



CITY OF SURPRISE
Regular City Council Meeting
16000 N. Civic Center Plaza
Surprise, AZ 85374
Tuesday, June 18, 2019 @ 6:00 PM
COUNCIL CHAMBERS

- A. Call To Order
- B. Roll Call
- C. Pledge of Allegiance
- D. Proclamation and Community Acknowledgements
- E. City Manager Report

1. City Manager Reports

Citywide	Presentation of a Certificate of Appreciation by the Surprise Fire-Medical Department.	None
		Tom Abbott Fire - Medical

F. City Clerk Report

- 2. Consideration and action on the **re-appointments for the following City Boards and Commissions:**
Margaret Lieu, John Hastings and Deborah Welch (Arts & Cultural Advisory Commission); Steve Berwald, Raymond Grim, Wayne Turner and Charlie Woodland (Parks & Recreation Services Commission); James Conner, Harry Grove and Stanley Mucha (Personnel Appeals Board); Dennis Bash, Ken Chapman, Matthew Keating and Gisele Norberg (Planning & Zoning Commission); and George Van De Langeryt (Veterans, Disability and Human Services Commission), all with 4 year term expirations of June 30, 2023; and directing the City Clerk to administer the Oath of Office.

None

Sherry Aguilar
City Clerk
- 3. Consideration and action on the appointment of Crystal Miller to fill a vacancy on the **Arts & Cultural Advisory Commission** with a four year term expiration of June 30, 2023; and directing the City Clerk to administer the Oath of Office.

None

Sherry Aguilar
City Clerk
- 4. Consideration and action on the appointment of Larry Brown to fill a vacancy on the **Veterans, Disability and Human Services Commission** with a term expiration of June 30, 2022; and directing the City Clerk to administer the Oath of Office.

None

Sherry Aguilar
City Clerk

G. Call To The Public

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

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

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

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

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

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

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

H. Regular City Council Meeting Agenda

CONSENT AGENDA:

- | | | | |
|----|------------|--|--------------------------------------|
| 5. | Citywide | Consideration and action on the minutes June 4, 2019 Regular City Council Work Session, Special City Council Meeting and Regular City Council Meeting. | None
Sherry Aguilar
City Clerk |
| 6. | District 3 | Consideration and action on a Series 10 (Beer & Wine Store) liquor license request for PIZZA HUT Store #27008 located at 14763 W. Cactus Road, #120, Surprise, AZ 85379. | None
Sherry Aguilar
City Clerk |
| 7. | District 1 | Consideration and action on a Series 10 (Beer & Wine Store) liquor license request for PIZZA HUT Store #27005 located at 16846 W. Bell Road, #114, Surprise, AZ 85374. | None
Sherry Aguilar
City Clerk |
| 8. | District 5 | Consideration and action on a Series 10 (Beer & Wine Store) liquor license request for PIZZA HUT Store #27003 located at 13706 W. Bell Road, Surprise, AZ 85374. | None
Sherry Aguilar
City Clerk |
| 9. | District 4 | Consideration and action on a Series 12 (Restaurant) new liquor license for Haldi Indian Cuisine located at 13761 W. Bell Road, #B13, Surprise, AZ 85374. | None
Sherry Aguilar
City Clerk |

10.	Citywide	Consideration and action on the updated FY2020 City of Surprise Comprehensive Financial Management Policies; Resolution 2019-72.	None Brandi Flores Andrea Davis Finance
11.	Citywide	Consideration and action on an amendment to the Fiscal Year 2019 budget by reallocating appropriations in the amount of \$37,000 for consulting to complete the network microsegmentation project; Resolution # 2019-66.	None Tammie Hollowell Information Technology
12.	Citywide	Consideration and action on the acceptance of Fiscal Year 2020 grant funds in the amount of \$80,000 from Area Agency on Aging Region One and approval of the Agreement between the Agency and Surprise related hereto; Resolution # 2019-82.	None Joseph Gladioux Human Svcs and Comm Vitality
13.	Citywide	Consideration and action on Amendment Number Three to the Intergovernmental Agreement with Maricopa County for Workforce Development Services; Resolution #2019-76.	None Seth Dyson Human Svcs and Comm Vitality
14.	Citywide	Consideration and action on an Intergovernmental Agreement with Maricopa County to facilitate an I-HELP Program in the Northwest Valley; Resolution #2019-80.	None Seth Dyson Human Svcs and Comm Vitality
15.	District 6	Consideration and action pertaining to acceptance of a Warranty Deed for Right of Way and a Drainage and Retention Basin Easement Agreement from Marley Park Phase II, LLC for roadway improvements along Litchfield south of Waddell.	None Chris Boyd Community Development
16.	District 6	Consideration and action pertaining to acceptance of a Special Warranty Deed from Marley Park West LLC, for Right of Way along Litchfield South of Waddell.	None Chris Boyd Community Development
17.	District 6	Consideration and action pertaining to acceptance of a Drainage Easement from Palo Cristi Properties, LLC for roadway improvements along Litchfield Road between Sweetwater and Cactus Roads.	None Chris Boyd Community Development
18.	District 6	Consideration and action pertaining to acceptance of a Drainage Easement and Temporary Construction Easement from SWC Cactus and Litchfield LLC for roadway improvements along Litchfield Road south of Cactus.	None Chris Boyd Community Development

19.	District 6	Consideration and action pertaining to acceptance of a Drainage and Retention Basin Easement Agreements from Veramonte Land Holdings, LLLP for roadway improvements along Litchfield Road between Sweetwater and Cactus Roads.	None Chris Boyd Community Development
20.	District 1	Consideration and action declaring the City's intention to create the, "SU-Rancho Mercado North 181" Street Light Improvement District pursuant to A.R.S. § 48-616; Resolution #2019-77.	None Mike Gent Public Works
21.	Citywide	Consideration and action pertaining to amending the Fiscal Year 2019 budget by reallocating appropriations and Contract Awarding Authority of \$576,300 in the Health Benefits Fund, to increase appropriations to meet revised projected expenditures of \$12,023,100. Resolution #2019-87	None Lisa Angelini Human Resources
22.	Internal	Consideration and action on an Intergovernmental Agreement between the City of Surprise and City of El Mirage for Mutual Aid Ground Ambulance Services; Resolution #2019-84.	None Tom Abbott Fire - Medical
REGULAR AGENDA ITEM - PUBLIC HEARING:			
23.	District 1	Consideration and action regarding the annexation of approximately 1,180 acres and establishing Surprise zoning districts RR, PAD-OS, PAD-RM, PAD-RL, PAD-CN, and PAD-PF. Planning case FS18-417 Marisol Ranch Annexation; Ordinance #2019-18.	None Joshua Mike Community Development
24.	District 1	Consideration and action pertaining to a Major PAD Amendment which will rezone approximately 634 acres from PAD-OS, PAD-RM, PAD-RL, PAD-CN, and PAD-PF to PAD-OS, PAD-RM, PAD-RL, PAD-MU, and PAD-PF for Marisol Ranch, generally located north of Lone Mountain Road (alignment) and south of Dove Valley Road and east of 163rd Avenue. Planning case FS18-557; Ordinance #2019-12.	None Robert Kuhfuss Community Development
25.	District 1	Consideration and action pertaining to a re-zoning of approximately 486 acres from Residential Ranch (RR) to Planned Area Development (PAD-RL, PAD-RM, PAD-MU, and PAD-OS) for Lone Mountain Ranch, generally located north of Dixileta Drive and east of 163rd Avenue. Planning case # FS18-459; Ordinance #2019-11.	None Robert Kuhfuss Community Development
26.	District 1	Consideration and action pertaining to approval of a Preliminary Plat entitled, "Heritage Asante -Parcel 2" dated February 12, 2019, a property generally located west of 163rd Avenue and north of Grand Avenue.	None Sergio Angulo Community Development
27.	Citywide	Consideration and action pertaining to approval of two Intergovernmental Agreements between the City of Surprise and the Maricopa Association of Governments for transportation improvements and acceptance of two federal Grants; Resolution #2019-83.	None Martin Lucero Community Development

REGULAR AGENDA ITEM - NON-PUBLIC HEARING:

28.	Citywide	Consideration and action on the First Amendment to the Intergovernmental Agreement between the City of Surprise and Regional Public Transit Authority (RPTA) for Fiscal Year 2020 transit services, Resolution #2019-30.	None Mike Gent Public Works
29.		Consideration and action an amendment to the Fiscal Year 2019 budget by reallocating appropriations of \$110,000 from Solid Waste salary savings to supplies and services associated with additional landfill costs; and amending the Capital and Operating List of items of \$50,000; Resolution #2019-81.	None Mike Gent Public Works
30.	District 1	Consideration and action on the Final Plat entitled, "Heritage Asante – Parcel 2" and dated May 1, 2019, a property generally located north of Grand Avenue and west of 163rd Avenue.	None Sergio Angulo Community Development
31.	Citywide	Consideration and action pertaining to the Committee on Community Outreach, Partnerships and Grants recommendations for the Surprise Community Outreach Program funding for Fiscal Year 2019.	None Council Members Hayden Judd and Duffy Human Svcs and Comm Vitality
32.	Citywide	Consideration and action levying primary property taxes at a rate of \$0.7591 per hundred dollars (\$100) of assessed valuation and secondary property taxes at a rate of \$0.3880 per one hundred dollars (\$100) of assessed valuation for Fiscal Year 2020 within the City of Surprise; Resolution #2019-85.	None Andrea Davis Holly Osborn Finance
33.	Citywide	Consideration and action setting forth the Fiscal Year 2020 levy of property tax rates for Street Light Improvement Districts (SLID) within the City of Surprise; Resolution #2019-86.	None Andrea Davis Holly Osborn Finance
34.	Citywide	Consideration and action pertaining to approval of amendments to Chapter 38 of the Surprise Municipal Code, relating to parks and recreation; Ordinance # 2019-14.	None Donna Miller Community and Recreation Svcs
35.	Citywide	Consideration and action pertaining to the adoption of a Uniform Video Service License Agreement, Application, and Affidavit.	None Legal
36.	Citywide	Consideration and action pertaining to adoption of a Council Meeting Invocation policy.	None Ken Remley David Sanders Legal

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

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

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

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

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

- L. Adjournment

SHERRY ANN AGUILAR, CITY CLERK, MMC

POSTED: June 13, 2019 at 8:30 AM; Amended on June 14, 2019 @ 7:13 a.m., added Police Report to Item #8.

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



CITY OF SURPRISE
Regular City Council Meeting

Council Meeting Date: June 18, 2019
Submitting Department: City Clerk
Staff Recommendations:

Contact Person:
District: Internal

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

Agenda Wording:

City Manager Reports

Motion:

Background:

Objective Analysis:

Policy Compliant:

Financial Impact:

Budget Impact:

FTE Impact:

ATTACHMENTS:



CITY OF SURPRISE
Regular City Council Meeting

Council Meeting Date: June 18, 2019
Submitting Department: Fire - Medical
Staff Recommendations: None

Contact Person: Tom Abbott, FIRE CHIEF
District: Citywide

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

Agenda Wording:

Presentation of a Certificate of Appreciation by the Surprise Fire-Medical Department.

Motion:

None, presentation only.

Background:

The Surprise Fire-Medical Department (SFMD) will present a Certificate of Appreciation to Dakota Terrell, a young man who is currently a Boy Scout, but will become an Eagle Scout based on a project he completed for SFMD.

Objective Analysis:

Policy Compliant:

Financial Impact:

Budget Impact:

FTE Impact:

ATTACHMENTS:



CITY OF SURPRISE
Regular City Council Meeting

Council Meeting Date: June 18, 2019
Submitting Department: City Clerk
Staff Recommendations: None

Contact Person: Sherry Aguilar, City Clerk
District: Internal

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

Agenda Wording:

Consideration and action on the **re-appointments for the following City Boards and Commissions:** Margaret Lieu, John Hastings and Deborah Welch (Arts & Cultural Advisory Commission); Steve Berwald, Raymond Grim, Wayne Turner and Charlie Woodland (Parks & Recreation Services Commission); James Conner, Harry Grove and Stanley Mucha (Personnel Appeals Board); Dennis Bash, Ken Chapman, Matthew Keating and Gisele Norberg (Planning & Zoning Commission); and George Van De Langeryt (Veterans, Disability and Human Services Commission), all with 4 year term expirations of June 30, 2023; and directing the City Clerk to administer the Oath of Office.

Motion:

I move to approve re-appointments for the following City Boards and Commissions: Margaret Lieu, John Hastings and Deborah Welch (Arts & Cultural Advisory Commission); Steve Berwald, Raymond Grim, Wayne Turner and Charlie Woodland (Parks & Recreation Services Commission); James Conner, Harry Grove and Stanley Mucha (Personnel Appeals Board); Dennis Bash, Ken Chapman, Matthew Keating and Gisele Norberg (Planning & Zoning Commission); and George Van De Langeryt (Veterans, Disability and Human Services Commission), all with 4 year term expirations of June 30, 2023; and direct the City Clerk to administer the Oath of Office.

Background:

Objective Analysis:

Policy Compliant:

Financial Impact:

Budget Impact:

FTE Impact:

ATTACHMENTS:

1. reappt appls_Redacted
-



City of Surprise

REAPPOINTMENT APPLICATION FOR ALL SURPRISE BOARDS/COMMISSIONS

Name: John Hastings

Date Submitted: 4/29/2019

Resident of Surprise: ☒ Yes ☐ No

Number of Years: 15

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

Arts and Cultural Advisory Commission

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

Yes ☒ No ☐

If Yes, please explain?

Years of residency

I, John Hastings acknowledges that all information given herewith is true and correct and understand that with completion of the Reappointment Application, you hereby verify that you are interested in serving on the same Board/Commission for an additional 4 year term scheduled to expire June 30, 2023 **subject to Council approval.**

[Signature]
Applicant's Signature

Please return to:

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

Received by the City Clerk's Office

Date/Time: 4-30-19 Initials: [Signature]
9:25 AM

Applicant - You can submit your application in person, by mail or scan and send electronically but your application must contain your signature. **Please submit your application no later than Tuesday, April 30th, 2019 no later than 5:00 p.m.**

City of Surprise

REAPPOINTMENT APPLICATION FOR ALL SURPRISE BOARDS/COMMISSIONS

Name: MARGARET LIEN

Date Submitted: 4/23/19

Resident of Surprise: ☒ Yes ☐ No

Number of Years: 14

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

SURPRISE ARTS & CULTURAL ADVISORY COMMISSION

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

Yes ☒ No ☐

If Yes, please explain?

E-MAIL ADDRESS

I, Margaret Lien acknowledges that all information given herewith is true and correct and understand that with completion of the Reappointment Application, you hereby verify that you are interested in serving on the same Board/Commission for an additional 4 year term scheduled to expire June 30, 2023 **subject to Council approval.**

Margaret Lien
Applicant's Signature

Please return to:

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

Received by the City Clerk's Office

Date/Time: 4/23/19

Initials: CL

9:15 Am

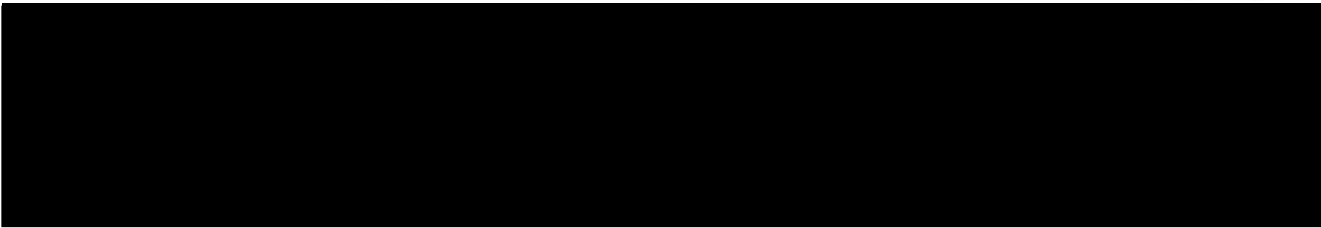
Applicant - You can submit your application in person, by mail or scan and send electronically but your application must contain your signature. **Please submit your application no later than Tuesday, April 30th, 2019 no later than 5:00 p.m.**



City of Surprise

REAPPOINTMENT APPLICATION FOR ALL SURPRISE BOARDS/COMMISSIONS

Name: Deborah Welch Date Submitted: 4/24/19



Resident of Surprise: X Yes No Number of Years: 12

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

Arts & Culture

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

Yes No x

If Yes, please explain?

I, Deborah Welch acknowledges that all information given herewith is true and correct and understand that with completion of the Reappointment Application, you hereby verify that you are interested in serving on the same Board/Commission for an additional 4 year term scheduled to expire June 30, 2023 **subject to Council approval.**

Deborah A Welch
Applicant's Signature

Please return to:

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

Received by the City Clerk's Office

Date/Time: 4-25-19 Initials: AW
9:30 AM

Applicant - You can submit your application in person, by mail or scan and send electronically but your application must contain your signature. **Please submit your application no later than Tuesday, April 30th, 2019 no later than 5:00 p.m.**



City of Surprise

REAPPOINTMENT APPLICATION FOR ALL SURPRISE BOARDS/COMMISSIONS

Name: STEVEN BERWALD

Date Submitted: April 15, 2019

Resident of Surprise: ☒ Yes ☐ No

Number of Years: 10

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

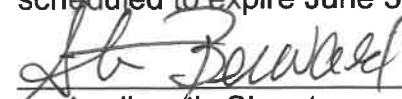
COMMUNITY & RECREATION SERVICES COMMISSION

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

Yes ☐ No ☒

If Yes, please explain?

I, STEVEN BERWALD acknowledge that all information given herewith is true and correct and understand that with completion of the Reappointment Application, you hereby verify that you are interested in serving on the same Board/Commission for an additional 4 year term scheduled to expire June 30, 2023 **subject to Council approval.**


Applicant's Signature

Please return to:

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

Received by the City Clerk's Office

Date/Time: 4-15-19 Initials: 

Applicant - You can submit your application in person, by mail or scan and send electronically but your application must contain your signature. **Please submit your application no later than Tuesday, April 30th, 2019 no later than 5:00 p.m.**

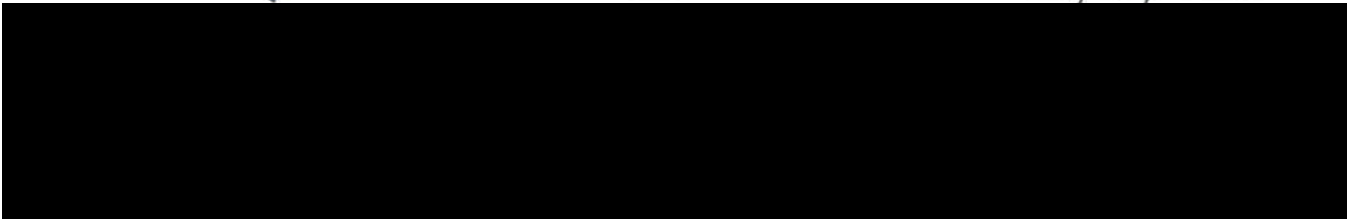


City of Surprise

REAPPOINTMENT APPLICATION FOR ALL SURPRISE BOARDS/COMMISSIONS

Name: Raymond Grimm

Date Submitted: 4/15/2019



Resident of Surprise: ☒ Yes ☐ No

Number of Years: 24

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

Community & Recreation Services

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

Yes ☐ No ☒

If Yes, please explain?

I, Raymond Grimm acknowledge that all information given herewith is true and correct and understand that with completion of the Reappointment Application, you hereby verify that you are interested in serving on the same Board/Commission for an additional 4 year term scheduled to expire June 30, 2023 **subject to Council approval.**

[Signature]
Applicant's Signature

Please return to:

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

Received by the City Clerk's Office

Date/Time: 04-15-19 Initials: [Signature]

Applicant - You can submit your application in person, by mail or scan and send electronically but your application must contain your signature. **Please submit your application no later than Tuesday, April 30th, 2019 no later than 5:00 p.m.**

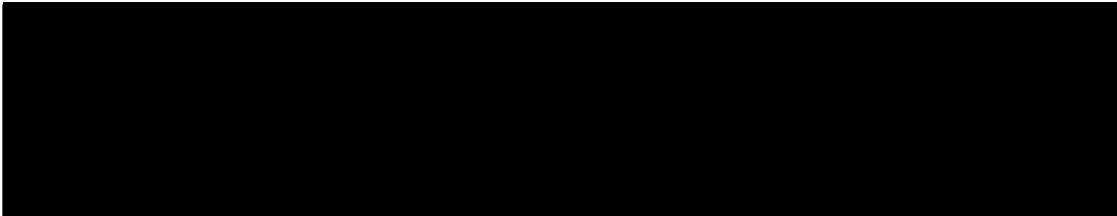


City of Surprise

REAPPOINTMENT APPLICATION FOR ALL SURPRISE BOARDS/COMMISSIONS

Name: Wayne Turner

Date Submitted: 4/25/2019



Resident of Surprise: x Yes ____ No

Number of Years: 23

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

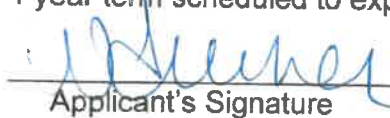
CRS Advisory Board

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

Yes ____ No x

If Yes, please explain?

I, Wayne Turner _____ acknowledges that all information given herewith is true and correct and understand that with completion of the Reappointment Application, you hereby verify that you are interested in serving on the same Board/Commission for an additional 4 year term scheduled to expire June 30, 2023 **subject to Council approval.**


Applicant's Signature

Please return to:

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

Received by the City Clerk's Office

Date/Time: 4-25-19 Initials: df

Applicant - You can submit your application in person, by mail or scan and send electronically but your application must contain your signature. **Please submit your application no later than Tuesday, April 30th, 2019 no later than 5:00 p.m.**



City of Surprise

REAPPOINTMENT APPLICATION FOR ALL SURPRISE BOARDS/COMMISSIONS

Name: Charlie Woodland

Date Submitted: 4-22-19

Resident of Surprise: ☒ Yes ☐ No

Number of Years: 17

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

Community & Recreation Advisory Commission

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

Yes ☐ No ☒

If Yes, please explain?

I, Charlie Woodland acknowledges that all information given herewith is true and correct and understand that with completion of the Reappointment Application, you hereby verify that you are interested in serving on the same Board/Commission for an additional 4 year term scheduled to expire June 30, 2023 **subject to Council approval.**

Charlie Woodland
Applicant's Signature

Please return to:

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

clerk@surpriseaz.gov

Received by the City Clerk's Office

Date/Time:

4-22-19
9:25 am

Initials:

CP

Applicant - You can submit your application in person, by mail or scan and send electronically but your application must contain your signature. **Please submit your application no later than Tuesday, April 30th, 2019 no later than 5:00 p.m.**

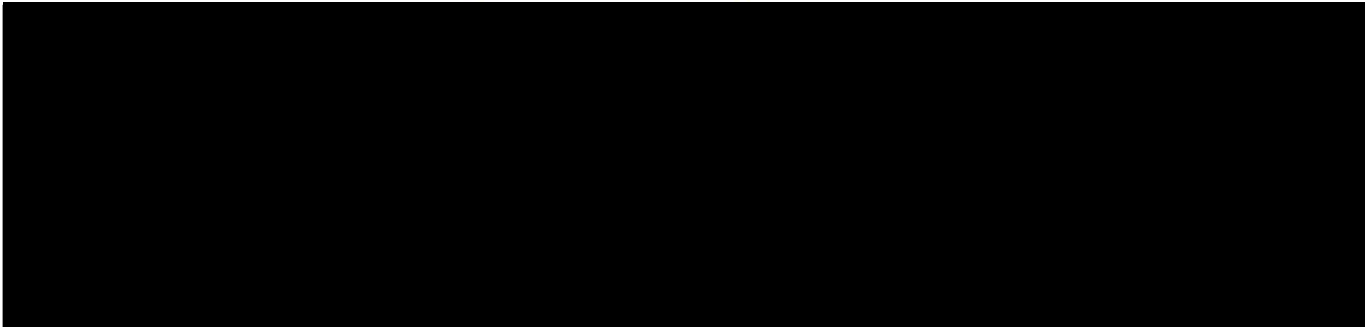
4-27-19
CA

City of Surprise

REAPPOINTMENT APPLICATION FOR ALL SURPRISE BOARDS/COMMISSIONS

Name: James Conner

Date Submitted: 04-23-2019



Resident of Surprise: ☒ Yes ☐ No

Number of Years: 7

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

Personnel Appeals Board

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

Yes ☐ No ☒

If Yes, please explain?

I, James Conner acknowledges that all information given herewith is true and correct and understand that with completion of the Reappointment Application, you hereby verify that you are interested in serving on the same Board/Commission for an additional 4 year term scheduled to expire June 30, 2023 **subject to Council approval.**

James M Conner
Applicant's Signature

Please return to:



City of Surprise

REAPPOINTMENT APPLICATION FOR ALL SURPRISE BOARDS/COMMISSIONS

Name: STANLEY V. MUCHA

Date Submitted: 5-1-19

Resident of Surprise: ☒ Yes ☐ No

Number of Years: 20

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

PERSONEL APPEAL BOARD

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

Yes ☐ No ☒

If Yes, please explain?

I, Stanley V. Mucha acknowledges that all information given herewith is true and correct and understand that with completion of the Reappointment Application, you hereby verify that you are interested in serving on the same Board/Commission for an additional 4 year term scheduled to expire June 30, 2023 **subject to Council approval.**

Stanley V. Mucha
Applicant's Signature

Please return to:

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

Received by the City Clerk's Office

Date/Time: 5-1-19 Initials: [Signature]

Applicant - You can submit your application in person, by mail or scan and send electronically but your application must contain your signature. **Please submit your application no later than Tuesday, April 30th, 2019 no later than 5:00 p.m.**

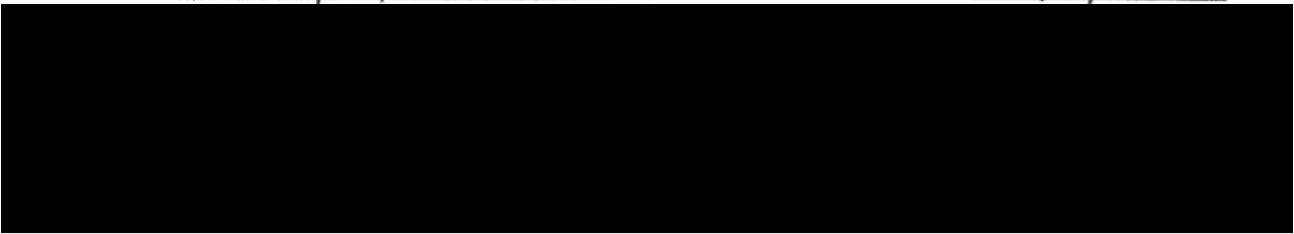


City of Surprise

REAPPOINTMENT APPLICATION FOR ALL SURPRISE BOARDS/COMMISSIONS

Name: HARRY T. GROVE

Date Submitted: May 1, 2019



Resident of Surprise: ☒ Yes ☐ No

Number of Years: 11

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

Personnel Appeals Board

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

Yes ☐ No ☒

If Yes, please explain?

I, HARRY T. GROVE acknowledges that all information given herewith is true and correct and understand that with completion of the Reappointment Application, you hereby verify that you are interested in serving on the same Board/Commission for an additional 4 year term scheduled to expire June 30, 2023 **subject to Council approval.**

Harry T. Grove
Applicant's Signature

Please return to:

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

Received by the City Clerk's Office

Date/Time: 5-1-19 Initials: [Signature]

Applicant - You can submit your application in person, by mail or scan and send electronically but your application must contain your signature. **Please submit your application no later than Tuesday, April 30th, 2019 no later than 5:00 p.m.**



City of Surprise

REAPPOINTMENT APPLICATION FOR ALL SURPRISE BOARDS/COMMISSIONS

Name: Dennis M Bash

Date Submitted: 4-13-19



Resident of Surprise: ☒ Yes ☐ No

Number of Years: 3yr 9 months

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

Planning and Zoning Commission

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

Yes ☐ No ☒

If Yes, please explain?

I, Dennis M. Bash acknowledges that all information given herewith is true and correct and understand that with completion of the Reappointment Application, you hereby verify that you are interested in serving on the same Board/Commission for an additional 4 year term scheduled to expire June 30, 2023 subject to Council approval.

Dennis M. Bash
Applicant's Signature

Please return to:

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

Received by the City Clerk's Office

Date/Time: 4-15-19 Initials: JSF

Applicant - You can submit your application in person, by mail or scan and send electronically but your application must contain your signature. **Please submit your application no later than Tuesday, April 30th, 2019 no later than 5:00 p.m.**

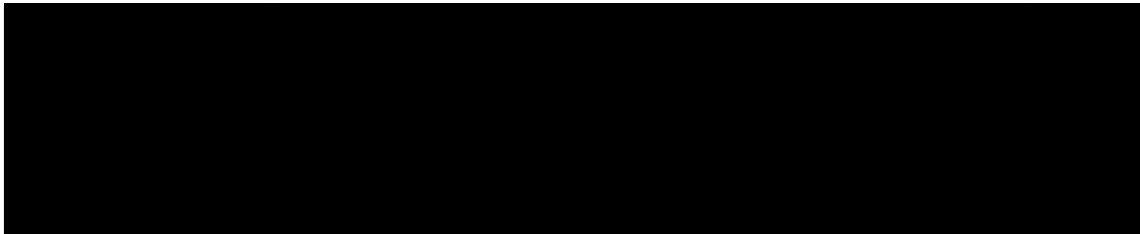


City of Surprise

REAPPOINTMENT APPLICATION FOR ALL SURPRISE BOARDS/COMMISSIONS

Name: Ken Chapman

Date Submitted: April 15, 2019



Resident of Surprise: X Yes _____ No

Number of Years: 13

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

“Planning and Zoning Commission”

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

Yes ____ No X

If Yes, please explain?

I, Ken Chapman acknowledges that all information given herewith is true and correct and understand that with completion of the Reappointment Application, you hereby verify that you are interested in serving on the same Board/Commission for an additional 4 year term scheduled to expire June 30, 2023 **subject to Council approval.**

Applicant's Signature

Please return to:

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

Received by the City Clerk's Office

Date/Time: 4-15-19 Initials: SG



City of Surprise

REAPPOINTMENT APPLICATION FOR ALL SURPRISE BOARDS/COMMISSIONS

Name: Matthew Keating

Date Submitted: 4-15-19

Resident of Surprise: ☒ Yes ☐ No

Number of Years: 8

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

Planning + Zoning Commission

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

Yes ☒ No ☐

If Yes, please explain?

New address / I no longer have a "home" phone number

I, Matthew Keating acknowledges that all information given herewith is true and correct and understand that with completion of the Reappointment Application, you hereby verify that you are interested in serving on the same Board/Commission for an additional 4 year term scheduled to expire June 30, 2023 **subject to Council approval.**

M. Keating
Applicant's Signature

Please return to:

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

Received by the City Clerk's Office

Date/Time: 4.15.19 Initials: AK

Applicant - You can submit your application in person, by mail or scan and send electronically but your application must contain your signature. **Please submit your application no later than Tuesday, April 30th, 2019 no later than 5:00 p.m.**



City of Surprise

REAPPOINTMENT APPLICATION FOR ALL SURPRISE BOARDS/COMMISSIONS

Name: Gisèle Norberg

Date Submitted: 4/19/19

Resident of Surprise: ☒ Yes ☐ No

Number of Years: 6

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

Planning + Zoning Commission

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

Yes ☐ No ☒

If Yes, please explain?

I, Gisèle Norberg acknowledges that all information given herewith is true and correct and understand that with completion of the Reappointment Application, you hereby verify that you are interested in serving on the same Board/Commission for an additional 4 year term scheduled to expire June 30, 2023 **subject to Council approval.**

Gisèle Norberg
Applicant's Signature

Please return to:

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

Received by the City Clerk's Office

Date/Time: 4/19/19 03:11 Initials: JP

Applicant - You can submit your application in person, by mail or scan and send electronically but your application must contain your signature. **Please submit your application no later than Tuesday, April 30th, 2019 no later than 5:00 p.m.**



City of Surprise

REAPPOINTMENT APPLICATION FOR ALL SURPRISE BOARDS/COMMISSIONS

Name: George Van de Langeryt

Date Submitted: 4/22/19

Resident of Surprise: ☒ Yes ☐ No

Number of Years: 11

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

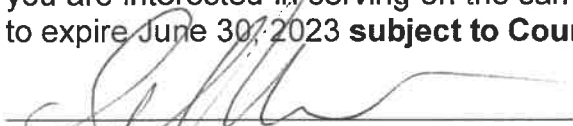
Veterans Disability & Human Services Commission

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

Yes ☐ No ☒

If Yes, please explain?

I, George Van de Langeryt _____ acknowledges that all information given herewith is true and correct and understand that with completion of the Reappointment Application, you hereby verify that you are interested in serving on the same Board/Commission for an additional 4 year term scheduled to expire June 30, 2023 **subject to Council approval.**


Applicant's Signature

Please return to:

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

Received by the City Clerk's Office

Date/Time: 4-25-19 Initials: AK
9:30 A

Applicant - You can submit your application in person, by mail or scan and send electronically but your application must contain your signature. **Please submit your application no later than Tuesday, April 30th, 2019 no later than 5:00 p.m.**



CITY OF SURPRISE
Regular City Council Meeting

Council Meeting Date: June 18, 2019
Submitting Department: City Clerk
Staff Recommendations: None

Contact Person: Sherry Aguilar, City Clerk
District: Internal

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

Agenda Wording:

Consideration and action on the appointment of Crystal Miller to fill a vacancy on the **Arts & Cultural Advisory Commission** with a four year term expiration of June 30, 2023; and directing the City Clerk to administer the Oath of Office.

Motion:

I move to approve appointment of _____ to fill a vacancy on the Arts & Cultural Advisory Commission with a four year term expiration of June 30, 2023; and direct the City Clerk to administer the Oath of Office.

Background:

Objective Analysis:

Policy Compliant:

Financial Impact:

Budget Impact:

FTE Impact:

ATTACHMENTS:

1. miller_Redacted 06182019
-

June 6th 5:00

Date/Time/Initials Received by Clerk's Office: 5-20-19
AJK



City of Surprise

APPOINTMENT APPLICATION FOR ALL SURPRISE COMMISSIONS

Name: Crystal Miller Date Submitted: 5/20/2019

Resident of Surprise: ☒ Yes ☐ No Number of Years: 17.5

Board/Commission(s) you are applying for? Arts & Cultural Advisory

Education: Bachelor's degree in Business
management and in Accounting

EMPLOYMENT BACKGROUND:

Present Employer/Position: Sun State Components
Bookkeeper/office manager.

Previous Employer(s)/Position (Last 5 Years): Accurate Signs &
Engraving. General manager.

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

President Sarah Ann Ranch HOA
Committee Chair Sunnyslope Art Walk.

(Continued on Reverse Side)

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

NO

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

Additional Information/Comments:

See Attached additional Comments

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


Applicant's Signature

Please return to:

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

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

Sunnyslope Art Walk

2013-2015

The Sunnyslope art walk is a community event that brings together the community as well as the surrounding areas by showcasing local artists, bands and food. The average attendance is 5,000 people. As the chair I worked closely with City of Phoenix Councilman Bill Gate's office in order to get the permits needed to close Central Ave and for assistance with Police services. I also worked with many local companies and community groups for donations and volunteers. The show had on average 140 artists, 10 bands, and multiple food vendors. My last show was attended by former Phoenix Mayor Greg Stanton.

Sarah Ann Ranch Homeowners Association

Board President

2017-Current

Currently serve as the president for the Sarah Ann Ranch Homeowners Association. During my time on the board I have worked to move the homeowner's association to a more stable environment. This meant heading up or assisting with many projects. These projects included balancing the main budget and the reserve budget, getting new insurances, bidding out new landscape companies, working with a water conservationist, fixing drainage issues, and analyzing other community needs. I worked directly with the City Officials to help with the parking issues related to Paradise Honors High School. I have worked to facilitate communication between the city and the community by opening up relationships with city officials and council members.

I would like to be part of the commission because I would like to give back to the City of Surprise. I have a passion for arts and culture activities. I believe that these are building blocks for a great community. I would be proud to be a part of that in Surprise, even in a small measure.



CITY OF SURPRISE
Regular City Council Meeting

Council Meeting Date: June 18, 2019
Submitting Department: City Clerk
Staff Recommendations: None

Contact Person: Sherry Aguilar, City Clerk
District: Internal

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

Agenda Wording:

Consideration and action on the appointment of Larry Brown to fill a vacancy on the **Veterans, Disability and Human Services Commission** with a term expiration of June 30, 2022; and directing the City Clerk to administer the Oath of Office.

Motion:

I move to appoint Larry Brown to fill a vacancy on the Veterans, Disability and Human Services Commission with a term expiration of June 30, 2022; and direct the City Clerk to administer the Oath of Office.

Background:

The request follows the process outlined in the Surprise City Code to fill vacancies on the City of Surprise Boards and Commission.

- Sec. 2-296. - Member selection and replacement process.
-

Objective Analysis:

Policy Compliant:

Yes this item is policy compliant.

Financial Impact:

None

Budget Impact:

None.

FTE Impact:

ATTACHMENTS:

1. larry brwnn appl_Redacted

4:30 p.m.

1:45

Date/Time/Initials Received by Clerk's Office: _____



City of Surprise

Date: 12/13/18
Time: 11:20 A
Served by: _____
Badge No.: _____
Accepted by: (Signature)
LIT/NOC No.: _____

APPOINTMENT APPLICATION FOR ALL SURPRISE COMMISSIONS

Name: LAWRENCE R. BROWN "LARRY" Date Submitted: _____

Resident of Surprise: ☒ Yes ☐ No Number of Years: 15 YEARS, AZ. 40 YRS.

Board/Commission(s) you are applying for? VETERANS, DISABILITY, HUMAN SERVICE

Education: High School, 1/2 YR. COLLEGE UNIT. CINCINNATI
WINTER SEMESTER 3 CREDITS

EMPLOYMENT BACKGROUND:

Present Employer/Position: RETIRED, INDEPENDANT TRUCKER.
1980 TO 1999 MILITARY 1964 TO 1975

Previous Employer(s)/Position (Last 5 Years): N/A. VETERANS ADVOCATE
FROM 1990 TO PRESENT.

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

2013-2015, COMMANDAT W.T.M.D #1246, 2018 TO 2019 - COMMANDANT (PRESENT)
PAST STATE COMMDE. M.O. PURPLE HEARTS, 1999-2002, 2017 TO 2018, MEMORIAL

(Continued on Reverse Side)

PAGE 2 REVERSE

DAY CEREMONY, 2012-2018, PUT THE NICKY D. BACON
MEMORIAL SERVICE TOGETHER IN THE ATRIUM, MEMBER
OF THE ARIZONA VETERANS HALL OF FAME, CLASS 2007.
MARINE OF THE YEAR STATE OF ARIZONA, MARINE CORPS LEAGUE,
2015, 2013 PATRIOT OF THE YEAR 2013, MILITARY ORDER OF
THE PURPLE HEART, ARIZONA STATE, 2017-2018. MILITARY ORDER
OF THE DEVIL DOGS, DOG OF THE YEAR. CITIZENS PATROL CITY OF
SURPRISE, 2009 TO 2012. AMERICAN LEGION POST 96, SERVICE
OFFICER 2014 TO 2017, DISABLED AMERICAN VETERANS, LIFE MEMBER
LIFE MEMBER U.F.W. 285 NICKY D. BACON, SUGGESTED THEY
CHANGE THE NAME TO NICKY'S NAME, MY GOOD FRIEND.
PRESENTLY SENIOR VICE COMMANDANT OF THE STATE DEPARTMENT
OF THE MARINE CORPS LEAGUE, ON THE BULKIE OF THE
NEXT STATE COMMANDT.

SINCERE REGARDS;

LAWRENCE R. BROWN "LARRY"

Do you currently serve, or have you previously served on any other City of Surprise Commissions? If yes, which one(s): NO.

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

I AM A DECORATED MARINE, WHO NEARLY DIED IN VIETNAM
AND I FEEL, AN HAVE DEDICATED MY LIFE TO GIVING BACK
TO HELP MY FELLOW VETERANS, I HAVE LIVED FROM
MY WOUNDS AND MADE A PROMISE, I WOULD LIVE TO
ALWAYS GIVE BACK.

Additional Information/Comments:

SINCE MOVING TO SURPRISE, AND MEETING BILL LIPSCOMB,
MAY HE ALWAYS REST IN PEACE, I HAVE WANTED
TO BE A MAJOR PART OF THE COMMUNITY, I SERVED
IN SUN CITY GRAND C.H.A. P.S. PROGRAM, AND
BELONG TO THE ARMED FORCES SOCIETY.

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


Applicant's Signature

Please return to:

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

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

BIO-Lawrence R. Brown (Larry)

PERSONAL DATA:

Born in Cincinnati, Ohio September 23, 1946. Attended grade school at St. Joseph of Nazareth, and Our Lady of Victory thru 8TH grade. Attended Elder & Western Hills High School. Entered U.S. Marine Corps on March 9th, 1964. After four years of service separation came March 8th, 1968. Re-entered the Marine Corps in August 1968 with a second discharge of August 31, 1975. Moved to Scottsdale AZ, on June 5th 1976 and Later moved to Surprise, AZ, 2003. Presently still living in Surprise AZ with 41 years of Arizona residency.

MILITARY RECORD:

Service from March 1964 to March 1968; two Med cruises and Cold Weather training, where I received my Royal Order of Blue Nose Certificate. Service in Dominican Republic, and service in Gitmo Bay, Cuba. While Stationed at Camp Lejeune, NC., with the 2ND BN. 8TH Marines 2nd Marine Division. Volunteered to serve in Vietnam Early 1966 went on to serve with 3rd BN 9th Marines, 3rd Marine Division. Returned after my third Purple Heart Aug 1967. Was assigned to Guard Service Battalion, as Gate Guard Brig Chaser, Brig Sgt. Game Warden, Military Police, Quantico VA 1967 to 1968. 1968 to 1975 Served as a Reserve Recruiter in 4th District with Inspector & Instructor Staff.

DECORATIONS: Military and Civil:

National Defense Medal, Dominican Republic-Armed Forces Exped. Medal. Vietnam- Silver Star Medal, Purple Heart w/ 2-Gold Stars, Combat Action Ribbon, Presidential Unit Citation, Marine Navy Unit Commendation, Meritorious Unit Commendation, Marine Good Conduct Medal w/ 1-Bronze Star, Armed Forces Reserve Medal-USMC, Vietnam Service Medal w/2-Bronze Stars, Vietnam Campaign-w/Date Bar, Vietnam Cross of Gallantry w/ Palm 2-Awards Personal RVN award and Unit Award. Vietnam Civil Actions Medal 1st Class. Expert Rifle Award, Expert Pistol Award. USMCR 4th District Recruiting Award. Meritorious Promotion to Staff/Sergeant, (CIVIL) Distinguished Service Awards -MOPH-2004, Arizona Veterans Hall of Fame Class-2007, M.O.-Purple Heart Patriot of the Year 2013, M.C.L. Department of AZ, Marine of the Year-2015, Detachment 1246, Outstanding Leadership Award-2013 thru 2015 and Distinguished Service Awards 2016-2017. Also, Co-Phoenix Veterans Day Parade, Grand Marshal. On, 11-11-11.

VETERANS AND COMMUNITY OFFICES HELD:

Vietnam Veterans of America Chapter 432 Three Terms, USS Arizona Chapter 442 Commander three terms, State Commander M. O. of Purple Hearts 1999 to 2002, Vietnam Veterans of American State Council Director served three terms, also served as National Sgt.-of-Arms and National Secretary of the Third Marine Division Association. As well as Charter President of Arizona Chapter of the 3rd Marine Div., Association for 8-yrs. 1991 to 1998. Founder of the All Veterans Picnic in Phoenix, Finish the plaza bricks at Wesley Bolin Purple Heart Memorial. CEO and Founder of the Vietnam "Field Cross" placed at Arizona National Memorial Cemetery in Phoenix AZ. I am also a member of 16 Veteran Organization. M.C.L. White Tank Mountain Detachment #-1246 Commandant 2013-2015, two-term. 1-Term - Police Dog Pound 332 1-term Police Dog AZ Pack, West Valley Devil Dogs 332, Arizona Pack. Charter Member of New Pound 375, and Serving as Sr. Vice Commandant of the Pound 375. Also, serving two terms Jr, Vice Commandant of the Department of Arizona, Marine Corps League, Citizens Patrol Rookie of the Year, Surprise Police Department. Established a Memorial and Dedication Ceremony to Medal Of Honor Recipient (Deceased) Nicky D. Bacon, in the City Atrium.

Lawrence R. Brown (Larry), of Surprise Arizona



CITY OF SURPRISE
Regular City Council Meeting

Council Meeting Date: June 18, 2019
Submitting Department: City Clerk
Staff Recommendations: None

Contact Person: Sherry Aguilar, City Clerk
District: Citywide

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

Agenda Wording:

Consideration and action on the minutes June 4, 2019 Regular City Council Work Session, Special City Council Meeting and Regular City Council Meeting.

Motion:

I move to approve the meeting minutes.

Background:

Objective Analysis:

Policy Compliant:

Financial Impact:

Budget Impact:

FTE Impact:

ATTACHMENTS:

1. Work Session
 2. 64 Regular Meeting Minutes
 3. 6419 Special
-

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

Tuesday, June 4, 2019 @ 4:00PM

Call To Order

Roll Call

Mayor Hall called the Regular City Council Work Session to order at 04:00 PM at Surprise City Hall Council Chamber, 16000 North Civic Center Plaza Surprise, Arizona 85374, on Tuesday, June 4, 2019. Also in attendance with Mayor Hall were Vice Mayor Winters, Council Member Duffy; Council Member Hayden, Council Member Sanders; Council Member Judd and Council Member Remley.

Staff present:

Assistant City Manager, Mark Schott, City Attorney, Robert Wingo and City Clerk, Sherry Ann Aguilar.

Pledge of Allegiance

Call To The Public

Regular City Council Work Session Agenda

REGULAR AGENDA ITEM - NON-PUBLIC HEARING:

1. Presentation and discussion pertaining to an update to the Fighter Country Partnership - NO ACTION

Ron Sites, CEO of Fighter Country Partnership and Foundation. A powerpoint presentation was presented.

Mayor Hall - I am proud to be associated with you and the things you are doing for the military and their families.

2. Presentation and discussion pertaining to the City of Surprise Comprehensive Financial Management Policies and Public Safety Personnel Retirement System Pension Funding Policy - NO ACTION

Brandi Flores, Policy Analyst Finance department, gave a powerpoint presentation on the Financial Management Policies.

Council Member Sanders - Will we still receive the CIP when the budget is being presented, that is correct. Second, Finance Director's approval, what will this look like?

Finance Director, Andrea Davis - Development agreement sets perimeters of what the revenue will look like, we will know how much percentage we will have to pay annually. Already approved by the City Council prior.

Council Member Remley - I have a number of concerns, when you take away authority of the City Council and give to the City Manager, how do we monitor?

Staff explained how the City Code sets the parameters.

Council Member Remley - All of the enterprise funds will maintain a 3 month reserve except the storm water fund. Care to comment on this?

Ms. Davis - The storm water rate was done off cycle and will be looked at during the rate study.

Council Member Remley - What do you consider a financial report to be? Will it have numbers? My concern is the reports we have been getting are ahead or behind. This is just a snapshot. Need more detail per department in the reports.

Council Member Judd - Financial reporting, changing to quarterly, the numbers are still running a couple of months behind. Would like to see monthly or bi-monthly so that we are kept informed. The rate stabilization we are adding to solid waste, wastewater, etc., how will this affect the end user on rates? I like having the CIP included with the budget, any reason why we need to make this change? We have a great website with lots of information, but if you don't know what you are looking for, will the public be able to find this?

Council Member Sanders - We are far off, every year we could be more or less, how do we narrow this down, how do we not have to do this?

Council Member Remley - The 36 million, is that the present funded of the unfunded? Is this present value? Do we expect the same next year? We should be funded at least 2 million per year.

Council Member Judd - 61.8% for police and 79% for fire, why is there a big discrepancy?

Ms. Davis - The performance of the employees, 2 separate plans, early retirements, medical retirements, etc.

Council Member Duffy - How is this calculated? The percentage on returns are very low. Is this an actively managed or guessing?

Mayor Hall - Can these retirement funds be invested in real estate?

3. Presentation and discussion pertaining to the 2018 International Building and Fire Codes adoption process including local amendments - NO ACTION

Interim CD Director, Chris Boyd, Keith Tanner, Fire Marshall and Brigham Bennett, Plans Examiner assisted with the powerpoint presentation.

4. Presentation and discussion pertaining to the Surprise Municipal Code Chapters 101 and 105, Land Development ordinance update - NO ACTION

City Planner, Joshua Mike and Lloyd Abrams conducted a powerpoint presentation.

Council Member Sanders - Church use permits, classify under temporary use, considered secondary use.

Executive Session

Adjournment

Council Member Remley adjourned the Regular City Council Work Session at 5:22 PM. Council Member Winters seconded the motion. Seven yes votes, motion carried.

Skip Hall, Mayor

ATTEST:

Sherry Ann Aguilar, City Clerk, MMC

CERTIFICATION:

I, Sherry Ann Aguilar, City Clerk for the City of Surprise, Maricopa County, Arizona, do hereby verify that these are the true and correct minutes of the Regular City Council Work Session of **Tuesday, June 4, 2019.**

Sherry Ann Aguilar, City Clerk, MMC

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

Tuesday, June 4, 2019 @ 6:15PM

Call To Order

Roll Call

Mayor Hall called the Regular City Council Meeting to order at 06:00 PM at Surprise City Hall Council Chamber, 16000 North Civic Center Plaza Surprise, Arizona 85374, on Tuesday, June 4, 2019. Also in attendance with Mayor Hall were Vice Mayor Winters, Council Member Duffy; Council Member Hayden, Council Member Sanders; Council Member Judd and Council Member Remley.

Staff present:

Assistant City Manager, Mark Schott, City Attorney, Robert Wingo and City Clerk, Sherry Ann Aguilar.

Pledge of Allegiance

Proclamation and Community Acknowledgements

Monsoon Safety Week

Proclamation presented to Tracy Montgomery, Emergency Manager.

City Manager Report

City Clerk Report

Call To The Public

Regular City Council Meeting Agenda

CONSENT AGENDA:

Vice Mayor Winters made the motion to approve the consent agenda, excluding item #2. Council Member Hayden seconded the motion. Seven yes votes, motion carried.

1. Consideration and action on the minutes of May 21, 2019 Regular City Council Meeting and executive session - APPROVED

2. Consideration and action pertaining to approval of updated FY2020 City of Surprise Comprehensive Financial Management Policies; Resolution 2019-72 - CONTINUED TO JUNE 18, 2019 COUNCIL MEETING

Council Member Judd seconded the motion to continue item #2 to the June 18, 2019 Council Meeting. Council Member Hayden seconded the motion. Seven yes votes, motion carried.

3. Consideration and action approving the FY2020 Public Safety Personnel Retirement System Pension Funding Policy; Resolution # 2019-49 - APPROVED

4. Consideration and action pertaining to approval of an Amendment to the Intergovernmental Agreement with Maricopa County to continue providing Community Action Program services for Fiscal Year 2020 and acceptance of grant funding in the amount of \$86,955 to support operations of the Surprise Resource Center; Resolution #2019-59 - APPROVED

5. Consideration and action pertaining to acceptance of a Dedication of Public Right of Way from Estrella Freeway/Lake Pleasant Limited Partnership at Happy Valley and Bullard Avenue - APPROVED

6. Consideration and action pertaining to acceptance of a Dedication of Public Right of Way from Pensco Trust Company, LLC on Happy Valley near Reems.

7. Consideration and action pertaining to a Grant of a Utility Easement to APS to service to the Ottawa University gym - APPROVED

8. Consideration and action pertaining to the grant of an Utility Easement to APS to Service Ottawa University gym site - APPROVED

9. Consideration and action pertaining to approval of an Intergovernmental Agreement between the City of Surprise and the Arizona Department of Revenue regarding Transaction Privilege Tax Administration; Resolution #2019-65 - APPROVED

10. Consideration and action pertaining to an amendment of the Fiscal Year 2019 budget by reallocating appropriations of \$20,000 from Contingency within the Grants Fund to FFY19 GOHS DUI Enforcement Fund to cover overtime expenses for impaired driving enforcement and \$21,000 to FFY19 GOHS STEP OT and Supplies for the purchase of six (6) speed signs; Resolution #2019-64 - APPROVED

11. Consideration and action declaring the City's intention to create the "SU-Rancho Mercado South 182" Street Light Improvement District pursuant to A.R.S. Â§ 48-616; Resolution #2019-62 - APPROVED

12. Consideration and action pertaining to adjustment of the Fiscal Year 2019 \$50,000 Contract Authority List for Glendale Regional Public Safety Training Center (GRPSTC); Resolution #2019-67 - APPROVED

REGULAR AGENDA ITEM - PUBLIC HEARING:

13. Presentation and discussion of case FS18-417 Marisol Ranch Annexation, in accordance with Arizona Revised Statutes 9-471(A)(3), a public hearing is required to be held after filing a blank petition within the last ten days of the thirty day waiting period - NO ACTION

City Planner, Joshua Mike gave a powerpoint presentation on this item.

Vice Mayor Winters - Why are we taking out the water treatment Plant?

If permitted in City, we would expand SPA2.

Vice Mayor Winters - Adding a buffer to the west and south of Marisol project, has that been done?

The applicant is here and can answer this.

Tim Kennan, Developer, there is a buffer placed on Lone Mountain Road and along 163rd Avenue.

Vice Mayor Winters - Have you donated property to Nadaburg School District?

Yes we will, 12 to 15 acres.

Winters - What steps will you take on the 10% slope, and protection of the land and animals.

Vice Mayor Winters - Are you donating property for a fire station?

Yes.

Vice Mayor Winters - Pool and Community Center?

Yes.

Public comments:

Jacqueline Rae Carroll - letter from Karen Christopherson, several areas of great concern. This is nothing more than an availed appeasement, you are not listening to our concerns. You are not listening and you are pushing forward on this project. Asked Council to put this on the back burner until studies are done.

Rich Van Arsdale - A fireman for 30 years, moved to this area to get away from the City. Fires on state trust land, we have some challenges up there, we want to keep this area open. The growth will cause the animals to go into the communities. Donating land for a fire station mentioned earlier, commend you on public safety, this is great. I see you are

trying to make up for this, with the donated land, that's only a piece of the puzzle.

Chris Van Arsdale - Read goals for State land, have you asked the State to attend any of your meetings. annexation of state land must be in the best interest of the trust. This is a lengthy process. It's not just a done deal. We don't feel you are representing us. There is wildlife everywhere. You are killing the land. Are we going to lose our water from the wells across the way, we are going to lose everything there. We came to Surprise to live in this beautiful area.

Paul Fischetto - Inconsistencies in what you are saying compared to planning and zoning commission. We already have amenities that we knew were there when we moved there. What is going to happen to the crime rate for the residents moving in. I don't need an Asante or Desert Oasis planted in my backyard. Please listen to us, we are the citizens.

Hall Ewing - Why can't we have the best surprise in the world, stated some info about horse properties vs. homes and water usage. Will need at least 1.6 million gallons of water per day. If you are going to annex, make it the best annexation you can make it. The water concerns me a lot. We can make a town anyway we want. We can design it better.

Raymond Grim - I would like to give a different take on things. In Desert Oasis, We want development to come out our way, stores, etc., The growth is going to come, we can do it as a City and control what is coming in. I agree we need to annex it, and do this right. Mr. Winters took a lot of flack for the Dollar General but now that it is in, people are shopping there. The 303 and Litchfield Road is only going to happen with development. Add an overpass in like we have at Grand and Bell.

14. Consideration and action on a Preliminary Plat for Heritage Asante Parcel 5 generally located west of 163rd Avenue and north of Grand Avenue - APPROVED

City Planner, Sergio Angulo gave a powerpoint presentation on this item.

Vice Mayor Winters made the motion to approve the Preliminary Plat for Heritage Asante Parcel 5. Council Member Hayden seconded the motion. Seven yes votes, motion carried.

15. Consideration and action on a Preliminary Plat for Heritage Asante Parcel 1 generally located west of 163rd Avenue and north of Grand Avenue - APPROVED

City planner Sergio Angulo gave a powerpoint presentation.

Vice Mayor Winters made the motion to approve the Preliminary Plat for Heritage Asante Parcel 1. Council Member Hayden seconded the motion. Seven yes votes, motion carried.

REGULAR AGENDA ITEM - NON-PUBLIC HEARING:

16. Consideration and action pertaining to approval of the Final Plat entitled Final Plat of Heritage Asante Parcel 5, generally located north of Grand Avenue and west of 163rd Avenue - APPROVED

City Planner, Sergio Angulo gave a powerpoint presentation.

Council Member Judd - What is the difference between the Preliminary plat and Final Plat and why are they on the same agenda?

City Attorney Wingo gave an explanation for this question.

Vice Mayor Winters made the motion to approve the Final Plat entitled Final Plat of Heritage Asante Parcel 5. Council Member Duffy seconded the motion. Seven yes votes, motion carried.

17. Consideration and action pertaining to approval of the Final Plat entitled Final Plat of Heritage Asante Parcel 1, generally located north of Grand Avenue and west of 163rd Avenue - APPROVED

City Planner, Sergio Angulo gave a powerpoint presentation on this item.

Vice Mayor Winters made the motion to approve the Final Plat entitled Final Plat of Heritage Asante Parcel 1. Council Member Duffy seconded the motion. Seven yes votes, motion carried.

18. Consideration and action pertaining to approval of a Development Agreement between the City of Surprise and Metro Oasis, LLLP; Resolution 2019-51 - APPROVED

Lloyd Abrams spoke briefly on this item.

Vice Mayor Winters - question on water retention.

Council Member Sanders - Why \$775,000.?

Vice Mayor Winters made the motion Resolution 2019.51. Council Member Sanders seconded the motion. Seven yes votes, motion carried.

19. Consideration and action pertaining to approval of the Final Plat entitled Final Plat for Desert Oasis Phase 1 Parcel L-3, generally located south of Dynamite Boulevard and west of 171st Avenue; Resolution 2019-68 - APPROVED

City Planner, Sergio Angulo gave a powerpoint presentation on this item.

Vice Mayor Winters made the motion to approve 2019-68. Council Member Hayden seconded the motion. Seven yes votes, motion carried.

20. Consideration and action pertaining to approval of the Final Plat entitled Final Plat for Desert Oasis Phase 1 Parcel L-4A, generally located south of Dynamite Boulevard and west of 171st Avenue; Resolution 2019-69 - APPROVED

City Planner, Sergio Angulo gave a powerpoint presentation on this item.

Vice Mayor Winters made the motion to approve Resolution 2019-69. Council Member Duffy seconded the motion. Seven yes votes, motion carried.

21. Consideration and action pertaining to approval of the Final Plat entitled Final Plat for Desert Oasis Phase 1 Parcel L-4, generally located south of Dynamite Boulevard and west of 171st Avenue; Resolution 2019-70 - APPROVED

City Planner, Sergio Angulo gave a powerpoint presentation on this item.

Vice Mayor Winters made the motion to approve Resolution 2019-70/ Council Member Duffy seconded the motion. Seven yes votes, motion carried.

22. Consideration and action on authorizing Mayor and Council to enter into a Cooperative Infrastructure Improvement Agreement for Waddell Road with Westcor/Surprise LLC, Resolution 2019-71 - APPROVED

Public Works Director, Mike Gent gave a brief powerpoint presentation on this item.

Council Member Sanders - inquired about cost savings.

Mr. Gent - we are on budget.

Council Member Duffy - inquired about street closure.

Mr. Gent - Closing Sarival to 303 August through October.

Council Member Judd - Street lights on Cactus and Sarival, can we do this?

Council Member Duffy made the motion to approve Resolution 2019-71. Council Member Sanders seconded the motion. Seven yes votes, motion carried.

23. Consideration and action on the Economic Development Incentive Agreement for National Indoor RV Centers; Resolution 2019-60 - APPROVED

Economic Development Director, Jeanine Jerkovic gave a brief presentation on this item.

Vice Mayor Winters - I'm excited that the Rio Glass building is going to be used again.

Council Member Sanders - Are these sales jobs?

Council Member Judd - I am excited this business is coming to Surprise.

Mr. Kendrick, sales, service, storage and wash and detail.

Council Member Judd made the motion to approve Resolution 2019-60. Council Member Sanders seconded the motion. Seven yes votes, motion carried.

24. Consideration and action pertaining to acceptance of a Warranty Deed and Drainage Easement from the Wong Revocable Living Trust for Right of Way on Pinnacle Peak near 163rd Avenue; Resolution #2019-79 - APPROVED

Vice Mayor Winters made the motion to approve Resolution 2019-79. Council Member Remley seconded the motion. Seven yes votes, motion carried.

Other Business and Future Agenda Items

City Council Reports

Council attended and/or reported on the following:

Council Member Duffy - Memorial day events; productive meeting with department of transportation;

Council Member Sanders - Memorial Day Ceremony in Sun Village; attended a wreath laying ceremony; attended Surprise Chamber water policy meeting

Council Member Judd - Attended some HOA meetings; Northwest Valley Veteran's Ceremony; Asante groundbreaking ceremony

Vice Mayor Winters - Heritage and Asante groundbreaking - age restricted community; Friday attended League of Cities in Phoenix, transportation meeting; wastewater form Nogales, Mexico into Nogales, AZ.

Council Member Hayden - Attended Northwest Valley Veterans' Ceremony; Nicky Bacon ceremony then to Sun Village Ceremony; attended Officer Phil Hodgkins retirement party. Elected women's tea meeting; groundbreaking at Asante; Chamber Water Meeting.

Council Member Remley - Sunland Memorial Park on Memorial Day, over 2,000 flags

Mayor Hall - June 24th, Veteran's Reflection Groundbreaking. All done with donated money. Our City Manager Frazier, band of brothers tour, he's going everywhere they went. 75th Anniversary ceremony at Normandy on June 6th.

Executive Session

Adjournment

Council Member Remley made the motion to adjourn the Regular City Council Meeting of June 4, 2019 at 8:34 PM. Council Member Hayden seconded the motion. Seven yes votes, motion carried.

Skip Hall, Mayor

ATTEST:

Sherry Ann Aguilar, City Clerk, MMC

CERTIFICATION:

I, Sherry Ann Aguilar, City Clerk for the City of Surprise, Maricopa County, Arizona, do hereby verify that these are the true and correct minutes of the Regular City Council Meeting of **Tuesday, June 4, 2019.**

Sherry Ann Aguilar, City Clerk, MMC

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

Tuesday, June 4, 2019 @ 6:00PM

Call To Order

Roll Call

Mayor Hall called the Special City Council Meeting to order at 06:41 PM at Surprise City Hall Council Chamber, 16000 North Civic Center Plaza Surprise, Arizona 85374, on Tuesday, June 4, 2019. Also in attendance with Mayor Hall were Vice Mayor Winters, Council Member Duffy; Council Member Hayden, Council Member Sanders; Council Member Judd and Council Member Remley.

Staff present:

Assistant City Manager, Mark Schott, City Attorney, Robert Wingo and City Clerk, Sherry Ann Aguilar.

Pledge of Allegiance

Call To The Public

Special City Council Meeting Agenda

REGULAR AGENDA ITEM - PUBLIC HEARING:

1. Consideration and action pertaining to the City's intent to levy primary property taxes in the amount of \$0.7591 per hundred dollars (\$100) of assessed valuation and secondary property taxes in the amount of \$0.3880 per one hundred dollars (\$100) of assessed valuation and set the property tax adoption for June 18, 2019; Resolution #2019-73 - APPROVED

No public comments were made.

Council Member Remley made the motion to approve Resolution 2019-73. Vice Mayor Winters seconded the motion.

Council Member Judd - referred to a notice in the paper and asked for a simple explanation for the public.

Andrea Davis, Finance Director explained the cause of this notice.

Roll Call Vote: Mayor Hall-yes; Vice Mayor Winters-yes; Council Member Duffy-yes; Council Member Sanders-yes; Council Member Judd-yes; Council Member Hayden-yes and Council Member Remley-yes, motion carried.

2. Consideration and action approving the city's intention to adopt Street Light Improvement District (SLID) property tax levies up to the maximum rate of \$1.20 for each one hundred dollars (\$100) of assessed valuation, pursuant to A.R.S. 48-616; Resolution #2019-74 - APPROVED

No public comments were made.

Council Member Judd made the motion to approve Resolution 2019-747. Vice Mayor Winters seconded the motion.

Roll Call Vote: Mayor Hall-yes; Vice Mayor Winters-yes; Council Member Duffy-yes; Council Member Sanders-yes; Council Member Judd-yes; Council Member Hayden-yes and Council Member Remley-yes, motion carried.

3. Consideration and action adopting the final expenditure limitation budget for FY2020 in the amount of \$376,362,400; Resolution #2019-75 - APPROVED

No public comments were made.

Mayor Hall - spoke of city initiatives, keeping Surprise safe, clean and friendly. Referred to the budget, increase in Public Safety personnel, staff is doing a fantastic job.

Vice Mayor Winters made the motion to approve Resolution 2019-75. Council Member Haden seconded the motion.

Roll Call Vote: Mayor Hall-yes; Vice Mayor Winters-yes; Council Member Duffy-yes; Council Member Sanders-yes; Council Member Judd-yes; Council Member Hayden-yes and Council Member Remley-yes, motion carried.

Executive Session

Adjournment

Council Member Judd made the motion to adjourn the Special City Council Meeting of June 4, 2019 at 6:49 PM. Vice Mayor Winters seconded the motion. Seven yes votes, motion carried.

Skip Hall, Mayor

ATTEST:

Sherry Ann Aguilar, City Clerk, MMC

CERTIFICATION:

I, Sherry Ann Aguilar, City Clerk for the City of Surprise, Maricopa County, Arizona, do hereby verify that these are the true and correct minutes of the Special City Council Meeting of **Tuesday, June 4, 2019.**

Sherry Ann Aguilar, City Clerk, MMC



CITY OF SURPRISE
Regular City Council Meeting

Council Meeting Date: June 18, 2019
Submitting Department: City Clerk
Staff Recommendations: None

Contact Person: Sherry Aguilar, City Clerk
District: District 3

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

Agenda Wording:

Consideration and action on a Series 10 (Beer & Wine Store) liquor license request for PIZZA HUT Store #27008 located at 14763 W. Cactus Road, #120, Surprise, AZ 85379.

Motion:

I move to approve a Series 10 (Beer & Wine Store) liquor license request for PIZZA HUT Store #27008 located at 14763 W. Cactus Road, #120, Surprise, AZ. 85379.

Background:

Objective Analysis:

Policy Compliant:

Financial Impact:

Budget Impact:

FTE Impact:

ATTACHMENTS:

1. 14763 W Cactus Pizza Hut Liquor License
 2. Pizza Hut @Bullard & Cactus POLICE
 3. PIZZA HUT #27008
 4. Pizza Hut #27008_Memo to Clerk_20190529
 5. PIZZA HUT 27008 MAP
-



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



May 30, 2019

To: Sherry Ann Aguilar, City Clerk
From: Keith Tanner, Fire Marshal
Subject: Liquor License Application
Applicant: Pizza Hut #27008
14763 W Cactus Rd, #120

The Surprise Fire-Medical Department recently conducted a fire inspection at the above referenced location to ensure compliance with the applicable fire codes within the tenant space and building. There are no known fire code violations at this time.

Therefore fire has no comment on the application at this time.

If you have any questions feel free to contact me.

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

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

REFERENCE:

DATE: June 4, 2019

JOB NUMBER – 65701
Series #10 – Beer & Wine Store

APPLICANT:

PIZZA HUT #27008
14763 W Cactus Road
Surprise, Arizona 85379

FINDINGS:

- 1) ***Evidence concerning the nature of the proposed business, its potential market and its likely customers.***
Pizza Hut #27008 is a pick-up and delivery pizza restaurant. The market should be primarily Surprise residents in the nearby geographical area.
- 2) ***Effect of vehicular traffic in close proximity.***
This new license should have no effect on vehicular traffic.
- 3) ***The history for the past five years of liquor violations and reported criminal activity at the proposed premises provided that the applicant has received a detailed report of such activity at least 20 days before the hearing.***
During the last five years, there have been no reports of liquor violations from this location. Pizza Hut is in a smaller retail plaza on this southwest corner of Cactus and Bullard Roads. There was an arrest from in front of the Pizza Hut in 2014, after and subject was asleep in is running vehicle. He was found to be in possession of marijuana and was arrested. In 2016, an unidentified man used a counterfeit bill to purchase pizza from the store. There have been some other thefts and disorderly issues with a fitness center in 2016, but the center has vacated. There have also been a few calls in the parking lot, including a man under 21 arrested after being found with marijuana paraphernalia and liquor in his vehicle, as well as a vehicle burglary, and a report of a vagrant sleeping behind the Pizza Hut late at night.
- 4) ***Comparison of hours of operation of the proposed premises to the existing businesses in close proximity.***
Pizza Hut at this location is open every day until midnight, except for Fridays and Saturdays, in which it's opened until 1 AM. The Burger King in the northeast portion of the parking lot is open until 11 PM, except for Fridays and Saturdays, in which it's open until Midnight. None of the other tenants are open this late and usually close by 7 PM.
- 5) ***Appropriateness of series license requested.***
A series 10 license is appropriate and applicable for Pizza Hut, per state guidelines for beer & wine stores.

Submitted by Officer Chris Tovar #2059



COMMUNITY DEVELOPMENT DEPARTMENT

Date: June 3, 2019
To: Sherry Aguilar, City Clerk
From: Chris Boyd, Acting Community Development Director
By: James Stewart, Zoning Specialist
Re: Liquor License Application for:

**Pizza Hut – Store #27008
Series 10 Beer and Wine Store – Job # 65701
14763 W. Cactus Road #120
Surprise, Arizona 85379**

1. No Close Liquor Licenses

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

Residential population will most likely remain static. Commercial growth will likely remain static.

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



MEMO

Date: 6/3/2019

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

RE: Liquor License Application – Hot Pizzas LLC dba Pizza Hut #27008

Business License Status:

License #1013063, current and valid for 2019.

PIZZA HUT #27008

PAD
Rancho Gabriella

PAD
Marley Park

SITE

PAD
Mountain Gate

PAD
Rancho Gabriella



CITY OF SURPRISE
Regular City Council Meeting

Council Meeting Date: June 18, 2019
Submitting Department: City Clerk
Staff Recommendations: None

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

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

Agenda Wording:

Consideration and action on a Series 10 (Beer & Wine Store) liquor license request for PIZZA HUT Store #27005 located at 16846 W. Bell Road, #114, Surprise, AZ 85374.

Motion:

I move to approve a Series 10 (Beer & Wine Store) liquor license request for PIZZA HUT Store #27005 located at 16846 W. Bell Road, #114, Surprise, AZ. 85374.

Background:

Objective Analysis:

Policy Compliant:

Financial Impact:

Budget Impact:

FTE Impact:

ATTACHMENTS:

1. 16846 W Bell Pizza Hut Liquor License
 2. PIZZA HUT #27005 MAP
 3. PIZZA HUT #27005 REPORT
 4. Pizza Hut #27005_Memo to Clerk_20190529
 5. Pizza Hut @16846 W Bell Rd POLICE
-



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



May 30, 2019

To: Sherry Ann Aguilar, City Clerk
From: Keith Tanner, Fire Marshal
Subject: Liquor License Application
Applicant: Pizza Hut #27005
16846 W Bell Rd

The Surprise Fire-Medical Department recently conducted a fire inspection at the above referenced location to ensure compliance with the applicable fire codes within the tenant space and building. There are no known fire code violations at this time.

Therefore fire has no comment on the application at this time.

If you have any questions feel free to contact me.

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

PIZZA HUT #27005

PAD
HAPPY TRAILS

RL-5, R1-5

PAD
SUN CITY GRAND

CC, C-2

Oregano's

SITE

BABO'S

PAD
SURPRISE VILLAGE MARKETPLACE

RR, R1-43

RH, R-3

PAD
SURPRISE FARMS

WINCO

PAD
NORTHWEST RANCH



COMMUNITY DEVELOPMENT DEPARTMENT

Date: June 3, 2019

To: Sherry Aguilar, City Clerk

From: Chris Boyd, Acting Community Development Director
James Stewart, Zoning Specialist

Re: Liquor License Application for:

Pizza Hut - Store #27005
Series 10 Beer and Wine Store – Job #5698
16846 W. Bell Road #114
Surprise, Arizona 85374

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

1. Albertson's #1026 (Series 9) – 16750 W. Bell Rd. (Expired)
2. Circle K #2741713 (Series 10) – 16794 W. Bell Rd.
3. Babbo Italian Eatery (Series 12) – 15609 W. Bell Rd.
4. Sam's Club #4955 (Series 9) – 16573 W. Bell Rd.
5. Peter Piper Pizza (Series 12) – 16641 W. Bell Rd. (EXPIRED)
6. Winco Foods #127 (Series 9) – 16925 W Bell Rd.
7. Safeway Food & Drug #1997 (Series 9) – 17049 W. Bell Rd.
8. Walgreens #6806 (Series 10) – 17088 W. Bell Rd.
9. Amuse Bouche (Series) – 17058 W. Bell Rd. #104
10. Golden Wei Chinese Cuisine (Series # 12) – 17104 W Bell Rd.
11. Oregano's Pizza Bistro (Series 12) – 16914 W. Bell Rd.
12. Mule Creek Saloon (Series 6) – 16846 W. Bell Rd. #100

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

Commercial and residential growth is expected to remain static.

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



MEMO

Date: 6/3/2019

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

RE: Liquor License Application – Hot Pizzas LLC dba Pizza Hut #27005

Business License Status:

License #1013064, current and valid for 2019.

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

REFERENCE:

DATE: June 5, 2019

JOB NUMBER – 65698
Series #10 – Beer & Wine Store

APPLICANT:

PIZZA HUT #27005
16846 W. Bell Road #114
Surprise, Arizona 85374

FINDINGS:

- 1) ***Evidence concerning the nature of the proposed business, its potential market and its likely customers.***
Pizza Hut #27005 is a pick-up and delivery pizza restaurant. The market should be primarily Surprise residents in the nearby geographical area.
- 2) ***Effect of vehicular traffic in close proximity.***
This new license should have no effect on vehicular traffic.
- 3) ***The history for the past five years of liquor violations and reported criminal activity at the proposed premises provided that the applicant has received a detailed report of such activity at least 20 days before the hearing.***
During the last five years, there have been no reports of liquor violations from this location. However, there have been a few reported incidents at the store, including a possible employee theft, an unruly customer and a burglary, where a window was broken and the cash register was unsuccessfully removed. There were also approximately three vehicle burglaries from the surrounding parking lot. There have been no calls for service of note for the current bar owner around the corner, but there were a variety of calls from unwanted guests, three assaults, and two disorderly conducts.
- 4) ***Comparison of hours of operation of the proposed premises to the existing businesses in close proximity.***
Pizza Hut at this location is open every day until midnight, except for Fridays and Saturdays, in which it's opened until 1 AM. There are various other retail stores in the immediate plaza, including hair salons, a fitness center, a music store and around the corner of the plaza is a bar with a series 6 license. Most of the retail outlets close by 7 PM, except for the bar which closes by 1 AM on weekends and approximately 11 PM during the week. There is a convenience store at the south end of the parking lot off of Bell Road that is open 24 hours.
- 5) ***Appropriateness of series license requested.***
A series 10 license is appropriate and applicable for Pizza Hut, per state guidelines for beer & wine stores.

Submitted by Officer Chris Tovar #2059



CITY OF SURPRISE
Regular City Council Meeting

Council Meeting Date: June 18, 2019
Submitting Department: City Clerk
Staff Recommendations: None

Contact Person: Sherry Aguilar, City Clerk
District: District 5

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

Agenda Wording:

Consideration and action on a Series 10 (Beer & Wine Store) liquor license request for PIZZA HUT Store #27003 located at 13706 W. Bell Road, Surprise, AZ 85374.

Motion:

I move to approve a Series 10 (Beer & Wine Store) liquor license request for PIZZA HUT Store #27003 located at 13706 W. Bell Road, Surprise, AZ. 85374.

Background:

Objective Analysis:

Policy Compliant:

Financial Impact:

Budget Impact:

FTE Impact:

ATTACHMENTS:

1. 13706 W Bell Pizza Hut 27003 Liquor License
 2. PIZZA HUT #27003 MAP
 3. PIZZA HUT #27003 REPORT
 4. Pizza Hut #27003_Memo to Clerk_20190529
 5. PIZZA HUT #27003 POLICE REPORT
-



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



May 30, 2019

To: Sherry Ann Aguilar, City Clerk

From: Keith Tanner, Fire Marshal

Subject: Liquor License Application

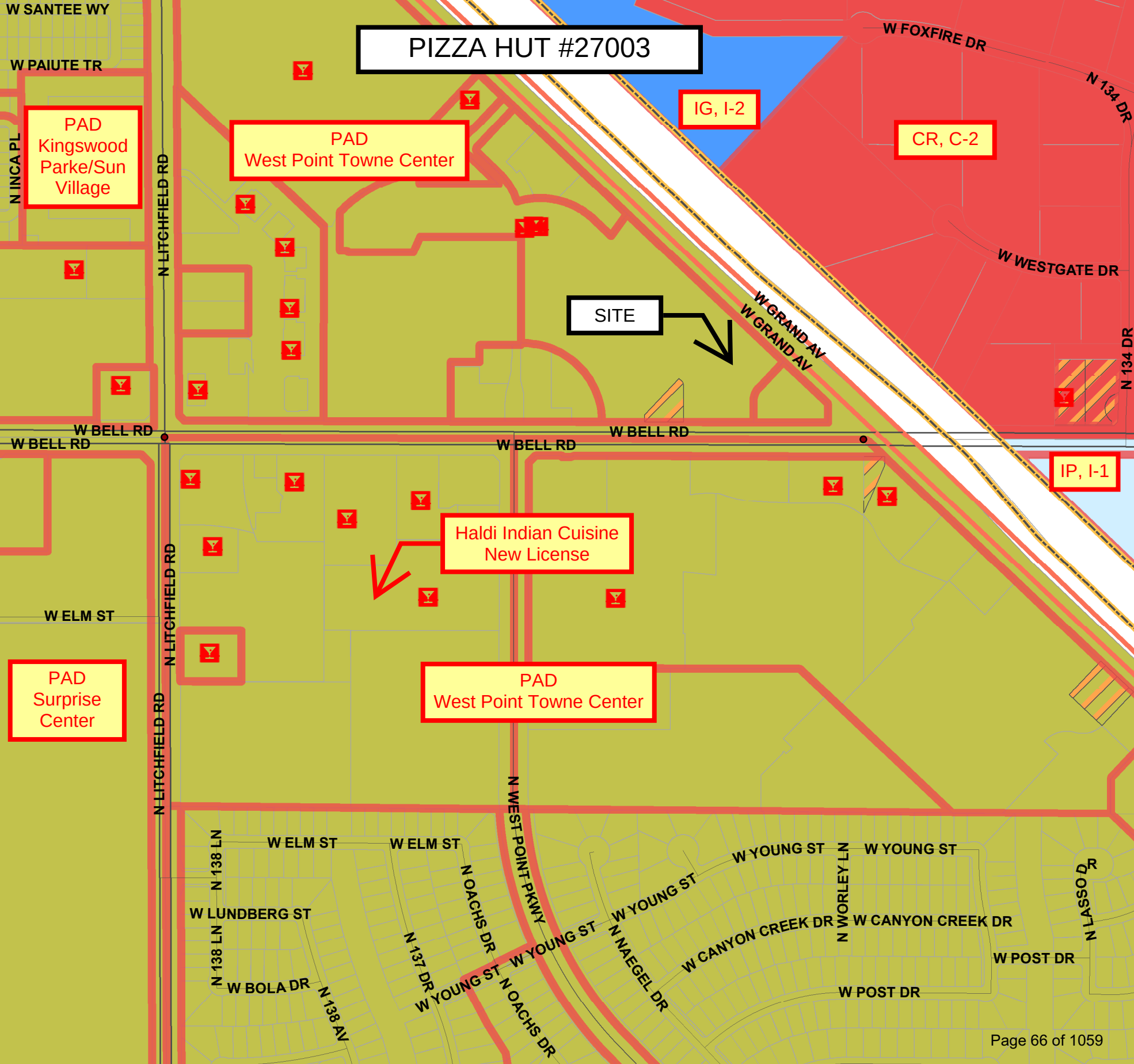
Applicant: Pizza Hut #27003
13706 W Bell Rd

The Surprise Fire-Medical Department recently conducted a fire inspection at the above referenced location to ensure compliance with the applicable fire codes within the tenant space and building. There are no known fire code violations at this time.

Therefore fire has no comment on the application at this time.

If you have any questions feel free to contact me.

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



PIZZA HUT #27003

PAD
Kingswood
Parke/Sun
Village

PAD
West Point Towne Center

IG, I-2

CR, C-2

SITE

Haldi Indian Cuisine
New License

PAD
West Point Towne Center

PAD
Surprise
Center

IP, I-1

Date: June 3, 2019

To: Sherry Aguilar, City Clerk

From: Chris Boyd, Acting Community Development Director

By: James Stewart, Zoning Specialist

Re: Liquor License Application for:
Pizza Hut #27003
Series10 Beer and Wine Store – Job # 65699
13706 W. Bell Road, Surprise, Arizona 85374

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

1. Octane Lounge (Series 6) – 13420 W. Bell Rd. #140 (Expired)
2. Red Lobster #6288 (Series 12) – 13709 W. Bell Rd.
3. Olive Garden #1627 (Series 12) – 13379 W. Grand Ave.
4. Target #1335 (Series 10) – 13731 W. Bell Rd.
5. Sprouts Farmers Market # 12 (Series 10) – 13759 W. Bell Rd.
6. Haldi Indian Cuisine (Series 12) New License – 13761 W. Bell Rd. #B13
7. Chili's Grill & Bar #1153 (Series 12) – 13765 W. Bell Rd.
8. Cobblestone Auto Spa & Market (Series 10) – 13811 W. Bell Rd.
9. State 48 Brewery (Series 3 & 12) – 13823 W. Bell Rd.
10. Irish Wolfhound Restaurant (Series 6) – 16811 N. Litchfield Rd. #102-104
11. Rio Mirage Cafe (Series 12) – 13863 W. Bell Rd.
12. Chipotle Mexican Grill #0898 (Series 12) – 13869 W. Bell Rd. #107
13. New York Pizza Dept. (Series 12) – 13980 W. Bell Rd.
14. Circle K Store #2741641 (Series 10) – 13908 W. Bell Rd.
15. Buffalo Wild Wings (Series 12) – 13882 W. Bell Rd.
16. China Buffet #17119 (Series 12) – 17119 N. Litchfield Rd. #20
17. Uni Sushi & Steak (Series 12) – 17191 N. Litchfield Rd.
18. Richi's Diner (Series 12) – 17221 N. Litchfield Rd.
19. Tacos Califia (New License) – 17239 N. Litchfield Rd.
20. Wal-Mart Supercenter #2777 (Series 9) – 13770 W. Bell Rd.
21. Applebee's (Series 12) – 13756 W. Bell Rd.
22. Streets of New York #23 (Series 12) – 13736 W. Bell Rd.
23. Tom Yum (Series 12) – 13736 W. Bell Rd. #2
24. Fresh Wasabi Sushi & Grill (Series 12) – 13732 W. Bell Rd. #2

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

Residential population will most likely remain static. Commercial growth will likely remain static.

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



MEMO

Date: 6/3/2019

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

RE: Liquor License Application – Hot Pizzas LLC dba Pizza Hut #27003

Business License Status:

License #1013061, current and valid for 2019.

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

REFERENCE:

DATE: June 5, 2019

JOB NUMBER – 65699
Series #10 – Beer & Wine Store

APPLICANT:

PIZZA HUT #27003
13706 W. Bell Road #16
Surprise, Arizona 85374

FINDINGS:

- 1) ***Evidence concerning the nature of the proposed business, its potential market and its likely customers.***
Pizza Hut #27003 is a pick-up and delivery pizza restaurant. The market should be primarily Surprise residents in the nearby geographical area.
- 2) ***Effect of vehicular traffic in close proximity.***
This new license should have no effect on vehicular traffic. There is ample ingress and egress points into the shopping center, which houses this Pizza Hut.
- 3) ***The history for the past five years of liquor violations and reported criminal activity at the proposed premises provided that the applicant has received a detailed report of such activity at least 20 days before the hearing.***
During the last five years, there have been no reports of liquor violations from this location. There have been a few reported incidents in the immediate shopping center vicinity. They include two burglaries from the eyeglass store. One each in 2016 and 2017. There have also been a few shopliftings from the stores and disorderly conduct calls, but nothing significant in number.
- 4) ***Comparison of hours of operation of the proposed premises to the existing businesses in close proximity.***
Pizza Hut at this location is open every day until midnight, except for Fridays and Saturdays, in which it's opened until 1 AM. There are various other retail stores in the immediate plaza, including a Starbucks, real estate office, a bagel deli, an eyeglass store, a dental office, and a cupcake shop. There are also larger retail stores around the corner of this store, including Pier 1, Michael's craft store, and Stein Mart clothing store. There is also a Bank of America immediately to the south across the parking lot. Most of the retail outlets close by 9:30 PM.
- 5) ***Appropriateness of series license requested.***
A series 10 license is appropriate and applicable for Pizza Hut, per state guidelines for beer & wine stores.

Submitted by Officer Chris Tovar #2059



CITY OF SURPRISE
Regular City Council Meeting

Council Meeting Date: June 18, 2019
Submitting Department: City Clerk
Staff Recommendations: None

Contact Person: Sherry Aguilar, City Clerk
District: District 4

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

Agenda Wording:

Consideration and action on a Series 12 (Restaurant) new liquor license for Haldi Indian Cuisine located at 13761 W. Bell Road, #B13, Surprise, AZ 85374.

Motion:

I move to approve a Series 12 (Restaurant) new liquor license for Haldi Indian Cuisine located at 13761 W. Bell Road, #B13, Surprise, AZ.

Background:

Objective Analysis:

Policy Compliant:

Financial Impact:

Budget Impact:

FTE Impact:

ATTACHMENTS:

1. 13761 W Bell Haldi Indian Cuisine Liquor License fire
 2. Haldi Ind Rest liquor review POLICE
 3. HALDI INDIAN CUISINE MAP
 4. HALDI INDIAN CUISINE REPORT
 5. Haldi Indian Cuisine_Memo to Clerk_20190603
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Surprise Fire-Medical Department
14250 W. Statler Plaza Ste. 101
Surprise, AZ 85374-7479
Phone: 623-222-5000
Fax: 623-222-5001



May 30, 2019

To: Sherry Ann Aguilar, City Clerk
From: Keith Tanner, Fire Marshal
Subject: Liquor License Application
Applicant: Haldi Indian Cuisine
13761 W Bell Rd

The Surprise Fire-Medical Department recently conducted a fire inspection at the above referenced location to ensure compliance with the applicable fire codes within the tenant space and building. There are no known fire code violations at this time.

Therefore fire has no comment on the application at this time.

If you have any questions feel free to contact me.

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

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

REFERENCE:

DATE: June 4, 2019

APPLICATION NUMBER – 65583
Series #12 – New License

APPLICANT:

Haldi Indian Cuisine
13761 W Bell Road #B213
Surprise, Arizona 85374

FINDINGS:

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

Haldi Indian Cuisine is a full service restaurant which has open for approximately one year at this location. During the past years, this location has been occupied by various other restaurants. The market should be primarily Surprise and northwest valley residents. There is seating for 32 persons, with no designated seating for a bar area. There is no live entertainment scheduled, and there is one television in the restaurant.

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

This new license should have no effect on vehicular traffic. Haldi is in the shopping plaza on the southwest corner of Bell Road and Westpoint Parkway. There is plenty of ingress/egress locations onto these roads as well as through the adjacent plaza to the west onto Litchfield Road.

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

During the last five years, there have been no reports of liquor violations from any of the previously occupied restaurants at this location. There has been a minimal amount of calls for service from any of the business in the strip plaza at this location including a couple of unwanted guests, a theft of services from a nail salon, which also resulted in a warrant arrest, a couple of disorderly conduct situations.

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

Haldi is open every day from 11AM to 8 PM. The main tenant of the plaza is Sprouts grocery store, which closes every night at 10 PM. The remaining tenants are open until early evening hours. There is a Chili's Restaurant with a series 12 license at the north end of the plaza's parking lot area which closes by 11 PM on Fridays and Saturdays.

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

A series 12 license is appropriate and applicable for Haldi Indian Cuisine, per state guidelines for restaurants.

Submitted by Officer Chris Tovar #2059

HALDI INDIAN CUISINE

PAD
Kingswood
Parke/Sun
Village

PAD
West Point Towne Center

IG, I-2

CR, C-3

Pizza Hut #27003
New License

IP, I-1

SITE

PAD
West Point Towne Center

PAD
Surprise
Center

Date: June 3, 2019

To: Sherry Aguilar, City Clerk

From: Chris Boyd, Acting Community Development Director

By: James Stewart, Zoning Specialist

Re: Liquor License Application for:
Haldi Indian Cuisine
Series 12/New License – Job # 65583
13761 W. Bell Road #B13, Surprise, Arizona 85374

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

1. Chili's Grill & Bar #1153 (Series 12) – 13765 W. Bell Rd.
2. Cobblestone Auto Spa & Market (Series 10) – 13811 W. Bell Rd.
3. State 48 Brewery (Series 3 & 12) – 13823 W. Bell Rd.
4. Irish Wolfhound Restaurant (Series 6) – 16811 N. Litchfield Rd. #102-104
5. Rio Mirage Cafe (Series 12) – 13863 W. Bell Rd.
6. Chipotle Mexican Grill #0898 (Series 12) – 13869 W. Bell Rd. #107
7. Circle K Store #2741641 (Series 10) – 13908 W. Bell Rd.
8. New York Pizza Dept. (Series 12) – 13980 W. Bell Rd.
9. Buffalo Wild Wings (Series 12) – 13882 W. Bell Rd.
10. China Buffet #17119 (Series 12) – 17119 N. Litchfield Rd. #20
11. Uni Sushi & Steak (Series 12) – 17191 N. Litchfield Rd.
12. Richi's Diner (Series 12) – 17221 N. Litchfield Rd.
13. Tacos Califia (Series 12) – 17239 N. Litchfield Rd. #68
14. Wal-Mart Supercenter #2777 (Series 9) – 13770 W. Bell Rd.
15. Applebee's (Series 12) – 13756 W. Bell Rd.
16. Streets of New York #23 (Series 12) – 13736 W. Bell Rd.
17. Tom Yum (Series 12) – 13736 W. Bell Rd. #2
18. Fresh Wasabi Sushi & Grill (Series 12) – 13732 W. Bell Rd. #2
19. Pizza Hut #27003 (New License) – 13706 W. Bell Rd.
20. Octane Lounge (Series 6) – 13420 W. Bell Rd. #140 (Expired)
21. Olive Garden #1627 (Series 12) – 13379 W. Grand Ave.
22. Red Lobster #6288 (Series 12) – 13709 W. Bell Rd.
23. Target #1335 (Series 10) – 13731 W. Bell Rd.
24. Sprouts Farmers Market # 12 (Series 10) – 13759 W. Bell Rd.

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

Residential population will most likely remain static. Commercial growth will likely remain static.

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



MEMO

Date: 6/3/2019

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

RE: Liquor License Application – Amman LLC dba Haldi Indian Cuisine

Business License Status:

License #1021953, current and valid for 2019.



CITY OF SURPRISE Regular City Council Meeting

Council Meeting Date: June 18, 2019

Contact Person: Brandi Flores, PROC & POLICY
ANYLST, Andrea Davis, DIRECTOR - FINANCE

Submitting Department: Finance

District: Citywide

Staff Recommendations: None

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

Consideration and action on the updated FY2020 City of Surprise Comprehensive Financial Management Policies; Resolution 2019-72.

Motion:

I move to approve Resolution 2019-72.

Background:

Comprehensive Financial Management Policies

Comprehensive financial policies are an important element of solid financial structure and long-term financial planning. These policies, which are reviewed and updated annually, cover the areas of Operating Management, Capital Management, Debt Management, Minimum Fund Balance, and Financial Reporting. Staff presented proposed revisions consideration during the Regular City Council Work Session on June 4, 2018. After incorporation of Council's feedback, staff is recommending the following revisions for FY2020:

Operating Management Policy #5 through #8

- Transition authority from City Council to the City Manager to move appropriation from part-time and overtime to/from any other category and move appropriation to full-time from any other category. This transition of authority will aid in minimizing the administrative burden related to personnel budget amendments, and aligns with the City Manager's authority granted by Surprise Municipal Code Chapter 3 Article II Section 3-20 (c) related to personnel/classification changes. City Council will continue to approve amendments which move appropriation from full-time to any other category, any change to the full time equivalent (FTE) count, and any change to the count of full-time positions.
- Transition authority from the City Manager to Department Directors to move non-CIP capital between divisions which is reflective of current practice.
- Remove reference to the City Manager's authority to move minor-CIP between divisions as this terminology is obsolete.
- Eliminate the Finance Director's authority to move appropriation between Community and Recreation Services and Sports & Tourism since they are now separate departments.
- Broaden the Finance Director's authority as it relates to City Council approved development agreements to include all movement of appropriation.
- Clarify Department Director authority to move all appropriation related to personnel and non-CIP capital between divisions.
- Clarify the process of City Council notification when the City Manager or Finance Director approves an amendment related to targeted savings, carryforward, development agreements, debt service obligations, or emergency reserve. In these instances, the City Manager and/or Finance Director will present the item to City Council to formalize the budget amendment by Resolution.

Minimum Fund Balance Policy #48.g through #48.j

- Update the utility fund reserve requirements to reflect the amounts set forth in the Utility Rate Study as approved by City Council on February 19, 2019.

Minimum Fund Balance Policy #48.k

- Establish the Risk Management Fund minimum fund balance in the amount of \$750,000 which is equal to 3x the maximum annual loss.
- Eliminate the requirement for a periodic actuarial evaluation to recommend a funding level.

Financial Reporting Policy #50 CAFR Fund Balance Reporting #1

- Clarify the City's intent to utilize the most restrictive funding first when multiple fund classifications are available.

Financial Reporting Policy #50 CAFR Fund Balance Reporting #2

- Clarify the identification of non-spendable and restricted fund balances.

Financial Reporting Policy #53

- Change the frequency of financial reports presented to City Council from monthly to at least quarterly. Reports can be presented more frequently than quarterly while maintaining compliance with policy.

Objective Analysis:

The City's Comprehensive Financial Management Policies provide the road map for financial operations and demonstrate the City's commitment to sound financial management practices.

Policy Compliant:

This item is compliant with City and Council policies.

Financial Impact:

None at this time; however topics covered in this presentation could lead to future actions which may have a fiscal impact.

Budget Impact:

Revised minimum fund balance requirements have been incorporated as part of the FY2020 City Manager's Recommended Budget.

FTE Impact:

This item does not impact the overall full-time equivalent count.

ATTACHMENTS:

1. 19.05.22 Res 2019-72 final
 2. FY2020 Policy Updates 061819
 3. FY2020 Financial Policies 061819 redline
 4. FY2020 Financial Policies 061819 final
-

RESOLUTION # 2019-72

**A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY
OF SURPRISE, ARIZONA UPDATING THE CITY OF SURPRISE
COMPREHENSIVE FINANCIAL MANAGEMENT POLICIES FOR
FISCAL YEAR 2020.**

WHEREAS, the City desires to establish sound financial policies and principles to contribute to sound financial management continuity in handling financial affairs and preserving the City's fiscal integrity;

WHEREAS, the City currently has in place a set of Comprehensive Financial Management Policies, in order to achieve sound financial management continuity in handling its financial affairs and to preserve its fiscal integrity, which was last updated on June 19, 2018 to reflect the 2019 Fiscal Year; and

WHEREAS, the City now desires to update the Comprehensive Financial Management Policies for the 2020 Fiscal Year.

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

Section 1. The Fiscal Year 2020 Comprehensive Financial Management Policies set forth in *Exhibit A* attached hereto and incorporated by reference herein is adopted.

Section 2. The Finance Director is hereby authorized and directed to take the appropriate steps to incorporate the changes into the Comprehensive Financial Management Policies of the City of Surprise and disseminate the new policies as necessary.

APPROVED AND ADOPTED this ____ day of _____, 2019.

Skip Hall, Mayor

Attest:

Approved as to form:

Sherry Aguilar, City Clerk

Robert Wingo, City Attorney

EXHIBIT A

CITY OF SURPRISE, ARIZONA
COMPREHENSIVE FINANCIAL MANAGEMENT POLICIES
EFFECTIVE JULY 1, 2019

Introduction

The City Council's Strategic Plan Framework, goals, and objectives provide the foundation for the comprehensive financial management policies. The City's comprehensive financial policies provide the roadmap to achieve financial resiliency and demonstrate the City's commitment to sound financial management practices. As defined by the Government Finance Officers Association (GFOA), the City Council strives to build a financially resilient government through financial policies and long-term financial planning. The GFOA has identified eight characteristics of a financially resilient government:

1. Diversity: Avoid reliance on a single solution.
2. Redundancy: Avoid having only one path of rescue.
3. Decentralization: Centralized systems look strong, but failure is catastrophic.
4. Transparency: Make it easier to figure out where a problem may lie. Share plans and listen when people point out flaws.
5. Collaboration: Working together to become stronger.
6. Fail Gracefully: Failure happens. Make sure failure won't make things worse.
7. Flexibility: Be ready to change when plans aren't working. Don't expect stability.
8. Foresight: Think and prepare.

Financial policies contribute to increased public confidence and trust as well as provide clear direction to City staff concerning the diligence and stewardship with which public monies are to be managed. Adopted financial policies show our citizens, the credit rating industry, and prospective investors (bond buyers) the City's commitment to financial resiliency. These policies are presented in the following five areas:

1. Operating Management
2. Capital Management
3. Debt Management
4. Minimum Fund Balance
5. Financial Reporting

Operating Management Policies

1. All departments will participate in the responsibility of meeting policy goals and ensuring long-term financial resiliency.
 2. The budget shall be considered balanced if revenues plus use of fund balance are equal to or exceed total expenses, by fund. The budget process is intended to weigh all competing requests for City resources, within expected fiscal constraints.
 3. The City Budget is adopted by department within each fund and by project in the capital funds.
 4. The full-time equivalent (FTE) count and number of full-time positions are adopted by department within each fund.
 5. City Council has the authority to amend the adopted budget for movement between funds or departments; movement from full-time personnel to any other category; any change to the full-time equivalent (FTE) count or
-

number of full-time positions; any change to grant or major Capital Improvement Plan (CIP) projects; and all use of contingency.

6. The City Manager has the authority to amend the adopted budget for use of the Emergency Reserve; movement between part-time personnel and full-time personnel; movement of part-time personnel to or from any other category; movement of overtime personnel to or from any other category; and movement to full-time personnel from any other category. The City Manager shall provide a summary report to the City Council on any use of the Emergency Reserve who will then take action on the necessary budget amendment by Resolution.
7. The Finance Director has the authority to amend the adopted budget related to targeted savings; carryforward; and development agreements or debt service obligations when the agreement has been previously approved by City Council. The Finance Director shall provide a summary report to the City Council on the movement of these funds who will then take action on the necessary budget amendment by Resolution.
8. Department Directors have the authority to amend the adopted budget for the movement of supplies, services, non-CIP capital, and personnel between divisions.
9. Long-range financial plans will be prepared to guide the City and ensure the delivery of needed services due to changes in the economy, service demands, and capital improvements.
10. Regional considerations and intergovernmental relationships will be evaluated to fund both operating services and capital projects.
11. The City Council will consider citizen input and review the operating and capital budget recommendations from an outcome and goals perspective.
12. A diversified revenue system will be developed to protect City services.
13. The City Council will set the amount to be received from primary property taxes annually. The amount is limited to one-hundred and two percent (102%) of the prior fiscal year's maximum allowable levy plus new construction and reimbursement for the prior calendar year's tort liability payments.
14. To ensure that the City does not become overly reliant on "one-time" revenues for operating needs, the first \$1.25 million received in revenues from the two and two-tenths percent (2.2%) transaction privilege tax on construction will be retained in the General Fund. Any additional amount will be recorded in the General Capital Fund and will be used to fund the Capital Improvement Plan.
15. The City currently imposes an additional one and one-half percent (1.5%) transaction privilege tax on construction dedicated to the construction of new roadways and to refurbishing existing transportation corridors. The revenue is recorded in the Transportation Improvement Fund and will be used to fund transportation projects in the Capital Improvement Plan.
16. The City currently imposes a four and fifty-two hundredths percent (4.52%) transaction privilege tax on transient lodging. The four and fifty-two hundredths percent (4.52%) tax rate is then split, with three and fifty-two hundredths percent (3.52%) recorded in the Tourism Fund to be used for promoting tourism and one percent (1.0%) recorded in the General Fund. The three and fifty-two hundredths percent (3.52%) recorded in the Tourism Fund has been committed by City Council to be used for promoting tourism. Of the amount recorded in the Tourism Fund, the Tourism Advisory Board has designated that seventy-five percent (75%) is spent for sports tourism facility development and improvement and twenty-five percent (25%) on marketing, studies, and special events.

17. Water, Wastewater, Stormwater, and Solid Waste user fees and charges will be examined annually to ensure they recover all direct and indirect costs of service and will be approved by the City Council.
18. All user fees (excluding water, wastewater, stormwater, and solid waste) will be examined periodically to determine the direct and indirect cost of service recovery rate. The acceptable recovery rate and any associated changes to user fees and charges will be approved by the City Council.
19. Grant funding will be considered to leverage City funds and requires City Council approval prior to acceptance.
20. Cash balances identified for investments will be maintained in accordance with state law and the adopted investment policy to ensure that proper controls and safeguards are maintained. City funds will be managed with an emphasis on safety of principal, liquidity, and yield, in that order.
21. Employee compensation and benefits will be administered in accordance with the policy given by the City Council. Healthcare costs will be shared between the City and employees and this allocation will be evaluated annually.
22. The Healthcare Self-Insurance Trust Fund was created under the authority of Arizona Revised Statute § 11-981. The Board of Trustees is charged to administer the trust fund and “make recommendations to the City Council regarding trust fund programs, including amount of appropriations to assure stability and security of the trust fund.”
23. An actuarial evaluation will be performed annually to determine the Incurred but Not Reported (IBNR) claim liability. This amount is required by accounting practices and represents the cost of unpaid claims (claims run-out), assuming the City stops being self-insured.
24. The City will optimize the efficiency and effectiveness of its services to reduce costs and improve service quality.
25. The City will maintain a methodology for allocating the City’s indirect costs to service departments. A consultant may be hired to update the plan periodically.
26. All cash transfers between funds must be approved by City Council. Transfers to record capital assets within operating and capital funds are not presented to the City Council as these are administrative in nature.
27. All initial inter-fund loans must be approved by City Council.
28. All use of budgetary contingency accounts must be approved by City Council prior to being expended.

Capital Management Policies

29. The City shall use an integrated approach to capital planning and financing in preparing a five-year Capital Improvement Plan. Only the first year of the plan will be adopted by the City Council.
 30. The Capital Improvement Plan will include funding to support repair and replacement of capital equipment and infrastructure. If not fully expended within the fiscal year it is appropriated, funding to support repair and replacement of capital equipment and infrastructure will not rollover to subsequent years. A high priority should be placed on those items where deferring maintenance will result in greater cost to restore or replace. Proposed capital projects will be prioritized based on the City Council’s goals and objectives, the General Plan, and master plans.
-

31. Future operating, maintenance, and replacement costs associated with new capital improvements will be included as a schedule within the annual budget document. Capital projects will include a fiscal impact statement disclosing the expected operating impact of the project and when such cost is expected to occur.
32. The first \$1.25 million received in revenues from the two and two-tenths percent (2.2%) transaction privilege tax on construction will be retained in the General Fund. Any additional amount will be recorded in the General Capital Fund and will be used to fund the Capital Improvement Plan.
33. The City currently imposes an additional one and one-half percent (1.5%) transaction privilege tax on construction dedicated to the construction of new roadways and to refurbishing existing transportation corridors. The revenue is recorded in the Transportation Improvement Fund and will be used to fund transportation projects in the Capital Improvement Plan.
34. As permitted by state law, the City shall maintain a financial structure to ensure future development pays for itself and is not a burden on existing residents (i.e. "growth pays for growth"). Elements of this financial structure include impact fees, development agreements, Improvement Districts (IDs) and Community Facility Districts (CFDs).
35. Impact fees for infrastructure attributable to new development will be reviewed at least every other year to ensure that fees recover all direct and indirect development-related expenses, as permitted by state law, and will be approved by the City Council.
36. Any capital assets dedicated or donated to the City such as infrastructure, land, right-of-ways, easements, etc. must be approved by the City Council which must include a valuation of the assets.

Debt Management Policies

37. The City shall periodically report measurable steps taken in striving towards achieving and maintaining the highest possible bond ratings. This will minimize borrowing costs, optimize access to credit, and demonstrate excellent financial stewardship on behalf of our residents.
38. An analysis showing how a new debt issue combined with current outstanding debt impacts the City's debt capacity and conformance with City debt policies will accompany every proposal.
39. General Obligation debt, which is supported by property tax revenues, will be utilized as authorized by voters. Other types of voter-approved debt (e.g. water and wastewater) may also be utilized when they are supported by dedicated revenue sources (e.g. fees and user charges).
40. Municipal Property Corporation, trust agreements, and contractual debt, all of which are non-voter approved, will be utilized only when approved by City Council.
41. Improvement District (ID) and Community Facility District (CFD) bonds shall be permitted only when there is a general City benefit as defined and approved by the City Council.
42. Utility rates will be established to ensure the ratio of net revenues to debt service meets bond indenture requirements.
43. The Arizona Constitution provides that the general obligation bonded indebtedness for a city may not exceed twenty percent (20%) of the net secondary assessed valuation of the taxable property of the city for projects for purposes of water, wastewater, artificial light, open space preserves, parks and recreational facilities, public safety, law enforcement, fire and emergency services facilities, streets, and transportation facilities.

Outstanding general obligation bonded indebtedness for all other purposes may not exceed six percent (6%) of the City's net secondary assessed valuation.

44. The City will follow appropriate procedures with regard to obligations under continuing disclosure undertakings as identified by the Securities and Exchange Commission under the Securities Exchange Act of 1934.
45. The City will follow appropriate procedures with regard to tax exempt obligations as identified by the Internal Revenue Code of 1986.

Minimum Fund Balance Policies

46. Minimum fund balances are not intended to be spent. The purpose of the minimum fund balance is to ensure the City has adequate resources to meet its needs. If the necessity arises to draw down a fund balance below the minimum requirements that have been set, a plan to replenish the minimum fund balance will be presented to the City Council for approval.
47. Minimum fund balance requirements will be evaluated annually for long-term adequacy and use requirements.
48. The City has formally adopted a minimum fund balance policy for the following governmental funds:
 - a. The General Fund will have a three-part reserve as follows:
 - i. The City will maintain an Emergency Reserve in the General Fund of one and sixty-seven hundredths percent (1.67%) of the average of budgeted personnel, supplies, and services expenses over a two-month period for that year's Council Adopted Budget for the General Fund, Ground Ambulance Fund, and the Highway User Revenue Fund. The Emergency Reserve is for unexpected, large-scale expenses resulting from events where immediate, remedial action must be taken to protect the health and safety of residents, all unassigned fund balance has been exhausted, and no amount previously appropriated by the City Council is otherwise available. Any use of the Emergency Reserve must be approved by the City Manager or designee. When this occurs, the City Manager shall provide a summary report to the City Council as soon as practical on the usage of these funds and have City Council approve any necessary budget amendments. At that time, the City Manager will also present a plan to restore the Emergency Reserve to the one and sixty-seven hundredths percent (1.67%) level within the next fiscal year following the fiscal year in which the event occurred.
 - ii. The City will maintain an additional General Fund Operating Reserve in the amount of ten percent (10%) of the average of budgeted personnel, supplies, and services expenses over a two-month period for that year's Council Adopted Budget for the General Fund, Ground Ambulance Fund, and the Highway User Revenue Fund. The Operating Reserve is for unexpected events such as failure of the state to remit revenues to the City, loss of state shared revenues, or other impairment of a significant funding source for the remainder of the fiscal year. The Operating Reserve may also be used for unexpected mandates or other events that cause the City to incur unplanned expenses. The Operating Reserve allows for the continuance of critical City services due to these unanticipated events and is done so after all unassigned fund balance has been exhausted and no amount previously appropriated by the City Council is otherwise available. Any use of the Operating Reserve, and associated budget amendments, must be approved by the City Council and include a repayment plan that projects to restore the Operating Reserve to the ten percent (10%) level within two fiscal years following the fiscal year in which the event occurred.
 - iii. The City will maintain an additional General Fund Budget Stabilization Reserve in the amount of five percent (5%) of the average of budgeted personnel, supplies, and services expenses

over a two-month period for that year's Council Adopted Budget for the General Fund, Ground Ambulance Fund, and the Highway User Revenue Fund. The Budget Stabilization Reserve is used to provide funding to offset reductions in revenues resulting from fluctuations in the economic cycle that cannot be otherwise absorbed by the operating budget. The reserve funds will provide time for the City to restructure its operations in a deliberate manner to ensure continuance of critical City activities and is used after all unassigned fund balance has been exhausted and no amount previously appropriated by the City Council is otherwise available. Any use of the Budget Stabilization Reserve, and associated budget amendments, must be approved by the City Council and include a repayment plan, based on a multi-year financial projection, that plans to restore the Budget Stabilization Reserve to the five percent (5%) level within the three fiscal years following the fiscal year in which the event occurred.

- b. General Capital Fund of \$1.0M
- c. Transportation Improvement Fund of \$0.5M
- d. Street Light Improvement Districts (SLIDs). SLIDs have a maximum levy limit of \$1.20 per \$100 of assessed valuation in accordance with A.R.S. § 48-616. To the extent that the levy limit has not been exceeded, taxes will be levied at a rate that will approach an individual ending fund balance reserve of five percent (5%) of its budgeted annual expenses.
- e. Tourism Fund of \$5,000.
- f. The Spring Training Ticket Surcharge Fund will have a minimum fund balance of \$600,000. Any excess fund balance remaining as of June 30 shall be remitted to the General Fund.
- g. The Water Fund will have a four-part reserve as follows:
 - i. The City will maintain an Operating Reserve equal to the average of budgeted personnel, supplies, and services expenses over a three-month period for that year's Council Adopted Budget for the Water Fund.
 - ii. The City will maintain an Asset Reserve equal to two percent (2%) of tangible capital assets of the system as of June 30 from the previous fiscal year.
 - iii. The City will maintain a Rate Stabilization Reserve equal to five percent (5%) of the budgeted operating sources for that year's Council Adopted Budget for the Water Fund.
 - iv. The City will maintain a Resource Portfolio Reserve equal to fifteen percent (15%) of the total cost of delivery and capital charges for Municipal and Industrial plus the Phoenix Active Management Area (AMA) Underground Storage charges multiplied by the total amount of the City's Central Arizona Project (CAP) allocation.
- h. The Wastewater Fund will have a three-part reserve as follows:
 - i. The City will maintain an Operating Reserve equal to the average of budgeted personnel, supplies, and services expenses over a three-month period for that year's Council Adopted Budget for the Wastewater Fund.
 - ii. The City will maintain an Asset Reserve equal to two percent (2%) of tangible capital assets of the system as of June 30 from the previous fiscal year.
 - iii. The City will maintain a Rate Stabilization Reserve equal to five percent (5%) of the budgeted operating sources for that year's Council Adopted Budget for the Wastewater Fund.

- i. The Stormwater Fund will have a two-part reserve as follows:
 - i. The City will maintain an amount equal to the average budgeted personnel, supplies, and services expenses over a two-month period for that year's Council Adopted Budget for the Stormwater Fund.
 - ii. The City will maintain an amount equal to two percent (2%) of tangible capital assets of the system as of June 30 from the previous fiscal year for repair and replacement.
- j. The Solid Waste Fund will have a four-part reserve as follows:
 - i. The City will maintain an Operating Reserve equal to the average of budgeted personnel, supplies, and services expenses over a three-month period for that year's Council Adopted Budget for the Solid Waste Fund.
 - ii. The City will maintain an Asset Reserve equal to two percent (2%) of tangible capital assets of the system as of June 30 from the previous fiscal year.
 - iii. The City will maintain a Rate Stabilization Reserve equal to five percent (5%) of the budgeted operating sources for that year's Council Adopted Budget for the Solid Waste Fund.
 - iv. As the Solid Waste Utility has excess revenues, the City will maintain a phased Contingency Reserve equal to one-half percent (0.5%) beginning in FY2022 and increased to one percent (1%) for each subsequent year through FY2024.
- k. The Risk Management Fund will maintain an amount that, together with purchased insurance policies, will adequately indemnify the City. The appropriate funding level will be set at three times the maximum annual loss of \$250,000 which is equal to \$750,000, which will be approved by the City Council.
- l. The Healthcare Self-Insurance Trust Fund will maintain an amount at a level which, together with purchased insurance policies (individual and aggregate stop loss), will adequately indemnify the City. The City has established an Adverse Times Reserve. The purpose of this reserve is to address cash flow needs caused by periods in which claim payments exceed projections. The target amount of this reserve is at least twenty-five percent (25%) of expected annual claims.
- m. The Workers' Compensation Self-Insurance Trust Fund will maintain an amount which, together with the purchased excess insurance policy will adequately indemnify the City. The Industrial Commission required reserve is \$1,500,000.

Financial Reporting Policies

- 49. The City's Finance Director will develop standard operating procedures to ensure the City's accounting and financial reporting systems are maintained in conformance with all state and federal laws, Generally Accepted Accounting Principles (GAAP) and the standards of the Governmental Accounting Standards Board (GASB).
- 50. An annual audit will be performed by an independent public accounting firm. The City will prepare a Comprehensive Annual Financial Report (CAFR) with the objective of receiving an unmodified ("clean") audit opinion. The independent auditor will present and discuss audit findings regarding internal controls and operational issues to the Audit Committee at a public meeting.

CAFR Fund Balance Reporting

1. The hierarchy from least spendable to most spendable fund balance for governmental funds of the City shall be: non-spendable, restricted, committed, assigned and unassigned. When funds are available from multiple classifications, it is the City's policy to utilize the most restrictive funding first.
 2. Non-spendable fund balances are determined solely by their form.
 3. Restricted fund balances are determined solely by the constraints placed on the use of the resources.
 4. Committed fund balance represents amounts that have been constrained to a specific use by the formal action of the City's highest level of decision-making authority, the City Council. A majority vote of the City Council is necessary to establish, modify, or rescind a fund balance commitment.
 5. The City has elected the following commitments of fund balance to be standardized from year to year.
 - a. A commitment for repair and replacement of general government vehicles and other rolling stock will be maintained based upon lifecycle replacement plans prepared annually. This commitment shall be maintained in the Vehicle Replacement Fund.
 - b. A commitment of a one and one-half percent (1.5%) construction sales tax to be used solely for the purposes of paying costs related to new roadways and to refurbish existing transportation corridors, to be maintained in the Transportation Improvement Fund (Ordinance No. 05-13).
 - c. In addition to the two and fifty-two hundredths percent (2.52%) transient lodging tax restricted by state statute, a commitment of an additional 1.0% transient lodging tax for a total of three and fifty-two hundredths percent (3.52%) will be used to promote tourism and be maintained in the Tourism Fund (Ordinance No. 2010-04).
 6. In order to be reported as committed fund balance in the CAFR the City Council must approve the commitments prior to June 30th. However, the amount of the commitment may be determined after June 30th.
 7. Amounts that have been constrained by the City's intent to be used for a specific purpose and are neither restricted nor committed are reported as assigned fund balance. The City Council has designated the authority to assign amounts to be used for specific purposes to the Chief Financial Officer (CFO).
51. The City's CAFR will be submitted annually to the Government Finance Officers Association (GFOA) Certificate of Achievement for Excellence in Financial Reporting program.
52. The City's Budget will be submitted to the Government Finance Officers Association (GFOA) Distinguished Budget Presentation program.
53. A financial report will be presented to the City Council no less than quarterly.
-



Financial Policy Update

Regular City Council Meeting
June 18, 2019

Policy Updates

- Comprehensive Financial Management Policies
 - Updated annually as part of the budget process
- Public Safety Personnel Retirement System (PSPRS) Pension Funding Policy
 - New legislative requirement
 - A.R.S. § 38-863.01

Comprehensive Financial Management Policies

- Based on City Council's strategic plan, goals, and objectives
- Provides financial structure and long-term financial planning
- Includes policy direction related to:
 - Operating Management
 - Capital Management
 - Debt Management
 - Minimum Fund Balance
 - Financial Reporting

FY2020 Recommended Policy Changes

■ Operating Management

■ City Manager Budget Amendment Authority

- Expand authority to include movement of PT and OT to/from any other category and movement to FT from any other category

- Transition from City Council

- Aligns with SMC Chapter 3 Article II Section 3-20 (c)

- Remove authority to move minor-CIP between divisions, obsolete

■ Policy # 5 and 6

FY2020 Recommended Policy Changes

- Finance Director Budget Amendment Authority
 - Expand to include all budget amendments related to development agreements
 - City Council approves each development agreement
 - Remove authority to move appropriation between Community & Recreation Services and Sports & Tourism
 - Departments have been separated
- Policy # 7

FY2020 Recommended Policy Changes

- City Council Notification
 - City Manager has authority for amendments related to emergency reserve
 - Finance Director has authority for amendments related to targeted savings, carryforward, development agreements, and debt service
 - Resolution to document approved budget amendment and notice of action will be provided to Council
- Policy # 6 and 7

FY2020 Recommended Policy Changes

- Department Director Budget Amendment Authority
 - Expand authority for movement of non-CIP capital between divisions
 - Transition from City Manager
- Policy # 6 and 8

FY2020 Recommended Policy Changes

■ Minimum Fund Balance

■ Water Fund

- Increase Operating Reserve from 2 to 3 months of budgeted personnel, supplies, and services
- Establish Rate Stabilization Reserve equal to 5% of budgeted operating sources
- Establish Resource Portfolio Reserve equal to 15% of cost of delivery and capital charges

■ Policy # 48 (g)

FY2020 Recommended Policy Changes

- Wastewater Fund
 - Increase Operating Reserve from 2 to 3 months of budgeted personnel, supplies, and services
 - Establish Rate Stabilization Reserve equal to 5% of budgeted operating sources
- Policy # 48 (h)

FY2020 Recommended Policy Changes

- Solid Waste Fund

- Increase Operating Reserve from 2 to 3 months of budgeted personnel, supplies, and services
- Establish Rate Stabilization Reserve equal to 5% of budgeted operating sources
- Establish Contingency Reserve equal 0.5% of budgeted personnel, supplies, services, and capital beginning FY2022 and increased to 1% for each subsequent year through FY2024
 - As excess revenue is available

- Policy # 48 (j)

FY2020 Recommended Policy Changes

- Risk Management Fund
 - Funding level set at \$750,000
 - Equal to 3x the maximum annual loss
 - Together with purchased insurance policies, will adequately indemnify the City
 - Periodic actuarial evaluation to recommend funding level no longer required
- Policy # 48 (k)

FY2020 Recommended Policy Changes

■ Financial Reporting

■ CAFR Fund Balance Reporting

- Clarify the City's intent to utilize the most restrictive funding first when multiple classifications are available
- Clarify the City's identification of non-spendable and restricted fund balances

■ Policy # 50 (1) and (2)

FY2020 Recommended Policy Changes

- Financial report will be presented to City Council on at least a quarterly basis
 - Timing of revenue and expenditures
- Policy # 53



QUESTIONS OR COMMENTS?

Thank You

CITY OF SURPRISE, ARIZONA
COMPREHENSIVE FINANCIAL MANAGEMENT POLICIES
EFFECTIVE JULY 1, 2018⁹

Introduction

The City Council's Strategic Plan Framework, goals, and objectives provide the foundation for the comprehensive financial management policies. The City's comprehensive financial policies provide the roadmap to achieve financial resiliency and demonstrate the City's commitment to sound financial management practices. As defined by the Government Finance Officers Association (GFOA), the City Council strives to build a financially resilient government through financial policies and long-term financial planning. The GFOA has identified eight characteristics of a financially resilient government:

1. Diversity: Avoid reliance on a single solution.
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5. Collaboration: Working together to become stronger.
6. Fail Gracefully: Failure happens. Make sure failure won't make things worse.
7. Flexibility: Be ready to change when plans aren't working. Don't expect stability.
8. Foresight: Think and prepare.

Financial policies contribute to increased public confidence and trust as well as provide clear direction to City staff concerning the diligence and stewardship with which public monies are to be managed. Adopted financial policies show our citizens, the credit rating industry, and prospective investors (bond buyers) the City's commitment to financial resiliency. These policies are presented in the following five areas:

1. Operating Management
2. Capital Management
3. Debt Management
4. Minimum Fund Balance
5. Financial Reporting

Operating Management Policies

1. All departments will participate in the responsibility of meeting policy goals and ensuring long-term financial resiliency.
2. The budget shall be considered balanced if revenues plus use of fund balance are equal to or exceed total expenses, by fund. The budget process is intended to weigh all competing requests for City resources, within expected fiscal constraints.
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- count or number of full-time positions; any change to grant or major Capital Improvement Plan (CIP) ~~projects~~ projects; and all use of contingency.
6. The City Manager has the authority to amend the adopted budget for use of the Emergency Reserve; ~~movement between part-time personnel and full-time personnel; appropriation, movement of part-time personnel to or from any other category; movement of overtime personnel to or from any other category; and movement to full-time personnel from any other category of non-CIP projects or minor CIP projects between divisions.~~ The City Manager shall provide a summary report to the City Council on ~~the movement of these funds~~ any use of the Emergency Reserve who will then take ~~official~~ action on the necessary budget amendment by Resolution.
 7. The Finance Director has the authority to amend the adopted budget related to targeted savings; carryforward; ~~and developer reimbursements~~ development agreements and or debt service obligations when the agreement has been previously approved by City Council; ~~and adjustments between the Community and Recreation Services Department and Sports and Tourism Department.~~ The Finance Director shall provide a summary report to the City Council on the movement of these funds who will then take ~~official~~ action on the necessary budget amendment by Resolution.
 8. Department Directors have the authority to amend the adopted budget for the movement of supplies, services, non-CIP capital, and personnel between divisions.
 9. Long-range financial plans will be prepared to guide the City and ensure the delivery of needed services due to changes in the economy, service demands, and capital improvements.
 10. Regional considerations and intergovernmental relationships will be evaluated to fund both operating services and capital projects.
 11. The City Council will consider citizen input and review the operating and capital budget recommendations from an outcome and goals perspective.
 12. A diversified revenue system will be developed to protect City services.
 13. The City Council will set the amount to be received from primary property taxes annually. The amount is limited to one-hundred and two percent (102%) of the prior fiscal year's maximum allowable levy plus new construction and reimbursement for the prior calendar year's tort liability payments.
 14. To ensure that the City does not become overly reliant on "one-time" revenues for operating needs, the first \$1.25 million received in revenues from the two and two-tenths percent (2.2%) transaction privilege tax on construction will be retained in the General Fund. Any additional amount will be recorded in the General Capital Fund and will be used to fund the Capital Improvement Plan.
 15. The City currently imposes an additional one and one-half percent (1.5%) transaction privilege tax on construction dedicated to the construction of new roadways and to refurbishing existing transportation corridors. The revenue is recorded in the Transportation Improvement Fund and will be used to fund transportation projects in the Capital Improvement Plan.
 16. The City currently imposes a four and fifty-two hundredths percent (4.52%) transaction privilege tax on transient lodging. The four and fifty-two hundredths percent (4.52%) tax rate is then split, with three and fifty-two hundredths percent (3.52%) recorded in the Tourism Fund to be used for promoting tourism and one percent (1.0%) recorded in the General Fund. The three and fifty-two hundredths percent (3.52%) recorded in the Tourism Fund has been committed by City Council to be used for promoting tourism. Of the amount recorded in the Tourism Fund, the Tourism Advisory Board has designated that seventy-five percent (75%) is spent for

sports tourism facility development and improvement and twenty-five percent (25%) on marketing, studies, and special events.

17. Water, Wastewater, Stormwater, and Solid Waste user fees and charges will be examined annually to ensure they recover all direct and indirect costs of service and will be approved by the City Council.
18. All user fees (excluding water, wastewater, stormwater, and solid waste) will be examined periodically to determine the direct and indirect cost of service recovery rate. The acceptable recovery rate and any associated changes to user fees and charges will be approved by the City Council.
19. Grant funding will be considered to leverage City funds and requires City Council approval prior to acceptance.
20. Cash balances identified for investments will be maintained in accordance with state law and the adopted investment policy to ensure that proper controls and safeguards are maintained. City funds will be managed with an emphasis on safety of principal, liquidity, and yield, in that order.
21. Employee compensation and benefits will be administered in accordance with the policy given by the City Council. Healthcare costs will be shared between the City and employees and this allocation will be evaluated annually.
22. The Healthcare Self-Insurance Trust Fund was created under the authority of Arizona Revised Statute § 11-981. The Board of Trustees is charged to administer the trust fund and “make recommendations to the City Council regarding trust fund programs, including amount of appropriations to assure stability and security of the trust fund.”
23. An actuarial evaluation will be performed annually to determine the Incurred but Not Reported (IBNR) claim liability. This amount is required by accounting practices and represents the cost of unpaid claims (claims run-out), assuming the City stops being self-insured.
24. The City will optimize the efficiency and effectiveness of its services to reduce costs and improve service quality.
25. The City will maintain a methodology for allocating the City’s indirect costs to service departments. A consultant may be hired to update the plan periodically.
26. All cash transfers between funds must be approved by City Council. Transfers to record capital assets within operating and capital funds are not presented to the City Council as these are administrative in nature.
27. All initial inter-fund loans must be approved by City Council.
28. All use of budgetary contingency accounts must be approved by City Council prior to being expended.

Capital Management Policies

29. The City shall use an integrated approach to capital planning and financing in preparing a five-year Capital Improvement Plan. Only the first year of the plan will be adopted by the City Council.
30. The Capital Improvement Plan will include funding to support repair and replacement of capital equipment and infrastructure. If not fully expended within the fiscal year it is appropriated, funding to support repair and replacement of capital equipment and infrastructure will not rollover to subsequent years. A high priority should be placed on those items where deferring maintenance will result in greater cost to restore or replace. Proposed capital projects will be prioritized based on the City Council’s goals and objectives, the General Plan, and master plans.

31. Future operating, maintenance, and replacement costs associated with new capital improvements will be included as a schedule within the annual budget document. Capital projects will include a fiscal impact statement disclosing the expected operating impact of the project and when such cost is expected to occur.
32. The first \$1.25 million received in revenues from the two and two-tenths percent (2.2%) transaction privilege tax on construction will be retained in the General Fund. Any additional amount will be recorded in the General Capital Fund and will be used to fund the Capital Improvement Plan.
33. The City currently imposes an additional one and one-half percent (1.5%) transaction privilege tax on construction dedicated to the construction of new roadways and to refurbishing existing transportation corridors. The revenue is recorded in the Transportation Improvement Fund and will be used to fund transportation projects in the Capital Improvement Plan.
34. As permitted by state law, the City shall maintain a financial structure to ensure future development pays for itself and is not a burden on existing residents (i.e. "growth pays for growth"). Elements of this financial structure include impact fees, development agreements, Improvement Districts (IDs) and Community Facility Districts (CFDs).
35. Impact fees for infrastructure attributable to new development will be reviewed at least every other year to ensure that fees recover all direct and indirect development-related expenses, as permitted by state law, and will be approved by the City Council.
36. Any capital assets dedicated or donated to the City such as infrastructure, land, right-of-ways, easements, etc. must be approved by the City Council which must include a valuation of the assets.

Debt Management Policies

37. The City shall periodically report measurable steps taken in striving towards achieving and maintaining the highest possible bond ratings. This will minimize borrowing costs, optimize access to credit, and demonstrate excellent financial stewardship on behalf of our residents.
38. An analysis showing how a new debt issue combined with current outstanding debt impacts the City's debt capacity and conformance with City debt policies will accompany every proposal.
39. General Obligation debt, which is supported by property tax revenues, will be utilized as authorized by voters. Other types of voter-approved debt (e.g. water and wastewater) may also be utilized when they are supported by dedicated revenue sources (e.g. fees and user charges).
40. Municipal Property Corporation, trust agreements, and contractual debt, all of which are non-voter approved, will be utilized only when approved by City Council.
41. Improvement District (ID) and Community Facility District (CFD) bonds shall be permitted only when there is a general City benefit as defined and approved by the City Council.
42. Utility rates will be established to ensure the ratio of net revenues to debt service meets bond indenture requirements.
43. The Arizona Constitution provides that the general obligation bonded indebtedness for a city may not exceed twenty percent (20%) of the net secondary assessed valuation of the taxable property of the city for projects for purposes of water, wastewater, artificial light, open space preserves, parks and recreational facilities, public safety, law enforcement, fire and emergency services facilities, streets, and transportation facilities.

Outstanding general obligation bonded indebtedness for all other purposes may not exceed six percent (6%) of the City's net secondary assessed valuation.

44. The City will follow appropriate procedures with regard to obligations under continuing disclosure undertakings as identified by the Securities and Exchange Commission under the Securities Exchange Act of 1934.
45. The City will follow appropriate procedures with regard to tax exempt obligations as identified by the Internal Revenue Code of 1986.

Minimum Fund Balance Policies

46. Minimum fund balances are not intended to be spent. The purpose of the minimum fund balance is to ensure the City has adequate resources to meet its needs. If the necessity arises to draw down a fund balance below the minimum requirements that have been set, a plan to replenish the minimum fund balance will be presented to the City Council for approval.
47. Minimum fund balance requirements will be evaluated annually for long-term adequacy and use requirements.
48. The City has formally adopted a minimum fund balance policy for the following governmental funds:
 - a. The General Fund will have a three-part reserve as follows:
 - i. The City will maintain an Emergency Reserve in the General Fund of one and sixty-seven hundredths percent (1.67%) of the average of budgeted personnel, supplies, and services expenses over a two-month period for that year's Council Adopted Budget for the General Fund, Ground Ambulance Fund, and the Highway User Revenue Fund. The Emergency Reserve is for unexpected, large-scale expenses resulting from events where immediate, remedial action must be taken to protect the health and safety of residents, all unassigned fund balance has been exhausted, and no amount previously appropriated by the City Council is otherwise available. Any use of the Emergency Reserve must be approved by the City Manager or designee. When this occurs, the City Manager shall provide a summary report to the City Council as soon as practical on the usage of these funds and have City Council approve any necessary budget amendments. At that time, the City Manager will also present a plan to restore the Emergency Reserve to the one and sixty-seven hundredths percent (1.67%) level within the next fiscal year following the fiscal year in which the event occurred.
 - ii. The City will maintain an additional General Fund Operating Reserve in the amount of ten percent (10%) of the average of budgeted personnel, supplies, and services expenses over a two-month period for that year's Council Adopted Budget for the General Fund, Ground Ambulance Fund, and the Highway User Revenue Fund. The Operating Reserve is for unexpected events such as failure of the state to remit revenues to the City, loss of state shared revenues, or other impairment of a significant funding source for the remainder of the fiscal year. The Operating Reserve may also be used for unexpected mandates or other events that cause the City to incur unplanned expenses. The Operating Reserve allows for the continuance of critical City services due to these unanticipated events and is done so after all unassigned fund balance has been exhausted and no amount previously appropriated by the City Council is otherwise available. Any use of the Operating Reserve, and associated budget amendments, must be approved by the City Council and include a repayment plan that projects to restore the Operating Reserve to the ten percent (10%) level within two fiscal years following the fiscal year in which the event occurred.
 - iii. The City will maintain an additional General Fund Budget Stabilization Reserve in the amount of five percent (5%) of the average of budgeted personnel, supplies, and services expenses

over a two-month period for that year's Council Adopted Budget for the General Fund, Ground Ambulance Fund, and the Highway User Revenue Fund. The Budget Stabilization Reserve is used to provide funding to offset reductions in revenues resulting from fluctuations in the economic cycle that cannot be otherwise absorbed by the operating budget. The reserve funds will provide time for the City to restructure its operations in a deliberate manner to ensure continuance of critical City activities and is used after all unassigned fund balance has been exhausted and no amount previously appropriated by the City Council is otherwise available. Any use of the Budget Stabilization Reserve, and associated budget amendments, must be approved by the City Council and include a repayment plan, based on a multi-year financial projection, that plans to restore the Budget Stabilization Reserve to the five percent (5%) level within the three fiscal years following the fiscal year in which the event occurred.

- b. General Capital Fund of \$1.0M
- c. Transportation Improvement Fund of \$0.5M
- d. Street Light Improvement Districts (SLIDs). SLIDs have a maximum levy limit of \$1.20 per \$100 of assessed valuation in accordance with A.R.S. § 48-616. To the extent that the levy limit has not been exceeded, taxes will be levied at a rate that will approach an individual ending fund balance reserve of five percent (5%) of its budgeted annual expenses.
- e. Tourism Fund of \$5,000.
- f. The Spring Training Ticket Surcharge Fund will have a minimum fund balance of \$600,000. Any excess fund balance remaining as of June 30 shall be remitted to the General Fund.
- ~~g. Within the Water, Waste Water, Stormwater, and Solid Waste Funds, an amount will be maintained equal to the average budgeted personnel, supplies and services expenses over a two-month period for that year's Council Adopted Budget.~~
- ~~h. Within the Water, Waste Water, Stormwater, and Solid Waste Funds, an additional amount will be maintained for repair and replacement at a minimum of two percent (2%) of all tangible capital assets of the system.~~
- g. The Water Fund will have a four-part reserve as follows:
 - i. The City will maintain an Operating Reserve equal to the average of budgeted personnel, supplies, and services expenses over a three-month period for that year's Council Adopted Budget for the Water Fund.
 - ii. The City will maintain an Asset Reserve equal to two percent (2%) of tangible capital assets of the system as of June 30 from the previous fiscal year.
 - iii. The City will maintain a Rate Stabilization Reserve equal to five percent (5%) of the budgeted operating sources for that year's Council Adopted Budget for the Water Fund.
 - iv. The City will maintain a Resource Portfolio Reserve equal to fifteen percent (15%) of the total cost of delivery and capital charges for Municipal and Industrial plus the Phoenix Active Management Area (AMA) Underground Storage charges multiplied by the total amount of the City's Central Arizona Project (CAP) allocation.
- h. The Wastewater Fund will have a three-part reserve as follows:

- i. The City will maintain an Operating Reserve equal to the average of budgeted personnel, supplies, and services expenses over a three-month period for that year's Council Adopted Budget for the Wastewater Fund.
 - ii. The City will maintain an Asset Reserve equal to two percent (2%) of tangible capital assets of the system as of June 30 from the previous fiscal year.
 - iii. The City will maintain a Rate Stabilization Reserve equal to five percent (5%) of the budgeted operating sources for that year's Council Adopted Budget for the Wastewater Fund.
 - i. The Stormwater Fund will have a two-part reserve as follows:
 - i. The City will maintain an amount ~~will be maintained~~ equal to the average budgeted personnel, supplies, and services expenses over a two-month period for that year's Council Adopted Budget for the Stormwater Fund.
 - ii. The City will maintain an amount equal to two percent (2%) of ~~all~~ tangible capital assets of the system as of June 30 from the previous fiscal year for repair and replacement.
 - j. The Solid Waste Fund will have a four-part reserve as follows:
 - i. The City will maintain an Operating Reserve equal to the average of budgeted personnel, supplies, and services expenses over a three-month period for that year's Council Adopted Budget for the Solid Waste Fund.
 - ii. The City will maintain an Asset Reserve equal to two percent (2%) of tangible capital assets of the system as of June 30 from the previous fiscal year.
 - iii. The City will maintain a Rate Stabilization Reserve equal to five percent (5%) of the budgeted operating sources for that year's Council Adopted Budget for the Solid Waste Fund.
 - iv. As the Solid Waste Utility has excess revenues, the City will maintain a phased Contingency Reserve equal to one-half percent (0.5%) beginning in FY2022 and increased to one percent (1%) for each subsequent year through FY2024.
- a.k. The Risk Management Fund will maintain an amount that, together with purchased insurance policies, will adequately indemnify the City. ~~An actuarial evaluation will be performed periodically to recommend~~The appropriate funding levels will be set at three times the maximum annual loss of \$250,000 which is equal to \$750,000, which will be approved by the City Council.
- b.l. The Healthcare Self-Insurance Trust Fund will maintain an amount at a level which, together with purchased insurance policies (individual and aggregate stop loss), will adequately indemnify the City. The City has established an Adverse Times Reserve. The purpose of this reserve is to address cash flow needs caused by periods in which claim payments exceed projections. The target amount of this reserve is at least twenty-five percent (25%) of expected annual claims.
- c.m. The Workers' Compensation Self-Insurance Trust Fund will maintain an amount which, together with the purchased excess insurance policy will adequately indemnify the City. The Industrial Commission required reserve is \$1,500,000.

Financial Reporting Policies

49. The City's Finance Director will develop standard operating procedures to ensure the City's accounting and financial reporting systems are maintained in conformance with all state and federal laws, Generally Accepted Accounting Principles (GAAP) and the standards of the Governmental Accounting Standards Board (GASB).

50. An annual audit will be performed by an independent public accounting firm. The City will prepare a Comprehensive Annual Financial Report (CAFR) with the objective of receiving an unmodified ("clean") audit opinion. The independent auditor will present and discuss audit findings regarding internal controls and operational issues to the Audit Committee at a public meeting.

CAFR Fund Balance Reporting

1. The hierarchy from least spendable to most spendable fund balance for governmental funds of the City shall be: non-spendable, restricted, committed, assigned and unassigned. When funds are available from multiple classifications ~~of fund balance to meet the City's obligations~~, it is the City's policy to ~~spend-utilize~~ the most restrictive funding first ~~least spendable fund balance available~~.

2. Non-spendable fund balances are determined solely by their form.

~~2-3. and r~~ Restricted fund balances are determined solely by the constraints placed on the use of the resources ~~nature of the fund balance itself.~~

~~3-4.~~ Committed fund balance represents amounts that have been constrained to a specific use by the formal action of the City's highest level of decision-making authority, the City Council. A majority vote of the City Council is necessary to establish, modify, or rescind a fund balance commitment.

4-5. The City has elected the following commitments of fund balance to be standardized from year to year.

- a. A commitment for repair and replacement of general government vehicles and other rolling stock will be maintained based upon lifecycle replacement plans prepared annually. This commitment shall be maintained in the Vehicle Replacement Fund.
- b. A commitment of a one and one-half percent (1.5%) construction sales tax to be used solely for the purposes of paying costs related to new roadways and to refurbish existing transportation corridors, to be maintained in the Transportation Improvement Fund (Ordinance No. 05-13).
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6-7. Amounts that have been constrained by the City's intent to be used for a specific purpose and are neither restricted nor committed are reported as assigned fund balance. The City Council has

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~~49-51.~~ The City's CAFR will be submitted annually to the Government Finance Officers Association (GFOA) Certificate of Achievement for Excellence in Financial Reporting program.

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~~51-53.~~ A ~~monthly~~ financial report will be presented to the City Council no less than quarterly.

DRAFT

CITY OF SURPRISE, ARIZONA
COMPREHENSIVE FINANCIAL MANAGEMENT POLICIES
EFFECTIVE JULY 1, 2019

Introduction

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number of full-time positions; any change to grant or major Capital Improvement Plan (CIP) projects; and all use of contingency.

6. The City Manager has the authority to amend the adopted budget for use of the Emergency Reserve; movement between part-time personnel and full-time personnel; movement of part-time personnel to or from any other category; movement of overtime personnel to or from any other category; and movement to full-time personnel from any other category. The City Manager shall provide a summary report to the City Council on any use of the Emergency Reserve who will then take action on the necessary budget amendment by Resolution.
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14. To ensure that the City does not become overly reliant on "one-time" revenues for operating needs, the first \$1.25 million received in revenues from the two and two-tenths percent (2.2%) transaction privilege tax on construction will be retained in the General Fund. Any additional amount will be recorded in the General Capital Fund and will be used to fund the Capital Improvement Plan.
15. The City currently imposes an additional one and one-half percent (1.5%) transaction privilege tax on construction dedicated to the construction of new roadways and to refurbishing existing transportation corridors. The revenue is recorded in the Transportation Improvement Fund and will be used to fund transportation projects in the Capital Improvement Plan.
16. The City currently imposes a four and fifty-two hundredths percent (4.52%) transaction privilege tax on transient lodging. The four and fifty-two hundredths percent (4.52%) tax rate is then split, with three and fifty-two hundredths percent (3.52%) recorded in the Tourism Fund to be used for promoting tourism and one percent (1.0%) recorded in the General Fund. The three and fifty-two hundredths percent (3.52%) recorded in the Tourism Fund has been committed by City Council to be used for promoting tourism. Of the amount recorded in the Tourism Fund, the Tourism Advisory Board has designated that seventy-five percent (75%) is spent for sports tourism facility development and improvement and twenty-five percent (25%) on marketing, studies, and special events.

17. Water, Wastewater, Stormwater, and Solid Waste user fees and charges will be examined annually to ensure they recover all direct and indirect costs of service and will be approved by the City Council.
18. All user fees (excluding water, wastewater, stormwater, and solid waste) will be examined periodically to determine the direct and indirect cost of service recovery rate. The acceptable recovery rate and any associated changes to user fees and charges will be approved by the City Council.
19. Grant funding will be considered to leverage City funds and requires City Council approval prior to acceptance.
20. Cash balances identified for investments will be maintained in accordance with state law and the adopted investment policy to ensure that proper controls and safeguards are maintained. City funds will be managed with an emphasis on safety of principal, liquidity, and yield, in that order.
21. Employee compensation and benefits will be administered in accordance with the policy given by the City Council. Healthcare costs will be shared between the City and employees and this allocation will be evaluated annually.
22. The Healthcare Self-Insurance Trust Fund was created under the authority of Arizona Revised Statute § 11-981. The Board of Trustees is charged to administer the trust fund and “make recommendations to the City Council regarding trust fund programs, including amount of appropriations to assure stability and security of the trust fund.”
23. An actuarial evaluation will be performed annually to determine the Incurred but Not Reported (IBNR) claim liability. This amount is required by accounting practices and represents the cost of unpaid claims (claims run-out), assuming the City stops being self-insured.
24. The City will optimize the efficiency and effectiveness of its services to reduce costs and improve service quality.
25. The City will maintain a methodology for allocating the City’s indirect costs to service departments. A consultant may be hired to update the plan periodically.
26. All cash transfers between funds must be approved by City Council. Transfers to record capital assets within operating and capital funds are not presented to the City Council as these are administrative in nature.
27. All initial inter-fund loans must be approved by City Council.
28. All use of budgetary contingency accounts must be approved by City Council prior to being expended.

Capital Management Policies

29. The City shall use an integrated approach to capital planning and financing in preparing a five-year Capital Improvement Plan. Only the first year of the plan will be adopted by the City Council.
 30. The Capital Improvement Plan will include funding to support repair and replacement of capital equipment and infrastructure. If not fully expended within the fiscal year it is appropriated, funding to support repair and replacement of capital equipment and infrastructure will not rollover to subsequent years. A high priority should be placed on those items where deferring maintenance will result in greater cost to restore or replace. Proposed capital projects will be prioritized based on the City Council’s goals and objectives, the General Plan, and master plans.
-

31. Future operating, maintenance, and replacement costs associated with new capital improvements will be included as a schedule within the annual budget document. Capital projects will include a fiscal impact statement disclosing the expected operating impact of the project and when such cost is expected to occur.
32. The first \$1.25 million received in revenues from the two and two-tenths percent (2.2%) transaction privilege tax on construction will be retained in the General Fund. Any additional amount will be recorded in the General Capital Fund and will be used to fund the Capital Improvement Plan.
33. The City currently imposes an additional one and one-half percent (1.5%) transaction privilege tax on construction dedicated to the construction of new roadways and to refurbishing existing transportation corridors. The revenue is recorded in the Transportation Improvement Fund and will be used to fund transportation projects in the Capital Improvement Plan.
34. As permitted by state law, the City shall maintain a financial structure to ensure future development pays for itself and is not a burden on existing residents (i.e. "growth pays for growth"). Elements of this financial structure include impact fees, development agreements, Improvement Districts (IDs) and Community Facility Districts (CFDs).
35. Impact fees for infrastructure attributable to new development will be reviewed at least every other year to ensure that fees recover all direct and indirect development-related expenses, as permitted by state law, and will be approved by the City Council.
36. Any capital assets dedicated or donated to the City such as infrastructure, land, right-of-ways, easements, etc. must be approved by the City Council which must include a valuation of the assets.

Debt Management Policies

37. The City shall periodically report measurable steps taken in striving towards achieving and maintaining the highest possible bond ratings. This will minimize borrowing costs, optimize access to credit, and demonstrate excellent financial stewardship on behalf of our residents.
38. An analysis showing how a new debt issue combined with current outstanding debt impacts the City's debt capacity and conformance with City debt policies will accompany every proposal.
39. General Obligation debt, which is supported by property tax revenues, will be utilized as authorized by voters. Other types of voter-approved debt (e.g. water and wastewater) may also be utilized when they are supported by dedicated revenue sources (e.g. fees and user charges).
40. Municipal Property Corporation, trust agreements, and contractual debt, all of which are non-voter approved, will be utilized only when approved by City Council.
41. Improvement District (ID) and Community Facility District (CFD) bonds shall be permitted only when there is a general City benefit as defined and approved by the City Council.
42. Utility rates will be established to ensure the ratio of net revenues to debt service meets bond indenture requirements.
43. The Arizona Constitution provides that the general obligation bonded indebtedness for a city may not exceed twenty percent (20%) of the net secondary assessed valuation of the taxable property of the city for projects for purposes of water, wastewater, artificial light, open space preserves, parks and recreational facilities, public safety, law enforcement, fire and emergency services facilities, streets, and transportation facilities.

Outstanding general obligation bonded indebtedness for all other purposes may not exceed six percent (6%) of the City's net secondary assessed valuation.

44. The City will follow appropriate procedures with regard to obligations under continuing disclosure undertakings as identified by the Securities and Exchange Commission under the Securities Exchange Act of 1934.
45. The City will follow appropriate procedures with regard to tax exempt obligations as identified by the Internal Revenue Code of 1986.

Minimum Fund Balance Policies

46. Minimum fund balances are not intended to be spent. The purpose of the minimum fund balance is to ensure the City has adequate resources to meet its needs. If the necessity arises to draw down a fund balance below the minimum requirements that have been set, a plan to replenish the minimum fund balance will be presented to the City Council for approval.
47. Minimum fund balance requirements will be evaluated annually for long-term adequacy and use requirements.
48. The City has formally adopted a minimum fund balance policy for the following governmental funds:
 - a. The General Fund will have a three-part reserve as follows:
 - i. The City will maintain an Emergency Reserve in the General Fund of one and sixty-seven hundredths percent (1.67%) of the average of budgeted personnel, supplies, and services expenses over a two-month period for that year's Council Adopted Budget for the General Fund, Ground Ambulance Fund, and the Highway User Revenue Fund. The Emergency Reserve is for unexpected, large-scale expenses resulting from events where immediate, remedial action must be taken to protect the health and safety of residents, all unassigned fund balance has been exhausted, and no amount previously appropriated by the City Council is otherwise available. Any use of the Emergency Reserve must be approved by the City Manager or designee. When this occurs, the City Manager shall provide a summary report to the City Council as soon as practical on the usage of these funds and have City Council approve any necessary budget amendments. At that time, the City Manager will also present a plan to restore the Emergency Reserve to the one and sixty-seven hundredths percent (1.67%) level within the next fiscal year following the fiscal year in which the event occurred.
 - ii. The City will maintain an additional General Fund Operating Reserve in the amount of ten percent (10%) of the average of budgeted personnel, supplies, and services expenses over a two-month period for that year's Council Adopted Budget for the General Fund, Ground Ambulance Fund, and the Highway User Revenue Fund. The Operating Reserve is for unexpected events such as failure of the state to remit revenues to the City, loss of state shared revenues, or other impairment of a significant funding source for the remainder of the fiscal year. The Operating Reserve may also be used for unexpected mandates or other events that cause the City to incur unplanned expenses. The Operating Reserve allows for the continuance of critical City services due to these unanticipated events and is done so after all unassigned fund balance has been exhausted and no amount previously appropriated by the City Council is otherwise available. Any use of the Operating Reserve, and associated budget amendments, must be approved by the City Council and include a repayment plan that projects to restore the Operating Reserve to the ten percent (10%) level within two fiscal years following the fiscal year in which the event occurred.
 - iii. The City will maintain an additional General Fund Budget Stabilization Reserve in the amount of five percent (5%) of the average of budgeted personnel, supplies, and services expenses

over a two-month period for that year's Council Adopted Budget for the General Fund, Ground Ambulance Fund, and the Highway User Revenue Fund. The Budget Stabilization Reserve is used to provide funding to offset reductions in revenues resulting from fluctuations in the economic cycle that cannot be otherwise absorbed by the operating budget. The reserve funds will provide time for the City to restructure its operations in a deliberate manner to ensure continuance of critical City activities and is used after all unassigned fund balance has been exhausted and no amount previously appropriated by the City Council is otherwise available. Any use of the Budget Stabilization Reserve, and associated budget amendments, must be approved by the City Council and include a repayment plan, based on a multi-year financial projection, that plans to restore the Budget Stabilization Reserve to the five percent (5%) level within the three fiscal years following the fiscal year in which the event occurred.

- b. General Capital Fund of \$1.0M
- c. Transportation Improvement Fund of \$0.5M
- d. Street Light Improvement Districts (SLIDs). SLIDs have a maximum levy limit of \$1.20 per \$100 of assessed valuation in accordance with A.R.S. § 48-616. To the extent that the levy limit has not been exceeded, taxes will be levied at a rate that will approach an individual ending fund balance reserve of five percent (5%) of its budgeted annual expenses.
- e. Tourism Fund of \$5,000.
- f. The Spring Training Ticket Surcharge Fund will have a minimum fund balance of \$600,000. Any excess fund balance remaining as of June 30 shall be remitted to the General Fund.
- g. The Water Fund will have a four-part reserve as follows:
 - i. The City will maintain an Operating Reserve equal to the average of budgeted personnel, supplies, and services expenses over a three-month period for that year's Council Adopted Budget for the Water Fund.
 - ii. The City will maintain an Asset Reserve equal to two percent (2%) of tangible capital assets of the system as of June 30 from the previous fiscal year.
 - iii. The City will maintain a Rate Stabilization Reserve equal to five percent (5%) of the budgeted operating sources for that year's Council Adopted Budget for the Water Fund.
 - iv. The City will maintain a Resource Portfolio Reserve equal to fifteen percent (15%) of the total cost of delivery and capital charges for Municipal and Industrial plus the Phoenix Active Management Area (AMA) Underground Storage charges multiplied by the total amount of the City's Central Arizona Project (CAP) allocation.
- h. The Wastewater Fund will have a three-part reserve as follows:
 - i. The City will maintain an Operating Reserve equal to the average of budgeted personnel, supplies, and services expenses over a three-month period for that year's Council Adopted Budget for the Wastewater Fund.
 - ii. The City will maintain an Asset Reserve equal to two percent (2%) of tangible capital assets of the system as of June 30 from the previous fiscal year.
 - iii. The City will maintain a Rate Stabilization Reserve equal to five percent (5%) of the budgeted operating sources for that year's Council Adopted Budget for the Wastewater Fund.

- i. The Stormwater Fund will have a two-part reserve as follows:
 - i. The City will maintain an amount equal to the average budgeted personnel, supplies, and services expenses over a two-month period for that year's Council Adopted Budget for the Stormwater Fund.
 - ii. The City will maintain an amount equal to two percent (2%) of tangible capital assets of the system as of June 30 from the previous fiscal year for repair and replacement.
- j. The Solid Waste Fund will have a four-part reserve as follows:
 - i. The City will maintain an Operating Reserve equal to the average of budgeted personnel, supplies, and services expenses over a three-month period for that year's Council Adopted Budget for the Solid Waste Fund.
 - ii. The City will maintain an Asset Reserve equal to two percent (2%) of tangible capital assets of the system as of June 30 from the previous fiscal year.
 - iii. The City will maintain a Rate Stabilization Reserve equal to five percent (5%) of the budgeted operating sources for that year's Council Adopted Budget for the Solid Waste Fund.
 - iv. As the Solid Waste Utility has excess revenues, the City will maintain a phased Contingency Reserve equal to one-half percent (0.5%) beginning in FY2022 and increased to one percent (1%) for each subsequent year through FY2024.
- k. The Risk Management Fund will maintain an amount that, together with purchased insurance policies, will adequately indemnify the City. The appropriate funding level will be set at three times the maximum annual loss of \$250,000 which is equal to \$750,000, which will be approved by the City Council.
- l. The Healthcare Self-Insurance Trust Fund will maintain an amount at a level which, together with purchased insurance policies (individual and aggregate stop loss), will adequately indemnify the City. The City has established an Adverse Times Reserve. The purpose of this reserve is to address cash flow needs caused by periods in which claim payments exceed projections. The target amount of this reserve is at least twenty-five percent (25%) of expected annual claims.
- m. The Workers' Compensation Self-Insurance Trust Fund will maintain an amount which, together with the purchased excess insurance policy will adequately indemnify the City. The Industrial Commission required reserve is \$1,500,000.

Financial Reporting Policies

- 49. The City's Finance Director will develop standard operating procedures to ensure the City's accounting and financial reporting systems are maintained in conformance with all state and federal laws, Generally Accepted Accounting Principles (GAAP) and the standards of the Governmental Accounting Standards Board (GASB).
- 50. An annual audit will be performed by an independent public accounting firm. The City will prepare a Comprehensive Annual Financial Report (CAFR) with the objective of receiving an unmodified ("clean") audit opinion. The independent auditor will present and discuss audit findings regarding internal controls and operational issues to the Audit Committee at a public meeting.

CAFR Fund Balance Reporting

1. The hierarchy from least spendable to most spendable fund balance for governmental funds of the City shall be: non-spendable, restricted, committed, assigned and unassigned. When funds are available from multiple classifications, it is the City's policy to utilize the most restrictive funding first.
 2. Non-spendable fund balances are determined solely by their form.
 3. Restricted fund balances are determined solely by the constraints placed on the use of the resources.
 4. Committed fund balance represents amounts that have been constrained to a specific use by the formal action of the City's highest level of decision-making authority, the City Council. A majority vote of the City Council is necessary to establish, modify, or rescind a fund balance commitment.
 5. The City has elected the following commitments of fund balance to be standardized from year to year.
 - a. A commitment for repair and replacement of general government vehicles and other rolling stock will be maintained based upon lifecycle replacement plans prepared annually. This commitment shall be maintained in the Vehicle Replacement Fund.
 - b. A commitment of a one and one-half percent (1.5%) construction sales tax to be used solely for the purposes of paying costs related to new roadways and to refurbish existing transportation corridors, to be maintained in the Transportation Improvement Fund (Ordinance No. 05-13).
 - c. In addition to the two and fifty-two hundredths percent (2.52%) transient lodging tax restricted by state statute, a commitment of an additional 1.0% transient lodging tax for a total of three and fifty-two hundredths percent (3.52%) will be used to promote tourism and be maintained in the Tourism Fund (Ordinance No. 2010-04).
 6. In order to be reported as committed fund balance in the CAFR the City Council must approve the commitments prior to June 30th. However, the amount of the commitment may be determined after June 30th.
 7. Amounts that have been constrained by the City's intent to be used for a specific purpose and are neither restricted nor committed are reported as assigned fund balance. The City Council has designated the authority to assign amounts to be used for specific purposes to the Chief Financial Officer (CFO).
51. The City's CAFR will be submitted annually to the Government Finance Officers Association (GFOA) Certificate of Achievement for Excellence in Financial Reporting program.
52. The City's Budget will be submitted to the Government Finance Officers Association (GFOA) Distinguished Budget Presentation program.
53. A financial report will be presented to the City Council no less than quarterly.



CITY OF SURPRISE
Regular City Council Meeting

Council Meeting Date: June 18, 2019

Contact Person: Tammie Hollowell, CHIEF INFO OFFICER

Submitting Department: Information Technology District: Citywide

Staff Recommendations: None

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

Consideration and action on an amendment to the Fiscal Year 2019 budget by reallocating appropriations in the amount of \$37,000 for consulting to complete the network microsegmentation project; Resolution # 2019-66.

Motion:

I move to approve Resolution #2019-66

Background:

Additional consulting services to complete the final phase of network segmentation in the datacenter.

Objective Analysis:

Due to savings in the Information Technology Asset Replacement Projects, there is not additional budget impact.

Policy Compliant:

This action is consistent with City and Council Policy

Financial Impact:

There is no financial impact. The increase to Project P17010 will be realized through savings from Project A17010.

Budget Impact:

This action transfers appropriation of \$37,000 from Project A17010 to Project P17030 with no additional impact to the General Capital Projects Fund.

FTE Impact:

There is no FTE Impact.

ATTACHMENTS:

1. RES 2019-66 Budget Amendment for Microsegmentation
-

RESOLUTION # 2019-66

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA, AMENDING THE FISCAL YEAR 2019 BUDGET BY REALLOCATING APPROPRIATIONS OF \$37,000 FROM PROJECT A17010 IT ASSET REPLACEMENT TO PROJECT P17030 NETWORK MICROSEGMENTATION.

WHEREAS, the FY2019 budget was adopted included funding for Network Micro segmentation;

WHEREAS, additional funding is required to increase consulting services for final phase of implementation to complete the project this fiscal year;

WHEREAS, the FY2019 budget was adopted by Council Resolution #2018-78 on June 5, 2018;

WHEREAS, this action will necessitate a budget amendment; and

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

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

Section 1. That the statements and schedules attached as *Exhibit A* and incorporated by reference are adopted, amending the budget of the City of Surprise, Arizona for the fiscal year July 1, 2018 through June 30, 2019.

APPROVED AND ADOPTED this ____ day of _____, 2019.

Skip Hall, Mayor

Attest:

Approved as to form:

Sherry Aguilar, City Clerk

Robert Wingo, City Attorney

RESOLUTION # 2019-66
Exhibit A

1. Appropriation- The allocations below represent a reallocation of appropriations in the amount of \$37,000 from IT Asset Replacement Project A17010 within the General Capital Fund to Network Microsegmentation Project P17030 within the General Capital Fund. These allocations do not represent an actual transfer of funds, but only a transfer of spending authority.

Fund	Department	Project/Category	Rev/ Exp	Current Budget	Increase/ (Decrease)	Amended Budget
General Capital Project Fund	Information Technology	A17070 Asset Repl Information	E	532,800	-37,000	495,800
General Capital Project Fund	Information Technology	P17030 Network Microsegmentation	E	168,400	37,000	205,400
				701,200	0	701,200



CITY OF SURPRISE Regular City Council Meeting

Council Meeting Date: June 18, 2019

Contact Person: Joseph Gladieux, SENIOR SVCS
PRG SUPV

Submitting Department: Human Svcs and Comm
Vitality

District: Citywide

Staff Recommendations: None

Consent: Yes

Regular: No

Public Hearing: No

Report/Discussion: No

Agenda Wording:

Consideration and action on the acceptance of Fiscal Year 2020 grant funds in the amount of \$80,000 from Area Agency on Aging Region One and approval of the Agreement between the Agency and Surprise related hereto; Resolution # 2019-82.

Motion:

I move to approve Resolution # 2019-82.

Background:

The City of Surprise, through its Human Service & Community Vitality (HSCV) Department, applied for a continuation of a grant from Area Agency on Aging that has been in place since 2004. The grant award will serve to support the congregate meal program and a portion of the Senior Center multipurpose operations that support the program.

Objective Analysis:

This action will allow the HSCV Department to maintain the congregate meal service program at the Senior Center.

Policy Compliant:

This action is compliant with City and Council policies.

Financial Impact:

This grant award is \$21,700 for part-time salaries and \$58,300 for special event hosting for a one-time total of \$80,000. There is a 10% in-kind City match requirement in the amount of \$8,000 which will be met with HSCV's General Fund operating budget for a total grant budget of \$88,000.

Budget Impact:

Grant funding in the amount of \$80,000 has been included as a part of the FY2020 budget.

FTE Impact:

This item does not impact the full-time equivalent count.

ATTACHMENTS:

1. Res 2019-82 Area Agency on Aging Contract for Services
 2. AAA Contract for Services
-

RESOLUTION # 2019-82

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA AUTHORIZING THE CITY TO ACCEPT GRANT FUNDING IN THE AMOUNT OF \$80,000 FROM AREA AGENCY ON AGING FOR THE CONGREGATE MEAL PROGRAM.

WHEREAS, the City of Surprise, through its Human Service & Community Vitality Department, applied for a continuation of a grant from Area Agency on Aging that has been in place since 2004;

WHEREAS, the \$80,000 grant award will serve to support the congregate meal program and a portion of the Senior Center multipurpose operations that support the congregate meal program;

WHEREAS, the grant award will be included as a part of the FY2020 budget;

WHEREAS, the City of Surprise Administrative Policies requires the approval of the Mayor and Council for the acceptance of grant funds of this nature.

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

Section 1. The City of Surprise is authorized to accept a grant in the amount of \$60,000 from Area Agency on Aging for Congregate Meals.

Section 2. The City Manager, or his designees, is hereby authorized to conduct all negotiations and to execute and submit all documents and other necessary or desirable instruments in connection with this grant.

APPROVED AND ADOPTED this ____ day of _____, 2019.

Skip Hall, Mayor

Attest:

Approved as to form:

Sherry Aguilar, City Clerk

Robert Wingo, City Attorney

Contract #2020-36-SUR

CONTRACT FOR SERVICES BETWEEN

Area Agency on Aging, Region One, Incorporated AND
1366 E. Thomas Road, Suite 108
Phoenix, Arizona 85014
602-264-2255 fax: 602-230-9132

City of Surprise
16000 North Civic Center Plaza
Surprise, Arizona 85374
623-222-1500 fax: 623-222-1501
EIN 86-6007796

DURATION OF THE CONTRACT, FY 2020: July 1, 2019 and shall end June 30, 2020

CONTACT INFORMATION FOR NOTICES

Signatories: Mary Lynn Kasunic, President & CEO

Seth Dyson, Human Service &
Community Vitality Director

Programmatic Authority: Shawn Pierce, Vice President of
Contract Administration

Joe Gladieux, Human Service & Community
Vitality Manager

Daily Contacts: Michael Ashton, Contract Specialist

Joe Gladieux, Human Service & Community
Vitality Manager

REIMBURSEMENT PAYMENTS SHALL BE MAILED TO:

Nick Sarpy, Accounting Supervisor, 16000 North Civic Center Plaza, Surprise Arizona 85374

This Contract is entered into by and between City of Surprise, hereafter referred to as Contractor, and Area Agency on Aging, Region One, Incorporated, hereafter referred to as Area Agency. The Contractor, in consideration of the covenants and conditions set forth herein, shall provide and perform the services as set forth in the Terms and Conditions, specific Terms and Conditions, Scope(s) of Work, Service Specification(s), and other Area Agency manuals, policies, and directives. Contractor hereby affirms that all insurance and indemnification requirements as set forth in this contract have been met and shall be maintained fully throughout the terms of this contract. Further, Contractor will supply to Area Agency the required certificates of insurance including all required “additional insured” as identified in this contract. All rights and obligations of the parties shall be governed by the terms of this document, and shall include any subcontracts and the approved budget and / or unit rates and contract budget ceilings.

Notice under this Contract shall be given by personal delivery or by mail to the persons indicated above and shall be effective upon receipt by the party to whom addressed unless otherwise indicated in said notice.

IN WITNESS WHEREOF, the parties enter into this Contract:

**AREA AGENCY ON AGING,
REGION ONE, INCORPORATED**

CITY OF SURPRISE

Signature and Date

**Mary Lynn Kasunic, President & CEO
Area Agency on Aging, Region One**

Signature and Date

**Seth Dyson, Human Services &
Community Vitality Director**

CONTRACT SUMMARY
FIXED PRICE WITH PRICE ADJUSTMENT

CONTRACT #: 2020-36-SUR

CONTRACTOR: City of Surprise

TYPE: *Original Contract*

CONTRACT TERM: July 1, 2019 to June 30, 2020

Contract Reimbursement Ceiling for all Services: TOTAL: \$ 80,000

CONTRACT OPERATING BUDGET

	Congregate Meals	Multipurpose Operations
REVENUE		
Area Agency	68,300	11,700
Project Income	24,420	-
Non-Fed Inkind	-	-
Non-Fed Cash	98,925	149,667
Other Federal	-	-
TOTAL	191,645	161,367
EXPENSES		
Personnel	104,595	118,999
ERE	19,801	24,768
Prof&Outside	-	-
Travel	200	-
Space	8,550	12,400
Equipment	-	-
Materials/Supl	57,400	4,800
Operating Svc	1,099	400
Indirect	-	-
TOTAL	191,645	161,367
UNITS	11,500	3,837
UNIT RATE	\$ 16.66	\$ 42.06

TERMS AND CONDITIONS

1. Definitions of Terms As used in this contract, the terms listed below are defined as follows:

- a. *Additional Insured* specifically includes all agencies and requirements as identified in **Section 6.b Additional Insured Requirements**.
- b. *Area Agency* means the Area Agency on Aging, Region One, Incorporated.
- c. *Begin Date* means the date the contract is officially enforce as identified in the Contract Signature page (page 1). The Contractor may start to provide services under this contract not earlier than the Begin Date. The Contractor will not be paid or reimbursed for contract services provided prior to the Begin Date. Payments or reimbursements shall not be made under this contract until the effective date of this contract.
- d. *Compensation* means that part of this contract that contains the approved method of payment or reimbursement which may include a budget or fee or rate for the delivery of services pursuant to this contract. Compensation also means Cost or Price.
- e. *Contract* means the combination of the Request for Proposals , including Terms and Conditions, Specific Terms, Service Specifications and Scopes of Work; the Offer and any Best and Final Offer(s); Methodologies and Work Statements; any Solicitation or Contract Amendments; and any terms implied by law.
- f. *Contract Amendment* means a written document signed by the Area Agency President/Chief Executive Officer (CEO) that is issued for the purpose of making changes in the Contract.
- g. *Contract Expenditures* means expenditures made by the Contractor during the term of this Contract and pursuant to the approved budget and compensation terms and methods.
- h. *Contract Monitor* means the Area Agency staff person who is assigned managerial responsibility for the contract.
- i. *Contract Operating Budget* means the Contractor's itemized then condensed operating budget as approved through a Solicitation or Amendment.
- j. *Contractor* means any person, agency, entity that has a contract with the Area Agency. Contractor shall also be referred to as Provider.
- k. *Contract Term* means the period of time from the contract Begin Date to the contract termination date as awarded, extended, or terminated based on these contract provisions.
- l. *Days* means calendar days unless otherwise specified.
- m. *Department* means the Arizona Department of Economic Security (ADES), unless otherwise indicated.
- n. *Effective Date* means the date the Contractor is to start delivering services. The Effective Dates is specified on any proposal, Contract Signature page, or amendment.
- o. *Eligible Persons* means the persons determined eligible for contract services in accordance with the criteria set forth by this contract.
- p. *Equipment* means all vehicles, furniture, machinery, electronic data processing (EDP) equipment, software and all other equipment costing \$5,000 or more, including all normal and necessary expenses incurred to make the equipment ready for its intended use (e.g., taxes, freight, installation, assembly and testing charges, etc.) and with a useful life of greater than one year. Equipment as used herein does not include real property (e.g., land buildings, structures, or facilities' improvements).
- q. *Fiscal Year* means the period beginning with July 1 and ending June 30.
- r. *Gratuity* means a payment, loan, subscription, advance, deposit of money, services, or anything of more than nominal value, present or promised, unless consideration of substantially equal or greater value is received.
- s. *Level of Service* means the number of units of service specified in the Contract Summary page.
- t. *Materials* means all property, including equipment, supplies, printing, insurance, and leases of property but does not include land, a permanent interest in land or real property or leasing space.
- u. *May* indicates something that is not mandatory but permissible.
- v. *Offer* means bid, proposal, or quotation or *Solicitation*
- w. *Procurement Officer* means the Area Agency President/CEO or designee who is duly authorized by Area Agency to enter into and administer contracts and make written determinations with respect to the contract.
- x. *Quarter* means fiscal quarters July-September, October-December, January-March, and April-June.
- y. *Reimbursement Ceiling* means the maximum amount payable by Area Agency to the Contractor under this Contract.

- z. *Scope of Work* means the Arizona Department of Economic Services description of service(s) to be provided pursuant to this contract.
- aa. *Service Specification* means the Area Agency description of service(s) to be provided pursuant to this contract.
- bb. *Services* means the furnishing of labor, time, product, or effort by a Contractor or Subcontractor which does not involve the delivery of a specific end product other than required reports and performance, but does not include employment agreements or collective bargaining agreements.
- cc. *Shall, Must* indicates a mandatory requirement. Failure to meet these mandatory requirements may result in default of contract.
- dd. *Should* indicates something that is recommended but not mandatory. If the Contractor fails to provide recommended information or comply with a “*should*” statement in a Scope of Work, Service Specification, or Area Agency directive, Area Agency may, at its sole option, ask the Contractor to provide the information or comply with the action.
- ee. *Solicitation* means an invitation for bids, a request for proposals, request for quotation, request for qualifications or *Offer*.
- ff. *State* means the State of Arizona, the Department of Economic Security, other Department(s) or Agency of the State that maintains authority in the contract.
- gg. *Subcontract* means any contract, expressed or implied, between the Contractor and another party or between the Contractor’s subcontractor and another party delegating or assigning, in whole or in part, the making or furnishing of any material or providing any service required for the performance of the Contract.
- hh. *Vulnerable adult* means an individual who is eighteen years of age or older who is unable to protect himself from abuse, neglect or exploitation by others because of a physical or mental impairment.

2. **Contract Interpretation**

- a. Arizona Law The Arizona law applies to this contract including, where applicable, the Uniform Commercial Code as adopted by the State of Arizona and the Arizona Procurement Code, Arizona Revised Statutes (A.R.S.) Title 41, Chapter 23, and its implementing rules, Arizona Administrative Code (A.A.C.) Title 2, Chapter 7.
- b. Compliance with Applicable Laws All changes in the governing laws, rules, and regulations during the term of this contract shall apply but do not require an amendment to this contract.
 - i. This contract shall be governed and interpreted by the laws of the State of Arizona.
 - ii. The materials and services supplied under this contract shall comply with all applicable federal, state, and local laws, and the Contractor shall maintain all applicable license and permit requirements.
 - iii. Nothing in this contract shall be construed as a waiver of an Indian tribe’s sovereign immunity; nothing shall be construed as an Indian tribe’s consent to be sued or as consent by an Indian tribe to jurisdiction of any State Court.
 - iv. The Contractor shall comply with the requirements related to reporting to a peace officer or to child or adult protective services incidents of crimes against children as specified in A.R.S. §13-3620 and crimes against the elderly as specified in A.R.S. §46-454 as may be amended.
 - v. The Contractor shall comply with Public Law 101-121, Section 319 (31 USC Section 1352) as may be amended and 29 CFR Part 93 as may be amended which prohibit the use of federal funds for lobbying and which state, in part: Except with the express authorization of Congress, the Contractor, its employees or agents, shall not utilize any federal funds under the terms of this contract to solicit or influence, or to attempt to solicit or influence, directly or indirectly, any member of Congress regarding pending or prospective legislation. Indian tribes, tribal organizations and other Indian organizations are exempt from these lobbying restrictions with respect to expenditures that are specifically permitted by other federal law.
 - vi. The Contractor shall comply with all applicable state and federal statutes and regulations. This shall include A.R.S. § 23-722.01 as may be amended relating to new hire reporting, A.R.S. § 23-722.02 as may be amended relating to wage assignment orders to provide child support, and A.R.S. § 25-535 as may be amended relating to administrative or court-ordered health insurance coverage for children.
- c. Implied Contract Terms Each provision of law and any terms required by law to be in this contract are a part of this contract as if fully stated in it.
- d. Contract Order of Precedence In the event of a conflict in the provisions of the contract, as accepted by the

Area Agency and as it may be amended, the following shall prevail in the order set forth below:

- i. Terms and Conditions;
 - ii. Provider Specific Terms for Programs with ALTCS Funded Services
 - iii. Provider Specific Terms
 - iv. Scope of Work,
 - v. Service Specifications;
 - vi. Area Agency manuals, policies and directives;
 - vii. Documents referenced or included in the solicitation.
- e. Vehicle Lease All provisions of this contract are applicable to and extended to any Vehicle Lease that may be initiated between Contractor and Area Agency during the terms of this contract.
- f. Relationship of Parties
- i. The Contractor under this contract is an independent Contractor. Neither party to this contract shall be deemed to be the employee or agent of the other party to the contract.
 - ii. In the event that the Contractor or its personnel is sued or prosecuted for conduct arising from this contract, the Contractor or their personnel will not be represented by the Area Agency or other funding source within this contract.
 - iii. Taxes or Social Security payments will not be withheld from an Area Agency payment issued hereunder and the Contractor shall make arrangements to directly pay such expenses, if any.
- g. Severability The provisions of this contract are severable. Any term or condition deemed illegal or invalid shall not affect any other term or condition of the contract.
- h. No Parole Evidence This contract is intended by the parties as a final and complete expression of their agreement. No course of prior dealings between the parties and no usage of the trade shall supplement or explain any terms used in this contract and no other understanding either oral or in writing shall be binding.
- i. No Waiver Either party's failure to insist on strict performance of any term or condition of the contract shall not be deemed a waiver of that term or condition even if the party accepting or acquiescing in the nonconforming performance knows of the nature of the performance and fails to object to it.

3. Contract Administration and Operation

- a. Contract Term
- i. The term of this contract shall be for the period of time from the contract begin date identified on the Contract Signature page to the contract termination date identified on the Contract Signature page or extended in an amendment.
 - ii. The begin date of the contract term is the date that the Contractor may start to provide services under this contract. The Contractor shall not provide services prior to contract term commencing or after the end date of the contract (no billable activity outside the effective dates).
- b. Contract Extension
- i. The Area Agency has no obligation to extend or renew this contract. At the sole option of the Area Agency, this contract may be extended or renewed for multiple periods, or may be established as a multi-year contract in its entirety or in part.
 - ii. The Area Agency shall have the unilateral right to extend the contract period for additional one-year periods or portions thereof. The Terms and Conditions of any such contract extension shall remain the same as the original contract.
 - iii. Any extension or renewal must be made prior to the end of the contract period specified in this contract.
 - iv. This contract may only be extended through a written amendment by mutual agreement of the parties.
- c. Cooperation and Understanding Area Agency may undertake or award other contracts for additional work related to the work performed by the Contractor, and the Contractor shall fully cooperate with such other Contractors and Area Agency employees, and carefully fit its own work to such other Contractors' work. The Contractor shall not commit or permit any act which will interfere with the performance of work by any other Contractor or by Area Agency employees. The Contractor shall cooperate as the Area Agency deems necessary, with the transfer of work, services, case records and files performed or prepared by the Contractor to other Contractor(s).
- d. Certifications The Contractor and its subcontractor(s) agree to sign the following certifications within this contract:
- i. the Certification Regarding Lobbying form, compliance with 49 CFR part 20
 - ii. the Certification Regarding Debarment, Suspension and Voluntary Exclusion Lower Tier Covered

Transactions form.

- e. Amendments This contract is issued under the authority of the Area Agency President/CEO who signed this contract. The contract may be modified only through a contract Amendment within the scope of the contract issued under the authority of the Area Agency President/CEO. Changes to the contract, including the addition of work or materials, the revision of payment terms, or the substitution of work or materials, directed by a person who is not specifically authorized by the Area Agency President/CEO in writing or made unilaterally by the Contractor are violations of the contract and of applicable law. Such changes, including unauthorized written contract amendments shall be void and without effect, and the Contractor shall not be entitled to any claim under this contract based on those changes.
- i. This contract may be amended or modified at any time by mutual agreement. No agent, employee or other representative of either party is empowered to alter any of the terms of the contract, unless done in writing and signed by the authorized representatives of the respective parties.
 - ii. A written amendment to this contract shall be required whenever there is a material change in the content including but not limited to the following:
 1. Reimbursement ceiling;
 2. Contract term if extended and/or reduced without terminating the contract;
 3. Service delivery plan, the scope of work, or the level/units of service to be provided;
 4. Rate paid per unit of service;
 5. Ownership or legal entity responsible for the contract; or
 6. For any other change in the terms and conditions of the contract which Area Agency deems substantial.
 - iii. Where a change does not fall in any of the categories listed in the above items, the Contractor must obtain approval from the Area Agency President/CEO prior to effecting the change.
- f. Subcontracts The Contractor shall not enter into any subcontract under this contract for the performance of this contract without the advance written approval of the Area Agency President/CEO. The Contractor shall clearly list any proposed subcontractors and the subcontractor's proposed responsibilities. The subcontract shall incorporate by reference all of the terms and conditions of this contract, amendments, manuals, and Area Agency directives. Area Agency will not allow a subcontract for any direct client / participant services, but may approve ancillary subcontracts for operational functions not related to direct client / participant services.
- i. Prior to adding a subcontractor to the contract, the Contractor shall submit a formal, written request to the Area Agency President/CEO. The request shall:
 1. Be on the Contractor's company letterhead and signed by an authorized representative of the Contractor;
 2. Contain the subcontractor's name, address, phone number, email and primary point of contact;
 3. Include all the certificates as included/required in this contract and as applicable signed by the subcontractor's authorized representative;
 4. Description of the subcontractor's small business status;
 5. Identification of the type of goods and/or services to be provided by the subcontractor;
 6. The amount of time or effort (as a percent of total contract performance) that the subcontractor will perform in relation to total performance of the contract's requirements; and
 7. A description of the quality assurance measures that the Contractor shall use to monitor the subcontractor's performance.
 8. The Contractor shall provide copies of each contract with a subcontractor relating to the provision of contract services to Area Agency within five (5) calendar days of execution.
 - ii. Inclusive Contractor Contractor is encouraged to make every effort to utilize subcontractors that are small, women-owned and/or minority owned business enterprises. This could include subcontractors for a percentage of the administrative service being proposed. Contractor who is committing a portion of its work to such subcontractors shall do so by identifying the type of service and work to be performed by providing detail concerning the Contractor's utilization of small, women-owned and/or minority business enterprises. Emphasis should be placed on specific areas that are subcontracted and percentage of contract utilization and how this effort will be administered and managed, including reporting requirements.
- g. Assignment and Delegation The Contractor shall not assign any right nor delegate any duty under this contract, without the prior written approval of the Area Agency President/CEO. Area Agency shall not

- unreasonably withhold approval.
- h. Arbitration The parties to this contract agree to resolve all disputes arising out of or relating to this contract 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 (Title 41).
 - i. Predecessor and Successor Contracts The execution or termination of this contract shall not be considered a waiver by Area Agency of any and all rights it may have for damages suffered through a breach of this or prior contract with the Contractor.
 - j. Audit In accordance with the A.R.S. §35-214 **(does not pertain to municipalities)**, the Contractor shall retain and shall contractually require each subcontractor to retain all data, books and other records (“records”) relating to this contract for a period of five (5) years after completion of the contract. All records shall be subject to inspection and audit by Area Agency at reasonable times. Upon request, the Contractor shall produce the original of any or all such records.
 - k. Substantial Interest Disclosure
 - i. Contractor shall not make any payments, either directly or indirectly, to any person, partnership, corporation, trust, or any other organization which has a substantial interest in Contractor's organization or with which Contractor (or one of its directors, officers, owners, trust certificate holders or a relative thereof) has a substantial interest, unless Contractor has made a full written disclosure of the proposed payments, including amounts, to Area Agency.
 - ii. Leases or rental agreements or purchase of real property which would be covered by the above paragraph of this section shall be in writing and accompanied by an independent commercial appraisal of fair market rental, lease, or purchase value, as appropriate.
 - iii. For the purpose of this section, the *relative* shall have the same meanings as in A.R.S. §38-502 as may be amended.
 - l. Cooperation with Investigation Contractor, subcontractor, provider, vendor, staff, volunteers are to cooperate fully and truthfully with any Area Agency, State, or funding agency investigation, including but not limited to an investigation by an Internal Affairs division of such agencies. Failure to adhere to this policy may result in Area Agency taking whatever actions it deems appropriate, from removal of the subject and/or witness from working with Area Agency clients up to terminating this contract.
 - m. Notices All notices under this contract shall be directed in writing to the persons and addresses as specified on the Contract Signature page and/or Facility Location page of this contract.
 - i. Either party shall give written notice to the other party of any non-material alteration that affects the provisions of this contract. Non-material alterations that do not require a written amendment are as follows:
 - 1. Change of address and/or telephone number;
 - 2. Change in Contract Authorized Signatory and his/her designee;
 - 3. Change in the name of the Contractor, where the ownership or responsible entity remains the same;
 - 4. Changes in the name and/or address of the person to whom notices are to be sent;
 - 5. Changes in contract-related personnel positions of the Contractor which do not affect staffing ratios, staff qualifications or specific individuals required under this contract; or
 - 6. In a fixed price with price adjustment contract, whenever there is less than a 10% increase in any budget category; any such increase must be offset by an equal value decrease in another budget category or categories or equal value increase in Contractor funds.
 - ii. In a Fixed Price with Price Adjustment contract, a written amendment shall not be necessary to shift costs among budget categories. The Contractor shall give written notice to Area Agency that includes justification for the change and may receive written approval by Area Agency. Any such increase must be offset by an equal value decrease in any budget category or categories.
 - n. Advertising, Publishing and Promotion of Contract
 - i. The Contractor shall not use, advertise, or promote information for commercial benefit concerning this contract without the prior written approval of the Area Agency President/CEO or designee.
 - ii. Any advertisement, publication, or other media of promotion of contracted services must include the following statement: *Services are funded in part by Area Agency on Aging, Region One, Incorporated.*
 - iii. The Contractor shall provide to Area Agency for review and approval all reports or publications (written, visual or sound) which are funded or partially funded under this contract, a minimum of fifteen (15) calendar days prior to public release.
 - iv. All reports and publications whether written, visual or verbal shall contain the following statement:

This program is funded through a contract with the Area Agency on Aging, Region One Incorporated. Any points of view are those of the author and do not necessarily represent the official position or policies of the Area Agency or related funders.

- o. Ownership of Intellectual Property
 - i. Any and all intellectual property, including but not limited to copyright, invention, trademark, trade name, service mark, and/or trade secrets created or conceived pursuant to or as a result of this contract and any related subcontract (“Intellectual Property”), shall be work made for hire and the Area Agency shall be considered the creator of such Intellectual Property. The Area Agency in requesting the issuance of this contract shall own (for and on behalf of the Area Agency) the entire right, title and interest to the Intellectual Property throughout the world. Contractor shall notify the Area Agency, within thirty (30) days, of the creation of any Intellectual Property by it or its subcontractor(s). Contractor, on behalf of itself and any subcontractor (s), agrees to execute any and all document(s) necessary to assure ownership of the Intellectual Property vests in the Area Agency and shall take no affirmative actions that might have the effect of vesting all or part of the Intellectual Property in any entity other than the Area Agency. The Intellectual Property shall not be disclosed by Contractor or its subcontractor(s) to any entity not the Area Agency without the express written authorization of the Area Agency President/CEO.
 - ii. Intellectual Property developed by the Contractor that is already in the public domain is exempt from this requirement.
- p. Transfer of Knowledge The contractor shall, whenever feasible, share strategies and techniques with the Area Agency to transfer the skills and knowledge acquired in the delivery of the contracted service.
- q. Transition of Activities In the event that a contract is awarded to a new contractor for services similar to those being performed by Contractor under this contract, there shall be a transition of services period. During this period, the Contractor, under this contract, shall work closely with the new contractor’s personnel and/or Area Agency staff to ensure a smooth and complete transfer of duties and responsibilities. Area Agency’s authorized representative will coordinate all transition activities. A transition plan will be developed in conjunction with the existing Contractor to assist the new contractor and/or Area Agency staff to implement the transfer of duties. Area Agency reserves the right to determine which projects/service delivery nearing completion will remain with the current Contractor of record.
- r. Federal Immigration and Nationality Act
 - i. By entering into the Contract, the Contractor warrants compliance with the Federal Immigration and Nationality Act (FINA) and all other Federal immigration laws and regulations related to the immigration status of its employees. The Contractor shall flow down this requirement to all subcontractors utilized during the term of the contract. The Area Agency shall retain the right to perform random audits of contractor and subcontractor records or to inspect papers of any employee thereof to ensure compliance. The Contractor shall obtain statements from its subcontractors certifying compliance and shall furnish the statements to the Area Agency President/CEO upon request. These warranties shall remain in effect through the term of the contract. The Contractor and its subcontractors shall also maintain Employment Eligibility Verification forms (I-9) as required by the U.S. Department of Labor’s Immigration and Control Act, for all employees performing work under the Contract.
 - ii. Area Agency may request verification of compliance for any Contractor or subcontractor performing work under the contract. Should the Area Agency determine that the Contractor or any ~~of its~~ subcontractors be found noncompliant, Area Agency may pursue any and all remedies allowed by law, including, but not limited to: suspension of work, termination of the contract for default, and suspension and/or debarment of the Contractor. All costs necessary to verify compliance are the responsibility of the Contractor.
- s. Offshore Performance of Work Prohibited Due to security and identity protection concerns, direct services under this contract shall be performed within the borders of the United States. Any services that are described in the specifications or scope of work that directly serve the State of Arizona or its clients and may involve access to secure or sensitive data or personal client data or development or modification of software for the Area Agency shall be performed within the borders of the United States. Unless specifically stated otherwise in the specifications, this definition does not apply to indirect or “overhead” services, redundant back-up services or services that are incidental to the performance of the contract. All storage and processing of information shall be performed within the borders of the United States. This provision applies to work performed by subcontractors at all tiers.
- t. Pandemic Contractual Performance

- i. The State shall require a written plan that illustrates how the Contractor shall perform up to contractual standards in the event of a pandemic. Area Agency may require a copy of the plan at any time prior or post award of a contract. At a minimum, the pandemic performance plan shall include:
 1. Key succession and performance planning if there is a sudden significant decrease in Contractor's workforce.
 2. Alternative methods to ensure there are services or products in the supply chain.
 3. An up to date list of company contacts and organizational chart.
- ii. In the event of a pandemic, as declared by the Governor of Arizona, U.S. Government or the World Health Organization, which makes performance of any term under this contract impossible or impracticable, the Area Agency shall have the following rights:
 1. After the official declaration of a pandemic, Area Agency may temporally void the contract(s) in whole or specific sections if the Contractor cannot perform to the standards agreed upon in the initial terms.
 2. Area Agency shall not incur any liability if a pandemic is declared and emergency procurements are authorized by the Director of the Arizona Department of Administration per A.R.S. §41-2537 as may be amended of the Arizona Procurement Code.
 3. Once the pandemic is officially declared over and/or the Contractor can demonstrate the ability to perform, Area Agency, at its sole discretion, may reinstate the temporarily voided contract(s).
- u. Israel Area Agency certifies that it is not currently engaged in, and agrees for the duration of this Contract that it will not engage in a "boycott," as that term is defined in A.R.S. §35-393, of Israel.

4. Contract Costs and Compensation

- a. Availability of Funds
 - i. The provisions of this contract relating to payment for services shall become effective when funds assigned for the purpose of compensating the Contractor, as herein provided, are actually available to the Area Agency for disbursement. The Area Agency President/CEO shall be the authority in determining the availability of funds under this contract and the Area Agency shall keep the Contractor fully informed as to the availability of funds.
 - ii. If any action is taken by any county, state agency, federal department, or any other agency or instrumentality to suspend, decrease, or terminate its fiscal obligation under, or in connection with this Contract, the Area Agency may reduce funding, rates, and/or services or terminate this contract without further recourse, obligation, or penalty in the event that insufficient funds are appropriated or allocated.
 - iii. The Area Agency President/CEO shall have the sole and unfettered discretion in determining the availability of funds.
 - iv. Area Agency and the Contractor may mutually agree to reduce reimbursement to the Contractor when the payment type is Fixed Price with Price Adjustment by executing a contract amendment.
 - v. Availability of Funds for the Current Fiscal Year Should the State Legislature enter back into session and reduce the appropriations or for any reason and these goods or services are not funded, the State and/or the Area Agency may take any of the following actions:
 1. Reduce payments or units authorized;
 2. Accept a decrease in price offered by the Contractor;
 3. Cancel the Contract; or
 4. Cancel the Contract and re-solicit the requirements
 - vi. Availability of Funds for the Next Fiscal Year Funds may not presently be available for performance under this Contract beyond the current fiscal year. No legal liability on the part of the State or the Area Agency for any payment may arise under this Contract beyond the current fiscal year until funds are made available for performance of this Contract.
- b. Contract Payment Types Payments regarding this contract shall be made according to the type of payment indicated with the check mark (✓) and as identified on the Contract Summary page(s) and defined as follows:
 - i. Rate or Fixed Price – The Contractor is paid a specified amount for each unit of service or deliverable as designated in the Contract Summary, not to exceed the maximum number of units if indicated by the Area Agency for each contract service/deliverable. Area Agency may authorize units and adjust funding based on those authorized units throughout the term of the contract by

amending the contract.

- ii. ☒ Fixed Price With Price Adjustment - Reimbursement to the Contractor is in accordance with actual, allowable costs incurred consistent with each Contract Budget and/or Contract Summary not to exceed the service reimbursement ceiling. The Contractor shall furnish Area Agency with an accounting of actual costs incurred consistent with the categories set forth in the Contract Budget. Budget categories, to include cost items in a category, may be deleted, added, or modified by approval from Area Agency. Such modifications shall follow protocols as set forth in the Notices and Amendments sections of these Terms and Conditions.

c. Contract Payment Provisions

- i. Reimbursement to the Contractor shall be in accordance with actual allowable costs incurred consistent with each service budget, budget summary, or Fixed Price, not to exceed the service reimbursement ceiling. The Contractor shall furnish Area Agency with an accounting of actual costs incurred consistent with the categories set forth in the service budget(s).
- ii. The Contractor shall report to the Area Agency in the manner prescribed by **Section 13.q. Reporting Requirements** of these Terms and Conditions and Service Specifications or other Area Agency directives. Upon receipt of applicable, accurate, and complete records, Area Agency shall authorize payment or reimbursement in accordance with the type of payment indicated by this contract.
- iii. If the Contractor is in any manner in default in the performance of any obligation under this contract, or if audit exceptions are identified, Area Agency may, at its option and in addition to other available remedies, either adjust the amount of payment or withhold payment until satisfactory resolution of the default or exception.
- iv. If Contractor's performance is less than 90% of contracted service levels or projecting to be less than 90% of contracted service levels; Area Agency may, at its option, reduce contracted funds up to an equal percentage of services provided.
- v. Under no circumstances shall Area Agency make payment to the Contractor:
 - 1. That exceeds the unit authorized without an amendment to this contract;
 - 2. That exceeds the service reimbursement ceiling as stated in the Contract Summary or Contract Budget without an amendment to this contract; or
 - 3. For services performed prior to or after the term of the contract without timely extension or renewal of the contract.
- vi. Failure to submit required financial and programmatic reports by the approved due date(s) may result, at the option of Area Agency, in the assessment of a penalty equal to one percent (1%) of Area Agency reimbursement ceiling for each occurrence. Failure to provide such report within forty-five (45) days following the end of a month may result, at the option of Area Agency, in a forfeiture of such payment. Should a penalty be assessed, the level of service shall remain unchanged.
- vii. The Contractor may offer a price reduction adjustment at any time during the term of the contract. Any price reduction shall be executed by a contract amendment.
- viii. Payments shall comply with requirements of A.R.S. Title 35 and 41. Upon receipt and acceptance of goods or services, the Contractor shall submit a complete and accurate invoice for payment from the Area Agency.
- ix. In order to receive payment, the Contractor shall have a current IRS w-9 form on file with the Area Agency unless not required by law.

d. Compensation for Rate or Fixed Price

- i. Subject to the availability of funds and during the period of this contract, the Area Agency shall pay the fixed unit prices for each unit of service authorized and delivered to each client in accordance with the Contract Summary.
- ii. The Contractor shall not be entitled to bill the Area Agency, nor shall the Area Agency honor any claim for payment for any client services performed in the development of, or review of a client's plan of care.
- iii. The rates per unit of service as stated in the Contract Summary shall be considered payment in full for all services and supplies rendered or provided under the terms of this contract. The Contractor agrees that it will not bill or charge clients, their families, guardian or conservators for services provided under this contract without prior approval of the Area Agency. The provisions of this section shall not be construed as restricting the right of the Contractor to bill Medicare for allowable costs, and/or to bill clients for other services rendered that are not covered by this contract.
- iv. The Contractor shall be entitled to bill the Area Agency only for those units of service that have

- been performed in accordance with the Scope of Work and Service Specifications of this contract and where the Contractor has obtained a valid client signature each time services were provided.
- v. The Area Agency, working from the Contractor's billing, shall determine the payments to be made to the Contractor for services. If a discrepancy exists between the Contractor's billing and the Area Agency's record of authorized clients and units of service, the amount of the discrepancy will be disallowed and the remainder of the claim processed for payment. The Contractor shall be notified in writing of the amount and reasons for any disallowance and shall be afforded the opportunity to document the appropriateness of the disallowed costs and to resubmit a billing for payment within thirty (30) days of the original due date.
 - vi. The Area Agency President/CEO shall be the sole determiner of the availability of funds.
- e. Compensation for Fixed Price with Price Adjustment
- i. Subject to the availability of funds, Area Agency shall compensate the Contractor for delivery of the contract services designated within the Service Specifications, provided that the services are delivered during the term of the contract and in accordance with the terms and conditions set forth in this contract. The maximum reimbursement ceiling for all Fixed Price with Price Adjustment services provided during the term of this contract is stated in the Contract Summary.
 - ii. At least a ten percent (10%) non-federal match is required for each Area Agency dollar awarded. This non-federal match may be either cash or in-kind.
 - iii. If at contract termination the total number of eligible units of service delivered for any contracted service is less than ninety percent (90%) of the contracted units, Area Agency reserves the right to adjust payments to the Contractor proportionally.
 - iv. The Area Agency shall not be obligated to compensate the Contractor for delivery of contracted services at a ratio greater than the time remaining in the contract year. The schedule of compensation shall be applied quarterly; therefore, a Contractor may not exceed compensation greater than 25%, 50%, 75% based on the period of the contract year served. Area Agency shall have sole and unfettered discretion to deviate from this schedule.
- f. Applicable Taxes
- i. The Contractor shall be responsible for paying all applicable taxes.
 - ii. The State of Arizona and the Area Agency is subject to all applicable state and local transaction privilege taxes. Transaction privilege taxes apply to the sale and are the responsibility of the seller to remit. Failure to collect such taxes from the buyer does not relieve the seller from its obligation to remit taxes.
 - iii. Contractor and all subcontractors shall pay all Federal, state, and local taxes applicable to its operation and any persons employed by the Contractor. Contractor shall, and require all subcontractors to hold the State of Arizona, Area Agency, and its funders harmless from any responsibility for taxes, damages, and interest, if applicable, contributions required under Federal, and/or state and local laws and regulations and any other costs including transaction privilege taxes, unemployment compensation insurance, Social Security and Workmen's Compensation.

5. Indemnification

- a. Indemnification
- i. Contractor/Vendor Indemnification (Not Public Agency): The parties to this contract agree that the Area Agency and the State of Arizona, its departments, agencies, boards and commissions shall be indemnified and held harmless by the Contractor for the vicarious liability of the Area Agency or the State as a result of entering into this contract. However, the parties further agree that the Area Agency and the State of Arizona, its departments, agencies, boards and commissions shall be responsible for its own negligence. Each party to this contract is responsible for its own negligence.
 - ii. Public Agency Language Only: To the extent permitted by law, each party (as 'indemnitor') agrees to indemnify, defend, 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.
- b. Indemnification Clause To the extent permitted by law, the parties to this contract agree that the Area Agency, State of Arizona and the Department of Economic Security (DES) shall be indemnified and held harmless by Contractor for the vicarious liability of the Area Agency and/or State as a result of entering

into this contract. However, the parties further agree that the Area Agency, State of Arizona and DES shall each be responsible for its own negligence. Each party to this contract is responsible for its own negligence. *This indemnity shall not apply if the Contractor or sub-contractor(s) is/are an agency, board, commission or university of the State of Arizona.*

- c. Indemnification for Subcontractor In addition, the Contractor shall cause its contractor(s) and subcontractor(s), if any, to indemnify, defend, save and hold harmless the Area Agency and 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 Indemnitee) from and against any and all claims, actions, liabilities, damages, losses, or expenses (including court costs, attorneys' fees, and costs of claim processing, investigation and litigation) (hereinafter referred to as Claims) for bodily injury or personal injury (including death), or loss or damage or tangible or intangible property caused, or alleged to be caused, in whole or in part, by the negligent or willful acts or omissions of the Contractor or any of the directors, officers, agents, or employees or subcontractors of such Contractor. This indemnity includes any claim or amount arising out of or recovered under the Workers' Compensation Law or arising out of the failure of such Contractor to conform to any federal, state or local law, statute, ordinance, rule, regulation or court decree. It is the specific intention of the parties that the Indemnitee shall, in all instances, except for claims arising solely from the negligent or willful acts or omissions of the Indemnitee, be indemnified by such Contractor to the extent permitted by law, from and against any and all claims. It is agreed that such Contractor will be responsible for primary loss investigation, defense and judgement costs where this indemnification is applicable.
- d. Indemnification – Patent and Copyright To the extent permitted by law, the Contractor shall indemnify and hold harmless both Area Agency and the State against any liability, including costs and expenses, for infringement of any patent, trademark or copyright arising out of contract performance or use by the Area Agency or the State of materials furnished by Contractor or work performed under this contract by Contractor. The Area Agency shall reasonably notify the Contractor of any claim for which it may be liable under this paragraph.

6. Insurance

- a. Insurance Requirements Contractor and subcontractors shall procure and maintain until all of their obligations have been discharged, including any warranty periods under this Contract, are satisfied, insurance against claims for injury to persons or damage to property which may arise from or in connection with the performance of the work hereunder by the Contractor, his agents, representatives, employees or subcontractors.

The *insurance requirements* herein are minimum requirements for this Contract and in no way limit the indemnity covenants contained in this Contract. The Area Agency and State of Arizona, in no way warrants that the minimum limits contained herein are sufficient to protect the Contractor from liabilities that might arise out of the performance of the work under this contract by the Contractor, its agents, representatives, employees or subcontractors, and Contractor is free to purchase additional insurance.

- b. Additional Insured Requirements For the purposes of this contract, the identified agencies and specific language shall be identified as additional insured for all contract required insurance policies. The policies shall include or be endorsed to include the following provisions:
 - i. Required Agencies
 - ☒ Area Agency on Aging, Region One Incorporated
 - ☒ State of Arizona and Department of Economic Security
 - n/a Banner University Family Plan
 - n/a UnitedHealthcare Community Plan
 - n/a Maricopa County Public Health Department
 - n/a Mercy Care Plan
 - n/a Total Transit Enterprises, LLC/ Total Transit, Inc./ Veyo, LLC
 - ii. The policy shall be endorsed to include the following Additional Insured language:
"The Additional Insured agencies, their departments, agencies, boards, commissions, universities and its officers, officials, agents, and employees shall be named as additional insured with respect to liability arising out of the activities performed by or on behalf of the Contractor and including involvement of owned, leased, hired, or borrowed vehicles by the Contractor".
 - iii. The 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.

- iv. The Contractor's insurance coverage shall be primary insurance with respect to all other available sources.
 - v. Coverage provided by the Contractor shall not be limited to the liability assumed under the indemnification provisions of this contract.
 - vi. The Additional Insured endorsement(s), where applicable to liability policies required under these provisions, and which extend policy rights to the Area Agency, shall insure only the vicarious liability to the extent stated in the Indemnification Clause.
- c. Minimum Scope and Limits of Insurance Contractor shall provide coverage with limits of liability not less than those stated below.
- i. Commercial General Liability – Occurrence Form Policy shall include bodily injury, property damage, personal injury and broad form contractual liability coverage.
 - General Aggregate \$3,000,000 (ALTCS) / \$2,000,000
 - Products – Completed Operations Aggregate \$1,000,000
 - Personal and Advertising Injury \$1,000,000
 - Blanket Contractual Liability – Written & Oral \$1,000,000
 - Fire Legal Liability \$ 50,000
 - Each Occurrence \$1,000,000
 1. The policy shall be endorsed to include coverage for sexual abuse and molestation.
 2. Policy shall contain a waiver of subrogation against all agencies identified as Additional Insureds, their 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. This requirement may be satisfied with a policy combining General and Professional Liability, provided that the General Liability section of the policy is written on an occurrence basis, and includes coverage for contractual liability.
 - ii. Business Automobile Liability - Bodily Injury and Property Damage for any owned, hired, leased, and/or non-owned vehicles used in the performance of this Contract.

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

 1. The policy shall be endorsed to include the following additional insured language: *The Additional Insured shall be named as additional insured 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.*
 2. Policy shall contain a waiver of subrogation against the Additional Insured, 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.
 3. This section, Business Automobile Liability, shall not be applicable in the event the Contractor (or its subcontractors) does not utilize a vehicle in any manner in the performance of this contract or if the utilization is used only for commuting purposes. In the event the Contractor (or its subcontractors) subsequently utilizes any vehicle in the performance of the contract or utilizes it for other than commuting purposes, this section, Business Automobile Liability, shall be fully applicable, effective the date the utilization is changed.
 - iii. Workers Compensation and Employers' Liability
 1. Workers' Compensation Statutory
 2. Employers' Liability
 - a. Each Accident \$ 500,000
 - b. Disease – Each Employee \$ 500,000
 - c. Disease – Policy Limit \$1,000,000
 3. Policy shall contain a waiver of subrogation against Additional Insureds, their 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.
 4. 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.
 - iv. Professional Liability (Errors and Omissions Liability)
 1. Requirements as follows
 - d. Each Claim \$1,000,000
 - e. Annual Aggregate \$2,000,000

2. In the event that the professional liability insurance required by this Contract is written on a claims-made basis, Contractor warrants that any retroactive date under the policy shall precede the effective date of this Contract; and that either continuous coverage will be maintained or an extended discovery period will be exercised for a period of two (2) years beginning at the time work under this Contract is completed.
 3. The policy shall cover professional misconduct or lack of ordinary skill for those positions defined in the Scope of Work and Service Specifications, work definitions, and other performance statements of this contract.
- v. Fidelity Bond or Crime Insurance
- Bond Policy Limit \$100,000
 1. The bond or policy shall be issued with minimum limits of \$100,000.
 2. The bond or policy shall include coverage for all directors, officers, agents and employees of the Contractor.
 3. The bond or policy shall include coverage for third party fidelity.
 4. The bond or policy shall include coverage for theft and mysterious disappearance.
 5. The bond or policy shall contain no requirement for arrest and conviction.
 6. The bond or policy shall cover loss outside the premises of the Named Insured.
- d. Notice of Cancellation Each insurance policy required by the insurance provisions of this contract shall provide the required coverage and shall not be suspended, voided, canceled, or reduced in coverage or in limits except after thirty (30) days prior written notice has been given to the Area Agency. Such notice shall be sent directly to the Area Agency Contracts Department and shall be sent by certified mail, return receipt requested.
- e. Acceptability of Insurers Insurance is to be placed with duly licensed or approved non-admitted insurers in the state of Arizona with an "A.M. Best" rating of not less than A- VII. The Area Agency in no way warrants that the above-required minimum insurer rating is sufficient to protect the Contractor from potential insurer insolvency. If the Contractor utilizes the Social Service Contractors Indemnity Pool (SSCIP) or other approved insurance pool for insurance coverage, SSCIP or the other approved insurance pool is exempt from the A.M. Best's rating requirements listed in this contract. If the Contractor or subcontractor chooses to use SSCIP, AMRRP, or another approved insurance pool as its insurance provider, the contract/subcontract would be considered as meeting the insurance requirements relating to the A.M. Best rating requirements. Contractors or subcontractors submitting certificates of Insurance identifying SSCIP, AMRRP, or another approved insurance pool will be considered as meeting the insurance requirements including those related to sexual abuse and molestation.
- f. Verification of Coverage
- i. Contractor shall furnish the Area Agency with certificates of insurance (ACORD form or equivalent form approved by Area Agency) as required by this contract. The certificates for each insurance policy are to be signed by a person authorized by that insurer to bind coverage on its behalf.
 - ii. All certificates and endorsements are to be received and approved by the Area Agency 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.
 - iii. All certificates required by this Contract shall be sent directly to Area Agency Contracts Department. The Area Agency contract number and contract description shall be noted or referenced on the certificate of insurance. The Area Agency reserves the right to require complete, certified copies of all insurance policies required by this Contract at any time.
- g. Subcontractors Contractors' certificate(s) shall include all subcontractors as insureds under its policies or Contractor shall furnish to the Area Agency separate certificates and endorsements for each subcontractor. All coverage for subcontractors shall be subject to the minimum requirements identified within this contract.
- h. Approval Any modification or variation from the Insurance Requirements in this contract shall be made by the Area Agency, whose decision shall be final. Such action will not require a formal contract amendment, but may be made by administrative action.
- i. Exceptions
- i. In the event the Contractor or subcontractor(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

subcontractor(s) is/are a State of Arizona agency, board, commission, or university, none of the above shall apply.

- ii. In the event that Contractor determines that it may not be able to comply fully with the insurance requirements set forth in this section and contract, the Contractor may request that the insurance requirements be modified pursuant to paragraph **6.h. Approval of this section**, provided that such request be delivered in writing to Area Agency at least ten (10) days prior to contract execution. Contractor shall include with such request Contractor's justification for the modification with supporting documentation.
 1. As provided in paragraph **6.h. Approval of this section**, the Area Agency President/CEO shall decide whether such modification may be permitted.
 2. Modifications that are approved will be done so on a case-by-case basis and shall not affect the insurance requirements of other Contractors for whom modifications have not been approved. If a Contractor's request has not been approved or a Contractor fails to deliver its request prior to the applicable deadline, then the Contractor shall be required to comply fully with the insurance requirements set forth fully in this **Section 6 Insurance**.

7. Risk and Liability

a. Force Majeure

- i. Except for payments of sums due, neither party shall be liable to the other nor deemed in default under this Contract if and to the extent that such party's performance of this Contract is prevented by reason of force majeure. The term "force majeure" means an occurrence that is beyond the control of the party affected and occurs without its fault or negligence. Without limiting the foregoing, force majeure includes acts of God; acts of the public enemy; war; riots; strikes; mobilization; labor disputes; civil disorders; fire; flood; lockouts; injunctions-intervention-acts; or failures or refusals to act by government authority; and other similar occurrences beyond the control of the party declaring force majeure which such party is unable to prevent by exercising reasonable diligence.
 - ii. Force Majeure shall not include the following occurrences:
 1. Late delivery of equipment or materials caused by congestion at a manufacturer's plant or elsewhere, or an oversold condition of the market;
 2. Late performance by a subcontractor unless the delay arises out of a force majeure occurrence in accordance with this force majeure term and condition; or
 3. Inability of either the Contractor or any subcontractor to acquire or maintain any required insurance, bonds, licenses or permits.
 - iii. If either party is delayed at any time in the progress of the work by force majeure, the delayed party shall notify the other party in writing of such delay, as soon as is practicable and no later than the following working day, of the commencement thereof and shall specify the causes of such delay in such notice. Such notice shall be delivered or mailed certified-return receipt and shall make a specific reference to this article, thereby invoking its provisions. The delayed party shall cause such delay to cease as soon as practicable and shall notify the other party in writing when it has done so. The time of completion shall be extended by Contract Amendment for a period of time equal to the time that results or effects of such delay prevent the delayed party from performing in accordance with this Contract.
 - iv. Any delay or failure in performance by either party hereto shall not constitute default hereunder or give rise to any claim for damages or loss of anticipated profits if, and to the extent that such delay or failure is cause by force majeure.
- b. **Third Party Antitrust Violations** The Contractor assigns to the Area Agency any claim for overcharges resulting from antitrust violations to the extent that those violations concern materials or services supplied by third parties to the Contractor toward fulfillment of this contract.

8. Warranties

- a. **Suspension and Debarment**: The Contractor warrants that the corporation has not been debarred, suspended or otherwise lawfully prohibited from participating in any public procurement activity. If the Contractor is a sub-entity, franchise, or a DBA (doing-business-as) entity of another corporation or entity, Contractor makes the same warrant of suspension and debarment for the other corporation(s). If a Contractor has, prior to or during this contract, been debarred, suspended or otherwise lawfully prohibited from participating in any public procurement activity, the Contractor shall disclose that information to Area Agency in writing within

- ten (10) days of such debarment.
- b. Services The Contractor warrants that all services provided under this contract shall conform to the requirements stated herein and any amendments hereto. The Area Agency's acceptance of services provided by the Contractor shall not relieve the Contractor from its obligations under this warranty. In addition to its other remedies, the Area Agency President/CEO may, at the Contractor's expense, require prompt correction of any services failing to meet the Contractor's warranty herein. Services corrected by the Contractor shall be subject to all of the provisions of this contract in the manner and to the same extent as the services originally furnished.
 - c. Liens The Contractor warrants that the materials supplied under this Contract are free of liens and shall remain free of liens.
 - d. Quality Unless otherwise modified elsewhere in these terms and conditions, the Contractor warrants that, for one year after acceptance by the Area Agency of the materials, they shall be
 - i. Of a quality to pass without objection in the trade under the contract description;
 - ii. Fit for the intended purposes for which the materials are used;
 - iii. Within the variations permitted by the contract and are of even kind, quantity, and quality within each unit and among all units;
 - iv. Adequately contained, packaged, and marked as the contract may require; and
 - v. Conform to the written promises or affirmations of fact made by the Contractor.
 - e. Fitness The Contractor warrants that any material supplied to the Area Agency shall fully conform to all requirements of the contract and all representations of the Contractor, and shall be fit for all purposes and uses required by the contract.
 - f. Inspection/Testing The warranties set forth in subparagraphs Liens, Quality, and Fitness of this section are not affected by inspection or testing of or payment for the materials by the Area Agency.
 - g. Compliance with Applicable Laws
 - i. The materials and services supplied under this contract shall comply with all applicable federal, state and local laws, and the Contractor shall maintain all applicable license and permit requirements. Any changes in the governing laws, rules and regulations during the term of this contract shall apply but do not require an amendment to this contract.
 - ii. Contractor shall comply with the laws, rules, regulations and standards contained within the Omnibus Budget Reconciliation Act of 1981 (Public Law 97-35) including Section 2352 "Title XX Block Grants;" Title 45 Code of Federal Regulations Parts 74 and 96; and the Arizona Title XX Social Services Plan.
 - iii. Contractor shall comply with the laws, rules, regulations and standards contained within Title III of the Older Americans Act, as amended; Title 45 Code of Federal Regulations, Part 74 (except Subpart N); Title 45 of the Code of Federal Regulations parts 1320, 1321, 1324, and 1326. In accordance with Title 45 Code of Federal Regulations, Part 1321.51, the Area Agency shall afford the Contractor an opportunity for a hearing when required by the provisions of this part.
 - iv. Contractor shall comply with the provisions of A.R.S. Sections §46-251 through §46-253, Supplemental Payments Program.
 - v. The laws and regulations of the State of Arizona shall govern the rights of the parties, the performance of this contract and any disputes there under. Any action relating to this contract shall be brought in Arizona court.
 - vi. The Contractor shall comply with the requirements of the Health Insurance Portability and Accountability Act of 1996 (Public Law 104-191) and all applicable implementing Federal regulations. The Contractor shall notify Area Agency no later than one hundred and twenty (120) days prior to any required compliance date if the Contractor is unwilling to or anticipates that it will be unable to meet these requirements. Receipt by the Area Agency of a notice of anticipated inability or unwillingness to comply with these requirements constitutes grounds for the termination of this contract.
 - h. Survival of Rights and Obligations after Contract Expiration or Termination
 - i. Contractor's Representations and Warranties: All representations and warranties made by the Contractor under this contract shall survive the expiration or termination hereof. In addition, the parties hereto acknowledge that pursuant to A.R.S. §12-510, except as provided in A.R.S. §12-529, the Area Agency or State are not subject to or barred by any limitations of actions prescribed in A.R.S., Title 12, Chapter 5.
 - ii. Purchase Orders: The Contractor shall, in accordance with all terms and conditions of the contract, fully perform and shall be obligated to comply with all purchase orders received by the Contractor

prior to the expiration or termination hereof, unless otherwise directed in writing by the Area Agency President/CEO including, without limitation, all purchase orders received prior to but not fully performed and satisfied at the expiration or termination of this contract.

- iii. **Risk of Loss:** The Contractor shall bear all loss of conforming material covered under this Contract until received by authorized personnel at the location designated in the purchase order or Contract. Mere receipt does not constitute final acceptance. The risk of loss for nonconforming materials shall remain with the Contractor regardless of receipt.

9. Contractual Remedies

- a. **Right to Assurance** If Area Agency in good faith has reason to believe that the Contractor does not intend to or is unable to perform or continue performing under this contract, the Area Agency President/CEO may demand in writing that the Contractor give a written assurance of intent to perform. Failure by the Contractor to provide written assurance within the number of days specified in the demand may at Area Agency's option, be the basis for terminating the contract under the Terms and Conditions or other rights and remedies available by law or provided by the contract. For designated agencies, termination shall comply with the Older American's Act legislation.
- b. **Stop Work Order**
 - i. The Area Agency, at any time, by written order to the Contractor, **may** require the Contractor to stop all or any part, of the work called for by this Contract for period(s) of days indicated by the Area Agency after the order is delivered to the Contractor. The order shall be specifically identified as a stop work order issued under this clause. Upon receipt of the order, the Contractor shall immediately comply with its terms and take all reasonable steps to minimize the incurrence of costs allocable to the work covered by the order during the period of work stoppage.
 - ii. If a stop work order issued under this clause is canceled or the period of the order or any extension expires, the Contractor shall resume work. The Area Agency President/CEO shall make an equitable adjustment in the delivery schedule or contract price, or both, and the contract shall be amended in writing accordingly.
- c. **Non-Exclusive Remedies** The rights and the remedies of the Area Agency under this contract are not exclusive.
- d. **Non-Conforming Tender** Materials or services supplied under this contract shall fully comply with the contract. The delivery of materials or services or a portion of the materials or services that do not fully comply constitutes a breach of contract. On delivery of nonconforming materials or services the Area Agency may terminate the contract for default under applicable termination clauses in the contract, exercise any of its rights and remedies under the Uniform Commercial Code, or pursue any other right or remedy available to it.
- e. **Right of Offset** Area Agency shall be entitled to offset, against any sums due the Contractor, any expenses or costs incurred by the Area Agency or damages assessed by the Area Agency concerning the Contractor's nonconforming performance or failure to perform the contract, including expenses, costs and damages.

10. Contract Termination

- a. **Mutual Agreement** This contract may be terminated by mutual agreement of the parties at any time during the term of this agreement.
- b. **Cancellation for Conflict of Interest** Pursuant to A.R.S §38-511 as may be amended, Area Agency may cancel this contract within three (3) years after contract execution without penalty or further obligation if any person significantly involved in initiating, negotiating, securing, drafting or creating the contract on behalf of the Area Agency is or becomes at any time while the contract or an extension of the contract is in effect an employee of or a consultant to any other party to this contract with respect to the subject matter of the contract. The cancellation shall be effective when the Contractor receives written notice of the cancellation unless the notice specifies a later time. If the Contractor is a political subdivision of the State, it may also cancel this contract as provided in A.R.S §38-511 as may be amended.
- c. **Gratuities** The Area Agency may, by written notice to the Contractor, terminate this contract in whole or in part if Area Agency determines that employment or a gratuity was offered or made by the Contractor or a representative of the Contractor to any officer or employee of the Area Agency for the purpose of influencing the outcome of the procurement or securing the contract, an amendment to the contract, or favorable treatment concerning the contract, including the making of any determination or decision about contract performance. The Area Agency, in addition to any other rights or remedies, shall be entitled to recover exemplary damages in the amount of three times the value of the gratuity offered by the Contractor.

d. Suspension or Debarment

For non-governmental entities: The Area Agency may, by written notice to the Contractor, immediately terminate this contract if the Area Agency determines that the Contractor has been debarred, suspended or otherwise lawfully prohibited from participating in any public procurement activity, including but not limited to, being disapproved as a subcontractor of any public procurement unit or other governmental body. Submittal of an offer or execution of a contract shall attest that the Contractor is not currently suspended or debarred. If the Contractor becomes suspended or debarred, the Contractor shall immediately notify the Area Agency as identified in **Section 8.a. Suspension and Debarment**.

For governmental entities: Either party may, by written notice, immediately terminate this contract if either party has determined to have been debarred, suspended or otherwise lawfully prohibited from participating in any public procurement activity, including but not limited to, being disapproved as a subcontractor of any public procurement unit or other governmental body. Submittal of an offer or execution of a contract shall attest that the Contractor is not currently suspended or debarred. If the Contractor becomes suspended or debarred, the Contractor shall immediately notify the Area Agency as identified in **Section 10.d. Suspension and Debarment**.

e. Termination for Convenience The Area Agency reserves the right to terminate the contract, in whole or in part at any time, when in the best interests of the Area Agency without penalty or recourse. In addition, the Area Agency has the right to terminate the contract upon the Contractor's noncompliance which does or may jeopardize any Area Agency fund source requirements, standards, or expectations. Upon receipt of the written notice, the Contractor shall stop all work, as directed in the notice, notify all subcontractors of the effective date of the termination and minimize all further costs to the Area Agency. In the event of termination under this paragraph, all documents, data and reports prepared by the Contractor under the contract shall become the property of and be delivered to Area Agency upon demand. The Contractor shall be entitled to receive just and equitable compensation for work in progress, work completed and materials accepted before the effective date of the termination. The cost principles and procedures provided in A.A.C. R2-7-701 shall apply. The Contractor may terminate this contract per this provision by providing at least sixty (60) days written notice to the Area Agency President/CEO.

f. Termination for Default

- i. In addition to the rights reserved under the contract, Area Agency may terminate the contract in whole or in part due to the failure of the Contractor to comply with any term or condition of the contract, to acquire and maintain all required insurance policies, bonds, licenses and permits, or to make satisfactory progress in performing the contract. The Area Agency President/CEO shall provide written notice of the termination and the reasons for it to the Contractor.
- ii. Upon termination under this paragraph, all goods, materials, documents, data and reports prepared by the Contractor under the contract shall become the property of and be delivered to the Area Agency on demand.
- iii. This contract is voidable and subject to immediate termination by Area Agency upon the Contractor becoming insolvent or filing proceedings in bankruptcy or reorganization under the United States Code, or upon assignment or delegation of the contract and/or any rights there under without Area Agency's prior written approval.
- iv. Area Agency may, upon termination of this contract, procure, on terms and in the manner that it deems appropriate, materials or services to replace those under this contract. The Contractor shall be liable to the Area Agency for any excess costs incurred by the Area Agency in procuring materials or services in substitution for those due from the Contractor.
- v. Area Agency may immediately terminate this contract if the Area Agency determines that the health or welfare or safety of service recipients is endangered.
- vi. For designated agencies, termination shall comply with the Older American's Act legislation.

g. Continuation of Performance Through Termination Area Agency and the Contractor shall continue to perform, in accordance with the requirements of the contract, up to the date of termination, as directed in the termination notice.

h. Termination for Any Reason

- i. In the event the contract is terminated, with or without cause, or expires, the parties, shall assist each other in the transition of services or eligible persons to other contractors. Such assistance and coordination shall include, but not be limited to, the forwarding of program and other records as may be necessary to assure the smoothest possible transition and continuity of services. The cost of reproducing and forwarding such records and other materials shall be borne by the Contractor. The

Contractor must make provisions for continuing all management/administrative services until the transition of services or eligible persons is complete and all other requirements of this contract are satisfied.

- ii. **Pertains to non-governmental entities only:** In the event of termination or suspension of the contract by the Area Agency, such termination or suspension shall not affect the obligation of the Contractor to indemnify Area Agency, the State, and DES for any claim by any other party against Area Agency, the State, or DES arising from the Contractor's performance of this contract and for which the Contractor would otherwise be liable under this contract. To the extent such indemnification is excluded by A.R.S. §41-621 et seq. as may be amended or an obligation is unauthorized under A.R.S. §35-154 as may be amended, the provisions of this paragraph shall not apply.
- iii. In the event of early termination for any reason, any funds advanced to the Contractor shall be returned to Area Agency within ten (10) days after the date of termination of the contract or upon receipt of notice of termination of the contract, whichever is earlier.

