



CITY OF SURPRISE
Regular City Council Meeting
16000 N. Civic Center Plaza
Surprise, AZ 85374
Tuesday, August 20, 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

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. Regular City Council Meeting Agenda

CONSENT AGENDA:

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|----|------------|---|---------------------------------|
| 1. | Internal | Consideration and action to approve the August 6, 2024 Regular Work Session Minutes, Regular City Council Meeting Minutes, Special City Council Meeting Minutes, and Executive Session Minutes. | Kristi Passarelli
City Clerk |
| 2. | District 4 | Consideration and action declaring the intent and ordering the enlargement of an existing lighting improvement district known as City of Surprise, Arizona, Surprise Valley Station pursuant to A.R.S. § 48-616 for the purpose of purchasing facilities and energy for lighting the public streets; Resolution #2024-69. | Kristin Tytler
Public Works |
| 3. | District 5 | Consideration and action pertaining to the conditional acceptance and maintenance of certain streets and public utility improvements at Alta Surprise, generally located at the northwest corner of North Litchfield Road and West Statler Boulevard; Resolution #2024-121. | Kristin Tytler
Public Works |
| 4. | Citywide | Consideration and action pertaining to the approval of a modification to the Memorandum of Understanding with the U.S. Department of Justice, U.S. Marshals Service to provide additional funding for overtime expenses associated with the participation of one Surprise Police Officer in the JLEO Task Force and approval of a Fiscal Year 2025 budget amendment moving budget in the amount of \$2,600; Resolution #2024-126. | Benny Pina
Police |

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| 5. | Citywide | Consideration and action to approve a Cell Tower License Agreement with DISH Wireless L.L.C. to locate on an existing structure at the Surprise Stadium Campus; Resolution #2024-134. | Kendra Pettis
Sports and Tourism |
| 6. | Internal | Consideration and action pertaining to approval of an amendment to the Employment Agreement with City Attorney. | Donna Meuse
Human Resources |
| 7. | Citywide | Consideration and action pertaining to an amendment to the Surprise Municipal Code, Sections 2-61 and 2-65 regarding placement of items on agendas and convening special meetings; Ordinance # 2024-28. | Robert Wingo
Legal |

REGULAR AGENDA ITEM - PUBLIC HEARING:

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| 8. | District 2 | Consideration and action pertaining to a recommendation to the Arizona Department of Liquor Licenses and Control (DLLC) on Application No. 299903, requested by Ryan Winter Anderson, for Arizona Traditions Community Center for Series 14 Liquor License. Arizona Traditions Community Center is located at 17221 N Citrus Road, Surprise, AZ 85374. | Kristi Passarelli
City Clerk |
| 9. | District 3 | Consideration and action pertaining to a recommendation to the Arizona Department of Liquor Licenses and Control (DLLC) on Application No. 296751, requested by Howard Everett Magee, for Carioca Shell #5 for Series 10 Liquor License. Carioca Shell #5 is located at 15470 W Cactus Road, Surprise, AZ 85379. | Kristi Passarelli
City Clerk |
| 10. | District 3 | Consideration and action pertaining to a recommendation to the Arizona Department of Liquor Licenses and Control (DLLC) on Application No. 296995, requested by Charles Huellmantel, for Quiktrip #1430 for Series 10 Liquor License. Quiktrip #1430 is located at 12294 N Prasada Parkway, Surprise, AZ 85388. | Kristi Passarelli
City Clerk |
| 11. | District 1 | Consideration and action pertaining to a Zone Change for the Surprise Foothills Southwest 40 project to rezone approximately 40 acres from Rural Residential (RR) to Residential Medium Density (R-2) generally located east of 243rd Avenue, south of Deer Valley Road and north of Beardsley Road; Ordinance #2024-25. | Lloyd Abrams
Community
Development |
| 12. | District 1 | Consideration and action pertaining to a Zone Change for the Surprise Foothills Central 40 project to rezone approximately 40 acres from Rural Residential (RR) to a combination of Residential Low Density (R-1) and Residential Medium Density (R-2) generally located north of Deer Valley Road and east of Foothills Boulevard (future alignment); Ordinance #2024-24. | Lloyd Abrams
Community
Development |
| 13. | District 1 | Consideration and action pertaining to the annexation of approximately 4.07 acres of county land, generally located south of the southeast corner of 163rd Avenue and 162nd Drive; Ordinance # 2024-15. | Lloyd Abrams
Community
Development |
| 14. | District 1 | Consideration and action pertaining to a Zone Change of 0.41 acres from Rural Residential (RR) to Regional Commercial (C-3), on one (1) undeveloped parcel, located south of the southeast corner of 163rd Avenue and 162nd Drive; Ordinance #2024-13. | Lloyd Abrams
Community
Development |

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|---|------------|--|---|
| 15. | District 1 | Consideration and action pertaining to approval of the Surprise Storage Pre-Annexation Development Agreement; Resolution #2024-127 | Lloyd Abrams
Community
Development |
| REGULAR AGENDA ITEM - NON-PUBLIC HEARING: | | | |
| 16. | Citywide | Consideration and action pertaining to approval of an amendment to the Surprise Municipal Code Chapter 2, Sec. 2-299 to update the mission, powers, responsibilities, and duties of the Arts and Cultural Advisory Commission; Ordinance #2024-14. | Julie Akerly
Arts, Culture &
Library Department |
| 17. | Citywide | Consideration and action pertaining to approval of the Greater Phoenix Economic Council FY2025 Annual Contract. | Jeanine Jerkovic
Economic
Development |
| 18. | District 1 | Consideration and action directing the recording of a blank petition for annexation in accordance with A.R.S. 9-471 of approximately 10.8 acres generally located at the southeast corner of 163rd Avenue and Pinnacle Peak Road; Case #FS24-0505; Resolution #2024-124. | Trevor Fleetham
Community
Development |
| 19. | Internal | Consideration and action pertaining to approval of a Fiscal Year 2025 budget amendment by moving budget in the amount of \$300,000, and amending the Fiscal Year 2025 Contract Awarding Authority List for office renovation expenses within the Police Department; Resolution #2024-128. | Benny Pina
Police |
| 20. | Citywide | Consideration and action authorizing the City Attorney, or his designees, to take any and all action necessary, including but not limited to initiating litigation, to recover the City of Surprise's loss of long-term storage credits, and any damages related thereto, from water stored in the Maricopa Water District's groundwater savings facility. | Robert Wingo
Legal |

H. Call To The Public

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

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).

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| 21. Citywide | Consideration and action to recess into executive session for discussion and consultation with the City Attorney to consider its position and receive legal advice pertaining to contemplated litigation regarding the City's loss of long-term storage credits from water stored in the Maricopa Water District's groundwater savings facility pursuant to A.R.S. §§ 38-431.03 and 04. | Legal |
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- L. Adjournment

KRISTI PASSARELLI, CITY CLERK

POSTED: Thursday, August 15, 2024 @ 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: August 20, 2024
Submitting Department: City Clerk
Staff Recommendations:

Contact Person:
District: Internal

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

Invocation

Motion:

Background:

Objective Analysis:

Policy Compliant:

Financial Impact:

Budget Impact:

FTE Impact:

ATTACHMENTS:



CITY OF SURPRISE
Regular City Council Meeting

Council Meeting Date: August 20, 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: August 20, 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 August 6, 2024 Regular Work Session Minutes, Regular City Council Meeting Minutes, Special City Council Meeting Minutes, and Executive Session Minutes.

