



CITY OF SURPRISE
Regular City Council Meeting
16000 N. Civic Center Plaza
Surprise, AZ 85374
Tuesday, April 2, 2024 @ 6:00 PM
COUNCIL CHAMBERS

A. Call To Order

Any prayer or invocation that may be offered before the start of the Regular Council Meeting is a voluntary offering by a private resident of Surprise; has not been previously reviewed or approved by City Council or City staff; should not be considered an endorsement of any particular religion by the City or its officials, as the beliefs, viewpoint, and content are personal to the speaker; and no participation by any person in attendance is required. A list of volunteers is maintained by the office of the City Clerk and interested persons should contact the Clerk's Office for further information.

B. Roll Call

C. Pledge of Allegiance

D. Proclamation and Community Acknowledgements

Water Awareness Month Proclamation

E. City Manager Report

The City Manager may present a brief summary of current events, including recognition of community members, employees, and programs, pursuant to A.R.S. § 38-431.02(K). The City Council will not discuss or take action on any matter within the City Manager Report.

F. City Clerk Report

G. Call To The Public

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

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:

1.	Internal	Consideration and action to approve the March 18, 2024 Regular City Council Meeting, and Work Session Minutes.	Kristi Passarelli City Clerk
2.	Internal	Consideration and action pertaining to approval of a Fiscal Year 2024 budget amendment by moving budget authority of \$625,000 from General Contingency and \$200,000 from project A34200 within the General Capital Projects Fund to project P34350 in the General Capital Projects Fund, and amending the fiscal year 2024 Contract Awarding Authority List by adding \$825,000 to CAAL #25142 to cover the projected expenditures associated with the remodel of Fire Station 303; Resolution #2024-47.	Brenden Espie Fire - Medical
3.	Internal	Consideration and action pertaining to approval of a Fiscal Year 2024 budget amendment by moving budget authority of \$778,300 from General Contingency and \$423,300 from the Ground Ambulance Service Fund to the Fire-Medical General Fund personnel services and supplies budgets for the purpose of covering increased operational costs, moving existing full-time employees (FTE), authorizing an inter-fund cash transfer and amending the fiscal year 2024 Contract Awarding Authority List by increasing the FD new hire outfitting item to \$550,000; Resolution #2024-46.	Brenden Espie Fire - Medical
4.	Citywide	Consideration and action pertaining to approval of an amendment to the Fiscal Year 2024 budget by moving budget authority in the amount of \$6,000 from General Contingency to project G31401 FFY24 AZ Internet Crimes Against Children (AZICAC) Task Force in the Grants Fund and authorizing acceptance of a grant award from City of Phoenix Affiliate Award Funding, to cover training and equipment expenses related to the investigations of internet crimes against children; Resolution #2024-48.	Benny Pina Police
5.	Citywide	Consideration and action pertaining to approval of a Fiscal Year 2024 budget amendment by moving budget authority of \$194,400 from Personnel within the Police Department General Fund to Project P31130 within the General Capital Projects Fund, authorizing an inter-fund cash transfer and amending the fiscal year 2024 Contract Awarding Authority List by creating #24109-CID NIBIN Computer \$194,400 to support a one-time purchase of an IBIS® BulletTrax NIBIN computer and associated hardware to increase the department's efficiency to investigate firearm related crimes; Resolution #2024-49.	Benny Pina Police
6.	Citywide	Consideration and action pertaining to approval of an amendment to the Fiscal Year 2024 budget by moving budget authority in the amount of \$229,500 from General Contingency to the Grants Fund to Project G54110 to support turf removal projects and account for the acceptance of the grant from the Water Infrastructure Finance Authority of Arizona; Resolution #2024-41.	Holly Osborn Parks and Recreation
7.	District 3	Consideration and action pertaining to approval of the Final Plat entitled, "Cactus 303 Retail" and dated	Leslie Carnie

- | | | | |
|-----|------------|--|--|
| | | February 15, 2024, a site generally located on the northeast corner of SR 303 and Cactus Road; Case FS23-0238. | Community Development |
| 8. | District 1 | Consideration and action pertaining to approval of the Final Plat entitled, "Asante Unit 3.1 & 3.3" and dated February 06, 2024, a site generally located on the northeast corner of Happy Valley Road and Pat Tillman Boulevard; Case FS23-0849. | Leslie Carnie
Community Development |
| 9. | District 3 | Consideration and action pertaining to approval of the Final Plat entitled, "Toll at Prasada, Phase I – Phase 3 Lots 1859, 1861, 1862, 1865, 1870, 1871, 1878, 1883, 1884, 1890 & Tracts I-J – I-N" and dated January 16, 2024, a property located west of Cotton Lane, between Cactus Road and Peoria Avenue; Case FS23-0972. | Tanner Wessel
Community Development |
| 10. | District 4 | Consideration and action pertaining to approval of the Final Plat entitled, "Re-Plat of 'Bell and Dysart Commerce Center Lot 5 AMD' and 'Bell and Dysart Commerce Center Lot 5B-5C Replat'" and received January 30, 2024, a property located at the northeast corner of Bell Road and 134 th Avenue; Case FS23-0654. | Tanner Wessel
Community Development |

REGULAR AGENDA ITEM - PUBLIC HEARING:

- | | | | |
|-----|------------|--|--|
| 11. | District 4 | Consideration and action pertaining to a recommendation to the Arizona Department of Liquor Licenses and Control (DLLC) on Application No. 283480, requested by Andrea Dahlman Lewkowitz, for Applebee's Neighborhood Grill & Bar for Series 12 Liquor License. Applebee's Neighborhood Grill & Bar is located at 13756 W Bell Road Suite, Surprise, AZ 85374. | Kristi Passarelli
City Clerk |
| 12. | District 3 | Consideration and action pertaining to a recommendation to the Arizona Department of Liquor Licenses and Control (DLLC) on Application No. 280295, requested by Maria Danielle Burgess, for Circle K Store #9576 for Series 9 Liquor License. Circle K Store #9576 is located at 16934 W Wadell Rd, Surprise, AZ 85388. | Kristi Passarelli
City Clerk |
| 13. | District 1 | Consideration and action pertaining to a rezone of approximately 31.46 acres from Residential Medium Density (R-2) and Residential High Density (R-3) to R-2 Planned Unit Development (PUD) within the master-planned development known as Nobella, which is generally located west of 155 th Avenue and north of Jomax Road; Ordinance #2024-06. | Trever Fleetham
Community Development |
| 14. | Citywide | Public hearing, presentation and discussion pertaining to the proposed development impact fees. | Andrea Davis
Finance |
| 15. | Citywide | Consideration and action pertaining to adoption of amendments to the City of Surprise Municipal Tax Code relating to certain Transaction Privilege Tax rates; Ordinance # 2024-09. | Andrea Davis
Finance |

REGULAR AGENDA ITEM - NON-PUBLIC HEARING:

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

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

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

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

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

L. Adjournment

KRISTI PASSARELLI, CITY CLERK

POSTED: Thursday, March 28, 204 @ 10:00 AM

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



CITY OF SURPRISE
Regular City Council Meeting

Council Meeting Date: April 2, 2024
Submitting Department: City Clerk
Staff Recommendations:

Contact Person:
District: Internal

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

Agenda Wording:

Invocation

Motion:

Background:

Objective Analysis:

Policy Compliant:

Financial Impact:

Budget Impact:

FTE Impact:

ATTACHMENTS:



CITY OF SURPRISE
Regular City Council Meeting

Council Meeting Date: April 2, 2024
Submitting Department: City Manager Office
Staff Recommendations: None

Contact Person:
District: Citywide

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

Agenda Wording:

Water Awareness Month Proclamation

Motion:

N/A

Background:

N/A

Objective Analysis:

N/A

Policy Compliant:

N/A

Financial Impact:

N/A

Budget Impact:

N/A

FTE Impact:

N/A

ATTACHMENTS:



CITY OF SURPRISE
Regular City Council Meeting

Council Meeting Date: April 2, 2024
Submitting Department:
Staff Recommendations:

Contact Person:
District: Citywide

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

Agenda Wording:
City Manager sub-text

Motion:

Background:

Objective Analysis:

Policy Compliant:

Financial Impact:

Budget Impact:

FTE Impact:

ATTACHMENTS:



CITY OF SURPRISE
Regular City Council Meeting

Council Meeting Date: April 2, 2024
Submitting Department: City Clerk
Staff Recommendations:

Contact Person: Kristi Passarelli, City Clerk
District: Internal

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

Agenda Wording:

Consideration and action to approve the March 18, 2024 Regular City Council Meeting, and Work Session Minutes.

Motion:

I move to approve the March 18, 2024 Regular City Council Meeting, and Work Session Minutes.

Background:

Objective Analysis:

Policy Compliant:

Financial Impact:

Budget Impact:

FTE Impact:

ATTACHMENTS:

1. 031824 Work Session Minutes DRAFT
 2. 031824 Regular Meeting Minutes DRAFT
-



CITY OF SURPRISE
Regular City Council Work Session
16000 N. Civic Center Plaza
Surprise, AZ 85374
Monday, March 18, 2024 @ 5:00 PM
COUNCIL CHAMBERS

A. Call To Order

Mayor Hall called the Regular Council Meeting of March 18, 2023 to order at 5:00 p.m., located at Surprise City Hall, 16000 N. Civic Center Plaza, Surprise, AZ. 85374.

B. Roll Call

In attendance with Mayor Hall were Vice Mayor Nick Haney, Council members Chris Judd, Alyson Cline, Patrick Duffy, Ken Remley and Jack Hastings.

C. Pledge of Allegiance

Mayor Hall led the Pledge of Allegiance.

D. Proclamation and Community Acknowledgements

E. City Manager Report

1. City Manager sub-text

F. City Clerk Report

G. Call To The Public

H. Regular City Council Work Session Agenda

1. CONSENT AGENDA:

2. REGULAR AGENDA ITEM - PUBLIC HEARING:

3. REGULAR AGENDA ITEM - NON-PUBLIC HEARING:

1. Presentation and discussion pertaining to crime statistics within the corporate boundaries of Surprise for Calendar Year 2023.

Chief Pina came to talk about the crime statistics inside the City. He presented information about National Incident Based Reporting System, Crime by Month and Arrests, Miscellaneous Statistics, Clearance Rate, Arrests,

Mayor Hall asked about the bookings and if it goes to county? Chief said it was a combination. He talked about the challenges faced with those situations.

Councilmember Remley, said that the statistics look good. He said that the population isn't reflected in the numbers. He then asked if there was an impact from the construction area that would have affected the numbers? Chief Pina said that the last couple of months there have been discussions with the home builders locally. He said they are being more responsive to those types of crimes.

Vice-Mayor Haney, he talked about data sensationalism. He asked if they evaluate trends in

areas? Chief Pina said their criminal analysts do that type of monitoring. Vice-Mayor Haney asked about the SRO program and how its being used to combat teen violence? Chief Pina said that a vast majority of the reports start with the SRO and continues with their involvement.

Councilmember Cline, said that on the 13th this month they started a multi city program about speeding and if the chief could describe it a bit more? Chief Pina talked about working with other west valley chiefs to work on task forces for certain parts of cities to target criminal speeding and other violations.

2. Presentation and discussion pertaining to the FY2024 Financial Status Report through December 2023.

Chief Financial Officer, Andrea Davis, came to talk about this item. She talked about FY 24 General Fund Sources, General Fund Uses,

Councilmember Remley, asked how much is the shortfall from the state revenues? Andrea said that they would be 20% greater or 7.7 Million dollars. Councilmember Remley, talked about change of the flat tax, and what should the City be considering to make up the short fall? Andrea said they were meeting with departments to see where they could make cuts. Councilmember Remley talked about reconsidering dropping the property taxes temporarily.

- I. Other Business and Future Agenda Items

- J. City Council Reports

- K. Executive Session

1. Executive Session Items
2. Executive Disclaimer - Part 1
3. Executive Disclaimer - Part 2
4. Executive Disclaimer - Part 3

- L. Adjournment

Motion: To Adjourn

Initiated By: Nick Haney

Seconded By: Aly Cline

Yes: Aly Cline, Jack Hastings, Ken Remley, Patrick Duffy, Skip Hall, Chris Judd, Nick Haney

No: None

Abstain: None

Vote Result: Passed

Meeting Adjourned at 5:31 PM

Skip Hall, Mayor

ATTEST:

Kristi Passarelli, City Clerk

CERTIFICATION:

I, Kristi Passarelli, City Clerk for the City of Surprise, Maricopa County, Arizona, do hereby verify that these are the true and correct minutes of the Regular City Council Meeting of **Monday, March 18, 2024.**

Kristi Passarelli, City Clerk



CITY OF SURPRISE
Regular City Council Meeting
16000 N. Civic Center Plaza
Surprise, AZ 85374
Monday, March 18, 2024 @ 6:00 PM
COUNCIL CHAMBERS

A. Call To Order

Mayor Hall called the Regular Council Meeting of March 18, 2024 to order at 6:00 p.m., located at Surprise City Hall, 16000 N. Civic Center Plaza, Surprise, AZ. 85374.

1. Invocation

Donna Cook led the prayer.

B. Roll Call

In attendance with Mayor Hall were Vice Mayor Nick Haney, Council members Chris Judd, Alyson Cline, Patrick Duffy, Ken Remley and Jack Hastings.

C. Pledge of Allegiance

Mayor Hall led the Pledge of Allegiance.

D. Proclamation and Community Acknowledgements

2. Fix A Leak Week Proclamation

Mayor Hall proclaimed that it was Fix A Leak Week. Water Conservation Specialist, Sandra Hurlbut, accepted the proclamation.

E. City Manager Report

3. City Manager sub-text

4. Reports

F. City Clerk Report

5. Reports

6. 2024 Elections Update

City Clerk, Kristi Passarelli, gave an update for the 2024 Election.

G. Call To The Public

H. Regular City Council Meeting Agenda

7. CONSENT AGENDA:

Motion: To Approve

Initiated By: Nick Haney

Seconded By: Jack Hastings

Yes: Aly Cline, Jack Hastings, Ken Remley, Patrick Duffy, Skip Hall, Chris Judd, Nick Haney

No: None

Abstain: None

Vote Result: Passed

1. Consideration and action to approve the February 20, 2024 Executive Session Minutes, and the March 5, 2024 Regular City Council Meeting, and Work Session Minutes.
2. Consideration and action pertaining to approval of the Final Plat entitled, “Prasada North III” and dated January 10, 2024, a property located at the northwest corner of Sarival Avenue and Waddell Road; Case FS23-0850.
3. Consideration and action pertaining to approval of the Final Plat entitled, “Avilla Foothills” and dated February 20, 2024, a site generally located on the northwest corner of Cactus Road & Cotton Lane; Case FS23-0225.
4. Consideration and action pertaining to the conditional acceptance and maintenance of certain streets and public utility improvements at Rio Rancho Estates Parcel 1A.2, generally located at the northwest corner of West Happy Valley Road and North 183rd Avenue. Case FS18-523; Resolution # 2024-39.
8. REGULAR AGENDA ITEM - PUBLIC HEARING:
5. Consideration and action pertaining to a recommendation to the Arizona Department of Liquor Licenses and Control (DLLC) on Application No. 277533, requested by Eugene Gentile, for My Daddy's Bakery & Cafe for Series 12 Liquor License. My Daddy's Bakery & Cafe is located at 11677 W Bell Road Suite 1, Surprise, AZ 85378.

Motion: To Approve

Initiated By: Jack Hastings

Seconded By: Ken Remley

Yes: Aly Cline, Jack Hastings, Ken Remley, Patrick Duffy, Skip Hall, Chris Judd, Nick Haney

No: None

Abstain: None

Vote Result: Passed

6. Consideration and action pertaining to a rezone of approximately 31.46 acres from Residential Medium Density (R-2) and Residential High Density (R-3) to R-2 Planned Unit Development (PUD) within the master-planned development known as Nobella, which is generally located west of 155th Avenue and north of Jomax Road; Ordinance #2024-06.

Motion: To Continue

Initiated By: Nick Haney

Seconded By: Chris Judd

Yes: Aly Cline, Jack Hastings, Ken Remley, Patrick Duffy, Skip Hall, Chris Judd, Nick Haney

No: None

Abstain: None

Vote Result: Passed

Item continued to the 4/2/24 Meeting

7. Consideration and action pertaining to adoption of water, wastewater, and solid waste rates, fees, and service charges for fiscal years 2025 through 2029; Resolution #2024-38.

Andrea Davis, Michael Boule, & Kristin Tytler came to present this item. They talked about the Rate Study Development, Rate Study Steps, Rate Study History, Residential Rate Comparison, Proposed Water Rates, Water Rate Design Modifications, Surprise & EPCOR Agua Fria Comparison, Residential Water Bill Comparison, Wastewater Results, Storm Water Fund Results, Solid Waste Rates, Solid Waste Rate Comparison, Industry wide Rate Factors, Rate Considerations, Residential Rate Comparison, and Next Steps.

Councilmember Hastings, asked what would happen if the rates didn't raise? Andrea said there would be a decrease in service. Councilmember what happened when recycling was suspended where did the savings go? Kristen said that the rates switched from being a profit to a cost. She said they still had to pick up the same amount of cans, and that it was avoiding a cost increase.

Councilmember Cline, asked about tier 4 and the amount of customers impacted, and what kind of business or organizations would be included? Michael said that HOAs are the biggest users, and one organization that would fit in that category.

Councilmember Remley, asked about the solid waste rate and if it considers the savings from the process of the waste? Kristen said that they were. Councilmember Remley asked how other cities could compare when were doing it cheaper? Kristen said it depends on how they balanced their funds. Councilmember Remley, said the residents that live in HOA's and wastewater fee and the water that goes into dry wells, and asked about a possible irrigation rate and something that could be added? Michael, said that the irrigation only customers do not have a sewer rate. He also said there should be special consideration as well.

Motion: To Approve
Initiated By: Aly Cline
Seconded By: Patrick Duffy

Yes: Aly Cline, Ken Remley, Patrick Duffy, Skip Hall, Chris Judd, Nick Haney
No: Jack Hastings
Abstain: None

Vote Result: Passed

8. Consideration and action pertaining to a Rezone of approximately 42.92 gross acres from Planned Area Development (PAD) and Rural Residential (RR) to Community Commercial (C-2) and Residential High Density (R-3), partially within the PAD known as Legacy Village, with the entire site generally located on the northeast corner of 163rd Avenue and Jomax Road; Ordinance #2024-08.

Planning Manager, Jason Moquin, came to present this item. He talked about the Vicinity Map, Background, Existing Zoning, Proposed Zoning, General Plan, Development Standards, Existing Commercial, Entitled Residential, Conceptual Plan, Outreach, and Recommendation.

The Applicant, Seth Jardien, came to offer a presentation. They talked about the property location, proposed stipulations, Project Benefits, Consistency with General Plan, Existing Zoning, Commercial Sizing Requirements, Zoning Request, Better Commercial Design, Phases, Neighborhood Outreach, Traffic, Current Road Improvements, Traffic Benefit, Traffic Summary, and Proposed Stipulations.

Lisa Everett, a Surprise Resident, came in opposition to this item.

Cathy Zamorano, a County Resident, came in opposition to this item.

Steven Linton, a Surprise Resident, came in opposition to this item.

Mercedes Person, a Surprise Resident, came in opposition to this item.

Joe Mansour, a Surprise Resident, came in opposition to this item.

Steven Iles, a Country Resident, came in opposition to this item.

Quintus Shulzke, a Surprise Resident, came in opposition to this item.

Dodge Marshall, a Surprise Resident, came in opposition to this item.

Tiffanie Burrey, a Surprise Resident, came in opposition to this item.

Jason Needham, a Surprise Resident, came in opposition to this item.

Councilmember Remley, asked about the stipulations and when they came about and if it was after the Planning and Zoning Meeting? Jason said that the only stipulation previously discussed was phasing the development. Councilmember Remeley asked why they didn't do that before? He then asked if the sentiment was any different and the previous meetings? And what were the concerns of the Planning and Zoning Commissioners? Jason said it was traffic and when commercial versus residential would come. Seth talked about the current housing issues within the state. He said that the stipulations were proactively done between meetings. He further talked about the traffic issues. Councilmember Remley, asked why this wasn't presented earlier? Seth said that he believes the project is good for the City. Councilmember Remeley said he would love to see what the Planning and Zoning would have thought about the new stipulations.

Councilmember Hastings, said he wants nothing to do with stipulation 4.

Vice-Mayour Haney talkeded about traffic in the area and improving the infrastructure in the area.

Councilmember Duffy, talked about why he doesn't like this proposal.

Councilmember Cline, talked about watching the Planning and Zoning Meeting that reviewed this application. She talked about the entry and access issues, she talked about her concerns of the proposal.

Motion: To Deny

Initiated By: Nick Haney

Seconded By: Chris Judd

Yes: Aly Cline, Jack Hastings, Ken Remley, Patrick Duffy, Skip Hall, Chris Judd, Nick Haney

No: None

Abstain: None

Vote Result: Passed

9. REGULAR AGENDA ITEM - NON-PUBLIC HEARING:

9. Consideration and action authorizing the acquisition of fee title, or a lesser interest, in real property generally located along Cactus Road from Cotton Lane to Reems Road, Surprise, Arizona, by dedication, donation, purchase or eminent domain; Resolution #2024-42.

Transportation Director, Eric Boyles, came to present resolutions 2024-42, 2024-43, & 2024-44. He talked about the Process, and Vicinty Map.

Mayor Hall thanked Eric for working on this item.

Motion: To Approve
Initiated By: Patrick Duffy
Seconded By: Aly Cline

Yes: Aly Cline, Jack Hastings, Ken Remley, Patrick Duffy, Skip Hall, Chris Judd, Nick Haney
No: None
Abstain: None

Vote Result: Passed

10. Consideration and action authorizing the acquisition of fee title, or a lesser interest, in real property generally located along 163rd Avenue from Santa Fe Drive to Pat Tillman Boulevard, Surprise, Arizona, by dedication, donation, purchase or eminent domain; Resolution #2024-43.

Motion: To Approve
Initiated By: Nick Haney
Seconded By: Aly Cline

Yes: Aly Cline, Jack Hastings, Ken Remley, Patrick Duffy, Skip Hall, Chris Judd, Nick Haney
No: None
Abstain: None

Vote Result: Passed

11. Consideration and action authorizing the acquisition of fee title, or a lesser interest, in real property generally located at the intersection of Perryville Road and Cactus Road and Perryville Road north of Cactus Road, Surprise, Arizona, by dedication, donation, purchase or eminent domain; Resolution #2024-44.

Motion: To Approve
Initiated By: Chris Judd
Seconded By: Aly Cline

Yes: Aly Cline, Jack Hastings, Ken Remley, Patrick Duffy, Skip Hall, Chris Judd, Nick Haney
No: None
Abstain: None

Vote Result: Passed

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

Councilmember Judd, said his community meeting is at the Tap House tomorrow.

Councilmember Hastings, said he had a meet and greet last week. He talked about the out of the park music festival this weekend.

Councilmember Remley, talked about Spring Training. He said his monthly meeting is on the 4th Wednesday.

Councilmember Cline, talked about her Surprise Farms Meeting. She said Tuesday the 26th at the Auga Fria Room at 10:00 AM.

Councilmember Duffy, talked about going to Washington DC to visit the Pentagon with regard to Luke Air Force Base.

Vice-Mayor Haney talked about meeting the ADOT director. He said his next community meeting will be at Western Peaks at 6:00 PM.

Mayor Hall talked about the out of the park music festival at the Mark Coronado Park this weekend. He said that the following Saturday the Eggstravaganza egg hunt will be held.

K. Executive Session

10. Executive Session Items

11. Executive Disclaimer - Part 1

12. Executive Disclaimer - Part 2

13. Executive Disclaimer - Part 3

L. Adjournment

Motion: To Adjourn

Initiated By: Aly Cline

Seconded By: Nick Haney

Yes: Aly Cline, Jack Hastings, Ken Remley, Patrick Duffy, Skip Hall, Chris Judd, Nick Haney

No: None

Abstain: None

Vote Result: Passed

Meeting adjourned at 7:59 PM

Skip Hall, Mayor

ATTEST:

Kristi Passarelli, City Clerk

CERTIFICATION:

I, Kristi Passarelli, City Clerk for the City of Surprise, Maricopa County, Arizona, do hereby verify that these are the true and correct minutes of the Regular City Council Meeting of **Monday, March 18, 2024.**

Kristi Passarelli, City Clerk



CITY OF SURPRISE Regular City Council Meeting

Council Meeting Date: April 2, 2024
Submitting Department: Fire - Medical
Staff Recommendations:

Contact Person: Brenden Espie, FIRE CHIEF
District: Internal

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

Agenda Wording:

Consideration and action pertaining to approval of a Fiscal Year 2024 budget amendment by moving budget authority of \$625,000 from General Contingency and \$200,000 from project A34200 within the General Capital Projects Fund to project P34350 in the General Capital Projects Fund, and amending the fiscal year 2024 Contract Awarding Authority List by adding \$825,000 to CAAL #25142 to cover the projected expenditures associated with the remodel of Fire Station 303; Resolution #2024-47.

Motion:

I move to approve Resolution #2024-47.

Background:

Fire Station 303 has significant water damage, which requires major plumbing repairs. Additionally, a recent audit has revealed that the station's communications room does not meet the required security standards. Although this project was originally planned and budgeted for FY25, the presence of mold has prompted the Fire, CIP, and Facilities teams to escalate the repairs to ensure a safe and healthy working environment for the Fire Department personnel at the station. The Fire Department has identified savings from another FY24 project that is being moved into this project to help cover the cost of the remodel.

Objective Analysis:

This action will allow the Fire-Medical Department to start the project of repairing and remodeling Fire Station 303.

Policy Compliant:

The budget amendment is in compliance with the Comprehensive Financial Management Policy.

Financial Impact:

This resolution will increase the project one-time expense by \$825,000. A cash transfer of \$625,000 from the General Fund to the General Capital Projects Fund will be included to cover the expense.

Budget Impact:

This action allows for a movement of budget authority of \$625,000 from General Contingency and

\$200,000 from project A34200 in the General Capital Projects Fund to project P34350 in the General Capital Projects Fund. This action represents a transfer of spending authority and does not increase or decrease the total adopted citywide expenditure budget. Additionally, the cash transfer of \$625,000 from the General Fund to the General Capital Projects Fund will be budgeted.

FTE Impact:

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

ATTACHMENTS:

1. Res 2024-47_Fire-Medical BA Fire Station Remodel
-

RESOLUTION # 2024-47

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA, AMENDING THE FISCAL YEAR 2024 BUDGET BY MOVING BUDGET AUTHORITY OF \$625,000 FROM GENERAL CONTINGENCY AND \$200,000 FROM PROJECT A34200 WITHIN THE GENERAL CAPITAL PROJECTS FUND TO PROJECT P34350 IN THE GENERAL CAPITAL PROJECTS FUND , AND AMENDING THE FISCAL YEAR 2024 CONTRACT AWARDING AUTHORITY LIST BY ADDING \$825,000 TO CAAL #25142 TO COVER THE PROJECTED EXPENDITURES ASSOCIATED WITH THE REMODEL OF FIRE STATION 303.

WHEREAS, additional budget authority is needed in the Fire-Medical Department's Capital Projects Fund to cover unforeseen costs to repair and remodel a fire station due to water damage and needed security updates;

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

WHEREAS, this action will necessitate a budget amendment;

WHEREAS, this action will necessitate a cash transfer from the General Fund to the General Capital Projects Fund;

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

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

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

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

Section 2. That the statements and schedules attached as *Exhibit B* and incorporated by reference are adopted, amending the Fiscal Year 2024 Contract Awarding Authority List of the City of Surprise, Arizona for the fiscal year July 1, 2023 through June 30, 2024.

SIGNATURES ON THE FOLLOWING PAGE

APPROVED AND ADOPTED this _____ day of _____, 2024.

Skip Hall, Mayor

Attest:

Approved as to form:

Kristi Passarelli, City Clerk

Robert Wingo, City Attorney

RESOLUTION # 2024-47
Exhibit A

1. Appropriation - The allocation below represents a movement of budget authority in the amount of \$200,000 from project A34200 within the General Capital Projects Fund and \$625,000 from General Contingency to project P34350 in the General Capital Projects Fund to cover the projected expenditures associated with the remodel of Fire Station 303. This action represents a transfer of spending authority and does not increase or decrease the total adopted citywide expenditure budget.

Fund	Department	Project/Category	Re/ Ex	Current Budget	Increase/ (Decrease)	Amended Budget
General Capital Projects Fund	Fire - Medical	#P34350 FS303 Remodel	E	-	825,000	825,000
Contingency	General Operations	Contingency	E	59,003,000	(625,000)	58,378,000
General Capital Projects Fund	Fire - Medical	#A34200 Asset Repl_Fire Radios	E	2,415,000	(200,000)	2,215,000
Expense Total				61,418,000	-	61,418,000

2. Cash Transfer - This will be an actual cash transfer of \$625,000 from General Contingency Fund to General Capital Projects Fund on the budget amendments in table 1.

Transfer from Fund	Transfer to Fund	Current Budgeted Transfer	Increase/ (Decrease)	Amended Budgeted Transfer
General Fund	General Capital Project Fund	24,161,200	625,000	24,786,200

RESOLUTION # 2024-47

Exhibit B

1. Contract Awarding Authority List – Council approved \$825,000 for the purpose of remodeling Fire Station 303, to be included on the Fiscal Year 2024 Contract Awarding Authority List. This amount was based on department needs.

Reference #	Description	Current Amount	Increase/ (Decrease	Amended Amount
25142	Fire Station 303 Remodel	\$0	\$825,000	\$825,000



CITY OF SURPRISE Regular City Council Meeting

Council Meeting Date: April 2, 2024
Submitting Department: Fire - Medical
Staff Recommendations:

Contact Person: Brenden Espie, FIRE CHIEF
District: Internal

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

Agenda Wording:

Consideration and action pertaining to approval of a Fiscal Year 2024 budget amendment by moving budget authority of \$778,300 from General Contingency and \$423,300 from the Ground Ambulance Service Fund to the Fire-Medical General Fund personnel services and supplies budgets for the purpose of covering increased operational costs, moving existing full-time employees (FTE), authorizing an inter-fund cash transfer and amending the fiscal year 2024 Contract Awarding Authority List by increasing the FD new hire outfitting item to \$550,000; Resolution #2024-46.

Motion:

I move to approve Resolution #2024-46.

Background:

The fire department is currently experiencing challenges with recruiting and retaining staff for its ambulances, which has led to an increase in overtime to manage the vacancies.

To tackle the ongoing recruitment issues, the department is proposing a strategic transition of one of its ambulances from a civilian to a sworn staffing model. This transition will be carried out in a phased and systematic manner, showing the department's commitment to maintaining operational stability and adaptability to any unforeseen challenges. The proposed shift acknowledges the difficulties faced in civilian recruitment over the past years and aims to create a more resilient and effective operational model.

The department will continue to keep track of the staffing of all its ambulances and will consider converting other units to sworn staffing if similar issues persist.

Objective Analysis:

This action will allow the Fire-Medical Department to continue to cover personnel and supplies expenses through the end of FY2024.

Policy Compliant:

The budget amendment is in compliance with the Comprehensive Financial Management Policy.

Financial Impact:

This resolution will allow for an additional \$778,300 to be expensed in FY2024 to cover unforeseen increases in staff overtime and cover expenses associated with the increase in Fire-Medical operations. \$423,300 will allow for FTEs to move from a civilian position to sworn.

The Ground Ambulance Service Fund operating expenses are offset by the collection of service fees as established by the Arizona Department of Health Services.

Budget Impact:

This action will result in the movement of budget authority from General Contingency in the amount of \$778,300 and the Ground Ambulance Service Fund in the amount of \$423,300 to the Fire-Medical General Fund. Additionally, the cash transfer of \$423,300 from the Ground Ambulance Service Fund to the General Fund will be budgeted.

FTE Impact:

This item will move eleven (11) FTEs from Ground Ambulance Service Fund to Fire-Medical General Fund.

ATTACHMENTS:

1. Res 2024-46 - Fire-Medical BA
-

RESOLUTION # 2024-46

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA, AMENDING THE FISCAL YEAR 2024 BUDGET BY MOVING BUDGET AUTHORITY OF \$778,300 FROM GENERAL CONTINGENCY AND \$423,300 FROM THE GROUND AMBULANCE SERVICE FUND TO THE FIRE-MEDICAL GENERAL FUND PERSONNEL SERVICES AND SUPPLIES BUDGETS FOR THE PURPOSE OF COVERING INCREASED OPERATIONAL COSTS, MOVING EXISTING FULL-TIME EMPLOYEE (FTE), AND AMENDING THE FISCAL YEAR 2024 CONTRACT AWARDING AUTHORITY LIST BY INCREASING THE FD NEW HIRE OUTFITTING ITEM TO \$550,000.

WHEREAS, the FY2024 budget was adopted including funding for personnel, supplies and services expenses within the Fire-Medical Department's General Fund, and Ground Ambulance Service Fund;

WHEREAS, additional budget authority is needed in the Fire-Medical Department's General Fund to cover unforeseen increases in staff overtime, the movement of FTEs between funds, and increases in supplies;

WHEREAS, a CAAL item increase is needed for the purchase of additional firefighter outfitting supplies;

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

WHEREAS, this action will necessitate a budget amendment;

WHEREAS, this action will necessitate a cash transfer from the General Fund to the General Capital Projects Fund;

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

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

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

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

Section 2. That the statements and schedules attached as *Exhibit B* and incorporated by reference are adopted, amending the Fiscal Year 2024 Contract Awarding Authority List of the City of Surprise, Arizona for the fiscal year July 1, 2023 through June 30, 2024.

APPROVED AND ADOPTED this _____ day of _____, 2024.

Skip Hall, Mayor

Attest:

Approved as to form:

Kristi Passarelli, City Clerk

Robert Wingo, City Attorney

RESOLUTION # 2024-46
Exhibit A

1. Appropriation - The allocation below represents an increase in budget authority in the amount of \$778,300 from General Contingency and \$423,300 from Ground Ambulance Service Fund to the Fire-Medical Department's General Fund to support ongoing operational needs, and cover expenses associated with the increase in fire-medical operations and movement of FTEs. This action represents a transfer of spending authority and does not increase or decrease the total adopted citywide expenditure budget.

Fund	Department	Project/Category	Rev/Ex	Current Budget	Increase/(Decrease)	Amended Budget
Contingency	General Operations	Contingency	E	59,120,000	(778,300)	58,341,700
General Fund	Fire - Medical	Personnel Services	E	33,570,400	1,023,300	34,593,700
General Fund	Fire - Medical	Supplies	E	1,294,600	178,300	1,472,900
Ground Ambulance Service	Fire - Medical	Personnel Services	E	5,854,800	(423,300)	5,431,500
Expense Total				99,839,800	-	99,839,800

2. Cash Transfer - This will be an actual cash transfer of \$423,300 from Ground Ambulance Service Fund to General Fund based on the budget amendments in table 1.

Transfer from Fund	Transfer to Fund	Current Budgeted Transfer	Increase/(Decrease)	Amended Budgeted Transfer
Ground Ambulance Service	General Fund	0	423,300	423,300

3. Full-Time Equivalent (FTE) - The expansion of the sworn ambulance rescue service requires the transfer of 11 FTEs.

Fund	Department	Current FTEs	Increase/(Decrease)	Amended FTEs
Ground Ambulance Service	Fire-Medical	36	(11)	25
General Fund	Fire-Medical	186	11	197

RESOLUTION # 2024-46

Exhibit B

1. Contract Awarding Authority List – Council approved \$550,000 for the purpose of purchasing firefighter outfitting included on the Fiscal Year 2024 Contract Awarding Authority List. This amount was based on department needs.

Reference #	Description	Current Amount	Increase/ (Decrease)	Amended Amount
24570	FD New Hire Outfitting	\$350,000	\$200,000	\$550,000



CITY OF SURPRISE
Regular City Council Meeting

Council Meeting Date: April 2, 2024
Submitting Department: Police
Staff Recommendations:

Contact Person: Benny Pina, POLICE CHIEF
District: Citywide

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

Agenda Wording:

Consideration and action pertaining to approval of an amendment to the Fiscal Year 2024 budget by moving budget authority in the amount of \$6,000 from General Contingency to project G31401 FFY24 AZ Internet Crimes Against Children (AZICAC) Task Force in the Grants Fund and authorizing acceptance of a grant award from City of Phoenix Affiliate Award Funding, to cover training and equipment expenses related to the investigations of internet crimes against children; Resolution #2024-48.

Motion:

I move to approve Resolution #2024-48

Background:

The Surprise Police Department will receive \$5,956 of funding from the City of Phoenix, derived from an intergovernmental agreement with the Arizona Attorney General's Office to cover training and equipment expenses related to the investigations of internet crimes against children with special emphasis on locating, prosecuting, and imprisoning people who intentionally exploit children.

Objective Analysis:

Acceptance of this funding will provide reimbursement of training and equipment expenses for the participation of the AZICAC task force related to the investigations of internet crimes against children. The one negative to obtaining any grant funding is the employee time spent in overseeing the grant and making regular reports back to the grantor.

Policy Compliant:

This action is consistent with City and Council Policy. The City regularly partners with other government entities when it is beneficial to do so.

Financial Impact:

This one-time funding is to be used solely for training and equipment incurred as a result of the investigations related to internet crimes against children. There is no city-match requirement.

Budget Impact:

The FY2024 adopted budget did not include appropriations for revenue and expenses related to the City of Phoenix Affiliate Award Funding grant award to the Police Department. Acceptance of this grant will require a movement of budget authority in the amount of \$6,000 from General Contingency to Project G31401 in the Grants Fund. This action represents a transfer of spending authority and does not increase or decrease the total adopted citywide expenditure budget.

FTE Impact:

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

ATTACHMENTS:

1. Resolution FY2024-48 CITY OF PHOENIX AFFILIATE AWARD FUNDING
AZICAC2_accepted
 2. Jan 2024 Award Letter - Surprise PD - SIGNED (003)031324
 3. Executed ICAC IGA - Surprise PD 111722
-

RESOLUTION # 2024-48

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA AUTHORIZING THE CITY TO ACCEPT AFFILIATE FUNDING FROM THE CITY OF PHOENIX, DERIVED FROM AN INTERGOVERNMENTAL AGREEMENT WITH THE ARIZONA ATTORNEY GENERAL'S OFFICE, AZ INTERNET CRIMES AGAINST CHILDREN (AZICAC) TASK FORCE TO COVER TRAINING AND EQUIPMENT EXPENSES, AND AMENDING THE FISCAL YEAR 2024 BUDGET BY MOVING BUDGET AUTHORITY OF \$6,000 FROM GENERAL CONTINGENCY TO PROJECT G31401 WITHIN THE GRANTS FUND

WHEREAS, pursuant to Arizona Revised Statute §11-952, et seq., the City of Surprise has the authority to enter into intergovernmental agreements (IGA) with other governmental entities for the purposes set forth within;

WHEREAS, the City of Surprise Police Department wishes to participate in the Arizona Internet Crimes task force and investigate internet crimes against children. ("AZICAC"),

WHEREAS, the City of Surprise Police Department desires to accept the funding;

WHEREAS, the FY2024 budget was adopted by Council Resolution #2023-85 on June 6, 2023;

WHEREAS, this action will necessitate a budget amendment; and

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

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

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

Section 2. The City is hereby authorized to accept funding in the amount of \$5,956 from the City of Phoenix AZ Internet Crimes Against Children (AZICAC) and the City of Surprise Police Department to help fund training and equipment expenses for the department to investigate Internet Crimes Against Children, which Agreement is attached as *Exhibit B*.

Section 3. 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.

SIGNATURES ON FOLLOWING PAGE

APPROVED AND ADOPTED this ____ day of _____, 2024.

Skip Hall, Mayor

Attest:

Approved as to form:

Kristi Passarelli, City Clerk

Robert Wingo, City Attorney

RESOLUTION # 2024-48
Exhibit A

1. Appropriation - This allocation below represents a movement of budget authority in the amount of \$6,000 from General Contingency to project G31401 in the Grants Fund to cover projected expenditures associated with training and equipment expenses for participation in the Arizona Internet Crimes Against Children (AZICAC) task force. This action represents a transfer of spending authority and does not increase or decrease the total adopted citywide expenditure budget.

Fund	Department	Project/Category	Rev/ Exp	Current Budget	Increase/ (Decrease)	Amended Budget
Grants	Police	#G31401 FY24 AZICAC Task Force	E	-	6,000	6,000
Grants	Police	#G31401 FY24 AZICAC Task Force	R	-	6,000	6,000
Contingency	General Operations	Contingency	E	59,120,000	(6,000)	59,114,000
Contingency	General Operations	Other	R	74,825,900	(6,000)	74,819,900
Expense Total				59,120,000	-	59,120,000
Revenue Total				74,825,900	-	74,825,900

RESOLUTION # 2024-48

Exhibit B

AGREEMENT BETWEEN

THE CITY OF SURPRISE AND CITY OF PHOENIX

AFFILIATE AWARD FUNDING.

ARIZONA INTERNET CRIMES AGAINST CHILDREN (AZICAC) TASK FORCE

(BEGINS ON THE NEXT PAGE)



City of Phoenix

March 4, 2024

Chief Benny Pina
Surprise Police Department
14250 West Statler Plaza, Suite 103
Surprise, AZ 85374

Dear Chief Benny Pina:

Upon reviewing the Affiliate Award Funding Request received by your agency, your agency is being awarded \$5,956.00 to be utilized for training and/or equipment related to Internet Crimes Against Children (ICAC) investigations. The awarded funding needs to be spent, and reimbursement requests submitted to the AZICAC Task Force, by May 3, 2024. This funding is derived from an intergovernmental agreement between the Arizona Attorney General's Office and the City of Phoenix. As such, this is not federally-derived funding and is not associated with a Catalog of Federal Domestic Assistance (CFDA) number.

Below are some important guidelines regarding this funding:

1. Affiliate award funds must be used for directly-related costs, such as training, investigations, computer forensics, and public awareness in connection with ICAC;
2. Minor deviations from your Affiliate Award Funding Request are permissible if the final purchases are related to the ICAC requirements stated in Item #1;
3. This is a reimbursement program. As such, your agency must first purchase the equipment or training and then submit documentation to Phoenix Police Department AZICAC Task Force Administrator Katie Kobus via email at katherine.kobus@phoenix.gov;
4. In order to be eligible for reimbursement, all ICAC-related travel and training must be conducted in accordance with the State of Arizona Travel Policy and reimbursement rates listed in the State of Arizona Accounting Manual;
5. Monthly progress reports for your agency's activities related to ICAC investigations, training, and public awareness are REQUIRED and must be entered by your agency into the ICAC Data System website at www.icacdatasystem.com no later than the 10th day of the following month.

Sincerely,

MICHAEL G. SULLIVAN
Interim Police Chief

AMY BREITZMAN
Commander
Family Investigations Bureau

157540--0

**ARIZONA INTERNET CRIMES AGAINST CHILDREN
TASK FORCE**

Intergovernmental Agreement

Between

**Phoenix Police Department (Primary Grantee) /
Arizona ICAC Task Force Lead Agency**

and

Surprise Police Department

THIS Intergovernmental Agreement ("IGA") is entered into between the City of Phoenix, Arizona, through the Phoenix Police Department ("PPD" or "Primary Grantee"), and the City of Surprise, Arizona, through the Surprise Police Department ("Affiliate Agency").

I. RECITALS

1.1 Whereas public agencies are authorized and empowered to enter into intergovernmental agreements for the provision of services or for joint or cooperative action pursuant to Arizona Revised Statutes (A.R.S.) §11-952. The City of Phoenix is also authorized and empowered pursuant to Chapter 2, Section 2 (i), of the Charter of the City of Phoenix.

1.2 Whereas the Phoenix Police Department / Arizona Internet Crimes Against Children Task Force ("ICAC Task Force") Lead Agency, is the recipient of the United States Department of Justice ("DOJ"), Office of Juvenile Justice and Delinquency Prevention ("OJJDP") grant regarding Internet Crimes Against Children ("ICAC"). The Task Force utilizes the grant, and funding from the Arizona Attorney General's Office, for the purpose of administering and operating an ICAC Task Force in Arizona. PPD is the primary grantee for the ICAC Task Force. Agencies affiliated through this IGA are known as "Affiliate Agencies".

1.3 Whereas the PPD / ICAC Task Force agrees to work with the affiliates to support and advance the goals of the Internet Crimes Against Children Task Force, a DOJ initiative. Phoenix PD / ICAC Task Force may be able to provide financial assistance to the Affiliate Agency, on a reimbursable basis, through various funding sources.

1.4 Whereas the OJJDP administers the ICAC Task Force Program, which is a national network of state and local law enforcement investigative units. The national ICAC program assists state and local law enforcement agencies in the

development of an effective response to cases involving images depicting the sexual exploitation of minors and the sexual assault and abuse of children facilitated by technology. Due in large part to the technological aspects of these cases, the ICAC Task Force Program promotes a multi-jurisdictional, multi-agency approach to investigating and prosecuting ICAC cases. ICAC's goals are to increase the investigations and prosecutions of Internet crimes against children offenses, and to increase public awareness and prevention of ICAC offenses.

1.5 Whereas the national policy objectives for ICACs are to:

- (1) Increase the investigative capabilities, including effectiveness and efficiency, of law enforcement officers in the detection, investigation of qualifying offenses and the apprehension of offenders;
- (2) Increase the number of ICAC-qualifying (state and federal) offenses being prosecuted;
- (3) Create a multi-agency task force response to ICAC offenses;
- (4) Enhance the nationwide response to ICAC offenses; and
- (5) Develop and deliver ICAC public awareness and prevention programs.

NOW, THEREFORE, in consideration of the mutual promises set forth herein, the parties hereby agree to the following terms and conditions:

II. PURPOSE

2.1 The purpose of this IGA is to provide funding for the Affiliate Agency, on a reimbursable basis, to support their efforts to investigate, prosecute, and deter the possession, production, and distribution of unlawful images depicting the sexual exploitation of minors and the utilization of the Internet to seek children as sexual victims.

2.2 The purpose of this IGA is to memorialize parties' agreement to work together to assist the ICAC Task Force in its efforts to investigate, prosecute, and deter the possession, production, and distribution of unlawful images depicting the sexual exploitation of minors and the utilization of the Internet to seek children as sexual victims.

2.3 Additionally, this IGA defines the responsibilities of the Affiliate Agency with the ICAC Task Force.

III. RESPONSIBILITIES

3.1 Affiliated ICAC Task Forces may include investigators, supervisors, or prosecutors from various local, state, and federal law enforcement agencies who provide assistance, subject to availability.

3.2 Affiliated ICAC Task Forces should identify and investigate individuals who exploit children for sexual purposes through the use of technology and/or who obtain, distribute, and/or produce child pornography.

3.3 Affiliated ICAC Task Forces should be focused on presenting evidence of criminal activity to prosecutors, which then leads to the successful prosecution of individuals who have committed coercion/enticement or unlawful image offenses.

3.4 Affiliated ICAC Task Forces may, subject to availability, sponsor community education efforts regarding the prevention of Internet crimes against children and provide ICAC training to other state and local law enforcement officials.

3.5 Affiliated ICAC Task Forces may, subject to availability:

- (1) Conduct undercover ICAC investigations; and
- (2) Conduct reactive investigations for which venue lies within the agency's jurisdiction(s), including investigations of unlawful images depicting the sexual exploitation of minors, CyberTip referrals from the National Center of Missing and Exploited Children (NCMEC), Internet Service Provider and law enforcement referrals, other ICAC-related investigations, and other sources.

3.6 The Affiliated ICAC Task Force will ensure that:

- (1) Only sworn law enforcement personnel will conduct undercover ICAC investigations;
- (2) Each investigator involved with undercover operations has received ICAC training prior to initiating investigations; and
- (3) ICAC investigations shall also be governed by the national ICAC program's Standard Operating Procedures (Attachment A).

3.7 Where investigations reveal that the safety of a child is at risk, it is of paramount importance that the safety and well-being of the child clearly outweigh any consideration being given to the continued investigation.

3.8 ICAC Task Forces have a substantial number of matters to investigate which requires prioritization of these matters. The Affiliate Agency agrees to use the guidelines in the ICAC Standard Operating Procedures (Attachment A) to prioritize cases.

3.9 An additional secondary role of the Affiliate Agency is to educate, as time and resources permit, both children and parents regarding online dangers, and empower them with information so they may visit the Internet in safety. Task force personnel may conduct education and prevention programs to foster awareness and provide practical, relevant guidance to the community about Internet child safety issues.

IV. DURATION AND TERMINATION

4.1 This IGA shall become effective upon the date of the last signature of the executing parties and will supersede any pre-existing agreements between the Affiliate Agency and the Arizona ICAC Task Force. This IGA will remain in effect

for five (5) years after the IGA becomes effective, unless the agreement is terminated in writing by either party upon thirty (30) day notice.

4.2 Violation of the ICAC Standard Operating Procedures (Attachment A) is considered a material breach of this agreement and cause for cancellation of Affiliate Agency's affiliation with the Arizona ICAC Task Force. Upon discovering a violation and notifying the Affiliate Agency, the Primary Party may cancel the contract and rescind any funding under this agreement.

V. GENERAL PROVISIONS

5.1 Conflict of Interest. This Agreement is subject to cancellation pursuant to the provisions of A.R.S. § 38-511.

5.2 Immigration law compliance and warranty. As required by A.R.S. § 41-4401, each party hereby warrants its compliance with all federal immigration laws and regulations that relate to its employees and A.R.S. § 23-214(A). Each party further warrants that after hiring an employee, it verifies the employment eligibility of the employee through the E-Verify program. If either party uses any subcontractors in performance of the IGA, subcontractors shall warrant their compliance with all federal immigration laws and regulations that relate to its employees and A.R.S. § 23-214(A), and subcontractors shall further warrant that after hiring an employee, such subcontractor verifies the employment eligibility of the employee through the E-Verify program. A breach of this warranty shall be deemed a material breach of the IGA, subject to penalties up to, and including, termination. A party shall not be deemed in material breach if it and/or its subcontractors establish compliance with the employment verification provisions of Sections 274A and 274B of the federal Immigration and Nationality Act and the E-Verify requirements contained in A.R.S. § 23-214(A). Each party retains the legal right to inspect the papers of the other party and/or its subcontractor engaged in performance of this IGA to ensure that the other party and/or its subcontractor is complying with the warranty. Any inspection will be conducted after reasonable notice and at reasonable times. If state law is amended, the parties may modify this paragraph consistent with state law.

5.3 Communication between state and local government agencies and federal immigration authorities; compliance. As required by 8 U.S.C. § 1373, each party hereby agrees that, notwithstanding any other provision of federal, state, or local law, it will not prohibit, or in any way restrict, any government entity or official from sending to, or receiving from, federal immigration authorities, including US Immigration and Customs Enforcement (ICE), US Customs and Border Protection (CBP), or US Citizenship and Immigration Services (USCIS), information regarding the citizenship or immigration status, lawful or unlawful, of any individual.

5.4 Indemnification. To the extent permitted by law, each party will indemnify and save the other party harmless, including any of the parties' departments, agencies, officers, employees, elected officials or agents, from and against all loss,

expense, damage or claim of any nature whatsoever which is caused by any activity, condition or event arising out of the performance or non-performance by the indemnifying party of any of the provisions of this IGA.

Each party, in all instances, shall be indemnified against all liability, losses, and damages of any nature for, or on account of, any injuries or death of persons or damages to or destruction of property arising out of or in any way connected with the performance or non-performance of this IGA by the other party, except such injury or damage as shall have been occasioned by the negligence of that other party. The damages incurred by the other party, their department, agencies, officers, employees, elected officers, or agents shall include in the event of any action, court costs, expenses for litigation and reasonable attorneys' fees.

The parties are responsible and liable for the acts and omissions of their own officers, agents, or employees in connection with the performance of their official duties under this IGA.

This agreement does not relieve either agency of its official duties and shall not be construed as limiting or expanding the statutory responsibilities of the parties.

5.5 Binding effect. All terms, provisions, and conditions hereof shall be binding upon and inure to the benefit of all parties hereto and their respective heirs, personal representatives, successors, and assigns.

5.6 Severability. In the event any term or provision of this IGA is held to be invalid or unenforceable, the validity of the other provisions shall not be affected, and the IGA shall be construed and enforced as if it did not contain the particular term or provision that is deemed to be invalid or unenforceable.

5.7 Governing law. This IGA will be governed by the laws of the State of Arizona, both as to interpretation and performance.

5.8 Modification. This IGA may be modified only by mutual written agreement of the parties.

VI. SPECIAL PROVISIONS

6.1 Goals for cases prosecuted. Various County Attorneys' Offices throughout the State of Arizona have successfully prosecuted many cases investigated by the ICAC Task Force and its affiliated agencies. Cases investigated by the ICAC Task Force may be prosecuted in Federal or State Court.

The affiliated agency agrees that the criteria for determining whether to prosecute a particular violation in state or federal court will be determined based upon the forum in which the greatest overall benefit to the public will be achieved. The parties agree that the greatest overall benefit to the public and victims will be achieved in the forum in which the purposes of punishment will be accomplished

to the greatest possible extent. The parties agree that the sentences in ICAC cases should, to the greatest possible extent:

- (1) Reflect the seriousness of the offense;
- (2) Promote respect for the law;
- (3) Provide just punishment for the offense;
- (4) Afford adequate deterrence to criminal conduct;
- (5) Protect the public from further crimes of the defendant; and
- (6) To provide the defendant with needed educational or vocational training, medical care, or other correctional treatment in the most effective manner.

Given these goals and the research regarding the typical hands-on offense histories of those convicted as on-line predators and child pornography offenders, incarceration is a desired outcome in ICAC cases.

6.2 Reporting statistics. The Affiliate Agency will provide monthly reports to the Phoenix PD / ICAC Task Force in the prescribed format, no later than ten (10) days after the end of the preceding month. If statistics are not provided by the deadline, any funding will be suspended until the reporting requirement is met.

6.3 Training. The affiliated agency may make investigators available for applicable specialized training provided through the national ICAC program and other appropriate training programs.

6.4 Media. Media outreach on cases should be coordinated with the prosecutor to whom the case has been, or will be, referred in order to ensure compliance with applicable bar rules. All lawful efforts will be made to protect ongoing undercover operations from media publication. Member agencies will refrain from unnecessarily releasing ongoing investigative techniques and ongoing undercover identities, including screen names, age or sex of undercover personas, unless authorized and mandated by public record law, or when the information is revealed pursuant to lawful discovery or at trial.

6.5 Confidentiality. It is understood that any confidential information pertaining to investigations of ICAC will be held in the strictest confidence, and will only be shared with participating ICAC Task Force members or other law enforcement agencies where necessary, or as otherwise permitted by federal and/or state law.

6.6 Text messaging while driving. Pursuant to Executive Order 13513, "Federal Leadership on Reducing Text Messaging While Driving," 74 Fed. Reg. 51225 (October 1, 2009), the Department encourages recipients and sub recipients to adopt and enforce policies banning employees from text messaging while driving any vehicle during the course of performing work funded by this IGA, and to establish workplace safety policies and conduct education, awareness, and other outreach to decrease crashes caused by distracted drivers.

6.7 Data protection. All data, regardless of form, including originals, images and reproductions, prepared by, obtained by, or transmitted to affiliate agencies in connection with this agreement is to be kept confidential. Except as specifically provided in this IGA, the affiliate agencies shall not disclose data generated in the performance of the service to any third person without the prior written consent of all affiliate agencies, unless required by law.

Personal identifying information, financial account information, or restricted information, whether electronic format or hard copy, must be secured and protected at all times to avoid unauthorized access. At a minimum, affiliate agencies must encrypt and/or password protect electronic files. This includes data saved to laptop computers, computerized devices or removable storage devices.

Unless contrary to law, which includes Arizona State Records Retention statutes, when personal identifying information, financial account information or restricted information, regardless of its format, is no longer necessary, the information must be redacted, destroyed or secured through appropriate and secure methods that ensure the information cannot be viewed, accessed or reconstructed.

In the event that data collected or obtained by the affiliate agencies in connection with this IGA is believed to have been compromised, affiliate agencies shall notify all other agencies in writing within ten (10) business days.

Affiliate agencies agree that the requirements of this section shall be incorporated into all relevant subcontractor/subconsultant agreements entered into by the affiliate agencies. A violation of this section may result in immediate termination of the IGA.

The obligations of affiliate agencies under this section shall survive the termination of this agreement.

6.8 Consistency. No local agreement can be inconsistent with any provision herein or impair achievement of any provision herein.

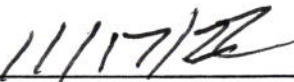
6.9 Return of Proceeds of Sale or Auction. Affiliate agencies are prohibited from retaining the proceeds from the sale or auction of any equipment purchased with funding provided pursuant to this IGA. In the event that an affiliate agency sells or auctions any equipment purchased with funding provided pursuant to this IGA, the affiliate agency shall return the proceeds from the sale or auction of equipment to the City of Phoenix. The City of Phoenix shall remit the proceeds returned to the original funding source. The City of Phoenix shall have the authority to audit the records of an affiliate agency as shall be deemed proper to ensure that the proceeds from the sale or auction of any equipment purchased with funding provided pursuant to this IGA have been accounted for and returned pursuant to this section.

6.10 Affiliate Agency must abide by all federal, state, and local grant regulations.

IN WITNESS WHEREOF, the parties enter into this Agreement:

City of Phoenix, Arizona
An Arizona Municipal Corporation
(Primary Grantee)


Michael G. Sullivan
Interim Police Chief
Phoenix Police Department


Date

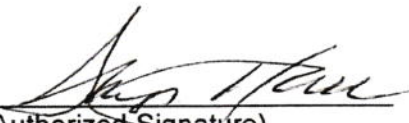
ATTEST:

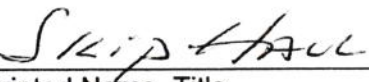
City Clerk

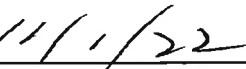
APPROVED AS TO FORM:

Acting City Attorney

City of Surprise, Arizona
An Arizona Municipal Corporation
(Affiliate)


(Authorized Signature)


Printed Name, Title


Date

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney



CITY CLERK DEPT.
2022 DEC -7 PM 4:14

INTERGOVERNMENTAL AGREEMENT DETERMINATION

In accordance with the requirements of A.R.S. § 11-952 (D), each of the undersigned attorneys Acknowledge: (1) that they have reviewed the above IGA on behalf of their respective clients; and, (2) that, as to their respective clients only, each attorney has determined that this IGA is in proper form and is within the powers and authority granted under the laws of the State of Arizona.

City of Phoenix (Primary Grantee)

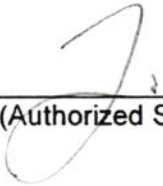


David Lavelle
Asst. Chief Counsel

11/17/22

Date

City of Surprise (Affiliate)



(Authorized Signature)

Robert L. Lingo, City Attorney

Printed Name, Title

11/11/22

Date



CITY OF SURPRISE
Regular City Council Meeting

Council Meeting Date: April 2, 2024
Submitting Department: Police
Staff Recommendations:

Contact Person: Benny Pina, POLICE CHIEF
District: Citywide

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

Agenda Wording:

Consideration and action pertaining to approval of a Fiscal Year 2024 budget amendment by moving budget authority of \$194,400 from Personnel within the Police Department General Fund to Project P31130 within the General Capital Projects Fund, authorizing an inter-fund cash transfer and amending the fiscal year 2024 Contract Awarding Authority List by creating #24109-CID NIBIN Computer \$194,400 to support a one-time purchase of an IBIS® BulletTrax NIBIN computer and associated hardware to increase the department's efficiency to investigate firearm related crimes; Resolution #2024-49.

Motion:

I move to approve Resolution #2024-49.

Background:

The Surprise Police Department is reliant on other local agencies' generosity to enter shell casings into the NIBIN system. As a result, we have limited time slots to have our casings/firearms entered and completed. This has led to processing delays and a backlog of items waiting to be entered into the NIBIN system.

Objective Analysis:

Acceptance of this amendment will allow the police department to purchase our own equipment and hardware which would allow the department to increase its efficiency to investigate firearm related crimes by reducing the time spent waiting on our partner agencies to process our requests.

Policy Compliant:

This action is consistent with City and Council Policy.

Financial Impact:

This resolution will increase the project one-time expense by \$194,400. A cash transfer of \$194,400 from the General Fund to the General Capital Projects Fund will be included to cover the expense.

Budget Impact:

This action allows for a movement of budget authority in the amount of \$194,400 from the Police

Department General Fund Personnel to project P31130 in the General Capital Projects Fund to support the one-time purchase of an IBIS® BulletTrax NIBIN computer and associated hardware to increase the department's efficiency to investigate firearm related crimes. Additionally, the cash transfer of \$194,400 from the General Fund to the General Capital Projects Fund will be budgeted.

FTE Impact:

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

ATTACHMENTS:

1. SurprisePD_NIBIN MOU 11172023031524
 2. S-10235 R02 Surprise PD (IBIS Options) (1)0313242031524
 3. 24.03.25 RES PD Budget Amendment
-

MEMORANDUM OF UNDERSTANDING

Between the Bureau of Alcohol, Tobacco, Firearms and Explosives and the
CITY OF SURPRISE through its POLICE DEPARTMENT
Regarding the National Integrated Ballistic Information Network

This Memorandum of Understanding (MOU) is entered into by the U.S. Department of Justice (DOJ), Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), and the CITY of SURPRISE through its POLICE DEPARTMENT (NIBIN Partner), hereinafter collectively referred to as "the parties," and each individually referred to as a "party." This MOU establishes and defines a partnership between the parties that will result in an ATF National Integrated Ballistic Information Network (NIBIN) system installation, operation, and administration for the collection, timely analysis, and dissemination of crime gun data to enhance the efforts of law enforcement to integrate resources to reduce firearms violence, identify shooters, and refer them for prosecution.

AUTHORITY

This MOU is established pursuant to the authority of the participants to engage in activities related to the investigation and suppression of violent crimes involving firearms. ATF's authorities are set forth in Title 28, Code of Federal Regulations, sections 0.130-0.131, and include the power to investigate violations of the Gun Control Act of 1968 (as amended), Title 18, United States Code, Chapter 44.

BACKGROUND

The ATF NIBIN Program uses sophisticated technology to compare images of ballistic evidence. It is part of an integrated investigative approach to reduce firearms violence and improve crime gun intelligence. Through aggressive targeting, investigation, and prosecution of shooters and their sources of crime guns, Federal, State, tribal, and local law enforcement agencies work in concert to combat firearms-related violence.

SCOPE

Participation in this program is expressly restricted to the sharing of ballistic imaging of firearms data associated with crimes recovered by any law enforcement agency in the United States and international law enforcement partners who have entered into agreements with ATF to share ballistic data. ATF may work with our international law enforcement partners to search their networks in an effort to identify a crime gun in their database against a crime gun in ATF's NIBIN network.

NIBIN systems are to be used to image ballistic evidence and test fires of firearms illegally possessed, used in a crime, or suspected by law enforcement officials of having been used in a crime. Ballistics information and/or evidence from firearms taken into law enforcement custody through a gun buy-back program, property damage crimes involving firearms, found or abandoned firearms, and domestic disturbances are also permitted to be entered in the NIBIN system.

Any NIBIN unit, whether ATF-owned or site-purchased, will not be used to capture, share, or store ballistic images acquired at the point of manufacture, importation, or sale of a firearm, or images of law enforcement-issued firearms not associated with crimes. The NIBIN system does not store information related to firearms owners or registration.

APPLICABLE LAWS

The applicable statutes, regulations, directives, and procedures of the United States, DOJ, and ATF shall govern this MOU and all documents and actions pursuant to it. Nothing in this MOU will prevail over any Federal law, regulation, or other Federal rule recognized by ATF. Notwithstanding the foregoing, nothing in this agreement will be construed as a waiver of sovereign immunity in excess of or beyond that which is authorized by the law of the NIBIN Partner's jurisdiction. This MOU is not a funding document. All specific actions agreed to herein shall be subject to funding and administrative or legislative approvals.

MODIFICATIONS AND TERMINATIONS

This MOU shall not affect any pre-existing or independent relationships or obligations between the parties. If any provision of this MOU is determined to be invalid or unenforceable, the remaining provisions shall remain in force and unaffected to the fullest extent permitted by law and regulation.

Except as provided herein, this MOU may be modified or amended only by written mutual agreement of the parties. Either party may terminate this MOU by providing written notice to the other party. The termination shall be effective upon the thirtieth calendar day following provision of notice, unless an alternative date is agreed upon.

If either party terminates this MOU, ATF will retain its interest in the electronically stored information contained in the database and any ATF-deployed NIBIN system. ATF agrees to provide to the NIBIN Partner an electronic copy of the data collected by the NIBIN Partner, subject to Federal law and regulation.

LIABILITY

Each Party shall assume sole responsibility and liability for the acts and omissions of its own employees or agents in connection with the performance and/or non-performance of their obligations or breach of the terms under this MOU, that are executed within the scope of their employment, including claims for injury, loss or damage to personal property or death. In the case of the federal Government, liability shall be determined pursuant to the Federal Tort Claims Act (FTCA – 28 U.S.C. § 1346).

The rights and obligations set out in this MOU run between the signatories. Nothing in this MOU is intended to create any substantive or procedural rights, privileges, or benefits enforceable in any administrative, civil, or criminal matter by any prospective or actual third-parties.

SYSTEM USAGE

Because the NIBIN Program focuses on the reduction of firearms-related violent crimes, the NIBIN Partner shall enter all eligible ballistic evidence recovered from crime scenes as soon as possible. In addition, the NIBIN Partner shall enter into NIBIN test-fire cartridge cases from eligible firearms taken into law enforcement custody in a timely manner. All NIBIN Partner-owned NIBIN equipment will be held to same standards as ATF-deployed systems. NIBIN Partners may not charge other law enforcement agencies for the entry of evidence into ATF-owned or ATF-maintained automated ballistics technology used in the NIBIN Program.

SELF-PURCHASED SYSTEMS

All requirements involving network requirements, usage, Minimum Required Operating Standards (MROS), movement of equipment, network requirements and security requirements apply to all agencies on the NIBIN network. These requirements ensure the integrity of the database and the network security.

SYSTEM MOVEMENT

If the NIBIN Partner seeks to move its NIBIN system, it must submit a written request to ATF. ATF's decision regarding the proposed move will be provided to the NIBIN Partner in writing. Any movement of the NIBIN system after the initial installation will occur at the expense of the NIBIN Partner and only after receipt of authorization by, and coordination with, ATF. In order to realize maximum use of the equipment, it should be placed where trained personnel can expeditiously enter evidence. ATF will work with each partner to realize optimal placement of equipment to obtain actionable investigative leads.

In the event of a natural disaster, ATF will work with the NIBIN Partner to safeguard the NIBIN equipment.

Due to communication line installation/move requirements, NIBIN Partners must provide a minimum of 120 calendar days' advance notice to ATF and the NIBIN system manufacturer before the intended move of a NIBIN system.

In the event of unauthorized movement, alteration, damage, or destruction of any NIBIN system caused by its employees, contractors, or any other person under its control, the NIBIN Partner agrees to assume the cost of replacement or repairs of the equipment.

The NIBIN Partner agrees to report to ATF, within 5 calendar days, any incident involving the following: an unauthorized movement, alteration, damage, or destruction of ATF-deployed NIBIN systems, any unauthorized use of NIBIN systems or the unauthorized release of data related to the NIBIN Program.

COMMUNICATION LINES

ATF will provide and support primary communication lines necessary for connecting NIBIN systems to the NIBIN network.

SECURITY

The NIBIN Partner will comply with all ATF, DOJ and/or other Federal security requirements related to the NIBIN program, network, and systems to ensure the integrity of the program. These requirements are set forth under NIBIN security policies. ATF will promptly notify the NIBIN Partner should these requirements change. All NIBIN sites will not knowingly allow a person to access the NIBIN network using another person's user ID and password.

The NIBIN Partner agrees to conduct criminal background checks, including fingerprint checks, of all NIBIN users. Upon successful completion of these background checks, the NIBIN Partner will notify ATF's NIBIN Branch in writing.

SYSTEM USAGE AND MINIMUM REQUIRED OPERATING STANDARDS

To ensure the consistency, integrity, and success of NIBIN, ATF has enacted Minimum Required Operating Standards (MROS). The MROS, listed below, are rooted in ATF's "Four Critical Steps for a Successful NIBIN Program" – comprehensive collection, timeliness, investigative follow-up, and feedback. They identify the practices that best allow NIBIN to provide comprehensive and timely crime gun intelligence.

1. Enter all fired or test fired cartridge cases from serviced law enforcement agencies and/or departments through a NIBIN acquisition machine within 2 business days of receipt.
2. Enter accurately all required information during the acquisition process on the NIBIN acquisition machine.
3. Correlate and conduct a secondary review of any potential NIBIN leads through an approved NIBIN correlation machine within 2 business days.
4. Disseminate NIBIN leads within 24 hours.
5. Designate and maintain a NIBIN program administrator.
6. No policy shall inhibit or restrict NIBIN submissions by serviced law enforcement agencies and/or departments.
7. Operate with only qualified NIBIN users.

Please note that Standards 3 and 4 are not applicable to NIBIN sites using the NIBIN National Correlation and Training Center for correlation reviews of ballistic images.

As a NIBIN partner, the CITY OF SURPRISE through its POLICE DEPARTMENT is striving to meet the MROS by developing and implementing changes in their operations and working toward compliance. Each NIBIN site must be in compliance with MROS or working towards compliance to the satisfaction of the Crime Gun Intelligence Governing Board.

AUDITS

ATF and the NIBIN Partner acknowledge their understanding that the operations described in this MOU are subject to audit by ATF, DOJ, the DOJ Office of the Inspector General, the General Accountability Office, and other auditors designated by the U.S. Government regardless of the funding source for the system (NIBIN Partner or ATF). Such audits may include reviews of all records, performance measurements, documents, reports, accounts, invoices, receipts, or other evidence of expenditures related to this MOU and the NIBIN Program.

Notwithstanding, ATF will conduct audits of all NIBIN Partners and their sites once every two years for the remainder of the MOU. The purpose of the audits is to review and verify compliance with the required MROS. Each site must be in full compliance with the MROS in order to maintain access to NIBIN.

Further, the NIBIN Partner agrees to allow auditors to conduct one or more in-person interview(s) of any and all personnel the auditors determine may have knowledge relevant to transactions performed or other matters involving this MOU and the NIBIN Program.

The NIBIN Partner hereby acknowledges its understanding that, for auditing purposes, that the principles and standards for determining costs shall be governed by the policies set forth in the Office of Management and Budget Circular A-87, revised (available via the OMB, the Superintendent of Documents at the U.S. Government Printing Office, or via the Internet at <http://www.whitehouse.gov/omb/circulars/a087/a087-all.html>.)

PERSONNEL AND TRAINING

Prior to the execution of this MOU and a NIBIN system installation, the NIBIN Partner must employ, or have access to, a technical person capable of performing forensic microscopic comparison of bullet and cartridge evidence.

The NIBIN Partner agrees to provide and maintain sufficient personnel to operate the NIBIN system and agrees to allow use of the equipment by ATF personnel or our representatives to support the program at the host location. All personnel accessing NIBIN must be a Qualified NIBIN User as required by the MROS. This MOU should not be construed to require the hiring of any new personnel, except at the discretion of the NIBIN Partner. If the NIBIN Partner determines that additional personnel resources are required, all costs associated with this hiring will be borne by the NIBIN Partner. All users of the equipment must satisfy the same requirements as other NIBIN users and be properly trained, qualified and approved in advance by ATF.

Following basic entry training, ATF will verify trainee competency before authorizing network access. Individuals trained internally by a NIBIN Partner will not be certified as appropriately trained until they successfully pass a competency test administered by ATF.

The NIBIN Partner may provide access to the NIBIN system under its operational control to another law enforcement agency. Any such other law enforcement agency agrees to the same restrictions placed upon the NIBIN Partner by this MOU. However, the NIBIN Partner agrees to assume full liability and responsibility for the administration of such access.

Access to the NIBIN system will be under the management and control of the NIBIN Partner. The NIBIN Partner will ensure that only trained, cleared and qualified personnel have access to the NIBIN system.

Participating agencies will develop the appropriate standard operating procedures to ensure all eligible ballistic evidence will be submitted for NIBIN.

COORDINATION

ATF and the NIBIN Partner agree to adhere to standardized procedures and policies for collecting, handling, documenting, transporting and preserving firearms, bullets, casings and any similar evidence submitted for analysis and input into NIBIN.

ATF and the NIBIN Partner similarly agree to adhere to standardized procedures and policies for the source data collection, input, exchange and protection of information, to include information as to the location where ballistic evidence was collected, the circumstances under which it was collected and all crimes to which the firearm(s) or other ballistic evidence is linked.

ATF and the NIBIN Partner agree to cooperate in the development and implementation of data entry protocols and quality assurance procedures for the NIBIN Program. ATF further agrees to cooperate with all participants in the NIBIN Program to establish model standards, protocols, and procedures for the users of the network. Such protocols will be applicable as they are implemented.

The NIBIN Partner will require all participating law enforcement agencies to adhere to the protocols, procedures, policies and quality assurance standards as established above.

Except as expressly prohibited by law, the NIBIN Partner agrees to provide ATF with access to all information, reports and any other relevant information regarding crimes related to evidence entered into the system as well as monthly reports outlining historical, statistical and case adjudication information on the use and results of the use of the NIBIN Program and/or system and the related services provided by ATF and the system manufacturer in order to ensure the capturing of required performance management information. Such information will be gathered for the purpose of informing the law enforcement community, other Government agencies, Congress and the public on NIBIN results. Additionally, ATF will collect information for results-oriented performance measures.

PUBLICITY

Any NIBIN Partner who becomes aware of, or participates in, publicity related to the NIBIN system and investigations within their jurisdiction should advise ATF of same within 48 hours.

DISCLOSURE OF INFORMATION RELATED TO NIBIN

NIBIN system information may be shared with other law enforcement and prosecutors' offices in furtherance of criminal investigations and prosecutions. The NIBIN Partner shall not share any NIBIN system information for other purposes, including requests under the Freedom of Information Act, without express, written authorization from ATF.

INCORPORATION OF APPENDIX

The Appendix to this MOU includes definitions of terms used and is fully incorporated herein. Because requirements may change over time, due to technological advances, security enhancements, or budgetary matters, the Appendix may be updated.

AGREEMENT

ATF and the NIBIN Partner hereby agree to abide by the terms and conditions of this MOU, including any appendices, and all policies of the NIBIN Program. The terms and conditions of this MOU will be considered accepted in their entirety upon the signature by the ATF Special Agent in Charge and the NIBIN Partner signature.

CITY OF SURPRISE

Bob Wingenroth, City Manager



Benny Piña
Police Chief
Surprise Police Department
14250 W. Statler Plaza
Surprise, AZ 85374

11/13/2023
Date



Digitally signed by BRENDAN
IBER
Date: 2023.11.16 17:03:48 -07'00'

Brendan Iber
Special Agent in Charge, Phoenix Field Division
Bureau of Alcohol, Tobacco, Firearms and Explosives

Date

**KATHERINE
EBERHARDT**

Digitally signed by
KATHERINE EBERHARDT
Date: 2023.11.17 15:16:26
-05'00'

Katherine Eberhardt
Chief, Firearms Operations Division
Bureau of Alcohol, Tobacco, Firearms and Explosives

Date

APPENDIX

TERMS

Acquisition - An entry of a ballistic image.

ATF – Bureau of Alcohol, Tobacco, Firearms and Explosives, a principal law enforcement agency within the U.S. Department of Justice.

Bullets – Designated calibers of projectiles fired from rifles, revolvers, and pistols.

Cartridge cases – Designated metal casings from cartridges fired from rifles, shotguns, revolvers, and ejected from pistols.

Correlation – Automated data comparison of signature images to a database.

Crime Gun – Any firearm that is illegally possessed, used in a crime, or suspected by law enforcement officials of having been used in a crime or act of terrorism.

Found or Abandoned Firearms – Firearms that come into the custody of law enforcement outside of investigative or judicial process. A found firearm is located by law enforcement or a non-owner and the owner-possessor is not readily identifiable (e.g., a firearm found in an open field). An abandoned firearm may be a found firearm or a firearm where the possessor chooses to permanently relinquish control of the firearm and abandon any rights of ownership. ATF suggests that NIBIN Partners provide written notice to those persons permanently abandoning or temporarily relinquishing custody of a firearm that the firearm will be test fired and the results entered into the NIBIN System.

NIBIN Network – An ATF-designed and maintained system of interconnected computer systems and terminals used in support of the NIBIN Program.

NIBIN Program – The integration of aggressive targeting, investigation, and prosecution of shooters and their sources of crime guns using automated ballistics technology.

NIBIN Program Administrator – An individual the NIBIN site has designated to communicate with all parties (e.g., submitting law enforcement agencies, ATF Crime Gun Intelligence Centers) involved in the NIBIN process. The NIBIN Program Administrator must be a qualified NIBIN user and full-time employee of the NIBIN site. The NIBIN Program Administrator should be responsible for implementing and directing policies and procedures of the NIBIN site.

NIBIN System – Refers to the integrated ballistic imaging, analysis, and information processing system for use with automated ballistics technology.

Performance Measurements – Various management instruments used to evaluate program effectiveness in successfully removing shooters and their crime gun sources. Performance measurements also include the NIBIN Minimum Required Operating Standards and related audits.

Potential Candidate for Confirmation – Two bullets or cartridges cases displaying sufficient similarity during a correlation review such that the items should be compared using traditional comparative microscopy by a trained firearm examiner to determine if they can be associated to the same firearm.

Qualified NIBIN User – technician and/or firearms examiner trained by ATF, Forensic Technology, and/or a NIBIN Authorized Trainer program to perform acquisition and/or correlation reviews of ballistic images on the NIBIN network.

Security Requirements – Types and levels of physical and cyber protection necessary for equipment, data, information, applications, and facilities to meet security policies and standards.

Security Policies – The set of laws, rules, directives, and practices that regulate how an organization manages, protects and distributes controlled information.

Timely – Occurring at a suitable time and without unnecessary delay. Some NIBIN submissions require a response within 48 hours to be considered timely.

Volunteer – An individual who has chosen to perform services without charge or payment and has entered into a written agreement with a NIBIN Partner addressing issues of confidentiality, costs, and waiver of all claims against the Federal government.

Proposal for IBIS® Systems

Submitted to the: Surprise Police Department

14250 W. Statler Plaza, Suite 103

Surprise, AZ 85374

Attention:

Tim Reese, Detective

Criminal Investigations Division

By: Forensic Technology Inc., a LeadsOnline Company

7975 114th Ave. North, Suite 2500

Largo, FL 33773-5028

Date: March 11, 2024

Reference No.: S-10235, Rev. 02



Content

1	Executive Summary.....	1
1.1	Solution Overview	1
1.2	Forensic Technology, IBIS and NIBIN	1
1.3	Your Contact at Forensic Technology	2
2	Pricing and Standard Terms	3
2.1	Option 1	3
2.2	Option 2	4
2.3	Proposal/Offer Validity Period	5
2.4	OCurrency	5
2.5	Payment Terms	5
2.6	Delivery	5
2.7	Shipping, Duties, Taxes and Fees	6
2.8	Property Title and Risk of Loss	6
2.9	Warranties, Material and Workmanship	6
2.10	Connection to NIBIN	6
2.11	Law and Jurisdiction	6
2.12	Limitation of Liability	7
2.13	Termination for Convenience	7
2.14	Force Majeure	7
2.15	Software License Agreement	7
2.16	Availability Commitment	8
2.17	Privacy of Personal Data	8
2.18	Anti-Bribery	8
3	Scope of Services	10
3.1	Site Survey	10
3.2	Equipment Transport and Delivery	10
3.3	Installation	10
3.4	On-Site Acceptance	11
3.5	Online Introductory Training	11
3.6	SafeGuard Warranty	11
4	IBIS Facility Requirements Overview	12
4.1	Storage Requirements	12
4.2	Environment	12
4.3	Footprint	12
4.4	Power Source Requirements	13
4.5	Communication Lines	13
4.6	Local Area Network (LAN)	13

Annexes

- Sole Source Letter
- Ways to join NIBIN
- Services covered by SafeGuard

1 Executive Summary

Forensic Technology Inc., a LeadsOnline Company, and an authorized reseller of Projectina AG, (hereinafter referred to as **Forensic Technology**), is pleased to provide the **Surprise Police Department** (hereinafter referred to as the **Customer**) with this proposal for our latest generation of Integrated Ballistic Identification System (**IBIS®**) and Projectina PAG800 Stereo Zoom Microscope.

1.1 Solution Overview

Forensic Technology offers the world's leading solution for automated ballistic identification. IBIS solutions provide timely actionable intelligence for the investigation of firearm-related crimes, which has contributed to the arrest of thousands of criminals. IBIS is the search engine that helps law enforcement agencies quickly find links between firearm-related incidents. IBIS uses specialized 3D microscopy to capture the unique markings left by firearms on fired bullets and cartridge cases. The powerful IBIS correlation algorithms reveal the most likely matches in IBIS networks representing millions of bullets and cartridge cases. High-definition 3D viewing makes it easy to review the top search results, ranked by similarity, using virtual microscopy to visually compare the surface details. A match found in IBIS is often sufficiently apparent to provide an investigative lead, without having access to the physical evidence. IBIS makes it possible for agencies to collaborate seamlessly, whether it be regionally, nationally or internationally.

Each IBIS solution package features the latest generation of IBIS technology and includes exceptional 3D imaging, the best comparison algorithms for ballistic evidence in large databases, and a reliable and secure data management infrastructure.

Option	Description
1	NIBIN Cartridge Cases Acquisition & Triage Package , comprising: - One (1) BRASSTRAX™ Acquisition Station - One (1) PAG800 Stereo Zoom Microscope
2	NIBIN Cartridge Cases Acquisition Package , comprising: - One (1) BRASSTRAX™ Acquisition Station

NOTES:

1. Please see the attached brochure "Ways to join NIBIN" for detailed product features and functionality.
2. It is assumed that the analysis of the correlation results will be performed at another location or another agency where a MATCHPOINT Analysis Station for Cartridge Cases is available.

1.2 Forensic Technology, IBIS and NIBIN

Because criminals move from jurisdiction to jurisdiction, IBIS has been designed to automatically share ballistic evidence across local, regional and national networks. Today, IBIS is the backbone of the National Integrated Ballistic Information Network (NIBIN) providing a valuable database of ballistic intelligence that can help link firearm crimes nationwide.

Established by the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), NIBIN links crimes more quickly, generates investigative leads that would otherwise not have been detected, shares intelligence across jurisdictional boundaries, and gives prosecutors admissible evidence to corroborate witness testimony. NIBIN is the only national network that allows for the capture and comparison of ballistic evidence to aid in solving and preventing violent crimes involving firearms. It is a resource that is vital to any violent crime reduction strategy, providing investigators with the ability to compare their ballistics evidence against evidence from other crimes outside of their jurisdiction.

1.3 Your Contact at Forensic Technology

Should you have any questions about this proposal, please do not hesitate to contact **Mr. Jeffrey Russell** in Denver, Colorado at telephone number +1 720 621 4580 or via e-mail at jeffrey.russell@ultra-ft.com.

2 Pricing and Standard Terms

This section details our prices and standard terms.

2.1 Option 1

Description	Total Price (USD)
NIBIN Cartridge Cases Acquisition & Triage Package , comprising: - One (1) BRASSTRAX Acquisition Station - One (1) PAG800 Stereo Zoom Microscope - One (1) Cartridge Case Kit - One (1) color printer - One-year SafeGuard Warranty - Shipping and handling charges DDP Customer Premises (Incoterms® 2020), unloaded - Installation and commissioning	\$160,132
Sub-Total	\$160,132
Sales Tax (8.50%)	\$13,611.22
TOTAL PRICE (US Dollars)	\$173,743.22

Optional Items

Item	SafeGuard Warranty following one-year warranty	Standard Price (if purchased annually)	Multi-Year Discount	Discounted Price (USD)	Sales Tax (8.50%)	Total Price (USD)
1.	One (1) additional year	\$19,698	(\$685)	\$19,013	\$1,616.11	\$20,629.11
2.	Three (3) additional years	\$60,883	(\$5,868)	\$55,015	\$4,676.28	\$59,691.28
3.	Five (5) additional years	\$104,577	(\$20,370)	\$84,207	\$7,157.60	\$91,364.60

2.2 Option 2

Description	Total Price (USD)
NIBIN Cartridge Cases Acquisition Package , comprising: - One (1) BRASSTRAX Acquisition Station - One (1) Cartridge Case Kit - One (1) color printer - One-year SafeGuard Warranty - Shipping and handling charges DDP Customer Premises (Incoterms® 2020), unloaded - Installation and commissioning	\$157,030
Sub-Total	\$157,030
Sales Tax (8.50%)	\$13,347.55
TOTAL PRICE (US Dollars)	\$170,377.55

Optional Items

Item	SafeGuard Warranty following one-year warranty	Standard Price (if purchased annually)	Multi-Year Discount	Discounted Price (USD)	Sales Tax (8.50%)	Total Price (USD)
4.	One (1) additional year	\$19,698	(\$685)	\$19,013	\$1,616.11	\$20,629.11
5.	Three (3) additional years	\$60,883	(\$5,868)	\$55,015	\$4,676.28	\$59,691.28
6.	Five (5) additional years	\$104,577	(\$20,370)	\$84,207	\$7,157.60	\$91,364.60

NOTES:

1. It is assumed that the analysis of the correlation results will be performed at another location or another agency where a MATCHPOINT Analysis Station for Cartridge Cases is available.
2. Pricing in this proposal includes security components as mandated by ATF.
3. Prices for all optional SafeGuard Warranty items are based on purchase and payment at the same time as the equipment. If the Customer wishes to purchase extended warranty separately from the equipment, Forensic Technology reserves the right to revise the pricing.
4. Multi-year Safeguard Protection Plans yield substantial savings which are achieved as a result of loyalty discounts and the absence of annual indexation.
5. Extended warranty is not applicable to the PAG800 Stereo Zoom Microscope. After the initial one-year warranty, labor and material charges for repairs to the PAG800 Stereo Zoom Microscope will be for the Customer's account.
6. Pricing includes State Sales Tax at 8.50%. In the event a different rate applies, the Customer should inform Forensic Technology. If the Customer is exempt from State Sales Tax, the Customer should provide Forensic Technology with a valid exemption certificate. In either scenario, Forensic Technology will revise its pricing accordingly.

Standard Terms

2.3 Proposal/Offer Validity Period

In accordance with the current scope of the project and requirements, this proposal is designed to provide up to date information on our products and/or services and related prices. As such, all information contained within is valid as at the date of issuance of this proposal and is subject to change, without notice, after **March 31, 2025**.

2.4 OCurrency

All prices are quoted in **United States Dollars**.

2.5 Payment Terms

Forensic Technology will invoice the Customer upon shipment from our location. The payment will be due 100% net thirty (30) days from the date of our invoice.

2.6 Delivery

Standard hardware delivery lead times are between three (3) and six (6) months after receipt and acceptance of purchase order. Occasionally delays in parts delivery from our suppliers is experienced, therefore the delivery will be confirmed upon receipt and acceptance of purchase order. Expedited delivery lead times of less than three (3) months may be possible depending on availability, an expedited delivery fee can be quoted upon request.

The installation date at the Customer site will depend on availability of the equipment on-site as well as site readiness including the installation of all required communication lines. For NIBIN connectivity, installation by ATF of JUTNet communication lines is mandatory before the equipment installation be fully completed. Upon receipt and acceptance of the Customer's Purchase Order, Forensic Technology will notify ATF accordingly so that the JUTNet process may start. In parallel, the Customer should begin the necessary site preparation in conjunction with Forensic Technology. Delays related to installation of JUTNet communication lines can be up to several months; it is therefore encouraged to begin working with ATF as soon as possible to schedule installation.

Where delays beyond Forensic Technology Inc.'s control prevent installation scheduling and completion, delivery to the customer shall proceed along with an invoice for eighty percent (80%) of the value. The customer must store the equipment in accordance with the prescribed parameters until installation can be scheduled. If this period exceeds sixty (60) days, then the remaining twenty percent (20%) of the value will become due. If the customer's facility cannot store the equipment, then Forensic Technology will ship in place the equipment whereby title will transfer to the customer along with an invoice for eighty percent (80%) of the value and the equipment will be stored at our facilities free of charge. Should the delay exceed sixty (60) days the remaining twenty (20%) value of the equipment will become due and storage charges may apply.

2.7 Shipping, Duties, Taxes and Fees

The equipment will be shipped **DDP Customer Premises (Incoterms® 2020), unloaded**. Forensic Technology will be responsible for shipping the goods from its factory to the installation site, for all charges related to exportation, customs clearance and importation of the goods, as well as duties and taxes related thereto, and for unloading the shipment on the Customer's loading dock. **With the exception of Sales Tax, the quoted price excludes withholding taxes (if applicable), as well as storage fees, which will be for the Customer's account.**

2.8 Property Title and Risk of Loss

Title and risk of loss of the equipment shall pass to the Customer when the equipment arrives at the point of delivery, regardless of completion of on-site Test Procedure and other services required under the contract.

2.9 Warranties, Material and Workmanship

Forensic Technology warrants to the Customer that all products delivered shall be new and free from defects in material, workmanship, and title.

Initial delivery will consist of factory new parts. Replacement parts delivered during the warranty period may be refurbished products or parts.

Forensic Technology expressly warrants the products manufactured by it as meeting the applicable specifications.

Forensic Technology makes no other warranties either expressed or implied (including without limitation warranties as to merchantability or fitness for a particular purpose). The Customer retains responsibility for the application and functional adequacy of the purchased system.

The Customer or any other third party must not alter the system's configuration, either by installing hardware/software or modifying system parameters. Should any modifications be performed by any party other than Forensic Technology, Forensic Technology reserves the right to void the balance of the system's warranty.

2.10 Connection to NIBIN

This proposal assumes that the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) will grant the Customer access to the National Integrated Ballistic Information Network (NIBIN), a NIBIN-IBIS Data Concentrator and a NIBIN-IBIS Correlation Server. A Memorandum of Understanding (MOU) between the agencies must be in place in order for the installation to be fully completed.

2.11 Law and Jurisdiction

This proposal and any contract arising from this proposal is governed by the laws of the State where Customer is located (without regard to conflicts of law principles) for any dispute, between the parties or relating in any way to the subject matter of this proposal and any contract arising from this proposal. Any suit or legal proceeding must be exclusively brought in the federal or state courts for the County where Customer is located, and each party submits to this personal jurisdiction and venue. Nothing in this proposal and any contract arising from this proposal prevents either party from seeking injunctive relief in a court of competent jurisdiction.

2.12 Limitation of Liability

Except as may be prohibited by applicable local law, in no event shall Forensic Technology be liable for any special, incidental, indirect, or consequential damages whatsoever (including, without limitation, damages for loss of business profits, business interruption, loss of business information, or any other pecuniary loss) arising out of the use of or inability to use the system or the delivery or failure to deliver support services, even if Forensic Technology has been advised of the possibility of such damages. The Customer agrees to indemnify and hold Forensic Technology harmless in such events.

In the event of any liability of Forensic Technology to Customer related to the equipment or the services, the liability shall be limited to the lesser of (a) Customer proven direct damages, or (b) the purchase price of the equipment and the services with respect to which the alleged losses or damages are claimed.

2.13 Termination for Convenience

Upon written notice from the Customer, should any contract resulting from this proposal be terminated for the convenience of the Customer, Forensic Technology shall be entitled to compensation from the Customer, as follows:

- If the termination notice is received prior to the equipment being packed at the factory, the Customer shall pay Forensic Technology 35% of the total value of the contract, as well as any costs incurred to put in place and cancel any bonds or other sureties required by the Customer.
- If the termination notice is received after the equipment is packed and/or shipped, but prior to installation at the Customer's site, the Customer shall pay Forensic Technology 75% of the value of the contract. In addition, the Customer will also reimburse Forensic Technology for the costs of crating and shipping the equipment to the Customer's site and back to Forensic Technology, as well as any costs incurred to put in place and cancel any bonds or other sureties required by the Customer.

The contract cannot be terminated once the equipment is installed at the Customer's site.

2.14 Force Majeure

Forensic Technology shall not be liable for any delay or failure to perform any of its obligations hereunder due to causes beyond its control and without its fault or negligence, whether foreseeable or not. Such causes shall be deemed to include, but not be limited to: acts of God or the public enemy; national emergencies, war, civil disturbances, insurrection or riot; strikes, lockouts, or any other industrial disputes; fire, explosion, flood, earthquake or other catastrophes; energy shortages; serious accident, epidemic or quarantine restriction; allocations necessitated by material shortages, delays in deliveries by Forensic Technology's suppliers or subcontractors, or failure of transportation; or any law, order, regulation, direction or request of any government which have effect on the transactions contemplated by this Proposal, including without limitation any applicable embargoes, sanctions laws, or export controls.

2.15 Software License Agreement

Use of the IBIS equipment is subject to a software license agreement, which resides on the machine. Users are required to accept the agreement prior to having access to the system. License fees for all software provided with the system are included in the initial purchase price and are included in any subsequent SafeGuard charges.

2.16 Availability Commitment

Forensic Technology commits to the supply of spare parts for a period of seven (7) years from installation of the equipment. If a defective component cannot be replaced due to discontinuation by its manufacturer, Forensic Technology will make the utmost effort to propose an alternate solution.

2.17 Privacy of Personal Data

When dealing with personal data, as it is defined in the General Data Protection Regulation (GDPR), Forensic Technology is committed to protecting the privacy of any such personal data it may hold, and will do so using appropriate security controls and procedures. Forensic Technology is also committed to ensuring compliance in all services and underlying processes where personal data is processed on behalf of partners and Customers.

Unless required by law to do so, Forensic Technology does not, and does not intend to, share with partners, other Customers or third parties, the personal data it may hold and collect through its many business operations. Forensic Technology uses personal data solely for contacting individuals in the course of normal business and in marketing activities. At any time, individuals may request that their contact information be removed from our database or they may opt out from receiving future marketing campaign emails.

For additional information, please refer to the following link: [Data Privacy, Cookies & Modern Slavery Statement | Forensic Technology](#).

2.18 Anti-Bribery

It is Forensic Technology's policy to conduct all of our business in an honest and ethical manner. We take a zero-tolerance approach to bribery and corruption and are committed to:

- Acting professionally, fairly and with integrity in all our business dealings and relationships wherever we operate; and
- Implementing and enforcing effective systems to counter bribery.

We will uphold all laws relevant to countering bribery and corruption in all the jurisdictions in which we operate. Among other laws and regulations, we are bound by the laws of the UK, including the Bribery Act 2010, in respect of our conduct at all times and everywhere around the world.

As such, Forensic Technology will:

- not, whether directly or indirectly, authorize, offer, promise or give a financial or other advantage (including without limitation any money, contribution, gift, bribe, rebate, payoff, influence payment, kickback, loan, reward, advantage or anything of value, including any benefit of any kind):
 - to another person with the intention to induce a person to perform improperly a relevant function or activity (including any function of a public nature, any activity connected with business, any activity performed in the course of a person's employment or any activity performed by or on behalf of a body of persons (whether corporate or unincorporated));
 - to another person with the intention to reward a person for the improper performance of such a function or activity;
 - to another person with the knowledge or belief that the acceptance of the advantage would itself constitute the improper performance of such a function or activity;
 - to a Public Official (or his representative), any political party or party official, any candidate for political office:

- with the intention of influencing such official, party, or candidate in its or his official capacity to do or omit to do an act in violation of the lawful duty of such party, official, or candidate and with the intention of obtaining or retaining business, or to secure any improper advantage;
 - as consideration for an act or omission by the official in connection with the performance of the official's duties or functions; or to induce the official to use his or her position to influence any acts or decisions of the state or public international organization for which the official performs duties or functions; or
 - to influence such official in his capacity as such with the intention of obtaining or retaining business or an advantage in the conduct of business;
- to another person, while knowing or suspecting that all or a portion of such financial or other advantage will be offered, given, or promised, directly or indirectly, under the circumstances listed in the items above.

For the purposes of this clause, 'Public Official' means (i) a person who holds a legislative, administrative or judicial position of a state; (ii) a person who performs public duties or functions for a state, including a person employed by a board, commission, corporation, public enterprise or other body or authority that is established to perform a duty or function on behalf of the state, or is performing such a duty or function; and (iii) an official or agent of a public international organization that is formed by two or more states, governments, or public international organizations.

3 Scope of Services

This section details the services included in this proposal.

3.1 Site Survey

Forensic Technology requires that the Customer complete a Site Survey ahead of equipment shipment. The purpose of this survey is to verify that the site selected by the Customer for the installation of the system complies with the site requirements described in the IBIS Facility Requirements Overview.

Elements to be verified include, but are not limited to:

- Floor plan with dimensions of the proposed location (Forensic Technology may require photographs to be submitted)
- Confirmation of network and electrical systems
- Description of environmental factors, for example: temperature, humidity, dust free environment, and exposure to direct sunlight.

The assigned Project Manager will provide the Customer with the Facility Requirements and will be available to answer questions that arise.

If the Customer finds that the results of the Site Survey are unsatisfactory, Forensic Technology will outline recommendations to ensure the site is ready to receive the system.

NOTE: If, at installation time, one or more sites do not fully meet facility requirements, and the technician must return on-site or extend their visit to complete the installation, all additional expenses (labor, travel, living, etc.) incurred by Forensic Technology will be for the Customer's account.

3.2 Equipment Transport and Delivery

At contract award or shortly thereafter, the Customer will be asked for information in order to accelerate and optimize the delivery process, as follows:

- Detailed consignee information (contact names, addresses and coordinates)
- Information on customs clearance and importation (process, preferred customs agent if any)
- Documentation requirements
- Any other pertinent information.

After successful factory tests, the system will be disassembled, packed and delivered to the Customer for installation by Forensic Technology qualified personnel.

The Customer will be responsible for supplying suitable off-loading facilities, forklift, dolly, and other moving equipment.

3.3 Installation

The installation of the proposed system at the Customer-prepared site will be concluded as follows:

Option	Description	Duration
1	NIBIN Cartridge Cases Acquisition & Triage Package	Within one (1) working day
2	NIBIN Cartridge Cases Acquisition Package	Within one (1) working day

NOTE: This proposal assumes the Customer will provide one (1) able-bodied person to assist the Forensic Technology field technician with equipment lifting during the installation. The Customer must assign and provide the person's name to Forensic Technology prior to the planned installation date. The Customer will be responsible for ensuring this person has adequate bodily injury insurance coverage. If the Customer cannot provide this person, Forensic Technology will be required to send two (2) field technicians and charge the cost to the Customer.

3.4 On-Site Acceptance

Following the installation of the system at the Customer site, Forensic Technology will execute a Test Procedure. Upon the successful completion of this on-site Test Procedure, the system shall be deemed accepted and the Customer's authorized personnel shall be required to sign the *Certificate of Conformance and Final Customer Acceptance* form. The warranty commences upon the successful completion of the on-site Test Procedure. Acceptance on-site is not to be construed as transfer of title of ownership to the Customer.

3.5 Online Introductory Training

Upon confirmation from the Customer of the names and titles of trainees, Forensic Technology will provide online training credentials. These credentials will allow the trainees to access introductory online courses.

These courses are introductory level, designed for trainees who are not yet familiar with IBIS technology. **If the trainees are not already ATF certified NIBIN users, they will have to meet ATF certification requirements in order to be granted access to NIBIN by ATF.**

3.5.1 Training – Manufacturer's Recommendation

In order to maximize the Customer's investment in the IBIS technology, Forensic Technology strongly recommends that all system operators be trained by a Forensic Technology or NIBIN Authorized Trainer (NAT) prior to use. This will ensure that the installed technology achieves the expected results and meets its intended purpose. Completing system training with a certified trainer also facilitates receipt of support and assistance from Forensic Technology's Global Customer Solutions team.

3.6 SafeGuard Warranty

The proposed IBIS equipment includes a one-year SafeGuard Warranty covering parts, labor and software upgrades that commences upon the successful completion of the On-Site Acceptance, or three (3) months from the date of shipment, whichever occurs first.

All IBIS systems deployed on NIBIN must meet the U.S. Department of Justice (DOJ) security requirements. Forensic Technology's SafeGuard Warranty includes key services that ensure all IBIS systems continue to be compliant with the DOJ requirements.

NOTES:

- 1. If the on-site Test Procedure takes place more than three (3) months from the date of shipment due to delays in the installation of JUTNet communication lines, the start of the warranty will be postponed accordingly.**
- 2. Please see the attached brochure for additional details on SafeGuard.**

4 IBIS Facility Requirements Overview

This section provides an overview of the IBIS facility requirements. Forensic Technology will provide the Customer with the formal facility requirements documentation prior to the start of the project.

4.1 Storage Requirements

In the event that the system(s) will be kept in Customer-provided storage prior to installation, the storage facility will need to have, at all times, a temperature between 0 and 50 degrees Celsius (32 and 122 degrees Fahrenheit) with a relative humidity between 50% and 70%.

4.1.1 Crate Dimensions

The equipment is delivered in wooden crates and the dimensions are as follows:

Equipment	Dimensions (W x L x H) (in) / Weight (lb)	
	Crate 1	Crate 2
NIBIN Cartridge Cases Acquisition & Triage Package	31 X 24 X 40	35 X 73 X 40
	245 lb	400 lb
NIBIN Cartridge Cases Acquisition Package	31 X 24 X 40	35 X 73 X 40
	245 lb	400 lb

4.2 Environment

Air conditioning is mandatory. The Customer must maintain, at all times, the temperature of the room(s) housing the system between 15 and 30 degrees Celsius (60 to 86 degrees Fahrenheit) with a relative humidity between 50% and 70%.

Forensic Technology recommends that the system be installed in a relatively dust-free operating environment. Carpeting is not recommended.

4.3 Footprint

The footprint required for each major component is detailed below:

Equipment	Footprint
BRASSTRAX Acquisition Station	The BRASSTRAX Acquisition Station can be installed on a sturdy table or desktop, which is to be supplied by the Customer. Both the table and work desk need to be next to each other and when combined with the operator's chair and access space require a footprint of W91" x D97" x standard room height.
Printer	The printer rests on a table that is to be supplied by the Customer. The table needs to be installed next to either the BRASSTRAX Acquisition Station or the MATCHPOINT Analysis Station. The footprint for this table would be approximately W23" x D30" x standard room height.

Equipment	Footprint
PAG800 Stereo Zoom Microscope	The PAG800 Stereo Zoom Microscope can be installed on a table, desk or working bench supplied by the Customer. Its footprint is approximately W12" x D12" x H18" without camera.

4.4 Power Source Requirements

The power source required for each major component is detailed below:

Equipment	Circuit Breaker Rating	Approx. Heat Dissipation (BTU Per Hour)
BRASSTRAX Acquisition Station	2000 VA	4700
Printer	1000 VA	2500
PAG800 Stereo Zoom Microscope	n/a	

NOTE: All the equipment above uses either a 100 – 120 VAC 60 Hz or a 220 – 240 VAC 50 Hz single phase power source.

4.5 Communication Lines

ATF will furnish the communication lines needed for Forensic Technology to provide remote technical support and for networking with other IBIS Systems.

NOTE: Forensic Technology will not be liable for the lack of technical support to the Customer due to unsuitable communication lines.

4.6 Local Area Network (LAN)

The various components of the proposed system are interconnected via a Fast Ethernet (100Base-T) LAN. Following are the connectivity requirements:

- If all the system components are to be installed in the same room and the length of the LAN cable run does not exceed 30m (100'), Forensic Technology will be able to provide the hardware, and the labor needed to set up the LAN.
- If there is one or more system components to be installed in the same building but at different locations (i.e. not in the same room), then Forensic Technology will require collaboration from the Customer's local IT and building maintenance staff to facilitate the installation. The network infrastructure should be Category 5 or 6 compliant and terminated with an RJ-45 connector. Any network point provided should be within 2m (79") of the component.

March 11, 2024

Surprise Police Department
14250 W. Statler Plaza, Suite 103
Surprise, AZ 85374

Forensic Technology (Canada) Inc.

800 Hymus Blvd, 4th floor
St-Laurent, Quebec
H4S 0B5
Canada

Tel +1 514 489 4247
Fax +1 514 485 9336
Sans Frais/TollFree +1 888 984 4247
www.ultra-forensictechnology.com

Subject: Sole Source Letter

To whom it may concern:

The Integrated Ballistic Identification System (IBIS®) uses technology that encompasses several patents protected in the United States and throughout the world. As such, manufacturing and servicing these products require access to proprietary and commercially sensitive information that is only accessible to employees of **Forensic Technology (Canada) Inc.** and its affiliate company **Forensic Technology Inc.** (hereinafter collectively referred to as **Forensic Technology**).

Consequently only Forensic Technology, the exclusive manufacturer of IBIS and Quantum 3D Microscope™ (Q3M), can provide their proprietary products IBIS BRASSTRAX, IBIS BULLETTRAX, IBIS MATCHPOINT, IBIS Data Concentrator, IBIS Correlation Engine, and Q3M, as well as maintenance, upgrades and services, including data migration, moving and training services pertaining thereto.

Furthermore IBIS, currently in use in the United States under the ATF NIBIN program, is the only technology that has undergone extensive testing and complies with the security standards needed for integration into NIBIN. Other ballistic identification technologies are not compatible with NIBIN.

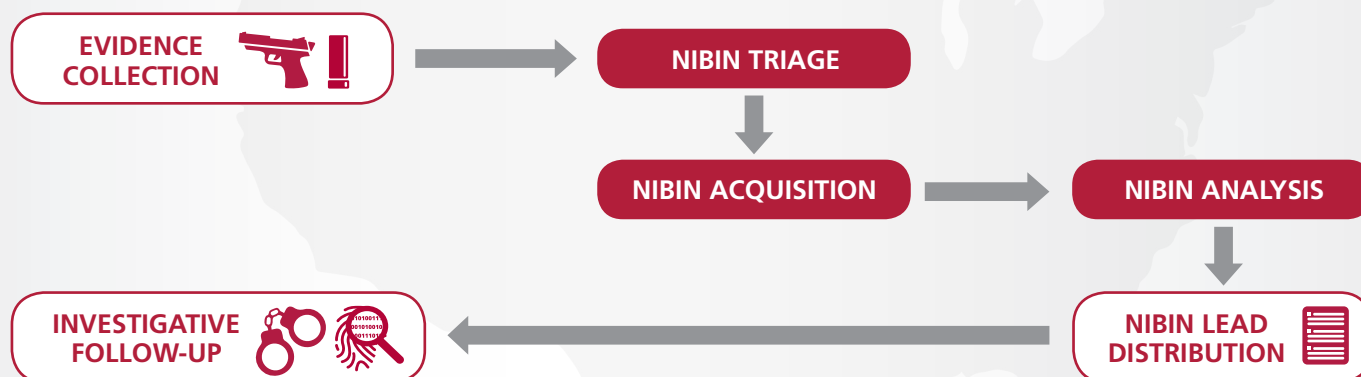
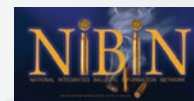
Sincerely yours,



Stacy Stern
Vice President Sales and Marketing

WAYS TO JOIN NIBIN

Entering firearm evidence into the **National Integrated Ballistic Information Network** produces new investigative leads by linking firearm-related crimes.



Managed by ATF, the NIBIN program is a partnership with federal, state, county, local, and tribal law enforcement agencies.

Depending on an agency's needs and capabilities, there are various options for them to join NIBIN and benefit from broader crime gun intelligence.



	PAG 800	BRASSTRAX	MATCHPOINT
1 FULL CAPABILITY NIBIN Cartridge Case Triage, Acquisition, and Analysis	☒	☒	☒
2 ANALYSIS BY PARTNER AGENCY OR NNCTC NIBIN Cartridge Case Triage and Acquisition	☒	☒	☐
3 SEND OR CARRY TO PARTNER Submit evidence to partner NIBIN site or take it there to enter yourself	☐	☐	☐

NIBIN National Correlation and Training Center (NNCTC)

ATF provides dedicated resources for the turnaround of investigative leads within 24-48 hours.

NNCTC partnership is subject to ATF approval.

NIBIN TRAINING & E-LEARNING

Access to NIBIN requires formal training, offered on-site or at a training center.

Every NIBIN user has access to an e-learning service to deepen their knowledge and maximize their effectiveness, including multimedia training courses, user guides, how-to videos, and informative webinars.



PROJECTINA

PAG800

NIBIN CARTRIDGE CASE TRIAGE

The stereo zoom microscope enables a NIBIN technician to triage cartridge cases collected from a crime scene, and those that are test-fired from a seized firearm, selecting the best candidates for entry into NIBIN.



NIBIN CARTRIDGE CASE ACQUISITION

Digitally captures the regions of interest on a cartridge case in 2D and 3D, revealing considerable impression detail and multiple viewing perspectives that are uploaded onto NIBIN to automatically search for matches.



NIBIN CARTRIDGE CASE ANALYSIS

Provides extensive 2D and 3D viewing tools to review the correlation results, significantly increasing identification success rates.

High-confidence matches can be quickly communicated as leads to investigators.





Extended Warranty and Protection Plan for your Ultra Forensic Technology products*



NEW & IMPROVED!

More services & support than ever.

Maximize system uptime and efficiency with SafeGuard™:

- Around-the-clock customer support.
- Rigorous system maintenance and software updates for continuous, optimal performance.
- Continuous user education to maintain the highest skill levels.
- Minimize your equipment downtime.
- **New! Remote coaching and workstation refresh.**

ULTRA.



Let us keep your system running optimally so you can focus on your job

NEW!

**GET EVEN
MORE VALUE
WITH THESE
NEW ELEMENTS**



**UNLIMITED
REMOTE COACHING**

Have your specific questions answered quickly by senior certified instructors during short ad-hoc sessions.



**WORKSTATION
REFRESH**

Ensure compatibility and optimal performance of your system by upgrading and refreshing your PC once every seven (7) consecutive years at no additional cost*. Applies to BRASSTRAX, BULLETRAX, MATCHPOINT and Quantum workstations.



Follow-the-sun Support

Reach our Support Center when you need it

- › 24/7 hotline with callback within one hour
- › Multilingual support
- › Toll-free and/or VoIP phone lines
- › Email and website services

Expert Technical Support

Resolve system incidents promptly

- › Certified specialists provide remote diagnosis and resolution
- › Parts and travel costs for certified field technician are covered to perform on-site service
- › Five support offices and many partners worldwide provide assistance
- › Specialists answer any feature-related question (e.g., system application report building)

Proactive System Care

Maximize system uptime

- › Get monitoring of critical system components with remote verification
- › Receive on-site preventive maintenance every 24 months
- › Confirm equipment health with automated remote health checks
- › Receive priority maintenance and software upgrades with pre-authorized time slots

Software Upgrades

Keep your system current

- › Implement new features and functionalities developed by our team of scientists
- › Get hotfixes to correct software bugs promptly
- › Receive minor hardware upgrades as needed
- › Maintain backward compatibility of your IBIS data with every new version of IBIS
- › Minimize downtime during software upgrades with state-of-the-art automated deployment
- › Maintain interoperability with agencies across national and international networks

Customer Care

Receive service that exceeds industry standards

- › Benefit from proactive follow-ups offering guidance and support
- › Optimize your system usage with the help of a knowledgeable customer care team that understands your work environment, processes, and constraints
- › Discuss upcoming product features, and other topics of interest to you
- › Receive an annual status report with statistics, acquisitions, incidents, and much more

Continuous Education

Have VIP access to our vault of information

- › Receive remote coaching to master acquisition and analysis techniques and stay up-to-date on new features
- › Access our E-learning portal for the latest documentation, online courses, and videos that demonstrate tips and techniques
- › Attend our sponsored seminars, webinars and conferences**

How does SafeGuard™ fit your needs?

- ✓ Maximizes equipment and program uptime and efficiency
- ✓ Controls costs by preventing unexpected expenses from equipment failure
- ✓ Ensures constant improvement of your systems (acquisition, correlation, visualization, and analysis) with the latest features from software upgrades
- ✓ Allows you to focus on solving crime and protecting your community

Optional Services

Add supplementary services to your SafeGuard™ package for maximum protection.***

Additional Training Courses

Provide basic training to new users or advanced training to experienced users.

Custom Reports

Have our system experts create custom reports such as operational and administrative reports for you.

System Relocation

Have all of your Ultra Forensic Technology equipment or just a few components relocated by our experts without any worries.

*Certain conditions apply. IBIS Network users may be subject to certain Agency restrictions or conditions

**Where permitted.

***Additional fees may be applicable on optional services.

©2021 Ultra Electronics Forensic Technology Inc. All rights reserved. Reproduction in any manner whatsoever without the written permission of Ultra Electronics Forensic Technology is strictly forbidden. Details and specifications subject to change without notice.

Advanced Security

Benefit from centralized user account management with security policies, updates of the OS security patches, centralized antivirus management and vulnerability management for your systems and network.

Ultra Forensic Technology's Global Customer Services Contact Information

➤ Americas, Oceania and Eastern Asia
1-866-984-4247 | +1 727 826 7236

➤ Europe, Africa and Western Asia
+353 1 690 9199

fti.support@ultra-ft.com

Innovating today for a safer tomorrow

ULTRA

Follow us



www.ultra-forensictechnology.com

RESOLUTION # 2024-49

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA, AMENDING THE FISCAL YEAR 2024 BUDGET BY MOVING BUDGET AUTHORITY OF \$194,400 FROM THE POLICE DEPARTMENT GENERAL FUND PERSONNEL TO GENERAL CAPITAL PROJECTS FUND P31130 AND AMENDING THE FISCAL YEAR 2024 CONTRACT AWARDING AUTHORITY LIST BY ADDING \$194,400 TO CAAL #24109, TO SUPPORT A ONE-TIME CAPITAL PURCHASE OF IBIS® BULLETTRAX NIBIN COMPUTER AND ASSOCIATED HARDWARE TO INCREASE THE DEPARTMENT'S EFFICIENCY TO INVESTIGATE FIREARM-RELATED CRIMES.

WHEREAS, the Police Department has identified a one-time capital purchase that will help to increase efficiencies within the Department and can be funded with projected salary savings. This purchase requires a movement of budget authority of \$194,400 within the Police Department General Fund from the Personnel Category to General Fund Capital Projects Category; and

WHEREAS, this action is necessary for the City to increase the efficiency to investigate firearm-related crimes; and

WHEREAS, this action will allow the City to capture unique markings left by firearms on fired bullets, cartridge cases and access to the IBIS search engine currently in use in the United States under the ATF NIBIN program; and

WHEREAS, the FY2024 budget, including the FY2024 Contract Awarding Authority List, was adopted by Council Resolution #2023-85 on June 06, 2023; and

WHEREAS, this action will necessitate a budget amendment; and

WHEREAS, this action will necessitate a cash transfer from the General Fund to the General Capital Projects Fund; and

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

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

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

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

Section 2. That the statements and schedules attached as Exhibit B and incorporated by reference are adopted, amending the Fiscal Year 2024 Contract Awarding Authority List of the City of Surprise, Arizona for the fiscal year July 1, 2023 through June 30, 2024.

Section 3. 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 _____, 2024.

Skip Hall, Mayor

Attest:

Approved as to form:

Kristi Passarelli, City Clerk

Robert Wingo, City Attorney

RESOLUTION # 2024-49
Exhibit A

1. Appropriation - The allocation below represents a movement of budget authority in the amount of \$194,400 from General Fund Police Department Personnel to project P31130 General Capital Projects Fund to establish a budget to cover the purchase of an IBIS® BulletTrax NIBIN computer and associated hardware to increase the department's efficiency to investigate firearm-related crimes. This action represents a transfer of spending authority and does not increase or decrease the total adopted citywide expenditure budget.

Fund	Department	Project/Category	Rev/ Exp	Current Budget	Increase/ (Decrease)	Amended Budget
General Capital Projects Fund	Police	#P31130 CID NIBIN Computer	E	-	194,400	194,400
General Fund	Police	Personnel Services	E	43,351,300	(194,400)	43,156,900
Expense Total				43,351,300	-	43,351,300

2. Cash Transfer- This will be an actual cash transfer of \$194,400 from General Fund to General Capital Projects Fund based on the budget amendments in table 1.

Transfer from Fund	Transfer to Fund	Current Budgeted Transfer	Increase/ (Decrease)	Amended Budgeted Transfer
General Fund	General Capital Projects Fund	24,161,200	194,400	24,355,600

RESOLUTION # 2024-49
Exhibit B

1. Contract Awarding Authority List – Council approved \$194,400 for the purpose of a one-time purchase of an IBIS® BulletTrax NIBIN computer and associated hardware included on the Fiscal Year 2024 Contract Awarding Authority List. This amount was based on the estimate received for NIBIN cartridge Cases Acquisition & Triage Package, comprising:
 - One (1) Brasstrax Acquisition Station
 - One (1) PAG800 Stereo Zoom Microscope
 - One (1) Cartridge Case Kit
 - One (1) Color Printer
 - One-year SafeGuard Warranty
 - One (1) Additional year SafeGuard Warranty

Reference #	Description	Current Amount	Increase/ (Decrease)	Amended Amount
24109	P31130 CID NIBIN COMPUTER	\$0.00	\$194,400	\$194,400



CITY OF SURPRISE Regular City Council Meeting

Council Meeting Date: April 2, 2024

Contact Person: Holly Osborn, DIRECTOR-
PARKS & REC

Submitting Department: Parks and Recreation

District: Citywide

Staff Recommendations: None

Consent: Yes

Regular: No

Public Hearing: No

Report/Discussion: No

Agenda Wording:

Consideration and action pertaining to approval of an amendment to the Fiscal Year 2024 budget by moving budget authority in the amount of \$229,500 from General Contingency to the Grants Fund to Project G54110 to support turf removal projects and account for the acceptance of the grant from the Water Infrastructure Finance Authority of Arizona; Resolution #2024-41.

Motion:

I move to approve Resolution #2024-41.

Background:

On December 20, 2023, the Parks & Recreation Department was awarded a grant in the amount of \$229,468 from the Water Infrastructure Finance Authority of Arizona's Water Conservation Grant Fund for turf removal projects. The Department will utilize the grant funds to remove non-functional turf at three City of Surprise parks. The landscaping where the turf is removed will be converted to gravel or artificial turf.

Objective Analysis:

This grant will allow the Parks & Recreation Department to complete the turf removal projects that will result in long-term reductions in water utilization.

Policy Compliant:

This item is compliant with city policy.

Financial Impact:

This is a one-time grant with a required match in the amount of \$57,594. The Parks & Recreation Department will utilize funds from its current operating budget to meet the match requirement.

Budget Impact:

Approval of this item will move budget in the amount of \$229,500 from General Contingency to the Grants Fund to Project G54110. This action represents a transfer of spending authority and does not increase or decrease the total adopted citywide expenditure budget.

FTE Impact:

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

ATTACHMENTS:

1. 24.03.05 Res 2024-41 WIFA Grant- FINALdocx
 2. WCGF Grant Agreement - Surprise WC2-101-2023
-

RESOLUTION # 2024-41

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA AUTHORIZING THE CITY TO ENTER INTO THE WATER CONSERVATION GRANT FUND AGREEMENT WITH THE WATER INFRASTRUCTURE FINANCE AUTHORITY OF ARIZONA (WIFA) TO ACCEPT GRANT FUNDING AND AMEND THE FISCAL YEAR 2024 BUDGET BY MOVING BUDGET AUTHORITY IN THE AMOUNT OF \$229,500 FROM GENERAL CONTINGENCY TO THE GRANTS FUND TO PROJECT G54110 FOR TURF REMOVAL PROJECTS.

WHEREAS, the Water Infrastructure Finance Authority of Arizona (WIFA) has awarded the City of Surprise Parks and Recreation Department a grant in the amount of \$229,500 to remove non-functional turf and convert to rock and/or artificial turf at three City of Surprise parks;

WHEREAS, the Parks and Recreation Department desires to accept the WIFA grant award and enter into the grant agreement;

WHEREAS, the FY2024 budget was adopted by Surprise City Council Resolution #2023-85 on June 6, 2023;

WHEREAS, this action will necessitate a budget amendment; and

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

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

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

Section 2. The Water Conservation Grant Fund Agreement between the City of Surprise and the Water Infrastructure Finance Authority of Arizona, attached as *Exhibit B* and incorporated by reference, is hereby approved.

Section 3. 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 _____, 2024.

Skip Hall, Mayor

Attest:

Approved as to form:

Kristi Passarelli, City Clerk

Robert Wingo, City Attorney

RESOLUTION # 2024-41

Exhibit A

1. Appropriation - The allocation below represents a movement of budget in the amount of \$229,500 from General Contingency to the Grants Fund to project #G54110 to remove non-functional turf and convert to rock and/or artificial turf at three City of Surprise parks. This action represents a transfer of spending authority and does not increase or decrease the total adopted citywide expenditure budget.

Fund	Department	Project/Category	Rev/ Exp	Current Budget	Increase/ (Decrease)	Amended Budget
Grants	Parks and Recreation	#G54110 FY24 WIFA Water Conservation Grant	E	-	229,500	229,500
Grants	Parks and Recreation	#G54110 FY24 WIFA Water Conservation Grant	R	-	229,500	229,500
Contingency	General Operations	Contingency	E	59,065,200	(229,500)	58,835,700
Contingency	General Operations	Other	R	74,766,100	(229,500)	74,536,600
Expense Total				59,065,200	-	59,065,200
Revenue Total				74,766,100	-	74,766,100

RESOLUTION # 2024-41

Exhibit B

**GRANT AGREEMENT BETWEEN THE CITY OF SURPRISE AND THE WATER
INFRASTRUCTURE FINANCE AUTHORITY OF ARIZONA**

WATER CONSERVATION GRANT FUND AGREEMENT**BETWEEN**City of Surprise

AND**The Water Infrastructure Finance Authority of Arizona**

THIS GRANT AGREEMENT (the “**Agreement**”) is made effective as of the date of signature of the last signatory hereto (the “**Effective Date**”), by and between the Water Infrastructure Finance Authority of Arizona (the “**Authority**”), a body corporate and politic, and City of Surprise (the “**Grantee**”). The Authority and the Grantee may individually be referred to as “**Party**” or collectively as the “**Parties**.”

RECITALS

WHEREAS, Title VI of the Social Security Act (42 § U.S.C. 801 et seq.) (the “**Act**”) was amended by section 9901 of the American Rescue Plan Act (“**ARPA**”), Pub. L. No. 117-2 (March 11, 2021), to add section 602, which authorizes the United States Department of Treasury’s (“**Treasury**”) to make payments from the Coronavirus State and Local Fiscal Recovery Funds (“**SLFRF**”), and

WHEREAS, the funds are purposed for use in responding to the COVID-19 public health emergency and its economic impacts through the categories of eligible uses and activities described in 31 C.F.R. Part 35, Subpart A, including for making necessary investments in water, sewer, and broadband infrastructure, and

WHEREAS, the source of funding for the Award is the ARPA, specifically the SLFRF, with Catalog of Federal Domestic Assistance (“**CFDA**”) Assistance Listing 21.027 for all activity pursuant to this Agreement, and

WHEREAS, the State of Arizona established the Water Conservation Grant Fund (“**WCGF**”) under Title 49, Chapter 8, Article 5 of the Arizona Revised Statutes. A.R.S. §§ 49-1331 – 1335, to be administered by the Authority, and

WHEREAS, the Office of the Governor, in fulfilling its duty to administer the Coronavirus State and Local Fiscal Recovery Funds allocated to the State of Arizona, entered into an Interagency Service Agreement (ISA-ARPA-WIFA-070122-01), as amended on November 3, 2023, to provide funding to the Authority through the WCGF to support COVID-19 related activities in accordance with State Fiscal Recovery Fund Expenditure Category 5.8 Clean Water: Water Conservation, and

WHEREAS, the Authority is authorized to issue grants from the WCGF to eligible entities for water conservation programs and projects that are expected to result in: (1) long-term reductions in water use; (2) improvements in water use efficiency; or (3) improvements in water reliability. And

WHEREAS, WCGF grants may be issued for any of the purposes specified in A.R.S. § 49-1332(B), and

Water Conservation Grant Fund

WHEREAS, Grantee meets the Treasury’s definition of a subrecipient and has applied for a grant, pursuant to the Application attached to this Agreement as Exhibit A [*Grant Application*]; and

WHEREAS, by the Board resolution attached to this Agreement as Exhibit B [*Board Resolution*], the Authority has determined Grantee is eligible for financial assistance from the WCGF and has reviewed and approved the Grantee’s Application in accordance with the requirements of A.R.S. §§ 49-1331 – 1335.

NOW THEREFORE, in consideration of the mutual promises and covenants set forth below, the Authority and Grantee agree as follows:

ARTICLE I - Definitions

- 1.1. “Act” means Title VI of the Social Security Act (42 § U.S.C. 801 et seq.), as amended.
- 1.2. “Application” means the Grantee’s application for financial assistance from the Water Conservation Grant Fund, attached to this Agreement as Exhibit A [*Grant Application*] and incorporated herein.
- 1.3. “ARPA” means the American Rescue Plan, Pub. L. No. 117-2 (March 11, 2021), as amended.
- 1.4. “Authority” or “WIFA” means the Water Infrastructure Finance Authority of Arizona
- 1.5. “Authorized Officer” means the Director of the Authority, or any other person or persons designated by the Director to act on behalf of the Authority, with respect to this Agreement.
- 1.6. “Award” means the specific grant amount awarded to Grantee as described in this Agreement.
- 1.7. “Scope of Work” means the program or project described in Exhibit C [*Scope of Work*], attached to this Agreement and incorporated herein.
- 1.8. “SLFRF” means the Coronavirus State and Local Fiscal Recovery Funds.
- 1.9. “Treasury” means the United States Department of Treasury.
- 1.10. Any capitalized terms used and not defined herein shall have the meanings ascribed to such terms in the Exhibits.

ARTICLE II - Award

- 2.1. The Award. The Authority hereby agrees to provide the Grantee with an award in the amount of Two Hundred Twenty Nine Thousand Four Hundred Sixty Eight Dollars and 00/100 (\$ 229,468.00) (the “**Award**”), subject to the terms and conditions set forth in this Agreement and availability of funds. The Authority shall make the Award available to Grantee upon execution of this Agreement by the parties. Subject to the Grantee’s compliance with all terms and conditions of this Agreement, and the continued non-existence of a breach or default, or any event, circumstance, act, or omission which with the giving of notice, the passage of time, or both would constitute a breach, default or give rise to the termination of this Agreement, the Authority agrees to disburse the Award to the Grantee in accordance with the provisions of Article III [*Disbursement and Funding*].
- 2.2. Acceptance of Award. Grantee hereby accepts the Award under the terms and conditions of this Agreement, and agrees to execute and return this Agreement to the Authority within thirty (30)

Water Conservation Grant Fund

calendar days of receipt unless Grantee receives a written waiver of this requirement by the Authority.

- 2.3. Purpose and Use of Award. Grantee agrees to undertake and complete the Scope of Work in a timely manner, and to receive and expend the Award in accordance with this Agreement. Grantee agrees to utilize the Award only for the purpose of implementing the Scope of Work. Any expenditure deviating from the Scope of Work shall require the Authority's prior written approval. Supporting documents and attachments from the Application are incorporated herein by reference. If content in the Application differs from or conflicts with terms presented elsewhere in this Agreement, this Agreement takes precedence.
- 2.4. Prior Costs Incurred. The Award may be used for costs incurred prior to the Effective Date of this Agreement, but may not be used for costs incurred or for which commitment was made before July 6, 2022.
- 2.5. Time of Performance. Grantee may use the Award for costs incurred and activities performed between July 6, 2022, and June 30, 2026.
 - 2.5.1. Grantee shall complete the Scope of Work no later than June 30, 2026.
 - 2.5.2. Grantee shall make sufficient progress on the Scope of Work, in good faith and in manner acceptable to the Authority. For purposes of this section, unless otherwise agreed to by the Authority in writing, "sufficient progress" means the Grantee has, at a minimum, complied with all schedules and deadlines listed in the Scope of Work.
 - 2.5.3. Grantee may submit to the Authority a written request to amend a Scope of Work's schedule, which the Authority may, but is not required to approve. The written request shall detail: (1) the nature of the delay(s); (2) the amended schedule dates; and (3) any efforts to be implemented to adhere to the amended schedule.
- 2.6. Benchmarks. Failure to adhere to the benchmarks listed below shall constitute a breach of this Agreement and may result in the loss of all or part of the Award. In addition to any schedule or deadline identified in the Scope of Work, Grantee shall, at a minimum, comply with the following benchmarks:
 - 2.6.1. Expend 5% of the Award by December 2, 2024.
 - 2.6.2. Expend 50% of the Award by December 31, 2025.
 - 2.6.3. Expend 75% of the Award by March 31, 2026.
- 2.7. Term of Agreement. This Agreement remains in effect until all reporting requirements described in this Agreement have been fulfilled by the Grantee and accepted by the Authority (the "**Term**").
- 2.8. Grantee Obligations. This Agreement constitutes the valid and binding obligations of the Grantee, enforceable in accordance with its terms. The obligation and utilization of the Award provided through this Agreement are subject to the proper observation of the Agreement and any requirements incorporated by reference.

Water Conservation Grant Fund

- 2.8.1. Assignments. The Grantee agrees not to transfer, assign, or pledge any right or interest in any payment or advance due pursuant to this Agreement, or any of the other benefits thereof, without the prior written consent of the Authority. Any such assignment made or attempted by the Grantee without the prior written consent of the Authority shall be void and of no effect. No consent by the Authority to an assignment by the Grantee shall release the Grantee as the party primarily obligated and liable under the terms of this Agreement, unless the Authority specifically releases the Grantee in writing.
- 2.8.2. Compliance with Applicable Laws. The Grantee shall perform all activities under this Agreement in accordance with all applicable (whether present or future) laws, ordinances, rules, regulations, requirements and orders of any governmental or administrative authority having or claiming jurisdiction over the Grantee's activities. The Parties further agree to cooperate in all ways reasonable and necessary to comply with the applicable statutes, including amending this Agreement as needed in the future and making any refunds or payments that might be required to bring the Parties into full compliance with applicable law.
- 2.8.3. Subcontractors. Grantee shall require any subcontracting entities to observe and follow all provisions of this Agreement.
- 2.9. Exhibits. The terms and conditions of this Agreement include the terms and conditions set forth in the Exhibits, which are part of this Agreement.
- 2.10. Fund Availability. Any action by the Parties under this Agreement requiring the expenditure of funds is conditioned upon the availability of funds appropriated, assigned, and allocated for the payment of such obligation. If funds are not appropriated, assigned, allocated, and available or if the appropriation is changed by the legislature or the Governor's Office resulting in funds no longer being available for the continuance of this Agreement, this Agreement may be terminated by the Parties at the end of the period for which funds are available. No liability shall accrue to the Parties in the event this provision is exercised, and the Parties shall not be obligated or liable for any future payments or for any damages as a result of termination under this paragraph.
- 2.11. Notices. All notices required or permitted under this Agreement, including technical correspondence, invoices, and reports from Grantee, or other communications hereunder shall be sufficiently given and shall be deemed given when hand delivered, mailed by registered or certified mail, or emailed to Grantee or the Authority at the following addresses:

WIFA Project Manager

Laurie Gehlsen, Grants Coordinator
Water Infrastructure Finance Authority of Arizona
100 N 7th Ave, Suite 130
Phoenix, AZ 85007
Direct: (480) 647-4462
LGehlsen@azwifa.gov

Grantee Project Manager

Ian Campbell, Parks Manager

City of Surprise

Parks & Recreation Department

15960 N Bullard Ave

Surprise, AZ 85374

ian.campbell@surpriseaz.gov 623-222-2231

Either Party may designate any further or different addresses to which subsequent notices or other communications shall be sent, by notice in writing given to the other Party.

ARTICLE III - Disbursement and Funding

- 3.1. **Reimbursement Basis.** The Authority shall disburse the Award on a reimbursement basis, upon presentation of accurate and complete claims to the Authority. Except as hereinafter provided, disbursements shall be made only:
- 3.1.1. For reimbursement of expenses incurred in accordance with this Agreement; and
 - 3.1.2. When a request for reimbursement is submitted in substantially the form provided by the Authority and is accompanied by the necessary certifications and documentation as required by the Authority; and
 - 3.1.3. When an Authorized Officer of the Authority has determined that such disbursement is proper.
- 3.2. **Request for Reimbursement.** Grantee shall submit requests for reimbursement to the Authority using forms provided by the Authority on a monthly basis, unless otherwise approved by the Authority in writing. Requests for reimbursement shall be submitted to the Authority no later than the fifteenth (15th) day of each month. The Authority shall not distribute the Award to the Grantee until the Authority has received and processed a request for reimbursement. The Authority shall verify the request and claimed expenses against the reports required in this Agreement. To receive payment, requests for reimbursement for work performed during the term of this Agreement must be submitted no later than June 15, 2026, unless otherwise approved by the Authority in writing. A request for reimbursement must contain:
- 3.2.1. An itemized accounting of grant expenses incurred;
 - 3.2.2. Receipts, vendor invoices, documentation of in-kind labor, and other documentation of costs incurred;
 - 3.2.3. Certification that: the reimbursement amount requested is a proper cost as evidenced by attached invoices;
 - 3.2.4. Certification that the signatory is duly authorized to submit the reimbursement request; and
 - 3.2.5. Any additional documents or information deemed necessary by the Authority.
- 3.3. **Method of Disbursement.** The Authority may disburse the Award by check, electronic means, warrant, or other transfer medium basis within thirty (30) calendar days of the Authority's receipt

Water Conservation Grant Fund

of the request for reimbursement, subject to funding availability. An Authorized Officer of the Authority shall approve disbursements directly to Grantee and shall provide Grantee with a copy of the approval and the date approved.

- 3.4. Affirmation of Representations and Warranties. Each request for reimbursement, disbursement, or the receipt of the Award funds requested by the Grantee, shall constitute Grantee's affirmation that all representations and warranties of the Grantee as described in this Agreement or any Exhibit therein, are true and correct as of the date thereof and throughout the Term of the Agreement, unless the Grantee notifies the Authority to the contrary in writing prior to the request for reimbursement or release of the disbursement.
- 3.5. Withholding Disbursements. The Authority may elect in its sole discretion to withhold payment of the Award in whole or in part if Grantee breaches any provision of this Agreement or any Exhibit therein.
- 3.6. Required Notice. Grantee shall provide the Authority with immediate written notification:
- 3.6.1. Of any inability to expend the Award in accordance with the Scope of Work; and
- 3.6.2. Prior to any expenditure of the Award deviating from the Scope of Work.
- 3.7. Inspections – Expenses and Operations. Subject and pursuant to the provisions of Section 2.2 of the General Terms and Conditions included in Exhibit D, the Authority shall have the option to undertake an inspection of the Grantee's expenses and operations at any time to verify the information included in and with any and/or all requests for reimbursements under this Agreement.

ARTICLE IV - Representations and Warranties

- 4.1. Grantee hereby represents and warrants that it is a: (check appropriate)

- | | |
|---|---|
| ☐ Municipal water delivery system as defined in A.R.S. § 42-5301. | ☐ Natural resource conservation district. |
| ☐ County water augmentation authority established under A.R.S. Title 45, Chapter 11. | ☒ City, town, county, district, commission, authority or other public entity that is organized and that exists under the statutory law of this state or under a voter-approved charter or initiative of Arizona. |
| ☐ County water authority established under A.R.S. Title 45, Chapter 13. | ☐ Nongovernment organization that focuses on water conservation or environmental protection who has partnered with _____, an eligible entity as defined under A.R.S. § 49-1301. <i>If selected, Grantee must submit a completed Partnership Certification with this Agreement.</i> |
| ☐ An Indian Tribe. | |
| ☐ Community facilities district as established by A.R.S. Title 48, Chapter 4. | |
| ☐ Public water system as prescribed in A.R.S. § 49-352. | |

- 4.2. Conflicts of Interest. The Parties each represent that, as of the date of execution of this Agreement, they are not aware of any facts or circumstances which would give rise to a cancellation right in

Water Conservation Grant Fund

- favor of any Party pursuant to A.R.S. § 38-511. Grantee represents and warrants that there exists no actual or potential conflict of interest between the Grantee's performance under this Agreement and the Grantee's engagement or involvement in any other personal or professional activities. In the event such conflict or potential conflict arises during the Term of this Agreement, or any extension thereof, the Grantee shall immediately notify the Authority in writing.
- 4.3. Adverse Proceedings. Grantee represents and warrants that there are no proceedings pending or, so far as the Grantee knows, threatened, before any court or administrative agency that will materially adversely affect the Grantee's ability to fully perform the Scope of Work. During the Term of this Agreement, should proceedings arise that will materially adversely affect Grantee's ability to fully perform the Scope of Work, the Grantee shall promptly notify the Authority in writing.
- 4.4. Authority to Sign. Grantee represents and warrants that the Grantee and the person signing on behalf of the Grantee have the full power and authority to enter into and execute this Agreement, to legally bind the Grantee and to perform and comply with the terms and conditions set forth herein.
- 4.5. Debarment, Suspension, U.S. Government Restricted Party Lists. Grantee warrants that it is not, and its contractors or subcontractors are not, on the U.S. government's Denied Parties List, the Unverified List, the Entities List, the Specifically Designated Nationals and Blocked Parties List, and neither the Grantee nor any contractors or subcontractors are presently debarred, suspended, proposed for debarment or otherwise declared ineligible for award of federal contracts or participation in federal assistance programs or activities.
- 4.6. Grantee Matching. Pursuant to A.R.S. § 49-1333(B)(4), at least a twenty-five percent (25%) match is required for each water conservation program or project.
- 4.6.1. Funds provided under one federal program may not be used to meet a non-federal match or cost-share requirements of another federal program. 2 CFR 200.306(b)(5).
- 4.6.2. As stated in the Treasury's SLFRF Final Rule, Grantees may fund a program or project "with both SLFRF funds and other sources of funding provided that the costs are eligible costs under each source program and are compliant with all other related statutory and regulatory requirements and policies."
- 4.6.3. Grantee's match requirement under this Agreement is a state requirement; matching is not required by ARPA. Grantee represents and warrants that Grantee has satisfied or will satisfy the state match requirement using permissible funding sources. Grantee's matching contribution may include cash contributions or in-kind contributions. Grantee's matching contribution may not include any monies provided by the Authority.
- 4.6.4. Failure to adhere to the state matching requirement under A.R.S. § 49-1333(B)(4) shall constitute a breach of this Agreement and may result in the loss of all or part of the Award.
- 4.7. Indemnification. Grantee shall protect, defend, indemnify, and hold harmless the Authority and its board and committees, the State of Arizona, its elected and appointed officials, its agents, commissions, officers, directors, employees, volunteers and affiliates and each of them from any and all claims, demands, causes of action, damages, costs, expenses, attorney's fees, consultant's fees, expert fees, losses or liability, in law or in equity, of every kind and nature whatsoever arising out of or in connection with this Agreement, Grantee's performance hereunder, Grantee's or Grantee's subcontractor's negligence including active or passive, or strict liability including but not

Water Conservation Grant Fund

limited to bodily injury, emotional injury, sickness or disease, or death to persons and/or damage to property of anyone, including loss of use thereof, caused or alleged to be caused by any act or omission of Grantee, or any subcontractor, or anyone directly or indirectly employed by any of them or anyone for the full period of time allowed by the law, regardless of any limitation of coverage by insurance, with the exception of the sole negligence or willful misconduct of the Authority. The provisions of this section shall survive the expiration or termination of this Agreement.