11. Services

- a. Services The Contractor shall provide the services as identified in the Contract Summary of this contract in accordance with the following:
 - i. Scope of Work(s);
 - ii. Service Specification(s);
 - iii. Specific Terms;
 - iv. Approved Methodology(s);
 - v. Documents referenced or included in the solicitation
 - vi. Approved Budget or Rate;
 - vii. Approved Outreach Plan(s), if applicable; and
 - viii. Other Area Agency manuals, policies, procedures, and directives.
- b. Delivery of Services Contractor shall notify and obtain prior approval from Area Agency for modifications affecting the delivery of services which may include but is not limited to the following:
 - i. Increase or decrease in the number of days of operations to existing facilities;
 - ii. Increase or decrease in the number of facilities where services are provided; or
 - iii. Changes to the Methodologies.
- c. Levels of Service
 - i. For designated non-case managed services, if the Contractor determines service recipient eligibility, the Contractor shall maintain and regulate the units or services set forth in this contract to ensure continuity and availability of services to eligible persons during the term of this contract and during any transition to a subsequent Contractor.
 - ii. Area Agency makes no guarantee to purchase specific quantities of goods or services, or to refer eligible persons as may be identified or specified herein.
 - iii. Further, it is understood and agreed that this contract is for the sole convenience of the Area Agency and that the Area Agency reserves the right to obtain like goods or services from other sources when such need is determined necessary by the Area Agency.
 - iv. Area Agency makes no guarantee to purchase all of the service units contracted or to provide any number of referrals. If quantities of units are specified, they are estimates only and the Area Agency may decrease and/or increase them by providing written notice to the Contractor.
 - v. Any administration within the Area Agency may obtain services under this contract.
 - vi. Contract services may be moved or expanded to other site locations within the geographic area awarded only by a written contract amendment.
 - vii. When the method of compensation for the service is Fixed Price with Price Adjustment, the contract may be amended, by mutual agreement, to purchase additional services by increasing the contract service budget and/or budget summary.
 - 1. It is expected that the Contractor will serve in excess of contract authorized, case managed, units by as much as 10% without obligation for an Area Agency funding increase.
 - 2. Contractor is expected to serve, at least, within 90% of contracted levels of service. The Area Agency reserves the right to amend the contract funding and units within the contract to correspond with projected levels of service.

12. Area Agency Responsibility

- a. Technical Assistance Area Agency may, but shall not be obligated to, provide technical assistance to the Contractor in the administration of contract services, or relating to the terms and conditions, policies and procedures governing this contract. Notwithstanding the foregoing, the Contractor shall not be relieved of full responsibility and accountability for the provision of contract services in accordance with the terms and conditions set forth herein.

13. Contractor Responsibility

a. Audit

- i. In compliance with the Federal Single Audit Act (31 U.S.C. per. 7501-7507 as may be amended and as OMB documents may be consolidated, renamed, or reconfigured), Contractors designated as sub-recipients, as described in the Office of Management and Budget (OMB) Circular A-133, expending federal funds from all sources totaling \$750,000 or more, shall have a yearly audit conducted in accordance with the audit and reporting standards as prescribed in OMB Circular A-133 as may be amended. As outlined in A-133. the Audit Reporting Package shall include:
 1. Financial statements and a schedule of Expenditures of Federal Awards (SEFA)
 2. Summary schedule of prior audit findings
 3. Auditors Reports (detailed in the A-133)
 4. Corrective Action Plan
- ii. The Area Agency's contract numbers and award amounts must be included on the SEFA. A copy of the Single Audit Reporting Package and Management Letter, if issued, shall be submitted to the Area Agency's Chief Finance Officer within thirty (30) days after completion of the audit or nine (9) months after the audited period and to the Area Agency's Contracts Department.
- iii. All Contractors are subject to the programmatic and fiscal monitoring requirements of Area Agency to ensure accountability of the delivery of all goods and services, as required under the Federal Single Audit Act. A minimum fiscal requirement for all Contractors designated as vendors is an annual financial audit which includes Area Agency contract numbers and award amounts. The Audit Report, Management Letter and Auditor's Opinion must be submitted to Area Agency within thirty (30) days after the completion of the audit.
- iv. As prescribed in OMB Circular A-133, for-profit sub-recipients are subject to compliance requirements established by the Area Agency. Methods to ensure compliance for Federal awards made to for-profit sub-recipients may include pre-award audits, Area Agency monitoring during the contract, and post-award audits.
- v. Audits of non-profit corporations receiving federal or state monies required pursuant to federal or state law must be conducted as provided in 31 U.S.C. Section 7501 et seq. and A.R.S. §35-181.03 as may be amended and any other applicable statutes, rules, regulations and standards.

b. Background Checks for Employment through the Central Registry If providing direct services to children or vulnerable adults, the following shall apply:

- i. The provisions of A.R.S. §8-804 (as may be amended) are hereby incorporated in its entirety as provisions of this contract.
- ii. The Contractor will conduct Central Registry Background Checks using the Area Agency contract number: **ADES15-089127**.
- iii. The Contractor will use the information contained in the Central Registry as a factor to determine qualifications for positions that provide direct service to children or vulnerable adults for:
 1. All employees of a Contractor;
 2. A subcontractor of a Contractor and the subcontractor's employees; and
 3. Prospective employees of the contractor or subcontractor at the request of the prospective employer.
- iv. Volunteers who provide direct services to children or vulnerable adults shall have a Central Registry Background Check which is to be used as a factor to determine qualifications for volunteer positions.
- v. A person who is disqualified because of a Central Registry Background Check may apply to the Board of Fingerprinting for a Central Registry exception pursuant to A.R.S. §41-619.57. A person who is granted a Central Registry exception pursuant to A.R.S. §41-619.57 is not entitled to a contract, employment, licensure, certification or other benefit because the person has been granted a Central Registry exception.
- vi. Before being employed or volunteering in a position that provides direct services to children or

vulnerable adults, persons shall certify on forms provided by Area Agency whether an allegation of abuse or neglect was made against them and was substantiated. The completed forms are to be maintained as confidential.

- vii. A person awaiting receipt of the Central Registry Background Check may provide direct services to Area Agency clients after completion and submittal of the Direct Service Position certification form if the certification states:
 - 1. The person is not currently the subject of an investigation of child abuse or neglect in Arizona or another state or jurisdiction; and
 - 2. The person has not been the subject of an investigation of child abuse or neglect in Arizona, or another state or jurisdiction, which resulted in a substantiated finding.
 - viii. If the Central Registry Background Check specifies any disqualifying act and the person does not have a Central Registry exception, the person shall be prohibited from providing direct services to Area Agency clients.
 - ix. Contractors will conduct re-checks of any staff or volunteers:
 - 1. Upon request from Area Agency;
 - 2. In conjunction with the fingerprint clearance card renewal; and
 - 3. If the staff/volunteer person has had a period of one (1) year interrupted from employment/service or interrupted from performing direct services.
 - x. The Contractor shall maintain the Central Registry Background Check results and any related forms or documents in a confidential file for five (5) years after termination of the contract.
 - xi. Assistance:
 - 1. The Request for Search of Central Registry for Background Check form is located at: Exhibit A (Form confirmed by DES 05/2019)
 - 2. The Certification of Direct Service Position is located at: Exhibit B (Form confirmed by DES 05/2019)
- c. Books and Records
- i. Under A.R.S. §35-214 and §35-215 **(does not pertain to municipalities)**, the Contractor shall retain and shall contractually require each subcontractor to retain all data and other “records” relating to the acquisition and performance of the contract for a period of five years after the completion of the contract. All records shall be subject to inspection and audit by Area Agency at reasonable times. Upon request, the Contractor shall produce a legible copy of any or all such records.
 - ii. Contract service records will be maintained in accordance with this contract amendment(s), scope(s) of service, service specification(s), and any other Area Agency policies and directives. Records shall, as applicable, include but not be limited to meeting the following standards:
 - 1. Adequately identify the service provided and each service recipient’s application for contract and subcontract activities;
 - 2. Include personnel records which contain applications for employment, job titles and descriptions, hire and termination dates, a copy of the fingerprinting clearance card, wage rates, and effective dates of personnel actions affecting any of these items;
 - a. Specific to staff/volunteers providing transportation services, records must include a copy of a valid driver’s license based on the vehicle to be driven and the initial physical exam and subsequent physical exams per contract requirements.
 - b. Specific to staff/volunteers providing home delivered meals, records must include a copy of a valid driver’s license based on the vehicle to be driven.
 - 3. Include time and attendance records for individual employees to support all salaries and wages paid;
 - 4. Include records of the source of all receipts and the deposit of all funds received by the Contractor;
 - 5. Include original copies of invoices, statements, sales tickets, billings for services, deposit slips, etc., and a cash disbursement journal and cancelled checks to reflect all disbursements applicable to the contract;
 - 6. Include a complete general ledger and accounts for the collection of all costs and/or fees applicable to the contract; and
 - 7. Include copies of lease/rental agreements, mortgages and/or any other agreements that in any way may affect contract expenditures.
 - iii. Any such records not maintained shall mandate an audit exception in the amount of the inadequately

- documented expenditures.
- iv. Contractor shall preserve and make available all records for a period of five (5) years from the date of final payment under this contract or if subject to Health Insurance Portability & Accountability Act which is six (6) years from the date of final payment.
 - v. If this contract is completely or partially terminated, the records relating to the work terminated shall be preserved and made available for a period of five (5) years from the date of any such termination.
 - vi. Records which relate to disputes, litigation or the settlement of claims arising out of the performance of this contract, or costs and expenses of this contract to which exception has been taken by the Area Agency, shall be retained by the Contractor until such disputes, litigations, claims or exceptions have been disposed of.
- d. Certification of Cost or Pricing Data By submittal of an offer, the contract, contract amendment or other official form, the Contractor certifies that, to the best of the Contractor's knowledge and belief, any cost or pricing data submitted is accurate, complete and current as of the date submitted or other mutually agreed upon date. Furthermore, the price to the Area Agency shall be adjusted to exclude any significant amounts by which the Area Agency finds the price was increased because the Contractor-furnished cost or pricing data was inaccurate, incomplete or not current as of the date of submittal. Such adjustment by the Area Agency may include overhead, profit, or fees.
- e. Certification of Rate and/or Budget Contractor certifies the following:
- i. The contract Rate or Budget set forth in this contract was prepared in accordance with applicable Area Agency guidelines and procedures;
 - ii. The information which was provided to Area Agency by the Contractor for use as a basis in approving the compensation budget or rate is accurate and in accordance with **Section 13.s, Unallowable Costs** of these Terms and Conditions;
 - iii. Similar types of costs were accorded consistent accounting treatment in the development of the compensation section; and
 - iv. No costs are included as both direct and indirect costs.
 - v. The Contractor agrees that the funds received under this contract will be expended to achieve the purposes of this contract and to meet costs defined as allowable in applicable federal or state laws, rules, regulations and guidelines. For contracts where costs are reimbursed, any costs deemed unallowable as determined by a financial audit shall be subject to recoupment pursuant to **Section 13.p, Payment Recoupment** of these Terms and Conditions. The Contractor shall be entitled to appeal such determination through Area Agency's appeal process.
- f. Conflict of Interest Contractor is responsible to ensure that volunteers and staff do not engage in any extraneous, for hire, or non-contractual service tasks or otherwise engage in a conflict of interest relationship with a service recipient. Contractor shall have a specific Conflict of Interest policy to include staff training and monitoring system to ensure compliance.
- g. Gratuities Contractor and all representatives, staff, and volunteers shall not accept any form of gratuity including but not limited to cash, promise of cash, property, gifts, or services from service recipients. Contractor shall have a specific Gratuity Policy including staff training and monitoring system to ensure compliance.
- h. Code of Conduct The Contractor shall avoid action that might create or result in the appearance of:
- i. Inappropriate use or divulging of information gathered or discovered pursuant to the performance of its duties under the contract;
 - ii. Acting on behalf of the Area Agency or contracted funding sources, without appropriate authorization;
 - iii. Provide favorable or unfavorable treatment to anyone;
 - iv. Make a decision on behalf of the Area Agency that exceeds Contractor's authority that could result in partiality, or have a political consequence for the Area Agency or contracted funding sources.
 - v. Misrepresent or otherwise impede the efficiency, authority, actions, policies, or adversely affect the confidence of the public or integrity of the Area Agency or contracted funding sources.
 - vi. Loss of impartiality when advising the Area Agency or contracted funding sources.
- i. Competitive Bidding Contractor is authorized to purchase the supplies and equipment itemized in the contract or specified in an amendment for utilization in the delivery of contract services. Contractor shall procure all such supplies and equipment at the lowest practicable cost and shall purchase all non-expendable items, having a useful life of more than one year and an acquisition cost of \$5,000 or more, through generally accepted and reasonable competitive bidding processes. Any procurement in violation of this

provision shall be considered a financial audit exception. The documentation of bids and bid acceptance decision must be maintained by the Contractor and made available to Area Agency for review upon written request.

- j. Disaster Preparedness Contractor will develop and implement an emergency preparedness plan describing agency protocols to assist clients in the event of an emergency/disaster. The plan should include agency methods of coordination with state and/or local emergency response agencies. Contractor agrees to conduct staff training on the implementation of the emergency preparedness plan.
- k. Equipment
 - i. If the Contractor is authorized, specifically by the Area Agency, to purchase equipment, it shall be itemized in the contract or in the Terms of the amendment for utilization in the delivery of contract services. If equipment is purchased as authorized by this contract, the Contractor shall maintain complete and up-to-date inventory records for all equipment purchased hereunder. Equipment specifically designated within this contract, to be purchased in whole or part with Area Agency funds, shall be reported in accordance with Area Agency Finance Manual inventory policies and procedures. The Contractor shall report equipment purchased with contract funds to Area Agency within thirty (30) days of purchase, perform an annual inventory of all equipment purchased with Area Agency funds and submit the equipment inventory to the Area Agency.
 - ii. Reimbursement claims for equipment must include the detailed receipt identifying the equipment item, cost including taxes, shipping, and installation, and the type(s) of funds used from the Area Agency.
 - iii. The Area Agency and its funding sources shall retain an equitable interest equal to the purchase price paid, or a fair estimate or appraisal of current market value, whichever is greater, in all equipment purchased or assigned to the Contractor under this contract. Area Agency shall be included as a co-insured on any insurance policy which covers equipment purchased under this contract.
 - iv. The Contractor shall not dispose of any equipment purchased or assigned under this contract without the prior written consent of Area Agency during and after the contract term. Such consent, if given, may include direction as to the means of disposition and the utilization of proceeds, including any necessary adjustments to the contract.
 - v. Upon termination of this contract, any equipment purchased or assigned under this contract shall be disposed of as directed by Area Agency and, if sold, Area Agency shall be compensated in the amount of its equitable interest.
 - vi. Under a Fixed Price contract, **Section i.** and **Section v.** do not apply unless specifically required by federal or state law.
- l. E-Verify
 - i. In accordance with A.R.S. §41-4401 as may be amended, Contractor warrants compliance with all federal immigration laws and regulations relating to employees and warrants to compliance with section A.R.S. §23-214, Subsection A as may be amended which reads: *"After December 31, 2007, every employer, after hiring an employee, shall verify the employment eligibility of the employee through the E-Verify program and shall keep a record of the verification for the duration of the employee's employment or at least three (3) years whichever is longer."*
 - ii. A breach of a warrant regarding compliance with immigration laws and regulations shall be deemed a material breach of the contract and the Contractor may be subject to penalties up to and including termination of the contract.
 - iii. Failure to comply with an Area Agency audit process to randomly verify the employment records of the Contractor and subcontractors shall be deemed a material breach of the contract and the Contractor may be subject to penalties up to and including termination of the contract.
 - iv. Area Agency retains the legal right to inspect the papers of any employee who works on the contract to ensure that the Contractor or subcontractor is complying with the warranty statement herein.
- m. Fingerprinting
 - i. Contractor shall comply with, and shall ensure that all of Contractor's employees, independent contractors, subcontractors, volunteers and other agents comply with all applicable (current and future) legal requirements relating to fingerprinting, fingerprint clearance cards, certifications regarding pending or past criminal matters, and criminal records checks that relate to contract performance.
 - ii. Applicable legal requirements relating to fingerprinting, certification, and criminal background checks may include, but are not limited to, the following: A.R.S. §§36-594.01, 36-3008, 41-1964,

and 46-141. All applicable legal requirements relating to fingerprinting, fingerprint clearance cards, certifications regarding pending or past criminal matters, and criminal records checks are hereby incorporated in their entirety as provisions of this contract. The contractor is responsible for knowing which legal requirements relating to fingerprinting, fingerprint clearance cards, certifications regarding pending or past criminal matters, and criminal records checks relate to contract performance.

- iii. "Certifications regarding pending or past criminal matters" as identified above may be satisfied through the submission of the Criminal History Self Disclosure Affidavit by staff/volunteers. Such use of this form cannot be construed as the only manner or the best manner to obtain certifications regarding pending or past criminal matters. The Criminal History Self Disclosure affidavit form is located at:
 1. Exhibit C (Form confirmed by DES 05/2019) English
 2. Exhibit D (Form confirmed by DES 05/2019) Spanish
- iv. To the extent A.R.S. §46-141 as may be amended, is applicable to contract performance or the services provided under this contract, the following provision apply:
 1. Personnel who are employed by the Contractor, whether paid or not, and who are required or allowed to provide services directly to juveniles or vulnerable adults shall have a valid fingerprint clearance card or shall apply for fingerprint clearance card within seven working days of employment. The Contractor is required to maintain complete documentation of all fingerprint clearance cards to demonstrate all personnel have clearance including copies of the front and back of the card. For employees/volunteers who have the fingerprint clearance card prior to working/volunteering with the Contractor, the Contractor needs to verify the status of the card at the following website:
https://webapps.azdps.gov/public_inq_acct/acct/ShowClearanceCardStatus.action
 2. Except as provided in A.R.S. §46-141, this contract may be cancelled or terminated immediately if a person employed by the Contractor and who has contact with juveniles or vulnerable adults certifies pursuant to the provisions of A.R.S. §46-141 as may be amended, that the person is awaiting trial or has been convicted of any of the offenses listed therein in this State, or of acts committed in another state that would be offenses in this State, or if the person does not possess or is denied issuance of a valid fingerprint clearance card.
 3. Federally recognized Indian tribes or military bases may submit and the Department of Economic Security shall accept certifications that state that no personnel who are employed or who will be employed during the contract term have been convicted of, have admitted committing, or are awaiting trial on any offense as described in A.R.S. §46-141 (H) (as may be amended).
- v. Contractor is solely responsible for maintaining and providing upon request documentation verifying all aspects of this section.
- n. IT 508 Compliance Unless specifically authorized in the contract, any electronic or information technology offered to the Area Agency under this contract shall comply with A.R.S. §41-3531 and §3532 as may be amended, and Section 508 of the Rehabilitation Act of 1973, which requires that employees and members of the public with disabilities shall have access to and use of information technology that is comparable to the access and use by employees and members of the public who are not individuals with disabilities.
- o. Payment Indemnification The Contractor shall be responsible for issuing payment for services performed by the Contractor's employees, subcontractors, suppliers, or any other third party incurred in the furtherance of the performance or the arising out of the contract and will indemnify and save the Area Agency harmless for all claims whatsoever out of the lawful demands of such parties. The Contractor shall, at the Area Agency's request, furnish satisfactory evidence that all obligations of the nature hereinabove designated have been paid, discharged or waived.
- p. Payment Recoupment Contractor shall reimburse Area Agency upon demand or Area Agency may deduct from future payments for the items below.
 - i. Any amounts received by the Contractor from Area Agency for contract services which have been inaccurately reported or are found to be unsubstantiated;
 - ii. Any amounts paid by the Contractor to a subcontractor not authorized in writing by Area Agency;
 - iii. Any amount or benefit paid directly or indirectly to an individual or organization not in accordance with the **Section 3.k, Substantial Interest Disclosure** and/or **Section 10.b. Cancellation for Conflict of Interest** of these Terms and Conditions;

- iv. Any amounts paid by Area Agency for services which duplicate services covered or reimbursed by other specific grants, contracts, or payments;
 - v. Any amounts expended for items or purposes determined unallowable by Area Agency when this contract provides for the reimbursement of costs, see the **Section 13.s, Unallowable Costs** section of these Terms and Conditions;
 - vi. Any amounts paid by Area Agency for which the Contractor's books, records, and other documents are not sufficient to clearly substantiate that those amounts were used by the Contractor to perform contract services;
 - vii. Any amounts received by the Contractor from Area Agency which are identified as a financial audit exception;
 - viii. Any amounts received by the Contractor from Area Agency which are identified as a financial audit exception;
 - ix. Any amounts paid or reimbursed in excess of the contract or service reimbursement ceiling;
 - x. Any amounts paid to the Contractor which are subsequently determined to be defective pursuant to **Section 13.d, Certification of Cost or Pricing Data** of these Terms and Conditions;
 - xi. Any payments made for services rendered before the contract begin date or after the contract termination date.
- q. **Reporting Requirements**
- i. Unless otherwise provided in this contract and specifically excluding the last reporting month of the contract term, reporting shall adhere to the following schedule: no later than the tenth (10th) day following each month during the contract term the Contractor shall submit to Area Agency programmatic and financial reports in the form set forth in the contract or by Area Agency directive. Failure to submit accurate and complete reports by the tenth (10th) day following the end of each month may result, at the option of Area Agency, in assessing available penalties as allowed in **Section 4.c.vi Contract Payment Provision** of these Terms and Conditions. **Reference Exhibit E.**
 - ii. For the final billing month of the fiscal year, no later than the Area Agency appointed day following end of each contract term, the Contractor shall submit to Area Agency a final program and fiscal report.
 - iii. Failure to submit the final program and fiscal report within the above time period may result, at the option of Area Agency, in forfeiture of final payment.
- r. **Supporting Documents and Information** In addition to any documents, reports or information required by any other section of this contract, Contractor shall furnish Area Agency with any further documents and information deemed necessary by Area Agency. Upon receipt of a request for information from Area Agency, the Contractor shall provide complete and accurate information no later than fifteen (15) days after the receipt of the request.
- s. **Unallowable Costs** The cost principles set forth in the Code of Federal Regulations, 48 CFR, Chapter 1, Subchapter e, Part 31, (October 1, 1991), including later amendments and editions, on file with the Arizona Secretary of State and incorporated by this reference, shall be used to determine the allow ability of incurred costs for the purpose of reimbursing costs under contract provisions that provide for the reimbursement of costs. Those costs which are specifically defined as unallowable therein will not be submitted for reimbursement by the Contractor and may not be reimbursed with Area Agency funds. In addition, the Contractor shall comply with the following publications (including subsequent revisions) as applicable:
- i. OMB Circular A-87 for State, local and Indian Tribal Governments.
 - ii. OMB Circular A-122 for private nonprofit organizations other than institutions of higher education, hospitals or others specified in A-122.
 - iii. OMB Circular A-21 for educational institutions.
 - iv. OMB Circular A-133 for audits of institutions of higher education and other non-profit institutions.

14. Contract Performance Terms

- a. **Evaluation** Area Agency may evaluate and the Contractor shall cooperate in the monitoring, assessing, and evaluation of contract services. Evaluation may assess the quality and impact of contract services, either in isolation or in comparison with other similar services, and assess the Contractor's progress and/or success in achieving the goals, objectives and deliverables set forth in this contract. As requested by the Area Agency, the Contractor shall participate in third party evaluations relative to contract impact in support of Area Agency and contract goals. Evaluations shall include access to all subcontractor services if applicable.
- b. **Monitoring** Area Agency may monitor the Contractor and/or subcontractor and they shall cooperate in

the monitoring of services delivered, facilities and records maintained and fiscal practices.

c. Non-Discrimination

- i. The Contractor shall comply with State Executive Order No. 2009-09 and all other applicable federal and state laws, rules and regulations, including the Americans with Disabilities Act.
- ii. Unless exempt under federal law, the Contractor shall comply with Title VII of the Civil Rights Act of 1964 as amended. Contractor shall comply with the Age Discrimination in Employment Act. The Contractor shall comply with the Rehabilitation Act of 1973, as amended, which prohibits discrimination in the employment or advancement in employment of qualified persons because of physical or mental handicap. The Contractor shall comply with the requirements of the Fair Labor Standards Act of 1938, as amended.
- iii. If Contractor is an Indian Tribal government, Contractor shall comply with the Indian Civil Rights Act of 1968. It shall be permissible for an Indian Tribal Contractor to engage in Indian preference in hiring.
- iv. The Contractor shall comply with Title VI of the Civil Rights Act of 1964, which prohibits the denial of benefits of or participation in contract services on the basis of race, color, or national origin. The Contractor shall comply with the requirements of Section 504 of the Rehabilitation Act of 1973, as amended, which prohibits discrimination on the basis of handicap, in delivering contract services and with Title II of the Americans with Disabilities Act, and the Arizona Disability Act, which prohibit discrimination on the basis of physical or mental disabilities in the provision of contract programs, services, and activities.
- v. The following shall be included in all publications, forms, flyers, etc. that are distributed to recipients of contract services:

“Under Titles VI and VII of the Civil Rights Act of 1964 (Title VI and VII) and the Americans with Disabilities Act of 1990 (ADA) Section 504 of the Rehabilitation Act of 1973 and the Age Discrimination Act of 1975, [insert Contractor name here] prohibits discrimination in admissions, programs, services, activities or employment based on race, color, religion, sex, national origin, age, and disability. The [insert Contractor name here] must make a reasonable accommodation to allow a person with a disability to take part in a program, service, or activity. Auxiliary aids and services are available upon request to individuals with disabilities. For example, this means that if necessary, the [insert Contractor name here] must provide sign language interpreters for people who are deaf, a wheelchair accessible location, or enlarged print materials. It also means that the [insert Contractor name here] will take any other reasonable action that allows you to take part in and understand a program or activity, including making reasonable changes to an activity. If you believe that you will not be able to understand or take part in a program or activity because of your disability, please let us know of your disability needs in advance if at all possible. To request this document in alternative format or for further information about this policy please contact [insert Contractor contact person and phone number here]. Para obtener este documento en otro formato u obtener informacion adicional sobre esta politica, contact [insert Contractor contact person and phone number here].”

- d. Personnel The Contractor’s personnel shall satisfy all qualifications, carry out all duties, and work the hours set forth in this contract.

- e. Professional Standards The Contractor shall deliver contract services in a humane and respectful manner and in accordance with any and all applicable professional accreditation standards. Levels of staff qualifications, professionalism, numbers of staff and individuals identified by name must be maintained as presented in the contract.

f. Visitation, Inspection, and Copying

- i. Contractor's or subcontractor's facilities, services and individuals served, books and records pertaining to the contract shall be available for visitation, inspection and copying by Area Agency and any other appropriate agent of a funding source or the state or federal government. At the discretion of Area Agency, visitation, inspection and copying may be at any time during regular business hours, announced or unannounced. If Area Agency deems it to be an emergency situation, it may at any time visit and inspect the Contractor's or subcontractor's facilities, services, and individuals served, as well as inspect and copy their contract-related books and records.
- ii. Facilities Inspection and Materials Testing The Contractor agrees to permit access to its facilities, subcontractor facilities and the Contractor’s processes or services, at reasonable times for inspection of the facilities or materials covered under this contract. The Area Agency shall also have the right to test, at its own cost, the materials to be supplied under this contract. Neither inspection of the Contractor’s facilities nor materials testing shall constitute final acceptance of the materials or

services. If the Area Agency determines non-compliance of the materials, the Contractor shall be responsible for the payment of all costs incurred by the Area Agency for testing and inspection.

15. Programmatic Terms

- a. Client Contributions, Fees, and Program Income The Contractor shall impose no fees or charges of any kind upon recipients of contract services without written approval from the Area Agency President/CEO. The Contractor shall solicit voluntary contributions from recipients/clients for services received. The Contractor shall not deny or affect levels, delivery, quality of service to any client solely because he/she refuses to make a contribution. Any contributions generated and received by the Contractor as a result of contract services must be directly allocated to the contracted service and shall be disposed of and reported in accordance with the Area Agency Finance Manual.
- b. Confidentiality
 - i. Contractor shall observe and abide by all applicable State and Federal statutes, rules, and regulations regarding the use or disclosure of information including, but not limited to, information concerning applicants for and recipients of contract services. To the extent permitted by law, the Contractor shall release information to the Area Agency and/or the Attorney General's Office as required by the terms of this contract, by law, or upon their request.
 - ii. The contractor shall comply with the requirements of Arizona Address Confidentiality Program, A.R.s. 41-161 et. seq. Area Agency will advise the Contractor as to the applicable policies and procedures the State and/or DES have adopted for such compliance.
 - iii. Notwithstanding the foregoing, Contractor may release public records redacting confidential and personal identifying information in response to a valid public records request pursuant to the Arizona Public Records Law (A.R.S. §39-121 et seq.), provided, that in the event such a public records request is received, Contractor shall immediately notify Area Agency and thereafter permit Area Agency (or any counterpart of the Area Agency to whom the records or information subject to the request belongs or concerns) to intervene in order to secure a protective order or other appropriate relief from a court of competent jurisdiction. The protective action described in the preceding sentence shall be undertaken (if at all) in sole discretion of Area Agency and/or its counterparties, and a protective order or other appropriate relief must be obtained within ten (10) business days from the date that notification of the public records request is delivered by Contractor to Area Agency. Contractor shall not, under any circumstances, be responsible for securing a protective order or other relief enjoining the release of records, nor shall Contractor be in any way financially responsible for any costs associated with securing such an order.
- c. Fair Hearings and Service Recipients' Grievances
 - i. The Contractor shall advise all applicants for and recipients of contract services of their right, at any time and for any reason, to present to the Contractor and to Area Agency any grievances arising from the delivery of contract services, including but not limited to ineligibility determination, reduction of services, suspension or termination of services, or quality of services. The Area Agency may assert its jurisdiction to hear the grievance or refer the matter to the appropriate authority.
 - ii. The Contractor, whenever authorized by law, shall maintain a formal system acceptable to and approved by the Area Agency for reviewing and adjudicating grievances by service recipients or subcontractors arising from this contract.
- d. Outcome Measurement Participation The Contractor shall participate with the Area Agency in efforts to comply with federal and state mandated requirements regarding the tracking of outcome measurement performance data and standards. Measurement data may be developed through joint planning efforts between the Contractor and the Area Agency or required as a result of mandates from federal or state fund sources.

Scope of Work

Arizona Department of Economic Security (DES) – Area Agencies on Aging

17.0 CONGREGATE MEALS

17.1 Purpose Statement

17.1.1 The service helps to increase the nutrient intake of participants to prevent or reduce the risk of chronic diseases, preserve and promote health, and improve nutritional status.

17.2 Service Description

17.2.1 Taxonomy Definition – A service that provides for a nutritious meal containing at least 1/3 of the Recommended Dietary Allowance for an individual in a congregate setting.

17.2.3 Congregate nutrition services:

1. Provide for meal planning, preparation and service.
2. Provide staff training, nutrition education and social interaction.
3. Link older adults with community-based services and provide resources that give participants choices for physical and health interventions, where available.

17.2.4 The Older Americans Act as amended in 2006 adopted 1/3 of Dietary Reference Intakes as the meal standard.

17.2.5 Eligibility Requirements – The Contractor shall provide services ~~are provided~~ to individuals that meet the eligibility requirements described in Chapter 3000, Section 3100 of the DAAS Policy and Procedure Manual, as may be amended.

17.3 Service Requirements – The Contractor shall provide:

17.3.1 Menu planning

1. Develop cycle menus to be used on a semi-annual basis (every 6 months). A cycle menu is a six or more week menu that will be rotated throughout the period.
2. Keep menus, as served, available for audit inspection for at least one year after the meals have been served. Menus shall also be kept for at least one year at the meal preparation site and the location where the meal was served.
3. Guarantee a mechanism is in place to solicit the advice and expertise of:
 - a. a dietitian or other individual described in paragraph in 17.4
 - b. meal participants, and
 - c. other individuals knowledgeable with regard to the needs of older individuals as stated in DAAS Policy and Procedure Manual, Chapter 3000, Section 3200
4. Compose menus in the dominant language or languages of the participant group for each site.
5. Incorporate ethnic and cultural preferences of participants when planning menus.
6. Plan, prepare, provide and serve meals in accordance with the Arizona Department of Economic Security Division of Aging and Adult Services “Nutrition, Food Service, and Wellness Manual (2008)” and as amended.
7. Require that each meal contains at least one-third (1/3) of the current Dietary Reference Intakes for nutrients as may be amended, as established by the Food and Nutrition Board of the National Academy of Science – National Research Council.
 - i. Each meal must contain a specified number of calories as defined in DAAS policies and procedures.
 - ii. Plan the menu with a majority as hot meals.
 - iii. A few cold meals may be planned, such as once a week during the summer, to add variety to the menu. Examples include chef salad, sub sandwich or deli plate.
8. Submit menus per the DAAS Policy and Procedures Manual, as may be amended on a standardized menu form and secure the approval of a Registered Dietitian (R.D.), Nutritionist, Dietetic Technician Registered (DTR), or Certified Dietary Manager (CDM) prior to serving.
 - i. The R.D., Nutritionist, DTR, or CDM shall verify this by computerized nutritional analysis of at least one meal per week of the menu cycle and adherence to menu requirements in the Arizona Department of Economic Security Division of Aging and Adult Services “Nutrition, Food Service, and Wellness Manual” and as may be amended. ~~from time to time.~~
9. Plan menus to reduce the frequent use of foods high in sugar, salt, and saturated fats.
10. Plan menus considering the availability of foods during seasons when they are most plentiful.

17.3.2 Provide meal preparation and service

1. Prepare or arrange for preparation and service of meals, and adhere to menus as written. Substitutions which shall be made because of a temporary inability to obtain certain foods shall be selected from the same food group, for example, 1/2 cup carrots for 1/2 cup green beans. Substitution menus for holidays and special occasions must meet menu

requirements. All substitutions shall be documented on the menu for site review.

2. Purchase and receive food contributions only from an approved source, such as grocery stores and food vendors. The following shall not be used: cans which are bulging, dented, leaking, rusty, or which spurt liquid when opened; food with an off-odor; food which shows signs of mold; food prepared or canned in the home.
3. Prepare and serve meals for persons needing diabetic or sodium-restricted diets, etc. (when appropriate and feasible) with written approval from the individual's physician, e.g., diet order. All special diet menus shall be approved by a Registered Dietitian or Nutritionist.
4. Maintain a distinct and physical separation of dining facilities from food preparation facilities.
5. Use facilities and equipment that are suitable and accessible for use by aged and disabled individuals when providing congregate meals.
6. Allow adequate aisle space between tables for the use of wheelchairs, or to allow persons with canes or other support devices to walk with ease.
7. Post menus at the site at least one week in advance, in a location at the site that is clearly accessible and visible to individuals attending the congregate meals site.
8. Obtain the individual's signature and date for each meal served and maintain the signatures in a central file, or contractor staff shall certify the individuals and dates for which each meal was served and maintain the certification in a central file.
9. Document the number of meals provided each month.
10. Review food service expenditures in order to further cost effective management.
11. Develop and implement an emergency plan to be used when a meal cannot be prepared or is unsuitable for consumption. This includes a one-day emergency menu with supplies on hand for implementation.
12. Give participants an opportunity to contribute towards the cost of the meal in accordance with the DAAS Policy and Procedure Manual Chapter 3000, Section 3200, as may be amended.
13. Prepare and serve congregate meals in compliance with all municipal, county, state, and federal requirements related to the food service operation.

17.3.3

Staff Training

1. Provide food safety and sanitation training for all new food service personnel within the first month of employment to include at a minimum, but not limited to: personal hygiene, proper attire for food service workers, cleaning and sanitizing, correct use of gloves, proper hot and cold food temperatures, proper use of a thermometer, food delivery procedures and correct disposal and/or storage of left-overs.
2. Require that all food handlers pass a course in food safety and sanitation within one month of employment. The site manager or the appropriate management staff shall have additional training such as ServSafe or other course approved by their County Health Department.
3. Provide training on a periodic basis to persons preparing and delivering meals. Training is encouraged in the areas of food safety and sanitation, storage, food preparation and service, cost effective management, purchasing, menu planning, equipment operation and safety.
4. Document staff certification and training in personnel files.

17.3.4

Nutrition Education

1. Plan, develop, and implement a written nutrition education program that includes at least two sessions/activities each quarter.
2. Nutrition education includes written materials, demonstrations, audio-visual presentations, lectures, and small group discussions.
3. Nutrition education pertains to nutritionally related topics that are culturally sensitive such as: dietary guidelines for older adults, modified meals and chronic disease, food and drug interaction, physical fitness health information as it relates to nutrition, meal planning and preparation, budgeting, shopping, and sanitation.
4. Nutrition information shall be backed by credible research. Only materials from reputable sources shall be used such as The American Dietetic Association, United State Department of Agriculture, United States Food and Drug Administration, National Institutes of Health, Centers for Disease Control, Administration on Aging, and the National Institute on Aging.
5. Post and advertise nutrition education sessions/activities in advance.
6. Require that each center/site submits to the Contractor an outline of the proposed nutrition education program annually.
7. Document the date, topic covered, name of the presenter and the number of people who attended the nutrition education. Keep documentation available for audit inspection for at least one year at the center/site.
8. Require that every participant is given the Nutrition Screening Checklist initially, and annually thereafter. Those at high nutritional risk with a score of six or higher are referred to a healthcare professional for nutrition-related counseling.

- 17.3.5 Social Interaction
 - 1. Provide activities that encourage social interaction, e.g., recreation and group activities.
 - 2. Establish and maintain project/site councils to provide input on activities.
- 17.3.6 Site Monitoring
 - 1. Monitor on an annual basis the centers/sites for compliance to the scope of work.
 - 2. Establish timeframes (not to exceed 30 days) for centers/sites to respond to monitoring reports and to initiate corrective actions.
- 17.4 Licensure/Certification Requirements – The Contractor shall ensure require that:**
 - 17.4.1 Registered Dietitians and Registered Dietetic Technicians meet the requirements for membership in the American Dietetic Association, have successfully completed the examination for registration, and meet continuing education requirements.
 - 17.4.2 Nutritionists hold a Bachelor's or Master's degree in food and nutrition.
 - 17.4.3 Certified Dietary Managers meet the requirements for certification as identified by the Certifying Board of Dietary Managers of the Dietary Managers Association, in good standing with the Board, and meet continuing education requirements.
 - 17.4.4 Staffing Standards
 - 1. Newly hired employees providing congregate meals shall submit three (3) references from persons other than their family members. All references, whether verbal or written, shall be contacted and results documented in the personnel record.
- 17.5 Performance Measures**
 - 17.5.1 Number of congregate meals served annually.
 - 17.5.2 Site Council minutes indicate participant input into menu planning.
- 17.6 Reporting Unit**
 - 17.6.1 One unit of service equals one meal.

AREA AGENCY ON AGING, REGION ONE, INCORPORATED

SERVICE SPECIFICATIONS

CONGREGATE MEALS

1. SERVICE DESCRIPTION
 - a. To provide for delivery of congregate meals.
2. STAFFING REQUIREMENTS
 - a. Three (3) references from persons other than family members must be contacted for newly hired congregate meal employees and newly recruited volunteers. Documentation of contacts must be kept on file.
 - b. Training shall be provided for persons providing congregate meals. Training shall be conducted prior to the person performing the delivery on their own. Training must minimally include:
 1. Require that all food handlers pass a course within one month of employment. The site manager shall have additional training such as ServSafe or other courses approved by the Maricopa County Health Department.
 2. Document staff certification and training in personnel files.
 3. Contribution procedures to ensure availability for clients to contribute and ensure confidentiality for all contributors.
3. CLIENT CONTRIBUTION POLICIES
 - a. All eligible clients shall be provided the opportunity to contribute toward the cost of service.
 - b. Clients shall be informed of their right to contribute toward the service as well as their right to obtain the services if unable to contribute.
 - c. Suggested contribution rates shall be developed by the Contractor through the site council and reviewed annually. Any suggested contribution shall not imply a charge.
 - d. Any method or combination of methods for clients to contribute must allow for a free and voluntary contribution, protect the privacy and confidentiality of each client with respect to his/her contribution, and be readily accessible to any client during service delivery or by mail.
 - e. Written guidelines and procedures for collections, handling, counting and depositing of contributions shall follow generally accepted accounting principles.
 - f. Contributions toward the service shall be used solely to maintain or expand the service and accounted for on the Area Agency on Aging monthly financial report.
4. REPORTING REQUIREMENTS

Contractor shall comply with all Area Agency policies, procedures, and directives regarding billing as follows:

 - a. All congregate meal operations must be conducted using the Pharos™ software.
 - b. Reports and documentation must be reported on a calendar month only as follows:
 - i. program report.
 - ii. financial statement.
5. DEFINITION OF UNIT OF SERVICE
 - a. One unit of service equals one meal served to a client.

Scope of Work

Arizona Department of Economic Security (DES) – Area Agencies on Aging

31.0 MULTIPURPOSE CENTER OPERATIONS

31.1 Purpose Statement

31.1.1 The service is to help foster social, emotional, mental and physical well-being and reduce the social isolation of eligible individuals as well as providing beneficial intergenerational opportunities.

31.2 Service Description

31.2.1 Taxonomy Definition - A service that operates facilities and maintains activities necessary for the delivery of services.

31.2.2 Multipurpose centers are community facilities utilized for the organization and provision of a broad spectrum of services for older adults.

31.2.3 Activities and services are planned based on the participant's needs and preferences.

31.2.4 Centers provide:

1. An array of physical activities on a daily or weekly basis which may include but not limited to, chair exercises, aerobics, balance exercises, yoga, and Tai Chi.
2. Opportunities for socialization through group activities such as games, discussions, special events, crafts, and lectures
3. Required nutrition education activities such as food demonstrations, guest speakers, discussions, and videos
4. Other educational and recreational activities such as gardening, computer training, dancing
5. Outreach to the community on the available programs and services.
6. Assistance and information for available services such as housing, transportation, and legal services

31.2.5 Centers that serve as nutrition sites provide meals that meet 1/3 of the Dietary Reference Intakes.

31.2.6 Eligibility Requirements - The Contractor shall provide services to individuals that meet the eligibility requirements described Chapter 3100 of the DAAS Policy and Procedure Manual, as may be amended.

31.3 Service Requirements – The Contractor shall provide:

31.3.1 Operations

1. Provide services to meet the cultural and language needs of those being served.
2. Employ bilingual staff in centers whose participants have limited English proficiency
3. Maintain records (e.g., client participation, financial, staffing, activities).
4. Establish and post a donation/contribution policy for services.
5. Train staff on services related to the elderly.
6. Establish and maintain project/site councils.
7. Involve participants in program planning and implementation.

31.3.2 Information on available services

1. Maintain and update a resource file of currently available services and resource referrals.
2. Provide written and verbal information on the following as available: housing, transportation, legal services, governmental programs, physical and mental health related services, food assistance, financial assistance, support groups, residential repair, energy assistance, and other relevant information.

31.3.3 Referral and assistance in accessing the services.

1. Assess/determine the services needed by individuals and groups.
2. Contact agencies providing the identified services.
3. Provide/arrange for transportation of individuals and groups to services when necessary.
4. Provide or arrange for assistance when the individual is handicapped or has limited English abilities.
5. Provide follow-up with individual and with agency providing service to ensure contact was made by the agency.

31.3.4 Outreach

1. Conduct outreach to ensure the participation of economically and socially needy individuals and of minorities.

2. Provide written and verbal information to community groups on services available at the center and offered by other agencies.
3. Conduct home visits to home-bound elderly in the community to conduct wellness checks.

31.3.5

Education

1. Provide educational opportunities that assist older individuals with their economic and personal needs including the following topics: consumer and continuing education, retirement and financial planning.
2. Provide or arrange a variety of health promotion and disease prevention sessions designed to maintain and/or improve the physical and mental health status of older individuals.
3. Provide written information on health promotion, disease prevention, mental and physical health to include home bound individuals.
4. Develop and maintain on-going physical activity programs.
5. Coordinate with local community resources to provide health screening and health risk assessments.
6. Provide training on the self-management of chronic conditions.
7. Develop and distribute a monthly calendar for educational activities.

31.3.6

Volunteer Opportunities

1. Designate a volunteer coordinator to provide meaningful volunteer opportunities for older individuals.
2. Develop a volunteer recruitment system.
3. Provide job descriptions for volunteers.
4. Provide training for volunteers.

31.3.7

Recreational Activities

1. Provide recreational activities appropriate to the physical and emotional needs of older individuals.
2. Develop and distribute a monthly calendar for recreational activities that may include, but not limited to entertainment, arts and crafts, field trips, special interest classes, and table games.

31.3.8

Intergenerational Programs

1. Provide intergenerational programs of mutual benefit that includes input from all age groups involved.

31.4

Licensure/Certification Requirements

31.4.1

All facilities used for Multipurpose Center Operations shall comply with Federal, State and local laws regarding public facilities, fire and sanitary codes and licensures, as may be amended.

31.5

Performances Measure

31.5.1

Participants needs and preferences will be met at least 90 percent of the time as measured through client satisfaction surveys conducted annually.

31.6

Reporting Unit

31.6.1

One unit of service equals 60 minutes of service time.

41.0 SOCIALIZATION AND RECREATION

41.1 Purpose Statement

41.1.1 This service promotes the improvement in social, emotional, mental and physical well-being of older adults.

41.2 Service Description

41.2.1 Taxonomy Definition - A service that promotes mentally and emotionally healthy interaction between participants and that may be organized around leisure activities.

41.2.2 This service is to increase or maintain the functional independence of the eligible individuals by providing purposeful activities appropriate to the participants' preferences and needs.

41.2.3 Preferences and needs of the individuals, as well as the group, are evaluated and activities are planned accordingly.

41.2.4 The service may include physical activities such as chair exercises, balance exercises, dancing, and walking; developmental activities such as writing, drawing, reading, crafts, and sewing; emotional activities such as support groups and discussions; cognitive activities such as games, and puzzles that promote memory and thinking; and social activities such as group events (e.g., singing, dancing, trips to museums, theater, and parks).

41.2.5 Services include a variety of individual and group activities.

41.2.6 Target Population – The Contractor shall provide services in accordance with Chapter 3000, Section 3100 of the Division of Aging and Adult Services Policy and Procedure Manual, as may be amended.

41.3 Service Requirements – The Contractor shall provide one or more of the following:

41.3.1 Assess the preferences and needs of the participants individually and/or as a group.

41.3.2 Develop and implement an activity plan in conjunction with the program participants.

41.3.3 Establish and maintain working relationships with community resources.

41.3.4 Utilize community resources for the provision of services.

41.3.5 Provide training and instruction in techniques necessary for individuals to participate in program activities and to independently choose and perform a variety of leisure-time activities.

41.3.6 Actively enlist participation of individuals in the service.

41.3.7 Provide a variety of recreational activities.

41.3.8 Document those activities in which the individual participated.

41.3.9 Providing training to paid and volunteer staff.

41.3.10 Establish and maintain Project/Site Councils.

41.4 Performances Measure

41.4.1 Participants needs and preferences are documented in minutes from monthly Site Council meeting.

41.5 Reporting Unit

41.5.1 One unit of service equals 60 minutes of staff time.

AREA AGENCY ON AGING, REGION ONE INCORPORATED SERVICE SPECIFICATIONS

MULTIPURPOSE CENTER OPERATION SOCIALIZATION & RECREATION

1. ADDITIONAL REPORTING UNIT DEFINITIONS

Area Agency recognizes two forms of units for this service:

- a. Activity: a unit shall be one activity in the categories of health promotion and exercise.
- b. Staff hour: the staff reporting time is limited to the following categories:
 - i. program planning.
 - ii. conducting activities.
 - iii. providing social services.
 - iv. conducting outreach.
 - v. volunteer coordination to include recruitment, supervision, recognition.
 - vi. staff training provided to contractor staff / volunteers.
 - vii. continuing education for staff / volunteers.

For reporting, a program may combine staff hours and activity hours for total units.

2. SERVICE STANDARDS

Contractor shall comply with the following minimum standards:

a. Health Promotion

Conduct a minimum of two (2) health promotion activities per month that may include (but not be limited to) health screening, disease information, nutrition education, home safety, and education sessions that will emphasize the benefits of physical exercise and activity.

b. Exercise

Conduct a minimum of two (2) exercise classes per week. Exercise classes should be geared to a variety of skill levels to encourage participation from as many participants as possible.

3. SERVICE REQUIREMENTS FOR SOCIALIZATION AND RECREATION

Contractor will comply with all of the services as outlined in the Arizona DES Scope of Work, 41.

4. REPORTING REQUIREMENTS

Contractor shall comply with all Area Agency policies, procedures, and directives regarding billing as follows:

- a. all health promotion and exercise sessions must be reported using the Pharos™ software.
- b. reports and documentation must be reported as follows:
 - i. program report for activities.
 - ii. program report for MCO units.
 - iii. calendar of activities.
 - iv. financial statement.

FACILITY LOCATION

Contract services shall be delivered only at facilities and locations specified below and will be available during the hours and days of operation indicated:

AGENCY INFORMATION Facility / Site Name Address, City, State, Zip Telephone # Fax # (list corporate office, then any site office)	CONTRACTED SERVICES BY SITE	SUB CONTRACT	DAYS OF WEEK & HOURS OF OPERATION BY SITE	GEOGRAPHIC SERVICE AREA (service area by PSA, City(s) & communities or north, south, east, west boundaries)	ADULT DAY HEALTH CARE TRANSPORTATION or HOME DELIVERED MEALS DELIVERY AREA (specific north, south, east, west boundaries)
City of Surprise 16000 N Civic Ctr Plz Surprise, AZ 85374	Administrative				
City of Surprise Senior Center 15832 N. Hollyhock St Surprise, AZ 85378 623-222-1500 623-222-1501 fax	Congregate Meals Multipurpose Center Ops	n/a	Mon-Friday 8am – 4pm	PSA 1	n/a

HOLIDAY OBSERVANCES

A ✓ indicates the **HOLIDAYS** that the facility(s) listed above will not be open:

✓	New Year's Day	✓	Labor Day	Other Holidays:	
✓	Martin Luther King Day		Columbus Day	✓	July Staff In-Service
✓	President's Day	✓	Veteran's Day		
	Good Friday	✓	Thanksgiving Day(s): 2		
✓	Memorial Day	✓	Christmas Day(s): 1		
✓	Independence Day		HOLIDAYS marked are administrative only; services are provided 24/7		

CERTIFICATE REGARDING LOBBYING

Certification for Contracts, Grants, Loans, and Cooperative Agreements

The undersigned certifies, to the best of his or her knowledge and belief, that:

- (1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
- (2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure of Lobbying Activities," in accordance with its instructions.
- (3) The undersigned shall require that the language of this certification be included in the award documents for all sub-awards at all tiers (including subcontracts, sub-grants, and contracts under grants, loans, and cooperative agreements) and that all sub-recipients shall certify and disclose accordingly. This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Statement for Loan Guarantees and Loan Insurance

The undersigned states, to the best of his or her knowledge and belief, that:

If any funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this commitment providing for the United States to insure or guarantee a loan, the undersigned shall complete and submit Standard Form-LLL, "Disclosure of Lobbying Activities," in accordance with its instructions. Submission of this statement is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required statement shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

CITY OF SURPRISE

Signature and Date

**Seth Dyson, Human Services &
Community Vitality Director**

CERTIFICATION REGARDING DEBARMENT, SUSPENSION, INELIGIBILITY, AND VOLUNTARY EXCLUSION

Lower tier Covered Transactions

This certification is required by the regulations implementing Executive Order 12549-Debarment and Suspension, 29 CFR Part 98, Section 98.510, Participant's responsibilities. The regulations were published as Part VII of the May 28, 1988 Federal Register (pages 19160 - 19211).

1. By signing this certificate, the prospective recipient of federal assistance funds certifies that neither it nor its principals are presently debarred, suspended, proposed for disbarment, declared ineligible, or voluntarily excluded from participation in this transaction by an Federal department or Agency.
2. Contractor is providing the certification as set out below.
3. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective recipient of federal assistance funds knowingly rendered an erroneous certification, in addition to other remedies available to the federal government, the Department of Labor (DOL) may pursue available remedies, including suspension and/or debarment.
4. The prospective recipient of federal assistance funds shall provide immediate written notice to the Area Agency President/CEO if at any time the prospective recipient of federal assistance funds learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
5. The terms "covered transaction," "debarred," "suspended," "ineligible," "lower tier covered transaction," "participant," "person," "primary covered transaction," "principal," "proposal," and "voluntarily excluded," as used in this clause, have the meanings set out in the Definitions and Coverage sections of rules implementing Executive Order 12549.
6. The prospective recipient of federal assistance funds agrees by signing this certification, that should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the Department of Labor (DOL).
7. The prospective recipient of federal assistance funds further agrees by signing this certification that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion – Lower Tier Covered Transactions," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.
8. A participant in a covered transaction may rely upon a certification of prospective participant in a lower tier covered transaction that it is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may but is not required to check the List of Parties Excluded from Procurement or Non-Procurement Programs.
9. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
10. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the federal government, the DOL may pursue available remedies including suspension and/or debarment.

CITY OF SURPRISE

Signature and Date

**Seth Dyson, Human Services &
Community Vitality Director**

Exhibit A
 ARIZONA DEPARTMENT OF ECONOMIC SECURITY (ADES)
 Division of Aging and Adult Services (DAAS)

**REQUEST FOR SEARCH OF
 CENTRAL REGISTRY FOR BACKGROUND CHECK – COVER SHEET**

This document and any files transmitted with it are confidential and intended solely for the use of the individual or entity to which they are addressed. If you have received this information in error, please notify the sender and destroy the information. The information contained in the Central Registry and any attached files shall be used as a factor to determine qualifications for individuals/agencies applying for contracts with this state, including employees of the prospective contractor, contractors, and subcontractors for positions that provide direct services to children or vulnerable adults. **The information contained in the Central Registry for Background Check and any attached files is confidential and shall not be further disseminated or shared.**

PLEASE COMPLETE ALL FIELDS ACCURATELY AND LEGIBLY.

Organization Name:	Check One:	
ADES/DAAS Contract Number:	☐ Prospective ADES/DAAS Contractor ☐ Current ADES/DAAS Contractor ☐ Subcontractor to ADES/DAAS Contractor – Identify ADES/DAAS Contractor:	
Tracking Number (<i>You must provide your unique tracking number as it will be used to identify and track this document and the individuals linked to it.</i>):	Check One: ☐ New Contract with ADES/DAAS ☐ ADES/DAAS Contract Extension ☐ New employee hire	
Requester's Phone Number:	Requester's Email Address:	
Requester's Mailing Address:		
Name of person authorized to submit Request attesting to the presence of a Signed Direct Service form for each request:	Requester's Signature	Date of Request:

SUBMIT THIS COMPLETED COVER SHEET AND REQUEST FORM(S) THROUGH ONE OF THE FOLLOWING METHODS:

Email (secured) to: DAAS-CR@azdes.gov Please indicate Organization Name in subject line.

Fax to: Central Registry Request at 602-542-6636

Mail to: ADES Division of Aging and Adult Services
 Attn: Contracts Unit Central Registry Request
 P. O. Box 6123, Mail Drop 6271
 Phoenix, AZ 85005

RESULTS of this check will be:

1. EMAILED to the address above indicating that one or more individuals on the request was (were) unable to be processed with the information provided. The Signatory will be required to respond to DAAS-CR@azdes.gov within 10 working days with a statement verifying that the person(s) is(are) not providing a direct service to a child or vulnerable adult; or
2. EMAILED to the address above if all names are cleared; or
3. EMAILED to the address above with information on individuals found to have a substantiated finding of child abuse or neglect on the Central Registry; and
4. MAILED to the individual who is found to have a substantiated finding on the Central Registry that disqualifies him/her from providing direct services to children or vulnerable adult clients of ADES.

**Illegible, inaccurate, or incomplete information on the Cover Sheet or Request Form
 will delay your response from ADES/DAAS.**

See last page for EOE/ADA/LEP/GINA disclosures

REQUEST FOR SEARCH OF CENTRAL REGISTRY FOR BACKGROUND CHECK
(All fields must be completed, and information must be accurate and legible.)

INDIVIDUAL'S INFORMATION	
NAME	ALIAS (Previously used name(s))
SOC. SEC. NO.	DATE OF BIRTH
ADDRESS (No., Street, City, State, ZIP)	
ADES/DAAS – INTERNAL USE ONLY (Search results)	
Reports: ☐ Yes Number: [See attached document(s)] ☐ No Date of Search:	
NAME OF PERSON COMPLETING SEARCH	SIGNATURE

INDIVIDUAL'S INFORMATION	
NAME	ALIAS (Previously used name(s))
SOC. SEC. NO.	DATE OF BIRTH
ADDRESS (No., Street, City, State, ZIP)	
ADES/DAAS – INTERNAL USE ONLY (Search results)	
Reports: ☐ Yes Number: [See attached document(s)] ☐ No Date of Search:	
NAME OF PERSON COMPLETING SEARCH	SIGNATURE

INDIVIDUAL'S INFORMATION	
NAME	ALIAS (Previously used name(s))
SOC. SEC. NO.	DATE OF BIRTH
ADDRESS (No., Street, City, State, ZIP)	
ADES/DAAS – INTERNAL USE ONLY (Search results)	
Reports: ☐ Yes Number: [See attached document(s)] ☐ No Date of Search:	
NAME OF PERSON COMPLETING SEARCH	SIGNATURE

INDIVIDUAL'S INFORMATION	
NAME	ALIAS (Previously used name(s))
SOC. SEC. NO.	DATE OF BIRTH
ADDRESS (No., Street, City, State, ZIP)	
ADES/DAAS – INTERNAL USE ONLY (Search results)	
Reports: ☐ Yes Number: [See attached document(s)] ☐ No Date of Search:	
NAME OF PERSON COMPLETING SEARCH	SIGNATURE

DISQUALIFICATION ACTS

A person is disqualified from providing services to ADES clients in a direct service position if he/she is identified as the subject of the substantiated report for any of the following.

24 Child death due to alleged abuse or neglect, or suspicious death
25 Injuries requiring emergency medical treatment
27 Child age 24 months is shaken (shaken baby syndrome)
33 Untreated life threatening condition, Infant Doe, Non-organic FTT
37 Imminent harm to child under the age of six (6) due to lack of supervision by parent/caretaker
38 Neglect results in injury/illness requiring emergency medical treatment
39 Imminent harm to child due to health or safety hazards in living environment/exposure to the elements
40 Child diagnosed as suicidal by mental health professions, parent refused to allow treatment
41 Physical evidence of sexual abuse reported by a medical doctor or child reporting sexual abuse within the past seven days
42 Child reporting vaginal or anal penetration or oral sexual contact within past 72 hours and has not been examined
43 Abandoned, no parent willing to provide immediate care for a child and child is with a caregiver unable or unwilling to provide care now
45 Injuries may require medical treatment
46 P3 Injury to child under age six years
50 Living environment presents health or safety hazards to a child under the age of six
51 Sexual conduct/physical injury between children due to inadequate supervision
54 Sexual behavior within the past 8-14 days
55 Child diagnosed by mental health professional with behavior consistent with emotional abuse
56 Abandoned, no parent willing to care for a child, child with caretaker unable or unwilling to care for child less than one week
66 Significant developmental delays due to neglect
69 Attempted sexual behavior or sexual behavior, 14 days to three years r last occur unknown
72 Parent, guardian or custodian suggests or entices child to engage in sexual behavior, no touching
76 Use of child by parent, guardian or custodian for material gain
82 Parent, guardian or custodian sexually abused a child in past, now in home with a child
83 Attempted sexual behavior or sexual behavioral when last occurred more than three years
101 Death of a child due to neglect
111 Death of a child due to physical abuse or suspicious death
201 Physical abuse high risk
202 Physical abuse moderate risk
301 Neglect, high risk
302 Neglect, moderate risk
401 Sexual abuse, high risk
402 Sexual abuse, moderate risk
403 Sexual Abuse, low risk
404 Sexual Abuse, response 4
501 Emotion Abuse, high risk
502 Emotional abuse, moderate risk

Equal Opportunity Employer/Program • Under Titles VI and VII of the Civil Rights Act of 1964 (Title VI & VII), and the Americans with Disabilities Act of 1990 (ADA), Section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, and Title II of the Genetic Information Nondiscrimination Act (GINA) of 2008; the Department prohibits discrimination in admissions, programs, services, activities, or employment based on race, color, religion, sex, national origin, age, disability, genetics and retaliation. The Department must make a reasonable accommodation to allow a person with a disability to take part in a program, service or activity. For example, this means if necessary, the Department must provide sign language interpreters for people who are deaf, a wheelchair accessible location, or enlarged print materials. It also means that the Department will take any other reasonable action that allows you to take part in and understand a program or activity, including making reasonable changes to an activity. If you believe that you will not be able to understand or take part in a program or activity because of your disability, please let us know of your disability needs in advance if at all possible. To request this document in alternative format or for further information about this policy, contact your local office; TTY/TDD Services: 7-1-1. • Free language assistance for ADES/DAAS services is available upon request.

Exhibit B
Arizona Department of Economic Security
Direct Service Position

You are being provided this form because you have applied for a position that provides direct services to children or vulnerable adult clients of the Arizona Department of Economic Security. Arizona state law requires all individuals who provide direct services to children or vulnerable adults to certify whether an allegation of abuse or neglect was made against them and was substantiated. Your information, upon submission by the employer, will be searched through the Arizona Department of Child Safety Central Registry. All information contained on this form is confidential.

1.) Are you currently the subject of an investigation of child abuse or neglect in Arizona, or another state or jurisdiction?	☐ YES ☐ NO
2.) Have you ever been the subject of an investigation of child abuse or neglect in Arizona, or another state or jurisdiction that resulted in a substantiated (determined to have occurred) finding?	☐ YES ☐ NO
What was/were the allegation(s)?	
When was the investigation(s) conducted?	
Where was/were the investigation(s) conducted?	
If you wish, you may provide an explanation of the incident of child abuse or neglect. Do <u>not</u> include the name of any child or any person involved in the investigation.	

Statement of Certification

By signing this form, I certify that the information provided is true, correct, and complete to the best of my knowledge and belief.

Signature

Date

Employers: Please maintain completed forms as confidential.

Equal Opportunity Employers Programs – Under Titles VI and VII of the Civil Rights Act of 1964 (Title VI & VII), and the Americans with Disabilities Act of 1990 (ADA), Section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, and Title II of the Genetic Information Nondiscrimination Act (GINA) of 2008, the Department prohibits discrimination in admissions, programs, services, activities, or employment based on race, color, religion, sex, national origin, age, disability, genetics and retaliation. The Department must make a reasonable accommodation to allow a person with a disability to take part in a program, service or activity. For example, this means if necessary, the Department must provide sign language interpreters for people who are deaf, a wheelchair accessible location, or enlarged print materials. It also means that the Department will take any other reasonable action that allows you to take part in and understand a program or activity, including making reasonable changes to an activity. If you believe that you will not be able to understand or take part in a program or activity because of your disability, please let us know of your disability needs in advance if at all possible. To request this document in alternative format or for further information about this policy contact 602-542-4248. TTY/TDD Services: 7-1-1. Free language assistance for DES services is available upon request.

Exhibit C

LCR-1034A FORNA (9-15)
Previous versions not accepted

ARIZONA DEPARTMENT OF ECONOMIC SECURITY

CRIMINAL HISTORY SELF DISCLOSURE AFFIDAVIT

Your fingerprints will be submitted to the Arizona Department of Public Safety (DPS) and the Federal Bureau of Investigation (FBI) for a criminal history check. Your self-disclosure on this affidavit and the information provided by your criminal history check will be used, as authorized by Public Law and Arizona Revised Statutes, to help us determine your fitness to have unsupervised access to vulnerable persons. Your failure to disclose true and accurate information on this affidavit will be sufficient grounds to end your employment or to deny, suspend, or revoke your license and may be referred to the State Attorney General's Office for prosecution.

Be sure that you go over all five (5) pages of the self-disclosure affidavit.

You have the right to obtain a copy of any background check report and challenge the accuracy or completeness of information contained in the report. If you challenge the information, you also have a right to prompt determination as to the validity of your challenge. To obtain a copy of your background check report, contact the DPS Records Unit, ACJIS Division at (602) 223-2222.

YOUR NAME (First, Middle, Last)	DATE OF BIRTH (MM/DD/YY)
ADDRESS (No., Street, Apt. No., City, State, ZIP)	

Check one of the following and provide information as directed:

- ☐ I have not been convicted of nor am I under pending indictment for any crimes.
- ☐ I have been convicted of or I am under pending indictment for the following crime(s) (Provide dates, location/jurisdiction, circumstances and outcome. Attach additional pages as needed):

ALSO – Check one of the following:

- ☐ I am not subject to registration as a sex offender in Arizona or in any other jurisdiction.
- ☐ I am subject to registration as a sex offender in Arizona or in any other jurisdiction. (If you are subject to registration as a sex offender in this state or any other jurisdiction, DPS will deny you a Level 1 Fingerprint Clearance Card and you WILL NOT be eligible to appeal the decision.)

I certify that I understand this affidavit. My self-disclosure is true, accurate, and complete to the best of my knowledge.

Your Signature Date

Notary Public

State of Arizona, County of _____

Subscribed and sworn or affirmed and acknowledged before me this _____ day of _____, 20____

Commission Expiration date Notary Public's Signature

Non-Appealable Offenses

Are you awaiting trial for or have you ever been convicted of committing, attempting to commit, soliciting or facilitating or conspiring to commit one or more of these crimes in this state or a similar crime in another jurisdiction? Mark "Yes" or "No" as applicable.

If you are subject to registration as a sex offender in this state or any other jurisdiction, or awaiting trial on or been convicted of committing, attempting to commit, soliciting or facilitating, or conspiring to commit one or more of the crimes in this section DPS will deny you a Level 1 Fingerprint Clearance Card and you WILL NOT be eligible to appeal the decision.

Expunged convictions from any court other than juvenile court must be identified.

YES	NO	
☐	☐	1. Sexual abuse of vulnerable adult
☐	☐	2. Incest
☐	☐	3. Homicide, including first or second-degree murder, manslaughter and negligent homicide
☐	☐	4. Sexual assault
☐	☐	5. Sexual exploitation of a minor or vulnerable adult
☐	☐	6. Commercial sexual exploitation of a minor or vulnerable adult
☐	☐	7. Child prostitution as prescribed in A.R.S. § 13-3212
☐	☐	8. Child abuse
☐	☐	9. Felony child neglect
☐	☐	10. Sexual conduct with a minor
☐	☐	11. Molestation of a child or vulnerable adult
☐	☐	12. Dangerous crime against children as defined in A.R.S. § 13-705
☐	☐	13. Exploitation of minors involving drug offenses
☐	☐	14. Taking a child for the purposes of prostitution as defined in A.R.S. § 13-3206
☐	☐	15. Neglect or abuse of a vulnerable adult
☐	☐	16. Sex trafficking
☐	☐	17. Sexual abuse
☐	☐	18. Production, publication, sale, possession and presentation of obscene items as prescribed in A.R.S. § 13-3506
☐	☐	19. Furnishing harmful items to minors as prescribed in A.R.S. § 13-3506
☐	☐	20. Furnishing harmful items to minors by internet activity as prescribed in A.R.S. § 13-3506.01
☐	☐	21. Obscene or indecent telephone communications to minors for commercial purposes as prescribed in A.R.S. § 13-3512
☐	☐	22. Luring a minor for sexual exploitation
☐	☐	23. Enticement of persons for purposes of prostitution
☐	☐	24. Procurement by false pretenses of persons for purposes of prostitution
☐	☐	25. Procuring or placing persons in a house of prostitution
☐	☐	26. Receiving earnings of a prostitute
☐	☐	27. Causing one's spouse to become a prostitute
☐	☐	28. Detention of persons in a house of prostitution for debt
☐	☐	29. Keeping or residing in a house of prostitution or employment in prostitution
☐	☐	30. Pandering
☐	☐	31. Trafficking of persons for forced labor or services as defined in A.R.S. § 13-1308
☐	☐	32. Transporting persons for the purpose of prostitution, polygamy and concubinage
☐	☐	33. Portraying adult as a minor as prescribed in A.R.S. § 13-3555
☐	☐	34. Admitting minors to public displays of sexual conduct as prescribed in A.R.S. § 13-3558
☐	☐	35. Any felony offense involving contributing to the delinquency of a minor
☐	☐	36. Unlawful sale or purchase of children
☐	☐	37. Child bigamy
☐	☐	38. Any felony offense involving domestic violence as defined in A.R.S. § 13-3601, except for a felony offense only involving criminal damage in an amount more than \$250, but less than \$1000 if the offense was committed before June 29, 2009.
☐	☐	39. Felony indecent exposure
☐	☐	40. Felony public sexual indecency
☐	☐	41. Felony driving under the influence, driving under the extreme influence or aggravated driving under the influence if committed within 5 years of the date you apply for a Level 1 Clearance Card.
☐	☐	42. Terrorism
☐	☐	43. Any offense involving a violent crime as defined in A.R.S. § 13-901.03

Appealable 5 Years After Conviction

The following felony offenses are non-appealable if committed within 5 years before the date you apply for a Level 1 Fingerprint Clearance Card. If you have been convicted of committing, attempting to commit, soliciting or facilitating or conspiring to commit one or more of the crimes in this section *within 5 years* of applying for a Level 1 Fingerprint Clearance Card, DPS will deny you a Level 1 Fingerprint Clearance Card and you **WILL NOT** be eligible to appeal the denial.

If the conviction was *more than 5 years* before you apply for a Level 1 Fingerprint Clearance Card, DPS will deny you a Level 1 Fingerprint Clearance Card, but you will be eligible to appeal the denial to the Arizona Board of Fingerprinting.

Mark "Within 5 Years," "Over 5 Years" or "No" as applicable.

WITHIN 5 YEARS	OVER 5 YEARS	NO	
☐	☐	☐	1. Endangerment
☐	☐	☐	2. Threatening or intimidating
☐	☐	☐	3. Assault
☐	☐	☐	4. Aggravated assault
☐	☐	☐	5. Unlawfully administering intoxicating liquors, narcotic drugs or dangerous drugs
☐	☐	☐	6. Dangerous or deadly assault by prisoner or juvenile
☐	☐	☐	7. Prisoners who commit assault with intent to incite to riot or participate in riot
☐	☐	☐	8. Assault by vicious animals
☐	☐	☐	9. Drive by shooting
☐	☐	☐	10. Assaults on public safety employees or volunteers and state hospital employees
☐	☐	☐	11. Discharging a firearm at a structure
☐	☐	☐	12. Prisoner assault with bodily fluids
☐	☐	☐	13. Aiming a laser pointer at a peace officer
☐	☐	☐	14. Possession and sale of peyote
☐	☐	☐	15. Possession and sale of a vapor-releasing substance containing a toxic substance
☐	☐	☐	16. Selling or giving nitrous oxide to underage persons
☐	☐	☐	17. Sale of regulated chemicals
☐	☐	☐	18. Sale of precursor chemicals
☐	☐	☐	19. Production or transportation of marijuana
☐	☐	☐	20. Possession, use or sale of marijuana, dangerous drugs or narcotic drugs
☐	☐	☐	21. Possession, use, administration, acquisition, sale, manufacture or transportation of prescription-only drugs
☐	☐	☐	22. Administration, acquisition, manufacture or transportation of dangerous drugs or narcotic drugs
☐	☐	☐	23. Manufacturing methamphetamine under circumstances that cause physical injury to a minor under the age of 15
☐	☐	☐	24. Involving or using minors in drug offenses
☐	☐	☐	25. Possession, use, sale or transfer of marijuana, peyote, prescription drugs, dangerous drugs, or narcotic drugs or manufacture of dangerous drugs in a drug-free school zone
☐	☐	☐	26. Possession, manufacture, delivery and advertisement of drug paraphernalia
☐	☐	☐	27. Use of wire communication or electronic communication in drug-related transactions
☐	☐	☐	28. Using a building for sale or manufacture of dangerous or narcotic drugs
☐	☐	☐	29. Manufacture or distribution of prescription-only drug
☐	☐	☐	30. Manufacture, distribution, possession, or possession with intent to use imitation controlled substances, imitation prescription-only drugs or imitation over-the-counter drugs
☐	☐	☐	31. Manufacture of certain substances and drugs by certain means

Appealable Offenses

Are you awaiting trial for or have you ever been convicted of committing, attempting to commit, soliciting or facilitating or conspiring to commit one or more of these crimes in this state or a similar crime in another jurisdiction? Mark "Yes" or "No" as applicable.

If you are awaiting trial on or been convicted of committing, attempting to commit, soliciting or facilitating or conspiring to commit one or more of these crimes, DPS will deny you a Level 1 Fingerprint Clearance Card, but you will be eligible to appeal the decision to the Arizona Board of Fingerprinting.

YES	NO	
☐	☐	1. Theft
☐	☐	2. Theft by extortion
☐	☐	3. Shoplifting
☐	☐	4. Forgery
☐	☐	5. Criminal possession of a forgery device
☐	☐	6. Obtaining a signature by deception
☐	☐	7. Criminal impersonation
☐	☐	8. Theft of a credit card or obtaining a credit card by fraudulent means
☐	☐	9. Receipt of anything of value obtained by fraudulent use of a credit card
☐	☐	10. Forgery of a credit card
☐	☐	11. Fraudulent use of a credit card
☐	☐	12. Possession of any machinery, plate or other contrivance or incomplete credit card
☐	☐	13. False statements as to financial condition or identity to obtain a credit card
☐	☐	14. Fraud by persons authorized to provide goods or services
☐	☐	15. Credit card record theft
☐	☐	16. Misconduct involving weapons
☐	☐	17. Misconduct involving explosives
☐	☐	18. Depositing explosives
☐	☐	19. Misconduct involving simulated explosives
☐	☐	20. Concealed weapon violation
☐	☐	21. Misdemeanor indecent exposure
☐	☐	22. Misdemeanor public sexual indecency
☐	☐	23. Aggravated criminal damage
☐	☐	24. Adding poison or other harmful substance to food, drink or medicine
☐	☐	25. A criminal offense involving criminal trespass under Title 13, Chapter 15
☐	☐	26. A criminal offense involving criminal burglary under Title 13, Chapter 15
☐	☐	27. A criminal offense involving organized crime or fraud as prescribed in Title 13, Chapter 23, except terrorism
☐	☐	28. Misdemeanor offenses involving child neglect
☐	☐	29. Misdemeanor offenses involving contributing to the delinquency of a minor
☐	☐	30. Misdemeanor offenses involving domestic violence as defined in A.R.S. § 13-3601
☐	☐	31. Felony offenses involving domestic violence if the offense only involved criminal damage in the amount of \$250 but less than \$1000 and the offense was committed before June 29, 2009.
☐	☐	32. Arson
☐	☐	33. Criminal damage
☐	☐	34. Misappropriation of charter school monies as prescribed in A.R.S. § 13-1818
☐	☐	35. Taking identity of another person or entity
☐	☐	36. Aggravated taking identity of another person or entity
☐	☐	37. Trafficking in the identity of another person or entity
☐	☐	38. Cruelty to animals
☐	☐	39. Prostitution as described in A.R.S. § 13-3214
☐	☐	40. Sale or distribution of material harmful to minors through vending machines as prescribed in A.R.S. § 13-3513
☐	☐	41. Welfare fraud
☐	☐	42. Kidnapping
☐	☐	43. Robbery, aggravated robbery or armed robbery
☐	☐	44. Misdemeanor endangerment
☐	☐	45. Misdemeanor threatening or intimidating

YES	NO	
☐	☐	46. Misdemeanor assault
☐	☐	47. Misdemeanor aggravated assault
☐	☐	48. Misdemeanor unlawfully administering intoxicating liquor, narcotic drugs or dangerous drugs
☐	☐	49. Misdemeanor dangerous or deadly assault by prisoner or juvenile
☐	☐	50. Misdemeanor prisoners who commit assault with intent to incite riot or participate in riot
☐	☐	51. Misdemeanor assault by vicious animals
☐	☐	52. Misdemeanor drive-by shooting
☐	☐	53. Misdemeanor assaults on public safety employees or volunteers and state hospital employees
☐	☐	54. Misdemeanor discharging a firearm at a structure
☐	☐	55. Misdemeanor prisoner assault with bodily fluids
☐	☐	56. Misdemeanor aiming a laser pointer at a peace officer
☐	☐	57. Misdemeanor possession and sale of peyote
☐	☐	58. Misdemeanor possession and sale of a vapor-releasing substance containing a toxic substance
☐	☐	59. Misdemeanor selling or giving nitrous oxide to underage persons
☐	☐	60. Misdemeanor sale of regulated chemicals
☐	☐	61. Misdemeanor sale of precursor chemicals
☐	☐	62. Misdemeanor production or transportation of marijuana
☐	☐	63. Misdemeanor possession, use or sale of marijuana, dangerous drugs or narcotic drugs
☐	☐	64. Misdemeanor possession, use, administration, acquisition, sale, manufacture or transportation of prescription-only drugs
☐	☐	65. Misdemeanor administration, acquisition, manufacture or transportation of dangerous drugs or narcotic drugs
☐	☐	66. Misdemeanor manufacturing methamphetamine under circumstances that cause physical injury to a minor under the age of 15
☐	☐	67. Misdemeanor involving or using minors in drug offenses
☐	☐	68. Misdemeanor possession, use, sale or transfer of marijuana, peyote, prescription drugs, dangerous drugs, or narcotic drugs or manufacture of dangerous drugs in a drug-free school zone
☐	☐	69. Misdemeanor possession, manufacture, delivery and advertisement of drug paraphernalia
☐	☐	70. Misdemeanor use of wire communication or electronic communication in drug-related transactions
☐	☐	71. Misdemeanor using a building for sale or manufacture of dangerous or narcotic drugs
☐	☐	72. Misdemeanor manufacture or distribution of prescription-only drug
☐	☐	73. Misdemeanor manufacture, distribution, or possession with intent to use imitation controlled substances, imitation prescription-only drugs or imitation over-the-counter drugs
☐	☐	74. Misdemeanor manufacture of certain substances and drugs by certain means

Equal Opportunity Employer/Program • Under Titles VI and VII of the Civil Rights Act of 1964 (Title VI & VII), and the Americans with Disabilities Act of 1990 (ADA), Section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, and Title II of the Genetic Information Nondiscrimination Act (GINA) of 2008; the Department prohibits discrimination in admissions, programs, services, activities, or employment based on race, color, religion, sex, national origin, age, disability, genetics and retaliation. The Department must make a reasonable accommodation to allow a person with a disability to take part in a program, service or activity. For example, this means if necessary, the Department must provide sign language interpreters for people who are deaf, a wheelchair accessible location, or enlarged print materials. It also means that the Department will take any other reasonable action that allows you to take part in and understand a program or activity, including making reasonable changes to an activity. If you believe that you will not be able to understand or take part in a program or activity because of your disability, please let us know of your disability needs in advance if at all possible. To request this document in alternative format or for further information about this policy, contact your local office manager; TTY/TDD Services: 7-1-1. • Free language assistance for DES services is available upon request.

Exhibit D

LCR-1034A FORS (9-15)
No se aceptan versiones
anteriores

ARIZONA DEPARTMENT OF ECONOMIC SECURITY

AFIDÁVIT DE AUTO REVELACIÓN DE LA HISTORIAL CRIMINAL

Se presentará sus huellas digitales al Departamento de Seguridad Pública de Arizona (DPS policía) y El Departamento de Estado de Investigaciones (FBI) para comprobar su historial criminal. Como la Ley Pública y los Estatutos Revisados de Arizona, vamos a usar lo que revela en este afidávit y la información provista por la comprobación de su historial criminal, para determinar su conveniencia por tener acceso sin restricción a las personas vulnerables. El dejar de revelar información verdadero y preciso en este afidávit será motivo de terminar su empleo o de denegar, suspender o revocar su licencia y puede que le remitimos a la oficina de Procurador General para que le puede enjuiciar.

Asegúrese que revise todas las cinco páginas del afidávit de auto revelación.

Usted tiene derecho de obtener una copia de todo informe acerca de su historial criminal y recusar la exactitud o integridad de la información contenida en el informe. Si recusa la información, también tiene derecho a una determinación pronta en cuanto a la validez de su recusación. Para obtener una copia del informe de su comprobación de historial criminal, comuníquese con la DPS Records Unit, ACJIS Division al (602) 223-2222.

SU NOMBRE (Nombre, segundo, apellido)	FECHA DE NACIMIENTO (MM/DD/AA)
DIRECCIÓN (Num., calle, núm. de apto., ciudad, estado, código postal)	

Marque una de lo siguiente y proveer la información según las instrucciones:

- ☐ No he sido declarado culpable ni estoy acusado de ningún delito.
- ☐ He sido declarado culpable de o estoy acusado de los siguientes delitos (s) (provea la fecha, local/jurisdicción, circunstancias y resultado. Adjunta páginas adicionales como sea necesario):

TAMBIÉN – Marque una de lo siguiente:

- ☐ No estoy sujeto a registrar como un agresor sexual en ni en ninguna otra jurisdicción.
- ☐ Estoy sujeto a registrar como un agresor sexual en ni en ninguna otra jurisdicción. (Si usted está sujeto a registrar como un agresor sexual en este estado o cualquier otra jurisdicción, DPS va a denegar una tarjeta de nivel 1 de autorización de huellas digitales y usted NO TENDRÁ derecho de apelar la decisión.)

Certifico que entiendo este afidávit. Mi auto-revelación es verdadera, precisa y completa según mi leal saber.

Su Firma

Fecha

Notary Public (Notario publico)

State of Arizona, County of _____

Subscribed and sworn or affirmed and acknowledged before me this _____ day of _____, 20____

Commission Expiration date

Notary Public's Signature

Infracciones no apelables

¿Espera usted juicio para o ha sido declarado culpable de cometer, intentar de cometer, solicitar o facilitar, o conspirar para cometer uno o más de los delitos en este estado o un delito similar en otra jurisdicción? Marque "Sí" o "No" como sea aplicable.

Si usted está sujeto a registrar como un agresor sexual en este estado o cualquier otra jurisdicción, o espera juicio por o ha sido declarado culpable de cometer, intentar de cometer, solicitar o facilitar, o conspirar para cometer uno o más de los delitos en esta sección DPS va a denegar una tarjeta de nivel 1 de autorización de huellas digitales y usted **NO TENDRÁ** derecho de apelar la decisión.

Condenas expurgadas de algún tribunal aparte del tribunal juvenil deben ser identificadas.

SÍ	NO	
☐	☐	1. Abuso sexual abuse de un adulto vulnerable
☐	☐	2. Incesto
☐	☐	3. Homicidio, incluso homicidio del primer o segundo grado, homicidio sin premeditación y homicidio negligente
☐	☐	4. Agresión sexual
☐	☐	5. Explotación de un menor o un adulto vulnerable
☐	☐	6. Explotación sexual comercial de un menor o un adulto vulnerable
☐	☐	7. Prostitución de un menor según A.R.S. § 13-3212
☐	☐	8. Abuso infantil
☐	☐	9. Negligencia de niño que sea un delito grave
☐	☐	10. Conducta sexual con un menor
☐	☐	11. Abuso inmoral de un menor o adulto vulnerable
☐	☐	12. Delito peligroso contra menores como sea definido en A.R.S. § 13-705
☐	☐	13. Explotación de menores para delitos relacionados con drogas
☐	☐	14. Raptar a un menor para propósitos de prostitución según A.R.S. § 13-3206
☐	☐	15. Negligencia o abuso de un adulto vulnerable
☐	☐	16. Trafico de sexo
☐	☐	17. Abuso sexual
☐	☐	18. Producir, publicar, vender, poseer, y presentar artículos indecentes según A.R.S. § 13-3502
☐	☐	19. Suministrar cosas dañosas a menores según A.R.S. § 13-3506
☐	☐	20. Suministrar cosas dañosas a menores mediante actividad en el Internet según A.R.S. § 13-3506.01
☐	☐	21. Comunicaciones telefónicas que son obsceno o indecente a menores para los propósitos comerciales según A.R.S. § 13-3512
☐	☐	22. Seducir a un menor para el propósito de explotación sexual
☐	☐	23. Incitar a cualquier personas para propósitos de prostitución
☐	☐	24. Instigación, bajo pretensiones falsas, de cualquier personas para propósitos de prostitución
☐	☐	25. Instigar o colocar personas en una casa de prostitución
☐	☐	26. Recibir ganancias de una persona prostituida
☐	☐	27. Causar prostitución de su cónyuge
☐	☐	28. Detención de personas en una casa de prostitución para satisfacer deudas
☐	☐	29. Mantener o residir en una casa de prostitución o empleo en prostitución
☐	☐	30. Proxenetismo
☐	☐	31. El trata de personas con el fin de labor o servicios forzados como se define en A.R.S. 13-1308
☐	☐	32. Transporte de personas para propósitos de prostitución, poligamia y concubinato
☐	☐	33. Representar un adulto como un menor según A.R.S. § 13-3555
☐	☐	34. Dejar entrar a los menores a exposiciones públicas de comportamiento sexual según A.R.S. § 13-3558
☐	☐	35. Algún delito que incluye contribuir a la delincuencia de un menor
☐	☐	36. La venta o compra ilegal de niños
☐	☐	37. Bigamia infantil
☐	☐	38. Algún delito grave que incluye violencia familiar como sea definido en A.R.S. § 13-3601, salvo que un delito grave que incluye solamente daño criminal de una cantidad más de \$250, pero menos de \$1000 si los delitos fueron cometidos antes del 29 de junio de 2009.
☐	☐	39. Delito grave de exhibicionismo
☐	☐	40. Delito grave de indecencia sexual pública
☐	☐	41. Conduciendo bajo la influencia (de alcohol/ drogas) grave, conduciendo bajo la influencia (de alcohol/ drogas) extrema o conduciendo bajo la influencia (de alcohol/ drogas) agravado si fuera cometido dentro de 5 años de la fecha en la cual usted solicita una tarjeta de autorización de Nivel 1
☐	☐	42. Terrorismo
☐	☐	43. Algún delito que incluye un delito violenta como sea definido en A.R.S. § 13-901.03

Apelable 5 años después de condena

No se puedan apelar los siguientes delitos graves si se fueron cometidos dentro de 5 años antes de la fecha en la cual usted solicita una tarjeta de autorización de Nivel 1. Si usted ha sido declarado culpable de cometer, intentar de cometer, solicitar o facilitar o conspirar para cometer uno o más de los delitos en esta sección *dentro de 5 años* de solicitar una tarjeta de autorización de Nivel 1 de huellas digitales, DPS denegará tarjeta de autorización de Nivel 1 de huellas digitales y usted **NO SERÁ** elegible para apelar la denegación.

Si la condena fue *más de 5 años* antes de solicitar una tarjeta de autorización de Nivel 1 de huellas digitales, DPS denegará una tarjeta de autorización de Nivel 1, pero usted será elegible para apelar la denegación a la Compañía de huellas digitales de Arizona.

Marque "Dentro de 5 Años," "Más de 5 años" o "No" como sea aplicable.

DENTRO DE 5 AÑOS	MÁS DE 5 AÑOS	NO	
☐	☐	☐	1. Imprudencia riesgosa
☐	☐	☐	2. Incendio intencional
☐	☐	☐	3. Agresión
☐	☐	☐	4. Agresión agravada
☐	☐	☐	5. Administración ilegal de licores intoxicantes, drogas narcóticas o drogas peligrosas
☐	☐	☐	6. Agresión peligrosa o mortal por parte de prisionero o menor
☐	☐	☐	7. Prisioneros quienes cometen agresión con el propósito de amotinarse o participar en un motín
☐	☐	☐	8. Agresión mediante animales viciosos
☐	☐	☐	9. Tiroteo desde auto
☐	☐	☐	10. Agresión contra los empleados o voluntarios y empleados del hospital estatal
☐	☐	☐	11. Disparar un arma de fuego contra una estructura
☐	☐	☐	12. Agresión por parte de prisionero con fluidos corporales
☐	☐	☐	13. Apuntar un Láser a un agente de las fuerzas del orden
☐	☐	☐	14. Posesión y venta de peyote
☐	☐	☐	15. Posesión y venta de alguna sustancia vaporoso que contiene sustancias tóxicas
☐	☐	☐	16. Vender o dar óxido nítrico a personas de menor de edad
☐	☐	☐	17. La venta de químicas reglamentadas
☐	☐	☐	18. La venta de químicos precursores
☐	☐	☐	19. Producción o transportación de la marihuana
☐	☐	☐	20. Posesión, uso o venta de marihuana, drogas peligrosos o drogas narcóticas
☐	☐	☐	21. Posesión, uso, administración, adquisición, venta, fabricación o transporte de drogas solas de receta
☐	☐	☐	22. Administración, adquisición, fabricación o transporte de drogas peligrosas o drogas narcóticas
☐	☐	☐	23. El fabricar metanfetamina bajo circunstancias que causan herida física a un menor bajo la edad de 15 años.
☐	☐	☐	24. El hacer participar o usar menores durante delitos de drogas
☐	☐	☐	25. Posesión, uso, venta o transferencia de la marihuana, peyote, drogas de receta, drogas peligrosas, o drogas narcóticas o el fabricar drogas peligrosas dentro de una zona escolar libre de drogas
☐	☐	☐	26. Posesión, fabricar, entregar y hacer publicidad de parafernalia para drogas
☐	☐	☐	27. El uso de comunicación por telegrama o comunicación electrónica durante transacciones relacionados con drogas
☐	☐	☐	28. El uso de un edificio para vender o fabricar drogas narcóticas peligrosas
☐	☐	☐	29. El fabricar o distribuir drogas disponibles solo por receta
☐	☐	☐	30. El fabricar, distribuir, poseer, o poseer con el propósito a usar sustancias controlados de imitación drogas solo de receta de imitación o drogas sin receta de imitación
☐	☐	☐	31. Manufactura de ciertas sustancias y drogas a través de ciertos medios

Delitos apelables

¿Está usted esperando el juicio de o alguna vez ha sido usted condenado de cometer, intentar de cometer, solicitar o facilitar o conspirar para cometer uno o más de estos delitos en este estado o delito similar en otra jurisdicción? Marque "Sí" o "No" según lo aplicable.

Si usted está esperando el juicio para o ha sido condenado de cometer, intentar de cometer, solicitar o facilitar o conspirar para cometer uno o más de estos delitos, DPS denegará, pero usted será elegible para apelar la denegación a la Compañía de huellas digitales de Arizona.

SÍ	NO	
☐	☐	1. Hurto
☐	☐	2. Robo mediante extorsión
☐	☐	3. Hurto de mercancías en una tienda o negocio
☐	☐	4. Falsificación
☐	☐	5. Posesión criminal de un instrumento de falsificación
☐	☐	6. Obtener una firma mediante decepción
☐	☐	7. Personificación criminal
☐	☐	8. Robo de una tarjeta de crédito u obtener una tarjeta de crédito a través de medios fraudulentos
☐	☐	9. Recibir algo de valor obtenido por medio del uso fraudulento de una tarjeta de crédito
☐	☐	10. Falsificación de una tarjeta de crédito
☐	☐	11. Uso fraudulento de una tarjeta de crédito
☐	☐	12. Posesión de maquinaria, placas u otros dispositivos, o una tarjeta de crédito incompleta
☐	☐	13. Declaración falsa acerca de su situación financiera o identidad para obtener una tarjeta de crédito
☐	☐	14. Fraude cometido por personas autorizadas a proporcionar bienes o servicios
☐	☐	15. Hurto de transacciones de tarjetas de crédito
☐	☐	16. Conducta ilícita que involucra armas
☐	☐	17. Conducta ilícita que involucra explosivos
☐	☐	18. Dejar explosivos
☐	☐	19. Conducta ilícita que involucra explosivos simulados
☐	☐	20. Violación de las leyes contra armas ocultas
☐	☐	21. Delito menor de exhibicionismo
☐	☐	22. Delito menor de indecencia sexual pública
☐	☐	23. Daño criminal agravado
☐	☐	24. Agregar veneno u otra sustancia dañina a alimentos, bebidas o medicamentos
☐	☐	25. Una ofensa criminal que involucra y transgresión criminal bajo Título 13, Capítulo 15
☐	☐	26. Una ofensa criminal que involucra y escalamiento criminal bajo Título 13, Capítulo 15
☐	☐	27. Una ofensa criminal que incluye crimen organizado o fraude de acuerdo con Título 13, Capítulo 23, salvo terrorismo
☐	☐	28. Delitos menores que incluyen negligencia de menores
☐	☐	29. Delitos menores que incluyen contribuir a la delincuencia de un menor
☐	☐	30. Delitos menores que incluyen violencia familiar tal y como se define en el A.R.S. § 13-3601
☐	☐	31. Delitos graves que incluyen violencia familiar si el delito incluye sólo el daño criminal en al cantidad de \$250 pero menos de \$1000 y se cometió el delito antes del 29 de junio de 2009.
☐	☐	32. Incendio intencional
☐	☐	33. Daño criminal
☐	☐	34. Apropiación indebida de fondos de una escuela charter según A.R.S. § 13-1318
☐	☐	35. Tomar la identidad de otra persona o entidad
☐	☐	36. Tomar la identidad de otra persona o entidad agravada
☐	☐	36. Tráfico de la identidad de otra persona o entidad
☐	☐	37. Crueldad contra animales
☐	☐	39. Prostitución según A.R.S. § 13-3214
☐	☐	40. Vender o distribuir materias dañosas a menores mediante vendedores automáticas según A.R.S. § 13-3513
☐	☐	41. Fraude de asistencia social
☐	☐	42. Secuestro
☐	☐	43. Robo, robo agravado o robo que involucra armas
☐	☐	44. Delito menor de imprudencia riesgosa
☐	☐	45. Delito menor de amenazar o intimidar

SÍ	NO	
☐	☐	46. Delito menor de agresión
☐	☐	47. Delito menor de agresión agravada
☐	☐	48. Delito menor de administrar ilegalmente un licor estupefaciente, droga narcótica o drogas peligrosas
☐	☐	49. Delito menor de agresión peligrosa o mortal por parte de prisionero o menor
☐	☐	50. Delito menor de prisioneros quienes cometen agresión con el propósito de incitar a un motín o participar en un motín
☐	☐	51. Delito menor de agresión por animales fieros
☐	☐	52. Delito menor de tiroteo desde auto
☐	☐	53. Delito menor de agresión a un empleado de seguridad pública o voluntarios y empleados del hospital estatal
☐	☐	54. Delito menor de disparar una arma de fuego dentro de una estructura
☐	☐	55. Delito menor de agresión por parte de un prisionero con fluidos corporales
☐	☐	56. Delito menor de apuntar un Láser a un agente de las fuerzas del orden
☐	☐	57. Delito menor de poseer y vender el peyote
☐	☐	58. Delito menor de poseer y vender una sustancia que libere vapores que contengan una sustancia tóxica
☐	☐	59. Delito menor de vender o dar óxido nítrico a personas de menor edad
☐	☐	60. Delito menor de vender químicas reguladas
☐	☐	61. Delito menor de vender de químicas precursores
☐	☐	62. Delito menor de producir o transportar la marihuana
☐	☐	63. Delito menor de poseer, usar o vender marihuana, drogas peligrosas o drogas narcóticas
☐	☐	64. Delito menor de poseer, usar, administrar, adquirir, vender, fabricar o transportar drogas disponibles sólo por receta
☐	☐	65. Delito menor de administrar, adquirir, fabricar o transportar drogas peligrosas o narcóticas
☐	☐	66. Delito menor de fabricar metanfetamina bajo circunstancias que causan herida física a un menor bajo la edad de 15 años
☐	☐	67. Delito menor que involucre, implique o utilice menores en un delito de drogas
☐	☐	68. Delito menor de poseer, usar, vender o transferir marihuana, peyote, drogas recetadas, drogas peligrosas, o drogas narcóticas o fabricar drogas peligrosas dentro de una zona escolar libre de drogas
☐	☐	69. Delito menor de poseer, fabricar, entregar y hacer publicidad de parafernalia de drogas
☐	☐	70. Delito menor de usar comunicación alámbrica o comunicación electrónica durante transacciones relacionadas a drogas
☐	☐	71. Delito menor de usar un edificio para vender o fabricar drogas peligrosas o narcóticas
☐	☐	72. Delito menor de fabricar o distribuir drogas disponibles sólo por receta.
☐	☐	73. Delito menor de fabricar, distribuir, o poseer con el propósito de usar sustancias controladas de imitación, drogas disponibles sólo por receta de imitación o drogas sin receta de imitación
☐	☐	74. Delito menor de fabricar ciertas sustancias por medio de ciertas maneras

Programa y Empleador con Igualdad de Oportunidades • Bajo los Títulos VI y VII de la Ley de los Derechos Civiles de 1964 (Títulos VI y VII) y la Ley de Estadounidenses con Discapacidades de 1990 (ADA por sus siglas en inglés), Sección 504 de la Ley de Rehabilitación de 1973, Ley contra la Discriminación por Edad de 1975 y el Título II de la Ley contra la Discriminación por Información Genética (GINA por sus siglas en inglés) de 2008; el Departamento prohíbe la discriminación en la admisión, programas, servicios, actividades o empleo basado en raza, color, religión, sexo, origen, edad, discapacidad, genética y represalias. El Departamento tiene que hacer las adaptaciones razonables para permitir que una persona con una discapacidad participe en un programa, servicio o actividad. Esto significa por ejemplo que, si es necesario, el Departamento tiene que proporcionar intérpretes de lenguaje de señas para personas sordas, un establecimiento con acceso para sillas de ruedas o material con letras grandes. También significa que el Departamento tomará cualquier otra medida razonable que le permita a usted entender y participar en un programa o en una actividad, incluso efectuar cambios razonables en la actividad. Si usted cree que su discapacidad le impedirá entender o participar en un programa o actividad, por favor infórmenos lo antes posible de lo que usted necesita para acomodar su discapacidad. Para obtener este documento en otro formato u obtener información adicional sobre esta política, comuníquese con el gerente de su oficina local; Servicios de TTY/TDD: 7-1-1. • Ayuda gratuita con traducciones relacionadas a los servicios del DES está disponible a solicitud del cliente.

Area Agency on Aging, Region One Billing Time Frames			
Billing Month	Billing Due	Re-Billing Due	Re-Billing Time Limit
July	August 10th	November 10th	3 months
August	September 10th	December 10th	3months
September	October 10th	January 10th	3months
October	November 10th	February 10th	3months
November	December 10th	March 10th	3months
December	January 10th	April 10th	3months
January	February 10th	May 10th	3months
February	March 10th	June 10th	3months
March	April 10th	July 10th	3months
April	May 10th	July 10th	2 months
May	June 10th	July 10th	1 month
June	July 10th	July 10th	0 month

COMMUNICATION PAGE
(not an integral page of the Contract)

5/24/19 EMAILED TO:
seth.dyson@surpriseaz.gov
joe.gladieux@surpriseaz.gov



CITY OF SURPRISE Regular City Council Meeting

Council Meeting Date: June 18, 2019

Contact Person: Seth Dyson, DIRECTOR - HSCV

Submitting Department: Human Svcs and Comm

District: Citywide

Vitality

Staff Recommendations: None

Consent: Yes

Regular: No

Public Hearing: No

Report/Discussion: No

Agenda Wording:

Consideration and action on Amendment Number Three to the Intergovernmental Agreement with Maricopa County for Workforce Development Services; Resolution #2019-76.

Motion:

I move to approve Resolution #2019-76.

Background:

On August 1, 2017, the City Council approved Resolution 2017-87 to enter into an IGA with Maricopa County for Workforce Development Services. The Workforce Innovation and Opportunity Act of 2014 is designed to help job seekers access employment, education, training and support services to succeed in the labor market and to match employers with the skilled workers they need to compete in the global economy. Maricopa County is designated as a Local Workforce Development Area under the federal WIOA. The County operates two (2) comprehensive Workforce Development One Stop Career Centers (Centers) under WIOA. The Centers provide employment-related services to job-seekers and employers in Maricopa County. The Centers provide services to job seekers such as workshops on job search and job retention skills, assessment tools for measuring interests, aptitude & skills, career exploration, vocational counseling, funding assistance for occupational skills training and job placement assistance.

Resources such as computers, fax machines and copiers are available to assist in job search activities. The Centers hold job fairs for local employers recruiting employees to fill vacant positions. The Centers also provide transition assistance for local employers who experience a reduction in force and, therefore, must lay-off employees. The City will house a satellite office for the County. The services provided in the Resource Center will benefit job seekers and employers who cannot travel to access services in the County's Centers.

Objective Analysis:

This action will allow the HSCV Department to continue to offer Workforce Development Services out of the Surprise Resource Center with a full time Workforce Development Coordinator, which will be employed by Maricopa County.

Policy Compliant:

This action is compliant with City and Council policies.

Financial Impact:

The ISB addresses the anticipated expenditures for July 1, 2019 - June 30, 2020. The City shall compensate the County on a monthly basis for program service delivery. The total compensation amount shall not exceed \$43,198.82 for the extension period and not more than \$3,599.90 per month.

Budget Impact:

The FY2020 adopted budget includes appropriations in the amount of \$99,000 within the General Fund for professional and outside services. As authorized by Council Resolution 2017-41, unspent appropriation at the end of each fiscal year will be carried forward to the next fiscal year through FY2020 and will be included as part of each year's budget adoption process.

FTE Impact:

This item does not impact the overall full-time equivalent count.

ATTACHMENTS:

1. Res 2019-76 Amend 3 to the Workforce Development IGA
 2. City of Surprise IGA Amendment 3 Workforce Development
-

RESOLUTION # 2019-76

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA APPROVING THE THIRD AMENDMENT TO THE INTERGOVERNMENTAL AGREEMENT WITH MARICOPA COUNTY FOR WORKFORCE DEVELOPMENT SERVICES

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

WHEREAS, the City of Surprise and Maricopa County entered into an Intergovernmental Agreement on or about July 26, 2017, Resolution 2017-87;

WHEREAS, The Parties executed Amendment No. 1 on or about March 21, 2018 to include additional program requirements. The Parties executed Amendment No. 2 on or about July 23, 2018 to extend the term from June 30, 2018 to June 30, 2019,

WHEREAS, the parties desire to amend the intergovernmental agreement from June 30, 2019 – June 30, 2020 in order to continue to facilitate the integration of the County's workforce development system into the Surprise Resource Center;

WHEREAS, the city shall reimburse the County in an amount not to exceed \$43,198.82 for the extension period and a monthly amount not to exceed \$3,599.90;

WHEREAS, Workforce Development services are critical to the City's economic health and a strategic investment and partnership with Arizona@Work Maricopa County will enhance employment services for Surprise businesses and career seekers;

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

Section 1. The Intergovernmental Agreement between the City of Surprise and Maricopa County, attached as Exhibit A, is approved.

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

APPROVED AND ADOPTED this ____ day of _____, 2019.

Skip Hall, Mayor

Attest:

Approved as to form:

Sherry Aguilar, City Clerk

Robert Wingo, City Attorney

EXHIBIT A

INTERGOVERNMENTAL AGREEMENT BETWEEN
THE CITY OF SURPRISE AND MARICOPA COUNTY



AMENDMENT NO. 3
TO THE
INTERGOVERNMENTAL AGREEMENT
BETWEEN
MARICOPA COUNTY
ADMINISTERED BY ITS
HUMAN SERVICES DEPARTMENT
AND
CITY OF SURPRISE



- I.** Maricopa County (the “County”) by and through its Human Services Department (MCHSD), and the City of Surprise (“City”) entered into a financial Intergovernmental Agreement (“Agreement”) on or about September 14, 2017 to integrate the County’s workforce development system into the City’s Resource Center. The term of the Agreement began on July 1 2017 through June 30, 2018. The Agreement contains the option to renew the Agreement for two additional 1-year terms. The County and the City are collectively referred to herein as the “Parties” and individually as the “Party”.

The Parties executed Amendment No. 1 on or about March 21, 2018 to include additional program requirements. The Parties executed Amendment No. 2 on or about July 23, 2018 to extend the term from June 30, 2018 to June 30, 2019, (renewal option #1).

- II.** The Parties now wish to amend the Agreement as follows (Amendment No. 3, renewal option #2):

- A. Extend the Agreement term from June 30, 2019 to June 30, 2020.
- B. The Amendment shall be effective on July 1, 2019 to June 30, 2020.
- C. The Parties shall share the costs for funding the program. The City shall compensate the County on a monthly basis for program service delivery.
 - 1. The City shall reimburse the County of a portion of the Workforce Development Coordinator’s salary. Funding amount is indicated in attached Itemized Service Budget, Attachment A.
- D. The City shall reimburse the County a not to exceed amount of \$43,198.82 for the extension period. The City shall pay the County the monthly amount not to exceed \$3,599.90.
- E. Include Attachment “A” Itemized Service Budget (ISB) to the Agreement as modified for the new agreement term.

- III.** Upon approval of Amendment No. 3, no renewal terms remain.

- IV.** This Agreement is subject to A.R.S. §38-511. The foregoing paragraphs, contain all the changes made by this Amendment. All other terms and conditions of the original Agreement remain the same and in full force and effect as approved and amended.

IN WITNESS THEREOF, the Parties have signed this Agreement:

**FOR AND ON BEHALF OF
CITY OF SURPRISE:**

**FOR AND ON BEHALF OF
MARICOPA COUNTY:**

_____ Bill Gates, Chairman, Board of Supervisors

Date

Date

Attested to:

Attested to:

Clerk for the City Date

Fran McCarroll, Clerk of the Board Date

This Amendment has been reviewed by the undersigned legal counsel for the County and the City who have determined that it is in proper form and within the power and authority granted under the laws of the State of Arizona.

By:

By:

City Attorney Date

Deputy County Attorney Date

ATTACHMENT A

**Intergovernmental Agreement Between the City of Surprise and Maricopa County Administered
by it's Hman Service Department**

ITEMIZED SERVICE BUDGET

CONTRACT SERVICE: Workforce Development

Arizona@Work Workforce DevelopmentContract Period: 06/30/2019 - 06/30/2020

<i>City of Surprise covers 50% of FTE costs</i>	Total Annual Cost	City of Surprise Cost
Total Personnel - 1 FTE @ \$22.82/hr * 2096 total hours	\$ 47,830.72	\$ 23,915.36
Maricopa County Merit Pay Increase for FY2020 - 3.0%	\$ 1,434.92	\$ 717.46
Total Employee Related Expenses - ¹ ERE = 19.15% + \$11,856	\$ 21,436.00	\$ 10,718.00
Total Indirect Cost - ² 22.2%	\$ 15,696.00	\$ 7,848.00
Subtotal	\$ 86,397.64	\$ 43,198.82

Total Annual Cost for the City of Surprise **\$ 43,198.82**

¹ Based on 2017 FICA, Retirement, Unemployment Compensation, Worker's Compensation, Liability Insurance, Health/Dental/Life Insurance, and Dependent Care Assistance

² Maricopa County Indirect Rate as allowed by OMB Circular A-122



CITY OF SURPRISE Regular City Council Meeting

Council Meeting Date: June 18, 2019

Contact Person: Seth Dyson, DIRECTOR - HSCV

Submitting Department: Human Svcs and Comm

District: Citywide

Vitality

Staff Recommendations: None

Consent: Yes

Regular: No

Public Hearing: No

Report/Discussion: No

Agenda Wording:

Consideration and action on an Intergovernmental Agreement with Maricopa County to facilitate an I-HELP Program in the Northwest Valley; Resolution #2019-80.

Motion:

I move to approve Resolution #2019-80.

Background:

The Interfaith Homeless Emergency Program (I-HELP) is designed to provide temporary shelter to eligible individuals experiencing homelessness on a short-term basis with the goal of connecting people to housing, employment, health care and other critical services. This topic first arose in Surprise through the Compassionate Surprise initiative in 2011. I-HELP has been very successful in other parts of the valley, led by non-profit organizations with support from local governments and other donors.

Regional Partners - El Mirage, Youngtown and Maricopa County

I-HELP is part of the larger Maricopa County system of addressing homelessness in collaboration with the MAG Regional Continuum of Care (CoC). I-HELP seeks to provide local shelter options, while supporting a coordinated regional plan to end homelessness while igniting investment in the region. The I-HELP model is currently being utilized successfully in several east and west valley communities, has been found to be effective in providing access to safe shelter, personalized service plans detailing the steps necessary to transition to a life of stability, as well as links to healthcare resources including substance abuse, behavioral health counseling, primary care and health screenings, employment and job training resources, and housing and benefits advocacy.

The other I-HELP communities:

Chandler/Gilbert (AZCEND)

Tempe (Tempe Community Action Agency)

Mesa – (Lutheran Social Services)

Avondale/Goodyear/Litchfield Park – (Lutheran Social Services)

Objective Analysis:

This action will allow HSCV Department to facilitate temporary emergency shelter services within the NorthWest Valley.

Policy Compliant:

This action is compliant with City and Council policies.

Financial Impact:

All service expenditures will be on a monthly reimbursement basis. Services will be provided by a non-profit partner through a pass-through grant effective 7/1/19 - 6/30/20 in an amount not to exceed \$100,000.

Budget Impact:

Grant funding in the amount of \$100,000 has been included as a part of the FY2020 budget.

FTE Impact:

This item does not impact the overall full-time equivalent count.

ATTACHMENTS:

1. Res. 2019-80 IGA with County for an I-HELP Program
 2. IGA for an I-HELP Program
-

RESOLUTION # 2019-80

**A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY
OF SURPRISE, ARIZONA APPROVING AN
INTERGOVERNMENTAL AGREEMENT WITH MARICOPA
COUNTY TO FACILITATE TEMPORARY EMERGENCY SHELTER
SERVICES.**

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

WHEREAS, the parties desire to enter into an intergovernmental agreement in order to facilitate the services to include temporary emergency shelter services in the Northwest Valley;

WHEREAS, all service expenditures are on a reimbursement basis, up to \$100,000; and

WHEREAS, the term of this is Agreement is from July 1, 2019 to June 30, 2020. The Agreement is effective when executed by all of the Parties. The Agreement may be extended for three (3) additional one-year terms, upon written agreement by the Parties.

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

Section 1. The Intergovernmental Agreement between the City of Surprise and the Maricopa County Human Services Department, attached as Exhibit A, is approved.

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

APPROVED AND ADOPTED this ____ day of _____, 2019.

Skip Hall, Mayor

Attest:

Approved as to form:

Sherry Aguilar, City Clerk

Robert Wingo, City Attorney

EXHIBIT A

INTERGOVERNMENTAL AGREEMENT BETWEEN
THE CITY OF SURPRISE AND MARICOPA COUNTY



INTERGOVERNMENTAL AGREEMENT
BETWEEN
MARICOPA COUNTY
ADMINISTERED BY ITS
HUMAN SERVICES DEPARTMENT
AND
CITY OF SURPRISE



Contract Number: _____
Contract Amount: \$ 100,000
Contract Start Date: July 1, 2019
Contract Termination Date: June 30, 2020
DUNS Number: 021648936

This Intergovernmental Agreement (IGA) for Services ("Agreement") is entered into by and between City of Surprise, (hereinafter referred to as the "Contractor"), and Maricopa County, administered by its Human Services Department, (hereinafter referred to as the "County"). The Contractor and County may be collectively referred to herein as the "Parties" and individually as the "Party."

WHEREAS, the County is empowered by Arizona Revised Statutes §§ 11-251 and 11-952 et seq. to enter into this Agreement and has delegated the undersigned the authority to execute this Agreement on behalf of the County.

WHEREAS, the Contractor is empowered by Arizona Revised Statutes §§ 9-240, 9-500.11, 11-952 and 46-241 et seq. to enter into this Agreement, and has by resolution, delegated the undersigned the authority to execute this Agreement on behalf of the Contractor.

The Contractor, for and in consideration of the covenants and conditions set forth in this Agreement, shall provide and perform the services set forth herein. All rights and obligations of the Parties shall be governed by the terms of this Agreement, its Exhibits, Attachments, and Appendices, including any Subcontracts, Amendments, or Change Orders as set forth herein and in:

Section I – General Provisions
Section II – Special Provisions
Section III – Work Statement
Section IV – Compensation
Section V – Attachments
Section VI – Exhibits

Contractor Rep: Seth Dyson, Human Service & Community Vitality Director
Phone: Direct: 623-222-1620 Cell: 480-798-5162
Address: 15832 N. Hollyhock Street, Surprise, AZ 85378
E-Mail: Seth.Dyson@surpriseaz.gov

Maricopa County: Rachel Milne, Assistant Director
Phone: 602-372-1528
Address: 234 North Central, Suite 3000, Phoenix, AZ 85004
E-Mail: Rachel.Milne@maricopa.gov

Notices under this Agreement shall be given by personal delivery or by registered or certified mail postage prepaid and return receipt requested, to the persons at the addresses set forth above and shall be effective three (3) days after being mailed, unless otherwise indicated in the notice.

SECTION I
GENERAL PROVISIONS



Maricopa County
Human Services Department

1.0 PURPOSE

The purpose of this Agreement is for the Contractor to provide services to include temporary emergency shelter services. The County shall provide funding to the Contractor for service delivery. The funding for services shall be on a reimbursement basis to the Contractor. Services eligible for reimbursement are identified in Section III, Work Statement.

2.0 TERM/EFFECTIVE DATE/RENEWAL LIFE OF THE AGREEMENT

- 2.1 The term of this Agreement is from July 1, 2019 to June 30, 2020. The Agreement is effective when executed by all of the Parties. The Agreement may be extended for three (3) additional one-year terms, upon written agreement by the Parties.
- 2.2 The Contractor shall not provide services prior to Agreement term commencing or after the end date of the Agreement. (No billable activity outside of the effective dates).
- 2.3 Upon execution of this Agreement and incurring allowable expenses within the Agreement term, the Contractor shall invoice the County per Section IV, Compensation, under this Agreement.

3.0 AMENDMENTS

All Amendments to this Agreement shall be in writing and signed by authorized signers for both Parties.

4.0 TERMINATION

- 4.1 Pursuant to A.R.S. §38-511, the Parties may cancel this Agreement without penalty or further obligation within three years after execution of the Agreement, if any person significantly involved in initiating, negotiating, securing, drafting or creating the Agreement on behalf of the Party is at any time while the Agreement or any extension of the Agreement is in effect, an employee or agent of any other Party to the Agreement in any capacity or consultant to any other Party of the Agreement with respect to the subject matter of the Agreement. Additionally, pursuant to A.R.S. § 38-511 the Party may recoup any fee or commission paid or due to any person significantly involved in initiating, negotiating, securing, drafting or creating the Agreement on behalf of the Party from any other Party to the Agreement arising as the result of the Agreement.
- 4.2 Either Party may terminate this Agreement at any time by giving the other Party at least sixty (60) calendar days prior notice in writing (unless terminated by the Board of Supervisors under the Availability of Funds provision). The notice shall be given by personal delivery or by registered or certified mail, postage prepaid and returned receipt requested to the persons at the addresses set forth on page one of this Agreement.
- 4.3 This Agreement may be terminated by mutual written agreement of the Parties specifying the termination date therein.
- 4.4 The County has the right to terminate this Agreement upon twenty-four (24) hour notice when the County deems the health or welfare of the service recipients are endangered or Contractor's non-compliance jeopardizes funding source financial participation. If not terminated by one of the above methods, this Agreement will terminate upon the expiration of the term of this Agreement stated on the Page One of this Agreement.
- 4.5 In accordance with 2 CFR § 200, *et seq.*, County may suspend or terminate this Agreement if Contractor violates any term or condition of this Agreement or if Contractor fails to maintain a good faith effort to carry out the purpose of this Agreement.
- 4.6 Either Party may terminate this Agreement for convenience in accordance with 2 CFR § 200, *et seq.* The Parties shall agree upon the termination conditions including the effective date of the termination. The Party initiating the termination shall notify the other Party in writing stating the reasons for such termination.
- 4.7 The County may, by written notice of default to the Contractor, terminate this contract in whole or in part if the Contractor fails to:

- 4.7.1 Perform the services within the time specified in this Agreement or any extension;
 - 4.7.2 Make progress, so as to endanger performance of this Agreement; or
 - 4.7.3 Perform any of the other provisions of this Agreement.
- 4.8 The County's right to terminate this Agreement may be exercised if the Contractor does not cure such failure within 10 days (or more if authorized in writing by the County) after receipt of the notice from the Director specifying the failure.

5.0 STATUTORY RIGHT OF CANCELLATION FOR CONFLICT OF INTEREST

- 5.1 Notice is given that pursuant to A.R.S. § 38-511 Parties may cancel this Agreement without penalty or further obligation within three years after execution of the contract, if any person significantly involved in initiating, negotiating, securing, drafting or creating the contract on behalf of such Party is at any time while the Agreement or any extension of the Agreement is in effect, an employee or agent of any other party to the Agreement in any capacity or consultant to any other party of the Agreement with respect to the subject matter of the Agreement. Additionally, pursuant to A.R.S. § 38-511 either party may recoup any fee or commission paid or due to any person significantly involved in initiating, negotiating, securing, drafting or creating the contract on behalf of the said party from any other party to the Agreement arising as the result of the Agreement.

6.0 EFFECT

To the extent that the Special Provisions are in conflict with the General Provisions, the Special Provisions shall control. To the extent that the Work Statement is in conflict with the General Provisions or the Special Provisions, the Work Statement shall control. To the extent that the Compensation Provisions are in conflict with the General Provisions, Special Provisions, or Work Statement, the Compensation Provisions shall control. Nothing herein shall operate to increase the Operating Budget without a written amendment thereto.

7.0 DEFINITIONS

As used throughout this Agreement, the following words and terms shall have the following meanings:

- 7.1 **Assistant Director** means the means the Assistant Director of the Community Services Division of the Maricopa County Human Services Department.
- 7.2 **Department** means the Maricopa County Human Services Department.
- 7.3 **Director** means the Director of the Maricopa County Human Services Department.
- 7.4 **Division** means the Community Services Division (CSD) of the Maricopa County Human Services Department.
- 7.5 **Equipment** means all vehicle, furniture, machinery, electronic data processing (EDP) equipment, software and all other equipment costing \$5,000 or more, including all normal and necessary expenses incurred to make the equipment ready for its intended use (e.g., taxes, freight, installation, assembly and testing charges, etc.), and with a useful life of greater than one year. Equipment as used herein does not include real property (e.g., land, building, structures, or facilities' improvement).
- 7.6 **Subcontract** means any Contract/Agreement entered into by the Contractor with a third party for performance of any of the work or the provision of any of the services under this Agreement.
- 7.7 **Subcontractor** means an entity employed by or funded through the Contractor to perform any of the work or provide any of the services under this Agreement.
- 7.8 **Vulnerable Adult** means an individual who is eighteen years of age or older and who is unable to protect himself from abuse, neglect or exploitation by others because of a physical or mental impairment. Vulnerable adult includes an incapacitated person as defined in A.R.S. 14-5101.
- 7.9 **Work Statement** means Section III of this Agreement, which describes the services to be delivered under this Agreement.

8.0 GENERAL REQUIREMENTS

- 8.1 The terms of this Agreement shall be construed in accordance with Arizona law. Any lawsuit arising out of this Agreement shall be brought in the appropriate court in Maricopa County, Arizona.
- 8.2 The Contractor shall, without limitation, obtain and maintain all licenses, permits and authority necessary to do business, render services and perform work under this Agreement, and shall comply with all laws regarding unemployment insurance, disability insurance, and workers' compensation.
- 8.3 The Contractor is an independent contractor in the performance of all work and the provision of all services under this Agreement and Contractor shall not be considered an officer, employee, representative, or agent of the County.
- 8.4 The Contractor shall not make any payments, either directly or indirectly, to any person, partnership, corporation, trust or other organization that has a substantial interest in Contractor's organization or with which Contractor (or any of its directors, officers, owners, trust certificate holders or a relative thereof) has a substantial interest, unless Contractor has made full written disclosure of the proposed payments to the County and has received written approval therefore.
- 8.5 For purposes of this provision, the terms "substantial interest" and "relative" shall have the meanings prescribed by A.R.S. § 38-502.

9.0 SUBCONTRACTING

No right, liability, obligation or duty under this Agreement may be assigned, delegated or subcontracted, in whole or in part, without the prior written approval of the County. Contractor shall bear all liability under this Agreement, even if it is assigned, delegated, or subcontracted, in whole or in part, unless the County agrees otherwise.

10.0 AVAILABILITY OF FUNDS

- 10.1 The provisions of this Agreement relating to the payment for services shall become effective when funds assigned for the purpose of compensating the Contractor, as provided herein, are actually available to the County for disbursement. The Director shall be the sole authority in determining the availability of funds under this Agreement and the County shall keep the Contractor fully informed as to the availability of funds.
- 10.2 If any action is taken by any State agency, federal department or any other agency or instrumentality to suspend, decrease or terminate its fiscal obligation under, or in connection with this Agreement, the Parties may amend, suspend, decrease or terminate its obligations under or in connection with this Agreement. In the event of termination, the Parties shall be liable for payment only for services rendered prior to the effective date of the termination, provided that such services performed are in accordance with the provisions of this Agreement. The Parties shall give written notice of the effective date of any suspension, amendment, or termination under this section at least ten (10) calendar days in advance.

11.0 BUDGET ADJUSTMENTS

Any requests for reasonable budget adjustments shall be submitted ninety (90) days prior to the expiration date of this Agreement. Requests for financial adjustments to this Agreement shall be supported by appropriate documentation. If the County agrees to the budget adjustments, the County shall follow section 3.0 of this Agreement to amend this Agreement.

12.0 DISPUTES

- 12.1 Except as may otherwise be provided for in this Agreement, the Parties may attempt to informally resolve any dispute arising out of this Agreement for a reasonable period of time, which shall not exceed one hundred twenty (120) days. Disputes which are not resolved in

that time period, shall be submitted in accordance with the following formal dispute resolution process.

- 12.2 If a dispute cannot be resolved informally, the Contractor shall notify the Department in writing by mailing notice of the dispute to the Assistant Director within ten (10) working days from expiration of the informal dispute resolution process described in paragraph 1 above. The Assistant Director, as applicable, shall respond in writing to the Contractor within fourteen (14) working days of receipt of the Contractor's written notice. The decision of the Assistant Director shall be final and conclusive unless, within seven (7) working days from the date the Contractor receives the decision, Contractor with a written response within fourteen (14) working days following receipt of the Contractor's notice of appeal. The decision of the Director shall be final.

- 12.3 Pending a final decision of the Director, the Contractor shall proceed diligently with the performance of this Agreement in accordance with the Assistant Director's decision.

13.0 SEVERABILITY

Any provision of this Agreement that is determined to be invalid, void or illegal by a court shall in no way affect, impair or invalidate any other provision hereof, and the remaining provisions shall remain in full force and effect.

14.0 STRICT COMPLIANCE

The County's acceptance of Contractor's performance that is not in strict compliance with the terms of this Agreement shall not be deemed to waive the requirements of strict compliance for all future performance. All changes in performance obligations under this Agreement shall be in writing and signed by both Parties.

15.0 NON-LIABILITY

The County, its officers, representatives, agents and employees shall not be liable for any act or omission by Contractor, or any Subcontractor or any officer, representative, agent, or employee of the Contractor or any Subcontractor that relates to this Agreement, and shall not be liable for any purchases or contracts made by Contractor, any Subcontractor, or any officer, representative, agent, or employee of Contractor or any Subcontractor, in connection with this Agreement.

16.0 INDEMNIFICATION

- 16.1 Each Party (as "indemnitor") agrees to indemnify, defend, 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 the negligent performance of this Agreement, 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.

- 16.2 The amount and type of insurance coverage requirements set forth herein will in no way be construed as limiting the scope of the indemnity in this paragraph.

- 16.3 The scope of this indemnification does not extend to the sole negligence of County.

17.0 INSURANCE REQUIREMENTS

- 17.1 Contractor, shall purchase and maintain the herein stipulated minimum insurance from a company or companies duly licensed by the State of Arizona and possessing a current A.M. Best, Inc. rating of B++6. In lieu of State of Arizona licensing, the stipulated insurance may be purchased from a company or companies who are authorized to do business in the State of Arizona, provided that said insurance companies meet the approval of County. The form of any insurance policies and forms must be acceptable to County.

- 17.2 All insurance required herein shall be maintained in full force and effect until all work or service required to be performed under the terms of the Agreement is satisfactorily completed and formally accepted. Failure to do so may, at the sole discretion of County, constitute a material breach of this Agreement.
- 17.3 Contractor's insurance shall be primary insurance as respects County, and any insurance or self-insurance maintained by County shall not contribute to it.
- 17.4 Any failure to comply with the claim reporting provisions of the insurance policies or any breach of an insurance policy warranty shall not affect coverage afforded under the insurance policies to protect County.
- 17.5 The insurance policies may provide coverage that contains deductibles or self-insured retentions. Such deductible and/or self-insured retentions shall not be applicable with respect to the coverage provided to County under such policies. Contractor shall be solely responsible for the deductible and/or self-insured retention and County, at its option, may require Contractor to secure payment of such deductibles or self-insured retentions by a surety bond or an irrevocable and unconditional letter of credit.
- 17.6 County reserves the right to request and to receive, within 10 working days, certified copies of any or all of the herein required insurance certificates. County shall not be obligated to review policies and/or endorsements or to advise Contractor of any deficiencies in such policies and endorsements, and such receipt shall not relieve Contractor from, or be deemed a waiver of County's right to insist on strict fulfillment of Contractor's obligations under this Agreement.
- 17.7 The insurance policies required by this Agreement, except Workers' Compensation, shall name County, its agents, representatives, officers, directors, officials and employees as Additional Insured's.
- 17.8 The policies required hereunder, except Workers' Compensation, shall contain a waiver of transfer of rights of recovery (subrogation) against County, its agents, representatives, officers, directors, officials and employees for any claims arising out of Contractor's work or service.
- 17.9 The Contractor's policies shall stipulate that the insurance afforded the Contractor shall be primary insurance and that any insurance carried by the County, 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).
- 17.10 Coverage provided by the Contractor shall not be limited to the liability assumed under the indemnification provisions of this Agreement.
- 17.11 **Commercial General Liability:**
- 17.11.1 Commercial General Liability insurance and, if necessary, Commercial Umbrella insurance with a limit of not less than \$2,000,000 for each occurrence, \$2,000,000 Products/Completed Operations Aggregate, and \$4,000,000 General Aggregate Limit. The policy shall include coverage for premises liability, bodily injury, broad form property damage, personal injury, products and completed operations and blanket contractual coverage, and shall not contain any provisions which would serve to limit third party action over claims. There shall be no endorsement or modifications of the CGL limiting the scope of coverage for liability arising from explosion, collapse, or underground property damage.
- 17.12 **Workers' Compensation:**
- 17.12.1 Workers' Compensation insurance to cover obligations imposed by federal and state statutes having jurisdiction of Contractor's employees engaged in the performance of the work or services under this Agreement; and Employer's Liability insurance of not less than \$1,000,000 for each accident, \$1,000,000 disease for each employee, and \$1,000,000 disease policy limit.
- 17.12.2 Contractor waives all rights against County and its agents, officers, directors and employees for recovery of damages to the extent these damages are covered by the

Workers' Compensation and Employer's Liability or commercial umbrella liability insurance obtained by Contractor pursuant to this Agreement.

17.13 Sexual Molestation And Physical Abuse:

17.13.1 When services involve working with these groups of individuals, the insurance requirements in the Agreement need to be revised to include coverage for "sexual molestation and physical abuse". Coverage for this type of claim, or allegation, is excluded from standard general liability policies. Therefore, Contractor whose services include working with and/or caring for children/elderly and disabled persons should have their policies specifically endorsed to include this coverage.

17.14 Commercial General Liability – Occurrence Form:

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

17.15 The policy shall be endorsed to include coverage for physical/sexual abuse and molestation.

17.16 The policy shall be endorsed to include the following additional insured language: "(Maricopa County), its subsidiary, parent, associated and/or affiliated entities, successors, or assigns, its elected officials, trustees, employees, agents, and volunteers shall be named as additional insureds with respect to liability arising out of the activities performed by, or on behalf of the Contractor".

17.17 Minimum Limits:

General Aggregate	\$4,000,000
Each Occurrence Limit	\$2,000,000
Sexual Abuse/Molestation	\$2,000,000

17.18 Certificates of Insurance:

17.18.1 Upon Agreement execution, Contractor shall furnish the County with valid and complete certificates of insurance or formal endorsements as required by the Agreement, issued by Contractor's insurer(s), as evidence that policies providing the required coverage, conditions and limits required by this Agreement are in full force and effect. Such certificates shall identify this Agreement number and title.

17.18.2 Prior to commencing work or services under this Agreement, Contractor shall have insurance in effect as required by the Agreement in the form provided by the County, issued by Contractor's insurer(s), as evidence that policies providing the required coverage, conditions and limits required by this Agreement are in full force and effect. Such certificates shall be made available to the County upon ten (10) business days. By signing the agreement page the Contractor agrees to this requirement and failure to meet this requirement will result in cancellation of agreement.

17.18.3 In the event any insurance policy(ies) required by this Agreement is (are) written on a "claims made" basis, coverage shall extend for two years past completion and acceptance of Contractor's work or services and as evidenced by annual Certificates of Insurance.

17.18.4 If a policy does expire during the life of the Agreement, a renewal certificate must be sent to County fifteen (15) days prior to the expiration date.

17.19 Cancellation and Expiration Notice:

17.20 Insurance required herein shall not be permitted to expire, be canceled, or materially changed without thirty (30) days prior written notice to the County.

17.21 If the Contractor provides professional or semi-professional personal services under this agreement for which malpractice or professional liability coverage is available, such as medical, psychiatric, or legal services, Contractor shall carry minimum liability coverage of \$2,000,000 each occurrence and provide the County with proof of coverage.

17.22 Subcontractors:

- 17.23 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.
- 17.24 **Approval:**
- 17.24.1 Any modification or variation from the insurance requirements in any Agreement must have prior approval from the County whose decision shall be final. Such action will not require a formal Agreement amendment, but may be made by administrative action.
- 17.25 **EXCEPTION:** In the event the Contractor(s) is a public entity, then the Insurance Requirements shall not apply. Such public entity shall provide a Certificate of Self-Insurance.

18.0 SINGLE AUDIT ACT REQUIREMENTS

Contractors in receipt of federal funds through the County are subject to the federal audit requirements of the Single Audit Act of 1984, as amended (Pub. L. No. 98-502) (codified at 31 U.S.C. §§ 7501, *et seq.*). Contractor shall comply with 2 CFR 200 Subpart F. Upon completion, such audits shall be made available for public inspection. Audits shall be submitted to the County within the twelve (12) months following the close of the fiscal year. Contractor shall take corrective actions within six (6) months of the date of receipt of the reports. The County shall consider sanctions as described in 2 CFR 200.505 for Contractor's in non-compliance with the audit requirements.

19.0 AUDIT DISALLOWANCES

If at any time, County determines that a cost for which payment has been made is a disallowed cost, such as overpayment, County shall notify the Contractor in writing of the disallowance. The County shall also state the means of correction, which may be but shall not be limited to adjustment of any future claim submitted by the Contractor by the amount of the disallowance, or to require repayment of the disallowed amount by the Contractor.

20.0 LOBBYING

- 20.1 Contractor warrants no federal appropriated funds have been paid or will be paid by or on behalf of the Contractor to any person for influencing or attempting to influence an officer or employee of any agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with the awarding of any federal contract, the making of any federal grant, the making of any federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any federal contract, grant, loan, or cooperative agreement.
- 20.2 If any funds, other than federal appropriated funds, have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with any federal contract, grant, loan or cooperative agreement, the Contractor shall complete and submit OMB Form-LLL, titled "Disclosure of Lobbying Activities," in accordance with its instructions and 31 U.S.C. § 1352.

21.0 RELIGIOUS ACTIVITIES

Contractor warrants that none of its costs and none of the costs incurred by any of its Subcontractors will include any expense for any religious activity.

22.0 POLITICAL ACTIVITY PROHIBITED

None of the funds, materials, property or services contributed by the County or Contractor under this Agreement shall be used for any partisan political activity, or to further the election or defeat of any candidate for public office.

23.0 COVENANT AGAINST CONTINGENT FEES

Contractor warrants that no person or entity has been employed or retained by it to solicit or secure this Agreement upon an agreement or understanding for a commission, percentage, brokerage or contingent fee. For breach or violation of this warranty, the County may immediately terminate this Agreement without liability.

24.0 SAFEGUARDING OF PARTICIPANT INFORMATION

24.1 The Contractor shall observe and abide by all applicable State and federal statutes, rules and regulations regarding the use or disclosure of information including, but not limited to, information concerning applicants for and recipients of contracted services. To the extent permitted by law, the Contractor shall release information to the County, Department, Attorney General's Office or other designated agency as required by the County by the terms of this Agreement or by law.

24.2 The Contractor shall comply with the requirements of the Arizona Address Confidentiality Program, A.R.S. § 41-161 *et. seq.* the Department will advise the Contractor as to applicable policies and procedures adopted for such compliance.

25.0 RIGHTS IN DATA

The County shall have the use of data and reports resulting from this Agreement without cost or other restriction, except as otherwise provided by law or applicable regulation. Either Party shall supply to the other Party, upon request, any available information that is relevant to this Agreement and to the performance hereunder.

26.0 COPYRIGHTS

If this Agreement results in a book or other written material, the author is free to copyright the work, but the County reserves a royalty-free, nonexclusive, perpetual and irrevocable license to reproduce, publish, and otherwise use and to authorize others to use, all copyrighted material and all material that may be copyrighted as a result of this Agreement.

27.0 PATENTS

Any discovery or invention arising out of, or developed in the course of, work under this Agreement shall be promptly and fully reported to the County for determination as to whether patent protection on such invention or discovery shall be sought and how the rights in the invention or discovery, including rights under any patent issued thereon, shall be disposed of and administered, in order to protect the public interest.

28.0 WARRANTY OF SERVICES

28.1 The Contractor warrants that all services provided hereunder will conform to the requirements of the Agreement, including all descriptions, specifications and attachments made a part of this Agreement. The County's acceptance of services or goods provided by the Contractor shall not relieve the Contractor from its obligations under this warranty.

28.2 In addition to its other remedies, County may, at the Contractor's expense, require prompt correction of any services failing to meet the Contractor's warranty herein. Services corrected by the Contractor shall be subject to all the provisions of this Agreement in the manner and to the same extent as services originally furnished hereunder.

29.0 CONTINGENCY RELATING TO OTHER CONTRACTS AND GRANTS

29.1 The Contractor shall, during the term of this Agreement, within 15 days from acceptance, inform the Assistant Director in writing of the award of any other agreement or grant, including any other agreement or grant awarded by the County, where the award may affect either the direct or indirect costs being paid or reimbursed under this Agreement. The

Contractor's failure to notify the County of any such agreement shall be a breach of this Agreement and the County may immediately terminate this Agreement without liability.

- 29.2 The Assistant Director may request, and Contractor shall provide within a reasonable time, which shall not exceed ten (10) working days, a copy of all such other agreements or grants, when, in the opinion of the Assistant Director, the award of the agreement or grant may affect the costs being paid or reimbursed under this Agreement.
- 29.3 If the Assistant Director determines that the award to Contractor of such other agreements or grants has affected the costs being paid or reimbursed under this Agreement, the Assistant Director shall prepare an amendment to this Agreement effecting a cost adjustment. If the Contractor disputes the proposed cost adjustment, the dispute shall be resolved pursuant to the "Disputes" section of this Agreement.

30.0 AGREEMENT COMPLIANCE MONITORING/AUDITING

- 30.1 The County will annually monitor the Contractor's compliance for fiscal and programmatic performance under the terms and conditions of this Agreement and applicable regulations promulgated by the U.S. Department of Health and Human Services Office: Administration for Children and Families, Arizona Department of Economic Security and Maricopa County. On-site visits for compliance monitoring may be made by the County and/or its grantor agencies at any time during the Contractor's normal business hours, announced and/or unannounced. For auditing purposes, the County shall provide Contractor with a 30-day advance notice of proposed on-site visit. During an on-site visit(s), the Contractor shall make all of its records and accounts related to work performed or services provided under this Agreement available to the County for inspection and copying.
- 30.2 The County shall request information for fiscal monitoring/audit per Office of Management and Budget (OMB) Uniform Guidance 2 CFR § 200, to include:
- 30.2.1 Financial Management 2 CFR § 200.302
 - 30.2.2 Internal Controls 2 CFR § 200.303
 - 30.2.3 Bonds 2 CFR § 200.304
 - 30.2.4 Payment and Financial Reporting 2 CFR § 200.305
 - 30.2.5 Cost Sharing or Matching 2 CFR § 200.306
 - 30.2.6 Program Income 2 CFR § 200.307
 - 30.2.7 Revision of Budget and Program Plans 2 CFR § 200.308
 - 30.2.8 Period of Performance 2 CFR § 200.309
 - 30.2.9 Insurance Coverage 2 CFR § 200.310
 - 30.2.10 Record Retention and Access 2 CFR § 200.31
 - 30.2.11 Procurement Standards 2 CFR § 200.318
 - 30.2.12 Indirect Costs 2 CFR § 200.414
 - 30.2.13 Compensation-Personal Services 2 CFR § 200.430
 - 30.2.14 Audit Requirements 2 CFR § 200.501-200.517

31.0 MINIMUM WAGE REQUIREMENTS

The Contractor warrants that it shall pay all its employees who are performing work or providing services under this Agreement not less than the minimum wage specified under Section 206(a)(1) of the Fair Labor Standards Act of 1938, as amended (29 U.S.C. §§ 201, et seq.) by law, regulation or Executive Order 13658.

32.0 OFFSHORE PERFORMANCE OF WORK PROHIBITED

Due to security and identity protection concerns, direct services under this Agreement shall be performed within the borders of the United States. Any services that are described in the specifications or scope of work that directly serve the State of Arizona or its clients and may involve access to secure or sensitive data or personal client data or development or modification of software for the State shall be performed within the borders of the United States. Unless specifically stated otherwise in the specifications, this definition does not apply to indirect or "overhead" services, redundant back-up

services or services that are incidental to the performance of the Agreement. The provision applies to work performed by subcontractors at all tiers.

33.0 GRIEVANCE PROCEDURE

The Contractor shall establish a system through which applicants for and recipients of services may present grievances and may take appeals about eligibility and other aspects of Contractor's work under this Agreement. The grievance procedure shall include provisions for notifying the applicants for and recipients of services of their eligibility or ineligibility for service and their right to appeal to the County if the grievance is not satisfied by Contractor.

34.0 NON-DISCRIMINATION

The Contractor, in connection with any service or other activity under this Agreement, shall not in any way, discriminate against any person on the grounds of race, color, religion, sex, national origin, age, disability, political affiliation or belief. The Contractor shall include this clause in all of its Subcontracts.

35.0 EQUAL EMPLOYMENT OPPORTUNITY

The Contractor shall not discriminate against any employee or applicant for employment because of race, age, disability, color, religion, sex, sexual identity, gender identity, or national origin. The Contractor shall take affirmative action to ensure that applicants are employed and that employees are treated during employment without regard to their race, age, disability, color, religion, sex, sexual identity, gender identity or national origin. Such action shall include, but is not limited to, the following: employment, upgrading, demotion or transfer, recruitment or recruitment advertising, lay-off or termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship. The Contractor shall, to the extent such provisions apply, comply with Title VI and VII of the Civil Rights Act of 1964, as amended (42 U.S.C. §§ 2000a, et seq.); the Rehabilitation Act of 1973, as amended (29 U.S.C. §§ 701, et seq.); the Age Discrimination in Employment Act of 1967, as amended (29 U.S.C. §§ 621, et seq.); the Americans With Disabilities Act of 1990 (42 U.S.C. §§ 12101, et seq.); and Executive Orders 11375 amending Executive Order 11246 and implementing regulations at 41 CFR part 60, as well as, Arizona Executive Order 99-4, which mandates that all persons shall have equal access to employment opportunities.

36.0 FINANCIAL MANAGEMENT

Contractor shall establish and maintain a separate, interest-bearing bank account for money provided under this Agreement, or shall establish an accounting system that assures the safeguarding and accountability of all money and assets provided under this Agreement. No part of the money deposited in the bank account shall be commingled with other funds or money belonging to Contractor. All interest earned on the account shall be disbursed in a manner specified by the County in accordance with applicable State and federal regulations. Contractor shall provide a signed bank account agreement authorizing the County to obtain information about the account. If an accounting system is used, it shall be in accordance with generally accepted accounting principles.

37.0 RETENTION OF RECORDS

37.1 This provision applies to all financial and programmatic records, supporting documents, statistical records and other records of Contractor that relate to this Agreement.

37.2 The Contractor shall retain all records related to this Agreement for six (6) years after final payment or until after the resolution of any audit questions, which could be more than six (6) years, whichever is longer. The County, federal and State auditors, and any other persons duly authorized by the County shall have full access to and the right to examine, copy and make use of any and all of the records.

38.0 ADEQUACY OF RECORDS

If Contractor's books, records and other documents related to this Agreement are not sufficient to support and document that allowable services were provided to eligible participants, Contractor shall reimburse the County for the services not supported and documented.

39.0 EQUIPMENT PURCHASES

Procurement of equipment with funds received under this Agreement and for a cost equal to or greater than \$1000, is prohibited under this Agreement.

40.0 MATERIAL AND SUPPLIES

40.1 Material means all property, including equipment, supplies, printing, insurance, and leases of property but does not include land, a permanent interest in land or real property or leasing space.

40.2 Procurement of equipment with a cost less than \$1000 is considered materials and supplies.

40.3 Individual procurements, purchased with funds provided under this Agreement, of less than \$300 require oral price quotations from two (2) or more vendors. The Contractor shall keep and maintain a record of the vendors' verbal quotations.

40.4 Individual procurements equal to or in excess of \$300 but less than \$1000, purchased with funds provided under this Agreement, are subject to a system of written quotes. Contractor shall keep and maintain a record of the vendors' written quotations.

40.5 The Contractor shall take affirmative steps to provide an opportunity for minorities, women, and small businesses to compete in the procurement of equipment and supplies under this Agreement.

40.6 If the Contractor is a public agency, Contractor's own bidding procedures shall govern, as long as the procurement practices comport with federal law.

41.0 PROPERTY

41.1 Any County property furnished or purchased pursuant to the terms of this Agreement shall be utilized, maintained, repaired, and accounted for in accordance with instructions furnished by the County, and title to all such property shall revert to the County upon the expiration or termination of this Agreement. The costs to repair such property are the responsibility of Contractor within the limits budgeted herein.

41.2 Any Contractor property furnished or purchased pursuant to the terms of the Contract shall be utilized, maintained, repaired and accounted for by the Contractor. Repair costs of such property shall be the responsibility of the Contractor.

42.0 IMMIGRATION LAWS AND REGULATIONS**42.1 Federal Immigration and Nationality Act**

42.1.1 The Contractor understand and acknowledge the applicability of the Immigration Reform and Control Act of 1986 (IRCA). The Contractor agrees to comply with the IRCA in performing under this Agreement and to permit the County to inspect personnel records to verify such compliance.

42.1.2 By entering into this Agreement, the Contractor warrants compliance with the Federal Immigration and Nationality Act (FINA) and all other Federal immigration laws and regulations related to the immigration status of its employees. The Contractor shall obtain statements from their subcontractors certifying compliance and shall furnish the statements to the Assistant Director upon request. These warranties shall remain in effect through the term of the Agreement. The Contractor and their subcontractors shall also maintain Employment Eligibility Verification forms (I-9) as required by the U.S. Department of Labor's Immigration

and Control Act for all employees performing work under the Agreement. I-9 forms are available for download at USCIS.GOV.

- 42.1.3 The Contractor may request verification of compliance for any employee or subcontractor performing work under the Agreement. Should the County suspect or find that the Contractor or any of its subcontractors are not in compliance, then the County may pursue any and all remedies allowed by law, including, but not limited to: suspension of work, termination of the Agreement for default, and suspension and/or debarment of the Contractor. All costs necessary to verify compliance are the responsibility of the Contractor or its subcontractor.

- 42.2 **Arizona Law:** The Contractor warrants that it is in compliance with A.R.S. § 41-4401 (e-verify requirements) and further acknowledges:

- 42.2.1 That Contractor and its subcontractor, if any, warrant their compliance with all federal immigration laws and regulations that relate to their employees and their compliance with A.R.S. § 23-214;

- 42.2.2 That a breach of a warranty under subsection 1 above, shall be deemed a material breach of this Agreement and the County may immediately terminate this Agreement without liability;

- 42.2.3 That the County and any contracting government entity retains the legal right to inspect the papers and employment records of any Subrecipient or Vendors employee who works on this Agreement to ensure that the Subrecipient or Vendors is complying with the warranty provided under subsection 1 above and that the Subrecipient agrees to make all papers and employment records of said employee(s) available during normal working hours in order to facilitate such an inspection.

43.0 **DRUG FREE WORKPLACE ACT**

Contractor shall comply with the Drug-Free Workplace Act of 1988 (41 U.S.C. §§ 701, *et seq.*), which requires that Contractors and grantees of federal funds must certify that they will provide drug-free workplaces. This certification is a precondition to receiving a grant or entering into this Agreement.

44.0 **GOVERNOR'S EXECUTIVE ORDER NO. 88-26**

Contractor shall use the Arizona Taxonomy of Human Services for reporting and contracting purposes.

45.0 **EMPLOYMENT DISCLAIMER**

- 45.1 This Agreement is not intended to constitute, create, give rise to, or otherwise recognize a joint venture agreement, partnership, or other business association or organization of any kind between the Parties, and the rights and obligations of the Parties shall be only those expressly set forth in this Agreement.

- 45.2 The Contractor agrees that no individual performing under this Agreement on behalf of Contractor may be considered a County agent, employee, or representative and that no rights of County civil service, County retirement, or County personnel rules shall accrue to or apply to any such individual. Contractor shall have total responsibility for all salaries, wages, bonuses, retirement, withholdings, workers' compensation, occupational disease compensation, unemployment compensation, other employee benefits, and all taxes and premiums appurtenant thereto concerning such individuals and Contractor shall indemnify, defend and hold harmless the County with respect thereto.

- 45.3 The County agrees that no individual performing under this Agreement on behalf of County may be considered a City agent, employee, or representative and that no rights of City civil service, City retirement, or City personnel rules shall accrue to or apply to any such individual. The County shall have total responsibility for all salaries, wages, bonuses, retirement, withholdings, workers' compensation, occupational disease compensation, unemployment compensation, other employee benefits, and all taxes and premiums appurtenant thereto.

concerning such individuals and the County shall indemnify, defend and hold harmless the City with respect thereto.

46.0 CERTIFICATION REGARDING DEBARMENT, SUSPENSION INELIGIBILITY, VOLUNTARY EXCLUSION

- 46.1 The undersigned, by signing this Agreement, represents that he/she has the authority to bind Contractor to the terms of this Certification. Contractor, as the primary participant in accordance with 45 C.F.R. Part 76, certifies to the best of its knowledge and belief that it and its principals:
- 46.1.1 Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any federal department or agency;
 - 46.1.2 Have not within a 3-year period preceding the Start Date of this Agreement, been convicted of or had a civil judgment rendered against them for (1) the commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (federal, State, or local) transaction or contract under a public transaction; (2) the violation of any federal or State antitrust statutes or (3) the commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
 - 46.1.3 Are not presently indicted or otherwise criminally or civilly charged by a governmental entity (federal, State, or local) with the commission of any of the offenses enumerated in subparagraph 2 above; and
 - 46.1.4 Have not, within a three-year period preceding this Start Date of this Agreement, had one or more public transactions (federal, State, or local) terminated for cause or default.
- 46.2 The Contractor agrees to include, without modification, this clause in all lower tier covered transactions (i.e. transactions with subcontractors) and in all solicitations for lower tier covered transactions related to this Agreement.

47.0 CONTRACTOR EMPLOYEE WHISTLEBLOWER RIGHTS AND REQUIREMENT TO INFORM EMPLOYEES OF WHISTLEBLOWER RIGHTS

- 47.1 The Contractor agrees that this Agreement and employees working on this Agreement will be subject to the whistleblower rights and remedies in the pilot program on contractor employee whistleblower protections established at 41 U.S.C. § 4712 by section 828 of the National Defense Authorization Act for Fiscal Year 2013 (Pub. L. 112–239) and section 3.908 of the Federal Acquisition Regulation;
- 47.2 Contractor shall inform its employees in writing, in the predominant language of the workforce, of employee whistleblower rights and protections under 41 U.S.C. § 4712, as described in section 3.908 of the Federal Acquisition Regulation. Documentation of such employee notification must be kept on file by Contractor and copies provided to County upon request; and
- 47.3 Contractor shall insert the substance of this clause, including this paragraph (3), in all subcontracts over the simplified acquisition threshold (\$150,000 as of September 2013).

SECTION II
SPECIAL PROVISIONS



Maricopa County
Human Services Department

1.0 STANDARDS

Contractor shall perform the work and provide the services as identified in Section III, the Work Statement, and shall immediately notify the County whenever the Contractor is unable to, or anticipates an inability to, perform any of the work or provide any of the services required by the terms of this Agreement.

2.0 FEES AND PROGRAM INCOME

The Contractor shall not impose fees or charges of any kind upon recipient for contracted services.

3.0 COMPLIANCE WITH LAWS, RULES & REGULATIONS

The Contractor shall comply with all applicable laws, rules, and regulations, without limitation, to those designated within this Agreement.

4.0 IT 508 COMPLIANCE

Unless specifically authorized in the Agreement, any electronic or information technology offered to the County under this Agreement shall comply with A.R.S. § 41-3531 and § 41-3532 as may be amended, and Section 508 of the Rehabilitation Act of 1973, which requires the employees and members of the public shall have access to use of information technology that is comparable to the access and use by employees and members of the public who are not individuals with disabilities.

5.0 BACKGROUND CHECKS FOR EMPLOYMENT THROUGH CENTRAL REGISTRY

The Contractor shall comply with, and shall ensure that all Contractor's employees, independent contractor, subcontractors, volunteers and other agents comply with, all applicable (current and future) legal requirements relating to Background Checks for Employment through Central Registry that relate to Agreement performance:

- 5.1 The provisions of A.R.S. § 8-804 (as may be amended) are hereby incorporated in its entirety as provisions of this Agreement.
- 5.2 Contractor shall conduct ADES Central Registry Background Checks on all staff that provide services under this Agreement.
- 5.3 The information contained in the Central Registry will be used as a factor to determine staff qualifications for positions that provide direct service to juveniles or vulnerable adults as follows:
 - 5.3.1 Any person, their employees or volunteers who apply for a contract with the County; or
 - 5.3.2 All employees of the Contractor; or
 - 5.3.3 A subcontractor of the Contractor and the subcontractor's employees; and
 - 5.3.4 Prospective employees of the Contractor or its subcontractor at the request of the prospective employer.
- 5.4 Volunteers who provide direct services under this Agreement shall have a Central Registry Background Check which is to be used as a factor to determine qualifications for volunteer positions.
- 5.5 A person who is disqualified because of a Central Registry Background Check may apply to the Board of Fingerprinting for a Central Registry exception pursuant to A.R.S. § 41-619.57. A person who is granted a Central Registry exception pursuant to A.R.S. § 41-619.57 is not entitled to a contract, employment, licensure, certification or other benefit because the person has been granted a Central Registry exception.
- 5.6 **Before being employed or volunteering** in a position that provides direct services under this Agreement, individuals shall certify on forms provided by ADES whether an allegation of abuse or neglect was made against them and was substantiated. The completed forms are to be maintained as confidential.

- 5.7 A person awaiting receipt of the Central Registry Background Check may provide direct services to clients after completion and submittal of the Direct Service Position certification form if the certification states:
- 5.7.1 The person is not currently the subject of an investigation of child abuse or neglect in Arizona or another state or jurisdiction; and
- 5.7.2 The person has not been the subject of an investigation of child abuse or neglect in Arizona, or another state or jurisdiction, which resulted in a substantiated finding. The Certification for Direct Service Position form CCA-1228A is located at: <https://des.az.gov/digital-library/direct-service-position-certification-form>
- 5.8 If the Central Registry Background Check specifies any disqualifying act and the person does not have a Central Registry exception, the person shall be prohibited from providing direct services under this Agreement.
- 5.9 The Contractor shall maintain the Central Registry Background Check results and any related forms or documents in a confidential file for five (5) years after termination of the Agreement. Background Checks form CCA-1211A can be located on the Arizona Department of Economic Security website: <https://des.az.gov/documents-center?qt-content-tab=0>
- 5.10 The Contractor shall provide verification of Background Check clearance of personnel, if requested by the County.

6.0 FINGERPRINTING

- 6.1 The Contractor shall comply with, and shall ensure that all Contractor's employees, independent contractor, subcontractors, volunteers and other agents comply with, all applicable (current and future) legal requirements relating to fingerprinting, fingerprinting clearance cards, certification regarding pending or past criminal matters, and criminal records checks that relate to contract performance.
- 6.2 Applicable legal requirements relating to fingerprinting, certification, and criminal background checks may include, but are not limited, to the following: A.R.S. §§ 36-594.01, 36-3008, 41-1964, and 46-141. All applicable legal requirements relating to fingerprinting, fingerprint clearance cards, certification regarding pending or past criminal matters, and criminal records checks are hereby incorporated in their entirety as provisions of this Agreement. The Contractor is responsible for knowing which legal requirements relating to fingerprinting, fingerprint clearance cards, certifications regarding pending or past criminal matters, and criminal records checks relate to contract performance.
- 6.3 To the extent A.R.S. §§ 46-141 is applicable to Agreement performance or the services provided under this Agreement, the following provisions apply:
- 6.3.1 Personnel who are employed by the Contractor, whether paid or not, and who are required or allowed to provide services directly to juveniles or vulnerable adults shall have a valid fingerprint clearance card or shall apply for a fingerprint clearance card within (7) seven working days of employment.
- 6.3.2 Except as provided in A.R.S. § 46-141, this Agreement may be cancelled or terminated immediately if a person employed by the Contractor and who has contact with juveniles certifies pursuant to the provisions of A.R.S § 46-141 (as may be amended) that the person is awaiting trial or has been convicted of any of the offenses listed therein in the State, or of acts committed in another state that would be offenses in this State, or if the person does not possess or is denied issuance of a valid fingerprint clearance card.
- 6.4 The Contractor shall provide verification of Fingerprint clearance of personnel, if requested by the County.

7.0 DUNS NUMBER AND SYSTEM FOR AWARD MANAGEMENT REGISTRATION

Funding for activities under this Agreement are provided through federal funds. All Contractors that receive federal funding must obtain a Data Universal Numbering System (DUNS) number through <http://fedgov.dnb.com/webform>. The Contractor must also register and remain current with the System for Award Management (SAM) www.sam.gov/SAM/ a database of basic business information for contractors that receive federal funds. The Contractor shall provide their DUNS Number to the County.

8.0 CONTRACTOR CHANGES

The Contractor is required to notify the Assistant Director, in writing, within fifteen (15) calendar days, of any changes in the following:

- 8.1 The number of staff or the identity of staff funded with this Agreement;
- 8.2 Agency authorized signatory;
- 8.3 Agency address, phone, fax or email addresses;
- 8.4 Person to whom Agreement notices should be sent;
- 8.5 Any variation of insurance required by this Agreement

9.0 REALLOCATION OF FUNDING

Should additional funds become available during the term of the contract period, the County reserves the right to allocate these funds and proportionate services in this Agreement. Allocations may be adjusted based on documented client need, census determinations, or over, under or non-performance by the Contractor. Any changes to the budget will be made through an Amendment as identified in section 3.0.

10.0 BUDGET ADJUSTMENTS, CHANGE ORDERS, AND AMENDMENTS

- 10.1 Contractor's budget or Work Statement described herein may be revised through a formal Amendment to the Agreement.
- 10.2 Budget Adjustments: If changes do not result in an increase or reduction of the total contract budget amount and result in more than a 10% change in a budget category, changes will take place with budget Change Orders to be executed, approved and signed by both the Department Director and Contractor.
- 10.3 Changes that result in an increase or decrease in the total Agreement budget will require a formal amendment pursuant to section 3.0 of the General Provisions.
- 10.4 The Department Director may, at any time, make changes to the general scope of this Agreement via a written Change Order for any of the following reasons:
 - 10.4.1 Specific program rules, regulations, application procedures; and
 - 10.4.2 Minor work statement revision; and
 - 10.4.3 Administrative requirements such as reporting criteria.
- 10.5 Any dispute or disagreement resulting from such written changes or budget Change Orders shall constitute a dispute within the meaning of the dispute clause of the Agreement's General Provisions and shall be adjusted accordingly.

11.0 EVALUATION

- 11.1 The County may evaluate, and the Contractor shall cooperate in the evaluation of, contract services. Evaluation may assess the quality and impact of services, either in isolation or in comparison with other similar services, and assess the Contractor's progress and/or success in achieving the goals, objectives and deliverables set forth in this Agreement.
- 11.2 As requested by the County, the Contractor shall participate in program evaluations relative to impact in support of County goals.

12.0 COOPERATION IN TRAINING, STRATEGIC PLANNING, NEEDS ASSESSMENT, OUTCOME MEASUREMENT INITIATIVES

The Contractor shall cooperate in needs assessments, strategic planning, training required by Department and outcome measurement initiatives, as reasonably requested by the County.

13.0 DISALLOWED COSTS

- 13.1 The cost principles set forth in the Code of Federal Regulations, 48 CFR, Chapter 1, Subchapter e, Part 31, (October 1, 2011), including later amendments and editions on file with the Arizona Secretary of State and incorporated by this reference, shall be used to determine the allowability of incurred costs for the purpose of reimbursing costs under Agreement provisions that provide for the reimbursement of costs. Those costs which are specifically defined as unallowable therein will not be submitted for reimbursement by the Contractor and may not be reimbursed with County funds.
- 13.2 The Contractor shall follow cost principles as outlined in Office of Management and Budget (OMB) Uniform Guidance 2 CFR § 200.

14.0 PAYMENT RECOUPMENT

- 14.1 The Contractor shall reimburse the County upon demand, or the County may deduct from future payments, the following:
- 14.1.1 Any amounts received by the Contractor from the County for contract services which have been inaccurately reported or are found to be unsubstantiated.
 - 14.1.2 Any amounts paid by the Contractor to a subcontractor not authorized in writing by the County.
 - 14.1.3 Any amount or benefit paid directly or indirectly to an individual or organization not in accordance with the Substantial Interest section of these terms and conditions.
 - 14.1.4 Any duplicate amounts paid by the County for services covered or reimbursed by other specific grants, contracts, or payments.
 - 14.1.5 Any amounts expended for items or purposes determined unallowable by the County upon reimbursement by the County of such costs to the Contractor; see the "Disallowed Costs" clause of these Special Provisions.
 - 14.1.6 Any amounts paid by the County for which the Contractor's books, records, and other documents are not sufficient to clearly substantiate that those amounts were used by the Contractor to perform Agreement services.
 - 14.1.7 Any amounts received by the Contractor from the County which are identified as a financial audit exception.
 - 14.1.8 Any amounts paid or reimbursed in excess of the Agreement or service reimbursement ceiling.
 - 14.1.9 Any payments made for services rendered before the Agreement begin date or after the Agreement termination date.

15.0 RESPONSIBILITY FOR REPAYMENT OF DIRECT SERVICE FUNDS

Should program monitoring or application quality assurance review result in findings related to direct service funds being paid for ineligible individuals or in amounts above allowable program limits, the Contractor shall repay those funds to the County upon written notification by the Assistant Director.

16.0 OFFSET FOR DAMAGES

In addition to all other remedies at Law or Equity, the County may offset from any money due to the Contractor any amounts Contractor owes to the County for damages resulting from breach or deficiencies in performance of the Agreement.

17.0 RECOGNITION OF COUNTY SUPPORT

Contractor shall give recognition to the County and the funding source for their support when the Contractor publishes materials or releases public information that is paid for in whole or in part with funds received by Contractor under this Agreement.

18.0 COMPUTER SOFTWARE POLICY

The Contractor shall comply with Federal copyright laws applicable to software licenses. In addition, all policies and agreements between the County and the Contractor related to Agreement equipment, software, internet accessible database system, and access shall be implemented and monitored. Contractor shall submit an annual inventory of all County provided hardware and software to the Assistant Director.

19.0 CLEAN AIR ACT & CLEAN WATER ACT

The Contractor must be in compliance with all applicable standards, orders, or requirements issued under section 306 of the Clean Air Act (42 U.S.C.1857(h)),section 508 of the Clean Water Act (33 U.S.C. 1368) Executive Order 11738, and Environmental Protection Agency regulations (40 CFR part 15).

20.0 SUBSTANTIAL INTEREST DISCLOSURE

- 20.1 The Contractor shall not make any payments, either directly or indirectly, to any person, partnership, corporation, trust, or any other organization which has a substantial interest in Contractor's organization or with which Contractor (or one of its directors, officers, owners, trust certificate holders or a relative thereof) has a substantial interest, unless Contractor has made a full written disclosure of the proposed payments, including amounts, to the County.
- 20.2 Leases or rental agreements of property shall be in writing and accompanied by an independent commercial appraisal of fair market rental, lease, or purchase value, as appropriate.
- 20.3 For the purpose of this Section, "relative" shall have the same meaning as in A.R.S. §38-502 as may be amended.

21.0 RESPONSIBILITY FOR PAYMENTS INDEMNIFICATION

The Contractor shall be responsible for issuing payment for services performed by the Contractor's employees, subcontractors, suppliers, or any other third party incurrent in the furtherance of the performance or the arising out of the Agreement and will indemnify and save the County harmless for all claims whatsoever out of the lawful demands of such parties. The Contractor shall, at the County's request, furnish satisfactory evidence that all obligations of the nature designated above have been paid, discharged or waived.

SECTION III
WORK STATEMENT



Maricopa County
Human Services Department

1.0 SCOPE OF WORK

The Contractor shall provide Emergency Shelter Services for homeless persons in the Northwest Valley and shall comply with the following service requirements:

- 1.1 Facility
 - 1.1.1 Operate a shelter facility(ies) to serve people experiencing homelessness
 - 1.1.2 Comply with applicable state and local zoning, fire, environmental, health and safety standards and regulations.
 - 1.1.3 Ensure facility is safe, secure, clean, in good repair, and building has proper ventilation and heating/cooling systems.
 - 1.1.4 Ensure clients have access basic needs and access to services Maintain a fire safety and emergency evacuation plan for clients, staff and volunteers.
 - 1.1.5 Showers availability is preferred but not required.
 - 1.1.6 Ensure that appropriate training/access to first aid equipment and supplies are available in case of a medical emergency.
 - 1.1.7 Maintain adequate staff to provide for the supervision and wellbeing of clients at all times.
 - 1.1.8 Provide equal access per American with Disabilities Act to programs and services for individuals with disabilities in compliance with the Americans with Disabilities Act. Contractor shall provide reasonable accommodation for clients in the following categories: visual impairments, hearing impairments, mobility impairments and/or mental impairments.
 - 1.1.9 Contractor shall comply with Fair Housing Act.
- 1.2 Implementation
 - 1.2.1 Begin sheltering clients a minimum of 2 nights a week within 3 months of contract start with the ability /capacity to serve twelve individuals per night.
 - 1.2.2 Provide shelter clients a minimum of 4 nights a week within 6 months of contract implementation and maintain or increase that level of services for the remainder of the contract year.
- 1.3 Administration
 - 1.3.1 Maintain a daily census of residents in the facility using the Homeless Management Information System (HMIS) database collection system.
 - 1.3.2 Hiring, managing, training, and terminating staff as necessary, in accordance with Contractor's established policy and procedures.
 - 1.3.3 Ensuring staff training commensurate with role and responsibility.
 - 1.3.4 Maintain a policy manual that includes; the program mission and goals, shelter policy and procedures, population served, case management policy and procedures, non-discrimination policy, fingerprinting procedure, confidentiality statement, rules and procedures and client termination policies.
 - 1.3.5 Maintain a daily census of residents in the facility using the Homeless Management Information System (HMIS) database collection system.
 - 1.3.6 Providing client level records to the County including HMIS data records through the HMIS system and in accordance with approved Continuum of Care (CoC) data sharing policies and procedures.
 - 1.3.7 Report any incidents that may involve a liability issue or may leave the County open for public scrutiny by contacting the Assistant Director as soon as possible following occurrence/notification.
 - 1.3.8 Maintain a log of any client whose personal items are stored on site, if applicable.
- 1.4 Case Management
 - 1.4.1 Establish and maintain eligible homeless certification within 72 hours of entry.

- 1.4.2 Provide written policies and procedures for Case Management program including eligibility criteria, enrollment and assignment protocols.
- 1.4.3 Documents for housing readiness and coordination are collected and maintained for, at minimum, all clients enrolled in Case Management service.
- 1.5 Program Reports
 - 1.5.1 Contractor's monthly payment request for reimbursement is due on the 15th day following the end of the month being reported (i.e. February 15th for January report) and will include:
 - 1.5.1.1 Contract Payment Request
 - 1.5.1.2 HMIS 0323 Demographic Report
 - 1.5.1.3 HMIS 0550 Exit Destination Report
 - 1.5.1.4 CSBG Report (Attachment A)
 - 1.5.2 Contractor will provide any other report as requested by the County including aggregate or client level data, through the HMIS System and according to approved CoC Data Sharing agreements. Such reporting shall be for the purposes of improving access to service. MCHSD reserves the right to add, remove or revise reporting requirements at its discretion.
 - 1.5.3 Contractor will provide read only access to the project in HMIS for the purpose of monitoring client files no more than once per quarter. Contractor is responsible for notifying HMIS Lead Agency and granting access to Funder within 3 business days of monitoring notice.
- 1.6 Collaboration efforts
 - 1.6.1 Collaborate with other West Valley cities to provide shelter services.
 - 1.6.2 Partner with other service providers to ensure that a diverse array of services is available to clients.

SECTION IV
COMPENSATION



Maricopa County

Human Services

1.0 COMPENSATION

Subject to the availability and authorization of funds for the explicit purposes set forth in this Agreement, County shall pay the Contractor compensation for services rendered.

2.0 REIMBURSEMENT

- 2.1 Effective July 1, 2019 through June 30, 2020, Contractor shall be reimbursed as set forth under this Agreement.
- 2.2 During the term of this Agreement, the maximum amount of compensation due to the Contractor from the County, for any and all services performed by the Contractor for the obligations and duties herein, shall not exceed the amount(s) in Attachment B.

3.0 COST REIMBURSEMENT

- 3.1 Monthly Payments shall be made to the contractor upon receipt of the following documentation:
- 3.2 Expenses for the Surprise West Valley shelter operating costs will be directly reimbursed for 12 months.
- 3.3 Documentation Required is due by the 15th calendar day of the following month.
- 3.4 The Contractor shall submit a monthly Payment Request using the attached Financial Claim Form to MCHSD/CDD before payment(s) can be made by the County.
- 3.5 Sufficient backup shall also be attached to the Claim, such as a General Ledger or detailed Expenditure Report, with the included charges circled or highlighted.
- 3.6 Contractor shall submit the final fiscal year invoice (June's invoice) no later than July 15th.
- 3.7 Submit all reports to: Maricopa County Human Services Department, Community Development Division Attn: Assistant Director, 234 N. Central Avenue, Suite 3000, Phoenix, AZ 85004. At the County's discretion, reports may be emailed by the Contractor upon receipt of specific County contact information.
- 3.8 The County shall reimburse the Contractor on a net "0" payment standard.

4.0 FUNDING

- 4.1 The Catalog of Federal Domestic Assistance (CFDA) is a government-wide collection of Federal programs, projects, services, and activities that provide assistance or benefits to the American public. The CFDA contains financial and nonfinancial assistance programs administered by departments and establishments of the Federal government.
- 4.2 Activities and programs to be administered under this Agreement shall be funded through the following CFDA funds:
 - 4.2.1 93-569 Community Services Block Grant (CSBG)
- 4.3 Subject to the availability and authorization of funds, the anticipated funding for this Agreement is \$100,000

SECTION V
ATTACHMENTS



Maricopa County
Human Services Department

ATTACHMENT A – CSBG Reporting Requirements

Community Service Block Grant (CSBG) Report

Module 3, Section B: Community National Performance Indicators (CNPIs)
Housing Indicators

CSBG Goal #2: Communities where people with low incomes live are healthy and offer economic opportunity

<i>Counts of Change for Housing Indicators</i>	
CNPI 4c	Number of shelter beds <u>created</u> in the identified community.
CNPI 4d	Number of shelter beds <u>maintained</u> in the identified community.

<i>Rates of Change for Housing Indicators</i>	
CNPI 4i	Percent increase of <u>shelter beds</u> in the identified community.

Module 4, Section A: Individual and Family National Performance Indicators
Housing Indicators

Goal 1: Individuals and Families with low-incomes are stable and achieve economic security

FNPI 4a	The number of households experiencing homelessness who obtained <u>safe temporary shelter</u> .
---------	---

ATTACHMENT B OPERATING BUDGET

			BUDGET			
<u>CONTRACT SERVICE:</u>	Surprise IHELP Shelter	<u>CONTRACT PERIOD:</u>	7/1/19 - 6/30/20	<u>NAME:</u>	City of Surprise	
	-				-	
III.	<u>PROFESSIONAL AND OUTSIDE SERVICES</u>					
	ITEM	BASIS		TOTAL COST	COUNTY COST	
	IHELP Shelter Provider			\$100,000.00	\$100,000.00	
			TOTAL:	\$100,000.00	\$100,000.00	
			TOTAL DIRECT COST:	\$100,000.00	\$100,000.00	
			SUBTOTAL ADMIN COST:	\$0.00	\$0.00	
			TOTAL SERVICE COST:	\$100,000.00	\$100,000.00	



CITY OF SURPRISE Regular City Council Meeting

Council Meeting Date: June 18, 2019

Contact Person: Chris Boyd, AD - BS DV & CD
ENF

Submitting Department: Community Development District: District 6

Staff Recommendations: None

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

Agenda Wording:

Consideration and action pertaining to acceptance of a Warranty Deed for Right of Way and a Drainage and Retention Basin Easement Agreement from Marley Park Phase II, LLC for roadway improvements along Litchfield south of Waddell.

Motion:

I move to accept the Warranty Deed for Right of Way and approve a Drainage and Retention Basin Easement Agreement from Marley Park Phase II, LLC.

Background:

The right of way and easement being dedicated are in association with the CIP Improvement project for Litchfield road P61450, that was approved as part of the FY2018 GO Bond Initiative.

Objective Analysis:

The City needs the right of way and additional drainage area on the west side of Litchfield Road for the completion of the CIP project approved as part of the GO Bond Initiative.

Policy Compliant:

Approval of this item is policy compliant.

Financial Impact:

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

Budget Impact:

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

FTE Impact:

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

ATTACHMENTS:

1. Marley Park Phase II Drainage

2. Marley Park Phase II Warranty Deed
 3. Valuation Memo - MP Phase II Lot 2
-

WHEN RECORDED, RETURN TO:
City Clerk
City of Surprise
16000 N Civic Center Plaza
Surprise, AZ 85374

DRAINAGE & RETENTION BASIN EASEMENT AGREEMENT

This DRAINAGE & RETENTION BASIN EASEMENT AGREEMENT (this "Easement") is executed this ____ day of May, 2019, by and between Marley Park Phase II LLC, an Arizona limited liability company ("Grantor") and the CITY OF SURPRISE, an Arizona municipal corporation ("Grantee").

RECITALS

A. Grantor is the fee title owners of a parcel of land as described in Special Warranty Deed 20070620948, also known as Lot 2 of the Final Plat Map of Dedication for Marley Park Square, Book, 926, page 03, records of Maricopa County, Arizona located in the Northeast Quarter of Section 16, Township 3 North, Range 1 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona (APN 501-39-985).

B. Grantee desires to acquire from Grantor and Grantor desire to grant to Grantee a perpetual, non-exclusive drainage easement over, under and across a portion of the above-mentioned Grantor's property (the "Easement Area"). The Easement Area is legally described in Exhibit "A" and depicted on Exhibit "B".

C. Grantee requires the Easement over the Easement Area for purposes of construction of Litchfield Road adjacent to the Grantor's property, without cost to, or request for reimbursement from, Grantor.

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

1. Recitals. The foregoing recitals are incorporated herein and made a part hereof by this reference.
2. Easement. Grantor hereby grants and conveys to Grantee, its successors and assigns, a perpetual, non-exclusive easement over the Easement Area solely for the purposes of storm water drainage from the adjacent half-street of Litchfield Road to be constructed by Grantee
3. Grantee's Use of Easement Area. The use granted herein shall be limited exclusively to the purposes of construction of a drainage and retention basin in the Easement Area, installation of an underground storage pipe and drywells in the Easement Area, and uses incidental to such

purposes, including removal of any fences, trees and shrubs, all in conjunction with Grantee's construction of Litchfield Road. As used herein "drainage" shall mean the flow of normal and excess rainwater across the Easement Area from Litchfield Road.

4. Grantor's Use of Easement Area. Grantor shall have the right to construct and erect fences and walls, to install and maintain landscaping and to establish other uses which are not inconsistent with and do not unreasonably interfere with Grantee's use of the easement granted hereunder. Grantor shall have the right to construct structures within the Easement Area, based on approval and permits issued by Grantee, approval for which shall not be unreasonably withheld, as may be necessary for the purpose of driveway access into Grantor's adjacent commercial property, provided such structures do not unreasonably interfere with Grantee's use of the easement granted hereunder. Grantor shall have the right to utilize and make improvements to the Easement Area for purposes of drainage and retention related to Grantor's adjacent property, based on approval by Grantee, approval for which shall not be unreasonably withheld, as may be necessary in connection with development of Grantor's property provided; however, such additional drainage introduced onto the Easement Area and improvements therein does not unreasonably interfere with Grantee's use of the easement granted hereunder.

5. Restoration of Property. Grantee, its successors or assigns, or any other person or entity entering upon, performing any work within, or otherwise using the Easement Area pursuant to the rights granted pursuant to this Easement shall: (a) promptly repair and restore any damage to the Easement Area (including, but not limited to, any landscaping or other improvements placed upon the Easement Area (including, but not limited to, any landscaping or other improvements placed upon the Easement Area by Grantor pursuant to its rights reserved herein) resulting from such entry, work or use; (b) promptly remove any mechanics' or materialmen's lien arising from any such work within the Easement Area; and (c) indemnify, defend and hold Grantor harmless for, from and against any claims, liability, judgments, loss, cost or expense, including reasonable attorney's fees, solely to the extent arising from injuries to any person in connection with such entry, work or use. Notwithstanding the foregoing, neither Grantee nor any person or entity shall be obligated to indemnify or hold Grantor harmless from any claims, judgments, loss, cost or expense arising out of Grantor's grossly negligent act or willful misconduct.

6. Maintenance by Grantor. Following completion of Grantee's work, Grantor shall be responsible for maintenance of the basin, the underground pipe and drywells. Grantee shall warrant its work during the first two (2) years of this Easement, and Grantee shall correct any maintenance issue that arises during the first two (2) years that is reasonably attributable to improper construction by Grantee, its employees, agents, or contractors.

7. Runs with the Land & Duration. The Easement shall be appurtenant to and shall run with the land and shall be binding upon and inure to the benefit of Grantor, Grantee and their respective heirs, administrator, personal representatives, successors and assigns.

8. Commencement and Duration. This Easement shall commence upon the date of recordation, which date shall be the date upon which Grantee may enter upon the Easement Area and commence exercising its right under this Easement to construct the subject drainage easement in conjunction with Grantee's construction of Litchfield Road. The Easement shall continue in

perpetuity, unless it is terminated upon written mutual agreement by Grantor and Grantee as provided in Section 9 of this Easement.

9. Termination. This Easement may only be terminated upon written mutual agreement by Grantor and Grantee, as evidenced by a Termination of Easement recorded in the Official Records of Maricopa County, Arizona, that either: (a) this Easement is no longer required by Grantee, or its assigns, as set forth in a recorded Termination of Easement; or (b) Grantor develops its property to which this Easement is appurtenant and constructs a replacement drainage and retention basin that reserves the same or greater capacity as that contained in the Easement Area for Grantee's drainage and grants Grantee the right to use the drainage and retention basin(s). For the avoidance of doubt, and relative to subsection (b) in the foregoing sentence, Grantee shall agree to the termination of this Easement upon the granting of a new easement from Grantor to Grantee in conjunction with the development of the property. The Termination of Easement may be signed by the City Manager, or designee, on behalf of Grantee and by an authorized representative of Grantor.

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

11. Miscellaneous. Headings in this Drainage Easement are for convenience only and shall not define or limit the provisions hereof. This Drainage Easement shall be construed according to its ordinary meaning and shall not be strictly construed for and against Grantor or the Grantee. This Drainage Easement shall be governed by the laws of the State of Arizona. Should any term, provision, covenant or condition of this Drainage Easement be void, invalid or inoperative, the same shall not affect any other term, provision, covenant or condition of this Drainage Easement, but the remainder thereof shall be effective as though such void, invalid or inoperative term, provision, covenant or condition had not been contained herein.

[Signatures of the Parties Appear on the Following Pages]

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

GRANTOR:

MARLEY PARK PHASE II LLC, an Arizona limited liability company

By: DMB Associates, Inc., an Arizona corporation, its Manager

By: [Signature]
Its: Vice President

STATE OF ARIZONA)
)
County of Maricopa) ss.

The foregoing instrument was acknowledged before me this 27th day of May, 2019, by David Wilson, the 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, on behalf of the limited liability company.

My Commission Expires: Sept. 25, 2019
[Signature]
Notary Public

APN 501-39-985
Parcel 2



GRANTEE:

CITY OF SURPRISE,
an Arizona municipal corporation

By: _____

Name: _____

Its: Mayor

ATTEST:

Sherry Aguilar, City Clerk

APPROVED AS TO FORM:

Robert Wingo, City Attorney

STATE OF ARIZONA)
) ss.
County of Maricopa)

The foregoing instrument was acknowledged before me this ___ day of _____,
2019, by _____, known by me as the Mayor of the City of Surprise, an Arizona
municipal corporation.

Notary Public

My Commission Expires:

APN 501-40-739
Parcel 8

EXHIBIT "A"

DESCRIPTION

DRAINAGE EASEMENT

A portion of the northeast quarter of Section 16, Township 3 North, Range 1 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona described as follows:

COMMENCING at the Northeast Corner of Lot 2 of MARLEY PARK SQUARE, a Minor Land Division recorded in Book 926, Page 03, Records of Maricopa Country, Arizona;

Thence along the east line of said Lot 2 South 00°02'34" East 50.00 feet to the POINT OF BEGINNING;

Thence continuing along said east line South 00°02'34" East 1169.81 feet;

Thence along the southeast line of said Lot 2 South 45°20'18" West 56.19 feet;

Thence along the south line of said Lot 2 North 89°16'50" West 10.00 feet;

Thence North 00°02'34" West 344.00 feet;

Thence North 89°57'26" East 30.00 feet;

Thence North 00°02'34" West 885.14 feet;

Thence South 45°02'34" East 28.48 feet to the POINT OF BEGINNING.

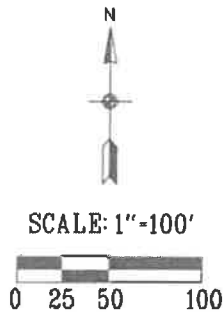
Containing 33,913 square feet, more or less.

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

End of description



EXHIBIT "B"



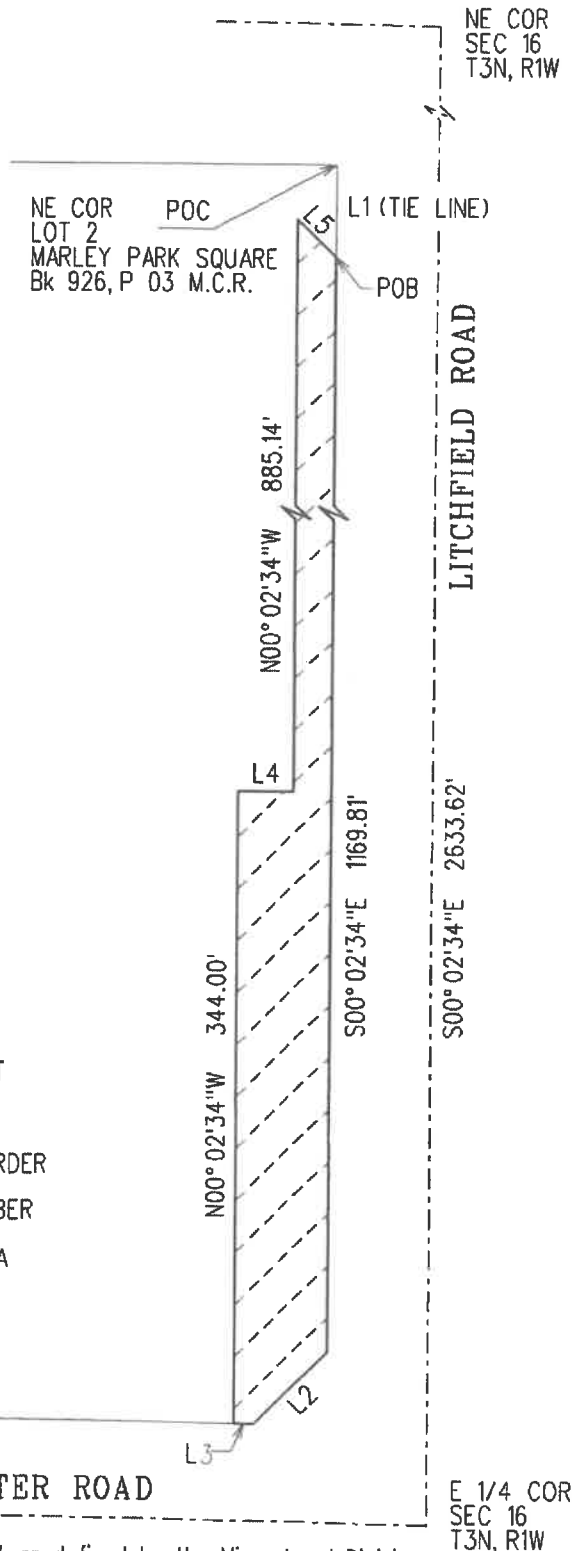
MARLEY PARK PHASE I LLC
LOT 2
MARLEY PARK SQUARE
BOOK 926 PAGE 03 M.C.R.
APN 501-39-985

LINE TABLE

LINE	BEARING	LENGTH
L1	S00° 02' 34" E	50.00'
L2	S45° 20' 18" W	56.19'
L3	N89° 16' 50" W	10.00'
L4	N89° 57' 26" E	30.00'
L5	S45° 02' 34" E	28.28'

LEGEND

- POC POINT OF COMMENCEMENT
POB POINT OF BEGINNING
M.C.R. MARICOPA COUNTY RECORDER
APN ASSESSORS PARCEL NUMBER
 DRAINAGE EASEMENT AREA



SWEETWATER ROAD

BEARING BASE: The east line of the northeast quarter of Section 16, T3N, R1W, as defined by the Minor Land Division of MARLEY PARK SQUARE, recorded in Book 926, Page 03, records of Maricopa County, Arizona, cited as S 00° 02' 34" E.

DRAINAGE EASEMENT



CITY OF SURPRISE
LAND SURVEY DEPARTMENT

PROJECT # 17034

DRAWN BY RCD

DATE 01-07-19

SHEET 1 OF 1

When recorded return to:
City Clerk
City of Surprise
16000 N. Civic Center Plaza
Surprise, AZ 85374

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

WARRANTY DEED

For the consideration of Ten Dollar (\$10.00) and other valuable consideration, the receipt and sufficiency of which is hereby acknowledged

MARLEY PARK PHASE II LLC, ("Grantor")

Do hereby convey to the City of Surprise, an Arizona municipal corporation, all right, title and interest to and in that certain parcel of real property as legally described in Exhibit A and depicted in Exhibit B.

It is the intention of the parties to cause the real property described on said Exhibit "A" to be dedicated as public right of way for roadway, drainage easements, and utility purposes, and to vest title in fee simple in the City of Surprise in Trust, for all the uses contemplated in public street dedication.

This deed supersedes and renders void any previous grant of a right in the real property described in Exhibit "A," including, but not limited to, any easements conveyed by Grantor to the City of Surprise concerning the real property described in Exhibit "A."

And I or We do warrant the title against any and all persons, subject only to those encumbrances or liens of record, or as above set forth, if any.

GRANTOR: MARLEY PARK
PHASE II LLC

GRANTEE: City of Surprise, an Arizona
Municipal corporation

By:



David Vilsen
Vice President

By:

Skip Hall
Mayor

By: _____
Sherry Aguilar, City Clerk

~~STATE OF CALIFORNIA~~ ^{ARIZONA})
) SS.
County of Maricopa)

The foregoing instrument was acknowledged before me this 30th day of May, 2019, by David Nelson.

My commission expires:

Notary Public:



STATE OF ARIZONA)
) SS.
County of Maricopa)

The foregoing instrument was acknowledged before me this _____ day of _____, 2019, by _____ known by me as the Mayor of the City of Surprise, an Arizona municipal corporation.

My commission expires:

Notary Public:

501-39-985

EXHIBIT "A"

DESCRIPTION

RIGHT OF WAY

A portion of the northeast quarter of Section 16, Township 3 North, Range 1 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona described as follows:

BEGINNING at the Northeast Corner of Lot 2 of MARLEY PARK SQUARE, a Minor Land Division recorded in Book 926, Page 03, Records of Maricopa County, Arizona;

Thence along the east line of said Lot 2 South 00°02'34" East 50.00 feet;

Thence North 45°02'34" West 28.28 feet;

Thence South 89°57'26" West 15.00 feet;

Thence North 00°02'34" West 30.00 feet to the north line of said Lot 2;

Thence along said north line North 89°57'26" East 35.00 feet to the POINT OF BEGINNING.

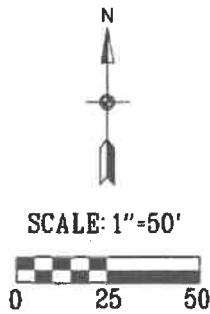
Containing 1,250 square feet, more or less.

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

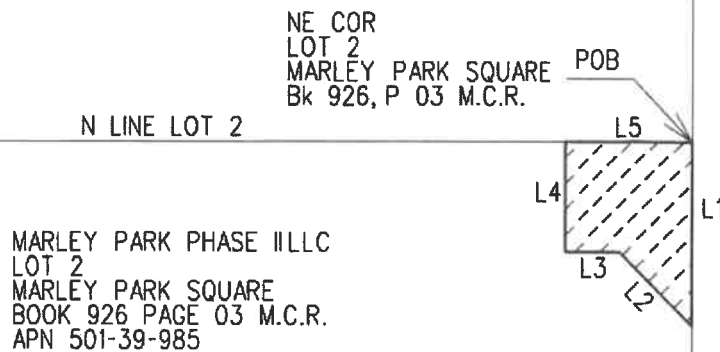
End of description



EXHIBIT "B"



LINE TABLE		
LINE	BEARING	LENGTH
L1	S00° 02'34"E	50.00'
L2	N45° 02'34"W	28.28'
L3	S89° 57'26"W	15.00'
L4	N00° 02'34"W	30.00'
L5	N89° 57'26"E	35.00'



LEGEND

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



BEARING BASE: The east line of the northeast quarter of Section 16, T3N, R1W, as defined by the Minor Land Division of MARLEY PARK SQUARE, recorded in Book 926, Page 03, records of Maricopa County, Arizona, cited as S 00° 02'34"E.

ROAD RIGHT OF WAY



CITY OF SURPRISE
LAND SURVEY DEPARTMENT

PROJECT # 17034

DRAWN BY RCD

DATE 01-07-19

SHEET 1 OF 1

Date: May 31, 2019

To: Finance

From: Lari Beth Kirkendall, Real Property Manager

Re: Marley Park Phase II LLC Right of Way Valuation

The Value of the Right of Way associated with the Marley Park Phase II LLC Property is \$6,250.00.

The area being dedicated as right-of-way is 1,250 square feet. The value of the land is \$5.00/sq foot.



CITY OF SURPRISE
Regular City Council Meeting

Council Meeting Date: June 18, 2019

Contact Person: Chris Boyd, AD - BS DV & CD
ENF

Submitting Department: Community Development District: District 6

Staff Recommendations: None

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

Consideration and action pertaining to acceptance of a Special Warranty Deed from Marley Park West LLC, for Right of Way along Litchfield South of Waddell.

Motion:

I move to accept the Special Warranty Deed from Marley Park West LLC.

Background:

The right of way being dedicated is in association with the CIP Improvement project for Litchfield road P61450, that was approved as part of the FY2018 GO Bond Initiative.

Objective Analysis:

The City needs the additional right of way on the west side of Litchfield Road for the completion of the CIP project approved as part of the GO Bond Initiative.

Policy Compliant:

Approval of this item is policy compliant.

Financial Impact:

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

Budget Impact:

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

FTE Impact:

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

ATTACHMENTS:

1. Special Warranty Deed for RW
 2. Valuation Memo - MP West Tract G
-

When recorded return to:
City Clerk
City of Surprise
16000 N. Civic Center Plaza
Surprise, AZ 85374

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

SPECIAL WARRANTY DEED

For the consideration of Ten Dollars (\$10.00) and other valuable consideration, the receipt and sufficiency of which is hereby acknowledged.

MARLEY PARK WEST LLC, an Arizona limited liability company ("Grantor")

Do hereby convey to the City of Surprise, an Arizona municipal corporation, all right, title and interest to and in that certain parcel of real property as legally described in Exhibit A and depicted in Exhibit B.

It is the intention of the parties to cause the real property described on said Exhibit "A" to be dedicated as public right of way for roadway, drainage easements, and utility purposes, and to vest title in fee simple in the City of Surprise in Trust, for all the uses contemplated in public street dedication.

This deed supersedes and renders void any previous grant of a right in the real property described in Exhibit "A", including, but not limited to, any easements conveyed by Grantor to the City of Surprise concerning the real property described in Exhibit "A".

And I or We do warrant the title against any and all persons, claiming under Grantor only, subject only to those encumbrances or liens of record, or as above set forth, if any.

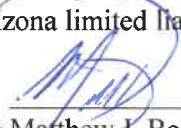
GRANTOR:

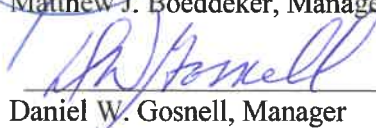
MARLEY PARK WEST, LLC,
an Arizona limited liability company

GRANTEE:

City of Surprise, an Arizona
Municipal corporation

By: Droptine Property Developers, LLC,
an Arizona limited liability company, its Manager

By: 
Matthew J. Boeddeker, Manager

By: 
Daniel W. Gosnell, Manager

By: _____
Skip Hall, Mayor

By: _____
Sherry Aguilar, City Clerk

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of Santa Barbara

On May 16, 2019 before me, Rocio Vega-Tiscareno, Notary,
(here insert name and title of the officer)

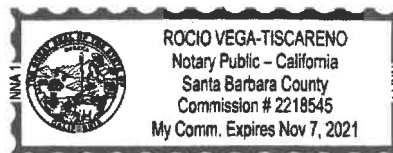
personally appeared Matthew J. Boeddeker

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

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

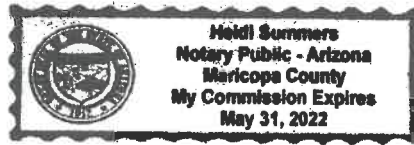
WITNESS my hand and official seal.

Signature



(Seal)

ARIZONA
STATE OF CALIFORNIA)
County of Maricopa)SS.
)



The foregoing instrument was acknowledged before me this 20th day of May 2019, by Daniel Gosnell.

My commission expires:

May 31, 2022

Notary Public:

Heidi Summers

STATE OF ARIZONA)
County of _____)SS.
)

The foregoing instrument was acknowledged before me this _____ day of _____ 2019, by _____.

My commission expires:

Notary Public:

EXHIBIT "A"

DESCRIPTION

RIGHT OF WAY

A portion of the northeast quarter of Section 16, Township 3 North, Range 1 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona described as follows:

BEGINNING at the Southeast Corner of Tract G of the REPLAT MARLEY PARK SQUARE, recorded in Book 1283, Page 24, Records of Maricopa Country, Arizona;

Thence along the south line of said Tract G South 89°56'56" West 35.00 feet;

Thence North 00°03'04" West 30.00 feet;

Thence North 89°56'56" East 15.00 feet;

Thence North 44°58'16" East 28.30 feet to the east line of said Tract G;

Thence along said east line South 00°02'00" East 50.00 feet to the POINT OF BEGINNING.

Containing 1,250 square feet, more or less.

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

End of description



EXHIBIT "B"



SCALE: 1"=50'



LINE TABLE

LINE	BEARING	LENGTH
L1	S89° 56'56"W	35.00'
L2	N00° 03'04"W	30.00'
L3	N89° 56'56"E	15.00'
L4	N44° 58'16"E	28.30'
L5	S00° 02'00"E	50.00'

MARLEY PARK WEST LLC
TRACT G
REPLAT MARLEY PARK SQUARE
BOOK 1283 PAGE 24 M.C.R.
APN 501-45-967

S LINE TRACT G

SE COR
TRACT G
REPLAT MARLEY PARK SQUARE
Bk 1283, P 24 M.C.R.

POB

LEGEND

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

LITCHFIELD ROAD

NE COR
SEC 16
T3N, R1W

S00° 02'00"E 2633.81'

55'
ROW

E 1/4 COR
SEC 16
T3N, R1W



BEARING BASE: The east line of the northeast quarter of Section 16, T3N, R1W, as defined by the REPLAT MARLEY PARK SQUARE, recorded in Book 1283, Page 24, records of Maricopa County, Arizona, cited as S 00° 02'00"E.

ROAD RIGHT OF WAY



CITY OF SURPRISE
LAND SURVEY DEPARTMENT

PROJECT # 17034

DRAWN BY RCD

DATE 01-07-19

SHEET 1 OF 1

Date: May 31, 2019

To: Finance

From: Lari Beth Kirkendall, Real Property Manager

Re: Marley Park West LLC Right of Way Valuation

The Value of the Right of Way associated with the Marley Park West LLC Property is \$6,250.00.

The area being dedicated as right-of-way is 1,250 square feet. The value of the land is \$5.00/sq foot.



CITY OF SURPRISE
Regular City Council Meeting

Council Meeting Date: June 18, 2019

Contact Person: Chris Boyd, AD - BS DV & CD
ENF

Submitting Department: Community Development District: District 6

Staff Recommendations: None

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

Agenda Wording:

Consideration and action pertaining to acceptance of a Drainage Easement from Palo Cristi Properties, LLC for roadway improvements along Litchfield Road between Sweetwater and Cactus Roads.

Motion:

I move to accept the Drainage Easement from Palo Cristi Properties, LLC.

Background:

The easements being dedicated are in association with the CIP Improvement project for Litchfield road P61450, that was approved as part of the FY2018 GO Bond Initiative.

Objective Analysis:

The City needs the additional Drainage area on the west side of Litchfield Road for the completion of the CIP project approved as part of the GO Bond Initiative.

Policy Compliant:

Approval of this item is policy compliant.

Financial Impact:

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

Budget Impact:

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

FTE Impact:

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

ATTACHMENTS:

1. Drainage easement
-

WHEN RECORDED, RETURN TO:

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

DRAINAGE EASEMENT

This Drainage Easement (the "Easement") is executed this 18 day of April, 2019 by and between PALO CRISTI PROPERTIES LLC, ("Grantors") and the City of Surprise, an Arizona municipal corporation ("Grantee").

RECITALS

- A. Grantors are the fee title owners of a parcel of land as described in Deed 2002-1043087, records of Maricopa County, Arizona located in the NE Quarter of Section 21, Township 3 North, Range 1 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona.
- B. Grantee desires to acquire from Grantors and Grantors desire to grant to Grantee a perpetual, exclusive drainage easement over, under and across a portion (the "Easement Area") of the above-mentioned Grantors' property. The Easement Area is legally described in Exhibit "A" and depicted on Exhibit "B".

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

- 1. Easements. Grantors hereby grant and convey to Grantee, its successors and assigns, a perpetual, exclusive easement over the Easement Area for drainage purposes. Grantors shall not erect or construct or permit to be erected or constructed any structure within the Easement Area, provided, however, Grantors shall have the right to construct and erect fences and walls, to install landscaping and to establish other uses which are not inconsistent with and do not unreasonably interfere with Grantee's use of the easement granted hereunder.
- 2. Restoration of Property. Grantee, its successors or assigns, or any other person or entity entering upon, performing any work within, or otherwise using the Easement Area

pursuant to the rights granted pursuant to this Easement shall (a) promptly repair and restore any damage to the Easement Area (including, but not limited to, any landscaping or other improvements placed upon the Easement Area (including, but not limited to, any landscaping or other improvements placed upon the Easement Area by Grantors pursuant to its rights reserved under paragraph 1 above) resulting from such entry, work or use; (b) promptly remove any mechanics' or materialmen's lien arising from any such work within the Easement Area; and (c) indemnify, defend and hold Grantors harmless for, from and against any claims, liability, judgments, loss, cost or expense, including reasonable attorney's fees, solely to the extent arising from injuries to any person in connection with such entry, work or use. Notwithstanding the foregoing, neither grantee nor any person or entity shall be obligated to indemnify or hold Grantors harmless from any claims, judgments, loss, cost or expense arising out of Grantors' grossly negligent act or willful misconduct.

3. Runs With the Land. The Easement shall be appurtenant to and shall run with the land and shall be binding upon and inure to the benefit of Grantors, Grantee and their respective heirs, administrator, personal representatives, successors and assigns.
4. Not a Public Dedication. Other than the grant of the easement as set forth herein, nothing contained in this Easement shall be deemed to be a conveyance or dedication of any portion of the Easement Area to the general public or for any public purpose whatsoever.
5. Miscellaneous. Headings in this Drainage Easement are for convenience only and shall not define or limit the provisions hereof. This Drainage Easement shall be construed according to its ordinary meaning and shall not be strictly construed for and against Grantors or the Grantee. This Drainage Easement shall be governed by the laws of the State of Arizona. Should any term, provision, covenant or condition of this Drainage Easement be void, invalid or inoperative, the same shall not affect any other term, provision, covenant or condition of this Drainage Easement, but the remainder thereof shall be effective as though such void, invalid or inoperative term, provision, covenant or condition had not been contained herein.

IN WITNESS WHEREOF, the parties hereto have executed this Declaration as of the date above written.

GRANTOR:


PALO CRISTI PROPERTIES LLC

City of Surprise, an Arizona municipal corporation

By: _____

Name:

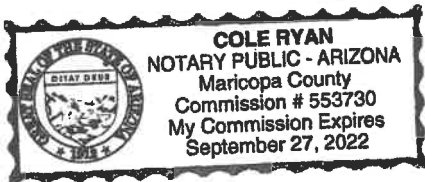
Its: Mayor

ATTEST:

Sherry Aguilar, City Clerk

STATE OF ARIZONA)
) SS.
County of Maricopa)

The foregoing instrument was acknowledged before me this 18 day of April, 2019, by Steve Kenly and _____ known by me as owners of the subject property.



[Signature]

STATE OF ARIZONA)
) SS.
County of Maricopa)

The foregoing instrument was acknowledged before me this ____ day of _____, 201____, by _____, known by me as the Mayor of the City of Surprise, an Arizona municipal corporation.

EXHIBIT "A"

DESCRIPTION

DRAINAGE EASEMENT

A portion of that real property as described as Parcel No. 1 in Special Warranty Deed 20021043087, Records of Maricopa County, Arizona, being located in the northeast quarter of Section 21, Township 3 North, Range 1 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, described as follows:

COMMENCING at the Northeast corner of said Section 21;

Thence along the east line of said northeast quarter South 00°00'49" West 894.35 feet;

Thence departing said east line North 89°59'11" West 55.00 feet to a point on the easterly line of said real property and the POINT OF BEGINNING;

Thence along said easterly line on a line parallel with and 55.00 feet west of the aforesaid east line of the northeast quarter South 00°00'49" West 1634.50 feet to the southeast corner of said real property;

Thence along the south line of said real property North 89°29'30" West 35.00 feet;

Thence on a line parallel with and 90.00 feet west of the aforesaid east line of the northeast quarter North 00°00'49" East 1654.40 feet to a point on the southerly right of way line of Laurel Lane as depicted on the final plat of KENLY FARMS I as recorded in Book 641, Page 14, Records of said County;

Thence along said right of way line South 89°13'32" East 15.27 feet;

Thence continuing along said right of way line South 44°36'22" East 28.10 feet to the POINT OF BEGINNING.

Containing 57,706 square feet, more or less.

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

End of description



POC

500° 00' 49" W 894.35'

LAUREL LANE-

PALO CRISTI PROPERTIES, LLC
SWD 2002-1043087 MCR
PARCEL 1
APN 501-39-986

POC	POINT OF COMMENCEMENT
POB	POINT OF BEGINNING
M.C.R.	MARICOPA COUNTY RECORDER
APN	ASSESSORS PARCEL NUMBER
	DRAINAGE EASEMENT AREA

LINE	BEARING	LENGTH
L1	N89° 29' 30" W	35.00'
L2	S89° 13' 32" E	15.27'
L3	S44° 36' 22" E	28.10'



BEARING BASE: The east line of the northeast quarter of Section 21 as shown on the FINAL PLAT of KENLY FARMS I, as recorded in Book 641, Page 14, Records of Maricopa County, Arizona, cited as South 00° 00' 49" West

N00° 00' 49"E 1654.40'

500° 00' 49" W 1634 50'

LITCHFIELD ROAD

N89° 59' 11" W
55.00'
(TIE)

THE LINE NE QUARTER SEC 21

55' ROW

PROJECT # 17034

DRAWN BY RCD

DATE 12-10-18

SHEET 1 OF 1



CITY OF SURPRISE
Regular City Council Meeting

Council Meeting Date: June 18, 2019

Contact Person: Chris Boyd, AD - BS DV & CD
ENF

Submitting Department: Community Development District: District 6

Staff Recommendations: None

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

Consideration and action pertaining to acceptance of a Drainage Easement and Temporary Construction Easement from SWC Cactus and Litchfield LLC for roadway improvements along Litchfield Road south of Cactus.

Motion:

I move to accept the Drainage Easement and Temporary Construction Easement from SWC Cactus and Litchfield LLC.

Background:

The easements being dedicated are in association with the CIP Improvement project for Litchfield road P61450, that was approved as part of the FY2018 GO Bond Initiative.

Objective Analysis:

The City needs the additional Drainage area on the west side of Litchfield Road for the completion of the CIP project approved as part of the GO Bond Initiative.

Policy Compliant:

Approval of this item is policy compliant.

Financial Impact:

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

Budget Impact:

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

FTE Impact:

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

ATTACHMENTS:

1. SWC Drainage

WHEN RECORDED, RETURN TO:

City Clerk
City of Surprise
12425 West Bell
Road, Suite D-100
Surprise, AZ 85347

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

LITCHFIELD ROAD DRAINAGE EASEMENT

This Drainage Easement (the "Easement") is executed this _____ day of _____ 2019, by and between SWC CACTUS AND LITCHFIELD LLC, an Arizona limited liability company ("Grantor"), and the City of Surprise, an Arizona municipal corporation ("Grantee").

RECITALS

- A. Grantors are the fee title owners of a parcel of land in Maricopa County, Arizona located in Section 21, Township 3 North, Range 1 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona.
- B. Grantee desires to acquire from Grantors and Grantors desire to grant to Grantee a perpetual, exclusive drainage easement over, under and across a portion (the "Easement Area") of the above-mentioned Grantors' property. The Easement Area is legally described in Exhibit "A".

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

- 1. Easements. Grantors hereby grant and convey to Grantee, its successors and assigns, a perpetual, non-exclusive easement over the Easement Area for drainage purposes. Grantors shall not erect or construct or permit to be erected or constructed any structure within the Easement Area, provided, however, Grantors shall have the right to use the Easement Area in a manner not inconsistent with and do not unreasonably interfere with Grantee's use of the easement granted hereunder for drainage purposes. For instance, Grantor shall have the right to construct and erect screen walls, to install landscaping, parking facilities and driveways, and to establish other uses which are not inconsistent with Grantee's uses within the limits of said easement in a manner which will not unreasonably interfere with the Grantee's right of access to its facilities. Furthermore, the storm drain lines and associated facilities may be relocated and/or eliminated by

Grantor in accordance with plans reasonably approved by the Grantee. The use of the Easement Area and easements herein granted is based on the present "as is" physical condition of the Easement Area. Grantor expressly disclaims and makes no representations or warranties, whether expressed or implied, to Grantee with respect to the Easement Area.

2. Restoration of Property. Subject to Grantee's right to use the Easement Area for the uses set forth herein, Grantee for itself and its employees, agents, contractors, successors and assigns, shall not unreasonably interfere with the rights of Grantor with respect to its use and enjoyment of the Easement Area and Grantor's property adjacent to the Easement Area. Grantee, its successors or assigns, or any other person or entity entering upon, performing any work within (including the performance of excavation activities in or around the Easement Area) or otherwise using the Easement Area pursuant to the rights granted pursuant to this Easement shall (a) promptly repair and restore any damage to the Easement Area (including, but not limited to, any landscaping or other improvements placed upon the Easement Area (including, but not limited to, any landscaping or other improvements placed upon the Easement Area by Grantors pursuant to its rights reserved under paragraph 1 above resulting from such entry, work or use;

(b) promptly remove any mechanics' or materialmen's lien arising from any such work within the Easement Area; and (c) indemnify, defend and hold Grantors harmless for, from and against any claims, liability, judgments, loss, cost or expense, including reasonable attorney's fees, solely to the extent arising from injuries to any person in connection with such entry, work or use. Notwithstanding the foregoing, neither Grantee nor any person or entity shall be obligated to indemnify or hold Grantors harmless from any claims, judgments, loss, cost or expense arising out of Grantors' grossly negligent act or willful misconduct.
3. Runs With the Land. The Easement shall be appurtenant to and shall run with the land and shall be binding upon and inure to the benefit of Grantors, Grantee and their respective heirs, administrator, personal representatives, successors and assigns.
4. Not a Public Dedication. Other than the grant of the easement as set forth herein, nothing contained in this Easement shall be deemed to be a conveyance or dedication of any portion of the Easement Area to the general public or for any public purpose whatsoever.
5. Abandonment. If at any time, the Easement Area is permanently abandoned by Grantee or permanently ceases to be used by Grantee, or its successors or assigns, for drainage and/or retention purposes, and a document is recorded by Grantee or its successors or assigns, as the case may be (at its own behest or at the direction of Grantor after confirmation of abandonment/non-use with Grantee or its successors or assigns, as the case may be), all easement rights to the Easement Area granted to Grantee herein shall terminate and all right and title in the easement area shall revert to Grantor, its successors and assigns.
6. Miscellaneous. Headings in this Drainage Easement are for convenience only and shall not define or limit the provisions hereof. This Drainage Easement shall be construed

according to its ordinary meaning and shall not be strictly construed for and against Grantors or the Grantee. This Drainage Easement shall be governed by the laws of the State of Arizona. Should any term, provision, covenant or condition of this Drainage Easement be void, invalid or inoperative, the same shall not affect any other term, provision, covenant or condition of this Drainage Easement, but the remainder thereof shall be effective as though such void, invalid or inoperative term, provision, covenant or condition had not been contained herein. This easement and the grant of the easement to Grantee is subject to all matters of record as of the date of this Easement.

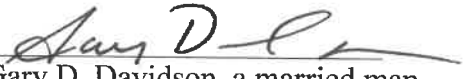
IN WITNESS WHEREOF, the parties hereto have executed this Declaration as of the date above written.

GRANTOR:

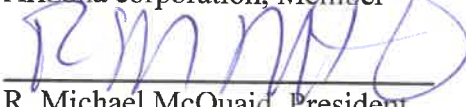
SWC Cactus and Litchfield, L.L.C., an
Arizona limited liability company

By: Car-Del Limited Partnership, an
Arizona limited partnership, Member

By: Germann-GFB II, L.L.C., an
Arizona limited liability company, its
general partner

By: 
Gary D. Davidson, a married man
dealing with his sole and separate
property

By: J.M. Management Company, Inc., an
Arizona corporation, Member

By: 
R. Michael McQuaid, President

GRANTEE:

City of Surprise, an Arizona municipal
corporation

By: _____

Name: _____

Its: Mayor

ATTEST:

Sherry Aguilar, City Clerk

State Arizona)
) ss.
County of Maricopa)

On May 28⁹, 2018, before me, Lisa Drews Notary Public, personally appeared Gary D. Davidson, known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS, my hand and official seal.

Signature Lisa Drews

(Seal)  **LISA DREWS**
Notary Public - Arizona
Maricopa County
Expires 01/15/2022

State ARIZONA)
) ss.
County of MARICOPA)

On MAY 23²⁰¹⁹, 2018, before me, HOLLY MACCHIAROLI Notary Public, personally appeared R. MICHAEL MCQUAD, known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS, my hand and official seal.

Signature Holly Macchiaroli

(Seal)

 **HOLLY MACCHIAROLI**
NOTARY PUBLIC, ARIZONA
MARICOPA COUNTY
My Commission Expires
August 5, 2020

State)

County of _____) ss.

On _____, 2018, before me, _____ Notary Public, personally appeared _____, known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS, my hand and official seal.

Signature _____

(Seal)

EXHIBIT "A"

DESCRIPTION

DRAINAGE EASEMENT

A portion of that real property as described in Special Warranty Deed 20150917974, Records of Maricopa County, Arizona, being located in the northeast quarter of Section 21, Township 3 North, Range 1 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona described as follows:

COMMENCING at the Northeast corner of said Section 21;

Thence along the east line of the northeast quarter of said Section 21 South 00°00'49" West 74.27 feet;

Thence departing said east line North 89°59'11" West 55.00 feet to the most southerly northeast corner of said Special Warranty Deed, being the POINT OF BEGINNING;

Thence on a line parallel with and 55.00 feet west of the aforesaid east line South 00°00'49" West 720.05 feet to a point on the northerly right of way line of Laurel Lane as defined in the Final Plat of KENLY FARMS I recorded in Book 641, Page 14, Records of said County;

Thence along said right of way line South 45°23'38" West 28.10 feet;

Thence continuing along said right of way line North 89°13'32" West 15.00 feet;

Thence North 00°00'49" East 760.05 feet to the southerly right of way line of Cactus Road;

Thence along said southerly right of way line South 89°13'31" East 15.00 feet;

Thence continuing along said southerly right of way line South 44°36'22" East 28.47 feet to the POINT OF BEGINNING.

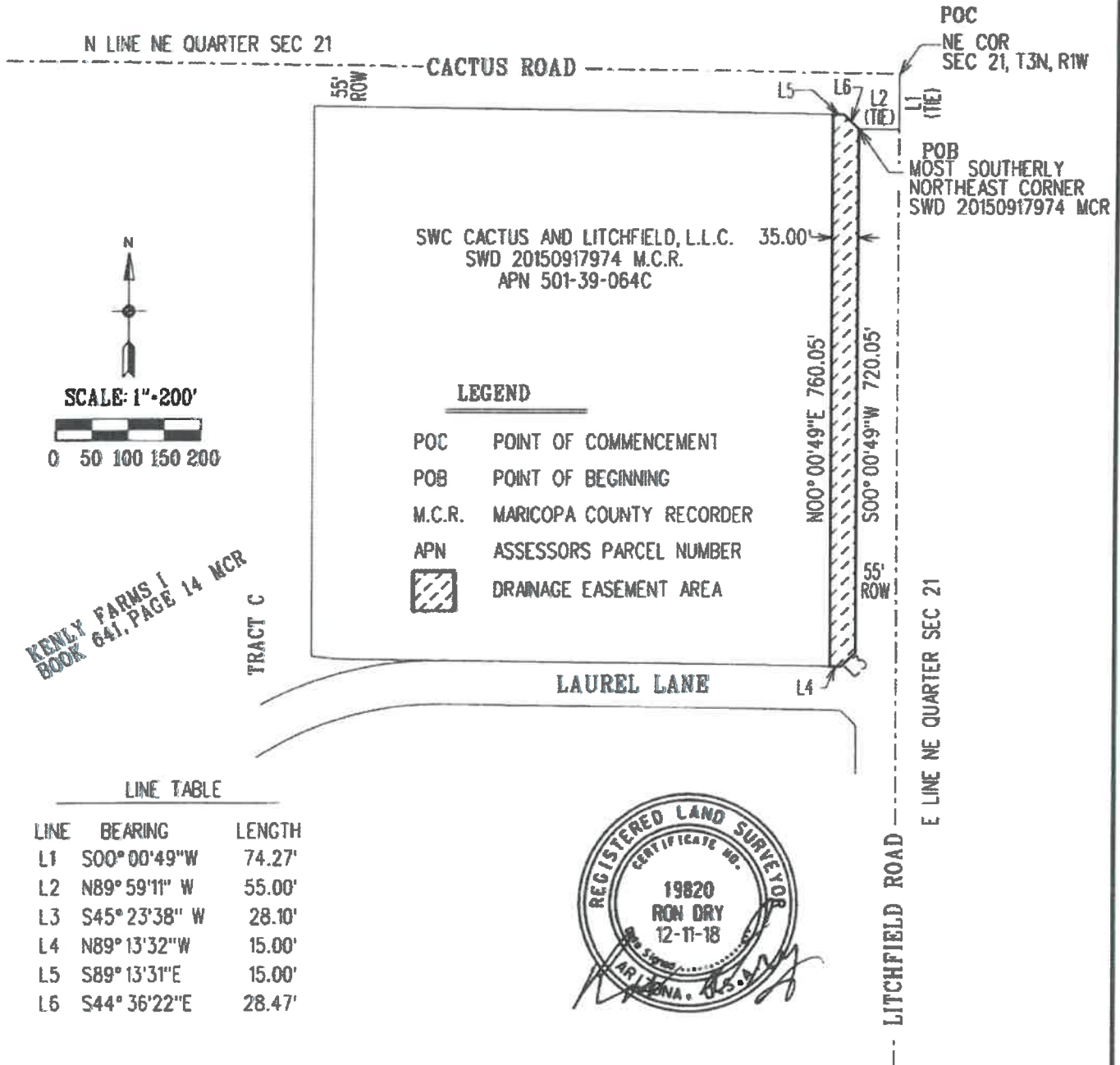
Containing 26,202 square feet, more or less.

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

End of description



EXHIBIT "B"



BEARING BASE: The east line of the northeast quarter of Section 21
as described in Warranty Deed 20150917974, MCR, cited as South 00°00'49" West

DRAINAGE EASEMENT



CITY OF SURPRISE
LAND SURVEY DEPARTMENT

PROJECT # 17034

DRAWN BY RCD

DATE 12-11-18

SHEET 1 OF 1

WHEN RECORDED, RETURN TO:

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

TEMPORARY CONSTRUCTION EASEMENT

Grantor: SWC CACTUS & LITCHFIELD LLC
Grantee: CITY OF SURPRISE, an Arizona municipal corporation
Easement Area: Legally described in Exhibit A

For the consideration of One Dollar (\$1.00) and other valuable consideration paid to Grantor by the Grantee, the receipt and sufficiency of which is hereby acknowledged, Grantor hereby grants and conveys unto Grantee, its successors and assigns a temporary easement over, across and under the Easement Area for continuous and uninterrupted use in order to allow Grantee to construct roadway improvements. Grantor will not impede Grantee's use of this Easement. Grantee reserves the right to remove anything interfering with or impeding Grantee's use of this Easement.

Grantor reserves the right to use the Easement Area so long as Grantor does not unreasonably interfere with the use of the Grantee, its contractors, subcontractors, successors and assigns, as permitted herein.

Grantee shall be liable for all property damage to Grantor's property directly attributable to Grantee's negligence in the construction, operation or maintenance of its facilities. If Grantee disturbs or damages any of Easement Property or improvements of Grantor (whether on or adjacent to the Easement Area), all such property or improvements disturbed or damaged shall be restored as close to original condition as is reasonably possible at the sole expense of Grantee.

Grantee shall indemnify, defend and hold Grantors harmless for, from and against any claims, liability, judgments, loss, cost or expense, including reasonable attorney's fees, solely to the extent arising from injuries to any person in connection with such entry, work or use; provided, however, notwithstanding the foregoing, neither Grantee nor any person or entity shall be obligated to indemnify or hold Grantor harmless from any claims, judgments, loss, cost or expense arising out of Grantor's negligent or grossly negligent act or willful misconduct.

Grantee shall keep the Easement Area and the Grantor's property free and clear of mechanics', materialmen's and professional service liens and any other liens resulting from the Grantor's work ("Liens"). In the event any Liens attach to the Easement Area or any other property of Grantor, Grantee shall cause such Liens to be removed or bonded over with fifteen (15) business days after Grantee receives written notice thereof from Grantor.

This Easement shall run with the land and continue until either of the following occurs: (i) Grantor finishes the roadway improvements; or (ii) one (1) year has passed following the date Grantor executes this Easement.

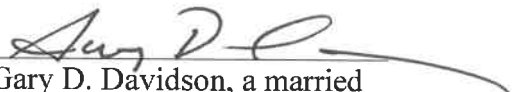
Executed this ____ day of _____, 2019.

GRANTOR:

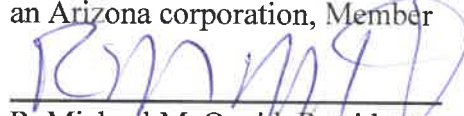
SWC Cactus and Litchfield, L.L.C., an
Arizona limited liability company

By: Car-Del Limited Partnership, an
Arizona limited partnership,
Member

By: Germann-GFB II, L.L.C.,
an Arizona limited liability
company, its general partner

By: 
Gary D. Davidson, a married
man dealing with his sole and
separate property

By: J.M. Management Company, Inc.,
an Arizona corporation, Member

By: 
R. Michael McQuaid, President

GRANTEE:

City of Surprise, an Arizona municipal
corporation

By: _____

Name: _____

Its: Mayor

ATTEST:

Sherry Aguilar, City Clerk

State Arizona)
) ss.
County of Maricopa)

On May 28, 2018, before me, Lisa Drews Notary Public, personally appeared Gary A. Davidson, known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS, my hand and official seal.

Signature Lisa Drews

(Seal)



LISA DREWS
Notary Public - Arizona
Maricopa County
Expires 01/15/2022

State ARIZONA)
) ss.
County of MARICOPA)

On MAY 23, 2019, before me, HOLLY MACCHIAROLI Notary Public, personally appeared R. MICHAEL INFUANTO, known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS, my hand and official seal.

Signature Holly Macchiaroli

(Seal)



HOLLY MACCHIAROLI
NOTARY PUBLIC, ARIZONA
MARICOPA COUNTY
My Commission Expires
August 5, 2020

EXHIBIT "A"
EASEMENT AREA LEGAL DESCRIPTION

EXHIBIT "A"

DESCRIPTION

TEMPORARY CONSTRUCTION EASEMENT

A portion of that real property as described in Special Warranty Deed 20150917974, Records of Maricopa County, Arizona, being located in the northeast quarter of Section 21, Township 3 North, Range 1 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona described as follows:

COMMENCING at the Northeast corner of said Section 21;

Thence along the north line of the northeast quarter of said Section 21 North 89°13'32" West 90.01 feet;

Thence departing said north line South 00°00'49" West 55.00 feet to a point on the north line of said Special Warranty Deed, being the POINT OF BEGINNING;

Thence on a line parallel with and 90.00 feet west of the east line of said real property South 00°00'49" West 760.05 feet to a point on the northerly right of way line of Laurel Lane as defined in the Final Plat of KENLY FARMS I recorded in Book 641, Page 14, Records of said County;

Thence along said right of way line North 89°13'32" West 10.00 feet;

Thence North 00°00'49" East 760.05 feet to the southerly right of way line of Cactus Road;

Thence along said southerly right of way line South 89°13'31" East 10.00 feet to the POINT OF BEGINNING.

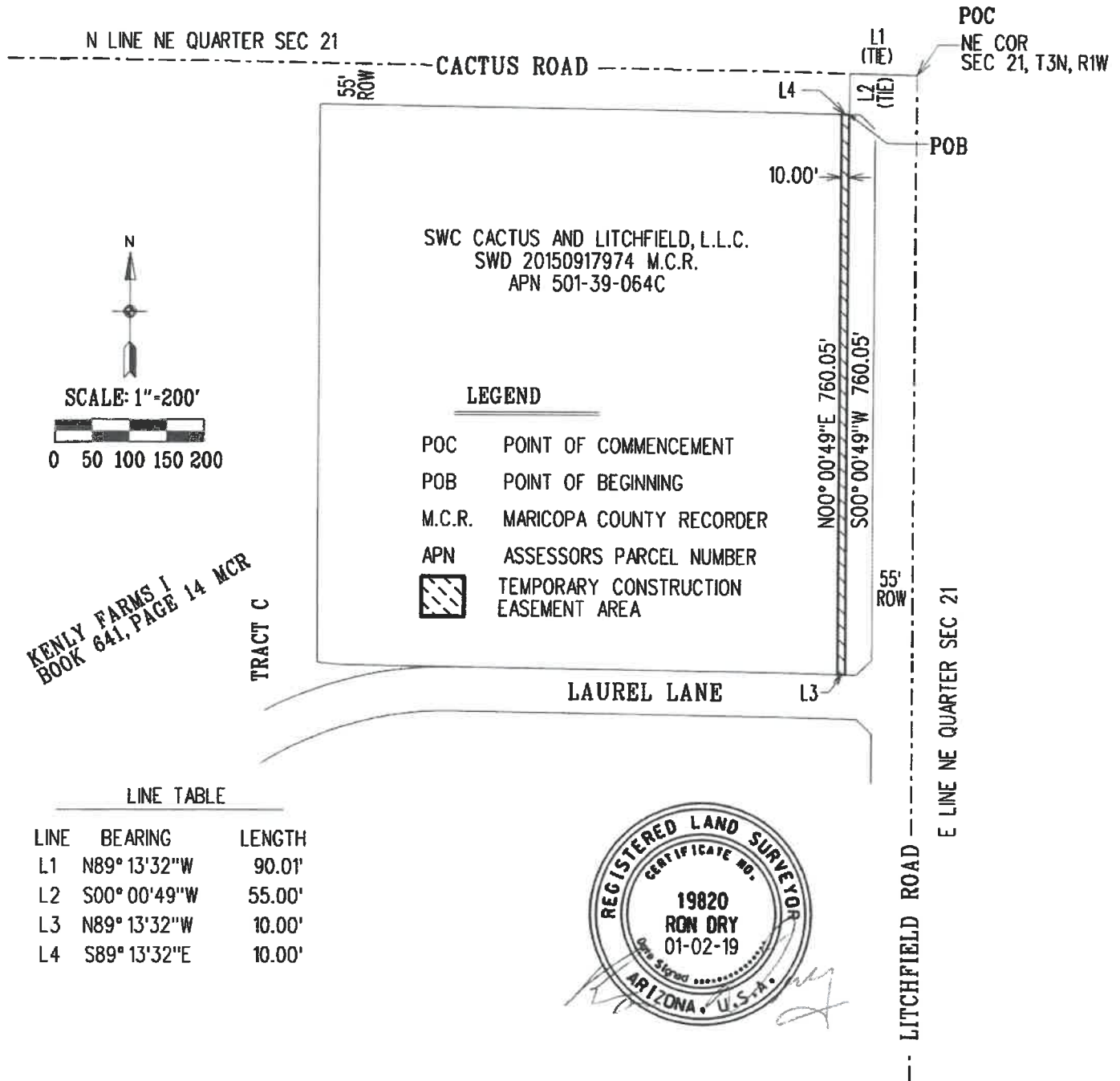
Containing 7,600 square feet, more or less.