Motion:

I move to approve the August 6, 2024 Regular City Council Meeting, Work Session Minutes, Special City Council Meeting Minutes, and Executive Session Minutes.

Background:

Objective Analysis:

Policy Compliant:

Financial Impact:

Budget Impact:

FTE Impact:

ATTACHMENTS:

1. 080624 Work Session Minutes
 2. 080624 Regular Meeting Minutes
 3. 081224 Special Meeting Minutes
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CITY OF SURPRISE
City Council Work Session
16000 N. Civic Center Plaza
Surprise, AZ 85374
Tuesday, August 6, 2024 @ 4:00 PM
COUNCIL CHAMBERS

A. Call To Order

Mayor Hall called the Regular Council Work Session of August 6, 2024 to order at 4:00 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 regarding an update of the Surprise Public Library System.

Arts, Culture, & Library Director Kelsey Lamphier; and Acting City Librarian Ashely Ware came to present this item. They talked about building the foundation of the library system, the number of Library Cards issued, and Visitor Count. Ashely Ware talked about Physical Collection and how that system works. She went over the digital collection, and other physical items they are offering for the Library of things. She also talked about Digital Equity, and Online Resources. Kelsey talked about adding/expanding services. Ashley talked about the Youth, Teen, and Adult Programming, Signature Events, Community Outreach, Engaging with the Community. Kelsey talked about the Library Survey Results; what do patrons value the most? And how can the library improve?

Councilmember Cline, talked about her support for this program, and the growth it has shown.

Mayor Hall asked what happens if someone wants a hard copy of a book and the process for finding it? Kelsey explained the process where they look it up in the system, and where they are in each library. She said that they could then get the book transported within the system, or place

a hold on the book.

Councilmember Remley, talked about the process of interviewing commission members for the Library, and asked if there was volunteer opportunities? And how costs were coming along so far for the Library? Kelsey said there is volunteer opportunities.

2. Presentation and discussion of a potential amendment to the Surprise Municipal Code, Chapter 2, Section 2-61 *Agenda*, pertaining to the placement of items on meeting agendas.

City Attorney, Robert Wingo, came to present this item on behalf of Council. He gave a history on this item and the portions of the code that impacted this. He also talked about the convening special meetings.

Councilmember Hastings, said he would prefer to have 24 hours for all council members.

Councilmember Judd, asked about the special meeting and the boundaries of open meeting laws and potentially violating them simply talking to other council members about initiating a special meeting. Robert talked about open meeting law. Councilmember Judd said he would prefer three people. He then asked about the need for physical signature or digital? Robert said he thinks email would be sufficient in the future.

Councilmember Remley, talked about his experience with requiring signatures. He was worried about adding items too late. He said he's fine with digital emails. Mayor Hall talked about the history of why the circumstances came to be now. He said he would support 48 hours.

Councilmember Duffy, said he would support 48 hours and 3 council members.

Robert asked if they were asking about business days or real hours? Mayor Hall said he preferred business days.

Councilmember Haney, said he supports 3 council members, and electronic submission, as well as 48 hours. He asked about scanned signatures versus straight emails? Mayor Hall said it should be direct email.

Councilmember Judd, said they don't need 24 hours, and he's good with a 48 hour business day cut off.

Mayor Hall clarified that it's close of business by Friday, and 3 council members for special session and 2 members for items.

Rebekah Massie, came to voice her concerns about the Library topic and the budget. She also talked about her support for the original proposal.

3. Presentation and discussion pertaining to recommended revisions to the City of Surprise City Council Policies and Procedures Manual.

Robert returned to talk about this item. He talked about the history of this item and the need for doing it. He talked about Rule 3, Subcommittees & Working Groups, the Mayor's Authority for those items, Creating a document to file with the Clerk, Complaint Process, Title 16 with regards to the City Clerk and City Attorney, He talked about reviewing the document every even numbered year. He compared other City's standards.

Mayor Hall, thanked staff for their effort.

Quintus Schulzke, a Surprise Resident, came to talk about this item. He voiced his concerns over the groups and subcommittees and their relevance to open meeting laws. Mayor Hall talked about the definition of open meeting law.

Attorney Wingo, talked about open meeting law. He said that there has never been a working group open to the public and closely follows state law.

Councilmember Haney, talked about the working groups, and he doesn't see an issue with the public attending.

Councilmember Hastings, asked if there were any examples? He said they weren't very interesting. Robert said the existing groups would be grandfathered in, and that the mayor could change them in the future. He then asked about the clarity of a working group versus a subcommittee? Robert said they don't usually use groups and haven't for some time. Councilmember Hastings said he doesn't have a problem making it public.

Robert went on to talk about the complaint issues brought up by Mr. Schulzke. He said that the public could direct complaints to the jurisdiction that has authority; but that City staff does not have the authority to investigate and discipline City Council.

Councilmember Remley, talked about a previous experience with the homeless population in the City. He said he didn't think the public would want to be involved in that level of the process.

Councilmember Duffy, said he doesn't care if the working groups are open to the public. He asked what happens if City staff gets a complaint. What do they do with it now? Robert said staff could receive it but they just can't act on it. He gave further examples of actions that could be taken. Councilmember Duffy asked if they would refer the resident to the county? Robert said it was very case specific. Councilmember Duffy asked how they would find out? Robert said they should seek their own legal counsel. Councilmember Duffy said he would not like complaints to die off.

Councilmember Hastings, talked about complaining to other Councilmembers. He went on to talk about potential conflict of interests.

Robert said there are numerous resources out there for grievous complaints or criminal violations.

Councilmember Hastings said they are not looking at the code but at an internal document. He said residents could always goto their Councilmembers.

Vice-Mayor Haney, said if there is an email and there is no response. And if they council could direct complaints accordingly? Robert said they could. But as the attorney he can't investigate his own client. Vice-Mayor Haney said that Robert is removing himself to make the process simpler. He said this document is for consistency and transparency.

Rebekah Massie, voiced her concerns about this topic and her opposition to the proposals.

- 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: Aly Cline

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

Meeting Adjourned at 6:11 PM

Skip Hall, Mayor

ATTEST:

Kristi Passarelli, City Clerk

CERTIFICATION:

I, Kristi Passarelli, City Clerk for the City of Surprise, Maricopa County, Arizona, do hereby verify that these are the true and correct minutes of the Regular City Council Meeting of **Tuesday, August 6, 2024.**

Kristi Passarelli, City Clerk



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

A. Call To Order

Mayor Hall called the Regular Council Meeting of August 6, 2024 to order at 6:30 p.m., located at Surprise City Hall, 16000 N. Civic Center Plaza, Surprise, AZ. 85374.

1. Invocation

Mayor Hall led in a Moment of Silence.

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

The Surprise Youth Council led the Pledge of Allegiance.