- 4.8. Liability. Failure on the part of the Authority in any instance or under any circumstance to observe or perform fully any obligation assumed by or imposed upon the Authority by this Agreement or by law shall not make the Authority liable in damages to Grantee or relieve Grantee from fully performing any other obligation required of it under this Agreement; provided, however, that Grantee may have and pursue any and all other remedies provided by law for compelling performance by the Authority of such obligation assumed by or imposed upon the Authority. Neither the Authority nor its board or committees, the State of Arizona, its elected and appointed officials, its agents, commissions, officers, directors, employees, volunteers or affiliates shall in any event be liable for damages, if any, for the nonperformance of any obligation or agreement of any kind whatsoever set forth in this Agreement.
- 4.9. Permits. Grantee represents and warrants that all permits necessary or required in connection with the award have been or will be obtained, and all fees and bonds required in connection therewith have been or will be paid and/or posted as the circumstances may require.

ARTICLE V – Records and Reports

- 5.1. Financial Records. Grantee shall maintain satisfactory financial accounts, books, records, documents, and other evidence sufficient to properly reflect the amount, receipt, and expenditure of the Award and to comply with section 602(c) of the Act and Treasury's regulations implementing that section and guidance regarding the eligible uses of funds. Records shall be maintained by the Grantee for a period of five years after the Award funds have been expended or returned to Treasury, whichever is later. Failure to maintain proper financial records required under this Agreement as required is cause for termination of this Agreement or withholding of future disbursements.
- 5.2. Reporting Requirements. Grantee shall provide reports of all activities related to this Agreement both as identified in the Agreement and as requested by the Authority. Grantee shall also provide to the Authority any additional written information requested by the Authority in a timely manner and within reasonable deadlines as shall be set by the Authority.
- 5.2.1. All financial reports required under this Agreement shall be prepared in accordance with GAAP standards, and shall be in form and substance satisfactory to the Authority and as may be required by the United States Department of Treasury.
- 5.2.2. If there is any amount of the Award remaining after the Scope of Work is completed, Grantee shall report the remaining balance to the Authority.
- 5.2.3. Grantee shall comply with and abide by the U.S. Department of the Treasury's Project and Expenditure Report User Guide – State and Local Fiscal Recovery Funds, available at <https://home.treasury.gov/system/files/136/Apr-2023-PE-Report-User-Guide.pdf>.
- 5.2.4. Grantee shall provide the following performance metrics required for water-related infrastructure projects:

Water Conservation Grant Fund

- Projected/actual construction start date (month/year);
- Projected/actual initiation of operations date (month/year);
- Location;
- Whether the project prioritizes local hires;
- Whether the project has a Community Benefit Agreement, with a description of any such agreement;
- National Pollutant Discharge Elimination System (NPDES) Permit Number (if applicable; for projects aligned with the Clean Water State Revolving Fund);
- Public Water System (PWS) ID number (if applicable; for projects aligned with the Drinking Water State Revolving Fund);
- Median Household Income of service area; and
- Lowest Quintile Income of the service area.

5.2.5. Failure to provide reports required under this Agreement as required is cause for termination of this Agreement or withholding of future disbursements.

5.3. Monthly Reports. Grantee shall report to the Authority on Grantee's expenditure of the Grant and the status of the Scope of Work on the fifteenth (15th) day of each month following the date of this Agreement, and on the fifteenth (15th) day of every month thereafter until Grantee expends the entire Award or completes the Scope of Work, whichever is first. Monthly reports shall be in a form acceptable to the Authority. The Authority may revise the form of the monthly report from time to time. The Authority reserves the right to request additional reports relating to the expenditure of the Award or additional information as needed for ARPA reporting requirements.

5.4. Final Report. Audit. Grantee shall provide a final report (the "**Final Report**") in a form acceptable to the Authority.

5.4.1. The Final Report shall be submitted to the Authority within thirty (30) calendar days of one of the following occurrences: (1) the Award funds have been expended; (2) the Scope of Work has been completed; or (3) the Agreement has otherwise been terminated. Notwithstanding the foregoing, the Final Report shall be submitted to the Authority no later than June 15, 2026.

5.4.2. The Final Report shall contain the information deemed necessary by the Authority.

5.4.3. Following the receipt and approval of the Final Report, the Authority will notify Grantee in writing that the Agreement is administratively closed.

5.4.4. After the project is administratively closed, Grantee shall submit all required audits to the Authority. All audits for fiscal years in which Grantee received Award funds from the Authority must be received, reviewed, and found to be satisfactory by the Authority.

5.4.5. In the event that the Authority determines that any project costs described in a post-funding audit are unjustified or describe ineligible activities, Grantee shall refund such monies back to the Authority.

ARTICLE VI - Enforcement & Remedies

- 6.1. **Breach.** The Parties agree that all conditions set forth herein are material to this and the occurrence of any of the following events is a Grantee breach under this Agreement:
- 6.1.1. Any certification, statement, representation, or warranty contained in this Agreement or report required under this Agreement, the Application, or any other document related to the award which the Authority determines at any time to be incorrect or misleading in any material respect either on the date when made or on the date when reaffirmed.
 - 6.1.2. The Grantee's failure to comply with each and every term, covenant, condition, and/or agreement contained in this Agreement.
 - 6.1.3. The Grantee's failure to make sufficient progress on the Scope of Work, in good faith and in manner acceptable to the Authority in accordance with sections 2.5 and 2.6 of this Agreement.
 - 6.1.4. The Grantee's use of the Award proceeds for any purpose other than as authorized under the provisions of this Agreement.
 - 6.1.5. The Grantee fails to comply with any law, ordinance, code, order, rule, or regulation of any governmental or administrative authority having jurisdiction over the Scope of Work within thirty (30) calendar days after notice in writing of such failure to comply has been given to the Grantee from such governmental or administrative authority.
- 6.2. **Notice of Breach. Cure Period.** Upon the occurrence of a breach, the Authority shall issue a written notice of breach, identifying the nature of the breach and providing thirty (30) calendar days (or a lesser or additional time as may be agreed to by the Parties) in which the Grantee shall have an opportunity to cure the breach. Time allowed for cure does not diminish or eliminate Grantee's liability for damages.
- 6.3. **Default.** If Grantee fails to cure a breach within the period specified in the written notice, Grantee is in default of its obligations, and the Authority may exercise any or all of the following remedies:
- 6.3.1. Withhold applicable payment until the default is remedied;
 - 6.3.2. Terminate this Agreement, in whole or in part;
 - 6.3.3. Recapture Award funds provided to Grantee under this Agreement, in whole or in part;
 - 6.3.4. Suspend or de-obligate the Grantee's authority to receive any undisbursed proceeds of the award; and/or;
 - 6.3.5. Proceed at any time, or from time to time, to protect and enforce all rights and remedies available to the Authority, including demanding repayment of Award funds, by suit or other appropriate proceedings, whether for specific performance of any covenant, term, or condition set forth in this Agreement, or for damages or other relief, or proceed to take any action authorized or permitted under applicable law, regulation, or in equity.

Water Conservation Grant Fund

- 6.4. Good Faith. The Parties will attempt in good faith to resolve all disputes, disagreements, or claims relating to this Agreement.
- 6.5. De-obligation. The Authority may de-obligate Award funds under this Agreement upon written notice to Grantee. The Authority may de-obligate and reduce Award funds under the following circumstances:
- 6.5.1. Grantee has completed performance under the Scope of Work without using all of the Award provided by the Authority under this Agreement;
 - 6.5.2. This Agreement expires and all Award funds have not been expended;
 - 6.5.3. Grantee, with the consent of the Authority, cancelled or changed an activity required under the Scope of Work for reasons other than nonperformance;
 - 6.5.4. This Agreement has otherwise been terminated in whole or in part; or
 - 6.5.5. Mutual consent by the Parties.
- 6.6. Disallowed Costs. An expenditure that is reimbursed under this Agreement and that does not comply with this Agreement shall constitute a disallowed cost and be subject to recapture by the Authority and repayment to the Authority. Within fourteen (14) calendar days of the date of the Authority's written notice to Grantee, unless a longer period is approved by the Authority in writing, Grantee shall repay the Authority any portion of the Award paid by the Authority which the Authority has in its sole discretion determined constitutes a disallowed cost.
- 6.7. Repayment. Grantee agrees to repay the Award in whole or in part if the Authority determines that Grantee has failed to use the Award in compliance with the terms of this Agreement or the requirements of applicable laws and regulations. The Authority may specify, in writing, the terms of the repayment or alternative terms in lieu of repayment, however, in no such case shall repayment or alternative terms be accomplished later than one hundred eighty (180) calendar days following the written determination of non-compliance by the Authority. This section does not apply to a Grantee's failure to make sufficient progress on the Scope of Work of this Agreement, provided Grantee made good faith efforts to complete the Scope of Work within the time for performance.
- 6.8. Remedies Cumulative and Concurrent. No remedy herein conferred upon or reserved to the Authority is intended to be exclusive of any other remedies provided for in this Agreement, and each and every such remedy shall be cumulative, and shall be in addition to every other remedy given hereunder, or under this Agreement, or now or hereafter existing at law or in equity by statute. Every right, power, and remedy given to the Authority shall be concurrent and may be pursued separately, successively, or together against the Grantee, and every right, power, and remedy given the Authority may be exercised from time to time as often as may be deemed expedient by the Authority.
- 6.9. Strict Performance. No delay or omission of the Authority to exercise any right, power, or remedy accruing upon the happening of a Default shall impair any such right, power, or remedy, or shall be construed to be a waiver of any such Default or any acquiescence therein. No delay or omission on the part of the Authority to exercise any option granted to the Authority under this Agreement, in any one or more instances, shall constitute a waiver of any such Default and each such option shall remain continuously in full force and effect.

Water Conservation Grant Fund

- 6.10. Attorneys' Fees and Costs. In the event of Grantee's breach of this Agreement, Grantee agrees to pay any and all costs and expenses, including attorneys' fees, incurred by the Authority in connection with the enforcement of this Agreement. If the Authority terminates this Agreement for cause, any costs incurred shall be the Grantee's responsibility.

ARTICLE VII - Miscellaneous

- 7.1. Amendments and Modifications. This Agreement may be amended by mutual agreement in writing between Grantee and the Authority. Any request to amend this Agreement by Grantee must be in writing and state the amendment request and reason for the request. Grantee shall make requests in a timely manner and in no event less than thirty (30) calendar days before the effective date of the proposed amendment. Any amendment, modification, or extension of this Agreement must be submitted through the Sub-recipient Management Tool (SRM), eCivis, and approved by both Parties.
- 7.2. Insurance. Grantee agrees to comply with the Insurance Requirements set forth in Exhibit D [General Terms and Conditions]. Failure to maintain the required insurance at all times shall constitute a breach of this Agreement that is subject to penalties up to and including suspension of payments and/or termination of this Agreement.
- 7.3. Permits/Licenses/Authorizations. It shall be the Grantee's responsibility to obtain all permits, licenses, or authorizations required from government authorities prior to initiation of the Scope of Work or required to be obtained by the time of completion of the Scope of Work to be eligible for reimbursement funds under this Agreement.
- 7.4. No Implied Duties. This Agreement does not create a duty or responsibility unless the intention to do so is clearly and unambiguously stated in this Agreement. This Agreement shall not relieve the Parties of any obligation or responsibility imposed on it by law. This Agreement does not imply Authority to perform any tasks or accept any responsibility not expressly stated in this Agreement.
- 7.5. No Obligation of State General Appropriations Funds. Nothing herein shall be construed as obligating state general appropriation funds for payment of any debt or liability or any nature arising hereunder. The parties expressly recognize that payments to be made by the Authority under this Agreement may come from federal funds made available to the Authority for this purpose.
- 7.6. Survival. Those articles, sections, and subsections of this Agreement which by their nature are intended to survive, including, but not limited to, the Grantee's Representations and Warranties and Indemnification, shall survive the completion of the Scope of Work and the expiration or earlier termination of this Agreement.
- 7.7. Time of the Essence. Time is of the essence with regard to each provision of this Agreement as to which time is an element.
- 7.8. Acknowledgment of Funding Source. Unless otherwise agreed upon in writing between the Parties, Grantee agrees that any publications, studies, or reports which are made possible by or derived, in whole or in part, from this Agreement, and any news articles, brochures, seminars, or other promotional materials or media or events through which Grantee publicizes the Scope of Work funded in whole or in part by this Agreement will acknowledge the Authority's support in the following manner: "Funding has been provided by/contributed by the Water Infrastructure Finance Authority of Arizona."

Water Conservation Grant Fund

- 7.9. Entire Agreement. This Agreement and any attached Exhibits shall constitute the entire agreement of the Parties relating to the Award and supersedes all prior and contemporaneous agreements, understandings, and inducements, whether express or implied, oral, or written.

Exhibit A	Grant Application
Exhibit B	Board Resolution
Exhibit C	Scope of Work
Exhibit D	General Terms and Conditions
Exhibit E	Federal Provisions
Exhibit F	Affidavit
Exhibit G	Reimbursement Request & Monthly Reporting Form
Exhibit H	Partnership Certification (<i>if applicable</i>)

ARTICLE VIII - Certification & Signatures

The Grantee, City of Surprise, hereby accepts this Agreement according to the above terms and conditions. I hereby certify that I represent a legal entity with authority to enter into this Agreement.

I further certify that the Scope of Work complies with all applicable state, local, and federal laws and regulations, and that I am authorized to enter into and sign a binding Agreement with the Authority

By: _____ Date: _____
Signature

Bob Wingenroth, City Manager

Print Name and Title

For: **City of Surprise** Tax ID No.: **86-6007796**
Grantee Name

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed by their duly authorized officers or officials, all as of the date first above written.

Signature
Chuck Podolak
Printed Name
Director, Water Infrastructure Finance Authority
Title
Date

Signature
Bob Wingenroth
Printed Name
City Manager
Title
Date

EXHIBIT A

Application

[See attached]

Applications: City of Surprise Turf Removal Project

Profile

ian.campbell@surpriseaz.gov

Entity Name:

City of Surprise Parks and Recreation Department

I. General Information

1. Title of Project:

City of Surprise Turf Removal Project

2.Type of Conservation Activity (A.R.S. § 49-1332(B)):

Programs and projects that reduce water use Per A.R.S. 49-1332(B)(2)

Note: for the purpose of the application, the term project and program will be referred to as “conservation activity”

3. Is this for an individual Water Conservation Project or a general Water Conservation Program?

Water Conservation Project

Please describe the specific components that make it a program.

This proposal is considered a project and not a program. The City is proposing to remove non-functional turf from three specific parks. These are one-time actions at each park that will result in long term reductions in water use.

4. What is the location of conservation activity?

City

Surprise

County

Maricopa

Program/Project Congressional District (check all that apply)

8

Program/Project Legislative District (check all that apply)

28

Watershed

New River and Agua Fria

Active Management Area (if applicable):

Phoenix Active Management Area

Irrigation Non-Expansion area (if applicable):

N/A

5.Conservation Activity Cost

Amount requested from the WCGF for this activity:

\$229,468.00

Amount of matching funds:

\$57,594.00

Total conservation activity cost:

\$287,062.00

When applying for the grant, note that a single water conservation program grant may

not exceed \$3,000,000. A single water conservation project grant may not exceed \$250,000. The WCGF requires at least a twenty-five percent match for each water conservation program or project.

6. What is the estimated water savings in acre-feet per year?

14

Explain calculation:

Based upon billing data from MWD and Lennar: Asante uses 4.2 acre feet of water per acre of turf per year and 2.75 acres of turf will be removed. This means that 11.5 acre feet of water will be saved per year at that park. For the Aquatics Center and Dick McComb Park, these parks use 3.3 acre feet of water per acre of turf per year. The combined acreage of these two parks is 0.84 acres and 2.8 acre feet of water will be conserved. The full project will save 14.3 acre feet of water annually.

7. What is the expected duration of the conservation activity?

The turf removal projects are expected to be completed within 6 - 9 months of funding approval. Water savings will begin immediately after removal and will continue into the foreseeable future. Once the turf is removed, the city has no intention of spending additional money to replace it.

II. Conservation Activity Benefits and Results

8. What is the water conservation activity you propose to fund with grant monies? Describe in detail.

Grant monies will be used to remove non-functional turf from three public parks. Specifically, the following activities will be undertaken:

- 1) Asante Park - Two park sections for a total of 2.75 acres of turf removed and converted to gravel.
- 2) Surprise Aquatic Center Park - One project with 0.09 acre of turf removed and replaced with artificial turf for safety reasons.
- 3) Dick McComb City Park - One project with 0.75 acre of turf removed and converted to gravel.

9. What is the source of the water that will be conserved? If it is mainstem Colorado River water or Colorado River water delivered through the Central Arizona Project, please clearly indicate so.

The City of Surprise has 12 different water service providers within city limits. The entities providing water for this project include Lennar (Asante Park) and Maricopa Water District (MWD) (Aquatic Center and Dick McComb Park).

Lennar is a private company which has an ADWR permit to pump groundwater for their water service deliveries. Lennar's water delivery service essentially functions as a community well. MWD is a political subdivision and irrigation and water conservation district as defined under Arizona State statutes. MWD has senior rights to surface water from the Agua Fria River. Part of their water portfolio also includes groundwater.

Therefore, both groundwater and Agua Fria River water will be conserved using funds from the Water Conservation Grant.

10. Describe the community (population size, demographics, principal economic activities, etc.) impacted by the conserved water.

The City of Surprise is currently the tenth largest city in Arizona with a Census Bureau estimated population of 149,191 (2021) and is actively growing. According to our Development Department data, Surprise increased its population 22% between 2010 and 2020.

The U.S. Census Bureau lists the city's demographics as follows:

- A. White alone, not Hispanic or Latino - 67.8%
- B. Hispanic or Latino - 20.7% (Census Bureau Note: Hispanics may be of any race, so also are included in applicable race categories.)
- C. Two or more races - 7.3%
- D. Black or African American, alone 5.3%
- E. Asian, alone - 2.4%
- F. American Indian and Alaska Native, alone - 0.4%
- G. Native Hawaiian and other Pacific Islander, alone - 0.1%
- H. White, alone - 80.4%

The 2021 American Community Survey (ACS) stated a five-year estimate of persons in poverty at 7.5% within the City of Surprise.

In terms of economic activities, Educational services, and health care and social assistance comprise 24% of Surprise's civilian employment. Followed by Retail trade at 15.2%, Finance and insurance, and real estate and rental and leasing at 10.5%, Professional, scientific, and management, and administrative and waste management services at 9.0%. Rounding out the top five categories is Arts, entertainment, and recreation, and accommodation and food service at 8.7%.

Other categories include: Construction – 6.3%; Manufacturing – 6.4%; Public administration – 5.4%; Wholesale Trade - 1.9%; Transportation and warehousing, and utilities – 5.5%; Information – 1.8%; Other service, except public administration – 4.8%; and Agriculture, Forestry, Fishing and Hunting, and Mining - 0.5%.

11. What is the extent to which your water conservation activity achieves one or more of the following (select all that apply):

Long-term reductions in water use, Improvements in water use efficiency

Describe:

The City of Surprise Turf Removal project will produce long term reductions in water use by removing turf from designated areas in multiple parks. The city will cap or remove the irrigation systems in the turf areas, preventing any further water use. Turf will be replaced with decomposed gravel in all locations, except the Aquatic Center which will have a small amount of artificial turf installed for safety reasons.

Using billing data from each of the park's water suppliers (Maricopa Water District and Lennar Homes), the estimated water savings for the combined turf removal projects will be 14.3 acre feet per year. The water savings will continue at the same amount every year going forward.

Reducing the amount of turf in our public parks also improves water efficiency since water once used for turf can now be re-directed towards other uses.

12. What is the extent to which your water conservation activity addresses one or more of the following:

Water supply shortages, Reliance on non-renewable water supplies, Groundwater depletion, Water quality issues

Describe:

As stated above, the City of Surprise Parks and Recreation Department has park parcels served by two different water suppliers, Lennar and MWD.

Lennar uses groundwater as its sole water source and MWD uses groundwater to supplement its surface water supplies from the Agua Fria River. The 1980 Groundwater Management was established to prevent continued depletion of groundwater in several Active Management Areas (AMAs) within the state. Arizona groundwater, when viewed on a macro scale, can be considered a non-renewable water supply. The City of Surprise is within the boundaries of the Phoenix Active Management Area and is required to meet provisions within the Fourth Management Plan to help achieve safe yield for our aquifers.

Performing turf removal projects at various city parks will reduce water use overall, help reduce groundwater depletion, and lessen our reliance on non-renewable water supplies.

In addition, it is well known that surface water supplies are subject to a variety of water quality issues depending upon the conditions of the watershed. For example, wildfires and seasonal storms can dramatically impact a watershed by creating excessive erosion and debris which will then flow into a surface water body impacting water quality. Untreated, non-potable, surface water can clog up irrigation systems resulting in additional maintenance and labor costs. By using less surface water, fewer water quality issues will need to be managed by park staff.

13. How will your water conservation activity align with a local, regional, or statewide water plan or integrated resource management plan?

The City of Surprise Turf Removal project aligns with local, regional, and statewide water plans. Locally, the reduction of water used at each park will directly benefit each park's corresponding water provider by leaving a larger share of water in their respective water supplies.

Another goal of the Turf Removal project is to extend a pollinator corridor for Monarch butterflies and other pollinators. Currently, the city has a two-acre xeriscape demonstration garden on the north side of City Hall. The xeriscape garden has been certified by Monarch Watch as a Monarch Waystation© and has also been certified by the Herb Society of America as a GreenBridges™ garden for creating "safe passage for plants and pollinators to thrive and migrate by incorporating native plants in harmony with nearby natural areas."

The city's Water Conservation Team has built a solid partnership with the Maricopa County Master Gardener program. Master Gardeners in the West Valley area meet in our Water Education Center (WEC) at City Hall to offer free advice on plants and gardening related topics every Saturday from 9:00 AM to 12:00 PM. The Master Gardeners also support our WEC programs by offering occasional presentations on desert adapted plants and landscaping and other niche topics supportive of water efficient irrigation practices.

We are in discussion with Master Gardener volunteers to consider options to help create an extended pollinator corridor to appropriate turf removal areas. One idea is to grow native plants from seed obtained from the Surprise xeriscape garden and, when ready, transplant them to the turf removal area. One site which seems promising is the Asante Park area. The long, narrow strip of turf removed is adjacent to an area with shrubs which are on drip irrigation. The drip irrigation can be temporarily extended to establish some native and desert adapted plants. This proposed collaboration is an example of supporting regional water plans which includes promoting xeriscape gardening as a means to reduce water use.

The City of Surprise is a member of the Arizona Water Association which has a subcommittee on water conservation which meets on a monthly basis. The subcommittee provides municipalities and private water providers an opportunity to share ideas and information on water conservation, water waste code enforcement, as well as discuss new initiatives and ideas to save water. Being part of this organization makes our efforts statewide in nature.

14. What are the costs and benefits of your water conservation activity, including any environmental impacts?

The Cost and Benefits of the Turf Removal Project are:

Costs:

- 1) Cost of Turf Removal at Asante Park (two areas - combined cost): \$126,480
- 2) Cost of Turf Removal and artificial turf installation at Aquatic Center: \$47,608
- 3) Cost of Turf Removal at Dick McComb Park: \$85,380

Benefits:

- 1) Savings of 14.3 acre-feet of water per year every year.
- 2) Savings of ~\$3,867 per year in water costs every year.
- 3) Annual savings of ~\$7,500 in irrigation parts and supplies for all turf removal. (Maintenance estimated to be \$2,000/year/acre of turf. See Question 22 for further explanation.)
- 4) Reduction in Parks & Recreation staff maintenance costs.
- 5) Expanded corridor for Monarch butterflies and other pollinator species.

15. How will you measure the effectiveness of the conservation activity?

The primary way to measure the effectiveness of this turf removal project is to look at the long-term savings from using less water to irrigate the parks. To confirm cost savings, water bills from before the turf removal can be compared to water bills after removal to calculate and confirm water savings. However, cost-wise, the reduction in turf may have a greater rate of return in terms of reduced maintenance staff time and resources, particularly for some of these more challenging landscape areas.

III. Funding Sources

16. If your water conservation activity is eligible for funding from WIFA's Long-Term Water Augmentation Fund or Water Supply Development Fund, does the nature of your conservation activity make funding from those funds impractical, and why?

The City of Surprise Turf Removal project does not meet the criteria for the Long-Term Water Augmentation Fund or the Water Supply Development Fund. The intention of this project is to promote long-term reductions in water use and to increase efficiency in existing water supplies, not to augment or develop new supplies.

17. Would the conservation activity be otherwise implemented without this grant funding? Explain.

As with most city departments, large capital improvement projects must be planned for years in advance. For the City of Surprise, this happens in 5-year increments during the Infrastructure Improvement Process. Once each department submits their planned projects, they often are competing against other departments for funding. Projects with perceived lower importance or lower priority might not get funded at all. Ultimately several risk, safety, and financial decisions must be weighed by city council to ultimately determine where the city's resources are allocated. There is no guarantee that moderate to large scale turf removal projects would be funded. As a result, without this grant funding, the Parks and Recreation department would be on its own to fund turf removal. At this point in time, an estimated \$45,000 could be allocated to turf removal for the next few years which is not enough to cover even the smallest turf removal contract.

18. To what extent will your water conservation activity maximize or leverage multiple available funding sources, including federal funding?

Of the five sources of WIFA funding, this project only fully meets to criteria of the Water Conservation Grant Funding since the project's goal is to save water by removing turf.

As mentioned previously, the City of Surprise has 12 different water providers. None of the parks proposed for turf removal are within the city's water service area. They are either part of a community well system (Lennar) or being serviced by an irrigation and water conservation district (MWD)

As a result, the city would not be able to secure funding for the Parks and Recreation Department's turf removal program because the city is not the water provider for their turf locations. Most of the federal grants we researched are expressly for water providers. Specifically, the Bureau of Reclamation's WaterSMART grant series states: "Eligible applicants for all WaterSMART Grants funding opportunities include...local authorities whose members include one or more organizations with water and power delivery authority; (and) other organizations with water and power delivery authority..."

This provision excludes the Parks and Recreation Department because it has no water delivery authority over the water it uses for turf application. The water delivery authority for the parcels in question within this grant rests with water providers external to the City of Surprise; namely MWD and Lennar.

19. Are there cost-sharing opportunities with other applicants or other parties? Explain.

Presently, there are no known cost-sharing opportunities with other applicants or parties.

20. What is the source and amount of the match (including in-kind match)?

The matching source money will come from the Parks Departments operating budget which is funded by the general fund of the City of Surprise. The cost share amount will be \$57,594, which includes \$40,000 in direct funding and \$17,594 in personnel, fringe benefits, equipment and supplies costs.

IV. Capacity, Feasibility, & Public Comment

21. What qualifications and capacity do you have for completing your proposed water conservation activity?

Include any past managerial deficiencies and provide the name(s) and qualifications of the individual(s) or entities who will be managing this activity.

In their respective roles and areas they oversee within the City of Surprise parks department, Kris Milobar has over 30+ years of turf management experience, irrigation knowledge, and sports field management. Kris brings has brought his many years of experience to train staff on best irrigation practices to ensure water is being properly used and managed. Kris uses his knowledge and information based on experience to help with decisions made regarding possible turf reduction areas. These ideas and suggestions are based on usage, terrain, and time spent on maintenance.

Steve Hamilton brings over 20+ years of experience in parks maintenance, sports field management, and turf maintenance. Steve uses his experience as an irrigation technician to help staff trouble shoot problems and understand the importance of not wasting or mismanaging water. Steve works closely with the Water Resources Team to stay up to date all the changes with the drought management plans in place and upcoming to help our department make best decisions with water use. Steve also has carried his Certified Sports Field Manager certificate for the last several years which is attained by utilizing his knowledge and background in all things turf, irrigation, and sports field management.

Holly Osborn is the City of Surprise Director for Parks and Recreation. Ms. Osborn will offer higher level oversight for this program, if needed.

Andrea Davis is the Director of Finance for the City of Surprise and will offer financial oversight and support, if needed.

Bob Wingenroth is the City Manager for the City of Surprise and will offer administrative oversight and support, if needed.

22. Will there be significant management impacts as the result of the proposed conservation activity, or any technology associated with the conservation activity? (For example: additional costs or staffing requirements)

There will definitely be management efficiencies as a result of this turf removal project. Turf removal can reduce maintenance costs an average of \$25 dollars an hour per acre of turf for labor alone. Depending on equipment type, mowing, edging, weed-eating, and blowing loose grass from sidewalks roughly takes an hour per acre, if all tasks are completed together. Smaller mowers can mow between 2-4 acres per hour and larger units can mow upwards of 11 acres per hour.

This project is proposing to remove almost three and a half acres of turf between three different sites currently. Two of the mentioned locations have turf that are on slopes that are not sustainable for using water in a proper manner. This is not ideal for watering conditions as we need to irrigate extra to ensure coverage and soil moisture. One location is located inside an aquatic center and next to pool deck. This area is extremely narrow and requires extra care as equipment must be driven on the deck to maintain. Also the cleanup of this area is crucial as to not get any grass clippings or debris into the pool.

Cost of irrigation repairs and maintenance costs depend on the areas as sprinkler head replacements can vary between \$22 and \$44 per unit. Depending upon acreage, some areas can contain up to eighteen sprinklers which cost almost \$800 just in sprinkler heads alone. Valve replacements typically cost \$180 when needed. Fertilizers costs, can normally range between \$40 an acre to \$75 an acre. Fertilizers are typically applied once a month during growing season of warm and cool season turf species.

Combining all these expenses, an estimated annual average savings of \$2,000 dollars per acre can be saved in irrigation parts and supplies. Turf reduction can free up staff to focus on other day to day operations.

23. Will the proposed conservation activity promote collaborative partnerships to address water-related issues?

Explain.

The City of Surprise Turf Removal project has experienced active collaboration and support from the Water Resources Management Department (WRM) and the Water Conservation Program during the preparation of this funding request. The Water Resources team fully understands and appreciates the benefits of saving water as well as the lowered maintenance costs which will result from removing non-functional turf at various city parks. WRM applauds the Parks & Recreation Department decision to become better stewards of our water resources while simultaneously reducing costs.

While not directly involved in the turf removal activities, the water suppliers for the parks identified in this proposal will no doubt appreciate any reduction in water use by larger entities. Lennar is a smaller community water supply, whereas Maricopa Water District (MWD) is an Arizona irrigation and water conservation district which provides water and power to service an area of approximately 60 square miles. Given that Arizona has been in a multi-decade drought and been in the throes of heightened challenges on the Colorado River system, any customer able to provide long term water savings of several acre feet per year will surely be appreciated by their water providers.

Additionally, the Water Conservation Program is leveraging its relationship with the Maricopa County Master Gardener volunteer group to consider ways to expand a pollinator corridor in some of the areas where the turf has been removed. The project budget has included a line item for xeriscape plants for the proposed pollinator corridor, although we are hoping to grow many of the new plants from seeds.

24. What is the stakeholder involvement in the conservation activity planning process?

The stakeholder is the City of Surprise Parks and Recreation Department. The Department will be responsible for ensuring the turf reduction and other like projects would be completed in a timely manner by the contractor, Outdoor Systems Management (OSM). The Department will ensure the standards and specifications put forth in the initial project discussions are met throughout the duration of the project.

25. Will the proposed conservation activity include public outreach and opportunities for the public to learn about the conservation activity? Explain.

The Parks and Recreation Department will be reaching out to the city's Communication Team and the Water Conservation Program for help in creating future educational signage to showcase how much water the city saved by removing turf. This signage could also promote the City's water conservation rebate program which includes turf removal options for single family residents, HOAs, commercial, and multifamily structures. The improved public outreach for the rebate program may encourage more people to apply and result in even more water savings across the city.

In addition, the proposed pollinator corridor would feature native and desert adapted plants, allowing another opportunity to highlight the substantial water conservation benefit of creating a xeriscape landscape and learning how to properly water such vegetation. The Xeriscape Demonstration Garden at City Hall already has interpretive signage which showcases proper watering and plant care. These designs can be readily modified for use in the new pollinator corridor to help educate even more people on the benefits of beautiful, low-water use garden designs.

26. Is there community and/or sector support for the conservation activity? Explain.

Due to the long-term, extreme drought, and the current precarious condition of the Colorado River Basin, water conservation is a hot topic among residents not only in Arizona, but in all the southwest. Local and regional news media have ramped up their coverage of Arizona's water situation. Even Governor Hobbs has been active in taking on and tackling controversial water issues this year. She has even gone so far as to request a pause in issuing Assured Water Supply certification for new developments relying solely on groundwater in the Phoenix metropolitan area, which is a huge deal for Arizona developers. These actions are unprecedented and illustrate the significant concern expressed by Arizona residents and now be responded to by state government.

The City of Surprise has also observed that residents seem to have an increasing interest in saving water. The city has seen an uptick in citizen reported water waste investigations and our water conservation team has been asked to do more public outreach events. Based upon these observations, community support for conservation is self-evident.

27. How feasible is it to complete your water conservation activity? Explain.

This project will be completed through a contracted vendor who is known for providing timely turnaround on other similar types of landscape projects. Turf removal areas are easily accessible and work will not occur in key areas as to prevent disruption on sports fields, or to programming or other recreation that happens in the designated areas.

28. If the conservation activity is a continuation of ongoing activities, has the activity been shown to be effective? If a new activity, has the proposed project, technology, or technique previously been implemented?

The City of Surprise Parks department has previously completed turf removal at one location using a contracted vendor to remove almost 1 acre of turf that is a passive area that was not used for programming. This area had some varying slopes which required extra water at times to ensure proper irrigation to the pre-existing turf. Parks staff coordinated to take out sprinkler heads, cap them off, and turn off the valve so no water would be able to run in this location. The vendor chemically sprayed out the existing turf for die off then proceeded to remove the turf. Once this part of the project was done, the turf was then chemically sprayed again and the new rock was installed to complete the project. Eliminating this small section of turf has freed up a significant amount of staff time which was ordinarily involved in trying to manage this labor intensive and challenging landscape.

29. Will the proposed conservation activity implement an established Best Management Practice? Explain.

Turf removal programs are recognized as a Best Management Practice required by the Arizona Department of Water Resources (ADWR) in the Fourth Management Plan for the Phoenix Active Management Area.

Specifically, Best Management Practices are found in Section 5.3: Municipal Conservation Program Description, Subsection 5.3.1.6 Best Management Practices (BMP), Appendix 5C. While the City of Surprise is not the water provider for the turf removal projects, these projects they would likely meet the following ADWR BMPs:

Category 1: Public Awareness/Public Relations

- Having an educational/interpretive sign at the pollinator corridor area would “increase awareness of the need for and importance of water conservation, inform customers about the availability of conservation resources and services, and encourage the public to reduce their water consumption.”

Category 2: Conservation Education & Training

- Similarly, the educational interpretive signs can be used to also promote regular water conservation classes at the Water Education Center

Category 6: Rebates/Incentives.

- Rebate programs included under Appendix 5C, Category 6 also cover both turf removal and xeriscape incentives. Specifically sections:

- o 6.7 Landscape Conversion Rebate or Incentive Program (Essentially a turf removal incentive.)

- o 6.8 Installing Xeriscapes in New Landscapes Rebate or Incentive Program (This would include xeriscape in our expanded pollinator corridor.)

Given that ADWR calls these activities out as water conservation BMP incentives in their 4th Management Plan Water Conservation, we can safely assume these activities are considered BMPs for the purpose of this grant.

Moving forward, these activities will help us assess other similar park areas that would also benefit from turf reduction. We can learn from our current turf removal activities and establish baselines for turf installation at new parks. This will help us identify areas in new parks to that would not need to have natural grass installed based upon their square footage, slope issues, and other factors that will encourage being water conscience.

Additional Supporting Documentation (pdf, jpg, word, excel)

COS Parks-Rec FINAL Budget.xlsx

Additional Supporting Documentation (pdf, jpg, word, excel)

Additional Supporting Documentation (pdf, jpg, word, excel)

Additional Supporting Documentation (pdf, jpg, word, excel)

Additional Supporting Documentation (pdf, jpg, word, excel)

Average Score

of Reviews

0

of Denials

0

Please use the following link to view the Budget

Budget Worksheet

View Budget Worksheet

<https://portal.ecivis.com/#/peerBudget/5A0B3412-F39E-4B2B-8F9E-68DBE17DE6F3>

Application Goals

View Application Goals

<https://portal.ecivis.com/#/peerGoals/B0D50E5C-538E-42DE-A633-02192FEE9A9C>

Did you include indirect costs in your budget?

No

EXHIBIT B

Board Resolution

[See attached]

Grant Resolution 2024-111– City of Surprise

Water Infrastructure Finance Authority of Arizona

Section 1: Resolution

WHEREAS, the Water Infrastructure Finance Authority of Arizona (the “*Authority*”) has received from the City of Surprise (the “*Local Grantee*”) a request (the “*Grant Application*”) for the Water Conservation Grant Fund (the “*Grant*”); and

WHEREAS, the Authority has determined that the Local Grantee has met the applicable requirements of the American Rescue Plan Act (“ARPA”), and Arizona Revised Statutes §§ 41-2702 et seq. and 49-1331 et. seq.; and

WHEREAS the terms and conditions under which the Grant will be made, and the obligations of the Local Grantee will be set forth in a grant agreement (the “*Grant Agreement*”) to be executed by the Local Grantee and the Authority.

NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE AUTHORITY AS FOLLOWS:

The Board approves the Grant Application.

The Director of the Authority is hereby authorized and directed to execute the Grant Agreement with the Local Grantee to evidence a Grant in accordance with all applicable laws, the Grant Application, and the Summary detailed in Section 2 of this Grant Resolution.

The Director and other Authority officials, as appropriate, are authorized and directed to sign any document and take such actions as necessary and appropriate to consummate the transactions contemplated by this Resolution.

This Resolution shall take effect immediately.

Dated: December 20, 2023

By David Beckham
David Beckham (Dec 20, 2023 15:36 MST)
Chairman

Grant Resolution 2024-111– City of Surprise

Water Infrastructure Finance Authority of Arizona

Section 2: Summary

2.1 Grant Number

WC2-101-2023

2.2 Description

The water conservation program will be used to remove non-functional turf and convert to rock or artificial turf from three public parks; Asante Park, Surprise Aquatic Center Park, and Dick McComb City Park for a total of 3.59 acres.

2.3 Grant Amount Requested

\$229,468

EXHIBIT C

Scope of Work

Program/Project Title:	City of Surprise Turf Removal Project
Grant Award:	\$229,468
Match Amount and Source of Match (Cash and/or In-kind):	<i>(Breakdown the amount of cash and/or in-kind match being provided)</i> Match: \$57,594.00 CASH: \$57,594.00 IN-KIND:
Scope of Work:	
City of Surprise will utilize contracted vendors to eliminate turf and convert to gravel or artificial turf. These process will start by spraying out growing turf with a post emergent. City will be responsible for removing any curbing or sprinkler heads that may be in areas of turf removal. All irrigation in these areas will be turned off by the city as to allow the vendor to complete turf removal. The vendor will ensure there is a 1" reveal along sidewalks so that the gravel or granite does not spill onto the sidewalks. Vendor will then install City approved gravel/granite color and size. Vendor will spread and evenly rake all granite/gravel that is installed. City will be responsible for cleanup and elimination of any turf that may regrow after the project is complete. Vendor will be responsible for making sure all areas are cleaned and presentable after work is done.	
Purpose of project/program:	
The water conservation program will be used to remove non-functional turf and convert to rock or artificial turf from three public parks; Asante Park, Surprise Aquatic Center Park, and Dick McComb City Park for a total of 3.59 acres.	

Scope of Work Schedule

Estimated grant draws by month for the fiscal period beginning November 2023 and ending June 2026

Jul-23	Aug-23	Sep-23	Oct-23	Nov-23	Dec-23
N/A	N/A	N/A	N/A	\$	\$
Jan-24	Feb-24	Mar-24	Apr-24	May-24	Jun-24
\$	\$	\$	\$	\$	\$

Jul-24	Aug-24	Sep-24	Oct-24	Nov-24	Dec-24
\$	\$	\$	\$ 114,734	\$	\$
Jan-25	Feb-25	Mar-25	Apr-25	May-25	Jun-25
\$	\$	\$	\$	\$	\$

Jul-25	Aug-25	Sep-25	Oct-25	Nov-25	Dec-25
\$	\$	\$	\$ 114,734	\$	\$
Jan-26	Feb-26	Mar-26	Apr-26	May-26	Jun-26
\$	\$	\$	\$	\$	\$

Total \$ -

Note all grants must adhere to the following benchmarks as described in section 2.6.3 of this grant agreement.

- Expend 5% of the Award by December 2, 2024.
- Expend 50% of the Award by December 31, 2025.
- Expend 75% of the Award by March 31, 2026.

Scope of Work Schedule Narrative:
<i>(Describe timelines, expectations of when projects will start/complete, etc.)</i>
Turf removal projects would start at the beginning of each October and conclude by the end of the month. This project will be broken up into two parts. October 2024 for phase 1 which will see Dick McComb park turf removal project. October 2025 would be phase 2 at Asante Community park for turf removal.

EXHIBIT D

General Terms and Conditions

All defined terms used herein that are not otherwise defined or described herein, shall have the meanings ascribed to them in the Agreement attached hereto.

1. Agreement Interpretation.

- 1.1. Captions and Headings. The captions and headings contained in this Agreement are included for convenience of reference only and are not intended to limit or enlarge the terms of this Agreement.
- 1.2. Choice of Law. The substantive laws of Arizona shall govern the interpretation, validity, performance and enforcement of this Agreement. A tribal government, by executing this Agreement, hereby waives any defense it may have of tribal sovereign immunity for the limited purpose of providing for the enforcement of this Agreement in accordance with its terms.
- 1.3. Date Calculation. If the last day of any time stated herein shall fall on a Saturday, Sunday, or legal holiday in the State of Arizona, then the duration of such time shall be extended so that it shall end on the next succeeding day which is not a Saturday, Sunday, or legal holiday.
- 1.4. Implied Agreement Terms. Each provision of law and any terms required by law to be in this Agreement are a part of this Agreement as if fully stated in it.
- 1.5. Order of Precedence. In the event of a conflict in the provisions of the Agreement, as accepted by the Grantee and the Authority, and as they may be amended from time to time, the following shall prevail in the order set forth below:
 - 1.5.1. Federal provisions;
 - 1.5.2. Agreement Amendments;
 - 1.5.3. Agreement; then
 - 1.5.4. General Terms and Conditions.
- 1.6. Relationship of Parties. Neither Party to this Agreement shall be deemed to be the employee or agent of the other Party to the Agreement.
- 1.7. Severability. If any provision of this Agreement or the application thereof is held invalid, that invalidity shall not affect other provisions or applications of this Agreement which can be given effect without the invalid provision or application, and to this end the provisions of this Agreement are severable.
- 1.8. Third-Party Rights. Nothing in this Agreement is intended to create any third-party beneficiary rights; and Grantee and the Authority expressly state that this Agreement does not create any third-party rights of enforcement.
- 1.9. Waivers. No term or provision hereof will be considered waived by either Party, and no breach is excused or consented to by either Party, unless such waiver or consent is in writing and signed on behalf of the Party against whom the waiver is asserted. No express or implied consent by either Party to, waiver of, or failure of a Party to enforce its rights with respect to a breach by the other Party shall constitute consent to or, waiver of any subsequent or other breach by the other Party. Neither the failure nor the delay of the Authority to exercise any right, power or privilege under this Agreement

shall operate as a waiver thereof or shall any single or partial exercise of any right, power or privilege preclude any further exercise of any other right, power or privilege.

2. Agreement Administration and Operation.

- 2.1. Accounting. Grantee shall maintain for the purposes of this Agreement an accounting system or procedures and practices that conforms to generally accepted accounting procedures.
 - 2.2. Audits and Inspections. The Authority shall have the right of access to records of the Grantee in order to conduct audits or other investigations. Upon request, the Authority's authorized representatives shall be provided with access and shall have the right to examine all documents, financial records, facilities, and activities related to Grantee's performance of this Agreement and to the receipt and expenditure of the Award. Grantee agrees to rectify issues identified in audits within the Authority prescribed time periods. Failure to comply with the request for audit or inspection, or a lack of documentation and records, is cause for termination of this Agreement or withholding of future disbursements.
 - 2.3. Audit Exceptions. If federal or state audit exceptions are made relating to this Agreement, Grantee shall reimburse all costs incurred by the State of Arizona and the Authority associated with defending against the audit exception or performing an audit or follow-up audit including but not limited to: audit fees, court costs, attorney's fees, travel costs, penalty assessments, and all other costs of whatever nature. Immediately upon notification from the Authority, Grantee shall reimburse the amount of the audit exception and any other related costs directly to the Authority as specified by the Authority in the notification.
 - 2.4. Procurement. Procurement of labor, services, supplies, materials, and equipment shall be conducted according to applicable federal, state, and local statutes. The Authority may review any procurement solicitations that Grantee issues. The Authority's review and comments will not constitute an approval of the solicitation. Regardless of the Authority's review, the Grantee remains bound by all applicable laws, regulations, and Agreement terms. If during its review, the Authority identifies any deficiencies, then the Authority shall communicate those deficiencies to the Grantee within seven (7) business days.
 - 2.5. Retention. Pursuant to A.R.S. § 35-214 and 35-215, Grantee shall retain all records relating to this Agreement for a period of five years from the date of final payment to Grantee or as required by applicable law, whichever is longer.
3. Insurance. Grantee and its subcontractors shall procure and maintain, until all of their obligations have been discharged, including any warranty periods under this Agreement, insurance against claims for injury to persons or damage to property arising from, or in connection with, the performance of the work hereunder by the Grantee, its agents, representatives, employees or subcontractors.
- 3.1. The Insurance Requirements herein are minimum requirements for this Agreement and in no way limit the indemnity covenants contained in this Contract. The State of Arizona in no way warrants that the minimum limits contained herein are sufficient to protect the Grantee from liabilities that arise out of the performance of the work under this Agreement by the Grantee, its agents, representatives, employees or subcontractors, and the Grantee is free to purchase additional insurance.
 - 3.2. Minimum Scope and Limits of Insurance. Grantee shall provide coverage with limits of liability not less than those stated below.

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

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

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

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

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

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

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

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

3.2.3. Workers' Compensation and Employers' Liability.

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

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

3.2.3.2. This requirement shall not apply to any entity that is exempt under A.R.S. § 23-901, and when such entity executes the appropriate waiver form (Sole Proprietor or Independent Contractor).

- 3.3. **Additional Insurance Requirements.** The policies shall include, or be endorsed to include, as required by this written agreement, the following provisions:
- 3.3.1. The Grantee's policies, as applicable, shall stipulate that the insurance afforded the Grantee shall be primary and that any insurance carried by the Authority, 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).
- 3.3.2. Insurance provided by the Grantee shall not limit the Grantee's liability assumed under the indemnification provisions of this Agreement.
- 3.4. **Notice of Cancellation.** Applicable to all insurance policies required within the Insurance Requirements of this Agreement, Grantee's insurance shall not be permitted to expire, be suspended, be canceled, or be materially changed for any reason without thirty (30) days prior written notice to the State of Arizona. Within two (2) business days of receipt, Grantee must provide notice to the State of Arizona if they receive notice of a policy that has been or will be suspended, canceled, materially changed for any reason, has expired, or will be expiring. Such notice shall be sent directly to the Department and shall be mailed, emailed, hand delivered or sent by facsimile transmission to (State Representative's Name, Address & Fax Number).
- 3.5. **Acceptability of Insurers.** Grantee's insurance shall be placed with companies licensed in the State of Arizona or hold approved non-admitted status on the Arizona Department of Insurance List of Qualified Unauthorized Insurers. Insurers shall have an "A.M. Best" rating of not less than A- VII. The State of Arizona in no way warrants that the above-required minimum insurer rating is sufficient to protect the Grantee from potential insurer insolvency.
- 3.6. **Verification of Coverage.** Contractor shall furnish the Authority with certificates of insurance (valid ACORD form or equivalent approved by the State of Arizona) evidencing that Grantee has the insurance as required by this Contract. An authorized representative of the insurer shall sign the certificates. All such certificates of insurance and policy endorsements must be received by the State before work commences. The Authority's receipt of any certificates of insurance or policy endorsements that do not comply with this written agreement shall not waive or otherwise affect the requirements of this agreement. Each insurance policy required by this Agreement must be in effect at, or prior to, commencement of work under this Agreement. Failure to maintain the insurance policies as required by this Agreement, or to provide evidence of renewal, is a material breach of the Agreement. All certificates required by this Agreement shall be sent directly to the Authority. The State of Arizona project/Agreement number and project description shall be noted on the certificate of insurance. The Authority reserves the right to require complete copies of all insurance policies required by this Agreement at any time.
- 3.7. **Subcontractors.** Grantee's certificate(s) shall include all subcontractors as insureds under its policies or Grantee shall be responsible for ensuring and/or verifying that all subcontractors have valid and collectable insurance as evidenced by the certificates of insurance and endorsements for each subcontractor. All coverages for subcontractors shall be subject to the minimum Insurance Requirements identified above. The Authority reserves the right to require, at any time throughout the life of this contract, proof from the Grantee that its subcontractors have the required coverage.
- 3.8. **Exceptions.** In the event the Grantee 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 Grantee or subcontractor(s) is/are a State of Arizona agency, board, commission, or university, none of the above shall apply.

4. Certifications Required by State Law.

- 4.1. If the Grantee is a Company as defined in A.R.S. § 35-393, the Grantee certifies that it is not currently engaged in a boycott of Israel as described in A.R.S. § 35-393 and will refrain from any such boycott for the duration of this Agreement.
- 4.2. The Grantee further certifies that it shall comply with A.R.S. § 35-394, regarding use of the forced labor of ethnic Uyghurs, as applicable.
- 4.3. Immigration Laws. Grantee certifies and warrants that it is in compliance with A.R.S. § 41-4401 and further acknowledges that any contractor or subcontractor who is contracted by Grantee to perform work related to this Agreement shall warrant its compliance with all federal immigration laws and regulations that relate to its employees and its compliance with A.R.S. § 23-214(A). Any breach of this warranty shall be deemed a material breach of this Agreement that is subject to penalties up to and including termination of this Agreement. The Authority retains the legal right to inspect the employment records of any employee of any contractor or subcontractor who performs work related to this Agreement to ensure that the contractor or subcontractor is complying with the warranty in this paragraph and that the contractor agrees to make all employment records of said employee available during normal working hours to facilitate such an inspection.
- 4.4. Non-Discrimination. Grantee certifies and warrants that it shall comply with the provisions of State Executive Order 2009-9. In performing this Agreement, Grantee shall not, and shall ensure that any and all contractors, subcontractors, employees, agents, volunteers, officers, officials, directors, volunteers, and affiliates, also shall not discriminate, harass, or allow harassment against any person on the basis of sex, race, color, ancestry, religious cred, national origin, physical disability, mental disability, medical condition, age, marital status, or any other basis prohibited under law. Grantee shall include the nondiscrimination and compliance provisions of this clause in all subcontracts to perform work under this Agreement.
5. Reversion of Remaining Funds. Upon expiration or termination of this Agreement, Grantee shall transfer to the Authority any unexpended funds provided to Grantee by the Authority under this Agreement.

Acknowledgment

The Grantee, City of Surprise, hereby acknowledges and accepts the above terms and conditions. I hereby certify that I represent a legal entity with authority to enter into this Agreement.

By: _____
Signature

Date: _____

Bob Wingenroth, City Manager

Print Name and Title

For: City of Surprise
Grantee Name

Tax ID No.: 86-6007796

EXHIBIT E

Federal Provisions

As a condition of receipt of federal financial assistance from the Department of the Treasury, the Grantee provides the assurances stated herein. The federal financial assistance may include federal grants, loans and contracts to provide assistance to the Grantee's beneficiaries, the use or rent of Federal land or property at below market value, Federal training, a loan of Federal personnel, subsidies, and other arrangements with the intention of providing assistance.

Federal financial assistance does not encompass contracts of guarantee or insurance, regulated programs, licenses, procurement contracts by the Federal government at market value, or programs that provide direct benefits. The assurances apply to all federal financial assistance from, or funds made available through the Department of the Treasury, including any assistance that the Grantee may request in the future. The Civil Rights Restoration Act of 1987 provides that the provisions of the assurances apply to all of the operations of the Grantee's program(s) and activity(ies), so long as any portion of the Grantee's program(s) or activity(ies) is federally assisted in the manner prescribed above.

All defined terms used herein that are not otherwise defined or described herein, shall have the meanings ascribed to them in the Agreement attached hereto.

ARTICLE I - ARPA Terms and Conditions

- 1.1. Accounting. Grantee shall maintain for the purposes of this Agreement an accounting system or procedures and practices that conforms to Generally Accepted Accounting Principles. As defined by 2 C.F.R. Part 200, Subpart A, GAAP "has the meaning specified in accounting standards issued by the Government Accounting Standards Board and the Financial Accounting Standards Board.
- 1.2. Use of Funds. Grantee understands and agrees that the funds disbursed under this award may only be used in compliance with section 603(c) of the Social Security Act (the Act), Treasury's regulations implementing that section, and guidance issued by Treasury regarding the foregoing.
- 1.3. Capabilities. Grantee will determine prior to engaging in any project using this assistance that it has the institutional, managerial, and financial capability to ensure proper planning, management, and completion of such project.
- 1.4. Reporting. The Grantee agrees to comply with any reporting obligations established by Treasury as they relate to this award.
- 1.5. Maintenance of and Access to Records. Grantee shall maintain records and financial documents sufficient to evidence compliance with section 603(c) of the Act, Treasury's regulations implementing that section, and guidance issued by Treasury regarding the foregoing. The Treasury Office of the Inspector General and the Government Accountability Office, or their authorized representatives, shall have the right of access to records (electronic and otherwise) of Grantee in order to conduct audits or other investigations. Records shall be maintained by Grantee for a period of five (5) years after all funds have been expended or returned to Treasury, whichever is later.
- 1.6. Pre-Award Costs. Pre-award costs are allowable only to the extent permitted in 2 C.F.R. § 200.458. Pursuant to the Treasury's SLFRF FAQ, Section 2.6, the ARPA final rule permits funds to be used to cover costs incurred beginning on March 3, 2021. Pre-award costs shall be allowable subject to the terms and conditions of the Agreement.

- 1.7. Administrative Costs. Grantee may use funds provided under this award to cover both direct and indirect costs.
- 1.8. Compliance with Applicable Law and Regulations. Grantee agrees to comply with the requirements of section 603 of the Act, regulations adopted by Treasury pursuant to section 603(f) of the Act, and guidance issued by Treasury regarding the foregoing. Grantee also agrees to comply with all other applicable federal statutes, regulations, and executive orders, and Grantee shall provide for such compliance by other parties in any agreements it enters into with other parties relating to this award. Federal regulations applicable to this award include, without limitation, the following:
 - 1.8.1. Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, 2 C.F.R. Part 200, other than such provisions as Treasury may determine are inapplicable to this Award and subject to such exceptions as may be otherwise provided by Treasury. Subpart F – Audit Requirements of the Uniform Guidance, implementing the Single Audit Act, shall apply to this award.
 - 1.8.2. Universal Identifier and System for Award Management (SAM), 2 C.F.R. Part 25, pursuant to which the award term set forth in Appendix A to 2 C.F.R. Part 25 is hereby incorporated by reference.
 - 1.8.3. Reporting Subaward and Executive Compensation Information, 2 C.F.R. Part 170, pursuant to which the award term set forth in Appendix A to 2 C.F.R. Part 170 is hereby incorporated by reference.
 - 1.8.4. OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement), 2 C.F.R. Part 180, including the requirement to include a term or condition in all lower tier covered transactions (contracts and subcontracts described in 2 C.F.R. Part 180, subpart B) that the award is subject to 2 C.F.R. Part 180 and Treasury's implementing regulation at 31 C.F.R. Part 19.
 - 1.8.5. Grantee Integrity and Performance Matters, pursuant to which the award term set forth in 2 C.F.R. Part 200, Appendix XII to Part 200 is hereby incorporated by reference.
 - 1.8.6. Governmentwide Requirements for Drug-Free Workplace, 31 C.F.R. Part 20.
 - 1.8.7. New Restrictions on Lobbying, 31 C.F.R. Part 21.
 - 1.8.8. Generally applicable federal environmental laws and regulations.
- 1.9. Statutes and regulations prohibiting discrimination applicable to this award include, without limitation, the following:
 - 1.9.1. Title VI of the Civil Rights Act of 1964 (42 U.S.C. §§ 2000d et seq.) and Treasury's implementing regulations at 31 C.F.R. Part 22, which prohibit discrimination on the basis of race, color, or national origin under programs or activities receiving federal financial assistance.
 - 1.9.2. Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794), which prohibits discrimination on the basis of disability under any program or activity receiving federal financial assistance;

- 1.9.3. The Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101 et seq.), and Treasury's implementing regulations at 31 C.F.R. Part 23, which prohibit discrimination on the basis of age in programs or activities receiving federal financial assistance;
 - 1.9.4. Title II of the Americans with Disabilities Act of 1990, as amended (42 U.S.C. §§ 12101 et seq.), which prohibits discrimination on the basis of disability under programs, activities, and services provided or made available by state and local governments or instrumentalities or agencies thereto; and
 - 1.9.5. The Hatch Act (5 U.S.C. §§ 1501-1508 and 7324-7328), which limit certain political activities of State or local government employees whose principal employment is in connection with an activity financed in whole or in part by this federal assistance.
- 1.10. Remedial Actions. In the event of Grantee's noncompliance with section 603 of the Act, other applicable laws, Treasury's implementing regulations, guidance, or any reporting or other program requirements, Treasury may impose additional conditions on the receipt of a subsequent tranche of future award funds, if any, or take other available remedies as set forth in 2 C.F.R. § 200.339. In the case of a violation of section 603(c) of the Act regarding the use of funds, previous payments shall be subject to recoupment as provided in section 603(e) of the Act.
 - 1.11. False Statements. Grantee understands that making false statements or claims in connection with this award is a violation of federal law and may result in criminal, civil, or administrative sanctions, including fines, imprisonment, civil damages and penalties, debarment from participating in federal awards or contracts, and/or any other remedy available by law.
 - 1.12. Publications. Any publications produced with funds from this award must display the following language: "This project [is being] [was] supported, in whole or in part, by federal award number [enter project FAIN] awarded to [name of Grantee] by the U.S. Department of the Treasury."
 - 1.13. Debts Owed the Federal Government. Any funds paid to Grantee: (1) in excess of the amount to which Grantee is finally determined to be authorized to retain under the terms of this award; (2) that are determined by the Treasury Office of Inspector General to have been misused; or (3) that are determined by Treasury to be subject to a repayment obligation pursuant to section 603(e) of the Act and have not been repaid by Grantee shall constitute a debt to the federal government. Any debts determined to be owed the federal government must be paid promptly by Grantee. A debt is delinquent if it has not been paid by the date specified in Treasury's initial written demand for payment, unless other satisfactory arrangements have been made or if the Grantee knowingly or improperly retains funds that are a debt as defined in paragraph 14(a). Treasury will take any actions available to it to collect such a debt.
 - 1.14. Disclaimer. The United States expressly disclaims all responsibility or liability to Grantee or third persons for the actions of Grantee or third persons resulting in death, bodily injury, property damages, or any other losses resulting in any way from the performance of this award or any other losses resulting in any way from the performance of this award or any contract, or subcontract under this award. The acceptance of this award by Grantee does not in any way establish an agency relationship between the United States and Grantee.
 - 1.15. Protections for Whistleblowers. In accordance with 41 U.S.C. § 4712, Grantee may not discharge, demote, or otherwise discriminate against an employee in reprisal for disclosing to any of the list of persons or entities provided below, information that the employee reasonably believes is evidence of

gross mismanagement of a federal contract or grant, a gross waste of federal funds, an abuse of authority relating to a federal contract or grant, a substantial and specific danger to public health or safety, or a violation of law, rule, or regulation related to a federal contract (including the competition for or negotiation of a contract) or grant. The list of persons and entities referenced in the paragraph above includes the following:

- 1.15.1. A member of Congress or a representative of a committee of Congress.
 - 1.15.2. An Inspector General.
 - 1.15.3. The Government Accountability Office.
 - 1.15.4. A Treasury employee responsible for contract or grant oversight or management. An authorized official of the Department of Justice or other law enforcement agency;
 - 1.15.5. A court or grand jury; or
 - 1.15.6. A management official or other employee of Grantee, contractor, or subcontractor who has the responsibility to investigate, discover, or address misconduct.
 - 1.15.7. Grantee shall inform its employees in writing of the rights and remedies provided under this section, in the predominant native language of the workforce.
- 1.16. Increasing Seat Belt Use in the United States. Pursuant to Executive Order 13043, 62 FR 19217 (Apr. 18, 1997), Grantee should encourage its contractors to adopt and enforce on-the job seat belt policies and programs for their employees when operating company-owned, rented or personally owned vehicles.
 - 1.17. Reducing Text Messaging While Driving. Pursuant to Executive Order 13513, 74 FR 51225 (Oct. 6, 2009), Grantee should encourage its employees, subrecipients, and contractors to adopt and enforce policies that ban text messaging while driving, and Grantee should establish workplace safety policies to decrease accidents caused by distracted drivers.

ARTICLE II – Civil Rights Compliance

- 2.1. Grantee ensures its current and future compliance with Title VI of the Civil Rights Act of 1964, as amended, which prohibits exclusion from participation, denial of the benefits of, or subjection to discrimination under programs and activities receiving federal financial assistance, of any person in the United States on the ground of race, color, or national origin (42 U.S.C. § 2000d et seq.), as implemented by the Department of the Treasury Title VI regulations at 31 CFR Part 22 and other pertinent executive orders such as Executive Order 13166, directives, circulars, policies, memoranda, and/or guidance documents.
- 2.2. Grantee acknowledges that Executive Order 13166, “Improving Access to Services for Persons with Limited English Proficiency,” seeks to improve access to federally assisted programs and activities for individuals who, because of national origin, have Limited English proficiency (LEP). Grantee understands that denying a person access to its programs, services, and activities because of LEP is a form of national origin discrimination prohibited under Title VI of the Civil Rights Act of 1964 and the Department of the Treasury’s implementing regulations. Accordingly, Grantee shall initiate reasonable steps, or comply with the Department of the Treasury’s directives, to ensure that LEP persons have meaningful access to its programs, services, and activities. Grantee understands and

- agrees that meaningful access may entail providing language assistance services, including oral interpretation and written translation where necessary, to ensure effective communication in the Grantee's programs, services, and activities.
- 2.3. Grantee agrees to consider the need for language services for LEP persons when Grantee develops applicable budgets and conducts programs, services, and activities. As a resource, the Department of the Treasury has published its LEP guidance at 70 FR 6067. For more information on taking reasonable steps to provide meaningful access for LEP persons, please visit <http://www.lep.gov>. OMB Approved No. 1505-0271 Expiration Date: April 30, 2025.
 - 2.4. Grantee acknowledges and agrees that compliance with the assurances constitutes a condition of continued receipt of federal financial assistance and is binding upon Grantee and Grantee's successors, transferees, and assignees for the period in which such assistance is provided.
 - 2.5. Grantee acknowledges and agrees that it must require any sub-grantees, contractors, subcontractors, successors, transferees, and assignees to comply with assurances 1-4 above, and agrees to incorporate the following language in every contract or agreement subject to Title VI and its regulations between the Grantee and the Grantee's sub-grantees, contractors, subcontractors, successors, transferees, and assignees: The sub-grantee, contractor, subcontractor, successor, transferee, and assignee shall comply with Title VI of the Civil Rights Act of 1964, which prohibits Grantees of federal financial assistance from excluding from a program or activity, denying benefits of, or otherwise discriminating against a person on the basis of race, color, or national origin (42 U.S.C. § 2000d et seq.), as implemented by the Department of the Treasury's Title VI regulations, 31 CFR Part 22, which are herein incorporated by reference and made a part of this contract (or agreement). Title VI also includes protection to persons with "Limited English Proficiency" in any program or activity receiving federal financial assistance, 42 U.S.C. § 2000d et seq., as implemented by the Department of the Treasury's Title VI regulations, 31 CFR Part 22, and herein incorporated by reference and made a part of this contract or agreement.
 - 2.6. Grantee understands and agrees that if any real property or structure is provided or improved with the aid of federal financial assistance by the Department of the Treasury, this assurance obligates the Grantee, or in the case of a subsequent transfer, the transferee, for the period during which the real property or structure is used for a purpose for which the federal financial assistance is extended or for another purpose involving the provision of similar services or benefits. If any personal property is provided, this assurance obligates the Grantee for the period during which it retains ownership or possession of the property.
 - 2.7. Grantee shall cooperate in any enforcement or compliance review activities by the Department of the Treasury of the aforementioned obligations. Enforcement may include investigation, arbitration, mediation, litigation, and monitoring of any settlement agreements that may result from these actions. The Grantee shall comply with information requests, on-site compliance reviews and reporting requirements.
 - 2.8. Grantee shall maintain a complaint log and inform the Department of the Treasury of any complaints of discrimination on the grounds of race, color, or national origin, and limited English proficiency covered by Title VI of the Civil Rights Act of 1964 and implementing regulations and provide, upon request, a list of all such reviews or proceedings based on the complaint, pending or completed, including outcome. Grantee also must inform the Department of the Treasury if Grantee has received no complaints under Title VI.
 - 2.9. Grantee must provide documentation of an administrative agency or court's findings of non-

compliance of Title VI and efforts to address the non-compliance, including any voluntary compliance or other OMB Approved No. 1505-0271 Expiration Date: April 30, 2025, agreements between the Grantee and the administrative agency that made the finding. If the Grantee settles a case or matter alleging such discrimination, the Grantee must provide documentation of the settlement. If Grantee has not been the subject of any court or administrative agency finding of discrimination, please so state.

- 2.10. If the Grantee makes sub-awards to other agencies or other entities, the Grantee is responsible for ensuring that sub-recipients also comply with Title VI and other applicable authorities covered in this document. State agencies that make sub-awards must have in place standard grant assurances and review procedures to demonstrate that they are effectively monitoring the civil rights compliance of subrecipients. The United States of America has the right to seek judicial enforcement of the terms of this assurances document and nothing in this document alters or limits the federal enforcement measures that the United States may take in order to address violations of this document or applicable federal law. Under penalty of perjury, the undersigned official(s) certifies that official(s) has read and understood the Grantee's obligations as herein described, that any information submitted in conjunction with this assurances document is accurate and complete, and that the Grantee is in compliance with the aforementioned nondiscrimination requirements.

ARTICLE III - Conflicts of Interest Acknowledgment

- 3.1. Conflicts of Interest. Grantee understands and agrees it must maintain a conflict of interest policy consistent with 2 C.F.R. § 200.318(c) and that such conflict of interest policy is applicable to each activity (program or project) funded under this award. Grantee must disclose in writing to the Authority, as appropriate, any potential conflict of interest affecting the awarded funds in accordance with 2 C.F.R. § 200.112.
- 3.1.1. The Grantee must maintain standards of conduct covering conflicts of interest and governing the actions of its employees engaged in the selection, award, and administration of contracts. The standards of conduct must provide for disciplinary actions to be applied for violations of such standards by officers, employees, or agents of the Grantee.
- 3.1.2. Such a conflict of interest would arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract.
- 3.1.3. The officers, employees, and agents of the Grantee may neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts. No employee, officer, or agent may participate in the selection, award, or administration of a contract supported by a federal award if he or she has a real or apparent conflict of interest. However, Grantees may set standards for situations in which the financial interest is not substantial, or the gift is an unsolicited item of nominal value.

ARTICLE IV - Debarment and SAM.GOV Certification

- 4.1. The Grantee certifies that, neither the Grantee nor any owner, partner, director, officer, or principal of the Grantee, nor any person in a position with management responsibility or responsibility for the administration of federal funds:
- 4.1.1. Is presently debarred, suspended, proposed for debarment, and declared ineligible or

voluntarily excluded from covered transactions by any federal or state department/agency;

- 4.1.2. Has within a three-year period preceding this certification been convicted of or had a civil judgment rendered against it for: commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public transaction or contract (federal, state, or local); violation of federal or state antitrust statutes; or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
- 4.1.3. Is presently indicted for or otherwise criminally or civilly charged by a governmental entity (federal, state, or local) with commission of any of the offenses enumerated in paragraph (b) above; or
- 4.1.4. Has within a three-year period preceding this certification had one or more public transactions or contracts (federal, state, or local) terminated for cause or default.
- 4.2. The Grantee is “Actively” registered with SAMS (Service for Award Management) and has been assigned the following UEI Number: CNDLLN6WTTE3 found at www.sam.gov. Include date SAM.GOV registration begins and ends
Expiration 07/10/2024.
- 4.3. The Grantee further certifies that it shall not knowingly enter into any transaction with any subcontractor, material supplier, or vendor who is debarred, suspended, declared ineligible, or voluntarily excluded from covered transactions by any federal or state department/agency.

ARTICLE V - Lobbying Certificate Disclosure

- 5.1. For each bid, request for reimbursement, or offer, that exceeds \$100,000, the Grantee certifies, to the best of his or her knowledge and belief, that:
- 5.1.1. No Federal appropriated funds have been paid or will be paid, by or on behalf of the Grantee, 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.
- 5.1.2. 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 Grantee shall complete and submit Standard Form-LLL, “Disclosure Form to Report Lobbying,” in accordance with its instructions.
- 5.1.3. The Grantee shall require that the language paragraph 1 and 2 of this anti-lobbying certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.
- 5.2. This certification is a material representation of the 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 this transaction imposed by 31 CFR Part 21.

ARTICLE VI - Audit Statement

- 6.1. Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, 2 CFR Part 200, other than such provisions as Treasury may determine are inapplicable to this Award and subject to such exceptions as may be otherwise provided by Treasury. [Subpart F – Audit Requirements](#) of the Uniform Guidance, implementing the Single Audit Act, shall apply to this award.
- 6.2. If Grantee expends more than seven hundred and fifty thousand dollars (\$750,000) in federal awards during a fiscal year, Grantee will be subject to an audit under the Single Audit Act and its implementing regulation at 2 C.F.R. Part 200, Subpart F regarding audit requirements and Grantee must:
 - 6.2.1. Provide a copy of Grantee’s single audit in the eCivis file reporting area; and
 - 6.2.2. Upload a copy of Grantee’s alternative audit or financial budget audit in the eCivis file reporting area.

ARTICLE VII – Non-supplanting Certification

- 7.1. Supplanting. Federal funds must be used to supplement existing funds for program activities and must not replace those funds that have been appropriated for the same purpose. Supplanting shall be the subject of application review, as well as pre-award review, post-award monitoring, and audit. If the Authority has reason to believe supplanting has or will occur, the Grantee shall supply documentation demonstrating that the reduction in non-federal resources occurred for reasons other than the receipt or expected receipt of federal funds.
- 7.2. Certification. By signing this Agreement, the Grantee certifies that any funds awarded under this Agreement shall be used to supplement existing funds for activities contemplated under this Agreement and will not supplant or replace nonfederal funds that have been appropriated for the purposes and goals of the Agreement.
- 7.3. Penalties. The Grantee understands that supplanting violations may result in a range of penalties, including but not limited to suspension of future funds awarded under the Agreement, suspension or debarment from federal grants, recoupment of monies provided under this Agreement, and civil and/or criminal penalties.

ARTICLE VIII – Miscellaneous

- 8.1. Small and Minority Businesses, Women’s Business Enterprises, and Labor Surplus Area Firms. Grantee shall take affirmative steps to solicit and include small, minority, and women owned businesses, when possible, in an effort to encourage participation and fair competition in providing supplies/services described in this solicitation. As set forth in 2 C.F.R. § 200.321(b)(1)-(5), such affirmative steps must include: (1) Placing qualified small and minority businesses and women's business enterprises on solicitation lists; (2) Assuring that small and minority businesses, and women's business enterprises are solicited whenever they are potential sources; (3) Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum

participation by small and minority businesses, and women's business enterprises; (4) Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority businesses, and women's business enterprises; and (5) Using the services and assistance, as appropriate, of such organizations as the Small Business Administration and the Minority Business Development Agency of the Department of Commerce. If subcontracts are to be let, Grantee shall take all necessary affirmative steps to assure that minority businesses, women's business enterprises, and labor surplus area firms are used as required by 2 C.F.R. § 200.321.

ARTICLE IX - Acknowledgment

The Grantee, City of Surprise, hereby acknowledges and accepts the above terms and conditions. I hereby certify that I represent a legal entity with authority to enter into this Agreement.

By: _____

Signature

Date: _____

Bob Wingenroth, City Manager

Print Name and Title

For: City of Surprise

Grantee Name

Tax ID No.: 86-6007796

EXHIBIT F

Affidavit

AUTHORIZED REPRESENTATIVE

I HEREBY AFFIRM THAT:

I am the [title] City Manager and the duly authorized representative of the Grantee and that I possess the legal authority to make this Affidavit on behalf of myself and the Grantee for which I am acting.

AFFIRMATION REGARDING BRIBERY CONVICTIONS

I FURTHER AFFIRM THAT:

Neither I, nor to the best of my knowledge, information, and belief, the Grantee, nor any of its officers, directors, partners, or any of its employees, if any and as applicable, directly involved in obtaining or performing under agreements, contracts, loans, grants, or awards with public bodies, has been convicted of, or has had probation before judgment imposed, or has pleaded nolo contendere to a charge or bribery, attempted bribery, or conspiracy to bribe in violation of Arizona law, or the law of any other state, or federal law, except as follows *[indicate the reasons why the affirmation cannot be given and list any conviction, plea, or imposition of probation before judgment with the date, court, official or administrative body, the sentence or disposition, the name(s) of person(s) involved, and their current positions and responsibilities with the Grantee]:*

AFFIRMATION REGARDING OTHER CONVICTIONS

I FURTHER AFFIRM THAT:

Neither I, nor to the best of my knowledge, information, and belief, the Grantee, nor any of its officers, directors, partners, or any of its employees, if any and as applicable, directly involved in obtaining or performing under agreements, contracts, loans, grants, or awards with public bodies, has:

1. Been convicted under state or federal statute of a criminal offense incident to obtaining, attempting to obtain, or performing a public or private contract, fraud, embezzlement, theft, forgery, falsification or destruction of records, or receiving stolen property.
2. Been convicted of any criminal violation of a state or federal antitrust statute.
3. Been convicted under the provisions of Title 18 of the United States Code for violation of the Racketeer Influenced and Corrupt Organization Act, 18 U.S.C. § 1961, et seq., or the Mail Fraud Act, 18 U.S.C. § 1341, et seq., for acts arising out of the submission of bids or proposals for a public or private contract.

Water Conservation Grant Fund

4. Been convicted of conspiracy to commit any act or omission that would constitute grounds for conviction or liability under any law or statute described in subsection (1), (2), or (3) above.
5. Been found civilly liable under a state or federal antitrust statute for acts or omissions in connection with the submission of bids or proposals for a public or private contract.
6. Admitted in writing or under oath, during the course of an official investigation or other proceedings, acts, or omissions that would constitute grounds for conviction or liability under any law or statute described above, except as follows ***[list each debarment or suspension, providing the dates of the suspension or debarment, the name of the public entity and the status of the proceeding, the name(s) of the person(s) involved and their current positions and responsibilities with the Grantee, and the status of any debarment]:***

AFFIRMATION REGARDING DEBARMENT

I FURTHER AFFIRM THAT:

Neither I, nor to the best of my knowledge, information, and belief, the Grantee, nor any of its officers, directors, partners, or any of its employees, if any and as applicable, directly involved in obtaining or performing under agreements, contracts, loans, grants, or awards with public bodies, has ever been suspended or debarred (including being issued a limited denial of participation) by any public entity, except as follows ***[indicate reasons why the affirmations cannot be given, and list any conviction, plea, or imposition of probation before judgment with the date, court, official or administrative body, the sentence or disposition, the name(s) of the person(s) involved and their current positions and responsibilities with the Grantee, the grounds of the debarment or suspension, and the details of each person's involvement in any activity that formed the grounds of the debarment or suspension]:***

SUBCONTRACT AFFIRMATION

I FURTHER AFFIRM THAT:

Neither I, nor to the best of my knowledge, information, and belief, the Grantee, has knowingly entered into a contract with a public body under which a person debarred or suspended will provide, directly or indirectly, supplies, services, architectural services, construction related services, leases of real property, or construction.

AFFIRMATION REGARDING COLLUSION

I FURTHER AFFIRM THAT:

Neither I, nor to the best of my knowledge, information, and belief, the Grantee, nor any of its officers, directors, partners, or any of its employees, if any and as applicable, have in any way:

1. Agreed, conspired, connived, or colluded to produce a deceptive show of competition in the compilation of the award that is being entered into with the Authority.
2. In any manner, directly or indirectly, entered into any agreement of any kind to fix the bid price or price proposal of the Grantee or of any competitor, or otherwise take any action in restraint of free competitive bidding in connection with the award that is being entered into with the Authority.
3. Colluded with anyone to obtain information concerning the award that would give the Grantee an unfair advantage over others.

ACKNOWLEDGMENT

I ACKNOWLEDGE THAT this Affidavit is to be furnished to the Authority and may be distributed to units of the State of Arizona and the federal government. I further acknowledge that this Affidavit is subject to applicable laws of the United States and the State of Arizona, both criminal and civil, and that nothing in this Affidavit or any contract resulting from the submission of this application for an award shall be construed to supersede, amend, modify, or waive the exercise of any statutory right or remedy conferred by the Constitution and the laws of Arizona with respect to any misrepresentation made or any violation of the obligations, terms, and covenants undertaken by the Grantee with respect to this Affidavit, the award, and other Affidavits comprising part of this Agreement.

I DECLARE AND AFFIRM UNDER THE PENALTY OF PERJURY, UNDER THE LAWS OF THE STATE OF ARIZONA, THAT THE CONTENTS OF THIS AFFIDAVIT ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF.

Date: _____

By: _____

Name:

Title:

(Authorized Representative and Affiant)

EXHIBIT G

Reimbursement Request & Monthly Reporting Form

This Reimbursement Request & Monthly Reporting Form is included as an example of the type of report Grantee should expect to submit on a monthly basis. The Authority reserves the right to request additional information and to modify this form.

Grantee Information (Subrecipient)			
Organization		Grant No.	
Contact Person		Contact Title	
Physical Address		City, State, Zip	
Phone Number		Email	
Sam.Gov UEI #			
Organization Internal Account Number:			
Median Household Income of service area			
Lowest Quintile Income of the service area			
Project/Program Information			
Grant Amount			
Match Amount			
Total Project Cost			
Since the previous disbursement request have total project/program cost estimates changed by 5% or more due to a Change Order or other project/program event? If Yes, explain		☐ Yes ☐ No	
Projected/actual construction start date (month/year)			
Projected/actual initiation of operations date (month/year)			
Project/Program Location (address, City, and zipcode)			
Does the project/program prioritize local hires?		☐ Yes ☐ No	
Does the project/program have a Community Benefit Agreement? If yes include a description of any such agreement		☐ Yes ☐ No	
Is this project aligned with another federal award? If yes, provide the federal award information and the PWS # for drinking water projects or the NPDES # for clean water projects		☐ Yes ☐ No	
		Federal Grant: PWS: NPDES:	
Award Information (Subaward) – One per vendor			
Obligated Amount/Contract Amount			
Date Obligated/Contract Executed Date			
Vendor Name			
Vendor Physical Address			
Vendor City, State, Zip			
Vendor Sam.Gov UEI #			
Vendor Debarment Statement Y or N			
Expenditure during this reporting period (attach invoices for payment)			
Remaining contract amount			

All procurement documentation of Award expenditures has been maintained and can be produced upon request?	☐ Yes ☐ No	
Invoices, Receipts, and other Payment Tracking – One per receipt / invoice / request for funds		
List of each contractor, subcontractor, or vendor that provided supplies, equipment, construction, or other goods or services included in this disbursement request.		
List of each invoice number and invoice date		
The amount being requested from grant proceeds		
The amount the grantee will provide as part of the 25% match requirement and the source of the match		
The total invoice amount (the amount requested, plus the match amount must equal the total invoice amount)		
Performance Measures & Outcomes		
Have you started the program/project?	☐ Yes ☐ No	
If you answered Yes, what date did program/project start?		
Is the program/project 25% complete?	☐ Yes ☐ No	
Is the program/project 50% complete?	☐ Yes ☐ No	
Is the program/project 75% complete?	☐ Yes ☐ No	
Is the program/project on schedule to complete the Scope of Work as described in the grant agreement? <i>If no, please note an amended Scope of Work Schedule must be submitted</i>	☐ Yes ☐ No	
Actual water savings in acre-feet associated with this grant award (as available)		
Projected water savings in acre- feet associated with this grant award (if changed from original application)		
Most recent reported system deliveries:		
Narrative – Description of how the funds were used and what was accomplished.		

To receive reimbursement:

- **Grantee must attach invoices for costs incurred;**
- **Vendors must be registered through SAM.GOV and have an active Unique Entity Identifier (UEI) Number.**

Grantee Representative Signature

Printed Name			
Title			
Signature		Date	



CITY OF SURPRISE Regular City Council Meeting

Council Meeting Date: April 2, 2024 Contact Person: Leslie Carnie
Submitting Department: Community Development District: District 3
Staff Recommendations:

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

Agenda Wording:

Consideration and action pertaining to approval of the Final Plat entitled, “Cactus 303 Retail” and dated February 15, 2024, a site generally located on the northeast corner of SR 303 and Cactus Road; Case FS23-0238.

Motion:

I move to approve the Final Plat entitled, “Cactus 303 Retail” and dated February 15, 2024.

Background:

Andrew Call, with Thompson Thrift Commercial, seeks approval of a Final Plat entitled “Cactus 303 Retail”. The proposed Final Plat creates 10 parcels to allow for commercial development on an approx. 17.01 gross acre site generally located on the northeast corner of SR 303 and Cactus Road.

Objective Analysis:

The subject Final Plat meets the requirements of the Prasada PAD, in addition to other requirements as set forth in the Municipal Code. All city reviewing departments have reviewed the request and expressed no concerns.

Policy Compliant:

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

Financial Impact:

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

Budget Impact:

There is no anticipated budget impact related to this item.

FTE Impact:

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

ATTACHMENTS:

1. 00- FS23-0238 NEC 303 & Cactus Final Plat - Staff Report 04.02
 2. 01- FS23-0238 NEC 303 & Cactus Final Plat – Vicinity Map
 3. 02- FS23-0238 NEC 303 & Cactus Final Plat – Zoning Map
 4. 03- FS23-0238 NEC 303 & Cactus Final Plat – Plat Exhibit
 5. 04- FS23-0238 NEC 303 & Cactus Final Plat – Final Plat
 6. 05- FS23-0238 NEC 303 & Cactus Final Plat – Luke AFB Comments
 7. FS22-0238 NEC 303 & Cactus Final Plat - PowerPoint
-

FINAL PLAT

REPORT TO THE CITY COUNCIL

Case: FS23-0238

Project Name: SEC 303 & Cactus Final Plat

Council District: 3 – Mesquite

City Council Date: April 02, 2024

Planner: Leslie Carnie, Planner II

Owner: TTRG AZ Surprise Cactus Rd., LLC

Applicant: Andrew Call with Thompson Thrift Commercial

Request: A Final Plat to create 10 commercial parcels on an approx. 17.01 gross acre site in the Prasada Gateway Village. Case #FS23-0238.

Site Location: Generally, located on the northeast corner of SR 303 and Cactus Road.

Site Size: 17.01 Gross Acres (approx.)

Findings:

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

Alternative Actions:

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

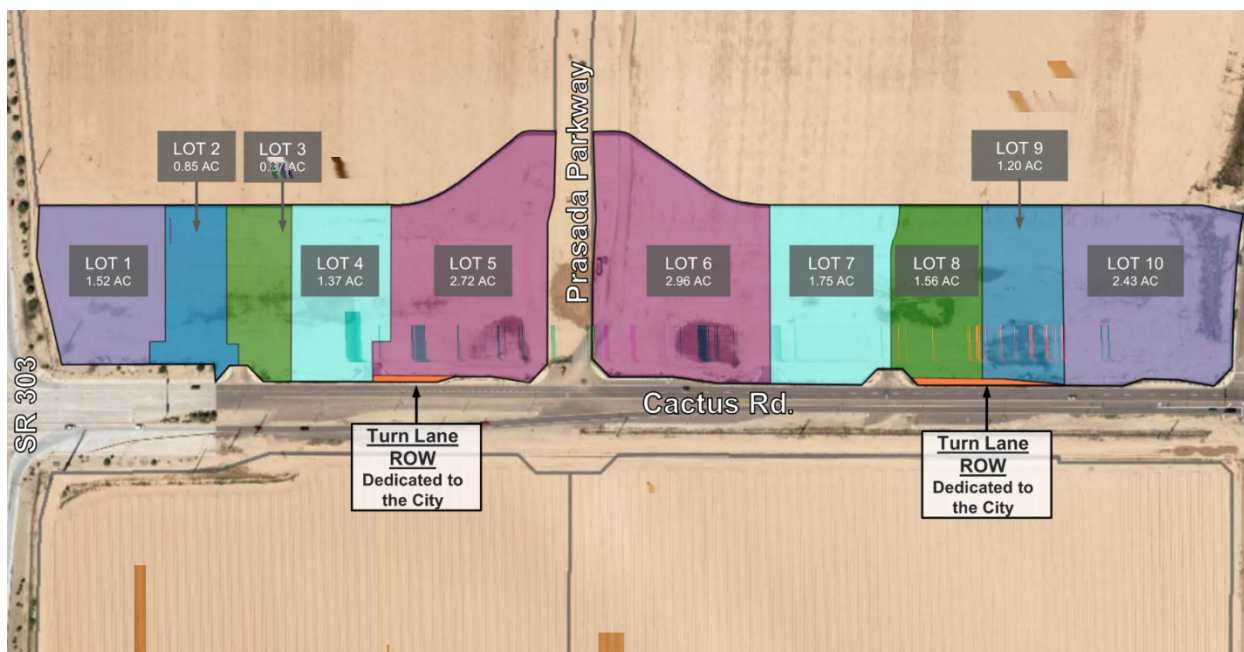
Deny – Denial of the requested Final Plat will prevent the applicant from subdividing the property as proposed.

Project Description:

Andrew Call, with Thompson Thrift Commercial, seeks approval of a Final Plat entitled “Cactus 303 Retail”. The proposed Final Plat creates 10 parcels to allow for commercial development on an approx. 17.01 gross acre site, in the Prasada Gateway Village, generally located on the northeast corner of SR 303 and Cactus Road.

Analysis and Discussion:

Two parcels on the (approx.) 17.01 gross acres are being re-platted to create 10 parcels to accommodate commercial development. Access is provided from four existing driveways along Cactus Road. Additional access will be provided to Prasada Parkway and Sarival Avenue via a private roadway to be constructed along the northern boundary of the site by the developer to the north.



The area for each parcel is shown below:

- Lot 1 – approximately 1.52 acres
- Lot 2 – approximately 0.85 acres
- Lot 3 – approximately 0.87 acres
- Lot 4 – approximately 1.37 acres
- Lot 5 – approximately 2.72 acres
- Lot 6 – approximately 2.96 acres
- Lot 7 – approximately 1.75 acres
- Lot 8 – approximately 1.56 acres
- Lot 9 – approximately 1.20 acres
- Lot 10 – approximately 2.43 acres

The proposed Final Plat dedicates the following:

April 02, 2024, City Council
Case: FS23-0238 SEC 303 & Cactus - Final Plat

Cactus Road Turn Lane Row – approximately 0.09 acres

General Plan Conformance:

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

This Final Plat is in conformance with the Commerce and Office Character area of the general plan in that the commercial uses are located along and oriented towards the arterial corridor.

Reviewing Agencies:

In addition to the standard City internal reviewing departments and Luke Air Force Base, the Maricopa Water District, and ADOT were included in the routing of this request. None of the reviewing agencies indicated any concerns over the request.

Attachments:

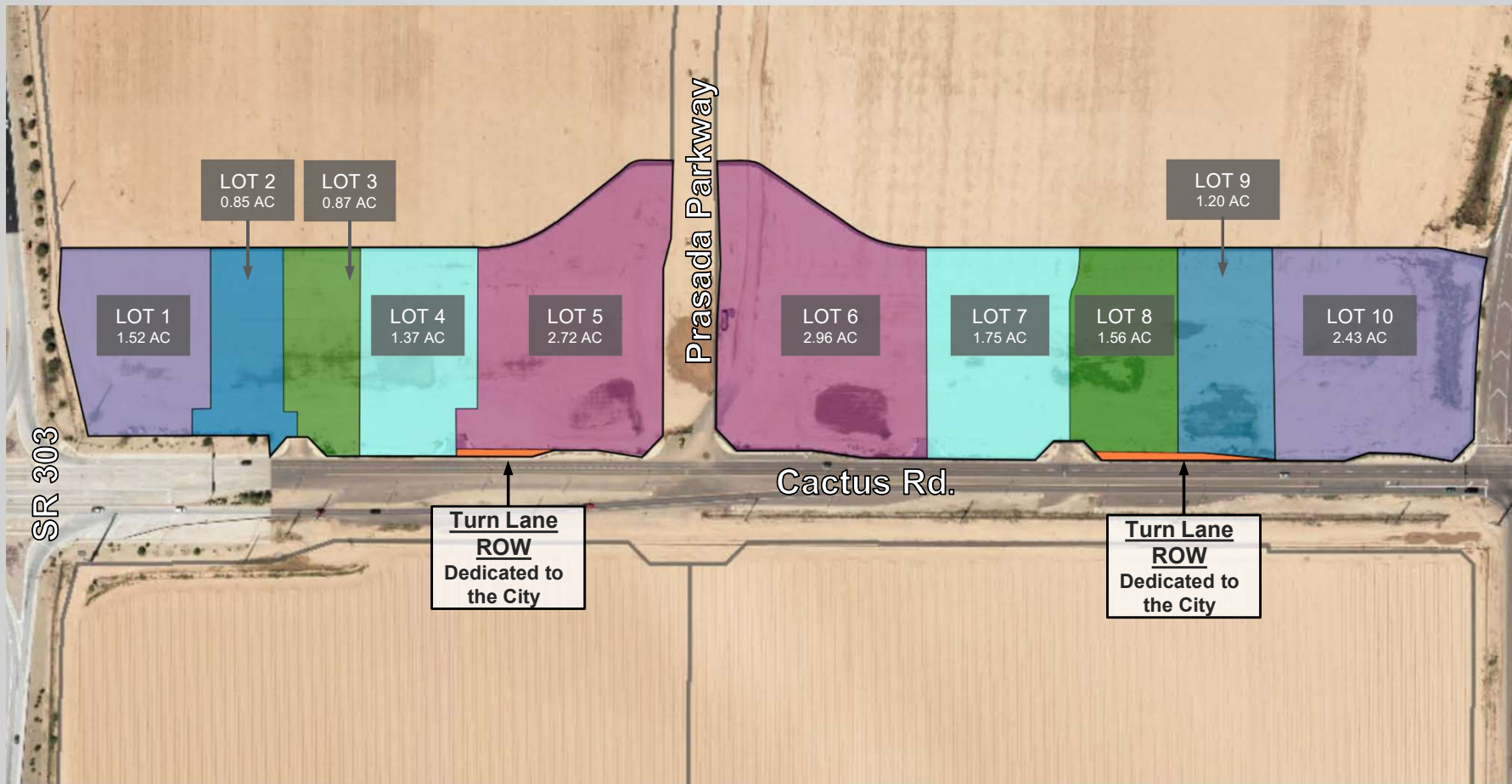
01 Vicinity Map
02 Zoning Map
03 Final Plat
04 Plat Exhibit
05 Luke AFB Comments
PPT



VICINITY MAP



ZONING MAP



DEDICATION:

STATE OF ARIZONA }
COUNTY OF MARICOPA } ss.

KNOW ALL MEN BY THESE PRESENTS:
TTRG AZ SURPRISE CACTUS RD, LLC, A DELAWARE LIMITED LIABILITY COMPANY, AS OWNER OF LOTS 1-4, 6-10, AND QUIKTRIP CORPORATION, AN OKLAHOMA CORPORATION, AS OWNER OF LOT 5, DO HEREBY PUBLISH THIS FINAL PLAT FOR "CACTUS 303 RETAIL", LOCATED IN SECTION 13, TOWNSHIP 3 NORTH, RANGE 2 WEST OF THE GILA AND SALT RIVER MERIDIAN, CITY OF SURPRISE, MARICOPA COUNTY, ARIZONA, AS SHOWN HEREON, AND HEREBY DECLARES THAT THIS PLAT SETS FORTH THE LOCATION AND GIVES THE DIMENSIONS OF EACH OF THE STREETS, LOTS, TRACTS AND EASEMENTS CONSTITUTING SAME, AND THAT EACH OF THE STREETS, LOTS, TRACTS AND EASEMENTS SHALL BE KNOWN BY THE NAME, NUMBER, OR LETTER GIVEN TO IT RESPECTIVELY.

OWNERS HEREBY GRANT TO THE PUBLIC A PERPETUAL NON-EXCLUSIVE EASEMENT IN, UPON, 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.

OWNERS HEREBY GRANT TO THE ULTIMATE OWNER OF EACH PARCEL CREATED BY THIS PLAT AN EASEMENT OVER, UPON AND ACROSS THE ENTIRE PLAT FOR THE PURPOSE OF PROVIDING CONTINUOUS AND UNINTERRUPTED INGRESS AND EGRESS TO EACH PARCEL CREATED BY THIS PLAT.

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

OWNERS HEREBY GRANT 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.

OWNERS HEREBY GRANT 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.

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

OWNERS HEREBY GRANT 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.

OWNERS HEREBY GRANT TO THE CITY OF SURPRISE A PERPETUAL NON-EXCLUSIVE EASEMENT OVER, UNDER, UPON AND ACROSS ALL AREAS DESIGNATED ON THE PLAT AS SEWER LINES, MANHOLES, AND FIRE HYDRANTS FOR THE PURPOSE OF INSTALLING, CONSTRUCTING, MAINTAINING, REPAIRING, REPLACING, AND UTILIZING THE SEWER LINES, MANHOLES AND FIRE HYDRANTS.

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

ALL IMPROVEMENTS, FOR STREETS AND PUBLIC UTILITIES OWNED AND OPERATED BY THE CITY, INSTALLED OR CONSTRUCTED BY 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 OWNERS 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.

PERPETUAL WATER AND SEWER EASEMENT ('EASEMENTS') AS DESCRIBED IN THE PLAT ARE GRANTED TO EPOR WATER ARIZONA INC, AND ITS SUCCESSORS AND ASSIGNS (COLLECTIVELY, "GRANTEE"), TO CONSTRUCT, OPERATE, AND MAINTAIN WATER AND SEWER LINES AND APPURTENANT FACILITIES (COLLECTIVELY, "FACILITIES") UPON, ACROSS, OVER AND UNDER THE SURFACE OF THE EASEMENTS, TOGETHER WITH THE RIGHT TO OPERATE, REPAIR, REPLACE, MAINTAIN, AND REMOVE THE FACILITIES FROM THE PREMISES; TO ADD OR TO ALTER THE FACILITIES, AND TO PROVIDE GRANTEE WITH REASONABLE INGRESS AND EGRESS TO THE FACILITIES. GRANTEE WILL HAVE UNRESTRICTED ACCESS TO THE EASEMENT FOR THE ACTIVITIES DESCRIBED ABOVE AND FORMAL NOTIFICATION OR APPROVAL BY ANY ASSOCIATION PRIOR TO ACCESSING THE EASEMENT WILL NOT BE REQUIRED.

GRANTORS SHALL NOT ERECT OR CONSTRUCT OR PERMIT TO BE ERECTED OR CONSTRUCTED ANY BUILDING, STRUCTURE OR SIMILAR IMPROVEMENT WITHIN THE LIMITS OF THE EASEMENT GRANTED HEREIN. GRANTORS SHALL NOT, NOR PERMIT, THE GRADE OVER GRANTEE'S FACILITIES TO BE SUBSTANTIALLY ALTERED WITHOUT, IN EACH INSTANCE, THE PRIOR WRITTEN CONSENT OF GRANTEE. AND GRANTORS AGREE THAT NO OTHER PIPES OR CONDUITS SHALL BE PLACED WITHIN THE PREMISES SUBJECT TO THE EASEMENT GRANTED HEREIN, EXCEPT PIPES CROSSING GRANTEE'S FACILITIES AT RIGHT ANGLES, IN WHICH CASE, A MINIMUM VERTICAL DISTANCE OF TWO (2) FEET (AS MEASURED FROM THE CLOSEST POINTS ON THE OUTSIDE EDGES) SHALL BE MAINTAINED BETWEEN GRANTEE'S FACILITIES AND SUCH OTHER PIPES OR CONDUITS. UNLESS GRANTEE EXPRESSLY CONSENTS IN WRITING OTHERWISE, ANY AND ALL SEWER PIPES CROSSING THE EASEMENT GRANTED HEREIN SHALL BE LAID BELOW GRANTEE'S FACILITIES. HOWEVER, GRANTORS SHALL HAVE THE RIGHT TO CONSTRUCT AND ERECT FENCES, TO INSTALL LANDSCAPING, PARKING FACILITIES AND DRIVEWAYS, AND TO ESTABLISH OTHER USES THAT ARE NOT INCONSISTENT WITH USES WITHIN THE LIMITS OF SAID EASEMENT IN A MANNER THAT WILL NOT UNREASONABLY INTERFERE WITH GRANTEE'S ACCESS TO THE FACILITIES.

FINAL PLAT FOR "CACTUS 303 RETAIL"

OF PARCELS 2 AND 4, OF A RE-PLAT OF LOTS 1, 3, 5, 9 AND 10, OF PRASADA-PHASE 1B SOUTH, AS SHOWN IN BOOK 1696 OF MAPS, PAGE 2, MARICOPA COUNTY RECORDER'S OFFICE, (M.C.R.), SITUATE IN THE SOUTHEAST QUARTER OF SECTION 13, TOWNSHIP 3 NORTH, RANGE 2 WEST, OF THE GILA AND SALT RIVER MERIDIAN, CITY OF SURPRISE, MARICOPA COUNTY, ARIZONA:

DEDICATION (CONTINUED)

IN WITNESS WHEREOF, TTRG AZ SURPRISE CACTUS RD, LLC, A DELAWARE LIMITED LIABILITY COMPANY, AS OWNER OF LOTS 1-4, 6-10, AND QUIKTRIP CORPORATION, AN OKLAHOMA CORPORATION, AS OWNER OF LOT 5, 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 _____ 2024.

TTRG AZ SURPRISE CACTUS RD, LLC, A DELAWARE LIMITED LIABILITY COMPANY

BY: _____ ITS: _____

NAME: _____

QUIKTRIP CORPORAITON, AN OKLAHOMA CORPORATION

BY: _____ ITS: DIVISION REAL ESTATE MANAGER
MICHAEL Z WARD

ACKNOWLEDGEMENT

STATE OF _____ }
COUNTY OF _____ } ss

THIS DOCUMENT WAS ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____ 2024, BY _____ AS

_____ OF TTRG AZ SURPRISE CACTUS RD, LLC., THE LEGAL OWNER OF THE PROPERTY, LOTS 1-4, 6 AND 8-12, PLATTED HEREON AND

ACKNOWLEDGE THAT _____ AS

_____, EXECUTED THIS INSTRUMENT FOR THE PURPOSES HEREIN CONTAINED.

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

NOTARY PUBLIC

MY COMMISSION EXPIRES: _____

ACKNOWLEDGEMENT

STATE OF _____ }
COUNTY OF _____ } ss

THIS DOCUMENT WAS ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____ 2024, BY MICHAEL Z WARD AS DIVISION REAL ESTATE

MANAGER OF QUIKTRIP CORPORATION, THE LEGAL OWNER OF THE PROPERTY, LOT 5, PLATTED HEREON AND ACKNOWLEDGE THAT MICHAEL Z WARD AS DIVISION REAL ESTATE MANAGER, EXECUTED THIS INSTRUMENT FOR THE PURPOSES HEREIN CONTAINED.

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

NOTARY PUBLIC

MY COMMISSION EXPIRES: _____

CITY OF SURPRISE ENGINEER APPROVAL

DATA ON THIS PLAT REVIEWED AND APPROVED THIS _____ DAY OF _____ 2024, BY THE CITY ENGINEER OF SURPRISE, ARIZONA.

CITY OF SURPRISE ENGINEER _____ DATE _____

CITY OF SURPRISE COUNCIL APPROVAL

DATA ON THIS PLAT REVIEWED AND APPROVED THIS _____ DAY OF _____ 2024, BY THE CITY COUNCIL OF SURPRISE, ARIZONA.

CITY OF SURPRISE MAYOR _____ DATE _____

CITY OF SURPRISE CLERK _____ DATE _____

LEGAL DESCRIPTION

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF MARICOPA, STATE OF ARIZONA, AND IS DESCRIBED AS FOLLOWS:

PARCEL 2 AND PARCEL 4, OF A RE-PLAT OF LOTS 1, 3, 5, 9, AND 10, OF PRASADA - PHASE 1B SOUTH, RECORDED IN BOOK 1696, PAGE 2, RECORDS OF MARICOPA COUNTY, ARIZONA.

NOTICES OF PRASADA 1B DEVELOPMENT AGREEMENT

LANDOWNER HAS ENTERED INTO A PRASADA 1B DEVELOPMENT AGREEMENT DATED OCTOBR 8, 2007 ("AGREEMENT") WITH MARICOPA COUNTY MUNICIPAL WATER CONSERVATION DISTRICT NUMBER ONE ("MWD") FOR WHICH A MEMORANDUM OF AGREEMENT WAS RECORDED ON OCTOBER 9, 2007, AT THE MARICOPA COUNTY RECORDER'S OFFICE AT DOCUMENT NO. 2007-1103870. THE PROPERTIES INVOLVED IN THIS PLAT ARE SUBJECT TO THIS AGREEMENT. THE AGREEMENT AND THIS PLAT, INCLUDING ANY AND ALL DEDICATIONS THEREIN, HEREBY PRESERVE MWD'S PRIOR AND SUPERIOR RIGHTS OF ACCESS TO AND USE OF EXISTING AND FUTURE MWD FACILITIES AND MWD PROPERTY INTERESTS, AS SUCH TERMS ARE DEFINED IN THE AGREEMENT, TO ENABLE MWD TO ACCOMPLISH ALL OF MWD'S PURPOSES, INCLUDING BUT NOT LIMITED TO, THE TRANSMISSION AND DISTRIBUTION OF WATER, WASTEWATER, POWER AND COMMUNICATIONS, AND TO CONSTRUCT, RECONSTRUCT, OPERATE, MAINTAIN AND REPLACE THOSE MWD FACILITIES AND MWD PROPERTY INTERESTS. THE AGREEMENT IS ON FILE AT THE OFFICE OF LANDOWNER AT TTRG AZ SURPRISE CACTUS RD, LLC, 901 WABASH AVE. SUITE 300, TERRE HAUTE, IN 47807, AND MAY BE REVIEWED AS TO ALL DETAILS, WITH PARTICULAR REFERENCE TO SECTION 7 AND SECTION 9, UPON REASONABLE REQUEST.

DATED THIS _____ DAY OF _____ 2024.

MARICOPA COUNTY MUNICIPAL WATER CONSERVATION DISTRICT NUMBER ONE, A POLITICAL SUBDIVISION OF THE STATE OF ARIZONA ("MWD")

BY: _____ ITS: PROPERTY & CONTRACTS MANAGER
CHRISTINE CAIN

ATTEST:

BY: _____ ITS: ASSISTANT SECRETARY
GLEN VORTHERMS

TTRG AZ SURPRISE CACTUS RD, LLC, A DELAWARE LIMITED LIABILITY COMPANY

BY: _____ ITS: _____

NAME: _____

NOTICES OF PRASADA 1B DEVELOPMENT AGREEMENT

LANDOWNER HAS ENTERED INTO A PRASADA 1B DEVELOPMENT AGREEMENT DATED OCTOBR 8, 2007 ("AGREEMENT") WITH MARICOPA COUNTY MUNICIPAL WATER CONSERVATION DISTRICT NUMBER ONE ("MWD") FOR WHICH A MEMORANDUM OF AGREEMENT WAS RECORDED ON OCTOBER 9, 2007, AT THE MARICOPA COUNTY RECORDER'S OFFICE AT DOCUMENT NO. 2007-1103870. THE PROPERTIES INVOLVED IN THIS PLAT ARE SUBJECT TO THIS AGREEMENT. THE AGREEMENT AND THIS PLAT, INCLUDING ANY AND ALL DEDICATIONS THEREIN, HEREBY PRESERVE MWD'S PRIOR AND SUPERIOR RIGHTS OF ACCESS TO AND USE OF EXISTING AND FUTURE MWD FACILITIES AND MWD PROPERTY INTERESTS, AS SUCH TERMS ARE DEFINED IN THE AGREEMENT, TO ENABLE MWD TO ACCOMPLISH ALL OF MWD'S PURPOSES, INCLUDING BUT NOT LIMITED TO, THE TRANSMISSION AND DISTRIBUTION OF WATER, WASTEWATER, POWER AND COMMUNICATIONS, AND TO CONSTRUCT, RECONSTRUCT, OPERATE, MAINTAIN AND REPLACE THOSE MWD FACILITIES AND MWD PROPERTY INTERESTS. THE AGREEMENT IS ON FILE AT THE OFFICE OF LANDOWNER AT QUIKTRIP CORPORATION, 5725 FOXRIDGE DR., MISSION, KS 66202, AND MAY BE REVIEWED AS TO ALL DETAILS, WITH PARTICULAR REFERENCE TO SECTION 7 AND SECTION 9, UPON REASONABLE REQUEST.

DATED THIS _____ DAY OF _____ 2024.

MARICOPA COUNTY MUNICIPAL WATER CONSERVATION DISTRICT NUMBER ONE, A POLITICAL SUBDIVISION OF THE STATE OF ARIZONA ("MWD")

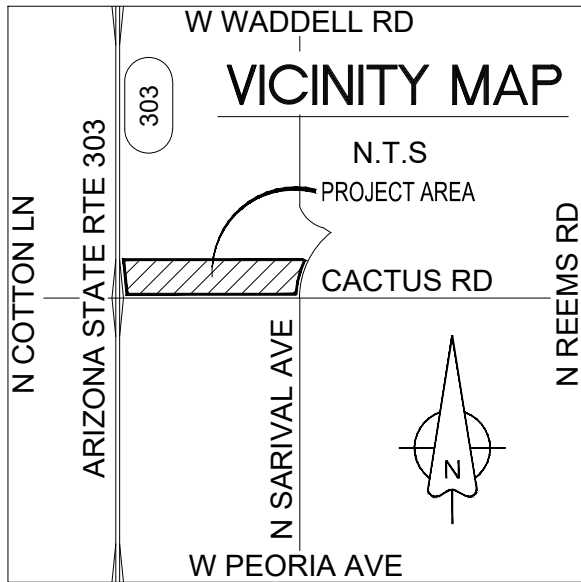
BY: _____ ITS: PROPERTY & CONTRACTS MANAGER
CHRISTINE CAIN

ATTEST:

BY: _____ ITS: ASSISTANT SECRETARY
GLEN VORTHERMS

QUIKTRIP CORPORAITON, AN OKLAHOMA CORPORATION

BY: _____ ITS: DIVISION REAL ESTATE MANAGER
MICHAEL Z WARD



OWNERS

LOTS 1-4, 6-10:
TTRG AZ SURPRISE CACTUS RD, LLC
901 WABASH AVE. SUITE 300
TERRE HAUTE, IN 47807

LOT 5:
QUIKTRIP CORPORATION
5725 FOXRIDGE DR.
MISSION, KS 66202

ENGINEER

ELEVATION CIVIL ENGINEERS, LLC
3260 N. HAYDEN RD. SUITE 210
SCOTTSDALE, AZ 85224
PHONE: (602) 810-2975
CONTACT: JUSTIN EVINGER, P.E.

SURVEYOR

RLF CONSULTING, LLC
2165 W. PECOS RD. SUITE 5
CHANDLER, AZ 85224
PHONE: (480) 445-9189
FAX: (480) 445-9185
CONTACT: MICHAEL E. FONDREN, R.L.S.

NOTE: SEE SHEET 2 FOR NOTES FOR RELEASE OF LIABILITY, PUBLIC NOTICE, INTERGOVERNMENTAL AGREEMENT NOTICES, GENERAL NOTES, BASIS OF BEARING, AND REFERENCE DOCUMENTS.

AREA TABLE		
	SQUARE FEET +/-	ACRES +/-
PARENT PARCEL 2	320,789	7.364
LOT 1	58,304	1.338
LOT 2	45,088	1.035
LOT 3	37,753	0.876
LOT 4	59,696	1.370
LOT 5	118,522	2.721
DEDICATED ROW	1,426	0.033
PARENT PARCEL 4	420,220	9.647
LOT 6	128,813	2.957
LOT 7	76,114	1.747
LOT 8	54,809	1.258
LOT 9	52,113	1.196
LOT 10	105,953	2.432
DEDICATED ROW	2,418	0.056
TOTAL	741,009	17.011

LIENHOLDER RATIFICATION

KNOW ALL MEN BY THESE PRESENTS: FIRST FINANCIAL BANK, N.A. THAT THE UNDERSIGNED AS BENEFICIARY OF THAT CERTAIN DEED OF TRUST

RECORDED IN DOCUMENT NO. _____, RECORDS OF MARICOPA COUNTY RECORDER, MARICOPA COUNTY, ARIZONA, HEREBY RATIFIES, AFFIRMS, AND APPROVES THIS PLAT, AND EACH AND EVERY DEDICATION CONTAINED HEREIN.

IN WITNESS WHEREOF, THE UNDERSIGNED HAVE SIGNED THEIR NAMES THIS

_____ DAY OF _____ 2024.

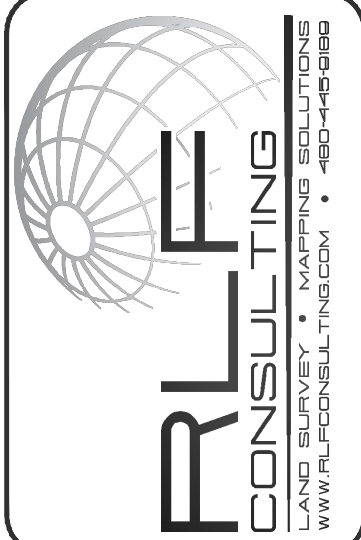
BY: _____ ITS: _____

NAME: _____

CERTIFICATION

I, MICHAEL E. FONDREN, HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR IN THE STATE OF ARIZONA, THAT THIS FINAL PLAT CONSISTING OF FOUR (4) SHEETS CORRECTLY REPRESENTS A SURVEY CONDUCTED UNDER MY SUPERVISION DURING THE MONTH OF FEBRUARY, 2022, AND THAT SAID MONUMENTS ARE SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED.

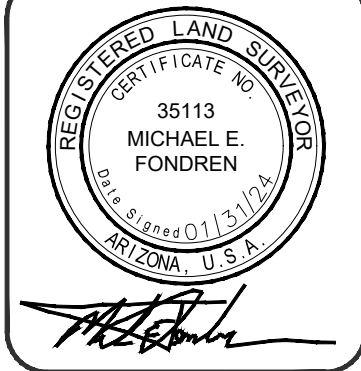
BY: _____ DATE: 01/31/2024
MICHAEL E. FONDREN
REGISTERED LAND SURVEYOR #35113



NO.	DATE	REVISION

PURPOSE:
FINAL PLAT

DRAWN BY: SKJ
CHECKED BY:MEF



FINAL PLAT FOR "CACTUS 303 RETAIL"
OF PARCELS 2 AND 4, OF A RE-PLAT OF LOTS 1, 3, 5, 9 AND 10, OF PRASADA-PHASE 1B SOUTH, AS SHOWN IN BOOK 1696 OF MAPS, PAGE 2, MARICOPA COUNTY RECORDER'S OFFICE, (M.C.R.), SITUATE IN THE SOUTHEAST QUARTER OF SECTION 13, TOWNSHIP 3 NORTH, RANGE 2 WEST, OF THE GILA AND SALT RIVER MERIDIAN, CITY OF SURPRISE, MARICOPA COUNTY, ARIZONA:

SECTION: 13
TWNHP: 3 N.
RANGE: 2 W.

JOB NO.:
09003137

SCALE
N / A

SHEET
1 OF 4

FINAL PLAT FOR "CACTUS 303 RETAIL"

OF PARCELS 2 AND 4, OF A RE-PLAT OF LOTS 1, 3, 5, 9 AND 10, OF PRASADA-PHASE 1B SOUTH, AS SHOWN IN BOOK 1696 OF MAPS, PAGE 2, MARICOPA COUNTY RECORDER'S OFFICE, (M.C.R.), SITUATE IN THE SOUTHEAST QUARTER OF SECTION 13, TOWNSHIP 3 NORTH, RANGE 2 WEST, OF THE GILA AND SALT RIVER MERIDIAN, CITY OF SURPRISE, MARICOPA COUNTY, ARIZONA:

RELEASE OF LIABILITY

TTRG AZ SURPRISE CACTUS RD, LLC, A DELAWARE LIMITED LIABILITY COMPANY, AS OWNER OF LOTS 1-4, 6 AND 8-12, AND QUIKTRIP CORPORATION, AN OKLAHOMA CORPORATION, AS OWNER OF LOT 5, DO HEREBY (1) RELEASE AND DISCHARGE THE UNITED STATES OF AMERICA DEPARTMENT OF THE AIR FORCE (USAF) AND THE CITY OF SURPRISE, AND (2) INDEMNIFY, DEFEND, AND HOLD HARMLESS THE USAF AND THE CITY OF SURPRISE, OF AND FROM ANY LIABILITY FOR ANY AND ALL CLAIMS FOR DAMAGES OF ANY KIND TO PERSONS OR PROPERTY THAT MAY ARISE AT ANY TIME IN THE FUTURE OVER, OR IN CONNECTION WITH AIRCRAFT OVERFLIGHTS FROM AIRCRAFT UTILIZING LUKE AIR FORCE BASE, WHETHER SUCH DAMAGE SHALL ORIGINATE FROM NOISE, VIBRATION, FUMES, DUST, FUEL AND LUBRICANT PARTICLES, AND ALL OTHER EFFECTS THAT MAY BE CAUSED BY THE OPERATION OF AIRCRAFT LANDING AT, OR TAKING OFF FROM, OR OPERATING AT OR ON LUKE AIR FORCE BASE AND ITS AUXILIARY FIELDS. THIS INSTRUMENT SHALL RUN WITH THE LAND AND BE BINDING UPON OWNERS 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.

TTRG AZ SURPRISE CACTUS RD, LLC, A DELAWARE LIMITED LIABILITY COMPANY, AS OWNER OF LOTS 1-4, 6 AND 8-12, AND QUIKTRIP CORPORATION, AN OKLAHOMA CORPORATION, AS OWNER OF LOT 5, DO HEREBY (1) RELEASE AND DISCHARGE THE CITY OF SURPRISE, (2) INDEMNIFY, DEFEND, AND HOLD HARMLESS THE CITY OF SURPRISE, OF AND FROM ANY LIABILITY FOR ANY AND ALL CLAIMS FOR DAMAGES OF ANY KIND TO PERSONS OR PROPERTY THAT MAY ARISE AT ANY TIME IN THE FUTURE OVER, OR IN CONNECTION WITH THE AREAS LOCATED WITHIN THE NEWLY DEDICATED RIGHT-OF-WAY AS DEPICTED ON THIS PLAT UNTIL SUCH TIME THE RIGHT-OF-WAY IS IMPROVED TO CITY STANDARDS AND THOSE IMPROVEMENTS ARE APPROVED AND ACCEPTED BY THE CITY COUNCIL. THE MAINTENANCE OF THE AREA WITHIN ANY NEWLY DEDICATED RIGHT-OF-WAY AS SHOWN ON THIS PLAT SHALL BE THE RESPONSIBILITY OF THE ADJACENT OWNER/OR SUBSEQUENT ADJACENT OWNERS WITHIN THE BOUNDARY OF SAID PLAT UNTIL SUCH TIME THAT THE AREA WITHIN THE RIGHT-OF-WAY IS IMPROVED TO CITY STANDARD AND ACCEPTED BY THE CITY OF SURPRISE.

OWNERS HEREBY FURTHER AGREE TO INDEMNIFY, DEFEND, AND HOLD HARMLESS THE CITY OF SURPRISE FROM ANY AND ALL CLAIMS FOR DAMAGES OF ANY KIND TO PERSONS OR PROPERTY THAT MAY ARISE IN CONNECTION WITH THE USE OF THE SIDEWALKS LOCATED WITHIN THE RIGHT-OF-WAY, UNTIL SUCH TIME THE CITY OF SURPRISE HAS ACCEPTED THE SIDEWALKS .

PUBLIC NOTICE

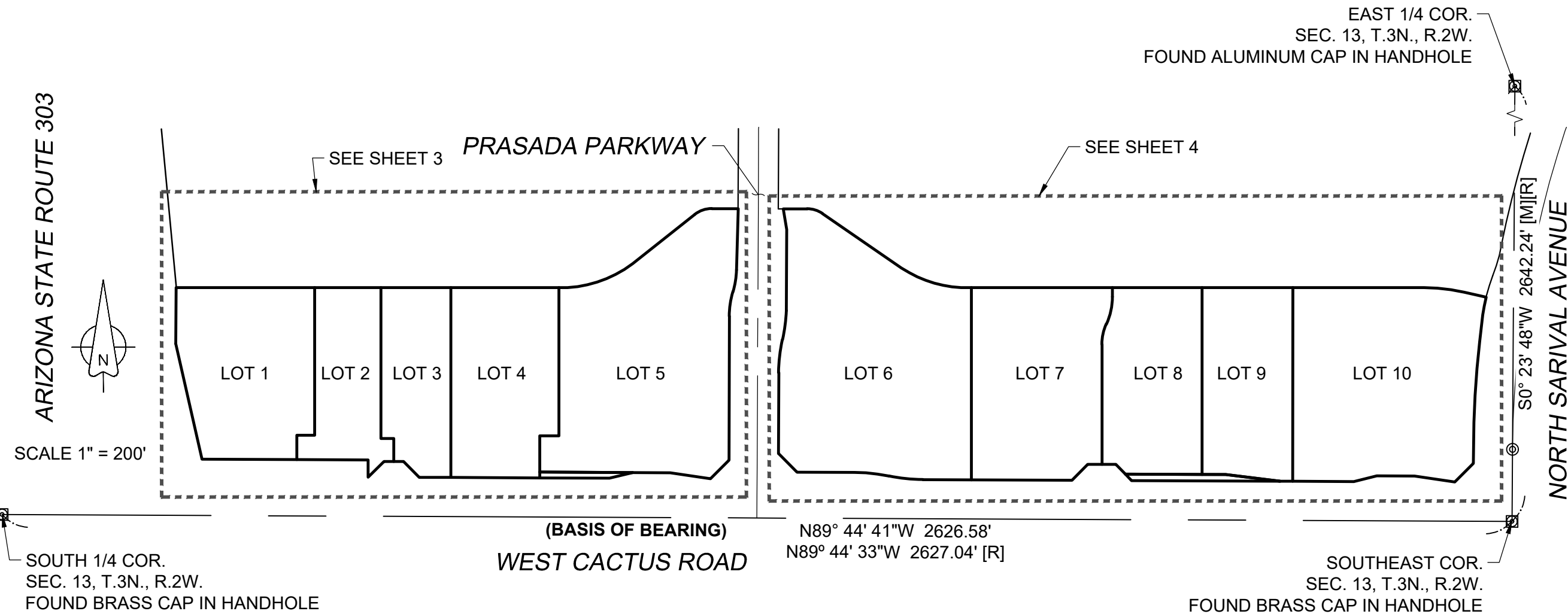
THE LOTS DEPICTED ON THIS PLAT ARE LOCATED WITHIN THE VICINITY OF LUKE AIR FORCE BASE AND MAY BE SUBJECT TO OVERFLIGHTS BY JET AIRCRAFT. ALL STRUCTURES WITHIN THIS PLAT SHALL BE CONSTRUCTED IN COMPLIANCE WITH THE SOUND ATTENUATION STANDARDS ADOPTED BY THE CITY OF SURPRISE. A MAP DEPICTING THE MOST CURRENT 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 .

NOTICES OF INTERGOVERNMENTAL AGREEMENT

THE CITY OF SURPRISE ("CITY") AND MARICOPA COUNTY MUNICIPAL WATER CONSERVATION DISTRICT NUMBER ONE ("MWD") ENTERED INTO AN INTERGOVERNMENTAL AGREEMENT DATED APRIL 8, 1997 AND RECORDED IN THE MARICOPA COUNTY RECORDER'S OFFICE ON APRIL 6, 1997, UNDER DOCUMENT NO. 97-231759 ("IGA"). CITY AND MWD HAVE FACILITIES AD PROPERTY INTERESTS DESCRIBED AND DELINEATED WITHIN CERTAIN SUBDIVISION PLATS OR, FOR LANDS NOT INCLUDED IN A SUBDIVISION PLAT, DECLARATIONS OF TURF LANDS OR DECLARATION OF URBANIZED AREA, THAT HAVE PRIOR AND SUPERIOR RIGHTS TO THE UTILITY SERVICE PROVIDERS, AS DEFINED IN THE IGA. THE IGA PROVIDES FOR THE CITY TO HAVE A PUBLIC UTILITY EASEMENT WITHIN CERTAIN MWD PROPERTY INTERESTS AND FOR MWD TO HAVE AN EASEMENT WITHIN CITY'S PUBLIC RIGHTS-OF-WAY. CITY AND MWD RIGHTS WITHIN THESE EASEMENTS AREA SUBJECT TO AND CONTROLLED BY THE TERMS AND CONDITIONS OF THE IGA.

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

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



GENERAL NOTES

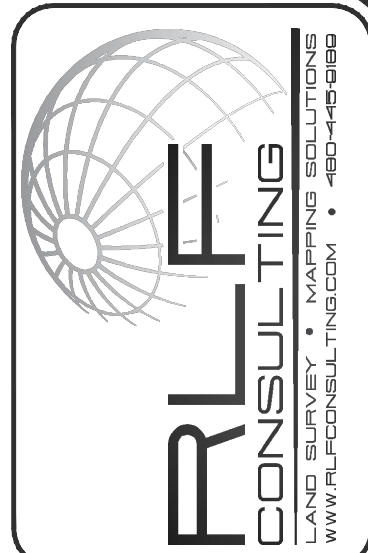
- CONSTRUCTION WITHIN PUBLIC UTILITY EASEMENTS EXCEPT BY PUBLIC AGENCIES AND UTILITY COMPANIES SHALL BE LIMITED TO UTILITIES, AND WOOD, WIRE OR REMOVABLE SECTION-TYPE FENCING UNLESS APPROVED OTHERWISE BY THE CITY OF SURPRISE.
- ALL ELECTRIC AND COMMUNICATION LINES TO BE CONSTRUCTED UNDERGROUND AS REQUIRED BY THE ARIZONA CORPORATION COMMISSION.
- THIS SUBDIVISION IS LOCATED WITHIN CITY OF SURPRISE WATER SERVICE AREA AND HAS BEEN DESIGNATED AS HAVING AN ASSURED WATER SUPPLY.
- NO STRUCTURES SHALL BE CONSTRUCTED IN OR ACROSS, NOR SHALL OTHER IMPROVEMENTS OR ALTERATIONS BE MADE TO THE DRAINAGE FACILITIES THAT ARE A PART OF THIS DEVELOPMENT WITHOUT WRITTEN AUTHORIZATION OF THE CITY OF SURPRISE.
- ALL UTILITIES SHALL BE PLACED UNDERGROUND.
- THE CITY OF SURPRISE IS NOT RESPONSIBLE FOR AND WILL NOT ACCEPT THE MAINTENANCE OF ANY PRIVATE STREETS, PRIVATE UTILITIES, PRIVATE FACILITIES AND LANDSCAPED AREAS WITHIN THE PROJECT.
- ALL RETENTION BASINS MUST DRAIN ANY STORM EVENT UP TO AND INCLUDING THE 100-YEAR, TWO-HOUR STORM WITHIN THIRTY-SIX (36) HOURS. OWNER(S) OF ANY BASIN FAILING TO MEET THIS REQUIREMENT MUST TAKE CORRECTIVE ACTION TO BRING THE BASIN INTO COMPLIANCE.
- ALL DRYWELLS ON THIS PROJECT SHALL BE MAINTAINED BY THE OWNER(S) AND ARE TO BE REPLACED BY THE OWNER(S) WHEN THEY CEASE TO DRAIN THE SURFACE WATER IN A THIRTY-SIX (36) HOUR PERIOD. REGULAR MAINTENANCE OF THE DRYWELL SILTING CHAMBER IS REQUIRED TO ACHIEVE THE BEST OPERATION OF THE DRYWELL.
- ALL INDIVIDUAL LOT PROPERTY CORNERS SHALL BE SET WITH 1/2" REBAR AND CAP BEARING THE REGISTRATION NUMBER OF THE SURVEYOR RESPONSIBLE FOR THEIR PLACEMENT.
- NO ON SITE GRADING OR EXCAVATION SHALL OCCUR WITHOUT FIRST OBTAINING A PERMIT FROM THE CITY OF SURPRISE.
- ALL COMMERCIAL/INDUSTRIAL BUILDINGS SHALL BE EQUIPPED WITH A FIRE SPRINKLING SYSTEM, SUBJECT TO THE REVIEW AND APPROVAL BY THE CITY OF SURPRISE FIRE CHIEF OR THE FIRE CHIEF'S DESIGNEE.
- ZONING FOR THIS PROPERTY IS PAD (PGV-RC).
- THE PROPERTY IS LOCATED WITHIN AN AREA HAVING FLOOD ZONE "X" BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, ON FLOOD INSURANCE RATE MAP NO. 04013C1680L, 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.
- PURSUANT TO A.R.S. § 42-11102, THE CITY OF SURPRISE, A POLITICAL SUBDIVISION OF THE STATE OF ARIZONA, IS EXEMPT FROM ALL TAXES AND ASSESSMENTS BASED ON ASSESSED VALUE EXCEPT FOR SPECIAL DISTRICTS #14751 AND 14710, WHEN APPLICABLE.
- IN ACCORDANCE WITH ARS § 9-461.07, THE CITY OF SURPRISE HAS DETERMINED THAT ALL DEDICATIONS OCCURRING WITH THIS PLAT ARE IN CONFORMANCE WITH THE SURPRISE GENERAL PLAN.
- THE MAINTENANCE OF LANDSCAPING WITHIN THE OPEN SPACES, LANDSCAPED TRACTS, AND RETENTION BASINS SHALL BE THE RESPONSIBILITY OF THE OWNER OR THE ASSOCIATION FORMED BY THE OWNER.
- THE MAINTENANCE OF LANDSCAPING WITHIN THE ADJACENT PUBLIC RIGHTS-OF-WAY, INCLUDING LANDSCAPED MEDIANS WITHIN COLLECTORS AND LOCAL STREETS AND LANDSCAPED AREAS BETWEEN THE CURB AND THE DETACHED SIDEWALK, SHALL BE THE RESPONSIBILITY OF THE ADJACENT PROPERTY OWNER OR THE 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 RESPONSIBILITY OF THE CITY OF SURPRISE AFTER ACCEPTANCE.
- GLOBAL POSITIONING SATELLITE (G.P.S.) INSTRUMENTATION WAS USED DURING THE COURSE OF THE FIELD SURVEY. ALL DISTANCES REFERENCED HEREON HAVE BEEN CALCULATED TO GROUND DISTANCES USING A COMBINED SCALE FACTOR OF 1.000127.
- MEASUREMENTS SHOWN HEREON FALL WITHIN ACCEPTABLE TOLERANCES AS DEFINED BY THE ARIZONA MINIMUM BOUNDARY STANDARDS UNLESS OTHERWISE NOTED.
- DISTANCES AND BEARINGS ARE MEASURED VALUES UNLESS NOTED OTHERWISE.

BASIS OF BEARING

NORTH 89°44'41" WEST ALONG THE MEASURED SOUTH LINE OF THE SOUTHEAST QUARTER OF SECTION 13, TOWNSHIP 3 NORTH, RANGE 2 WEST, RECORDED AS NORTH 89°44'39" WEST IN MCDOT GDACS SURVEY, RECORDED IN BOOK 661 OF PLAT MAPS, PAGE 18, MC.R.

REFERENCE DOCUMENTS

- [R] RE-PLAT OF LOTS 1, 3, 5, 9 AND 10, OF PRASADA-PHASE 1B SOUTH, AS SHOWN IN BOOK 1696 OF PLAT MAPS, PAGE 2, M.C.R.
- [R2] "PRASADA - PHASE 1A", AS RECORDED IN BOOK 948 OF PLAT MAPS, PAGE 44, M.C.R.
- [R3] "PRASADA - PHASE 1B SOUTH", AS RECORDED IN BOOK 954 OF PLAT MAPS, PAGE 50, MARICOPA COUNTY RECORDS (M.C.R.)
- [R4] RECORD OF SURVEY PLSS SUBDIVISION | MARICOPA COUNTY GEODETIC DENSIFICATION AND CADASTRAL SURVEY | SECTIONS 1 THROUGH 36 IN TOWNSHIP 3 NORTH, RANGE 2 WEST OF THE GILA AND SALT RIVER MERIDIAN, RECORDED IN BOOK 661 OF PLAT MAPS, PAGE 18, M.C.R.
- [R5] SPECIAL WARRANTY DEED, RECORDED IN DOCUMENT NUMBER 2023-0240219, M.C.R.



NO.	DATE	REVISION	BY

PURPOSE:
FINAL PLAT

DRAWN BY: SKJ
CHECKED BY:MEF



FINAL PLAT FOR "CACTUS 303 RETAIL"
OF PARCELS 2 AND 4, OF A RE-PLAT OF LOTS 1, 3, 5, 9 AND 10, OF PRASADA-PHASE 1B SOUTH, AS SHOWN IN BOOK 1696 OF MAPS, PAGE 2, MARICOPA COUNTY RECORDER'S OFFICE, (M.C.R.), SITUATE IN THE SOUTHEAST QUARTER OF SECTION 13, TOWNSHIP 3 NORTH, RANGE 2 WEST, OF THE GILA AND SALT RIVER MERIDIAN, CITY OF SURPRISE, MARICOPA COUNTY, ARIZONA:

SECTION: 13
TWNSHIP: 3 N.
RANGE: 2 W.