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

End of description



EXHIBIT "B"



LINE TABLE

LINE	BEARING	LENGTH
L1	N89°13'32"W	90.01'
L2	S00°00'49"W	55.00'
L3	N89°13'32"W	10.00'
L4	S89°13'32"E	10.00'



BEARING BASE: The east line of the northeast quarter of Section 21
as described in Warranty Deed 20150917974, MCR, cited as South 00°00'49" West

TEMPORARY CONSTRUCTION
EASEMENT



CITY OF SURPRISE
LAND SURVEY DEPARTMENT

PROJECT # 17034

DRAWN BY RCD

DATE 01-02-19

SHEET 1 OF 1



CITY OF SURPRISE
Regular City Council Meeting

Council Meeting Date: June 18, 2019

Contact Person: Chris Boyd, AD - BS DV & CD
ENF

Submitting Department: Community Development District: District 6

Staff Recommendations: None

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

Consideration and action pertaining to acceptance of a Drainage and Retention Basin Easement Agreements from Veramonte Land Holdings, LLLP for roadway improvements along Litchfield Road between Sweetwater and Cactus Roads.

Motion:

I move to accept the Drainage and Retention Basin Easement Agreements from Veramonte Land Holdings, LLLP.

Background:

The easements being dedicated are in association with the CIP Improvement project for Litchfield road P61450, that was approved as part of the FY2018 GO Bond Initiative.

Objective Analysis:

The City needs the additional Drainage area on the west side of Litchfield Road for the completion of the CIP project approved as part of the GO Bond Initiative.

Policy Compliant:

Approval of this item is policy compliant.

Financial Impact:

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

Budget Impact:

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

FTE Impact:

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

ATTACHMENTS:

1. Drainage and retention basin easement Litchfield near Cactus

2. Drainage and retention basin easement Litchfield near Sweetwater

WHEN RECORDED, RETURN TO:
City Clerk
City of Surprise
16000 N. Civic Center Plaza
Surprise, AZ 85374

DRAINAGE & RETENTION BASIN EASEMENT AGREEMENT

This DRAINAGE & RETENTION BASIN EASEMENT AGREEMENT (this "Easement") is executed this 30th day of April, 2019, by and between VERAMONTE LAND HOLDINGS, LLLP, an Arizona limited liability limited partnership ("Grantor") and the CITY OF SURPRISE, an Arizona municipal corporation ("Grantee").

RECITALS

A. Grantor is the fee title owners of a parcel of land as described in Special Warranty Deed 2013-0893616, also known as Parcel 7 of the Final Plat Map of Dedication for Veramonte, Book, 684, page 33, records of Maricopa County, Arizona located in the SE Quarter of Section 16, Township 3 North, Range 1 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona (APN 501-40-738).

B. Grantee desires to acquire from Grantor and Grantor desire to grant to Grantee a perpetual, non-exclusive drainage easement over, under and across a portion of the above-mentioned Grantor's property (the "Easement Area"). The Easement Area is legally described in Exhibit "A" and depicted on Exhibit "B".

C. Grantee requires the Easement over the Easement Area for purposes of construction of Litchfield Road adjacent to the Grantor's property, without cost to, or request for reimbursement from, Grantor.

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

1. Recitals. The foregoing recitals are incorporated herein and made a part hereof by this reference.
2. Easement. Grantor hereby grants and conveys to Grantee, its successors and assigns, a perpetual, non-exclusive easement over the Easement Area solely for the purposes of storm water drainage from the adjacent half-street of Litchfield Road to be constructed by Grantee
3. Grantee's Use of Easement Area. The use granted herein shall be limited exclusively to the purposes of construction of a drainage and retention basin in the Easement Area, installation of an underground storage pipe and drywells in the Easement Area, and uses incidental to such

purposes, including removal of any fences, trees and shrubs, all in conjunction with Grantee's construction of Litchfield Road. As used herein "drainage" shall mean the flow of normal and excess rainwater across the Easement Area from Litchfield Road.

4. Grantor's Use of Easement Area. Unless otherwise allowed by Grantee, Grantor shall not erect or construct or permit to be erected or constructed any structure within the Easement Area, provided, however, Grantor shall have the right to construct and erect fences and walls, to install and maintain landscaping and to establish other uses which are not inconsistent with and do not unreasonably interfere with Grantee's use of the easement granted hereunder.

5. Restoration of Property. Grantee, its successors or assigns, or any other person or entity entering upon, performing any work within, or otherwise using the Easement Area pursuant to the rights granted pursuant to this Easement shall: (a) promptly repair and restore any damage to the Easement Area (including, but not limited to, any landscaping or other improvements placed upon the Easement Area (including, but not limited to, any landscaping or other improvements placed upon the Easement Area by Grantor pursuant to its rights reserved herein) resulting from such entry, work or use; (b) promptly remove any mechanics' or materialmen's lien arising from any such work within the Easement Area; and (c) indemnify, defend and hold Grantor harmless for, from and against any claims, liability, judgments, loss, cost or expense, including reasonable attorney's fees, solely to the extent arising from injuries to any person in connection with such entry, work or use. Notwithstanding the foregoing, neither grantee nor any person or entity shall be obligated to indemnify or hold Grantor harmless from any claims, judgments, loss, cost or expense arising out of Grantor's grossly negligent act or willful misconduct.

6. Maintenance by Grantor. Following completion of Grantee's work, Grantor shall be responsible for maintenance of the basin, the underground pipe and drywells. Grantee shall warrant its work during the first two (2) years of this Easement, and Grantee shall correct any maintenance issue that arises during the first two (2) years that is reasonably attributable to improper construction by Grantee, its employees, agents, or contractors.

7. Runs with the Land & Duration. The Easement shall be appurtenant to and shall run with the land and shall be binding upon and inure to the benefit of Grantor, Grantee and their respective heirs, administrator, personal representatives, successors and assigns.

8. Commencement and Duration. This Easement shall commence upon the date of recordation, which date shall be the date upon which Grantee may enter upon the Easement Area and commence exercising its right under this Easement to construct the subject drainage easement in conjunction with Grantee's construction of Litchfield Road. The Easement shall continue in perpetuity, unless it is terminated upon written mutual agreement by Grantor and Grantee as provided in Section 9 of this Easement.

9. Termination. This Easement may only be terminated upon written mutual agreement by Grantor and Grantee, as evidenced by a Termination of Easement recorded in the Official Records of Maricopa County, Arizona, that either: (a) this Easement is no longer required by Grantee, or its assigns, as set forth in a recorded Termination of Easement; or (b) Grantor develops its property to which this Easement is appurtenant and constructs a replacement drainage and retention basin that reserves the same or greater capacity as that contained in the Easement Area for Grantee's

drainage and grants Grantee the right to use the drainage and retention basin(s). For the avoidance of doubt, and relative to subsection (b) in the foregoing sentence, Grantee shall agree to the termination of this Easement upon the granting of a new easement from Grantor to Grantee in conjunction with the development of the property. The Termination of Easement may be signed by the City Manager, or designee, on behalf of Grantee and by an authorized representative of Grantor.

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

11. Miscellaneous. Headings in this Drainage Easement are for convenience only and shall not define or limit the provisions hereof. This Drainage Easement shall be construed according to its ordinary meaning and shall not be strictly construed for and against Grantor or the Grantee. This Drainage Easement shall be governed by the laws of the State of Arizona. Should any term, provision, covenant or condition of this Drainage Easement be void, invalid or inoperative, the same shall not affect any other term, provision, covenant or condition of this Drainage Easement, but the remainder thereof shall be effective as though such void, invalid or inoperative term, provision, covenant or condition had not been contained herein.

[Signatures of the Parties Appear on the Following Pages]

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



GRANTOR:

VERAMONTE LAND HOLDINGS, LLLP, an
Arizona limited liability limited partnership

By: [Signature]

Name: JIM VINCENT

Its: General Partner Director

STATE OF ARIZONA)
) ss.
County of Maricopa)

The foregoing instrument was acknowledged before me this 30th day of April,
2019, by Jim VINCENT and _____ known by me as owner of the subject
property.

Thomas F. Steinheiser
Notary Public

My Commission Expires:

April 30, 2021

APN 501-40-738
Parcel 7

GRANTEE:

CITY OF SURPRISE,
an Arizona municipal corporation

By: _____

Name: _____

Its: Mayor

ATTEST:

Sherry Aguilar, City Clerk

APPROVED AS TO FORM:

Robert Wingo, City Attorney

STATE OF ARIZONA)
) ss.
County of Maricopa)

The foregoing instrument was acknowledged before me this____ day of _____,
2019, by _____, known by me as the Mayor of the City of Surprise, an Arizona
municipal corporation.

Notary Public

My Commission Expires:

APN 501-40-738
Parcel 7

EXHIBIT "A"

DESCRIPTION

DRAINAGE EASEMENT

A portion of Parcel 7 of the FINAL PLAT OF DEDICATION FOR VERAMONTE according to the plat of record in the office of the County Recorder of Maricopa County, recorded in Book 684, page 33, being situated in the southeast quarter of Section 16, Township 3 North, Range 1 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona described as follows:

COMMENCING at the Southeast Corner of said Section 16;

Thence along the east line of the southeast quarter of said Section 16 North 00°02'53" West 85.81 feet;

Thence South 89°57'07" West 55.00 feet to the most northerly southeast corner of said Parcel 7 and the POINT OF BEGINNING;

Thence along the southeast line of said Parcel 7 South 45°22'06" West 42.12 feet;

Thence along the southerly line of said Parcel 7 North 89°12'56" West 5.00 feet;

Thence North 00°02'53" West 1186.92 feet;

Thence North 89°57'07" West 15.00 feet;

Thence North 00°02'53" West 50.00 feet to the northerly line of said Parcel 7;

Thence along said northerly line South 89°59'53" East 20.00 feet;

Thence along the northeast line of said Parcel 7 South 45°01'23" East 42.45 feet;

Thence along the easterly line of said Parcel 7 South 00°02'53" East 1177.38 feet to the POINT OF BEGINNING.

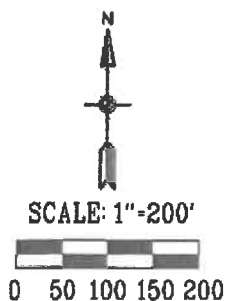
Containing 43,150 square feet, more or less.

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

End of description



EXHIBIT "B"



LEGEND

- POC POINT OF COMMENCEMENT
 POB POINT OF BEGINNING
 M.C.R. MARICOPA COUNTY RECORDER
 APN ASSESSORS PARCEL NUMBER
 DRAINAGE EASEMENT AREA

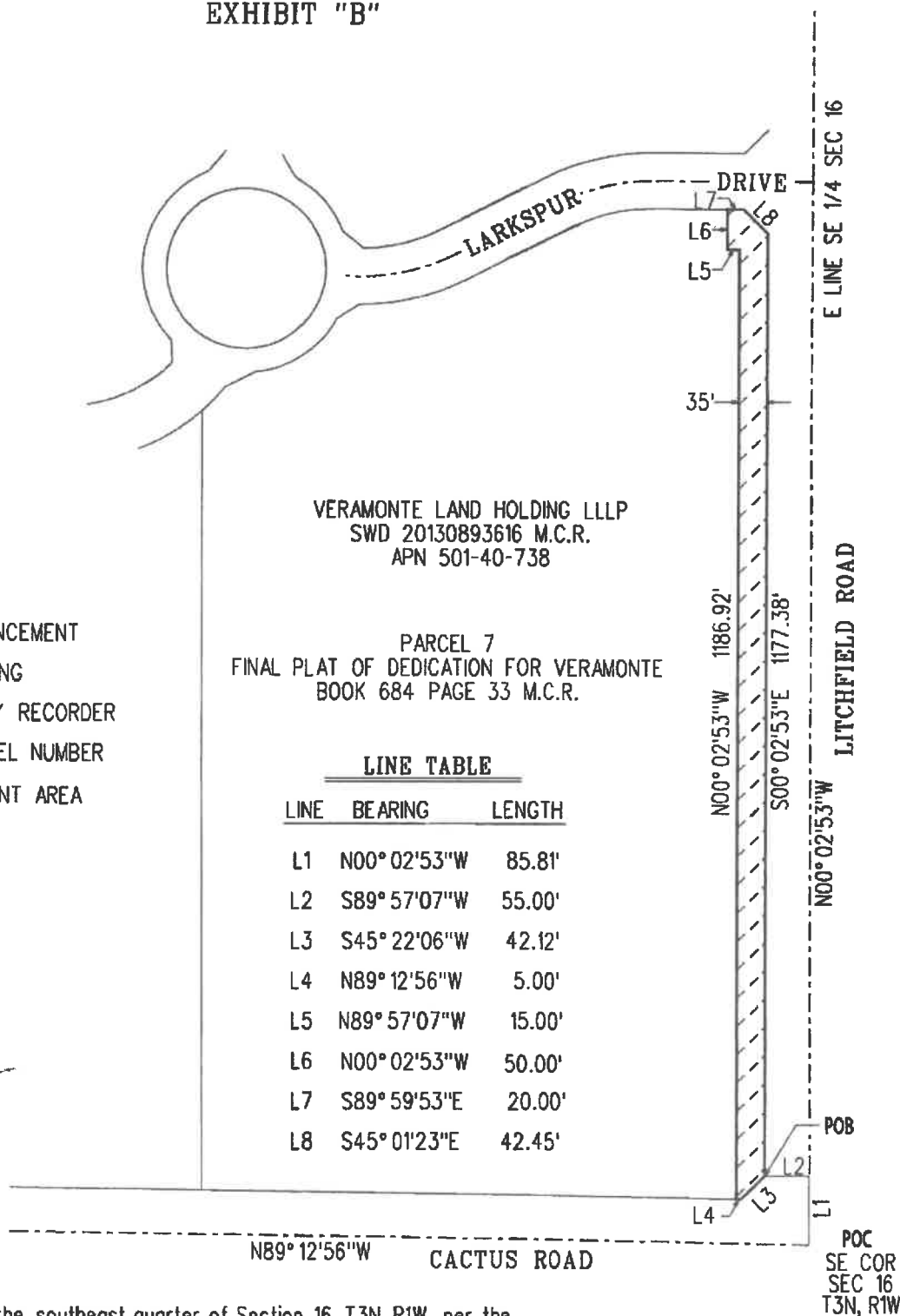


VERAMONTE LAND HOLDING LLLP
 SWD 20130893616 M.C.R.
 APN 501-40-738

PARCEL 7
 FINAL PLAT OF DEDICATION FOR VERAMONTE
 BOOK 684 PAGE 33 M.C.R.

LINE TABLE

LINE	BEARING	LENGTH
L1	N00°02'53"W	85.81'
L2	S89°57'07"W	55.00'
L3	S45°22'06"W	42.12'
L4	N89°12'56"W	5.00'
L5	N89°57'07"W	15.00'
L6	N00°02'53"W	50.00'
L7	S89°59'53"E	20.00'
L8	S45°01'23"E	42.45'



BEARING BASE: The east line of the southeast quarter of Section 16, T3N, R1W per the FINAL PLAT MAP OF DEDICATION FOR VERAMONTE, as recorded in Book 684, Page 33, Records of Maricopa County, Arizona cited as N00°02'53"W

DRAINAGE EASEMENT



CITY OF SURPRISE
 LAND SURVEY DEPARTMENT

PROJECT # 17034

DRAWN BY RCD

DATE 01-02-19

SHEET 1 OF 1

WHEN RECORDED, RETURN TO:

City Clerk

City of Surprise

16000 N. Civic Center Plaza

Surprise, AZ 85374

DRAINAGE & RETENTION BASIN EASEMENT AGREEMENT

This DRAINAGE & RETENTION BASIN EASEMENT AGREEMENT (this "Easement") is executed this 30th day of April, 2019, by and between VERAMONTE LAND HOLDINGS, LLLP, an Arizona limited liability limited partnership ("Grantor") and the CITY OF SURPRISE, an Arizona municipal corporation ("Grantee").

RECITALS

A. Grantor is the fee title owners of a parcel of land as described in Special Warranty Deed 2013-0893615, also known as Parcel 8 of the Final Plat Map of Dedication for Veramonte, Book, 684, page 33, records of Maricopa County, Arizona located in the SE Quarter of Section 16, Township 3 North, Range 1 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona (APN 501-40-739).

B. Grantee desires to acquire from Grantor and Grantor desire to grant to Grantee a perpetual, non-exclusive drainage easement over, under and across a portion of the above-mentioned Grantor's property (the "Easement Area"). The Easement Area is legally described in Exhibit "A" and depicted on Exhibit "B".

C. Grantee requires the Easement over the Easement Area for purposes of construction of Litchfield Road adjacent to the Grantor's property, without cost to, or request for reimbursement from, Grantor.

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

1. Recitals. The foregoing recitals are incorporated herein and made a part hereof by this reference.
2. Easement. Grantor hereby grants and conveys to Grantee, its successors and assigns, a perpetual, non-exclusive easement over the Easement Area solely for the purposes of storm water drainage from the adjacent half-street of Litchfield Road to be constructed by Grantee
3. Grantee's Use of Easement Area. The use granted herein shall be limited exclusively to the purposes of construction of a drainage and retention basin in the Easement Area, installation of an underground storage pipe and drywells in the Easement Area, and uses incidental to such

purposes, including removal of any fences, trees and shrubs, all in conjunction with Grantee's construction of Litchfield Road. As used herein "drainage" shall mean the flow of normal and excess rainwater across the Easement Area from Litchfield Road.

4. Grantor's Use of Easement Area. Unless otherwise allowed by Grantee, Grantor shall not erect or construct or permit to be erected or constructed any structure within the Easement Area, provided, however, Grantor shall have the right to construct and erect fences and walls, to install and maintain landscaping and to establish other uses which are not inconsistent with and do not unreasonably interfere with Grantee's use of the easement granted hereunder.

5. Restoration of Property. Grantee, its successors or assigns, or any other person or entity entering upon, performing any work within, or otherwise using the Easement Area pursuant to the rights granted pursuant to this Easement shall: (a) promptly repair and restore any damage to the Easement Area (including, but not limited to, any landscaping or other improvements placed upon the Easement Area (including, but not limited to, any landscaping or other improvements placed upon the Easement Area by Grantor pursuant to its rights reserved herein) resulting from such entry, work or use; (b) promptly remove any mechanics' or materialmen's lien arising from any such work within the Easement Area; and (c) indemnify, defend and hold Grantor harmless for, from and against any claims, liability, judgments, loss, cost or expense, including reasonable attorney's fees, solely to the extent arising from injuries to any person in connection with such entry, work or use. Notwithstanding the foregoing, neither grantee nor any person or entity shall be obligated to indemnify or hold Grantor harmless from any claims, judgments, loss, cost or expense arising out of Grantor's grossly negligent act or willful misconduct.

6. Maintenance by Grantor. Following completion of Grantee's work, Grantor shall be responsible for maintenance of the basin, the underground pipe and drywells. Grantee shall warrant its work during the first two (2) years of this Easement, and Grantee shall correct any maintenance issue that arises during the first two (2) years that is reasonably attributable to improper construction by Grantee, its employees, agents, or contractors.

7. Runs with the Land & Duration. The Easement shall be appurtenant to and shall run with the land and shall be binding upon and inure to the benefit of Grantor, Grantee and their respective heirs, administrator, personal representatives, successors and assigns.

8. Commencement and Duration. This Easement shall commence upon the date of recordation, which date shall be the date upon which Grantee may enter upon the Easement Area and commence exercising its right under this Easement to construct the subject drainage easement in conjunction with Grantee's construction of Litchfield Road. The Easement shall continue in perpetuity, unless it is terminated upon written mutual agreement by Grantor and Grantee as provided in Section 9 of this Easement.

9. Termination. This Easement may only be terminated upon written mutual agreement by Grantor and Grantee, as evidenced by a Termination of Easement recorded in the Official Records of Maricopa County, Arizona, that either: (a) this Easement is no longer required by Grantee, or its assigns, as set forth in a recorded Termination of Easement; or (b) Grantor develops its property to which this Easement is appurtenant and constructs a replacement drainage and retention basin that reserves the same or greater capacity as that contained in the Easement Area for Grantee's

drainage and grants Grantee the right to use the drainage and retention basin(s). For the avoidance of doubt, and relative to subsection (b) in the foregoing sentence, Grantee shall agree to the termination of this Easement upon the granting of a new easement from Grantor to Grantee in conjunction with the development of the property. The Termination of Easement may be signed by the City Manager, or designee, on behalf of Grantee and by an authorized representative of Grantor.

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

11. Miscellaneous. Headings in this Drainage Easement are for convenience only and shall not define or limit the provisions hereof. This Drainage Easement shall be construed according to its ordinary meaning and shall not be strictly construed for and against Grantor or the Grantee. This Drainage Easement shall be governed by the laws of the State of Arizona. Should any term, provision, covenant or condition of this Drainage Easement be void, invalid or inoperative, the same shall not affect any other term, provision, covenant or condition of this Drainage Easement, but the remainder thereof shall be effective as though such void, invalid or inoperative term, provision, covenant or condition had not been contained herein.

[Signatures of the Parties Appear on the Following Pages]

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



GRANTOR:

VERAMONTE LAND HOLDINGS, LLLP, an
Arizona limited liability limited partnership

By: [Signature]

Name: JIM VINCENT

Its: General Partner Director

STATE OF ARIZONA)
) ss.
County of Maricopa)

The foregoing instrument was acknowledged before me this 30th day of April,
2019, by Jim Vincent and _____ known by me as owner of the subject
property.

Thomas F. Steinheiser
Notary Public

My Commission Expires:

April 30, 2021

APN 501-40-739
Parcel 8

GRANTEE:

CITY OF SURPRISE,
an Arizona municipal corporation

By: _____

Name: _____

Its: Mayor

ATTEST:

Sherry Aguilar, City Clerk

APPROVED AS TO FORM:

Robert Wingo, City Attorney

STATE OF ARIZONA)
) ss.
County of Maricopa)

The foregoing instrument was acknowledged before me this ____ day of _____, 2019, by _____, known by me as the Mayor of the City of Surprise, an Arizona municipal corporation.

Notary Public

My Commission Expires:

APN 501-40-739
Parcel 8

EXHIBIT "A"

DESCRIPTION

DRAINAGE EASEMENT

A portion of Parcel 8 of the FINAL PLAT OF DEDICATION FOR VERAMONTE according to the plat of record in the office of the County Recorder of Maricopa County, recorded in Book 684, page 33, being situated in the southeast quarter of Section 16, Township 3 North, Range 1 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona described as follows:

BEGINNING at the southeast corner of said Parcel 8;

Thence along the southerly line of said Parcel 8 South 89°57'27" East 50.00 feet;

Thence North 00°02'53" West 220.00 feet;

Thence North 89°57'07" East 15.00 feet;

Thence North 00°02'53" West 459.79 feet to the northerly line of said Parcel 8;

Thence along said northerly line South 89°16'47" East 5.00 feet;

Thence along the northeast line of said Parcel 8 South 44°39'50" East 42.71 feet;

Thence along the easterly line of said Parcel 8 South 00°02'53" East 649.32 feet to the **POINT OF BEGINNING**.

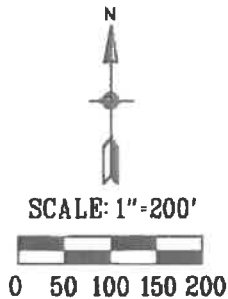
Containing 26,635 square feet, more or less.

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

End of description



EXHIBIT "B"



LEGEND

- POB POINT OF BEGINNING
M.C.R. MARICOPA COUNTY RECORDER
APN ASSESSORS PARCEL NUMBER
 DRAINAGE EASEMENT AREA

LINE TABLE

LINE	BEARING	LENGTH
L1	S89° 57'27"W	50.00'
L2	N89° 57'07"E	15.00'
L3	S89° 16'47"E	5.00'
L4	S44° 39'50"E	42.71'

BEARING BASE: The east line of the southeast quarter of Section 16, T3N, R1W per the FINAL PLAT MAP OF DEDICATION FOR VERAMONTE, as recorded in Book 684, Page 33, Records of Maricopa County, Arizona cited as N00° 02'53"W

SWEETWATER ROAD

SE COR
SEC 16
T3N, R1W

VERAMONTE LAND HOLDING LLLP
SWD 20130893615 M.C.R.
APN 501-40-739

PARCEL 8
FINAL PLAT OF DEDICATION FOR VERAMONTE
BOOK 684 PAGE 33 M.C.R.

PARCEL 9



E LINE SE 1/4 SEC 16

LITCHFIELD ROAD

N00° 02'53"W

DRAINAGE EASEMENT



CITY OF SURPRISE
LAND SURVEY DEPARTMENT

PROJECT # 17034

DRAWN BY RCD

DATE 01-02-19

SHEET 1 OF 1



CITY OF SURPRISE Regular City Council Meeting

Council Meeting Date: June 18, 2019
Submitting Department: Public Works
Staff Recommendations: None

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

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

Agenda Wording:

Consideration and action declaring the City's intention to create the, "SU-Rancho Mercado North 181" Street Light Improvement District pursuant to A.R.S. § 48-616; Resolution #2019-77.

Motion:

I move to approve Resolution #2019-77.

Background:

The City has verified that the Petition for the proposed street light improvement district contains the signatures of all of the real property owners in the district, exclusive of mortgages and other lien holders. The City and Arizona Public Service Company ("APS") have approved the street layout and facilities design. The electric rates are established by APS tariff. The lighting improvements are more than local or ordinary public benefit and the expenses of the district will be paid for by the levy and collection of equal apportionment taxes based on the number and classification of properties within the district.

Objective Analysis:

A SLID is a neighborhood partnership and very common practice in which property owners in a defined area agree to pay the costs to operate and maintain their immediate area's street lights through a property tax. All new developments in the City of Surprise require a SLID. This action will form the SLID boundary for the SU- Rancho Mercado North 181 development.

Policy Compliant:

Surprise Municipal Code requires that street lighting that serves a defined area be paid for through revenues obtained from the specific area being served by such street lighting. In these instances, a Street Light Improvement District (SLID) is formed. The city strives to assure that residents are subject to only one SLID and that the boundaries of each SLID accurately reflect the service area. This item is consistent with these objectives.

Financial Impact:

Any financial impact on the City is anticipated to be minimal, as the Developer and District will be bearing the costs and expenses of the District and street light improvement facilities.

Budget Impact:

Funding was not included as part of the FY2019 adopted budget. A separate fund will be created to track revenue and expenses once the city starts receiving electric bills from APS for this particular SLID. If the SLID incurs expenses during FY2019, staff will return to request a budget amendment to appropriate the new fund. Regardless, the city will be unable to collect property taxes for this SLID until FY2020, at the earliest.

FTE Impact:

This action does not change the full time equivalent count.

ATTACHMENTS:

1. 01 Res 2019-77 Rancho Mercado NORTH 181 SLID-final
 2. 02 SLID Petition RM North 181 Signed with Tax Rate
 3. 03 Master Streetlight Exhibit Map North 181
-

RESOLUTION # 2019-77

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA, DECLARING ITS INTENTION TO ESTABLISH A STREET LIGHT IMPROVEMENT DISTRICT TO PURCHASE ENERGY FOR LIGHTING THE PUBLIC STREETS AND PARKS IN THE AREA WITHIN THE CORPORATE LIMITS OF THE CITY OF SURPRISE, ARIZONA DESCRIBED ON EXHIBIT A, ATTACHED HERETO; DECLARING SUCH IMPROVEMENTS TO BE OF MORE THAN LOCAL OR ORDINARY PUBLIC BENEFIT AND THAT THE EXPENSES THEREOF BE PAID FOR BY THE LEVY AND COLLECTION OF EQUAL APPORTIONMENT TAXES UPON THE ASSESSED VALUATION OF ALL REAL AND PERSONAL PROPERTY IN A CERTAIN DISTRICT TO BE KNOWN AS "CITY OF SURPRISE, ARIZONA, *SU-RANCHO MERCADO NORTH 181* LIGHTING IMPROVEMENT DISTRICT"; AND ORDERING THAT SUCH IMPROVEMENTS BE PROVIDED FOR UNDER THE PROVISIONS OF SECTION 48-572, ARIZONA REVISED STATUTES.

WHEREAS, the owners, exclusive of mortgagees and other lienholders, of all of the real property (hereinafter referred to as "Petitioner") in the hereinafter described District, acting pursuant to the provisions of Sections 48-615(A) and 48-617(A), Arizona Revised Statutes, have petitioned the Mayor and Council of the City of Surprise, Arizona (hereinafter referred to as "City"), to adopt a resolution of intention (hereinafter referred to as "Resolution") ordering the purchase of energy for the lighting of the public street and parks (hereinafter referred to as "Improvements") for the real property legally described in Exhibit A (such area hereinafter referred to as the "District") with such boundaries as shown in the map in Exhibit B attached hereto pursuant to the provisions of Section 48-576, Arizona Revised Statutes, giving the City immediate jurisdiction to order the improvements pursuant to the provisions of Section 48-581, Arizona Revised Statutes, without the necessity of the publications or posting of this Resolution provided for in Sections 48-578, Arizona Revised Statutes;

WHEREAS, the City has verified that Petitioner is the owner, exclusive of mortgagees and other lienholders, of all of the real property included within the boundaries of the District, and;

WHEREAS, the Mayor and Council of the City hereby find and determine that they have jurisdiction to adopt this Resolution to order the Improvements pursuant to the provisions of Section 48-576, Arizona Revised Statutes, and have immediate jurisdiction to adopt this Resolution ordering the Improvements pursuant to the provisions of Section 48-581, Arizona Revised Statutes without the necessity of publications and posting of this Resolution as provided for in Section 48-578, Arizona Revised Statutes;

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

Section 1. The City, after verifying ownership of the real property included within the boundaries of the District, hereby finds the Petitioner is the owner, exclusive of mortgagees and other lienholders, of all of the real property included within the boundaries of the District.

Section 2. The name of the District shall be "CITY OF SURPRISE, ARIZONA, *SU-RANCHO MERCADO NORTH 181* LIGHTING IMPROVEMENT DISTRICT."

Section 3. The District is formed, and shall exist, pursuant to the provisions of Title 48, Chapter 4, Article 2, Arizona Revised Statutes, and Section 48-616, Arizona Revised Statutes.

Section 4. The public interest or convenience requires, and it is the intention of the Mayor and Council of the City to order the Improvement as so described above.

Section 5. The Improvements, in the opinion of the Mayor and Council of the City, are of more than local or ordinary public benefit and are of special benefit to the respective lots, pieces and parcels of real property in the District, and the Mayor and Council of the City hereby make and order the expense of the Improvements payable from the levying and collection of equal apportionment taxes upon the assessed value of all real and personal property in the District to be known and designated as "City of Surprise, Arizona *SU–Rancho Mercado North 181* Lighting Improvement District" and hereby declare that the District is as legally described on Exhibit A attached hereto with the boundaries as shown in the map in Exhibit B attached hereto. Any public street or alley within the District shall be omitted from the assessment. Any lot belonging to the United States, the State, a county, city, school district or political subdivision or institution of the state or county within the District shall be omitted from the assessment.

Section 6. The Superintendent of Streets or equivalent of the City shall not be required to post or cause to be posted notices of the Resolution of Intention. The Clerk of the City shall certify to the passage of this Resolution of Intention but shall not be required to cause the same to be published in a newspaper published and of general circulation in the City.

Section 7. The Mayor and Council of the City shall make annual statements and estimates of the expenses of the district, which shall be provided for by the levy and collection of equal apportionment taxes upon the assessed value of all the real and personal property in the District; shall publish notice thereof; shall have hearings thereon; and shall adopt them at the times and in the manner provided for incorporated cities and towns by the applicable portions of Section 42-17101, et seq., 42-17152, Arizona Revised Statutes. The Mayor and Council of the City shall, on or before the third Monday in August of each year, fix, levy and assess the amount to be raised by equal apportionment taxes upon all of the property of the District and collect, as Maricopa County, Arizona (the "County") taxes are collected, the amounts shown by the statements and estimates as adopted by the Mayor and Council of the City. All statutes providing for the levy and collection of State of Arizona and County taxes, shall be applicable to District taxes as provided to be levied under Section 48-616, Arizona Revised Statutes.

Section 8. The District shall not be authorized to issue bonds and no assessment for District purposes against the property within the District shall exceed One Dollar and Twenty Cents (\$1.20) per each hundred dollars of taxable valuation thereof in any year.

Section 9. The District shall not engage in any activity other than as provided in Section 48-616, Arizona Revised Statutes, i.e., contracting for and purchasing of energy for street and public park lighting.

Section 10. The formation of the District shall not be considered as preventing the subsequent establishment of improvement districts for any other purpose authorized by law, including improvement districts for the purpose of construction street lighting facilities within any part or all of the same territory as the District.

Section 11. The type of lighting facilities to be installed in the District and the locations thereof shall consist of those lighting facilities and locations described in the petition submitted by Petitioner, or as may be approved by the City.

Section 12. The rate to be paid for purchasing the energy for the District shall be the rate described in the petition submitted by Petitioner, or as may be approved by the Arizona Public Service Company.

Section 13. Any resolutions or parts of resolutions in conflict with the provisions of this Resolution are hereby repealed.

APPROVED AND ADOPTED this __day of _____, 2019.

Skip Hall, Mayor

Attest:

Approved as to form:

Sherry Aguilar, City Clerk

Robert Wingo, City Attorney

EXHIBIT "A"

DESCRIPTION

RANCHO MERCADO STREET LIGHT IMPROVEMENT DISTRICT NORTH 181

A portion of Section 4, Township 4 North, Range 1 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, described as follows:

COMMENCING at the West Quarter Corner of said Section 4 from which the East Quarter Corner of said Section lies South 89°46'48" East 5255.54 feet;
Thence along the east-west midsection line South 89°46'48" East 1313.94 feet to the POINT OF BEGINNING;
Thence continuing along said midsection line South 89°46'48" East 1758.87 feet;
Thence South 00°13'11" West 460.25 feet;
Thence North 67°53'52" West 98.65 feet to the beginning of a non-tangent curve, concave northwesterly, the center of which lies North 67°53'52" West 63.00 feet;
Thence southwesterly along the arc of said curve through a central angle of 29°45'42" a distance of 32.73 feet;
Thence South 38°08'10" East 7.14 feet;
Thence South 00°13'12" West 190.00 feet;
Thence South 38°34'34" West 7.14 feet to the beginning of a non-tangent curve, concave westerly, the center of which lies South 38°34'34" West 63.00 feet;
Thence southerly along the arc of said curve through a central angle of 68°59'07" a distance of 75.85 feet to the beginning of a reverse curve, concave easterly, having a radius of 47.00 feet;
Thence southerly along the arc of said curve through a central angle of 17°20'29" a distance of 14.23 feet;
Thence South 00°13'12" West 10.83 feet;
Thence South 89°46'48" East 92.00 feet;
Thence South 00°13'12" West 476.00 feet;
Thence South 89°46'48" East 95.69 feet;
Thence South 44°46'48" East 16.00 feet;
Thence South 00°13'12" West 176.53 feet;
Thence North 89°45'32" East 688.21 feet;
Thence South 00°14'26" East 211.00 feet;
Thence North 89°45'34" East 85.00 feet;
Thence South 00°14'26" East 760.00 feet;
Thence South 89°45'34" West 211.00 feet;
Thence South 00°14'26" East 142.00 feet;

DESCRIPTION continued on page 2 of 2

DESCRIPTION continued from page 1 of 2

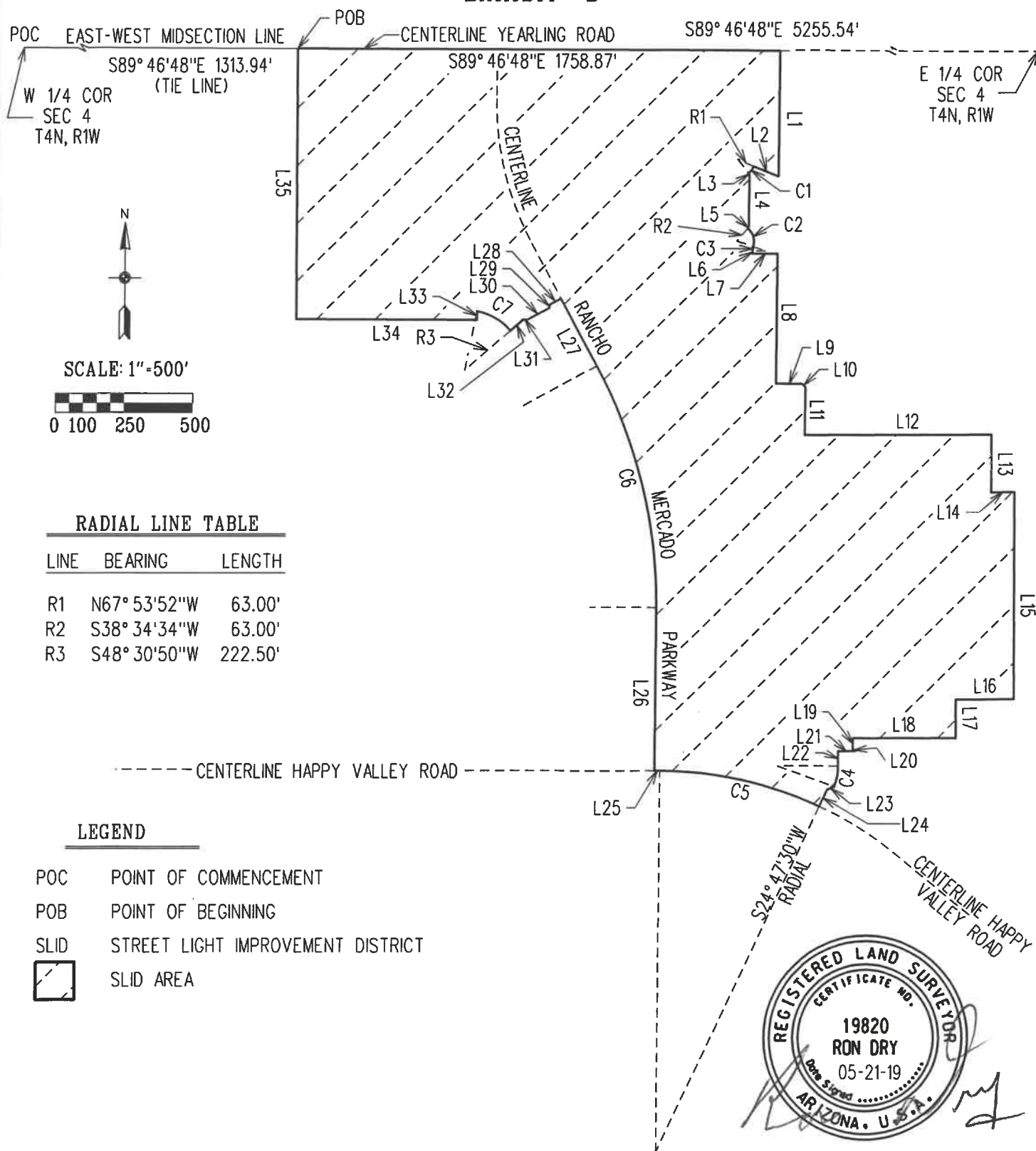
Thence South 89°45'34" West 380.00 feet;
Thence South 00°14'32" East 39.36 feet;
Thence South 43°56'58" East 11.57 feet;
Thence South 89°45'34" West 62.99 feet;
Thence South 00°14'26" East 54.50 feet to the beginning of a tangent curve, concave westerly, having a radius of 222.50 feet;
Thence southerly along the arc of said curve through a central angle of 20°10'59" a distance of 78.38 feet;
Thence South 68°50'58" West 27.62 feet;
Thence South 24°47'30" West 68.02 feet to a point on a non-tangent curve, concave southerly, the center of which lies South 24°47'30" West 1400.00 feet;
Thence westerly along the arc of said curve through a central angle of 24°36'50" a distance of 801.43 feet;
Thence North 89°49'20" West 19.42 feet;
Thence North 00°10'40" East 600.00 feet to the beginning of a tangent curve, concave westerly, having a radius of 1850.00 feet;
Thence northerly along the arc of said curve through a central angle of 28°36'05" a distance of 923.50 feet;
Thence North 28°25'25" West 281.23 feet;
Thence South 61°34'35" West 46.50 feet;
Thence South 16°34'35" West 13.44 feet;
Thence South 61°34'35" West 91.24 feet;
Thence North 80°05'05" West 13.24 feet;
Thence South 48°30'55" West 62.24 feet to a point on a non-tangent curve, concave southwesterly, the center of which lies South 48°30'50" West 222.50 feet;
Thence northwesterly along the arc of said curve through a central angle of 37°18'47" a distance of 144.90 feet;
Thence South 00°10'49" East 32.43 feet;
Thence North 89°46'48" West 657.32 feet;
Thence North 00°09'28" West 991.53 feet to the POINT OF BEGINNING.

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

End of description



EXHIBIT "B"



SLID:
RANCHO MERCADO NORTH 181



CITY OF SURPRISE
LAND SURVEY DEPARTMENT

PROJECT # 19027

DRAWN BY RCD

DATE 05-21-19

SHEET 1 OF 2

EXHIBIT "B"

LINE TABLE

LINE	BEARING	LENGTH
L1	S00° 13'11"W	460.25'
L2	N67° 53'52"W	98.65'
L3	S38° 08'10"E	7.14'
L4	S00° 13'12"W	190.00'
L5	S38° 34'34"W	7.14'
L6	S00° 13'12"W	10.83'
L7	S89° 46'48"E	92.00'
L8	S00° 13'12"W	476.00'
L9	S89° 46'48"E	95.69'
L10	S44° 46'48"E	16.00'
L11	S00° 13'12"W	176.53'
L12	N89° 45'32"E	688.21'
L13	S00° 14'26"E	211.00'
L14	N89° 45'34"E	85.00'
L15	S00° 14'26"E	760.00'
L16	S89° 45'34"W	211.00'
L17	S00° 14'26"E	142.00'
L18	S89° 45'34"W	380.00'
L19	S00° 14'32"E	39.36'
L20	S43° 56'58"E	11.57'
L21	S89° 45'34"W	62.99'
L22	S00° 14'26"E	54.50'
L23	S68° 50'58"W	27.62'
L24	S24° 47'30"W	68.02'
L25	N89° 49'20"W	19.42'

LINE TABLE

LINE	BEARING	LENGTH
L26	N00° 10'40"E	600.00'
L27	N28° 25'25"W	281.23'
L28	S61° 34'35"W	46.50'
L29	S16° 34'35"W	13.44'
L30	S61° 34'35"W	91.24'
L31	N80° 05'05"W	13.24'
L32	S48° 30'55"W	62.24'
L33	S00° 10'49"E	32.43'
L34	N89° 46'48"W	657.32'
L35	N00° 09'28"W	991.53'

CURVE TABLE

CURVE	Δ	RADIUS	LENGTH
C1	29° 45'42"	63.00'	32.73'
C2	68° 59'07"	63.00'	75.85'
C3	17° 20'29"	47.00'	14.23'
C4	20° 10'59"	222.50'	78.38'
C5	24° 36'50"	1400.00'	801.43'
C6	28° 36'05"	1850.00'	923.50'
C7	37° 18'47"	222.50'	144.90'



SLID:
RANCHO MERCADO NORTH 181



CITY OF SURPRISE
LAND SURVEY DEPARTMENT

PROJECT # 19027

DRAWN BY RCD

DATE 05-21-19

SHEET 2 OF 2

STREET LIGHT IMPROVEMENT DISTRICT PETITION

TO THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE:

We, the undersigned, are all or a majority of the real property owners, exclusive of mortgagees and other lienholders, within the district named below. We petition the City Council of the City of Surprise, Arizona, to establish a street light improvement district under Arizona Revised Statutes (A.R.S.) §48-571 to 48-622, and any amendments, and specifically A.R.S. §48-615 to 48-617, to purchase electricity for lighting the public streets and/or parks within the district whose boundaries and area is described in Exhibits A and B attached hereto. This petition includes a charge for maintaining the lighting facilities.

It is hereby requested that, in compliance with the Arizona Revised Statutes, the City Council adopt a Resolution of Intention to order the proposed improvements, and that unless protests are received pursuant to A.R.S. §48-579 sufficient to bar further proceedings, the City Council proceed with the improvements petitioned for herein.

Expenses of the District shall be paid by the levy and collection of an equal apportionment of taxes based on the number and classification of properties within the District.

Public convenience, necessity and welfare will be promoted by the establishment of the District and the real property within the District will be benefited by the District. Additional street lighting facilities may be installed and included in the District, at no investment cost to the District, as directed by the City and as approved by Arizona Public Service and the City Engineer.

WHEREFORE, we respectfully ask that this Petition be properly filed and that the Mayor and Council of the City adopt the Resolution and take such other action as is proper, necessary and appropriate to form the District and to fulfill the purposes for which the District is organized, as the Mayor and Council believe is proper and necessary.

The name of the proposed street light improvements district shall be:
SU-Rancho Mercado North 181

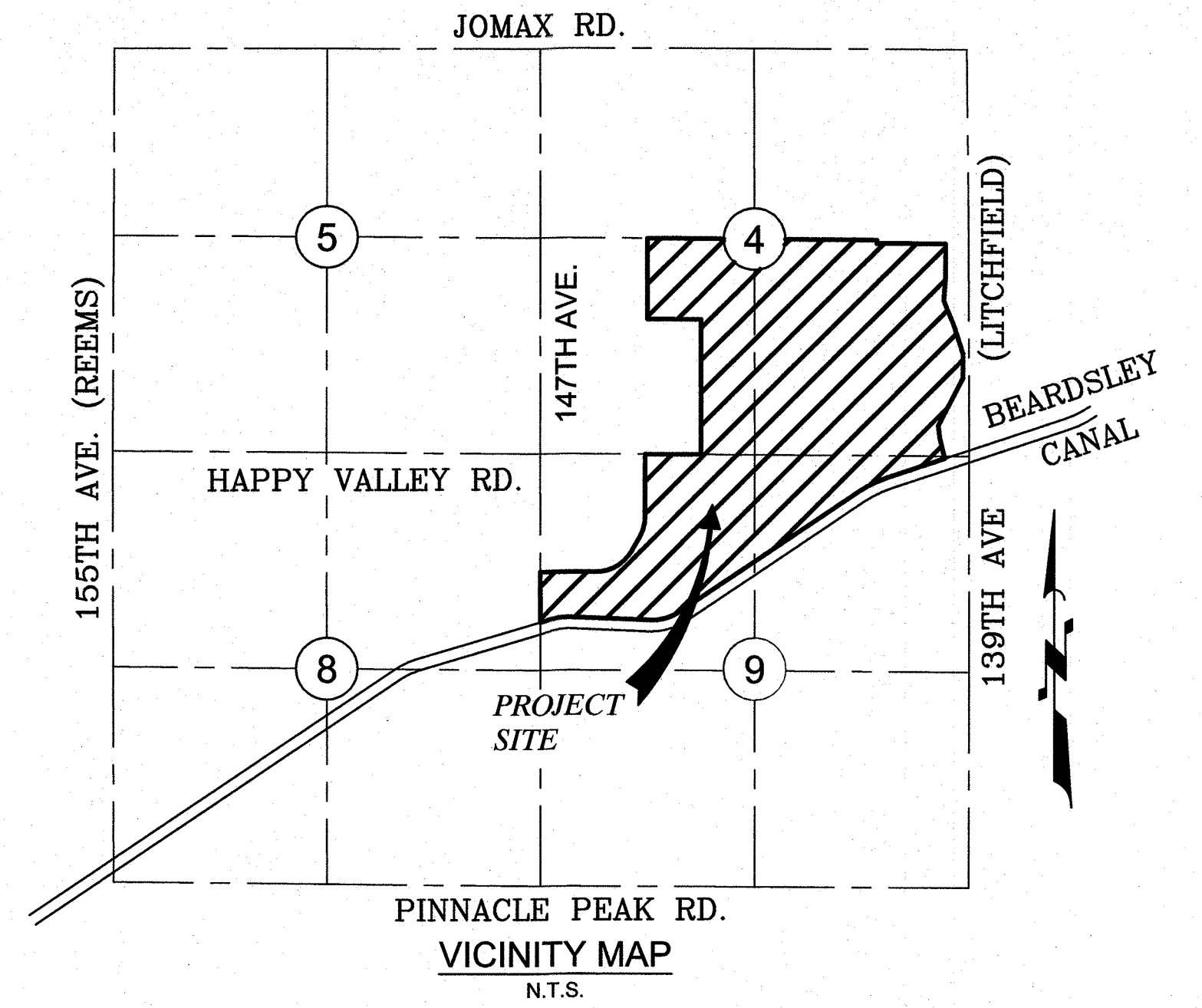
PETITIONERS: Please print and sign your name

PRINT BUSINESS/ PETITIONER'S NAME	ADDRESS OF PROPERTY OWNED WITHIN DISTRICT	ASSESSOR PARCEL #	SIGNATURE
Brookfield Holdings Mercado LLC	Rancho Mercado Parcels A15, A16, A18E, and A18W	503-54-003K, 503-54-003L 503-54-003M, 503-54-002L, 503-54-002K, 503-69-005N, 503-54-002M	

EXHIBIT B STREET LIGHT IMPROVEMENT DISTRICT RANCHO MERCADO

LOCATED IN PORTIONS OF SECTION 4, 5, 8, AND 9, TOWNSHIP 4 NORTH, RANGE 1 WEST, OF THE
GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA

SU-RANCHO MERCADO 181 NORTH



LEGEND

- S.L.I.D. BOUNDARY
- PARCEL LINE
- STREET LIGHT

STREET LIGHTS

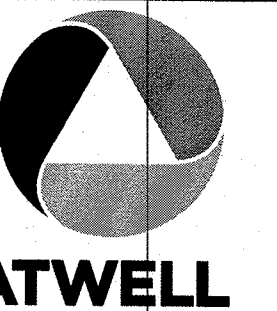
323 POLES (ESTIMATED)
ACTUAL POLE NUMBERS MAY VARY ±10%

ATWELL
866.850.4200 www.atwell-group.com
4700 E. SOUTHERN AVENUE
MESA, AZ 85206
480.218.8831

COUNTY: MARICOPA
SECTION: 4, 5, 8 AND 9
TOWNSHIP: 4 NORTH
RANGE: 1 WEST

S.L.I.D.
RANCHO MERCADO UNIT 1
CITY OF SURPRISE, ARIZONA

APRIL 2019



PM. J. SPRING
DR. T. SIEVERDING
JOB NO.
09001944

SCALE 0 150 300
1" = 300 FEET

09001944.RW SLD EXHIBIT.DWG

SHEET NO.
1 OF 1



CITY OF SURPRISE Regular City Council Meeting

Council Meeting Date: June 18, 2019
Submitting Department: Human Resources
Staff Recommendations: None

Contact Person: Lisa Angelini, DIRECTOR - HR
District: Citywide

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

Consideration and action pertaining to amending the Fiscal Year 2019 budget by reallocating appropriations and Contract Awarding Authority of \$576,300 in the Health Benefits Fund, to increase appropriations to meet revised projected expenditures of \$12,023,100. Resolution #2019-87

Motion:

I move to approve Resolution #2019-87

Background:

Council approved Reference #19-217, Medical Expenditures in the amount of \$11,446,800 as part of the Fiscal Year 2019 Budget. This amount was based on the projected medical and prescription claims costs. Due to the nature of medical claims, a lag occurs between service and payment, currently the City has ten (10) months of claims, those ten months are trending slightly higher at 2% than initially projected. Due to the fluctuation of medical claims, we are requesting the contingency balance of \$576,300 to be moved to spendable authority in the event that claims are higher than trend. This will amend the budget and the contract awarding authority from \$11,446,800 to \$12,023,100.

Objective Analysis:

To meet the financial obligations of the City and comply with City of Surprise Procurement Code and Financial Management Budget Amendment Policies.

Policy Compliant:

The City of Surprise Procurement Code 2-338 (d) requires the authority of the Mayor and Council when the cost to the city is greater than \$50,000. This is compliant with the Budget Amendment Policy that states any movement from Contingency needs to be approved by Council.

Financial Impact:

Currently the City has ten (10) months of claims, those ten months are trending slightly higher at 2% than initially projected. Due to the fluctuation of medical claims, we are requesting the contingency balance of \$576,300 to be moved to spendable authority in the event that claims are higher than trend. This will amend the budget and the contract awarding authority from \$11,446,800 to \$12,023,100.

Budget Impact:

This will amend the budget and the contract awarding authority from \$11,446,800 to \$12,023,100. Funding is available in the Human Resources Employee Healthcare Fund service budget and will be taken from contingency.

FTE Impact:

The number of full time equivalent (FTE) is not impacted by this action.

ATTACHMENTS:

1. RES 2019-87 BA for Increasing Medical Expenses
-

RESOLUTION # 2019-87

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA, AMENDING THE FISCAL YEAR 2019 BUDGET AND CAPITAL AND OPERATING LIST OF ITEMS OVER \$50,000 BY REALLOCATING APPROPRIATIONS OF \$576,300 FROM CONTINGENCY WITHIN THE EMPLOYEE HEALTHCARE INTERNAL SERVICE FUND TO SERVICES IN THE EMPLOYEE HEALTHCARE INTERNAL SERVICE FUND THUS INCREASING THE MEDICAL EXPENDITURES ITEM 19217 DUE TO FLUCTUATION OF HEALTHCARE EXPENSES.

WHEREAS, the FY2019 budget was adopted included funding for Medical Expenditures;

WHEREAS, a lag occurs between service and payment, currently the City has ten (10) months of expenditures, those ten months are trending slightly higher at 2% than initially projected, there is a necessity to meet increasing costs;

WHEREAS, the Employee Healthcare Internal Service Fund has a contingency in the amount of \$576,300, this amount is being requested to be moved to a spendable amount for Fiscal Year 2019;

WHEREAS, the FY2019 budget was adopted, which included the FY2019 Capital and Operating List of Items Over \$50,000 by Council Resolution #2018-78 on June 5, 2018;

WHEREAS, this action will necessitate a budget amendment;

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

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

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

Section 1. That the statements and schedules attached as *Exhibit A* and incorporated by reference are adopted, amending the budget of the City of Surprise, Arizona for the fiscal year July 1, 2018 through June 30, 2019.

Section 2. That the statements and schedules attached as *Exhibit B* and incorporated by reference are adopted, the Fiscal Year 2019 Capital and Operating List of Items Over \$50,000 of the City of Surprise, Arizona for the fiscal year July 1, 2018 through June 30, 2019.

APPROVED AND ADOPTED this ____ day of _____, 2019.

Skip Hall, Mayor

Attest:

Approved as to form:

Sherry Aguilar, City Clerk

Robert Wingo, City Attorney

RESOLUTION # 2019-87**Exhibit A**

1. Appropriation - Currently the City has ten (10) months of claims, those ten months are trending slightly higher at 2% than initially projected. Due to the fluctuation of medical claims, we are requesting the contingency balance of \$576,300 to be moved to spendable authority in the event that claims are higher than trend. This will amend the budget and the contract awarding authority from \$11,446,800 to \$12,023,100. These allocations do not represent an actual transfer of funds, but only a transfer of spending authority. Additionally, these allocations do not increase or decrease the total budget.

Fund	Department	Project/Category	Rev/ Exp	Current Budget	Increase/ (Decrease)	Amended Budget
Employee Healthcare - Int Svc	Human Resources	Services	E	12,626,500	576,300	13,202,800
Employee Healthcare - Int Svc	General Operations	Contingency	E	576,300	(576,300)	-
Expense Total				13,202,800	-	13,202,800

RESOLUTION # 2019-87
Exhibit B

1. List of Operating Items Over \$50,000 – Council approved \$11,446,300 for the purpose of Medical Expenditures included on the Fiscal Year 2019 Capital and Operating List of Items Over \$50,000. This amount was based on currently the City has ten (10) months of claims, those ten months are trending slightly higher at 2% than initially projected. Due to the fluctuation of medical claims, we are requesting the contingency balance of \$576,300 to be moved to spendable authority in the event that claims are higher than trend. This will amend the budget and the contract awarding authority from \$11,446,800 to \$12,023,100.

Reference #	Description	Current Amount	Increase/ (Decrease)	Amended Amount
19217	Medical Expenditures	\$11,446,800	\$576,300	\$12,023,100



CITY OF SURPRISE Regular City Council Meeting

Council Meeting Date: June 18, 2019
Submitting Department: Fire - Medical
Staff Recommendations: None

Contact Person: Tom Abbott, FIRE CHIEF
District: Internal

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

Agenda Wording:

Consideration and action on an Intergovernmental Agreement between the City of Surprise and City of El Mirage for Mutual Aid Ground Ambulance Services; Resolution #2019-84.

Motion:

I move to approve Resolution #2019-84.

Background:

Surprise Fire-Medical Department (SFMD) is in the response area for El Mirage Fire Department and has Incident Command Systems and Standard Operating Procedures already defined by the 2017 Phoenix Regional Automatic Aid IGA. The SFMD has the corresponding ground ambulance equipment and personnel resources to respond if needed. The department holds a CON. The agencies mutually agree and it is in the best interest of the communities involved to enter into this agreement.

Objective Analysis:

An objective analysis demonstrates that this agreement is mutually beneficial to both parties. This agreement maintains the department's mission of protecting life when appropriate or when a private sector ambulance company is unable to provide adequate service levels to meet the needs of our neighbors or during periods of unusual system overload.

Policy Compliant:

This agreement is policy compliant.

Financial Impact:

The department will be able to bill for any ambulance transports but at this time it is unknown of any financial impact as it is unknown as to how many times if any the service will be needed. The IGA is being put in place as a precautionary measure to ensure any future interruption of services.

Budget Impact:

There will be no budget impact.

FTE Impact:

There is no FTE impact.

ATTACHMENTS:

1. 190320 Mutual aid IGA ground ambulance w El Mirage DRAFT
 2. Resolution 2019-84 IGA ambulance mutual aid El Mirage
-

**MUTUAL AID AGREEMENT
BETWEEN EL MIRAGE FIRE DEPARTMENT
AND SURPRISE FIRE-MEDICAL DEPARTMENT**

•

This agreement is made and entered into effective on the ____ day of _____, 2019 between El Mirage Fire Department ("El Mirage") and Surprise Fire-Medical Department ("Surprise"), both herein referred to as "Agencies" or "Agency" for the purpose of this Mutual Aid Agreement.

WHEREAS, El Mirage and Surprise recognize the necessity to cooperate and work together to provide for mutual aid and contingency assistance at certain times when El Mirage requests such mutual aid for ground ambulance transport or assistance, and

WHEREAS, both El Mirage and Surprise are signers of the 2017 Intergovernmental Agreement for The Regional Metropolitan Phoenix Fire Service Automatic Aid, and

WHEREAS, Article 5.2 of the 2017 Intergovernmental Agreement for The Regional Metropolitan Phoenix Fire Service Automatic Aid allows for entering into future agreements, or agreeing to participate in more specific contracts for services, mutual assistance or automatic response(s), and

WHEREAS, R9-25-907. Observance of Service Area; Exceptions (A.R.S. §36-2232), identifies the need for a backup plan,

NOW, THEREFORE, IT IS AGREED BY THE AGENCIES WHO HAVE DULY EXECUTED THIS AGREEMENT AS FOLLOWS:

SECTION 1. Mutual Aid and Contingency Agreement

The Agencies mutually agree to mutual aid ground ambulance service from Surprise to El Mirage when necessary and resources are available to do so.

SECTION 2. Authority to Respond to Provide Assistance

The authority to make requests for assistance or to provide aid under this Agreement shall reside with the Phoenix Fire Regional Dispatch Center.

SECTION 3. Requesting Assistance

El Mirage may request ground ambulance assistance from Surprise when they have concluded that such assistance is essential to protect life or when a private sector ambulance company is unable to provide adequate service levels to meet response requirements during periods of unusual system overload or extended response times.

SECTION 4. Responses to Request

Upon request from El Mirage and upon determination by Surprise that an emergency or contingency exists and subject to the availability of human and equipment resources shall dispatch EMS personnel and equipment to El Mirage.

SECTION 5. Personnel and Equipment Provided

El Mirage shall include in its request for assistance the amount and type of equipment and shall specify the location where the personnel and equipment are needed. The final decision on the amount and type of equipment to be sent shall be solely that of Surprise. The City of Surprise and Surprise Fire-Medical Department shall be immune from any liability in connection with all acts associated herewith provided that the final decision is made with reasonable diligence. Neither Agency shall make any claim whatsoever against the other Agency for refusal to send the requested personnel or equipment where such refusal is based on the judgment of the responding Agency that such personnel and equipment are either not available or are needed to provide service in the responding Agency's response area.

SECTION 6. Command and Control at the Emergency Scene

Both Agencies have established Incident Command Systems (ICS) and Standard Operating Procedures (SOPs), as defined in the 2017 Intergovernmental Agreement for The Regional Metropolitan Phoenix Fire Service Automatic Aid and will implement them on all incidents involving mutual aid or contingency responses. The responding Agency's personnel and equipment shall report to the incident commander. In the event no incident commander is on-scene, then the responding Agency shall assume that command and follow their established SOP's.

SECTION 7. Record Keeping

Each Agency shall maintain individual patient care reports and dispatch records.

SECTION 8. No Reimbursement for Costs

Neither Agency shall be required to reimburse the other Agency for the cost of providing the services set forth in this Agreement for mutual aid services. Each Agency shall pay its own costs (i.e. salaries, repairs, materials, compensation, etc.) for responding for requests for mutual aid or contingency response.

SECTION 9. Fees for Ambulance Service

Surprise will be entitled to invoice a patient normal fees for service and is responsible for billing, insurance filing and collection activity.

SECTION 10. Liability

Each responding Agency hereby waives all claims against each requesting Agency for compensation for any property loss or damage and/or personal injury or death occurring as a consequence of the performance of this Agreement. The responding Agency assumes all liability and/or cost of damage to its equipment and the injury or death of its personnel when responding or performing under this agreement.

SECTION 11. Insurance

Each Agency shall procure and maintain such insurance as is required by applicable federal and state law and as may be appropriate and reasonable to cover its staff, equipment, vehicles, and property, including but not limited to liability insurance, workers' compensation (if applicable), unemployment insurance, automobile liability, and property damage.

SECTION 12. Term of Agreement

This Agreement shall be in full force and effect upon execution by both Agencies hereto. This Agreement shall automatically renew annually on the effective date, unless cancelled by either Agency by giving thirty (30) days written notice to the other Agency. The Agreement may be amended by agreement of both Agencies.

IN WITNESS THEREOF, the following have duly executed this Agreement:

CITY OF EL MIRAGE

CITY OF SURPRISE

By: J. Crystal Dyches
Its: City Manager

By: Michael Frazier
Its: City Manager

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

RESOLUTION # 2019-84

**A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY
OF SURPRISE, ARIZONA APPROVING AN
INTERGOVERNMENTAL AGREEMENT WITH THE CITY OF EL
MIRAGE FOR AMBULANCE SERVICE RESPONSE AND
MUTUAL AID.**

WHEREAS, pursuant to Arizona Revised Statute §11-951, *et seq.*, the City of Surprise has the authority to enter into an intergovernmental agreement with another governmental entity for the purposes set forth within;

WHEREAS, the parties desire that City of Surprise ambulances respond when necessary into the City of El Mirage, however, Arizona Department of Health Services prohibits ambulance response into a geographical area not included within a certificate of necessity unless there is a mutual aid agreement in place; and

WHEREAS, the City of Surprise ambulance certificate of necessity presently does not include any of the geographical area making up the City of El Mirage and so this mutual aid agreement is necessary to authorize such a response; and

WHEREAS, the parties desire to enter into an intergovernmental agreement in order for Surprise to provide ambulance service into the City of El Mirage.

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

Section 1. The Intergovernmental Agreement between the City of Surprise and the City of El Mirage, attached as Exhibit A, is approved.

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

APPROVED AND ADOPTED this ____ day of _____, 2019.

Skip Hall, Mayor

Attest:

Approved as to form:

Sherry Aguilar, City Clerk

Robert Wingo, City Attorney

EXHIBIT A

INTERGOVERNMENTAL AGREEMENT BETWEEN
THE CITIES OF SURPRISE AND EL MIRAGE



CITY OF SURPRISE Regular City Council Meeting

Council Meeting Date: June 18, 2019 Contact Person: Joshua Mike
Submitting Department: Community Development District: District 1
Staff Recommendations: None

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

Agenda Wording:

Consideration and action regarding the annexation of approximately 1,180 acres and establishing Surprise zoning districts RR, PAD-OS, PAD-RM, PAD-RL, PAD-CN, and PAD-PF. Planning case FS18-417 Marisol Ranch Annexation; Ordinance #2019-18.

Motion:

I move to adopt Ordinance #2019-18.

Background:

A group of property owners have submitted an application stating their intent to annex undeveloped land generally located between Dixileta Dr and Dove Valley Rd, 163rd Ave and 155th Ave. The annexation proposal is for 1,180 acres of unincorporated land. The property has parcels with Maricopa County zoning districts:

- Rural-43
- R1-18, R1-10, R1-8, R1-7, R1-6, and R-2 that all include Residential Unit of Planned Development (RUPD) and Planned Area Development (PAD) Overlays.
- C-1 Plan of Development (PD) and Planned Area Development (PAD) Overlays

If annexed, the property will assume similar zoning of the Surprise Unified Development Code (SUDC) that includes

- Rural Residential (RR)
- Planned Area Development - Open Space (PAD-OS)
- Planned Area Development - Residential Low Density (PAD-RL)
- Planned Area Development - Residential Medium Density (PAD-RM)
- Planned Area Development - Neighborhood Commercial (PAD-CN)
- Planned Area Development - Public Facility (PAD-PF)

This case is running concurrently with a 634-acre Zone Change also known as Marisol Ranch (FS18-557) and a 486-acre Zone Change involving a neighboring project known as Lone Mountain Ranch (FS18-459), which are both being discussed under separate cover. In addition, two (2) Pre-Annexation Development Agreements, one (1) for Lone Mountain Ranch and one (1) for Marisol Ranch, were approved by the City Council on May 7, 2019.

Objective Analysis:

Positive impacts include adding additional property to the incorporated limits which will generate additional property and potential development fees. The applicant seeks an ultimate goal of creating 2 master planned communities. The project will have an abundance of open space, and while there will be a pocket of relatively high density, the overall density will remain at 3.8 DU/Ac. The proposed development includes buffering adjacent to existing rural development consistent with the goals of the General Plan. Further, the development will preserve wash corridors that bisect the site thereby providing wildlife connectivity and recreational opportunities, also in support of the General Plan.

Negative impacts could include providing services in a 1,180 acre area where the City did not have to previously serve.

Policy Compliant:

Annexation of this property is compliant with Council policy by expanding the range of influence of the City. The property is within the boundary of the Surprise Planning Area. Surprise General Plan 2035 shows the subject property as lying within the Neighborhood Character Area, which supports residential development of up to 8 DU/Ac or more, provided appropriate transitions are made between the various Neighborhood types included within the character area. While Parcel 1, is shown as Mixed Use at a density of 16 DU/Ac, the overall density of the project is 3.8 DU/Ac, which is well below 8 DU/Ac.

The proposed development also incorporates buffering between the existing rural development, both within and outside of the city. This buffering is in the form of an open space strip ranging in width from 60' along 163rd Avenue to 150' along Dixileta Drive, which when coupled with the adjacent right-of-way, will provide buffering consistent with the goals of the General Plan. The development also seeks to preserve existing wash corridors thereby providing wildlife connectivity and recreational opportunities.

Financial Impact:

When the property is annexed into the City limits there could be financial impacts to the City to provide services to an area which the City did not provide services in the past. Annexation of the area could result in future development fees, sales and property taxes

Budget Impact:

When the property is annexed into the City limits there could be minor budget impacts to the City to provide services to an area to which the City did not provide services in the past. When the area is annexed it could result in future development fees, sales and property taxes.

FTE Impact:

When the property is annexed into the City limits there will be no FTEs that would be needed. Future development applications will evaluate the need for additional staff.

ATTACHMENTS:

1. 19.06.07 EVR Marisol Ranch Annexation Staff Report
 2. 19.06.07 FINAL Marisol Annexation Ordinance 2019-18 CLEAN -2
 3. 01 FS18-417 Marisol Ranch Annexation – Vicinity Map
 4. 02 FS18-417 Marisol Ranch-Annexation Narrative (20 Pages)
 5. 03 FS18-417 Marisol Ranch-Annexation - Marisol Ranch PAD Narrative for Equivalent Zoning (19 pages)
 6. 04 FS18-417 - Recorded Blank Annexation Petition (14 pages)
 7. 06 FS18-417 Marisol Ranch Outreach Report REDACTED
 8. 07 FS18-417 Marisol Ranch Additional Opposition - redacted
 9. 08 FS18-417 Marisol Ranch Annexation Presentation 6.18.19 CC Presentation
 10. 19.6.3 Ltr of opposition_Redacted
 11. 19.6.6 Ltr of opposition_Redacted
-



Case: FS18-417

Project Name: Marisol Ranch Annexation

Council District: 1 – Acacia

City Council Date: June 18, 2019

Planner: Joshua Mike

Owners: Marisol 163, LLC; FGR Property Investments V, LLC; State Land Department; USA-Bureau of Reclamation; Richard & Kimberly Lebhart; McDowell Peak Holdings, LLC

Applicant: Mark Reddie of RVi Planning + Landscape Architecture

Request: Approval of Annexation

Site Location: Primarily on east of N 163rd Ave and north of Dixileta Road

Site Size: 1,180 acres (approx.)

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

Support/Opposition: This request has generated several items of opposition

Actions: **Approve:** Approval of the proposed annexation will increase the corporate limits of the City of Surprise and allow for the subsequent approval of a related zone change request, which in turn will allow the property to be developed in accordance with the City of Surprise General Plan and Unified Development Code.

Deny: Denial of the proposed annexation will result in the continuation of a long-standing county land entitlement and development of the property in Maricopa County and prevent the City Council from taking action regarding the related Zone Change requests.

INTRODUCTION:

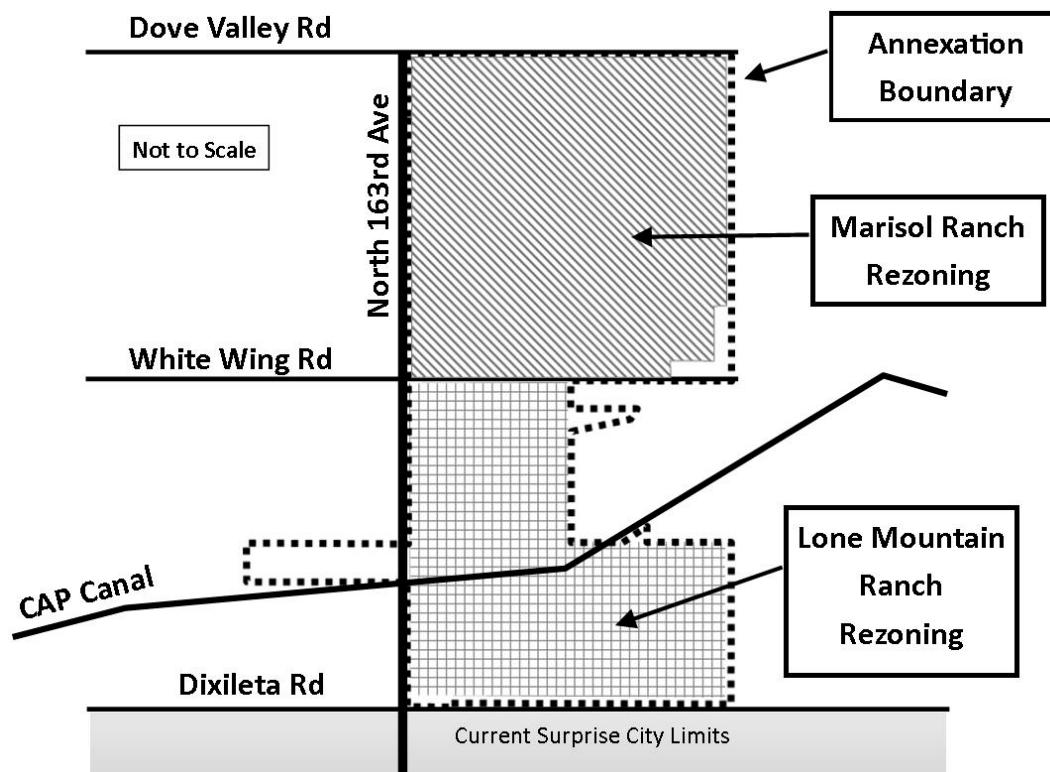
The subject annexation boundary is comprised of 11 parcels of unincorporated land near the intersection of N 163rd Avenue and W Dixileta Dr. There are 6 different owners that are a mix of private properties, Arizona State Land Department (ASLD), and the Federal Bureau Land of Reclamation (BOR). The applicant's request is to extend the existing City limits around the subject property and establish Surprise zoning that is equivalent to existing Maricopa County zoning.

This case is running concurrently with a two rezoning requests that are being reviewed against the Surprise Unified Development Code (SUDC), also known as Marisol Ranch (case FS18-557) and Lone Mountain Ranch (case FS18-459). Both rezoning requests involve changing the equivalent zoning that would be established with an approval of this annexation request. In the event that this annexation is not approved, no action will be taken on these rezoning requests.

Marisol Ranch involves the northern half of the annexation boundary consisting of 2 parcels owned by FGR Property Investments V, LLC and 2 parcels owned by Marisol 163, LLC, totaling approximately 634 acres. Lone Mountain Ranch involves a large portion of the southern half of annexation boundary consisting of 2 parcels owned by the Arizona State Land Department (ALSD) and Federal-Bureau of Reclamation (BOR), totally approximately 486 acres.

To place these 3 cases in context, the following map (Figure 1) illustrates the overall Annexation boundary as it relates to the 2 zone change requests.

(Figure 1)



64 **PROJECT DESCRIPTION:**

65
66 The Marisol Ranch Annexation request is would further the applicant's objective to develop a
67 master planned community, also known as Marisol Ranch, within the City of Surprise. The Marisol
68 Ranch community had its zoning established in 2002 under the jurisdiction of Maricopa County
69 (Application #: Z-2000-095) and amended (Application # Z-2014-099). At the time of County
70 approval, it was anticipated that Marisol Ranch might one day be annexed into the City of Surprise
71 if the corporate limits extended to border the community.

72
73 At the time of this application, the Marisol Ranch community is separated from the City limits by a
74 one-mile stretch of land that includes 2 large parcels owned by ALSLD, a large parcel owned by BOR
75 along the Central Arizona Project (CAP) Canal, and 18 parcels owned by private individuals. The
76 owners of Marisol Ranch negotiated with ALSLD to participate in this annexation request. By
77 including the ALSLD, the City limits could be extended to the Marisol community under one
78 annexation request.

79
80 On December 4, 2018, City Council approved Resolution #18-193 that directed City Staff to begin
81 the annexation process per A.R.S. § 9-471. During the review of the Marisol Ranch Annexation
82 request, the City Council approved separate Pre-annexation Development Agreements on May 2,
83 2019. The two Pre-Annexation Development Agreements establish certain development
84 requirements for Marisol Ranch and Lone Mountain Ranch and set forth the step-by-step
85 procedures with both the ALSLD and the owners of the Marisol Ranch community to facilitate the
86 annexation and related rezoning applications consistent with the Surprise General Plan and the
87 SUDC.

88
89 **EQUIVALENT ZONIING:**

90
91 A.R.S. § 9-471 mandates that when an annexation request is approved, the municipality shall
92 establish zoning for the annexed area that is not more dense or intense than or equivalent to the
93 unincorporated zoning. The Marisol Ranch annexation will include like zoning that addresses the
94 Marisol Ranch community and the other vacant rural lands.

95
96 The Marisol Ranch community is currently zoned Maricopa County R-2 RUPD, R1-6 RUPD, R1-7
97 RUPD, R1-8 RUPD, R1-10 RUPD, R1-18 RUPD, RU-43, C-1 PD together with a Special Use Permit
98 (SUP) for a Waste Water Treatment Facility (WWTF). The County zoning approval allows up to
99 1,882 dwelling units over 634 acres for a gross density of 2.97 DU/Ac. Upon successful annexation,
100 the property will assume like-zoning of Surprise PAD-RM, PAD-RL, PAD-CN, PAD-PF, and PAD-OS.

101
102 The remaining parcels within the annexation boundary are owned by ALSLD, BOR, and private
103 owners Richard & Kimberly Lebhart and McDowell Peak Holdings, LLC. The Maricopa County
104 zoning for these seven parcels is RU-43. Upon successful annexation, these properties will assume
105 like-zoning of Surprise Rural Residential (RR).

September 12, 2018: Mark Reddie of RVi Planning + Landscape Architecture filed a request for a Zone Change for Lone Mountain Ranch under case FS18-459.

October 17, 2018: Mark Reddie of RVi Planning + Landscape Architecture filed a request for a Major PAD Amendment for Marisol Ranch under case FS18-557, the subject case.

November 13, 2018: Mark Reddie of RVi Planning + Landscape Architecture held a Citizen Outreach meeting to discuss both the Marisol Ranch and Lone Mountain Ranch projects.

May 2, 2019: The Planning and Zoning Commission continued the Marisol Ranch and Lone Mountain Ranch, cases FS18-557 and FS18-459, respectively, to a date-certain of June 6, 2019 due to a notification error.

May 7, 2019: The City Council approved separate Pre-Annexation Development Agreements for the Marisol Ranch and Lone Mountain Ranch projects.

June 4, 2019: The City Council held a public hearing, as required by statute, on the annexation request being processed under case FS18-417. No action was taken at hearing.

June 6, 2019: The Planning and Zoning Commission heard the Marisol Ranch Zone Change request and the Lone Mountain Ranch Zone Change request under cases FS18-557 and FS18-459, respectively. The Commission recommended approval of the Marisol Ranch Zone Change to the City Council by a 5-2 vote, and recommended approval of the Lone Mountain Ranch Zone Change also by a 5-2 vote.

ANNEXATION PROCESS:

The Arizona Revised Statutes, Title 9, imposes requirements for a municipality to annex unincorporated land. The City must record a blank annexation petition with Maricopa County where it is held for a 30-day waiting period. City Council must hold a public hearing during the last 10 days of the 30-day waiting period. After the public hearing and the 30-day waiting period has ended, in excess of 50% of the land owners and assessed valuation for all real and personal property located within the annexation area, subject to taxation by the City, must sign the petition to validate the petition. State statute also allows up to one year following the end of the 30-day period to obtain the required number of signatures.

General Timeline for Annexation:

Filed Blank Petition: Between May 10, 2019

- Begins 30-day waiting period;

Waiting Period Begins: May 10, 2019

Public Hearing: June 4, 2019

- City council has public hearing to discuss the annexation proposal
- No action taken at this meeting

Waiting Period Ends: Between June 11, 2019

- Applicant obtains signatures, submits signed petition to City Public Hearing: June 18, 2019
- City Council action on annexation ordinance and concurrent rezoning cases

CITIZEN OUTREACH:

The applicant held a citizen outreach meeting on November 13, 2018, which was well attended. Numerous individuals voiced their concerns over the project ranging from impacts to local wells, traffic, view shed, light pollution, property tax increase, loss of recreational opportunities on state land, and flooding. The results of that meeting are summarized in the attached Public Participation Report. City staff has also received a number of letters and emails in opposition to the annexation and the rezonings, most of which were also sent to the City Council directly.

The site was also posted and advertised in accordance with State and local requirements. In addition, the legal notification limit was expanded from 300' as required by state statute, to 500' as measured from the proposed annexation boundary. Several individuals also spoke in opposition to the Lone Mountain Ranch and Marisol Ranch developments during the May 7, 2019 City Council meeting, the June 4, 2019 public hearing, and before the Planning and Zoning Commission on June 6, 2019. The city's website was also updated to include public notification.

UTILITY AND SERVICES TABLE:

Electric:	Arizona Public Service
Water:	City of Surprise
Wastewater:	City of Surprise
Refuse:	City of Surprise
Natural Gas:	Southwest Gas
Irrigation:	N/A
Schools:	Nadaburg

CONFORMANCE WITH ADOPTED PLANS:

Surprise General Plan 2035: The Surprise General Plan 2035 shows the subject property as lying within the Neighborhood Character Area, which supports residential development of up to 8 DU/Ac or more, provided appropriate transitions are made between the various Neighborhood types included within the character area.

The proposed development also incorporates buffering between the existing rural development, both within and outside of the city. This buffering is in the form of an open space strip ranging in width from 60' along 163rd Avenue to 150' along Dixileta Drive, which when coupled with the adjacent right-of-way, will provide buffering consistent with the goals of the General Plan. The development also seeks to preserve existing wash corridors thereby providing wildlife connectivity and recreational opportunities.

212 **ANALYSIS AND DISCUSSION:**

213
214 Since the existing zoning for the Marisol Ranch community is based on a master planned style
215 entitlement within the County, the City will use PAD zoning, as opposed to “hard zoning”, to create
216 City zoning equivalent to the existing County zoning, as per A.R.S. § 9-471. In addition to the
217 PAD zoning, the Marisol Ranch community equivalent zoning will assume land use designations tied
218 to the current zoning district nomenclature associated with the Surprise Municipal Code, as may be
219 amended from time to time.

220
221 **RIGHTS-OF-WAY AND IMPROVEMENTS:**

222
223 **163RD Avenue –** The developer will be responsible for the dedication and construction of the
224 half-width ROW improvements within the 163rd Avenue right-of-way adjacent to
225 the site. Said dedication and improvements will be consistent with the **Parkway**
226 standards as illustrated in the Surprise Engineering Design Standards in effect at
227 the time of site development. The exact timing of these improvements will be
228 determined during the Preliminary Plat phase.

229
230 **Lone Mountain Road –** The developer will be responsible for the dedication and construction of the
231 half-width ROW improvements within the Lone Mountain Road right-of-way
232 adjacent to the site. Said dedication and improvements will be consistent with
233 the **Major Arterial** standards as illustrated in the Surprise Engineering Design
234 Standards in effect at the time of site development. The exact timing of these
235 improvements will be determined during the Preliminary Plat phase.

236
237 **Dixileta Drive and 155th Avenue –** The developer will be responsible for the dedication and
238 construction of the half-width ROW improvements within the Dixileta Drive and
239 155th Avenue rights-of-way adjacent to the site. Said dedication and
240 improvements will be consistent with the **Minor Arterial** standards as illustrated
241 in the Surprise Engineering Design Standards in effect at the time of site
242 development. The exact timing of these improvements will be determined
243 during the Preliminary Plat phase.

244
245 **Public Safety Facility Land Donation –** During the June 4, 2019 public hearing on the proposed
246 annexation, representatives of Marisol Ranch stated a commitment to donating
247 to the City land for development of a future public safety facility within Marisol
248 Ranch at a suitable location and at such time as the City determines that
249 additional facilities are needed to serve the area.

250
251 **REVIEWING AGENCIES:**

252
253 The subject request was routed to the standard reviewing agencies, who offer the following
254 comments as summarized below:
255

Maricopa Water District (MWD): MWD states the subject property lies outside of their service area and does not impact MWD.

Arizona Department of Transportation Right-of-Way (ADOT-ROW): ADOT states the project is located more than ¼ mile from any existing or proposed ADOT facility and therefore has no comment.

Maricopa County Planning and Development Department (MCPDD): MCPDD states that urban development is more appropriately located within the city limits and offers no objection to the annexation request. MCPDD indicates no comments or objections with respect to the Marisol Ranch and Lone Mountain Ranch Zone Change requests.

Nadaburg School District, City of Peoria Community Development Department, Flood Control District of Maricopa County, Maricopa County Department of Transportation, Maricopa Association of Governments, U.S. Postal Service, Luke Air Force Base, Arizona Public Service, Southwest Gas, Cox Communications, and the Surprise Chamber of Commerce, were included in the routing of this case. No comments have been received from these entities as of the writing of this report. However, the developer has stated that they are discussing or have reached an agreement with the Nadaburg School District to donate land for a future school site within Marisol Ranch.

SUMMARY:

The applicant seeks an annexation over the subject property and two subsequent rezoning requests creating two different master-planned communities. The annexation boundary to be annexed complies with all requirements for size, shape, and contiguity set forth in the Arizona annexation statutes. The annexation zoning of the property will be PAD, with the land uses associated with each development parcel tied to the City's "hard" zoning districts as they evolve over time. The development standards, however, are included with the subsequent Zone Changes and will run with the land unless subsequently amended. The projects will have an abundance of open space, and while there will be a pocket of relatively high density (Parcel 1), the overall density will remain at 3.8 DU/Ac for the Marisol Ranch community and an overall density of 3.6 DU/Ac for the Lone Mountain Ranch community. The proposed developments include buffering adjacent to existing rural development consistent with the goals of the General Plan. Further, the development will preserve wash corridors that bisect the site thereby providing wildlife connectivity and recreational opportunities, also in support of the General Plan.

ATTACHMENTS:

- 00 FS18-417 Marisol Ranch-Annexation – Staff Report (8 pages)
- 01 FS18-417 Marisol Ranch-Annexation – Vicinity Map (1 page)
- 02 FS18-417 Marisol Ranch-Annexation – Annexation Narrative (20 Pages)
- 03 FS18-417 Marisol Ranch-Annexation – Marisol Ranch PAD Narrative for Equivalent Zoning (19 pages)
- 04 FS18-417 Marisol Ranch-Annexation – Recorded Blank Petition (14 pages)
- 05 FS18-417 Marisol Ranch-Annexation – Ordinance #2019-XX (25 pages)
- 06 FS18-417 Marisol Ranch-Annexation – Citizen Participation Report-redacted (40 pages)

- 300 07 FS18-417 Marisol Ranch-Annexation – Additional Opposition-redacted (42 pages)
- 301 08 FS18-417 Marisol Ranch-Annexation – Presentation (10 pages)

ORDINANCE # 2019-18

A ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA EXTENDING AND INCREASING THE CORPORATE LIMITS OF THE CITY OF SURPRISE, MARICOPA COUNTY, STATE OF ARIZONA PURSUANT TO THE PROVISIONS OF ARIZONA REVISED STATUTES TITLE 9 CHAPTER 4 ARTICLE 7 AND AMENDMENTS THERETO BY ANNEXING THERETO CERTAIN TERRITORY CONTIGUOUS TO THE EXISTING CITY LIMITS OF THE CITY OF SURPRISE, CONSISTING OF 1,179.87 ACRES LOCATED WITHIN THE SURPRISE PLANNING AREA BOUNDARY NORTH OF DIXILETA DR, EAST OF 163RD AVENUE, SOUTH OF W DOVE VALLEY ROAD, AND WEST OF 155TH AVENUE, MARICOPA COUNTY, ARIZONA, AND ESTABLISHING EQUIVALENT CITY OF SURPRISE ZONING.

WHEREAS, a petition in writing accompanied by a map or plot of said real property having been filed and presented to the Mayor and Council of the City of Surprise, Arizona, signed by the owners of more than one-half in value of the real and personal property and more than one-half of the persons owning real and personal property as would be subject to taxation by the City of Surprise in the event of annexation within the territory and land hereinafter described in the attached **Exhibit A** (the "Annexation Area") and as shown by the last assessment of said property which said Annexation Area is contiguous to the City of Surprise, and not now embraced within its limits, asking that the Annexation Area be annexed to the City of Surprise, and to extend and increase the corporate limits of the City of Surprise so as to embrace the same;

WHEREAS, the Mayor and City Council of the City of Surprise, Arizona are desirous of accepting said petition and extending and increasing the corporate limits of the City of Surprise to include said territory;

WHEREAS, the said petition sets forth a true and correct description of all the exterior boundaries of the entire Annexation Area proposed to be annexed to the City of Surprise and had attached thereto at all times an accurate map of the Annexation Area, as shown in **Exhibit B**, desired to be annexed;

WHEREAS, no alterations increasing or reducing the territory sought to be annexed have been made after the said petition had been signed by any owner of real and personal property within the Annexation Area;

WHEREAS, the provisions of A.R.S. § 9-471, and amendments thereto, have been fully observed;

WHEREAS, proper and sufficient certification and proof of the foregoing facts are now on file in the office of the City Clerk of the City of Surprise, Arizona, together with a true and correct copy of the original petition referred to herein, which is on file in the office of the County Recorder for Maricopa County, Arizona;

WHEREAS, the Annexation Area described in **Exhibit A** and depicted on **Exhibit B** includes approximately 634 acres of vacant, unimproved property owned by Marisol 163, LLC ("Marisol") and FGR Property Investments V, LLC ("FGR"), described on **Exhibit C** ("Marisol Property") and **Exhibit D** ("FGR Property") attached hereto, which Marisol Property and FGR Property will be developed and controlled by the provisions of the Pre-Annexation Development Agreement ("Marisol Ranch PADA") between the City of Surprise and Marisol and FGR approved by the City Council on May 7, 2019, which Marisol PADA was recorded with the office of the County Recorder for Maricopa County, Arizona on May 9, 2019, as Document No. 20190339505;

WHEREAS, the Annexation Area described in **Exhibit A** and depicted on **Exhibit B** includes approximately 486 acres of vacant, unimproved property owned by the State of Arizona, by and through the State Land Commissioner and the Arizona State Land Department ("ASLD") described on **Exhibit E** ("ASLD Property") attached hereto, which ASLD Property will be developed and controlled by the provisions of the Pre-Annexation Development Agreement ("ASLD PADA") between the City of Surprise and the State of Arizona approved by the City Council on May 7, 2019, which ASLD PADA was recorded with the office of the County Recorder for Maricopa County, Arizona Recorder on May 9, 2019, as Document No. 20190339492;

WHEREAS, annexation of the Marisol Property and the ASLD Property is exempt from Section 122-3 (Urban Growth Standards) of the Surprise Unified Land Development Code ("SUDC"), pursuant to Section 4.2 of the Marisol Ranch PADA and Section 4.2 of the ASLD PADA, respectively;

WHEREAS, the Marisol Property, the ASLD Property, and the other property included within the Annexation Area having zoning in Maricopa County, as shown in **Exhibit F**, the Mayor and City Council, pursuant to A.R.S. § 9-471(L), shall adopt and apply to this area the City of Surprise zoning districts that permit densities and uses no greater than those permitted by the Maricopa County zoning immediately before annexation;

WHEREAS, the City Council has reviewed the Staff Reports and supporting materials which discuss the proposed annexation and proposed zoning to be considered by the Council, and now finds that the annexation and zoning of the Annexation Area, including the Marisol Property and the ASLD Property, would be beneficial to Surprise by ensuring that all future development would be controlled by and be consistent with the objectives and policies of the Surprise General Plan 2035, the requirements of the SUDC, all future land development ordinances, and all other applicable City of Surprise codes and regulations;

WHEREAS, the City Council finds: (1) that annexation and the proposed development of the Annexation Area would not require any current expenditures in the City's Capital Improvement Plan ("CIP") because Marisol, FGR, and the ASLD, and their respective assigns and successors, will be required to extend the City's water and sewer infrastructure to serve the Annexation Area and construct other infrastructure necessary for development, including 163rd Avenue between the alignment of Dixileta Road and the alignment of Dove Valley Road; and (2) that future development of the Marisol Property will include dedication of land for and development of public safety facilities to serve the Annexation Area and surrounding areas.

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

SECTION 1. That the Annexation Area described in the attached **Exhibit A** be and the same hereby is annexed to the City of Surprise and that the present corporate limits be and the same hereby are extended and increased to include the Annexation Area described in **Exhibit A** contiguous to the present City limits.

SECTION 2. That a copy of this ordinance together with an accurate map of the territory hereby annexed, as shown in **Exhibit B**, to the City of Surprise certified by the Mayor of the City of Surprise shall be recorded in the office of the County Recorder of Maricopa County, Arizona and that a copy of this ordinance shall be provided to the Clerk of the Board of Supervisors of Maricopa County, Arizona.

SECTION 3. That the property described in SECTION 1 of this Ordinance with Maricopa County zoning as shown in **Exhibit F** shall be designated with equivalent City of Surprise zoning district as shown in **Exhibit F** and **Exhibit G** upon the effective date of this Ordinance.

SECTION 4. The rezoning of the parcels within the Annexation Area as outlined in **Exhibit G** of this Ordinance is approved subject to the following stipulations:

- A. Development and use of the site shall be in conformance with the Equivalent Zone Narrative entitled "Marisol Ranch PAD Narrative for Equivalent Zoning", consisting of nineteen (19) pages inclusive of Figures 1 through 5b, prepared by RVi Planning + Landscape Architecture and stamped received March 1, 2019.
- B. The owners of Marisol Ranch, or their successors and assigns, shall donate a parcel within the Marisol Ranch project to the City deemed suitable by the City for development of a public safety facility, with such donation to occur when the City determines that the amount of development within the project and the area requires the addition of new public safety facilities to serve the area.

C. Non-compliance with the stipulations of approval of this case will be treated as a violation in accordance with the provisions of Article XIV of the Surprise Unified Development Code.

SECTION 5. That the City of Surprise zoning map is herewith amended to reflect the change in districts referred to in SECTION 3, above.

SECTION 6. This Ordinance shall take effect, and the annexation of the subject property shall become final, thirty days after this Ordinance is adopted.

SECTION 7. This Ordinance is not of general application throughout the City and therefore is not required to be codified.

SECTION 8. That the provisions of this Ordinance are not severable, and the entirety of this Ordinance shall become null and void and of no effect in the event any provision is finally determined to be illegal or invalid by a court of competent jurisdiction or if any provision should be invalidated by a referendum vote.

APPROVED AND ADOPTED this ____ day of _____, 2019.

Skip Hall, Mayor

Attest:

Approved as to form:

Sherry Aguilar, City Clerk

Robert Wingo, City Attorney

CERTIFICATION OF MAP

MAP OF AREA TO BE ANNEXED

I, _____ Mayor of the City of Surprise Arizona do hereby certify that the foregoing map as expressed in Exhibit B is a true and correct map of the territory annexed under and by virtue of the petition of the real and personal property owners in the said territory and by Ordinance No _____, annexing the territory described in Ordinance No _____ and as shown on said map as a part of the territory to be included within the corporate limits of the City of Surprise Arizona

Mayor

ATTEST

Clerk

Exhibit A

Metes and bounds legal description of the
Marisol Ranch Annexation Area

**MARISOL RANCH
ANNEXATION BOUNDARY
LEGAL DESCRIPTION**

That portion of land being situated within Sections 18, 19, and 30, Township 5 North, Range 1 West and Section 24, Township 5 North, Range 2 West of the Gila and Salt River Meridian, Maricopa County, Arizona, being more particularly described as follows:

BEGINNING at a found 2 inch Maricopa County aluminum cap accepted as the Northwest corner of said Section 18 from which a found 2-1/2 inch United States G.L.O. survey brass cap, up 8 inches, accepted as the North Quarter corner thereof bears South 89°56'07" East, 2684.77 feet;

Thence South 89°56'07" East, 2684.77 feet along the north line of the Northwest quarter of said Section 18 to the North quarter corner thereof;

Thence South 89°51'50" East, 2639.48 feet along the north line of the Northeast quarter of said Section 18 to the Northeast corner thereof;

Thence South 00°00'24" East, 2640.13 feet along the east line of said Northeast quarter to the East quarter corner thereof;

Thence South 00°00'48" West, 2641.61 feet along the east line of the Southeast quarter of said Section 18 to the Southeast corner thereof;

Thence North 89°53'28" West, 2640.49 feet along the south line of said Southeast quarter to the South quarter corner thereof;

Thence South 00°04'08" East, 457.65 feet along the north-south mid-section line of said Section 19;

Thence leaving said mid-section line, South 89°53'28" East, 1073.26 feet along the property described within the deed recorded in Document No. 2001-0199600, records of Maricopa County, Arizona;

Thence continuing along said deed line, South 31°52'57" West, 222.60 feet;

Thence continuing along said deed line, South 79°22'55" West, 971.88 feet;

Thence leaving said deed line, South 00°04'08" East, 1809.55 feet along the north-south mid-section line of said Section 19;

Thence South 89°49'37" East, 826.69 feet along the east-west mid-section line of said Section 19;

Thence leaving said mid-section line, North 57°57'11" East, 488.30 feet along the property described in the deed recorded in Document No. 2017-0050026, records of Maricopa County, Arizona;

Thence continuing along said deed line, South 00°04'00" East, 260.35 feet;

Thence leaving said deed line, South 89°49'37" East, 1399.51 feet along the east-west mid-section line of said Section 19 to the East quarter corner thereof;

Thence South 00°03'18" East, 2639.95 feet along the east line of the Southeast quarter of said Section 19 to the Southeast corner thereof;

Thence North 89°56'07" West, 2639.74 feet along the south line of last said Southeast quarter to the South quarter corner thereof;

Thence North 89°47'09" West, 2003.25 feet along the south line of the Southwest quarter of said Section 19;

Thence leaving said south line, South 00°00'37" West, 55.00 feet along the northerly extension of the east line of Lot 2 of the Minor Land Division as recorded in Book 1015, Page 23, Maricopa County Records, Arizona, to the northeast corner of said Lot 2;

Thence North 89°47'09" West, 683.10 feet along the north line of said Lot 2 and along the north line of Lot 1 of said Minor Land Division and the westerly prolongation of last said north line, also being the south line of the north 55.00 feet of said Section 30;

Thence North 00°01'39" West, 55.00 feet along the west line of the Northwest quarter of said Section 30, to the Northwest corner thereof;

Thence North 00°01'48" West, 1877.46 feet along the west line of the Southwest quarter of said Section 19;

Thence leaving last said west line, South 85°25'58" West, 55.17 feet along the northerly line of the property as described in the Warranty Deed, as recorded in Document No. 1995-0433967, Maricopa County Records, Arizona;

Thence leaving said northerly line, North 00°01'48" West, 109.44 feet along a line that is parallel with and 55.00 feet west of the west line of the Southwest quarter of said Section 19;

Thence leaving said parallel line, North 89°44'49" West, 2587.17 feet along the south line of the north half of the north half of the Southeast quarter of said Section 24;

Thence North 00°00'32" East, 660.97 feet along the west line of the Southeast quarter of said Section 24;

Thence South 89°44'32" East, 2641.72 feet along the north line of the Southeast quarter of said Section 24 to the West quarter corner of said Section 19;

Thence North 00°01'46" West, 2636.06 feet along the west line of the Northwest quarter of said Section 19 to the Northwest corner thereof;

Thence North 00°01'09" West, 2639.94 feet along the west line of the Southwest quarter of said Section 18 to the West quarter corner thereof;

Thence North 00°00'15" East, 2639.25 feet along the west line of the Northwest quarter of said Section 18 to the **POINT OF BEGINNING**.

Said portion of land containing 51,395,333 sq.ft., or 1179.8745 acres, more or less being subject to any easements, restrictions, rights-of-way of record or otherwise.

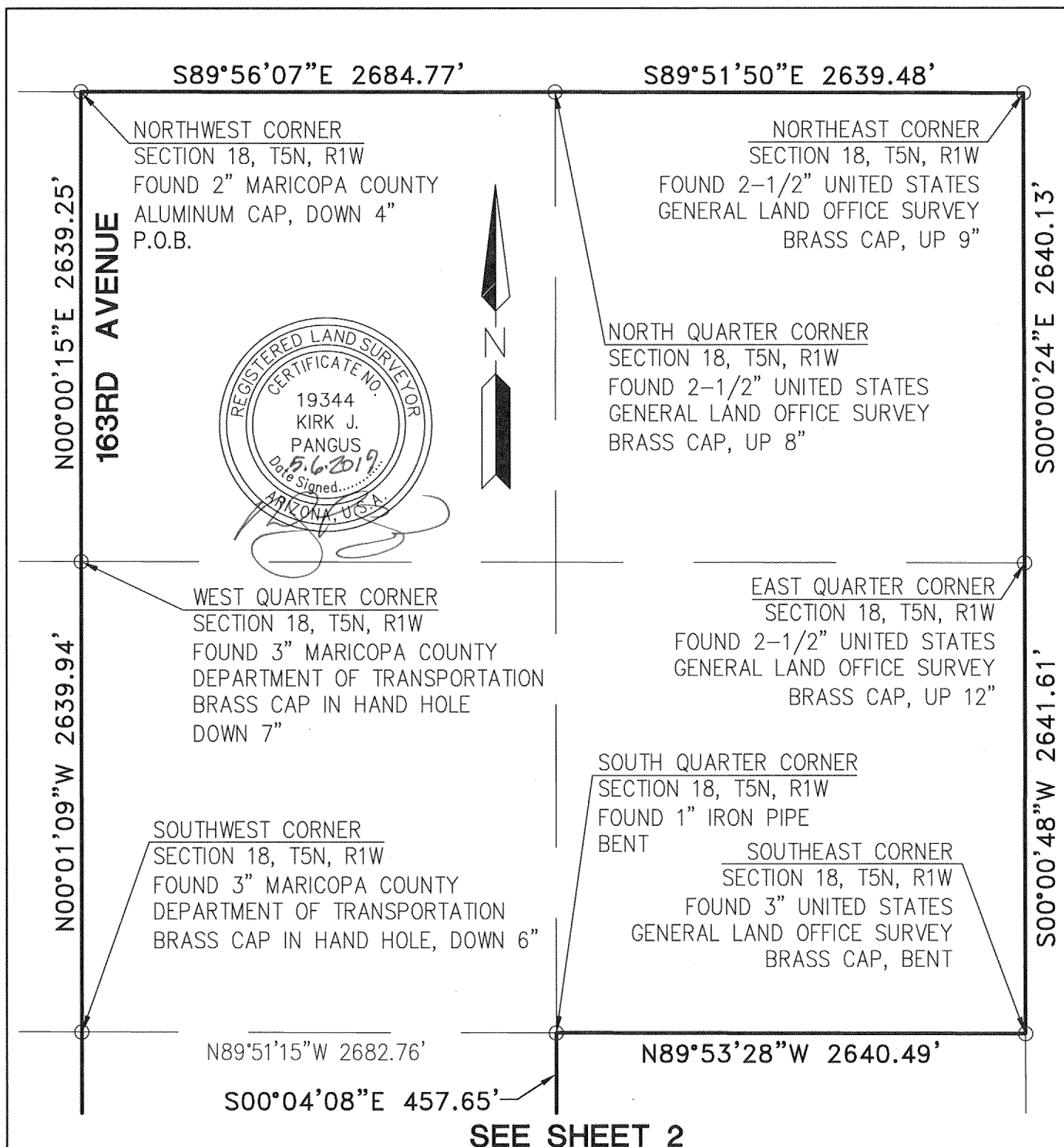
The description shown hereon is not to be used to violate any subdivision regulation of the state, county and/or municipality or any land division restrictions.

Prepared by: HILGARTWILSON, LLC
 2141 E. Highland Avenue, Suite 250
 Phoenix, AZ 85016
 Project No. 1766
 Date: May 2019



Exhibit B

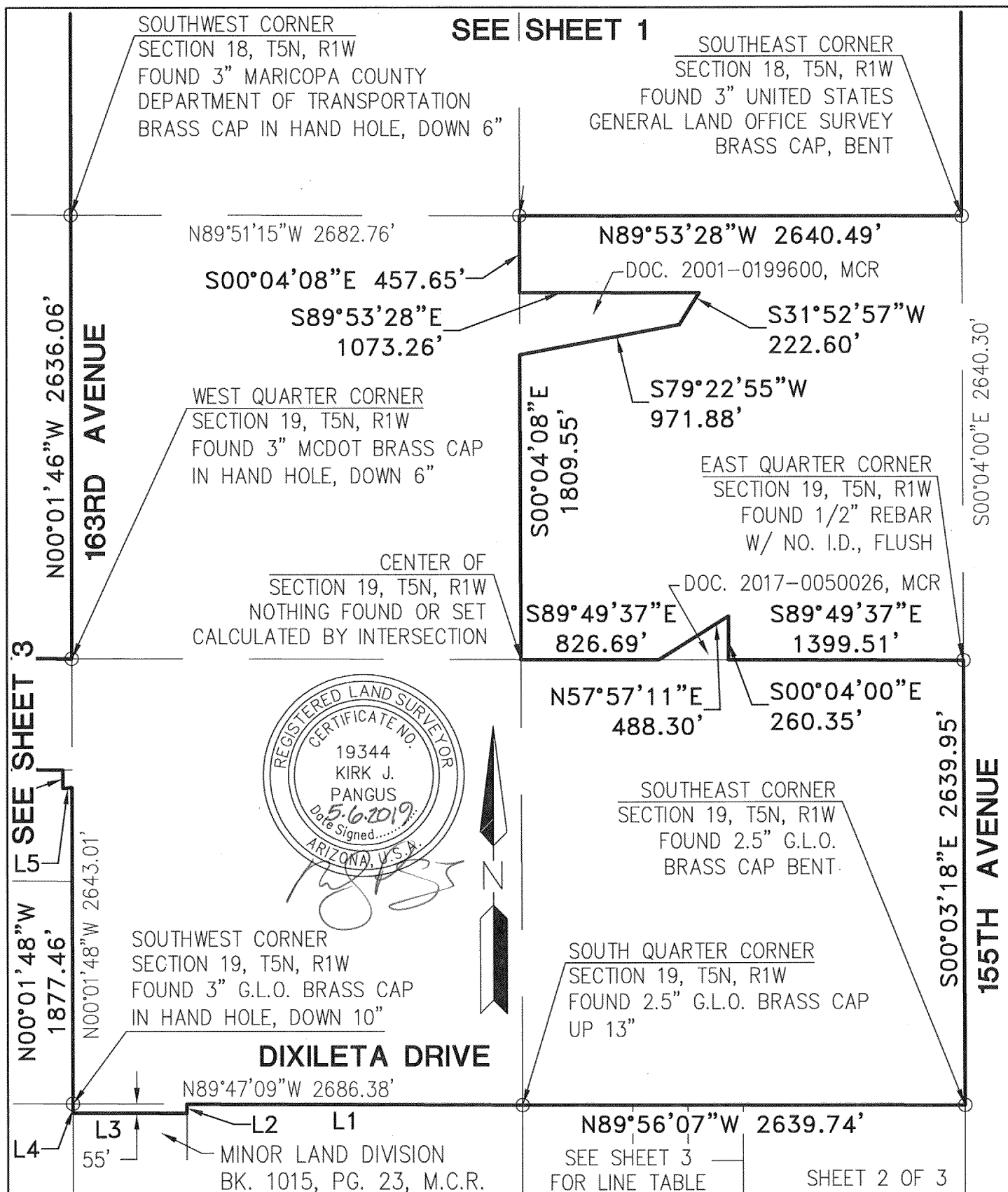
Exhibit of the legally defined Marisol Ranch Annexation Area



SEE SHEET 3
FOR LINE TABLE

SHEET 1 OF 3

PROJ.NO.: 1766	MARISOL RANCH ANNEXATION BOUNDARY MARICOPA COUNTY, ARIZONA	 HILGARTWILSON 2141 E. HIGHLAND AVE., STE. 250 PHOENIX, AZ 85016 P: 602.490.0535 / E: 602.368.2436
DATE: MAY 2019		
SCALE: N.T.S.		
DRAWN BY: JDL	EXHIBIT	
CHECKED BY: KJP		



PROJ.NO.: 1766

DATE: MAY 2019

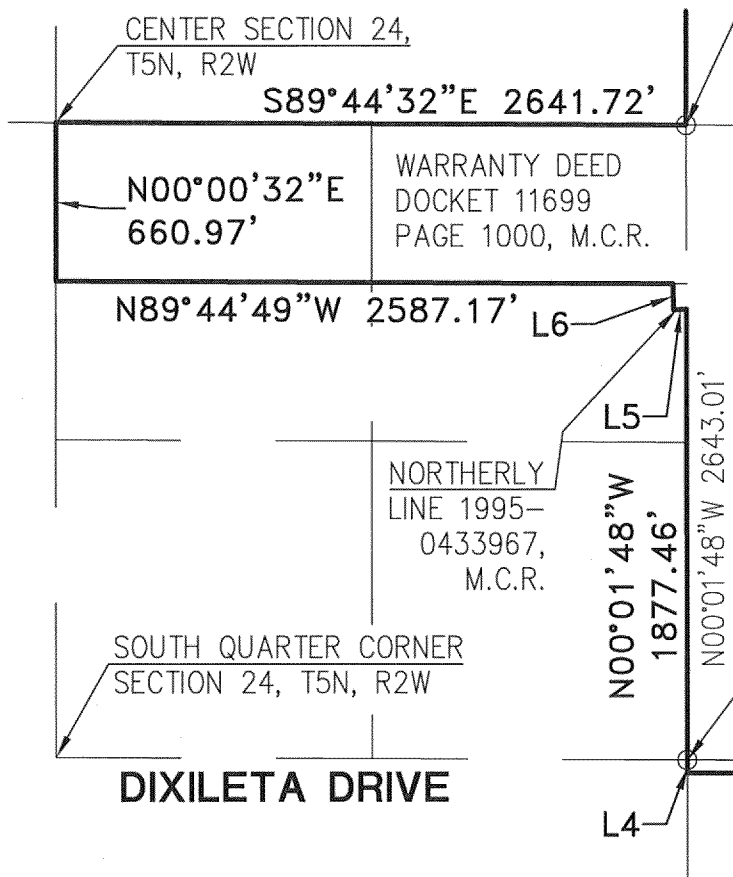
SCALE: N.T.S.

DRAWN BY: JDL

CHECKED BY: KJP

MARISOL RANCHANNEXATION BOUNDARY
MARICOPA COUNTY, ARIZONA**EXHIBIT**

HILGARTWILSON
2141 E. HIGHLAND AVE., STE. 250
PHOENIX, AZ 85016
P: 602.490.0535 / F: 602.368.2436



163RD AVENUE
SEE SHEET 2

SOUTHWEST CORNER
SECTION 19, T5N, R1W
FOUND 3" G.L.O. BRASS
CAP IN HAND HOLE, DOWN
10" STAMPED U.S.G.L.O.S.,
T5N, R1W, S19, S20, R2W,
S24, S25, DATED 1916

LINE TABLE		
LINE NO.	DIRECTION	LENGTH
L1	N89°47'09"W	2003.25'
L2	S00°00'37"W	55.00'
L3	N89°47'09"W	683.10'
L4	N00°01'39"W	55.00'
L5	S85°25'58"W	55.17'
L6	N00°01'48"W	109.44'



SHEET 3 OF 3

PROJ.NO.:	1766
DATE:	MAY 2019
SCALE:	NONE
DRAWN BY:	JDL
CHECKED BY:	KJP

MARISOL RANCH
ANNEXATION BOUNDARY
MARICOPA COUNTY, ARIZONA

EXHIBIT



HILGARTWILSON
2141 E. HIGHLAND AVE., STE. 250
PHOENIX, AZ 85016
P: 602.490.0535 / F: 602.368.2436

Exhibit C

Metes and bounds legal description and exhibit of the
Marisol 163, LLC properties
(APN's 503-52-001C and 503-52-001D)

Marisol 163, LLC (APN's 503-52-001C & 001D)

MARISOL RANCH MARISOL 163 LLC BOUNDARY LEGAL DESCRIPTION

That parcels of land being within the property as described in the Special Warranty Deed as recorded in Document No. 2013-1006862 & 2013-100693, Maricopa County Records, Arizona, lying within the West Half of Section 18, Township 5 North, Range 1 West of the Gila and Salt River Meridian, Maricopa County, Arizona, being more particularly described as follows:

BEGINNING at a found 3 inch Maricopa County Department of Transportation brass cap in hand hole accepted as the Southwest corner of said Section 18 from which a found 1 inch iron pipe accepted as the South Quarter corner 18 thereof bears South 89°51'15" East, 2682.76 feet;

Thence North 00°01'09" West, 2639.94 feet along the west line of the Southwest Quarter of said Section 18;

Thence leaving said west line, North 00°00'15" East, 1749.23 feet along the west line of the Northwest Quarter of said Section 18;

Thence leaving said west line, South 89°59'50" East, 672.68 feet along the west line of the property described in Special Warranty Deed recorded in Document No. 2013-1006931, Maricopa County Records;

Thence along said West line the following 8 courses:

Thence South 25°17'20" East, 1135.04 feet;

Thence South 60°30'23" East, 205.96 feet;

Thence South 26°34'29" East, 866.46 feet;

Thence South 07°59'37" East, 786.62 feet;

Thence South 09°35'31" East, 999.13 feet;

Thence South 29°55'18" East, 485.87 feet;

Thence South 14°53'59" East, 99.78 feet;

Thence South 00°08'50" West, 210.65 feet to the south line of the Southeast Quarter of said Section 18;

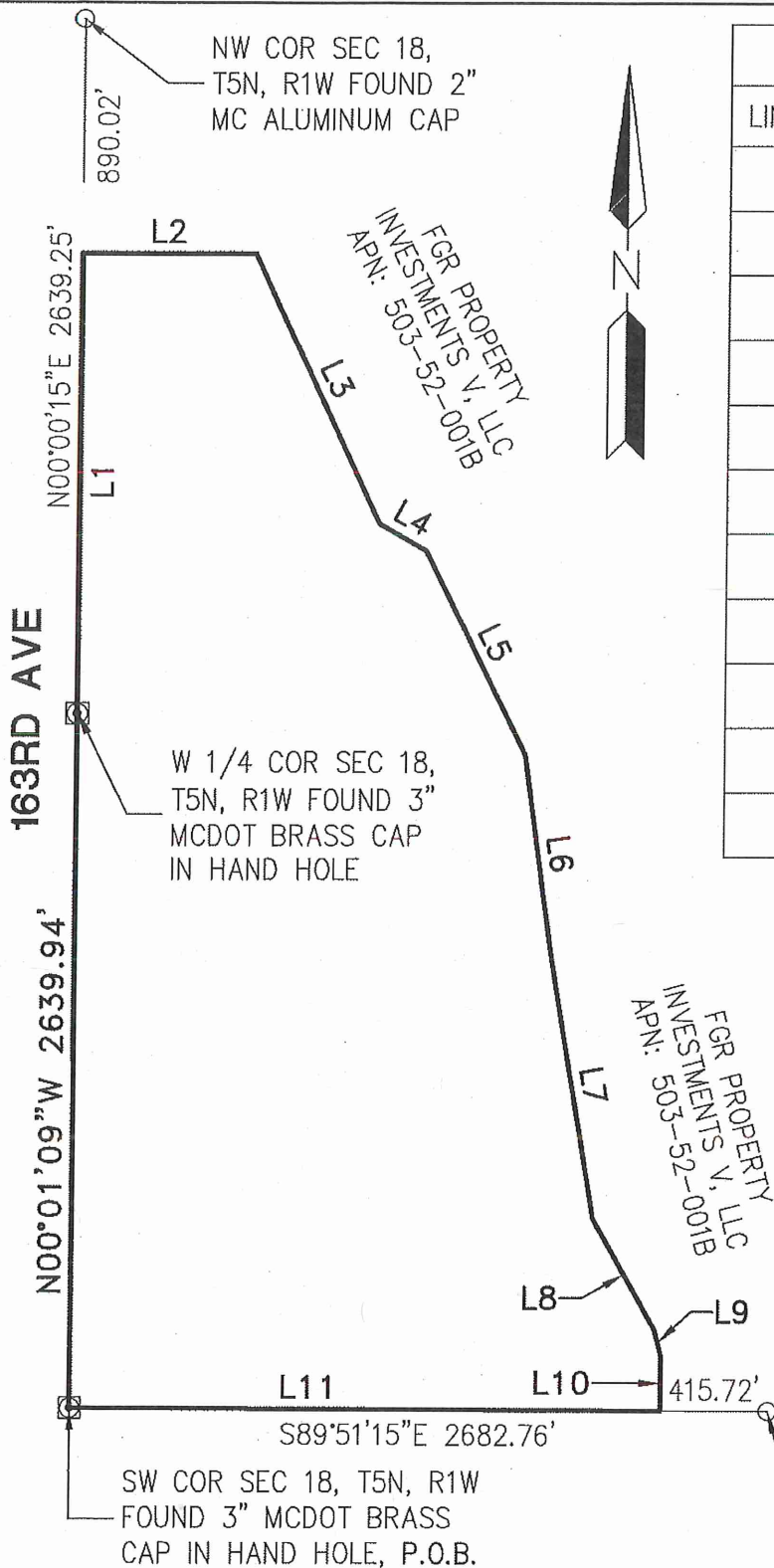
Thence leaving said west line, North 89°51'15" West, 2267.04 feet along said south line, to the **POINT OF BEGINNING**.

The above described parcel contains a computed area of 7,107,655 sq. ft. (163.1693 acres) more or less and being subject to any easements, restrictions, rights-of-way of record or otherwise.

The description shown hereon is not to be used to violate any subdivision regulation of the state, county and/or municipality or any land division restrictions.

Prepared by: HILGARTWILSON, LLC
2141 E. Highland Avenue, Suite 250
Phoenix, AZ 85016
Project No.: 1766
Date: April 2019





LINE TABLE		
LINE NO.	DIRECTION	LENGTH
L1	N00°00'15"E	1749.23'
L2	S89°59'50"E	672.68'
L3	S25°17'20"E	1135.04'
L4	S60°30'23"E	205.96'
L5	S26°34'29"E	866.46'
L6	S07°59'37"E	786.62'
L7	S09°35'31"E	999.13'
L8	S29°55'18"E	485.87'
L9	S14°53'59"E	99.78'
L10	S00°08'50"W	210.65'
L11	N89°51'15"W	2267.04'



P.O.B. - POINT OF BEGINNING

PAGE 3 OF 3

PROJ.NO.: 1766	MARISOL RANCH MARISOL 163, LLC BOUNDARY MARICOPA COUNTY, ARIZONA EXHIBIT	 HILGARTWILSON 2141 E. HIGHLAND AVE., STE. 250 PHOENIX, AZ 85016 P: 602.490.0535 / F: 602.368.2436
DATE: APR 2019		
SCALE: N.T.S.		
DRAWN BY: GS		
CHECKED BY: KJP		

Exhibit D

Metes and bounds legal description and exhibit of the
FGR Property Investments V, LLC properties
(APN's 503-52-001B and 503-52-002A)

FGR Property Investments V, LLC (APN's 503-52-001B & 002A)

MARISOL RANCH FGR PROPERTY BOUNDARY LEGAL DESCRIPTION

That parcels of land being the property as described in the Special Warranty Deeds as recorded in Document No. 1991-1006827 & 1999-1006827, Maricopa County Records, Arizona, lying within Section 18, Township 5 North, Range 1 West of the Gila and Salt River Meridian, Maricopa County, Arizona, being more particularly described as follows:

BEGINNING at a 2 inch Maricopa County Aluminum cap accepted as the Northwest corner of said Section 18 from which a found 3 inch Maricopa County Department of Transportation Brass cap in hand hole accepted as the West Quarter corner thereof bears South 00°00'15" West, 2639.25 feet;

Thence South 89°56'07" East, 2684.77 feet along the north line of the Northwest Quarter of said Section 18;

Thence leaving said north line of Northwest Quarter, South 89°51'50" East, 2639.48 feet along the north line of the Northeast Quarter of said Section 18;

Thence leaving said north line, South 00°00'24" East, 2640.13 feet along the east line of the Northeast Quarter of said Section 18;

Thence leaving said east line of Northeast Quarter, South 00°00'48" West, 1441.61 feet along the east line of the Southeast Quarter of said Section 18;

Thence leaving said east line, North 89°53'28" West, 225.00 feet along the north line of the Warranty Deed Recorded in Docket 12027, Page 758, Maricopa County Records;

Thence continuing along said Warranty Deed the following 3 courses:

Thence South 00°00'48" West, 900.00 feet;

Thence North 89°53'28" West, 775.00 feet;

Thence South 00°00'48" West, 300.00 feet to the south line of the Southeast Quarter of said Section 18;

Thence leaving said Warranty Deed, North 89°53'28" West, 1640.49 feet along said south line;

Thence leaving said south line of the Southeast Quarter, North 89°51'15" West, 415.72 feet along the south line of the Southwest Quarter;

Thence leaving said south line, North 00°08'50" East, 210.65 feet along the East line of the property described in Special Warranty Deed recorded in Document No. 2013-10006931, Maricopa County Records;

Thence along said east line the following 8 courses:

Thence North 14°53'59" West, 99.78 feet;

Thence North 29°55'18" West, 485.87 feet;

Thence North 09°35'31" West, 999.13 feet;

Thence North 07°59'37" West, 786.62 feet;

Thence North 26°34'29" West, 866.46 feet;

Thence North 60°30'23" West, 205.96 feet;

Thence North 25°17'20" West, 1135.04 feet;

Thence North 89°59'50" West, 672.68 feet to the west line of the Northwest Quarter of said Section 18;

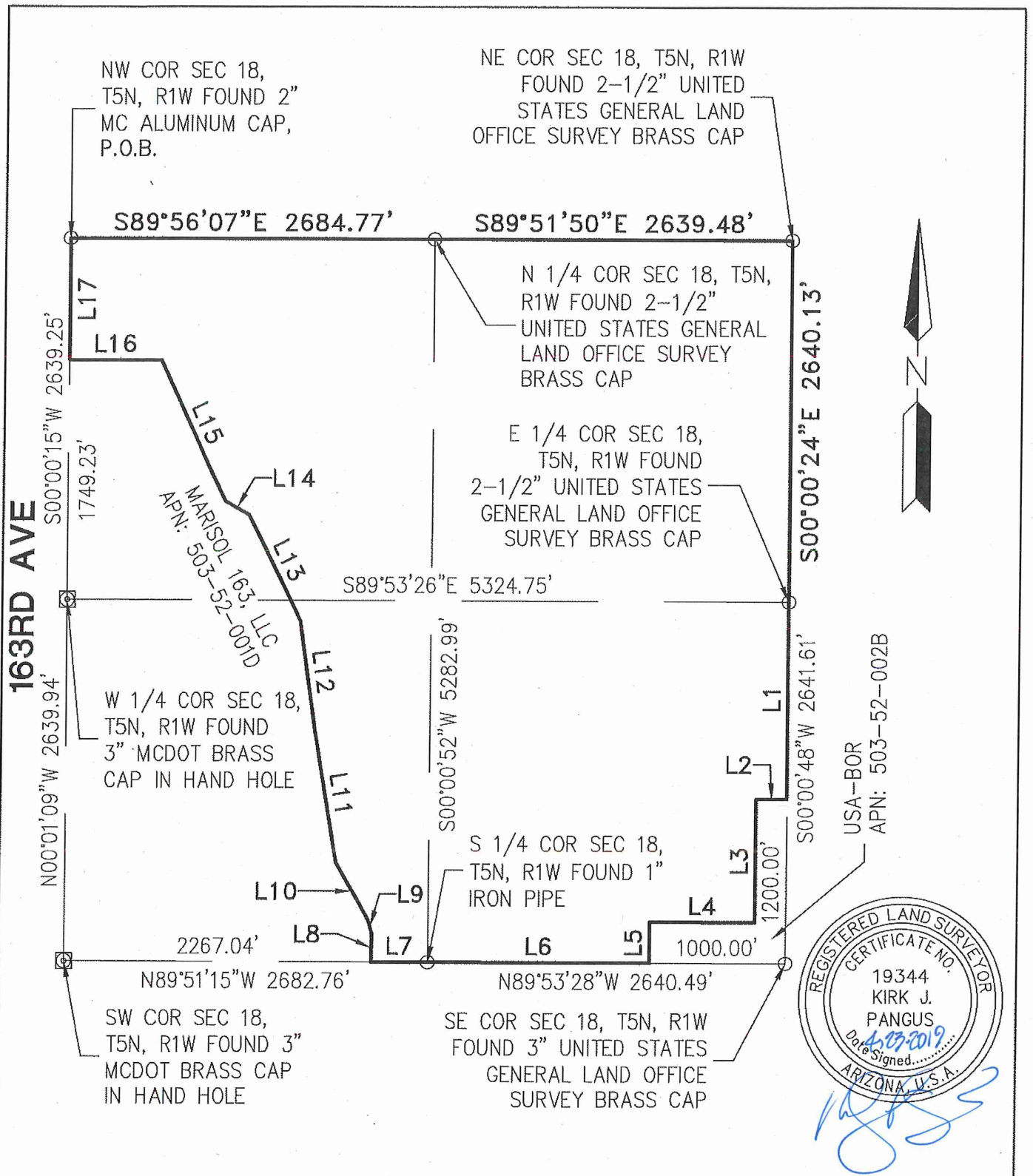
Thence leaving said east line, North 00°00'15" East, 890.02 feet along the west line, to the **POINT OF BEGINNING**.

The above described parcel contains a computed area of 20,511,007 sq. ft. (470.8679 acres) more or less and being subject to any easements, restrictions, rights-of-way of record or otherwise.

The description shown hereon is not to be used to violate any subdivision regulation of the state, county and/or municipality or any land division restrictions.

Prepared by: HILGARTWILSON, LLC
2141 E. Highland Avenue, Suite 250
Phoenix, AZ 85016
Project No.: 1766
Date: April 2019





P.O.B. - POINT OF BEGINNING

PAGE 3 OF 4

PROJ.NO.: 1766	MARISOL RANCH FRG PROPERTY BOUNDARY MARICOPA COUNTY, ARIZONA EXHIBIT	 HILGARTWILSON 2141 E. HIGHLAND AVE., STE. 250 PHOENIX, AZ 85016 P: 602.490.0535 / F: 602.368.2436
DATE: APR 2019		
SCALE: N.T.S.		
DRAWN BY: GS		
CHECKED BY: KJP		

LINE TABLE		
LINE NO.	DIRECTION	LENGTH
L1	S00°00'48"W	1441.61'
L2	N89°53'28"W	225.00'
L3	S00°00'48"W	900.00'
L4	N89°53'28"W	775.00'
L5	S00°00'48"W	300.00'
L6	N89°53'28"W	1640.49'
L7	N89°51'15"W	415.72'
L8	N00°08'50"E	210.65'
L9	N14°53'59"W	99.78'
L10	N29°55'18"W	485.87'
L11	N09°35'31"W	999.13'
L12	N07°59'37"W	786.62'
L13	N26°34'29"W	866.46'
L14	N60°30'23"W	205.96'
L15	N25°17'20"W	1135.04'
L16	N89°59'50"W	672.68'
L17	N00°00'15"E	890.02'



PAGE 4 OF 4

PROJ.NO.: 1766	MARISOL RANCH FRG PROPERTY BOUNDARY MARICOPA COUNTY, ARIZONA EXHIBIT	 HILGARTWILSON 2141 E. HIGHLAND AVE., STE. 250 PHOENIX, AZ 85016 P: 602.490.0535 / F: 602.368.2436
DATE: APR 2019		
SCALE: NONE		
DRAWN BY: GS		
CHECKED BY: KJP		

Exhibit E

Metes and bounds legal description and exhibit of
the ASLD properties
(503-52-004A and 503-52-004C)

**LONE MOUNTAIN RANCH
A.S.L.D. PROPERTY #1
LEGAL DESCRIPTION**

That portion of land being situated within the South half of Section 19, Township 5 North, Range 1 West of the Gila and Salt River Meridian, Maricopa County, Arizona, being more particularly described as follows:

COMMENCING at a found 3 inch Maricopa County Department of Transportation brass cap in hand hole accepted as the West quarter corner of said Section 19 from which a found 3 inch Maricopa County Department of Transportation brass cap in hand hole, accepted as the Northwest corner thereof bears North 00°01'46" West, 2636.06 feet;

Thence South 00°01'48" East, 765.55 feet along the west line of the Southwest quarter of said Section 19 to the **POINT OF BEGINNING**;

Thence leaving said west line, North 85°25'58" East, 686.69 feet;

Thence South 04°34'02" East, 50.00 feet;

Thence North 85°25'58" East, 100.00 feet;

Thence North 04°34'02" West, 50.00 feet;

Thence North 85°25'58" East, 1808.30 feet;

Thence South 32°02'49" East, 125.59 feet;

Thence North 57°57'11" East, 200.00 feet;

Thence North 32°02'49" West, 100.00 feet;

Thence North 57°57'11" East, 559.95 feet;

Thence South 32°02'49" East, 50.00 feet;

Thence North 57°57'11" East, 100.00 feet;

Thence North 32°02'49" West, 50.00 feet;

Thence North 57°57'11" East, 214.27 feet;

Thence South 89°49'37" East, 1813.71 feet along the east-west mid-section line of said Section 19 to the East quarter corner thereof;

Thence South 00°03'18" East, 2639.95 feet along the east line of the Southeast quarter of said Section 19 to the Southeast corner thereof;

Thence North 89°56'07" West, 2639.74 feet along the south line of said Southeast quarter to the South quarter corner thereof;

Thence North 89°47'09" West, 2686.38 feet along the south line of the Southwest quarter of said Section 19 to the Southwest corner thereof;

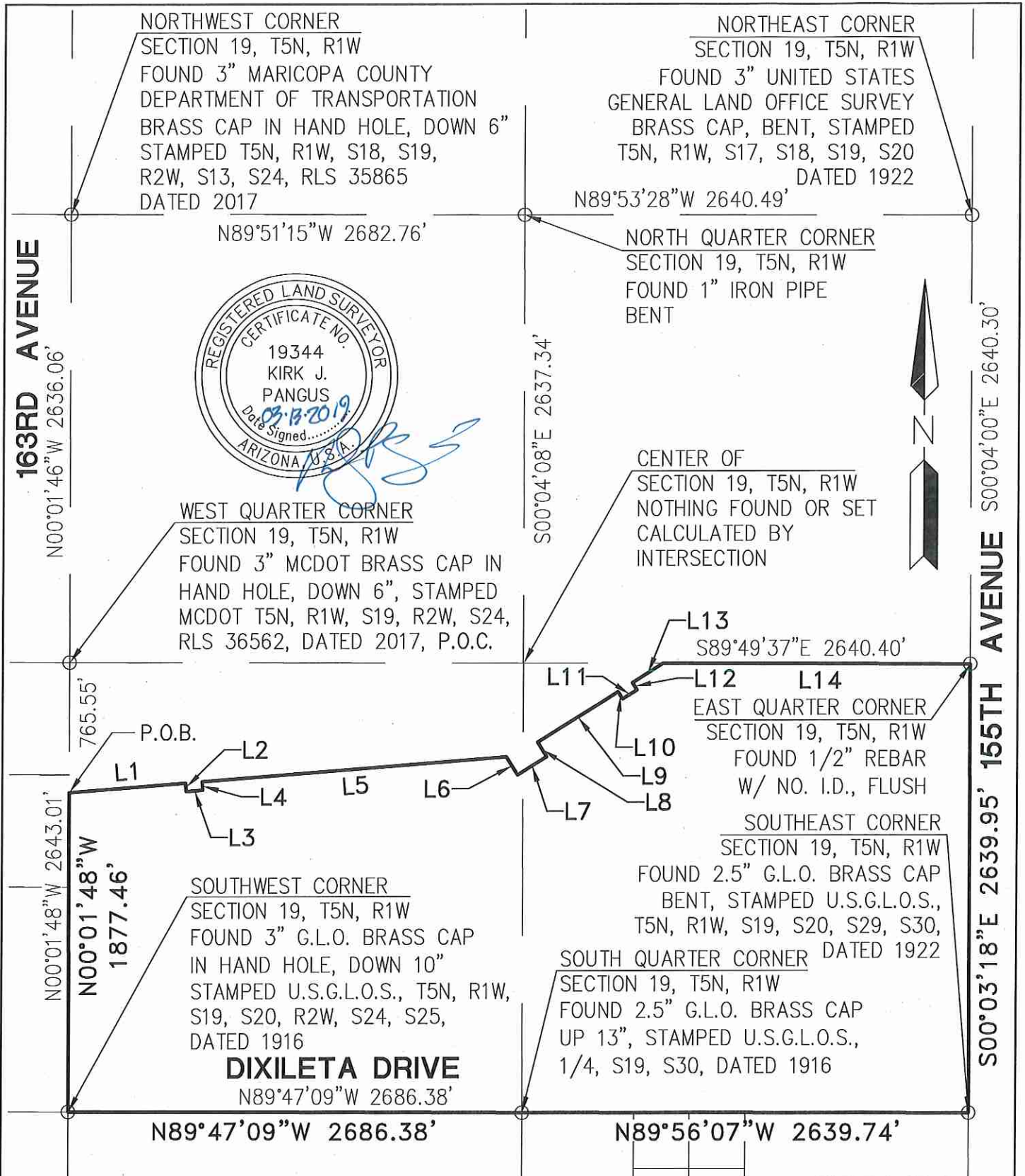
Thence North 00°01'48" West, 1877.46 feet along the west line of said Southwest quarter to the **POINT OF BEGINNING**.

Said portion of land containing 12,075,026 sq.ft., or 277.2045 acres, more or less being subject to any easements, restrictions, rights-of-way of record or otherwise.

The description shown hereon is not to be used to violate any subdivision regulation of the state, county and/or municipality or any land division restrictions.

Prepared by: HILGARTWILSON, LLC
2141 E. Highland Avenue, Suite 250
Phoenix, AZ 85016
Project No. 1766
Date: March 2019





SHEET 1 OF 2

PROJ.NO.: 1766	LONE MOUNTAIN RANCH A.S.L.D. PROPERTY #1 MARICOPA COUNTY, ARIZONA EXHIBIT	 HILGARTWILSON 2141 E. HIGHLAND AVE., STE. 250 PHOENIX, AZ 85016 P: 602.490.0535 / F: 602.368.2436
DATE: MAR. 2019		
SCALE: N.T.S.		
DRAWN BY: JDL		
CHECKED BY: KJP		

LINE TABLE		
LINE NO.	DIRECTION	LENGTH
L1	N85°25'58"E	686.69'
L2	S04°34'02"E	50.00'
L3	N85°25'58"E	100.00'
L4	N04°34'02"W	50.00'
L5	N85°25'58"E	1808.30'
L6	S32°02'49"E	125.59'
L7	N57°57'11"E	200.00'
L8	N32°02'49"W	100.00'
L9	N57°57'11"E	559.95'
L10	S32°02'49"E	50.00'
L11	N57°57'11"E	100.00'
L12	N32°02'49"W	50.00'
L13	N57°57'11"E	214.27'
L14	S89°49'37"E	1813.71'



SHEET 2 OF 2

PROJ.NO.: 1766	LONE MOUNTAIN RANCH A.S.L.D. PROPERTY #1 MARICOPA COUNTY, ARIZONA EXHIBIT	 HILGARTWILSON 2141 E. HIGHLAND AVE., STE. 250 PHOENIX, AZ 85016 P: 602.490.0535 / F: 602.368.2436
DATE: MAR. 2019		
SCALE: NONE		
DRAWN BY: JDL		
CHECKED BY: KJP		

**LONE MOUNTAIN RANCH
A.S.L.D. PROPERTY #2
LEGAL DESCRIPTION**

That portion of land being situated within the Northwest quarter of Section 19, Township 5 North, Range 1 West of the Gila and Salt River Meridian, Maricopa County, Arizona, being more particularly described as follows:

BEGINNING at a found 3 inch Maricopa County Department of Transportation brass cap in hand hole accepted as the Northwest corner of said Section 19 from which a found 3 inch Maricopa County Department of Transportation brass cap in hand hole, accepted as the West Quarter corner thereof bears South 00°01'46" East, 2636.06 feet;

Thence South 89°51'15" East, 2682.76 feet along the north line of said Northwest quarter to the North quarter corner thereof;

Thence South 00°04'08" East, 827.79 feet along the north-south mid-section line of said Section 19;

Thence leaving said north-south mid-section line, South 79°22'55" West, 292.19 feet;

Thence South 60°56'47" West, 869.45 feet;

Thence South 72°26'27" West, 1715.51 feet;

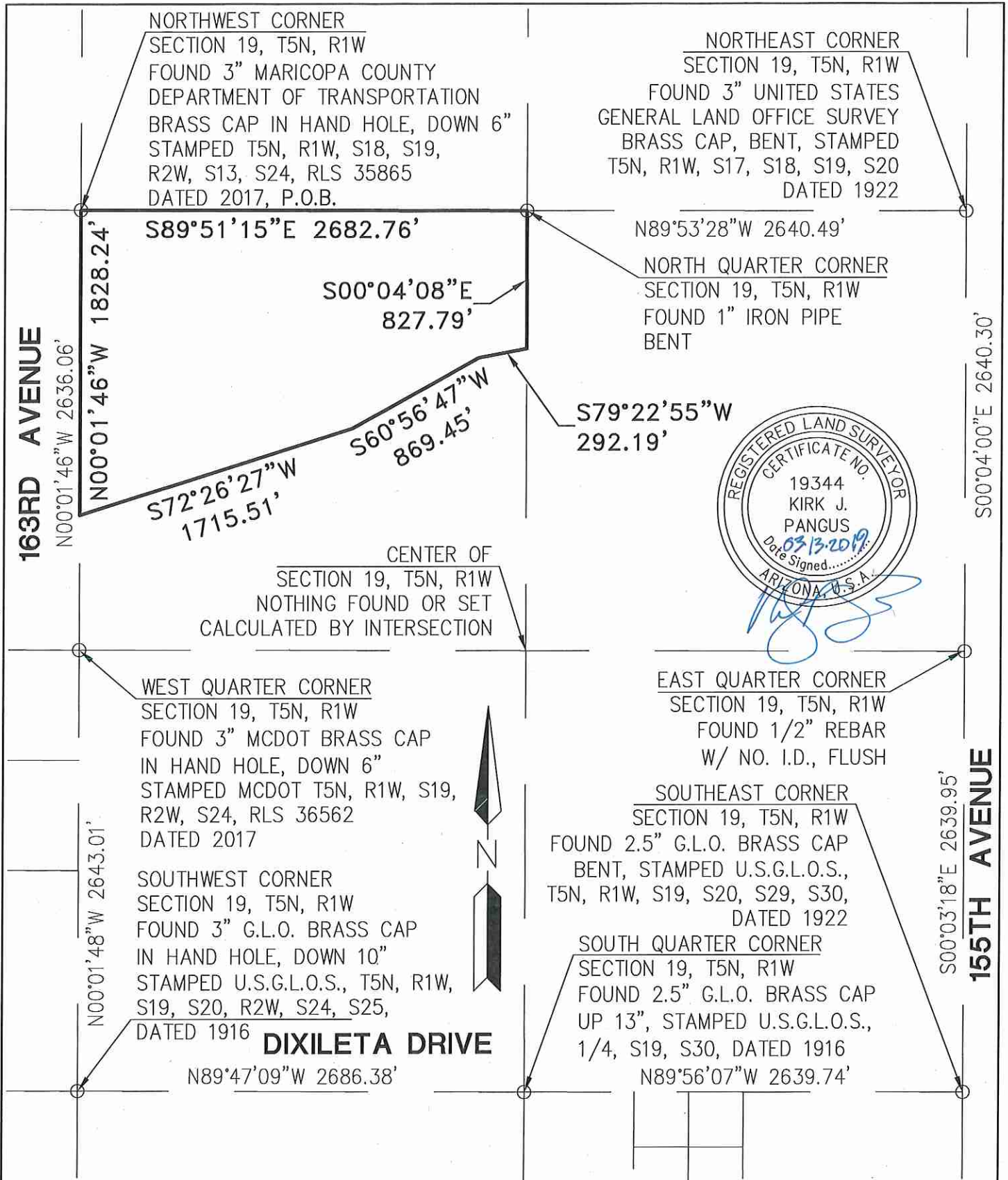
Thence North 00°01'46" West, 1828.24 feet along the west line of said Northwest quarter, to the **POINT OF BEGINNING**.

Said portion of land containing 3,641,414 sq.ft., or 83.5954 acres, more or less being subject to any easements, restrictions, rights-of-way of record or otherwise.

The description shown hereon is not to be used to violate any subdivision regulation of the state, county and/or municipality or any land division restrictions.

Prepared by: HILGARTWILSON, LLC
2141 E. Highland Avenue, Suite 250
Phoenix, AZ 85016
Project No. 1766
Date: March 2019





PROJ.NO.: 1766	LONE MOUNTAIN RANCH A.S.L.D. PROPERTY #2 MARICOPA COUNTY, ARIZONA EXHIBIT	 HILGARTWILSON 2141 E. HIGHLAND AVE., STE. 250 PHOENIX, AZ 85016 P: 602.490.0535 / F: 602.368.2436
DATE: MAR. 2019		
SCALE: N.T.S.		
DRAWN BY: JDL		
CHECKED BY: KJP		

Exhibit F

Zoning Table

APN	Owner	Pre-annexation Maricopa County Zoning	Post-annexation Surprise Zoning
503-52-002A	FGR Property Investments V, LLC	R1-18 RUPD PAD, R1-10 RUPD PAD, R1-8 RUPD PAD, R1-7 RUPD PAD, R1-6 RUPD PAD, R-2 RUPD PAD	See Exhibit G
503-52-001B	FGR Property Investments V, LLC	R1-18 RUPD PAD, R1-10 RUPD PAD, R1-8 RUPD PAD, R1-7 RUPD PAD, R1-6 RUPD PAD, R-2 RUPD PAD	See Exhibit G
503-52-001C	Marisol 163, LLC	R1-18 RUPD PAD, R1-10 RUPD PAD, R1-8 RUPD PAD, R1-7 RUPD PAD, R1-6 RUPD PAD, R-2 RUPD PAD	See Exhibit G
503-52-001D	Marisol 163, LLC	R1-18 RUPD PAD, R1-10 RUPD PAD, R1-8 RUPD PAD, R1-7 RUPD PAD, R1-6 RUPD PAD, R-2 RUPD PAD	See Exhibit G
503-51-963	USA-BOR	Rural-43	Rural Residential (RR)
503-52-002B	USA-BOR	Rural-43	Rural Residential (RR)
503-52-004B	USA-BOR	Rural-43	Rural Residential (RR)
503-52-003D	Richard & Kimberly Lebhart	Rural-43	Rural Residential (RR)
503-52-003Y	McDowell Peak Holdings, LLC	Rural-43	Rural Residential (RR)
503-52-004A	ASLD	Rural-43	Rural Residential (RR)
503-52-004C	ASLD	Rural-43	Rural Residential (RR)

Exhibit G

Marisol Ranch PAD Narrative for
Equivalent Zoning

Marisol Ranch

PAD Narrative for Equivalent Zoning

January 2018

Revised Submittal: February 2019

Prepared For

FRG Property Investments, LLC &
Marisol 163, LLC

Case #FS18-417



RVi Planning
120 S Ash Ave
Tempe, AZ 85281



Earl, Curley & Lagarde
101 N Central Ave #100
Phoenix, AZ 85012



Hilgart Wilson
2141 E Highland Ave #250
Phoenix, AZ 85016

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Appendices

Appendix A: ALTA Survey

Development Team

Owner Representative

Montage Holdings

Garth Wieger & Tim Keenen

3219 E. Camelback Road, #535,

Phoenix, AZ, 85018-2307

GarthW@montage-holdings.com & TimK@montage-holdings.com

Phone: (602) 316-8971

Land Owner

FRG Property Investments, LLC

Marisol 163, LLC

C/O: Francesca Godi

6811 E. Thomas Road,

Scottsdale AZ 85251-6826

francesca@thegodigroup.com

Phone: (602) 770-3415

Zoning Attorney

Earl, Curley & Lagarde

Greg Loper & Rod Jarvis

3101 N. Central Avenue # 100,

Phoenix, AZ 85012

gloper@ecllaw.com & rjarvis@ecllaw.com

Phone: (602) 265-0094

Land Planner/Applicant

RVi Planning + Landscape Architecture

Mark Reddie

120 S. Ash Avenue,

Tempe, AZ 85281

mreddie@rviplanning.com

Phone: (480) e994-0994

Civil Engineer

HILGARTWILSON

Zach Hilgart & Ty Wilson

2141 E. Highland Avenue, Suite 250

Phoenix, AZ 85016

zhilgart@HilgartWilson.com & twilson@hilgartwilson.com

Phone: (602) 490-0535

1.0 PROJECT OVERVIEW

1.1 Introduction

Marisol Ranch is a 634.01-acre master planned community located at the northeast corner of 163rd Avenue and Lone Mountain Road within an unincorporated portion of Maricopa County. The site location is shown on **Figure 1, Vicinity Map**.

The Marisol Ranch Master Plan was established in 2002 under the jurisdiction of Maricopa County (Application #: Z-2000-095) and amended (Application # Z-2014-099). At the time of this approval, it was anticipated that Marisol Ranch might one day be annexed into the City of Surprise. A request for annexation into Surprise is being processed concurrently with this PAD zoning application under case number FS18-417. The Marisol Ranch PAD, as presented with the annexation, is intended to establish the equivalent zoning for annexation purposes in accordance with state statute. Per the approved county plan, this PAD anticipates 1,882 lots on 634.01 acres for an overall density of 2.97 du/ac. The site plan provides for a mix of residential densities, a 7.23-acre commercial pad, a school site, natural and improved open space, among other uses.

This PAD document is intended to provide equivalency zoning for the property consistent with the regulations and requirements of the City of Surprise Municipal Code. This document establishes policies and regulatory standards for the property related to zoning, land use, density, intensity, public infrastructure, public facilities and open space preservation consistent with the existing zoning on the property prior to annexation.

2.0 EXISTING CONDITIONS ANALYSIS

2.1 Property Location and Description

Location

Marisol Ranch consists of approximately 634.01 acres located in the northwest portion of the City of Surprise Planning Area. The property is made up of four parcels, APN #s 503-52-002A, 503-52-001B, 503-52-001C and 503-52-001D (see **Appendix A, Alta Survey**). The site is generally bounded by the Reems Road alignment on the east, 163rd Avenue/Sarival Avenue on the west, Lone Mountain Road on the south, and the Dove Valley Road alignment on the north. This entire square mile area is included within the Marisol Ranch site except for an approximately 11.5-acre L-shaped parcel near the southeast corner which is owned by the United States of America (APN # 503-52-002B).

Ownership Control

Parcels 503-52-001A & 503-52-001B are owned by FGR Property Investments V, LLC and parcels 503-52-001C & 503-52-001D are owned by Marisol 163, LLC.

Table 1, *Ownership Summary* defines the site’s ownership with existing and proposed zoning designations.

Table 1 ~ Ownership Summary			
APN	Ownership	County Zoning	Equivalent Zoning
503-52-002A	FGR Property Investments, LLC	RU-43 RUPD, R1-18	PAD with RL, RM, CN, PF & OS Base Districts
503-52-001B	FGR Property Investments, LLC	RUPD, R1-10 RUPD, R1-8	
503-52-001D	Marisol 163, LLC	RUPD, R1-7 RUPD, R1-6	
503-51-001C	Marisol 163, LLC	RUPD, R-2 RUPD, C-1	

Municipal Boundaries

Marisol Ranch is located within an unincorporated portion of Maricopa County. The site is within the planning area of the Surprise General Plan, although the current city boundary is located one-mile to the south. The corporate boundary of the City of Peoria runs adjacent to the north and east sides of the site. To annex the site into the City of Surprise, portions of the State Land and BLM parcels to the south will also need to be annexed to meet State annexation statutes.

Surrounding Property Ownership

The site is bordered by Arizona State Trust Land to the north and east, and a mix of State land, Federal land and private development parcels to the south, and large lot residential development to the west.

2.2 Existing Land Use, General Plan Designation and Zoning

Existing Land Use

The Marisol Ranch site is currently undeveloped, vacant desert land. Except for a few jeep trails that crisscross the site, the site remains largely in its natural, undisturbed condition.

Existing Zoning

The Marisol Ranch Zoning (per Application #Z-2000-095) and amended (Application #Z-2014-099) was established within Maricopa County using Maricopa County zoning districts, including an RUPD overlay to allow for modified development standards. As shown on **Figure 2, *Existing Zoning Map***, the property is currently zoned with a variety of residential zoning districts ranging from R-2 RUPD to R-43 RUPD. Commercial and open space districts are also located on the site.

Existing General Plan

Figure 3, *Existing General Plan Land Use Map* identifies two land use character area designations within the City of Surprise 2035 General Plan, including “Neighborhood” and “Open Space”. The open space designation is a linear trail corridor that runs in a northwesterly direction

encompassing one of the primary wash corridors within the property. The remainder of the site falls within the “Neighborhood” land use character area designation. The “Neighborhood” designation is intended to be primarily residential in nature, but also supports commercial and public facility uses to serve residential neighborhoods. Density in this area can range from 1-8 dwelling units per acre. With an overall density of 2.97 dwelling units per acre, the development plan proposed within the existing County zoning is consistent with the “Neighborhood” development pattern as outlined in the City of Surprise 2035 General Plan.

2.3 Regional Facilities and Services

Existing Transportation/Roadways

The property is currently accessed via the Loop 303 Freeway and Grand Avenue to 163rd Avenue to the property. Collectively, these roadways provide regional access to and from the southeast and southwest.

School District

Marisol Ranch is located within the boundaries of the Nadaburg Unified School District. The District presently has two elementary schools, including Desert Oasis Elementary School located approximately 5 miles from the site at the southwest corner of 171st Avenue and Bajada Road, and Nadaburg Elementary School located approximately 16 miles from the site at the southeast corner of Center Street and Dove Valley Road in the Whitman area. These schools will not have capacity to handle the population of Marisol Ranch at full build-out. To adequately support the Marisol Ranch community, the land use plan includes a site for a new K-8 school. This site will be donated to the school district upon execution of a development agreement between the School District and the Landowner. It is likely that this school will also serve existing and future residents in the immediate surrounding area. Discussions are ongoing with the school district and a developer assistance agreement will be executed prior to development commencing on the property.

Because the Nadaburg Unified School District does not currently have its own high school, students living in Marisol Ranch would be able to attend the high schools in neighboring districts. Many Nadaburg students attend Sunrise Mountain High School in Peoria and Wickenburg High School. The Nadaburg School District is in talks to build its own high school within the next 3-5 years. If this happens, students living in Marisol Ranch would have the opportunity to attend this new high school.

Law Enforcement, Fire and Refuse Service

Upon annexation into the City of Surprise, fire & emergency services, law enforcement services, and refuse collection will be provided by the City of Surprise. The nearest fire station, Surprise Fire-Medical Station #304, is located 4 miles south of site on 163rd Avenue and the Happy Valley Road alignment. This temporary fire station is planned to be replaced with a new permanent fire station to be located at the southwest corner of 163rd Avenue and the San Ysidro alignment.

The potential exists for a new police facility to be located at the northwest corner of 163rd Avenue and the San Ysidro Alignment and a future fire-medical station or police substation could be accommodated within the Marisol Ranch community, if needed, to adequately serve the development.

3.0 DESCRIPTION OF REQUEST

3.1 PAD Zoning & Regulatory Development Standards

Development Plan Concept

The Marisol Ranch zoning map was designed based on the opportunities and constraints affiliated with the natural topography and features of the site. The more intensive zoning districts are located near the southern and western portions of the property where the topography is relatively flat, while the less intensive districts are located within the northeast portion of the property where steeper topography and hillside areas are more prevalent. See **Figure 4, *Proposed Zoning Map*** for the location of each proposed zoning district within Marisol Ranch, consistent with the equivalent zoning in Maricopa County.

There are three major wash corridors and several smaller tributaries that traverse the site from north to south, all of which will be preserved in their natural state except for occasional wash crossings for roadway and trail connections. An internal collector road will connect Lone Mountain Road to 163rd Avenue through the central portion of the property, providing vehicular access to the various development parcels. Additional local street connections will be provided between development parcels as each area is developed. A library and K-8 school site will be located near the center of the community along the collector road, providing excellent access and walkability from all areas of the community. A large community park is planned in the northwest corner of site which will be directly connected to the community-wide trail system. A commercial development parcel at the northeast corner of 163rd Avenue and Lone Mountain Road is planned to serve the community and surrounding area with commercial and retail services.

Marisol Ranch is comprised of 22 development parcels. The overall layout of the development parcels as originally approved in Maricopa County is shown in **Figure 5a, *Existing County Zoning and Land Use Master Plan***. **Figure 5b, *Equivalent Land Use Master Plan*** shows the equivalent zoning in the City using the most consistent City Zoning Districts. A total of 1,882 residential units are permitted within the Marisol Ranch community for an overall gross density of 2.97 du/ac. Since identical zoning districts do not exist between Maricopa County and the City of Surprise, this PAD document establishes equivalency zoning districts and development standards that will be adopted for Marisol Ranch using the PAD zoning district within the Surprise Municipal Code (Section 122-38) upon annexation.

Additionally, **Table 2, Equivalent Zoning for Marisol Ranch** defines the zoning category, gross and net parcel acreage, projected unit count, and development standards category for each development parcel within the community.

Table 2 ~ Equivalent Zoning for Marisol Ranch							
Parcel #	Gross Parcel Area	Existing County Zoning ⁴	Allowed Land Use	Lot Yield ¹	Gross Parcel Density	Surprise Equivalent Zoning ²	Development Standards Category ³
Residential Parcels							
A	34	R1-6 RUPD	Single-Family Residential	115	3.38	PAD (RL)	5
B	54.1	R1-6 RUPD	Single-Family Residential	177	3.27	PAD (RL)	5
C	24.7	R-2 RUPD	Townhomes/ Med. Density Res.	207	8.38	PAD (RM)	6
D	47.2	R1-6 RUPD	Single-Family Residential	218	4.62	PAD (RL)	5
E	46.7	R1-6 RUPD	Single-Family Residential	200	4.28	PAD (RL)	5
F	42.9	R1-7 RUPD	Single-Family Residential	151	3.52	PAD (RL)	4
G	53.2	R1-7 RUPD	Single-Family Residential	182	3.42	PAD (RL)	4
H	35.4	R1-7 RUPD	Single-Family Residential	129	3.64	PAD (RL)	4
I	49	R1-8 RUPD	Single-Family Residential	152	3.1	PAD (RL)	3
J	55.2	R1-8 RUPD	Single-Family Residential	154	2.79	PAD (RL)	3
K	45.9	R1-8 RUPD	Single-Family Residential	139	3.03	PAD (RL)	3
L	16.5	R1-10 RUPD	Single-Family Residential	36	2.18	PAD (RL)	2
M	15.6	R1-18 RUPD	Single-Family Residential	22	1.41	PAD (RL)	1
Non-Residential Parcels							
N	12.0	R-43	School	-	-	PAD (PF)	7
O	5.0	R-43	Library	-	-	PAD (PF)	7
P	29.6	R-43	Park	-	-	PAD (OS)	7
Q	1.4	R-43	Hillside Preservation ⁵	-	-	PAD (OS)	7
R	22.9	R-43	Hillside Preservation ⁵	-	-	PAD (OS)	7
S	14.4	R-43	Wash Preservation ⁶	-	-	PAD (OS)	7
T	19.4	R-43	Wash Preservation ⁶	-	-	PAD (OS)	7
U	7.2	C-1 PD	Commercial	-	-	PAD (NC)	8
V	1.7	R1-8 RUPD	WWTF	-	-	PAD (PF)	3
Totals	634.03			1882	2.97		
¹ Parcel Lot Yield is limited to that shown in Lot Yield column.							
² Uses are those associated with the zoning district as indicated in parentheses in the Surprise Equivalent Zoning Column.							
³ Development Standards are per the Development Standards Category Column.							
⁴ County zoning also includes PAD Overlay for the entire development.							
⁵ Hillside areas with slopes of 10% or greater will be preserved.							
⁶ Wash Corridors will remain undisturbed except for trails and roadway crossings.							

Marisol Ranch Development Standards

The Marisol Ranch PAD provides regulatory development standards consistent with the County-approved RUPD development standards that will guide the overall planning and development of the residential portions of the community. These development standards include minimum lot sizes, setbacks, building height, and other regulations as defined within Table 3 below. Where standards are not otherwise specified within the PAD document, the City of Surprise zoning districts as defined in the Surprise Municipal Code, including future amendments, shall regulate.

Development standards associated with each development parcel are defined in **Table 3: Development Standards for Marisol Ranch** below.

Table 3: Development Standards for Marisol Ranch										
Development Standards Category	Parcel	Min. Lot Area/DU	Minimum Lot Area:	Min. Lot Width	Max. Lot Coverage	Min. Setbacks			Distance Between Buildings on Lot:	Max. Height
						Front Yard	Rear Yard	Side Yard		
1	M	18,000	15,000	100**	35%	20'	25'	8'/8	15'	2 st/30'
2	L	10,000	7,700	70**	40%	18'	20'	5'/5'	10'	2 st/30'
3	I, J, K, V	8,000	6,600	60**	45%	10/18*	15'	5'/5' or 0'/10'	10'	2 st/30'
4	F, G, H	7,000	6,050	55**	45%	10/18*	15'	5'/5' or 0'/10'	10'	2 st/30'
5	A, B, D, E	6,000	4,950	45**	50%	10/18*	15'	5'/5' or 0'/10'	10'	2 st/30'
6	C	4,000	6,000	60**	50%	10/18*	15'	5'/5'	10'	2 st/30'
7	N, O, P, Q, R, S, T	43,560	43,560	145**	25%	40'	30'	40'	n/a	30'
8	U	n/a	6,000	60**	60%	10'	0'	0'	n/a	30'
* 10' to building/18' to garage or 10' if "turn-in-garage".										
** This does not preclude the provision for flag-lots which shall have a minimum width of 20'										

Table 4, Zoning and Land Use Summary provides an overall summary of the various zoning and development parcels within Marisol Ranch. This table defined the proposed land use, overall gross acreage and residential units for each zoning district within the property.

Table 4: Zoning and Land Use Summary					
Proposed Use	Zoning	Parcels	Gross Acres	Units	Lot %
Townhomes/Med. Density Res.	PAD (RM)	C	24.7	207	11%
Single-Family Residential	PAD (RL)	A, B, D, E, F, G, H, I, J, K, L, M	495.7	1,675	89%
Neighborhood Commercial	PAD (NC)	U	7.23	-	-
Public Facility/Use	PAD (PF)	N, O, P, V	18.7	-	-
Open Space	PAD (OS)	Q, R, S, T	87.7	-	-
Total:			634.03	1,882	100%

3.2 Recreation and Open Space

A significant open space network is planned for Marisol Ranch. The open spaces will include a 29.6-acre community park site, an extensive multi-use trail network, pocket parks in each residential subdivision, and natural open space areas. In total, these open space areas represent approximately 25% of the project area.

The community park site will include sport courts, a multi-use field, a tot-lot, restrooms and a project clubhouse. An internal trail network is planned to follow natural drainage channels within Marisol Ranch and will weave among the open space corridors to provide connections between parcels. Pocket parks are to be included in each subdivision. These parks will be a minimum of ¼-acre in size and will be developed for active recreational use with playground equipment, picnic ramadas and so forth or will be restored to a natural open space state. Natural open space areas will remain with minor disturbance and/or restoration in conjunction with roadway and trail crossings. These areas will include most of the natural drainageways (Parcels S & T) and the hillside areas (Parcels Q & R) where slopes exceed 10%.

3.3 Circulation Plan

Primary roads around the perimeter of the site include 163rd Avenue and Lone Mountain Road. Additionally, an internal loop road will provide localized access to the individual development parcels within the property. All public roads adjacent to and within the Marisol Ranch project will be developed to meet City standards in effect at the time of development.

3.4 Drainage Master Plan

Existing Drainage Conditions

The project site generally slopes to the southwest towards the Central Arizona Project Canal at an average grade of 1 percent. The site is currently comprised of undeveloped native desert land. The two sources of offsite runoff that impact the Project are Padelford Wash and the Hieroglyphic Mountains watershed. Runoff approaching the Project from Padelford Wash enters the site at two inflow points. The flows impacting the site are those from Split 1 and the Main Reach.

Runoff is conveyed through the site through existing natural channels. In February 2000, SKG Enterprises, Inc. submitted an individual 404 permit application for the proposed development of Marisol Ranch for approval by the U.S. Army Corps of Engineers (USACE). The application indicated some natural washes traversing the site were determined as United States Jurisdictional Water ways. This permit has now expired, and the jurisdictional limits of the washes are pending.

Proposed Drainage Conditions

In the proposed drainage plan, the runoff from Padelford Wash will enter via box culverts beneath the proposed roadway and will be conveyed southeast through existing natural washes. These washes will be utilized to convey offsite flows approaching the site to the downstream limits of the property. Erosion Hazard Limits will be designated along the washes per the methodology prescribed in Arizona State Standard 5-96.

The runoff incoming from the Hieroglyphic Mountains will be collected in a series of natural and engineered channels and conveyed to the wash corridors.

Portions of the floodplain associated with the Padelford Wash will be mitigated by the placement of fill to sufficiently elevate the lots above the 100-year water surface elevation and remove the affected area from the floodplain. The CLOMR/LOMR process will be completed to effectively remove these lots from the regulatory floodplains.

Drainage design will be prepared in accordance with the City of Surprise and Maricopa County design criteria. Onsite rainfall runoff from the Project will be routed within the streets and/or storm drain to retention basins. These basins will be designed to store the tributary runoff generated from the 100-year, 2-hour storm event.

Ultimately, the proposed drainage conditions will mimic existing drainage patterns and ultimately exit the Project at the historical outfall points.

3.5 Water & Sewer Master Plans

Water

Marisol Ranch (the Project) is within the City of Surprise Special Planning Area 4 (SPA4) and is in Pressure Zone PZ-4A. It is currently isolated from existing water infrastructure and is approximately three miles north of the Desert Oasis Water Storage Facility (WSF). The Project's anticipated average day, maximum day, and peak hour demands are 749,780 gpd, 1,459,280 gpd, and 2,168,780 gpd, respectively.

As shown in the City's *Integrated Water Master Plan: Water Infrastructure Final Report* (Malcolm Pirnie, 2009), the Project will ultimately be served by Water Storage Facility WSF-5. Until WSF-5 is constructed and brought online, the Project may receive water service on an interim basis by extending the existing water infrastructure within SPA2 north to the Project site. This scenario would require the installation of a booster pump station to pump the water from SPA2 to the Project site since SPA2 lies within the lower pressure zones PZ-2A, PZ-3A and PZ-2C. Alternately, a new water supply, onsite water storage facility, and onsite booster pump station could be constructed on or near the Project site to serve the Project until WSF-5 is constructed and water transmission mains are installed between WSF-5 and Marisol Ranch.

It is anticipated that the Project will be developed in several phases. The proposed water system infrastructure needed to serve the Project will also be constructed in phases to adequately meet the water demands for each phase. Selection of the final interim water solution will be made during the design phase.

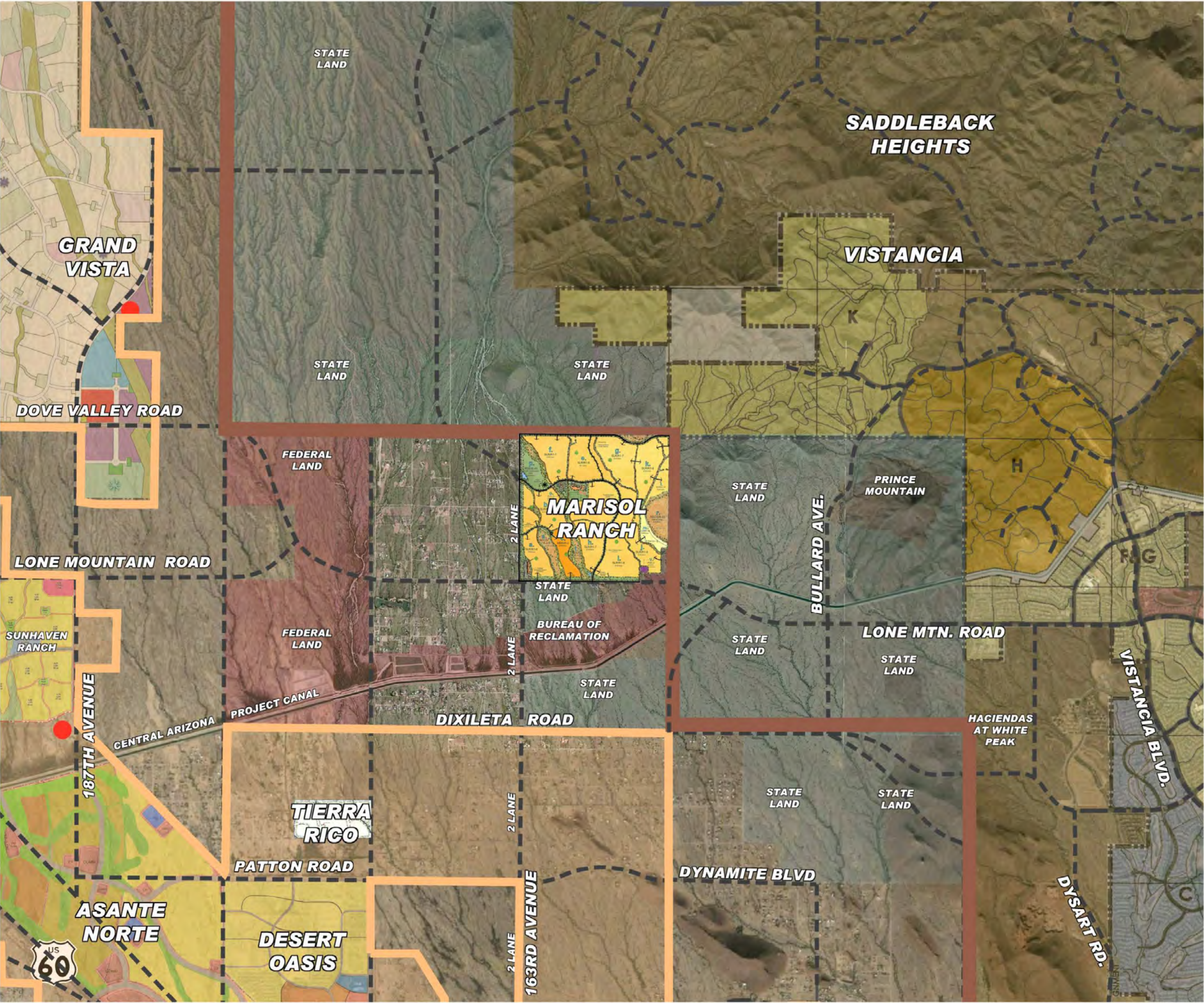
Sewer

The existing Marisol Ranch zoning entitlement includes a provision for a Wastewater Treatment Facility (WWTF) to be located in Parcel V; however, since the development will be served by the SPA 2 Water Reclamation Facility this WWTF is not required.

Upon annexation, the Project will receive wastewater service from the City of Surprise and is located within the City's SPA2 Water Reclamation Facility (SPA2-WRF) wastewater service area. The SPA2-WRF is located near Reems Road and Pinnacle Peak Road, south of the Beardsley Canal. Currently, there is no wastewater infrastructure adjacent to the Project site. The Project will generate an estimated average daily wastewater flow of 457,136 gpd and a peak wastewater flow of 1,371,407 gpd.

As noted in the City's *Integrated Water Master Plan: Water Infrastructure Final Report* (Malcolm Pirnie, 2009), the Project's wastewater flows will ultimately be routed to the SPA2-WRF. Until the sewer trunk mains between the Project and SPA2-WRF are fully constructed, the Project may be served by a temporary package wastewater treatment plant. If a temporary plant is used, it will be installed near the low point of the community at the southeast corner of the Project and be a modular plant, constructed in phases to match the Project's development. During the initial phase of development, when the average daily flow is less than 10,000 gpd, wastewater flows may be routed to a vault and then hauled to an offsite Water Reclamation Facility for treatment.

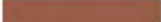
It is anticipated that the Project will be developed in several phases. The proposed wastewater system infrastructure will also be constructed in phases to adequately serve the wastewater flows generated by the development. Selection of the final interim wastewater solution will be made during the design phase.



MARISOL RANCH

Equivalency Zoning
(Annexation)

Figure 1
Vicinity Map

-  SURPRISE CITY LIMITS
-  SURPRISE PLANNING AREA BOUNDARY

Subject to engineering and City review and approval.

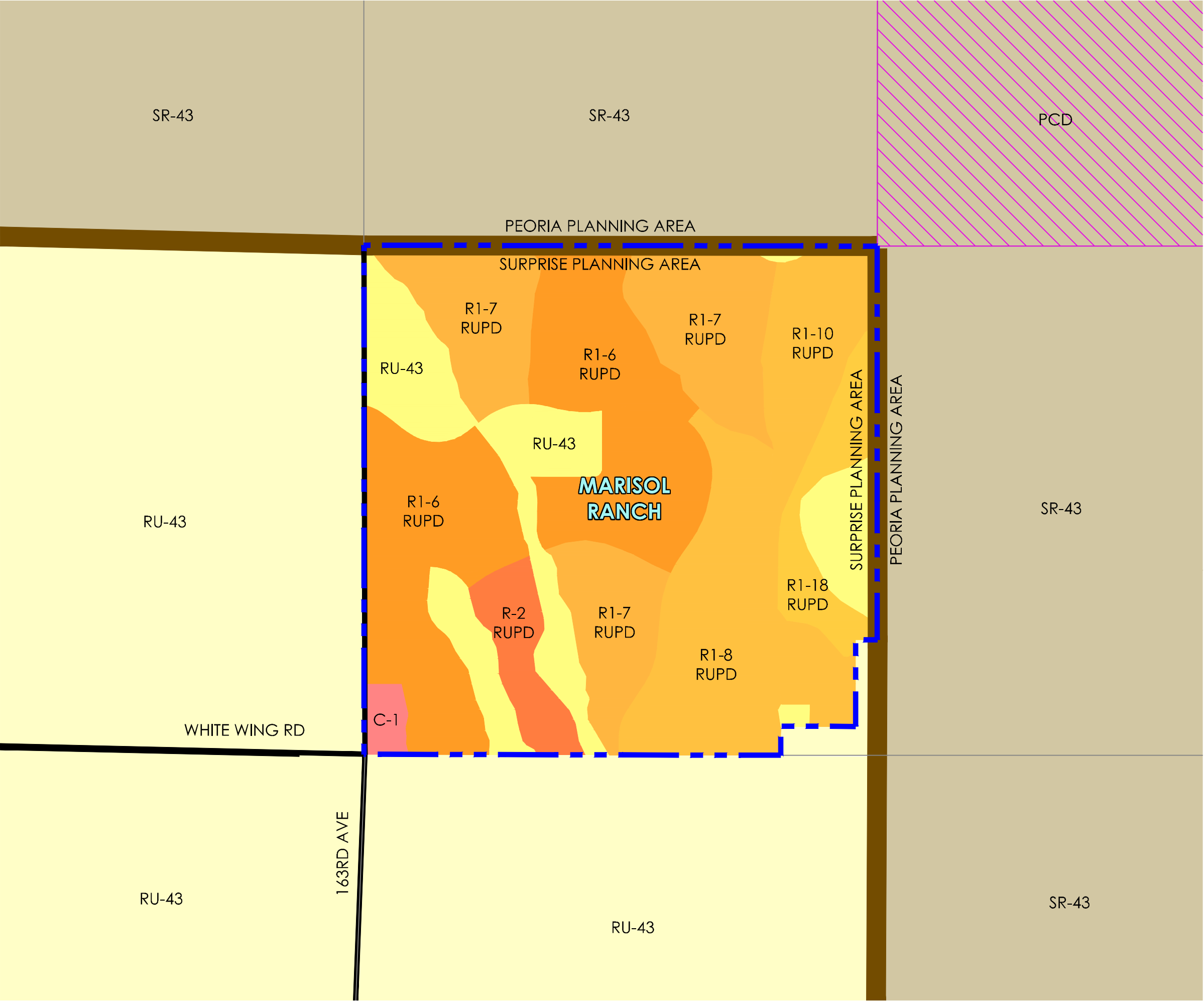


APPROX. SCALE: NTS

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Date.	11/30/18	Project No.	1793
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MARISOL RANCH

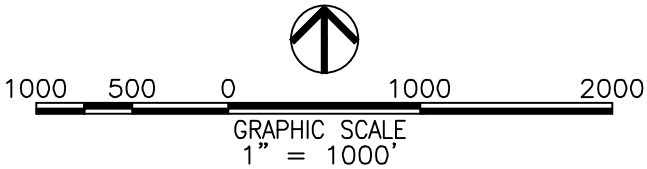
Equivalency Zoning
(Annexation)

Figure 2

Existing Zoning Map
LEGEND

- MARICOPA COUNTY
- RU-43 PAD
 - R1-18 RUPD PAD
 - R1-10 RUPD PAD
 - R1-8 RUPD PAD
 - R1-7 RUPD PAD
 - R1-6 RUPD PAD
 - R-2 RUPD PAD
 - C-1 PAD
 - RU-43
- CITY OF PEORIA
- SR-43
 - PCD
- PLANNING AREA
- MAJOR ARTERIAL

Subject to engineering and City review and approval.



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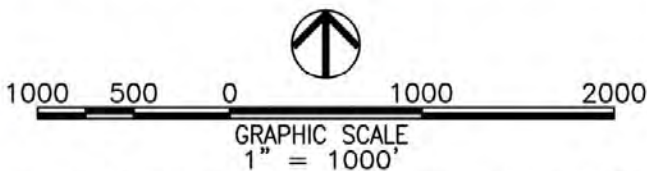
Equivalency Zoning
(Annexation)

Figure 3
Existing General Plan Land Use Map

LEGEND

City of Surprise Character Areas	City of Peoria Land Use
Neighborhood -Rural -Suburban -Urban	Residential/ Estate
Open Space	Residential/ Low
Features	Residential/ Medium
Planning Area Boundary	Park / Open Space
Circulation	
Major Arterial	

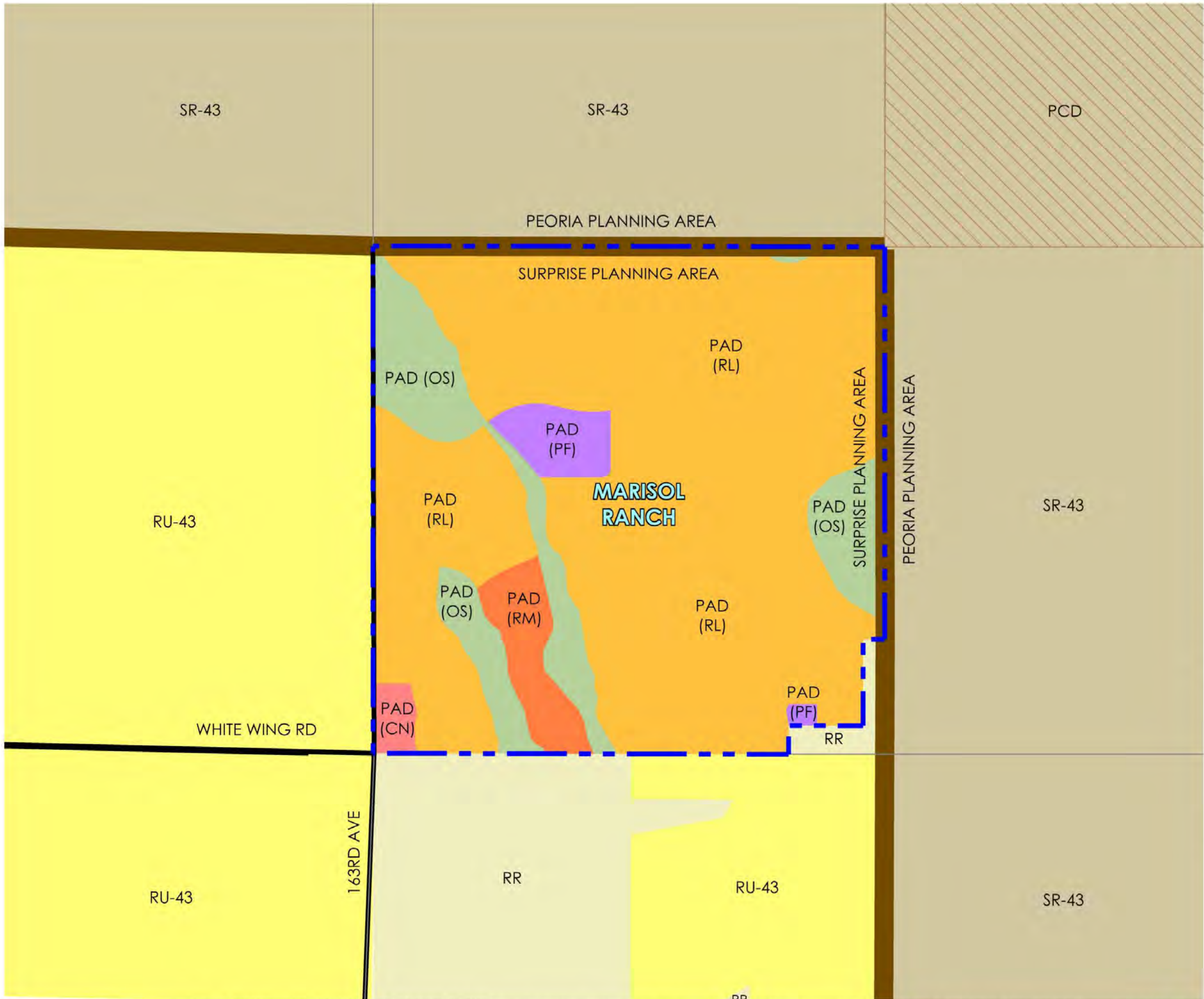
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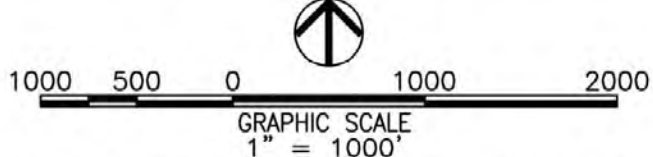
MARISOL RANCH

Equivalency Zoning
(Annexation)

Figure 4
Proposed Zoning Map
LEGEND

- CITY OF SURPRISE**
- PAD (OS)
 - PAD (RM)
 - PAD (RL)
 - PAD (CN)
 - PAD (PF)
 - RR
- CITY OF PEORIA**
- PCD
 - SR-43
- MARICOPA COUNTY**
- RU-43
 - PROJECT AREA
 - PLANNING AREA
 - MAJOR ARTERIAL

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MARISOL RANCH

Figure 5a
Existing County Land Use Master Plan

Plan Data:

Parcel Acres	Land Use Category	Proposed Land Use	Proposed Zoning	Percent of Gross Area	# of Units	Density (DU/Ac)
Residential Uses:						
A. 34.00	Small Lot Res.	Single Family	R1-6	5.36	115	3.35
B. 54.10	Small Lot Res.	Single Family	R1-6	8.53	177	3.27
C. 24.70	Med. Density	Townhomes	R-2	3.89	207	8.38
D. 47.20	Small Lot Res.	Single Family	R1-6	7.44	218	4.62
E. 49.70	Small Lot Res.	Single Family	R1-6	7.36	200	4.28
F. 42.90	Small Lot Res.	Single Family	R1-7	6.77	151	3.52
G. 53.20	Small Lot Res.	Single Family	R1-7	8.39	182	3.42
H. 35.40	Small Lot Res.	Single Family	R1-7	5.58	129	3.64
I. 49.00	Small Lot Res.	Single Family	R1-8	7.73	152	2.10
J. 55.20	Small Lot Res.	Single Family	R1-8	8.71	154	2.79
K. 45.90	Small Lot Res.	Single Family	R1-8	7.24	139	3.03
L. 16.50	Small Lot Res.	Single Family	R1-10	2.60	36	2.18
M. 15.60	Large Lot Res.	Single Family	R1-18	2.46	22	1.41
Non-Residential Uses:						
N. 12.00	Educational	Elem. School	R-43	1.89	-	-
O. 5.00	Public Facility	Public Library	R-43	0.78	-	-
P. 79.00	Rec. Open Space	Comm. Park	R-43	4.67	-	-
Q. 1.40	Non-Dev. O.S.	Hillside Area	R-43	0.22	-	-
R. 22.90	Non-Dev. O.S.	Hillside Area	R-43	3.61	-	-
S. 14.40	Non-Dev. O.S.	Desert/Wash	R-43	2.27	-	-
T. 19.40	Non-Dev. O.S.	Desert/Wash	R-43	3.06	-	-
U. 7.23	Neigh. Ret. Center	Commercial	C-1	1.14	-	-
V. 1.70	Public Facility	W.W.T.F.	R1-8	0.30	-	-
Totals: 634.03				100.00	1882	2.97

Land Use Summary:

Land Use	Gross Acres
Large Lot Residential (1-2 DU/Ac)	15.60
Small Lot Residential (2-5 DU/Ac)	480.10
Medium Density Residential (5-15 DU/Ac)	24.70
Educational	12.00
Recreational Open Space	29.60
Non-Developable Open Space	58.10
Neighborhood Retail Commercial	7.23
Public Facility	6.70
Total:	634.03 Acres

Legend:

LLR	Large Lot Residential 1-2 DU/Ac	ROS	Recreational Open Space Public Community Park
SLR	Small Lot Residential 2-5 DU/Ac	NDOS	Non-Developable Open Space Undisturbed Desert/Wash Areas
MDR	Medium Density Residential 5-15 DU/Ac	NDOS	Non-Developable Open Space Hillside Area above 15%
ED	Educational Elementary School Site	PF	Public Facilities Wastewater Treatment Facility
NRC	Neighborhood Retail Center	Pocket Park	Pocket Park

Note:
Approximately 72.7 acres of additional Open Space is provided within development parcels in the form of hillside areas, desert washes, project trails, pocket parks and drainage basins for an overall Open Space total of approximately 160.4 acres or 25.3% of the site.

Board of Supervisor's Approval: All calculations are approximate.

Date: October/2002
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Scale: 1" = 200'

0 200' 400' 800'

prepared for:
FGR Property Investments V, L.L.C.
4414 N. CIVIC CENTER PLAZA, SUITE 201
SCOTTSDALE, ARIZONA 85251
Tel. 480/945-1914 Fax. 480/945-8483

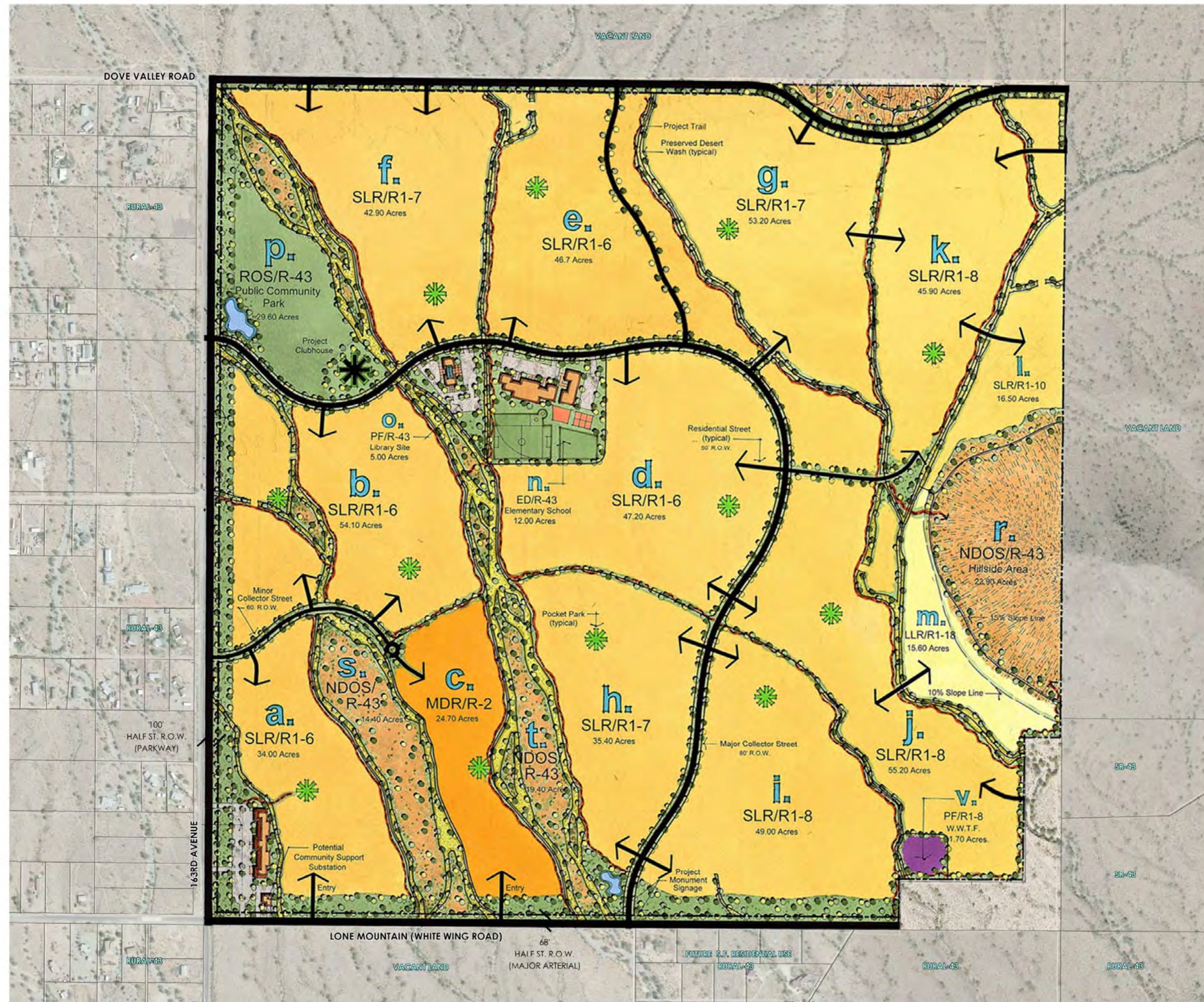
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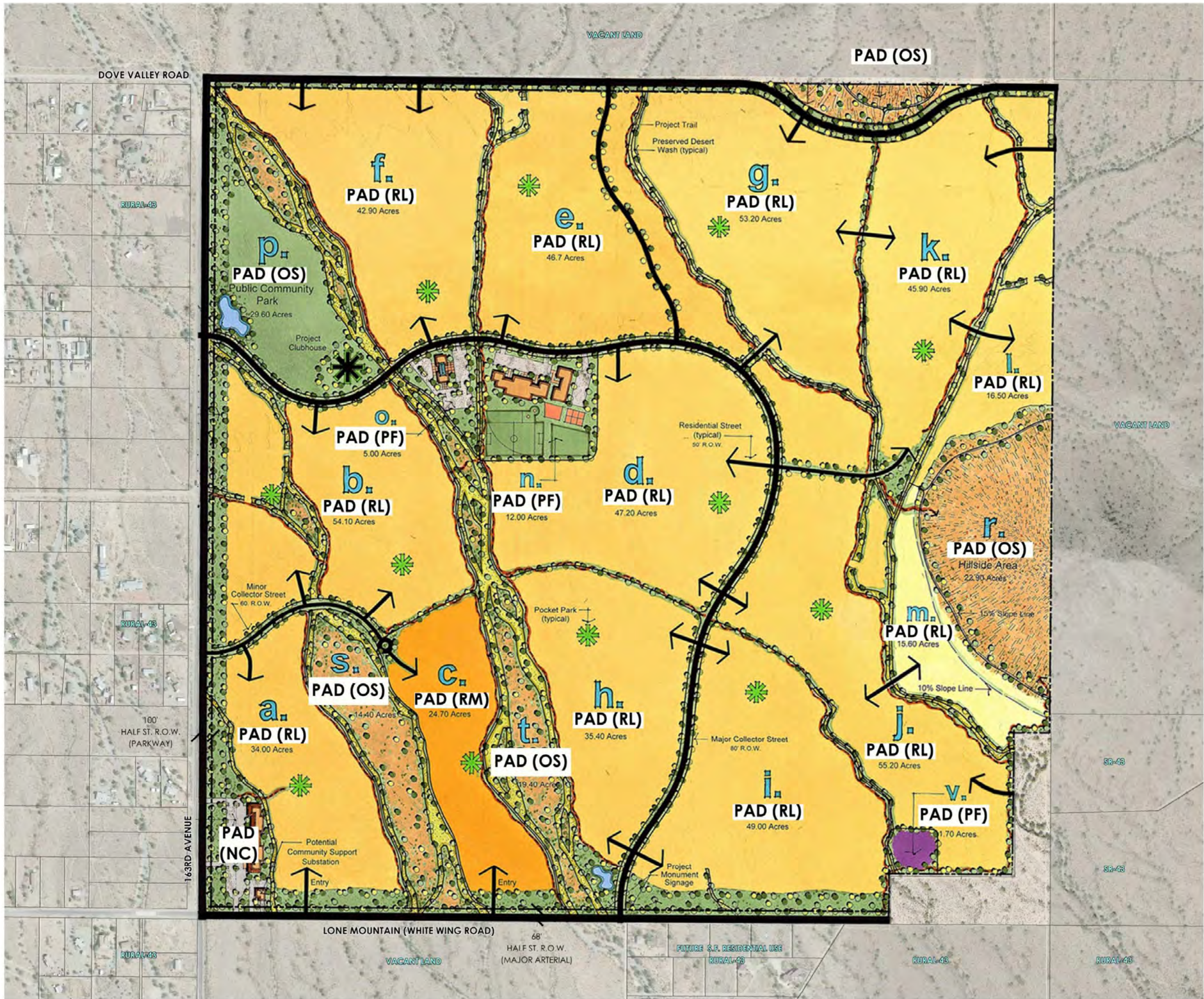


Drifting Sands Design
Urban and Environmental Land Planning & Landscape Design
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MARISOL RANCH

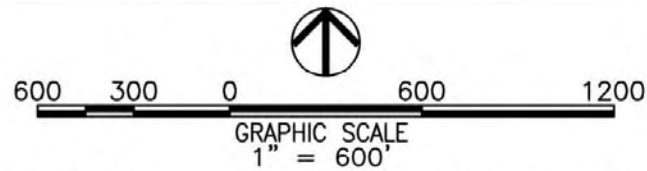
Figure 5b
Equivalent Land Use Master Plan

Parcel #	Gross Parcel Area	Zoning District	Lot Yield	Gross Parcel Density
A	34	PAD (RL)	115	3.38
B	54.1	PAD (RL)	177	3.27
C	24.7	PAD (RM)	207	8.38
D	47.2	PAD (RL)	218	4.62
E	46.7	PAD (RL)	200	4.28
F	42.9	PAD (RL)	151	3.52
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H	35.4	PAD (RL)	129	3.64
I	49	PAD (RL)	152	3.1
J	55.2	PAD (RL)	154	2.79
K	45.9	PAD (RL)	139	3.03
L	16.5	PAD (RL)	36	2.18
M	15.6	PAD (RL)	22	1.41
N	12.0	PAD (PF)	-	-
O	5.0	PAD (PF)	-	-
P	29.6	PAD (OS)	-	-
Q	1.4	PAD (OS)	-	-
R	22.9	PAD (OS)	-	-
S	14.4	PAD (OS)	-	-
T	19.4	PAD (OS)	-	-
U	7.2	PAD (NC)	-	-
V	1.7	PAD (PF)	-	-
Totals	634.03		1882	2.97

NOTE: NET ACREAGE EXCLUDES STREET R.O.W. & FLOODWAY (EXCEPT FOR PARKS)

NEIGHBORHOOD POCKET PARK

Subject to engineering and City review and approval.

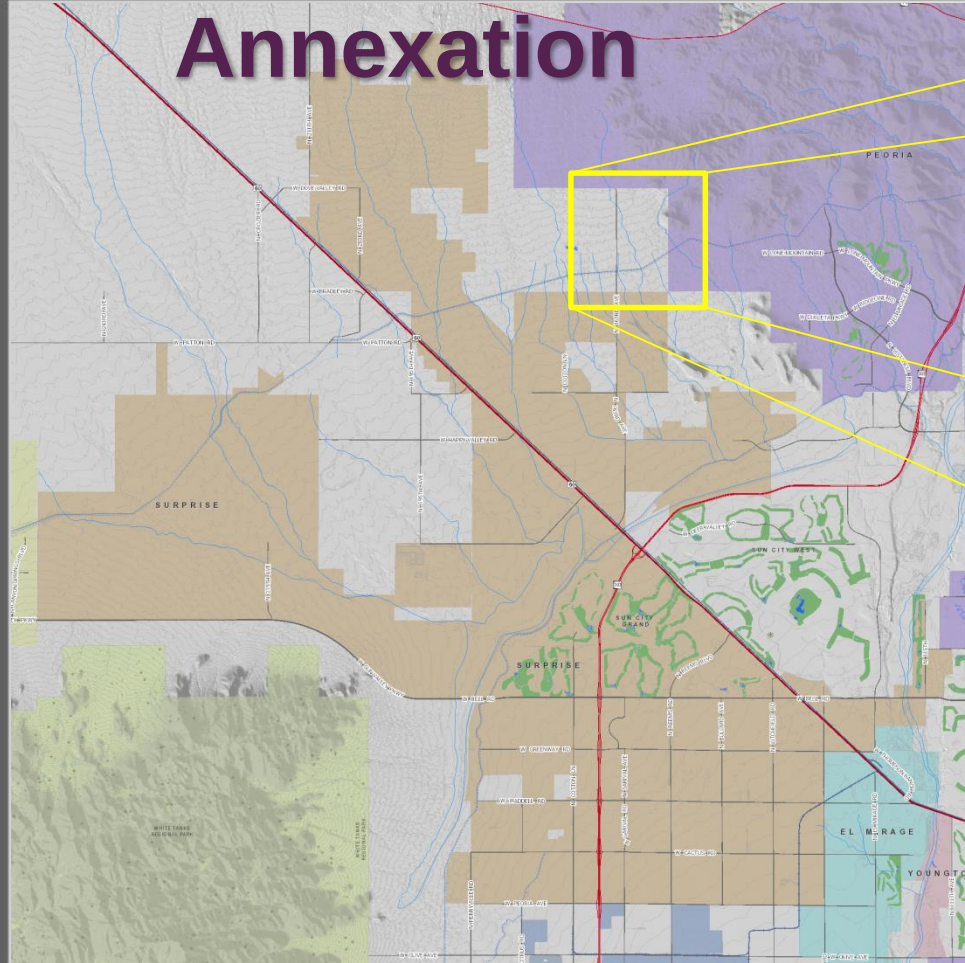


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Date: 11/30/18 Project No. 1793



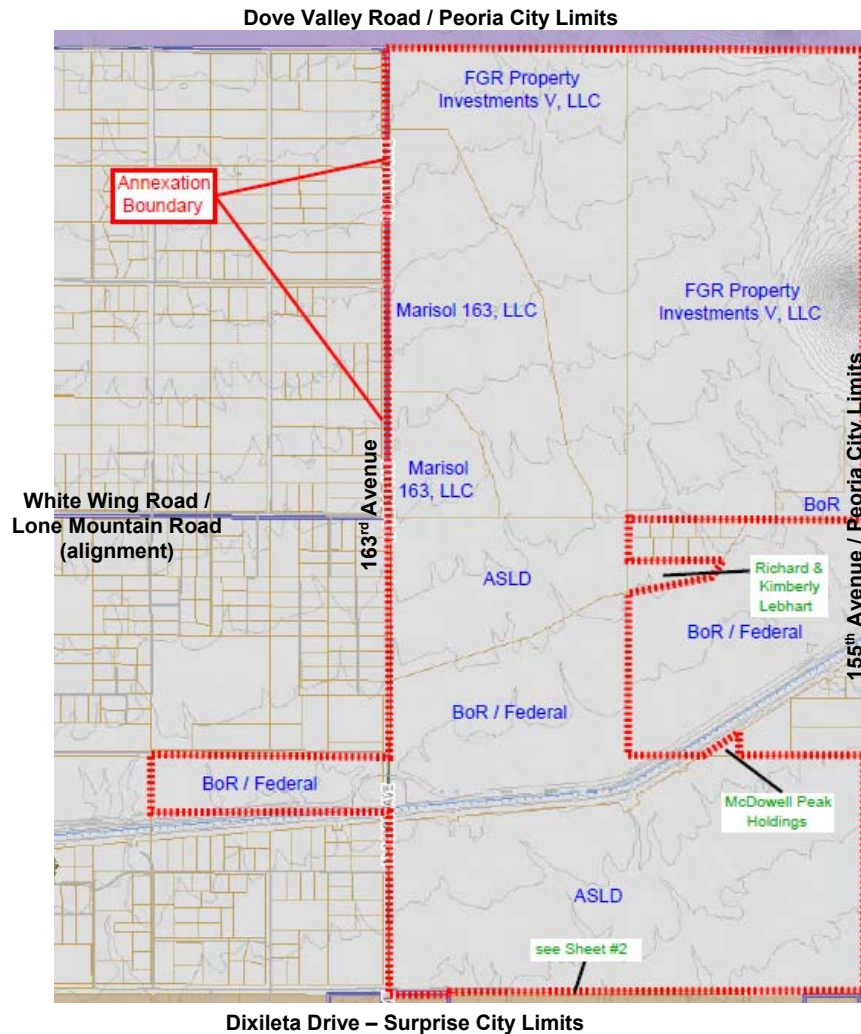
Annexation



-  Existing Maricopa County Limits
-  Existing Surprise Incorporated Limits
-  Existing Peoria Incorporated Limits
-  Marisol Ranch Annexation Boundary

FS18-417

Marisol Ranch Annexation Narrative



Date Revised:
May 3, 2019

Introduction & Background:

This “Marisol Ranch Annexation Narrative” (application #FS18-417) is being included as part of an application for an annexation, as well as applications for PAD (Planned Area Development) zoning for the Marisol Ranch project (application #FS18-557), and PAD zoning for the related Lone Mountain Ranch project (application # FS18-459).

This Annexation Narrative notes the current annexation boundary, ownership within the annexation area, current Maricopa County zoning of the parcels within the annexation area and other information related to the annexation of the Marisol Ranch and Lone Mountain Ranch properties, and other properties that are to be included in the annexation area.

As part of the defining of the annexation boundary, we have held several meetings with City of Surprise staff to define the preliminary area. We then conducted outreach to all private property owners within the preliminary annexation area via a letter (both sent via regular and certified mail). Once completed, we met again with City of Surprise staff to determine the actual area as described and defined herein. This boundary has been refined over the past few months based on discussions with private property owners and staff with the City of Surprise.

Attached are various exhibits, as detailed below, that provide information on the preliminary annexation area at this time.

Annexation Boundary:

In general, the annexation boundary has been defined as approximately most of the area extending north from the current Surprise City Limits along the Dixileta Drive alignment to the Dove Valley Road alignment / current Peoria City Limits, between 163rd Avenue on the west (except for the inclusion of a small parcel owned by the Bureau of Reclamation that is west of 163rd Avenue) and the 155th Avenue alignment / current Peoria City Limits on the east.

This includes most of Sections 18 and 19, Township 5 North, Range 1 West. The Bureau of Reclamation parcel noted above (APN 503-51-963) is located in a portion of Section 24, T5N-R2W. The area along Dixileta Drive noted above includes a portion of Section 30, T5N-R1W.

Unfortunately, due to opposition from some of the property owners along Dixileta Drive and also in portions of the NE¼ of Section 19, the boundary was unable to include these entire Sections.

A written general description of the annexation area is included as Exhibit A.

An Exhibit of the legally defined annexation area is included as Exhibit B.

A metes and bounds legal description of the annexation area is included as Exhibit C.

Maps (2 sheets) of the annexation area are included as Exhibit D.

A list of all properties within the annexation area, with existing Maricopa County zoning, is included as Exhibit E.

Annexation Timeline:

Based on a number of varying factors associated with this annexation request, the applicant and the City of Surprise will continue coordinating the annexation timeline as required under ARS §9-471 et. seq. and Surprise Municipal Code (“SCC” or “SUDC” as referenced in the review comments) Section 122-149.

To date, the following steps have occurred:

July/August, 2018: Applicant held several meetings with City of Surprise staff to discuss initial annexation and outreach areas. The applicant then reached-out to all private property owners within the preliminary annexation area via a letter (via both regular and certified mail). The applicant also communicated and met with several private property owners and a related HOA. Once the outreach efforts were completed, the applicant met again with City of Surprise staff to determine the actual annexation area.

December 4, 2018: The Surprise City Council directed staff to proceed with the annexation process under Resolution #2018-193.

The following steps are expected to occur:

May 7, 2019: The Surprise City Council is scheduled to discuss and take action on the related Pre-Annexation Development Agreements (“PADA’s”) for both Marisol Ranch and for the Arizona State Land parcels.

Pending the successful approval of both PADA’s, the Annexation Petition will be recorded (and begin the 30-day waiting period).

June 4, 2019: The Surprise City Council is scheduled to hold a public hearing regarding the annexation, as required by Statute (within the final 10 days of the 30-day waiting period).

Upon the expiration of the 30-day waiting period, the applicant will gather signatures on the Annexation Petition.

June 18, 2019: The Surprise City Council is scheduled to adopt the annexation of the Marisol Ranch Annexation Area, as well as the related rezoning of the Marisol Ranch PAD (FS18-557) and Lone Mountain Ranch PAD (FS-459).

The overall annexation timeline is noted within Exhibit F.

Exhibit A

General Description of the Marisol Ranch Annexation Area

Northern Boundary: North section line of Section 18 (T5N-R1W), also known as the Dove Valley Road alignment / Peoria city limits.

Eastern Boundary: East section lines of Sections 18 & 19 (T5N-R1W), also known as the 155th Avenue alignment / Peoria city limits, EXCEPT that within the NE¼ of Section 19, only two (2) parcels gave their consent (Lebhart/APN 503-52-003D and McDowell Peak Holdings/APN 503-52-003Y). A lack of response and/or a negative reaction to being annexed causes this area to remain unincorporated, but not create a County island.

Southern Boundary: The existing Surprise city limits line (aka Dixileta Drive alignment), which is located approximately 55-feet south of the southern Section line of Section 19 (T5N-R1W), going east from 163rd Avenue to the northeast-end of APN 503-52-981. The annexation boundary then goes northward 55-feet to the south Section line of Section 19 (southern boundary of ASLD land), and then eastward to the east Section line of Section 19 (T5N-R1W), also known as the 155th Avenue alignment / Peoria city limits.

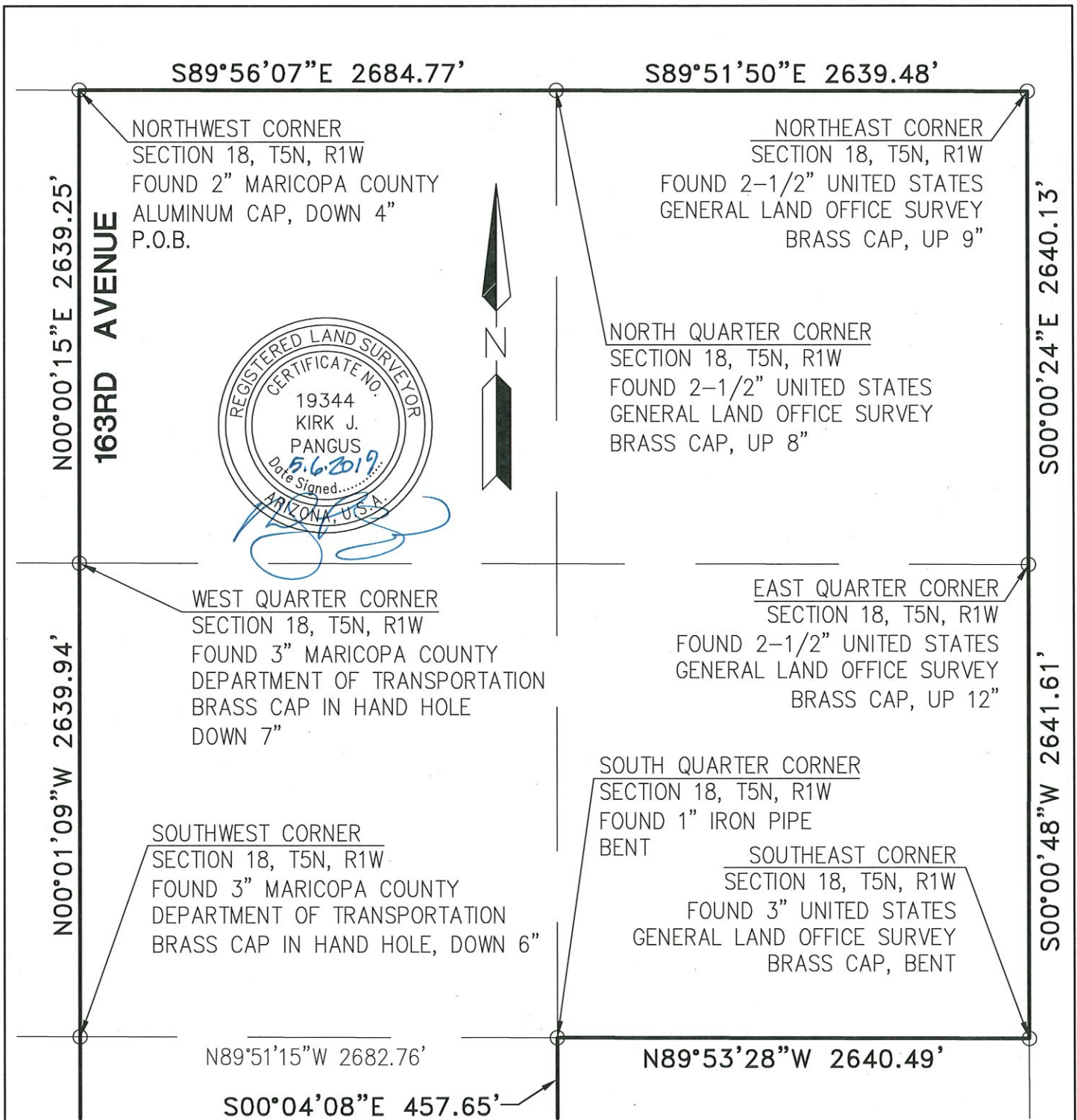
The proposed southern annexation boundary includes the 22-foot deep “dedication” for a portion of the south-half of Dixileta Drive pursuant to the Mattheisen Trust Minor Land Division (MCR Book 1015, Page 23). This area is located in a portion of Section 30, T5N-R1W.

Western Boundary: Generally, the 163rd Avenue alignment, with the boundary located approximately 55-feet west of the west section line of Section 19, going northward from the Dixileta Drive alignment to the north-end of APN 503-51-963, then following the section line north to the north-end of Section 19. From there, the annexation boundary is located approximately 65-feet west of the section of Section 18 (T5N-R1W), going north along the entire west section line of Section 18 (T5N-R1W) to the north-end of Section 18.

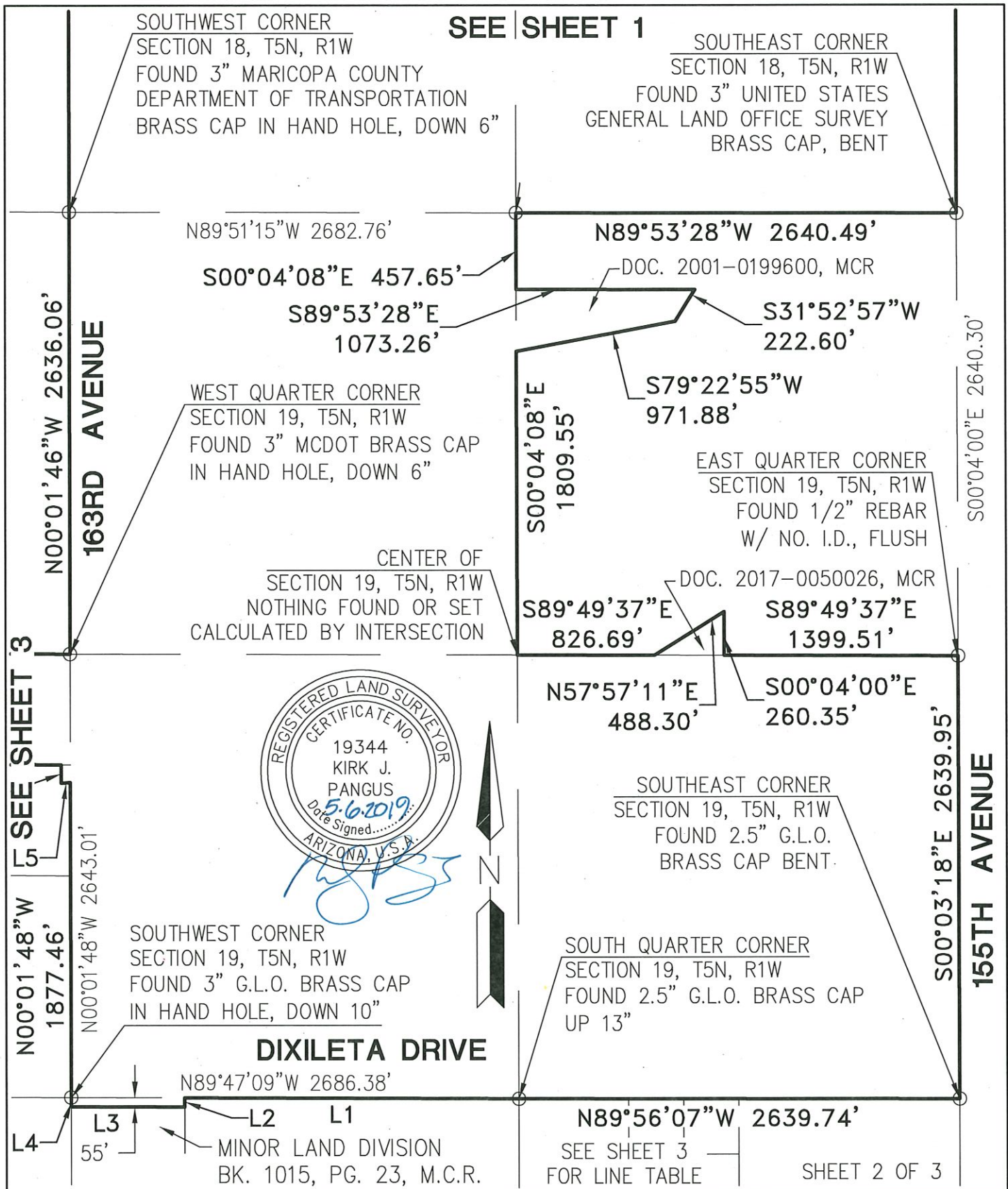
The western annexation boundary also includes APN 503-51-963 (owned by the Bureau of Reclamation) that is located west of 163rd Avenue (a portion of Section 24, T5N-R2W) and is needed to comply with the width and depth requirements for this annexation.

Exhibit B

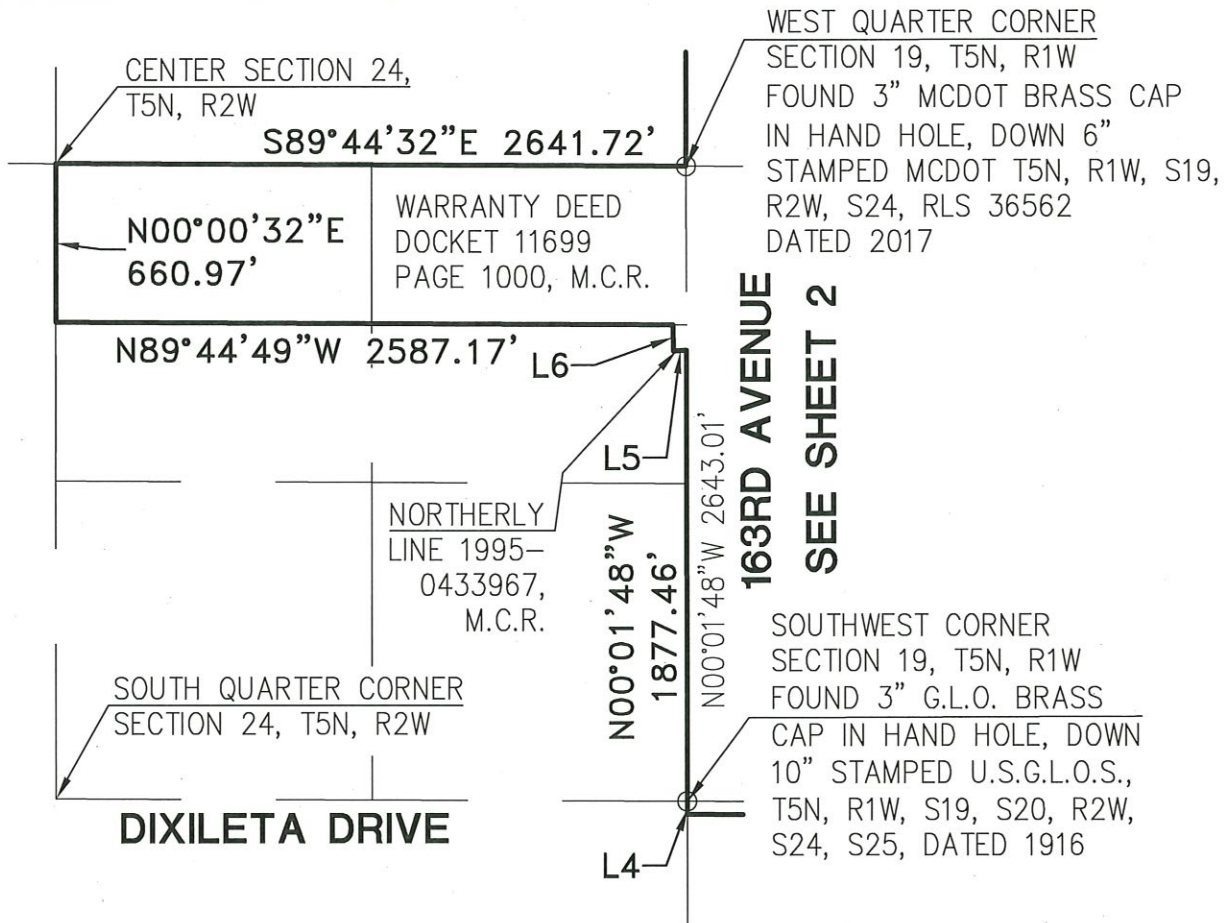
Exhibit of the legally defined Marisol Ranch Annexation Area



PROJ.NO.: 1766	MARISOL RANCH ANNEXATION BOUNDARY MARICOPA COUNTY, ARIZONA EXHIBIT	 HILGARTWILSON 2141 E. HIGHLAND AVE., STE. 250 PHOENIX, AZ 85016 P: 602.490.0535 / F: 602.368.2436
DATE: MAY 2019		
SCALE: N.T.S.		
DRAWN BY: JDL		
CHECKED BY: KJP		



PROJ.NO.: 1766	MARISOL RANCH ANNEXATION BOUNDARY MARICOPA COUNTY, ARIZONA EXHIBIT	 HILGARTWILSON 2141 E. HIGHLAND AVE., STE. 250 PHOENIX, AZ 85016 P: 602.490.0535 / F: 602.368.2436
DATE: MAY 2019		
SCALE: N.T.S.		
DRAWN BY: JDL		
CHECKED BY: KJP		



LINE TABLE		
LINE NO.	DIRECTION	LENGTH
L1	N89°47'09"W	2003.25'
L2	S00°00'37"W	55.00'
L3	N89°47'09"W	683.10'
L4	N00°01'39"W	55.00'
L5	S85°25'58"W	55.17'
L6	N00°01'48"W	109.44'



SHEET 3 OF 3

PROJ.NO.: 1766	MARISOL RANCH ANNEXATION BOUNDARY MARICOPA COUNTY, ARIZONA	 HILGARTWILSON 2141 E. HIGHLAND AVE., STE. 250 PHOENIX, AZ 85016 P: 602.490.0535 / F: 602.368.2436
DATE: MAY 2019		
SCALE: NONE		
DRAWN BY: JDL		
CHECKED BY: KJP	EXHIBIT	

Exhibit C

Metes and bounds legal description of the Marisol Ranch Annexation Area

**MARISOL RANCH
ANNEXATION BOUNDARY
LEGAL DESCRIPTION**

That portion of land being situated within Sections 18, 19, and 30, Township 5 North, Range 1 West and Section 24, Township 5 North, Range 2 West of the Gila and Salt River Meridian, Maricopa County, Arizona, being more particularly described as follows:

BEGINNING at a found 2 inch Maricopa County aluminum cap accepted as the Northwest corner of said Section 18 from which a found 2-1/2 inch United States G.L.O. survey brass cap, up 8 inches, accepted as the North Quarter corner thereof bears South 89°56'07" East, 2684.77 feet;

Thence South 89°56'07" East, 2684.77 feet along the north line of the Northwest quarter of said Section 18 to the North quarter corner thereof;

Thence South 89°51'50" East, 2639.48 feet along the north line of the Northeast quarter of said Section 18 to the Northeast corner thereof;

Thence South 00°00'24" East, 2640.13 feet along the east line of said Northeast quarter to the East quarter corner thereof;

Thence South 00°00'48" West, 2641.61 feet along the east line of the Southeast quarter of said Section 18 to the Southeast corner thereof;

Thence North 89°53'28" West, 2640.49 feet along the south line of said Southeast quarter to the South quarter corner thereof;

Thence South 00°04'08" East, 457.65 feet along the north-south mid-section line of said Section 19;

Thence leaving said mid-section line, South 89°53'28" East, 1073.26 feet along the property described within the deed recorded in Document No. 2001-0199600, records of Maricopa County, Arizona;

Thence continuing along said deed line, South 31°52'57" West, 222.60 feet;

Thence continuing along said deed line, South 79°22'55" West, 971.88 feet;

Thence leaving said deed line, South 00°04'08" East, 1809.55 feet along the north-south mid-section line of said Section 19;

Thence South 89°49'37" East, 826.69 feet along the east-west mid-section line of said Section 19;

Thence leaving said mid-section line, North 57°57'11" East, 488.30 feet along the property described in the deed recorded in Document No. 2017-0050026, records of Maricopa County, Arizona;

Thence continuing along said deed line, South 00°04'00" East, 260.35 feet;

Thence leaving said deed line, South 89°49'37" East, 1399.51 feet along the east-west mid-section line of said Section 19 to the East quarter corner thereof;

Thence South 00°03'18" East, 2639.95 feet along the east line of the Southeast quarter of said Section 19 to the Southeast corner thereof;

Thence North 89°56'07" West, 2639.74 feet along the south line of last said Southeast quarter to the South quarter corner thereof;

Thence North 89°47'09" West, 2003.25 feet along the south line of the Southwest quarter of said Section 19;

Thence leaving said south line, South 00°00'37" West, 55.00 feet along the northerly extension of the east line of Lot 2 of the Minor Land Division as recorded in Book 1015, Page 23, Maricopa County Records, Arizona, to the northeast corner of said Lot 2;

Thence North 89°47'09" West, 683.10 feet along the north line of said Lot 2 and along the north line of Lot 1 of said Minor Land Division and the westerly prolongation of last said north line, also being the south line of the north 55.00 feet of said Section 30;

Thence North 00°01'39" West, 55.00 feet along the west line of the Northwest quarter of said Section 30, to the Northwest corner thereof;

Thence North 00°01'48" West, 1877.46 feet along the west line of the Southwest quarter of said Section 19;

Thence leaving last said west line, South 85°25'58" West, 55.17 feet along the northerly line of the property as described in the Warranty Deed, as recorded in Document No. 1995-0433967, Maricopa County Records, Arizona;

Thence leaving said northerly line, North 00°01'48" West, 109.44 feet along a line that is parallel with and 55.00 feet west of the west line of the Southwest quarter of said Section 19;

Thence leaving said parallel line, North 89°44'49" West, 2587.17 feet along the south line of the north half of the north half of the Southeast quarter of said Section 24;

Thence North 00°00'32" East, 660.97 feet along the west line of the Southeast quarter of said Section 24;

Thence South 89°44'32" East, 2641.72 feet along the north line of the Southeast quarter of said Section 24 to the West quarter corner of said Section 19;

Thence North 00°01'46" West, 2636.06 feet along the west line of the Northwest quarter of said Section 19 to the Northwest corner thereof;

Thence North 00°01'09" West, 2639.94 feet along the west line of the Southwest quarter of said Section 18 to the West quarter corner thereof;

Thence North 00°00'15" East, 2639.25 feet along the west line of the Northwest quarter of said Section 18 to the **POINT OF BEGINNING**.

Said portion of land containing 51,395,333 sq.ft., or 1179.8745 acres, more or less being subject to any easements, restrictions, rights-of-way of record or otherwise.

The description shown hereon is not to be used to violate any subdivision regulation of the state, county and/or municipality or any land division restrictions.