D. Proclamation and Community Acknowledgements

E. City Manager Report

2. City Manager sub-text

3. Reports

City Manager, Bob Wigenroth, introduced Cara Poling to present the summer internship participants. She talked about the 20 interns who participated and their experiences.

Shelby Fenwick introduced the incoming Youth Council members. She then introduced the members sitting on the Dias.

Kayla Vargas Sophomore at Valley Vista

Desmond Robert Freshman at Willow Canyon

F. City Clerk Report

4. Reports

City Clerk, Kristi Passarelli, talked about the upcoming appointments and the changes necessary to make the terms comply with existing City Code by extending the terms this one time.

Councilmember Cline, talked about process for reappointment and why they changed to the current process. Councilmember Remley, talked about the number and quality of people who interviewed. Vice-Mayor Haney talked about his involvement with the process. He thanked everyone who participated in the process.

Quintus Schulzke, a Surprise Resident, came to voice his concerns.

Rebekah Massie, a Surprise Resident, came to voice her concerns.

Phillip Lair, a Surprise Resident, came to voice his concerns.

1. Consideration and action to Re-Appoint Susan DeJong to the Arts & Cultural Advisory Commission, term expiration June 30, 2029.

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

2. Consideration and action to Appoint Hassan Rasul to the Arts & Cultural Advisory Commission, term expiration June 30, 2029.

Motion: To Approve
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

3. Consideration and action to Re-Appoint Tatiana Young to the Audit Committee, term expiration June 30, 2029.

Motion: To Approve
Initiated By: Chris Judd
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

4. Consideration and action to Re-Appoint Barbara Minick to the Board of Trustees – Health Benefits Trust Fund Board, term expiration June 30, 2029.

Motion: To Approve
Initiated By: Ken Remley
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

5. Consideration and action to Appoint Tomasina DiCapo to fill the vacancy on the Library Advisory Commission, term expiration June 30, 2027.

Motion: To Approve
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

6. Consideration and action to Appoint Jeffrey Stockdale to the Personnel Appeals Board, term expiration June 30, 2029.

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

7. Consideration and action to Appoint Cathy Simcox to the Personnel Appeals Board, term expiration June 30, 2029.

Motion: To Approve
Initiated By: Ken Remley
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

8. Consideration and action to Re-Appoint Jared Holland to the Planning & Zoning Commission, term expiration June 30, 2029.

Motion: To Approve
Initiated By: Chris Judd
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

9. Consideration and action to Appoint Anthony Spata to the Planning & Zoning Commission, term expiration June 30, 2029.

Motion: To Approve
Initiated By: Aly Cline
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

10. Consideration and action to Appoint Kevin Perry to the Planning & Zoning Commission, term expiration June 30, 2029.

Motion: To Approve
Initiated By: Nick Haney
Seconded By: None

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 to Re-Appoint John Billcheck to the Veterans Disability & Human Services Commission, term expiration June 30, 2029.

Motion: To Approve
Initiated By: Ken Remley
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

12. Consideration and action to Appoint Allison Wisnewski to the Veterans Disability & Human Services Commission, term expiration June 30, 2029.

Motion: To Approve
Initiated By: Aly Cline
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

G. Call To The Public

Quintus Schuzke, a Surprise Resident, came to voice his concerns and the municipal code, and existing processes.

Alex Christ, a Surprise Resident, came to talk about current politics.

Rebekah Massie, a Surprise Resident, came to talk about her concerns.

H. Regular City Council Meeting Agenda

5. CONSENT AGENDA:

Motion: To Approve
Initiated By: Jack Hastings
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

13. Consideration and action to approve the June 18, 2024 Regular Work Session Minutes, and Regular City Council Meeting Minutes.
14. Consideration and action pertaining to the City of Surprise declaring its intention to create a lighting improvement district known as SU-EllenRanch218 pursuant to A.R.S. § 48-616 for the purpose of purchasing facilities and energy for lighting the public streets and parks; Resolution #2024-101.
15. Consideration and action pertaining to enlarging an existing lighting improvement district known as City of Surprise, Arizona, SU-Park Place 183 pursuant to A.R.S. § 48-616 for the purpose of purchasing facilities and energy for lighting the public streets; Resolution #2024-89.
16. Consideration and action pertaining to enlarging an existing lighting improvement district known as City of Surprise, Arizona, SU-WINDSTNERNCH205 pursuant to A.R.S. § 48-616 for the purpose of purchasing facilities and energy for lighting the public streets; Resolution #2024-90.
17. Consideration and action pertaining to approval of the Extinguishment Credits Purchase and Sale Agreement with Estrella South LLC for the acquisition of 5,080 acre-feet of extinguishment credits at a total purchase price of \$1,600,200.00; Resolution #2024-118.
18. Consideration and action pertaining to the adoption of the amended Veterans, Disability & Human Services Strategic Plan.
19. Consideration and action pertaining to approval of the Independent Contractor Agreement with Arizona Community Action Association DBA Wildfire, accepting grant funding, and approval of a Fiscal Year 2025 budget amendment moving budget in the amount of \$26,700 for the Utility Assistance Program; Resolution #2024-116.
20. Consideration and action pertaining to approval of a grant renewal amendment with First Things First, accepting grant funding, and approval of a Fiscal Year 2025 budget amendment moving budget in the amount of \$250,000 for Early Childhood Programming; Resolution #2024-115.
21. Consideration and action pertaining to approval of Amendment No. 1 to the intergovernmental Agreement with Maricopa County for Homeless Outreach and Navigation Services; Resolution #2024-110.
22. Consideration and action pertaining to approval of the Contract for Services with Area Agency on Aging, accepting grant funding, and approval of a Fiscal Year 2025 budget amendment moving budget in the amount of \$92,000 for the Congregate Meal Program; Resolution #2024-117.
23. Consideration and action pertaining to approval of the Final Plat entitled, "Sunshine Estates" and dated May 6, 2024, a property located south of the intersection of Jomax Road and 237th Avenue; Case FS23-0870.

24. Consideration and action pertaining to acceptance of a Quit Claim Deed for dedication of right-of-way from Mattamy Arizona LLC at 175th Avenue and Sweetwater Avenue.
25. Consideration and action pertaining to acceptance of a Quit Claim Deed for dedication of right-of-way from Suburban Land Reserve at Cotton Lane and Cactus Road.
26. Consideration and action to accept a Water Meter Easement from Marley Park West LLC, near Litchfield and Waddell Roads.
27. Consideration and action to accept a Warranty Deed for dedication of right-of-way from 163 Surprise LLC for right of way at 163rd Avenue and Happy Valley Road.
28. Consideration and action to accept a Drainage Easement from 163 Surprise LLC along Happy Valley Road at 163rd Avenue.
29. Consideration and action pertaining to approval of the Map of Dedication entitled, "Prasada Phase 2, Hearn Road" and dated June 12, 2024, a site generally located on the northwest corner of Waddell Road and Prasada Parkway; Case FS23-1062.
30. Consideration and action pertaining to approval of the Final Plat entitled, "The Pointe at Surprise" and dated May 14, 2024, a site generally located on the northeast corner of Reems Road and Tierra Buena Lane; Case #FS22-0858.
31. Consideration and action pertaining to acceptance of a Quit Claim Deed for dedication of right-of-way from Suburban Land Reserve, at Perryville and Cactus Roads.
32. Consideration and action pertaining to approval of the Final Plat entitled, "A Portion of Lot 13 'Beardsley Ranchitos #1 Replat'" and dated May 22, 2024, a property generally located on the northwest corner of Enoch Drive and 181st Drive; Case FS24-0051.