JOB NO.:
09003137

SCALE
N / A

SHEET
2 OF 4

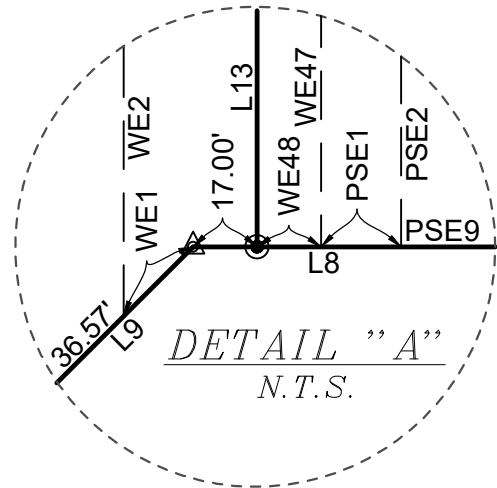
WATER EASEMENT (WE) LINE TABLE					
LINE	BEARING	LENGTH	LINE	BEARING	LENGTH
WE1	S45° 13' 30"W	2.21	WE25	N0° 00' 00"E	5.00
WE2	N0° 00' 00"E	34.37	WE26	N90° 00' 00"W	11.00
WE3	N90° 00' 00"W	193.94	WE27	S0° 00' 00"E	5.00
WE4	N0° 00' 00"E	31.72	WE28	S89° 45' 42"W	10.00
WE5	N90° 00' 00"W	6.50	WE29	N0° 00' 00"E	5.04
WE6	N0° 00' 00"E	10.00	WE30	N90° 00' 00"W	43.00
WE7	N90° 00' 00"E	6.50	WE31	S0° 00' 00"E	12.50
WE8	N0° 00' 00"E	227.63	WE32	N90° 00' 00"W	20.00
WE9	N90° 00' 00"E	693.60	WE33	N0° 00' 00"E	12.50
WE10	N0° 00' 00"E	12.50	WE34	N90° 00' 00"W	88.25
WE11	N90° 00' 00"E	20.00	WE35	S0° 00' 00"E	5.00
WE12	S0° 00' 00"E	12.50	WE36	S89° 45' 42"W	10.00
WE13	N90° 00' 00"E	91.24	WE37	N0° 00' 00"E	5.04
WE14	N90° 00' 00"W	130.26	WE38	N90° 00' 00"W	96.22
WE15	S0° 00' 00"E	5.00	WE39	S0° 00' 00"E	14.41
WE16	N90° 00' 00"W	10.00	WE40	N90° 00' 00"W	18.80
WE17	N0° 00' 00"E	5.00	WE41	S0° 00' 00"E	214.95
WE18	N90° 00' 00"W	219.04	WE42	N90° 00' 00"E	10.60
WE19	S0° 00' 00"E	12.50	WE43	N0° 00' 00"E	23.80
WE20	N90° 00' 00"W	20.00	WE44	N90° 00' 00"E	20.00
WE21	N0° 00' 00"E	12.50	WE45	S0° 00' 00"E	23.80
WE22	N90° 00' 00"W	93.12	WE46	N90° 00' 00"E	163.34
WE23	S0° 00' 00"E	5.00	WE47	S0° 00' 00"E	52.90
WE24	N90° 00' 00"W	10.00	WE48	N89° 42' 37"W	1.43

PROPERTY (C) CURVE TABLE					
CURVE	RADIUS	DELTA	LENGTH	CHORD BRG.	CHORD LENGTH
C1	208.08	33°41'38"	122.37	N69° 43' 21"E	120.61
C2	47.50	38°18'40"	31.76	N70° 50' 40"E	31.17
C3	148.00	15°00'35"	38.77	S9° 00' 47"W	38.66
C4	152.00	16°15'37"	43.14	S8° 23' 16"W	42.99
C7	298.00	11°08'02"	57.91	N6° 37' 54"E	57.82
C8	302.00	9°38'53"	50.85	N7° 22' 29"E	50.79
C9	47.04	34°31'29"	28.35	S72° 44' 15"E	27.92

PROPERTY (L) LINE TABLE					
LINE	BEARING	LENGTH	LINE	BEARING	LENGTH
L1	N90° 00' 00"E	46.06	L13	S0° 00' 39"E	40.02
L2	S1° 30' 19"W	106.68	L14	N90° 00' 00"W	33.41
L3	S45° 09' 17"W	45.70	L15	S0° 00' 00"E	73.08
L4	N81° 38' 12"W	70.68	L16	N82° 17' 23"E	86.80
L5	N89° 42' 29"W	65.47	L26	N89° 43' 13"W	99.73
L6	S76° 11' 17"W	41.22	L27	N44° 44' 42"W	45.88
L7	N44° 45' 35"W	38.75	L28	N0° 12' 07"E	140.35
L8	N89° 42' 37"W	33.99	L29	N9° 25' 30"W	36.59
L9	S45° 13' 30"W	38.78	L30	N90° 00' 00"E	41.76
L10	N0° 03' 44"W	29.92	L32	S89° 40' 00"E	78.41
L11	N89° 44' 33"W	46.82	L34	S0° 00' 00"E	62.97
L12	N90° 00' 00"E	22.30	L35	S0° 00' 00"E	10.11

PSE LINE TABLE		
LINE	BEARING	LENGTH
PSE1	S89° 42' 37"E	1.03
PSE2	N0° 00' 00"E	22.16
PSE3	N90° 00' 00"W	186.65
PSE4	N0° 00' 00"E	10.00
PSE5	N90° 00' 00"E	512.98
PSE6	S0° 00' 00"E	10.00
PSE7	N90° 00' 00"W	316.33
PSE8	S0° 00' 00"E	22.21
PSE9	N89° 42' 37"W	10.00

MUE LINE TABLE		
LINE	BEARING	LENGTH
MUE1	N0° 00' 00"E	19.81
MUE2	N0° 00' 00"E	10.19
MUE3	S89° 42' 29"E	158.07
MUE4	S76° 11' 17"W	41.52
MUE5	N89° 44' 41"W	117.75



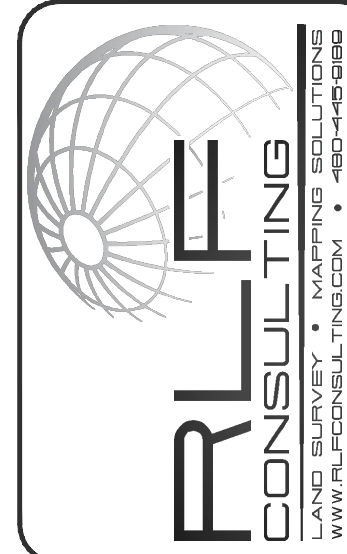
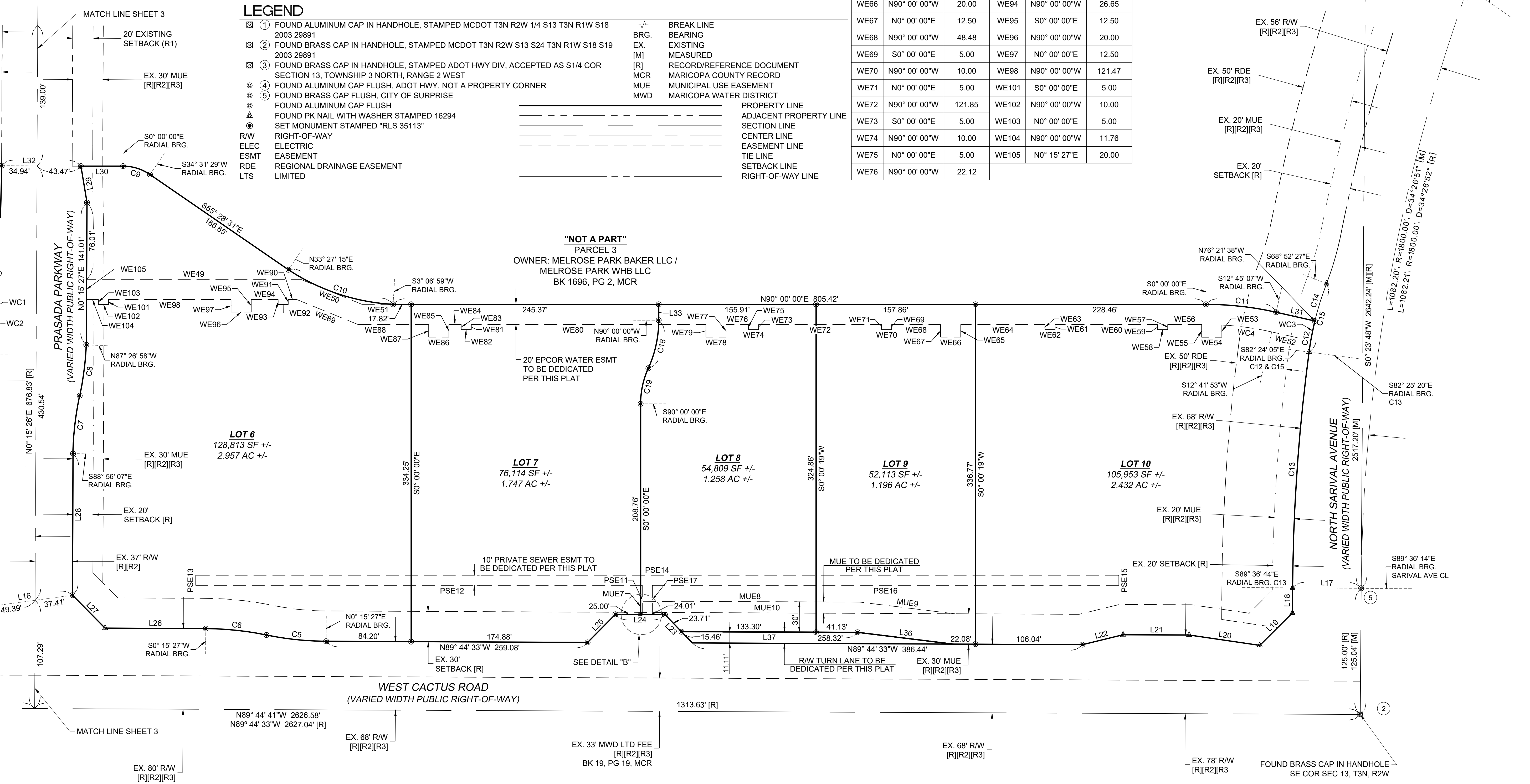
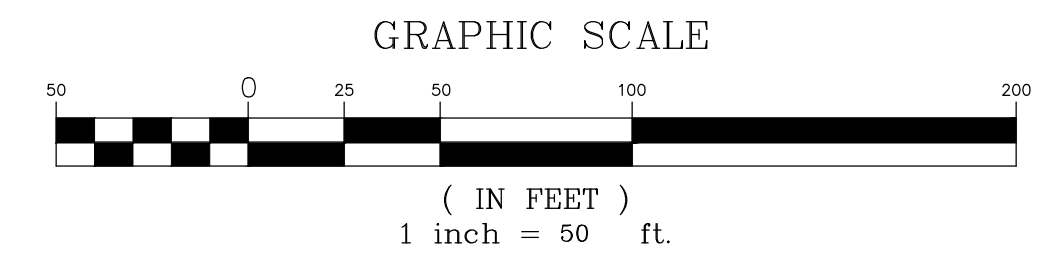
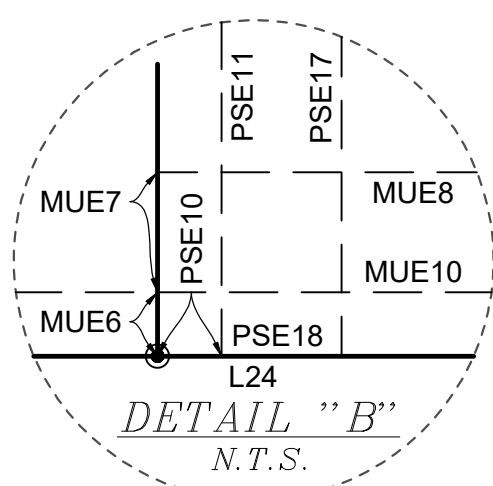
PROPERTY (L) LINE TABLE					
LINE	BEARING	LENGTH	LINE	BEARING	LENGTH
L16	N82° 17' 23"E	86.80	L26	N89° 43' 13"W	99.73
L17	N89° 37' 40"W	67.93	L27	N44° 44' 42"W	45.88
L18	S0° 25' 54"W	24.80	L28	N0° 12' 07"E	140.35
L19	S45° 05' 54"W	45.64	L29	N9° 25' 30"W	36.59
L20	N81° 38' 21"W	70.75	L30	N90° 00' 00"E	41.76
L21	N89° 45' 00"W	65.48	L31	S77° 14' 53"E	39.31
L22	S76° 15' 28"W	41.48	L32	S89° 40' 00"E	78.41
L23	N44° 06' 43"W	39.17	L33	S0° 00' 00"E	15.74
L24	N89° 44' 33"W	49.01	L36	N82° 58' 00"W	95.37
L25	S44° 40' 32"W	39.19	L37	N89° 48' 34"W	174.42

PROPERTY (C) CURVE TABLE					
CURVE	RADIUS	DELTA	LENGTH	CHORD BRG.	CHORD LENGTH
C5	297.42	11°28'42"	59.58	N84° 00' 12"W	59.48
C6	302.58	11°28'42"	60.62	N84° 00' 12"W	60.52
C7	298.00	11°08'02"	57.91	N6° 37' 54"E	57.82
C8	302.00	9°38'53"	50.85	N7° 22' 29"E	50.79
C9	47.04	34°31'29"	28.35	S72° 44' 15"E	27.92
C10	208.68	30°20'16"	110.49	S71° 42' 53"E	109.21
C11	315.00	12°45'07"	70.11	S83° 37' 26"E	69.96
C12	297.42	6°02'27"	31.36	S10° 37' 08"W	31.34
C13	1868.00	7°11'25"	234.42	S3° 58' 58"W	234.27
C14	297.42	7°29'11"	38.86	S17° 22' 57"W	38.83
C15	297.42	13°31'38"	70.22	S14° 21' 44"W	70.06
C18	115.00	24°26'57"	49.07	S12° 13' 28"W	48.70
C19	85.00	24°26'57"	36.27	S12° 13' 28"W	36.00

PSE LINE TABLE		
LINE	BEARING	LENGTH
PSE10	S89° 44' 33"E	1.58
PSE11	N0° 00' 00"E	28.83
PSE12	N90° 00' 00"W	442.45
PSE13	N0° 00' 00"E	10.00
PSE14	N90° 00' 00"E	914.71
PSE15	S0° 00' 00"E	10.00
PSE16	N90° 00' 00"W	462.26
PSE17	S0° 00' 00"E	28.87
PSE18	N89° 44' 33"W	10.00

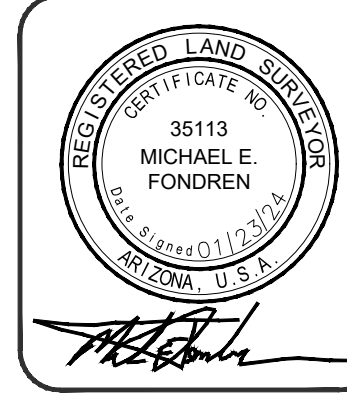
WATER EASEMENT (WE) LINE TABLE					
LINE	BEARING	LENGTH	LINE	BEARING	LENGTH
WE49	N90° 00' 00"E	212.03	WE77	S0° 00' 00"E	12.50
WE50	S67° 45' 00"E	65.72	WE78	N90° 00' 00"W	20.00
WE51	N90° 00' 00"E	30.90	WE79	N0° 00' 00"E	12.50
WE52	N77° 18' 07"W	39.66	WE80	S90° 00' 00"W	232.53
WE53	S0° 00' 00"E	12.09	WE81	S0° 00' 00"E	5.00
WE54	N90° 00' 00"W	20.00	WE82	N90° 00' 00"W	10.00
WE55	N0° 00' 00"E	12.52	WE83	N0° 00' 00"E	5.00
WE56	N90° 00' 00"W	33.68	WE84	N89° 59' 58"W	12.23
WE57	S0° 00' 00"E	5.00	WE85	S0° 00' 00"E	12.50
WE58	N90° 00' 00"W	10.00	WE86	N90° 00' 00"W	20.00
WE59	N0° 00' 00"E	5.00	WE87	N0° 00' 00"E	12.50
WE60	N90° 00' 00"W	101.56	WE88	N90° 00' 00"W	70.02
WE61	S0° 00' 00"E	5.00	WE89	N67° 45' 00"W	65.72
WE62	N90° 00' 00"W	10.00	WE90	N90° 00' 00"W	8.31
WE63	N0° 00' 00"E	5.00	WE91	S0° 00' 00"E	5.00
WE64	N90° 00' 00"W	83.53	WE92	N90° 00' 00"W	10.00
WE65	S0° 00' 00"E	12.50	WE93	N0° 00' 00"E	5.00
WE66	N90° 00' 00"W	20.00	WE94	N90° 00' 00"W	26.65
WE67	N0° 00' 00"E	12.50	WE95	S0° 00' 00"E	12.50
WE68	N90° 00' 00"W	48.48	WE96	N90° 00' 00"W	20.00
WE69	S0° 00' 00"E	5.00	WE97	N0° 00' 00"E	12.50
WE70	N90° 00' 00"W	10.00	WE98	N90° 00' 00"W	121.47
WE71	N0° 00' 00"E	5.00	WE101	S0° 00' 00"E	5.00
WE72	N90° 00' 00"W	121.85	WE102	N90° 00' 00"W	10.00
WE73	S0° 00' 00"E	5.00	WE103	N0° 00' 00"E	5.00
WE74	N90° 00' 00"W	10.00	WE104	N90° 00' 00"W	11.76
WE75	N0° 00' 00"E	5.00	WE105	N0° 15' 27"E	20.00
WE76	N90° 00' 00"W	22.12			

MUE LINE TABLE		
LINE	BEARING	LENGTH
MUE6	N0° 00' 00"E	2.03
MUE7	N0° 00' 00"E	10.97
MUE8	S89° 48' 34"E	216.84
MUE9	S82° 58' 00"E	95.03
MUE10	N89° 44' 41"W	311.15



NO.	DATE	REVISION	BY

DRAWN BY: SKJ
CHECKED BY:MEF



FINAL PLAT FOR "CACTUS 303 RETAIL"
OF PARCELS 2 AND 4 OF A RE-PLAT OF LOTS 1, 3, 5, 9 AND 10, OF PRASADA-PHASE B SOUTH, AS SHOWN IN BOOK 1696 OF MAPS, PAGE 2, MARICOPA COUNTY RECORDER'S OFFICE. (M.C.R.), SITUATE IN THE SOUTHEAST QUARTER OF SECTION 13, TOWNSHIP 3 NORTH, RANGE 2 WEST, OF THE GILA AND SALT RIVER MERIDIAN, CITY OF SURPRISE, MARICOPA COUNTY, ARIZONA.

SECTION: 13
TWN: 3 N.
RANGE: 2 W.

JOB NO.:
09003137

SCALE
1" = 50'

SHEET
4 OF **4**

From: [RAHN, JENNIFER L CIV USAF AETC 56 FW/CVE](#)
To: [Tierney Farago](#)
Cc: [56 FW/CIT Community Initiative](#); [JAMES, MARK C CIV USAF AETC 56 FW/CVE](#)
Subject: RE: FS23-0238 NEC 303 & Cactus New Digital Submittal 03.20.23
Date: Wednesday, April 12, 2023 1:25:29 PM
Importance: High

The e-mail below is from an external source. Please do not open attachments or click links from an unknown or suspicious origin.

Ms. Farago,

Thank you for allowing Luke AFB to make comments on the NEC 303 & Cactus Application. This master site plan application is for 12 pads that will consist of retail and a drive-thru restaurant. The site is located at the NEC of the 303 and Cactus in Surprise, AZ. It is approximately 4.2 miles outside the Luke AFB 1988 JLUS 65 Ldn, "high noise or accident potential zone" as defined by A.R.S. § 28-8461 and is inside the "territory in the vicinity of a military airport" also defined by A.R.S. § 28-8461.

As described in the application, this request will not have a negative impact on Luke AFB Flight Operations. Since the site will be located inside the "territory in the vicinity of a military airport," it will be subjected to approximately 165 over flights per day. We recommend a strong notification program on the part of the applicant to inform future tenant(s) about Luke AFB operations.

V/r,

Jenn Rahn

Senior Planner, Community Initiatives Team
56th Fighter Wing
Luke AFB AZ 85309
Office: 623-856-9981
DSN: 896-9981

From: Tierney Farago <Tierney.Farago@surpriseaz.gov>
Sent: Monday, March 20, 2023 4:02 PM
To: 56 FW/CIT Community Initiative <56FW.CIT.CommunityInitiative@us.af.mil>; Afshin Ahouraiyan (Flood Control District of Maricopa County) <Afshin.Ahouraiyan@Maricopa.Gov>; Alex Garza (Maricopa Assoc of Governments) <AGarza@azmag.gov>; Chris Cain (Maricopa Water District) <chrisc@mwdaz.com>; Darren Gerard <Darren.Gerard@maricopa.gov>; Debbie Trasancos (Maricopa Water District) <debbiet@mwdaz.com>; Douglas Kirkland (Epcor) <dkirkland@epcor.com>; Ernest (USPS) <Ernest.L.James@usps.gov>; Eva Pierce <eva.pierce@dysart.org>; Ibeth - USPS <Ibeth.L.Roman@usps.gov>; Jerome Choy (ADOT) <jchoy@azdot.gov>; Kevin Shipman <kevin.shipman@dysart.org>; Leslie - MWD <lesliej@mwdaz.com>; Mark Frago <fragom@mail.maricopa.gov>; Mary Orta - Surprise Chamber

<mary.orta@surpriseregionalchamber.com>; MCDOT <MCDOTPlanning@maricopa.gov>; Raoul Sada
- Surprise Chamber <raoul@surpriseregionalchamber.com>; Victor.Schaum
<Victor.Schaum@cox.com>; Yvonne Aguirre <yvonne.aguirre@swgas.com>
Cc: Nichole Flores <Nichole.Flores@surpriseaz.gov>
Subject: [Non-DoD Source] FS23-0238 NEC 303 & Cactus New Digital Submittal 03.20.23

Good afternoon,

Attached please find the **application, narrative, and final plat** for the above referenced project.

Please feel free to contact us with any questions.

Thanks,

TIERNEY FARAGO

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

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

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

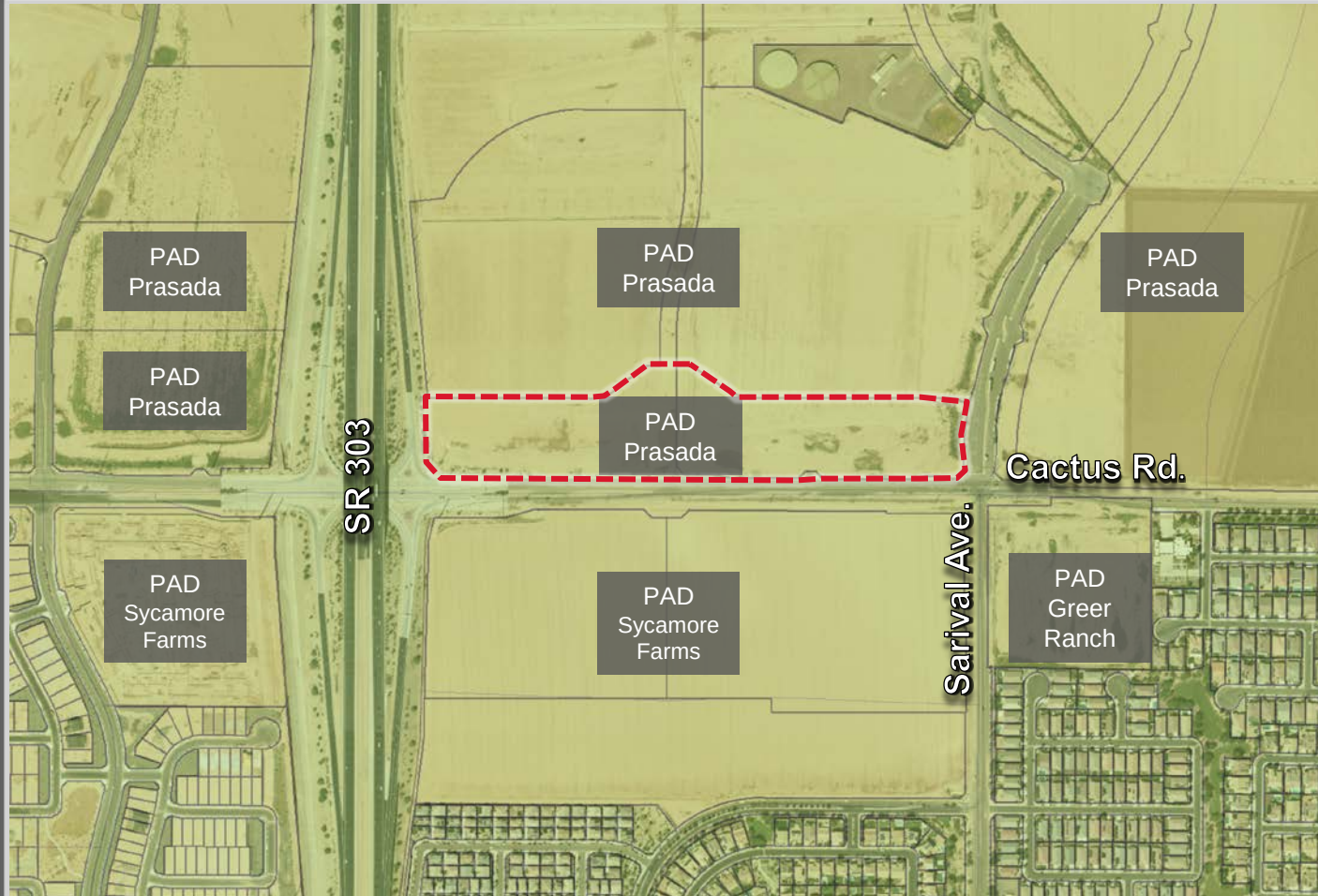


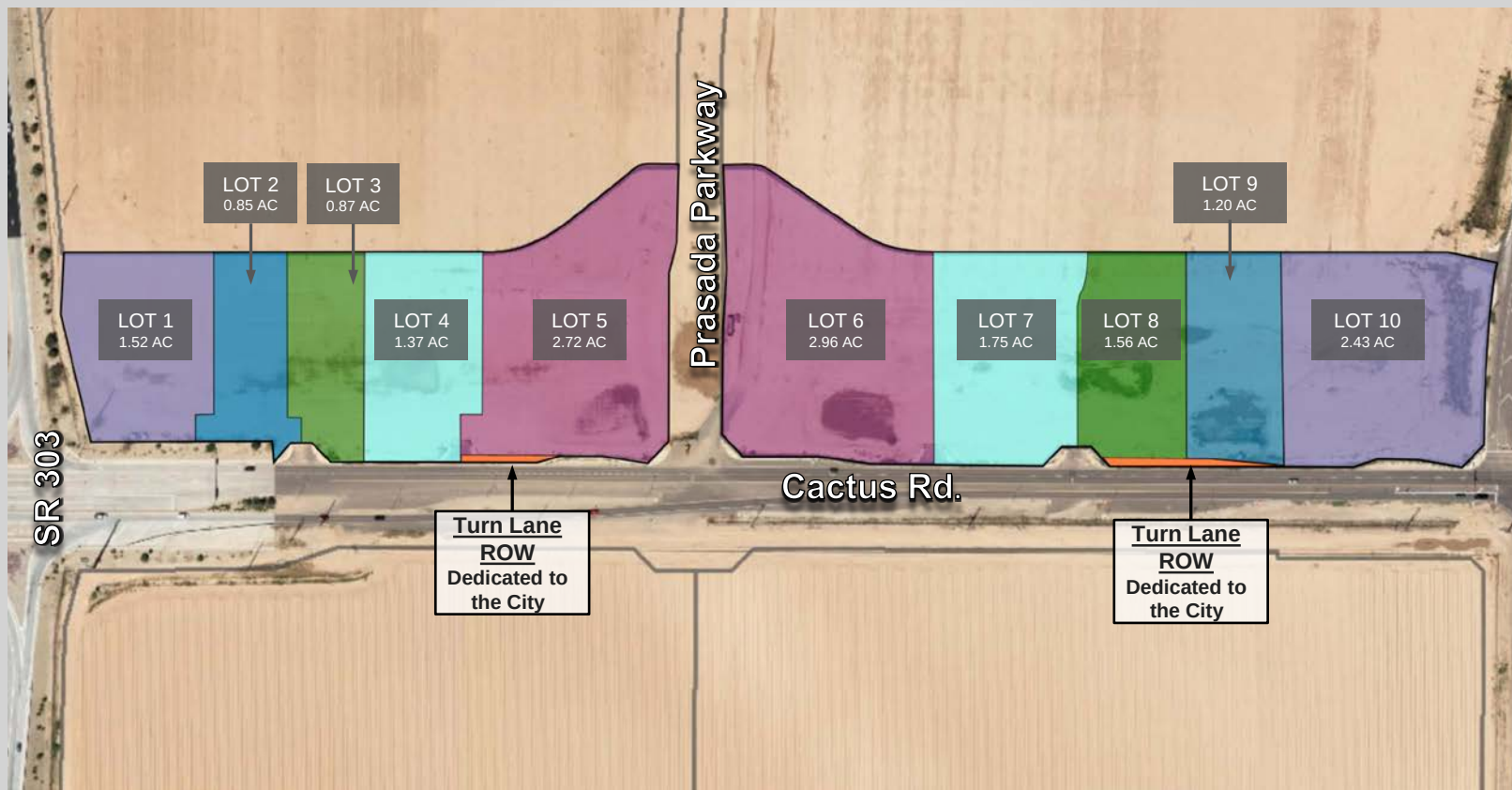
FS23-0238
NEC 303 & Cactus
Final Plat

City Council
April 02, 2024



VICINITY MAP



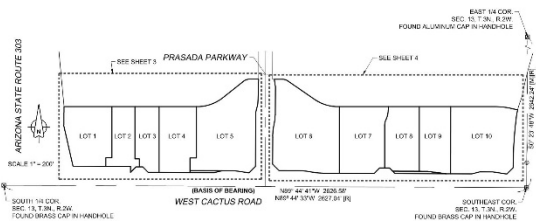


OF PARCELS 2 AND 4, OF A RE-PLAT OF LOTS 1, 3, 5, 9 AND 10, OF PRASADA-PHASE 1B SOUTH, AS SHOWN IN BOOK 1696 OF MAPS, PAGE 2, MARICOPA COUNTY RECORDER'S OFFICE, (M.C.R.), SITUATE IN THE SOUTHEAST QUARTER OF SECTION 13, TOWNSHIP 3 NORTH, RANGE 2 WEST, OF THE GILA AND SALT RIVER MERIDIAN, CITY OF SURPRISE, MARICOPA COUNTY, ARIZONA:

[illegible]

TRICE AZURE SUBURBAN DEVELOPMENT, L.L.C. A JOINT VENTURE LIMITED LIABILITY COMPANY, AS OWNER OF LOTS 1, 4, 6, 8, 9, 10, AND 12, AND QUINCY TRACT COMPANY, AN ORLEANS PARISH CORPORATION, AS OWNER OF LOTS 2, 3, 5, 7, 11, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830,

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

[illegible]

- CONSTRUCT ON ANY OTHER PUBLIC UTILITY ENHANCEMENTS SUBJECT BY PUBLIC AGENCIES TO THE CITY OF DENVER. THE CITY OF DENVER WILL BE RESPONSIBLE FOR THE REGULAR MAINTENANCE OF THE REMOVED SECTION. TYPE FINISHES UNDERLAIN BY THE CITY OF DENVER SHALL BE REPAIRED BY THE CITY OF DENVER.
- ALL RESTRUCTURE AND COMMODIFICATION LINES TO BE CONSTRUCTED UNDERGROUND AS REQUESTED BY THE ARIZONA CORPORATION COMMISSION.
- THE SUBSTATION IS LOCATED WITHIN A CITY OF DENVER WATER SERVICE AREA AND SHALL BE CONSTRUCTED WITHIN THE CITY OF DENVER WATER SERVICE AREA.
- NO STRUCTURES SHALL BE CONSTRUCTED IN OR ACROSS, NOR SHALL OTHER UTILITIES BE PLACED IN OR ACROSS, ANY OF THE CITY OF DENVER WATER SERVICE AREAS. ANY PART OF THE DEVELOPMENT WITHOUT WRITTEN AUTHORIZATION OF THE CITY OF DENVER SHALL BE CONSIDERED VIOLATION.
- ALL UTILITIES SHALL BE PLACED UNDERGROUND.
- THE CITY OF DENVER IS NOT RESPONSIBLE FOR AND WILL NOT ACCEPT THE MAINTENANCE OF ANY PRIVATE STRUCTURES, PRIVATE UTILITIES, PRIVATE FACILITIES OR ANY OTHER STRUCTURES OR UTILITIES.
- ALL RETENTION BASINS MUST OBTAIN ANY STORM FLOW STOP AND TO INCLUDING THE 10-YEAR, 100-YEAR FLOW STOP WITHIN 15 DAYS (OR LONGER) OF THE OCCURRENCE OF THE FLOODING EVENT. THE CITY OF DENVER WILL BE RESPONSIBLE FOR THE REGULAR MAINTENANCE OF THE RETENTION BASINS.
- ALL STRUCTURES SHALL BE MAINTAINED BY THE OPERATOR AND SHALL BE REPLACED BY THE OPERATOR WHEN THEY CEASE TO FUNCTION. THE CITY OF DENVER WILL BE RESPONSIBLE FOR THE REGULAR MAINTENANCE OF THE STRUCTURES.
- ALL INDIVIDUALS SELLING CHURCHES IS REQUIRED TO HAVE THE WRITTEN OPINION OF A PROFESSIONAL ENGINEER.
- ALL DEVELOPING PROPERTY OWNERS SHALL BE REQUIRED TO GET THE WRITTEN OPINION OF A PROFESSIONAL ENGINEER.
- NO ONE SITE GRADING OR OCCUPATION SHALL OCCUR WITHOUT FIRST OBTAINING A PERMIT FROM THE CITY OF DENVER.
- ALL CONSTRUCTION OF THE STRUCTURES SHALL BE EQUIPPED WITH A FIRE SPRINKLING SYSTEM, SUBJECT TO THE REVIEW AND APPROVAL BY THE CITY OF DENVER.

NORTH 89°44'1" WEST ALONG THE MEASURED SOUTH LINE OF THE SOUTHEAST QUARTER OF SECTION 15, TOWNSHIP 3 NORTH, RANGE 2 WEST, RECORDED AS NORTH 89°44'38" WEST IN MCDOT GOACS SURVEY, RECORDED IN BOOK 651 OF PLAT MAPS. PAGE 15, MC.R.

[R1] RE: AT OF LOTS 1, 3, 5 & 6 IN PRASADA-PHASE 1B SOUTH, AS SHOWN IN BOOK 106 OF PLAT MAPS, PAGE 2, M.C.R.

[R2] PRASADA - PHASE 1A", AS RECORDED IN BOOK 145 OF PLAT MAPS, PAGE 44, M.C.R.

[R3] PRASADA - PHASE 1B SOUTH", AS RECORDED IN BOOK 164 OF PLAT MAPS, PAGE 44, MARICOPA COUNTY RECORDS (M.C.R.)

[R4] RECORD OF SURVEY PLAT SUBDIVISION | MARICOPA COUNTY GEODETIC COMMISSION AND CADASTRAL SURVEY | SECTIONS | THROUGH IN IN TOWNSHIP 3 NORTH, RANGE 2 WEST, RANGE 1 EAST, T.3N, R.2W, E.1E, AS SHOWN IN BOOK 601 OF PLAT MAPS, PAGE 18, M.C.R.

[R5] SPECIAL WARRANTY DEED, RECORDED IN DOCUMENT NUMBER 2022-0210274, M.C.R.

- [illegible]

FINAL PLAT FOR 'CACTUS 303 RETAIL' *
 OFF PARCELS 2 AND 4 OF A 1/4-PLAT OF LOTS 1, 3, 9 AND 10, OF PARADISE-PHASE II SOUTH
 AS SHOWN IN BOOK 1996 OF MAPS, PAGE 2, MARICOPA COUNTY RECORDER'S OFFICE, (MCR)
 SITUATE IN THE SOUTHEAST QUARTER OF SECTION 3 NORTH, RANGE 2 WEST, OF
 THE GLA. AND SALT RIVER MERCANT, CITY OF SUPRISE, MARICOPA COUNTY, ARIZONA;

SECTION: 13
TOWNSHIP: 3 N.
RANGE: 2 W.

JOB NO.:
09003137

SCALE
N/A

SHEET
2 OF 4

ES23.0238



SURPRISE
ARIZONA

**QUESTIONS OR
COMMENTS?**

Thank You



CITY OF SURPRISE Regular City Council Meeting

Council Meeting Date: April 2, 2024 Contact Person: Leslie Carnie
Submitting Department: Community Development District: District 1
Staff Recommendations:

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

Agenda Wording:

Consideration and action pertaining to approval of the Final Plat entitled, “Asante Unit 3.1 & 3.3” and dated February 06, 2024, a site generally located on the northeast corner of Happy Valley Road and Pat Tillman Boulevard; Case FS23-0849.

Motion:

I move to approve the Final Plat entitled, “Asante Unit 3.1 & 3.3” and dated February 06, 2024.

Background:

Zach Hilgart, with Hilgart Wilson, seeks approval of a Final Plat of Asante Planning Area 5 Units 3.1 & 3.3. The proposed Final Plat includes the subdivision of 61.26 gross acres into 138 single-family lots, 7.35 acres of ROW, and an 18.65 acre future development tract, for a net density of 3.9 DU/Ac.

Objective Analysis:

The subject Final Plat meets the requirements of the Asante PAD, in addition to other requirements as set forth in the Surprise Municipal Code. All city reviewing departments have reviewed the request and expressed no concerns.

Policy Compliant:

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

Financial Impact:

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

Budget Impact:

There is no anticipated budget impact related to this item.

FTE Impact:

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

ATTACHMENTS:

1. 00 - FS23-0849 Asante PA5 Units 3.1 & 3.3 - Staff Report
 2. 01– FS23-0849 Asante PA5 Units 3.1 & 3.3 Final Plat – Vicinity Map
 3. 02– FS23-0849 Asante PA5 Units 3.1 & 3.3 Final Plat – Zoning Map
 4. 03 – FS23-0849 Asante PA5 Units 3.1 & 3.3 Final Plat – Final Plat
 5. 04 – FS23-0849 Asante PA5 Units 3.1 & 3.3 Final Plat – Luke AFB Comments
 6. FS23-0849 Asante Planning Area 5 Final Plat - Presentation
-

Case: FS23-0849

Project Name: Asante PA 5 Units 3.1 & 3.3 – Final Plat

Council District: 1 - Acacia

City Council Date: April 02, 2024

Planner: Leslie Carnie, Planner II

Owner: Asante Development Partners, LLC

Applicant: Zach Hilgart of Hilgart Wilson

Request: Final Plat to subdivide an approx. 61.26 gross acres into 138 single-family residential lots and 18.65 future development tract.

Site Location: Generally located on the northeast corner of Happy Valley Road and Pat Tillman Boulevard.

Site Size: Approx. 61.26 Acres (Gross)

Net Density: 3.9 DU/Ac (Net)

General Plan Conformance: The proposed Final Plat is consistent with the Surprise General Plan 2035.

Findings:

- The proposed Final Plat is consistent with the Asante PAD.
- The proposed Final Plat is consistent with the Preliminary Plat, case FS23-0163.
- The proposed Final Plat is consistent with the applicable City of Surprise regulations.
- The reviewing agencies have indicated no objections to the request.

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

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

PROJECT DESCRIPTION:

Zach Hilgart, with Hilgart Wilson, seeks approval of a Final Plat of Asante Planning Area 5 Units 3.1 & 3.3. The proposed Final Plat includes the subdivision of 61.26 gross acres into 138 single-family lots, 7.35 acres of ROW, and an 18.65-acre future commercial development tract, for a net density of 3.9 DU/Ac

SURROUNDING LAND ZONING:

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



RM-9 PUD	RM-9 PUD	PAD – Asante
RM-6 PUD	PAD – Asante	PAD – Asante
RM-9 PUD	PAD – Asante	PAD – Asante

BACKGROUND:

November 3, 1988: City Council approved the annexation (Ordinance 88-24) of the subject property.

November 24, 2004: City Council approved Ordinance 04-41 for the Asante Planned Area Development under case PAD04-124.

August 29, 2022: A minor amendment to the Asante PAD was approved administratively under case FS22-0756 to modify street alignments, school and amenity site locations, and development standards.

August 15, 2023: A minor amendment to the Asante PAD approved administratively under case FS23-0574 to modify the development standards and typical layout for cluster lots.

September 20, 2023: The applicant filed the subject case, FS23-0849.

November 02, 2023: The Planning and Zoning Commission approved a Preliminary Plat for Asante PA 5 Units 3.1 & 3.3 under case FS23-0163.

ANALYSIS AND DISCUSSION:

The subject request includes a Final Plat for Planning Area 5, Units 3.1 and 3.3 within the Asante PAD. The 138 single-family residential lots created by this plat fall under the Lot Categories “A” (48’ x 110’) and “F” (70’ x 12’). Units 3.2 and 2.12 of Planning Area 5 are platted as a future development tract (“Tract M”) and will be subdivided in a future Final Plat application.

Access

Access to the site is provided via Happy Valley Road to the southeast, Pat Tillman Boulevard to the southwest, and Cottontail Lane to the northeast.

Open Space & Landscaping

The Asante PAD requires 10% open space for low-density residential developments. The subject plat includes a total of 10.02 acres dedicated to open space, which equates to 28.41% of the overall net area excluding Tract M. Within these open spaces is a network of trails, pocket parks, stormwater retention areas, and landscaping. The site is to be landscaped with native and low water use plants allowed by the PAD and consistent with the overall Asante development.

Residents within Planning Area 5 have access to the clubhouse planned for Unit 3.10A within Asante Planning Area 3.

Utility and Services Table:

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

109 **Conformance with Adopted Plans:**

110
111 The Surprise General Plan shows the subject property as lying within the Neighborhood
112 Character Area, which supports residential development of up to 8 DU/Ac or more. At a
113 net density of 3.9 DU/Ac, this development is consistent with the General Plan in this
114 regard.

115
116 This request is also consistent with the General Plan in that it promotes connectivity to
117 existing and future development within the Asante PAD for a range of mobility options.

118
119 **Reviewing Agencies:**

120
121 In addition to the standard city reviewing agencies, who indicate no objections to the
122 request, Luke Air Force Base and the Maricopa Water District were included in the routing
123 of the case and indicate no objections.

124
125 **Summary:**

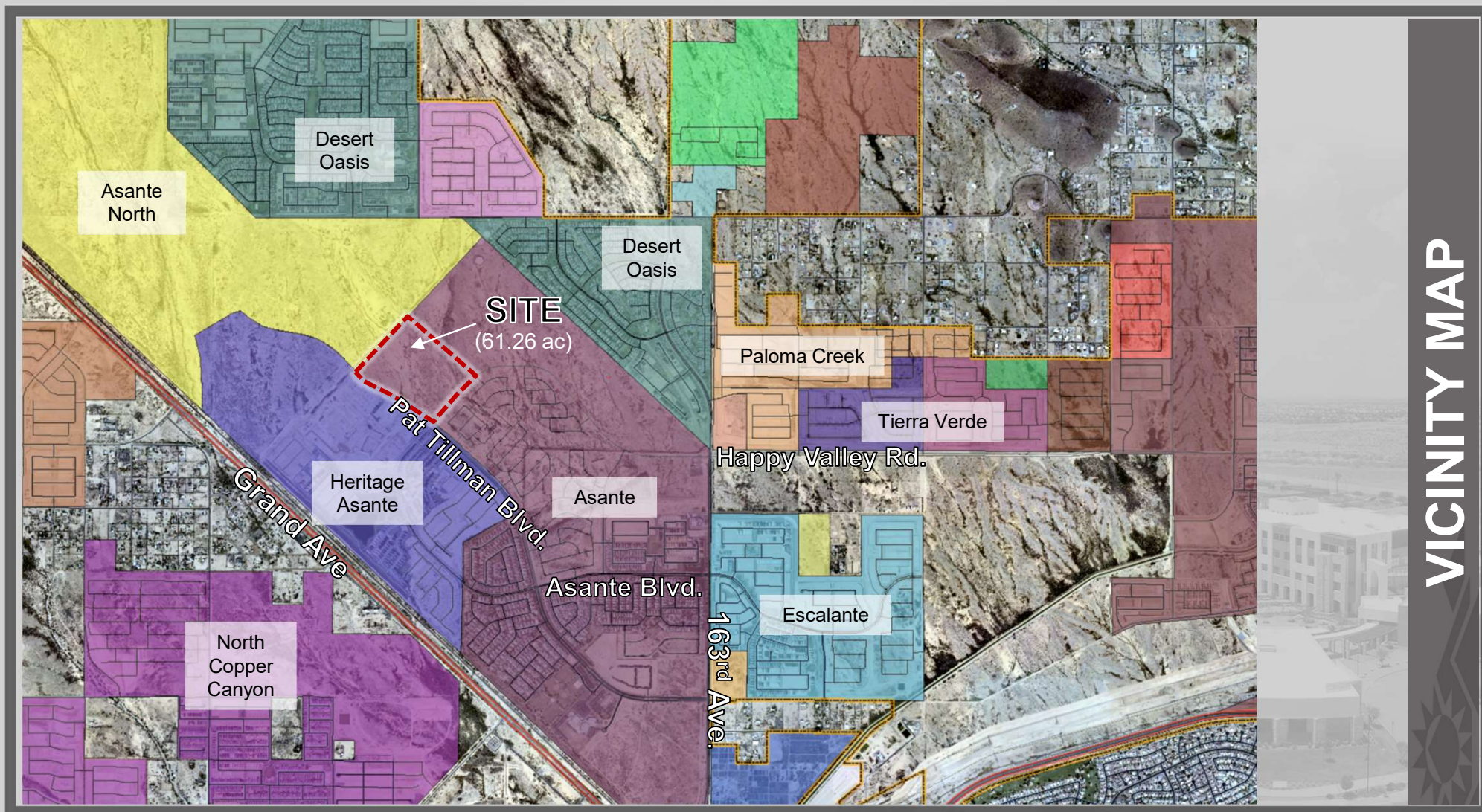
126
127 The subject Final Plat meets the requirements of the Asante PAD, in addition to other
128 applicable requirements. All city reviewing departments have reviewed the request and
129 expressed no concerns.

130
131 **Findings:**

- 132
133
 - The proposed Final Plat is consistent with the Asante PAD.
 - 134 • The proposed Final Plat is consistent with the Preliminary Plat, case FS23-0163.
 - 135 • The proposed Final Plat is consistent with the applicable City of Surprise regulations.
 - 136 • The reviewing agencies have indicated no objections to the request.

137
138 **Attachments:**

139
140 01 Vicinity Map
141 02 Zoning Map
142 03 Final Plat
143 04 Luke AFB Letter
144 PPT
145





ZONING MAP

DEDICATION

STATE OF ARIZONA }
COUNTY OF MARICOPA } SS

KNOW ALL PERSONS BY THESE PRESENTS: THAT **ASANTE DEVELOPMENT PARTNERS, LLC, A DELAWARE LIMITED LIABILITY COMPANY**, AS OWNER, OF A SUBDIVISION WITHIN THE COUNTY OF MARICOPA, HAS SUBDIVIDED UNDER THE NAME OF **"ASANTE – UNIT 3.1 & UNIT 3.3"**, A PORTION OF THE SOUTHWEST QUARTER OF SECTION 1 AND EAST HALF OF SECTION 2, 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 **"ASANTE – UNIT 3.1 & UNIT 3.3"** AND DECLARES THAT THIS PLAT SETS FORTH THE LOCATION AND GIVES THE DIMENSIONS OF EACH LOT, TRACT, STREET, AND EASEMENT CONSTITUTING SAME, AND THAT EACH LOT, TRACT AND STREET SHALL BE KNOWN BY THE NUMBER, LETTER, AND/OR NAME GIVEN TO EACH RESPECTIVELY AS SHOWN ON THIS PLAT.

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

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

OWNER HEREBY GRANTS TO THE CITY OF SURPRISE 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 NON–EXCLUSIVE 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 NON–EXCLUSIVE 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.

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.

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.

OWNER HEREBY GRANTS TO THE CITY OF SURPRISE A PERPETUAL NON–EXCLUSIVE EASEMENT OVER, UNDER, UPON, AND ACROSS ALL AREAS DESIGNATED ON THE PLAT AS WATER/SEWER LINES, MANHOLES, FIRE HYDRANTS AND WATER METERS] FOR THE PURPOSE OF INSTALLING, CONSTRUCTING, MAINTAINING, REPAIRING, REPLACING, AND UTILIZING THE WATER/SEWER LINES, MANHOLES, FIRE HYDRANTS AND WATER METERS.

IN WITNESS WHEREOF:

ASANTE DEVELOPMENT PARTNERS, 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 _____, 2024.

ASANTE DEVELOPMENT PARTNERS, LLC, A DELAWARE LIMITED LIABILITY COMPANY

BY: LENNAR COMMUNITIES DEVELOPMENT, LLC, A DELAWARE LIMITED LIABILITY COMPANY
ITS: MANAGER

BY: _____

NAME: JEFF GUNDERSON

TITLE: VICE PRESIDENT

ACKNOWLEDGMENT

ON THIS, THE ____ DAY OF _____, 2024 BEFORE ME, PERSONALLY APPEARED JEFF GUNDERSON, WHO ACKNOWLEDGED HIMSELF TO BE THE VICE PRESIDENT OF LENNAR COMMUNITIES DEVELOPMENT, LLC, A DELAWARE LIMITED LIABILITY COMPANY, THE MANAGER OF ASANTE DEVELOPMENT PARTNERS, LLC, A DELAWARE LIMITED LIABILITY COMPANY, AND ACKNOWLEDGED THAT HE, AS SUCH OFFICER, BEING DULY AUTHORIZED TO DO SO, EXECUTED THE FOREGOING INSTRUMENT FOR THE PURPOSES CONTAINED THEREIN.

IN WITNESS WHEREOF, I HEREBY SET MY HAND AND OFFICIAL SEAL:

NOTARY PUBLIC MY COMMISSION EXPIRES

COMMUNITY ASSOCIATION RATIFICATION

BY THIS RATIFICATION, _____ AS THE _____ OF THE ASANTE PHASE 2 COMMUNITY ASSOCIATION, AN ARIZONA NONPROFIT CORPORATION, ACKNOWLEDGES THE RESPONSIBILITIES OF SAID ASSOCIATION AS SET FORTH HEREIN.

ASANTE PHASE 2 COMMUNITY ASSOCIATION, AN ARIZONA NONPROFIT CORPORATION

BY: _____

NAME: _____

TITLE: _____

ACKNOWLEDGMENT FOR RATIFICATION

ON THIS, THE ____ DAY OF _____, 2024 BEFORE ME, PERSONALLY APPEARED _____ WHO ACKNOWLEDGED HIMSELF/HERSELF TO BE THE _____ OF ASANTE PHASE 2 COMMUNITY ASSOCIATION, AN ARIZONA NONPROFIT CORPORATION, AND ACKNOWLEDGED THAT HE/SHE, AS SUCH _____ BEING DULY AUTHORIZED TO DO SO, EXECUTED THE FOREGOING INSTRUMENT FOR THE PURPOSES CONTAINED THEREIN.

IN WITNESS WHEREOF, I HEREBY SET MY HAND AND OFFICIAL SEAL:

NOTARY PUBLIC MY COMMISSION EXPIRES

FINAL PLAT
OF
ASANTE - UNIT 3.1 & UNIT 3.3
SURPRISE, ARIZONA
A PORTION OF THE SOUTHWEST QUARTER OF
SECTION 1 AND EAST HALF OF SECTION 2, TOWNSHIP
4 NORTH, RANGE 2 WEST OF THE GILA AND SALT
RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA

LENDERS' CONSENT

THE UNDERSIGNED, WHICH IS THE BENEFICIARY AND ADMINISTRATIVE AGENT ON BEHALF OF ITSELF AND OTHER LENDERS AS DEFINED IN THE LOAN AGREEMENT OF EVEN DATE WITH THE DEED OF TRUST ("LENDERS"), UNDER THAT CERTAIN CONSTRUCTION DEED OF TRUST AND FIXTURE FILING (WITH ASSIGNMENT OF LEASES AND RENTS AND SECURITY AGREEMENT) RECORDED ON NOVEMBER 10, 2022, AT DOCUMENT NO. 20220831563 IN THE OFFICE OF THE COUNTY RECORDER OF MARICOPA COUNTY, ARIZONA ("DEED OF TRUST") AS A FIRST LIEN ON THE PROPERTY DESCRIBED IN THE DEED OF TRUST ("LENDERS' LIEN"), FOR AND ON BEHALF OF THE LENDERS AND THEIR SUCCESSORS AND ASSIGNS, HEREBY (A) CONSENTS TO THE RECORDATION OF THIS FINAL PLAT ("FINAL PLAT"), AND EACH AND EVERY DEDICATION, EASEMENT, RIGHT–OF–WAY, COVENANT, CONDITION AND RESTRICTION MORE SPECIFICALLY SET FORTH IN THIS FINAL PLAT; (B) AGREES THAT, UPON THE RECORDATION OF THIS FINAL PLAT, THE LENDERS' LIEN WITH RESPECT TO THE PROPERTY DESCRIBED IN THIS FINAL PLAT IS HEREBY DEEMED SUBJECT AND SUBORDINATE TO THIS FINAL PLAT; WITH LENDERS' LIEN CONTINUING IN EFFECT AGAINST SUCH PROPERTY AS SUCH LEGAL DESCRIPTION HAS BEEN MODIFIED BY RECORDATION OF THIS FINAL PLAT; AND (C) AGREES THAT UPON THE RECORDATION OF THIS FINAL PLAT ALL PROPERTY DEDICATED TO THE CITY OF SURPRISE HEREUNDER IS RELEASED FROM THE LENDERS' LIEN.

DATED: _____, 2024.

ZIONS BANCORPORATION, N.A. DBA CALIFORNIA BANK & TRUST

BY: _____

NAME: _____

ITS: _____

ACKNOWLEDGMENT FOR LENDERS' CONSENT

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 _____

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

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT.
WITNESS MY HAND AND OFFICIAL SEAL.

SIGNATURE _____ (SEAL)

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

ASANTE DEVELOPMENT PARTNERS, 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 USAF AND THE CITY OF SURPRISE, OF AND FROM ANY LIABILITY FOR ANY AND ALL CLAIMS FOR DAMAGES OF ANY KIND TO PERSONS OR PROPERTY THAT MAY ARISE AT ANY TIME IN THE FUTURE OVER, OR IN CONNECTION WITH AIRCRAFT OVERFLIGHTS FROM AIRCRAFT UTILIZING LUKE AIR FORCE BASE, WHETHER SUCH DAMAGE SHALL ORIGINATE FROM NOISE, VIBRATION, FUMES, DUST, FUEL AND LUBRICANT PARTICLES, AND ALL OTHER EFFECTS THAT MAY BE CAUSED BY THE OPERATION OF AIRCRAFT LANDING AT, OR TAKING OFF FROM, OR OPERATING AT OR ON LUKE AIR FORCE BASE AND ITS AUXILIARY FIELDS. THIS INSTRUMENT SHALL RUN WITH THE LAND AND BE BINDING UPON OWNER AND ITS HEIRS, ASSIGNS, AND SUCCESSORS IN INTEREST TO THIS PLAT OR ANY PARCEL OR LOT THEREOF. THIS INSTRUMENT DOES NOT RELEASE THE USAF FROM LIABILITY FOR DAMAGE OR INJURY TO PERSON OR PROPERTY CAUSED BY FALLING AIRCRAFT OR FALLING PHYSICAL OBJECTS FROM AIRCRAFT, EXCEPT AS STATED HEREIN WITH RESPECT TO NOISE, FUMES, DUST, FUEL, AND LUBRICANT PARTICLES.

ASANTE DEVELOPMENT PARTNERS, 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.

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 PLATTED HEREON LIES WITHIN THE DOMESTIC WATER SERVICE AREA OF CITY OF SURPRISE DESERT OASIS PUBLIC WATER SYSTEM 04–07–523 WHICH IS DESIGNATED AS HAVING AN ASSURED WATER SUPPLY PURSUANT A.R.S. § 45–576.

OWNER

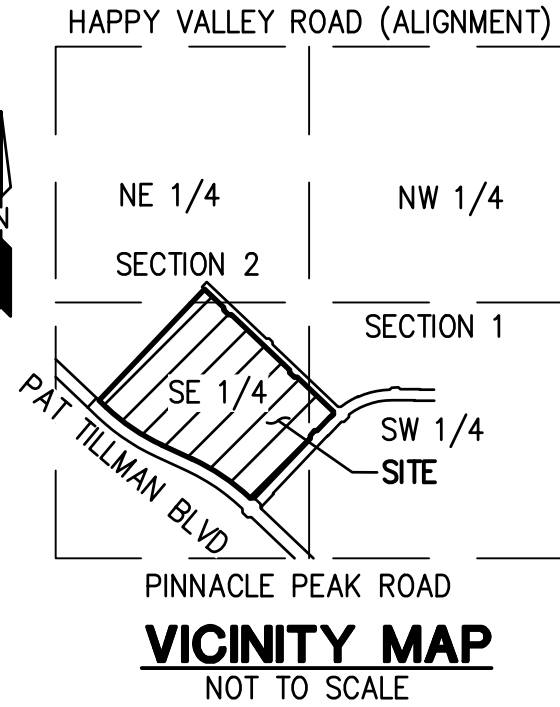
ASANTE DEVELOPMENT PARTNERS, LLC
1665 W. ALAMEDA DRIVE, SUITE 130
TEMPE, ARIZONA 85282

SURVEYOR

HILGARTWILSON, LLC
2141 E. HIGHLAND AVE., STE. 250
PHOENIX, ARIZONA 85016
PHONE: (602) 490–0535
CONTACT: BRIAN J. BENEDICT, RLS

SHEET INDEX

FP01 COVER SHEET
FP02 LEGAL DESCRIPTION SHEET INDEX MAP,
AREA TABLES & VISIBILITY DETAIL
FP03–FP09 FINAL PLAT SHEETS



BASIS OF BEARING

BASIS OF BEARING IS SOUTH 88°55'18" EAST ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SECTION 1, TOWNSHIP 4 NORTH, RANGE 2 WEST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, AS SHOWN UPON THE MASTER PLAT FOR ASANTE PLANNING AREA 3 RECORDED IN BOOK 1733 OF MAPS, PAGE 3, MARICOPA COUNTY RECORDS.

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 SHEET 2)
- 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.
- PROVISIONS SHALL BE MADE FOR DEVELOPMENT AND MAINTENANCE OF STREET LIGHTS 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 MAINTENANCE OF LANDSCAPING WITHIN THE OPEN SPACES, LANDSCAPED TRACTS, RETENTION BASINS, AND PARKS SHALL BE THE RESPONSIBILITY OF THE OWNER OR THE HOMEOWNERS' ASSOCIATION FORMED BY THE OWNER.
- THE MAINTENANCE OF LANDSCAPING WITHIN THE ADJACENT PUBLIC RIGHTS–OF–WAY, INCLUDING LANDSCAPED MEDIANS WITHIN COLLECTORS AND LOCAL STREETS, AND LANDSCAPED AREAS BETWEEN THE CURB AND THE DETACHED SIDEWALK, SHALL BE THE RESPONSIBILITY OF THE ADJACENT PROPERTY OWNER OR THE HOMEOWNERS' ASSOCIATION FORMED BY THE ADJACENT PROPERTY.
- LANDSCAPING MAINTENANCE OF THE MEDIANS WITHIN THE PUBLIC RIGHT–OF–WAY WITHIN ANY ARTERIAL OR PARKWAY STREET CLASSIFICATION SHALL BE RESPONSIBILITY OF THE CITY OF SURPRISE AFTER ACCEPTANCE.
- THIS FINAL PLAT IS IN SUBSTANTIAL CONFORMANCE WITH THE PRELIMINARY PLAT APPROVED BY THE CITY OF SURPRISE UNDER CASE FS23–0163.
- DEVELOPMENT STANDARDS ARE PER THE CITY OF SURPRISE ZONING CASE FS22–0756 OR AS SUBSEQUENTLY AMENDED.

CITY OF SURPRISE ENGINEER APPROVAL:

DATA ON THIS PLAT REVIEWED AND APPROVED THIS ____ DAY OF _____, 2024, 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 _____, 2024.

ATTEST:

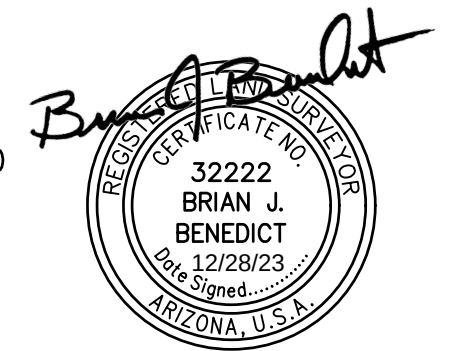
MAYOR _____ DATE _____

CITY CLERK _____ DATE _____

CERTIFICATION

THIS IS TO CERTIFY THAT THE SURVEY AND SUBDIVISION OF THE PREMISES DESCRIBED AND PLATTED HEREON WAS MADE UNDER MY DIRECTION DURING THE MONTH OF JULY, 2023; 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.

BRIAN J. BENEDICT
RLS 32222
HILGARTWILSON, LLC
2141 E. HIGHLAND AVE., STE. 250
PHOENIX, ARIZONA 85016
P: 602.490.0535
bbenedict@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.

© Copyright 2023, HILGARTWILSON, LLC – This document is the sole property of HILGARTWILSON, LLC.

ASANTE - UNIT 3.1 & UNIT 3.3

PAT TILLMAN BOULEVARD & ASANTE BOULEVARD
SURPRISE, ARIZONA

FINAL PLAT

STATUS:

PROJ. NO.: 1909

DATE: DEC 2023

SCALE: NONE

DRAWN: GS

APPROVED: BJB

DWG. NO.

FP01

SHT. 1 OF 9

FS23-0849

LOT TABLE		
LOT NO.	AREA (SQ.FT)	AREA (ACRES)
LOT : 1	9149	0.2100
LOT : 2	13476	0.3094
LOT : 3	13931	0.3198
LOT : 4	9077	0.2084
LOT : 5	9100	0.2089
LOT : 6	9100	0.2089
LOT : 7	9100	0.2089
LOT : 8	9100	0.2089
LOT : 9	9100	0.2089
LOT : 10	9100	0.2089
LOT : 11	9100	0.2089
LOT : 12	9100	0.2089
LOT : 13	9100	0.2089
LOT : 14	9100	0.2089
LOT : 15	9100	0.2089
LOT : 16	9100	0.2089
LOT : 17	9100	0.2089
LOT : 18	8948	0.2054
LOT : 19	9085	0.2086
LOT : 20	9083	0.2085
LOT : 21	9450	0.2169
LOT : 22	9450	0.2169
LOT : 23	9310	0.2137
LOT : 24	9310	0.2137
LOT : 25	9310	0.2137
LOT : 26	8960	0.2057
LOT : 27	8960	0.2057
LOT : 28	8960	0.2057
LOT : 29	9267	0.2128
LOT : 30	19096	0.4384
LOT : 31	15173	0.3483
LOT : 32	9485	0.2177
LOT : 33	9490	0.2179
LOT : 34	9440	0.2167
LOT : 35	8825	0.2026
LOT : 36	8750	0.2009
LOT : 37	8750	0.2009
LOT : 38	8750	0.2009
LOT : 39	8750	0.2009
LOT : 40	8825	0.2026
LOT : 41	8825	0.2026
LOT : 42	8750	0.2009
LOT : 43	8750	0.2009
LOT : 44	8750	0.2009
LOT : 45	8750	0.2009
LOT : 46	8825	0.2026
LOT : 47	8825	0.2026
LOT : 48	8750	0.2009
LOT : 49	8750	0.2009
LOT : 50	8825	0.2026
LOT : 51	8825	0.2026
LOT : 52	8750	0.2009
LOT : 53	8750	0.2009
LOT : 54	8825	0.2026
LOT : 55	9586	0.2201
LOT : 56	9636	0.2212
LOT : 57	9631	0.2211
LOT : 58	15374	0.3529
LOT : 59	19640	0.4509
LOT : 60	9943	0.2283

LOT TABLE		
LOT NO.	AREA (SQ.FT)	AREA (ACRES)
LOT : 61	9344	0.2145
LOT : 62	9344	0.2145
LOT : 63	12714	0.2919
LOT : 64	15076	0.3461
LOT : 65	9366	0.2150
LOT : 66	5987	0.1375
LOT : 67	6000	0.1377
LOT : 68	6000	0.1377
LOT : 69	5760	0.1322
LOT : 70	5760	0.1322
LOT : 71	5760	0.1322
LOT : 72	5895	0.1353
LOT : 73	6054	0.1390
LOT : 74	5839	0.1340
LOT : 75	5984	0.1374
LOT : 76	5984	0.1374
LOT : 77	5839	0.1340
LOT : 78	5830	0.1338
LOT : 79	5760	0.1322
LOT : 80	5760	0.1322
LOT : 81	5760	0.1322
LOT : 82	5760	0.1322
LOT : 83	5760	0.1322
LOT : 84	5760	0.1322
LOT : 85	5760	0.1322
LOT : 86	5760	0.1322
LOT : 87	5760	0.1322
LOT : 88	5760	0.1322
LOT : 89	5760	0.1322
LOT : 90	5760	0.1322
LOT : 91	5830	0.1338
LOT : 92	5830	0.1338
LOT : 93	5760	0.1322
LOT : 94	5760	0.1322
LOT : 95	5760	0.1322
LOT : 96	5760	0.1322
LOT : 97	5760	0.1322
LOT : 98	5760	0.1322
LOT : 99	5760	0.1322
LOT : 100	5760	0.1322
LOT : 101	5760	0.1322
LOT : 102	5760	0.1322
LOT : 103	5760	0.1322
LOT : 104	5760	0.1322
LOT : 105	5830	0.1338
LOT : 106	6240	0.1432
LOT : 107	6240	0.1433
LOT : 108	6240	0.1433
LOT : 109	6240	0.1433
LOT : 110	6240	0.1433
LOT : 111	6240	0.1433
LOT : 112	6240	0.1433
LOT : 113	6240	0.1433
LOT : 114	6240	0.1433
LOT : 115	6240	0.1433
LOT : 116	6240	0.1433
LOT : 117	6240	0.1433
LOT : 118	6240	0.1433
LOT : 119	6240	0.1433
LOT : 120	6240	0.1433

LOT TABLE		
LOT NO.	AREA (SQ.FT)	AREA (ACRES)
LOT : 121	6221	0.1428
LOT : 122	9452	0.2170
LOT : 123	15215	0.3493
LOT : 124	8462	0.1943
LOT : 125	5990	0.1375
LOT : 126	6000	0.1377
LOT : 127	6000	0.1377
LOT : 128	6797	0.1560
LOT : 129	9974	0.2290
LOT : 130	10230	0.2348
LOT : 131	5892	0.1353
LOT : 132	6000	0.1377
LOT : 133	5760	0.1322
LOT : 134	5760	0.1322
LOT : 135	5760	0.1322
LOT : 136	6000	0.1377
LOT : 137	6000	0.1377
LOT : 138	5987	0.1375

TRACT TABLE		
TRACT	AREA (ACRES)	USE
TRACT A	2.2401	COMMON AREA & DRAINAGE
TRACT B	0.0505	COMMON AREA
TRACT C	0.0505	COMMON AREA
TRACT D	0.0533	COMMON AREA
TRACT E	4.8941	COMMON AREA & DRAINAGE
TRACT F	0.0505	COMMON AREA
TRACT G	0.0505	COMMON AREA
TRACT H	0.9555	COMMON AREA & DRAINAGE
TRACT I	0.9354	COMMON AREA & DRAINAGE
TRACT J	0.0482	COMMON AREA
TRACT K	0.6391	COMMON AREA & DRAINAGE
TRACT L	0.0482	COMMON AREA
TRACT M	18.6536	FUTURE DEVELOPMENT

1. COMMON AREAS MAY INCLUDE OPEN SPACE, LANDSCAPING, PEDESTRIAN PATHS AND/OR AMENITIES.
2. SPECIFIC EASEMENTS THAT ARE BEING DEDICATED AS PART OF THIS PLAT ARE FULLY DELINEATED ON THE FOLLOWING SHEETS.
3. THE USES SHOWN IN THE TRACT TABLE ABOVE DO NOT INTEND TO GRANT EASEMENTS THAT ARE BLANKET IN NATURE OVER THE ENTIRE TRACT.

LEGAL DESCRIPTION

A PORTION OF LAND BEING SITUATED WITHIN THE SOUTHWEST QUARTER OF SECTION 1 AND THE EAST HALF OF SECTION 2, 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 SOUTH QUARTER CORNER OF SAID SECTION 1 FROM WHICH A FOUND ALUMINUM CAP ACCEPTED AS THE SOUTHEAST CORNER THEREOF BEARS SOUTH 88°55'18" EAST, 2636.39 FEET;

THENCE NORTH 88°54'38" WEST, 2637.96 FEET ALONG THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 1 TO THE SOUTHWEST CORNER OF SAID SECTION 1;

THENCE NORTH 89°28'08" WEST, 621.67 FEET ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 2;

THENCE LEAVING SAID SOUTH LINE, NORTH 00°31'52" EAST, 622.56 FEET TO THE NORTHERLY RIGHT OF WAY LINE OF PAT TILLMAN BOULEVARD AS SHOWN IN THE MAP OF DEDICATION FOR ASANTE PHASE TWO RECORDED IN BOOK 885 OF MAPS, PAGE 46, MARICOPA COUNTY RECORDS, BEING A NON-TANGENT CURVE, CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 2267.50 FEET, THE CENTER OF WHICH BEARS SOUTH 43°10'23" WEST, ALSO BEING THE POINT OF BEGINNING;

THENCE THE FOLLOWING FOUR (4) COURSES ALONG SAID NORTHERLY RIGHT OF WAY LINE: THENCE NORTHWESTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 18°22'47", AN ARC LENGTH OF 727.38 FEET TO A TANGENT LINE;

THENCE NORTH 65°12'24" WEST, 350.58 FEET TO THE BEGINNING OF A TANGENT CURVE, CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 2132.50 FEET;

THENCE NORTHWESTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 18°43'45", AN ARC LENGTH OF 697.09 FEET TO A TANGENT LINE;

THENCE NORTH 46°28'39" WEST, 109.00 FEET;

THENCE LEAVING SAID NORTHERLY RIGHT OF WAY LINE, NORTH 43°31'21" EAST, 1596.80 FEET TO THE SOUTHWESTERLY RIGHT OF WAY LINE OF COTTONTAIL LANE AS SHOWN IN THE MASTER PLAT FOR ASANTE PLANNING AREA 3 RECORDED IN BOOK 1733, PAGE 2, MARICOPA COUNTY RECORDS;

THENCE THE FOLLOWING NINE (9) COURSES ALONG SAID SOUTHWESTERLY RIGHT OF WAY LINE: THENCE SOUTH 46°28'39" EAST, 275.00 FEET;

THENCE SOUTH 01°28'39" EAST, 28.28 FEET;

THENCE SOUTH 46°28'39" EAST, 70.00 FEET;

THENCE NORTH 88°31'21" EAST, 28.28 FEET;

THENCE SOUTH 46°28'39" EAST, 836.75 FEET;

THENCE SOUTH 01°28'39" EAST, 28.28 FEET;

THENCE SOUTH 46°28'39" EAST, 70.00 FEET;

THENCE NORTH 88°31'21" EAST, 28.28 FEET;

THENCE SOUTH 46°28'39" EAST, 518.91 FEET TO THE NORTHWESTERLY RIGHT OF WAY LINE OF HAPPY VALLEY ROAD AS SHOWN ON SAID MASTER PLAT;

THENCE THE FOLLOWING TEN (10) COURSES ALONG SAID NORTHWESTERLY RIGHT OF WAY LINE: THENCE SOUTH 00°41'27" EAST, 27.89 FEET TO A NON-TANGENT CURVE, CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 855.00 FEET, THE CENTER OF WHICH BEARS SOUTH 45°33'07" EAST;

THENCE SOUTHWESTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 00°55'32", AN ARC LENGTH OF 13.81 FEET TO A TANGENT LINE;

THENCE SOUTH 43°31'21" WEST, 21.20 FEET;

THENCE NORTH 46°28'39" WEST, 5.00 FEET;

THENCE SOUTH 43°31'21" WEST, 205.00 FEET;

THENCE SOUTH 88°31'21" WEST, 28.28 FEET;

THENCE SOUTH 39°26'13" WEST, 70.18 FEET;

THENCE SOUTH 01°28'39" EAST, 28.28 FEET;

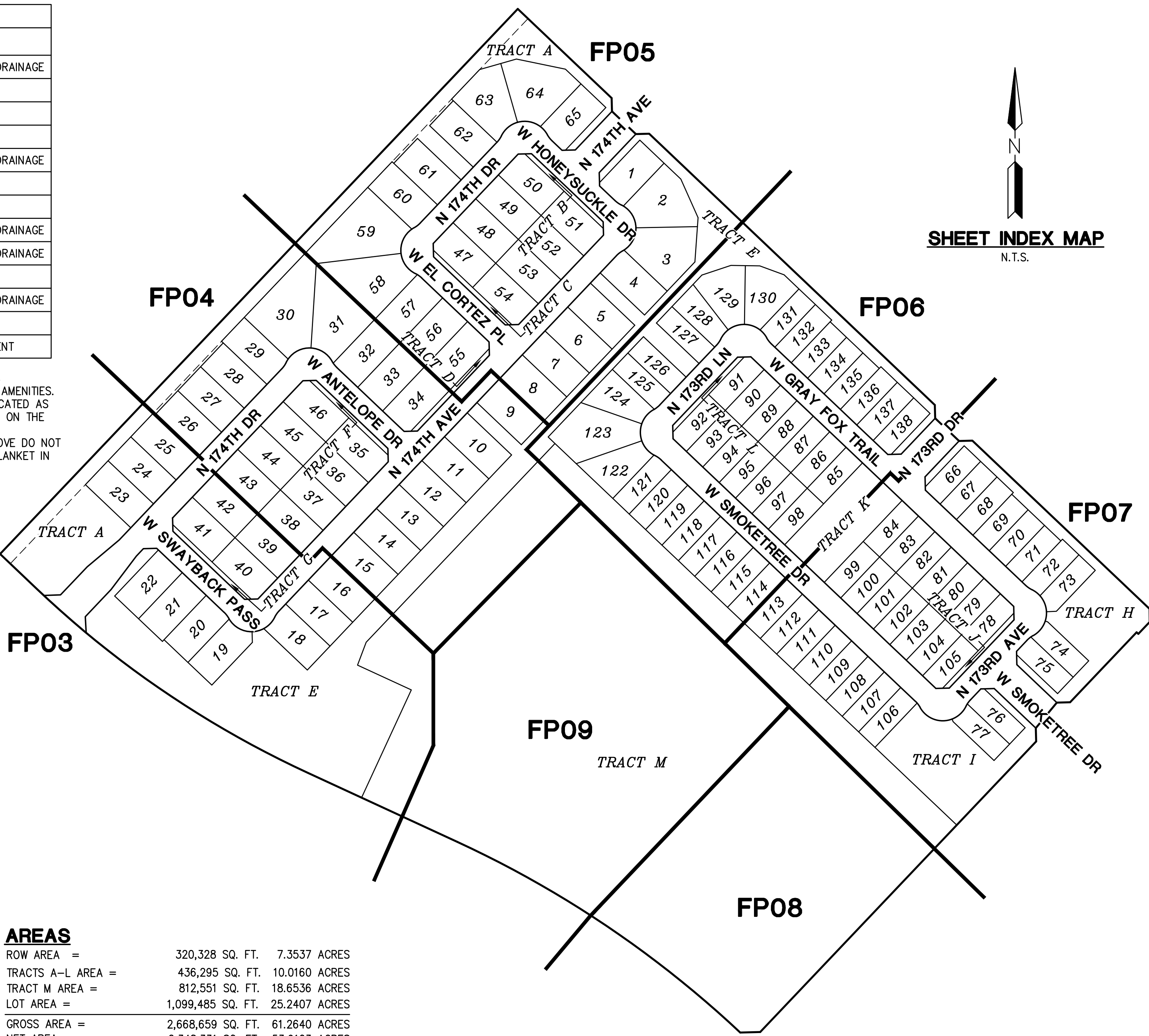
THENCE SOUTH 43°31'21" WEST, 851.22 FEET;

THENCE SOUTH 88°27'44" WEST, 42.47 FEET TO THE POINT OF BEGINNING.

FLOOD ZONE DESIGNATION

THE FOLLOWING FLOOD PLAIN DESIGNATION AND ASSOCIATED COMMENTS ARE COPIED DIRECTLY FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) WEBSITE. HILGARTWILSON, LLC AND THE UNDERSIGNED REGISTERED PROFESSIONAL LAND SURVEYOR MAKE NO STATEMENT AS TO THE ACCURACY OR COMPLETENESS OF THE FOLLOWING FLOOD ZONE DESIGNATION STATEMENT.

THE SUBJECT PROPERTY LIES WITHIN SHADED ZONE "X" WITH A DEFINITION OF: 0.2-PERCENT-ANNUAL-CHANCE FLOODPLAIN, AREAS OF 1-PERCENT-ANNUAL-CHANCE (BASE FLOOD) SHEET FLOW FLOODING WITH AVERAGE DEPTHS OF LESS THAN 1 FOOT, AREAS OF BASE FLOOD STREAM FLOODING WITH A CONTRIBUTING DRAINAGE AREA OF LESS THAN 1 SQUARE MILE, OR AREAS PROTECTED FROM THE BASE FLOOD BY LEVEES. NO BFES OR DEPTHS ARE SHOWN IN THIS ZONE, AND INSURANCE PURCHASE IS NOT REQUIRED. DESIGNATION DETERMINED BY FEMA FLOOD ZONE MAP 04013C1210L, PANEL NUMBER 1210 OF 4425, EFFECTIVE DATE OCTOBER 16, 2013.



AREAS

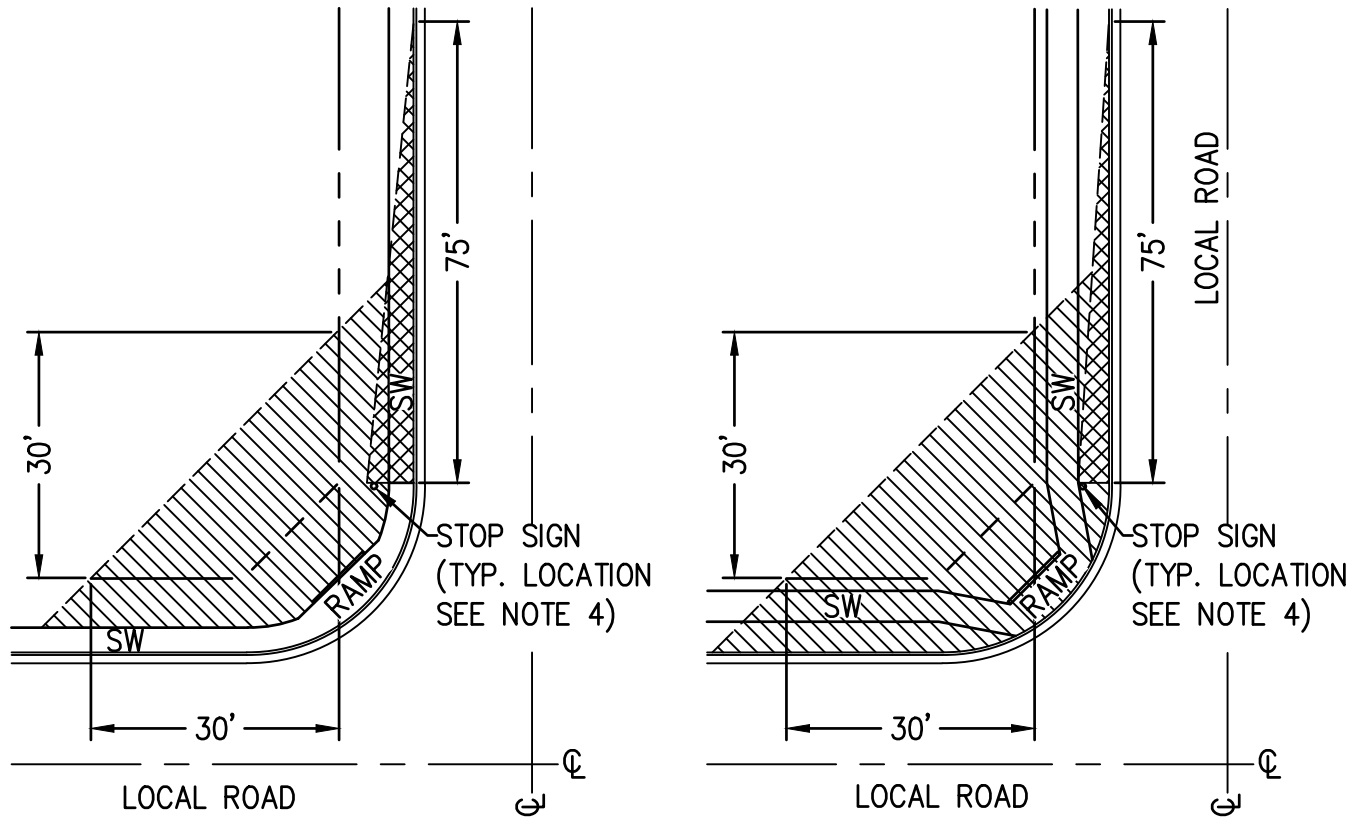
ROW AREA =	320,328 SQ. FT.	7.3537 ACRES
TRACTS A-L AREA =	436,295 SQ. FT.	10.0160 ACRES
TRACT M AREA =	812,551 SQ. FT.	18.6536 ACRES
LOT AREA =	1,099,485 SQ. FT.	25.2407 ACRES
GROSS AREA =	2,668,659 SQ. FT.	61.2640 ACRES
NET AREA =	2,348,331 SQ. FT.	53.9103 ACRES
DENSITY (GROSS) =	3.2 D.U. / ACRE	
DENSITY (NET) =	3.9 D.U. / ACRE	
TRACT M AREA NOT INCLUDED IN DENSITY		

NOTES:

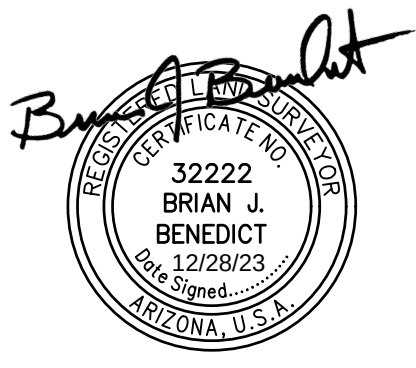
1. SIGNS, FENCES, WALLS, UTILITY BOXES, STRUCTURES, SHRUBS, HEDGES OR OTHER PLANTS, BUT EXCLUDING TREES OVER 30 INCHES IN HEIGHT SHALL NOT BE PERMITTED WITHIN THE RESTRICTED AREAS.
2. PLANTING WITHIN THE R/W IN VIEW EASEMENTS SHALL BE PER THE APPROVED TYPES AND DIMENSIONS AND SHALL NOT ENCROACH WITHIN THE SIGHT TRIANGLE PER AASHTO GUIDELINES.
3. TREES ARE PERMITTED WITHIN THE RESTRICTED AREAS PROVIDED:
 - A. NO LIMBS, LEAVES, NEEDLES OR OTHER FOLIAGE ABOVE 30 INCHES OR BELOW 84 INCHES ARE PERMITTED.
 - B. TREES SHALL NOT OBSTRUCT MORE THAN 20% OF THE VISIBILITY WHEN COMBINED WITH OTHER OBSTRUCTIONS PRESENT.
4. 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



© Copyright 2023, HILGARTWILSON, LLC – This document is the sole property of HILGARTWILSON, LLC.

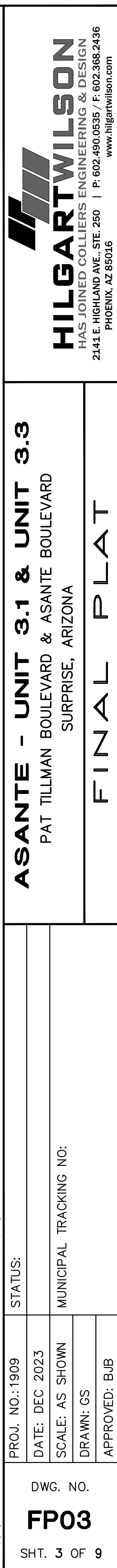
ASANTE - UNIT 3.1 & UNIT 3.3

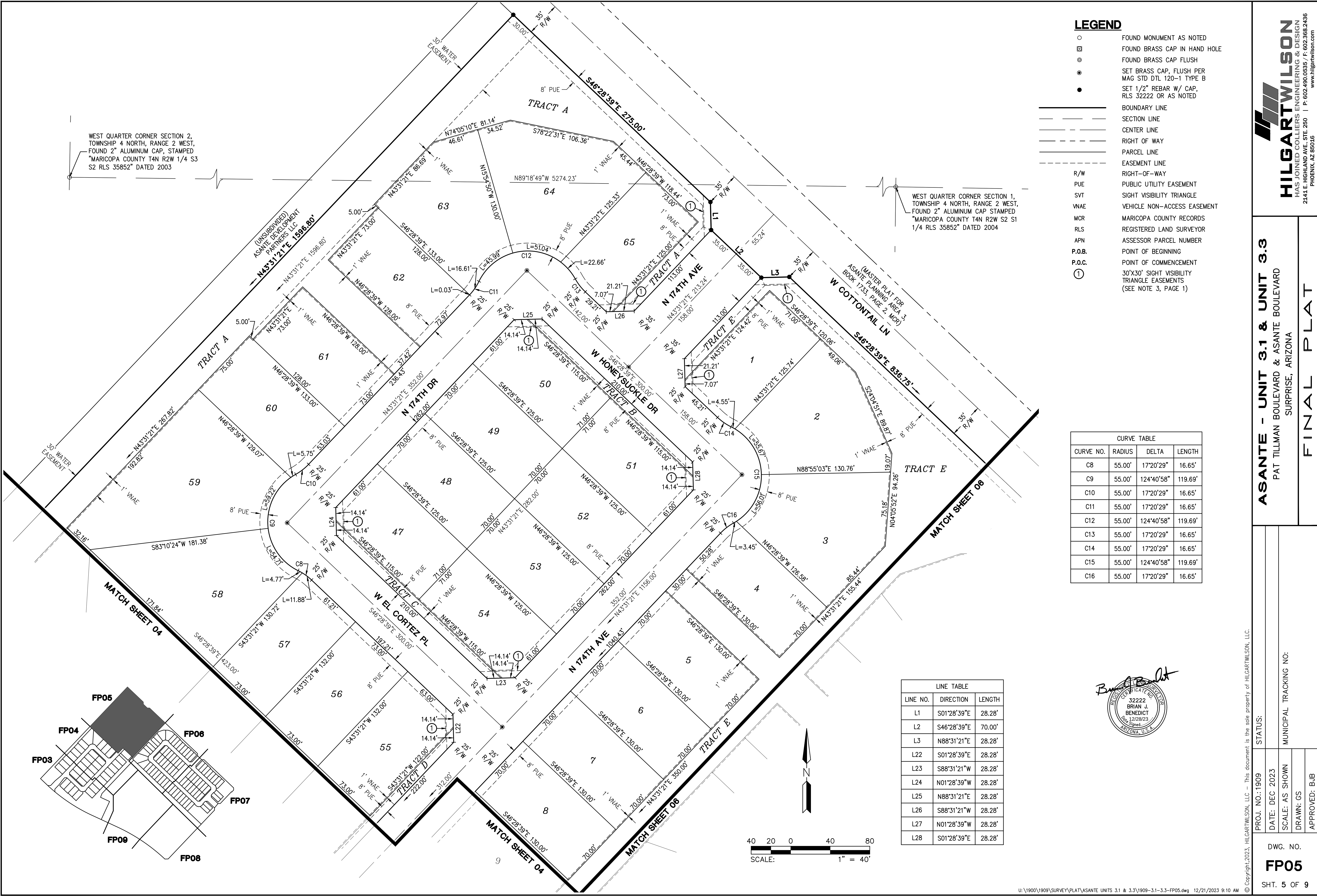
PAT TILLMAN BOULEVARD & ASANTE BOULEVARD
SURPRISE, ARIZONA

FINAL PLAT

PROJ. NO.: 1909	STATUS:			
DATE: DEC 2023		MUNICIPAL TRACKING NO:		
SCALE: NONE		DRAWN: GS	APPROVED: BJB	
DWG. NO.				
FP02				
SHT. 2 OF 9				

HILGARTWILSON
HAS JOINED COLLIER ENGINEERING & DESIGN
2141 E. HIGHLAND AVE., STE. 250 | P: 602.490.0535 / F: 602.368.2436
PHOENIX, AZ 85016
www.hilgartwilson.com

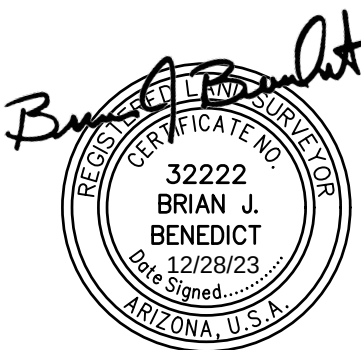




- LEGEND**
- FOUND MONUMENT AS NOTED
 - ⊠ FOUND BRASS CAP IN HAND HOLE
 - ⊙ FOUND BRASS CAP FLUSH
 - SET BRASS CAP, FLUSH PER MAG STD DTL 120-1 TYPE B
 - SET 1/2" REBAR W/ CAP, RLS 32222 OR AS NOTED
 - BOUNDARY LINE
 - - - SECTION LINE
 - - - CENTER LINE
 - - - RIGHT OF WAY
 - - - PARCEL LINE
 - - - EASEMENT LINE
 - - - RIGHT-OF-WAY
 - - - PUBLIC UTILITY EASEMENT
 - - - SIGHT VISIBILITY TRIANGLE
 - - - VEHICLE NON-ACCESS EASEMENT
 - - - MARICOPA COUNTY RECORDS
 - - - REGISTERED LAND SURVEYOR
 - - - APN
 - - - P.O.B.
 - - - P.O.C.
 - ① 30'X30' SIGHT VISIBILITY TRIANGLE EASEMENTS (SEE NOTE 3, PAGE 1)

CURVE TABLE			
CURVE NO.	RADIUS	DELTA	LENGTH
C8	55.00'	17°20'29"	16.65'
C9	55.00'	124°40'58"	119.69'
C10	55.00'	17°20'29"	16.65'
C11	55.00'	17°20'29"	16.65'
C12	55.00'	124°40'58"	119.69'
C13	55.00'	17°20'29"	16.65'
C14	55.00'	17°20'29"	16.65'
C15	55.00'	124°40'58"	119.69'
C16	55.00'	17°20'29"	16.65'

LINE TABLE		
LINE NO.	DIRECTION	LENGTH
L1	S01°28'39"E	28.28'
L2	S46°28'39"E	70.00'
L3	N88°31'21"E	28.28'
L22	S01°28'39"E	28.28'
L23	S88°31'21"W	28.28'
L24	N01°28'39"W	28.28'
L25	N88°31'21"E	28.28'
L26	S88°31'21"W	28.28'
L27	N01°28'39"W	28.28'
L28	S01°28'39"E	28.28'



HILGARTWILSON
HAS JOINED COLLIERS ENGINEERING & DESIGN
2141 E. HIGHLAND AVE. STE. 250 | P: 602.490.0535 / F: 602.368.2436
PHOENIX, AZ 85016
www.hilgartwilson.com

ASANTE - UNIT 3.1 & UNIT 3.3
PAT TILLMAN BOULEVARD & ASANTE BOULEVARD
SURPRISE, ARIZONA

FINAL PLAT

PROJ. NO.: 1909
DATE: DEC 2023
SCALE: AS SHOWN
DRAWN: GS
APPROVED: BJB

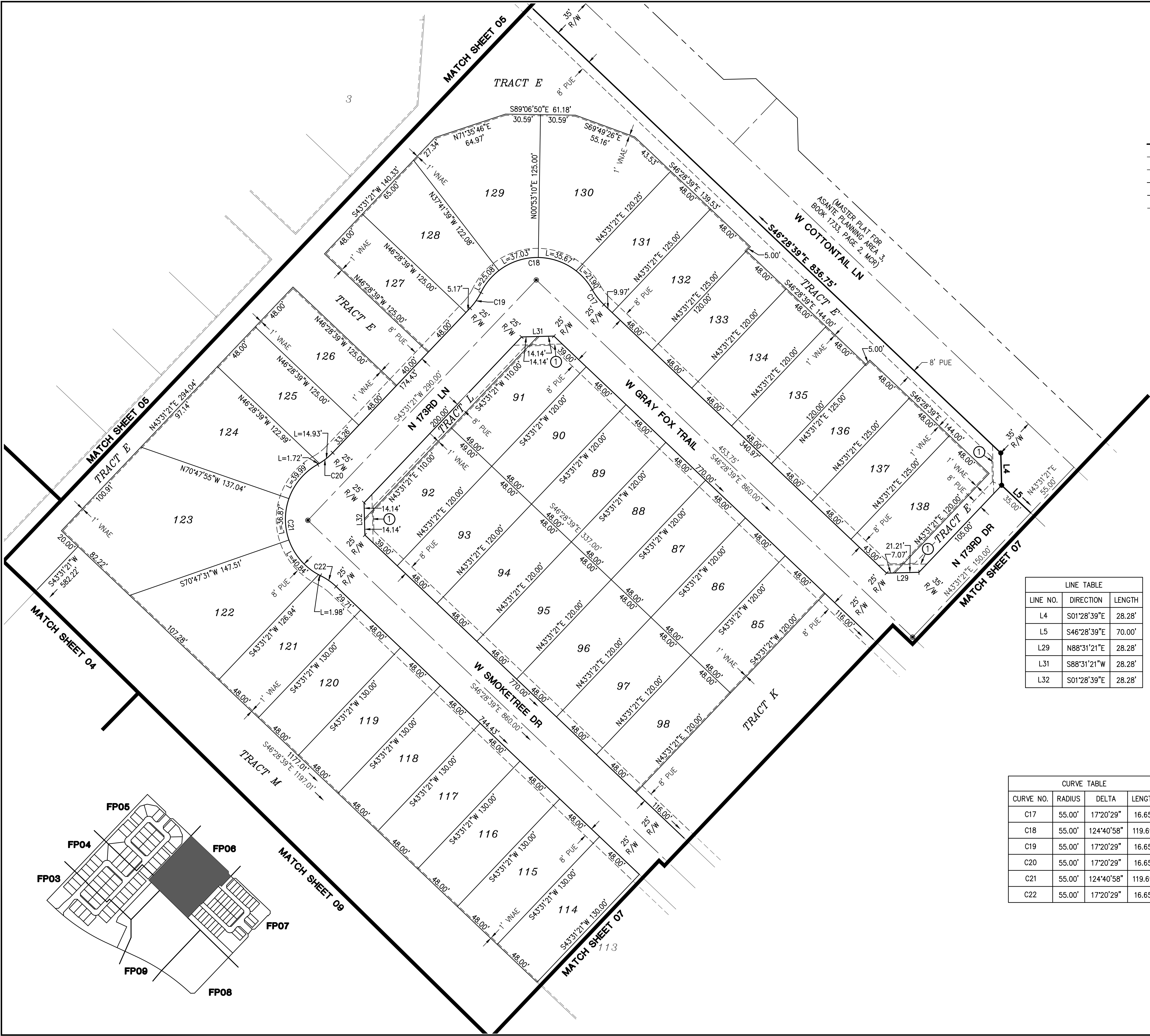
STATUS:
MUNICIPAL TRACKING NO:

DWG. NO.
FP05
SHT. 5 OF 9

FS23-0849

© Copyright 2023, Hilgartwilson, LLC - This document is the sole property of Hilgartwilson, LLC.

Page 172 of 463



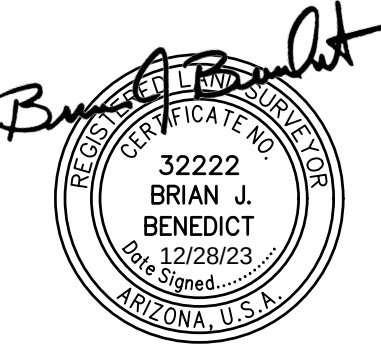
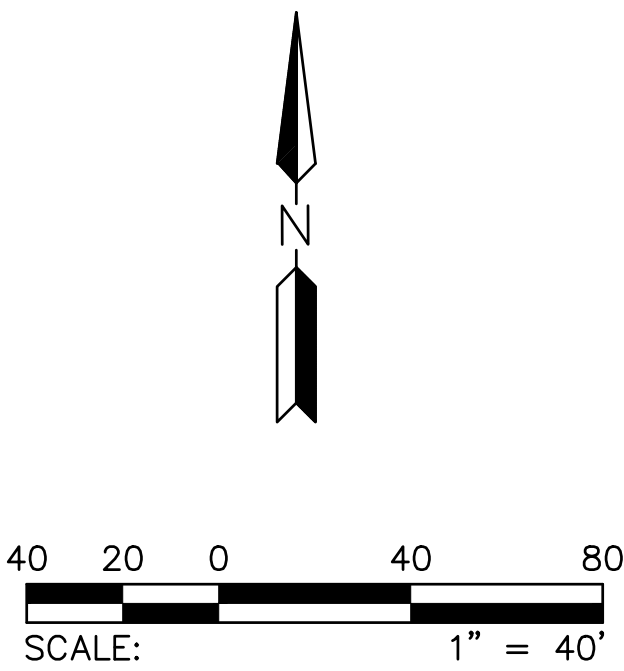
LEGEND

- FOUND MONUMENT AS NOTED
- ⊠ FOUND BRASS CAP IN HAND HOLE
- ⊙ FOUND BRASS CAP FLUSH
- SET BRASS CAP, FLUSH PER MAG STD DTL 120-1 TYPE B
- SET 1/2" REBAR W/ CAP, RLS 32222 OR AS NOTED
- BOUNDARY LINE
- - - SECTION LINE
- - - CENTER LINE
- - - RIGHT OF WAY
- - - PARCEL LINE
- - - EASEMENT LINE
- - - RIGHT-OF-WAY
- - - PUBLIC UTILITY EASEMENT
- - - SIGHT VISIBILITY TRIANGLE
- - - VEHICLE NON-ACCESS EASEMENT
- - - MARICOPA COUNTY RECORDS
- - - REGISTERED LAND SURVEYOR
- - - ASSESSOR PARCEL NUMBER
- - - POINT OF BEGINNING
- - - POINT OF COMMENCEMENT
- ① 30'x30' SIGHT VISIBILITY TRIANGLE EASEMENTS (SEE NOTE 3, PAGE 1)

R/W
PUE
SVT
VNAE
MCR
RLS
APN
P.O.B.
P.O.C.
①

LINE TABLE		
LINE NO.	DIRECTION	LENGTH
L4	S01°28'39"E	28.28'
L5	S46°28'39"E	70.00'
L29	N88°31'21"E	28.28'
L31	S88°31'21"W	28.28'
L32	S01°28'39"E	28.28'

CURVE TABLE			
CURVE NO.	RADIUS	DELTA	LENGTH
C17	55.00'	17°20'29"	16.65'
C18	55.00'	124°40'58"	119.69'
C19	55.00'	17°20'29"	16.65'
C20	55.00'	17°20'29"	16.65'
C21	55.00'	124°40'58"	119.69'
C22	55.00'	17°20'29"	16.65'



ASANTE - UNIT 3.1 & UNIT 3.3
PAT TILLMAN BOULEVARD & ASANTE BOULEVARD
SURPRISE, ARIZONA
FINAL PLAT

PROJ. NO.: 1909	STATUS:
DATE: DEC 2023	
SCALE: AS SHOWN	MUNICIPAL TRACKING NO:
DRAWN: GS	
APPROVED: BJB	

LINE TABLE		
LINE NO.	DIRECTION	LENGTH
L5	S46°28'39"E	70.00'
L6	N88°31'21"E	28.28'
L7	S00°41'27"E	27.89'
L8	S43°31'21"W	21.20'
L9	N46°28'39"W	5.00'
L10	S88°31'21"W	28.28'
L11	S39°26'13"W	70.18'
L12	S01°28'39"E	28.28'

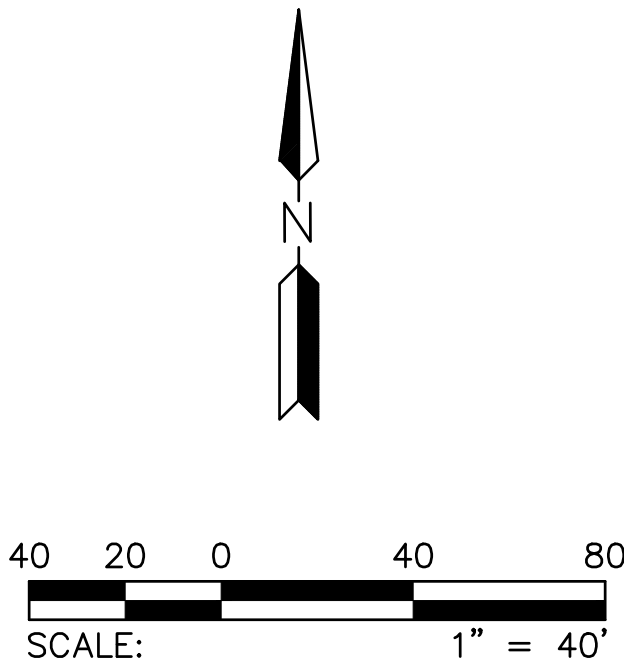
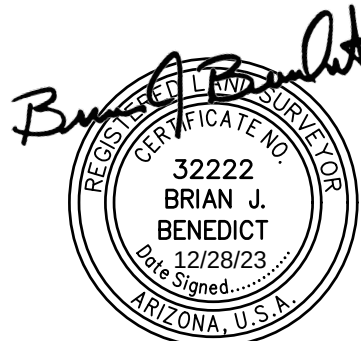
LINE TABLE		
LINE NO.	DIRECTION	LENGTH
L30	N01°28'39"W	28.28'
L33	S88°31'21"W	28.28'
L34	S01°28'39"E	28.28'
L35	S01°28'39"E	28.28'
L36	S88°31'21"W	28.28'
L37	S87°19'42"W	21.21'
L38	N71°46'44"W	5.84'
L39	N21°10'34"W	5.84'

LEGEND

- FOUND MONUMENT AS NOTED
- ⊠ FOUND BRASS CAP IN HAND HOLE
- ⊙ FOUND BRASS CAP FLUSH
- SET BRASS CAP, FLUSH PER MAG STD DTL 120-1 TYPE B
- SET 1/2" REBAR W/ CAP, RLS 32222 OR AS NOTED
- BOUNDARY LINE
- - - SECTION LINE
- . - CENTER LINE
- - - RIGHT OF WAY
- - - PARCEL LINE
- - - EASEMENT LINE
- - - RIGHT-OF-WAY
- - - PUBLIC UTILITY EASEMENT
- - - SIGHT VISIBILITY TRIANGLE
- - - VEHICLE NON-ACCESS EASEMENT
- - - MARICOPA COUNTY RECORDS
- - - REGISTERED LAND SURVEYOR
- - - ASSESSOR PARCEL NUMBER
- - - POINT OF BEGINNING
- - - POINT OF COMMENCEMENT
- ① 30'x30' SIGHT VISIBILITY TRIANGLE EASEMENTS (SEE NOTE 3, PAGE 1)

R/W
PUE
SVT
VNAE
MCR
RLS
APN
P.O.B.
P.O.C.
①

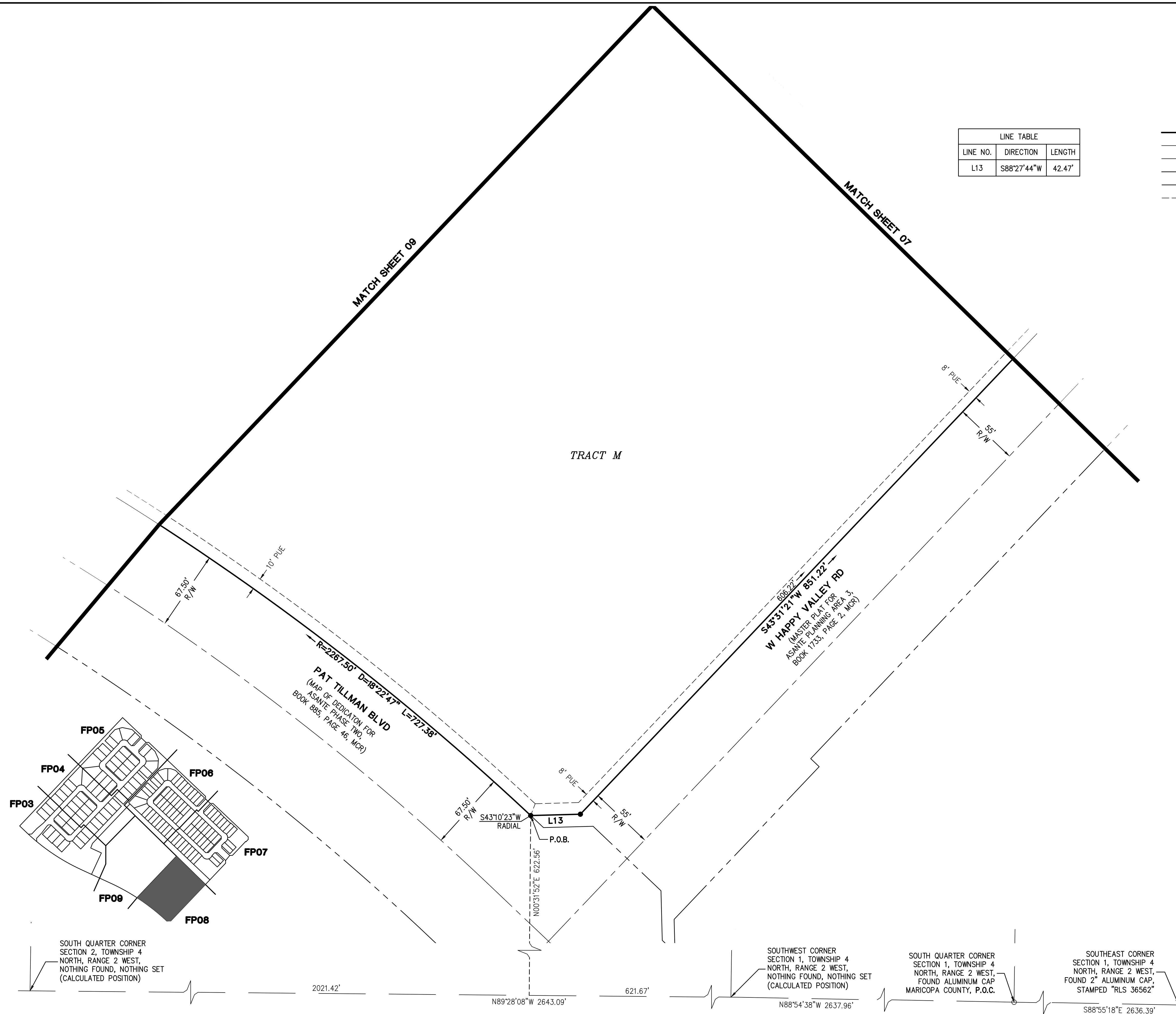
CURVE TABLE			
CURVE NO.	RADIUS	DELTA	LENGTH
C1	855.00'	0°55'32"	13.81'
C23	55.00'	17°20'29"	16.65'
C24	55.00'	124°40'58"	119.69'
C25	55.00'	17°20'29"	16.65'
C26	55.00'	17°20'29"	16.65'
C27	55.00'	124°40'58"	119.69'
C28	55.00'	17°20'29"	16.65'



WEST QUARTER CORNER SECTION 1,
TOWNSHIP 4 NORTH, RANGE 2 WEST,
FOUND 2" ALUMINUM CAP STAMPED
"MARICOPA COUNTY T4N R2W S2 S1
1/4 RLS 35852" DATED 2004

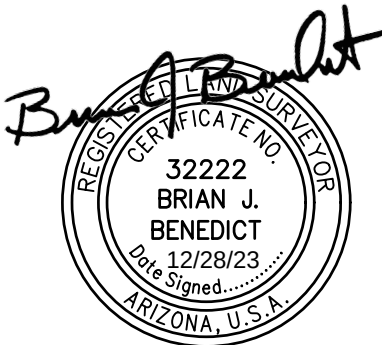
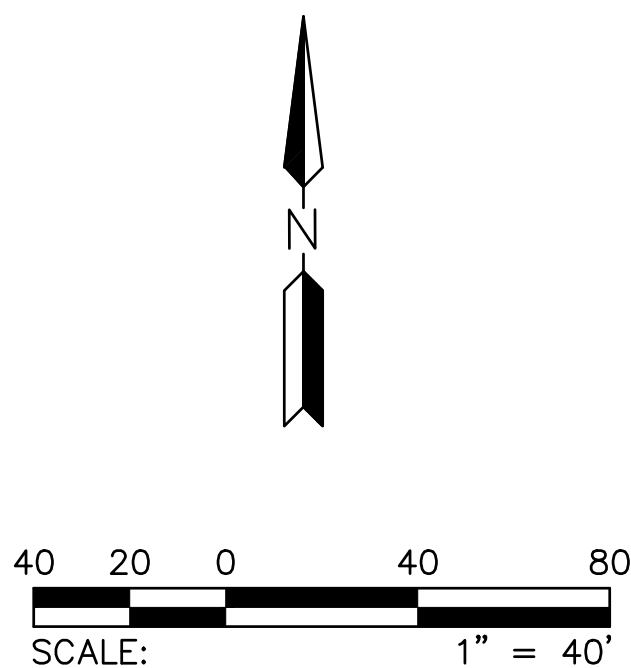
SOUTHWEST CORNER
SECTION 1, TOWNSHIP 4
NORTH, RANGE 2 WEST,
NOTHING FOUND, NOTHING SET
(CALCULATED POSITION)

PROJ. NO.: 1909	STATUS:
DATE: DEC 2023	MUNICIPAL TRACKING NO:
SCALE: AS SHOWN	DRAWN: GS
APPROVED: BJB	
DWG. NO. FP07	SHT. 7 OF 9

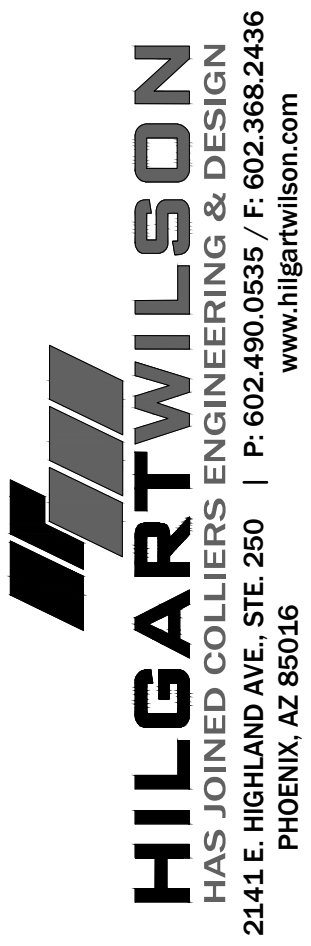


LEGEND

- | | |
|-----------|--|
| | FOUND MONUMENT AS NOTED |
| ⊗ | FOUND BRASS CAP IN HAND HOLE |
| ⊗ | FOUND BRASS CAP FLUSH |
| ⊙ | SET BRASS CAP, FLUSH PER
MAC STD DTL 120-1 TYPE B |
| ● | SET 1/2" REBAR W/ CAP,
RLS 32222 OR AS NOTED |
| _____ | BOUNDARY LINE |
| _____ | SECTION LINE |
| - - - - - | CENTER LINE |
| - - - - - | RIGHT OF WAY |
| _____ | PARCEL LINE |
| - - - - - | EASEMENT LINE |
| R/W | RIGHT-OF-WAY |
| PUE | PUBLIC UTILITY EASEMENT |
| SVT | SIGHT VISIBILITY TRIANGLE |
| 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 1) |



PROJ. NO.: 1909	STATUS:
DATE: DEC 2023	
SCALE: AS SHOWN	MUNICIPAL TRACKING NO:
DRAWN: GS	
APPROVED: BJB	



PAT TILLMAN BOULEVARD & ASANTE BOULEVARD
SURPRISE ARIZONA

FINAL PLAT

PROJ. NO.: 1909	STATUS:
DATE: DEC 2023	
SCALE: AS SHOWN	
DRAWN: GS	MUNICIPAL TRACKING NO:
APPROVED: BJB	

FP09

SHT. 9 OF 9

FS23-0849



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

3 October 2023

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

Ms. Nichole Flores
Planning Project Coordinator
City of Surprise Community Development
16000 N. Civic Center Plaza
Surprise AZ 85374

Re: FS23-0849; Asante PA5 Units 3.1, 3.3, 3.2, 2.12 (APN: 503-74-977)

Dear Ms. Flores

Thank you for the opportunity to provide comments on the final site plan application for Asante PA5 Units 3.1, 3.3, 3.2, 2.12. The site is located on 61.3 acres within the overall 1508-acre Asante PAD and proposes 138 single-family residential lots. The site is located at the northwest corner of Pat Tillman Blvd and Happy Valley Road in Surprise, AZ. The site is 2.25 miles outside the Luke AFB 1988 65 Ldn, "high noise or accident potential zone" as identified by A.R.S. § 28-8461 and is within the "territory in the vicinity of a military airport" also defined by A.R.S. § 28-8461.

In an effort to promote a more compatible co-existence, Luke AFB follows the guidelines in the Graduated Density Concept (GDC). The GDC proposes, in the absence of a more restrictive state, county or municipal general or comprehensive plan, graduating densities away from the 65 Ldn as follows: a maximum of 2 du/ac from the 65 Ldn to 1/2 mile, a maximum of 4 du/ac from 1/2 to 1 mile, and a maximum of 6 du/ac from 1 to 3 miles. The proposal for the property as stated in the narrative, consisting of 2.25 du/ac on the property meets the GDC.

The project, as described, will not have a negative impact on Luke AFB flight operations. Since the site will be located within the "territory in the vicinity of a military airport," it will be subjected to approximately 170 over flights per day. We also recommend a strong notification program on the part of the applicant to inform any potential occupants about Luke AFB operations.

If there are any questions, please contact Senior Planner, Ms. Jennifer Rahn at (623) 856-9981.

Sincerely

TOALE.CHRISTOPHER.P.10396
HER.P.1039696165

Digitally signed by
TOALE.CHRISTOPHER.P.10396
96165
Date: 2023.10.03 08:38:00 -07'00'

CHRISTOPHER P. TOALE

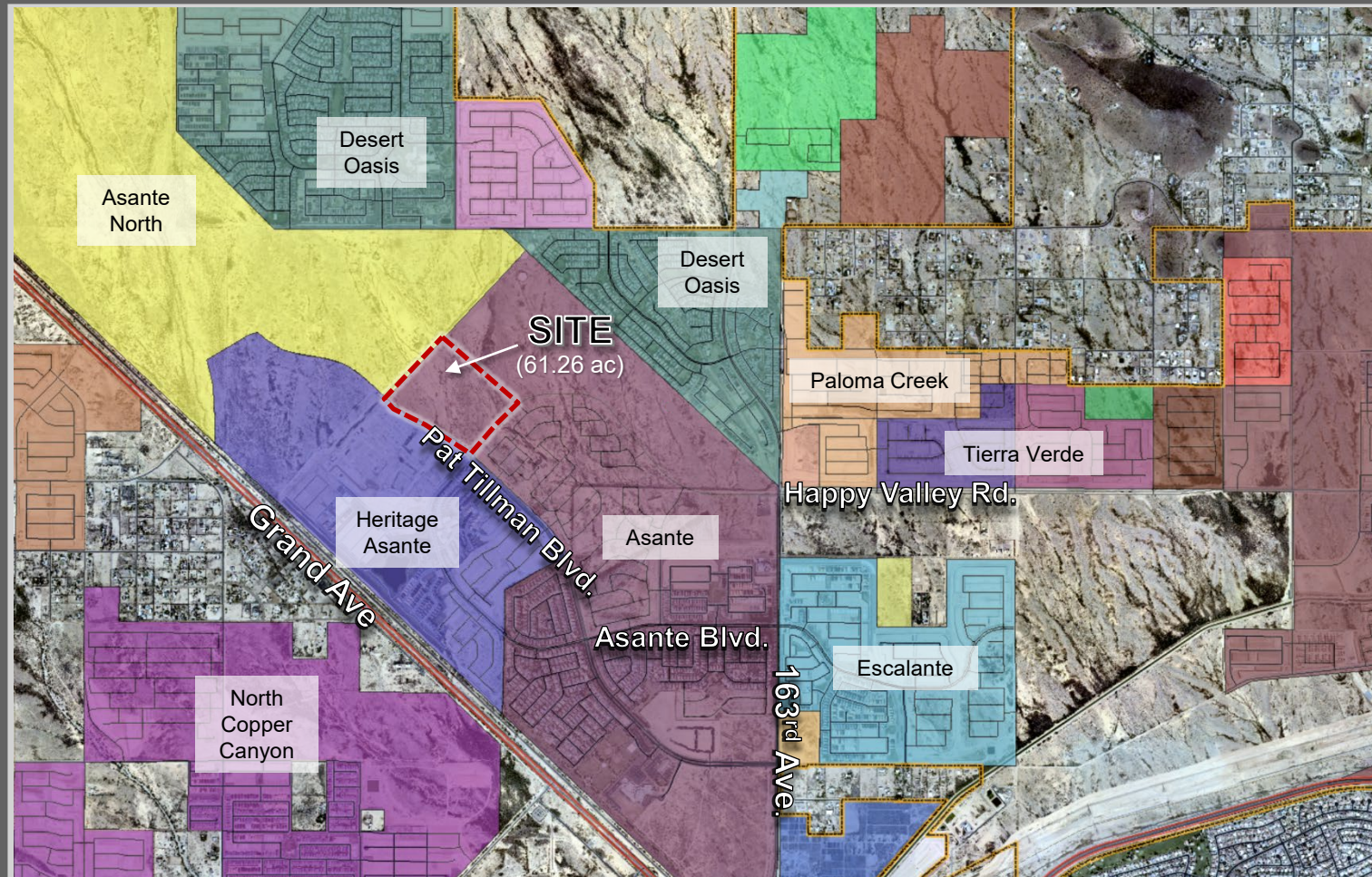
cc:

Colonel Keagan L. McLeese, Deputy Commander, 56th Fighter Wing
Ms. Demetria Themistocles, General Law Attorney, 56th Fighter Wing



FS23-0849
Asante Planning Area 5
Final Plat

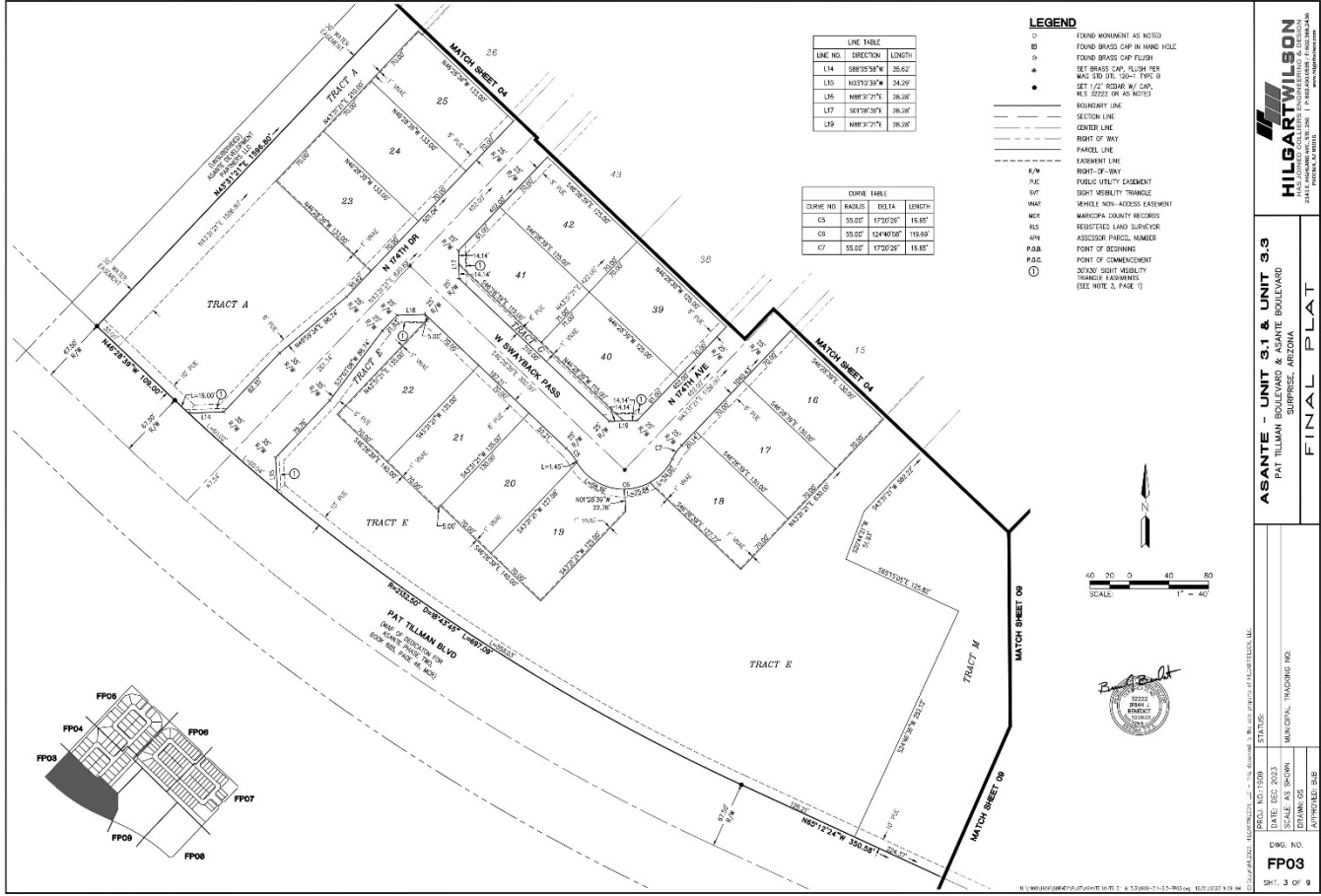
City Council
April 02, 2024



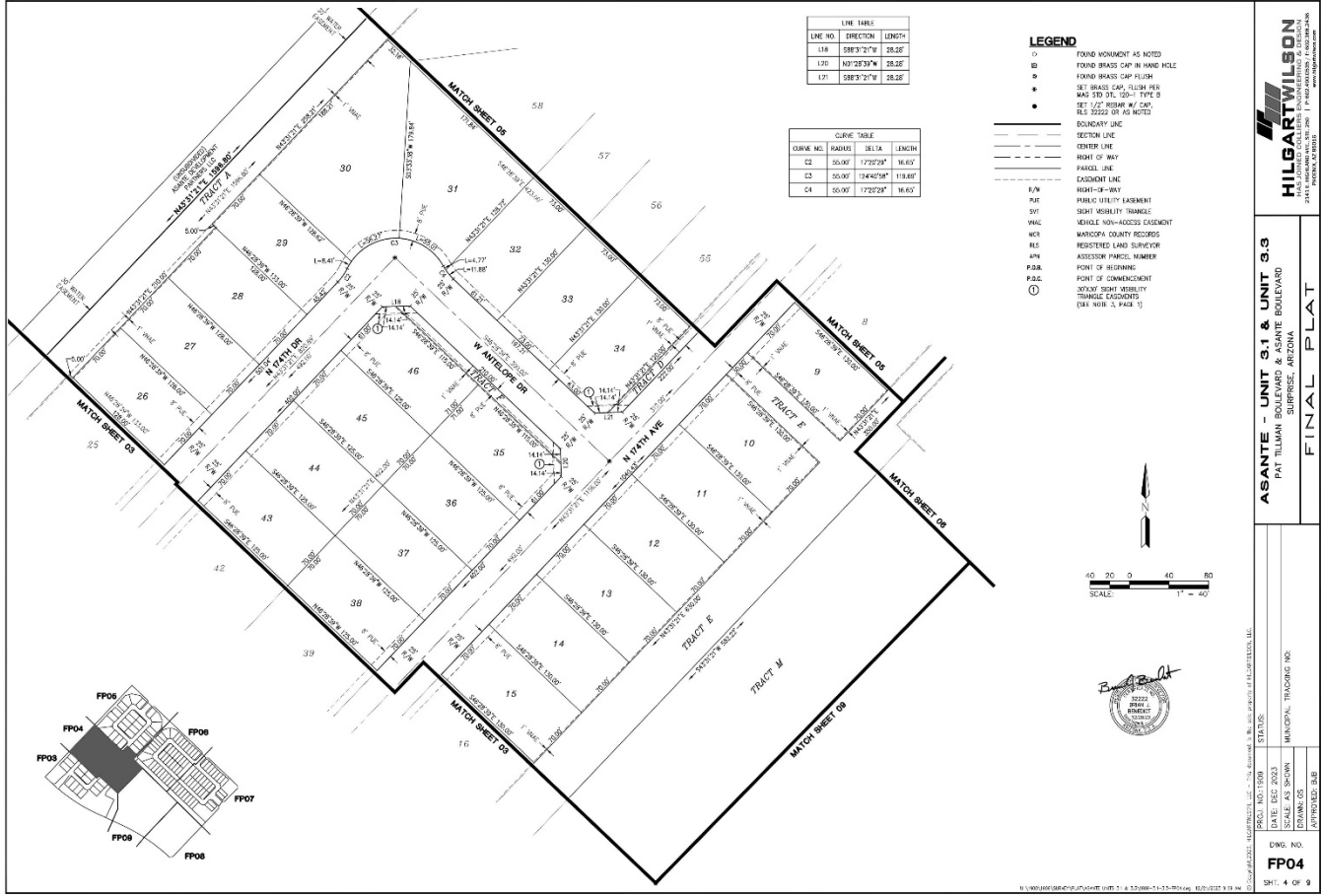
VICINITY MAP



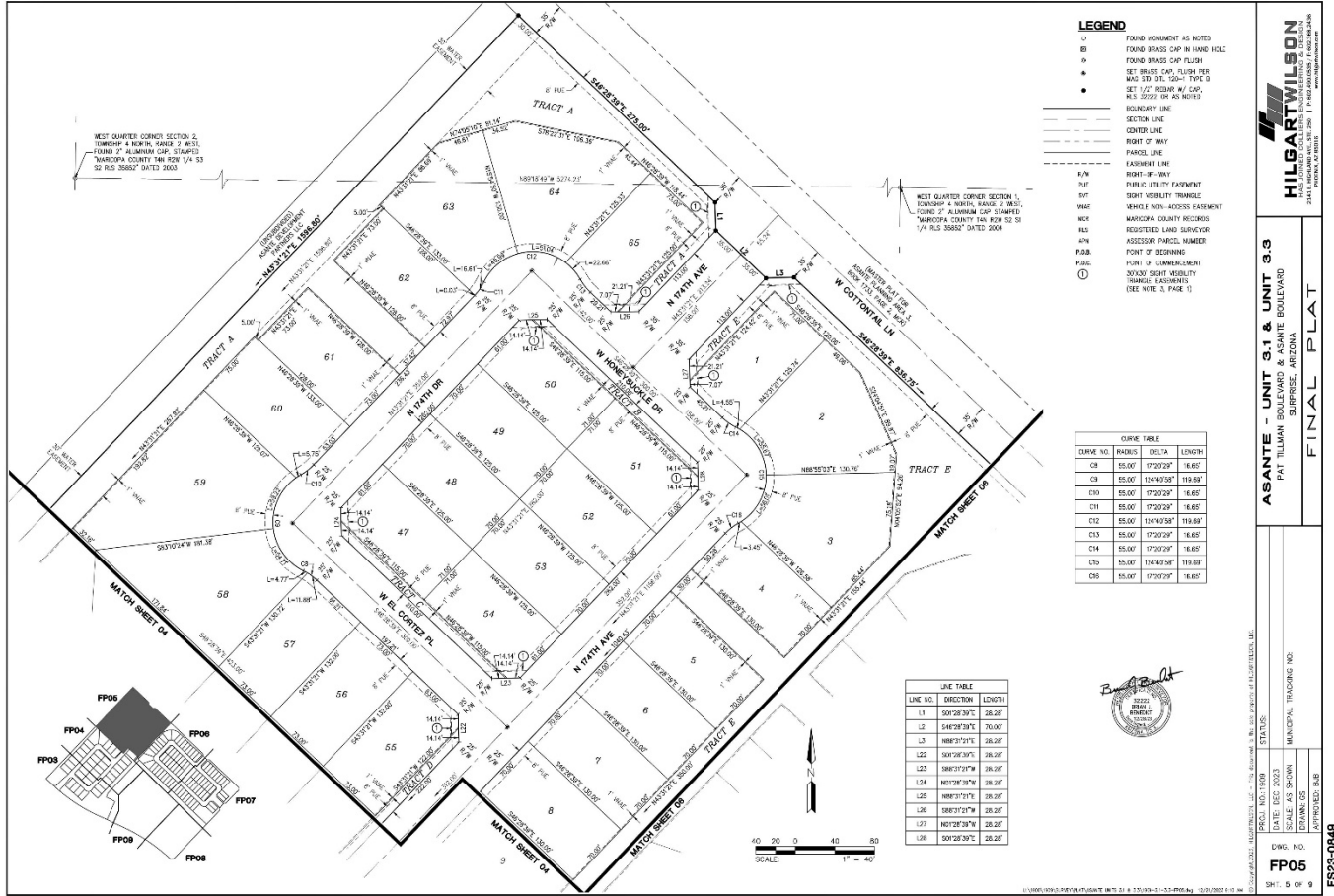
ZONING MAP



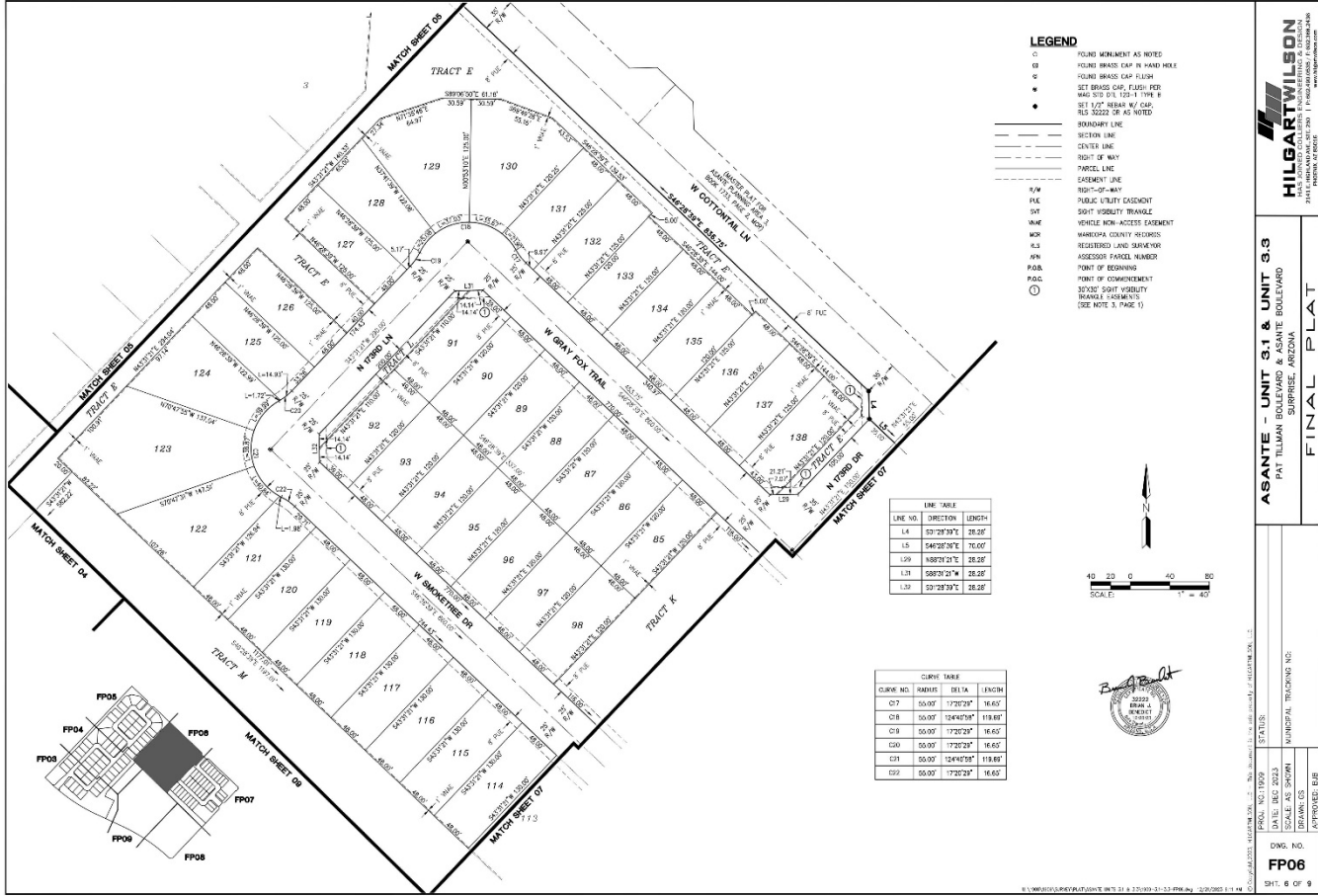
FINAL PLAT



FINAL PLAT

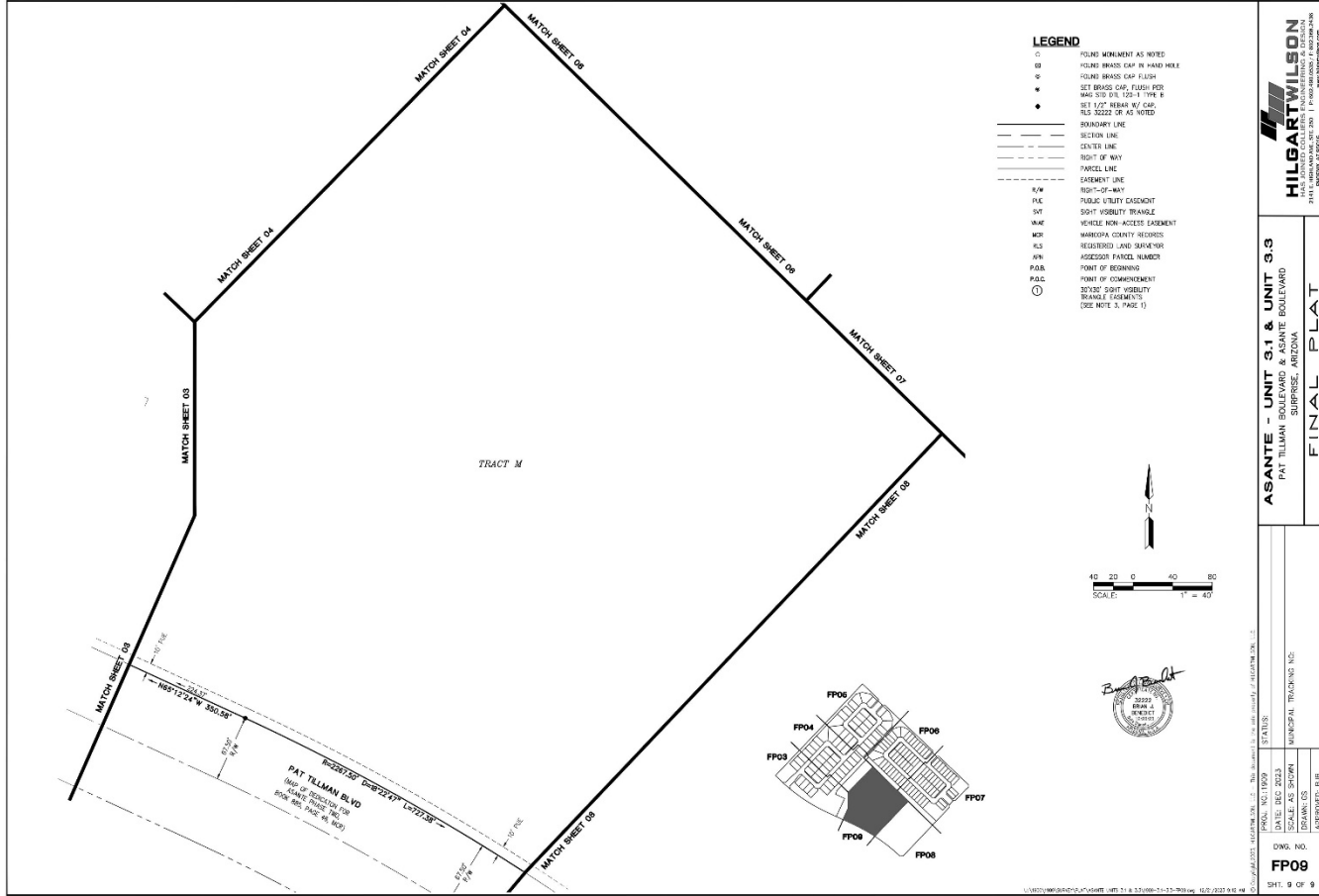


FINAL PLAT



FINAL PLAT







SURPRISE
ARIZONA

QUESTIONS OR COMMENTS?

Thank You





CITY OF SURPRISE Regular City Council Meeting

Council Meeting Date: April 2, 2024 Contact Person: Tanner Wessel
Submitting Department: Community Development District: District 3
Staff Recommendations:

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

Agenda Wording:

Consideration and action pertaining to approval of the Final Plat entitled, “Toll at Prasada, Phase I – Phase 3 Lots 1859, 1861, 1862, 1865, 1870, 1871, 1878, 1883, 1884, 1890 & Tracts I-J – I-N” and dated January 16, 2024, a property located west of Cotton Lane, between Cactus Road and Peoria Avenue; Case FS23-0972.

Motion:

I move to approve the Final Plat entitled, “Toll at Prasada, Phase I – Phase 3 Lots 1859, 1861, 1862, 1865, 1870, 1871, 1878, 1883, 1884, 1890 & Tracts I-J – I-N” and dated January 16, 2024.

Background:

James Rogers of EPS Group Inc. seeks approval of a Final Plat for Unit I of the Toll at Prasada development. This Final Plat proposes adjusting the lot lines of lots 1859, 1861, 1862, 1865, 1870, 1871, 1878, 1883, 1884, and 1890 and creates five (5) new landscape tracts adjacent to said lots.

Objective Analysis:

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

Policy Compliant:

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

Financial Impact:

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

Budget Impact:

There is no anticipated budget impact related to this item.

FTE Impact:

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

ATTACHMENTS:

1. 00-FS23-0972 Toll At Prasada Unit I Replat - Staff Report
 2. 01-FS23-0972 Toll At Prasada Unit I Replat - Vicinity Map
 3. 02-FS23-0972 Toll At Prasada Unit I Replat - Zoning Map
 4. 03-FS23-0972 Toll At Prasada Unit I Replat - Final Plat
 5. 04-FS23-0972 Toll At Prasada Unit I Replat - Landscape Plan
 6. 05-FS23-0972 Toll At Prasada Unit I Replat - Luke AFB
 7. FS23-0972 Toll At Prasada Unit I Replat - CC Presentation
-

Case: FS23-0972

Project Name: Toll at Prasada Unit I Replat

Council District: 3 – Mesquite

Meeting Date: April 2, 2024

Planner: Tanner Wessel, Planner II

Owner: Toll Prasada, LLC

Applicant: James Rogers of EPS Group Inc

Request: Final Plat for Lots 1859, 1861, 1862, 1865, 1870, 1871, 1878, 1883, 1884, and 1890 located within Unit I of the Toll at Prasada development located within the Prasada PAD

Site Location: Generally located west of Cotton Lane, between Cactus Road and Peoria Avenue

Site Size: Approximately 2.20 gross acres

Density: 4.48 gross DU/AC*
**Density for all of Unit I*

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

Findings:

- The proposed Final Plat is consistent with the Prasada PAD.
- The proposed Final Plat is consistent with the applicable City of Surprise regulations.
- The reviewing agencies have indicated no objections to the request.

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

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

PROJECT DESCRIPTION:

The subject request involves a Final Plat for a portion of Unit I of the Toll at Prasada development (AKA Sterling Grove). The Final Plat proposes adjusting the lot lines of lots 1859, 1861, 1862, 1865, 1870, 1871, 1878, 1883, 1884, and 1890 and creates five (5) new landscape tracts.

EXISTING ZONING:

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



Prasada PAD Residential	Prasada PAD Residential	Prasada PAD Residential
Prasada PAD Residential	Prasada PAD Residential	Prasada PAD Residential
Prasada PAD Residential	Prasada PAD Residential	Prasada PAD Residential

BACKGROUND:

June 22, 2006: The City Council approved the original Prasada PAD under case PAD05-465.

December 21, 2016: Staff approved a Minor Amendment to the Lake Village portion of the Prasada PAD under case FS16-400 for the purpose of revising the Lake Village land plan and development standards.

February 12, 2018: Staff approved a Minor Amendment to the Toll Brothers portion of the Prasada Lake Village under case FS17-587 for the purpose of revising specific development standards related to the Toll Brothers development.

April 17, 2018: The City Council approved the original Preliminary Plat for Toll at Prasada under case FS17-394.

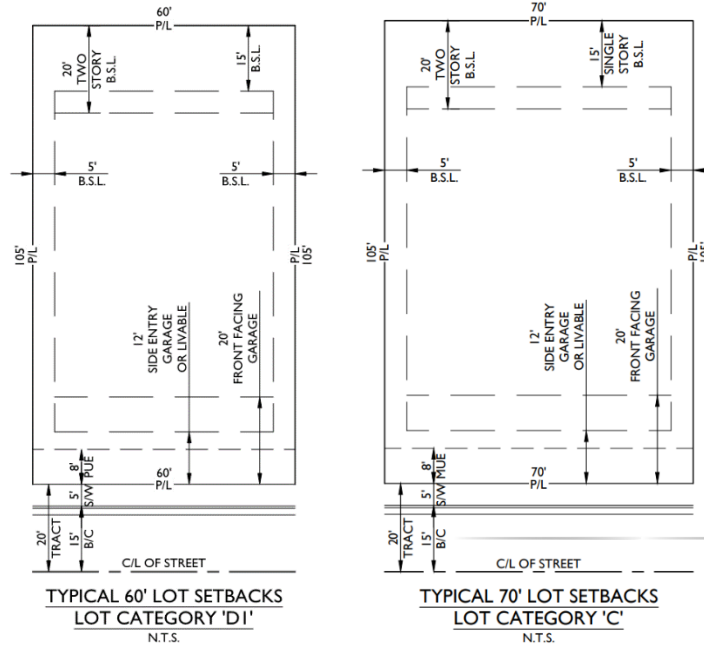
January 15, 2019: The City Council approved the Final Plat for Toll at Prasada Phase I Infrastructure under case FS18-290.

November 16, 2021: The City Council approved the Preliminary Plat for Toll at Prasada Unit I under case FS21-252.

February 1, 2022: The City Council approved the Final Plat for Toll at Prasada Unit I under case FS21-791.

ANALYSIS AND DISCUSSION

Lots 1859, 1861, 1862, 1865, 1870, 1871, 1878, 1883, 1884, and 1890 are located within Unit I of the Toll at Prasada development which encompasses approximately 20.07 gross acres and has an overall gross density of 4.48 DU/AC. This Final Plat only affects approximately 2.20 gross acres of the overall 20.07 acres of Unit I and does not propose any changes to the overall unit count or density of Unit I. Instead, this plat proposes adjusting the lot lines to recategorize lots 1859, 1861, 1862, 1865, 1870, 1878, and 1890 from the D2 (shallow-wide) lot type to the D1 (traditional) lot type, and lots 1871, 1883, and 1884 from D2 to the type C lot type. The proposed lot configurations for the lots are consistent with the approved PAD zoning, see below.



Additionally, this plat proposes five (5) new landscape tracts adjacent to each lot. These landscape tracts will be landscaped in accordance with the Prasada PAD and will have a plant palette that is consistent with the rest of the Sterling Grove community.

UTILITY AND SERVICES TABLE:

Electric:	Arizona Public Service
Water:	EPCOR
Wastewater:	City of Surprise
Refuse:	City of Surprise
Natural Gas:	Southwest Gas
Irrigation:	Maricopa Water District
Schools:	Dysart USD

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. This Final Plat does not propose any changes to the overall density of Unit I which is currently 4.48 gross DU/AC; the project most closely aligns with the Suburban Neighborhood type and is consistent with the General Plan in this regard. The site also lies within the 0-6 DU/AC ribbon of the Luke Air Force Base Graduated Density Concept (GDC); however, the site is integral to the larger Sterling Grove project, which is approved for 2,207 lots overall and meets the guidance offered by the GDC.