Prepared by: HILGARTWILSON, LLC
2141 E. Highland Avenue, Suite 250
Phoenix, AZ 85016
Project No. 1766
Date: May 2019

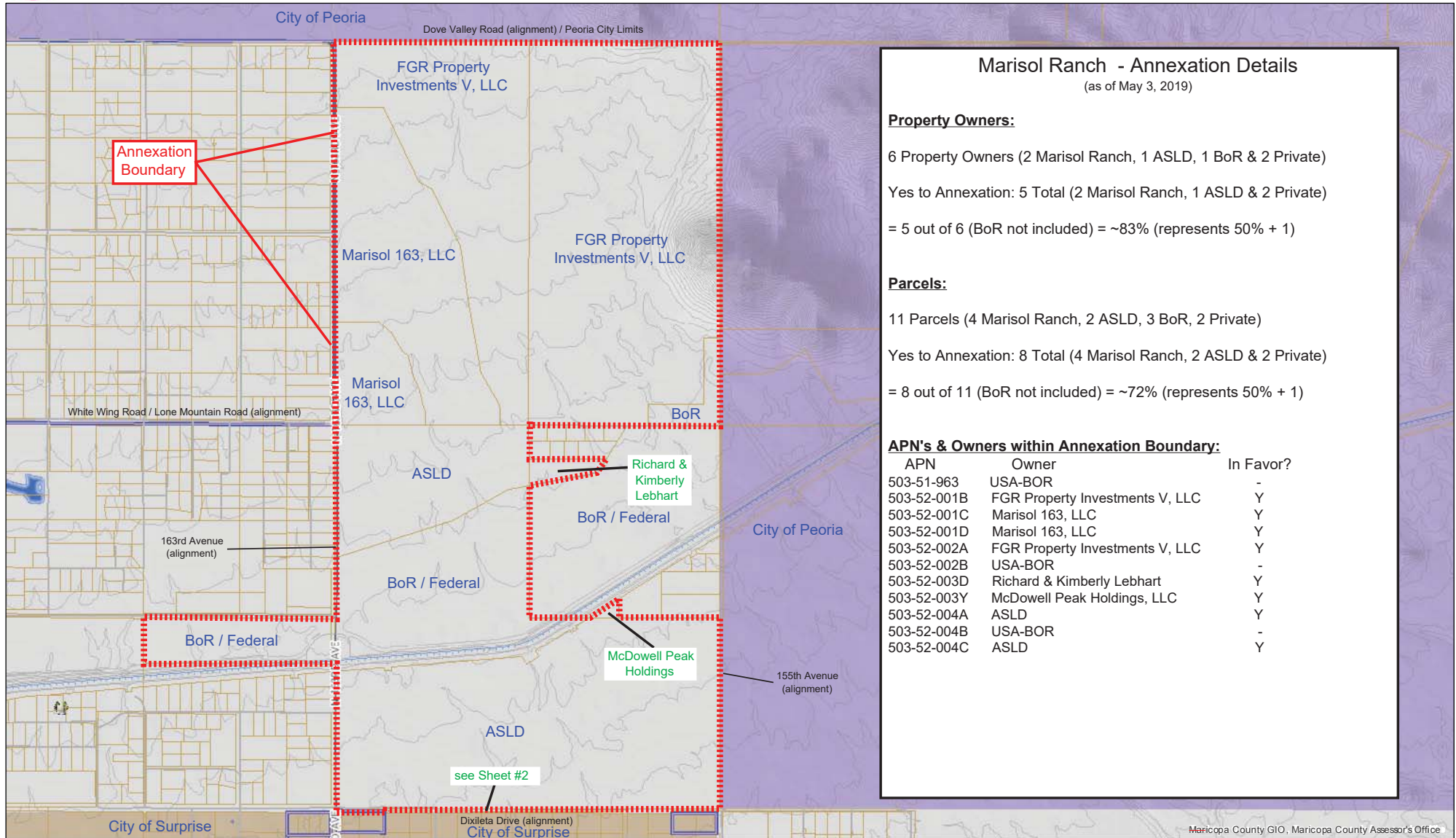


Exhibit D

Maps (2 sheets) of the Marisol Ranch Annexation Area



Marisol Ranch - Areas to be Annexed - May 3, 2019



Maricopa County GIO, Maricopa County Assessor's Office

Sheet 1 of 2
May 3, 2019

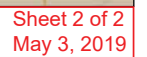
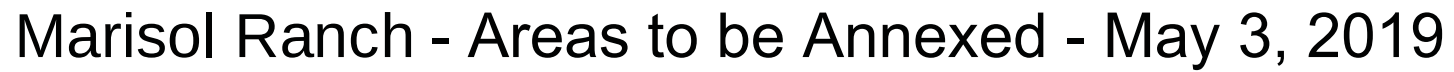


Exhibit E

Listing of all properties within the Marisol Ranch Annexation Area,
with existing Maricopa County zoning

Marisol Ranch – Annexation Details

(revised – as of May 3, 2019)

Property Owners:

6 Property Owners (2 Marisol Ranch, 1 ASLD, 1 BoR & 2 Private)

Yes to Annexation: 5 Total (2 Marisol Ranch, 1 ASLD & 2 Private)

= 5 out of 6 (BoR not included) = ~83% (represents 50% + 1)

Parcels:

11 Parcels (4 Marisol Ranch, 2 ASLD, 3 BoR, 2 Private)

Yes to Annexation: 8 Total (4 Marisol Ranch, 2 ASLD & 2 Private)

= 8 out of 11 (BoR not included) = ~72% (represents 50% + 1)

APN's, Owners, Zoning (Maricopa County) & Support within Annexation Boundary:

APN	Owner	Zoning*	In Favor?
503-51-963	USA-BOR	Rural-43*	-
503-52-001B	FGR Property Investments V, LLC	RUPD**	Y
503-52-001C	Marisol 163, LLC	RUPD**	Y
503-52-001D	Marisol 163, LLC	RUPD**	Y
503-52-002A	FGR Property Investments V, LLC	RUPD**	Y
503-52-002B	USA-BOR	Rural-43*	-
503-52-003D	Richard & Kimberly Lebhart	Rural-43*	Y
503-52-003Y	McDowell Peak Holdings, LLC	Rural-43*	Y
503-52-004A	ASLD	Rural-43*	Y
503-52-004B	USA-BOR	Rural-43*	-
503-52-004C	ASLD	Rural-43*	Y

* Existing Zoning District as designated by Maricopa County

** The existing RUPD Zoning District as designated by Maricopa County, which includes various underlying zoning districts: R-2, R1-6, R1-7, R1-8, R1-10, R1-18, Rural-43 and C-1

Exhibit F

General Overall Timeline for Marisol Ranch Annexation

DATE COMPLETED	DEADLINE SET BY LAW	ACTION STEPS
August 31, 2018	n/a	Prepare map of area to be annexed; including legal description, parcel list, and existing County Zoning.
	n/a	Prepare plan to demonstrate how services and infrastructure are to be provided within the next 10 years
June 11, 2018	n/a	If state land is included-get approval from state land commissioner.
December 4, 2018	n/a	Surprise City Council directs staff to proceed with the Marisol Ranch Annexation, under Resolution #2018-193.
	n/a	Request from county assessor's office and AZ DOR the name and address of each owner and the assessed value of all property within the boundaries. Include a letter and map of the area. DOR – 8 copies of submittal.
	DAY 1 County holds blank petition for 30 days— cannot collect signatures	Waiting Period - city will file in the county recorder's office a blank petition setting forth a description, an accurate map of all the exterior boundaries of the territory that is proposed for annexation and a sworn affidavit verifying that territory is not subject to an earlier filing for annexation. State lands selection board and state land commissioner approval will be filed if applicable. Send notice and copies of filings to Clerk of the Board of Supervisors and county assessor.
	At least once during Day 1-11.	City will send to newspaper and City Web-site editor a notice of the area proposed to be annexed. Newspaper must be published or circulated in the city or town and the territory proposed to be annexed.
		City receives value data from the county assessor and Department of Revenue.
	Approximately DAY 13	A. Post notice of the public hearing in at least three conspicuous public places in the territory proposed to be annexed Deadline: 6 days prior to the hearing.
	Approximately DAY 13	B. Notice by mail to chairman of county board of supervisors. Deadline: 6 days prior to the hearing.
	Approximately DAY 13	C. Notice by mail to each owner of real and personal property within territory proposed to be annexed. Include proposed map. Deadline: 6 days prior to the hearing.
June 4, 2019*	Once, between Day 20-30	City council has public hearing to discuss the annexation proposal. Deadline: Within the last 10 days of the 30 day waiting period.
	DAY 31+	Obtain signatures on annexation petitions: A. One-half or more of the persons owning real and personal property that would be subject to taxation by the city in the event of annexation. (assessed valuation). B. More than one-half of the persons owning real and personal property that would be subject to taxation by the city in the event of annexation. (ownership). Deadline: Within one year of the last day of the waiting period.
	DAY 31 - 395	Petition complete. Signed petition, copy filed with city clerk - original filed in the office of the county recorder. Deadline: Within one year of the last day of the waiting period.
	24 hours before council meeting	City posts public notice of special city council meeting for reading of annexation ordinance (need minimum of 24 hours' notice-follow normal City procedures for council consideration of non-zoning

* Anticipated Date

Marisol Ranch

PAD Narrative for Equivalent Zoning

January 2018

Revised Submittal: February 2019

Prepared For

FRG Property Investments, LLC &
Marisol 163, LLC

Case #FS18-417



RVi Planning
120 S Ash Ave
Tempe, AZ 85281

EARL, CURLEY & LAGARDE, P.C.
A ZONING AND LAND USE FIRM REPRESENTING REAL ESTATE DEVELOPERS THROUGHOUT ARIZONA

Earl, Curley & Lagarde
101 N Central Ave #100
Phoenix, AZ 85012



Hilgart Wilson
2141 E Highland Ave #250
Phoenix, AZ 85016

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Appendices

Appendix A: ALTA Survey

Development Team

Owner Representative

Montage Holdings

Garth Wieger & Tim Keenen

3219 E. Camelback Road, #535,

Phoenix, AZ, 85018-2307

GarthW@montage-holdings.com & TimK@montage-holdings.com

Phone: (602) 316-8971

Land Owner

FRG Property Investments, LLC

Marisol 163, LLC

C/O: Francesca Godi

6811 E. Thomas Road,

Scottsdale AZ 85251-6826

francesca@thegodigroup.com

Phone: (602) 770-3415

Zoning Attorney

Earl, Curley & Lagarde

Greg Loper & Rod Jarvis

3101 N. Central Avenue # 100,

Phoenix, AZ 85012

gloper@ecllaw.com & rjarvis@ecllaw.com

Phone: (602) 265-0094

Land Planner/Applicant

RVi Planning + Landscape Architecture

Mark Reddie

120 S. Ash Avenue,

Tempe, AZ 85281

mreddie@rviplanning.com

Phone: (480) e994-0994

Civil Engineer

HILGARTWILSON

Zach Hilgart & Ty Wilson

2141 E. Highland Avenue, Suite 250

Phoenix, AZ 85016

zhilgart@HilgartWilson.com & twilson@hilgartwilson.com

Phone: (602) 490-0535

1.0 PROJECT OVERVIEW

1.1 Introduction

Marisol Ranch is a 634.01-acre master planned community located at the northeast corner of 163rd Avenue and Lone Mountain Road within an unincorporated portion of Maricopa County. The site location is shown on **Figure 1, Vicinity Map**.

The Marisol Ranch Master Plan was established in 2002 under the jurisdiction of Maricopa County (Application #: Z-2000-095) and amended (Application # Z-2014-099). At the time of this approval, it was anticipated that Marisol Ranch might one day be annexed into the City of Surprise. A request for annexation into Surprise is being processed concurrently with this PAD zoning application under case number FS18-417. The Marisol Ranch PAD, as presented with the annexation, is intended to establish the equivalent zoning for annexation purposes in accordance with state statute. Per the approved county plan, this PAD anticipates 1,882 lots on 634.01 acres for an overall density of 2.97 du/ac. The site plan provides for a mix of residential densities, a 7.23-acre commercial pad, a school site, natural and improved open space, among other uses.

This PAD document is intended to provide equivalency zoning for the property consistent with the regulations and requirements of the City of Surprise Municipal Code. This document establishes policies and regulatory standards for the property related to zoning, land use, density, intensity, public infrastructure, public facilities and open space preservation consistent with the existing zoning on the property prior to annexation.

2.0 EXISTING CONDITIONS ANALYSIS

2.1 Property Location and Description

Location

Marisol Ranch consists of approximately 634.01 acres located in the northwest portion of the City of Surprise Planning Area. The property is made up of four parcels, APN #s 503-52-002A, 503-52-001B, 503-52-001C and 503-52-001D (see **Appendix A, Alta Survey**). The site is generally bounded by the Reems Road alignment on the east, 163rd Avenue/Sarival Avenue on the west, Lone Mountain Road on the south, and the Dove Valley Road alignment on the north. This entire square mile area is included within the Marisol Ranch site except for an approximately 11.5-acre L-shaped parcel near the southeast corner which is owned by the United States of America (APN # 503-52-002B).

Ownership Control

Parcels 503-52-001A & 503-52-001B are owned by FGR Property Investments V, LLC and parcels 503-52-001C & 503-52-001D are owned by Marisol 163, LLC.

Table 1, *Ownership Summary* defines the site’s ownership with existing and proposed zoning designations.

Table 1 ~ Ownership Summary			
APN	Ownership	County Zoning	Equivalent Zoning
503-52-002A	FGR Property Investments, LLC	RU-43 RUPD, R1-18	PAD with RL, RM, CN, PF & OS Base Districts
503-52-001B	FGR Property Investments, LLC	RUPD, R1-10 RUPD, R1-8	
503-52-001D	Marisol 163, LLC	RUPD, R1-7 RUPD, R1-6	
503-51-001C	Marisol 163, LLC	RUPD, R-2 RUPD, C-1	

Municipal Boundaries

Marisol Ranch is located within an unincorporated portion of Maricopa County. The site is within the planning area of the Surprise General Plan, although the current city boundary is located one-mile to the south. The corporate boundary of the City of Peoria runs adjacent to the north and east sides of the site. To annex the site into the City of Surprise, portions of the State Land and BLM parcels to the south will also need to be annexed to meet State annexation statutes.

Surrounding Property Ownership

The site is bordered by Arizona State Trust Land to the north and east, and a mix of State land, Federal land and private development parcels to the south, and large lot residential development to the west.

2.2 Existing Land Use, General Plan Designation and Zoning

Existing Land Use

The Marisol Ranch site is currently undeveloped, vacant desert land. Except for a few jeep trails that crisscross the site, the site remains largely in its natural, undisturbed condition.

Existing Zoning

The Marisol Ranch Zoning (per Application #Z-2000-095) and amended (Application #Z-2014-099) was established within Maricopa County using Maricopa County zoning districts, including an RUPD overlay to allow for modified development standards. As shown on **Figure 2, *Existing Zoning Map***, the property is currently zoned with a variety of residential zoning districts ranging from R-2 RUPD to R-43 RUPD. Commercial and open space districts are also located on the site.

Existing General Plan

Figure 3, *Existing General Plan Land Use Map* identifies two land use character area designations within the City of Surprise 2035 General Plan, including “Neighborhood” and “Open Space”. The open space designation is a linear trail corridor that runs in a northwesterly direction

encompassing one of the primary wash corridors within the property. The remainder of the site falls within the “Neighborhood” land use character area designation. The “Neighborhood” designation is intended to be primarily residential in nature, but also supports commercial and public facility uses to serve residential neighborhoods. Density in this area can range from 1-8 dwelling units per acre. With an overall density of 2.97 dwelling units per acre, the development plan proposed within the existing County zoning is consistent with the “Neighborhood” development pattern as outlined in the City of Surprise 2035 General Plan.

2.3 Regional Facilities and Services

Existing Transportation/Roadways

The property is currently accessed via the Loop 303 Freeway and Grand Avenue to 163rd Avenue to the property. Collectively, these roadways provide regional access to and from the southeast and southwest.

School District

Marisol Ranch is located within the boundaries of the Nadaburg Unified School District. The District presently has two elementary schools, including Desert Oasis Elementary School located approximately 5 miles from the site at the southwest corner of 171st Avenue and Bajada Road, and Nadaburg Elementary School located approximately 16 miles from the site at the southeast corner of Center Street and Dove Valley Road in the Whitman area. These schools will not have capacity to handle the population of Marisol Ranch at full build-out. To adequately support the Marisol Ranch community, the land use plan includes a site for a new K-8 school. This site will be donated to the school district upon execution of a development agreement between the School District and the Landowner. It is likely that this school will also serve existing and future residents in the immediate surrounding area. Discussions are ongoing with the school district and a developer assistance agreement will be executed prior to development commencing on the property.

Because the Nadaburg Unified School District does not currently have its own high school, students living in Marisol Ranch would be able to attend the high schools in neighboring districts. Many Nadaburg students attend Sunrise Mountain High School in Peoria and Wickenburg High School. The Nadaburg School District is in talks to build its own high school within the next 3-5 years. If this happens, students living in Marisol Ranch would have the opportunity to attend this new high school.

Law Enforcement, Fire and Refuse Service

Upon annexation into the City of Surprise, fire & emergency services, law enforcement services, and refuse collection will be provided by the City of Surprise. The nearest fire station, Surprise Fire-Medical Station #304, is located 4 miles south of site on 163rd Avenue and the Happy Valley Road alignment. This temporary fire station is planned to be replaced with a new permanent fire station to be located at the southwest corner of 163rd Avenue and the San Ysidro alignment.

The potential exists for a new police facility to be located at the northwest corner of 163rd Avenue and the San Ysidro Alignment and a future fire-medical station or police substation could be accommodated within the Marisol Ranch community, if needed, to adequately serve the development.

3.0 DESCRIPTION OF REQUEST

3.1 PAD Zoning & Regulatory Development Standards

Development Plan Concept

The Marisol Ranch zoning map was designed based on the opportunities and constraints affiliated with the natural topography and features of the site. The more intensive zoning districts are located near the southern and western portions of the property where the topography is relatively flat, while the less intensive districts are located within the northeast portion of the property where steeper topography and hillside areas are more prevalent. See **Figure 4, *Proposed Zoning Map*** for the location of each proposed zoning district within Marisol Ranch, consistent with the equivalent zoning in Maricopa County.

There are three major wash corridors and several smaller tributaries that traverse the site from north to south, all of which will be preserved in their natural state except for occasional wash crossings for roadway and trail connections. An internal collector road will connect Lone Mountain Road to 163rd Avenue through the central portion of the property, providing vehicular access to the various development parcels. Additional local street connections will be provided between development parcels as each area is developed. A library and K-8 school site will be located near the center of the community along the collector road, providing excellent access and walkability from all areas of the community. A large community park is planned in the northwest corner of site which will be directly connected to the community-wide trail system. A commercial development parcel at the northeast corner of 163rd Avenue and Lone Mountain Road is planned to serve the community and surrounding area with commercial and retail services.

Marisol Ranch is comprised of 22 development parcels. The overall layout of the development parcels as originally approved in Maricopa County is shown in **Figure 5a, *Existing County Zoning and Land Use Master Plan***. **Figure 5b, *Equivalent Land Use Master Plan*** shows the equivalent zoning in the City using the most consistent City Zoning Districts. A total of 1,882 residential units are permitted within the Marisol Ranch community for an overall gross density of 2.97 du/ac. Since identical zoning districts do not exist between Maricopa County and the City of Surprise, this PAD document establishes equivalency zoning districts and development standards that will be adopted for Marisol Ranch using the PAD zoning district within the Surprise Municipal Code (Section 122-38) upon annexation.

Additionally, **Table 2, Equivalent Zoning for Marisol Ranch** defines the zoning category, gross and net parcel acreage, projected unit count, and development standards category for each development parcel within the community.

Table 2 ~ Equivalent Zoning for Marisol Ranch							
Parcel #	Gross Parcel Area	Existing County Zoning ⁴	Allowed Land Use	Lot Yield ¹	Gross Parcel Density	Surprise Equivalent Zoning ²	Development Standards Category ³
Residential Parcels							
A	34	R1-6 RUPD	Single-Family Residential	115	3.38	PAD (RL)	5
B	54.1	R1-6 RUPD	Single-Family Residential	177	3.27	PAD (RL)	5
C	24.7	R-2 RUPD	Townhomes/ Med. Density Res.	207	8.38	PAD (RM)	6
D	47.2	R1-6 RUPD	Single-Family Residential	218	4.62	PAD (RL)	5
E	46.7	R1-6 RUPD	Single-Family Residential	200	4.28	PAD (RL)	5
F	42.9	R1-7 RUPD	Single-Family Residential	151	3.52	PAD (RL)	4
G	53.2	R1-7 RUPD	Single-Family Residential	182	3.42	PAD (RL)	4
H	35.4	R1-7 RUPD	Single-Family Residential	129	3.64	PAD (RL)	4
I	49	R1-8 RUPD	Single-Family Residential	152	3.1	PAD (RL)	3
J	55.2	R1-8 RUPD	Single-Family Residential	154	2.79	PAD (RL)	3
K	45.9	R1-8 RUPD	Single-Family Residential	139	3.03	PAD (RL)	3
L	16.5	R1-10 RUPD	Single-Family Residential	36	2.18	PAD (RL)	2
M	15.6	R1-18 RUPD	Single-Family Residential	22	1.41	PAD (RL)	1
Non-Residential Parcels							
N	12.0	R-43	School	-	-	PAD (PF)	7
O	5.0	R-43	Library	-	-	PAD (PF)	7
P	29.6	R-43	Park	-	-	PAD (OS)	7
Q	1.4	R-43	Hillside Preservation ⁵	-	-	PAD (OS)	7
R	22.9	R-43	Hillside Preservation ⁵	-	-	PAD (OS)	7
S	14.4	R-43	Wash Preservation ⁶	-	-	PAD (OS)	7
T	19.4	R-43	Wash Preservation ⁶	-	-	PAD (OS)	7
U	7.2	C-1 PD	Commercial	-	-	PAD (NC)	8
V	1.7	R1-8 RUPD	WWTF	-	-	PAD (PF)	3
Totals	634.03			1882	2.97		
¹ Parcel Lot Yield is limited to that shown in Lot Yield column.							
² Uses are those associated with the zoning district as indicated in parentheses in the Surprise Equivalent Zoning Column.							
³ Development Standards are per the Development Standards Category Column.							
⁴ County zoning also includes PAD Overlay for the entire development.							
⁵ Hillside areas with slopes of 10% or greater will be preserved.							
⁶ Wash Corridors will remain undisturbed except for trails and roadway crossings.							

Marisol Ranch Development Standards

The Marisol Ranch PAD provides regulatory development standards consistent with the County-approved RUPD development standards that will guide the overall planning and development of the residential portions of the community. These development standards include minimum lot sizes, setbacks, building height, and other regulations as defined within Table 3 below. Where standards are not otherwise specified within the PAD document, the City of Surprise zoning districts as defined in the Surprise Municipal Code, including future amendments, shall regulate.

Development standards associated with each development parcel are defined in **Table 3: Development Standards for Marisol Ranch** below.

Table 3: Development Standards for Marisol Ranch										
Development Standards Category	Parcel	Min. Lot Area/DU	Minimum Lot Area:	Min. Lot Width	Max. Lot Coverage	Min. Setbacks			Distance Between Buildings on Lot:	Max. Height
						Front Yard	Rear Yard	Side Yard		
1	M	18,000	15,000	100**	35%	20'	25'	8'/8	15'	2 st/30'
2	L	10,000	7,700	70**	40%	18'	20'	5'/5'	10'	2 st/30'
3	I, J, K, V	8,000	6,600	60**	45%	10/18*	15'	5'/5' or 0'/10'	10'	2 st/30'
4	F, G, H	7,000	6,050	55**	45%	10/18*	15'	5'/5' or 0'/10'	10'	2 st/30'
5	A, B, D, E	6,000	4,950	45**	50%	10/18*	15'	5'/5' or 0'/10'	10'	2 st/30'
6	C	4,000	6,000	60**	50%	10/18*	15'	5'/5'	10'	2 st/30'
7	N, O, P, Q, R, S, T	43,560	43,560	145**	25%	40'	30'	40'	n/a	30'
8	U	n/a	6,000	60**	60%	10'	0'	0'	n/a	30'
* 10' to building/18' to garage or 10' if "turn-in-garage".										
** This does not preclude the provision for flag-lots which shall have a minimum width of 20'										

Table 4, Zoning and Land Use Summary provides an overall summary of the various zoning and development parcels within Marisol Ranch. This table defined the proposed land use, overall gross acreage and residential units for each zoning district within the property.

Table 4: Zoning and Land Use Summary					
Proposed Use	Zoning	Parcels	Gross Acres	Units	Lot %
Townhomes/Med. Density Res.	PAD (RM)	C	24.7	207	11%
Single-Family Residential	PAD (RL)	A, B, D, E, F, G, H, I, J, K, L, M	495.7	1,675	89%
Neighborhood Commercial	PAD (NC)	U	7.23	-	-
Public Facility/Use	PAD (PF)	N, O, P, V	18.7	-	-
Open Space	PAD (OS)	Q, R, S, T	87.7	-	-
Total:			634.03	1,882	100%

3.2 Recreation and Open Space

A significant open space network is planned for Marisol Ranch. The open spaces will include a 29.6-acre community park site, an extensive multi-use trail network, pocket parks in each residential subdivision, and natural open space areas. In total, these open space areas represent approximately 25% of the project area.

The community park site will include sport courts, a multi-use field, a tot-lot, restrooms and a project clubhouse. An internal trail network is planned to follow natural drainage channels within Marisol Ranch and will weave among the open space corridors to provide connections between parcels. Pocket parks are to be included in each subdivision. These parks will be a minimum of ¼-acre in size and will be developed for active recreational use with playground equipment, picnic ramadas and so forth or will be restored to a natural open space state. Natural open space areas will remain with minor disturbance and/or restoration in conjunction with roadway and trail crossings. These areas will include most of the natural drainageways (Parcels S & T) and the hillside areas (Parcels Q & R) where slopes exceed 10%.

3.3 Circulation Plan

Primary roads around the perimeter of the site include 163rd Avenue and Lone Mountain Road. Additionally, an internal loop road will provide localized access to the individual development parcels within the property. All public roads adjacent to and within the Marisol Ranch project will be developed to meet City standards in effect at the time of development.

3.4 Drainage Master Plan

Existing Drainage Conditions

The project site generally slopes to the southwest towards the Central Arizona Project Canal at an average grade of 1 percent. The site is currently comprised of undeveloped native desert land. The two sources of offsite runoff that impact the Project are Padelford Wash and the Hieroglyphic Mountains watershed. Runoff approaching the Project from Padelford Wash enters the site at two inflow points. The flows impacting the site are those from Split 1 and the Main Reach.

Runoff is conveyed through the site through existing natural channels. In February 2000, SKG Enterprises, Inc. submitted an individual 404 permit application for the proposed development of Marisol Ranch for approval by the U.S. Army Corps of Engineers (USACE). The application indicated some natural washes traversing the site were determined as United States Jurisdictional Water ways. This permit has now expired, and the jurisdictional limits of the washes are pending.

Proposed Drainage Conditions

In the proposed drainage plan, the runoff from Padelford Wash will enter via box culverts beneath the proposed roadway and will be conveyed southeast through existing natural washes. These washes will be utilized to convey offsite flows approaching the site to the downstream limits of the property. Erosion Hazard Limits will be designated along the washes per the methodology prescribed in Arizona State Standard 5-96.

The runoff incoming from the Hieroglyphic Mountains will be collected in a series of natural and engineered channels and conveyed to the wash corridors.

Portions of the floodplain associated with the Padelford Wash will be mitigated by the placement of fill to sufficiently elevate the lots above the 100-year water surface elevation and remove the affected area from the floodplain. The CLOMR/LOMR process will be completed to effectively remove these lots from the regulatory floodplains.

Drainage design will be prepared in accordance with the City of Surprise and Maricopa County design criteria. Onsite rainfall runoff from the Project will be routed within the streets and/or storm drain to retention basins. These basins will be designed to store the tributary runoff generated from the 100-year, 2-hour storm event.

Ultimately, the proposed drainage conditions will mimic existing drainage patterns and ultimately exit the Project at the historical outfall points.

3.5 Water & Sewer Master Plans

Water

Marisol Ranch (the Project) is within the City of Surprise Special Planning Area 4 (SPA4) and is in Pressure Zone PZ-4A. It is currently isolated from existing water infrastructure and is approximately three miles north of the Desert Oasis Water Storage Facility (WSF). The Project's anticipated average day, maximum day, and peak hour demands are 749,780 gpd, 1,459,280 gpd, and 2,168,780 gpd, respectively.

As shown in the City's *Integrated Water Master Plan: Water Infrastructure Final Report* (Malcolm Pirnie, 2009), the Project will ultimately be served by Water Storage Facility WSF-5. Until WSF-5 is constructed and brought online, the Project may receive water service on an interim basis by extending the existing water infrastructure within SPA2 north to the Project site. This scenario would require the installation of a booster pump station to pump the water from SPA2 to the Project site since SPA2 lies within the lower pressure zones PZ-2A, PZ-3A and PZ-2C. Alternately, a new water supply, onsite water storage facility, and onsite booster pump station could be constructed on or near the Project site to serve the Project until WSF-5 is constructed and water transmission mains are installed between WSF-5 and Marisol Ranch.

It is anticipated that the Project will be developed in several phases. The proposed water system infrastructure needed to serve the Project will also be constructed in phases to adequately meet the water demands for each phase. Selection of the final interim water solution will be made during the design phase.

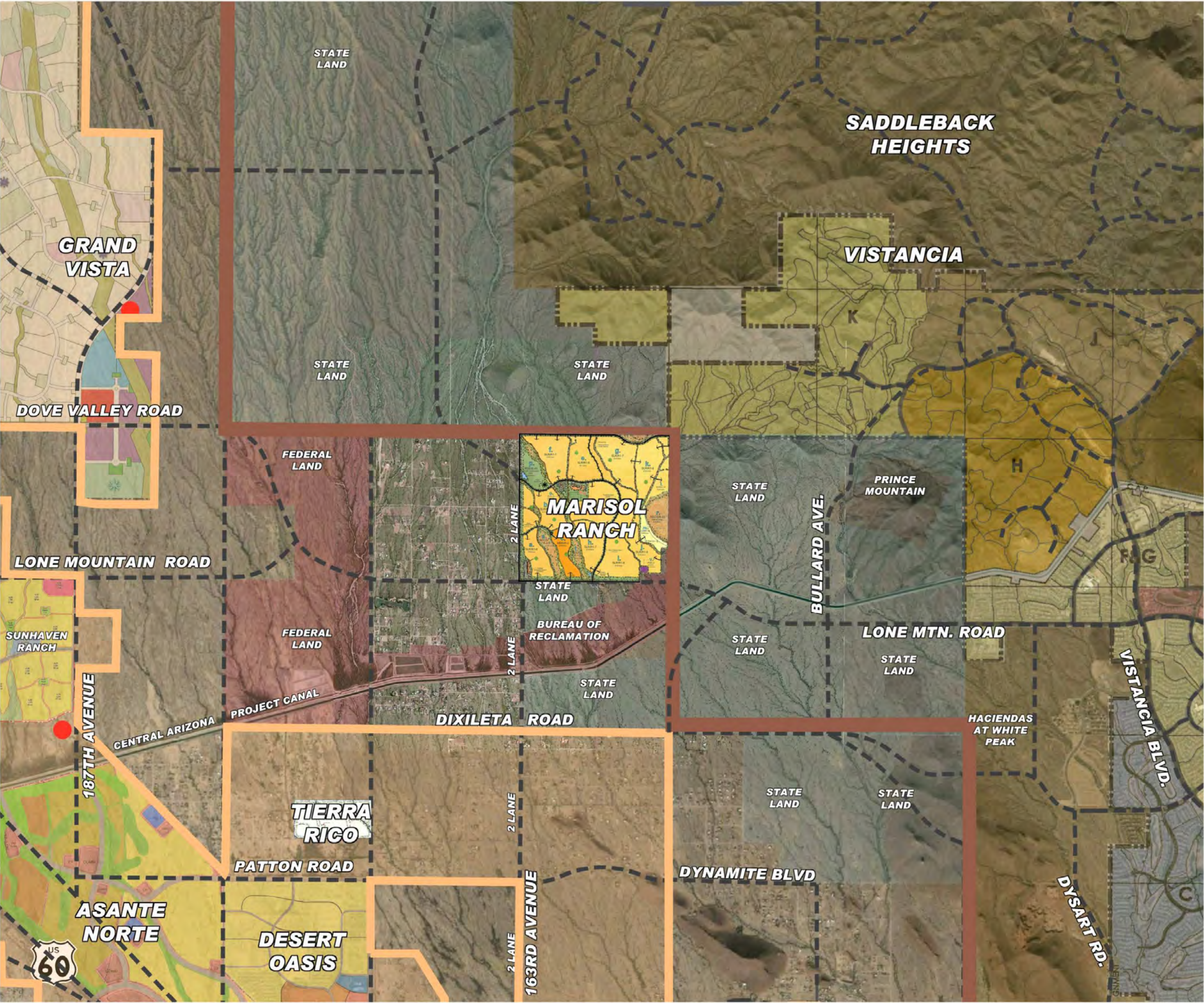
Sewer

The existing Marisol Ranch zoning entitlement includes a provision for a Wastewater Treatment Facility (WWTF) to be located in Parcel V; however, since the development will be served by the SPA 2 Water Reclamation Facility this WWTF is not required.

Upon annexation, the Project will receive wastewater service from the City of Surprise and is located within the City's SPA2 Water Reclamation Facility (SPA2-WRF) wastewater service area. The SPA2-WRF is located near Reems Road and Pinnacle Peak Road, south of the Beardsley Canal. Currently, there is no wastewater infrastructure adjacent to the Project site. The Project will generate an estimated average daily wastewater flow of 457,136 gpd and a peak wastewater flow of 1,371,407 gpd.

As noted in the City's *Integrated Water Master Plan: Water Infrastructure Final Report* (Malcolm Pirnie, 2009), the Project's wastewater flows will ultimately be routed to the SPA2-WRF. Until the sewer trunk mains between the Project and SPA2-WRF are fully constructed, the Project may be served by a temporary package wastewater treatment plant. If a temporary plant is used, it will be installed near the low point of the community at the southeast corner of the Project and be a modular plant, constructed in phases to match the Project's development. During the initial phase of development, when the average daily flow is less than 10,000 gpd, wastewater flows may be routed to a vault and then hauled to an offsite Water Reclamation Facility for treatment.

It is anticipated that the Project will be developed in several phases. The proposed wastewater system infrastructure will also be constructed in phases to adequately serve the wastewater flows generated by the development. Selection of the final interim wastewater solution will be made during the design phase.



MARISOL RANCH

Equivalency Zoning
(Annexation)

Figure 1
Vicinity Map

-  SURPRISE CITY LIMITS
-  SURPRISE PLANNING AREA BOUNDARY

Subject to engineering and City review and approval.

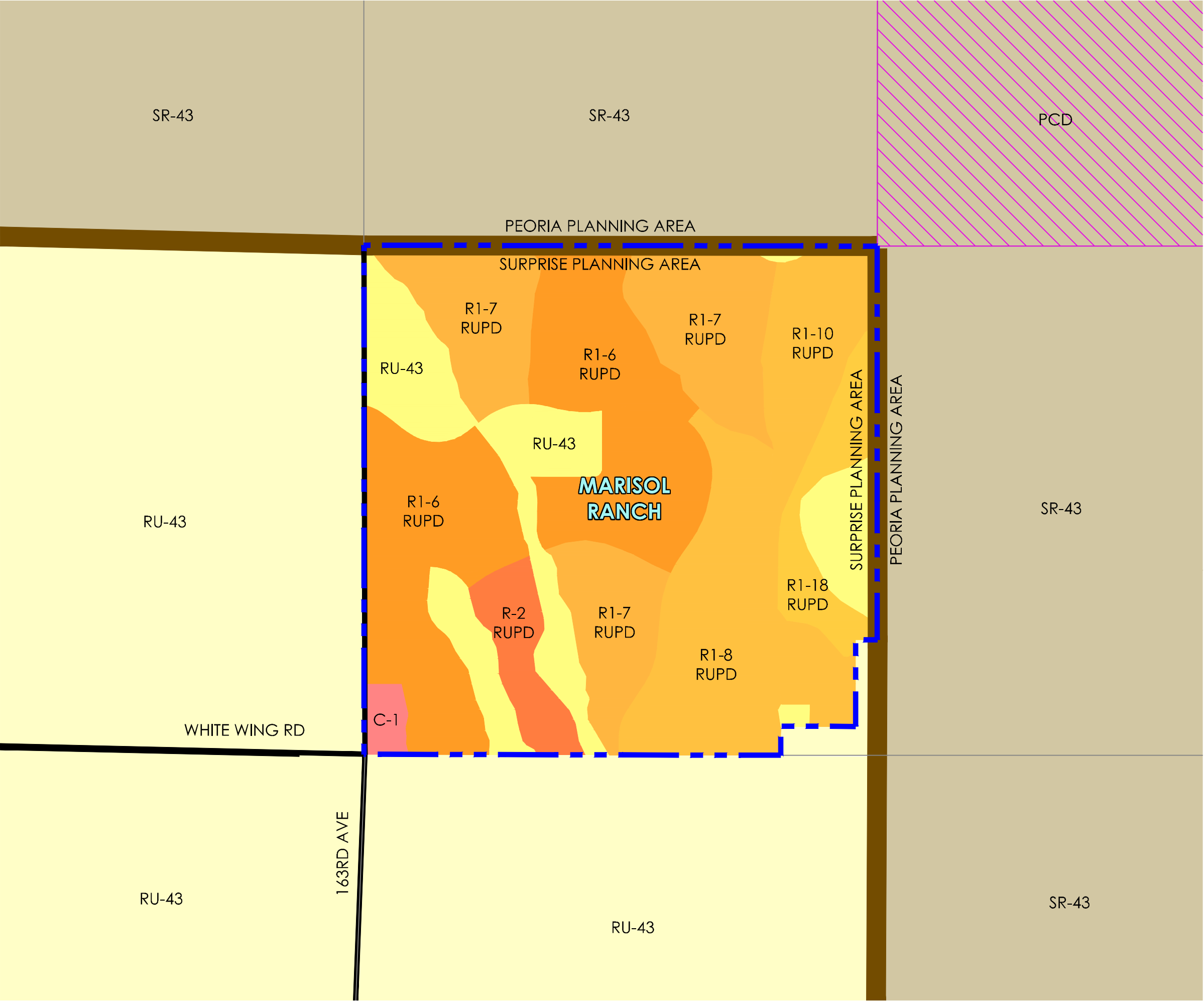


APPROX. SCALE: NTS

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MARISOL RANCH

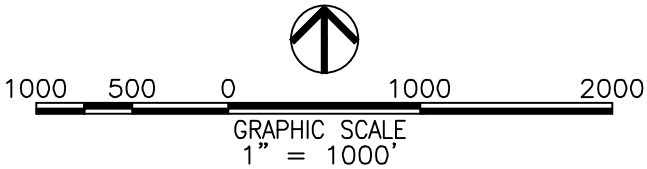
Equivalency Zoning
(Annexation)

Figure 2

Existing Zoning Map
LEGEND

- MARICOPA COUNTY
- RU-43 PAD
 - R1-18 RUPD PAD
 - R1-10 RUPD PAD
 - R1-8 RUPD PAD
 - R1-7 RUPD PAD
 - R1-6 RUPD PAD
 - R-2 RUPD PAD
 - C-1 PAD
 - RU-43
- CITY OF PEORIA
- SR-43
 - PCD
- PLANNING AREA
- MAJOR ARTERIAL

Subject to engineering and City review and approval.



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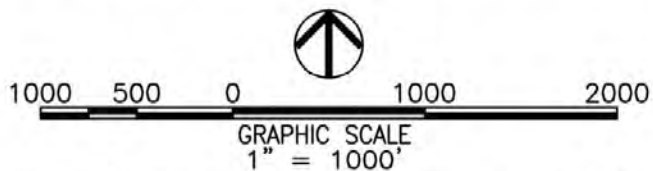
Equivalency Zoning
(Annexation)

Figure 3
Existing General Plan Land Use Map

LEGEND

City of Surprise Character Areas	City of Peoria Land Use
Neighborhood -Rural -Suburban -Urban	Residential/ Estate
Open Space	Residential/ Low
Features	Residential/ Medium
Planning Area Boundary	Park / Open Space
Circulation	
Major Arterial	

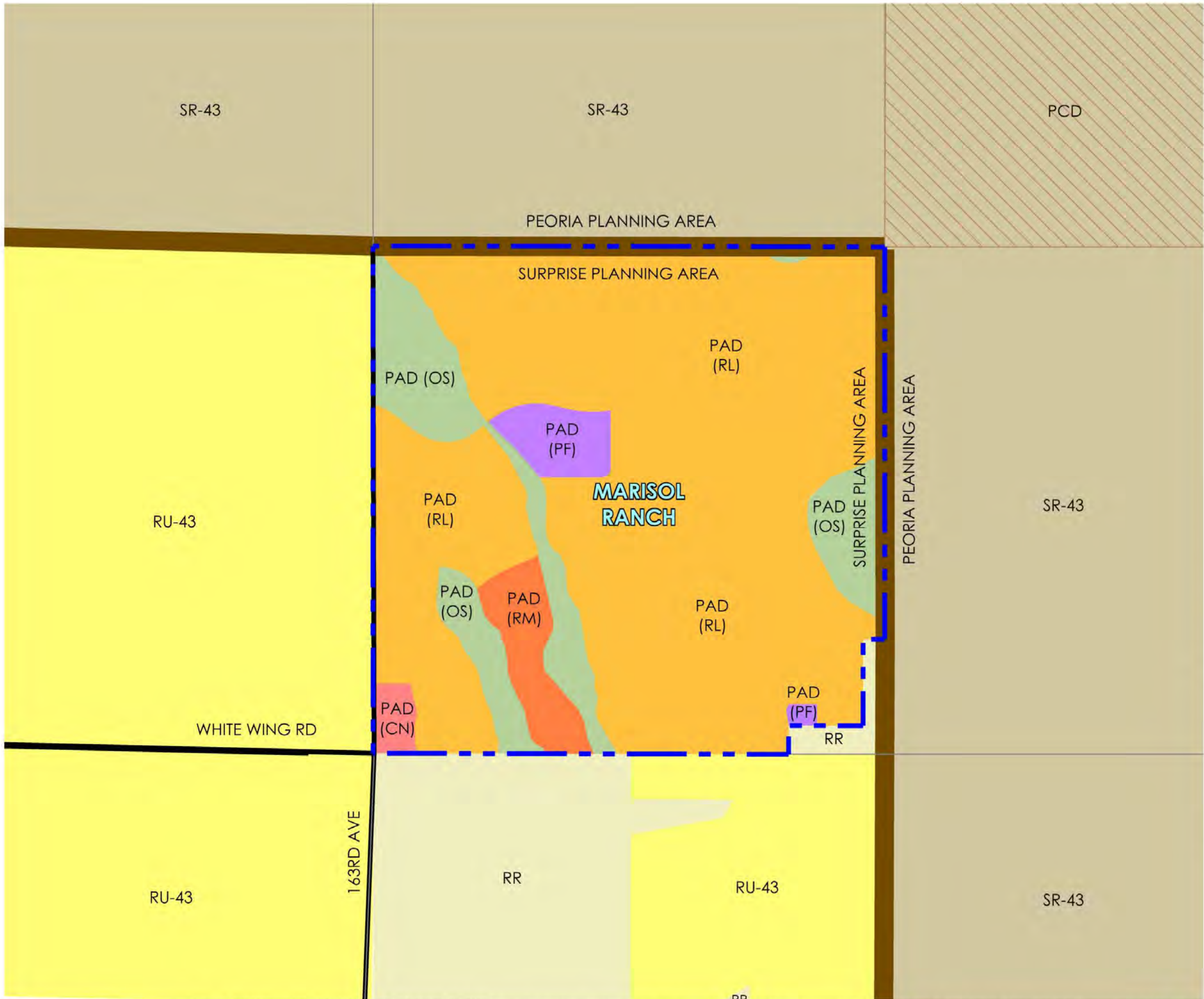
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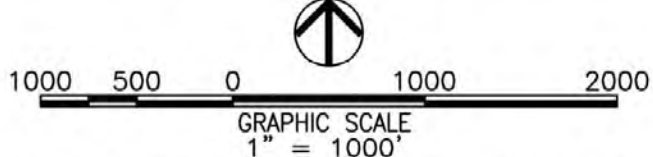
MARISOL RANCH

Equivalency Zoning
(Annexation)

Figure 4
Proposed Zoning Map
LEGEND

- CITY OF SURPRISE**
- PAD (OS)
 - PAD (RM)
 - PAD (RL)
 - PAD (CN)
 - PAD (PF)
 - RR
- CITY OF PEORIA**
- PCD
 - SR-43
- MARICOPA COUNTY**
- RU-43
 - PROJECT AREA
 - PLANNING AREA
 - MAJOR ARTERIAL

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MARISOL RANCH

Figure 5a
Existing County Land Use Master Plan

Plan Data:

Parcel Acres	Gross Acres	Land Use Category	Proposed Land Use	Proposed Zoning	Percent of Gross Area	# of Units	Density (DU/Ac)
Residential Uses:							
A.	34.00	Small Lot Res.	Single Family	R1-6	5.36	115	3.35
B.	54.10	Small Lot Res.	Single Family	R1-6	8.53	177	3.27
C.	24.70	Med. Density	Townhomes	R-2	3.89	207	8.38
D.	47.20	Small Lot Res.	Single Family	R1-6	7.44	218	4.62
E.	49.70	Small Lot Res.	Single Family	R1-6	7.36	200	4.28
F.	42.90	Small Lot Res.	Single Family	R1-7	6.77	151	3.52
G.	53.20	Small Lot Res.	Single Family	R1-7	8.39	182	3.42
H.	35.40	Small Lot Res.	Single Family	R1-7	5.58	129	3.64
I.	49.00	Small Lot Res.	Single Family	R1-8	7.73	152	3.10
J.	55.20	Small Lot Res.	Single Family	R1-8	8.71	154	2.79
K.	45.90	Small Lot Res.	Single Family	R1-8	7.24	139	3.03
L.	16.50	Small Lot Res.	Single Family	R1-10	2.60	36	2.18
M.	15.60	Large Lot Res.	Single Family	R1-18	2.46	22	1.41
Non-Residential Uses:							
N.	12.00	Educational	Elem. School	R-43	1.89	-	-
O.	5.00	Public Facility	Public Library	R-43	0.78	-	-
P.	79.00	Rec. Open Space	Comm. Park	R-43	4.67	-	-
Q.	1.40	Non-Dev. O.S.	Hillside Area	R-43	0.22	-	-
R.	22.90	Non-Dev. O.S.	Hillside Area	R-43	3.61	-	-
S.	14.40	Non-Dev. O.S.	Desert/Wash	R-43	2.27	-	-
T.	19.40	Non-Dev. O.S.	Desert/Wash	R-43	3.06	-	-
U.	7.23	Neigh. Ret. Center	Commercial	C-1	1.14	-	-
V.	1.70	Public Facility	W.W.T.F.	R1-8	0.30	-	-
Totals:	634.03				100.00	1882	2.97

Land Use Summary:

Land Use	Gross Acres
Large Lot Residential (1-2 DU/Ac)	15.60
Small Lot Residential (2-5 DU/Ac)	480.10
Medium Density Residential (5-15 DU/Ac)	24.70
Educational	12.00
Recreational Open Space	29.60
Non-Developable Open Space	58.10
Neighborhood Retail Commercial	7.23
Public Facility	6.70
Total:	634.03 Acres

Legend:

LLR	Large Lot Residential 1-2 DU/Ac	ROS	Recreational Open Space Public Community Park
SLR	Small Lot Residential 2-5 DU/Ac	NDOS	Non-Developable Open Space Undisturbed Desert/Wash Areas
MDR	Medium Density Residential 5-15 DU/Ac	NDOS	Non-Developable Open Space Hillside Area above 15%
ED	Educational Elementary School Site	PF	Public Facilities Wastewater Treatment Facility
NRC	Neighborhood Retail Center	PP	Pocket Park

Note:
Approximately 72.7 acres of additional Open Space is provided within development parcels in the form of hillside areas, desert washes, project trails, pocket parks and drainage basins for an overall Open Space total of approximately 160.4 acres or 25.3% of the site.

Board of Supervisor's Approval: All calculations are approximate.

Date: October/2002
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Scale: 1" = 200'



prepared for:
FGR Property Investments V, L.L.C.
4414 N. CIVIC CENTER PLAZA, SUITE 201
SCOTTSDALE, ARIZONA 85251
Tel. 480/945-1914 Fax. 480/945-8483

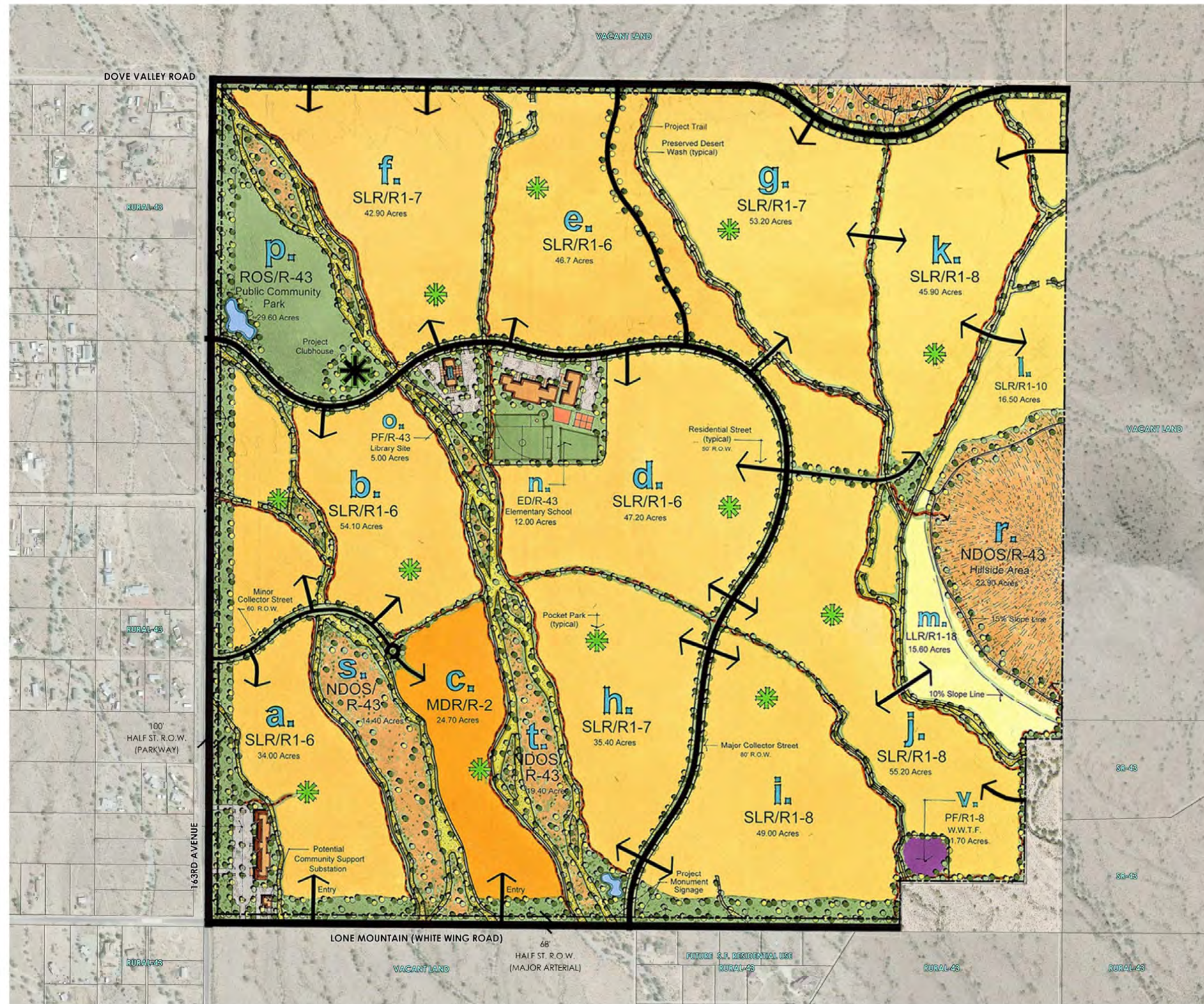
prepared by:

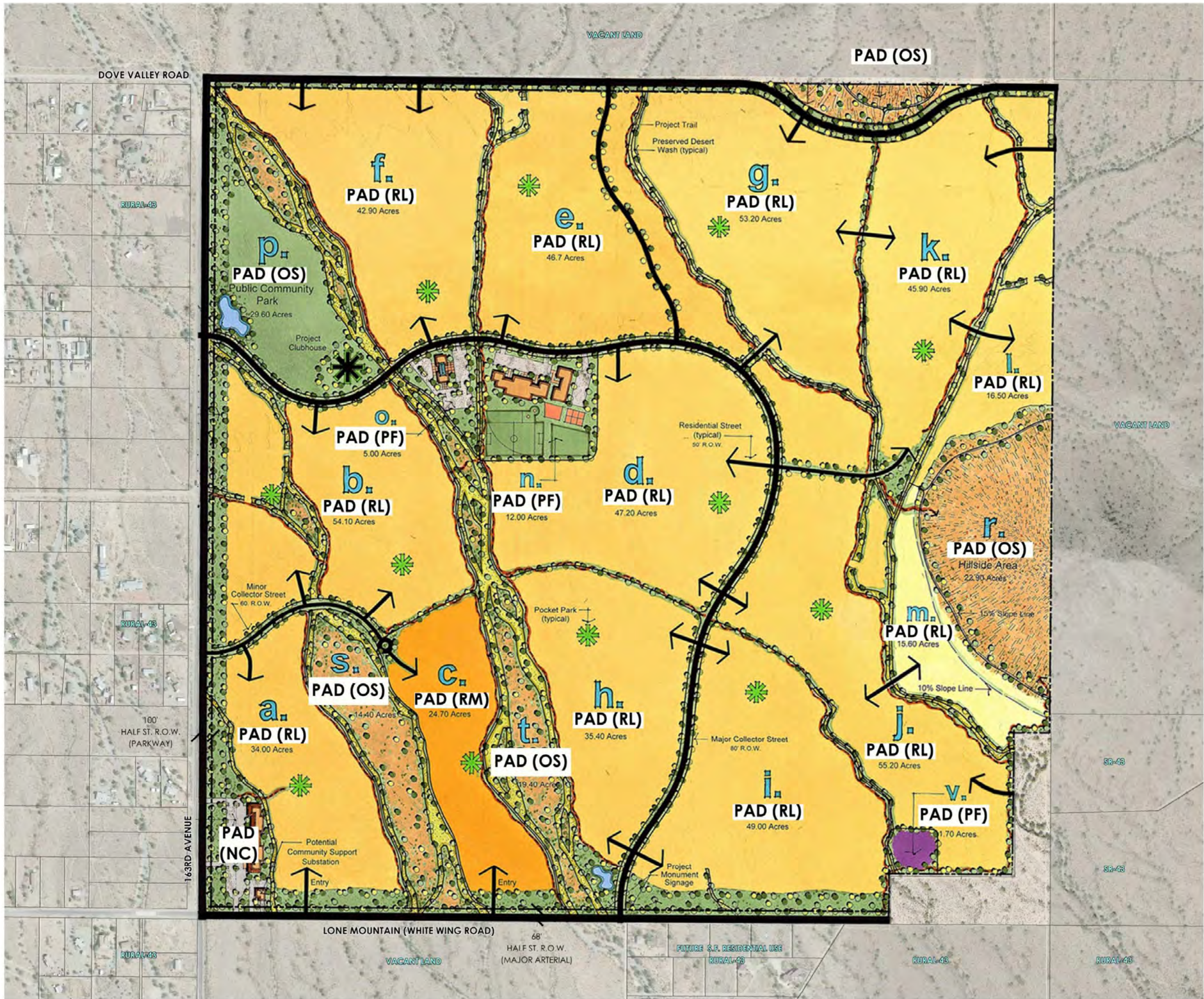


Drifting Sands Design
Urban and Environmental Land Planning & Landscape Design
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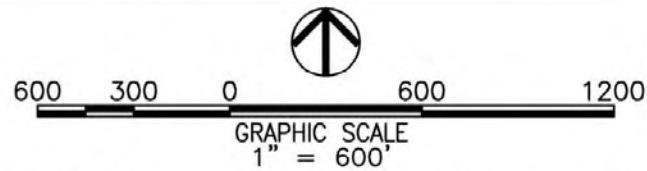
MARISOL RANCH

Figure 5b
Equivalent Land Use Master Plan

Parcel #	Gross Parcel Area	Zoning District	Lot Yield	Gross Parcel Density
A	34	PAD (RL)	115	3.38
B	54.1	PAD (RL)	177	3.27
C	24.7	PAD (RM)	207	8.38
D	47.2	PAD (RL)	218	4.62
E	46.7	PAD (RL)	200	4.28
F	42.9	PAD (RL)	151	3.52
G	53.2	PAD (RL)	182	3.42
H	35.4	PAD (RL)	129	3.64
I	49	PAD (RL)	152	3.1
J	55.2	PAD (RL)	154	2.79
K	45.9	PAD (RL)	139	3.03
L	16.5	PAD (RL)	36	2.18
M	15.6	PAD (RL)	22	1.41
N	12.0	PAD (PF)	-	-
O	5.0	PAD (PF)	-	-
P	29.6	PAD (OS)	-	-
Q	1.4	PAD (OS)	-	-
R	22.9	PAD (OS)	-	-
S	14.4	PAD (OS)	-	-
T	19.4	PAD (OS)	-	-
U	7.2	PAD (NC)	-	-
V	1.7	PAD (PF)	-	-
Totals	634.03		1882	2.97

NOTE: NET ACREAGE EXCLUDES STREET R.O.W. & FLOODWAY (EXCEPT FOR PARKS)

NEIGHBORHOOD POCKET PARK
Subject to engineering and City review and approval.



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Date: 11/30/18 Project No. 1793



Recording requested by:

City of Surprise
City Clerk's Office
16000 N Civic Center Plaza
Surprise, Arizona 85374

BlankANNEXMarisol-14-1-1--
henrya

BLANK ANNEXATION PETITION
FS18-417 MARISOL RANCH ANNEXATION

Exhibit A

Metes and bounds legal description of the
Marisol Ranch Annexation Area

**MARISOL RANCH
ANNEXATION BOUNDARY
LEGAL DESCRIPTION**

That portion of land being situated within Sections 18, 19, and 30, Township 5 North, Range 1 West and Section 24, Township 5 North, Range 2 West of the Gila and Salt River Meridian, Maricopa County, Arizona, being more particularly described as follows:

BEGINNING at a found 2 inch Maricopa County aluminum cap accepted as the Northwest corner of said Section 18 from which a found 2-1/2 inch United States G.L.O. survey brass cap, up 8 inches, accepted as the North Quarter corner thereof bears South 89°56'07" East, 2684.77 feet;

Thence South 89°56'07" East, 2684.77 feet along the north line of the Northwest quarter of said Section 18 to the North quarter corner thereof;

Thence South 89°51'50" East, 2639.48 feet along the north line of the Northeast quarter of said Section 18 to the Northeast corner thereof;

Thence South 00°00'24" East, 2640.13 feet along the east line of said Northeast quarter to the East quarter corner thereof;

Thence South 00°00'48" West, 2641.61 feet along the east line of the Southeast quarter of said Section 18 to the Southeast corner thereof;

Thence North 89°53'28" West, 2640.49 feet along the south line of said Southeast quarter to the South quarter corner thereof;

Thence South 00°04'08" East, 457.65 feet along the north-south mid-section line of said Section 19;

Thence leaving said mid-section line, South 89°53'28" East, 1073.26 feet along the property described within the deed recorded in Document No. 2001-0199600, records of Maricopa County, Arizona;

Thence continuing along said deed line, South 31°52'57" West, 222.60 feet;

Thence continuing along said deed line, South 79°22'55" West, 971.88 feet;

Thence leaving said deed line, South 00°04'08" East, 1809.55 feet along the north-south mid-section line of said Section 19;

Thence South 89°49'37" East, 826.69 feet along the east-west mid-section line of said Section 19;

Thence leaving said mid-section line, North 57°57'11" East, 488.30 feet along the property described in the deed recorded in Document No. 2017-0050026, records of Maricopa County, Arizona;

Thence continuing along said deed line, South 00°04'00" East, 260.35 feet;

Thence leaving said deed line, South 89°49'37" East, 1399.51 feet along the east-west mid-section line of said Section 19 to the East quarter corner thereof;

Thence South 00°03'18" East, 2639.95 feet along the east line of the Southeast quarter of said Section 19 to the Southeast corner thereof;

Thence North 89°56'07" West, 2639.74 feet along the south line of last said Southeast quarter to the South quarter corner thereof;

Thence North 89°47'09" West, 2003.25 feet along the south line of the Southwest quarter of said Section 19;

Thence leaving said south line, South 00°00'37" West, 55.00 feet along the northerly extension of the east line of Lot 2 of the Minor Land Division as recorded in Book 1015, Page 23, Maricopa County Records, Arizona, to the northeast corner of said Lot 2;

Thence North 89°47'09" West, 683.10 feet along the north line of said Lot 2 and along the north line of Lot 1 of said Minor Land Division and the westerly prolongation of last said north line, also being the south line of the north 55.00 feet of said Section 30;

Thence North 00°01'39" West, 55.00 feet along the west line of the Northwest quarter of said Section 30, to the Northwest corner thereof;

Thence North 00°01'48" West, 1877.46 feet along the west line of the Southwest quarter of said Section 19;

Thence leaving last said west line, South 85°25'58" West, 55.17 feet along the northerly line of the property as described in the Warranty Deed, as recorded in Document No. 1995-0433967, Maricopa County Records, Arizona;

Thence leaving said northerly line, North 00°01'48" West, 109.44 feet along a line that is parallel with and 55.00 feet west of the west line of the Southwest quarter of said Section 19;

Thence leaving said parallel line, North 89°44'49" West, 2587.17 feet along the south line of the north half of the north half of the Southeast quarter of said Section 24;

Thence North 00°00'32" East, 660.97 feet along the west line of the Southeast quarter of said Section 24;

Thence South 89°44'32" East, 2641.72 feet along the north line of the Southeast quarter of said Section 24 to the West quarter corner of said Section 19;

Thence North 00°01'46" West, 2636.06 feet along the west line of the Northwest quarter of said Section 19 to the Northwest corner thereof;

Thence North 00°01'09" West, 2639.94 feet along the west line of the Southwest quarter of said Section 18 to the West quarter corner thereof;

Thence North 00°00'15" East, 2639.25 feet along the west line of the Northwest quarter of said Section 18 to the **POINT OF BEGINNING**.

Said portion of land containing 51,395,333 sq.ft., or 1179.8745 acres, more or less being subject to any easements, restrictions, rights-of-way of record or otherwise.

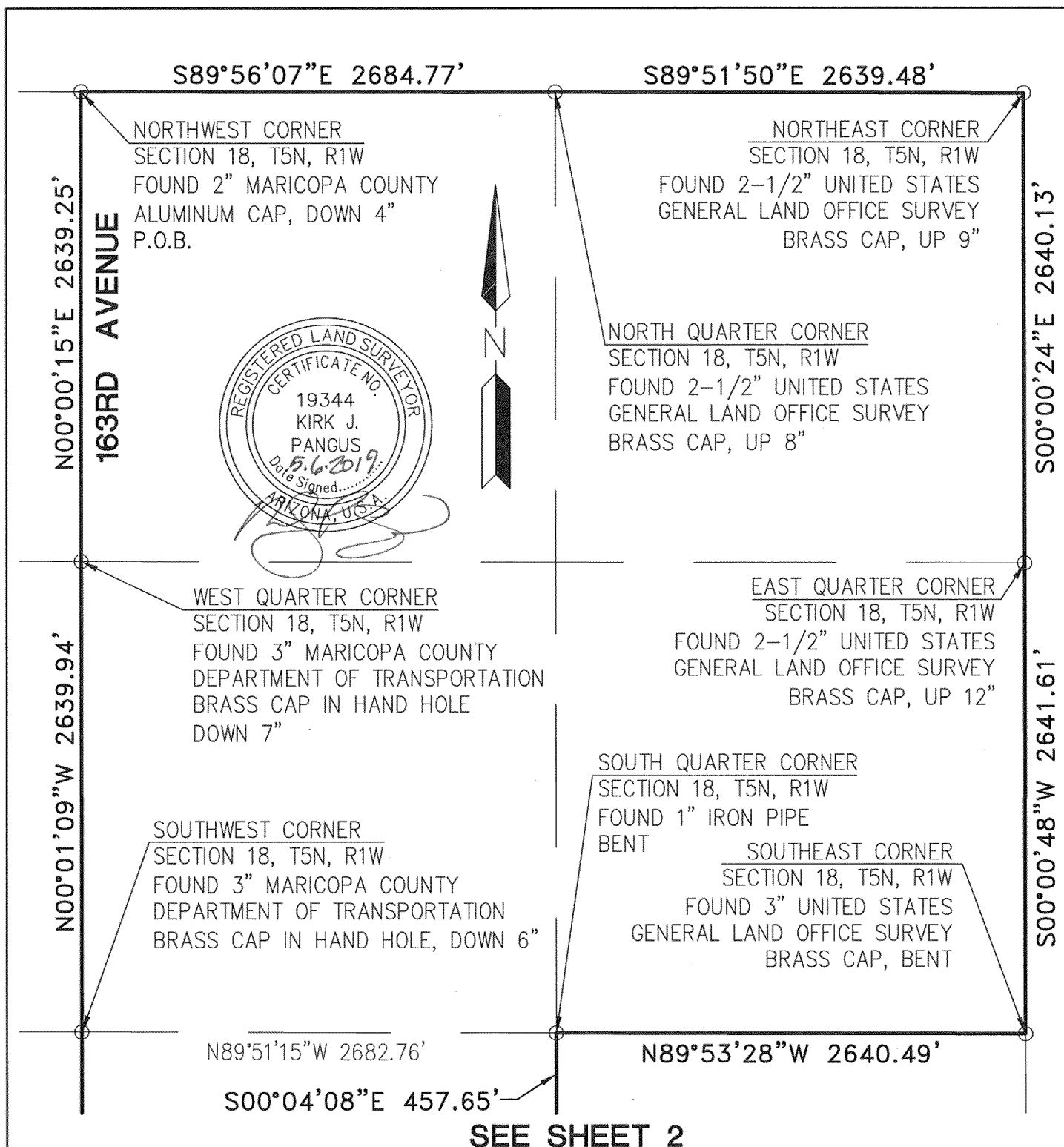
The description shown hereon is not to be used to violate any subdivision regulation of the state, county and/or municipality or any land division restrictions.

Prepared by: HILGARTWILSON, LLC
 2141 E. Highland Avenue, Suite 250
 Phoenix, AZ 85016
 Project No. 1766
 Date: May 2019



Exhibit B

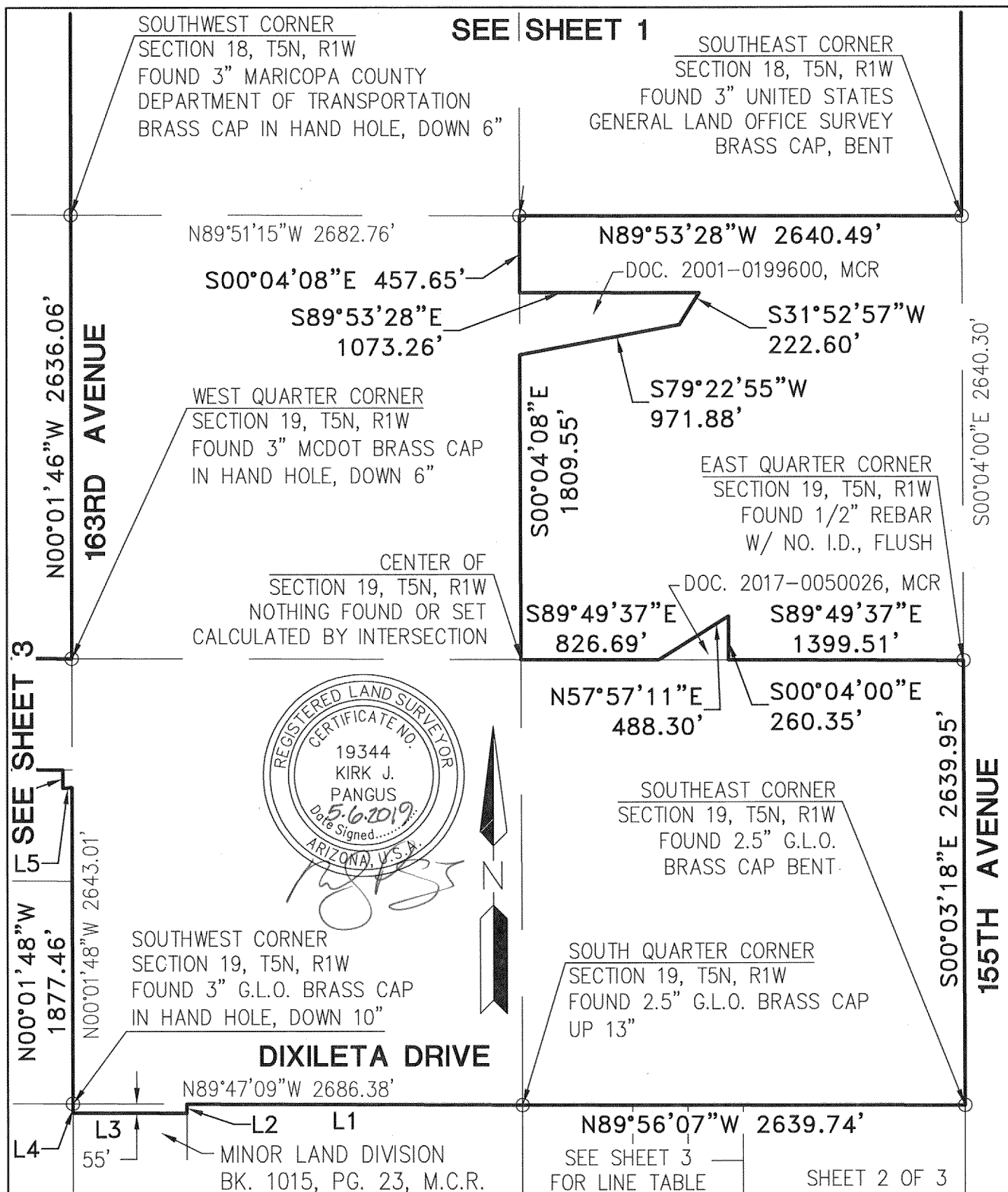
Exhibit of the legally defined Marisol Ranch Annexation Area



SEE SHEET 3
FOR LINE TABLE

SHEET 1 OF 3

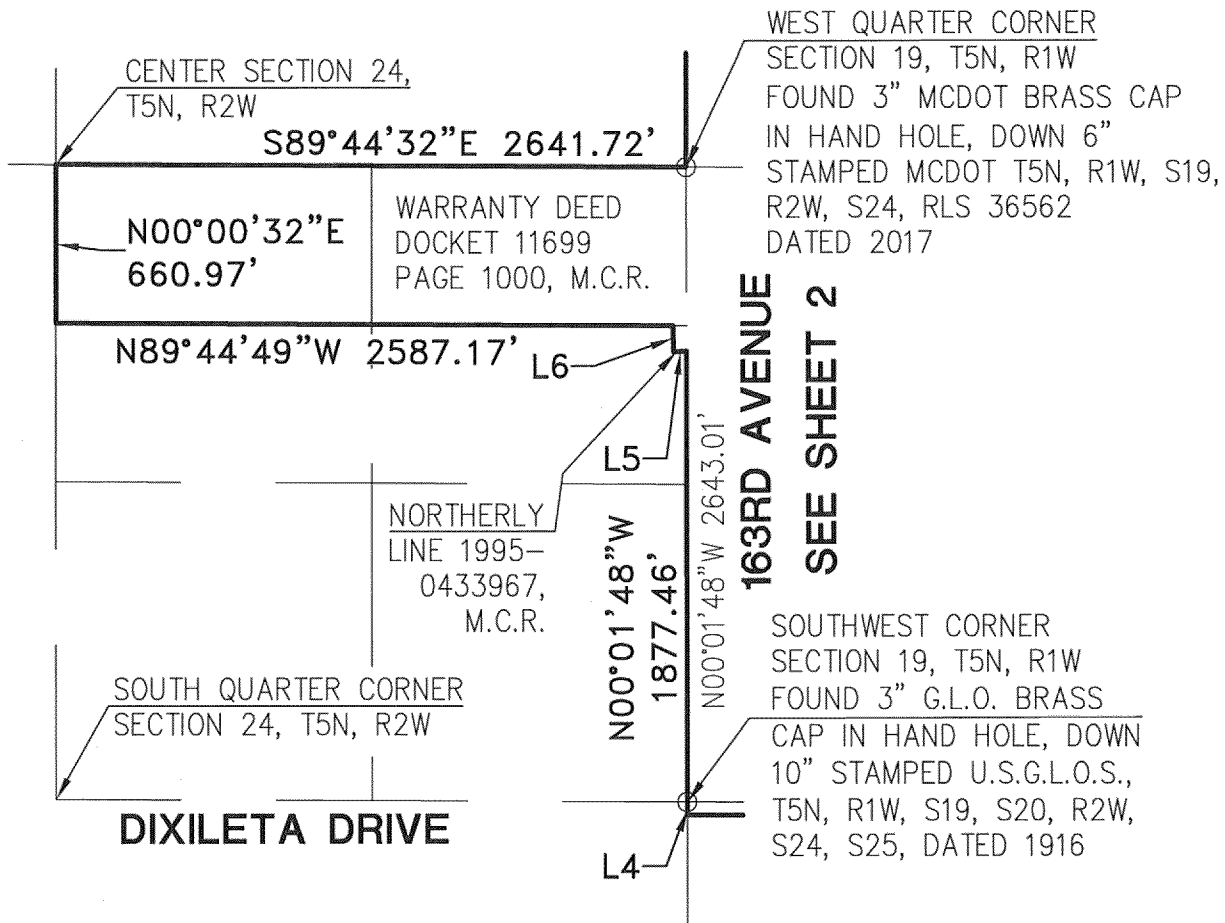
PROJ.NO.: 1766	MARISOL RANCH ANNEXATION BOUNDARY MARICOPA COUNTY, ARIZONA	 HILGARTWILSON 2141 E. HIGHLAND AVE., STE. 250 PHOENIX, AZ 85016 P: 602.490.0535 / E: 602.368.2436
DATE: MAY 2019		
SCALE: N.T.S.		
DRAWN BY: JDL	EXHIBIT	
CHECKED BY: KJP		



PROJ.NO.: 1766
DATE: MAY 2019
SCALE: N.T.S.
DRAWN BY: JDL
CHECKED BY: KJP

MARISOL RANCH
ANNEXATION BOUNDARY
MARICOPA COUNTY, ARIZONA
EXHIBIT

HILGARTWILSON
2141 E. HIGHLAND AVE., STE. 250
PHOENIX, AZ 85016
P: 602.490.0535 / F: 602.368.2436



SOUTHWEST CORNER
SECTION 19, T5N, R1W
FOUND 3" G.L.O. BRASS
CAP IN HAND HOLE, DOWN
10" STAMPED U.S.G.L.O.S.,
T5N, R1W, S19, S20, R2W,
S24, S25, DATED 1916

LINE TABLE

LINE NO.	DIRECTION	LENGTH
L1	N89°47'09"W	2003.25'
L2	S00°00'37"W	55.00'
L3	N89°47'09"W	683.10'
L4	N00°01'39"W	55.00'
L5	S85°25'58"W	55.17'
L6	N00°01'48"W	109.44'



SHEET 3 OF 3

PROJ.NO.: 1766
DATE: MAY 2019
SCALE: NONE
DRAWN BY: JDL
CHECKED BY: KJP

MARISOL RANCH
ANNEXATION BOUNDARY
MARICOPA COUNTY, ARIZONA

EXHIBIT

HILGARTWILSON
2141 E. HIGHLAND AVE., STE. 250
PHOENIX, AZ 85016
P: 602.490.0535 / F: 602.368.2436

AFFIDAVIT REGARDING ANNEXATION

Personally appears before me, CHRIS BOYD who, first being duly sworn, deposes and says as follows:

1. I make this affidavit of my own personal knowledge.
2. I am the duly appointed Community Development Director of the City of Surprise, Arizona and I am qualified to make this affidavit on behalf of and for the City.
3. I have made a diligent search of the records of the Office of the Clerk of the City of Surprise and of the Office of the Maricopa County Recorder for any annexation filing which might involve territory sought to be annexed in the City of Surprise Annexation Petition, which is filed herewith, with exhibits, in the Office of the Maricopa County Recorder.
4. I hereby affirm, pursuant to A.R.S. §9-471(A)(6), that no part of the territory associated with Surprise Case #FS18-417 for which the attached Annexation Petition is filed is already subject to an earlier filing for annexation.

FURTHER AFFIANT SAYETH NOT.


 (Chris Boyd, Surprise Community Development Director)

SWORN TO AND SUBSCRIBED before me
 this 9th day of May, 2019.


 Notary Public for the State of Arizona



My commission expires: 5/26/2019

ARIZONA STATE LAND DEPARTMENT
APPROVAL OF PROPOSED ANNEXATION

The Arizona State Land Commissioner has given due consideration and does hereby approve the proposed annexation of State lands, as described in Attachment A, into the incorporated boundaries of the City of Surprise.



LISA A. ATKINS
Commissioner, State of Arizona Land Department



DATE



Exhibit A

LEGAL DESCRIPTION
SURPRISE/MARISOL RANCH

PORTIONS OF SECTION 19, IN TOWNSHIP 5 NORTH, RANGE 1 WEST, IN TOWNSHIP 5 NORTH, RANGE 2 EAST, GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA,

BEGINNING AT THE NORTHWEST CORNER OF SECTION 19 ALSO BEING THE NORTHWEST CORNER OF LOT 1,

THENCE EAST ALONG THE NORTH LINE OF SAID SECTIONS 19, AND OF LOT 1, TO THE NORTH QUARTER CORNER OF SECTION 19,

THENCE SOUTH ALONG THE EAST LINE OF THE NORTHWEST QUARTER TO A POINT ON THE NORTH LINE OF THE CAP 93-43208,

THENCE SOUTHWEST ALONG THE NORTH LINE OF THE CAP, TO A POINT ON THE WEST LINE OF SECTION 19, ALSO BEING THE WEST LINE OF LOT 2,

THENCE NORTH ALONG THE WEST LINE OF SAID SECTION 19 TO THE POINT OF BEGINNING.

CONTAINING 82.79 ACRES MORE OR LESS

ALSO

BEGINNING AT THE SOUTHWEST CORNER OF SECTION 19 ALSO BEING THE SOUTHWEST CORNER OF LOT 4,

THENCE NORTH ALONG THE WEST LINE OF SECTION 19 AND THE WEST LINE OF LOT 4 TO A POINT ON THE SOUTH LINE OF THE CAP 93-43208,

THENCE NORTHEASTERLY ALONG THE SOUTHERLY LINE OF THE CAP 93-43208 TO A POINT ON THE NORTH LINE OF THE EAST-WEST MID SECTION LINE OF SECTION 19,

THENCE EAST ALONG THE EAST-WEST MID SECTION LINE TO THE EAST QUARTER CORNER OF SAID SECTION,

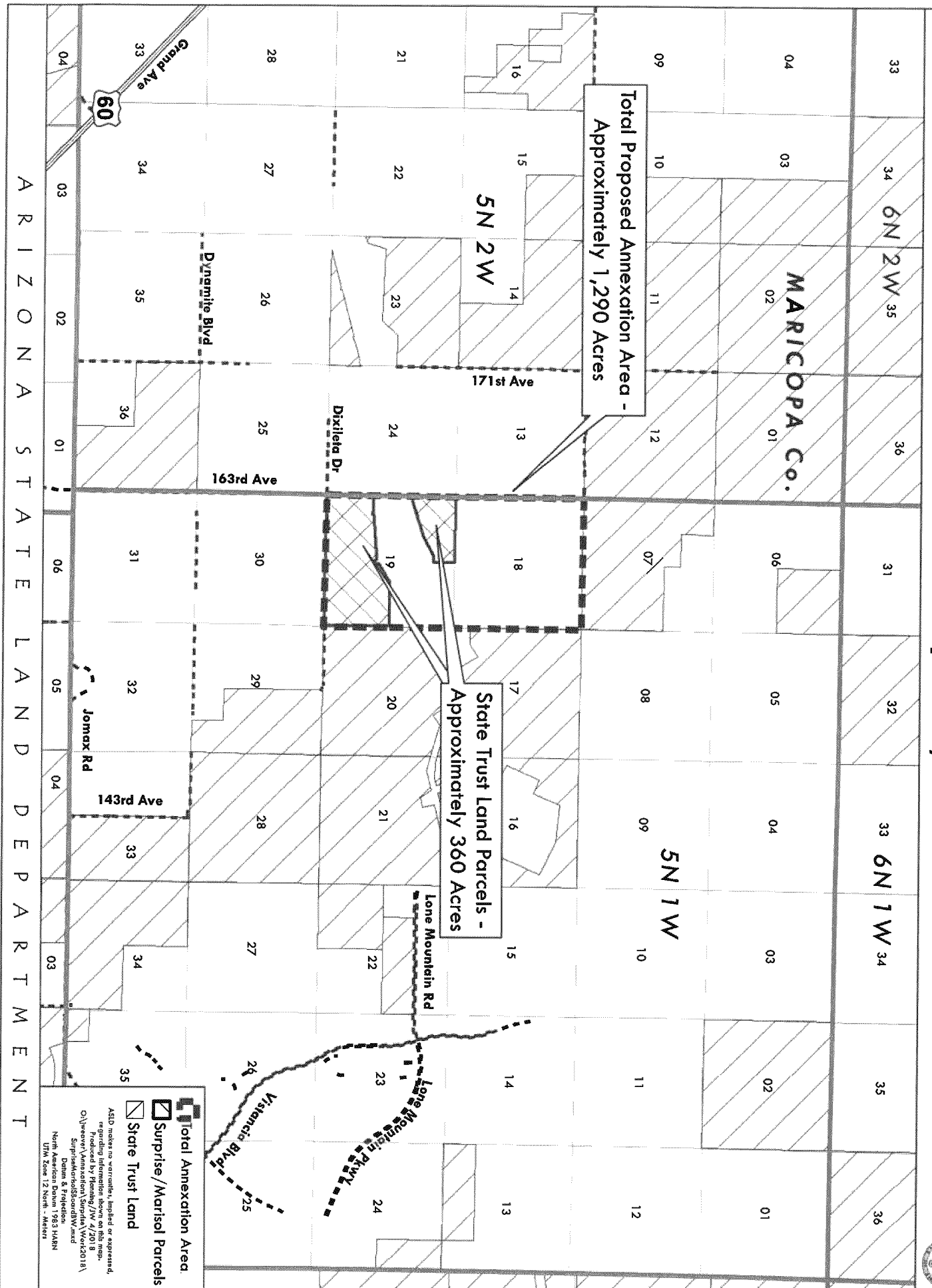
THENCE SOUTH ALONG THE EAST LINE OF SAID SECTION TO THE SOUTHEAST CORNER OF SECTION 19,

THENCE WEST ALONG THE SOUTH LINE OF SECTION 19 TO THE POINT OF BEGINNING.

CONTAINING 277.79 ACRES MORE OR LESS

PROPOSED ANNEXATION: Surprise/Marisol Ranch

Exhibit B



Marisol Ranch Public Participation Report

Cases: FS18-417 & FS18-577

January 2019

Overview

This Public Participation Report has been assembled in conjunction with annexation and zoning requests for a ±634-acre site located at the northeast corner of 163rd Avenue and Lone Mountain Road. A request is being processed to annex the Site into the City of Surprise (case # FS18-417). Along with this annexation, the site will receive equivalency zoning based on its existing zoning within Maricopa County which includes entitlements for up to 1,882 residential units and 7.2 acres of commercial zoning. In addition to this annexation case, a PAD amendment is being requested adjust the development plan to allow for up to 2,270 residential units and 34.0 acres of mixed-use (case # FS18-577). This PAD amendment request is intended to improve the viability and compatibility of the Marisol Ranch development, bringing it in line with today's market conditions.

Summary of Outreach Efforts

A joint neighborhood meeting for the Marisol Ranch annexation and zoning amendment requests and the adjacent Lone Mountain Ranch zoning request was held to provide the public with the opportunity to learn the specifics of the proposed developments, ask questions and express concerns related to the applications. Citizens were informed of the meeting through various means, including:

- A letter was sent by the City of Surprise to 100 neighboring property owners notifying them of the upcoming public meeting (see Exhibit A: City of Surprise Meeting Notice & Mailing List).
- On October 31, 2018 an advertisement was placed in the Surprise Today newspaper by the City of Surprise to notify the community of the upcoming neighborhood meeting (see Exhibit B: Newspaper Notice).
- Both the Marisol Ranch property and the Lone Mountain Ranch property were posted on October 16, 2018 with four (4) signs informing the community of the upcoming neighborhood meeting. Due to a date change for the neighborhood meeting and neighbor feedback on the placement of the signs, the signs were updated and relocated on October 24, 2018 (See Exhibit C: Affidavit of Sign Posting).

The neighborhood meeting was held on November 12, 2018 Desert Oasis Elementary School starting at 6:00 pm. All in attendance were asked to sign in and given comment cards to submit their feedback and inquiries to the project team (See Exhibit D: Sign-In Sheets & Exhibit E: Comment Cards). Multiple team members and city staff members were present at the meeting. Mark Reddie of RVi gave a presentation explaining the proposals for both Marisol Ranch and Lone Mountain Ranch and worked to answer questions from the community. This report documents all communication with private citizens relevant to the projects (See Exhibit F: Neighbor Correspondence).

The project team understands that allowing to residents, property owners and community stakeholders to learn about the project and express their questions or concerns is a vital part of the development process. The team is committed to facilitating an open dialogue that will shape the project as it moves forward.

Response to Community Input

The majority of neighborhood comments received fell into four general categories: 1) concerns about wells; 2) traffic; 3) density; and 4) the environment. The Development Team has worked to address these concerns to the extent reasonable and has listed those efforts below.

- 1) **Concerns about wells:** The groundwater and impact on wells for Marisol Ranch has been studied by a hydrogeologist. Any new wells within Marisol Ranch are regulated by the Arizona Department of Water Resources (ADWR) and Well Impact Requirements of the Phoenix Active Management Area (AMA). These specify that a new well cannot impact the water level of existing registered wells by more than 10 feet after a pumping period of 5 years. The existing well within Marisol Ranch was tested in 2000 and again in 2016. During this time, the water level rose from 514' below ground level to 350' below ground level. Any new wells or modifications to existing wells will follow the requirements of ADWR and will also be submitted to the City of Surprise for review and approval to confirm that impacts to existing wells do not exceed the regulatory requirements.
- 2) **Concerns about traffic:** All public roads adjacent to and within the project will be developed to meet City standards in effect at the time of development. The way that the City of Surprise structures its infrastructure improvement program is that when a property develops, the developer is required to complete the adjacent half streets to City of Surprise standards as set forth in the City's Master Transportation Plan. As the project is developed on a phased basis, the developer will be responsible for constructing these offsite infrastructure improvements which will enhance the overall access and transportation system in accordance with the City's Transportation Plan and will provide a benefit to the entire community. A Traffic Impact Analysis report has been completed and will be provided to City of Surprise staff for review and approval to ensure that the required infrastructure improvements will adequately accommodate the additional vehicular trips generated by this development.
- 3) **Concerns about density:** Currently, the property allows for up to just over 1,800 residential units in accordance with the approved zoning within Maricopa County. This same density will be provided on the property at the time of annexation. The developer is requesting to increase the density through a zoning amendment by approximately 20% to just over 2,200 residential units to allow for an overall community master plan

that is more reflective of current market conditions, and provides for an appropriate balance of residential and non-residential land uses with a variety of lot sizes and product types to serve this growing community. It is important to note that there is significant demand for new housing created by people moving to the Phoenix metro area. This demand is a force which will drive new development opportunities in areas appropriate for growth such as Marisol Ranch.

Based on feedback the development team received from neighbors regarding the overall density proposed for this project, the development team has worked to implement strategies to buffer the proposed development from existing neighboring development. In order to provide an appropriate transition from the existing rural residential uses along the perimeter of the Marisol Ranch property and meet the density transition requirements within the Surprise General Plan, a landscaped open space buffer will be provided along 163rd Avenue and Lone Mountain Road where immediately adjacent to existing residential uses. This will include a 60' wide open space buffer along those portions of 163rd Avenue, and a 150' buffer along those portions of Lone Mountain Road. With the addition of the applicable roadway right-of-way per the City of Surprise standards, these buffers will both provide a 260' setback when combining the roadway right of way and adjacent open space buffer. In addition to the perimeter open space buffer, the first row of homes adjacent to these open space buffers within residential districts shall be limited to single-story in height, further reducing the impact from adjacent properties. These buffers are provided as a requirement within the proposed Development Plan and Open Space Plan.

- 4) **Concerns about the environment:** Marisol Ranch has been designed to be an environmentally sensitive master planned community. Natural open space areas will be preserved throughout the property within drainage corridors and undeveloped hillside areas, particularly those areas which exceed 15% slope. These natural open space areas will serve as important habitats for wildlife and will promote the beautiful native desert character of the property. Trails meandering through these areas will offer future residents an escape into the natural world where they will enjoy listening to the sound of birdsong and wind rustling through the desert vegetation. These natural open space areas will serve as wildlife habitats and corridors allowing space for native plants, animals and future residents to coexist. A minimum of 20% of Site's net residential area will be dedicated as permanent open space.

Additionally, rather than develop the property with a dozens of individual wells which can more greatly impact available groundwater, and individual septic tanks which have environmental impacts, the property will be connected to the City's water and wastewater system, ensuring the long-term viability of the development without a drain on the land by providing multiple well sites and septic tanks scattered throughout the property. All development will be dustproofed with paved roads, ensuring a reduction in particulates in the air caused by existing dirt roads in the area. The development will

meet all local, County and State environmental regulations to ensure a sustainable, environmentally-sensitive community.

Attachments

- Exhibit A: City of Surprise Meeting Notice and Mailing List
- Exhibit B: Newspaper Notice
- Exhibit C: Affidavit of Sign Posting
- Exhibit D: Sign-In Sheets
- Exhibit E: Comment Cards
- Exhibit F: Neighbor Correspondence

Exhibit A:

City of Surprise

Meeting Notice and

Mailing List

**CITY OF SURPRISE
CITIZEN REVIEW MEETING**

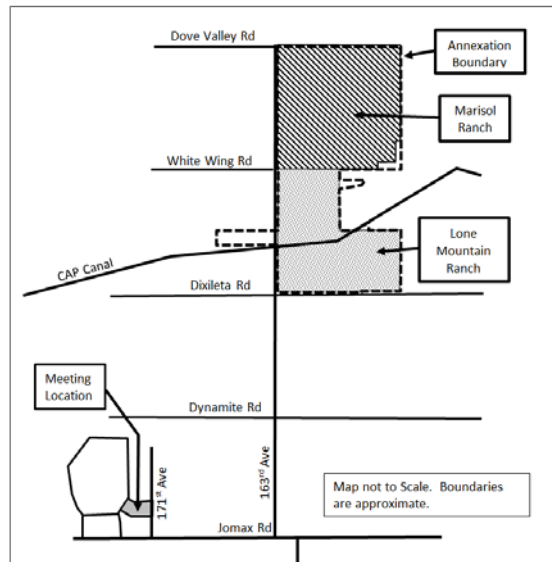
Take notice that at the date, time, and place listed below, there will be a Citizen Review meeting to discuss the below-referenced project. At this meeting, any member of the public may appear and be heard relative to this project. The City of Surprise Community Development Department may be contacted prior to the scheduled meeting for additional information.

City of Surprise Planners: Robert Kuhfuss	Joshua Mike
623-222-3137	623-222-3134

CITIZEN REVIEW MEETING DETAILS

DATE: Tuesday, November 13, 2018
TIME: 6:00 PM
LOCATION: Desert Oasis Elementary School
17161 W Bajada Road
Surprise, AZ 85287

Meeting Location & Project Location Map



PROJECT DESCRIPTION: The applicant is requesting approval of the following:

- 1) FS18-417: Annexation of approximately 1,194 acres of unincorporated land into the City of Surprise and establish equivalent City zoning.
- 2) FS18-459: Zone Change from Residential Ranch (RR) to Planned Area Development (PAD) for Lone Mountain Ranch (approximately 486 acres).
- 3) FS18-557: Major PAD Amendment for Marisol Ranch (approximately 634 acres).

The subject site is generally located east of 163rd Avenue and south of Dove Valley Road as depicted in the project location map.

Notification Mailing List

OWNER

ANDERSON JANET R
ARIZONA STATE LAND DEPT
AVILA MARIA ESTELLA TR/ROY
BAILEY LAWRENCE G/LINDA B
BAYNE TAMARA E
BERG ELIZABETH A
BOKS T/ROCKYVICH C/S/VERVILLE M/BOWMAN W/ETAL
BOKS THERESA A
BOTSFORD JEAN
BOTSFORD JOHN
BOTSFORD JOHN/JEAN
BRAFFORD DENNIS W
BRAM MICHAEL L
BREEDLOVE LINDA KATHERINE/TERRY
BURGESS PHILIP D/CHRISTINE L
BURGESS FAMILY REVOCABLE TRUST
BURKHART JOYCE E
CALLIES CATHERINE M TR
CAUTHEN CONRAD/HELELN M
COLE CHARLES S/KALLIE MICHAEL
COLE CHARLES S/MICHAEL COLE KALLIE
COMITZ JOHN W/SYLVIA C
CONNOR CHERYL R
D & I PROPERTIES LLC
DALY WAYNE/LAVERNE TR
DECATO BRUCE
DEHORTY JESSE E/CORKY J
DELAHAUT ANGEL J/JACQUELINE R
DOHERTY JUSTON D
ELLIS DONNA JEAN
FGR PROPERTY INVESTMENTS V LLC
FISCHETTO PAUL F/CALABRESE TAMMY A

FORCUM ANTHONY
FULK RONALD W
GARCIA MICHAEL G/RENEE
GARRETT BRIAN C
GILBERT MICHAEL D/REBECCA F
GONZALEZ HECTOR G/VAZQUEZ INES C
GRAVES NEIL D/PALAZZO-GRAVES PEGGY MARIE
HAMMER SHAWN R
HEXIMER JASON D/TASHA R
HILL ROBERT E
HOLLE ANDREW J/ANGELA V
JACKSON RONALD D/SHARON E
JANTZ DAREN W
JESSE AND CORKY DEHORTY FAMILY LIVING TRUST
JOHNSON DANIEL T/DONNA J
JOHNSON SAMUEL L/DIANA L
JORDAN JAMES R/CLARK CATHLEEN A
JOSE R AND DEBORAH A SANABRIA LIVING TRUST
KDKT FAMILY LIMITED PARTNERSHIP
KEOGH DENNIS F/CYNTHIA L
KOEHN KYRON
KRAWCHUK KENNETH H/CARMELA C TR
KUDIS WAYNE P/SANDY P
LASCARES LORENZO MATADAMAS
LEBHART RICHARD L/KIMBERLY K
LUSTER JANICE
MARISOL 163 LLC
MARTIN CRAIG/SANDRA
MATTHEISEN LAWRENCE L/DELORES I TR
MCDOWELL PEAK HOLDINGS LLC
MCPHEE THERESA
MEISNER STEVEN L
MELANO LINDA L
MEMMOTT CRAIG J/DEILAH

MERCADO GERMAN SUAREZ/SUAREZ IVANNIA
MESS NATHAN R/VAN HUYSEN DENISE
MORO DEANNA
NELSON JEFFREY J
OLAGUE PERLA M
PATTERSON CHRISTINE
PEREZ HERIBERTO/ANDREA
PITTMAN DOUG M/ADRIA D
QAQISH ZIAD/SAMIYOH TR
QASEM RASHA/AL-SAYYED ALI
RANKIN MARTIN W/FREDA L
ROBERTSON LESLIE G/MELANIE A
ROCKYVICH SANDRA
RODGER W SHAWCROFT TRUST/BAYNE LEONARD K
SCHAUER SHAUN L
SHAWCROFT RODGER W TR
SLINKARD LANA
SOUTHWORTH DALE
SPURLIN NEIL G/CATHERINE E
STATTON ERIN K/ROBERT A JR
STEWART MATTHEW A/MARCEE A
STONE JACQUE R
SUAREZ GERMAN/IVANNIA
SUER JEFFREY J/CRYSTAL L
SUROFCHEK MARK/SHELTON MITZI
UNITED STATES OF AMERICA
USA-BOR
VAN DER MAATEN DONALD J /MARYANN P
VISTANCIA NORTH LLC
WENTWORTH ROBERT D/JOETTE L
WENTZEL ALAN H/C BEA
WHEELHOUSE INVESTMENTS I LLC
WILLIAM O LEE PROPERTIES NO 1 LLC
YODER LELAND/SHARON

Exhibit B:

Newspaper Notice

Background Screening Services Arizona Board of Regents Request for Proposal

Arizona State University is requesting sealed proposals from qualified experienced firms or individuals, for **RFP-0016-19LXE, Background Screening Services**. Proposals will be accepted in the Office of Purchasing and Business Services, University Services Building, Arizona State University, PO Box 875212, 1551 S. Rural Road, Tempe, Arizona 85287-5212 until **3:00 PM, MST, 11/30/18**. Proposal package is available at: <https://cfo.asu.edu/bid-boards>

A pre-proposal conference will be held at 9:00 a.m. (AZ time) on Monday, October 29, 2018 via Zoom Video Conferencing. See RFP-0016-19LXE for more details.

Publish: Daily News-Sun, October 26, 2018/296624

To Advertise
CALL
623-972-6101

YOU
CAN'T
AFFORD
NOT
TO

Notice to Creditors

In the Matter of the Estate of Rutilio Frank Olivar, deceased July 4th, 2018, Case Number PB2018-091137.

Notice is hereby given by the undersigned, administrator of the estate of Rutilio Frank Olivar, deceased, to the creditors of and all persons having claims against the said deceased, to exhibit them with the necessary vouchers within 4 months after the first publication of this notice, to the said administrator (below).

Richard Olivar, Administrator of the Estate of Rutilio Frank Olivar, deceased, 21243 E. Maya Rd., Queen Creek, AZ 85142.

Publish: Daily News-Sun, October 19, 26, November 2, 2018/294454

CITY OF SURPRISE CITIZEN REVIEW MEETING

Take notice that at the date, time, and place listed below, there will be a Citizen Review meeting to discuss the below-referenced project. At this meeting, any member of the public may appear and be heard relative to this project. The City of Surprise Community Development Department may be contacted prior to the scheduled meeting for additional information.

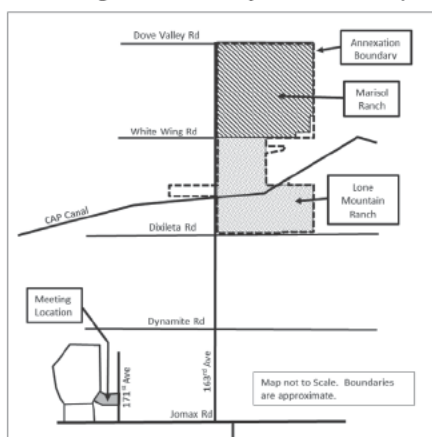
City of Surprise Planners: Robert Kuhfuss
623-222-3137

Joshua M ke
623-222-3134

CITIZEN REVIEW MEETING DETAILS

DATE: Tuesday, November 13, 2018
TIME: 6:00 PM
LOCATION: Desert Oasis Elementary School
17161 W Bajada Road
Surprise, AZ 85287

Meeting Location & Project Location Map



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The subject site is generally located east of 163rd Avenue and south of Dove Valley Road as depicted in the project location map.

Publish: Daily News-Sun, October 26, Surprise Today, October 31, 2018/295825

COPY

OCT - 3 2018



CHRIS DEROSE, CLERK
D. VANDEBERG
DEPUTY CLERK

Person Filing: Sandy L. Robbins
Address (if not protected): 3194 Fair Oaks Dr
City, State, Zip Code: Spring Valley CA 91978
Telephone: 619-670-0634
Email Address: _____
Lawyer's Bar Number: _____
Licensed Fiduciary Number: _____

Representing ☒ Self, without a Lawyer or ☐ Attorney for ☐ Petitioner OR ☐ Respondent

SUPERIOR COURT OF ARIZONA IN MARICOPA COUNTY

In the Matter of the Revocable Trust Agreement of Clarence G. Schweitzer and Case Number: PB 2018-003511
Clarence E. Schweitzer dated
November 20, 2000

NOTICE OF HEARING REGARDING
(Check one box)
☐ Guardianship ☒ Misc Appearance
☐ Guardianship and Conservatorship
WBS Financial Services Inc
Account # 1DB7480 MT Client Id 447444200

THIS IS A LEGAL NOTICE; Your rights may be affected.

An important court proceeding that affects your rights has been scheduled. If you do not understand this notice or the other court papers, contact an attorney for legal advice.

1. NOTICE IS GIVEN that the Petitioner has filed with the Court the following Petition and other court paper indicated below (Check the box to indicate whether the Petition was for a Permanent or Temporary appointment, and a second box to indicate whether for Guardian and Conservator, or just one):

Petition for ☒ Permanent ☐ Temporary Appointment of a ☐ Guardian and Conservator (or) ☐ Guardian or ☒ Trustee

Affidavit of Person to be Appointed

2. COURT HEARING. A court hearing has been scheduled to consider the Petition and matters in the court papers as follows:

DATE AND TIME: November 27, 2018 at 9:00 Am
PLACE: 101 W. Jefferson, Courtroom 512, Phoenix AZ 85003
JUDICIAL OFFICER: Tom Marquait

3. RESPONSE TO PETITION. You are not required to respond to this Petition, but if you choose to respond, you may do so by filing a written response or by appearing in-person at the hearing. If you choose to file a written response:
 - File the original with the Court;
 - Provide a copy to the office of the Judicial Officer named above; and
 - Mail a copy to all interested parties at least five (5) business days before the hearing.

If you object to any part of the Petition or Motion that accompanies this notice, you must file with the court a written objection describing the legal basis for your objection at least three (3) days before the hearing date or you must appear in person or through an attorney at the time and place set forth in the notice of hearing. There is a FEE for filing a response. If you cannot afford the fee, you may file a Fee Deferral Application to request a payment plan from the Court.

DATED: 10/3/2018
(Month/Day/Year)

[Signature]
Petitioner's Signature

© Superior Court of Arizona in Maricopa County
ALL RIGHTS RESERVED
NOH

Page 1 of 1

PBGC18f-091812

Publish: Daily News-Sun, October 5, 12, 19, 26, 2018/291912

We make publishing your legal notices fast & easy!

Business filing, public notices, court summons, legal postings – and more – can now be published in your weekly hometown newspaper!

- All notices published in your local weekly newspaper AND the Daily News-Sun – a newspaper that complies with A.R.S. 10-140.34 and A.R.S. 39-201A & B as required by the State of Arizona for publishing legal notices.
- Includes a notarized affidavit of publication

INDEPENDENT
NEWS MEDIA

Email: legals@newszap.com
Call: 623-972-6101

CITY OF SURPRISE CITIZEN REVIEW MEETING

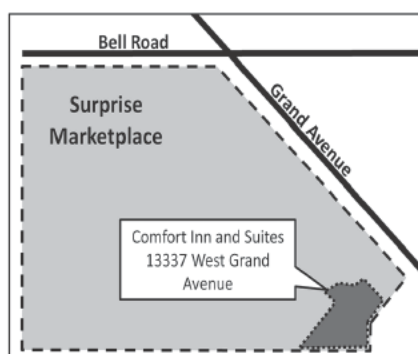
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City of Surprise Planner: Hobart Wingard
623-222-3156

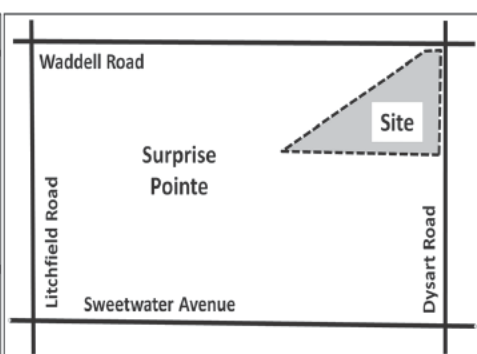
CITIZEN REVIEW MEETING DETAILS

DATE: Thursday, November 8, 2018
TIME: 5:00 PM to 6:00 PM
LOCATION: Comfort Inn and Suites
13337 West Grand Avenue
Surprise, AZ 85374

Meeting Location



Project Location



PROJECT DESCRIPTION: The applicant is requesting approval of a Rezone for 19 acres of the Surprise Pointe Planned Area Development ("PAD"). The property will be rezoned from PAD Light Industrial (PAD- I1) to allow all current PAD-I1 uses over the entire site and to allow Community Commercial (PAD-C2) and Regional Commercial (PAD-C3) over the easternmost 8.98 acres of the property under Case FS18-366.

Publish: Daily News-Sun, October 24, Surprise Today, October 31, 2018/295788

RELIGION BRIEFS

Ministry offers chance to join team

Radiant Church, 15522 W. Paradise Lane, will host Creative Arts Night 6 p.m. Thursday, Nov. 1 for pro-

spective worship or production team members.

The event is designed for a time of fun, fellowship and community as church officials discuss the vision and mission of the Radiant Worship and Creative Arts Ministry.

Child care is available. For information, call Jill

Girdner at 623-975-2662.

UNITARIAN NOW members to discuss fall election

The Unitarian Universalist Church of Surprise, » See Religion on page 3

CITY OF SURPRISE CITIZEN REVIEW MEETING

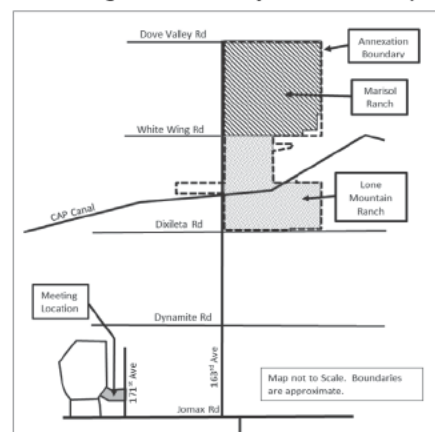
Take notice that at the date, time, and place listed below, there will be a Citizen Review meeting to discuss the below-referenced project. At this meeting, any member of the public may appear and be heard relative to this project. The City of Surprise Community Development Department may be contacted prior to the scheduled meeting for additional information.

City of Surprise Planners: Robert Kuhfuss 623-222-3137 Joshua Mike 623-222-3134

CITIZEN REVIEW MEETING DETAILS

DATE: Tuesday, November 13, 2018
TIME: 6:00 PM
LOCATION: Desert Oasis Elementary School
17161 W Bajada Road
Surprise, AZ 85287

Meeting Location & Project Location Map



PROJECT DESCRIPTION: The applicant is requesting approval of the following:

- 1) FS18-417: Annexation of approximately 1,194 acres of unincorporated land into the City of Surprise and establish equivalent City zoning.
- 2) FS18-459: Zone Change from Residential Ranch (RR) to Planned Area Development (PAD) for Lone Mountain Ranch (approximately 486 acres).
- 3) FS18-557: Major PAD Amendment for Marisol Ranch (approximately 634 acres).

The subject site is generally located east of 163rd Avenue and south of Dove Valley Road as depicted in the project location map.

Publish: Daily News-Sun, October 26, Surprise Today, October 31, 2018/295825



WORSHIP WITH US

Palm West
COMMUNITY CHURCH
a spiritual oasis in the desert

SUNDAY SERVICES

Running Ahead of God

Jonah 4:1-11 • Communion

9:00am & 10:30am – Worship - Pastor Bruce
12:15pm – Picnic in the Park - RH Johnson Picnic Area

Rev. Bruce Schipul
Senior Pastor

Peter Kyhn
Associate Pastor

13845 W. Stardust Blvd., Sun City West, AZ 85375
www.palmwestchurch.org • 623-546-2980

Faith
Presbyterian
Church

Please Join Us • You Are Always Welcome!
10:00 a.m. Sunday Worship • 11:00 a.m. Chat 'n Coffee



Christian Education Tuesdays at 10 am
New Testament Bible study DVD presentations

Concert & Dinner - Thurs. Nov. 8 at 6 pm

"Grand on the Piano" Lynne Haeseler

Staff pianist for Ballet Arizona & Faith Church
Program FREE - dinner tickets \$8 - cut-off Nov. 5

Mon. Nov. 12 at 1 pm - Iona Room
Lightbeams Low Vision Support Group

16000 N. Del Webb Blvd., Sun City, AZ 85351
www.scfaith.org • 623-974-3611

Desert Cove Seventh-day Adventist Church
12400 W Desert Cove, El Mirage, AZ

Saturday Worship Times

9:30 AM-Lesson Study 10:50 AM-Worship Service
Wednesday 7 p.m.-Bible Study

Pastor Steve Gibson

623-466-7202

pastorstevegibson@hotmail.com

Desert Cove

Exhibit C: Affidavit of Sign Posting

AFFIDAVIT OF POSTING

Application No: CR17-558

Applicant Name: Marisol Ranch

Location: NEC 163rd Ave and Lone Mountain

Date Site Posted: October 16, 2018

In order to assist in providing adequate notice to interested parties, the applicant for any *type of public hearing* in the City of Surprise shall erect two (2) signs giving notice of the *date, time and place* of the scheduled hearings. These signs must be erected not less than **fifteen (15) days prior** to the date of the first hearing. The signs shall also include the nature of the request as contained on the formal zoning application. The size and format of this sign shall meet requirements established by the Planning and Zoning Department (see page 2).

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

It shall also be the *responsibility of the applicant* to remove the signs within one week after the final disposition of the case.

I confirm that the site has been posted as required above, for the case noted above. A picture of the site posting, and photos of any subsequent changes/updates made to the sign, have also been submitted.

Meghan Liggett
Applicant/Representative Signature

10/16/18
Date

This instrument was acknowledged before me on this 16th day of October,

2018, and by Meghan Liggett. I witness whereof I hereunto

set my hand and official seal.

Marybeth Conrad
Notary Public

10.25.20
My commission expires





AFFIDAVIT OF POSTING

Application No: CR17-558

Applicant Name: Marisol Ranch

Location: NEC 163rd Ave and Lone Mountain

Date Site Posted: October 16, 2018

In order to assist in providing adequate notice to interested parties, the applicant for any *type of public hearing* in the City of Surprise shall erect two (2) signs giving notice of the *date, time and place* of the scheduled hearings. These signs must be erected not less than **fifteen (15) days prior** to the date of the first hearing. The signs shall also include the nature of the request as contained on the formal zoning application. The size and format of this sign shall meet requirements established by the Planning and Zoning Department (see page 2).

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Meghan Liggett
Applicant/Representative Signature

10/16/18
Date

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2018, and by Meghan Liggett. I witness whereof I hereunto

set my hand and official seal.

Mary Beth Conrad
Notary Public

10.25.20
My commission expires





AFFIDAVIT OF POSTING

Application No: FS18-459 and FS18-417
Applicant Name: LVA an RVi Company
Location: SEC 163rd Ave and Lone Mountain
Date Site Posted: October 24 , 2018

In order to assist in providing adequate notice to interested parties, the applicant for any *type of public hearing* in the City of Surprise shall erect two (2) signs giving notice of the *date, time and place* of the scheduled hearings. These signs must be erected not less than **fifteen (15) days prior to** the date of the first hearing. The signs shall also include the nature of the request as contained on the formal zoning application. The size and format of this sign shall meet requirements established by the Planning and Zoning Department (see page 2).

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It shall also be the *responsibility of the applicant* to remove the signs within one week after the final disposition of the case.

I confirm that the site has been posted as required above, for the case noted above. A picture of the site posting, and photos of any subsequent changes/updates made to the sign, have also been submitted.

Meghan Liggett 10/24/18
Applicant/Representative Signature Date

This instrument was acknowledged before me on this 24th day of October,

2018, and by Meghan Liggett. I witness whereof I hereunto

set my hand and official seal.

MaryBeth Conrad
Notary Public

10-25-20
My commission expires





AFFIDAVIT OF POSTING

Application No: FS18-557 and FS 18-417
Applicant Name: LVA an RVi Company
Location: NEC 163rd Ave and Lone Mountain
Date Site Posted: October 24 , 2018

In order to assist in providing adequate notice to interested parties, the applicant for any *type of public hearing* in the City of Surprise shall erect two (2) signs giving notice of the *date, time and place* of the scheduled hearings. These signs must be erected not less than **fifteen (15) days prior** to the date of the first hearing. The signs shall also include the nature of the request as contained on the formal zoning application. The size and format of this sign shall meet requirements established by the Planning and Zoning Department (see page 2).

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

It shall also be the *responsibility of the applicant* to remove the signs within one week after the final disposition of the case.

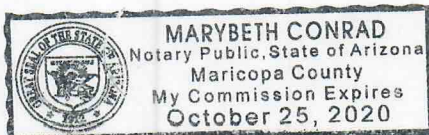
I confirm that the site has been posted as required above, for the case noted above. A picture of the site posting, and photos of any subsequent changes/updates made to the sign, have also been submitted.

Meghan Liggett 10/24/18
Applicant/Representative Signature Date

This instrument was acknowledged before me on this 24th day of October,

2018, and by Meghan Liggett. I witness whereof I hereunto

set my hand and official seal.



Marybeth Conrad
Notary Public
10-25-20
My commission expires



Exhibit D: Sign-in Sheets

Project:

Location:

Date & Time:

Marisol Ranch & Lone Mountain Ranch
Desert Oasis Elementary School
Tuesday, November 12, 2018 - 6:00pm

PUBLIC MEETING SIGN-IN SHEET					
Name:	Address:	Phone:	Email:	I'm here for (please check column):	
				Marisol Ranch	Lone Mountain Ranch
Thomas Mitchell				☒	☒
Elizabeth Mitchell				☒	☒
Ronda Robinson				☒	☒
Sharon Jackson				☒	☒
Judi Dobb				☒	☒
Julie Rossignol David Allen				☒	☒
Tom Johnston Dawn Johnston				☐	☐
Craig + Sandra Martin				☒	☒

Project:

Location:

Date & Time:

Marisol Ranch & Lone Mountain Ranch
Desert Oasis Elementary School
Tuesday, November 12, 2018 - 6:00pm

PUBLIC MEETING SIGN-IN SHEET					
				I'm here for (please check column):	
Name:	Address:	Phone:	Email:	Marisol Ranch	Lone Mountain Ranch
Linda Melano				✓	✓
Michael & Renee Garcia				✓	✓
Steve & Susan Strong					
Len & Tammy Bayne					✓
TED / DELORES ANGUS				✓	✓
ROLAND F. WINTERS JR				✓	✓
Ann Gartz				✓	✓
Kevin & Ashley Beal					✓

Project:

Location:

Date & Time:

Marisol Ranch & Lone Mountain Ranch
Desert Oasis Elementary School
Tuesday, November 12, 2018 - 6:00pm

PUBLIC MEETING SIGN-IN SHEET					
Name:	Address:	Phone:	Email:	I'm here for (please check column):	
				Marisol Ranch	Lone Mountain Ranch
D.L. Schraden					
James Gerodimos					
Brandon Toffin					
Paul Fischetto Tammy				X	X
Neil Spence				X	X
Michelle Bram					X
Steve Kallie Col				X	
stuart whitney					

Mitch McGaffey

Project:

Location:

Date & Time:

Marisol Ranch & Lone Mountain Ranch
Desert Oasis Elementary School
Tuesday, November 12, 2018 - 6:00pm

PUBLIC MEETING SIGN-IN SHEET					
				I'm here for (please check column):	
Name:	Address:	Phone:	Email:	Marisol Ranch	Lone Mountain Ranch
Richard & Margorie Standfield				☒	☒
KATHY & RICH SANDOW					
Chris Van Arsdale				☒	
R. + M. PEACE				☒	☒
Gail Sner					
Crystal Suer				☒	☒
Jeff Suer				☒	☒
Michael & Susan Bram				☒	☒

Project:

Location:

Date & Time:

Marisol Ranch & Lone Mountain Ranch
Desert Oasis Elementary School
Tuesday, November 12, 2018 - 6:00pm

PUBLIC MEETING SIGN-IN SHEET						
					I'm here for (please check column):	
Name:	Address:	Phone:	Email:	Marisol Ranch	Lone Mountain Ranch	
SAM JOHNSON					✓	
DIANA JOHNSON					✓	
WAYME WILSON				—		
JUDY WILSON						
CONRAD E. HELEN CAUTHEN				✓	✓	
CHRISY BURGESS				✓	✓	
Delores Angus						
Marie George						

Project:

Location:

Date & Time:

Marisol Ranch & Lone Mountain Ranch
Desert Oasis Elementary School
Tuesday, November 12, 2018 - 6:00pm

PUBLIC MEETING SIGN-IN SHEET						
					I'm here for (please check column):	
Name:	Address:	Phone:	Email:	Marisol Ranch	Lone Mountain Ranch	
SANDRA LESTER				X	X	
Zolene BLACA						
Kim & Rick Lebhart				X	X	
Dan & Debbie Relaford						
Tammy & Paul Frischetto				X	X	
Lana Steward				X	X	
Ray & Connie Davison						
James Jordan						
Bethany Bishop Moehr				X	X	

SIGN-IN SHEET

I'm here for:

Marisol
Ranch

Lone Mountain
Ranch

Boyd

Beth

both

both

✓

Name

Address

Phone

email

Jacqueline Rea Canoll

Robert Dittmar

Tracy Bai Cef

Mark Bailey

Robert Bailey

Kevin Bullinger

Jeremy Brockway

Meagan Brockway

Tony Wilson

Diana Wilson

Timothy Wilson

Andy Ceper

June Fallon

mike fallon

SIGN-IN SHEET

I'm here for:

Name
A. Holle

Address


phone

email
—

Mariso/
Ranch

Lone Mountain
Ranch
✓

Exhibit E: Comment Cards

COMMENT CARD

Marisol Ranch & Lone Mountain Ranch
Neighborhood Meeting – November 13, 2018

Zolub BLARHA

Name

Street Address

COMMENTS / CONCERNS:

Water level will drop !!
no private wells will have water

Please place this card in the box.
Thank you!

COMMENT CARD

Marisol Ranch & Lone Mountain Ranch
Neighborhood Meeting – November 13, 2018

DANIEL SCHRAER

Name

COMMENTS / CONCERNS: C.O.S. CAN'T EVEN TAKE CARE OF THE ROADS/LAND THEY ALREADY HAVE. THE RESIDENTS WHO ALREADY LIVE HERE DON'T WANT INCREASED TAXES, INCREASED TRAFFIC, INCREASED CRIME, DEPLETION OF NATURAL RESOURCES, FURTHER ENCRoACHMENT OF WILDLIFE & PRISTINE DESERT. IF I WANTED PEOPLE LIVING 6' FROM ME, I WOULD'VE STAYED IN THE ARMY ON WHEELS INTO TOWN

Please place this card in the box.
Thank you!

COMMENT CARD

Marisol Ranch & Lone Mountain Ranch
Neighborhood Meeting – November 13, 2018

Debbie Relaford

Name

COMMENTS / CONCERNS:

Having this project come - How are you going to provide water to everyone, without draining water out of my well. With all this impact, what kind of effect will this do to my well water?
- I think you are putting too many homes on a acre - If this goes thru.

Please place this card in the box.
Thank you!

COMMENT CARD

Marisol Ranch & Lone Mountain Ranch
Neighborhood Meeting – November 13, 2018

Judy Wilson

Name

Street Address

Email Address

Phone Number

COMMENTS / CONCERNS:

poorly planned meeting! could not hear or see maps. Could not answer most questions. Very disappointed -

Please place this card in the box.
Thank you!

COMMENT CARD

Marisol Ranch & Lone Mountain Ranch
Neighborhood Meeting – November 13, 2018

Paul and
Tammy Fischetto

Street Address

Phone Number

COMMENTS / CONCERNS:

Dont want it and Block view
of Mountain's

Please place this card in the box.
Thank you!

COMMENT CARD

Marisol Ranch & Lone Mountain Ranch
Neighborhood Meeting – November 13, 2018

RICHARD STANCHFIELD

Street Address

Phone Number

COMMENTS / CONCERNS:

MY WATER WELL?, 163 TRAFFIC, TRAIN CROSSING

Please place this card in the box.
Thank you!

COMMENT CARD

Marisol Ranch & Lone Mountain Ranch
Neighborhood Meeting – November 13, 2018

Id Angus

Name

Email Address

Phone Number

COMMENTS / CONCERNS:

We are concerned about light pollution
in addition to water issues, traffic, and many
other issues, Loss of Habitat for wild life!

Please place this card in the box.
Thank you!

COMMENT CARD

Marisol Ranch & Lone Mountain Ranch
Neighborhood Meeting – November 13, 2018

DIANA JOHNSON

Name

Email Address

Phone Number

COMMENTS / CONCERNS:

LOSS OF STATE LAND FOR RIDING OUR HORSES & 4 WHEELERS
WHERE WILL THE WATER COME FROM? WHAT WILL IT DO TO OUR EXISTING
WELL WATER SUPPLY? THE ROAD IS ALREADY INADEQUATE FOR EXISTING
TRAFFIC! THERE ARE ALREADY HOUSING DEVELOPMENTS THAT ARE
NOT COMPLETED. WE MOVED IN THE COUNTY 8 YEARS AGO TO ENJOY
RURAL LIVING! PLEASE DO NOT BUILD ANY MORE HOUSING DEVELOPMENTS!!
HOW MANY HOMES ARE THESE "EXISTING" WELLS? NEXT MEETING: USE A P.A. SYSTEM PLEASE

Please place this card in the box.
Thank you!

COMMENT CARD

Marisol Ranch & Lone Mountain Ranch
Neighborhood Meeting – November 13, 2018

Sharon Jackson

Name

Street Address

Email Address

Phone Number

COMMENTS / CONCERNS:

Dont want to be annexed in, there is to many houses going up. I moved out here to get out of city. Horting all wild life. To much Traffic!

Please place this card in the box.
Thank you!

COMMENT CARD

Marisol Ranch & Lone Mountain Ranch
Neighborhood Meeting – November 13, 2018

stuart whitney

Name

Street Address

Email Address

Phone Number

COMMENTS / CONCERNS:

It is zoned R-43 it should stay R-43. If you cannot make enough money off of 1 acre, then you should not take the desert and destroy peoples life, for your profits. EXPECT lawsuits!!!!

Please place this card in the box.
Thank you!

COMMENT CARD

Marisol Ranch & Lone Mountain Ranch
Neighborhood Meeting – November 13, 2018

Jude Dodeo

Name

Email Address

Phone Number

COMMENTS / CONCERNS:

We moved to the country to get away from the city.
Higher taxes!
Will we receive surprise police/fire, etc, or continue to receive services from Sun City West fire? Law enforcement?
Will water/sewage change IF this incorporation passes?
Will there be more housing communities be approved resulting in MORE crowding?
Please place this card in the box.
Thank you!
Why can't we citizens VOTE for or against this????
That is UN-AMERICAN

COMMENT CARD

Marisol Ranch & Lone Mountain Ranch
Neighborhood Meeting – November 13, 2018

Tammy Bayne

Name

Street Address

COMMENTS / CONCERNS:

Copy of all maps

COMMENT CARD

Marisol Ranch & Lone Mountain Ranch
Neighborhood Meeting – November 13, 2018

Craig Martin

Name

Email Address

Phone Number

COMMENTS / CONCERNS:

1. Presently all the area around the lone mountain ranch is Rural Residential. Why would lone mountain ranch be zoned R-1 and not RR?
2. The planning maps show access to Lone Mountain Ranch from roads from Saguro View Subdivisions. Will the developer be required to improve the roads in Saguro View because of increased traffic.

Please place this card in the box.
Thank you!

OVER →

3. If Saguro View wells run dry, what are our options?

4. There are presently multiple Arroyos that flow from the Lone Mountain Ranch south across Saguro View Subdivision. It appears that only the large arroyos are being looked at as far as flow. How are these smaller arroyos being considered?

COMMENT CARD

Marisol Ranch & Lone Mountain Ranch
Neighborhood Meeting – November 13, 2018

ANN GANTZ

Name

Email Address

Phone Number

COMMENTS / CONCERNS:

Traffic Roads, Wells Drying up
Due to using ground water, water
should be supplied from Elsewhere
losing open land - Not our ground
State trust land water

Please place this card in the box.
Thank you!

Increase taxes,
Losing Property to
Easements for
these Developments

Roads going thru
from 303 to
Grand - Will this
mean buying out
People's homes
that are on land
average

COMMENT CARD

Marisol Ranch & Lone Mountain Ranch
Neighborhood Meeting – November 13, 2018

Name Julie Rossignol
[Redacted]
[Redacted]
[Redacted]

COMMENTS / CONCERNS:

We already feel the effects of the developments in the area including, but not limited to: flooding to dangerous levels that trap us in or out of our street; crime has increased + graffiti on the beautiful mountainsides; traffic issues because there's no way in/out except 2 routes; noise is crazy loud from traffic. STOP the developments! We are on wells + depend on our water, this affects us that are already here!!! OVER →

The gentleman holding the meeting had no answers to our questions.

I learned that essentially 8,000 people (4,000 households) will be needing access to Marisol Ranch + a state land piece with only 163rd Ave + Jomax (possibly Lone Mtn at later date) as access. This needs to be stopped!!! We moved to the country to get away from the city!!! Please STOP!

COMMENT CARD

Marisol Ranch & Lone Mountain Ranch
Neighborhood Meeting – November 13, 2018

Name Neil Spurlin
[Redacted]
[Redacted]
[Redacted]

COMMENTS / CONCERNS:

- LACK OF COMMERCIAL DEVELOPMENT AS PROMISED
- SUB-PAR ROADS - 163RD HAS BEEN CHIPSEALED 3X ALREADY THIS YEAR & STILL CRAPPY
- LACK OF PROPER DRAINAGE ON DEVELOPMENTS ALL READY IN PLACE
- ADDED TRAFFIC TO BAD ROADS — OVER —

- CAN'T SELL LOTS IN ASANTE OR DESERT OASIS
- NOT ENOUGH WATER IN THE AREA, WOULD CAUSE HARDSHIP ON THOSE NOT IN THE CITY.
- NOT ENOUGH ROADS TO HANDLE ADDED TRAFFIC

Exhibit F: Neighbor Correspondence

From: Joshua Mike
To: [REDACTED]
Cc: Mark Reddie; Robert Kuhfuss; Annie Vos
Subject: RE: Proposed development at Dixileta and 163rd Ave to 155th Ave., Surprise, AZ
Date: Friday, November 30, 2018 5:04:45 PM

Good Afternoon Helen and Conrad,

Your input is appreciated and we noted your opinion. It will be included in the file as the project continues to be reviewed.

I have included the applicant's email address (Mark Reddie with RVI Planning) if you need that information to communicate with him directly. As part of the community outreach requirements they compile all comments, concerns, and questions into a report and submit it to staff and will be included in the Public Hearings going before the Planning and Zoning Commission and City Council.

Thanks
Joshua J Mike
Planner II

City of Surprise | Community Development
16000 N. Civic Center Plaza | Surprise AZ | 85374
623.222.3134 t
623.222.3001 f

From: Danielle Osborne
Sent: Friday, November 30, 2018 10:36 AM
To: Joshua Mike
Cc: Robert Kuhfuss
Subject: FW: Proposed development at Dixileta and 163rd Ave to 155th Ave., Surprise, AZ

Here you go!

From: Helen Cauthen <>
Sent: Monday, November 12, 2018 1:52 PM
To: Robert Kuhfuss <Robert.Kuhfuss@surpriseaz.gov>; Joshua.mike@surprizeAz.gov;
Planner@surpriseAz.gov; Mayor [REDACTED] Todd Tande
[REDACTED] Roland Winters [REDACTED]; Nancy Hayden
[REDACTED] Patrick Duffy [REDACTED]; Ken Remley
[REDACTED]; Skip Hall [REDACTED]; Jodi Tas
[REDACTED]
Subject: Proposed development at Dixileta and 163rd Ave to 155th Ave., Surprise, AZ

*****The e-mail below is from an external source. Please do not open attachments or click links from an unknown or suspicious origin.*****

Dear Sirs –

Our family moved to this area 7 years ago, and specifically chose our location (155th & Dixileta), because we were told that the area just north of us, was BLM and state trust land, and it would not be built on.

The news that it is being considered for a multi-home development, is extremely distressing. Not only will that create unwanted traffic, damage to our desert vegetation and wildlife, but so much congestion and possible future flooding, in areas that are already compromised.

We do not want this development to build here – it will permanently change our way of life.

Sincerely,
Helen & Conrad Cauthen



City of Surprise offices open at 8 a.m. and close at 5 p.m. Monday through Friday. More info at www.surpriseaz.gov.

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

01 Dec 2018 00:04:36 -0000



April 28, 2019

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

References:

1. Planning and Zoning Commission Meeting May 2, 2019, Agenda Item 6.
2. Zoning Change case FS18-459 for Lone Mountain Ranch

I would like to provide the following comments and concerns regarding the referenced proposed zoning change:

1. The proposed area presently has over 12 washes/arroyos that run south and cross the path of the proposed Dixileta Dr. into the Saguaro View Subdivision. The proposed development only shows keeping 3 major arroyos instead of the 12. The three major arroyos primarily drain the area to the north of the CAP and do not really drain much of the area to the south of the CAP between these major arroyos. As a result, the three major arroyos will see increased flow, while the smaller ones will be eliminated. **This will have a severe environmental impact to the existing arroyos south of Dixileta.** Where the smaller arroyos are cut off, the trees will die off due to decreased water flow and with the water flow being diverted to only three drainages, those arroyos may be subject to greater flooding depending on the volume held in retention basins. For example, the arroyo next to my house will be cut off and thus the flow of water that came from about 40 acres to the north will no longer flow through the arroyo across my property. Water from about 40 acres is substantial. During heavy rains, this arroyo runs over three feet deep. That water soaks into the ground and waters the trees along its banks. Without the 40 acres of watershed, the arroyo will no longer flow and the trees will die.

In the Lone Mountain Ranch PAD Narrative dated April 2019, the drainage description is over simplified, and does not account for downstream continuation of water flow. The Narrative states: *"Onsite rainfall runoff from the Project will be routed within the streets and/or storm drain to retention basins. These basins will be designed to store the tributary runoff generated from the 100-year, 2-hour storm event. Ultimately, the proposed drainage conditions will mimic existing drainage patterns and ultimately exit the Project at the historical outfall points"* Presently, the plan only shows what appears to be 4 points of exit instead of the more than 12 points that exist. This will result in a significant change to the water flow to the south of the development and adversely affect those landowners.

Attached is a mark-up showing the drainage area of the arroyo that flows across my property. This has not been adequately addressed in the plans even though it represents a substantial area of drainage.

2. Because the area around the proposed Lone Mountain Ranch is RR and generally one dwelling for 2.5 acres, the local wildlife has learned to live in and amongst the houses with access to the desert through the area proposed for the Lone Mountain Ranch. This includes coyote, Javelina, bobcats, mountain lions, snakes, rodents, and even rats, and then there are the birds like the road runners, owls, hawks, quail, and a myriad of other desert critters. This development will cause a disruption to the wildlife and cause issues to the people in the development that is not exactly normal habitat for these creatures.
3. The areas surrounding the Lone Mountain Ranch proposed subdivision are presently Residential Ranch (RR). Changing the Zoning from RR to PAD is really not in keeping with the use and character of the area. The 150 ft buffer proposed along Dixileta Dr. is a good start to help with the transitions between the two very different areas, however, there are a lot of issues that will arise because of the nature of the two different zonings. Examples of conflicts will be ranch noises such as cows mooing and roosters crowing at all hours of the night and day and the smells of ranch animals as well as the flies and dust. With the winds primarily out of the south and west, smells, dust and insects will migrate towards the new subdivision which could be of concern to the new occupants. People living in a RR zone expect these things and accept them, but people in a development may not appreciate or accept them as readily which may cause conflict.

Thank you for your consideration of these important items.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Craig Martin', with a stylized, flowing script.

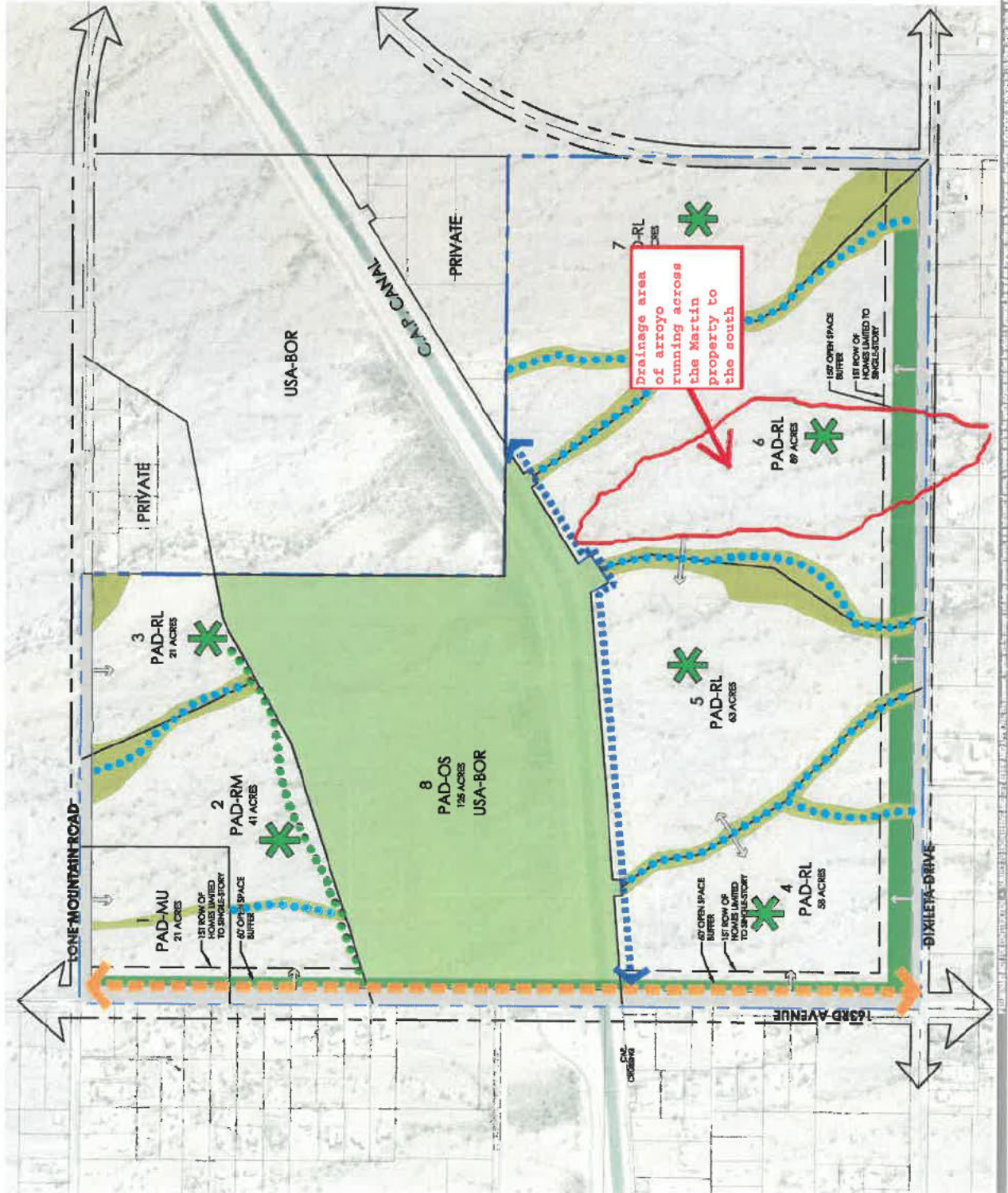
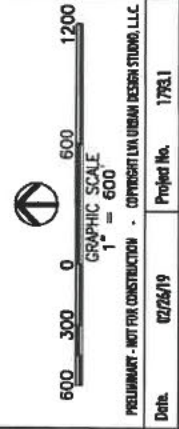
Craig Martin

LONE MOUNTAIN RANCH

Planned Area Development

Figure 6 Recreation and Open Space Plan

- Pocket Park
Developed open space to serve individual neighborhoods
 - Internal Trail (8' Wide)
Multi-Use Trail - Natural & Hard Surface
 - Internal Trail (10' Wide)
Multi-Use Trail - Natural & Hard Surface (Wash)
 - Multi-Use Trail
12' wide trail within 100' Road R.O.W. concrete
 - C.A.P. Canal Trail (8' Wide)
 - Conceptual Access Locations
 - Wash Corridor: Approximately 40 Acres
Wash Corridors serve as natural open space and connectivity corridors (Actual coverage to be determined at time of development)
 - Open Space Buffer
 - Open Space Buffers serve to provide a buffer between new and existing development
 - Bureau of Land Reclamation (BOR) OS
The BOR parcel is being returned from R1-43 to OS.
- Subject to engineering and City review and approval.



PLANNING + LANDSCAPE ARCHITECTURE LVA URBAN DESIGN STUDIO, LLC 163RD AVENUE, SUITE 100, DENVER, CO 80202 PHONE: 303.733.1111 FAX: 303.733.1112

Robert Kuhfuss

From: Karen R. Christopherson [REDACTED]
Sent: Sunday, April 28, 2019 9:06 AM
To: Robert Kuhfuss; Lloyd Abrams; James Stewart
Cc: Mayor; Roland Winters
Subject: Opposition to rezoning - Lone Mountain (& Marisol Ranch)

****The e-mail below is from an external source. Please do not open attachments or click links from an unknown or suspicious origin.****

I'd like to express my opposition to the rezoning of the Lone Mountain (RR to PAD) and Marisol Ranch (in general, as PAD)

Some reasons:

1) Disturbance of wildlife in the area:

Numerous species that use this area, either as a home or migration. The animals include: burros (part of the Lk Pleasant herd), bobcats, mountain lions, coyotes, badgers, great-horned owls, javelina, jackrabbits, red-tailed hawks, long-tailed/pocket mouse.

The rural zoning has not disrupted these animals much - they move through our properties and along washes. Birds nest in the saguaros and native trees. Those of us in the rural setting appreciate and respect the wildlife.

Higher density and more roads (internal to these developments) plus loss of habitat will disrupt the lives of many of the (mostly native) species.

2) Vagueness on water supply:

pg 17 of Lone Mountain Ranch PAD Narrative April 2019-

"The Integrated Water Master Plan: Water Infrastructure Final Report (Malcolm Pirnie, 2009) outlines using WSF-5 as the planned near-term solution for parcels 1 – 3 of the Project, therefore this solution is anticipated to serve these parcels of the Project after the interim solution. Since parcels 4 – 9 of the Project are in a different service area than parcels 1 – 3 of the Project they are anticipated to be served by the existing Desert Oasis WSF. A proposed interim solution to serve the Project is to use the existing water infrastructure within SPA2. Since SPA 2 lies within the lower pressure zones of PZ-2A, PZ-3A and PZ-2C, a booster pump station will be required. A near term solution is constructing an onsite water supply facility, and booster pump station on or near the Project site to serve the Project."

I could not find, "Detailed water analysis for Lone Mountain Ranch is provided in Appendix B, Master Water Plan"

But, on pg 3 of the "Lone Mountain Ranch Public Participation Report Case: FS18-459 January 2019", it says,

"1) Concerns about wells: The groundwater and impact on wells for Lone Mountain Ranch has been studied by a hydrogeologist. Any new wells within Lone Mountain Ranch are regulated by the Arizona Department of Water Resources (ADWR) and Well Impact Requirements of the Phoenix Active Management Area (AMA). These specify that a new well cannot impact the water level of existing registered wells by more than 10 feet after a pumping period of 5 years. An existing well within Marisol Ranch, to the north, was tested in 2000 and again in 2016. During this time, the water level rose from 514' below ground level to 350' below ground level."

MY COMMENTS:

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Two other monitored wells within a mile or so of that well showed a similar decrease in depth to water over that time period. Those data are available online, for state-monitored wells with data on an annual basis

Unless there are more data in the missing Appendix B, there are no data for pumping tests, drawdown, etc. IF they plan on using wells, an incredibly thorough testing program will need to be done, and on more than one well.

Also, the statement, "new wells cannot impact the water level of existing registered wells by more than 10 feet after a pumping period of 5 years" doesn't make me feel very assured. If there is any chance of well water supply for these areas, we (as well owners) need to see specific plans about how this monitoring would occur and what the penalties are.

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All of the surrounding homes are essentially RU-43/similar, on large lots (1-5 acres or so). Many people have horses and enjoy the quiet, lack of light pollution, lack of street noise, abundance of wildlife, and numerous ways to recreate (horseback riding, running, walking, mountain biking, off-road vehicles, etc.)

In the Surprise General Plan 2035, it says:

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" Compatibility and Transition Measures To help limit the impact on adjacent existing or potential uses and promote overall land use compatibility, new development should utilize the following transition measures at the neighborhood edge: • Respect the context of adjacent building form and architectural style; • Adjust densities to provide a gradual transition to surrounding uses; Step buildings (via building massing, footprint size, and height) to reduce the visual impact to surrounding uses; • Provide similar streetscape and landscape design to surrounding uses; • Utilize appropriate setbacks to blend and transition between surrounding uses; and/or • Place enhanced landscape/open space buffers between uses; additional measures should be taken to emphasize transition through integration and encourage connectivity between new development and surrounding uses."

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Thanks,

Karen R Christopherson, Geophysicist
Chinook Geoconsulting, Inc.

Robert Kuhfuss

From: Tammy Bayne [REDACTED]
Sent: Tuesday, April 30, 2019 4:45 PM
To: Roland Winters; Robert Kuhfuss; Joshua Mike; Surprise City Planner; Jacqueline Rea Carrol
Cc: Mike Gent; Eric Fitzer
Subject: Re: Lone Mountain Ranch Citizens Review Meeting

****The e-mail below is from an external source. Please do not open attachments or click links from an unknown or suspicious origin.****

Hello all,

Jacqueline says that you don't know about our petition to stop the rezoning of the Lone Mountain Project.

As you can see I sent the link back in November and I have followed up with Roland as recently as two weeks ago. With no response.

Sent using [Zoho Mail](#)

----- On Tue, 13 Nov 2018 10:11:00 -0800 Tammy Bayne [REDACTED] wrote -----

Hello,

Just so you know, the letter mailed has the meeting time as 6:00pm. However, the road sign everyone is reading says 6:30.

The attached is the sign before the meeting date was changed. But the time on the revised sign still says 6:30.

Also, it appears that the Marisol part of this project has been on going for many years. And this area being county, they have worked with Maricopa County regarding the flood plain.

You guys may want to include Eric Fitzer and Mike Gent in on the 4 projects north of Jomax. We have all been trying to work on the road, flooding and general maintenance to make the streets safe for residents as well as public works, bus, fire and police safe when it floods. A few weeks ago they had a public forum regarding all the problems and one point was they were going to coordinate with Maricopa County Flood Control.

They can also tell you that during monsoon it is very, very active out here.

You can view some of the flood photos here. I have attached one from September on Dale Lane Close to where Tierra Rico is bring planned.

<https://m.facebook.com/groups/1869577553297434>

Lastly, we have formed a petition for those against all the new projects. We know 6 of them are already a go. The 2 at Asante, 2 in Desert Oasis and 2 south of Jomax (Happy Valley) area. We are mostly concerned about the 4 projects north of Jomax. Especially Lone Mountain Ranch and Tierra Rico.

We are hoping we can stop or at least slow down until we have better ways in and out. If there was a wall at Jomax, there is NOT ONE way out unless you are four wheeling and trespassing out in the desert.

Hopefully there will be a great turn out tonight. See you there.

https://www.change.org/p/city-of-surprise-stop-the-city-of-surprise-from-annexing-approving-so-many-home-projects-in-nw-dist-1?recruiter=688416356&utm_source=share_petition&utm_medium=copylink&utm_campaign=psf_combo_share_initial.pacific_abi_select_all_contacts.select_all.pacific_email_copy_en_gb_4.v1.pacific_email_copy_en_us_5.v1.pacific_email_copy_en_us_3.control.pacific_post_sap_share_gmail_abi.fake_control.lightning_share_by_medium_message.control.lightning_2primary_share_options_more.control&utm_term=triggered

Thank you,
Tammy Bayne

Sent from Zoho Mail on iPhone

Robert Kuhfuss

From: Ellen VanRiper
Sent: Wednesday, May 01, 2019 9:00 AM
To: Lloyd Abrams; Robert Kuhfuss; Joshua Mike
Subject: FW: Update on petition — City of Surprise: Stop the City of Surprise from annexing

FYI

Ellen Van Riper
Chief Deputy City Attorney
City of Surprise | 16000 N Civic Center Plaza | Surprise AZ 85374
Direct: 623.222.1162 | Fax: 623.222.1101
[REDACTED]

"Each of us brings to our job, whatever it is, our lifetime of experience and our values."
Sandra Day O'Connor

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From: Sherry Aguilar
Sent: Wednesday, May 01, 2019 8:59 AM
To: Ellen VanRiper
Subject: RE: Update on petition — City of Surprise: Stop the City of Surprise from annexing

Thank you Ellen!

From: Ellen VanRiper
Sent: Wednesday, May 01, 2019 8:49 AM
To: Sherry Aguilar; Mayor & Council; [REDACTED]
Cc: Lorraine Nevarez; Jodi Tas; Lloyd Abrams; Chris Boyd; Robert Wingo; Linda Stevens; Brandon Hiller; Jenna Bowen
Subject: RE: Update on petition — City of Surprise: Stop the City of Surprise from annexing

Thank you Sherry. Community Development will also apprise the applicant and send them these items, as well as anything else that is received.

Ellen Van Riper
Chief Deputy City Attorney
City of Surprise | 16000 N Civic Center Plaza | Surprise AZ 85374
Direct: 623.222.1162 | Fax: 623.222.1101
[REDACTED]

"Each of us brings to our job, whatever it is, our lifetime of experience and our values."
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From: Sherry Aguilar
Sent: Wednesday, May 01, 2019 8:46 AM
To: Mayor & Council; [REDACTED]
Cc: Lorraine Nevarez; Jodi Tas; Lloyd Abrams; Chris Boyd; Ellen VanRiper; Robert Wingo; Linda Stevens; Brandon Hiller; Jenna Bowen
Subject: Update on petition — City of Surprise: Stop the City of Surprise from annexing

Mayor & Council, Planning & Zoning Commissioners, this petition was filed with the City Clerk's Office by email as indicated below by Tammy Bayne.

As correspondence comes in, I will be forwarding the documents to you.

Thank you,

Sherry Ann Aguilar
City Clerk, MMC
16000 N. Civic Center Plaza
Surprise, AZ. 85374
Office: 623-222-1220
clerk@surpriseaz.gov

Regular Office hours are Monday - Friday 8:00 a.m. - 5:00 p.m.

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

From: Tammy Bayne [REDACTED]
Sent: Tuesday, April 30, 2019 7:06 PM
To: Roland Winters; Joshua Mike; Surprise City Planner; Robert Kuhfuss
Cc: Jacqueline Rea Carrol; Mike Gent; Eric Fitzer; Mayor; Sherry Aguilar
Subject: Fwd: Update on petition — City of Surprise: Stop the City of Surprise from annexing

****The e-mail below is from an external source. Please do not open attachments or click links from an unknown or suspicious origin.****

The link to the petition is below and the signatures are attached.

Sent using [Zoho Mail](#)

===== Forwarded message =====

From: Tammy Bayne [REDACTED]
To: "Tammy S. Bayne" [REDACTED]
Date: Tue, 30 Apr 2019 18:41:57 -0700
Subject: Update on petition — City of Surprise: Stop the City of Surprise from annexing
===== Forwarded message =====

Hi,

I wanted to share an exciting update about a petition I signed on Change.org: "City of Surprise: Stop the City of Surprise from annexing & approving so many Home Projects in NW Dist 1.".

Read about the update "URGENT - Stop the ReZoning of Marisol and Lone Mnt Ranch projects. Meeting 5/7" below, and join me in supporting this campaign by signing the petition!

<http://chng.it/tjJ7n5BJh4>

Thanks!
Tammy

Sent from my iPhone

Robert Kuhfuss

From: Karen R. Christopherson [REDACTED]
Sent: Friday, May 03, 2019 7:49 AM
To: Lorraine Nevarez; Roland Winters
Cc: Mayor; James Stewart; Lloyd Abrams; Robert Kuhfuss; [REDACTED]
Subject: Annexation and rezoning - Lone Mountain & Marisol Ranch

*****The e-mail below is from an external source. Please do not open attachments or click links from an unknown or suspicious origin.*****

1) We'd like to request the Appendix B, Master Water Plan, as referenced below

"Detailed water analysis for Lone Mountain Ranch is provided in Appendix B, Master Water Plan."

on page 18 of the "Lone Mountain Ranch PAD Narrative April 2019 Prepared For: Arizona State Land Department Case # FS18-459"

I could not find that Appendix in any supplied documents

2) In the annexation documents provided for the next meeting, on Page 6 PRE-ANNEXATION DEVELOPMENT AGREEMENT. it says

"6.2 Upon final and effective annexation, Surprise shall provide all Surprise services to the Annexation Parcels, including, but not limited to water, sewer, trash collection, police and fire protection and all other services typically provided by Surprise to its residents"

Does this mean Surprise is going to be responsible for the water, and if so, is this detailed anywhere as to the source(s) of water, etc?

Thank you,

Karen R Christopherson
Chinook Geoconsulting, Inc.

[REDACTED]
In a message dated 4/30/2019 9:52:19 AM Pacific Standard Time, [REDACTED] writes:

Hello Ms. Christopherson,

I'm received your comments and will distribute to the Planning and Zoning Commission.

Regards,

Lorraine Nevarez

Administrative Specialist – Sr.
City of Surprise | Community Development
16000 N. Civic Center Plaza | Surprise AZ | 85374

www.surpriseaz.gov

623.222.3154 t
623.222.3001 f

From: "Karen R. Christopherson" [REDACTED]
Date: Sunday, April 28, 2019 at 9:05 AM
To: Robert Kuhfuss <Robert.Kuhfuss@surpriseaz.gov>, Lloyd Abrams <Lloyd@surpriseaz.gov>, James Stewart <James.Stewart@surpriseaz.gov>
Cc: Mayor <Mayor@surpriseaz.gov>, Roland Winters <Roland.Winters@surpriseaz.gov>
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Thanks,

Karen R Christopherson, Geophysicist
Chinook Geoconsulting, Inc.

[REDACTED]

[REDACTED]


chinook-inc.com

City of Surprise offices open at 8 a.m. and close at 5 p.m. Monday through Friday. More info at www.surpriseaz.gov.

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

0.1

30 Apr 2019 16:52:17 -0000

Robert Kuhfuss

From: Lloyd Abrams
Sent: Friday, May 03, 2019 11:46 AM
To: 'Karen R. Christopherson'; Roland Winters
Cc: Mayor; James Stewart; Robert Kuhfuss; [REDACTED]
[REDACTED]
Subject: RE: Annexation and rezoning - Lone Mountain & Marisol Ranch
Attachments: Appendix B Lone Mountain Ranch Master Water Report.pdf

Ms. Christopherson,

Please find attached Appendix B of the Master Water Plan per your request.

In respond to your last question, if annexed, yes the City will be the water provider per the City's Integrated Water Master Plan and the source of the water will be wells. The location of these wells is yet to be determined, they could be located anywhere in Special Planning Area 2 and/or Special Planning Area 4.

Please do not hesitate to contact me if anything else is needed.

Thank you,
Lloyd Abrams
Assistant Director
Community Development
City of Surprise
Office: 623-222-3021

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Sent: Friday, May 03, 2019 7:49 AM
To: Lorraine Nevarez <Lorraine.Nevarez@surpriseaz.gov>; Roland Winters <Roland.Winters@surpriseaz.gov>
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Does this mean Surprise is going to be responsible for the water, and if so, is this detailed anywhere as to the source(s) of water, etc?

Thank you,

Karen R Christopherson
Chinook Geoconsulting, Inc.



chinook-inc.com

In a message dated 4/30/2019 9:52:19 AM Pacific Standard Time [REDACTED] writes:

Hello Ms. Christopherson,

I'm received your comments and will distribute to the Planning and Zoning Commission.

Regards,

Lorraine Nevarez

Administrative Specialist – Sr.
City of Surprise | Community Development
16000 N. Civic Center Plaza | Surprise AZ | 85374

www.surpriseaz.gov

623.222.3154 t
623.222.3001 f

From: "Karen R. Christopherson" [REDACTED]
Date: Sunday, April 28, 2019 at 9:05 AM
To: Robert Kuhfuss <Robert.Kuhfuss@surpriseaz.gov>, Lloyd Abrams <Lloyd@surpriseaz.gov>, James Stewart <James.Stewart@surpriseaz.gov>
Cc: Mayor <Mayor@surpriseaz.gov>, Roland Winters <Roland.Winters@surpriseaz.gov>
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Some reasons:

1) Disturbance of wildlife in the area:

Numerous species that use this area, either as a home or migration. The animals include: burros (part of the Lk Pleasant herd), bobcats, mountain lions, coyotes, badgers, great-horned owls, javelina, jackrabbits, red-tailed hawks, long-tailed/pocket mouse.

The rural zoning has not disrupted these animals much - they move through our properties and along washes. Birds nest in the saguaros and native trees. Those of us in the rural setting appreciate and respect the wildlife.

Higher density and more roads (internal to these developments) plus loss of habitat will disrupt the lives of many of the (mostly native) species.

2) Vagueness on water supply:

pg 17 of Lone Mountain Ranch PAD Narrative April 2019-

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All of the surrounding homes are essentially RU-43/similar, on large lots (1-5 acres or so). Many people have horses and enjoy the quiet, lack of light pollution, lack of street noise, abundance of wildlife, and numerous ways to recreate (horseback riding, running, walking, mountain biking, off-road vehicles, etc.)

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" Compatibility and Transition Measures To help limit the impact on adjacent existing or potential uses and promote overall land use compatibility, new development should utilize the following transition measures at the neighborhood edge: • Respect the context of adjacent building form and architectural style; • Adjust densities to provide a gradual transition to surrounding uses; Step buildings (via building massing, footprint size, and height) to reduce the visual impact to surrounding uses; • Provide similar streetscape and landscape design to surrounding uses; • Utilize appropriate setbacks to blend and transition between surrounding uses; and/or • Place enhanced landscape/open space buffers between uses; additional measures should be taken to

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150' plus Dixileta Rd, and limiting the first row of homes to single-story hardly constitutes a decent transition in this area. The buffer should be wider, and all homes south of the canal should be limited to single-story

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Figure 6 of the Lone Mountain Ranch PAD Narrative April 2019, titled Recreation and Open Space Plan, shows "wash corridors" with internal trails.

These wash corridors cross Dixileta in 4 places and Lone Mountain in 3. However, if you look at the FEMA flood plain maps, and/or Google Earth, you will see that there are numerous other wash crossings on Dixileta, and that the wash crossing on Lone Mountain are much wider.

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Thanks,

Karen R Christopherson, Geophysicist
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[REDACTED]

[REDACTED]

[REDACTED]

chinook-inc.com

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This e-mail and any accompanying files transmitted are intended solely for the use of the individual or entity to whom they are addressed; if you have received this e-mail in error please delete it and notify the sender. In addition, under Arizona law, e-mail communications and e-mail addresses may be public records.
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30 Apr 2019 16:52:17 -0000

APPENDIX B TABLES

Table B.1 - Water Demand Calculations**LONE MOUNTAIN RANCH**

Surprise, Arizona

January, 2019



Parcel	Land Use	Gross Area	Dwelling Units	Density	Average Day Demand		Maximum Day Demand		Peak Hour Demand	
		(ac)		(du/acre)	(gpd)	(gpm)	(gpd)	(gpm)	(gpd)	(gpm)
1	MU	21.0	335	16.0	46,200	32.1	92,400	64.2	138,600	96.3
2	MDR	42.0	330	7.9	95,700	66.5	191,400	132.9	287,100	199.4
3	LDR	21.0	85	4.0	27,200	18.9	54,400	37.8	81,600	56.7
Parcels 1-3 Total		84.0	750	-	169,100	117.4	338,200	234.9	507,300	352.3
4	LDR	58.0	230	4.0	73,600	51.1	147,200	102.2	220,800	153.3
5	LDR	63.0	250	4.0	80,000	55.6	160,000	111.1	240,000	166.7
6	LDR	89.0	360	4.0	115,200	80.0	230,400	160.0	345,600	240.0
7	LDR	67.0	270	4.0	86,400	60.0	172,800	120.0	259,200	180.0
Parcels 4-7 Total		277.0	1,110	-	355,200	246.7	710,400	493.3	1,065,600	740.0
GRAND TOTAL:		361.0	1,860	-	524,300	364.1	1,048,600	728.2	1,572,900	1,092.3

Notes:Demand Factors:

Low Density Residential (LDR): 320 gallons/day/dwelling unit (3-5 du/acre)
Medium Density Residential (MDR): 290 gallons/day/dwelling unit (5-8 du/acre)
Mixed Use Gateway (MU): 2,200 gallons/day/acre
Open Space: 0 gallons/day/acre

Peaking Factors:

Maximum Day Demand: 2.0 x Average Day Demand
Peak Hour Demand: 3.0 x Average Day Demand

Fire Flow Demand:

Residential (< 3,600 sq.ft.): 2,000 gpm for 2 hours
Commercial: 3,000 gpm for 3 hours
Per Integrated Water Master Plan: Water Infrastructure Final Report (Malcolm Pirnie, 2009)

(1) Demand information taken from the Integrated Water Master Plan: Water Resources Update (Arcadis, 2015) and Water Guidelines and Standards (City of Surprise, 2006).

Table B.2 - Well, Water Storage, and Pumping Calculations**LONE MOUNTAIN RANCH PARCELS 1-3**

Surprise, Arizona

January, 2019

**Well Requirements:***Wells shall be sized to provide capacity for the following:*

- 1) Maximum Day Demand and;
- 2) Redundancy to meet Maximum Day Demand with largest well out of service.

Requirement 1:

Maximum Day Demand: 235 gpm

Requirement 2:

Maximum Day Demand: 235 gpm

24 Hour Well Capacity Required: 470 gpm

18 Hour Well Capacity Required: 626 gpmNotes:

- 1) Wells are anticipated to run for 18 hours a day and, therefore, must provide the equivalent of a 24-hour period.

Storage Requirements:*Storage shall be sized to provide a usable storage volume in excess of the combined following:*

- 1) Equalization Volume (20% of Maximum Day Demand) and;
- 2) Fire Flow Volume (Fire Flow Required x Duration of the Fire Flow) and;
- 3) Emergency Volume (10% of Maximum Day Demand)

Requirement 1:

20% of Maximum Day Demand: 67,640 gallons

Requirement 2:

Fire Flow Required x Duration of Fire Flow: 540,000 gallons

Requirement 3:

10 % of Maximum Day Demand: 33,820 gallons

Storage Required: 641,460 gallons = 0.70 MG*(Storage Required is rounded up to nearest 100,000 gallons)***Booster Pump Requirements:***Shall meet or exceed the greater of:**Peak Hour Demand OR**Maximum Day Demand + Fire Flow*

Peak Hour Demand:

Peak Hour Demand: 352 gpm

Firm Pumping Capacity: 352 gpm (with the largest pump out of service)

Maximum Day Demand + Fire Flow:

Maximum Day Demand: 235 gpm

Fire Flow: 3,000 gpm

Firm Pumping Capacity: 3,235 gpm (with the largest pump out of service)

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Table B.3 - Well, Water Storage, and Pumping Calculations**LONE MOUNTAIN RANCH PARCELS 4-7**

Surprise, Arizona

January, 2019

**Well Requirements:***Wells shall be sized to provide capacity for the following:*

- 1) Maximum Day Demand and;
- 2) Redundancy to meet Maximum Day Demand with largest well out of service.

Requirement 1:

Maximum Day Demand:	493 gpm
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Requirement 2:

Maximum Day Demand:	493 gpm
---------------------	---------

24 Hour Well Capacity Required:	987 gpm
---------------------------------	---------

18 Hour Well Capacity Required:	1,316 gpm
--	------------------

Notes:

- 1) Wells are anticipated to run for 18 hours a day and, therefore, must provide the equivalent of a 24-hour period.

Storage Requirements:*Storage shall be sized to provide a usable storage volume in excess of the combined following:*

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- 2) Fire Flow Volume (Fire Flow Required x Duration of the Fire Flow) and;
- 3) Emergency Volume (10% of Maximum Day Demand)

Requirement 1:

20% of Maximum Day Demand:	142,080 gallons
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Requirement 2:

Fire Flow Required x Duration of Fire Flow:	540,000 gallons
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Requirement 3:

10 % of Maximum Day Demand:	71,040 gallons
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Storage Required:	753,120 gallons	=	0.80 MG
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*(Storage Required is rounded up to nearest 100,000 gallons)***Booster Pump Requirements:***Shall meet or exceed the greater of:**Peak Hour Demand OR
Maximum Day Demand + Fire Flow***Peak Hour Demand:**

Peak Hour Demand:	740 gpm	
Firm Pumping Capacity:	740 gpm	(with the largest pump out of service)

Maximum Day Demand + Fire Flow:

Maximum Day Demand:	493 gpm	
Fire Flow:	3,000 gpm	
Firm Pumping Capacity:	3,493 gpm	(with the largest pump out of service)

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-------------------------------	------------------	--

Robert Kuhfuss

From: Karen R. Christopherson [REDACTED]
Sent: Monday, May 06, 2019 8:03 AM
To: Lloyd Abrams; Roland Winters
Cc: Mayor; James Stewart; Robert Kuhfuss; [REDACTED]
Subject: Re: Annexation and rezoning - Lone Mountain & Marisol Ranch

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Mr. Abrams:

Could we get, or can you tell us when it will be available, the Unified Development Code that the City Council is slated to adopt by later 2019 or early 2020?

Also, do you know when there will be an updated water plan for Surprise? The one available online is dated 2015.

Thanks

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[REDACTED]
chinook-inc.com

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Assistant Director

Community Development

City of Surprise

Office: 623-222-3021

From: Karen R. Christopherson [REDACTED]
Sent: Friday, May 03, 2019 7:49 AM
To: Lorraine Nevarez <Lorraine.Nevarez@surpriseaz.gov>; Roland Winters <Roland.Winters@surpriseaz.gov>
Cc: Mayor <Mayor@surpriseaz.gov>; James Stewart <James.Stewart@surpriseaz.gov>; Lloyd Abrams <Lloyd@surpriseaz.gov>; Robert Kuhfuss <Robert.Kuhfuss@surpriseaz.gov>; [REDACTED]; [REDACTED]
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[REDACTED]

[REDACTED]

[REDACTED]

chinook-inc.com

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30 Apr 2019 16:52:17 -0000

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From: Lloyd Abrams
Sent: Monday, May 06, 2019 12:20 PM
To: 'Karen R. Christopherson'; Roland Winters
Cc: Mayor; James Stewart; Robert Kuhfuss; [REDACTED];
[REDACTED]; Chris Boyd; Terry Lowe
Subject: RE: Annexation and rezoning - Lone Mountain & Marisol Ranch

Ms. Christopherson,

The Land Development Ordinances and Design Standards are currently available on the City's webpage, links provide below. Please note that we are still in the process of updating the code and currently have Chapters 101-105 out for public review along with the draft Planning & Engineering Design Standards (PEDS) Manual. The Integrated Water Master Plan (IWMP) in its entirety will be updated in 2020.

<https://www.surpriseaz.gov/3710/Development-Ordinances-Design-Standards->

<https://www.surpriseaz.gov/3711/Development-Ordinances-Review-Comment>

<https://www.surpriseaz.gov/3714/Design-Standards-Review-Comment>

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Assistant Director
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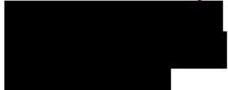
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In respond to your last question, if annexed, yes the City will be the water provider per the City's Integrated Water Master Plan and the source of the water will be wells. The location of these wells is yet to be determined, they could be located anywhere in Special Planning Area 2 and/or Special Planning Area 4.

Please do not hesitate to contact me if anything else is needed.

Thank you,

Lloyd Abrams

Assistant Director

Community Development

City of Surprise

Office: 623-222-3021

From: Karen R. Christopherson [REDACTED]

Sent: Friday, May 03, 2019 7:49 AM

To: Lorraine Nevarez <Lorraine.Nevarez@surpriseaz.gov>; Roland Winters <Roland.Winters@surpriseaz.gov>

Cc: Mayor <Mayor@surpriseaz.gov>; James Stewart <James.Stewart@surpriseaz.gov>; Lloyd Abrams <Lloyd@surpriseaz.gov>; Robert Kuhfuss <Robert.Kuhfuss@surpriseaz.gov>; [REDACTED]

Subject: Annexation and rezoning - Lone Mountain & Marisol Ranch

The e-mail below is from an external source. Please do not open attachments or click links from an unknown or suspicious origin.

1) We'd like to request the Appendix B, Master Water Plan, as referenced below

"Detailed water analysis for Lone Mountain Ranch is provided in Appendix B, Master Water Plan."

on page 18 of the "Lone Mountain Ranch PAD Narrative April 2019 Prepared For: Arizona State Land Department Case # FS18-459"

I could not find that Appendix in any supplied documents

2) In the annexation documents provided for the next meeting, on Page 6 PRE-ANNEXATION DEVELOPMENT AGREEMENT. it says

"6.2 Upon final and effective annexation, Surprise shall provide all Surprise services to the Annexation Parcels, including, but not limited to water, sewer, trash collection, police and fire protection and all other services typically provided by Surprise to its residents"

Does this mean Surprise is going to be responsible for the water, and if so, is this detailed anywhere as to the source(s) of water, etc?

Thank you,

Karen R Christopherson
Chinook Geoconsulting, Inc.

[REDACTED]

[REDACTED]

[REDACTED]

chinook-inc.com

In a message dated 4/30/2019 9:52:19 AM Pacific Standard Time, [REDACTED]
writes:

Hello Ms. Christopherson,

I'm received your comments and will distribute to the Planning and Zoning Commission.

Regards,

Lorraine Nevarez

Administrative Specialist – Sr.
City of Surprise | Community Development
16000 N. Civic Center Plaza | Surprise AZ | 85374

www.surpriseaz.gov

623.222.3154 t
623.222.3001 f

From: "Karen R. Christopherson" [REDACTED]
Date: Sunday, April 28, 2019 at 9:05 AM
To: Robert Kuhfuss <Robert.Kuhfuss@surpriseaz.gov>, Lloyd Abrams
<Lloyd@surpriseaz.gov>, James Stewart <James.Stewart@surpriseaz.gov>
Cc: Mayor <Mayor@surpriseaz.gov>, Roland Winters <Roland.Winters@surpriseaz.gov>
Subject: Opposition to rezoning - Lone Mountain (& Marisol Ranch)

****The e-mail below is from an external source. Please do not open attachments or click links from an unknown or suspicious origin.****

I'd like to express my opposition to the rezoning of the Lone Mountain (RR to PAD) and Marisol Ranch (in general, as PAD)

Some reasons:

1) Disturbance of wildlife in the area:

Numerous species that use this area, either as a home or migration. The animals include: burros (part of the Lk Pleasant herd), bobcats, mountain lions, coyotes, badgers, great-horned owls, javelina, jackrabbits, red-tailed hawks, long-tailed/pocket mouse.

The rural zoning has not disrupted these animals much - they move through our properties and along washes. Birds nest in the saguaros and native trees. Those of us in the rural setting appreciate and respect the wildlife.

Higher density and more roads (internal to these developments) plus loss of habitat will disrupt the lives of many of the (mostly native) species.

2) Vagueness on water supply:

pg 17 of Lone Mountain Ranch PAD Narrative April 2019-

"The Integrated Water Master Plan: Water Infrastructure Final Report (Malcolm Pirnie, 2009) outlines using WSF-5 as the planned near-term solution for parcels 1 – 3 of the Project, therefore this solution is anticipated to serve these parcels of the Project after the interim solution. Since parcels 4 – 9 of the Project are in a different service area than parcels 1 – 3 of the Project they are anticipated to be served by the existing Desert Oasis WSF. A proposed interim solution to serve the Project is to use the existing water infrastructure within SPA2. Since SPA 2 lies within the lower pressure zones of PZ-2A, PZ-3A and PZ-2C, a booster pump station will be required. A near term solution is constructing an onsite water supply facility, and booster pump station on or near the Project site to serve the Project."

I could not find, "Detailed water analysis for Lone Mountain Ranch is provided in Appendix B, Master Water Plan"

But, on pg 3 of the "Lone Mountain Ranch Public Participation Report Case: FS18-459 January 2019", it says,

"1) Concerns about wells: The groundwater and impact on wells for Lone Mountain Ranch has been studied by a hydrogeologist. Any new wells within Lone Mountain Ranch are regulated by the Arizona Department of Water Resources (ADWR) and Well Impact Requirements of the Phoenix Active Management Area (AMA). These specify that a new well cannot impact the water level of existing registered wells by more than 10 feet after a pumping period of 5 years. An existing well within Marisol Ranch, to the north, was tested in 2000 and again in 2016. During this time, the water level rose from 514' below ground level to 350' below ground level."

MY COMMENTS:

Words like "near-term" and "interim" hardly make me feel comfortable about the water supply plans. Then, regarding wells - the fact that a well went from 514' to 350' below ground level MEANS ALMOST NOTHING. What it does mean is that when tested in 2016, the water depth from 350' from surface.

Two other monitored wells within a mile or so of that well showed a similar decrease in depth to water over that time period. Those data are available online, for state-monitored wells with data on an annual basis

Unless there are more data in the missing Appendix B, there are no data for pumping tests, drawdown, etc. IF they plan on using wells, an incredibly thorough testing program will need to be done, and on more than one well.

Also, the statement, "new wells cannot impact the water level of existing registered wells by more than 10 feet after a pumping period of 5 years" doesn't make me feel very assured. If there is any chance of well water supply for these areas, we (as well owners) need to see specific plans about how this monitoring would occur and what the penalties are.

3) Disruption of RU-43 character, and transition:

All of the surrounding homes are essentially RU-43/similar, on large lots (1-5 acres or so). Many people have horses and enjoy the quiet, lack of light pollution, lack of street noise, abundance of wildlife, and numerous ways to recreate (horseback riding, running, walking, mountain biking, off-road vehicles, etc.)

In the Surprise General Plan 2035, it says:

(pg 37)

" Compatibility and Transition Measures To help limit the impact on adjacent existing or potential uses and promote overall land use compatibility, new development should utilize the following transition measures at the neighborhood edge: • Respect the context of adjacent building form and architectural style; • Adjust densities to provide a gradual transition to surrounding uses; Step buildings (via building massing, footprint size, and height) to reduce the visual impact to surrounding uses; • Provide similar streetscape and landscape design to surrounding uses; • Utilize appropriate setbacks to blend and transition between surrounding uses; and/or • Place enhanced landscape/open space buffers between uses; additional measures should be taken to emphasize transition through integration and encourage connectivity between new development and surrounding uses."

(pg 40)

"Suburban Neighborhoods represent the transition area between rural settings and urban environments" This is for density of 2-8 du/ac

Then, on pg 15 of Lone Mountain Ranch PAD Narrative April 2019, it says,

"Buffer Open Space

In order to provide an appropriate transition from the existing rural residential uses along the perimeter of the Lone Mountain Ranch property and meet the density transition requirements within the Surprise General Plan, a landscaped open space buffer will be provided along 163rd

Avenue and Dixileta Road along the entire southern and western perimeter of the property. This will include a 60' wide open space buffer along 163rd Avenue, and a 150' wide open space buffer along Dixileta Road. With the addition of the applicable roadway right-of-way per the City of Surprise standard, these buffers will both provide a 260' setback when combining the right-of-way with the adjacent open space buffer. In addition to the perimeter open space buffer, the first row of homes adjacent to these open space buffers within residential districts shall be limited to single-story in height."

MY COMMENT:

150' plus Dixileta Rd, and limiting the first row of homes to single-story hardly constitutes a decent transition in this area. The buffer should be wider, and all homes south of the canal should be limited to single-story

4) Washes and flood zones

Figure 6 of the Lone Mountain Ranch PAD Narrative April 2019, titled Recreation and Open Space Plan, shows "wash corridors" with internal trails.

These wash corridors cross Dixileta in 4 places and Lone Mountain in 3. However, if you look at the FEMA flood plain maps, and/or Google Earth, you will see that there are numerous other wash crossings on Dixileta, and that the wash crossing on Lone Mountain are much wider.

Did the planners (RVI etc.) make a field visit to the site? Have any of the P&Z staff been up there? These washes are something that need to be addressed re their depth, width, flooding capacity, wildlife habitat, etc. They also need to consider calling these internal trails. If they are going to consider these trails, then portions of the washes need to be inspected for blockages that occur after large rains (meaning that they are not exactly trails in places).

I'm not sure how they are going to get their planned density squeezed in around all these washes.

I cannot attend the P&Z meeting on May 2 because of travel. But people from this area will be expressing views, and they know mine. In general, why build PAD up here? Surprise has so much growth. It was said at the recent council meeting, something like, "Just how large do we want to be?" Can you not keep the PAD confined to certain areas, and not mixed in with the few areas of RU-43/Rural zoning? Surprise can only get so big.

Thanks,

Karen R Christopherson, Geophysicist
Chinook Geoconsulting, Inc.

[REDACTED]

[REDACTED]

[REDACTED]

chinook-inc.com

City of Surprise offices open at 8 a.m. and close at 5 p.m. Monday through Friday. More info at www.surpriseaz.gov.

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30 Apr 2019 16:52:17 -0000



City Council

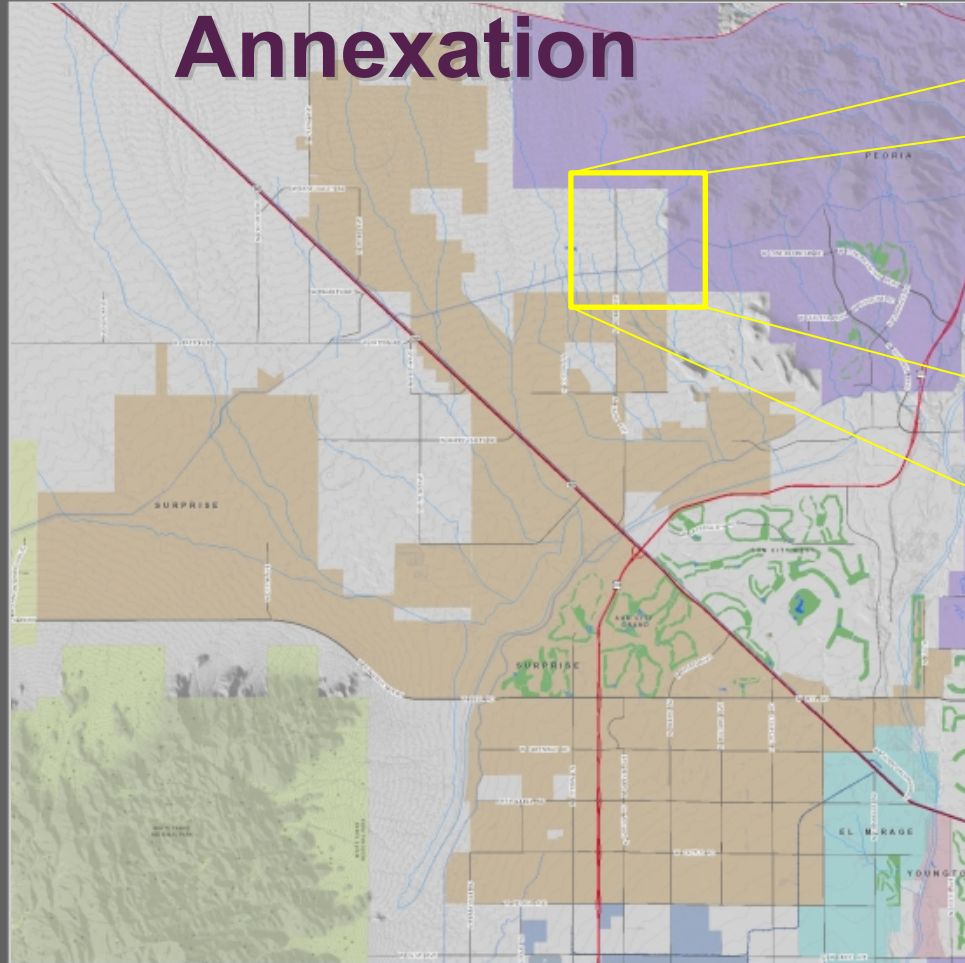
June 18, 2019



FS18-417

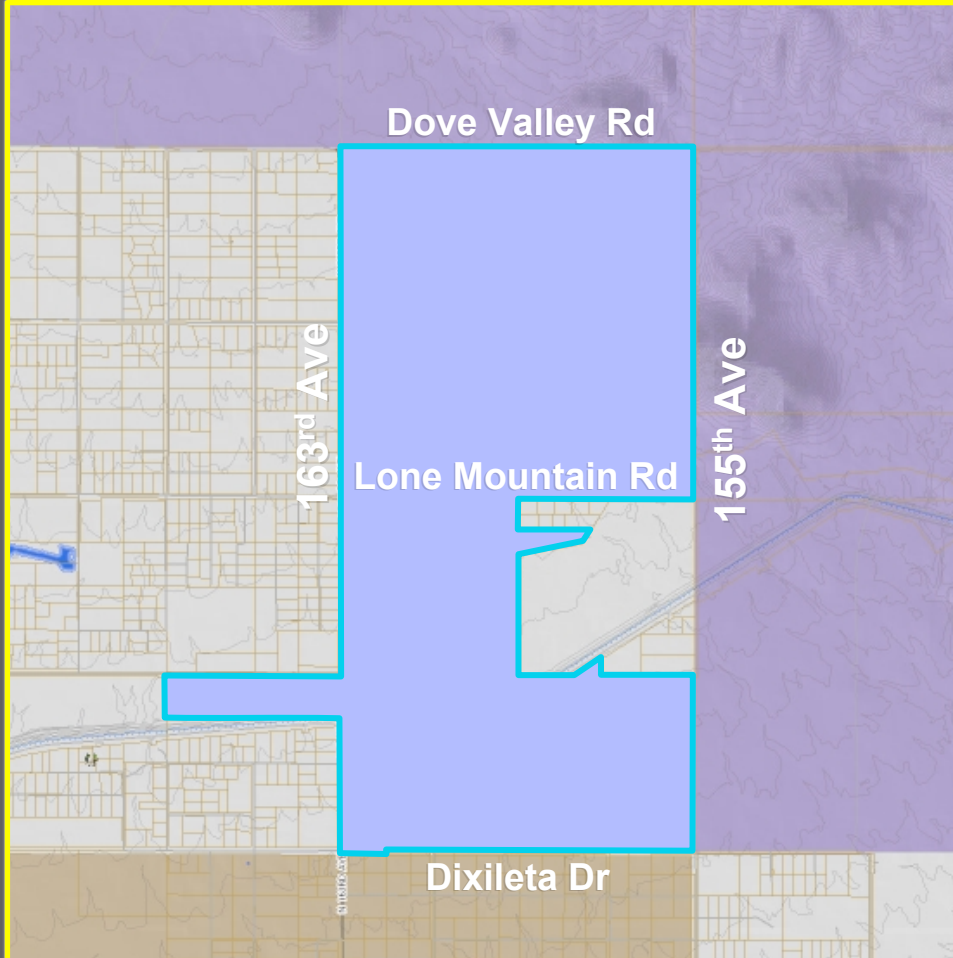
Marisol Ranch Annexation

Annexation



- Existing Maricopa County Limits
- Existing Surprise Incorporated Limits
- Existing Peoria Incorporated Limits
- Marisol Ranch Annexation Boundary

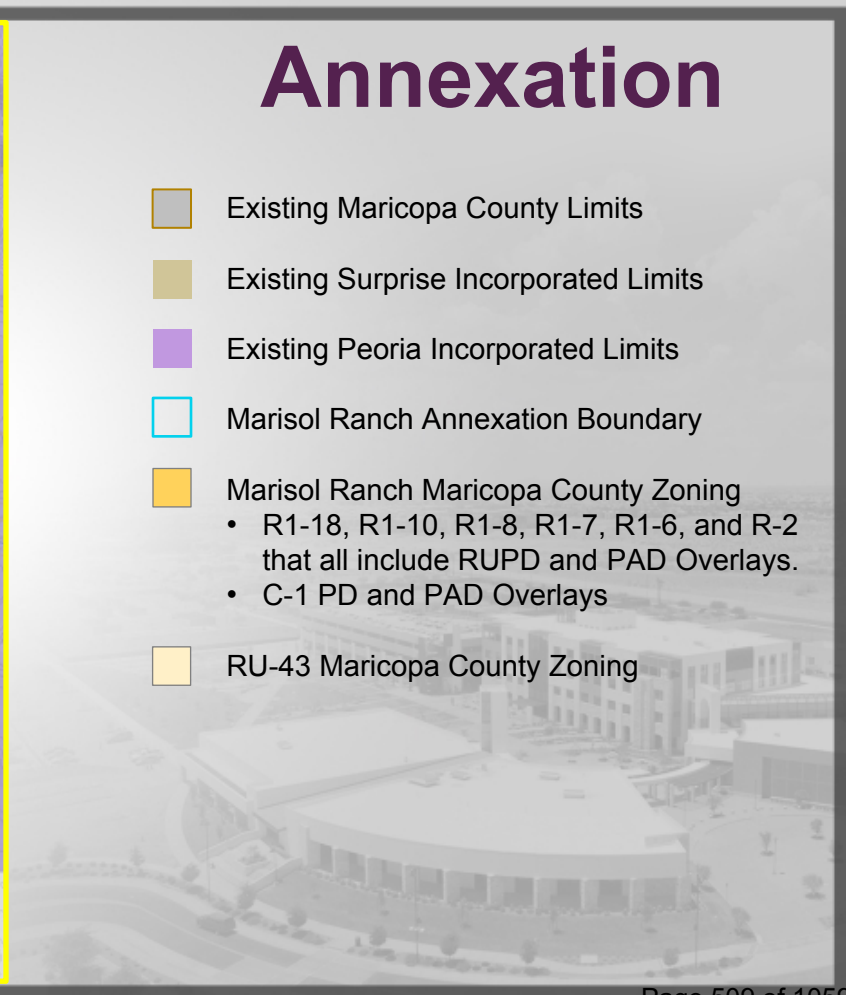
Annexation



-  Existing Maricopa County Limits
-  Existing Surprise Incorporated Limits
-  Existing Peoria Incorporated Limits
-  Marisol Ranch Annexation Boundary

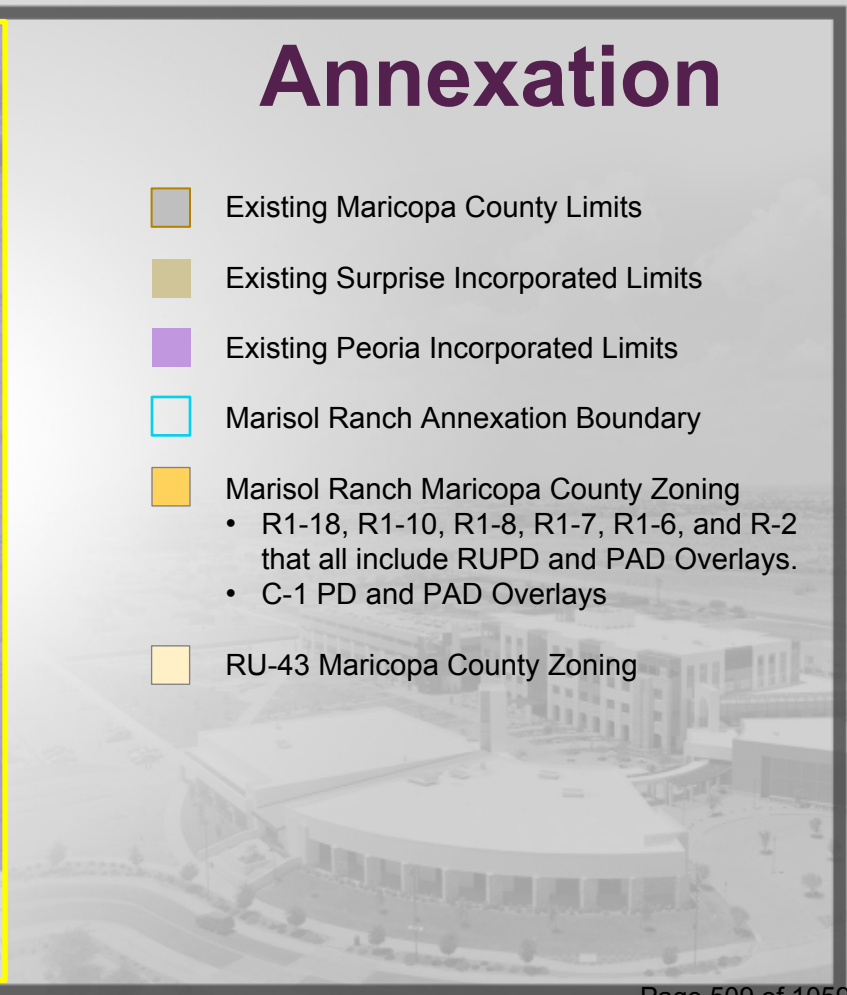


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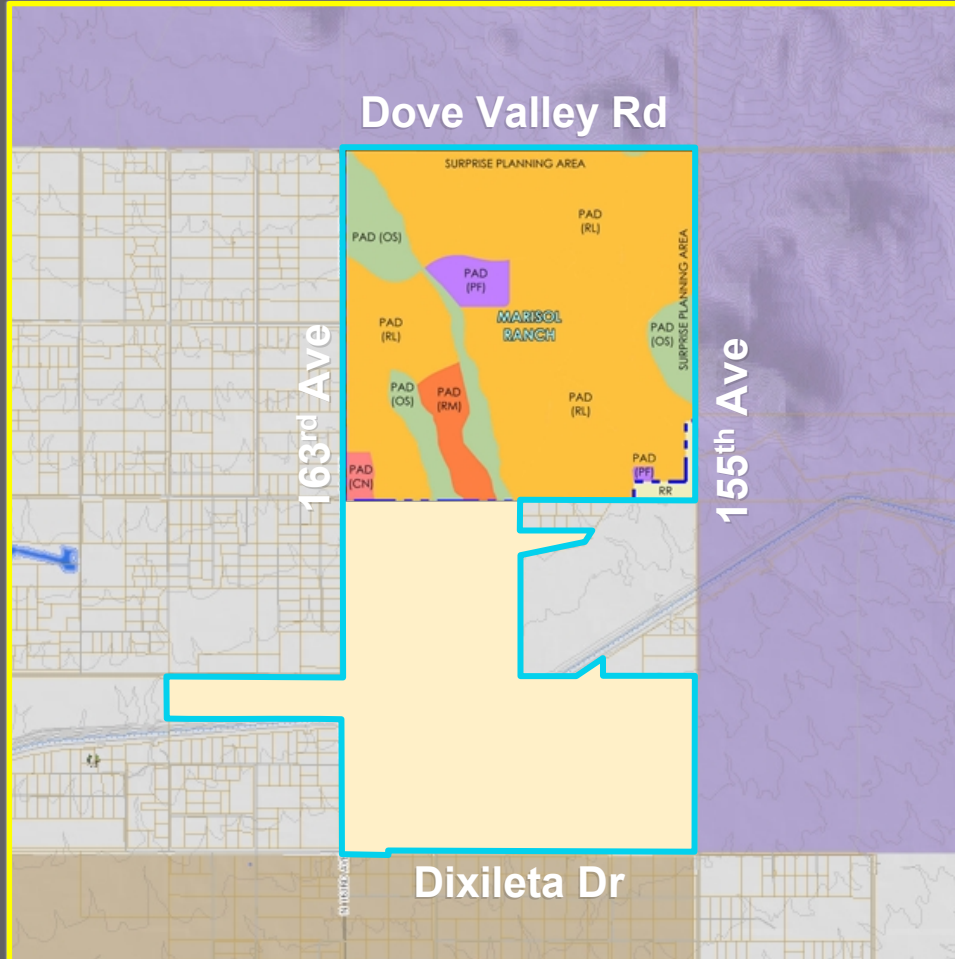


- Existing Maricopa County Limits
- Existing Surprise Incorporated Limits
- Existing Peoria Incorporated Limits
- Marisol Ranch Annexation Boundary
- Marisol Ranch Maricopa County Zoning
 - R1-18, R1-10, R1-8, R1-7, R1-6, and R-2 that all include RUPD and PAD Overlays.
 - C-1 PD and PAD Overlays
- RU-43 Maricopa County Zoning

Page 500 of 105

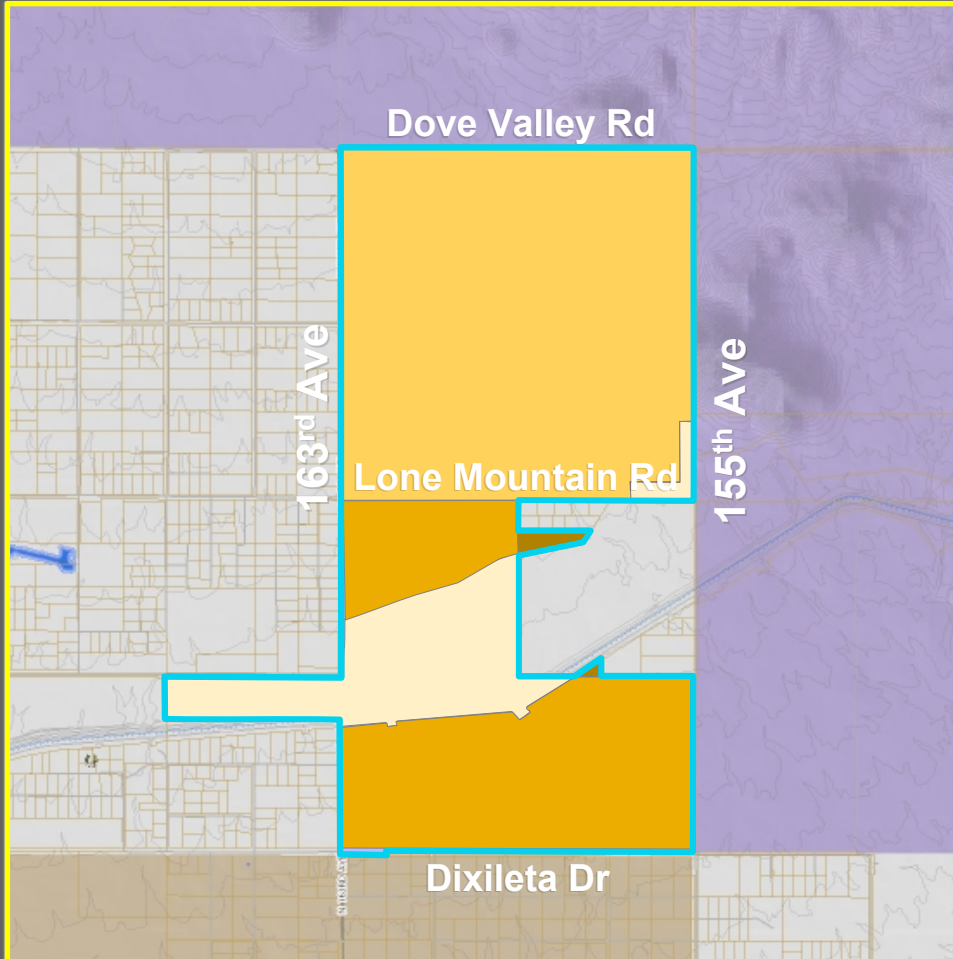


Annexation



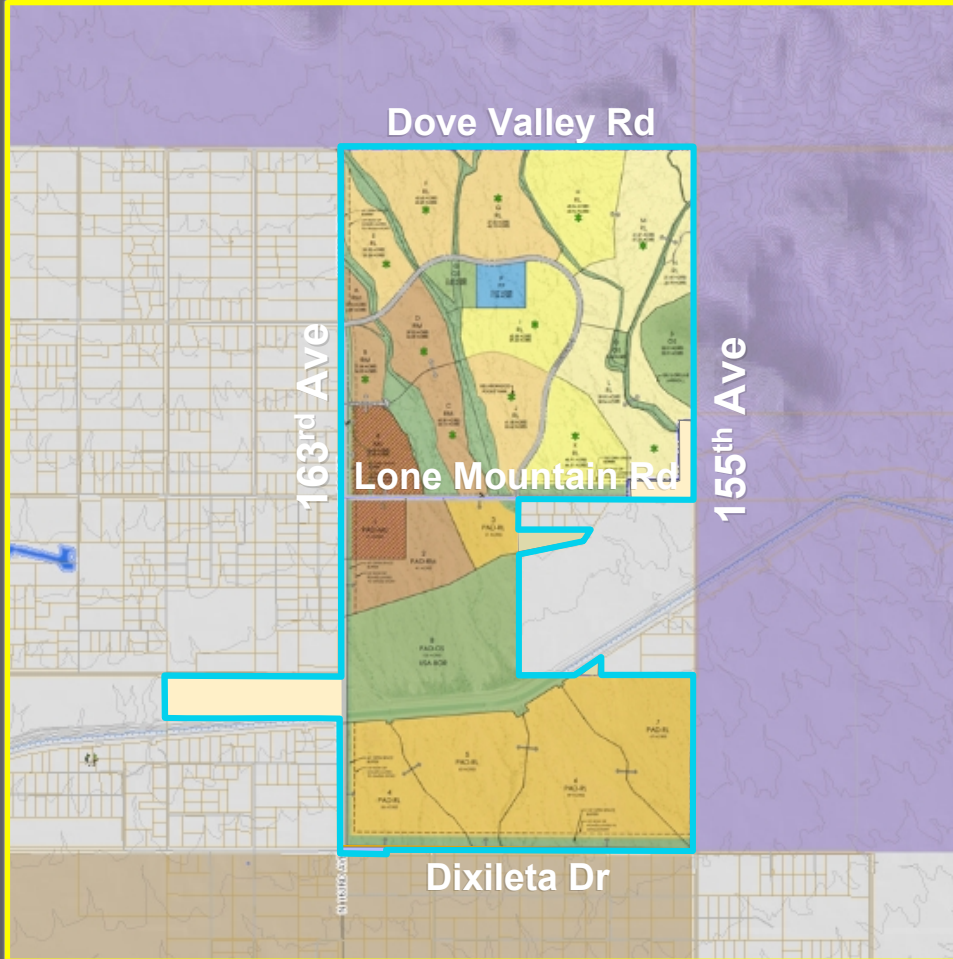
-  Existing Maricopa County Limits
-  Existing Surprise Incorporated Limits
-  Existing Peoria Incorporated Limits
-  Marisol Ranch Annexation Boundary
-  Surprise Marisol Ranch PAD Zoning
 - RL and RM
 - OS
 - CN
-  Surprise RR Zoning

Annexation



- Existing Maricopa County Limits
- Existing Surprise Incorporated Limits
- Existing Peoria Incorporated Limits
- Marisol Ranch Annexation Boundary
- Marisol Ranch Development Agreement
- ASLD Development Agreement
- Federal BOR Land
- Private Land

Concurrent Cases



-  Existing Maricopa County Limits
-  Existing Surprise Incorporated Limits
-  Existing Peoria Incorporated Limits
-  Marisol Ranch Annexation Boundary
-  Surprise Marisol Ranch Rezoning
 - RL and RM
 - OS
 - MU
-  Surprise Lone Mountain Ranch Rezoning
 - RL and RM
 - OS
 - MU

Next Steps

Resolution for the Intent to Annex - Completed

- City Council – December 4, 2018
- Reach out to County Assessor and Dept of Revenue

File Blank Petition: Between May 10

- Begins 30-day waiting period;

Public Hearing: June 4

- City council has public hearing to discuss the annexation proposal
- No action taken at this meeting

Public Hearing: June 6

- Planning and Zoning Commission recommendation on concurrent rezoning cases

Waiting Period Ends: Between June 11

- Applicant obtains signatures, submits signed petition to City

Public Hearing: June 18

- City Council action on annexation ordinance and concurrent rezoning cases

Concurrent Cases

Planning and Zoning Commission (June 6, 2019), City Council (June 18, 2019)

➤ **FS18-557 Marisol Ranch Rezoning:**

- ✓ Rezoning to remove waste water treatment facility
- ✓ Request an additional 388 dwelling units
- ✓ Amend the development parcels (quantity and layout)

➤ **FS18-459 Lone Mountain Ranch Rezoning:**

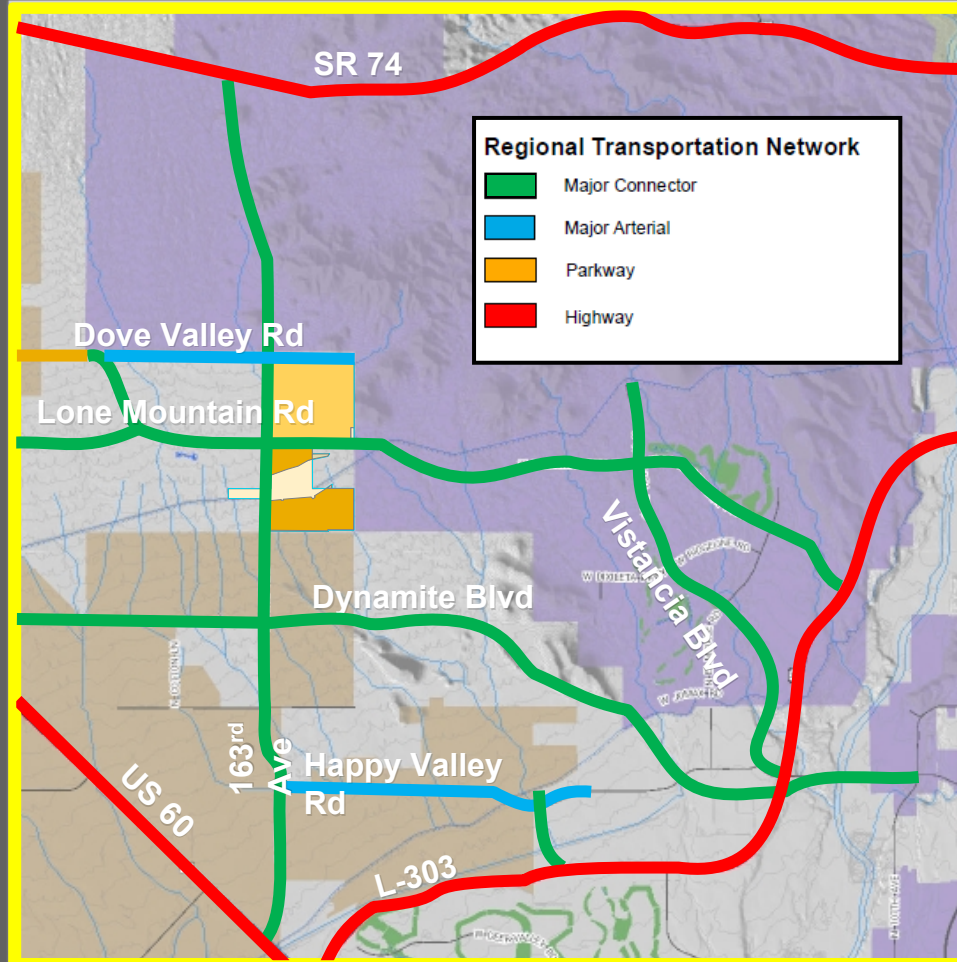
- ✓ Rezone from RR to Surprise PAD (including RR, RM, RH, and CC)



QUESTIONS OR COMMENTS?

Thank You

Annexation



- Existing Maricopa County Limits
- Existing Surprise Incorporated Limits
- Existing Peoria Incorporated Limits
- Marisol Ranch Annexation Boundary
- Marisol Ranch Development Agreement
- ASLD Development Agreement
- Federal BOR Land
- Private Land

Karen R. Christopherson

Redacted

6/3/2019

To: Surprise Mayor Skip Hall and the Surprise City Council
Surprise Planning and Zoning Commission

Please find attached some reasons for our opposition to the city of Surprise's annexation of Marisol Ranch, and Lone Mountain Ranch, annexation case FS18-417, City Council meeting June 4, 2019

AND our opposition to zoning changes are proposed for above, P&Z meeting June 6, 2019

- Consideration and action regarding a Major PAD Amendment (Zone Change) of approximately 634 acres from PADOS, PADRM, PADRL, PADCN, and PADPF to PADOS, PADRM, PADRL, PADMU, and PADPF for Marisol Ranch; Ordinance #201912
- Consideration and action regarding a Zone Change of approximately 486 acres from Residential Ranch (RR) to Planned Area Development (PADRL, PADRM, PADMU, and PADOS) for Lone Mountain Ranch; Ordinance #201911.

Karen R. Christopherson and Jim F. Thompson

Redacted

Email: Redacted

1. Why Annexation of Marisol Ranch and Lone Mountain Ranch? What does it cost the city of Surprise?

1.1. Urban Growth Standard: *The annexation does not meet this standard*

Surprise Code of Ordinances

Part II: Land Development Ordinances – v 24Jan2019

https://library.municode.com/az/surprise/codes/code_of_ordinances?nodeId=PTIILADEOR

Sec. 122-3. - Urban growth standards

(1) **At least one-sixth of the proposed development's site boundaries shall be contiguous to, and have shared access and connectivity with, existing urban development**

NOT TRUE for either Marisol Ranch or Lone Mountain

Why add the Marisol Ranch and Lone Mountain PADs in the middle of rural zoning - no other PADs nearby

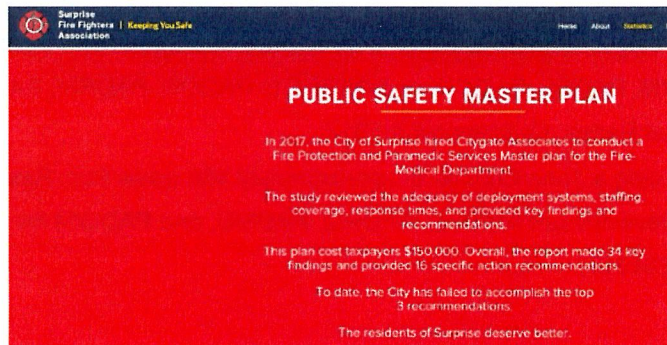
1.2. Police & Fire services: *Already over-strained*

Over-extension of police and fire by 2 more miles to the north

Long distance for police to travel PLUS

Firefighters not happy with current situation

<https://www.surprisefirefighters.org/statistics>



KEY FINDINGS

The Public Safety Master Plan, conducted in 2017, made 34 Key Findings, and at the conclusion of the study, it was determined that the **Surprise Fire-Medical Department** had only partially kept pace with the growth of the city and are unable to meet NFPA response time standards to all neighborhoods. The report also stated that the department does **not** have enough crews to cover a city the size of Surprise today, **much less in the future**.

Other critical findings:

- The City does not have enough fire station coverage
- High call volume in the Station 305 area requires adding a full time fire engine
- Emergency response travel times are higher than the 4 minute standard
- Total emergency response time (from dispatch being alerted to unit arrival) is higher than the NFPA standard of 7 minutes
- Fire Administration is at its max capacity to lead, equip, train, and supervise firefighters
- Station 305 has the highest number of stacked calls in the City, up 61% over the last 4 years
- The existing fire engine and ladder truck model is NOT covering enough of the city

A brush fire on 24 May, at 169th Ave and Dove Valley, gives a good example of this – people used hoses to protect their horses prior to fire departments showing up.

https://www.azfamily.com/news/arizona_wildfires/brush-fire-near-wittmann-threatens-livestock-homes/article_b870dc8c-7e72-11e9-9b4d-43a1d55fa8f5.html

It would probably be illustrative to see what the response time was by the Surprise fire units, which included E302+ E303+ E304 BC301 BR303 BR304 T304 U307.

The fire blew up to 1200 acres within a matter of hours. Luckily it moved north and east, preventing what could have been a much worse situation re evacuation and loss of property, etc.



Figure 1: Fire at 169th and Dove Valley on 24 May 2019. Video from CBS5

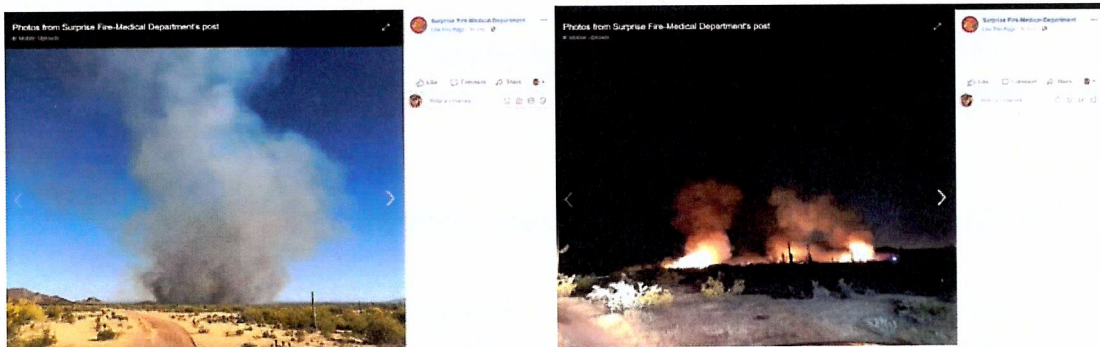


Figure 2: Dove Fire photos from Surprise Fire-Medical Facebook page

On May 30, 2019 another fire occurred in the same area. The White Wing Fire started near 171st and White Wing. Within one day it grew to 2704 acres. Surprise Fire was among the many units dispatched.



Figure 3 White Wing Fire photo from AZ State Forestry on Twitter

1.3. Development does not fit with Surprise's urban growth policy

LDO Chapter 104 - FUNDAMENTAL DEVELOPMENT REQUIREMENTS

<https://www.surpriseaz.gov/DocumentCenter/View/41421/Ch-104-Fundamental-Development-Requirements?bidId=>

104-1.4 Urban Growth Principles

(6) The protection and preservation of environmentally sensitive lands from the encroachment of urban development.

- Some Marisol/Lone Mtn lands may be considered environmentally sensitive

(7) The improvement of air quality by reducing vehicle miles traveled and by encouraging public transit and alternatives to private automobile use.

- Long commute from Marisol/Lone Mtn; no public transport

(10) The preservation of historical and cultural features.

- Needs to be reviewed; there are historical and cultural features nearby

1.4. Groundwater – *Where will all the water come from?*

Surprise will have to drill wells – will strain the city's capability to provide water and stay with its water plans; city will also have to monitor these wells, and ensure that neighboring wells are not affected

Surprise already has commitments to PADS that are approved, and within the city

The 2015 Surprise water plan showed a near-future water deficit

1.5. Roads – *Not enough infrastructure*

Area roads within the city limits already lack maintenance

Major roads are crowded at 'rush hour'

Lack of Ingress/Egress in emergency situations (fire, flooding, etc.)

ONLY way out to south is on 163rd! Secondary route out is east on Jomax. NO OTHER ROUTES out of the area.

NO good future access to Grand Ave – the Railroad issue

NO good future eastward road extensions – topography from hills and deep washes, land ownership

How is Surprise going to accompany the number of people and vehicles, especially in emergency situations?

How are emergency vehicles going to come to aid, particularly if road closures due to flooding?

Current road situation in area between Jomax and Dove Valley, 163rd Ave and to the east

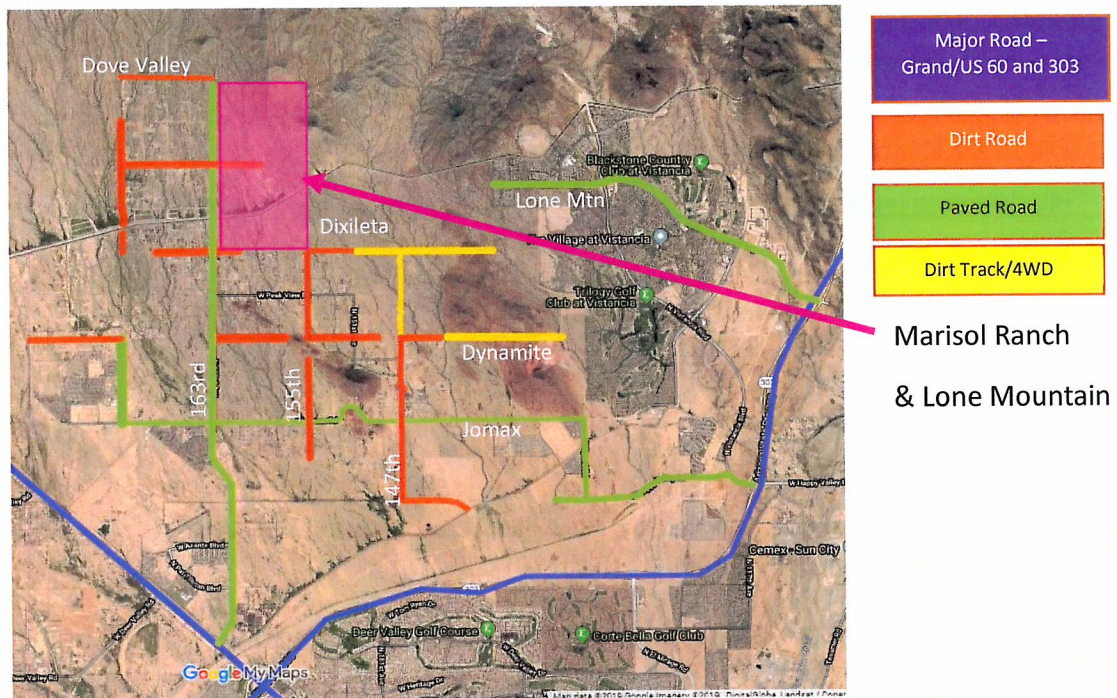


Figure 4: Current status of roads N of Jomax, E of 163rd

How will Surprise work with the FEMA flood plain issues, particularly in the Marisol Ranch development?
Who will be responsible for road flooding? Will it be Surprise, after the development is completed?
Shown below is FEMA map for the two sections that cover Marisol and Lone Mountain, with FEMA flood areas in blue.

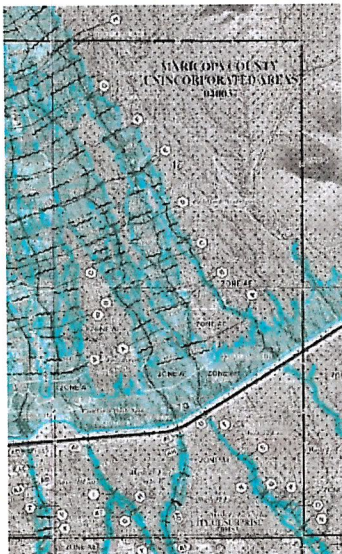


Figure 5: FEMA floodplain map for sections slated as Marisol Ranch and Lone Mountain Ranch

1.6. Wildlife Corridors – How will Surprise keep its promise, & protect/maintain the corridor within corridor guidelines?

City Council Strategic Plan – Update 2013

<https://www.surpriseaz.gov/DocumentCenter/View/19037/City-Council-Strategic-Plan-2013?bidId=>

SUSTAINABILITY

Goal 3: Respect nature by **protecting critical wildlife corridors.**

Strategies:

Implement code and design guidelines for wildlife corridors.

Identify wildlife linkages for northern planning area.

Staff will work with future development to **minimize impact on wildlife corridors.**

The AZGFD report, "The Maricopa County Wildlife Connectivity Assessment:

Report on Stakeholder Input January 2012" Figure 7: Northwest Maricopa County...."

NOTE Area 1, with pink circle – this runs from Grand Ave over through the Lone Mountain and Marisol Ranch properties

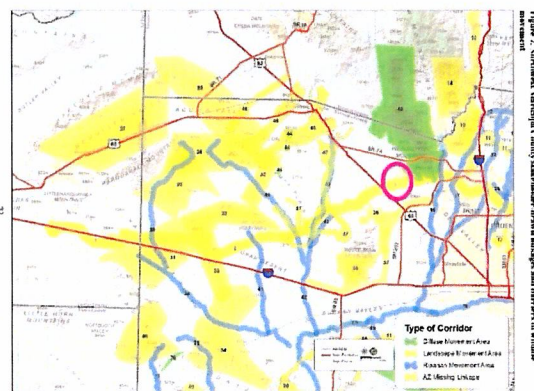


Figure 6: Wildlife Corridor and Linkage Map - AZGFD

A biologist with the AZ Wildlife Contracts Branch's Highways and Wildlife Connectivity group. "I've been working on animal movement projects with this group for the last 13 years. The answer to your question it would be great to see that part of the CAP right-of-way and surroundings recognized as a wildlife movement pathway **so the linkage arm leading to the 60 doesn't end up as a dead end;**"

Corridor Features <https://www.biologicaldiversity.org/publications/papers/wild-corridors.pdf>

- The corridor should be as wide as possible. The corridor width may vary with habitat type or target species, but a rule of thumb is about a **minimum of 1,000 feet wide** (but larger if possible)

- Maintain as much natural open space as possible next to any culverts to encourage the use of the culverts. **Maximize land uses adjacent to the corridor that reduce human impacts to the corridor.**
- **Do not allow housing or other impacts to project into the corridor** to form impediments to movement and increase harmful edge effects.
- **If housing is to be permitted next to the corridor**, put conservation easements on adjacent lots to prohibit structures nearest the corridor.
- Develop strict lighting restrictions for the houses adjacent to the corridor to **prevent light pollution into the corridor**. Lights must be directed downward and inward toward the home.

1.7. Saguaros and Wildlife – *This area is NOT similar to the PADS south of Jomax on 163rd*

Besides diverse wildlife (many of which are not found south of Jomax), the Lone Mountain and Marisol parcels are highly populated with saguaros and have much more terrain. These are parcels that CANNOT be scraped easily, as parcels further south on 163rd can.

If the Lone Mountain parcel is NOT annexed, these saguaros can be preserved in their natural state and location.

The survival rate of transplanted saguaros >13 feet in height is less than 55%

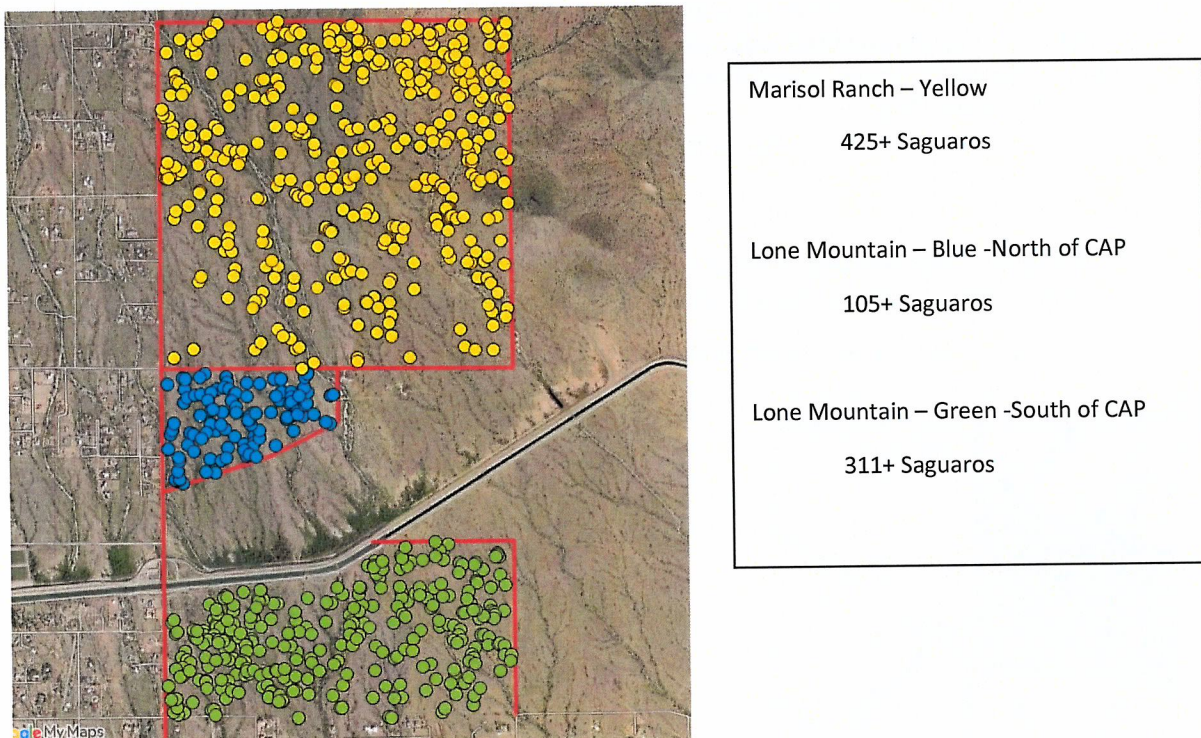


Figure 7: Minimum number of Saguaros on the Marisol Ranch and Lone Mountain parcels

1.8. Washes – Plans do not meet Surprise planning/engineering standards

- Per <https://www.surpriseaz.gov/DocumentCenter/View/41050/Surprise-Planning-Engineering--Design-Standards---October-2018-Draft?bidId=>
- PLANNING AND ENGINEERING DESIGN STANDARDS (PEDS)
- Page 12: Section 1.6 Grading & Drainage Design and Floodways **A. Washes and drainage patterns shall be maintained in their historic location.** Mass grading of parcels over five (5) acres in size shall require additional approval from the Community Development Director; phased grading of a development is the preferred method. The grading concept for any site shall be a balanced cut and fill on the site to limit damage to the natural topography; except in the case of approved and permitted mining activities.
- E. Where a floodway or wash traverses a development site, **the floodway or wash shall be set aside as open space and improved using environmentally sensitive channel and bank stabilization techniques to provide a naturally appearing restored, enhanced and stabilized floodway or wash.** Under no circumstance shall the channel or sides of a floodway or wash be paved over in concrete or similar material
- Page 61: Section 5.4 Water Features A. NATURAL WASHES and FLOODWAYS. 1. County Floodways and FEMA designated washes that traverse and/or are adjacent to a development site shall be assimilated into a linear open space system that is integrated into both the development's and the community's open space system. **A seventy-five (75') foot buffer area shall be required along the perimeter of these floodways and washes.** Within the required seventy-five (75') foot buffer area, associated with and adjacent to these types of floodways and washes, paths for both pedestrians and bicycles and if applicable equestrian trails are encouraged and may be required to be developed as an amenity by the developer (see Illustration 27). 2. **Naturally occurring ephemeral desert washes** identified by the Drainage Report shall, as much as possible, be retained in their natural condition with **buffer areas established as natural area open space and with development setback the appropriate distances necessary to allow the wildlife corridors to remain uninterrupted**
- **COMMENT** – these standards MUST be incorporated into development plans if the projects move forward. Some washes traverse, yet not marked as open space (see example below)
- Current plans do not accommodate these standards fully!



2. Summary

Why does Surprise want to grow even more, and add almost 2 square miles, when the city already has a committed future of certain growth?

Why add PADs into this area of rural living? This could be an asset to Surprise in the future – an area with trails, for people to live that want to have large animals and more space?

Why add PADS into the Lone Mountain parcel? Can this not be preserved for wildlife corridors and saguaro habitat?

Is this all worth it for Surprise's only benefit to be added property tax revenue?

If Marisol still wants to build urban-density, let them go ahead and build through Maricopa County. They are going to be hindered by water, road, floodplain, and topography issues. It will NOT be Surprise's problem.

Please allow the rural Surprise residents, and their county neighbors, to continue loving this area.

June 6, 2019

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

References:

1. Planning and Zoning Commission Meeting June 6, 2019, Agenda Item 3.
2. Zoning Change case FS18-459 for Lone Mountain Ranch
3. Letter to Planning and Zoning Commission dated April 28, 2019, from Craig Martin

I would like to provide the following comments and concerns regarding the referenced proposed zoning change:

The proposed zoning change causes a conflict between the area to the south that is zoned Rural Ranch (RR) and the proposed PAD for Lone Mountain Ranch because the drainage and discharge from the proposed Lone Mountain Ranch is proposed assuming the area to the South is similar and is also zoned PAD with set designed drainage systems, where in reality, the area to the south has natural drainage that relies on the area to the North. The proposed area presently has over 12 washes/arroyos that run south and cross the path of the proposed Dixileta Dr. into the Saguaro View Subdivision. The proposed development only shows keeping 3 major arroyos instead of the 12. Presently all of the drainage from the proposed Lone Mountain Ranch area runs south to an area that is zoned RR, and not PAD.

The changing of the zoning for the proposed Lone Mountain Ranch and the associated change to drainage is in conflict with the Maricopa County Drainage Policies and Standards, 8/22/2018, which states:

2.1 PURPOSE

- 5. Continuity of stormwater flow through the site to meet legal requirements for not impacting adjacent, upstream, and downstream properties.*
- 14. Preservation of natural desert washes and riparian areas which provide natural stormwater conveyance, stormwater infiltration, wildlife habitat and travel corridors, and passive recreation opportunities.*

In addition, the proposed changes are in conflict with the City of Surprise Engineering Development Standards (EDS), August 2016:

5.1 GENERAL INFORMATION

- 4. All developments within the city shall provide such storm drainage facilities as are necessary to ensure that all structures and properties, both within the development and those located upstream and downstream of the development, shall be protected from adverse impacts of storm waters due to the proposed and constructed development.*
- 5. Off-site historical flow must be accepted and released from developments essentially at the same locations, including depth, flows and velocities, less than or equal to those encountered under pre-development conditions.*

In the Lone Mountain Ranch PAD Narrative dated April 2019, the drainage conflicts between the two distinctly different zonings is not addressed. This needs to be adequately addressed prior to changing the zoning.

Thank you for your consideration of these important items.