6. REGULAR AGENDA ITEM - PUBLIC HEARING:

33. Consideration and action pertaining to a recommendation to the Arizona Department of Liquor Licenses and Control (DLLC) on Application No. 291891, requested by Andrea Lewkowitz, for Lou Malnati's Pizzeria for Series 12 Liquor License. Lou Malnati's Pizzeria is located at 13382 N Prasada Parkway, Surprise, AZ 85388.

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

34. Consideration and action pertaining to approval of a Comprehensive Sign Program for the Sycamore Farms/Cactus 303 project, generally located at the southwest corner of Cactus Road and Sarival Avenue; Case #FS24-0001.

Chris Sexton, came to talk about this item. She talked about the zoning map, Site Plan, Major Monument Signs, Directory Sign, Wall Signs, Outreach, Planning & Zoning Commission Recommendations.

Councilmember Duffy, asked why the signs were bigger than whats normally allowed? Andy Gibson, came on behalf of the developer, he said they have come with the same sign before to council for previous Fry's.

Motion: To Approve
Initiated By: Patrick Duffy
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

7. REGULAR AGENDA ITEM - NON-PUBLIC HEARING:

35. Consideration and action pertaining to approval of a Pre-Annexation Development Agreement between the City of Surprise and the Wong family; Resolution #2024-113.

Lloyd Abrams, came to present this item. He talked about the location, and Agreement Obligations.

Vice-Mayor Haney thanked the Wong family for their cooperation.

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

36. Consideration and action pertaining to acceptance of a Warranty Deed for dedication of right-of-way from the Wong Revocable Living Trust along 163rd Avenue between Grand Avenue and Pat Tillman Boulevard.

Lloyd Abrams, presented this item and thanked the Wong Family as well.

Motion: To Approve
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

37. Consideration and action pertaining to approval of a Pre-Annexation Development Agreement between the City of Surprise and the Morgan family; Resolution #2024-112.

Lloyd presented this item, showing the location, and explaining the situation.

Vice-Mayor Haney, thanked the Morgan family for their cooperation.

Motion: To Approve

Initiated By: Nick Haney

Seconded By: Patrick Duffy

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

No: None

Abstain: None

Vote Result: Passed

38. Consideration and action pertaining to acceptance of a Warranty Deed for dedication of right of way from Carey and Lauren Morgan along 163rd Avenue between Grand Avenue and Pat Tillman Boulevard.

Lloyd presented this item as well.

Nick thanked everyone involved.

Motion: To Approve

Initiated By: Nick Haney

Seconded By: Patrick Duffy

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

No: None

Abstain: None

Vote Result: Passed

39. Consideration and action pertaining to the adoption of a resolution authorizing all matters necessary to sell and issue General Obligation Bonds of the City; Resolution #2024-120.

Chief Financial Officer, Andrea Davis; and Erick Martin came to present this item. She talked about the background of the bond issuance. Participants, Preliminary Offering Statement, Bond Resolution, Bond Compliance, Property Tax Cost, and How to buy Bonds.

Councilmember Remley, asked about issuing bonds in September? Andrea said that was the case. He asked about the 5%? Andrea said that would be the highest and it would likely be closer to 4%. He said the proceeds would go to certain road and city projects.

Councilmember Cline, said that the city has nothing to do with the valuation of homes.

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

Councilmember Hastings, talked about a homeless ordinance previously reviewed by the council and wants it revisited. Councilmember Remley seconded.

Vice-Mayor Haney, wants a discussion about access points in north surprise. Councilmember Hastings seconded.

Councilmember Remley, wants a discussion about parking fee at the City facilities for special events. Councilmember Cline Seconded.

J. City Council Reports

K. Executive Session

8. Executive Session Items

9. Executive Disclaimer - Part 1

10. Executive Disclaimer - Part 2

11. Executive Disclaimer - Part 3

40. Consideration and action to recess into executive session to discuss and consider end of year evaluations and Fiscal Year 2025 goals for the City Manager, City Clerk, City Auditor, and City Attorney pursuant to A.R.S. 38-431.03 (A)(1).

Motion: To Enter Executive Session

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

Executive Session entered at 7:43 PM

Council entered back into session at 9:11 PM

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 9:11 PM

Skip Hall, Mayor

ATTEST:

Kristi Passarelli, City Clerk

CERTIFICATION:

I, Kristi Passarelli, City Clerk for the City of Surprise, Maricopa County, Arizona, do hereby verify that these are the true and correct minutes of the Regular City Council Meeting of **Tuesday, August 6, 2024.**

Kristi Passarelli, City Clerk



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

Monday, August 12, 2024 @ 12:30 PM
COUNCIL CHAMBERS

A. Call To Order

Mayor Hall called the Special Council Meeting of August 12, 2023 to order at 12:30 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 (Telephonic), Council members Chris Judd, Alyson Cline, and Patrick Duffy. Ken Remley and Jack Hastings were excused

C. Pledge of Allegiance

Mayor Hall led the Pledge of Allegiance.

D. Special City Council Meeting Agenda

1. CONSENT AGENDA:

2. REGULAR AGENDA ITEM - NON-PUBLIC HEARING:

1. Consideration and action to approve a resolution of the Mayor and Council of the City of Surprise, Maricopa County, Arizona declaring and adopting the results of the Primary Election held on July 30, 2024, and ordering the recording of such resolution; Resolution #2024-130.

Motion: To Approve

Initiated By: Chris Judd

Seconded By: Patrick Duffy

Yes: Aly Cline, Patrick Duffy, Skip Hall, Chris Judd, Nick Haney

No: None

Abstain: None

Vote Result: Passed

2. Consideration and action to approve a resolution of the Mayor and Council of the City of Surprise, Maricopa County, Arizona declaring and adopting the results of the 2040 General Plan Election held on July 30, 2024, and ordering the recording of such resolution; Resolution #2024-131.

Motion: To Approve

Initiated By: Patrick Duffy

Seconded By: Aly Cline

Yes: Aly Cline, Patrick Duffy, Skip Hall, Chris Judd, Nick Haney

No: None

Abstain: None

Vote Result: Passed

3. REGULAR AGENDA ITEM - PUBLIC HEARING:

E. Adjournment

Motion: To Adjourn
Initiated By: Chris Judd
Seconded By: Nick Haney

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

Vote Result: Passed

Meeting Adjourned at 12:32

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, August 12, 2024.**

Kristi Passarelli, City Clerk



CITY OF SURPRISE Regular City Council Meeting

Council Meeting Date: August 20, 2024
Submitting Department: Public Works
Staff Recommendations:

Contact Person: Kristin Tytler, Department Director
District: District 4

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

Consideration and action declaring the intent and ordering the enlargement of an existing lighting improvement district known as City of Surprise, Arizona, Surprise Valley Station pursuant to A.R.S. § 48-616 for the purpose of purchasing facilities and energy for lighting the public streets; Resolution #2024-69.