112 **REVIEWING AGENCIES:**

113
114 In addition to the standard city reviewing agencies, Luke Air Force Base and the Maricopa
115 Water District, were included in the routing of this request. None of the reviewing agencies
116 indicated any concerns over the request.

117
118 **SUMMARY:**

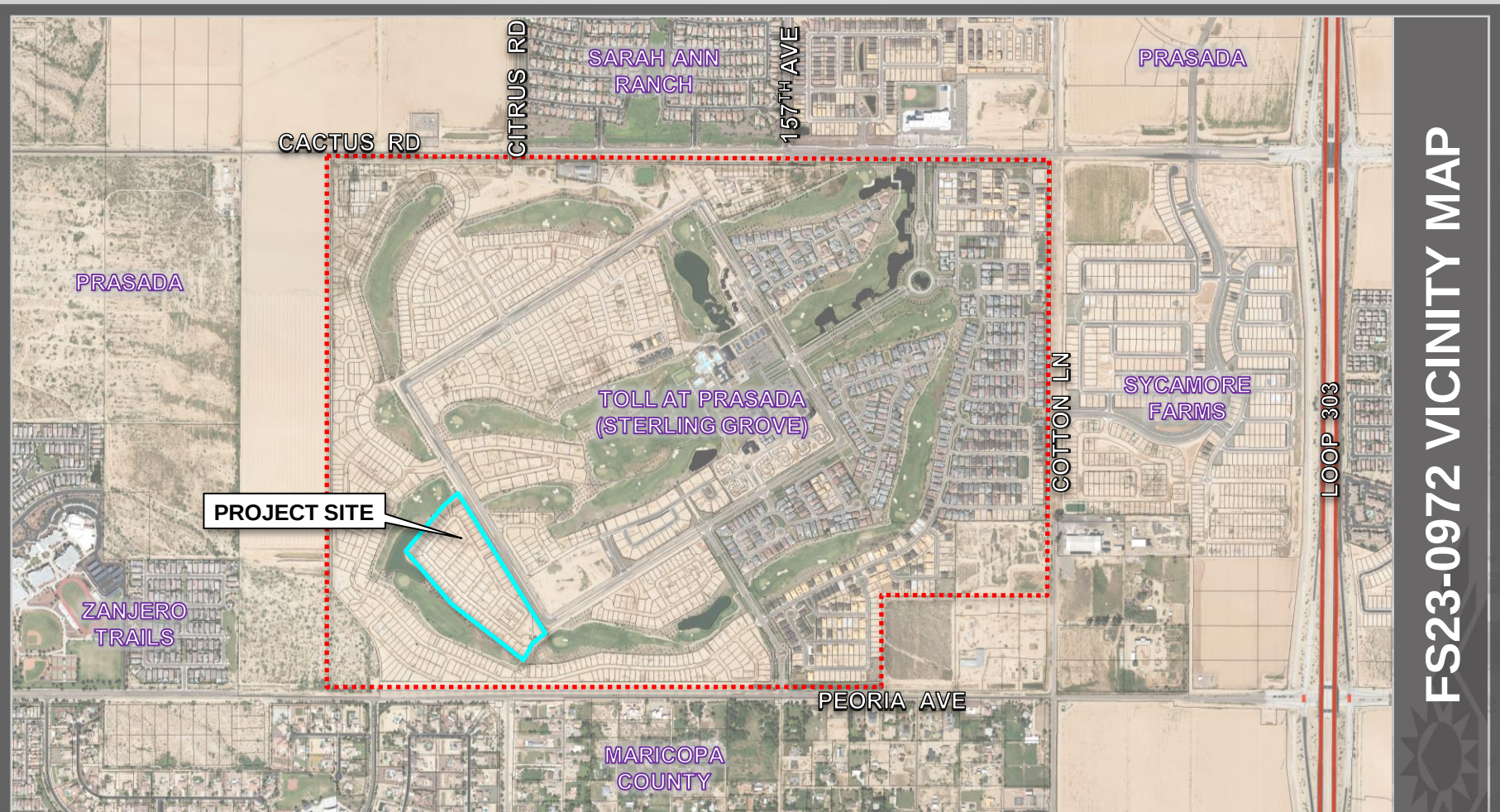
119
120 Staff concludes the subject Final Plat is consistent with the Prasada PAD and the applicable
121 requirements of the City of Surprise Land Development Ordinance. All city reviewing
122 departments have reviewed the request and expressed no concerns.

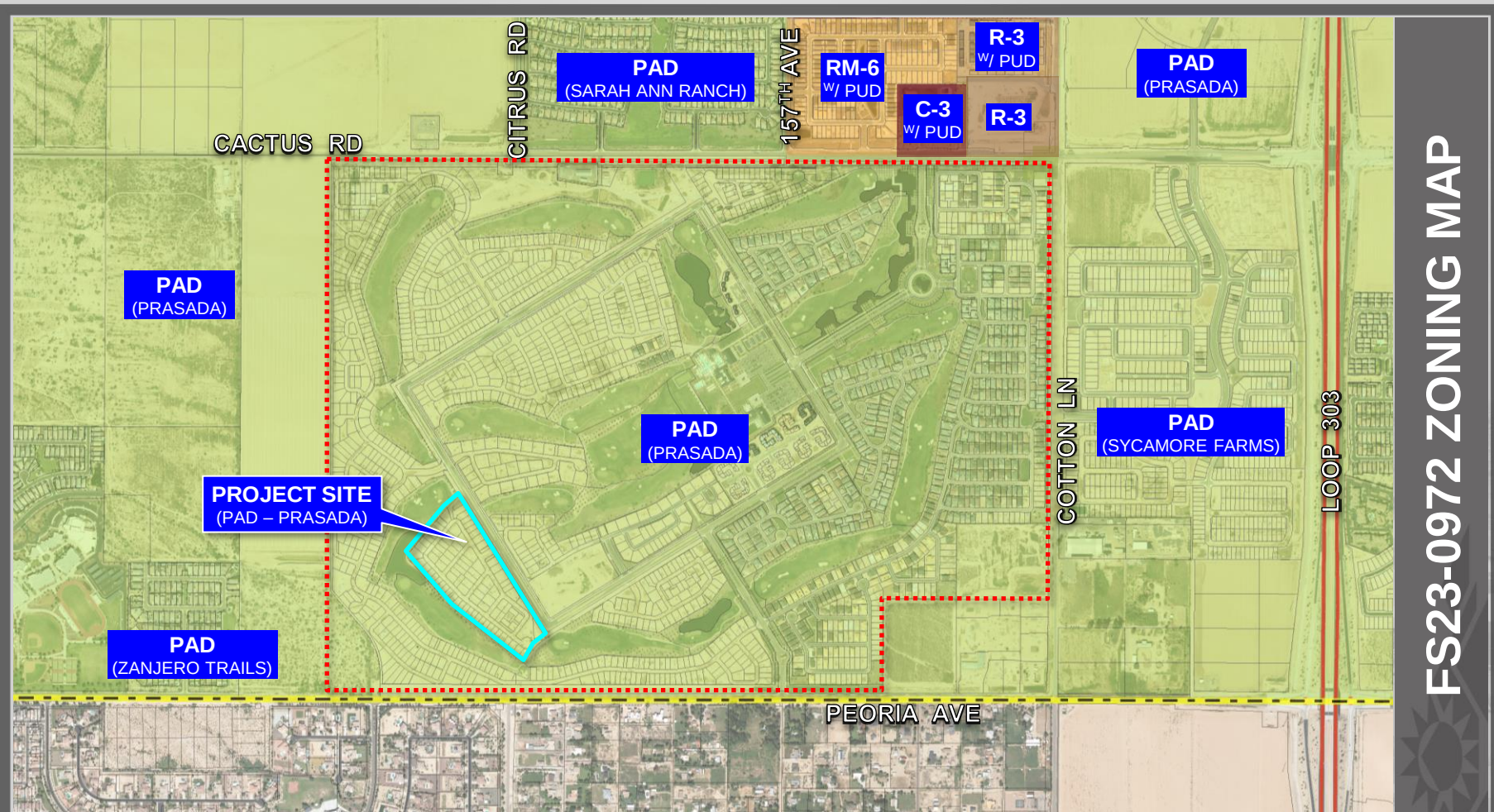
123
124 **FINDINGS:**

- 125
126
 - The proposed Final Plat is consistent with the Surprise General Plan 2035.
 - The proposed Final Plat is consistent with the Prasada PAD.
 - The reviewing agencies have indicated no objections.

129
130 **ATTACHMENTS:**

131 01 Vicinity Map
132 02 Zoning Map
133 03 Final Plat
134 04 Landscape Plans
135 05 Luke AFB Letter
136 PowerPoint





FS23-0972 ZONING MAP

DEDICATION

STATE OF ARIZONA }
COUNTY OF MARICOPA } SS

KNOW ALL PERSONS BY THESE PRESENTS: THAT TOLL PRASADA LLC, AN ARIZONA LIMITED LIABILITY COMPANY, "OWNER", HAS SUBDIVIDED UNDER THE NAME TOLL AT PRASADA, UNIT I – PHASE 3 LOTS 1859, 1861, 1862, 1865, 1870, 1871, 1878, 1883, 1884, 1890 & TRACTS I–J – I–N, BEING A RE–PLAT OF TOLL AT PRASADA, UNIT I – PHASE 3 LOTS 1859, 1861, 1862, 1865, 1870, 1871, 1878, 1883, 1884 & 1890 AS RECORDED IN BOOK 1644 OF MAPS, PAGE 22, M.C.R., SITUATED IN PORTIONS OF SECTIONS SECTIONS 22 AND 23, TOWNSHIP 3 NORTH, RANGE 2 WEST OF THE GILA AND SALT RIVER MERIDIAN MARICOPA COUNTY, ARIZONA, BEING A SUBDIVISION LOCATED IN A PORTION OF THE SOUTHEAST QUARTER OF SECTION 22, TOWNSHIP 3 NORTH, RANGE 2 WEST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, AS SHOWN AND PLATTED HEREON AND DOES HEREBY PUBLISH THIS PLAT AS AND FOR THE PLAT OF TOLL AT PRASADA, UNIT I – PHASE 3 LOTS 1859, 1861, 1862, 1865, 1870, 1871, 1878, 1883, 1884, 1890 & TRACTS I–J – I–N AND DECLARES THAT THIS PLAT SETS FORTH THE LOCATION AND GIVES THE DIMENSIONS OF EACH LOT, TRACT, STREET AND EASEMENT CONSTITUTING THE SAME, AND THAT EACH LOT, TRACT, STREET AND EASEMENT SHALL BE KNOWN BY THE NUMBER, LETTER, AND/OR AND NAME GIVEN TO EACH RESPECTIVELY AS SHOWN ON THIS PLAT.

OWNER HEREBY GRANTS TO THE CITY OF SURPRISE A PERPETUAL EASEMENT ACROSS THE PLAT INCLUDING ROADS AND TRACTS, 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 AND EMERGENCY VEHICLES.

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

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

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

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

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 PUBLIC A PERPETUAL NON–EXCLUSIVE PUBLIC UTILITY ACCESS IN, UPON, OVER, UNDER, THROUGH, AND ACROSS THE AREAS DESIGNATED AS PRIVATE STREET TRACTS.

TRACTS "I–J – I–N" ARE NOT DEDICATED TO THE PUBLIC, BUT IS PLATTED AS COMMON PROPERTY FOR THE USE AND ENJOYMENT OF THE HOMEOWNERS ASSOCIATION, AS MORE FULLY SET FORTH IN THE DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS. SAID HOMEOWNERS ASSOCIATION IS RESPONSIBLE FOR MAINTAINING SAID TRACTS.

IN WITNESS WHEREOF, OWNERS HAVE HEREUNTO CAUSED ITS CORPORATE NAMES TO BE SIGNED AND ITS CORPORATE SEAL TO BE AFFIXED BY THE UNDERSIGNED, DULY AUTHORIZED OFFICER THIS _____ DAY OF _____, 2024.

TOLL PRASADA LLC, AN ARIZONA LIMITED LIABILITY COMPANY

BY _____ DATE _____

ITS _____

ACKNOWLEDGMENT

STATE OF ARIZONA }
COUNTY OF MARICOPA } SS

ON THIS _____ DAY OF _____, 2024 BEFORE ME, THE UNDERSIGNED, PERSONALLY APPEARED _____ WHO ACKNOWLEDGED HIMSELF TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE INSTRUMENT WITHIN, AND WHO EXECUTED THE FOREGOING INSTRUMENT FOR THE PURPOSES THEREIN CONTAINED.

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

NOTARY PUBLIC DATE

MY COMMISSION EXPIRES:

NOTICE OF PRASADA PRE-ANNEXATION DEVELOPMENT AGREEMENT

OWNER'S PREDECESSOR, SUBURBAN LAND RESERVE, INC., A UTAH CORPORATION, FULTON HOMES CORPORATION, AN ARIZONA CORPORATION, AND WESTCOR/SURPRISE LLC, AN ARIZONA LIMITED LIABILITY COMPANY HAVE ENTERED INTO A PRE–ANNEXATION DEVELOPMENT AGREEMENT DATED SEPTEMBER 12, 2006 ("AGREEMENT") WITH CITY OF SURPRISE, AN ARIZONA MUNICIPAL CORPORATION, FOR WHICH A MEMORANDUM OF AGREEMENT WAS RECORDED ON SEPTEMBER 19, 2006, AT THE MARICOPA COUNTY RECORDER'S OFFICE AT DOCUMENT NO. 20061238109. AGREEMENT WAS RECENTLY AMENDED AND RECORDED ON JULY 20, 2018, AT THE MARICOPA COUNTY RECORDER'S OFFICE DOCUMENT NO. 20180551464. THE PROPERTIES INVOLVED IN THIS PLAT ARE SUBJECT TO THIS AGREEMENT.

NOTICE OF INTERGOVERNMENTAL AGREEMENT

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

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

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

PUBLIC NOTICE

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

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

OWNER HEREBY FURTHER AGREES TO INDEMNIFY, DEFEND, AND HOLD HARMLESS THE CITY OF SURPRISE FROM ANY AND ALL CLAIMS FOR DAMAGES OF ANY KIND TO PERSONS OR PROPERTY THAT MAY ARISE IN CONNECTION WITH THE USE OF THE SIDEWALKS LOCATED WITHIN THE RIGHT–OF–WAY.

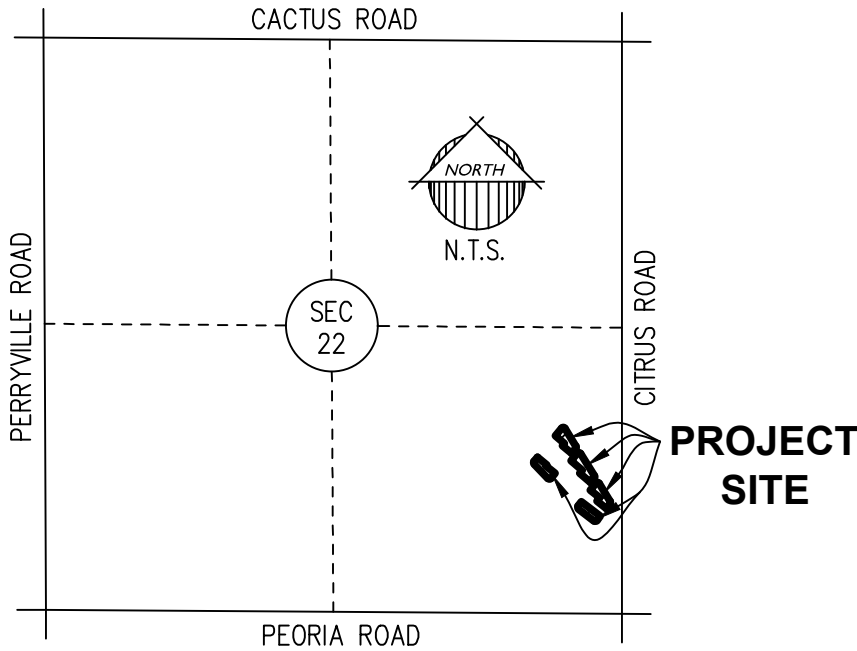
EPCOR PLAT DEDICATION

EXCEPT AS TO ANY AREAS SUBJECT TO THE EASEMENT OR EASEMENTS GRANTED TO MARICOPA WATER DISTRICT, AS DEPICTED ON THIS PLAT AND RECORDED IN THE OFFICE OF THE RECORDER, MARICOPA COUNTY, ARIZONA, A PERPETUAL WATER EASEMENT AS DESCRIBED IN THIS PLAT IS GRANTED TO EPCOR WATER ARIZONA INC., AND ITS SUCCESSORS AND ASSIGNS (COLLECTIVELY "GRANTEE"), TO CONSTRUCT, OPERATE, AND MAINTAIN WATER LINES AND APPURTENANT FACILITIES (COLLECTIVELY, "FACILITIES") UPON, ACROSS, OVER AND UNDER THE SURFACE OF THE EASEMENTS, TOGETHER WITH THE RIGHT TO OPERATE, REPAIR, REPLACE, MAINTAIN, AND REMOVE THE FACILITIES FROM THE PREMISES; TO ADD OR TO ALTER THE FACILITIES, AND TO PROVIDE GRANTEE WITH REASONABLE INGRESS AND EGRESS TO THE FACILITIES. GRANTEE WILL HAVE UNRESTRICTED ACCESS TO THE EASEMENT FOR THE ACTIVITIES DESCRIBED ABOVE AND FORMAL NOTIFICATION OR APPROVAL BY ANY ASSOCIATION PRIOR TO ACCESSING THE EASEMENT WILL NOT BE REQUIRED.

GRANTOR SHALL NOT ERECT OR CONSTRUCT OR PERMIT TO BE ERECTED OR CONSTRUCTED ANY BUILDING, STRUCTURE OR SIMILAR IMPROVEMENT WITHIN THE LIMITS OF THE EASEMENT GRANTED HEREIN. GRANTOR SHALL NOT, NOR PERMIT, THE GRADE OVER GRANTEE'S FACILITIES TO BE SUBSTANTIALLY ALTERED WITHOUT, IN EACH INSTANCE, THE PRIOR WRITTEN CONSENT OF GRANTEE, AND GRANTEE AGREES THAT NO OTHER PIPES OR CONDUITS SHALL BE PLACED WITHIN THE PREMISES SUBJECT TO THE EASEMENT GRANTED HEREIN, EXCEPT PIPES CROSSING GRANTEE'S FACILITIES AT RIGHT ANGLES, IN WHICH CASE, A MINIMUM VERTICAL DISTANCE OF TWO (2) FEET (AS MEASURED FROM THE CLOSEST POINTS ON THE OUTSIDE EDGES) SHALL BE MAINTAINED BETWEEN GRANTEE'S FACILITIES AND SUCH OTHER PIPES OR CONDUITS. UNLESS GRANTEE EXPRESSLY CONSENTS IN WRITING OTHERWISE, ANY AND ALL SEWER PIPES CROSSING THE EASEMENT GRANTED HEREIN SHALL BE LAID BELOW GRANTEE'S FACILITIES. HOWEVER, GRANTOR SHALL HAVE THE RIGHT TO CONSTRUCT AND ERECT FENCES, TO INSTALL LANDSCAPING, PARKING FACILITIES AND DRIVEWAYS, AND TO ESTABLISH OTHER USES THAT ARE NOT INCONSISTENT WITH USES WITHIN THE LIMITS OF SAID EASEMENT IN A MANNER THAT WILL NOT UNREASONABLY INTERFERE WITH GRANTEE'S ACCESS TO THE FACILITIES.

FINAL RE-PLAT
Toll at Prasada, Unit I - Phase 3 Lots 1859, 1861, 1862, 1865, 1870, 1871, 1878, 1883, 1884, 1890 & Tracts I-J - I-N

BEING A RE–PLAT OF Toll at Prasada, Unit I – Phase 3
Lots 1859, 1861, 1862, 1865, 1870, 1871, 1878, 1883, 1884 & 1890
AS RECORDED IN BOOK 1644 OF MAPS, PAGE 22, M.C.R.,
SITUATED IN A PORTION OF THE SOUTHEAST QUARTER OF SECTION 22,
TOWNSHIP 3 NORTH, RANGE 2 WEST OF THE GILA AND SALT RIVER MERIDIAN,
MARICOPA COUNTY, ARIZONA



VICINITY MAP

OWNER/DEVELOPER

TOLL BROTHERS
8767 E VIA DE VENTURA, SUITE 390
SCOTTSDALE, AZ 85258
TEL: (602) 999–5684
CONTACT: AARON INSCO

ENGINEER

EPS GROUP, INC.
1130 N. ALMA SCHOOL ROAD, STE. 120
MESA, ARIZONA 85201
TEL: (480)–503–2250
FAX: (480)–503–2258
CONTACT: JAMES ROGERS, P.E.

SHEET INDEX

1 COVER SHEET
2 LOT AREA TABLE, TRACT AREA & USAGE TABLE, CURVE TABLE, LINE TABLE & LEGAL DESCRIPTION
3–4 FINAL PLAT PLAN SHEETS

HOMEOWNERS ASSOCIATION RATIFICATION

KNOW ALL MEN BY THESE PRESENTS: THAT STERLING GROVE COMMUNITY ASSOCIATION, INC., AN ARIZONA NON–PROFIT CORPORATION, HEREBY RATIFIES, AFFIRMS AND APPROVES THIS PLAT FOR "TOLL AT PRASADA, UNIT I – PHASE 3 LOTS 1859, 1861, 1862, 1865, 1870, 1871, 1878, 1883, 1884, 1890 & TRACTS I–J – I–N" AND THE RESPONSIBILITIES IMPOSED UPON IT UNDER THIS PLAT.

IN WITNESS WHEREOF, STERLING GROVE COMMUNITY ASSOCIATION, INC. HAS CAUSED ITS NAME TO BE AFFIXED BY THE UNDERSIGNED, DULY AUTHORIZED OFFICER THIS _____ DAY OF _____, 2024.

STERLING GROVE COMMUNITY ASSOCIATION, INC.,
AN ARIZONA NON–PROFIT CORPORATION

BY: _____

ITS: _____

ACKNOWLEDGMENT

STATE OF ARIZONA }
COUNTY OF MARICOPA } SS

ON THIS _____ DAY OF _____, 2024 BEFORE ME, THE UNDERSIGNED, PERSONALLY APPEARED _____ WHO ACKNOWLEDGED HIMSELF TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE INSTRUMENT WITHIN, AND WHO EXECUTED THE FOREGOING INSTRUMENT FOR THE PURPOSES THEREIN CONTAINED.

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

NOTARY PUBLIC DATE

MY COMMISSION EXPIRES:

CITY OF SURPRISE ENGINEER APPROVAL

DATA ON THIS PLAT REVIEWED AND APPROVED THIS _____ DAY OF _____, 2024,
BY THE CITY ENGINEER OF SURPRISE, ARIZONA.

APPROVED _____ DATE _____
CITY ENGINEER

CITY OF SURPRISE COUNCIL APPROVAL

APPROVED BY THE CITY COUNCIL OF THE CITY OF SURPRISE, ARIZONA, THIS _____ DAY OF _____, 2024.

ATTEST:

MAYOR DATE

CITY CLERK DATE

CERTIFICATION

I, ROBERT A. JOHNSTON, HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR IN THE STATE OF ARIZONA; THAT THIS PLAT CORRECTLY REPRESENTS A SURVEY MADE UNDER MY DIRECTION DURING THE MONTH OF OCTOBER, 2023; THAT THE SURVEY IS TRUE AND CORRECT AS SHOWN; THAT ALL MONUMENTS ACTUALLY EXIST OR WILL BE SET AS SHOWN; THAT SAID MONUMENTS ARE SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED.

ROBERT A. JOHNSTON, RLS 37495
EPS GROUP, INC.
1130 N. ALMA SCHOOL ROAD, STE. 120
MESA, ARIZONA 85201
PHONE: (480) 503–2250
FAX: (480) 503–2258

DATE OF PREPARATION: 10/16/23 (REVISED JANUARY 16, 2024)

GENERAL NOTES

- SPRINKLERS ARE REQUIRED IN ALL ONE AND TWO FAMILY DWELLINGS BUILT IN AREAS WHICH DO NOT HAVE AN ADEQUATE WATER SUPPLY.
- NO ON–SITE GRADING OR EXCAVATION SHALL OCCUR WITHOUT FIRST OBTAINING A PERMIT FROM THE CITY OF SURPRISE.
- THE PROPERTY IS LOCATED WITHIN AN AREA HAVING FLOOD ZONE "ZONE X SHADED," BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, ON FLOOD INSURANCE RATE MAP NO. 04013C1655L, 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.
- THE ROADS DESIGNATED AS "PRIVATE" AND ANY APPURTENANCES INCLUDING BUT NOT LIMITED TO ROAD SIGNS, STRIPING, CURB AND GUTTER, AND SIDEWALKS ARE PRIVATE; SUCH ROADS AND APPURTENANCES ARE OWNED, MAINTAINED AND REPAIRED BY OWNER OR THE HOMEOWNER'S ASSOCIATION FORMED BY OWNER. THE CITY OF SURPRISE SHALL NOT MAINTAIN OR REPAIR ANY ROAD DESIGNATED AS "PRIVATE."
- IN ACCORDANCE WITH ARS § 9–461.07, THE CITY OF SURPRISE HAS DETERMINED THAT ALL DEDICATIONS OCCURRING WITH THIS PLAT ARE IN CONFORMANCE WITH THE SURPRISE GENERAL PLAN.
- PURSUANT TO A.R.S. § 42–11102, THE CITY OF SURPRISE, A POLITICAL SUBDIVISION OF THE STATE OF ARIZONA, IS EXEMPT FROM ALL TAXES AND ASSESSMENTS BASED ON ASSESSED VALUE EXCEPT FOR SPECIAL DISTRICTS #14751 AND 14710, WHEN APPLICABLE.
- THE MAINTENANCE OF LANDSCAPING WITHIN THE OPEN SPACES, LANDSCAPED TRACTS, RETENTION BASINS, AND PARKS SHALL BE THE RESPONSIBILITY OF THE OWNER OR THE HOMEOWNERS' ASSOCIATION FORMED BY THE OWNER.
- THE MAINTENANCE OF LANDSCAPING WITHIN THE ADJACENT PUBLIC RIGHTS–OF–WAY, INCLUDING LANDSCAPED MEDIANS WITHIN COLLECTORS AND LOCAL STREETS, AND LANDSCAPED AREAS BETWEEN THE CURB AND THE DETACHED SIDEWALK, SHALL BE THE RESPONSIBILITY OF THE ADJACENT PROPERTY OWNER OR THE PROPERTY HOMEOWNERS' ASSOCIATION FORMED BY THE ADJACENT PROPERTY
- LANDSCAPING MAINTENANCE OF THE MEDIANS WITHIN THE PUBLIC RIGHT–OF–WAY WITHIN ANY ARTERIAL OR PARKWAY STREET CLASSIFICATION SHALL BE RESPONSIBILITY OF THE CITY OF SURPRISE AFTER ACCEPTANCE.
- ZONING OF THE PROPERTY IS PER SURPRISE ZONING CASE FS17–587 OR AS SUBSEQUENTLY AMENDED.
- THIS FINAL PLAT IS IN SUBSTANTIAL CONFORMANCE WITH THE PRELIMINARY PLAT AS APPROVED UNDER CITY OF SURPRISE CASE FS21–252.

AREA SUMMARY TABLE		
DESCRIPTION	AREA (SF)	AREA (ACRES)
LOTS 1859, 1861, 1862, 1865, 1870, 1871, 1878, 1883, 1884 & 1890 (10 LOTS)	72,373	1.6615
TRACT I–J – I–N (5 TRACTS)	23,337	0.5358
GROSS AREA	95,711	2.1971

100 YEAR ASSURED WATER SUPPLY

THE SUBDIVIDER HAS OBTAINED A CERTIFICATE OF 100 YEAR ASSURED WATER SUPPLY FROM THE DEPARTMENT OF WATER RESOURCES.

27–701007.0000 11/14/2018
CERTIFICATE NUMBER DATE

BASIS OF BEARING

THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SECTION 23, TOWNSHIP 3 NORTH, RANGE 2 WEST OF THE GILA AND SALT RIVER MERIDIAN, BEING SOUTH 89°59'55" WEST AS MEASURED AND BEING SOUTH 89°59'47" WEST AS SHOWN ON MARICOPA COUNTY GDACS SURVEY RECORDED IN BOOK 661, PAGE 18, MARICOPA COUNTY RECORDS.

NOTICE OF TOLL AT PRASADA DEVELOPMENT AND WATER DELIVERY AGREEMENT

LANDOWNER ENTERED INTO THE TOLL AT PRASADA DEVELOPMENT AND WATER DELIVERY AGREEMENT DATED JANUARY 2, 2019 ("AGREEMENT") WITH MARICOPA COUNTY MUNICIPAL WATER CONSERVATION DISTRICT NUMBER ONE ("MWD") FOR WHICH A MEMORANDUM OF AGREEMENT WAS RECORDED ON JANUARY 3, 2019, AT THE MARICOPA COUNTY RECORDERS' OFFICE AT 2019–0002436. THE PROPERTIES INVOLVED IN THIS PLAT ARE SUBJECT TO THIS AGREEMENT. THE AGREEMENT AND THIS PLAT, INCLUDING ANY AND ALL DEDICATIONS THEREIN, HEREBY PRESERVE MWD'S PRIOR AND SUPERIOR RIGHTS OF ACCESS TO AND USE OF EXISTING AND FUTURE MWD FACILITIES AND MWD PROPERTY INTERESTS, AS SUCH TERMS ARE DEFINED IN THE AGREEMENT, TO ENABLE MWD TO ACCOMPLISH ALL OF MWD'S PURPOSES, INCLUDING, BUT NOT LIMITED TO, THE TRANSMISSION AND DISTRIBUTION OF WATER, WASTEWATER, POWER AND COMMUNICATIONS, AND TO CONSTRUCT, RECONSTRUCT, OPERATE, MAINTAIN AND REPLACE THOSE MWD FACILITIES AND MWD PROPERTY INTERESTS. THE AGREEMENT IS ON FILE AT THE OFFICES OF TOLL PRASADA LLC, AND MAY BE REVIEWED AS TO ALL DETAILS, WITH PARTICULAR REFERENCE TO SECTION 7 AND SECTION 9, UPON REASONABLE REQUEST.

DATED THIS _____ DAY OF _____, 2024.

MARICOPA COUNTY MUNICIPAL WATER CONSERVATION DISTRICT NUMBER ONE, A POLITICAL SUBDIVISION OF THE STATE OF ARIZONA

BY: _____ ATTEST: _____
CHRISTINE CAIN GLEN VORTHERMS

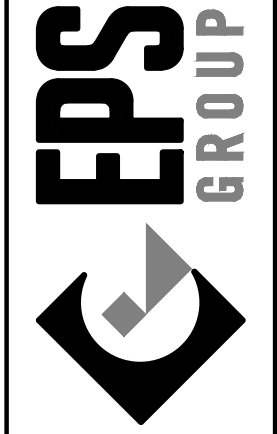
ITS: PROPERTY & CONTRACTS MANAGER ITS: ASSISTANT SECRETARY

TOLL PRASADA LLC, AN ARIZONA LIMITED LIABILITY COMPANY

BY: _____

ITS: _____

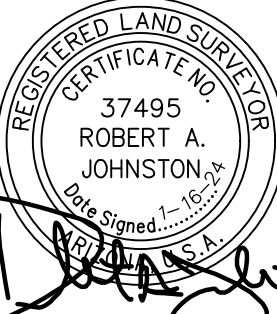
1130 N Alma School Rd., Suite 120
Mesa, AZ 85201
T:480.503.2250 | F:480.503.2258
www.epsgroupinc.com



Project: Toll at Prasada, Unit I - Phase 3 Lots 1859, 1861, 1862, 1865, 1870, 1871, 1878, 1883, 1884, 1890 & Tracts I-J - I-N
SURPRISE, ARIZONA

Revisions:	
1/16/2024 CITY 1ST REVIEW COMMENTS	

Designer: RAJ
Drawn by: TJF



Job No.
16-339
FP01
Sheet No.
1
of 4

LOT AREA TABLE			
LOT #	AREA (SF)	AREA (AC)	CATEGORY
1859	6,591	0.1513	D1
1861	6,609	0.1517	D1
1862	6,600	0.1515	D1
1865	6,591	0.1513	D1
1870	7,941	0.1823	D1
1871	9,350	0.2147	C
1878	6,674	0.1532	D1
1883	7,727	0.1774	C
1884	7,700	0.1768	C
1890	6,590	0.1513	D1

TRACT USE TABLE			
TRACT	USE	AREA (SF)	AREA (AC)
I-J	LANDSCAPE, OPEN SPACE, ** PUBLIC UTILITY EASEMENT & ** SIGHT DISTANCE TRIANGLE EASEMENT	3,055	0.0701
I-K	LANDSCAPE, OPEN SPACE, ** PUBLIC UTILITY EASEMENT & ** SIGHT DISTANCE TRIANGLE EASEMENT	2,046	0.0470
I-L	LANDSCAPE, OPEN SPACE, ** PUBLIC UTILITY EASEMENT & ** SIGHT DISTANCE TRIANGLE EASEMENT	6,494	0.1491
I-M	LANDSCAPE, OPEN SPACE, ** PUBLIC UTILITY EASEMENT & ** SIGHT DISTANCE TRIANGLE EASEMENT	6,629	0.1522
I-N	LANDSCAPE, OPEN SPACE, ** PUBLIC UTILITY EASEMENT & ** SIGHT DISTANCE TRIANGLE EASEMENT	5,113	0.1174

NOTES

1. COMMON AREAS MAY INCLUDE OPEN SPACE, LANDSCAPING, PEDESTRIAN PATHS, AND/OR AMENITIES.
2. SPECIFIC EASEMENTS THAT ARE BEING DEDICATED AS PART OF THIS PLAT ARE FULLY DELINEATED ON THE FOLLOWING SHEETS.
3. ** THE EASEMENTS LISTED ABOVE (SHOWN WITH AN ASTERIK **) ONLY AFFECT A PORTION OF THE TRACT WITH WHICH THEY ARE LISTED, AND ARE FULLY DELINEATED WITHIN THE PLAT. OTHER "USES" LISTED ABOVE ARE COMMON AREA.

CURVE TABLE						
CURVE	LENGTH	RADIUS	DELTA	TANGENT	CHORD	CHORD BRG
C1	29.06'	20.00'	83°14'51"	17.77'	26.57'	S01°34'36"E
C2	58.12'	40.00'	83°14'51"	35.54'	53.14'	S01°34'36"E
C3	62.83'	40.00'	90°00'00"	40.00'	56.57'	N06°56'56"W
C4	37.83'	20.00'	108°22'16"	27.72'	32.44'	N85°46'02"W
C5	75.66'	40.00'	108°22'16"	55.43'	64.87'	N85°46'02"W
C6	14.85'	140.00'	6°04'42"	7.43'	14.85'	S41°05'25"W
C7	28.25'	20.00'	80°55'59"	17.06'	25.96'	N08°53'06"E
C8	22.73'	140.00'	9°18'16"	11.39'	22.71'	S44°41'58"W
C9	38.48'	120.00'	18°22'16"	19.40'	38.31'	S49°13'58"W
C10	37.83'	20.00'	108°22'16"	27.72'	32.44'	N85°46'02"W
C11	33.77'	20.00'	96°45'09"	22.51'	29.90'	N88°25'24"E
C12	14.15'	120.00'	6°45'17"	7.08'	14.14'	S34°57'32"E
C13	42.66'	120.00'	20°22'03"	21.56'	42.43'	S41°45'55"E
C14	73.29'	480.00'	8°44'55"	36.72'	73.22'	S47°34'29"E
C15	31.42'	20.00'	90°00'00"	20.00'	28.28'	N83°03'04"E
C16	26.43'	20.00'	75°42'40"	15.54'	24.55'	N06°16'26"E
C17	31.42'	20.00'	90°00'00"	20.00'	28.28'	S06°56'56"E
C18	38.53'	20.00'	110°22'03"	28.76'	32.84'	N86°45'55"W
C19	42.66'	120.00'	20°22'03"	21.56'	42.43'	S48°14'05"W
C20	25.28'	140.00'	10°20'45"	12.67'	25.25'	S43°13'26"W
C21	27.92'	20.00'	79°58'42"	16.78'	25.71'	N08°24'28"E
C22	28.51'	120.00'	13°36'45"	14.32'	28.44'	S44°51'27"W

LINE TABLE		
LINE	BEARING	LENGTH
L1	N38°03'04"E	60.00'
L2	N38°03'04"E	41.00'
L3	N51°39'49"E	15.57'
L4	N58°25'06"E	12.16'
L5	N40°02'50"E	61.86'
L6	N40°02'50"E	37.86'
L7	N58°25'06"E	14.79'
L8	N49°57'10"W	40.00'
L9	N49°57'10"W	20.00'
L10	N49°57'10"W	20.00'
L11	N49°57'10"W	109.99'
L12	N49°57'10"W	107.12'
L13	S40°02'50"W	60.67'
L14	S40°02'50"W	10.93'
L15	N40°02'50"E	70.00'
L16	N40°02'50"E	28.43'
L17	N40°02'50"E	88.16'
L18	S31°34'54"E	25.82'
L19	S51°56'56"E	107.32'
L20	S51°56'56"E	107.32'

LINE TABLE		
LINE	BEARING	LENGTH
L21	S38°03'04"W	82.08'
L22	N51°56'56"W	20.00'
L23	N51°56'56"W	20.00'
L24	N51°56'56"W	40.00'
L25	N49°57'10"W	20.00'
L26	S49°57'10"E	20.00'
L27	S46°47'59"W	20.00'
L28	S49°57'10"E	20.00'
L29	N58°25'06"E	20.00'
L30	N58°25'06"E	20.00'
L31	N58°25'06"E	20.00'
L32	N58°25'06"E	20.00'
L33	S38°03'04"W	22.05'
L34	S51°56'56"E	20.00'
L35	N58°25'06"E	20.00'
L36	S31°34'54"E	19.94'
L37	N49°57'10"W	20.00'
L38	S51°56'56"E	20.00'
L39	S51°56'56"E	20.00'
L40	S51°56'56"E	20.00'

LEGAL DESCRIPTION

A PORTION OF THE SOUTHEAST QUARTER OF SECTION 22, TOWNSHIP 3 NORTH, RANGE 2 WEST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A FOUND REBAR AT THE SOUTHWEST CORNER OF SAID SECTION 23, TOWNSHIP 3 NORTH, RANGE 2 WEST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, POINT BEING COINCIDENTAL TO THE SOUTHEAST CORNER OF SAID SECTION 22, FROM WHICH A PIPE AT THE SOUTH QUARTER CORNER OF SAID SECTION 23 BEARS SOUTH 89 DEGREES 59 MINUTES 55 SECONDS WEST, 2644.60 FEET;

THENCE ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 22, NORTH 89 DEGREES 44 MINUTES 37 SECONDS WEST, 257.94 FEET TO A POINT ON THE SOUTH LINE OF SAID SECTION 22;

THENCE, DEPARTING SAID SOUTH LINE NORTH 0 DEGREES 15 MINUTES 23 SECONDS EAST, 857.17 FEET TO THE POINT OF BEGINNING;

THENCE NORTH 51 DEGREES 56 MINUTES 56 SECONDS WEST, 180.00 FEET TO THE BEGINNING OF A CURVE, CONCAVE NORTHEAST, HAVING A RADIUS OF 20.00 FEET;

THENCE NORTHWESTERLY 31.42 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 90 DEGREES 00 MINUTES 00 SECONDS;

THENCE NORTH 38 DEGREES 03 MINUTES 04 SECONDS EAST, 50.00 FEET TO A POINT HEREBY REFERENCED TO AS POINT A;

THENCE SOUTH 51 DEGREES 56 MINUTES 56 SECONDS EAST, 220.00 FEET;

THENCE SOUTH 38 DEGREES 03 MINUTES 04 SECONDS WEST, 50.00 FEET TO THE BEGINNING OF A CURVE, CONCAVE NORTHWEST, HAVING A RADIUS OF 20.00 FEET;

THENCE SOUTHWESTERLY 31.42 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 90 DEGREES 00 MINUTES 00 SECONDS TO THE POINT OF BEGINNING;

TOGETHER WITH THE FOLLOWING DESCRIBED PARCEL OF LAND:

COMMENCING AT THE ABOVE AFORESAID REFERENCED POINT A;

THENCE NORTH 38 DEGREES 03 MINUTES 04 SECONDS EAST, 132.02 FEET TO THE POINT OF BEGINNING AND TO A POINT HEREBY REFERENCED TO AS POINT B;

THENCE NORTH 38 DEGREES 03 MINUTES 04 SECONDS EAST, 82.08 FEET TO THE BEGINNING OF A CURVE, CONCAVE SOUTHERLY, HAVING A RADIUS OF 20.00 FEET;

THENCE EASTERLY 38.53 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 110 DEGREES 22 MINUTES 03 SECONDS;

THENCE SOUTH 31 DEGREES 34 MINUTES 54 SECONDS EAST, 192.96 FEET TO THE BEGINNING OF A CURVE, CONCAVE NORTHWEST, HAVING A RADIUS OF 20.00 FEET;

THENCE SOUTHWESTERLY 26.43 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 75 DEGREES 42 MINUTES 40 SECONDS TO A POINT OF REVERSE CURVATURE OF A CURVE HAVING A RADIUS OF 140.00 FEET;

THENCE SOUTHWESTERLY 14.85 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 6 DEGREES 04 MINUTES 42 SECONDS;

THENCE SOUTH 38 DEGREES 03 MINUTES 04 SECONDS WEST, 38.97 FEET;

THENCE NORTH 51 DEGREES 56 MINUTES 56 SECONDS WEST, 110.00 FEET;

THENCE NORTH 38 DEGREES 03 MINUTES 04 SECONDS EAST, 41.00 FEET;

THENCE NORTH 51 DEGREES 56 MINUTES 56 SECONDS WEST, 110.00 FEET TO THE POINT OF BEGINNING;

TOGETHER WITH THE FOLLOWING DESCRIBED PARCEL OF LAND:

COMMENCING AT THE ABOVE AFORESAID REFERENCED POINT B;

THENCE NORTH 51 DEGREES 56 MINUTES 56 SECONDS WEST, 40.00 FEET;

THENCE NORTH 38 DEGREES 03 MINUTES 04 SECONDS EAST, 60.03 FEET TO THE POINT OF BEGINNING;

THENCE NORTH 49 DEGREES 57 MINUTES 10 SECONDS WEST, 132.64 FEET;

THENCE NORTH 40 DEGREES 02 MINUTES 50 SECONDS EAST, 37.86 FEET;

THENCE NORTH 49 DEGREES 57 MINUTES 10 SECONDS WEST, 135.00 FEET TO A POINT HEREBY REFERENCED TO AS POINT C;

THENCE NORTH 40 DEGREES 02 MINUTES 50 SECONDS EAST, 88.16 FEET TO THE BEGINNING OF A CURVE, CONCAVE SOUTHERLY, HAVING A RADIUS OF 20.00 FEET;

THENCE EASTERLY 37.83 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 108 DEGREES 22 MINUTES 16 SECONDS;

THENCE SOUTH 31 DEGREES 34 MINUTES 54 SECONDS EAST, 240.75 FEET TO THE BEGINNING OF A CURVE, CONCAVE NORTHWEST, HAVING A RADIUS OF 20.00 FEET;

THENCE SOUTHWESTERLY 27.92 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 79 DEGREES 58 MINUTES 42 SECONDS TO A POINT OF REVERSE CURVATURE OF A CURVE HAVING A RADIUS OF 140.00 FEET;

THENCE SOUTHWESTERLY 25.28 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 10 DEGREES 20 MINUTES 45 SECONDS;

THENCE SOUTH 38 DEGREES 03 MINUTES 04 SECONDS WEST, 22.05 FEET TO THE POINT OF BEGINNING;

TOGETHER WITH THE FOLLOWING DESCRIBED PARCEL OF LAND:

COMMENCING AT THE ABOVE AFORESAID REFERENCED POINT C;

THENCE NORTH 49 DEGREES 57 MINUTES 10 SECONDS WEST, 40.00 FEET;

THENCE NORTH 40 DEGREES 02 MINUTES 50 SECONDS EAST, 57.36 FEET TO THE POINT OF BEGINNING AND TO A POINT HEREBY REFERENCED TO AS POINT D;

THENCE NORTH 49 DEGREES 57 MINUTES 10 SECONDS WEST, 110.00 FEET;

THENCE NORTH 40 DEGREES 02 MINUTES 50 SECONDS EAST, 28.43 FEET;

THENCE NORTH 49 DEGREES 57 MINUTES 10 SECONDS WEST, 110.00 FEET;

THENCE NORTH 40 DEGREES 02 MINUTES 50 SECONDS EAST, 88.70 FEET TO THE BEGINNING OF A CURVE, CONCAVE SOUTHERLY, HAVING A RADIUS OF 20.00 FEET;

THENCE EASTERLY 37.83 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 108 DEGREES 22 MINUTES 16 SECONDS;

THENCE SOUTH 31 DEGREES 34 MINUTES 54 SECONDS EAST, 191.88 FEET TO THE BEGINNING OF A CURVE, CONCAVE NORTHWEST, HAVING A RADIUS OF 20.00 FEET;

THENCE SOUTHWESTERLY 28.25 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 80 DEGREES 55 MINUTES 59 SECONDS TO A POINT OF REVERSE CURVATURE OF A CURVE HAVING A RADIUS OF 140.00 FEET;

THENCE SOUTHWESTERLY 22.73 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 9 DEGREES 18 MINUTES 16 SECONDS;

THENCE SOUTH 40 DEGREES 02 MINUTES 50 SECONDS WEST, 30.79 FEET TO THE POINT OF BEGINNING;

LEGAL DESCRIPTION CONTINUED

TOGETHER WITH THE FOLLOWING DESCRIBED PARCEL OF LAND:

COMMENCING AT THE ABOVE AFORESAID REFERENCED POINT D;

THENCE SOUTH 40 DEGREES 02 MINUTES 50 SECONDS WEST, 240.00 FEET TO THE POINT OF BEGINNING;

THENCE SOUTH 40 DEGREES 02 MINUTES 50 SECONDS WEST, 60.03 FEET TO THE BEGINNING OF A CURVE, CONCAVE NORTHERLY, HAVING A RADIUS OF 20.00 FEET;

THENCE WESTERLY 33.77 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 96 DEGREES 45 MINUTES 09 SECONDS;

THENCE NORTH 43 DEGREES 12 MINUTES 01 SECONDS WEST, 181.26 FEET TO THE BEGINNING OF A CURVE, CONCAVE EASTERLY, HAVING A RADIUS OF 20.00 FEET;

THENCE NORTHERLY 29.06 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 83 DEGREES 14 MINUTES 51 SECONDS;

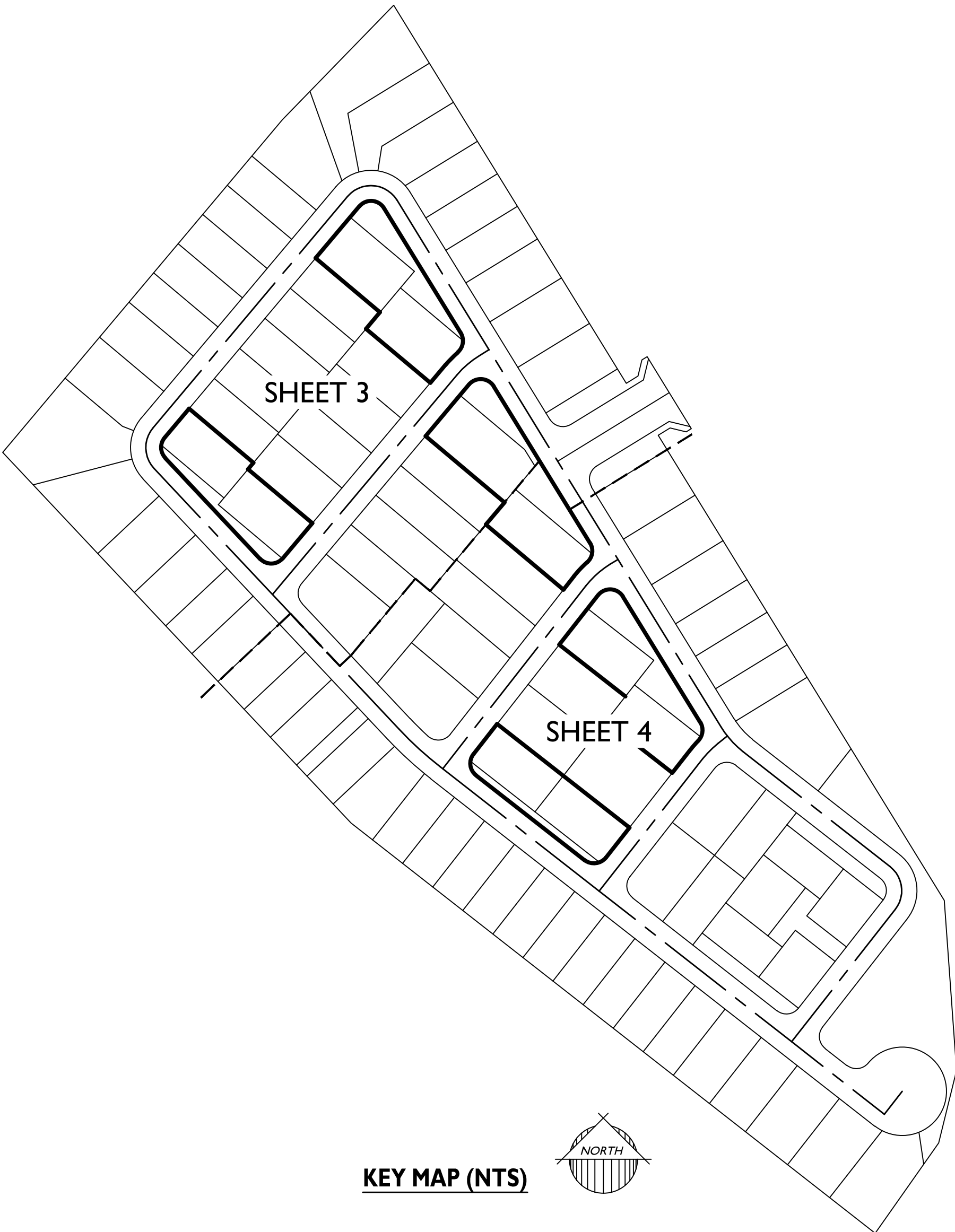
THENCE NORTH 40 DEGREES 02 MINUTES 50 SECONDS EAST, 49.65 FEET;

THENCE SOUTH 49 DEGREES 57 MINUTES 10 SECONDS EAST, 110.00 FEET;

THENCE SOUTH 40 DEGREES 02 MINUTES 50 SECONDS WEST, 10.93 FEET;

THENCE SOUTH 49 DEGREES 57 MINUTES 10 SECONDS EAST, 110.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 2.1971 ACRES, MORE OR LESS.



1130 N Alma School Rd., Suite 120
Mesa, AZ 85201
T:480.503.2350 | F:480.503.2358
www.epsgroupinc.com

EPS
GROUP

Project: Toll at Prasad, Unit 1 - Phase 3 Lots 1859, 1861, 1862, 1865, 1870, 1871, 1878, 1883, 1884, 1890 & Tracts I-J - I-N
SURPRISE, ARIZONA

FINAL RE-PLAT

Revisions:

1/16/2024 CITY 1ST REVIEW COMMENTS

Designer: RAJ
Drawn by: TJP

REGISTERED LAND SURVEYOR
CERTIFICATE NO. 37495
ROBERT A. JOHNSTON
State of Arizona
Exp. 12/31/2025

Job No. 16-339
FP02
Sheet No. 2 of 4

CASE NUMBER: FS23-0972

Page 203 of 463



CASE NUMBER: FS23-0972



Project: Toll at Prasad, Unit I - Phase 3 Lots 1859, 1861, 1862, 1865, 1870, 1871, 1878, 1883, 1884, 1890 & Tracts I-J - I-I-N

1130 N Alma School Rd., Suite 120
Mesa, AZ 85201
T:480.503.2250 | F:480.503.2258
www.epsgroupinc.com

EPS GROUP

FINAL RE-PLAT

Revisions:	
1/16/2024	CITY 1ST REVIEW COMMENTS

Designer: RAI

Drawn by: TJF

REGISTERED LAND SURVEYOR

CERTIFICATE NO. 37495

ROBERT A. JOHNSTON

State of Arizona

Job No.

16-339

FP04

Sheet No.

4

of 4

CASE NUMBER: FS23-0972

Prasada - Unit I

WEST OF COTTON LANE , SOUTH OF CACTUS ROAD.

GENERAL NOTES:

- THESE CONSTRUCTION DOCUMENTS, INCLUDING ALL PLANS, NOTES, DETAILS AND SPECIFICATIONS ARE INTENDED TO FACILITATE THE INSTALLATION CONTRACTOR BY PROVIDING GENERAL GUIDELINES FOR DESIGN INTENT. IT IS THE GOAL OF THE DOCUMENTS THAT THE WORK IS TO BE COMPLETED WITHOUT CHANGE ORDERS. ALL QUANTITIES SHOWN IN THE DOCUMENTS ARE ESTIMATES ONLY AND ARE NOT GUARANTEED. THE CONTRACTOR SHALL SUPPLY ALL MATERIALS, LABOR AND EQUIPMENT IN ORDER TO FULFILL THE INTENT OF THE DESIGN DRAWINGS.
- INTERPRETATION OF THE PLANS AND SPECIFICATIONS SHALL BE MADE BY THE "AUTHOR" OR "ARCHITECT/ENGINEER-OF-RECORD" OF THE RESPECTIVE DOCUMENT AND SHALL BE CONSIDERED FINAL. ANY POSSIBLE AMBIGUITY SHALL BE SUBMITTED IN WRITING BY THE CONTRACTOR PRIOR TO SUBMITTING FORMAL BIDS. ALL CLARIFICATIONS SHALL BE PREPARED IN WRITING BY THE "ARCHITECT/ENGINEER-OF-RECORD" PRIOR TO BIDDING. THE CONTRACTOR SHALL ACCEPT THE INTERPRETATION OF THE "ARCHITECT/ENGINEER-OF-RECORD" AS THE CORRECT AND FINAL INTERPRETATION.
- ANY INCIDENTAL INSTALLATION PROCEDURE, MATERIAL OR EQUIPMENT, NOT MENTIONED IN THESE CONSTRUCTION DOCUMENTS, WHICH MAY BE NECESSARY FOR COMPLETION AND SATISFACTORY OPERATION OF THE DESIGN SYSTEM SHALL BE FURNISHED AND INSTALLED (AS BASED ON INDUSTRY STANDARDS) AS THOUGH SHOWN OR PROVIDED FOR.
- EXISTING CONDITIONS AND BASE INFORMATION ARE BASED ON PLANS PREPARED BY: CIVIL ENGINEER. THE CONTRACTOR SHALL BECOME FAMILIAR WITH THE LOCATIONS OF EXISTING AND FUTURE UNDERGROUND SERVICES AND IMPROVEMENTS WHICH MAY CONFLICT WITH THE WORK TO BE DONE. NOTIFY THE OWNER'S AUTHORIZED REPRESENTATIVE IMMEDIATELY SHOULD A CONFLICT ARISE.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR SECURING ALL NECESSARY PERMITS AND SHALL NOTIFY ALL UTILITY COMPANIES WITH UTILITIES ON SITE PRIOR TO THE CONSTRUCTION OF THE PROJECT.
- FOR UNDERGROUND UTILITY COORDINATION AND 48 HOURS PRIOR TO START OF CONSTRUCTION (DEPENDENT ON AREA OR JURISDICTION), THE CONTRACTOR SHALL CONTACT:
 - BLUE STAKE (ARIZONA) 1-800-782-5348
 - UNDERGROUND SERVICES ALERT (USA) 1-800-227-2600
 - ARIZONA PUBLIC SERVICE 1-800-240-2014
- THESE NOTES ARE TO BE USED FOR GENERAL REFERENCE IN CONJUNCTION WITH AND AS A SUPPLEMENT TO THE WRITTEN SPECIFICATIONS, APPROVED ADDENDUMS, AND THE CHANGE ORDERS AS ASSOCIATED WITH THESE CONSTRUCTION DOCUMENTS.
- SHOULD THE CONTRACTOR HAVE ANY QUESTIONS REGARDING THESE CONSTRUCTION DOCUMENTS OR SHOULD THERE BE ANY DISCREPANCIES, HE SHALL CONTACT THE LANDSCAPE ARCHITECT FOR CLARIFICATION BEFORE PROCEEDING FURTHER.
- ALL WORK SHALL CONFORM TO THE CONTRACT DOCUMENTS AND PER GOVERNING CODES AND/OR ORDINANCES.
- THE CONTRACTOR SHALL PROVIDE BARRICADES AND TRAFFIC CONTROL ALONG PUBLIC STREETS, IF REQUIRED, DURING INSTALLATION.
- IT IS THE CONTRACTOR'S RESPONSIBILITY TO REPORT TO THE LANDSCAPE ARCHITECT AND/OR THE OWNER'S AUTHORIZED REPRESENTATIVE ANY DISCREPANCIES BETWEEN THE CONSTRUCTION DOCUMENTS AND FIELD CONDITIONS PRIOR TO THE START OF WORK.
- BEFORE WORK BEGINS ON THE PROJECT, THE CONTRACTOR SHALL REVIEW THE PROJECT WITH THE LANDSCAPE ARCHITECT AND/OR THE OWNER'S AUTHORIZED REPRESENTATIVE.
- THE LANDSCAPE ARCHITECT AND/OR THE OWNER'S AUTHORIZED REPRESENTATIVE SHALL APPROVE ANY OR ALL CHANGES PRIOR TO THE START OF WORK.
- THE CONTRACTOR IS RESPONSIBLE FOR VERIFYING AND COORDINATING EXISTING SITE CONDITIONS.
- THE CONTRACTOR SHALL ADHERE TO ALL APPLICABLE LOCAL, STATE, AND/OR FEDERAL LAWS AND/OR REGULATIONS PERTAINING TO THE PROJECT.
- THE CONTRACTOR SHALL PROPERLY COORDINATE HIS WORK WITH OTHER CONTRACTOR'S WORK PRIOR TO INSTALLATION.
- THE CONTRACTOR SHALL TAKE PRECAUTIONARY MEASURES TO PROTECT EXISTING IMPROVEMENTS AND THE PUBLIC FROM DAMAGE THROUGHOUT CONSTRUCTION.
- THE CONTRACTOR SHALL ASSUME FULL RESPONSIBILITY FOR ANY DAMAGES IMPOSED, UNINTENTIONALLY OR ACCIDENTALLY TO EXISTING UTILITIES, STRUCTURES, WALLS, OR OTHER AMENITIES, DUE TO THE ACTION OF THE CONTRACTOR, CONTRACTOR'S EMPLOYEES AND/OR THE CONTRACTOR'S SUBCONTRACTORS. DAMAGE OCCURRED DURING THE CONTRACTOR'S OPERATION SHALL BE REPAIRED. AT THE EXPENSE OF THE CONTRACTOR, TO THE SATISFACTION OF THE OWNER'S AUTHORIZED REPRESENTATIVE.
- MATCH GRADES, LAYOUT AND ELEVATIONS OF ADJOINING LANDSCAPE WORK BY OTHERS. NOTIFY THE LANDSCAPE ARCHITECT OF CONFLICTS BEFORE PROCEEDING WITH CONSTRUCTION.

PLANTING GENERAL NOTES:

- THE CONTRACTOR SHALL REVIEW PLANTING PLAN WITH LANDSCAPE ARCHITECT PRIOR TO INSTALLATION.
- THE LANDSCAPE ARCHITECT OR HIS REPRESENTATIVE RESERVES THE RIGHT TO REFUSE ANY PLANT MATERIALS HE DEEMS UNACCEPTABLE. SEE SPECIFICATIONS.
- THE CONTRACTOR SHALL SUPPLY AND INSTALL ALL PLANT MATERIAL AS SPECIFIED ON THE PLANTING PLANS. HOWEVER, SHOULD THE PLANT MATERIAL BE TEMPORARILY UNAVAILABLE, THE CONTRACTOR SHALL NOTIFY THE LANDSCAPE ARCHITECT AND INSTALL 5 GALLON NURSERY BUCKETS WITH IRRIGATION AT EACH PLANT LOCATION, AS THE PLANT MATERIAL BECOMES AVAILABLE, THE 5 GALLON BUCKETS SHALL BE REMOVED AND PLANT MATERIAL INSTALLED.
- ANY AND ALL SUBSTITUTIONS TO BE APPROVED BY DESIGN/BUILDER AND/OR THE LANDSCAPE ARCHITECT. LOCATE PLANTS AWAY FROM SPRINKLER HEADS, LIGHT FIXTURES AND OTHER OBSTRUCTIONS.
- FINAL LOCATION OF ALL PLANT MATERIAL SHALL BE SUBJECT TO THE APPROVAL OF THE OWNER'S AUTHORIZED REPRESENTATIVE.
- PLANTING AND IRRIGATION DESIGN MAY BE MODIFIED TO ADAPT TO WALK CONFIGURATIONS THAT DIFFER FROM THESE PLANS, OR BECAUSE OF GRADE LIMITATIONS ON SITE.
- WATER TEST ALL TREE PLANTING HOLES PRIOR TO PLANTING. IF TREE HOLE DOES NOT DRAIN, DO NOT PLANT. SEE HARDPAN DETAIL.
- REFER TO THE SPECIFICATIONS FOR ADDITIONAL REQUIREMENTS NOT SHOWN ON DRAWINGS.
- TREES SHALL BE PLANTED A MINIMUM OF 10'-0" FROM STREET LIGHTS / FIRE HYDRANTS, 4'-0" FROM EDGE OF UNDERGROUND PIPELINES AND A MINIMUM OF 4'-0" FROM WALKS, CURBS AND WALLS. SHRUBS SHALL BE PLANTED A MINIMUM OF 2'-0" FROM CURB AND WALKS.
- ALL SPECIMEN TREES, SHRUBS AND CACTI SHALL BE FIELD LOCATED BY LANDSCAPE ARCHITECT OR OWNER'S AUTHORIZED REPRESENTATIVE.
- THE CONTRACTOR SHALL INSTALL "SHAWTOWN" ROOT BARRIER PANELS (OR APPROVED EQUAL) AT ALL TREES WITHIN 7'-0" FEET OF HARDSCAPE ELEMENTS INCLUDING (BUT NOT LIMITED TO) SIDEWALKS, ASPHALT, CONCRETE SLABS / FOOTINGS AND STRUCTURES. CONTRACTOR SHALL SUBMIT SPECIFICATION SHEETS OF PROPOSED ROOT BARRIER PANELS TO THE LANDSCAPE ARCHITECT FOR APPROVAL PRIOR TO INSTALLATION.
- THE CONTRACTOR SHALL INSTALL ARBOR GUARDS AT ALL TREES LOCATED IN TURF AREAS.
- ON-SITE AND OFF-SITE TOPSOIL SHALL CONFORM TO CONTENT REQUIREMENTS AS SPECIFIED IN PART 2 OF THE PLANTING SPECIFICATIONS. AGRONOMY TEST SUBMITTALS ARE REQUIRED FOR ALL MATERIAL USED FOR TOPSOIL AND BACKFILL. SUBMIT REPORT TO LANDSCAPE ARCHITECT FOR REVIEW.
- ALL PLANT MATERIAL SHALL BE IN COMPLIANCE WITH THE AMERICAN STANDARDS FOR NURSERY STOCK, LATEST EDITION.
- THE CONTRACTOR SHALL PROVIDE MAINTENANCE FOR ALL ALL PLANT MATERIAL FROM THE TIME OF INSTALLATION THROUGH SUBSTANTIAL COMPLETION.
- CACTI SHALL BE PLANTED A MINIMUM OF 3'-0" AWAY FROM ALL PEDESTRIAN ROUTES.
- CACTI SHALL BE WELL ROOTED AND NON-SCARRED.
- PLANT MATERIAL MARKED "SALVAGE" SHALL BE SELECTED FROM ON-SITE SALVAGE INVENTORY. ALL MATERIAL SELECTIONS SHALL BE APPROVED BY LANDSCAPE ARCHITECT AND/OR OWNER'S AUTHORIZED REPRESENTATIVE.
- IN DISTURBED AREAS INDICATED TO RECEIVE REVEGETATION HYDROSEED AND/OR PLANTING, THE CONTRACTOR SHALL MATCH EXISTING NATURAL DESERT STONE GROUND COVER CONDITIONS ADJACENT TO THE PROJECT.
- NATIVE REVEGETATION AREAS AND PLANTER BEDS SHALL BE TREATED WITH PRE-EMERGENT AS PER MANUFACTURER'S INSTRUCTIONS. RE-APPLY AS NECESSARY TO ELIMINATE INVASIVE WEEDS. REMOVE ALL DEAD DEBRIS.
- THE CONTRACTOR SHALL PROVIDE A 50'-0" BY 50'-0" TYPICAL MOCK-UP OF NATIVE REVEGETATION AREAS FOR REVIEW BY THE LANDSCAPE ARCHITECT OR OWNER'S AUTHORIZED REPRESENTATIVE.
- ALL TREE STAKING SHALL CONFORM TO THE PLANTING DETAILS AS NOTED IN THE SPECIFICATIONS. THE LANDSCAPE ARCHITECT OR OWNER'S AUTHORIZED REPRESENTATIVE SHALL REVIEW TYPICAL TREE STAKING PRIOR TO FINAL ACCEPTANCE.

INERT GENERAL NOTES:

ANGULAR GRANITE RIP-RAP

- INSTALL GRANITE RIP-RAP IN ALL DRAINAGE SWALES, AND WHERE INDICATED ON PLANS (TYPICAL). REFER TO MATERIALS SCHEDULE / PLANTING LEGEND FOR COLOR AND SIZE OF GRANITE RIP-RAP.
- THE CONTRACTOR SHALL SUBMIT SAMPLES TO LANDSCAPE ARCHITECT FOR REVIEW AND APPROVAL PRIOR TO INSTALLATION.
- THE CONTRACTOR SHALL REFER TO CIVIL PLANS FOR ADDITIONAL INFORMATION.

DECOMPOSED GRANITE

- DECOMPOSED GRANITE IS REQUIRED IN ALL PLANTING AREAS, EXCEPT AREAS OF TURF AND GRANITE RIP-RAP, AND SHALL EXTEND UNDER PLANT MATERIAL UNLESS NOTED OTHERWISE ON PLANS. REFER TO MATERIALS SCHEDULE / PLANTING LEGEND.
- ALL PLANTING AREAS SHALL RECEIVE A 2" MINIMUM LAYER OF DECOMPOSED GRANITE, THROUGHOUT (TYPICAL).
- CONTRACTOR SHALL SUBMIT SAMPLES TO LANDSCAPE ARCHITECT FOR REVIEW AND APPROVAL PRIOR TO INSTALLATION.

IRRIGATION GENERAL NOTES:

- THE LANDSCAPE CONTRACTOR IS RESPONSIBLE FOR FULL IRRIGATION COVERAGE OF ALL PLANT MATERIAL.
- THE LANDSCAPE CONTRACTOR SHALL SUBMIT FULL PIPING PLANS, AFTER FIELD VERIFICATION, DEPICTING POINT OF CONNECTION, METER LOCATION AND SIZE, BACKFLOW PREVENTER LOCATION AND SIZE, AND PIPE ROUTING AND SIZES.
- THE LANDSCAPE CONTRACTOR SHALL INSTALL THE SPECIFIED SYSTEM IN ACCORDANCE WITH THE ATTACHED SCHEDULES, NOTES, DETAILS, AND SPECIFICATIONS.
- THE LANDSCAPE CONTRACTOR TO SITE VERIFY PRESSURE AND NOTIFY LANDSCAPE ARCHITECT OF ANY DIFFERENCES PRIOR TO INSTALLATION OR ORDERING OF MATERIALS. IF CONTRACTOR FAILS TO NOTIFY LANDSCAPE ARCHITECT, HE IS FINANCIALLY RESPONSIBLE FOR ANY NECESSARY SYSTEM ALTERATIONS THAT RESULT.
- THE LANDSCAPE CONTRACTOR SHALL FIELD VERIFY EXISTING TAP LOCATIONS. INSTALL NEW METERS PER THE ATTACHED IRRIGATION SCHEDULE.
- THE LANDSCAPE CONTRACTOR SHALL BE RESPONSIBLE FOR CUTTING AND PATCHING OF ASPHALT AND CONCRETE AS REQUIRED FOR SLEEVE INSTALLATION ACCORDING TO THE IRRIGATION SCHEDULE.
- CONTROLLER TO BE INSTALLED AS PER MANUFACTURER'S SPECIFICATIONS. CONTROLLER SIZE AND QUANTITIES TO BE DETERMINED BY THE VALVE REQUIREMENTS AND POINTS OF CONNECTION. INSTALL ONE (1) CONTROLLER AT EACH POINT OF CONNECTION.
- INSTALL PVC MAINLINE AND LATERALS ACCORDING TO THE IRRIGATION AND PIPING SCHEDULES.
- ALL VALVE FLOWS SHALL NOT EXCEED MANUFACTURER'S SPECIFICATIONS.
- VALVE BOXES SHALL BE SQUARE TO ADJACENT WALKS OR CURBS AND FLUSH WITH THE FINAL GRADE.
- WORK SHALL CONFORM TO ALL CONSTRUCTION CODES AND REGULATIONS.
- THE LANDSCAPE CONTRACTOR SHALL INSTALL GREEN VALVE BOXES IN TURF AREAS AND TAN VALVE BOXES IN DECOMPOSED GRANITE AREAS (TYPICAL).
- REFER TO THE IRRIGATION NOTES FOR THE CALCULATED PRESSURE AT THE WATER METER. REFER TO NOTE #4 IF PRESSURE DIFFERS FROM THAT NOTED.
- THE LANDSCAPE CONTRACTOR SHALL VISIT SITE PRIOR TO BIDDING ON PROJECT TO VERIFY INSTALLATION CONDITIONS.
- PRIOR TO COMMENCEMENT OF ANY WORK, THE CONTRACTOR SHALL CONTACT BLUE STAKE TO VERIFY LOCATIONS AND DEPTHS OF UNDERGROUND UTILITIES THAT MAY BE EFFECTED BY HIS WORK, AND HE SHALL BE RESPONSIBLE FOR DAMAGES TO SUCH UTILITIES CAUSED AS A RESULT OF HIS IRRIGATION INSTALLATION.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR COMPENSATING THE OWNER AND/OR THE OWNER'S REPRESENTATIVE FOR ANY DESIGN CHANGES MADE AS A RESULT OF DEVIATION BY THE CONTRACTOR FROM THE PLANS AND SPECIFICATIONS OR DUE TO ERRORS, FAULTY MATERIAL OR FAULTY WORKMANSHIP.
- INSTALL ALL MAINLINES WITH A MINIMUM OF 20' OF COVER.
- INSTALL ALL LATERALS WITH A MINIMUM OF 12' OF COVER.
- ALL PIPE TO BE INSTALLED PER THE MANUFACTURER'S SPECIFICATIONS AND ASTM STANDARD D 2774.
- ALL THREADED JOINTS TO BE COATED WITH TEFLON TAPE UNLESS OTHERWISE SPECIFIED BY THE MANUFACTURER. USE LIQUID TEFLON ON METAL PIPE THREADS ONLY.
- FLUSHING OF ALL LINES PRIOR TO INSTALLATION OF SPRINKLERS AND EMITTERS IS REQUIRED.
- INSTALL ALL SPRINKLERS, EMITTERS, AND RELATED MATERIAL PER IRRIGATION SYSTEM SPECIFICATIONS AND DETAILS.
- INSTALL ALL ELECTRICAL JOINTS WITH 3-M WATERPROOF CONNECTORS.
- ALL ELECTRICAL CONNECTIONS SHALL BE MADE AT THE REMOTE CONTROL VALVE BOXES. CONTROLLER ENCLOSURES AND VALVE BOXES SPECIFICALLY FOR ELECTRICAL CONNECTIONS.
- A CERTIFIED ELECTRICIAN SHALL BE RESPONSIBLE FOR INSTALLING ALL WIRING FROM THE CIRCUIT BREAKER AT THE 120 VOLT SOURCE LOCATION TO AUTOMATIC CONTROLLER.
- ALL 120 VOLT VOLT POWER WIRE TO BE INSTALLED PER LOCAL CODE AND THE N.E.C.
- INSTALL ALL VALVE WIRING IN MAINLINE TRENCH AS DETAILED.
- INSTALL ALL REMOTE CONTROL VALVES AT HEIGHT INDICATED ON DETAILS, AS HIGH AS POSSIBLE BUT ALLOWING CLEARANCE BETWEEN VALVE BOX LID AND FLOW CONTROL HANDLE ON REMOTE CONTROL VALVE.
- INSTALL ALL MAINLINE GATE VALVES IN A ROUND PLASTIC VALVE BOX PER DETAILS.
- ALL PVC SOLVENT WELD FITTINGS SHALL BE LASCO OR APPROVED EQUAL.
- THE MAINLINE, LATERAL PIPE, AND VALVES ARE SHOWN SCHEMATICALLY AND SHALL BE INSTALLED WITHIN THE LANDSCAPE AREA OUTSIDE R.O.W. AND P.U.E., ADJACENT TO SIDEWALK OR CURB AND OFFSET 18" WHEREVER POSSIBLE.
- SUPPLY THE FOLLOWING MATERIAL TO THE OWNER:
 - TWO WRENCHES FOR DISASSEMBLY AND ADJUSTING OF EACH TYPE OF SPRINKLER HEAD AND VALVE SUPPLIED.
 - TWO KEYS FOR EACH OF THE CONTROLLERS.
 - TWO COUPLERS WITH MATCHING HOSE BIBS AND SHUT-OFF VALVE.
 - TWO VALVE BOX KEYS.
- ALL MAINLINE FITTINGS FOR PIPE 3" AND LARGER SHALL BE CAST OR DUCTILE IRON FOR PVC; SCHEDULE 80 PVC FOR 2 1/2" AND SMALLER.
- ALL MAINLINE PIPE SHALL BE A MINIMUM OF SCHEDULE 40.
- SLEEVES SHALL BE A MINIMUM OF TWO TIMES THE DIAMETER OF THE LINE SIZE.
- ALL MAINLINE AND IRRIGATION EQUIPMENT SHALL BE PLACED IN THE LANDSCAPED AREAS.
- CONTROLLER WIRES THAT ARE DIRECT BURIED SHALL BE #14 OR BETTER, BUNDLED OR WRAPPED A MINIMUM OF EVERY TWELVE (12) FEET. DURING INSTALLATION WIRES SHALL HAVE A 24" LOOP TIED IN. ALL DIRECTION CHANGES GREATER THAN 30 DEGREES AND BE UNITED PRIOR TO TRENCH FILL IN.
- D RIP SYSTEM FLUSH CAPS SHALL BE PLACED IN A VALVE BOX AT THE END OF ALL DRIP LATERAL RUNS, AS DESCRIBED ON THE DRAWINGS.
- ALL VALVES, PRESSURE REGULATORS AND OTHER DEVICES SHALL BE PLACED IN AN APPROPRIATELY SIZED VALVE BOX WITH A MINIMUM OF TWO (2) INCHES OF PEA GRAVEL.
- PRIOR TO PLACING ANY IRRIGATION SYSTEM IN SERVICE, AN ARIZONA CERTIFIED BACKFLOW DEVICE TESTER SHALL TEST THE BACKFLOW PREVENTION DEVICE AND GIVE A COPY OF THE PASSED TEST RESULTS TO THE MARICOPA COUNTY INSPECTOR OR MAIL IT TO THE MARICOPA COUNTY DEPARTMENT OF PUBLIC WORKS INSPECTION STATION.
- AFTER INITIAL TESTING, ALL BACKFLOW DEVICES SHALL BE TESTED ANNUALLY.
- BACKFLOW DEVICES SHALL BE A MINIMUM OF TWO (2) FEET FROM THE WATER METER AND BE THE SAME SIZE AS THE METER SERVICE LINE.
- ALL BACKFLOW PREVENTION DEVICES SHALL HAVE A MINIMUM 24"x36"x4" CLASS B CONCRETE SLAB WITH PIPE SLEEVES. IF A REMOTE VALVE BOX IS INSTALLED, CONCRETE SHALL BE SIX (6) INCHES LARGER ON ALL SIDES THAN THE SECURITY CAGE.
- ALL PIPE CROSSINGS IN THE RIGHT-OF-WAY SHALL BE MARKED ON EACH SIDE OF THE CURB WITH A NON-DESTRUCTIBLE MARKING.

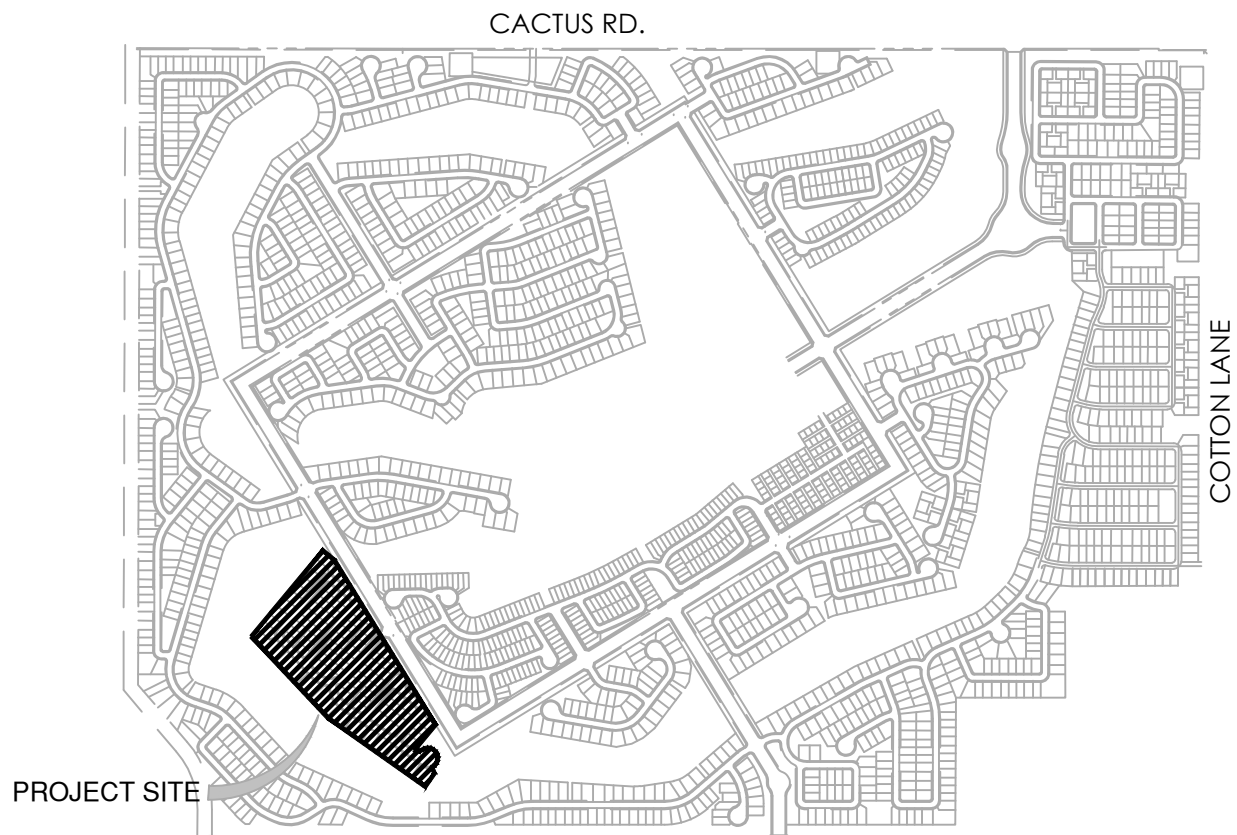
GRADING GENERAL NOTES:

- CONTRACTOR SHALL GRADE TO MAINTAIN POSITIVE DRAINAGE AWAY FROM ALL STRUCTURES. REVIEW ENGINEERS PLAN FOR DRAINAGE.
- FINISH GRADING SHALL BE BY THE DIRECTION OF THE LANDSCAPE ARCHITECT.
- LANDSCAPE ARCHITECT GRADING APPROVED PRIOR TO PLANTING.
- GRADING FOR THIS PROJECT INCLUDES THE FOLLOWING:
 - FINE GRADING OF EXISTING ROUGH GRADES IS REQUIRED TO PROVIDE SMOOTH, EVEN GRADE TRANSITION IN LANDSCAPE AREA.
 - IMPORTING AND PLACING "OFF-SITE 3/8" MINUS TOPSOIL" IN THE FOLLOWING AREAS:
 - TURF AND ANNUAL AREAS (6" DEPTH).
 - PLANT BACKFILL (CAN BE SCREENED ON-SITE SOIL).
- THE CONTRACTOR IS RESPONSIBLE FOR REMOVING ANY CALICHE ENCOUNTERED ON SITE AT NO ADDITIONAL COST TO THE OWNER. THE OWNER AND CONTRACTOR SHALL COORDINATE A SUITABLE LOCATION ON SITE TO DISPOSE OF THE CALICHE MATERIAL. SHOULD A SUITABLE LOCATION NOT EXIST, THE OWNER SHALL BE RESPONSIBLE FOR ALL FEES ASSOCIATED WITH REMOVAL AND DISPOSAL OF THE CALICHE. THE FINISH GRADE OF ALL PLANTING AREAS IS TO BE 1.5" BELOW ADJACENT PAVING UNLESS NOTED OTHERWISE.
- REFERENCE CIVIL ENGINEERING DRAWINGS FOR GRADING AND DRAINAGE FLOWS. THE CONTRACTOR SHALL BE RESPONSIBLE THAT THESE ARE PROVIDED FOR AND NOT IMPAIRED WITH OBSTRUCTIONS.
- THE CONTRACTOR IS RESPONSIBLE FOR GRADING ALL AREAS AT THE DIRECTION OF THE LANDSCAPE ARCHITECT TO CREATE A NATURALLY UNDULATING GROUND PLANE.

CITY OF SURPRISE ENGINEERING NOTES:

- ALL SVTS WILL COMPLY WITH EDS DETAIL 4-01 AND 4-02
- THE LOCATION AND HEIGHT OF PLANTS AND TREES SHALL COMPLY WITH COS EDS DETAIL 4-01 AND 4-02

SITE MAP:



CITY OF SURPRISE LANDSCAPE NOTES:

- ALL LANDSCAPE AND IRRIGATION INSTALLED WITHIN THE PUBLIC RIGHT-OF-WAY OR OTHER CITY MAINTAINED AREAS SHALL BE INSTALLED PER THE APPROVED PLANS. ALL LANDSCAPING APPROVED AS A PART OF THE SITE PLAN PROCESS SHALL BE INSTALLED PER THE APPROVED PLANS. ANY DEVIATIONS TO THE APPROVED PLANS REQUIRED CITY APPROVAL.
- PERMITS ARE REQUIRED FOR ELECTRICAL CONNECTIONS, INCLUDING ELECTRIC METER INSTALLATION, BACKFLOW PREVENTERS, AND WORK WITHIN THE CITY RIGHT-OF-WAY OR CITY DEDICATED PROPERTY. THE CONTRACTOR IS RESPONSIBLE FOR OBTAINING THESE PERMITS PRIOR TO THE COMMENCEMENT OF ANY WORK.
- ALL IRRIGATION LINES, 1 INCH OR GREATER, WITHIN THE RIGHT-OF-WAY SHALL BE SHOWN ON THE WATER PLANS. A PERMIT IS REQUIRED FOR THIS WORK AND IS SUBJECT TO INSPECTION BY THE CITY OF SURPRISE CIVIL INSPECTOR.
- ONLY PLANTS ON THE ARIZONA DEPARTMENT OF WATER RESOURCES (ADWR) PHOENIX ACTIVE MANAGEMENT AREA LOW WATER USE DROUGHT TOLERANT PLANT LIST ARE TO BE USED WITHIN CITY RIGHTS-OF-WAY.
- ALL TREES WILL BE MEASURED AND HAVE A MINIMUM CALIPER SIZE AS DEFINED IN THE ARIZONA NURSERY ASSOCIATION'S CONTAINER GROWN TREE GUIDE. IN NO CASE WILL THE CALIPER BE LESS THAN 2 INCHES (MEASURED 18 INCHES FROM THE GROUND). THE HEIGHT OF THE TREE SHALL BE A MINIMUM OF 7 FEET.
- THE COMMUNITY DEVELOPMENT PLANNING DIVISION AND PUBLIC WORKS LANDSCAPE DIVISION MAY SELECT AND TAG TREES AT THE NURSERY LOCATION AND WILL REVIEW AT PROJECT SITE PRIOR TO INSTALLATION.
- ALL MEDIANS ARE TO BE DECOMPOSED GRANITE, UNLESS OTHERWISE APPROVED; AND SHALL BE FINISH GRADED TO SLOPE FROM THE CURB LINE TO THE PLANTS. MEDIAN NOSES LESS THAN 3-FOOT WIDE ARE TO HAVE 1 1/2" - 3" DECOMPOSED GRANITE (PIT RUN ROCK) MIX.
- TREE ROOT BARRIERS ARE REQUIRED WHEN TREES ARE WITHIN THREE FEET OF SIDEWALKS, CURBS, PAVEMENT OR WALLS. REFERENCE EDS 8-14.
- ALL TREES ARE TO BE LOCATED A MINIMUM OF 12 FEET FROM THE WALLS FOR WELL SITES, WATER SUPPLY FACILITIES, LIFT STATIONS, AND WATER RECLAMATION FACILITIES.
- TREES LOCATED IN MEDIANS MAY BE ALLOWED A MINIMUM OF SEVEN FEET FROM THE CURB. TREES MUST BE CENTERED IN MEDIANS LESS THAN 14' WIDE.
- ALL LANDSCAPING SHALL BE LOCATED A MINIMUM OF FIVE FEET FROM ANY FIRE HYDRANT, WATER METER, OR VAULT.
- LANDSCAPING, AT FULL GROWTH, SHALL NOT IMPEDE PEDESTRIAN OR VEHICULAR TRAFFIC. ALL LANDSCAPING SHOWN ON PLANS SHALL BE SHOWN MATURE SIZE.
- TREES CANNOT BE REMOVED FROM THE RIGHT-OF-WAY WITHOUT WRITTEN AUTHORIZATION FROM THE PUBLIC WORKS AND COMMUNITY DEVELOPMENT DEPARTMENTS.
- THE TYPE, COLOR, AND SIZE OF BRICK PAVERS THAT MAY BE USED FOR CITY MEDIANS IN THE CITY OF SURPRISE RIGHT-OF-WAY SHALL BE APPROVED BY THE COMMUNITY DEVELOPMENT PLANNING DIVISION.
- UTILITY BOXES, METERS, VALVES, ETC. ARE TO BE LOCATED IN THE RIGHT-OF-WAY OR UTILITY EASEMENT ALONG THE SIDES OF THE ROADS AND NEVER IN THE MEDIAN. HOWEVER, IRRIGATION VALVE BOXES MAY BE LOCATED IN THE MEDIAN PLANTING AREA. DEVELOPERS SHALL USE ONLY IRRIGATION EQUIPMENT THAT IS COMPATIBLE WITH THE EXISTING EQUIPMENT. THE DEVELOPER SHALL REFER TO THE CITY OF SURPRISE FOR THE APPROVED LIST OF EQUIPMENT MANUFACTURED BY HUNTER INDUSTRIES. IS COMPATIBLE WITH THE CITY'S INVENTORY AND HUNTER EQUIPMENT, OR AN APPROVED EQUAL. SHALL BE USED. SOLAR CONTROLLERS ARE PREFERRED AND SHALL BE DIG, LEFT SERIES, POST MOUNTED SOLAR CONTROLLER OR AN APPROVED EQUAL.
- ALL CONTROLLERS, METERS, ETC. MUST BE ENCLOSED BY LOOKING PROTECTIVE COVERS AND SCREENED FROM VIEW.
- ALL IRRIGATION SYSTEMS WILL BE INSTALLED WITH PURPLE PIPE.
- MARKING TAPE LABELED AS "RECLAIMED WATER" IS REQUIRED ON IRRIGATION SYSTEMS THAT USE OR MAY USE RECLAIMED WATER IN THE FUTURE.
- PURPLE MARKER BALLS SHALL BE INSTALLED ON ALL IRRIGATION MAINLINES FOUR INCHES AND LARGER WITHIN THE PUBLIC RIGHT-OF-WAY AT ALL FITTINGS AND EVERY 200 FEET IF THE DISTANCE BETWEEN FITTINGS IS GREATER THAN 200 FEET.
- LANDSCAPE AREAS THAT ARE TO BE MAINTAINED BY THE CITY SHALL HAVE SEPARATE WATER METERS AND ELECTRIC OR SOLAR CONTROLLERS, AS APPROVED BY THE CITY.
- A CITY APPROVED BACKFLOW PREVENTER IS REQUIRED FOR IRRIGATION SERVICES. FOR POTABLE WATER, NON-POTABLE WATER AND RECLAIMED WATER AND SHALL MEET EPA LOW LEAD STANDARDS.
- ALL IRRIGATION MAINLINES AND LATERALS SHALL BE SCHEDULE 40; ALL RISERS, TEES, AND OTHER FIXTURES SHALL BE SCHEDULE 80 IN THE RIGHT-OF-WAY. ALL IRRIGATION MAINLINES IN THE RIGHT-OF-WAY SHALL BE SLEEVED. THE MINIMUM SLEEVE SIZE IS 5 INCHES.
- ALL TREES WITH AN UPRIGHT GROWTH HABIT, SUCH AS OAK AND ELM TREES, WHICH ARE INSTALLED WITHIN THE PUBLIC RIGHT-OF-WAY OR ADJACENT TO A PEDESTRIAN PATH, SHALL HAVE THEIR MAIN LEADERS INTACT.
- THE LANDSCAPE AND IRRIGATION DESIGN WILL COMPLY WITH CITY OF SURPRISE EDS PER CHAPTER 8.

RECLAIMED WATER CALCULATIONS:

PARCEL I:

Irrigated Acres	Annual Ac-Ft	Peak Flow GPM	Peak Gallons/Day
Turf .07	0.5	2	782
Drip 3.33	5.8	17	9,372
Totals 3.4	6.3	19	10,154

TRACT H
Will be apart of the golf course, and will be incorporated into hole 16 as part of the Phase 2 Golf re-plant.

TRACT I - I

TRACT I - I

TRACT I - I

TRACT I - I

TRACT I - I

TRACT I - I

TRACT I - I

TRACT I - I

TRACT I - I

TRACT I - I

TRACT I - I

TRACT I - I

TRACT I - I

TRACT I - I

TRACT I - I

TRACT I - I

TRACT I - I

TRACT I - I

TRACT I - I

TRACT I - I

TRACT I - I

TRACT I - I

TRACT I - I

TRACT I - I

TRACT I - I

TRACT I - I

TRACT I - I

TRACT I - I

TRACT I - I

TRACT I - I

TRACT I - I

TRACT I - I

TRACT I - I

TRACT I - I

TRACT I - I

TRACT I - I

TRACT I - I

TRACT I - I

TRACT I - I

TRACT I - I

TRACT I - I

TRACT I - I

TRACT I - I

TRACT I - I

TRACT I - I

TRACT I - I

TRACT I - I

TRACT I - I

TRACT I - I

TRACT I - I

TRACT I - I

TRACT I - I

TRACT I - I

TRACT I - I

TRACT I - I

TRACT I - I

TRACT I - I

TRACT I - I

TRACT I - I

TRACT I - I

TRACT I - I

TRACT I - I

TRACT I - I

TRACT I - I

TRACT I - I

TRACT I - I

TRACT I - I

TRACT I - I

TRACT I - I

TRACT I - I

TRACT I - I

TRACT I - I

TRACT I - I

TRACT I - I

TRACT I - I

TRACT I - I

TRACT I - I

TRACT I - I

TRACT I - I

TRACT I - I

TRACT I - I

TRACT I - I

TRACT I - I

TRACT I - I

TRACT I - I

TRACT I - I

TRACT I - I

TRACT I - I

TRACT I - I

TRACT I - I

TRACT I - I

TRACT I - I

TRACT I - I

TRACT I - I

TRACT I - I

TRACT I - I

TRACT I - I

TRACT I - I

TRACT I - I

TRACT I - I

TRACT I - I

TRACT I - I

TRACT I - I

TRACT I - I

TRACT I - I

TRACT I - I

TRACT I - I

TRACT I - I

TRACT I - I

TRACT I - I

TRACT I - I

TRACT I - I

TRACT I - I

TRACT I - I

TRACT I - I

TRACT I - I

TRACT I - I

TRACT I - I

TRACT I - I

TRACT I - I

TRACT I - I

TRACT I - I

TRACT I - I

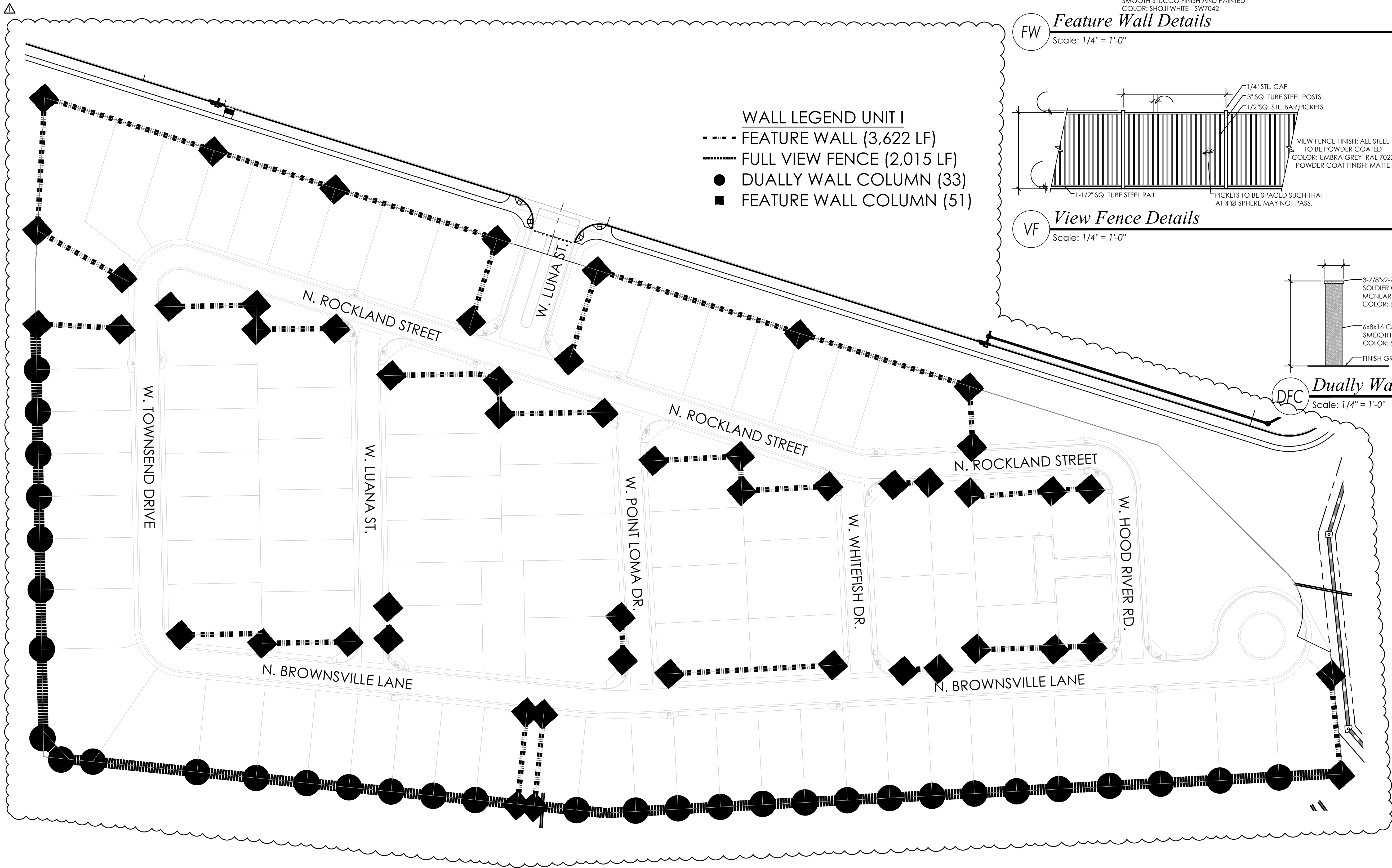
TRACT I - I

TRACT I - I

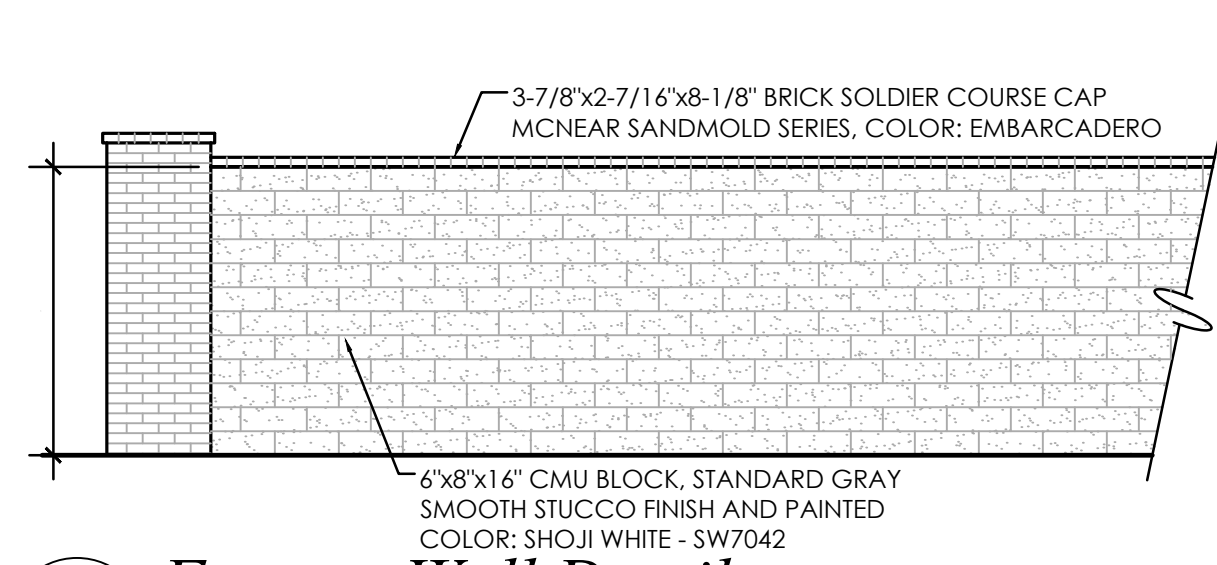
TRACT I - I

TRACT I - I

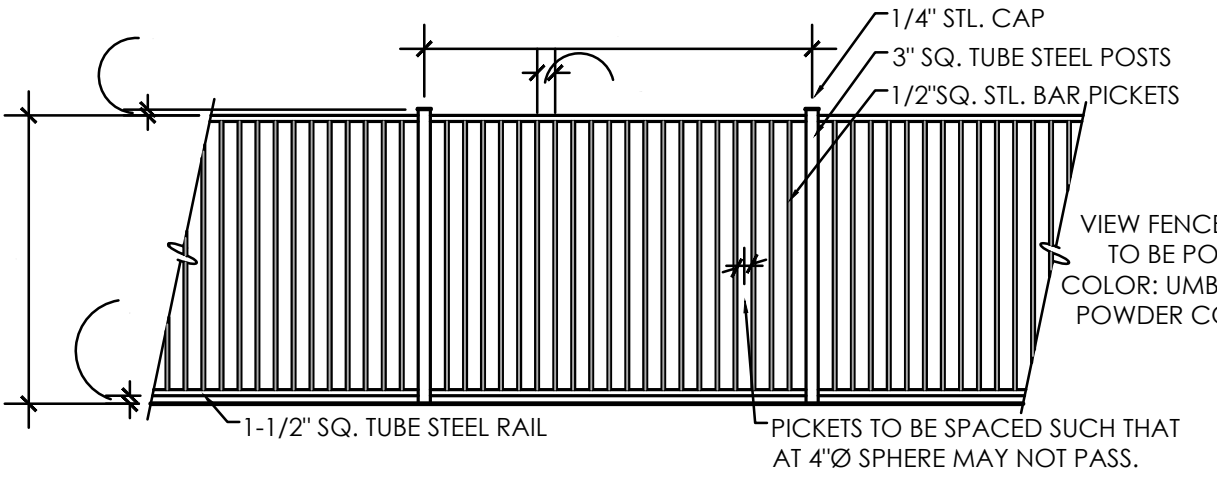
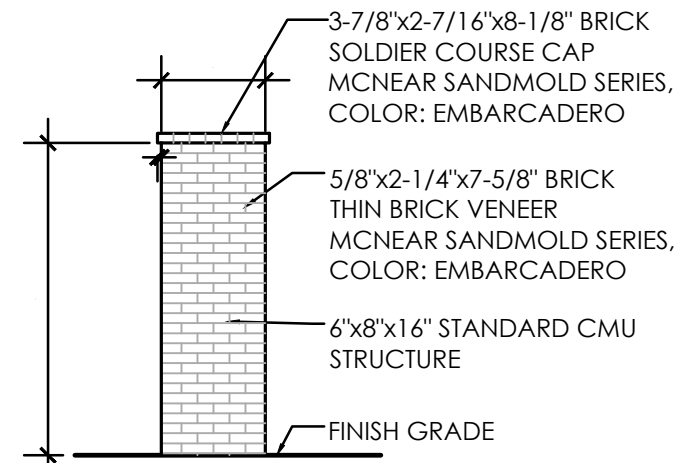
TRACT I - I



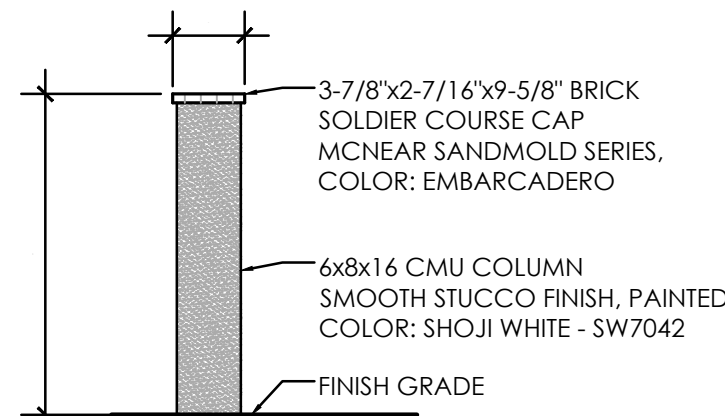
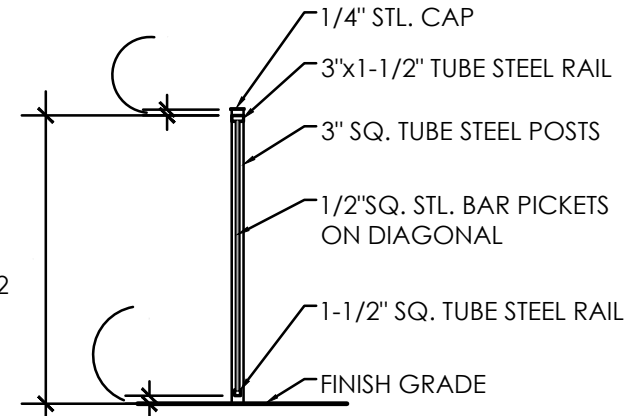
- WALL LEGEND UNIT I
- FEATURE WALL (3,622 LF)
 - FULL VIEW FENCE (2,015 LF)
 - DUALY WALL COLUMN (33)
 - FEATURE WALL COLUMN (51)



FW *Feature Wall Details*
Scale: 1/4" = 1'-0"

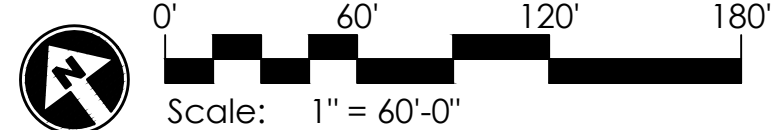


VF *View Fence Details*
Scale: 1/4" = 1'-0"



DFC *Dually Wall Feature Column*
Scale: 1/4" = 1'-0"

UNIT I WALL PLAN



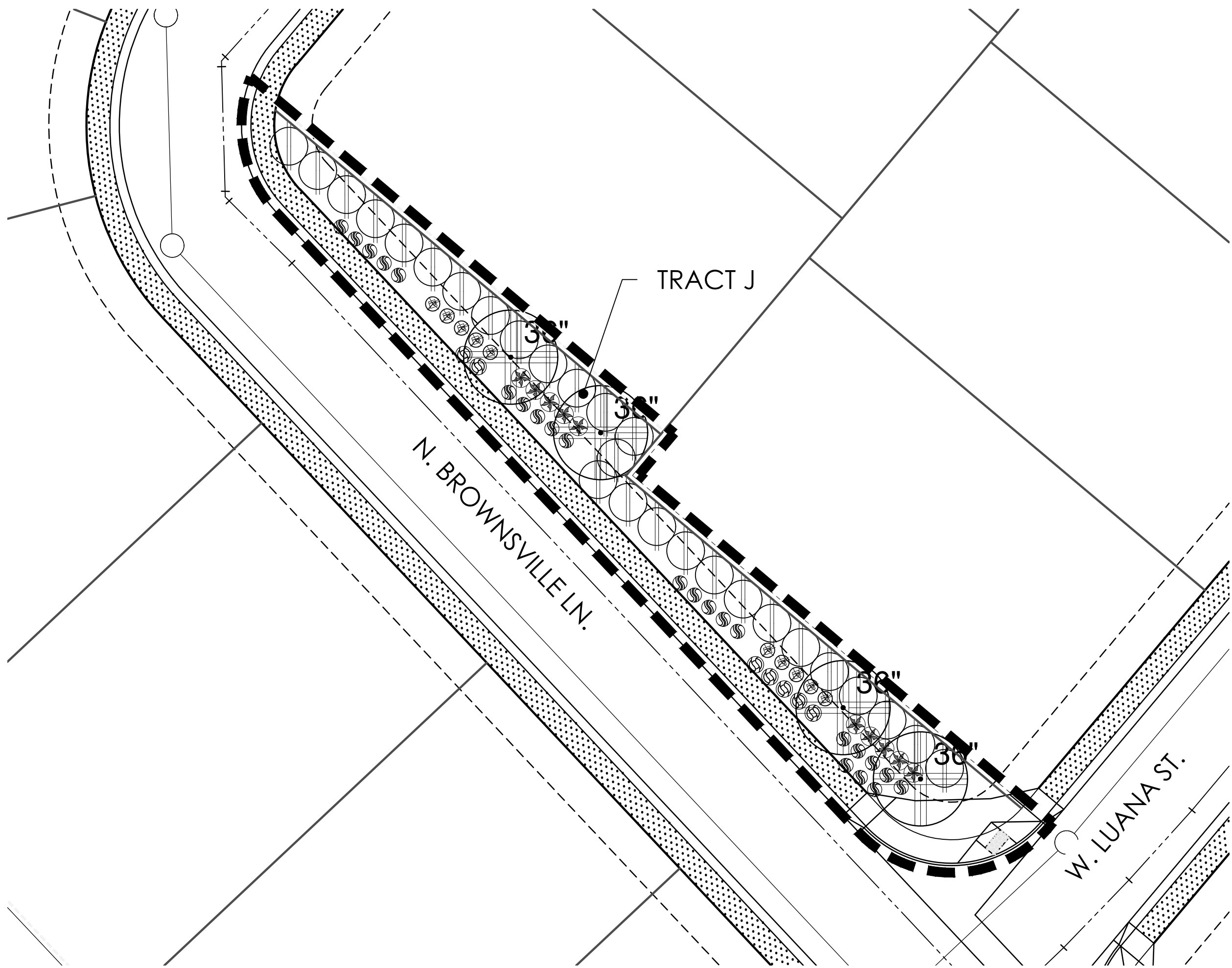
REVISIONS:
2024-01-26
RePlot - Added Tracts

PROJECT #:
TOL252
SCALE:
1"=60'-0"
ISSUED FOR:
REVIEW
DRAWN BY:
TEAM
DATE:
01.26.2024
DRAWING:
WALL PLAN

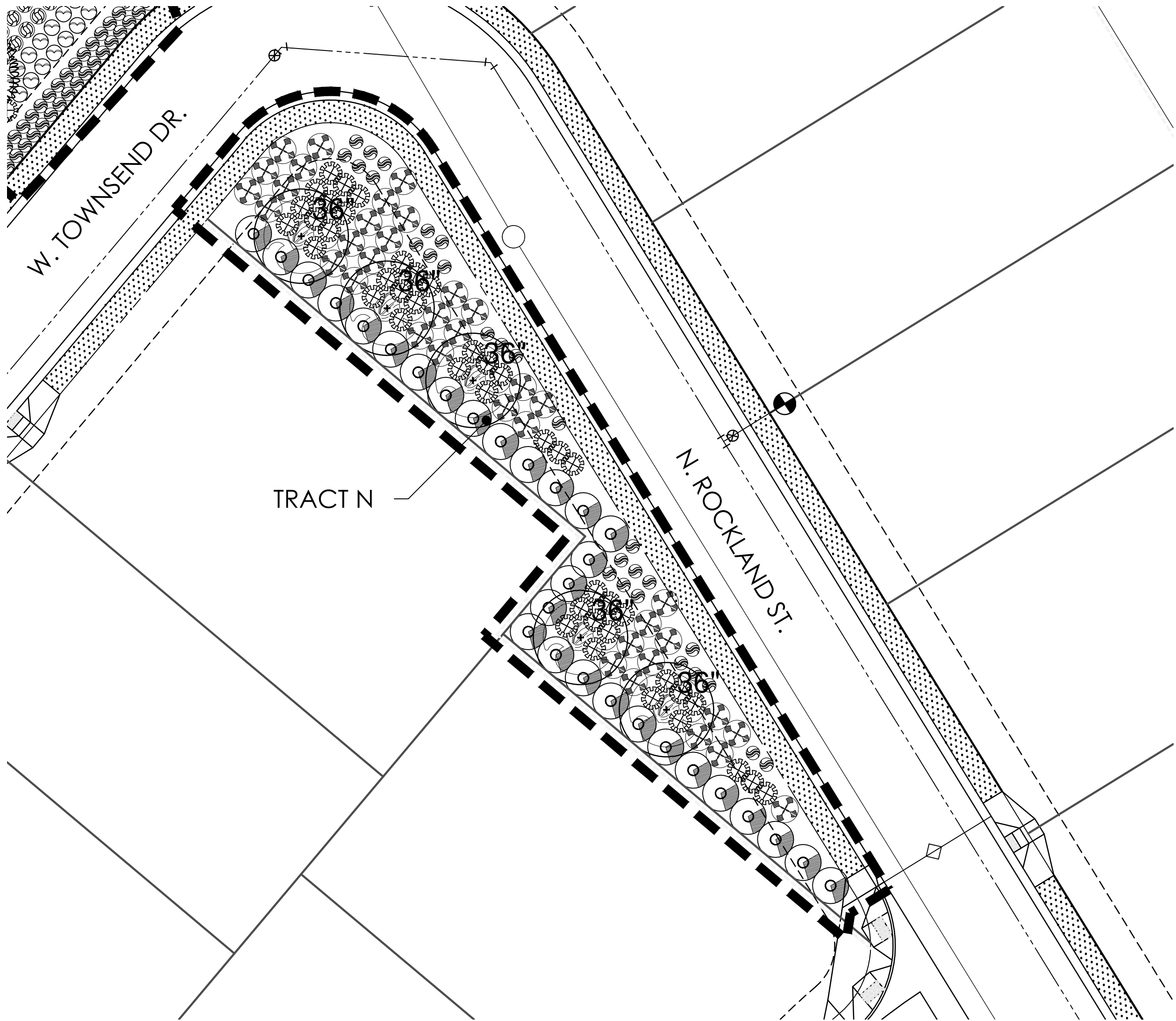
SHEET:

L1.01

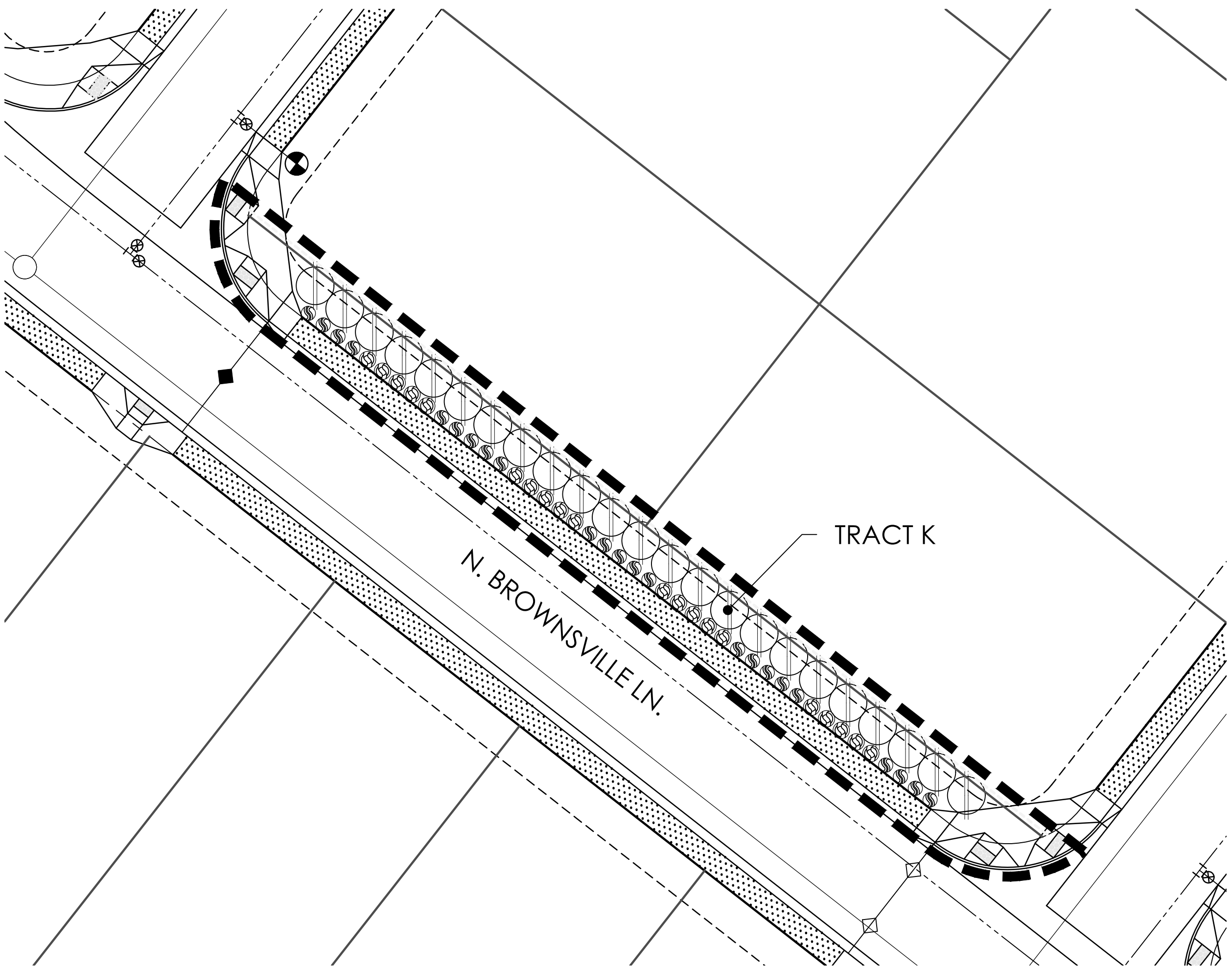
PAGE:
02 OF 15
FS23-0972



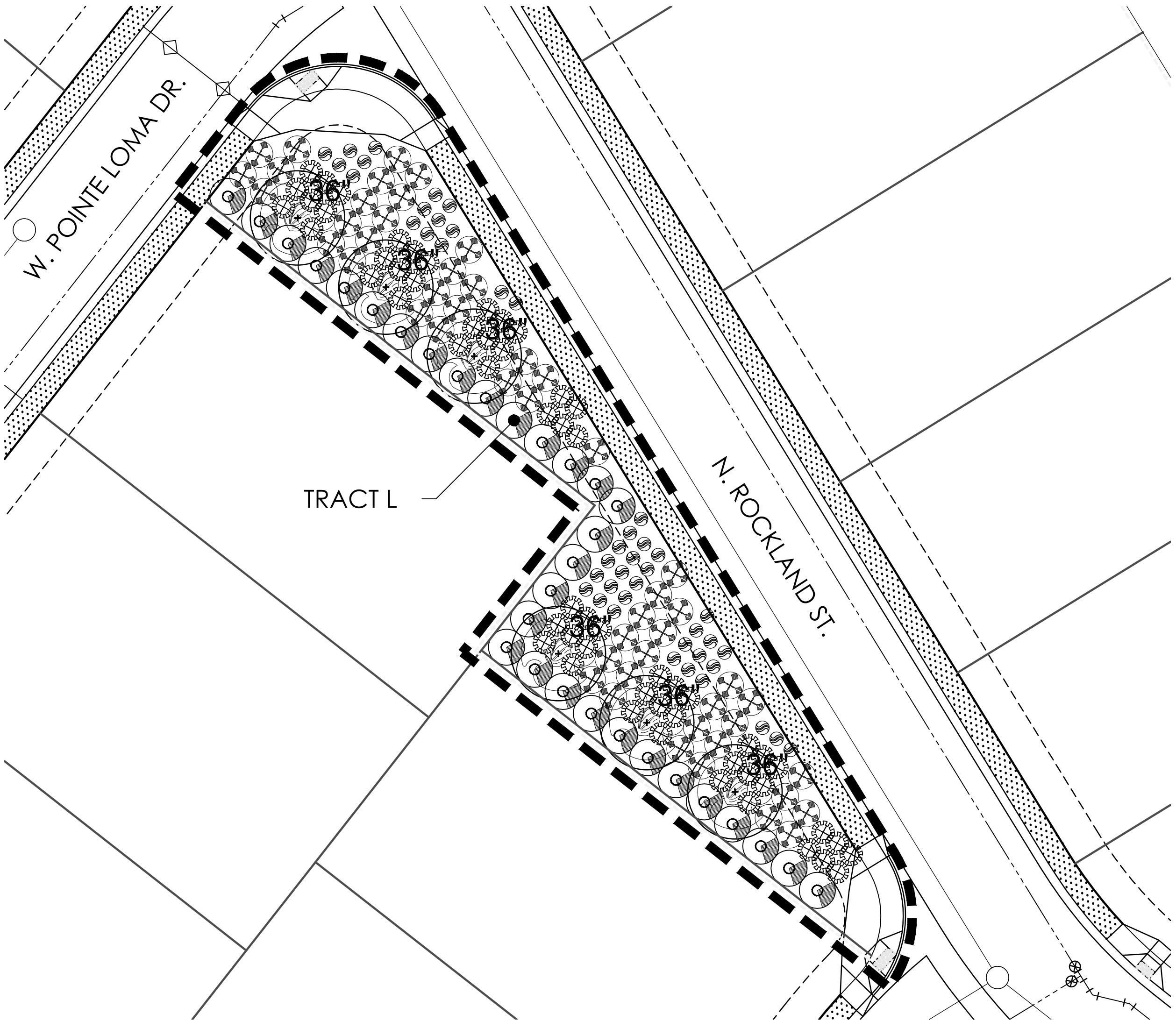
PARCEL I PLANTING PLAN - L3.3b



PARCEL I PLANTING PLAN - L3.3d



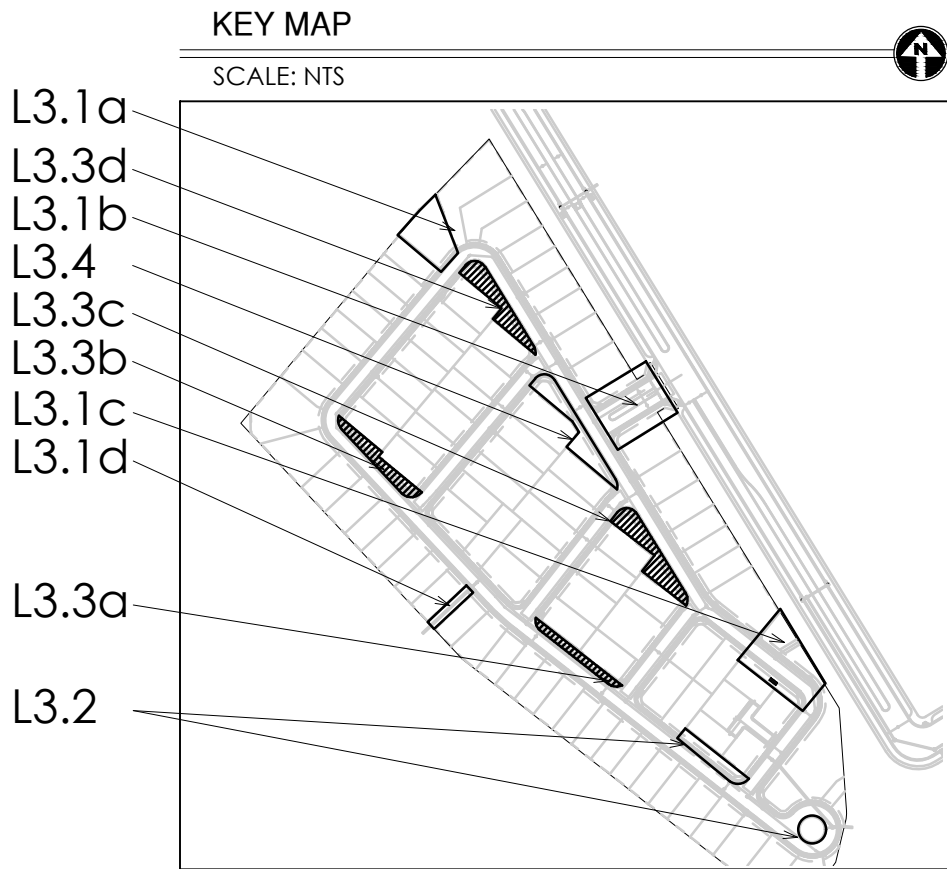
PARCEL I PLANTING PLAN - L3.3a

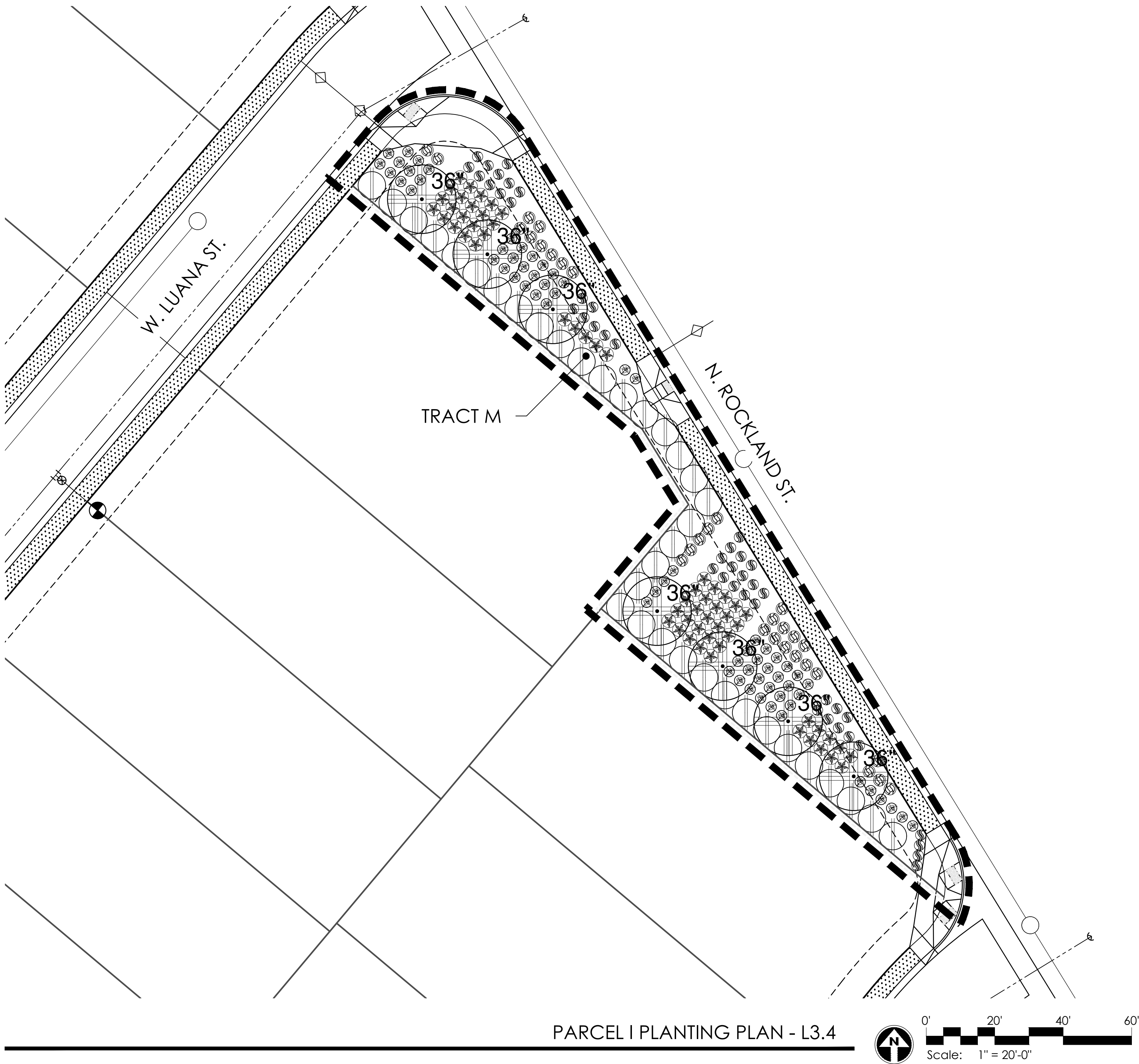


PARCEL I PLANTING PLAN - L3.3c

PLANT MATERIALS LEGEND			
Sym.	Plant Name	Size	Qty
Trees			
	<i>Fraxinus velutina</i> 'Rio-Grande' Fon-Tex Ash	36" Box	11 Standard
	<i>Olea europaea</i> 'Swan Hill' Swan Hill Olive	48" Box 36" Box	3 Multi 22 Standard
	<i>Pistacia</i> x 'Red Push' Red Push Pistache	36" Box	16 Standard
	<i>Schinus terebinthifolius</i> Brazilian Pepper Tree	48" Box	10 Standard
	<i>Vitex agnus-castus</i> Chaste Tree	36" Box	12 Standard
Shrubs			
	<i>Calliandra californica</i> Red Foxy Duster	5 gal.	20
	<i>Callistemon viminalis</i> 'Little John' Bottlebrush	5 gal.	20
	<i>Dodonaea viscosa</i> Hop Bush	5 gal.	143
	<i>Eremophila maculata</i> 'Valentine' Valentine Shrub	5 gal.	78
	<i>Eremophila hygrophana</i> 'Blue Bells' Blue Bells Eremophila	5 gal.	14
	<i>Justicia spicigera</i> Mexican Honeysuckle	5 gal.	130
	<i>Leucophyllum candidum</i> 'Thunder Cloud' Thunder Cloud Sage	5 gal.	16
	<i>Leucophyllum langmaniae</i> 'Lynn's Legacy' Lynn's Legacy Sage	5 gal.	149
	<i>Nolana microcarpa</i> Bear Grass	1 gal.	17
	<i>Ruellia brittoniana</i> Purple Ruellia	5 gal.	342
	<i>Salvia greggii</i> Autumn Sage	5 gal.	27
	<i>Tecoma alata</i> 'Orange Jubilee' Orange Jubilee	5 gal.	78
	<i>Tecoma stans</i> Yellow Bells	5 gal.	30
Groundcovers			
	<i>Chrysactinia mexicana</i> Dorranilla	1 gal.	22
	<i>Eremophila glabra</i> Mingnew Gold	5 gal.	14
	<i>Lantana camara</i> 'Dallas Red' Dallas Red Lantana	5 gal.	157
	<i>Lantana</i> 'New Gold' New Gold Lantana	1 gal.	308
	<i>Rosmarinus officinalis</i> 'Prostratus' Dwarf Rosemary	1 gal.	120
Accents			
	<i>Hesperaloe funifera</i> Giant Hesperaloe	5 gal.	109
	<i>Hesperaloe parviflora</i> -yellow Yellow Hesperaloe	5 gal.	21
	<i>Muhlenbergia capillaris</i> 'Regal Mist' Regal Mist TM	5 gal.	245
INERTS			
Sym.	Description		
	DECOMPOSED GRANITE.		

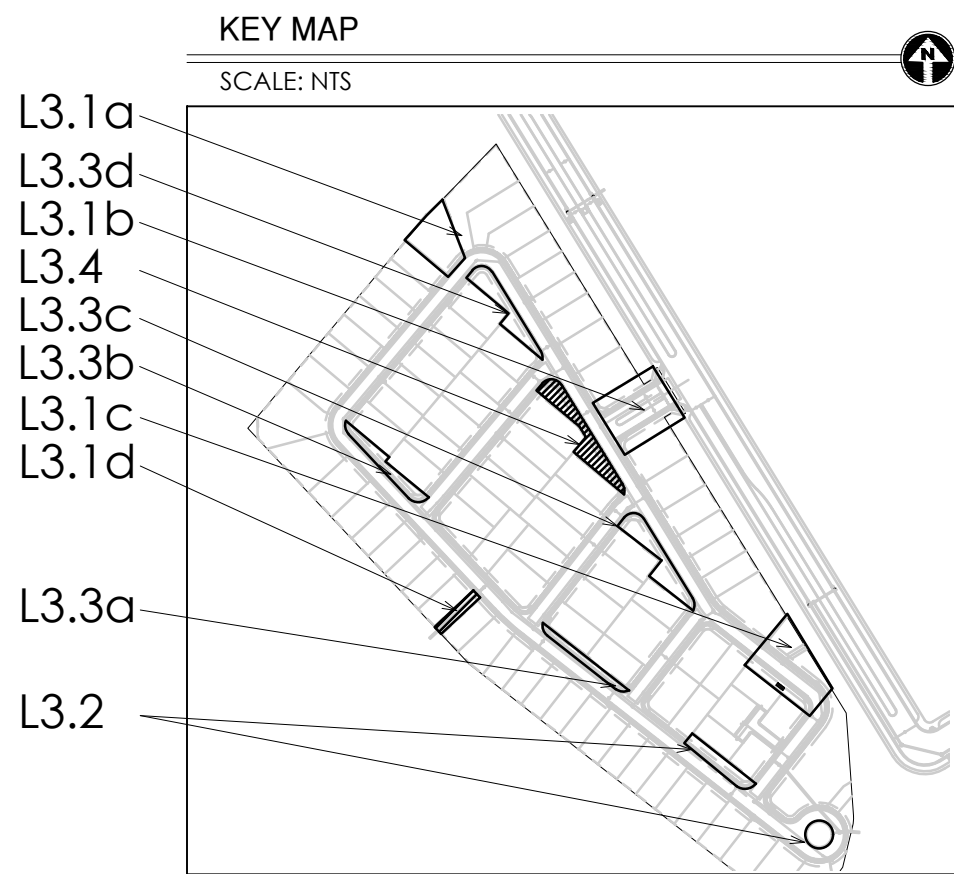
NOTE: Sight distance requirements on arterials and collectors will adhere to City of Surprise Detail 4-01. Sight visibility within the unobstructed view easement area and in front of stop signs must meet or exceed requirements in Surprise details 4-01 and 4-02.