Sincerely,

A handwritten signature in black ink, appearing to read 'Craig Martin', with a long horizontal flourish extending to the right.

Craig Martin



CITY OF SURPRISE Regular City Council Meeting

Council Meeting Date: June 18, 2019 Contact Person: Robert Kuhfuss
Submitting Department: Community Development District: District 1
Staff Recommendations: None

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

Agenda Wording:

Consideration and action pertaining to a Major PAD Amendment which will rezone approximately 634 acres from PAD-OS, PAD-RM, PAD-RL, PAD-CN, and PAD-PF to PAD-OS, PAD-RM, PAD-RL, PAD-MU, and PAD-PF for Marisol Ranch, generally located north of Lone Mountain Road (alignment) and south of Dove Valley Road and east of 163rd Avenue. Planning case FS18-557; Ordinance #2019-12.

Motion:

I move to approve Ordinance #2019-12.

Note: Should the annexation proposed under case FS18-417 fail, no action will be taken on the subject request.

Background:

The subject property consists of two (2) parcels owned by FGR Property Investments V, LLC and two (2) parcels owned by Marisol 163, LLC, totaling approximately 634 acres. The subject request involves the rezoning of said 634 acres from PAD-RM (24.7 ac.), PAD-RL (495.7 ac.), PAD-CN (7.23 ac.), PAD-PF (18.7 ac.), and PAD-OS (87.7 ac.) to PAD-RM (108.36 ac.), PAD-RL (441.88 ac.), PAD-MU (34.00 ac.), PAD-PF (12.07 ac), and PAD-OS (37.7 ac.).

This case is running concurrently with a 486-acre Zone Change involving a neighboring project known as Lone Mountain Ranch, which is being processed under FS18-459 and is discussed under separate cover. Both Lone Mountain Ranch and Marisol Ranch are included in a 1,180-acre Annexation request being processed under case FS18-417. In addition, two (2) Pre-Annexation Development Agreements, one (1) for Lone Mountain Ranch and one (1) for Marisol Ranch, were approved by the City Council on May 7, 2019.

As of the writing of this report, the subject property is located within the unincorporated portion of Maricopa County and is zoned County R-2 RUPD, R1-6 RUPD, R1-7 RUPD, R1-8 RUPD, R1-10 RUPD, R1-18 RUPD, RU-43, C-1 PD together with a Special Use Permit (SUP) for a Waste Water Treatment Facility (WWTF). The project, as currently approved, will allow up to 1,882 dwelling units over 634 acres for a gross density of 2.97 DU/Ac. Upon successful annexation, the property will assume like-zoning of Surprise PAD-RM, PAD-RL, PAD-CN, PAD-PF, and PAD-OS.

During its meeting on June 6, 2019, the Planning and Zoning Commission recommended approval of this rezoning by a 5-2 vote.

Development and use of the site shall be in conformance with the Zone Change Narrative entitled “Marisol Ranch Major PAD Amendment”, consisting of thirty-seven (37) pages inclusive of Figures 1 through 9, prepared by RVi Planning + Landscape Architecture and stamped received March 19, 2019.

The owners of Marisol Ranch, or their successors and assigns, shall donate a parcel within the Marisol Ranch project to the City deemed suitable by the City for future development of a public safety facility, with such donation to occur when the City determines that the amount of development within the project and the area requires the addition of new public safety facilities to serve the area.

Non-compliance with the stipulations of approval of this case will be treated as a violation in accordance with the provisions of Article XIV of the Surprise Unified Development Code.

If the City Council votes to approve the Annexation case and the subject Zone Change request on June 18, 2019, the subject Zone Change would become effective fifteen (15) days after the annexation becomes final in accordance with applicable law.

Objective Analysis:

The applicant seeks a Zone Change over the subject property for the purpose of creating a Master Planned Community. The zoning of the property will be PAD, with the land uses associated with each development parcel tied to the City’s “hard” zoning districts as they evolve over time. The development standards, however, are included with this Zone Change and will run with the land unless subsequently amended. The project will have an abundance of open space, with an overall density of 3.6 DU/Ac. The proposed development includes buffering adjacent to existing rural development consistent with the goals of the General Plan. Further, the development will preserve wash corridors that bisect the site thereby providing wildlife connectivity and recreational opportunities, also in support of the General Plan.

Policy Compliant:

The Surprise General Plan 2035 shows the subject property as lying within the Neighborhood Character Area, which supports residential development of up to 8 DU/Ac or more, provided appropriate transitions are made between the various Neighborhood types included within the character area. The project, at 3.6 DU/Ac, is well below 8 DU/Ac.

The proposed development also incorporates buffering between the existing rural development, both within and outside of the city. This buffering is in the form of an open space strip ranging in width from 60’ along 163rd Avenue to 150’ along a segment of Lone Mountain Road Drive, which when coupled with the adjacent right-of-way, will provide buffering consistent with the goals of the General Plan. The development also seeks to preserve existing wash corridors thereby providing wildlife connectivity and recreational opportunities.

Financial Impact:

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

Budget Impact:

There is no anticipated budget impact related to this item.

FTE Impact:

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

ATTACHMENTS:

1. 19.06.07 EVR FINAL Marisol Ranch Rezone 06-18-19 CC Staff Report
 2. 19.06.07 EVR FINAL Marisol Ranch Rezone Ordinance 2019-12-Exh
 3. 01 FS18-459 & FS18-557 Lone Mountain Ranch and Marisol Ranch Vicinity Map
 4. 02 FS18-557 Marisol Ranch Major PAD Amendment Narrative 18-Mar-2019
 5. 03 FS18-557 Marisol Ranch Outreach Report REDACTED
 6. 04 Additional Opposition - redacted
 7. 19.6.3 Ltr of opposition_Redacted
 8. 19.6.6 Ltr of opposition_Redacted
 9. 06 FS18-459 & FS18-557 Lone Mountain Ranch and Marisol Ranch 06-18-19 CC Presentation
-

ZONE CHANGE

REPORT TO THE CITY COUNCIL

Case: **FS18-557**

Project Name: Marisol Ranch Major PAD Amendment

Council District: 1 – Acacia

Meeting Date: **June 18, 2019**

Planner: Robert H. Kuhfuss, AICP

Owner: Marisol 163, LLC and FGR Property Investments V, LLC

Applicant: Mark Reddie of RVi Planning + Landscape Architecture

Request: Major PAD Amendment (Rezone) of approximately 634 acres from PAD-OS, PAD-RM, PAD-RL, PAD-CN, and PAD-PF to PAD-OS, PAD-RM, PAD-RL, PAD-MU, and PAD-PF

Site Location: Generally located east of 163rd Avenue and north of Lone Mountain Road

Area: 634 acres (approx.)

Density: 3.6 DU/Ac.

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

Support/Opposition: This request has generated several items of opposition

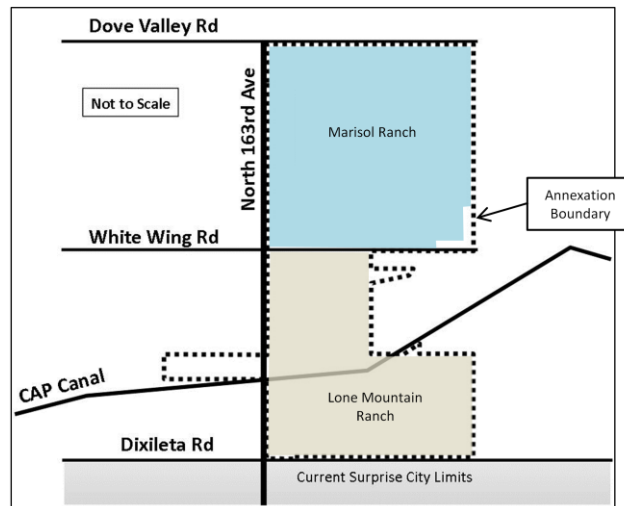
Commission Recommendation: **Unknown** as of the writing of this report

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This case is running concurrently with a 486-acre Zone Change involving a neighboring project known as Lone Mountain Ranch, which is being processed under FS18-459 and is discussed under separate cover. Both Lone Mountain Ranch and Marisol Ranch are included in a 1,180-acre Annexation request being processed under case FS18-417. In addition, two (2) Pre-Annexation Development Agreements, one (1) for Lone Mountain Ranch and one (1) for Marisol Ranch, were approved by the City Council on May 7, 2019.

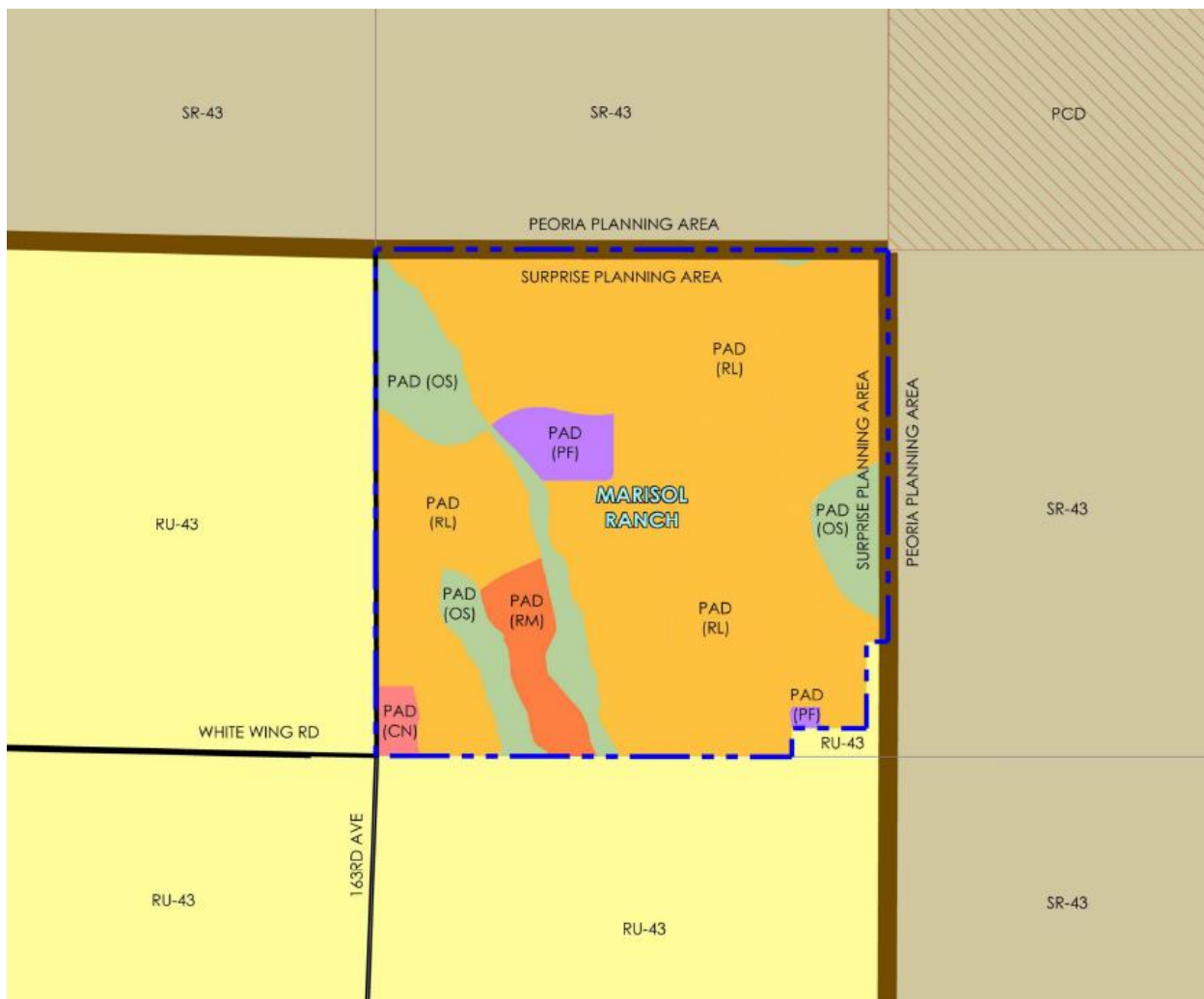
- The Planning and Zoning Commission heard the two (2) above-referenced Zone Change requests on June 6, 2019 and made recommendations for approval by 5-2 votes to the City Council.
- The Council is scheduled to hear the Annexation request and the two (2) Zone Change requests on June 18, 2019. Should the Council vote to approve the Annexation case, the Council will then be free to take action on the two (2) Zone Change requests; however, should the Council deny the Annexation request, neither of the two (2) Zone Change requests may be considered, as the Council will not have acquired jurisdiction, and they will be withdrawn from the agenda.
- If the City Council votes to approve the Annexation case and the two (2) Zone Change requests, the amended zoning would become effective fifteen (15) days after the annexation ordinance becomes final in accordance with applicable law.

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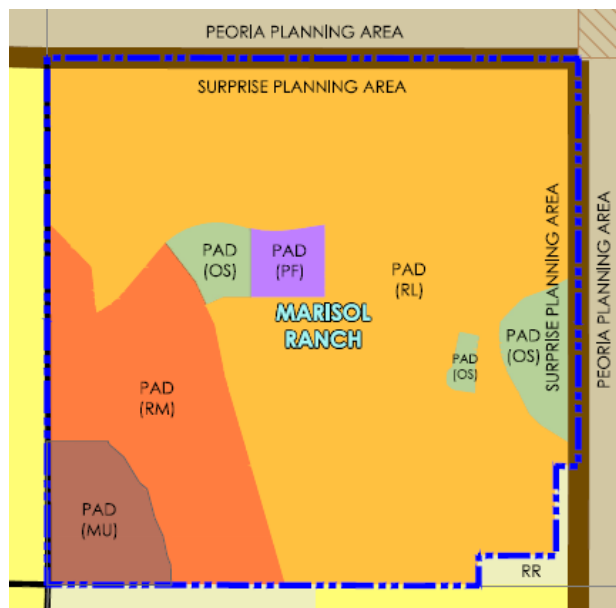


PROJECT DESCRIPTION:

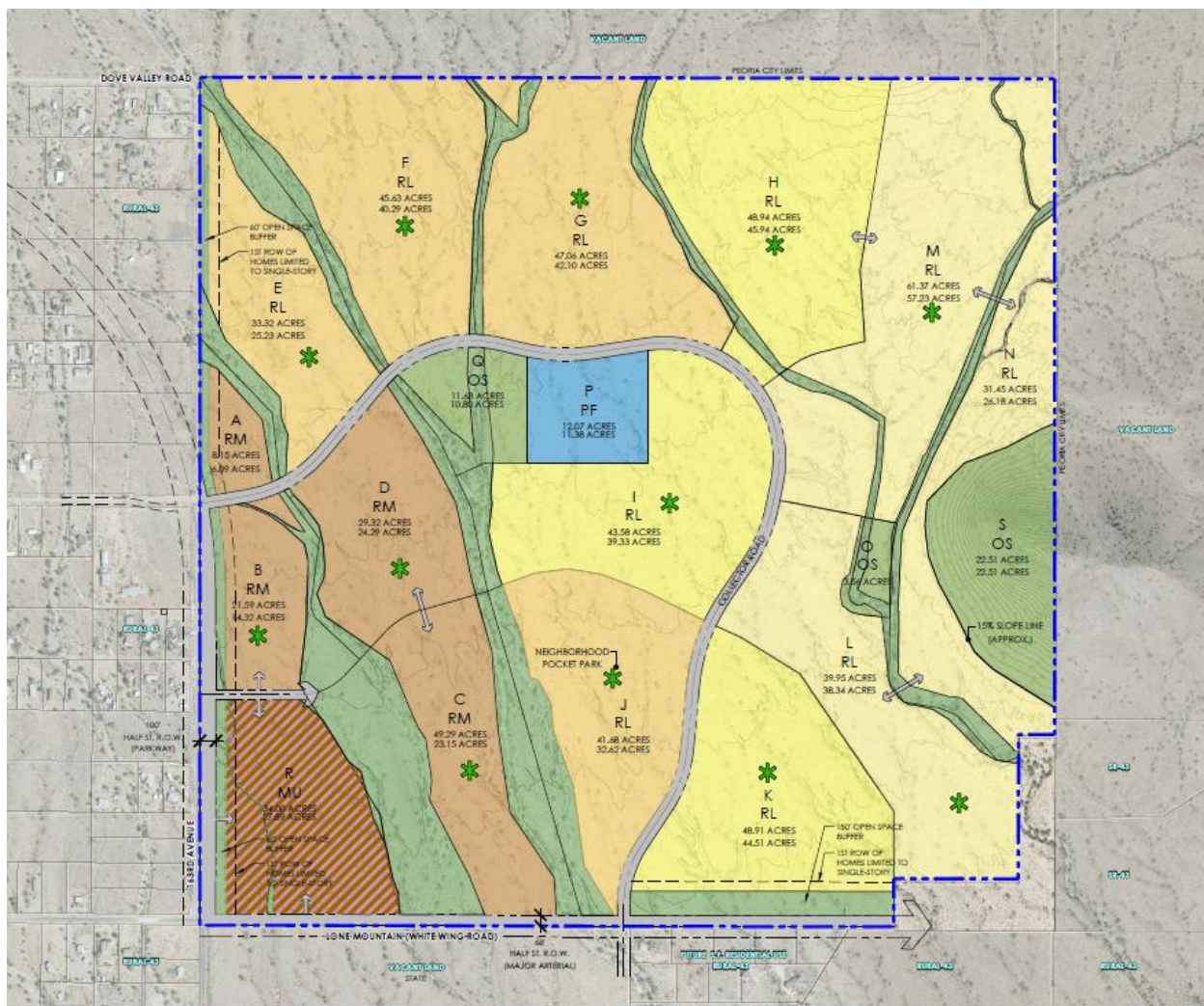
As of the writing of this report, the subject property is located within the unincorporated portion of Maricopa County and is zoned County R-2 RUPD, R1-6 RUPD, R1-7 RUPD, R1-8 RUPD, R1-10 RUPD, R1-18 RUPD, RU-43, C-1 PD together with a Special Use Permit (SUP) for a Waste Water Treatment Facility (WWTF). The project, as currently approved, will allow up to 1,882 dwelling units over 634 acres for a gross density of 2.97 DU/Ac. Upon successful annexation, the property will assume like-zoning of Surprise PAD-RM, PAD-RL, PAD-CN, PAD-PF, and PAD-OS. The following image, taken from Figure 2 of the Marisol Ranch Major PAD Amendment Narrative, depicts what will be the existing zoning of the property upon annexation.



The subject request seeks to amend the Marisol Ranch PAD as adopted with the annexation to PAD-RM, PAD-RL, PAD-MU, PAD-PF, and PAD-OS to become effective fifteen (15) days after the annexation has become final in accordance with applicable law. By statute, the annexation and the equivalent City zoning upon annexation would not become effective until thirty (30) days after City Council approval of the annexation, unless a timely annexation challenge has been filed in court and the annexation has been stayed or referendum petitions have been filed with the City Clerk during the thirty (30) days. Under the proposed amendment, the project would be allowed 2,270 dwelling units over the same 634 acres for a gross density of 3.6 DU/Ac. The following image, taken from Figure 5 of the Marisol Ranch Major PAD Amendment Narrative, depicts the proposed zoning.



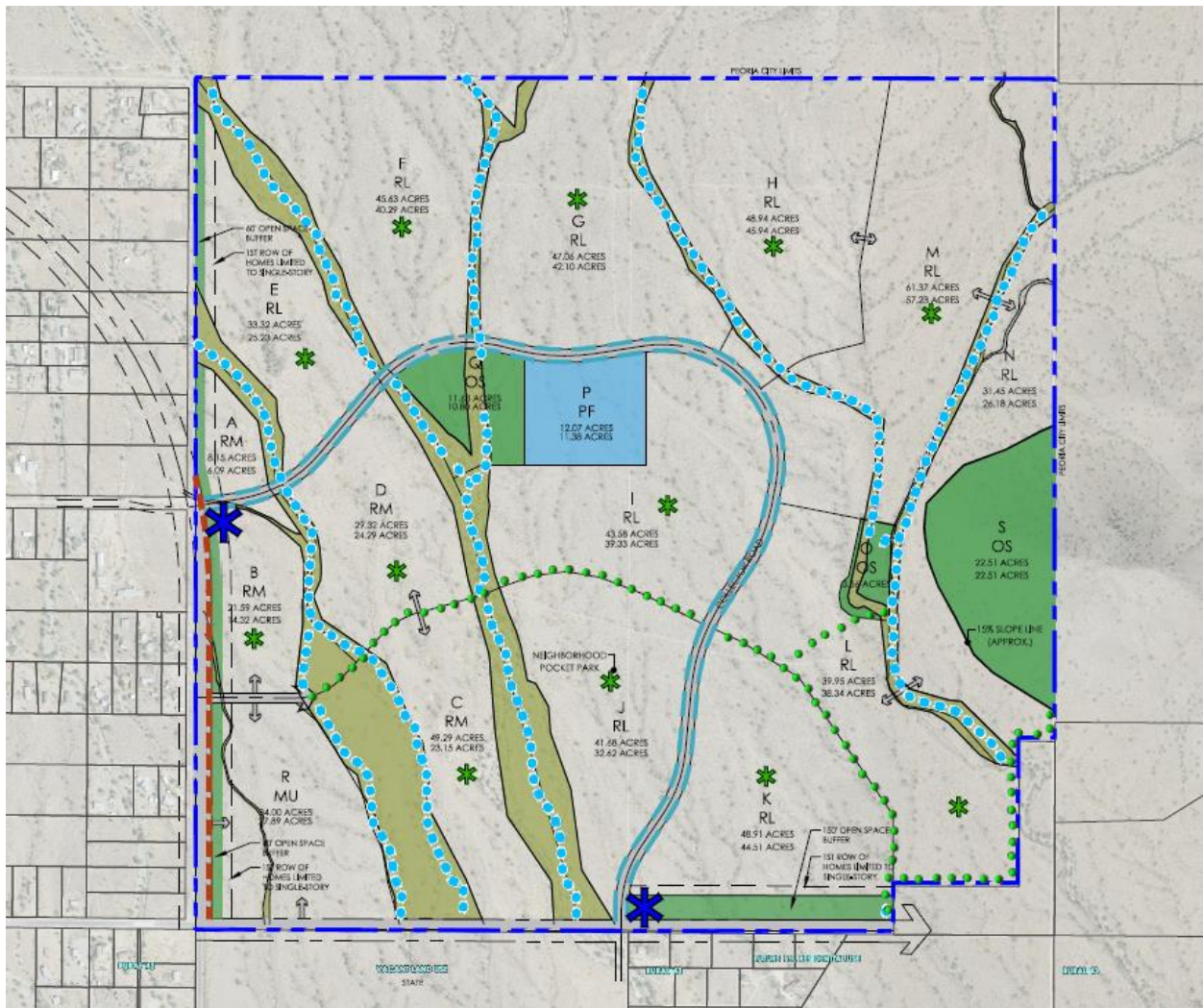
Under the amended PAD, there will be ten (10) low density residential (RL) parcels, having a gross density ranging from 2.2 DU/Ac. to 4.4 Du/Ac, and four (4) medium density residential (RM) parcels ranging in density from 3.7 DU/Ac. to 6.5 DU/Ac. In addition, a 34-acre mixed use (MU) parcel is planned for the southwest corner of the project at the intersection of Lone Mountain Road and 163rd Avenue. This MU parcel anticipates both commercial and residential development at a density of 7.4 DU/Ac. The project also anticipates one (1) public facilities (PF) parcel that is slated for a public school, and three (3) open space (OS) parcels. One of the OS parcels will serve to preserve hillside slopes greater than 15%, while another OS parcel will become a Neighborhood Park located adjacent to the school site. The third OS parcel will become a small neighborhood park serving the residents of Marisol Ranch. The developer has also committed to donating to the City a to be determined parcel for future public safety facilities. The following image taken from Figure 6 of the Marisol Ranch Major PAD Amendment Narrative depicts the various proposed development parcels associated with the project.



The project will include approximately 74 acres of internal wash corridors within the site that will be preserved in their natural state. The project will also have a variety of public-access trails together with a number of private trails and amenities to serve the residents of the Marisol Ranch development.

A 60' wide ribbon of open space will be located adjacent to 163rd Avenue to provide buffering against the adjacent rural development to the west, while a 150' wide ribbon of open space will buffer the existing rural development to the south. The first row of houses located adjacent to these open space buffers will be limited to single story. The following image, taken from Figure 7 of Marisol Ranch Major PAD Amendment Narrative, depicts the open space and trail system associated with the project.

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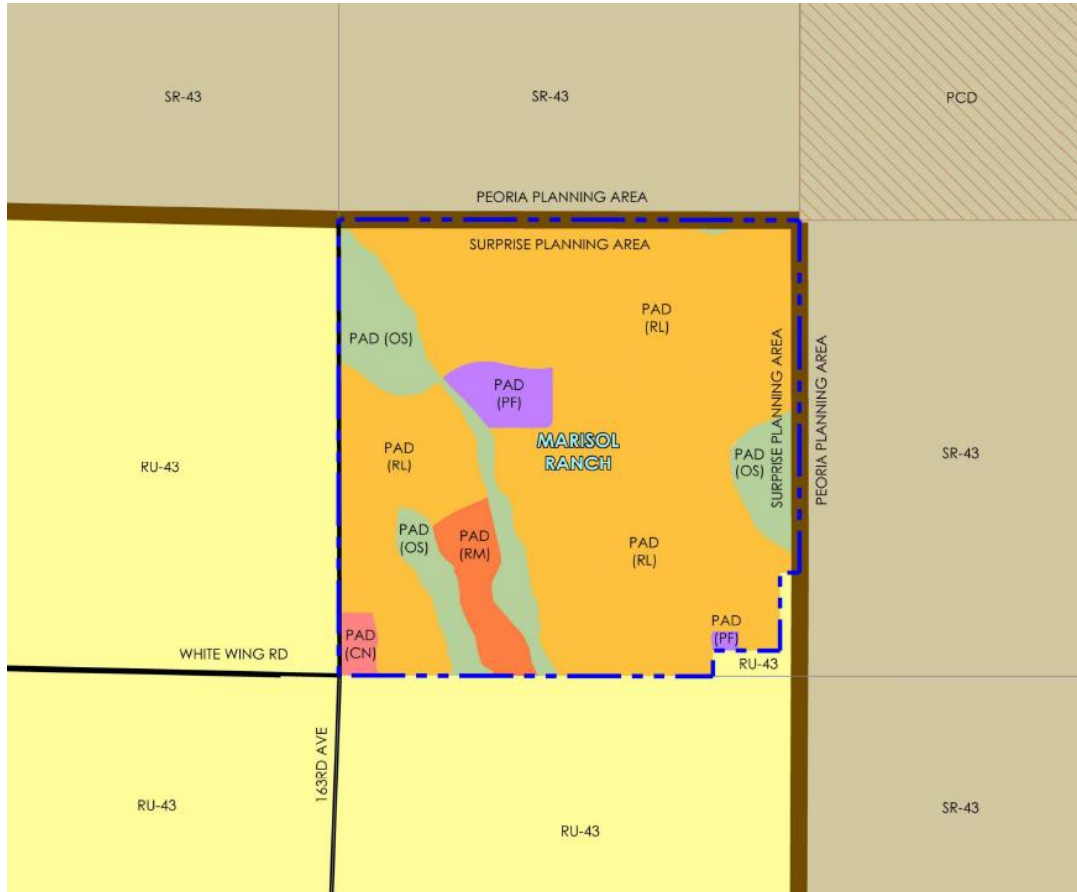


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EXISTING ZONING:

The following map, taken from Figure 2 of the subject Marisol Ranch Major PAD Amendment Narrative, depicts what will be the existing zoning of the subject site and its surrounds upon successful annexation.



BACKGROUND:

c. 2002: The Maricopa County Board of Supervisors approved the zoning of the Marisol Ranch property under county case Z2000-095.

c. 2014: The Maricopa County Board of Supervisors approved a Major Amendment to the zoning of the Marisol Ranch property under county case Z2014-099.

November 2, 2017: Staff met with Zach Hilgart of Hilgart Wilson, LLC and others to discuss the potential annexation and rezoning of the Marisol Ranch property under case CR17-558.

July 19, 2018: Staff met with Mark Reddie of RVi Planning + Landscape Architecture and other to discuss the potential annexation and rezoning of the Lone Mountain Ranch property under case CR18-334.

August 24, 2018: Mark Reddie of RVi Planning + Landscape Architecture filed a request for Annexation of approximately 1,194 acres, which included the Lone Mountain Ranch and Marisol Ranch properties, under case FS18-417.

September 12, 2018: Mark Reddie of RVi Planning + Landscape Architecture filed a request for a Zone Change for Lone Mountain Ranch under case FS18-459.

October 17, 2018: Mark Reddie of RVi Planning + Landscape Architecture filed a request for a Major PAD Amendment for Marisol Ranch under case FS18-557, the subject case.

November 13, 2018: Mark Reddie of RVi Planning + Landscape Architecture held a Citizen Outreach meeting to discuss both the Marisol Ranch and Lone Mountain Ranch projects.

May 2, 2019: The Planning and Zoning Commission continued the Marisol Ranch and Lone Mountain Ranch, cases FS18-557 and FS18-459, respectively, to a date-certain of June 6, 2019 due to a notification error.

May 7, 2019: The City Council approved separate Pre-Annexation Development Agreements for the Marisol Ranch and Lone Mountain Ranch projects.

June 4, 2019: The City Council held a public hearing on the annexation request being processed under case FS18-417. No action was taken at that hearing.

June 6, 2019: The Planning and Zoning Commission heard the Marisol Ranch Zone Change request and the Lone Mountain Ranch Zone Change request under cases FS18-557 and FS18-459, respectively. The Commission recommended approval of both Zone Changes to the City Council by 5-2 votes.

CITIZEN OUTREACH:

The applicant held a citizen outreach meeting on November 13, 2018, which was well attended. Numerous individuals voiced their concerns over the project ranging from impacts to local wells, traffic, view shed, light pollution, property tax increase, loss of recreational opportunities on state land, and flooding. The results of that meeting are summarized in the attached Public Participation Report. Since that time, staff has received several letters and emails opposing the annexation and the Zone Changes, some of which have also been sent directly to the City Council. The most recently received letters dated June 3, 2019 and June 6, 2019 are included with this Report.

The site was also re-posted and re-advertised in accordance with State and local requirements. In addition, the legal notification limit was expanded from 300' as required by state statute, to 500' as measured from the proposed annexation boundary. Several individuals also spoke in opposition to the Lone Mountain Ranch and Marisol Ranch developments during the May 7, 2019 City Council meeting. The city's website was also updated to include public notification.

UTILITY AND SERVICES TABLE:

Electric:	Arizona Public Service
Water:	City of Surprise
Wastewater:	City of Surprise
Refuse:	City of Surprise
Natural Gas:	Southwest Gas
Irrigation:	N/A
Schools:	Nadaburg

CONFORMANCE WITH ADOPTED PLANS:

Surprise General Plan 2035: The Surprise General Plan 2035 shows the subject property as within the City's Planning Boundary and within the Neighborhood Character Area, which supports residential development of up to 8 DU/Ac or more, provided appropriate transitions are made between the various Neighborhood types included within the character area. The project, at 3.6 DU/Ac, is well below 8 DU/Ac.

The proposed development also incorporates buffering between the existing rural development, both within and outside of the city. This buffering is in the form of an open space strip ranging in width from 60' along 163rd Avenue to 150' along a segment of Lone Mountain Road Drive, which when coupled with the adjacent right-of-way, will provide buffering consistent with the goals of the General Plan. The development also seeks to preserve existing wash corridors thereby providing wildlife connectivity and recreational opportunities.

ANALYSIS AND DISCUSSION:

The purpose of PAD zoning, as opposed to "hard zoning", is to allow flexibility in the development parcel boundary configuration as the project moves forward through the entitlement process, and to allow certain deviations in the development standards associated with each development parcel. While the subject property will be zoned PAD, the individual development parcels within the PAD will assume a land use designation that is tied to the current zoning district nomenclature associated with the Surprise Municipal Code as may be amended from time to time. This is expressed in Table 3 of the Narrative as follows:

<i>Table 3: PAD Comparable Zoning Designations</i>	
PAD Zoning Districts	City of Surprise Comparable Districts
PAD-MU	MU
PAD-RM	RM
PAD-RL	RL
PAD-OS	OS
PAD-PF	PF

As noted above, the project will have ten (10) PAD-RL parcels, four (4) PAD-RM parcels, three (3) PAD-OS parcels, one (1) PAD-PF parcel, and one (1) PAD-MU parcel. The density of these individual parcels will range from zero DU/Ac. in the PAD-OS and PAD-PF parcels to 7.4 DU/Ac. in the PAD-MU parcel, for an overall gross density of 3.6 DU/Ac. The following Table 2, taken from the Marisol Ranch Major PAD Amendment Narrative, depicts the mix of development parcels, their respective sizes and lot yield, proposed land use, and Development Standards Category.

Table 2: Parcel Site Data						
Parcel #	Gross Parcel Area	Land Use Designation	Projected # Units	Gross Parcel Density	Proposed Zoning	Development Standards Category¹
Residential Parcels						
A	8.2	Medium Density Residential	50	6.1	PAD-RM	2
B	21.6	Medium Density Residential	115	5.3	PAD-RM	2
C	49.3	Medium Density Residential	180	3.7	PAD-RM	2
D	29.3	Medium Density Residential	190	6.5	PAD-RM	2
E	33.3	Low Density Residential	125	3.8	PAD-RL	3
F	45.6	Low Density Residential	170	3.7	PAD-RL	3
G	47.1	Low Density Residential	205	4.4	PAD-RL	3
H	48.9	Low Density Residential	175	3.6	PAD-RL	4
I	43.6	Low Density Residential	150	3.4	PAD-RL	4
J	41.7	Low Density Residential	140	3.4	PAD-RL	3
K	48.9	Low Density Residential	165	3.4	PAD-RL	4
L	39.9	Low Density Residential	115	2.9	PAD-RL	5
M	61.4	Low Density Residential	170	2.8	PAD-RL	5
N	31.5	Low Density Residential	70	2.2	PAD-RL	6
Non-Residential Parcels						
O	3.6	Neighborhood Park	~	~	PAD-OS	7
P	12.1	K-8 School Site	~	~	PAD-PF	7
Q	11.6	Neighborhood Park	~	~	PAD-OS	7
R	34.0	Mixed Use	250	7.4	PAD-MU	1
S	22.5	Hillside Preservation	0	~	PAD-OS	7
Totals	634.0		2,270	3.6		

¹See Table 4, Residential Development Standards Table for applicable Development Standards for each Parcel.

[Continued on following page.]

The proposed PAD also includes a provision to allow Density Transfers from one PAD-RL parcel to another, or from one PAD-RM parcel to another, provided the overall unit count does not exceed 2,270 units, and the open space and development standards of both the sending and receiving parcels is maintained. There is also a provision where lots may be transferred from either a PAD-RL or a PAD-RM parcel to the PAD-MU parcel subject to the same parameters with the additional caveat that the total lot yield in the PAD-MU parcel does not exceed 600 units. This feature will require a tracking mechanism be implemented during the platting stage to ensure the overall lot yield is not exceeded.

As noted above, the uses associated with each development parcel will be tied to the “hard-zoning” districts as stated in the Surprise Municipal Code (SMC) as may be amended from time to time. This will allow the SMC to evolve as is typically the case within a particular jurisdiction without creating additional “legacy” zoning. While the uses will be associated with the SMC, as amended from time to time, the development standards associated with each development parcel will be per the Development Standards Tables as shown in Table 4 (residential) and Table 5 (commercial) of the Narrative. The rationale for this provision is that the current Surprise Unified Development Code (SUDC) is difficult to reconcile with contemporary development practices.

Table 4: Residential Development Standards

Table 4: Residential Development Standards							
Development Standards Category	Parcel	Minimum Lot Area (sf)	Minimum Lot Width	Minimum Building Setbacks			Maximum Height
				Front Yard (2)	Rear Yard	Side Yard	
1	R (1)	2,400	None	20' (4)	15' (4)	10' (4)	35'/45' (3)
2	A, B, C, D	3,200	None	10'/ 20'	10'	5' (5)	30'
3	E, F, G, J	4,500	45'	10'/ 20'	15'	5'/ 5' or 0'/ 10'	30'
4	H, I, K	6,000	50'	10'/ 20'	15'	5'/ 5'	30'
5	L, M	7,000	60'	10'/ 20'	20'	5'/ 8'	30'
6	N	10,000	70'	10'/ 20'	25'	5'/ 8'	30'
7	O, P, Q, S	Standards as defined within the applicable City of Surprise Zoning District					
(1) Development Standards for Parcel R within this table apply to residential uses only. For non-residential land uses, See Table 5, Commercial Development Standard for PAD-MU District							
(2) 10' to livable area, side entry garage or front porch / 20' from front lot line to front facing garage door.							
(3) Maximum building height is 35' within first 300' of the north, south or west perimeter of the property, then increases by 1' in height for each additional 10' in distance up to 45' in height.							
(4) Front, rear and side yard for residential uses within Parcel R shall apply to the perimeter of the district only.							
(5) Side yard shall apply to detached units only, or the end units of attached units.							

[Continued on following page.]

Table 5: Commercial Development Standards for PAD-MU

Minimum Lot Area	None
Minimum Lot Width	None
Distance Between Buildings	Per Building Code
Minimum Front or Street Building Setback	20 feet
Minimum Side Yard Setback (perimeter of district or adjacent to residential uses only)	40 feet
Minimum Rear Yard Setback (perimeter of district or adjacent to residential uses only)	40 feet
Maximum Building Height (1)	35' / 45'
Minimum Street Landscape Setback	20 feet
(1) Maximum building height is 35' within the first 300' of the north, south or west perimeter of the property, then increases by 1' in height for each additional 10' in distance up to 45' in height.	

The General Plan seeks a transition from less dense residential zoning to more dense residential zoning. While there is no codified methodology for determining the extent or character of said transitions, the proposed PAD includes a provision whereby the edges located adjacent to rural development will be buffered by a strip of open space. That open space buffer will be 60' wide along 163rd Avenue and 150' wide along a segment of Lone Mountain Road. In addition, along both of these edges, homes will be limited to single-story.

The site is located within the Nadaburg School District and includes a 12-acre school site. The developer is in the process of finalizing details regarding this school site with the District. The developer has also committed to donating to the City a to be determined parcel for future public safety facilities.

RIGHTS-OF-WAY AND IMPROVEMENTS:

163RD Avenue – The developer will be responsible for the dedication and construction of the half-width ROW improvements within the 163rd Avenue right-of-way adjacent to the site. Said dedication and improvements will be consistent with the **Parkway** standards as illustrated in the Surprise Engineering Design Standards in effect at the time of site development. The exact timing of these improvements will be determined during the Preliminary Plat phase.

Lone Mountain Road – The developer will be responsible for the dedication and construction of the half-width ROW improvements within the Lone Mountain Road right-of-way adjacent to the site. Said dedication and improvements will be consistent with the **Major Arterial** standards as illustrated in the Surprise Engineering Design Standards in effect at the time of site development. The exact timing of these improvements will be determined during the Preliminary Plat phase.

Public Safety Facility Land Donation – During the June 4, 2019 public hearing on the proposed annexation, representatives of Marisol Ranch stated a commitment to donating to the City land for development of future public safety facility within Marisol Ranch at a suitable location and at such time as the City determines that additional facilities are needed to serve the area.

REVIEWING AGENCIES:

The subject request was routed to the standard reviewing agencies, who offer the following comments as summarized below:

Maricopa Water District (MWD): MWD states the subject property lies outside of their service area and does not impact MWD.

Arizona Department of Transportation Right-of-Way (ADOT-ROW): ADOT states the project is located more than ¼ mile from any existing or proposed ADOT facility and therefore has no comment.

Maricopa County Planning and Development Department (MCPDD): MCPDD states that urban development is more appropriately located within the city limits and offers no objection to the annexation request. MCPDD indicates no comments or objections with respect to the Marisol Ranch and Lone Mountain Ranch Zone Change requests.

Nadaburg School District, City of Peoria Community Development Department, Flood Control District of Maricopa County, Maricopa County Department of Transportation, Maricopa Association of Governments, U.S. Postal Service, Luke Air Force Base, Arizona Public Service, Southwest Gas, Cox Communications, and the Surprise Chamber of Commerce, were included in the routing of this case. No comments have been received from these entities as of the writing of this report. However, as noted above, the developer is working with Nadaburg on donating a 12-acre school site.

SUMMARY:

The applicant seeks a Zone Change over the subject property for the purpose of creating a Master Planned Community. The zoning of the property will be PAD, with the land uses associated with each development parcel tied to the City's "hard" zoning districts as they evolve over time. The development standards, however, are included with this Zone Change and will run with the land unless subsequently amended. The project will have an abundance of open space, with an overall density of 3.6 DU/Ac. The proposed development includes buffering adjacent to existing rural development consistent with the goals of the General Plan. Further, the development will preserve wash corridors that bisect the site thereby providing wildlife connectivity and recreational opportunities, also in support of the General Plan.

FINDINGS:

- The proposed Zone Change is consistent with the Surprise General Plan 2035.
- The land uses associated with each development parcel will follow the Surprise Municipal Code as may be amended from time to time.
- The proposed development standards will run with the land and allow the property to be reasonably developed.

RECOMMENDATION:

During its meeting on June 6, 2019, the Planning and Zoning Commission recommended approval of this Zone Change to the City Council by a 5-2 vote, subject to stipulations 'a' and 'd' below. However, during the June 4, 2019, public hearing on the Annexation Ordinance, representatives of Marisol Ranch expressed a commitment to donating to the City a parcel to be determined within Marisol Ranch for development of new public safety facilities. In addition, staff recommends that compliance with the Pre-Annexation Development Agreement approved on May 7, 2019, be a condition of the rezoning. Based on the Planning and Zoning Commission's recommendation of approval and the above, staff recommends approval of the subject rezone request to the City Council, subject to stipulations 'a' through 'd' as outlined below:

- a. Development and use of the site shall be in conformance with the Zone Change Narrative entitled "Marisol Ranch Major PAD Amendment", consisting of thirty-seven (37) pages inclusive of Figures 1 through 9, prepared by RVi Planning + Landscape Architecture and stamped received March 19, 2019.
- b. Development and use of the site shall also be in conformance with the Pre-Annexation Development Agreement approved by the Surprise City Council on May 7, 2019, and recorded with the Office of the Maricopa County, Arizona Recorder on May 9, 2019, as Document No. 20190339492.
- c. The owners of Marisol Ranch, or their successors and assigns, shall donate a parcel within the Marisol Ranch project to the City deemed suitable by the City for development of a public safety facility, with such donation to occur when the City determines that the amount of development within the project and the area requires the addition of new public safety facilities to serve the area.
- d. Non-compliance with the stipulations of approval of this case will be treated as a violation in accordance with the provisions of Article XIV of the Surprise Unified Development Code.

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

- 411 **Attachments:**
412
413 01 Lone Mountain Ranch / Marisol Ranch Vicinity Map
414 02 Marisol Ranch PAD Amendment Narrative
415 03 Marisol Ranch Zone Change Citizen Participation Report (redacted)
416 04 Additional Opposition (redacted)
417 05 Marisol Ranch Zone Change Adopting Ordinance – Draft, revised

ORDINANCE 2019-12

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA, APPROVING A MAJOR PAD AMENDMENT (REZONE) OF APPROXIMATELY 634 ACRES FROM PAD-OS, PAD-RM, PAD-RL, PAD-CN, AND PAD-PF TO PAD-OS, PAD-RM, PAD-RL, PAD-MU, AND PAD-PF FOR MARISOL RANCH, GENERALLY LOCATED EAST OF 163RD AVENUE AND NORTH OF LONE MOUNTAIN ROAD.

WHEREAS, this Ordinance was properly noticed for public hearing and the necessary hearings and opportunity for public input were completed;

WHEREAS, the subject site is generally located east of 163rd Avenue and north of Lone Mountain Road, as more particularly described on the attached ***Exhibit A***;

WHEREAS, the subject property was annexed into the City of Surprise as memorialized under City of Surprise Ordinance #2019-18;

WHEREAS, as a result of that Annexation, the subject property is zoned as Planned Area Development (PAD);

WHEREAS, the Major PAD Amendment is authorized by and satisfies the requirements of Surprise Municipal Code §122-68;

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

WHEREAS, this rezone is in harmony with the purposes and intent of the zoning ordinance and the Surprise General Plan; and,

WHEREAS, on June 6, 2019, the Planning and Zoning Commission recommended approval of the Major PAD Amendment for Marisol Ranch.

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

Section 1. Rezoning. The parcel legally described on Exhibit A and depicted on attached ***Exhibit B***, known as Marisol Ranch, is rezoned from PAD-OS, PAD-RM, PAD-RL, PAD-CN, and PAD-PF to PAD-OS, PAD-RM, PAD-RL, PAD-MU, PAD-PF, subject to the stipulations as outlined in Section 2 herein.

Section 2. *Stipulations of Approval.* The rezoning of the property as outlined in Section 1 above is approved subject to the following stipulations:

- A. Development and use of the site shall be in conformance with the Zone Change Narrative entitled “Marisol Ranch Major PAD Amendment”, consisting of thirty-seven (37) pages inclusive of Figures 1 through 9, prepared by RVi Planning + Landscape Architecture and stamped received March 19, 2019.
- B. Development and use of the site shall also be in conformance with the Pre-Annexation Development Agreement approved by the Surprise City Council on May 7, 2019, and recorded with the Office of the Maricopa County, Arizona Recorder on May 9, 2019, as Document No. 20190339505.
- C. The owners of Marisol Ranch, or their successors and assigns, shall donate a parcel within the Marisol Ranch project to the City deemed suitable by the City for development of a public safety facility, with such donation to occur when the City determines that the amount of development within the project and the area requires the addition of new public safety facilities to serve the area.
- D. Non-compliance with the stipulations of approval of this case will be treated as a violation in accordance with the provisions of Article XIV of the Surprise Unified Development Code.

Section 3. *Amendment of Zoning Map.* The City of Surprise zoning map is herewith amended to reflect the changes referred to in Section 1 above.

Section 4. *Codification.* This ordinance is not of a general nature and will not be codified.

Section 5. *Repeal of Conflicting Ordinances.* All ordinances or parts of ordinances in conflict with the provisions of this Ordinance or any part of the Code adopted herein by reference are hereby repealed, upon the effective date of this Ordinance.

Section 6. *Severability.* If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

Section 7. *Effective Date.* This Ordinance shall become effective fifteen (15) days after Ordinance #2019-18 has become final in accordance with applicable law.

[Signatures appear on next page]

PASSED AND ADOPTED this _____ day of _____ 2019.

Skip Hall, Mayor

Attest:

Approved as to form:

Sherry Aguilar, City Clerk

Robert Wingo, City Attorney

Placeholder for Exhibit A Legal Description

Placeholder for Exhibit B Zoning Map

EXHIBIT "A"

DESCRIPTION

MARISOL RANCH REZONE FROM PAD-OS, PAD-RM, PAD-RL, PAD-CN, AND PAD-PF TO PAD-OS, PAD-RM, PAD-RL, PAD-MU, AND PAD-PF

A portion of Section 18, Township 5 North, Range 1 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona described as follows:

BEGINNING at the northwest corner of said Section 18;

Thence along the north line of the northwest quarter of said Section 18 North 89°56'07" East 2684.77 feet to the North Quarter Corner of said Section 18;

Thence along the north line of the northeast quarter of said Section 18 South 89°51'50" East 2639.48 feet to the Northeast Corner of said Section 18;

Thence along the east line of said northeast quarter South 00°00'24" East 2640.13 feet to the East Quarter Corner of said Section 18;

Thence along the east line of the southeast quarter of said Section 18 South 00°00'48" West 1441.61 feet;

Thence North 89°53'28" West 225.00 feet;

Thence South 00°00'48" West 900.00 feet;

Thence North 89°53'28" West 775.00 feet;

Thence South 00°00'48" West 300.00 feet to a point on the south line of the southeast quarter of said Section 18;

Thence along the south line of said southeast quarter North 89°53'28" West 1640.49 feet to the South Quarter Corner of said Section 18;

Thence along the south line of the southwest quarter of said Section 18 North 89°51'15" West 2682.76 feet to the Southwest Corner of said Section 18;

Thence along the west line of said southwest quarter North 00°01'09" West 2639.94 feet to the West Quarter Corner of said Section 18;

Thence along said the west line of the aforesaid northwest quarter North 00°00'15" East 2639.25 feet to the POINT OF BEGINNING.

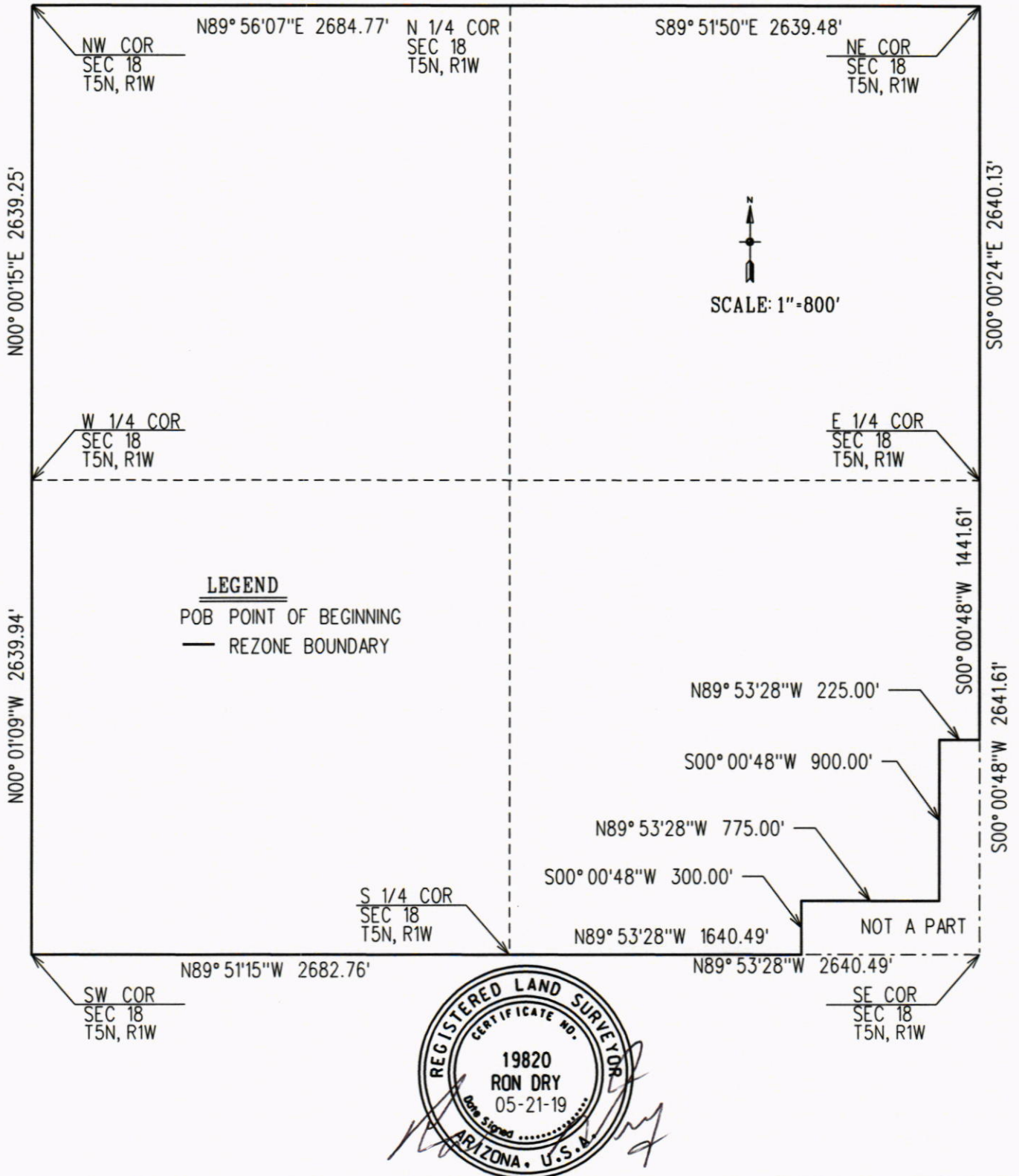
Attached is EXHIBIT "B" and by this reference is made a part hereof.

End of description



POB

EXHIBIT "B"



MARISOL RANCH REZONE
FROM PAD-OS, PAD-RM, PAD-RL,
PAD-CN, AND PAD-PF TO PAD-OS,
PAD-RM, PAD-RL, PAD-MU, AND PAD-PF



CITY OF SURPRISE
LAND SURVEY DEPARTMENT

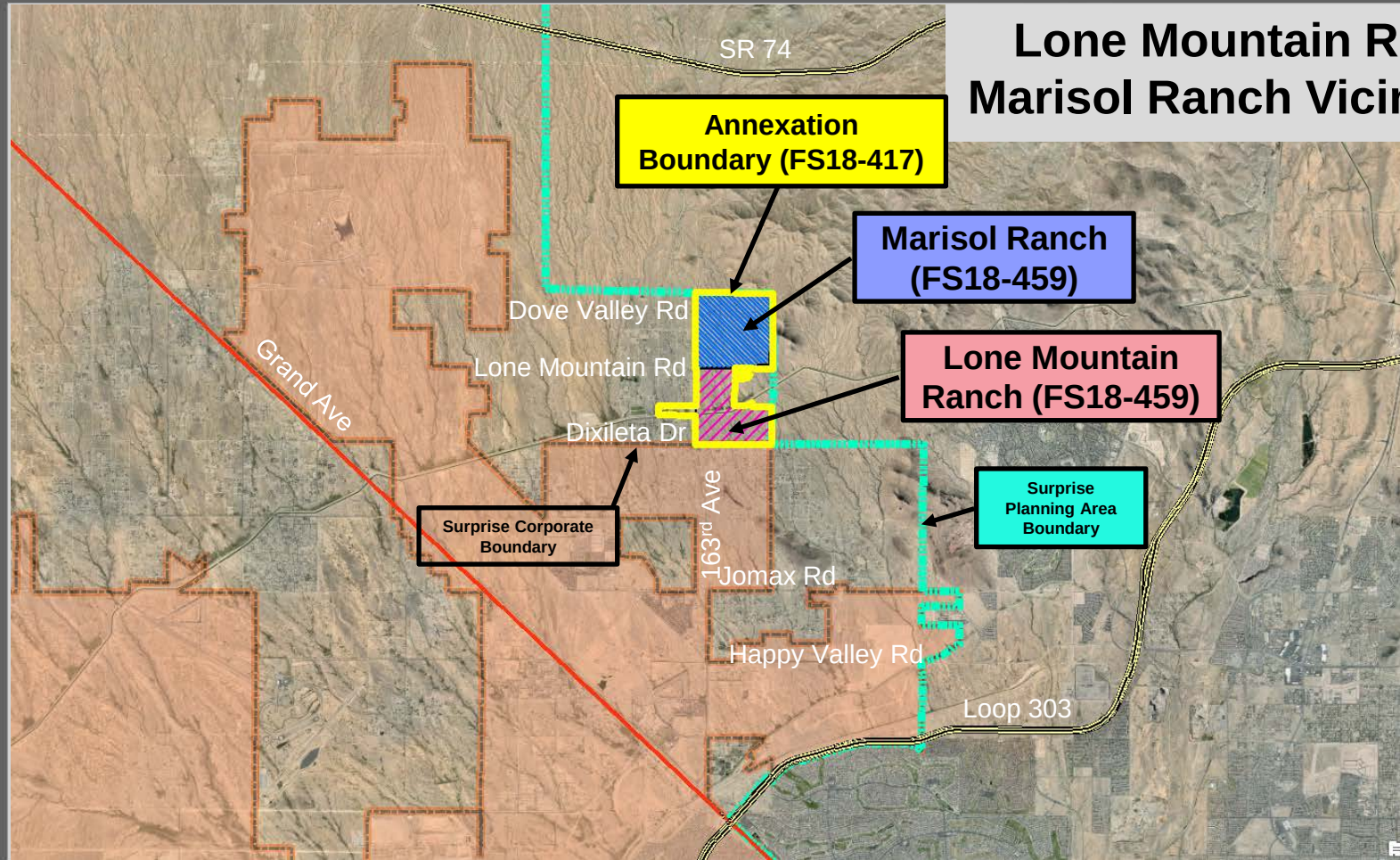
PROJECT # 19020

DRAWN BY RCD

DATE 5-21-19

SHEET 1 OF 1

Lone Mountain Ranch / Marisol Ranch Vicinity Map



Marisol Ranch

Major PAD Amendment

March 2019

Prepared For

FGR Property Investments V, LLC &
Marisol 163, LLC

Case # FS18-557



RVi Planning
120 S Ash Ave
Tempe, AZ 85281

EARL, CURLEY & LAGARDE, P.C.
A ZONING AND LAND USE FIRM REPRESENTING REAL ESTATE DEVELOPERS THROUGHOUT ARIZONA

Earl, Curley & Lagarde
101 N Central Ave #100
Phoenix, AZ 85012



Hilgart Wilson
2141 E Highland Ave #250
Phoenix, AZ 85016

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Appendices

Appendix A: ALTA Survey

Appendix B: Nadaburg School District Correspondence

Development Team

Owner Representative

Montage Holdings

Garth Wieger & Tim Keenen

3219 E. Camelback Road, #535

Phoenix, AZ, 85018-2307

GarthW@montage-holdings.com & TimK@montage-holdings.com

Phone: (602) 316-8971

Land Owner

FGR Property Investments V, LLC

Marisol 163, LLC

C/O: Francesca Godi

6811 E. Thomas Road

Scottsdale AZ 85251-6826

francesca@thegodigroup.com

Phone: (602) 770-3415

Zoning Attorney

Earl, Curley & Lagarde

Greg Loper & Rod Jarvis

3101 N. Central Avenue # 100

Phoenix, AZ 85012

gloper@ecclaw.com & rjarvis@ecclaw.com

Phone: (602) 265-0094

Land Planner/Applicant

RVi Planning + Landscape Architecture

Mark Reddie

120 S. Ash Avenue

Tempe, AZ 85281

mreddie@rviplanning.com

Phone: (480) 994-0994

Civil Engineer

HILGARTWILSON

Zach Hilgart & Ty Wilson

2141 E. Highland Avenue, Suite 250

Phoenix, AZ 85016

zhilgart@HilgartWilson.com & twilson@hilgartwilson.com

Phone: (602) 490-0535

1.0 PROJECT OVERVIEW

1.1 Introduction

Marisol Ranch is a 634.01-acre master planned community located at the northeast corner of 163rd Avenue and Lone Mountain Road within an unincorporated portion of Maricopa County. The site location is shown on **Figure 1, Vicinity Map**.

The Marisol Ranch Master Plan was established in 2002 under the jurisdiction of Maricopa County (Application #Z2000-095 as amended by Application #Z2014-099). At the time of this approval, it was anticipated that Marisol Ranch may one day be annexed into the City of Surprise. A request for annexation into Surprise is being processed concurrently with this PAD zoning application under case number FS18-417.

Arizona State Statute §9-471 requires that a city or town annexing an area adopt equivalent zoning designation for the property as was permitted by the county immediately prior to the annexation. In meetings held with City of Surprise planning staff, it was determined that a Planned Area Development (PAD) would be the best way to achieve equivalency zoning in the City of Surprise, primarily because the City does not have zoning districts that are consistent with the current County zoning for the property. It was also discussed that while equivalent zoning is required as part of the annexation process, the Applicant is requesting additional changes to the overall development plan based on further site analysis and changing market conditions for the property, and that this amendment will be processed concurrent with the annexation and equivalency zoning and will be heard by City Council immediately after equivalency zoning is acted upon if the annexation is adopted by the City Council. In accordance with these discussions, the applicant has assembled two separate PAD documents, the first being an equivalency PAD document to reflect the current zoning of the property within Maricopa County. This PAD document reflects existing entitlements, including 1,882 units over the 634.01 acre property, for a density of 2.97 du/ac in accordance with the City of Surprise Municipal Code; Article V, Section 122-38. The second document (this amended PAD) is proposed to modify the equivalency PAD zoning to change certain land uses, densities and development standards to allow up to 2,270 residential units for a maximum density of 3.6 du/ac. The proposed amended plan provides for a mix of residential densities, 34.0 acres of mixed commercial/residential, a school site, natural and improved open space, among other uses.

This PAD document is intended to provide a comprehensive master plan for the property consistent with the regulations and requirements of the City of Surprise Municipal Code. This Marisol Ranch PAD establishes policies and regulatory standards for the property related to land use, density, intensity, public infrastructure, public facilities and open space preservation. Factors not addressed by this PAD will default to the Surprise Municipal Code (SMC) as may be amended from time to time.

1.2 Project Description and Zoning Request

Marisol Ranch is an environmentally-sensitive residential master planned community of approximately 634 acres. The land use plan is designed to preserve and enhance the existing physical beauty of the site, provide appropriate buffers to adjoining rural residential uses, while providing a range of residential opportunities and densities integrated with natural open space corridors. The plan also provides for community needs, including an elementary school site, two neighborhood parks, numerous pocket parks, connected trails and natural open spaces. A mixed use parcel is also provided which would allow local retail, dining and service needs of area residents as well as offer additional higher density residential uses in an integrated and cohesive manner. The Marisol Ranch PAD will result in the development of a balanced community with customized development standards, cohesive design features, appropriate buffers for adjacent uses and the preservation of sensitive open spaces.

Marisol Ranch was designed with the goal of maintaining the existing physical beauty of the site while providing a range of residential opportunities and appropriate community support services. Existing washes and hillside areas, to the extent practical, establish development parcel boundaries. The resulting land use plan includes a series of connected natural open space corridors weaving throughout the community and defining the various residential neighborhoods. This design approach maximizes recreational access, establishes buffer areas between parcels and creates visual corridors into open space areas from each residential development parcel, all while creating premium lots, openness and connectivity to trail corridors and recreational opportunities. An extensive trail system will be developed within the site's open space corridors to allow all residents access to these recreational opportunities as well as providing multi-modal travel options to destinations throughout the project, including the commercial center, school, neighborhood parks and other recreational amenities and natural open spaces. Together, these features are intended to create an active living experience in a master planned community that celebrates the natural desert environment.

The following sections of this PAD document provide details regarding the existing conditions of the property and surrounding area, the community master plan elements, and development standards that will apply to Marisol Ranch. This PAD also includes various graphic exhibits to visually demonstrate the master planning elements of the Marisol Ranch community.

2.0 EXISTING CONDITIONS ANALYSIS

2.1 Property Location and Description

Location

Marisol Ranch consists of approximately 634.01 acres located in the northwest portion of the City of Surprise Planning Area. The property is made up of four parcels, APN #s 503-52-001A,

503-52-001B, 503-52-001C and 503-52-001D (see **Appendix A, Alta Survey**). The site is generally bounded by the Reems Road alignment on the east, 163rd Avenue/Sarival Avenue on the west, Lone Mountain Road on the south, and the Dove Valley Road alignment on the north. This entire square mile area is included within the Marisol Ranch site, except for an approximately 11.5-acre, L-shaped parcel near the southeast corner with is owned by the United States of America (APN # 503-52-002B).

Ownership Control

Parcels 503-52-001A & 503-52-001B are owned by FGR Property Investments V, LLC and parcels 503-52-001C & 503-52-001D are owned by Marisol 163, LLC.

Table 1, Ownership Summary defines the site's ownership with existing and proposed zoning designations.

Table 1 ~ Ownership Summary				
APN	Ownership	County Zoning	Equivelent Zoning	Proposed Zoning
503-52-002A	FGR Property Investments, LLC	RU-43 RUPD, R1-18 RUPD, R1-10 RUPD, R1-8 RUPD, R1-7 RUPD, R1-6 RUPD, R-2 RUPD, C-1	PAD with RL, RM, MU, PF & OS Base Districts	PAD with RL, RM, MU, PF & OS Base Districts
503-52-001B	FGR Property Investments, LLC			
503-52-001D	Marisol 163, LLC			
503-51-001C	Marisol 163, LLC			

Municipal Boundaries

Marisol Ranch is located within an unincorporated portion of Maricopa County. The site is within the planning area of the City of Surprise in accordance with the Surprise General Plan, although the corporate boundary is located one-mile to the south. The corporate boundary of the City of Peoria runs adjacent to the north and east sides of the site. To annex the site into the City of Surprise, portions of the State Land and BLM parcels to the south will also need to be annexed to meet State annexation statutes. This annexation will be processed concurrently with this PAD zoning request (Case # FS18-459).

Surrounding Property Ownership

The site is bordered by Arizona State Trust Land to the north and east, and a mix of State land, Federal land and private development parcels to the south, and large lot residential development to the west.

2.2 Existing Land Use, General Plan Designation and Zoning

Existing Land Use

The Marisol Ranch site is currently undeveloped, vacant desert land. Except for a few jeep trails that crisscross the site, the site remains largely in its natural, undisturbed condition.

Existing Zoning

The Marisol Ranch Zoning was established within Maricopa County using Maricopa County zoning districts, including an RUPD overlay to allow for modified development standards, together with a PAD Overlay to allow flexibility in zoning district boundaries to be finalized with the various Final Plats. The annexation case (FS18-417) served to grant equivalent zoning as shown on **Figure 2, Existing Zoning Map**, and included a variety of zoning categories including RL, RM, MU, PF and OS, together with a set of development standards that closely mimicked what had been previously approved in the County. See also **Figure 3, Existing Land Use Master Plan** for the parcel designations within the overall master plan.

Existing General Plan

Figure 4, Existing General Plan Land Use Map identifies two land use character area designations within the City of Surprise 2035 General Plan, including “Neighborhood” and “Open Space”. The open space designation is a linear trail corridor that runs in a northwesterly direction encompassing one of the primary wash corridors within the property. The remainder of the site falls within the “Neighborhood” land use character area designation. The “Neighborhood” designation is intended to be primarily residential in nature, but also supports commercial and public facility uses to serve residential neighborhoods. Density in this area can range from 1-8 dwelling units per acre. With an overall density of 3.6 dwelling units per acre, the development plan proposed within this PAD is consistent with the “Neighborhood” development pattern as outlined in the City of Surprise 2035 General Plan provided appropriate buffers against the existing Rural Residential are provided.

2.3 Regional Facilities and Services

Transportation/Roadways

The property is currently accessed from 163rd Avenue via the Loop 303 Freeway and Grand Avenue from the south. 163rd Avenue is currently a 2-lane paved roadway adjacent to the site. An existing dirt road is also provided along the Lone Mountain Road (W. White Wing Road) alignment immediately south of the property to access several large lot residential properties in the area.

School District

Marisol Ranch is located within the boundaries of the Nadaburg Unified School District. The District presently has two elementary schools. Nadaburg Elementary School is located approximately 16 miles from the site at the southeast corner of Center Street and Dove Valley Road in the Whitman area. Desert Oasis Elementary School is located approximately 5 miles from the site at the southwest corner of 171st Avenue and Bajada Road. These schools do not have capacity to handle the population of Marisol Ranch at full build-out. To adequately support the Marisol Ranch community, the land use plan includes a 12-acre site for an elementary (kindergarten through 8th grade) school. This site will be donated to the school district upon

execution of a development agreement between the School District and the landowner. It is likely that this school will also serve existing and future residents in the immediate surrounding area.

Because the Nadaburg Unified School District does not currently have its own high school, students living in Marisol Ranch would be able to attend the high schools in neighboring districts. Many Nadaburg students attend Sunrise Mountain High School in Peoria and Wickenburg High School. The Nadaburg School District is in talks to build its own high school within the next 3-5 years in the vicinity of Marisol Ranch. If/when this happens, students living in Marisol Ranch will have the opportunity to attend this new high school.

Law Enforcement, Fire and Refuse Service

Upon annexation into the City of Surprise, fire & emergency services, law enforcement services, and refuse collection will be provided by the City of Surprise. The nearest fire station, Surprise Fire-Medical Station #304, is located 4 miles south of site on 163rd Avenue and the Happy Valley Road alignment. This temporary fire station is planned to be replaced with a new permanent fire station to be located at the southwest corner of 163rd Avenue and the San Ysidro alignment.

The potential exists for a new police facility to be located at the northwest corner of 163rd Avenue and the San Ysidro Alignment and a future fire-medical station or police substation could be accommodated within the Marisol Ranch community, if needed, to adequately serve the development.

3.0 DESCRIPTION OF REQUEST

3.1 PAD Land Use Master Plan & Regulatory Development Standards

Purpose and Intent

This Major PAD Amendment document (Case# FS18-557) amends the equivalent zoning adopted upon annexation (see Figure 2 and 3) to meet current market conditions and to provide greater flexibility as the site develops (See Figure 5 and 6). The primary changes from the equivalent zoning requested with this PAD Amendment include the following:

- Relocation of the central amenity area from the northwest corner of the site to a more central location with a secondary amenity area to be located within the eastern portion of the site.
- Removal of the library and water treatment facilities as these are not needed or desired upon annexation into the City of Surprise.
- Development to be allowed up to the 15% slope line in hillside areas.
- Increase of total allowed residential units from 1,882 to 2,270 for an overall density of 3.6 dwelling units per acre.

- Conversion of the 7.2-acre neighborhood commercial parcel to a 34.0-acre mixed-use parcel to allow a mix of commercial and residential uses.
- A revision in the amount of dedicated open space from 87.7 acres to a minimum of 20% net residential open space plus all wash corridors, designated neighborhood park sites and the hillside preservation area. Since the net residential acreage will not be determined until the applicable subdivision plats are prepared for each parcel, a precise acreage is not provided.

This Amended PAD document establishes a framework for zoning district and development standards that will be adopted for Marisol Ranch using the PAD zoning district within the Surprise Municipal. **Figure 5, *Proposed Zoning Map*** shows the proposed PAD zoning for this site and existing zoning for the surrounding areas. **Figure 6, *Proposed Land Use Master Plan*** shows each development parcel and the associated zoning classification.

Development Plan Concept

The Marisol Ranch land use master plan was designed based on the opportunities and constraints affiliated with the natural topography and features of the site and providing for appropriate buffers to adjacent rural residential land uses along the perimeter of the development in keeping with the transition requirements of the Surprise General Plan. The more intensive land uses are located near the southern and western portions of the property where the topography is relatively flat and where adjacent to the major transportation corridors, while the less intensive uses are located within the northeast portion of the property where steeper topography and hillside areas are more prevalent. Wide open space buffers are provided along 163rd Avenue and Lone Mountain Road where immediately adjacent to existing rural residential uses to ensure an appropriate transition between these existing rural residential uses and the more suburban uses proposed within Marisol Ranch.

There are three major wash corridors and several smaller tributaries that traverse the site from north to south, all of which will be preserved in their natural state except for occasional wash crossings for roadway and trail connections. These major wash corridors define several development parcels, where natural open spaces and trail corridors will connect the community through a comprehensive open space and trail system. An internal loop collector road will connect Lone Mountain Road to 163rd Avenue through the central portion of the property, providing vehicular access to the various development parcels. Additional local street connections will be provided between development parcels as each area is developed. A K-8 school site is located within the center of the community along the collector road, providing excellent access and walkability from within all areas of the community. Two neighborhood parks are located within the community, one immediately adjacent to the school site within the western portion of the property, and another within the eastern portion of the site near the hillside areas, both of which are directly connected to the community-wide trail system. At the southwest corner of the property at the intersection of 163rd Avenue and Lone Mountain Road, a mixed use development parcel is planned to provide a mix of retail and commercial uses along with optional higher density residential land uses.

Marisol Ranch is comprised of 19 development parcels, including fourteen (14) residential parcels, one (1) mixed use parcel, two (2) park sites, and one (1) school site and one (1) hillside preservation site. The wash corridor open spaces are located within the various development parcels but will be preserved as natural open space tracts as each parcel is developed. The overall layout of the development parcels is depicted in **Figure 6, Proposed Land Use Master Plan**. A total of 2,270 residential units are permitted within the Marisol Ranch community for an gross project density of 3.6 du/ac.

Table 2, Parcel Site Data defines the proposed zoning designation, gross and net parcel acreage, projected unit count and development standard category for each development parcel within the community.

Table 2: Parcel Site Data						
Parcel #	Gross Parcel Area	Land Use Designation	Projected # Units	Gross Parcel Density	Proposed Zoning	Development Standards Category ¹
Residential Parcels						
A	8.2	Medium Density Residential	50	6.1	PAD-RM	2
B	21.6	Medium Density Residential	115	5.3	PAD-RM	2
C	49.3	Medium Density Residential	180	3.7	PAD-RM	2
D	29.3	Medium Density Residential	190	6.5	PAD-RM	2
E	33.3	Low Density Residential	125	3.8	PAD-RL	3
F	45.6	Low Density Residential	170	3.7	PAD-RL	3
G	47.1	Low Density Residential	205	4.4	PAD-RL	3
H	48.9	Low Density Residential	175	3.6	PAD-RL	4
I	43.6	Low Density Residential	150	3.4	PAD-RL	4
J	41.7	Low Density Residential	140	3.4	PAD-RL	3
K	48.9	Low Density Residential	165	3.4	PAD-RL	4
L	39.9	Low Density Residential	115	2.9	PAD-RL	5
M	61.4	Low Density Residential	170	2.8	PAD-RL	5
N	31.5	Low Density Residential	70	2.2	PAD-RL	6
Non-Residential Parcels						
O	3.6	Neighborhood Park	~	~	PAD-OS	7
P	12.1	K-8 School Site	~	~	PAD-PF	7
Q	11.6	Neighborhood Park	~	~	PAD-OS	7
R	34.0	Mixed Use	250	7.4	PAD-MU	1
S	22.5	Hillside Preservation	0	~	PAD-OS	7
Totals	634.0		2,270	3.6		
¹ See Table 4, Residential Development Standards Table for applicable Development Standards for each Parcel.						

Zoning Categories

Marisol Ranch is a mixed residential master planned community, with densities and lot sizes to provide housing opportunities that will cater to a variety of lifestyle choices for residents. The

Land Use Master Plan includes nineteen (19) development parcels within five (5) zoning categories, all of which are described in more detail below. A maximum of 2,270 residential units are planned for the project, with an overall density of 3.6 dwelling units per acre.

Residential Medium (PAD-RM): The PAD-RM district allows for uses consistent with the RM zoning district as provided in the Surprise Municipal Code as may be amended from time to time, with up to 8+ dwelling units per acre, and an average of approximately 5.0 dwelling units per acre overall. At the Surprise Community Development Director's discretion, densities within the RM parcel may exceed 8.0 du/ac on any individual sub-parcel in accordance with the allowable development standards and open space requirements, so long as the overall unit count for the development parcel does not exceed the maximum allowed number of dwelling units defined within **Table 2**, subject to applicable transfer of residential units defined further in this section.

Residential Low (PAD-RL): The PAD-RL district allows for uses consistent with the RL zoning district as provided in the Surprise Municipal Code as may be amended from time to time, including single-family detached residential development within four (4) development standard categories with minimum lot sizes ranging from 4,500 to 10,000 square feet. Each PAD-RL designated parcel has a corresponding set of development standards which have been strategically located to transition in intensity across the site. Similar to the PAD-RM district, the unit count within any individual PAD-RL development parcel per **Table 2** may exceed the parcel unit count in accordance with the applicable transfer of residential units defined later in this section.

Open Space (PAD-OS): The two neighborhood park parcels, Parcels O and Q, are designated as Open Space, as is Parcel S. All uses and development standards within this district shall be in accordance with the Open Space zoning district as outlined in the Surprise Municipal Code as may be amended from time to time. It should be noted that while the natural wash corridors are not designated as separate open space zoning districts within Marisol Ranch, at the time of development of each applicable adjacent parcel, these open space areas will be dedicated as permanent open space tracts as each final plat is recorded.

Public Facility (PAD-PF): Parcel P is the designated school site for a future K-8 School within the Nadaburg School District. This site will be reserved for the school site and will be donated to the school district in accordance with a future development agreement between the master developer and the Nadaburg School District. All uses and development standards within this district shall be in accordance with the Public Facilities zoning district as outlined in the Surprise Municipal Code as may be amended from time to time.

Mixed Use (PAD-MU): The PAD-MU district is approximately 34-acres and is located at the southwest corner of Marisol Ranch at the intersection of 163rd Avenue and Lone Mountain Road. This development parcel is identified as Parcel R on the Land Use Master Plan and is intended to allow for flexible development of commercial and retail uses to support the residents within Marisol Ranch and the surrounding neighborhoods while also allowing for higher density

residential development. Uses are in accordance with the MU zoning district as outlined in the Surprise Municipal Code as may be amended from time to time. Residential development standards are per Table 4 of this document, while commercial development standards are per Table 5 of this document. This Development Parcel can provide for 250 residential units and up to 600 based on density transfers as defined below. This location at the major intersection of 163rd Avenue and Lone Mountain Road is ideally suited for commercial and retail services and higher density residential uses.

The intent of the PAD-MU district is to provide for the development of a vibrant neighborhood setting with land uses that complement each other and allow for a range of commercial, retail, employment and/or housing options through a variety of uses while preserving an overall residentially-compatible character. While this district shall not require a minimum mix of uses in a vertical or horizontal setting, all uses provided shall encourage both vehicular and pedestrian connectivity through pedestrian friendly streets, sidewalks and pathways in order to ensure easy access between shops, services and housing. The architectural design and use of materials and colors shall be similar or compatible throughout the district to convey an overall unified development plan as it is built over time.

Comparable Zoning Per the City's Zoning Districts

The Marisol Ranch PAD provides for PAD zoning categories that serve to guide and regulate the development of the community as it is built over time. While this PAD addresses many standard development regulations such as setbacks, lot size, density, etc., there may be other regulations or standards that are not specifically addressed in this PAD, such as walls, landscaping, parking, etc. To ensure consistency in implementation and to ensure that any necessary development standards that are not addressed in this PAD are implemented in an appropriate manner, **Table 3, PAD Comparable Zoning Designations** identifies the “comparable” zoning designation per the Surprise Municipal Code as may be amended from time to time, to the PAD zoning districts defined within this PAD. All development standards, regulations and guidelines defined within the PAD shall supersede standards within the comparable City zoning districts. If the PAD is silent on a required standard, regulation or guideline, the designated “comparable” zoning districts per the Surprise Municipal Code as may be amended from time to time, shall apply. Regarding the PAD-OS district for Parcels Q, O and S and the PAD-PF district for Parcel P, the Surprise Municipal Code as may be amended from time to time, shall apply in its entirety.

Table 3: PAD Comparable Zoning Designations	
PAD Zoning Districts	City of Surprise Comparable Districts
PAD-MU	MU
PAD-RM	RM
PAD-RL	RL
PAD-OS	OS
PAD-PF	PF

Permitted Uses:

The various development parcels shall conform to the Permitted and Conditional Uses as defined by the Surprise Municipal Code, as may be amended from time to time based on the comparable zoning districts for each land use designation as defined in **Table 3, PAD Comparable Zoning Designations**.

Development Standards

Residential Development Standards

The Marisol Ranch PAD provides regulatory development standards generally consistent with the previous County-approved RUPD development standards that will guide the overall planning and development of the residential portions of the community. These development standards include minimum lot sizes, setbacks, building height, and other regulations as defined within **Table 4, Residential Development Standards for Marisol Ranch** below. Where standards are not otherwise specified within the PAD document, the City of Surprise Compatible Districts, in accordance with **Table 3** and as defined in the Surprise Municipal Code, including future amendments, shall regulate.

Table 4: Residential Development Standards							
Development Standards Category	Parcel	Minimum Lot Area (sf)	Minimum Lot Width	Minimum Building Setbacks			Maximum Height
				Front Yard (2)	Rear Yard	Side Yard	
1	R (1)	2,400	None	20' (4)	15' (4)	10' (4)	35'/45' (3)
2	A, B, C, D	3,200	None	10'/20'	10'	5' (5)	30'
3	E, F, G, J	4,500	45'	10'/20'	15'	5'/5' or 0'/10'	30'
4	H, I, K	6,000	50'	10'/20'	15'	5'/5'	30'
5	L, M	7,000	60'	10'/20'	20'	5'/8'	30'
6	N	10,000	70'	10'/20'	25'	5'/8'	30'
7	O, P, Q, S	Standards as defined within the applicable City of Surprise Zoning District					
(1) Development Standards for Parcel R within this table apply to residential uses only. For non-residential land uses, See Table 5, Commercial Development Standard for PAD-MU District							
(2) 10' to livable area, side entry garage or front porch / 20' from front lot line to front facing garage door.							
(3) Maximum building height is 35' within first 300' of the north, south or west perimeter of the property, then increases by 1' in height for each additional 10' in distance up to 45' in height.							
(4) Front, rear and side yard for residential uses within Parcel R shall apply to the perimeter of the district only.							
(5) Side yard shall apply to detached units only, or the end units of attached units.							

Commercial Development Standards

The standards as defined within **Table 5, Commercial Development Standards** shall apply for all non-residential uses within the PAD-MU zoning category. The standards as defined within **Table 4, Residential Development Standards**, using the PAD-MU district shall apply for all residential uses within Parcel R. Additional building and performance standards not defined within the applicable sections of this PAD shall conform to the MU zoning district as defined within the City of Surprise Municipal Code.

Table 5: Commercial Development Standards for PAD-MU	
Minimum Lot Area	None
Minimum Lot Width	None
Distance Between Buildings	Per Building Code
Minimum Front or Street Building Setback	20 feet
Minimum Side Yard Setback (perimeter of district or adjacent to residential uses only)	40 feet
Minimum Rear Yard Setback (perimeter of district or adjacent to residential uses only)	40 feet
Maximum Building Height ⁽¹⁾	35' / 45'
Minimum Street Landscape Setback	20 feet
(1) Maximum building height is 35' within the first 300' of the north, south or west perimeter of the property, then increases by 1' in height for each additional 10' in distance up to 45' in height.	

Transfer of Residential Units:

Marisol Ranch includes two (2) residential zoning district categories with several development parcels within each category. **Table 6, Zoning Summary by District**, defines the overall acreage and projected unit count for each residential district. While overall, Marisol Ranch may not exceed the maximum residential unit count of 2,270 units, residential units may be transferred from parcel to parcel within the same district. For example, Parcel's H and I are both designated as PAD (RL), with 170 residential units projected for Parcel H and 145 residential units projected for Parcel I per **Table 2**. If the actual unit count of Parcel H is built out at 150 residential units, the unused 20 residential unit can be transferred to Parcel I, increasing the total within Parcel I from 145 units to 165 units. This transfer can only be done within the same zoning category, except that any unused residential units from any residential district can be transferred to the Mixed Use zoning district up to a maximum of 600 total residential units within Parcel R. The development standards and open space requirements of the receiving parcel apply.

Table 6, Zoning and Land Use Summary provides an overall summary of the various zoning and development parcels within Marisol Ranch. This table defined the proposed land use, overall gross acreage and residential units for each zoning district within the property.

Table 6: Zoning Summary by District					
Proposed Use	Zoning	Parcels	Gross Acres	Units	Lot %
Medium Density Residential	PAD-RM	A, B, C, D	108.36	535	24%
Low Density Residential	PAD-RL	E, F, G, H, I, J, K, L, M, N	441.88	1,485	65%
Mixed Use	PAD-MU	R	34.00	250	11%
Open Space	PAD-OS	O, Q, S	37.70	~	~
Public Facility	PAD-PF	P	12.07	~	~
Total:			634.01	2,270	100%

3.2 Recreation and Open Space

Marisol Ranch will include a comprehensive, connected recreation and open space plan to serve residents within the community. This will include a series of neighborhood parks, pocket parks, trail corridors, improved and natural open spaces throughout the community. A conceptual plan for these amenities is shown in **Figure 7, Recreation and Open Space Plan**, and is described in more detail below. Overall, Marisol Ranch will provide 20% of the net residential area as open space. Additionally, all major wash corridors within the development parcels will be counted as additional open space, along with the hillside development parcel and the neighborhood park parcels. The designated wash corridors defined within Exhibit 7 represent approximately 74-acres of additional open space, although the precise acreage will be determined at the time of development once more detailed engineering analysis is conducted to determine the precise limits of the floodplain areas. Open space within Marisol Ranch will fall into one of the six (6) open space categories defined below. Open space amenities as described in this section supersede any amenity requirements as stated in the Surprise Municipal Code as may be amended from time to time.

Neighborhood Parks

Marisol Ranch will include two Neighborhood Parks, designated as Parcels O and Q on the Land Use Master Plan, offering a combined 15.2 acres of fully-developed community recreation opportunities. These parks will serve as central recreation hubs for Marisol Ranch residents to gather and interact with one another. These park sites may include amenities such as sport courts, multi-use fields, playgrounds, picnic areas, turf fields and informal play areas, enhanced landscaping, shaded seating areas and other recreational amenities to serve the community. Both Neighborhood Parks are immediately adjacent to the convergence of wash corridors, providing opportunities for interconnectivity between residential development parcels via a linear open space and trail system. The specific programming of each Neighborhood Park will be developed within the applicable phase in which they will be constructed and will include a mix of active and passive amenities.

Pocket Parks

Within each of the fourteen (14) residential development parcels, a minimum of one (1) pocket park will be developed for the use and enjoyment of the applicable subdivisions. These pocket parks, planned to be approximately ½-acre each, will relate in size and scale to the specific residential subdivision design, and will include a combination of active and passive open space amenities. Specific amenities within pocket parks will include at least four (4) of the following: shaded play structure with ADA compliance, half or full sport court, turf play field of at least 5,000 square feet, two BBQ grills, two picnic tables, a shade ramada, two outdoor games such as ping-pong, horse shoes or cornhole. Other similar amenities may be provided in lieu of the amenities listed above if determined to be equivalent at the Community Development Director's discretion. Additionally, all pocket parks will include trails and/or trail connectivity, landscaping, and a trash receptacle. These parks may also be used to enhance entry features into the subdivision and to accommodate areas for stormwater retention. A minimum of 7 acres will be developed as pocket parks. Pocket parks will be designed with the intent that no home be greater than approximately ¼ mile from a pocket park. On-street or off-street parking will be provided adjacent to each pocket park to accommodate residents that choose to drive to the parks, though the plan encourages walking through the connected pedestrian network.

Trails

Internal Trail: A significant internal trail network is planned along various open space corridors throughout Marisol Ranch. These trails are programmed as 8' – 10' hard surface and/or natural surface trails and have been planned primarily along natural open space areas and between development parcels to provide a connected system throughout Marisol Ranch. Within the wash corridors, the trails will be 10' wide. Within all other areas the trails will be 8' wide. The internal trail network provides for connections throughout the community and allows for pedestrian and bicycle access between the residential development parcels and from the residential parcels to the neighborhood parks, school site, hillside areas, and the mixed use parcel. The trail system will also provide recreational opportunities for walking, jogging, biking, and other forms of recreation to allow residents to enjoy the natural beauty of the property while recreating close to home. The trail system will include a combination of hard and soft surfaces where appropriate to allow for the variety of user experiences. In total, approximately 30,000 linear feet of internal trails will be provided within Marisol Ranch.

Multi-Use Parkway Trail: A 12' wide multi-use concrete trail is planned along the western boundary of Marisol Ranch within the right-of-way for 163rd Avenue, consistent with the City of Surprise Parkway cross section standard. This trail will allow for a variety of transportation types including pedestrian and bicycle use.

Natural Open Space

Natural open space areas will be provided throughout the site within drainage corridors and undeveloped hillside areas, particularly those areas which exceed 15% slope. These natural open space areas serve as important habitats for wildlife and will promote the beautiful native desert character of the property. Trails meandering through these areas will offer future residents an

escape into the natural world where they will enjoy listening to the sound of birdsong and wind in the desert vegetation. They will serve as buffer areas and transition zones between development parcels while providing residents with native desert environments within their community. Parcel S is the primary steep slope areas within Marisol Ranch and is designated as a separate Open Space parcel. The remainder of the natural open space areas are not identified as separate parcels within this PAD, but at the time of platting, these additional natural open spaces areas, particularly within wash corridors will be designated as permanent open space tracts within each applicable recorded plat and will be included in the 20% required net residential open space calculations.

Buffer Open Space

In order to provide an appropriate transition from the existing rural residential uses along the perimeter of the Marisol Ranch property and meet the density transition requirements within the Surprise General Plan, a landscaped open space buffer will be provided along 163rd Avenue and Lone Mountain Road where immediately adjacent to existing residential uses. This will include a 60' wide open space buffer along those portions of 163rd Avenue, and a 150' buffer along those portions of Lone Mountain Road. With the addition of the applicable roadway right-of-way per the City of Surprise standard, these buffers will both provide a 260' setback when combining the roadway right of way and adjacent open space buffer. In addition to the perimeter open space buffer, the first row of homes adjacent to these open space buffers within residential districts shall be limited to single-story in height. The location of these buffers is shown on **Figure 7: Recreation and Open Space Plan**.

Additional Open Space

Additional natural and improved open space areas will be provided throughout the development in the form of tracts to accommodate for stormwater retention, public utility easements, perimeter setbacks, community entry features, and other needed open space areas and will be landscaped as appropriate.

Summary of Open Space Plan

Open Space will take a variety of forms within the Marisol Ranch Community. Together the neighborhood parks, pocket parks, trail corridors, natural open space and other open space areas will create a feeling of openness and sense of connection with the natural environment for future residents. Marisol Ranch will provide for a total of 20% of the net residential area as open space within the residential development parcels in addition to all primary wash corridors, neighborhood parks and hillside preservation areas within the community. Open space areas within Marisol Ranch will be sensitively planned to provide protection for significant natural features and to provide centrally-located recreational opportunities for future residents. The provision of open space is a unifying theme for the Marisol Ranch community. Development and maintenance of all common open space areas within the community will be owned and maintained by the Marisol Ranch Homeowner Association.

3.3 Circulation Plan

Primary roads around the perimeter of the site include 163rd Avenue and Lone Mountain Road. Additionally, an internal loop road will provide localized access to the individual development parcels within the property. All public roads adjacent to and within the Marisol Ranch project will be developed to meet City standards in effect at the time of development.

Site and Perimeter Roadways

Primary roads around the perimeter of the site include 163rd Avenue, a planned Parkway corridor which will serve as a regional roadway connection from south to north adjacent to the western perimeter of the property. The current plan for this road is to veer west at about the mid-section point of Marisol Ranch in order to avoid a major topographic feature within the section-line alignment further to the north. Since the road will not be constructed along the entire western perimeter of the property, the master developer will pay an in-lieu fee for the portion of the half-street that deviates from the section line equal to the length had it remained on the section line. Lone Mountain Road, a planned Major Arterial, is programmed to extend along the entire southern boundary of the property, ultimately connecting to the Loop 303 in Peoria to the east and extending all the way to US-60 in Surprise to the west, providing regional connectivity through the area. All public roads adjacent to and within the Marisol Ranch project will be developed to meet City standards in effect at the time of development.

On-Site Roadways

The primary circulation within the community will be planned via local streets and/or collector roadways, providing localized access to various development parcels. An internal loop road will provide localized access to the individual development parcels within the property. It is anticipated that all interior local streets will be public streets; however, if any development parcel is developed as a gated subdivision, the interior local streets will be private and maintained by the applicable homeowners' association. The number and location of the roadway types and access points will be determined through the site platting and traffic impact analysis process when the property is developed. All public roadways will be designed and constructed to meet the City of Surprise standards at the time of development. If any private roads are proposed within the development, they will be evaluated at the time of development.

Bicycle & Pedestrian Circulation

Marisol Ranch will provide detached sidewalks on all parkways, collectors, and local streets to promote pedestrian safety and comfort while also providing for shaded tree-lines streets. on-street bicycle lanes will be provided on arterial and collector roads in conformance with City of Surprise standards and to promote the use of bicycles as a viable means of mobility throughout the community.

In addition to bicycle and pedestrian routes affiliated with the planned roadways, Lone Mountain Ranch also addresses trails and paths identified by the City of Surprise General Plan and Parks and Recreation Master Plan. These routes will provide additional circulation options for non-

vehicular travel and opportunities for recreation and connectivity to various uses and amenities within Marisol Ranch and beyond.

3.4 Landscape Theme and Community Character

As a master planned community, Marisol Ranch will have community Codes, Covenants and Restrictions (CC&R's) that will set forth a unified design concept for the community. An enhanced community theme wall will be provided around the exterior edges where residential uses abut adjacent arterial and collector roads, and around other highly visible portions of the development. As much as possible, open space areas around the project perimeter will be left unfenced or enclosed with view fencing which will create a sense of openness and allow for views into and through the open space corridors within the property.

At the primary entries to Marisol Ranch off 163rd Avenue and Lone Mountain Road, community entry features, including monument signage, will establish a sense of arrival upon entering the community. The entry features may include enhanced landscaping, decorative walls and hardscape details, enhanced landscape materials, lighting and/or other enhanced design elements to identify and reinforce the design theme and character of the community. Smaller, secondary entry features may be located at other entry points into the community or at individual subdivision entries. These features will be designed with the same general character as the main entry feature, but at a smaller scale. **Figure 8, *Community Character & Entry Monument*** provides a conceptual example of what the Marisol Ranch monument signage could look like.

Landscaping in the community will be unified by a desert planting theme and will comply with the Surprise Municipal Code as may be amended from time to time. The approved plant palette will be included in the Marisol Ranch CC&R's. The Marisol Ranch plant palette will consist largely of indigenous plant species to promote and reinforce the region's existing desert landscape character. All proposed plant material will adhere to the Arizona Department of Water Resources "Low Water Use/Drought Tolerant Plant List for the Phoenix Active Management Area" except for at the primary entry monuments, parks and recreational areas and other highly visible community amenity areas. In those select areas, elements such as turf and other alternative landscape materials may be used in limited quantities. Throughout the community, colorful ground covers, desert shrubs and trees will be encouraged as accents with beautiful varieties available within the desert theme. Homebuilders for each of the residential development parcels may also choose to have supplementary CC&R's to provide additional design details and to address distinguishing neighborhood features that may be unique to an individual development parcel or group of parcels.

The overall design concept set forth in the master CC&R's will be enforced by a community-wide homeowners' association. All residents within Marisol Ranch will be part of this association. The community-wide association will be responsible for the maintenance of community open spaces including the neighborhood park, pocket parks, trails, the community entry feature, and all other common areas within the community that are not the responsibility of a separate sub-

association. In addition to the community-wide homeowners' association, smaller individual sub-associations may be formed within individual development parcels or groupings of development parcels. These smaller associations will be responsible for enforcing any applicable supplementary CC&R's, and for maintaining the common areas within the boundaries of their sub-association.

3.5 Drainage Master Plan

Existing Drainage Conditions

The project site generally slopes to the southwest towards the Central Arizona Project Canal, at an average grade of 1 percent. The site is currently comprised of undeveloped native desert land. The two sources of offsite runoff that impact the Project are Padelford Wash and the Hieroglyphic Mountains watershed. Runoff approaching the Project from Padelford Wash enters the site at two inflow points. The flows impacting the site are those from Split 1 and the Main Reach.

Runoff is conveyed through the site through existing natural channels. In February 2000, SKG Enterprises, Inc. submitted an individual 404 permit application for the proposed development of Marisol Ranch for approval by the U.S. Army Corps of Engineers (USACE). The application indicated some natural washes traversing the site were determined as United States Jurisdictional Water ways. This permit has now expired, and the jurisdictional limits of the washes are pending.

Proposed Drainage Conditions

In the proposed drainage plan, the runoff from Padelford Wash will enter via box culverts beneath the proposed roadway and will be conveyed southeast through existing natural washes. These washes will be utilized to convey offsite flows approaching the site to the downstream limits of the property. Erosion Hazard Limits will be designated along the washes per the methodology prescribed in Arizona State Standard 5-96.

The runoff incoming from the Hieroglyphic Mountains will be collected in a series of natural and engineered channels and conveyed to the wash corridors.

Portions of the floodplain associated with the Padelford Wash will be mitigated by the placement of fill to sufficiently elevate the lots above the 100-year water surface elevation and remove the affected area from the floodplain. The CLOMR/LOMR process will be completed to effectively remove these lots from the regulatory floodplains.

Drainage design will be prepared in accordance with the City of Surprise and Maricopa County design criteria. Onsite rainfall runoff from the Project will be routed within the streets and/or storm drain to retention basins. These basins will be designed to store the tributary runoff generated from the 100-year, 2-hour storm event.

Ultimately, the proposed drainage conditions will mimic existing drainage patterns and ultimately exit the Project at the historical outfall points.

3.6 Water & Sewer Master Plans

Water

Marisol Ranch (the Project) is within the City of Surprise Special Planning Area 4 (SPA4) and is in Pressure Zone PZ-4A. It is currently isolated from existing water infrastructure and is approximately three miles north of the Desert Oasis Water Storage Facility (WSF). The Project's anticipated average day, maximum day, and peak hour demands are 749,780 gpd, 1,459,280 gpd, and 2,168,780 gpd, respectively.

As shown in the City's *Integrated Water Master Plan: Water Infrastructure Final Report* (Malcolm Pirnie, 2009), the Project will ultimately be served by Water Storage Facility WSF-5. Until WSF-5 is constructed and brought online, the Project may receive water service on an interim basis by extending the existing water infrastructure within SPA2 north to the Project site. This scenario would require the installation of a booster pump station to pump the water from SPA2 to the Project site since SPA2 lies within the lower pressure zones PZ-2A, PZ-3A and PZ-2C. Alternately, a new water supply, onsite water storage facility, and onsite booster pump station could be constructed on or near the Project site to serve the Project until WSF-5 is constructed and water transmission mains are installed between WSF-5 and Marisol Ranch.

It is anticipated that the Project will be developed in several phases. The proposed water system infrastructure needed to serve the Project will also be constructed in phases to adequately meet the water demands for each phase. Selection of the final interim water solution will be made during the design phase.

Detailed water analysis for Marisol Ranch is provided in the associated *Master Water Report*.

Sewer

The Project will receive wastewater service from the City of Surprise and is located within the City's SPA2 Water Reclamation Facility (SPA2-WRF) wastewater service area. The SPA2-WRF is located near Reems Road and Pinnacle Peak Road, south of the Beardsley Canal. Currently, there is no wastewater infrastructure adjacent to the Project site. The Project will generate an estimated average daily wastewater flow of 457,136 gpd and a peak wastewater flow of 1,371,407 gpd.

As noted in the City's *Integrated Water Master Plan: Water Infrastructure Final Report* (Malcolm Pirnie, 2009), the Project's wastewater flows will ultimately be routed to the SPA2-WRF. Until the sewer trunk mains between the Project and SPA2-WRF are fully constructed, the Project may be served by a temporary package wastewater treatment plant. If a temporary plant is used, it will be installed near the low point of the community at the southeast corner of the Project and

be a modular plant, constructed in phases to match the Project's development. During the initial phase of development, when the average daily flow is less than 10,000 gpd, wastewater flows may be routed to a vault and then hauled to an offsite Water Reclamation Facility for treatment.

It is anticipated that the Project will be developed in several phases. The proposed wastewater system infrastructure will also be constructed in phases to adequately serve the wastewater flows generated by the development. Selection of the final interim wastewater solution will be made during the design phase.

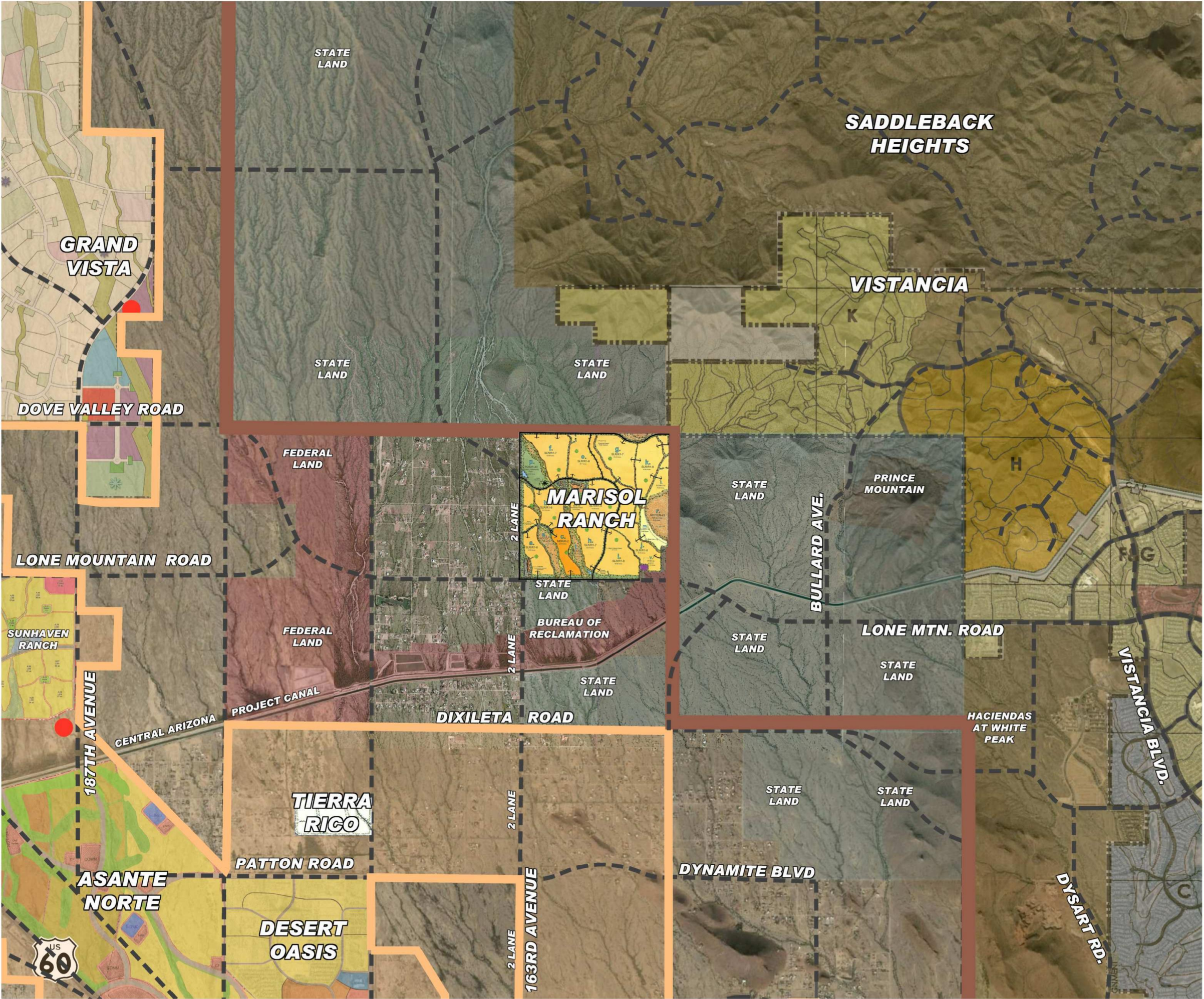
Detailed sewer analysis for Marisol Ranch is provided in associated *Master Sewer Report*.

3.7 Phasing Plan

Marisol Ranch will be developed over a series of phases with full build-out planned over a ten to fifteen-year period depending on market conditions. **Figure 9, Phasing Plan** shows the conceptual project phasing for Marisol Ranch. The phasing boundaries are conceptual and may be adjusted without triggering an amendment to this PAD. The applicant anticipates that Phase 1 will start with the residential parcels near the southwest portion of the site, likely including residential development parcels A, B, C, D & E. Development will then likely move to the east and north to include residential development parcels I & J as well as the school and neighborhood park sites, parcels P & Q. Phase 3 will likely include residential development parcels F, G, H & K and the mixed use parcel R. Phase 4 is anticipated to include residential development parcels L, M, N and the neighborhood park Parcel O. Together, development of these parcels will result in a unified master planned community which will be an asset to the City of Surprise and its residents. The mix of residential, open space, public facility and mixed use parcels will create a vibrant, connected master planned community that will provide for a high quality of life for its residents.

3.8 Amendments

Formal amendments to the Marisol Ranch PAD may become necessary from time to time for various reasons to respond to changing market or financial conditions, to update the PAD to reflect new development conditions and/or to respond to the requirements of a user or builder on the property. Unless otherwise requested in the amendment application, any proposed change will not affect development parcels, regulations or standards not included in the proposed amendment request. Only the contents of the amendment request shall be considered and acted upon by the appropriate City staff and/or Planning Commission and City Council as defined in the City's Unified Development Code.



MARISOL RANCH

Planned Area Development

Figure 1
Vicinity Map

-  SURPRISE CITY LIMITS
-  SURPRISE PLANNING AREA BOUNDARY

Subject to engineering and City review and approval.

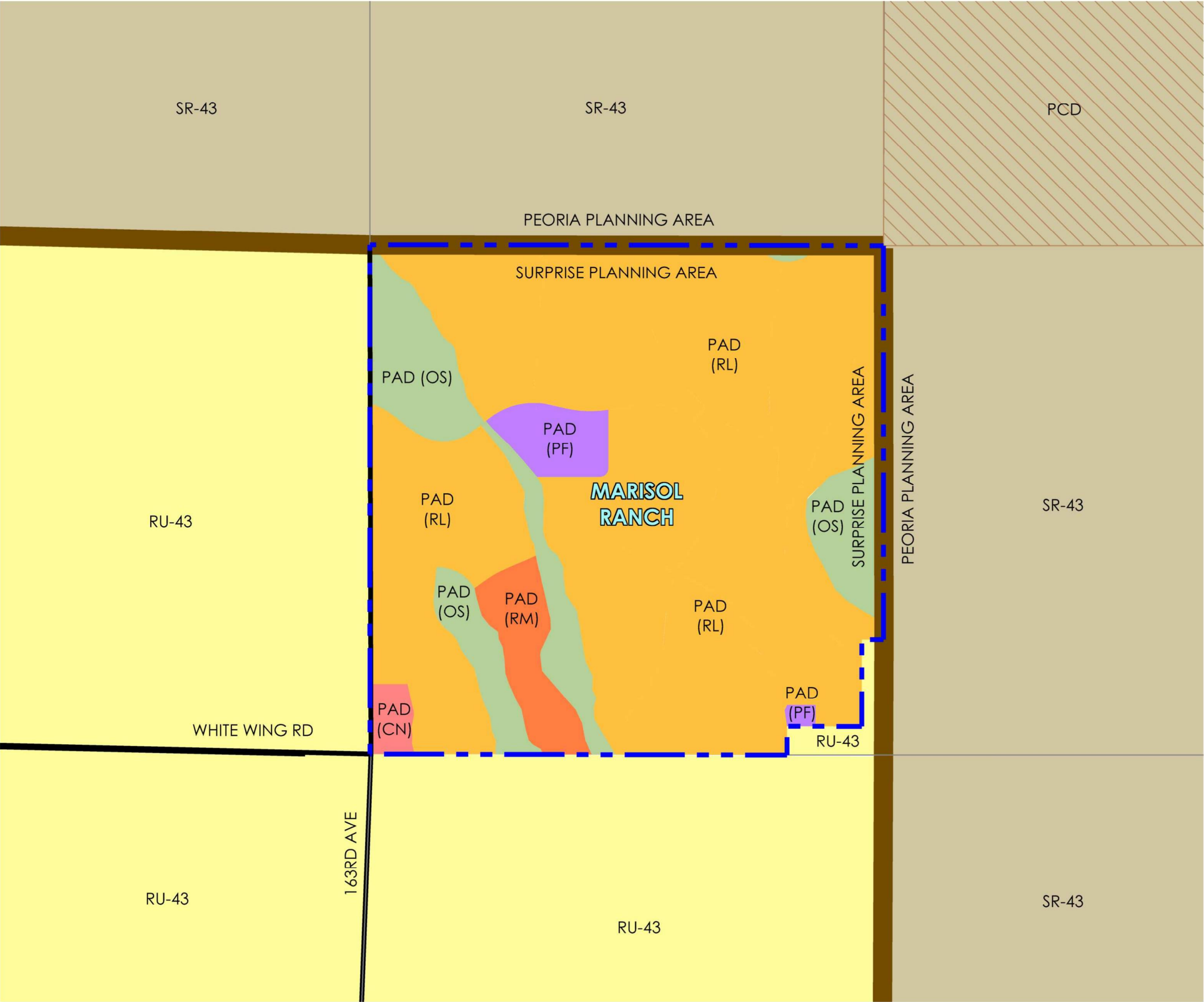


APPROX. SCALE: NTS

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Date.	12/14/18	Project No.	1793
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MARISOL RANCH

Planned Area Development

Figure 2

Existing Zoning Map
LEGEND

CITY OF SURPRISE

- PAD (OS)
- PAD (RM)
- PAD (RL)
- PAD (CN)
- PAD (PF)

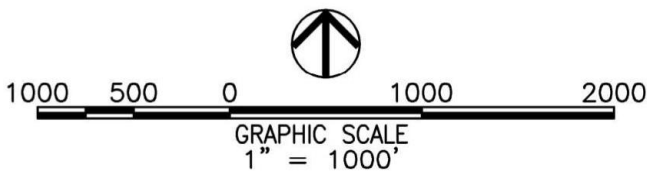
CITY OF PEORIA

- PCD
- SR-43

MARICOPA COUNTY

- RU-43
- PROJECT AREA
- PLANNING AREA
- MAJOR ARTERIAL

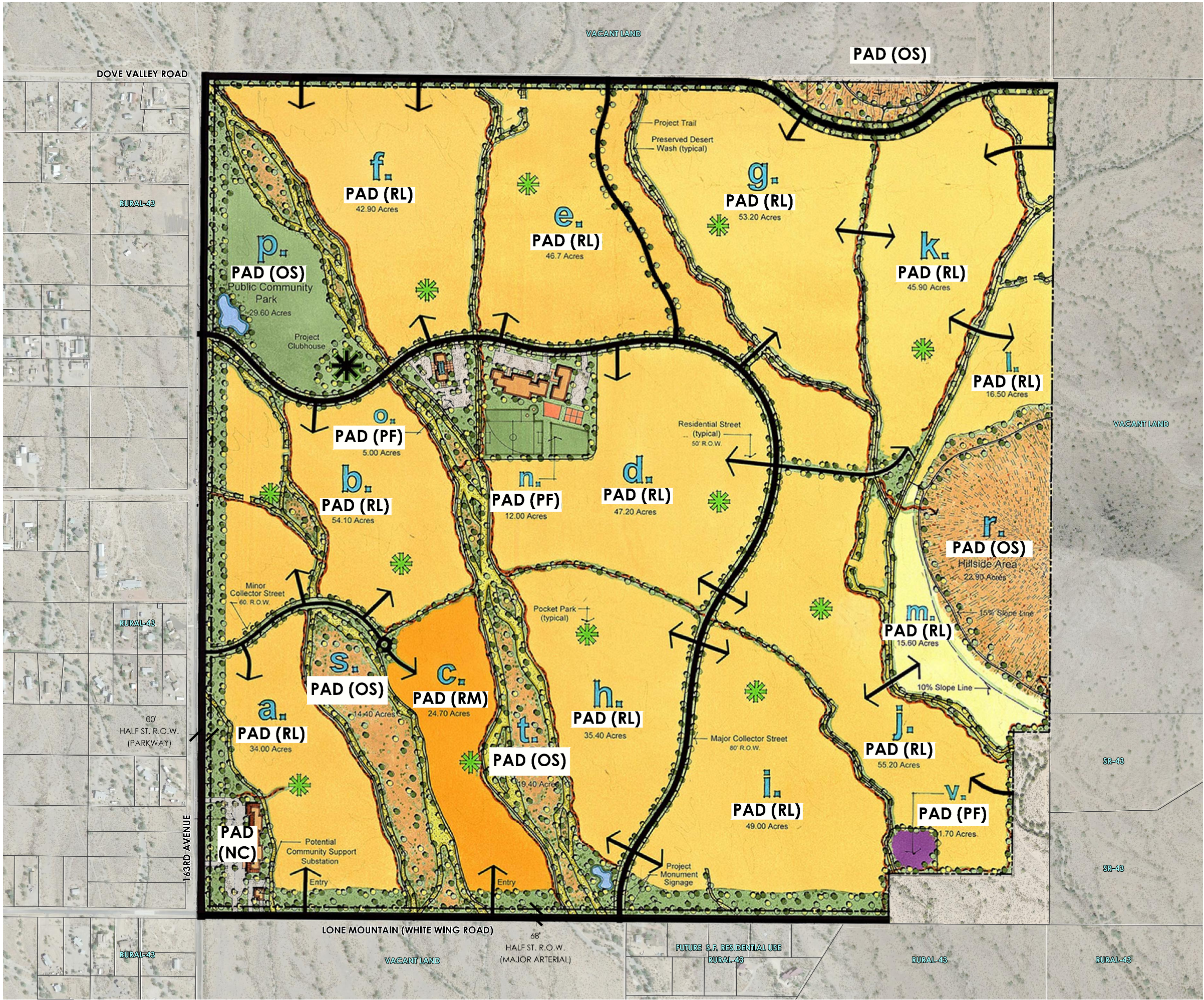
Subject to engineering and City review and approval.



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Date. 12/14/18 Project No. 1793



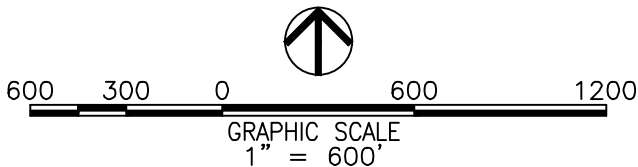


MARISOL RANCH

Figure 3
Existing Land Use Master Plan

Parcel #	Gross Parcel Area	Zoning District	Lot Yield	Gross Parcel Density
A	34	PAD (RL)	115	3.38
B	54.1	PAD (RL)	177	3.27
C	24.7	PAD (RM)	207	8.38
D	47.2	PAD (RL)	218	4.62
E	46.7	PAD (RL)	200	4.28
F	42.9	PAD (RL)	151	3.52
G	53.2	PAD (RL)	182	3.42
H	35.4	PAD (RL)	129	3.64
I	49	PAD (RL)	152	3.1
J	55.2	PAD (RL)	154	2.79
K	45.9	PAD (RL)	139	3.03
L	16.5	PAD (RL)	36	2.18
M	15.6	PAD (RL)	22	1.41
N	12.0	PAD (FF)	~	~
O	5.0	PAD (FF)	~	~
P	29.6	PAD (OS)	~	~
Q	1.4	PAD (OS)	~	~
R	22.9	PAD (OS)	~	~
S	14.4	PAD (OS)	~	~
T	19.4	PAD (OS)	~	~
U	7.2	PAD (NC)	~	~
V	1.7	PAD (FF)	~	~
Totals	634.03		1882	2.97

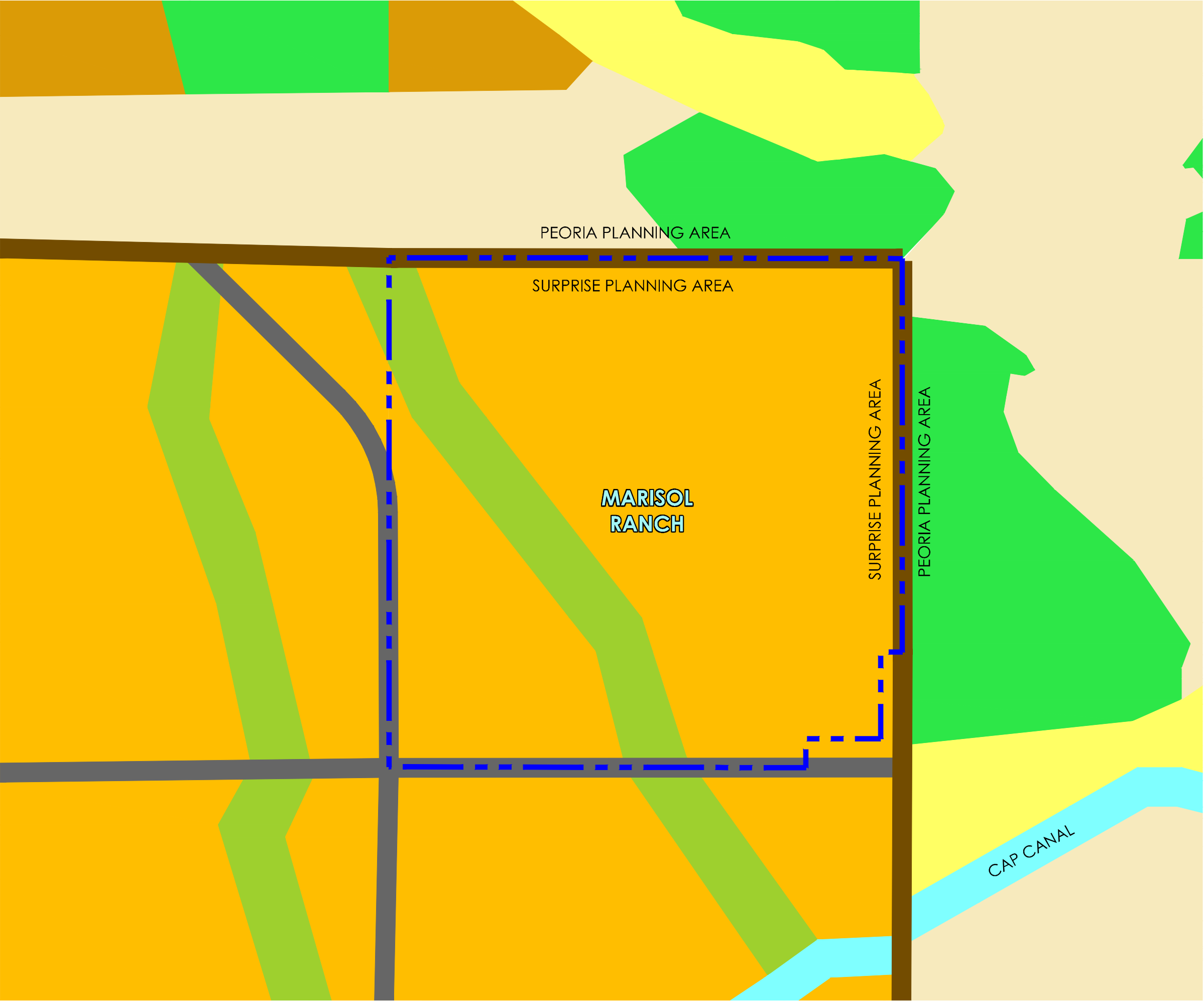
NOTE: NET ACREAGE EXCLUDES STREET R.O.W. & FLOODWAY (EXCEPT FOR PARKS)
NEIGHBORHOOD POCKET PARK
Subject to engineering and City review and approval.



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Date. 11/30/18 Project No. 1793





MARISOL RANCH

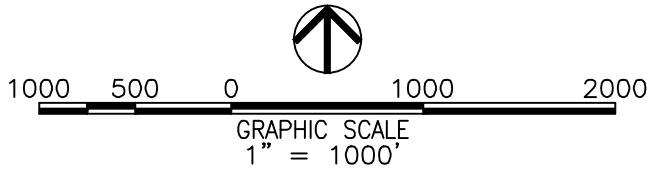
Planned Area Development

Figure 4
Existing General Plan Land Use Map

LEGEND

City of Surprise Character Areas	City of Peoria Land Use
Neighborhood -Rural -Suburban -Urban	Residential/ Estate
Open Space	Residential/ Low
Planning Area Boundary	Residential/ Medium
Major Arterial	Park / Open Space

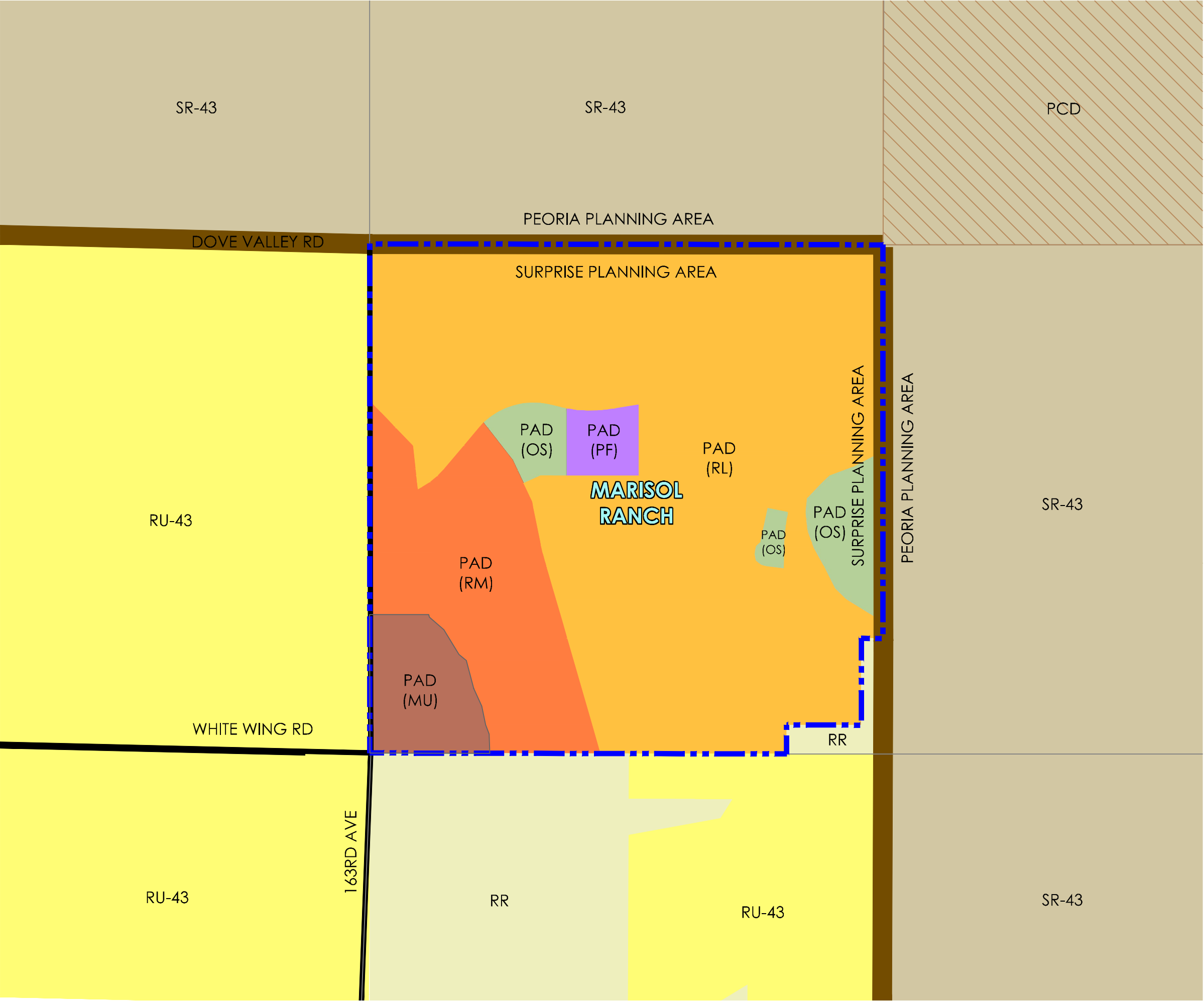
Subject to engineering and City review and approval.



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Date.	12/14/18	Project No.	1793
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MARISOL RANCH

Planned Area Development

Figure 5
Proposed Zoning Plan

LEGEND

CITY OF SURPRISE

- PAD (OS)
- PAD (RM)
- PAD (RL)
- PAD (MU)
- PAD (PF)
- RR

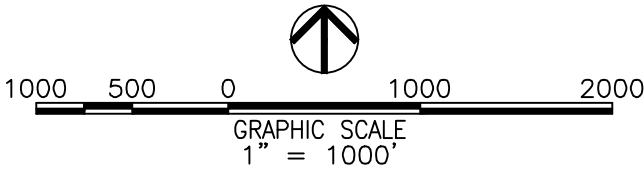
CITY OF PEORIA

- PCD
- SR-43

MARICOPA COUNTY

- RU-43
- PROJECT AREA
- PLANNING AREA
- MAJOR ARTERIAL

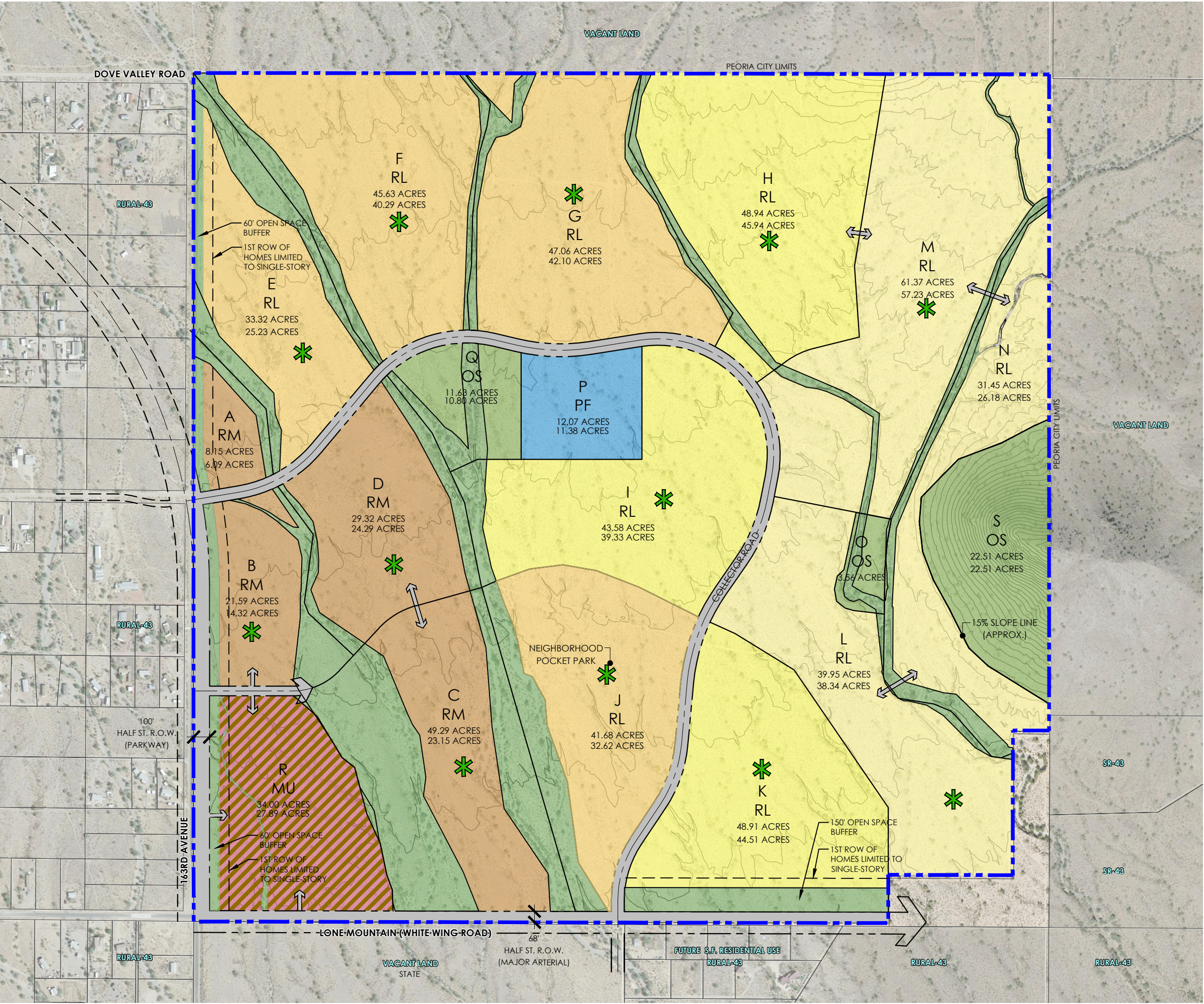
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Date. 12/14/18 Project No. 1793





MARISOL RANCH

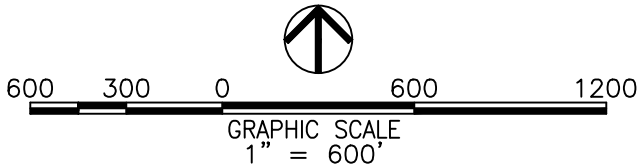
Figure 6
Proposed Land Use Master Plan

Parcel #	Gross Parcel Area	Projected # Units	Gross Parcel Density	Proposed Zoning	Development Standards Category ¹
Residential Parcels					
A	8.2	50	6.1	PAD-RM	2
B	21.6	115	5.3	PAD-RM	2
C	49.3	180	3.7	PAD-RM	2
D	29.3	190	6.5	PAD-RM	2
E	33.3	125	3.8	PAD-RL	3
F	45.6	170	3.7	PAD-RL	3
G	47.1	205	4.4	PAD-RL	3
H	48.9	175	3.6	PAD-RL	4
I	43.6	150	3.4	PAD-RL	4
J	41.7	140	3.4	PAD-RL	3
K	48.9	165	3.4	PAD-RL	4
L	39.9	115	2.9	PAD-RL	5
M	61.4	170	2.8	PAD-RL	5
N	31.5	70	2.2	PAD-RL	6
Non-Residential Parcels					
O	3.6	-	-	PAD-OS	7
P	12.1	-	-	PAD-PF	7
Q	11.6	-	-	PAD-OS	7
R	34.0	250	7.4	PAD-MU	1
S	22.5	0	-	PAD-OS	7
Totals	634.0	2,270	3.6		

NOTE: NET ACREAGE EXCLUDES STREET R.O.W. & FLOODWAY (EXCEPT FOR PARKS)

✱ NEIGHBORHOOD POCKET PARK

Subject to engineering and City review and approval.



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Date. 12/14/18 Project No. 1793



MARISOL RANCH

Planned Area Development

Figure 7

Recreation and Open Space Plan

- Neighborhood Park**
Tot-Lot, Sport Courts, Multi-Use Field, Picnic Areas

Wash Corridor
(Approximately 74 acres, precise acreage to be determined at the time of development) Wash Corridors serve as natural open space and connectivity corridors

Hillside Area
Areas exceeding 15% slope to be left in their natural state

Open Space Buffer
Open Space Buffers serve to provide a buffer between new and existing development

School Site
Elementary School to be connected to community via trails & open space
- Bike Lanes**
To be located on Residential Collector Streets

Internal Trail (8' Wide)
Multi-Use Trails - Natural & Hard Surface

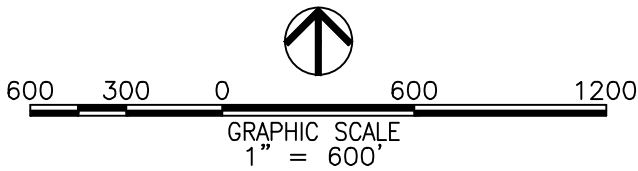
Internal Trail (10' Wide)
Multi-Use Trails - Natural & Hard Surface (Wash)

Multi-Use Trail
12' Wide Concrete Trail within 163rd Road R.O.W.

Pocket Park
Developed open space to serve individual neighborhoods

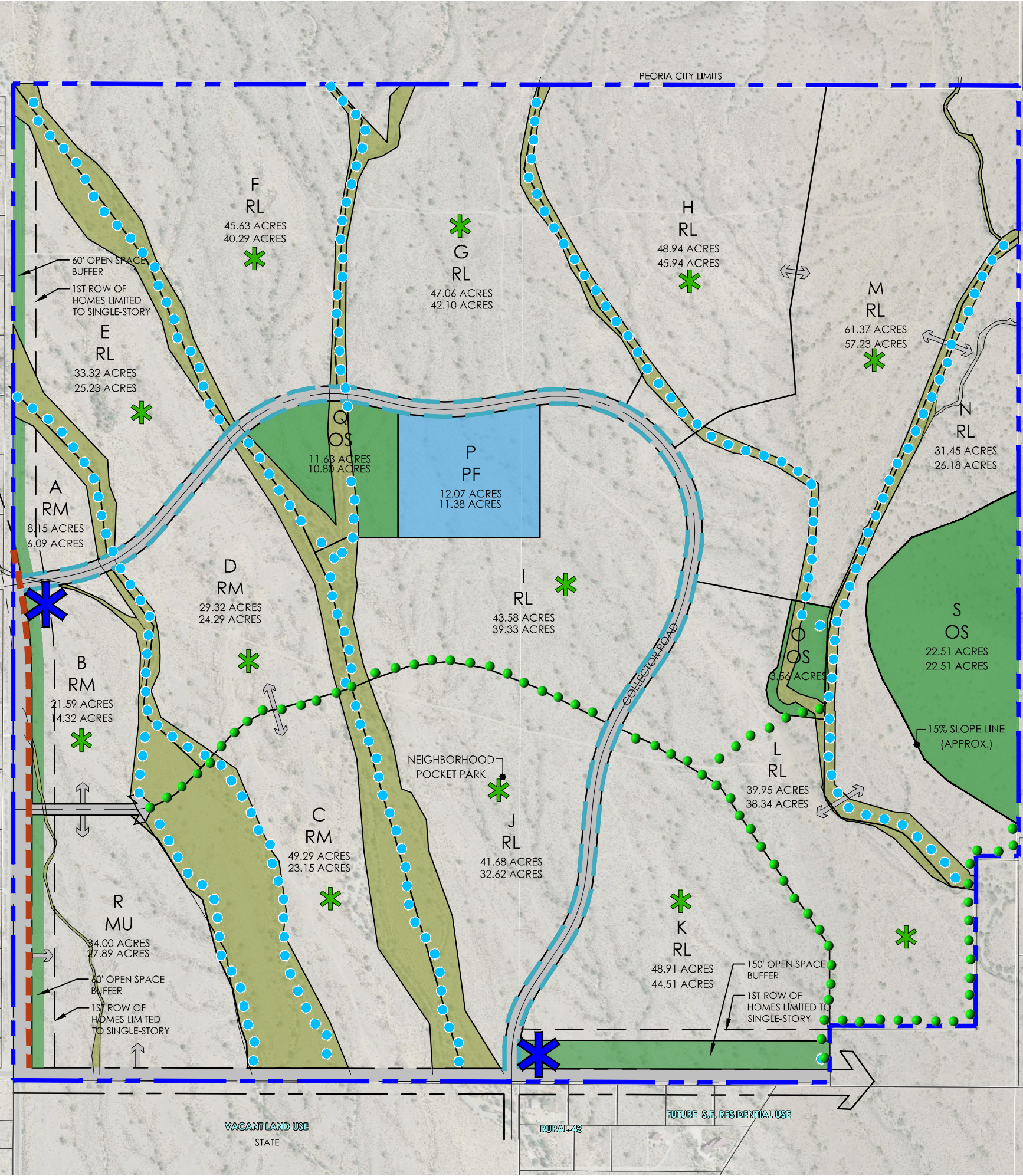
Community Entry Monument

Subject to engineering and City review and approval.



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Date. 12/14/18 Project No. 1793



MARISOL RANCH

Planned Area Development

Figure 8

Community Character & Entry Monument



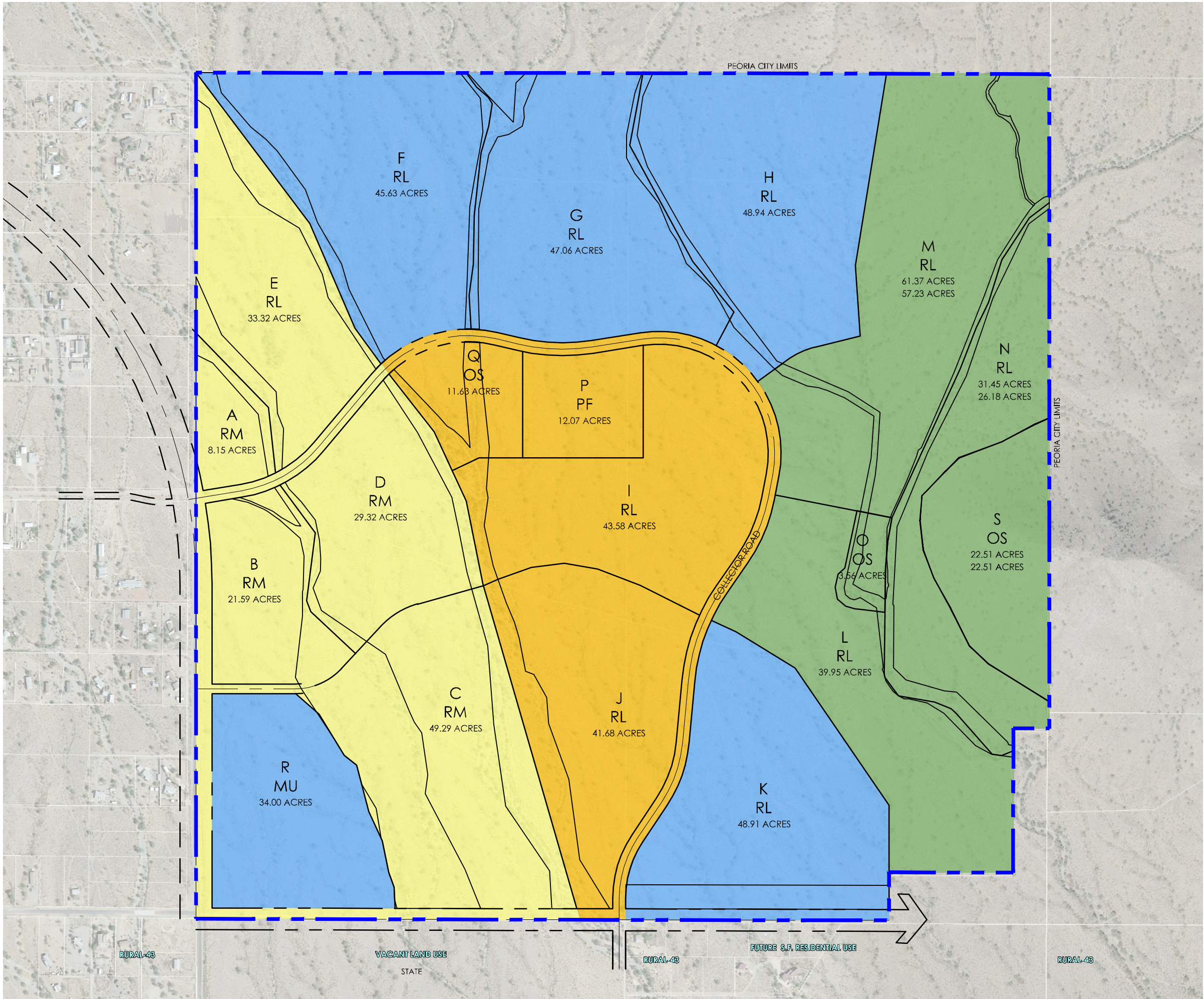
Subject to engineering and City review and approval.

APPROX. SCALE: NTS

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Date.	12/14/18	Project No.	1793
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MARISOL RANCH

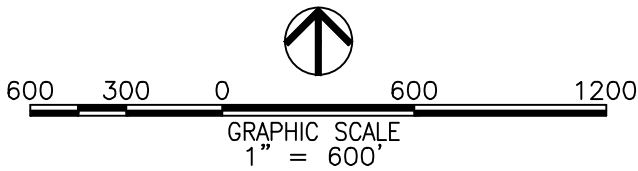
Planned Area Development

Figure 9
Phasing Plan

- Phase I
- Phase II
- Phase III
- Phase IV

NOTE: Phasing is conceptual and subject to change without triggering an amendment to this PAD.

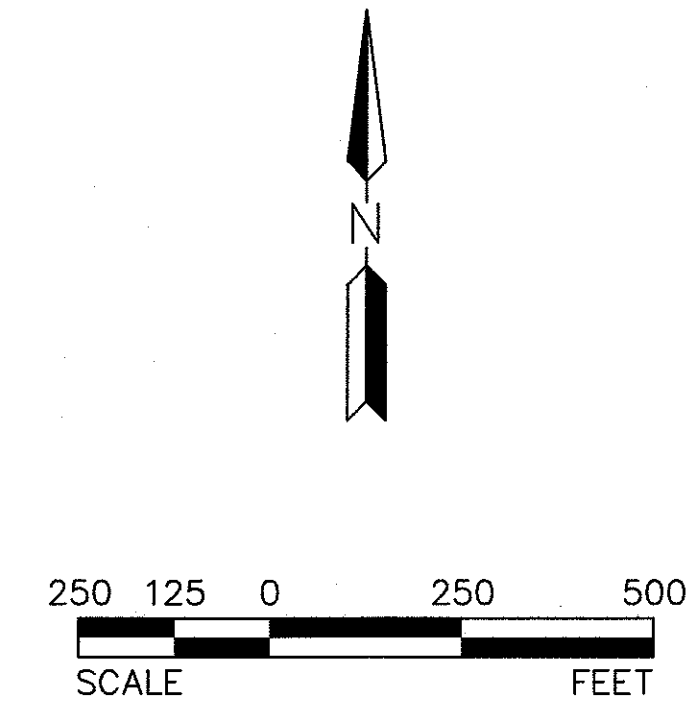
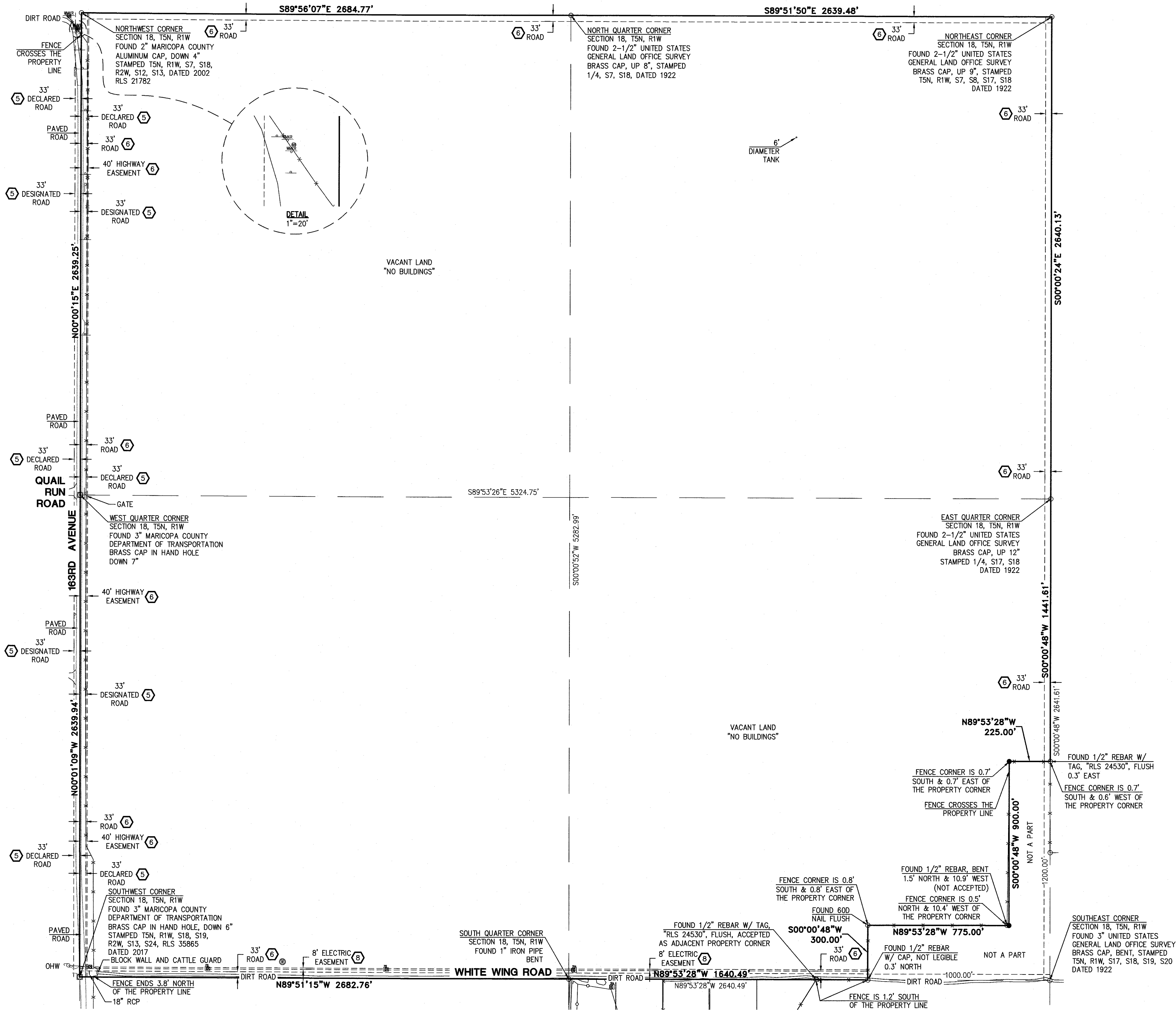
Subject to engineering and City review and approval.



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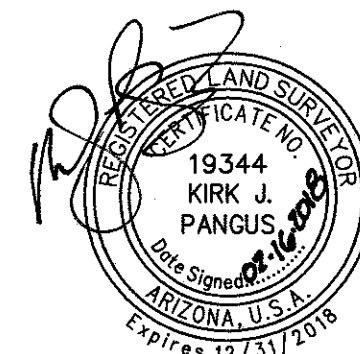
Date.	12/14/18	Project No.	1793
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LEGEND

- FOUND MONUMENT AS NOTED
- ⊠ FOUND BRASS CAP IN HAND HOLE
- SET 1/2" REBAR W/ CAP, RLS 00000
- OR AS NOTED
- ⊢ UTILITY POLE
- ⊢ GUY ANCHOR
- ⊢ ELECTRIC TRANSFORMER
- ⊢ ELECTRIC PULL BOX
- ⊢ SIGN
- ⊢ MAILBOX
- POST OR AS NOTED
- ⊠ TELEPHONE PEDESTAL
- ⊠ AIR RELEASE VALVE
- ⊠ WELL
- ⊠ WATER MARKER
- BOUNDARY LINE
- SECTION LINE
- PARCEL LINE
- BARB WIRE FENCE
- RLS REGISTERED LAND SURVEYOR
- OHW OVERHEAD WIRE



MARISOL RANCH - SECTION 18	
N.E.C. OF 163RD AVENUE & WHITE WING ROAD MARICOPA COUNTY, ARIZONA	
A.L.T.A./N.S.P.S. LAND TITLE SURVEY	
PROJ. NO.	1766
DATE:	FEB. 2018
SCALE:	AS SHOWN
DESIGNED: HW	DRAWN: JDL
REV.	APPROVED: KJP
DWG. NO. SV-2	
SHT. 2 OF 2	

APPENDIX B: NADABURG USD CORRESPONDENCE

Mark Reddie

From: Rick Stephen <rstephen@nadaburgsd.org>
Sent: Monday, March 19, 2018 1:48 PM
To: Mark Reddie
Subject: RE: Marisol Ranch-Nadaburg SD Meeting

Hi Mark,

Thank yo9u for the meeting last week. It is exciting to hear of the plans you have for our community.

I believe that the 12 acre site for an elementary school would be fair. I am attaching a link where the School Facility Board provides standards for school sites. We greatly appreciate the offer of the site.

<http://www.azsfb.gov/sfb/Rules%20&%20Policies/IV%20Land.pdf>

Please let me know if there is anything else that you need from us.

Rick

From: Mark Reddie [mailto:mreddie@rviplanning.com]
Sent: Friday, March 9, 2018 8:28 AM
To: Rick Stephen <rstephen@nadaburgsd.org>
Cc: Tim Keenan <TimK@montage-holdings.com>; Annie Vos <avos@rviplanning.com>
Subject: Marisol Ranch-Nadaburg SD Meeting

Rick, it was a pleasure to meet with you on Wednesday to discuss the Marisol Ranch project and more specifically, the future plans for a K-8 school site on the property. We are excited to work with you as we move forward with this development. As we discussed, we are planning to annex the property into the City of Surprise, and will be preparing a Planned Area Development Zoning District to incorporate the previous zoning that was approved in Maricopa County back in 2002.

Per our discussion, our understanding is that a 12-acre school site, in the location we defined within the central portion of the community, would work very well for the Nadaburg School District both in terms of size and location. Please confirm so we have agreement as we move forward. Of course, we will keep in touch with you as we move forward through the City zoning and annexation process, as well as overall timing for the commencement of the initial phase of development. Thanks again and we look forward to working with you as this community moves forward.

Mark Reddie, Vice President + Principal

LVA urban design studio,
an RVi company

120 s ash avenue · tempe, az 85281

mreddie@rviplanning.com · 480.994.0994 main · 480.586.2349 direct · lvadesign.com · rviplanning.com

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Use of these drawings and data, in whole or in part for any purpose or project other than the project which is the subject is prohibited without the written consent of RVi. You agree to waive all claims against RVi resulting in any way from any unauthorized changes or reuse of the drawings and data for any project by anyone other than RVi. Copyright RVi.

**Meeting with Rick Stephen,
Superintendent of Nadaburg School District**

Wednesday, March 7, 2018, 8:00am

- The purpose of the meeting was to inform the superintendent of our plans for the development of Marisol Ranch and to discuss the Nadaburg school district's need for an elementary school as a part of the project.
- We explained the current status of Marisol Ranch
 - The Masterplan was approved in the County in 2002
 - We are now pursuing annexation into the City of Surprise
 - We are processing a PAD request to establish equivalency zoning.
 - We will be able to make changes to the master plan via a separate application process once the first PAD and annexation request is complete.
 - Annexation is contingent on having the State Land parcel to the south agree.
- The superintendent explained the current status of the Nadaburg School District
 - Nadaburg is unusual in that it is a unified school district, but currently only has two elementary schools (K-8).
 - The district plans to open a freshman-only high school at the Nadaburg campus within the next year or so. This will help tip the scales toward having the state build them a high school facility.
 - The plan is to open a high school within the next 3-5 years. Three sites are being considered including one just south of Marisol Ranch.
 - The Nadaburg schools serve the community in a variety of ways beyond the school day. They have partnerships throughout the region including:
 - Open gym, Health Clinics, outdoor education at Toyota proving grounds, community meeting location, etc.
- In closing, we discussed the following:
 - The proposed 12.0-acre elementary school site will be adequate to serve the district's needs.
 - The superintendent is happy to reach out to his contacts at the State Land department and our state legislators to help with the State Land parcel.
 - We are looking forward to working together as the Marisol Ranch project continues to progress and develop.

Mark Reddie

From: Rick Stephen <rstephen@nadaburgsd.org>
Sent: Wednesday, February 27, 2019 8:32 AM
To: Mark Reddie
Subject: Marisol Ranch

Follow Up Flag: Follow up
Flag Status: Flagged

Good Morning Mark,

I am writing this letter in support of the Marisol Ranch Development. As superintendent of the Nadaburg Unified School District, I have met with representatives of the developer and have fully discussed the project. I am aware of both zoning cases involving the City of Surprise and the State of Arizona. The district is in support of the elementary school site that the developer has proposed.

Please feel free to contact me if you have any questions.

Best,
Rick

Rick Stephen
Principal/Superintendent
Desert Oasis School/Nadaburg Unified School District
623-388-2121 district
623-556-5881 school
623-388-2915 fax
rstephen@nadaburgsd.org

Marisol Ranch Public Participation Report

Cases: FS18-417 & FS18-577

January 2019

Overview

This Public Participation Report has been assembled in conjunction with annexation and zoning requests for a ±634-acre site located at the northeast corner of 163rd Avenue and Lone Mountain Road. A request is being processed to annex the Site into the City of Surprise (case # FS18-417). Along with this annexation, the site will receive equivalency zoning based on its existing zoning within Maricopa County which includes entitlements for up to 1,882 residential units and 7.2 acres of commercial zoning. In addition to this annexation case, a PAD amendment is being requested adjust the development plan to allow for up to 2,270 residential units and 34.0 acres of mixed-use (case # FS18-577). This PAD amendment request is intended to improve the viability and compatibility of the Marisol Ranch development, bringing it in line with today's market conditions.

Summary of Outreach Efforts

A joint neighborhood meeting for the Marisol Ranch annexation and zoning amendment requests and the adjacent Lone Mountain Ranch zoning request was held to provide the public with the opportunity to learn the specifics of the proposed developments, ask questions and express concerns related to the applications. Citizens were informed of the meeting through various means, including:

- A letter was sent by the City of Surprise to 100 neighboring property owners notifying them of the upcoming public meeting (see Exhibit A: City of Surprise Meeting Notice & Mailing List).
- On October 31, 2018 an advertisement was placed in the Surprise Today newspaper by the City of Surprise to notify the community of the upcoming neighborhood meeting (see Exhibit B: Newspaper Notice).
- Both the Marisol Ranch property and the Lone Mountain Ranch property were posted on October 16, 2018 with four (4) signs informing the community of the upcoming neighborhood meeting. Due to a date change for the neighborhood meeting and neighbor feedback on the placement of the signs, the signs were updated and relocated on October 24, 2018 (See Exhibit C: Affidavit of Sign Posting).

The neighborhood meeting was held on November 12, 2018 Desert Oasis Elementary School starting at 6:00 pm. All in attendance were asked to sign in and given comment cards to submit their feedback and inquiries to the project team (See Exhibit D: Sign-In Sheets & Exhibit E: Comment Cards). Multiple team members and city staff members were present at the meeting. Mark Reddie of RVi gave a presentation explaining the proposals for both Marisol Ranch and Lone Mountain Ranch and worked to answer questions from the community. This report documents all communication with private citizens relevant to the projects (See Exhibit F: Neighbor Correspondence).

The project team understands that allowing to residents, property owners and community stakeholders to learn about the project and express their questions or concerns is a vital part of the development process. The team is committed to facilitating an open dialogue that will shape the project as it moves forward.

Response to Community Input

The majority of neighborhood comments received fell into four general categories: 1) concerns about wells; 2) traffic; 3) density; and 4) the environment. The Development Team has worked to address these concerns to the extent reasonable and has listed those efforts below.

- 1) **Concerns about wells:** The groundwater and impact on wells for Marisol Ranch has been studied by a hydrogeologist. Any new wells within Marisol Ranch are regulated by the Arizona Department of Water Resources (ADWR) and Well Impact Requirements of the Phoenix Active Management Area (AMA). These specify that a new well cannot impact the water level of existing registered wells by more than 10 feet after a pumping period of 5 years. The existing well within Marisol Ranch was tested in 2000 and again in 2016. During this time, the water level rose from 514' below ground level to 350' below ground level. Any new wells or modifications to existing wells will follow the requirements of ADWR and will also be submitted to the City of Surprise for review and approval to confirm that impacts to existing wells do not exceed the regulatory requirements.
- 2) **Concerns about traffic:** All public roads adjacent to and within the project will be developed to meet City standards in effect at the time of development. The way that the City of Surprise structures its infrastructure improvement program is that when a property develops, the developer is required to complete the adjacent half streets to City of Surprise standards as set forth in the City's Master Transportation Plan. As the project is developed on a phased basis, the developer will be responsible for constructing these offsite infrastructure improvements which will enhance the overall access and transportation system in accordance with the City's Transportation Plan and will provide a benefit to the entire community. A Traffic Impact Analysis report has been completed and will be provided to City of Surprise staff for review and approval to ensure that the required infrastructure improvements will adequately accommodate the additional vehicular trips generated by this development.
- 3) **Concerns about density:** Currently, the property allows for up to just over 1,800 residential units in accordance with the approved zoning within Maricopa County. This same density will be provided on the property at the time of annexation. The developer is requesting to increase the density through a zoning amendment by approximately 20% to just over 2,200 residential units to allow for an overall community master plan

that is more reflective of current market conditions, and provides for an appropriate balance of residential and non-residential land uses with a variety of lot sizes and product types to serve this growing community. It is important to note that there is significant demand for new housing created by people moving to the Phoenix metro area. This demand is a force which will drive new development opportunities in areas appropriate for growth such as Marisol Ranch.

Based on feedback the development team received from neighbors regarding the overall density proposed for this project, the development team has worked to implement strategies to buffer the proposed development from existing neighboring development. In order to provide an appropriate transition from the existing rural residential uses along the perimeter of the Marisol Ranch property and meet the density transition requirements within the Surprise General Plan, a landscaped open space buffer will be provided along 163rd Avenue and Lone Mountain Road where immediately adjacent to existing residential uses. This will include a 60' wide open space buffer along those portions of 163rd Avenue, and a 150' buffer along those portions of Lone Mountain Road. With the addition of the applicable roadway right-of-way per the City of Surprise standards, these buffers will both provide a 260' setback when combining the roadway right of way and adjacent open space buffer. In addition to the perimeter open space buffer, the first row of homes adjacent to these open space buffers within residential districts shall be limited to single-story in height, further reducing the impact from adjacent properties. These buffers are provided as a requirement within the proposed Development Plan and Open Space Plan.

- 4) **Concerns about the environment:** Marisol Ranch has been designed to be an environmentally sensitive master planned community. Natural open space areas will be preserved throughout the property within drainage corridors and undeveloped hillside areas, particularly those areas which exceed 15% slope. These natural open space areas will serve as important habitats for wildlife and will promote the beautiful native desert character of the property. Trails meandering through these areas will offer future residents an escape into the natural world where they will enjoy listening to the sound of birdsong and wind rustling through the desert vegetation. These natural open space areas will serve as wildlife habitats and corridors allowing space for native plants, animals and future residents to coexist. A minimum of 20% of Site's net residential area will be dedicated as permanent open space.

Additionally, rather than develop the property with a dozens of individual wells which can more greatly impact available groundwater, and individual septic tanks which have environmental impacts, the property will be connected to the City's water and wastewater system, ensuring the long-term viability of the development without a drain on the land by providing multiple well sites and septic tanks scattered throughout the property. All development will be dustproofed with paved roads, ensuring a reduction in particulates in the air caused by existing dirt roads in the area. The development will

meet all local, County and State environmental regulations to ensure a sustainable, environmentally-sensitive community.

Attachments

- Exhibit A: City of Surprise Meeting Notice and Mailing List
- Exhibit B: Newspaper Notice
- Exhibit C: Affidavit of Sign Posting
- Exhibit D: Sign-In Sheets
- Exhibit E: Comment Cards
- Exhibit F: Neighbor Correspondence

Exhibit A:

City of Surprise

Meeting Notice and

Mailing List

CITY OF SURPRISE **CITIZEN REVIEW MEETING**

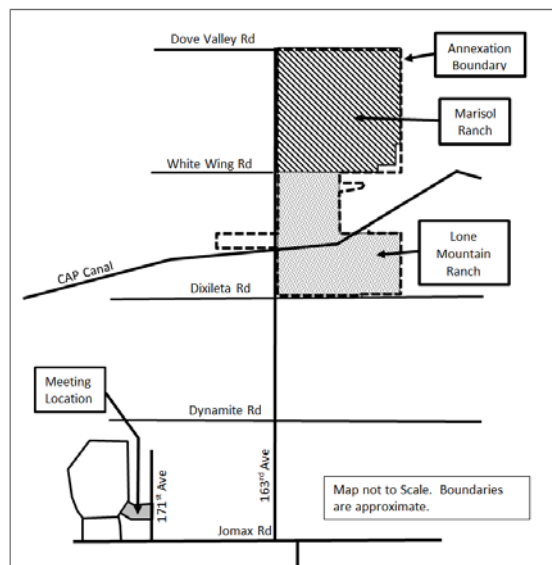
Take notice that at the date, time, and place listed below, there will be a Citizen Review meeting to discuss the below-referenced project. At this meeting, any member of the public may appear and be heard relative to this project. The City of Surprise Community Development Department may be contacted prior to the scheduled meeting for additional information.

City of Surprise Planners:	Robert Kuhfuss	Joshua Mike
	623-222-3137	623-222-3134

CITIZEN REVIEW MEETING DETAILS

DATE: Tuesday, November 13, 2018
TIME: 6:00 PM
LOCATION: Desert Oasis Elementary School
17161 W Bajada Road
Surprise, AZ 85287

Meeting Location & Project Location Map



PROJECT DESCRIPTION: The applicant is requesting approval of the following:

- 1) FS18-417: Annexation of approximately 1,194 acres of unincorporated land into the City of Surprise and establish equivalent City zoning.
- 2) FS18-459: Zone Change from Residential Ranch (RR) to Planned Area Development (PAD) for Lone Mountain Ranch (approximately 486 acres).
- 3) FS18-557: Major PAD Amendment for Marisol Ranch (approximately 634 acres).

The subject site is generally located east of 163rd Avenue and south of Dove Valley Road as depicted in the project location map.

Notification Mailing List

OWNER

ANDERSON JANET R
ARIZONA STATE LAND DEPT
AVILA MARIA ESTELLA TR/ROY
BAILEY LAWRENCE G/LINDA B
BAYNE TAMARA E
BERG ELIZABETH A
BOKS T/ROCKYVICH C/S/VERVILLE M/BOWMAN W/ETAL
BOKS THERESA A
BOTSFORD JEAN
BOTSFORD JOHN
BOTSFORD JOHN/JEAN
BRAFFORD DENNIS W
BRAM MICHAEL L
BREEDLOVE LINDA KATHERINE/TERRY
BURGESS PHILIP D/CHRISTINE L
BURGESS FAMILY REVOCABLE TRUST
BURKHART JOYCE E
CALLIES CATHERINE M TR
CAUTHEN CONRAD/HELELN M
COLE CHARLES S/KALLIE MICHAEL
COLE CHARLES S/MICHAEL COLE KALLIE
COMITZ JOHN W/SYLVIA C
CONNOR CHERYL R
D & I PROPERTIES LLC
DALY WAYNE/LAVERNE TR
DECATO BRUCE
DEHORTY JESSE E/CORKY J
DELAHAUT ANGEL J/JACQUELINE R
DOHERTY JUSTON D
ELLIS DONNA JEAN
FGR PROPERTY INVESTMENTS V LLC
FISCHETTO PAUL F/CALABRESE TAMMY A

FORCUM ANTHONY
FULK RONALD W
GARCIA MICHAEL G/RENEE
GARRETT BRIAN C
GILBERT MICHAEL D/REBECCA F
GONZALEZ HECTOR G/VAZQUEZ INES C
GRAVES NEIL D/PALAZZO-GRAVES PEGGY MARIE
HAMMER SHAWN R
HEXIMER JASON D/TASHA R
HILL ROBERT E
HOLLE ANDREW J/ANGELA V
JACKSON RONALD D/SHARON E
JANTZ DAREN W
JESSE AND CORKY DEHORTY FAMILY LIVING TRUST
JOHNSON DANIEL T/DONNA J
JOHNSON SAMUEL L/DIANA L
JORDAN JAMES R/CLARK CATHLEEN A
JOSE R AND DEBORAH A SANABRIA LIVING TRUST
KDKT FAMILY LIMITED PARTNERSHIP
KEOGH DENNIS F/CYNTHIA L
KOEHN KYRON
KRAWCHUK KENNETH H/CARMELA C TR
KUDIS WAYNE P/SANDY P
LASCARES LORENZO MATADAMAS
LEBHART RICHARD L/KIMBERLY K
LUSTER JANICE
MARISOL 163 LLC
MARTIN CRAIG/SANDRA
MATTHEISEN LAWRENCE L/DELORES I TR
MCDOWELL PEAK HOLDINGS LLC
MCPHEE THERESA
MEISNER STEVEN L
MELANO LINDA L
MEMMOTT CRAIG J/DEILAH

MERCADO GERMAN SUAREZ/SUAREZ IVANNIA
MESS NATHAN R/VAN HUYSEN DENISE
MORO DEANNA
NELSON JEFFREY J
OLAGUE PERLA M
PATTERSON CHRISTINE
PEREZ HERIBERTO/ANDREA
PITTMAN DOUG M/ADRIA D
QAQISH ZIAD/SAMIYOH TR
QASEM RASHA/AL-SAYYED ALI
RANKIN MARTIN W/FREDA L
ROBERTSON LESLIE G/MELANIE A
ROCKYVICH SANDRA
RODGER W SHAWCROFT TRUST/BAYNE LEONARD K
SCHAUER SHAUN L
SHAWCROFT RODGER W TR
SLINKARD LANA
SOUTHWORTH DALE
SPURLIN NEIL G/CATHERINE E
STATTON ERIN K/ROBERT A JR
STEWART MATTHEW A/MARCEE A
STONE JACQUE R
SUAREZ GERMAN/IVANNIA
SUER JEFFREY J/CRYSTAL L
SUROFCHEK MARK/SHELTON MITZI
UNITED STATES OF AMERICA
USA-BOR
VAN DER MAATEN DONALD J /MARYANN P
VISTANCIA NORTH LLC
WENTWORTH ROBERT D/JOETTE L
WENTZEL ALAN H/C BEA
WHEELHOUSE INVESTMENTS I LLC
WILLIAM O LEE PROPERTIES NO 1 LLC
YODER LELAND/SHARON

Exhibit B: Newspaper Notice

Background Screening Services Arizona Board of Regents Request for Proposal

Arizona State University is requesting sealed proposals from qualified experienced firms or individuals, for **RFP-0016-19LXE, Background Screening Services**. Proposals will be accepted in the Office of Purchasing and Business Services, University Services Building, Arizona State University, PO Box 875212, 1551 S. Rural Road, Tempe, Arizona 85287-5212 until **3:00 PM, MST, 11/30/18**. Proposal package is available at: <https://cfo.asu.edu/bid-boards>

A pre-proposal conference will be held at 9:00 a.m. (AZ time) on Monday, October 29, 2018 via Zoom Video Conferencing. See RFP-0016-19LXE for more details.

Publish: Daily News-Sun, October 26, 2018/296624

To Advertise
CALL
623-972-6101

**YOU
CAN'T
AFFORD
NOT
TO**

Notice to Creditors

In the Matter of the Estate of Rutilio Frank Olivar, deceased July 4th, 2018, Case Number PB2018-091137.

Notice is hereby given by the undersigned, administrator of the estate of Rutilio Frank Olivar, deceased, to the creditors of and all persons having claims against the said deceased, to exhibit them with the necessary vouchers within 4 months after the first publication of this notice, to the said administrator (below).

Richard Olivar, Administrator of the Estate of Rutilio Frank Olivar, deceased, 21243 E. Maya Rd., Queen Creek, AZ 85142.

Publish: Daily News-Sun, October 19, 26, November 2, 2018/294454

CITY OF SURPRISE CITIZEN REVIEW MEETING

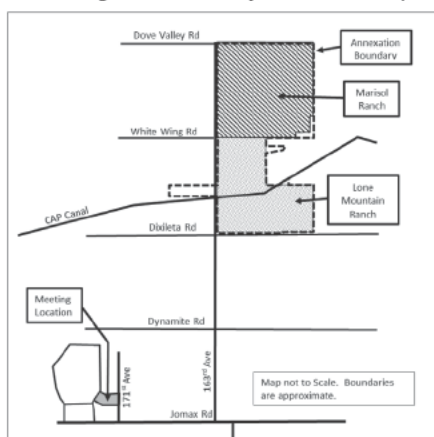
Take notice that at the date, time, and place listed below, there will be a Citizen Review meeting to discuss the below-referenced project. At this meeting, any member of the public may appear and be heard relative to this project. The City of Surprise Community Development Department may be contacted prior to the scheduled meeting for additional information.

City of Surprise Planners: Robert Kuhfuss 623-222-3137 Joshua M ke 623-222-3134

CITIZEN REVIEW MEETING DETAILS

DATE: Tuesday, November 13, 2018
TIME: 6:00 PM
LOCATION: Desert Oasis Elementary School
17161 W Bajada Road
Surprise, AZ 85287

Meeting Location & Project Location Map



PROJECT DESCRIPTION: The applicant is requesting approval of the following:

- 1) FS18-417: Annexation of approximately 1,194 acres of unincorporated land into the City of Surprise and establish equivalent City zoning.
- 2) FS18-459: Zone Change from Residential Ranch (RR) to Planned Area Development (PAD) for Lone Mountain Ranch (approximately 486 acres).
- 3) FS18-557: Major PAD Amendment for Marisol Ranch (approximately 634 acres).

The subject site is generally located east of 163rd Avenue and south of Dove Valley Road as depicted in the project location map.

Publish: Daily News-Sun, October 26, Surprise Today, October 31, 2018/295825

COPY

OCT - 3 2018



CHRIS DEROSE, CLERK
D. VANDEBERG
DEPUTY CLERK

Person Filing: Sandy L. Robbins
Address (if not protected): 3194 Fair Oaks Dr
City, State, Zip Code: Spring Valley CA 91978
Telephone: 619-670-0634
Email Address: _____
Lawyer's Bar Number: _____
Licensed Fiduciary Number: _____

Representing ☒ Self, without a Lawyer or ☐ Attorney for ☐ Petitioner OR ☐ Respondent

SUPERIOR COURT OF ARIZONA IN MARICOPA COUNTY

In the Matter of the Revocable Trust Agreement of Clarence G. Schweitzer and Case Number: PB 2018-003511
Clarice E Schweitzer dated
November 20, 2000

and
WBS Financial Services Inc
Account # 1DB7480 MT Client Id 447444200

NOTICE OF HEARING REGARDING

(Check one box)

☐ Guardianship ☒ Misc Appearance
☐ Guardianship and Conservatorship

THIS IS A LEGAL NOTICE; Your rights may be affected.

An important court proceeding that affects your rights has been scheduled. If you do not understand this notice or the other court papers, contact an attorney for legal advice.

1. **NOTICE IS GIVEN** that the Petitioner has filed with the Court the following Petition and other court paper indicated below (Check the box to indicate whether the Petition was for a Permanent or Temporary appointment, and a second box to indicate whether for Guardian and Conservator, or just one):

Petition for ☒ Permanent ☐ Temporary Appointment of a ☐ Guardian and Conservator (or) ☐ Guardian or ☒ Trustee

Affidavit of Person to be Appointed

2. **COURT HEARING.** A court hearing has been scheduled to consider the Petition and matters in the court papers as follows:

DATE AND TIME: November 27, 2018 at 9:00 Am
PLACE: 101 W. Jefferson, Courtroom 512, Phoenix AZ 85003
JUDICIAL OFFICER: Tom Marquait

3. **RESPONSE TO PETITION.** You are not required to respond to this Petition, but if you choose to respond, you may do so by filing a written response or by appearing in-person at the hearing. If you choose to file a written response:

- File the original with the Court;
- Provide a copy to the office of the Judicial Officer named above; and
- Mail a copy to all interested parties at least five (5) business days before the hearing.

If you object to any part of the Petition or Motion that accompanies this notice, you must file with the court a written objection describing the legal basis for your objection at least three (3) days before the hearing date or you must appear in person or through an attorney at the time and place set forth in the notice of hearing. There is a FEE for filing a response. If you cannot afford the fee, you may file a Fee Deferral Application to request a payment plan from the Court.

DATED: 10/3/2018
(Month/Day/Year)

[Signature]
Petitioner's Signature

© Superior Court of Arizona in Maricopa County
ALL RIGHTS RESERVED
NOH

Page 1 of 1

PBGC18f-091812

Publish: Daily News-Sun, October 5, 12, 19, 26, 2018/291912

We make publishing your legal notices fast & easy!

Business filing, public notices, court summons, legal postings – and more – can now be published in your weekly hometown newspaper!

- All notices published in your local weekly newspaper AND the Daily News-Sun – a newspaper that complies with A.R.S. 10-140.34 and A.R.S. 39-201A & B as required by the State of Arizona for publishing legal notices.
- Includes a notarized affidavit of publication

INDEPENDENT
NEWS MEDIA

Email: legals@newszap.com
Call: **623-972-6101**

CITY OF SURPRISE CITIZEN REVIEW MEETING

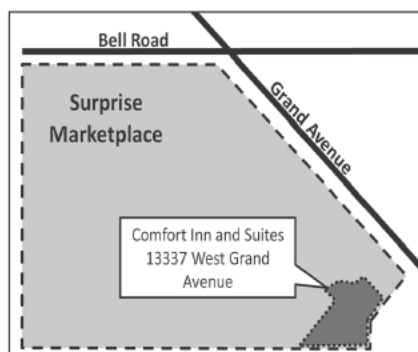
Take notice that at the date, time, and place listed below, there will be a Citizen Review meeting to discuss the below-referenced projects. At this meeting, any of the public may appear and be heard relative to this project. The City of Surprise Community Development Department may be contacted prior to the scheduled meeting for additional information.

City of Surprise Planner: Hobart Wingard
623-222-3156

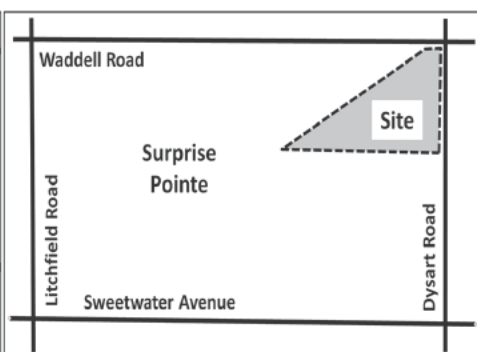
CITIZEN REVIEW MEETING DETAILS

DATE: Thursday, November 8, 2018
TIME: 5:00 PM to 6:00 PM
LOCATION: Comfort Inn and Suites
13337 West Grand Avenue
Surprise, AZ 85374

Meeting Location



Project Location



PROJECT DESCRIPTION: The applicant is requesting approval of a Rezone for 19 acres of the Surprise Pointe Planned Area Development ("PAD"). The property will be rezoned from PAD Light Industrial (PAD- I1) to allow all current PAD-I1 uses over the entire site and to allow Community Commercial (PAD-C2) and Regional Commercial (PAD-C3) over the easternmost 8.98 acres of the property under Case FS18-366.

Publish: Daily News-Sun, October 24, Surprise Today, October 31, 2018/295788

RELIGION BRIEFS

Ministry offers chance to join team

Radiant Church, 15522 W. Paradise Lane, will host Creative Arts Night 6 p.m. Thursday, Nov. 1 for pro-

spective worship or production team members.

The event is designed for a time of fun, fellowship and community as church officials discuss the vision and mission of the Radiant Worship and Creative Arts Ministry.

Child care is available. For information, call Jill

Girdner at 623-975-2662.

UNITARIAN NOW members to discuss fall election

The Unitarian Universalist Church of Surprise, » See Religion on page 3

CITY OF SURPRISE CITIZEN REVIEW MEETING

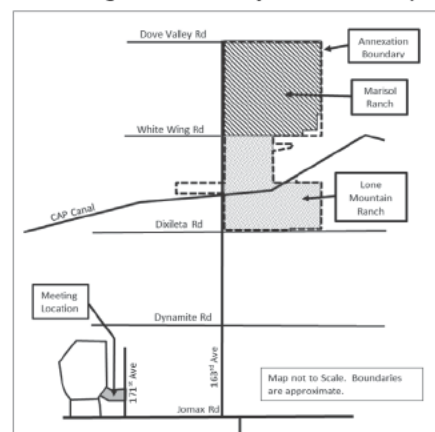
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City of Surprise Planners: Robert Kuhfuss 623-222-3137 Joshua Mike 623-222-3134

CITIZEN REVIEW MEETING DETAILS

DATE: Tuesday, November 13, 2018
TIME: 6:00 PM
LOCATION: Desert Oasis Elementary School
17161 W Bajada Road
Surprise, AZ 85287

Meeting Location & Project Location Map



PROJECT DESCRIPTION: The applicant is requesting approval of the following:

- 1) FS18-417: Annexation of approximately 1,194 acres of unincorporated land into the City of Surprise and establish equivalent City zoning.
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- 3) FS18-557: Major PAD Amendment for Marisol Ranch (approximately 634 acres).

The subject site is generally located east of 163rd Avenue and south of Dove Valley Road as depicted in the project location map.

Publish: Daily News-Sun, October 26, Surprise Today, October 31, 2018/295825



WORSHIP WITH US

Palm West
COMMUNITY CHURCH
a spiritual oasis in the desert

SUNDAY SERVICES

Running Ahead of God

Jonah 4:1-11 • Communion

9:00am & 10:30am – Worship - Pastor Bruce
12:15pm – Picnic in the Park - RH Johnson Picnic Area

Rev. Bruce Schipul
Senior Pastor

Peter Kyhn
Associate Pastor

13845 W. Stardust Blvd., Sun City West, AZ 85375
www.palmwestchurch.org • 623-546-2980

Faith
Presbyterian
Church

Please Join Us • You Are Always Welcome!
10:00 a.m. Sunday Worship • 11:00 a.m. Chat 'n Coffee



Christian Education Tuesdays at 10 am
New Testament Bible study DVD presentations

Concert & Dinner - Thurs. Nov. 8 at 6 pm

"Grand on the Piano" Lynne Haeseler

Staff pianist for Ballet Arizona & Faith Church
Program FREE - dinner tickets \$8 - cut-off Nov. 5

Mon. Nov. 12 at 1 pm - Iona Room
Lightbeams Low Vision Support Group

16000 N. Del Webb Blvd., Sun City, AZ 85351
www.scfaith.org • 623-974-3611

Desert Cove Seventh-day Adventist Church
12400 W Desert Cove, El Mirage, AZ

Saturday Worship Times

9:30 AM-Lesson Study 10:50 AM-Worship Service
Wednesday 7 p.m.-Bible Study

Pastor Steve Gibson

623-466-7202

pastorstevegibson@hotmail.com

Desert Cove

Exhibit C: Affidavit of Sign Posting

AFFIDAVIT OF POSTING

Application No: CR17-558

Applicant Name: Marisol Ranch

Location: NEC 163rd Ave and Lone Mountain

Date Site Posted: October 16, 2018

In order to assist in providing adequate notice to interested parties, the applicant for any *type of public hearing* in the City of Surprise shall erect two (2) signs giving notice of the *date, time and place* of the scheduled hearings. These signs must be erected not less than **fifteen (15) days prior** to the date of the first hearing. The signs shall also include the nature of the request as contained on the formal zoning application. The size and format of this sign shall meet requirements established by the Planning and Zoning Department (see page 2).

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

It shall also be the *responsibility of the applicant* to remove the signs within one week after the final disposition of the case.

I confirm that the site has been posted as required above, for the case noted above. A picture of the site posting, and photos of any subsequent changes/updates made to the sign, have also been submitted.

Meghan Liggett
Applicant/Representative Signature

10/16/18
Date

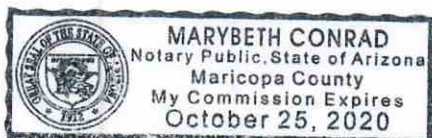
This instrument was acknowledged before me on this 16th day of October,

2018, and by Meghan Liggett. I witness whereof I hereunto

set my hand and official seal.

Mary Beth Conrad
Notary Public

10.25.20
My commission expires





AFFIDAVIT OF POSTING

Application No: CR17-558

Applicant Name: Marisol Ranch

Location: NEC 163rd Ave and Lone Mountain

Date Site Posted: October 16, 2018

In order to assist in providing adequate notice to interested parties, the applicant for any *type of public hearing* in the City of Surprise shall erect two (2) signs giving notice of the *date, time and place* of the scheduled hearings. These signs must be erected not less than **fifteen (15) days prior** to the date of the first hearing. The signs shall also include the nature of the request as contained on the formal zoning application. The size and format of this sign shall meet requirements established by the Planning and Zoning Department (see page 2).

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Applicant/Representative Signature

10/16/18
Date

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2018, and by Meghan Liggett. I witness whereof I hereunto

set my hand and official seal.

Mary Beth Conrad
Notary Public

10.25.20
My commission expires





AFFIDAVIT OF POSTING

Application No: FS18-459 and FS18-417
Applicant Name: LVA an RVi Company
Location: SEC 163rd Ave and Lone Mountain
Date Site Posted: October 24 , 2018

In order to assist in providing adequate notice to interested parties, the applicant for any *type of public hearing* in the City of Surprise shall erect two (2) signs giving notice of the *date, time and place* of the scheduled hearings. These signs must be erected not less than **fifteen (15) days prior to** the date of the first hearing. The signs shall also include the nature of the request as contained on the formal zoning application. The size and format of this sign shall meet requirements established by the Planning and Zoning Department (see page 2).

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Meghan Liggett 10/24/18
Applicant/Representative Signature Date

This instrument was acknowledged before me on this 24th day of October,

2018, and by Meghan Liggett. I witness whereof I hereunto

set my hand and official seal.

Marybeth Conrad
Notary Public

10-25-20
My commission expires





AFFIDAVIT OF POSTING

Application No: FS18-557 and FS 18-417
Applicant Name: LVA an RVi Company
Location: NEC 163rd Ave and Lone Mountain
Date Site Posted: October 24 , 2018

In order to assist in providing adequate notice to interested parties, the applicant for any *type of public hearing* in the City of Surprise shall erect two (2) signs giving notice of the *date, time and place* of the scheduled hearings. These signs must be erected not less than **fifteen (15) days prior** to the date of the first hearing. The signs shall also include the nature of the request as contained on the formal zoning application. The size and format of this sign shall meet requirements established by the Planning and Zoning Department (see page 2).

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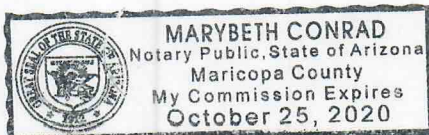
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Marybeth Conrad
Notary Public
10-25-20
My commission expires



Exhibit D: Sign-in Sheets

Project:

Location:

Date & Time:

Marisol Ranch & Lone Mountain Ranch

Desert Oasis Elementary School

Tuesday, November 12, 2018 - 6:00pm

PUBLIC MEETING SIGN-IN SHEET					
Name:	Address:	Phone:	Email:	I'm here for (please check column):	
				Marisol Ranch	Lone Mountain Ranch
Thomas Mitchell				☒	☒
Elizabeth Mitchell				☒	☒
Ronda Robinson				☒	☒
Sharon Jackson				☒	☒
Judi Dobb				☒	☒
Julie Rossignol David Allen				☒	☒
Tom Johnston Dawn Johnston				☐	☐
Craig + Sandra Martin				☒	☒

Project:

Location:

Date & Time:

Marisol Ranch & Lone Mountain Ranch
Desert Oasis Elementary School
Tuesday, November 12, 2018 - 6:00pm

PUBLIC MEETING SIGN-IN SHEET					
				I'm here for (please check column):	
Name:	Address:	Phone:	Email:	Marisol Ranch	Lone Mountain Ranch
Linda Melano				✓	✓
Michael & Renee Garcia				✓	✓
Steve & Susan Strong					
Len & Tammy Bayne					✓
TED / DELORES ANGUS				✓	✓
ROLAND F. WINTERS JR				✓	✓
Ann Gartz				✓	✓
Kevin & Ashley Beal					✓

Project:

Location:

Date & Time:

Marisol Ranch & Lone Mountain Ranch
Desert Oasis Elementary School
Tuesday, November 12, 2018 - 6:00pm

PUBLIC MEETING SIGN-IN SHEET					
Name:	Address:	Phone:	Email:	I'm here for (please check column):	
				Marisol Ranch	Lone Mountain Ranch
D.L. Schraden					
James Gerodimos					
Brandon Toffin					
Paul Fischetto Tammy				X	X
Neil Spence				X	X
Michelle Bram					l
Steve Kallie Col				X	
stuart whitney					

Mitch McGaffey

Project:

Location:

Date & Time:

Marisol Ranch & Lone Mountain Ranch
Desert Oasis Elementary School
Tuesday, November 12, 2018 - 6:00pm

PUBLIC MEETING SIGN-IN SHEET					
				I'm here for (please check column):	
Name:	Address:	Phone:	Email:	Marisol Ranch	Lone Mountain Ranch
Richard & Margorie Standfield				☒	☒
KATHY & RICH SANDOW					
Chris Van Arsdale				☒	
R. + M. PEACE				☒	☒
Gail Sner					
Crystal Suer				☒	☒
Jeff Suer				☒	☒
Michael & Susan Bram				☒	☒

Project:

Location:

Date & Time:

Marisol Ranch & Lone Mountain Ranch

Desert Oasis Elementary School

Tuesday, November 12, 2018 - 6:00pm

PUBLIC MEETING SIGN-IN SHEET

PUBLIC MEETING SIGN-IN SHEET						
					I'm here for (please check column):	
Name:	Address:	Phone:	Email:	Marisol Ranch	Lone Mountain Ranch	
SAM JOHNSON					✓	
DIANA JOHNSON					✓	
WAYNE WILSON				—		
JUDY WILSON						
CONRAD & HELEN CAUTHEN				✓	✓	
CHRISY BURGESS				✓	✓	
Delores Angus						
Marie George						

Project:

Location:

Date & Time:

Marisol Ranch & Lone Mountain Ranch
Desert Oasis Elementary School
Tuesday, November 12, 2018 - 6:00pm

PUBLIC MEETING SIGN-IN SHEET						
					I'm here for (please check column):	
Name:	Address:	Phone:	Email:	Marisol Ranch	Lone Mountain Ranch	
SANDRA LESTER				X	X	
Zolene BLACA						
Kim & Rick Lebhart				X	X	
Dan & Debbie Relaford						
Tammy & Paul Frischetto				X	X	
Lana Steward				X	X	
Ray & Connie Davison						
James Jordan						
Bethany Bishop Moehr				X	X	

SIGN-IN SHEET

I'm here for:

Name	Address	Phone	email	Marisol Ranch	Lone Mountain Ranch
Jacqueline Rea Canoll	[REDACTED]	[REDACTED]	[REDACTED]	Both	Both
Robert Dittmar				both	both
Tracy Bailey					
Mark Bailey					
Robert Bailey					
Kevin Bullinger					
Jeremy Brockway					
Meagan Brockway					
Tony Wilson					
Diana Wilson					
Timothy Wilson	[REDACTED]	[REDACTED]	[REDACTED]		✓
Andy Cepa					✓
June Fallon					
Mike Fallon					

SIGN-IN SHEET

Name
A. Holle

Address


phone

email
—

Mariso/
Ranch

Lone Mountain
Ranch
✓

I'm here for:

Exhibit E: Comment Cards

COMMENT CARD

Marisol Ranch & Lone Mountain Ranch
Neighborhood Meeting – November 13, 2018

Zolub BLARHA

Name

Street Address

COMMENTS / CONCERNS:

Water level will drop !!
no private wells will have water

Please place this card in the box.
Thank you!

COMMENT CARD

Marisol Ranch & Lone Mountain Ranch
Neighborhood Meeting – November 13, 2018

DANIEL SCHRAER

Name

COMMENTS / CONCERNS: C.O.S. CAN'T EVEN TAKE CARE OF THE ROADS/LAND
THEY ALREADY HAVE. THE RESIDENTS WHO ALREADY LIVE HERE DON'T WANT
INCREASED TAXES, INCREASED TRAFFIC, INCREASED CRIME, DEPLETION OF
NATURAL RESOURCES, FURTHER ENCRoACHMENT OF WILDLIFE & PRISTINE
DESERT. IF I WANTED PEOPLE LIVING 6' FROM ME, I WOULD'VE STAYED IN
THE ARMY ON WHEELS INTO TOWN

Please place this card in the box.
Thank you!

COMMENT CARD

Marisol Ranch & Lone Mountain Ranch
Neighborhood Meeting – November 13, 2018

Debbie Relaford

Name

COMMENTS / CONCERNS:

Having this project come - How are
you going to provide water to everyone,
without draining water out of ~~my~~ well.
With all this impact, what kind of effect will this
do to my well water?
- I think you are putting too many homes on a acre -
If this goes thru.

Please place this card in the box.
Thank you!

COMMENT CARD

Marisol Ranch & Lone Mountain Ranch
Neighborhood Meeting – November 13, 2018

Judy Wilson

Name

Street Address

Email Address

Phone Number

COMMENTS / CONCERNS:

poorly planned meeting! could not
hear or see maps. Could not answer
most questions. Very disappointed -

Please place this card in the box.
Thank you!

COMMENT CARD

Marisol Ranch & Lone Mountain Ranch
Neighborhood Meeting – November 13, 2018

Paul and
Tammy Fischetto

Street Address

Phone Number

COMMENTS / CONCERNS:

Dont want it and Block view
of Mountain's

Please place this card in the box.
Thank you!

COMMENT CARD

Marisol Ranch & Lone Mountain Ranch
Neighborhood Meeting – November 13, 2018

RICHARD STANCHFIELD

Name

Street Address

Email Address

Phone Number

COMMENTS / CONCERNS:

MY WATER WELL?, 163 TRAFFIC, TRAIN CROSSING

Please place this card in the box.
Thank you!

COMMENT CARD

Marisol Ranch & Lone Mountain Ranch
Neighborhood Meeting – November 13, 2018

Id Angus

Name

Email Address

Phone Number

COMMENTS / CONCERNS:

We are concerned about light pollution
in addition to water issues, traffic, and many
other issues, Loss of Habitat for wild life!

Please place this card in the box.
Thank you!

COMMENT CARD

Marisol Ranch & Lone Mountain Ranch
Neighborhood Meeting – November 13, 2018

DIANA JOHNSON

Name

Email Address

Phone Number

COMMENTS / CONCERNS:

LOSS OF STATE LAND FOR RIDING OUR HORSES & 4 WHEELERS
WHERE WILL THE WATER COME FROM? WHAT WILL IT DO TO OUR EXISTING
WELL WATER SUPPLY? THE ROAD IS ALREADY INADEQUATE FOR EXISTING
TRAFFIC! THERE ARE ALREADY HOUSING DEVELOPEMENTS THAT ARE
NOT COMPLETED. WE MOVED IN THE COUNTY 8 YEARS AGO TO ENJOY
RURAL LIVING! PLEASE DO NOT BUILD ANY MORE HOUSING DEVELOPEMENTS!!
HOW MANY HOMES ARE THESE "EXISTING" WELLS? NEXT MEETING: USE A P.A. SYSTEM PLEASE

Please place this card in the box.
Thank you!

COMMENT CARD

Marisol Ranch & Lone Mountain Ranch
Neighborhood Meeting – November 13, 2018

Sharon Jackson

Name

Street Address

Email Address

Phone Number

COMMENTS / CONCERNS:

Dont want to be annexed in, there is to many houses going up. I moved out here to get out of city. Horting all wild life. To much Traffic!

Please place this card in the box.
Thank you!

COMMENT CARD

Marisol Ranch & Lone Mountain Ranch
Neighborhood Meeting – November 13, 2018

stuart whitney

Name

Street Address

Email Address

Phone Number

COMMENTS / CONCERNS:

It is zoned R-43 it should stay R-43. If you cannot make enough money off of 1 acre, then you should not take the desert and destroy peoples life, for your profits. EXPECT lawsuits!!!!

Please place this card in the box.
Thank you!

COMMENT CARD

Marisol Ranch & Lone Mountain Ranch
Neighborhood Meeting – November 13, 2018

Jude Dodeo

Name

Email Address

Phone Number

COMMENTS / CONCERNS:

We moved to the country to get away from the city.
Higher taxes!
Will we receive surprise police/fire, etc, or continue to receive services from Sun City West fire? Law enforcement?
Will water/sewage change. IF this incorporates annexation?
Will there be more housing communities be approved resulting in MORE crowding.
Please place this card in the box.
Thank you!
Why can't we citizens VOTE for or against this????
That is UN-AMERICAN

COMMENT CARD

Marisol Ranch & Lone Mountain Ranch
Neighborhood Meeting – November 13, 2018

Tammy Bayne

Name

Street Address

COMMENTS / CONCERNS:

Copy of all maps

COMMENT CARD

Marisol Ranch & Lone Mountain Ranch
Neighborhood Meeting – November 13, 2018

Craig Martin

Name

Email Address

Phone Number

COMMENTS / CONCERNS:

1. Presently all the area around the lone mountain ranch is Rural Residential. Why would lone mountain ranch be zoned R-1 and not RR?
2. The planning maps show access to Lone Mountain Ranch from roads from Saguaro View Subdivisions. Will the developer be required to improve the roads in Saguaro View because of increased traffic.

Please place this card in the box.
Thank you!

OVER →

3. If Saguaro View wells run dry, what are our options?

4. There are presently multiple Arroyos that flow from the Lone Mountain Ranch south across Saguaro View Subdivision. It appears that only the large arroyos are being looked at as far as flow. How are these smaller arroyos being considered?

COMMENT CARD

Marisol Ranch & Lone Mountain Ranch
Neighborhood Meeting – November 13, 2018

ANN GANTZ

Name

Email Address

Phone Number

COMMENTS / CONCERNS:

Traffic Roads, Wells Drying up
Due to using ground water, water
should be supplied from Elsewhere
losing open land - Not our ground
State trust land water

Please place this card in the box.
Thank you!

Increase taxes,
Losing Property to
Easements for
these Developments

Roads going thru
from 303 to
Grand - Will this
mean buying out
People's homes
that are on land
average

COMMENT CARD

Marisol Ranch & Lone Mountain Ranch
Neighborhood Meeting – November 13, 2018

Name Julie Rossignol

Name

Email Address

Phone Number

COMMENTS / CONCERNS:

We already feel the effects of the developments in the area including, but not limited to: flooding to dangerous levels that trap us in or out of our street; crime has increased + graffiti on the beautiful mountainsides; traffic issues because there's no way in/out except 2 routes; noise is crazy loud from traffic. STOP the developments! We are on wells + depend on our water, this affects us that are already here!!! OVER →

Please place this card in the box.
Thank you!

The gentleman holding the meeting had no answers to our questions.

I learned that essentially 8,000 people (4,000 households) will be needing access to Marisol Ranch + a state land piece with only 163rd Ave + Jomax (possibly Lone Mtn at later date) as access. This needs to be stopped!!! We moved to the country to get away from the city!!! Please STOP!

COMMENT CARD

Marisol Ranch & Lone Mountain Ranch
Neighborhood Meeting – November 13, 2018

Name Neil Spurlin

Name

Email Address

Phone Number

COMMENTS / CONCERNS:

- LACK OF COMMERCIAL DEVELOPMENT AS PROMISED
- SUB-PAR ROADS - 163RD HAS BEEN CHIPSEALED 3X ALREADY THIS YEAR & STILL CRAPPY
- LACK OF PROPER DRAINAGE ON DEVELOPMENTS ALL READY IN PLACE
- ADDED TRAFFIC TO BAD ROADS — OVER —

Please place this card in the box.
Thank you!

- CAN'T SELL LOTS IN ASANTE OR DESERT OASIS
- NOT ENOUGH WATER IN THE AREA, WOULD CAUSE HARDSHIP ON THOSE NOT IN THE CITY.
- NOT ENOUGH ROADS TO HANDLE ADDED TRAFFIC

Exhibit F: Neighbor Correspondence

From: Joshua Mike
To: [REDACTED]
Cc: Mark Reddie; Robert Kuhfuss; Annie Vos
Subject: RE: Proposed development at Dixileta and 163rd Ave to 155th Ave., Surprise, AZ
Date: Friday, November 30, 2018 5:04:45 PM

Good Afternoon Helen and Conrad,

Your input is appreciated and we noted your opinion. It will be included in the file as the project continues to be reviewed.

I have included the applicant's email address (Mark Reddie with RVI Planning) if you need that information to communicate with him directly. As part of the community outreach requirements they compile all comments, concerns, and questions into a report and submit it to staff and will be included in the Public Hearings going before the Planning and Zoning Commission and City Council.

Thanks
Joshua J Mike
Planner II

City of Surprise | Community Development
16000 N. Civic Center Plaza | Surprise AZ | 85374
623.222.3134 t
623.222.3001 f

From: Danielle Osborne
Sent: Friday, November 30, 2018 10:36 AM
To: Joshua Mike
Cc: Robert Kuhfuss
Subject: FW: Proposed development at Dixileta and 163rd Ave to 155th Ave., Surprise, AZ

Here you go!

From: Helen Cauthen <>
Sent: Monday, November 12, 2018 1:52 PM
To: Robert Kuhfuss <Robert.Kuhfuss@surpriseaz.gov>; Joshua.mike@surprizeAz.gov;
Planner@surpriseAz.gov; Mayor [REDACTED] Todd Tande
[REDACTED] Roland Winters [REDACTED]; Nancy Hayden
[REDACTED] Patrick Duffy [REDACTED]; Ken Remley
[REDACTED]; Skip Hall [REDACTED]; Jodi Tas
[REDACTED]
Subject: Proposed development at Dixileta and 163rd Ave to 155th Ave., Surprise, AZ

*****The e-mail below is from an external source. Please do not open attachments or click links from an unknown or suspicious origin.*****

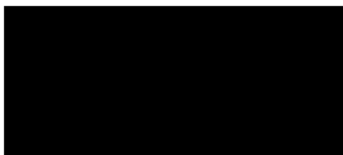
Dear Sirs –

Our family moved to this area 7 years ago, and specifically chose our location (155th & Dixileta), because we were told that the area just north of us, was BLM and state trust land, and it would not be built on.

The news that it is being considered for a multi-home development, is extremely distressing. Not only will that create unwanted traffic, damage to our desert vegetation and wildlife, but so much congestion and possible future flooding, in areas that are already compromised.

We do not want this development to build here – it will permanently change our way of life.

Sincerely,
Helen & Conrad Cauthen



City of Surprise offices open at 8 a.m. and close at 5 p.m. Monday through Friday. More info at www.surpriseaz.gov.

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

01 Dec 2018 00:04:36 -0000



April 28, 2019

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

References:

1. Planning and Zoning Commission Meeting May 2, 2019, Agenda Item 6.
2. Zoning Change case FS18-459 for Lone Mountain Ranch

I would like to provide the following comments and concerns regarding the referenced proposed zoning change:

1. The proposed area presently has over 12 washes/arroyos that run south and cross the path of the proposed Dixileta Dr. into the Saguaro View Subdivision. The proposed development only shows keeping 3 major arroyos instead of the 12. The three major arroyos primarily drain the area to the north of the CAP and do not really drain much of the area to the south of the CAP between these major arroyos. As a result, the three major arroyos will see increased flow, while the smaller ones will be eliminated. **This will have a severe environmental impact to the existing arroyos south of Dixileta.** Where the smaller arroyos are cut off, the trees will die off due to decreased water flow and with the water flow being diverted to only three drainages, those arroyos may be subject to greater flooding depending on the volume held in retention basins. For example, the arroyo next to my house will be cut off and thus the flow of water that came from about 40 acres to the north will no longer flow through the arroyo across my property. Water from about 40 acres is substantial. During heavy rains, this arroyo runs over three feet deep. That water soaks into the ground and waters the trees along its banks. Without the 40 acres of watershed, the arroyo will no longer flow and the trees will die.

In the Lone Mountain Ranch PAD Narrative dated April 2019, the drainage description is over simplified, and does not account for downstream continuation of water flow. The Narrative states: *"Onsite rainfall runoff from the Project will be routed within the streets and/or storm drain to retention basins. These basins will be designed to store the tributary runoff generated from the 100-year, 2-hour storm event. Ultimately, the proposed drainage conditions will mimic existing drainage patterns and ultimately exit the Project at the historical outfall points"* Presently, the plan only shows what appears to be 4 points of exit instead of the more than 12 points that exist. This will result in a significant change to the water flow to the south of the development and adversely affect those landowners.

Attached is a mark-up showing the drainage area of the arroyo that flows across my property. This has not been adequately addressed in the plans even though it represents a substantial area of drainage.

2. Because the area around the proposed Lone Mountain Ranch is RR and generally one dwelling for 2.5 acres, the local wildlife has learned to live in and amongst the houses with access to the desert through the area proposed for the Lone Mountain Ranch. This includes coyote, Javelina, bobcats, mountain lions, snakes, rodents, and even rats, and then there are the birds like the road runners, owls, hawks, quail, and a myriad of other desert critters. This development will cause a disruption to the wildlife and cause issues to the people in the development that is not exactly normal habitat for these creatures.
3. The areas surrounding the Lone Mountain Ranch proposed subdivision are presently Residential Ranch (RR). Changing the Zoning from RR to PAD is really not in keeping with the use and character of the area. The 150 ft buffer proposed along Dixileta Dr. is a good start to help with the transitions between the two very different areas, however, there are a lot of issues that will arise because of the nature of the two different zonings. Examples of conflicts will be ranch noises such as cows mooing and roosters crowing at all hours of the night and day and the smells of ranch animals as well as the flies and dust. With the winds primarily out of the south and west, smells, dust and insects will migrate towards the new subdivision which could be of concern to the new occupants. People living in a RR zone expect these things and accept them, but people in a development may not appreciate or accept them as readily which may cause conflict.

Thank you for your consideration of these important items.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Craig Martin', with a stylized, flowing script.

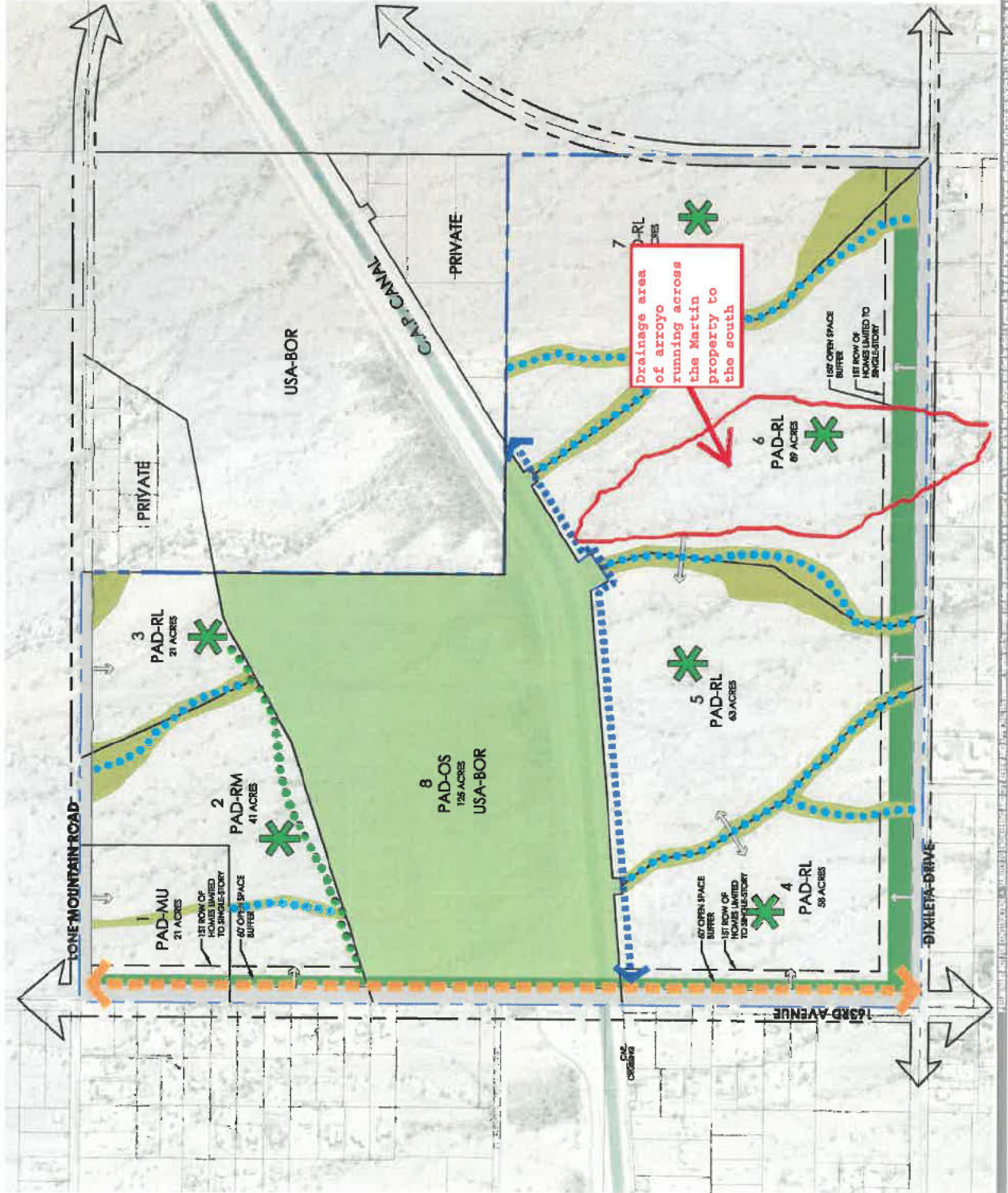
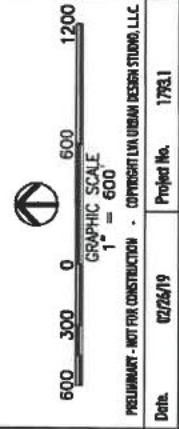
Craig Martin

LONE MOUNTAIN RANCH

Planned Area Development

Figure 6 Recreation and Open Space Plan

- Pocket Park
Developed open space to serve individual neighborhoods
 - Internal Trail (8' Wide)
Multi-Use Trail - Natural & Hard Surface
 - Internal Trail (10' Wide)
Multi-Use Trail - Natural & Hard Surface (Wash)
 - Multi-Use Trail
12' wide trail within 100' Road R.O.W. concrete
 - C.A.P. Canal Trail (8' Wide)
 - Conceptual Access Locations
 - Wash Corridor: Approximately 40 Acres
Wash Corridors serve as natural open space and connectivity corridors (Actual coverage to be determined at time of development)
 - Open Space Buffer
 - Open Space Buffers serve to provide a buffer between new and existing development
 - Bureau of Land Reclamation (BOR) OS
The BOR parcel is being received from 8U-43 to OS.
- Subject to engineering and City review and approval.



LONE MOUNTAIN RANCH PLANNED AREA DEVELOPMENT - RECREATION AND OPEN SPACE PLAN May 14th, 2019

Robert Kuhfuss

From: Karen R. Christopherson [REDACTED]
Sent: Sunday, April 28, 2019 9:06 AM
To: Robert Kuhfuss; Lloyd Abrams; James Stewart
Cc: Mayor; Roland Winters
Subject: Opposition to rezoning - Lone Mountain (& Marisol Ranch)

****The e-mail below is from an external source. Please do not open attachments or click links from an unknown or suspicious origin.****

I'd like to express my opposition to the rezoning of the Lone Mountain (RR to PAD) and Marisol Ranch (in general, as PAD)

Some reasons:

1) Disturbance of wildlife in the area:

Numerous species that use this area, either as a home or migration. The animals include: burros (part of the Lk Pleasant herd), bobcats, mountain lions, coyotes, badgers, great-horned owls, javelina, jackrabbits, red-tailed hawks, long-tailed/pocket mouse.

The rural zoning has not disrupted these animals much - they move through our properties and along washes. Birds nest in the saguaros and native trees. Those of us in the rural setting appreciate and respect the wildlife.

Higher density and more roads (internal to these developments) plus loss of habitat will disrupt the lives of many of the (mostly native) species.

2) Vagueness on water supply:

pg 17 of Lone Mountain Ranch PAD Narrative April 2019-

"The Integrated Water Master Plan: Water Infrastructure Final Report (Malcolm Pirnie, 2009) outlines using WSF-5 as the planned near-term solution for parcels 1 – 3 of the Project, therefore this solution is anticipated to serve these parcels of the Project after the interim solution. Since parcels 4 – 9 of the Project are in a different service area than parcels 1 – 3 of the Project they are anticipated to be served by the existing Desert Oasis WSF. A proposed interim solution to serve the Project is to use the existing water infrastructure within SPA2. Since SPA 2 lies within the lower pressure zones of PZ-2A, PZ-3A and PZ-2C, a booster pump station will be required. A near term solution is constructing an onsite water supply facility, and booster pump station on or near the Project site to serve the Project."

I could not find, "Detailed water analysis for Lone Mountain Ranch is provided in Appendix B, Master Water Plan"

But, on pg 3 of the "Lone Mountain Ranch Public Participation Report Case: FS18-459 January 2019", it says,

"1) Concerns about wells: The groundwater and impact on wells for Lone Mountain Ranch has been studied by a hydrogeologist. Any new wells within Lone Mountain Ranch are regulated by the Arizona Department of Water Resources (ADWR) and Well Impact Requirements of the Phoenix Active Management Area (AMA). These specify that a new well cannot impact the water level of existing registered wells by more than 10 feet after a pumping period of 5 years. An existing well within Marisol Ranch, to the north, was tested in 2000 and again in 2016. During this time, the water level rose from 514' below ground level to 350' below ground level."

MY COMMENTS:

Words like "near-term" and "interim" hardly make me feel comfortable about the water supply plans. Then, regarding wells - the fact that a well went from 514' to 350' below ground level MEANS ALMOST NOTHING. What it does mean is that when tested in 2016, the water depth from 350' from surface.

Two other monitored wells within a mile or so of that well showed a similar decrease in depth to water over that time period. Those data are available online, for state-monitored wells with data on an annual basis

Unless there are more data in the missing Appendix B, there are no data for pumping tests, drawdown, etc. IF they plan on using wells, an incredibly thorough testing program will need to be done, and on more than one well.

Also, the statement, "new wells cannot impact the water level of existing registered wells by more than 10 feet after a pumping period of 5 years" doesn't make me feel very assured. If there is any chance of well water supply for these areas, we (as well owners) need to see specific plans about how this monitoring would occur and what the penalties are.

3) Disruption of RU-43 character, and transition:

All of the surrounding homes are essentially RU-43/similar, on large lots (1-5 acres or so). Many people have horses and enjoy the quiet, lack of light pollution, lack of street noise, abundance of wildlife, and numerous ways to recreate (horseback riding, running, walking, mountain biking, off-road vehicles, etc.)

In the Surprise General Plan 2035, it says:

(pg 37)

" Compatibility and Transition Measures To help limit the impact on adjacent existing or potential uses and promote overall land use compatibility, new development should utilize the following transition measures at the neighborhood edge: • Respect the context of adjacent building form and architectural style; • Adjust densities to provide a gradual transition to surrounding uses; Step buildings (via building massing, footprint size, and height) to reduce the visual impact to surrounding uses; • Provide similar streetscape and landscape design to surrounding uses; • Utilize appropriate setbacks to blend and transition between surrounding uses; and/or • Place enhanced landscape/open space buffers between uses; additional measures should be taken to emphasize transition through integration and encourage connectivity between new development and surrounding uses."

(pg 40)

"Suburban Neighborhoods represent the transition area between rural settings and urban environments" This is for density of 2-8 du/ac

Then, on pg 15 of Lone Mountain Ranch PAD Narrative April 2019, it says,

"Buffer Open Space

In order to provide an appropriate transition from the existing rural residential uses along the perimeter of the Lone Mountain Ranch property and meet the density transition requirements within the Surprise General Plan, a landscaped open space buffer will be provided along 163rd Avenue and Dixileta Road along the entire southern and western perimeter of the property. This will include a 60' wide open space buffer along 163rd Avenue, and a 150' wide open space buffer along Dixileta Road. With the addition of the applicable roadway right-of-way per the City of Surprise standard, these buffers will both provide a 260' setback when combining the right-of-way with the adjacent open space buffer. In addition to the perimeter open space buffer, the first row of homes adjacent to these open space buffers within residential districts shall be limited to single-story in height."

MY COMMENT:

150' plus Dixileta Rd, and limiting the first row of homes to single-story hardly constitutes a decent transition in this area. The buffer should be wider, and all homes south of the canal should be limited to single-story

4) Washes and flood zones

Figure 6 of the Lone Mountain Ranch PAD Narrative April 2019, titled Recreation and Open Space Plan, shows "wash corridors" with internal trails.

These wash corridors cross Dixileta in 4 places and Lone Mountain in 3. However, if you look at the FEMA flood plain maps, and/or Google Earth, you will see that there are numerous other wash crossings on Dixileta, and that the wash crossing on Lone Mountain are much wider.

Did the planners (RVI etc.) make a field visit to the site? Have any of the P&Z staff been up there? These washes are something that need to be addressed re their depth, width, flooding capacity, wildlife habitat, etc. They also need to consider calling these internal trails. If they are going to consider these trails, then portions of the washes need to be inspected for blockages that occur after large rains (meaning that they are not exactly trails in places).

I'm not sure how they are going to get their planned density squeezed in around all these washes.

I cannot attend the P&Z meeting on May 2 because of travel. But people from this area will be expressing views, and they know mine. In general, why build PAD up here? Surprise has so much growth. It was said at the recent council meeting, something like, "Just how large do we want to be?" Can you not keep the PAD confined to certain areas, and not mixed in with the few areas of RU-43/Rural zoning? Surprise can only get so big.

Thanks,

Karen R Christopherson, Geophysicist
Chinook Geoconsulting, Inc.

Robert Kuhfuss

From: Tammy Bayne [REDACTED]
Sent: Tuesday, April 30, 2019 4:45 PM
To: Roland Winters; Robert Kuhfuss; Joshua Mike; Surprise City Planner; Jacqueline Rea Carrol
Cc: Mike Gent; Eric Fitzer
Subject: Re: Lone Mountain Ranch Citizens Review Meeting

****The e-mail below is from an external source. Please do not open attachments or click links from an unknown or suspicious origin.****

Hello all,

Jacqueline says that you don't know about our petition to stop the rezoning of the Lone Mountain Project.

As you can see I sent the link back in November and I have followed up with Roland as recently as two weeks ago. With no response.

Sent using [Zoho Mail](#)

----- On Tue, 13 Nov 2018 10:11:00 -0800 Tammy Bayne [REDACTED] wrote -----

Hello,

Just so you know, the letter mailed has the meeting time as 6:00pm. However, the road sign everyone is reading says 6:30.

The attached is the sign before the meeting date was changed. But the time on the revised sign still says 6:30.

Also, it appears that the Marisol part of this project has been on going for many years. And this area being county, they have worked with Maricopa County regarding the flood plain.

You guys may want to include Eric Fitzer and Mike Gent in on the 4 projects north of Jomax. We have all been trying to work on the road, flooding and general maintenance to make the streets safe for residents as well as public works, bus, fire and police safe when it floods. A few weeks ago they had a public forum regarding all the problems and one point was they were going to coordinate with Maricopa County Flood Control.

They can also tell you that during monsoon it is very, very active out here.

You can view some of the flood photos here. I have attached one from September on Dale Lane Close to where Tierra Rico is bring planned.

<https://m.facebook.com/groups/1869577553297434>

Lastly, we have formed a petition for those against all the new projects. We know 6 of them are already a go. The 2 at Asante, 2 in Desert Oasis and 2 south of Jomax (Happy Valley) area. We are mostly concerned about the 4 projects north of Jomax. Especially Lone Mountain Ranch and Tierra Rico.

We are hoping we can stop or at least slow down until we have better ways in and out. If there was a wall at Jomax, there is NOT ONE way out unless you are four wheeling and trespassing out in the desert.

Hopefully there will be a great turn out tonight. See you there.

https://www.change.org/p/city-of-surprise-stop-the-city-of-surprise-from-annexing-approving-so-many-home-projects-in-nw-dist-1?recruiter=688416356&utm_source=share_petition&utm_medium=copylink&utm_campaign=psf_combo_share_initial.pacific_abi_select_all_contacts.select_all.pacific_email_copy_en_gb_4.v1.pacific_email_copy_en_us_5.v1.pacific_email_copy_en_us_3.control.pacific_post_sap_share_gmail_abi.fake_control.lightning_share_by_medium_message.control.lightning_2primary_share_options_more.control&utm_term=triggered

Thank you,
Tammy Bayne

Sent from Zoho Mail on iPhone

Robert Kuhfuss

From: Ellen VanRiper
Sent: Wednesday, May 01, 2019 9:00 AM
To: Lloyd Abrams; Robert Kuhfuss; Joshua Mike
Subject: FW: Update on petition — City of Surprise: Stop the City of Surprise from annexing

FYI

Ellen Van Riper
Chief Deputy City Attorney
City of Surprise | 16000 N Civic Center Plaza | Surprise AZ 85374
Direct: 623.222.1162 | Fax: 623.222.1101
[REDACTED]

"Each of us brings to our job, whatever it is, our lifetime of experience and our values."
Sandra Day O'Connor

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From: Sherry Aguilar
Sent: Wednesday, May 01, 2019 8:59 AM
To: Ellen VanRiper
Subject: RE: Update on petition — City of Surprise: Stop the City of Surprise from annexing

Thank you Ellen!

From: Ellen VanRiper
Sent: Wednesday, May 01, 2019 8:49 AM
To: Sherry Aguilar; Mayor & Council; [REDACTED]
Cc: Lorraine Nevarez; Jodi Tas; Lloyd Abrams; Chris Boyd; Robert Wingo; Linda Stevens; Brandon Hiller; Jenna Bowen
Subject: RE: Update on petition — City of Surprise: Stop the City of Surprise from annexing

Thank you Sherry. Community Development will also apprise the applicant and send them these items, as well as anything else that is received.

Ellen Van Riper
Chief Deputy City Attorney
City of Surprise | 16000 N Civic Center Plaza | Surprise AZ 85374
Direct: 623.222.1162 | Fax: 623.222.1101
[REDACTED]

"Each of us brings to our job, whatever it is, our lifetime of experience and our values."
Sandra Day O'Connor

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From: Sherry Aguilar
Sent: Wednesday, May 01, 2019 8:46 AM
To: Mayor & Council; [REDACTED]
Cc: Lorraine Nevarez; Jodi Tas; Lloyd Abrams; Chris Boyd; Ellen VanRiper; Robert Wingo; Linda Stevens; Brandon Hiller; Jenna Bowen
Subject: Update on petition — City of Surprise: Stop the City of Surprise from annexing

Mayor & Council, Planning & Zoning Commissioners, this petition was filed with the City Clerk's Office by email as indicated below by Tammy Bayne.

As correspondence comes in, I will be forwarding the documents to you.

Thank you,

Sherry Ann Aguilar
City Clerk, MMC
16000 N. Civic Center Plaza
Surprise, AZ. 85374
Office: 623-222-1220
clerk@surpriseaz.gov

Regular Office hours are Monday - Friday 8:00 a.m. - 5:00 p.m.

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From: Tammy Bayne [REDACTED]
Sent: Tuesday, April 30, 2019 7:06 PM
To: Roland Winters; Joshua Mike; Surprise City Planner; Robert Kuhfuss
Cc: Jacqueline Rea Carrol; Mike Gent; Eric Fitzer; Mayor; Sherry Aguilar
Subject: Fwd: Update on petition — City of Surprise: Stop the City of Surprise from annexing

****The e-mail below is from an external source. Please do not open attachments or click links from an unknown or suspicious origin.****

The link to the petition is below and the signatures are attached.

Sent using [Zoho Mail](#)

===== Forwarded message =====

From: Tammy Bayne [REDACTED]
To: "Tammy S. Bayne" [REDACTED]
Date: Tue, 30 Apr 2019 18:41:57 -0700
Subject: Update on petition — City of Surprise: Stop the City of Surprise from annexing
===== Forwarded message =====

Hi,

I wanted to share an exciting update about a petition I signed on Change.org: "City of Surprise: Stop the City of Surprise from annexing & approving so many Home Projects in NW Dist 1.".

Read about the update "URGENT - Stop the ReZoning of Marisol and Lone Mnt Ranch projects. Meeting 5/7" below, and join me in supporting this campaign by signing the petition!

<http://chng.it/tjJ7n5BJh4>

Thanks!
Tammy

Sent from my iPhone

Robert Kuhfuss

From: Karen R. Christopherson [REDACTED]
Sent: Friday, May 03, 2019 7:49 AM
To: Lorraine Nevarez; Roland Winters
Cc: Mayor; James Stewart; Lloyd Abrams; Robert Kuhfuss; [REDACTED]
Subject: Annexation and rezoning - Lone Mountain & Marisol Ranch

*****The e-mail below is from an external source. Please do not open attachments or click links from an unknown or suspicious origin.*****

1) We'd like to request the Appendix B, Master Water Plan, as referenced below

"Detailed water analysis for Lone Mountain Ranch is provided in Appendix B, Master Water Plan."

on page 18 of the "Lone Mountain Ranch PAD Narrative April 2019 Prepared For: Arizona State Land Department Case # FS18-459"

I could not find that Appendix in any supplied documents

2) In the annexation documents provided for the next meeting, on Page 6 PRE-ANNEXATION DEVELOPMENT AGREEMENT. it says

"6.2 Upon final and effective annexation, Surprise shall provide all Surprise services to the Annexation Parcels, including, but not limited to water, sewer, trash collection, police and fire protection and all other services typically provided by Surprise to its residents"

Does this mean Surprise is going to be responsible for the water, and if so, is this detailed anywhere as to the source(s) of water, etc?

Thank you,

Karen R Christopherson
Chinook Geoconsulting, Inc.
[REDACTED]

In a message dated 4/30/2019 9:52:19 AM Pacific Standard Time, [REDACTED] writes:

Hello Ms. Christopherson,

I'm received your comments and will distribute to the Planning and Zoning Commission.

Regards,

Lorraine Nevarez

Administrative Specialist – Sr.
City of Surprise | Community Development
16000 N. Civic Center Plaza | Surprise AZ | 85374

www.surpriseaz.gov

623.222.3154 t
623.222.3001 f

From: "Karen R. Christopherson" [REDACTED]
Date: Sunday, April 28, 2019 at 9:05 AM
To: Robert Kuhfuss <Robert.Kuhfuss@surpriseaz.gov>, Lloyd Abrams <Lloyd@surpriseaz.gov>, James Stewart <James.Stewart@surpriseaz.gov>
Cc: Mayor <Mayor@surpriseaz.gov>, Roland Winters <Roland.Winters@surpriseaz.gov>
Subject: Opposition to rezoning - Lone Mountain (& Marisol Ranch)

****The e-mail below is from an external source. Please do not open attachments or click links from an unknown or suspicious origin.****

I'd like to express my opposition to the rezoning of the Lone Mountain (RR to PAD) and Marisol Ranch (in general, as PAD)

Some reasons:

1) Disturbance of wildlife in the area:

Numerous species that use this area, either as a home or migration. The animals include: burros (part of the Lk Pleasant herd), bobcats, mountain lions, coyotes, badgers, great-horned owls, javelina, jackrabbits, red-tailed hawks, long-tailed/pocket mouse.

The rural zoning has not disrupted these animals much - they move through our properties and along washes. Birds nest in the saguaros and native trees. Those of us in the rural setting appreciate and respect the wildlife.

Higher density and more roads (internal to these developments) plus loss of habitat will disrupt the lives of many of the (mostly native) species.

2) Vagueness on water supply:

pg 17 of Lone Mountain Ranch PAD Narrative April 2019-

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(pg 37)

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Thanks,

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Chinook Geoconsulting, Inc.