Motion:

I move to approve Resolution No. 2024-69.

Background:

Surprise Valley Station was formed on November 13, 2008 (Resolution 2008-165) and an amendment was formed on May 7, 2019 (Resolution 2019-35). Since the time of formation, new parcels have been formed in and around the original SLID boundary. We request enlarging the existing SLID to include the new parcels and extend existing boundaries to roadway centerlines. The city has verified that the Petition for the proposed streetlight improvement district enlargement contains the signatures of all the real property owners in the enlargement area of the district, exclusive of mortgagees and other lien holders. 17 existing lights are proposed within this enlargement which are local and collector and will be billed to the Surprise Valley Station SLID.

Objective Analysis:

A SLID is a neighborhood partnership and very common practice in which property owners in a defined area agree to pay the costs to operate and maintain their immediate area's streetlights through a property tax. All new developments in the City of Surprise require a SLID. This action will enlarge an existing SLID boundary to include the remainder of the parcels not within the SLID and extend existing boundaries to roadway centerlines. The District is paid for by the levy and collection of ad valorem taxes based on the number and classification of properties within the District. The enlargement of the SLID will only affect the parcels joining into the District, as the valuation of the property may be increased.

Policy Compliant:

The Surprise Municipal Code requires that street lighting that serves a defined area be paid for through revenues obtained from the specific area being served by such street lighting. In these instances, a Street

Light Improvement District (SLID) is formed. The city strives to assure that residents are subject to only one SLID and that the boundaries of each SLID accurately reflect the service area. This item is consistent with these objectives.

Financial Impact:

Once the SLID enlargement is illuminated, the City will begin levying the SLID to cover the additional SLID expenses. At the current time, the SLID is not incurring any expense because the SLID lights have not been illuminated. Therefore, there is no current financial impact.

Budget Impact:

Since the SLID enlargement is not illuminated, there is no revenue or expense budgeted in FY2025 nor are there budgets planned for FY2026 for the SLID. If the enlargement to the SLID is illuminated in FY2025 or FY2026, expenses will be charged to the SLID and recouped with a future levy.

FTE Impact:

This action does not change the full-time equivalent count.

ATTACHMENTS:

1. 01 Res 2024-69 SLID Enlargement Prose Mountain_BAC_final
 2. 02 Petition
 3. 03 Streetlight plan
 4. 04 street exhibit
 5. 05 Res 08-165-Surprise Valley Station
 6. 06 Res 2019-035- Surprise Valley Station Enlargement
-

RESOLUTION # 2024-69

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA DECLARING ITS INTENT TO ENLARGE THE CITY OF SURPRISE, ARIZONA, SURPRISE VALLEY STATION LIGHTING IMPROVEMENT DISTRICT AND ORDERING SUCH ENLARGEMENT.

WHEREAS, on November 13, 2008, the Mayor and City Council of the City of Surprise adopted Resolution No. 2008-165, ordering the formation of the CITY OF SURPRISE, ARIZONA, SURPRISE VALLEY STATION LIGHTING IMPROVEMENT DISTRICT (the "District") for the purpose of purchasing energy for the lighting of the public streets and parks within the District;

WHEREAS, on May 7, 2019, the Mayor and City Council of the City of Surprise adopted Resolution No. 2019-35, ordering enlargement of the CITY OF SURPRISE, ARIZONA, SURPRISE VALLEY STATION LIGHTING IMPROVEMENT DISTRICT (the "District") for the purpose of purchasing energy for the lighting of the public streets and parks within the District;

WHEREAS, Ariz. Rev. Stat. § 48-616(M) permits the City to add new territory to an existing district, thereby enlarging the boundaries of an existing street lighting improvement district ("SLID") when proper notice has been given to the owners of property that will be added to the SLID in accordance with Ariz. Rev. Stat. Title 48, Chapter 4, Article 2;

WHEREAS, Ariz. Rev. Stat. § 48-617(A) gives the City immediate jurisdiction to adopt the resolution ordering the creation or enlargement of a SLID without the necessity of publication and posting of the resolution of intention when all owners of the real property being added to the SLID have petitioned the City to form or enlarge the SLID;

WHEREAS, the owners, exclusive of mortgagees and other lienholders, of parcels of property which adjoin the District (hereinafter referred to as "Petitioners") acting pursuant to the provisions of Ariz. Rev. Stat. §§ 48-616(M) and 48-617(A), have petitioned the City to enlarge the District to include said property legally described in Exhibit A to this resolution, with such boundaries as shown in the map in Exhibit B to this resolution; and

WHEREAS, the City has verified and finds that Petitioners are the owners, exclusive of mortgagees and other lienholders, of all of the real property being added to the boundary of the District.

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

Section 1. *District Enlargement.* The CITY OF SURPRISE, ARIZONA, SURPRISE VALLEY STATION LIGHTING IMPROVEMENT DISTRICT shall be enlarged by the addition of the property described in Exhibit A and shown in Exhibit B, which are incorporated by reference hereto into this Resolution. The annual tax levied upon the District will remain in full force and effect, and, commencing in fiscal year 2024/2025, will apply to the District as enlarged by this Resolution.

Section 2. *Recording and Filing of this Resolution.* A certified copy of this Resolution shall be recorded in the office of the Maricopa County Recorder. Certified copies of this Resolution shall also be filed with the Arizona Department of Revenue and the Maricopa County Assessor's office pursuant to Ariz. Rev. Stat. § 42-17257.

APPROVED 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

EXHIBIT "A"

DESCRIPTION SLID BOUNDARY
SURPRISE VALLEY STATION
SURPRISE, AZ 85086

That portion of Lot 2, 3, 4, 6, Tract A, Tract B, Tract C and the Excepted Portion at the Southwest corner of GRAND AVENUE PROFESSIONAL PLAZA, AMENDED, recorded in Book 652 of Maps, Page 29, records of Maricopa County, Arizona, lying within a portion of the Northeast quarter of Section 33, Township 4 North, Range 1 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, being more particularly described as follows:

Commencing at a 1/2-inch capped rebar stamped "51969" marking the North corner of said subdivision, on the Southwest right of way line of Grand Avenue (U.S. 60) from which a 1/2-inch rebar marking the Southeast corner of said subdivision, on said Southwest right of way line, bears South 46 degrees 13 minutes 14 seconds East 1803.38 feet, said line being the basis of bearings for this description;

Thence South 46 degrees 13 minutes 14 seconds East 555.28 feet along said Southwest right of way line to the centerline of Mountain View Boulevard and the Point of Beginning;

Thence continuing South 46 degrees 13 minutes 14 seconds East 624.31 feet along said Southwest right of way line to a nail marking the East corner of said Lot 2;

Thence South 43 degrees 46 minutes 42 seconds West 585.59 feet along the Southeast line of said Lot 2 to the South line of said subdivision;