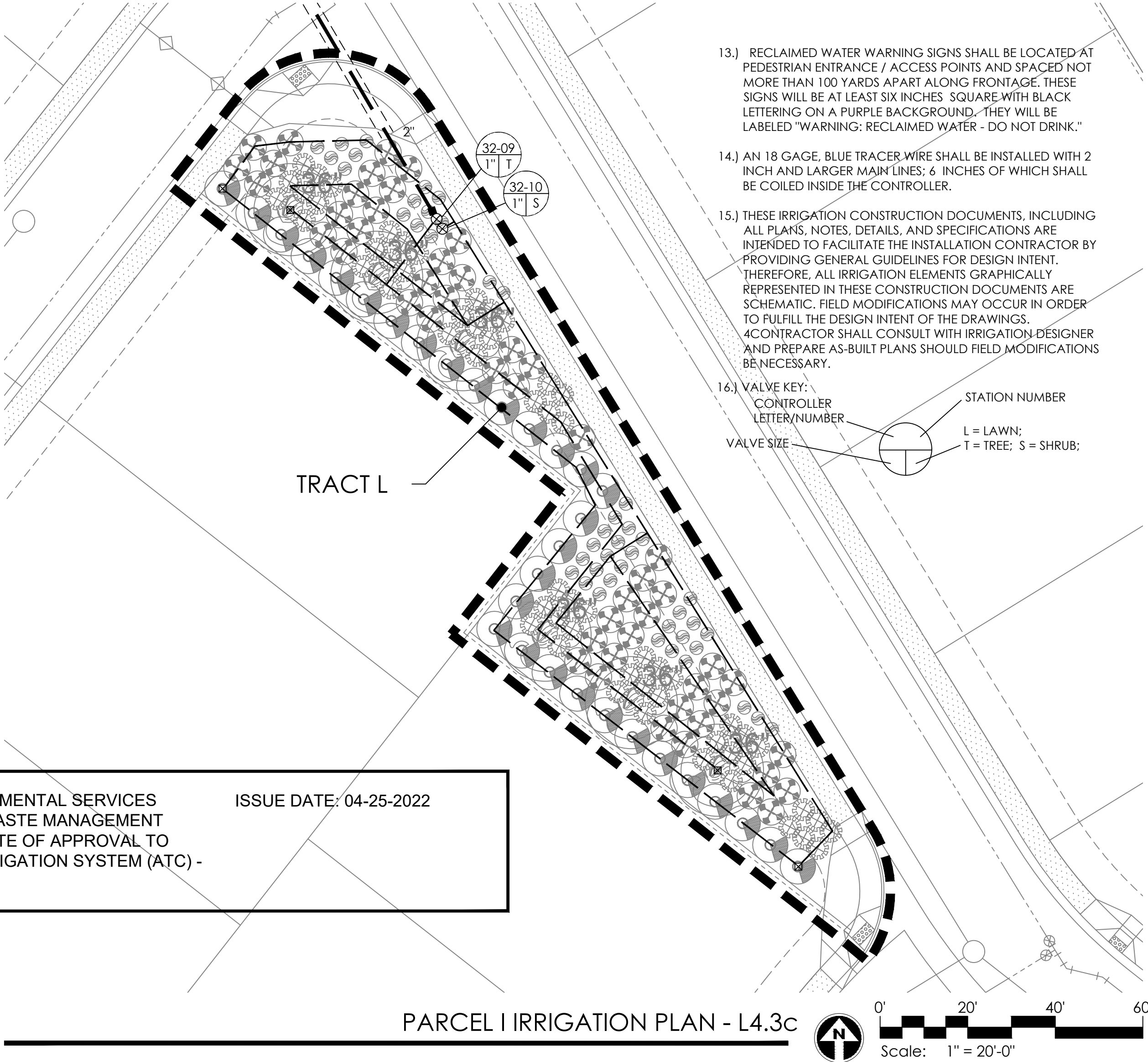
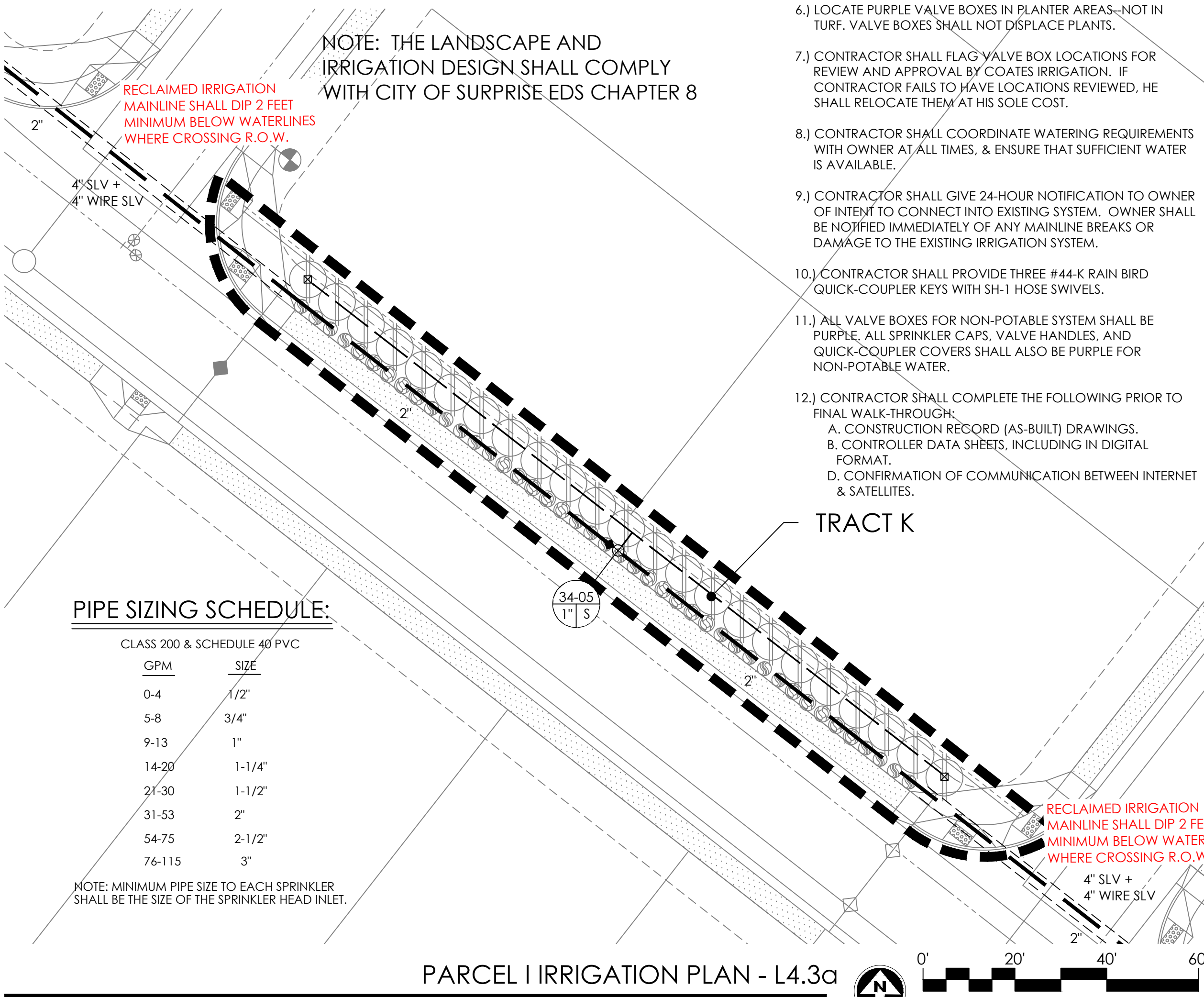
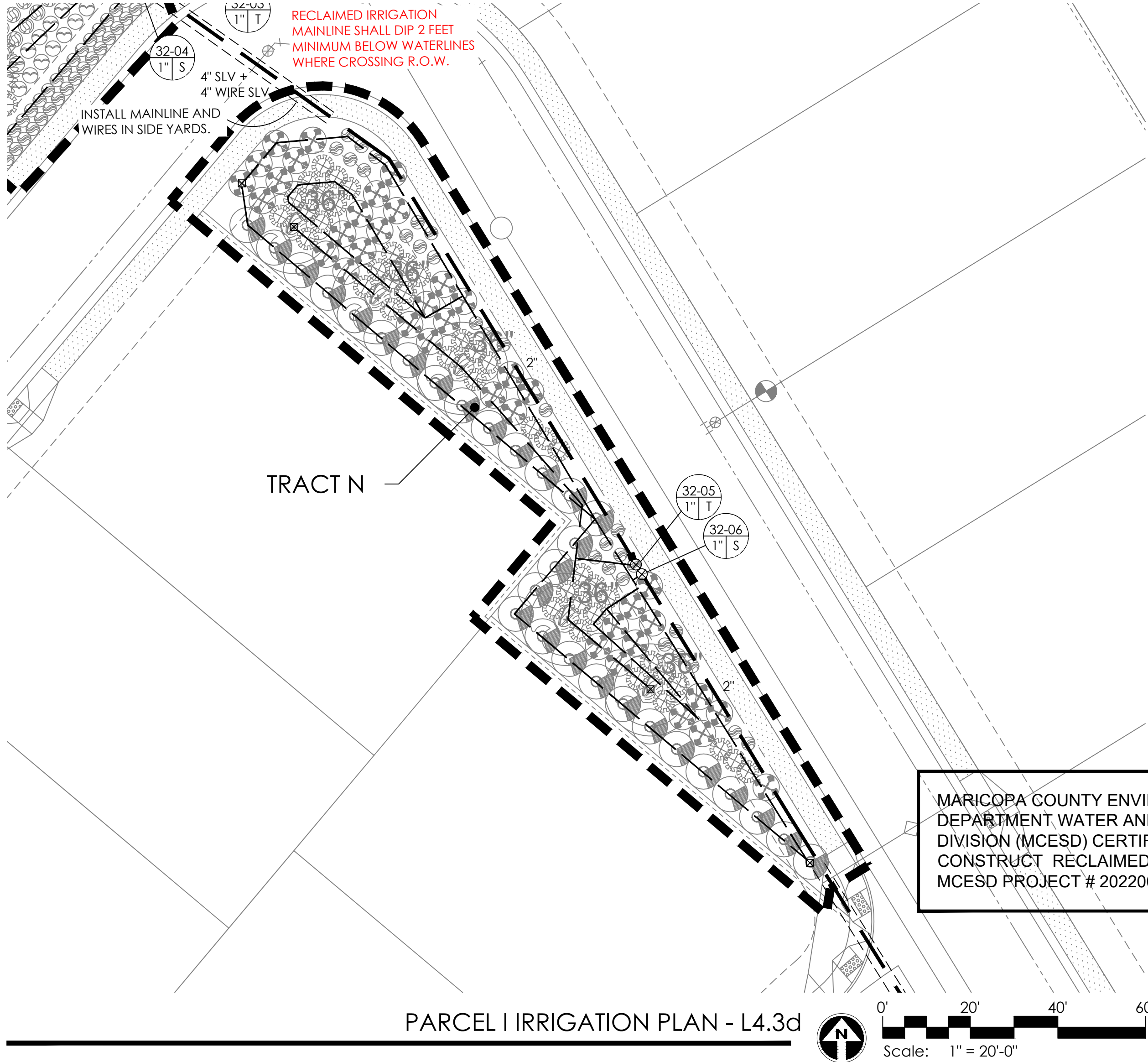
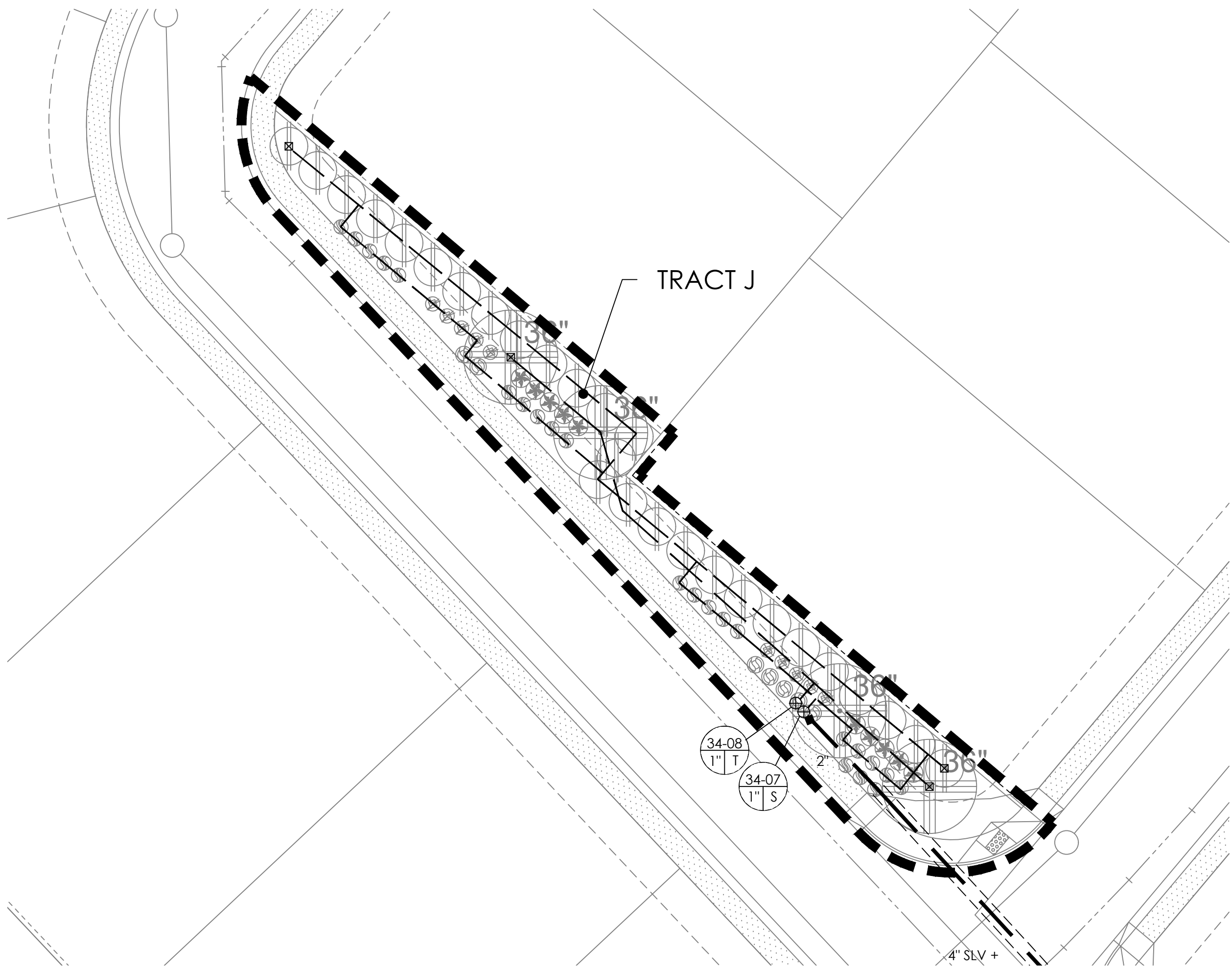




PLANT MATERIALS LEGEND				
Sym.	Plant Name	Size	Qty	
Trees				
	<i>Fraxinus velutina</i> 'Rio-Grande' Fan-Tex Ash	36" Box	11	Standard
	<i>Olea europaea</i> 'Swan Hill' Swan Hill Olive	48" Box 36" Box	3 22	Multi Standard
	<i>Pistacia x 'Red Push'</i> Red Push Pistache	36" Box	16	Standard
	<i>Schinus terebinthifolius</i> Brazilian Pepper Tree	48" Box	10	Standard
	<i>Vitex agnus-castus</i> Chaste Tree	36" Box	12	Standard
Shrubs				
	<i>Calliandra californica</i> Red Fairy Duster	5 gal.	20	
	<i>Callistemon viminalis</i> 'Little John' Bottlebrush	5 gal.	20	▲
	<i>Dodonaea viscosa</i> Hop Bush	5 gal.	143	
	<i>Eremophila maculata</i> 'Valentine' Valentine Shrub	5 gal.	78	
	<i>Eremophila hygrophana</i> 'Blue Bells' Blue Bells Eremophila	5 gal.	14	
	<i>Justicia spicigera</i> Mexican Honeysuckle	5 gal.	130	
	<i>Leucophyllum candidum</i> 'Thunder Cloud' Thunder Cloud Sage	5 gal.	16	▲
	<i>Leucophyllum langmanianae</i> 'Lynn's Legacy' Lynn's Legacy Sage	5 gal.	149	
	<i>Nolina microcarpa</i> Bear Grass	1 gal.	17	▲
	<i>Ruellia brittoniana</i> Purple Ruellia	5 gal.	342	
	<i>Salvia greggii</i> Autumn Sage	5 gal.	27	▲
	<i>Tecoma alata</i> 'Orange Jubilee' Orange Jubilee	5 gal.	78	
	<i>Tecoma stans</i> Yellow Bells	5 gal.	30	
Groundcovers				
	<i>Chrysactinia mexicana</i> Damianita	1 gal.	22	
	<i>Eremophila glabra</i> Mingnew Gold	5 gal.	14	▲
	<i>Lantana camara</i> 'Dallas Red' Dallas Red Lantana	5 gal.	157	
	<i>Lantana 'New Gold'</i> New Gold Lantana	1 gal.	308	
	<i>Rosmarinus officinalis</i> 'Prostratus' Dwarf Rosemary	1 gal.	120	
Accents				
	<i>Hesperaloe parviflora</i> Giant Hesperaloe	5 gal.	109	▲
	<i>Hesperaloe parviflora</i> -yellow Yellow Hesperaloe	5 gal.	21	▲
	<i>Muhlenbergia capillaris</i> 'Regal Mist' Regal Mist TM	5 gal.	245	

NOTE: Sight distance requirements on arterials and collectors will adhere to City of Surprise Detail 4-01. Sight visibility within the unobstructed view easement area and in front of stop signs must meet or exceed requirements in Surprise details 4-01 and 4-02.





NOTE: THE LANDSCAPE AND IRRIGATION DESIGN SHALL COMPLY WITH CITY OF SURPRISE EDS CHAPTER 8

PIPE SIZING SCHEDULE:

CLASS 200 & SCHEDULE 40 PVC	
GPM	SIZE
0-4	1/2"
5-8	3/4"
9-13	1"
14-20	1-1/4"
21-30	1-1/2"
31-53	2"
54-75	2-1/2"
76-115	3"

NOTE: MINIMUM PIPE SIZE TO EACH SPRINKLER SHALL BE THE SIZE OF THE SPRINKLER HEAD INLET.

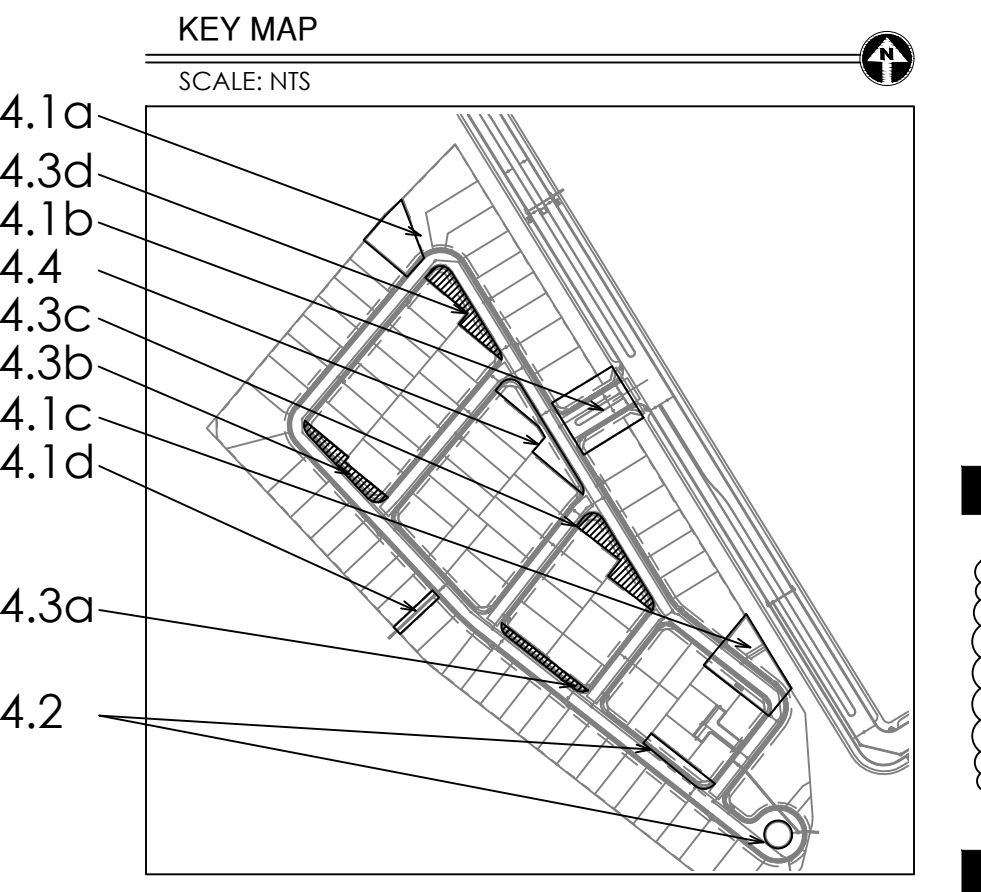
- LOCATE PURPLE VALVE BOXES IN PLANTER AREAS--NOT IN TURF. VALVE BOXES SHALL NOT DISPLACE PLANTS.
- CONTRACTOR SHALL FLAG VALVE BOX LOCATIONS FOR REVIEW AND APPROVAL BY COATES IRRIGATION. IF CONTRACTOR FAILS TO HAVE LOCATIONS REVIEWED, HE SHALL RELOCATE THEM AT HIS SOLE COST.
- CONTRACTOR SHALL COORDINATE WATERING REQUIREMENTS WITH OWNER AT ALL TIMES, & ENSURE THAT SUFFICIENT WATER IS AVAILABLE.
- CONTRACTOR SHALL GIVE 24-HOUR NOTIFICATION TO OWNER OF INTENT TO CONNECT INTO EXISTING SYSTEM. OWNER SHALL BE NOTIFIED IMMEDIATELY OF ANY MAINLINE BREAKS OR DAMAGE TO THE EXISTING IRRIGATION SYSTEM.
- CONTRACTOR SHALL PROVIDE THREE #44-K RAIN BIRD QUICK-COUPLER KEYS WITH SH-1 HOSE SWIVELS.
- ALL VALVE BOXES FOR NON-POTABLE SYSTEM SHALL BE PURPLE. ALL SPRINKLER CAPS, VALVE HANDLES, AND QUICK-COUPLER COVERS SHALL ALSO BE PURPLE FOR NON-POTABLE WATER.
- CONTRACTOR SHALL COMPLETE THE FOLLOWING PRIOR TO FINAL WALK-THROUGH:
 - CONSTRUCTION RECORD (AS-BUILT) DRAWINGS.
 - CONTROLLER DATA SHEETS, INCLUDING IN DIGITAL FORMAT.
 - CONFIRMATION OF COMMUNICATION BETWEEN INTERNET & SATELLITES.

IRRIGATION SCHEDULE

- XBT-10-6 RAIN BIRD MULTI-OUTLET EMITTER (ONE PER 6 SHRUBS--NOT SHOWN) (1.0 GPM @ 20 PSI PER PLANT)
- XBT-10-6 RAIN BIRD MULTI-OUTLET EMITTER (1 PER 24" BOX TREE--NOT SHOWN) (6.0 GPM @ 20 PSI)
- XBT-20-6 RAIN BIRD MULTI-OUTLET EMITTER (1 PER 36" BOX TREE--NOT SHOWN) (12.0 GPM @ 20 PSI)
- F4-PC-SS-NP-8P RAIN BIRD ROTARY SPRINKLER (7.4 GPM @ 50 PSI)
- F4-PC-SS-NP-12P RAIN BIRD ROTARY SPRINKLER (11.0 GPM @ 50 PSI)
- F4-FC-SS-NP-12P RAIN BIRD ROTARY SPRINKLER (11.0 GPM @ 50 PSI)
- 5004+-PC-SAM-NP-SS-1.5LA RAIN BIRD ROTARY SPRINKLER (1.76 GPM @ 55 PSI)
- 5004+-PC-SAM-NP-SS-3.0LA RAIN BIRD ROTARY SPRINKLER (3.41 GPM @ 55 PSI)
- 5004+-FC-SAM-NP-SS-3.0LA RAIN BIRD ROTARY SPRINKLER (3.41 GPM @ 55 PSI)
- 3504-PC-SAM-NP-1.0 RAIN BIRD ROTARY SPRINKLER (1.06 GPM @ 45 PSI)
- 3504-PC-SAM-NP-2.0 RAIN BIRD ROTARY SPRINKLER (1.93 GPM @ 45 PSI)
- 3504-FC-SAM-NP-4.0 RAIN BIRD ROTARY SPRINKLER (4.13 GPM @ 45 PSI)
- RD-04-SAM-PRS-NP-12Q RAIN BIRD POP-UP LAWN SPRINKLER (0.6 GPM @ 25 PSI)
- RD-04-SAM-PRS-NP-12H RAIN BIRD POP-UP LAWN SPRINKLER (1.2 GPM @ 25 PSI)
- RD-04-SAM-PRS-NP-12F RAIN BIRD POP-UP LAWN SPRINKLER (2.4 GPM @ 25 PSI)
- PESB-R-PRS-D SERIES RAIN BIRD ELECTRIC VALVE w/ PRESSURE REGULATOR SET AT 55 PSI
- 100-PESB-R RAIN BIRD ELECTRIC VALVE FOR EMITTER SYSTEM INCLUDES: RBY100MPX RAIN BIRD WYE STRAINER (200 MESH); AND PSI-M40X-100 RAIN BIRD PRESSURE REGULATOR.
- ESP12LXME-LXMM-LXMPED RAIN BIRD ELECTRIC CONTROLLER WITH ESPLXMSM12 STATION MODULES, NCC-3GUSA CELLULAR CARTRIDGE, AND WR2-48 RAIN-FREEZE SENSOR AND CONTROLLER INTERFACE (w/ 48-HOUR HOLD); INCLUDING IGEXTANT ANTENNA COMPATIBLE WITH RAIN BIR IQ CLOUD-BASED CENTRAL CONTROL SYSTEM
- IC-10A-2" CRISPIN AIR-RELIEF VALVE
- 44-NP RAIN BIRD 1" QUICK-COUPLER VALVE
- AWWA CAST IRON, RUBBER-RING MAIN LINE ISOLATION GATE VALVE: T-113K NIBCO BRASS WITH CROSS HANDLE FOR 2" & SMALLER
- #100-2" CHAMPION MANUAL DRAIN VALVE
- MHT-3/4" --MANUAL DRIP FLUSH DEVICE

- CLASS 200 PVC PIPE--HOA MAINLINE IN LANDSCAPE COMMON AREAS. RUBBER-RING WITH DUCTILE IRON FITTINGS AND TAPS. 2" AND SMALLER SOLVENT WELD CLASS 200 PVC. PURPLE COLOR, TAPED TO INDICATE RECLAIMED WATER USE, AND TRACER WIRE.
- CLASS 200 PVC PIPE--HOA MAINLINE IN GOLF AREAS. RUBBER-RING WITH DUCTILE IRON FITTINGS AND TAPS. 2" AND SMALLER SOLVENT WELD CLASS 200 PVC. PURPLE COLOR, TAPED TO INDICATE RECLAIMED WATER USE, AND TRACER WIRE.
- CLASS 200 PVC PIPE--TURF LATERALS. SOLVENT WELD. PURPLE COLOR TO INDICATE RECLAIMED WATER USE.
- 1/2" CLASS 315 PVC PIPE-TO TREE EMITTERS. SOLVENT WELD. PURPLE COLOR TO INDICATED RECLAIMED WATER USE.
- 1/2" CLASS 315 PVC PIPE-TO SHRUB EMITTERS. SOLVENT WELD. PURPLE COLOR TO INDICATED RECLAIMED WATER USE.
- SCHEDULE 40 PVC SLEEVING MATERIAL

- NOTE:
- IRRIGATION WATER SOURCE SHALL BE HOA POND AND PUMP STATION, TO SUPPLY 2200 GPM AT 110 PSI DISCHARGE.
 - ALL 24-VOLT WIRING SHALL BE #14 UFUL DIRECT-BURIAL, SOLID COPPER.
 - IRRIGATION MAINLINE PIPES SHALL DIP 2'-0" MINIMUM UNDER POTABLE WATERLINES WHEREVER CROSSINGS OCCUR.
 - ALL PIPE AND WIRING UNDER PAVED SURFACES SHALL BE IN SCHEDULE 40 PVC SLEEVES, WHETHER OR NOT SHOWN. INSTALL WIRE SLEEVE ADJACENT TO PIPE SLEEVE AT PAVED CROSSINGS.
 - IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO COORDINATE ALL PERMITS AND FOLLOW ALL STANDARDS WHETHER OR NOT SHOWN.



STERLING GROVE
PARCEL I
LANDSCAPE CONSTRUCTION DOCUMENTS
SURPRISE, ARIZONA

GREY | PICKETT
landscape architecture community design
7144 e stelson drive, suite 205
scottsdale, arizona 85251
P. 480.609.0009 F. 480.609.0068

REVISIONS:
2024-01-26
RePlat - Added Tracts

PROJECT #:
TOL252
SCALE:
1"=20'-0"
ISSUED FOR:
REVIEW
DRAWN BY:
TEAM
DATE:
01.26.2024
DRAWING:
IRRIGATION PLAN

SHEET:
L4.3
PAGE:
9 OF 15

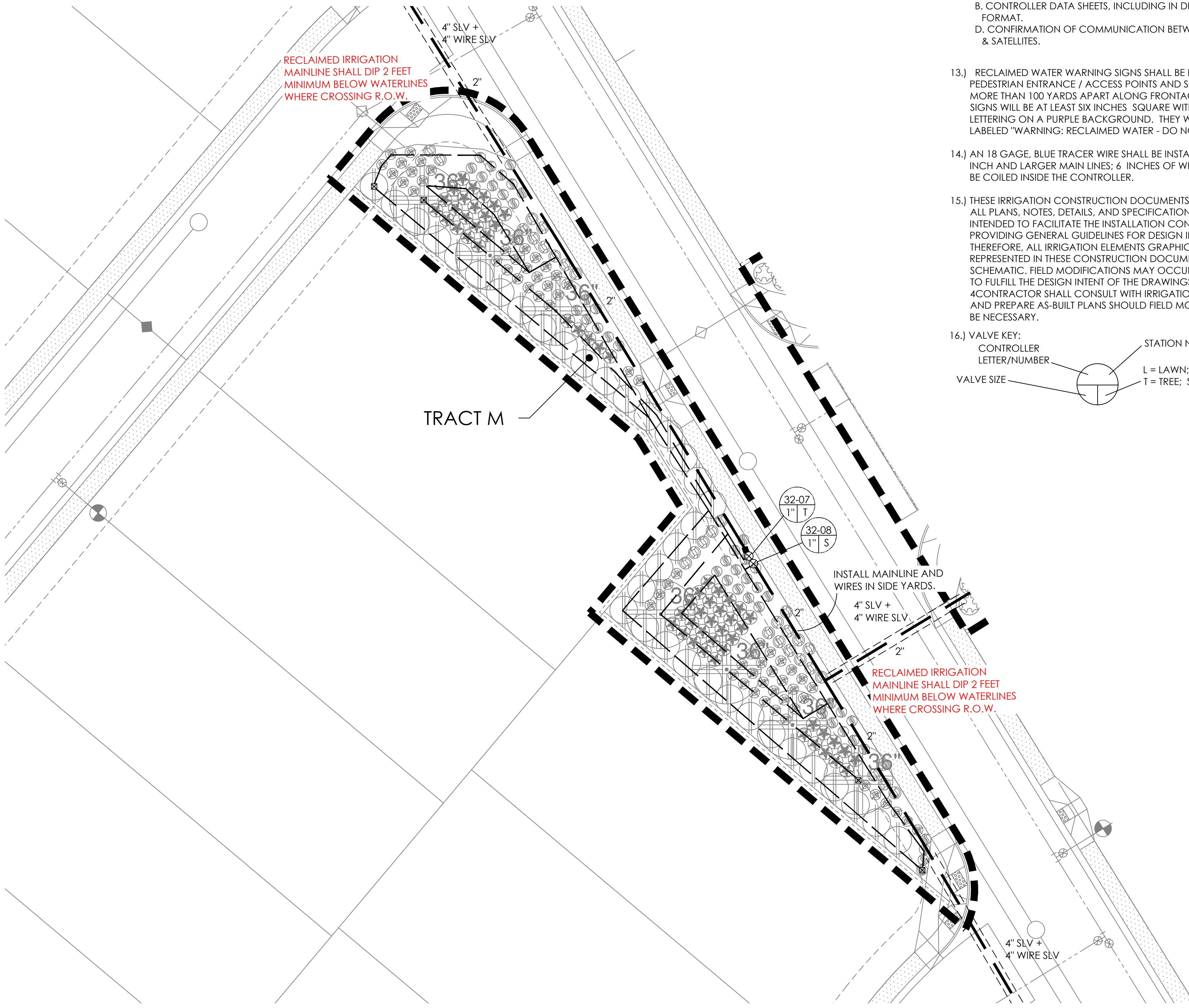
FS23-0972

PIPE SIZING SCHEDULE:

CLASS 200 & SCHEDULE 40 PVC	
GPM	SIZE
0-4	1/2"
5-8	3/4"
9-13	1"
14-20	1-1/4"
21-30	1-1/2"
31-53	2"
54-75	2-1/2"
76-115	3"

NOTE: MINIMUM PIPE SIZE TO EACH SPRINKLER SHALL BE THE SIZE OF THE SPRINKLER HEAD INLET.

NOTE: THE LANDSCAPE AND IRRIGATION DESIGN SHALL COMPLY WITH CITY OF SURPRISE EDS CHAPTER 8



- 6.) LOCATE PURPLE VALVE BOXES IN PLANTER AREAS--NOT IN TURF. VALVE BOXES SHALL NOT DISPLACE PLANTS.
- 7.) CONTRACTOR SHALL FLAG VALVE BOX LOCATIONS FOR REVIEW AND APPROVAL BY COATES IRRIGATION. IF CONTRACTOR FAILS TO HAVE LOCATIONS REVIEWED, HE SHALL RELOCATE THEM AT HIS SOLE COST.
- 8.) CONTRACTOR SHALL COORDINATE WATERING REQUIREMENTS WITH OWNER AT ALL TIMES. & ENSURE THAT SUFFICIENT WATER IS AVAILABLE.
- 9.) CONTRACTOR SHALL GIVE 24-HOUR NOTIFICATION TO OWNER OF INTENT TO CONNECT INTO EXISTING SYSTEM. OWNER SHALL BE NOTIFIED IMMEDIATELY OF ANY MAINLINE BREAKS OR DAMAGE TO THE EXISTING IRRIGATION SYSTEM.
- 10.) CONTRACTOR SHALL PROVIDE THREE #44-K RAIN BIRD QUICK-COUPLER KEYS WITH SH-1 HOSE SWIVELS.
- 11.) ALL VALVE BOXES FOR NON-POTABLE SYSTEM SHALL BE PURPLE. ALL SPRINKLER CAPS, VALVE HANDLES, AND QUICK-COUPLER COVERS SHALL ALSO BE PURPLE FOR NON-POTABLE WATER.
- 12.) CONTRACTOR SHALL COMPLETE THE FOLLOWING PRIOR TO FINAL WALK-THROUGH:
A. CONSTRUCTION RECORD (AS-BUILT) DRAWINGS.
B. CONTROLLER DATA SHEETS, INCLUDING IN DIGITAL FORMAT.
D. CONFIRMATION OF COMMUNICATION BETWEEN INTERNET & SATELLITES.
- 13.) RECLAIMED WATER WARNING SIGNS SHALL BE LOCATED AT PEDESTRIAN ENTRANCE / ACCESS POINTS AND SPACED NOT MORE THAN 100 YARDS APART ALONG FRONTAGE. THESE SIGNS WILL BE AT LEAST SIX INCHES SQUARE WITH BLACK LETTERING ON A PURPLE BACKGROUND. THEY WILL BE LABELED "WARNING: RECLAIMED WATER - DO NOT DRINK."
- 14.) AN 18 GAGE, BLUE TRACER WIRE SHALL BE INSTALLED WITH 2 INCH AND LARGER MAIN LINES; 6 INCHES OF WHICH SHALL BE COILED INSIDE THE CONTROLLER.
- 15.) THESE IRRIGATION CONSTRUCTION DOCUMENTS, INCLUDING ALL PLANS, NOTES, DETAILS, AND SPECIFICATIONS ARE INTENDED TO FACILITATE THE INSTALLATION CONTRACTOR BY PROVIDING GENERAL GUIDELINES FOR DESIGN INTENT. THEREFORE, ALL IRRIGATION ELEMENTS GRAPHICALLY REPRESENTED IN THESE CONSTRUCTION DOCUMENTS ARE SCHEMATIC. FIELD MODIFICATIONS MAY OCCUR IN ORDER TO FULFILL THE DESIGN INTENT OF THE DRAWINGS. 4CONTRACTOR SHALL CONSULT WITH IRRIGATION DESIGNER AND PREPARE AS-BUILT PLANS SHOULD FIELD MODIFICATIONS BE NECESSARY.
- 16.) VALVE KEY:
CONTROLLER LETTER/NUMBER
VALVE SIZE
STATION NUMBER
L = LAWN;
T = TREE; S = SHRUB;

IRRIGATION SCHEDULE

XBT-10-6 RAIN BIRD MULTI-OUTLET EMITTER (ONE PER 6 SHRUBS--NOT SHOWN) (1.0 GPH @ 20 PSI PER PLANT)

XBT-10-6 RAIN BIRD MULTI-OUTLET EMITTER (1 PER 24" BOX TREE--NOT SHOWN) (6.0 GPH @ 20 PSI)

XBT-20-6 RAIN BIRD MULTI-OUTLET EMITTER (1 PER 36" BOX TREE--NOT SHOWN) (12.0 GPH @ 20 PSI)

- F4-PC-SS-NP-8P RAIN BIRD ROTARY SPRINKLER (7.4 GPM @ 50 PSI)
- F4-PC-SS-NP-12P RAIN BIRD ROTARY SPRINKLER (11.0 GPM @ 50 PSI)
- F4-FC-SS-NP-12P RAIN BIRD ROTARY SPRINKLER (11.0 GPM @ 50 PSI)
- 5004-+PC-SAM-NP-SS-1.5LA RAIN BIRD ROTARY SPRINKLER (1.76 GPM @ 55 PSI)
- 5004-+PC-SAM-NP-SS-3.0LA RAIN BIRD ROTARY SPRINKLER (3.41 GPM @ 55 PSI)
- 5004-+FC-SAM-NP-SS-3.0LA RAIN BIRD ROTARY SPRINKLER (3.41 GPM @ 55 PSI)
- 3504-PC-SAM-NP-1.0 RAIN BIRD ROTARY SPRINKLER (1.06 GPM @ 45 PSI)
- 3504-PC-SAM-NP-2.0 RAIN BIRD ROTARY SPRINKLER (1.93 GPM @ 45 PSI)
- 3504-FC-SAM-NP-4.0 RAIN BIRD ROTARY SPRINKLER (4.13 GPM @ 45 PSI)
- RD-04-SAM-PRS-NP-12Q RAIN BIRD POP-UP LAWN SPRINKLER (0.6 GPM @ 25 PSI)
- RD-04-SAM-PRS-NP-12H RAIN BIRD POP-UP LAWN SPRINKLER (1.2 GPM @ 25 PSI)
- RD-04-SAM-PRS-NP-12F RAIN BIRD POP-UP LAWN SPRINKLER (2.4 GPM @ 25 PSI)
- PESB-R-PRS-D SERIES RAIN BIRD ELECTRIC VALVE w/ PRESSURE REGULATOR SET AT 55 PSI
- 100-PESB-R RAIN BIRD ELECTRIC VALVE FOR EMITTER SYSTEM INCLUDES: RBY100MPTX RAIN BIRD WYE STRAINER (200 MESH); AND PSI-M40X-100 RAIN BIRD PRESSURE REGULATOR.
- ESP12LXME-LXMM-LXMMPED RAIN BIRD ELECTRIC CONTROLLER WITH ESPLXMSM12 STATION MODULES, NCC-3GUSA CELLULAR CARTRIDGE, AND WR2-48 RAIN-FREEZE SENSOR AND CONTROLLER INTERFACE (w/ 48-HOUR HOLD); INCLUDING IQEXTANT ANTENNA COMPATIBLE WITH RAIN BIR IQ CLOUD-BASED CENTRAL CONTROL SYSTEM

IC-10A-2" CRISPIN AIR-RELIEF VALVE

44-NP RAIN BIRD 1" QUICK-COUPLER VALVE

AWWA CAST IRON, RUBBER-RING MAIN LINE ISOLATION GATE VALVE; T-113K NIBCO BRASS WITH CROSS HANDLE FOR 2" & SMALLER

#100-2" CHAMPION MANUAL DRAIN VALVE

MHT-3/4" --MANUAL DRIP FLUSH DEVICE

CLASS 200 PVC PIPE--HOA MAINLINE IN LANDSCAPE COMMON AREAS. RUBBER-RING WITH DUCTILE IRON FITTINGS AND TAPS. 2" AND SMALLER SOLVENT WELD CLASS 200 PVC. PURPLE COLOR, TAPED TO INDICATE RECLAIMED WATER USE, AND TRACER WIRE.

CLASS 200 PVC PIPE--HOA MAINLINE IN GOLF AREAS. RUBBER-RING WITH DUCTILE IRON FITTINGS AND TAPS. 2" AND SMALLER SOLVENT WELD CLASS 200 PVC. PURPLE COLOR, TAPED TO INDICATE RECLAIMED WATER USE, AND TRACER WIRE.

CLASS 200 PVC PIPE--TURF LATERALS. SOLVENT WELD. PURPLE COLOR TO INDICATE RECLAIMED WATER USE.

1/2" CLASS 315 PVC PIPE-TO TREE EMITTERS. SOLVENT WELD. PURPLE COLOR TO INDICATED RECLAIMED WATER USE.

1/2" CLASS 315 PVC PIPE-TO SHRUB EMITTERS. SOLVENT WELD. PURPLE COLOR TO INDICATED RECLAIMED WATER USE.

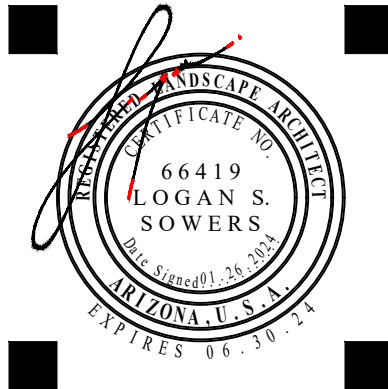
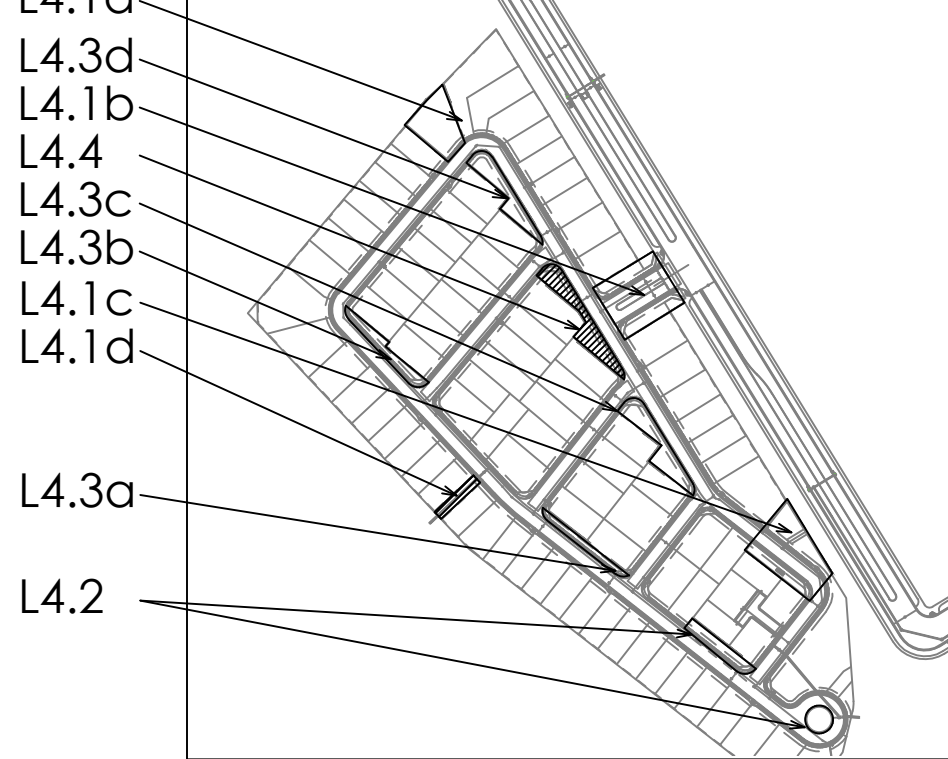
SCHEDULE 40 PVC SLEEVING MATERIAL

NOTE:

- 1.) IRRIGATION WATER SOURCE SHALL BE HOA POND AND PUMP STATION, TO SUPPLY 2200 GPM AT 110 PSI DISCHARGE.
- 2.) ALL 24-VOLT WIRING SHALL BE #14 UFUL DIRECT-BURIAL, SOLID COPPER.
- 3.) IRRIGATION MAINLINE PIPES SHALL DIP 2'-0" MINIMUM UNDER POTABLE WATERLINES WHEREVER CROSSINGS OCCUR.
- 4.) ALL PIPE AND WIRING UNDER PAVED SURFACES SHALL BE IN SCHEDULE 40 PVC SLEEVES, WHETHER OR NOT SHOWN. INSTALL WIRE SLEEVE ADJACENT TO PIPE SLEEVE AT PAVED CROSSINGS.
- 5.) IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO COORDINATE ALL PERMITS AND FOLLOW ALL STANDARDS WHETHER OR NOT SHOWN.

KEY MAP

SCALE: NTS



X:\Projects\Sterling Grove\Parcel I\Drawings\L4.4_L4.5_L4.6.dwg

REVISIONS:
2024-01-26
RePlat - Added Tracts

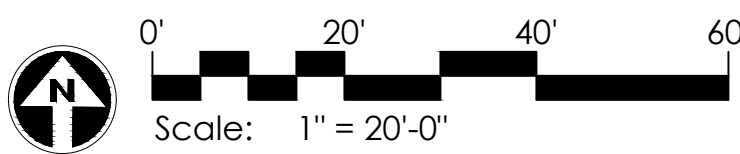
PROJECT #:
TOL252
SCALE:
1"=20'-0"
ISSUED FOR:
REVIEW
DRAWN BY:
TEAM
DATE:
01.26.2024
DRAWING:
IRRIGATION PLAN

SHEET:
L4.4
PAGE:
10 OF 15
FS23-0972

MARICOPA COUNTY ENVIRONMENTAL SERVICES
DEPARTMENT WATER AND WASTE MANAGEMENT
DIVISION (MCESD) CERTIFICATE OF APPROVAL TO
CONSTRUCT RECLAIMED IRRIGATION SYSTEM (ATC) -
MCESD PROJECT # 2022005

ISSUE DATE: 04-25-2022

PARCEL I IRRIGATION PLAN - L4.4



Tanner Wessel

From: RAHN, JENNIFER L CIV USAF AETC 56 FW/CVE <jennifer.ahn@us.af.mil>
Sent: Wednesday, November 15, 2023 1:27 PM
To: Tierney Farago
Cc: 56 FW/CIT Community Initiative
Subject: RE: FS23-0972 Toll At Prasada Unit I Replat New Digital Submittal 11.07.23
Attachments: RE FS21-791 Toll at Prasada Unit I Final Plat - New Digital Submittal 10 01 21.msg

Importance: High

*****The e-mail below is from an external source. Please do not open attachments or click links from an unknown or suspicious origin.*****

Good afternoon Ms. Farago,

Thank you for the opportunity to provide comments on the Toll at Prasada Unit I replat application. Luke AFB originally provided comments on this residential development in 2021. Since no additional lots have been added, only the lot dimensions have changed, we find that there are no impacts to flight operations or mission risks. Please see our previous response (attached) to file with this application.

Respectfully,

Jenn Rahn

Senior Planner, Community Initiatives Team
56th Fighter Wing
Luke AFB AZ 85309
Office: 623-856-9981
DSN: 896-9981

From: Tierney Farago <Tierney.Farago@surpriseaz.gov>
Sent: Tuesday, November 7, 2023 8:37 AM
To: 56 FW/CIT Community Initiative <56FW.CIT.CommunityInitiative@us.af.mil>; Afshin Ahouraiyan (Flood Control District of Maricopa County) <Afshin.Ahouraiyan@Maricopa.Gov>; Alex Garza (Maricopa Assoc of Governments) <AGarza@azmag.gov>; Aspasia Angelou (Nadaburg School District) <aangelou@nadaburgsd.org>; Barbara J Remondini, Ph.D. (Wickenburg School District) <bremondini@wusd9.org>; Bryce Christo (bchristo@cityofelmirage.org) <bchristo@cityofelmirage.org>; Chris Cain (Maricopa Water District) <chrisc@mwdaz.com>; Darren Gerard <Darren.Gerard@maricopa.gov>; Debbie Trasancos (Maricopa Water District) <debbiet@mwdaz.com>; Douglas Kirkland (Epcor) <dkirkland@epcor.com>; Ernest (USPS) <Ernest.L.James@usps.gov>; Eva Pierce <eva.pierce@dysart.org>; Ibeth - USPS <Ibeth.L.Roman@usps.gov>; Jerome Choy (ADOT) <jchoy@azdot.gov>; John Willett (City of Buckeye) <jwillett@buckeyeaz.gov>; Jorge Gastelum (City of El Mirage) <jgastelum@cityofelmirage.org>; Judy Lopez - Beardsley Water Company <managefnm365@aol.com>; Kevin Shipman <kevin.shipman@dysart.org>; Leslie - MWD <lesliej@mwdaz.com>; Mark Frago <fragom@mail.maricopa.gov>; Mary Orta - Surprise Chamber <mary.orta@surpriseregionalchamber.com>; MCDOT <MCDOTPlanning@maricopa.gov>; Raoul Sada - Surprise Chamber <raoul@surpriseregionalchamber.com>; Rovell Foggy (Liberty Utilities) <Rovell.Foggy@libertyutilities.com>; Victor.Schaum <Victor.Schaum@cox.com>; Yvonne Aguirre <yvonne.aguirre@swgas.com>

Cc: Nichole Flores <Nichole.Flores@surpriseaz.gov>

Subject: [Non-DoD Source] FS23-0972 Toll At Prasada Unit I Replat New Digital Submittal 11.07.23

Good morning,

Attached please find the **application, narrative, and final plat** for the above referenced project.

Please feel free to contact us with any questions.

Thanks,

TIERNEY FARAGO

Planning Project Coordinator

City of Surprise | Community Development

16000 N. Civic Center Plaza

Surprise, AZ 85374

623-222-3154

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

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

0.1

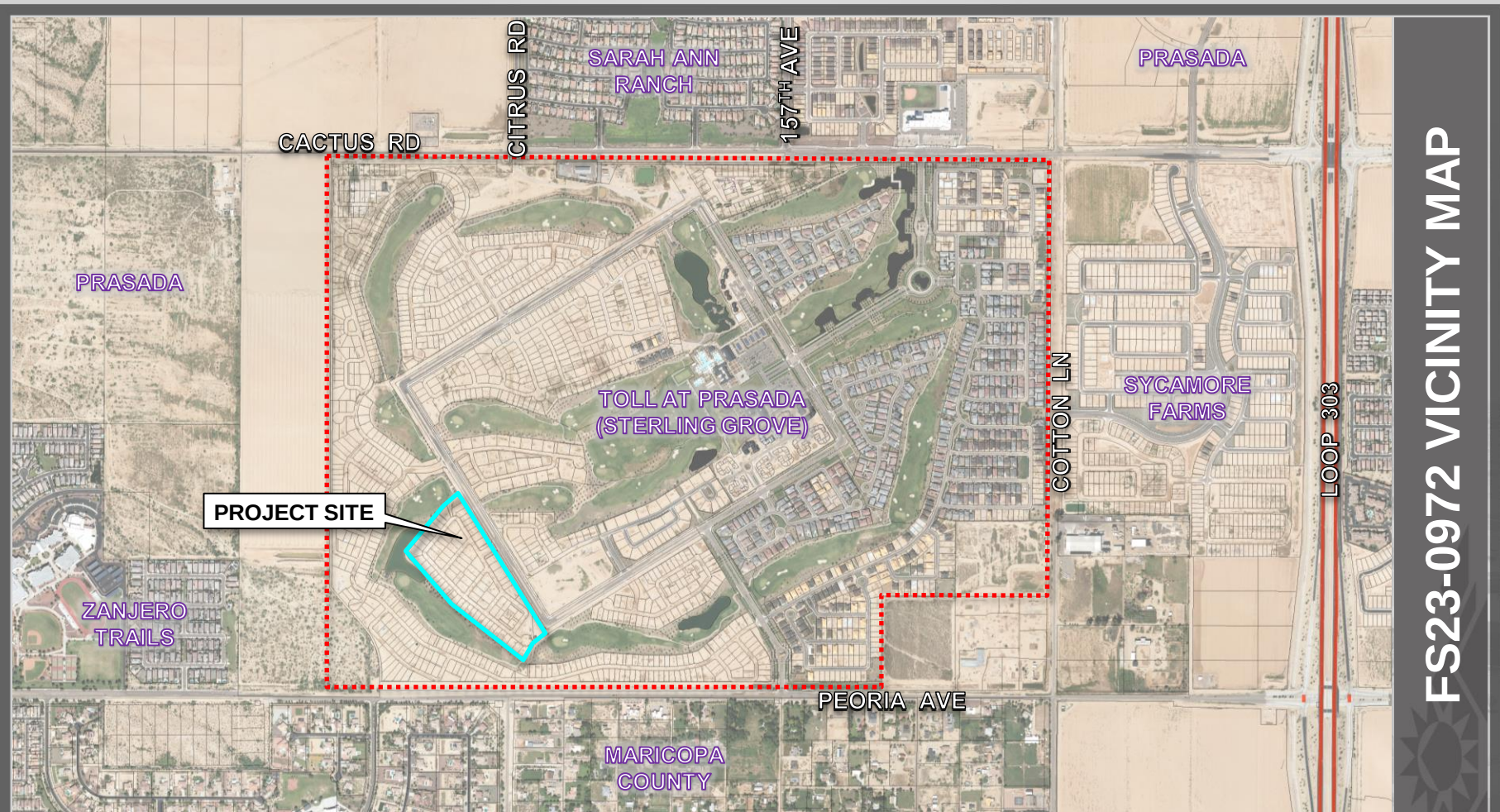


FS23-0972

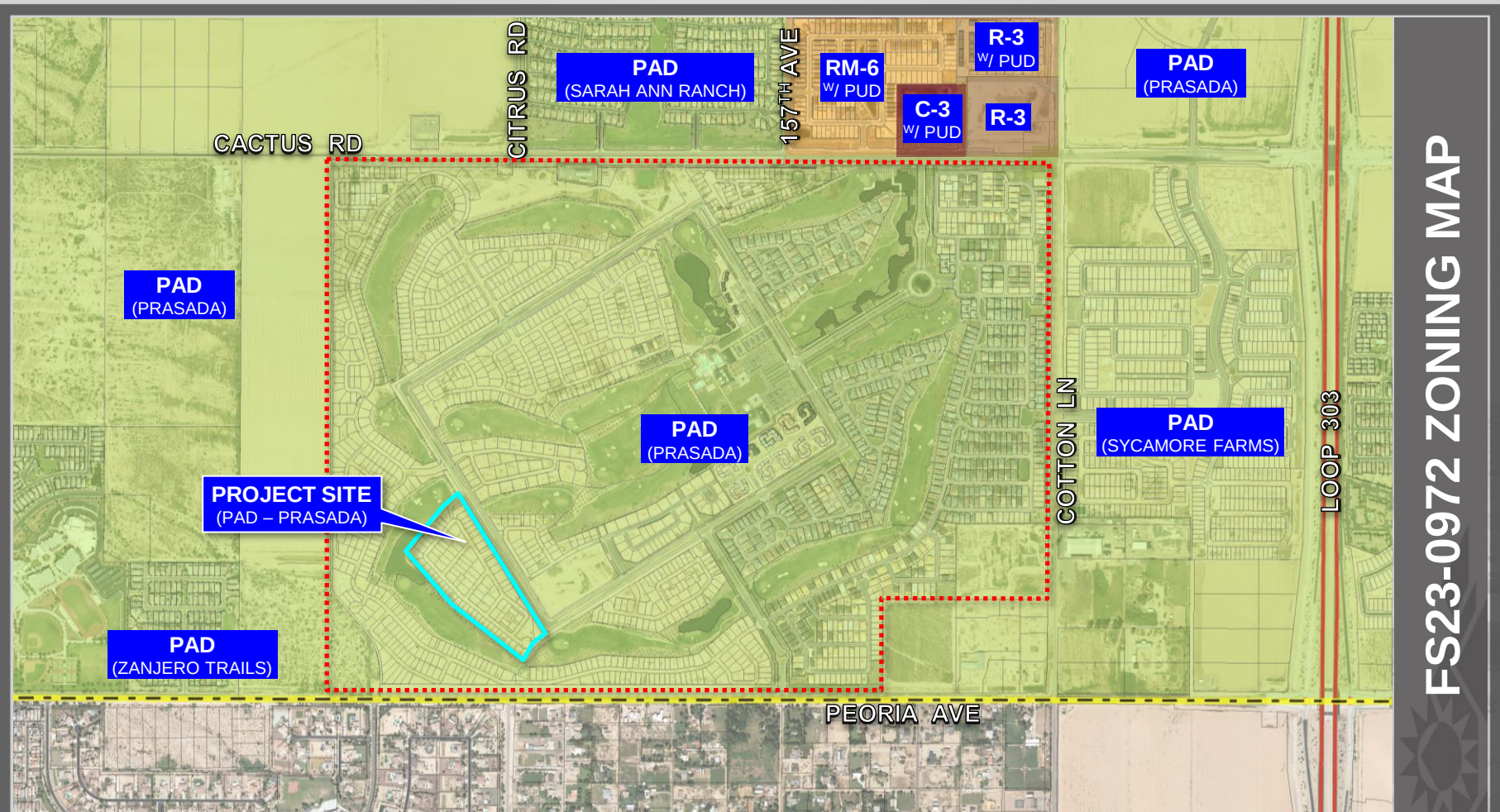
Toll at Prasada Unit I Replat

Final Plat

City Council
April 2, 2024



FS23-0972 VICINITY MAP



FS23-0972 ZONING MAP

June 22, 2006: The City Council approved the original Prasada PAD under case PAD05-465

December 21, 2016: Staff approved a Minor Amendment to the Lake Village portion of the Prasada PAD under case FS16-400 for the purpose of revising the Lake Village land plan and development standards

February 12, 2018: Staff approved a Minor Amendment to the Toll Brothers portion of the Prasada Lake Village under case FS17-587 for the purpose of revising specific development standards related to the Toll Brothers development

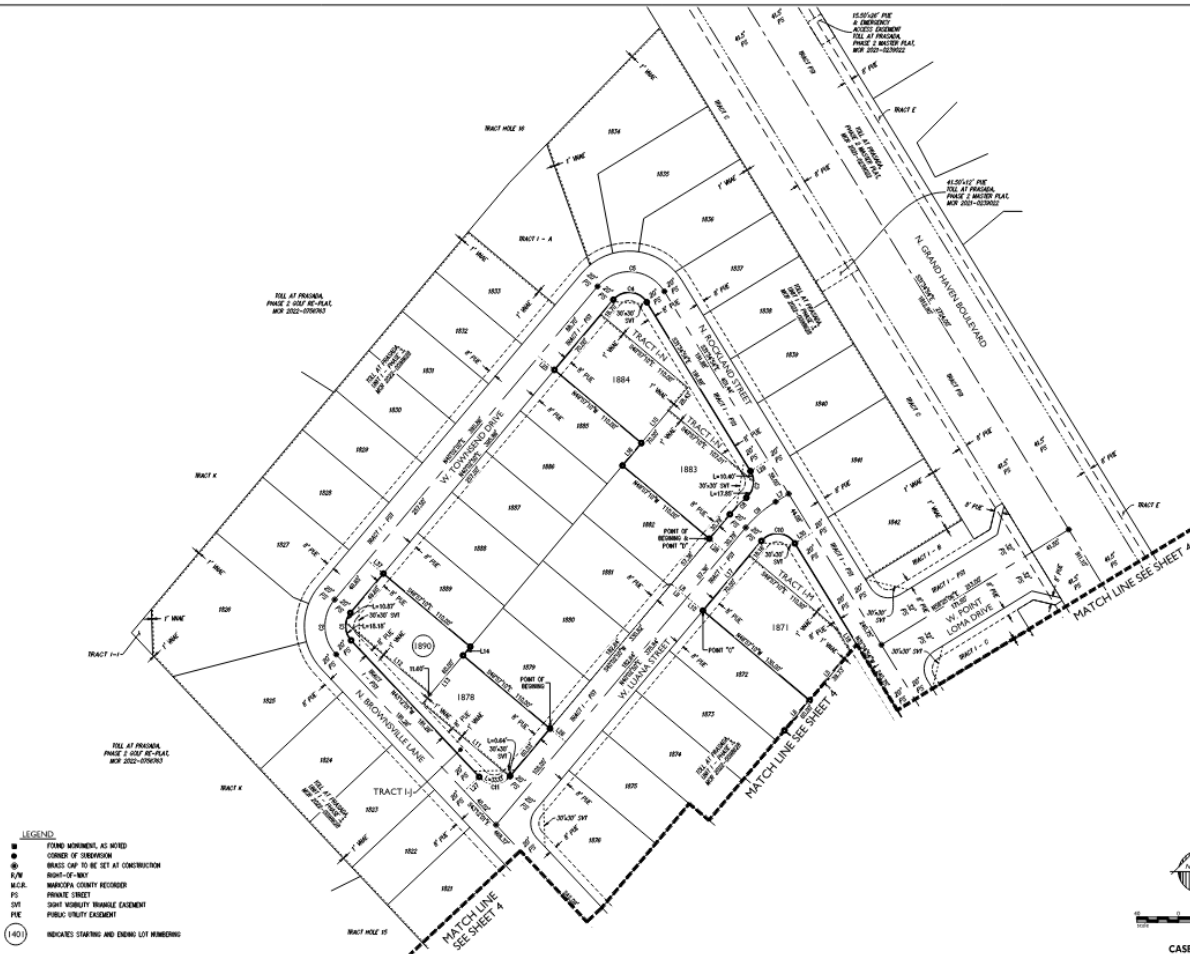
April 17, 2018: The City Council approved the original Preliminary Plat for Toll at Prasada under case FS17-394

January 15, 2019: The City Council approved the Final Plat for Toll at Prasada Phase I infrastructure under case FS18-290

November 16, 2021: The City Council approved the Preliminary Plat for Toll at Prasada Unit I under case FS21-252

February 1, 2022: The City Council approved the Final Plat for Toll at Prasada Unit I under case FS21-791

Revised: Jan. 16, 2024, 2:50pm, S:\Projects\2023\16-339\Map_Series\Plan\Phase 2\16-339_P2.dwg - 16-339_P2.dwg - Phase 2 - 16-339_P2.dwg - 16-339_P2.dwg



FINAL RE-PLAT

Project: Toll at Prasad, Unit 1 - Phase 3 Lots 1859, 1861, 1862, 1865, 1870, 1871, 1878, 1883, 1884, 1890 & Tracts H - I - N

Drawn By: [Signature]

Scale: 1" = 10'

Sheet No. 3 of 4

CASE NUMBER: FS23-0972

FS23-0972 FINAL PLAT



SURPRISE
ARIZONA

**QUESTIONS OR
COMMENTS?**

Thank You



CITY OF SURPRISE Regular City Council Meeting

Council Meeting Date: April 2, 2024 Contact Person: Tanner Wessel
Submitting Department: Community Development District: District 4
Staff Recommendations:

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

Agenda Wording:

Consideration and action pertaining to approval of the Final Plat entitled, “Re-Plat of ‘Bell and Dysart Commerce Center Lot 5 AMD’ and ‘Bell and Dysart Commerce Center Lot 5B-5C Replat’” and received January 30, 2024, a property located at the northeast corner of Bell Road and 134th Avenue; Case FS23-0654.

Motion:

I move to approve the Final Plat entitled, “Re-Plat of ‘Bell and Dysart Commerce Center Lot 5 AMD’ and ‘Bell and Dysart Commerce Center Lot 5B-5C Replat’” and received January 30, 2024.

Background:

Dan Auxier of EPS Group Inc. seeks approval of a Final Plat of the subject property located at the northeast corner of Bell Road and 134th Avenue. The Final Plat proposes combining three (3) parcels into one (1) to align with future development plans of the Crossroads at Surprise development.

Objective Analysis:

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

Policy Compliant:

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

Financial Impact:

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

Budget Impact:

There is no anticipated budget impact related to this item.

FTE Impact:

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

ATTACHMENTS:

1. 00-FS23-0654 Widewaters Surprise Final Plat - Staff Report
 2. 01-FS23-0654 Widewaters Surprise Final Plat - Vicinity Map
 3. 02-FS23-0654 Widewaters Surprise Final Plat - Zoning Map
 4. 03-FS23-0654 Widewaters Surprise Final Plat - Final Plat
 5. 04-FS23-0654 Widewaters Surprise Final Plat - Final Plat Exhibit
 6. FS23-0654 Widewaters Surprise Final Plat - PowerPoint
-

FINAL PLAT

REPORT TO THE CITY COUNCIL

Case: FS23-0654

Project Name: Widewaters Surprise Final Plat

Council District: 4 – Mulberry

City Council Date: April 2, 2024

Planner: Tanner Wessel, Planner II

Owner: Widewaters Lower Burrell CO LLC

Applicant: Dan Auxier of EPS Group Inc.

Request: Final Plat to combine three (3) parcels approx. 7.31 acres into one (1) parcel.

Site Location: Located at the northeast corner of Bell Road and 134th Avenue

Site Size: Approximately 7.31 gross acres

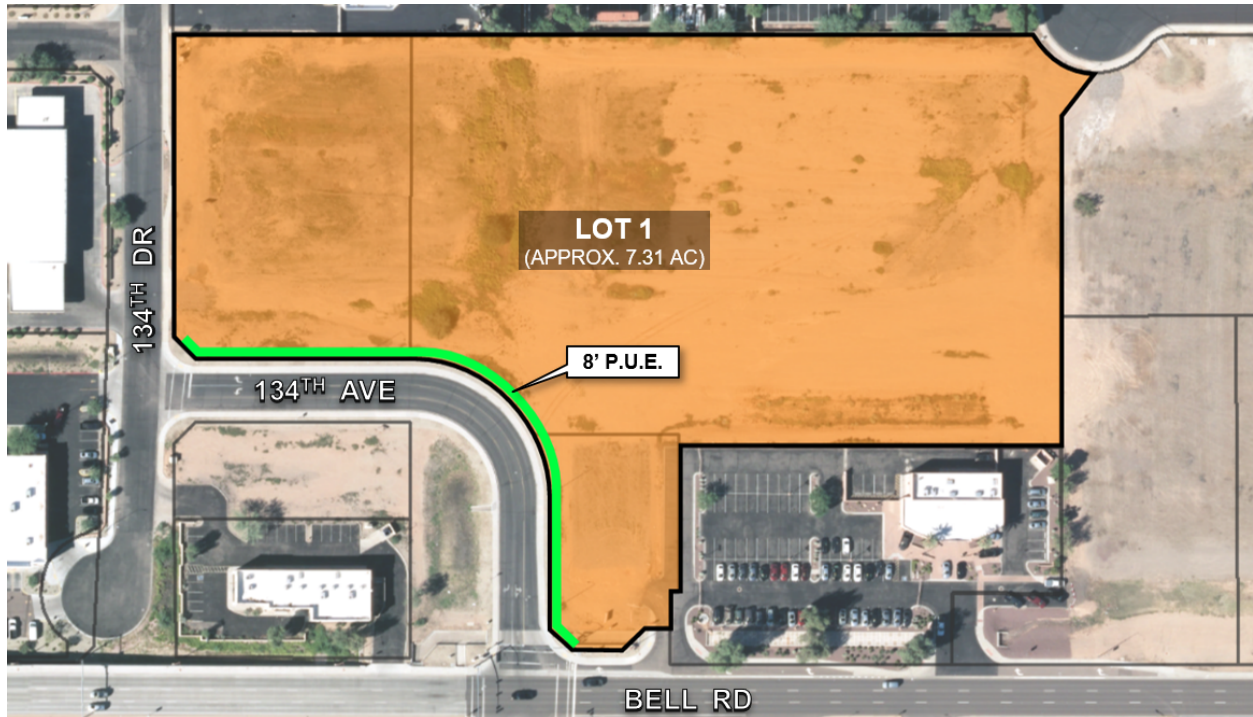
Findings:

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

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

33 **Additional Information:**

34
35 Dan Auxier of EPS Group Inc. requests approval of a Final Plat entitled “Re-Plat of ‘Bell and
36 Dysart Commerce Center Lot 5 AMD’ and ‘Bell and Dysart Commerce Center Lot 5B-5C
37 Replat’”, received January 30, 2024. The subject parcel is zoned Planned Area
38 Development (PAD) – Crossroads at Surprise and is located at the northeast corner of Bell
39 Road and 134th Avenue. The proposed Final Plat combines three (3) parcels approx. 7.31
40 acres into one (1) parcel to align with future development plans of the Crossroads at Surprise
41 development. This Final Plat does not propose any right-of-way dedications.
42



43
44 The area for each parcel is shown below:

- 45 • Lot 1 – approximately 7.31 acres

46
47
48 **General Plan Conformance:**

49
50 The proposed final plat was reviewed against the goals, policies, recommendations, and
51 guidelines of the City of Surprise General Plan 2035. The proposed final plat is consistent
52 with the General Plan in some of the following ways:

53
54 This project is located within the Commerce & Office character area of the General Plan.
55 The proposed plat adheres to the design guidelines of the character area which allows
56 for regional commercial and commercial office development.
57

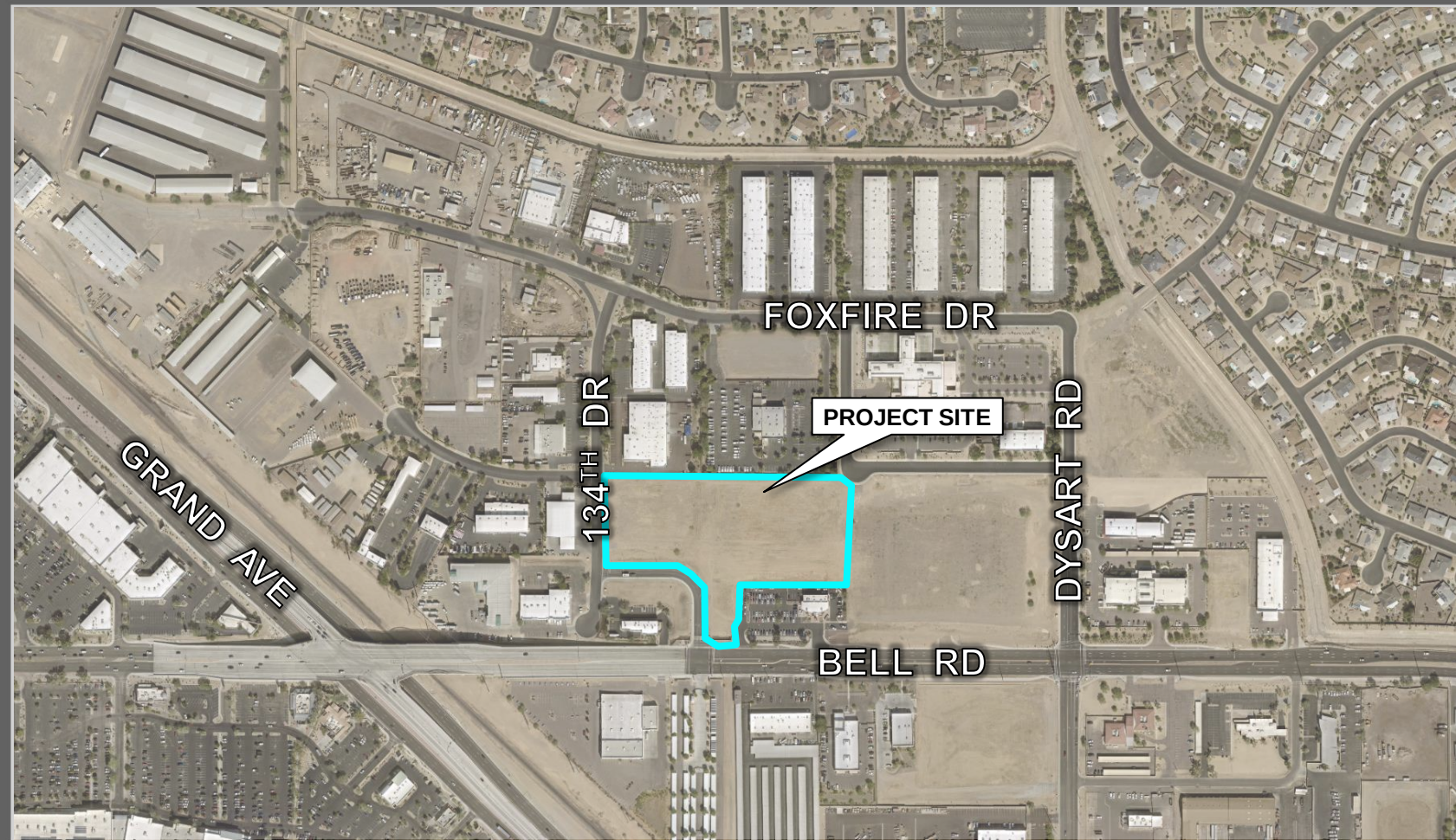
58 This project maintains compatibility with the quality of existing land uses in the
59 surrounding area in that it continues the commercial and office development pattern
60 established in the vicinity of this parcel.

61
62 **Reviewing Agencies:**

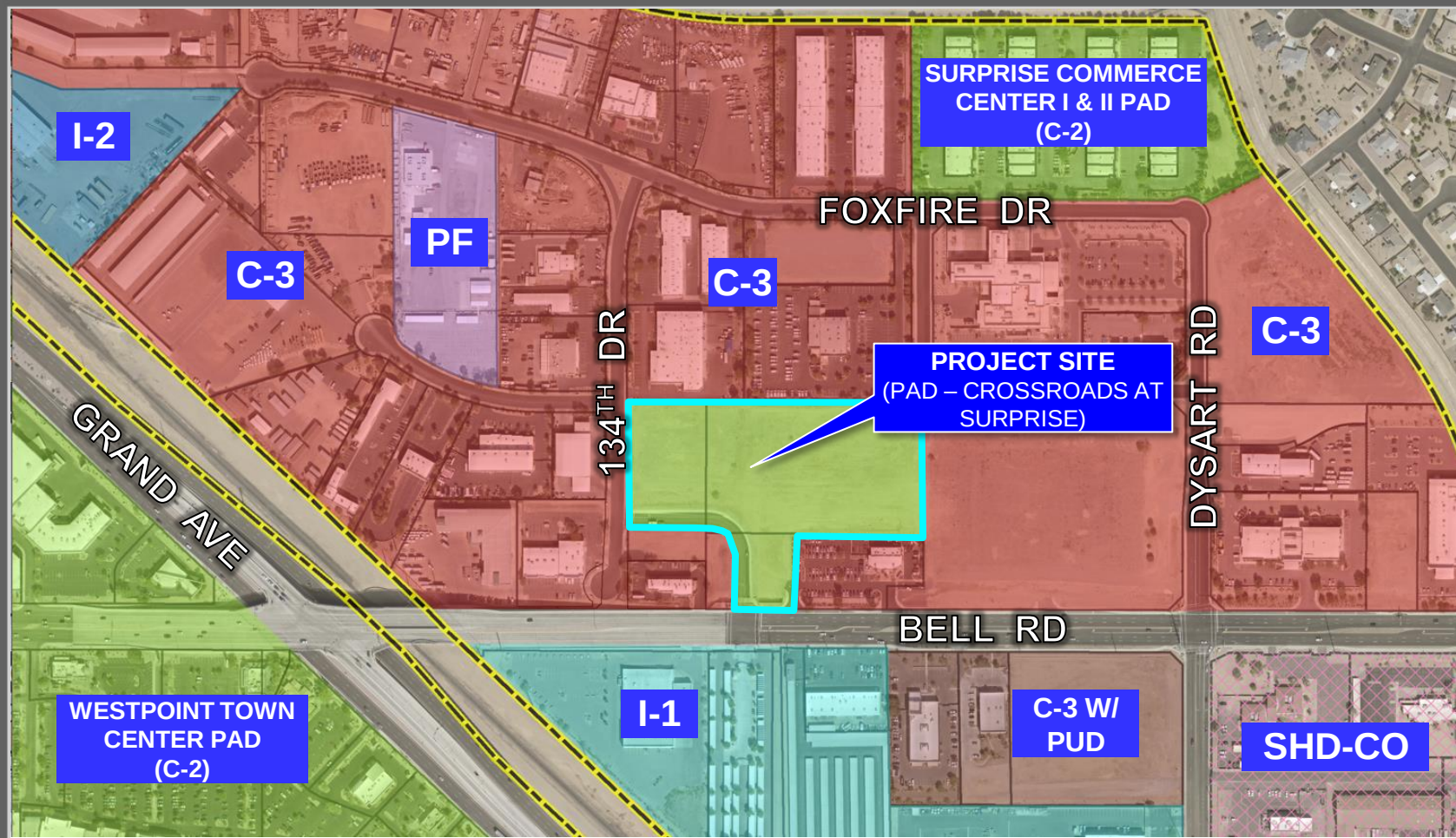
63
64 This project was routed to both Luke Air Force Base and the Maricopa Water District for
65 review. Both agencies have indicated no objections.

66
67 **Attachments:**

68 01 Vicinity Map
69 02 Zoning Map
70 03 Final Plat
71 04 Plat Exhibit
72 PPT



FS23-0654 VICINITY MAP



agross Jan 25, 2024 10:48am C:\Users\agross\AppData\Local\Temp\AcPublish_L14968\22-0550 RP01.dwg

RE-PLAT OF

"BELL & DYSART COMMERCE CENTER LOT 5 AMD" AND
"BELL AND DYSART COMMERCE CENTER LOT 5B-5C REPLAT"
BEING A PORTION OF THE SOUTHEAST QUARTER OF SECTION 34,
TOWNSHIP 4 NORTH, RANGE 1 WEST OF THE GILA AND SALT RIVER MERIDIAN
CITY OF SURPRISE, MARICOPA COUNTY, ARIZONA

DEDICATION

STATE OF ARIZONA }
COUNTY OF MARICOPA } S.S.

KNOW ALL PERSONS BY THESE PRESENTS: THAT WIDEWATERS LOWER BURRELL COMPANY, LLC, A NEW YORK LIMITED LIABILITY COMPANY, OWNER, HAS ASSEMBLED UNDER THE NAME RE-PLAT OF RE-PLAT OF "BELL & DYSART COMMERCE CENTER LOT 5 AMD" AND "BELL AND DYSART COMMERCE CENTER LOT 5B-5C REPLAT", BEING A PORTION OF THE SOUTHEAST QUARTER OF SECTION 34, TOWNSHIP 4 NORTH, RANGE 1 WEST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, AS SHOWN AND PLATTED HEREON AND DOES HEREBY PUBLISH THIS PLAT AS AND FOR RE-PLAT OF RE-PLAT OF "BELL & DYSART COMMERCE CENTER LOT 5 AMD" AND "BELL AND DYSART COMMERCE CENTER LOT 5B-5C REPLAT" AND DECLARES THAT THIS PLAT SETS FORTH THE LOCATION AND GIVES THE DIMENSIONS OF EACH LOT, STREET, AND EASEMENT CONSTITUTING SAME, AND THAT EACH LOT, STREET, AND EASEMENT SHALL BE KNOWN BY THE NUMBER, LETTER, AND/OR NAME GIVEN TO EACH RESPECTIVELY AS SHOWN ON THIS PLAT.

OWNER HEREBY GRANTS TO THE 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.

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.

OWNERS HEREBY GRANTS TO THE ULTIMATE OWNER OF EACH PARCEL CREATED BY THIS PLAT AN EASEMENT OVER, UPON AND ACROSS THE ENTIRE PLAT FOR THE PURPOSE OF PROVIDING CONTINUOUS AND UNINTERRUPTED INGRESS AND EGRESS TO EACH PARCEL CREATED BY THIS PLAT.

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

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

IN WITNESS WHEREOF, OWNER HAS HEREUNTO CAUSED ITS CORPORATE NAME TO BE SIGNED AND ITS CORPORATE SEAL TO BE AFFIXED BY THE UNDERSIGNED, DULY AUTHORIZED OFFICER THIS ____ DAY OF _____, 2024.

WIDEWATERS LOWER BURRELL COMPANY, LLC, A NEW YORK LIMITED LIABILITY COMPANY

BY: _____

ITS: _____

ACKNOWLEDGMENT

STATE OF ARIZONA }
COUNTY OF MARICOPA } S.S.

ON THIS ____ DAY OF _____, 2024, BEFORE ME PERSONALLY APPEARED _____ WHOSE IDENTITY WAS PROVEN TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON WHO HE OR SHE CLAIM TO BE, AND ACKNOWLEDGED THAT SHE SIGNED THE ABOVE DOCUMENT.

NOTARY PUBLIC

MY COMMISSION EXPIRES: _____

NOTES

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

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

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

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.

PARENT PARCEL LEGAL DESCRIPTION

PARCEL NO. 1:

A PORTION OF THE SOUTHWEST QUARTER OF SECTION 34, TOWNSHIP 4 NORTH, RANGE 1 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A MARICOPA COUNTY HIGHWAY DEPARTMENT BRASS CAP IN HANDHOLE, MARKING THE SOUTHEAST CORNER OF SAID SECTION 34, FROM WHICH THE CALCULATED SOUTH QUARTER CORNER OF SAID SECTION 34, BEARS NORTH 89 DEGREES 26 MINUTES 36 SECONDS WEST, A DISTANCE OF 2,635.86 FEET, AS SHOWN ON THE RE-PLAT FOR LOT 5B & 5C OF THE FINAL PLAT AMENDED OF LOT 5 OF BELL & DYSART COMMERCE CENTER, RECORDED IN BOOK 1047 OF MAPS, PAGE 30, MARICOPA COUNTY RECORDS, ARIZONA;

THENCE NORTH 89 DEGREES 26 MINUTES 36 SECONDS WEST, ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 34, A DISTANCE OF 1,604.64 FEET;
THENCE DEPARTING SAID SOUTH LINE, NORTH 00 DEGREES 14 MINUTES 21 SECONDS EAST, A DISTANCE OF 359.87 FEET AND TO THE POINT OF BEGINNING;

THENCE NORTH 00 DEGREES 14 MINUTES 21 SECONDS EAST, A DISTANCE OF 284.66 FEET;
THENCE SOUTH 89 DEGREES 26 MINUTES 36 SECONDS EAST, A DISTANCE OF 224.27 FEET;
THENCE SOUTH 00 DEGREES 33 MINUTES 23 SECONDS WEST, A DISTANCE OF 304.11 FEET;
THENCE NORTH 89 DEGREES 35 MINUTES 37 SECONDS WEST, A DISTANCE OF 202.55 FEET;
THENCE NORTH 44 DEGREES 40 MINUTES 33 SECONDS WEST, A DISTANCE OF 28.38 FEET TO THE POINT OF BEGINNING.

PARCEL NO. 2:

A PORTION OF THE SOUTHEAST QUARTER OF SECTION 34, TOWNSHIP 4 NORTH, RANGE 1 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A MARICOPA COUNTY HIGHWAY DEPARTMENT BRASS CAP IN HANDHOLE, MARKING THE SOUTHEAST CORNER OF SAID SECTION 34, FROM WHICH THE CALCULATED SOUTH QUARTER CORNER OF SAID SECTION 34, BEARS NORTH 89 DEGREES 26 MINUTES 36 SECONDS WEST, A DISTANCE OF 2,635.86 FEET, AS SHOWN ON THE RE-PLAT FOR LOT 5B & 5C OF THE FINAL PLAT AMENDED OF LOT 5 OF BELL & DYSART COMMERCE CENTER, RECORDED IN BOOK 1047 OF MAPS, PAGE 30, MARICOPA COUNTY RECORDS, ARIZONA;

THENCE NORTH 89 DEGREES 26 MINUTES 36 SECONDS WEST, ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 34, A DISTANCE OF 1,140.72 FEET;
THENCE DEPARTING SAID SOUTH LINE, NORTH 00 DEGREES 33 MINUTES 26 SECONDS EAST, A DISTANCE OF 88.00 FEET AND TO THE POINT OF BEGINNING;

THENCE NORTH 89 DEGREES 26 MINUTES 36 SECONDS WEST, A DISTANCE OF 24.36 FEET;
THENCE SOUTH 46 DEGREES 57 MINUTES 14 SECONDS WEST, A DISTANCE OF 29.00 FEET;
THENCE NORTH 89 DEGREES 26 MINUTES 36 SECONDS WEST, A DISTANCE OF 47.64 FEET;
THENCE NORTH 44 DEGREES 26 MINUTES 36 SECONDS WEST, A DISTANCE OF 28.28 FEET;
THENCE NORTH 00 DEGREES 33 MINUTES 24 SECONDS EAST, A DISTANCE OF 122.42 FEET TO THE BEGINNING OF A CURVE, CONCAVE SOUTHWEST, HAVING A RADIUS OF 130.00 FEET;
THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 27 DEGREES 07 MINUTES 45 SECONDS, A DISTANCE OF 61.55 FEET;
THENCE SOUTH 89 DEGREES 26 MINUTES 34 SECONDS EAST, A DISTANCE OF 135.55 FEET;
THENCE SOUTH 00 DEGREES 33 MINUTES 26 SECONDS WEST, A DISTANCE OF 147.69 FEET;
THENCE NORTH 89 DEGREES 26 MINUTES 34 SECONDS WEST, A DISTANCE OF 8.25 FEET;
THENCE SOUTH 00 DEGREES 33 MINUTES 24 SECONDS WEST, A DISTANCE OF 34.01 FEET TO THE POINT OF BEGINNING.

PARCEL NO. 3:

A PORTION OF THE SOUTHEAST QUARTER OF SECTION 34, TOWNSHIP 4 NORTH, RANGE 1 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A MARICOPA COUNTY HIGHWAY DEPARTMENT BRASS CAP IN HANDHOLE, MARKING THE SOUTHEAST CORNER OF SAID SECTION 34, FROM WHICH THE CALCULATED SOUTH QUARTER CORNER OF SAID SECTION 34, BEARS NORTH 89 DEGREES 26 MINUTES 36 SECONDS WEST, A DISTANCE OF 2,635.86 FEET, AS SHOWN ON THE RE-PLAT FOR LOT 5B & 5C OF THE FINAL PLAT AMENDED OF LOT 5 OF BELL & DYSART COMMERCE CENTER, RECORDED IN BOOK 1047 OF MAPS, PAGE 30, MARICOPA COUNTY RECORDS, ARIZONA;

THENCE NORTH 89 DEGREES 26 MINUTES 36 SECONDS WEST, ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 34, A DISTANCE OF 1,132.47 FEET;
THENCE DEPARTING SAID SOUTH LINE, NORTH 00 DEGREES 33 MINUTES 26 SECONDS EAST, A DISTANCE OF 259.70 FEET AND TO THE POINT OF BEGINNING;

THENCE CONTINUING NORTH 00 DEGREES 33 MINUTES 26 SECONDS EAST, A DISTANCE OF 10.00 FEET;
THENCE NORTH 89 DEGREES 26 MINUTES 34 SECONDS WEST, A DISTANCE OF 135.55 FEET TO THE BEGINNING OF A NON-TANGENT CURVE, CONCAVE SOUTHWEST, FROM WHICH THE RADIUS POINT BEARS SOUTH 63 DEGREES 25 MINUTES 39 SECONDS WEST, A DISTANCE OF 130.00 FEET;
THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 62 DEGREES 58 MINUTES 07 SECONDS, A DISTANCE OF 142.87 FEET;
THENCE NORTH 00 DEGREES 33 MINUTES 23 SECONDS EAST, A DISTANCE OF 304.11 FEET;
THENCE SOUTH 89 DEGREES 26 MINUTES 36 SECONDS EAST, A DISTANCE OF 585.58 FEET TO THE BEGINNING OF A NON-TANGENT CURVE, CONCAVE NORTHEAST, FROM WHICH THE RADIUS POINT BEARS NORTH 63 DEGREES 04 MINUTES 26 SECONDS EAST, A DISTANCE OF 65.00 FEET;
THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 62 DEGREES 57 MINUTES 35 SECONDS, A DISTANCE OF 71.43 FEET;
THENCE SOUTH 39 DEGREES 31 MINUTES 01 SECONDS WEST, A DISTANCE OF 52.41 FEET;
THENCE SOUTH 00 DEGREES 14 MINUTES 21 SECONDS WEST, A DISTANCE OF 309.08 FEET;
THENCE NORTH 89 DEGREES 26 MINUTES 34 SECONDS WEST, A DISTANCE OF 361.03 FEET TO THE POINT OF BEGINNING.

RESULTANT LEGAL DESCRIPTION

A PORTION OF THE SOUTHEAST QUARTER OF SECTION 34, TOWNSHIP 4 NORTH, RANGE 1 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A MARICOPA COUNTY HIGHWAY DEPARTMENT BRASS CAP IN HAND HOLE, MARKING THE SOUTHEAST CORNER OF SAID SECTION 34, FROM WHICH THE CALCULATED SOUTH QUARTER CORNER OF SAID SECTION 34, BEARS NORTH 89 DEGREES 26 MINUTES 36 SECONDS WEST, 2635.86 FEET, AS SHOWN ON THE RE-PLAT FOR LOT 5B & 5C OF THE FINAL PLAT AMENDED OF LOT 5 OF BELL & DYSART COMMERCE CENTER, RECORDED IN BOOK 1047 OF MAPS, PAGE 30, MARICOPA COUNTY RECORDS, ARIZONA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THENCE ALONG THE SOUTH LINE OF SAID SOUTHEAST QUARTER, NORTH 89 DEGREES 26 MINUTES 36 SECONDS WEST, 1604.64 FEET;

THENCE DEPARTING SAID SOUTH LINE, NORTH 00 DEGREES 14 MINUTES 21 SECONDS EAST, 359.87 FEET TO THE POINT OF BEGINNING;

THENCE CONTINUING NORTH 00 DEGREES 14 MINUTES 21 SECONDS EAST, 284.66 FEET;

THENCE SOUTH 89 DEGREES 26 MINUTES 36 SECONDS EAST, 809.85 FEET TO THE BEGINNING OF A NON-TANGENT CURVE, CONCAVE NORTHEAST, FROM WHICH THE RADIUS POINT BEARS NORTH 63 DEGREES 04 MINUTES 26 SECONDS EAST A DISTANCE OF 65.00 FEET;

THENCE SOUTHEASTERLY 71.43 FEET ALONG THE ARC OF SAID CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 62 DEGREES 57 MINUTES 35 SECONDS;

THENCE ON A NON-TANGENT LINE SOUTH 39 DEGREES 31 MINUTES 01 SECONDS WEST, 52.41 FEET;

THENCE SOUTH 0 DEGREES 14 MINUTES 21 SECONDS WEST, 309.08 FEET;

THENCE NORTH 89 DEGREES 26 MINUTES 34 SECONDS WEST, 361.03 FEET;

THENCE SOUTH 0 DEGREES 33 MINUTES 26 SECONDS WEST, 137.69 FEET;

THENCE NORTH 89 DEGREES 26 MINUTES 34 SECONDS WEST, 8.25 FEET;

THENCE SOUTH 0 DEGREES 33 MINUTES 24 SECONDS WEST, 34.01 FEET;

THENCE NORTH 89 DEGREES 26 MINUTES 36 SECONDS WEST, 24.36 FEET;

THENCE SOUTH 46 DEGREES 57 MINUTES 14 SECONDS WEST, 29.00 FEET;

THENCE NORTH 89 DEGREES 26 MINUTES 36 SECONDS WEST, 47.64 FEET;

THENCE NORTH 44 DEGREES 26 MINUTES 36 SECONDS WEST, 28.28 FEET;

THENCE NORTH 0 DEGREES 33 MINUTES 24 SECONDS EAST, 122.42 FEET TO THE BEGINNING OF A CURVE, CONCAVE SOUTHWEST, HAVING A RADIUS OF 130.00 FEET;

THENCE NORTHWESTERLY 204.43 FEET ALONG THE ARC OF SAID CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 90 DEGREES 05 MINUTES 52 SECONDS;

THENCE ON A NON-TANGENT LINE NORTH 89 DEGREES 35 MINUTES 37 SECONDS WEST, 202.55 FEET;

THENCE NORTH 44 DEGREES 40 MINUTES 33 SECONDS WEST, 28.38 FEET TO THE POINT OF BEGINNING.

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

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

OWNER HEREBY FURTHER AGREES TO INDEMNIFY, DEFEND, AND HOLD HARMLESS THE CITY OF SURPRISE FROM ANY AND ALL CLAIMS FOR DAMAGES OF ANY KIND TO PERSONS OR PROPERTY THAT MAY ARISE IN CONNECTION WITH THE USE OF THE SIDEWALKS LOCATED WITHIN THE RIGHT-OF-WAY, UNTIL SUCH TIME THE CITY OF SURPRISE HAS ACCEPTED THE SIDEWALKS.

OWNER

WIDEWATERS LOWER BURRELL COMPANY, LLC
5845 WIDEWATERS PARKWAY, 100 EAST
SYRACUSE NY, 13057

REFERENCE DOCUMENT

RE-PLAT, BOOK 1047 OF MAPS, PAGE 30, M.C.R.
FINAL PLAT AMENDED, BOOK 978 OF MAPS, PAGE 26, M.C.R.

PARCEL AREA

LOT 1 318,507 S.F. 7.3119 AC.

BASIS OF BEARING

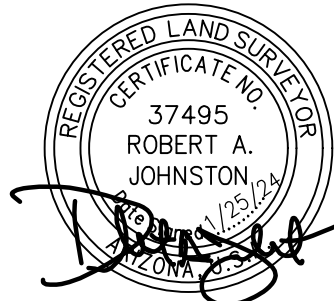
THE MONUMENT LINE OF 134TH DRIVE, AS MEASURED BETWEEN FOUND MARICOPA COUNTY BRASS CAPS, AS SHOWN ON "FINAL PLAT AMENDMENT OF LOT 5 OF BELL & COMMERCE CENTER, BOOK 881, PAGE 8", BOOK 978, PAGE 62, MARICOPA COUNTY RECORDS.
THE BEARING OF WHICH IS:

NORTH 00 DEGREES 14 MINUTES 21 SECONDS WEST

PARCEL ASSEMBLAGE CERTIFICATION

THIS IS TO CERTIFY THAT THIS PARCEL ASSEMBLAGE IS CORRECT AND ACCURATE AND MONUMENTS DESCRIBED HEREON HAVE EITHER BEEN SET OR LOCATED AS DESCRIBED TO THE BEST OF MY KNOWLEDGE AND BELIEF.

ROBERT A. JOHNSTON REGISTRATION NO. 37495
EPS GROUP INC.
1130 N. ALMA SCHOOL RD.
SUITE 120
MESA, AZ 85201
480-503-2250



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.

CITY OF SURPRISE ENGINEER APPROVAL

DATA ON THIS PLAT WAS REVIEWED AND APPROVED THIS ____ DAY OF _____, 2024, BY THE CITY ENGINEER OF SURPRISE, ARIZONA.

APPROVED _____ DATE _____
CITY ENGINEER

CITY OF SURPRISE COUNCIL APPROVAL

APPROVED BY THE CITY COUNCIL OF THE CITY OF SURPRISE, ARIZONA. THIS ____ DAY OF _____, 2024.

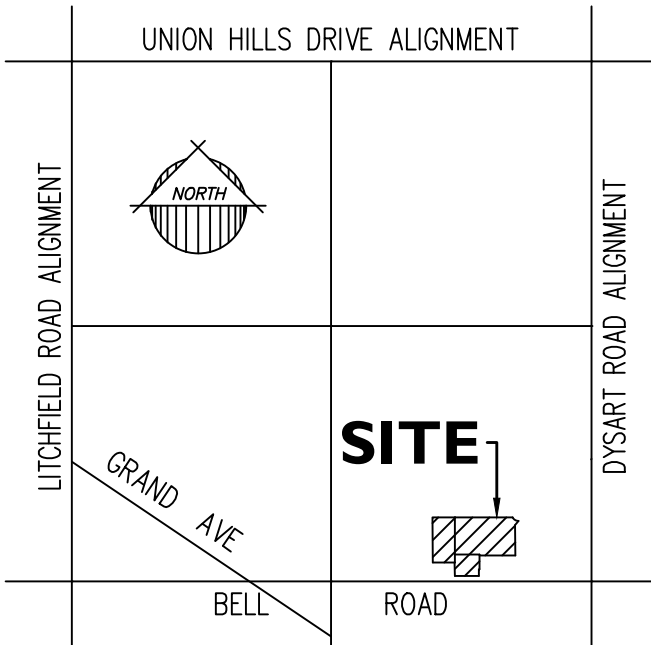
ATTEST:

MAYOR

CITY CLERK

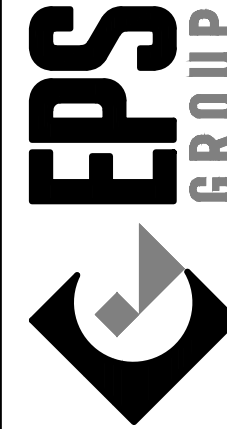
DATE

DATE



SECTION 34
T.4 N., R.1 W.
VICINITY MAP
NOT TO SCALE

1130 N. Alma School Rd, Suite 120
Mesa, AZ 85201
T:480.503.2250 | F:480.835.1799
www.epsgroupinc.com



Project: "BELL & DYSART COMMERCE CENTER LOT 5 AMD" AND
"BELL AND DYSART COMMERCE CENTER LOT 5B-5C REPLAT"
SURPRISE, ARIZONA
RE-PLAT OF

Revisions:

Call at least two full working days before you begin excavation.

ARIZONA 811

One Call for 1-800-811-1111 (Toll Free) or 1-800-811-1111 in Maricopa County (602)263-1100

Drawn by: A.G.

Reviewed by: R.J.

Job No.

22-0550

LCOI

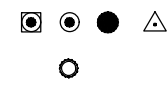
Sheet No.

1

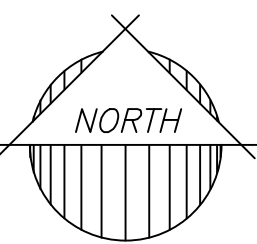
of 2

Jan 25, 2024 10:48am C:\Users\agross\appdata\local\temp\AcPublish_14968\22-0550 RP01.dwg agross

LEGEND



FOUND SURVEY MONUMENT (AS NOTED)
SET 1/2" REBAR W/CAP "EPS GROUP
RLS 37495", UNLESS OTHERWISE NOTED
MARICOPA COUNTY RECORD
APN: ASSESSORS PARCEL NUMBER
RLS: REGISTERED LAND SURVEY
LS: LAND SURVEYOR
PUE: PUBLIC UTILITY EASEMENT
R/W: RIGHT-OF-WAY
PLAT BOUNDARY
EXISTING PARCEL LINE
EXISTING CENTER LINE
SECTION LINE
EXISTING EASEMENT LINE

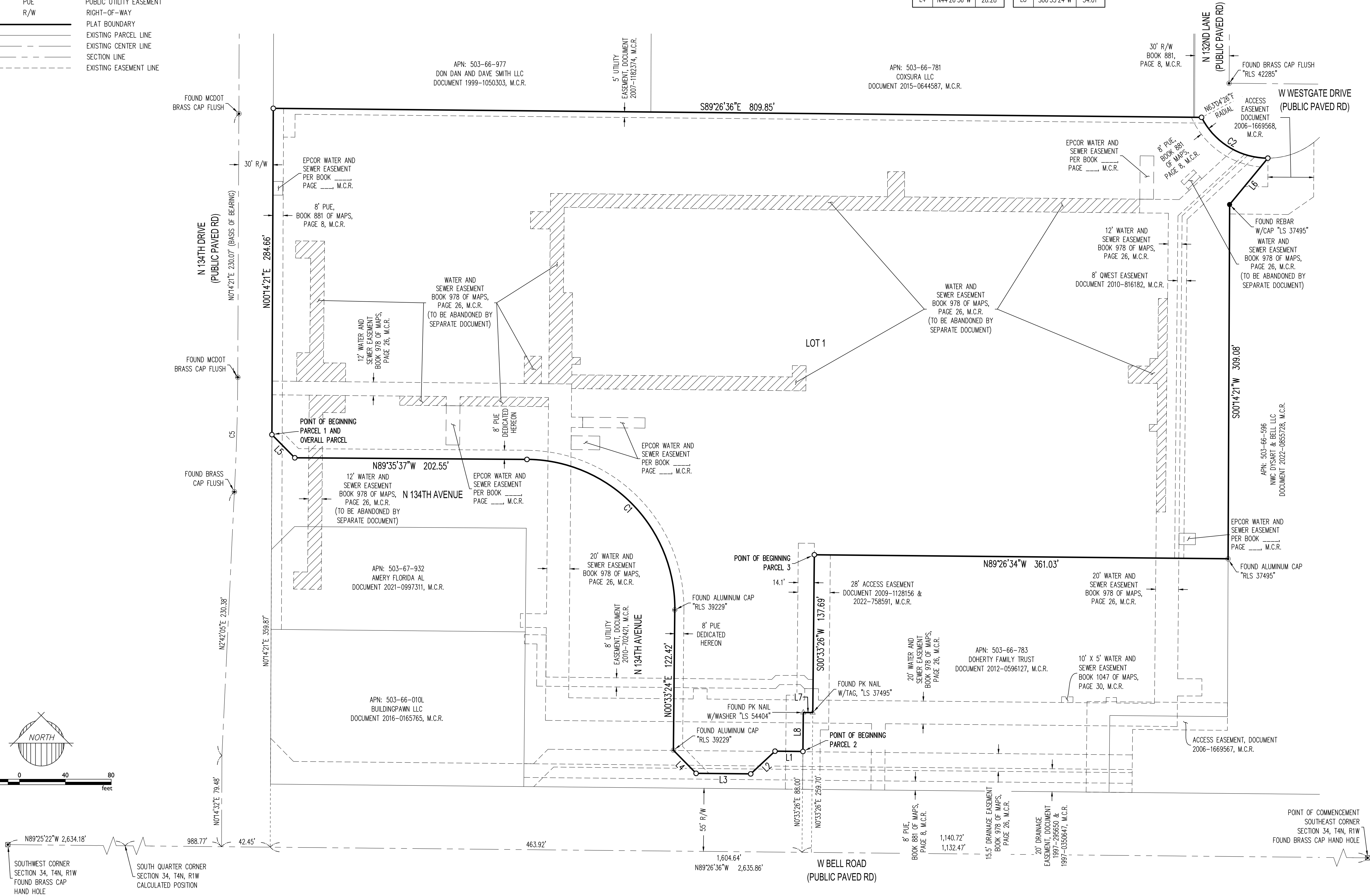


40 0 40 80
scale feet

CURVE TABLE					
CURVE	LENGTH	RADIUS	CENTRAL ANGLE	CHORD	CHORD BRG
C1	204.43'	130.00'	90°05'52"	184.00'	N44°29'32"W
C2	71.43'	65.00'	62°57'35"	67.89'	S58°24'22"E
C5	99.93'	2000.00'	2°51'46"	99.92'	N01°42'10"E

LINE TABLE		
LINE	BEARING	LENGTH
L1	N89°26'36"W	24.36'
L2	S46°57'14"W	29.00'
L3	N89°26'36"W	47.64'
L4	N44°26'36"W	28.28'

LINE TABLE		
LINE	BEARING	LENGTH
L5	N44°40'33"W	28.38'
L6	S39°31'01"W	52.41'
L7	N89°26'34"W	8.25'
L8	S00°33'24"W	34.01'



FS23-0654

1130 N. Alma School Rd, Suite 120
Mesa, AZ 85201
T:480.503.2250 | F:480.835.1799
www.epsgroupinc.com

Project:

"BELL & DYSART COMMERCE CENTER LOT 5 AMD" AND
"BELL AND DYSART COMMERCE CENTER LOT 5B-5C REPLAT"
SURPRISE, ARIZONA

Revisions:

Drawn by:

A.G.

Reviewed by:

R.J.

REGISTERED LAND SURVEYOR
CERTIFICATE NO.
37495
ROBERT A. JOHNSTON

Job No.

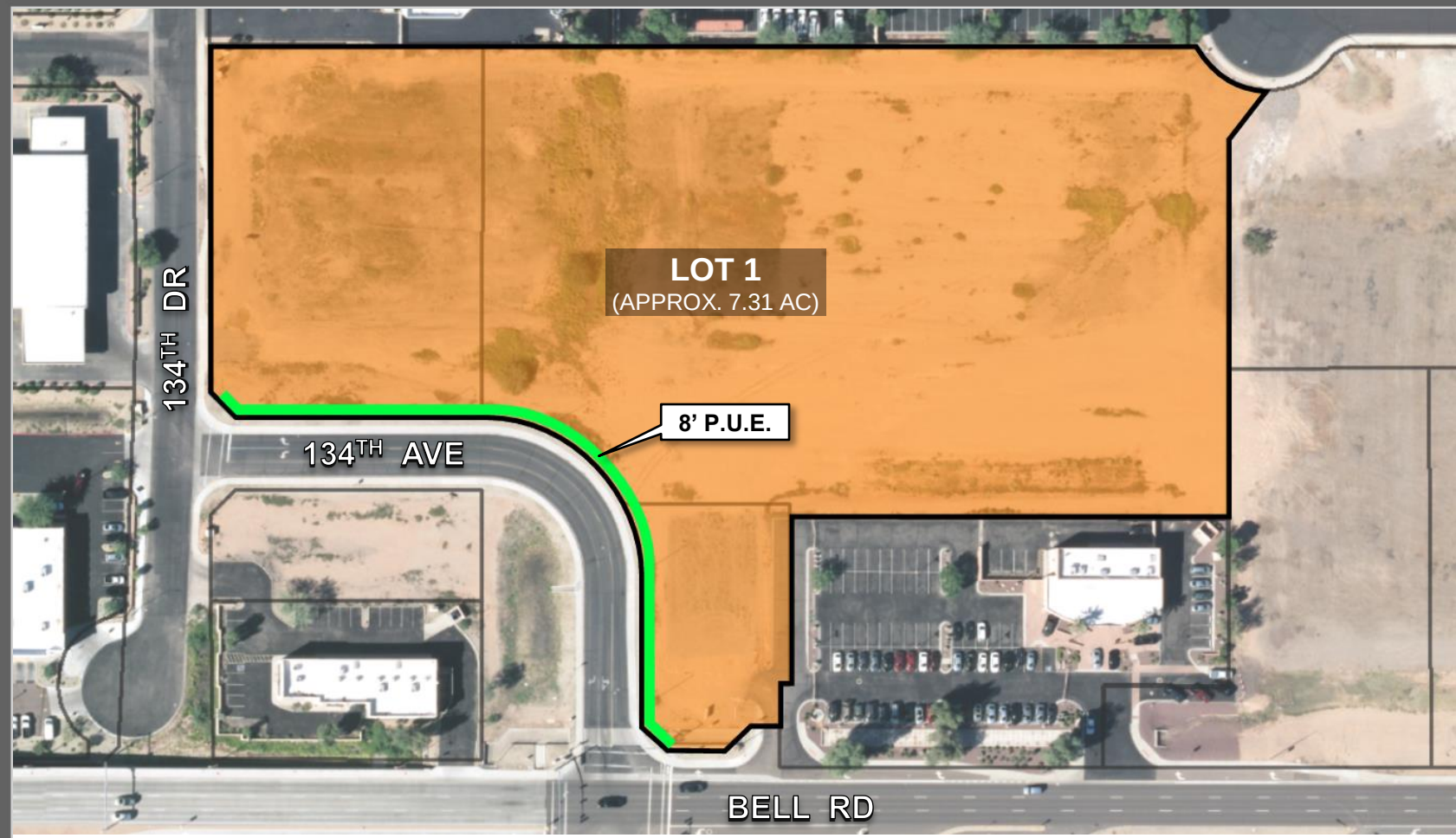
22-0550

LCOI

Sheet No.

2
of 2

Page 230 of 463



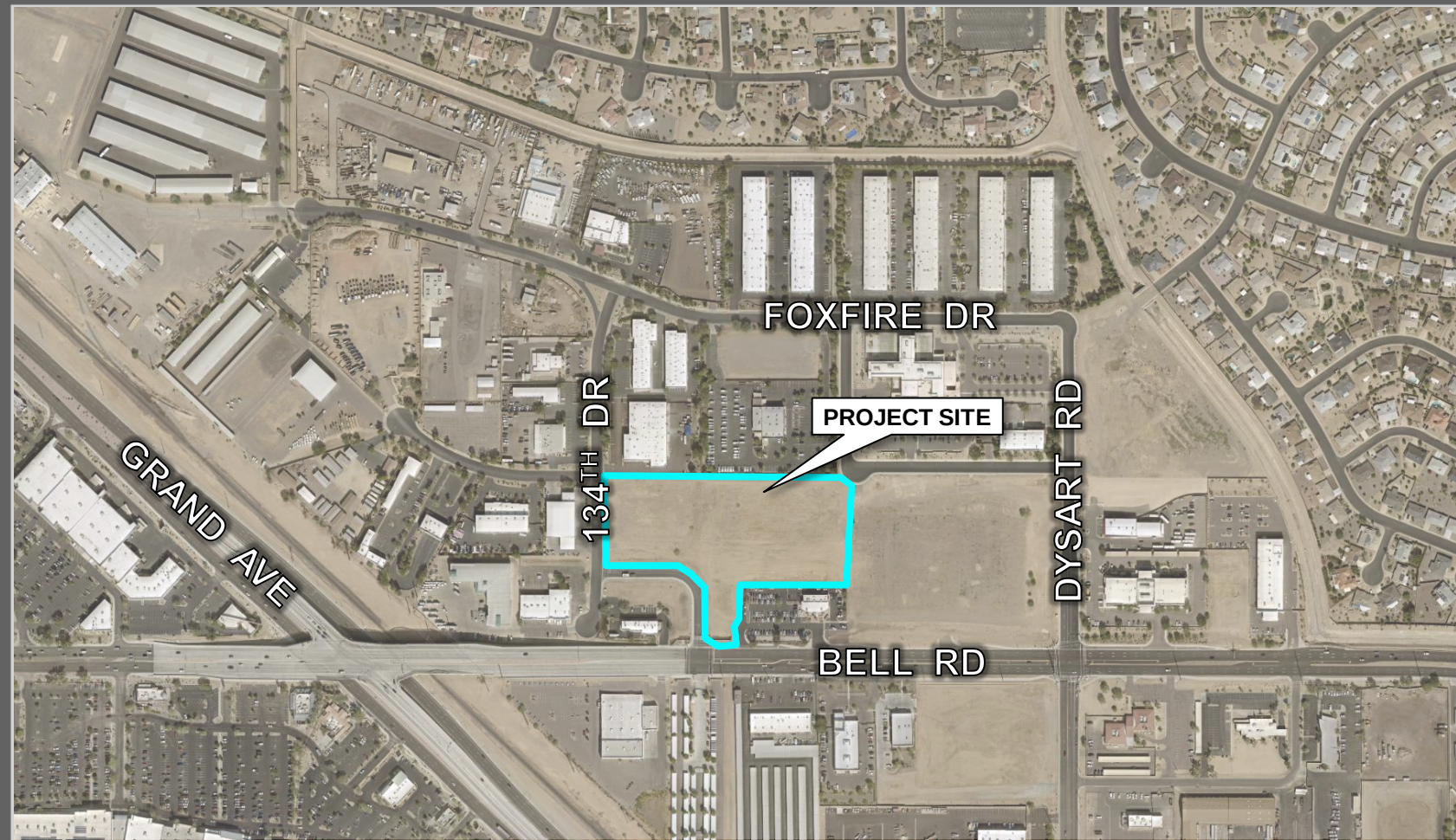


FS23-0654

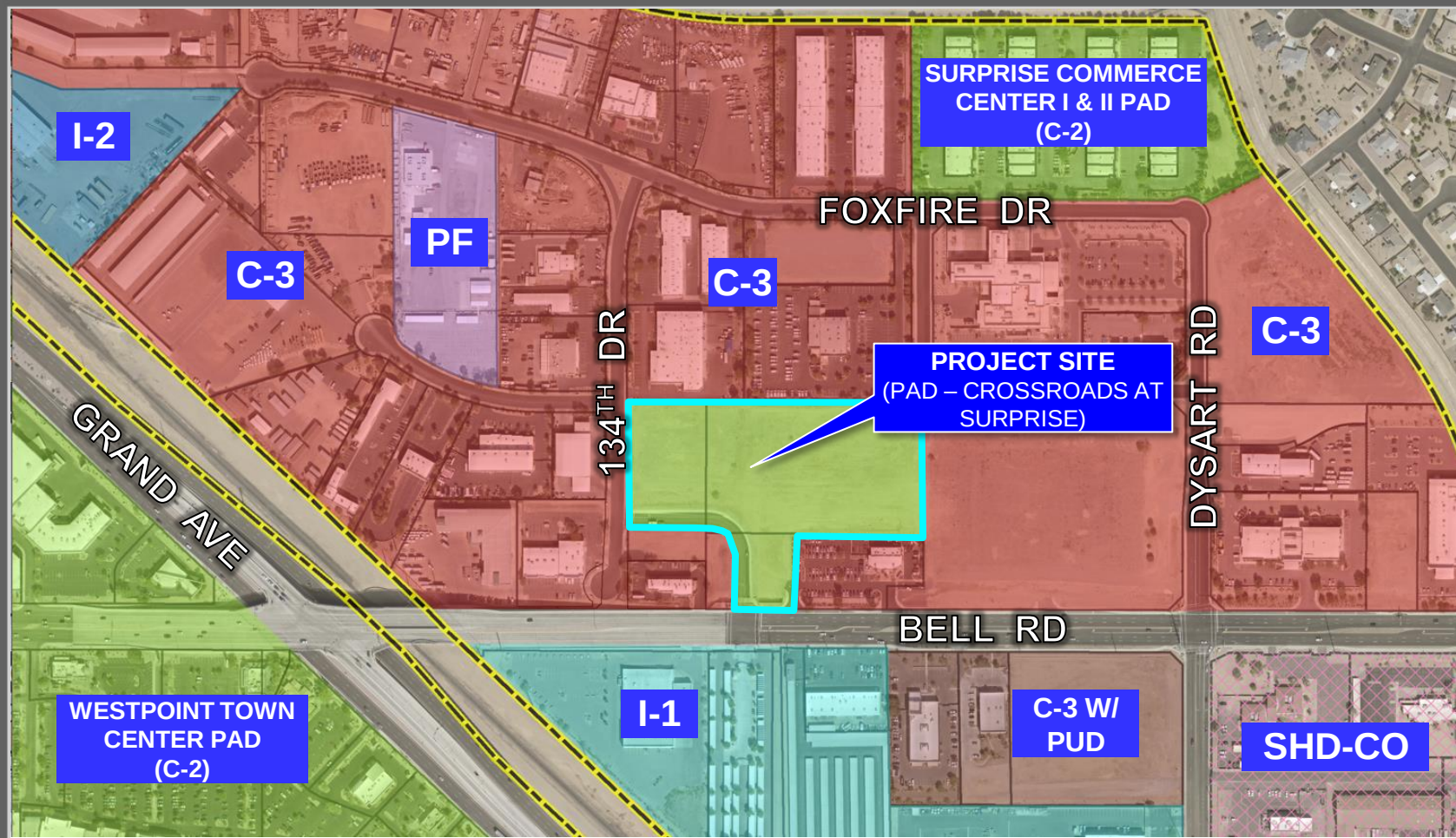
Widewaters Surprise

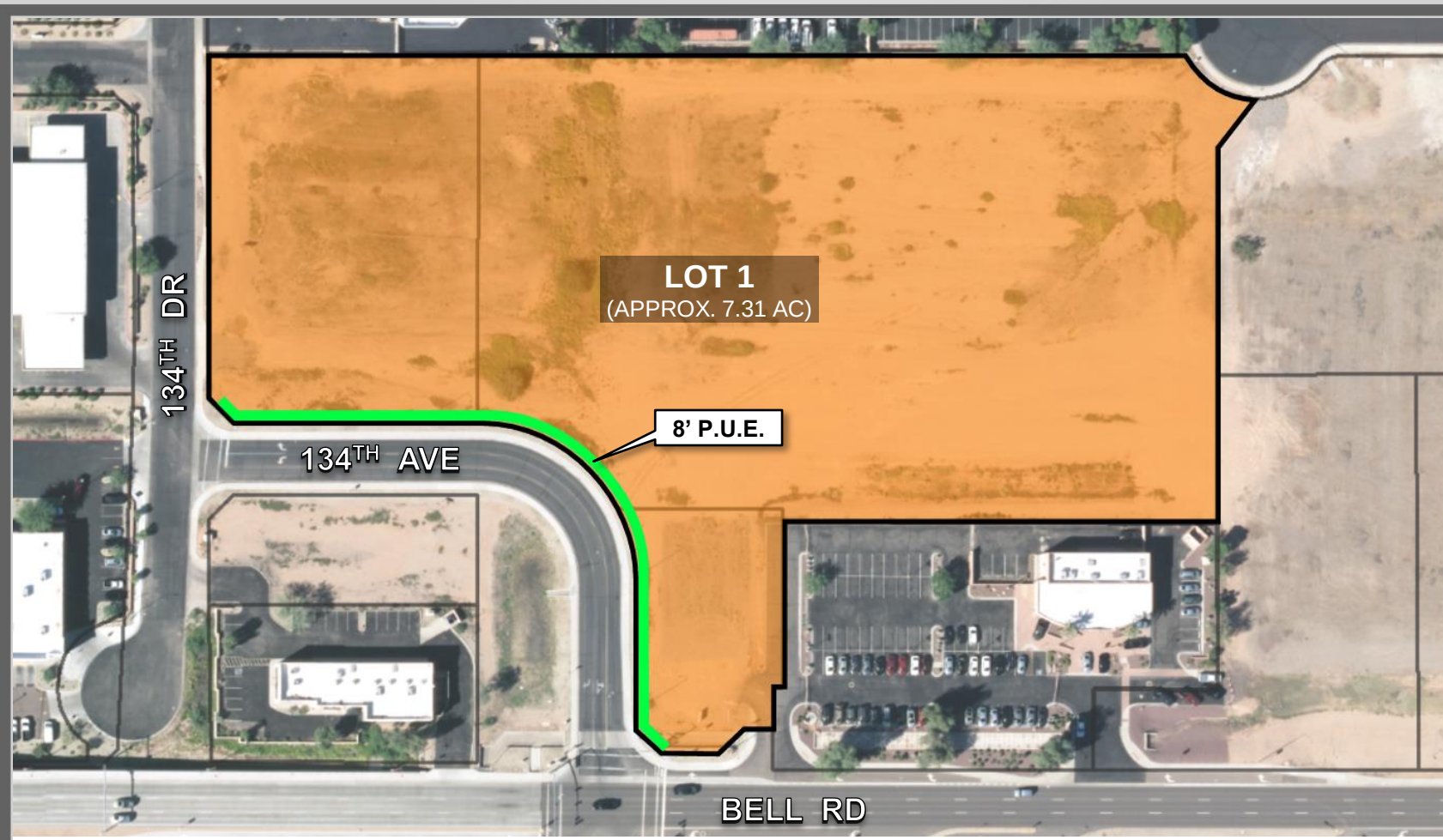
Final Plat

City Council
April 2, 2024



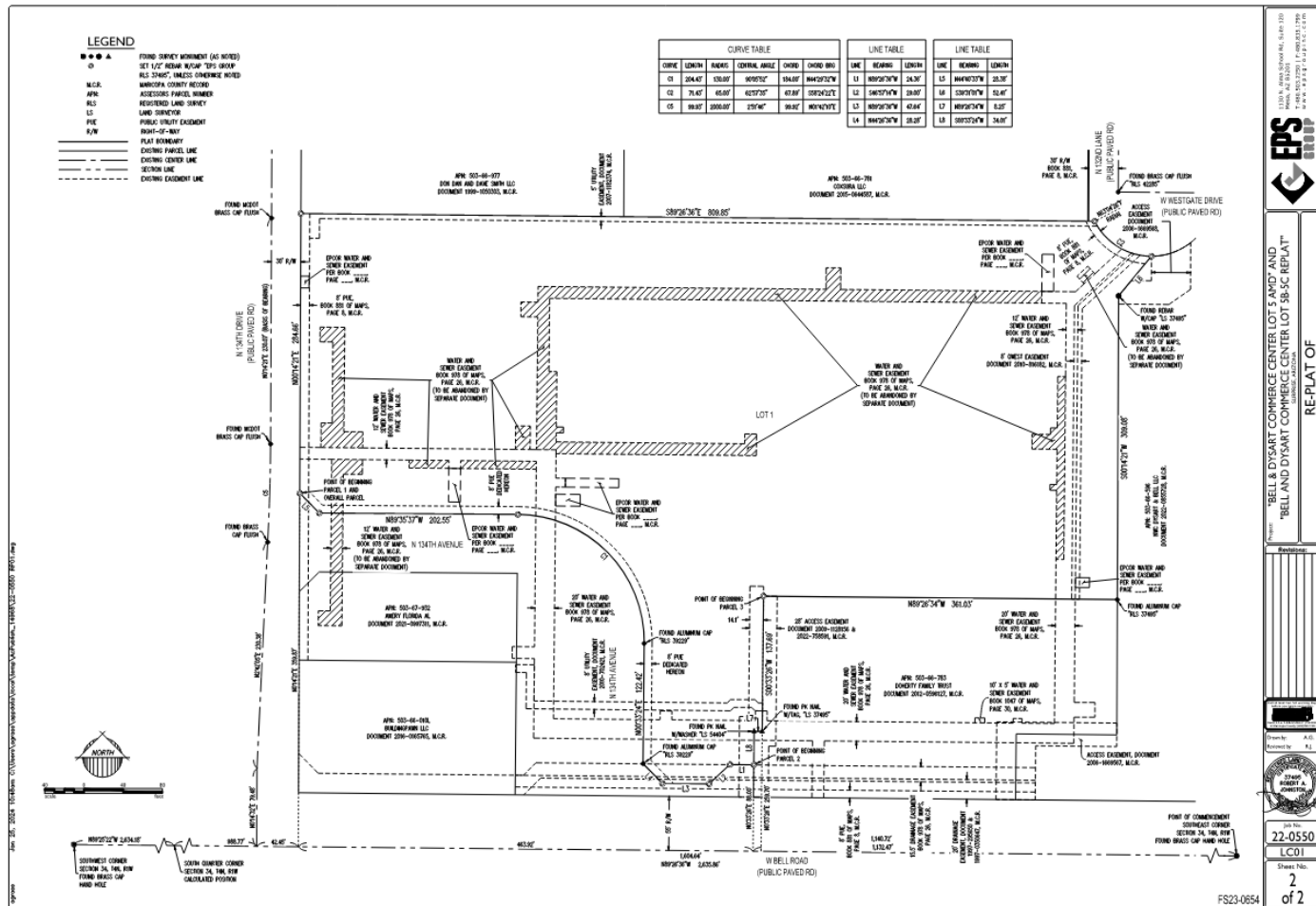
FS23-0654 VICINITY MAP





FS23-0654 PLAT EXHIBIT

FS23-0654 FINAL PLAT





SURPRISE
ARIZONA

QUESTIONS OR COMMENTS?

Thank You



CITY OF SURPRISE Regular City Council Meeting

Council Meeting Date: April 2, 2024
Submitting Department: City Clerk
Staff Recommendations:

Contact Person: Kristi Passarelli, City Clerk
District: District 4

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

Agenda Wording:

Consideration and action pertaining to a recommendation to the Arizona Department of Liquor Licenses and Control (DLLC) on Application No. 283480, requested by Andrea Dahlman Lewkowitz, for Applebee's Neighborhood Grill & Bar for Series 12 Liquor License. Applebee's Neighborhood Grill & Bar is located at 13756 W Bell Road Suite, Surprise, AZ 85374.

Motion:

I move to recommend approval of application No. 283480 to the Arizona Department of Liquor Licenses and Control.

Background:

The City has received an application for a new Series 12 liquor license for Applebee's Neighborhood Grill & Bar is located at 13756 W Bell Road, Surprise, AZ 85374. The City Clerk's Office has posted the appropriate notice as required by law. No written arguments in favor of or opposed to the issuance of the license have been received by the Clerk's Office within the twenty days after the date of posting the notice.

The application has also been disseminated to the Community Development Department, Finance Department, Surprise Police Department, and Surprise Fire and Medical Department for review. Those departments have submitted memoranda which are attached to this item.

Objective Analysis:

Pursuant to state law, the City Council shall enter an order recommending approval or disapproval within sixty days after the filing of the application and shall file a certified copy of the order with the director. If the City Council recommends approval of the license a hearing before the state Liquor License Board is not required unless the director, the board or any aggrieved party requests a hearing on the grounds that the public convenience and the best interest of the community will not be substantially served if a license is issued. If the recommendation is for disapproval, a statement of the specific reasons containing a summary of the testimony or other evidence supporting the recommendation for disapproval shall be attached to the order and the state Liquor License Board will hold a hearing.

Policy Compliant:

The Liquor License process is controlled by state law. The steps taken by the City Clerk's Office and this public hearing comply with, and fulfill the City's legal obligation under, applicable state law.

Financial Impact:

None

Budget Impact:

None

FTE Impact:

None

ATTACHMENTS:

1. CD - APPLEBEE'S REPORT
 2. Finance - Applebee's - 13756 W Bell Rd
 3. Fire - 13756 W Bell Rd Applebee's Neighborhood Grill and Bar liquor license
 4. Police - Applebee's
 5. APPLEBEE'S MAP
-



COMMUNITY DEVELOPMENT DEPARTMENT

Date: March 14, 2024
To: Kristi Passarelli, City Clerk
From: Lloyd Abrams, Community Development Director
By: James Stewart, Zoning Specialist
Re: Liquor License Application for:

**Agent, Andrea Dahlman Lewkowitz
Applebee's Neighborhood Grill & Bar
13756 W. Bell Road, Surprise, Arizona 85374**

New Series 12 (New Application – Restaurant) – Application # 283480

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

1. Red Lobster #6288 (Series 12) – 13709 W. Bell Rd.
2. Olive Garden #1627 (Series 12) – 13379 W. Grand Ave.
3. Target #1335 (Series 10) – 13731 W. Bell Rd.
4. Sprouts Farmers Market # 12 (Series 10) – 13759 W. Bell Rd.
5. Haldi Indian Cuisine (Series 12) New License – 13761 W. Bell Rd. #B213
6. Chili's Grill & Bar #1153 (Series 12) – 13765 W. Bell Rd.
7. Cobblestone Auto Spa & Market (Series 10) – 13811 W. Bell Rd.
8. State 48 Brewery (Series 3 & 12) – 13823 W. Bell Rd.
9. Irish Wolfhound Restaurant & Pub (Series 6) – 16811 N. Litchfield Rd. #102-104
10. Rio Mirage Cafe (Series 12) – 13863 W. Bell Rd.
11. Chipotle Mexican Grill #0898 (Series 12) – 13869 W. Bell Rd. #107
12. Circle K Store #2741641 (Series 10) – 13908 W. Bell Rd.
13. New York Pizza Dept. (Series 12) – 13980 W. Bell Rd. (Expired)
14. Buffalo Wild Wings (Series 12) – 13882 W. Bell Rd.
15. China Buffet #17119 (Series 12) – 17119 N. Litchfield Rd. #20
16. Uni Sushi & Steak (Series 12) – 17191 N. Litchfield Rd. #40
17. A to Z Polish Market (Series 10) – 17221 N. Litchfield Rd. #50
18. Player 1 Arcade (Series 7) – 17239 N. Litchfield Rd. #60
19. Tacos Califia (Series 12) – 17239 N. Litchfield Rd. #68
20. Wal-Mart Supercenter #2777 (Series 9) – 13770 W. Bell Rd.
21. Biscuits Café (Series 12) – 13752 W. Bell Rd.
22. Streets of New York #23 (Series 12) – 13736 W. Bell Rd. (Expired)
23. Tom Yum (Series 12) – 13736 W. Bell Rd. #2
24. ATL Wings (Series 12) – 13732 W. Bell Rd. #2
25. Pizza Hut # 27003 (Series 10) – 13706 W. Bell Rd. #116

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: 2/29/2024

To: Kristi Passarelli, City Clerk

Charles Vasquez, Deputy City Clerk

From: Courtnee Chavez, Business Compliance Specialist

RE: Liquor License Application – Applebee's - 13756 W Bell Rd

Business License Status:

- ☐ Application link emailed on .
- ☒ License # 1018170 , current and valid for 12/31/24 .
- ☐ Applied for license but is still pending and waiting on customer to provide additional information or documents.

BUSINESS LICENSE

CITY OF SURPRISE

16000 N. Civic Center Plaza
Surprise, AZ 85374-7470

Business Name: Applebee'S Neighborhood Grill & Bar
Business Location: 13756 W Bell Rd Surprise, Az 85374-3865

Description: RESTAURANT



Rmh Franchise Corporation
Rmh Franchise Corporation
Applebee'S Neighborhood Grill & Bar
4515 Lyndon B Johnson Fwy
Farmers Branch, Tx 75244-5905

BUSINESS LICENSE NUMBER: 1018170
Effective Date: 01/01/2024
Expiration Date: 12/31/2024

TO BE POSTED IN A CONSPICUOUS PLACE

NOT TRANSFERABLE



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



March 4, 2024

To: Charles Vasquez, Deputy City Clerk
From: Keith Tanner, Fire Marshal
Subject: Liquor License Application
Applicant: Applebee's Neighborhood Grill and Bar
13756 W Bell Road

In December, 2023, an annual fire inspection was conducted at the above referenced location to ensure compliance with the applicable fire codes within the tenant space.

This tenant space has some outstanding fire code violations that will need to be corrected however they will be handled through the normal channels and will not interfere with the liquor license application.

Therefore we have no comment on the application at this time.

If you have any questions feel free to contact me.

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: March 21, 2024

APPLICATION NUMBER - 283480
NEW SERIES 12/Restaurant

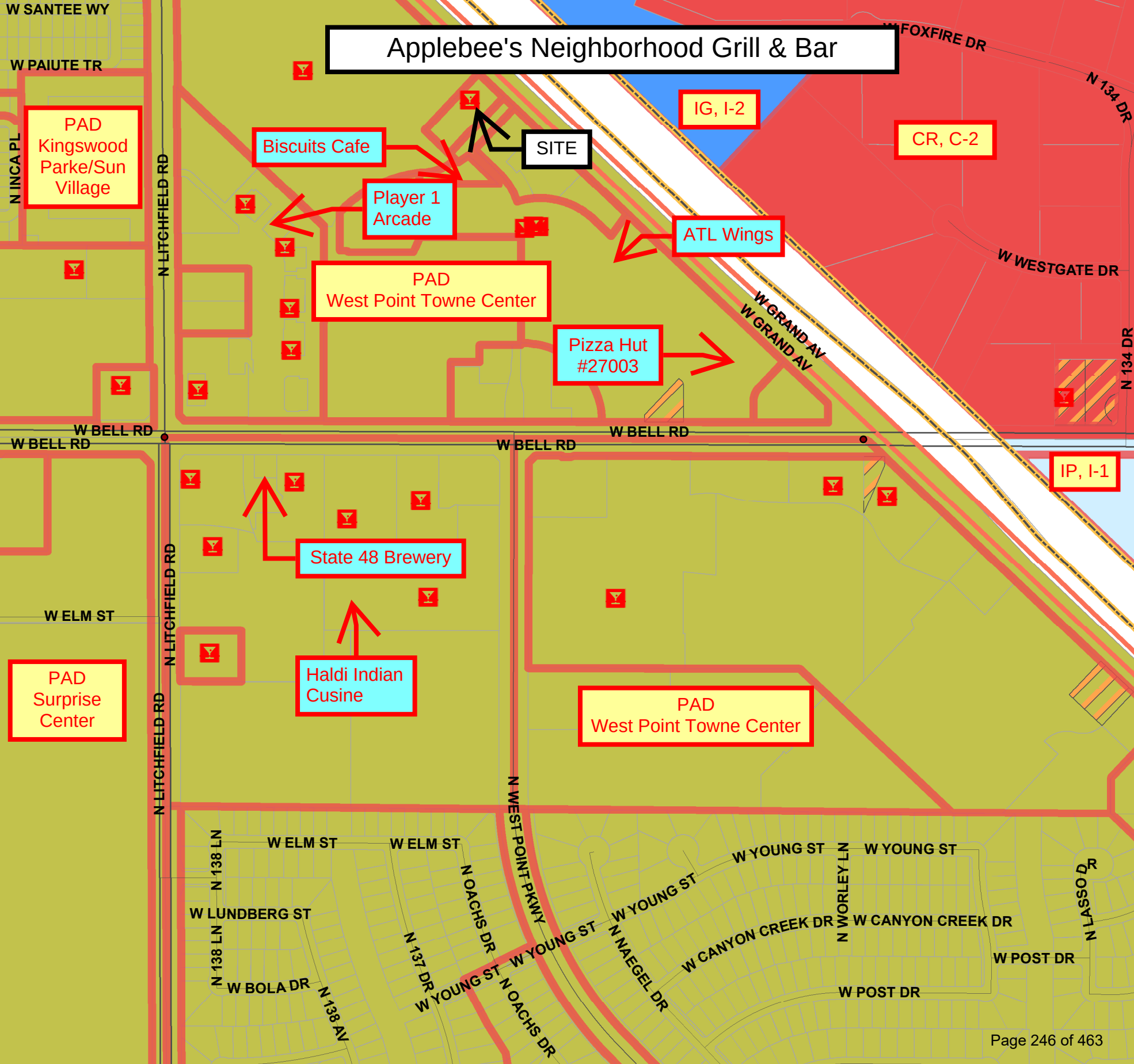
APPLICANT:

Applebee's Neighborhood Grill & Bar
13756 W Bell Road
Surprise, Arizona 85374

FINDINGS:

- 1) ***Evidence concerning the nature of the proposed business, its potential market, and its likely customers.***
Applebee's is a current full-service restaurant specializing in American cuisine. The potential market should be people of all ages, from anywhere in the surrounding communities.
- 2) ***Effect of vehicular traffic in proximity.***
There are numerous entry/exits for vehicle traffic into the Surprise Towne Center shopping plaza, which Applebee's is a participant of. There should be no effect on the traffic with the added license.
- 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.***
Over the past five years, there was one report of an Extreme DUI, where the patron was stopped in the parking lot of Applebee's and later admitted she had been drinking in the restaurant. There were two reports of trespassing from the restaurant, two misdemeanor thefts, one reported fraud (counterfeit bill), one reported assault, one verbal argument and one arrest for drugs for subjects using drugs in the immediate south parking lot.
- 4) ***Comparison of hours of operation of the proposed premises to the existing businesses in close proximity.***
Applebee's is open every day of the week from 11 AM to Midnight. It is a well-established restaurant in the center of the large Surprise Towne Center retail shopping plaza. There are a wide variety of retail shopping stores, along with other fast casual and full-sized restaurants in the shopping center. Biscuits Café (Series 12) is nearby and is open for breakfast and lunch and closes by 2:30 PM. There is also a IHOP not too far away that is 24 hours a day along with the drive thru portion of a Jack in the Box fast food restaurant. There is Tom Yum's Restaurant (Series 12) not too far away in the same plaza that closes at 10 PM every night. All other retailers close usually by 9 PM, except for Wal-Mart at the far north end of the plaza, which closes at 11 PM.
- 5) ***Appropriateness of requested license.***
The series 12 license restaurant license is appropriate for Applebee's per Arizona State law.

Submitted by Officer C. E. Tovar #2059



Applebee's Neighborhood Grill & Bar

Biscuits Cafe

Player 1 Arcade

SITE

IG, I-2

CR, C-2

ATL Wings

PAD West Point Towne Center

Pizza Hut #27003

PAD Kingswood Parke/Sun Village

State 48 Brewery

Haldi Indian Cuisine

PAD West Point Towne Center

PAD Surprise Center

IP, I-1



CITY OF SURPRISE Regular City Council Meeting

Council Meeting Date: April 2, 2024
Submitting Department: City Clerk
Staff Recommendations:

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

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

Agenda Wording:

Consideration and action pertaining to a recommendation to the Arizona Department of Liquor Licenses and Control (DLLC) on Application No. 280295, requested by Maria Danielle Burgess, for Circle K Store #9576 for Series 9 Liquor License. Circle K Store #9576 is located at 16934 W Wadell Rd, Surprise, AZ 85388.

Motion:

I move to recommend approval of application No. 283480 to the Arizona Department of Liquor Licenses and Control.

Background:

The City has received an application for a new Series 9 liquor license for Maria Danielle Burgess, for Circle K Store #9576 is located at 16934 W Wadell Rd, Surprise, AZ 85388. The City Clerk's Office has posted the appropriate notice as required by law. No written arguments in favor of or opposed to the issuance of the license have been received by the Clerk's Office within the twenty days after the date of posting the notice.

The application has also been disseminated to the Community Development Department, Finance Department, Surprise Police Department, and Surprise Fire and Medical Department for review. Those departments have submitted memoranda which are attached to this item.

Objective Analysis:

Pursuant to state law, the City Council shall enter an order recommending approval or disapproval within sixty days after the filing of the application and shall file a certified copy of the order with the director. If the City Council recommends approval of the license a hearing before the state Liquor License Board is not required unless the director, the board or any aggrieved party requests a hearing on the grounds that the public convenience and the best interest of the community will not be substantially served if a license is issued. If the recommendation is for disapproval, a statement of the specific reasons containing a summary of the testimony or other evidence supporting the recommendation for disapproval shall be attached to the order and the state Liquor License Board will hold a hearing.

Policy Compliant:

The Liquor License process is controlled by state law. The steps taken by the City Clerk's Office and this public hearing comply with, and fulfill the City's legal obligation under, applicable state law.

Financial Impact:

None

Budget Impact:

None

FTE Impact:

None

ATTACHMENTS:

1. CD - CIRCLE K STORE #9576 - SERIES 09 REPORT
 2. Finance - Circle K #9576 - 16934 W Waddell Rd
 3. Fire - 16934 W Waddell Circle K 9576 Liquor License
 4. Police - Circle K at 16934 W Waddell Road
 5. CIRCLE K STORE #9576 - SERIES 09 MAP
-



COMMUNITY DEVELOPMENT DEPARTMENT

Date: March 19, 2024
To: Kristi Passarelli, City Clerk
From: Lloyd Abrams, Community Development Director
James Stewart, Zoning Specialist
Re: Liquor License Application for:

**Agent, Maria Danielle Burgess
Circle K Store #9576
16934 W. Waddell Rd.
Surprise, Arizona 85388**

Series 09 (New Application – Liquor Store)- Application # 280295

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

1. Walmart # 5429 (Series 9) – 14111 N. Prasada Gateway Ave.
2. CVS Pharmacy # 5530 (Series 9) – 15300 N. Cotton Ln.
3. Fry's Marketplace # 680 (Series 9) – 15215 N. Cotton Ln.
4. 1 Brothers Pizza (Series 12) – 16995 W. Greenway Rd.
5. Frederico's Mexican Food (Series 12) – 16995 W Greenway Rd. #100
6. Ben's Pizza (Series 12) – 16630 W. Greenway Rd. # 326 (EXPIRED)
7. Big Buddha (Series 12) – 16572 W. Greenway Rd. #115
8. CVS Pharmacy # 5477 (Series # 9) – 15474 W Greenway Rd.
9. Barro's Pizza (Series 12) – 15403 W. Greenway Rd. #104
10. Wal-Mart Neighborhood Market # 4218 (Series 9) – 15431 W. Greenway Rd.
11. Walgreens # 7933 (Series 9) – 15514 W. Waddell Rd.
12. 4 Sons Food Store (Series 10) – 15445 W. Waddell Rd.
13. Bashas' # 137 (Series 9) – 15367 W. Waddell Rd.
14. Vogue Bistro (Series 12) – 15411 W. Waddell Rd. # 108
15. ARCO AM/PM (Series 10) – 15433 W. Cactus Rd. (EXPIRED)
16. Portillo's Hot Dogs (Series 12) – 16320 W. Waddell Rd.
17. Costco Wholesale #1375 (Series 09) – 16385 W. Waddell Rd.
18. Cooper's Hawk Winery & Restaurant (Series 12) – 16470 W. Alexandria Wy.
19. Barrio Queen (Series 12) – 13434 N. Prasada Pkwy.
20. Burros & Fries (Series 12) – 13544 N. Prasada Pkwy. #101
21. MOD Pizza (Series 12) – 13668 N. Prasada Pkwy. # 100
22. Sprouts Farmers Market # 46 (Series 10) – 13650 N. Prasada Pkwy.
23. Total Wine and More #1013 (Series 9) – 13440 N. Prasada Pkwy.
24. Cold Beers & Cheeseburgers (Series 12) – 13400 N. Prasada Pkwy.
25. Firebirds Wood Fired Grill (Series 12) – 13388 N. Prasada Pkwy.
26. Fat Cats Entertainment Center (Series 6) – 13100 N. Prasada Pkwy.

The immediate area is comprised of commercial zoning. The property is zoned PAD, Prasad (Commercial) which is consistent with the proposed use.

Commercial and residential growth is expected.

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: 3/11/2024

To: Kristi Passarelli, City Clerk

Charles Vasquez, Deputy City Clerk

From: Courtnee Chavez, Business Compliance Specialist

RE: Liquor License Application – Circle K Store #9576 - 16934 W Waddell Rd

Business License Status:

- ☒ Application link emailed on 3/11/24 .
- ☐ License # , current and valid for .
- ☐ Applied for license but is still pending and waiting on customer to provide additional information or documents.



Finance Department
Revenue Division
16000 N. Civic Center Plaza
Surprise, AZ 85374-7470
Business.license@surpriseaz.gov

3/11/2024

CIRCLE K STORE #9576

16934 W WADDELL RD

SURPRISE, AZ 85388

Re: Business License Requirement

To Whom It May Concern:

The Revenue Division has received notification that a liquor license application has been received on behalf of your company.

The City of Surprise requires that all businesses located within the City of Surprise have a City of Surprise business license prior to the start of their operations. Please be sure to apply for your business license at least 3 weeks prior to the opening of your business.

You can apply online at <https://primeweb.surpriseaz.gov/>. City of Surprise Business License applications and supplemental forms are available online at <https://www.surpriseaz.gov/407/Business-License-Application-Supplementa>. License Fees will be billed upon approval of your license application.

For additional information, please visit the City of Surprise website at www.surpriseaz.gov.

If you have any questions, please email our office at business.license@surpriseaz.gov.

Respectfully,
Revenue Division



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



March 11, 2024

To: Charles Vasquez, Deputy City Clerk

From: Keith Tanner, Fire Marshal

Subject: Liquor License Application

Applicant: Circle K Store #9576
16934 W Waddell Rd

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

If you have any questions feel free to contact me.