[REDACTED]

[REDACTED]


chinook-inc.com

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30 Apr 2019 16:52:17 -0000

Robert Kuhfuss

From: Lloyd Abrams
Sent: Friday, May 03, 2019 11:46 AM
To: 'Karen R. Christopherson'; Roland Winters
Cc: Mayor; James Stewart; Robert Kuhfuss; [REDACTED]
[REDACTED]
Subject: RE: Annexation and rezoning - Lone Mountain & Marisol Ranch
Attachments: Appendix B Lone Mountain Ranch Master Water Report.pdf

Ms. Christopherson,

Please find attached Appendix B of the Master Water Plan per your request.

In respond to your last question, if annexed, yes the City will be the water provider per the City's Integrated Water Master Plan and the source of the water will be wells. The location of these wells is yet to be determined, they could be located anywhere in Special Planning Area 2 and/or Special Planning Area 4.

Please do not hesitate to contact me if anything else is needed.

Thank you,
Lloyd Abrams
Assistant Director
Community Development
City of Surprise
Office: 623-222-3021

From: Karen R. Christopherson [REDACTED]
Sent: Friday, May 03, 2019 7:49 AM
To: Lorraine Nevarez <Lorraine.Nevarez@surpriseaz.gov>; Roland Winters <Roland.Winters@surpriseaz.gov>
Cc: Mayor <Mayor@surpriseaz.gov>; James Stewart <James.Stewart@surpriseaz.gov>; Lloyd Abrams <Lloyd@surpriseaz.gov>; Robert Kuhfuss <Robert.Kuhfuss@surpriseaz.gov>; [REDACTED]; [REDACTED]
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Thank you,

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Chinook Geoconsulting, Inc.



chinook-inc.com

In a message dated 4/30/2019 9:52:19 AM Pacific Standard Time [REDACTED] writes:

Hello Ms. Christopherson,

I'm received your comments and will distribute to the Planning and Zoning Commission.

Regards,

Lorraine Nevarez

Administrative Specialist – Sr.
City of Surprise | Community Development
16000 N. Civic Center Plaza | Surprise AZ | 85374

www.surpriseaz.gov

623.222.3154 t
623.222.3001 f

From: "Karen R. Christopherson" [REDACTED]
Date: Sunday, April 28, 2019 at 9:05 AM
To: Robert Kuhfuss <Robert.Kuhfuss@surpriseaz.gov>, Lloyd Abrams <Lloyd@surpriseaz.gov>, James Stewart <James.Stewart@surpriseaz.gov>
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30 Apr 2019 16:52:17 -0000

APPENDIX B TABLES

Table B.1 - Water Demand Calculations**LONE MOUNTAIN RANCH**

Surprise, Arizona

January, 2019



Parcel	Land Use	Gross Area	Dwelling Units	Density	Average Day Demand		Maximum Day Demand		Peak Hour Demand	
		(ac)		(du/acre)	(gpd)	(gpm)	(gpd)	(gpm)	(gpd)	(gpm)
1	MU	21.0	335	16.0	46,200	32.1	92,400	64.2	138,600	96.3
2	MDR	42.0	330	7.9	95,700	66.5	191,400	132.9	287,100	199.4
3	LDR	21.0	85	4.0	27,200	18.9	54,400	37.8	81,600	56.7
Parcels 1-3 Total		84.0	750	-	169,100	117.4	338,200	234.9	507,300	352.3
4	LDR	58.0	230	4.0	73,600	51.1	147,200	102.2	220,800	153.3
5	LDR	63.0	250	4.0	80,000	55.6	160,000	111.1	240,000	166.7
6	LDR	89.0	360	4.0	115,200	80.0	230,400	160.0	345,600	240.0
7	LDR	67.0	270	4.0	86,400	60.0	172,800	120.0	259,200	180.0
Parcels 4-7 Total		277.0	1,110	-	355,200	246.7	710,400	493.3	1,065,600	740.0
GRAND TOTAL:		361.0	1,860	-	524,300	364.1	1,048,600	728.2	1,572,900	1,092.3

Notes:Demand Factors:

Low Density Residential (LDR): 320 gallons/day/dwelling unit (3-5 du/acre)
Medium Density Residential (MDR): 290 gallons/day/dwelling unit (5-8 du/acre)
Mixed Use Gateway (MU): 2,200 gallons/day/acre
Open Space: 0 gallons/day/acre

Peaking Factors:

Maximum Day Demand: 2.0 x Average Day Demand
Peak Hour Demand: 3.0 x Average Day Demand

Fire Flow Demand:

Residential (< 3,600 sq.ft.): 2,000 gpm for 2 hours
Commercial: 3,000 gpm for 3 hours
Per Integrated Water Master Plan: Water Infrastructure Final Report (Malcolm Pirnie, 2009)

(1) Demand information taken from the Integrated Water Master Plan: Water Resources Update (Arcadis, 2015) and Water Guidelines and Standards (City of Surprise, 2006).

Table B.2 - Well, Water Storage, and Pumping Calculations**LONE MOUNTAIN RANCH PARCELS 1-3**

Surprise, Arizona

January, 2019

**Well Requirements:***Wells shall be sized to provide capacity for the following:*

- 1) Maximum Day Demand and;
- 2) Redundancy to meet Maximum Day Demand with largest well out of service.

Requirement 1:

Maximum Day Demand: 235 gpm

Requirement 2:

Maximum Day Demand: 235 gpm

24 Hour Well Capacity Required: 470 gpm

18 Hour Well Capacity Required: 626 gpmNotes:

- 1) Wells are anticipated to run for 18 hours a day and, therefore, must provide the equivalent of a 24-hour period.

Storage Requirements:*Storage shall be sized to provide a usable storage volume in excess of the combined following:*

- 1) Equalization Volume (20% of Maximum Day Demand) and;
- 2) Fire Flow Volume (Fire Flow Required x Duration of the Fire Flow) and;
- 3) Emergency Volume (10% of Maximum Day Demand)

Requirement 1:

20% of Maximum Day Demand: 67,640 gallons

Requirement 2:

Fire Flow Required x Duration of Fire Flow: 540,000 gallons

Requirement 3:

10 % of Maximum Day Demand: 33,820 gallons

Storage Required: 641,460 gallons = 0.70 MG*(Storage Required is rounded up to nearest 100,000 gallons)***Booster Pump Requirements:***Shall meet or exceed the greater of:**Peak Hour Demand OR
Maximum Day Demand + Fire Flow*

Peak Hour Demand:

Peak Hour Demand:	352 gpm	
Firm Pumping Capacity:	352 gpm	(with the largest pump out of service)

Maximum Day Demand + Fire Flow:

Maximum Day Demand:	235 gpm	
Fire Flow:	3,000 gpm	
Firm Pumping Capacity:	3,235 gpm	(with the largest pump out of service)

Firm Pumping Capacity: 3,235 gpm (with the largest pump out of service)

Table B.3 - Well, Water Storage, and Pumping Calculations**LONE MOUNTAIN RANCH PARCELS 4-7**

Surprise, Arizona

January, 2019

**Well Requirements:***Wells shall be sized to provide capacity for the following:*

- 1) Maximum Day Demand and;
- 2) Redundancy to meet Maximum Day Demand with largest well out of service.

Requirement 1:

Maximum Day Demand: 493 gpm

Requirement 2:

Maximum Day Demand: 493 gpm

24 Hour Well Capacity Required: 987 gpm

18 Hour Well Capacity Required: 1,316 gpmNotes:

- 1) Wells are anticipated to run for 18 hours a day and, therefore, must provide the equivalent of a 24-hour period.

Storage Requirements:*Storage shall be sized to provide a usable storage volume in excess of the combined following:*

- 1) Equalization Volume (20% of Maximum Day Demand) and;
- 2) Fire Flow Volume (Fire Flow Required x Duration of the Fire Flow) and;
- 3) Emergency Volume (10% of Maximum Day Demand)

Requirement 1:

20% of Maximum Day Demand: 142,080 gallons

Requirement 2:

Fire Flow Required x Duration of Fire Flow: 540,000 gallons

Requirement 3:

10 % of Maximum Day Demand: 71,040 gallons

Storage Required: 753,120 gallons = 0.80 MG*(Storage Required is rounded up to nearest 100,000 gallons)***Booster Pump Requirements:***Shall meet or exceed the greater of:**Peak Hour Demand OR
Maximum Day Demand + Fire Flow*

Peak Hour Demand:

Peak Hour Demand:	740 gpm	
Firm Pumping Capacity:	740 gpm	(with the largest pump out of service)

Maximum Day Demand + Fire Flow:

Maximum Day Demand:	493 gpm	
Fire Flow:	3,000 gpm	
Firm Pumping Capacity:	3,493 gpm	(with the largest pump out of service)

Firm Pumping Capacity: 3,493 gpm (with the largest pump out of service)

Robert Kuhfuss

From: Karen R. Christopherson [REDACTED]
Sent: Monday, May 06, 2019 8:03 AM
To: Lloyd Abrams; Roland Winters
Cc: Mayor; James Stewart; Robert Kuhfuss; [REDACTED]
Subject: Re: Annexation and rezoning - Lone Mountain & Marisol Ranch

*****The e-mail below is from an external source. Please do not open attachments or click links from an unknown or suspicious origin.*****

Mr. Abrams:

Could we get, or can you tell us when it will be available, the Unified Development Code that the City Council is slated to adopt by later 2019 or early 2020?

Also, do you know when there will be an updated water plan for Surprise? The one available online is dated 2015.

Thanks

Karen R Christopherson

[REDACTED]
chinook-inc.com

In a message dated 5/3/2019 11:45:51 AM US Mountain Standard Time, Lloyd@surpriseaz.gov writes:

Ms. Christopherson,

Please find attached Appendix B of the Master Water Plan per your request.

In respond to your last question, if annexed, yes the City will be the water provider per the City's Integrated Water Master Plan and the source of the water will be wells. The location of these wells is yet to be determined, they could be located anywhere in Special Planning Area 2 and/or Special Planning Area 4.

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www.surpriseaz.gov

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Also, the statement, "new wells cannot impact the water level of existing registered wells by more than 10 feet after a pumping period of 5 years" doesn't make me feel very assured. If there is any chance of well water supply for these areas, we (as well owners) need to see specific plans about how this monitoring would occur and what the penalties are.

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All of the surrounding homes are essentially RU-43/similar, on large lots (1-5 acres or so). Many people have horses and enjoy the quiet, lack of light pollution, lack of street noise, abundance of wildlife, and numerous ways to recreate (horseback riding, running, walking, mountain biking, off-road vehicles, etc.)

In the Surprise General Plan 2035, it says:

(pg 37)

" Compatibility and Transition Measures To help limit the impact on adjacent existing or potential uses and promote overall land use compatibility, new development should utilize the following transition measures at the neighborhood edge: • Respect the context of adjacent building form and architectural style; • Adjust densities to provide a gradual transition to surrounding uses; Step buildings (via building massing, footprint size, and height) to reduce the visual impact to surrounding uses; • Provide similar streetscape and landscape design to surrounding uses; • Utilize appropriate setbacks to blend and transition between surrounding uses; and/or • Place enhanced landscape/open space buffers between uses; additional measures should be taken to emphasize transition through integration and encourage connectivity between new development and surrounding uses."

(pg 40)

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"Buffer Open Space

In order to provide an appropriate transition from the existing rural residential uses along the perimeter of the Lone Mountain Ranch property and meet the density transition requirements within the Surprise General Plan, a landscaped open space buffer will be provided along 163rd Avenue and Dixileta Road along the entire southern and western perimeter of the property. This will include a 60' wide open space buffer along 163rd Avenue, and a 150' wide open space buffer along Dixileta Road. With the addition of the applicable roadway right-of-way per the City of Surprise standard, these buffers will both provide a 260' setback when combining the right-ofway with the adjacent open space buffer. In addition to the perimeter open space buffer, the first row of homes adjacent to these open space buffers within residential districts shall be limited to single-story in height."

MY COMMENT:

150' plus Dixileta Rd, and limiting the first row of homes to single-story hardly constitutes a decent transition in this area. The buffer should be wider, and all homes south of the canal should be limited to single-story

4) Washes and flood zones

Figure 6 of the Lone Mountain Ranch PAD Narrative April 2019, titled Recreation and Open Space Plan, shows "wash corridors" with internal trails.

These wash corridors cross Dixileta in 4 places and Lone Mountain in 3. However, if you look at the FEMA flood plain maps, and/or Google Earth, you will see that there are numerous other wash crossings on Dixileta, and that the wash crossing on Lone Mountain are much wider.

Did the planners (RVI etc.) make a field visit to the site? Have any of the P&Z staff been up there? These washes are something that need to be addressed re their depth, width, flooding capacity, wildlife habitat, etc. They also need to consider calling these internal trails. If they are going to consider these trails, then portions of the washes need to be inspected for blockages that occur after large rains (meaning that they are not exactly trails in places).

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Thanks,

Karen R Christopherson, Geophysicist
Chinook Geoconsulting, Inc.

[REDACTED]

[REDACTED]

[REDACTED]

chinook-inc.com

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30 Apr 2019 16:52:17 -0000

Robert Kuhfuss

From: Lloyd Abrams
Sent: Monday, May 06, 2019 12:20 PM
To: 'Karen R. Christopherson'; Roland Winters
Cc: Mayor; James Stewart; Robert Kuhfuss; [REDACTED];
[REDACTED]; Chris Boyd; Terry Lowe
Subject: RE: Annexation and rezoning - Lone Mountain & Marisol Ranch

Ms. Christopherson,

The Land Development Ordinances and Design Standards are currently available on the City's webpage, links provide below. Please note that we are still in the process of updating the code and currently have Chapters 101-105 out for public review along with the draft Planning & Engineering Design Standards (PEDS) Manual. The Integrated Water Master Plan (IWMP) in its entirety will be updated in 2020.

<https://www.surpriseaz.gov/3710/Development-Ordinances-Design-Standards->

<https://www.surpriseaz.gov/3711/Development-Ordinances-Review-Comment>

<https://www.surpriseaz.gov/3714/Design-Standards-Review-Comment>

Please do not hesitate to contact me if anything else is needed.

Thank you,
Lloyd Abrams
Assistant Director
Community Development
City of Surprise
Office: 623-222-3021

From: Karen R. Christopherson [REDACTED]
Sent: Monday, May 06, 2019 8:03 AM
To: Lloyd Abrams <Lloyd@surpriseaz.gov>; Roland Winters <Roland.Winters@surpriseaz.gov>
Cc: Mayor <Mayor@surpriseaz.gov>; James Stewart <James.Stewart@surpriseaz.gov>; Robert Kuhfuss <Robert.Kuhfuss@surpriseaz.gov>; [REDACTED]
Subject: Re: Annexation and rezoning - Lone Mountain & Marisol Ranch

****The e-mail below is from an external source. Please do not open attachments or click links from an unknown or suspicious origin.****

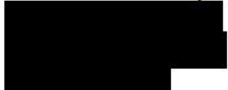
Mr. Abrams:

Could we get, or can you tell us when it will be available, the Unified Development Code that the City Council is slated to adopt by later 2019 or early 2020?

Also, do you know when there will be an updated water plan for Surprise? The one available online is dated 2015.

Thanks

Karen R Christopherson



chinook-inc.com

In a message dated 5/3/2019 11:45:51 AM US Mountain Standard Time, Lloyd@surpriseaz.gov writes:

Ms. Christopherson,

Please find attached Appendix B of the Master Water Plan per your request.

In respond to your last question, if annexed, yes the City will be the water provider per the City's Integrated Water Master Plan and the source of the water will be wells. The location of these wells is yet to be determined, they could be located anywhere in Special Planning Area 2 and/or Special Planning Area 4.

Please do not hesitate to contact me if anything else is needed.

Thank you,

Lloyd Abrams

Assistant Director

Community Development

City of Surprise

Office: 623-222-3021

From: Karen R. Christopherson [REDACTED]

Sent: Friday, May 03, 2019 7:49 AM

To: Lorraine Nevarez <Lorraine.Nevarez@surpriseaz.gov>; Roland Winters <Roland.Winters@surpriseaz.gov>

Cc: Mayor <Mayor@surpriseaz.gov>; James Stewart <James.Stewart@surpriseaz.gov>; Lloyd Abrams <Lloyd@surpriseaz.gov>; Robert Kuhfuss <Robert.Kuhfuss@surpriseaz.gov>; [REDACTED]

Subject: Annexation and rezoning - Lone Mountain & Marisol Ranch

The e-mail below is from an external source. Please do not open attachments or click links from an unknown or suspicious origin.

1) We'd like to request the Appendix B, Master Water Plan, as referenced below

"Detailed water analysis for Lone Mountain Ranch is provided in Appendix B, Master Water Plan."

on page 18 of the "Lone Mountain Ranch PAD Narrative April 2019 Prepared For: Arizona State Land Department Case # FS18-459"

I could not find that Appendix in any supplied documents

2) In the annexation documents provided for the next meeting, on Page 6 PRE-ANNEXATION DEVELOPMENT AGREEMENT. it says

"6.2 Upon final and effective annexation, Surprise shall provide all Surprise services to the Annexation Parcels, including, but not limited to water, sewer, trash collection, police and fire protection and all other services typically provided by Surprise to its residents"

Does this mean Surprise is going to be responsible for the water, and if so, is this detailed anywhere as to the source(s) of water, etc?

Thank you,

Karen R Christopherson
Chinook Geoconsulting, Inc.

[REDACTED]

[REDACTED]

[REDACTED]

chinook-inc.com

In a message dated 4/30/2019 9:52:19 AM Pacific Standard Time, [REDACTED]
writes:

Hello Ms. Christopherson,

I'm received your comments and will distribute to the Planning and Zoning Commission.

Regards,

Lorraine Nevarez

Administrative Specialist – Sr.
City of Surprise | Community Development
16000 N. Civic Center Plaza | Surprise AZ | 85374

www.surpriseaz.gov

623.222.3154 t
623.222.3001 f

From: "Karen R. Christopherson" [REDACTED]
Date: Sunday, April 28, 2019 at 9:05 AM
To: Robert Kuhfuss <Robert.Kuhfuss@surpriseaz.gov>, Lloyd Abrams
<Lloyd@surpriseaz.gov>, James Stewart <James.Stewart@surpriseaz.gov>
Cc: Mayor <Mayor@surpriseaz.gov>, Roland Winters <Roland.Winters@surpriseaz.gov>
Subject: Opposition to rezoning - Lone Mountain (& Marisol Ranch)

****The e-mail below is from an external source. Please do not open attachments or click links from an unknown or suspicious origin.****

I'd like to express my opposition to the rezoning of the Lone Mountain (RR to PAD) and Marisol Ranch (in general, as PAD)

Some reasons:

1) Disturbance of wildlife in the area:

Numerous species that use this area, either as a home or migration. The animals include: burros (part of the Lk Pleasant herd), bobcats, mountain lions, coyotes, badgers, great-horned owls, javelina, jackrabbits, red-tailed hawks, long-tailed/pocket mouse.

The rural zoning has not disrupted these animals much - they move through our properties and along washes. Birds nest in the saguaros and native trees. Those of us in the rural setting appreciate and respect the wildlife.

Higher density and more roads (internal to these developments) plus loss of habitat will disrupt the lives of many of the (mostly native) species.

2) Vagueness on water supply:

pg 17 of Lone Mountain Ranch PAD Narrative April 2019-

"The Integrated Water Master Plan: Water Infrastructure Final Report (Malcolm Pirnie, 2009) outlines using WSF-5 as the planned near-term solution for parcels 1 – 3 of the Project, therefore this solution is anticipated to serve these parcels of the Project after the interim solution. Since parcels 4 – 9 of the Project are in a different service area than parcels 1 – 3 of the Project they are anticipated to be served by the existing Desert Oasis WSF. A proposed interim solution to serve the Project is to use the existing water infrastructure within SPA2. Since SPA 2 lies within the lower pressure zones of PZ-2A, PZ-3A and PZ-2C, a booster pump station will be required. A near term solution is constructing an onsite water supply facility, and booster pump station on or near the Project site to serve the Project."

I could not find, "Detailed water analysis for Lone Mountain Ranch is provided in Appendix B, Master Water Plan"

But, on pg 3 of the "Lone Mountain Ranch Public Participation Report Case: FS18-459 January 2019", it says,

"1) Concerns about wells: The groundwater and impact on wells for Lone Mountain Ranch has been studied by a hydrogeologist. Any new wells within Lone Mountain Ranch are regulated by the Arizona Department of Water Resources (ADWR) and Well Impact Requirements of the Phoenix Active Management Area (AMA). These specify that a new well cannot impact the water level of existing registered wells by more than 10 feet after a pumping period of 5 years. An existing well within Marisol Ranch, to the north, was tested in 2000 and again in 2016. During this time, the water level rose from 514' below ground level to 350' below ground level."

MY COMMENTS:

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Thanks,

Karen R Christopherson, Geophysicist
Chinook Geoconsulting, Inc.

[REDACTED]

[REDACTED]

[REDACTED]

chinook-inc.com

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30 Apr 2019 16:52:17 -0000

Karen R. Christopherson

Redacted

6/3/2019

To: Surprise Mayor Skip Hall and the Surprise City Council
Surprise Planning and Zoning Commission

Please find attached some reasons for our opposition to the city of Surprise's annexation of Marisol Ranch, and Lone Mountain Ranch, annexation case FS18-417, City Council meeting June 4, 2019

AND our opposition to zoning changes are proposed for above, P&Z meeting June 6, 2019

- Consideration and action regarding a Major PAD Amendment (Zone Change) of approximately 634 acres from PADOS, PADRM, PADRL, PADCN, and PADPF to PADOS, PADRM, PADRL, PADMU, and PADPF for Marisol Ranch; Ordinance #201912
- Consideration and action regarding a Zone Change of approximately 486 acres from Residential Ranch (RR) to Planned Area Development (PADRL, PADRM, PADMU, and PADOS) for Lone Mountain Ranch; Ordinance #201911.

Karen R. Christopherson and Jim F. Thompson

Redacted

Email: Redacted

1. Why Annexation of Marisol Ranch and Lone Mountain Ranch? What does it cost the city of Surprise?

1.1. Urban Growth Standard: *The annexation does not meet this standard*

Surprise Code of Ordinances

Part II: Land Development Ordinances – v 24Jan2019

https://library.municode.com/az/surprise/codes/code_of_ordinances?nodeId=PTIILADEOR

Sec. 122-3. - Urban growth standards

(1) **At least one-sixth of the proposed development's site boundaries shall be contiguous to, and have shared access and connectivity with, existing urban development**

NOT TRUE for either Marisol Ranch or Lone Mountain

Why add the Marisol Ranch and Lone Mountain PADs in the middle of rural zoning - no other PADs nearby

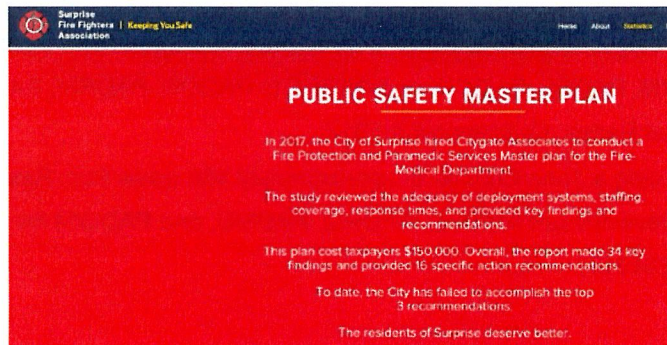
1.2. Police & Fire services: *Already over-strained*

Over-extension of police and fire by 2 more miles to the north

Long distance for police to travel PLUS

Firefighters not happy with current situation

<https://www.surprisefirefighters.org/statistics>



KEY FINDINGS

The Public Safety Master Plan, conducted in 2017, made 34 Key Findings, and at the conclusion of the study, it was determined that the **Surprise Fire-Medical Department** had only partially kept pace with the growth of the city and are unable to meet NFPA response time standards to all neighborhoods. The report also stated that the department does **not** have enough crews to cover a city the size of Surprise today, **much less in the future**.

Other critical findings:

- The City does not have enough fire station coverage
- High call volume in the Station 305 area requires adding a full time fire engine
- Emergency response travel times are higher than the 4 minute standard
- Total emergency response time (from dispatch being alerted to unit arrival) is higher than the NFPA standard of 7 minutes
- Fire Administration is at its max capacity to lead, equip, train, and supervise firefighters
- Station 305 has the highest number of stacked calls in the City, up 61% over the last 4 years
- The existing fire engine and ladder truck model is NOT covering enough of the city

A brush fire on 24 May, at 169th Ave and Dove Valley, gives a good example of this – people used hoses to protect their horses prior to fire departments showing up.

https://www.azfamily.com/news/arizona_wildfires/brush-fire-near-wittmann-threatens-livestock-homes/article_b870dc8c-7e72-11e9-9b4d-43a1d55fa8f5.html

It would probably be illustrative to see what the response time was by the Surprise fire units, which included E302+ E303+ E304 BC301 BR303 BR304 T304 U307.

The fire blew up to 1200 acres within a matter of hours. Luckily it moved north and east, preventing what could have been a much worse situation re evacuation and loss of property, etc.



Figure 1: Fire at 169th and Dove Valley on 24 May 2019. Video from CBS5

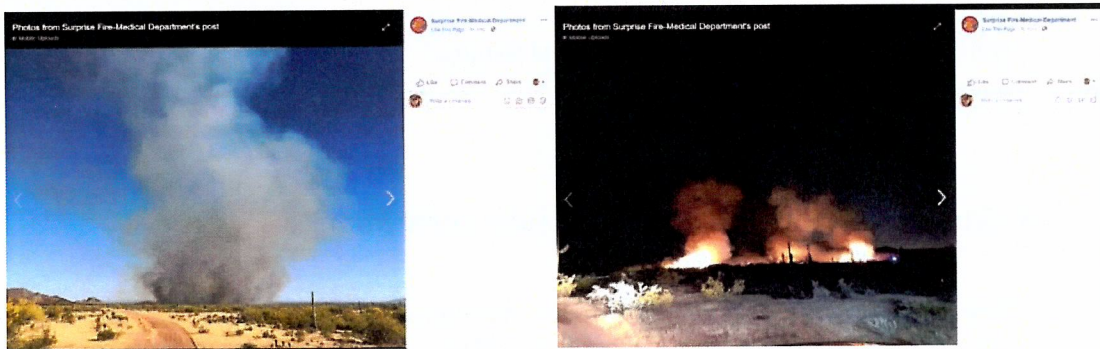


Figure 2: Dove Fire photos from Surprise Fire-Medical Facebook page

On May 30, 2019 another fire occurred in the same area. The White Wing Fire started near 171st and White Wing. Within one day it grew to 2704 acres. Surprise Fire was among the many units dispatched.

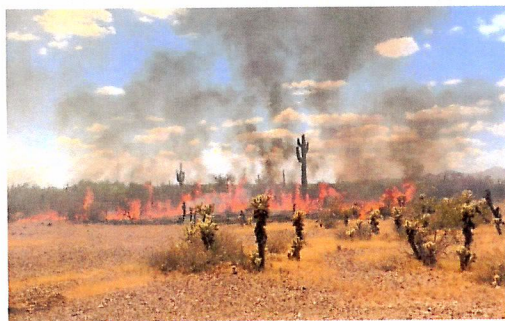


Figure 3 White Wing Fire photo from AZ State Forestry on Twitter

1.3. Development does not fit with Surprise's urban growth policy

LDO Chapter 104 - FUNDAMENTAL DEVELOPMENT REQUIREMENTS

<https://www.surpriseaz.gov/DocumentCenter/View/41421/Ch-104-Fundamental-Development-Requirements?bidId=>

104-1.4 Urban Growth Principles

(6) The protection and preservation of environmentally sensitive lands from the encroachment of urban development.

- Some Marisol/Lone Mtn lands may be considered environmentally sensitive

(7) The improvement of air quality by reducing vehicle miles traveled and by encouraging public transit and alternatives to private automobile use.

- Long commute from Marisol/Lone Mtn; no public transport

(10) The preservation of historical and cultural features.

- Needs to be reviewed; there are historical and cultural features nearby

1.4. Groundwater – *Where will all the water come from?*

Surprise will have to drill wells – will strain the city's capability to provide water and stay with its water plans; city will also have to monitor these wells, and ensure that neighboring wells are not affected

Surprise already has commitments to PADS that are approved, and within the city

The 2015 Surprise water plan showed a near-future water deficit

1.5. Roads – *Not enough infrastructure*

Area roads within the city limits already lack maintenance

Major roads are crowded at 'rush hour'

Lack of Ingress/Egress in emergency situations (fire, flooding, etc.)

ONLY way out to south is on 163rd! Secondary route out is east on Jomax. NO OTHER ROUTES out of the area.

NO good future access to Grand Ave – the Railroad issue

NO good future eastward road extensions – topography from hills and deep washes, land ownership

How is Surprise going to accompany the number of people and vehicles, especially in emergency situations?

How are emergency vehicles going to come to aid, particularly if road closures due to flooding?

Current road situation in area between Jomax and Dove Valley, 163rd Ave and to the east

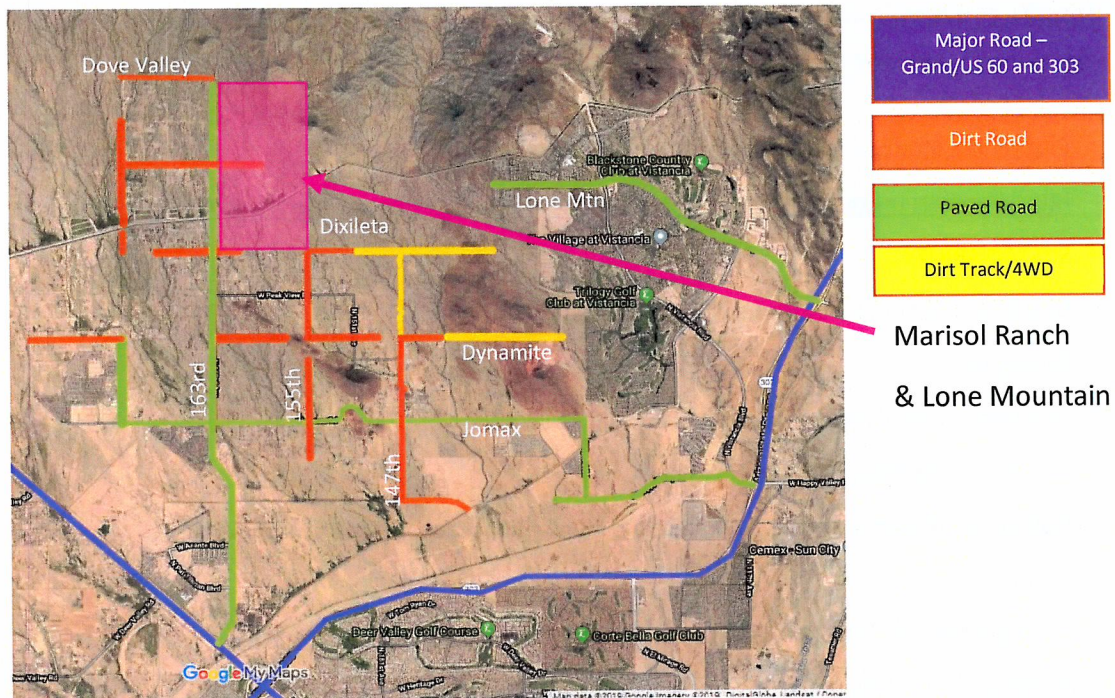


Figure 4: Current status of roads N of Jomax, E of 163rd

How will Surprise work with the FEMA flood plain issues, particularly in the Marisol Ranch development?
Who will be responsible for road flooding? Will it be Surprise, after the development is completed?
Shown below is FEMA map for the two sections that cover Marisol and Lone Mountain, with FEMA flood areas in blue.

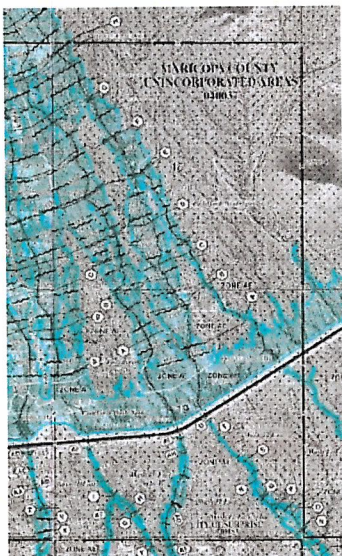


Figure 5: FEMA floodplain map for sections slated as Marisol Ranch and Lone Mountain Ranch

1.6. Wildlife Corridors – How will Surprise keep its promise, & protect/maintain the corridor within corridor guidelines?

City Council Strategic Plan – Update 2013

<https://www.surpriseaz.gov/DocumentCenter/View/19037/City-Council-Strategic-Plan-2013?bidId=>

SUSTAINABILITY

Goal 3: Respect nature by **protecting critical wildlife corridors.**

Strategies:

Implement code and design guidelines for wildlife corridors.

Identify wildlife linkages for northern planning area.

Staff will work with future development to **minimize impact on wildlife corridors.**

The AZGFD report, "The Maricopa County Wildlife Connectivity Assessment:

Report on Stakeholder Input January 2012" Figure 7: Northwest Maricopa County...."

NOTE Area 1, with pink circle – this runs from Grand Ave over through the Lone Mountain and Marisol Ranch properties

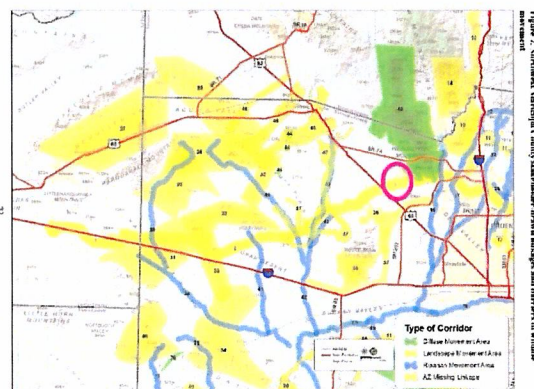


Figure 6: Wildlife Corridor and Linkage Map - AZGFD

A biologist with the AZ Wildlife Contracts Branch's Highways and Wildlife Connectivity group. "I've been working on animal movement projects with this group for the last 13 years. The answer to your question it would be great to see that part of the CAP right-of-way and surroundings recognized as a wildlife movement pathway **so the linkage arm leading to the 60 doesn't end up as a dead end;**"

Corridor Features <https://www.biologicaldiversity.org/publications/papers/wild-corridors.pdf>

- The corridor should be as wide as possible. The corridor width may vary with habitat type or target species, but a rule of thumb is about a **minimum of 1,000 feet wide** (but larger if possible)

- Maintain as much natural open space as possible next to any culverts to encourage the use of the culverts. **Maximize land uses adjacent to the corridor that reduce human impacts to the corridor.**
- **Do not allow housing or other impacts to project into the corridor** to form impediments to movement and increase harmful edge effects.
- **If housing is to be permitted next to the corridor**, put conservation easements on adjacent lots to prohibit structures nearest the corridor.
- Develop strict lighting restrictions for the houses adjacent to the corridor to **prevent light pollution into the corridor**. Lights must be directed downward and inward toward the home.

1.7. Saguaros and Wildlife – *This area is NOT similar to the PADS south of Jomax on 163rd*

Besides diverse wildlife (many of which are not found south of Jomax), the Lone Mountain and Marisol parcels are highly populated with saguaros and have much more terrain. These are parcels that CANNOT be scraped easily, as parcels further south on 163rd can.

If the Lone Mountain parcel is NOT annexed, these saguaros can be preserved in their natural state and location.

The survival rate of transplanted saguaros >13 feet in height is less than 55%

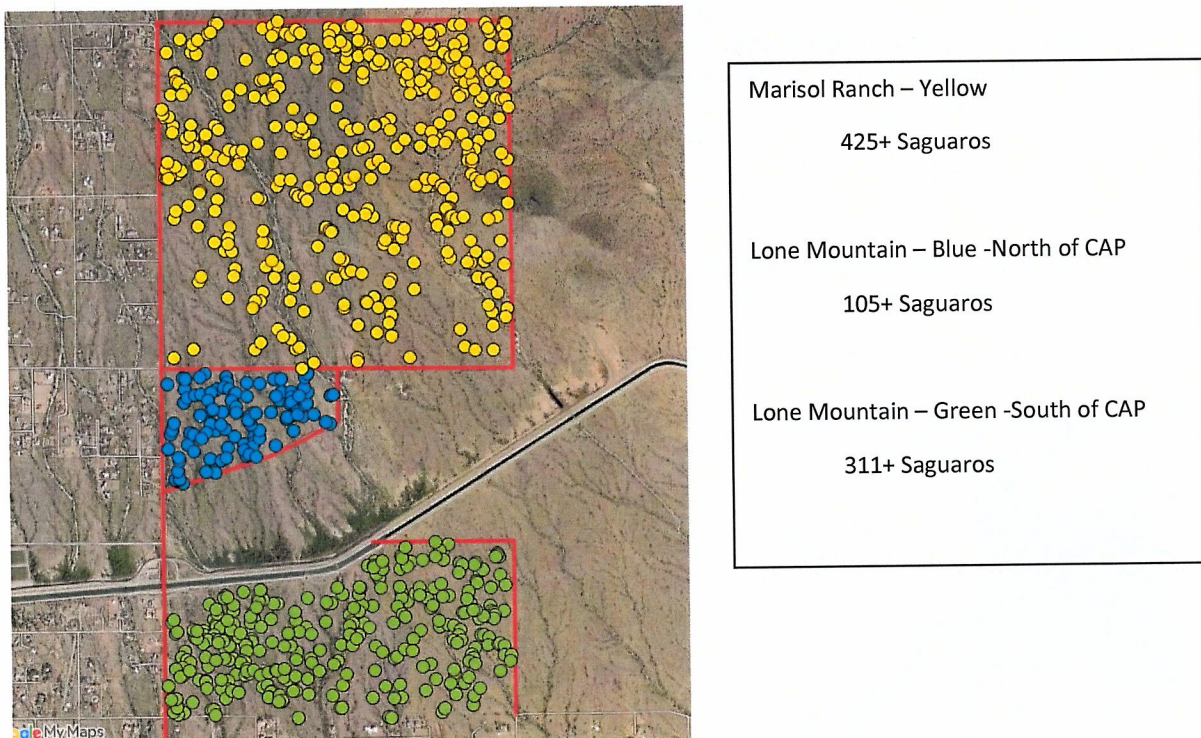


Figure 7: Minimum number of Saguaros on the Marisol Ranch and Lone Mountain parcels

1.8. Washes – Plans do not meet Surprise planning/engineering standards

- Per <https://www.surpriseaz.gov/DocumentCenter/View/41050/Surprise-Planning-Engineering--Design-Standards---October-2018-Draft?bidId=>
- PLANNING AND ENGINEERING DESIGN STANDARDS (PEDS)
- Page 12: Section 1.6 Grading & Drainage Design and Floodways **A. Washes and drainage patterns shall be maintained in their historic location.** Mass grading of parcels over five (5) acres in size shall require additional approval from the Community Development Director; phased grading of a development is the preferred method. The grading concept for any site shall be a balanced cut and fill on the site to limit damage to the natural topography; except in the case of approved and permitted mining activities.
- E. Where a floodway or wash traverses a development site, **the floodway or wash shall be set aside as open space and improved using environmentally sensitive channel and bank stabilization techniques to provide a naturally appearing restored, enhanced and stabilized floodway or wash.** Under no circumstance shall the channel or sides of a floodway or wash be paved over in concrete or similar material
- Page 61: Section 5.4 Water Features A. NATURAL WASHES and FLOODWAYS. 1. County Floodways and FEMA designated washes that traverse and/or are adjacent to a development site shall be assimilated into a linear open space system that is integrated into both the development's and the community's open space system. **A seventy-five (75') foot buffer area shall be required along the perimeter of these floodways and washes.** Within the required seventy-five (75') foot buffer area, associated with and adjacent to these types of floodways and washes, paths for both pedestrians and bicycles and if applicable equestrian trails are encouraged and may be required to be developed as an amenity by the developer (see Illustration 27). 2. **Naturally occurring ephemeral desert washes** identified by the Drainage Report shall, as much as possible, be retained in their natural condition with **buffer areas established as natural area open space and with development setback the appropriate distances necessary to allow the wildlife corridors to remain uninterrupted**
- **COMMENT** – these standards MUST be incorporated into development plans if the projects move forward. Some washes traverse, yet not marked as open space (see example below)
- Current plans do not accommodate these standards fully!



2. Summary

Why does Surprise want to grow even more, and add almost 2 square miles, when the city already has a committed future of certain growth?

Why add PADs into this area of rural living? This could be an asset to Surprise in the future – an area with trails, for people to live that want to have large animals and more space?

Why add PADS into the Lone Mountain parcel? Can this not be preserved for wildlife corridors and saguaro habitat?

Is this all worth it for Surprise's only benefit to be added property tax revenue?

If Marisol still wants to build urban-density, let them go ahead and build through Maricopa County. They are going to be hindered by water, road, floodplain, and topography issues. It will NOT be Surprise's problem.

Please allow the rural Surprise residents, and their county neighbors, to continue loving this area.

June 6, 2019

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

References:

1. Planning and Zoning Commission Meeting June 6, 2019, Agenda Item 3.
2. Zoning Change case FS18-459 for Lone Mountain Ranch
3. Letter to Planning and Zoning Commission dated April 28, 2019, from Craig Martin

I would like to provide the following comments and concerns regarding the referenced proposed zoning change:

The proposed zoning change causes a conflict between the area to the south that is zoned Rural Ranch (RR) and the proposed PAD for Lone Mountain Ranch because the drainage and discharge from the proposed Lone Mountain Ranch is proposed assuming the area to the South is similar and is also zoned PAD with set designed drainage systems, where in reality, the area to the south has natural drainage that relies on the area to the North. The proposed area presently has over 12 washes/arroyos that run south and cross the path of the proposed Dixileta Dr. into the Saguaro View Subdivision. The proposed development only shows keeping 3 major arroyos instead of the 12. Presently all of the drainage from the proposed Lone Mountain Ranch area runs south to an area that is zoned RR, and not PAD.

The changing of the zoning for the proposed Lone Mountain Ranch and the associated change to drainage is in conflict with the Maricopa County Drainage Policies and Standards, 8/22/2018, which states:

2.1 PURPOSE

- 5. Continuity of stormwater flow through the site to meet legal requirements for not impacting adjacent, upstream, and downstream properties.*
- 14. Preservation of natural desert washes and riparian areas which provide natural stormwater conveyance, stormwater infiltration, wildlife habitat and travel corridors, and passive recreation opportunities.*

In addition, the proposed changes are in conflict with the City of Surprise Engineering Development Standards (EDS), August 2016:

5.1 GENERAL INFORMATION

- 4. All developments within the city shall provide such storm drainage facilities as are necessary to ensure that all structures and properties, both within the development and those located upstream and downstream of the development, shall be protected from adverse impacts of storm waters due to the proposed and constructed development.*
- 5. Off-site historical flow must be accepted and released from developments essentially at the same locations, including depth, flows and velocities, less than or equal to those encountered under pre-development conditions.*

In the Lone Mountain Ranch PAD Narrative dated April 2019, the drainage conflicts between the two distinctly different zonings is not addressed. This needs to be adequately addressed prior to changing the zoning.

Thank you for your consideration of these important items.

Sincerely,

A handwritten signature in black ink, appearing to read 'Craig Martin', with a long horizontal flourish extending to the right.

Craig Martin



SURPRISE

ARIZONA

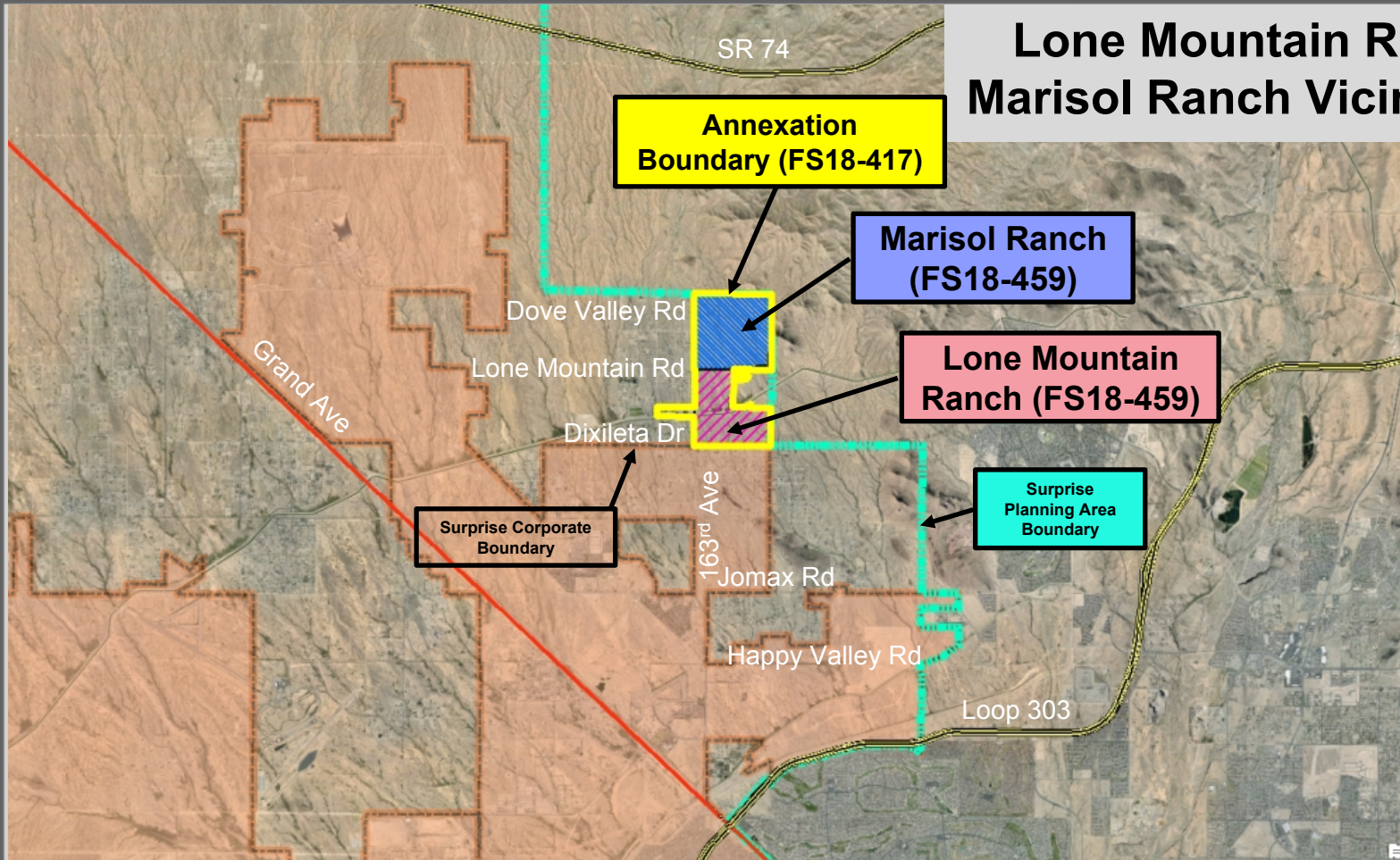
City Council

June 18, 2019

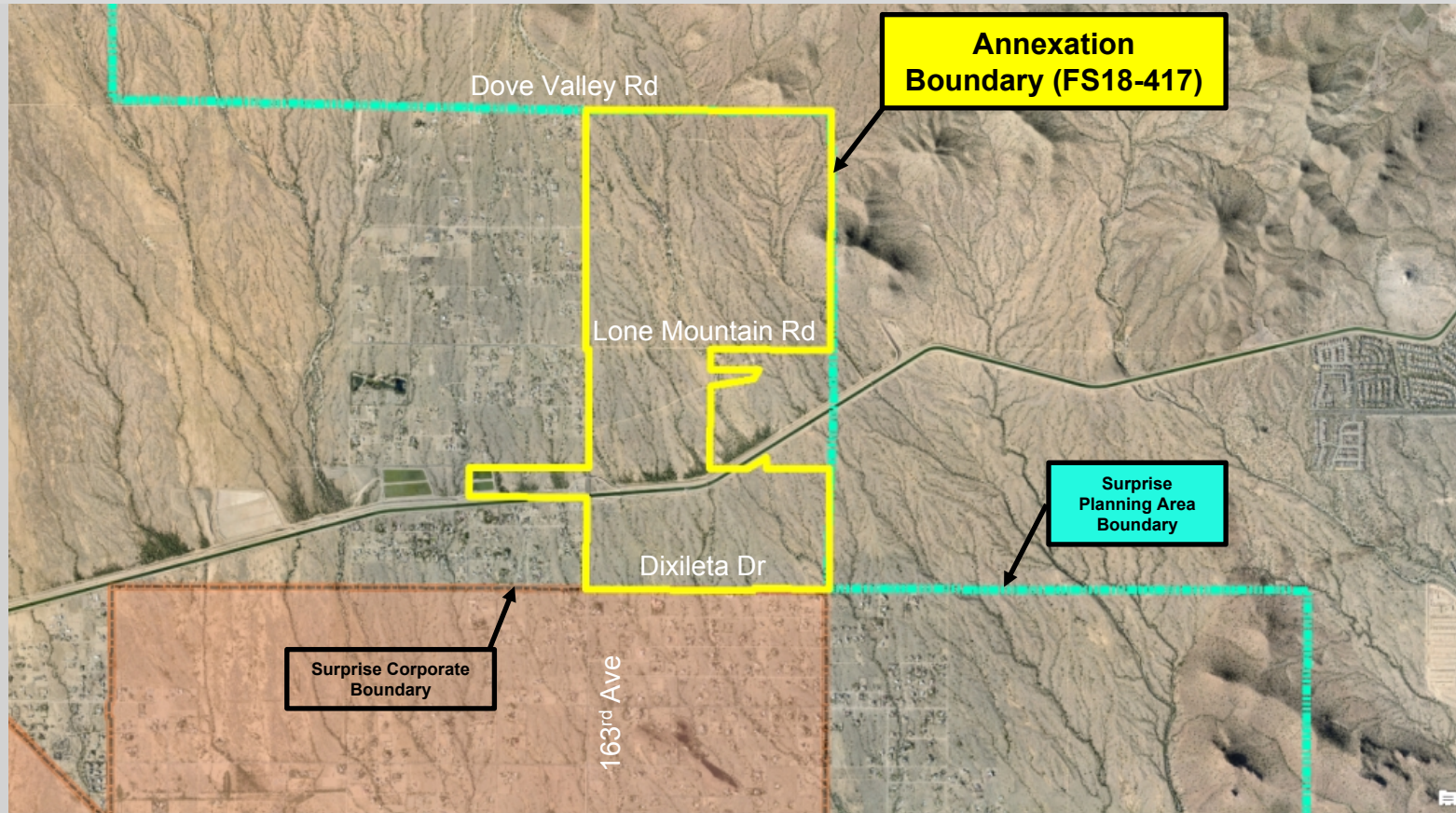
FS18-557 Marisol Ranch Major PAD Amendment

FS18-459 Lone Mountain Ranch Zone Change

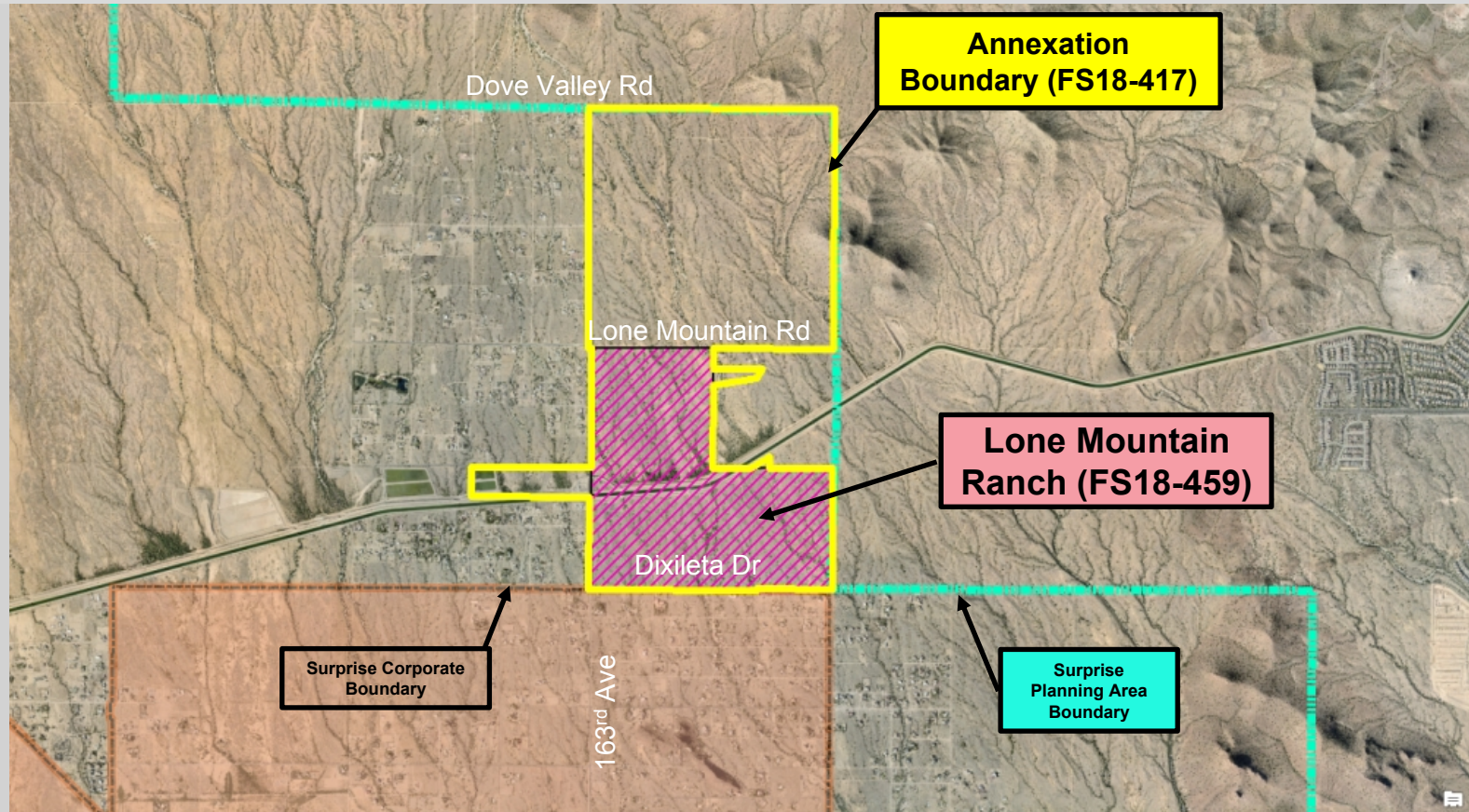
Lone Mountain Ranch / Marisol Ranch Vicinity Map



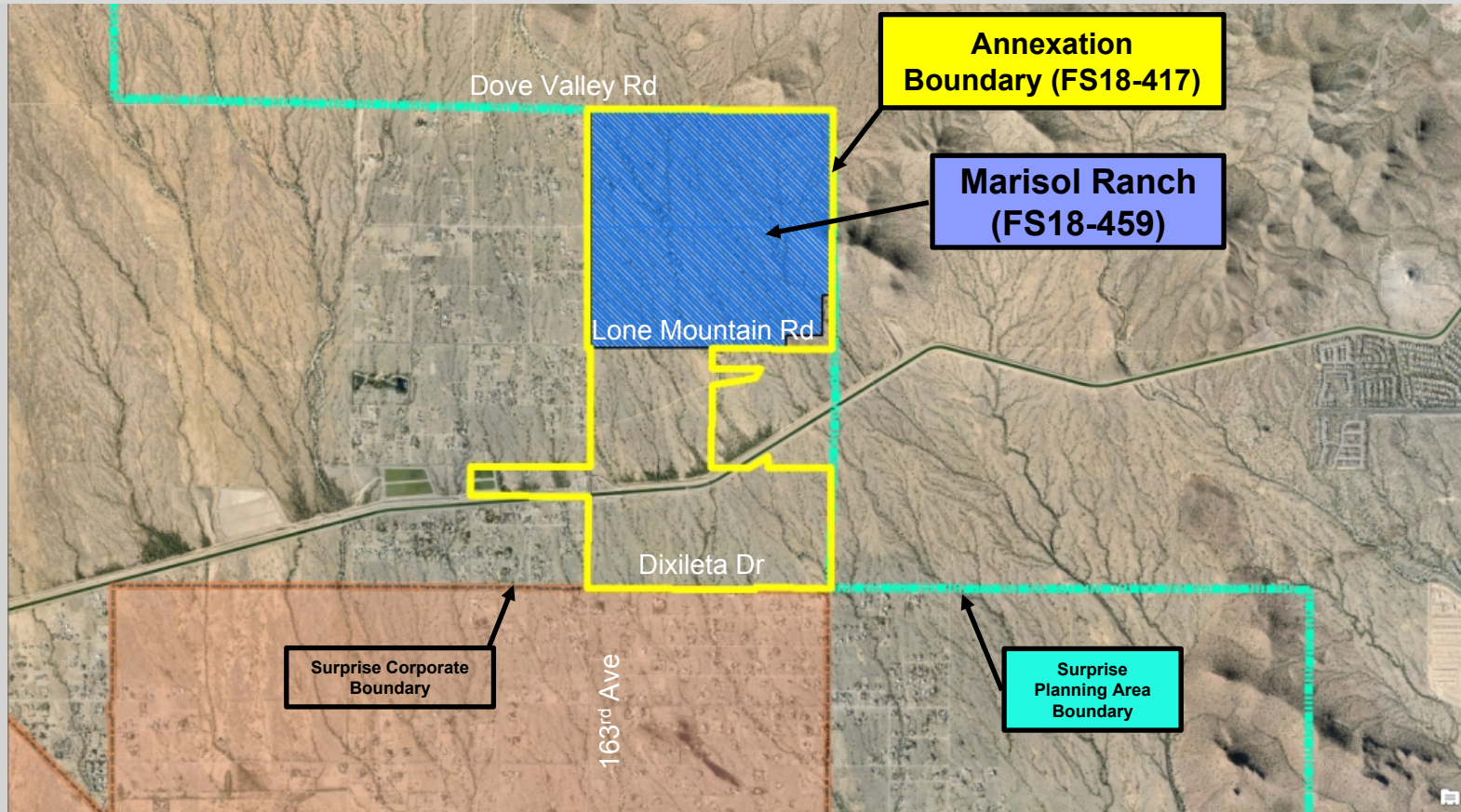
Annexation Area Map



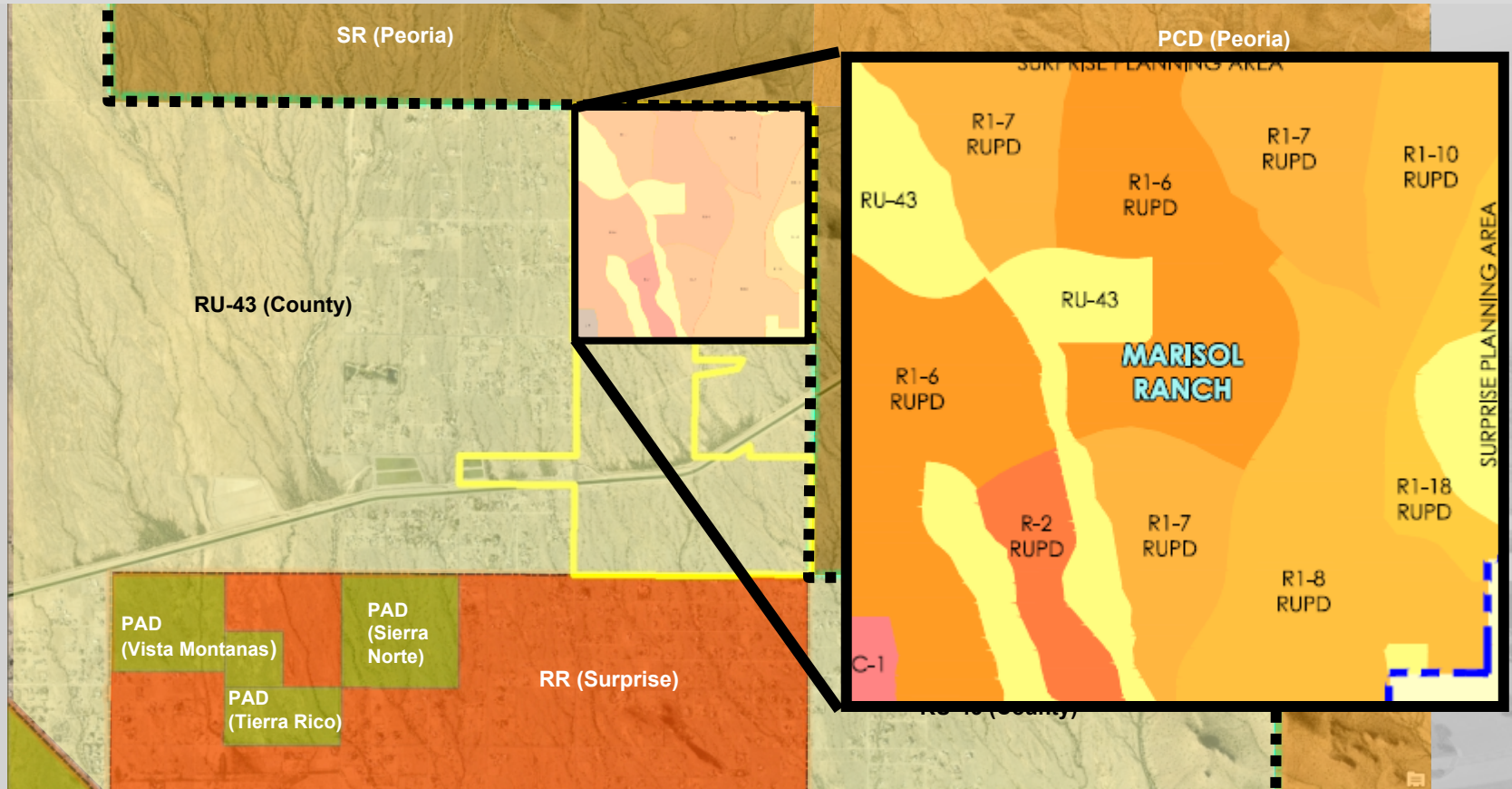
Lone Mountain Ranch Project Area Map



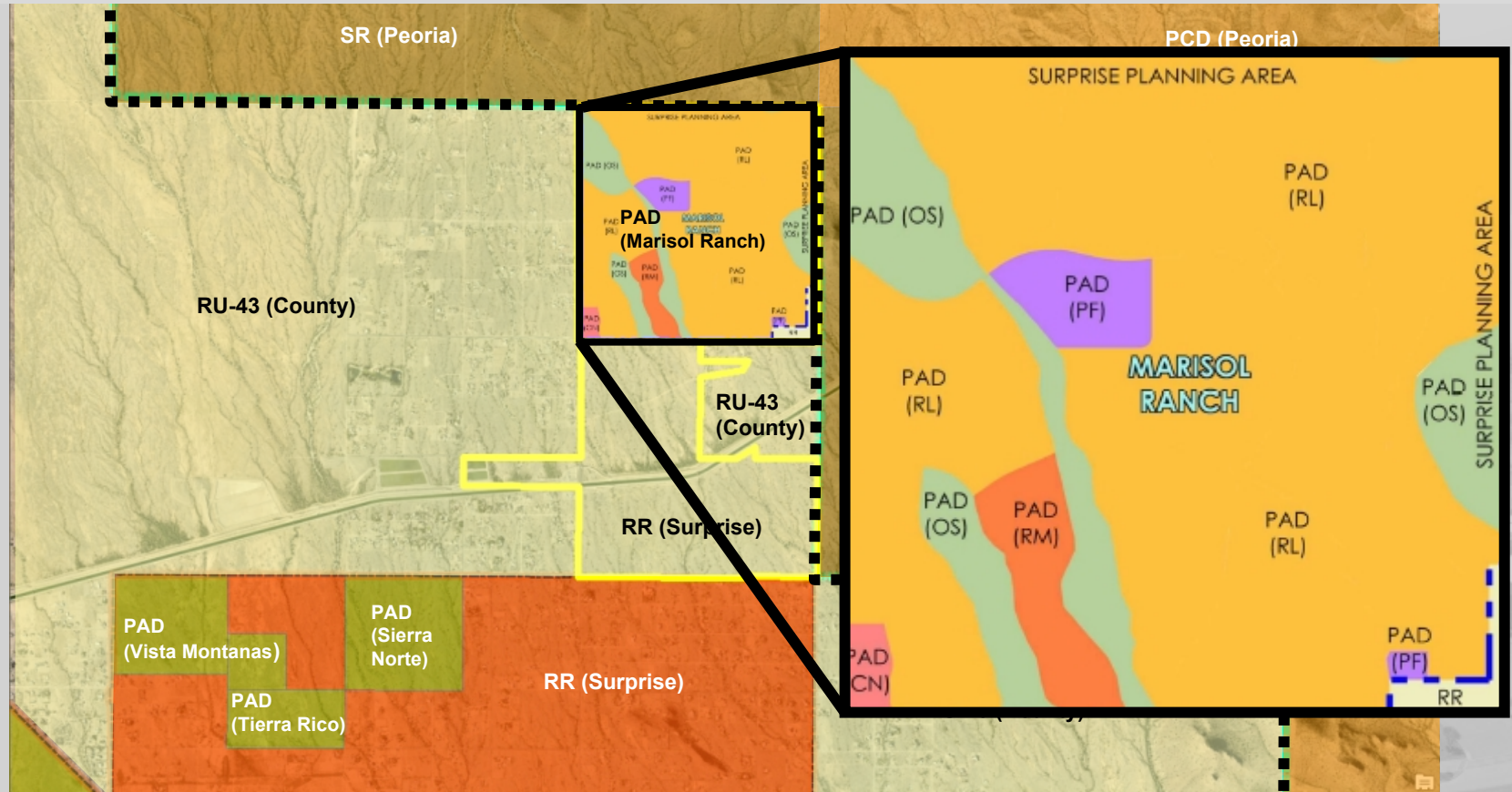
Marisol Ranch Project Area Map



Pre-annexation Zoning Map

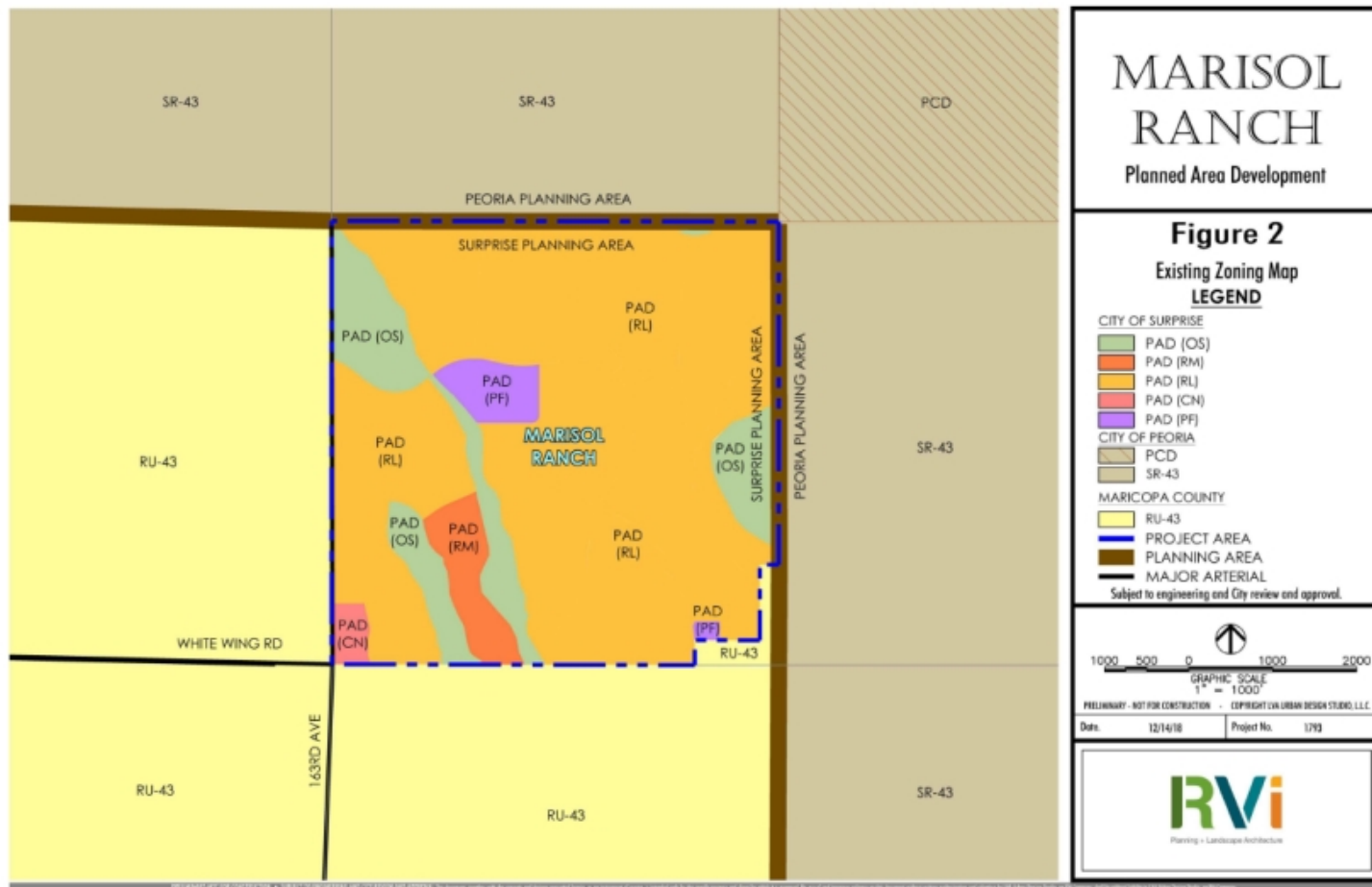


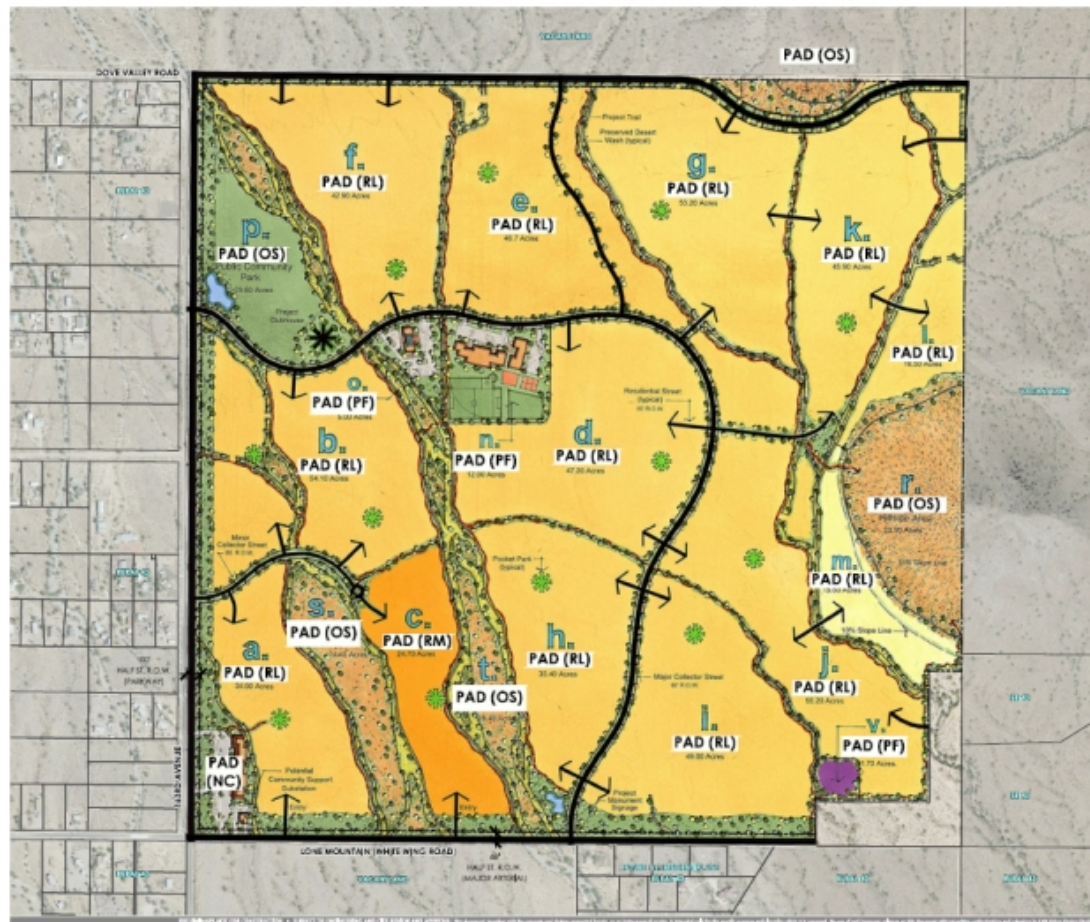
Post-Annexation Zoning Map



**Marisol Ranch
Major PAD Amendment
FS18-557**







MARISOL RANCH

Figure 3
Existing Land Use Master Plan

Parcel #	Gross Parcel Area	Zoning District	Lot Yield	Gross Parcel Density
A	34	PAD (RL)	1.12	3.36
B	24.1	PAD (RL)	1.12	3.37
C	24.7	PAD (RL)	1.12	3.38
D	47.2	PAD (RL)	1.12	4.62
E	46.7	PAD (RL)	1.12	4.59
F	47.5	PAD (RL)	1.12	4.62
G	33.7	PAD (RL)	1.12	3.42
H	33.4	PAD (RL)	1.12	3.41
I	49	PAD (RL)	1.12	3.1
J	23.7	PAD (RL)	1.12	2.79
K	43.7	PAD (RL)	1.12	3.09
L	12.9	PAD (RL)	1.12	2.10
M	13.6	PAD (RL)	1.12	1.41
N	12.0	PAD (RL)	1.12	1.41
O	12.0	PAD (RL)	1.12	1.41
P	29.6	PAD (RL)	1.12	3.42
Q	1.4	PAD (RL)	1.12	1.41
R	22.9	PAD (RL)	1.12	2.79
S	13.4	PAD (RL)	1.12	1.41
T	13.4	PAD (RL)	1.12	1.41
U	7.2	PAD (RL)	1.12	1.41
V	1.7	PAD (RL)	1.12	1.41
W	1.4	PAD (RL)	1.12	1.41

NOTE: NET ACREAGE EXCLUDES STREET R.O.W. & FLOODPLAIN (EXCEPT FOR PARKS)



RECOMMENDED POCKET PARK

Subject to engineering and City review and approval.



PRELIMINARY - NOT FOR CONSTRUCTION - COPYRIGHT LVA URBAN DESIGN STUDIO, LLC

Date: 11/30/16 Project No. 1795

RVI
Planning + Landscape Architecture



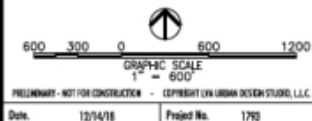


MARISOL RANCH

Planned Area Development

Figure 7
Recreation and Open Space Plan

- Neighborhood Park**
Tennis, Sport Courts, Multi-Use Field, Picnic Area
 - Wash Corridor**
Approximately 74 acres, preserve acreage to be conserved at the time of development. Wash Corridors serve as natural open space and connectivity corridors.
 - Hillside Area**
Areas according to 10% slope to be left in their natural state.
 - Open Space Buffer**
Open Space Buffers serve to provide a buffer between new and existing development.
 - School Site**
Elementary School to be connected to community via trails & open space.
 - Bike Lanes**
To be located on Residential Collector Streets.
 - Internal Trail (5' Wide)**
Multi-Use Trails + Natural & Hard Surface
 - Internal Trail (10' Wide)**
Multi-Use Trails + Natural & Hard Surface (Wash)
 - Multi-Use Trail**
17' wide Concrete trail within 143rd Road R.O.W.
 - Pocket Park**
Developed open space to serve individual neighborhoods.
 - Community Entry Management**
- Subject to engineering and City review and approval.



RVi
Planning + Landscape Architecture

Citizen Outreach:

November 13, 2018

Marisol Ranch Major PAD Amendment

Staff Recommendation:

Approve subject to stipulations “a” and “b”

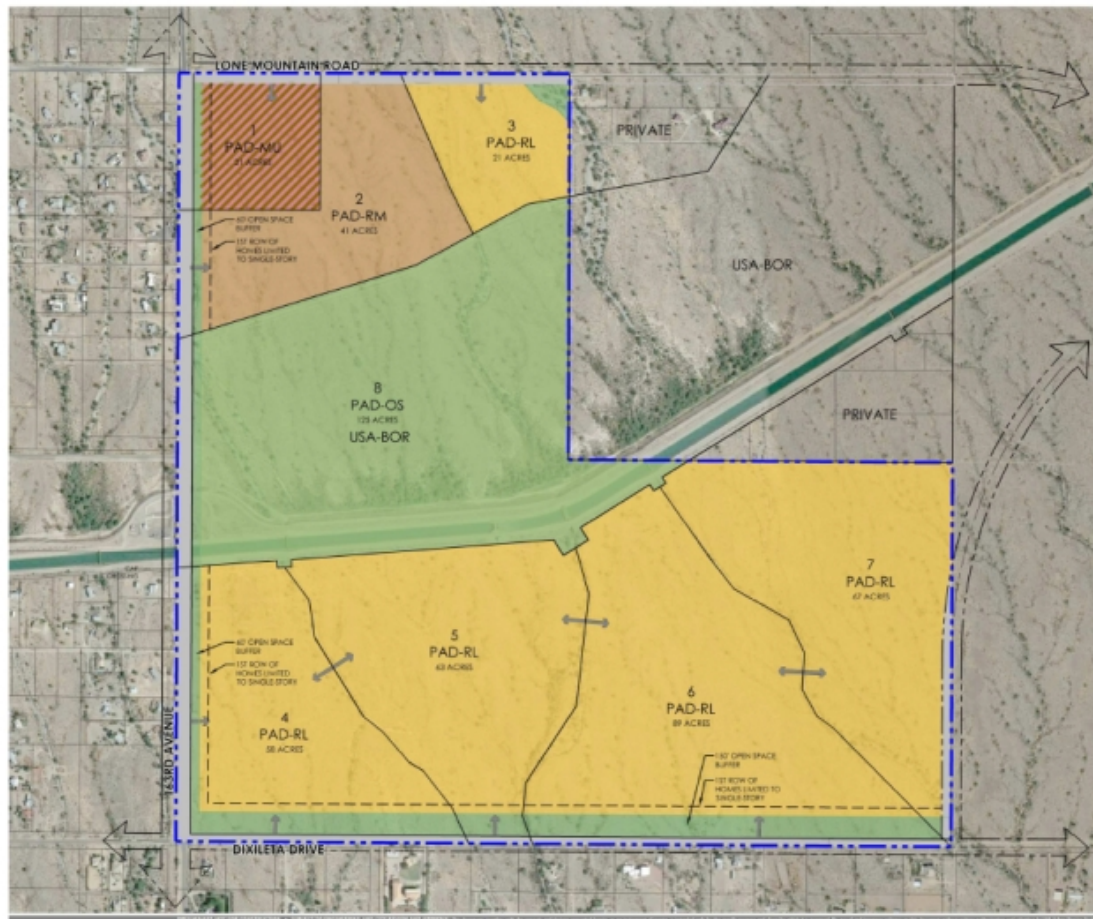


QUESTIONS OR COMMENTS?

Thank You

**Lone Mountain Ranch
Zone Change
FS18-459**





LONE MOUNTAIN RANCH

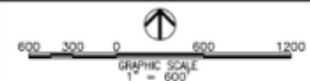
Planned Area Development

Figure 5
Land Use Master Plan

PARCEL	LAND USE	AREA (GROSS ACRES)	AREA (NET ACRES)	PROJECTED UNITS
1	PAD-MU	21	17	335
2	PAD-RM	42	39	330
3	PAD-RL	21	19	85
4	PAD-RL	58	51	230
5	PAD-RL	63	62	250
6	PAD-RL	89	85	360
7	PAD-RL	67	67	270
Subtotal		361	341	1,860
10	PAD-OS	125	121	0
Total		486	462	1,860

--- PROJECT BOUNDARY
--- CONCEPTUAL ACCESS LOCATIONS

Subject to engineering and City review and approval.



PRELIMINARY - NOT FOR CONSTRUCTION - COPYRIGHT © URBAN DESIGN STUDIO, LLC

Date: 12/14/16 Project No. 1793.1



Citizen Outreach:

November 13, 2018

Lone Mountain Ranch Zone Change

Staff Recommendation:

Approve subject to stipulations “a” and “b”



QUESTIONS OR COMMENTS?

Thank You



CITY OF SURPRISE Regular City Council Meeting

Council Meeting Date: June 18, 2019 Contact Person: Robert Kuhfuss
Submitting Department: Community Development District: District 1
Staff Recommendations: None

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

Agenda Wording:

Consideration and action pertaining to a re-zoning of approximately 486 acres from Residential Ranch (RR) to Planned Area Development (PAD-RL, PAD-RM, PAD-MU, and PAD-OS) for Lone Mountain Ranch, generally located north of Dixileta Drive and east of 163rd Avenue. Planning case # FS18-459; Ordinance #2019-11.

Motion:

I move to approve Ordinance #2019-11.

Note: Should the annexation proposed under case FS18-417 fail, no action will be taken on the subject request.

Background:

The subject property consists of two (2) parcels totaling approximately 361 acres that are held in trust and managed by the Arizona State Land Department, and one (1) parcel approximately 125 acres in area owned by the U.S. Bureau of Reclamation (BOR), for a total of approximately 486 acres. The subject request involves the rezoning of said 486 acres from Residential Ranch (RR) to PAD-RL (298 acres), PAD-RM (42 acres), PAD-MU (21 acres), and PAD-OS (125 acres).

This case is running concurrently with a 634-acre Zone Change involving a neighboring project known as Marisol Ranch, which is being processed under FS18-557 and is discussed under separate cover. Both Lone Mountain Ranch and Marisol Ranch are included in a 1,180-acre Annexation request being processed under case FS18-417. In addition, two (2) Pre-Annexation Development Agreements, one (1) for Lone Mountain Ranch and one (1) for Marisol Ranch, were approved by the City Council on May 7, 2019.

As of the writing of this report, the subject property is located within the unincorporated portion of Maricopa County and is zoned County Rural-43 (RU-43). Upon successful annexation, the property will assume like-zoning of Surprise Residential Ranch (RR). The subject request seeks to change the zoning of the property from Surprise RR to PAD to accommodate 1,860 dwelling units over 486 acres for an overall gross density of 3.8 DU/Ac.

On June 6, 2019, the Planning and Zoning Commission recommended approval by a 5-2 vote to the City Council, subject to stipulations outlined below:

Development and use of the site shall be in conformance with the Zone Change Narrative entitled “Lone Mountain Ranch PAD Narrative”, consisting of twenty-six (26) pages inclusive of Figures 1 through 6, prepared by RVi Planning + Landscape Architecture and stamped received April 15, 2019.

Non-compliance with the stipulations of approval of this case will be treated as a violation in accordance with the provisions of Article XIV of the Surprise Unified Development Code.

Staff also recommends that the rezoning be conditioned upon compliance with the Pre-Annexation Development Agreement approved on May 7, 2019.

Objective Analysis:

The applicant seeks a Zone Change over the subject property for the purpose of creating a Master Planned Community. The zoning of the property will be PAD, with the land uses associated with each development parcel tied to the City’s “hard” zoning districts as they evolve over time. The development standards, however, are included with this Zone Change and will run with the land unless subsequently amended. The project will have an abundance of open space, and while there will be a pocket of relatively high density (Parcel 1), the overall density will remain at 3.8 DU/Ac. The proposed development includes buffering adjacent to existing rural development consistent with the goals of the General Plan. Further, the development will preserve wash corridors that bisect the site thereby providing wildlife connectivity and recreational opportunities, also in support of the General Plan.

Policy Compliant:

The Surprise General Plan 2035 shows the subject property as lying within the Neighborhood Character Area, which supports residential development of up to 8 DU/Ac or more, provided appropriate transitions are made between the various Neighborhood types included within the character area. While Parcel 1, is shown as Mixed Use at a density of 16 DU/Ac, the overall density of the project is 3.8 DU/Ac, which is well below 8 DU/Ac.

The proposed development also incorporates buffering between the existing rural development, both within and outside of the city. This buffering is in the form of an open space strip ranging in width from 60’ along 163rd Avenue to 150’ along Dixileta Drive, which when coupled with the adjacent right-of-way, will provide buffering consistent with the goals of the General Plan. The development also seeks to preserve existing wash corridors thereby providing wildlife connectivity and recreational opportunities.

Financial Impact:

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

Budget Impact:

There is no anticipated budget impact related to this item.

FTE Impact:

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

ATTACHMENTS:

1. 19.06.07 EVR FINAL Lone Mountain Ranch Rezone CC Staff Report
2. 19.06.07 EVR FINAL Lone Mountain Rez Ordinance 2019-11-Exh
3. 01 FS18-459 & FS18-557 Lone Mountain Ranch and Marisol Ranch Vicinity Map
4. 02 FS18-459 Lone Mountain Ranch Zoning Narrative 15-APRIL-2019
5. 03 FS18-459 Lone Mountain Ranch Outreach Report_Redacted
6. 04 Additional Opposition - redacted

ZONE CHANGE

REPORT TO THE CITY COUNCIL

Case: FS18-459

Project Name: Lone Mountain Ranch Rezone

Council District: 1 – Acacia

Meeting Date: June 18, 2019

Planner: Robert H. Kuhfuss, AICP

Owner: State of Arizona through Arizona State Land Department

Applicant: Arizona State Land Department

Request: Zone Change from Residential Ranch (RR) to Planned Area Development (PAD-RL, PAD-RM, PAD-MU, and PAD-OS)

Site Location: Generally located east of 163rd Avenue between Dixileta Road and Lone Mountain Road

Area: 486 acres (approx.)

Density: 3.8 DU/Ac.

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

Support/Opposition: This request has generated several items of opposition

Commission

Recommendation: The Commission recommended approval by a 5-2 vote on June 6, 2019.

41 **INTRODUCTION:**

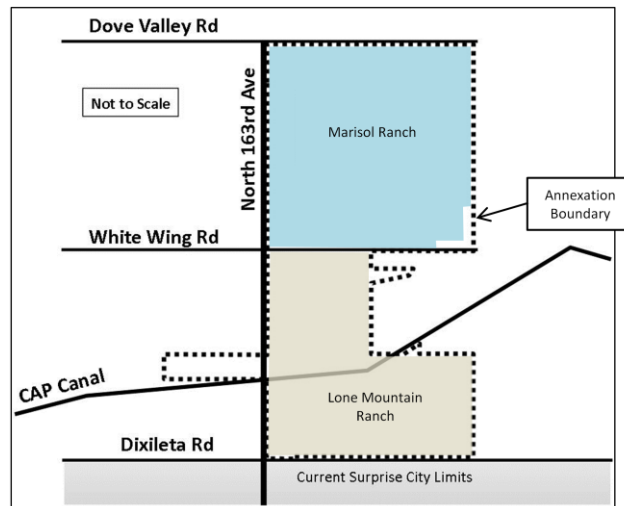
42
43 The subject property consists of two (2) parcels totaling approximately 361 acres that are held in
44 trust and managed by the Arizona State Land Department, and one (1) parcel approximately 125
45 acres in area owned by the U.S. Bureau of Reclamation (BOR), for a total of approximately 486
46 acres. The subject request involves the rezoning of said 486 acres from Residential Ranch (RR) to
47 PAD-RL (298 acres), PAD-RM (42 acres), PAD-MU (21 acres), and PAD-OS (125 acres).
48

49 This case is running concurrently with a 634-acre Zone Change involving a neighboring project
50 known as Marisol Ranch, which is being processed under FS18-557 and is discussed under separate
51 cover. Both Lone Mountain Ranch and Marisol Ranch are included in a 1,180-acre Annexation
52 request being processed under case FS18-417. In addition, two (2) Pre-Annexation Development
53 Agreements, one (1) for Lone Mountain Ranch and one (1) for Marisol Ranch, were approved by the
54 City Council on May 7, 2019.
55

56 The following are the next steps:
57

- 58 • The Planning and Zoning Commission heard the two (2) above-referenced Zone Change
59 requests on June 6, 2019 and made recommendations for approved by a 5-2 vote to the
60 City Council.
- 61 • The Council is scheduled to hear the Annexation request and the two (2) Zone Change
62 requests on June 18, 2019. Should the Council vote to approve the Annexation case, the
63 Council will then be free to take action on the two (2) Zone Change requests; however,
64 should the Council deny the Annexation request, neither of the two (2) Zone Change
65 requests may be considered as the Council will not have acquired jurisdiction, and they will
66 be withdrawn from the agenda.
- 67 • If the City Council votes to approve the Annexation case and the two (2) Zone Change
68 requests, the amended zoning would become effective fifteen (15) days after the
69 annexation ordinance becomes final in accordance with applicable law.
70

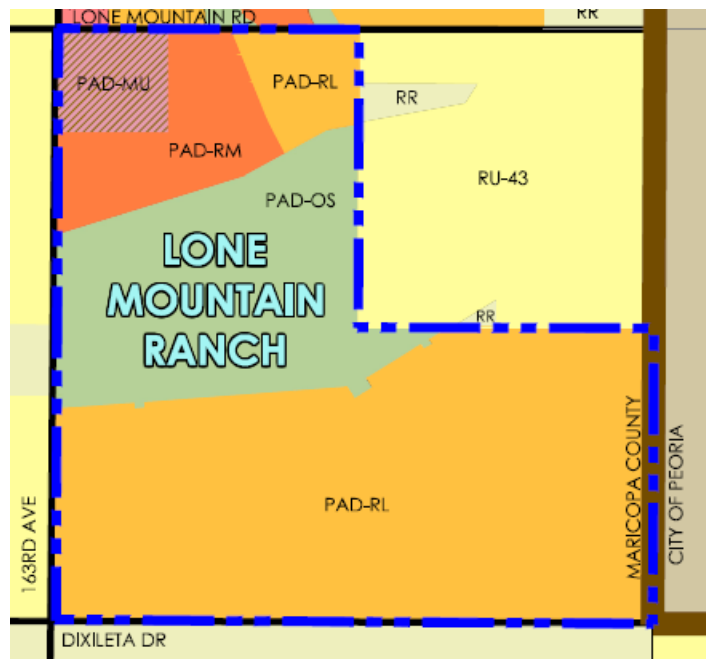
71 The following map illustrates the land mass involved with the two (2) aforementioned Zone Change
72 requests and the related Annexation request.
73



PROJECT DESCRIPTION:

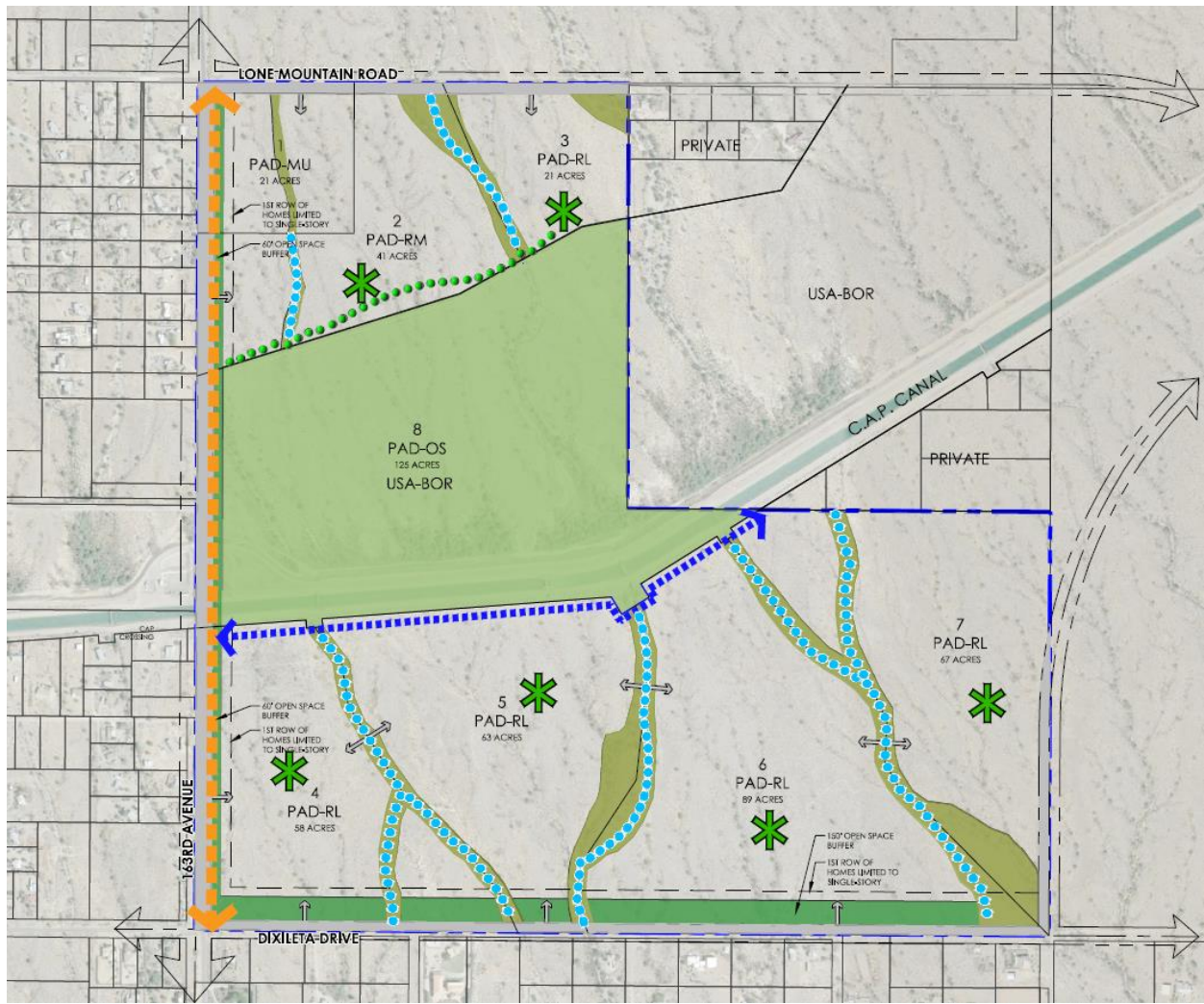
As of the writing of this report, the subject property is located within the unincorporated portion of Maricopa County and is zoned County Rural-43 (RU-43). Upon successful annexation, the property will assume like-zoning of Surprise Residential Ranch (RR). The subject request seeks to change the zoning of the property from Surprise RR to PAD to accommodate 1,860 dwelling units over 486 acres for an overall gross density of 3.8 DU/Ac.

The Lone Mountain Ranch PAD includes, five (5) low density (RL) residential parcels, each having a gross density of 4.0 DU/Ac, and one (1) medium density (RM) parcel having a gross density of 7.9 DU/Ac. In addition a 21-acre mixed use (MU) parcel is planned for the northwest corner of the project at the intersection of Lone Mountain Road and 163rd Avenue. This MU parcel anticipates both commercial and residential development at a density of 16 DU/Ac. The following image, taken from Figure 4 of the Lone Mountain Ranch Zone Change Narrative, depicts the proposed zoning.



The project is also bisected by a 125-acre strip of BOR land and is shown as open space in the land use plan, which dilutes the overall density of the project to 3.8 DU/Ac. In addition, there will be approximately 40 acres of internal wash corridors within the site that will be preserved in their natural state. The project will also have a variety of public-access trails together with a number of private trails and amenities to serve the residents of the Lone Mountain Ranch development.

A 60' wide ribbon of open space will be located adjacent to 163rd Avenue to provide buffering against the adjacent rural development to the west, while a 150' wide ribbon of open space will buffer the existing rural development to the south. The first row of houses located adjacent to these open space buffers will be limited to single story. The following image, taken from Figure 6 of the Lone Mountain Ranch Zone Change Narrative, depicts the open space and trail system associated with the project.



The following map, taken from Figure 2 of the subject Zone Change Narrative, depicts what will be the existing zoning of the subject site and its surrounds upon successful annexation.



BACKGROUND:

c. 2002: The Maricopa County Board of Supervisors approved the zoning of the Marisol Ranch property under county case Z2000-095.

c. 2014: The Maricopa County Board of Supervisors approved a Major Amendment to the zoning of the Marisol Ranch property under county case Z2014-099.

November 2, 2017: Staff met with Zach Hilgart of Hilgart Wilson, LLC and others to discuss the potential annexation and rezoning of the Marisol Ranch property under case CR17-558.

July 19, 2018: Staff met with Mark Reddie of RVi Planning + Landscape Architecture and other to discuss the potential annexation and rezoning of the Lone Mountain Ranch property under case CR18-334.

August 24, 2018: Mark Reddie of RVi Planning + Landscape Architecture filed a request for Annexation of approximately 1,194 acres, which included the Lone Mountain Ranch and Marisol Ranch properties, under case FS18-417.

September 12, 2018: Mark Reddie of RVi Planning + Landscape Architecture filed a request for a Zone Change for Lone Mountain Ranch under case FS18-459, the subject case.

October 17, 2018: Mark Reddie of RVi Planning + Landscape Architecture filed a request for a Major PAD Amendment for Marisol Ranch under case FS18-557.

November 13, 2018: Mark Reddie of RVi Planning + Landscape Architecture held a Citizen Outreach meeting to discuss both the Marisol Ranch and Lone Mountain Ranch projects.

May 2, 2019: The Planning and Zoning Commission continued the Marisol Ranch and Lone Mountain Ranch, cases FS18-557 and FS18-459, respectively, to a date-certain of June 6, 2019 due to a notification error.

May 7, 2019: The City Council approved separate Pre-Annexation Development Agreements for the Marisol Ranch and Lone Mountain Ranch projects.

June 4, 2019: The City Council held a public hearing on the annexation request being processed under case FS18-417. No action was taken at this hearing.

June 6, 2019: The Planning and Zoning Commission heard the Marisol Ranch Zone Change request and the Lone Mountain Ranch Zone Change request under cases FS18-557 and FS18-459, respectively. The Commission recommended approval of both Zone Changes to the City Council by 5-2 votes.

CITIZEN OUTREACH:

The applicant held a citizen outreach meeting on November 13, 2018, which was well attended. Numerous individuals voiced their concerns over the project ranging from impacts to local wells, traffic, view shed, light pollution, property tax increase, loss of recreational opportunities on state land, and flooding. The results of that meeting are summarized in the attached Public Participation Report. Since that time, staff has received several letters and emails opposing the annexation and the Zone Changes, some of which have also been sent directly to the City Council. The most recently received letters dated June 3, 2019 and June 6, 2019 are included with this Report.

The site was also re-posted and re-advertised in accordance with State and local requirements. In addition, the legal notification limit was expanded from 300' as required by state statute, to 500' as measured from the proposed annexation boundary. Several individuals also spoke in opposition to the Lone Mountain Ranch and Marisol Ranch developments during the May 7, 2019 City Council meeting. The city's website was also updated to include public notification.

UTILITY AND SERVICES TABLE:

Electric:	Arizona Public Service
Water:	City of Surprise
Wastewater:	City of Surprise
Refuse:	City of Surprise
Natural Gas:	Southwest Gas

Irrigation:	N/A
Schools:	Nadaburg

CONFORMANCE WITH ADOPTED PLANS:

Surprise General Plan 2035: The Surprise General Plan 2035 shows the subject property as within the City's Planning Boundary lying within the Neighborhood Character Area, which supports residential development of up to 8 DU/Ac or more, provided appropriate transitions are made between the various Neighborhood types included within the character area. While Parcel 1, is shown as Mixed Use at a density of 16 DU/Ac, the overall density of the project is 3.8 DU/Ac, which is well below 8 DU/Ac.

The proposed development also incorporates buffering between the existing rural development, both within and outside of the city. This buffering is in the form of an open space strip ranging in width from 60' along 163rd Avenue to 150' along Dixileta Drive, which when coupled with the adjacent right-of-way, will provide buffering consistent with the goals of the General Plan. The development also seeks to preserve existing wash corridors thereby providing wildlife connectivity and recreational opportunities.

ANALYSIS AND DISCUSSION:

The purpose of PAD zoning, as opposed to "hard zoning", is to allow flexibility in the development parcel boundary configuration as the project moves forward through the entitlement process, and to allow certain deviations in the development standards associated with each development parcel. While the subject property will be zoned PAD, the individual development parcels within the PAD will assume a land use designation that is tied to the current zoning district nomenclature associated with the Surprise Municipal Code as may be amended from time to time. This is expressed in Table 2 of the Narrative as follows:

<i>Table 2: PAD Compatible Zoning Designations</i>	
PAD Zoning Districts	City of Surprise Compatible Districts
PAD-MU	MU
PAD-RM	RM
PAD-RL	RL
PAD-OS	OS

The subject request includes one (1) 21-acre Mixed Use development parcel, with a maximum dwelling unit count of 335 units for a maximum residential density of 16.0 DU/Ac. In addition, there will be one (1) 42-acre Medium Density Residential parcel with 330 lots for a residential density of 7.9 DU/Ac. The project also anticipates five (5) Low Density Residential parcels with a cumulative lot yield of 1,195 lots over 237 acres for a gross density of 4.0 DU/Ac. The site is also bisected by 125 acres of BOR land that includes the Central Arizona Project (CAP) Canal. The BOR property will remain as open space†, which will have the effect of diluting the overall density of the project to 3.8 DU/Ac. Table 1 and Figure 5 of the zoning narrative depict this parcel mix.

[†Staff notes that BOR land is owned and managed by the Federal Government which has supremacy over local zoning. This supremacy allows the Federal Government to manage and use said land in the manner of their choosing. Should the BOR land contained within this application ever be sold to a non-government entity, however, local zoning applies and the land use designation of PAD-OS remains, unless rezoned in accordance with state and local law.]

Table 1: Parcel Site Data					
Parcel	Gross Acres	Proposed Zoning	Proposed Land Use	Projected # of Units	Gross Density
1	21	PAD-MU	Mixed Use	335	16.0
2	42	PAD-RM	Medium Density Residential	330	7.9
3	21	PAD-RL	Low Density Residential	85	4.0
4	58	PAD-RL	Low Density Residential	230	4.0
5	63	PAD-RL	Low Density Residential	250	4.0
6	89	PAD-RL	Low Density Residential	360	4.0
7	67	PAD-RL	Low Density Residential	270	4.0
Subtotal	361			1,860	5.2
Bureau of Reclamation Property					
8	125	PAD-OS	Open Space	0	0.0
Total	486			1,860	3.8

The proposed PAD also includes a provision to allow Density Transfers from one PAD-RL parcel to another within the project area, provided the overall unit count does not exceed 1,860 units, and the open space and development standards of both the sending and receiving parcels is maintained. There is also a provision where lots may be transferred from a PAD-RL parcel to the PAD-MU parcel subject to the same parameters with the additional caveat that the total lot yield in the PAD-MU parcel does not exceed 378 units. This feature will require a tracking mechanism be implemented during the platting stage to ensure the overall lot yield is not exceeded.

[Continued on following page.]

As noted above, the uses associated with each development parcel will be tied to the “hard-zoning” districts as stated in the Surprise Municipal Code (SMC) as may be amended from time to time. This will allow the SMC to evolve as is typically the case within a particular jurisdiction without creating additional “legacy” zoning. While the uses will be associated with the SMC as amended from time to time, the development standards associated with each development parcel will be per the Development Standards Tables as shown in Table 3 (residential) and Table 4 (commercial) of the Narrative. The rationale for this provision is that the current Surprise Unified Development Code (SUDC) is difficult to reconcile with contemporary development practices.

Table 3: Residential Development Standards							
Zoning District	PAD-OS⁽¹⁾	PAD-MU⁽²⁾ (3)	PAD-RM⁽²⁾	PAD-RL	PAD-RL	PAD-RL	PAD-RL
Parcel	8	1	2	3, 4, 5, 6, 7 ⁽⁵⁾			
Res. Lot Categories	~	~	~	A	B	C	D
Min. Lot Area	~	2,400	3,200	4,500	6,000	7,000	8,000
Min. Lot Width	~	None	None	45'	50'	60'	70'
Min. Front Setback⁽⁴⁾	~	10'/20'	10'/20'	10'/20'	10'/20'	10'/20'	10'/20'
Min. Rear Setback	~	15'	10'	15'	15'	15'	20'
Min. Side Setback	~	10'	5' (8)	5'/5' or 0'/10'	5'/5'	5'/5'	5'/8'
Building Separation	~	10'	10'	10'	10'	10'	10'
Maximum Height⁽⁷⁾	~	35'/45' (6)	35'	30'	30'	30'	30'
⁽¹⁾ The Open Space standards as defined in the Surprise Municipal Code shall apply.							
⁽²⁾ For the PAD-MU development parcel and attached or cluster residential product within the PAD (RM) parcel, setbacks shall apply to the perimeter of the district only.							
⁽³⁾ Development standards for Parcel 1 within this table apply to residential uses only. For non-residential uses, see Table 4, Commercial Development Standards for PAD-MU district.							
⁽⁴⁾ 10' to livable area, side entry garage or front porch / 20' from the front lot line to front facing garage door.							
⁽⁵⁾ For the PAD-RL parcels (Parcels 3-7), a minimum of three lot sizes/development standard categories must be provided within the overall project, to be determined on a phased basis at the time of preliminary platting.							
⁽⁶⁾ Maximum building height is 35' within the first 300' of the north and west perimeter of the property, then increases by 1' in height for each additional 10' in distance up to 45' in height.							
⁽⁷⁾ Residential homes limited to single-story where adjacent to the perimeter buffer along 163rd Avenue and Dixileta Drive.							
⁽⁸⁾ Side yard setbacks shall apply to detached units only, or the end units of attached units.							

[Continued on following page.]

Table 4: Commercial Development Standards for PAD-MU

Minimum Lot Area	None
Minimum Lot Width	None
Distance Between Buildings	Per Building Code
Minimum Front or Street Building Setback	20 feet
Minimum Side Yard Setback (perimeter of district or adjacent to residential uses only)	40 feet
Minimum Rear Yard Setback (perimeter of district or adjacent to residential uses only)	40 feet
Maximum Building Height (1)	35 feet / 45 feet
Minimum Street Landscape Setback	20 feet
(1) Maximum building height is 35' within the first 300' of the north and west perimeter of the property, then increased by 1' in height for each additional 10' in distance up to 45' in height.	

The General Plan seeks a transition from less dense residential zoning to more dense residential zoning. While there is no codified methodology for determining the extent or character of said transitions, the proposed PAD includes a provision whereby the edges located adjacent to rural development will be buffered by a strip of open space. That open space buffer will be 60' wide along 163rd Avenue and 150' wide along Dixileta Drive. In addition, along both of these edges, homes will be limited to single-story.

The site is located within the Nadaburg School District. While a school site is not slated for the Lone Mountain Ranch project, a school site is proposed with the neighboring Marisol Ranch project to the north.

RIGHTS-OF-WAY AND IMPROVEMENTS:

163RD Avenue – The developer will be responsible for the dedication and construction of the half-width ROW improvements within the 163rd Avenue right-of-way adjacent to the site. Said dedication and improvements will be consistent with the **Parkway** standards as illustrated in the Surprise Engineering Design Standards in effect at the time of site development. The exact timing of these improvements will be determined during the Preliminary Plat phase.

Lone Mountain Road – The developer will be responsible for the dedication and construction of the half-width ROW improvements within the Lone Mountain Road right-of-way adjacent to the site. Said dedication and improvements will be consistent with the **Major Arterial** standards as illustrated in the Surprise Engineering Design Standards in effect at the time of site development. The exact timing of these improvements will be determined during the Preliminary Plat phase.

Dixileta Drive and 155th Avenue – The developer will be responsible for the dedication and construction of the half-width ROW improvements within the Dixileta Drive and 155th Avenue rights-of-way adjacent to the site. Said dedication and improvements will be consistent with the **Minor Arterial** standards as illustrated in the Surprise Engineering Design Standards in effect at the time of site development. The exact timing of these improvements will be determined during the Preliminary Plat phase.

REVIEWING AGENCIES:

The subject request was routed to the standard reviewing agencies, who offer the following comments as summarized below:

Maricopa Water District (MWD): MWD states the subject property lies outside of their service area and does not impact MWD.

Arizona Department of Transportation Right-of-Way (ADOT-ROW): ADOT states the project is located more than ¼ mile from any existing or proposed ADOT facility and therefore has no comment.

Maricopa County Planning and Development Department (MCPDD): MCPDD states that urban development is more appropriately located within the city limits and offers no objection to the annexation request. MCPDD indicates no comments or objections with respect to the Marisol Ranch and Lone Mountain Ranch Zone Change requests.

Nadaburg School District, City of Peoria Community Development Department, Flood Control District of Maricopa County, Maricopa County Department of Transportation, Maricopa Association of Governments, U.S. Postal Service, Luke Air Force Base, Arizona Public Service, Southwest Gas, Cox Communications, and the Surprise Chamber of Commerce, were included in the routing of this case. No comments have been received from these entities as of the writing of this report.

SUMMARY:

The applicant seeks a Zone Change over the subject property for the purpose of creating a Master Planned Community. The zoning of the property will be PAD, with the land uses associated with each development parcel tied to the City's "hard" zoning districts as they evolve over time. The development standards, however, are included with this Zone Change and will run with the land unless subsequently amended. The project will have an abundance of open space, and while there will be a pocket of relatively high density (Parcel 1), the overall density will remain at 3.8 DU/Ac. The proposed development includes buffering adjacent to existing rural development consistent with the goals of the General Plan. Further, the development will preserve wash corridors that bisect the site thereby providing wildlife connectivity and recreational opportunities, also in support of the General Plan.

FINDINGS:

- The proposed Zone Change is consistent with the Surprise General Plan 2035.
- The land uses associated with each development parcel will follow the Surprise Municipal Code as may be amended from time to time.
- The proposed development standards will run with the land and allow the property to be reasonably developed.

RECOMMENDATION:

During its meeting on June 6, 2019, the Planning and Zoning Commission recommended approval of this Zone Change to the City Council by a 5-2 vote, subject to stipulations 'a' and 'c' as outlined below. Staff also recommends that approval of this Zone Change be conditioned upon compliance with the Pre-Annexation Development Agreement approved on May 7, 2019:

- a. Development and use of the site shall be in conformance with the Zone Change Narrative entitled "Lone Mountain Ranch PAD Narrative", consisting of twenty-six (26) pages inclusive of Figures 1 through 6, prepared by RVi Planning + Landscape Architecture and stamped received April 15, 2019.
- b. Development and use of the site shall also be in conformance with the Pre-Annexation Development Agreement approved by the Surprise City Council on May 7, 2019, and recorded with the Office of the Maricopa County, Arizona Recorder on May 9, 2019, as Document No. 20190339492.
- c. Non-compliance with the stipulations of approval of this case will be treated as a violation in accordance with the provisions of Article XIV of the Surprise Unified Development Code.

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

Attachments:

- 01 Lone Mountain Ranch / Marisol Ranch Vicinity Map
- 02 Lone Mountain Ranch Zone Change Narrative
- 03 Lone Mountain Ranch Zone Change Citizen Participation Report (redacted)
- 04 Additional Opposition (redacted)
- 05 Lone Mountain Ranch Zone Change Adopting Ordinance #2019-11

ORDINANCE 2019-11

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA, APPROVING A REZONE FROM RESIDENTIAL RANCH (RR) TO PLANNED AREA DEVELOPMENT (PAD-RL, PAD-RM, PAD-MU, AND PAD-OS) FOR LONE MOUNTAIN RANCH, GENERALLY LOCATED EAST OF 163RD AVENUE BETWEEN DIXILETA DRIVE AND LONE MOUNTAIN ROAD.

WHEREAS, this Ordinance was properly noticed for public hearing and the necessary hearings and opportunity for public input were completed;

WHEREAS, the subject site is generally located east of 163rd Avenue between Dixileta Drive and Lone Mountain Road;

WHEREAS, the subject property was annexed into the City of Surprise as memorialized under City of Surprise Ordinance #2019-11;

WHEREAS, as a result of that Annexation, the subject site is zoned as Residential Ranch (RR), which is the City of Surprise zoning most similar to the Maricopa County zoning;

WHEREAS, the rezone from RR to PAD is authorized by and satisfies the requirements of Surprise Municipal Code §122-68;

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

WHEREAS, this rezone is in harmony with the purposes and intent of the Zoning Ordinance and the Surprise General Plan; and,

WHEREAS, on June 6, 2019, the Planning and Zoning Commission recommended approval of the Lone Mountain Ranch rezone.

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

Section 1. *Rezoning to Planned Area Development.* The parcel legally described on Exhibit A and depicted on Exhibit B, known as Lone Mountain Ranch, is rezoned from Residential Ranch (RR) to Planned Area Development (PAD-RL, PAD-RM, PAD-MU, AND PAD-OS), subject to the stipulations as outlined in Section 2 herein.

Section 2. *Stipulations of Approval.* The rezoning of the property as outlined in Section 1 above is approved subject to the following stipulations:

- A. Development and use of the site shall be in conformance with the Zone Change Narrative entitled “Lone Mountain Ranch PAD Narrative”, consisting of twenty-six (26) pages inclusive of Figures 1 through 6, prepared by RVi Planning + Landscape Architecture and stamped received April 15, 2019.
- B. Development and use of the site shall also be in conformance with the Pre-Annexation Development Agreement approved by the Surprise City Council on May 7, 2019, and recorded with the Office of the Maricopa County, Arizona Recorder on May 9, 2019, as Document No. 20190339492.
- C. Non-compliance with the stipulations of approval of this case will be treated as a violation in accordance with the provisions of Article XIV of the Surprise Unified Development Code.

Section 3. *Amendment of Zoning Map.* The City of Surprise zoning map is herewith amended to reflect the changes in districts referred to in Section 1 above.

Section 4. *Codification.* This ordinance is not of a general nature and will not be codified.

Section 5. *Repeal of Conflicting Ordinances.* All ordinances or parts of ordinances in conflict with the provisions of this Ordinance or any part of the Code adopted herein by reference are hereby repealed, upon the effective date of this Ordinance.

Section 6. *Severability.* If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

Section 7. *Effective Date.* This Ordinance shall become effective fifteen (15) days after Ordinance #2019-18 (Annexation Ordinance) becomes final in accordance with applicable law.

[Signatures appeal on next page]

PASSED AND ADOPTED this _____ day of _____ 2019.

Skip Hall, Mayor

Attest:

Approved as to form:

Sherry Aguilar, City Clerk

Robert Wingo, City Attorney

EXHIBIT "A"

DESCRIPTION

LONE MOUNTAIN RANCH REZONE FROM RESIDENTIAL RANCH TO PLANNED AREA DEVELOPMENT (PAD-RL, PAD-RM, PAD-MU, AND PAD-OS)

A portion of Section 19, Township 5 North, Range 1 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona described as follows:

BEGINNING at the northwest corner of Section 19;

Thence along the north line of the northwest quarter of said Section 19 South $89^{\circ}51'15''$ East 2682.76 feet to the North Quarter Corner of said Section 19;

Thence along the north-south midsection line of said Section 19 South $00^{\circ}04'08''$ East 2637.34 feet to the Center Quarter Corner of said Section 19;

Thence along the east-west midsection line of said Section 19 South $89^{\circ}49'37''$ East 2640.40 feet to the East Quarter Corner of said Section 19;

Thence along the east line of the southeast quarter of said Section 19 South $00^{\circ}03'18''$ East to the Southeast Corner of said Section 19;

Thence along the south line of said southeast quarter North $89^{\circ}56'07''$ West 2639.74 feet to the South Quarter Corner of said Section 19;

Thence along the south line of the southwest quarter of said Section 19 North $89^{\circ}47'09''$ West 2686.38 feet to the Southwest Corner of said Section 19;

Thence along the west line of said southwest quarter North $00^{\circ}01'48''$ West 2643.01 feet to the West Quarter Corner of said Section 19;

Thence along said the west line of the aforesaid northwest quarter North $00^{\circ}01'46''$ West 2636.06 feet to the POINT OF BEGINNING.

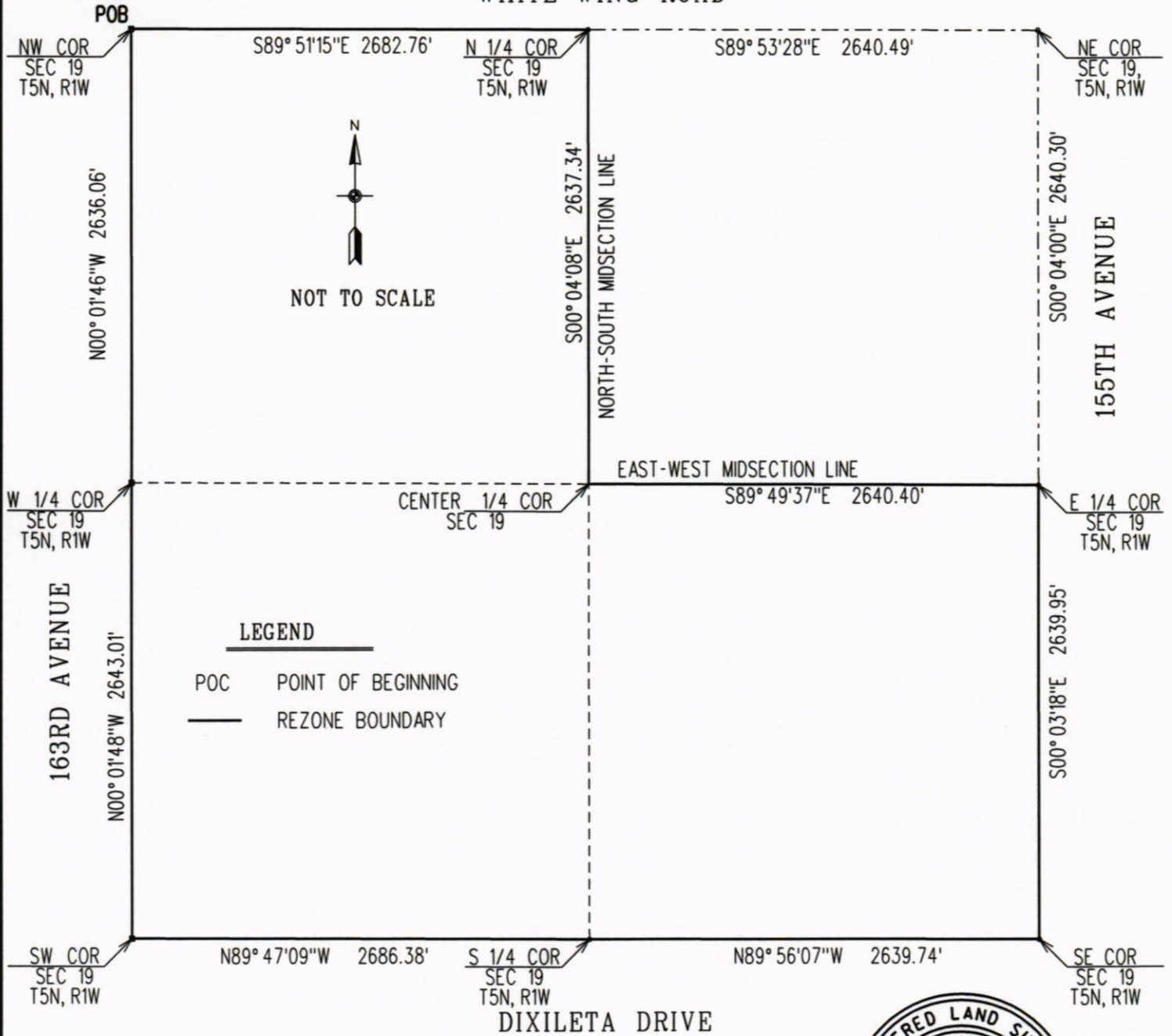
Attached is EXHIBIT "B" and by this reference is made a part hereof.

End of description



EXHIBIT "B"

WHITE WING ROAD



LONE MOUNTAIN RANCH REZONE FROM RESIDENTIAL RANCH (RR) TO PLANNED AREA DEVELOPMENT (PAD-RL, PAD-RM, PAD-MU, AND PAD-OS)



CITY OF SURPRISE
LAND SURVEY DEPARTMENT

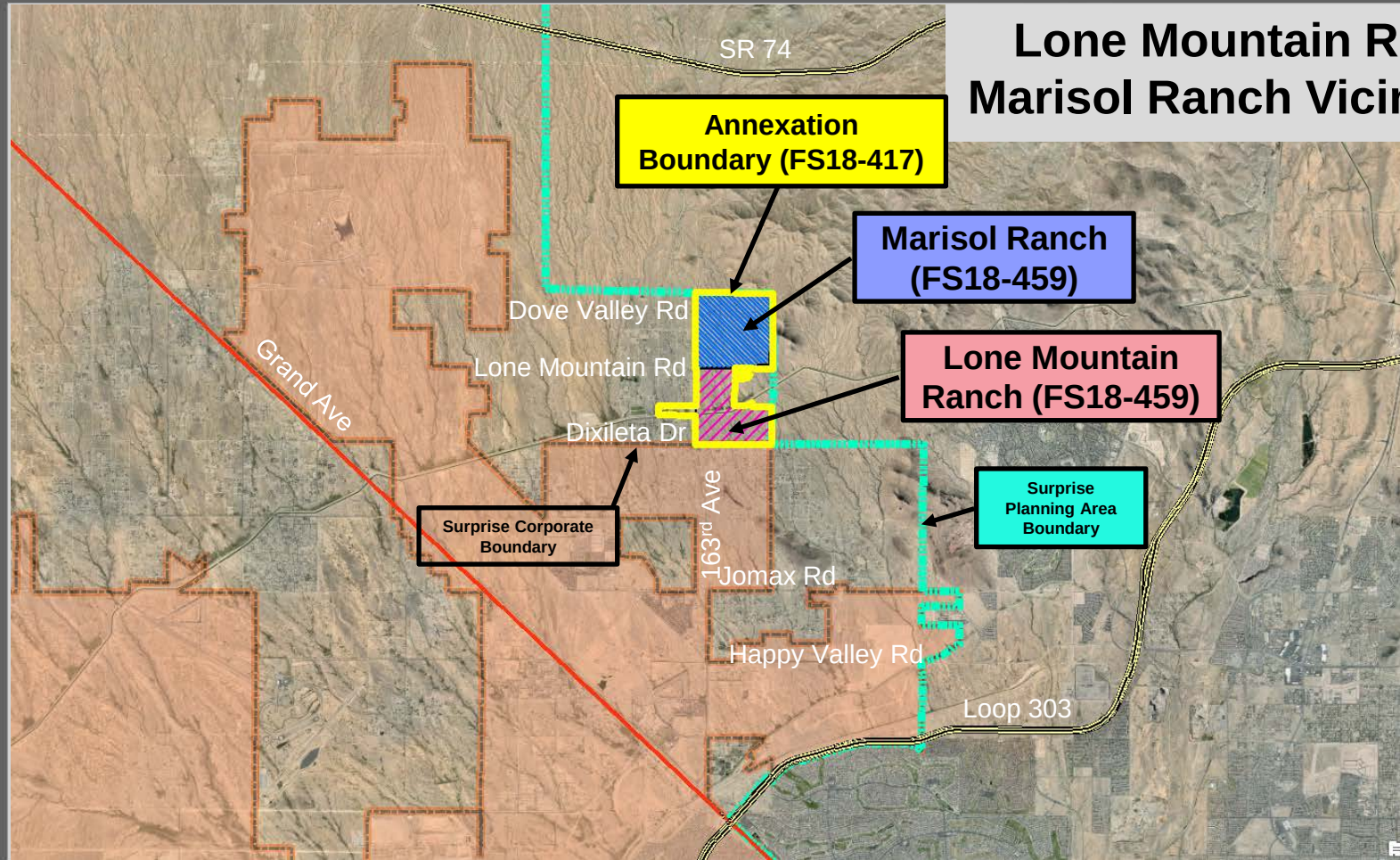
PROJECT # 19019

DRAWN BY RCD

DATE 05-21-19

SHEET 1 OF 1

Lone Mountain Ranch / Marisol Ranch Vicinity Map



Lone Mountain Ranch

PAD Narrative

April 2019

Prepared For:

Arizona State Land Department

Case # FS18-459



RVi Planning
120 S Ash Ave
Tempe, AZ 85281



Earl, Curley & Lagarde
101 N Central Ave #100
Phoenix, AZ 85012



Hilgart Wilson
2141 E Highland Ave #250
Phoenix, AZ 85016

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Appendices

Appendix A: ALTA Survey

Appendix B: Nadaburg School District Support E-mail

Development Team

Land Owners

Arizona State Land Department
Attention: Michelle Green
1616 W. Adams Street
Phoenix, AZ, 85007
mgreen@azland.gov
Phone: (480) 751-7352

Zoning Attorney

Earl, Curley & Lagarde
Greg Loper & Rod Jarvis
3101 N. Central Avenue # 100,
Phoenix, AZ 85012
gloper@ecclaw.com & rjarvis@ecclaw.com
Phone: (602) 265-0094

Land Planner/Applicant

RVi Planning + Landscape Architecture
Mark Reddie
120 S. Ash Avenue,
Tempe, AZ 85281
mreddie@rviplanning.com
Phone: (480) 994-0994

Civil Engineer

HILGARTWILSON
Zach Hilgart & Ty Wilson
2141 E. Highland Avenue, Suite 250
Phoenix, AZ 85016
zhilgart@HilgartWilson.com & twilson@hilgartwilson.com
Phone: (602) 490-0535

1.0 PROJECT OVERVIEW

1.1 Introduction

Lone Mountain Ranch is an approximately 486-acre Planned Area Development (PAD) located at the southeast corner of Lone Mountain Road and 163rd Avenue in unincorporated Maricopa County, Arizona. The site consists of two parcels owned by the Arizona State Land Department (ASLD) and one parcel owned by the federal Bureau of Land Reclamation (USA-BOR). While not including the entire section of land, the property is bounded by Lone Mountain Road to the north, 163rd Avenue to the west, Dixileta Road to the south, and the 155th Avenue alignment to the east. See **Figure 1**, *Vicinity Map* for the property location and surrounding area. The subject property is currently located within unincorporated Maricopa County, but is within the City of Surprise Planning Area. It is the intent to annex the site into the City of Surprise concurrent with this PAD zoning application.

State Trust land is often misunderstood in terms of both its character and management. Trust land is not public land. Trust land is different from public land such as parks or National Forests, in that Trust lands are managed by the Arizona State Land Department to generate revenue for K-12 schools and 13 additional institutional beneficiaries. The Trust accomplishes its mission through its sale and lease of Trust lands for grazing, agriculture, municipal, residential, commercial, mining, and open space purposes.

ASLD, serving as the fiduciary for the Trust is required by the Arizona Constitution to receive maximum value for the sale or lease of Trust lands for the benefit of the Trust. Given this Constitutional mandate, it is incumbent upon ASLD to make careful plans for these properties to maximize their ultimate value. Accordingly, the ASLD is in the process of re-evaluating the existing development plans for the Trust lands in this area and working with the City to develop plans that are appropriate for the area and will meet market needs.

As this property will be annexed into the City, at the time of annexation, the City of Surprise must adopt equivalent City zoning for the property. The property is currently zoned Rural 43 (RU-43) within Maricopa County. As such, the equivalent Surprise zoning upon annexation will be Residential Ranch (RR). In order to agree to annex into the City of Surprise, the ASLD requested that the City consider rezoning the property to allow for additional densities and intensities in conformance with the City's General Plan Land Use designations for the property. In discussions with the City of Surprise staff, it was determined that PAD zoning is the best approach to meet the goals of the City, the objectives of the ASLD and to facilitate a cohesive plan of development for the property. This request is to rezone the property from RR to PAD with residential and mixed-use land uses.

This PAD document is intended to provide a general development plan for the property consistent with the regulations and requirements of the Surprise Municipal Code (SMC). This

PAD establishes policies and regulatory standards for the property related to land use, density, intensity, public infrastructure, public facilities and open space. Factors not addressed by this PAD will default to the SMC as may be amended from time to time.

1.2 Project Description and Zoning Request

Lone Mountain Ranch is proposed as a 486-acre mixed use master plan with residential, mixed commercial uses and an abundance of open space. The land use plan is designed to provide a range of residential development parcels, mixed-use commercial and higher-density residential uses at the primary arterial intersection, and integration of natural and improved open space, including preservation of primary wash corridors and BLM land, as well as generous perimeter open space buffers to provide an appropriate transition of densities from the existing rural residential uses adjacent to the site along the western and southern boundaries. The plan will incorporate pocket parks, connected trails and natural open space. A mixed use parcel is included which could provide local retail, dining and service needs for area residents as well as higher density residential uses. Rezoning the property from RR to PAD zoning with a mix of uses will result in the establishment of a balanced community with customized development standards, cohesive design features and the preservation of sensitive open spaces and buffer corridors.

The primary factor used to determine the land use plan for Lone Mountain Ranch was the goal of providing a flexible range of land use opportunities for the property. Parcel boundaries are largely defined by existing washes, providing for connected open space and the protection of significant natural site features. The resulting land use plan will provide for a series of connected natural open space corridors weaving throughout the community and defining the various residential neighborhoods. This design approach maximizes access and visual corridors into open space areas from each residential development parcel, while creating premium lots, openness and connectivity to future trail corridors and recreational opportunities. These features are intended to create a pleasurable and active living experience in a master planned community that celebrates the surrounding natural environment.

The following sections of this PAD document provide details regarding the existing conditions of the property and surrounding area, the community master plan elements, and development standards that will apply to Lone Mountain Ranch. This PAD also includes various graphic exhibits to visually demonstrate the master planning elements of the Lone Mountain Ranch development.

2.0 EXISTING CONDITIONS ANALYSIS

2.1 Property Location and Description

Location

Lone Mountain Ranch is a 486-acre property located at the northeast corner of Dixileta Drive and 163rd Avenue within the northwest portion of the City of Surprise Planning Area. The property is made up of three assessor parcels, including two owned by the Arizona State Land Department and one owned by the Federal Bureau of Land Management. Vehicular access to the site is currently provided via 163rd Avenue from the south.

Ownership Control

Parcels APN# 503-52-004C, and 503-52-004A are owned by the Arizona State Land Department and APN#503-52-004B is owned by the BLM. (see **Appendix A, ALTA Survey**).

Municipal Boundaries

Lone Mountain Ranch is located within an unincorporated portion of Maricopa County. The site is included within the planning area of the Surprise General Plan, although the jurisdictional boundary is located immediately south of the site. The jurisdictional boundary of the City of Peoria runs adjacent to the east side of the property.

Surrounding Property Ownership

The site is bordered by private property to the north (this land includes the proposed Marisol Ranch PAD), large lot residential property owners to the south and west and State Land to the east.

2.2 Existing Land Use, General Plan Designation and Zoning

Existing Land Use

Lone Mountain Ranch currently consists of undeveloped, vacant desert land. Small amounts of desert vegetation exist along various wash corridors where stormwater drainage is directed. Overall, the site remains largely in its natural, undisturbed condition.

Existing Zoning

The property is currently zoned RU-43 within Maricopa County. Upon annexation, the site will receive equivalent Surprise Zoning of Residential Ranch (RR). As shown on **Figure 2, Existing Zoning Map**, the surrounding zoning classifications include a mix of various residential and commercial zoning districts as part of the Marisol Ranch community (currently proposed as PAD upon Annexation to the City of Surprise) to the north, RR (City of Surprise) to the south, SR-43 (City of Peoria) to the east and RU-43 (Maricopa County) to the west.

Existing General Plan

Figure 3, Existing General Plan Land Use Map for Lone Mountain Ranch identifies two land use character area designations within the City of Surprise 2035 General Plan, including “Neighborhood” and “Open Space”. The open space designation represents linear trail corridors that run north/south through the primary wash corridors within the property. The blue color represents the Central Arizona Project (CAP) canal but does not have a specific designation

within the General Plan. Most of the site falls within the “Neighborhood” land use character area designation. The Neighborhood designation is intended to be primarily residential in nature, but also supports limited commercial and public facility uses to serve the local residents. Densities in the Neighborhood designation can range from 1-8 dwelling units per acre. With an overall density of 3.8 du/ac, the development plan within this PAD is consistent with the “Neighborhood” development pattern as outlined in the City of Surprise 2035 General Plan.

2.3 Regional Facilities and Services

Transportation/Roadways

The property is currently accessed from 163rd Avenue via the Loop 303 Freeway and Grand Avenue from the south. 163rd Avenue is currently a 2-lane paved roadway adjacent to the site. Existing dirt roads are also provided along the Lone Mountain Road (W. White Wing Road) alignment immediately south of the property to access several large lot residential properties in the area, and Dixileta Road immediately south of the property, also accessing various rural residential properties.

School District

The site is located within the boundaries of the Nadaburg Unified School District (NUSD). The NUSD presently has two elementary schools, including Nadaburg Elementary School located approximately 16 miles from the site at the southeast corner of Center Street and Dove Valley Road in the Whitman area, and Desert Oasis Elementary School located approximately 5 miles from the site at the southwest corner of 171st Avenue and Bajada Road. A future additional elementary school is planned within the Marisol Ranch community to the north of the site. Discussions have been ongoing with the NUSD (Rick Stephen, Superintendent) and they are supportive of the school site and its location within Marisol Ranch to serve the future residents in the area, and the indicated they will coordinate with the ASLD at the appropriate time for any potential additional school district needs.

Because the NUSD does not currently have its own high school, students living in Lone Mountain Ranch would be able to attend the high schools in neighboring districts. Many Nadaburg students attend Sunrise Mountain High School in Peoria and Wickenburg High School. The NUSD is in talks to build its own high school within the next 3-5 years and a site location is still to be determined.

Law Enforcement, Fire and Refuse Service

Upon annexation, fire & emergency services, law enforcement services, and refuse collection will be provided by the City of Surprise. The nearest fire station, Surprise Fire-Medical Station #304, is located three miles south of site on 163rd Avenue. The nearest Police Station is at Surprise City Hall, approximately ten miles south of the site.

3.0 DESCRIPTION OF REQUEST

3.1 PAD Land Use Master Plan & Regulatory Development Standards

Purpose and Intent

This PAD zoning document (Case# FS18-459) amends the equivalent zoning adopted upon annexation to meet future market conditions for the development of a residential master planned community in conformance with the Surprise General Plan Land Use designations for the site. The primary changes from the equivalent zoning requested to this PAD include the following:

- Designate single-family residential zoning on the southern portion of the property;
- Designate a mix of commercial/mixed use, medium density residential and single-family residential on the northern portion of the property;
- Designate open space zoning within the central portion of the property to include the BOR land;
- Provide a transition buffer along the southern and western edges of the property to provide for an appropriate transition between the adjacent rural residential uses and the proposed uses within the development.

This PAD document establishes a framework for zoning districts and development standards that will be adopted Lone Mountain Ranch using the PAD zoning district within the City of Surprise Unified Development Code (Section 122-38). **Figure 4, *Proposed Zoning Map*** shows the proposed PAD zoning for this site and existing zoning for the surrounding areas.

Development Plan Concept

The Lone Mountain Ranch land use master plan was designed based on the opportunities and constraints affiliated with the natural topography and features of the site, maintaining flexibility regarding land use, and ensuring appropriate buffers to adjacent rural residential land uses along the western and southern perimeter of the development. The more intensive uses are proposed along the northern portion of the site where adjacent to the Marisol Ranch development, and at the primary intersection of two regional roadways, 163rd Avenue and Lone Mountain Road, and include a mix of mixed use development, medium density residential, and single-family residential along the eastern edge. There is a major wash corridor along the northeast edge of the development, providing a natural open space buffer between Lone Mountain Ranch and the rural residential development to the east. The central portion of the property will be maintained as open space, while the southern portion will include single-family residential uses.

This project is composed of eight development parcels which are designated within four different zoning districts. The project anticipates development of up to 1,860 residential units, commercial land use opportunities, a series of pocket parks, an abundance of natural open space

within the BOR land and along the primary wash corridors, connected trails and a perimeter buffer where adjacent to existing rural residential uses. **Table 1, *Parcel Site Data*** provides an overview of each individual parcel and its designated zoning district.

Table 1: <i>Parcel Site Data</i>					
Parcel	Gross Acres	Proposed Zoning	Proposed Land Use	Projected # of Units	Gross Density
1	21	PAD-MU	Mixed Use	335	16.0
2	42	PAD-RM	Medium Density Residential	330	7.9
3	21	PAD-RL	Low Density Residential	85	4.0
4	58	PAD-RL	Low Density Residential	230	4.0
5	63	PAD-RL	Low Density Residential	250	4.0
6	89	PAD-RL	Low Density Residential	360	4.0
7	67	PAD-RL	Low Density Residential	270	4.0
Subtotal	361			1,860	5.2
Bureau of Reclamation Property					
8	125	PAD-OS	Open Space	0	0.0
Total	486			1,860	3.8

Lone Mountain Ranch Zoning Districts

Lone Mountain Ranch is a primarily residential master planned community, with densities and lot sizes to provide housing opportunities that will cater to a variety of lifestyle choices for residents. The Land Use Master Plan includes eight (8) development parcels within four (4) zoning district, all of which are described in more detail below. A maximum of 1,860 residential units are planned for the project, with an overall density of 3.8 dwelling units per acre.

Residential Medium (PAD-RM): Parcel 2 is designated as PAD-RM, which allows for single-family detached and attached residential development with up to 8.0 dwelling units per acre. This district will allow traditional single family detached residential units, single family attached, cluster development, townhomes, condominiums or other medium density residential configurations. At the Surprise Community Development Director's discretion, densities within the RM parcel may exceed 8.0 du/ac on any individual sub-parcel in accordance with the allowable development standards and open space requirements, so long as the overall unit count for the development parcel as a whole does not exceed 330 dwelling units.

Residential Low (PAD-RL): The PAD-RL district allows for single-family detached residential development within four (4) development standard lot categories (A-D) with minimum lot sizes ranging from 4,500 to 8,000 square feet. The five parcels within this district, parcels 3-7, make up approximately 298-acres within the Lone Mountain Ranch community. In order to encourage a diversity of lot sizes and product types within the community, a minimum of three of the four development standard lot categories must be provided within the overall development, to be determined on a phased basis at the time of preliminary platting. In order to ensure an appropriate mix, no more that 50% of the total lots can be within any one of the lot

categories, and a minimum of 20% of the total lots must be within at least three of the lot categories. This will ensure a diversity of lot sizes and product mix within the community.

Open Space (PAD-OS): To provide for a contiguous zoning application, the Bureau of Land Management (BOR) property is also included in this application. This area makes up Parcel 8, which is encumbered by a large amount of flood plain making it difficult to develop. As such, this large development parcel is designated as open space within the plan. The City of Surprise Open Space zoning district shall apply to the property as it relates to development standards, regulations and guidelines for this parcel.

Mixed Use (PAD-MU): The PAD-MU zoning district is approximately 21-acres and is located at the northwest corner of Lone Mountain Ranch at the intersection of 163rd Avenue and Lone Mountain Road. This development parcel is identified as Parcel 1 on the Land Use Master Plan and is intended to allow for flexible development of commercial and retail uses to support the residents within Lone Mountain Ranch and the surrounding neighborhoods while also allowing for higher density residential development. This Development Parcel can provide for up to 330 residential units. This location at the major intersection of 163rd Avenue and Lone Mountain Road is ideally suited for commercial and retail services and higher density residential uses.

The intent of the PAD-MU district is to provide for the development of a vibrant neighborhood setting with land uses that compliment each other and allow for a range of commercial, retail, employment and/or housing options through a variety of uses while preserving an overall residentially-compatible character. While this district shall not require a minimum mix of uses in a vertical or horizontal setting, all uses provided shall encourage both vehicular and pedestrian connectivity through pedestrian friendly streets, sidewalks and pathways in order to ensure easy access between shops, services and housing. The architectural design and use of materials and colors shall be similar or compatible throughout the district to convey an overall unified development plan as it is built over time.

Compatible Zoning Per the City's Zoning Districts

The Lone Mountain Ranch PAD provides for zoning districts that serve to guide the development of the community as it is built over time. While this PAD addresses many standard development regulations such as setbacks, lot size, density, etc., there may be other regulations or standards that are not specifically addressed in this PAD, such as walls, landscaping, parking, etc. To ensure consistency in implementation and to ensure that any necessary development standards that are not addressed in this PAD are implemented in an appropriate manner, **Table 2, PAD Compatible Zoning Designations** identifies the “compatible” zoning designation per the City's Unified Development Code to the PAD zoning districts defined within this PAD. All development standards, regulations and guidelines defined within the PAD shall supersede standards within the compatible City zoning designation. If the PAD is silent on a required standard, regulation or guideline, the designated “Compatible” zoning districts per the City's Unified Development Code shall apply. Regarding the PAD-OS designation on the BOR property (Parcel 8), the City of Surprise Unified Development Code, as may be subsequently amended, shall apply in its entirety.

Table 2: <i>PAD Compatible Zoning Designations</i>	
PAD Zoning Districts	City of Surprise Compatible Districts
PAD-MU	MU
PAD-RM	RM
PAD-RL	RL
PAD-OS	OS

Permitted Uses:

The various development parcels shall conform to the Permitted and Conditional Uses as defined by the Surprise Municipal Code, Section 122-43(b), as may be amended from time to time based on the compatible zoning districts for each land use designation as defined in **Table 2, *PAD Compatible Zoning Designations***, with the following additions:

Development Standards

The Lone Mountain Ranch PAD provides its own unique regulatory development standards that will guide the overall planning and development of the residential portions of the community. These development standards include minimum lot sizes, setbacks, building height, and other regulations as defined within this PAD. Where standards and regulations are not otherwise specified within this PAD document, the City of Surprise compatible zoning districts, per **Table 2**, as specified in the Surprise Unified Development Code, including future amendments, shall regulate.

Residential Development Standards

The development standards as defined within **Table 3, *Residential Development Standards*** shall apply for all residential uses within Lone Mountain Ranch.

Table 3: Residential Development Standards							
Zoning District	PAD-OS ⁽¹⁾	PAD-MU ⁽²⁾ (s)	PAD-RM ⁽²⁾	PAD-RL	PAD-RL	PAD-RL	PAD-RL
Parcel	8	1	2	3, 4, 5, 6, 7 ⁽⁵⁾			
Res. Lot Categories	-	-	-	A	B	C	D
Min. Lot Area	-	2,400	3,200	4,500	6,000	7,000	8,000
Min. Lot Width	-	None	None	45'	50'	60'	70'
Min. Front Setback ⁽⁴⁾	-	10'/20'	10'/20'	10'/20'	10'/20'	10'/20'	10'/20'
Min. Rear Setback	-	15'	10'	15'	15'	15'	20'
Min. Side Setback	-	10'	5' (8)	5'/5' or 0'/10'	5'/5'	5'/5'	5'/8'
Building Separation	-	10'	10'	10'	10'	10'	10'
Maximum Height (7)	-	35'/45' (6)	35'	30'	30'	30'	30'
⁽¹⁾ The Open Space standards as defined in the Surprise Municipal Code shall apply.							
⁽²⁾ For the PAD-MU development parcel and attached or cluster residential product within the PAD (RM) parcel, setbacks shall apply to the perimeter of the district only.							
⁽³⁾ Development standards for Parcel 1 within this table apply to residential uses only. For non-residential uses, see Table 4, Commercial Development Standards for PAD-MU district.							
⁽⁴⁾ 10' to livable area, side entry garage or front porch / 20' from the front lot line to front facing garage door.							
⁽⁵⁾ For the PAD-RL parcels (Parcels 3-7), a minimum of three lot sizes/development standard categories must be provided within the overall project, to be determined on a phased basis at the time of preliminary platting.							
⁽⁶⁾ Maximum building height is 35' within the first 300' of the north and west perimeter of the property, then increases by 1' in height for each additional 10' in distance up to 45' in height.							
⁽⁷⁾ Residential homes limited to single-story where adjacent to the perimeter buffer along 163rd Avenue and Dixileta Drive.							
⁽⁸⁾ Side yard setbacks shall apply to detached units only, or the end units of attached units.							

Commercial Development Standards

The standards as defined within **Table 4, Commercial Development Standards** shall apply for all non-residential uses within the PAD-MU district. The standards as defined within **Table 3, Residential Development Standards**, using the PAD-MU district shall apply for all residential uses within Parcel 1. Additional building and performance standards not defined within the applicable sections of this PAD shall conform to the MU zoning district as defined within the City of Surprise Unified Development Code.

Table 4: Commercial Development Standards for PAD-MU	
Minimum Lot Area	None
Minimum Lot Width	None
Distance Between Buildings	Per Building Code
Minimum Front or Street Building Setback	20 feet
Minimum Side Yard Setback (perimeter of district or adjacent to residential uses only)	40 feet
Minimum Rear Yard Setback (perimeter of district or adjacent to residential uses only)	40 feet
Maximum Building Height ⁽¹⁾	35 feet / 45 feet
Minimum Street Landscape Setback	20 feet
⁽¹⁾ Maximum building height is 35' within the first 300' of the north and west perimeter of the property, then increased by 1' in height for each additional 10' in distance up to 45' in height.	

Transfer of Residential Units:

Table 5, *Land Use Summary by Designation*, defines the overall acreage and projected unit count for each residential zoning district. Lone Mountain Ranch includes five parcels (Parcels 3 through 7), which are designated PAD-RL for a total of 1,195 residential units on 298-acres. While overall, Lone Mountain Ranch may not exceed the maximum residential unit count of 1,860 units, residential units may be transferred from parcel to parcel within the PAD-RL district. For example, Parcels 3 and 4 are both designated as RL, with 85 residential units projected for Parcel 3 and 230 residential units projected for Parcel 4 per **Table 1**. If the actual unit count of Parcel 3 is built out at 80 residential units, the unused 5 residential units may be transferred to Parcel 5, increasing the total within Parcel 5 from 230 units to 235 units. This transfer can only be done within the PAD-RL district, except that any unused residential units from any residential district can be transferred to the PAD-MU district up to a maximum of 378 total residential units within Parcel 1. The development standards and open space requirements of the receiving parcel apply.

Table 5: <i>Land Use Summary by Designation</i>				
Proposed Use:	Zoning:	Parcels:	Gross Acres:	Units:
Mixed Use	PAD-MU	1	21	335
Medium Density Residential	PAD-RM	2	42	330
Low Density Residential	PAD-RL	3, 4, 5, 6, 7	298	1,195
Open Space	PAD-OS	8	125	0
Total			486	1,860

3.2 Recreation and Open Space

Lone Mountain Ranch will include a series of parks, trail corridors and natural, undeveloped open space to preserve and/or serve the residents of the Lone Mountain Ranch community. A conceptual plan for these amenities is shown in **Figure 6, *Recreation and Open Space Plan***, and is described in more detail below. Overall, Lone Mountain Ranch will provide 20% of the net residential area as dedicated open space. Additionally, all major wash corridors within the development will be counted as additional open space, significantly increasing the total amount of open space within the development. The designed wash corridors defined within **Exhibit 6** represent approximately 40-acres of additional open space, although the precise acreage will be determined at the time of development once more detail engineering analysis is conducted on the floodplain areas. Open space amenities described in this section supersede any amenity requirements as stated in the SMC as may be amended from time to time.

Pocket Parks

Within each of the PAD-RM & PAD-RL residential development parcels, a minimum of one (1) pocket park will be developed for the use and enjoyment of the applicable subdivisions. These pocket parks, planned to be approximately ½-acre each, will relate in size and scale to the

specific residential subdivision design, and will include a combination of active and passive open space amenities. Specific amenities within pocket parks will include at least four (4) of the following: shaded play structure with ADA compliance, half or full sport court, turf play field of at least 5,000 square feet, two BBQ grills, two picnic tables, a shade ramada, two outdoor games such as ping-pong, horse shoes or cornhole. Other similar amenities may be provided in lieu of the amenities listed above if determined to be equivalent at the Community Development Director's discretion. Additionally, all pocket parks will include trails and/or trail connectivity, landscaping, and a trash receptacle. These parks may also be used to enhance entry features into the subdivision and to accommodate areas for stormwater retention. Pocket parks will be designed with the intent that no home be greater than approximately ¼ mile from a pocket park. On-street or off-street parking will be provided adjacent to each pocket park to accommodate residents that choose to drive to the parks, though the plan encourages walking through the connected pedestrian network.

Trails

Internal Trail: An internal trail network is planned along various open space corridors throughout Lone Mountain Ranch. These trails are programmed as 8' – 10' hard surface and/or natural surface trails and have been planned primarily along natural open space areas and between development parcels to provide a connected trail system throughout the community. Within wash corridors, the trails will be 10' wide. Within all other areas the trails will be 8' wide. The internal trail network provides for connections throughout the community and allows for pedestrian and bicycle access between the residential development parcels and from the residential parcels to the mixed use parcel and the CAP Canal Trail which bisects the site. The trail system will also provide recreational opportunities for walking, jogging, biking, and other forms of recreation to allow residents to enjoy the natural beauty of the property while recreating close to home. The trail system will include a combination of hard and soft surfaces where appropriate to allow for the variety of user experiences.

Multi-Use Parkway Trail: A 12' wide multi-use concrete trail is planned along the western boundary of Lone Mountain Ranch within the right-of-way for 163rd Avenue, consistent with the City of Surprise Parkway cross section standard. This trail will allow for a variety of transportation types including pedestrian and bicycle use.

Central Arizona Project Canal Trail: The Central Arizona Project (CAP) canal bisects the site in an east/west direction. While the primary purpose of this canal system is to serve as a reliable water source, the CAP alignment provides an opportunity to incorporate a regional, non-motorized multi-use recreational trail corridor adjacent to the canal. The planned 8' trail corridor is located outside and immediately south of the CAP property within the Lone Mountain Ranch property and will connect to the other planned trail corridors south of the CAP. While pedestrian crossings of the CAP will be limited, the north parcels can connect to the CAP trail at 163rd Avenue.

Natural Open Space

Natural open space areas will be provided throughout the site within drainage corridors and within the BLM land area. These natural open space areas serve as important habitats for wildlife and will promote the beautiful native desert character of the property. Trails meandering through the drainage corridors will offer future residents an escape into the natural world. The natural open space areas will serve as buffer areas and transition zones between development parcels while providing residents with native desert environments within their community. While not identified as separate parcels within this PAD, at the time of platting, natural open spaces within wash corridors will be designated as permanent open space tracts within each applicable recorded plat and will be included in the 20% required net residential open space calculations.

Buffer Open Space

In order to provide an appropriate transition from the existing rural residential uses along the perimeter of the Lone Mountain Ranch property and meet the density transition requirements within the Surprise General Plan, a landscaped open space buffer will be provided along 163rd Avenue and Dixileta Road along the entire southern and western perimeter of the property. This will include a 60' wide open space buffer along 163rd Avenue, and a 150' wide open space buffer along Dixileta Road. With the addition of the applicable roadway right-of-way per the City of Surprise standard, these buffers will both provide a 260' setback when combining the right-of-way with the adjacent open space buffer. In addition to the perimeter open space buffer, the first row of homes adjacent to these open space buffers within residential districts shall be limited to single-story in height. The location of the buffer open spaces is provided in **Figure 5** and **Figure 6**.

A large wash runs adjacent to the home located at 15841 W. White Wing Road at the northeast corner of the site. This wash will serve as an open space buffer to this home near the northeast corner of the property. The wash continues south adjacent to the Lone Mountain Ranch property line acting as a natural buffer to any future development in this area. No defined landscape buffers are proposed adjacent to parcels 503-52-003Y, 503-52-003X and 503-52-003S as these parcels are currently undeveloped.

Additional Open Space

Additional natural and improved open space areas will be provided throughout the development in the form of tracts to accommodate stormwater retention, public utility easements, perimeter setbacks, community entry features, and other needed open space areas and will be landscaped as appropriate.

Summary of Open Space Plan

Open Space will take a variety of forms within Lone Mountain Ranch. Together, the pocket parks, open space buffers, trail corridors, BLM land, natural open space and other open space areas will create a feeling of openness and sense of connection with the natural environment for future residents. Lone Mountain Ranch will provide for a total of 20% of the net residential land area plus all designated wash corridors as open space. Open space areas within Lone Mountain

Ranch will be sensitively planned to provide protection for significant natural features and to provide centrally-located recreational opportunities for future residents. Development and maintenance of all common open space areas within the community will be owned and maintained by a future Homeowners Association.

3.3 Circulation Plan

Off-Site and Perimeter Roadways

Primary roads around the perimeter of the site include 163rd Avenue, a planned Parkway corridor which will serve as a regional roadway connection from south to north adjacent to the western perimeter of the property, ultimately connecting to the US-60 to the south and SR-74 to the north. Lone Mountain Road, a planned Major Arterial, is programmed to extend along the entire northern boundary of the property, ultimately connecting to the Loop 303 in Peoria to the east and extending all the way to US-60 in Surprise to the west, providing regional connectivity through the area. Dixileta Road, a planned Minor Arterial, is programmed to extend along the south border of the site, providing localized access to the property. All public roads adjacent to and within the Lone Mountain Ranch project will be developed to meet City standards in effect at the time of development.

On-Site Roadways

The primary circulation within the community will be planned via local streets and/or collector roadways, providing localized access to various development parcels. It is anticipated that all interior local streets will be public streets; however, if any development parcel is developed as a gated subdivision, the interior local streets will be private and maintained by the applicable homeowners' association. The number and location of the roadway types and access points will be determined through the site platting and traffic impact analysis process when the property is developed.

Bicycle & Pedestrian Circulation

Lone Mountain Ranch will provide detached sidewalks on all parkways, collectors, and local streets to promote pedestrian safety and comfort while also providing for shaded tree-lined streets. On-street bicycle lanes will be provided on arterial and collector roads in conformance with City of Surprise standards and to promote the use of bicycles as a viable means of mobility throughout the community.

In addition to bicycle and pedestrian routes affiliated with the planned roadways, Lone Mountain Ranch also addresses trails and paths identified by the City of Surprise General Plan and Parks and Recreation Master Plan. These routes will provide additional circulation options for non-vehicular travel and opportunities for recreation and connectivity to various uses and amenities within Lone Mountain Ranch and beyond.

3.4 Drainage Master Plan

Existing Drainage Conditions

The project site generally slopes to the southwest at an average grade of 1 percent. The site is currently comprised of undeveloped native desert land. The two main sources of offsite runoff that impact the Project are Padelford Wash and the Central Arizona Project (CAP) Canal.

Runoff approaching the Project from Padelford Wash enters the northern portion of the site along the northern and western boundaries. The flows impacting the site are those from Split 1, Split 2, and the Main Reach. Runoff from Padelford Wash ponds upstream of the CAP Canal and discharges via culverts beneath the canal into the southern portion of the Project.

Proposed Drainage Conditions

In the proposed drainage plan, the runoff from Padelford Wash and the CAP Canal will enter via box culverts beneath the proposed Lone Mountain Road and will be conveyed southeast through existing natural washes. These washes will be utilized to convey offsite flows approaching the site to the downstream limits of the property. Erosion Hazard Limits will be designated along the onsite wash corridors per the methodology prescribed in Arizona State Standard 5-96.

Runoff generated by localized offsite drainage areas will be collected in natural and engineered channels and conveyed around the perimeter of the Project to their respective historic outfalls.

Portions of the floodplains associated with Padelford Wash and CAP Canal will be mitigated by the placement of fill to sufficiently elevate the lots above the 100-year water surface elevation and remove the affected area from the floodplain. The CLOMR/LOMR process will be completed to effectively remove these lots from the regulatory floodplains.

Onsite rainfall runoff from the Project will be routed within the streets and/or storm drain to retention basins. These basins will be designed to store the tributary runoff generated from the 100-year, 2-hour storm event.

Ultimately, the proposed drainage conditions will mimic existing drainage patterns and ultimately exit the Project at the historical outfall points.

3.5 Water & Sewer Master Plans

Water

Lone Mountain Ranch is located within the City of Surprise pressure zones PZ4A & PZ3A and Special Planning Areas 2 & 4 (SPA2 & 4). The Project is located approximately 3 miles north of the existing Desert Oasis Water Storage Facility (WSF) and is isolated from existing water infrastructure. The Project's anticipated average day, maximum day, and peak hour demands are 524,300 gpd, 1,048,600 gpd, and 1,572,900 gpd, respectively.

The *Integrated Water Master Plan: Water Infrastructure Final Report* (Malcolm Pirnie, 2009) outlines using WSF-5 as the planned near-term solution for parcels 1 – 3 of the Project, therefore

this solution is anticipated to serve these parcels of the Project after the interim solution. Since parcels 4 – 9 of the Project are in a different service area than parcels 1 – 3 of the Project they are anticipated to be served by the existing Desert Oasis WSF. A proposed interim solution to serve the Project is to use the existing water infrastructure within SPA2. Since SPA 2 lies within the lower pressure zones of PZ-2A, PZ-3A and PZ-2C, a booster pump station will be required. A near term solution is constructing an onsite water supply facility, and booster pump station on or near the Project site to serve the Project.

It is anticipated that the Project will be developed in several phases. The proposed water system infrastructure needed to serve the Project will also be constructed in phases to adequately meet the water demands for each phase. Selection of the final interim water solution will be made during the design phase.

Detailed water analysis for Lone Mountain Ranch is provided in **Appendix B, Master Water Plan**.

Sewer

Lone Mountain Ranch is within the City of Surprise wastewater service area. The Project is within the City of Surprise Special Planning Areas 2 & 4 (SPA2 & 4) wastewater treatment area. The Project is located within the City's SPA2 Water Reclamation Facility (SPA2-WRF) wastewater service area. The SPA2-WRF is located near Reems Road and Pinnacle Peak Road, south of the Beardsley Canal. Currently, there is no wastewater infrastructure adjacent to the Project site. The project will generate an estimated average daily wastewater flow of 338,850 gpd and a peak wastewater flow of 1,016,550 gpd.

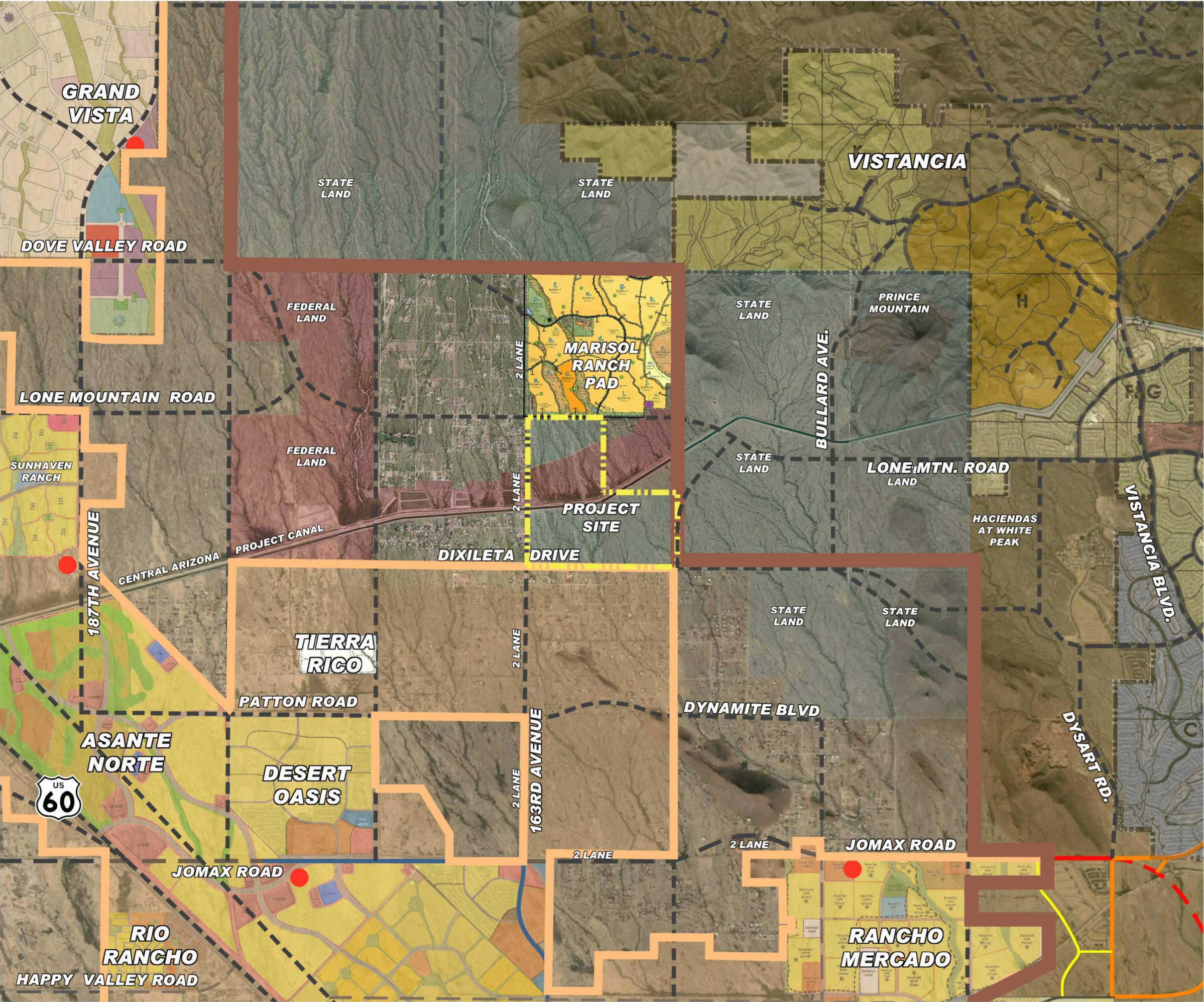
As noted in the City's *Integrated Water Master Plan: Water Infrastructure Final Report* (Malcolm Pirnie, 2009), the Project's wastewater flows will ultimately be routed to the SPA2-WRF. Until the sewer trunk mains between the Project and SPA2-WRF are fully constructed, the Project may be served by a package treatment plant or a lift station and force main. If a temporary package wastewater treatment plant is used, it will be installed near the low point of the community and be constructed in phases to match the Project's development. Alternately, if a temporary lift station and force main are installed wastewater flows will be pumped from the Project site to the existing wastewater infrastructure approximately three miles south of the Project for further conveyance to the SPA2-WRF.

It is anticipated that the Project will be developed in several phases. The proposed wastewater system infrastructure will also be constructed in phases to adequately serve the wastewater flows generated by the development. Selection of the final interim wastewater solution will be made during the design phase.

3.6 Amendments

Formal amendments to the Lone Mountain Ranch PAD may become necessary from time to time for various reasons to respond to changing market or financial conditions, to update the PAD to reflect new development conditions and/or to respond to the requirements of a user or builder on the property. Unless otherwise requested in the amendment application, any proposed change will not affect development parcels, regulations or standards not included in the proposed

amendment request. Only the contents of the amendment request shall be considered and acted upon by the appropriate City staff and/or Planning Commission and City Council as defined in the City's Municipal Code, including future amendments.



LONE MOUNTAIN RANCH

Planned Area Development

Figure 1
Vicinity Map

-  SURPRISE CITY LIMITS
-  SURPRISE PLANNING AREA BOUNDARY
-  PROJECT BOUNDARY

Subject to engineering and City review and approval.

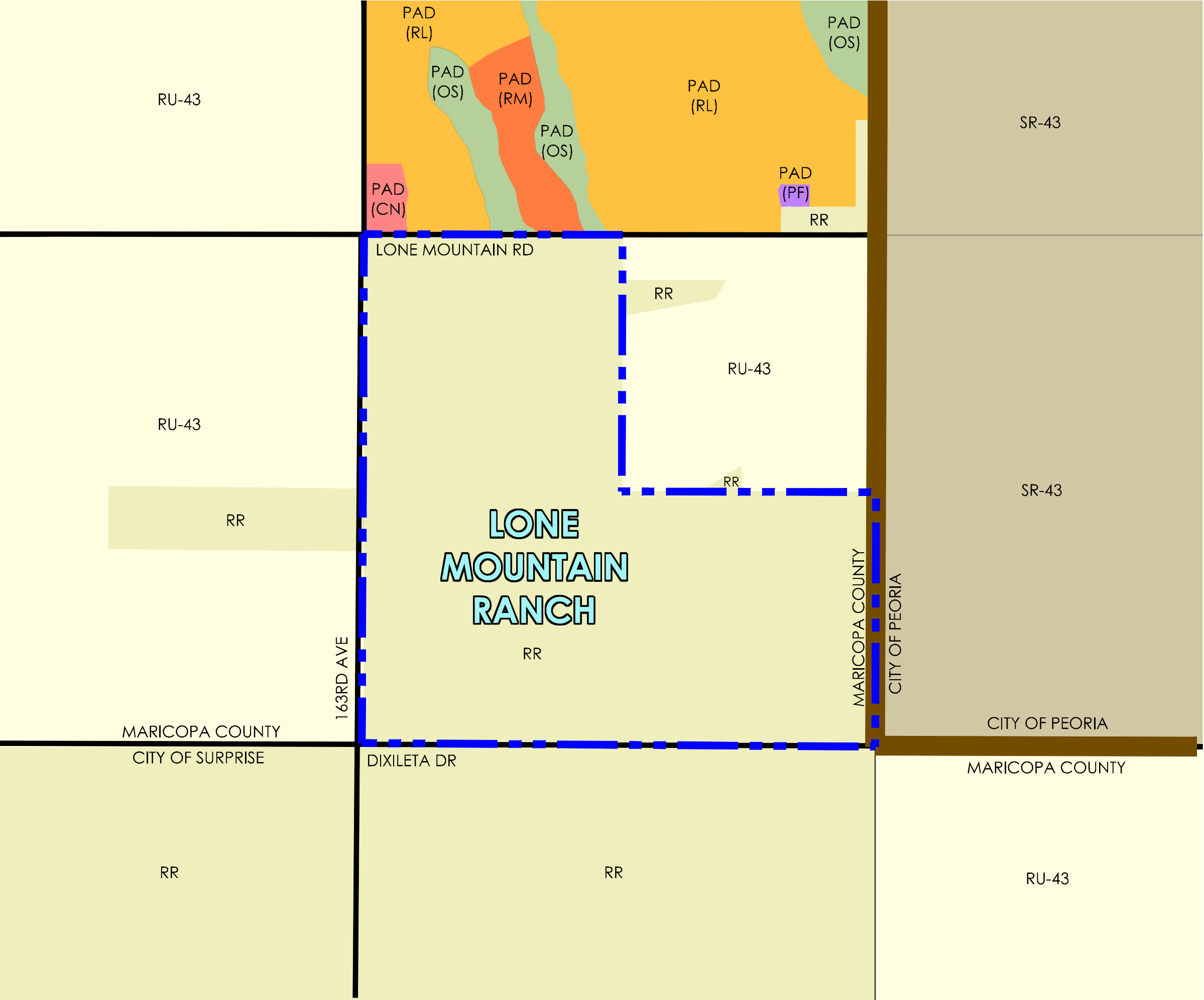


APPROX. SCALE: NTS

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Date.	12/14/18	Project No.	1793
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LONE
MOUNTAIN
RANCH

Planned Area Development

Figure 2

Existing Zoning Map
LEGEND

CITY OF SURPRISE

- PAD (CN)
- PAD (RM)
- PAD (RL)
- PAD (PF)
- PAD (OS)
- RR

CITY OF PEORIA

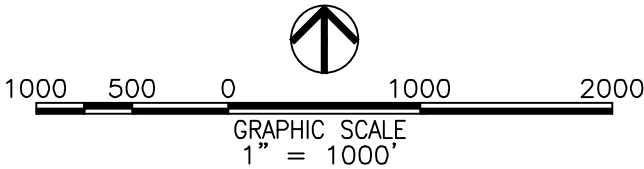
- SR-43

MARICOPA COUNTY

- RU-43

PROJECT AREA

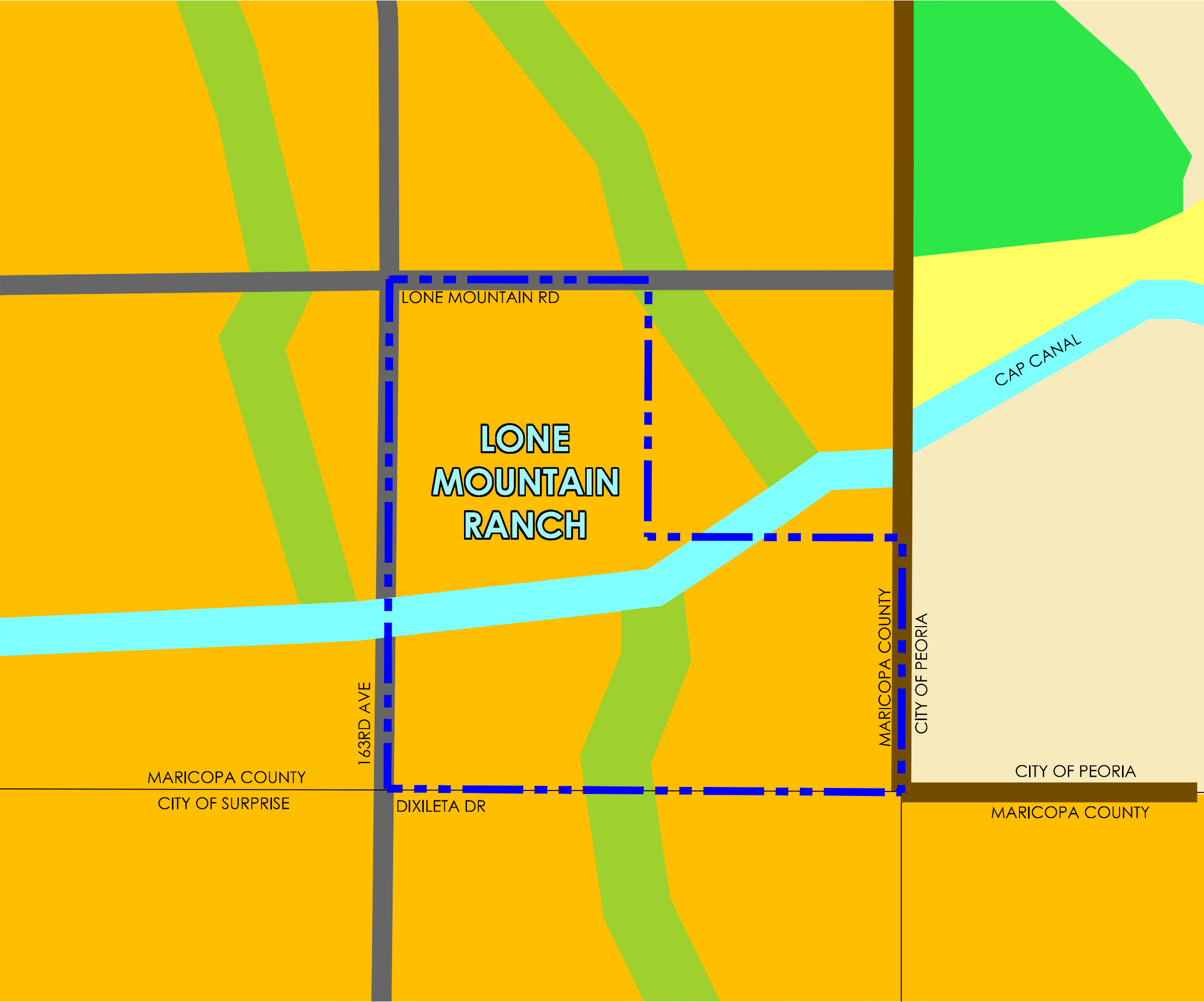
NOTE: ZONING DISTRICTS ARE POST ANNEXATION
Subject to engineering and City review and approval.



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LONE MOUNTAIN RANCH

Planned Area Development

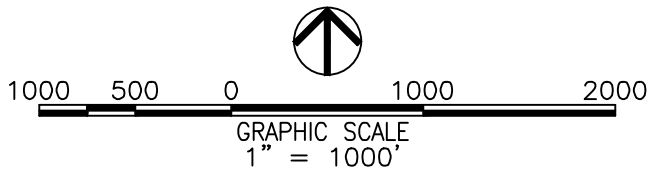
Figure 3

Existing General Plan Land Use Map

LEGEND

City of Surprise Character Areas	City of Peoria Land Use
Neighborhood -Rural -Suburban -Urban	Residential/ Estate
Open Space	Residential/ Low
Features	
Planning Area Boundary	Residential/ Medium
Circulation	
Major Arterial	Park / Open Space
PROJECT BOUNDARY	

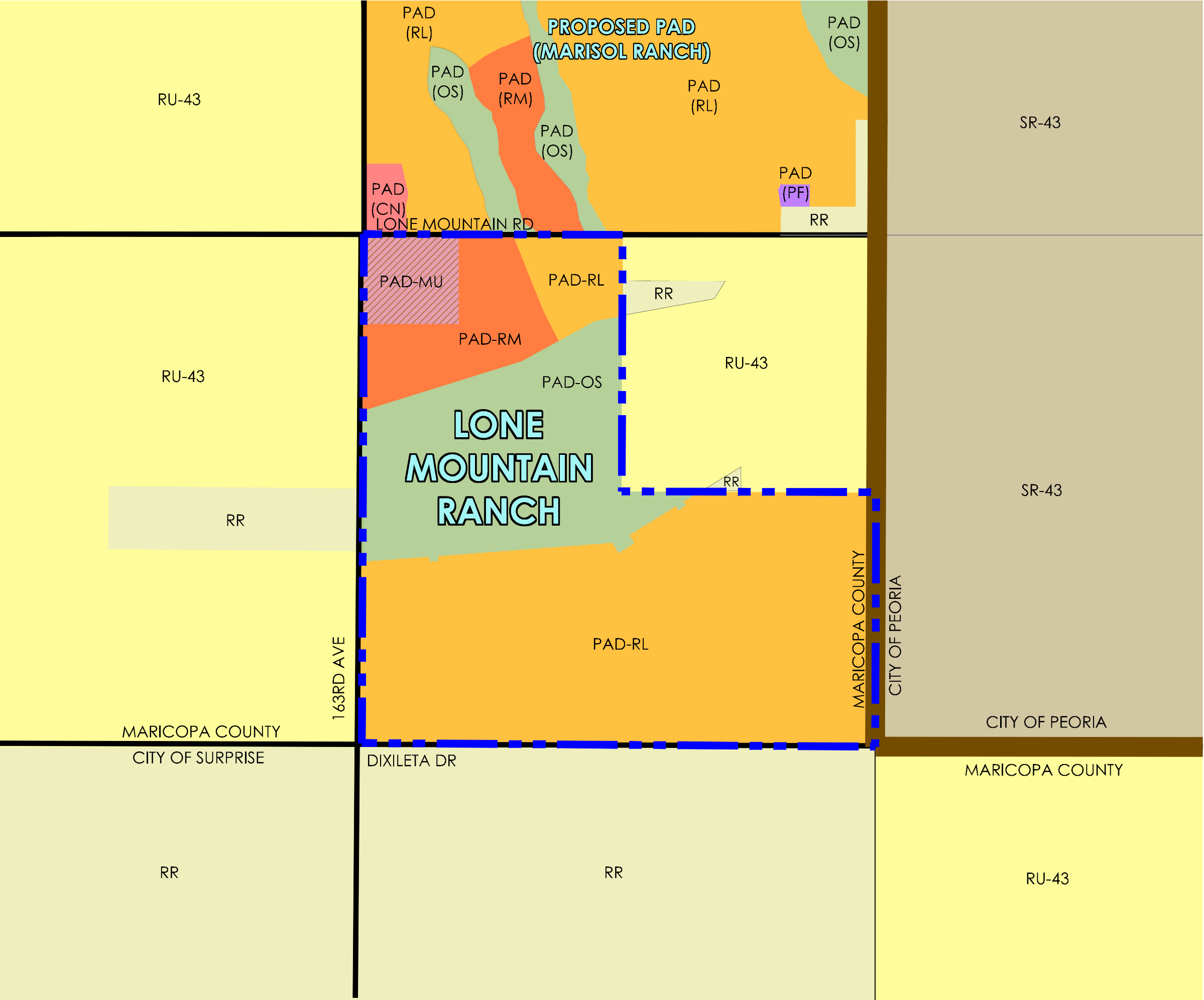
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LONE
MOUNTAIN
RANCH
Planned Area Development

Figure 4
Proposed Zoning Map
LEGEND

CITY OF SURPRISE

PAD-MU

PAD (CN)

PAD (RM)

PAD (RL)

PAD (PF)

PAD (OS)

RR

CITY OF PEORIA

SR-43

MARICOPA COUNTY

RU-43

PROJECT AREA

NOTE: ZONING DISTRICTS ARE POST ANNEXATION
Subject to engineering and City review and approval.

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GRAPHIC SCALE
1" = 1000'

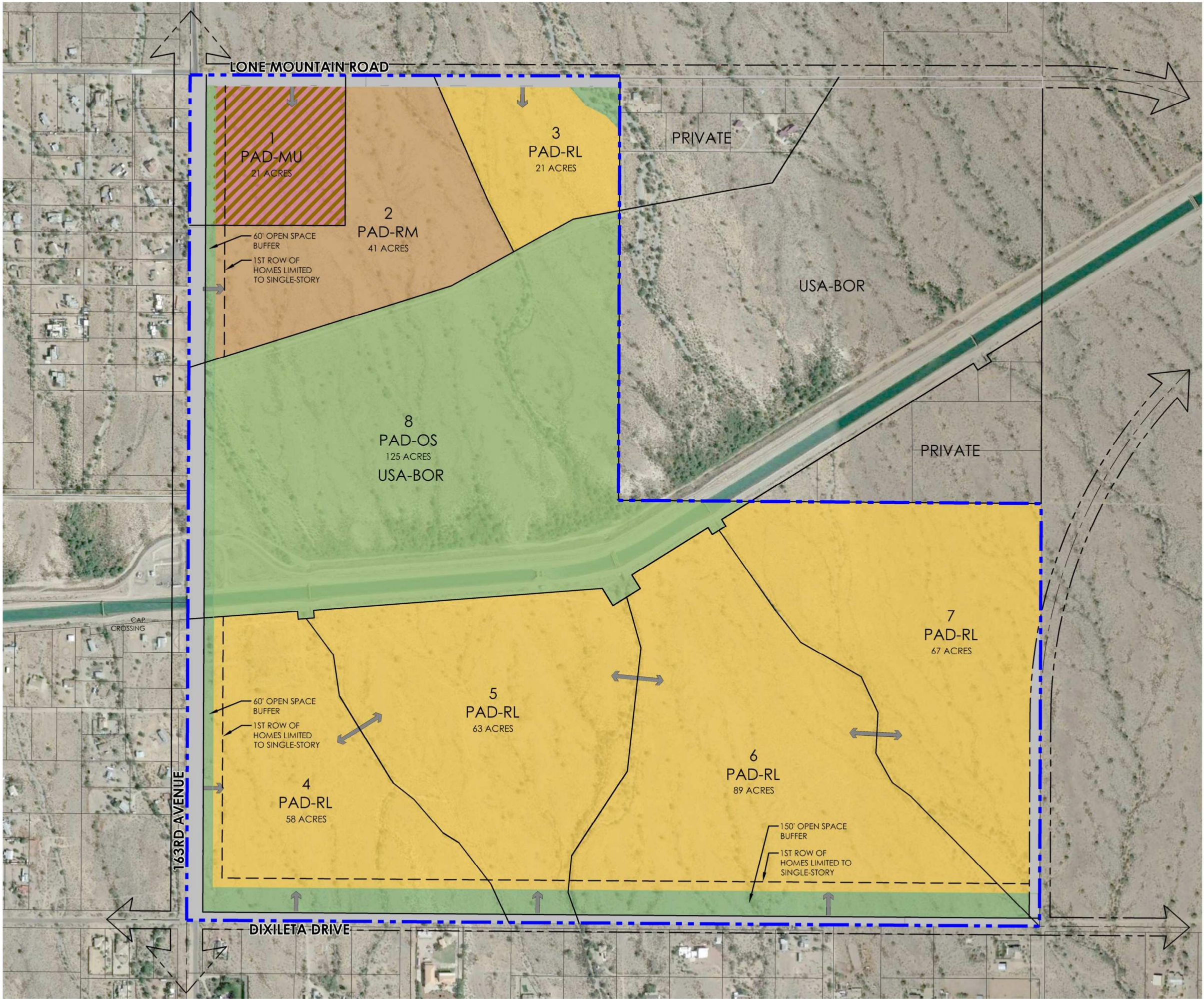
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Date.12/14/18

Project No.1793

RVi

Planning + Landscape Architecture



LONE MOUNTAIN RANCH

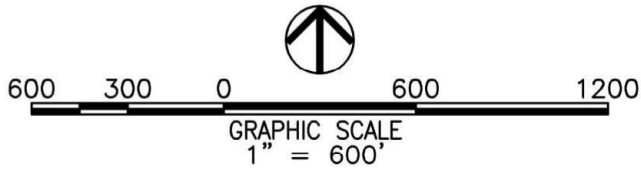
Planned Area Development

Figure 5
Land Use Master Plan

PARCEL	LAND USE	AREA (GROSS ACRES)	AREA (NET ACRES)	PROJECTED UNITS
1	PAD-MU	21	17	335
2	PAD-RM	42	39	330
3	PAD-RL	21	19	85
4	PAD-RL	58	51	230
5	PAD-RL	63	62	250
6	PAD-RL	89	85	360
7	PAD-RL	67	67	270
Subtotal		361	341	1,860
10	PAD-OS	125	121	0
Total		486	462	1,860

--- PROJECT BOUNDARY
↔ CONCEPTUAL ACCESS LOCATIONS

Subject to engineering and City review and approval.



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LONE MOUNTAIN RANCH

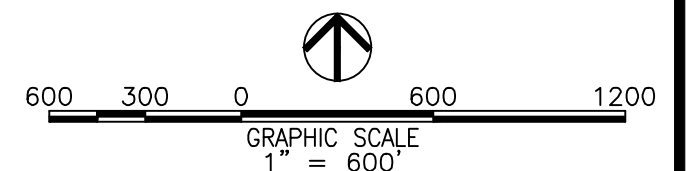
Planned Area Development

Figure 6

Recreation and Open Space Plan

-  **Pocket Park**
Developed open space to serve individual neighborhoods
-  **Internal Trail (8' Wide)**
Multi-Use Trails - Natural & Hard Surface
-  **Internal Trail (10' Wide)**
Multi-Use Trails - Natural & Hard Surface (Wash)
-  **Multi-Use Trail**
12' Wide Trail within 163rd Road R.O.W. concrete
-  **C.A.P. Canal Trail (8' Wide)**
-  **Conceptual Access Locations**
-  **Wash Corridor: Approximately 40 Acres**
Wash Corridors serve as natural open space and connectivity corridors (Actual acreage to be determined at time of development)
-  **Open Space Buffer**
Open Space Buffers serve to provide a buffer between new and existing development
-  **Bureau of Land Reclamation (BOR) OS**
The BOR parcel is being rezoned from RU-43 to OS.

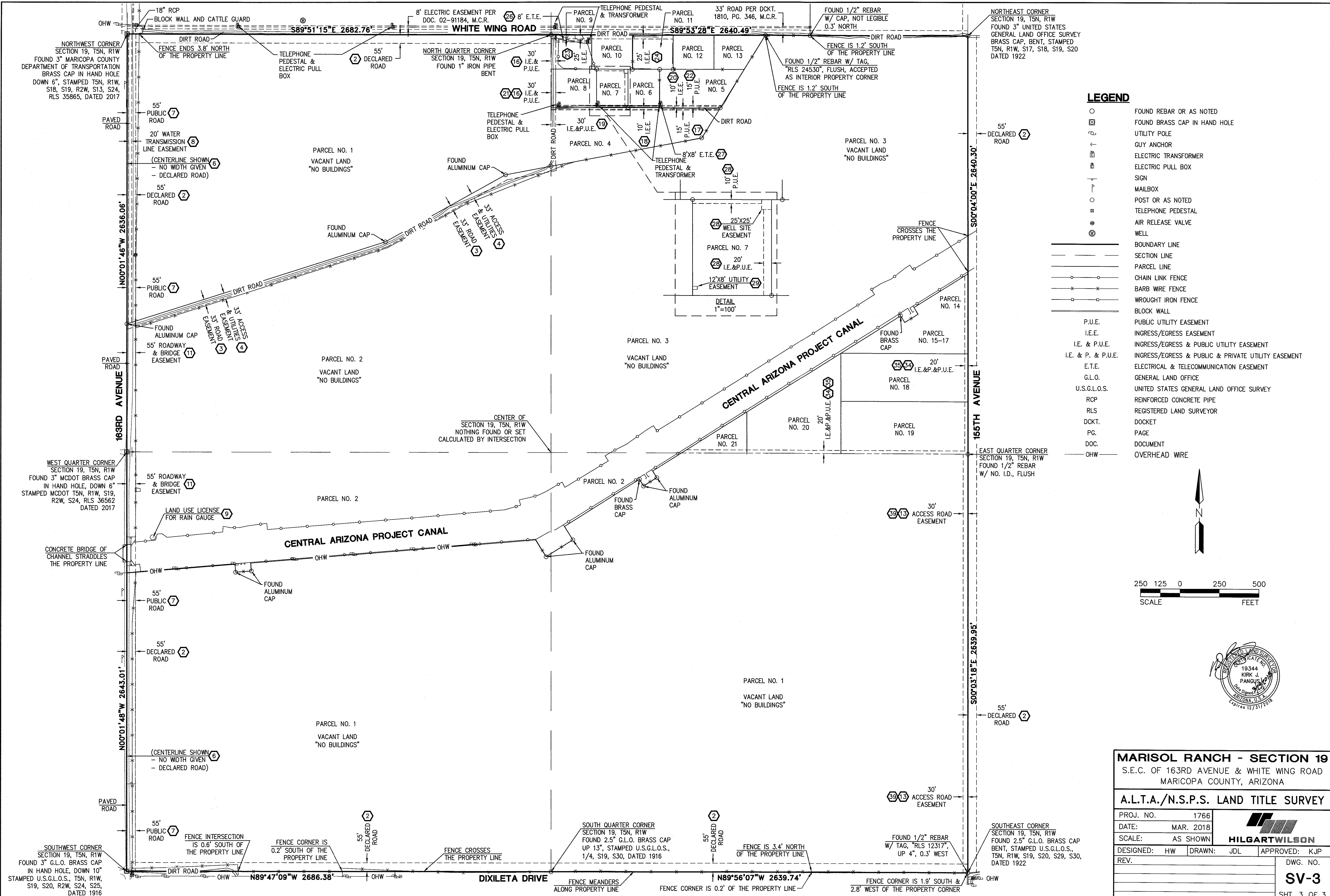
Subject to engineering and City review and approval.



PRELIMINARY - NOT FOR CONSTRUCTION - COPYRIGHT LVA URBAN DESIGN STUDIO, L.L.C.

Date: 02/26/19 Project No. 1793.1





MARISOL RANCH - SECTION 19
S.E.C. OF 163RD AVENUE & WHITE WING ROAD
MARICOPA COUNTY, ARIZONA

A.L.T.A./N.S.P.S. LAND TITLE SURVEY

PROJ. NO.		1766		 HILGARTWILSON	
DATE:		MAR. 2018			
SCALE:		AS SHOWN			
DESIGNED:		HW	DRAWN:	JDL	APPROVED: KJP
REV.					DWG. NO.

DWG. NO.	SV-3
SHT. 3 OF 3	

APPENDIX B: Nadaburg School District Support E-mail

Mark Reddie

From: Rick Stephen <rstephen@nadaburgsd.org>
Sent: Wednesday, February 27, 2019 8:32 AM
To: Mark Reddie
Subject: Marisol Ranch

Follow Up Flag: Follow up
Flag Status: Flagged

Good Morning Mark,

I am writing this letter in support of the Marisol Ranch Development. As superintendent of the Nadaburg Unified School District, I have met with representatives of the developer and have fully discussed the project. I am aware of both zoning cases involving the City of Surprise and the State of Arizona. The district is in support of the elementary school site that the developer has proposed.

Please feel free to contact me if you have any questions.

Best,
Rick

Rick Stephen
Principal/Superintendent
Desert Oasis School/Nadaburg Unified School District
623-388-2121 district
623-556-5881 school
623-388-2915 fax
rstephen@nadaburgsd.org

Lone Mountain Ranch Public Participation Report

Case: FS18-459

January 2019

Overview

This Public Participation Report has been assembled supplementary to a zoning request for Lone Mountain Ranch. Lone Mountain Ranch is an approximately 486-acre Planned Area Development (PAD) located at the southeast corner of Lone Mountain Road and 163rd Avenue in unincorporated Maricopa County, Arizona. The site consists of two parcels owned by the Arizona State Land Department (ASLD) and one parcel owned by the federal Bureau of Land Reclamation (USA-BOR). While not including the entire section of land, the property is bounded by Lone Mountain Road to the north, 163rd Avenue to the west, Dixileta Road to the south, and the 155th Avenue alignment to the east. The subject property is currently located within unincorporated Maricopa County, but is within the City of Surprise Planning Area. It is the intent to annex the site into the City of Surprise concurrent with the PAD zoning application.

Summary of Outreach Efforts

A joint neighborhood meeting for the Lone Mountain Ranch zoning request and the adjacent Marisol Ranch annexation and zoning amendment requests was held to provide the public with the opportunity to learn the specifics of the proposed developments, ask questions and express concerns related to the applications. Citizens were informed of the meeting through various means, including:

- A letter was sent by the City of Surprise to 100 neighboring property owners notifying them of the upcoming public meeting (see Exhibit A: City of Surprise Meeting Notice & Mailing List).
- On October 31, 2018 an advertisement was placed in the Surprise Today newspaper by the City of Surprise to notify the community of the upcoming neighborhood meeting (see Exhibit B: Newspaper Notice).
- Both the Lone Mountain Ranch property and the Marisol Ranch property were posted on October 16, 2018 with four (4) signs informing the community of the upcoming neighborhood meeting. Due to a date change for the neighborhood meeting and neighbor feedback on the placement of the signs, the signs were updated and relocated on October 24, 2018 (See Exhibit C: Affidavit of Sign Posting).

The neighborhood meeting was held on November 12, 2018 Desert Oasis Elementary School starting at 6:00 pm. All in attendance were asked to sign in and given comment cards to submit their feedback and inquiries to the project team (See Exhibit D: Sign-In Sheets & Exhibit E: Comment Cards). Multiple team members and city staff members were present at the meeting. Mark Reddie of RVi gave a presentation explaining the proposals for both Lone Mountain Ranch and Marisol Ranch and worked to answer questions from

the community. This report documents all communication with private citizens relevant to the projects (See Exhibit F: Neighbor Correspondence).

The project team understands that allowing to residents, property owners and community stakeholders to learn about the project and express their questions or concerns is a vital part of the development process. The team is committed to facilitating an open dialogue that will shape the project as it moves forward.

Response to Community Input

The majority of neighborhood comments received fell into four general categories: 1) concerns about wells; 2) traffic; 3) density; and 4) the environment. The Development Team has worked to address these concerns to the extent reasonable and has listed those efforts below.

- 1) **Concerns about wells:** The groundwater and impact on wells for Lone Mountain Ranch has been studied by a hydrogeologist. Any new wells within Lone Mountain Ranch are regulated by the Arizona Department of Water Resources (ADWR) and Well Impact Requirements of the Phoenix Active Management Area (AMA). These specify that a new well cannot impact the water level of existing registered wells by more than 10 feet after a pumping period of 5 years. An existing well within Marisol Ranch, to the north, was tested in 2000 and again in 2016. During this time, the water level rose from 514' below ground level to 350' below ground level. Any new wells or modifications to existing wells will follow the requirements of ADWR and will also be submitted to the City of Surprise for review and approval to confirm that impacts to existing wells do not exceed the regulatory requirements.
- 2) **Concerns about traffic:** All public roads adjacent to and within the project will be developed to meet City standards in effect at the time of development. The way that the City of Surprise structures its infrastructure improvement program is that when a property develops, the developer is required to complete the adjacent half streets to City of Surprise standards as set forth in the City's Master Transportation Plan. As the project is developed on a phased basis, the developer will be responsible for constructing these offsite infrastructure improvements which will enhance the overall access and transportation system in accordance with the City's Transportation Plan and will provide a benefit to the entire community. A Traffic Impact Analysis report has been completed and will be provided to City of Surprise staff for review and approval to ensure that the required infrastructure improvements will adequately accommodate the additional vehicular trips generated by this development.
- 3) **Concerns about density:** Based on feedback the development team received from neighbors regarding the overall density proposed for these project, the development team has worked to implement strategies to buffer the proposed development from

existing neighboring development. In order to provide an appropriate transition from the existing rural residential uses along the perimeter of the Lone Mountain Ranch property and meet the density transition requirements within the Surprise General Plan, a landscaped open space buffer will be provided along 163rd Avenue and Lone Mountain Road where immediately adjacent to existing residential uses. This will include a 60' wide open space buffer along those portions of 163rd Avenue, and a 150' buffer along those portions of Dixelela Road. With the addition of the applicable roadway right-of-way per the City of Surprise standards, these buffers will both provide a 260' setback when combining the roadway right of way and adjacent open space buffer. In addition to the perimeter open space buffer, the first row of homes adjacent to these open space buffers within residential districts shall be limited to single-story in height, further reducing the impact from adjacent properties. These buffers are provided as a requirement within the proposed Development Plan and Open Space Plan.

- 4) **Concerns about the environment:** Lone Mountain Ranch has been designed to be an environmentally sensitive master planned community. Natural open space areas will be preserved throughout the property within drainage corridors. These natural open space areas will serve as important habitats for wildlife and will promote the beautiful native desert character of the property. Trails meandering through these areas will offer future residents an escape into the natural world where they will enjoy listening to the sound of birdsong and wind rustling through the desert vegetation. These natural open space areas will serve as wildlife habitats and corridors allowing space for native plants, animals and future residents to coexist. A minimum of 20% of Site's net residential area will be dedicated as permanent open space.

Additionally, rather than develop the property with a dozens of individual wells which can more greatly impact available groundwater, and individual septic tanks which have environmental impacts, the property will be connected to the City's water and wastewater system, ensuring the long-term viability of the development without a drain on the land by providing multiple well sites and septic tanks scattered throughout the property. All development will be dustproofed with paved roads, ensuring a reduction in particulates in the air caused by existing dirt roads in the area. The development will meet all local, County and State environmental regulations to ensure a sustainable, environmentally-sensitive community.

Attachments

- Exhibit A: City of Surprise Meeting Notice and Mailing List
- Exhibit B: Newspaper Notice
- Exhibit C: Affidavit of Sign Posting
- Exhibit D: Sign-In Sheets
- Exhibit E: Comment Cards
- Exhibit F: Neighbor Correspondence

Exhibit A:

City of Surprise

Meeting Notice and

Mailing List

CITY OF SURPRISE **CITIZEN REVIEW MEETING**

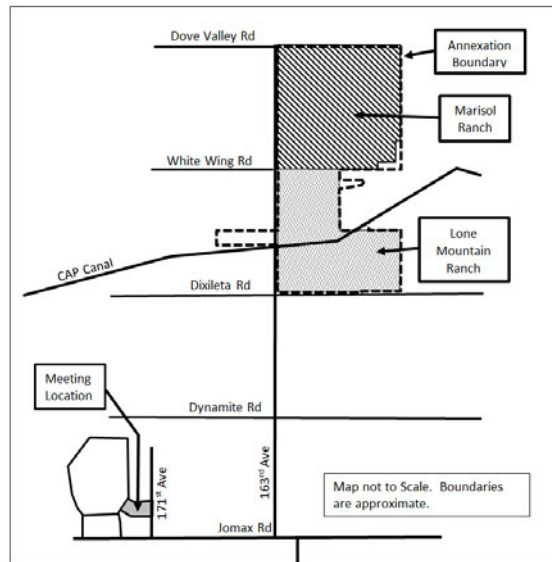
Take notice that at the date, time, and place listed below, there will be a Citizen Review meeting to discuss the below-referenced project. At this meeting, any member of the public may appear and be heard relative to this project. The City of Surprise Community Development Department may be contacted prior to the scheduled meeting for additional information.

City of Surprise Planners: Robert Kuhfuss	Joshua Mike
623-222-3137	623-222-3134

CITIZEN REVIEW MEETING DETAILS

DATE: Tuesday, November 13, 2018
TIME: 6:00 PM
LOCATION: Desert Oasis Elementary School
17161 W Bajada Road
Surprise, AZ 85287

Meeting Location & Project Location Map



PROJECT DESCRIPTION: The applicant is requesting approval of the following:

- 1) FS18-417: Annexation of approximately 1,194 acres of unincorporated land into the City of Surprise and establish equivalent City zoning.
- 2) FS18-459: Zone Change from Residential Ranch (RR) to Planned Area Development (PAD) for Lone Mountain Ranch (approximately 486 acres).
- 3) FS18-557: Major PAD Amendment for Marisol Ranch (approximately 634 acres).

The subject site is generally located east of 163rd Avenue and south of Dove Valley Road as depicted in the project location map.

Notification Mailing List

OWNER

ANDERSON JANET R
ARIZONA STATE LAND DEPT
AVILA MARIA ESTELLA TR/ROY
BAILEY LAWRENCE G/LINDA B
BAYNE TAMARA E
BERG ELIZABETH A
BOKS T/ROCKYVICH C/S/VERVILLE M/BOWMAN W/ETAL
BOKS THERESA A
BOTSFORD JEAN
BOTSFORD JOHN
BOTSFORD JOHN/JEAN
BRAFFORD DENNIS W
BRAM MICHAEL L
BREEDLOVE LINDA KATHERINE/TERRY
BURGESS PHILIP D/CHRISTINE L
BURGESS FAMILY REVOCABLE TRUST
BURKHART JOYCE E
CALLIES CATHERINE M TR
CAUTHEN CONRAD/HELELN M
COLE CHARLES S/KALLIE MICHAEL
COLE CHARLES S/MICHAEL COLE KALLIE
COMITZ JOHN W/SYLVA C
CONNOR CHERYL R
D & I PROPERTIES LLC
DALY WAYNE/LAVERNE TR
DECATO BRUCE
DEHORTY JESSE E/CORKY J
DELAHAUT ANGEL J/JACQUELINE R
DOHERTY JUSTON D
ELLIS DONNA JEAN
FGR PROPERTY INVESTMENTS V LLC
FISCHETTO PAUL F/CALABRESE TAMMY A

FORCUM ANTHONY
FULK RONALD W
GARCIA MICHAEL G/RENEE
GARRETT BRIAN C
GILBERT MICHAEL D/REBECCA F
GONZALEZ HECTOR G/VAZQUEZ INES C
GRAVES NEIL D/PALAZZO-GRAVES PEGGY MARIE
HAMMER SHAWN R
HEXIMER JASON D/TASHA R
HILL ROBERT E
HOLLE ANDREW J/ANGELA V
JACKSON RONALD D/SHARON E
JANTZ DAREN W
JESSE AND CORKY DEHORTY FAMILY LIVING TRUST
JOHNSON DANIEL T/DONNA J
JOHNSON SAMUEL L/DIANA L
JORDAN JAMES R/CLARK CATHLEEN A
JOSE R AND DEBORAH A SANABRIA LIVING TRUST
KDKT FAMILY LIMITED PARTNERSHIP
KEOGH DENNIS F/CYNTHIA L
KOEHN KYRON
KRAWCHUK KENNETH H/CARMELA C TR
KUDIS WAYNE P/SANDY P
LASCARES LORENZO MATADAMAS
LEBHART RICHARD L/KIMBERLY K
LUSTER JANICE
MARISOL 163 LLC
MARTIN CRAIG/SANDRA
MATTHEISEN LAWRENCE L/DELORES I TR
MCDOWELL PEAK HOLDINGS LLC
MCPHEE THERESA
MEISNER STEVEN L
MELANO LINDA L
MEMMOTT CRAIG J/DEILAH

MERCADO GERMAN SUAREZ/SUAREZ IVANNIA
MESS NATHAN R/VAN HUYSEN DENISE
MORO DEANNA
NELSON JEFFREY J
OLAGUE PERLA M
PATTERSON CHRISTINE
PEREZ HERIBERTO/ANDREA
PITTMAN DOUG M/ADRIA D
QAQISH ZIAD/SAMIYOH TR
QASEM RASHA/AL-SAYYED ALI
RANKIN MARTIN W/FREDA L
ROBERTSON LESLIE G/MELANIE A
ROCKYVICH SANDRA
RODGER W SHAWCROFT TRUST/BAYNE LEONARD K
SCHAUER SHAUN L
SHAWCROFT RODGER W TR
SLINKARD LANA
SOUTHWORTH DALE
SPURLIN NEIL G/CATHERINE E
STATTON ERIN K/ROBERT A JR
STEWART MATTHEW A/MARCEE A
STONE JACQUE R
SUAREZ GERMAN/IVANNIA
SUER JEFFREY J/CRYSTAL L
SUROFCHEK MARK/SHELTON MITZI
UNITED STATES OF AMERICA
USA-BOR
VAN DER MAATEN DONALD J /MARYANN P
VISTANCIA NORTH LLC
WENTWORTH ROBERT D/JOETTE L
WENTZEL ALAN H/C BEA
WHEELHOUSE INVESTMENTS I LLC
WILLIAM O LEE PROPERTIES NO 1 LLC
YODER LELAND/SHARON

Exhibit B:

Newspaper Notice

Background Screening Services Arizona Board of Regents Request for Proposal

Arizona State University is requesting sealed proposals from qualified experienced firms or individuals, for **RFP-0016-19LXE, Background Screening Services**. Proposals will be accepted in the Office of Purchasing and Business Services, University Services Building, Arizona State University, PO Box 875212, 1551 S. Rural Road, Tempe, Arizona 85287-5212 until **3:00 PM, MST, 11/30/18**. Proposal package is available at: <https://cfo.asu.edu/bid-boards>

A pre-proposal conference will be held at 9:00 a.m. (AZ time) on Monday, October 29, 2018 via Zoom Video Conferencing. See RFP-0016-19LXE for more details.

Publish: Daily News-Sun, October 26, 2018/296624

To Advertise
CALL
623-972-6101

**YOU
CAN'T
AFFORD
NOT
TO**

Notice to Creditors

In the Matter of the Estate of Rutilio Frank Olivar, deceased July 4th, 2018, Case Number PB2018-091137.

Notice is hereby given by the undersigned, administrator of the estate of Rutilio Frank Olivar, deceased, to the creditors of and all persons having claims against the said deceased, to exhibit them with the necessary vouchers within 4 months after the first publication of this notice, to the said administrator (below).

Richard Olivar, Administrator of the Estate of Rutilio Frank Olivar, deceased, 21243 E. Maya Rd., Queen Creek, AZ 85142.

Publish: Daily News-Sun, October 19, 26, November 2, 2018/294454

CITY OF SURPRISE CITIZEN REVIEW MEETING

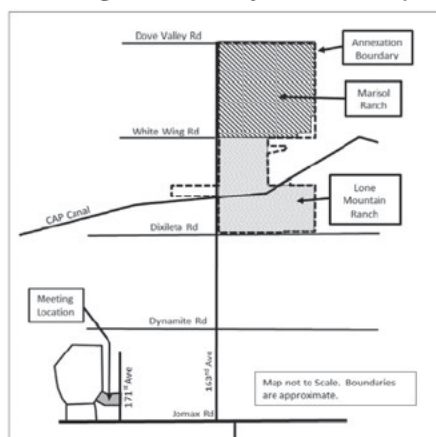
Take notice that at the date, time, and place listed below, there will be a Citizen Review meeting to discuss the below-referenced project. At this meeting, any member of the public may appear and be heard relative to this project. The City of Surprise Community Development Department may be contacted prior to the scheduled meeting for additional information.

City of Surprise Planners: Robert Kuhfuss 623-222-3137 Joshua M ke 623-222-3134

CITIZEN REVIEW MEETING DETAILS

DATE: Tuesday, November 13, 2018
TIME: 6:00 PM
LOCATION: Desert Oasis Elementary School
17161 W Bajada Road
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Meeting Location & Project Location Map



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The subject site is generally located east of 163rd Avenue and south of Dove Valley Road as depicted in the project location map.

Publish: Daily News-Sun, October 26, Surprise Today, October 31, 2018/295825

COPY

OCT - 3 2018



CHRIS DEROSE, CLERK
D. VANDEBERG
DEPUTY CLERK

Person Filing: Sandy L. Robbins
Address (if not protected): 3194 Fair Oaks Dr
City, State, Zip Code: Spring Valley CA 91978
Telephone: 619-670-0634
Email Address: _____
Lawyer's Bar Number: _____
Licensed Fiduciary Number: _____

Representing ☒ Self, without a Lawyer or ☐ Attorney for ☐ Petitioner OR ☐ Respondent

SUPERIOR COURT OF ARIZONA IN MARICOPA COUNTY

In the Matter of the Revocable Trust Agreement of Clarence G. Schweitzer and
Clarice E. Schweitzer dated
November 20, 2000 Case Number: PB 2018-003511

NOTICE OF HEARING REGARDING
(Check one box)
☐ Guardianship ☒ Misc Appearance
☐ Guardianship and Conservatorship
and
UBS Financial Services Inc
Account # IDB7480 MI Client Id 447444200

THIS IS A LEGAL NOTICE; Your rights may be affected.
An important court proceeding that affects your rights has been scheduled. If you do not understand this notice or the other court papers, contact an attorney for legal advice.

1. **NOTICE IS GIVEN** that the Petitioner has filed with the Court the following Petition and other court paper indicated below (Check the box to indicate whether the Petition was for a Permanent or Temporary appointment, and a second box to indicate whether for Guardian and Conservator, or just one):

Petition for ☒ Permanent ☐ Temporary Appointment of a ☐ Guardian and Conservator (or) ☐ Guardian or ☒ Trustee

Affidavit of Person to be Appointed

2. **COURT HEARING.** A court hearing has been scheduled to consider the Petition and matters in the court papers as follows:

DATE AND TIME: November 27, 2018 at 9:00 Am
PLACE: 101 W. Jefferson, Courtroom 512, Phoenix AZ 85003
JUDICIAL OFFICER: Tom Marquait

3. **RESPONSE TO PETITION.** You are not required to respond to this Petition, but if you choose to respond, you may do so by filing a written response or by appearing in-person at the hearing. If you choose to file a written response:

- File the original with the Court;
- Provide a copy to the office of the Judicial Officer named above; and
- Mail a copy to all interested parties at least five (5) business days before the hearing.

If you object to any part of the Petition or Motion that accompanies this notice, you must file with the court a written objection describing the legal basis for your objection at least three (3) days before the hearing date or you must appear in person or through an attorney at the time and place set forth in the notice of hearing. There is a FEE for filing a response. If you cannot afford the fee, you may file a Fee Deferral Application to request a payment plan from the Court.

DATED: 10/3/2018
(Month/Day/Year)

Sandy L. Robbins
Petitioner's Signature

© Superior Court of Arizona in Maricopa County
ALL RIGHTS RESERVED
NOH

Page 1 of 1

PBGC18f-091812

Publish: Daily News-Sun, October 5, 12, 19, 26, 2018/291912

We make publishing your legal notices fast & easy!

Business filing, public notices, court summons, legal postings – and more – can now be published in your weekly hometown newspaper!

- All notices published in your local weekly newspaper AND the Daily News-Sun – a newspaper that complies with A.R.S. 10-140.34 and A.R.S. 39-201A & B as required by the State of Arizona for publishing legal notices.
- Includes a notarized affidavit of publication

INDEPENDENT
NEWS MEDIA

Email: legals@newszap.com
Call: **623-972-6101**

CITY OF SURPRISE CITIZEN REVIEW MEETING

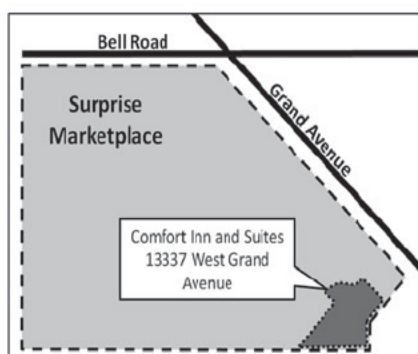
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City of Surprise Planner: Hobart Wingard
623-222-3156

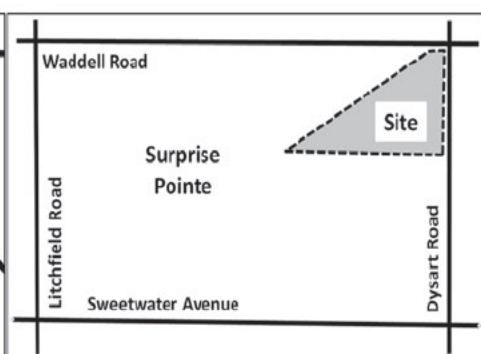
CITIZEN REVIEW MEETING DETAILS

DATE: Thursday, November 8, 2018
TIME: 5:00 PM to 6:00 PM
LOCATION: Comfort Inn and Suites
13337 West Grand Avenue
Surprise, AZ 85374

Meeting Location



Project Location



PROJECT DESCRIPTION: The applicant is requesting approval of a Rezone for 19 acres of the Surprise Pointe Planned Area Development ("PAD"). The property will be rezoned from PAD Light Industrial (PAD-I1) to allow all current PAD-I1 uses over the entire site and to allow Community Commercial (PAD-C2) and Regional Commercial (PAD-C3) over the easternmost 8.98 acres of the property under Case FS18-366.

Publish: Daily News-Sun, October 24, Surprise Today, October 31, 2018/295788

RELIGION BRIEFS

Ministry offers chance to join team

Radiant Church, 15522 W. Paradise Lane, will host Creative Arts Night 6 p.m. Thursday, Nov. 1 for pro-

spective worship or production team members.

The event is designed for a time of fun, fellowship and community as church officials discuss the vision and mission of the Radiant Worship and Creative Arts Ministry.

Child care is available. For information, call Jill

Girdner at 623-975-2662.

UNITARIAN NOW members to discuss fall election

The Unitarian Universalist Church of Surprise,
» See Religion on page 34

CITY OF SURPRISE CITIZEN REVIEW MEETING

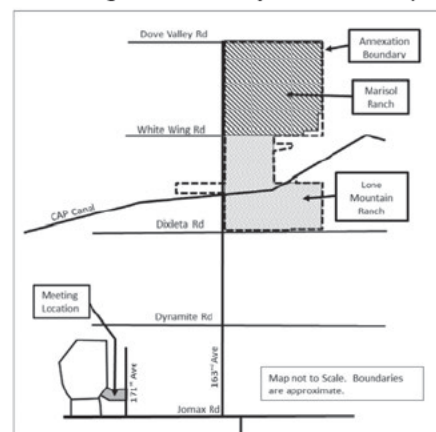
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The subject site is generally located east of 163rd Avenue and south of Dove Valley Road as depicted in the project location map.

Publish: Daily News-Sun, October 26, Surprise Today, October 31, 2018/295825



WORSHIP WITH US

Palm West
COMMUNITY CHURCH
a spiritual oasis in the desert

SUNDAY SERVICES

Running Ahead of God

Jonah 4:1-11 • Communion

9:00am & 10:30am – Worship - Pastor Bruce
12:15pm – Picnic in the Park - RH Johnson Picnic Area

Rev. Bruce Schipul
Senior Pastor

Peter Kyhn
Associate Pastor

13845 W. Stardust Blvd., Sun City West, AZ 85375
www.palmwestchurch.org • 623-546-2980

Faith
Presbyterian
Church

Please Join Us • You Are Always Welcome!
10:00 a.m. Sunday Worship • 11:00 a.m. Chat 'n Coffee



Christian Education Tuesdays at 10 am
New Testament Bible study DVD presentations

Concert & Dinner - Thurs. Nov. 8 at 6 pm

"Grand on the Piano" Lynne Haeseler

Staff pianist for Ballet Arizona & Faith Church
Program FREE - dinner tickets \$8 - cut-off Nov. 5

Mon. Nov. 12 at 1 pm - Iona Room
Lightbeams Low Vision Support Group

16000 N. Del Webb Blvd., Sun City, AZ 85351
www.scfaith.org • 623-974-3611

Desert Cove Seventh-day Adventist Church
12400 W Desert Cove, El Mirage, AZ

Saturday Worship Times

9:30 AM-Lesson Study 10:50 AM-Worship Service
Wednesday 7 p.m.-Bible Study

Pastor Steve Gibson

623-466-7202

pastorstevegibson@hotmail.com



Desert Cove

El Mirage

Page 22

Exhibit C: Affidavit of Sign Posting

AFFIDAVIT OF POSTING

Application No: CR17-558

Applicant Name: Marisol Ranch

Location: NEC 163rd Ave and Lone Mountain

Date Site Posted: October 16, 2018

In order to assist in providing adequate notice to interested parties, the applicant for any *type of public hearing* in the City of Surprise shall erect two (2) signs giving notice of the *date, time and place* of the scheduled hearings. These signs must be erected not less than **fifteen (15) days prior** to the date of the first hearing. The signs shall also include the nature of the request as contained on the formal zoning application. The size and format of this sign shall meet requirements established by the Planning and Zoning Department (see page 2).

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

It shall also be the *responsibility of the applicant* to remove the signs within one week after the final disposition of the case.

I confirm that the site has been posted as required above, for the case noted above. A picture of the site posting, and photos of any subsequent changes/updates made to the sign, have also been submitted.

Meghan Liggett
Applicant/Representative Signature

10/16/18
Date

This instrument was acknowledged before me on this 16th day of October,

2018, and by Meghan Liggett. I witness whereof I hereunto

set my hand and official seal.

Mary Beth Conrad
Notary Public

10.25.20
My commission expires





AFFIDAVIT OF POSTING

Application No: CR17-558

Applicant Name: Marisol Ranch

Location: NEC 163rd Ave and Lone Mountain

Date Site Posted: October 16, 2018

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Meghan Liggett
Applicant/Representative Signature

10/16/18
Date

This instrument was acknowledged before me on this 16th day of October,

2018, and by Meghan Liggett. I witness whereof I hereunto

set my hand and official seal.

Mary Beth Conrad
Notary Public

10.25.20
My commission expires





AFFIDAVIT OF POSTING

Application No: FS18-459 and FS18-417
Applicant Name: LVA an RVi Company
Location: SEC 163rd Ave and Lone Mountain
Date Site Posted: October 24 , 2018

In order to assist in providing adequate notice to interested parties, the applicant for any *type of public hearing* in the City of Surprise shall erect two (2) signs giving notice of the *date, time and place* of the scheduled hearings. These signs must be erected not less than **fifteen (15) days prior to** the date of the first hearing. The signs shall also include the nature of the request as contained on the formal zoning application. The size and format of this sign shall meet requirements established by the Planning and Zoning Department (see page 2).

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

It shall also be the *responsibility of the applicant* to remove the signs within one week after the final disposition of the case.

I confirm that the site has been posted as required above, for the case noted above. A picture of the site posting, and photos of any subsequent changes/updates made to the sign, have also been submitted.

Meghan Liggett 10/24/18
Applicant/Representative Signature Date

This instrument was acknowledged before me on this 24th day of October.

2018, and by Meghan Liggett. I witness whereof I hereunto

set my hand and official seal.

MaryBeth Conrad
Notary Public

10-25-20
My commission expires





AFFIDAVIT OF POSTING

Application No: FS18-557 and FS 18-417
Applicant Name: LVA an RVi Company
Location: NEC 163rd Ave and Lone Mountain
Date Site Posted: October 24 , 2018

In order to assist in providing adequate notice to interested parties, the applicant for any *type of public hearing* in the City of Surprise shall erect two (2) signs giving notice of the *date, time and place* of the scheduled hearings. These signs must be erected not less than **fifteen (15) days prior** to the date of the first hearing. The signs shall also include the nature of the request as contained on the formal zoning application. The size and format of this sign shall meet requirements established by the Planning and Zoning Department (see page 2).

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

It shall also be the *responsibility of the applicant* to remove the signs within one week after the final disposition of the case.

I confirm that the site has been posted as required above, for the case noted above. A picture of the site posting, and photos of any subsequent changes/updates made to the sign, have also been submitted.

Meghan Liggett
Applicant/Representative Signature

10/24/18
Date

This instrument was acknowledged before me on this 24th day of October,

2018, and by Meghan Liggett. I witness whereof I hereunto

set my hand and official seal.

Marybeth Conrad
Notary Public

10-25-20
My commission expires





Exhibit D: Sign-in Sheets

Project:

Location:

Date & Time:

Marisol Ranch & Lone Mountain Ranch
Desert Oasis Elementary School
Tuesday, November 12, 2018 - 6:00pm

PUBLIC MEETING SIGN-IN SHEET					
				I'm here for (please check column):	
Name:	Address:	Phone:	Email:	Marisol Ranch	Lone Mountain Ranch
Thomas Mitchell				✓	✓
Elizabeth Mitchell				✓	✓
Ronda Robinson				✓	✓
Sharon Jackson				✓	✓
Judi Dobb				✓	✓
Julie Rossignol David Allen				✓	✓
Tom Johnston Dawn Johnston					
Craig + Sandra Martin				✓	✓

Project:

Location:

Date & Time:

Marisol Ranch & Lone Mountain Ranch
Desert Oasis Elementary School
Tuesday, November 12, 2018 - 6:00pm

PUBLIC MEETING SIGN-IN SHEET					
				I'm here for (please check column):	
Name:	Address:	Phone:	Email:	Marisol Ranch	Lone Mountain Ranch
Linda Melano				✓	✓
Michael & Renee Garcia				✓	✓
Steve & Susan Strong					
Len & Tammy Bayne					✓
TED / DELORES ANGUS				✓	✓
ROLAND F. WINTERS JR				✓	✓
Ann Gartz				✓	✓
Kevin & Ashley Beal					✓

Project:

Location:

Date & Time:

Marisol Ranch & Lone Mountain Ranch
Desert Oasis Elementary School
Tuesday, November 12, 2018 - 6:00pm

PUBLIC MEETING SIGN-IN SHEET					
Name:	Address:	Phone:	Email:	I'm here for (please check column):	
				Marisol Ranch	Lone Mountain Ranch
D.L. Schraden					
James Gerodimos					
Brandon Toffin					
Paul Fischetto Tammy				X	X
Neil Spence				X	X
Michelle Bram					
Steve Kallie Col					
stuart whitney				X	

Mitch McGaffey

Project:

Location:

Date & Time:

Marisol Ranch & Lone Mountain Ranch
Desert Oasis Elementary School
Tuesday, November 12, 2018 - 6:00pm

PUBLIC MEETING SIGN-IN SHEET					
				I'm here for (please check column):	
Name:	Address:	Phone:	Email:	Marisol Ranch	Lone Mountain Ranch
Richard & Margorie Standfield				☒	☒
KATHY & RICH SANDOW					
Chris Van Arsdale				☒	
R. + M. PEACE				☒	☒
Gail Sner					
Crystal Suer				☒	☒
Jeff Suer				☒	☒
Michael & Susan Bram				☒	☒

Project:

Location:

Date & Time:

Marisol Ranch & Lone Mountain Ranch

Desert Oasis Elementary School

Tuesday, November 12, 2018 - 6:00pm

PUBLIC MEETING SIGN-IN SHEET

I'm here for (please check column):					
Name:	Address:	Phone:	Email:	Marisol Ranch	Lone Mountain Ranch
SAM JOHNSON					✓
DIANA JOHNSON					✓
WAYNE WILSON				—	
JUDY WILSON					
CONRAD & HELEN CAUTHEN				✓	✓
Chrissy Burgess				✓	✓
Delores Angus					
Marie George					

Project:

Location:

Date & Time:

Marisol Ranch & Lone Mountain Ranch

Desert Oasis Elementary School

Tuesday, November 12, 2018 - 6:00pm

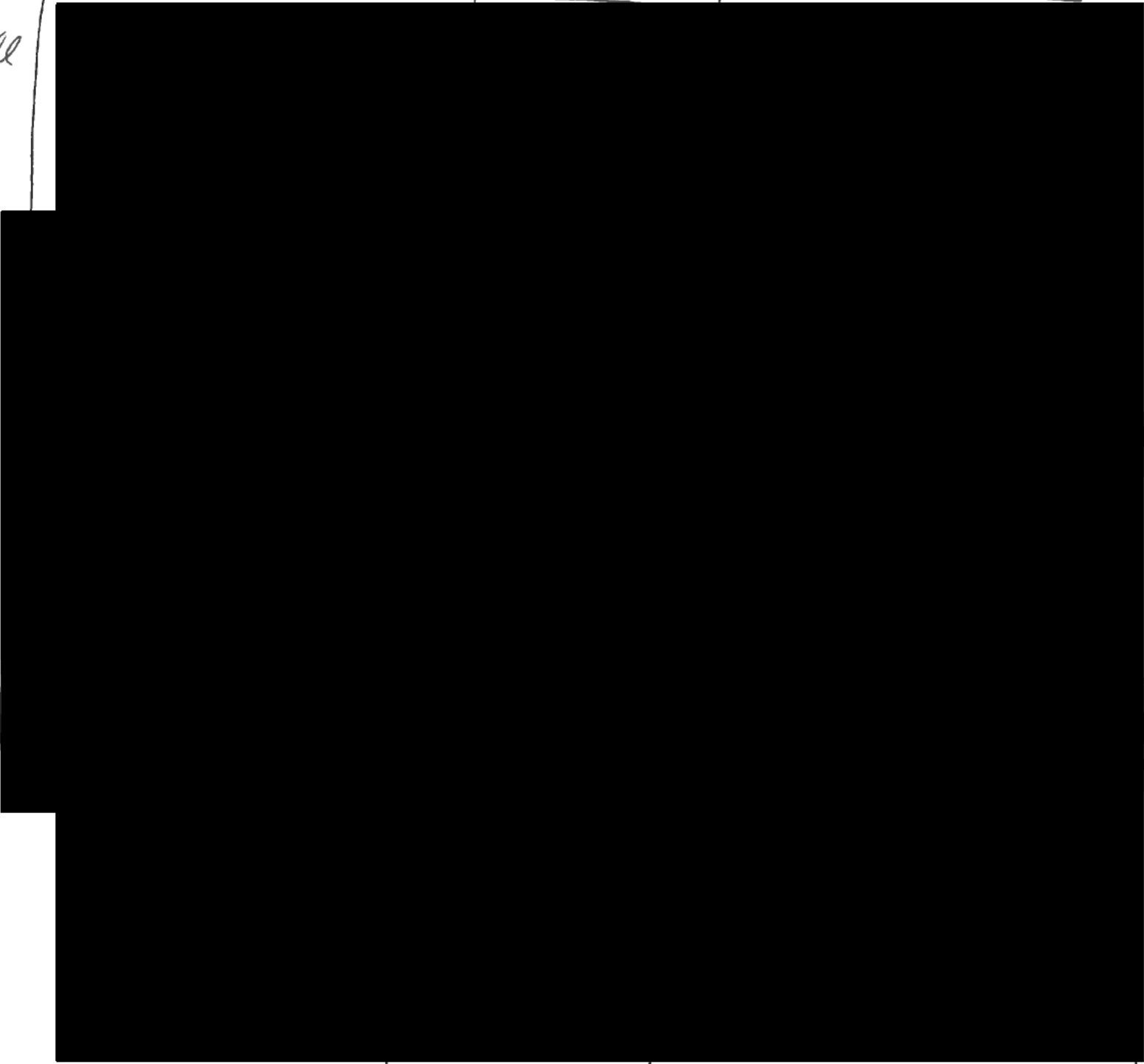
PUBLIC MEETING SIGN-IN SHEET					
				I'm here for (please check column):	
Name:	Address:	Phone:	Email:	Marisol Ranch	Lone Mountain Ranch
SANDRA LESTER				X	X
Zolene BLACA					
Kim & Rick Lebhart				X	X
Dan & Debbie Relaford					
Tammy & Paul Frischetto				X	X
Lana Steward				X	X
Ray & Connie Davison					
James Jordan					

Bethany Bishop Moehr

X X

SIGN-IN SHEET

I'm here for:

Name	Address	Phone	email	Marisol Ranch	Lone Mountain Ranch
Jacqueline Rea Canoll				both	both
Robert Dittmar				both	both
Tracy Bailey					
Mark Bailey					
Robert Bailey					
Kevin Bullinger					
Seremy Brockway					
Meagan Brockway					
Tony Wilson					
Diana Wilson					
Timothy Wilson					✓
Andy Cepa					✓
June Fallon					
Mike Fallon					

SIGN-IN SHEET

Name
A. Holle

Address



phone

email

—

I'm here for:

Mariso/
Ranch

Lone Mountain
Ranch



Exhibit E: Comment Cards

COMMENT CARD

Marisol Ranch & Lone Mountain Ranch
Neighborhood Meeting – November 13, 2018

Zolub BLARHA

Name

Street Address

COMMENTS / CONCERNS:

Water level will drop !!
no private wells will have water

Please place this card in the box.
Thank you!