Thence North 89 degrees 24 minutes 40 seconds West 1301.41 feet along said South line to a half inch rebar with aluminum cap stamped "Klein 42137" on the West line of said Northeast Quarter;

Thence North 00 degrees 15 minutes 22 seconds East 334.66 feet along said West line to a Washer glued on top of the wall stamped "45378"

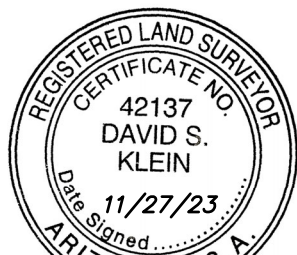
Thence North 43 degrees 45 minutes 56 seconds East 976.47 feet to a Nail in Washer stamped "51969";

Thence South 46 degrees 13 minutes 48 seconds East 200.40 feet to a half inch rebar with cap stamped "51969";

Thence South 43 degrees 43 minutes 51 seconds West 47.71 feet to a half inch rebar with cap stamped "51969";

Thence South 46 degrees 14 minutes 14 seconds East 354.84 feet to the centerline of Mountain View Boulevard;

Thence North 43 degrees 45 minutes 58 seconds East 304.75 feet to the Point of Beginning.



SHEET 1 OF 3


SUPERIOR
SURVEYING SERVICES, INC.

2122 W. Lone Cactus Dr.
Ste. 11, Phoenix, AZ 85027
623-869-0223 (office)
623-869-0726 (fax)
www.superiorsurveying.com
info@superiorsurveying.com

CASE NO.: FS23-0198

DATE: 11/27/23

JOB NO.: 202301007

EXHIBIT B

Map

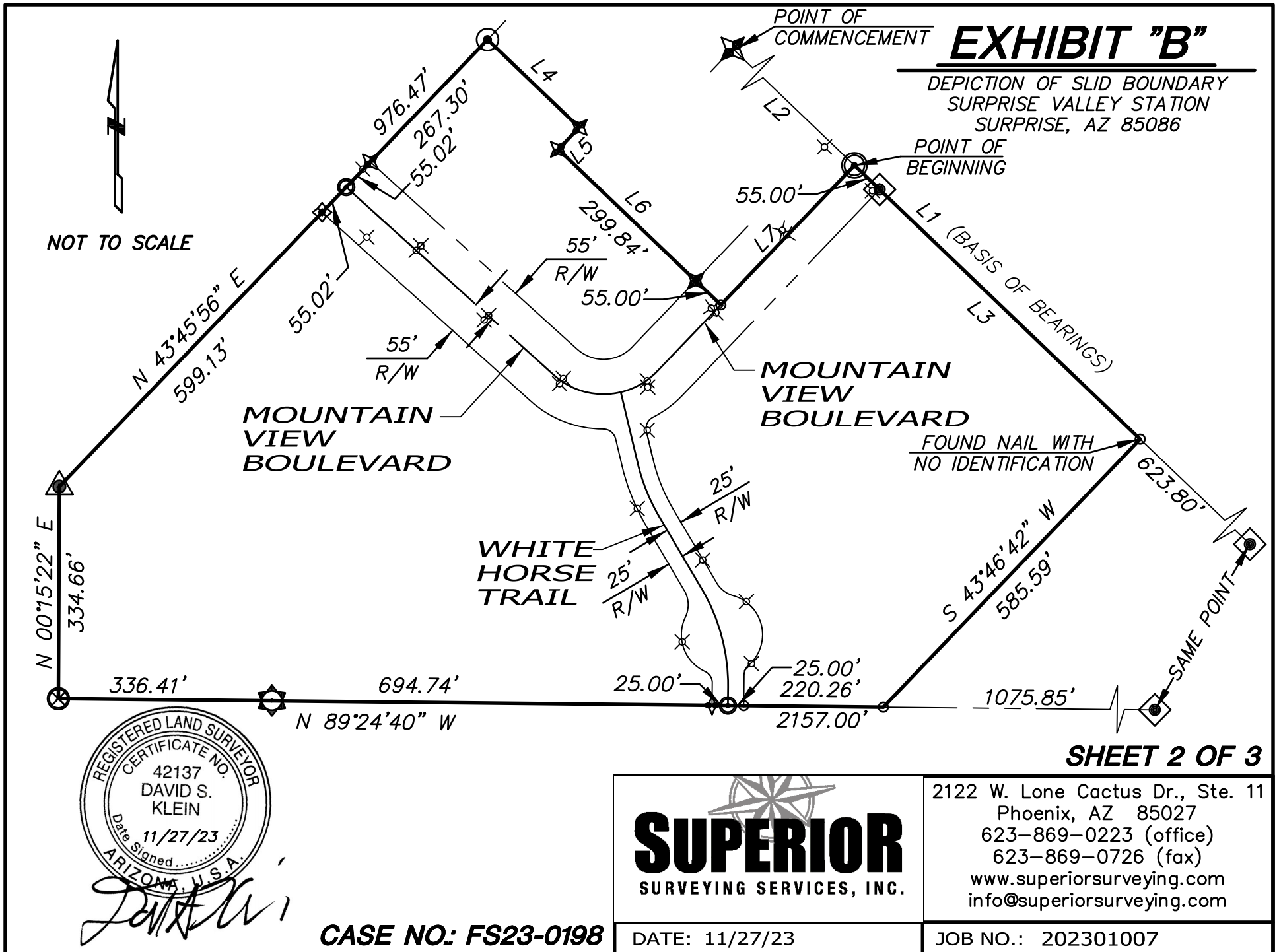


EXHIBIT "B"

DEPICTION OF SLID BOUNDARY
SURPRISE VALLEY STATION
SURPRISE, AZ 85086

LINE TABLE		
LINE	BEARING	DISTANCE
L1	S 46°13'14" E	1803.38'
L2	S 46°13'14" E	555.28'
L3	S 46°13'14" E	569.31'
L4	S 46°13'48" E	200.40'
L5	S 43°43'51" W	47.71'
L6	S 46°14'14" E	354.84'
L7	N 43°45'58" E	304.75'

LEGEND

	BOUNDARY LINE
	CENTER LINE OR MONUMENT LINE
	SINGLE LIGHT POLE
	DOUBLE LIGHT POLE

STREET LIGHTS

15 EXISTING LIGHT POLE
0 PROPOSED



CASE NO.: FS23-0198


SUPERIOR
SURVEYING SERVICES, INC.

DATE: 11/27/23

SHEET 3 OF 3

2122 W. Lone Cactus Dr., Ste. 11
Phoenix, AZ 85027
623-869-0223 (office)
623-869-0726 (fax)
www.superiorsurveying.com
info@superiorsurveying.com

JOB NO.: 202301007

STREET LIGHT IMPROVEMENT DISTRICT PETITION ENLARGEMENT

TO THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE:

We, the undersigned, are all or a majority of the real property owners, exclusive of mortgagees and other lienholders, adjoining the district named below. We petition the City Council of the City of Surprise, Arizona, to enlarge the District to include said property legally described in Exhibit A with such boundaries as shown in the map in Exhibit B attached hereto. This petition includes a charge for maintaining the lighting facilities.

