEREIN TO MARLEY PARK PHASE II LLC MAY BE ASSIGNED, IN WHOLE OR IN PART, TO MARLEY PARK COMMUNITY ASSOCIATION, INC. UPON ANY SUCH ASSIGNMENT, MARLEY PARK PHASE II LLC SHALL BE FULLY RELEASED FROM ANY LIABILITIES OR OBLIGATIONS THEREAFTER ARISING WITH RESPECT TO THE EXERCISE OF OR FAILURE TO EXERCISE SUCH EASEMENT RIGHTS, AND ALL ASSOCIATED LIABILITIES AND OBLIGATIONS.
- TRACTS "A15", "C16", "D15", "E18" AND "F17", INCLUSIVE, WILL BE OWNED AND MAINTAINED BY MARLEY PARK COMMUNITY ASSOCIATION, INC., AN ARIZONA NON-PROFIT CORPORATION, SUBJECT TO THE EASEMENT RIGHTS GRANTED OVER SUCH TRACTS AS ELSEWHERE SHOWN ON THIS PLAT.
- NO STRUCTURES OF ANY KIND MAY BE CONSTRUCTED, OR ANY VEGETATION NEITHER PLANTED NOR ALLOWED TO GROW WITHIN DRAINAGE EASEMENTS THAT WOULD IMPEDE THE FLOW OF WATER THROUGH THE EASEMENTS.
- THE CITY OF SURPRISE IS NOT RESPONSIBLE FOR, AND WILL NOT ACCEPT MAINTENANCE OF ANY PRIVATE UTILITIES, PRIVATE STREETS, PRIVATE FACILITIES AND LANDSCAPE AREAS WITHIN THE PROJECT.
- ALL LOT CORNERS SHALL BE MONUMENTED WITH 1/2 INCH REBAR AND CAP OR TAG BEARING THE REGISTRATION NUMBER OF THE SURVEYOR RESPONSIBLE FOR THE PLACEMENT.

LOT AREA

Model Complex: Lot Areas			
Lot	Area (Sq.Ft.)	Lot	Area (Sq.Ft.)
15101	8322	17019	5760
15102	11478	17020	5760
15103	16323	17021	5760
15104	9770	17022	11300
16073	8970	17023	15913
16074	7540	17024	9984
16075	10171	18001	10745
16076	18252	18002	17463
16077	12338	18003	12604
17013	7847	18004	8450
17014	6384	18005	8450
17015	6236	18006	9100
17016	6541	18007	9100
17017	6360	18008	10530
17018	6360	TOTAL	283810

OPEN SPACE TRACT AREAS

Model Complex: Open Space Tract Areas		
Tract	Purpose	Area (Sq. Ft.)
A15	OPEN SPACE, RETENTION, S.F.E.	109,410
D15	OPEN SPACE, S.F.E.	2,379
C16	OPEN SPACE, S.F.E.	6,416
F17	OPEN SPACE, S.F.E.	6,196
E18	OPEN SPACE, S.F.E.	2,579
R/W	PUBLIC INGRESS & EGRESS	184,481
TOTAL		311,461
NOTES: THE ABOVE LISTED DESIGNATIONS ENCOMPASS THE ENTIRE TRACT. THERE MAY BE OTHER DESIGNATIONS OR EASEMENTS THAT ARE DELINEATED ON THIS PLAT THAT ENCUMBER PORTIONS OF THESE TRACTS.		

DESCRIPTION

A PORTION OF THE SOUTHWEST QUARTER OF SECTION 16, TOWNSHIP 3 NORTH, RANGE 1 WEST, OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

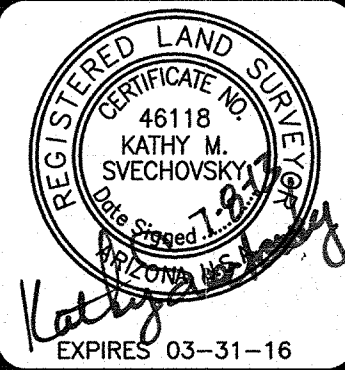
COMMENCING AT THE SOUTH QUARTER CORNER OF SAID SECTION 16, A CITY OF SURPRISE BRASS CAP FLUSH, FROM WHICH THE SOUTHWEST CORNER OF SAID SECTION, A 2-INCH ALUMINUM CAP IN PAVEMENT STAMPED RLS 27239, BEARS NORTH 89°11'53" WEST (BASIS OF BEARING), A DISTANCE OF 2640.54 FEET;
THENCE ALONG THE SOUTH LINE OF SAID SECTION, NORTH 89°11'53" WEST, A DISTANCE OF 1266.95 FEET;
THENCE LEAVING SAID SOUTH LINE, NORTH 00°48'07" EAST, A DISTANCE OF 55.00 FEET, TO THE NORTHERLY RIGHT-OF-WAY LINE OF CACTUS ROAD AS SHOWN ON MAP OF DEDICATION FOR WADDELL ROAD, LITCHFIELD ROAD AND CACTUS ROAD, RECORDED IN BOOK 839, PAGE 39, MARICOPA COUNTY RECORDS (M.C.R.) AND THE POINT OF BEGINNING;
THENCE ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, NORTH 89°11'53" WEST, A DISTANCE OF 109.01 FEET;
THENCE LEAVING SAID NORTHERLY RIGHT-OF-WAY LINE, NORTH 45°24'38" EAST, A DISTANCE OF 28.09 FEET;
THENCE NORTH 00°01'08" EAST, A DISTANCE OF 700.04 FEET, TO THE BEGINNING OF A CURVE;
THENCE NORTHWESTERLY ALONG SAID CURVE, HAVING A RADIUS OF 10.00 FEET, CONCAVE SOUTHWESTERLY, THROUGH A CENTRAL ANGLE OF 90°00'00", A DISTANCE OF 15.71 FEET, TO A POINT OF INTERSECTION WITH A NON-TANGENT LINE;
THENCE NORTH 00°01'08" EAST, A DISTANCE OF 52.00 FEET, TO A POINT OF INTERSECTION WITH A NON-TANGENT CURVE;
THENCE NORTHEASTERLY ALONG SAID CURVE, HAVING A RADIUS OF 10.00 FEET, CONCAVE NORTHWESTERLY, WHOSE RADIUS BEARS NORTH 00°01'08" EAST, THROUGH A CENTRAL ANGLE OF 90°00'00", A DISTANCE OF 15.71 FEET, TO THE CURVE'S END;
THENCE NORTH 00°01'08" EAST, A DISTANCE OF 120.00 FEET;
THENCE NORTH 89°58'52" WEST, A DISTANCE OF 169.35 FEET;
THENCE NORTH 84°46'52" WEST, A DISTANCE OF 120.50 FEET;
THENCE NORTH 00°01'08" EAST, A DISTANCE OF 221.00 FEET;
THENCE NORTH 89°55'01" WEST, A DISTANCE OF 10.00 FEET;
THENCE NORTH 00°01'08" EAST, A DISTANCE OF 262.00 FEET;
THENCE NORTH 84°32'40" EAST, A DISTANCE OF 157.94 FEET;
THENCE SOUTH 89°58'52" EAST, A DISTANCE OF 240.63 FEET;
THENCE SOUTH 00°01'08" WEST, A DISTANCE OF 120.00 FEET;
THENCE SOUTH 89°58'52" EAST, A DISTANCE OF 83.00 FEET;
THENCE NORTH 00°01'08" EAST, A DISTANCE OF 120.00 FEET;
THENCE SOUTH 89°58'52" EAST, A DISTANCE OF 449.00 FEET;
THENCE SOUTH 81°53'01" EAST, A DISTANCE OF 141.99 FEET;
THENCE SOUTH 00°01'07" WEST, A DISTANCE OF 262.00 FEET;
THENCE NORTH 89°58'53" WEST, A DISTANCE OF 1.00 FEET;
THENCE SOUTH 00°01'07" WEST, A DISTANCE OF 210.00 FEET;
THENCE SOUTH 81°32'16" WEST, A DISTANCE OF 115.26 FEET;
THENCE NORTH 89°58'52" WEST, A DISTANCE OF 332.33 FEET;
THENCE SOUTH 82°41'05" WEST, A DISTANCE OF 101.83 FEET;
THENCE NORTH 89°58'52" WEST, A DISTANCE OF 153.75 FEET;
THENCE SOUTH 00°01'08" WEST, A DISTANCE OF 252.00 FEET, TO THE BEGINNING OF A CURVE;
THENCE SOUTHEASTERLY ALONG SAID CURVE, HAVING A RADIUS OF 10.00 FEET, CONCAVE NORTHEASTERLY, THROUGH A CENTRAL ANGLE OF 90°00'00", A DISTANCE OF 15.71 FEET, TO A POINT OF INTERSECTION WITH A NON-TANGENT LINE;
THENCE SOUTH 00°01'08" WEST, A DISTANCE OF 52.00 FEET, TO A POINT OF INTERSECTION WITH A NON-TANGENT CURVE;
THENCE SOUTHWESTERLY ALONG SAID CURVE, HAVING A RADIUS OF 10.00 FEET, CONCAVE SOUTHEASTERLY, WHOSE RADIUS BEARS SOUTH 00°01'08" WEST, THROUGH A CENTRAL ANGLE OF 90°00'00", A DISTANCE OF 15.71 FEET, TO THE CURVE'S END;
THENCE SOUTH 00°01'08" WEST, A DISTANCE OF 555.98 FEET;
THENCE SOUTH 44°35'22" EAST, A DISTANCE OF 28.48 FEET, TO THE POINT OF BEGINNING.

TOTAL AREA IS 595,271 SQUARE FEET OR 13.6655 ACRES, MORE OR LESS.



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MARLEY PARK
SURPRISE, AZ.
MARLEY PARK PHASE 3 MODEL COMPLEX FINAL PLAT



OFFICIAL RECORDS OF
MARICOPA COUNTY RECORDER
HELEN PURCELL
20140460597 07/15/2014 08:52
BOOK 1193 PAGE 39
ELECTRONIC RECORDING

MarleyParkModelCmplx-3-1-1-M-
chagollaj

DRAWN KMS
CHECKED TRG
DATE 07-08-13
SCALE N.T.S.
JOB NO. WP#123888
SHEET

DRAWINGS AND SPECIFICATIONS AS INSTRUMENTS OF SERVICE ARE THE PROPERTY OF MARLEY PARK PHASE II LLC AND MAY NOT BE REPRODUCED WITHOUT THE WRITTEN PERMISSION OF MARLEY PARK PHASE II LLC

FINAL PLAT FOR MARLEY PARK PHASE 3 MODEL COMPLEX

LEGEND

- △ CORNER OF THIS SUBDIVISION SET SURVEY MONUMENT W/ R.L.S. TAG OR CAP, UNLESS OTHERWISE NOTED
- SURVEY MONUMENT FOUND AS NOTED
- SURVEY MONUMENT BRASS CAP TO BE SET AT TIME OF CONSTRUCTION
- M.C.R. MARICOPA COUNTY RECORDS
- C.O.S. CITY OF SURPRISE
- B.C.F. BRASS CAP FLUSH
- P.U.E. PUBLIC UTILITIES EASEMENT
- S.V.E. SIGHT VISIBILITY EASEMENT
- R/W RIGHT-OF-WAY
- EX. EXISTING
- SQ. FT. SQUARE FEET
- FD. FOUND
- L1 PROPERTY LINE - LINE TABLE ITEM
- C4 PROPERTY LINE - CURVE TABLE ITEM
- AC. ACRES
- BK. BOOK
- PG. PAGE
- SUBDIVISION BOUNDARY
- EASEMENTS AS NOTED
- CENTERLINE
- PROPERTY LINE
- SECTION LINE
- RIGHT-OF-WAY LINE

MATCHLINE SEE BELOW RIGHT

PROPOSED
MARLEY PARK PARCELS 15 AND 16

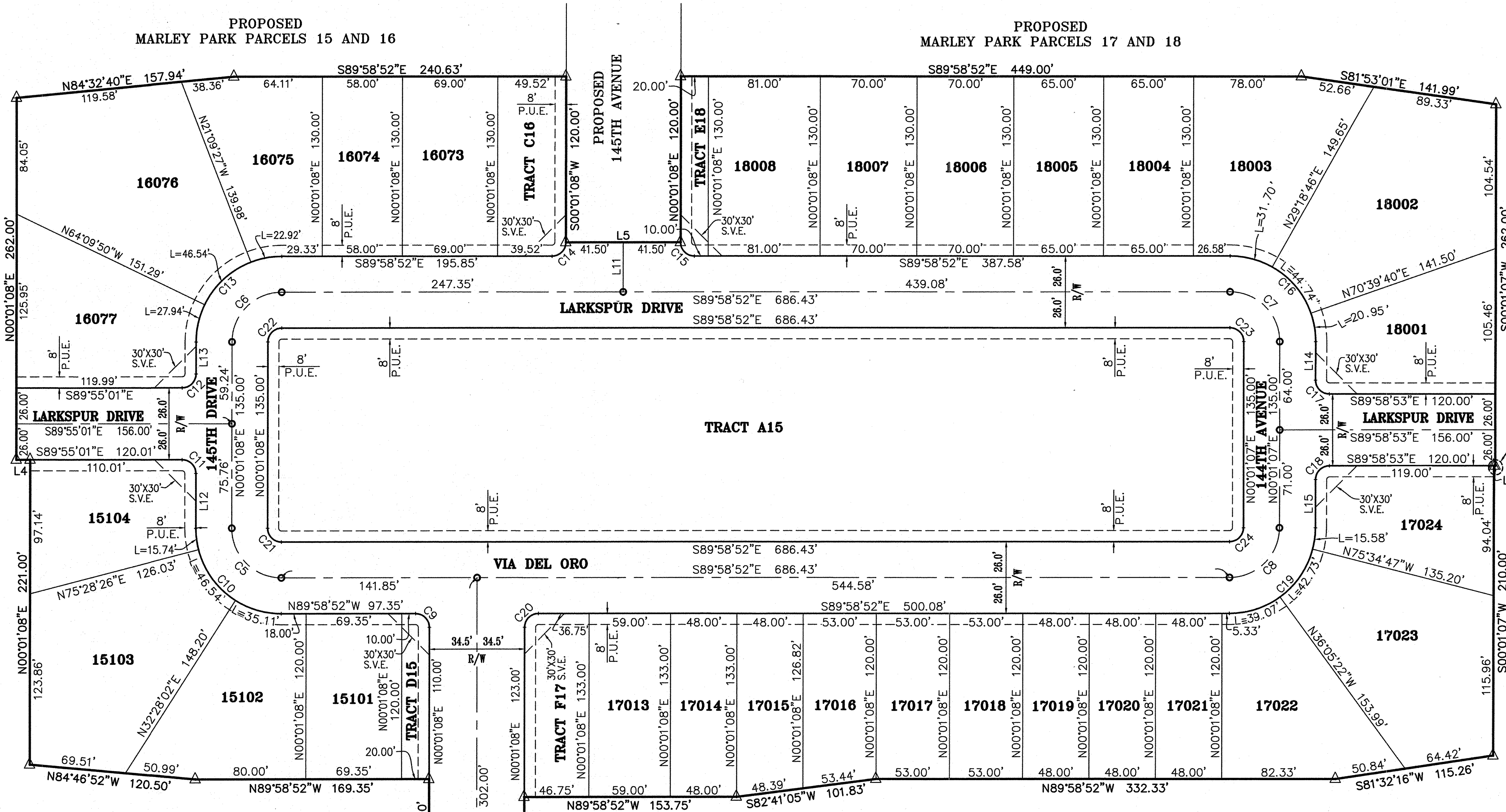
145TH AVENUE

PROPOSED
MARLEY PARK PARCELS 17 AND 18

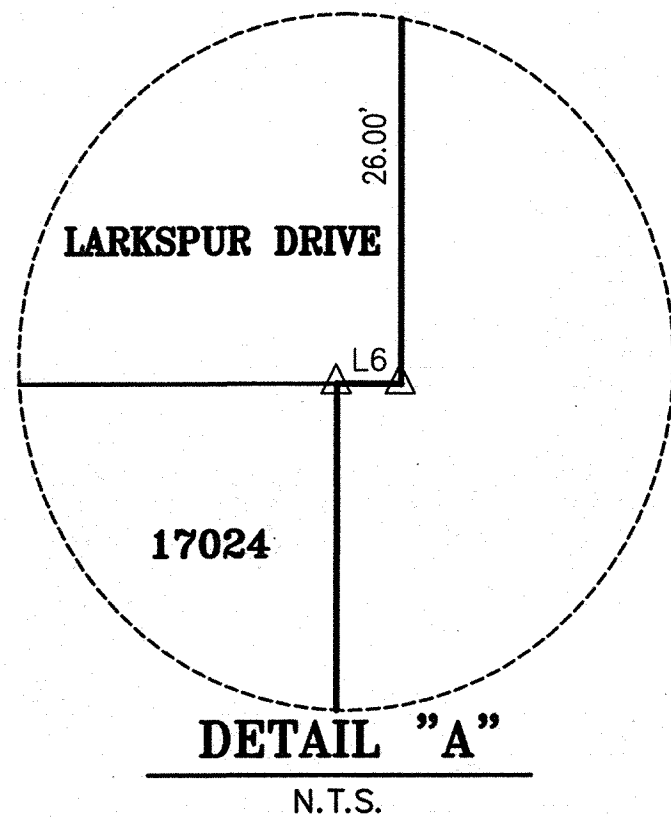
PROPOSED
MARLEY PARK PARCELS 15 AND 16

PROPOSED
MARLEY PARK PARCELS 15 AND 16

PROPOSED
MARLEY PARK PARCELS 17 AND 18



PROPOSED
MARLEY PARK PARCELS 15 AND 16



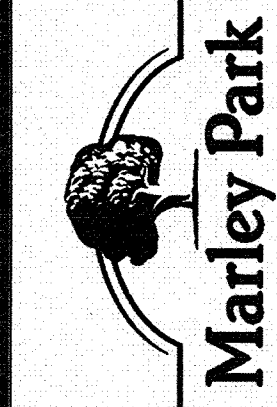
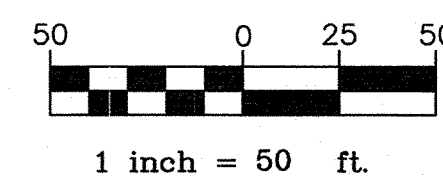
MATCHLINE SEE ABOVE LEFT

LINE TABLE		
LINE	BEARING	DISTANCE
L1	N89°11'53"W	109.01'
L2	N45°24'38"E	28.09'
L3	N00°01'08"E	52.00'
L4	N89°55'01"W	10.00'
L5	S89°58'52"E	83.00'
L6	N89°58'53"W	1.00'
L7	S00°01'08"W	52.00'
L8	S44°35'22"E	28.48'
L9	S89°58'52"E	44.50'
L10	N89°58'52"W	44.50'
L11	N00°01'08"E	36.00'
L12	N00°01'08"E	39.80'
L13	N00°01'08"E	23.20'
L14	S00°01'07"W	28.00'
L15	S00°01'07"W	35.00'

CURVE TABLE					
CURVE	DELTA	RADIUS	ARC	CHORD BEARING	CHORD
C1	90°00'00"	10.00'	15.71'	N44°58'52"W	14.14'
C2	90°00'00"	10.00'	15.71'	N45°01'08"E	14.14'
C3	90°00'00"	10.00'	15.71'	S44°58'52"E	14.14'
C4	90°00'00"	10.00'	15.71'	S45°01'08"W	14.14'
C5	90°00'00"	36.00'	56.55'	S44°58'52"E	50.91'
C6	90°00'00"	36.00'	56.55'	S45°01'08"W	50.91'
C7	89°59'59"	36.00'	56.55'	N44°58'52"W	50.91'
C8	90°00'01"	36.00'	56.55'	N45°01'08"E	50.91'
C9	90°00'00"	10.00'	15.71'	N44°58'52"W	14.14'
C10	90°00'00"	62.00'	97.39'	S44°58'52"E	87.68'
C11	89°56'09"	10.00'	15.70'	N44°56'56"W	14.13'
C12	90°03'51"	10.00'	15.72'	N45°03'04"E	14.15'
C13	90°00'00"	62.00'	97.39'	S45°01'08"W	87.68'
C14	90°00'00"	10.00'	15.71'	N45°01'08"E	14.14'
C15	90°00'00"	10.00'	15.71'	S44°58'52"E	14.14'
C16	89°59'59"	62.00'	97.39'	N44°58'52"W	87.68'
C17	90°00'00"	10.00'	15.71'	S44°58'53"E	14.14'
C18	90°00'00"	10.00'	15.71'	S45°01'07"W	14.14'
C19	90°00'01"	62.00'	97.39'	N45°01'08"E	87.68'
C20	90°00'00"	10.00'	15.71'	S45°01'08"W	14.14'
C21	90°00'00"	10.00'	15.71'	S44°58'52"E	14.14'
C22	90°00'00"	10.00'	15.71'	S45°01'08"W	14.14'
C23	89°59'59"	10.00'	15.71'	N44°58'52"W	14.14'
C24	90°00'01"	10.00'	15.71'	N45°01'08"E	14.14'

OFFICIAL RECORDS OF
MARICOPA COUNTY RECORDER
HELEN PURCELL
20140460597 07/15/2014 08:52
BOOK 1193 PAGE 39
ELECTRONIC RECORDING

MarleyParkModelCmplx-3-1-1-M-
chagollaj

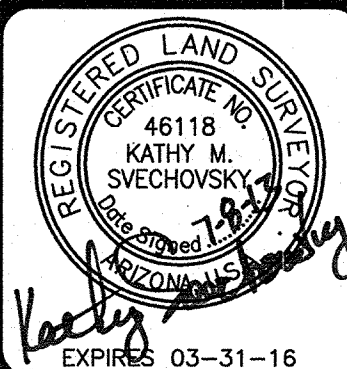


WOOD/PATEL
LAND DEVELOPMENT • WATER RESOURCES
WATER/WASTEWATER • SURVEYING
CONSTRUCTION MANAGEMENT
(602) 335-8500
PHOENIX, MESA, TUCSON

MARLEY PARK

SURPRISE, AZ

MARLEY PARK PHASE 3 MODEL COMPLEX FINAL PLAT



DRAWN KMS
CHECKED TRG
DATE 07-08-13
SCALE 1" = 50'
JOB NO. WP#123888
SHEET 3 OF 3

RESOLUTION # 2013-60

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA, APPROVING A FINAL PLAT ENTITLED "MARLEY PARK PHASE 3 MODEL COMPLEX," LOCATED GENERALLY ON THE NORTHEAST CORNER OF BULLARD AVENUE AND CACTUS ROAD WITHIN THE MARLEY PARK PLANNED AREA DEVELOPMENT.