COMMENT CARD

Marisol Ranch & Lone Mountain Ranch
Neighborhood Meeting – November 13, 2018

DANIEL SCHRAER

Name

COMMENTS / CONCERNS: C.O.S. CAN'T EVEN TAKE CARE OF THE ROADS/LAND THEY ALREADY HAVE. THE RESIDENTS WHO ALREADY LIVE HERE DON'T WANT INCREASED TAXES, INCREASED TRAFFIC, INCREASED CRIME, DEPLETION OF NATURAL RESOURCES, FURTHER ENCRoACHMENT OF WILDLIFE & PRISTINE DESERT. IF I WANTED PEOPLE LIVING 6' FROM ME, I WOULD'VE STAYED IN THE ARMY ON WHEELS INTO TOWN.

Please place this card in the box.
Thank you!

COMMENT CARD

Marisol Ranch & Lone Mountain Ranch
Neighborhood Meeting – November 13, 2018

Debbie Relaford

Name

COMMENTS / CONCERNS:

Having this project come - How are you going to provide water to everyone, without draining water out of my well. With all this impact, what kind of effect will this do to my well water?
- I think you are putting too many homes on a acre -
If this goes thru.

Please place this card in the box.
Thank you!

COMMENT CARD

Marisol Ranch & Lone Mountain Ranch
Neighborhood Meeting – November 13, 2018

Judy Wilson

Name

COMMENTS / CONCERNS:

poorly planned meeting! could not hear or see maps. Could not answer most questions. Very disappointed -

Please place this card in the box.
Thank you!

COMMENT CARD

Marisol Ranch & Lone Mountain Ranch
Neighborhood Meeting – November 13, 2018

Paul and
Tammy Fischetto

Name

COMMENTS / CONCERNS:

Dont want it and Block view
of Mountain's

Please place this card in the box.
Thank you!

COMMENT CARD

Marisol Ranch & Lone Mountain Ranch
Neighborhood Meeting – November 13, 2018

RICHARD STANCHFIELD

Name

COMMENTS / CONCERNS:

MY WATER WELL?, 163 TRAFFIC, TRAIN CROSSING

Please place this card in the box.
Thank you!

COMMENT CARD

Marisol Ranch & Lone Mountain Ranch
Neighborhood Meeting – November 13, 2018

Id Angus

Name

COMMENTS / CONCERNS:

We are concerned about light pollution
in addition to water issues, traffic, and many
other issues, Loss of Habitat for wild life!

Please place this card in the box.
Thank you!

COMMENT CARD

Marisol Ranch & Lone Mountain Ranch
Neighborhood Meeting – November 13, 2018

DIANA JOHNSON

Name

Email Address

COMMENTS / CONCERNS: LOSS OF STATE LAND FOR RIDING OUR HORSES & 4 WHEELERS
WHERE WILL THE WATER COME FROM? WHAT WILL IT DO TO OUR EXISTING
WELL WATER SUPPLY? THE ROAD IS ALREADY INADEQUATE FOR EXISTING
TRAFFIC! THERE ARE ALREADY HOUSING DEVELOPMENTS THAT ARE
NOT COMPLETED. WE MOVED IN THE COUNTY 8 YEARS AGO TO ENJOY
RURAL LIVING! PLEASE DO NOT BUILD ANY MORE HOUSING DEVELOPMENTS!!
HOW MANY HOMES ARE CURRENTLY DRAWING FROM
THESE "EXISTING" WELLS? NEXT MEETING: USE A P.A. SYSTEM PLEASE

Please place this card in the box.
Thank you!

COMMENT CARD

Marisol Ranch & Lone Mountain Ranch
Neighborhood Meeting – November 13, 2018

Sharon Jackson

Name

COMMENTS / CONCERNS:

Dont want to be annexed in, there is to many houses going up. I moved out here to get out of city. Horting all wild life. To much Traffic!

Please place this card in the box.
Thank you!

COMMENT CARD

Marisol Ranch & Lone Mountain Ranch
Neighborhood Meeting – November 13, 2018

stuart whitney

Name

COMMENTS / CONCERNS:

It is zoned R-43 it should stay R-43. If you cannot make enough money off of 1 acre, then you should not take the desert and destroy peoples life, for your profits. EXPECT lawsuits!!!!

Please place this card in the box.
Thank you!

COMMENT CARD

Marisol Ranch & Lone Mountain Ranch
Neighborhood Meeting – November 13, 2018

Jude Dodeo

Name

COMMENTS / CONCERNS:

We moved to the country to get away from the city.
Higher taxes!
Will we receive surprise police/fire, etc, or continue to receive services from Sun City West fire? Law enforcement?
Will water/sewage change. IF this incorporates annexation?
Will there be more housing communities be approved resulting in MORE crowding.
Please place this card in the box.
Thank you!
Why can't we citizens VOTE for or against this????
That is UN-AMERICAN

COMMENT CARD

Marisol Ranch & Lone Mountain Ranch
Neighborhood Meeting – November 13, 2018

Tammy Bayne

Name

COMMENTS / CONCERNS:

Copy of all maps

Please place this card in the box.
Thank you!

COMMENT CARD

Marisol Ranch & Lone Mountain Ranch
Neighborhood Meeting – November 13, 2018

Craig Martin

Name

COMMENTS / CONCERNS:

1. Presently all the area around the lone mountain ranch is Rural Residential. Why would lone mountain ranch be zoned R-1 and not RR?
2. The planning maps show access to Lone Mountain Ranch from roads from Saguaro View Subdivisions. Will the developer be required to improve the roads in Saguaro View because of increased traffic.

Please place this card in the box.
Thank you!

OVER →

COMMENT CARD

Marisol Ranch & Lone Mountain Ranch
Neighborhood Meeting – November 13, 2018

ANN GANTZ

Name

Email Address

COMMENTS / CONCERNS:

Traffic Roads, Wells Drying up
Due to using ground water, water
should be supplied from Elsewhere
losing open land - Not our ground
State trust land water

Please place this card in the box.
Thank you!

3. If Saguaro View wells run dry, what are our options?

4. There are presently multiple Arroyos that flow from the Lone Mountain Ranch south across Saguaro View Subdivision. It appears that only the large arroyos are being looked at as far as flow. How are these smaller arroyos being considered?

Increase taxes,
Losing Property to
Easements for
these Developments

Roads going thru
from 303 to
Grand - Will this
mean buying out
People's homes
that are on land
average

COMMENT CARD

Marisol Ranch & Lone Mountain Ranch
Neighborhood Meeting – November 13, 2018

Name Julie Rossignol

Name

COMMENTS / CONCERNS:

We already feel the effects of the developments in the area including, but not limited to: flooding to dangerous levels that trap us in or out of our street; crime has increased + graffiti on the beautiful mountainsides; traffic issues because there's no way in/out except 2 routes; noise is crazy loud from traffic. STOP the developments! We are on wells + depend on our water, this affects us that are already here!!! OVER →

The gentleman holding the meeting had no answers to our questions.

I learned that essentially 8,000 people (4,000 households) will be needing access to Marisol Ranch + a state land piece with only 163rd Ave + Jomax (possibly Lone Mtn at later date) as access. This needs to be stopped!!! We moved to the country to get away from the city!!! Please STOP!

COMMENT CARD

Marisol Ranch & Lone Mountain Ranch
Neighborhood Meeting – November 13, 2018

Name Neil Spurlin

Name

COMMENTS / CONCERNS:

LACK OF COMMERCIAL DEVELOPMENT AS PROMISED

- SUB-PAR ROADS - 163RD HAS BEEN CHIPSEALED 3X ALREADY THIS YEAR & STILL CRAPPY
- LACK OF PROPER DRAINAGE ON DEVELOPMENTS ALL READY IN PLACE

Please place this card in the box.
Thank you!

• ADDED TRAFFIC TO BAD ROADS — OVER —

- CAN'T SELL LOTS IN ASANTE OR DESERT OASIS
- NOT ENOUGH WATER IN THE AREA, WOULD CAUSE HARDSHIP ON THOSE NOT IN THE CITY.
- NOT ENOUGH ROADS TO HANDLE ADDED TRAFFIC

Exhibit F: Neighbor Correspondence

From: [Joshua Mike](#)
To: [REDACTED]
Cc: [Mark Reddie](#); [Robert Kuhfuss](#); [Annie Vos](#)
Subject: RE: Proposed development at Dixileta and 163rd Ave to 155th Ave., Surprise, AZ
Date: Friday, November 30, 2018 5:04:45 PM

Good Afternoon Helen and Conrad,

Your input is appreciated and we noted your opinion. It will be included in the file as the project continues to be reviewed.

I have included the applicant's email address (Mark Reddie with RVI Planning) if you need that information to communicate with him directly. As part of the community outreach requirements they compile all comments, concerns, and questions into a report and submit it to staff and will be included in the Public Hearings going before the Planning and Zoning Commission and City Council.

Thanks
Joshua J Mike
Planner II

City of Surprise | Community Development
16000 N. Civic Center Plaza | Surprise AZ | 85374
623.222.3134 t
623.222.3001 f

From: Danielle Osborne
Sent: Friday, November 30, 2018 10:36 AM
To: Joshua Mike
Cc: Robert Kuhfuss
Subject: FW: Proposed development at Dixileta and 163rd Ave to 155th Ave., Surprise, AZ

Here you go!

From: Helen Cauthen <>
Sent: Monday, November 12, 2018 1:52 PM
To: Robert Kuhfuss [REDACTED]
[REDACTED] Mayor [REDACTED]; Todd Tande
[REDACTED]; Roland Winters [REDACTED]; Nancy Hayden
[REDACTED]; Patrick Duffy [REDACTED]; Ken Remley
[REDACTED] Skip Hall [REDACTED]; Jodi Tas
[REDACTED]
Subject: Proposed development at Dixileta and 163rd Ave to 155th Ave., Surprise, AZ

*****The e-mail below is from an external source. Please do not open attachments or click links from an unknown or suspicious origin.*****

Dear Sirs –

Our family moved to this area 7 years ago, and specifically chose our location (155th & Dixileta), because we were told that the area just north of us, was BLM and state trust land, and it would not be built on.

The news that it is being considered for a multi-home development, is extremely distressing. Not only will that create unwanted traffic, damage to our desert vegetation and wildlife, but so much congestion and possible future flooding, in areas that are already compromised.

We do not want this development to build here – it will permanently change our way of life.

Sincerely,
Helen & Conrad Cauthen

[REDACTED]
[REDACTED]
[REDACTED]

City of Surprise offices open at 8 a.m. and close at 5 p.m. Monday through Friday. More info at www.surpriseaz.gov.

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

01 Dec 2018 00:04:36 -0000



April 28, 2019

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

References:

1. Planning and Zoning Commission Meeting May 2, 2019, Agenda Item 6.
2. Zoning Change case FS18-459 for Lone Mountain Ranch

I would like to provide the following comments and concerns regarding the referenced proposed zoning change:

1. The proposed area presently has over 12 washes/arroyos that run south and cross the path of the proposed Dixileta Dr. into the Saguaro View Subdivision. The proposed development only shows keeping 3 major arroyos instead of the 12. The three major arroyos primarily drain the area to the north of the CAP and do not really drain much of the area to the south of the CAP between these major arroyos. As a result, the three major arroyos will see increased flow, while the smaller ones will be eliminated. **This will have a severe environmental impact to the existing arroyos south of Dixileta.** Where the smaller arroyos are cut off, the trees will die off due to decreased water flow and with the water flow being diverted to only three drainages, those arroyos may be subject to greater flooding depending on the volume held in retention basins. For example, the arroyo next to my house will be cut off and thus the flow of water that came from about 40 acres to the north will no longer flow through the arroyo across my property. Water from about 40 acres is substantial. During heavy rains, this arroyo runs over three feet deep. That water soaks into the ground and waters the trees along its banks. Without the 40 acres of watershed, the arroyo will no longer flow and the trees will die.

In the Lone Mountain Ranch PAD Narrative dated April 2019, the drainage description is over simplified, and does not account for downstream continuation of water flow. The Narrative states: *"Onsite rainfall runoff from the Project will be routed within the streets and/or storm drain to retention basins. These basins will be designed to store the tributary runoff generated from the 100-year, 2-hour storm event. Ultimately, the proposed drainage conditions will mimic existing drainage patterns and ultimately exit the Project at the historical outfall points"* Presently, the plan only shows what appears to be 4 points of exit instead of the more than 12 points that exist. This will result in a significant change to the water flow to the south of the development and adversely affect those landowners.

Attached is a mark-up showing the drainage area of the arroyo that flows across my property. This has not been adequately addressed in the plans even though it represents a substantial area of drainage.

2. Because the area around the proposed Lone Mountain Ranch is RR and generally one dwelling for 2.5 acres, the local wildlife has learned to live in and amongst the houses with access to the desert through the area proposed for the Lone Mountain Ranch. This includes coyote, Javelina, bobcats, mountain lions, snakes, rodents, and even rats, and then there are the birds like the road runners, owls, hawks, quail, and a myriad of other desert critters. This development will cause a disruption to the wildlife and cause issues to the people in the development that is not exactly normal habitat for these creatures.
3. The areas surrounding the Lone Mountain Ranch proposed subdivision are presently Residential Ranch (RR). Changing the Zoning from RR to PAD is really not in keeping with the use and character of the area. The 150 ft buffer proposed along Dixileta Dr. is a good start to help with the transitions between the two very different areas, however, there are a lot of issues that will arise because of the nature of the two different zonings. Examples of conflicts will be ranch noises such as cows mooing and roosters crowing at all hours of the night and day and the smells of ranch animals as well as the flies and dust. With the winds primarily out of the south and west, smells, dust and insects will migrate towards the new subdivision which could be of concern to the new occupants. People living in a RR zone expect these things and accept them, but people in a development may not appreciate or accept them as readily which may cause conflict.

Thank you for your consideration of these important items.

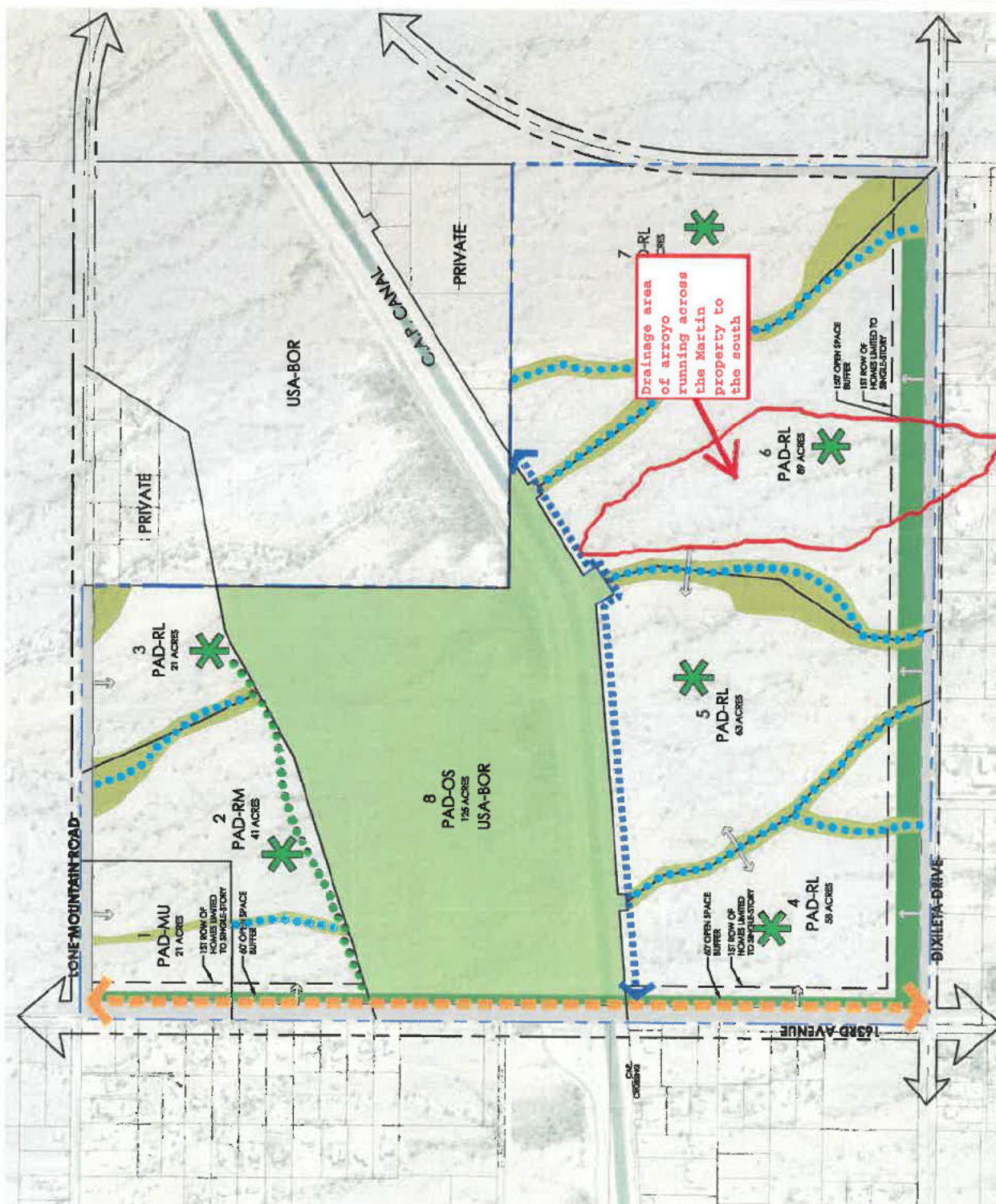
Sincerely,

A handwritten signature in blue ink, appearing to read 'Craig Martin', with a stylized, sweeping underline.

Craig Martin

Figure 6

Recreation and Open Space Plan



Robert Kuhfuss

From: Karen R. Christopherson [REDACTED]
Sent: Sunday, April 28, 2019 9:06 AM
To: Robert Kuhfuss; Lloyd Abrams; James Stewart
Cc: Mayor; Roland Winters
Subject: Opposition to rezoning - Lone Mountain (& Marisol Ranch)

****The e-mail below is from an external source. Please do not open attachments or click links from an unknown or suspicious origin.****

I'd like to express my opposition to the rezoning of the Lone Mountain (RR to PAD) and Marisol Ranch (in general, as PAD)

Some reasons:

1) Disturbance of wildlife in the area:

Numerous species that use this area, either as a home or migration. The animals include: burros (part of the Lk Pleasant herd), bobcats, mountain lions, coyotes, badgers, great-horned owls, javelina, jackrabbits, red-tailed hawks, long-tailed/pocket mouse.

The rural zoning has not disrupted these animals much - they move through our properties and along washes. Birds nest in the saguaros and native trees. Those of us in the rural setting appreciate and respect the wildlife.

Higher density and more roads (internal to these developments) plus loss of habitat will disrupt the lives of many of the (mostly native) species.

2) Vagueness on water supply:

pg 17 of Lone Mountain Ranch PAD Narrative April 2019-

"The Integrated Water Master Plan: Water Infrastructure Final Report (Malcolm Pirnie, 2009) outlines using WSF-5 as the planned near-term solution for parcels 1 – 3 of the Project, therefore this solution is anticipated to serve these parcels of the Project after the interim solution. Since parcels 4 – 9 of the Project are in a different service area than parcels 1 – 3 of the Project they are anticipated to be served by the existing Desert Oasis WSF. A proposed interim solution to serve the Project is to use the existing water infrastructure within SPA2. Since SPA 2 lies within the lower pressure zones of PZ-2A, PZ-3A and PZ-2C, a booster pump station will be required. A near term solution is constructing an onsite water supply facility, and booster pump station on or near the Project site to serve the Project."

I could not find, "Detailed water analysis for Lone Mountain Ranch is provided in Appendix B, Master Water Plan"

But, on pg 3 of the "Lone Mountain Ranch Public Participation Report Case: FS18-459 January 2019", it says,

"1) Concerns about wells: The groundwater and impact on wells for Lone Mountain Ranch has been studied by a hydrogeologist. Any new wells within Lone Mountain Ranch are regulated by the Arizona Department of Water Resources (ADWR) and Well Impact Requirements of the Phoenix Active Management Area (AMA). These specify that a new well cannot impact the water level of existing registered wells by more than 10 feet after a pumping period of 5 years. An existing well within Marisol Ranch, to the north, was tested in 2000 and again in 2016. During this time, the water level rose from 514' below ground level to 350' below ground level."

MY COMMENTS:

Words like "near-term" and "interim" hardly make me feel comfortable about the water supply plans. Then, regarding wells - the fact that a well went from 514' to 350' below ground level MEANS ALMOST NOTHING. What it does mean is that when tested in 2016, the water depth from 350' from surface.

Two other monitored wells within a mile or so of that well showed a similar decrease in depth to water over that time period. Those data are available online, for state-monitored wells with data on an annual basis

Unless there are more data in the missing Appendix B, there are no data for pumping tests, drawdown, etc. IF they plan on using wells, an incredibly thorough testing program will need to be done, and on more than one well.

Also, the statement, "new wells cannot impact the water level of existing registered wells by more than 10 feet after a pumping period of 5 years" doesn't make me feel very assured. If there is any chance of well water supply for these areas, we (as well owners) need to see specific plans about how this monitoring would occur and what the penalties are.

3) Disruption of RU-43 character, and transition:

All of the surrounding homes are essentially RU-43/similar, on large lots (1-5 acres or so). Many people have horses and enjoy the quiet, lack of light pollution, lack of street noise, abundance of wildlife, and numerous ways to recreate (horseback riding, running, walking, mountain biking, off-road vehicles, etc.)

In the Surprise General Plan 2035, it says:

(pg 37)

" Compatibility and Transition Measures To help limit the impact on adjacent existing or potential uses and promote overall land use compatibility, new development should utilize the following transition measures at the neighborhood edge: • Respect the context of adjacent building form and architectural style; • Adjust densities to provide a gradual transition to surrounding uses; Step buildings (via building massing, footprint size, and height) to reduce the visual impact to surrounding uses; • Provide similar streetscape and landscape design to surrounding uses; • Utilize appropriate setbacks to blend and transition between surrounding uses; and/or • Place enhanced landscape/open space buffers between uses; additional measures should be taken to emphasize transition through integration and encourage connectivity between new development and surrounding uses."

(pg 40)

"Suburban Neighborhoods represent the transition area between rural settings and urban environments" This is for density of 2-8 du/ac

Then, on pg 15 of Lone Mountain Ranch PAD Narrative April 2019, it says,

"Buffer Open Space

In order to provide an appropriate transition from the existing rural residential uses along the perimeter of the Lone Mountain Ranch property and meet the density transition requirements within the Surprise General Plan, a landscaped open space buffer will be provided along 163rd Avenue and Dixileta Road along the entire southern and western perimeter of the property. This will include a 60' wide open space buffer along 163rd Avenue, and a 150' wide open space buffer along Dixileta Road. With the addition of the applicable roadway right-of-way per the City of Surprise standard, these buffers will both provide a 260' setback when combining the right-of-way with the adjacent open space buffer. In addition to the perimeter open space buffer, the first row of homes adjacent to these open space buffers within residential districts shall be limited to single-story in height."

MY COMMENT:

150' plus Dixileta Rd, and limiting the first row of homes to single-story hardly constitutes a decent transition in this area. The buffer should be wider, and all homes south of the canal should be limited to single-story

4) Washes and flood zones

Figure 6 of the Lone Mountain Ranch PAD Narrative April 2019, titled Recreation and Open Space Plan, shows "wash corridors" with internal trails.

These wash corridors cross Dixileta in 4 places and Lone Mountain in 3. However, if you look at the FEMA flood plain maps, and/or Google Earth, you will see that there are numerous other wash crossings on Dixileta, and that the wash crossing on Lone Mountain are much wider.

Did the planners (RVI etc.) make a field visit to the site? Have any of the P&Z staff been up there? These washes are something that need to be addressed re their depth, width, flooding capacity, wildlife habitat, etc. They also need to consider calling these internal trails. If they are going to consider these trails, then portions of the washes need to be inspected for blockages that occur after large rains (meaning that they are not exactly trails in places).

I'm not sure how they are going to get their planned density squeezed in around all these washes.

I cannot attend the P&Z meeting on May 2 because of travel. But people from this area will be expressing views, and they know mine. In general, why build PAD up here? Surprise has so much growth. It was said at the recent council meeting, something like, "Just how large do we want to be?" Can you not keep the PAD confined to certain areas, and not mixed in with the few areas of RU-43/Rural zoning? Surprise can only get so big.

Thanks,

Karen R Christopherson, Geophysicist
Chinook Geoconsulting, Inc.

Robert Kuhfuss

From: Tammy Bayne [REDACTED]
Sent: Tuesday, April 30, 2019 4:45 PM
To: Roland Winters; Robert Kuhfuss; Joshua Mike; Surprise City Planner; Jacqueline Rea Carrol
Cc: Mike Gent; Eric Fitzer
Subject: Re: Lone Mountain Ranch Citizens Review Meeting

****The e-mail below is from an external source. Please do not open attachments or click links from an unknown or suspicious origin.****

Hello all,

Jacqueline says that you don't know about our petition to stop the rezoning of the Lone Mountain Project.

As you can see I sent the link back in November and I have followed up with Roland as recently as two weeks ago. With no response.

Sent using [Zoho Mail](#)

----- On Tue, 13 Nov 2018 10:11:00 -0800 Tammy Bayne [REDACTED] wrote -----

Hello,

Just so you know, the letter mailed has the meeting time as 6:00pm. However, the road sign everyone is reading says 6:30.

The attached is the sign before the meeting date was changed. But the time on the revised sign still says 6:30.

Also, it appears that the Marisol part of this project has been on going for many years. And this area being county, they have worked with Maricopa County regarding the flood plain.

You guys may want to include Eric Fitzer and Mike Gent in on the 4 projects north of Jomax. We have all been trying to work on the road, flooding and general maintenance to make the streets safe for residents as well as public works, bus, fire and police safe when it floods. A few weeks ago they had a public forum regarding all the problems and one point was they were going to coordinate with Maricopa County Flood Control.

They can also tell you that during monsoon it is very, very active out here.

You can view some of the flood photos here. I have attached one from September on Dale Lane Close to where Tierra Rico is bring planned.

<https://m.facebook.com/groups/1869577553297434>

Lastly, we have formed a petition for those against all the new projects. We know 6 of them are already a go. The 2 at Asante, 2 in Desert Oasis and 2 south of Jomax (Happy Valley) area. We are mostly concerned about the 4 projects north of Jomax. Especially Lone Mountain Ranch and Tierra Rico.

We are hoping we can stop or at least slow down until we have better ways in and out. If there was a wall at Jomax, there is NOT ONE way out unless you are four wheeling and trespassing out in the desert.

Hopefully there will be a great turn out tonight. See you there.

https://www.change.org/p/city-of-surprise-stop-the-city-of-surprise-from-annexing-approving-so-many-home-projects-in-nw-dist-1?recruiter=688416356&utm_source=share_petition&utm_medium=copylink&utm_campaign=psf_combo_share_initial.pacific_abi_select_all_contacts.select_all.pacific_email_copy_en_gb_4.v1.pacific_email_copy_en_us_5.v1.pacific_email_copy_en_us_3.control.pacific_post_sap_share_gmail_abi.fake_control.lightning_share_by_medium_message.control.lightning_2primary_share_options_more.control&utm_term=triggered

Thank you,
Tammy Bayne

Sent from Zoho Mail on iPhone

Robert Kuhfuss

From: Ellen VanRiper
Sent: Wednesday, May 01, 2019 9:00 AM
To: Lloyd Abrams; Robert Kuhfuss; Joshua Mike
Subject: FW: Update on petition — City of Surprise: Stop the City of Surprise from annexing

FYI

Ellen Van Riper
Chief Deputy City Attorney
City of Surprise | 16000 N Civic Center Plaza | Surprise AZ 85374
Direct: 623.222.1162 | Fax: 623.222.1101
[REDACTED]

"Each of us brings to our job, whatever it is, our lifetime of experience and our values."
Sandra Day O'Connor

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From: Sherry Aguilar
Sent: Wednesday, May 01, 2019 8:59 AM
To: Ellen VanRiper
Subject: RE: Update on petition — City of Surprise: Stop the City of Surprise from annexing

Thank you Ellen!

From: Ellen VanRiper
Sent: Wednesday, May 01, 2019 8:49 AM
To: Sherry Aguilar; Mayor & Council; [REDACTED]
Cc: Lorraine Nevarez; Jodi Tas; Lloyd Abrams; Chris Boyd; Robert Wingo; Linda Stevens; Brandon Hiller; Jenna Bowen
Subject: RE: Update on petition — City of Surprise: Stop the City of Surprise from annexing

Thank you Sherry. Community Development will also apprise the applicant and send them these items, as well as anything else that is received.

Ellen Van Riper
Chief Deputy City Attorney
City of Surprise | 16000 N Civic Center Plaza | Surprise AZ 85374
Direct: 623.222.1162 | Fax: 623.222.1101
[REDACTED]

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From: Sherry Aguilar
Sent: Wednesday, May 01, 2019 8:46 AM
To: Mayor & Council; [REDACTED]
Cc: Lorraine Nevarez; Jodi Tas; Lloyd Abrams; Chris Boyd; Ellen VanRiper; Robert Wingo; Linda Stevens; Brandon Hiller; Jenna Bowen
Subject: Update on petition — City of Surprise: Stop the City of Surprise from annexing

Mayor & Council, Planning & Zoning Commissioners, this petition was filed with the City Clerk's Office by email as indicated below by Tammy Bayne.

As correspondence comes in, I will be forwarding the documents to you.

Thank you,

Sherry Ann Aguilar
City Clerk, MMC
16000 N. Civic Center Plaza
Surprise, AZ. 85374
Office: 623-222-1220
clerk@surpriseaz.gov

Regular Office hours are Monday - Friday 8:00 a.m. - 5:00 p.m.

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From: Tammy Bayne [REDACTED]
Sent: Tuesday, April 30, 2019 7:06 PM
To: Roland Winters; Joshua Mike; Surprise City Planner; Robert Kuhfuss
Cc: Jacqueline Rea Carrol; Mike Gent; Eric Fitzer; Mayor; Sherry Aguilar
Subject: Fwd: Update on petition — City of Surprise: Stop the City of Surprise from annexing

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The link to the petition is below and the signatures are attached.

Sent using [Zoho Mail](#)

===== Forwarded message =====

From: Tammy Bayne [REDACTED]
To: "Tammy S. Bayne" [REDACTED]
Date: Tue, 30 Apr 2019 18:41:57 -0700
Subject: Update on petition — City of Surprise: Stop the City of Surprise from annexing
===== Forwarded message =====

Hi,

I wanted to share an exciting update about a petition I signed on Change.org: "City of Surprise: Stop the City of Surprise from annexing & approving so many Home Projects in NW Dist 1.".

Read about the update "URGENT - Stop the ReZoning of Marisol and Lone Mnt Ranch projects. Meeting 5/7" below, and join me in supporting this campaign by signing the petition!

<http://chng.it/tjJ7n5BJh4>

Thanks!
Tammy

Sent from my iPhone

Robert Kuhfuss

From: Karen R. Christopherson [REDACTED]
Sent: Friday, May 03, 2019 7:49 AM
To: Lorraine Nevarez; Roland Winters
Cc: Mayor; James Stewart; Lloyd Abrams; Robert Kuhfuss; [REDACTED]
Subject: Annexation and rezoning - Lone Mountain & Marisol Ranch

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Does this mean Surprise is going to be responsible for the water, and if so, is this detailed anywhere as to the source(s) of water, etc?

Thank you,

Karen R Christopherson
Chinook Geoconsulting, Inc.

[REDACTED]
In a message dated 4/30/2019 9:52:19 AM Pacific Standard Time, [REDACTED] writes:

Hello Ms. Christopherson,

I'm received your comments and will distribute to the Planning and Zoning Commission.

Regards,

Lorraine Nevarez

Administrative Specialist – Sr.
City of Surprise | Community Development
16000 N. Civic Center Plaza | Surprise AZ | 85374

www.surpriseaz.gov

623.222.3154 t
623.222.3001 f

From: "Karen R. Christopherson" [REDACTED]
Date: Sunday, April 28, 2019 at 9:05 AM
To: Robert Kuhfuss <Robert.Kuhfuss@surpriseaz.gov>, Lloyd Abrams <Lloyd@surpriseaz.gov>, James Stewart <James.Stewart@surpriseaz.gov>
Cc: Mayor <Mayor@surpriseaz.gov>, Roland Winters <Roland.Winters@surpriseaz.gov>
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Some reasons:

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Numerous species that use this area, either as a home or migration. The animals include: burros (part of the Lk Pleasant herd), bobcats, mountain lions, coyotes, badgers, great-horned owls, javelina, jackrabbits, red-tailed hawks, long-tailed/pocket mouse.

The rural zoning has not disrupted these animals much - they move through our properties and along washes. Birds nest in the saguaros and native trees. Those of us in the rural setting appreciate and respect the wildlife.

Higher density and more roads (internal to these developments) plus loss of habitat will disrupt the lives of many of the (mostly native) species.

2) Vagueness on water supply:

pg 17 of Lone Mountain Ranch PAD Narrative April 2019-

"The Integrated Water Master Plan: Water Infrastructure Final Report (Malcolm Pirnie, 2009) outlines using WSF-5 as the planned near-term solution for parcels 1 – 3 of the Project, therefore this solution is anticipated to serve these parcels of the Project after the interim solution. Since parcels 4 – 9 of the Project are in a different service area than parcels 1 – 3 of the Project they are anticipated to be served by the existing Desert Oasis WSF. A proposed interim solution to serve the Project is to use the existing water infrastructure within SPA2. Since SPA 2 lies within the lower pressure zones of PZ-2A, PZ-3A and PZ-2C, a booster pump station will be required. A near term solution is constructing an onsite water supply facility, and booster pump station on or near the Project site to serve the Project."

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MY COMMENTS:

Words like "near-term" and "interim" hardly make me feel comfortable about the water supply plans. Then, regarding wells - the fact that a well went from 514' to 350' below ground level MEANS ALMOST NOTHING. What it does mean is that when tested in 2016, the water depth from 350' from surface.

Two other monitored wells within a mile or so of that well showed a similar decrease in depth to water over that time period. Those data are available online, for state-monitored wells with data on an annual basis

Unless there are more data in the missing Appendix B, there are no data for pumping tests, drawdown, etc. IF they plan on using wells, an incredibly thorough testing program will need to be done, and on more than one well.

Also, the statement, "new wells cannot impact the water level of existing registered wells by more than 10 feet after a pumping period of 5 years" doesn't make me feel very assured. If there is any chance of well water

supply for these areas, we (as well owners) need to see specific plans about how this monitoring would occur and what the penalties are.

3) Disruption of RU-43 character, and transition:

All of the surrounding homes are essentially RU-43/similar, on large lots (1-5 acres or so). Many people have horses and enjoy the quiet, lack of light pollution, lack of street noise, abundance of wildlife, and numerous ways to recreate (horseback riding, running, walking, mountain biking, off-road vehicles, etc.)

In the Surprise General Plan 2035, it says:

(pg 37)

" Compatibility and Transition Measures To help limit the impact on adjacent existing or potential uses and promote overall land use compatibility, new development should utilize the following transition measures at the neighborhood edge: • Respect the context of adjacent building form and architectural style; • Adjust densities to provide a gradual transition to surrounding uses; Step buildings (via building massing, footprint size, and height) to reduce the visual impact to surrounding uses; • Provide similar streetscape and landscape design to surrounding uses; • Utilize appropriate setbacks to blend and transition between surrounding uses; and/or • Place enhanced landscape/open space buffers between uses; additional measures should be taken to emphasize transition through integration and encourage connectivity between new development and surrounding uses."

(pg 40)

"Suburban Neighborhoods represent the transition area between rural settings and urban environments" This is for density of 2-8 du/ac

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"Buffer Open Space

In order to provide an appropriate transition from the existing rural residential uses along the perimeter of the Lone Mountain Ranch property and meet the density transition requirements within the Surprise General Plan, a landscaped open space buffer will be provided along 163rd Avenue and Dixileta Road along the entire southern and western perimeter of the property. This will include a 60' wide open space buffer along 163rd Avenue, and a 150' wide open space buffer along Dixileta Road. With the addition of the applicable roadway right-of-way per the City of Surprise standard, these buffers will both provide a 260' setback when combining the right-of-way with the adjacent open space buffer. In addition to the perimeter open space buffer, the first row of homes adjacent to these open space buffers within residential districts shall be limited to single-story in height."

MY COMMENT:

150' plus Dixileta Rd, and limiting the first row of homes to single-story hardly constitutes a decent transition in this area. The buffer should be wider, and all homes south of the canal should be limited to single-story

4) Washes and flood zones

Figure 6 of the Lone Mountain Ranch PAD Narrative April 2019, titled Recreation and Open Space Plan, shows "wash corridors" with internal trails.

These wash corridors cross Dixileta in 4 places and Lone Mountain in 3. However, if you look at the FEMA flood plain maps, and/or Google Earth, you will see that there are numerous other wash crossings on Dixileta, and that the wash crossing on Lone Mountain are much wider.

Did the planners (RVI etc.) make a field visit to the site? Have any of the P&Z staff been up there? These washes are something that need to be addressed re their depth, width, flooding capacity, wildlife habitat, etc. They also need to consider calling these internal trails. If they are going to consider these trails, then portions of the washes need to be inspected for blockages that occur after large rains (meaning that they are not exactly trails in places).

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[REDACTED]

[REDACTED]


chinook-inc.com

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0.1

30 Apr 2019 16:52:17 -0000

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Sent: Friday, May 03, 2019 11:46 AM
To: 'Karen R. Christopherson'; Roland Winters
Cc: Mayor; James Stewart; Robert Kuhfuss; [REDACTED]
[REDACTED]
Subject: RE: Annexation and rezoning - Lone Mountain & Marisol Ranch
Attachments: Appendix B Lone Mountain Ranch Master Water Report.pdf

Ms. Christopherson,

Please find attached Appendix B of the Master Water Plan per your request.

In respond to your last question, if annexed, yes the City will be the water provider per the City's Integrated Water Master Plan and the source of the water will be wells. The location of these wells is yet to be determined, they could be located anywhere in Special Planning Area 2 and/or Special Planning Area 4.

Please do not hesitate to contact me if anything else is needed.

Thank you,
Lloyd Abrams
Assistant Director
Community Development
City of Surprise
Office: 623-222-3021

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[REDACTED]

[REDACTED]

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30 Apr 2019 16:52:17 -0000

APPENDIX B TABLES

Table B.1 - Water Demand Calculations**LONE MOUNTAIN RANCH**

Surprise, Arizona

January, 2019



Parcel	Land Use	Gross Area	Dwelling Units	Density	Average Day Demand		Maximum Day Demand		Peak Hour Demand	
		(ac)		(du/acre)	(gpd)	(gpm)	(gpd)	(gpm)	(gpd)	(gpm)
1	MU	21.0	335	16.0	46,200	32.1	92,400	64.2	138,600	96.3
2	MDR	42.0	330	7.9	95,700	66.5	191,400	132.9	287,100	199.4
3	LDR	21.0	85	4.0	27,200	18.9	54,400	37.8	81,600	56.7
Parcels 1-3 Total		84.0	750	-	169,100	117.4	338,200	234.9	507,300	352.3
4	LDR	58.0	230	4.0	73,600	51.1	147,200	102.2	220,800	153.3
5	LDR	63.0	250	4.0	80,000	55.6	160,000	111.1	240,000	166.7
6	LDR	89.0	360	4.0	115,200	80.0	230,400	160.0	345,600	240.0
7	LDR	67.0	270	4.0	86,400	60.0	172,800	120.0	259,200	180.0
Parcels 4-7 Total		277.0	1,110	-	355,200	246.7	710,400	493.3	1,065,600	740.0
GRAND TOTAL:		361.0	1,860	-	524,300	364.1	1,048,600	728.2	1,572,900	1,092.3

Notes:Demand Factors:

Low Density Residential (LDR): 320 gallons/day/dwelling unit (3-5 du/acre)
Medium Density Residential (MDR): 290 gallons/day/dwelling unit (5-8 du/acre)
Mixed Use Gateway (MU): 2,200 gallons/day/acre
Open Space: 0 gallons/day/acre

Peaking Factors:

Maximum Day Demand: 2.0 x Average Day Demand
Peak Hour Demand: 3.0 x Average Day Demand

Fire Flow Demand:

Residential (< 3,600 sq.ft.): 2,000 gpm for 2 hours
Commercial: 3,000 gpm for 3 hours
Per Integrated Water Master Plan: Water Infrastructure Final Report (Malcolm Pirnie, 2009)

(1) Demand information taken from the Integrated Water Master Plan: Water Resources Update (Arcadis, 2015) and Water Guidelines and Standards (City of Surprise, 2006).

Table B.2 - Well, Water Storage, and Pumping Calculations**LONE MOUNTAIN RANCH PARCELS 1-3**

Surprise, Arizona

January, 2019

**Well Requirements:***Wells shall be sized to provide capacity for the following:*

- 1) Maximum Day Demand and;
- 2) Redundancy to meet Maximum Day Demand with largest well out of service.

Requirement 1:

Maximum Day Demand: 235 gpm

Requirement 2:

Maximum Day Demand: 235 gpm

24 Hour Well Capacity Required: 470 gpm

18 Hour Well Capacity Required: 626 gpmNotes:

- 1) Wells are anticipated to run for 18 hours a day and, therefore, must provide the equivalent of a 24-hour period.

Storage Requirements:*Storage shall be sized to provide a usable storage volume in excess of the combined following:*

- 1) Equalization Volume (20% of Maximum Day Demand) and;
- 2) Fire Flow Volume (Fire Flow Required x Duration of the Fire Flow) and;
- 3) Emergency Volume (10% of Maximum Day Demand)

Requirement 1:

20% of Maximum Day Demand: 67,640 gallons

Requirement 2:

Fire Flow Required x Duration of Fire Flow: 540,000 gallons

Requirement 3:

10 % of Maximum Day Demand: 33,820 gallons

Storage Required: 641,460 gallons = 0.70 MG*(Storage Required is rounded up to nearest 100,000 gallons)***Booster Pump Requirements:***Shall meet or exceed the greater of:**Peak Hour Demand OR
Maximum Day Demand + Fire Flow*

Peak Hour Demand:

Peak Hour Demand:	352 gpm	
Firm Pumping Capacity:	352 gpm	(with the largest pump out of service)

Maximum Day Demand + Fire Flow:

Maximum Day Demand:	235 gpm	
Fire Flow:	3,000 gpm	
Firm Pumping Capacity:	3,235 gpm	(with the largest pump out of service)

Firm Pumping Capacity: 3,235 gpm (with the largest pump out of service)

Table B.3 - Well, Water Storage, and Pumping Calculations**LONE MOUNTAIN RANCH PARCELS 4-7**

Surprise, Arizona

January, 2019

**Well Requirements:***Wells shall be sized to provide capacity for the following:*

- 1) *Maximum Day Demand and;*
- 2) *Redundancy to meet Maximum Day Demand with largest well out of service.*

Requirement 1:

Maximum Day Demand:	493 gpm
---------------------	---------

Requirement 2:

Maximum Day Demand:	493 gpm
---------------------	---------

24 Hour Well Capacity Required:	987 gpm
---------------------------------	---------

18 Hour Well Capacity Required:	1,316 gpm
--	------------------

Notes:

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- 2) *Fire Flow Volume (Fire Flow Required x Duration of the Fire Flow) and;*
- 3) *Emergency Volume (10% of Maximum Day Demand)*

Requirement 1:

20% of Maximum Day Demand:	142,080 gallons
----------------------------	-----------------

Requirement 2:

Fire Flow Required x Duration of Fire Flow:	540,000 gallons
---	-----------------

Requirement 3:

10 % of Maximum Day Demand:	71,040 gallons
-----------------------------	----------------

Storage Required:	753,120 gallons	=	0.80 MG
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*(Storage Required is rounded up to nearest 100,000 gallons)***Booster Pump Requirements:***Shall meet or exceed the greater of:**Peak Hour Demand OR
Maximum Day Demand + Fire Flow***Peak Hour Demand:**

Peak Hour Demand:	740 gpm	
Firm Pumping Capacity:	740 gpm	(with the largest pump out of service)

Maximum Day Demand + Fire Flow:

Maximum Day Demand:	493 gpm	
Fire Flow:	3,000 gpm	
Firm Pumping Capacity:	3,493 gpm	(with the largest pump out of service)

Firm Pumping Capacity:	3,493 gpm	(with the largest pump out of service)
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Robert Kuhfuss

From: Karen R. Christopherson [REDACTED]
Sent: Monday, May 06, 2019 8:03 AM
To: Lloyd Abrams; Roland Winters
Cc: Mayor; James Stewart; Robert Kuhfuss; [REDACTED]
Subject: Re: Annexation and rezoning - Lone Mountain & Marisol Ranch

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Thanks

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[REDACTED]
chinook-inc.com

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Assistant Director

Community Development

City of Surprise

Office: 623-222-3021

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Sent: Friday, May 03, 2019 7:49 AM
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Cc: Mayor <Mayor@surpriseaz.gov>; James Stewart <James.Stewart@surpriseaz.gov>; Lloyd Abrams <Lloyd@surpriseaz.gov>; Robert Kuhfuss <Robert.Kuhfuss@surpriseaz.gov>; [REDACTED]; [REDACTED]
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Chinook Geoconsulting, Inc.

[REDACTED]

[REDACTED]

[REDACTED]

chinook-inc.com

In a message dated 4/30/2019 9:52:19 AM Pacific Standard Time, [REDACTED]
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Hello Ms. Christopherson,

I'm received your comments and will distribute to the Planning and Zoning Commission.

Regards,

Lorraine Nevarez

Administrative Specialist – Sr.
City of Surprise | Community Development
16000 N. Civic Center Plaza | Surprise AZ | 85374

www.surpriseaz.gov

623.222.3154 t
623.222.3001 f

From: "Karen R. Christopherson" [REDACTED]
Date: Sunday, April 28, 2019 at 9:05 AM
To: Robert Kuhfuss <Robert.Kuhfuss@surpriseaz.gov>, Lloyd Abrams
<Lloyd@surpriseaz.gov>, James Stewart <James.Stewart@surpriseaz.gov>
Cc: Mayor <Mayor@surpriseaz.gov>, Roland Winters <Roland.Winters@surpriseaz.gov>
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Numerous species that use this area, either as a home or migration. The animals include: burros (part of the Lk Pleasant herd), bobcats, mountain lions, coyotes, badgers, great-horned owls, javelina, jackrabbits, red-tailed hawks, long-tailed/pocket mouse.

The rural zoning has not disrupted these animals much - they move through our properties and along washes. Birds nest in the saguaros and native trees. Those of us in the rural setting appreciate and respect the wildlife.

Higher density and more roads (internal to these developments) plus loss of habitat will disrupt the lives of many of the (mostly native) species.

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pg 17 of Lone Mountain Ranch PAD Narrative April 2019-

"The Integrated Water Master Plan: Water Infrastructure Final Report (Malcolm Pirnie, 2009) outlines using WSF-5 as the planned near-term solution for parcels 1 – 3 of the Project, therefore this solution is anticipated to serve these parcels of the Project after the interim solution. Since parcels 4 – 9 of the Project are in a different service area than parcels 1 – 3 of the Project they are anticipated to be served by the existing Desert Oasis WSF. A proposed interim solution to serve the Project is to use the existing water infrastructure within SPA2. Since SPA 2 lies within the lower pressure zones of PZ-2A, PZ-3A and PZ-2C, a booster pump station will be required. A near term solution is constructing an onsite water supply facility, and booster pump station on or near the Project site to serve the Project."

I could not find, "Detailed water analysis for Lone Mountain Ranch is provided in Appendix B, Master Water Plan"

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Unless there are more data in the missing Appendix B, there are no data for pumping tests, drawdown, etc. IF they plan on using wells, an incredibly thorough testing program will need to be done, and on more than one well.

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(pg 37)

" Compatibility and Transition Measures To help limit the impact on adjacent existing or potential uses and promote overall land use compatibility, new development should utilize the following transition measures at the neighborhood edge: • Respect the context of adjacent building form and architectural style; • Adjust densities to provide a gradual transition to surrounding uses; Step buildings (via building massing, footprint size, and height) to reduce the visual impact to surrounding uses; • Provide similar streetscape and landscape design to surrounding uses; • Utilize appropriate setbacks to blend and transition between surrounding uses; and/or • Place enhanced landscape/open space buffers between uses; additional measures should be taken to emphasize transition through integration and encourage connectivity between new development and surrounding uses."

(pg 40)

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"Buffer Open Space

In order to provide an appropriate transition from the existing rural residential uses along the perimeter of the Lone Mountain Ranch property and meet the density transition requirements within the Surprise General Plan, a landscaped open space buffer will be provided along 163rd Avenue and Dixileta Road along the entire southern and western perimeter of the property. This will include a 60' wide open space buffer along 163rd Avenue, and a 150' wide open space buffer along Dixileta Road. With the addition of the applicable roadway right-of-way per the City of Surprise standard, these buffers will both provide a 260' setback when combining the right-ofway with the adjacent open space buffer. In addition to the perimeter open space buffer, the first row of homes adjacent to these open space buffers within residential districts shall be limited to single-story in height."

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[REDACTED]

[REDACTED]

chinook-inc.com

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

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30 Apr 2019 16:52:17 -0000

Robert Kuhfuss

From: Lloyd Abrams
Sent: Monday, May 06, 2019 12:20 PM
To: 'Karen R. Christopherson'; Roland Winters
Cc: Mayor; James Stewart; Robert Kuhfuss; [REDACTED];
[REDACTED]; Chris Boyd; Terry Lowe
Subject: RE: Annexation and rezoning - Lone Mountain & Marisol Ranch

Ms. Christopherson,

The Land Development Ordinances and Design Standards are currently available on the City's webpage, links provide below. Please note that we are still in the process of updating the code and currently have Chapters 101-105 out for public review along with the draft Planning & Engineering Design Standards (PEDS) Manual. The Integrated Water Master Plan (IWMP) in its entirety will be updated in 2020.

<https://www.surpriseaz.gov/3710/Development-Ordinances-Design-Standards->

<https://www.surpriseaz.gov/3711/Development-Ordinances-Review-Comment>

<https://www.surpriseaz.gov/3714/Design-Standards-Review-Comment>

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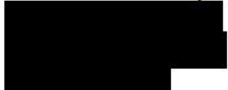
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www.surpriseaz.gov

623.222.3154 t
623.222.3001 f

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30 Apr 2019 16:52:17 -0000



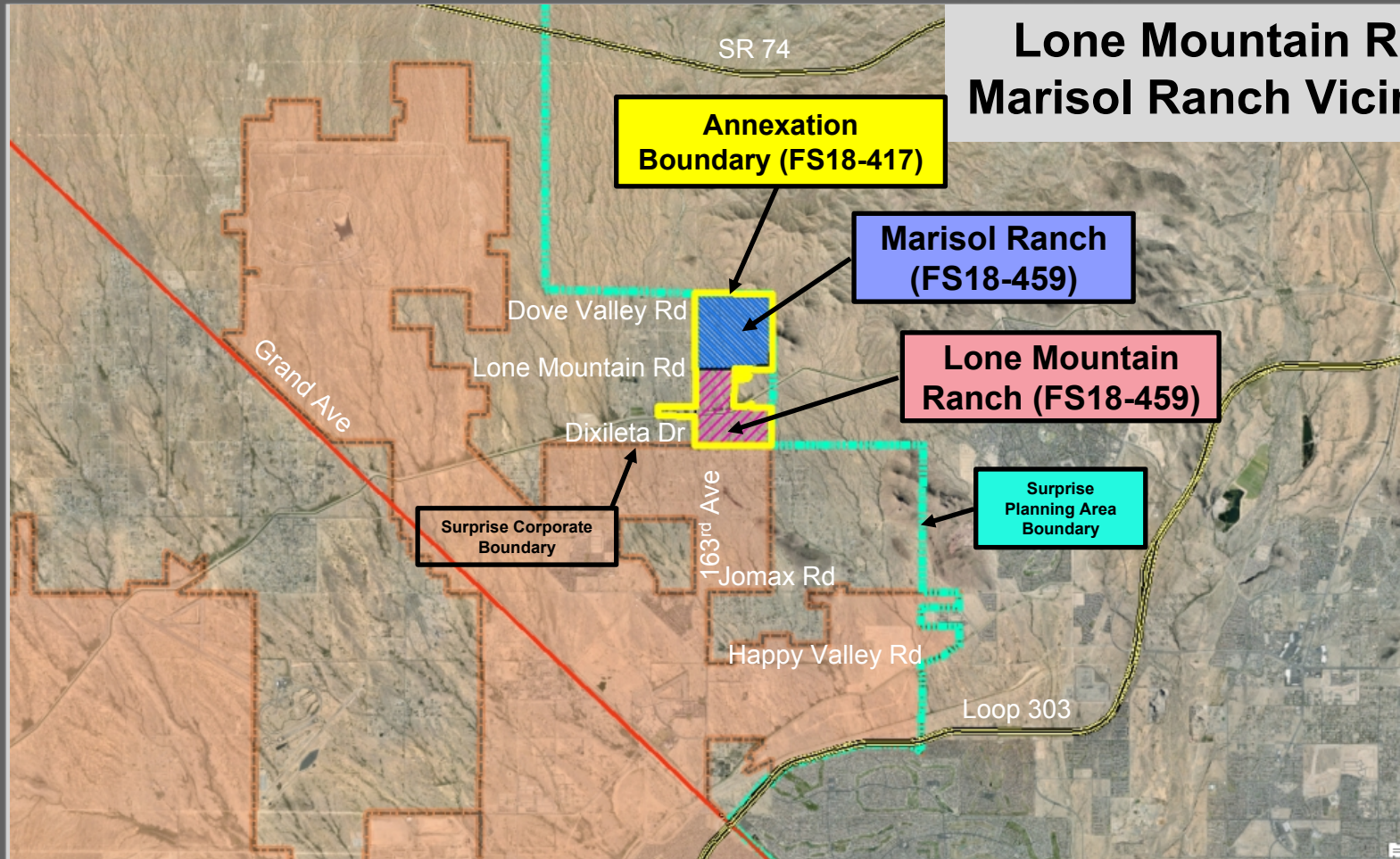
City Council

June 18, 2019

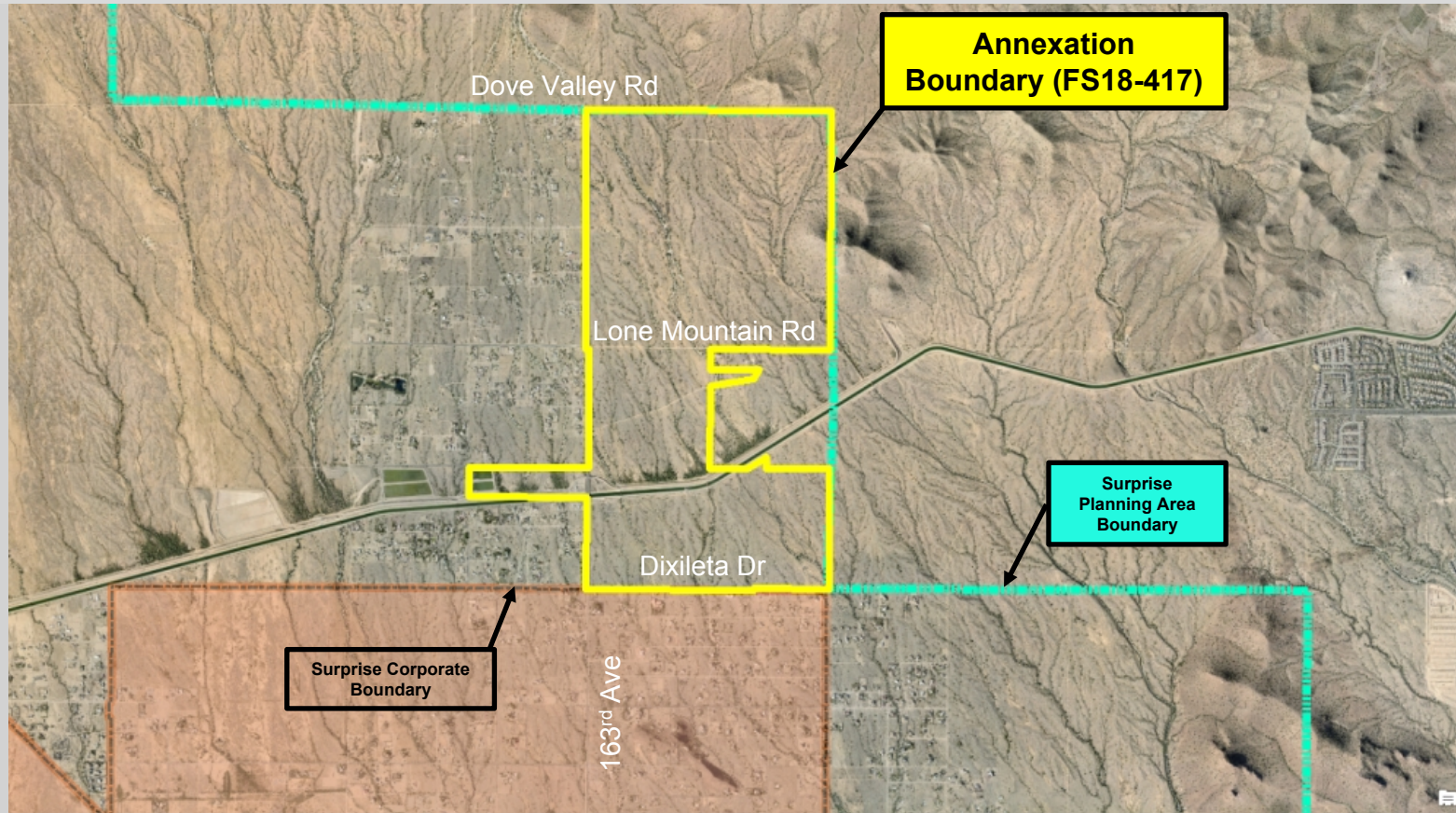
FS18-557 Marisol Ranch Major PAD Amendment

FS18-459 Lone Mountain Ranch Zone Change

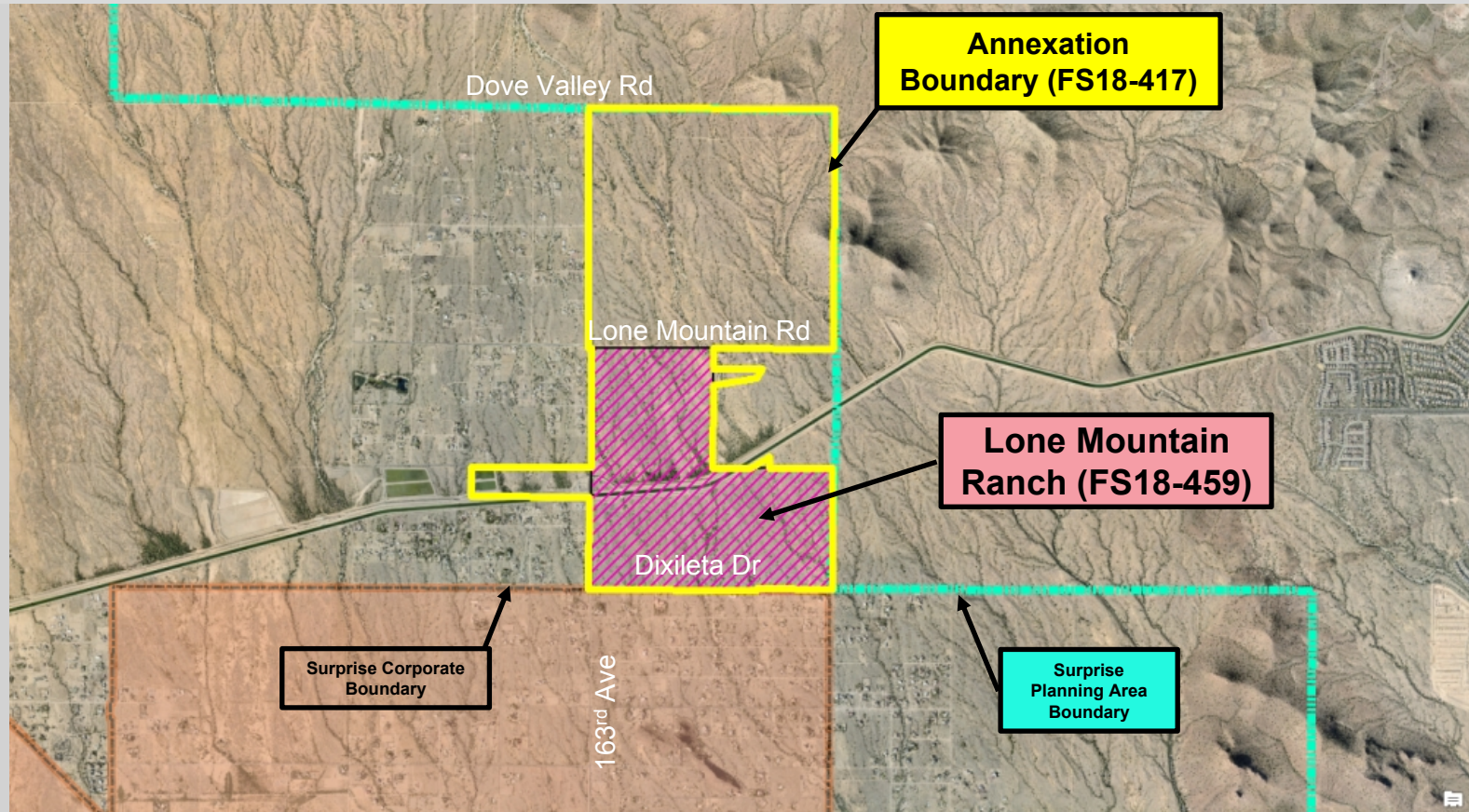
Lone Mountain Ranch / Marisol Ranch Vicinity Map



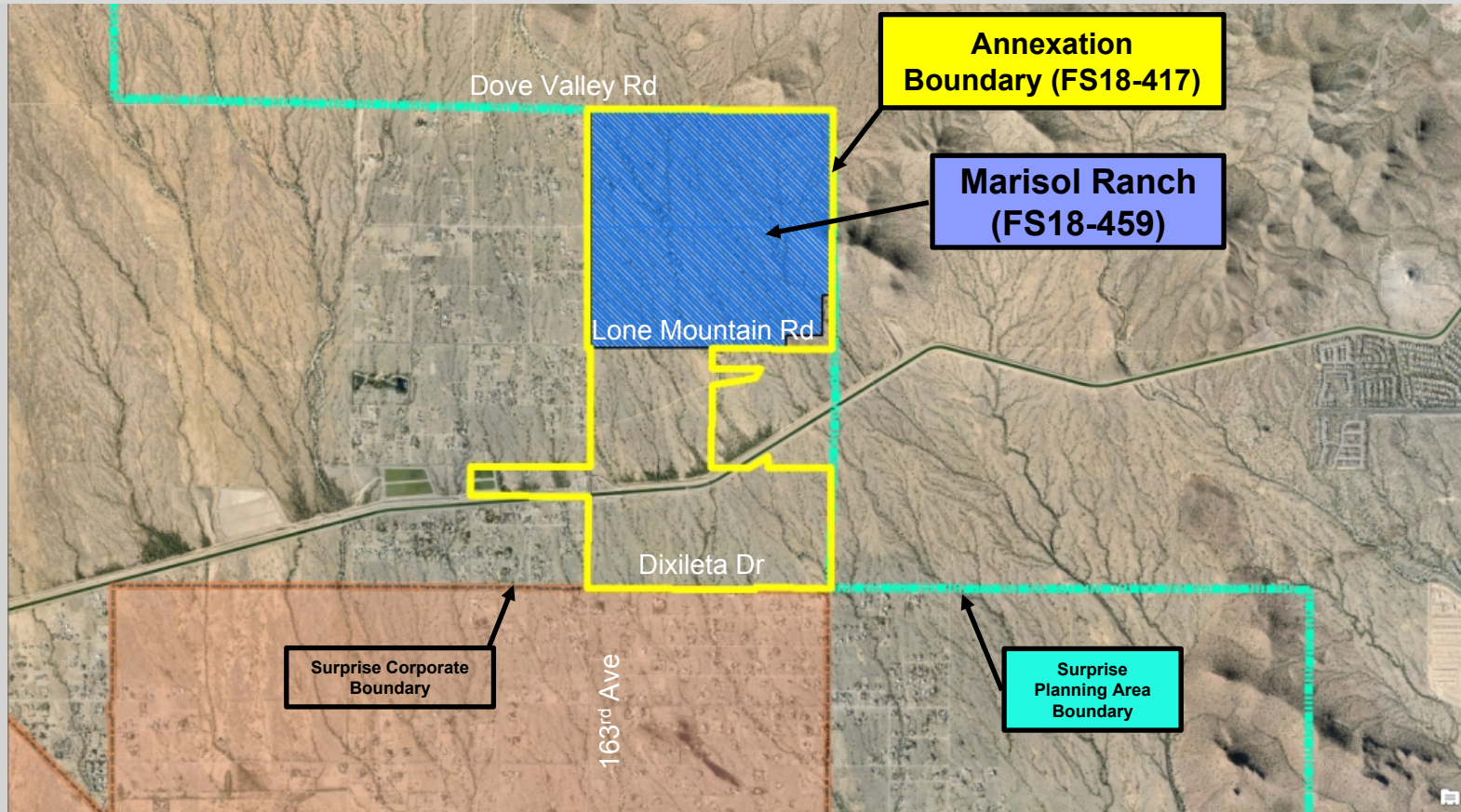
Annexation Area Map



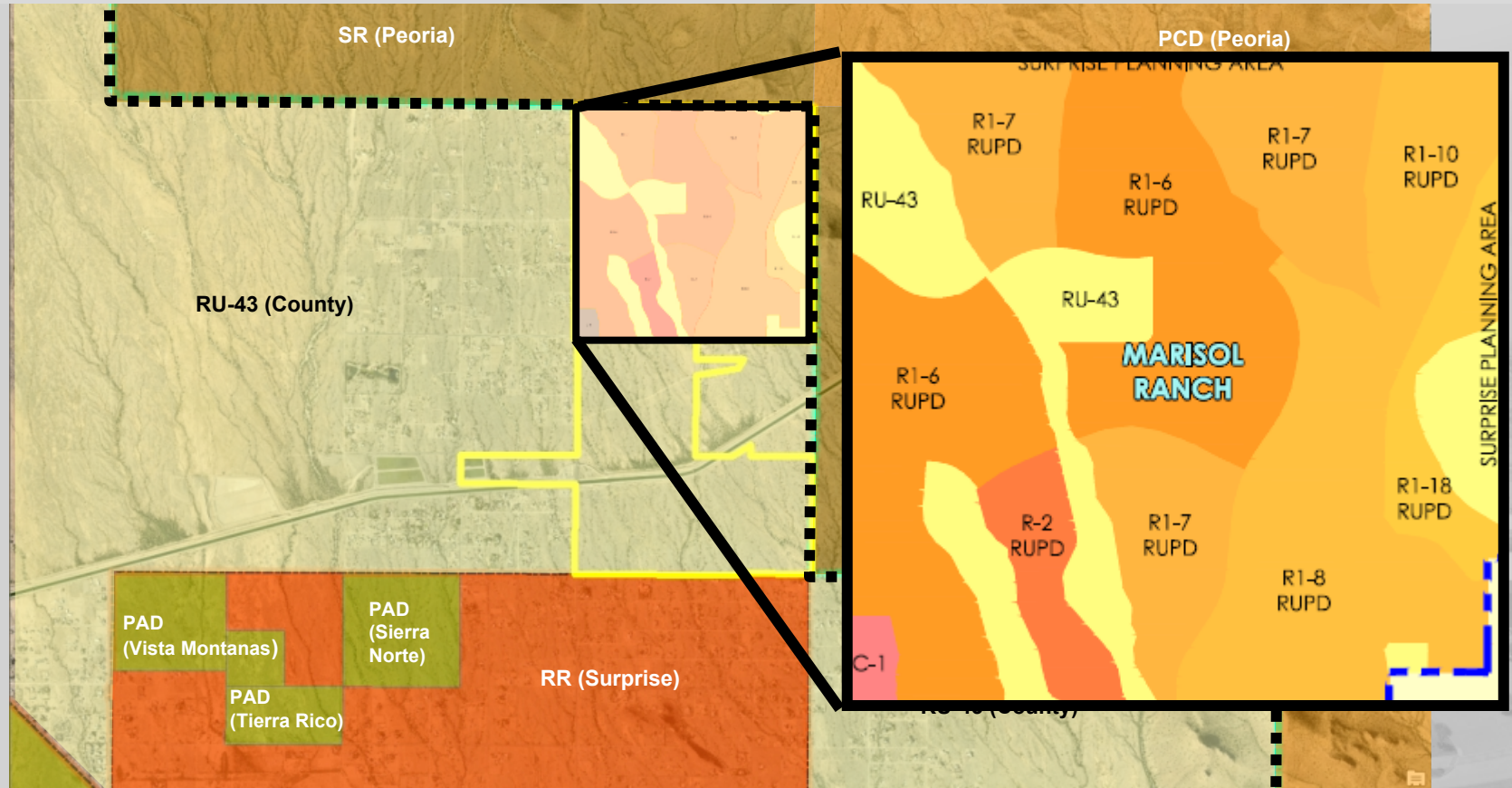
Lone Mountain Ranch Project Area Map



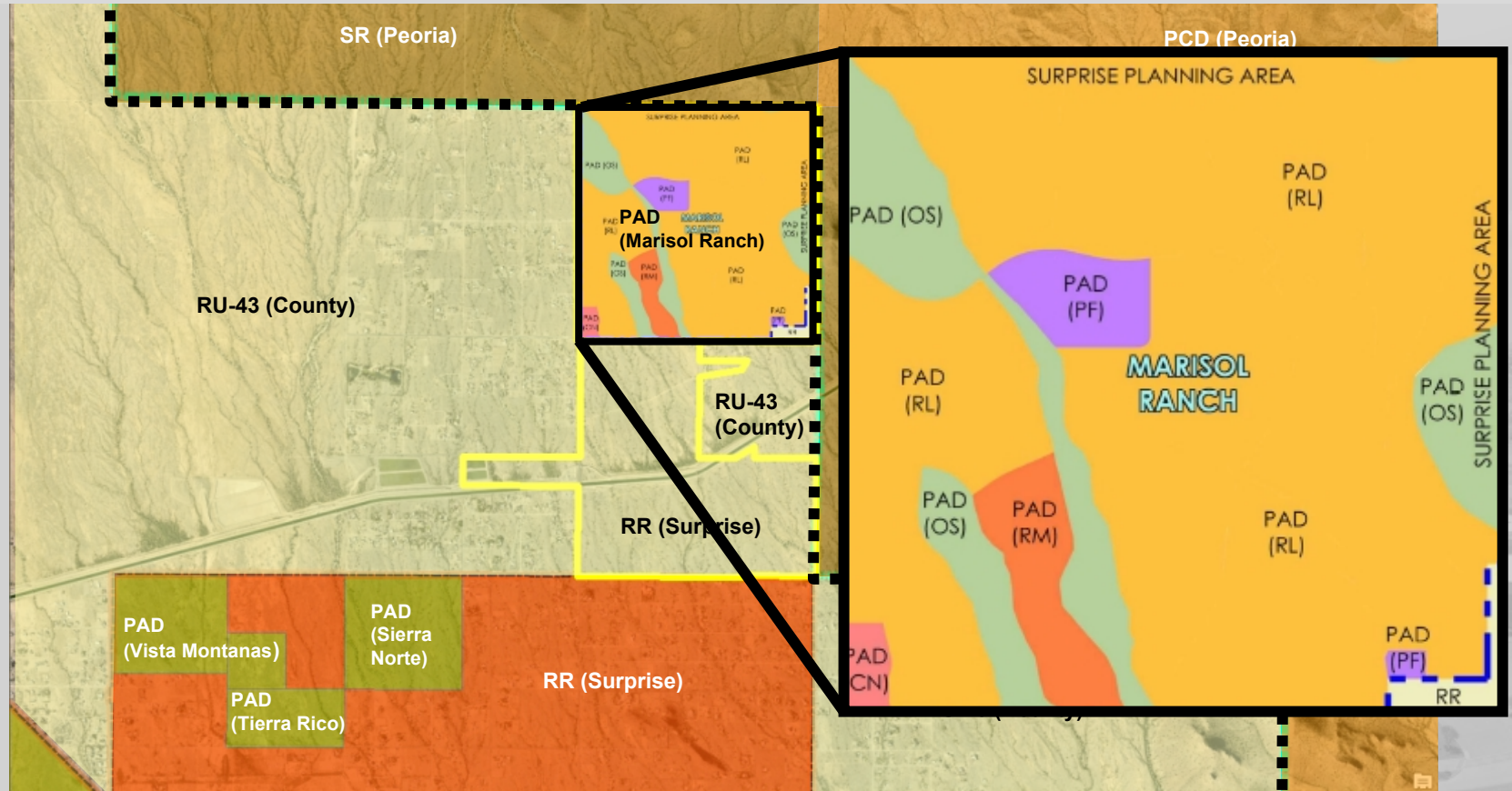
Marisol Ranch Project Area Map



Pre-annexation Zoning Map

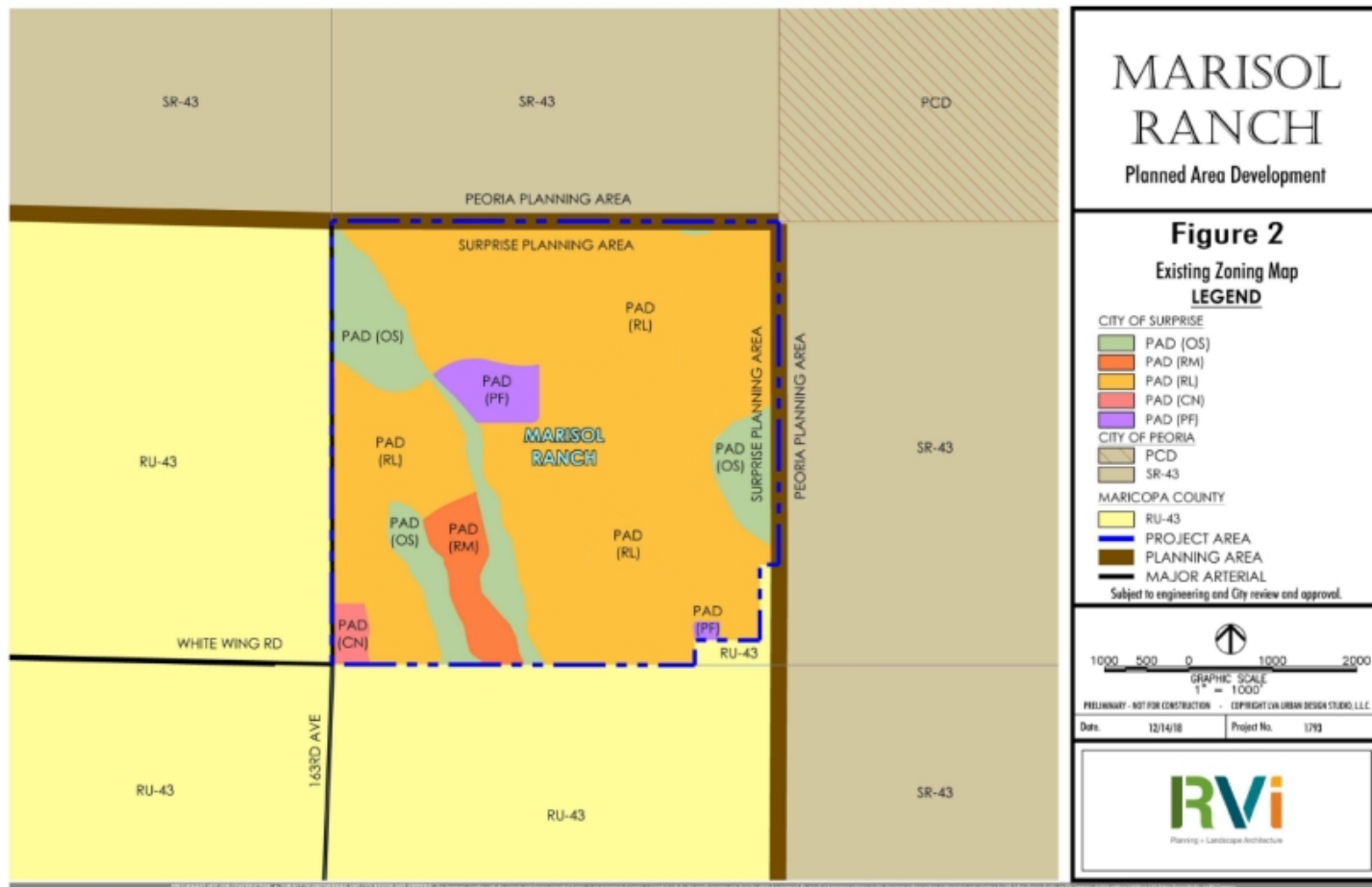


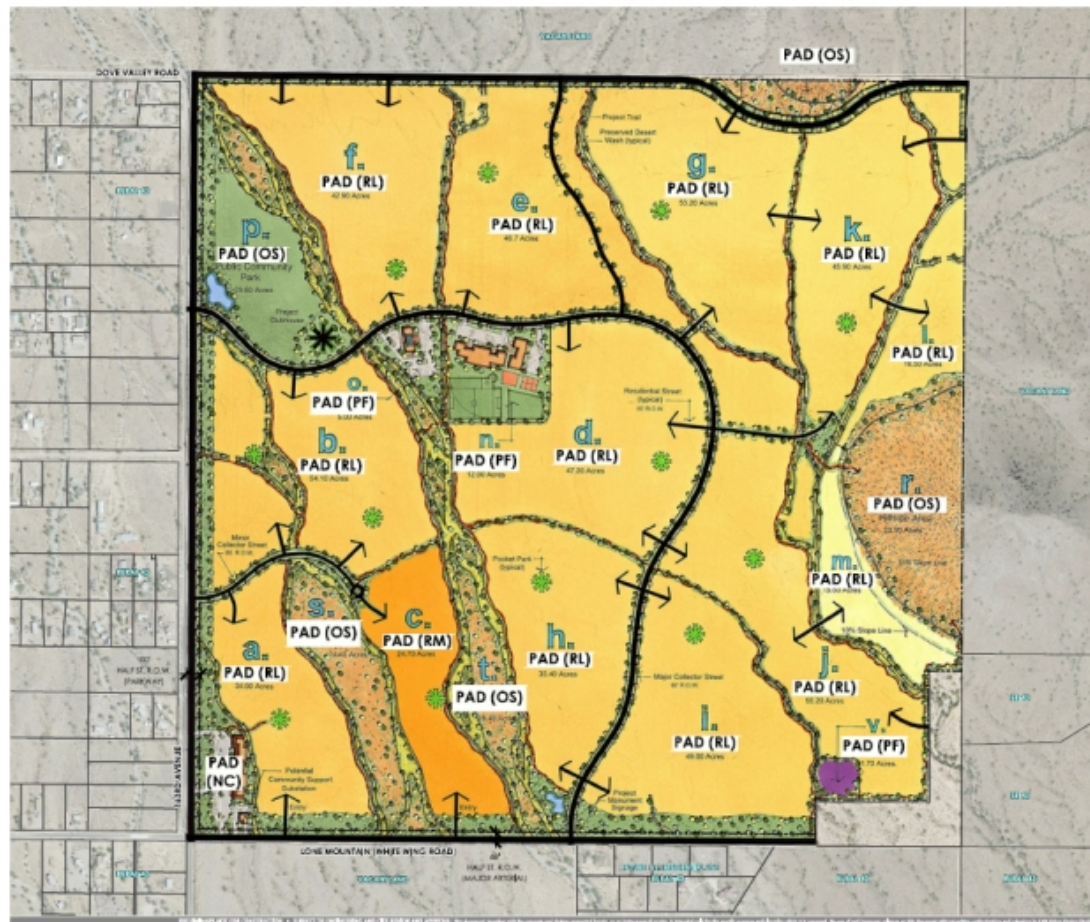
Post-Annexation Zoning Map



**Marisol Ranch
Major PAD Amendment
FS18-557**







MARISOL RANCH

Figure 3
Existing Land Use Master Plan

Parcel #	Gross Parcel Area	Zoning District	Lot Yield	Gross Parcel Density
A	34	PAD (RL)	1.12	3.36
B	24.1	PAD (RL)	1.12	3.37
C	24.7	PAD (RL)	1.12	3.38
D	47.2	PAD (RL)	1.12	4.62
E	46.7	PAD (RL)	1.12	4.58
F	47.5	PAD (RL)	1.12	4.59
G	33.7	PAD (RL)	1.12	3.42
H	33.4	PAD (RL)	1.12	3.41
I	49	PAD (RL)	1.12	3.1
J	23.7	PAD (RL)	1.12	2.79
K	43.7	PAD (RL)	1.12	3.09
L	12.9	PAD (RL)	1.12	2.10
M	13.6	PAD (RL)	1.12	1.41
N	12.0	PAD (PF)	-	-
O	3.0	PAD (PF)	-	-
P	29.6	PAD (OS)	-	-
Q	1.4	PAD (OS)	-	-
R	22.9	PAD (OS)	-	-
S	14.4	PAD (OS)	-	-
T	13.4	PAD (OS)	-	-
U	7.2	PAD (OS)	-	-
V	1.7	PAD (PF)	-	-
W	1.4	PAD (PF)	-	-

NOTE: NET ACREAGE EXCLUDES STREET R.O.W. & FLOODPLAIN (EXCEPT FOR PARCELS)



RECOMMENDED POCKET PARK

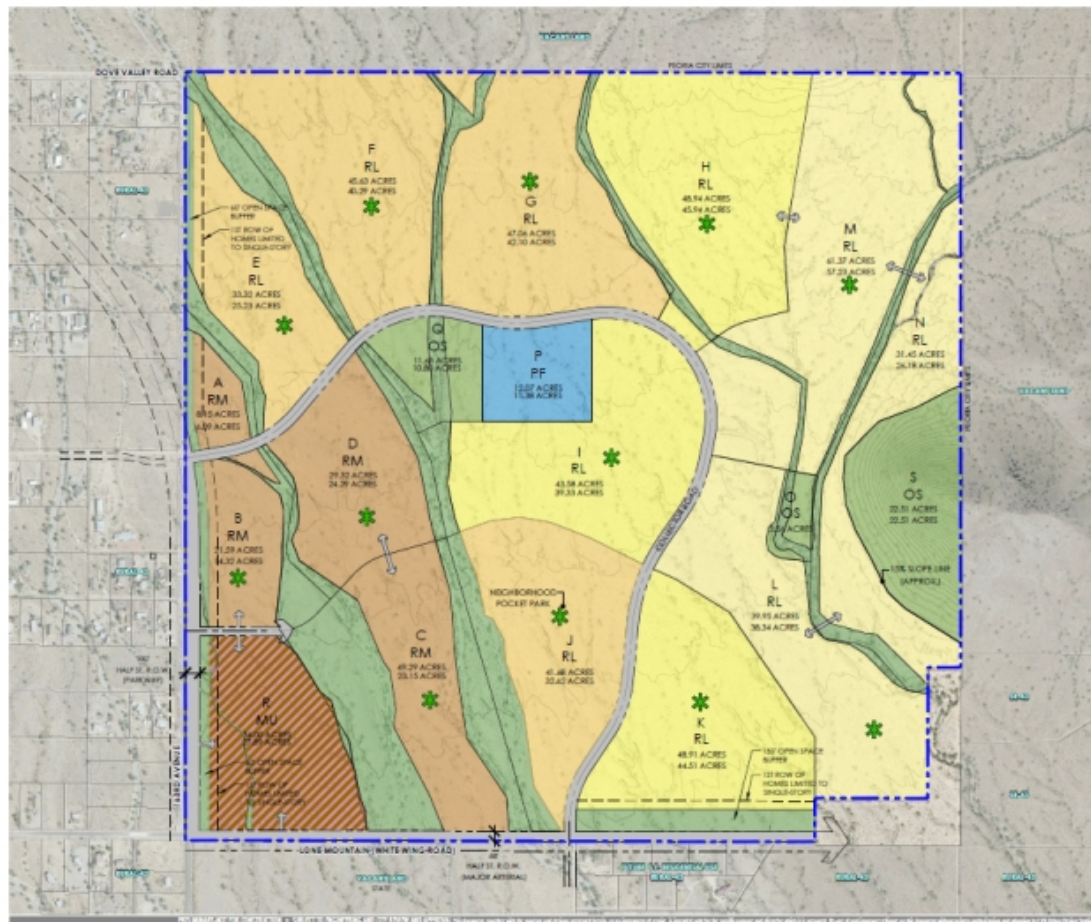
Subject to engineering and City review and approval.



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Date: 11/30/16 Project No. 1795

RVI
Planning + Landscape Architecture



MARISOL RANCH

Figure 6
Proposed Land Use Master Plan

Parcel #	Gross Parcel Area	Proposed # Units	Gross Parcel Density	Proposed Zoning	Development Standards Category
Residential Parcels					
A	8.2	30	3.7	PDY-RM	2
B	21.6	113	5.3	PDY-RM	2
C	49.3	180	3.7	PDY-RM	2
D	29.3	180	6.2	PDY-RM	2
E	33.3	123	3.8	PDY-RM	3
F	45.6	150	3.3	PDY-RM	3
G	47.1	205	4.4	PDY-RM	3
H	48.9	115	2.4	PDY-RM	4
I	45.6	150	3.4	PDY-RM	4
J	41.7	180	3.4	PDY-RM	4
K	48.9	163	3.4	PDY-RM	4
L	39.9	113	2.9	PDY-RM	5
M	61.4	170	2.8	PDY-RM	5
N	31.5	70	2.2	PDY-RM	6
Non-Residential Parcels					
O	3.6	-	-	PDY-NS	7
P	13.1	-	-	PDY-NS	7
Q	11.6	-	-	PDY-NS	7
R	34.0	250	7.4	PDY-MU	1
S	32.5	0	-	PDY-NS	7
Totals	634.0	2,270	3.6		

NOTE: NET ACREAGE EXCLUDES STREET R.O.W. & FLOODWAY (EXCEPT FOR PARCELS)

* NEIGHBORHOOD POCKET PARK

Subject to engineering and City review and approval.



GRAPHIC SCALE
1" = 600'

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Date: 12/14/18 Project No. 1793

RVi
Planning + Landscape Architecture



Citizen Outreach:

November 13, 2018

Marisol Ranch Major PAD Amendment

Staff Recommendation:

Approve subject to stipulations “a” and “b”



QUESTIONS OR COMMENTS?

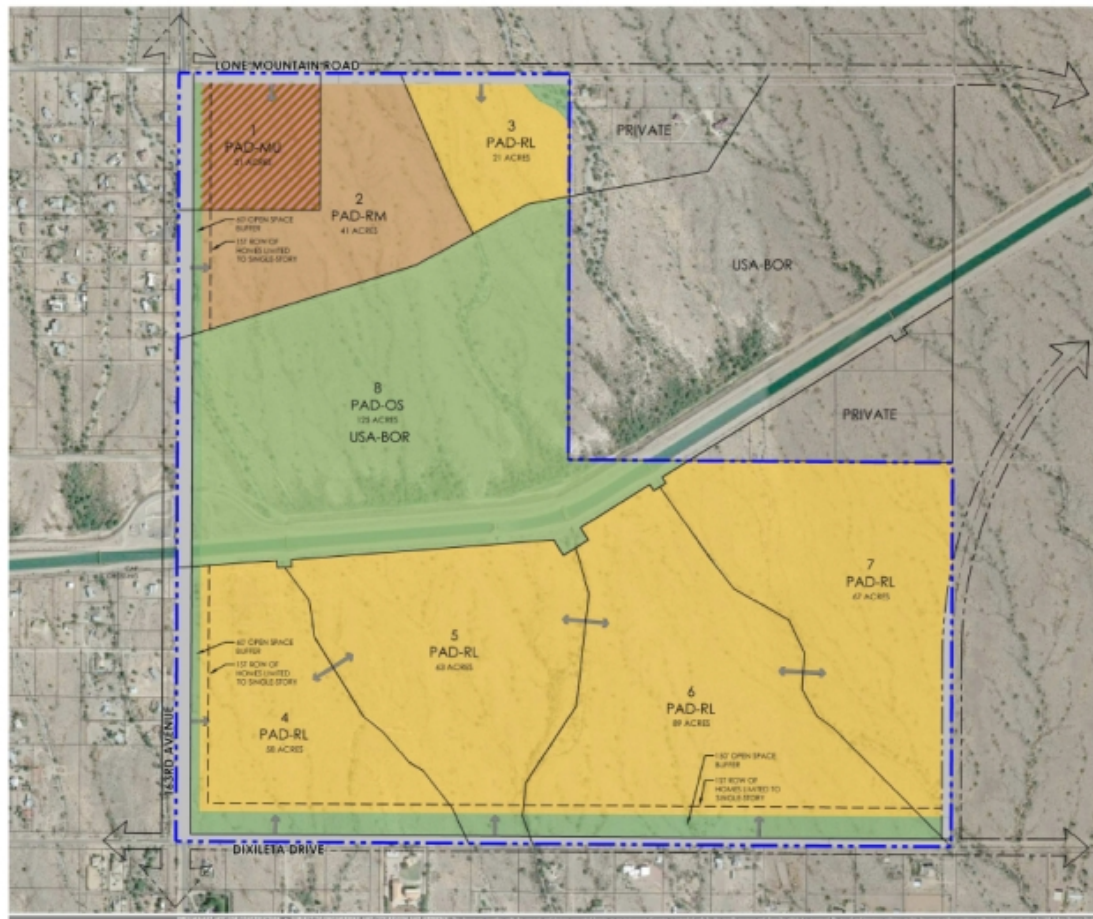
Thank You

**Lone Mountain Ranch
Zone Change
FS18-459**





RVi
Planning + Landscape Architecture



LONE MOUNTAIN RANCH Planned Area Development

Figure 5
Land Use Master Plan

PARCEL	LAND USE	AREA (GROSS ACRES)	AREA (NET ACRES)	PROJECTED UNITS
1	PAD-MU	21	17	335
2	PAD-RM	42	39	330
3	PAD-RL	21	19	85
4	PAD-RL	58	51	230
5	PAD-RL	63	62	250
6	PAD-RL	89	85	360
7	PAD-RL	67	67	270
Subtotal		361	341	1,860
10	PAD-OS	125	121	0
Total		486	462	1,860

--- PROJECT BOUNDARY
 --- CONCEPTUAL ACCESS LOCATIONS

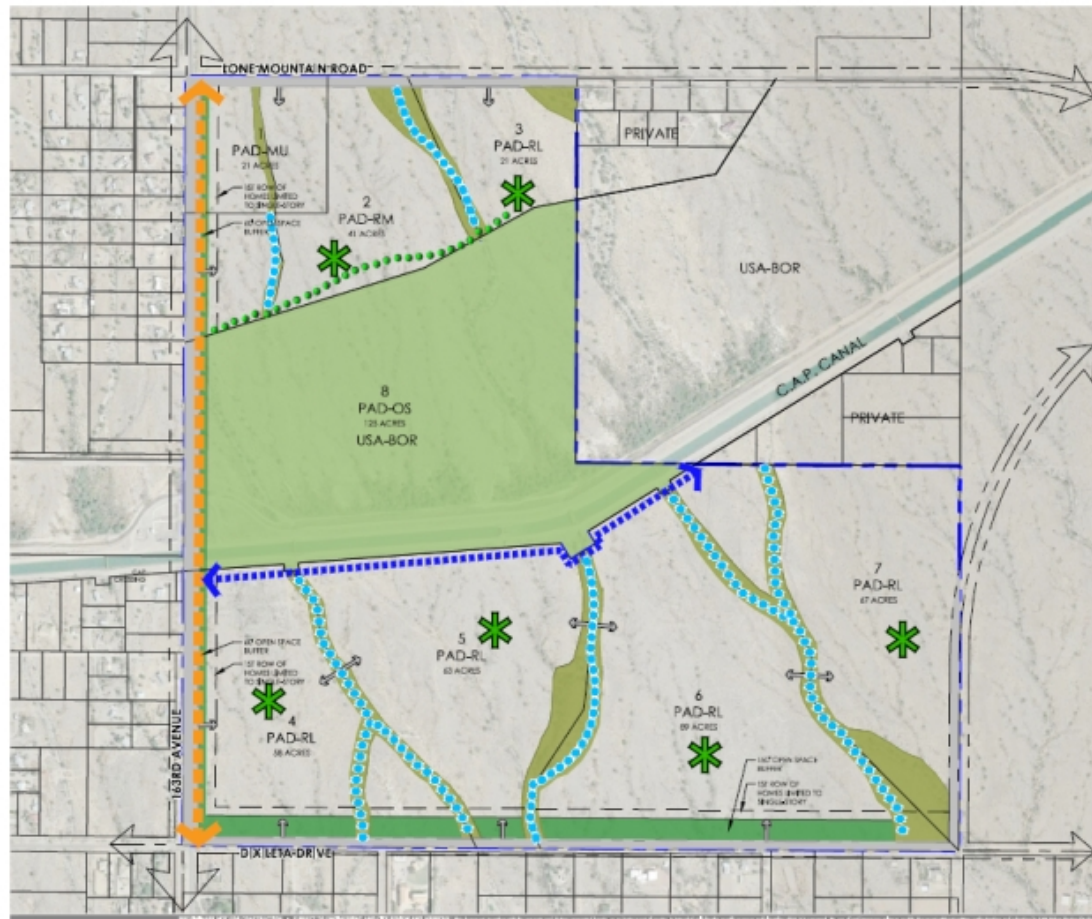
Subject to engineering and City review and approval.



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Date: 12/14/16 Project No. 1793.1

RVi
 Planning + Landscape Architecture



LONE MOUNTAIN RANCH

Planned Area Development

Figure 6

Recreation and Open Space Plan

- Pocket Park**
Developed open space to serve individual neighborhoods.
 - Internal Trail (8' Wide)**
Multi-Use Trail - Natural & Hard Surface
 - Internal Trail (10' Wide)**
Multi-Use Trail - Natural & Hard Surface (Wash)
 - Multi-Use Trail**
12' Wide Trail within 1/2 mile Road R.O.W. concrete
 - C.A.P. Canal Trail (8' Wide)**
 - Conceptual Access Locations**
 - Wash Corridor: Approximately 40 Acres**
Wash Corridor serve as natural open space and connectivity corridor (actual acreage to be determined at time of development)
 - Open Space Buffer**
Open Space buffers serve to provide a buffer between new and existing development
 - Bureau of Land Reclamation (BOR) OS**
The BOR parcel is being restored from 60-63 to OS.
- Subject to engineering and City review and approval.



PRELIMINARY - NOT FOR CONSTRUCTION - COPYRIGHT (C) URBAN DESIGN STUDIOS, LLC

Date: 02/26/19 Project No: 1793.1

RVi
Planning + Landscape Architecture

Citizen Outreach:

November 13, 2018

Lone Mountain Ranch Zone Change

Staff Recommendation:

Approve subject to stipulations “a” and “b”



QUESTIONS OR COMMENTS?

Thank You



CITY OF SURPRISE Regular City Council Meeting

Council Meeting Date: June 18, 2019 Contact Person: Sergio Angulo
Submitting Department: Community Development District: District 1
Staff Recommendations: None

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

Agenda Wording:

Consideration and action pertaining to approval of a Preliminary Plat entitled, "Heritage Asante -Parcel 2" dated February 12, 2019, a property generally located west of 163rd Avenue and north of Grand Avenue.

Motion:

I move to approve the Preliminary Plat entitled, "Heritage Asante - Parcel 2" dated February 12, 2019.

Background:

On September 26, 2018 Hilgart Wilson, LLC., submitted a request for a Preliminary Plat for Heritage Asante Parcel 2 generally located west of 163rd Avenue and north of Grand Avenue.

Objective Analysis:

This proposed Preliminary Plat will allow for the development of a new residential subdivision of 104 lots on the subject site.

Policy Compliant:

The proposed project is consistent with City and Council Policy.

Financial Impact:

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

Budget Impact:

There is no anticipated budget impact related to this item.

FTE Impact:

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

ATTACHMENTS:

1. 00 - FS18-647 - Heritage Parcel 2 - Preliminary Plat - Staff Report
2. 01 - FS18-647 - Heritage Parcel 2 - Vicinity Map
3. 02 - FS18-647 - Heritage Parcel 2 - Phase 1 Site Plan
4. 03 - FS18-647 - Heritage Parcel 2 - Preliminary Plat

5. 04 - FS18-647 - Heritage Parcel 2 - Landscape Plans
 6. FS18-647 - Heritage Parcel 2 - PowerPoint
-

Preliminary Plat

REPORT TO THE CITY COUNCIL

Case: FS18-647

Project Name: Heritage Asante Parcel 2

Council District: 1 – ACACIA

Meeting Date: June 18, 2019

Planner: Sergio Angulo

Owner: LCD Asante, LLC.

Applicant: Zach Hilgart with Hilgart Wilson, LLC.

Request: Preliminary Plat for 104 Lots.

Site Location: Generally west of 163rd Avenue and north of Grand Avenue

Site Size: 22.48 Acres

Density: 4.6 Dwelling Units per Acre

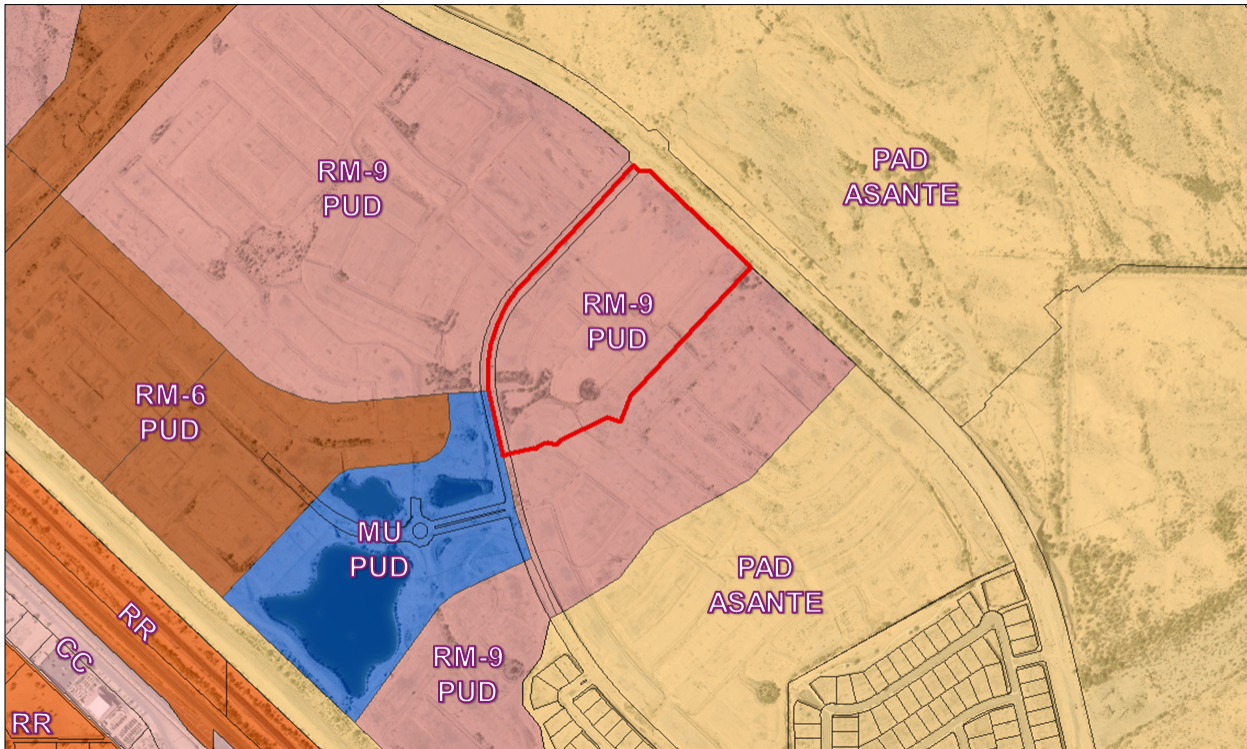
General Plan

Conformance: The proposal is consistent with the Surprise General Plan 2035 as proposed under case FS18-647.

Support/Opposition: None known.

Recommendation: On May 2, 2019 the Planning and Zoning Commission recommend **approval** of the Preliminary Plat, Case FS18-647, to the Mayor and City Council.

33 **Existing Land Zoning:**



RM-9 PUD / PAD Asante (M/HDR)	PAD Asante (M/HDR)	PAD Asante (M/HDR)
Mixed Use PUD / RM-9 PUD	RM-9 PUD	RM-9 PUD
Mixed Use PUD	RM-9 PUD / Mixed Use PUD	RM-9 PUD

34 **Background:**

35 **November 3, 1988:** A portion of the Asante Planned Area Development was annexed into
36 the City of Surprise by the Mayor and City Council.

37 **October 14, 2004:** Another portion of the Asante Planned Area Development was annexed
38 into the City of Surprise by the Mayor and City Council.

39 **November 24, 2004:** The Mayor and City Council approved the Asante Planned Area
40 Development.

41 **July 27, 2006:** The Asante North Planned Area Development was annexed into the City of
42 Surprise by the Mayor and City Council.

43 **July 27, 2006:** The Mayor and City Council approved the Asante North Planned Area
44 Development.

45 **September 19, 2017:** The Mayor and City Council approved the Rezone for of the subject
46 property for the Asante Paradiso Active Adult Community.

47 **February 15, 2018:** A Concept Review meeting was held for the current proposal under
48 case CR18-047.

49 **September 26, 2018:** The applicant filed a related request for a Preliminary Plat under
50 case FS18-647, the subject case.

51 **January 22, 2019:** The Community Development Director approved a Minor Zoning
52 Amendment to the Paradiso Asante PUD to modify certain development standards for the
53 subject site.

54 **April 2, 2019:** The Mayor and City Council approved the Master Plat for Heritage Asante
55 Phase 1.

56 **May 2, 2019:** The Planning and Zoning Commission recommend approval of the
57 Preliminary Plat, Case FS18-647, to the Mayor and City Council.

58 **Project Description:**

59
60 Hilgart Wilson, LLC. on behalf of LCD Asante, LLC., requests approval of a Preliminary Plat
61 to allow for the development of a single-family residential subdivision on approximately 22
62 acres in parcel 2 of Heritage Asante, an active adult community generally located west of
63 163rd Avenue and north of Grand Avenue. The applicant proposes 104 residential lots and
64 landscape tracts for open space and retention.

65
66 The subject property is zoned RM-9 with a PUD Overlay. This development proposes 104
67 single-family detached homes and a total density of 4.6 dwelling units per acre which is
68 consistent with the approved PUD Overlay. The typical lot size proposed in this subdivision
69 is 50' x 85'. This development dedicates approximately 4.83 acres (24.25%) for open space
70 which includes shaded seating area in Tract C. The multi-use amenity parcel (Parcel 4) is
71 located directly southwest of the subject parcel. Additional landscape and retention basins
72 also contribute to the total open space.

73
74 The proposed subdivision shows three (3) access points into the site; two (2) located on the
75 west side from Asante Boulevard and the other located on the east side from Fallen Leaf
76 Lane. Access into this community will be restricted with gates at the entrance on Asante
77 Boulevard north of 173rd Avenue. The project proposes good pedestrian connectivity from
78 the residential lots to the open space tracts, to the proposed sidewalks along Asante
79 Boulevard and Pat Tillman Boulevard, and to the future development to the southeast
80 (Heritage Asante Parcel 1).

81
82 This Preliminary Plat application is in conjunction with a related Final Plat application which
83 will be presented to the Mayor and City Council for action on June 18, 2019.

84
85 **Reviewing Agencies:**

86
87 In addition to the standard city reviewing agencies, who indicate no objections to the
88 requests, Luke Air Force Base, Maricopa Water District, and ADOT were included in the
89 routing of this case. These agencies also indicate no objections.

90 **Summary:**

91
92 The proposed Preliminary Plat meets the requirements of the Asante Paradiso PUD, the
93 Surprise Municipal Code, and the General Plan.

94
95 **Findings:**

- 96
97 • The proposed Preliminary Plat is consistent with the Surprise General Plan 2035
98 • The proposed Preliminary Plat is consistent with the Paradiso Asante PUD as
99 amended under case FS18-422.
100 • The reviewing agencies have indicated no objections to the request

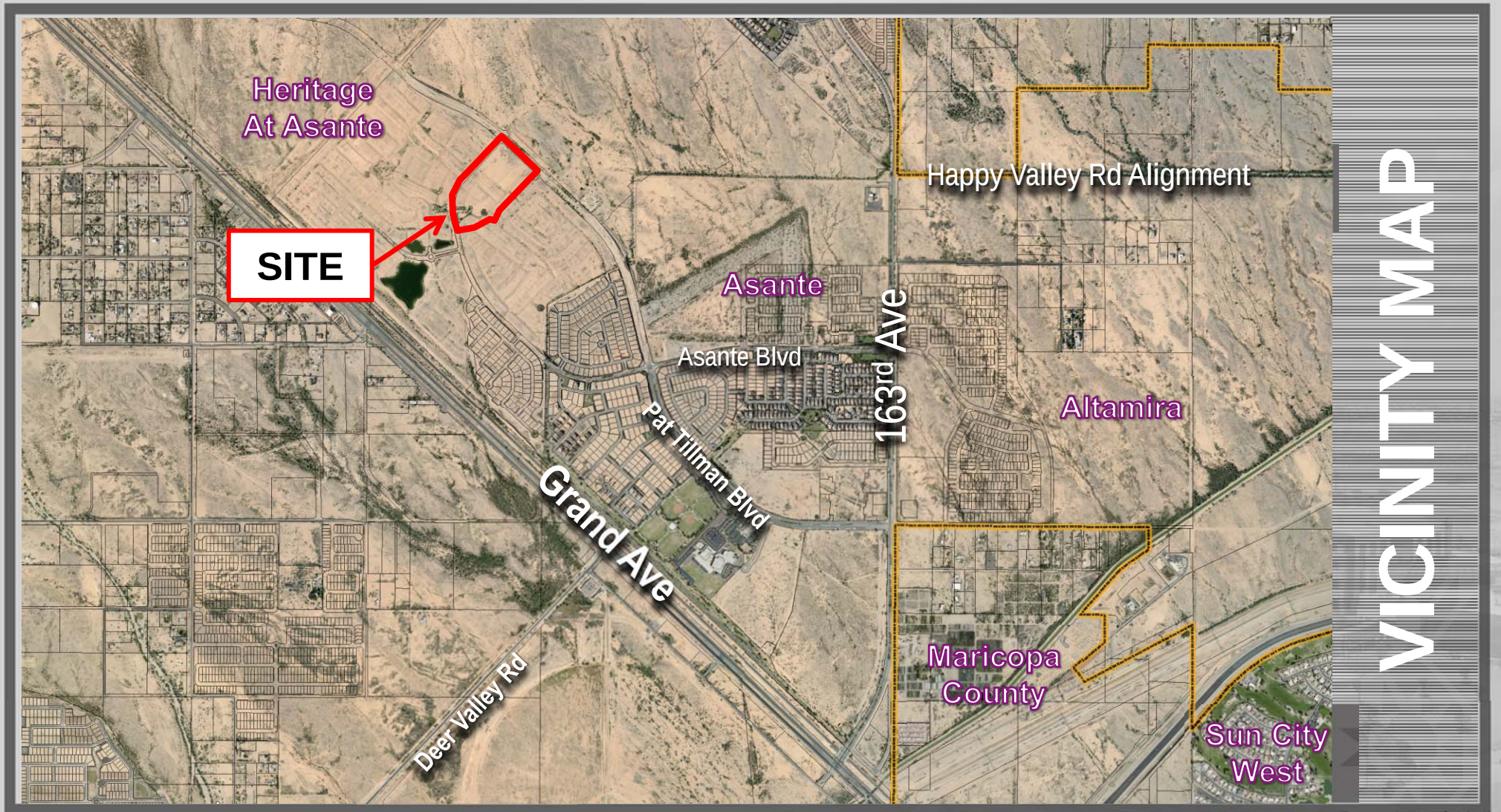
101
102 **Recommendation:**

103
104 On May 2, 2019 the Planning and Zoning Commission recommend **approval** of the
105 Preliminary Plat, Case FS18-647, to the Mayor and City Council.

106
107 However, should the City Council wish to **deny** of the request, the City Council should
108 make its own findings and base its decision on those alternative findings.

109
110 **Attachments:**

- 111
112 01 Vicinity Map
113 02 Phase 1 Site Plan
114 03 Preliminary Plat
115 04 Landscape Plans



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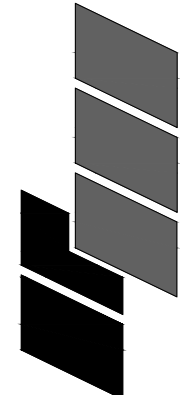


 HILGARTWILSON	PROJ NO.: 1909
	DATE: MARCH 2019
	SCALE: 1"=180'
	DRAWN: HW
	DESIGNED: HW
DWG. NO.	
1	
SHT.	1 OF 1

HERITAGE ASANTE

CITY OF SURPRISE, ARIZONA

SITE PLAN

**HILGARTWILSON**
ENGINEER | PLAN | SURVEY | MANAGE
2141 E. HIGHLAND AVE., STE. 250 | P: 602.490.0535 / F: 602.368.2436
PHOENIX, AZ 85016 | www.hilgartwilson.com

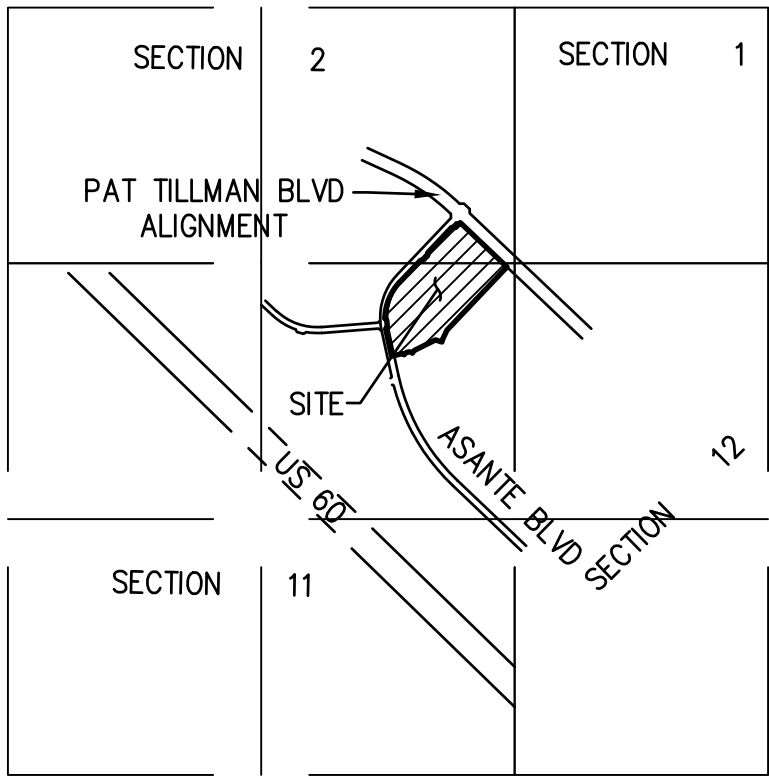
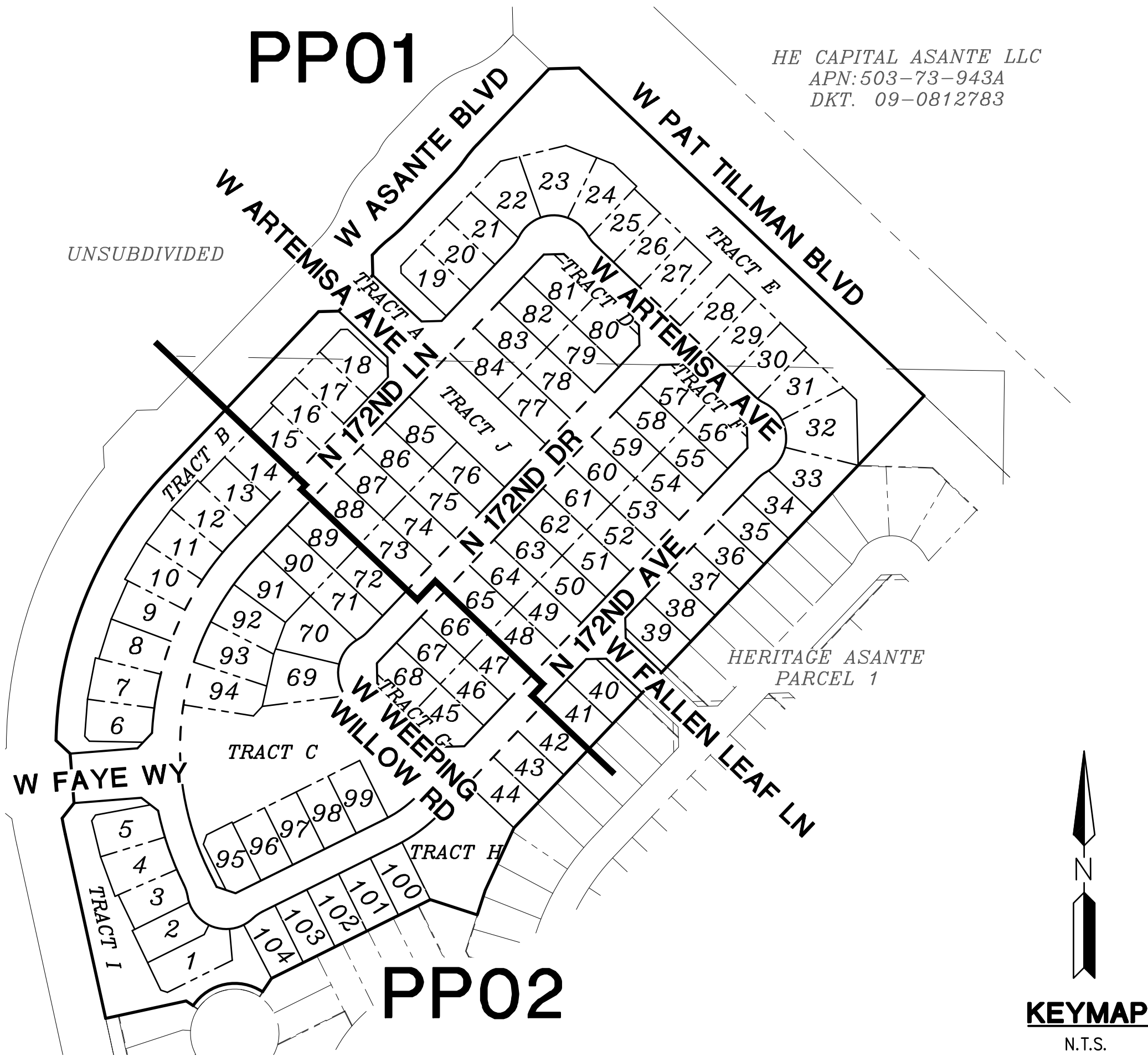
REV:

LEGAL DESCRIPTION

A PORTION OF THAT PARCEL OF LAND BEING DESCRIBED AS PARCEL 4 IN THAT CERTAIN DOCUMENT ENTITLED 'SPECIAL WARRANTY DEED' AS FILED IN DOCUMENT NO. 2009-0486171 RECORDS OF MARICOPA COUNTY, ARIZONA BEING SITUATED WITHIN A PORTION OF THE NORTHEAST QUARTER OF SECTION 12, TOWNSHIP 4 NORTH, RANGE 2 WEST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT A FOUND BRASS CAP FLUSH ACCEPTED AS THE EAST QUARTER CORNER OF SAID SECTION 12 FROM WHICH A FOUND ALUMINUM CAP ACCEPTED AS THE NORTHEAST CORNER OF SAID SECTION 12 THEREOF BEARS NORTH 00°44'56" EAST, 2634.27 FEET;
THENCE NORTH 89°01'45" WEST ALONG THE SOUTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 12, 567.79 FEET TO THE SOUTHERLY PROJECTION OF THE WEST LINE OF TRACT C, AS SHOWN ON THE SUBDIVISION PLAT OF ASANTE PHASE ONE AS FILED IN BOOK 938 OF MAPS, PAGE 32 RECORDS OF MARICOPA COUNTY, ARIZONA;
THENCE NORTH 00°58'15" EAST ALONG SAID PROJECTED WEST LINE, 55.00 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE OF SAID ASANTE BOULEVARD, SAID POINT BEING THE SOUTHWEST CORNER OF SAID TRACT C, BEING THE **POINT OF BEGINNING**;
THENCE THE FOLLOWING FOUR (4) COURSES ALONG SAID NORTH LINE;
THENCE NORTH 89°01'45" WEST, 199.71 FEET;
THENCE SOUTH 88°06'38" WEST, 400.78 FEET;
THENCE NORTH 89°01'45" WEST, 1053.98 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 2035.00 FEET;
THENCE SOUTHWESTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 02°41'49", AN ARC LENGTH OF 95.79 FEET TO A TANGENT LINE BEING THE WEST LINE OF SAID PARCEL 4 OF THE AFORESAID SPECIAL WARRANTY DEED;
THENCE THE FOLLOWING EIGHT (8) COURSES ALONG SAID WEST LINE;
THENCE NORTH 44°28'14" EAST, 42.99 FEET;
THENCE NORTH 00°14'41" EAST, 551.26 FEET;
THENCE NORTH 01°23'31" WEST, 70.03 FEET;
THENCE NORTH 00°14'41" EAST, 113.00 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 205.00 FEET;
THENCE NORTHEASTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 07°38'42", AN ARC LENGTH OF 27.35 FEET TO A POINT OF REVERSE CURVATURE, CONCAVE NORTHWESTERLY, HAVING A RADIUS OF 20.00 FEET;
THENCE NORTHEASTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 07°38'42", AN ARC LENGTH OF 2.67 FEET TO A TANGENT LINE;
THENCE NORTH 00°14'41" EAST, 382.74 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 1040.00 FEET;
THENCE NORTHEASTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 03°02'37", AN ARC LENGTH OF 55.25 FEET TO A TANGENT LINE BEING THE NORTH LINE OF SAID PARCEL 4 OF AFORESAID SPECIAL WARRANTY DEED;
THENCE THE FOLLOWING THREE (3) COURSES ALONG SAID NORTH LINE;
THENCE LEAVING SAID WEST LINE SOUTH 86°42'42" EAST, 80.00 FEET;
THENCE SOUTH 89°45'19" EAST, 1030.89 FEET;
THENCE SOUTH 85°30'56" EAST, 209.78 FEET;
THENCE LEAVING SAID NORTH LINE, THROUGH SAID PARCEL 4 OF AFORESAID SPECIAL WARRANTY DEED, SOUTH 63°06'02" WEST, 68.38 FEET;
THENCE SOUTH 43°04'35" WEST, 89.23 FEET;
THENCE SOUTH 23°03'07" WEST, 38.69 FEET;
THENCE SOUTH 00°14'41" WEST, 126.32 FEET;
THENCE NORTH 89°45'19" WEST, 142.94 FEET;
THENCE SOUTH 00°14'41" WEST, 50.00 FEET;
THENCE SOUTH 89°45'19" EAST, 157.94 FEET;
THENCE SOUTH 00°14'41" WEST, 10.00 FEET;
THENCE SOUTH 45°14'41" WEST, 14.14 FEET;
THENCE SOUTH 00°14'41" WEST, 230.00 FEET;
THENCE SOUTH 89°45'19" EAST, 115.00 FEET;
THENCE SOUTH 00°14'41" WEST, 262.86 FEET;
THENCE SOUTH 45°14'41" WEST, 28.28 FEET;
THENCE NORTH 89°45'19" WEST, 100.00 FEET;
THENCE SOUTH 00°14'41" WEST, 65.00 FEET;
THENCE SOUTH 45°14'41" WEST, 7.07 FEET;
THENCE SOUTH 00°14'41" WEST, 124.99 FEET;
THENCE SOUTH 29°48'51" EAST, 86.87 FEET;
THENCE SOUTH 55°29'29" EAST, 79.77 FEET;
THENCE SOUTH 81°10'07" EAST, 53.02 FEET;
THENCE SOUTH 89°45'19" EAST, 192.09 FEET;
THENCE SOUTH 89°01'45" EAST, 186.58 FEET TO A POINT ON AFORESAID WEST LINE OF TRACT C;
THENCE SOUTH 00°58'15" WEST ALONG SAID WEST LINE, 46.28 FEET TO THE **POINT OF BEGINNING**.

PRELIMINARY PLAT FOR
HERITAGE ASANTE - PARCEL 2
SURPRISE, ARIZONA

A PORTION OF THE NORTHEAST QUARTER OF SECTION 11, TOWNSHIP 4 NORTH, RANGE 2 WEST
OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA



ENGINEER

HILGARTWILSON
2141 E. HIGHLAND AVENUE, SUITE 250
PHOENIX, ARIZONA 85016
PHONE: (602) 490-0535
FAX: (602) 368-2436
CONTACT: ZACH HILGART, PE
EMAIL: ZHILGART@HILGARTWILSON.COM

OWNER

LCD ASANTE LLC
1665 W. ALAMEDA DRIVE, SUITE 130
TEMPE, ARIZONA 85282
PHONE: (480) 777-4625
CONTACT: TODD SKORO

BASIS OF BEARING

S00°43'44"W ALONG THE WEST LINE OF THE SOUTHWEST QUARTER OF SECTION 12, TOWNSHIP 4 NORTH, RANGE 2 WEST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, AS SHOWN ON THE FINAL PLAT FOR ASANTE PHASE ONE, UNIT FIVE, RECORDED IN BOOK 888, PAGE 20 OF MARICOPA COUNTY RECORDS.

BENCHMARK

FOUND 2" BRASS DISK IN THE NORTHEAST CURB RETURN ON PAT TILLMAN BOULEVARD, 500± WEST OF 163RD AVENUE STAMPED "CITY OF SURPRISE PT40 9-11 BENCHMARK"
DATUM: NAVD88
ELEVATION: 1361.76

SHEET INDEX

CV01 COVER SHEET
CV02 NOTES & DETAILS
PP01-PP02 PRELIMINARY PLAT

FLOOD ZONE DESIGNATION

THE SUBJECT PROPERTY LIES WITHIN SHADED ZONE "X" WITH A DEFINITION OF: AREAS OF 0.2% ANNUAL CHANCE FLOOD; AREAS OF 1% ANNUAL CHANCE FLOOD WITH AVERAGE DEPTHS OF LESS THAN 1 FOOT OR WITH DRAINAGE AREAS LESS THAN 1 SQUARE MILE; AND AREAS PROTECTED BY LEVEES FROM 1% ANNUAL CHANCE FLOOD. DESIGNATION DETERMINED BY FEMA FLOOD ZONE MAP 04013C1210L, PANEL NUMBER 1210 OF 4425, EFFECTIVE DATE OCTOBER 16, 2013.

100 YEAR ASSURED WATER SUPPLY

THIS SUBDIVISION IS WITHIN THE CITY OF SURPRISE WATER SERVICE AREA AND HAS OBTAINED A CERTIFICATE OF 100 YEAR ASSURED WATER SUPPLY FROM THE DEPARTMENT OF WATER RESOURCES.

UTILITIES

WATER CITY OF SURPRISE
SEWER CITY OF SURPRISE
ELEC. APS
GAS SOUTHWEST GAS
TELEPHONE CENTURY LINK
CABLE TV COX
POLICE CITY OF SURPRISE
FIRE CITY OF SURPRISE
ELEMENTARY SCHOOL DISTRICT DYSART UNIFIED SCHOOL DISTRICT
HIGH SCHOOL DISTRICT DYSART UNIFIED SCHOOL DISTRICT

HILGARTWILSON
ENGINEER | PLAN | SURVEY | MANAGE
2141 E. HIGHLAND AVE., STE. 250 | P. 602.490.0535 / F. 602.368.2436
PHOENIX, AZ 85016
www.hilgartwilson.com



HERITAGE ASANTE - PARCEL 2

ASANTE BOULEVARD & 163RD AVENUE
SURPRISE, ARIZONA

PRELIMINARY PLAT

HILGARTWILSON

PROJ NO.: 1909
DATE: FEB 2019
SCALE: N.T.S.
DRAWN: HW
DESIGNED: HW
APPROVED: ZH

DWG. NO.

CV01

SHT. 1 OF 4



LOT TABLE

LOT TABLE			LOT TABLE			LOT TABLE			LOT TABLE			LOT TABLE		
LOT NO.	AREA (SQ.FT)	AREA (ACRES)	LOT NO.	AREA (SQ.FT)	AREA (ACRES)	LOT NO.	AREA (SQ.FT)	AREA (ACRES)	LOT NO.	AREA (SQ.FT)	AREA (ACRES)	LOT NO.	AREA (SQ.FT)	AREA (ACRES)
1	5909	0.14	22	6007	0.14	43	4500	0.10	64	4255	0.10	85	4650	0.11
2	4636	0.11	23	7108	0.16	44	4738	0.11	65	4255	0.10	86	4650	0.11
3	4592	0.11	24	5298	0.12	45	4279	0.10	66	4255	0.10	87	4650	0.11
4	5095	0.12	25	4742	0.11	46	4255	0.10	67	4255	0.10	88	4650	0.11
5	5023	0.12	26	4750	0.11	47	4255	0.10	68	4279	0.10	89	4650	0.11
6	4990	0.11	27	4750	0.11	48	4255	0.10	69	6411	0.15	90	4650	0.11
7	5094	0.12	28	5000	0.11	49	4255	0.10	70	6020	0.14	91	5262	0.12
8	4800	0.11	29	5000	0.11	50	4255	0.10	71	4630	0.11	92	5211	0.12
9	4800	0.11	30	5000	0.11	51	4255	0.10	72	4650	0.11	93	5618	0.13
10	5094	0.12	31	5619	0.13	52	4255	0.10	73	4650	0.11	94	5757	0.13
11	5094	0.12	32	7903	0.18	53	4255	0.10	74	4650	0.11	95	4500	0.10
12	4951	0.11	33	5878	0.13	54	4255	0.10	75	4650	0.11	96	4500	0.10
13	4500	0.10	34	4475	0.10	55	4255	0.10	76	4650	0.11	97	4500	0.10
14	4500	0.10	35	4500	0.10	56	4279	0.10	77	4650	0.11	98	4500	0.10
15	4500	0.10	36	4500	0.10	57	4279	0.10	78	4650	0.11	99	4500	0.10
16	4750	0.11	37	4500	0.10	58	4255	0.10	79	4650	0.11	100	4501	0.10
17	4750	0.11	38	4500	0.10	59	4255	0.10	80	4786	0.11	101	4500	0.10
18	4675	0.11	39	4450	0.10	60	4255	0.10	81	4786	0.11	102	4500	0.10
19	4725	0.11	40	4450	0.10	61	4255	0.10	82	4650	0.11	103	4500	0.10
20	4750	0.11	41	4500	0.10	62	4255	0.10	83	4650	0.11	104	4500	0.10
21	4739	0.11	42	4500	0.10	63	4255	0.10	84	4650	0.11			

SITE SUMMARY TABLE	
	PARCEL 2
OVERALL GROSS AREA (ACRES)	22.48
OVERALL NET (*) AREA (ACRES)	19.92
TOTAL NUMBER OF LOTS: SINGLE FAMILY	104
TOTAL OPEN SPACE (ACRES)	4.83
TOTAL PERCENTAGE OF OPEN SPACE (%)	24.25
MINIMUM LOT SIZE (SF)	4,255
AVERAGE LOT SIZE (SF)	4,744
MAXIMUM LOT SIZE (SF)	7,903
MINIMUM LOT WIDTH (FT)	50'
MINIMUM LOT DEPTH (FT)	85'
DENSITY (DU/AC): PER GROSS AREA	4.6
TAX ASSESSORS PARCEL NUMBER	503-73-770
*NET EXCLUDES W. ASANTE BLVD & N. PAT TILLMAN BLVD	

DEVELOPMENT STANDARDS TABLE – PER PARADISO ASANTE PUD, FS-17-010, OR SUBSEQUENT AMENDMENTS	
ZONING	RM-9 PUD
TYPICAL LOT	50' X 85'
MIN. AREA	4,250 SF
MIN. WIDTH	50'
MIN. DEPTH	85'
BUILDING SETBACKS (2)	
FRONT	20/12' FOR LIVING AREA OR SIDE ENTRY GARAGE (6)
SIDE (2)	5'/8'
STREET SIDE (2)(3)	13'
REAR (2)	10'
REAR ADJ. TO ARTERIAL (2)(7)(8)	15'
MIN. DISTANCE BETWEEN HOUSES	10'
BLDG. HEIGHT	30'
LOT COVERAGE	70%

- (2) NON-STRUCTURAL ELEMENTS SUCH AS FIREPLACES, BAY WINDOWS, POP-OUTS, PERGOLAS OR PATIO COVERS MAY ENCROACH NO MORE THAN 3' INTO FRONT AND SIDE SETBACKS AND 10' INTO REAR SETBACKS PROVIDED THAT A PATIO COVER MAY NOT EXTEND TO A POINT CLOSER THAN 10' FROM THE REAR PROPERTY LINE EXCEPT FOR CLUSTER TYPE & Z LOT HOMES.
- (3) DOES NOT APPLY IF LANDSCAPE TRACT IS USED (8' MIN).
- (4) TWO ADJACENT MULTI-STORY HOUSES MUST BE SEPARATED BY NOT LESS THAN 13 FEET, AND A MULTI-STORY HOUSE AND AN ADJACENT SINGLE STORY HOUSE MUST BE SEPARATED BY NOT LESS THAN 10 FEET.
- (5) IF ANY PORTION OF MULTI-STORY HOUSE HAS ONLY ONE STORY ADJACENT TO THE SIDE YARD PROPERTY LINE, THE SINGLE-STORY SETBACKS WILL APPLY.
- (6) NO DRIVEWAY SHALL BE LESS THAN 20 FEET IN LENGTH, AS MEASURED FROM FACE OF GARAGE TO THE BACK OF SIDEWALK.
- (7) IF THE PORTION OF A MULTI-STORY HOUSE OR STRUCTURE WHICH ABUTS ON AN ARTERIAL STREET IN THE REAR IS SINGLE-STORY, THEN THE REAR SETBACK SHALL NOT BE LESS THAN 20 FEET AS MEASURED FROM THE PROPERTY LINE.
- (8) IF TWO ADJACENT HOUSES OR STRUCTURES ABUT AN ARTERIAL STREET IN THE REAR, THEN THE REAR SETBACKS SHALL BE STAGGERED AS FOLLOWS:
- (A) IF THE ADJACENT HOUSE OR STRUCTURES ARE BOTH MULTI-STORY, THEN THE REAR SETBACK SHALL BE 20- FEET (20') FOR ONE AND 25 FEET (25') FOR THE OTHER; OR
- (B) IF THE ADJACENT HOUSE OR STRUCTURES ARE BOTH MULTI-STORY, THEN THE REAR SETBACK SHALL BE 25- FEET (25') FOR ONE AND 30- FEET (30') FOR THE OTHER; OR
- (C) IF A MULTI-STORY HOUSE IS ADJACENT TO A SINGLE-STORY HOUSE, THEN THE SETBACKS ESTABLISHED IN SUBSECTIONS 1 AND 2 SHALL APPLY; AND
- (D) IF THREE OR MORE ADJACENT HOUSES OR STRUCTURES ABUT AN ARTERIAL STREET IN THE REAR, THEN THE REAR SETBACKS SHALL BE STAGGERED AS PROVIDED ABOVE SO THAT NOT MORE THAN TWO ADJACENT HOUSES OR STRUCTURES MAY HAVE THE SAME REAR SETBACK
- (9) IF A LANDSCAPE TRACT WITH THE FOLLOWING DIMENSIONS IS CONSTRUCTED BETWEEN THE REAR PROPERTY LINES OF ADJACENT LOTS WHICH ABUT AN ARTERIAL STREET IN THE REAR, AND THE RIGHT-OF-WAY OF THE ARTERIAL STREET, THEN THE REAR SETBACKS ESTABLISHED IN SUBSECTION 8. (D) OF THIS SECTION SHALL APPLY. THE AVERAGE WIDTH OF SUCH LANDSCAPE TRACT SHALL NOT BE LESS THAN 15- FEET (15'). THE NARROWEST PART OF THE TRACT MUST BE 10- FEET (10') OR GREATER IN WIDTH. NOT LESS THAN 50- PERCENT (50%) OF THE LANDSCAPE TRACT, AS MEASURED ALONG THE LINEAL BOUNDARY BETWEEN THE TRACT AND THE ADJACENT LOTS, MUST BE 15- FEET (15') IN WIDTH OR GREATER.
- (10) IF A HOUSE OR OTHER STRUCTURE ABUTS AN ARTERIAL STREET ON THE SIDE, THEN THE WIDER OF THE TWO SIDE SETBACKS APPLICABLE TO THE HOUSE OR STRUCTURE SHALL BE ON THE SIDE WHICH ABUTS THE ARTERIAL STREET AND SHALL BE INCREASED BY 5 ADDITIONAL FEET (5'). FOR EXAMPLE, IF THE SIDE SETBACKS OF A HOUSE OR STRUCTURE WHICH ABUTS AN ARTERIAL STREET ON THE SIDE WOULD ORDINARILY BE 8- FEET (8') AND 5- FEET (5'), THEN THE 8- FEET (8') SETBACK SHALL BE INCREASED TO 13- FEET (13') AND SHALL APPLY TO THE SIDE OF THE HOUSE OR STRUCTURE WHICH ABUTS THE ARTERIAL STREET, AND THE OTHER SIDE SETBACK SHALL REMAIN 5- FEET (5').

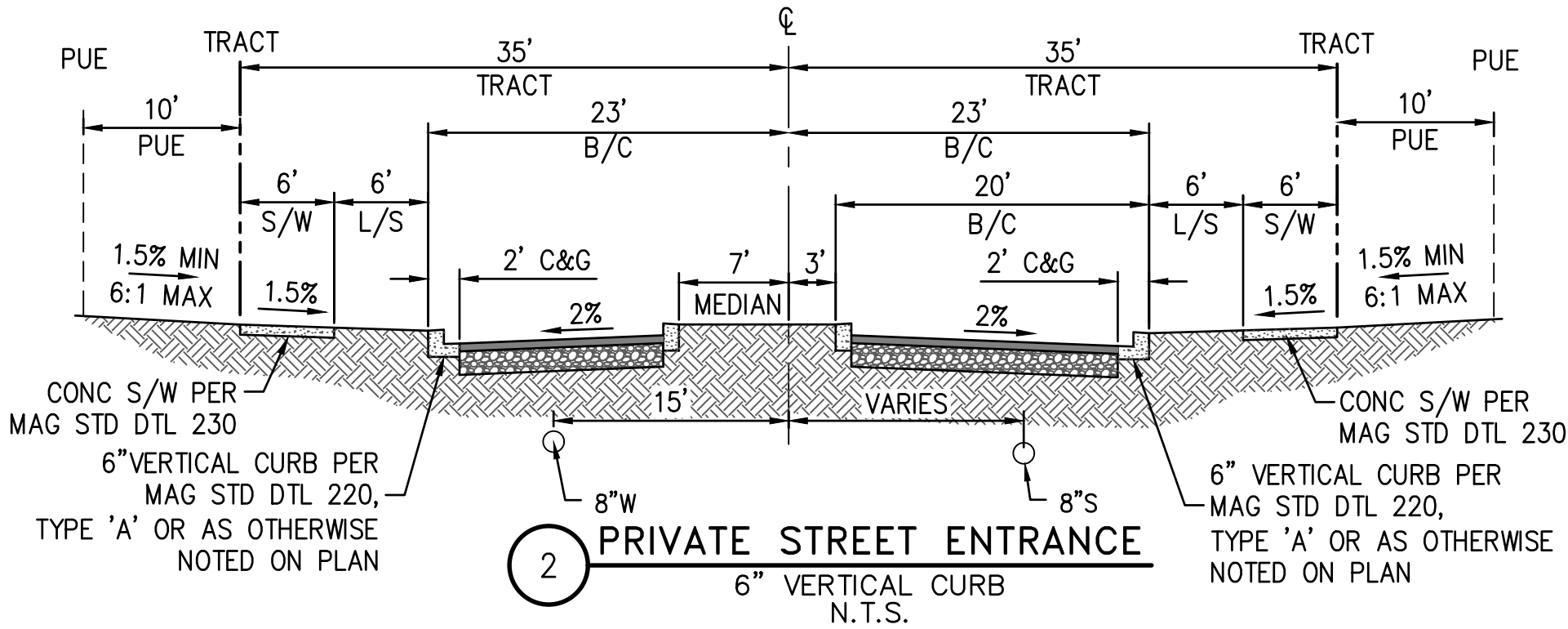
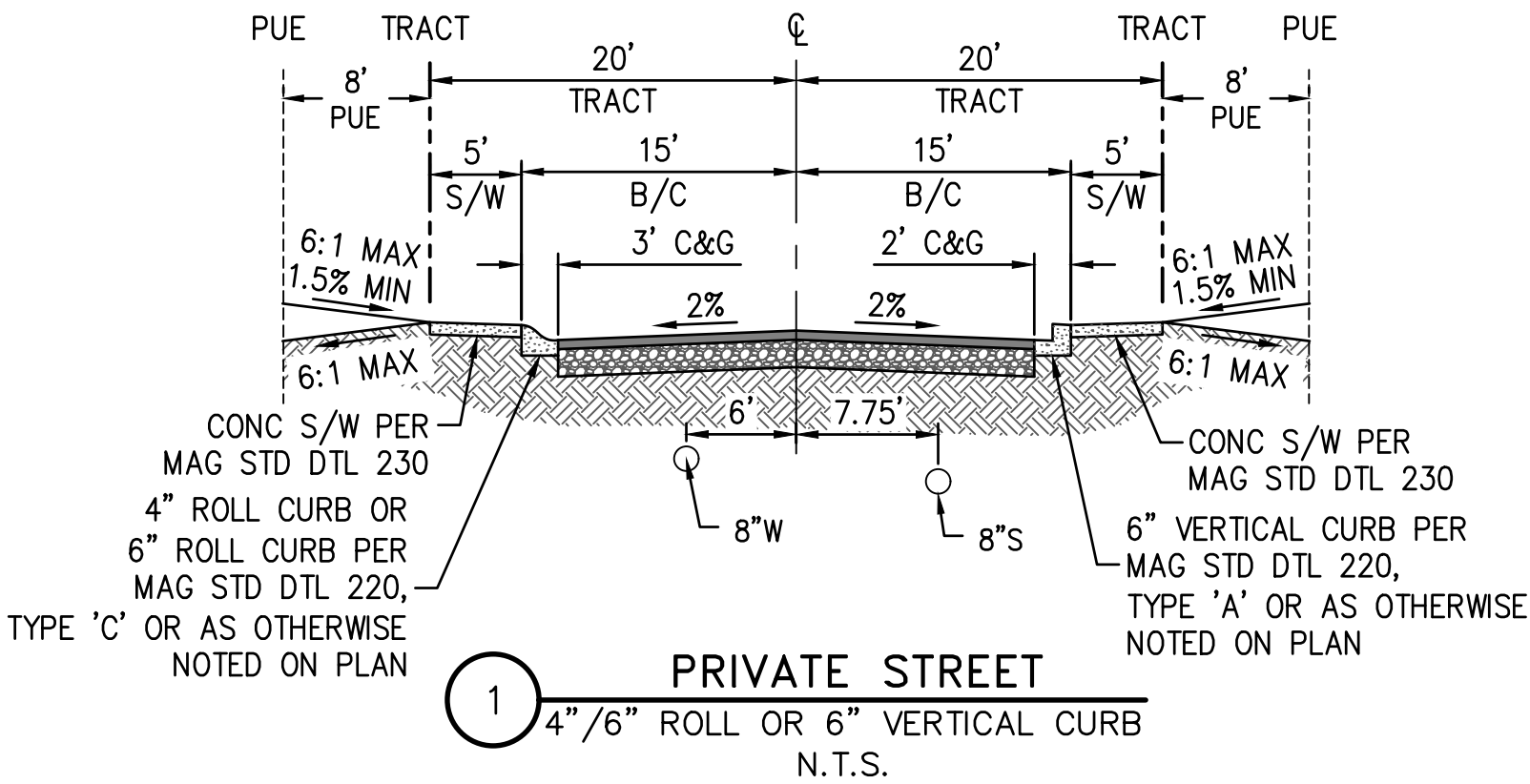
TRACT TABLE

TRACT TABLE		
TRACT	AREA (ACRES)	USE
TRACT A	3.75	COMMON AREA, DRAINAGE & PRIVATE ACCESSWAY
TRACT B	0.76	COMMON AREA
TRACT C	0.99	COMMON AREA & DRAINAGE
TRACT D	0.11	COMMON AREA
TRACT E	1.65	COMMON AREA & DRAINAGE
TRACT F	0.03	COMMON AREA
TRACT G	0.03	COMMON AREA
TRACT H	0.38	COMMON AREA & DRAINAGE
TRACT I	0.57	COMMON AREA
TRACT J	0.36	COMMON AREA & DRAINAGE
TRACT K	0.02	COMMON AREA
TRACT L	0.02	COMMON AREA

*COMMON AREAS MAY INCLUDE OPEN SPACE, LANDSCAPE, PEDESTRIAN PATHS, AND/OR AMENITIES.

LEGEND

- BOUNDARY LINE
CENTER LINE
RIGHT OF WAY
PARCEL LINE
SIGHT VISIBILITY EASEMENT
ASSESSOR PARCEL NUMBER
PUBLIC UTILITY EASEMENT
RIGHT-OF-WAY
VEHICLE NON-ACCESS EASEMENT
MARICOPA COUNTY RECORDS
FLOW ARROW
4" ROLL CURB & GUTTER
6" ROLL CURB & GUTTER
VERTICAL CURB & GUTTER



REV.:

HILGARTWILSON
ENGINEER | PLAN | SURVEY | MANAGE
2141 E. HIGHLAND AVE., STE. 250 | P. 602.490.0535 / F. 602.368.2436
PHOENIX, AZ 85016
www.hilgartwilson.com



HERITAGE ASANTE - PARCEL 2

ASANTE BOULEVARD & 163RD AVENUE
SURPRISE, ARIZONA

PRELIMINARY PLAT

HILGARTWILSON

PROJ NO.: 1909

DATE: FEB 2019

SCALE: N.T.S.

DRAWN: HW

DESIGNED: HW

APPROVED: ZH

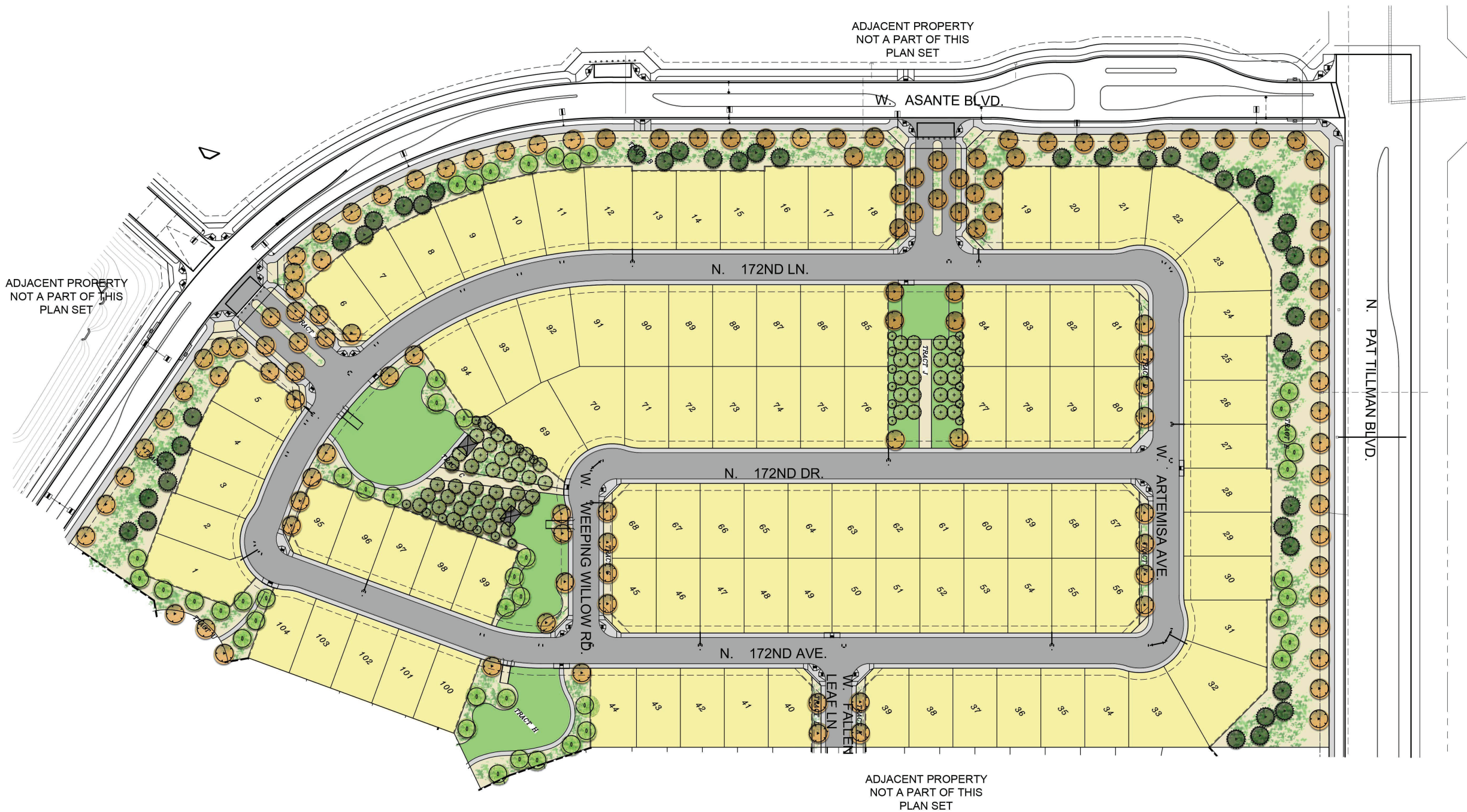
DWG. NO.

CV02

SHT. 1 OF 4

FS18-647





TREE PLANTING LEGEND				
SYMBOL	BOTANICAL/COMMON NAME	SIZE	QTY.	
	<i>Fraxinus velutina</i> ARIZONA ASH	24" BOX	-	
	<i>Olea europaea</i> 'Swan Hill' SWAN HILL OLIVE	24" BOX	-	
	<i>Olea europaea</i> 'Swan Hill' SWAN HILL OLIVE	18" BOX	-	
	<i>Pinus eldarica</i> MONDEL PINE	24" BOX	-	
	<i>Quercus virginiana</i> SOUTHERN LIVE OAK	24" BOX	-	

SHRUB PLANTING LEGEND				
SYMBOL	BOTANICAL/COMMON NAME	SIZE	MINIMUM SPACING	QTY.
	BOUTELOUA GRACILIS 'BLONDE AMBITION' BLONDE AMBITION	1 GAL.	30" O.C.	-
	BOUGAINVILLEA 'TORCH GLOW' TORCH GLOW BOUGAINVILLEA	5 GAL.	5'-0" O.C.	-
	CAESALPINIA PULCHERRIMA MEXICAN BIRD OF PARADISE	5 GAL.	8'-0" O.C.	-
	DODONAEA VISCOSA 'PURPUREA' PURPLE HOPSEED BUSH	5 GAL.	5'-0" O.C.	-
	EREMOPHILA 'VALENTINE' VALENTINE EMU BUSH	5 GAL.	5'-0" O.C.	-
	LEUCOPHYLLUM F. 'GREEN CLOUD' GREEN CLOUD SAGE	5 GAL.	5'-0" O.C.	-
	LEUCOPHYLLUM LANGIAMANAE 'RIO BRAVO' RIO BRAVO SAGE	5 GAL.	5'-0" O.C.	-
	MUHLENBERGIA C. 'REGAL MIST' PINK MUHLY	5 GAL.	3'-0" O.C.	-
	MUHLENBERGIA E. 'EL TORO' BULL GRASS	5 GAL.	4'-0" O.C.	-
	MUHLENBERGIA RIGENS DEER GRASS	5 GAL.	4'-0" O.C.	-
	SENNA ARTEMISIOIDES FEATHERY SENNA	5 GAL.	5'-0" O.C.	-
	TEUCRIUM CHAMAEDRYS GERMANDER	1 GAL.	24" O.C.	-
	TEUCRIUM FRUTICANS 'COMPACTA' GERMANDER	1 GAL.	24" O.C.	-
	OLEA EUROPAEA 'MONTRA' LITTLE OLIVE	5 GAL.	5'-0" O.C.	-

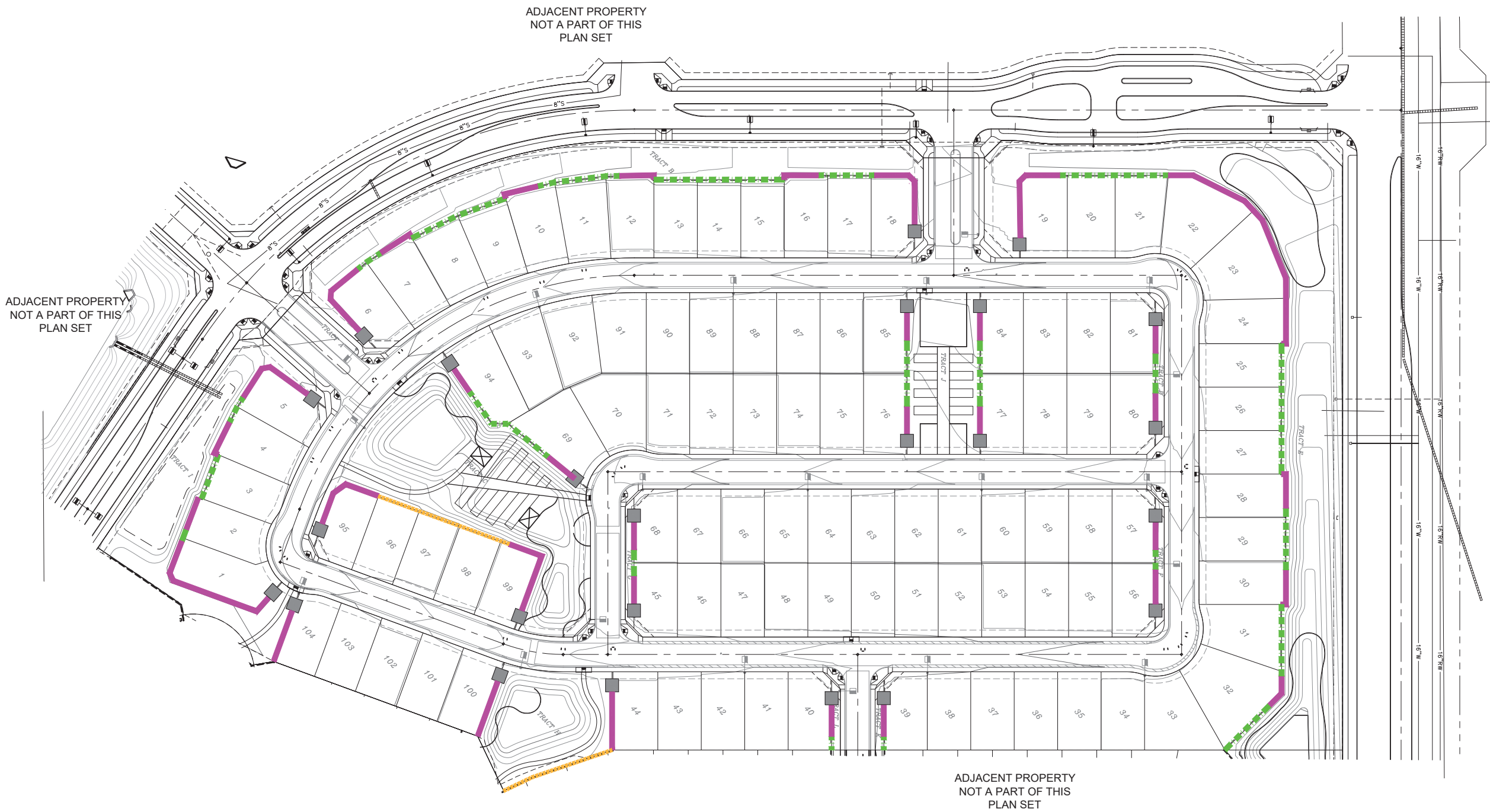
GROUNDCOVER PLANTING LEGEND				
SYMBOL	BOTANICAL/COMMON NAME	SIZE	MINIMUM SPACING	QTY.
	LANTANA 'NEW GOLD' NEW GOLD LANTANA	5 GAL.	6'-0" O.C.	-
	DECOMPOSED GRANITE EXPRESS BROWN	1" SCREENED		
	TURF	MIDIRON SOD		

PARADISO ASANTE - Parcel 2

Preliminary Landscape Plan

WALL LEGEND

- PERIMETER THEME WALL
- THEME WALL PANEL
- PARTIAL VIEW WALL
- NOT SHOWN BUILDER WALL
- THEME PILASTER

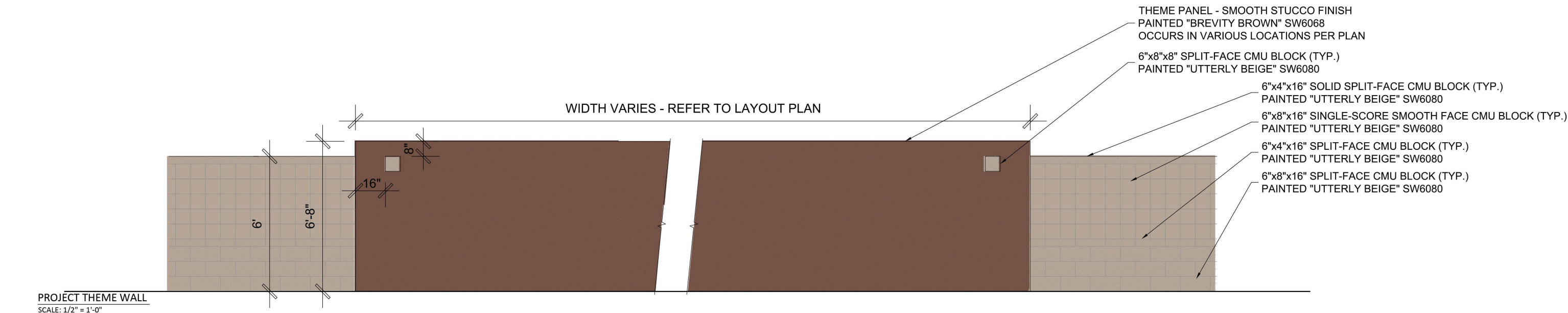


PARADISO ASANTE - Parcel 2

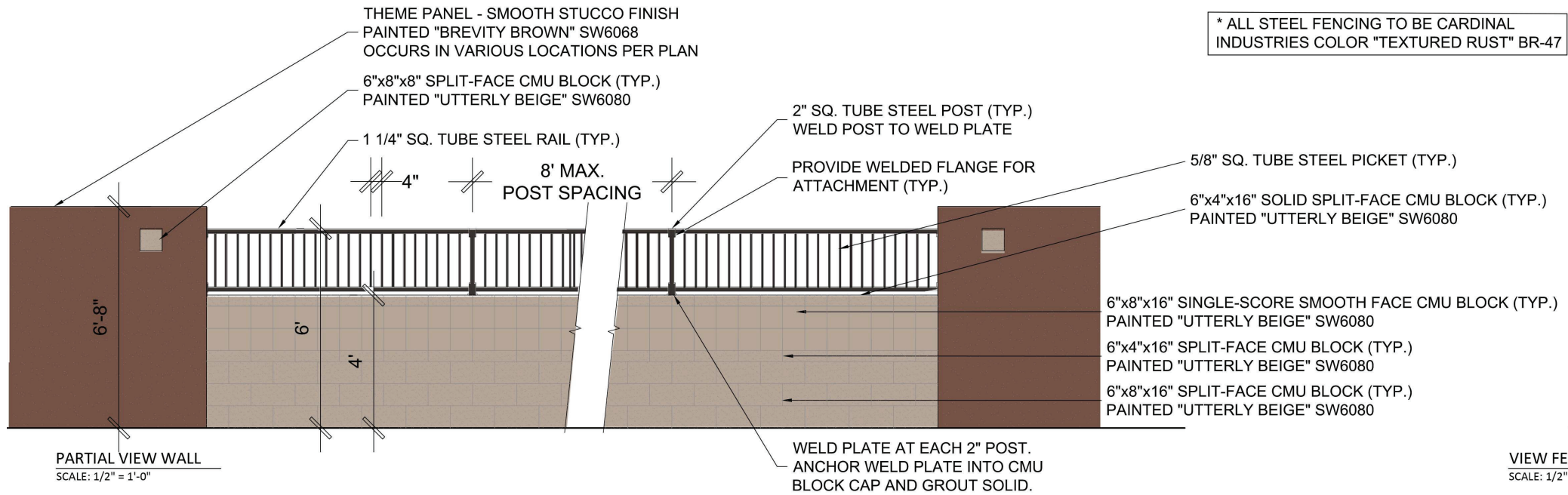
Lennar Homes | Surprise, AZ | November 19, 2018

Preliminary Wall Plan

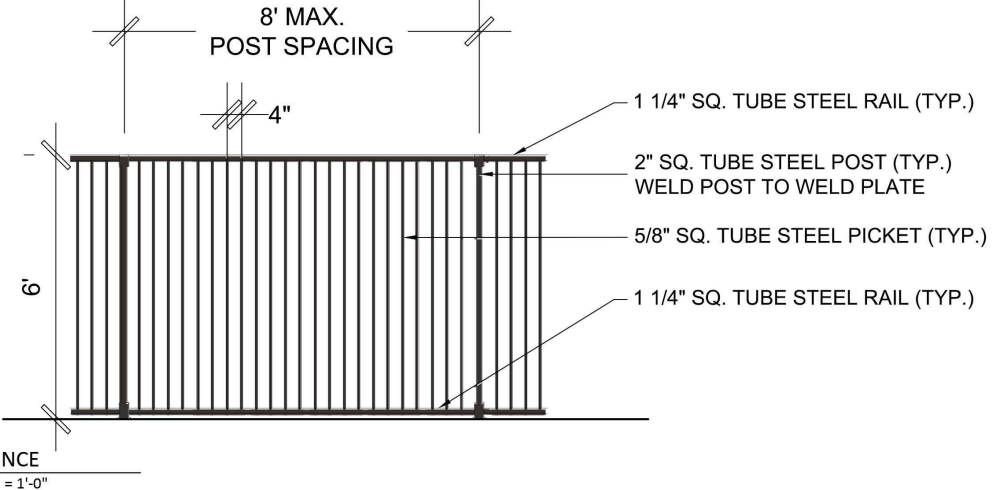




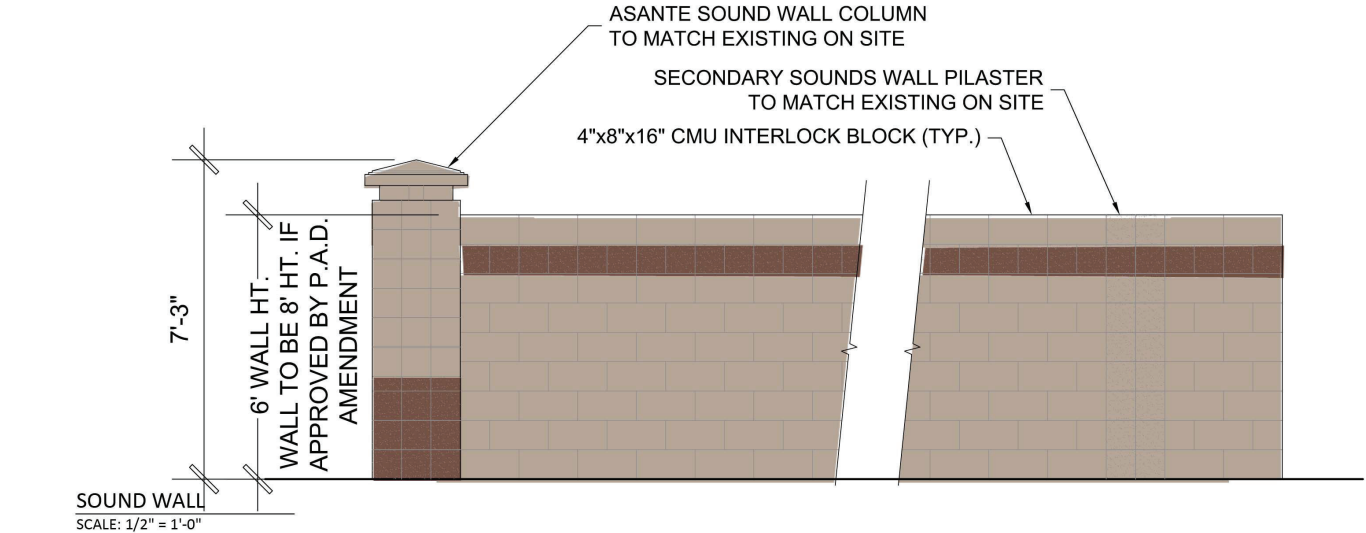
PROJECT THEME WALL
SCALE: 1/2" = 1'-0"



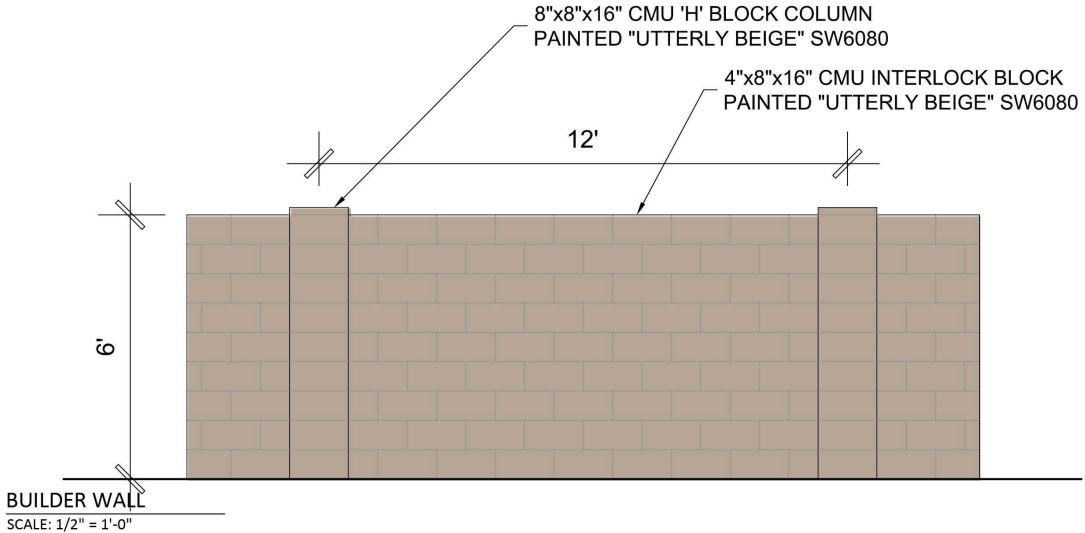
PARTIAL VIEW WALL
SCALE: 1/2" = 1'-0"



VIEW FENCE
SCALE: 1/2" = 1'-0"



SOUND WALL
SCALE: 1/2" = 1'-0"



BUILDER WALL
SCALE: 1/2" = 1'-0"

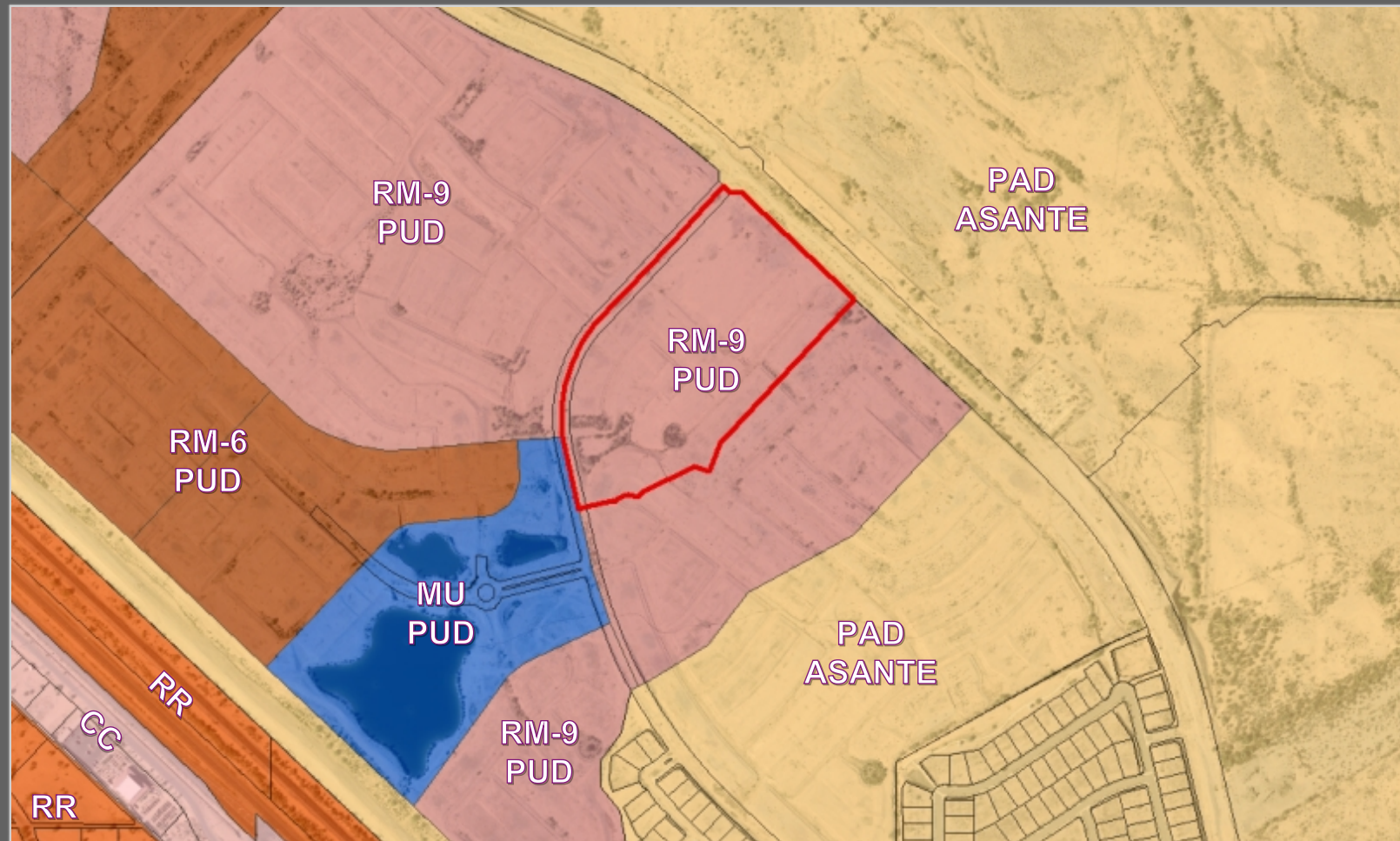


Heritage Asante Parcel 2 Preliminary Plat

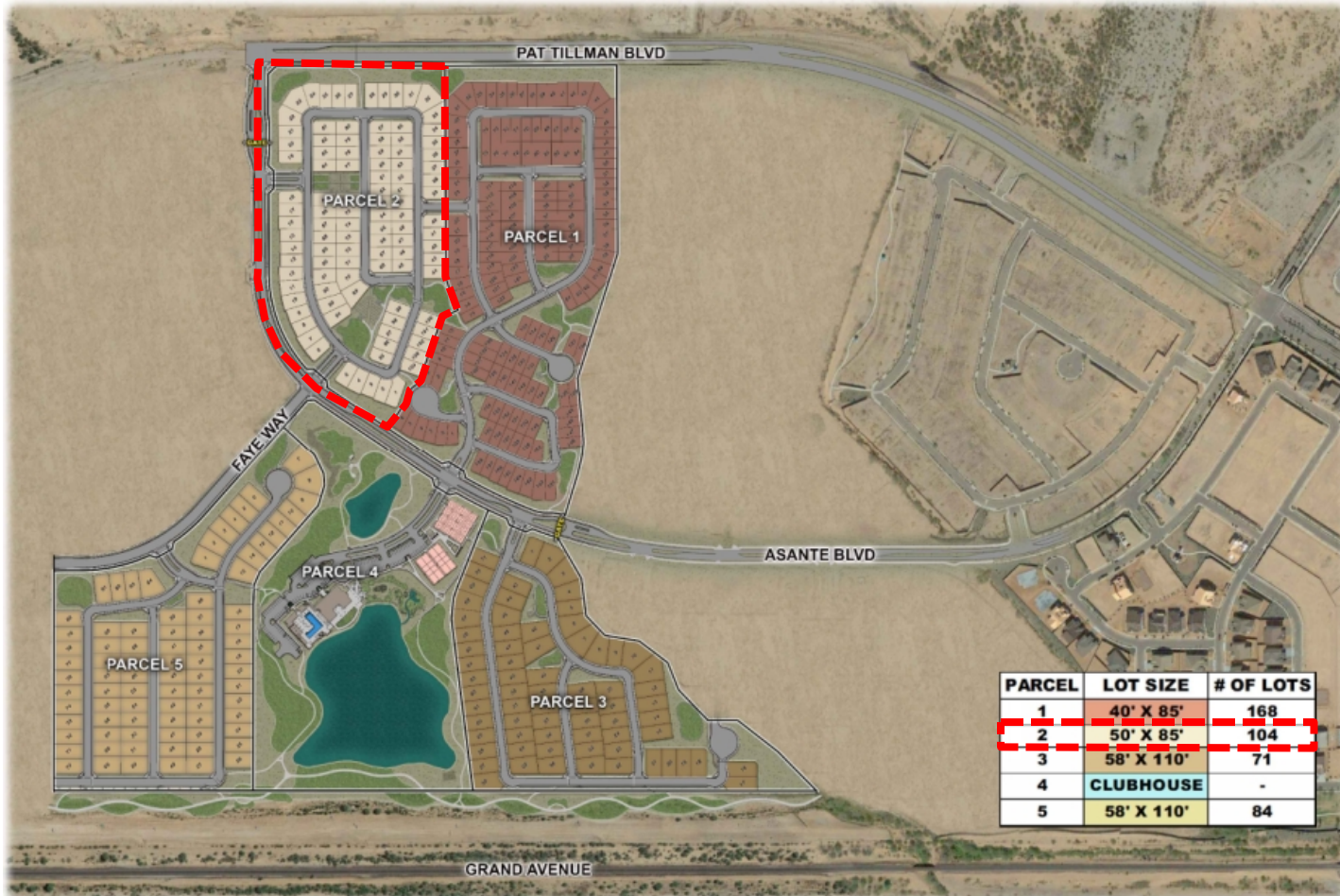
City Council
June 18, 2019



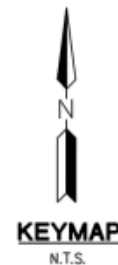
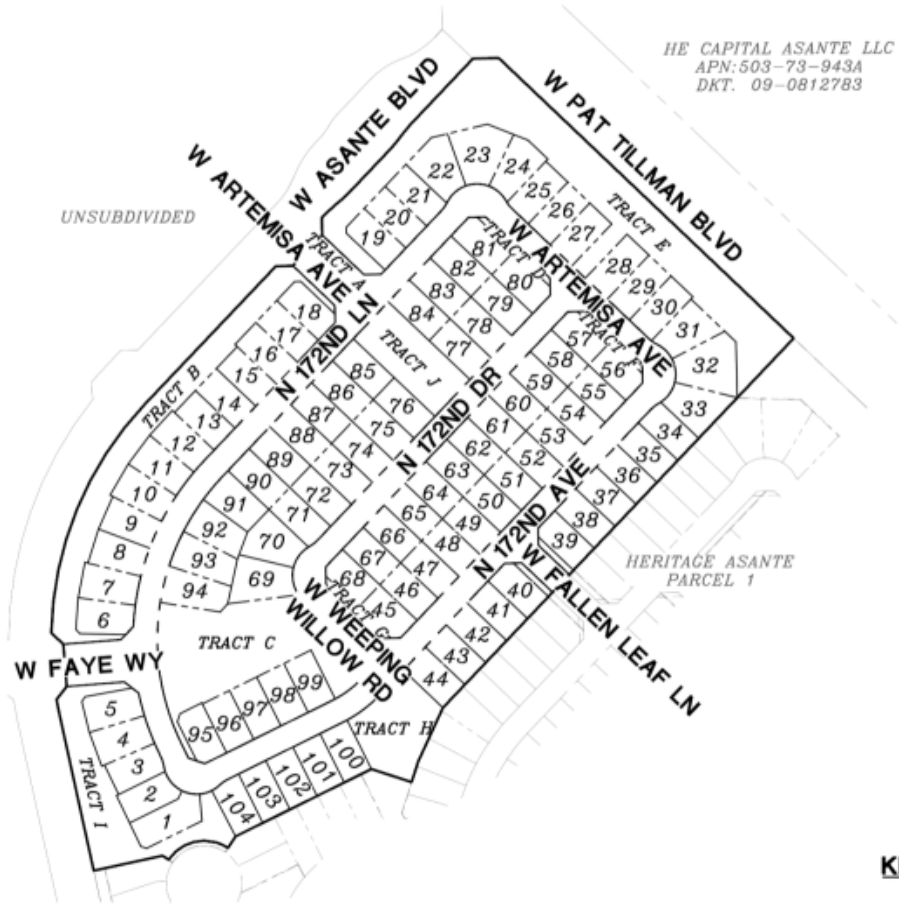
VICINITY MAP



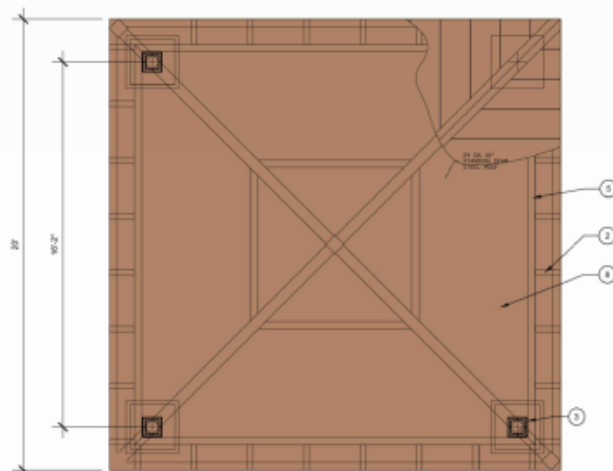
ZONING



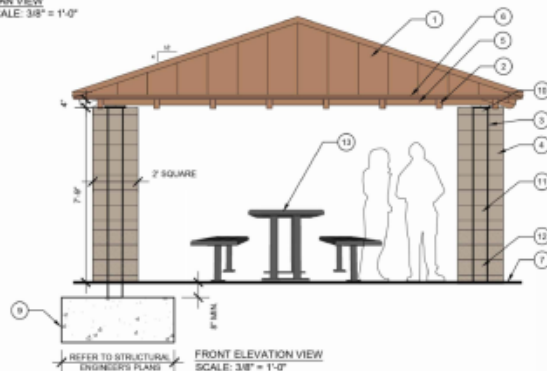
HERITAGE ASANTE PHASE 1



PRELIMINARY PLAT



PLAN VIEW
SCALE: 3/8" = 1'-0"



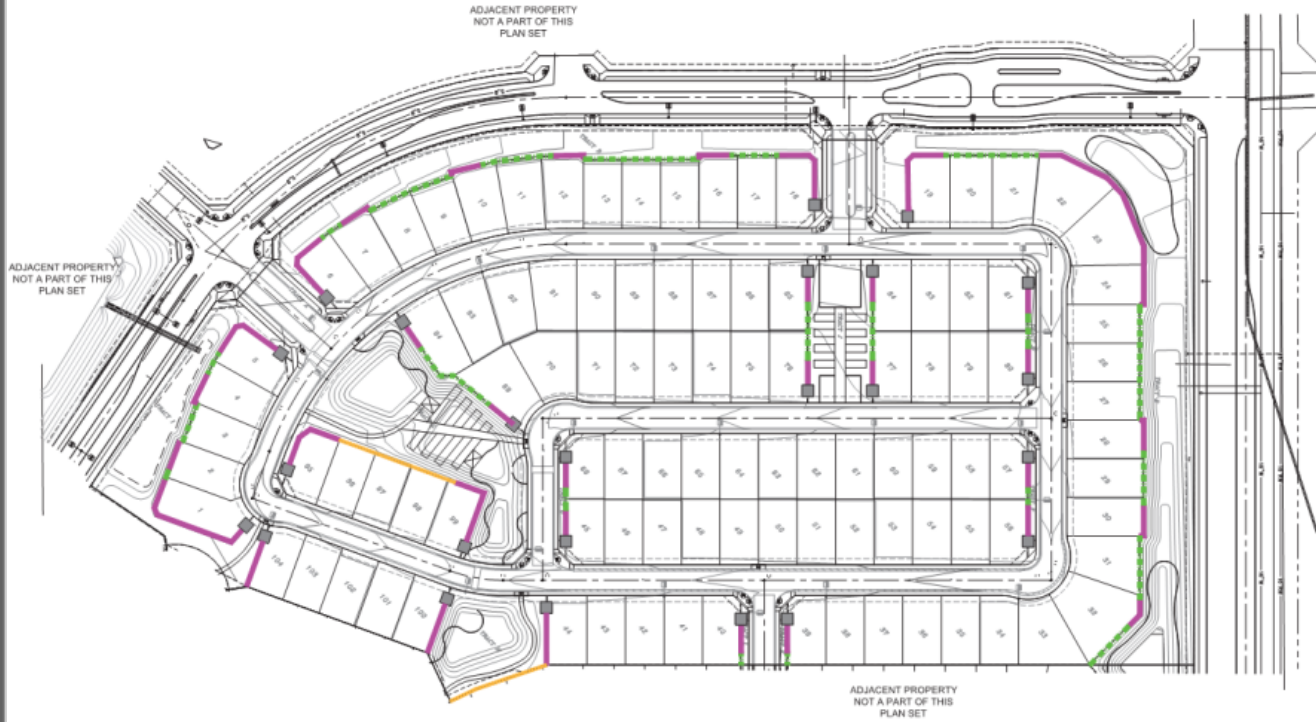
FRONT ELEVATION VIEW
SCALE: 3/8" = 1'-0"

LEGEND

1. 20'X20'"MESA" MODEL RAMADA, AVAIL. FROM CLASSIC RECREATION (www.classicrecreation.com)
2. RAFTER TAIL
3. 8'X8" STUB COLUMN ON TOP TRANSITION PLATE & ROTATED 8X8" COLUMN
4. COLUMN SURROUND (TO MATCH SECONDARY THEME COLUMNS - REFER TO WALL DETAILS)
5. PERIMETER BEAM
6. 2'X1" ROOF SUPPORT
7. FINISH SURFACE / FINISH GRADE
8. 24" GA. 16" STANDING SEAM STEEL ROOF
COLOR: PATRICIAN BRONZE
9. REINFORCED CONCRETE FOOTING - REFER TO STRUCTURAL ENGINEER'S PLANS, TYP.
10. 6"x4"x16" SOLID SPLIT-FACE CMU BLOCK PAINTED "UTTERLY BEIGE" SW9080
11. 6"x8"x16" SINGLE-SCORE SMOOTH FACE CMU BLOCK PAINTED "UTTERLY BEIGE" SW9080
12. 6"x8"x16" SPLIT-FACE CMU BLOCK PAINTED "UTTERLY BEIGE" SW9080
13. PICNIC TABLE - TABLE 296-60-2HS W/ STEEL SEATS, AVAILABLE FROM DUMOR (www.dumor.com)
COLOR: BRONZE

NOTES:

- REFER TO STRUCTURAL ENGINEER'S DETAILS AND CALCULATIONS FOR ALL CONNECTIONS, REINFORCING AND FOOTING INFORMATION.
- ALL CONNECTORS, FASTENERS AND OTHER HARDWARE TO BE HOT DIPPED GALVANIZED.
- ALL METAL WORK SHALL RECEIVE TWO (2) COATS OF MOISTURE-PROOF PRIMER AND TWO (2) FINISH COATS OF PAINT - REFER TO FINISH SCHEDULE FOR COLOR.



WALL LEGEND

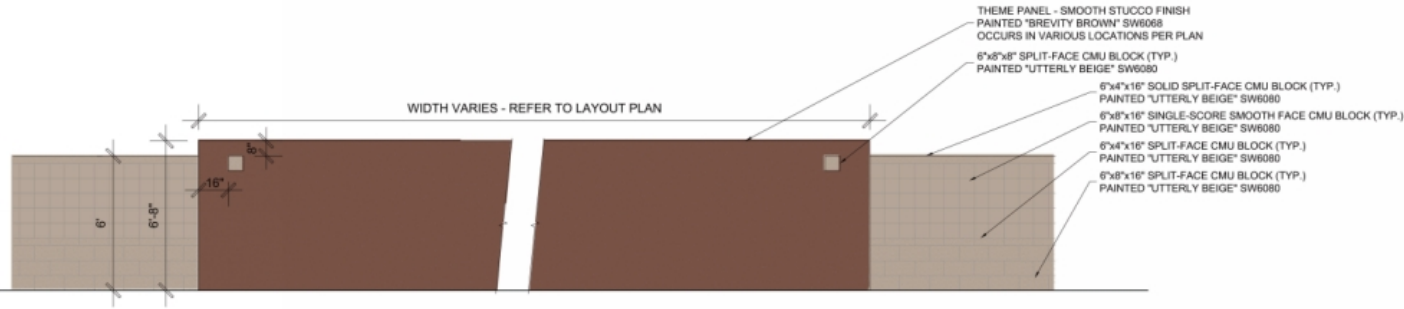
- - - - - PERIMETER THEME WALL
- THEME WALL PANEL
- PARTIAL VIEW WALL
- NOT SHOWN ■ BUILDER WALL
- THEME PILASTER



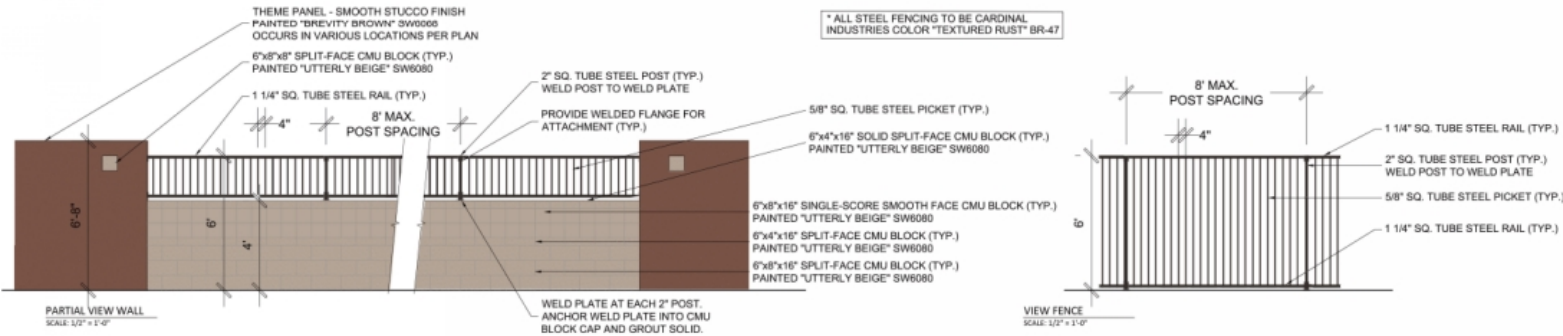
WALL PLAN

WALL PLAN

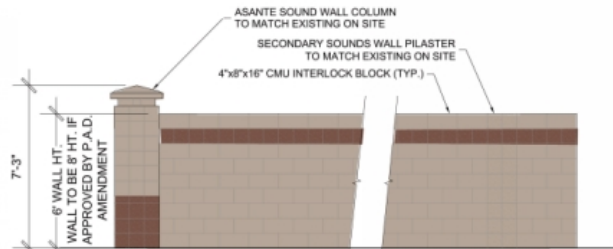
PROJECT THEME WALL
SCALE: 1/2" = 1'-0"



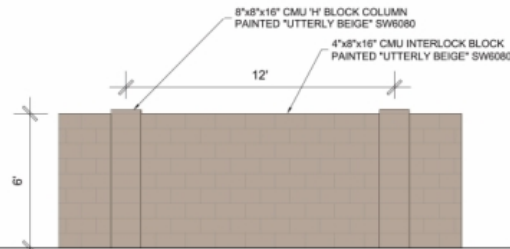
PARTIAL VIEW WALL
SCALE: 1/2" = 1'-0"



SOUND WALL
SCALE: 1/2" = 1'-0"



BUILDER WALL
SCALE: 1/2" = 1'-0"





RECOMMENDATION

P&Z Hearing: May 2, 2019

P&Z Recommendation: Approval



QUESTIONS OR COMMENTS?

Thank You



CITY OF SURPRISE Regular City Council Meeting

Council Meeting Date: June 18, 2019 Contact Person: Martin Lucero
Submitting Department: Community Development District: Citywide
Staff Recommendations: None

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

Agenda Wording:

Consideration and action pertaining to approval of two Intergovernmental Agreements between the City of Surprise and the Maricopa Association of Governments for transportation improvements and acceptance of two federal Grants; Resolution #2019-83.

Motion:

I move to approve Resolution #2019-83 and accept two federal Grants through the Maricopa Association of Governments.

Background:

Staff regularly is in search of grant opportunities that will have a positive impact to the City. These grants will help with project assessment and 15% design concepts of pedestrian facilities identified through the Safe Routes to School initiatives.

Objective Analysis:

The Grants will provide a Project Assessment (PA), 15% design concept plans and estimate for the following projects;

1. A future construction project for new median breaks on Sweetwater Avenue and Whisperwood Drive addressing vehicle/pedestrian conflicts at the intersection of Sweetwater Avenue and Whisperwood Drive; as identified in the Maricopa Safe Routes to School Action Plan.
2. Construct new northbound right turn lane on Greer Ranch Parkway into Sonoran Heights Elementary School's driveway, adjust the school crosswalk on Mescal Street on the eastside of Greer Ranch Parkway, add ADA compliant curb ramp and striped crosswalk connecting the park's sidewalk to Sonoran Heights Elementary School; as identified in the Sonoran Heights Safe Routes to School Action Plan.
3. Creating an accessible crossing at the intersection of Cholla Street/ Gabriela Drive, future installation of Variable Message Signs and Speed Feedback Signs along Bullard Avenue at the Cholla Street crosswalk; as identified in the Rancho Gabriela Safe Routes to School Action Plan.

Policy Compliant:

This is compliant with the City of Surprise Strategic Plan under Transportation- Goal 7: Identify

funding sources for the transportation system.

Strategies: d. Review federal MAP-21 legislation and grant programs to identify potential federal funding opportunities for City of Surprise transportation system projects.

Financial Impact:

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

Budget Impact:

These projects are budgeted in the City's 2020 Fiscal Budget through projects P42060 and P42070.

FTE Impact:

N/A.

ATTACHMENTS:

1. Grant Fund Awards 6-18-19
 2. 19.06.06 RES 2019-83-IGA-2020 Active Trans Improvements-FINAL-
 3. CC 6-18-19
-



COMMUNITY DEVELOPMENT

Date: June 18, 2019

To: Mayor and City Council

From: Martin Lucero, Transportation Planning Manager
martin.lucero@surpriseaz.gov, 623-222-3142
Chris Boyd, Interim Community Development Director

Re: Grant Fund Awards

Background

The City of Surprise was awarded 2 federal close out grants through the Maricopa Association of Governments. These grants will help with project assessment and 15% design concepts of pedestrian facilities identified through the Safe Routes to School initiatives.

Below you will find a breakdown of the budget implications and total awards.

Federal Fiscal Close Out Award

The IGA with MAG defines the level of financial participation between both parties as outlined below.

1. Pedestrian and Bicycle Improvements for Marley Park

Total	Federal Funds (80%)	Local Funds (20%)
\$46,500	\$37,200	\$9,300

2. Pedestrian and Bicycle Improvements for Sonoran Heights and Rancho Gabriel Elementary

Total	Federal Funds (20%)	Local Funds (20%)
\$59,500	\$47,600	\$11,900

Fiscal Implication

The 2 projects are included in fiscal year 2020.

Recommendation

The City Council recommends approval of Resolution No. 2019-XX, accepting \$106,000 in Federal Fiscal Close Out Funds.

ATTACHMENTS:

1. PowerPoint Presentation

RESOLUTION # 2019-83

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA APPROVING AN INTERGOVERNMENTAL AGREEMENT WITH THE MARICOPA ASSOCIATION OF GOVERNMENTS (MAG) FOR PEDESTRIAN AND BICYCLE IMPROVEMENTS FOR MARLEY PARK, SONORAN HEIGHTS AND RANCHO GABRIELA ELEMENTARY SCHOOLS.

WHEREAS, pursuant to Arizona Revised Statutes §11-951, *et seq.*, the City of Surprise has the authority to enter into intergovernmental agreements with other governmental entities for the purpose of exercising governmental powers jointly held by the City and MAG;

WHEREAS, the City of Surprise FY2020 budget includes funding for *The Development of an Active Transportation Plan*;

WHEREAS, the City supports policies and programs that focus on health and wellness and healthier community environments;

WHEREAS, the health and safety of pedestrians is of highest concern to the citizens of the City;

WHEREAS, the City and MAG desire to enter into intergovernmental agreements for Pedestrian and Bicycle Improvements for Marley Park, Sonoran Heights and Rancho Gabriela Elementary Schools.

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

Section 1. The Agreement between the Maricopa Association of Governments and the City of Surprise for Pedestrian and Bicycle Improvements for Marley Park Elementary School (MAG Agreement No. 982) for the development of an active transportation plan attached hereto as Exhibit A is hereby approved.

Section 2. The Agreement between the Maricopa Association of Governments and the City of Surprise for Pedestrian and Bicycle Improvements for Sonoran Heights and Rancho Gabriela Elementary Schools (MAG Agreement No. 983) attached hereto as Exhibit B is hereby approved.

Section 3. The Mayor, the City Manager, the City Clerk and the City Attorney are hereby authorized and directed to cause the execution of the Agreements and to take all steps necessary to carry out the purpose and intent of this Resolution.

APPROVED AND ADOPTED this ____ day of _____, 2019.

Skip Hall, Mayor

Attest:

Approved as to form:

Sherry Aguilar, City Clerk

Robert Wingo, City Attorney

EXHIBIT A

INTERGOVERNMENTAL AGREEMENT BETWEEN
THE CITY OF SURPRISE AND MARICOPA ASSOCIATION OF
GOVERNMENTS
FOR PEDESTRIAN AND BICYCLE IMPROVEMENTS FOR
MARLEY PARK ELEMENTARY SCHOOL

**AGREEMENT BETWEEN
MARICOPA ASSOCIATION OF GOVERNMENTS
AND THE CITY OF SURPRISE
FOR PEDESTRIAN AND BICYCLE IMPROVEMENTS FOR MARLEY PARK ELEMENTARY SCHOOL**

This agreement (Agreement) is between the Maricopa Association of Governments (MAG), an Arizona non-profit corporation and the City of Surprise, an Arizona municipal corporation (CITY), collectively referred to as the "Parties," or individually as a "Party."

This Agreement shall become effective as of the date it is duly executed by the last Party and shall continue in full force and affect until June 30, 2020. MAG and City of Surprise view this Agreement as a mutually beneficial relationship.

A) Statutory Authorization Agreement

MAG

MAG is empowered by Arizona Revised Statutes §§ 28-6308 and 28-6353 to enter into this Agreement. MAG is the recipient of Regional Area Road Funds, Federal Highway Administration (FHWA) Funds, and Federal Transit Administration Funds as described in the FY 2019 MAG Unified Planning Work Program and Budget (FY 2019 UPWP), and as described in the agreement between MAG and the Arizona Department of Transportation.

THE CITY OF SURPRISE

CITY is authorized by Arizona Revised Statutes § 11-952 to enter into this Agreement.

B) Purpose of the Agreement

The purpose of this Agreement is to identify and define the level of financial participation by CITY and MAG to prepare Pedestrian and Bicycle Improvements for Marley Park Elementary School (PROJECT).

The PROJECT will be completed through MAG Contract No. 0600-0145-18-E001-828A-0Q.000000 using a consultant(s) from the approved FY 2019 Pedestrian and Bicycle Facilities Design Assistance Program and Bicycle and Pedestrian Master Plans and First Time Updates On-Call Consultant list. The cost of this PROJECT will not exceed FORTY-SIX THOUSAND FIVE HUNDRED DOLLARS AND 00/100 (\$46,500.00). The scope of work is set forth in Exhibit "A."

C) Mission/Goal Statement

The goal of the PROJECT is to provide a Project Assessment (PA) and 15% design concept plans for a future construction project for new median breaks on Sweetwater Avenue and Whisperwood Drive to address the vehicle/pedestrian conflicts at the intersection of Sweetwater Avenue and Whisperwood Drive.

D) Study Funding

1. MAG is the recipient of FY 2019 FHWA Planning Funds as described in the FY 2019 UPWP and in the agreement between MAG and the Arizona Department of Transportation.
2. The FY 2019 UPWP includes the PROJECT as part of the approved FY 2019 Pedestrian and Bicycle Facilities Design Assistance Program.

3. The consultant contract for the PROJECT will be for an amount not to exceed (\$46,500.00). Subject to the availability of funding and approval of their respective governing bodies, funding for the PROJECT will be shared among the Parties as follows:

Maricopa Association of Governments	\$ (\$37,200.00)	80%
City of Surprise	\$ (\$9,300.00)	20%
Total	\$ (\$46,500.00)	100%

4. Cost adjustments: The MAG/CITY proportional share is to be split 80/20 for any amount less than or equal to (\$46,500.00). If the cost for the consultant is more than (\$46,500.00) it will be CITY'S responsibility to cover excess costs.
5. CITY'S financial participation is limited to paying CITY'S proportional share as provided in paragraphs 3 and 4 above. It shall be MAG's responsibility to enter into the consultant contract.
6. MAG will invoice CITY for CITY'S proportional share within thirty (30) calendar days of execution of this Agreement. The CITY shall make payment to MAG thirty (30) calendar days after receipt of invoice. The financial contribution of both Parties shall be deposited into the specified account no later than sixty (60) calendar days after payment of invoice. MAG shall maintain billing accounts and financial records during and for three (3) years after the completion of this Agreement and will produce the same to CITY upon CITY's written request.
7. All notices or demands required to be given pursuant to the terms of this Agreement shall be given to the other Party in writing, delivered in person, sent by confirmed email, deposited in the United States mail, postage prepaid, registered or certified mail, return receipt requested, or deposited with any commercial air courier or express service at the addresses set forth below, or to such address as the Parties may substitute by written notice given in the manner described in this paragraph.

For MAG:

Eric J. Anderson
Executive Director
Maricopa Association of Governments
302 North First Avenue, Suite 300
Phoenix, Arizona 85003
602-254-6300

For the City of Surprise:

Martin Lucero
Transportation Planning Manager
City of Surprise
16000 North Civic Center Plaza
Surprise AZ, 85374
623-222-3142

Notices shall be deemed received on date delivered, if delivered by hand; on the day it is sent by confirmed email; on the second day after its deposit with any commercial air courier or express service; or, if mailed, ten (10) calendar days after the notice is deposited in the United States mail as above provided; and on the delivery date indicated on receipt if delivered by certified or registered mail. Any time period stated in a notice shall be computed from the time the notice is deemed received. Notices sent by confirmed email shall also be sent by regular mail to the recipients at the above addresses. This requirement for duplication notice is not intended to change the effective date of the notice sent by confirmed email.

8. In the event that the MAG funds required for performance of this Agreement are withdrawn or are not available for funding, this Agreement, without penalty to any of the Parties, may be immediately terminated; and any financial contribution paid by CITY will be returned to CITY.
9. Any remaining unspent funds following PROJECT closeout will be retained by MAG for unrestricted use.

E) General Terms and Conditions of the Agreement

1. Governing Law. This Agreement is entered into in Arizona and shall be construed and interpreted under the laws of the State of Arizona.
2. Severability. If any provision of this Agreement is declared invalid, illegal or unenforceable, that provision shall be severed from the Agreement, and the remaining provisions shall otherwise remain in full force.
3. Hold Harmless. Each Party to this Agreement, as Indemnitor, agrees to indemnify, defend and hold harmless the other Party, and such Party's departments, officers, employees, elected officials, agents and representatives (collectively, "INDEMNITEES"), for, from and against all liability, losses, expenses, damages or claims (collectively "CLAIMS") arising from or related to the Indemnitor's performance or non-performance of its obligations pursuant to the terms of this Agreement.
4. This Agreement shall not be construed to imply authority to perform tasks, or accept any responsibility, not expressly set forth herein.
5. This Agreement shall be strictly constructed against the creation of a duty or responsibility unless the intention to do so is clearly and unambiguously set forth herein.
6. This Agreement shall be subject to cancellation for conflict of interest without penalty or further obligations as provided by A.R.S. § 38-511.
7. This Agreement constitutes the entire understanding of the Parties and supersedes all previous representations, written or oral, with respect to the services specified herein. This Agreement may not be modified or amended except by a written document, signed by authorized representatives of each Party.
8. Each Party hereby warrants and represents that it has full power and authority to enter into and perform this Agreement, and that the person signing on behalf of each has been properly authorized and empowered to enter into this Agreement. Each Party further acknowledges that it has read this Agreement, understands it, and agrees to be bound by it.

(Signature page follows)

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement.

City of Surprise, an Arizona municipal corporation

By: _____
Michael Frazier
City Manager

Date: _____

Attest:

By: _____
Sherry Aguilar
City Clerk

Maricopa Association of Governments, an Arizona non-profit corporation

By: _____
Eric J. Anderson
Executive Director

Date: _____

Reviewed as to form by General Counsel for Maricopa Association of Governments, and Counsel for the City of Surprise

I have reviewed the above referenced Agreement between MAG and the CITY OF SURPRISE, an agreement proper in form and within the powers and authority granted to the City under the laws of the State of Arizona.

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

Robert Wingo
City of Surprise
City Attorney

Mitesh V. Patel
Maricopa Association of Governments
General Counsel

APPENDIX A – SCOPE OF SERVICES

MARICOPA ASSOCIATION OF GOVERNMENTS (MAG)

SRTS PEDESTRIAN AND BICYCLE IMPROVEMENTS FOR MARLEY PARK ELEMENTARY SCHOOL

I. **WORK PLAN AND TASKS**

The purpose of this Section is to outline the major tasks required to be performed by the CONSULTANT in order to produce the needed analyses and deliverables to MAG.

The project will provide a Project Assessment (PA) and 15% design concept plans, specs and estimate for a future construction project for new median breaks on Sweetwater Avenue and Whisperwood Drive to address the vehicle/pedestrian conflicts at the intersection of Sweetwater Avenue and Whisperwood Drive. A median break on Whisperwood Drive would allow parents who have already dropped off or picked up their children to avoid driving southbound through the intersection of Sweetwater Avenue and Whisperwood Drive. A median break on Sweetwater Avenue would allow eastbound vehicles to enter the west parking lot driveway to drop off or pick up their children in the west parking lot without having to drive through the intersection of Sweetwater Avenue and Whisperwood Drive.

Task 1. **Meetings and Progress Reports**

The CONSULTANT will coordinate the Project Kickoff Meeting, held at the City of Surprise City Hall with key staff of the requesting agency, the CONSULTANT, and MAG Design Assistance attending. This meeting will include partial field review and will be scheduled within three (3) weeks of the Notice to Proceed. Project related issues will be identified and discussed at this meeting including a review of other studies conducted by the local agency, including the 2018 Safe Routes to School study to use as a basis for development of the PA. Kickoff Meeting notes will be prepared by the CONSULTANT and copies provided to City staff and the MAG Project Manager.

The CONSULTANT will coordinate and attend monthly project coordination meetings with the City Project Manager and MAG Project Manager(s). These may be in-person or by phone conference.

The CONSULTANT shall prepare for, attend, and facilitate up to three (3) stakeholder meetings. The CONSULTANT, in consultation with the City of Surprise, shall develop a schedule of meeting dates for the Stakeholders and Consultant Team. The CONSULTANT shall provide project information and graphics, when available, to the City for use at other meetings.

The CONSULTANT will provide MAG with monthly progress reports summarizing the status of the project, work completed during the reporting period, and approximate hours expended on each project. Any issues that are adversely affecting the timely completion of the project and that need to be resolved shall be identified as soon as possible and shall also be identified in the progress reports. Monthly progress reports shall be attached to the monthly invoices.

Task 2. **Data Collection and Field Review**

The CONSULTANT will collect and review all relevant plans, studies, and other information for this PA. The CONSULTANT will compile and review any available as-built plans, utility data, right-of-way information, and relevant studies.

The CONSULTANT will perform a field reconnaissance of the project site to verify existing conditions and features including above ground utilities. The CONSULTANT will conduct an inventory of intersections, driveway accesses, light poles, ADA compliance, and traffic control within the study area.

CONSULTANT will develop a topographic basefile of existing conditions that allows the project team to easily identify physical features and potential concerns within the project limits for the 15% improvements. The locations identified for survey include:

- Whisperwood Drive, approximately 150 feet on each approach to the proposed median break located approximately 350 feet north of Sweetwater Avenue
- Sweetwater Avenue, approximately 150 feet on each approach to the proposed median break located approximately 630 feet west of Whisperwood Drive

At each of the locations identified above, the following items will be surveyed:

- Existing roadway features, including pavement markings, sidewalks, curb ramps, pedestrian crossing facilities, bike facilities, curb and gutter, width of driveway, intersections, and surface types will be identified.
- Inventory results of existing signage, pavement marking, street light poles, utilities, and other elements immediately adjacent to the three study locations identified if relevant to the proposed improvement.
- Inventory results of issues identified, potential needs, and locations with ADA compliance issues
- The maps will serve as the base map to develop design alternatives.

The CONSULTANT will obtain available crash data within the project area for the most recent five (5) years.

Task 3. **Data Analysis**

The CONSULTANT shall analyze and review the data collected in Task 2. This data shall be analyzed to determine possible opportunities and constraints as related to the study area and pedestrian safety and circulation.

The CONSULTANT shall conduct initial review of the survey data and base file. This task would include: identifying sidewalks within the project limits that are non-ADA compliant, identifying existing signing, evaluating existing pavement markings, existing drainage and potential utility (overhead and underground) conflicts, permitting needs (including environmental), ownership of right-of-way, construction and seasonal considerations.

The CONSULTANT shall utilize City of Surprise, MAG, FHWA, AASHTO, and NACTO design guidance to develop design criteria (lane widths, minimum dimensions, design best practices) for this project.

The CONSULTANT shall develop up to two alternatives per feature and conduct alternatives analysis. Concepts and data collected in Task 2 will be used to identify improvements to vehicular movements to separate vehicles from high pedestrian areas to increase safety. A no-build option will also be included in the PA.

The CONSULTANT shall prepare conceptual level designs for the project area features.

The CONSULTANT shall identify necessary concept level ADA improvements exclusively for developing a construction budget within the 15% design concept.

Task 4. **Draft Project Assessment Report**

The PA document shall describe the scope, schedule and cost of the project. A Draft PA is distributed to the City and MAG for review and comment. The CONSULTANT will follow the ADOT Local Public Agency format for PAs as outlined below.

The PA document/report will include the following information:

- Project Determination – The Project Determination includes the appropriate approval signatures, describes the appropriate class of environmental documentation, estimated project costs, identifies major funding sources, and anticipated level of public involvement required during design.
- Cover Sheet – Name of the project, project number, highway or street name and number, federal project number (placeholder for future designation), location and route.
- Introduction – The purpose of the project and program information
- Background – This section addresses year of construction, previous upgrade projects, roadway functional classification, if the roadway is on the National Highway System, existing typical section, general features such as structures, major drainage, major traffic control items, railroad crossings, major utilities, overview of other studies conducted, which caused the project to be programmed.
- Describe the general intersection or corridor right-of-way. Identify the type of right-of-way; easement or deed. General land ownership should also be identified (Private, other jurisdiction, etc.) whenever possible.
- Project Scope – Description of the proposed pedestrian and/or bicycle improvements and recommended project scope.
- Development Considerations – The PA will include a discussion of the following considerations:
 - Environmental requirements which will include the following:
 - Biological Resources
 - Cultural resources
 - Air Quality
 - Noise
 - Required Land Use Actions
 - Sections 4(f) and 6(f)
 - Hazardous Materials
 - Water Resources
 - Socioeconomics
 - Visual Resources
 - Agency Coordination
 - Required Permits
 - Outside agency involvement to include, as necessary, project locations that are likely to involve lengthy clearance procedures. Such locations will include projects involving the Forest Service, Bureau of Land

Management, Indian Reservations, railroad or irrigation companies, and certain urban settings.

- Right-of-way requirements; state whether new right-of-way or easements will be required and, whenever possible the identification of the owner.
- Utility relocation requirements. Describe any utility impacts, and how the relocation of the utilities is expected to be accomplished (work done by the utility company, bid item in the construction project), how the work is to be financed (local funds or federal aid funds), prior rights issues.
- Seasonal considerations; address field survey, data collections and testing, and the construction season.
- Traffic requirements; discuss the need for traffic control, pavement marking, signing, and traffic signal or long-term maintenance needs.
- Survey mapping requirements
- Design alternatives; provide three (3) design alternatives (no-build, Alternative 1, Alternative 2). A full discussion of alternates is required. Any number of major alternatives may be significant depending upon the nature of a project. Each design should be given sufficient study to ensure that it is feasible. Any alternatives which deviate from standards should be noted. Discuss if any alternative scope of work was reviewed and/or considered and reason for rejection. Discuss how many alternatives should be considered. (as described in Task 3)
- Advanced design (30 to 100 percent) requirements; identify alternatives or issues that should be evaluated during future design phases.
- Design Exceptions; including identification of the requesting agency/department and from whom approval is given.
- Other requirements:
 - Reiterate funding source. If the local agency is planning on submitting the project for Federal funds; would the agency process the project under the Certification Acceptance (CA) procedures.
 - Discuss whether the project will be developed by ADOT, consultant, or by others.
- Estimated Costs
 - Describe basis of the cost estimate and special assumptions.
 - Prepare a summary of itemized costs with columns for local and other funds in the following categories:
 - Design (Preliminary Engineering)
 - Construction
 - Right-of-way
 - Utility relocation
 - 15 percent construction administration
 - Five (5) percent contingency
 - One (1) percent post design
 - Total Cost
- Special Provisions
- Coordination with nearby projects
- Discussion of Lower Cost Countermeasures Considered

- This will include discussion regarding consideration of lower cost countermeasures describing those considered or why other countermeasures are not being considered.
- Vicinity Map
 - Project location and vicinity maps
- Design concepts (as described in Task 3)
- Preliminary Plans
 - Plan cover sheet
 - General note sheet
 - Legend, index and survey control sheet
 - Roadway design sheets
 - Ramp detail sheets

Task 5. **Final Project Assessment Report**

The PA document review team will consist of key City of Surprise staff and the MAG project manager(s). The PA review team will be provided a minimum of three full weeks to review the Draft PA and submit comments to the CONSULTANT. The CONSULTANT will review all comments and provide a Summary of Comments along with initial responses to the comments. The CONSULTANT will coordinate a comment resolution meeting to be held within one week from the deadline for receiving comments. The CONSULTANT will schedule and facilitate a comment resolution meeting with the PA team for the final disposition of all comments.

The CONSULTANT will prepare a “Final” PA document that would reflect the consensus on scope, schedule and cost and include all elements described in Task 4 with all pertinent documents. The Final PA document shall address all comments on the Draft PA that have been received from the local public agency and MAG. The Final PA will be submitted electronically to MAG within twenty-six (26) weeks of NTP. The “Final” PA will be delivered in Microsoft Word and Adobe Acrobat PDF file versions.

Note: If the project is funded for design and/or construction using Federal funds, the “Final” PA document will need to be labeled as Draft PA for submittal to ADOT during the design stage.

Task 6. **Executive Summary and Regional Significance Report**

CONSULTANT will prepare an executive summary of the project. The summary shall include an aerial map of the area, before and after images, renderings, and a brief description of the pedestrian/bicycle design assistance project and key recommendations. A primary goal of the summary shall be to provide an explanation of the regional significance of the project and lessons learned from this project that could be applied to the other areas of the region to help improve the pedestrian/bicycle environment. The summary will include text to describe the short term and long-term Safe Routes to School improvements and their impacts to the City of Surprise. The summary shall be reviewed by the MAG Program Manager and comments shall be incorporated into the draft summary to create a final version.

II. **DELIVERABLES**

Task 1: Notes from the Project Kickoff Meeting including an account of the field review; date, time, attendees, observations made, and measurements taken (if any). Participation in monthly project coordination meetings and monthly progress reports. Meeting minutes for stakeholder meetings.

Task 2: Crash data summary. Confirmation of survey and field review.

Task 3: AutoCAD base file. A USB drive of all project photos (in .jpg format). High resolution versions of all prepared graphics.

Task 4: Prepare and deliver Draft Project Assessment Report. One PDF and one Microsoft Word version of the PA delivered to the City of Surprise and MAG project manager(s) via e-mail for distribution.

Task 5: Prepare and deliver to City of Surprise and MAG a summary of comments and initial responses to the comments. Prepare and deliver comment resolution meeting minutes including disposition of the discussion of consensus on scope, alternatives, schedule and cost. Document the final disposition of all comments received on the Draft PA. Prepare Final PA Report including all pertinent documents.

Task 6: Prepare and deliver to MAG an executive summary and regional significance report.

III. **SCHEDULE**

It is anticipated that the project will commence on or about May 22, 2019, and will be completed by December 18, 2019.

<u>Task</u>	<u>Schedule for Completion</u>
1. Meetings and Progress Reports	November 20, 2019
2. Data Collection and Field Review	June 26, 2019
3. Data Analysis	July 31, 2019
4. Draft Project Assessment	August 28, 2019
5. Final Project Assessment	November 20, 2019
6. Summary & Regional Significance	December 11, 2019

IV. **BUDGET**

The budget for the project by task is as follows:

<u>Task</u>	<u>Budget</u>
1. Meetings and Progress Reports	\$ 3,902.05
2. Data Collection and Field Review	\$ 4,884.73
3. Data Analysis	\$ 11,327.32
4. Draft Project Assessment	\$ 18,128.67
5. Final Project Assessment	\$ 5,322.70
6. Executive Summary and Regional Significance Report	\$ 2,910.75
Total	\$46,476.22

EXHIBIT B

INTERGOVERNMENTAL AGREEMENT BETWEEN
THE CITY OF SURPRISE AND MARICOPA ASSOCIATION OF
GOVERNMENTS
FOR PEDESTRIAN AND BICYCLE IMPROVEMENTS FOR
SONORAN HEIGHTS AND RANCHO GABRIELA ELEMENTARY SCHOOLS

AGREEMENT BETWEEN
MARICOPA ASSOCIATION OF GOVERNMENTS
AND THE CITY OF SURPRISE
FOR PEDESTRIAN AND BICYCLE IMPROVEMENTS FOR SONORAN HEIGHTS AND
RANCHO GABRIELA ELEMENTARY SCHOOLS

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CITY is authorized by Arizona Revised Statutes § 11-952 to enter into this Agreement.

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The goal of the PROJECT is to provide a Project Assessment (PA) and 15% design concept plans for a future construction project for a total of five (5) recommended Engineering strategies for Sonoran Heights and Rancho Gabriela Elementary Schools.

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For MAG:

Eric J. Anderson
Executive Director
Maricopa Association of Governments
302 North First Avenue, Suite 300
Phoenix, Arizona 85003
602-254-6300

For the City of Surprise:

Martin Lucero
Transportation Planning Manager
City of Surprise
16000 North Civic Center Plaza
Surprise AZ, 85374
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(Signature page follows)

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement.

City of Surprise, an Arizona municipal corporation

By: _____
Michael Frazier
City Manager

Date: _____

Attest:

By: _____
Sherry Aguilar
City Clerk

Maricopa Association of Governments, an Arizona non-profit corporation

By: _____
Eric J. Anderson
Executive Director

Date: _____

Reviewed as to form by General Counsel for Maricopa Association of Governments, and Counsel for the City of Surprise

I have reviewed the above referenced Agreement between MAG and the CITY OF SURPRISE, an agreement proper in form and within the powers and authority granted to the City under the laws of the State of Arizona.

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

Robert Wingo
City of Surprise
City Attorney

Mitesh V. Patel
Maricopa Association of Governments
General Counsel

APPENDIX A – SCOPE OF SERVICES

MARICOPA ASSOCIATION OF GOVERNMENTS (MAG)

SRTS PEDESTRIAN AND BICYCLE IMPROVEMENTS FOR SONORAN HEIGHTS AND RANCHO GABRIELA ELEMENTARY SCHOOLS

I. WORK PLAN AND TASKS

The purpose of this Section is to outline the major tasks required to be performed by the CONSULTANT in order to produce the needed analyses and deliverables to MAG.

The project will provide a Project Assessment (PA) and 15% design concept plans, specs and estimate for a future construction project for a total of five (5) recommended Engineering strategies for Sonoran Heights and Rancho Gabriela Elementary Schools. They include:

- 1) Provide wayfinding to accessible crossing northwest of Cholla Street/ Gabriela Drive roundabout or identify new crossing location;
- 2) Install Variable Message Signs and Speed Feedback Signs on Bullard Avenue at the Cholla Street crosswalk;
- 3) Construct new northbound right turn lane on Greer Ranch Parkway into Sonoran Heights Elementary School's driveway;
- 4) Upgrade existing crosswalk on Mescal Street on the eastside of Greer Ranch Parkway to a white ladder-style crosswalk;
- 5) Install ADA compliant curb ramp and striped crosswalk connecting the park's sidewalk to the sidewalk in front of the Sonoran Heights Elementary School.

Task 1. Meetings and Progress Reports

The CONSULTANT will coordinate the Project Kickoff Meeting, held at the City of Surprise City Hall with key staff of the requesting agency, the CONSULTANT, and MAG Design Assistance attending. This meeting will include partial field review and will be scheduled within three (3) weeks of the Notice to Proceed. Project related issues will be identified and discussed at this meeting including a review of other studies conducted by the local agency, including the 2018 Safe Routes to School study to use as a basis for development of the PA. Kickoff Meeting notes will be prepared by the CONSULTANT and copies provided to City staff and the MAG Project Manager.

The CONSULTANT will coordinate and attend monthly project coordination meetings with the City Project Manager and MAG Project Manager(s). These may be in-person or by phone conference.

The CONSULTANT shall prepare for, attend, and facilitate up to three (3) stakeholder meetings. The CONSULTANT, in consultation with the City of Surprise, shall develop a schedule of meeting dates for the Stakeholders and Consultant Team. The CONSULTANT shall provide project information and graphics, when available, to the City for use at other meetings.

The CONSULTANT will provide MAG with monthly progress reports summarizing the status of the project, work completed during the reporting period, and approximate hours expended on each project. Any issues that are adversely affecting the timely completion of the project and that need to be resolved shall be identified as soon as possible and shall also be identified in the progress reports. Monthly progress reports shall be attached to the monthly invoices.

Task 2. **Data Collection and Field Review**

The CONSULTANT will collect and review all relevant plans, studies, and other information for this PA. The CONSULTANT will compile and review any available as-built plans, utility data, right-of-way information, and relevant studies.

The CONSULTANT will perform a field reconnaissance of the project site to verify existing conditions and features including above ground utilities. The CONSULTANT will conduct an inventory of intersections, driveway accesses, light poles, ADA compliance, and traffic control within the study area.

CONSULTANT will develop a topographic basefile of existing conditions that allows the project team to easily identify physical features and potential concerns within the project limits for the 15% improvements. The locations identified for survey include:

- the intersection of Cholla Street and Gabriela Drive
- the intersection of Greer Ranch Parkway and Cholla Street
- the intersection of Greer Ranch Parkway and Mescal Street
- the park area adjacent to Sonoran Heights Elementary School

At each of the locations identified above, the following items will be surveyed:

- Existing roadway features, including pavement markings, sidewalks, curb ramps, pedestrian crossing facilities, bike facilities, curb and gutter, width of driveway, intersections, and surface types will be identified.
- Inventory results of existing signage, pavement marking, street light poles, utilities, and other elements immediately adjacent to the three study locations if relevant to the proposed improvement.
- Inventory results of issues identified, potential needs, and locations with ADA compliance issues
- The maps will serve as the base map to develop design alternatives.

The locations identified for variable message signs (VMS) and/or speed feedback signs are not expected to warrant a topographic survey. The CONSULTANT will create a base file for these locations based on aerial photography since no roadway or sidewalk modifications are proposed at these locations.

The CONSULTANT will obtain available crash data within the project area for the most recent five (5) years. The CONSULTANT will obtain 48 hours of 15-min approach and departure and speed volumes at three mid-block locations between identified speed feedback sign locations.

Task 3. **Data Analysis**

The CONSULTANT shall analyze and review the data collected in Task 2. This data shall be analyzed to determine possible opportunities and constraints as related to the study area and pedestrian safety and circulation.

The CONSULTANT shall conduct initial review of the survey data and base file. This task would include: identifying sidewalks within the project limits that are non-ADA compliant, identifying existing signing, evaluating existing pavement markings, existing drainage and potential utility (overhead and underground) conflicts, permitting needs (including environmental), ownership of right-of-way, construction and seasonal considerations.

The CONSULTANT shall utilize City of Surprise, MAG, FHWA, AASHTO, and NACTO design guidance to develop design criteria (lane widths, minimum dimensions, design best practices) for this project.

The CONSULTANT shall develop up to two alternatives per feature and conduct alternatives analysis. Concepts and data collected in Task 2 will be used to identify improvements for sidewalk gaps, ADA compliant ramps, high-visibility crosswalks, a pedestrian refuge area for protected pedestrian crossings. A no-build option will also be included in the PA.

The CONSULTANT shall prepare conceptual level designs for the project area features.

The CONSULTANT shall identify necessary concept level ADA improvements exclusively for developing a construction budget within the 15% design concept.