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

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

REFERENCE:

DATE: March 19, 2024

Application Number- 280295
New Application – Liquor Store
Series 09

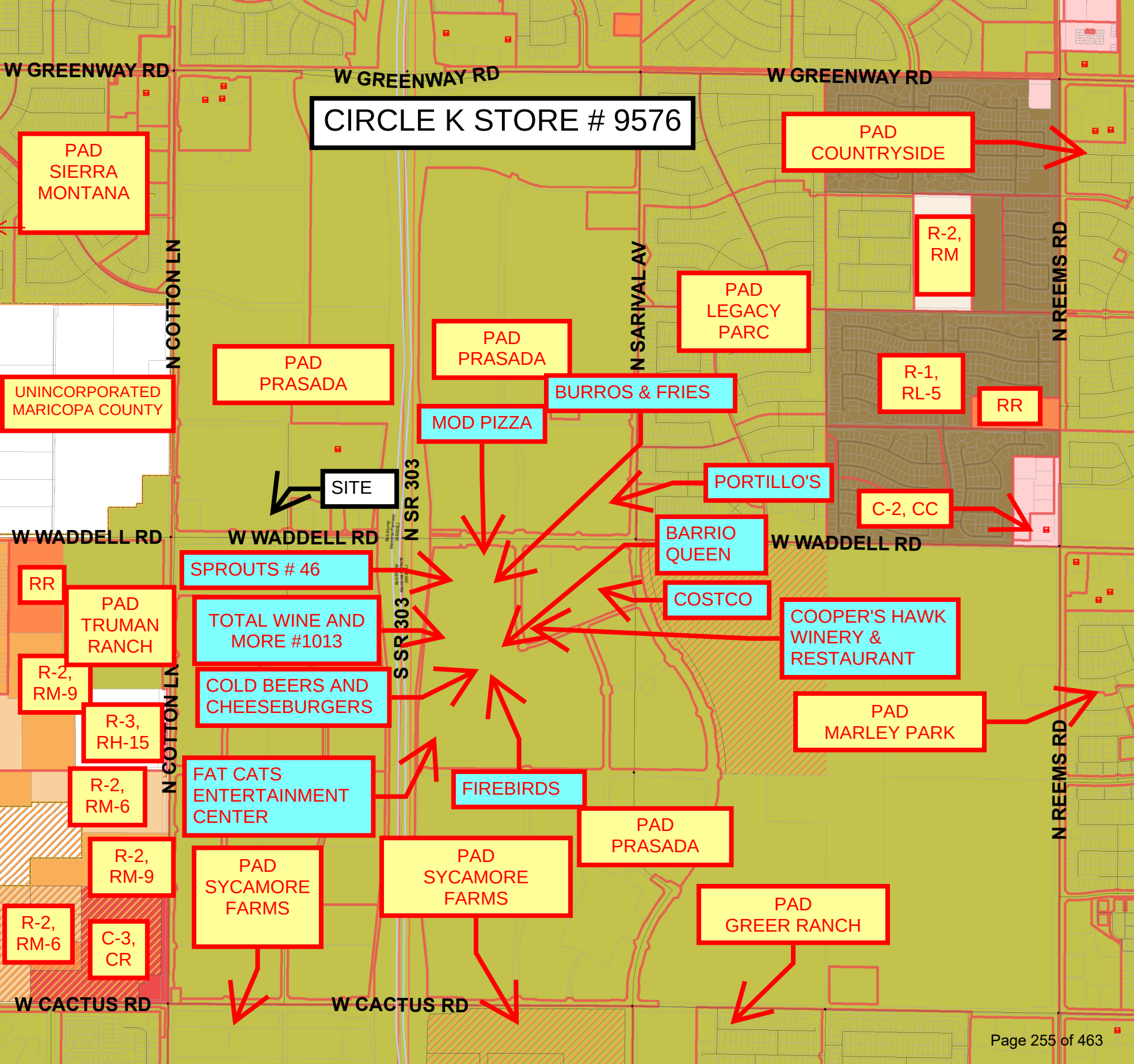
APPLICANT:

Circle K Store #9576
16934 W Waddell Road
Surprise, Arizona 85388

FINDINGS:

- 1) ***Evidence concerning the nature of the proposed business, its potential market and its likely customers.***
Circle K is a full-service convenience market and gas station that primarily serves patrons of all ages from the surrounding communities.
- 2) ***Effect of vehicular traffic in proximity.***
There should be no effect on vehicular traffic in proximity with the addition of this liquor license. Improvements have been made to Waddell Road, to help sustain the increased volume of traffic for the area.
- 3) ***The history for the past five years of liquor violations and reported criminal activity at the proposed premises provided that the applicant has received a detailed report of such activity at least 20 days before the hearing.***
N/A.
- 4) ***Comparison of hours of operation of the proposed premises to the existing businesses in proximity.***
The business hours of operation is open 24 hours a day. The area around this location is rapidly growing and changing. The closest retail store with a liquor license is to the east at the Prasada Wal Mart, which closes at 11 PM every night.
- 5) ***Appropriateness of series license requested.***
Most convenience stores have series 9 licenses. This license request is appropriate for this Circle K store.

Submitted by Officer C. E. Tovar #2059





CITY OF SURPRISE Regular City Council Meeting

Council Meeting Date: April 2, 2024

Contact Person: Trever Fleetham, PLANNER
SENIOR

Submitting Department: Community Development District: District 1

Staff Recommendations:

Consent: No

Regular: No

Public Hearing: Yes

Report/Discussion: No

Agenda Wording:

Consideration and action pertaining to a rezone of approximately 31.46 acres from Residential Medium Density (R-2) and Residential High Density (R-3) to R-2 Planned Unit Development (PUD) within the master-planned development known as Nobella, which is generally located west of 155th Avenue and north of Jomax Road; Ordinance #2024-06.

Motion:

Motion to approve/deny Ordinance #2024-06.

Background:

In April 2023, the City Council approved a rezone request for a master-planned development known as Nobella. Within this plan, Parcel 1.1 was zoned Residential Medium Density (R-2) and Parcel 2.1 was zoned Residential High Density (R-3) to accommodate varying types of residential development. The applicant is now requesting to further rezone these parcels, which together encompass approximately 31.46 acres, so that they are both R-2 with a Planned Unit Development (PUD) Overlay. The PUD Overlay is utilized to request deviations from the LDO, as outlined in Section 106-9. The applicant is not requesting any changes to the remainder of the Nobella area, nor to the originally approved overall density.

Objective Analysis:

The requested rezone would allow the applicant to develop the subject properties with residential uses allowed within the R-2 zoning designation, with specific requested deviations to the R-2 development standards.

Policy Compliant:

The requested rezone, as outlined and detailed in the rezone document, is consistent with the Surprise Land Development Ordinance and advances the goals and policies of the General Plan.

Financial Impact:

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

services.

Budget Impact:

There is no anticipated budget impact related to this item.

FTE Impact:

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

ATTACHMENTS:

1. 00 - FS23-0352 Nobella Rezone - Staff Report 040224 CC
 2. 01 - FS23-0352 - Nobella Rezone - Vicinity Map
 3. 02 - FS23-0352 - Nobella Rezone - Zoning Map
 4. 03 - FS23-0352 - Nobella Rezone - Proposed Zoning
 5. 04 - FS23-0352 - Nobella Rezone - Zoning Narrative
 6. 05 - FS23-0352 - Nobella Rezone - Citizen Participation Report - Redacted
 7. 06 - FS23-0352 - Nobella Rezone - Affidavit of Site Posting
 8. 07 - FS23-0352 - Nobella Rezone - Luke AFB Comments
 9. 08 - FS23-0352 - Nobella Rezone - Citizen Feedback
 10. 09 - FS23-0352 Nobella Rezone - Ordinance
 11. FS23-0352 - Nobella Rezone - Presentation
-

Case: **FS23-0352**

Project Name: Nobella Rezone

Council District: 1 – Acacia

Meeting Date: **April 2, 2024**

Planner: Trever Fleetham, AICP

Owner: Hawks AZ Land, LLC

Applicant: Wendy Riddell with Berry Riddell, LLC

Request: Rezone from Residential Medium Density (R-2) and Residential High Density (R-3) to R-2 Planned Unit Development (PUD).

Site Location: Generally located west of 155th Avenue and north of Jomax Road.

Site Size: 31.46 acres (approx.)

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

Support/Opposition: See attached Citizen Participation Report

Commission

Recommendation: The Planning & Zoning Commission recommended **approval** of case **FS23-0352** to the City Council, subject to stipulations ‘a’ through ‘g’. An additional stipulation has since been added, resulting in stipulations ‘a’ through ‘h’.

32 **Project Description:**

33 Berry Riddell, LLC, on behalf of the owners, requests a rezone for approximately 31.46 acres of
34 the master-planned development known as Nobella, generally located west of 155th Avenue and
35 north of Jomax Road. The applicant is requesting the subject parcels be rezoned from Residential
36 Medium Density (R-2) and Residential High Density (R-3) to R-2 with a Planned Unit Development
37 (PUD) Overlay. The PUD Overlay is utilized to request deviations from the LDO, as outlined in
38 Section 106-9, to accommodate specific future residential development.

39
40 **Background:**

41 **November 3, 1988:** The subject properties were annexed into the City of Surprise under Ordinance
42 88-24.

43 **June 21, 2022:** The Mayor and City Council approved Ordinance #2022-12 for a rezone for a
44 development known as Nobella, including the subject property, from RR to R-2 and R-3 under case
45 FS21-828.

46 **January 26, 2023:** Staff met with the applicant to discuss the project during a regularly scheduled
47 Concept Review meeting under CR22-1633.

48 **April 26, 2023:** The applicant filed a related request for a rezone from R-2 to R-3, including a
49 redistribution of density, for a portion of the original Nobella (the subject property) under case FS23-
50 0352, the subject case.

51 **September 18, 2023:** The applicant held a neighborhood outreach meeting to discuss the project.

52 **January 8, 2024:** After amending the application and the requested zoning district, the applicant held
53 a second neighborhood outreach meeting to discuss the project.

54 **February 15, 2024:** The Planning & Zoning Commission voted to recommend approval of FS23-0352,
55 the subject case, to the City Council.

56 **March 18, 2024:** The City Council voted to continue the item for FS23-0352, the subject case, to the
57 April 2, 2024 City Council meeting.

58
59 **Neighborhood Meeting Summary:**

60 The applicant held an in-person neighborhood outreach meeting on September 18, 2023 at the
61 Asante Preparatory Academy Library. There were approximately 20 people in attendance. During this
62 meeting, residents from the vicinity expressed their concerns regarding regional traffic, density,
63 water and sewer, project timeline, product type, school capacity, and follow up/ next steps.

64
65 After amending the application and the requested zoning district, the applicant held a second
66 neighborhood outreach meeting on January 8, 2024, at the Asante Preparatory Academy Library.
67 There were approximately 13 people in attendance. During this meeting, the applicant presented the
68 changes to the application and residents from the vicinity expressed concerns similar to what was
69 heard during the first outreach meeting.

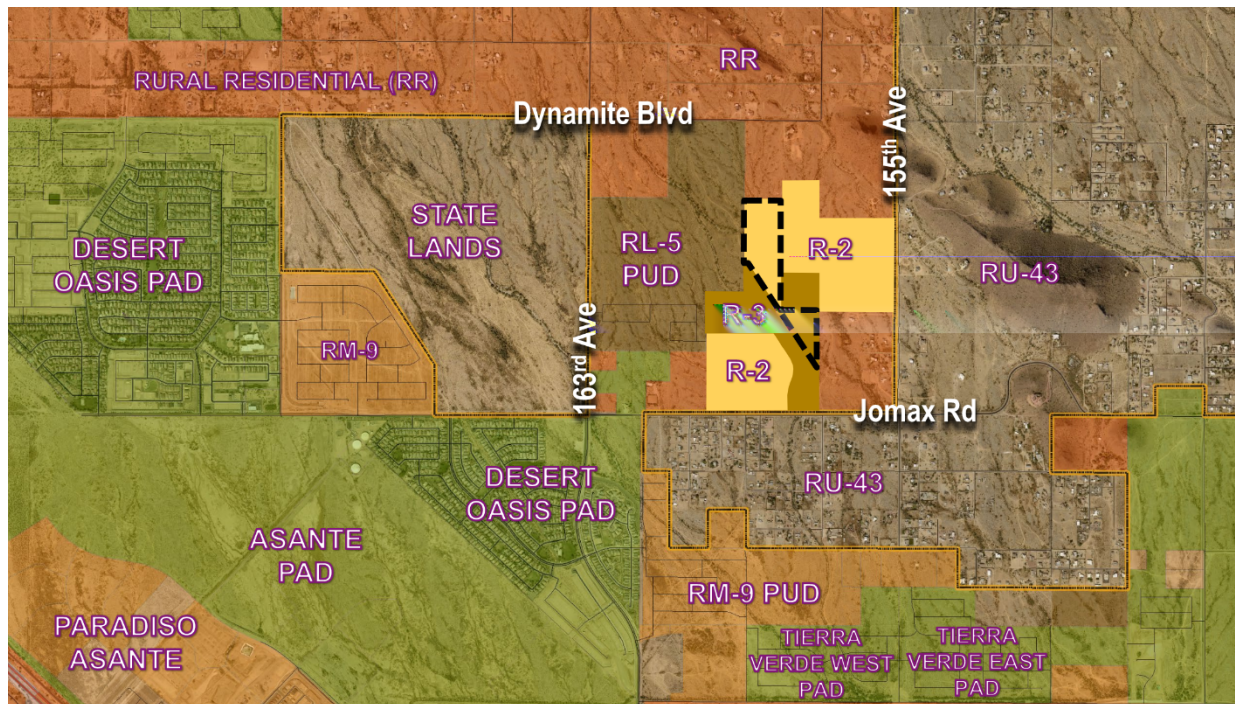
Both meetings were advertised pursuant to the requirements of the LDO, including legal ads, site postings, and property owner mailers. See the attached Citizen Participation Report for a detailed summary of the meetings.

Analysis and Discussion:

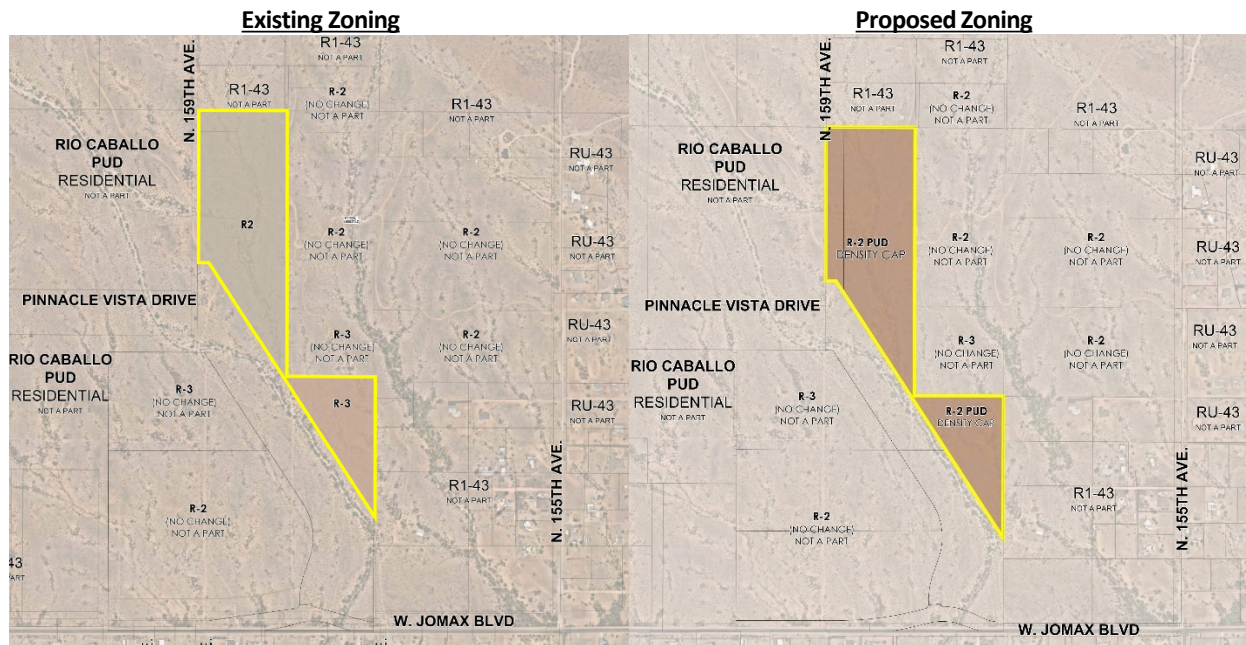
In April 2023, the City Council approved a rezone request for a master-planned development known as Nobella. Within this plan, Parcel 1.1 was zoned Residential Medium Density (R-2), and Parcel 2.1 was zoned Residential High Density (R-3) to accommodate varying types of residential development. The applicant is now requesting to further rezone these parcels, which together encompass approximately 31.46 acres, so that they are both R-2 with a Planned Unit Development (PUD) Overlay. The PUD Overlay is utilized to request deviations from the LDO, as outlined in Section 106-9. The applicant is not requesting any changes to the remainder of the Nobella area, nor to the originally approved overall density.

The existing and proposed zonings are shown below.

Existing Zoning



RL-5 PUD	RR	RR
RL-5 PUD	R-2/R-3	R-2/R-3
R-3	R-3	RR



Development Plan & Deviations

The developer is proposing a for-rent, single-family detached home product on individual, platted lots. The desired housing product, lot size, and density necessitates a base zoning of R-2. In order to achieve the proposed development, the applicant is requesting certain deviations from the R-2 development standards under the provisions of the Planned Unit Development (PUD) Overlay.

The deviations requested are as follows:

- Reduction of the side setbacks from 5 ft. & 7 ft. to 5 ft. & 5 ft.
 - *Justification:* The reduction will allow for more flexibility in home product to achieve the desired development.
- Reduction of the minimum open space percentage from 25% to 20%.
 - *Justification:* The subject site is directly adjacent to the Nobella linear park, which will provide open space and amenities for the overall development. While this area may not be included in the plat for the subject site and calculated as on-site open space, this park still serves the subject site.
- Removal of Note #3 from Table 106-2d regarding open space calculations and requirements.

- *Justification:* The removal of this note will provide clarity and avoid any future confusion regarding the open space calculations for the subject site. The linear park will be constructed to serve the overall Nobella development but may not be specifically included in the plat for the subject site.
- Removal of Note #4 from Table 106-2d regarding lots less than 48 feet wide.
 - *Justification:* The development proposed for the subject site is planned to include more than 50% of lots less than 48 feet wide. However, the overall Nobella development will not include more than 50%.

The following table provides a comparison between the development standards per the LDO and what is being requested under the PUD:

Table 106-2d—Residential Medium Density (R-2) Zoning District – PUD COMPARISON				
Lot Categories	A ⁴	R-2 PUD		
General Plan compatibility	Urban	Urban		
Lot area (sf)	3,500—4,949	3,500—4,949		
Min. lot width (sf)	40	40		
Min. front setback ¹ (ft)	10	10		
Max. front setback (ft)	25	25		
Min. rear setback ¹ (ft)	10	10		
Min. side setback ¹ (ft)	5 & 7 ²	5 & 5 ²		
Min. street side setback ¹ (ft)	10	10		
Max. bldg. height (ft)	35	35		
Open space (% of gross acres of residential development) ³	25%	20%		
Notes: 1. <i>Garage</i> face and embellishments shall be <i>setback</i> a minimum of 20 feet measured from any opposing property line, except rear <i>alley</i> loaded <i>garages</i> , which shall be <i>setback</i> nine feet from <i>alley</i> edge line. 2. May be reduced to zero feet <i>setback</i> for <i>single-family dwellings</i> as <i>attached building</i> and separated by a <i>common wall</i> along the property line. End units must maintain the larger <i>setback</i> . 3. The city requires open space on a subdivision or development site basis rather than on a lot-by-lot basis. Subdivisions with more than one lot category will provide the higher percentage of open space. 4. Residential projects shall contain no more than 50 percent of lots less than 48 feet wide as calculated across whole subdivisions or preliminary plat and will include mitigating designs outline in Chapter 108 of this ordinance.				

Density

The original Nobella rezone included anticipated densities and unit counts for each parcel. As part of this rezone request, the applicant is proposing a reallocation of densities so as to not increase the overall density beyond what was originally approved. A breakdown of the requested changes is as follows:

Unit Redistribution			
<u>Parcel</u>	<u>Approved Units</u>	<u>Requested Units</u>	<u>Change</u>
Parcel 1.1	70	111	+41
Parcel 2.1	81	39	-42

Density Changes			
<u>Parcel</u>	<u>Approved Density</u>	<u>Requested Density</u>	<u>Change</u>
Parcel 1.1	3.8 du/ac	6.0 du/ac	+2.2 du/ac

April 2, 2024 City Council
 Case: FS23-0352
 Nobella Rezone
 Page 5 of 8

Parcel 2.1	9.8 du/ac	4.7 du/ac	-5.1 du/ac
------------	-----------	-----------	------------

Open Space & Amenities

The original Nobella master plan included large linear park amenity for the overall development that included trails, gardens, sports courts, dog parks, play structures and more. The subject request does not propose to alter that original plan and these parcels will have access to this centralized open space and the amenities included.

Access

The subject sites will gain access via Jomax Road to the south, and the new roadways of 159th Avenue and Oberlin Way as part of the overall Nobella development.

Utility and Services Table:

Electric:	APS
Water:	City of Surprise
Wastewater:	City of Surprise
Refuse:	City of Surprise
Natural Gas:	Southwest Gas
Schools:	Dysart Unified School District

Conformance with Adopted Plans:

Surprise General Plan 2035: The Surprise General Plan 2035 shows the subject property as lying within the 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 applicant is proposing a redistribution of dwelling units/densities to achieve a zero net increase. The applicant has provided open space areas to meet the transition requirements of the General Plan. As such, the proposed rezone demonstrates consistency with this land use category.

Reviewing Agencies:

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

Summary:

The proposed rezone from Residential Medium Density (R-2) and Residential High Density (R-3) to R-2 Planned Unit Development (PUD) Overlay is consistent with the Surprise General Plan 2035 and will be developed under the provisions of the LDO.

Findings:

- The proposed rezone has been found to be consistent with the Surprise General Plan 2035.
- The proposed rezone has been found to be consistent with the Land Development Ordinance.

Commission Recommendation:

Based on the findings noted above, the Planning & Zoning Commission recommended **approval** of case **FS23-0352** to the City Council, subject to stipulations ‘a’ through ‘g’ as outlined below:

- a. Development and use of the site shall be consistent with the rezone narrative entitled “Zoning Amendment PUD Narrative Nobella”, prepared by Berry Riddell LLC dated December 4, 2023.
- b. Applicant must submit proof of payment for sewer treatment capacity with final plat submittals.
- c. Applicant must submit proof of payment for SPA 2 Sewer Interceptor Agreement buy-in fee (MCR# 20090350621) prior to city approval of Final Plat.
- d. The granting of this change in use of the property has been at the request of the applicant, with the consent of the landowner. The granting of this approval allows the property to enjoy uses in excess of those permitted by the zoning existing on the date of application, subject to conditions. In the event of the failure to comply with any condition, the City Council may take appropriate action to revert the Property’s to the zoning to that zoning district that existed on the date of application. It is, therefore, stipulated and agreed that either reversion or revocation due to the failure to comply with any conditions, does not reduce any rights that existed on the date of application to use, divide, sell or possess the property and that there would be no diminution in value of the property from the value it held on the date of application due to such reversion or revocation of the Zone Change. The Zone Change enhances the value of the property above its value as of the date the Zone Change is granted and reverting to the prior zoning results in the same value of the property as if the Zone Change had never been granted.
- e. The property owner/s and their successors waive claim for diminution in value if the City of Surprise takes action to rescind approval due to noncompliance with conditions.
- f. A parking lot supporting the linear park shall be provided within Parcel 1.1. The parking lot will include ingress and egress on Nobella Parkway.

- g. Non-compliance with the stipulations of approval of this case will be treated as a violation in accordance with the applicable provisions of the Surprise Municipal Code.

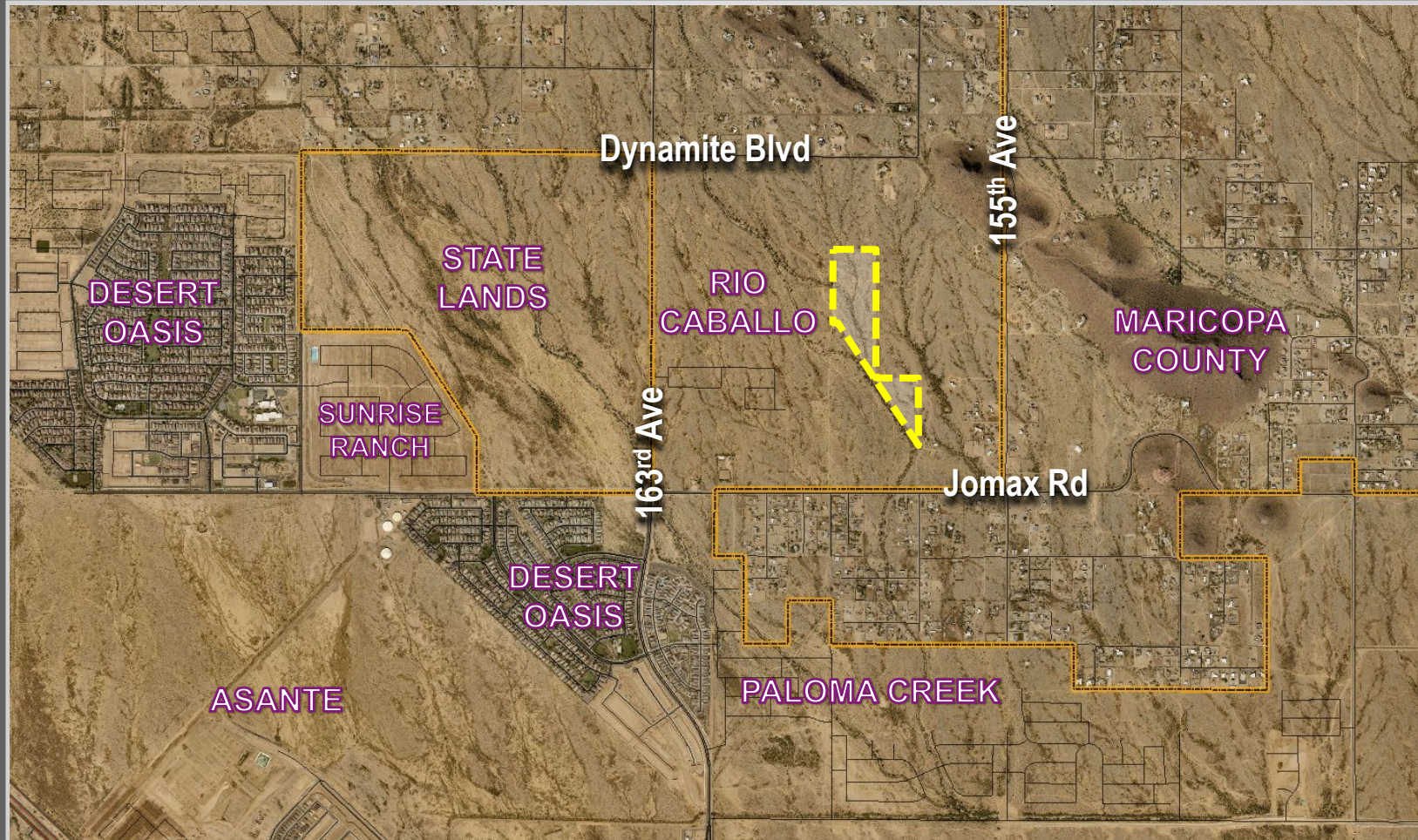
Following the Planning & Zoning Commission hearing, the following additional stipulation was added:

- h. The subject site is within the benefitted area of the Visara Development Agreement. Prior to the City approving a Final Plat, Site Plan, or building permit within the property, applicant shall provide the City with a Notice of Payment for all applicable buy-in fees, all as described in the Visara Development Agreement (MCR# 2023062590).

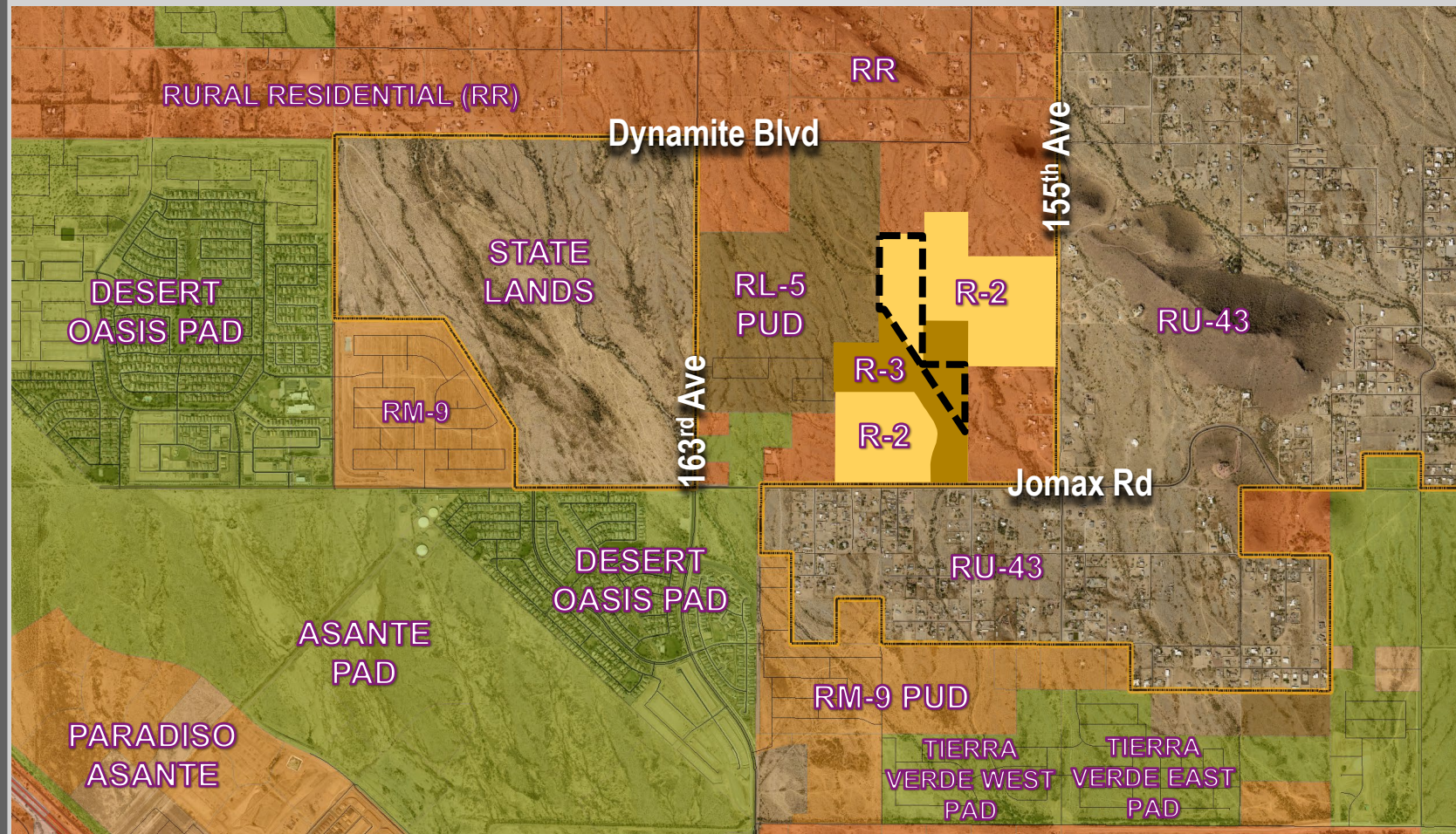
However, should the Council wish to deny the request, the Council should make its own findings and base its decision on those alternative findings.

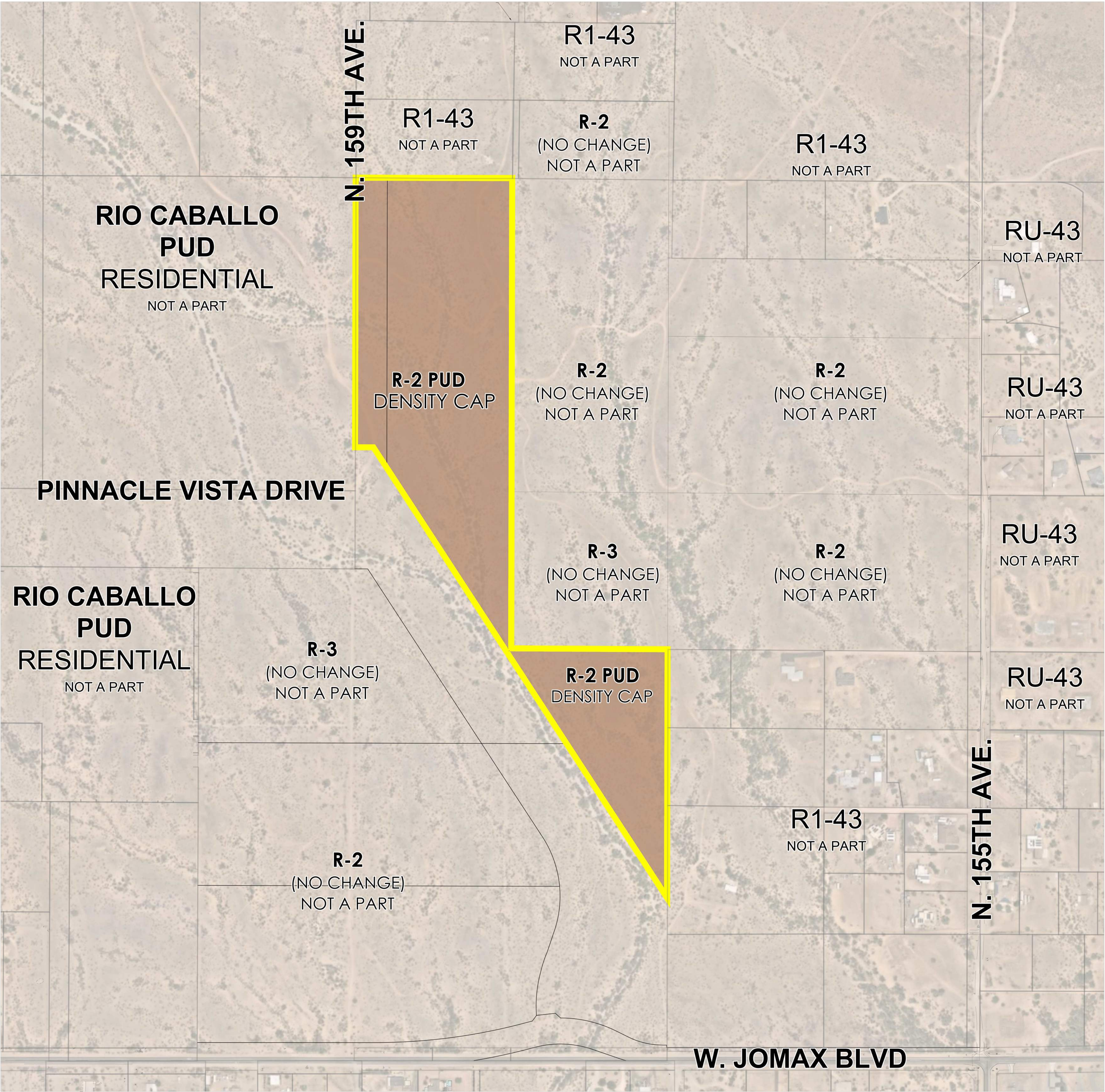
Attachments:

01 Vicinity Map
02 Current Zoning Map
03 Proposed Zoning Map
04 Narrative Document
05 Citizen Participation Report
06 Affidavit of Site Posting
07 Luke AFB Comments
08 Citizen Feedback
09 Ordinance
PPT



VICINITY MAP



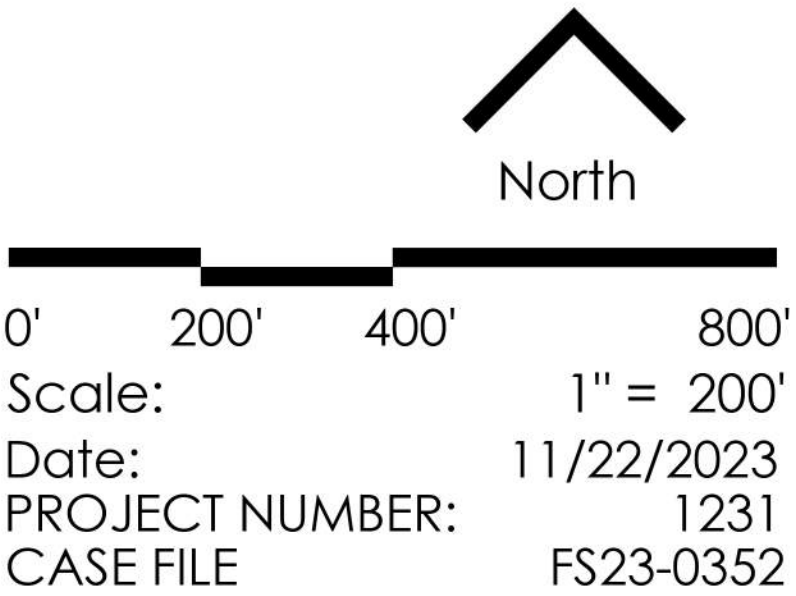
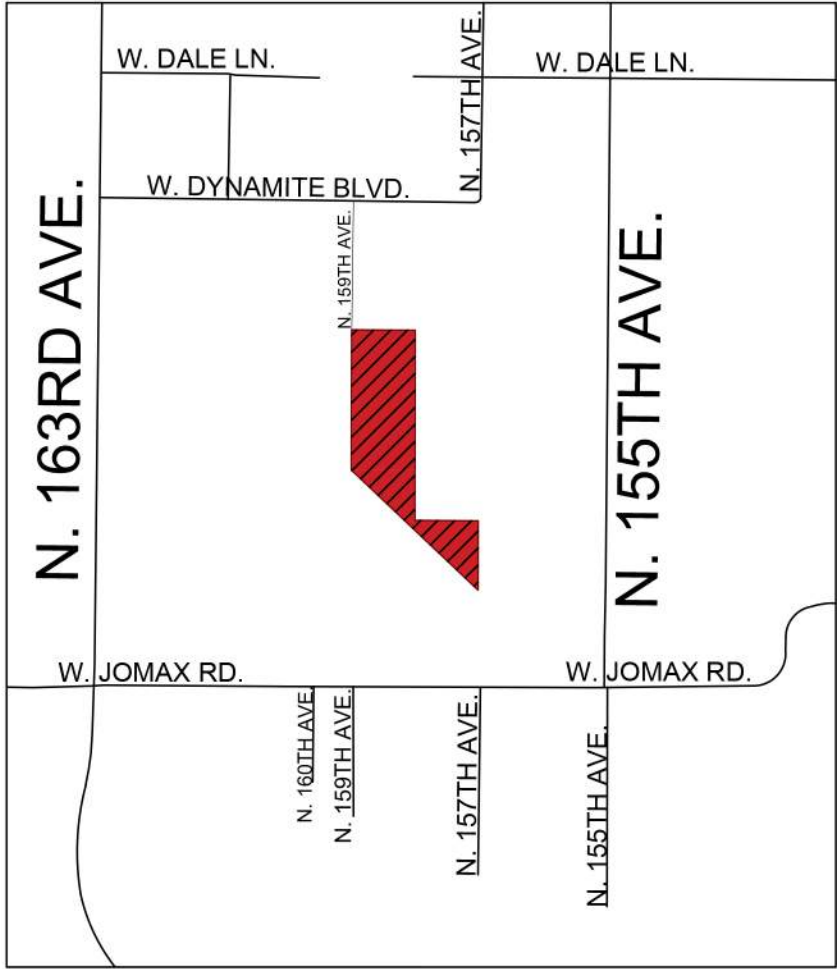


PROPOSED ZONING MAP

PROJECT DATA	
REZONE ACRES:	± 31.46 AC.
EXISTING CONDITION:	UNDEVELOPED DESERT
GENERAL PLAN DESIGN:	NEIGHBORHOOD
EXISTING ZONING:	R-2 & R-3
PROPOSED ZONING:	R-2 PUD (± 31.46 AC.)

PROJECT DATA	
	R-2 PUD MEDIUM DENSITY (DENSITY CAP)
	REZONE BOUNDARY (± 31.46 Ac.)

VICINITY MAP



APPLICANT/ATTORNEY:	
BERRY RIDDELL LLC. Wendy Riddell, Esq. 6750 E. Camelback Road Suite 100 Scottsdale, Arizona 85251 wr@berryriddell.com 480.385.2727	BERRY RIDDELL LLC

DEVELOPER:	
HINES Brandon Dillingham Managing Director 2375 E. Camelback Road Suite 150 Phoenix, Arizona 85016 brandon.dillingham@hines.com 602.385.4000	Hines

PLANNER:	
SCAPEGOAT DESIGN STUDIO Jason N. Hadley, Principal 7057 E. McDonald Dr., Suite #2 Scottsdale, Arizona 85250 jhadley@scapegoatds.com 480.999.4400	SCAPEGOAT DESIGN STUDIO 7057 East McDonald Drive Suite 2 Scottsdale, Arizona 85250 Telephone 480.999.4400 www.SCAPEGOATds.com

Zoning Amendment PUD Narrative

Nobella

North of the NEC of 159th Avenue and Jomax Road

FS23-0352

1st Submittal: April 21, 2023

2nd Submittal: August 4, 2023

3rd Submittal: September 21, 2023

4th Submittal: October 16, 2023

Final Submittal: December 4, 2023

Prepared for:

Hines

2375 East Camelback Road, Suite 150

Phoenix, Arizona 85016

DEVELOPMENT TEAM

DEVELOPER

Hines
Brandon Dillingham
2375 East Camelback Road, Suite 150
Phoenix, Arizona 85016

LAND USE ATTORNEY

Berry Riddell LLC
Wendy Riddell, Esq.
6750 E Camelback Road, #100
Scottsdale, Arizona 85251

LAND PLANNER

Scapegoat Design Studio
Jason Hadley
645 E. Missouri Avenue Suite 420
Phoenix, Arizona 85012

ENGINEER

Terrascape Consulting
Dave West, PE
645 East Missouri Avenue, Suite 420
Phoenix, Arizona 85012

TABLE OF CONTENTS

A. REQUEST.....	4
B. ENTITLEMENT HISTORY AND REZONING PLAN	4
C. DEVELOPMENT PLAN	5
D. CONSISTENCY WITH GENERAL PLAN.....	7
E. INFRASTRUCTURE.....	7
F. CONCLUSION.....	7

EXHIBITS

Approved Zoning Map	A
Proposed Zoning Map	B
Proposed Conceptual Site/Land Use Plan	C

REQUEST

The purpose of this request is to seek a downzoning on 31.46 acres (the "Site"), a portion of the approximately 199.21-gross-acre Nobella master planned site ("Nobella") located approximately one-quarter mile east of the northeast corner of 163rd Avenue and Jomax Road. The Site is comprised of multiple land parcels including portions of Maricopa County Assessor Parcel Numbers 503-52-023M, 503-52-023N, 503-52-023R, 503-52-023S, 503-52-023P, 503-52-026R, 503-52-026S, 503-52-026T, and 503-52-026U, (the "Site"). The Site is currently undeveloped desert land.

The Site is bounded on the west by the +/- 187-acre Rio Caballo PAD which requested approximately 700 lots. To the north, across Dynamite Boulevard, are large-lot residential homes. To the east, adjacent to the Site and across 155th Avenue, are large lot residential homes in Surprise and Maricopa County's jurisdictions. To the south, across Jomax Road, are large-lot residential homes in Maricopa County's jurisdiction.

ENTITLEMENT HISTORY AND REZONING PLAN

On June 21, 2022, the City of Surprise (the "City") City Council voted to approve zoning case number FS21-828, which rezoned Nobella from RR (Rural Residential) to R-2 (Residential Medium Density) and R-3 (Residential High Density). This is a request to amend an approximately 32-acre portion of Nobella to redistribute the R-2 and R-3 densities on the Site. Importantly, this request does not seek to increase the overall density for Nobella, only to reconfigure the existing zoning districts. Again, this is a downzoning from R-3 to R-2 PUD. The Site includes portions of Nobella Parcels 1.1 and 2.1.

The Site is presently entitled for R-2 uses and R-3 uses that are located internal to the Nobella Site. Again, the intent of this request is to reallocate densities within Parcels 1.1 and 2.1, not to increase the overall allowed density within Nobella.

The proposal is to rezone the Site, a portion of Parcel 1.1, adjacent to the approved Rio Caballo PUD, from R-2 to R-2 PUD and Parcel 2.1 is to be downzoned from R-3 to R-2 PUD with a cap on the total density permitted.

DEVELOPMENT PLAN

The Site comprises portions of Parcel 1.1 and Parcel 2.1 of the approved Nobella master planned site. The intent of Nobella is to develop a unique community that provides a diversity of housing products including traditional single-family, single-family for rent, and build for rent product types.

The rezoning will allow the reallocation of densities in Parcels 1.1 and 2.1 of the Nobella master planned community to create greater unity with the surrounding context. Specifically, the intent is to reallocate the densities on a portion of Parcel 1.1 which was originally approved for 70 units and is now proposed for a maximum of 111 units. Parcel 2.1 was originally approved for 81 units and is now proposed to be limited to a maximum of 39 units. Individual lot sizes will vary throughout Nobella. Again, please note that there will be no increase in density for the overall Nobella project as this is ultimately a request to downzone the Site from R-3 zoning to R-2 PUD zoning.

The R-2 PUD Modified Development Standards for Parcel 1.1 and Parcel 2.1 are outlined below.

Table 106-2d—Residential Medium Density (R-2) Zoning District – PUD COMPARISON				
Lot Categories	A ⁴	R-2 PUD		
General Plan compatibility	Urban	Urban		
Lot area (sf)	3,500—4,949	3,500—4,949		
Min. lot width (sf)	40	40		
Min. front setback ¹ (ft)	10	10		
Max. front setback (ft)	25	25		
Min. rear setback ¹ (ft)	10	10		
Min. side setback ¹ (ft)	5 & 7 ²	5 & 5 ²		
Min. street side setback ¹ (ft)	10	10		
Max. bldg. height (ft)	35	35		
Open space (% of gross acres of residential development) ³	25%	20%		
Notes: 1. <i>Garage</i> face and embellishments shall be <i>setback</i> a minimum of 20 feet measured from any opposing property line, except rear <i>alley</i> loaded <i>garages</i> , which shall be <i>setback</i> nine feet from <i>alley</i> edge line. 2. May be reduced to zero feet <i>setback</i> for <i>single-family dwellings</i> as <i>attached building</i> and separated by a <i>common wall</i> along the property line. End units must maintain the larger <i>setback</i> . 3. The city requires open space on a subdivision or development site basis rather than on a lot-by-lot basis. Subdivisions with more than one lot category will provide the higher percentage of open space. 4. Residential projects shall contain no more than 50 percent of lots less than 48 feet wide as calculated across whole subdivisions or preliminary plat and will include mitigating designs outline in Chapter 108 of this ordinance.				

PUD Justification

The purpose of the PUD is to request to downzone the Site from R-3 zoning to R-2 PUD zoning and to modify select development standards including open space, setbacks, and the number of lots that are less than 48 feet wide as shown in the table above. It is important to note that though we are requesting to reduce the on-Site open space from 25% to 20%, the open space percentage for overall Nobella (as well as the parcels controlled by Hines) exceeds the required 25%. Further, all of the parcels within Nobella (including the Site) will continue to have access to the amenitized linear park. Similarly, while we are requesting to remove the requirement that restricts the number of lots that can be less than 48 feet wide, the overall Nobella project meets this requirement. Lastly, we have requested to reduce the side yard setback from 7 feet to 5 feet which allows the flexibility to create a better, nicer looking product with high quality architectural features.

Access

Primary access into the Site is from a new street alignment along Jomax Road and will traverse the Site south to north. Secondary access to the Site is expected to be provided on the northern boundary.

Open Space

The intent for the Site is to develop a unique community that will be consistent with Nobella and the surrounding approved and proposed developments. Much thought and care has gone into the open space design for the Site to ensure residents have a rich and fulfilling lifestyle at Nobella. Both natural and usable open space will be provided. Nobella is traversed by a large wash and a unique pedestrian greenbelt. The greenbelt seamlessly blends drainage into a large linear park amenity that will promote an active and healthy lifestyle for residents. This zoning amendment will not impact the previously proposed green belt and amenities. The green belt and amenities will remain as previously proposed.

The rezoning of the Site will not have a negative impact on the overall design of Nobella. Open spaces such as wash trails, trail nodes, and pocket parks, will accommodate pedestrian amenities such as benches, shade trees, and passive and active open areas. Additional opportunities anticipated include an extensive looped walking/running trail, butterfly gardens, shade structures, sport courts, multifunctional lawn, dog park, lighting, and health-oriented play structures. All these elements will enhance the community and create an identity and dedication to a healthy lifestyle.

CONSISTENCY WITH GENERAL PLAN

As proposed, Nobella complies with the City of Surprise 2035 General Plan land use Character Area of Neighborhood. The Neighborhood Land Use Character Area supports a range of residential development including rural, suburban, and urban development types. The Suburban Neighborhoods Development Type allows for a diverse variety of housing options with densities ranging from 2-8 du/ac for varying income levels. The overall density for the proposal is compatible with the Suburban Neighborhoods Development Type.

The General Plan's Anticipated Growth Map shows where growth is likely and encouraged to occur within the City. The Site is located within the 163rd Corridor Growth Area. The 163rd Avenue Corridor Growth Area is designated as a growth area that should include a full range of housing opportunities.

INFRASTRUCTURE

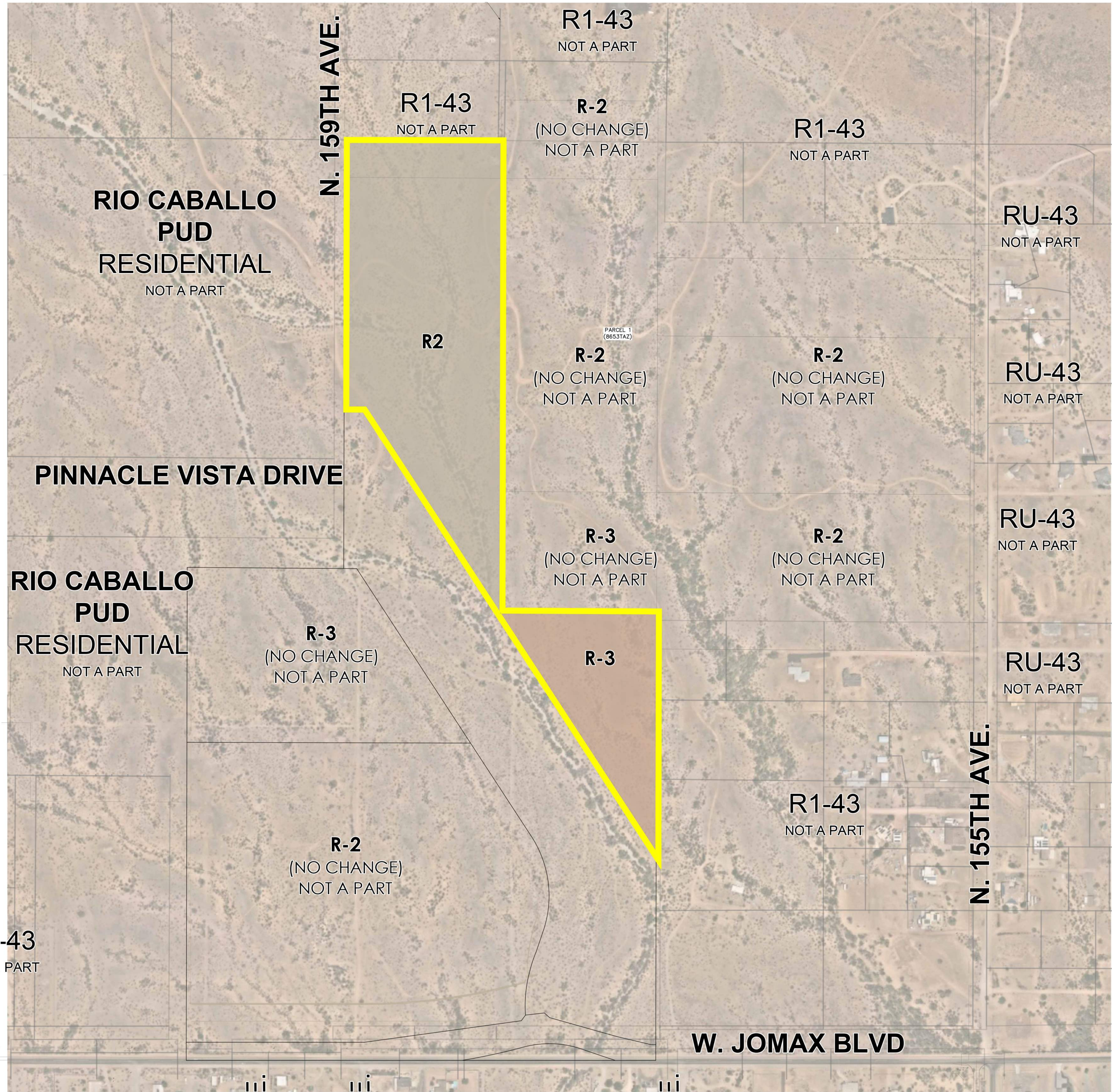
All infrastructure for the Site shall conform to the approved requirements for infrastructure for the Nobella master planned community.

CONCLUSION

This request is to downzone an approximate 32-acre Site to reconfigure the densities within the Nobella master planned community. As identified throughout this narrative, the proposal meets the required findings outlined in City of Surprise Zoning Ordinance. This development will bring a number of positive benefits to the community including synergy with surrounding developments, the addition of quality residences to the housing stock, and an increase in property values.

EXHIBIT A

Approved Zoning Map

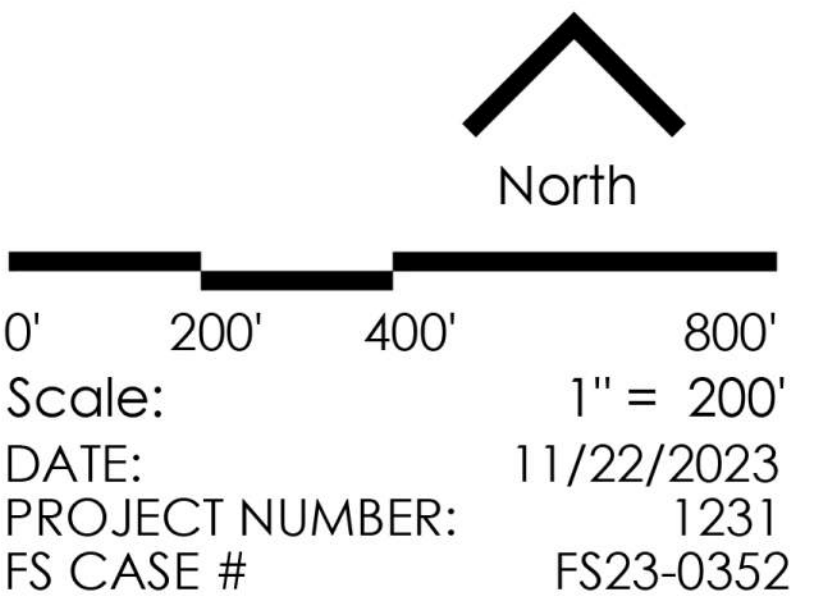
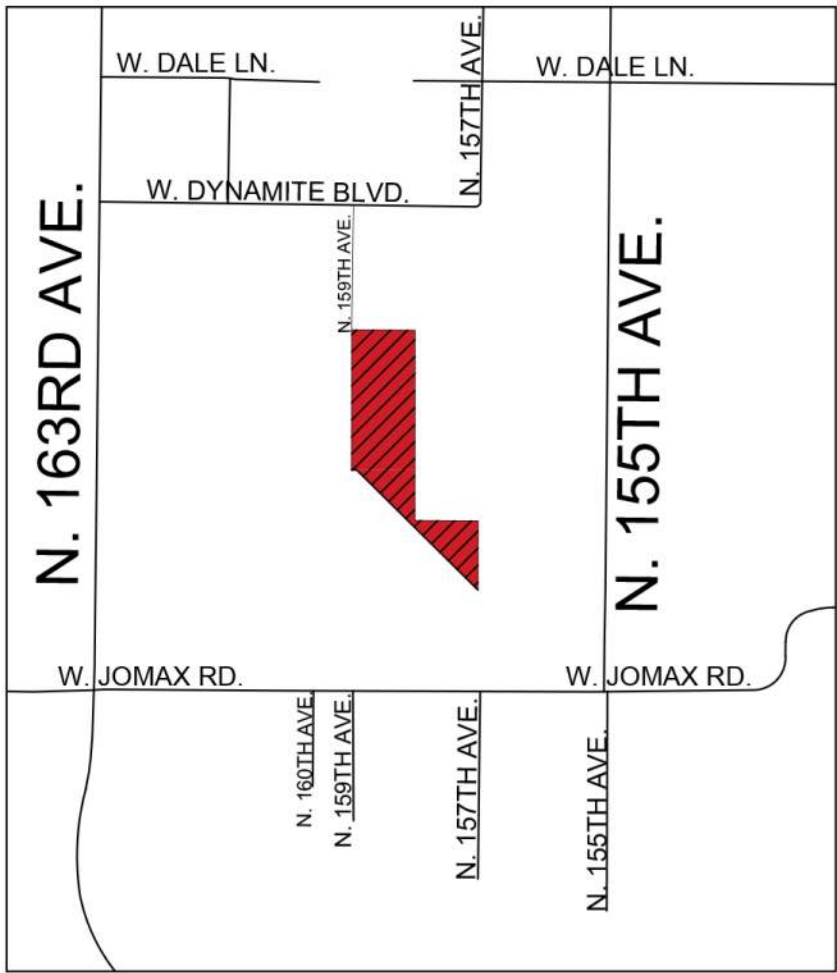


APPROVED ZONING MAP

PROJECT DATA	
GROSS ACRES:	± 31.46 AC.
EXISTING CONDITION:	UNDEVELOPED DESERT
GENERAL PLAN DESIGN:	NEIGHBORHOOD
EXISTING ZONING:	R-2 & R-3
PROPOSED ZONING:	R-2 PUD ± 31.46 AC.

PROJECT DATA	
	R-2 (MEDIUM / MEDIUM-LOW DENSITY RESIDENTIAL)
	R-3 (MEDIUM - HIGH DENSITY RESIDENTIAL)
	REZONE BOUNDARY (+/-31.46 Ac.)

VICINITY MAP



APPLICANT/ATTORNEY:

BERRY RIDDELL LLC.
Wendy Riddell, Esq.
6750 E. Camelback Road
Suite 100
Scottsdale, Arizona 85251
wr@berryriddell.com
480.385.2727



DEVELOPER:

HINES
Brandon Dillingham
Managing Director
2375 E. Camelback Road
Suite 150
Phoenix, Arizona 85016
brandon.dillingham@hines.com
602.385.4000

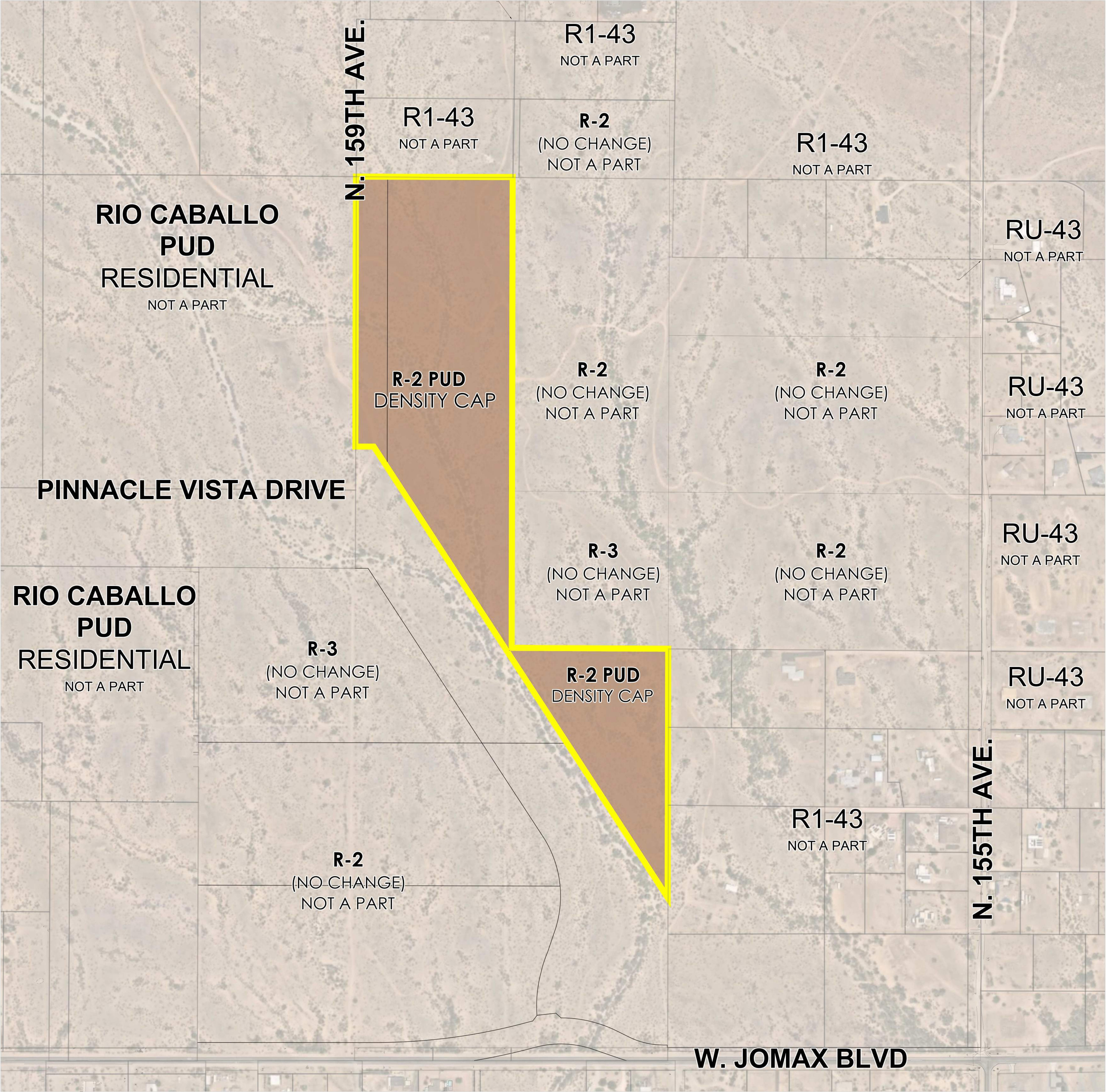
PLANNER:

SCAPEGOAT
DESIGN STUDIO
Jason N. Hadley, Principal
7507 E McDonald Dr. Suite #2
Scottsdale, Arizona 85250
jhadley@scapegoatds.com
480.999.4400



EXHIBIT B

Proposed Zoning Map



PROPOSED ZONING MAP

PROJECT DATA	
REZONE ACRES:	± 31.46 AC.
EXISTING CONDITION:	UNDEVELOPED DESERT
GENERAL PLAN DESIGN:	NEIGHBORHOOD
EXISTING ZONING:	R-2 & R-3
PROPOSED ZONING:	R-2 PUD (± 31.46 AC.)

PROJECT DATA	
	R-2 PUD MEDIUM DENSITY (DENSITY CAP)
	REZONE BOUNDARY (± 31.46 Ac.)

VICINITY MAP

APPLICANT/ATTORNEY:

BERRY RIDDELL LLC.
Wendy Riddell, Esq.
6750 E. Camelback Road
Suite 100
Scottsdale, Arizona 85251
wr@berryriddell.com
480.385.2727

BERRY

RIDDELL

LLC

DEVELOPER:

HINES
Brandon Dillingham
Managing Director
2375 E. Camelback Road
Suite 150
Phoenix, Arizona 85016
brandon.dillingham@hines.com
602.385.4000

Hines

PLANNER:

SCAPEGOAT
DESIGN STUDIO
Jason N. Hadley, Principal
7057 E. McDonald Dr., Suite #2
Scottsdale, Arizona 85250
jhadley@scapegoatds.com
480.999.4400

SCAPEGOAT

DESIGN STUDIO

0' 200' 400' 800'

Scale: 1" = 200'

Date: 11/22/2023

PROJECT NUMBER: 1231

CASE FILE: FS23-0352

North

7057 East McDonald Drive Suite 2
Scottsdale, Arizona 85250
Telephone 480.999.4400
www.SCAPEGOATds.com

Page 279 of 463

EXHIBIT C

Proposed Conceptual Site/Land Use Plan



NOBELLA

Surprise, Arizona

CONCEPTUAL SITE AND LAND USE PLAN

PROJECT DATA		
REZONE ACRES:		± 31.46 AC.
EXISTING CONDITION:		UNDEVELOPED DESERT
GENERAL PLAN DESIGN:		NEIGHBORHOOD
EXISTING ZONING:		R-2 & R-3
PROPOSED ZONING:		R-2 PUD

LEGEND	
	R-2 PUD MEDIUM DENSITY (6.0 DU/AC. CAP)
	R-2 PUD MEDIUM DENSITY (4.7 DU/AC. CAP)
	OPEN SPACE BUFFER
	REZONE BOUNDARY
	PRIMARY ENTRY
	SECONDARY ENTRY

VICINITY MAP

APPLICANT/ATTORNEY:

BERRY RIDDELL LLC.
Wendy Riddell, Esq.
6750 E. Camelback Road
Suite 100
Scottsdale, Arizona 85251
wr@berryriddell.com
480.385.2727

BERRY RIDDELL LLC

DEVELOPER:

HINES
Brandon Dillingham
Managing Director
2375 E. Camelback Road
Suite 150
Phoenix, Arizona 85016
brandon.dillingham@hines.com
602.385.4000

PLANNER:

SCAPEGOAT
DESIGN STUDIO
Jason N. Hadley, Principal
7507 E. McDonald Dr., Suite #2
Scottsdale, Arizona 85250
jhadley@scapegoatds.com
480.999.4400

7507 East McDonald Drive Suite 2
Scottsdale, Arizona 85250
Telephone 480.999.4400
www.SCAPEGOATds.com

0' 300' 600' 1200'

SCALE: 1" = 300'

DATE: 11/22/2023

PROJECT NUMBER: 1231

CASE FILE: FS23-0352

North

Citizen Participation Report

FS23-0352

Approx. one-quarter mile east of the northeast
corner of 163rd Avenue and Jomax Road

First Submittal: October 13, 2023
Revised Submittal: January 11, 2024

Prepared for:

Hines
2375 East Camelback Road, Suite 150
Phoenix, AZ 85016

Prepared by:

Berry Riddell LLC
Wendy Riddell, Esq.
Elyse DiMartino, Planner
6750 E Camelback Road, Suite 100
Scottsdale, Arizona 85251

PROPOSAL

This Citizen Participation Plan (“CPP”) is being provided in association with a request to rezone approximately 31.46 acres (the “Site”), a portion of the approximately 199.21-gross-acre Nobella master planned site (“Nobella”) located approximately one-quarter mile east of the northeast corner of 163rd Avenue and Jomax Road.

The CPP provides information regarding our notification techniques and processes for reaching out to residents, interested persons, etc., to get feedback on the proposal.

PUBLIC NOTIFICATION TECHNIQUES

Methods for reaching out to interested parties may include the following:

- Door-to-door outreach;
- Open house/neighborhood meetings;
- Follow up meetings if needed;
- Individual meetings with residents, business, and community stakeholders;
- Email and telephone correspondence;
- Sign postings; and,
- Any other means of notification as required by the City of Surprise Planning Division.

PARTIES AFFECTED BY APPLICATION

The Site is bounded on the west by the +/- 187-acre Rio Caballo PAD which requested approximately 700 lots. To the north, across Dynamite Boulevard, are large-lot residential homes. To the east, adjacent to the Site and across 155th Avenue, are large lot residential homes in Surprise and Maricopa County’s jurisdictions. To the south, across Jomax Road, are large-lot residential homes in Maricopa County’s jurisdiction.

CITIZEN PARTICIPATION, ISSUES, CONCERNS AND PROBLEMS

September 2023 – Meetings with Stakeholders

We were able to engage directly with many of the surrounding community members thanks to the connection we made having met with many of them last year. This allowed for a very focused approach to community outreach allowing us to connect with them via phone calls and texts. We were able to explain the updated proposal and answer questions in real time. Many of the residents did not see a need to attend the neighborhood meeting as the proposal seemed straightforward to them. The credibility that we established with many of these neighbors in the past aided in the success of this outreach.

September 1, 2023 – Sign Postings and Notification Letters

Notification signs were posted on the site on September 1, 2023, with the neighborhood meeting information. City staff sent out a mailer with the neighborhood meeting information and published a legal ad in the newspaper as well. The mailers were sent to neighbors within

300 feet of the larger overall Nobella boundary.

September 18, 2023 – Neighborhood Meeting

The neighborhood meeting was held on September 18, 2023, at the Asante Preparatory Academy Library. This meeting was held in person. The meeting was an open house with stations that included background information and the rezoning request. Several members of the development team were available to discuss and provided an opportunity for community members to express their support and concerns and ask questions about the proposed request.

Neighbors who signed in and provided their contact information will now be updated as new project information emerges. The questions and comments at the meeting covered the following topics: regional traffic concerns, density, water and sewer, business intentions, land sales, project timeline, product type, property values, section 8 housing, history of Hines company, school capacity, and follow up/next steps as it pertains to meetings. Many of the concerns we heard were centered around a nearby development that is also requesting entitlements.

Nearly all questions were able to be answered on site, though some questions require follow up and additional information.

Following the meeting, we engaged with neighbors who requested follow up and exchanged information to continue communication. As the applicant, we intend to address the concerns raised at the meeting by working with the neighbors and the city to provide the most appropriate and beneficial solution to each.

December 22, 2023 – Sign Postings and Notification Letters

Notification signs were posted on the site on December 22, 2023, with the second neighborhood meeting information. City staff sent out a mailer with the neighborhood meeting information and published a legal ad in the newspaper as well. The mailers were sent to neighbors within 300 feet of the larger overall Nobella boundary.

January 8, 2024 –2nd Neighborhood Meeting

A second neighborhood meeting was held on January 8, 2024, at the Asante Preparatory Academy Library. A second meeting was held due to the change of our rezoning request for the Site. We modified our request to rezone a portion of Parcel 1.1 from R-2 to R-2 PUD and Parcel 2.1 is to be downzoned from R-3 to R-2 PUD. This meeting was held in person. The meeting was an open house with stations that included background information and the updated rezoning request. Several members of the development team were available to discuss and provided an opportunity for community members to express their support and concerns and ask questions about the proposed request.

Neighbors who signed in and provided their contact information will now be updated as new project information emerges. The questions and comments at the meeting covered the following topics: regional traffic concerns, density, water and sewer, business intentions, land sales, project timeline, product type, property values, and follow up/next steps as it pertains to meetings.

Nearly all questions were able to be answered on site, though some questions require follow-up and additional information.

Following the meeting, we engaged with neighbors who requested follow up and exchanged information to continue communication. As the applicant, we intend to address the concerns raised at the meeting by working with the neighbors and the city to provide the most appropriate and beneficial solution to each.

Ongoing Communication and Engagement

Throughout the lifespan of this project, our team has been available by phone and email to answer questions and to facilitate communication. We have also made available time to sit and follow up in person with any person or group wanting to express their input on the project.

Neighborhood Meeting: Nobella
September 18, 2023
Sign-in Sheet

Print Name	Address	Phone	Email
ANDY WONG			
Brandon D. Hahn			
Alex Schreier			
JAMES CROGITZER			
Tim Gilliland			
Karen Cote			
MIKE HAMANN			
LUAY HAMANN			
Roy Peña			
Bennett & Debra Ockrim			
David & Cori Wiedhorz			
Kirk and Lisa Reese			
Marcelino Sainz			
William Brumby			
Jennie Vajner			
Jeff Vajner			
Adam Szilagyi			

Neighborhood Meeting: Hines – Jomax & 163rd Ave

January 8, 2024

Sign-in Sheet

Print Name	Address	Phone	Email
Karen Cote			
Gabrielle Orozco			
Brandon Orozco			
David Wiedholz			
Marvin McCormick			
Rebekah Myssie			
Mason Paul			
Robin Landt			
Nancy Petranovich			
Kirk Raze			
RODNEY CLYFF			
Tim Kissling			
Jodi Abruzzese			

AFFIDAVIT OF POSTING

Application No: FS23-0352
Applicant Name: Berry Riddell
Location: W of NWC 155th Ave & Jomax Rde
Date Site Posted: 01/22/24

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).

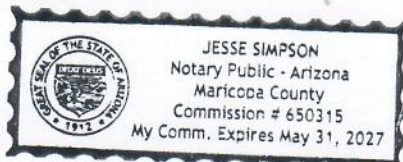
Such notice shall be clearly legible and placed at a prominent location on the site – Generally adjacent and perpendicular to the public right-of-way. It shall be the *responsibility of the applicant* to erect and to maintain the sign on the subject property and to maintain the hearing information on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

[Signature] 1-22-24
Applicant/Representative Signature Date

This instrument was acknowledged before me on 01/22/24, by Patrick Anspaugh. I witness whereof I hereunto set my hand and official seal.



[Signature]
Notary Public 5/31/27
My commission expires

*Return completed and notarized **affidavit** and all relevant **photos** to the Planning and Zoning Department at least fifteen (15) days **prior to** the scheduled meeting(s).*

Notice of Public Hearing City of Surprise

Neighborhood Meeting

Date: January 8, 2024

Time: 6:00 P.M. - 7:00 P.M.

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

Planning & Zoning

Date: February 15, 2024

Time: 6:00 P.M.

Location: Surprise City Hall
16000 N. Civic Center Plaza
Surprise, AZ 85374

City Council

Date: March 18, 2024

Time: 6:00 P.M.

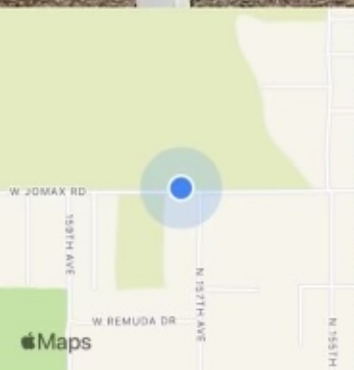
Location: Surprise City Hall
16000 N. Civic Center Plaza
Surprise, AZ 85374

Case number: FS23-0352

Request: A rezone amendment of approximately 31.46 acres generally located west of 155th Avenue and north of Jomax Road from Residential Medium Density (R-2) and Residential High Density (R-3) to R-2 Planned Unit Development (PUD).



For more information, call: 623-222-3011 Surpriseaz.gov



January 22, 2024 at 12:50 PM

15701-15791 W. Jomax Rd

Page 289 of 463
Maricopa County

Notice of Public Hearing

City of Surprise

Neighborhood Meeting

Date: January 8, 2024

Time: 6:00 P.M. - 7:00 P.M.

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

Planning & Zoning

Date: February 15, 2024

Time: 6:00 P.M.

Location: Surprise City Hall
16000 N. Civic Center Plaza
Surprise, AZ 85374

City Council

Date: March 18, 2024

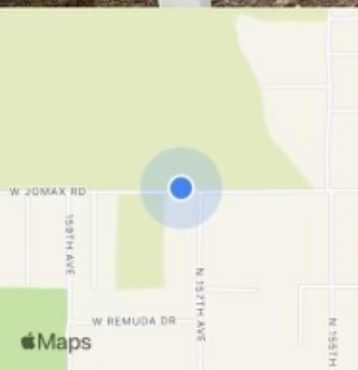
Time: 6:00 P.M.

Location: Surprise City Hall
16000 N. Civic Center Plaza
Surprise, AZ 85374

Case number: FS23-0352

Request: A rezone amendment of approximately 31.46 acres generally located west of 155th Avenue and north of Jomax Road from Residential Medium Density (R-2) and Residential High Density (R-3) to R-2 Planned Unit Development (PUD).

For more information, call: 623-222-3011 Surpriseaz.gov



January 22, 2024 at 12:50 PM

15701-15791 W Jomax Rd

Page 290 of 463
Maricopa County

Notice of Public Hearing

City of Surprise

Neighborhood Meeting

Date: January 8, 2024

Time: 6:00 P.M. - 7:00 P.M.

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

Planning & Zoning

Date: February 15, 2024

Time: 6:00 P.M.

Location: Surprise City Hall
16000 N. Civic Center Plaza
Surprise, AZ 85374

City Council

Date: March 18, 2024

Time: 6:00 P.M.

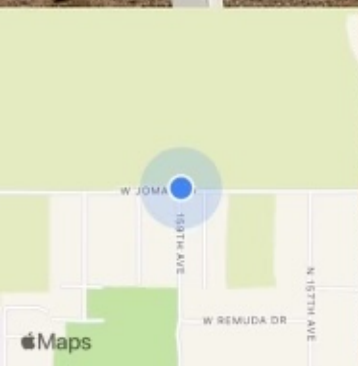
Location: Surprise City Hall
16000 N. Civic Center Plaza
Surprise, AZ 85374

Case number: FS23-0352

Request: A rezone amendment of approximately 31.46 acres generally located west of 155th Avenue and north of Jomax Road from Residential Medium Density (R-2) and Residential High Density (R-3) to R-2 Planned Unit Development (PUD).



For more information, call: 623-222-3011 Surpriseaz.gov



January 22, 2024 at 12:37 PM

15821-15849 W Jomax Rd

Page 291 of 463
Maricopa County

Notice of Public Hearing City of Surprise

Neighborhood Meeting

Date: January 8, 2024

Time: 6:00 P.M. - 7:00 P.M.

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

Planning & Zoning

Date: February 15, 2024

Time: 6:00 P.M.

Location: Surprise City Hall
16000 N. Civic Center Plaza
Surprise, AZ 85374

City Council

Date: March 18, 2024

Time: 6:00 P.M.

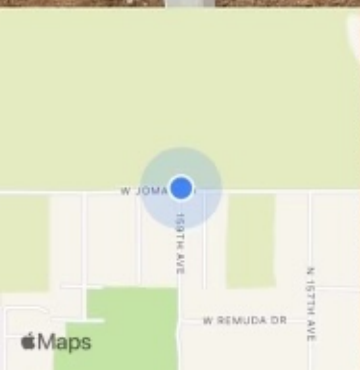
Location: Surprise City Hall
16000 N. Civic Center Plaza
Surprise, AZ 85374

Case number: FS23-0352

Request: A rezone amendment of approximately 31.46 acres generally located west of 155th Avenue and north of Jomax Road from Residential Medium Density (R-2) and Residential High Density (R-3) to R-2 Planned Unit Development (PUD).



For more information, call: 623-222-3011 Surpriseaz.gov



January 22, 2024 at 12:37 PM

15821-15849 W Jomax Rd

Page 292 of 463
Maricopa County

From: [RAHN, JENNIFER L CIV USAF AETC 56 FW/CVE](#)
To: [Nichole Flores](#)
Subject: RE: FS23-0352 Nobella Rezone - New Digital Submittal 04.26.23
Date: Wednesday, April 26, 2023 12:42:27 PM

*****The e-mail below is from an external source. Please do not open attachments or click links from an unknown or suspicious origin.*****

Good afternoon Ms. Flores,

Thank you for the opportunity to provide comments on the revised pre-plat proposal for Nobella. The site sits on approximately 200 acres of vacant land located at Jomax Road east of 163rd Avenue in Surprise AZ. This revision proposal is to rezone 69-acres within the total site with varying areas of R-2 and R-3 designations. The site falls approximately 3.2 miles outside the Luke AFB AUX-1 2004 JLUS 65 Ldn, "high noise or accident potential zone" as defined by A.R.S. § 28-8461 and is within the "territory in the vicinity of a military airport" also defined by A.R.S. § 28-8461.

In an effort to promote a more compatible co-existence, Luke AFB follows the guidelines in the Graduated Density Concept (GDC). The GDC proposes, in the absence of a more restrictive state, county or municipal general or comprehensive plan, graduating densities away from the 65 Ldn as follows: a maximum of 2 du/ac from the 65 Ldn to 1/2 mile, a maximum of 4 du/ac from 1/2 to 1 mile, and a maximum of 6 du/ac from 1 to 3 miles.

The developer has stated they do not request to increase the overall density, but to reallocate previously approved densities throughout the site. The project, as described, should not have a negative impact on Luke AFB flight operations due to the fact that it is outside the GDC. However, Luke AFB reserves the right to review/comment on final plans submitted to Surprise. The site is located within the "territory in the vicinity of a military airport," it will be subjected to approximately 170 over flights a day. If this development is approved, we recommend a strong notification program on the part of the applicant is to inform future occupant(s) about Luke AFB operations.

V/r,

Jenn Rahn

Senior Planner, Community Initiatives Team
56th Fighter Wing
Luke AFB AZ 85309
Office: 623-856-9981
DSN: 896-9981

From: Nichole Flores <Nichole.Flores@surpriseaz.gov>
Sent: Wednesday, April 26, 2023 11:09 AM
To: 56 FW/CIT Community Initiative <56FW.CIT.CommunityInitiative@us.af.mil>; Afshin Ahouraiyan (Flood Control District of Maricopa County) <Afshin.Ahouraiyan@Maricopa.Gov>; Alex Garza (Maricopa Assoc of Governments) <AGarza@azmag.gov>; Aspasia Angelou (Nadaburg School

District) <aangelou@nadaburgsd.org>; Barbara J Remondini, Ph.D. (Wickenburg School District) <bremondini@wusd9.org>; Chris Cain (Maricopa Water District) <chrisc@mwdaz.com>; Darren V Gerard (Maricopa County Planning) <Darren.Gerard@maricopa.gov>; Debbie Trasancos (Maricopa Water District) <debbiet@mwdaz.com>; Ernest (USPS) <Ernest.L.James@usps.gov>; Eva Pierce <eva.pierce@dysart.org>; Gregory McDowell (MCDOT) <Gregory.McDowell@maricopa.gov>; Ibeth - USPS <Ibeth.L.Roman@usps.gov>; RAHN, JENNIFER L CIV USAF AETC 56 FW/CVE <jennifer.rahn@us.af.mil>; Jerome Choy (ADOT) <jchoy@azdot.gov>; Judy Lopez - Beardsley Water Company <managefnm365@aol.com>; Kevin Shipman <kevin.shipman@dysart.org>; Leslie - MWD <lesliej@mwdaz.com>; Mark Frago <fragom@mail.maricopa.gov>; Mary Orta - Surprise Chamber <mary.orta@surpriseregionalchamber.com>; MCDOTPlanning@maricopa.gov (MCDOT) <MCDOTPlanning@maricopa.gov>; Raoul Sada - Surprise Chamber <raoul@surpriseregionalchamber.com>; Rovell Foggy (Liberty Utilities) <Rovell.Foggy@libertyutilities.com>; Shelby Rios (MWD) <shelbyr@mwdaz.com>; Victor.Schaum <Victor.Schaum@cox.com>; Yvonne Aguirre <yvonne.aguirre@swgas.com>

Subject: [Non-DoD Source] FS23-0352 Nobella Rezone - New Digital Submittal 04.26.23

Good morning,

Attached please find the **application** and **rezone document** for the above referenced project.

Please feel free to contact us with any questions.

Best regards,

Nichole Flores

Planning Project Coordinator

City of Surprise | Community Development

16000 N Civic Center Plz | Surprise AZ 85374

(623) 222-3244 Direct

Please note effective August 3, 2022, we will be adding a 2-business day out-processing for ALL notices

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

From: [Garrett Rains](#)
To: [Trevor Fleetham](#)
Subject: Case # FS23-0352
Date: Monday, September 18, 2023 9:07:01 PM

The e-mail below is from an external source. Please do not open attachments or click links from an unknown or suspicious origin.

When does the voting take place for the above mentioned case? A move forward with this would be detrimental to the community. If it matters. Please let me know details

-Garrett

From: [Garrett Rains](#)
To: [Trevor Fleetham](#)
Subject: Case # FS23-0352
Date: Monday, September 18, 2023 9:06:06 PM

The e-mail below is from an external source. Please do not open attachments or click links from an unknown or suspicious origin.

I would like contact information to all board members and developers related to this horrendous plan. Your response to this email would be greatly appreciated. And please let me know the next meeting date.

-Garrett

From: [Alec Bottrell](#)
To: [Trever Fleetham](#)
Subject: CASE FS23-0352
Date: Monday, September 18, 2023 9:10:46 PM

The e-mail below is from an external source. Please do not open attachments or click links from an unknown or suspicious origin.

Good evening,

What are the dates for this case number meeting FS23-0352? This is an absolute terrible idea and the community WILL NOT stand for this. We do not need apartment buildings in our rural part of town and it is UNSAFE. There is not enough INFRASTRUCTURE here to handle the traffic or the people. DO NOT LET THIS PASS.

Sent from my iPhone

From: [Kristen stumbaugh](#)
To: [Trever Fleetham](#)
Subject: Case FS23-0352
Date: Tuesday, January 9, 2024 11:35:50 AM

The e-mail below is from an external source. Please do not open attachments or click links from an unknown or suspicious origin.

We would like to receive notice of these hearings as only 2 of 9 homes on our street are aware of when these take place. We have questions on PUD and any medium to high density builds with compliance to our water shortage issues our Governor is speaking to, amongst traffic issues already present on Jomax etc...

Sean and Kristen Stumbaugh

[REDACTED]

Thank you,
Kristen Stumbaugh
Sent from my iPhone

ORDINANCE # 2024-06

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA, APPROVING A REZONE FROM RESIDENTIAL MEDIUM DENSITY (R-2) AND RESIDENTIAL HIGH DENSITY (R-3) TO R-2 PLANNED UNIT DEVELOPMENT (PUD) FOR A PORTION OF NOBELLA, GENERALLY LOCATED WEST OF 155TH AVENUE AND NORTH OF JOMAX ROAD.

WHEREAS, this Ordinance was properly noticed for public hearing and the necessary hearings and opportunity for public input were completed;

WHEREAS, the subject site is located west of 155th Avenue and north of Jomax Road;

WHEREAS, the subject site is zoned Residential Medium Density (R-2) and Residential High Density (R-3);

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

WHEREAS, the proposed Rezone to R-2 Planned Unit Development (PUD) satisfies the requirements set forth in the City of Surprise Land Development Ordinance;

WHEREAS, this Rezone is in harmony with the purposes and intent of the zoning ordinance and the Surprise General Plan; and

WHEREAS, on February 15, 2024, the Planning and Zoning Commission recommended approval of the subject zoning request.

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

Section 1. Rezoning. The parcel legally described on Exhibit A and depicted on Exhibit B, known as “Nobella” is rezoned from Residential Medium Density (R-2) and Residential High Density (R-3) to R-2 Planned Unit Development (PUD) subject to the following stipulations:

- a. Development and use of the site shall be consistent with the rezone narrative entitled “Zoning Amendment PUD Narrative Nobella”, prepared by Berry Riddell LLC dated December 4, 2023.
- b. Applicant must submit proof of payment for sewer treatment capacity with final plat submittals.
- c. Applicant must submit proof of payment for SPA 2 Sewer Interceptor Agreement buy-in fee (MCR# 20090350621) prior to City approval of Final Plat.

- d. The granting of this change in use of the property has been at the request of the applicant, with the consent of the landowner. The granting of this approval allows the property to enjoy uses in excess of those permitted by the zoning existing on the date of application, subject to conditions. In the event of the failure to comply with any condition, the City Council may take appropriate action to revert the property to the zoning district that existed on the date of application. It is, therefore, stipulated and agreed that either reversion or revocation due to the failure to comply with any conditions, does not reduce any rights that existed on the date of application to use, divide, sell or possess the property and that there would be no diminution in value of the property from the value it held on the date of application due to such reversion or revocation of the Zone Change. The Zone Change enhances the value of the property above its value as of the date the Zone Change is granted and reverting to the prior zoning results in the same value of the property as if the Zone Change had never been granted.
- e. The property owner/s and their successors waive claim for diminution in value if the City of Surprise takes action to rescind approval due to noncompliance with conditions.
- f. A parking lot supporting the linear park shall be provided within Parcel 1.1. The parking lot will include ingress and egress on Nobella Parkway.
- g. The subject site is within the benefitted area of the Visara Development Agreement. Prior to the City approving a Final Plat, Site Plan, or building permit within the property, applicant shall provide the City with a Notice of Payment for all applicable buy-in fees, all as described in the Visara Development Agreement (MCR# 2023062590).
- h. Non-compliance with the stipulations of approval of this case will be treated as a violation in accordance with the applicable provisions of the Surprise Municipal Code.

Section 2. *Amendment of Zoning Map.* The City of Surprise zoning map is herewith amended to reflect the change in districts referred to in Section 1 above.

Section 3. *Codification.* This Ordinance is not of a general nature and shall not be codified.

Section 4. *Repeal of Conflicting Ordinances.* All ordinances or parts of ordinances in conflict with the provisions of this ordinance or any part of the code adopted herein by reference are hereby repealed, upon the effective date of this Ordinance.

Section 5. *Severability.* If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

Section 6. *Effective Date.* This ordinance shall become effective at the time and in the manner prescribed by law.

Ordinance No. 2024-06
RFLS #9176
Rev 02/24

PASSED AND ADOPTED this _____ day of _____ 2024.

Skip Hall, Mayor

Attest:

Approved as to form:

Kristi Passarelli, City Clerk

Robert Wingo, City Attorney

EXHIBIT A LEGAL DESCRIPTION FOR PROPERTY

Legal Description for R2 - PUD Area Nobella - Zoning

Located in Section 31, Township 5 North, Range 1 West, Gila and Salt River Meridian,
Maricopa County, Arizona;

Commencing at the South Quarter corner of said Section 31, from which the Southeast corner
of said Section 31, bears South 89°58'40" East, a distance of 2639.21 feet;

Thence South 89°58'40" East, along the South line of the Southwest Quarter of said section, a
distance of 1319.61 feet;

Thence departing said South line, North 00°07'32" East, a distance of 686.81 feet, to the Point
of Beginning;

Thence North 33°05'50" West, a distance of 2,164.54 feet;

Thence North 89°52'55" West, a distance of 133.99 feet to the West line of the Northeast
Quarter of said Section 31;

Thence North 00°07'05" East, along said West line, a distance of 1,224.24 feet;

Thence departing said West line, South 89°36'43" East, a distance of 660.42 feet;

Thence South 00°08'16" West, a distance of 1,320.56 feet;

Thence South 00°07'19" West, a distance of 660.15 feet;

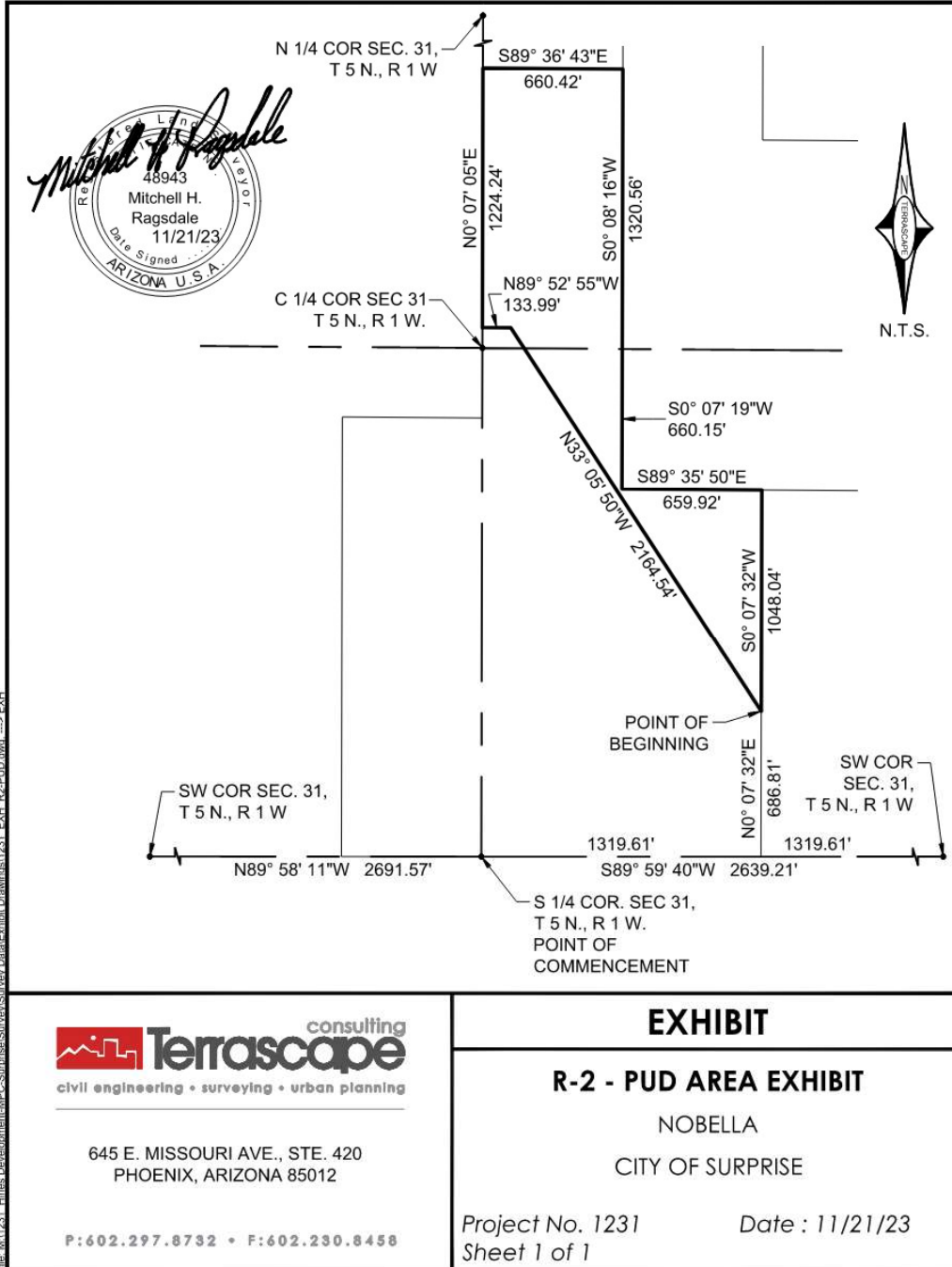
Thence South 89°35'50" East, a distance of 659.92 feet;

Thence South 00°07'32" West, a distance of 1,048.04 feet to the Point of Beginning.

Containing 1,378,672.60 square feet or 31.65 acres, more or less.



EXHIBIT B DEPICTION OF THE PROPERTY TO BE RE-ZONED



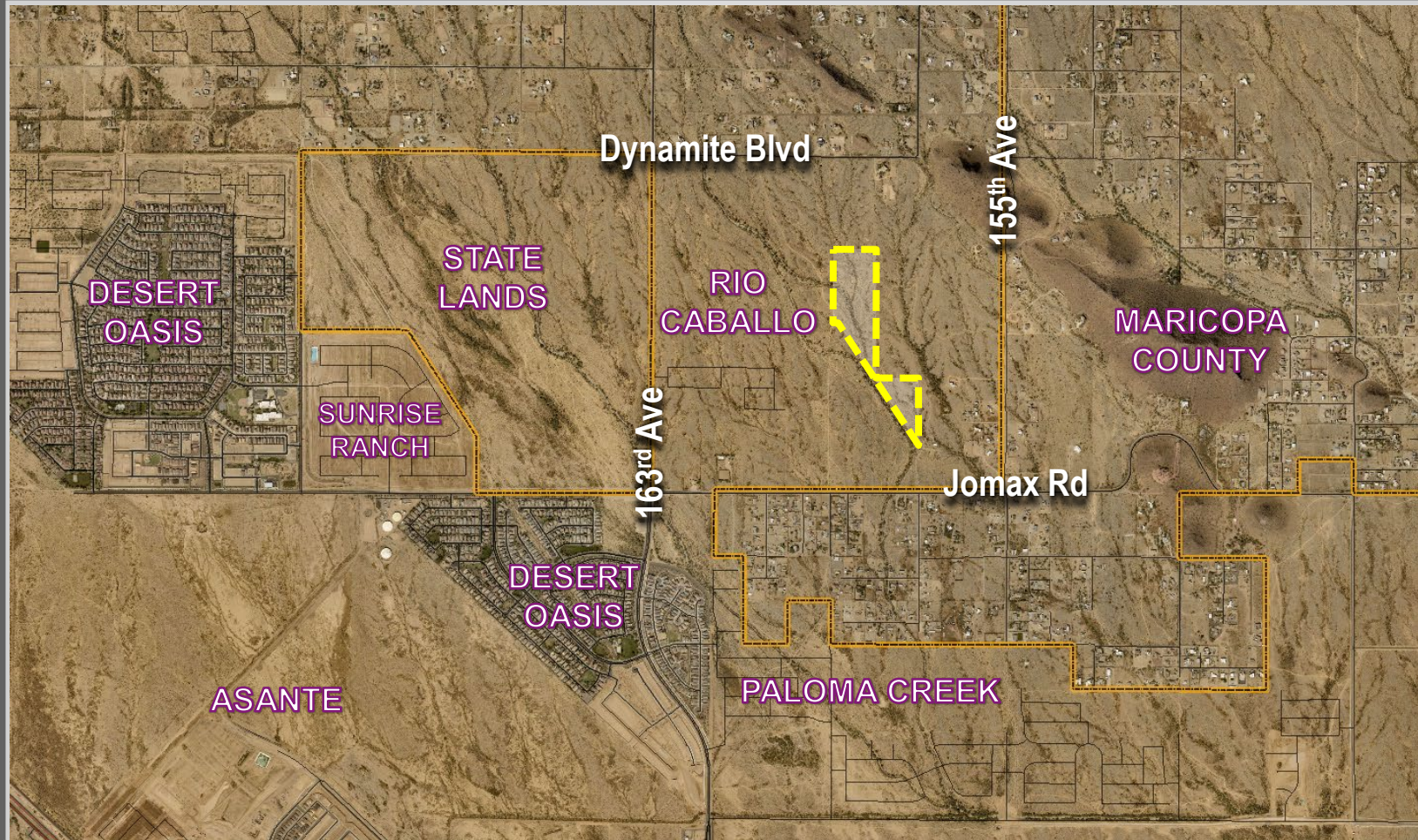
Ordinance No. 2024-06
RFLS #9176
Rev 02/24



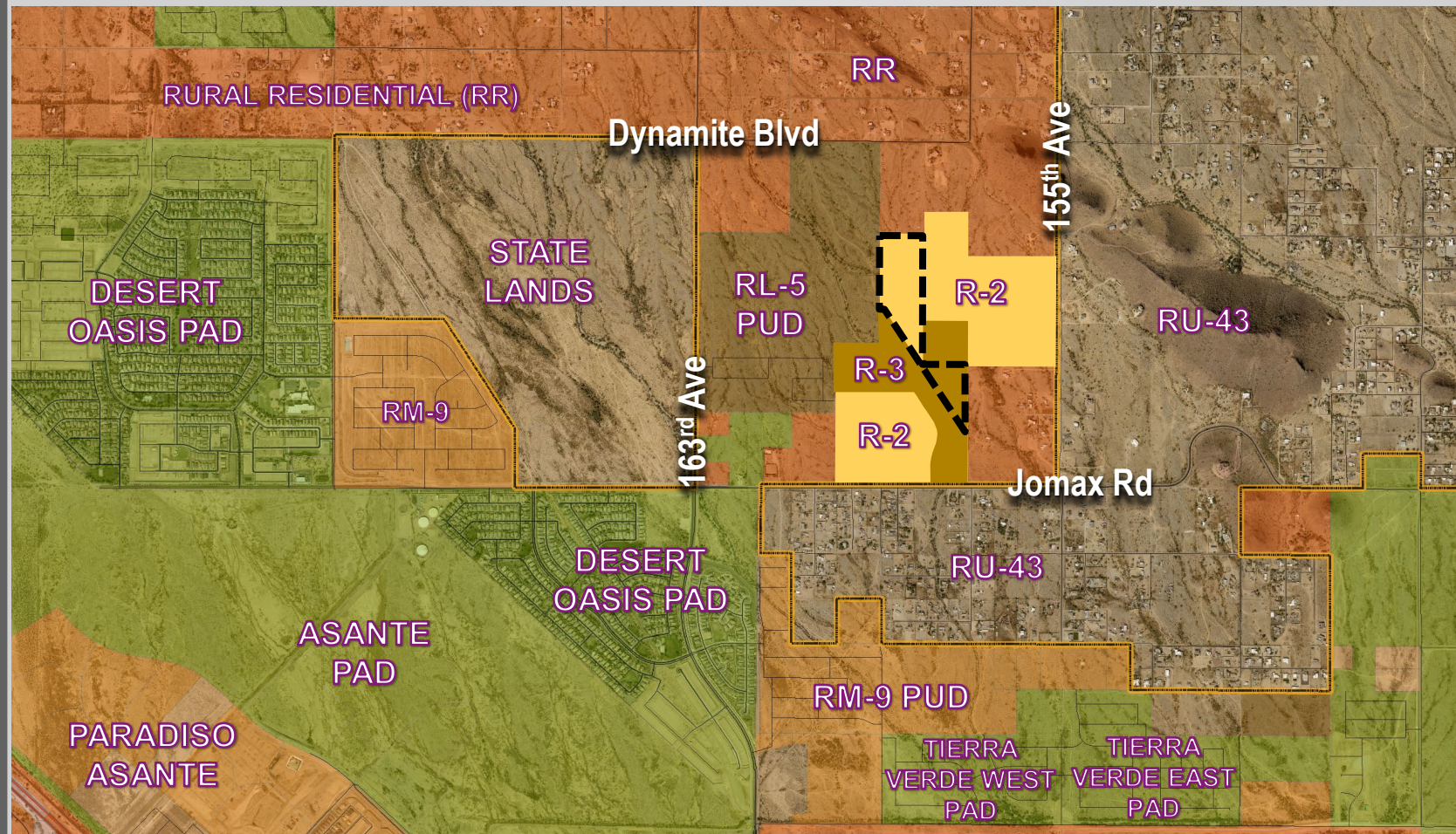
FS23-0352

Nobella Rezone

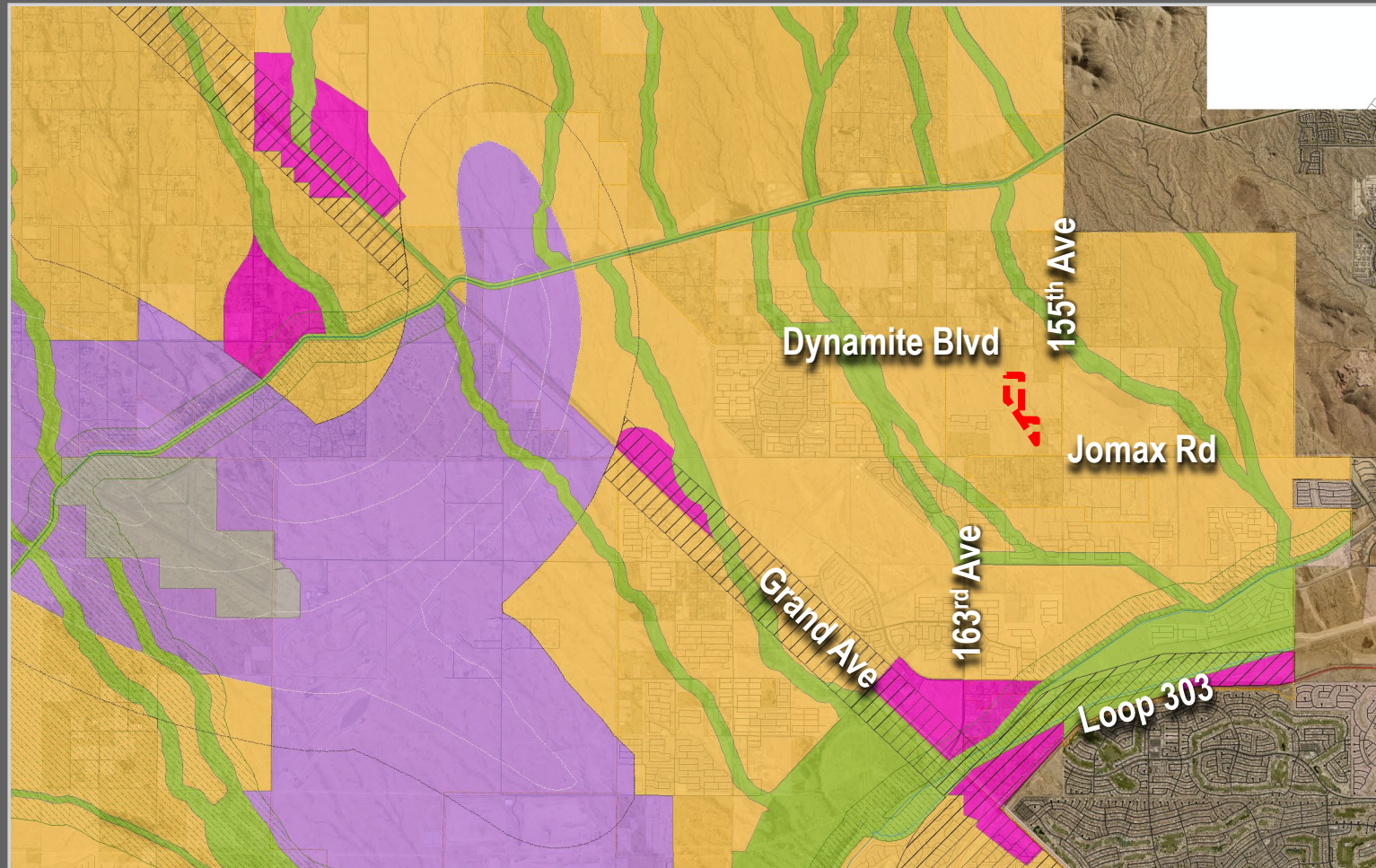
City Council
April 2, 2024



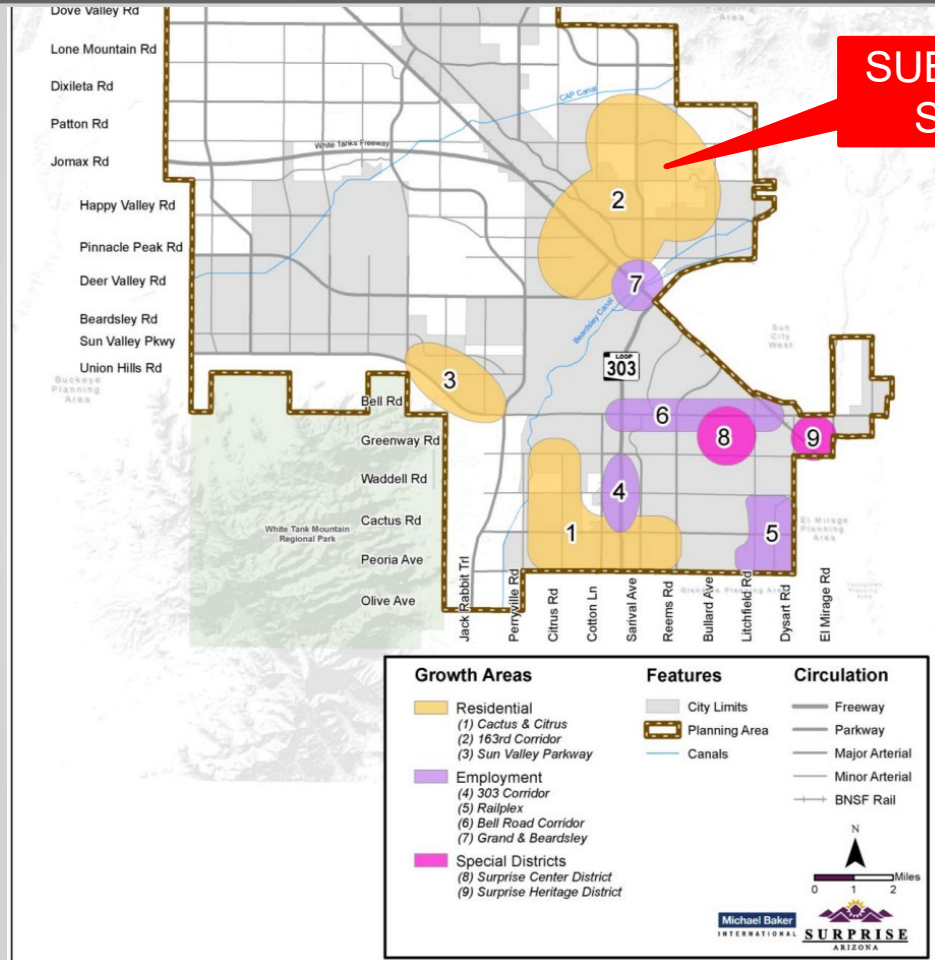
VICINITY MAP



EXISTING ZONING MAP

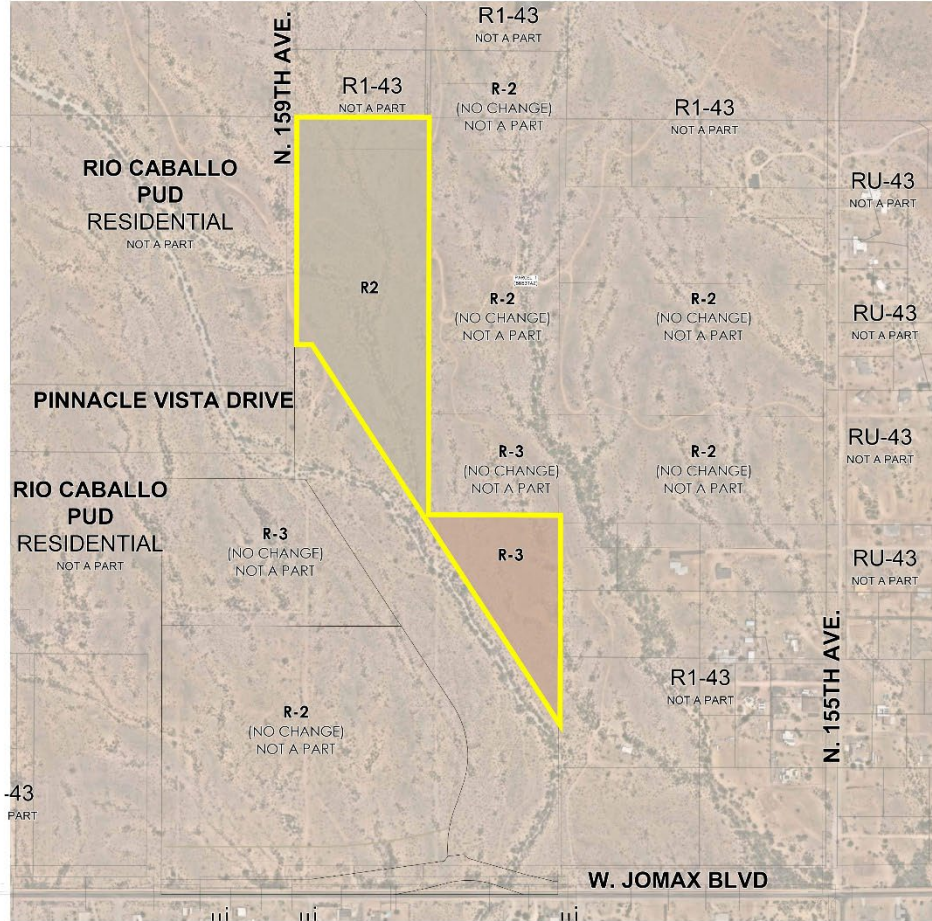


GENERAL PLAN LAND USE



SUBJECT SITE

GENERAL PLAN LAND USE



NOBELLA

Surprise, Arizona

APPROVED ZONING MAP

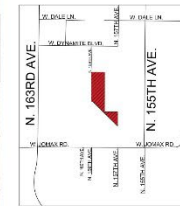
PROJECT DATA

GROSS ACRES: ± 31.46 AC.
 EXISTING CONDITION: UNDEVELOPED DESERT
 GENERAL PLAN DESIGN: NEIGHBORHOOD
 EXISTING ZONING: R-2 & R-3
 PROPOSED ZONING: R-3 ± 31.46 AC.

PROJECT DATA

- R-2 (MEDIUM / MEDIUM-LOW DENSITY RESIDENTIAL)
- R-3 (MEDIUM - HIGH DENSITY RESIDENTIAL)
- REZONE BOUNDARY (+/-31.46 Ac.)

VICINITY MAP



APPLICANT/ATTORNEY:

BERRY RIDDELL LLC.
 Wendy Riddell, Esq.
 6750 E. Camelback Road
 Suite 100
 Scottsdale, Arizona 85251
 wr@berryriddell.com
 480.385.2727

BERRY RIDDELL

DEVELOPER:

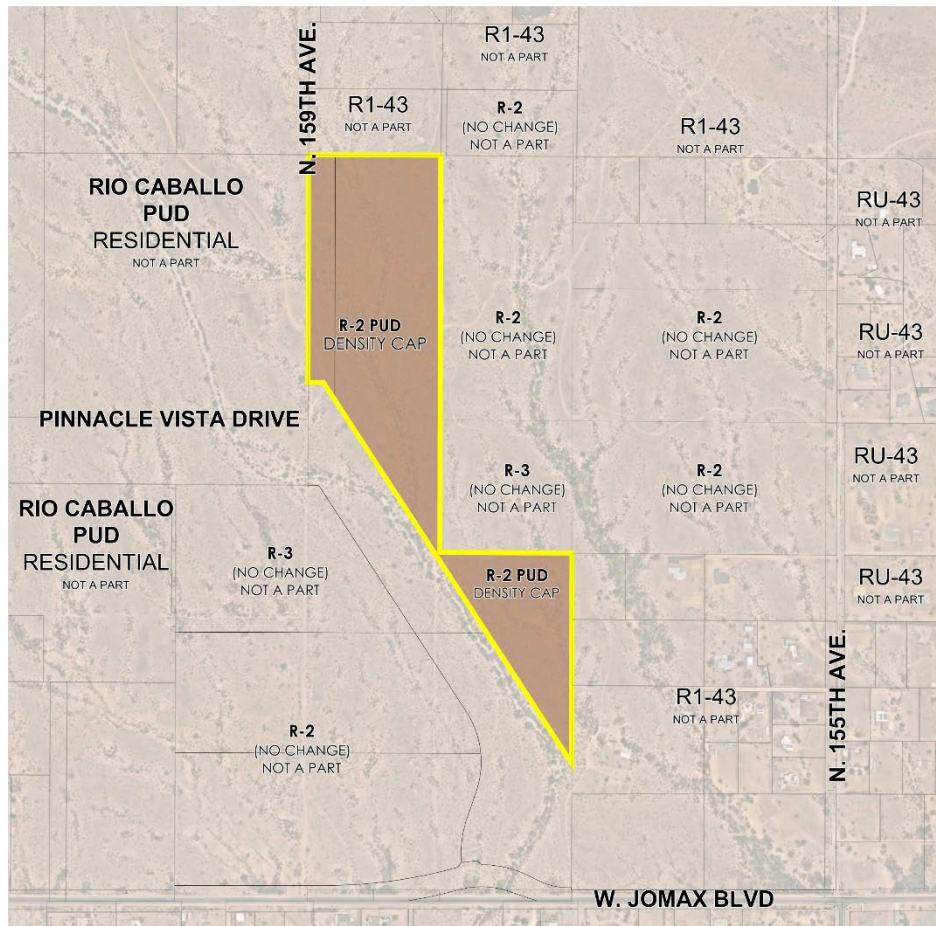
HINES
 Brandon Dillingham
 Managing Director
 2375 E. Camelback Road
 Suite 150
 Phoenix, Arizona 85016
 brandon.dillingham@hines.com
 602.385.4000

PLANNER:

SCAPEGOAT
 DESIGN STUDIO
 Jason N. Hadley, Principal
 7507 E. McDonald Dr. Suite #2
 Scottsdale, Arizona 85250
 jhadley@scapegoatds.com
 480.999.4400



EXISTING ZONING



NOBELLA

Surprise, Arizona

PROPOSED ZONING MAP

PROJECT DATA

REZONE ACRES: ± 31.46 AC.
 EXISTING CONDITION: UNDEVELOPED DESERT
 GENERAL PLAN DESIGN: NEIGHBORHOOD
 EXISTING ZONING: R-2 & R-3
 PROPOSED ZONING: R-2 PUD (± 31.46 AC.)

PROJECT DATA

R-2 PUD MEDIUM DENSITY (DENSITY CAP)
 REZONE BOUNDARY (± 31.46 AC.)

VICINITY MAP



APPLICANT/ATTORNEY:

BERRY RIDDELL, LLC.
 Wendy Riddell, Esq.
 6750 E. Camelback Road
 Suite 100
 Scottsdale, Arizona 85251
 wr@berryriddell.com
 480.385.2727

BERRY RIDDELL
 INC.

DEVELOPER:

HINES
 Brandon Dillingham
 Managing Director
 2375 E. Camelback Road
 Suite 150
 Phoenix, Arizona 85016
 brandon.dillingham@hines.com
 602.385.4000

Hines

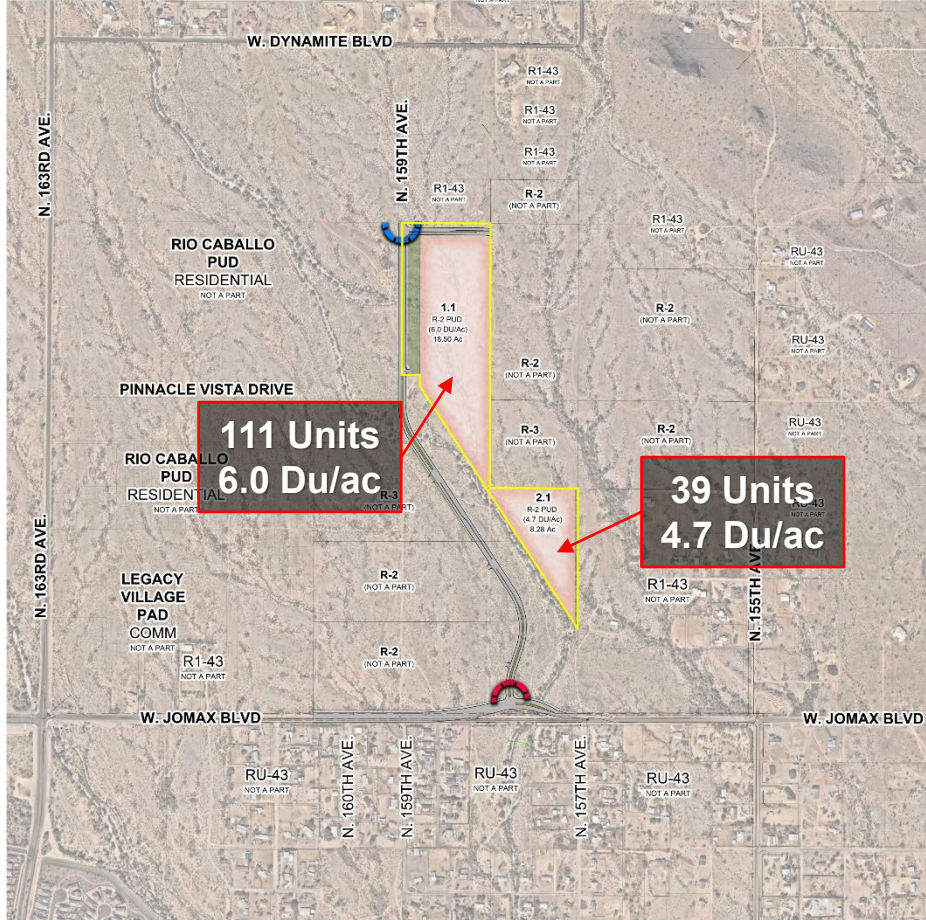
PLANNER:

SCAPEGOAT
 DESIGN STUDIO
 Jason N. Hadley, Principal
 7057 E. McDonald Dr., Suite #2
 Scottsdale, Arizona 85250
 jhadley@scapegoatds.com
 480.999.4400



North
 0' 200' 400' 800'
 Scale: 1" = 200'
 Date: 11/22/2023
 PROJECT NUMBER: 1231
 CASE FILE: FS23-0352

PROPOSED ZONING



NOBELLA

Surprise, Arizona

CONCEPTUAL SITE AND LAND USE PLAN

PROJECT DATA

REZONE ACRES:	± 31.46 AC.
EXISTING CONDITION:	UNDEVELOPED DESERT
GENERAL PLAN DESIGN:	NEIGHBORHOOD
EXISTING ZONING:	R-2 & R-3
PROPOSED ZONING:	R-2 PUD

LEGEND

	R-2 PUD MEDIUM DENSITY (6.0 DU/AC. CAP)
	R-2 PUD MEDIUM DENSITY (4.7 DU/AC. CAP)
	OPEN SPACE BUFFER
	REZONE BOUNDARY
	PRIMARY ENTRY
	SECONDARY ENTRY

VICINITY MAP



APPLICANT/ATTORNEY:

BERRY RIDDELL, LLC.
Wendy Riddell, Esq.
6750 E. Camelback Road
Suite 100
Scottsdale, Arizona 85251
wr@berryriddell.com
480.385.2727

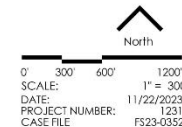
BERRY RIDDELL
INC.

DEVELOPER:

HINES
Brandon Dillingham
Managing Director
2375 E. Camelback Road
Suite 150
Phoenix, Arizona 85016
brandon.dillingham@hines.com
602.385.4000

PLANNER:

SCAPEGOAT
DESIGN STUDIO
Jason N. Hadley, Principal
7507 E. McDonald Dr., Suite #2
Scottsdale, Arizona 85250
jhadley@scapegoatds.com
480.999.4400



CONCEPTUAL LAND USE



DENSITY

Unit Redistribution

<u>Parcel</u>	<u>Approved Units</u>	<u>Requested Units</u>	<u>Change</u>
Parcel 1.1	70	111	+41
Parcel 2.1	81	39	-42

Density Changes

<u>Parcel</u>	<u>Approved</u>	<u>Requested</u>	<u>Change</u>
Parcel 1.1	3.8 du/ac	6.0 du/ac	+2.2 du/ac
Parcel 2.1	9.8 du/ac	4.7 du/ac	-5.1 du/ac

PUD DEVIATIONS

Table 106-2d—Residential Medium Density (R-2) Zoning District – PUD COMPARISON

Lot Categories	A ⁴	R-2 PUD		
General Plan compatibility	Urban	Urban		
Lot area (sf)	3,500—4,949	3,500—4,949		
Min. lot width (sf)	40	40		
Min. front setback ¹ (ft)	10	10		
Max. front setback (ft)	25	25		
Min. rear setback ¹ (ft)	10	10		
Min. side setback ¹ (ft)	5 & 7 ²	5 & 5 ²		
Min. street side setback ¹ (ft)	10	10		
Max. bldg. height (ft)	35	35		
Open space (% of gross acres of residential development) ³	25%	20%		

Notes:

1. *Garage* face and embellishments shall be *setback* a minimum of 20 feet measured from any opposing property line, except rear *alley* loaded *garages*, which shall be *setback* nine feet from *alley* edge line.

2. May be reduced to zero feet *setback* for *single-family dwellings* as *attached building* and separated by a *common wall* along the property line. End units must maintain the larger *setback*.

~~3. The city requires open space on a subdivision or development site basis rather than on a lot by lot basis. Subdivisions with more than one lot category will provide the higher percentage of open space.~~

~~4. Residential projects shall contain no more than 50 percent of lots less than 48 feet wide as calculated across whole subdivisions or preliminary plat and will include mitigating designs outline in Chapter 108 of this ordinance.~~



OUTREACH

Neighborhood Meetings:

September 18, 2023 & January 8, 2024

- Concerns:
 - Traffic
 - Density
 - Water & sewer
 - Product type & project timeline
 - School capacity



RECOMMENDATION

The P&Z Commission recommended Approval, subject to stipulations 'a' - 'g'.

The following stipulation was since added:

The subject site is within the benefitted area of the Visara Development Agreement. Prior to the City approving a Final Plat, Site Plan, or building permit within the property, applicant shall provide the City with a Notice of Payment for all applicable buy-in fees, all as described in the Visara Development Agreement (MCR# 2023062590).



SURPRISE
ARIZONA

QUESTIONS OR COMMENTS?

Thank You





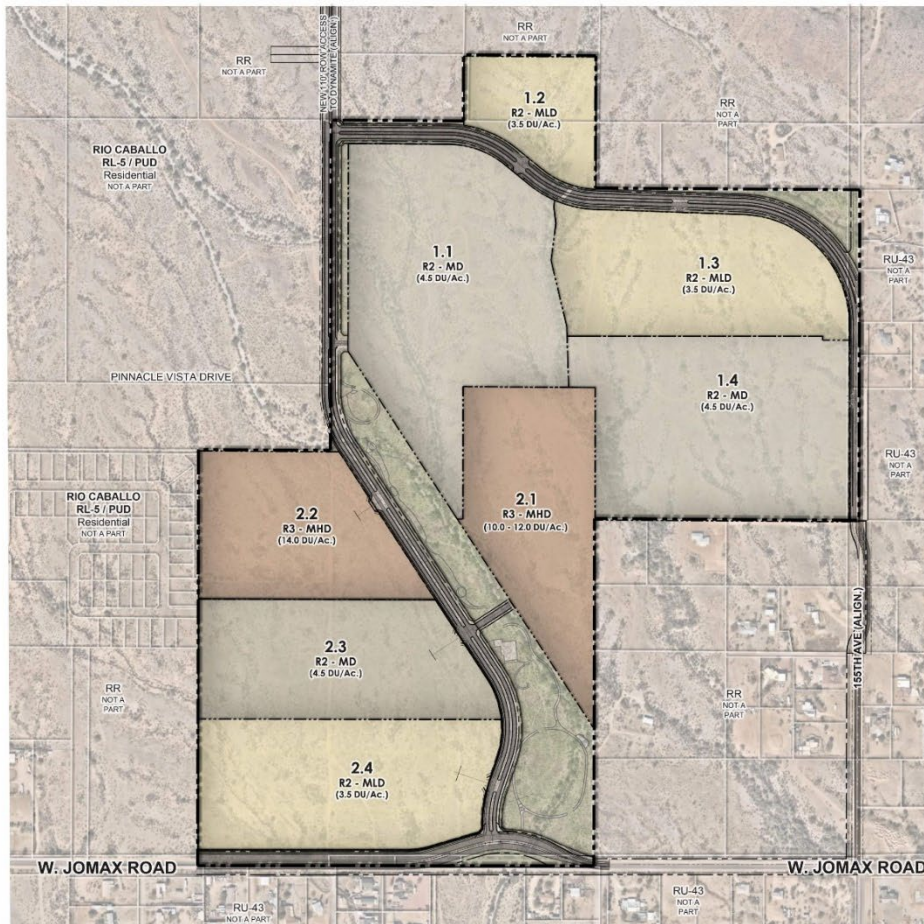
STIPULATIONS

- a. Development and use of the site shall be consistent with the rezone narrative entitled “Zoning Amendment PUD Narrative Nobella”, prepared by Berry Riddell LLC dated December 4, 2023.
- b. Applicant must submit proof of payment for sewer treatment capacity with final plat submittals.
- c. Applicant must submit proof of payment for SPA 2 Sewer Interceptor Agreement buy-in fee (MCR# 20090350621) prior to City approval of Final Plat.
- d. The granting of this change in use of the property has been at the request of the applicant, with the consent of the landowner. The granting of this approval allows the property to enjoy uses in excess of those permitted by the zoning existing on the date of application, subject to conditions. In the event of the failure to comply with any condition, the City Council may take appropriate action to revert the Property’s to the zoning to that zoning district that existed on the date of application. It is, therefore, stipulated and agreed that either reversion or revocation due to the failure to comply with any conditions, does not reduce any rights that existed on the date of application to use, divide, sell or possess the property and that there would be no diminution in value of the property from the value it held on the date of application due to such reversion or revocation of the Zone Change. The Zone Change enhances the value of the property above its value as of the date the Zone Change is granted and reverting to the prior zoning results in the same value of the property as if the Zone Change had never been granted.



STIPULATIONS

- e. The property owner/s and their successors waive claim for diminution in value if the City of Surprise takes action to rescind approval due to noncompliance with conditions.
 - f. A parking lot supporting the linear park shall be provided within Parcel 1.1. The parking lot will include ingress and egress on Nobella Parkway.
 - g. The subject site is within the benefitted area of the Visara Development Agreement. Prior to the City approving a Final Plat, Site Plan, or building permit within the property, applicant shall provide the City with a Notice of Payment for all applicable buy-in fees, all as described in the Visara Development Agreement (MCR# 2023062590).
 - h. Non-compliance with the stipulations of approval of this case will be treated as a violation in accordance with the applicable provisions of the Surprise Municipal Code.
- 



NOBELLA

Surprise, Arizona

CONCEPTUAL LAND USE PLAN

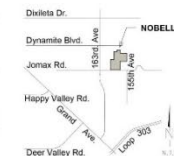
PROJECT DATA

GROSS ACRES	+/- 199.21 Acres
EXISTING CONDITION	UNDEVELOPED DESERT
GENERAL PLAN DESIG.	NEIGHBORHOOD
EXISTING ZONING	RR
PROPOSED ZONING	R-2 (+/- 143.64 Acres)
	R-3 (+/- 55.57 Acres)

LEGEND

R2	MEDIUM / LOW DENSITY	RESIDENTIAL	(3.0 - 4.0 DU/AC.)
R2	MEDIUM DENSITY	RESIDENTIAL	(4.0 - 5.0 DU/AC.)
R3	MEDIUM / HIGH DENSITY	RESIDENTIAL	(6.0 - 8.0 DU/AC.)
R3	MEDIUM HIGH DENSITY	RESIDENTIAL	(12.0 - 14.0 DU/AC.)
	COMMUNITY OPEN SPACE		
	PROJECT BOUNDARY		

VICINITY MAP



DEVELOPER:

Hines

Brandon Dillingham, Managing Director
2375 E. Camelback Road, Suite 150
Phoenix, Arizona 85016
brandon.dillingham@hines.com
602.385.4000

PLANNER:

Jason N. Hadley, Principal
4026 N. Miller Road, Suite 170
Scottsdale, Arizona 85251
jhadley@scapegoats.com
480.999.4400

North
0 200 400 800
SCALE: 1" = 200' - 0"
DATE: 02 / 14 / 2022
PROJECT NUMBER: 1231
FS CASE #: FS21-828

CONCEPTUAL LAND USE



NOBELLA

SURPRISE, ARIZONA

CONCEPTUAL LOTTING PLAN

PROJECT DATA

GROSS ACRES +/- 199.21 Acres
 EXISTING CONDITION UNDEVELOPED DESERT
 GENERAL PLAN DESIG. NEIGHBORHOOD
 EXISTING ZONING RR
 PROPOSED ZONING R-2 (+/- 138.68 Acres)
 R-3 (+/- 55.57 Acres)

LEGEND

R2	MEDIUM / LOW DENSITY	RESIDENTIAL	(3.0 - 4.0 DU/AC.)
R2	MEDIUM DENSITY	RESIDENTIAL	(4.0 - 5.0 DU/AC.)
R3	MEDIUM / HIGH DENSITY	RESIDENTIAL	(6.0 - 8.0 DU/AC.)
R3	MEDIUM / HIGH DENSITY	RESIDENTIAL	(12.0 - 14.0 DU/AC.)
	COMMUNITY OPEN SPACE		
	COMMUNITY TRAIL		
	PROJECT BOUNDARY		
	PRIMARY ENTRY		

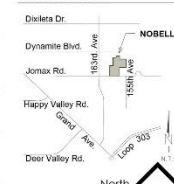
SITE DATA

PARCEL	GROSS AREA (Ac.)	ZONING	LOTS / UNITS PROVIDED	LOT SIZE	DENSITY (DU/AC.)	O.S. REQUIRED (Ac.)
1.1	31.11	R2 - MD	118	48' X 115'	3.79	6.22
1.2	7.90	R2 - MLD	15	60' X 120'	1.90	1.38
1.3	18.77	R2 - MLD	74	53' X 120'	4.05	3.75
1.4	25.34	R2 - MD	111	48' X 115'	4.38	5.07
TOTAL	83.12 Ac.		320		3.85 DU/AC.	16.42 Ac.
2.1	18.28	R3 - MHD	180	--	9.55	.62
2.2	16.97	R3 - MHD	238	--	14.00	.82
2.3	19.08	R2 - MHD	82	48' X 115'	4.30	3.82
2.4	21.93	R2 - MLD	77	60' X 120'	3.51	4.39
TOTAL	76.28 Ac.		577		7.58 DU/AC.	9.65 Ac.
R-2	124.15		479		3.86 DU/AC.	24.83
R-3	35.25		418		11.86 DU/AC.	1.44
TOTAL	159.40 Ac.		897		6.63 DU/AC.	26.27 Ac.

GROSS DENSITY

ROW	19.91
O.S.	19.90
TOTAL	199.21 Ac.
	R2 / R3
	897
	4.50 DU/AC.

VICINITY MAP



DEVELOPER:

Hines
 Brandon Dillingham, Managing Director
 2375 E. Camelback Road, Suite 150
 Phoenix, Arizona 85016
 brandon.dillingham@hines.com
 602.385.4000

PLANNER:

G Jason N. Hadley, Principal
 4026 N. Miller Road, Suite 100
 Scottsdale, Arizona 85251
 jhadley@scapagoats.com
 480.999.4400

SCALE: 1" = 200' - 0"
 DATE: 02 / 16 / 2022
 PROJECT NUMBER: 1231
 CASE FILE: CR-21-453

CONCEPTUAL LOTTING

SURPRISE, ARIZONA

CONCEPTUAL OPEN SPACE PLAN

PROJECT DATA

GROSS ACRES	+/- 199.21 Acres
EXISTING CONDITION	UNDEVELOPED DESERT
GENERAL PLAN DESIG.	NEIGHBORHOOD
EXISTING ZONING	RR
PROPOSED ZONING	R-2 (+/- 138.68 Acres) R-3 (+/- 55.57 Acres)

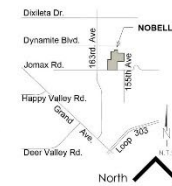
LEGEND

COMMUNITY OPEN SPACE
COMMUNITY TRAIL
PROJECT BOUNDARY

SITE DATA

PARCEL	GROSS AREA (Ac.)	ZONING	O.S. REQUIRED	O.S. REQUIRED (Ac.)	O.S. PROVIDED (Ac.)	O.S. PROVIDED (%)
1.1	31.11	R2 - MD	20%	6.22	7.31	24%
1.2	7.90	R2 - MD	20%	1.58	4.07	52%
1.3	17.77	R2 - MD	20%	3.75	3.47	19%
1.4	25.34	R3 - MD	20%	5.07	5.57	22%
TOTAL	83.12 Ac.			16.62 Ac.	20.56 Ac.	24%
2.1	18.28	R3 - MHD (150 S.F./DU)		.62	2.80	- -
2.2	16.97	R3 - MHD (150 S.F./DU)		.82	10.70	- -
2.3	19.08	R2 - MD	20%	3.82	2.08	58%
2.4	21.56	R2 - MD	20%	4.39	3.64	30%
TOTAL	76.28 Ac.			9.65 Ac.	24.79 Ac.	32%
R-2	154.15		20%	24.83	31.85	26%
R-3	35.25	(150 S.F./DU)		1.44	13.90	- -
TOTAL	199.40 Ac.			26.27 Ac.	45.35 Ac.	28%
ROW	19.91				19.90	
O.S.	19.90				19.90	
TOTAL	219.31 Ac.	R2 / R3		26.27 Ac.	65.25 Ac.	32%

VICINITY MAP



DEVELOPER:

Hines
Brandon Dillingham, Managing Director
2375 E. Camelback Road, Suite 150
Phoenix, Arizona 85016
brandon.dillingham@hines.com
602.385.4000

PLANNER:

 Jason N. Hadley, Principal
4026 N. Miller Road, Suite 100
Scottsdale, Arizona 85251
jhadley@scapegoatds.com
480.999.4400



CITY OF SURPRISE Regular City Council Meeting

Council Meeting Date: April 2, 2024

Contact Person: Andrea Davis, DIRECTOR -
FINANCE

Submitting Department: Finance

District: Citywide

Staff Recommendations:

Consent: No

Regular: No

Public Hearing: Yes

Report/Discussion: No

Agenda Wording:

Public hearing, presentation and discussion pertaining to the proposed development impact fees.

Motion:

None; discussion only.

Background:

In accordance with Arizona Revised Statutes (A.R.S.) §9-463.05, municipalities in Arizona may assess development impact fees (DIF) to offset growth-related infrastructure costs for necessary public services. The development fees must be based on Land Use Assumptions (LUA) and an Infrastructure Improvements Plan (IIP).

This public hearing provides an opportunity for the City to receive and consider comments from members of the public before City Council takes official action on the development impact fees on May 21, 2024.

Objective Analysis:

Updating development impact fees ensures compliance with state mandates and provides the City with resources to meet the demand for public services and infrastructure as the City grows.

Policy Compliant:

This item is consistent with City and Council policy.

Financial Impact:

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

Budget Impact:

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

FTE Impact:

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

ATTACHMENTS:

1. Notice of Intent and Public Hearing 2.21.24 FINAL
 2. Surprise LUA IIP & DRAFT Fees 02.20.24 Revised
-

Notice of Intent and Notice of Public Hearing on Development Impact Fees

Pursuant to Arizona Revised Statutes (A.R.S) § 9-463.05, public notice is hereby given that the City of Surprise intends to assess and discuss changes to development impact fees charged by the City and will hold a public hearing on the proposed development fees at the Regular City Council Meeting on Tuesday, April 2, 2024 at 6:00 p.m. in the Surprise City Council Chambers, 16000 N. Civic Center Plaza Surprise, AZ 85374.

The City Council will approve or disapprove changes to the City's development impact fees at the Regular City Council Meeting on Tuesday, May 21, 2024 at 6:00 p.m. in the Surprise City Council Chambers, 16000 N. Civic Center Plaza Surprise, AZ 85374.

A copy of the Land Use Assumptions (LUA) and Infrastructure Improvements Plan (IIP) adopted by City Council on Tuesday, February 20, 2024 is attached to this notice and also published on the City of Surprise's website at surpriseaz.gov/Notices.