WHEREAS, the owner of a parcel of land located on the northeast corner of Bullard Avenue and Cactus Road wishes to subdivide the parcel; and;

WHEREAS, on October 25, 2000, the Mayor and City Council approved the Marley Park Planned Area Development, and;

WHEREAS, on March 26, 2013, the Mayor and City Council approved the Marley Park Phase 3 Preliminary Plat, and;

WHEREAS, the proposed subdivision will enhance the public health, safety, and welfare, and;

WHEREAS, this resolution is in compliance with the approved Marley Park Planned Area Development, Surprise Municipal Code, and Surprise General Plan.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Surprise, Arizona, as follows:

Section 1. That certain document entitled "Marley Park Phase 3 Model Complex", submitted as application FS13-148, a copy of which is on file in the Community and Economic Development Department, is approved.

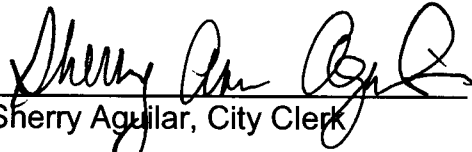
Section 2. Approval of this Final Plat is contingent on the Owner of the property complying with all conditions contained in the Staff Report.

APPROVED AND ADOPTED this 25 day of June, 2013.

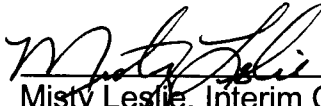


Sharon R. Wolcott, Mayor

Attest:

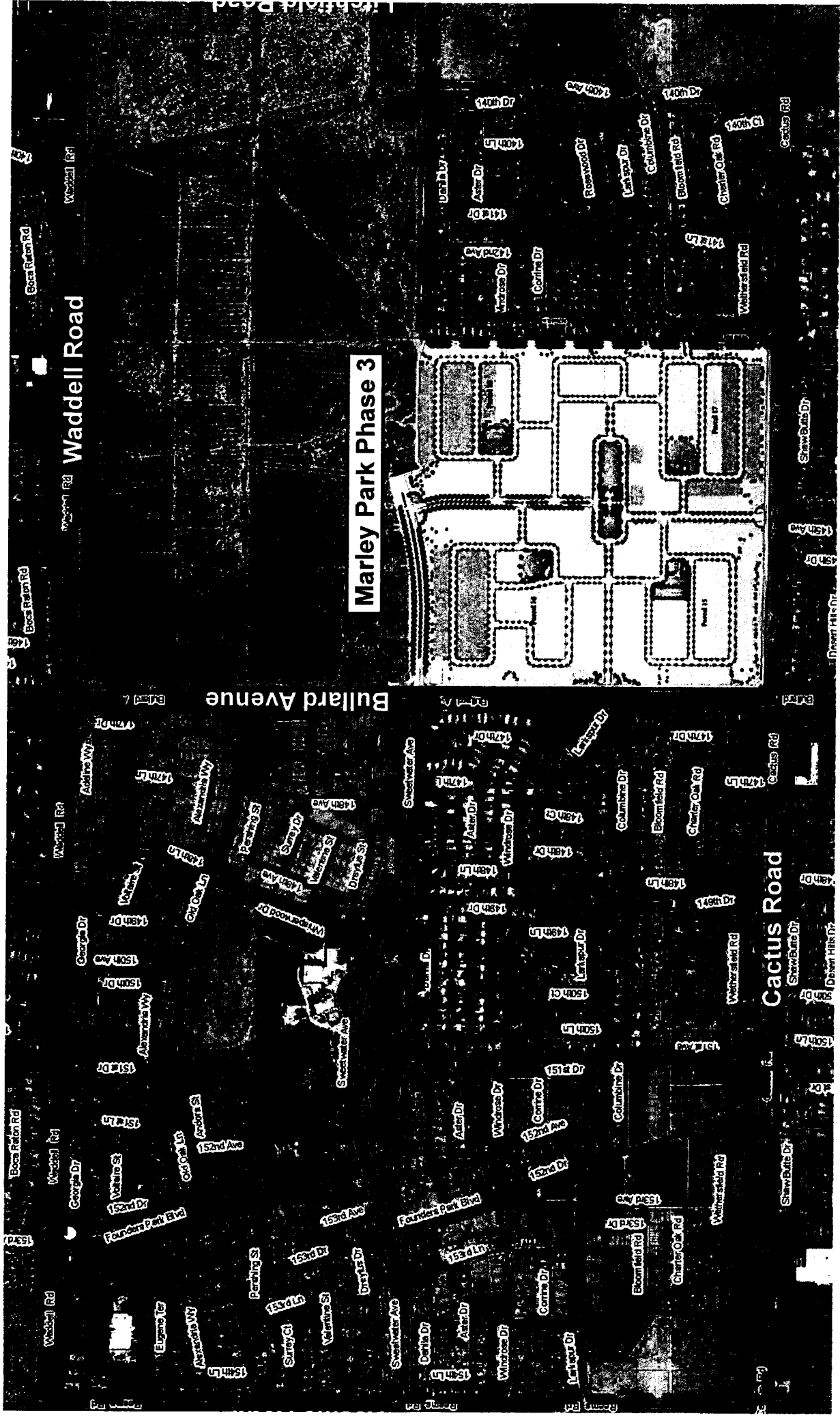

Sherry Aguilar, City Clerk

Approved as to form:


Misty Leslie, Interim City Attorney

Yeas: Mayor Wolcott, Vice Mayor Biundo, Council Members; Alton, Villanueva
Mankiewicz and Hall. (Absent – Williams)

Nays: _____



Marley Park Phase 3

Waddell Road

Bullard Avenue

Cactus Road

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145TH

CACTUS ROAD

KEY MAP

N.T.S.

DEDICATION CONTINUED

IN WITNESS WHEREOF, MARLEY PARK PHASE II LLC HAS CAUSED ITS NAME TO BE AFFIXED BY THE UNDERSIGNED, DULY AUTHORIZED PERSONS AND ENTITIES, THIS ____ DAY OF _____, 2013.

MARLEY PARK PHASE II LLC, AN ARIZONA LIMITED LIABILITY COMPANY

BY: DMB ASSOCIATES, INC., AN ARIZONA CORPORATION, ITS MANAGER

BY: _____

ITS: _____

APPROVALS

DATA ON THIS PLAT REVIEWED AND APPROVED THIS ____
DAY OF _____, 2013, BY THE CITY ENGINEER OF
SURPRISE, ARIZONA.

DEVELOPER/OWNER

MARLEY PARK PHASE II LLC
7600 E. DOUBLETREE RANCH ROAD
SUITE 300
SCOTTSDALE, AZ 85258
CONTACT: DAVID NILSEN
PHONE: (480)–367–7000

Quinn R. Kellis
Assistant Superintendent

June 12, 2013

15802 North Parkview Place
Surprise, Arizona 85374
Phone: 623-876-7013
Fax: 623-876-7042
quinn.kellis@dysart.org

www.dysart.org

Mr. Jeff Mihelich
Community and Economic Development Director
City of Surprise
12425 W Bell Rd, Suite D-100
Surprise, AZ 85374-9002

RE: Marley Park Phase III Development

Dear Mr. Mihelich,

Thank you for your continued cooperation with the Dysart Unified School District. The District has reviewed, discussed and met with representatives of the Marley Park Phase III Development in reference to a school bus transportation plan in their planned project in the City of Surprise and the Dysart Unified School District.

The Marley Park Phase III project has included flexible provisions to accommodate street access for bus services for students that will attend the Dysart Unified School District. As the development of this community progresses, bus routes will change. All parties agree that the final plan will allow bus access through main road corridors and access around the central park area.

We appreciate the value you and the City place upon the public schools in your planned communities. We anticipate continuing to work together to build attractive communities that meet the educational needs of the residents.

Sincerely,



Quinn R. Kellis
Assistant Superintendent

Superintendent
Gail Pletnick, Ed.D.

CC: Dave Nilsen - DMB

Governing Board
Jerry Eynon
Christine A. K. Pritchard
Traci Sawyer-Sinkbeil
Bonnie Schroader
Jennifer Tanner



COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT

Date: June 25, 2013

To: Mayor and City Council

From: Jeffrey J. Mihelich, Assistant City Manager
Vamshee Kovuru, Planner
vamshee.kovuru@surpriseaz.gov 623-222-3153

Re: FS13-148, Marley Park Phase 3 Model Complex Final Plat.

Application Summary

The applicant is requesting an approval for a Final Plat entitled "Marley Park Phase 3 Model Complex". The proposed plat consists of 29 single-family residential lots which are part of a Marley Park Phase 3 development.

Location

Marley Park Phase 3 Model Complex is part of Marley Park Phase 3, a 153-acre vacant parcel proposing 547 single-family residential lots located on the northeast corner of Bullard Avenue and Cactus Road which will be developed in multiple phases. It is located within the Marley Park Planned Area Development (PAD).

History

- On October 25, 2000, the Mayor and City Council approved a Major General Plan Amendment for the Marley Park Development.
- On October 25, 2000, the Mayor and City Council approved the Marley Park Planned Area Development.
- On September 14, 2006, the Mayor and City Council approved a preliminary plat for the same location, which has since expired.
- On March 26, 2013, the Mayor and City Council approved a preliminary plat for the same location entitled Marley Park Phase 3.

Project Summary

The applicant is requesting a final plat approval that will establish the property boundaries, necessary easements, and right-of-way dedications to accommodate 29 single-family residential units that will be developed as model homes.

Economic Impact

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

Findings

1. Staff finds that the proposed Final Plat complies with the Surprise General Plan.
2. Staff finds that the proposed Final Plat complies with the Surprise Municipal Code.
3. Staff finds that the proposed Final Plat complies with the approved Marley Park PAD and the approved Marley Park Phase 3 preliminary plat.

Recommendation

Staff recommends approval of the Final Plat, subject to the following conditions:

- a) The applicant or property owner must provide the city with approved dust control permits by Maricopa County Environmental Services Department, prior to release of any permits.
- b) Prior to delivery of any combustible material to the site, the fire protection system shall be completely operational in accordance with the approved plans by the Fire Chief and City Engineer.
- c) Revise M.O.D. 1 to Book 839 Page 39 Map of Dedication for Waddell Road, Litchfield Road, and Cactus Road prior to recordation.
- d) AutoCAD file(s) with all landscape plans will be submitted prior to recordation.
- e) An amended Development Agreement is required to address the Cactus Road median construction, landscaping, timing, and reimbursement.
- f) Language referring to the Limitation on the Issuance of Certificates of Occupancy will be removed prior to recordation.

Attachment

Resolution, vicinity map, final plat, and Dysart School District support letter.

#2



CITY OF SURPRISE
Regular City Council Meeting

June 25, 2013 @ 6:00:00 PM

Back Print

Council Meeting Date: June 25, 2013

Contact Person: Vamshee Kovuru, Community & Economic Development

Submitting Department: CD

District: 6

Staff Recommendations: Approve

Consent x

Regular

Public Hearing

Report/Discussion

Agenda Wording:

Consideration and action on Resolution 2013-60, a resolution of the Mayor and Council of the City of Surprise, Arizona, approving a final plat amendment, entitled "Marley Park Phase 3 Model Complex," located generally on the northeast corner of Bullard Avenue and Cactus Road within the Marley Park Planned Area Development.

Motion:

I move to approve Resolution 2013-60.

Background:

The applicant is requesting a final plat approval that will establish the property boundaries, necessary easements, and right-of-way dedications to accommodate 29 single-family residential units that will be developed as model homes.

Financial Impact Statement:

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

ATTACHMENTS:

Click to download

- ☐ [STAFF REPORT](#)
- ☐ [Resolution](#)
- ☐ [Vicinity Map](#)
- ☐ [Final Plat](#)
- ☐ [Dysart Support Letter](#)

External Attachment Links:

Meeting Requirements:

Powerpoint x Video White Board Other x

Presentation Speaker Names (spelling and titles for TV captions):

Vamshee Kovuru, Planner, Community & Economic Development

City Clerk's Office only

COUNCIL ACTION

Motion/Second:

Wolcott	_____
Biundo	_____
Alton	_____
Williams	_____
Villanueva	<u>S</u>
Mankiewicz	_____
Hall	<u>M</u>

Results:

For	<u>6</u>	
Against	<u>0</u>	
Passed	<u>✓</u>	
Failed	_____	
Continued	_____	
Tabled	_____	
Absent	<u>1</u>	(JW)
Abstained	_____	



CITY OF SURPRISE
Regular City Council Meeting

February 2, 2016 @ 6:00:00 PM

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

Council Meeting Date:	February 2, 2016	Contact Person:	Karl Zook, Public Works Department
Submitting Department:	Public Works	District:	6
Staff Recommendations:	None		

Consent	x	Regular	Public Hearing	Report/Discussion
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Agenda Wording:

Consideration and action pertaining to conditional acceptance of streets and public utility improvements at Marley Park Phase 3, including portions of 145th Avenue south of Sweetwater Avenue, improvements generally located on the northeast corner of Cactus Road and Bullard Avenue; Resolution # 2016-19.

Motion:

I move to approve Resolution # 2016-19.

Background:

The Public Works Department conducted the final inspection of the public utility improvements for portions of 145th Avenue on or about July 24, 2015 totaling 6,343 SY (approximately ½ lane miles) and determined that the infrastructure was compliant and acceptable to the city. The infrastructure includes asphalt pavement, domestic water lines and wastewater lines

Objective Analysis:

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

Policy Compliant:

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

Financial Impact:

Acceptance of streets, water, and sewer infrastructure increases the City's asset base and adds to future

maintenance commitments. The total acceptance value of the infrastructure items included with this item is \$551,617.

Budget Impact:

Funding for infrastructure maintenance is included in street preservation and maintenance, water and sewer operational budgets. The anticipated incremental additional maintenance expense associated with the acceptance of these infrastructure items will be incorporated in future budgets.

FTE Impact:

This action does not change the full time equivalent count.

ATTACHMENTS:

Click to download

- ☐ [Resolution 2016-19](#)
 - ☐ [Inspector Sign off](#)
 - ☐ [Notice of Completion](#)
 - ☐ [Final Plat](#)
 - ☐ [Final Plat Resolution](#)
-

RESOLUTION # 2016-19

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA, CONDITIONALLY ACCEPTING MAINTENANCE OF THE STREET AND PUBLIC UTILITY IMPROVEMENTS AT MARLEY PARK PHASE 3 145TH AVENUE FROM SWEETWATER TO LARKSUR AVENUE, GENERALLY LOCATED ON THE NORTHEAST CORNER OF BULLARD AVENUE AND CACTUS ROAD.

WHEREAS, the Mayor and City Council of the City of Surprise approved a final plat entitled "Map of Dedication for 145th Avenue" on June 25, 2013;

WHEREAS, DMB, Inc. the developer of Marley Park, dedicated to the City the street and public utility improvements, generally located at the northeast corner of Bullard Avenue and Cactus Road;

WHEREAS, the City of Surprise Public Works Department Engineering Division conditionally accepted the improvements describes in this resolution on August 18, 2015;

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

WHEREAS, the City of Surprise will release the warranty and begin maintenance of the street and public utility improvements upon final acceptance of the improvements.

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

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

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

SIGNATURES ON THE FOLLOWING PAGE

APPROVED AND ADOPTED this _____ day of _____, 2016.

Sharon R. Wolcott, Mayor

Attest:

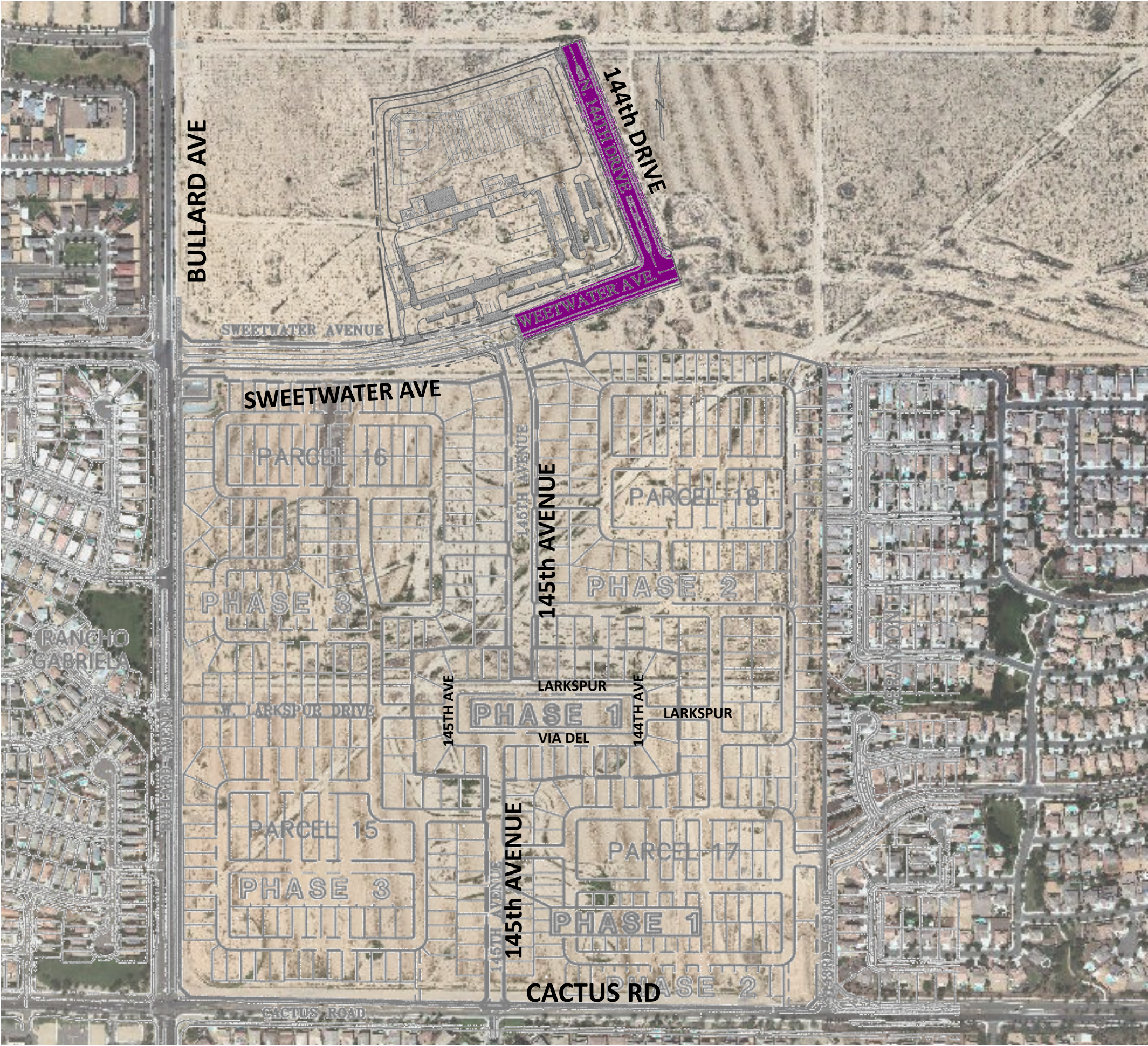
Approved as to form:

Sherry Aguilar, City Clerk

Robert Wingo, City Attorney

Exhibit A

Map of Infrastructure



MARLEY PARK PHASE 3

FS14-305	SWEETWATER AVE
	144TH DR

EXHIBIT B

List and Cost of Improvements



Public Works Department
Engineering Division
16000 North Civic Center Plaza
Surprise, Arizona 85374
Phone 623-222-6000

Memorandum

To: City of Surprise City Council
From: Public Works – Engineering Services
Date: December 31, 2015
Re: Marley Park 145 Ave – Sweetwater to Larkspur

The public improvements for the above project have been completed and are on the February 2, 2016 council agenda for conditional acceptance. The amounts for the infrastructure have been provided by a third party and not the City of Surprise. The following are the infrastructure improvements included with this acceptance and the corresponding valuation that the City will be accepting:

- City Sewer - \$81,550.75
- City Paving - \$121,361.25
- City Concrete - \$137,757.70
- City Storm Drain - \$102,855.00
- City Water - \$108,092.00



PROJECT SIGN OFF FORM

PUBLIC WORKS - ENGINEERING SERVICES, INSPECTIONS

Date Submitted: 8/18/2015 ☐ Commercial ☐ Commercial w/Offsite ☒ Residential

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

7/24/2015 Date of Punch-List Walk 8/12/2015 Date Punch-List Completed

Permit Number: FS13-151

Project Name: Marley Park 145th Project Description (Phase/Parcel): 3

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

DMB

7600 E Doubletree Ranch Rd 300. Scottsdale Az 85258

MAG TIP Reporting:

Street Name	Classification	Begin Limits	End Limits	# Lanes	Length to nearest ¼ mi.	Features
145th Ave	Local	Sweetwater Ave	Larkspur Drive	2	1/2 mile	

MATERIALS:

Asphalt: Vulcan Materials Supplier 1/2 Mile Total Lane Miles 6,343 Total Square Yards

Water: 8" PVC Size/Type 480' Total Linear Feet 12" DIP Size/Type 1,093 Total Linear Feet

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

Sewer: 8" PVC Size/Type 1,204' Total Linear Feet Size/Type Total Linear Feet

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

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

Additional Comments:

SUPPORTING DOCUMENTATION REQUIRED:

☒ Copy of Punch List

N/A Engineer of Record Reports to Include but not limited to:

 ATC, AOC, Material Submittals, Water Test Results, Daily Reports

N/A Final Certification Letter from Engineer of Record

N/A Asphalt Concrete Emulsion Fog Seal Cert. (SS1H)

☒ Complete Geotechnical Testing Packet

☒ Asphalt Concrete Ticket w/ Name of Contractor

☒ Sewer Pressure Testing Results

☒ Streetlight Energize Letter

☒ Sewer Manhole Vacuum Testing Certification

☒ As built Documents (☒ 2 Bond and n/a 1 Mylar)

☒ Sewer Manhole Insecticide Certification

☒ CD with As Built Documents in .pdf format

☒ Sewer Videos with Operators Notes (inc. re-videos)

 Other (Specify)

APPROVAL:

Civil Inspector: 

Date: 8/18/2015

Civil Engineering Supervisor: 

Date: 8/18/2015



Public Works Department
Engineering Development Services
16000 North Civic Center Plaza
Surprise, Arizona 85374
Phone 623-222-6141
Fax 623-222-6006

August 25, 2015

Christopher Rivera
Marley Park Phase II, LLC
7600 E. Double Tree Ranch Rd
Suite 300
Scottsdale, AZ 85258

**RE: NOTICE OF COMPLETION AND COUNCIL ACTION REQUIREMENT FOR
MARLEY PARK PH 3 145TH AVE, SWEETWATER TO LARKSPUR - FS13-151**

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

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

A notice of the required assurance amount and acceptable formats will be sent via email once actual construction costs have been submitted by the applicant. The warranty period starts upon council acceptance for a period of one (1) year; please ensure warranty assurance will not expire prior to this date. The applicant will be notified of the council date as soon as it is scheduled and the warranty financial assurance is required to be submitted to the city 10 calendar days prior to the council date. If a warranty financial assurance is not received within 10 calendar days, council action and start of the warranty period will be delayed, at a minimum, an additional two (2) weeks.

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

If you have any questions or concerns, you can reach me at 623-222-6141.

Sincerely,

Kristin Tytler, P.E.
Engineering Manager - Development

kt/jg

c: David Mobley, Civil Inspector
Cindy Coen, Legal
David Kohlbeck, Public Works
Mike Gent, Public Works
File

Andrea Davis, Finance
Antonio DeLaCruz, Public Works
Fermin Camacho, Public Works
Terry Lowe, Water Services

DRAWINGS AND SPECIFICATIONS AS INSTRUMENTS OF SERVICE ARE THE PROPERTY OF MARLEY PARK PHASE II LLC AND MAY NOT BE REPRODUCED WITHOUT THE WRITTEN PERMISSION OF MARLEY PARK PHASE II LLC

DEDICATION

STATE OF ARIZONA)
) ss.
COUNTY OF MARICOPA)

KNOW ALL MEN BY THESE PRESENTS:

THAT MARLEY PARK PHASE II LLC, AN ARIZONA LIMITED LIABILITY COMPANY, AS OWNER, HEREBY PUBLISHES THIS MAP OF DEDICATION AS AND FOR "145TH AVENUE", LOCATED IN THE WEST HALF OF SECTION 16, TOWNSHIP 3 NORTH, RANGE 1 WEST, OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA AND HEREBY DECLARES THAT THIS MAP OF DEDICATION SETS FORTH THE LOCATION AND GIVES THE DIMENSIONS OF EACH STREET AND THAT EACH STREET SHALL BE KNOWN BY THE NUMBER, LETTER OR NAME GIVEN TO EACH, RESPECTIVELY, AS SHOWN ON THIS MAP OF DEDICATION AND INCLUDED IN THE ABOVE-DESCRIBED PREMISES.

OWNER HEREBY DEDICATES AND CONVEYS TO THE CITY OF SURPRISE, IN FEE, ALL REAL PROPERTY DESIGNATED ON THIS MAP OF DEDICATION AS "RIGHT-OF-WAY" OR "R/W" FOR USE AS PUBLIC RIGHT-OF-WAY, EFFECTIVE UPON THE CONSTRUCTION AND ACCEPTANCE BY THE CITY OF SURPRISE OF THE PUBLIC STREET IMPROVEMENTS TO BE LOCATED THEREIN. ALL IMPROVEMENTS INSTALLED OR CONSTRUCTED BY OWNER WITHIN THE PUBLIC RIGHTS-OF-WAY HEREBY DEDICATED OR GRANTED TO THE CITY OF SURPRISE SHALL BE DEEMED TO HAVE BEEN DEDICATED BY OWNER TO THE CITY UPON THEIR COMPLETION; HOWEVER, SUCH TRANSFER SHALL NOT OCCUR UNTIL THE CITY OF SURPRISE MANIFESTS ITS ACCEPTANCE OF SUCH IMPROVEMENTS. NOTWITHSTANDING THE FOREGOING, OWNER HEREBY RESERVES AN INTEREST IN ANY OF THE FOREGOING REAL PROPERTY UPON WHICH WHAT WOULD BE "PUBLIC INFRASTRUCTURE" AS SUCH TERM IS DEFINED IN SECTION 48-701, ARIZONA REVISED STATUTES, AS AMENDED, HAS BEEN OR IS TO BE CONSTRUCTED. EXCEPT IF RELEASED PRIOR THERETO AS HEREINAFTER DESCRIBED, SUCH INTEREST IS TO BE ACQUIRED BY THE MARLEY PARK COMMUNITY FACILITIES DISTRICT. (SUCH INTEREST IS LIMITED TO ONE NECESSARY TO ACCOMMODATE THE FINANCING OF THE ACQUISITION OF SUCH PUBLIC INFRASTRUCTURE (INCLUDING OF SUCH INTEREST IN SUCH REAL PROPERTY) PURSUANT TO THE DISTRICT DEVELOPMENT, FINANCING PARTICIPATION AND INTERGOVERNMENTAL AGREEMENT (MARLEY PARK COMMUNITY FACILITIES DISTRICT) BETWEEN OWNER AND THE CITY OF SURPRISE.) SUCH INTEREST IS TO BE RELEASED UPON THE EARLIER OF (A) THE ACQUISITION OF SUCH PUBLIC INFRASTRUCTURE ONLY BY SUCH DISTRICT PURSUANT TO SUCH SUBSEQUENT DEVELOPMENT AGREEMENT AND (B) JUNE 30, 2029.

OWNER HEREBY RESERVES TO ITSELF AND GRANTS TO MARLEY PARK COMMUNITY ASSOCIATION, INC., ITS SUCCESSORS AND ASSIGNS, A PERPETUAL NON-EXCLUSIVE EASEMENT UNDER, OVER, UPON AND ACROSS THE PUBLIC RIGHTS-OF-WAY HEREBY DEDICATED, FOR PURPOSES OF MAINTAINING, REPAIRING AND REPLACING ANY AND ALL LANDSCAPING NOW OR HEREAFTER INSTALLED BY OWNER WITHIN MEDIANS OR OTHER UNPAVED AREAS WITHIN THE PUBLIC RIGHTS-OF-WAY HEREBY DEDICATED, FOR PURPOSES OF MAINTAINING, REPAIRING AND REPLACING ANY AND ALL IRRIGATION LINES AND ASSOCIATED ELECTRICAL LINES SERVING SUCH LANDSCAPING AND NOW OR HEREAFTER INSTALLED BY OWNER WITHIN THE PUBLIC RIGHTS-OF-WAY HEREBY DEDICATED, AND FOR PURPOSES OF SUCH ACCESS AS MAY BE REASONABLY REQUIRED FOR ANY SUCH MAINTENANCE, REPAIR OR REPLACEMENT.

OWNER HEREBY RESERVES TO ITSELF AND GRANTS TO MARLEY PARK COMMUNITY ASSOCIATION, INC., ITS SUCCESSORS AND ASSIGNS, A PERPETUAL NON-EXCLUSIVE EASEMENT UNDER, OVER, UPON AND ACROSS THE PUBLIC RIGHTS-OF-WAY HEREBY DEDICATED, FOR PURPOSES OF INSTALLING, CONSTRUCTING, OPERATING, MAINTAINING, REPAIRING, AND REPLACING ANY PUBLIC OR PRIVATE FIBER OPTICS OR TELECOMMUNICATIONS FACILITIES WHICH DO NOT REQUIRE A FRANCHISE LICENSE UNDER APPLICABLE LAW; PROVIDED, HOWEVER, THAT THE INSTALLATION OF SUCH FACILITIES SHALL BE UNDERTAKEN ONLY UPON THE ISSUANCE BY THE CITY OF SUCH AUTHORIZATIONS OR PERMITS AS MAY BE REQUIRED FOR SUCH INSTALLATION, AND THAT ANY CONSTRUCTION OR MAINTENANCE ACTIVITIES SHALL BE UNDERTAKEN ONLY UPON THE ISSUANCE BY THE CITY OF ANY NECESSARY ENCROACHMENT PERMIT. ALL FIBER OPTICS OR TELECOMMUNICATIONS FACILITIES SHALL BE CONSTRUCTED UNDERGROUND AND UPON THE COMPLETION OF ANY INSTALLATION, CONSTRUCTION, MAINTENANCE, REPAIR OR REPLACEMENT OF ANY SUCH FACILITY WITHIN SUCH EASEMENT, MARLEY PARK COMMUNITY ASSOCIATION, INC. (OR ANY OTHER PERSON OR ENTITY CLAIMING A RIGHT THROUGH MARLEY PARK COMMUNITY ASSOCIATION, INC., TO USE SUCH EASEMENT), AT ITS SOLE EXPENSE, SHALL PROMPTLY RETURN THE AFFECTED PROPERTY (INCLUDING IMPROVEMENTS AND LANDSCAPING LOCATED THEREON) TO ITS PRIOR CONDITION.

OWNER HEREBY GRANTS TO THE UNITED STATES OF AMERICA DEPARTMENT OF THE AIR FORCE ("USAF") AN AVIGATION EASEMENT OVER AND ACROSS THIS MAP OF DEDICATION AND EVERY PARCEL THEREOF, WHICH EASEMENT SHALL INCLUDE, BUT NOT BE LIMITED TO, THE RIGHT OF FLIGHT OF AIRCRAFT OVER THIS MAP OF DEDICATION, 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.

OWNER HEREBY GRANTS TO THE CITY OF SURPRISE AN ODOR EASEMENT OVER, UPON AND ACROSS, THIS MAP OF DEDICATION AND EVERY PARCEL THEREOF, WHICH EASEMENT SHALL INCLUDE, BUT NOT BE LIMITED TO, THE RIGHT TO INVADE WITH ODORS, FUMES, SMELLS, AND PHYSICAL AIRBORNE PARTICULATES CAUSED BY THE LAWFUL OPERATION AND MAINTENANCE OF THE CITY'S WASTEWATER TREATMENT PLANT LOCATED SOUTH OF CACTUS ROAD APPROXIMATELY ONE-HALF (1/2) MILE EAST OF LITCHFIELD ROAD.

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

OWNER WARRANTS AND REPRESENTS TO THE CITY OF SURPRISE THAT IT IS THE SOLE OWNER OF THE PROPERTY COVERED BY THIS MAP OF DEDICATION, AND THAT EVERY LENDER, EASEMENT HOLDER OR OTHER PERSON OR ENTITY HAVING ANY INTEREST THAT IS ADVERSE TO OR INCONSISTENT WITH THE FOREGOING DEDICATION, OR ANY OTHER REAL PROPERTY INTEREST CREATED OR TRANSFERRED BY THIS MAP OF DEDICATION, HAS CONSENTED TO OR JOINED IN THIS MAP OF DEDICATION AS EVIDENCED BY INSTRUMENTS WHICH ARE RECORDED WITH THE MARICOPA COUNTY RECORDER'S OFFICE OR WHICH MARLEY PARK PHASE II LLC WILL RECORD NOT LATER THAN THE DATE ON WHICH THIS MAP OF DEDICATION IS RECORDED.

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 MAP 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 MAP SHALL BE THE RESPONSIBILITY OF OWNER UNTIL SUCH TIME THAT THE AREA WITHIN THE RIGHT-OF-WAY IS IMPROVED TO CITY STANDARD AND ACCEPTED BY THE CITY OF SURPRISE.

THE MAINTENANCE OF LANDSCAPING WITHIN THE ADJACENT PUBLIC RIGHTS-OF-WAY, INCLUDING LANDSCAPED MEDIANS WITHIN COLLECTORS AND LOCAL STREETS AND LANDSCAPED AREAS BETWEEN THE CURB AND THE DETACHED SIDEWALK, SHALL BE THE RESPONSIBILITY OF THE MARLEY PARK COMMUNITY ASSOCIATION, INC.

LANDSCAPING 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.

IN WITNESS WHEREOF, MARLEY PARK PHASE II LLC HAS CAUSED ITS NAME TO BE AFFIXED BY THE UNDERSIGNED, DULY AUTHORIZED PERSONS AND ENTITIES, THIS 10 DAY OF July, 2013.

MARLEY PARK PHASE II LLC, AN ARIZONA LIMITED LIABILITY COMPANY

BY: DMB ASSOCIATES, INC., AN ARIZONA CORPORATION, ITS MANAGER

BY: Daniel T. Kelly

ITS: Sr. Vice President

MAP OF DEDICATION FOR 145TH AVENUE

BEING A PORTION OF THE WEST HALF OF SECTION 16,
TOWNSHIP 3 NORTH, RANGE 1 WEST, OF THE GILA AND SALT RIVER
MERIDIAN, MARICOPA COUNTY, ARIZONA.

RIGHT-OF-WAY TABLE

145th Avenue Map of Dedication: Areas		
Tract	Purpose	Area (Sq. Ft.)
R/W	PUBLIC INGRESS & EGRESS	113,687
TOTAL		113,687
NOTES:		
THE ABOVE LISTED DESIGNATIONS ENCOMPASS THE ENTIRE TRACT. THERE MAY BE OTHER DESIGNATIONS OR EASEMENTS THAT ARE DELINEATED ON THIS PLAT THAT ENCUMBER PORTIONS OF THESE TRACTS.		

OFFICIAL RECORDS OF
MARICOPA COUNTY RECORDER

HELEN PURCELL

20140460585 07/15/2014 08:50

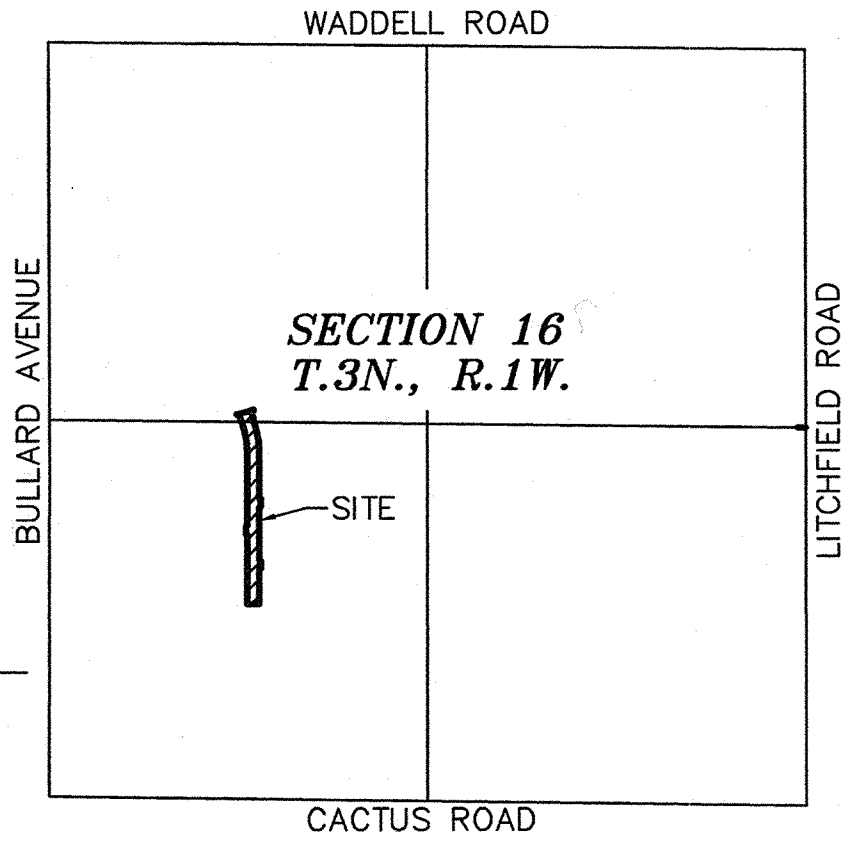
BOOK 1193 PAGE 38

ELECTRONIC RECORDING

MarleyParkMOD145AVE-2-1-1-M-
Palumboa

VICINITY MAP

N.T.S.



RELEASE OF LIABILITY

MARLEY PARK PHASE II LLC, OR ANY SUBSEQUENT OWNER OF ANY LEGAL OR BENEFICIAL INTEREST IN ANY PARCEL DEPICTED ON THIS MAP OF DEDICATION OR ANY DIVISION THEREOF AS MAY BE CREATED BY A SUBSEQUENT RECORDED INSTRUMENT, HEREBY AGREES UPON ACCEPTING SUCH OWNERSHIP TO RELEASE AND DISCHARGE THE USAF AND THE CITY OF SURPRISE OF AND FROM ANY LIABILITY FOR ANY AND ALL CLAIMS AND 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 MAP OF DEDICATION OR ANY PARCEL 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.

BASIS OF BEARING

THE BASIS OF BEARING IS THE WEST LINE OF THE SOUTHWEST QUARTER OF SECTION 16, TOWNSHIP 3 NORTH, RANGE 1 WEST HAVING A BEARING OF SOUTH 00 DEGREES 04 MINUTES 59 SECONDS WEST AS SHOWN ON THE MAP OF DEDICATION FOR WADDELL ROAD, LITCHFIELD ROAD AND CACTUS ROAD, RECORDED IN BOOK 839, PAGE 39, M.C.R.