Task 4. **Draft Project Assessment Report**

The PA document shall describe the scope, schedule and cost of the project. A Draft PA is distributed to the City and MAG for review and comment. The CONSULTANT will follow the ADOT Local Public Agency format for PAs as outlined below.

The PA document/report will include the following information:

- Project Determination – The Project Determination includes the appropriate approval signatures, describes the appropriate class of environmental documentation, estimated project costs, identifies major funding sources, and anticipated level of public involvement required during design.
- Cover Sheet – Name of the project, project number, highway or street name and number, federal project number (placeholder for future designation), location and route.
- Introduction – The purpose of the project and program information
- Background – This section addresses year of construction, previous upgrade projects, roadway functional classification, if the roadway is on the National Highway System, existing typical section, general features such as structures, major drainage, major traffic control items, railroad crossings, major utilities, overview of other studies conducted, which caused the project to be programmed.
- Describe the general intersection or corridor right-of-way. Identify the type of right-of-way; easement or deed. General land ownership should also be identified (Private, other jurisdiction, etc.) whenever possible.
- Project Scope – Description of the proposed pedestrian and/or bicycle improvements and recommended project scope.
- Development Considerations – The PA will include a discussion of the following considerations:
 - Environmental requirements which will include the following:
 - Biological Resources
 - Cultural resources
 - Air Quality

- Noise
- Required Land Use Actions
- Sections 4(f) and 6(f)
- Hazardous Materials
- Water Resources
- Socioeconomics
- Visual Resources
- Agency Coordination
- Required Permits
- Outside agency involvement to include, as necessary, project locations that are likely to involve lengthy clearance procedures. Such locations will include projects involving the Forest Service, Bureau of Land Management, Indian Reservations, railroad or irrigation companies, and certain urban settings.
- Right-of-way requirements; state whether new right-of-way or easements will be required and, whenever possible the identification of the owner.
- Utility relocation requirements. Describe any utility impacts, and how the relocation of the utilities is expected to be accomplished (work done by the utility company, bid item in the construction project), how the work is to be financed (local funds or federal aid funds), prior rights issues.
- Seasonal considerations; address field survey, data collections and testing, and the construction season.
- Traffic requirements; discuss the need for traffic control, pavement marking, signing, and traffic signal or long-term maintenance needs.
- Survey mapping requirements
- Design alternatives; provide three (3) design alternatives (no-build, Alternative 1, Alternative 2). A full discussion of alternates is required. Any number of major alternatives may be significant depending upon the nature of a project. Each design should be given sufficient study to ensure that it is feasible. Any alternatives which deviate from standards should be noted. Discuss if any alternative scope of work was reviewed and/or considered and reason for rejection. Discuss how many alternatives should be considered. (as described in Task 3)
- Advanced design (30 to 100 percent) requirements; identify alternatives or issues that should be evaluated during future design phases.
- Design Exceptions; including identification of the requesting agency/department and from whom approval is given.
- Other requirements:
 - Reiterate funding source. If the local agency is planning on submitting the project for Federal funds; would the agency process the project under the Certification Acceptance (CA) procedures.
 - Discuss whether the project will be developed by ADOT, consultant, or by others.
- Estimated Costs
 - Describe basis of the cost estimate and special assumptions.
 - Prepare a summary of itemized costs with columns for local and other funds in the following categories:
 - Design (Preliminary Engineering)

- Construction
 - Right-of-way
 - Utility relocation
 - 15 percent construction administration
 - Five (5) percent contingency
 - One (1) percent post design
 - Total Cost
- Special Provisions
 - Coordination with nearby projects
 - Discussion of Lower Cost Countermeasures Considered
 - This will include discussion regarding consideration of lower cost countermeasures describing those considered or why other countermeasures are not being considered.
 - Vicinity Map
 - Project location and vicinity maps
 - Design concepts (as described in Task 3)
 - Preliminary Plans
 - Plan cover sheet
 - General note sheet
 - Legend, index and survey control sheet
 - Wayfinding upgrades at Cholla Street and Gabriela Drive
 - Right turn lane at Sonoran Heights Driveway
 - Ramp detail sheets
 - VMS and Speed Feedback Layouts along Bullard Ave
 - VMS and Speed Feedback Specification

Task 5. **Final Project Assessment Report**

The PA document review team will consist of key City of Surprise staff and the MAG project manager(s). The PA review team will be provided a minimum of three full weeks to review the Draft PA and submit comments to the CONSULTANT. The CONSULTANT will review all comments and provide a Summary of Comments along with initial responses to the comments. The CONSULTANT will coordinate a comment resolution meeting to be held within one week from the deadline for receiving comments. The CONSULTANT will schedule and facilitate a comment resolution meeting with the PA team for the final disposition of all comments.

The CONSULTANT will prepare a "Final" PA document that would reflect the consensus on scope, schedule and cost and include all elements described in Task 4 with all pertinent documents. The Final PA document shall address all comments on the Draft PA that have been received from the local public agency and MAG. The Final PA will be submitted electronically to MAG within thirty-three (33) weeks of NTP. The "Final" PA will be delivered in Microsoft Word and Adobe Acrobat PDF file versions.

Note: If the project is funded for design and/or construction using Federal funds, the "Final" PA document will need to be labeled as Draft PA for submittal to ADOT during the design stage.

Task 6. Executive Summary and Regional Significance Report

CONSULTANT will prepare an executive summary of the project. The summary shall include an aerial map of the area, before and after images, renderings, and a brief description of the pedestrian/bicycle design assistance project and key recommendations. A primary goal of the summary shall be to provide an explanation of the regional significance of the project and lessons learned from this project that could be applied to the other areas of the region to help improve the pedestrian/bicycle environment. The summary will include text to describe the short term and long-term Safe Routes to School improvements and their impacts to the City of Surprise. The summary shall be reviewed by the MAG Program Manager and comments shall be incorporated into the draft summary to create a final version.

II. DELIVERABLES

Task 1: Notes from the Project Kickoff Meeting including an account of the field review; date, time, attendees, observations made, and measurements taken (if any). Participation in monthly project coordination meetings and monthly progress reports. Meeting minutes for stakeholder meetings.

Task 2: Crash data summary. Traffic volume and speed data files. Confirmation of survey and field review.

Task 3: AutoCAD base file. A USB drive of all project photos (in .jpg format). High resolution versions of all prepared graphics.

Task 4: Prepare and deliver Draft Project Assessment Report. One PDF and one Microsoft Word version of the PA delivered to the City of Surprise and MAG project manager(s) via e-mail for distribution.

Task 5: Prepare and deliver to City of Surprise and MAG a summary of comments and initial responses to the comments. Prepare and deliver comment resolution meeting minutes including disposition of the discussion of consensus on scope, alternatives, schedule and cost. Document the final disposition of all comments received on the Draft PA. Prepare Final PA Report including all pertinent documents.

Task 6: Prepare and deliver to MAG an executive summary and regional significance report.

III. SCHEDULE

It is anticipated that the project will commence on or about May 22, 2019, and will be completed by January 29, 2020.

<u>Task</u>	<u>Schedule for Completion</u>
1. Meetings and Progress Reports	January 8, 2019
2. Data Collection and Field Review	June 26, 2019
3. Data Analysis	August 14, 2019
4. Draft Project Assessment	October 9, 2019
5. Final Project Assessment	January 8, 2020
6. Summary & Regional Significance	January 29, 2020

IV. **BUDGET**

The budget for the project by task is as follows:

<u>Task</u>	<u>Budget</u>
1. Meetings and Progress Reports	\$ 6,831.75
2. Data Collection and Field Review	\$ 7,566.32
3. Data Analysis	\$ 10,879.02
4. Draft Project Assessment	\$ 20,951.03
5. Final Project Assessment	\$ 10,373.90
6. Executive Summary and Regional Significance Report	\$ 2,891.81
Total	\$59,493.83



City Council

Community Development, June 18, 2019

Design Assistance

Project Assessment and 15% Design Concept

Traffic Conflicts

- Sweetwater and Whisperwood
 - Vehicle/Pedestrian
 - U-turns
 - Discuss Geometry

Coordination

- School Crossing
 - Southeast Overflow Parking
 - Marley Park City Parking Lot



Design Assistance

Project Assessment and 15% Design Concept

Traffic Conflicts

- Greer Ranch
 - Single Vehicle Travel Lane
 - Vehicle Block Pedestrian Crossing
 - Discuss Geometry

Coordination

- School Crossing
 - City Park
 - HOA Community Paths





Project Details

Project Assessment and 15% Design Concept

Fiscal Year	Project Name	Total Amount	Federal Match	Local Match
FY 20	Pedestrian and Bicycle Improvements for Marley Park	\$46,500	\$37,200	\$9,300
FY 20	Pedestrian and Bicycle Improvements for Sonoran Heights and Rancho Gabriel Elementary	\$59,500	\$47,600	\$11,900
	TOTAL	\$106,000	\$84,800	\$21,200



QUESTIONS OR COMMENTS?

Thank You



CITY OF SURPRISE Regular City Council Meeting

Council Meeting Date: June 18, 2019
Submitting Department: Public Works
Staff Recommendations: None

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

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

Consideration and action on the First Amendment to the Intergovernmental Agreement between the City of Surprise and Regional Public Transit Authority (RPTA) for Fiscal Year 2020 transit services, Resolution #2019-30.

Motion:

I move to approve Resolution #2019-30.

Background:

The City contracts with the Valley Metro Regional Public Transportation Authority ("RPTA") for all of its transit services. This IGA reflects transit services that are planned as part of the FY2020 budget process, and each agencies duties and responsibilities.

The services include the 571 Express Route, Regional ADA services for ADA certified residents the City's Senior Shuttle service, and demand transit services through the RideChoice program.

Objective Analysis:

This action will allow the City to partner with the Region for express bus service, Regional ADA, senior shuttle and demand transit services to residents of Surprise. The cost of these services is estimated to be \$1,412,000, the City's direct cost as outlined in the IGA is \$1,007,900. By participating as a Regional partner and taking advantage of local and Federal grant monies, and offsetting fare revenue the City is avoiding additional costs related to these services of \$404,100. The breakdown of costs is listed below. City costs for those services: (Paid to Valley Metro for services.) 571 Express Route Service ~ \$116,700. Regional ADA ~ \$301,100 Senior Shuttle ~ \$126,000 RideChoice ~ \$464,100 Total ~\$1,007,900.

Regional service costs and grant monies: (retained by Valley Metro and applied to services.) 571 Express Route Service ~ \$125,038 (El Mirage and Phoenix); 571 Express Route Service Preventative Maintenance ~ \$75,459. PTF (Prop 400 funds allocated Regional ADA ~ \$52,600. Federal Grant Monies applied to RideChoice services ~ \$42,500.

Service Fares: (Retained by contractor and applied to services.) 571 Express Route Fares ~ \$64,017
Regional ADA Fares ~ \$27,600 Senior Bus Fares ~ \$9,600 RideChoice Fares ~ \$74,676.

Policy Compliant:

This action item is policy compliant as it relates to the City's, Mayor and Council strategic plan.

Financial Impact:

This IGA is an ongoing annual contract for transit services. For FY2020, the total estimated amount the City will be obligated to pay for services provided under the contract is \$1,019,800.

Budget Impact:

The FY2020 approved annual budget includes a total of \$1,019,800 funding for transit services within the General Fund, and Arizona Lottery Fund (ALF). Funding within the ALF is dependent upon the total amount of local grant funds received from Arizona Lottery proceeds. For FY2020, this amount is estimated to be \$357,000.

FTE Impact:

There is no FTE associated with this item.

ATTACHMENTS:

1. Res. 2019-30 - IGA Amendment RPTA Final All
 2. Presentation FY20 IGA agreement Final
-

RESOLUTION # 2019-30

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

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

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

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

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

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

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

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

Section 1. The First Amendment to the Master Intergovernmental Agreement between the City and the RPTA, attached as Exhibit A, is approved.

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

APPROVED AND ADOPTED this ____ day of _____, 2019.

Skip Hall, Mayor

Attest:

Approved as to form:

Sherry Aguilar, City Clerk

Robert Wingo, City Attorney

EXHIBIT A

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

**FIRST AMENDMENT
TO
MASTER INTERGOVERNMENTAL AGREEMENT
BETWEEN
THE CITY OF SURPRISE
AND
THE REGIONAL PUBLIC TRANSPORTATION AUTHORITY
CONTRACT # 169-75-2020-01**

This Amendment dated July 1, 2019, amends the following items of the Master Intergovernmental Agreement #169-75-2019-00 (“Agreement”) entered into between the City of Surprise and the Regional Public Transportation Authority dated the 1st day of July 2018.

The following Schedules replace and supersede those Schedules of the Agreement entered into July 1, 2018.

The attached Schedule A replaces and supersedes Schedule A entered into July 1, 2018.

The attached Schedule B replaces and supersedes Schedule B entered into July 1, 2018.

The attached Schedule C replaces and supersedes Schedule C entered into July 1, 2018.

The attached Schedule D replaces and supersedes Schedule D entered into July 1, 2018.

The attached Schedule E replaces and supersedes Schedule E entered into July 1, 2018.

All other terms of the Agreement dated July 1, 2018 remain unchanged and in full force and effect.

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

REGIONAL PUBLIC TRANSPORTATION AUTHORITY (RPTA)

By: _____

Scott W. Smith, Chief Executive Officer

APPROVED AS TO FORM:

By: _____

Michael J. Minnaugh, General Counsel

CITY OF SURPRISE (MEMBER)

By: _____

Skip Hall, Mayor

By: _____

Sherry Aguilar, City Clerk

APPROVED AS TO FORM:

By: _____

Robert Wingo, Member Attorney

SCHEDULE "A" REGIONALLY FUNDED FIXED ROUTE BUS SERVICE

Sources of Project Operating Budget

I. Regionally Funded Fixed Route Bus Service **\$125,038.00** (including express)

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

FY20 Fixed Route Bus Estimate							
PTF Funded Service in the City of Surprise							
Route 571							
Funding	RPTA						
Level	Route	HASTUS	Annual Miles	Gross Costs	Fares	PM	Net Cost
W	571	El Mir	10,162	\$78,763	(\$7,198)	(\$16,013)	\$55,552
W	571	Phoe	13,877	107,554	(16,201)	(21,867)	69,486
Grand Total			24,039	\$186,317	(\$23,399)	(\$37,880)	\$125,038

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

For the period July 1, 2019 to June 30, 2020, the City of Surprise will pay the Regional Public Transportation Authority **\$106,641** for bus service on Routes in Surprise.

Payments made by the CITY to RPTA for operation of bus routes depicted in Schedule B shall consist of twelve (12) monthly installments of **\$8,886.75** commencing July 1, 2019 and shall become due within thirty (30) days of receiving an invoice from the RPTA. Any and/or all member city contingency dollars will be used to true up actual costs at the end of the fiscal year.

FY20 Fixed Route Bus Estimate							
RPTA Operated in the City of Surprise							
Surprise Funded							
Funding	Surprise						
Level	Route	HASTUS	Annual Miles	Gross Costs	Fares	PM	Net Cost
W	571	Phoe	16,253	\$125,969	(\$18,975)	(\$25,611)	\$81,383
W	571	Surp	7,596	58,869	(21,643)	(11,969)	25,257
Grand Total			23,849	\$184,838	(\$40,618)	(\$37,579)	\$106,641
Surprise Contingency							\$10,000
							\$116,641

SCHEDULE C – PARATRANSIT SERVICE AND FINANCIAL INFORMATION

Paratransit (Schedule C). Paratransit is an ADA and non-ADA shared-ride, door-to-door transportation service, previously known as Dial-a-Ride that transports designated passengers, within designated time periods, to destinations within areas where paratransit service is offered. There are two types of paratransit. Local paratransit is operated within the East Valley and serves the communities of Chandler, Gilbert, Mesa, Scottsdale and Tempe as well as adjacent County areas; and regional paratransit which serves trips which begin or end in different local paratransit service areas. Other local paratransit service is also operated within the Northwest Valley and serves the communities of El Mirage, Sun City, Sun City West, Surprise, Youngtown and the adjacent unincorporated areas of Maricopa County, and in Phoenix (operated by City of Phoenix).

Paratransit is a shared-ride, door-to-door transportation service that transports designated passengers, within designated time periods, to destinations within areas where paratransit service is offered. There are two types of paratransit. Local paratransit is operated within the East Valley and serves the communities of Chandler, Gilbert, Mesa, Scottsdale and Tempe as well as adjacent County areas. Local paratransit is also operated within the Northwest Valley and serves the communities of El Mirage, Sun City, Sun City West, Surprise, Youngtown and the adjacent unincorporated areas of Maricopa County. Regional paratransit serves trips which begin and end within different local paratransit service areas.

For the period from July 1, 2019 through June 30, 2020, the Member City will pay Valley Metro a total of **\$301,053.00** for the provision of regional paratransit services. Payments will be made monthly based on reconciliation of trips provided; grant monies and Proposition 400 monies applied, and shall become due within thirty (30) calendar days after the receipt of an invoice from RPTA. If at any time the costs of this program are projected to exceed the annual amount of **\$301,053.00** the Parties will reduce service levels to stay within the budgeted amount. The method for reimbursing the contractor is described in Schedule C, Item 8 of this agreement. For the period from July 1, 2019 through June 30, 2020, the Member City will pay Valley Metro a total of **\$125,985.00** for the provision of senior shuttle services. Payments will be made monthly based on reconciliation of trips provided; grant monies and Proposition 400 monies applied, and shall become due within thirty (30) calendar days after the receipt of an invoice

SCHEDULE C – PARATRANSIT SERVICE AND FINANCIAL INFORMATION CONT.

from RPTA. If at any time the costs of this program are projected to exceed the annual amount of **\$125,985.00** the Parties will reduce service levels to stay within the budgeted amount. The method for reimbursing the contractor is described in Schedule C, Item 8 of this agreement. Within 60 days of the close of the fiscal year, Valley Metro will conduct a final reconciliation of the paratransit program to determine the actual number of paratransit trips which are billable to each participating member. Valley Metro will use this analysis to determine which members have overpaid and which have underpaid, based on the actual service provided. In the event that either party owes the other, Valley Metro will either pay the member or invoice the member within 30 calendar days of acceptance of the final reconciliation by both parties. The member has 30 calendar days to pay any invoices pertaining to this program.

Paratransit is a shared ride door-to-door transportation program serving an East Valley service area comprising the communities of Chandler, Gilbert, Mesa, Scottsdale and Tempe, a Northwest Valley service area comprising the communities of El Mirage, Sun City, Sun City West, Surprise and Youngtown, trips to and from unincorporated Maricopa County, regional trips involving any two local paratransit service areas and trips to and from the Valley Metro Mobility Center. Paratransit is intended to comply with the requirements set forth in the Americans with Disabilities Act of 1990 (ADA) and with additional requirements set forth in the Federal Rehabilitation Act of 1973. In addition, paratransit is intended to meet other requirements established by several member communities for additional services which the program provides on behalf of qualified residents of those member communities. The goal of paratransit is to meet those transportation needs of people with disabilities who are ADA certified which cannot be met by Valley Metro's fixed-route bus and light rail service. Additionally, the goal of paratransit is to provide additional transportation services (within some participating communities) for qualified residents (including people with disabilities, seniors and other transit dependent people).

SCHEDULE C – PARATRANSIT SERVICE AND FINANCIAL INFORMATION CONT.

1. Type of Service

Paratransit is a door-to-door, shared-ride transportation system which is designed to provide service and which arrives during a thirty-minute scheduled pick-up window at least 95% of the time for all ADA and non-ADA customers.

Paratransit service is provided by a turnkey paratransit contractor who accepts trip requests, schedules service, operates a fleet of accessible vans and minivans to provide the majority of trips in a productive shared-ride manner, and who subcontracts with a local taxicab provider who operates the balance of the service with a fleet of taxicabs, vans and minivans, including vehicles which are accessible to people using mobility devices.

2. Eligibility Criteria

The ADA requires transit agencies to provide individuals with disabilities who are unable to use fixed-route transit with complementary origin-to-destination service called paratransit.

The ADA requires each transit agency to establish procedures for determining ADA paratransit eligibility. The ADA further requires each transit agency to provide a minimum of 21 calendar days of ADA paratransit service to any visitor from any area in the country, whether served by a transit agency or not.

Valley Metro determines ADA paratransit eligibility for all member communities in the Phoenix metropolitan area, including those communities who operate their own local ADA paratransit services. Valley Metro uses an in-person physical and/or functional assessment to determine when and under what conditions an individual is able to use accessible bus and rail services and when ADA paratransit is required to meet the individual's mobility needs.

Each member community which provides non-ADA paratransit service determines the populations which its non-ADA paratransit service will transport. Most communities provide non-ADA paratransit service for qualified seniors age 65 and above and ADA eligible people with disabilities. Valley Metro utilizes an application process to determine eligibility for seniors and the ADA paratransit eligibility certification process to determine eligibility for

SCHEDULE C – PARATRANSIT SERVICE AND FINANCIAL INFORMATION CONT.

people with disabilities who have not reached the age of 65. In those communities where non-ADA paratransit service is provided to other groups such as people who are economically disadvantaged, the member community determines eligibility for those groups and forwards information about eligible riders to Valley Metro who uses that information to provide service.

3. Restrictions/Priorities

Pursuant to ADA requirements, there are no trip priorities for ADA paratransit service. Some communities who provide non-ADA paratransit service have established priorities for trips to and from work and/or life-sustaining medical treatments.

4. Fares

In most communities, fares for ADA paratransit comply with Valley Metro's Board adopted paratransit fare structure. Several Northwest Valley communities have adopted ADA paratransit fares which are lower than the region's approved ADA paratransit fare structure. Non-ADA Dial-a-Ride fares are established by each community which provides non-ADA Dial-a-Ride service. There are no fares for trips to and from the Valley Metro Mobility Center. Information about current paratransit fares are available at the following link: <http://www.valleymetro.org/ada-paratransit-service-fare-information>

5. Days and Hours of Service

Local paratransit service in the East Valley operates daily from 4:00 AM to 1:00 AM. At other times, ADA paratransit is available within $\frac{3}{4}$ miles of a bus route or light rail station where service is operating. Regional paratransit service operates daily between 5:00 AM and 10:00 PM. At other times, ADA paratransit is available within $\frac{3}{4}$ miles of a bus route or light rail station where service is operating.

Service to and from the Mobility Center operates during Mobility Center hours of operation which are generally from 8:00 AM to 5:00 PM.

SCHEDULE C – PARATRANSIT SERVICE AND FINANCIAL INFORMATION CONT.

6. Service Area

Attachment 2 shows the Northwest Valley local paratransit service area. Attachment 3 shows the Regional paratransit service area.

7. Complaints

Valley Metro's Customer Service Department processes customer complements, comments and complaints for all paratransit services. Information about Valley Metro's customer service policies and procedures can be found on Valley Metro's website (<https://www.valleymetro.org/contact-valley-metro>). In the event of a complaint, Valley Metro and/or the appropriate paratransit agency or contractor is responsible for researching, resolving, responding to customers, and for documenting its response back to Valley Metro. Routine service complaints must be addressed within five (5) business days. Urgent complaints must be addressed, to the extent practicable, within twenty-four hours. ADA complaints must undergo a federally mandated seven-step review process, and be fully researched, resolved and documented within 45 calendar days. Each community is responsible for establishing a process for ensuring that customers who wish to file complaints are referred to Valley Metro's Customer Service Department, and each community is responsible for monitoring Valley Metro's performance in this area. Member reviews monthly customer service complaints, as described in the City of Surprise Public Works Department's Transit Policy, to ensure Valley Metro is complaint with the complaint timelines identified herein and within this Agreement.

8. Payment to Provider

Exhibit A "Payment Schedule" of Valley Metro's paratransit provider contract outlines the method of reimbursement which will be used for these services:

- Fixed Fee – The RPTA's contracted paratransit contractor will bill the agency a monthly

SCHEDULE C – PARATRANSIT SERVICE AND FINANCIAL INFORMATION CONT

- fixed fee which will be allocated to each member based on its budgeted share of total paratransit trips to be provided.
- Per-Trip Charges – The RPTA’s paratransit contractor will bill the agency a set amount for each paratransit trip to be provided. Each member will be billed for each trip provided to its residents as well as for its share of trips provided to visitors as defined within the ADA. The member’s share for visitor per-trip costs will be equal to its share of the paratransit contractor’s fixed fee.
- Fuel – The RPTA’s paratransit contractor will be reimbursed for fuel used by dedicated vehicles on a pass-through basis with no mark-up. These fuel reimbursements are further limited to the average price for fuel in the Phoenix metropolitan area as well as to the expected level of fuel consumption as specified by each vehicle’s Original Equipment Manufacturer (OEM). Each member’s share of reimbursable fuel costs is equal to its share of the paratransit contractor’s fixed fee.
- Performance-Related Incentives and Liquidated Damages – The RPTA’s paratransit contractor will be eligible to receive incentives for exceptional performance, and to be assessed liquidated damages for poor service. The RPTA will bill each member agency its share of incentives, and the RPTA will credit each member for its share of liquidated
- damages. Each member agency’s share of billed incentives and credited liquidated damages will be equal to its share of the paratransit contractor’s monthly fixed fee.
- RPTA Overhead – the RPTA will bill each member agency a portion of the overhead required for the RPTA to oversee, manage and report on these services. Each member’s share of RPTA overhead will be equal to the member’s share of the paratransit contractor’s fixed fee.
- Passenger Fares – The paratransit contractor will collect a fare from each rider in accordance with the paratransit fare structure established by the RPTA and/or as agreed to between the RPTA and the member. The paratransit contractor will retain fares paid in cash as partial payment for the service provided, and the member will be credited for
- these fares. Each member will be credited those cash fares collected from those riders whose service is attributed to that member.

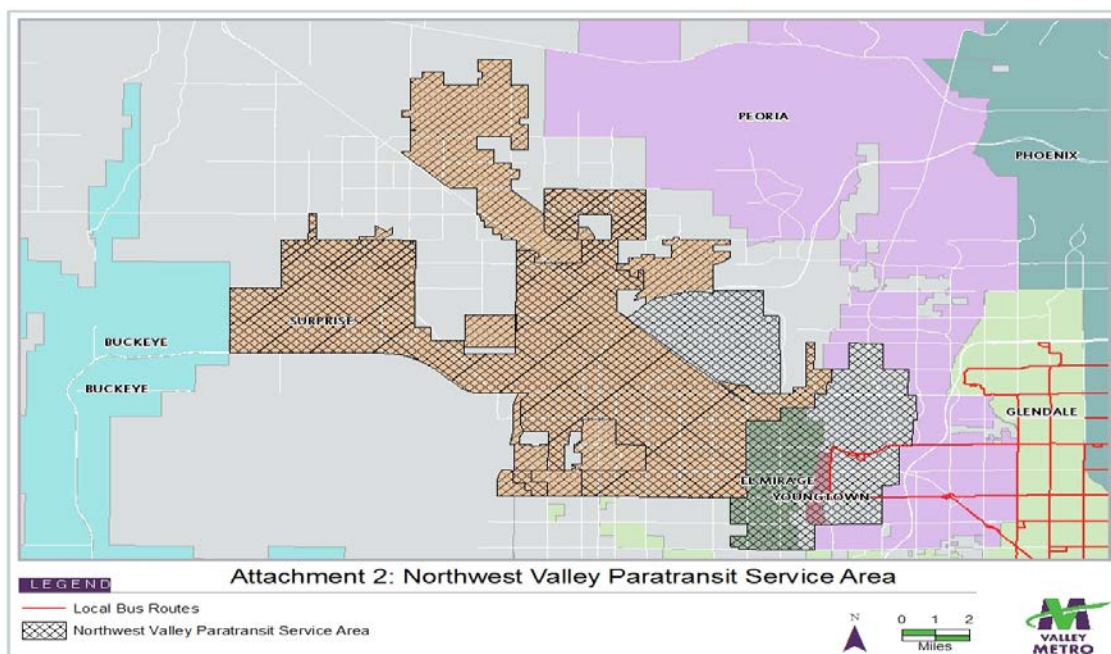
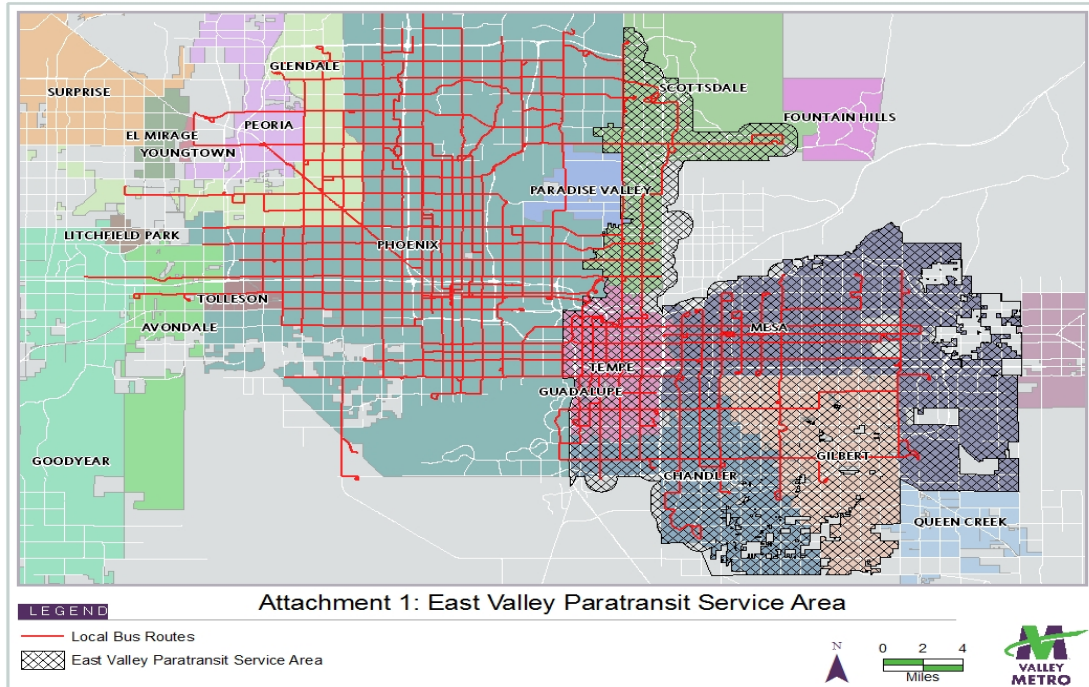
SCHEDULE C – PARATRANSIT SERVICE AND FINANCIAL INFORMATION CONT.

9. Program Management

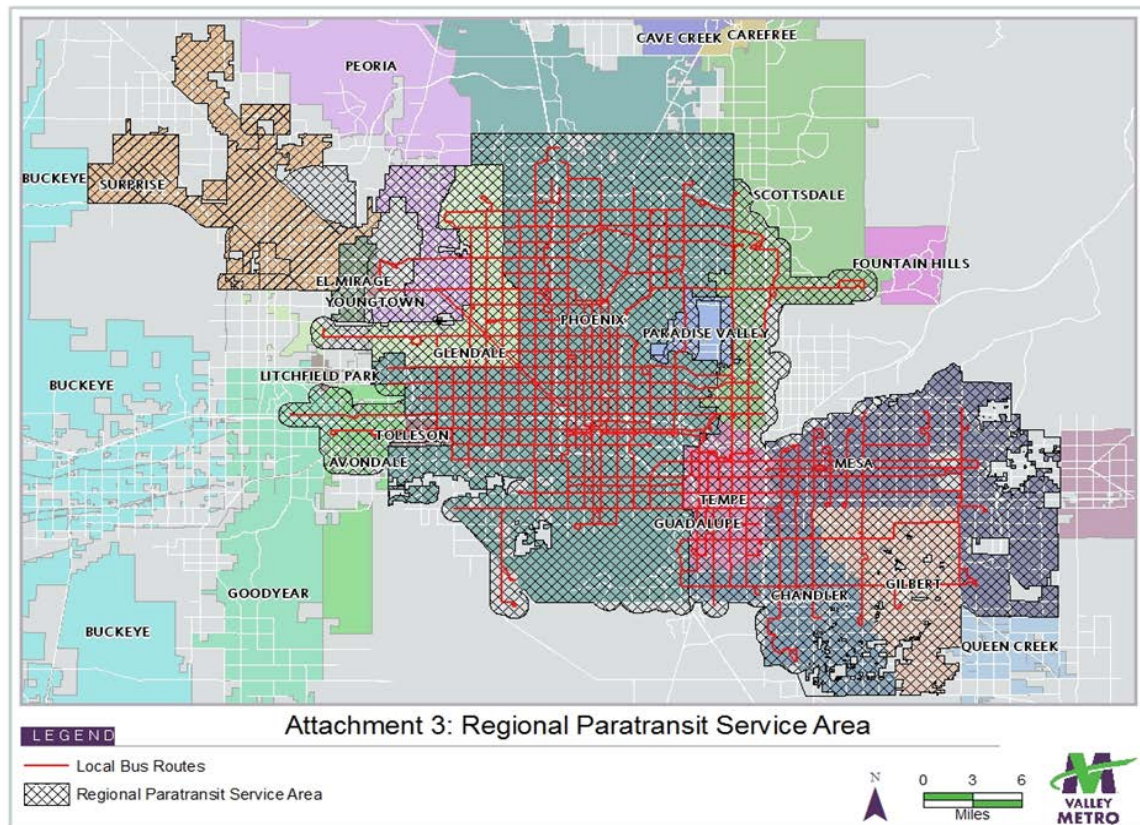
Valley Metro shall serve as Contract Administrator and shall be responsible for the following:

- Ensure that all paratransit services are provided in accordance with all applicable federal, state and local laws and requirements as well as prevailing industry standards and best practices
- Establish (in consultation with participating member communities) all paratransit policies, procedures and practices
- Select and oversee the paratransit contractor(s) and any subcontractor(s) thereto
- Oversee and manage the regional ADA eligibility certification process
- Receive, document, research, resolve and report on customer complements, concerns and complaints
- Process and pay contractor invoices
- Provide data and reports as agreed upon by Valley Metro and the member communities
- Administer federal, regional, and local project funds
- Provide marketing and management support as needed

SCHEDULE C – PARATRANSIT SERVICE AND FINANCIAL INFORMATION CONT **EAST VALLEY, NORTHWEST VALLEY AND REGIONAL** **PARATRANSIT SERVICE AREAS**



SCHEDULE C – PARATRANSIT SERVICE AND FINANCIAL INFORMATION CONT
EAST VALLEY, NORTHWEST VALLEY AND REGIONAL
PARATRANSIT SERVICE AREAS



SCHEDULE "C" –PARATRANSIT SERVICES COST ESTIMATE

FY20 Paratransit Service

Funded by City of Surprise

Trips:	Senior Shuttle	Paratransit (Regional)	Paratransit + Senior Shuttle
ADA Trips			
Non-ADA Trips	4,800	6,900	11,700
Total Trips	4,800	6,900	11,700
Cost:			
Contractor Transportation Cost	\$119,585	\$360,801	\$480,386
RPTA Salaries, Fringes & OHD	\$9,000	\$7,452	\$16,452
Contract Contingency	\$7,000	\$13,000	\$20,000
Total Gross Program Cost	\$135,585	\$381,253	\$516,838
 Total Fare Revenue	 ((\$9,600))	 ((\$27,600))	 ((\$37,200))
Federal Funding	\$0	\$0	\$0
Total Net Program Cost Before PTF	\$125,985	\$353,653	\$479,638
 Cost for ADA Service	 \$0	 \$0	 \$0
Cost for Non-ADA Service	\$125,985	\$353,653	\$479,638
Net Program Cost	\$125,985	\$353,653	\$479,638
 PTF Balance Available	 \$0	 \$52,600	 \$52,600
PTF Applied	\$0	\$52,600	\$52,600
Member City Contributions:			
ADA-Costs	\$0	\$0	\$0
Non-ADA Costs	\$125,985	\$301,053	\$125,985
Total Member City Contribution	\$125,985	\$301,053	\$427,038

SCHEDULE “D” –RIDE CHOICE PROGRAM SERVICES

Ride Choice Program. This program includes the RideChoice Fare Card and the RideChoice Medical Trip Card. The programs are for seniors 65 years of age and over, and individuals with disabilities. The RideChoice Fare Card allows qualified residents of participating communities to travel using any participating transportation provider for a specified amount of service per month, at a significantly reduced cost. Each participating community establishes the level of subsidy that it will provide for its residents. The RideChoice Medical Trip card allows qualified residents of participating communities to travel to and from life-sustaining medical services such as dialysis, chemotherapy or radiation treatments at no cost. Each participating community pays 100% of the cost of this service for its residents. This program is being phased out over time and is only available for residents who are already receiving the service.

The City of Surprise agrees to participate and financially support the RideChoice Transportation Services program for Fiscal Year 2019-2020. The City of Surprise shall fund this project in the amount of **\$464,102.00** for the period July 1, 2019 to June 30, 2020. Payments will be made monthly based on reconciliation of trips provided; grant monies and Proposition 400 monies applied, and shall become due within thirty (30) calendar days after the receipt of an invoice from RPTA. If at any time the costs of this program are projected to exceed the annual amount of **\$464,102.00** the Parties will reduce service levels to stay within the budgeted amount. Any and/or all member city contingency dollars will be used to true up actual costs at the end of the fiscal year.

SCHEDULE “D” –RIDE CHOICE PROGRAM SERVICES COST ESTIMATE

RPTA shall administer and manage the Ride Choice Program, and provide CITY monthly operating reports, which include year to date expense, revenue, number of participants enrolled monthly, cumulative enrollment, active participants and other relevant program data.

FY20 Paratransit Service

Funded by City of Surprise

	RideChoice Ambulatory	RideChoice Wheelchair	Total RideChoice
Trips:			
Ride Choice Trips	16,002	5,334	21,336
Total Trips	16,002	5,334	21,336
Cost:			
Contractor Transportation Cost	\$272,034	\$218,694	\$490,728
RPTA Salaries, Fringes & OHD	\$35,275	\$35,275	\$70,550
Total Gross Program Cost	\$307,309	\$253,969	\$561,278
Total Fare Revenue	(\$48,006)	(\$26,670)	(\$74,676)
Federal funding	\$0	(\$42,500)	(\$42,500)
Total Net Program Cost	\$259,303	\$184,799	\$444,102
City Contingency			\$20,000
Total Member City Contribution	\$259,303	\$184,799	\$464,102

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

For the period July 1, 2019 to June 30, 2020 the maximum amount of Public Transportation Funds (PTF) available for the City of Surprise is **\$52,600.00**. The PTF will pay actual costs for ADA trips and other trips taken by ADA certified individuals using non-ADA service or the RideChoice program up to the maximum amount. A final reconciliation at fiscal year-end will be performed and adjustments, if necessary, will be made using actual ADA eligible costs.

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

Maximum amount: **\$52,600.00**



TRANSIT IGA AND UPDATE

PUBLIC WORKS DEPARTMENT JUNE 18, 2019

OVERVIEW

- Annual renewal for contracted transit services
 - No changes in contract
- Update on RideChoice performance
 - 5 months (December – April)
- Regional ADA performance
 - 5 months (December – April)

SERVICES

- 571 Express Route
- Senior Shuttle
- Regional ADA service
- RideChoice
- Platinum Pass
 - Allows for ADA certified riders to use bus and rail rather than para-transit at no cost to the user. Fully paid for by regional public transportation funds

IGA Standards

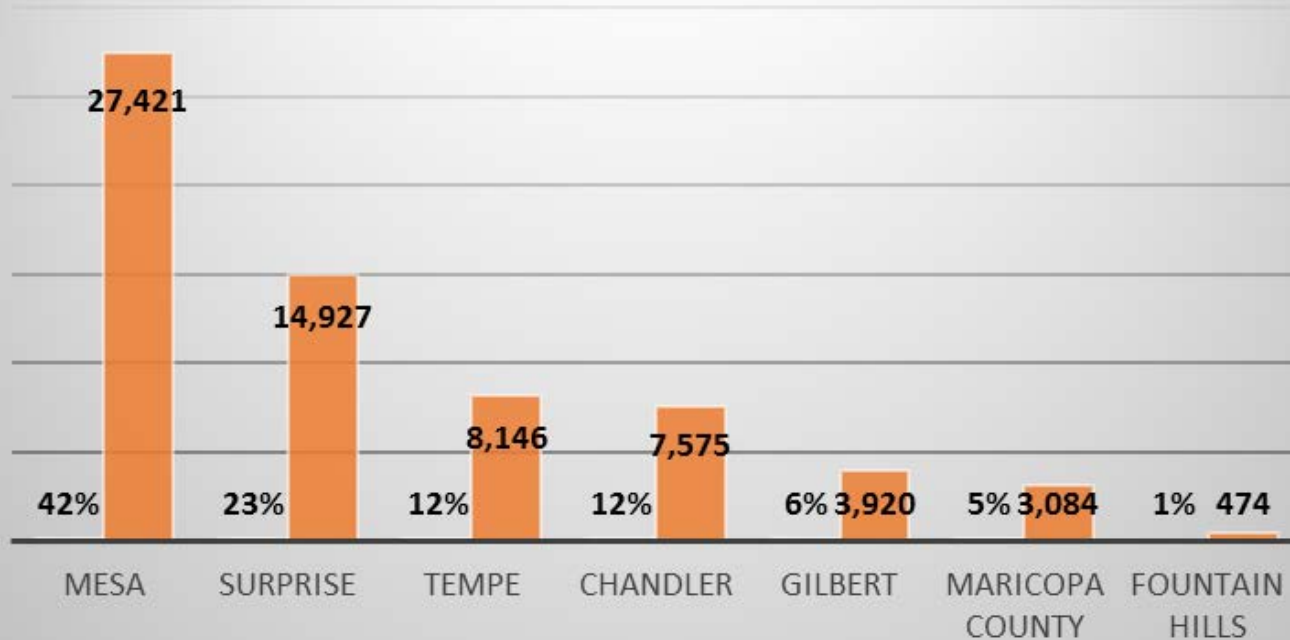
- Online performance report links
- <https://www.valleymetro.org/transit-performance>
 - Can be viewed on-line or printed
 - Monthly and annual data

IGA Standards

- Customer complement/complaint
 - <https://www.valleymetro.org/contact-valley-metro>
- Clearer defined roles between Agency and City
 - All complements and complaints must go into Valley Metro Customer Assistance System (CAS)
 - System handles all Valley Metro Services for all cities
 - Bus/Rail/Paratransit/Facilities (Park and Ride's/Bus Stops etc.)
 - Tighter resolution timelines
 - 5 business days routine complaints in agreements with contractors
 - Urgent complaints must be addressed, to the extent practicable within twenty four hours
 - ADA complaints must follow Federal ADA process which could take up to 45 days
 - Member cities have the ability to monitor resolution
 - City has refined its complaint system to fall in line with IGA

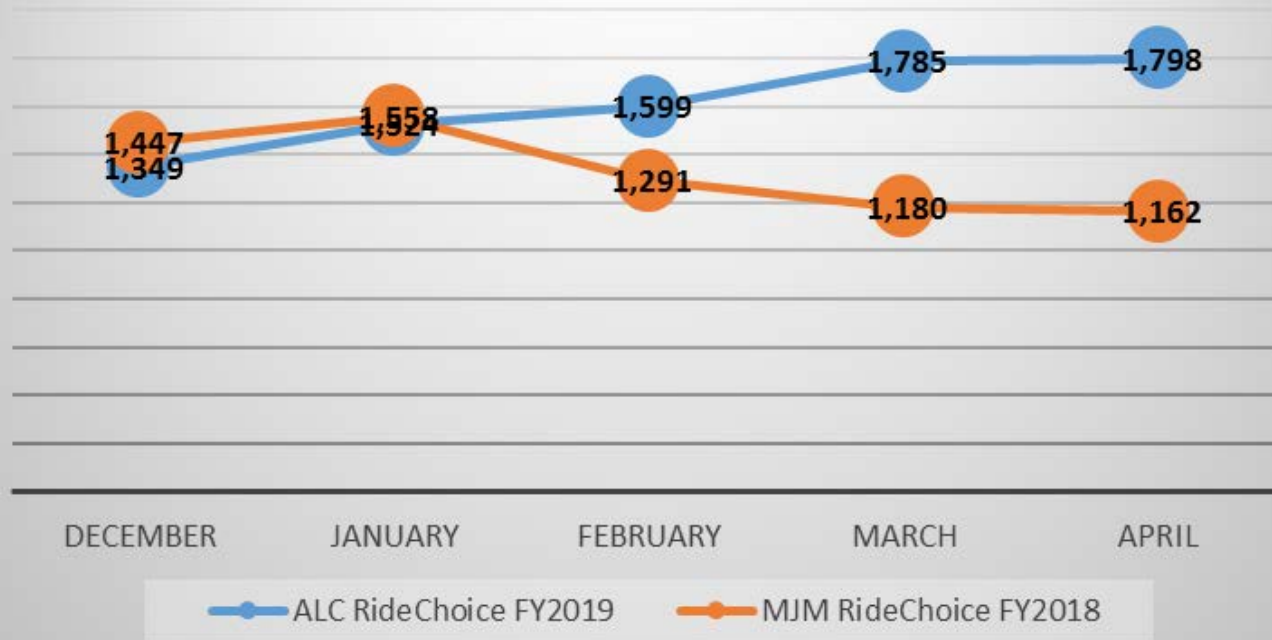
FY19 RIDE CHOICE UPDATE

Cities RideChoice Trip Percentages

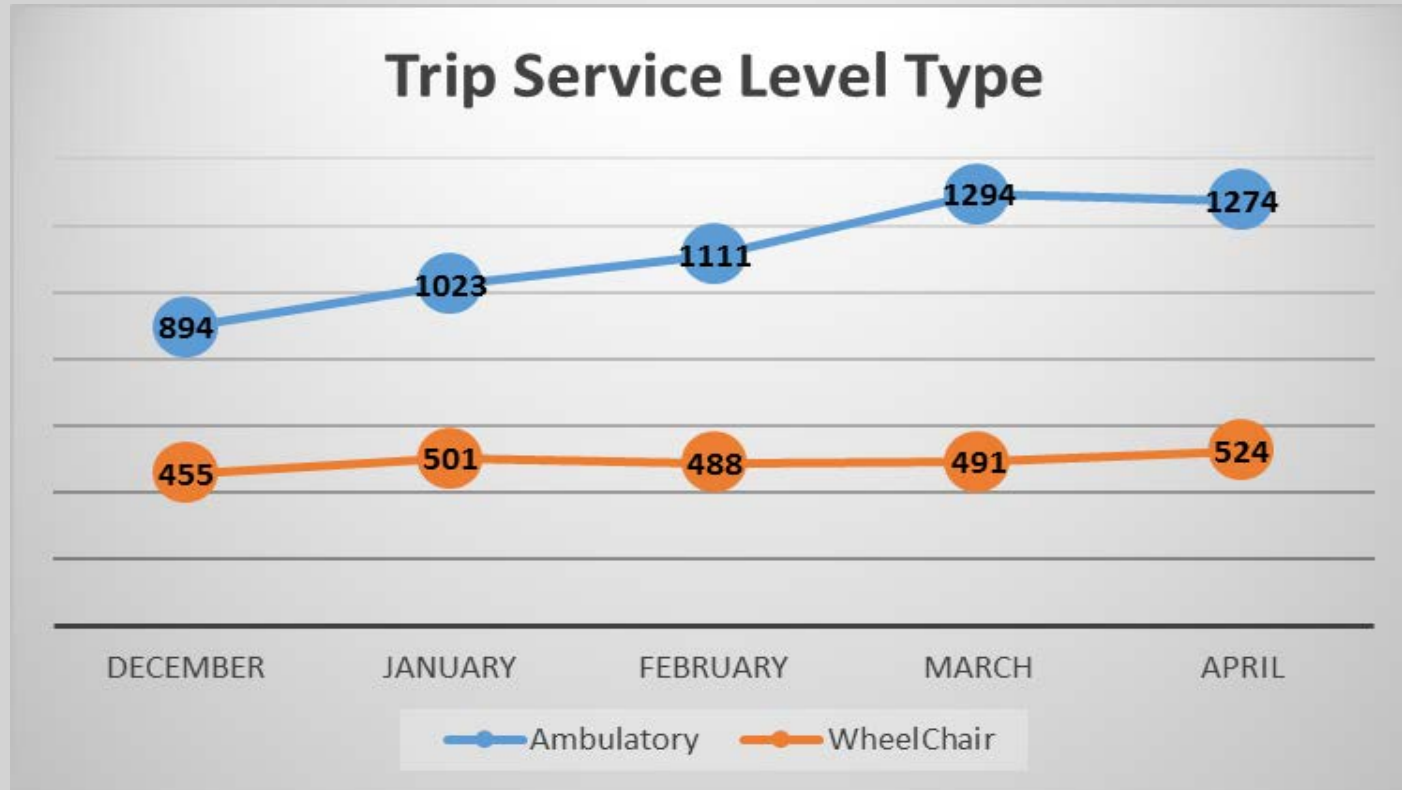


FY19 RIDE CHOICE UPDATE

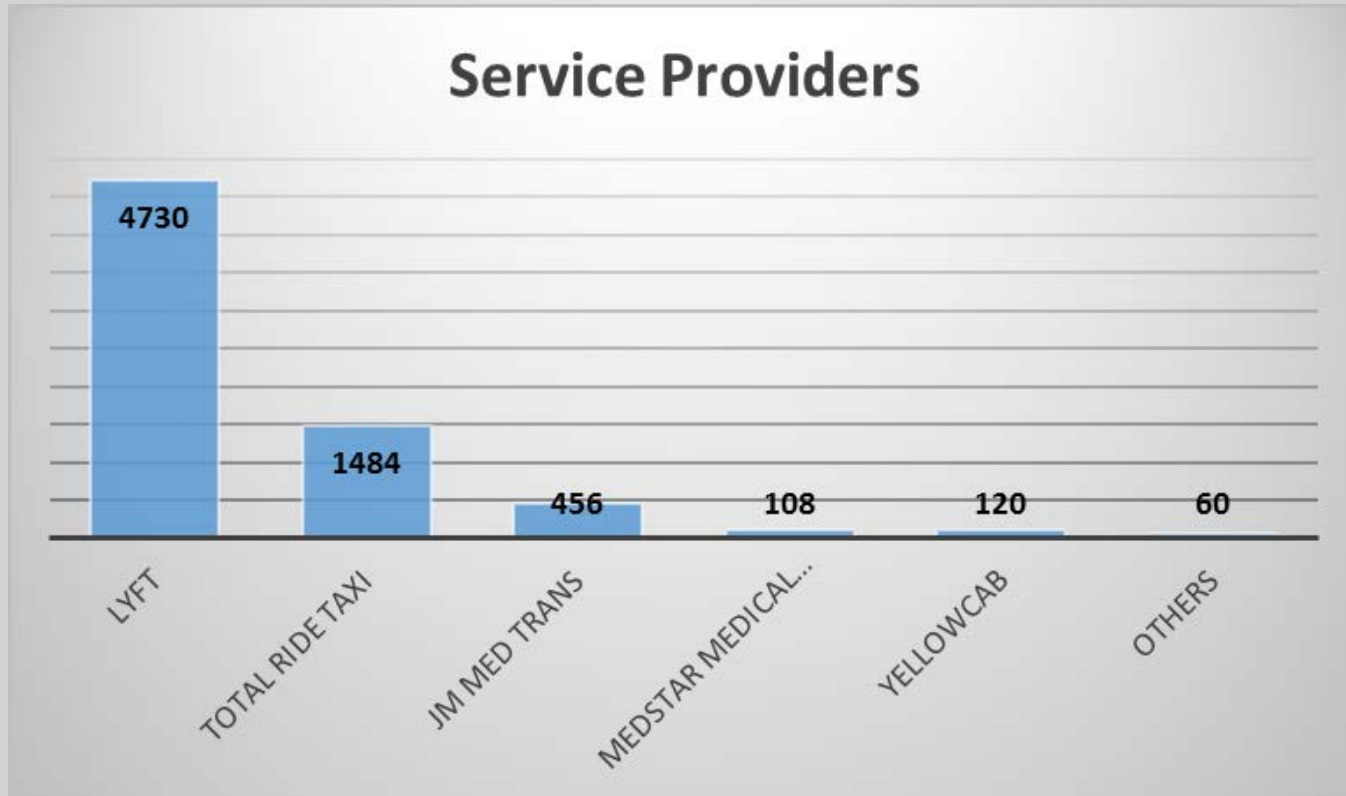
Contract Comparison



FY19 RIDE CHOICE UPDATE

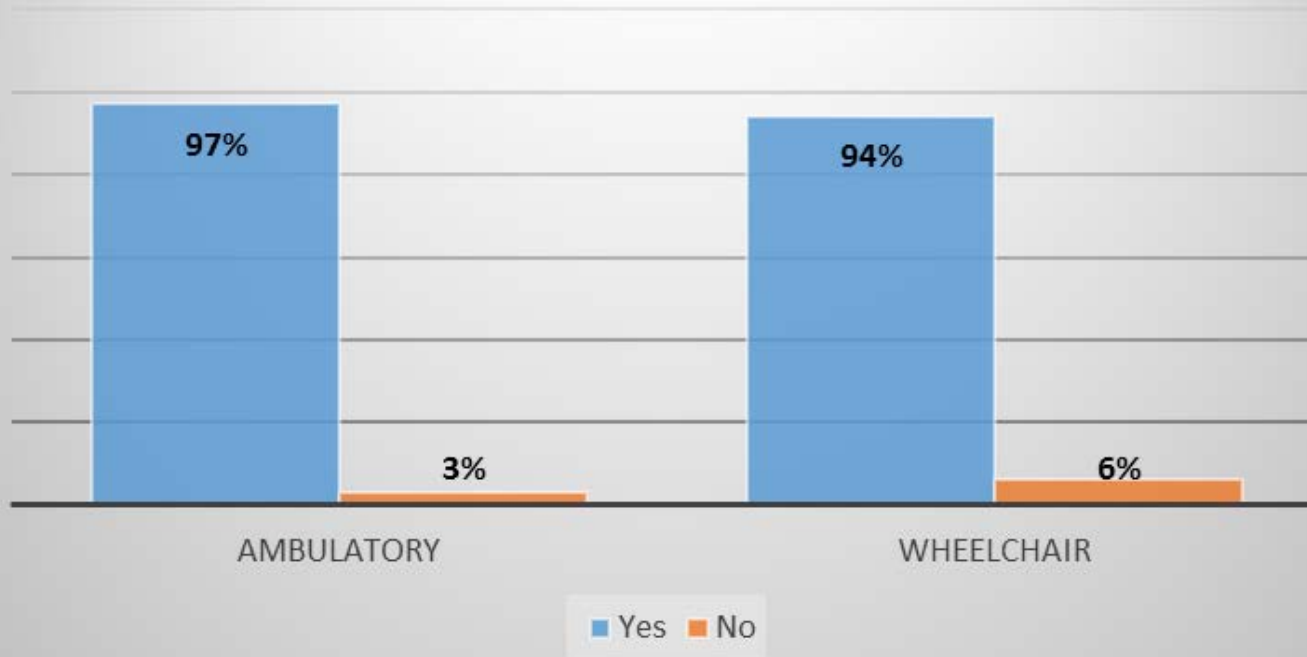


FY19 RIDE CHOICE UPDATE

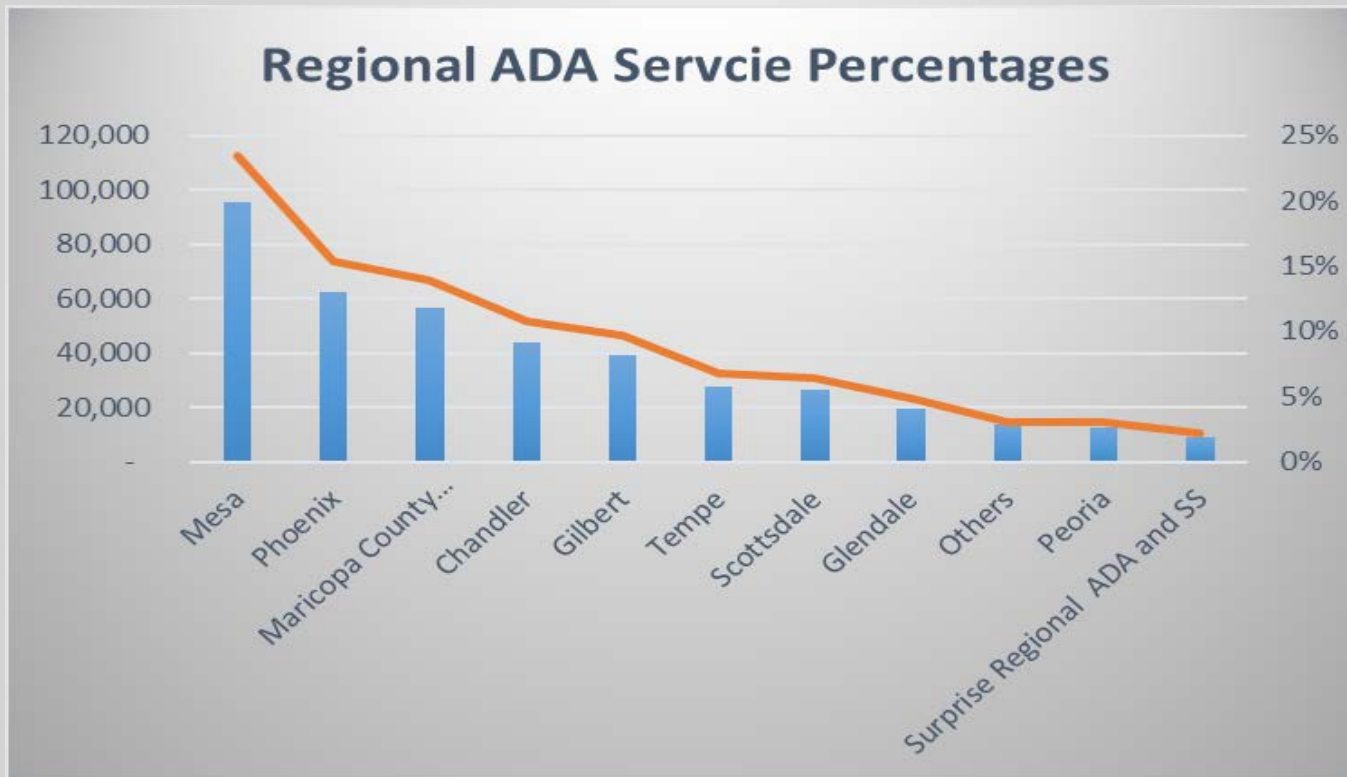


FY19 RIDE CHOICE UPDATE

RideChoice Performance

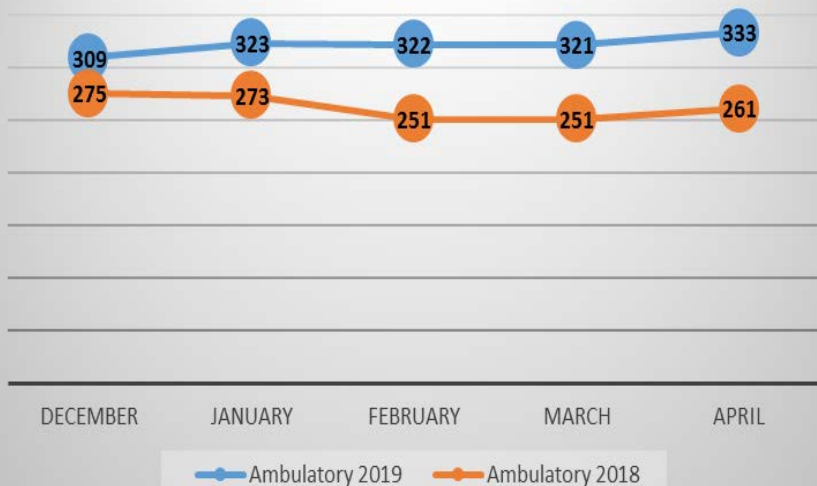


FY19 REGIONAL ADA

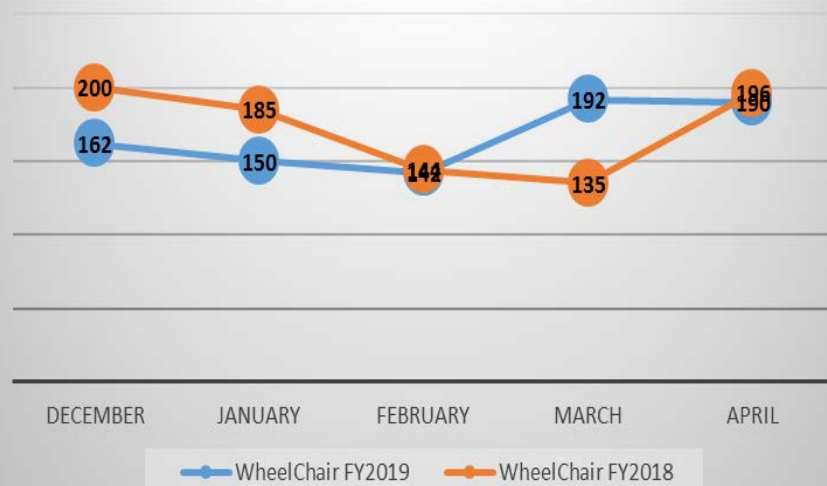


FY19 REGIONAL ADA

Ambulatory Trips

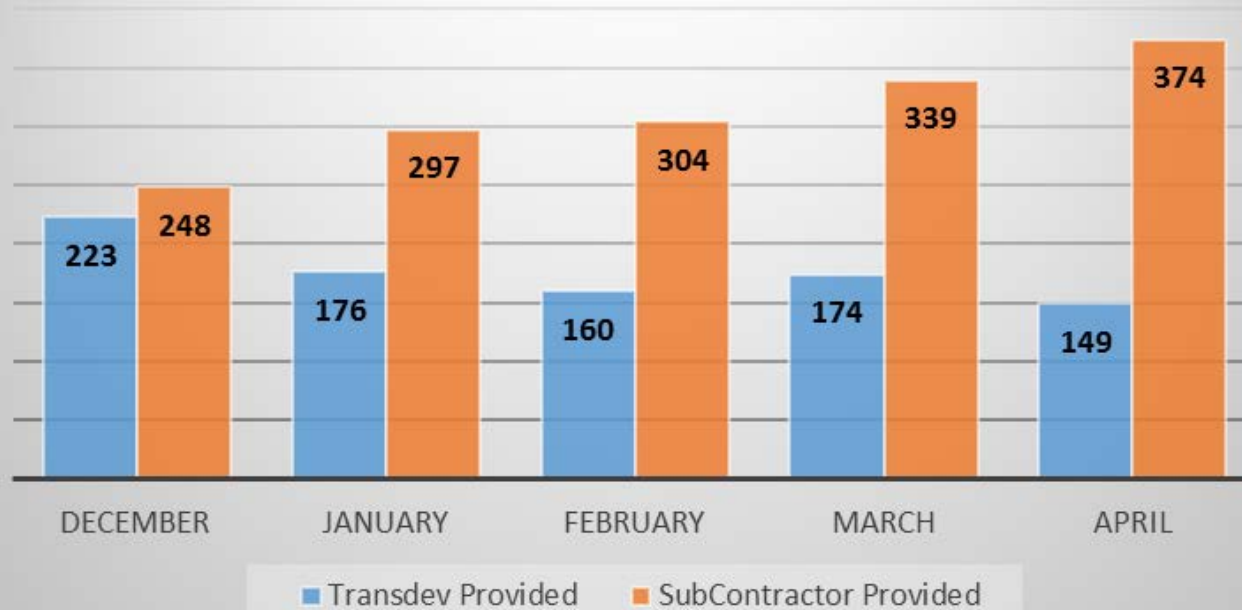


Wheelchair Trips



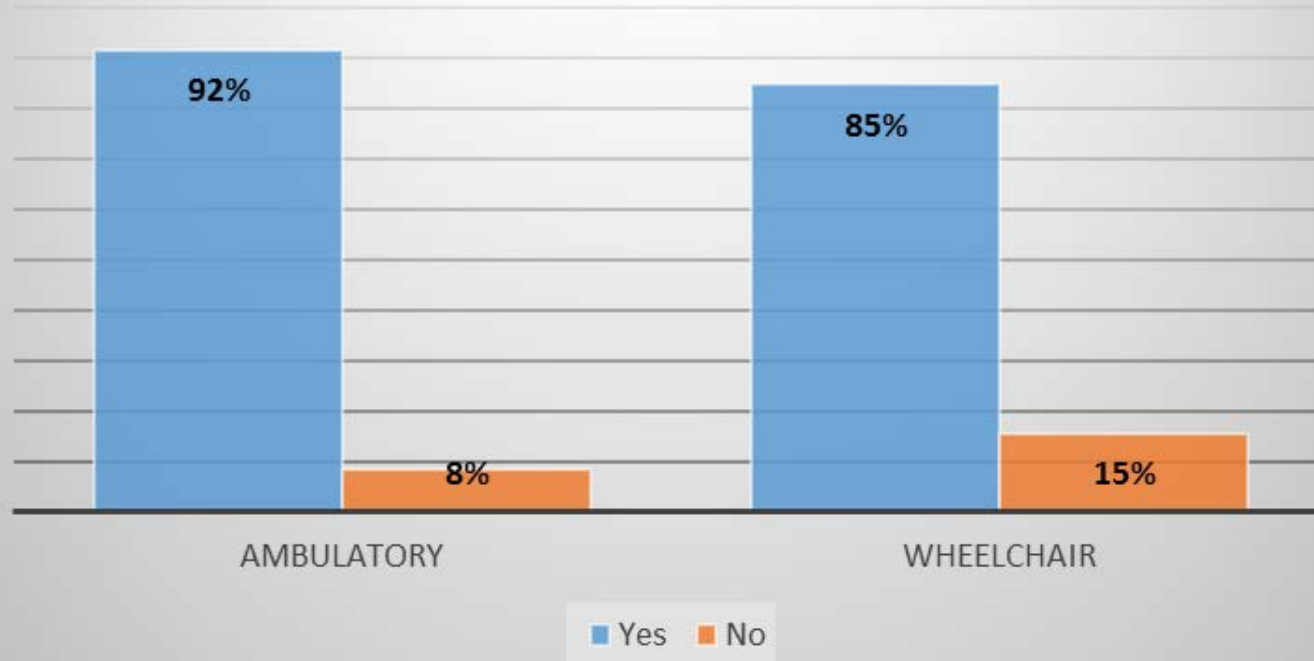
FY19 REGIONAL ADA

Service Providers



FY19 REGIONAL ADA

Regional ADA Service



WHAT'S NEW

- FY2020 a transit management analyst position:
 - Participate in various Valley Metro and MAG meetings
 - Coordinate public outreach, residential communications, and customer service issues related to transit
 - Provide summary reports and updates to Mayor and Council, city staff, and residents on all relevant transit issues and discussions
 - Work with surrounding cities to coordinate West Valley transit issues
 - Provide transit performance reports to all

Questions



CITY OF SURPRISE Regular City Council Meeting

Council Meeting Date: June 18, 2019
Submitting Department: Public Works
Staff Recommendations: None

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

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

Agenda Wording:

Consideration and action an amendment to the Fiscal Year 2019 budget by reallocating appropriations of \$110,000 from Solid Waste salary savings to supplies and services associated with additional landfill costs; and amending the Capital and Operating List of items of \$50,000; Resolution #2019-81.

Motion:

I move to approve Resolution #2019-81.

Background:

The FY 2019 Solid Waste annual budget includes total line item expenses in the amount of \$1.2 million to pay for landfill disposal and recyclables processing services. Both of these costs have increased dramatically over the second half of FY 2019 due to higher than anticipated residential and economic growth factors, ongoing volatility in the global recycling markets, and unanticipated processing costs charged to the City by the current vendor.

Presently, the City is evaluating proposals for recyclables processing services, which was solicited through a Request for Proposal (RFP) process in April/May 2019, in order to secure a long-term pricing contract for the next five years.

This budget amendment request is necessary to move budgeted money from salary savings in the existing FY 2019 budget to services in accordance with City financial policies and to cover these unanticipated overages in landfill disposal and recyclables processing costs.

Objective Analysis:

Solid Waste landfill services for collections and recycling contamination is currently trending over budget for FY2019. This amendment is necessary in order to process all invoices. This amendment does not increase or decrease the operational budget it only moves authority based on the City's financial policies.

Policy Compliant:

This item is policy complaint with the adopted City finance policies.

Financial Impact:

The approval of this item will allow the City to complete processing invoices associated with Solid Waste operations for the remainder of FY2019.

Budget Impact:

The FY2019 approved annual budget for all Solid Waste operations is \$6,103,900 this item will not change the approved amount. If approved, this item will amend the FY2019 Operating List of Items Over \$50,000 by adding the necessary amounts for # 19300 (Landfill fees),

FTE Impact:

There are no FTE's associated with this item.

ATTACHMENTS:

1. Res 2019-81-Budget Amendment FY19_Landfill-final (002)
-

RESOLUTION # 2019-81

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA, AMENDING THE FISCAL YEAR 2019 BUDGET BY REALLOCATING APPROPRIATIONS OF \$110,000 FROM SOLID WASTE SALARY SAVINGS TO SOLID WASTE SERVICES RELATED TO ADDITIONAL OPERATOINAL COSTS FOR LANDFILL SERVICES, AND AMENDING THE CAPITAL AND OPERATING LIST OF ITEMS OVER \$50,000 ASSOCIATED WITH THE RELATED SERVICES.

WHEREAS, the FY2019 budget was adopted included funding for landfill services for the solid waste division of Public Works;

WHEREAS, landfill tonnages have increased beyond projections and processing fees associated with landfill recyclable contamination continue to climb;

WHEREAS, it is necessary to amend the FY2019 budget to reallocate appropriations from solid waste salary savings to solid waste services budget;

WHEREAS, the FY2019 budget, including the FY2019 Capital and Operating List of Items Over \$50,000, was adopted by Council Resolution #2018-78 on June 5, 2018;

WHEREAS, the City of Surprise Procurement Code §2-388 (d) requires the authority of Mayor and Council when the cost to the city is greater than \$50,000;

WHEREAS, this action will necessitate a budget amendment; and

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

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

Section 1. That the statements and schedules attached as *Exhibit A* and incorporated by reference are adopted, amending the budget of the City of Surprise, Arizona for the fiscal year July 1, 2018 through June 30, 2019.

SIGNATURES TO FOLLOW ON NEXT PAGE

APPROVED AND ADOPTED this ____ day of _____, 2019.

Skip Hall, Mayor

Attest:

Approved as to form:

Sherry Aguilar, City Clerk

Robert Wingo, City Attorney

RESOLUTION # 2019-81
Exhibit A

1. Appropriation - Actual expenditures associated with the landfill service fees are exceeding authorized budget for the fiscal year and the department cannot absorb the overages within its existing supplies and services operating budget, an amendment is needed from the Solid Waste salary savings in order to not exceed budget. To cover ongoing operational costs for residential solid waste collections and recycling for the City. These allocations do not represent an actual transfer of funds, but only a transfer of spending authority.

Fund	Department	Project/Category	Rev/ Exp	Current Budget	Increase/ (Decrease)	Amended Budget
Solid Waste Operations	Public Works	Personnel Services	E	2,913,500	(110,000)	2,803,500
Solid Waste Operations	Public Works	Services	E	1,703,500	110,000	1,813,500

2. List of Operating Items Over \$50,000 - Council approved monies for Landfill Fees for the purpose of Citywide Operations Fiscal Year 2019 Capital and Operating List of Items Over \$50,000. This amount was based the approved budget. With this budget amendment and additional line item adjustments within the operating budget those amounts will change accordingly.

Reference#	Description	Current Amount	Increase/ (Decrease)	Amended Amount
19300	Landfill Fees	1,663,900	200,000	1,863,900



CITY OF SURPRISE
Regular City Council Meeting

Council Meeting Date: June 18, 2019 Contact Person: Sergio Angulo
Submitting Department: Community Development District: District 1
Staff Recommendations: None

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

Agenda Wording:

Consideration and action on the Final Plat entitled, “Heritage Asante – Parcel 2” and dated May 1, 2019, a property generally located north of Grand Avenue and west of 163rd Avenue.

Motion:

I move to approve the Final Plat entitled “Final Plat of Heritage Asante – Parcel 2” and dated May 1, 2019.

Background:

Hilgart Wilson, LLC., on behalf of LCD Asante, LLC., seeks approval of a Final Plat to allow for the development of a single-family residential subdivision in parcel 2 of Heritage Asante, an active adult community generally located west of 163rd Avenue and north of Grand Avenue.

Objective Analysis:

This Final Plat will create 104 lots and a total density of 4.6 dwelling units per acre which is consistent with the approved PUD Overlay.

Policy Compliant:

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

Financial Impact:

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

Budget Impact:

There is no anticipated budget impact related to this item.

FTE Impact:

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

ATTACHMENTS:

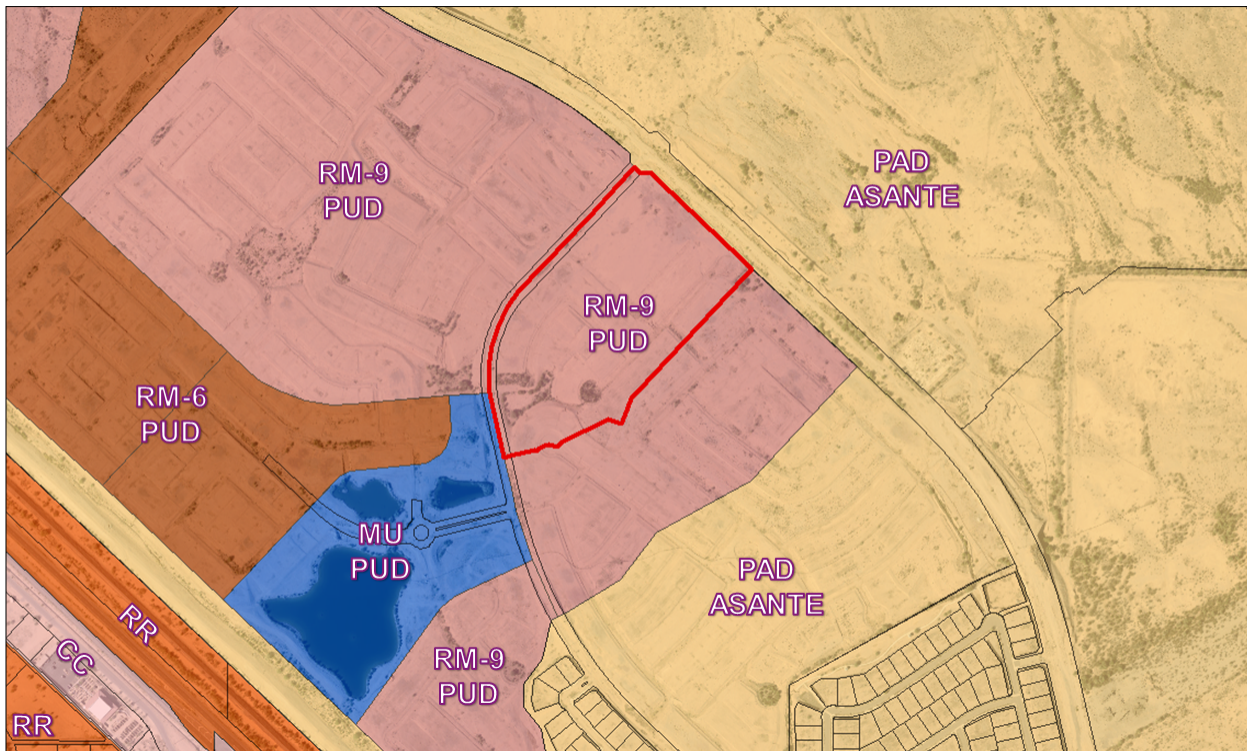
1. 00 - FS18-647 - Heritage Parcel 2 - Final Plat - Staff Report
2. 01 - FS18-647 - Heritage Parcel 2 - Final Plat

Final Plat

REPORT TO THE CITY COUNCIL

1 **Case:** **FS18-647**
2
3 **Project Name:** Heritage Asante Parcel 2
4
5 **Council District:** **1 – ACACIA**
6
7 **Meeting Date:** **June 18, 2019**
8
9 **Planner:** Sergio Angulo
10
11
12 **Owner:** LCD Asante, LLC.
13
14 **Applicant:** Zach Hilgart with Hilgart Wilson, LLC.
15
16 **Request:** Final Plat for 104 Lots.
17
18 **Site Location:** Generally west of 163rd Avenue and north of Grand Avenue
19
20 **Site Size:** 22.48 Acres
21
22 **Density:** 4.6 Dwelling Units per Acre
23
24 **General Plan**
25 **Conformance:** The proposal is consistent with the Surprise General Plan 2035
26 as proposed under case FS18-647.
27
28 **Support/Opposition:** None known.
29
30 **Recommendation:** None.

31 **Existing Land Zoning:**



RM-9 PUD / PAD Asante (M/HDR)	PAD Asante (M/HDR)	PAD Asante (M/HDR)
Mixed Use PUD / RM-9 PUD	RM-9 PUD	RM-9 PUD
Mixed Use PUD	RM-9 PUD / Mixed Use PUD	RM-9 PUD

32 **Background:**

33 **November 3, 1988:** A portion of the Asante Planned Area Development was annexed into
34 the City of Surprise by the Mayor and City Council.

35 **October 14, 2004:** Another portion of the Asante Planned Area Development was annexed
36 into the City of Surprise by the Mayor and City Council.

37 **November 24, 2004:** The Mayor and City Council approved the Asante Planned Area
38 Development.

39 **July 27, 2006:** The Asante North Planned Area Development was annexed into the City of
40 Surprise by the Mayor and City Council.

41 **July 27, 2006:** The Mayor and City Council approved the Asante North Planned Area
42 Development.

43 **September 19, 2017:** The Mayor and City Council approved the Rezone for of the subject
44 property for the Asante Paradiso Active Adult Community.

45 **February 15, 2018:** A Concept Review meeting was held for the current proposal under
46 case CR18-047.

47 **September 26, 2018:** The applicant filed a related request for a Preliminary Plat under
48 case FS18-647, the subject case.

49 **January 22, 2019:** The Community Development Director approved a Minor Zoning
50 Amendment to the Paradiso Asante PUD to modify certain development standards for the
51 subject site.

52 **April 2, 2019:** The Mayor and City Council approved the Master Plat for Heritage Asante
53 Phase 1.

54 **May 2, 2019:** The Planning and Zoning Commission recommend approval of the
55 Preliminary Plat, Case FS18-647, to the Mayor and City Council.

56 **Project Description:**

57
58 Hilgart Wilson, LLC. on behalf of LCD Asante, LLC., requests approval of a Final Plat to
59 allow for the development of a single-family residential subdivision on approximately 22
60 acres in parcel 2 of Heritage Asante, an active adult community generally located west of
61 163rd Avenue and north of Grand Avenue.

62
63 The subject property is zoned RM-9 with a PUD Overlay. This development proposes 104
64 single-family homes and a total density of 4.6 dwelling units per acre which is consistent
65 with the approved PUD Overlay.

66
67 This Final Plat application is in conjunction with a related Preliminary Plat application. On
68 May 2, 2019, the Planning and Zoning Commission passed a motion to recommend
69 approval of the Preliminary Plat to the Mayor and City Council.

70

71 **Findings:**

72

- 73 • The proposed Final Plat is consistent with the Surprise General Plan 2035.
74 • The proposed Final Plat is consistent with the Asante Paradiso PUD and the SUDC.
75 • The proposed Final Plat is in substantial conformance with the Preliminary Plat case
76 FS18-647.

77

78 **Attachments:**

79

80 01 Final Plat

81

82 **Enclosure:**

83

84 Sealed mylars

DEDICATION

STATE OF ARIZONA }
COUNTY OF MARICOPA } SS

KNOW ALL PERSONS BY THESE PRESENTS: THAT LCD ASANTE, LLC, A DELAWARE LIMITED LIABILITY COMPANY, AS OWNER, OF A SUBDIVISION WITHIN THE COUNTY OF MARICOPA, HAS SUBDIVIDED UNDER THE NAME OF "HERITAGE ASANTE - PARCEL 2", BEING WITHIN A PORTION OF THE SOUTHEAST QUARTER OF SECTION 2, AND THE NORTHEAST QUARTER OF SECTION 11, TOWNSHIP 4 NORTH, RANGE 2 WEST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, AS SHOWN AND PLATTED HEREON AND DOES HEREBY PUBLISH THIS PLAT AS AND FOR THE PLAT OF SAID "HERITAGE ASANTE - PARCEL 2" AND DECLARES THAT THIS PLAT SETS FORTH THE LOCATION AND GIVES THE DIMENSIONS OF EACH LOT, TRACT, STREET, AND EASEMENTS CONSTITUTING SAME, AND THAT EACH LOT, TRACT, STREET, AND EASEMENT SHALL BE KNOWN BY THE NUMBER, LETTER, AND/OR NAME GIVEN TO EACH RESPECTIVELY AS SHOWN ON THIS PLAT.

TRACT A IS HEREBY DECLARED AS PRIVATE ACCESSWAY TO BE OWNED AND MAINTAINED BY HERITAGE ASANTE HOME OWNERS ASSOCIATION, AN ARIZONA NON-PROFIT CORPORATION, AN EASEMENT FOR PUBLIC WATER AND SEWER, REFUSE COLLECTION, DRAINAGE AND EMERGENCY AND SERVICE TYPE VEHICLE ACCESS IS HEREBY DEDICATED TO THE PUBLIC OVER TRACT A.

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

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

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

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

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

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

OWNER HEREBY GRANTS TO THE 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 OPERATION AND MAINTENANCE OF THE CITY'S WATER RECLAMATION FACILITIES.

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

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

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

ALL IMPROVEMENTS, FOR STREETS AND PUBLIC UTILITIES OWNED AND OPERATED BY THE CITY, INSTALLED OR CONSTRUCTED BY OWNER WITHIN THE PUBLIC RIGHTS-OF-WAY, THE EASEMENTS, OR ANY TRACTS OR PARCELS HEREBY DEDICATED TO THE CITY OF SURPRISE SHALL BE DEEMED TO HAVE BEEN DEDICATED BY OWNER TO THE CITY UPON THEIR COMPLETION; HOWEVER, SUCH TRANSFER SHALL NOT OCCUR UNTIL THE CITY COUNCIL FOR THE CITY OF SURPRISE MANIFESTS ITS ACCEPTANCE BY SEPARATE FORMAL COUNCIL ACTION.

OWNER HEREBY GRANTS TO THE CITY OF SURPRISE, AN ARIZONA MUNICIPAL CORPORATION, AND ITS SUCCESSORS AND ASSIGNS, A PUBLIC RECREATION/TRAIL EASEMENT FOR BICYCLING AND OTHER NON-MOTORIZED FORMS OF PEDESTRIAN ACCESS OVER AND ACROSS OWNER'S PROPERTY, INCLUDING THE RIGHT OF INGRESS AND EGRESS ALONG AND ACROSS THE EASEMENT PREMISES, AS SHOWN ON THIS PLAT.

OWNER HEREBY GRANTS TO THE PUBLIC AN EASEMENT FOR RECREATION OVER, UPON, AND ACROSS THOSE AREAS DESIGNATED AS RECREATION TRAILS OR AREAS FOR THE PURPOSE OF ALLOWING THE PUBLIC ACCESS TO THE TRAIL SYSTEM.

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

IN WITNESS WHEREOF:

LCD ASANTE, LLC, A DELAWARE LIMITED LIABILITY COMPANY, AS OWNER, HAS HEREUNTO CAUSED ITS CORPORATE NAME TO BE SIGNED AND ITS CORPORATE SEAL TO BE AFFIXED BY THE UNDERSIGNED, DULY AUTHORIZED OFFICER THIS ____ DAY OF _____, 2019.

LCD ASANTE, LLC, A DELAWARE LIMITED LIABILITY COMPANY

BY: LENNAR COMMUNITIES DEVELOPMENT, INC., A DELAWARE CORPORATION

ITS: MANAGER

BY: _____
VICE PRESIDENT

ACKNOWLEDGMENT

STATE OF ARIZONA }
COUNTY OF MARICOPA } SS

ON THIS, THE ____ DAY OF _____, 2019, BEFORE ME APPEARED, JEFFERY GUNDERSON WHO ACKNOWLEDGED HIMSELF TO BE THE VICE PRESIDENT OF LENNAR COMMUNITIES DEVELOPMENT INC., A DELAWARE CORPORATION THE MANAGER OF LCD ASANTE, LLC, A DELAWARE LIMITED LIABILITY COMPANY, AND ACKNOWLEDGED THAT HE, AS SUCH OFFICER, BEING DULY AUTHORIZED SO TO DO, EXECUTED THE FOREGOING INSTRUMENT FOR THE PURPOSES CONTAINED THEREIN.

IN WITNESS WHEREOF:

I HEREUNTO SET MY HAND AND OFFICIAL SEAL:

NOTARY PUBLIC

MY COMMISSION EXPIRES

FINAL PLAT
OF
HERITAGE ASANTE - PARCEL 2
SURPRISE, ARIZONA

A RE-SUBDIVISION OF PARCEL 2 AS SHOWN ON THE MASTER PLAT OF HERITAGE ASANTE, AS RECORDED IN BOOK 1452, PAGE 20, OF MARICOPA COUNTY RECORDERS, BEING WITHIN A PORTION OF THE SOUTHEAST QUARTER OF SECTION 2, AND THE NORTHEAST QUARTER OF SECTION 11, TOWNSHIP 4 NORTH, RANGE 2 WEST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA

COMMUNITY ASSOCIATION RATIFICATION

BY THIS RATIFICATION, _____, AS _____ OF HERITAGE ASANTE HOME OWNERS ASSOCIATION, AN ARIZONA NON-PROFIT CORPORATION, ACKNOWLEDGES THE RESPONSIBILITIES DEDICATED HEREIN.

BY: _____

TITLE: _____

PRINTED NAME: _____

ACKNOWLEDGMENT FOR RATIFICATION

STATE OF ARIZONA }
COUNTY OF MARICOPA } SS

ON THIS, THE ____ DAY OF _____, 2019, BEFORE ME, PERSONALLY APPEARED WHO ACKNOWLEDGED HIMSELF/HERSELF TO BE THE _____ OF THE ASSOCIATION AND ACKNOWLEDGED THAT HE/SHE AS BEING DULY AUTHORIZED TO DO SO, EXECUTED THE FOREGOING INSTRUMENT FOR THE PURPOSE CONTAINED HEREIN, BY SIGNING IN THE NAME OF THE ASSOCIATION, BY HIMSELF/HERSELF AS, _____.

IN WITNESS WHEREOF, I HEREBY SET MY HAND AND OFFICIAL SEAL:

BY: _____ DATE _____

LEGAL DESCRIPTION

HERITAGE ASANTA PARCEL 2, BEING SITUATED WITHIN A PORTION OF THE SOUTHEAST QUARTER OF SECTION 2, TOGETHER WITH A PORTION OF THE NORTHEAST QUARTER SECTION 11, TOWNSHIP 4 NORTH, RANGE 2 WEST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A FOUND ALUMINUM CAP ACCEPTED AS THE EAST QUARTER CORNER OF SAID SECTION 11 FROM WHICH A FOUND ALUMINUM CAP ACCEPTED AS THE SOUTHEAST CORNER OF SAID SECTION 11 THEREOF BEARS SOUTH 00°43'44" WEST, 2644.11 FEET;
THENCE NORTH 00°42'32" EAST, 2503.60 FEET ALONG THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 11 TO A POINT ON THE SOUTHWESTERLY RIGHT OF WAY OF PAT TILLMAN BOULEVARD AS RECORDED IN BOOK 885 OF MAPS, PAGE 46, RECORDS OF MARICOPA COUNTY, ARIZONA;
THENCE NORTH 46°28'39" WEST, 153.93 FEET ALONG SAID SOUTHWESTERLY RIGHT OF WAY TO THE POINT OF BEGINNING;
THENCE LEAVING SAID RIGHT OF WAY SOUTH 43°31'21" WEST, 840.19 FEET;
THENCE SOUTH 24°43'10" WEST, 96.86 FEET;
THENCE SOUTH 18°02'28" WEST, 36.48 FEET;
THENCE NORTH 71°57'32" WEST, 69.57 FEET;
THENCE SOUTH 63°38'38" WEST, 250.00 FEET;
THENCE SOUTH 33°42'31" WEST, 23.02 FEET TO A NON-TANGENT CURVE, CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 70.50 FEET, THE CENTER OF WHICH BEARS SOUTH 33°42'31" WEST;
THENCE SOUTHWESTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 89°55'43", AN ARC LENGTH OF 110.65 FEET TO A NON-TANGENT LINE;
THENCE NORTH 56°13'12" WEST, 12.00 FEET;
THENCE SOUTH 77°46'15" WEST, 116.18 FEET TO THE NORTHEASTERLY RIGHT OF WAY OF WEST ASANTE BOULEVARD AS FILED IN SAID BOOK 885 OF MAPS, PAGE 46;
THENCE NORTH 122°15'51" WEST, 266.22 FEET ALONG SAID NORTHEASTERLY RIGHT OF WAY TO THE BEGINNING OF A TANGENT CURVE CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 565.00 FEET;
THENCE NORTHWESTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 02°17'33", AN ARC LENGTH OF 22.61 FEET TO A NON-TANGENT LINE;
THENCE NORTH 38°11'09" EAST, 27.21 FEET;
THENCE NORTH 04°29'05" WEST, 70.00 FEET;
THENCE NORTH 47°10'17" WEST, 27.20 FEET TO A NON-TANGENT CURVE, CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 565.00 FEET, THE CENTER OF WHICH BEARS SOUTH 88°53'56" EAST;
THENCE NORTHEASTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 42°25'18", AN ARC LENGTH OF 418.33 FEET TO A NON-TANGENT LINE;
THENCE NORTH 43°31'21" EAST, 312.45 FEET;
THENCE NORTH 88°31'21" EAST, 28.28 FEET;
THENCE NORTH 43°31'21" EAST, 70.00 FEET;
THENCE NORTH 01°28'39" WEST, 28.28 FEET;
THENCE NORTH 43°31'21" EAST, 8.07 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 172.00 FEET;
THENCE NORTHEASTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 08°06'35", AN ARC LENGTH OF 24.34 FEET TO A TANGENT REVERSE CURVE, CONCAVE NORTHWESTERLY, HAVING A RADIUS OF 228.00 FEET;
THENCE NORTHEASTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 08°06'35", AN ARC LENGTH OF 32.27 FEET TO A TANGENT LINE;
THENCE NORTH 43°31'21" EAST, 92.09 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE NORTHWESTERLY, HAVING A RADIUS OF 228.00 FEET;
THENCE NORTHEASTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 07°57'41", AN ARC LENGTH OF 31.68 FEET TO A TANGENT REVERSE CURVE, CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 187.00 FEET;
THENCE NORTHEASTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 07°57'41", AN ARC LENGTH OF 25.98 FEET TO A TANGENT LINE;
THENCE NORTH 43°31'21" EAST, 148.01 FEET;
THENCE NORTH 88°31'21" EAST, 42.44 FEET TO SAID SOUTHWESTERLY RIGHT OF WAY OF PAT TILLMAN BOULEVARD;
THENCE ALONG SAID RIGHT OF WAY SOUTH 46°28'39" EAST, 671.18 FEET TO THE POINT OF BEGINNING.

BASIS OF BEARING

BASIS OF BEARING IS SOUTH 00°43'44" WEST ALONG THE EAST LINE OF THE SOUTHEAST QUARTER OF SECTION 11, TOWNSHIP 4 NORTH, RANGE 2 WEST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, AS SHOWN ON THE RESULTS OF SURVEY, RECORDED IN BOOK 1405, PAGE 31, MARICOPA COUNTY RECORDERS.

FLOOD ZONE DESIGNATION

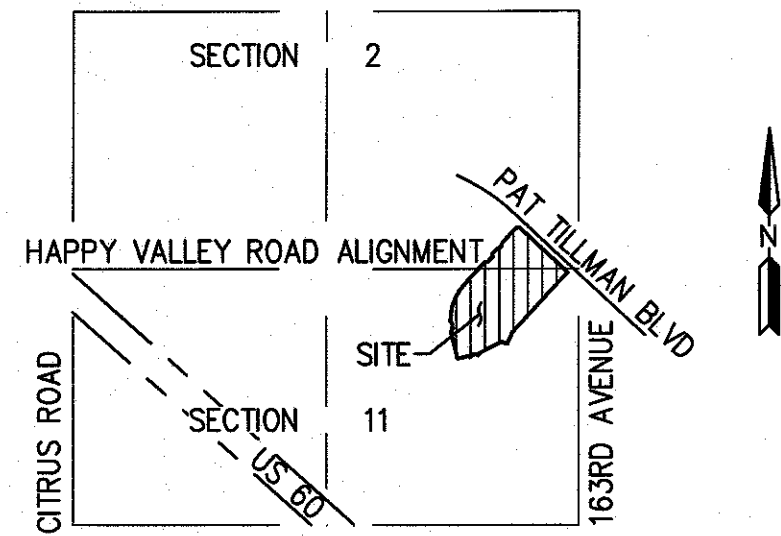
THE PROPERTY IS LOCATED WITHIN AN AREA HAVING FLOOD ZONE "X" BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, ON FLOOD INSURANCE RATE MAP NO. 04013C1210L, WITH A DATE OF IDENTIFICATION OF OCTOBER 16, 2013, FOR COMMUNITY NO. 040053, IN MARICOPA COUNTY, STATE OF ARIZONA, WHICH IS THE CURRENT FLOOD INSURANCE RATE MAP FOR THE COMMUNITY IN WHICH SAID PROPERTY IS SITUATED.

OWNER

LCD ASANTE, LLC
1665 W ALAMEDA DR., SUITE 130
TEMPE, AZ 85282-3200

SURVEYOR

HILGARTWILSON, LLC
2141 E. HIGHLAND AVE., STE. 250
PHOENIX, ARIZONA 85016
PHONE: (602) 490-0535
CONTACT: KIRK J. PANGUS, RLS



VICINITY MAP

NOT TO SCALE

SHEET INDEX

FP01	COVER SHEET
FP02	SHEET INDEX MAP, LEGEND, NOTES, LOT/TRACT AREA TABLE & VISIBILITY DETAIL
FP03-FP06	FINAL PLAT

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

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

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

THE CITY OF SURPRISE AGREES TO INDEMNIFY LCD ASANTE, LLC, A DELAWARE LIMITED LIABILITY COMPANY, ITS OFFICERS, EMPLOYEES, AGENTS, CONTRACTORS OR THOSE OF AND ITS SUCCESSORS AND ASSIGNS FOR ANY AND ALL DIRECT DAMAGES TO THE PERSONAL PROPERTY OR FOR PHYSICAL INJURY TO OR DEATH OF PERSONS OCCURRING ON THE AREA OF THIS EASEMENT CAUSED BY OR ARISING AS THE PROXIMATE RESULT OF THE ACTIVITIES OF THE CITY OF SURPRISE OR MEMBERS OF THE PUBLIC USING THE TRAIL PURSUANT TO THE TERMS OF THIS EASEMENT, EXCEPT FOR SUCH INJURY OR DAMAGES CAUSED BY OR ARISING SOLELY FROM THE NEGLIGENT, WILLFUL, MALICIOUS OR GROSSLY NEGLIGENT CONDUCT OF LCD ASANTE, LLC, A DELAWARE LIMITED LIABILITY COMPANY, ITS OFFICERS, EMPLOYEES, AGENTS, CONTRACTORS OR THOSE OF ITS SUCCESSORS AND ASSIGNS THAT WAS THE DIRECT CAUSE OF THE INJURY TO THE USER.

OWNER HEREBY FURTHER AGREES TO INDEMNIFY, DEFEND, AND HOLD HARMLESS THE CITY OF SURPRISE FROM ANY AND ALL CLAIMS FOR DAMAGES OF ANY KIND TO PERSONS OR PROPERTY LOCATED WITHIN THE RIGHT OF WAY THAT MAY ARISE IN CONNECTION WITH THE USE OF THE SIDEWALKS LOCATED WITHIN THE RIGHT-OF-WAY, UNTIL SUCH TIME THE CITY OF SURPRISE HAS ACCEPTED THE SIDEWALKS.

100 YEAR ASSURED WATER SUPPLY

THE AREA PLANNED HEREON LIES WITHIN THE DOMESTIC WATER SERVICE AREA OF CITY OF SURPRISE, AWS NO. 2010-012, SIGNED ON 9-29-2010, DECISION AND ORDER NUMBER 86-002344.001, WHICH IS DESIGNATED AS HAVING AN ASSURED WATER SUPPLY PURSUANT A.R.S. 45-576.

CITY OF SURPRISE ENGINEER APPROVAL:

DATA ON THIS PLAT REVIEWED AND APPROVED THIS _____ DAY OF _____, 2019, BY THE CITY ENGINEER OF SURPRISE, ARIZONA.

APPROVED _____
CITY ENGINEER

CITY OF SURPRISE COUNCIL APPROVAL:

APPROVED BY THE CITY COUNCIL OF THE CITY OF SURPRISE, ARIZONA. THIS _____ DAY OF _____, 2019.

MAYOR

ATTEST:

CITY CLERK

CERTIFICATION

THIS IS TO CERTIFY THAT THE SURVEY AND SUBDIVISION OF THE PREMISES DESCRIBED AND PLATTED HEREON WAS MADE UNDER MY DIRECTION DURING THE MONTH OF AUGUST 2018; THAT THE SURVEY IS TRUE AND COMPLETE AS SHOWN; THAT THE EXTERIOR BOUNDARY MONUMENTS SHOWN ACTUALLY EXIST OR WILL BE SET AS SHOWN; THAT THEIR POSITIONS ARE CORRECTLY SHOWN; AND THAT SAID MONUMENTS ARE SUFFICIENT TO ENABLE THIS SURVEY TO BE RETRACED.

KIRK J. PANGUS
RLS# 19344
HILGARTWILSON, LLC
2141 E. HIGHLAND AVE., STE. 250
PHOENIX, ARIZONA 85016
P: 602.490.0535
kpangus@hilgartwilson.com



NOTE:

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

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HILGARTWILSON
ENGINEER | PLAN | SURVEY | MANAGE
2141 E. HIGHLAND AVE., STE. 250 | P: 602.490.0535 | F: 602.368.2436
www.hilgartwilson.com

HERITAGE ASANTE - PARCEL 2

ASANTE BOULEVARD & 163RD AVENUE

SURPRISE, ARIZONA

FINAL PLAT

STATUS:

PROJ. NO.: 1909

DATE: MAY 2019

SCALE: AS SHOWN

DRAWN: JHVD/GS

APPROVED: KJP

DWG. NO.

FP01

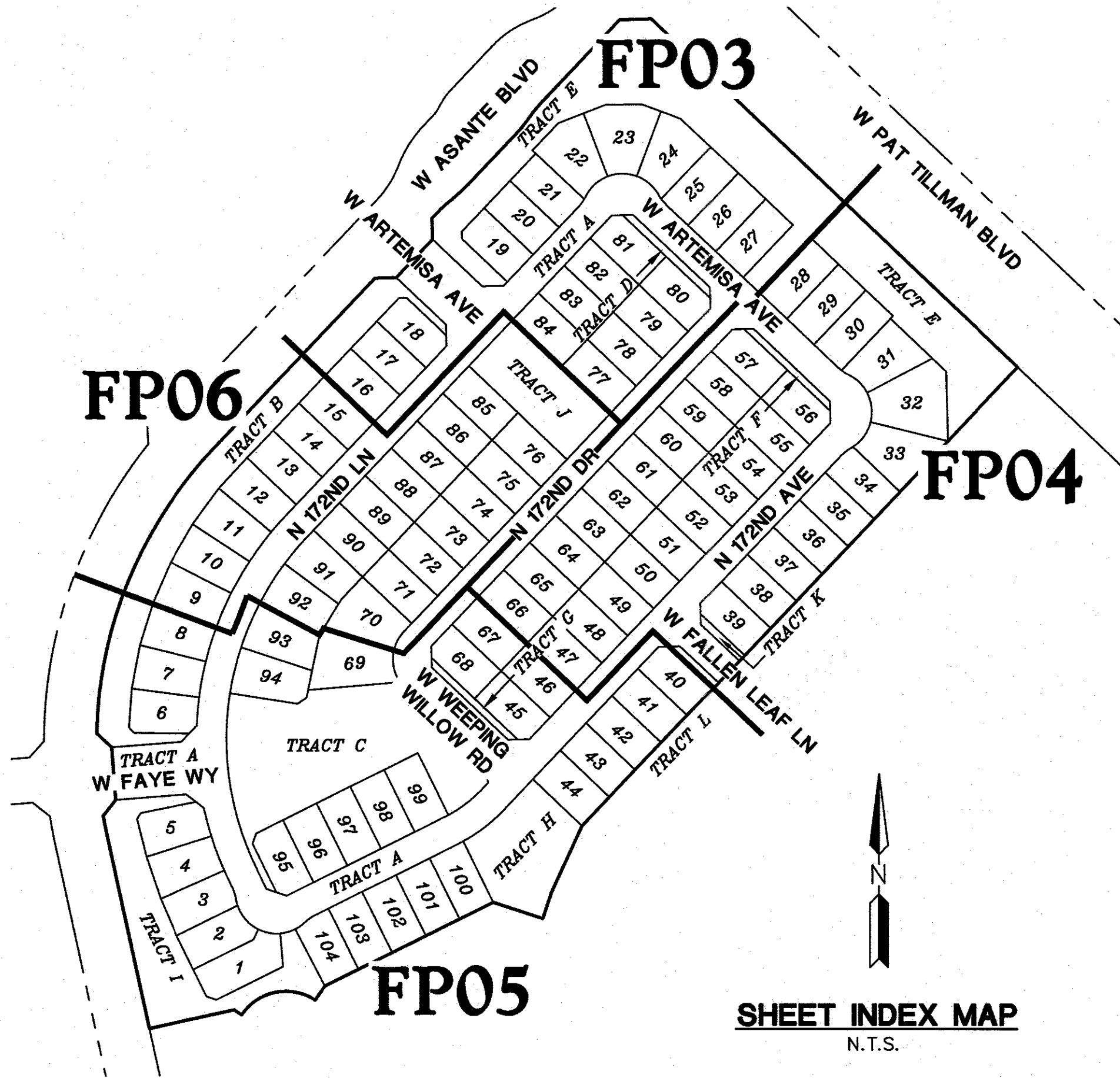
SHT. 1 OF 6

LOT TABLE		
LOT NO.	AREA (SQ.FT)	AREA (ACRES)
LOT : 1	5893	0.135
LOT : 2	4673	0.107
LOT : 3	4776	0.110
LOT : 4	4906	0.113
LOT : 5	4782	0.110
LOT : 6	4771	0.110
LOT : 7	4849	0.111
LOT : 8	4849	0.111
LOT : 9	4849	0.111
LOT : 10	4849	0.111
LOT : 11	4850	0.111
LOT : 12	4718	0.108
LOT : 13	4510	0.104
LOT : 14	4500	0.103
LOT : 15	4500	0.103
LOT : 16	4500	0.103
LOT : 17	4500	0.103
LOT : 18	4425	0.102
LOT : 19	4475	0.103
LOT : 20	4500	0.103
LOT : 21	4493	0.103
LOT : 22	5938	0.136
LOT : 23	6748	0.155
LOT : 24	5863	0.135
LOT : 25	4800	0.110
LOT : 26	4803	0.110

LOT TABLE		
LOT NO.	AREA (SQ.FT)	AREA (ACRES)
LOT : 27	4803	0.110
LOT : 28	5000	0.115
LOT : 29	5000	0.115
LOT : 30	5000	0.115
LOT : 31	5619	0.129
LOT : 32	7903	0.181
LOT : 33	5878	0.135
LOT : 34	4475	0.103
LOT : 35	4500	0.103
LOT : 36	4500	0.103
LOT : 37	4500	0.103
LOT : 38	4500	0.103
LOT : 39	4450	0.102
LOT : 40	4450	0.102
LOT : 41	4500	0.103
LOT : 42	4500	0.103
LOT : 43	4500	0.103
LOT : 44	4738	0.109
LOT : 45	4530	0.104
LOT : 46	4500	0.103
LOT : 47	4500	0.103
LOT : 48	4500	0.103
LOT : 49	4500	0.103
LOT : 50	4500	0.103
LOT : 51	4500	0.103
LOT : 52	4500	0.103

LOT TABLE		
LOT NO.	AREA (SQ.FT)	AREA (ACRES)
LOT : 53	4500	0.103
LOT : 54	4500	0.103
LOT : 55	4500	0.103
LOT : 56	4530	0.104
LOT : 57	4530	0.104
LOT : 58	4500	0.103
LOT : 59	4500	0.103
LOT : 60	4500	0.103
LOT : 61	4500	0.103
LOT : 62	4500	0.103
LOT : 63	4500	0.103
LOT : 64	4500	0.103
LOT : 65	4500	0.103
LOT : 66	4500	0.103
LOT : 67	4500	0.103
LOT : 68	4530	0.104
LOT : 69	6903	0.158
LOT : 70	5831	0.134
LOT : 71	4500	0.103
LOT : 72	4500	0.103
LOT : 73	4500	0.103
LOT : 74	4500	0.103
LOT : 75	4500	0.103
LOT : 76	4500	0.103
LOT : 77	4500	0.103
LOT : 78	4500	0.103

LOT TABLE		
LOT NO.	AREA (SQ.FT)	AREA (ACRES)
LOT : 79	4500	0.103
LOT : 80	4630	0.106
LOT : 81	4630	0.106
LOT : 82	4500	0.103
LOT : 83	4500	0.103
LOT : 84	4500	0.103
LOT : 85	4500	0.103
LOT : 86	4500	0.103
LOT : 87	4500	0.103
LOT : 88	4500	0.103
LOT : 89	4500	0.103
LOT : 90	4500	0.103
LOT : 91	4806	0.110
LOT : 92	5030	0.115
LOT : 93	5269	0.121
LOT : 94	5478	0.126
LOT : 95	4500	0.103
LOT : 96	4600	0.106
LOT : 97	4600	0.106
LOT : 98	4600	0.106
LOT : 99	4600	0.106
LOT : 100	4501	0.103
LOT : 101	4500	0.103
LOT : 102	4500	0.103
LOT : 103	4500	0.103
LOT : 104	4500	0.103



AREAS

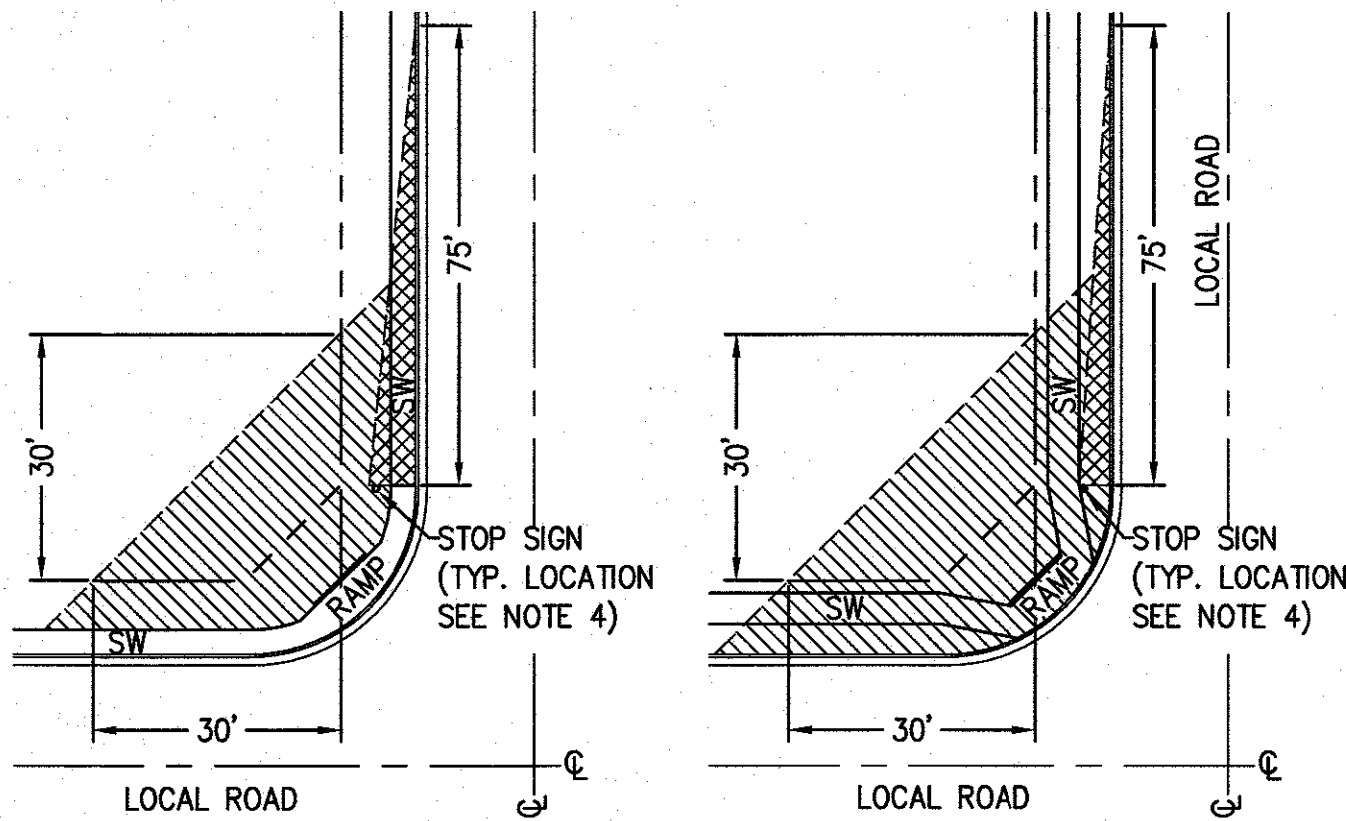
ASANTE BLVD RIGHT-OF-WAY =	62,424 SQ. FT. 1.4331 ACRES
PAT TILLMAN BLVD RIGHT-OF-WAY =	49,693 SQ. FT. 1.1408 ACRES
TRACT A AREA =	163,193 SQ. FT. 3.7464 ACRES
TRACTS B-L AREA =	210,544 SQ. FT. 4.8334 ACRES
LOT AREA =	493,231 SQ. FT. 11.3230 ACRES
GROSS AREA =	979,085 SQ. FT. 22.4767 ACRES
NET AREA =	866,968 SQ. FT. 19.9028 ACRES
DENSITY (GROSS) =	4.6 D.U. / ACRE
DENSITY (NET) =	5.2 D.U. / ACRE

NOTES:

- SIGNS, FENCES, WALLS, UTILITY BOXES, STRUCTURES, SHRUBS, HEDGES OR OTHER PLANTS, BUT EXCLUDING TREES OVER 30 INCHES IN HEIGHT SHALL NOT BE PERMITTED WITHIN THE RESTRICTED AREAS.
- PLANTING WITHIN THE R/W IN VIEW EASEMENTS SHALL BE PER THE APPROVED TYPES AND DIMENSIONS AND SHALL NOT ENCR OACH WITHIN THE SIGHT TRIANGLE PER AASHTO GUIDELINES.
- TREES ARE PERMITTED WITHIN THE RESTRICTED AREAS PROVIDED:
 - NO LIMBS, LEAVES, NEEDLES OR OTHER FOLIAGE ABOVE 30 INCHES OR BELOW 84 INCHES ARE PERMITTED.
 - TREES SHALL NOT OBSTRUCT MORE THAN 20% OF THE VISIBILITY WHEN COMBINED WITH OTHER OBSTRUCTIONS PRESENT.
- STOP SIGN SHALL BE INSTALLED AT 2' MINIMUM BEHIND BACK OF CURB.

UNOBSTRUCTED VIEW EASEMENT AREA (SEE NOTE #3)

NO VEGETATION OVER 30 INCHES IN HEIGHT



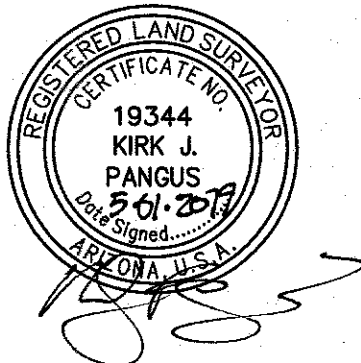
LOCAL STREET
SIGHT VISIBILITY TRIANGLES

NOTES

- NO PERMANENT STRUCTURE OF ANY KIND SHALL BE CONSTRUCTED ON, OVER OR PLACED WITHIN EASEMENTS. IT SHALL BE FURTHER UNDERSTOOD THAT THE CITY OF SURPRISE SHALL NOT BE REQUIRED TO REPLACE ANY OBSTRUCTIONS OR PLANTING THAT MUST BE REMOVED DURING THE COURSE OF MAINTENANCE, CONSTRUCTION, OR RECONSTRUCTION OF CITY UTILITIES.
- ALL NEW OR RELOCATED UTILITIES WILL BE PLACED UNDERGROUND.
- ALL STRUCTURES AND LANDSCAPING WITHIN THE 30'x30' VISIBILITY TRIANGLE ALONG THE PROPERTY LINES AT LOT CORNERS SHALL BE MAINTAINED AT A MAXIMUM HEIGHT OF 30" ABOVE GROUND LEVEL. (SEE DETAIL THIS SHEET)
- ALL EXTERIOR SUBDIVISION BOUNDARY CORNERS ARE AS SHOWN PER THIS PLAT IN CONFORMANCE WITH ARIZONA STATUTE. ALL INTERIOR CORNERS AND MONUMENTS ARE TO BE SET BY THE SURVEYOR RESPONSIBLE FOR THE CONSTRUCTION SURVEY AND STAKING OF THIS PROJECT AND MUST BE IN CONFORMANCE WITH SAID ARIZONA STATUTORY REQUIREMENTS.
- LANDSCAPING WITHIN ALL TRACTS WILL BE MAINTAINED BY THE HOMEOWNER'S ASSOCIATION.
- PROVISIONS SHALL BE MADE FOR DEVELOPMENT AND MAINTENANCE OF STREET LIGHTS THROUGH EITHER THE ASSOCIATION OR THROUGH THE CREATION OF A STREET LIGHT IMPROVEMENT DISTRICT (S.L.I.D.).
- NO ON-SITE GRADING OR EXCAVATION SHALL OCCUR WITHOUT FIRST OBTAINING A PERMIT FROM THE CITY OF SURPRISE.
- IN ACCORDANCE WITH ARS § 9-461.07, THE CITY OF SURPRISE HAS DETERMINED THAT ALL DEDICATIONS OCCURRING WITH THIS PLAT ARE IN CONFORMANCE WITH THE SURPRISE GENERAL PLAN.
- PURSUANT TO A.R.S. § 42-1102, THE CITY OF SURPRISE, A POLITICAL SUBDIVISION OF THE STATE OF ARIZONA, IS EXEMPT FROM ALL TAXES AND ASSESSMENTS BASED ON ASSESSED VALUE EXCEPT FOR SPECIAL DISTRICTS # 14751 AND 14710, WHEN APPLICABLE.
- THE ROADS DESIGNATED AS "PRIVATE" AND ANY APPURTENANCES INCLUDING BUT NOT LIMITED TO ROAD SIGNS, STRIPING, CURB AND GUTTER, AND SIDEWALKS ARE PRIVATE; SUCH ROADS AND APPURTENANCES ARE OWNED, MAINTAINED AND REPAIRED BY OWNER OR HOMEOWNER'S ASSOCIATION FORMED BY OWNER. THE CITY OF SURPRISE SHALL NOT MAINTAIN OR REPAIR ANY ROAD DESIGNATED AS "PRIVATE."

TRACT TABLE		
TRACT	AREA (ACRES)	USE
TRACT A	3.7464	PRIVATE ACCESSWAY, COMMON AREA, DRAINAGE, PUBLIC UTILITY EASEMENT
TRACT B	0.7513	COMMON AREA & DRAINAGE
TRACT C	1.0169	COMMON AREA & DRAINAGE
TRACT D	0.0344	COMMON AREA & DRAINAGE
TRACT E	1.6393	COMMON AREA & DRAINAGE
TRACT F	0.0308	COMMON AREA & DRAINAGE
TRACT G	0.0308	COMMON AREA & DRAINAGE
TRACT H	0.3752	COMMON AREA & DRAINAGE
TRACT I	0.5738	COMMON AREA & DRAINAGE
TRACT J	0.3465	COMMON AREA & DRAINAGE
TRACT K	0.0172	COMMON AREA & DRAINAGE
TRACT L	0.0172	COMMON AREA & DRAINAGE

- COMMON AREAS MAY INCLUDE OPEN SPACE, LANDSCAPING, PEDESTRIAN PATHS AND/OR AMENITIES.
- SPECIFIC EASEMENTS THAT ARE BEING DEDICATED AS PART OF THIS PLAT ARE FULLY DELINEATED ON THE FOLLOWING SHEETS.
- THE USES SHOWN IN THE TRACT TABLE ABOVE DO NOT INTEND TO GRANT EASEMENTS THAT ARE BLANKET IN NATURE OVER THE ENTIRE TRACT.



LEGEND

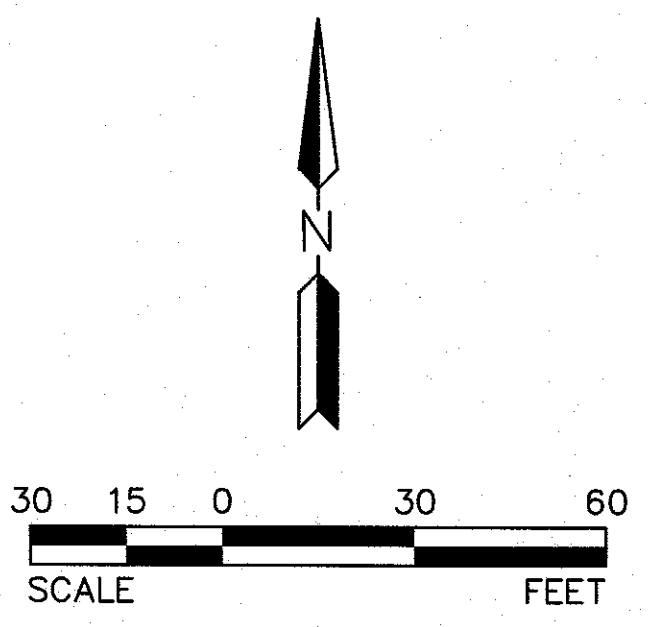
- FOUND 1/2" REBAR W/CAP, RLS 19344 OR AS NOTED
- ⊙ FOUND BRASS CAP IN HAND HOLE
- ⊙ FOUND BRASS CAP FLUSH
- SET 1/2" REBAR W/ CAP, RLS 19344 OR AS NOTED
- ⊙ BRASS CAP, FLUSH PER MAG STD. DTL. 120-1 TYPE B
- BOUNDARY LINE
- SECTION LINE
- CENTER LINE
- RIGHT OF WAY
- EASEMENT
- PARCEL LINE
- R/W RIGHT-OF-WAY
- PUE PUBLIC UTILITY EASEMENT
- VNAE VEHICLE NON-ACCESS EASEMENT
- MCR MARICOPA COUNTY RECORDS
- RLS REGISTERED LAND SURVEYOR
- APN ASSESSOR PARCEL NUMBER
- P.O.B. POINT OF BEGINNING
- P.O.C. POINT OF COMMENCEMENT
- ① 30'X30' SIGHT VISIBILITY TRIANGLE EASEMENTS (SEE NOTE 3, PAGE 2)
- ② SIGHT DISTANCE LINE

CURVE TABLE			
CURVE NO.	RADIUS	DELTA	LENGTH
C4	55.00'	17°20'29"	16.65'
C5	55.00'	124°40'58"	119.69'
C6	55.00'	17°20'29"	16.65'

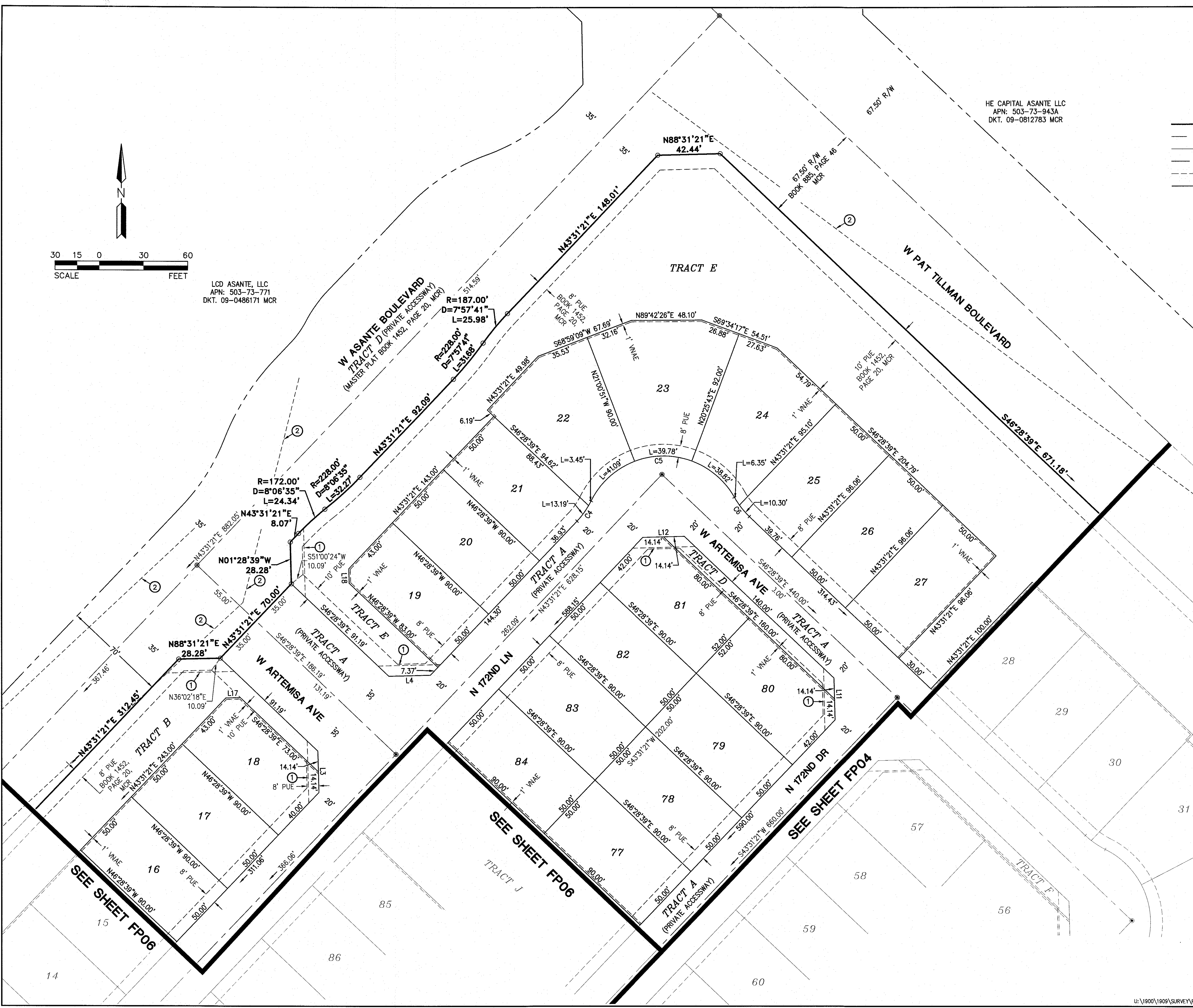
LINE TABLE		
LINE NO.	DIRECTION	LENGTH
L3	N01°28'39"W	28.28'
L4	N88°31'21"E	28.28'
L11	N01°28'39"W	28.28'
L12	N88°31'21"E	28.28'
L17	N88°31'21"E	9.90'
L18	N01°28'39"W	9.90'



HE CAPITAL ASANTE LLC
APN: 503-73-943A
DKT. 09-0812783 MCR



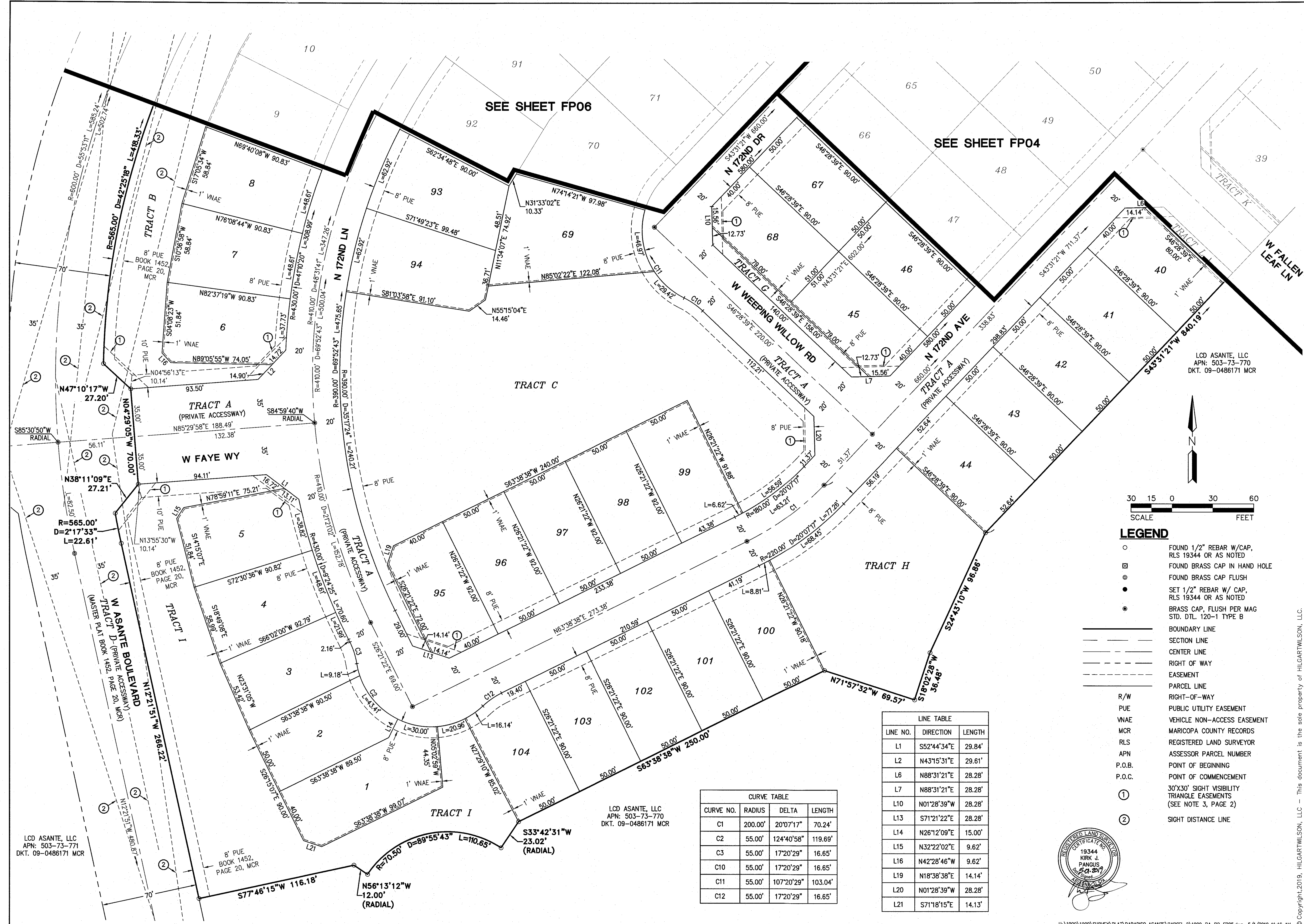
LCD ASANTE, LLC
APN: 503-73-771
DKT. 09-0486171 MCR

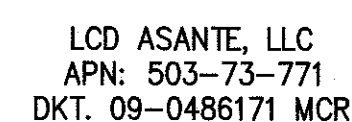


HERITAGE ASANTE - PARCEL 2
ASANTE BOULEVARD & 163RD AVENUE
SURPRISE, ARIZONA
FINAL PLAT

PROJECT NO. 1909	STATUS:
DATE: MAY 2019	MUNICIPAL TRACKING NO.:
SCALE: AS SHOWN	
DRAWN: JHD/GS	
APPROVED: KJP	

DWG. NO.
FP05
SHT. 5 OF 6





CURVE TABLE			
CURVE NO.	RADIUS	DELTA	LENGTH
C11	55.00'	107°20'29"	103.04'
C13	410.00'	69°52'43"	500.04'

SEE SHEET FP05

SEE SHEET FP03

LEGEND

- | | |
|-----------|--|
| ○ | FOUND 1/2" REBAR W/CAP,
RLS 19344 OR AS NOTED |
| ⊗ | FOUND BRASS CAP IN HAND HOLE |
| ⊙ | FOUND BRASS CAP FLUSH |
| ● | SET 1/2" REBAR W/ CAP,
RLS 19344 OR AS NOTED |
| ⊙ | BRASS CAP, FLUSH PER MAG
STD. DTL. 120-1 TYPE B |
| — | BOUNDARY LINE |
| — | SECTION LINE |
| — | CENTER LINE |
| - - - - | RIGHT OF WAY |
| - - - - - | EASEMENT |
| — | PARCEL LINE |
| R/W | RIGHT-OF-WAY |
| PUE | PUBLIC UTILITY EASEMENT |
| VNAE | VEHICLE NON-ACCESS EASEMENT |
| MCR | MARICOPA COUNTY RECORDS |
| RLS | REGISTERED LAND SURVEYOR |
| APN | ASSESSOR PARCEL NUMBER |
| P.O.B. | POINT OF BEGINNING |
| P.O.C. | POINT OF COMMENCEMENT |
| ① | 30'X30' SIGHT VISIBILITY
TRIANGLE EASEMENTS
(SEE NOTE 3, PAGE 2) |
| ② | SIGHT DISTANCE LINE |



HILGARTWILSON, LLC – This document is the sole property of HILGARTWILSON, LLC.

HERITAGE ASANTE - PARCEL 2

ASANTE BOULEVARD & 163RD AVENUE
SURPRISE, ARIZONA

FINAL PLAT

 **HILGARTWILSON**
ENGINEER | PLAN | SURVEY | MANAGE
2141 E. HIGHLAND AVE., STE. 250 | P. 602.490.0535 / F. 602.368.2433
PHOENIX, AZ 85016 | www.hilgartwilson.com

PROJ. NO.: 1909

DATE: MAY 2019

SCALE: AS SHOWN

DRAWN: JHVD/GS

DWG. NO.

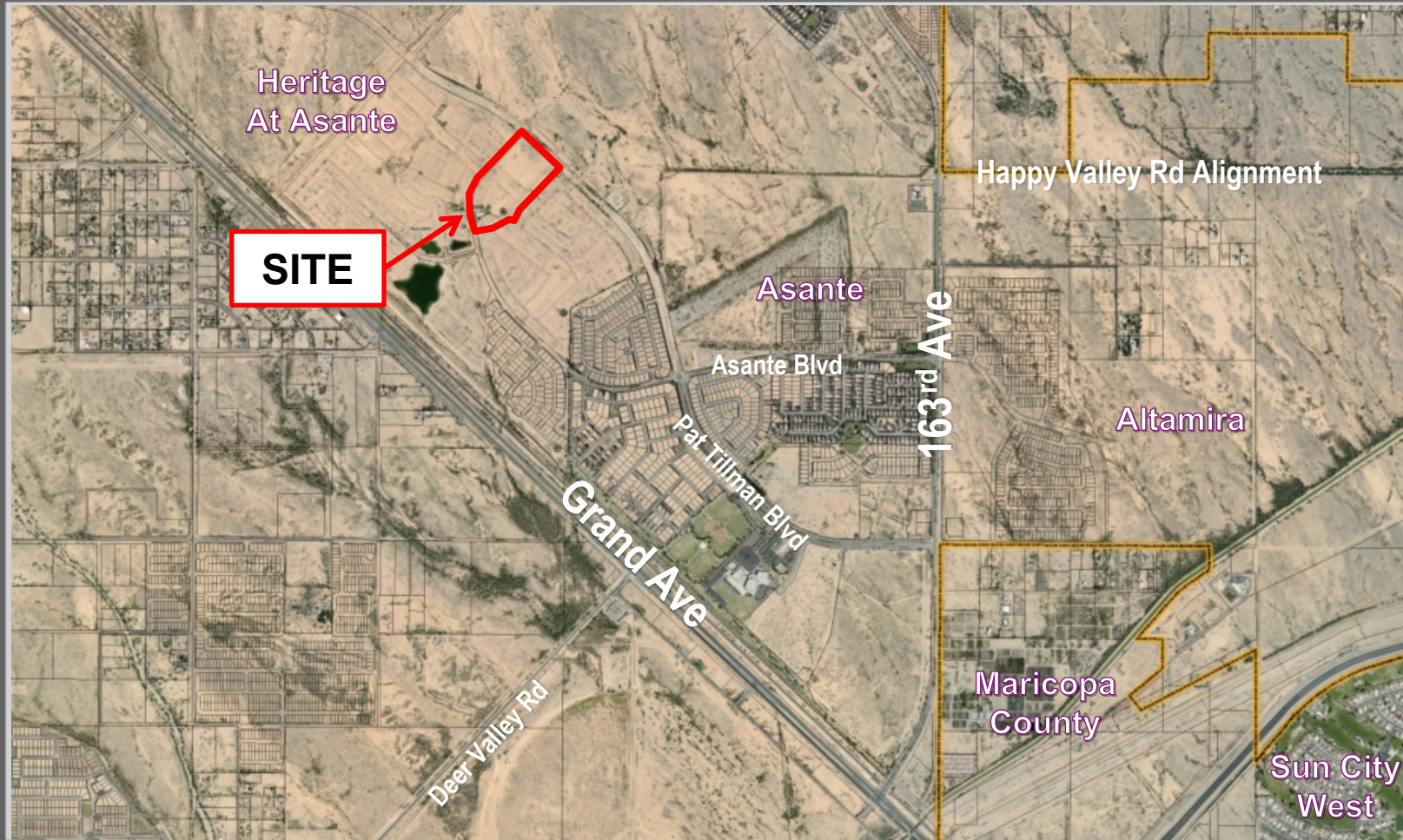
FP06

SHT. 6 OF



Heritage Asante Parcel 2 Final Plat

City Council
June 18, 2019



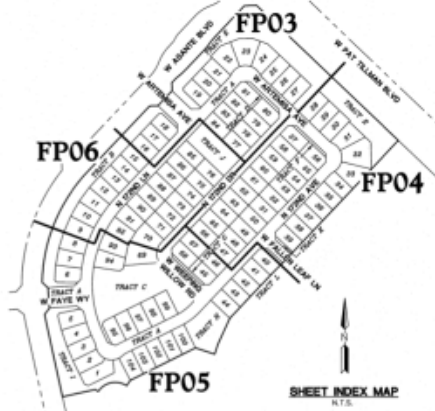
VICINITY MAP

LOT TABLE		
LOT NO.	AREA (SQ/FT)	AREA (ACRES)
LOT 1	5953	0.135
LOT 2	4973	0.107
LOT 3	4778	0.108
LOT 4	4698	0.103
LOT 5	4782	0.104
LOT 6	4371	0.100
LOT 7	4888	0.111
LOT 8	4888	0.111
LOT 9	4948	0.111
LOT 10	4888	0.111
LOT 11	4888	0.111
LOT 12	4718	0.108
LOT 13	4912	0.104
LOT 14	4908	0.103
LOT 15	4908	0.103
LOT 16	4908	0.103
LOT 17	4908	0.103
LOT 18	4425	0.102
LOT 19	4475	0.103
LOT 20	4908	0.103
LOT 21	4482	0.103
LOT 22	3838	0.088
LOT 23	8748	0.199
LOT 24	5983	0.135
LOT 25	4908	0.103
LOT 26	4882	0.103

LOT TABLE		
LOT NO.	AREA (SQ/FT)	AREA (ACRES)
LOT 27	4882	0.103
LOT 28	3808	0.088
LOT 29	5908	0.135
LOT 30	5908	0.135
LOT 31	3818	0.088
LOT 32	7982	0.181
LOT 33	5978	0.135
LOT 34	4475	0.103
LOT 35	4908	0.103
LOT 36	4908	0.103
LOT 37	4908	0.103
LOT 38	4908	0.103
LOT 39	4482	0.103
LOT 40	4482	0.103
LOT 41	4908	0.103
LOT 42	4908	0.103
LOT 43	4908	0.103
LOT 44	4738	0.108
LOT 45	4938	0.104
LOT 46	4908	0.103
LOT 47	4908	0.103
LOT 48	4908	0.103
LOT 49	4908	0.103
LOT 50	4908	0.103
LOT 51	4908	0.103
LOT 52	4908	0.103

LOT TABLE		
LOT NO.	AREA (SQ/FT)	AREA (ACRES)
LOT 53	4908	0.103
LOT 54	4908	0.103
LOT 55	4908	0.103
LOT 56	4908	0.103
LOT 57	4908	0.103
LOT 58	4908	0.103
LOT 59	4908	0.103
LOT 60	4908	0.103
LOT 61	4908	0.103
LOT 62	4908	0.103
LOT 63	4908	0.103
LOT 64	4908	0.103
LOT 65	4908	0.103
LOT 66	4908	0.103
LOT 67	4908	0.103
LOT 68	4908	0.103
LOT 69	4908	0.103
LOT 70	5908	0.135
LOT 71	4908	0.103
LOT 72	4908	0.103
LOT 73	4908	0.103
LOT 74	4908	0.103
LOT 75	4908	0.103
LOT 76	4908	0.103
LOT 77	4908	0.103
LOT 78	4908	0.103

LOT TABLE		
LOT NO.	AREA (SQ/FT)	AREA (ACRES)
LOT 79	4908	0.103
LOT 80	4908	0.103
LOT 81	4908	0.103
LOT 82	4908	0.103
LOT 83	4908	0.103
LOT 84	4908	0.103
LOT 85	4908	0.103
LOT 86	4908	0.103
LOT 87	4908	0.103
LOT 88	4908	0.103
LOT 89	4908	0.103
LOT 90	4908	0.103
LOT 91	4908	0.103
LOT 92	5908	0.135
LOT 93	4908	0.103
LOT 94	5478	0.126
LOT 95	4908	0.103
LOT 96	4908	0.103
LOT 97	4908	0.103
LOT 98	4908	0.103
LOT 99	4908	0.103
LOT 100	4908	0.103
LOT 101	4908	0.103
LOT 102	4908	0.103
LOT 103	4908	0.103
LOT 104	4908	0.103



AREAS

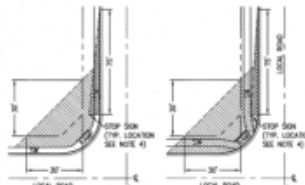
ASPHALT BLVD RIGHT-OF-WAY = 62,424 SQ. FT. 1.433 ACRES
 PAV. TULSA BLVD RIGHT-OF-WAY = 40,882 SQ. FT. 1.148 ACRES
 TRACT A AREA = 363,818 SQ. FT. 8.384 ACRES
 TRACTS B-L AREA = 276,548 SQ. FT. 6.334 ACRES
 TRACTS M-N AREA = 483,238 SQ. FT. 11.033 ACRES
 LOT AREA = 4,812 SQ. FT. 0.110 ACRES
 NET AREA = 898,888 SQ. FT. 20.608 ACRES
 DENSITY (NET) = 0.2 D.U. / ACRE

NOTES

1. SIGNS, FENCES, WALLS, UTILITY BOXES, STRUCTURES, SHEDS, HOUSES OR OTHER PLANTS, BUT EXCLUDING TREES OVER 30 INCHES IN HEIGHT SHALL NOT BE PERMITTED WITHIN THE RESTRICTED AREAS.
2. PLANTING WITHIN THE 6'W IN VIEW ELEVATIONS SHALL BE FOR THE APPROVED TREES AND SHRUBS AND SHALL NOT EXCEED WITHIN THE 30'W TRIMLINE FOR HEIGHTS OVER 10 FEET.
3. TREES ARE PERMITTED WITHIN THE RESTRICTED AREAS PROVIDED:
 - A. NO LIMES, LEAVES, NEEDLES OR OTHER PLANTAGE OVER 30 INCHES OR BELOW 30 INCHES ARE PERMITTED.
 - B. TREES SHALL NOT EXCEED MORE THAN ONE OF THE TRIMLINE WHEN COMBINED WITH OTHER OBSTRUCTIONS PRESENT.
 - C. STOP SIGN SHALL BE INSTALLED AT 7' MINIMUM REAR RACK OF CURB.
 - D. UNIMPROVED NEW EXISTENCE AREA (SEE NOTE #6)
 - E. NO VEGETATION OVER 30 INCHES IN HEIGHT

NOTES

1. NO PERMANENT STRUCTURE OF ANY KIND SHALL BE CONSTRUCTED ON, OVER OR PLACED WITHIN EXISTENCE. IT SHALL BE PLACED UNDERGROUND THAT THE CITY OF SURPRISE SHALL NOT BE REQUIRED TO REPLACE ANY OBSTRUCTIONS OR PLANTING THAT MUST BE REMOVED DURING THE COURSE OF MAINTENANCE, CONSTRUCTION OR REPAIR OF THE ROADWAY.
2. ALL NEW OR RELOCATED UTILITIES SHALL BE PLACED UNDERGROUND.
3. ALL EXISTING AND PROPOSED UTILITIES SHALL BE MAINTAINED AT A MAXIMUM HEIGHT OF 30" ABOVE GROUND LINES AT LOT CORNERS SHALL BE MAINTAINED AT A MAXIMUM HEIGHT OF 30" ABOVE GROUND LINES. (SEE DETAIL THIS SHEET)
4. ALL EXISTING SUBSTATIONARY CORNERS ARE AS SHOWN FOR THIS PLAT IN CONFORMANCE WITH ARIZONA STATUTE. ALL INTERIOR CORNERS AND MONUMENTS ARE TO BE SET BY THE SURVEYOR RESPONSIBLE FOR THE CONSTRUCTION SURVEY AND STAKING OF THIS PROJECT AND MUST BE IN CONFORMANCE WITH SAID ARIZONA STATUTORY REQUIREMENTS.
5. LANDSCAPING WITHIN ALL TRACTS WILL BE MAINTAINED BY THE HOMEOWNER'S ASSOCIATION. PROVISIONS SHALL BE MADE FOR DEVELOPMENT AND MAINTENANCE OF STREET LIGHTS THROUGHOUT THE ASSOCIATION OR THROUGH THE CREATION OF A STREET LIGHT IMPROVEMENT DISTRICT (SLID).
6. NO ON-SITE DRINKING OR DISPOSITION SHALL OCCUR WITHOUT FIRST OBTAINING A PERMIT FROM THE CITY OF SURPRISE.
7. IN ACCORDANCE WITH ARS § 9-101, THE CITY OF SURPRISE HAS DETERMINED THAT ALL RECORDS OCCURRING WITHIN THIS PLAT ARE IN CONFORMANCE WITH THE SURPRISE GENERAL PLAN. PURSUANT TO A.R.S. § 9-101, 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 § 9-101 AND 9-101.01) WHEN APPLICABLE.
8. THE RIGHTS DESIGNATED AS "PRIVATE" AND ANY APPURTENANCES INCLUDING BUT NOT LIMITED TO ROAD RIGHTS, TRIPPING, CURB AND DRIVE, AND SEVERABLE ARE PRIVATE. SUCH RIGHTS AND APPURTENANCES ARE LIMITED, MAINTAINED AND REPAIRED BY OWNER OF HOMEOWNER'S ASSOCIATION FORMED BY OWNER. THE CITY OF SURPRISE SHALL NOT MAINTAIN OR REPAIR ANY ROAD DESIGNATED AS "PRIVATE."



LOCAL STREET
SIGHT VISIBILITY TRIANGLES

TRACT TABLE	
TRACT AREA (ACRES)	USE
TRACT A 3.7484	PRIVATE ACCESSORY COMMON AREA, DRIVEWAY, PUBLIC UTILITY CORRIDOR
TRACT B 5.7613	COMMON AREA & DRIVEWAY
TRACT C 1.0149	COMMON AREA & DRIVEWAY
TRACT D 0.0344	COMMON AREA & DRIVEWAY
TRACT E 1.6383	COMMON AREA & DRIVEWAY
TRACT F 0.0308	COMMON AREA & DRIVEWAY
TRACT G 0.0308	COMMON AREA & DRIVEWAY
TRACT H 0.0302	COMMON AREA & DRIVEWAY
TRACT I 0.0308	COMMON AREA & DRIVEWAY
TRACT J 0.0485	COMMON AREA & DRIVEWAY
TRACT K 0.0372	COMMON AREA & DRIVEWAY
TRACT L 0.0372	COMMON AREA & DRIVEWAY

1. COMMON AREAS MAY INCLUDE OPEN SPACE, LANDSCAPING, PESTICIDE, PESTS AND/OR ANIMALS.
2. SPECIFIC EXEMPTIONS THAT ARE BEING REQUESTED AS PART OF THIS PLAT ARE FULLY ELABORATED ON THE FOLLOWING SHEETS.
3. THE LOT INCOME IN THE TRACT TABLE ABOVE DO NOT INTEND TO GRANT EXEMPTIONS THAT ARE BLANET IN NATURE OVER THE ENTIRE TRACT.





LID ASHLEY, LLC
APN: 803-73-8433
DET. 28-007000 MGR

HE CAPTAIN ASHLEY LTD
APN: 803-73-8433
DET. 28-007000 MGR

LEGEND

- FOUND 1/2" REBAR W/ CAP, RLS 10244 OF 40 TIED
- FOUND BRASS CAP W/ HARD HOLE
- FOUND BRASS CAP FLUSH
- SET 1/2" REBAR W/ CAP, RLS 10244 OF 40 TIED
- BRASS CAP FLUSH PER M&S 576 DTL 120-1 TYPE D
- BOUNDARY LINE
- SECTION LINE
- CENTER LINE
- RIGHT OF WAY
- EASEMENT
- PARCEL LINE
- RIGHT-OF-WAY
- PUBLIC UTILITY EASEMENT
- UNLAW. NON-ADJ. EASEMENT
- MARICOPA COUNTY RECORDS
- REGISTERED LAND SURVEYOR
- ASSessor PARCEL NUMBER
- POINT OF BEGINNING
- POINT OF COMMENCEMENT
- 30'x30' SPOT VISIBILITY TRIANGLE ELEMENTS (SEE NOTE 3, PAGE 2)
- SIGHT DISTANCE LINE

CURVE NO.	RADIUS	DELTA	LENGTH
C1	50.00'	17°07'27"	16.80'
C2	50.00'	10°47'04"	18.00'
C3	50.00'	17°07'27"	16.80'

LINE NO.	DIRECTION	LENGTH
L1	N07°38'30"W	28.20'
L2	N07°37'27"E	28.20'
L3	N07°38'30"W	28.20'
L4	N07°37'27"E	28.20'
L5	N07°38'30"W	28.20'
L6	N07°37'27"E	28.20'
L7	N07°38'30"W	0.90'
L8	N07°38'30"W	0.90'



FINAL PLAT





- 30 15 0 30 60
SCALE FEET
- LEGEND**
- FOUND 1/2" BRASS W/ CAP, ALL BEAM OR AS NOTED
 - FOUND BRASS CAP IN HAND HOLE
 - FOUND BRASS CAP FLUSH
 - SET 1/2" BRASS W/ CAP, ALL BEAM OR AS NOTED
 - * BRASS CAP, FLUSH WITH ROAD SET, DTL. 100-1 TYPE B
 - BOUNDARY LINE
 - SECTION LINE
 - CENTER LINE
 - RIGHT OF WAY
 - EASEMENT
 - PARCEL LINE
 - RIGHT-OF-WAY
 - PUBLIC UTILITY EASEMENT
 - VEHICLE NON-ACCESS EASEMENT
 - MARICOPA COUNTY RECORDS
 - ADJACENT LANDS SURVEY
 - APPROX. PARCEL NUMBER
 - P.O.B. POINT OF BEGINNING
 - P.O.C. POINT OF COMMENCEMENT
 - NEXT RIGHT OF WAY
 - TOWNSHIP EASEMENTS (SEE NOTE 3, PAGE 2)
 - ① SIGHT DISTANCE LINE
 - ②

LINE TABLE

LINE NO.	DIRECTION	LENGTH
L1	S22°47'34"E	20.84'
L2	S42°57'34"E	20.61'
L3	N48°57'34"E	20.28'
L4	N48°57'34"E	20.28'
L5	N48°57'34"E	20.28'
L6	N48°57'34"E	20.28'
L7	N48°57'34"E	20.28'
L8	N48°57'34"E	20.28'
L9	N48°57'34"E	20.28'
L10	N48°57'34"E	20.28'
L11	N48°57'34"E	20.28'
L12	N48°57'34"E	20.28'
L13	N48°57'34"E	20.28'
L14	N48°57'34"E	20.28'
L15	N48°57'34"E	20.28'
L16	N48°57'34"E	20.28'
L17	N48°57'34"E	20.28'
L18	N48°57'34"E	20.28'
L19	N48°57'34"E	20.28'
L20	N48°57'34"E	20.28'
L21	N48°57'34"E	20.28'

CURVE TABLE

CURVE NO.	RADIUS	DELTA	LENGTH
C1	200.00'	27°17'17"	70.24'
C2	50.00'	12°47'40"	15.85'
C3	50.00'	17°20'28"	16.82'
C4	50.00'	17°20'28"	16.82'
C5	50.00'	17°20'28"	16.82'
C6	50.00'	17°20'28"	16.82'
C7	50.00'	17°20'28"	16.82'
C8	50.00'	17°20'28"	16.82'
C9	50.00'	17°20'28"	16.82'
C10	50.00'	17°20'28"	16.82'



FINAL PLAT

FINAL PLAT

LEE KIMBLE, LLC
APN: 003-35-070
EXT: 00-048871 NCR



CURVE TABLE			
CURVE NO.	KNOWLEDGE	SIGMA	LENGTH
C1	55.88'	107°20'29"	133.04'
C2	410.98'	89°52'42"	588.04'

SEE SHEET FP03

SEE SHEET FP05



LEGEND

- ① FOUND 1/2" ROUND IRON PILE, RLS 10044 OR AS NOTED
- ② FOUND BRASS CAP IN HOLE
- ③ FOUND BRASS CAP FLUSH
- SET 1/2" IRON W/ CAP, RLS 10044 OR AS NOTED
- BRASS CAP, FLUSH PER MAG. T.S. 1/2", 30" TYPE B
- BOUNDARY LINE
- SECTION LINE
- CENTER LINE
- RIGHT OF WAY
- EASEMENT
- PARCEL LINE
- RIGHT-OF-WAY
- PUBLIC UTILITY EASEMENT
- VEHICLE NON-ACCESS EASEMENT
- NARACORA COUNTY RECORDS
- REGISTERED LAND SURVEYOR
- ACCESSOR PARCEL NUMBER
- P.O.B. POINT OF BEGINNING
- P.O.C. POINT OF COMMENCEMENT
- ④ 30'x60' RIGHT VISIBILITY TRIANGLE EASEMENTS (SEE NOTE 3, PAGE 2)
- ⑤ RIGHT DISTANCE LINE



QUESTIONS OR COMMENTS?

Thank You



CITY OF SURPRISE Regular City Council Meeting

Council Meeting Date: June 18, 2019

Contact Person: Council Members Hayden, Judd and Duffy

Submitting Department: Human Svcs and Comm Vitality

District: Citywide

Staff Recommendations: None

Consent: No

Regular: Yes

Public Hearing: No

Report/Discussion: No

Agenda Wording:

Consideration and action pertaining to the Committee on Community Outreach, Partnerships and Grants recommendations for the Surprise Community Outreach Program funding for Fiscal Year 2019.

Motion:

I move to approve the funding recommendations from the Community Outreach, Partnerships, and Grants subcommittee as presented.

Background:

The Surprise Community Outreach Program (SCOP) was established by the City Council to provide a supplemental funding source to organizations providing direct service to citizens of the City of Surprise. Fiscal Years 2014 and 2015 each had funding of \$50,000. Fiscal year 2016 allocated funding was \$50,000, with \$40,000 designated for SCOP and \$10,000 for the Neighborhood Grant Program. In Fiscal Years 2017 and 2018, the allocated funding was \$65,000 for SCOP and \$10,000 for the Neighborhood Grant Program. Last year the City Council increases allocations to \$100,000 for SCOP and \$10,000 for Neighborhood Grant.

Objective Analysis:

The Surprise Community Outreach Program was designed to provide non-profit 501(c)3 organizations with options for funding programs and/or events.

Policy Compliant:

The Surprise Community Outreach Program is consistent with city and council policies.

Financial Impact:

For FY2020, the committee's total award recommendation is \$100,000. The one-time awards are paid to agencies on a reimbursement basis upon completion of their project. The deadline for project completion and spending is June 12, 2020.

Budget Impact:

The FY2020 approved budget for the Human Service and Community Vitality Department includes

a total of \$110,000 for community outreach activities; \$10,000 for the Neighborhood Grant Program and \$100,000 for the Surprise Community Outreach Program.

FTE Impact:

None

ATTACHMENTS:

1. Staff Report - SCOP FY20
 2. Presentation
-



HUMAN SERVICE AND COMMUNITY VITALTY

Date: June 18, 2019
To: Surprise City Council
From: Seth Dyson, Director
Re: Surprise Community Outreach Program FY20

Introduction

The Surprise Community Outreach Program was designed to provide non-profit 501(c)3 organizations with options for funding programs and/or events.

Background

The Surprise Community Outreach Program (SCOP) was established by the City Council to provide a supplemental funding source to organizations providing direct service to citizens of the City of Surprise. Fiscal years 2014 and 2015 each had funding of \$50,000. Fiscal year 2016 allocated funding was \$50,000, with \$40,000 designated for SCOP and \$10,000 for the Neighborhood Grant Program. Fiscal years 2017 and 2018 each allocated funding of \$75,000, with \$65,000 designated for SCOP and \$10,000 for the Neighborhood Grant Program. Fiscal year 2019 the allocation increased to \$110,000, with \$100,000 for SCOP and \$10,000 for the Neighborhood Grant Program.

Funding

The City Council designated \$110,000 from the FY2020 budget for community outreach programs. \$100,000 has been allocated for the Surprise Community Outreach Program and \$10,000 for the Neighborhood Grant Program.

The Committee on Community Outreach, Partnerships and Grants reviewed applications and are making recommendations to the full City Council for which groups get awarded.

Committee Recommendations

The Committee on Community Outreach, Partnerships and Grants held a meeting on May 13th to review, discuss and act upon the eligible applications received. A total of thirty-five (35) agency applicants were received. Applicants were invited to the May 13th committee meeting to present their project.

Committee recommendations are as follows:

Agency	Requested	Committee
A New Leaf	\$10,000	\$7,500
Cancer Support Community	\$10,000	\$7,500
The Reveille Foundation	\$10,000	\$7,500
Lutheran Social Services - SW	\$10,000	\$7,200
One Step Beyond, Inc.	\$6,500	\$6,500
The Clothing Shop	\$10,000	\$6,500
Spencer's Place	\$10,000	\$6,091
HART Pantry	\$6,000	\$6,000
Banner Alzheimer's Foundation	\$10,000	\$5,000
Radiant Church	\$5,000	\$5,000
Rotary Club	\$10,000	\$5,000
St. Vincent de Paul	\$10,000	\$5,000
Youngtown Community Fund	\$10,000	\$5,000
Chance Shelter	\$4,000	\$4,000
Seeds of Hope	\$4,000	\$4,000
WHAM	\$8,000	\$4,000
Eves Place	\$2,709	\$2,709
Surprise Young Life	\$10,000	\$2,500
Sr. Citizens One Step Information Center	\$1,500	\$1,500
West Valley Arts Council	\$1,500	\$1,500
Benevilla	\$10,000	\$0
Brain Injury Alliance	\$5,040	\$0
Calvary Chapel FourteenSix	\$10,000	\$0
Dysart Education Foundation	\$10,000	\$0
Experience Matters	\$10,000	\$0
NorthWest Valley Connect	\$10,000	\$0
Phoenix Gospel Mission	\$9,804	\$0
Science the Earth	\$10,000	\$0
Stepping Up For Seniors	\$10,000	\$0
Sun Health	\$10,000	\$0
SouthWest Human Development	\$10,000	\$0
SouthWest Lending Closet	\$10,000	\$0
The Maximum Potential Foundation	\$7,650	\$0
VetLink Foundation	\$10,000	\$0
West Valley Symphony Association	\$10,000	\$0
Requested Amount	\$291,703	\$100,000

Future Actions

- Award notifications to be sent immediately after Council action
- Spending and projects must be complete by June 12, 2020

Recommendation

Approval of Surprise Community Outreach Program awards as recommended by the Committee on Community Outreach, Partnerships and Grants.



Community Outreach Program

FY2019-2020

PROGRAM PURPOSE & OVERSIGHT

- To support local non-profit organizations serve the City of Surprise residents
- Surprise Sub-Committee on Community Outreach, Partnerships & Grants makes funding recommendations
- Sub-Committee Members are Councilmembers Nancy Hayden, Chair, Patrick Duffy and Chris Judd

PROGRAM GUIDELINES

- Must provide verification of 501(c)3 status
- Must submit a new application with every program cycle
- Events, programs, activities, etc. must take place in the City of Surprise
- Must include a proposed budget for use of funds
- Reporting is required
- Recipients will acknowledge grant award in press release
- Funds are provided on an invoice or reimbursement basis
- Maximum award is \$10,000
- FY19-20 SCOP allocation is \$100,000

FY 2019-2020 PROGRAM

- The Committee met on Monday, May 13th to review the applicants requests
- **35** applications were received
 - Total requested grant amount: **\$291,703**

Agency	Program Focus	Agency	Program Focus
A New Leaf	Social Services	Seeds of Hope	Social Services
Banner Alzheimers Foundation	Social Services	SouthWest Lending Closet	Social Services
Benevilla	Social Services	SouthWest Human Development	Social Services
Brain Injury Alliance	Social Services	Spencer's Place	Social Services
Calvary Chapel FourteenSix	Community Event	Sr. Citizens One Step Information Center	Social Services
Cancer Support Community	Social Services	St. Vincent de Paul	Social Services
Chance Shelter	Animal Rescue	Stepping Up For Seniors	Social Services
Dysart Education Foundation	Alumni Event	Sun Health	Social Services
Eve's Place	Social Services	Surprise Young Life	Social Services
Experience Matters	Social Services	The Clothing Shop	Social Services
HART Pantry	Social Services	The Maximum Potential Foundation	Social Services
Lutheran Social Services	Social Services	The Reveille Foundation	Social Services
NorthWest Valley Connect	Social Services	VetLink Foundation	Social Services
One Step Beyond, Inc.	Social Services	West Valley Arts Council	Arts
Phoenix Gospel Mission	Social Services	WHAM	Arts
Radiant Church	Social Services	West Valley Symphony Association	Arts
Rotary Club	Social Services	Youngtown Community Fund	Social Services
Science the Earth	Community Event		Page 998 of 1059

Agency	Program Focus	Recommendation
A New Leaf	Social Services	\$7,500
Cancer Support Community	Social Services	\$7,500
The Reveille Foundation	Social Services	\$7,500
Lutheran Social Services	Social Services	\$7,200
One Step Beyond, Inc.	Social Services	\$6,500
The Clothing Shop	Social Services	\$6,500
Spencer's Place	Social Services	\$6,091
HART Pantry	Social Services	\$6,000
Banner Alzheimers Foundation	Social Services	\$5,000
Radiant Church	Social Services	\$5,000
Rotary Club	Social Services	\$5,000
St. Vincent de Paul	Social Services	\$5,000
Youngtown Community Fund	Social Services	\$5,000
Chance Shelter	Animal Rescue	\$4,000
Seeds of Hope	Social Services	\$4,000
WHAM	Arts	\$4,000
Eve's Place	Social Services	\$2,709
Surprise Young Life	Social Services	\$2,500
Sr. Citizens One Step Information Center	Social Services	\$1,500
West Valley Arts Council	Arts	\$1,500
Total		\$100,000



SURPRISE
ARIZONA

**QUESTIONS OR
COMMENTS?**

Thank You



CITY OF SURPRISE
Regular City Council Meeting

Council Meeting Date: June 18, 2019

Contact Person: Andrea Davis, DIRECTOR -
FINANCE, Holly Osborn, AD - FINANCE

Submitting Department: Finance

District: Citywide

Staff Recommendations: None

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

Consideration and action levying primary property taxes at a rate of \$0.7591 per hundred dollars (\$100) of assessed valuation and secondary property taxes at a rate of \$0.3880 per one hundred dollars (\$100) of assessed valuation for Fiscal Year 2020 within the City of Surprise; Resolution #2019-85.

Motion:

I move to approve Resolution #2019-85. (In accordance with A.R.S. Section 42-17107(A)(4), a roll call vote on this motion is required.)

Background:

On June 4, 2019, the Mayor and City Council held a public hearing on the proposed levy of property taxes, and a roll call vote was held concerning the intention of passage of the primary property tax levy. At that time, the City Council identified \$0.7591 per \$100 of assessed valuation as the proposed primary property tax rate and \$0.3880 per \$100 of assessed valuation as the proposed secondary property tax rate. All public hearings and notices were published and advertised in accordance with state law.

Adoption of Resolution #2019- 85 will set the primary and secondary tax levies.

Objective Analysis:

This is the final step in the adoption process.

Policy Compliant:

This item is consistent with Arizona Revised Statutes 42-17104 and 42-17107, and the City and Council policies.

Financial Impact:

For FY2020, a primary property tax rate of \$0.7591 per \$100 of assessed value will be levied upon property, both real and personal, within the City and will generate a total of \$8,551,100 and a secondary property tax rate of \$0.3880 per \$100 of assessed value will be levied upon property, both real and personal, within the City and will generate a total of \$4,370,900

Budget Impact:

Adoption of primary property tax levies will allow for the collection of these revenues, which are an integral part of the adopted fiscal year 2020 budget. The proposed primary property tax rate is \$0.7591 per \$100 of assessed value and will generate approximately \$8,551,100 and the proposed secondary property tax rate is \$0.3880 per \$100 of assessed value and will generate approximately \$4,370,900.

FTE Impact:

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

ATTACHMENTS:

1. Resolution No 2019-85 Property Tax Levy final
-

RESOLUTION # 2019-85

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA LEVYING UPON THE ASSESSED VALUATION OF PROPERTY WITHIN THE CITY A CERTAIN SUM OF MONEY FOR FISCAL YEAR 2020 TO BE ASSESSED AGAINST THE VALUATION OF REAL AND PERSONAL PROPERTY FOR PRIMARY AND SECONDARY TAX PURPOSES.

WHEREAS, the City Council is required by Arizona Revised Statutes §42-17253 to adopt an annual tax levy based upon the rate to be assessed per each One Hundred Dollars (\$100.00) of assessed valuation of property within the City;

WHEREAS, the primary and secondary tax levy for Fiscal Year 2020 beginning July 1, 2019 must be adopted by resolution prior to the third Monday in August, and not less than fourteen days after adoption of the municipal budget;

WHEREAS, the municipal budget of the City of Surprise was adopted at a special meeting of the City Council held on June 4, 2019, at least fourteen days prior to the adoption of this Resolution; and

WHEREAS, the City has computed tax rates at \$0.7591 per One Hundred Dollars (\$100.00) of assessed valuation to be levied and collected as primary taxes and \$0.3880 per One Hundred Dollars (\$100.00) of assessed valuation to be levied and collected as secondary taxes.

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

Section 1. That there is hereby levied, as a primary property tax, \$0.7591 per each One Hundred Dollars (\$100.00) of the assessed value of all property, both real and personal, within the corporate limits of the City, except such property as may be by law exempt from taxation, a primary property tax rate sufficient to raise the sum of eight million, five hundred fifty-one thousand, one hundred dollars (\$8,551,100.00) for the fiscal year ending on June 30, 2020.

Section 2. That there is hereby levied, as a secondary property tax, \$0.3880 per each One Hundred Dollars (\$100.00) of the assessed value of all property, both real and personal, within the corporate limits of the City, except such property as may be by law exempt from taxation, a secondary property tax rate sufficient to raise the sum of four million, three hundred seventy thousand, nine hundred dollars (\$4,370,900.00) for the fiscal year ending on June 30, 2020.

Section 3. Any failure by the Maricopa County officials to properly return the delinquent tax list, irregularity in assessments or omissions in the same, or any

irregularity in any proceedings shall not invalidate such proceedings nor invalidate any title conveyed by any tax deed, any sale or proceeding pursuant thereto, the validity of the assessment or levy of taxes, nor the judgment of sale by which the collection of taxes may be enforced. All actions by officers de facto shall be valid as if performed by officers de jure.

APPROVED AND ADOPTED this ____ day of _____, 2019.

Skip Hall, Mayor

Attest:

Approved as to form:

Sherry Aguilar, City Clerk

Robert Wingo, City Attorney



CITY OF SURPRISE Regular City Council Meeting

Council Meeting Date: June 18, 2019

Contact Person: Andrea Davis, DIRECTOR -
FINANCE, Holly Osborn, AD - FINANCE

Submitting Department: Finance

District: Citywide

Staff Recommendations: None

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

Consideration and action setting forth the Fiscal Year 2020 levy of property tax rates for Street Light Improvement Districts (SLID) within the City of Surprise; Resolution #2019-86.

Motion:

I move to approve Resolution # 2019-86 (In accordance with A.R.S. Section 42-17107(A)(4), this motion must be by roll call vote).

Background:

On June 4, 2019, the Mayor and City Council held a public hearing on the proposed FY2020 SLID tax levy. Per Arizona Revised Statute 42-17107, a public hearing was held to receive public comment on the proposed SLID tax levies for fiscal year 2020. This hearing was published and advertised in accordance with State law. Adoption of Resolution # 2019-86 will set said SLID property tax levies.

Objective Analysis:

The Street Light Improvement Districts are established to levy a property tax within specific geographic areas to pay for costs of providing street lighting. These costs would otherwise be paid for through other operating sources.

Policy Compliant:

This item is consistent with City and Council policy as well as Arizona Revised Statutes.

Financial Impact:

For FY2020, a property tax will be levied upon the assessed valuation of property for Street Light Improvement Districts (SLID) at an amount up to the maximum rate of \$1.20 per \$100 of assessed value for each SLID. The levies will generate \$2,751,700 of revenue in total. The funds will be used to pay for electricity, maintenance, and administration fees associated with each SLID.

Budget Impact:

The proposed SLID tax levies are included as a part of the FY2020 Final Budget which was approved by Council on June 4, 2019.

FTE Impact:

No FTE impact will occur with this item.

ATTACHMENTS:

1. Resolution No 2019-86 SLID Levy adoption final-Exh
-

RESOLUTION 2019-86

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA, SETTING FORTH THE LEVY OF PROPERTY TAX RATES FOR STREET LIGHTING IMPROVEMENT DISTRICTS.

WHEREAS, the provisions of Arizona Revised Statutes Section 48-616 require the governing body to levy taxes upon all property in municipal street lighting improvement districts necessary to pay the annual expenses of said districts;

WHEREAS, the City Council is required by Arizona Revised Statutes Section 42-17103 et seq. to hold a public hearing on or before the fourteenth day before the day on which it levies taxes, and the City council held such hearing on June 4, 2019; and

WHEREAS, the City has computed tax rates for Street Lighting Improvement Districts up to the maximum rate of \$1.20 for each One Hundred Dollars (\$100.00) of assessed valuation, as set forth on *Exhibit A* attached hereto.

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

Section 1. For each Street Lighting Improvement District as set forth in *Exhibit A*, attached and incorporated herein, there is hereby levied an amount not to exceed the maximum rate of \$1.20 on each One Hundred Dollars (\$100.00) of assessed valuation, to be collected as provided by law and for the purpose provided by law.

APPROVED AND ADOPTED this ____ day of _____, 2019.

Skip Hall, Mayor

Attest:

Approved as to form:

Sherry Aguilar, City Clerk

Robert Wingo, City Attorney

EXHIBIT "A"

Street Light Improvement Districts

Expense Estimates and Levy Rates

Fiscal Year 2020

County Number / City District Name by Assessment Type		Net Assessed Value ¹	Estimated Expenses	Levy Amount	Levy Rate ²
Ad Valorem					
23667	Asante Parcel 1.16	42,461	1,100	500	1.1775
23641	Asante Phase 1	7,046,226	49,400	84,500	1.1992
23183	Ashton Ranch I	2,821,549	13,400	12,100	0.4288
23238	Ashton Ranch II	3,277,862	15,000	13,900	0.4240
23355	Ashton Ranch III	2,982,751	16,700	15,000	0.5028
23358	Ashton Ranch IV	2,974,559	12,100	10,700	0.3597
23698	Autoshow East 1 #126 (Coulter Nissan)	906,067	700	600	0.0662
23872	Autoshow East 3 #132 (Toyota)	1,286,910	700	2,700	0.2098
23682	Autoshow NW #114 SLID	2,816,542	2,100	1,900	0.0674
23830	Autoshow West 1 #150	1,604,819	1,400	1,300	0.0810
23836	Autoshow West 2 #152	1,276,579	1,600	1,600	0.1253
23854	Bell Point II North #156	58,508	0	0	0.0000
23855	Bell Point II South #157	109,100	0	0	0.0000
23468	Bell Pointe I	5,164,876	23,100	20,700	0.4007
23193	Bell West Ranch	2,043,573	7,900	6,200	0.3033
23323	Bell West Ranch 1A	2,708,285	11,000	9,600	0.3544
23351	Bell West Ranch 1B	1,675,550	7,500	6,800	0.4058
23424	Bell West Ranch II	2,936,558	10,400	8,900	0.3030
23461	Bell West Ranch III	2,718,484	10,400	9,100	0.3347
23660	Cactus Ward LDS NONTAX	0	0	0	0.0000
23194	Canyon Ridge West	10,947,650	13,000	11,700	0.1068
23537	City @ Surprise Ph 1	2,597,291	8,100	7,500	0.2887
23125	Continental at Kingswood Parke	4,513,108	12,300	11,000	0.2437
23456	Cotton Gin	3,291,289	15,600	14,000	0.4253
23330	Countryside	8,692,634	33,000	29,500	0.3393
23590	Desert Oasis Lancer 5 A5B14A	3,335,057	29,600	26,900	0.8065
23450	Desert Oasis No. 1	6,826,664	24,400	27,900	0.4086
23700	Desert Oasis Pcl 13A	988,496	7,500	11,800	1.1937
23706	Desert Oasis Pcl 14C	2,219,374	8,400	7,800	0.3514
23258	Greenway Parc #1	3,458,471	19,500	17,200	0.4973
23329	Greenway Parc #2	3,046,834	16,200	15,200	0.4988
23268	Greenway Parc #3	806,603	6,100	5,200	0.6446
23525	Greer Ranch North Ph1	7,522,186	35,500	32,700	0.4347
23555	Greer Ranch North PH2	7,106,190	16,100	19,000	0.2673
23460	Greer Ranch South	17,190,162	44,200	42,000	0.2443
23644	Johnson Townhomes	496,518	1,200	900	0.1812
23469	Kenly Farms	3,572,111	11,900	11,100	0.3107
13980	Kingswood Parke	11,396,279	36,900	33,500	0.2939
23319	Legacy Parc	6,476,386	25,200	23,400	0.3613
23356	Legacy Parc G,H,I	2,766,815	15,100	13,700	0.4951
23419	Legacy Parc Parcels e, f, & j	3,267,592	10,700	9,500	0.2907
23449	Litchfield Manor	14,769,275	53,800	49,700	0.3365
23457	Marley Park I, p 1-4	6,974,967	28,800	25,500	0.3655
23521	Marley Park Ph 1, P 5, 6	4,660,695	17,500	16,200	0.3475
23512	Marley Park Ph 1, P 7, 8	3,583,835	11,100	9,700	0.2706

APPENDIX
FY2020 SLID Property Tax Levies



County Number / City District Name by Assessment Type		Net Assessed Value ¹	Estimated Expenses	Levy Amount	Levy Rate ²
Ad Valorem					
23566	Marley Park Ph 2, 9,11,12	4,323,550	14,700	13,900	0.3214
23135	Mountain Vista	7,906,826	19,800	17,700	0.2238
23191	Mountain Vista II	7,511,161	12,000	19,500	0.2596
23239	Mountain Vista III	5,426,636	18,300	16,000	0.2948
23267	Northwest Ranch #1	4,298,672	8,700	7,700	0.1791
23335	Northwest Ranch II	5,567,725	24,800	22,700	0.4077
23409	Orchards 1,2,3,4,5	8,238,991	29,900	26,500	0.3216
23686	Paradise #117 NONTAX	10,134	0	0	0.0000
23417	Parke Row	824,788	3,100	2,800	0.3394
23661	Quick Trip # 410	285,144	800	0	0.0000
23390	Rancho Gabriella - Phase I	9,405,267	29,000	26,600	0.2828
23401	Rancho Gabriella 2,3,4A-B	20,641,536	60,300	54,100	0.2620
23487	Rancho Gabriella Ph 2 pcl 11	1,171,089	3,700	3,300	0.2817
23536	Rancho Gabriella PH 3 pcl 17	1,310,844	3,800	3,400	0.2593
23336	Roseview Units 1-6	8,891,264	37,200	32,800	0.3689
23333	Roseview Units 5, 5a, 7, 8	5,504,134	19,900	17,800	0.3233
23542	Royal Ranch Unit 2, P7	4,124,654	6,900	0	0.0000
23524	Royal Ranch Unit 2, pcl 8	1,369,712	6,400	4,300	0.3139
23506	Royal Ranch Unit II, pcl 5,6,9	6,779,006	20,300	30,400	0.4484
23673	Santa Fe Ave #111	633,022	1,300	1,100	0.1737
23591	Sarah Ann Ranch	16,418,410	61,000	56,700	0.3453
23455	Sierra Montana Parcel 12	1,433,707	8,500	8,100	0.5649
23668	Sierra Montana Parcel 14	2,346,054	10,600	9,900	0.4219
23581	Sierra Montana Parcel 7	1,261,987	3,700	3,500	0.2773
23811	Sierra Montana Phase 1 Parcel G #141	560,900	4,500	1,600	0.2852
23448	Sierra Montana Phase II	13,400,945	39,600	26,800	0.1999
23510	Sierra Verde Parcel 4	1,475,243	3,500	2,700	0.1830
23467	Sierra Verde Ph I	8,813,553	38,400	33,800	0.3835
23458	Summerfield @ Litchfields	1,345,238	5,200	4,600	0.3419
23110	Sun City Grand (DW)	44,520,116	287,800	271,000	0.6087
23174	Sun City Grand II	119,952,858	498,300	467,100	0.3894
23184	Sun City Grand III	6,136,690	33,200	31,200	0.5084
23338	Sun City Grand IV	84,440,823	164,200	149,700	0.1772
23414	Surprise Farms 1A	13,221,168	41,800	37,400	0.2828
23444	Surprise Farms 1B	14,759,004	61,700	55,400	0.3753
23498	Surprise Farms Ph 2	11,695,311	45,800	41,100	0.3514
23517	Surprise Farms Ph 3	9,285,553	38,000	34,800	0.3747
23582	Surprise Farms PH 4, Par 1-6	10,528,780	32,600	28,900	0.2744
23654	Surprise Farms Phase 5	5,653,337	14,700	13,600	0.2405
23683	Surprise Medical Plaza SLID	1,293,361	3,500	3,200	0.2474
23645	Surprise Pointe Comm'l Subdivision	12,189,129	13,100	11,500	0.0943
23653	Surprise Valley Station (Trader Joe's)	865,983	1,100	1,000	0.1154
23563	Sycamore Estates Par 13	4,226,190	25,600	22,100	0.5229
23841	Sycamore Farms Parcel 12 Ph2 #138	721,689	7,700	8,600	1.1916
23405	Tash/Western Meadows	3,432,233	14,600	12,500	0.3641



APPENDIX
FY2020 SLID Property Tax Levies

County Number / City District Name by Assessment Type		Net Assessed Value ¹	Estimated Expenses	Levy Amount	Levy Rate ²
Ad Valorem					
23470	Veramonte	5,208,272	26,000	23,200	0.4454
23663	Westfield Commons	1,733,157	0	0	0.0000
23124	WestPoint Towne Center	17,620,603	71,800	65,500	0.3717
Total Ad Valorem			2,563,600	2,404,800	

APPENDIX
FY2020 SLID Property Tax Levies



County Number / City District Name by Assessment Type		# of Taxable Parcels ¹	Estimated Expenses	Levy Amount	Levy Rate ²
Equal Apportionment					
23838	Austin Ranch Parcel 1	440	28,300	25,900	58.86
23834	Austin Ranch West Parcel 4 #139	148	9,200	19,000	128.37
23670	Commerce Park East #109 SLID	62	4,000	3,800	61.28
23671	Coyote Lakes #95 SLID	761	36,700	33,800	44.41
23662	Crescent Crown #82	2	2,100	1,900	950.00
23819	Desert Oasis Parcel 11	71	4,100	2,300	32.38
23829	Desert Oasis Parcel 13B #151	116	0	10,000	86.20
23842	Desert Oasis Parcel L10 Sanverno	106	30,200	11,900	112.26
23676	Kingswood Parke #105 SLID	47	1,700	1,700	36.16
23809	Mariposa Acres #135	2	0	0	0.00
23666	Marley Park Parcel 12	156	13,200	12,300	78.84
23810	Marley Park Ph 4, #140	423	3,200	100	0.23
23790	Marley Park Phase 3	594	20,600	51,000	85.85
23665	Marley Park Plaza #91	9	1,300	1,100	122.22
23702	OTS Commercial B #123	4	2,100	1,900	475.00
23693	OTS Market Street #121 NONTAX	0	0	0	0.00
23674	Parkview Place #112	8	2,500	2,000	250.00
23434	Royal Ranch Unit I	545	21,400	18,900	34.67
23418	Sierra Montana Phase 1a	1,453	75,700	60,400	41.56
23692	Skyway Business Park #92	61	16,900	15,700	257.38
23669	Stadium Village Small A #107	9	7,500	6,900	766.66
23672	Stonebrook #103	164	4,900	4,200	25.60
23659	Surprse Farm Chrch 84 NONTAX	0	0	0	0.00
23808	Sycamore Farms Parcel 12 North #146	162	3,300	4,700	29.00
23694	Westgate #122	1	700	600	600.00
23807	Zanjero Trails PH 2 #133	606	24,500	56,800	93.73
Total Equal Apportionment			314,100	346,900	
Grand Total			2,877,700	2,751,700	

¹ Net Assessed Value based on Maricopa County Assessor's Office 2019 February State Abstract report.

² Levy rate per \$100 of assessed value for Ad Valorem assessments. Dollar levy per parcel for Equal Apportionment assessments.



CITY OF SURPRISE Regular City Council Meeting

Council Meeting Date: June 18, 2019
Submitting Department: Community and
Recreation Svcs
Staff Recommendations: None

Contact Person: Donna Miller, DIRECTOR - CRS
District: Citywide

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

Consideration and action pertaining to approval of amendments to Chapter 38 of the Surprise Municipal Code, relating to parks and recreation; Ordinance # 2019-14.

Motion:

I move to approve Ordinance #2019-14.

Background:

The purpose of this ordinance update is to refine the responsibilities of the park ranger and also adding dog park rules as specified in Chapter 38 Section 28. These proposed dog park rules were updated and approved by the Community and Recreation Services Advisory Commission on August 27, 2018. Discussion on this item was taken to Council work session on May 21, 2019.

Objective Analysis:

The safe and enjoyable use of the park and recreation areas by all of our citizens is a high priority. This amendment will refine the responsibilities of the park ranger and enhance the ordinance by including the dog park rules. Additionally the amendment will allow a peace officer to enforce a park rule without the rule being specifically mentioned in the city ordinances.

Policy Compliant:

This is compliant with city and council policy.

Financial Impact:

Signage will be updated with city ordinance as they are replaced per asset replacement program.

Budget Impact:

Signage replacement is budgeted within current operational budget.

FTE Impact:

No FTE impact

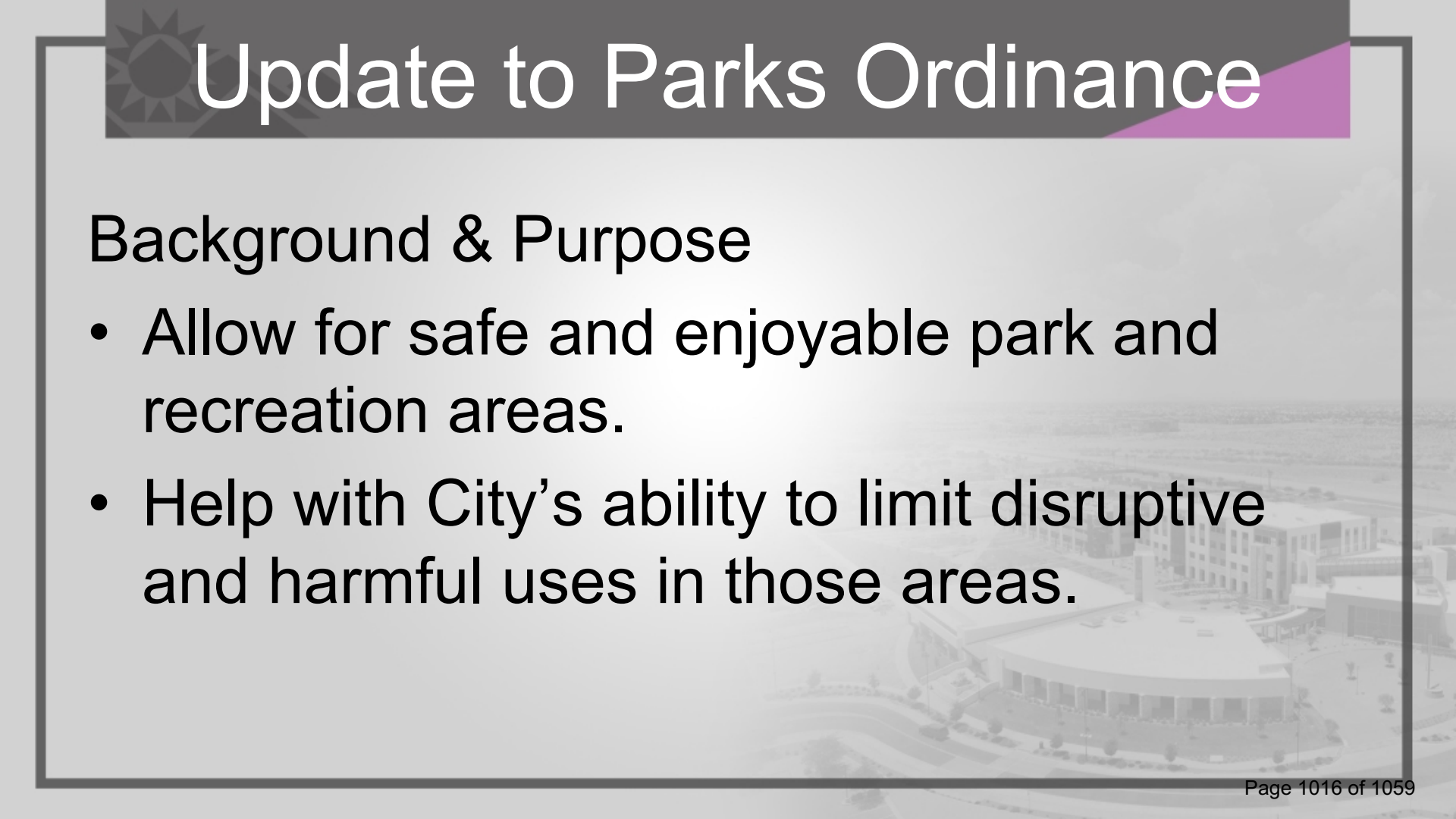
ATTACHMENTS:

1. Approval of amendments to Parks and Recreation Ordinance



Amendments to Parks and Recreation Ordinance #2019 -14

City Council Meeting | June 18, 2019



Update to Parks Ordinance

Background & Purpose

- Allow for safe and enjoyable park and recreation areas.
- Help with City's ability to limit disruptive and harmful uses in those areas.

Update to Parks Ordinance

Summary of Changes

- Amending chapter 38, article II, section 38-19 definitions by adding dog park.
- Amending chapter 38, article II, sections 38-21 relating to emergency park closures , section 38-25 relating to fishing regulations and interfering with enforcement officials, 38-28 relating to enforcement official's authority, and 38-30 relating to displaying permits;

Update to Parks Ordinance

Summary of Changes, cont'd

- Adding chapter 38, article II, section 38-32 relating to animals in the parks and dog parks; including severability; establishing an effective date; and repealing conflicting ordinances



Update to Parks Ordinance

Definitions:

- Dog Park - “Dog Park” means an enclosed area of a city park which has been designated by the City as a dog exercise area.

Update to Parks Ordinance

- Amended
Sec 38-21
- b. The public works director, **THE PARKS AND RECREATION DIRECTOR**, and city engineer are authorized to post appropriate signage, set appropriate speed limits and install appropriate devices to restrict access into parks during closing hours.

Update to Parks Ordinance

- Amended

Sec 38-21

- The city manager may direct that a park be closed for a temporary period where a situation exists that the public health and safety require that the premises be closed. A copy of the closure order shall be posted at the entrance to the park. **IN ADDITION, IN EMERGENCY CIRCUMSTANCES INVOLVING PUBLIC HEALTH AND SAFETY, ANY PEACE OFFICER, PARK RANGER, PARK ATTENDANT OR THE DIRECTOR SHALL HAVE THE AUTHORITY TO TEMPORARILY CLOSE ALL OR ANY PORTION OF A PARK AND RECREATION AREA.**

Update to Parks Ordinance

- Amended

Sec 38-25 – Miscellaneous rules of conduct; violations

- **FISH WITHOUT A VALID FISHING LICENSE ISSUED BY THE ARIZONA GAME AND FISH DEPARTMENT FOR THE PURPOSE OF URBAN FISHING OR TO EXCEED THE LEGAL BAG LIMIT FOR A SPECIES AS DETERMINED BY THE ARIZONA GAME AND FISH COMMISSION AND PUBLISHED IN THE CURRENT FISHING REGULATIONS OR COMMUNITY FISHING GUIDEBOOK. OF THE ARIZONA GAME AND FISH DEPARTMENT.**
- **FISH IN A BODY OF WATER WHICH IS NOT APPROVED FOR FISHING BY THE CITY OF SURPRISE.**
- **TAKE ANY FISH BY ANY MEANS OTHER THAN A FISHING ROD.**

Update to Parks Ordinance

- Amended

Sec 38-25 – Miscellaneous rules of conduct; violations cont'd

- It shall be unlawful to knowingly **INTIMIDATE**, obstruct, interfere, impair, **PREVENT, RESIST, DELAY**, or hinder any **PEACE OFFICER**, park ranger, **PARK ATTENDANT** or city employee in the performance of such person's official duties in a park by threatening to or using violence or physical force. Violation of this subsection is a class 1 misdemeanor.

Update to Parks Ordinance

- Amended

Sec 38-28 – Enforcement; violations.

- Any peace officer, park ranger, or the director shall have the authority to order any person acting in violation of this article to leave the park or recreation area **AND SEIZE AND CONFISCATE ANY PROPERTY, THING OR DEVICE POSSESSED IN A PARK AND RECREATION FACILITY IN VIOLATION OF THIS CHAPTER:**
- ~~(d) Any peace officer, park ranger, director shall have the authority to temporarily detain any individual in a park or recreation area for the purposes of obtaining and inspecting identification of the individual~~

Update to Parks Ordinance

- Amended

Sec 38-28 – Enforcement; violations cont'd

- **ANY PEACE OFFICER OR PARK RANGER SHALL HAVE THE AUTHORITY TO ISSUE A CITATION FOR A VIOLATION OF THIS CHAPTER AND IT SHALL BE UNLAWFUL FOR ANY PERSON TO FAIL TO FOLLOW THE CLEAR AND DIRECT ORDER OF A PEACE OFFICER OR PARK RANGER ENFORCING PARK RULES OR MAINTAINING THE PEACE. THE CITY MANAGER, OR DESIGNEE, SHALL APPROVE THE WORDING OF ALL PARK RULES PRIOR TO THEM BEING POSTED.**

Update to Parks Ordinance

Added Section 38-32 Dogs and Animals in the parks.

- **While in a park, it shall be a violation of this article for a person to:**
- **Fail to keep an animal under control at all times. When not in a Dog Park, an animal shall either be restrained in a kennel or restrained on a leash not to exceed six feet in length.**
- **Fail to have a dog on a leash when entering or leaving a Dog Park.**
- **Fail to clean up after and properly dispose of their animal's excrement in a receptacle.**

Update to Parks Ordinance

Added Section 38-32 Dogs and Animals in the parks cont'd.

- **Allow an animal to cause an injury or damage to a park, personal property, or person.**
- **Fail to render aid if their animal has injured any person.**
- **With the exception of a service animal or prior written permission of the Director, allow an animal to be present on a sports field, recreational field or other place where animals are prohibited by a written posted notice.**



Update to Parks Ordinance

Added Section 38-32 Dogs and Animals in the parks cont'd.

- **Possess a dog that is not currently licensed.**
- **Possess a dog that is not wearing its license tags.**
- **Possess more than 3 animals at one time.**



Update to Parks Ordinance

Added Section 38-32 Dogs and Animals in the parks cont'd.

- **It shall be a violation of this article for a person while in a Dog Park to:**
 - **Possess an animal other than a dog**
 - **Possess a dog younger than 4 months old.**
 - **Possess a dog in heat.**
 - **Possess a dog with a communicable disease.**



Update to Parks Ordinance

Added Section 38-32 Dogs and Animals in the parks cont'd.

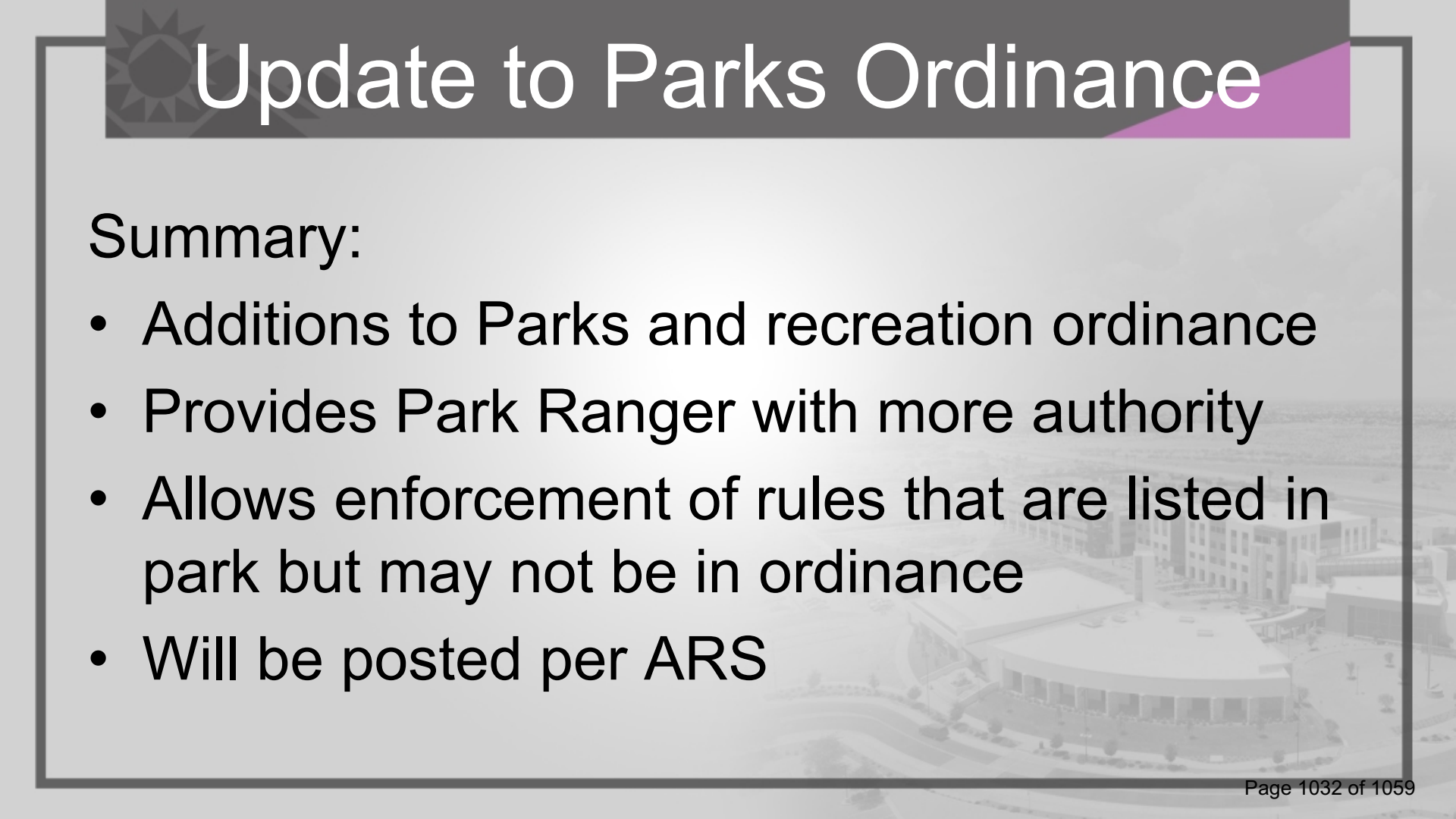
- To fail to maintain direct supervision of a child under 13 years of age in the person's custody.**
- To fail to immediately remove a dog exhibiting aggressive behavior.**



Update to Parks Ordinance

Added Section 38-32 Dogs and Animals in the parks cont'd.

- Possess dog treats or dog food**
- Possess food**
- Smoke or vape**
- Service animals must be under the control of its owner or custodian at all times.**



Update to Parks Ordinance

Summary:

- Additions to Parks and recreation ordinance
- Provides Park Ranger with more authority
- Allows enforcement of rules that are listed in park but may not be in ordinance
- Will be posted per ARS



QUESTIONS OR COMMENTS?

Thank You

ORDINANCE # 2019-14

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA, AMENDING CHAPTER 38, ARTICLE II, SECTIONS 38-19 DEFINITIONS, 38-21 HOURS OF OPERATION, 38-24 THROUGH 26 PERTAINING TO VARIOUS RULES OF CONDUCT, 38-28, ENFORCEMENT, AND 38-30, PERMITS; ADDING CHAPTER 38, ARTICLE II, SECTION 38-32 RELATING TO DOG PARKS; INCLUDING SEVERABILITY; ESTABLISHING AN EFFECTIVE DATE; AND REPEALING CONFLICTING ORDINANCES.

WHEREAS, the City of Surprise has initiated the process of changing the title of the Community and Recreation Services Department to the Parks and Recreation Department;

WHEREAS, the safe and enjoyable use of the City's park and recreation areas by all citizens is a primary priority and requires rules of park use and enforcement of same; and

WHEREAS, the City desires to discourage disruptive and harmful uses and thereby provide all citizens the opportunity to enjoy the City's park and recreation areas.

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

Section 1. Chapter 38, Article II, Section 38-19, definitions of *City Manager Designee*, *Director*, and *Permit* are amended, and *Dog Park* is added, to read:

City manager designee means the director of the PARKS ~~community and recreation services department~~.

Director means the director of the PARKS ~~community and recreation services department~~, or his designee.

Permit means any written license issued by or under the authority of the PARKS ~~community and recreation services department~~ or other approving governing agency pursuant to section 38-30 permitting a special event or activity on park and recreation area facilities.

DOG PARK MEANS AN ENCLOSED AREA OF A CITY PARK WHICH HAS BEEN DESIGNATED BY THE CITY AS A DOG EXERCISE AREA.

Section 2. Chapter 38, Article II, Sections 38-21(b) and (c) of the Surprise Municipal Code are amended to read:

(b) The public works director, THE PARKS AND RECREATION DIRECTOR, and city engineer are authorized to post appropriate signage, set appropriate speed limits and install appropriate devices to restrict access into parks during closing hours.

(c) The city manager may direct that a park be closed for a temporary period where a situation exists that the public health and safety require that the premises be closed. A copy of the closure order shall be posted at the entrance to the park. IN ADDITION, IN EMERGENCY CIRCUMSTANCES INVOLVING PUBLIC HEALTH AND SAFETY, ANY PEACE OFFICER, PARK RANGER, PARK ATTENDANT OR THE DIRECTOR SHALL HAVE THE AUTHORITY TO TEMPORARILY CLOSE ALL OR ANY PORTION OF A PARK AND RECREATION AREA.

Section 3. Chapter 38, Article II, Section 38-24(a)(4) of the Surprise Municipal Code is amended to read:

(4) Construct or erect any building or structure of whatever kind, whether permanent or temporary, or run or string any public service utility into, upon, or across such lands, except on special written permit issued by the PARKS ~~community~~ and recreation ~~services~~-department and approved by the city engineer.

Section 4. Chapter 38, Article II, Section 38-25(a)(8)(a) and 38-25(c) are amended and (a)(12), (a)(13), (a)(14) are added to read:

(a) Shade canopies are limited to spectator viewing areas immediately surrounding sports fields, courts and skate parks for the purpose of providing temporary shade for spectators and participants when such areas have been reserved for use through the PARKS ~~community~~ and recreation ~~services~~-department or when such areas are being used as part of a city-sponsored event.

(12) FISH WITHOUT A VALID FISHING LICENSE ISSUED BY THE ARIZONA GAME AND FISH DEPARTMENT OR TO EXCEED THE LEGAL BAG LIMIT FOR A SPECIES AS DETERMINED BY THE ARIZONA GAME AND FISH COMMISSION AND PUBLISHED IN THE CURRENT FISHING REGULATIONS OR COMMUNITY FISHING GUIDEBOOK.

(13) FISH IN A BODY OF WATER WHICH IS NOT APPROVED FOR FISHING BY THE CITY OF SURPRISE.

(14) TAKE ANY FISH BY ANY MEANS OTHER THAN A FISHING ROD.

(c) It shall be unlawful to knowingly INTIMIDATE, obstruct, interfere, impair, PREVENT, RESIST, DELAY, or hinder any PEACE OFFICER, park ranger, PARK ATTENDANT or city employee in the performance of such person's official duties in a park by threatening to or using violence or physical force. Violation of this subsection is a class 1 misdemeanor.

Section 5. Chapter 38, Article II, Section 38-26(b)(6) is amended to read:

(6) Offer for sale any article in any park or recreation area, without obtaining a city business or sales tax license and permit from the PARKS ~~community and recreation services~~ department as a concessionaire and paying all required fees.

Section 6. Chapter 38, Article II, Section 38-28(b), (c), and (d) are amended to read:

(b) The police department and PARKS ~~community and recreation services~~ department shall, in connection with their duties imposed by law, diligently enforce the provisions of this article.

(c) Any peace officer, park ranger, or the director shall have the authority to order any person acting in violation of this article to leave the park or recreation area AND SEIZE AND CONFISCATE ANY PROPERTY, THING OR DEVICE POSSESSED IN A PARK AND RECREATION FACILITY IN VIOLATION OF THIS CHAPTER.

(d) ~~Any peace officer, park ranger, director shall have the authority to temporarily detain any individual in a park or recreation area for the purpose of obtaining and inspecting identification of the individual~~ ANY PEACE OFFICER OR PARK RANGER SHALL HAVE THE AUTHORITY TO ISSUE A CITATION FOR A VIOLATION OF THIS CHAPTER AND IT SHALL BE UNLAWFUL FOR ANY PERSON TO FAIL TO FOLLOW THE CLEAR AND DIRECT ORDERS OF A PEACE OFFICER OR PARK RANGER ENFORCING PARK RULES OR MAINTAINING THE PEACE. THE CITY MANAGER, OR DESIGNEE, SHALL APPROVE THE WORDING OF ALL PARK RULES PRIOR TO THE RULES BEING POSTED.

Section 7. Chapter 38, Article II, Section 38-30(a)(1) and (h) are amended to read:

(a)(1) A person seeking issuance of a permit hereunder shall file an application on a form promulgated by the PARKS ~~community and recreation services~~ department stating:

(h) It shall be presumed for purposes of this ~~section~~ CHAPTER that absent presentation of a permit that a required permit has not been issued.

Section 8. Chapter 38, Article II, Section 38-32 is added to read:

38-32 DOGS AND ANIMALS IN THE PARKS.

- (a) WHILE IN A PARK, IT SHALL BE A VIOLATION OF THIS ARTICLE FOR A PERSON TO:
- (1) FAIL TO KEEP THEIR ANIMAL UNDER CONTROL AT ALL TIMES. WHEN NOT IN A DOG PARK, AN ANIMAL SHALL EITHER BE RESTRAINED IN A KENNEL OR RESTRAINED ON A LEASH NOT TO EXCEED SIX FEET IN LENGTH.

- (2) FAIL TO HAVE THEIR DOG ON A LEASH WHEN ENTERING OR LEAVING THE DOG PARK.
- (3) FAIL TO CLEAN UP AFTER AND PROPERLY DISPOSE OF THEIR ANIMAL'S EXCREMENT IN A RECEPTACLE.
- (4) ALLOW AN ANIMAL TO CAUSE INJURY OR DAMAGE TO THE PARK, PERSONAL PROPERTY, OR PERSONS.
- (5) FAIL TO RENDER AID IF THEIR ANIMAL HAS INJURED ANY PERSON.
- (6) WITH THE EXCEPTION OF A SERVICE ANIMAL OR PRIOR WRITTEN PERMISSION OF THE DIRECTOR, ALLOW THEIR ANIMAL TO BE PRESENT ON A SPORTS FIELD, RECREATIONAL FIELD OR OTHER PLACE WHERE ANIMALS ARE PROHIBITED BY A WRITTEN POSTED NOTICE.
- (7) POSSESS A DOG THAT IS NOT CURRENTLY LICENSED.
- (8) POSSESS A DOG THAT IS NOT WEARING ITS LICENSE TAGS.
- (9) POSSESS MORE THAN 3 ANIMALS AT ONE TIME.
- (b) IT SHALL BE A VIOLATION OF THIS ARTICLE FOR A PERSON WHILE IN A DOG PARK TO:
 - (1) POSSESS AN ANIMAL OTHER THAN A DOG.
 - (3) POSSESS A DOG YOUNGER THAN 4 MONTHS OLD.
 - (4) POSSESS A DOG IN HEAT.
 - (5) POSSESS A DOG WITH A COMMUNICABLE DISEASE.
 - (6) FAIL TO MAINTAIN DIRECT SUPERVISION OF A CHILD UNDER 13 YEARS OF AGE IN THE PERSON'S CUSTODY.
 - (7) FAIL TO IMMEDIATELY REMOVE A DOG EXHIBITING AGGRESSIVE BEHAVIOR.
 - (8) POSSESS DOG TREATS OR DOG FOOD.
 - (9) POSSESS FOOD.
 - (10) SMOKE OR VAPE.
- (c) A SERVICE ANIMAL SHALL BE UNDER THE CONTROL OF ITS OWNER OR CUSTODIAN AT ALL TIMES.

Section 9. If any section, subsection, sentence, clause, phrase or portion of this Ordinance or any part of these amendments to the municipal code adopted herein is for any reason held to be invalid or unconstitutional by decision of any court of competent jurisdiction, such decision will not be read to affect the validity of the remaining portions thereof.

Section 10. This ordinance will become effective at the time and manner prescribed by law.

Section 11. All ordinances, resolutions or codes in conflict with the provisions of this Ordinance or Code adopted by this Ordinance are repealed.

[SIGNATURES ON THE FOLLOWING PAGE]

PASSED AND ADOPTED this _____ day of _____, 2019.

Skip Hall, Mayor

Attest:

Approved as to form:

Sherry Aguilar, City Clerk

Robert Wingo, City Attorney



CITY OF SURPRISE Regular City Council Meeting

Council Meeting Date: June 18, 2019
Submitting Department: Legal
Staff Recommendations: None

Contact Person:
District: Citywide

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

Consideration and action pertaining to the adoption of a Uniform Video Service License Agreement, Application, and Affidavit.

Motion:

I move to adopt the Uniform Video Service License, application, and affidavit.

Background:

During the last legislative session, the State legislature determined that the licensing of video service providers and the regulation and use of video service are matters of statewide concern and therefore, passed legislation which preempts all local jurisdictions' current franchise licensing procedures and processes.

The new law provides that on or before July 1, 2019, each local government shall adopt a standard form of Uniform Video Service License Agreement, application, and affidavit. The law further greatly restricts the substance and terms of the Uniform Video Service License to those enumerated in ARS 9-1411. In summary, this new law has largely taken control of licensing of Cable Operators away from the City and limited the terms and conditions the City may place on the use of its rights of way by Cable Operators.

The City currently has franchise agreements with the Cable Operators which provide services within the City of Surprise. Under the new law, from and after December 31, 2019, the Cable Operators may elect to continue under their current franchise agreements, or terminate the agreements and apply for a new Uniform License.

The draft of the Uniform Video Service License Agreement is drafted to preserve, to the maximum extent allowed by the new law, the City's control over its rights of way, the City's franchise fee, and the availability of public, educational or governmental access channels.

Objective Analysis:

Under the new law, as codified as Chapter 13, of Title 9 of the Arizona Revised Statutes, the City is limited in the course of action it takes. The law mandates that the City adopt a Uniform Video Services License Agreement and restricts what the License may include. The Legislature has given the Cable Operators the discretion, to either operate under the existing franchise agreements until they expire, or

apply for this new License.

The adoption of a Uniform Video Services License is mandatory by July 1, 2019.

Policy Compliant:

The draft of the Uniform Video Service License Agreement as presented complies with the new law. Adoption of an Uniform License by July 1, 2019, is mandated.

Financial Impact:

Under the current franchise laws and agreements, the City was able to assess a five percent franchise fee for use of its rights of way. The franchise fee was collected on Gross Revenues and defined by law and included and exempted with specificity certain services. The new law also allows imposition of a fee and TPT not to exceed five percent of Gross revenues, but defines Gross Revenues slightly different. The new law also has numerous provisions providing for offsets and other requirements pertaining to the License Fee.

The new scheme set forth on calculation of the License Fee may very well have a negative impact on revenue generated by the Cable Operators' use of the City's rights of way, but it is to preliminary in the process to calculate the impact on City revenue. However, the draft Uniform Video Services License Agreement as presented will allow the City to collect from the Cable Operators the maximum fee as provided by law.

Budget Impact:

It is too early in the process to determine whether the new law will impact the revenue that is collected for use of the City's rights of way, but it is suspected that the revenue will decrease. Staff will adjust budget projections accordingly once actual revenues are collected during FY2020.

FTE Impact:

N/A.

ATTACHMENTS:

1. 19.06.06 Uniform Video Service License Agreement
 2. 19.06.06 Application and Affidavit
 3. 19.06.18 Uniform Video Service License
-

Model Uniform Video Service License Agreement

Date of Issuance: _____

This Uniform Video Service License Agreement ("License") is made on the date of issuance hereof by and between the City of Surprise, an Arizona municipal corporation ("Licensor") and _____, a _____ ("Licensee").

WHEREAS, Licensee has filed a completed application and affidavit under Title 9, Chapter 13, Arizona Revised Statutes ("Licensing Statute"), for Licensor to issue a Uniform Video Service License to Licensee; and

WHEREAS, Licensee is authorized under the laws of the State of Arizona to provide Cable Service.

NOW THEREFORE, in consideration of the foregoing recitals, which are incorporated herein and the mutual covenants set forth herein, the Parties agree as follows:

1. Definitions. Capitalized terms that are not defined herein have the same meaning prescribed in the Licensing Statute, including A.R.S. Section 9-1401.

2. Licensee Information. The following appear on Exhibit A attached hereto and are incorporated herein by this reference:

2.1 The name of Licensee, its type of entity and its jurisdiction of formation.

2.2 The address and telephone number of Licensee's principal place of business.

2.3 The names, titles and addresses of Licensee's principal executive officers or general partners.

2.4 The names, titles, telephone and fax numbers and email addresses of any persons authorized to represent Licensee before Licensor.

3. Grant of License. Under the Licensing Statute, Licensor hereby issues to Licensee, and Licensee hereby accepts from Licensor, a nonexclusive Uniform Video Service License.

3.1 The Service Area in which this License authorizes Licensee to provide Video Service in the area described on Exhibit B attached hereto and incorporated herein by this reference.

3.2. Licensor grants Licensee authority in the delivery of Video Service to use and occupy, and to construct and operate a Video Service Network in, Highways in the Service Area in compliance with the Licensing Statute and this License .

3.3 Licensee may operate and maintain facilities installed in the Highways in the Service Area to provide services pursuant to and subject to all the following: A.R.S. Section 9-584 and A.R.S. Title 9, Chapter 5.

4. Licensee Compliance with Law. Licensee shall comply with and be subject to:

4.1 All valid and enforceable federal and state laws.

4.2 All generally applicable, nondiscriminatory Local Laws, including highway use, mapping, insurance, performance bonds, security fund, indemnification, letter of credit or similar requirements that apply to the use and occupation of any highway and that conform to the Licensing Statute.

4.3 All public, education and government programming requirements of the Licensing Statute.

4.4 All customer service rules of the Federal Communications Commission under 47 Code of Federal Regulations Section 76.309(c) applicable to Cable Operators.

4.5 All consumer privacy requirements of 47 United States Code Section 551 applicable to Cable Operators.

5. Commencement of Video Service; Revocation. If Licensee is an incumbent cable operator, Licensee shall begin to provide Video Services under this License on the date of issuance of this license. If Licensee is not an incumbent cable operator, Licensee shall provide video service to at least one subscriber within each service area authorized by this License not later than twenty-four months after the date of issuance of this License. Failure of a non-incumbent cable operator to provide video service to at least one subscriber within each service area as set forth above shall result in revocation of this License unless the Licensee establishes to the satisfaction of the City that such failure was for reasons beyond the Licensee's control.

6. License Fee. Licensee is required to pay the License Fees required under the Licensing Statute and all other lawful fees, taxes and charges imposed by Licensor. The initial rate of the License Fee shall be five (5) percent.

7. Federal Filing Requirement. Licensee is required to file in a timely manner with the Federal Communications Commission all forms required by that agency before Licensee offers Video Service in the Service Area, including the forms required by 47 Code of Federal Regulations Section 76.1801.

8. Term. The term of this License is ten (10) years and shall begin on the date of issuance.

9. Compliance with Law. Licenser and Licensee agree that they are subject to and must comply with the Licensing Statute. This License is subject to A.R.S. Section 38-511.

Licenser

Licensee

City of Surprise, an Arizona municipal corporation

By: _____
Its: _____
Date: _____

By : _____
Its: _____
Date: _____

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

STATE OF _____)
County of _____) ss.

The foregoing instrument was acknowledged before me this _____ day of _____, 20__ by _____, the _____ of _____, a _____ on behalf of Licensee.

(Seal)

Notary Public

STATE OF ARIZONA)
) ss.
County of Maricopa)

The foregoing instrument was acknowledged before me this _____ day of
_____, 20__ by _____, Mayor of the City of Surprise, an Arizona
municipal corporation, on its behalf.

(Seal)

EXHIBIT A

[Information about Licensee]

I. Licensee:

Date:		
Applicant's Name:		
Principal Place of Business		
Phone:	Address:	
City:	State:	Zip:
Type of Entity:	Jurisdiction of Formation:	Email:

II. Licensee's principal executive officers or general partners:

Name:	Title:
Address:	

Name:	Title:
Address:	

Name:	Title:
Address:	

Name:	Title:
Address:	

III. Person(s) authorized to represent Licensee before Local Government:

Name:	Title:	
Address:		
Phone:	Fax:	Email:

Name:	Title:	
Address:		
Phone:	Fax:	Email:

Name:	Title:	
Address:		
Phone:	Fax:	Email:

EXHIBIT B
[Service Area]

APPLICATION AND AFFIDAVIT FOR UNIFORM VIDEO SERVICE LICENSE
(Pursuant to Title 9, chapter 13, Arizona Revised Statutes)

Local Government: City of Surprise

I. Applicant:

Date:		
Applicant's Name:		
Principal Place of Business:		
Phone:	Address:	
City/Town:	State:	Zip:
Type of Entity:	Jurisdiction of Formation:	Email:

II. Applicant's principal executive officers or general partners:

Name:	Title:
Address:	
Name:	Title:
Address:	
Name:	Title:
Address:	
Name:	Title:
Address:	

III. Person(s) authorized to represent Applicant before Local Government:

Name:	Title:	
Address:		
Phone:	Fax:	Email:
Name:	Title:	
Address:		
Phone:	Fax:	Email:

IV. Check one pursuant to Arizona Revised Statutes Section 9-1411(C)(4):

- ☐ Applicant is an Incumbent Cable Operator as provided in Arizona Revised Statutes, Section 9-1401(13).
- ☐ Applicant is not an Incumbent Cable Operator. The date on which the Applicant expects to provide Video Services in the Service Area identified below under Section 9-1411(C)(5) is:

Date:

V. For All Applications:

A. Applicant will timely file with the Federal Communications Commission all forms required by that agency before Applicant offers Video Service in the Service Area, including the forms required by 47 Code of Federal Regulations Section 76.1801.

B. The term of the uniform video service license shall be (not to exceed ten years):

Years

C. Applicant agrees to pay all lawful fees and charges imposed by Local Government as provided in Arizona Revised Statutes, Section 9-1414(B)(4).

D. Applicant agrees to notify Local Government in writing of changes to the above information within thirty days after the change occurs as provided in Arizona Revised Statutes, Section 9-1414(B)(2).

E. Provide an exact description of the Service Area as set forth in Arizona Revised Statutes, Section 9-1411(C)(5), as identified by a geographic information system digital boundary meeting or exceeding national map accuracy standards.

Select one:

The Service Area consists of all the territory within the Boundaries of Local Government:

The Service Area consists of all the territory within the area described on attached Exhibit A.

Applicant Verification

I certify that the information contained in this application for a video service license in the City of Surprise is true and correct. I further affirm that I am authorized by _____ [NAME OF APPLICANT] to file this application on behalf of applicant and to bind the applicant with respect to the representations made in Section V, Paragraphs A through D of this application. A copy of the authorization is attached to this application.

Name and Title (printed):

Signature:

Date:

Local Government Receipt

The foregoing Application and Affidavit for Uniform Video Service License was received by Local Government this ____ day of _____, 20__; at _____.

City of Surprise, an Arizona municipal corporation ("Local Government")

By _____

Print Name _____

Title _____

Address

City, State, Zip

Phone

Fax

Email

Date



UNIFORM VIDEO SERVICE LICENSE

June 18, 2019

History

- During the last legislative session, the State Legislature passed SB1140.
- SB1140 – regulation and use of video service was preempted by the State
 - Uniform regulation
 - Streamlined licensing
 - Continued management by cities of their rights-of-way

New State Law

- A.R.S. Title 9, Chapter 13 – Video Service
- 9-1411(B) – Cities shall adopt a “standard form of uniform video service license agreement for video service providers to be used by the local government and a standard form of application and affidavit” by **July 1, 2019**.

Uniform License

- Start issuing December 31, 2019.
- The City has the exclusive authority to issue a uniform license.
- Video service providers may not operate a video service network within the City's boundaries without a City-issued license.



QUESTIONS OR COMMENTS?

Thank You



CITY OF SURPRISE Regular City Council Meeting

Council Meeting Date: June 18, 2019
Submitting Department: Legal
Staff Recommendations: None

Contact Person: Ken Remley, David Sanders
District: Citywide

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

Consideration and action pertaining to adoption of a Council Meeting Invocation policy.

Motion:

I move to adopt the Surprise City Council Invocation Policy as presented.

Background:

At the May 7, 2019, Regular City Council Meeting, Council Member Remley asked that there be future discussion and possible action pertaining to adoption of Council Meeting invocations. Council Member Sanders seconded the request. The City Attorney has presented this topic at two separate Council Work Sessions.

The City Attorney's Office has provided an exemplar policy that is consistent with the current 9th Circuit Court of Appeals jurisprudence on First Amendment law and invocations. Under the policy, the City Clerk would maintain a list of persons who have volunteered to give the invocation. Selection will be based on a first come, first serve basis. There will be no prior review or approval of the content of invocations. There will be no selection by City Officials and no restrictions on the content of the invocation other than limiting it to three minutes in length and a prohibition against proselytizing or disparaging other religions, beliefs, faiths, or the lack thereof.

In the absence of a voluntary speaker, Council will observe a moment of silence.

Objective Analysis:

A policy memorializing an invocation practice and process is necessary to withstand legal challenges. The policy as proffered is based on a policy adopted by the City of Lancaster, California. This policy has been used as an exemplar of a Constitutional policy as it was upheld by the 9th Circuit Court of Appeals in Rubin v Lancaster, 710 F.3d 1087 (9th Cir. 2013).

Policy Compliant:

Adoption and compliance with the proffered policy will be necessary to comply with Federal and State law should the City Council determine a invocation practice is warranted.

Financial Impact:

N/A

Budget Impact:

N/A. However, the Clerk's Office will be required to undertake additional responsibilities should this policy be adopted, which may have an impact on City Clerk resources and budget.

FTE Impact:

N/A

ATTACHMENTS:

1. 19.06.06 Invocation policy
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SURPRISE CITY COUNCIL INVOCATION POLICY CITY OF SURPRISE

WHEREAS, the City Council is an elected legislative and deliberative public body, serving the citizens of the City of Surprise (“City”);

WHEREAS, legislative bodies in America have long maintained a tradition of solemnizing proceedings by allowing for an invocation or opening prayer before each meeting;

WHEREAS, since incorporation, the City Council has, from time to time, and until some point in 2007, maintained a practice of invocations at the opening of City Council meetings;

WHEREAS, the City Council desires to re-implement a practice of opening Regular Council Meetings with prayer or invocations and adopt this formal, written policy to clarify and codify the invocation practice to ensure inclusion of all individuals or groups, regardless of particular faith, belief, doctrine, dogma, or lack thereof; to participate, or refrain from participation, as their own conscience dictates; and

WHEREAS, the City Council recognizes its constitutional duty to interpret, construe, and amend this policy to comply with constitutional requirements as they are announced.

NOW, THEREFORE, the following shall be known as the “Surprise City Council Invocation Policy” and shall control the process and procedures pertaining to opening invocations before Regular Meetings of the City Council.

1. This policy is not intended, and shall not be implemented or construed in anyway to affiliate the City Council with, nor express the Council’s endorsement or preference for, any faith or religious denominations. Rather, this policy is intended to acknowledge and express the City Council’s respect for the diversity of both organized and unorganized religious denominations, as well as other faiths, belief systems, or the lack thereof, represented and practiced among the citizens of the City of Surprise.

2. In order to solemnize proceedings of the City Council, it is the policy of the City Council to allow for an invocation or prayer, not to exceed three minutes in length, to be offered to open its meetings for the benefit of the City Council and the community.

3. The invocation shall not be listed or recognized as an agenda item for the meeting so that it may be clear the invocation is not considered a part of the public business. However, the agenda will notice the following:

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

4. Shortly before the opening gavel that officially begins the meeting and the agenda/business of the public, the Mayor shall introduce the invitational speaker.

5. No member of the City Council, City employee, or any other person in attendance at a meeting shall be required to participate in any invocation or prayer that is offered.

6. Neither the City Council, City Clerk, nor City staff shall engage in any prior inquiry, review of, restriction, or involvement in, the content of any prayer or invocation to be offered.

7. In the event the scheduled invitational speaker fails to appear or there is no scheduled speaker, the City Council shall observe a moment of silence.

8. To maintain a spirit of respect and ecumenism, the invocation shall not be exploited as an opportunity to proselytize nor disparage any faith or belief, or lack thereof, different than that of the invitational speaker.

9. Any invitational speaker who violates this policy shall be subject to disqualification from offering future invocations.

10. To ensure that invitational speakers are selected without preference to any specific religion, belief, faith, or ideology, from amongst a diverse pool of the Surprise citizens, volunteers shall be selected according to the following procedure:

a. The invocation shall be voluntarily delivered, without compensation, by any person who is a resident of Surprise and on the list of volunteers, which shall be maintained by the City Clerk's Office. The City Clerk shall include any resident on the list upon submission of written request including the person's local address and contact information, including e-mail.

b. Within thirty (30) days of the adoption of this policy, and on or about July 1 of each calendar year thereafter, the City Clerk shall e-mail one invitation addressed to the volunteer group which shall include each person on the list of volunteers as follows:

The City Council makes it a policy to invite residents of the City of Surprise to voluntarily offer an invocation or prayer not to exceed three minutes in length before the beginning of its meetings.

If you are willing to assist the City Council in this regard, please send a reply at your earliest convenience to the City Clerk. Volunteer invitational speakers are scheduled on a first-come, first-serve basis. The dates of the City Council's regularly scheduled meetings for the upcoming fiscal year are listed on the following, attached page. If you have a preference among the dates, please state that request in your written reply.

This opportunity is voluntary, and you are free to offer the invocation according to the dictates of your own conscience. To maintain a spirit of respect and ecumenism, the City Council requests only that the opportunity not be exploited as an effort to proselytize, i.e., convert others to the particular faith of the speaker, nor to disparage any faith or

belief different than that of the speaker.

On behalf of the City Council, I thank you in advance for considering this invitation.

c. Respondents to the invitation shall be scheduled by the City Clerk on a first-come, first-serve basis. The City Clerk shall schedule and notify the volunteer, by e-mail, of the date and time the speaker should be prepared to offer the invocation or prayer. The notice shall remind the speaker of the duty not to proselytize nor disparage others' religions, faiths, beliefs, or lack thereof, and of the three minute time limitation.

d. No invitational speaker shall be scheduled to offer an invocation at consecutive meetings, or at more than three Council Meetings in any calendar year.

ADOPTED THIS ____ DAY OF _____, 2019.

Attest:

Skip Hall, Mayor

Sherry Aguilar, City Clerk