It is hereby requested that, in compliance with the Arizona Revised Statutes, the City Council adopt a Resolution of Intention to enlarge the existing District, and that unless protests are received pursuant to A.R.S. §48-579 sufficient to bar further proceedings, the City Council proceed with the improvements petitioned for herein.

Public convenience, necessity and welfare will be promoted by the establishment of the District and the real property within the District will be benefited by the District. Additional street lighting facilities may be installed and included in the District, at no investment cost to the District, as directed by the City and as approved by Arizona Public Service and the City Engineer.

WHEREFORE, we respectfully ask that this Petition be properly filed and that the Mayor and Council of the City adopt the Resolution and take such other action as is proper, necessary and appropriate to enlarge the District and to fulfill the purposes for which the District is organized, as the Mayor and Council believe is proper and necessary.

The name of the existing street light improvements district to be enlarged:

Surprise Valley Station

(Leave Blank - to be assigned by City staff)

PETITIONERS: Please print and sign your name

PRINT BUSINESS/ PETITIONER'S NAME	ADDRESS OF PROPERTY OWNED WITHIN DISTRICT	ASSESSOR PARCEL #	SIGNATURE
E&V Investments LLC/Ancona Vito/Providenza	SWC Mountain View Blvd & White Horse Trl	503-98-917	<i>Tina Terranova</i>
E&V Investments LLC/Ancona Vito/Providenza	SWC Mountain View Blvd & White Horse Trl	503-98-923	<i>Tina Terranova</i>
E&V Investments LLC/Ancona Vito/Providenza	14025 W Grand Ave	503-98-975	<i>Tina Terranova</i>
E&V Investments LLC	13985 Grand Ave	503-98-961	<i>Tina Terranova</i>

STREET LIGHT IMPROVEMENT DISTRICT PETITION ENLARGEMENT

TO THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE:

We, the undersigned, are all or a majority of the real property owners, exclusive of mortgagees and other lienholders, adjoining the district named below. We petition the City Council of the City of Surprise, Arizona, to enlarge the District to include said property legally described in Exhibit A with such boundaries as shown in the map in Exhibit B attached hereto. This petition includes a charge for maintaining the lighting facilities.

It is hereby requested that, in compliance with the Arizona Revised Statutes, the City Council adopt a Resolution of Intention to enlarge the existing District, and that unless protests are received pursuant to A.R.S. §48-579 sufficient to bar further proceedings, the City Council proceed with the improvements petitioned for herein.

Public convenience, necessity and welfare will be promoted by the establishment of the District and the real property within the District will be benefited by the District. Additional street lighting facilities may be installed and included in the District, at no investment cost to the District, as directed by the City and as approved by Arizona Public Service and the City Engineer.

WHEREFORE, we respectfully ask that this Petition be properly filed and that the Mayor and Council of the City adopt the Resolution and take such other action as is proper, necessary and appropriate to enlarge the District and to fulfill the purposes for which the District is organized, as the Mayor and Council believe is proper and necessary.

The name of the existing street light improvements district to be enlarged:

Surprise Valley Station

(Leave Blank - to be assigned by City staff)

PETITIONERS: Please print and sign your name

PRINT BUSINESS/ PETITIONER'S NAME	ADDRESS OF PROPERTY OWNED WITHIN DISTRICT	ASSESSOR PARCEL #	SIGNATURE
Maricopa County Municipal Water Conservation District Number One	SWC Mountain View Blvd & White Horse Trl	503-59-033H	
Maricopa County Municipal Water Conservation District Number One	SWC Mountain View Blvd & White Horse Trl	503-59-033F	

STREET LIGHT IMPROVEMENT DISTRICT PETITION ENLARGEMENT

TO THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE:

We, the undersigned, are all or a majority of the real property owners, exclusive of mortgagees and other lienholders, adjoining the district named below. We petition the City Council of the City of Surprise, Arizona, to enlarge the District to include said property legally described in Exhibit A with such boundaries as shown in the map in Exhibit B attached hereto. This petition includes a charge for maintaining the lighting facilities.

It is hereby requested that, in compliance with the Arizona Revised Statutes, the City Council adopt a Resolution of Intention to enlarge the existing District, and that unless protests are received pursuant to A.R.S. §48-579 sufficient to bar further proceedings, the City Council proceed with the improvements petitioned for herein.

Public convenience, necessity and welfare will be promoted by the establishment of the District and the real property within the District will be benefited by the District. Additional street lighting facilities may be installed and included in the District, at no investment cost to the District, as directed by the City and as approved by Arizona Public Service and the City Engineer.

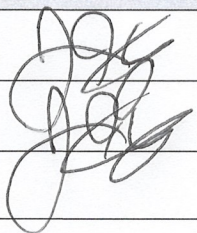
WHEREFORE, we respectfully ask that this Petition be properly filed and that the Mayor and Council of the City adopt the Resolution and take such other action as is proper, necessary and appropriate to enlarge the District and to fulfill the purposes for which the District is organized, as the Mayor and Council believe is proper and necessary.

The name of the existing street light improvements district to be enlarged:

Surprise Valley Station

(Leave Blank - to be assigned by City staff)

PETITIONERS: Please print and sign your name

PRINT BUSINESS/ PETITIONER'S NAME	ADDRESS OF PROPERTY OWNED WITHIN DISTRICT	ASSESSOR PARCEL #	SIGNATURE
Who Dey II, LLC	SWC Mountain View Blvd & White Horse Trl	503-59-031B	
Who Dey II, LLC	SWC Mountain View Blvd & White Horse Trl	503-59-031K	



RATE SCHEDULE E-68
CLASSIFIED SERVICE
STREET LIGHTING SERVICE

AVAILABILITY

This rate schedule is applicable to those portions of cities, towns and unincorporated communities in which the Company does a general retail electric business and where the Company has installed a multiple or series street lighting system of adequate capacity for the service to be rendered after December 1, 2021.

DESCRIPTION

E-68 is a rate that is applicable for lighting public streets, alleys, thoroughfares, public parks and playgrounds from dusk to dawn by use of Company's facilities.

TIME PERIOD

Dusk: The time between sunset and full night when photocontrol senses the lack of sufficient sunlight and turns on the lights.

Dawn: The time between full night and sunrise when a photocontrol senses sufficient sunlight to turn off lights.

CHARGES

The monthly bill will consist of the fixture and energy charges, plus adjustments:

I. FIXTURES (Includes Mounting Arm, if applicable)

Fixture Equipment Class	Fixture Cost Range (per unit)	Investment by Company Monthly Rate	Investment by Others Monthly Rate
A	\$ 1 - \$ 430	\$ 6.54	\$ 2.00
B	\$ 431 - \$ 520	\$ 7.97	\$ 2.43
C	\$ 521 - \$ 640	\$ 9.56	\$ 2.97
D	\$ 641 - \$ 820	\$ 11.43	\$ 3.80
E	\$ 821 - \$ 910	\$ 14.46	\$ 4.21
F	\$ 911 - \$ 1,010	\$ 16.10	\$ 4.67
G	\$ 1,011 - \$ 1,110	\$ 17.60	\$ 5.14
H	\$ 1,111 - \$ 1,250	\$ 19.95	\$ 5.77
I	\$ 1,251 - \$ 1,520	\$ 22.20	\$ 7.00
J	\$ 1,521 - \$ 1,670	\$ 27.06	\$ 7.70
K	\$ 1,671 - \$ 1,850	\$ 30.08	\$ 8.52

Note: Equipment cost greater than \$1,850 shall be Customer owned.