NOTES

- THIS MAP OF DEDICATION IS LOCATED WITHIN THE CITY OF SURPRISE WATER SERVICE AREA AND HAS BEEN DESIGNATED AS HAVING AN ASSURED WATER SUPPLY.
- ALL NEW OR RELOCATED UTILITIES WILL BE PLACED UNDERGROUND, EXCEPT 69 Kv OVERHEAD.
- NO STRUCTURE OF ANY KIND MAY BE CONSTRUCTED ON, OVER, OR PLACED WITHIN THE EASEMENTS EXCEPT WOOD, WIRE, OR REMOVABLE SECTION FENCING AND OR PAVING. IT SHALL BE FURTHER UNDERSTOOD THAT THE CITY OF SURPRISE SHALL NOT BE REQUIRED TO REPLACE ANY OBSTRUCTION THAT MUST BE REMOVED DURING THE COURSE OF MAINTENANCE, CONSTRUCTION, OR RECONSTRUCTION OF CITY OWNED IMPROVEMENTS OR UTILITIES, OTHER THAN THE EXCEPTIONS LISTED ABOVE.
- DEVELOPMENT AND USE OF THIS SITE WILL CONFORM TO ALL APPLICABLE CODES AND ORDINANCES, SUBJECT TO THE TERMS AND PROVISIONS OF (A) THE PRE-ANNEXATION AND DEVELOPMENT AGREEMENT BETWEEN MARLEY PARK LLC (FORMERLY KNOWN AS DMB WADDELL, LLC) AND THE CITY OF SURPRISE RECORDED IN THE OFFICIAL RECORDS OF MARICOPA COUNTY, ARIZONA ON NOVEMBER 3, 2000, AS INSTRUMENT NO. 2000-0849683, AS AMENDED FROM TIME TO TIME, AND (B) THE APPROVED PAD PLAN (AS DEFINED IN SAID PRE-ANNEXATION AND DEVELOPMENT AGREEMENT), AS AMENDED FROM TIME TO TIME.
- RIGHTS-OF-WAY AND EASEMENTS OUTSIDE THE MAP OF DEDICATION BOUNDARY ARE FROM AVAILABLE PUBLIC RECORDS AND ARE SHOWN FOR INFORMATIONAL PURPOSES ONLY; NO WARRANTY IS EXPRESSED OR IMPLIED.
- 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.
- MARLEY PARK PHASE II LLC HEREBY 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 THIS MAP OF DEDICATION, UNTIL SUCH TIME THE CITY OF SURPRISE HAS ACCEPTED THE SIDEWALKS.
- 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 ENGINEERING DEPARTMENT.
- THE PROPERTY DEPICTED ON THE MAP OF DEDICATION IS LOCATED WITHIN AN AREA DESIGNATED AS OTHER FLOOD AREAS ZONE "X" BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, ON FLOOD INSURANCE RATE MAP NO. 04013C1605 J, WITH A DATE OF IDENTIFICATION OF SEPTEMBER 30, 2005, 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.

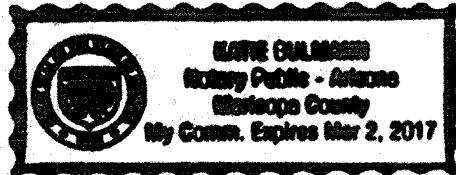
ACKNOWLEDGMENT

STATE OF ARIZONA)
) ss.
COUNTY OF MARICOPA)

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS 10th DAY OF July, 2013, BY Daniel T. Kelly, THE Sr. Vice President OF DMB ASSOCIATES, INC., AN ARIZONA CORPORATION, IN ITS CAPACITY AS MANAGER OF MARLEY PARK PHASE II LLC, AN ARIZONA LIMITED LIABILITY COMPANY.

Katie Bulmann
NOTARY PUBLIC

MY COMMISSION EXPIRES: 03-02-2017



RATIFICATION AND APPROVAL

STATE OF ARIZONA)
) ss.
COUNTY OF MARICOPA)

KNOW ALL MEN BY THESE PRESENTS:

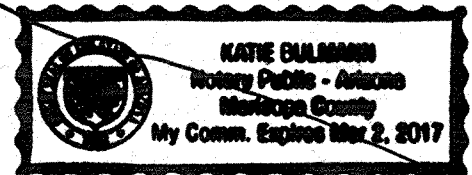
THAT MARLEY PARK COMMUNITY ASSOCIATION, INC., AN ARIZONA NON-PROFIT CORPORATION, HEREBY RATIFIES, AFFIRMS AND APPROVES THIS MAP OF DEDICATION FOR "145TH AVENUE" AND THE RESPONSIBILITIES IMPOSED UPON IT UNDER THIS MAP OF DEDICATION.

IN WITNESS WHEREOF, MARLEY PARK COMMUNITY ASSOCIATION, INC. HAS CAUSED ITS NAME TO BE AFFIXED BY THE UNDERSIGNED, DULY AUTHORIZED OFFICER THIS 10 DAY OF July, 2013.

MARLEY PARK COMMUNITY ASSOCIATION, INC., AN ARIZONA NON-PROFIT CORPORATION

BY: Melinda Gulick

ITS: President



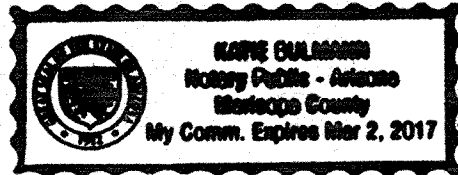
ACKNOWLEDGMENT

STATE OF ARIZONA)
) ss.
COUNTY OF MARICOPA)

THE FOREGOING INSTRUMENT WAS EXECUTED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, THIS 10th DAY OF July, 2013, BY Melinda Gulick, THE President OF MARLEY PARK COMMUNITY ASSOCIATION, INC., AN ARIZONA NON-PROFIT CORPORATION, ON BEHALF OF THE CORPORATION.

Katie Bulmann
NOTARY PUBLIC

MY COMMISSION EXPIRES: 03-02-2017



APPROVALS

DATA ON THIS MAP OF DEDICATION REVIEWED AND APPROVED THIS 18th DAY OF MARCH, 2014, BY THE CITY ENGINEER OF SURPRISE, ARIZONA.

Justin J. J. J. 03-18-2014
CITY ENGINEER DATE

APPROVED BY THE CITY COUNCIL OF THE CITY OF SURPRISE, ARIZONA, THIS 25 DAY OF June, 2013

Scott R. Scott 3/26/14
MAYOR DATE

ATTEST: Dina Stevens 3/26/14
CITY CLERK DATE

DESCRIPTION

SEE SHEET 2

DEVELOPER/OWNER

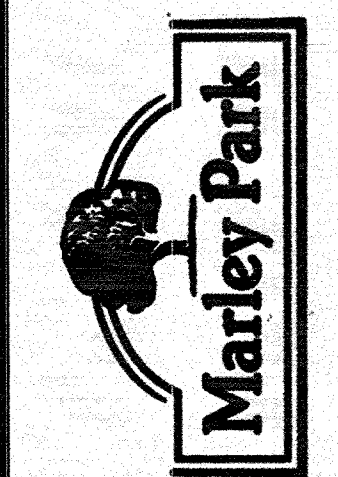
MARLEY PARK PHASE II LLC
7600 E. DOUBLETREE RANCH ROAD
SUITE 300
SCOTTSDALE, AZ 85258
CONTACT: DAVID NILSEN
PHONE: (480)-367-7000

MAP OF DEDICATION CERTIFICATION

I, KATHY M SVECHOVSKY, OF WOOD, PATEL & ASSOCIATES, INC., HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR IN THE STATE OF ARIZONA; THAT THIS MAP OF DEDICATION CONSISTING OF TWO (2) SHEETS REPRESENTS A SURVEY PERFORMED BY WOOD, PATEL & ASSOCIATES, INC., DURING THE MONTH OF DECEMBER OF 2012; THAT THE SURVEY IS CORRECT AND ACCURATE; THAT THE BOUNDARY MONUMENTS SHOWN ACTUALLY EXIST AS SHOWN AND ARE SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED.

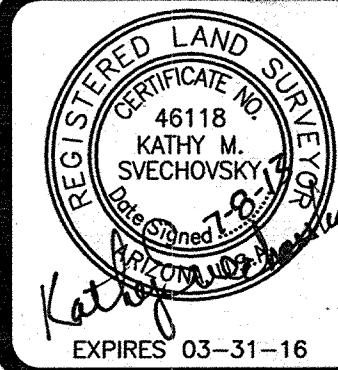
Kathy Svecovsky
KATHY M. SVECHOVSKY
ARIZONA REGISTERED LAND SURVEYOR, #46118
WOOD, PATEL & ASSOCIATES, INC.
2051 WEST NORTHERN AVENUE, SUITE 100
PHOENIX, ARIZONA 85021

7-8-13
DATE



WOOD/PATEL
LAND DEVELOPMENT • WATER RESOURCES
SURVEYING
WATER/WASTEWATER • SURVEYING
CONSTRUCTION MANAGEMENT
(602) 395-8600
PHOENIX • MESA • TUCSON

MARLEY PARK
SURPRISE, AZ.
MAP OF DEDICATION FOR 145TH AVENUE



DRAWN KMS
CHECKED TRG
DATE 06-28-13
SCALE N.T.S.
JOB NO. WP#123845
SHEET

DRAWINGS AND SPECIFICATIONS AS INSTRUMENTS OF SERVICE ARE THE PROPERTY OF MARLEY PARK PHASE II LLC AND MAY NOT BE REPRODUCED WITHOUT THE WRITTEN PERMISSION OF MARLEY PARK PHASE II LLC

MAP OF DEDICATION
FOR
145TH AVENUE

LINE TABLE		
LINE	BEARING	DISTANCE
L1	S28°43'03"W	28.54'
L2	S00°01'08"W	52.00'
L3	S00°01'08"W	52.00'
L5	N00°01'08"E	52.00'
L6	N60°14'27"W	28.54'
L7	N15°45'42"W	53.00'
L8	S89°58'52"E	51.50'
L9	S89°58'52"E	51.50'
L10	S89°58'52"E	51.50'
L11	N00°01'08"E	36.00'

CURVE TABLE					
CURVE	DELTA	RADIUS	ARC	CHORD BEARING	CHORD
C1	02°29'16"	2833.00'	123.00'	N74°14'18"E	122.99'
C2	15°46'51"	541.50'	149.14'	N07°52'17"W	148.67'
C3	90°00'02"	10.00'	15.71'	S44°58'51"E	14.14'
C4	90°00'00"	10.00'	15.71'	S45°01'08"W	14.14'
C5	90°00'02"	10.00'	15.71'	S44°58'51"E	14.14'
C6	90°00'00"	10.00'	15.71'	S45°01'08"W	14.14'
C7	90°00'00"	10.00'	15.71'	N44°58'52"W	14.14'
C8	90°00'00"	10.00'	15.71'	N45°01'08"E	14.14'
C9	15°46'51"	458.50'	126.28'	N07°52'17"W	125.88'
C10	15°46'51"	500.00'	137.71'	N07°52'17"W	137.28'

LEGEND

- △

CORNER OF THIS SUBDIVISION SET SURVEY MONUMENT W/ R.L.S. TAG OR CAP, UNLESS OTHERWISE NOTED
-
- SURVEY MONUMENT FOUND AS NOTED

○

M.C.R.

B.C.F.

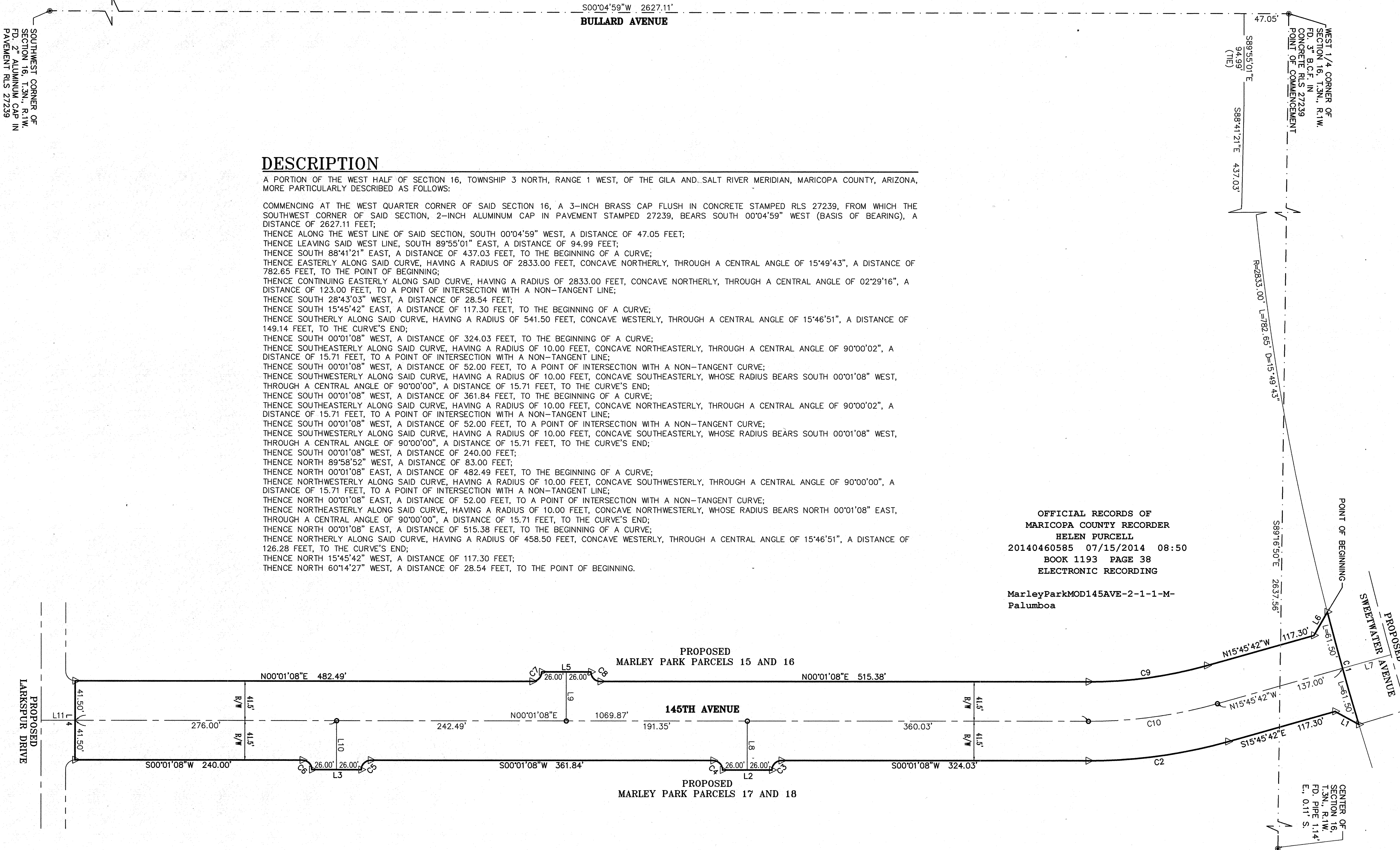
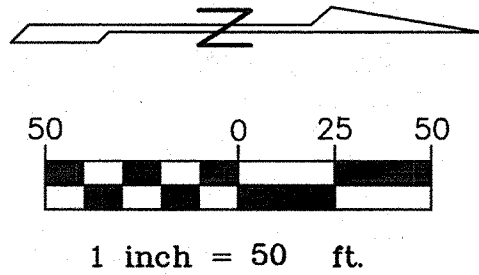
R/W

FD.

SQ. FT.

L1

C4



DESCRIPTION

A PORTION OF THE WEST HALF OF SECTION 16, TOWNSHIP 3 NORTH, RANGE 1 WEST, OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE WEST QUARTER CORNER OF SAID SECTION 16, A 3-INCH BRASS CAP FLUSH IN CONCRETE STAMPED RLS 27239, FROM WHICH THE SOUTHWEST CORNER OF SAID SECTION, 2-INCH ALUMINUM CAP IN PAVEMENT STAMPED 27239, BEARS SOUTH 00°04'59" WEST (BASIS OF BEARING), A DISTANCE OF 2627.11 FEET;

THENCE ALONG THE WEST LINE OF SAID SECTION, SOUTH 00°04'59" WEST, A DISTANCE OF 47.05 FEET;

THENCE LEAVING SAID WEST LINE, SOUTH 89°55'01" EAST, A DISTANCE OF 94.99 FEET;

THENCE SOUTH 88°41'21" EAST, A DISTANCE OF 437.03 FEET, TO THE BEGINNING OF A CURVE;

THENCE EASTERLY ALONG SAID CURVE, HAVING A RADIUS OF 2833.00 FEET, CONCAVE NORTHERLY, THROUGH A CENTRAL ANGLE OF 15°49'43", A DISTANCE OF 782.65 FEET, TO THE POINT OF BEGINNING;

THENCE CONTINUING EASTERLY ALONG SAID CURVE, HAVING A RADIUS OF 2833.00 FEET, CONCAVE NORTHERLY, THROUGH A CENTRAL ANGLE OF 02°29'16", A DISTANCE OF 123.00 FEET, TO A POINT OF INTERSECTION WITH A NON-TANGENT LINE;

THENCE SOUTH 28°43'03" WEST, A DISTANCE OF 28.54 FEET;

THENCE SOUTH 15°45'42" EAST, A DISTANCE OF 117.30 FEET, TO THE BEGINNING OF A CURVE;

THENCE SOUTHERLY ALONG SAID CURVE, HAVING A RADIUS OF 541.50 FEET, CONCAVE WESTERLY, THROUGH A CENTRAL ANGLE OF 15°46'51", A DISTANCE OF 149.14 FEET, TO THE CURVE'S END;

THENCE SOUTH 00°01'08" WEST, A DISTANCE OF 324.03 FEET, TO THE BEGINNING OF A CURVE;

THENCE SOUTHEASTERLY ALONG SAID CURVE, HAVING A RADIUS OF 10.00 FEET, CONCAVE NORTHEASTERLY, THROUGH A CENTRAL ANGLE OF 90°00'02", A DISTANCE OF 15.71 FEET, TO A POINT OF INTERSECTION WITH A NON-TANGENT LINE;

THENCE SOUTH 00°01'08" WEST, A DISTANCE OF 52.00 FEET, TO A POINT OF INTERSECTION WITH A NON-TANGENT CURVE;

THENCE SOUTHWESTERLY ALONG SAID CURVE, HAVING A RADIUS OF 10.00 FEET, CONCAVE SOUTHEASTERLY, WHOSE RADIUS BEARS SOUTH 00°01'08" WEST, THROUGH A CENTRAL ANGLE OF 90°00'00", A DISTANCE OF 15.71 FEET, TO THE CURVE'S END;

THENCE SOUTH 00°01'08" WEST, A DISTANCE OF 361.84 FEET, TO THE BEGINNING OF A CURVE;

THENCE SOUTHEASTERLY ALONG SAID CURVE, HAVING A RADIUS OF 10.00 FEET, CONCAVE NORTHEASTERLY, THROUGH A CENTRAL ANGLE OF 90°00'02", A DISTANCE OF 15.71 FEET, TO A POINT OF INTERSECTION WITH A NON-TANGENT LINE;

THENCE SOUTH 00°01'08" WEST, A DISTANCE OF 52.00 FEET, TO A POINT OF INTERSECTION WITH A NON-TANGENT CURVE;

THENCE SOUTHWESTERLY ALONG SAID CURVE, HAVING A RADIUS OF 10.00 FEET, CONCAVE SOUTHEASTERLY, WHOSE RADIUS BEARS SOUTH 00°01'08" WEST, THROUGH A CENTRAL ANGLE OF 90°00'00", A DISTANCE OF 15.71 FEET, TO THE CURVE'S END;

THENCE SOUTH 00°01'08" WEST, A DISTANCE OF 240.00 FEET;

THENCE NORTH 89°58'52" WEST, A DISTANCE OF 83.00 FEET;

THENCE NORTH 00°01'08" EAST, A DISTANCE OF 482.49 FEET, TO THE BEGINNING OF A CURVE;

THENCE NORTHWESTERLY ALONG SAID CURVE, HAVING A RADIUS OF 10.00 FEET, CONCAVE SOUTHWESTERLY, THROUGH A CENTRAL ANGLE OF 90°00'00", A DISTANCE OF 15.71 FEET, TO A POINT OF INTERSECTION WITH A NON-TANGENT LINE;

THENCE NORTH 00°01'08" EAST, A DISTANCE OF 52.00 FEET, TO A POINT OF INTERSECTION WITH A NON-TANGENT CURVE;

THENCE NORTHEASTERLY ALONG SAID CURVE, HAVING A RADIUS OF 10.00 FEET, CONCAVE NORTHWESTERLY, WHOSE RADIUS BEARS NORTH 00°01'08" EAST, THROUGH A CENTRAL ANGLE OF 90°00'00", A DISTANCE OF 15.71 FEET, TO THE CURVE'S END;

THENCE NORTH 00°01'08" EAST, A DISTANCE OF 515.38 FEET, TO THE BEGINNING OF A CURVE;

THENCE NORTHERLY ALONG SAID CURVE, HAVING A RADIUS OF 458.50 FEET, CONCAVE WESTERLY, THROUGH A CENTRAL ANGLE OF 15°46'51", A DISTANCE OF 126.28 FEET, TO THE CURVE'S END;

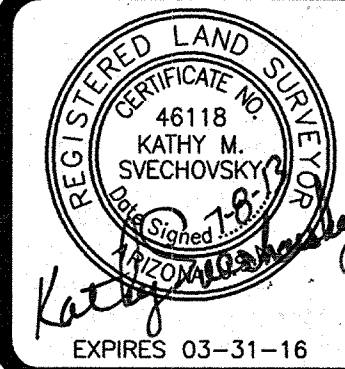
THENCE NORTH 15°45'42" WEST, A DISTANCE OF 117.30 FEET;

THENCE NORTH 60°14'27" WEST, A DISTANCE OF 28.54 FEET, TO THE POINT OF BEGINNING.