**Land Use Assumptions,
Infrastructure Improvements Plan,
and DRAFT Development Fee Report**

**Prepared for:
Surprise, Arizona**

February 20, 2024



4701 Sangamore Road

Suite S240

Bethesda, MD 20816

301.320.6900

www.TischlerBise.com

[PAGE INTENTIONALLY LEFT BLANK]

TABLE OF CONTENTS

EXECUTIVE SUMMARY	1
ARIZONA DEVELOPMENT FEE ENABLING LEGISLATION	1
Necessary Public Services.....	1
Infrastructure Improvements Plan.....	2
Qualified Professionals	2
Conceptual Development Fee Calculation	3
Evaluation of Credits/Offsets	3
INTRODUCTION TO DEVELOPMENT FEES	3
REQUIRED FINDINGS	4
DEVELOPMENT FEE REPORT	5
DEVELOPMENT FEE COMPONENTS.....	6
CURRENT DEVELOPMENT FEES.....	7
SPA 1	7
SPA 2	8
SPA 3	8
SPA 4	8
SPA 5	9
PROPOSED DEVELOPMENT FEES.....	10
SPA 1	11
SPA 2	11
SPA 3	11
SPA 4	12
SPA 5	12
DIFFERENCE BETWEEN PROPOSED AND CURRENT DEVELOPMENT FEES	13
SPA 1	13
SPA 2	14
SPA 3	14
SPA 4	15
SPA 5	15
LAND USE ASSUMPTIONS.....	16
SUMMARY OF GROWTH INDICATORS	16
RESIDENTIAL DEVELOPMENT.....	18
Recent Residential Construction	18
Occupancy Factors	19
Residential Estimates	19
Residential Projections	20
NONRESIDENTIAL DEVELOPMENT.....	21
Nonresidential Demand Factors	21
Nonresidential Estimates	22
Nonresidential Projections	23
AVERAGE WEEKDAY VEHICLE TRIPS	24
Residential Trip Generation Rates	24
Nonresidential Trip Generation Rates	24
Trip Rate Adjustments	25
Commuter Trip Adjustment.....	25
Adjustment for Primary Trips.....	25
Average Weekday Vehicle Trip Estimate	26

Average Weekday Vehicle Trip Projections.....	27
DEVELOPMENT PROJECTIONS	28
FIRE FACILITIES.....	29
PROPORTIONATE SHARE.....	29
SERVICE AREA	29
RATIO OF SERVICE UNIT TO DEVELOPMENT UNIT	30
ANALYSIS OF CAPACITY, USAGE, AND COSTS OF EXISTING PUBLIC SERVICES.....	30
Fire Stations – Plan-Based.....	31
Fire Facilities – Plan-Based.....	33
Primary Apparatus – Incremental Expansion.....	35
Support Apparatus – Incremental Expansion.....	36
Development Fee Report – Plan-Based.....	37
Bond Credit	37
PROJECTED DEMAND FOR SERVICES AND COSTS	39
Fire Stations – Plan-Based.....	40
Fire Facilities – Plan-Based.....	41
Primary Apparatus – Incremental Expansion.....	42
Support Apparatus – Incremental Expansion.....	43
FIRE FACILITIES DEVELOPMENT FEES	43
Revenue Credit/Offset.....	43
Fire Facilities Development Fees.....	44
FIRE FACILITIES DEVELOPMENT FEE REVENUE.....	45
10-YEAR CAPITAL PLAN.....	46
PARKS AND RECREATIONAL FACILITIES IIP	47
PROPORTIONATE SHARE.....	47
SERVICE AREA	47
RATIO OF SERVICE UNIT TO DEVELOPMENT UNIT	48
ANALYSIS OF CAPACITY, USAGE, AND COSTS OF EXISTING PUBLIC SERVICES.....	48
Park Land – Incremental Expansion	49
Park Amenities – Incremental Expansion.....	51
Recreation Facilities – Incremental Expansion.....	53
Development Fee Report – Plan-Based.....	54
PROJECTED DEMAND FOR SERVICES AND COSTS	54
Park Land – Incremental Expansion	55
Park Amenities – Incremental Expansion.....	56
Recreation Facilities – Incremental Expansion.....	57
PARKS AND RECREATIONAL FACILITIES DEVELOPMENT FEES	57
Revenue Credit/Offset.....	57
Parks and Recreational Facilities Development Fees.....	58
PARKS AND RECREATIONAL FACILITIES DEVELOPMENT FEE REVENUE	59
10-YEAR CAPITAL PLAN.....	60
POLICE FACILITIES IIP	61
PROPORTIONATE SHARE.....	61
SERVICE AREA	62
RATIO OF SERVICE UNIT TO DEVELOPMENT UNIT	62
ANALYSIS OF CAPACITY, USAGE, AND COSTS OF EXISTING PUBLIC SERVICES.....	62
Police Facilities – Plan-Based.....	63
Police Facilities Land – Incremental Expansion.....	65
Police Vehicles – Incremental Expansion.....	66
Police Equipment – Incremental Expansion.....	68

Development Fee Report – Plan-Based.....	69
Bond Credit	69
PROJECTED DEMAND FOR SERVICES AND COSTS	71
Police Facilities – Plan-Based	72
Police Facilities Land – Incremental Expansion.....	73
Police Vehicles – Incremental Expansion.....	74
Police Equipment – Incremental Expansion.....	75
POLICE FACILITIES DEVELOPMENT FEES	75
Revenue Credit/Offset.....	75
Police Facilities Development Fees.....	76
POLICE FACILITIES DEVELOPMENT FEE REVENUE	77
10-YEAR CAPITAL PLAN.....	78
WATER FACILITIES IIP.....	79
PROPORTIONATE SHARE.....	79
SERVICE AREA	79
RATIO OF SERVICE UNIT TO DEVELOPMENT UNIT	81
ANALYSIS OF CAPACITY, USAGE, AND COSTS OF EXISTING PUBLIC SERVICES.....	82
Existing Demand	82
Wells.....	82
Other System Components	84
PROJECTED DEMAND FOR SERVICES AND COSTS	85
Projected Demand.....	85
SPA 1 – Cost Recovery / Plan-Based	86
SPA 2 – Plan-Based	87
SPA 3 – Plan-Based	88
Cost per Gallon.....	88
SPA 4 – Plan-Based	89
Development Fee Report – Plan-Based.....	89
WATER FACILITIES DEVELOPMENT FEES	89
Revenue Credit/Offset.....	89
SPA 1	90
SPA 2	91
SPA 3	92
SPA 4	93
WATER FACILITIES DEVELOPMENT FEE REVENUE.....	94
10-YEAR CAPITAL PLAN.....	95
WATER RESOURCE FACILITIES IIP	96
PROPORTIONATE SHARE.....	96
SERVICE AREA	96
RATIO OF SERVICE UNIT TO DEVELOPMENT UNIT	98
ANALYSIS OF CAPACITY, USAGE, AND COSTS OF EXISTING PUBLIC SERVICES.....	99
Existing Demand	100
PROJECTED DEMAND FOR SERVICES AND COSTS	100
Projected Demand.....	101
Water Resource – Plan-Based	101
Development Fee Report – Plan-Based.....	101
WATER RESOURCE FACILITIES DEVELOPMENT FEES	102
Revenue Credit/Offset.....	102
Water Resource Facilities Development Fees.....	102

WATER RESOURCE FACILITIES DEVELOPMENT FEE REVENUE	103
10-YEAR CAPITAL PLAN.....	104
WASTEWATER FACILITIES IIP	105
PROPORTIONATE SHARE.....	105
SERVICE AREA	105
RATIO OF SERVICE UNIT TO DEVELOPMENT UNIT	107
ANALYSIS OF CAPACITY, USAGE, AND COSTS OF EXISTING PUBLIC SERVICES.....	108
Existing Flow	108
Other System Components.....	109
PROJECTED DEMAND FOR SERVICES AND COSTS	109
Projected Flow	110
SPA 1 – Cost Recovery / Plan-Based	111
SPA 2 – Plan-Based	112
SPA 3 – Plan-Based	113
SPA 4 / SPA 5 – Plan-Based.....	114
Cost per Gallon.....	114
Development Fee Report – Plan-Based.....	114
WASTEWATER FACILITIES DEVELOPMENT FEES.....	114
Revenue Credit/Offset.....	114
SPA 1	115
SPA 2	116
SPA 3	117
SPA 4	118
SPA 5	119
WASTEWATER FACILITIES DEVELOPMENT FEE REVENUE	120
10-YEAR CAPITAL PLAN.....	121
APPENDIX A: FORECAST OF REVENUES OTHER THAN FEES.....	122
REVENUE PROJECTIONS.....	122
APPENDIX B: PROFESSIONAL SERVICES	124
APPENDIX C: LAND USE DEFINITIONS	125
RESIDENTIAL DEVELOPMENT.....	125
NONRESIDENTIAL DEVELOPMENT.....	126

EXECUTIVE SUMMARY

The City of Surprise, Arizona, contracted with TischlerBise to document land use assumptions, prepare the Infrastructure Improvements Plan (hereinafter referred to as the “IIP”), and update development fees pursuant to Arizona Revised Statutes (“ARS”) § 9-463.05 (hereafter referred to as the “Enabling Legislation”). Municipalities in Arizona may assess development fees to offset infrastructure costs to a municipality for necessary public services. The development fees must be based on an Infrastructure Improvements Plan and Land Use Assumptions. The IIP for each type of infrastructure is in the middle section of this document. The proposed development fees are displayed in the Development Fee Report in the next section.

Development fees are one-time payments used to construct system improvements needed to accommodate new development. The fee represents future development’s proportionate share of infrastructure costs. Development fees may be used for infrastructure improvements or debt service for growth related infrastructure. In contrast to general taxes, development fees may not be used for operations, maintenance, replacement, or correcting existing deficiencies. This update of Surprise’s Infrastructure Improvements Plan and associated update to its development fees includes the following necessary public services:

1. Fire Facilities
2. Parks and Recreational Facilities
3. Police Facilities
4. Water Facilities
5. Water Resource Facilities
6. Wastewater Facilities

This plan includes all necessary elements required to be in full compliance with the Enabling Legislation.

ARIZONA DEVELOPMENT FEE ENABLING LEGISLATION

The Enabling Legislation governs how development fees are calculated for municipalities in Arizona.

Necessary Public Services

Under the requirements of the Enabling Legislation, development fees may only be used for construction, acquisition or expansion of public facilities that are necessary public services. “Necessary public service” means any of the following categories of facilities that have a life expectancy of three or more years and that are owned and operated on behalf of the municipality: water, wastewater, storm water, library, street, fire, police, and parks and recreational. Additionally, a necessary public service includes any facility that was financed before June 1, 2011, and that meets the following requirements:

1. Development fees were pledged to repay debt service obligations related to the construction of the facility.
2. After August 1, 2014, any development fees collected are used solely for the payment of principal and interest on the portion of the bonds, notes, or other debt service obligations issued before June 1, 2011, to finance construction of the facility.

Infrastructure Improvements Plan

Development fees must be calculated pursuant to an IIP. For each necessary public service that is the subject of a development fee, by law, the IIP shall include the following seven elements:

1. A description of the existing necessary public services in the service area and the costs to update, improve, expand, correct or replace those necessary public services to meet existing needs and usage and stricter safety, efficiency, environmental or regulatory standards, which shall be prepared by qualified professionals licensed in this state, as applicable.
2. An analysis of the total capacity, the level of current usage and commitments for usage of capacity of the existing necessary public services, which shall be prepared by qualified professionals licensed in this state, as applicable.
3. A description of all or the parts of the necessary public services or facility expansions and their costs necessitated by and attributable to development in the service area based on the approved Land Use Assumptions, including a forecast of the costs of infrastructure, improvements, real property, financing, engineering and architectural services, which shall be prepared by qualified professionals licensed in this state, as applicable.
4. A table establishing the specific level or quantity of use, consumption, generation or discharge of a service unit for each category of necessary public services or facility expansions and an equivalency or conversion table establishing the ratio of a service unit to various types of land uses, including residential, commercial, and industrial.
5. The total number of projected service units necessitated by and attributable to new development in the service area based on the approved Land Use Assumptions and calculated pursuant to generally accepted engineering and planning criteria.
6. The projected demand for necessary public services or facility expansions required by new service units for a period not to exceed ten years.
7. A forecast of revenues generated by new service units other than development fees, which shall include estimated state-shared revenue, highway users revenue, federal revenue, ad valorem property taxes, construction contracting or similar excise taxes and the capital recovery portion of utility fees attributable to development based on the approved Land Use Assumptions and a plan to include these contributions in determining the extent of the burden imposed by the development.

Qualified Professionals

The IIP must be developed by qualified professionals using generally accepted engineering and planning practices. A qualified professional is defined as “a professional engineer, surveyor, financial analyst or planner providing services within the scope of the person’s license, education, or experience.” TischlerBise is a fiscal, economic, and planning consulting firm specializing in the cost of growth services. Our services include development fees, fiscal impact analysis, infrastructure financing analyses, user fee/cost of service studies, capital improvement plans, and fiscal software. TischlerBise has prepared over 800 development fee studies over the past 30 years for local governments across the United States.

Conceptual Development Fee Calculation

In contrast to project-level improvements, development fees fund growth-related infrastructure that will benefit multiple development projects, or the entire service area (usually referred to as system improvements). The first step is to determine an appropriate demand indicator for the particular type of infrastructure. The demand indicator measures the number of service units for each unit of development. For example, an appropriate indicator of the demand for parks is population growth and the increase in population can be estimated from the average number of persons per housing unit. The second step in the development fee formula is to determine infrastructure improvement units per service unit, typically called level-of-service (LOS) standards. In keeping with the park example, a common LOS standard is improved park acres per thousand people. The third step in the development fee formula is the cost of various infrastructure units. To complete the park example, this part of the formula would establish a cost per acre for land acquisition and/ or park amenities.

Evaluation of Credits/Offsets

Regardless of the methodology, a consideration of credits/offsets is integral to the development of a legally defensible development fee. There are two types of credits/offsets that should be addressed in development fee studies and ordinances. The first is a revenue credit/offset due to possible double payment situations, which could occur when other revenues may contribute to the capital costs of infrastructure covered by the development fee. This type of credit/offset is integrated into the fee calculation, thus reducing the fee amount. The second is a site-specific credit or developer reimbursement for dedication of land or construction of system improvements. This type of credit is addressed in the administration and implementation of the development fee program. For ease of administration, TischlerBise normally recommends developer reimbursements for system improvements.

INTRODUCTION TO DEVELOPMENT FEES

Development fees are one-time payments used to fund capital improvements necessitated by future development. Development fees have been utilized by local governments in various forms for at least fifty years. Development fees do have limitations and should not be regarded as the total solution for infrastructure financing needs. Rather, they should be considered one component of a comprehensive portfolio to ensure adequate provision of public facilities with the goal of maintaining current levels of service in a community. Any community considering facility fees should note the following limitations:

- 1) Fees can only be used to finance capital infrastructure and cannot be used to finance ongoing operations and / or maintenance and rehabilitation costs.
- 2) Fees cannot be deposited in the General Fund. The funds must be accounted for separately in individual accounts and earmarked for the capital expenses for which they were collected.
- 3) Fees cannot be used to correct existing infrastructure deficiencies unless there is a funding plan in place to correct the deficiency for all current residents and businesses in the community.

REQUIRED FINDINGS

There are three reasonable relationship requirements for development fees that are closely related to “rational nexus” or “reasonable relationship” requirements enunciated by a number of state courts. Although the term “dual rational nexus” is often used to characterize the standard by which courts evaluate the validity of development fees under the U. S. Constitution, we prefer a more rigorous formulation that recognizes three elements: “impact or need,” “benefit,” and “proportionality.” The dual rational nexus test explicitly addresses only the first two, although proportionality is reasonably implied, and was specifically mentioned by the U.S. Supreme Court in the *Dolan* case. The reasonable relationship language of the statute is considered less strict than the rational nexus standard used by many courts. Individual elements of the nexus standard are discussed further in the following paragraphs.

Demonstrating an Impact. All future development in a community creates additional demands on some, or all, public facilities provided by local government. If the supply of facilities is not increased to satisfy that additional demand, the quality or availability of public services for the entire community will deteriorate. Development fees may be used to recover the cost of development-related facilities, but only to the extent that the need for facilities is a consequence of development that is subject to the fees. The *Nollan* decision reinforced the principle that development exactions may be used only to mitigate conditions created by the developments upon which they are imposed. That principle clearly applies to development fees. In this study, the impact of development on improvement needs is analyzed in terms of quantifiable relationships between various types of development and the demand for specific facilities, based on applicable level-of-service standards.

Demonstrating a Benefit. A sufficient benefit relationship requires that development fee revenues be segregated from other funds and expended only on the facilities for which the fees were charged. Fees must be expended in a timely manner and the facilities funded by the fees must serve the development paying the fees. However, nothing in the U.S. Constitution or the State enabling Act authorizing development fees requires that facilities funded with fee revenues be available *exclusively* to development paying the fees. In other words, existing development may benefit from these improvements as well.

Procedures for the earmarking and expenditure of fee revenues are typically mandated by the State Enabling Legislation, as are procedures to ensure that the fees are expended expeditiously or refunded. All requirements are intended to ensure that developments benefit from the fees they are required to pay. Thus, an adequate showing of benefit must address procedural as well as substantive issues.

Demonstrating Proportionality. The requirement that exactions be proportional to the impacts of development was clearly stated by the U.S. Supreme Court in the *Dolan* case (although the relevance of that decision to development fees has been debated) and is logically necessary to establish a proper nexus. Proportionality is established through the procedures used to identify development-related facility costs, and in the methods used to calculate development fees for various types of facilities and categories of development. The demand for facilities is measured in terms of relevant and measurable attributes of development.

DEVELOPMENT FEE REPORT

Development fees for the necessary public services made necessary by new development must be based on the same level of service (LOS) provided to existing development in the service area. There are three basic methodologies used to calculate development fees. They examine the past, present, and future status of infrastructure. The objective of evaluating these different methodologies is to determine the best measure of the demand created by new development for additional infrastructure capacity. Each methodology has advantages and disadvantages in a particular situation and can be used simultaneously for different cost components.

Reduced to its simplest terms, the process of calculating development fees involves two main steps: (1) determining the cost of development-related capital improvements and (2) allocating those costs equitably to various types of development. In practice, though, the calculation of development fees can become quite complicated because of the many variables involved in defining the relationship between development and the need for facilities within the designated service area. The following paragraphs discuss basic methodologies for calculating development fees and how those methodologies can be applied.

- **Cost Recovery** (past improvements) - The rationale for recoupment, often called cost recovery, is that new development is paying for its share of the useful life and remaining capacity of facilities already built, or land already purchased, from which new growth will benefit. This methodology is often used for utility systems that must provide adequate capacity before new development can take place.
- **Incremental Expansion** (concurrent improvements) - The incremental expansion methodology documents current LOS standards for each type of public facility, using both quantitative and qualitative measures. This approach assumes there are no existing infrastructure deficiencies or surplus capacity in infrastructure. New development is only paying its proportionate share for growth-related infrastructure. Revenue will be used to expand or provide additional facilities, as needed, to accommodate new development. An incremental expansion cost method is best suited for public facilities that will be expanded in regular increments to keep pace with development.
- **Plan-Based** (future improvements) - The plan-based methodology allocates costs for a specified set of improvements to a specified amount of development. Improvements are typically identified in a long-range facility plan and development potential is identified by a land use plan. There are two basic options for determining the cost per demand unit: (1) total cost of a public facility can be divided by total demand units (average cost), or (2) the growth-share of the public facility cost can be divided by the net increase in demand units over the planning timeframe (marginal cost).

DEVELOPMENT FEE COMPONENTS

Shown below, Figure 1 summarizes service areas, methodologies, and infrastructure cost components.

Figure 1: Proposed Development Fee Service Areas, Methodologies, and Cost Components

Necessary Public Service	Service Area	Cost Recovery	Incremental Expansion	Plan-Based	Cost Allocation
Fire Facilities	Citywide	N/A	Primary Apparatus, Secondary Apparatus	Fire Stations, Fire Facilities, Development Fee Report	Population, Vehicle Trips
Parks and Recreational Facilities	Citywide	N/A	Park Land, Park Amenities, Recreation Facilities	Development Fee Report	Population, Jobs
Police Facilities	Citywide	N/A	Police Facilities Land, Police Vehicles, Police Equipment	Police Facilities, Development Fee Report	Population, Vehicle Trips
Water Facilities	SPA 1	Water Infrastructure	N/A	Water Infrastructure, Development Fee Report	Average Day Gallons
	SPA 2	N/A	N/A	Water Infrastructure, Development Fee Report	Average Day Gallons
	SPA 3	N/A	N/A	Water Infrastructure, Development Fee Report	Average Day Gallons
	SPA 4	N/A	N/A	Water Infrastructure, Development Fee Report	Average Day Gallons
Water Resource Facilities	Citywide	N/A	N/A	Water Resource, Development Fee Report	Acre-Feet
Wastewater Facilities	SPA 1	Wastewater Infrastructure	N/A	Wastewater Infrastructure, Development Fee Report	Average Day Gallons
	SPA 2	N/A	N/A	Wastewater Infrastructure, Development Fee Report	Average Day Gallons
	SPA 3	N/A	N/A	Wastewater Infrastructure, Development Fee Report	Average Day Gallons
	SPA 4	N/A	N/A	Wastewater Infrastructure, Development Fee Report	Average Day Gallons
	SPA 5	N/A	N/A	Wastewater Infrastructure, Development Fee Report	Average Day Gallons

CURRENT DEVELOPMENT FEES

Current development fees are assessed per dwelling unit for residential development and per 1,000 square feet of floor area for nonresidential development. Current development fees for water, water resource, and wastewater are assessed by meter size.

Figure 2: Current Development Fees by Development Type

Residential Fees per Unit					
Development Type	Fire	Parks & Recreational	Police	General Government	Total
Single Family	\$789	\$1,060	\$385	\$208	\$2,442
Multi-Family	\$481	\$647	\$235	\$143	\$1,506
Mobile Home	\$442	\$594	\$216	\$132	\$1,384

Nonresidential Fees per 1,000 Square Feet					
Development Type	Fire	Parks & Recreational	Police	General Government	Total
Industrial	\$166	\$32	\$81	\$49	\$328
Warehouse	\$95	\$32	\$46	\$28	\$201
Retail/Commercial	\$876	\$32	\$427	\$261	\$1,596
Office	\$497	\$74	\$243	\$148	\$962
Public/Institutional	\$308	\$85	\$150	\$92	\$635

SPA 1

Figure 3: Current Development Fees by Meter Size

Fees per Meter - SPA 1				
Meter Size	Water	Water Resource	Wastewater	Current Fees
0.75-inch	\$2,985	\$2,279	\$2,192	\$7,456
1.00-inch	\$4,985	\$3,806	\$3,661	\$12,452
1.50-inch	\$9,940	\$7,589	\$7,299	\$24,828
2.00-inch	\$15,910	\$12,147	\$11,683	\$39,740
3.00-inch	\$31,850	\$24,317	\$23,389	\$79,556
4.00-inch	\$49,760	\$37,991	\$36,541	\$124,292
6.00-inch	\$99,490	\$75,959	\$73,059	\$248,508
8.00-inch	\$159,190	\$121,539	\$116,899	\$397,628

SPA 2

Figure 4: Current Development Fees by Meter Size

Fees per Meter - SPA 2				
Meter Size	Water	Water Resource	Wastewater	Current Fees
0.75-inch	\$2,836	\$2,279	\$2,544	\$7,659
1.00-inch	\$4,736	\$3,806	\$4,248	\$12,790
1.50-inch	\$9,444	\$7,589	\$8,472	\$25,505
2.00-inch	\$15,116	\$12,147	\$13,560	\$40,823
3.00-inch	\$30,260	\$24,317	\$27,144	\$81,721
4.00-inch	\$47,276	\$37,991	\$42,408	\$127,675
6.00-inch	\$94,524	\$75,959	\$84,792	\$255,275
8.00-inch	\$151,244	\$121,539	\$135,672	\$408,455

SPA 3

Figure 5: Current Development Fees by Meter Size

Fees per Meter - SPA 3				
Meter Size	Water	Water Resource	Wastewater	Current Fees
0.75-inch	\$2,486	\$2,279	\$0	\$4,765
1.00-inch	\$4,152	\$3,806	\$0	\$7,958
1.50-inch	\$8,278	\$7,589	\$0	\$15,867
2.00-inch	\$13,250	\$12,147	\$0	\$25,397
3.00-inch	\$26,526	\$24,317	\$0	\$50,843
4.00-inch	\$41,442	\$37,991	\$0	\$79,433
6.00-inch	\$82,858	\$75,959	\$0	\$158,817
8.00-inch	\$132,578	\$121,539	\$0	\$254,117

SPA 4

Figure 6: Current Development Fees by Meter Size

Fees per Meter - SPA 4				
Meter Size	Water	Water Resource	Wastewater	Current Fees
0.75-inch	\$0	\$2,279	\$0	\$2,279
1.00-inch	\$0	\$3,806	\$0	\$3,806
1.50-inch	\$0	\$7,589	\$0	\$7,589
2.00-inch	\$0	\$12,147	\$0	\$12,147
3.00-inch	\$0	\$24,317	\$0	\$24,317
4.00-inch	\$0	\$37,991	\$0	\$37,991
6.00-inch	\$0	\$75,959	\$0	\$75,959
8.00-inch	\$0	\$121,539	\$0	\$121,539

SPA 5

Figure 7: Current Development Fees by Meter Size

Fees per Meter - SPA 5				
Meter Size	Water	Water Resource	Wastewater	Current Fees
0.75-inch	\$0	\$2,279	\$0	\$2,279
1.00-inch	\$0	\$3,806	\$0	\$3,806
1.50-inch	\$0	\$7,589	\$0	\$7,589
2.00-inch	\$0	\$12,147	\$0	\$12,147
3.00-inch	\$0	\$24,317	\$0	\$24,317
4.00-inch	\$0	\$37,991	\$0	\$37,991
6.00-inch	\$0	\$75,959	\$0	\$75,959
8.00-inch	\$0	\$121,539	\$0	\$121,539

PROPOSED DEVELOPMENT FEES

Proposed development fees will be assessed per dwelling unit for residential development and per 1,000 square feet of floor area for nonresidential development. Proposed development fees for water, water resource, and wastewater will be assessed by meter size.

The proposed fees represent the maximum allowable fees. Surprise may adopt fees that are less than the amounts shown; however, a reduction in development fee revenue will necessitate an increase in other revenues, a decrease in planned capital improvements, and/or a decrease in level-of-service standards. All costs in the Development Fee Report represent current dollars with no assumed inflation over time. If costs change significantly over time, development fees should be recalculated.

Calculations throughout this report are based on an analysis conducted using Excel software. Most results are discussed in the report using two, three, and four decimal places, which represent rounded figures. However, the analysis itself uses figures carried to their ultimate decimal places; therefore, the sums and products generated in the analysis may not equal the sum or product if the reader replicates the calculation with the factors shown in the report (due to the rounding of figures shown, not in the analysis).

Figure 8: Proposed Development Fees by Development Type

Residential Fees per Unit					
Development Type	Fire	Parks & Recreational	Police	General Government ¹	Total
Single Family	\$1,737	\$1,800	\$581	\$208	\$4,326
Multi-Family	\$1,064	\$1,102	\$356	\$143	\$2,665
Mobile Home	\$734	\$760	\$245	\$132	\$1,871

Nonresidential Fees per 1,000 Square Feet					
Development Type	Fire	Parks & Recreational	Police	General Government ¹	Total
Industrial	\$394	\$115	\$275	\$49	\$833
Warehouse	\$200	\$34	\$140	\$28	\$402
Retail/Commercial	\$2,381	\$211	\$1,662	\$261	\$4,515
Office	\$1,141	\$324	\$796	\$148	\$2,409
Public/Institutional	\$790	\$203	\$551	\$92	\$1,636

1. Grandfathered fee not calculated in this report

SPA 1

Figure 9: Proposed Development Fees by Meter Size

Fees per Meter - SPA 1				
Meter Size	Water	Water Resource	Wastewater	Proposed Fees
0.75-inch ¹	\$5,325	\$3,649	\$4,481	\$13,455
1.00-inch	\$8,892	\$6,093	\$7,484	\$22,469
1.50-inch	\$17,732	\$12,150	\$14,923	\$44,805
2.00-inch	\$28,381	\$19,448	\$23,886	\$71,715
3.00-inch	\$56,816	\$38,932	\$47,817	\$143,565
4.00-inch	\$88,764	\$60,824	\$74,705	\$224,293
6.00-inch	\$177,476	\$121,611	\$149,365	\$448,452
8.00-inch	\$283,972	\$194,585	\$238,993	\$717,550

1. Includes meters smaller than 0.75 inches

SPA 2

Figure 10: Proposed Development Fees by Meter Size

Fees per Meter - SPA 2				
Meter Size	Water	Water Resource	Wastewater	Proposed Fees
0.75-inch ¹	\$5,296	\$3,649	\$9,003	\$17,948
1.00-inch	\$8,844	\$6,093	\$15,035	\$29,972
1.50-inch	\$17,636	\$12,150	\$29,979	\$59,765
2.00-inch	\$28,228	\$19,448	\$47,984	\$95,660
3.00-inch	\$56,508	\$38,932	\$96,059	\$191,499
4.00-inch	\$88,284	\$60,824	\$150,075	\$299,183
6.00-inch	\$176,516	\$121,611	\$300,060	\$598,187
8.00-inch	\$282,436	\$194,585	\$480,114	\$957,135

1. Includes meters smaller than 0.75 inches

SPA 3

Figure 11: Proposed Development Fees by Meter Size

Fees per Meter - SPA 3				
Meter Size	Water	Water Resource	Wastewater	Proposed Fees
0.75-inch ¹	\$3,142	\$3,649	\$9,108	\$15,899
1.00-inch	\$5,248	\$6,093	\$15,210	\$26,551
1.50-inch	\$10,464	\$12,150	\$30,329	\$52,943
2.00-inch	\$16,749	\$19,448	\$48,544	\$84,741
3.00-inch	\$33,529	\$38,932	\$97,179	\$169,640
4.00-inch	\$52,384	\$60,824	\$151,825	\$265,033
6.00-inch	\$104,736	\$121,611	\$303,560	\$529,907
8.00-inch	\$167,584	\$194,585	\$485,714	\$847,883

1. Includes meters smaller than 0.75 inches

SPA 4

Figure 12: Proposed Development Fees by Meter Size

Fees per Meter - SPA 4				
Meter Size	Water	Water Resource	Wastewater	Proposed Fees
0.75-inch ¹	\$2,966	\$3,649	\$9,190	\$15,805
1.00-inch	\$4,954	\$6,093	\$15,347	\$26,394
1.50-inch	\$9,878	\$12,150	\$30,601	\$52,629
2.00-inch	\$15,811	\$19,448	\$48,981	\$84,240
3.00-inch	\$31,651	\$38,932	\$98,053	\$168,636
4.00-inch	\$49,450	\$60,824	\$153,191	\$263,465
6.00-inch	\$98,870	\$121,611	\$306,289	\$526,770
8.00-inch	\$158,198	\$194,585	\$490,081	\$842,864

1. Includes meters smaller than 0.75 inches

SPA 5

Figure 13: Proposed Development Fees by Meter Size

Fees per Meter - SPA 5				
Meter Size	Water	Water Resource	Wastewater	Proposed Fees
0.75-inch ¹	-	\$3,649	\$9,190	\$12,839
1.00-inch	-	\$6,093	\$15,347	\$21,440
1.50-inch	-	\$12,150	\$30,601	\$42,751
2.00-inch	-	\$19,448	\$48,981	\$68,429
3.00-inch	-	\$38,932	\$98,053	\$136,985
4.00-inch	-	\$60,824	\$153,191	\$214,015
6.00-inch	-	\$121,611	\$306,289	\$427,900
8.00-inch	-	\$194,585	\$490,081	\$684,666

1. Includes meters smaller than 0.75 inches

DIFFERENCE BETWEEN PROPOSED AND CURRENT DEVELOPMENT FEES

This section of the report includes the differences between the proposed and current development fees.

Figure 14: Difference Between Proposed and Current Development Fees by Development Type

Residential Fees per Unit					
Development Type	Fire	Parks & Recreational	Police	General Government	Difference
Single Family	\$948	\$740	\$196	\$0	\$1,884
Multi-Family	\$583	\$455	\$121	\$0	\$1,159
Mobile Home	\$292	\$166	\$29	\$0	\$487

Nonresidential Fees per 1,000 Square Feet					
Development Type	Fire	Parks & Recreational	Police	General Government	Difference
Industrial	\$228	\$83	\$194	\$0	\$505
Warehouse	\$105	\$2	\$94	\$0	\$201
Retail/Commercial	\$1,505	\$179	\$1,235	\$0	\$2,919
Office	\$644	\$250	\$553	\$0	\$1,447
Public/Institutional	\$482	\$118	\$401	\$0	\$1,001

SPA 1

Figure 15: Difference Between Proposed and Current Development Fees by Meter Size

Fees per Meter - SPA 1				
Meter Size	Water	Water Resource	Wastewater	Difference
0.75-inch ¹	\$2,340	\$1,370	\$2,289	\$5,999
1.00-inch	\$3,907	\$2,287	\$3,823	\$10,017
1.50-inch	\$7,792	\$4,561	\$7,624	\$19,977
2.00-inch	\$12,471	\$7,301	\$12,203	\$31,975
3.00-inch	\$24,966	\$14,615	\$24,428	\$64,009
4.00-inch	\$39,004	\$22,833	\$38,164	\$100,001
6.00-inch	\$77,986	\$45,652	\$76,306	\$199,944
8.00-inch	\$124,782	\$73,046	\$122,094	\$319,922

1. Includes meters smaller than 0.75 inches

SPA 2

Figure 16: Difference Between Proposed and Current Development Fees by Meter Size

Fees per Meter - SPA 2				
Meter Size	Water	Water Resource	Wastewater	Difference
0.75-inch ¹	\$2,460	\$1,370	\$6,459	\$10,289
1.00-inch	\$4,108	\$2,287	\$10,787	\$17,182
1.50-inch	\$8,192	\$4,561	\$21,507	\$34,260
2.00-inch	\$13,112	\$7,301	\$34,424	\$54,837
3.00-inch	\$26,248	\$14,615	\$68,915	\$109,778
4.00-inch	\$41,008	\$22,833	\$107,667	\$171,508
6.00-inch	\$81,992	\$45,652	\$215,268	\$342,912
8.00-inch	\$131,192	\$73,046	\$344,442	\$548,680

1. Includes meters smaller than 0.75 inches

SPA 3

Figure 17: Difference Between Proposed and Current Development Fees by Meter Size

Fees per Meter - SPA 3				
Meter Size	Water	Water Resource	Wastewater	Difference
0.75-inch ¹	\$656	\$1,370	\$9,108	\$11,134
1.00-inch	\$1,096	\$2,287	\$15,210	\$18,593
1.50-inch	\$2,186	\$4,561	\$30,329	\$37,076
2.00-inch	\$3,499	\$7,301	\$48,544	\$59,344
3.00-inch	\$7,003	\$14,615	\$97,179	\$118,797
4.00-inch	\$10,942	\$22,833	\$151,825	\$185,600
6.00-inch	\$21,878	\$45,652	\$303,560	\$371,090
8.00-inch	\$35,006	\$73,046	\$485,714	\$593,766

1. Includes meters smaller than 0.75 inches

SPA 4

Figure 18: Difference Between Proposed and Current Development Fees by Meter Size

Fees per Meter - SPA 4				
Meter Size	Water	Water Resource	Wastewater	Difference
0.75-inch ¹	\$2,966	\$1,370	\$9,190	\$13,526
1.00-inch	\$4,954	\$2,287	\$15,347	\$22,588
1.50-inch	\$9,878	\$4,561	\$30,601	\$45,040
2.00-inch	\$15,811	\$7,301	\$48,981	\$72,093
3.00-inch	\$31,651	\$14,615	\$98,053	\$144,319
4.00-inch	\$49,450	\$22,833	\$153,191	\$225,474
6.00-inch	\$98,870	\$45,652	\$306,289	\$450,811
8.00-inch	\$158,198	\$73,046	\$490,081	\$721,325

1. Includes meters smaller than 0.75 inches

SPA 5

Figure 19: Difference Between Proposed and Current Development Fees by Meter Size

Fees per Meter - SPA 5				
Meter Size	Water	Water Resource	Wastewater	Difference
0.75-inch ¹	-	\$1,370	\$9,190	\$10,560
1.00-inch	-	\$2,287	\$15,347	\$17,634
1.50-inch	-	\$4,561	\$30,601	\$35,162
2.00-inch	-	\$7,301	\$48,981	\$56,282
3.00-inch	-	\$14,615	\$98,053	\$112,668
4.00-inch	-	\$22,833	\$153,191	\$176,024
6.00-inch	-	\$45,652	\$306,289	\$351,941
8.00-inch	-	\$73,046	\$490,081	\$563,127

1. Includes meters smaller than 0.75 inches

LAND USE ASSUMPTIONS

Arizona's Development Fee Act requires the preparation of Land Use Assumptions, which are defined in Arizona Revised Statutes § 9-463.05(T)(6) as:

“projections of changes in land uses, densities, intensities and population for a specified service area over a period of at least ten years and pursuant to the General Plan of the municipality.”

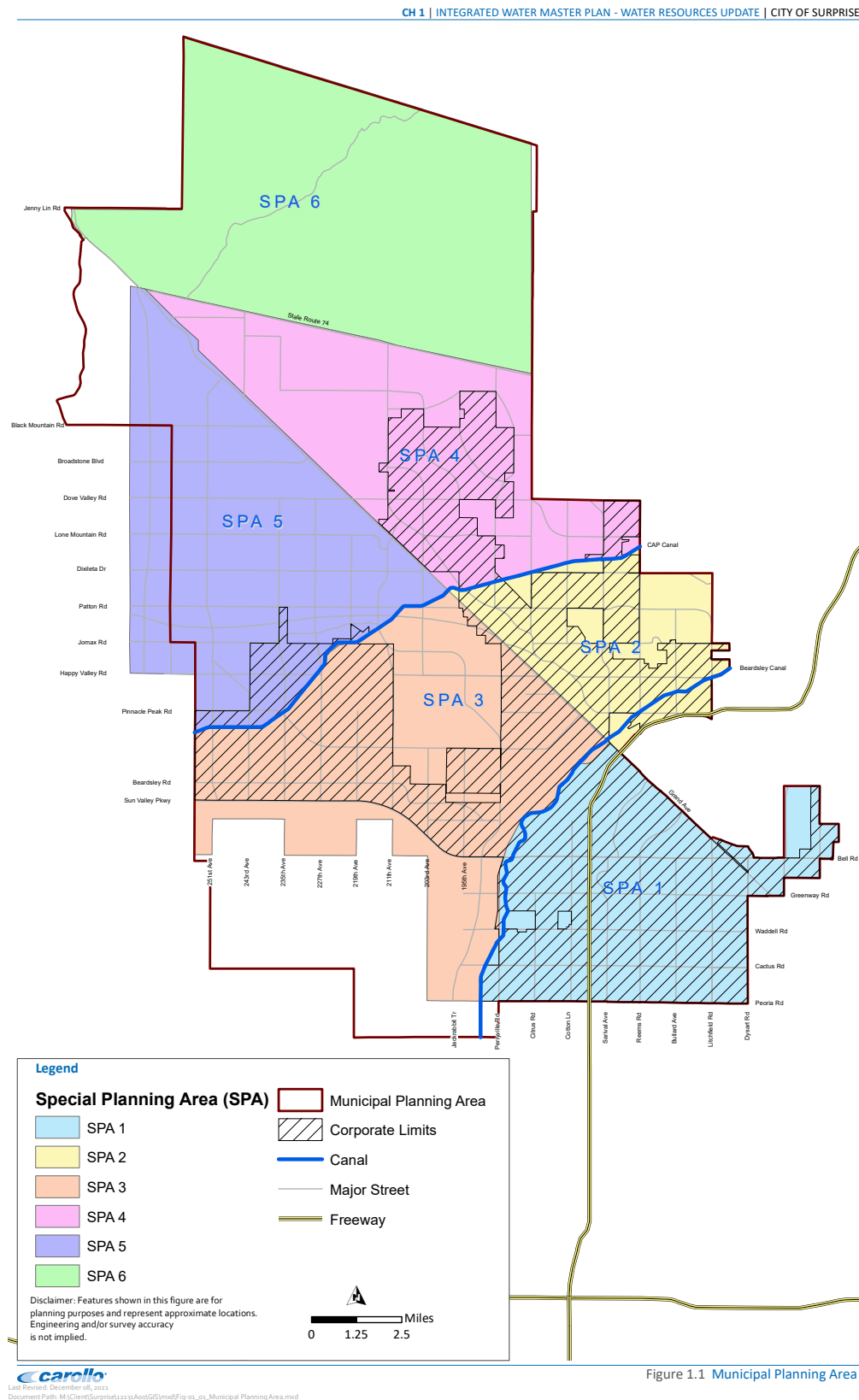
The estimates and projections of residential and nonresidential development in this Land Use Assumptions document are for all areas within Surprise. The current demographic estimates and future development projections will be used in the Infrastructure Improvements Plan (IIP) and in the calculation of development fees. Current demographic data estimates for 2023 are used in calculating levels of service (LOS) provided to existing development in Surprise. Arizona's Enabling Legislation requires fees to be updated at least every five years and limits the IIP to a maximum of 10 years.

The Infrastructure Improvements Plan (IIP) and the Development Fee Report include multiple service areas. The Fire Facilities IIP, the Parks and Recreational Facilities IIP, and the Police Facilities IIP use a citywide service area. The service area for the Water Facilities IIP, the Water Resource Facilities IIP, and the Wastewater Facilities IIP is shown in Figure L1.

SUMMARY OF GROWTH INDICATORS

Key land use assumptions include population, housing units, and employment projections. TischlerBise projects future development using data provided by the Maricopa Association of Governments (MAG). Development projections are summarized in Figure L13. These projections will be used to estimate fee revenue and to indicate the anticipated need for growth-related infrastructure. However, development fee methodologies are designed to reduce sensitivity to development projections in the determination of the proportionate share fee amounts. If actual development occurs at a slower rate than projected, fee revenue will decline, but so will the need for growth-related infrastructure. In contrast, if development occurs at a faster rate than anticipated, fee revenue will increase, but Surprise will also need to accelerate infrastructure improvements to keep pace with the actual rate of development. During the next 10 years, residential development projections indicate a population increase of 83,656 persons in 35,921 housing units, and nonresidential development projections indicate an employment increase of 16,444 jobs in approximately 8,542,000 square feet of floor area.

Figure L1: Utility Development Impact Fee Service Area



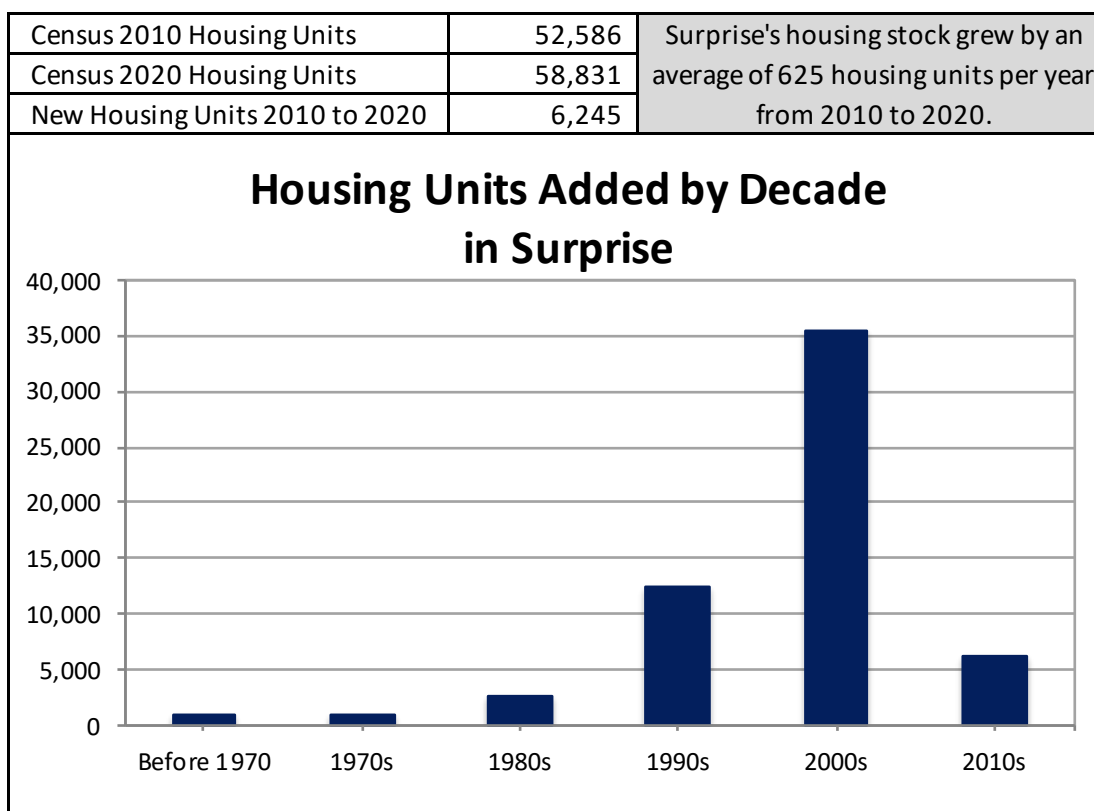
RESIDENTIAL DEVELOPMENT

This section details current estimates and future projections of residential development including population and housing units.

Recent Residential Construction

Development fees require an analysis of current levels of service. For residential development, current levels of service are determined using estimates of population and housing units. Shown below, Figure L2 indicates the estimated number of housing units added by decade according to data obtained from the U.S. Census Bureau. In the previous decade, Surprise's housing stock grew by an average of 625 housing units per year.

Figure L2: Housing Units by Decade



Source: U.S. Census Bureau, Census 2020 Summary File 1, Census 2010 Summary File 1, 2017-2021 5-Year American Community Survey (for 2000s and earlier, adjusted to yield total units in 2010).

Occupancy Factors

According to the U.S. Census Bureau, a household is a housing unit occupied by year-round residents. Development fees often use per capita standards and persons per housing unit (PPHU) or persons per household (PPH) to derive proportionate share fee amounts. When fee calculations use PPHU, infrastructure standards are derived using year-round population. When fee calculations use PPH, the development fee methodology assumes a higher percentage of housing units will be occupied, thus requiring seasonal or peak population to be used when deriving infrastructure standards. TischlerBise recommends that development fees for residential development use persons per housing unit.

Residential development fees group housing units into three categories. Single-family units include detached and attached units. Multi-family units include duplexes and structures with two or more units on an individual parcel of land. Mobile home units include mobile homes and recreational vehicles. Figure L3 below shows the occupancy estimates for Surprise based on 2017-2021 American Community Survey 5-Year Estimates. Single-family units averaged 2.58 persons per housing unit, multi-family units averaged 1.58 persons per housing unit, and mobile home units averaged 1.09 persons per housing unit. The estimates shown below are used only to calculate occupancy factors and may not match population and housing unit estimates shown throughout this report.

Figure L3: Occupancy Factors

Housing Type	Persons	Households	Persons per Household	Housing Units	Persons per Housing Unit	Housing Mix	Vacancy Rate
Single Family ¹	130,567	46,291	2.82	50,626	2.58	86.6%	8.56%
Multi-Family ²	7,708	4,089	1.89	4,865	1.58	8.3%	15.95%
Mobile Home ³	3,256	1,825	1.78	2,992	1.09	5.1%	39.00%
Total	141,531	52,205	2.71	58,483	2.42	100.0%	10.73%

Source: U.S. Census Bureau, 2017-2021 American Community Survey 5-Year Estimates

1. Includes detached and attached (i.e., townhouses) units.
2. Includes dwellings in structures with two or more units.
3. Includes mobile homes and RV units.

Residential Estimates

According to estimates published by the U.S. Census Bureau, Surprise's 2020 population included 141,758 persons living in 58,831 housing units. The Maricopa Association of Governments (MAG) released updated socioeconomic projections in June 2023. Using traffic analysis zone (TAZ) data provided by MAG, and occupancy factors shown in Figure L3, existing residential development in 2023 included 172,866 persons living in 73,013 housing units.

Figure L4: Residential Estimates

Surprise, Arizona	2020	2023
	Census ¹	Base Year
Population	141,758	172,866
Housing Units	58,831	73,013

1. U.S. Census Bureau, 2020
2. TischlerBise calculation using Maricopa Association of Governments (MAG) housing unit projections and ACS occupancy factors.

Residential Projections

Population and housing unit projections illustrate the possible future pace of service demands, revenues, and expenditures. To the extent these factors change, the projected need for infrastructure will also change. If development occurs at a faster rate than projected, the demand for infrastructure will increase at a corresponding rate. If development occurs at a slower rate than projected, the demand for infrastructure will decrease at a corresponding rate. For this study, the analysis assumes the occupancy factors shown in Figure L3 will remain constant throughout the 10-year projection period.

TischlerBise projects residential development using housing unit data provided by the Maricopa Association of Governments (MAG) and data provided by Community Development Department staff (multi-family development in SPA 1 and SPA 2 only). To project housing units from 2023 to 2030, TischlerBise applies a straight-line projection from MAG 2020 housing unit estimates to MAG 2030 housing unit projections. To project housing units from 2030 to 2033, TischlerBise applies a straight-line projection from MAG 2030 housing unit projections to MAG 2040 housing unit projections. For multi-family development in SPA 1 and SPA 2, the analysis uses data provided by Community Development Department staff (instead of MAG data) that reflects multi-family development currently in the development pipeline. Based on these assumptions, 10-year projections include an increase of 35,921 housing units.

To convert housing units to population, the analysis multiplies occupancy factors shown in Figure L3 to the housing unit projections shown below. For example, the 10-year increase of 27,023 single-family units multiplied by 2.58 persons per housing unit equals 69,718 persons in new single-family units. Based on these assumptions, the 10-year projections include an increase of 83,656 persons.

Figure L5: Residential Projections

Surprise, Arizona	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	10-Year Increase
	Base	1	2	3	4	5	6	7	8	9	10	
Population												
Single-Family	153,323	160,839	168,354	175,870	183,386	190,901	198,417	205,932	211,636	217,339	223,042	69,718
Multi-Family	16,194	17,552	18,910	20,268	21,626	22,984	24,342	25,700	27,087	28,474	29,862	13,667
Mobile Home	3,349	3,378	3,407	3,436	3,465	3,494	3,523	3,552	3,575	3,597	3,619	270
Total	172,866	181,769	190,671	199,574	208,477	217,380	226,282	235,185	242,297	249,410	256,522	83,656
Housing Units												
Single-Family	59,934	62,847	65,760	68,673	71,586	74,499	77,412	80,325	82,536	84,746	86,957	27,023
Multi-Family	9,973	10,833	11,692	12,552	13,411	14,271	15,130	15,990	16,868	17,746	18,624	8,650
Mobile Home	3,106	3,133	3,159	3,186	3,213	3,239	3,266	3,293	3,313	3,333	3,354	248
Total	73,013	76,813	80,612	84,411	88,210	92,010	95,809	99,608	102,717	105,825	108,934	35,921

NONRESIDENTIAL DEVELOPMENT

This section details current estimates and future projections of nonresidential development including jobs and nonresidential floor area.

Nonresidential Demand Factors

TischlerBise uses the term jobs to refer to employment by place of work. In Figure L6, gray shading indicates the nonresidential development prototypes used to derive employment densities. For nonresidential development, TischlerBise uses data published in Trip Generation, Institute of Transportation Engineers, 11th Edition (2021). The prototype for industrial development is Industrial Park (ITE 130) with 864 square feet of floor area per employee. For warehouse development, the proxy is Warehousing (ITE 150) with 2,953 square feet of floor area per employee. Public/institutional development uses Nursing Home (ITE 620) with 490 square feet of floor area per employee. For office development, the proxy is General Office (ITE 710) with 307 square feet of floor area per employee. The prototype for retail/commercial development is Shopping Center (ITE 820) with 471 square feet of floor area per employee.

Figure L6: Nonresidential Demand Units

ITE Code	Land Use / Size	Demand Unit	Wkdy Trip Ends Per Dmd Unit ¹	Wkdy Trip Ends Per Employee ¹	Employees per Dmd Unit	Square Feet Per Employee
110	Light Industrial	1,000 Sq Ft	4.87	3.10	1.57	637
130	Industrial Park	1,000 Sq Ft	3.37	2.91	1.16	864
140	Manufacturing	1,000 Sq Ft	4.75	2.51	1.89	528
150	Warehousing	1,000 Sq Ft	1.71	5.05	0.34	2,953
310	Hotel	room	7.99	14.34	0.56	na
520	Elementary School	student	2.27	22.50	0.10	na
525	High School	student	1.94	21.95	0.09	na
540	Community College	student	1.15	14.61	0.08	na
565	Day Care	student	4.09	21.38	0.19	na
610	Hospital	1,000 Sq Ft	10.77	3.77	2.86	350
620	Nursing Home	1,000 Sq Ft	6.75	3.31	2.04	490
710	General Office (avg size)	1,000 Sq Ft	10.84	3.33	3.26	307
720	Medical-Dental Office	1,000 Sq Ft	36.00	8.71	4.13	242
730	Government Office	1,000 Sq Ft	22.59	7.45	3.03	330
750	Office Park	1,000 Sq Ft	11.07	3.54	3.13	320
760	Research & Dev Center	1,000 Sq Ft	11.08	3.37	3.29	304
770	Business Park	1,000 Sq Ft	12.44	4.04	3.08	325
820	Shopping Center (avg size)	1,000 Sq Ft	37.01	17.42	2.12	471

1. Trip Generation, Institute of Transportation Engineers, 11th Edition (2021).

Nonresidential Estimates

The Maricopa Association of Governments (MAG) released updated socioeconomic projections in June 2023. According to MAG estimates, site-based employment included 22,366 jobs in 2020. According to data provided by the Maricopa County Tax Assessor, nonresidential development included 20,327,059 square feet of floor area in 2020. To estimate employment in 2023, TischlerBise applied a straight-line projection from MAG 2020 employment estimates to MAG 2030 employment projections. To estimate nonresidential floor area in 2023, TischlerBise used a combination of recently completed projects and ITE employment density factors. For 2023, projected nonresidential development includes 27,035 jobs and 25,386,225 square feet of nonresidential floor area.

Figure L7: Nonresidential Estimates

Industry Type	2020 Jobs ¹	Percent of Total Jobs	2020 Estimated Floor Area ²
Industrial	1,864	8%	822,847
Warehouse	389	2%	4,423,342
Retail/Commercial	11,555	52%	6,670,736
Office	5,739	26%	2,056,628
Public/Institutional	2,819	13%	6,353,506
Total	22,366	100%	20,327,059

1. Socioeconomic Projections (June 2023), Maricopa Association of Governments (MAG).

2. Maricopa County Tax Assessor, 2020.

Industry Type	2023 Jobs ¹	Percent of Total Jobs	2023 Estimated Floor Area ¹
Industrial	2,603	10%	2,097,956
Warehouse	542	2%	5,332,128
Retail/Commercial	12,309	46%	7,380,433
Office	7,920	29%	3,396,615
Public/Institutional	3,661	14%	7,179,094
Total	27,035	100%	25,386,225

1. TischlerBise estimate.

Nonresidential Projections

Employment and floor area projections are used to illustrate the possible future pace of service demands, revenues, and expenditures. To the extent these factors change, the projected need for infrastructure will also change. If development occurs at a more rapid rate than projected, the demand for infrastructure will increase at a corresponding rate. If development occurs at a slower rate than projected, the demand for infrastructure will also decrease.

TischlerBise projects nonresidential development using employment data, by development type, provided by the Maricopa Association of Governments (MAG). To project employment from 2023 to 2030, TischlerBise applies a straight-line projection from MAG 2020 employment estimates to MAG 2030 employment projections. To project employment from 2030 to 2033, TischlerBise applies a straight-line projection from MAG 2030 employment projections to MAG 2040 employment projections. Based on these assumptions, 10-year projections include an increase of 16,444 jobs citywide. To convert employment to nonresidential floor area, the analysis multiplies nonresidential demand factors shown in Figure L6 by the employment projections shown below. For example, the 10-year increase of 2,245 industrial jobs multiplied by 864 square feet per industrial job equals approximately 1,938,000 square feet of additional industrial development. Based on these assumptions, 10-year projections include an increase of approximately 8,542,000 square feet of nonresidential floor area citywide.

Figure L8: Nonresidential Projections

Surprise, Arizona	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	10-Year
	Base	1	2	3	4	5	6	7	8	9	10	Increase
Employment												
Industrial	2,603	2,849	3,095	3,341	3,587	3,833	4,079	4,326	4,500	4,673	4,847	2,245
Warehouse	542	594	645	696	748	799	850	901	938	974	1,010	468
Retail/Commercial	12,309	12,560	12,812	13,063	13,314	13,565	13,817	14,068	14,541	15,014	15,486	3,178
Office	7,920	8,647	9,374	10,101	10,828	11,555	12,282	13,009	13,950	14,890	15,831	7,911
Public/Institutional	3,661	3,941	4,222	4,503	4,783	5,064	5,344	5,625	5,852	6,078	6,305	2,644
Total	27,035	28,591	30,148	31,704	33,260	34,816	36,373	37,929	39,779	41,629	43,479	16,444
Nonres. Sq Ft (x1,000)												
Industrial	2,098	2,310	2,523	2,736	2,948	3,161	3,373	3,586	3,736	3,886	4,036	1,938
Warehouse	5,332	5,484	5,635	5,787	5,938	6,089	6,241	6,392	6,499	6,606	6,714	1,381
Retail/Commercial	7,380	7,499	7,617	7,735	7,854	7,972	8,090	8,208	8,431	8,653	8,876	1,496
Office	3,397	3,620	3,843	4,067	4,290	4,513	4,737	4,960	5,249	5,538	5,827	2,430
Public/Institutional	7,179	7,317	7,454	7,592	7,729	7,867	8,005	8,142	8,253	8,364	8,475	1,296
Total	25,386	26,229	27,073	27,916	28,759	29,602	30,445	31,289	32,168	33,048	33,928	8,542

AVERAGE WEEKDAY VEHICLE TRIPS

Surprise will use average weekday vehicle trips (AWVT) for fire facilities fees and police facilities fees. Components used to determine AWVT include average weekday vehicle trip generation rates, adjustments for commuting patterns, and adjustments for pass-by trips.

Residential Trip Generation Rates

For residential development, TischlerBise uses trip generation rates published in Trip Generation, Institute of Transportation Engineers, 11th Edition (2021). For single-family development, the proxy is Single Family Detached Housing (ITE 210), and this type of development generates 9.43 average weekday vehicle trip ends per unit. For multi-family development, the proxy is Multifamily Housing Low-Rise (ITE 220), and this type of development generates 6.74 average weekday vehicle trip ends per unit. For mobile home development, the proxy is Mobile Home Park (ITE 240), and this type of development generates 7.12 average weekday vehicle trip ends per unit.

Nonresidential Trip Generation Rates

For nonresidential development, TischlerBise uses trip generation rates published in Trip Generation, Institute of Transportation Engineers, 11th Edition (2021). The prototype for industrial development is Industrial Park (ITE 130) which generates 3.37 average weekday vehicle trip ends per 1,000 square feet of floor area. For warehouse development, the proxy is Warehousing (ITE 150), and it generates 1.71 average weekday vehicle trip ends per 1,000 square feet of floor area. Public/institutional development uses Nursing Home (ITE 620) and generates 6.75 average weekday vehicle trip ends per 1,000 square feet of floor area. For office development, the proxy is General Office (ITE 710), and it generates 10.84 average weekday vehicle trip ends per 1,000 square feet of floor area. The prototype for retail/commercial development is Shopping Center (ITE 820) which generates 37.01 average weekday vehicle trips per 1,000 square feet of floor area.

Figure L9: Average Weekday Vehicle Trip Ends by Land Use

ITE Code	Land Use / Size	Demand Unit	Wkdy Trip Ends Per Dmd Unit ¹	Wkdy Trip Ends Per Employee ¹	Employees per Dmd Unit	Square Feet Per Employee
110	Light Industrial	1,000 Sq Ft	4.87	3.10	1.57	637
130	Industrial Park	1,000 Sq Ft	3.37	2.91	1.16	864
140	Manufacturing	1,000 Sq Ft	4.75	2.51	1.89	528
150	Warehousing	1,000 Sq Ft	1.71	5.05	0.34	2,953
310	Hotel	room	7.99	14.34	0.56	na
565	Day Care	student	4.09	21.38	0.19	na
610	Hospital	1,000 Sq Ft	10.77	3.77	2.86	350
620	Nursing Home	1,000 Sq Ft	6.75	3.31	2.04	490
710	General Office (avg size)	1,000 Sq Ft	10.84	3.33	3.26	307
720	Medical-Dental Office	1,000 Sq Ft	36.00	8.71	4.13	242
730	Government Office	1,000 Sq Ft	22.59	7.45	3.03	330
750	Office Park	1,000 Sq Ft	11.07	3.54	3.13	320
760	Research & Dev Center	1,000 Sq Ft	11.08	3.37	3.29	304
770	Business Park	1,000 Sq Ft	12.44	4.04	3.08	325
820	Shopping Center (avg size)	1,000 Sq Ft	37.01	17.42	2.12	471

1. Trip Generation, Institute of Transportation Engineers, 11th Edition (2021).

Trip Rate Adjustments

To calculate vehicle trips, trip generation rates require an adjustment factor to avoid double counting each trip at both the origin and destination points. Therefore, the trip adjustment factor is 50 percent.

Commuter Trip Adjustment

Residential development has a larger trip adjustment factor of 64 percent to account for commuters leaving Surprise for work. According to the 2009 National Household Travel Survey (see Table 30) weekday work trips are typically 31 percent of production trips (i.e., all out-bound trips, which are 50 percent of all trip ends). As shown in Figure L10, the U.S. Census Bureau's OnTheMap web application indicates 90 percent of resident workers traveled outside of Surprise for work in 2019. In combination, these factors ($0.31 \times 0.50 \times 0.90 = 0.14$) support the additional 14 percent allocation of trips to residential development.

Figure L10: Commuter Trip Adjustment

Trip Adjustment Factor for Commuters	
Employed Residents	55,711
Residents Living and Working in Surprise	5,624
Residents Commuting Outside Surprise for Work	50,087
Percent Commuting out of Surprise	90%
Additional Production Trips ¹	14%
Residential Trip Adjustment Factor	64%

Source: U.S. Census Bureau, OnTheMap Application (version 6.8.1) and LEHD Origin-Destination Employment Statistics, 2019.

1. According to the National Household Travel Survey (2009)*, published in December 2011 (see Table 30), home-based work trips are typically 30.99 percent of "production" trips, in other words, out-bound trips (which are 50 percent of all trip ends). Also, LED OnTheMap data from 2019 indicate that 90 percent of Surprise's workers travel outside the city for work. In combination, these factors ($0.3099 \times 0.50 \times 0.90 = 0.139$) account for 14 percent of additional production trips. The total adjustment factor for residential includes attraction trips (50 percent of trip ends) plus the journey-to-work commuting adjustment (14 percent of production trips) for a total of 64 percent.

*<http://nhts.ornl.gov/publications.shtml> ; Summary of Travel Trends - Table "Daily Travel Statistics by Weekday vs. Weekend"

Adjustment for Primary Trips

For retail/commercial and office development, the primary trip factor is less than 100 percent because these types of development attract vehicles as they pass by on arterial and collector roads. For example, when someone stops at a convenience store on the way home from work, the convenience store is not the primary destination. For retail/commercial development, ITE data indicate 45 percent of the vehicles that enter are passing by on their way to some other primary destination. The remaining 55 percent of attraction trips have the retail/commercial site as their primary destination. Because attraction trips are half of all trips, the retail/commercial trip adjustment factor is 55 percent multiplied by 50 percent, or approximately 28 percent of the trip ends. For office development, 90 percent of attraction trips are assumed to be primary trips based on detailed studies conducted as part of Tindale-Oliver 2016 Hillsborough County Mobility Fee Study. Because attraction trips are half of all trips, the office trip adjustment factor is 90 percent multiplied by 50 percent, or 45 percent of the trip ends.

Average Weekday Vehicle Trip Estimate

Shown below in Figure L11, multiplying average weekday vehicle trip ends and trip adjustment factors (discussed on the previous page) by Surprise's existing development units provides the average weekday vehicle trips generated by existing development. As shown below, Surprise's existing citywide development generates 542,897 vehicle trips on an average weekday.

Figure L11: Average Weekday Vehicle Trips by Land Use

Development Type	Development Unit	ITE Code	Avg Wkday VTE	Trip Adjustment	2023 Dev Units	2023 Veh Trips
Single Family	HU	210	9.43	64%	59,934	361,715
Multi-Family	HU	220	6.74	64%	9,973	43,021
Mobile Home	HU	240	7.12	64%	3,106	14,153
Industrial	KSF	130	3.37	50%	2,098	3,535
Warehouse	KSF	150	1.71	50%	5,332	4,559
Retail/Commercial	KSF	820	37.01	28%	7,380	75,116
Office	KSF	710	10.84	45%	3,397	16,569
Public/Institutional	KSF	620	6.75	50%	7,179	24,229
Total						542,897

Average Weekday Vehicle Trip Projections

Shown below, Figure L12 includes a projection of citywide vehicle trips. TischlerBise uses the nonresidential projections shown below for the fire and police service areas.

Figure L12: Average Weekday Vehicle Trip Projections

Surprise, Arizona		Base	1	2	3	4	5	6	7	8	9	10	10-Year
		2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	Increase
Development	Single Family Units	59,934	62,847	65,760	68,673	71,586	74,499	77,412	80,325	82,536	84,746	86,957	27,023
	Multi-Family Units	9,973	10,833	11,692	12,552	13,411	14,271	15,130	15,990	16,868	17,746	18,624	8,650
	Mobile Home Units	3,106	3,133	3,159	3,186	3,213	3,239	3,266	3,293	3,313	3,333	3,354	248
	Industrial KSF	2,098	2,310	2,523	2,736	2,948	3,161	3,373	3,586	3,736	3,886	4,036	1,938
	Warehouse KSF	5,332	5,484	5,635	5,787	5,938	6,089	6,241	6,392	6,499	6,606	6,714	1,381
	Retail/Commercial KSF	7,380	7,499	7,617	7,735	7,854	7,972	8,090	8,208	8,431	8,653	8,876	1,496
	Office KSF	3,397	3,620	3,843	4,067	4,290	4,513	4,737	4,960	5,249	5,538	5,827	2,430
	Public/Institutional KSF	7,179	7,317	7,454	7,592	7,729	7,867	8,005	8,142	8,253	8,364	8,475	1,296
Average Weekday Vehicle Trips	Single-Family Trips	361,715	379,295	396,876	414,457	432,037	449,618	467,199	484,779	498,120	511,461	524,802	163,087
	Multi-Family Trips	43,021	46,729	50,436	54,144	57,851	61,559	65,266	68,974	72,761	76,548	80,335	37,314
	Mobile Home Trips	14,153	14,274	14,396	14,518	14,640	14,761	14,883	15,005	15,097	15,190	15,282	1,130
	Residential Trips	418,888	440,298	461,708	483,118	504,528	525,938	547,348	568,758	585,978	603,199	620,419	201,531
	Industrial Trips	3,535	3,893	4,251	4,609	4,967	5,326	5,684	6,042	6,295	6,548	6,801	3,266
	Warehouse Trips	4,559	4,688	4,818	4,947	5,077	5,206	5,336	5,465	5,557	5,649	5,740	1,181
	Retail/Commercial Trips	75,116	76,320	77,524	78,728	79,932	81,135	82,339	83,543	85,808	88,073	90,338	15,222
	Office Trips	16,569	17,658	18,748	19,837	20,926	22,016	23,105	24,195	25,604	27,013	28,423	11,854
	Public/Institutional Trips	24,229	24,694	25,158	25,623	26,087	26,551	27,016	27,480	27,855	28,230	28,605	4,375
	Nonresidential Trips	124,008	127,254	130,499	133,744	136,989	140,235	143,480	146,725	151,119	155,513	159,906	35,898
Total Vehicle Trips		542,897	567,552	592,207	616,862	641,517	666,173	690,828	715,483	737,097	758,711	780,325	237,429

DEVELOPMENT PROJECTIONS

Provided below is a summary of development projections used in the Development Fee Report. Base year estimates for 2023 are used in the fee calculations. Development projections are used to illustrate a possible future pace of demand for service units and cash flows resulting from revenues and expenditures associated with those demands.

Figure L13: Development Projections

Surprise, Arizona	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	10-Year
	Base	1	2	3	4	5	6	7	8	9	10	Increase
Population												
Single-Family	153,323	160,839	168,354	175,870	183,386	190,901	198,417	205,932	211,636	217,339	223,042	69,718
Multi-Family	16,194	17,552	18,910	20,268	21,626	22,984	24,342	25,700	27,087	28,474	29,862	13,667
Mobile Home	3,349	3,378	3,407	3,436	3,465	3,494	3,523	3,552	3,575	3,597	3,619	270
Total	172,866	181,769	190,671	199,574	208,477	217,380	226,282	235,185	242,297	249,410	256,522	83,656
Housing Units												
Single-Family	59,934	62,847	65,760	68,673	71,586	74,499	77,412	80,325	82,536	84,746	86,957	27,023
Multi-Family	9,973	10,833	11,692	12,552	13,411	14,271	15,130	15,990	16,868	17,746	18,624	8,650
Mobile Home	3,106	3,133	3,159	3,186	3,213	3,239	3,266	3,293	3,313	3,333	3,354	248
Total	73,013	76,813	80,612	84,411	88,210	92,010	95,809	99,608	102,717	105,825	108,934	35,921
Employment												
Industrial	2,603	2,849	3,095	3,341	3,587	3,833	4,079	4,326	4,500	4,673	4,847	2,245
Warehouse	542	594	645	696	748	799	850	901	938	974	1,010	468
Retail/Commercial	12,309	12,560	12,812	13,063	13,314	13,565	13,817	14,068	14,541	15,014	15,486	3,178
Office	7,920	8,647	9,374	10,101	10,828	11,555	12,282	13,009	13,950	14,890	15,831	7,911
Public/Institutional	3,661	3,941	4,222	4,503	4,783	5,064	5,344	5,625	5,852	6,078	6,305	2,644
Total	27,035	28,591	30,148	31,704	33,260	34,816	36,373	37,929	39,779	41,629	43,479	16,444
Nonres. Sq Ft (x1,000)												
Industrial	2,098	2,310	2,523	2,736	2,948	3,161	3,373	3,586	3,736	3,886	4,036	1,938
Warehouse	5,332	5,484	5,635	5,787	5,938	6,089	6,241	6,392	6,499	6,606	6,714	1,381
Retail/Commercial	7,380	7,499	7,617	7,735	7,854	7,972	8,090	8,208	8,431	8,653	8,876	1,496
Office	3,397	3,620	3,843	4,067	4,290	4,513	4,737	4,960	5,249	5,538	5,827	2,430
Public/Institutional	7,179	7,317	7,454	7,592	7,729	7,867	8,005	8,142	8,253	8,364	8,475	1,296
Total	25,386	26,229	27,073	27,916	28,759	29,602	30,445	31,289	32,168	33,048	33,928	8,542

FIRE FACILITIES

ARS § 9-463.05 (T)(7)(f) defines the eligible facilities and assets for the Fire Facilities IIP:

“Fire and police facilities, including all appurtenances, equipment and vehicles. Fire and police facilities do not include a facility or portion of a facility that is used to replace services that were once provided elsewhere in the municipality, vehicles and equipment used to provide administrative services, helicopters or airplanes or a facility that is used for training firefighters or officers from more than one station or substation.”

The Fire Facilities IIP includes components for fire stations, fire facilities, primary apparatus, support apparatus, and the cost of preparing the Fire Facilities IIP and related development fee report. The plan-based methodology is used for fire stations, fire facilities, and the development fee report. The incremental expansion methodology is used for primary apparatus and support apparatus.

PROPORTIONATE SHARE

ARS § 9-463.05 (B)(3) states that the development fee shall not exceed a proportionate share of the cost of necessary public services needed to accommodate new development. The Fire Facilities IIP and development fees will allocate the cost of fire services between residential and nonresidential based on fire calls for service. Based on call data for FY2020 – FY2022, residential development generates approximately 75 percent of fire calls for service and nonresidential development accounts for the remaining 25 percent.

Figure F1: Proportionate Share

Description	FY 2020	FY 2021	FY 2022	Total
Residential	10,082	11,784	12,369	34,235
Nonresidential	3,684	3,424	4,190	11,298
Total	13,766	15,208	16,559	45,533

Description	FY 2020	FY 2021	FY 2022	Total
Residential	73%	77%	75%	75%
Nonresidential	27%	23%	25%	25%
Total	100%	100%	100%	100%

Source: Surprise Fire Department

The proportionate share of costs attributable to residential development will be allocated to population and then converted to an appropriate amount by type of housing unit. Since nonresidential calls for service were unavailable by specific nonresidential use, TischlerBise recommends using vehicle trips as the nonresidential demand indicator for fire services. Trip generation rates are highest for retail/commercial development and lowest for industrial development. Office and public/institutional trip generation rates fall between the other two categories. This ranking of trip generation rates is consistent with the relative demand for fire services from nonresidential development.

SERVICE AREA

Surprise’s Fire Department strives to provide a uniform response time within the city limits; therefore, there is a single service area for the Fire Facilities IIP.

RATIO OF SERVICE UNIT TO DEVELOPMENT UNIT

ARS § 9-463.05(E)(4) requires:

“A table establishing the specific level or quantity of use, consumption, generation or discharge of a service unit for each category of necessary public services or facility expansions and an equivalency or conversion table establishing the ratio of a service unit to various types of land uses, including residential, commercial and industrial.”

Figure F2 displays the demand indicators for residential and nonresidential land uses. For residential development, the table displays the number of persons per housing unit. For nonresidential development, the table displays the number of average weekday vehicle trips per thousand square feet of floor area.

Figure F2: Ratio of Service Unit to Development Unit

Residential Development	
Development Type	Persons per Housing Unit ¹
Single-Family	2.58
Multi-Family	1.58
Mobile Home	1.09

Nonresidential Development			
Development Type	AWVTE per 1,000 Sq Ft ¹	Trip Rate Adjustment	AWVT per 1,000 Sq Ft ¹
Industrial	3.37	50%	1.69
Warehouse	1.71	50%	0.86
Retail/Commercial	37.01	28%	10.18
Office	10.84	45%	4.88
Public/Institutional	6.75	50%	3.38

1. See Land Use Assumptions

ANALYSIS OF CAPACITY, USAGE, AND COSTS OF EXISTING PUBLIC SERVICES

ARS § 9-463.05(E)(1) requires:

“A description of the existing necessary public services in the service area and the costs to upgrade, update, improve, expand, correct or replace those necessary public services to meet existing needs and usage and stricter safety, efficiency, environmental or regulatory standards, which shall be prepared by qualified professionals licensed in this state, as applicable.”

ARS § 9-463.05(E)(2) requires:

“An analysis of the total capacity, the level of current usage and commitments for usage of capacity of the existing necessary public services, which shall be prepared by qualified professionals licensed in this state, as applicable.”

Fire Stations – Plan-Based

Surprise currently provides 109,621 square feet of fire stations to existing development, and Surprise plans to construct additional fire stations to serve future development.

Figure F3: Existing Fire Stations

Description	Square Feet
Fire Station 301	15,531
Fire Station 302	7,000
Fire Station 303	13,632
Fire Station 304	20,824
Fire Station 305	16,472
Fire Station 306	10,145
Fire Station 307	10,145
Fire Station 308	15,872
Total	109,621

Source: Surprise Fire Department

Surprise plans to use future development fee revenue to repay the outstanding obligation related to Fire Station 303. The total obligation for Fire Station 303 is \$94,005, and the outstanding obligation is \$3,788. Based on a cost of approximately \$7 per square foot (\$94,005 total obligation / 13,632 total square feet), the proportionate share of Fire Station 303 related to the outstanding obligation is 549 square feet (\$3,788 outstanding obligation / \$7 per square foot).

Figure F4: Fire Station 303 Obligation

Fire Station 303	Square Feet	Obligation ¹	Cost per Sq Ft
Outstanding Obligation	549	\$3,788	\$7
Retired Obligation	13,083	\$90,217	\$7
Total	13,632	\$94,005	\$7

Source: Surprise Fire Department

1. Surprise Finance Department

As shown below in Figure F5, Surprise plans to repay outstanding obligations related to Fire Station 303 and to construct 54,000 square feet of fire stations during the next 10 years. The total cost is \$70,503,788, and the associated floor area is 54,549 square feet. Based on these projects, the analysis uses a cost of \$1,292 per square foot for fire stations (\$70,503,788 total cost / 54,549 total square feet).

Figure F5: Fire Station Cost Factors

Description	Square Feet	Cost	Cost per Sq Ft
Fire Station 303	549	\$3,788	\$7
Future Fire Station	16,000	\$18,000,000	\$1,125
Future Fire Station	16,000	\$21,000,000	\$1,313
Future Fire Station	22,000	\$31,500,000	\$1,432
Total	54,549	\$70,503,788	\$1,292

Source: Surprise Fire Department

Surprise plans to provide 163,621 square feet of fire stations to all development in 2033. To allocate the proportionate share of demand for fire stations to residential and nonresidential development, this analysis uses proportionate share factors shown in Figure F1. The planned level of service for residential development is 0.4796 square feet per person (163,621 total square feet X 75 percent residential share / 256,522 persons). The planned nonresidential level of service is 0.2539 square feet per vehicle trip (163,621 total square feet X 25 percent nonresidential share / 159,926 vehicle trips).

Based on the outstanding obligations for Fire Station 303 and the construction cost estimates for future fire stations shown in Figure F5, the analysis uses a cost of \$1,292 per square foot (\$70,503,788 total cost / 54,549 total square feet). For fire stations, the cost is \$619.85 per person (0.4796 square feet per person X \$1,292 per square foot) and \$328.15 per vehicle trip (0.2539 square feet per vehicle trip X \$1,292 per square foot).

Figure F6: Planned Level of Service

Cost Factors	
Cost per Square Foot	\$1,292

Level-of-Service (LOS) Standards	
Existing Square Feet ¹	109,072
Cost Recovery Square Feet ²	549
Planned Square Feet	54,000
Total Square Feet	163,621
Residential	
Residential Share	75%
2033 Population	256,522
Square Feet per Person	0.4796
Cost per Person	\$619.85
Nonresidential	
Nonresidential Share	25%
2033 Vehicle Trips	159,906
Square Feet per Vehicle Trip	0.2539
Cost per Vehicle Trip	\$328.15

Source: Surprise Fire Department

1. Excludes share related to outstanding obligations
2. Fire Station 303 share of outstanding obligations

Fire Facilities – Plan-Based

Surprise currently provides 25,000 square feet of fire facilities to existing development, and Surprise plans to construct additional fire facilities to serve future development.

Figure F7: Existing Fire Facilities

Description	Square Feet
Public Safety Building (share)	10,000
Evidence & Readiness Center	15,000
Total	25,000

Source: Surprise Fire Department

Surprise plans to use future development fee revenue to repay the outstanding obligation related to the Public Safety Building. The total obligation is \$1,563,515, and the outstanding obligation is \$63,023. Based on a cost of approximately \$156 per square foot (\$1,563,515 total obligation / 10,000 total square feet), the proportionate share of the Public Safety Building related to the outstanding obligation is 403 square feet (\$63,023 outstanding obligation / \$156 per square foot).

Figure F8: Public Safety Building Obligation

Public Safety Building	Square Feet	Obligation ¹	Cost per Sq Ft
Outstanding Obligation	403	\$63,023	\$156
Retired Obligation	9,597	\$1,500,492	\$156
Total	10,000	\$1,563,515	\$156

Source: Surprise Fire Department

1. Surprise Finance Department

As shown below in Figure F9, Surprise plans to repay outstanding obligations related to the Public Safety Building and to construct a Public Safety Administration and Operations facility during the next 10 years. The planned Public Safety Administration and Operations facility is 90,000 square feet, and it will replace the existing Public Safety Building for a net increase of 80,000 square feet (90,000 planned square feet – 10,000 existing square feet). The total cost of planned fire facilities is \$100,063,023, and the associated floor area is 90,403 square feet. Based on these projects, the analysis uses a cost of \$1,107 per square foot for fire facilities (\$100,063,023 total cost / 90,403 total square feet). The planned Public Safety Administration and Operations facility will serve all development in Surprise through 2043.

Figure F9: Fire Facilities Cost Factors

Description	Square Feet	Cost	Cost per Sq Ft
Public Safety Building	403	\$63,023	\$156
Public Safety Admin & Ops	90,000	\$100,000,000	\$1,111
Total	90,403	\$100,063,023	\$1,107

Source: Surprise Fire Department

Surprise plans to provide 105,000 square feet of fire facilities to serve all development in 2043. To allocate the proportionate share of demand for fire facilities to residential and nonresidential development, this analysis uses proportionate share factors shown in Figure F1. The planned level of service for residential development is 0.2499 square feet per person (105,000 total square feet X 75 percent residential share / 315,975 persons). The planned nonresidential level of service is 0.1278 square feet per vehicle trip (105,000 total square feet X 25 percent nonresidential share / 203,844 vehicle trips).

Based on the outstanding obligations for the Public Safety Building and the construction cost estimate for the future Public Safety Administration and Operations facility shown in Figure F9, the analysis uses a cost of \$1,107 per square foot (\$100,063,023 total cost / 90,403 total square feet). For fire facilities, the cost is \$276.55 per person (0.2499 square feet per person X \$1,107 per square foot) and \$141.47 per vehicle trip (0.1278 square feet per vehicle trip X \$1,107 per square foot).

Figure F10: Planned Level of Service

Cost Factors	
Cost per Square Foot	\$1,107

Level-of-Service (LOS) Standards	
Existing Square Feet ¹	24,597
Cost Recovery Square Feet ²	403
Planned Square Feet	90,000
Replacement Square Feet ³	(10,000)
Total Square Feet	105,000
Residential	
Residential Share	75%
2043 Population	315,975
Square Feet per Person	0.2499
Cost per Person	\$276.55
Nonresidential	
Nonresidential Share	25%
2043 Vehicle Trips	203,844
Square Feet per Vehicle Trip	0.1278
Cost per Vehicle Trip	\$141.47

Source: Surprise Fire Department

1. Excludes share related to outstanding obligations
2. Public Safety Building share of outstanding obligations
3. The Public Safety Administration and Operations facility will replace the existing Public Safety Building

Primary Apparatus – Incremental Expansion

Surprise currently serves existing development with 12 primary apparatus, and Surprise plans to acquire additional primary apparatus to serve future development. To allocate the proportionate share of demand for primary apparatus to residential and nonresidential development, this analysis uses proportionate share factors shown in Figure F1. The existing level of service for residential development is 0.00005 units per person (12 units X 75 percent residential share / 172,866 persons). The nonresidential level of service is 0.00002 units per vehicle trip (12 units X 25 percent nonresidential share / 124,008 vehicle trips).

Based on the replacement cost of the existing primary apparatus fleet, the analysis uses \$1,408,333 per unit (\$16,900,000 total cost / 12 units) as a proxy for future primary apparatus costs. For primary apparatus, the cost is \$73.51 per person (0.00005 units per person X \$1,408,333 per unit) and \$33.82 per vehicle trip (0.00002 units per vehicle trip X \$1,408,333 per unit).

Figure F11: Existing Level of Service

Description	Units	Unit Cost	Total Cost
Engine	11	\$1,300,000	\$14,300,000
Ladder Truck	1	\$2,600,000	\$2,600,000
Total	12	\$1,408,333	\$16,900,000

Cost Factors	
Weighted Average per Unit	\$1,408,333

Level-of-Service (LOS) Standards	
Existing Units	12
Residential	
Residential Share	75%
2023 Population	172,866
Units per Person	0.00005
Cost per Person	\$73.51
Nonresidential	
Nonresidential Share	25%
2023 Vehicle Trips	124,008
Units per Vehicle Trip	0.00002
Cost per Vehicle Trip	\$33.82

Source: Surprise Fire Department

Support Apparatus – Incremental Expansion

Surprise currently serves existing development with 10 support apparatus, and Surprise plans to acquire additional support apparatus to serve future development. To allocate the proportionate share of demand for support apparatus to residential and nonresidential development, this analysis uses proportionate share factors shown in Figure F1. The existing level of service for residential development is 0.00004 units per person (10 units X 75 percent residential share / 172,866 persons). The nonresidential level of service is 0.00002 units per vehicle trip (10 units X 25 percent nonresidential share / 124,008 vehicle trips).

Based on the replacement cost of the existing support apparatus fleet, the analysis uses \$394,000 per unit (\$3,940,000 total cost / 10 units) as a proxy for future support apparatus costs. For support apparatus, the cost is \$17.14 per person (0.00004 units per person X \$394,000 per unit) and \$7.88 per vehicle trip (0.00002 units per vehicle trip X \$394,000 per unit).

Figure F12: Existing Level of Service

Description	Units	Unit Cost	Total Cost
Brush Truck	2	\$450,000	\$900,000
Tanker	1	\$350,000	\$350,000
Ambulance	5	\$500,000	\$2,500,000
BC Response Vehicle	2	\$95,000	\$190,000
Total	10	\$394,000	\$3,940,000

Cost Factors	
Weighted Average per Unit	\$394,000

Level-of-Service (LOS) Standards	
Existing Units	10
Residential	
Residential Share	75%
2023 Population	172,866
Units per Person	0.00004
Cost per Person	\$17.14
Nonresidential	
Nonresidential Share	25%
2023 Vehicle Trips	124,008
Units per Vehicle Trip	0.00002
Cost per Vehicle Trip	\$7.88

Source: Surprise Fire Department

Development Fee Report – Plan-Based

The cost to prepare the Fire Facilities IIP and related development fee report totals \$16,230. Surprise plans to update its report every five years. Based on this cost, proportionate share, and five-year projections of future development from the *Land Use Assumptions* document, the cost is \$0.27 per person and \$0.25 per vehicle trip.

Figure F13: IIP and Development Fee Report

Necessary Public Service	Cost	Proportionate Share		Service Unit	5-Year Change	Cost per Service Unit
Fire	\$16,230	Residential	75%	Population	44,514	\$0.27
		Nonresidential	25%	Vehicle Trips	16,226	\$0.25

Bond Credit

Shown below, Surprise will issue \$100.0 million in G.O. bonds to construct transportation and public safety projects, and public safety projects will account for \$34.0 million of bond funding. To prevent future development from paying for future improvements through development fees and through future bond payments, the development fee study includes a credit for future bond payments. As shown in Figure F14, the analysis allocates public safety costs 50.2 percent to fire and 49.8 percent to police.

Figure F14: Bond Allocation

Series 2024 / 2027 Bond Use	Cost	Share
Transportation	\$66,000,000	66%
Public Safety	\$34,000,000	34%
Total	\$100,000,000	100%

Public Safety Use	Cost	Fire Share	Police Share
Fire Station	\$15,300,000	\$15,300,000	\$0
Police Substation	\$15,200,000	\$0	\$15,200,000
Land for Public Safety Facilities	\$3,500,000	\$1,755,738	\$1,744,262
Total	\$34,000,000	\$17,055,738	\$16,944,262
Share	100.0%	50.2%	49.8%

Source: Surprise Finance Department

To allocate the proportionate share of bond costs to residential and nonresidential development, this analysis uses proportionate share factors shown in Figure F1. The analysis divides annual principal payments by population for residential development and by vehicle trips for nonresidential development. To calculate the bond credit, the analysis calculates the net present value of future principal payments. The proposed fire development fees include a credit of \$17.39 per person and \$8.95 per vehicle trip.

Figure F15: Fire Bond Credit

Fire Share of Series 2024 and Series 2027 Bonds							
Fiscal Year	Annual Principal Payment	Residential Share	Population	Principal per Person	Nonresidential Share	Vehicle Trips	Principal per Veh Trip
2024	\$0	\$0	181,769	\$0.00	\$0	127,254	\$0.00
2025	\$0	\$0	190,671	\$0.00	\$0	130,499	\$0.00
2026	\$5,117	\$3,847	199,574	\$0.02	\$1,270	133,744	\$0.01
2027	\$63,106	\$47,448	208,477	\$0.23	\$15,658	136,989	\$0.11
2028	\$53,726	\$40,395	217,380	\$0.19	\$13,331	140,235	\$0.10
2029	\$186,760	\$140,420	226,282	\$0.62	\$46,340	143,480	\$0.32
2030	\$214,902	\$161,579	235,185	\$0.69	\$53,323	146,725	\$0.36
2031	\$243,897	\$183,379	242,297	\$0.76	\$60,518	151,119	\$0.40
2032	\$274,597	\$206,462	249,410	\$0.83	\$68,135	155,513	\$0.44
2033	\$305,298	\$229,545	256,522	\$0.89	\$75,753	159,906	\$0.47
2034	\$338,556	\$254,551	262,467	\$0.97	\$84,005	164,300	\$0.51
2035	\$375,226	\$282,122	268,413	\$1.05	\$93,104	168,694	\$0.55
2036	\$412,749	\$310,334	274,358	\$1.13	\$102,414	173,088	\$0.59
2037	\$451,977	\$339,829	280,303	\$1.21	\$112,148	177,482	\$0.63
2038	\$493,764	\$371,247	286,249	\$1.30	\$122,516	181,875	\$0.67
2039	\$772,625	\$580,915	292,194	\$1.99	\$191,710	186,269	\$1.03
2040	\$809,295	\$608,486	298,139	\$2.04	\$200,808	190,663	\$1.05
2041	\$846,817	\$636,699	304,085	\$2.09	\$210,119	195,057	\$1.08
2042	\$886,898	\$666,834	310,030	\$2.15	\$220,064	199,450	\$1.10
2043	\$927,832	\$697,611	315,975	\$2.21	\$230,221	203,844	\$1.13
2044	\$971,324	\$730,312	321,921	\$2.27	\$241,012	208,238	\$1.16
2045	\$897,985	\$675,170	327,866	\$2.06	\$222,815	212,632	\$1.05
2046	\$938,066	\$705,305	333,811	\$2.11	\$232,760	217,025	\$1.07
2047	\$980,705	\$737,365	339,757	\$2.17	\$243,340	221,419	\$1.10
2048	\$1,024,197	\$770,065	345,702	\$2.23	\$254,132	225,813	\$1.13
2049	\$1,070,248	\$804,689	351,647	\$2.29	\$265,558	230,207	\$1.15
2050	\$1,118,856	\$841,237	357,593	\$2.35	\$277,619	234,601	\$1.18
2051	\$1,169,171	\$879,067	363,538	\$2.42	\$290,104	238,994	\$1.21
2052	\$1,222,044	\$918,821	369,483	\$2.49	\$303,223	243,388	\$1.25
Total	\$17,055,738	\$12,823,736		\$17.39	\$4,232,002		\$8.95

PROJECTED DEMAND FOR SERVICES AND COSTS

ARS § 9-463.05(E)(5) requires:

“The total number of projected service units necessitated by and attributable to new development in the service area based on the approved land use assumptions and calculated pursuant to generally accepted engineering and planning criteria.”

ARS § 9-463.05(E)(6) requires:

“The projected demand for necessary public services or facility expansions required by new service units for a period not to exceed ten years.”

As shown in the *Land Use Assumptions* document, Surprise’s population is expected to increase by 83,656 persons and nonresidential vehicle trips are expected to increase by 35,898 trips over the next 10 years. To reach the planned level of service, Surprise will need to construct 54,000 square feet of fire stations and 90,000 square feet of fire facilities over the next 10 years. To maintain the existing level of service, Surprise will need to expand the apparatus fleet by approximately five primary units and approximately four support units over the next 10 years. The following pages include a more detailed projection of demand for services and costs for the Fire Facilities IIP.

Fire Stations – Plan-Based

Surprise will use development fees to repay obligations associated with Fire Station 303 and to construct additional fire stations over the next 10 years. Based on a projected population increase of 83,656 persons, future residential development demands approximately 40,120 square feet of planned fire facilities (83,656 additional persons X 0.4796 square feet per person). With projected nonresidential growth of 35,898 vehicle trips, future nonresidential development demands approximately 9,114 square feet of planned fire facilities (35,898 additional vehicle trips X 0.2539 square feet per vehicle trip). Future development demands 49,234 square feet of fire facilities at a cost of \$63,633,980 (49,233.8 square feet X \$1,292 per square foot). The remaining cost of \$6,869,808 represents existing development's share of planned fire stations (\$70,503,788 total fire stations cost - \$63,633,980 growth cost).

Figure F16: Projected Demand

Type of Infrastructure	Level of Service	Demand Unit	Cost per Unit
Fire Stations	0.4796 Square Feet	per Person	\$1,292
	0.2539 Square Feet	per Vehicle Trip	

Demand for Fire Stations					
Year	Population	Vehicle Trips	Square Feet		
			Residential	Nonresidential	Total
2023	172,866	124,008	82,902.5	31,484.7	114,387.2
2024	181,769	127,254	87,172.1	32,308.6	119,480.7
2025	190,671	130,499	91,441.6	33,132.6	124,574.2
2026	199,574	133,744	95,711.1	33,956.5	129,667.7
2027	208,477	136,989	99,980.7	34,780.5	134,761.1
2028	217,380	140,235	104,250.2	35,604.4	139,854.6
2029	226,282	143,480	108,519.8	36,428.3	144,948.1
2030	235,185	146,725	112,789.3	37,252.3	150,041.6
2031	242,297	151,119	116,200.2	38,367.8	154,568.1
2032	249,410	155,513	119,611.2	39,483.4	159,094.5
2033	256,522	159,906	123,022.1	40,598.9	163,621.0
10-Yr Increase	83,656	35,898	40,119.6	9,114.2	49,233.8

Growth-Related Expenditures	\$51,853,982	\$11,779,998	\$63,633,980
Non-Growth Expenditures	\$1,155,861	\$5,713,947	\$6,869,808
Total Expenditures	\$53,009,843	\$17,493,945	\$70,503,788

Fire Facilities – Plan-Based

Surprise will use development fees to repay obligations associated with the Public Safety Building and to construct the Public Safety Administration and Operations facility within the next 10 years. Based on a 20-year projected population increase of 143,109 persons, future residential development demands approximately 35,756 square feet of planned fire facilities (143,109 additional persons X 0.2499 square feet per person). With a 20-year projected increase of 79,836 vehicle trips, future nonresidential development demands approximately 10,204 square feet of planned fire facilities (79,836 additional vehicle trips X 0.1278 square feet per vehicle trip). Future development demands approximately 45,960 square feet of fire facilities at a cost of \$50,870,851 (45,959.8 square feet X \$1,107 per square foot). The remaining cost of \$49,192,172 represents existing development's share of planned fire facilities (\$100,063,023 total fire facilities cost - \$50,870,851 growth cost).

Figure F17: Projected Demand

Type of Infrastructure	Level of Service	Demand Unit	Cost per Unit
Fire Facilities	0.2499 Square Feet	per Person	\$1,107
	0.1278 Square Feet	per Vehicle Trip	

Demand for Fire Facilities					
Year	Population	Vehicle Trips	Square Feet		
			Residential	Nonresidential	Total
2023	172,866	124,008	43,190.6	15,849.6	59,040.2
2024	181,769	127,254	45,415.0	16,264.3	61,679.3
2025	190,671	130,499	47,639.3	16,679.1	64,318.4
2026	199,574	133,744	49,863.7	17,093.9	66,957.6
2027	208,477	136,989	52,088.0	17,508.7	69,596.7
2028	217,380	140,235	54,312.4	17,923.4	72,235.8
2029	226,282	143,480	56,536.7	18,338.2	74,875.0
2030	235,185	146,725	58,761.1	18,753.0	77,514.1
2031	242,297	151,119	60,538.1	19,314.6	79,852.7
2032	249,410	155,513	62,315.1	19,876.1	82,191.3
2033	256,522	159,906	64,092.2	20,437.7	84,529.9
2038	286,249	181,875	71,519.4	23,245.6	94,764.9
2043	315,975	203,844	78,946.6	26,053.4	105,000.0
20-Yr Increase	143,109	79,836	35,756.0	10,203.8	45,959.8

Growth-Related Expenditures	\$39,576,667	\$11,294,183	\$50,870,851
Non-Growth Expenditures	\$35,657,945	\$13,534,228	\$49,192,172
Total Expenditures	\$75,234,612	\$24,828,411	\$100,063,023

Primary Apparatus – Incremental Expansion

Surprise plans to maintain its level of service for primary apparatus over the next 10 years. Based on a projected population increase of 83,656 persons, future residential development demands approximately four primary apparatus (83,656 additional persons X 0.00005 units per person). With projected nonresidential growth of 35,898 vehicle trips, future nonresidential development demands approximately one primary apparatus (35,898 additional vehicle trips X 0.00002 units per vehicle trip). Future development demands approximately five primary apparatus at a cost of \$7,363,111 (5.2 units X \$1,408,333 per unit). Surprise may use development fees to expand its primary apparatus fleet.

Figure F18: Projected Demand

Type of Infrastructure	Level of Service	Demand Unit	Cost per Unit
Primary Apparatus	0.00005 Units	per Person	\$1,408,333
	0.00002 Units	per Vehicle Trip	

Demand for Primary Apparatus					
Year	Population	Vehicle Trips	Units		
			Residential	Nonresidential	Total
2023	172,866	124,008	9.0	3.0	12.0
2024	181,769	127,254	9.5	3.1	12.5
2025	190,671	130,499	10.0	3.1	13.1
2026	199,574	133,744	10.4	3.2	13.6
2027	208,477	136,989	10.9	3.3	14.2
2028	217,380	140,235	11.3	3.4	14.7
2029	226,282	143,480	11.8	3.4	15.3
2030	235,185	146,725	12.3	3.5	15.8
2031	242,297	151,119	12.6	3.6	16.3
2032	249,410	155,513	13.0	3.7	16.8
2033	256,522	159,906	13.4	3.8	17.2
10-Yr Increase	83,656	35,898	4.4	0.9	5.2

Growth-Related Expenditures	\$6,149,213	\$1,213,898	\$7,363,111
-----------------------------	-------------	-------------	-------------

Support Apparatus – Incremental Expansion

Surprise plans to maintain its level of service for support apparatus over the next 10 years. Based on a projected population increase of 83,656 persons, future residential development demands approximately four support apparatus (83,656 additional persons X 0.00004 units per person). With projected nonresidential growth of 35,898 vehicle trips, future nonresidential development demands approximately one support apparatus (35,898 additional vehicle trips X 0.00002 units per vehicle trip). Future development demands approximately four support apparatus at a cost of \$1,716,607 (4.4 units X \$394,000 per unit). Surprise may use development fees to expand its support apparatus fleet.

Figure F19: Projected Demand

Type of Infrastructure	Level of Service	Demand Unit	Cost per Unit
Support Apparatus	0.00004 Units	per Person	\$394,000
	0.00002 Units	per Vehicle Trip	

Demand for Support Apparatus					
Year	Population	Vehicle Trips	Units		
			Residential	Nonresidential	Total
2023	172,866	124,008	7.5	2.5	10.0
2024	181,769	127,254	7.9	2.5	10.5
2025	190,671	130,499	8.3	2.6	10.9
2026	199,574	133,744	8.7	2.7	11.4
2027	208,477	136,989	9.1	2.7	11.8
2028	217,380	140,235	9.5	2.8	12.3
2029	226,282	143,480	9.8	2.9	12.7
2030	235,185	146,725	10.2	2.9	13.2
2031	242,297	151,119	10.5	3.0	13.6
2032	249,410	155,513	10.8	3.1	14.0
2033	256,522	159,906	11.2	3.2	14.4
10-Yr Increase	83,656	35,898	3.6	0.7	4.4

Growth-Related Expenditures	\$1,433,604	\$283,003	\$1,716,607
-----------------------------	-------------	-----------	-------------

FIRE FACILITIES DEVELOPMENT FEES

Revenue Credit/Offset

A revenue credit/offset is necessary for development fees, because Surprise's construction transaction privilege tax rate exceeds the amount of the transaction privilege tax rate imposed on the majority of other transaction privilege tax classifications. Surprise allocates the construction privilege tax credit to fire, parks and recreational, and police development fees. Appendix A contains the forecast of revenues required by Arizona's Enabling Legislation (ARS § 9-463.05(E)(7)).

Fire Facilities Development Fees

Infrastructure components and cost factors for fire facilities are summarized in the upper portion of Figure F20. The cost per service unit for fire facilities is \$673.15 per person and \$233.93 per vehicle trip.

Fire facilities development fees for residential development are assessed according to the number of persons per housing unit. The fee of \$1,737 for a single-family unit is calculated using a cost per service unit of \$673.15 per person multiplied by a demand unit of 2.58 persons per housing unit.

Nonresidential development fees are calculated using vehicle trips as the service unit. The fee of \$394 per 1,000 square feet of industrial development is derived from a cost per service unit of \$233.93 per vehicle trip multiplied by a demand unit of 1.69 vehicle trips per 1,000 square feet.

Figure F20: Fire Facilities Development Fees

Fee Component	Cost per Person	Cost per Trip
Fire Stations	\$619.85	\$328.15
Fire Facilities	\$276.55	\$141.47
Primary Apparatus	\$73.51	\$33.82
Support Apparatus	\$17.14	\$7.88
Development Fee Report	\$0.27	\$0.25
Bond Credit	(\$17.39)	(\$8.95)
Subtotal	\$969.93	\$502.62
Excess Construction Sales Tax	(\$296.78)	(\$268.69)
Total	\$673.15	\$233.93

Residential Fees per Unit				
Development Type	Persons per Housing Unit ¹	Proposed Fees	Current Fees	Difference
Single-Family	2.58	\$1,737	\$789	\$948
Multi-Family	1.58	\$1,064	\$481	\$583
Mobile Home	1.09	\$734	\$442	\$292

Nonresidential Fees per 1,000 Square Feet				
Development Type	AWVT per 1,000 Sq Ft ¹	Proposed Fees	Current Fees	Difference
Industrial	1.69	\$394	\$166	\$228
Warehouse	0.86	\$200	\$95	\$105
Retail/Commercial	10.18	\$2,381	\$876	\$1,505
Office	4.88	\$1,141	\$497	\$644
Public/Institutional	3.38	\$790	\$308	\$482

1. See Land Use Assumptions

FIRE FACILITIES DEVELOPMENT FEE REVENUE

Appendix A contains the forecast of revenues required by Arizona's enabling legislation (ARS § 9-463.05(E)(7)). In accordance with state law, this report includes an IIP for fire facilities needed to accommodate future development. Projected fee revenue shown in Figure F21 is based on the development projections in the *Land Use Assumptions* document and the updated fire facilities development fees. If development occurs at a more rapid rate than projected, the demand for infrastructure will increase and development fee revenue will increase at a corresponding rate. If development occurs at a slower rate than projected, the demand for infrastructure will also decrease, along with development fee revenue. Projected development fee revenue over the next 20 years equals \$104,251,232 and total projected expenditures equal \$160,316,042. The remaining balance represents existing development's share of planned costs for fire stations and fire facilities.

Figure F21: Fire Facilities Development Fee Revenue

Fee Component	Growth Share		Existing Share	Total
	Years 1-10	Years 11-20		
Fire Stations	\$63,633,980	\$0	\$6,869,808	\$70,503,788
Fire Facilities	\$28,213,394	\$22,657,457	\$49,192,172	\$100,063,023
Primary Apparatus	\$7,363,111	\$0	\$0	\$7,363,111
Support Apparatus	\$1,716,607	\$0	\$0	\$1,716,607
Development Fee Report	\$16,230	\$0	\$0	\$16,230
Bond Credit	(\$1,776,069)	\$0	\$0	(\$1,776,069)
Excess Constr. Sales Tax	(\$17,570,649)	\$0	\$0	(\$17,570,649)
Total	\$81,596,604	\$22,657,457	\$56,061,981	\$160,316,042

		Single Family \$1,737 per unit	Multi-Family \$1,064 per unit	Mobile Home \$734 per unit	Industrial \$394 per 1,000 sq ft	Warehouse \$200 per 1,000 sq ft	Ret/Comm \$2,381 per 1,000 sq ft	Office \$1,141 per 1,000 sq ft	Public/Inst \$790 per 1,000 sq ft
Year		Hsg Unit	Hsg Unit	Hsg Unit	KSF	KSF	KSF	KSF	KSF
Base	2023	59,934	9,973	3,106	2,098	5,332	7,380	3,397	7,179
Year 1	2024	62,847	10,833	3,133	2,310	5,484	7,499	3,620	7,317
Year 2	2025	65,760	11,692	3,159	2,523	5,635	7,617	3,843	7,454
Year 3	2026	68,673	12,552	3,186	2,736	5,787	7,735	4,067	7,592
Year 4	2027	71,586	13,411	3,213	2,948	5,938	7,854	4,290	7,729
Year 5	2028	74,499	14,271	3,239	3,161	6,089	7,972	4,513	7,867
Year 6	2029	77,412	15,130	3,266	3,373	6,241	8,090	4,737	8,005
Year 7	2030	80,325	15,990	3,293	3,586	6,392	8,208	4,960	8,142
Year 8	2031	82,536	16,868	3,313	3,736	6,499	8,431	5,249	8,253
Year 9	2032	84,746	17,746	3,333	3,886	6,606	8,653	5,538	8,364
Year 10	2033	86,957	18,624	3,354	4,036	6,714	8,876	5,827	8,475
10-Year Increase		27,023	8,650	248	1,938	1,381	1,496	2,430	1,296
Projected Revenue		\$56,461,798	\$11,239,514	\$214,302	\$1,159,872	\$419,535	\$6,031,172	\$4,492,657	\$1,574,723

Projected Fee Revenue (Years 1-10)	\$81,593,573
Projected Fee Revenue (Years 11-20)	\$22,657,659
Total Expenditures	\$160,316,042

10-YEAR CAPITAL PLAN

The figure shown below includes potential fire capital expenditures during the next 10 years. The list of potential capital expenditures is representational of future growth-related fire capital expenditures.

Figure F22: Fire Facilities Capital Plan

Project Type	Description	Fiscal Year	Cost
CIP	Ambulance (x2)	2024	\$1,100,000
CIP	Fire Station	2024	\$18,000,000
CIP	Fire Station	2026-2028	\$21,000,000
CIP	Fire Station	2030+	\$31,500,000
CIP	Ladder Truck	2028	\$2,508,000
CIP	Public Safety Admin & Ops	2030+	\$100,000,000
Debt Service	Fire Station 303	2024	\$3,788
Debt Service	Public Safety Building (share)	2024	\$63,023
Study/Audit Cost	Development Fee Update/Biennial DIF Audits	2024-2029	\$16,230
Total			\$174,191,041

PARKS AND RECREATIONAL FACILITIES IIP

ARS § 9-463.05 (T)(7)(g) defines the facilities and assets that can be included in the Parks and Recreational Facilities IIP:

“Neighborhood parks and recreational facilities on real property up to thirty acres in area, or parks and recreational facilities larger than thirty acres if the facilities provide a direct benefit to the development. Park and recreational facilities do not include vehicles, equipment or that portion of any facility that is used for amusement parks, aquariums, aquatic centers, auditoriums, arenas, arts and cultural facilities, bandstand and orchestra facilities, bathhouses, boathouses, clubhouses, community centers greater than three thousand square feet in floor area, environmental education centers, equestrian facilities, golf course facilities, greenhouses, lakes, museums, theme parks, water reclamation or riparian areas, wetlands, zoo facilities or similar recreational facilities, but may include swimming pools.”

The Parks and Recreational Facilities IIP includes components for park land, park amenities, recreation facilities, and the cost of preparing the Parks and Recreational Facilities IIP and related Development Fee Report. The incremental expansion methodology is used for park land, park amenities, and recreation facilities. The plan-based methodology is used for the Development Fee Report.

PROPORTIONATE SHARE

ARS § 9-463.05 (B)(3) states that the development fee shall not exceed a proportionate share of the cost of necessary public services needed to accommodate new development. The Parks and Recreational Facilities IIP and development fees allocate the cost of necessary public services between residential and nonresidential based on functional population. The Arizona Office of Economic Opportunity estimates Surprise’s 2019 population equal to 136,194 persons. Based on 2019 estimates from the U.S. Census Bureau’s OnTheMap web application, 16,952 inflow commuters traveled to Surprise for work in 2019. The proportionate share is based on cumulative impact hours per year with a resident potentially impacting parks and recreational facilities 8,760 hours per year and an inflow commuter potentially impacting parks and recreational facilities 1,600 hours per year. For parks and recreational facilities, residential development generates 98 percent of demand and nonresidential development generates the remaining two percent of demand.

Figure PR1: Proportionate Share

Development Type	Service Unit	Impact Days per Year	Total Impact Hours per Year	Proportionate Share
Residential	136,194 residents	8,760 hours	1,193,059,440	98%
Nonresidential	16,952 inflow commuters	1,600 hours	27,123,200	2%
Total			1,220,182,640	100%

Residential Impact: 8,760 hours per year (24 hours per day X 365 days per year)

Nonresidential Impact: 1,600 hours per year (8 hours per day X 4 days per week X 50 weeks per year)

SERVICE AREA

Surprise provides access to parks and recreational facilities throughout the city; therefore, there is a single service area for the Parks and Recreational Facilities IIP.

RATIO OF SERVICE UNIT TO DEVELOPMENT UNIT

ARS § 9-463.05(E)(4) requires:

“A table establishing the specific level or quantity of use, consumption, generation or discharge of a service unit for each category of necessary public services or facility expansions and an equivalency or conversion table establishing the ratio of a service unit to various types of land uses, including residential, commercial and industrial.”

Figure PR2 displays the demand indicators for residential and nonresidential land uses. For residential development, the table displays the number of persons per housing unit. For nonresidential development, the table displays the number of jobs per thousand square feet of floor area.

Figure PR2: Ratio of Service Unit to Development Unit

Residential Development	
Development Type	Persons per Housing Unit ¹
Single-Family	2.58
Multi-Family	1.58
Mobile Home	1.09

Nonresidential Development	
Development Type	Jobs per 1,000 Sq Ft ¹
Industrial	1.16
Warehouse	0.34
Retail/Commercial	2.12
Office	3.26
Public/Institutional	2.04

1. See Land Use Assumptions

ANALYSIS OF CAPACITY, USAGE, AND COSTS OF EXISTING PUBLIC SERVICES

ARS § 9-463.05(E)(1) requires:

“A description of the existing necessary public services in the service area and the costs to upgrade, update, improve, expand, correct or replace those necessary public services to meet existing needs and usage and stricter safety, efficiency, environmental or regulatory standards, which shall be prepared by qualified professionals licensed in this state, as applicable.”

ARS § 9-463.05(E)(2) requires:

“An analysis of the total capacity, the level of current usage and commitments for usage of capacity of the existing necessary public services, which shall be prepared by qualified professionals licensed in this state, as applicable.”

Park Land – Incremental Expansion

Surprise currently provides 357.30 acres of park land and plans to acquire and develop additional park land to serve future development. Surprise Recreation Campus includes the Spring Training Campus, and this analysis excludes the portion of the park that includes the Spring Training Campus. The analysis includes 306.55 acres of eligible park land.

Figure PR3: Existing Park Land

Description	Total Acres	Eligible Acres
Bicentennial Park / Lizard Run	17.94	17.94
DreamCatcher Park	4.14	4.14
Gaines Park (North and South)	4.20	4.20
Heritage (Marley) Park North	12.01	12.01
Heritage (Marley) Park South	15.61	15.61
Section 10 / Pocket Park	1.02	1.02
Mark Coronado Park	7.55	7.55
Sierra Montana Park	9.42	9.42
Surprise Community Park ¹	30.80	30.80
Dick McComb Park East	21.94	21.94
Dick McComb Park West	30.00	30.00
Johnson Townhome Park	0.60	0.60
Surprise Tennis / Racquet Complex	22.76	22.76
Veramonte Park	8.58	8.58
Youth Baseball Complex	4.60	4.60
Asante Community Park	53.80	53.80
Stonebrook Park	3.19	3.19
3 Star Park	0.94	0.94
The Fields at Countryside	12.20	12.20
Surprise Recreation Campus ²	96.00	45.25
Total	357.30	306.55

1. Excludes library and aquatics center

2. Eligible Acres: Excludes Spring Training Campus

To allocate the proportionate share of demand for park land to residential and nonresidential development, this analysis uses the proportionate share shown in Figure PR1. The existing level of service for residential development is 0.00174 acres per person (306.55 eligible acres X 98 percent residential share / 172,866 persons). For nonresidential development, the existing level of service is 0.00023 acres per job (306.55 eligible acres X two percent nonresidential share / 27,035 jobs).

Based on estimates provided by the Surprise Parks and Recreation Department, the cost to acquire park land is \$180,000 per acre and the cost of site development is \$459,000 per acre. The analysis uses a total cost of \$639,000 per acre. For park land, the cost is \$1,110.50 per person (0.00174 acres per person X \$639,000 per acre) and \$144.91 per job (0.00023 acres per job X \$639,000 per acre).

Figure PR4: Existing Level of Service

Cost Factors	
Land Acquisition (per acre)	\$180,000
Site Development ¹ (per acre)	\$459,000
Total (per acre)	\$639,000

Level-of-Service (LOS) Standards	
Eligible Acres	306.55
Residential	
Residential Share	98%
2023 Population	172,866
Eligible Acres per Person	0.00174
Cost per Person	\$1,110.50
Nonresidential	
Nonresidential Share	2%
2023 Jobs	27,035
Eligible Acres per Job	0.00023
Cost per Job	\$144.91

Source: Surprise Parks and Recreation Department

1. Includes drainage, earthwork, landscaping, water, sewer, electricity, paving, signage, etc.

Park Amenities – Incremental Expansion

Surprise currently provides 179.5 park amenities in its existing parks and plans to construct additional park amenities to serve future development. Based on costs provided by Surprise’s Parks and Recreation Department to construct recent park amenities, the total cost of existing park amenities is \$65,563,295.

Figure PR5: Existing Park Amenities

Description	Units	Unit Cost	Total Cost
Baseball Field, Lighted	4.0	\$777,793	\$3,111,171
Baseball/Softball Field, Not Lighted	2.0	\$340,613	\$681,226
Softball Field, Adult, Lighted	10.0	\$775,057	\$7,750,570
Multi-Purpose Field, Not Lighted	7.5	\$112,860	\$846,450
Multi-Purpose Field, Lighted	14.0	\$776,862	\$10,876,069
Soccer Field, Lighted	2.0	\$1,558,162	\$3,116,324
Basketball Court, Lighted	5.5	\$223,020	\$1,226,610
Basketball Court, Not Lighted	3.5	\$113,280	\$396,480
Tennis Court, Lighted	25.0	\$152,100	\$3,802,500
Pickleball Court	16.0	\$105,565	\$1,689,045
Sand Volleyball Court	7.0	\$83,333	\$583,333
Single Picnic Ramada (12' x 12')	22.0	\$56,250	\$1,237,500
Double Picnic Ramada (12' x 24')	11.0	\$93,750	\$1,031,250
Pavillion (24' x 24')	1.0	\$259,600	\$259,600
Playground, Small (40' x 50')	8.0	\$534,000	\$4,272,000
Playground, Large (80' x 100')	6.0	\$704,000	\$4,224,000
Dog Park	2.0	\$702,000	\$1,404,000
Restroom	12.0	\$534,404	\$6,412,852
Restroom / Concession Facilities	3.0	\$787,500	\$2,362,500
Splash Pad	3.0	\$800,000	\$2,400,000
Skate Park at Dick McComb Park	1.0	\$750,000	\$750,000
Paved Parking Lot	13.0	\$521,380	\$6,777,936
Lizard Run Pedestrian Bridge	1.0	\$351,878	\$351,878
Total	179.5	\$365,255	\$65,563,295

Source: Surprise Parks and Recreation Department

To allocate the proportionate share of demand for park amenities to residential and nonresidential development, this analysis uses the proportionate share shown in Figure PR1. The existing level of service for residential development is 0.00102 units per person (179.5 units X 98 percent residential share / 172,866 persons). For nonresidential development, the existing level of service is 0.00013 units per job (179.5 units X two percent nonresidential share / 27,035 jobs).

Based on the total cost of existing park amenities, the weighted average cost for existing park amenities is \$365,255 per unit (\$65,563,295 total cost / 179.5 units). For park amenities, the cost is \$371.69 per person (0.00102 units per person X \$365,255 per unit) and \$48.50 per job (0.00013 units per job X \$365,255 per unit).

Figure PR6: Existing Level of Service

Cost Factors	
Weighted Average per Unit	\$365,255

Level-of-Service (LOS) Standards	
Existing Units	179.5
Residential	
Residential Share	98%
2023 Population	172,866
Units per Person	0.00102
Cost per Person	\$371.69
Nonresidential	
Nonresidential Share	2%
2023 Jobs	27,035
Units per Job	0.00013
Cost per Job	\$48.50

Source: Surprise Parks and Recreation Department

Recreation Facilities – Incremental Expansion

Surprise currently provides 43,400 square feet of recreation facilities and plans to construct additional recreation facilities to serve future development. The Enabling Legislation limits recreation facilities to “three thousand square feet that provide a direct benefit to development.” To comply with the Enabling Legislation, Surprise will use 12,000 square feet in the level-of-service standards.

To allocate the proportionate share of demand for recreation facilities to residential and nonresidential development, this analysis uses proportionate share shown in Figure PR1. The level of service for residential development is 0.0680 eligible square feet per person (12,000 eligible square feet X 98 percent residential share / 172,866 persons). The nonresidential level of service is 0.0089 eligible square feet per job (12,000 eligible square feet X two percent nonresidential share / 27,035 jobs).

Surprise provided a construction cost of \$600 per square foot. For recreation facilities, the cost is \$40.82 per person (0.0680 eligible square feet per person X \$600 per square foot) and \$5.33 per job (0.0089 eligible square feet per job X \$600 per square foot).

Figure PR7: Existing Level of Service

Description	Total Square Feet	Eligible Square Feet
Villanueva Gym	10,100	3,000
Tennis and Racquet Complex	9,300	3,000
Countryside Recreation Center	14,000	3,000
Sierra Montana Recreation Center	10,000	3,000
Total	43,400	12,000

Cost Factors	
Cost per Square Foot	\$600

Level-of-Service (LOS) Standards	
Eligible Square Feet	12,000
Residential	
Residential Share	98%
2023 Population	172,866
Eligible Square Feet per Person	0.0680
Cost per Person	\$40.82
Nonresidential	
Nonresidential Share	2%
2023 Jobs	27,035
Eligible Square Feet per Job	0.0089
Cost per Job	\$5.33

Source: Surprise Parks and Recreation Department

Development Fee Report – Plan-Based

The cost to prepare the Parks and Recreational Facilities IIP and development fees totals \$15,000. Surprise plans to update its report every five years. Based on this cost, proportionate share, and five-year projections of new development from the *Land Use Assumptions* document, the cost is \$0.33 per person and \$0.04 per job.

Figure PR8: IIP and Development Fee Report

Necessary Public Service	Cost	Proportionate Share		Service Unit	5-Year Change	Cost per Service Unit
Parks and Recreational	\$15,000	Residential	98%	Population	44,514	\$0.33
		Nonresidential	2%	Jobs	7,782	\$0.04

PROJECTED DEMAND FOR SERVICES AND COSTS

ARS § 9-463.05(E)(5) requires:

“The total number of projected service units necessitated by and attributable to new development in the service area based on the approved land use assumptions and calculated pursuant to generally accepted engineering and planning criteria.”

ARS § 9-463.05(E)(6) requires:

“The projected demand for necessary public services or facility expansions required by new service units for a period not to exceed ten years.”

As shown in the *Land Use Assumptions* document, Surprise’s population is projected to increase by 83,656 persons and employment is expected to increase by 16,444 jobs over the next 10 years. To maintain the existing levels of service, Surprise will need to acquire and develop approximately 149 acres of park land, construct approximately 87 park amenities, and construct approximately 5,800 square feet of recreation facilities over the next 10 years. The following pages include a more detailed projection of demand for services and costs for the Parks and Recreational Facilities IIP.

Park Land – Incremental Expansion

Surprise plans to maintain its existing level of service for park land over the next 10 years. Based on a projected population increase of 83,656 persons, future residential development demands approximately 145.4 acres of park land (83,656 additional persons X 0.00174 eligible acres per person). With projected employment growth of 16,444 jobs, future nonresidential development demands approximately 3.7 acres of park land (16,444 additional jobs X 0.00023 eligible acres per job). Future development demands 149.11 additional acres of park land at a cost of \$95,283,250 (149.11 acres X \$639,000 per acre). Surprise may use development fees to acquire and develop additional park land.

Figure PR9: Projected Demand

Type of Infrastructure	Level of Service	Demand Unit	Cost per Acre
Park Land	0.00174 Eligible Acres	per Person	\$639,000
	0.00023 Eligible Acres	per Job	

Demand for Park Land					
Year	Population	Jobs	Eligible Acres		
			Residential	Nonresidential	Total
2023	172,866	27,035	300.42	6.13	306.55
2024	181,769	28,591	315.89	6.48	322.37
2025	190,671	30,148	331.36	6.84	338.20
2026	199,574	31,704	346.83	7.19	354.02
2027	208,477	33,260	362.31	7.54	369.85
2028	217,380	34,816	377.78	7.90	385.67
2029	226,282	36,373	393.25	8.25	401.50
2030	235,185	37,929	408.72	8.60	417.32
2031	242,297	39,779	421.08	9.02	430.10
2032	249,410	41,629	433.44	9.44	442.88
2033	256,522	43,479	445.80	9.86	455.66
10-Yr Increase	83,656	16,444	145.38	3.73	149.11

Growth-Related Expenditures	\$92,900,286	\$2,382,964	\$95,283,250
-----------------------------	--------------	-------------	--------------

Park Amenities – Incremental Expansion

Surprise plans to maintain its existing level of service for park amenities over the next 10 years. Based on a projected population increase of 83,656 persons, future residential development demands approximately 85.1 park amenities (83,656 additional persons X 0.00102 amenities per person). With projected employment growth of 16,444 jobs, future nonresidential development demands approximately 2.2 park amenities (16,444 additional jobs X 0.00013 amenities per job). Future development demands 87.3 additional park amenities at a cost of \$31,891,515 (87.3 amenities X \$365,255 per amenity). Surprise may use development fees to construct additional park amenities.

Figure PR10: Projected Demand

Type of Infrastructure	Level of Service	Demand Unit	Cost per Unit
Park Amenities	0.00102 Units	per Person	\$365,255
	0.00013 Units	per Job	

Demand for Park Amenities					
Year	Population	Jobs	Units		
			Residential	Nonresidential	Total
2023	172,866	27,035	175.9	3.6	179.5
2024	181,769	28,591	185.0	3.8	188.8
2025	190,671	30,148	194.0	4.0	198.0
2026	199,574	31,704	203.1	4.2	207.3
2027	208,477	33,260	212.1	4.4	216.6
2028	217,380	34,816	221.2	4.6	225.8
2029	226,282	36,373	230.3	4.8	235.1
2030	235,185	37,929	239.3	5.0	244.4
2031	242,297	39,779	246.6	5.3	251.8
2032	249,410	41,629	253.8	5.5	259.3
2033	256,522	43,479	261.0	5.8	266.8
10-Yr Increase	83,656	16,444	85.1	2.2	87.3

Growth-Related Expenditures	\$31,093,932	\$797,583	\$31,891,515
-----------------------------	--------------	-----------	--------------

Recreation Facilities – Incremental Expansion

Surprise plans to maintain its eligible level of service for recreation over the next 10 years. Based on a projected population increase of 83,656 persons, future residential development demands approximately 5,691 square feet of recreation facilities (83,656 additional persons X 0.0680 eligible square feet per person). With projected employment growth of 16,444 jobs, future nonresidential development demands approximately 146 square feet of recreation facilities (16,444 additional jobs X 0.0089 eligible square feet per job). Future development demands approximately 5,837.1 square feet of recreation facilities at a cost of \$3,502,248 (5,837.1 square feet X \$600 per square foot). Surprise may use development fees to construct additional recreation facilities.

Figure PR11: Projected Demand

Type of Infrastructure	Level of Service	Demand Unit	Cost per Unit
Recreation Facilities	0.0680 Eligible Sq Ft	per Person	\$600
	0.0089 Eligible Sq Ft	per Job	

Demand for Recreation Facilities					
Year	Population	Jobs	Eligible Square Feet		
			Residential	Nonresidential	Total
2023	172,866	27,035	11,760.0	240.0	12,000.0
2024	181,769	28,591	12,365.6	253.8	12,619.5
2025	190,671	30,148	12,971.3	267.6	13,238.9
2026	199,574	31,704	13,576.9	281.4	13,858.4
2027	208,477	33,260	14,182.6	295.3	14,477.9
2028	217,380	34,816	14,788.2	309.1	15,097.3
2029	226,282	36,373	15,393.9	322.9	15,716.8
2030	235,185	37,929	15,999.5	336.7	16,336.3
2031	242,297	39,779	16,483.4	353.1	16,836.5
2032	249,410	41,629	16,967.2	369.6	17,336.8
2033	256,522	43,479	17,451.1	386.0	17,837.1
10-Yr Increase	83,656	16,444	5,691.1	146.0	5,837.1

Growth-Related Expenditures	\$3,414,659	\$87,589	\$3,502,248
-----------------------------	-------------	----------	-------------

PARKS AND RECREATIONAL FACILITIES DEVELOPMENT FEES

Revenue Credit/Offset

A revenue credit/offset is necessary for development fees, because Surprise's construction transaction privilege tax rate exceeds the amount of the transaction privilege tax rate imposed on the majority of other transaction privilege tax classifications. Surprise allocates the construction privilege tax credit to fire, parks and recreational, and police development fees. Appendix A contains the forecast of revenues required by Arizona's Enabling Legislation (ARS § 9-463.05(E)(7)).

The analysis also includes a site development credit of \$218.13 per person and \$28.46 per job. This credit reduces site development costs included with park land.

Parks and Recreational Facilities Development Fees

Infrastructure components and cost factors for parks and recreational facilities are summarized in the upper portion of Figure PR12. The cost per service unit is \$697.67 per person and \$99.39 per job.

Parks and recreational facilities fees for residential development are assessed according to the number of persons per housing unit. The fee of \$1,800 for a single-family unit is calculated using a cost per service unit of \$697.67 per person multiplied by a demand unit of 2.58 persons per housing unit.

Nonresidential development fees are calculated using jobs as the service unit. The fee of \$115 per 1,000 square feet of industrial development is derived from a cost per service unit of \$99.39 per job multiplied by a demand unit of 1.16 jobs per 1,000 square feet.

Figure PR12: Parks and Recreational Facilities Development Fees

Fee Component	Cost per Person	Cost per Job
Park Land	\$1,110.50	\$144.91
Park Amenities	\$371.69	\$48.50
Recreation Facilities	\$40.82	\$5.33
Development Fee Report	\$0.33	\$0.04
Subtotal	\$1,523.34	\$198.78
Excess Construction Sales Tax	(\$607.54)	(\$70.93)
Site Development Cost Credit	(\$218.13)	(\$28.46)
Total	\$697.67	\$99.39

Residential Fees per Unit						
Development Type	Persons per Housing Unit ¹	Proposed Fees	Adopted Fees ²	Difference from Adopted	Current Fees	Difference from Current
Single-Family	2.58	\$1,800	\$1,845	(\$45)	\$1,060	\$740
Multi-Family	1.58	\$1,102	\$1,227	(\$125)	\$647	\$455
Mobile Home	1.09	\$760	\$1,289	(\$529)	\$594	\$166

Nonresidential Fees per 1,000 Square Feet						
Development Type	Jobs per 1,000 Sq Ft ¹	Proposed Fees	Adopted Fees ²	Difference from Adopted	Current Fees	Difference from Current
Industrial	1.16	\$115	\$32	\$83	\$32	\$83
Warehouse	0.34	\$34	\$32	\$2	\$32	\$2
Retail/Commercial	2.12	\$211	\$32	\$179	\$32	\$179
Office	3.26	\$324	\$74	\$250	\$74	\$250
Public/Institutional	2.04	\$203	\$85	\$118	\$85	\$118

1. See Park Land Use Assumptions

2. Adopted fees for residential development include a grandfathered park fee that has been retired

PARKS AND RECREATIONAL FACILITIES DEVELOPMENT FEE REVENUE

Appendix A contains the forecast of revenues required by Arizona's Enabling Legislation (ARS § 9-463.05(E)(7)). In accordance with state law, this report includes an IIP for parks and recreational facilities needed to accommodate new development. Projected fee revenue shown in Figure PR13 is based on the development projections in the *Land Use Assumptions* document and the updated development fees for parks and recreational facilities shown in Figure PR12. If development occurs at a more rapid rate than projected, the demand for infrastructure will increase and development fee revenue will increase at a corresponding rate. If development occurs at a slower rate than projected, the demand for infrastructure will also decrease, along with development fee revenue. Projected development fee revenue equals \$84,380,104, and projected expenditures equal \$84,380,663.

Figure PR13: Parks and Recreational Facilities Development Fee Revenue

Fee Component	Growth Share	Existing Share	Total
Park Land	\$95,283,250	\$0	\$95,283,250
Park Amenities	\$31,891,515	\$0	\$31,891,515
Recreation Facilities	\$3,502,248	\$0	\$3,502,248
Development Fee Report	\$15,000	\$0	\$15,000
Excess Constr. Sales Tax	(\$27,595,880)	\$0	(\$27,595,880)
Site Dev. Cost Credit	(\$18,715,470)	\$0	(\$18,715,470)
Total	\$84,380,663	\$0	\$84,380,663

		Single Family \$1,800 per unit	Multi-Family \$1,102 per unit	Mobile Home \$760 per unit	Industrial \$115 per 1,000 sq ft	Warehouse \$34 per 1,000 sq ft	Ret/Comm \$211 per 1,000 sq ft	Office \$324 per 1,000 sq ft	Public/Inst \$203 per 1,000 sq ft
Year		Hsg Unit	Hsg Unit	Hsg Unit	KSF	KSF	KSF	KSF	KSF
Base	2023	59,934	9,973	3,106	2,098	5,332	7,380	3,397	7,179
Year 1	2024	62,847	10,833	3,133	2,310	5,484	7,499	3,620	7,317
Year 2	2025	65,760	11,692	3,159	2,523	5,635	7,617	3,843	7,454
Year 3	2026	68,673	12,552	3,186	2,736	5,787	7,735	4,067	7,592
Year 4	2027	71,586	13,411	3,213	2,948	5,938	7,854	4,290	7,729
Year 5	2028	74,499	14,271	3,239	3,161	6,089	7,972	4,513	7,867
Year 6	2029	77,412	15,130	3,266	3,373	6,241	8,090	4,737	8,005
Year 7	2030	80,325	15,990	3,293	3,586	6,392	8,208	4,960	8,142
Year 8	2031	82,536	16,868	3,313	3,736	6,499	8,431	5,249	8,253
Year 9	2032	84,746	17,746	3,333	3,886	6,606	8,653	5,538	8,364
Year 10	2033	86,957	18,624	3,354	4,036	6,714	8,876	5,827	8,475
10-Year Increase		27,023	8,650	248	1,938	1,381	1,496	2,430	1,296
Projected Revenue		\$68,156,825	\$13,710,899	\$264,149	\$294,926	\$61,470	\$451,981	\$1,089,288	\$350,565

Projected Fee Revenue	\$84,380,104
Total Expenditures	\$84,380,663

10-YEAR CAPITAL PLAN

The figure shown below includes potential parks and recreational capital expenditures during the next 10 years. The list of potential capital expenditures is representational of future growth-related parks and recreational capital expenditures.

Figure PR14: Parks and Recreational Facilities Capital Plan

Project Type	Description	Fiscal Year	Cost
CIP	City Park Improvements	2025-2028	\$6,500,000
CIP	McMicken Park - Design	2025	\$2,700,000
CIP	New Park - Perryville & Cactus	2024	\$8,836,800
CIP	Park West Surprise (SPA 1)	2028-2032	\$15,000,000
CIP	Park North Surprise (SPA 2)	2028-2032	\$25,000,000
CIP	Park Northwest Surprise (SPA 3)	2028-2032	\$15,000,000
CIP	Trails	2028-2032	\$10,000,000
Dev Agreement	Developer Obligation - Asante Park	2024-2034	\$3,688,893
Study/Audit Cost	Development Fee Update/Biennial DIF Audits	2024-2029	\$15,000
Total			\$86,740,693

Source: Surprise Parks and Recreation Department

POLICE FACILITIES IIP

ARS § 9-463.05 (T)(7)(f) defines the eligible facilities and assets for the Police Facilities IIP:

“Fire and police facilities, including all appurtenances, equipment and vehicles. Fire and police facilities do not include a facility or portion of a facility that is used to replace services that were once provided elsewhere in the municipality, vehicles and equipment used to provide administrative services, helicopters or airplanes or a facility that is used for training firefighters or officers from more than one station or substation.”

The Police Facilities IIP includes components for police facilities, police facilities land, police vehicles, police equipment, and the cost of preparing the Police Facilities IIP and related Development Fee Report. The incremental expansion methodology, based on the current level of service, is used for police facilities land, police vehicles, and police equipment. The plan-based methodology is used for police facilities and the Development Fee Report.

PROPORTIONATE SHARE

ARS § 9-463.05 (B)(3) states that the development fee shall not exceed a proportionate share of the cost of necessary public services needed to accommodate new development. The Police Facilities IIP and development fees will allocate the cost of police infrastructure between residential and nonresidential using calls for service. Based on FY2020-FY2022 call data provided by the Surprise Police Department, residential development accounts for approximately 61 percent of demand and nonresidential development accounts for the remaining 39 percent of demand.

Figure P1: Proportionate Share

Description	FY 2020	FY 2021	FY 2022	Total
Residential	30,742	29,529	29,151	89,422
Nonresidential	20,089	19,238	18,838	58,165
Total	50,831	48,767	47,989	147,587

Description	FY 2020	FY 2021	FY 2022	Total
Residential	60%	61%	61%	61%
Nonresidential	40%	39%	39%	39%
Total	100%	100%	100%	100%

Source: Surprise Police Department

The proportionate share of costs attributable to residential development will be allocated to population and then converted to an appropriate amount by type of housing unit. Since nonresidential calls for service were unavailable by specific nonresidential use, TischlerBise recommends using vehicle trips as the nonresidential demand indicator for police services. Trip generation rates are highest for retail/commercial development and lowest for industrial development. Office and public/institutional trip generation rates fall between the other two categories. This ranking of trip generation rates is consistent with the relative demand for police services from nonresidential development.

SERVICE AREA

Surprise's Police Department strives to provide a uniform response time within the city limits; therefore, there is a single service area for the Police Facilities IIP.

RATIO OF SERVICE UNIT TO DEVELOPMENT UNIT

ARS § 9-463.05(E)(4) requires:

"A table establishing the specific level or quantity of use, consumption, generation or discharge of a service unit for each category of necessary public services or facility expansions and an equivalency or conversion table establishing the ratio of a service unit to various types of land uses, including residential, commercial and industrial."

Figure P2 displays the demand indicators for residential and nonresidential land uses. For residential development, the table displays the persons per housing unit. For nonresidential development, the table displays the number of average weekday vehicle trips generated per thousand square feet of floor area.

Figure P2: Ratio of Service Unit to Development Unit

Residential Development	
Development Type	Persons per Housing Unit ¹
Single-Family	2.58
Multi-Family	1.58
Mobile Home	1.09

Nonresidential Development			
Development Type	AWVTE per 1,000 Sq Ft ¹	Trip Rate Adjustment	AWVT per 1,000 Sq Ft ¹
Industrial	3.37	50%	1.69
Warehouse	1.71	50%	0.86
Retail/Commercial	37.01	28%	10.18
Office	10.84	45%	4.88
Public/Institutional	6.75	50%	3.38

1. See Land Use Assumptions

ANALYSIS OF CAPACITY, USAGE, AND COSTS OF EXISTING PUBLIC SERVICES

ARS § 9-463.05(E)(1) requires:

"A description of the existing necessary public services in the service area and the costs to upgrade, update, improve, expand, correct or replace those necessary public services to meet existing needs and usage and stricter safety, efficiency, environmental or regulatory standards, which shall be prepared by qualified professionals licensed in this state, as applicable."

ARS § 9-463.05(E)(2) requires:

"An analysis of the total capacity, the level of current usage and commitments for usage of capacity of the existing necessary public services, which shall be prepared by qualified professionals licensed in this state, as applicable."

Police Facilities – Plan-Based

Surprise currently provides 70,844 square feet of police facilities to existing development, and Surprise plans to construct additional police facilities to serve future development.

Figure P3: Existing Police Facilities

Description	Square Feet	Acres
Public Safety Building (share)	42,500	7.82
Evidence & Readiness Center	27,944	4.54
Techcelerator Police Storage	400	0.00
Total	70,844	12.36

Source: Surprise Police Department

Surprise plans to use future development fee revenue to repay the outstanding obligation related to the Public Safety Building. The total obligation is \$2,786,022, and the outstanding obligation is \$135,214. Based on a cost of approximately \$65 per square foot (\$2,768,022 total obligation / 42,500 total square feet), the proportionate share of the Public Safety Building related to the outstanding obligation is 2,076 square feet (\$135,214 outstanding obligation / \$65 per square foot).

Figure P4: Public Safety Building Obligation

Public Safety Building	Square Feet	Obligation ¹	Cost per Sq Ft
Outstanding Debt	2,076	\$135,214	\$65
Retired Debt	40,424	\$2,632,808	\$65
Total	42,500	\$2,768,022	\$65

Source: Surprise Police Department

1. Surprise Finance Department

As shown below in Figure P5, Surprise plans to repay outstanding obligations related to the Public Safety Building and to construct 60,000 square feet of police facilities during the next 10 years. The total cost is \$48,135,214, and the associated floor area is 62,076 square feet. Based on these projects, the analysis uses a cost of \$775 per square foot for police facilities (\$48,135,214 total cost / 62,076 total square feet). The planned police facilities will serve all development in Surprise through 2038.

Figure P5: Police Facilities Cost Factors

Description	Square Feet	Cost	Cost per Sq Ft
Public Safety Building (share)	2,076	\$135,214	\$65
Future Police Substation	30,000	\$22,000,000	\$733
Future Police Substation	30,000	\$26,000,000	\$867
Total	62,076	\$48,135,214	\$775

Source: Surprise Police Department

Surprise plans to provide 130,844 square feet of police facilities to all development in 2038. To allocate the proportionate share of demand for police facilities to residential and nonresidential development, this analysis uses proportionate share factors shown in Figure P1. The planned level of service for residential development is 0.2770 square feet per person (130,844 total square feet X 61 percent residential share / 286,249 persons). The planned nonresidential level of service is 0.2835 square feet per vehicle trip (130,844 total square feet X 39 percent nonresidential share / 181,875 vehicle trips).