OFFICIAL RECORDS OF
MARICOPA COUNTY RECORDER
HELEN PURCELL
20140460585 07/15/2014 08:50
BOOK 1193 PAGE 38
ELECTRONIC RECORDING

MarleyParkMOD145AVE-2-1-1-M-
Palumboa

MARLEY PARK
SURPRISE, AZ.
MAP OF DEDICATION FOR 145TH AVENUE



DRAWN	KMS
CHECKED	TRG
DATE	06-28-13
SCALE	1" = 50'
JOB NO.	WP#123845
SHEET	2 OF 2

RESOLUTION # 2013-60

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA, APPROVING A FINAL PLAT ENTITLED "MARLEY PARK PHASE 3 MODEL COMPLEX," LOCATED GENERALLY ON THE NORTHEAST CORNER OF BULLARD AVENUE AND CACTUS ROAD WITHIN THE MARLEY PARK PLANNED AREA DEVELOPMENT.

WHEREAS, the owner of a parcel of land located on the northeast corner of Bullard Avenue and Cactus Road wishes to subdivide the parcel; and;

WHEREAS, on October 25, 2000, the Mayor and City Council approved the Marley Park Planned Area Development, and;

WHEREAS, on March 26, 2013, the Mayor and City Council approved the Marley Park Phase 3 Preliminary Plat, and;

WHEREAS, the proposed subdivision will enhance the public health, safety, and welfare, and;

WHEREAS, this resolution is in compliance with the approved Marley Park Planned Area Development, Surprise Municipal Code, and Surprise General Plan.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Surprise, Arizona, as follows:

Section 1. That certain document entitled "Marley Park Phase 3 Model Complex", submitted as application FS13-148, a copy of which is on file in the Community and Economic Development Department, is approved.

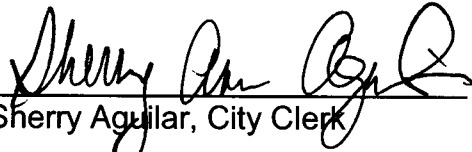
Section 2. Approval of this Final Plat is contingent on the Owner of the property complying with all conditions contained in the Staff Report.

APPROVED AND ADOPTED this 25 day of June, 2013.

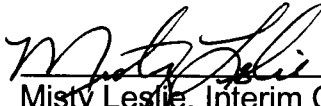


Sharon R. Wolcott, Mayor

Attest:

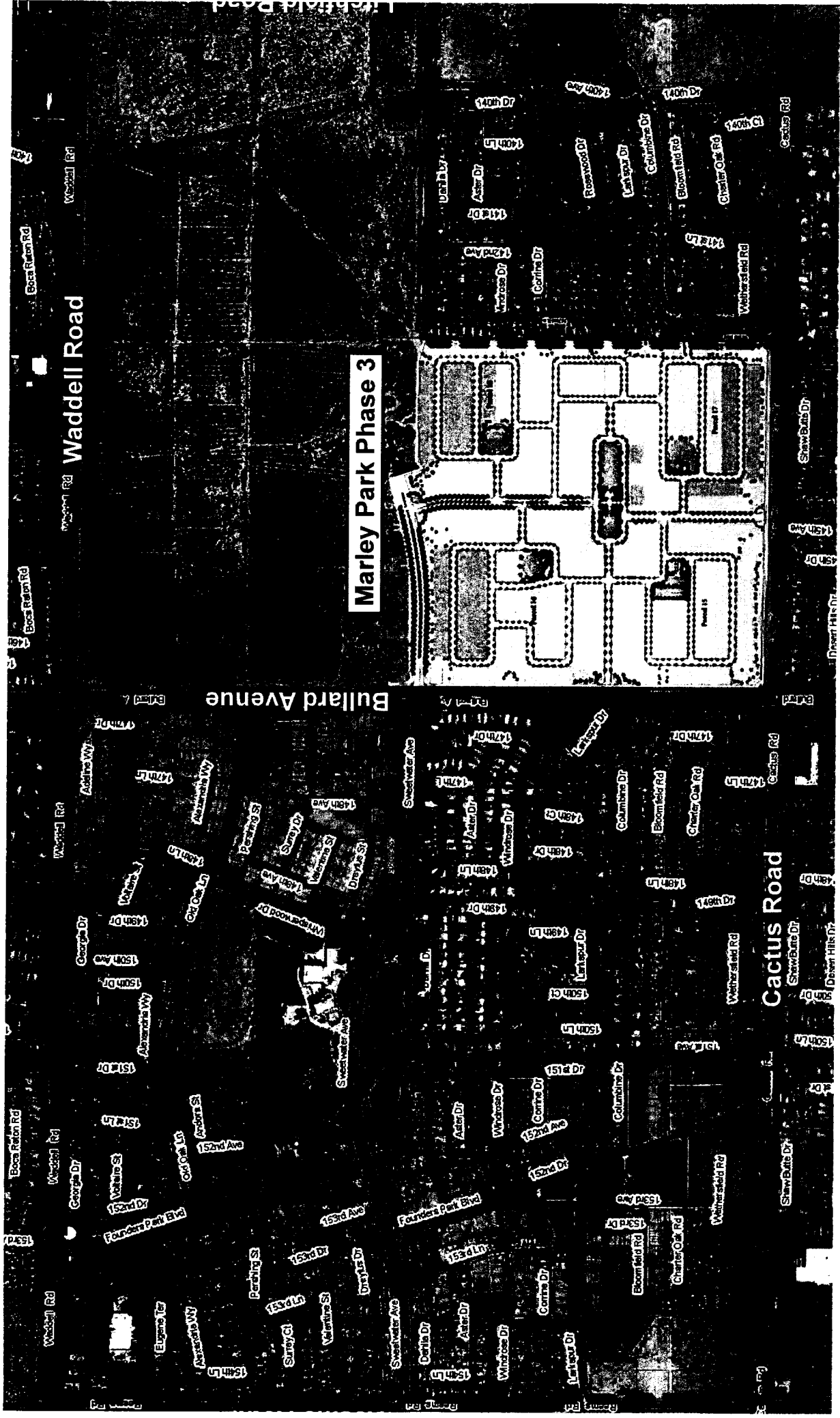

Sherry Aguilar, City Clerk

Approved as to form:


Misty Leslie, Interim City Attorney

Yeas: Mayor Wolcott, Vice Mayor Biundo, Council Members; Alton, Villanueva
Mankiewicz and Hall. (Absent – Williams)

Nays: _____



Marley Park Phase 3

Waddell Road

Bullard Avenue

Cactus Road

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145TH

CACTUS ROAD

KEY MAP

N.T.S.

DEDICATION CONTINUED

IN WITNESS WHEREOF, MARLEY PARK PHASE II LLC HAS CAUSED ITS NAME TO BE AFFIXED BY THE UNDERSIGNED, DULY AUTHORIZED PERSONS AND ENTITIES, THIS ____ DAY OF _____, 2013.

MARLEY PARK PHASE II LLC, AN ARIZONA LIMITED LIABILITY COMPANY

BY: DMB ASSOCIATES, INC., AN ARIZONA CORPORATION, ITS MANAGER

BY: _____

ITS: _____

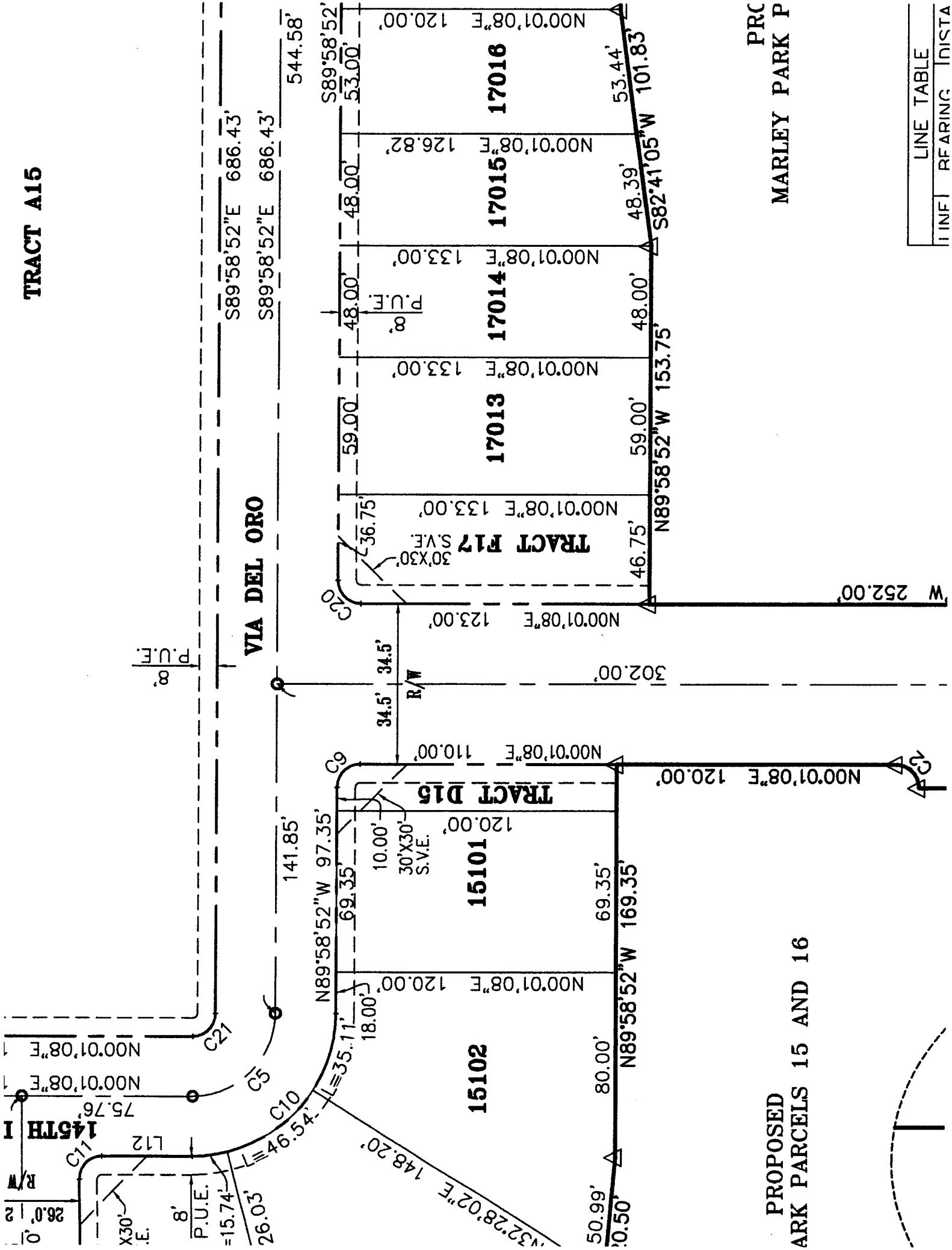
APPROVALS

DATA ON THIS PLAT REVIEWED AND APPROVED THIS ____
DAY OF _____, 2013, BY THE CITY ENGINEER OF
SURPRISE, ARIZONA.

DEVELOPER/OWNER

MARLEY PARK PHASE II LLC
7600 E. DOUBLETREE RANCH ROAD
SUITE 300
SCOTTSDALE, AZ 85258
CONTACT: DAVID NILSEN
PHONE: (480)–367–7000

TRACT A15



Quinn R. Kellis
Assistant Superintendent

June 12, 2013

15802 North Parkview Place
Surprise, Arizona 85374
Phone: 623-876-7013
Fax: 623-876-7042
quinn.kellis@dysart.org

www.dysart.org

Mr. Jeff Mihelich
Community and Economic Development Director
City of Surprise
12425 W Bell Rd, Suite D-100
Surprise, AZ 85374-9002

RE: Marley Park Phase III Development

Dear Mr. Mihelich,

Thank you for your continued cooperation with the Dysart Unified School District. The District has reviewed, discussed and met with representatives of the Marley Park Phase III Development in reference to a school bus transportation plan in their planned project in the City of Surprise and the Dysart Unified School District.

The Marley Park Phase III project has included flexible provisions to accommodate street access for bus services for students that will attend the Dysart Unified School District. As the development of this community progresses, bus routes will change. All parties agree that the final plan will allow bus access through main road corridors and access around the central park area.

We appreciate the value you and the City place upon the public schools in your planned communities. We anticipate continuing to work together to build attractive communities that meet the educational needs of the residents.

Sincerely,



Quinn R. Kellis
Assistant Superintendent

Superintendent
Gail Pletnick, Ed.D.

CC: Dave Nilsen - DMB

Governing Board
Jerry Eynon
Christine A. K. Pritchard
Traci Sawyer-Sinkbeil
Bonnie Schroader
Jennifer Tanner



COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT

Date: June 25, 2013

To: Mayor and City Council

From: Jeffrey J. Mihelich, Assistant City Manager
Vamshee Kovuru, Planner
vamshee.kovuru@surpriseaz.gov 623-222-3153

Re: FS13-148, Marley Park Phase 3 Model Complex Final Plat.

Application Summary

The applicant is requesting an approval for a Final Plat entitled "Marley Park Phase 3 Model Complex". The proposed plat consists of 29 single-family residential lots which are part of a Marley Park Phase 3 development.

Location

Marley Park Phase 3 Model Complex is part of Marley Park Phase 3, a 153-acre vacant parcel proposing 547 single-family residential lots located on the northeast corner of Bullard Avenue and Cactus Road which will be developed in multiple phases. It is located within the Marley Park Planned Area Development (PAD).

History

- On October 25, 2000, the Mayor and City Council approved a Major General Plan Amendment for the Marley Park Development.
- On October 25, 2000, the Mayor and City Council approved the Marley Park Planned Area Development.
- On September 14, 2006, the Mayor and City Council approved a preliminary plat for the same location, which has since expired.
- On March 26, 2013, the Mayor and City Council approved a preliminary plat for the same location entitled Marley Park Phase 3.

Project Summary

The applicant is requesting a final plat approval that will establish the property boundaries, necessary easements, and right-of-way dedications to accommodate 29 single-family residential units that will be developed as model homes.

Economic Impact

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

Findings

1. Staff finds that the proposed Final Plat complies with the Surprise General Plan.
2. Staff finds that the proposed Final Plat complies with the Surprise Municipal Code.
3. Staff finds that the proposed Final Plat complies with the approved Marley Park PAD and the approved Marley Park Phase 3 preliminary plat.

Recommendation

Staff recommends approval of the Final Plat, subject to the following conditions:

- a) The applicant or property owner must provide the city with approved dust control permits by Maricopa County Environmental Services Department, prior to release of any permits.
- b) Prior to delivery of any combustible material to the site, the fire protection system shall be completely operational in accordance with the approved plans by the Fire Chief and City Engineer.
- c) Revise M.O.D. 1 to Book 839 Page 39 Map of Dedication for Waddell Road, Litchfield Road, and Cactus Road prior to recordation.
- d) AutoCAD file(s) with all landscape plans will be submitted prior to recordation.
- e) An amended Development Agreement is required to address the Cactus Road median construction, landscaping, timing, and reimbursement.
- f) Language referring to the Limitation on the Issuance of Certificates of Occupancy will be removed prior to recordation.

Attachment

Resolution, vicinity map, final plat, and Dysart School District support letter.

#2



CITY OF SURPRISE
Regular City Council Meeting

June 25, 2013 @ 6:00:00 PM

Back Print

Council Meeting Date: June 25, 2013

Contact Person: Vamshee Kovuru, Community & Economic Development

Submitting Department: CD

District: 6

Staff Recommendations: Approve

Consent x

Regular

Public Hearing

Report/Discussion

Agenda Wording:

Consideration and action on Resolution 2013-60, a resolution of the Mayor and Council of the City of Surprise, Arizona, approving a final plat amendment, entitled "Marley Park Phase 3 Model Complex," located generally on the northeast corner of Bullard Avenue and Cactus Road within the Marley Park Planned Area Development.

Motion:

I move to approve Resolution 2013-60.

Background:

The applicant is requesting a final plat approval that will establish the property boundaries, necessary easements, and right-of-way dedications to accommodate 29 single-family residential units that will be developed as model homes.

Financial Impact Statement:

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

ATTACHMENTS:

Click to download

- ☐ [STAFF REPORT](#)
- ☐ [Resolution](#)
- ☐ [Vicinity Map](#)
- ☐ [Final Plat](#)
- ☐ [Dysart Support Letter](#)

External Attachment Links:

Meeting Requirements:

Powerpoint x Video White Board Other x

Presentation Speaker Names (spelling and titles for TV captions):

Vamshee Kovuru, Planner, Community & Economic Development

City Clerk's Office only

COUNCIL ACTION

Motion/Second:

Wolcott	_____
Biundo	_____
Alton	_____
Williams	_____
Villanueva	<u>S</u>
Mankiewicz	_____
Hall	<u>M</u>

Results:

For	<u>6</u>	
Against	<u>0</u>	
Passed	<u>✓</u>	
Failed	_____	
Continued	_____	
Tabled	_____	
Absent	<u>1</u>	(JW)
Abstained	_____	



CITY OF SURPRISE
Regular City Council Meeting

February 2, 2016 @ 6:00:00 PM

Back Print

Council Meeting Date:	February 2, 2016	Contact Person:	Karl Zook, Public Works Department
Submitting Department:	Public Works	District:	6
Staff Recommendations:	None		

Consent	x	Regular	Public Hearing	Report/Discussion
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Agenda Wording:

Consideration and action pertaining to conditional acceptance of streets and public utility improvements at Marley Park Phase 3, including portions of Sweetwater Avenue east of Bullard Avenue, improvements generally located on the northeast corner of Cactus Road and Bullard Avenue; Resolution # 2016-18.

Motion:

I move to approve Resolution # 2016-18.

Background:

The Public Works Department conducted the final inspection of the public utility improvements for portions of Sweetwater Avenue on or about July 7, 2015 totaling 6,730 SY (approximately ¼ lane miles) and determined that the infrastructure was compliant and acceptable to the City. The infrastructure includes asphalt pavement, domestic water lines and wastewater lines.

Objective Analysis:

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

Policy Compliant:

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

Financial Impact:

Acceptance of streets, water, and sewer infrastructure increases the City's asset base and adds to future

maintenance commitments. The total acceptance value of the infrastructure items included with this item is \$615,930.

Budget Impact:

Funding for infrastructure maintenance is included in street preservation and maintenance, water and sewer operational budgets. The anticipated incremental additional maintenance expense associated with the acceptance of these infrastructure items will be incorporated in future budgets.

FTE Impact:

This action does not change the full time equivalent count.

ATTACHMENTS:

Click to download

- ☐ [Resolution 2016-18](#)
 - ☐ [Inspector sign off](#)
 - ☐ [Notice of Completion](#)
 - ☐ [Final Plat](#)
 - ☐ [Final Plat Resolution](#)
-

RESOLUTION # 2016-18

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA, CONDITIONALLY ACCEPTING MAINTENANCE OF THE STREET AND PUBLIC UTILITY IMPROVEMENTS AT MARLEY PARK PHASE 3, SWEETWATER AVENUE FROM BULLARD TO 145TH AVENUE, GENERALLY LOCATED ON THE NORTHEAST CORNER OF BULLARD AVENUE AND CACTUS ROAD.

WHEREAS, the Mayor and City Council of the City of Surprise approved a final plat entitled "Map of Dedication for Sweetwater Avenue" on, June 25, 2013;

WHEREAS, DMB, Inc. the developer of Marley Park, dedicated to the City the street and public utility improvements, generally located at the northeast corner of Bullard Avenue and Cactus Road;

WHEREAS, the City of Surprise Public Works Department Engineering Division conditionally accepted the improvements describes in this resolution on August 18, 2015;

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

WHEREAS, the City of Surprise will release the warranty and begin maintenance of the street and public utility improvements upon final acceptance of the improvements.

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

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

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

SIGNATURES ON THE FOLLOWING PAGE

APPROVED AND ADOPTED this _____ day of _____, 2016.

Sharon R. Wolcott, Mayor

Attest:

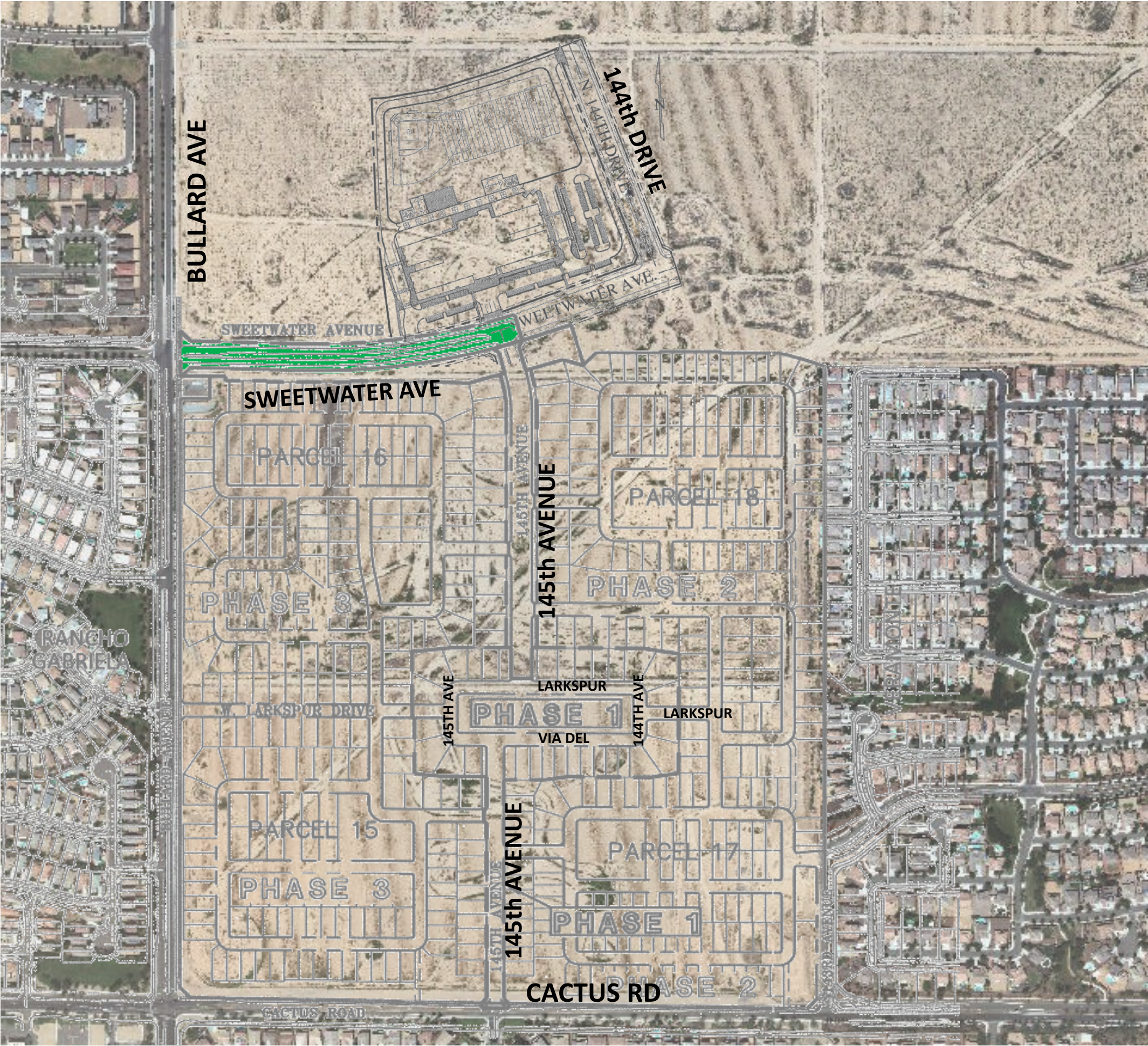
Approved as to form:

Sherry Aguilar, City Clerk

Robert Wingo, City Attorney

Exhibit A

Map of Infrastructure



MARLEY PARK PHASE 3

FS13-149 SWEETWATER AVE

EXHIBIT B

List and Cost of Improvements



Public Works Department
Engineering Division
16000 North Civic Center Plaza
Surprise, Arizona 85374
Phone 623-222-6000

Memorandum

To: City of Surprise City Council
From: Public Works – Engineering Services
Date: December 31, 2015
Re: Marley Park Ph. 3 Sweetwater Ave

The public improvements for the above project have been completed and are on the February 2, 2016 council agenda for conditional acceptance. The amounts for the infrastructure have been provided by a third party and not the City of Surprise. The following are the infrastructure improvements included with this acceptance and the corresponding valuation that the City will be accepting:

- City Sewer - \$37,273.00
- City Paving - \$106,986.05
- City Concrete - \$129,682.50
- City Storm Drain - \$169,986.05
- City Water - \$106,353.00
- City Reclaim Water - \$65,649.00



PROJECT SIGN OFF FORM

PUBLIC WORKS - ENGINEERING SERVICES, INSPECTIONS

Date Submitted: 8/18/2015 Commercial ☐ Commercial w/Offsite ☒ Residential

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

7/7/2015 Date of Punch-List Walk 7/16/2015 Date Punch-List Completed

Permit Number: FS13-149

Project Name: Marley Park Sweetwater Road Project Description (Phase/Parcel): 3

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

DMB

7600 E Doubletree Ranch Rd 300. Scottsdale Az 85258

MAG TIP Reporting:

Street Name	Classification	Begin Limits	End Limits	# Lanes	Length to nearest 1/4 mi.	Features
SweetWater Road	Collector	Bullard Ave	145th Ave	2	1/4 mile	Median

MATERIALS:

Asphalt: Vulcan Materials Supplier 1/4 Mile Total Lane Miles 6,730 Total Square Yards

Water: 8" PVC Size/Type 185' Total Linear Feet 12" DIP Size/Type 1,440' Total Linear Feet

Sewer: 10" Size/Type 995" Total Linear Feet Size/Type Total Linear Feet

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

Additional Comments:

SUPPORTING DOCUMENTATION REQUIRED:

☒ Copy of Punch List

N/A Engineer of Record Reports to Include but not limited to:

ATC, AOC, Material Submittals, Water Test Results, Daily Reports

N/A Final Certification Letter from Engineer of Record

N/A Asphalt Concrete Emulsion Fog Seal Cert. (SS1H)

☒ Complete Geotechnical Testing Packet

☒ Asphalt Concrete Ticket w/ Name of Contractor

☒ Sewer Pressure Testing Results

☒ Streetlight Energize Letter

☒ Sewer Manhole Vacuum Testing Certification

☒ As built Documents (☒ 2 Bond and ☒ 1 Mylar)

☒ Sewer Manhole Insecticide Certification

☒ CD with As Built Documents in .pdf format

☒ Sewer Videos with Operators Notes (inc. re-videos)

Other (Specify)

APPROVAL:

Civil Inspector:

[Signature]

Date: 8/18/2015

Civil Engineering Supervisor:

[Signature]

Date: 8/18/2015



Public Works Department
Engineering Development Services
16000 North Civic Center Plaza
Surprise, Arizona 85374
Phone 623-222-6141
Fax 623-222-6006

August 25, 2015

Christopher Rivera
Marley Park Phase II, LLC
7600 E. Double Tree Ranch Rd
Suite 300
Scottsdale, AZ 85258

**RE: NOTICE OF COMPLETION AND COUNCIL ACTION REQUIREMENT FOR
MARLEY PARK PH 3 SWEETWATER AVE, BULLARD TO 145TH AVE
- FS13-149**

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

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

A notice of the required assurance amount and acceptable formats will be sent via email once actual construction costs have been submitted by the applicant. The warranty period starts upon council acceptance for a period of one (1) year; please ensure warranty assurance will not expire prior to this date. The applicant will be notified of the council date as soon as it is scheduled and the warranty financial assurance is required to be submitted to the city 10 calendar days prior to the council date. If a warranty financial assurance is not received within 10 calendar days, council action and start of the warranty period will be delayed, at a minimum, an additional two (2) weeks.

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

If you have any questions or concerns, you can reach me at 623-222-6141.

Sincerely,

Kristin Tytler, P.E.
Engineering Manager - Development

kt/jg

c: David Mobley, Civil Inspector
Cindy Coen, Legal
David Kohlbeck, Public Works
Mike Gent, Public Works
File

Andrea Davis, Finance
Antonio DeLaCruz, Public Works
Fermin Camacho, Public Works
Terry Lowe, Water Services

DRAWINGS AND SPECIFICATIONS AS INSTRUMENTS OF SERVICE ARE THE PROPERTY OF MARLEY PARK PHASE II LLC AND MAY NOT BE REPRODUCED WITHOUT THE WRITTEN PERMISSION OF MARLEY PARK PHASE II LLC

DEDICATION

STATE OF ARIZONA)
COUNTY OF MARICOPA) ss.

KNOW ALL MEN BY THESE PRESENTS:

THAT MARLEY PARK PHASE II LLC, AN ARIZONA LIMITED LIABILITY COMPANY, AS OWNER, HEREBY PUBLISHES THIS MAP OF DEDICATION AS AND FOR "SWEETWATER AVENUE", LOCATED IN THE WEST HALF OF SECTION 16, TOWNSHIP 3 NORTH, RANGE 1 WEST, OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA AND HEREBY DECLARES THAT THIS MAP OF DEDICATION SETS FORTH THE LOCATION AND GIVES THE DIMENSIONS OF EACH STREET AND THAT EACH STREET SHALL BE KNOWN BY THE NUMBER, LETTER OR NAME GIVEN TO EACH, RESPECTIVELY, AS SHOWN ON THIS MAP OF DEDICATION AND INCLUDED IN THE ABOVE-DESCRIBED PREMISES.

OWNER HEREBY DEDICATES AND CONVEYS TO THE CITY OF SURPRISE, IN FEE, ALL REAL PROPERTY DESIGNATED ON THIS MAP OF DEDICATION AS "RIGHT-OF-WAY" OR "R/W" FOR USE AS PUBLIC RIGHT-OF-WAY, EFFECTIVE UPON THE CONSTRUCTION AND ACCEPTANCE BY THE CITY OF SURPRISE OF THE PUBLIC STREET IMPROVEMENTS TO BE LOCATED THEREIN. ALL IMPROVEMENTS INSTALLED OR CONSTRUCTED BY OWNER WITHIN THE PUBLIC RIGHTS-OF-WAY HEREBY DEDICATED OR GRANTED TO THE CITY OF SURPRISE SHALL BE DEEMED TO HAVE BEEN DEDICATED BY OWNER TO THE CITY UPON THEIR COMPLETION; HOWEVER, SUCH TRANSFER SHALL NOT OCCUR UNTIL THE CITY OF SURPRISE MANIFESTS ITS ACCEPTANCE OF SUCH IMPROVEMENTS. NOTWITHSTANDING THE FOREGOING, OWNER HEREBY RESERVES AN INTEREST IN ANY OF THE FOREGOING REAL PROPERTY UPON WHICH WHAT WOULD BE "PUBLIC INFRASTRUCTURE" AS SUCH TERM IS DEFINED IN SECTION 48-701, ARIZONA REVISED STATUTES, AS AMENDED, HAS BEEN OR IS TO BE CONSTRUCTED. EXCEPT IF RELEASED PRIOR THERETO AS HEREINAFTER DESCRIBED, SUCH INTEREST IS TO BE ACQUIRED BY THE MARLEY PARK COMMUNITY FACILITIES DISTRICT. (SUCH INTEREST IS LIMITED TO ONE NECESSARY TO ACCOMMODATE THE FINANCING OF THE ACQUISITION OF SUCH PUBLIC INFRASTRUCTURE (INCLUDING OF SUCH INTEREST IN SUCH REAL PROPERTY) PURSUANT TO THE DISTRICT DEVELOPMENT, FINANCING PARTICIPATION AND INTERGOVERNMENTAL AGREEMENT (MARLEY PARK COMMUNITY FACILITIES DISTRICT) BETWEEN OWNER AND THE CITY OF SURPRISE.) SUCH INTEREST IS TO BE RELEASED UPON THE EARLIER OF (A) THE ACQUISITION OF SUCH PUBLIC INFRASTRUCTURE ONLY BY SUCH DISTRICT PURSUANT TO SUCH SUBSEQUENT DEVELOPMENT AGREEMENT AND (B) JUNE 30, 2029.

OWNER HEREBY RESERVES TO ITSELF AND GRANTS TO MARLEY PARK COMMUNITY ASSOCIATION, INC., ITS SUCCESSORS AND ASSIGNS, A PERPETUAL NON-EXCLUSIVE EASEMENT UNDER, OVER, UPON AND ACROSS THE PUBLIC RIGHTS-OF-WAY HEREBY DEDICATED, FOR PURPOSES OF INSTALLING, CONSTRUCTING, OPERATING, MAINTAINING, REPAIRING, AND REPLACING ANY PUBLIC OR PRIVATE FIBER OPTICS OR TELECOMMUNICATIONS FACILITIES WHICH DO NOT REQUIRE A FRANCHISE LICENSE UNDER APPLICABLE LAW; PROVIDED, HOWEVER, THAT THE INSTALLATION OF SUCH FACILITIES SHALL BE UNDERTAKEN ONLY UPON THE ISSUANCE BY THE CITY OF SUCH AUTHORIZATIONS OR PERMITS AS MAY BE REQUIRED FOR SUCH INSTALLATION, AND THAT ANY CONSTRUCTION OR MAINTENANCE ACTIVITIES SHALL BE UNDERTAKEN ONLY UPON THE ISSUANCE BY THE CITY OF ANY NECESSARY ENCROACHMENT PERMIT. ALL FIBER OPTICS OR TELECOMMUNICATIONS FACILITIES SHALL BE CONSTRUCTED UNDERGROUND AND UPON THE COMPLETION OF ANY INSTALLATION, CONSTRUCTION, MAINTENANCE, REPAIR OR REPLACEMENT OF ANY SUCH FACILITY WITHIN SUCH EASEMENT, MARLEY PARK COMMUNITY ASSOCIATION, INC. (OR ANY OTHER PERSON OR ENTITY CLAIMING A RIGHT THROUGH MARLEY PARK COMMUNITY ASSOCIATION, INC., TO USE SUCH EASEMENT), AT ITS SOLE EXPENSE, SHALL PROMPTLY RETURN THE AFFECTED PROPERTY (INCLUDING IMPROVEMENTS AND LANDSCAPING LOCATED THEREON) TO ITS PRIOR CONDITION.

OWNER HEREBY GRANTS TO THE UNITED STATES OF AMERICA DEPARTMENT OF THE AIR FORCE ("USAF") AN AVIGATION EASEMENT OVER AND ACROSS THIS MAP OF DEDICATION AND EVERY PARCEL THEREOF, WHICH EASEMENT SHALL INCLUDE, BUT NOT BE LIMITED TO, THE RIGHT OF FLIGHT OF AIRCRAFT OVER THIS MAP OF DEDICATION, 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.

OWNER HEREBY GRANTS TO THE CITY OF SURPRISE AN ODOR EASEMENT OVER, UPON AND ACROSS, THIS MAP OF DEDICATION AND EVERY PARCEL THEREOF, WHICH EASEMENT SHALL INCLUDE, BUT NOT BE LIMITED TO, THE RIGHT TO INVADE WITH ODORS, FUMES, SMELLS, AND PHYSICAL AIRBORNE PARTICULATES CAUSED BY THE LAWFUL OPERATION AND MAINTENANCE OF THE CITY'S WASTEWATER TREATMENT PLANT LOCATED SOUTH OF CACTUS ROAD APPROXIMATELY ONE-HALF (1/2) MILE EAST OF LITCHFIELD ROAD.

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

OWNER WARRANTS AND REPRESENTS TO THE CITY OF SURPRISE THAT IT IS THE SOLE OWNER OF THE PROPERTY COVERED BY THIS MAP OF DEDICATION, AND THAT EVERY LENDER, EASEMENT HOLDER OR OTHER PERSON OR ENTITY HAVING ANY INTEREST THAT IS ADVERSE TO OR INCONSISTENT WITH THE FOREGOING DEDICATION, OR ANY OTHER REAL PROPERTY INTEREST CREATED OR TRANSFERRED BY THIS MAP OF DEDICATION, HAS CONSENTED TO OR JOINED IN THIS MAP OF DEDICATION AS EVIDENCED BY INSTRUMENTS WHICH ARE RECORDED WITH THE MARICOPA COUNTY RECORDER'S OFFICE OR WHICH MARLEY PARK PHASE II LLC WILL RECORD NOT LATER THAN THE DATE ON WHICH THIS MAP OF DEDICATION IS RECORDED.

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 MAP 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 MAP SHALL BE THE RESPONSIBILITY OF OWNER UNTIL SUCH TIME THAT THE AREA WITHIN THE RIGHT-OF-WAY IS IMPROVED TO CITY STANDARD AND ACCEPTED BY THE CITY OF SURPRISE.

THE MAINTENANCE OF LANDSCAPING WITHIN THE ADJACENT PUBLIC RIGHTS-OF-WAY, INCLUDING LANDSCAPED MEDIANS WITHIN COLLECTORS AND LOCAL STREETS AND LANDSCAPED AREAS BETWEEN THE CURB AND THE DETACHED SIDEWALK, SHALL BE THE RESPONSIBILITY OF THE MARLEY PARK COMMUNITY ASSOCIATION, INC.

LANDSCAPING 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.

IN WITNESS WHEREOF, MARLEY PARK PHASE II LLC HAS CAUSED ITS NAME TO BE AFFIXED BY THE UNDERSIGNED, DULY AUTHORIZED PERSONS AND ENTITIES, THIS 10 DAY OF JULY, 2013.

MARLEY PARK PHASE II LLC, AN ARIZONA LIMITED LIABILITY COMPANY

BY: DMB ASSOCIATES, INC., AN ARIZONA CORPORATION, ITS MANAGER

BY: Daniel T. Kelly
ITS: Sr. Vice President

MAP OF DEDICATION FOR SWEETWATER AVENUE

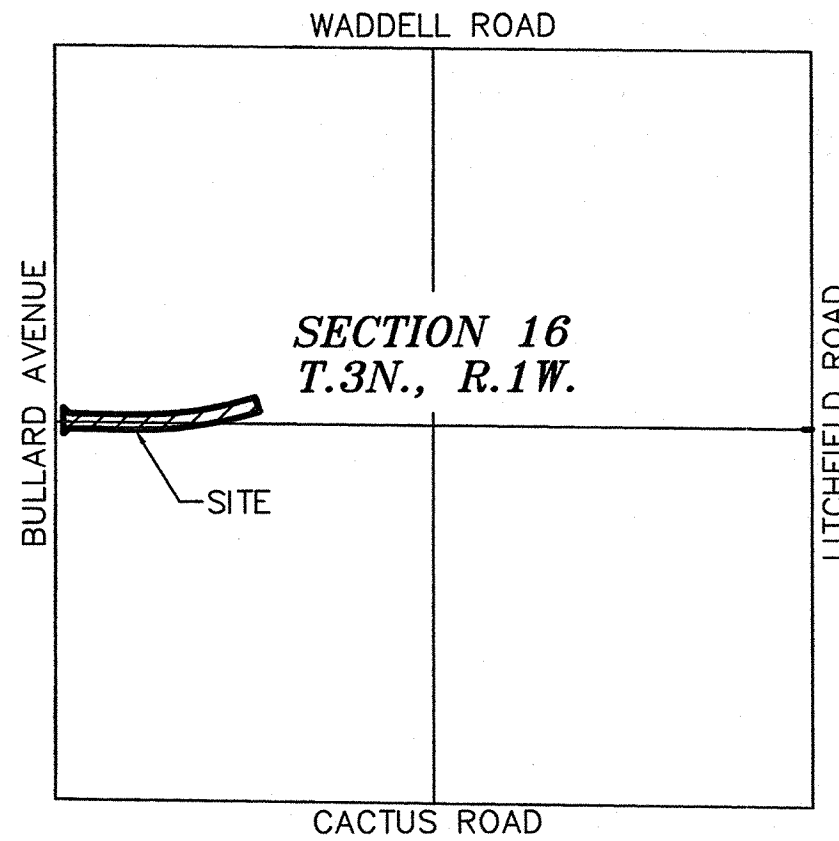
BEING A PORTION OF THE WEST HALF OF SECTION 16,
TOWNSHIP 3 NORTH, RANGE 1 WEST, OF THE GILA AND SALT RIVER
MERIDIAN, MARICOPA COUNTY, ARIZONA.