Based on the outstanding obligations for the Public Safety Building and the construction cost estimates for future police facilities shown in Figure P5, the analysis uses a cost of \$775 per square foot (\$48,135,214 total cost / 62,076 total square feet). For police facilities, the cost is \$214.76 per person (0.2770 square feet per person X \$775 per square foot) and \$219.85 per vehicle trip (0.2835 square feet per vehicle trip X \$775 per square foot).

Figure P6: Planned Level of Service

Cost Factors	
Cost per Square Foot	\$775

Level-of-Service (LOS) Standards	
Existing Square Feet ¹	68,768
Cost Recovery Square Feet ²	2,076
Planned Square Feet	60,000
Total Square Feet	130,844
Residential	
Residential Share	61%
2038 Population	286,249
Square Feet per Person	0.2770
Cost per Person	\$214.76
Nonresidential	
Nonresidential Share	39%
2038 Vehicle Trips	181,875
Square Feet per Vehicle Trip	0.2835
Cost per Vehicle Trip	\$219.85

Source: Surprise Police Department

1. Excludes share related to outstanding obligations
2. Public Safety Building share of outstanding obligations

Police Facilities Land – Incremental Expansion

Surprise police facilities currently occupy 12.36 acres of land, and Surprise plans to acquire additional land for police facilities to serve future development. To allocate the proportionate share of demand for land to residential and nonresidential development, this analysis uses calls for service outlined in Figure P1. The existing level of service for residential development is 0.00004 acres per person (12.36 acres X 61 percent residential share / 172,866 persons). The nonresidential level of service is 0.00004 acres per vehicle trip (12.36 acres X 39 percent nonresidential share / 124,008 vehicle trips).

Based on the weighted average cost of potential land acquisitions provided by the Surprise Police Department, the land acquisition cost is \$162,000 per acre (\$810,000 total cost / 5.0 acres). For police facilities land, the cost is \$7.02 per person (0.00004 acres per person X \$162,000 per acre) and \$6.36 per vehicle trip (0.00004 acres per vehicle trip X \$162,000 per acre).

Figure P7: Existing Level of Service

Cost Factors	
Cost per Acre	\$162,000

Level-of-Service (LOS) Standards	
Existing Acres	12.36
Residential	
Residential Share	61%
2023 Population	172,866
Acres per Person	0.00004
Cost per Person	\$7.02
Nonresidential	
Nonresidential Share	39%
2023 Vehicle Trips	124,008
Acres per Vehicle Trip	0.00004
Cost per Vehicle Trip	\$6.36

Source: Surprise Police Department

Description	Acres	Cost	Cost per Acre
Land - Police Facilities	3.00	\$500,000	\$166,667
Land - Police Facilities	2.00	\$310,000	\$155,000
Total	5.00	\$810,000	\$162,000

Source: Surprise Police Department

Police Vehicles – Incremental Expansion

Surprise has 141 police vehicles in its existing fleet with a total cost of \$12,274,500, and Surprise plans to acquire additional police vehicles to serve future development. The weighted average cost of the existing fleet is \$87,053 per unit (\$12,274,500 total cost / 141 units).

Figure P8: Existing Police Vehicles

Description	Units	Unit Cost	Total Cost
Patrol Vehicle - Marked	66	\$89,000	\$5,874,000
Police Heavy Van	1	\$225,000	\$225,000
CID and Unmarked Vehicles	27	\$66,500	\$1,795,500
MCC	1	\$1,000,000	\$1,000,000
Motorcycle	9	\$39,000	\$351,000
BearCat	1	\$450,000	\$450,000
Side by Side	2	\$25,000	\$50,000
Side by Side (Ranger)	1	\$20,000	\$20,000
Motorcycle - Unmarked	3	\$60,000	\$180,000
K9	5	\$90,000	\$450,000
Animal Control	3	\$75,000	\$225,000
CP Vehicle	5	\$89,000	\$445,000
Patrol Lieutenant Vehicle	6	\$75,000	\$450,000
ASD Commander & LT	2	\$66,500	\$133,000
POD Commander	2	\$66,500	\$133,000
Property & Evidence vans	2	\$72,000	\$144,000
TSD Commander & LT	2	\$66,500	\$133,000
Property & Evidence Van	2	\$72,000	\$144,000
Crime Scene Van	1	\$72,000	\$72,000
Total	141	\$87,053	\$12,274,500

Source: Surprise Police Department

To allocate the proportionate share of demand for police vehicles to residential and nonresidential development, this analysis uses calls for service outlined in Figure P1. The existing level of service for residential development is 0.0005 units per person (141 vehicles X 61 percent residential share / 172,866 persons). The nonresidential level of service is 0.0004 units per vehicle trip (141 vehicles X 39 percent nonresidential share / 124,008 vehicle trips).

Based on the total cost of existing police vehicles, the weighted average cost for a new police vehicle is \$87,053 per vehicle (\$12,274,500 total cost / 141 units). For police vehicles, the cost is \$43.02 per person (0.0005 units per person X \$87,053 per vehicle) and \$39.01 per vehicle trip (0.0004 units per vehicle trip X \$87,053 per vehicle).

Figure P9: Existing Level of Service

Cost Factors	
Weighted Average per Unit	\$87,053

Level-of-Service (LOS) Standards	
Existing Units	141
Residential	
Residential Share	61%
2023 Population	172,866
Units per Person	0.0005
Cost per Person	\$43.02
Nonresidential	
Nonresidential Share	39%
2023 Vehicle Trips	124,008
Units per Vehicle Trip	0.0004
Cost per Vehicle Trip	\$39.01

Source: Surprise Police Department

Police Equipment – Incremental Expansion

Surprise has 1,324 units of police equipment with a total cost of \$13,614,115, and Surprise plans to acquire additional units to serve future development. To allocate the proportionate share of demand for police equipment to residential and nonresidential development, this analysis uses calls for service outlined in Figure P1. The existing level of service for residential development is 0.0046 units per person (1,324 units X 61 percent residential share / 172,866 persons). The nonresidential level of service is 0.0042 units per vehicle trip (1,324 units X 39 percent nonresidential share / 124,008 vehicle trips).

Based on the total cost of existing police equipment, the weighted average cost for a new unit is \$10,823 per unit (\$13,614,115 total cost / 1,324 units). For police equipment, the cost is \$47.72 per person (0.0046 units per person X \$10,283 per unit) and \$43.27 per vehicle trip (0.0042 units per vehicle trip X \$10,283 per unit).

Figure P10: Existing Level of Service

Cost Factors	
Existing Equipment (Units)	1,324
Existing Equipment (Cost)	\$13,614,115
Weighted Average per Unit	\$10,283

Level-of-Service (LOS) Standards	
Existing Units	1,324
Residential	
Residential Share	61%
2023 Population	172,866
Units per Person	0.0046
Cost per Person	\$47.72
Nonresidential	
Nonresidential Share	39%
2023 Vehicle Trips	124,008
Units per Vehicle Trip	0.0042
Cost per Vehicle Trip	\$43.27

Source: Surprise Police Department

Development Fee Report – Plan-Based

The cost to prepare the Police Facilities IIP and related Development Fee Report totals \$16,230. Surprise plans to update its report every five years. Based on this cost, proportionate share, and five-year projections of new residential and nonresidential development from the *Land Use Assumptions* document, the cost is \$0.22 per person and \$0.39 per vehicle trip.

Figure P11: IIP and Development Fee Report

Necessary Public Service	Cost	Proportionate Share		Service Unit	5-Year Change	Cost per Service Unit
Police	\$16,230	Residential	61%	Population	44,514	\$0.22
		Nonresidential	39%	Vehicle Trips	16,226	\$0.39

Bond Credit

Shown below, Surprise will issue \$100.0 million in G.O. bonds to construct transportation and public safety projects, and public safety projects will account for \$34.0 million of bond funding. To prevent future development from paying for future improvements through development fees and through future bond payments, the development fee study includes a credit for future bond payments. As shown in Figure P12, the analysis allocates public safety costs 50.2 percent to fire and 49.8 percent to police.

Figure P12: Bond Allocation

Series 2024 / 2027 Bond Use	Cost	Share
Transportation	\$66,000,000	66%
Public Safety	\$34,000,000	34%
Total	\$100,000,000	100%

Public Safety Use	Cost	Fire Share	Police Share
Fire Station	\$15,300,000	\$15,300,000	\$0
Police Substation	\$15,200,000	\$0	\$15,200,000
Land for Public Safety Facilities	\$3,500,000	\$1,755,738	\$1,744,262
Total	\$34,000,000	\$17,055,738	\$16,944,262
Share	100.0%	50.2%	49.8%

Source: Surprise Finance Department

To allocate the proportionate share of bond costs to residential and nonresidential development, this analysis uses proportionate share factors shown in Figure P1. The analysis divides annual principal payments by population for residential development and by vehicle trips for nonresidential development. To calculate the bond credit, the analysis calculates the net present value of future principal payments. The proposed police development fees include a credit of \$13.92 per person and \$14.12 per vehicle trip.

Figure P13: Police Bond Credit

Police Share of Series 2024 and Series 2027 Bonds							
Fiscal Year	Annual Principal Payment	Residential Share	Population	Principal per Person	Nonresidential Share	Vehicle Trips	Principal per Veh Trip
2024	\$0	\$0	181,769	\$0.00	\$0	127,254	\$0.00
2025	\$0	\$0	190,671	\$0.00	\$0	130,499	\$0.00
2026	\$5,083	\$3,080	199,574	\$0.02	\$2,003	133,744	\$0.01
2027	\$62,694	\$37,986	208,477	\$0.18	\$24,708	136,989	\$0.18
2028	\$53,374	\$32,339	217,380	\$0.15	\$21,035	140,235	\$0.15
2029	\$185,540	\$112,417	226,282	\$0.50	\$73,122	143,480	\$0.51
2030	\$213,498	\$129,357	235,185	\$0.55	\$84,141	146,725	\$0.57
2031	\$242,303	\$146,810	242,297	\$0.61	\$95,493	151,119	\$0.63
2032	\$272,803	\$165,289	249,410	\$0.66	\$107,513	155,513	\$0.69
2033	\$303,302	\$183,769	256,522	\$0.72	\$119,533	159,906	\$0.75
2034	\$336,344	\$203,788	262,467	\$0.78	\$132,555	164,300	\$0.81
2035	\$372,774	\$225,861	268,413	\$0.84	\$146,913	168,694	\$0.87
2036	\$410,051	\$248,447	274,358	\$0.91	\$161,604	173,088	\$0.93
2037	\$449,023	\$272,060	280,303	\$0.97	\$176,963	177,482	\$1.00
2038	\$490,536	\$297,213	286,249	\$1.04	\$193,324	181,875	\$1.06
2039	\$767,575	\$465,069	292,194	\$1.59	\$302,506	186,269	\$1.62
2040	\$804,005	\$487,142	298,139	\$1.63	\$316,864	190,663	\$1.66
2041	\$841,283	\$509,728	304,085	\$1.68	\$331,555	195,057	\$1.70
2042	\$881,102	\$533,854	310,030	\$1.72	\$347,248	199,450	\$1.74
2043	\$921,768	\$558,493	315,975	\$1.77	\$363,275	203,844	\$1.78
2044	\$964,976	\$584,673	321,921	\$1.82	\$380,303	208,238	\$1.83
2045	\$892,115	\$540,527	327,866	\$1.65	\$351,589	212,632	\$1.65
2046	\$931,934	\$564,653	333,811	\$1.69	\$367,281	217,025	\$1.69
2047	\$974,295	\$590,319	339,757	\$1.74	\$383,976	221,419	\$1.73
2048	\$1,017,503	\$616,498	345,702	\$1.78	\$401,005	225,813	\$1.78
2049	\$1,063,252	\$644,218	351,647	\$1.83	\$419,035	230,207	\$1.82
2050	\$1,111,544	\$673,477	357,593	\$1.88	\$438,067	234,601	\$1.87
2051	\$1,161,529	\$703,763	363,538	\$1.94	\$457,766	238,994	\$1.92
2052	\$1,214,056	\$735,589	369,483	\$1.99	\$478,468	243,388	\$1.97
Total	\$16,944,262	\$10,266,418		\$13.92	\$6,677,844		\$14.12

PROJECTED DEMAND FOR SERVICES AND COSTS

ARS § 9-463.05(E)(5) requires:

“The total number of projected service units necessitated by and attributable to new development in the service area based on the approved land use assumptions and calculated pursuant to generally accepted engineering and planning criteria.”

ARS § 9-463.05(E)(6) requires:

“The projected demand for necessary public services or facility expansions required by new service units for a period not to exceed ten years.”

As shown in the *Land Use Assumptions* document, Surprise’s population is expected to increase by 83,656 persons and nonresidential vehicle trips are expected to increase by 35,898 vehicle trips over the next 10 years. To reach the planned level of service, Surprise will construct 60,000 square feet of police facilities over the next 10 years. To maintain the existing levels of service, Surprise will need to acquire approximately five acres of land, 57 police vehicles, and 539 units of police equipment over the next 10 years. The following pages include a more detailed projection of demand for services and costs for the Police Facilities IIP.

Police Facilities – Plan-Based

Surprise will use development fees to repay obligations associated with the Public Safety Building and to construct police facilities within the next 10 years. Based on a 15-year projected population increase of 113,383 persons, future residential development demands approximately 31,402 square feet of planned police facilities (113,383 additional persons X 0.2770 square feet per person). With a 15-year projected increase of 57,867 vehicle trips, future nonresidential development demands approximately 16,407 square feet of planned police facilities (57,867 additional vehicle trips X 0.2835 square feet per vehicle trip). Future development demands approximately 47,809 square feet of police facilities at a cost of \$37,071,899 (47,808.6 square feet X \$775 per square foot). The remaining cost of \$11,063,315 represents existing development's share of planned police facilities (\$48,135,214 total police facilities cost - \$37,071,899 growth cost).

Figure P14: Projected Demand

Type of Infrastructure	Level of Service	Demand Unit	Cost per Unit
Police Facilities	0.2770 Square Feet	per Person	\$775
	0.2835 Square Feet	per Vehicle Trip	

Demand for Police Facilities					
Year	Population	Vehicle Trips	Square Feet		
			Residential	Nonresidential	Total
2023	172,866	124,008	47,875.8	35,159.7	83,035.4
2024	181,769	127,254	50,341.4	36,079.8	86,421.2
2025	190,671	130,499	52,807.1	36,999.9	89,807.0
2026	199,574	133,744	55,272.7	37,920.0	93,192.7
2027	208,477	136,989	57,738.3	38,840.1	96,578.5
2028	217,380	140,235	60,204.0	39,760.2	99,964.2
2029	226,282	143,480	62,669.6	40,680.3	103,350.0
2030	235,185	146,725	65,135.3	41,600.5	106,735.7
2031	242,297	151,119	67,105.1	42,846.2	109,951.3
2032	249,410	155,513	69,074.9	44,092.0	113,166.8
2033	256,522	159,906	71,044.6	45,337.7	116,382.4
2034	262,467	164,300	72,691.2	46,583.5	119,274.7
2035	268,413	168,694	74,337.8	47,829.2	122,167.0
2036	274,358	173,088	75,984.4	49,075.0	125,059.3
2037	280,303	177,482	77,630.9	50,320.7	127,951.7
2038	286,249	181,875	79,277.5	51,566.5	130,844.0
15-Yr Increase	113,383	57,867	31,401.7	16,406.8	47,808.6

Growth-Related Expenditures	\$24,349,663	\$12,722,236	\$37,071,899
Non-Growth Expenditures	\$4,815,149	\$6,248,166	\$11,063,315
Total Expenditures	\$29,164,812	\$18,970,402	\$48,135,214

Police Facilities Land – Incremental Expansion

Surprise plans to maintain its existing level of service for police facilities land over the next 10 years. Based on a projected population increase of 83,656 persons, future residential development demands an additional 3.62 acres of land (83,656 additional persons X 0.00004 acres per person). With a 10-year projected increase of 35,898 vehicle trips, future nonresidential development demands an additional 1.41 acres of land (35,898 additional vehicle trips X 0.00004 acres per vehicle trip). Future development demands 5.04 acres of land at a cost of \$815,678 (5.04 acres X \$162,000 per acre). Surprise may use development fees to acquire additional land for police facilities.

Figure P15: Projected Demand

Type of Infrastructure	Level of Service	Demand Unit	Cost per Acre
Police Facilities Land	0.00004 Acres	per Person	\$162,000
	0.00004 Acres	per Vehicle Trip	

Demand for Police Facilities Land					
Year	Population	Vehicle Trips	Acres		
			Residential	Nonresidential	Total
2023	172,866	124,008	7.49	4.87	12.36
2024	181,769	127,254	7.88	5.00	12.88
2025	190,671	130,499	8.26	5.13	13.39
2026	199,574	133,744	8.65	5.25	13.90
2027	208,477	136,989	9.03	5.38	14.41
2028	217,380	140,235	9.42	5.51	14.93
2029	226,282	143,480	9.80	5.64	15.44
2030	235,185	146,725	10.19	5.76	15.95
2031	242,297	151,119	10.50	5.94	16.44
2032	249,410	155,513	10.81	6.11	16.92
2033	256,522	159,906	11.11	6.28	17.40
10-Yr Increase	83,656	35,898	3.62	1.41	5.04

Growth-Related Expenditures	\$587,204	\$228,474	\$815,678
-----------------------------	-----------	-----------	-----------

Police Vehicles – Incremental Expansion

Surprise plans to maintain its existing level of service for police vehicles over the next 10 years. Based on a projected population increase of 83,656 persons, future residential development demands approximately 41 police vehicles (83,656 additional persons X 0.0005 vehicles per person). With a 10-year projected increase of 35,898 vehicle trips, future nonresidential development demands approximately 16 police vehicles (35,898 additional vehicle trips X 0.0004 vehicles per vehicle trip). Future development demands approximately 57 police vehicles at a cost of \$4,999,412 (57.4 units X \$87,053 per vehicle). Surprise may use development fees to expand its police vehicle fleet.

Figure P16: Projected Demand

Type of Infrastructure	Level of Service	Demand Unit	Cost per Unit
Police Vehicles	0.0005 Units	per Person	\$87,053
	0.0004 Units	per Vehicle Trip	

Demand for Police Vehicles					
Year	Population	Vehicle Trips	Units		
			Residential	Nonresidential	Total
2023	172,866	124,008	85.4	55.6	141.0
2024	181,769	127,254	89.8	57.0	146.9
2025	190,671	130,499	94.2	58.5	152.7
2026	199,574	133,744	98.6	59.9	158.6
2027	208,477	136,989	103.0	61.4	164.4
2028	217,380	140,235	107.4	62.8	170.3
2029	226,282	143,480	111.8	64.3	176.1
2030	235,185	146,725	116.2	65.7	182.0
2031	242,297	151,119	119.7	67.7	187.5
2032	249,410	155,513	123.3	69.7	192.9
2033	256,522	159,906	126.8	71.7	198.4
10-Yr Increase	83,656	35,898	41.3	16.1	57.4

Growth-Related Expenditures	\$3,599,058	\$1,400,353	\$4,999,412
-----------------------------	-------------	-------------	-------------

Police Equipment – Incremental Expansion

Surprise plans to maintain its existing level of service for police equipment over the next 10 years. Based on a projected population increase of 83,656 persons, future residential development demands approximately 388 units of police equipment (83,656 additional persons X 0.0046 units per person). With a 10-year projected increase of 35,898 vehicle trips, future nonresidential development demands approximately 151 units of police equipment (35,898 additional vehicle trips X 0.0042 units per vehicle trip). Future development demands approximately 539 units of equipment at a cost of \$5,545,038 (539.3 units X \$10,283 per unit). Surprise may use development fees to acquire additional police equipment.

Figure P17: Projected Demand

Type of Infrastructure	Level of Service	Demand Unit	Cost per Unit
Police Equipment	0.0046 Units	per Person	\$10,283
	0.0042 Units	per Vehicle Trip	

Demand for Police Equipment					
Year	Population	Vehicle Trips	Units		
			Residential	Nonresidential	Total
2023	172,866	124,008	802.2	521.8	1,324.0
2024	181,769	127,254	843.5	535.5	1,379.0
2025	190,671	130,499	884.8	549.1	1,433.9
2026	199,574	133,744	926.1	562.8	1,488.9
2027	208,477	136,989	967.5	576.4	1,543.9
2028	217,380	140,235	1,008.8	590.1	1,598.8
2029	226,282	143,480	1,050.1	603.7	1,653.8
2030	235,185	146,725	1,091.4	617.4	1,708.8
2031	242,297	151,119	1,124.4	635.9	1,760.3
2032	249,410	155,513	1,157.4	654.4	1,811.8
2033	256,522	159,906	1,190.4	672.8	1,863.3
10-Yr Increase	83,656	35,898	388.2	151.1	539.3

Growth-Related Expenditures	\$3,991,853	\$1,553,185	\$5,545,038
-----------------------------	-------------	-------------	-------------

POLICE FACILITIES DEVELOPMENT FEES

Revenue Credit/Offset

A revenue credit/offset is necessary for development fees, because Surprise's construction transaction privilege tax rate exceeds the amount of the transaction privilege tax rate imposed on the majority of other transaction privilege tax classifications. Surprise allocates the construction privilege tax credit to fire, parks and recreational, and police development fees. Appendix A contains the forecast of revenues required by Arizona's Enabling Legislation (ARS § 9-463.05(E)(7)).

Police Facilities Development Fees

Infrastructure components and cost factors for police facilities are summarized in the upper portion of Figure P18. The cost per service unit for police facilities is \$225.14 per person and \$163.28 per vehicle trip.

Police facilities development fees for residential development are assessed according to the number of persons per housing unit. The fee of \$581 for single-family unit is calculated using a cost per service unit of \$225.14 per person multiplied by a demand unit of 2.58 persons per housing unit.

Nonresidential development fees are calculated using vehicle trips as the service unit. The fee of \$275 per 1,000 square feet of industrial development is derived from a cost per service unit of \$163.28 per vehicle trip multiplied by a demand unit of 1.69 vehicle trips per 1,000 square feet.

Figure P18: Police Facilities Development Fees

Fee Component	Cost per Person	Cost per Trip
Police Facilities	\$214.76	\$219.85
Police Facilities Land	\$7.02	\$6.36
Police Vehicles	\$43.02	\$39.01
Police Equipment	\$47.72	\$43.27
Development Fee Report	\$0.22	\$0.39
Bond Credit	(\$13.92)	(\$14.12)
Subtotal	\$298.82	\$294.76
Excess Construction Sales Tax	(\$73.68)	(\$131.48)
Total	\$225.14	\$163.28

Residential Fees per Unit				
Development Type	Persons per Housing Unit ¹	Proposed Fees	Current Fees	Difference
Single-Family	2.58	\$581	\$385	\$196
Multi-Family	1.58	\$356	\$235	\$121
Mobile Home	1.09	\$245	\$216	\$29

Nonresidential Fees per 1,000 Square Feet				
Development Type	AWVT per 1,000 Sq Ft ¹	Proposed Fees	Current Fees	Difference
Industrial	1.69	\$275	\$81	\$194
Warehouse	0.86	\$140	\$46	\$94
Retail/Commercial	10.18	\$1,662	\$427	\$1,235
Office	4.88	\$796	\$243	\$553
Public/Institutional	3.38	\$551	\$150	\$401

1. See Land Use Assumptions

POLICE FACILITIES DEVELOPMENT FEE REVENUE

Appendix A contains revenue forecasts required by Arizona's Enabling Legislation (ARS § 9-463.05(E)(7)). Projected fee revenue shown in Figure P19 is based on the development projections in the *Land Use Assumptions* document and the updated police facilities development fees. If development occurs faster than projected, the demand for infrastructure will increase along with development fee revenue. If development occurs slower than projected, the demand for infrastructure will decrease and development fee revenue will decrease at a similar rate. Projected development fee revenue over the next 15 years equals \$41,363,153, and projected expenditures equal \$52,426,959. The remaining balance represents existing development's share of planned costs for police facilities.

Figure P19: Police Facilities Development Fee Revenue

Fee Component	Growth Share		Existing Share	Total
	Years 1-10	Years 11-15		
Police Facilities	\$25,857,996	\$11,213,903	\$11,063,315	\$48,135,214
Police Facilities Land	\$815,678	\$0	\$0	\$815,678
Police Vehicles	\$4,999,412	\$0	\$0	\$4,999,412
Police Equipment	\$5,545,038	\$0	\$0	\$5,545,038
Development Fee Report	\$16,230	\$0	\$0	\$16,230
Bond Credit	(\$1,671,375)	\$0	\$0	(\$1,671,375)
Excess Constr. Sales Tax	(\$5,413,237)	\$0	\$0	(\$5,413,237)
Total	\$30,149,742	\$11,213,903	\$11,063,315	\$52,426,959

		Single Family \$581 per unit	Multi-Family \$356 per unit	Mobile Home \$245 per unit	Industrial \$275 per 1,000 sq ft	Warehouse \$140 per 1,000 sq ft	Ret/Comm \$1,662 per 1,000 sq ft	Office \$796 per 1,000 sq ft	Public/Inst \$551 per 1,000 sq ft
Year		Hsg Unit	Hsg Unit	Hsg Unit	KSF	KSF	KSF	KSF	KSF
Base	2023	59,934	9,973	3,106	2,098	5,332	7,380	3,397	7,179
Year 1	2024	62,847	10,833	3,133	2,310	5,484	7,499	3,620	7,317
Year 2	2025	65,760	11,692	3,159	2,523	5,635	7,617	3,843	7,454
Year 3	2026	68,673	12,552	3,186	2,736	5,787	7,735	4,067	7,592
Year 4	2027	71,586	13,411	3,213	2,948	5,938	7,854	4,290	7,729
Year 5	2028	74,499	14,271	3,239	3,161	6,089	7,972	4,513	7,867
Year 6	2029	77,412	15,130	3,266	3,373	6,241	8,090	4,737	8,005
Year 7	2030	80,325	15,990	3,293	3,586	6,392	8,208	4,960	8,142
Year 8	2031	82,536	16,868	3,313	3,736	6,499	8,431	5,249	8,253
Year 9	2032	84,746	17,746	3,333	3,886	6,606	8,653	5,538	8,364
Year 10	2033	86,957	18,624	3,354	4,036	6,714	8,876	5,827	8,475
10-Year Increase		27,023	8,650	248	1,938	1,381	1,496	2,430	1,296
Projected Revenue		\$18,057,460	\$3,582,173	\$69,984	\$726,562	\$262,800	\$3,691,780	\$2,775,273	\$983,188

Projected Fee Revenue (Years 1-10)	\$30,149,220
Projected Fee Revenue (Years 11-15)	\$11,213,933
Total Expenditures	\$52,426,959

10-YEAR CAPITAL PLAN

The figure shown below includes potential police capital expenditures during the next 10 years. The list of potential capital expenditures is representational of future growth-related police capital expenditures.

Figure P20: Police Facilities Capital Plan

Project Type	Description	Fiscal Year	Cost
CIP	Armored Surveillance Van	2024	\$200,000
CIP	Patrol Take Home Vehicles	2024	\$2,931,200
CIP	Police Substation	2025	\$24,121,799
CIP	Police Substation	2026-2028	\$28,850,000
Debt Service	Public Safety Building (share)	2024	\$135,214
Study/Audit Cost	Development Fee Update/Biennial DIF Audits	2024-2029	\$16,230
Total			\$56,254,443

WATER FACILITIES IIP

ARS § 9-463.05 (T)(7)(a) defines the eligible facilities and assets for the Water Facilities IIP:

“Water facilities, including the supply, transportation, treatment, purification and distribution of water, and any appurtenances for those facilities.”

The Water Facilities IIP includes components for wells, arsenic treatment, booster pump stations, storage tanks, water lines (SPA 1 only), land, and the cost of preparing the Water Facilities IIP and related Development Fee Report. SPA 1 uses a combined cost recovery and plan-based methodology. SPA 2 and SPA 3 use a plan-based methodology.

PROPORTIONATE SHARE

ARS § 9-463.05 (B)(3) states that the development fee shall not exceed a proportionate share of the cost of necessary public services needed to accommodate new development. The Water Facilities IIP and development fees will allocate the cost of necessary public services between both residential and nonresidential development using max day demand factors.

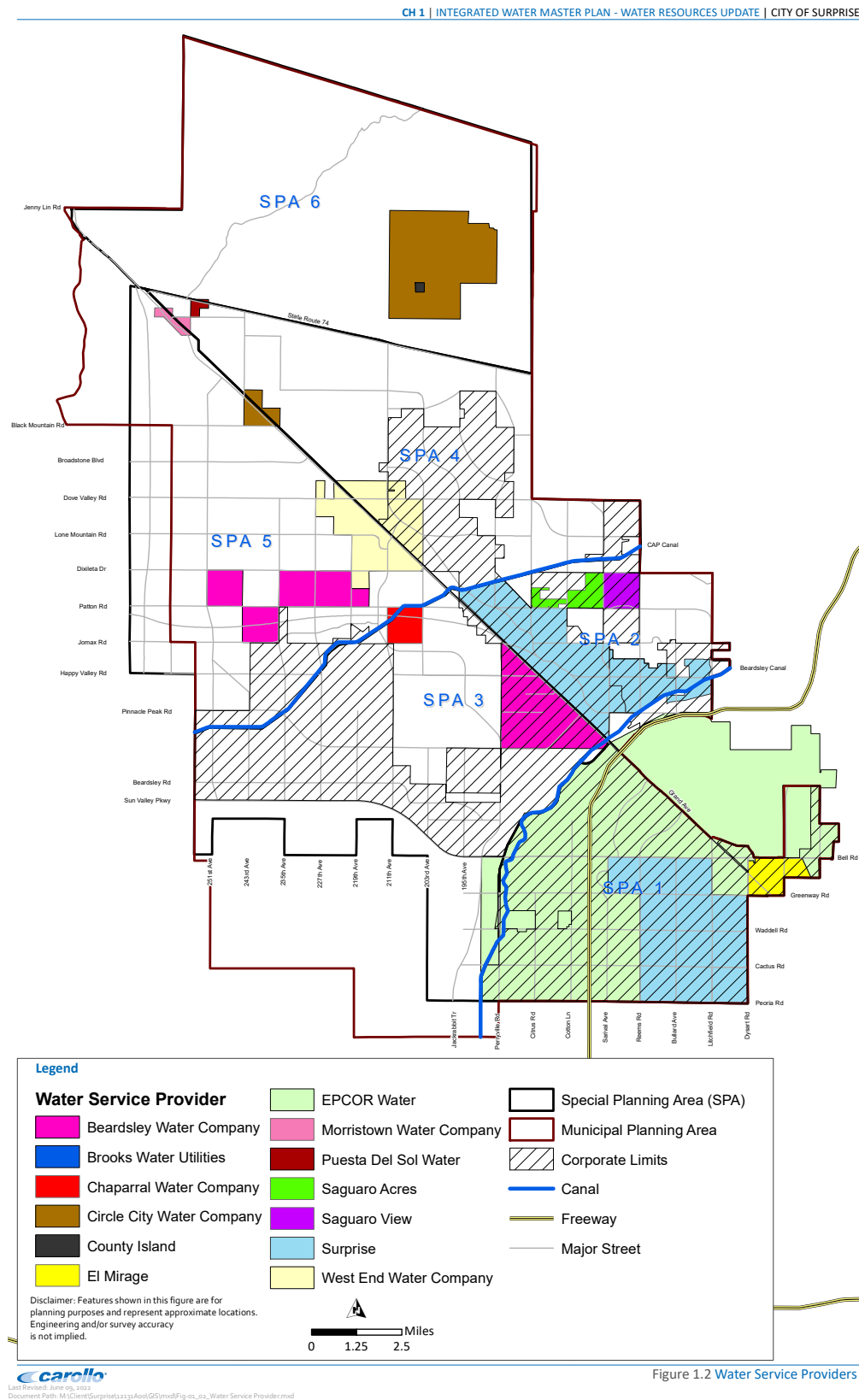
SERVICE AREA

As shown in Figure W1, the City’s Municipal Planning Area (MPA) is divided into six Special Planning Areas (SPAs). The SPAs are separated by major geographic barriers - Grand Avenue/BNSF Railroad line, the Beardsley Canal, the Central Arizona Project (CAP) Canal, and SR 74. The SPA borders form natural boundaries for the water service areas. Surprise will assess water facilities development fees in SPA 1, SPA 2, SPA 3, and SPA 4.

The City’s existing water facilities consist of three separate systems located in SPA 1, SPA 2, and SPA 3 with limited potential for interconnection. The existing service areas are acceptable for these facilities as they are defined as the incorporated area, or City utility service area, and may be expanded in the future within the respective SPAs. The water system relies on groundwater, which is pumped to the surface by wells. The wells are connected by transmission lines that convey the water to a water supply facility (WSF), where the water is treated, stored in tanks, and pumped into a system of pressurized distribution lines. The WSFs are interconnected within SPAs where practical to provide emergency backup. It is reasonable to use the SPAs as water service areas.

The City is not the only water provider in its planning area. In addition to individual developments that use on-site wells and do not connect to the City’s distribution system, there are also several private water providers.

Figure W1: Water Facilities Development Fee Service Area



RATIO OF SERVICE UNIT TO DEVELOPMENT UNIT

ARS § 9-463.05(E)(4) requires:

“A table establishing the specific level or quantity of use, consumption, generation or discharge of a service unit for each category of necessary public services or facility expansions and an equivalency or conversion table establishing the ratio of a service unit to various types of land uses, including residential, commercial and industrial.”

To calculate water and wastewater development fees, the demand associated with different types of customers must be expressed in a common unit of measurement called a service unit. The service unit for the City’s water and wastewater fees is an equivalent demand unit (EDU). An EDU is a single-family dwelling unit, or its equivalent in terms of water demand, defined as the potential demand resulting from a 0.75-inch diameter or smaller meter. According to the 2022 Water Resource Master Plan, average day demand from a single-family unit is 320 gallons. The analysis uses average day demand of 320 gallons per EDU.

The number of water service units associated with meters larger than 0.75 inches is determined by the capacity of the water meter relative to the capacity of a 0.75-inch meter. Figure W2 presents EDU multipliers for various meter sizes based on meter capacities from the American Water Works Association.

Figure W2: Ratio of Service Unit to Development Unit

Demand per Equivalent Demand Unit	
Development Type	Average Day Demand ¹
Single Family (EDU)	320

Demand per Equivalent Demand Unit		
Meter Size	Capacity Ratio ²	Average Day Demand
0.75-inch ³	1.00	320
1.00-inch	1.67	534
1.50-inch	3.33	1,066
2.00-inch	5.33	1,706
3.00-inch	10.67	3,414
4.00-inch	16.67	5,334
6.00-inch	33.33	10,666
8.00-inch	53.33	17,066

1. 2022 Water Resource Master Plan

2. AWWA Manual of Water Supply Practices M-1, 7th Edition

3. Includes meters smaller than 0.75 inches

ANALYSIS OF CAPACITY, USAGE, AND COSTS OF EXISTING PUBLIC SERVICES

ARS § 9-463.05(E)(2) requires:

“An analysis of the total capacity, the level of current usage and commitments for usage of capacity of the existing necessary public services, which shall be prepared by qualified professionals licensed in this state, as applicable.”

Existing Demand

Using water demand factors from the 2022 Water Resource Master Plan, average day demand from Surprise water customers in 2023 is approximately 10.11 million gallons.

Figure W3: Existing Demand

Year	Average Day Demand (mgd)				Equivalent Demand Units (EDU)			
	SPA 1	SPA 2	SPA 3	Total	SPA 1	SPA 2	SPA 3	Total
Base 2023	7.51	1.93	0.67	10.11	23,469	6,037	2,080	31,586

Level of service (LOS) generally refers to the ratio of capacity to demand. One of the principles of development fee analysis is that future development should not be required to pay for a higher LOS than existing development currently receives. Consequently, it is important to determine the existing LOS.

For water facilities, the capacity of water production facilities is generally used as reflective of the capacity of the entire water system. However, some components of the system may have more capacity or less capacity than needed for full utilization of production facilities. The existing water system consists of wells, water supply facilities (WSFs) consisting of booster pump stations, storage tanks, and water treatment facilities serving a group of wells, transmission lines from wells to WSFs, distribution lines from WSFs to customers, and land for wells and WSFs.

Wells

Existing well production capacity is summarized in Figure W4. Total capacity of individual wells is shown in acre-feet per year (ac-ft/yr) and millions of gallons per day (MGD). The City’s design criteria indicate the capacity of a system of wells should be measured in terms of firm capacity (total capacity less the capacity of the largest well) to account for the eventuality that a well may be out of service. Firm capacity is determined at the level of the group of wells served by a water supply facility. Existing well firm capacity is 19.56 million gallons for SPA 1, 5.72 million gallons for SPA 2, and 2.45 million gallons for SPA 3.

Figure W4: Existing Well Firm Capacity

Description	Max Permitted Volume		Firm Capacity
	(ac-ft/yr)	(mgd)	
SPA 1			
Mountain Vista Ranch Water Supply Facility			
Mountain Vista Ranch 1	4,032	3.60	n/a
Mountain Vista Ranch 2	2,178	1.94	1.94
Subtotal, Mountain Vista Ranch WSF	6,210	5.54	1.94
Ashton Ranch Water Supply Facility			
Ashton Ranch 1	3,064	2.74	2.74
Orchards	4,816	4.30	n/a
Surprise Center	1,460	1.30	1.30
Royal Ranch	1,872	1.67	1.67
Sierra Verde	2,100	1.88	1.88
Subtotal, Ashton Ranch WSF	13,312	11.89	7.59
Roseview Water Supply Facility			
Roseview	839	0.75	n/a
Litchfield Manor	710	0.63	0.63
Subtotal, Roseview WSF	1,549	1.38	0.63
Rancho Gabriela Water Supply Facility			
Rancho Gabriela 1	1,290	1.15	1.15
Rancho Gabriela 2	971	0.87	0.87
Surprise Pointe	1,210	1.08	1.08
Summit	2,903	2.59	2.59
Marley Park 1	4,032	3.60	n/a
Marley Park 2	928	0.83	0.83
Marley Park 3	3,226	2.88	2.88
Subtotal, Rancho Gabriela WSF	14,560	13.00	9.40
Subtotal, SPA 1	35,631	31.81	19.56
SPA 2			
Desert Oasis Water Supply Facility			
Desert Oasis 1	1,258	1.12	1.12
Desert Oasis 2	1,291	1.15	1.15
Asante 1	1,935	1.73	n/a
Asante 4	1,435	1.28	1.28
Subtotal, Desert Oasis WSF	5,919	5.28	3.56
Rancho Mercado Water Supply Facility			
Rancho Mercado 1	2,421	2.16	2.16
Rancho Mercado 2	2,421	2.16	n/a
Subtotal, Rancho Mercado WSF	4,842	4.32	2.16
Subtotal, SPA 2	10,761	9.61	5.72
SPA 3			
West Deer Valley Water Supply Facility			
Buena Vista 1	2,870	2.56	n/a
Buena Vista 2	2,742	2.45	2.45
Subtotal, West Deer Valley WSF	5,612	5.01	2.45
Subtotal, SPA 3	5,612	5.01	2.45
Total	52,004	46.43	27.73

Source: 2022 Water Resource Master Plan, Table 4.1

Firm capacity deals with the reliability of the well system to produce water. That capacity must be adequate to accommodate periods of peak water demand. The City's water design criteria require firm capacity be adequate to accommodate max day demand (two times average day demand). The existing levels of service for wells in SPA 1, SPA 2, and SPA 3 are summarized in Figure W5. Each SPA has enough capacity to accommodate current max day demand.

Figure W5: Existing Well Level of Service

Existing Level of Service for Wells	SPA 1	SPA 2	SPA 3	Total
Average Day Demand (mgd), 2023	7.51	1.93	0.67	10.11
x Peaking Factor ¹	2.00	2.00	2.00	2.00
Max Day Demand (mgd), 2023	15.02	3.86	1.33	20.21
Long-Term Firm Capacity (mgd)	19.56	5.72	2.45	27.73
– Max Day Demand (mgd), 2023	(15.02)	(3.86)	(1.33)	(20.21)
Excess Capacity (mgd)	4.54	1.86	1.12	7.52
÷ Long-Term Firm Capacity (mgd)	19.56	5.72	2.45	27.73
Percent Excess Capacity	23.2%	32.5%	45.7%	27.1%

1. 2022 Water Resource Master Plan

Other System Components

SPA 1 is the service area with the most developed water system, while SPA 2 and SPA 3 have smaller systems. Figure W6 shows quantities for other system components of the existing water systems in the three SPAs (line costs per foot generally increase proportionally with the inches of pipe diameter, making inch-feet a reasonable summary unit for comparison). The quantities are then converted into quantities per MGD of well capacity. Arsenic treatment has been omitted from this analysis, because the need for treatment varies by location.

Figure W6: Existing Level of Service for Other System Components

Description	Unit	Existing Quantity			Quantity per Well MGD		
		SPA 1	SPA 2	SPA 3	SPA 1	SPA 2	SPA 3
Wells	mgd	19.56	5.72	2.45	1.00	1.00	1.00
Booster Pump Stations	mgd	43.78	21.60	7.92	2.24	3.78	3.23
Storage Tanks	mg	12.87	5.02	1.50	0.66	0.88	0.61
Water Lines	in.-ft (000s)	5,644	1,525	255	288.50	266.75	104.02
Land	acres	31.56	5.05	5.00	1.61	0.88	2.04

Source: Surprise Water Resource Management Department

PROJECTED DEMAND FOR SERVICES AND COSTS

ARS § 9-463.05(E)(1) requires:

“A description of the existing necessary public services in the service area and the costs to upgrade, update, improve, expand, correct or replace those necessary public services to meet existing needs and usage and stricter safety, efficiency, environmental or regulatory standards, which shall be prepared by qualified professionals licensed in this state, as applicable.”

ARS § 9-463.05(E)(5) requires:

“The total number of projected service units necessitated by and attributable to new development in the service area based on the approved land use assumptions and calculated pursuant to generally accepted engineering and planning criteria.”

ARS § 9-463.05(E)(6) requires:

“The projected demand for necessary public services or facility expansions required by new service units for a period not to exceed ten years.”

Projected Demand

Shown below, Figure W7 includes projected average day demand over the next 10 years. The analysis uses projected average day water demand from the 2022 Water Resource Master Plan. Projected average day demand increases by approximately 7.17 million gallons over the next 10 years.

Figure W7: Projected Demand

Year	Average Day Demand (mgd)				Equivalent Demand Units (EDU)			
	SPA 1	SPA 2	SPA 3	Total	SPA 1	SPA 2	SPA 3	Total
Base 2023	7.51	1.93	0.67	10.11	23,469	6,037	2,080	31,586
1 2024	7.88	2.42	0.70	11.00	24,613	7,573	2,185	34,372
2 2025	8.24	2.92	0.73	11.89	25,757	9,110	2,291	37,158
3 2026	8.50	3.41	0.78	12.68	26,550	10,645	2,424	39,619
4 2027	8.75	3.90	0.82	13.47	27,344	12,181	2,556	42,081
5 2028	9.00	4.39	0.86	14.25	28,137	13,716	2,689	44,542
6 2029	9.26	4.88	0.90	15.04	28,931	15,251	2,822	47,004
7 2030	9.51	5.37	0.95	15.83	29,724	16,786	2,955	49,465
8 2031	9.56	5.63	1.12	16.31	29,879	17,604	3,487	50,970
9 2032	9.61	5.89	1.29	16.79	30,034	18,421	4,020	52,474
10 2033	9.66	6.16	1.46	17.27	30,188	19,239	4,552	53,979
10-Yr Increase	2.15	4.22	0.79	7.17	6,719	13,202	2,472	22,393

Shown below, Figure W8 shows the projected 2033 level of service for wells in each SPA. Based on projected max day demand and existing firm capacity, SPA 1 will have 0.24 million gallons of available capacity, SPA 2 will have a deficit of 6.59 million gallons, and SPA 3 will have a deficit of 0.46 million gallons.

Figure W8: Future Well Level of Service

Future Level of Service for Wells	SPA 1	SPA 2	SPA 3	Total
Average Day Demand (mgd), 2033	9.66	6.16	1.46	17.27
x Peaking Factor ¹	2.00	2.00	2.00	2.00
Max Day Demand (mgd), 2033	19.32	12.31	2.91	34.55
Long-Term Firm Capacity (mgd)	19.56	5.72	2.45	27.73
– Max Day Demand (mgd), 2033	(19.32)	(12.31)	(2.91)	(34.55)
Excess Capacity (mgd)	0.24	(6.59)	(0.46)	(6.82)
÷ Long-Term Firm Capacity (mgd)	19.56	5.72	2.45	27.73
Percent Excess Capacity	1.3%	-115.3%	-18.9%	-24.6%

1. 2022 Water Resource Master Plan

SPA 1 – Cost Recovery / Plan-Based

This analysis uses a hybrid cost recovery and plan-based methodology for SPA 1, because the existing system has some excess capacity available to serve new customers. Existing water facilities in SPA 1 are summarized below. Unit costs for the system components are based on a combination of estimates in the City's 2009 Water Master Plan, recent construction costs, and planned construction costs. Current system value is the product of existing quantity times the unit cost. The SPA 1 system value equals \$325,422,008.

Figure W9: SPA 1 Cost Factors

SPA 1				
Description	Unit	Existing	Unit Cost	System Value
Wells	each	16.00	\$6,000,000	\$96,000,000
Arsenic Treatment	mgd	20.01	\$2,777,778	\$55,583,333
Booster Pump Stations	mgd	43.78	\$1,049,383	\$45,941,975
Storage Tanks, < 2.5 mg	mg	9.37	\$2,333,333	\$21,863,333
Storage Tanks, 2.5 - < 4.0 mg	mg	3.50	\$2,053,058	\$7,185,703
Storage Tanks, 4.0 - < 7.5 mg	mg	0.00	\$1,586,123	\$0
Water Lines, 10"	linear ft	22,695	\$169	\$3,835,455
Water Lines, 12"	linear ft	217,035	\$202	\$43,841,070
Water Lines, 16"	linear ft	89,911	\$270	\$24,275,970
Water Lines, 20"	linear ft	39,032	\$392	\$15,300,544
Water Lines, 24"	linear ft	14,521	\$416	\$6,040,736
Water Lines, 30"	linear ft	8,178	\$516	\$4,219,848
Land	acres	31.56	\$42,270	\$1,334,041
Total				\$325,422,008

Source: Surprise Water Resource Management Department

SPA 2 – Plan-Based

This analysis uses a plan-based methodology for SPA 2, because the future system does not have enough excess capacity available to serve new customers. Existing water facilities in SPA 2 are summarized below. Unit costs for the system components are based on a combination of estimates in the City's 2009 Water Master Plan, recent construction costs, and planned construction costs. Current system value is the product of existing quantity times the unit cost. The SPA 2 system value equals \$94,593,464.

Figure W10: SPA 2 Cost Factors

SPA 2				
Description	Unit	Existing	Unit Cost	System Value
Wells	each	6.00	\$6,000,000	\$36,000,000
Arsenic Treatment	mgd	8.64	\$2,777,778	\$24,000,000
Booster Pump Stations	mgd	21.60	\$1,049,383	\$22,666,667
Storage Tanks, < 2.5 mg	mg	5.02	\$2,333,333	\$11,713,333
Storage Tanks, 2.5 - < 4.0 mg	mg	0	\$2,053,058	\$0
Storage Tanks, 4.0 - < 7.5 mg	mg	0	\$1,586,123	\$0
Water Lines, 10"	linear ft	2,644	\$169	n/a
Water Lines, 12"	linear ft	38,358	\$202	n/a
Water Lines, 16"	linear ft	63,934	\$270	n/a
Water Lines, 20"	linear ft	0	\$392	n/a
Water Lines, 24"	linear ft	659	\$416	n/a
Water Lines, 30"	linear ft	0	\$516	n/a
Land	acres	5.05	\$42,270	\$213,464
Total				\$94,593,464

Source: Surprise Water Resource Management Department

SPA 3 – Plan-Based

This analysis uses a plan-based methodology for SPA 3, because the future system does not have enough excess capacity available to serve new customers. Existing water facilities in SPA 3 are summarized below. Unit costs for the system components are based on a combination of estimates in the City's 2009 Water Master Plan, recent construction costs, and planned construction costs. Current system value is the product of existing quantity times the unit cost. The SPA 3 system value equals \$24,022,461.

Figure W11: SPA 3 Cost Factors

SPA 3				
Description	Unit	Existing	Unit Cost	System Value
Wells	each	2.00	\$6,000,000	\$12,000,000
Arsenic Treatment	mgd	0.00	\$2,777,778	\$0
Booster Pump Stations	mgd	7.92	\$1,049,383	\$8,311,111
Storage Tanks, < 2.5 mg	mg	1.50	\$2,333,333	\$3,500,000
Storage Tanks, 2.5 - < 4.0 mg	mg	0	\$2,053,058	\$0
Storage Tanks, 4.0 - < 7.5 mg	mg	0	\$1,586,123	\$0
Water Lines, 10"	linear ft	20	\$169	n/a
Water Lines, 12"	linear ft	108	\$202	n/a
Water Lines, 16"	linear ft	9,343	\$270	n/a
Water Lines, 20"	linear ft	0	\$392	n/a
Water Lines, 24"	linear ft	4,080	\$416	n/a
Water Lines, 30"	linear ft	192	\$516	n/a
Land	acres	5.00	\$42,270	\$211,350
Total				\$24,022,461

Source: Surprise Water Resource Management Department

Cost per Gallon

The cost per gallon is calculated as system value divided by well capacity. The cost is \$16.63 per gallon in SPA 1, \$16.54 per gallon in SPA 2, and \$9.81 per gallon in SPA 3.

Figure W12: Cost per Gallon

Description	System Value			Well Capacity (mgd)			Cost per Gallon		
	SPA 1	SPA 2	SPA 3	SPA 1	SPA 2	SPA 3	SPA 1	SPA 2	SPA 3
Wells	\$96,000,000	\$36,000,000	\$12,000,000	19.56	5.72	2.45	\$4.91	\$6.29	\$4.90
Arsenic Treatment	\$55,583,333	\$24,000,000	\$0	19.56	5.72	2.45	\$2.84	\$4.20	\$0.00
Booster Pump Stations	\$45,941,975	\$22,666,667	\$8,311,111	19.56	5.72	2.45	\$2.35	\$3.96	\$3.39
Storage Tanks	\$29,049,036	\$11,713,333	\$3,500,000	19.56	5.72	2.45	\$1.48	\$2.05	\$1.43
Water Lines	\$97,513,623	\$0	\$0	19.56	5.72	2.45	\$4.98	\$0.00	\$0.00
Land	\$1,334,041	\$213,464	\$211,350	19.56	5.72	2.45	\$0.07	\$0.04	\$0.09
Total	\$325,422,008	\$94,593,464	\$24,022,461	n/a	n/a	n/a	\$16.63	\$16.54	\$9.81

SPA 4 – Plan-Based

This analysis uses a plan-based methodology for SPA 4. Developers will construct WSFs and wells for Marisol Ranch and Sunhaven in SPA 4. The planned facilities will cost \$30,000,000 and provide 3.24 mgd of well capacity. The analysis uses a cost of \$9.26 per gallon (\$30,000,000 cost / 3.24 mgd) for SPA 4.

Figure W13: SPA 4 Cost Factors

Description	Cost	Well Capacity (mgd)	Cost per Gallon
Marisol Ranch WSF and Wells	\$15,000,000	1.62	\$9.26
Sunhaven WSF and Wells	\$15,000,000	1.62	\$9.26
Total	\$30,000,000	3.24	\$9.26

Source: Surprise Water Resource Management Department

Development Fee Report – Plan-Based

The cost to prepare the Water Facilities IIP and related Development Fee Report totals \$30,000. Surprise plans to update its report every five years. Based on this cost, proportionate share, and five-year projections in Figure W7, the cost is \$0.01 per gallon.

Figure W14: IIP and Development Fee Report

Necessary Public Service	Cost	Proportionate Share	Service Unit	5-Year Change	Cost per Service Unit
Water	\$30,000	All Development 100%	Avg Gallons	4,336,702	\$0.01

WATER FACILITIES DEVELOPMENT FEES

Revenue Credit/Offset

A revenue credit/offset is necessary for development fees, because Surprise’s construction transaction privilege tax rate exceeds the amount of the transaction privilege tax rate imposed on the majority of other transaction privilege tax classifications. Surprise allocates the construction privilege tax credit to fire, parks and recreational, and police development fees. Appendix A contains the forecast of revenues required by Arizona’s Enabling Legislation (ARS § 9-463.05(E)(7)).

SPA 1

The cost per service unit is \$16.64 per gallon for water facilities development fees in SPA 1, and Surprise will assess water facilities development fees by meter size. The base 0.75-inch meter is equivalent to a single-family unit, and a capacity ratio is used to convert the base meter fee proportionately for larger meters. The capacity ratios are calculated based on data published in *AWWA Manual of Water Supply Practices M-1, 7th Edition*.

The 0.75-inch fee (single-family fee) of \$5,325 is calculated using a cost per service unit of \$16.64 per gallon, multiplied by 320 average day gallons, multiplied by a capacity ratio of 1.00. For meters larger than 0.75 inches, the fee is calculated using a cost per service unit of \$16.64 per gallon, multiplied by 320 average day gallons, multiplied by the associated capacity ratio.

Figure W15: Water Facilities Development Fees

Fee Component	Cost per Gallon
Wells	\$4.91
Arsenic Treatment	\$2.84
Booster Pump Stations	\$2.35
Storage Tanks	\$1.48
Water Lines	\$4.98
Land	\$0.07
Development Fee Report	\$0.01
Total	\$16.64

Development Type	Average Day Gallons
Single Family (EDU)	320

Fees per Meter - SPA 1				
Meter Size	Capacity Ratio ¹	Proposed Fees	Current Fees	Difference
0.75-inch ²	1.00	\$5,325	\$2,985	\$2,340
1.00-inch	1.67	\$8,892	\$4,985	\$3,907
1.50-inch	3.33	\$17,732	\$9,940	\$7,792
2.00-inch	5.33	\$28,381	\$15,910	\$12,471
3.00-inch	10.67	\$56,816	\$31,850	\$24,966
4.00-inch	16.67	\$88,764	\$49,760	\$39,004
6.00-inch	33.33	\$177,476	\$99,490	\$77,986
8.00-inch	53.33	\$283,972	\$159,190	\$124,782

1. AWWA Manual of Water Supply Practices M-1, 7th Edition

2. Includes meters smaller than 0.75 inches

SPA 2

The cost per service unit is \$16.55 per gallon for water facilities development fees in SPA 2, and Surprise will assess water facilities development fees by meter size. The base 0.75-inch meter is equivalent to a single-family unit, and a capacity ratio is used to convert the base meter fee proportionately for larger meters. The capacity ratios are calculated based on data published in *AWWA Manual of Water Supply Practices M-1, 7th Edition*.

The 0.75-inch fee (single-family fee) of \$5,296 is calculated using a cost per service unit of \$16.55 per gallon, multiplied by 320 average day gallons, multiplied by a capacity ratio of 1.00. For meters larger than 0.75 inches, the fee is calculated using a cost per service unit of \$16.55 per gallon, multiplied by 320 average day gallons, multiplied by the associated capacity ratio.

Figure W16: Water Facilities Development Fees

Fee Component	Cost per Gallon
Wells	\$6.29
Arsenic Treatment	\$4.20
Booster Pump Stations	\$3.96
Storage Tanks	\$2.05
Land	\$0.04
Development Fee Report	\$0.01
Total	\$16.55

Development Type	Average Day Gallons
Single Family (EDU)	320

Fees per Meter - SPA 2				
Meter Size	Capacity Ratio ¹	Proposed Fees	Current Fees	Difference
0.75-inch ²	1.00	\$5,296	\$2,836	\$2,460
1.00-inch	1.67	\$8,844	\$4,736	\$4,108
1.50-inch	3.33	\$17,636	\$9,444	\$8,192
2.00-inch	5.33	\$28,228	\$15,116	\$13,112
3.00-inch	10.67	\$56,508	\$30,260	\$26,248
4.00-inch	16.67	\$88,284	\$47,276	\$41,008
6.00-inch	33.33	\$176,516	\$94,524	\$81,992
8.00-inch	53.33	\$282,436	\$151,244	\$131,192

1. AWWA Manual of Water Supply Practices M-1, 7th Edition

2. Includes meters smaller than 0.75 inches

SPA 3

The cost per service unit is \$9.82 per gallon for water facilities development fees in SPA 3, and Surprise will assess water facilities development fees by meter size. The base 0.75-inch meter is equivalent to a single-family unit, and a capacity ratio is used to convert the base meter fee proportionately for larger meters. The capacity ratios are calculated based on data published in *AWWA Manual of Water Supply Practices M-1, 7th Edition*.

The 0.75-inch fee (single-family fee) of \$3,142 is calculated using a cost per service unit of \$9.82 per gallon, multiplied by 320 average day gallons, multiplied by a capacity ratio of 1.00. For meters larger than 0.75 inches, the fee is calculated using a cost per service unit of \$9.82 per gallon, multiplied by 320 average day gallons, multiplied by the associated capacity ratio.

Figure W17: Water Facilities Development Fees

Fee Component	Cost per Gallon
Wells	\$4.90
Arsenic Treatment	\$0.00
Booster Pump Stations	\$3.39
Storage Tanks	\$1.43
Land	\$0.09
Development Fee Report	\$0.01
Total	\$9.82

Development Type	Average Day Gallons
Single Family (EDU)	320

Fees per Meter - SPA 3				
Meter Size	Capacity Ratio ¹	Proposed Fees	Current Fees	Difference
0.75-inch ²	1.00	\$3,142	\$2,486	\$656
1.00-inch	1.67	\$5,248	\$4,152	\$1,096
1.50-inch	3.33	\$10,464	\$8,278	\$2,186
2.00-inch	5.33	\$16,749	\$13,250	\$3,499
3.00-inch	10.67	\$33,529	\$26,526	\$7,003
4.00-inch	16.67	\$52,384	\$41,442	\$10,942
6.00-inch	33.33	\$104,736	\$82,858	\$21,878
8.00-inch	53.33	\$167,584	\$132,578	\$35,006

1. AWWA Manual of Water Supply Practices M-1, 7th Edition

2. Includes meters smaller than 0.75 inches

SPA 4

The cost per service unit is \$9.27 per gallon for water facilities development fees in SPA 4, and Surprise will assess water facilities development fees by meter size. The base 0.75-inch meter is equivalent to a single-family unit, and a capacity ratio is used to convert the base meter fee proportionately for larger meters. The capacity ratios are calculated based on data published in *AWWA Manual of Water Supply Practices M-1, 7th Edition*.

The 0.75-inch fee (single-family fee) of \$2,966 is calculated using a cost per service unit of \$9.27 per gallon, multiplied by 320 average day gallons, multiplied by a capacity ratio of 1.00. For meters larger than 0.75 inches, the fee is calculated using a cost per service unit of \$9.27 per gallon, multiplied by 320 average day gallons, multiplied by the associated capacity ratio.

Figure W18: Water Facilities Development Fees

Fee Component	Cost per Gallon
Planned WSFs and Wells	\$9.26
Development Fee Report	\$0.01
Total	\$9.27

Development Type	Average Day Gallons
Single Family (EDU)	320

Fees per Meter - SPA 4				
Meter Size	Capacity Ratio ¹	Proposed Fees	Current Fees	Difference
0.75-inch ²	1.00	\$2,966	\$0	\$2,966
1.00-inch	1.67	\$4,954	\$0	\$4,954
1.50-inch	3.33	\$9,878	\$0	\$9,878
2.00-inch	5.33	\$15,811	\$0	\$15,811
3.00-inch	10.67	\$31,651	\$0	\$31,651
4.00-inch	16.67	\$49,450	\$0	\$49,450
6.00-inch	33.33	\$98,870	\$0	\$98,870
8.00-inch	53.33	\$158,198	\$0	\$158,198

1. AWWA Manual of Water Supply Practices M-1, 7th Edition

2. Includes meters smaller than 0.75 inches

WATER FACILITIES DEVELOPMENT FEE REVENUE

Appendix A contains revenue forecasts required by Arizona's Enabling Legislation (ARS § 9-463.05(E)(7)). Projected fee revenue shown in Figure W19 is based on EDU projections in Figure W7 and the updated water facilities development fees. If development occurs faster than projected, the demand for infrastructure will increase along with development fee revenue. If development occurs slower than projected, the demand for infrastructure will decrease and development fee revenue will decrease at a similar rate. Projected development fee revenue over the next 10 years equals \$35,768,588 in SPA 1, \$69,892,646 in SPA 2, and \$7,761,053 in SPA 3. Due to existing development agreements, projected development fee revenue may be offset by development fee credits.

Figure W19: Water Facilities Development Fees Revenue

Fee Component	SPA 1	SPA 2	SPA 3
Water Facilities	\$35,758,253	\$69,875,648	\$7,759,705
Development Fee Report	\$10,335	\$16,999	\$1,348
Total	\$35,768,588	\$69,892,646	\$7,761,053

		SPA 1 \$5,325 per EDU	SPA 2 \$5,296 per EDU	SPA 3 \$3,142 per EDU
Year		EDU	EDU	EDU
Base	2023	23,469	6,037	2,080
Year 1	2024	24,613	7,573	2,185
Year 2	2025	25,757	9,110	2,291
Year 3	2026	26,550	10,645	2,424
Year 4	2027	27,344	12,181	2,556
Year 5	2028	28,137	13,716	2,689
Year 6	2029	28,931	15,251	2,822
Year 7	2030	29,724	16,786	2,955
Year 8	2031	29,879	17,604	3,487
Year 9	2032	30,034	18,421	4,020
Year 10	2033	30,188	19,239	4,552
10-Year Increase		6,719	13,202	2,472
Projected Revenue		\$35,768,588	\$69,892,646	\$7,761,053

Projected Fee Revenue	\$113,422,288
Total Expenditures	\$113,422,288

10-YEAR CAPITAL PLAN

The figure shown below includes planned water capital expenditures during the next 10 years.

Figure W20: Water Facilities Capital Plan

Project Type	Description	Fiscal Year	Cost
CIP	SPA 1 Rancho Gabriela Agriculture Well	2030-2031	\$5,200,000
CIP	Surfacewater Capacity Expansion & Interconnect	2030+	\$8,736,981
CIP	SPA 1 Rancho Gabriela Water Supply Facility Expansion	2026-2028	\$13,750,000
Dev Agreement	Developer Obligation - Marley Park Well #3	2024-2034	\$2,500,000
Dev Agreement	Developer Obligation - Section 15 Arsenic Treatment	2024-2034	\$2,510,434
Dev Agreement	Developer Obligation - Section 15 Water System	2024-2034	\$1,274,840
Dev Agreement	Developer Obligation - Section 15 WSF 2B Expansion	2024-2034	\$1,785,998
Study/Audit Cost	Development Fee Update/Biennial DIF Audits	2024-2029	\$10,335
Subtotal, SPA 1			\$35,768,588
CIP	Rancho Mercado Well 2	2024	\$4,200,000
CIP	Rancho Mercado Well 3	2026-2028	\$5,200,000
CIP	Rancho Mercado WSF Phase II	2026-2028	\$12,920,956
Dev Agreement	Desert Oasis WSF (Arsenic / Tank capacity)	2024	\$19,270,366
Dev Agreement	Developer Obligation - Asante Arsenic Treatment Facility 3,800 GPM	2024-2034	\$5,676,933
Dev Agreement	Developer Obligation - Asante Wells 1-4, Transmission lines, Tank	2024-2034	\$7,246,996
Dev Agreement	Developer Obligation - Rancho Mercado Regional Improvements	2024-2034	\$14,596,907
Dev Agreement	Developer Obligation - Tierra Verde West Regional Improvements	2024-2034	\$763,489
Study/Audit Cost	Development Fee Update/Biennial DIF Audits	2024-2029	\$16,999
Subtotal, SPA 2			\$69,892,646
Dev Agreement	Developer Obligation - Surprise Foothills WSF and Wells	2024-2034	\$17,793,543
Study/Audit Cost	Development Fee Update/Biennial DIF Audits	2024-2029	\$1,348
Subtotal, SPA 3			\$17,794,891
Dev Agreement	Developer Obligation - Marisol Ranch WSF and Wells	2024-2034	\$15,000,000
Dev Agreement	Developer Obligation - Sunhaven WSF and Wells	2024-2034	\$15,000,000
Study/Audit Cost	Development Fee Update/Biennial DIF Audits	2024-2029	\$1,318
Subtotal, SPA 4			\$30,001,318
Total			\$153,457,443

Source: Surprise Water Resource Management Department

WATER RESOURCE FACILITIES IIP

ARS § 9-463.05 (T)(7)(a) defines the eligible facilities and assets for the Water Facilities IIP:

“Water facilities, including the supply, transportation, treatment, purification and distribution of water, and any appurtenances for those facilities.”

The Water Resource Facilities IIP includes components for acquisition of water resources and the cost of preparing the Water Resource Facilities IIP and related Development Fee Report. The plan-based methodology is used for water resource and the Development Fee Report.

PROPORTIONATE SHARE

ARS § 9-463.05 (B)(3) states that the development fee shall not exceed a proportionate share of the cost of necessary public services needed to accommodate new development. The Water Resource Facilities IIP and development fees will allocate the cost of necessary public services between both residential and nonresidential development using annual demand factors.

SERVICE AREA

The City of Surprise is an assured water service provider within its water service area, which is shown in Figure WR1. The City is allowed to treat and deliver no more than its total demonstrated 100-year supply. Because this requirement applies to the entire area served by the City water system, a single, citywide service area is appropriate for its Water Resource Facilities Development Fee.

Figure WR1: Water Resource Facilities Development Fee Service Area

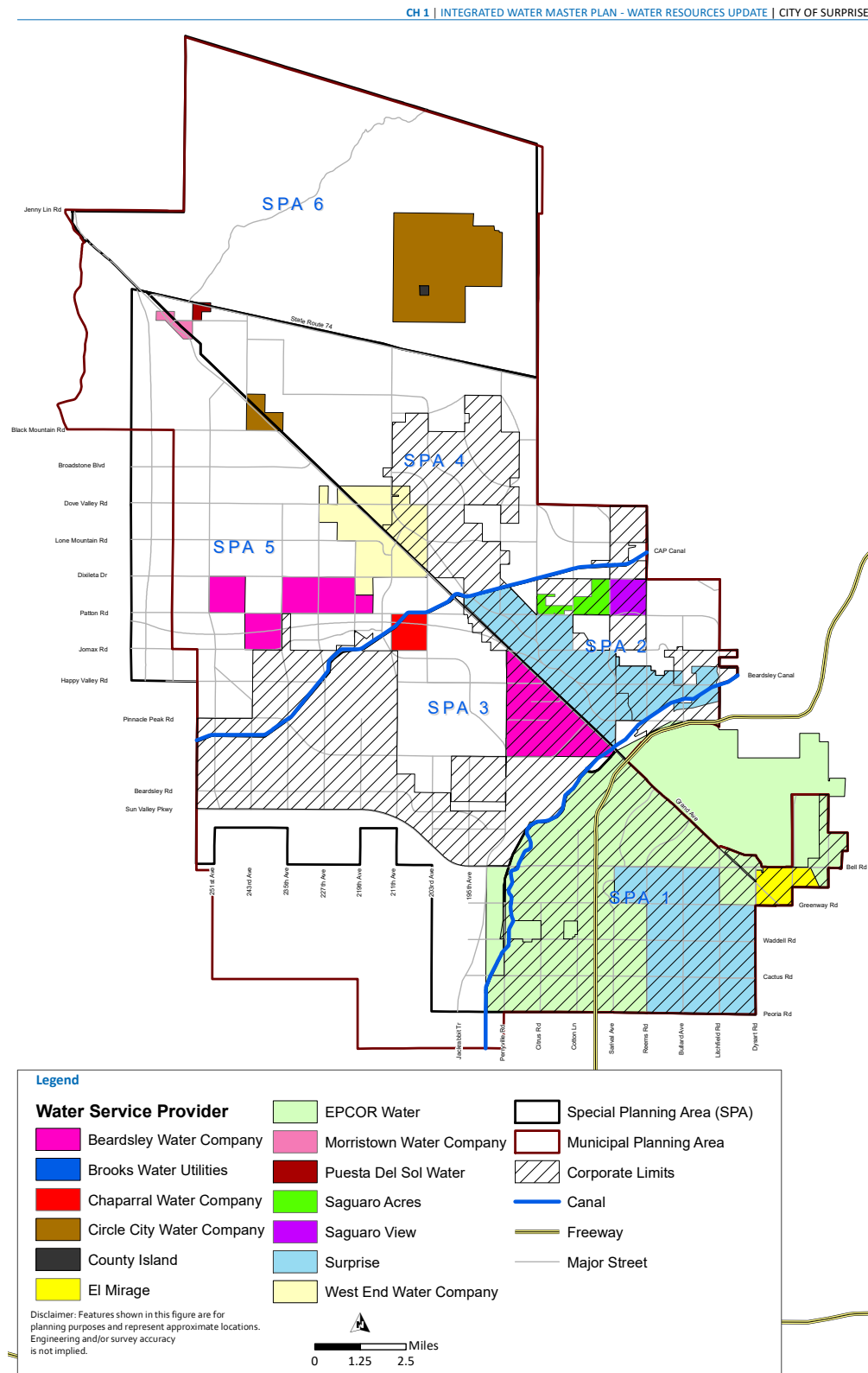


Figure 1.2 Water Service Providers

RATIO OF SERVICE UNIT TO DEVELOPMENT UNIT

ARS § 9-463.05(E)(4) requires:

“A table establishing the specific level or quantity of use, consumption, generation or discharge of a service unit for each category of necessary public services or facility expansions and an equivalency or conversion table establishing the ratio of a service unit to various types of land uses, including residential, commercial and industrial.”

Future development places demand on the City’s available water resources. However, some of the water used by new customers is returned to the City in the form of wastewater influent flows to its water reclamation facilities (WRFs). Surprise plans to ultimately reclaim all treated effluent for either direct reuse, for recharge, or for long-term storage credits. Shown below in Figure WR2, the 2022 Water Resource Master Plan indicates 42 percent of water is returned in the form of wastewater influent, with the remainder used for irrigation or other uses. Surprise can reclaim or recharge 90 percent of its wastewater influent, which means 37.8 percent of water use can be reclaimed or recharged (42.0 percent water returned as wastewater influent X 90 percent efficiency factor = 37.8 percent reclaimed or recharged). The remaining 62.2 percent of water use that is not recoverable for reuse or recharge is used to determine the water resource demand of a new customer.

Figure WR2: Water Recovery Factor

Water Recovery Factor	
Water Returned as Wastewater Influent	42.0%
x Efficiency Factor (Influent / Effluent Ratio)	90.0%
Water Reclaimed / Recharged	37.8%
Water Not Reclaimed / Recharged	62.2%
Total Water Use	100.0%

Source: 2022 Water Resource Master Plan

To deliver water, Surprise must demonstrate sufficient 100-year renewable supply to accommodate existing demand and 10-year demand. Surprise currently has a demonstrated 100-year supply for current customers, as well as some excess capacity, but will need to dramatically expand its water resource portfolio in the future to accommodate future development. If growth is to pay for its share of water resources, future development will pay a development fee sufficient to acquire their own 100-year supply. However, the adopted Water Acquisition Policy states that “To ensure enough reserves are in place to meet present and future water demands ... the City will maintain a minimum balance ... equal to 15 years or 15 times the City’s service area net demand .”

As shown in Figure WR3, average day water resource demand is 199 gallons (320 average day gallons X 62.2 percent of water not reclaimed or recharged) per equivalent demand unit (EDU), and annual water resource demand is 72,635 gallons (199 average day gallons X 365 days) or 0.2229 acre-feet (72,635 gallons / 325,851 gallons per acre-foot). For a 15-year supply, long-term water resource demand is 3.3435 acre-feet per EDU (0.2229 acre-feet per year X 15 years).

Figure WR3: Long-Term Water Resource Demand per EDU

Water Resource Demand per EDU	
Average Day Demand (gallons)	320
x Percent of Water Not Reclaimed / Recharged	62.2%
Average Day Water Resource Demand (gallons)	199
x Days per Year	365
Annual Water Resource Demand (gallons)	72,635
÷ Gallons per Acre-Foot	325,851
Annual Water Resource Demand (acre-feet)	0.2229
x Years	15
Long-Term Water Resource Demand (acre-feet)	3.3435

Source: 2022 Water Resource Master Plan

Water resource development fees are assessed by meter size, and the analysis uses long-term water resource demand from single-family units equal to 3.3435 acre-feet as the demand factor for a 0.75-inch meter. For meters larger than 0.75 inches, long-term water resource demand is calculated by multiplying long-term water resource demand from existing single-family units by the capacity ratio for the corresponding meter size. Figure WR4 displays the demand indicators by meter size.

Figure WR4: Ratio of Service Unit to Development Unit

Demand per Unit	
Development Type	Long-Term Demand (AF)
Single Family (EDU)	3.3435

Demand per Meter		
Meter Size	Capacity Ratio ¹	Long-Term Demand (AF)
0.75-inch ²	1.00	3.3435
1.00-inch	1.67	5.5836
1.50-inch	3.33	11.1339
2.00-inch	5.33	17.8209
3.00-inch	10.67	35.6751
4.00-inch	16.67	55.7361
6.00-inch	33.33	111.4389
8.00-inch	53.33	178.3089

1. AWWA Manual of Water Supply Practices M-1, 7th Edition

2. Includes meters smaller than 0.75 inches

ANALYSIS OF CAPACITY, USAGE, AND COSTS OF EXISTING PUBLIC SERVICES

ARS § 9-463.05(E)(2) requires:

“An analysis of the total capacity, the level of current usage and commitments for usage of capacity of the existing necessary public services, which shall be prepared by qualified professionals licensed in this state, as applicable.”

Existing Demand

Applying the water resource demand factor of 62.2 percent shown in Figure WR2 to annual water demand from the 2022 Water Resource Master Plan results in existing water resource demand of approximately 7,041 acre-feet per year.

Figure WR5: Existing Demand

Year	Annual Water Resource Demand (AFY)			
	SPA 1	SPA 2	SPA 3	Total
Base 2023	5,232	1,346	464	7,041

Source: TischlerBise calculation based on 62.2 percent of annual water demand

PROJECTED DEMAND FOR SERVICES AND COSTS

ARS § 9-463.05(E)(1) requires:

“A description of the existing necessary public services in the service area and the costs to upgrade, update, improve, expand, correct or replace those necessary public services to meet existing needs and usage and stricter safety, efficiency, environmental or regulatory standards, which shall be prepared by qualified professionals licensed in this state, as applicable.”

ARS § 9-463.05(E)(5) requires:

“The total number of projected service units necessitated by and attributable to new development in the service area based on the approved land use assumptions and calculated pursuant to generally accepted engineering and planning criteria.”

ARS § 9-463.05(E)(6) requires:

“The projected demand for necessary public services or facility expansions required by new service units for a period not to exceed ten years.”

Projected Demand

Figure WR6 includes projected annual water resource demand over the next 10 years. To project future annual water resource demand, the analysis applies the water resource demand factor of 62.2 percent shown in Figure WR2 to projected annual water demand projections from the 2022 Water Resource Master Plan. Projected demand increases by 4,992 acre-feet over the next 10 years.

Figure WR6: Projected Demand

Year	Annual Water Resource Demand (AFY)				Equivalent Demand Units (EDU)			
	SPA 1	SPA 2	SPA 3	Total	SPA 1	SPA 2	SPA 3	Total
Base 2023	5,232	1,346	464	7,041	23,471	6,037	2,080	31,588
1 2024	5,487	1,688	487	7,662	24,615	7,574	2,186	34,375
2 2025	5,742	2,031	511	8,283	25,759	9,111	2,291	37,161
3 2026	5,919	2,373	540	8,832	26,553	10,646	2,424	39,623
4 2027	6,095	2,715	570	9,381	27,346	12,182	2,557	42,084
5 2028	6,272	3,058	599	9,929	28,140	13,717	2,689	44,546
6 2029	6,449	3,400	629	10,478	28,933	15,252	2,822	47,008
7 2030	6,626	3,742	659	11,027	29,727	16,788	2,955	49,470
8 2031	6,661	3,924	777	11,362	29,882	17,605	3,488	50,974
9 2032	6,695	4,106	896	11,698	30,036	18,423	4,020	52,479
10 2033	6,730	4,289	1,015	12,033	30,191	19,240	4,552	53,984
10-Yr Increase	1,498	2,943	551	4,992	6,720	13,203	2,472	22,395

Source: TischlerBise calculation based on 62.2 percent of annual water demand

Water Resource – Plan-Based

The City of Surprise plans to acquire additional water resources to meet demand from future development. The average cost of recent and potential water resource acquisitions is \$1,091 per acre-foot. The analysis uses this cost as a proxy for future water resource acquisition costs.

Figure WR7: Water Resource Acquisition Costs

Description	Cost per Acre-Foot
Extinguishment Credits	\$315
Tribal Lease of LTSC	\$500
CAGR	\$850
Renewable Water Supply Estimate	\$2,700
Average	\$1,091

Source: Surprise Water Resource Management Department

Development Fee Report – Plan-Based

The cost to prepare the Water Resource Facilities IIP and related Development Fee Report totals \$12,000. Surprise plans to update its report every five years. Based on this cost, proportionate share, and five-year projections of long-term annual water resource demand, the cost is \$0.28 per acre-foot.

Figure WR8: IIP and Development Fee Report

Necessary Public Service	Cost	Proportionate Share	Service Unit	5-Year Change	Cost per Service Unit
Water Resource	\$12,000	All Development 100%	Acre-Feet	43,325	\$0.28

WATER RESOURCE FACILITIES DEVELOPMENT FEES

Revenue Credit/Offset

A revenue credit/offset is necessary for development fees, because Surprise's construction transaction privilege tax rate exceeds the amount of the transaction privilege tax rate imposed on the majority of other transaction privilege tax classifications. Surprise allocates the construction privilege tax credit to fire, parks and recreational, and police development fees. Appendix A contains the forecast of revenues required by Arizona's Enabling Legislation (ARS § 9-463.05(E)(7)).

Water Resource Facilities Development Fees

The cost per service unit is \$1,091.28 per acre-foot for water resource facilities development fees, and Surprise will assess water resource facilities development fees by meter size. The base 0.75-inch meter is equivalent to a single-family unit, and a capacity ratio is used to convert the base meter fee proportionately for larger meters. The capacity ratios are calculated based on data published in *AWWA Manual of Water Supply Practices M-1, 7th Edition*.

The 0.75-inch fee (single-family fee) of \$3,649 is calculated using a cost per service unit of \$1,091.28 per acre-foot, multiplied by 3.3435 acre-feet, multiplied by a capacity ratio of 1.00. For meters larger than 0.75 inches, the fee is calculated using a cost per service unit of \$1,091.28 per acre-foot, multiplied by 3.3435 acre-feet, multiplied by the associated capacity ratio.

Figure WR9: Water Resource Facilities Development Fees

Fee Component	Cost per AF
Water Resource	\$1,091.00
Development Fee Report	\$0.28
Total	\$1,091.28

Development Type	Long-Term Demand (AF)
Single Family (EDU)	3.3435

Fees per Meter				
Meter Size	Capacity Ratio ¹	Proposed Fees	Current Fees	Difference
0.75-inch ²	1.00	\$3,649	\$2,279	\$1,370
1.00-inch	1.67	\$6,093	\$3,806	\$2,287
1.50-inch	3.33	\$12,150	\$7,589	\$4,561
2.00-inch	5.33	\$19,448	\$12,147	\$7,301
3.00-inch	10.67	\$38,932	\$24,317	\$14,615
4.00-inch	16.67	\$60,824	\$37,991	\$22,833
6.00-inch	33.33	\$121,611	\$75,959	\$45,652
8.00-inch	53.33	\$194,585	\$121,539	\$73,046

1. AWWA Manual of Water Supply Practices M-1, 7th Edition

2. Includes meters smaller than 0.75 inches

WATER RESOURCE FACILITIES DEVELOPMENT FEE REVENUE

Appendix A contains revenue forecasts required by Arizona's Enabling Legislation (ARS § 9-463.05(E)(7)). Projected fee revenue shown in Figure WR10 is based on EDU projections in Figure WR6 and the updated water resource facilities development fees. If development occurs faster than projected, the demand for infrastructure will increase along with development fee revenue. If development occurs slower than projected, the demand for infrastructure will decrease and development fee revenue will decrease at a similar rate. Projected development fee revenue over the next 10 years equals \$81,704,610, and projected expenditures equal \$81,704,823.

Figure WR10: Water Resource Facilities Development Fees Revenue

Fee Component	Growth Share	Existing Share	Total
Water Resource	\$81,692,823	\$0	\$81,692,823
Development Fee Report	\$12,000	\$0	\$12,000
Total	\$81,704,823	\$0	\$81,704,823

		SPA 1 \$3,649 per EDU	SPA 2 \$3,649 per EDU	SPA 3 \$3,649 per EDU
Year		EDU	EDU	EDU
Base	2023	23,471	6,037	2,080
Year 1	2024	24,615	7,574	2,186
Year 2	2025	25,759	9,111	2,291
Year 3	2026	26,553	10,646	2,424
Year 4	2027	27,346	12,182	2,557
Year 5	2028	28,140	13,717	2,689
Year 6	2029	28,933	15,252	2,822
Year 7	2030	29,727	16,788	2,955
Year 8	2031	29,882	17,605	3,488
Year 9	2032	30,036	18,423	4,020
Year 10	2033	30,191	19,240	4,552
10-Year Increase		6,720	13,203	2,472
Projected Revenue		\$24,517,511	\$48,169,270	\$9,017,829

Projected Fee Revenue	\$81,704,610
Total Expenditures	\$81,704,823

10-YEAR CAPITAL PLAN

The figure shown below includes potential water resource capital expenditures during the next 10 years.

Figure WR11: Water Resource Facilities Capital Plan

Project Type	Description	Fiscal Year	Cost
CIP	Circle City Water Acquisition	2025-2029	\$15,000,000
CIP	Water Acquisitions	2024-2028	\$66,680,000
Dev Agreement	Developer Obligation - Kamarata Ranch Northern Basin	2024-2034	\$26,368
Study/Audit Cost	Development Fee Update/Biennial DIF Audits	2024-2029	\$12,000
Total			\$81,718,368

Source: Surprise Water Resource Management Department

WASTEWATER FACILITIES IIP

ARS § 9-463.05 (T)(7)(b) defines the eligible facilities and assets for the Wastewater Facilities IIP:

“Wastewater facilities, including collection, interception, transportation, treatment and disposal of wastewater, and any appurtenances for those facilities.”

The Wastewater Facilities IIP includes components for water reclamation facilities (WRFs), land, wastewater lines (SPA 1 only), reclaimed lines, recharge basins, other wastewater improvements (lift stations, reclaimed booster stations, vadose zone wells, and monitoring wells), and the cost of preparing the Wastewater Facilities IIP and related Development Fee Report. SPA 1 uses a combined cost recovery and plan-based methodology, and the remaining SPA 2, SPA 3, SPA 4, and SPA 5 use a plan-based methodology.

PROPORTIONATE SHARE

ARS § 9-463.05 (B)(3) states that the development fee shall not exceed a proportionate share of the cost of necessary public services needed to accommodate new development. The Wastewater Facilities IIP and development fees will allocate the cost of necessary public services between both residential and nonresidential development using max day demand factors.

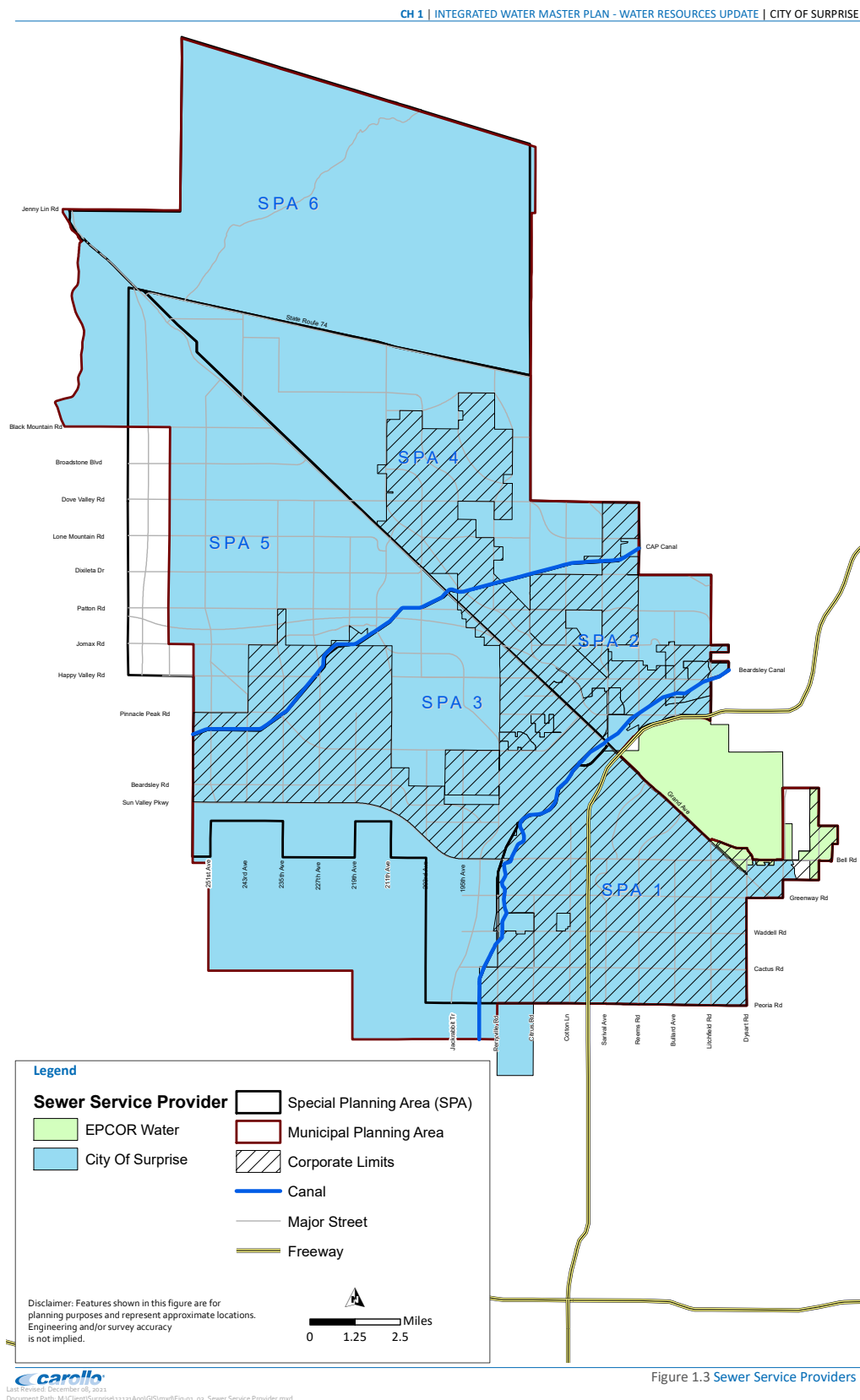
SERVICE AREA

As shown in Figure WW1, there are six service areas for the Wastewater Facilities IIP. The City’s Municipal Planning Area (MPA) is divided into six Special Planning Areas (SPAs). The SPAs are separated by major geographic barriers - Grand Avenue/BNSF Railroad line, the Beardsley Canal, the Central Arizona Project (CAP) Canal, and SR 74. The SPA borders form natural boundaries for the wastewater service areas. Surprise will assess wastewater facilities development fees in SPA 1, SPA 2, SPA 3, SPA 4, and SPA 5.

Surprise is the primary service provider for all its Municipal Planning Area (MPA), except for a small area that is served by EPCOR, a private utility. Surprise currently provides wastewater service to most of the developed areas of SPA 1, SPA 2, and SPA 3. Surprise entered into an annexation development agreement with a developer in SPA 2 and SPA 3, and the developer built a water reclamation facility. Based on the terms of the annexation development agreement, parties subject to the agreement will not pay development fees related to wastewater infrastructure. Although most future development within SPA 2 and SPA 3 is a party to the annexation development agreement, the analysis includes a wastewater development fee for future development within SPA 2 and SPA 3 that is not a party to the annexation development agreement.

SPA 4 and SPA 5 will be served by a common water reclamation facility, so the analysis uses the same wastewater development fee for future development in SPA 4 and SPA 5. The analysis does not include a wastewater development fee for SPA 6.

Figure WW1: Wastewater Facilities Development Fee Service Area



RATIO OF SERVICE UNIT TO DEVELOPMENT UNIT

ARS § 9-463.05(E)(4) requires:

“A table establishing the specific level or quantity of use, consumption, generation or discharge of a service unit for each category of necessary public services or facility expansions and an equivalency or conversion table establishing the ratio of a service unit to various types of land uses, including residential, commercial and industrial.”

To calculate water and wastewater development fees, the demand associated with different types of customers must be expressed in a common unit of measurement called a service unit. The service unit for the City’s water and wastewater fees is an equivalent demand unit (EDU). An EDU is a single-family dwelling unit, or its equivalent in terms of water demand, defined as the potential demand resulting from a 0.75-inch diameter or smaller meter.

The number of wastewater service units associated with meters larger than 0.75 inches is determined by the capacity of the meter relative to the capacity of a 0.75-inch meter. Figure WW2 presents EDU multipliers for various meter sizes based on meter capacities from the American Water Works Association. According to the 2022 Water Resource Master Plan, average day flow from a single-family unit is 210 gallons, so the analysis uses average day flow of 210 gallons per EDU.

Figure WW2: Ratio of Service Unit to Development Unit

Demand per Equivalent Demand Unit	
Development Type	Average Day Demand ¹
Single Family (EDU)	210

Demand per Equivalent Demand Unit		
Meter Size	Capacity Ratio ²	Average Day Demand
0.75-inch ³	1.00	210
1.00-inch	1.67	351
1.50-inch	3.33	699
2.00-inch	5.33	1,119
3.00-inch	10.67	2,241
4.00-inch	16.67	3,501
6.00-inch	33.33	6,999
8.00-inch	53.33	11,199

1. 2022 Water Resource Master Plan

2. AWWA Manual of Water Supply Practices M-1, 7th Edition

3. Includes meters smaller than 0.75 inches

ANALYSIS OF CAPACITY, USAGE, AND COSTS OF EXISTING PUBLIC SERVICES

ARS § 9-463.05(E)(2) requires:

“An analysis of the total capacity, the level of current usage and commitments for usage of capacity of the existing necessary public services, which shall be prepared by qualified professionals licensed in this state, as applicable.”

Existing Flow

Using wastewater flow factors from the 2022 Water Resource Master Plan, average day flow from Surprise wastewater customers in 2023 is approximately 11.83 million gallons. Existing wastewater service units are estimated based on existing wastewater flow and the service unit multipliers described in the previous section of this report. As shown below, the City’s current wastewater customer base amounts to 56,332 service units (EDUs).

Figure WW3: Existing Flow

Year	Average Day Flow (mgd)				Service Units (EDUs)			
	SPA 1	SPA 2	SPA 3	Total	SPA 1	SPA 2	SPA 3	Total
Base 2023	10.54	0.77	0.52	11.83	50,201	3,674	2,458	56,332

Level of service (LOS) generally refers to the ratio of capacity to demand. One of the principles of development fee analysis is that future development should not be required to pay for a higher LOS than existing development currently receives. Consequently, it is important to determine the existing LOS.

The capacity of water reclamation facilities (WRFs) is generally reflective of the capacity of the entire wastewater system. However, other components of the system may have more capacity or less capacity than needed for full utilization of WRFs and will be evaluated separately. The capacities of the existing WRFs are summarized in Figure WW4.

Figure WW4: Existing Water Reclamation Facility Capacity

Description	Status	Total Capacity (mgd)
SPA 1		
Plant 1	Existing (Inactive)	0.8
Plant 2	Existing (Inactive)	2.7
Plant 3	Existing	4.8
Plant 4	Existing	4.0
Plant 5	Existing	4.0
Subtotal, SPA 1		16.3
SPA 2		
Plant 1	Existing	1.2
Plant 2	Existing	2.0
Subtotal, SPA 2		3.2
SPA 3		
Plant 1	Existing	1.8
Subtotal, SPA 3		1.8
Total		21.3

Source: 2022 Integrated Water Master Plan

The existing levels of service for WRFs in SPA 1, SPA 2, and SPA 3 are summarized in Figure WW5. Each SPA has enough capacity to accommodate current average day flow.

Figure WW5: Existing WRF Level of Service

Existing Level of Service for WRFs	SPA 1	SPA 2	SPA 3	Total
Existing Treatment Capacity (mgd)	16.30	3.20	1.80	21.30
- Average Day Influent Flow (mgd), 2023	(10.54)	(0.77)	(0.52)	(11.83)
Available Capacity (mgd)	5.76	2.43	1.28	9.47
Capacity Used, 2023	64.7%	24.1%	28.7%	55.5%

Other System Components

SPA 1 is the service area with the most developed wastewater system. Figure WW6 includes quantities for WRF and non-WRF components for SPA 1, SPA 2, and SPA 3. Line costs per foot generally increase proportionally with the inches in diameter of the pipe, making inch-feet a reasonable summary unit for comparison. The component quantities are then converted into quantities per MGD of WRF capacity.

In the existing SPA 2 system, WRF land, wastewater collection lines, and recharge basins are somewhat undersized for full utilization of existing WRF capacity, while reclaimed lines are oversized. In the existing SPA 3 system, reclaimed lines are somewhat undersized for full utilization of existing WRF capacity, while WRF land, wastewater collection lines, and recharge basins are oversized.

Figure WW6: Existing Level of Service for Other System Components

Description	Unit	Existing Quantity			Quantity per WRF MGD		
		SPA 1	SPA 2	SPA 3	SPA 1	SPA 2	SPA 3
WRFs	mgd	16.30	3.20	1.80	1.00	1.00	1.00
WRF land	acres	174.45	23.94	140.31	11	7	78
Wastewater Lines	1,000 in.-ft	8,593	1,209	1,182	527	378	657
Reclaimed Lines	1,000 in.-ft	1,808	476	0	111	149	0
Recharge Basins	acres	25.50	1.06	8.30	1.56	0.33	4.61

Source: Surprise Water Resource Management Department

PROJECTED DEMAND FOR SERVICES AND COSTS

ARS § 9-463.05(E)(1) requires:

“A description of the existing necessary public services in the service area and the costs to upgrade, update, improve, expand, correct or replace those necessary public services to meet existing needs and usage and stricter safety, efficiency, environmental or regulatory standards, which shall be prepared by qualified professionals licensed in this state, as applicable.”

ARS § 9-463.05(E)(5) requires:

“The total number of projected service units necessitated by and attributable to new development in the service area based on the approved land use assumptions and calculated pursuant to generally accepted engineering and planning criteria.”

ARS § 9-463.05(E)(6) requires:

“The projected demand for necessary public services or facility expansions required by new service units for a period not to exceed ten years.”

Projected Flow

Shown below, Figure WW7 includes projected average day flow over the next 10 years from the 2022 Water Resource Master Plan.

Figure WW7: Projected Flow

Year	Average Day Flow (mgd)				Service Units (EDUs)			
	SPA 1	SPA 2	SPA 3	Total	SPA 1	SPA 2	SPA 3	Total
Base 2023	10.54	0.77	0.52	11.83	50,201	3,674	2,458	56,332
1 2024	10.88	0.97	0.62	12.47	51,827	4,615	2,949	59,391
2 2025	11.23	1.17	0.72	13.11	53,454	5,557	3,440	62,450
3 2026	11.55	1.37	0.79	13.70	55,002	6,502	3,745	65,249
4 2027	11.88	1.56	0.85	14.29	56,551	7,447	4,050	68,047
5 2028	12.20	1.76	0.91	14.88	58,099	8,391	4,356	70,846
6 2029	12.53	1.96	0.98	15.47	59,648	9,336	4,661	73,644
7 2030	12.85	2.16	1.04	16.05	61,196	10,281	4,966	76,443
8 2031	12.96	2.26	1.12	16.35	61,729	10,775	5,352	77,856
9 2032	13.08	2.37	1.21	16.65	62,262	11,269	5,738	79,270
10 2033	13.19	2.47	1.29	16.94	62,796	11,763	6,124	80,683
10-Yr Increase	2.64	1.70	0.77	5.11	12,595	8,089	3,667	24,351

Surprise must begin planning and design of treatment capacity expansion when utilization reaches 80 percent of available capacity and must begin construction when utilization reaches 90 percent of available capacity. Shown below, Figure WW8 shows the projected 2033 level of service for WRFs in each SPA. Based on projected average day flow in 2033 and existing capacity, SPA 1 will exceed 80 percent capacity utilization (the 2022 Water Resource Master Plan identifies buildout demand of 15.8 MGD), SPA 2 will exceed 77 percent capacity utilization (80 percent capacity utilization in 2034), and SPA 3 will exceed 71 percent capacity utilization (80 percent capacity utilization in 2035).

Figure WW8: Future WRF Level of Service

Future Level of Service for WRFs	SPA 1	SPA 2	SPA 3	Total
Existing Treatment Capacity (mgd)	16.30	3.20	1.80	21.30
- Average Day Influent Flow (mgd), 2033	(13.19)	(2.47)	(1.29)	(16.94)
Available Capacity (mgd)	3.11	0.73	0.51	4.36
Capacity Used, 2033	80.9%	77.2%	71.4%	79.5%

SPA 1 – Cost Recovery / Plan-Based

This analysis uses a hybrid cost recovery and plan-based methodology for SPA 1, because the existing system has some excess capacity available to serve new customers. Existing wastewater facilities in SPA 1 are summarized below. Unit costs for the system components are based on a combination of estimates in the City's 2009 Water Master Plan, recent construction costs, and planned construction costs. Current system value is the product of existing quantity times the unit cost. The SPA 1 system value equals \$347,665,492.

Figure WW9: SPA 1 Cost Factors

SPA 1				
Description	Unit	Existing	Unit Cost	System Value
WRFs, 13<18 mgd	mgd	16.30	\$10,887,960	\$177,473,748
Lift Stations	mgd	4.70	\$1,116,979	\$5,249,801
WRF Land	acres	174.45	\$42,270	\$7,374,002
Wastewater Lines, 10"	linear ft	111,230	\$135	\$15,016,050
Wastewater Lines, 12"	linear ft	125,705	\$159	\$19,987,095
Wastewater Lines, 15"	linear ft	81,631	\$186	\$15,183,366
Wastewater Lines, 18"	linear ft	45,970	\$223	\$10,251,310
Wastewater Lines, 21"	linear ft	16,195	\$265	\$4,291,675
Wastewater Lines, 24"	linear ft	48,572	\$287	\$13,940,164
Wastewater Lines, 27"	linear ft	23,196	\$314	\$7,283,544
Wastewater Lines, 30"	linear ft	30,656	\$342	\$10,484,352
Wastewater Lines, 36"	linear ft	4,843	\$397	\$1,922,671
Wastewater Lines, 42"	linear ft	10,645	\$452	\$4,811,540
Wastewater Lines, 48"	linear ft	5,138	\$507	\$2,604,966
Reclaimed Lines, 10"	linear ft	550	\$169	\$92,950
Reclaimed Lines, 12"	linear ft	29,050	\$202	\$5,868,100
Reclaimed Lines, 16"	linear ft	21,600	\$270	\$5,832,000
Reclaimed Lines, 20"	linear ft	33,530	\$392	\$13,143,760
Reclaimed Lines, 24"	linear ft	6,180	\$416	\$2,570,880
Reclaimed Lines, 30"	linear ft	9,650	\$516	\$4,979,400
Reclaimed Booster Stations, 1-3	mgd	16.56	\$359,764	\$5,957,692
Vadose Zone Wells	each	20	\$350,000	\$7,000,000
Monitoring Well	each	2	\$495,713	\$991,426
Recharge Basins	acres	25.50	\$210,000	\$5,355,000
Total				\$347,665,492

Source: Surprise Water Resource Management Department

SPA 2 – Plan-Based

This analysis uses a plan-based methodology for SPA 2. Surprise entered into an annexation development agreement with a developer in SPA 2, and the developer built a water reclamation facility. Based on the terms of the annexation development agreement, parties subject to the agreement will not pay development fees related to wastewater infrastructure. Although most future development within SPA 2 is a party to the annexation development agreement, the analysis includes a wastewater development fee for future development within SPA 2 that is not a party to the annexation development agreement.

Existing wastewater facilities in SPA 2 are summarized below. Unit costs for the system components are based on a combination of estimates in the City's 2009 Water Master Plan, recent construction costs, and planned construction costs. Current system value is the product of existing quantity times the unit cost. The SPA 2 system value equals \$137,112,022.

Figure WW10: SPA 2 Cost Factors

SPA 2				
Description	Unit	Existing	Unit Cost	System Value
WRFs, <7 mgd	mgd	3.20	\$39,095,375	\$125,105,200
Lift Stations	mgd	0.00	\$1,116,979	\$0
WRF Land	acres	23.94	\$42,270	\$1,011,944
Wastewater Lines, 10"	linear ft	7,351	\$135	n/a
Wastewater Lines, 12"	linear ft	5,605	\$159	n/a
Wastewater Lines, 15"	linear ft	12,157	\$186	n/a
Wastewater Lines, 18"	linear ft	9,329	\$223	n/a
Wastewater Lines, 21"	linear ft	0	\$265	n/a
Wastewater Lines, 24"	linear ft	11,679	\$287	n/a
Wastewater Lines, 27"	linear ft	0	\$314	n/a
Wastewater Lines, 30"	linear ft	13,921	\$342	n/a
Wastewater Lines, 36"	linear ft	558	\$397	n/a
Wastewater Lines, 42"	linear ft	0	\$452	n/a
Wastewater Lines, 48"	linear ft	0	\$507	n/a
Reclaimed Lines, 10"	linear ft	0	\$169	\$0
Reclaimed Lines, 12"	linear ft	12,813	\$202	\$2,588,246
Reclaimed Lines, 16"	linear ft	20,158	\$270	\$5,442,606
Reclaimed Lines, 20"	linear ft	0	\$392	\$0
Reclaimed Lines, 24"	linear ft	0	\$416	\$0
Reclaimed Lines, 30"	linear ft	0	\$516	\$0
Reclaimed Booster Stations, 1-3	mgd	0.00	\$359,764	\$0
Vadose Zone Wells	each	5	\$350,000	\$1,750,000
Monitoring Well	each	2	\$495,713	\$991,426
Recharge Basins	acres	1.06	\$210,000	\$222,600
Total				\$137,112,022

Source: Surprise Water Resource Management Department

SPA 3 – Plan-Based

This analysis uses a plan-based methodology for SPA 3. Surprise entered into an annexation development agreement with a developer in SPA 3, and the developer built a water reclamation facility. Based on the terms of the annexation development agreement, parties subject to the agreement will not pay development fees related to wastewater infrastructure. Although most future development within SPA 3 is a party to the annexation development agreement, the analysis includes a wastewater development fee for future development within SPA 3 that is not a party to the annexation development agreement.

Existing wastewater facilities in SPA 3 are summarized below. Unit costs for the system components are based on a combination of estimates in the City's 2009 Water Master Plan, recent construction costs, and planned construction costs. Current system value is the product of existing quantity times the unit cost. The SPA 3 system value equals \$78,045,579.

Figure WW11: SPA 3 Cost Factors

SPA 3				
Description	Unit	Existing	Unit Cost	System Value
WRFs, <7 mgd	mgd	1.80	\$39,095,375	\$70,371,675
Lift Stations	mgd	0.00	\$1,116,979	\$0
WRF Land	acres	140.31	\$42,270	\$5,930,904
Wastewater Lines, 10"	linear ft	50	\$135	n/a
Wastewater Lines, 12"	linear ft	4,009	\$159	n/a
Wastewater Lines, 15"	linear ft	8,347	\$186	n/a
Wastewater Lines, 18"	linear ft	0	\$223	n/a
Wastewater Lines, 21"	linear ft	0	\$265	n/a
Wastewater Lines, 24"	linear ft	2,644	\$287	n/a
Wastewater Lines, 27"	linear ft	0	\$314	n/a
Wastewater Lines, 30"	linear ft	15,875	\$342	n/a
Wastewater Lines, 36"	linear ft	12,987	\$397	n/a
Wastewater Lines, 42"	linear ft	23	\$452	n/a
Wastewater Lines, 48"	linear ft	8	\$507	n/a
Reclaimed Lines, 10"	linear ft	0	\$169	\$0
Reclaimed Lines, 12"	linear ft	0	\$202	\$0
Reclaimed Lines, 16"	linear ft	0	\$270	\$0
Reclaimed Lines, 20"	linear ft	0	\$392	\$0
Reclaimed Lines, 24"	linear ft	0	\$416	\$0
Reclaimed Lines, 30"	linear ft	0	\$516	\$0
Reclaimed Booster Stations, 1-3	mgd	0.00	\$359,764	\$0
Vadose Zone Wells	each	0	\$350,000	\$0
Monitoring Well	each	0	\$495,713	\$0
Recharge Basins	acres	8.30	\$210,000	\$1,743,000
Total				\$78,045,579

Source: Surprise Water Resource Management Department

SPA 4 / SPA 5 – Plan-Based

This analysis uses a plan-based methodology for SPA 4 and SPA 5. Surprise plans to construct a combined WRF for SPA 4 and SPA 5. The planned facility will cost \$17,500,000 and provide 0.40 mgd of treatment capacity. The analysis uses a cost of \$43.75 per gallon (\$17,500,000 cost / 0.40 mgd) for SPA 4 and SPA 5.

Figure WW12: SPA 4 / SPA 5 Cost Factors

Description	Cost	WRF Capacity (mgd)	Cost per Gallon
SPA 4/5 Combined WRF	\$17,500,000	0.40	\$43.75

Source: Surprise Water Resource Management Department

Cost per Gallon

The cost per gallon is calculated as system value divided by WRF capacity. The cost is \$21.33 per gallon in SPA 1, \$42.86 per gallon in SPA 2, and \$43.36 per gallon in SPA 3.

Figure WW13: Cost per Gallon

Description	System Value			WRF Capacity (mgd)			Cost per Gallon		
	SPA 1	SPA 2	SPA 3	SPA 1	SPA 2	SPA 3	SPA 1	SPA 2	SPA 3
WRFs	\$177,473,748	\$125,105,200	\$70,371,675	16.30	3.20	1.80	\$10.89	\$39.10	\$39.10
WRF land	\$7,374,002	\$1,011,944	\$5,930,904	16.30	3.20	1.80	\$0.45	\$0.32	\$3.29
Wastewater Lines	\$105,776,733	\$0	\$0	16.30	3.20	1.80	\$6.49	\$0.00	\$0.00
Reclaimed Lines	\$32,487,090	\$8,030,852	\$0	16.30	3.20	1.80	\$1.99	\$2.51	\$0.00
Recharge Basins	\$5,355,000	\$222,600	\$1,743,000	16.30	3.20	1.80	\$0.33	\$0.07	\$0.97
Other*	\$19,198,919	\$2,741,426	\$0	16.30	3.20	1.80	\$1.18	\$0.86	\$0.00
Total	\$347,665,492	\$137,112,022	\$78,045,579	n/a	n/a	n/a	\$21.33	\$42.86	\$43.36

*Includes lift stations, reclaimed booster stations, and vadose zone/monitoring wells.

Source: WRF capacity used for all components; cost per gallon is system value divided by capacity.

Development Fee Report – Plan-Based

The cost to prepare the Wastewater Facilities IIP and related Development Fee Report totals \$30,000. Surprise plans to update its report every five years. Based on this cost, proportionate share, and five-year projections in Figure WW7, the cost is \$0.01 per gallon.

Figure WW14: IIP and Development Fee Report

Necessary Public Service	Cost	Proportionate Share	Service Unit	5-Year Change	Cost per Service Unit
Wastewater	\$30,000	All Development 100%	Avg Gallons	3,277,750	\$0.01

WASTEWATER FACILITIES DEVELOPMENT FEES

Revenue Credit/Offset

A revenue credit/offset is necessary for development fees, because Surprise's construction transaction privilege tax rate exceeds the amount of the transaction privilege tax rate imposed on the majority of other transaction privilege tax classifications. Surprise allocates the construction privilege tax credit to fire, parks and recreational, and police development fees. Appendix A contains the forecast of revenues required by Arizona's Enabling Legislation (ARS § 9-463.05(E)(7)).

SPA 1

The cost per service unit is \$21.34 per gallon for wastewater facilities development fees in SPA 1, and Surprise will assess wastewater facilities development fees by meter size. The base 0.75-inch meter is equivalent to a single-family unit, and a capacity ratio is used to convert the base meter fee proportionately for larger meters. The capacity ratios are calculated based on data published in *AWWA Manual of Water Supply Practices M-1, 7th Edition*.

The 0.75-inch fee (single-family fee) of \$4,481 is calculated using a cost per service unit of \$21.34 per gallon, multiplied by 210 average day gallons, multiplied by a capacity ratio of 1.00. For meters larger than 0.75 inches, the fee is calculated using a cost per service unit of \$21.34 per gallon, multiplied by 210 average day gallons, multiplied by the associated capacity ratio.

Figure WW15: Wastewater Facilities Development Fees

Fee Component	Cost per Gallon
WRFs	\$10.89
WRF land	\$0.45
Wastewater Lines	\$6.49
Reclaimed Lines	\$1.99
Recharge Basins	\$0.33
Other	\$1.18
Development Fee Report	\$0.01
Total	\$21.34

Development Type	Average Day Gallons
Single Family (EDU)	210

Fees per Meter - SPA 1				
Meter Size	Capacity Ratio ¹	Proposed Fees	Current Fees	Difference
0.75-inch ²	1.00	\$4,481	\$2,192	\$2,289
1.00-inch	1.67	\$7,484	\$3,661	\$3,823
1.50-inch	3.33	\$14,923	\$7,299	\$7,624
2.00-inch	5.33	\$23,886	\$11,683	\$12,203
3.00-inch	10.67	\$47,817	\$23,389	\$24,428
4.00-inch	16.67	\$74,705	\$36,541	\$38,164
6.00-inch	33.33	\$149,365	\$73,059	\$76,306
8.00-inch	53.33	\$238,993	\$116,899	\$122,094

1. AWWA Manual of Water Supply Practices M-1, 7th Edition

2. Includes meters smaller than 0.75 inches

SPA 2

The cost per service unit is \$42.87 per gallon for wastewater facilities development fees in SPA 2, and Surprise will assess wastewater facilities development fees by meter size. The base 0.75-inch meter is equivalent to a single-family unit, and a capacity ratio is used to convert the base meter fee proportionately for larger meters. The capacity ratios are calculated based on data published in *AWWA Manual of Water Supply Practices M-1, 7th Edition*.

The 0.75-inch fee (single-family fee) of \$9,003 is calculated using a cost per service unit of \$42.87 per gallon, multiplied by 210 average day gallons, multiplied by a capacity ratio of 1.00. For meters larger than 0.75 inches, the fee is calculated using a cost per service unit of \$42.87 per gallon, multiplied by 210 average day gallons, multiplied by the associated capacity ratio.

Figure WW16: Wastewater Facilities Development Fees

Fee Component	Cost per Gallon
WRFs	\$39.10
WRF land	\$0.32
Reclaimed Lines	\$2.51
Recharge Basins	\$0.07
Other	\$0.86
Development Fee Report	\$0.01
Total	\$42.87

Development Type	Average Day Gallons
Single Family (EDU)	210

Fees per Meter - SPA 2				
Meter Size	Capacity Ratio ¹	Proposed Fees	Current Fees	Difference
0.75-inch ²	1.00	\$9,003	\$2,544	\$6,459
1.00-inch	1.67	\$15,035	\$4,248	\$10,787
1.50-inch	3.33	\$29,979	\$8,472	\$21,507
2.00-inch	5.33	\$47,984	\$13,560	\$34,424
3.00-inch	10.67	\$96,059	\$27,144	\$68,915
4.00-inch	16.67	\$150,075	\$42,408	\$107,667
6.00-inch	33.33	\$300,060	\$84,792	\$215,268
8.00-inch	53.33	\$480,114	\$135,672	\$344,442

1. AWWA Manual of Water Supply Practices M-1, 7th Edition

2. Includes meters smaller than 0.75 inches

SPA 3

The cost per service unit is \$43.37 per gallon for wastewater facilities development fees in SPA 3, and Surprise will assess wastewater facilities development fees by meter size. The base 0.75-inch meter is equivalent to a single-family unit, and a capacity ratio is used to convert the base meter fee proportionately for larger meters. The capacity ratios are calculated based on data published in *AWWA Manual of Water Supply Practices M-1, 7th Edition*.

The 0.75-inch fee (single-family fee) of \$9,108 is calculated using a cost per service unit of \$43.37 per gallon, multiplied by 210 average day gallons, multiplied by a capacity ratio of 1.00. For meters larger than 0.75 inches, the fee is calculated using a cost per service unit of \$43.37 per gallon, multiplied by 210 average day gallons, multiplied by the associated capacity ratio.

Figure WW17: Wastewater Facilities Development Fees

Fee Component	Cost per Gallon
WRFs	\$39.10
WRF land	\$3.29
Reclaimed Lines	\$0.00
Recharge Basins	\$0.97
Other	\$0.00
Development Fee Report	\$0.01
Total	\$43.37

Development Type	Average Day Gallons
Single Family (EDU)	210

Fees per Meter - SPA 3				
Meter Size	Capacity Ratio ¹	Proposed Fees	Current Fees	Difference
0.75-inch ²	1.00	\$9,108	\$0	\$9,108
1.00-inch	1.67	\$15,210	\$0	\$15,210
1.50-inch	3.33	\$30,329	\$0	\$30,329
2.00-inch	5.33	\$48,544	\$0	\$48,544
3.00-inch	10.67	\$97,179	\$0	\$97,179
4.00-inch	16.67	\$151,825	\$0	\$151,825
6.00-inch	33.33	\$303,560	\$0	\$303,560
8.00-inch	53.33	\$485,714	\$0	\$485,714

1. AWWA Manual of Water Supply Practices M-1, 7th Edition

2. Includes meters smaller than 0.75 inches

SPA 4

The cost per service unit is \$43.76 per gallon for wastewater facilities development fees in SPA 4, and Surprise will assess wastewater facilities development fees by meter size. The base 0.75-inch meter is equivalent to a single-family unit, and a capacity ratio is used to convert the base meter fee proportionately for larger meters. The capacity ratios are calculated based on data published in *AWWA Manual of Water Supply Practices M-1, 7th Edition*.

The 0.75-inch fee (single-family fee) of \$9,190 is calculated using a cost per service unit of \$43.76 per gallon, multiplied by 210 average day gallons, multiplied by a capacity ratio of 1.00. For meters larger than 0.75 inches, the fee is calculated using a cost per service unit of \$43.76 per gallon, multiplied by 210 average day gallons, multiplied by the associated capacity ratio.

Figure WW18: Wastewater Facilities Development Fees

Fee Component	Cost per Gallon
SPA 4/5 Combined WRF	\$43.75
Development Fee Report	\$0.01
Total	\$43.76

Development Type	Average Day Gallons
Single Family (EDU)	210

Fees per Meter - SPA 4				
Meter Size	Capacity Ratio ¹	Proposed Fees	Current Fees	Difference
0.75-inch ²	1.00	\$9,190	\$0	\$9,190
1.00-inch	1.67	\$15,347	\$0	\$15,347
1.50-inch	3.33	\$30,601	\$0	\$30,601
2.00-inch	5.33	\$48,981	\$0	\$48,981
3.00-inch	10.67	\$98,053	\$0	\$98,053
4.00-inch	16.67	\$153,191	\$0	\$153,191
6.00-inch	33.33	\$306,289	\$0	\$306,289
8.00-inch	53.33	\$490,081	\$0	\$490,081

1. AWWA Manual of Water Supply Practices M-1, 7th Edition

2. Includes meters smaller than 0.75 inches

SPA 5

The cost per service unit is \$43.76 per gallon for wastewater facilities development fees in SPA 5, and Surprise will assess wastewater facilities development fees by meter size. The base 0.75-inch meter is equivalent to a single-family unit, and a capacity ratio is used to convert the base meter fee proportionately for larger meters. The capacity ratios are calculated based on data published in *AWWA Manual of Water Supply Practices M-1, 7th Edition*.

The 0.75-inch fee (single-family fee) of \$9,190 is calculated using a cost per service unit of \$43.76 per gallon, multiplied by 210 average day gallons, multiplied by a capacity ratio of 1.00. For meters larger than 0.75 inches, the fee is calculated using a cost per service unit of \$43.76 per gallon, multiplied by 210 average day gallons, multiplied by the associated capacity ratio.

Figure WW19: Wastewater Facilities Development Fees

Fee Component	Cost per Gallon
SPA 4/5 Combined WRF	\$43.75
Development Fee Report	\$0.01
Total	\$43.76

Development Type	Average Day Gallons
Single Family (EDU)	210

Fees per Meter - SPA 5				
Meter Size	Capacity Ratio ¹	Proposed Fees	Current Fees	Difference
0.75-inch ²	1.00	\$9,190	\$0	\$9,190
1.00-inch	1.67	\$15,347	\$0	\$15,347
1.50-inch	3.33	\$30,601	\$0	\$30,601
2.00-inch	5.33	\$48,981	\$0	\$48,981
3.00-inch	10.67	\$98,053	\$0	\$98,053
4.00-inch	16.67	\$153,191	\$0	\$153,191
6.00-inch	33.33	\$306,289	\$0	\$306,289
8.00-inch	53.33	\$490,081	\$0	\$490,081

1. AWWA Manual of Water Supply Practices M-1, 7th Edition

2. Includes meters smaller than 0.75 inches

WASTEWATER FACILITIES DEVELOPMENT FEE REVENUE

Appendix A contains revenue forecasts required by Arizona's Enabling Legislation (ARS § 9-463.05(E)(7)). Projected fee revenue shown in Figure WW20 is based on EDU projections in Figure WW7 and the updated wastewater facilities development fees. If development occurs faster than projected, the demand for infrastructure will increase along with development fee revenue. If development occurs slower than projected, the demand for infrastructure will decrease and development fee revenue will decrease at a similar rate. Projected development fee revenue over the next 10 years equals \$56,430,458 in SPA 1, \$72,819,089 in SPA 2, and \$33,391,580 in SPA 3. Actual fee revenue will vary due to existing development agreements.

Figure WW20: Wastewater Facilities Development Fees Revenue

Fee Component	SPA 1	SPA 2	SPA 3
Wastewater Facilities	\$56,415,278	\$72,810,021	\$33,387,932
Development Fee Report	\$15,181	\$9,068	\$3,648
Total	\$56,430,458	\$72,819,089	\$33,391,580

		SPA 1 \$4,481 per EDU	SPA 2 \$9,003 per EDU	SPA 3 \$9,108 per EDU
Year		EDU	EDU	EDU
Base	2023	50,201	3,674	2,458
Year 1	2024	51,827	4,615	2,949
Year 2	2025	53,454	5,557	3,440
Year 3	2026	55,002	6,502	3,745
Year 4	2027	56,551	7,447	4,050
Year 5	2028	58,099	8,391	4,356
Year 6	2029	59,648	9,336	4,661
Year 7	2030	61,196	10,281	4,966
Year 8	2031	61,729	10,775	5,352
Year 9	2032	62,262	11,269	5,738
Year 10	2033	62,796	11,763	6,124
10-Year Increase		12,595	8,089	3,667
Projected Revenue		\$56,430,458	\$72,819,089	\$33,391,580

Projected Fee Revenue	\$162,641,127
Total Expenditures	\$162,641,127

10-YEAR CAPITAL PLAN

The figure shown below includes planned wastewater capital expenditures during the next 10 years.

Figure WW21: Wastewater Facilities Capital Plan

Project Type	Description	Fiscal Year	Cost
Debt Service	SPA 1 WRF, Series 2018	2024-2033	\$21,490,501
CIP	SPA 1 Collection System Capacity Enhancements	2020-2030	\$6,875,000
CIP	SPA 1 Recharge Expansion	2030+	\$28,049,776
Study/Audit Cost	Development Fee Update/Biennial DIF Audits	2024-2029	\$15,181
Subtotal, SPA 1			\$56,430,457
CIP	SPA 2 Plant Expansion	2033	\$31,276,300
CIP	SPA 2 Recharge Expansion	2028-2029	\$1,695,300
CIP	SPA 2 WRF Land Purchase	2026	\$300,000
Dev Agreement	Developer Obligation - Marisol Ranch Plant expansion and lift station	2027	\$17,500,000
Dev Agreement	Developer Obligation - Rancho Mercado Regional Improvements	2024-2034	\$4,364,374
Dev Agreement	Developer Obligation - SPA 2 North Expansion	2024-2034	\$22,512,144
Dev Agreement	Developer Obligation - SPA 2 PERC WRF (Asante)	2024-2034	\$9,836,657
Dev Agreement	Developer Obligation - SPA 2 WRF	2024-2034	\$18,350,040
Dev Agreement	Developer Obligation - Tierra Verde West Regional Improvements	2024-2034	\$578,812
Study/Audit Cost	Development Fee Update/Biennial DIF Audits	2024-2029	\$9,068
Subtotal, SPA 2			\$106,422,695
CIP	SPA 3 Recharge Expansion	2029-2032	\$12,315,928
Dev Agreement	Developer Obligation - SPA 3 PERC WRF	2030+	\$21,072,004
Study Cost	Development Fee Update	2024-2029	\$3,648
Subtotal, SPA 3			\$33,391,580
CIP	SPA 4 Recharge Expansion	2030-2033	\$6,472,600
Dev Agreement	Developer Obligation - SPA 4/SPA 5 Plant	2030+	\$15,638,150
Dev Agreement	Developer Obligation - Sunhaven Lift Station	2027+	\$4,500,000
Study/Audit Cost	Development Fee Update/Biennial DIF Audits	2024-2029	\$1,121
Subtotal, SPA 4			\$26,611,871
Dev Agreement	Developer Obligation - SPA 4/SPA 5 Plant	2030+	\$15,638,150
Study/Audit Cost	Development Fee Update/Biennial DIF Audits	2024-2029	\$982
Subtotal, SPA 5			\$15,639,132
Total			\$238,495,736

Source: Surprise Water Resource Management Department

APPENDIX A: FORECAST OF REVENUES OTHER THAN FEES

ARS § 9-463.05(E)(7) requires:

“A forecast of revenues generated by new service units other than development fees, which shall include estimated state-shared revenue, highway users revenue, federal revenue, ad valorem property taxes, construction contracting or similar excise taxes and the capital recovery portion of utility fees attributable to development based on the approved land use assumptions, and a plan to include these contributions in determining the extent of the burden imposed by the development as required in subsection B, paragraph 12 of this section.”

ARS § 9-463.05(B)(12) states,

“The municipality shall forecast the contribution to be made in the future in cash or by taxes, fees, assessments or other sources of revenue derived from the property owner towards the capital costs of the necessary public service covered by the development fee and shall include these contributions in determining the extent of the burden imposed by the development. Beginning August 1, 2014, for purposes of calculating the required offset to development fees pursuant to this subsection, if a municipality imposes a construction contracting or similar excise tax rate in excess of the percentage amount of the transaction privilege tax rate imposed on the majority of other transaction privilege tax classifications, the entire excess portion of the construction contracting or similar excise tax shall be treated as a contribution to the capital costs of necessary public services provided to development for which development fees are assessed, unless the excess portion was already taken into account for such purpose pursuant to this subsection.”

REVENUE PROJECTIONS

Surprise has a construction sales tax rate of 3.7 percent and the majority of other sales tax rates is 2.2 percent; therefore, the required offset described above is applicable. Surprise plans to increase the retail sales tax rate to 2.7 percent beginning in FY2025, so the required offset beginning in FY2025 is 1.0 percent. Shown in Figure A1, Surprise provided the required forecast of construction sales tax revenue over a period of five years. Based on projections in the FY2024 Budget, the excess portion of 1.5 percent includes \$68,016,900 over the next five years. TischlerBise converts the construction sales tax projections from 1.5 percent to 1.0 percent. The construction sales tax credit of \$50,579,767 over the next five years includes FY2024 revenue equal to 1.5 percent and FY2025-FY2028 revenue equal to 1.0 percent.

Figure A1: Revenue Projections

Funding Source	Forecast FY2024	Forecast FY2025	Forecast FY2026	Forecast FY2027	Forecast FY2028	Total
Construction Sales Tax - 1.5%	\$15,705,500	\$14,135,000	\$13,428,200	\$13,025,400	\$11,722,800	\$68,016,900
Construction Sales Tax - 1.0%	\$10,470,333	\$9,423,333	\$8,952,133	\$8,683,600	\$7,815,200	\$45,344,600
Construction Sales Tax Credit	\$15,705,500	\$9,423,333	\$8,952,133	\$8,683,600	\$7,815,200	\$50,579,767

Source: City of Surprise, FY2024 Budget for FY24-FY28 (construction sales tax 1.5%); TischlerBise calculation based on 1.0% excess construction sales tax beginning July 1, 2024

As shown in Figure A2, the analysis allocates the excess construction sales tax revenue for the next five years to projected development during the next five years. The credit per service unit shown below is included as a credit in the fire, parks and recreational, and police development fee calculations.

Figure A2: Excess Construction Sales Tax Credit

Necessary Public Service	Cost	Proportionate Share		Service Unit	5-Year Change	Credit per Service Unit
Fire	\$17,570,649	Residential	75%	Population	44,514	\$296.78
		Nonresidential	25%	Vehicle Trips	16,226	\$268.69
Parks and Recreational	\$27,595,880	Residential	98%	Population	44,514	\$607.54
		Nonresidential	2%	Jobs	7,782	\$70.93
Police	\$5,413,237	Residential	61%	Population	44,514	\$73.68
		Nonresidential	39%	Vehicle Trips	16,226	\$131.48
Total	\$50,579,767					

APPENDIX B: PROFESSIONAL SERVICES

As stated in Arizona’s development fee enabling legislation, “a municipality may assess development fees to offset costs to the municipality associated with providing necessary public services to a development, including the costs of infrastructure, improvements, real property, engineering and architectural services, financing and professional services required for the preparation or revision of a development fee pursuant to this section, including the relevant portion of the infrastructure improvements plan” (see ARS § 9-463.05.A). Because development fees must be updated at least every five years, the cost of professional services is allocated to the projected increase in service units, over five years (see Figure B1). Qualified professionals must develop the IIP, using generally accepted engineering and planning practices. A qualified professional is defined as “a professional engineer, surveyor, financial analyst or planner providing services within the scope of the person’s license, education or experience”.

Figure B1: Cost of Professional Services

Necessary Public Service	Cost	Proportionate Share		Service Unit	5-Year Change	Cost per Service Unit
Fire	\$16,230	Residential	75%	Population	44,514	\$0.27
		Nonresidential	25%	Vehicle Trips	16,226	\$0.25
Parks and Recreational	\$15,000	Residential	98%	Population	44,514	\$0.33
		Nonresidential	2%	Jobs	7,782	\$0.04
Police	\$16,230	Residential	61%	Population	44,514	\$0.22
		Nonresidential	39%	Vehicle Trips	16,226	\$0.39
Water	\$30,000	All Development	100%	Avg Gallons	4,336,702	\$0.01
Water Resource	\$12,000	All Development	100%	Acre-Feet	43,325	\$0.28
Wastewater	\$30,000	All Development	100%	Avg Gallons	3,277,750	\$0.01
Total	\$119,460					

APPENDIX C: LAND USE DEFINITIONS

RESIDENTIAL DEVELOPMENT

As discussed below, residential development categories are based on data from the U.S. Census Bureau, American Community Survey. Development fees will be assessed to all new residential units. One-time development fees are determined by site capacity (i.e., number of residential units).

Single Family:

1. Single-family detached is a one-unit structure detached from any other house, that is, with open space on all four sides. Such structures are considered detached even if they have an adjoining shed or garage. A one-family house that contains a business is considered detached if the building has open space on all four sides.
2. Single-family attached (townhouse) is a one-unit structure that has one or more walls extending from ground to roof separating it from adjoining structures. In row houses (sometimes called townhouses), double houses, or houses attached to nonresidential structures, each house is a separate, attached structure if the dividing or common wall goes from ground to roof.

Multi-Family:

1. Includes units in structures containing two or more housing units, further categorized as units in structures with “2, 3 or 4, 5 to 9, 10 to 19, 20 to 49, and 50 or more apartments.”
2. Includes both occupied and vacant mobile homes, to which no permanent rooms have been added. Mobile homes used only for business purposes or for extra sleeping space and mobile homes for sale on a dealer's lot, at the factory, or in storage are not counted in the housing inventory.
3. Includes any living quarters occupied as a housing unit that does not fit the other categories (e.g., houseboats, railroad cars, campers, and vans). Recreational vehicles, boats, vans, railroad cars, and the like are included only if they are occupied as a current place of residence.

NONRESIDENTIAL DEVELOPMENT

The proposed general nonresidential development categories (defined below) can be used for all new construction. Nonresidential development categories represent general groups of land uses that share similar average weekday vehicle trip generation rates and employment densities (i.e., jobs per thousand square feet of floor area).

Industrial: Establishments primarily engaged in the production of goods. By way of example, industrial includes manufacturing plants, utility substations, power generation facilities, and telecommunications buildings.

Office: Establishments providing management, administrative, professional, or business services; personal and health care services. By way of example, office includes banks, business offices, medical clinics, and hospitals.

Public/Institutional: Public and quasi-public buildings providing educational, social assistance, or religious services. By way of example, institutional includes schools, universities, churches, daycare facilities, and government buildings.

Retail/Commercial: Establishments primarily selling merchandise, eating/drinking places, entertainment uses, and lodging. By way of example, commercial includes shopping centers, supermarkets, pharmacies, restaurants, bars, nightclubs, automobile dealerships, movie theaters, and lodging.

Warehouse: Establishments primarily engaged in transportation or storage of goods. By way of example, warehouse includes distribution warehouses, trucking companies, and self-storage facilities.



CITY OF SURPRISE Regular City Council Meeting

Council Meeting Date: April 2, 2024

Contact Person: Andrea Davis, DIRECTOR -
FINANCE

Submitting Department: Finance

District: Citywide

Staff Recommendations:

Consent: No

Regular: No

Public Hearing: Yes

Report/Discussion: No

Agenda Wording:

Consideration and action pertaining to adoption of amendments to the City of Surprise Municipal Tax Code relating to certain Transaction Privilege Tax rates; Ordinance # 2024-09.

Motion:

I move to approve Ordinance # 2024-09.

Background:

The City of Surprise staff and City Council are legally required to annually develop and adopt a balanced budget. In order to accomplish this mandate for the Fiscal Year 2025 budget, City Council is considering a reduction to the City's primary property tax rate and an increase to the rate of certain local transaction privilege tax categories. These adjustments are intended to offset an anticipated \$6.6 million in annual revenue loss due to passage of Senate Bill 1131 during the 2023 legislative session, which prohibits all Arizona cities from assessing and collecting residential rental tax as of January 1, 2025. With the loss of residential rental sales tax revenue, the City must either reduce current service levels or replace the lost revenue through other sources.

City Council held two duly noticed public budget meetings in January 2024 to review current revenue sources and expenditures. During this review, City Council decided to examine a restructuring of several transaction privilege tax categories and rates necessary to maintain current levels of City services.

As part of the restructuring, City Council is considering a 50% reduction to the City's primary property tax rate – lowering it from \$0.7591 to \$0.3795 per \$100 assessed value. In order to offset the loss of revenue from this property tax rate reduction and the state-mandated abolition of the current residential rental tax, the City Council is considering an increase to certain Transaction Privilege Tax (TPT) categories from 2.2% to 2.7%. The authority to establish and amend local transaction privilege taxes as proposed is found in Arizona Revised Statutes Section 9-240(B)(18). The proposed increased sales tax rates are intended to remain competitive with Surprise's neighboring cities, offset the loss of revenue, and maintain the current level of services provided by the City of Surprise. The categories being considered for an increase to a 2.7% rate include: Retail, Utilities, Commercial Real Estate, Arts/Entertainment, Hotel/Motel, Use Tax/Other, and Communications.

A copy of the schedule of proposed transaction privilege tax increases as well as supporting documentation for the proposed increases are included herein and are also available on the City of Surprise website at www.surpriseaz.gov/Notices. This Notice and supporting documents are also on file with the Office of the City Clerk and available upon request.

Objective Analysis:

Increasing the sales tax rate for certain taxable activities will enable the City to offset the revenue loss and retain its current level of services.

Policy Compliant:

This item is compliant with City and Council policy. All Arizona state law requirements pertaining to the process, including notices and public hearings, for increasing TPT rates have been complied with and completed.

Financial Impact:

The primary property tax revenue decrease and the sales tax revenue increase will go into effect on July 1, 2024.

Budget Impact:

The primary property tax revenue decrease and the sales tax revenue increase will go into effect on July 1, 2024.

FTE Impact:

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

ATTACHMENTS:

1. Ord 2024-09 DR TPT
-

ORDINANCE # 2024-09

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA, RELATING TO THE TRANSACTION PRIVILEGE AND USE TAX; AMENDING THE CITY OF SURPRISE TAX CODE BY DECREASING SPECIFIED RATES OF TAXATION FROM TWO AND TWO-TENTHS PERCENT (2.20%) TO ZERO PERCENT (0.00%) AND INCREASING SPECIFIED RATES OF TAXATION FROM TWO AND TWO-TENTHS PERCENT (2.20%) TO TWO AND SEVEN-TENTHS PERCENT (2.70%); PROVIDING PENALTIES FOR THE VIOLATION THEREOF; PROVIDING FOR SEVERABILITY; DESIGNATING EFFECTIVE DATES AND MAKING PROVISION FOR EXISTING CONTRACTS.

WHEREAS, the City of Surprise is legally required to annually develop and adopt a balanced budget;

WHEREAS, in order to accomplish this mandate for the Fiscal Year 2025 budget, it is necessary that the City of Surprise reduce its primary property tax rate and increase the rate to certain local transaction privilege tax categories;

WHEREAS, these adjustments are intended to offset the anticipated \$6.6 million in annual revenue loss due to the passage of Senate Bill 1131 during the 2023 legislative session, which prohibits all Arizona cities from assessing and collecting residential rental tax as of January 1, 2025;

WHEREAS, with the loss of residential rental sales tax revenue, the City must either reduce current service levels or replace the lost revenue through other sources; and

WHEREAS, the increased sales tax rates are intended to remain competitive with the City of Surprise's neighboring cities, offset the loss of revenue, and maintain the current level of services provided by the City of Surprise;

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

Section 1. The tax rate in each of the following sections of the City of Surprise Tax Code is decreased from two and two-tenths percent (2.20%) to zero percent (0.00%):

Surprise Municipal Code	Taxable Activities	Business Code
Real Estate/Rental & Leasing		
Sec. 46-3.14-445.	Residential Rental, Leasing, And Licensing For Use	45
Sec. 46-3.14-440.	Rental Occupancy	40

Section 2. The tax rate in each of the following sections of the City of Surprise Tax Code is increased from two and two-tenths percent (2.20%) to two and seven-tenths percent (2.70%):

Surprise Municipal Code	Taxable Activities	Business Code
Retail		
Sec. 46-3.14-460.	Retail Sales	17
Sec. 46-3.14-460.	Remote Seller & Marketplace Facilitator	605
Sec. 46-3.14-420.	Feed at Wholesale	116
Sec. 46-3.14-427.	Manufactured Buildings	27
Sec. 46-3.14-460.	Adult Use Marijuana Retail Sales	420
Sec. 46-3.14-460.	Medical Marijuana Retail Sales	203
Communications/Utilities		
Sec. 46-3.14-470	Communications	5
Sec. 46-3.14-480.	Utilities	4
Arts/Entertainment		
Sec. 46-3.14-410.	Amusements	12
Hotel/Motel		
Sec. 46-3.14-444.	Hotels (Lodging For Less Than 30 Consecutive Days)	44
Other Tax Activity		
Sec. 46-3.14-405.	Advertising	18
Sec. 46-3.14-425.	Job Printing	10
Sec. 46-3.14-460.	MARRA	315
Sec. 46-3.14-435.	Publishing	9
Sec. 46-3.14-430	Timbering and Other Extraction	20
Sec. 46-3.14-475.	Transporting	6
Use Tax		
Ordinance #09-31	Use Tax Purchases	29
Ordinance #09-31	Use Tax From Inventory	30

Surprise Municipal Code	Taxable Activities	Business Code
Real Estate/Rental & Leasing		
Sec. 46-3.14-445.	Commercial Rental, Leasing, And Licensing For Use	213
Sec. 46-3.14-450.	Rental Leasing And Licensing For Use Of TPP	214

Section 3. The tax rate in each of the following sections of the City of Surprise Tax Code are excluded from any decrease or increase and remain unchanged:

Surprise Municipal Code	Taxable Activities	Business Code
Restaurant/Bars		
Sec. 46-3.14-455.	Restaurant And Bars	11
Sec. 46-3.14-455.	Adult Use Marijuana Restaurant	421
Sec. 46-3.14-455.	Medical Marijuana Restaurant	221
Transient Lodging		
Sec. 46-3.14-447.	Hotel/Motel (Additional Tax)	144
Other Tax Activity		
Sec. 46-3.14-432.	Mining Nonmetal	2
Sec. 46-3.14-432.	Severance - Metal Mining	19
Contracting		
Sec. 46-3.14-415.	Contracting Prime	15
Sec. 46-3.14-416.	Contracting Speculative Builders	16
Sec. 46-3.14-417.	Contracting Owner Builder	37

Section 3. Any person found guilty of violating any provision of these amendments to the City of Surprise Tax Code shall be guilty of a class one misdemeanor. Each day that a violation continues shall be a separate offense punishable as herein above described.

Section 4. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

Section 5. The tax imposed pursuant to Section 1 and Section 2 of this ordinance shall not apply to contracts entered into prior to the effective date of this ordinance.

Section 6. The provisions of this ordinance, with the exception of the rate changes categorized above as Real Estate/Rental & Leasing, shall become effective on and after the first day of July, 2024. The rate changes categorized above as Real Estate/Rental & Leasing shall become effective on and after the first day of January, 2025.

Section 6. Where applicable the rate changes listed above shall be codified in the City of Surprise Tax Code on the above stated effective dates.

PASSED AND ADOPTED this _____ day of _____, 2024.

Skip Hall, Mayor

Attest:

Approved as to form:

Kristi Passarelli, City Clerk

Robert Wingo, City Attorney