RIGHT-OF-WAY TABLE

Sweetwater Avenue Map of Dedication: Areas		
Tract	Purpose	Area (Sq. Ft.)
R/W	PUBLIC INGRESS & EGRESS	146,477
TOTAL		146,477
NOTES: THE ABOVE LISTED DESIGNATIONS ENCOMPASS THE ENTIRE TRACT. THERE MAY BE OTHER DESIGNATIONS OR EASEMENTS THAT ARE DELINEATED ON THIS PLAT THAT ENCUMBER PORTIONS OF THESE TRACTS.		

OFFICIAL RECORDS OF
MARICOPA COUNTY RECORDER
HELEN PURCELL
20140461566 07/15/2014 10:16
BOOK 1193 PAGE 41
ELECTRONIC RECORDING

MarleyParkMODSwetWtr-2-1-1-M-
Palumboa



VICINITY MAP N.T.S.

RELEASE OF LIABILITY

MARLEY PARK PHASE II LLC, OR ANY SUBSEQUENT OWNER OF ANY LEGAL OR BENEFICIAL INTEREST IN ANY PARCEL DEPICTED ON THIS MAP OF DEDICATION OR ANY DIVISION THEREOF AS MAY BE CREATED BY A SUBSEQUENT RECORDED INSTRUMENT, HEREBY AGREES UPON ACCEPTING SUCH OWNERSHIP TO RELEASE AND DISCHARGE THE USAF AND THE CITY OF SURPRISE OF AND FROM ANY LIABILITY FOR ANY AND ALL CLAIMS AND 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 MAP OF DEDICATION OR ANY PARCEL 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.

BASIS OF BEARING

THE BASIS OF BEARING IS THE WEST LINE OF THE SOUTHWEST QUARTER OF SECTION 16, TOWNSHIP 3 NORTH, RANGE 1 WEST HAVING A BEARING OF SOUTH 00 DEGREES 04 MINUTES 59 SECONDS WEST AS SHOWN ON THE MAP OF DEDICATION FOR WADDELL ROAD, LITCHFIELD ROAD AND CACTUS ROAD, RECORDED IN BOOK 839, PAGE 39, M.C.R.

NOTES

- THIS MAP OF DEDICATION IS LOCATED WITHIN THE CITY OF SURPRISE WATER SERVICE AREA AND HAS BEEN DESIGNATED AS HAVING AN ASSURED WATER SUPPLY.
- ALL NEW OR RELOCATED UTILITIES WILL BE PLACED UNDERGROUND, EXCEPT 69 Kv OVERHEAD.
- NO STRUCTURE OF ANY KIND MAY BE CONSTRUCTED ON, OVER, OR PLACED WITHIN THE EASEMENTS EXCEPT WOOD, WIRE, OR REMOVABLE SECTION FENCING AND OR PAVING. IT SHALL BE FURTHER UNDERSTOOD THAT THE CITY OF SURPRISE SHALL NOT BE REQUIRED TO REPLACE ANY OBSTRUCTION THAT MUST BE REMOVED DURING THE COURSE OF MAINTENANCE, CONSTRUCTION, OR RECONSTRUCTION OF CITY OWNED IMPROVEMENTS OR UTILITIES, OTHER THAN THE EXCEPTIONS LISTED ABOVE.
- DEVELOPMENT AND USE OF THIS SITE WILL CONFORM TO ALL APPLICABLE CODES AND ORDINANCES, SUBJECT TO THE TERMS AND PROVISIONS OF (A) THE PRE-ANNEXATION AND DEVELOPMENT AGREEMENT BETWEEN MARLEY PARK LLC (FORMERLY KNOWN AS DMB WADDELL, LLC) AND THE CITY OF SURPRISE RECORDED IN THE OFFICIAL RECORDS OF MARICOPA COUNTY, ARIZONA ON NOVEMBER 3, 2000, AS INSTRUMENT NO. 2000-0849683, AS AMENDED FROM TIME TO TIME, AND (B) THE APPROVED PAD PLAN (AS DEFINED IN SAID PRE-ANNEXATION AND DEVELOPMENT AGREEMENT), AS AMENDED FROM TIME TO TIME.
- RIGHTS-OF-WAY AND EASEMENTS OUTSIDE THE MAP OF DEDICATION BOUNDARY ARE FROM AVAILABLE PUBLIC RECORDS AND ARE SHOWN FOR INFORMATIONAL PURPOSES ONLY; NO WARRANTY IS EXPRESSED OR IMPLIED.
- IN ACCORDANCE WITH ARS §9-461.07, THE CITY OF SURPRISE HAS DETERMINED THAT ALL DEDICATIONS OCCURRING WITH THIS MAP ARE IN CONFORMANCE WITH THE SURPRISE GENERAL PLAN.
- MARLEY PARK PHASE II LLC HEREBY 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 THIS MAP OF DEDICATION, UNTIL SUCH TIME THE CITY OF SURPRISE HAS ACCEPTED THE SIDEWALKS.
- 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 ENGINEERING DEPARTMENT.
- THE PROPERTY DEPICTED ON THE MAP OF DEDICATION IS LOCATED WITHIN AN AREA DESIGNATED AS OTHER FLOOD AREAS ZONE "X" BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, ON FLOOD INSURANCE RATE MAP NO. 04013C1605 J, WITH A DATE OF IDENTIFICATION OF SEPTEMBER 30, 2005, 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.

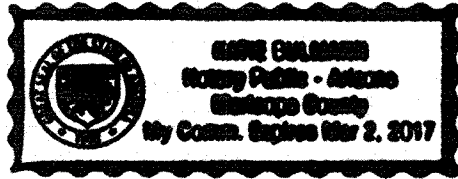
ACKNOWLEDGMENT

STATE OF ARIZONA)
COUNTY OF MARICOPA) ss.

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS 10th DAY OF July, 2013, BY Daniel T. Kelly THE Sr. Vice President OF DMB ASSOCIATES, INC., AN ARIZONA CORPORATION, IN ITS CAPACITY AS MANAGER OF MARLEY PARK PHASE II LLC, AN ARIZONA LIABILITY COMPANY.

Kari Bulmann
NOTARY PUBLIC

MY COMMISSION EXPIRES: 03-02-2017



RATIFICATION AND APPROVAL

STATE OF ARIZONA)
COUNTY OF MARICOPA) ss.

KNOW ALL MEN BY THESE PRESENTS:

THAT MARLEY PARK COMMUNITY ASSOCIATION, INC., AN ARIZONA NON-PROFIT CORPORATION, HEREBY RATIFIES, AFFIRMS AND APPROVES THIS MAP OF DEDICATION FOR "SWEETWATER AVENUE" AND THE RESPONSIBILITIES IMPOSED UPON IT UNDER THIS MAP OF DEDICATION.

IN WITNESS WHEREOF, MARLEY PARK COMMUNITY ASSOCIATION, INC. HAS CAUSED ITS NAME TO BE AFFIXED BY THE UNDERSIGNED, DULY AUTHORIZED OFFICER THIS 10 DAY OF July, 2013.

MARLEY PARK COMMUNITY ASSOCIATION, INC., AN ARIZONA NON-PROFIT CORPORATION

BY: Mgulick

ITS: President

ACKNOWLEDGMENT

STATE OF ARIZONA)
COUNTY OF MARICOPA) ss.

THE FOREGOING INSTRUMENT WAS EXECUTED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, THIS 10th DAY OF July, 2013, BY Melinda Gulick THE President OF MARLEY PARK COMMUNITY ASSOCIATION, INC., AN ARIZONA NON-PROFIT CORPORATION, ON BEHALF OF THE CORPORATION.

Kari Bulmann
NOTARY PUBLIC

MY COMMISSION EXPIRES: 03-02-2017



APPROVALS

DATA ON THIS MAP OF DEDICATION REVIEWED AND APPROVED THIS 18TH DAY OF MARCH, 2014, BY THE CITY ENGINEER OF SURPRISE, ARIZONA.

Justin Taylor 03-18-2014
CITY ENGINEER DATE

APPROVED BY THE CITY COUNCIL OF THE CITY OF SURPRISE, ARIZONA, THIS 25 DAY OF June, 2013

Bob Wolcott 3/26/14
MAYOR DATE

ATTEST: Amber Stevens 3/26/14
CITY CLERK DATE

DESCRIPTION

SEE SHEET 2

DEVELOPER/OWNER

MARLEY PARK PHASE II LLC
7600 E. DOUBLETREE RANCH ROAD
SUITE 300
SCOTTSDALE, AZ 85258
CONTACT: DAVID NILSEN
PHONE: (480)-367-7000

MAP OF DEDICATION CERTIFICATION

I, KATHY M. SVECHOVSKY, OF WOOD, PATEL & ASSOCIATES, INC., HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR IN THE STATE OF ARIZONA; THAT THIS MAP OF DEDICATION CONSISTING OF TWO (2) SHEETS REPRESENTS A SURVEY PERFORMED BY WOOD, PATEL & ASSOCIATES, INC., DURING THE MONTH OF DECEMBER OF 2012; THAT THE SURVEY IS CORRECT AND ACCURATE; THAT THE BOUNDARY MONUMENTS SHOWN ACTUALLY EXIST AS SHOWN AND ARE SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED.

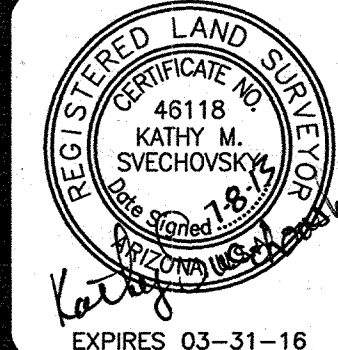
Kathy Svecovsky
KATHY M. SVECHOVSKY
ARIZONA REGISTERED LAND SURVEYOR, #46118
WOOD, PATEL & ASSOCIATES, INC.
2051 WEST NORTHERN AVENUE, SUITE 100
PHOENIX, ARIZONA 85021

7-8-13
DATE



WOOD/PATEL
LAND DEVELOPMENT • WATER RESOURCES
WATER/WASTEWATER • SURVEYING
CONSTRUCTION MANAGEMENT
(602) 385-8500
PHOENIX • MESA • TUCSON

MARLEY PARK
SURPRISE, AZ
MAP OF DEDICATION FOR SWEETWATER AVENUE



DRAWN KMS
CHECKED KMS/TRG
DATE 07-08-13
SCALE N.T.S.
JOB NO. WP#123843
SHEET 1 OF 2

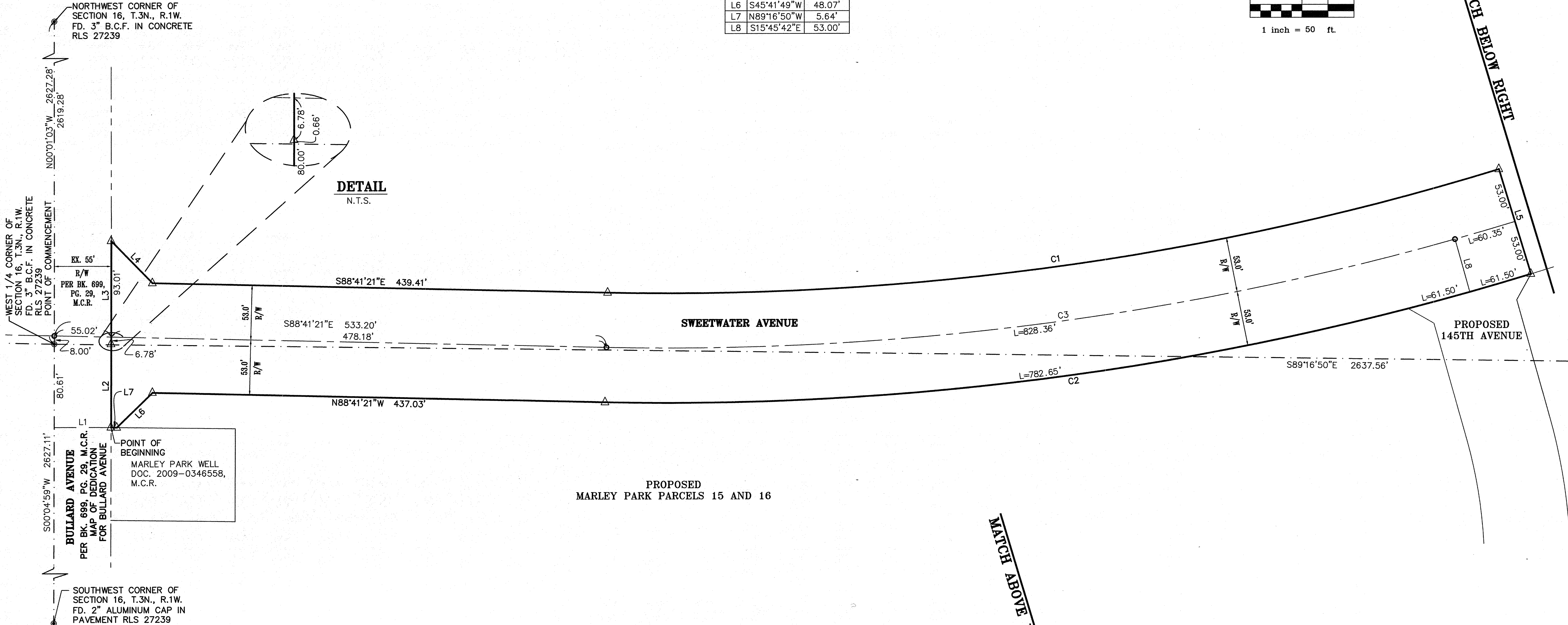
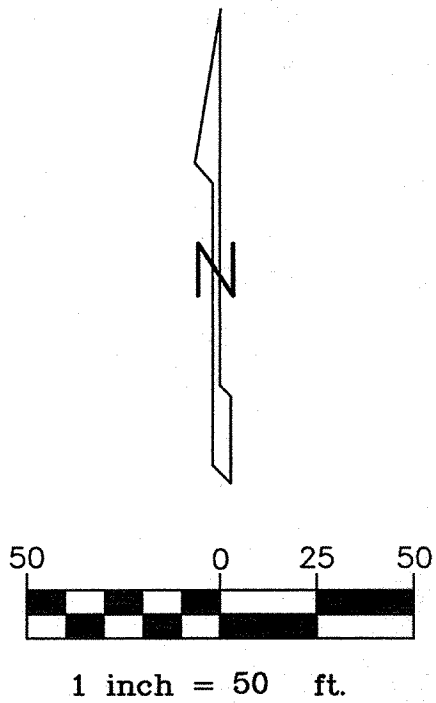
MAP OF DEDICATION
FOR
SWEETWATER AVENUE

LEGEND

- △ CORNER OF THIS SUBDIVISION SET
SURVEY MONUMENT W/ R.L.S. TAG OR
CAP, UNLESS OTHERWISE NOTED
- SURVEY MONUMENT FOUND
AS NOTED
- SURVEY MONUMENT BRASS CAP TO
BE SET AT TIME OF CONSTRUCTION
- BK. BOOK
PG. PAGE
M.C.R. MARICOPA COUNTY RECORDS
B.C.F. BRASS CAP FLUSH
- R/W RIGHT-OF-WAY
EX. EXISTING
FD. FOUND
DOC. DOCUMENT
SQ. FT. SQUARE FEET
L1 PROPERTY LINE - LINE TABLE ITEM
C4 PROPERTY LINE - CURVE TABLE ITEM
SUBDIVISION BOUNDARY
CENTERLINE
PROPOSED PROPERTY LINE
SECTION LINE
RIGHT-OF-WAY LINE

LINE TABLE		
LINE	BEARING	DISTANCE
L1	S89°55'01"E	55.00'
L2	N00°04'59"E	80.66'
L3	N00°01'03"W	99.79'
L4	S44°21'12"E	57.22'
L5	S17°00'20"E	106.00'
L6	S45°41'49"W	48.07'
L7	N89°16'50"W	5.64'
L8	S15°45'42"E	53.00'

CURVE TABLE				
CURVE	DELTA	RADIUS	ARC	CHORD BEARING
C1	18°18'59"	2727.00'	871.77'	N82°09'09"E
C2	18°18'59"	2833.00'	905.65'	N82°09'09"E
C3	18°18'59"	2780.00'	888.71'	N82°09'09"E



DESCRIPTION

A PARCEL OF LAND LYING WITHIN THE WEST HALF OF SECTION 16, TOWNSHIP 3 NORTH, RANGE 1 WEST, OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE WEST QUARTER CORNER OF SAID SECTION 16, A 3-INCH BRASS CAP FLUSH IN CONCRETE RLS 27239, FROM WHICH THE SOUTHWEST CORNER OF SAID SECTION, A 2-INCH ALUMINUM CAP IN PAVEMENT RLS 27239, BEARS SOUTH 00°04'59" WEST (BASIS OF BEARING), A DISTANCE OF 2627.11 FEET;
THENCE ALONG THE WEST LINE OF SAID SECTION 16, SOUTH 00°04'59" WEST, A DISTANCE OF 80.61 FEET;
THENCE LEAVING SAID WEST LINE, SOUTH 89°55'01" EAST, A DISTANCE OF 55.00 FEET, TO THE NORTHWEST CORNER OF MARLEY PARK WELL SITE DESCRIBED IN DOCUMENT NO 2009-0346558, MARICOPA COUNTY RECORDS (M.C.R.) AND THE EASTERLY RIGHT-OF-WAY LINE OF BULLARD AVENUE AS SHOWN ON MAP OF DEDICATION FOR MARLEY PARK PHASE 1A, RECORDED IN BOOK 699, PAGE 29, M.C.R. AND THE POINT OF BEGINNING;
THENCE ALONG SAID EASTERLY RIGHT-OF-WAY LINE, NORTH 00°04'59" EAST, A DISTANCE OF 80.66 FEET;
THENCE NORTH 00°01'03" WEST, A DISTANCE OF 99.79 FEET;
THENCE LEAVING SAID EASTERLY RIGHT-OF-WAY LINE, SOUTH 44°21'12" EAST, A DISTANCE OF 57.22 FEET;
THENCE SOUTH 88°41'21" EAST, A DISTANCE OF 439.41 FEET, TO THE BEGINNING OF A CURVE;
THENCE EASTERLY ALONG SAID CURVE, HAVING A RADIUS OF 2727.00 FEET, CONCAVE NORTHERLY, THROUGH A CENTRAL ANGLE OF 18°18'59", A DISTANCE OF 871.77 FEET, TO A POINT OF INTERSECTION WITH A NON-TANGENT LINE;
THENCE SOUTH 17°00'20" EAST, A DISTANCE OF 106.00 FEET, TO A POINT OF INTERSECTION WITH A NON-TANGENT CURVE;
THENCE WESTERLY ALONG SAID CURVE, HAVING A RADIUS OF 2833.00 FEET, CONCAVE NORTHERLY, WHOSE RADIUS BEARS NORTH 17°00'20" WEST, THROUGH A CENTRAL ANGLE OF 18°18'59", A DISTANCE OF 905.65 FEET, TO THE CURVE'S END;
THENCE NORTH 88°41'21" WEST, A DISTANCE OF 437.03 FEET;
THENCE SOUTH 45°41'49" WEST, A DISTANCE OF 48.07 FEET TO THE NORTHERLY LINE OF SAID MARLEY PARK WELL SITE DESCRIBED IN DOCUMENT NO 2009-0346558, M.C.R.;
THENCE ALONG SAID NORTHERLY LINE, NORTH 89°16'50" WEST, A DISTANCE OF 5.64 FEET, TO THE POINT OF BEGINNING.

OFFICIAL RECORDS OF
MARICOPA COUNTY RECORDER
HELEN PURCELL
20140461566 07/15/2014 10:16
BOOK 1193 PAGE 41
ELECTRONIC RECORDING

MarleyParkMODSwetWtr-2-1-1-M-
Palumboa

CENTER OF SECTION 16,
T.3N., R.1W.
FD. PIPE 1.14' E., 0.11' S.

MARLEY PARK
SURPRISE, AZ.
MAP OF DEDICATION FOR SWEETWATER AVENUE



WOOD/PATEL
LAND DEVELOPMENT • WATER RESOURCES
TRANSPORTATION/TRAFFIC
WATER/WASTEWATER • SURVEYING
CONSTRUCTION MANAGEMENT
(602) 335-8500
PHOENIX • MESA • TUCSON



DRAWN	KMS
CHECKED	KMS/TRG
DATE	07-08-13
SCALE	1" = 50'
JOB NO.	WP#23843
SHEET	2 OF 2

RESOLUTION # 2013-60

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA, APPROVING A FINAL PLAT ENTITLED "MARLEY PARK PHASE 3 MODEL COMPLEX," LOCATED GENERALLY ON THE NORTHEAST CORNER OF BULLARD AVENUE AND CACTUS ROAD WITHIN THE MARLEY PARK PLANNED AREA DEVELOPMENT.

WHEREAS, the owner of a parcel of land located on the northeast corner of Bullard Avenue and Cactus Road wishes to subdivide the parcel; and;

WHEREAS, on October 25, 2000, the Mayor and City Council approved the Marley Park Planned Area Development, and;

WHEREAS, on March 26, 2013, the Mayor and City Council approved the Marley Park Phase 3 Preliminary Plat, and;

WHEREAS, the proposed subdivision will enhance the public health, safety, and welfare, and;

WHEREAS, this resolution is in compliance with the approved Marley Park Planned Area Development, Surprise Municipal Code, and Surprise General Plan.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Surprise, Arizona, as follows:

Section 1. That certain document entitled "Marley Park Phase 3 Model Complex", submitted as application FS13-148, a copy of which is on file in the Community and Economic Development Department, is approved.

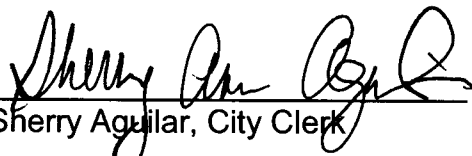
Section 2. Approval of this Final Plat is contingent on the Owner of the property complying with all conditions contained in the Staff Report.

APPROVED AND ADOPTED this 25 day of June, 2013.



Sharon R. Wolcott, Mayor

Attest:

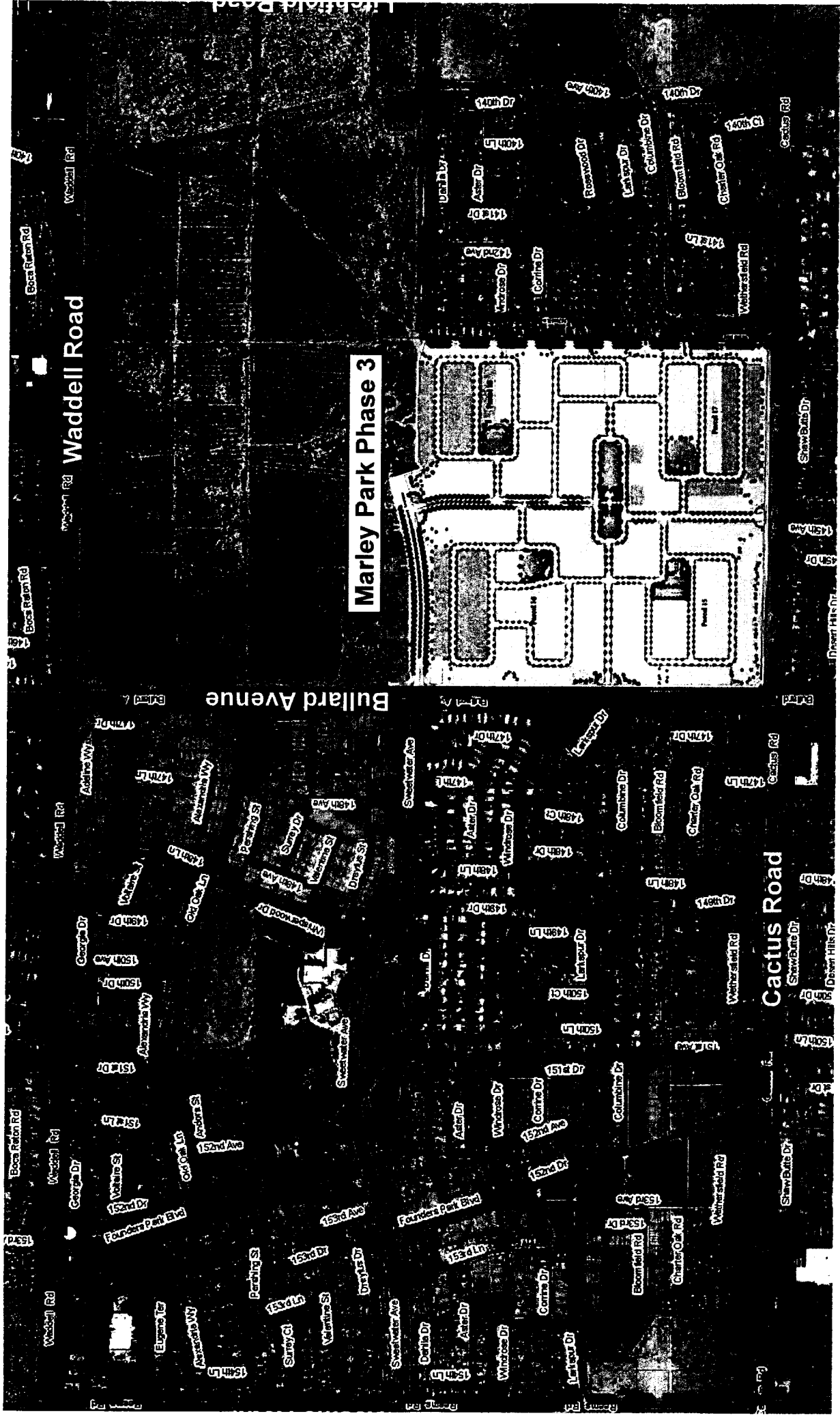

Sherry Aguilar, City Clerk

Approved as to form:


Misty Leslie, Interim City Attorney

Yeas: Mayor Wolcott, Vice Mayor Biundo, Council Members; Alton, Villanueva
Mankiewicz and Hall. (Absent – Williams)

Nays: _____



Marley Park Phase 3

Waddell Road

Bullard Avenue

Cactus Road

RISE
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145TH

CACTUS ROAD

KEY MAP

N.T.S.

DEDICATION CONTINUED

IN WITNESS WHEREOF, MARLEY PARK PHASE II LLC HAS CAUSED ITS NAME TO BE AFFIXED BY THE UNDERSIGNED, DULY AUTHORIZED PERSONS AND ENTITIES, THIS ____ DAY OF _____, 2013.

MARLEY PARK PHASE II LLC, AN ARIZONA LIMITED LIABILITY COMPANY

BY: DMB ASSOCIATES, INC., AN ARIZONA CORPORATION, ITS MANAGER

BY: _____

ITS: _____

APPROVALS

DATA ON THIS PLAT REVIEWED AND APPROVED THIS ____
DAY OF _____, 2013, BY THE CITY ENGINEER OF
SURPRISE, ARIZONA.

DEVELOPER/OWNER

MARLEY PARK PHASE II LLC
7600 E. DOUBLETREE RANCH ROAD
SUITE 300
SCOTTSDALE, AZ 85258
CONTACT: DAVID NILSEN
PHONE: (480)–367–7000

Quinn R. Kellis
Assistant Superintendent

June 12, 2013

15802 North Parkview Place
Surprise, Arizona 85374
Phone: 623-876-7013
Fax: 623-876-7042
quinn.kellis@dysart.org

www.dysart.org

Mr. Jeff Mihelich
Community and Economic Development Director
City of Surprise
12425 W Bell Rd, Suite D-100
Surprise, AZ 85374-9002

RE: Marley Park Phase III Development

Dear Mr. Mihelich,

Thank you for your continued cooperation with the Dysart Unified School District. The District has reviewed, discussed and met with representatives of the Marley Park Phase III Development in reference to a school bus transportation plan in their planned project in the City of Surprise and the Dysart Unified School District.

The Marley Park Phase III project has included flexible provisions to accommodate street access for bus services for students that will attend the Dysart Unified School District. As the development of this community progresses, bus routes will change. All parties agree that the final plan will allow bus access through main road corridors and access around the central park area.

We appreciate the value you and the City place upon the public schools in your planned communities. We anticipate continuing to work together to build attractive communities that meet the educational needs of the residents.

Sincerely,



Quinn R. Kellis
Assistant Superintendent

Superintendent
Gail Pletnick, Ed.D.

CC: Dave Nilsen - DMB

Governing Board
Jerry Eynon
Christine A. K. Pritchard
Traci Sawyer-Sinkbeil
Bonnie Schroader
Jennifer Tanner



COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT

Date: June 25, 2013

To: Mayor and City Council

From: Jeffrey J. Mihelich, Assistant City Manager
Vamshee Kovuru, Planner
vamshee.kovuru@surpriseaz.gov 623-222-3153

Re: FS13-148, Marley Park Phase 3 Model Complex Final Plat.

Application Summary

The applicant is requesting an approval for a Final Plat entitled "Marley Park Phase 3 Model Complex". The proposed plat consists of 29 single-family residential lots which are part of a Marley Park Phase 3 development.

Location

Marley Park Phase 3 Model Complex is part of Marley Park Phase 3, a 153-acre vacant parcel proposing 547 single-family residential lots located on the northeast corner of Bullard Avenue and Cactus Road which will be developed in multiple phases. It is located within the Marley Park Planned Area Development (PAD).

History

- On October 25, 2000, the Mayor and City Council approved a Major General Plan Amendment for the Marley Park Development.
- On October 25, 2000, the Mayor and City Council approved the Marley Park Planned Area Development.
- On September 14, 2006, the Mayor and City Council approved a preliminary plat for the same location, which has since expired.
- On March 26, 2013, the Mayor and City Council approved a preliminary plat for the same location entitled Marley Park Phase 3.

Project Summary

The applicant is requesting a final plat approval that will establish the property boundaries, necessary easements, and right-of-way dedications to accommodate 29 single-family residential units that will be developed as model homes.

Economic Impact

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

Findings

1. Staff finds that the proposed Final Plat complies with the Surprise General Plan.
2. Staff finds that the proposed Final Plat complies with the Surprise Municipal Code.
3. Staff finds that the proposed Final Plat complies with the approved Marley Park PAD and the approved Marley Park Phase 3 preliminary plat.

Recommendation

Staff recommends approval of the Final Plat, subject to the following conditions:

- a) The applicant or property owner must provide the city with approved dust control permits by Maricopa County Environmental Services Department, prior to release of any permits.
- b) Prior to delivery of any combustible material to the site, the fire protection system shall be completely operational in accordance with the approved plans by the Fire Chief and City Engineer.
- c) Revise M.O.D. 1 to Book 839 Page 39 Map of Dedication for Waddell Road, Litchfield Road, and Cactus Road prior to recordation.
- d) AutoCAD file(s) with all landscape plans will be submitted prior to recordation.
- e) An amended Development Agreement is required to address the Cactus Road median construction, landscaping, timing, and reimbursement.
- f) Language referring to the Limitation on the Issuance of Certificates of Occupancy will be removed prior to recordation.

Attachment

Resolution, vicinity map, final plat, and Dysart School District support letter.

#2



CITY OF SURPRISE
Regular City Council Meeting

June 25, 2013 @ 6:00:00 PM

Back Print

Council Meeting Date: June 25, 2013

Contact Person: Vamshee Kovuru, Community & Economic Development

Submitting Department: CD

District: 6

Staff Recommendations: Approve

Consent x

Regular

Public Hearing

Report/Discussion

Agenda Wording:

Consideration and action on Resolution 2013-60, a resolution of the Mayor and Council of the City of Surprise, Arizona, approving a final plat amendment, entitled "Marley Park Phase 3 Model Complex," located generally on the northeast corner of Bullard Avenue and Cactus Road within the Marley Park Planned Area Development.

Motion:

I move to approve Resolution 2013-60.

Background:

The applicant is requesting a final plat approval that will establish the property boundaries, necessary easements, and right-of-way dedications to accommodate 29 single-family residential units that will be developed as model homes.

Financial Impact Statement:

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

ATTACHMENTS:

Click to download

- ☐ [STAFF REPORT](#)
- ☐ [Resolution](#)
- ☐ [Vicinity Map](#)
- ☐ [Final Plat](#)
- ☐ [Dysart Support Letter](#)

External Attachment Links:

Meeting Requirements:

Powerpoint x Video White Board Other x

Presentation Speaker Names (spelling and titles for TV captions):

Vamshee Kovuru, Planner, Community & Economic Development

City Clerk's Office only

COUNCIL ACTION

Motion/Second:

Wolcott	_____
Biundo	_____
Alton	_____
Williams	_____
Villanueva	<u>S</u>
Mankiewicz	_____
Hall	<u>M</u>

Results:

For	<u>6</u>	
Against	<u>0</u>	
Passed	<u>✓</u>	
Failed	_____	
Continued	_____	
Tabled	_____	
Absent	<u>1</u>	(JW)
Abstained	_____	



CITY OF SURPRISE
Regular City Council Meeting

February 2, 2016 @ 6:00:00 PM

Back Print

Council Meeting Date:	February 2, 2016	Contact Person:	Tom Abbott, Fire Chief
Submitting Department:	Fire	District:	Citywide
Staff Recommendations:	None		

Consent	x	Regular	Public Hearing	Report/Discussion
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Agenda Wording:

Consideration and action on a resolution accepting a 60 day extension to the performance period for the State of Arizona, Department of Homeland Security grant in the amount of \$54,000 in support of the Urban Area Security Initiative (UASI) program; Resolution # 2016-21.

Motion:

I move to approve Resolution # 2016-21.

Background:

The Surprise Fire Medical Department was awarded a Chemical, Biological, Radiological, Nuclear, and Explosives (CBRNE) response vehicle in 2009 with grant funding. The department has been very successful with annual grant awards for sustainment funding to maintain and enhance the CBRNE response program. This resolution is to request the approval of a 60 day extension of the FY14 UASI grant to allow for the delayed delivery in some technological/communication equipment ordered during the performance period of this grant. The equipment was back ordered thus delaying the final closeout of the grant. All subsequent paperwork has been submitted accordingly to all relevant stakeholders.

Objective Analysis:

The delay of the equipment delivery has caused a delay in finalizing payment processing and also closing out the grant within the agreed upon performance period. The stakeholders have been notified of the situation and all corresponding paperwork completed. The 60 day request is ample time to allow for the complete delivery of back ordered equipment, payment processing, inventorying of equipment, and final closeout of the project.

Policy Compliant:

This action is consistent with City and Council Policy.

Financial Impact:

The timing of grant reimbursements may be delayed, however the reimbursement amount expected in FY16 will not be impacted.

Budget Impact:

The budget was allocated for this project with Resolution 2014-98. No budget changes are required with this resolution.

FTE Impact:

This item does not impact the overall FTE count.

ATTACHMENTS:

Click to download

- ☐ [SFMD UASI Grant Ammendment](#)
 - ☐ [Resolution 2016-21](#)
-

SUBGRANTEE AGREEMENT Amendment #1
14-AZDOHS-HSGP-140825-01
Between
The Arizona Department of Homeland Security
And
City of Surprise Fire Medical

WHEREAS, A.R.S. § 41-4254 charges the Arizona Department of Homeland Security (AZDOHS) with the responsibility of administering funds.

Pursuant to Section XII of the subgrantee Agreement between the Arizona Department of Homeland Security and the subgrantee the following section of the above referenced Subgrantee Agreement is hereby amended as follows:

II. TERM OF AGREEMENT, TERMINATION AND AMENDMENTS:

This Agreement shall become effective on October 1, 2014 and shall terminate on September 31, 2015.

SHALL BE CHANGED TO READ:

This Agreement shall become effective on October 1, 2014 and shall terminate on November 30, 2015.

All other terms of the original Subgrantee Agreement remain effective.

In Witness Whereof, the parties have set their hands to this AMENDMENT as of the day and year herein indicated and agree that all parties are obligated to follow all terms and conditions of the original subgrantee agreement and are liable for all funds received by the AZDOHS.

IN WITNESS WHEREOF

The parties hereto agree to execute this Amendment.

FOR AND BEHALF OF THE

Surprise Fire-Medical Dept
 [Signature]
 Authorized Signature

12/27/2015
Date

FOR AND BEHALF OF THE

Arizona Department of Homeland Security

Gilbert M. Orrantia
Director

Date _____

(Please be sure to complete and mail two original documents to the Arizona Department of Homeland Security.)

Any unauthorized changes to this document will result in termination of this award.

RESOLUTION # 2016-21

**A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY
OF SURPRISE, ARIZONA, AUTHORIZING THE CITY TO
EXTEND THE 2014 UASI GRANT.**

WHEREAS, the State of Arizona, Department of Homeland Security has awarded the City of Surprise Fire Medical Department a CBRNE sustainment grant in the amount of \$54,000 in support of the 2014 Urban Area Security Initiative (UASI) grant program; and

WHEREAS, the City accepted the grant by adopting Resolution 2014-08; and

WHEREAS, the City's supplier of commodities authorized to be purchased by the grant, was not able to deliver within the grant period ending September 30, 2015; but instead delivered the commodities in October 2015; and

WHEREAS, though no budget amendment is necessary, nevertheless good government accounting and grant practices in the event of a grant extension necessitate formal Council approval of the extension.

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

Section 1. The City is hereby authorized to extend the grant involving funding from the State of Arizona, Department of Homeland Security through the CBRNE sustainment grant program in support of the 2014 Urban Area Security Initiative (UASI) in the amount of \$54,000.

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

APPROVED AND ADOPTED this ____ day of _____, 2016.

Sharon R. Wolcott, Mayor

Attest:

Approved as to form:

Sherry Aguilar, City Clerk

Robert Wingo, City Attorney



CITY OF SURPRISE
Regular City Council Meeting

February 2, 2016 @ 6:00:00 PM

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

Council Meeting Date:	February 2, 2016	Contact Person:	Sherry Ann Aguilar, City Clerk
Submitting Department:		District:	Citywide
Staff Recommendations:	None		

Consent	☒	Regular	Public Hearing	Report/Discussion
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Agenda Wording:

Consideration and action on the minutes of January 19, 2016 Regular City Council 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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No Attachments Available



CITY OF SURPRISE
Regular City Council Meeting

February 2, 2016 @ 6:00:00 PM

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Council Meeting Date:	February 2, 2016	Contact Person:	Sherry Ann Aguilar, City Clerk
Submitting Department:		District:	3
Staff Recommendations:	None		

Consent	☒	Regular	Public Hearing	Report/Discussion
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Agenda Wording:

Consideration and action on Sampling Privileges for Safeway #1997 (Current License 09070653) located at 17049 W. Bell Road, Surprise, AZ. 85374.

Motion:

I move to approve Sampling Privileges for Safeway #1997 (Current License 09070653) located at 17049 W. Bell Road, Surprise, AZ. 85374.

Background:

There are no alcohol offenses on record at this address nor is there any criminal history which would preclude the approval of this request.

Objective Analysis:

Policy Compliant:

Financial Impact:

Budget Impact:

FTE Impact:

ATTACHMENTS:

[Click to download](#)

No Attachments Available



CITY OF SURPRISE
Regular City Council Meeting

February 2, 2016 @ 6:00:00 PM

Back Print

Council Meeting Date:	February 2, 2016	Contact Person:	Lindsey Duncan, Finance Director
Submitting Department:	Finance	District:	Citywide
Staff Recommendations:	No Action		

Consent	Regular	Public Hearing	Report/Discussion
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Agenda Wording:

Discussion and presentation pertaining to the operating revenue sources available in FY2017.

Motion:

None, discussion only.

Background:

This is the first in a series of presentations regarding the development of the FY2017 Budget. This presentation will review the major revenue sources focused mainly on General Fund operations. The presentation will discuss outside forces and local choices that will impact resources available for the FY2017 budget.

Objective Analysis:

The information presented will lead to future discussions around the FY2017 budget and will assist the Mayor and City Council with making informed decisions about future operations.

Policy Compliant:

This presentation is consistent with City and Council policy.

Financial Impact:

The information presented is intended to encourage discussion which may have an impact on future operations.

Budget Impact:

The information presented is intended to encourage discussion which may have an impact on the FY2017 budget.

FTE Impact:

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

ATTACHMENTS:

Click to download

No Attachments Available



CITY OF SURPRISE
Regular City Council Meeting

February 2, 2016 @ 6:00:00 PM

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Council Meeting Date:	February 2, 2016	Contact Person:	Robert Wingo, City Attorney
Submitting Department:	City Clerk	District:	Internal
Staff Recommendations:	None		

Consent	Regular	Public Hearing	Report/Discussion
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Agenda Wording:

Discussion and action to enter executive session for discussion, consultation, and legal advice from the City Attorney; and to consider its position and instruct the City Attorney on litigation in City of Surprise v. Surprise Center Development Company pursuant to Arizona Revised Statutes 38-431.03 (A)(3) & (4).

Motion:

Background:

Objective Analysis:

Policy Compliant:

Financial Impact:

Budget Impact:

FTE Impact:

ATTACHMENTS:

[Click to download](#)

No Attachments Available