II. ENERGY (Includes Generation, T&D, RCS & SBC)

Monthly energy charges for new lighting fixtures will be determined by the Company using the following method:

$$\text{kWh} = \text{Fixture Wattage} \times 344 \text{ Usage Hours}$$

$$\text{Generation} = \text{kWh per month} \times \$0.07575$$

$$\text{T\&D, RCS, System Benefits} = \text{kWh per month} \times \$0.03068$$

NOTES:

1. Investment by Company. These rates are applicable where the Company provides the initial investment to purchase and install all facilities necessary for street lighting service. The Company will own, operate, and maintain the street lighting system.
2. Investment by Others. These rates are applicable in those instances where the requesting entity or individual purchases and installs the street lighting facilities at their own expense and in accordance with Company specifications. These rates will also apply in the instance where the Customer provides a non-refundable advance to the Company to cover the Company's cost of purchasing and installing the street lighting system. The Company retains ownership of the street lighting system and provides operation and maintenance for all facilities.
3. Listed kWh reflects the assigned monthly energy usage for each type of fixture and are used to determine any applicable transmission, system benefit, distribution, energy, and adjustment charges.
4. kWh is determined by the company based on the rated wattage of the equipment and an established average hourly usage per month.
5. The monthly rate for all new poles includes up to 300 feet of overhead secondary wire, or up to 300 feet of underground secondary wire if the Customer provides earthwork and conduit (excluding the underground to overhead transition).



RATE SCHEDULE E-68
CLASSIFIED SERVICE
STREET LIGHTING SERVICE

III. POLES

			CHARGES		
			Height	Investment by Company	Investment by Others
A. Anchor Base Mounted (Flush)	Round Steel	1 Simplex Adapter	12 ft.	\$ 14.69	\$ 2.03
			22 ft.	\$ 16.53	\$ 2.28
			25 ft.	\$ 17.89	\$ 2.47
			30 ft.	\$ 20.55	\$ 2.83
			32 ft.	\$ 21.59	\$ 2.86
		2 Simplex Adapters	12 ft.	\$ 15.66	\$ 2.16
			22 ft.	\$ 18.00	\$ 2.48
			25 ft.	\$ 18.77	\$ 2.59
			30 ft.	\$ 21.82	\$ 3.01
			32 ft.	\$ 23.27	\$ 3.21
	Square Steel	5"	13 ft.	\$ 16.84	\$ 2.31
			15 ft.	\$ 15.04	\$ 2.07
			23 ft.	\$ 17.85	\$ 2.46
			25 ft.	\$ 19.62	\$ 2.70
			28 ft.	\$ 21.78	\$ 3.00
			32 ft.	\$ 21.66	\$ 2.99
Concrete		12 ft.	\$ 50.19	\$ 6.91	
Fiberglass		12 ft.	\$ 42.50	\$ 5.85	
Decorative Transit	4"	16 ft.	\$ 41.44	\$ 5.72	
Decorative Transit	6"	30 ft.	\$ 80.01	\$ 11.02	
Hinged Poles	Square	15 ft.	\$ 15.93	\$ 1.30	
	Round	19 ft.	\$ 14.40	\$ 1.18	
B. Anchor Base Mounted (Pedestal)	Round Steel	1 Simplex Adapter	12 ft.	\$ 14.13	\$ 1.93
			22 ft.	\$ 15.98	\$ 2.20
			25 ft.	\$ 17.32	\$ 2.39
			30 ft.	\$ 20.00	\$ 2.77
			32 ft.	\$ 21.02	\$ 2.89
		2 Simplex Adapters	12 ft.	\$ 15.09	\$ 2.07
			22 ft.	\$ 16.86	\$ 2.31
			25 ft.	\$ 18.20	\$ 2.49
			30 ft.	\$ 21.26	\$ 2.92
			32 ft.	\$ 22.70	\$ 3.12
	3 Bolt Arm	32 ft.	\$ 26.09	\$ 3.58	
	Square Steel	5"	13 ft.	\$ 16.29	\$ 2.25
			15 ft.	\$ 16.66	\$ 2.28
			23 ft.	\$ 17.29	\$ 2.39
			25 ft.	\$ 19.07	\$ 2.64
			28 ft.	\$ 21.19	\$ 2.92
32 ft.			\$ 22.00	\$ 3.01	



RATE SCHEDULE E-68
CLASSIFIED SERVICE
STREET LIGHTING SERVICE

III. POLES (cont.)

			CHARGES			
			Investment by Company	Investment by Others		
			Height			
C. Direct Bury	Round Steel		19 ft.	\$ 22.23	\$ 3.07	
			30 ft.	\$ 17.36	\$ 3.21	
			38 ft.	\$ 21.18	\$ 3.29	
		Self	40 ft.	\$ 26.09	\$ 4.13	
		Stepped	25 ft.	\$ 60.01	\$ 4.90	
			32 ft.	\$ 63.20	\$ 5.16	
			49 ft.	\$ 78.45	\$ 10.81	
		Square Steel	4"	34 ft.	\$ 19.15	\$ 3.32
			5"	20 ft.	\$ 18.19	\$ 3.01
	30 ft.			\$ 18.96	\$ 3.12	
	38 ft.			\$ 20.57	\$ 3.57	
	8"		28 ft.	\$ 34.33	\$ 2.79	
			32 ft.	\$ 35.89	\$ 2.94	
	Decorative Transit		41 ft 6"	\$ 24.71	\$ 3.63	
	Decorative Transit	47 ft.	\$ 30.79	\$ 4.53		
	Steel Distribution Pole (for lighting only)	35 ft.	\$ 28.42	\$ 3.74		
D. Post Top	Decorative Transit Anchor Base		16 ft.	\$ 42.33	\$ 5.81	
	Gray Steel/Fiberglass		23 ft.	\$ 14.68	\$ 2.41	
	Black Steel		23 ft.	\$ 16.18	\$ 2.67	
	E. Existing distribution pole suitable for streetlight use			\$ 1.78	--	
F. Wood	Wood Poles	30 ft.	\$ 10.80			
		35 ft.	\$ 10.80			
		40 ft.	\$ 15.00			

IV. ANCHOR BASE

		CHARGES		
		Height	Investment by Company	Investment by Others
A. Flush		4 ft.	\$ 11.96	\$ 1.65
		6 ft.	\$ 14.27	\$ 2.47
B. Pedestal		8 ft.	\$ 16.35	\$ 2.85
	For 32' Round Steel Pole only	4 ft. 6"	\$ 11.34	\$ 1.96



RATE SCHEDULE E-68
CLASSIFIED SERVICE
STREET LIGHTING SERVICE

V. CHARGES FOR OPTIONAL OR ADDITIONAL COMPANY OWNED EQUIPMENT

Underground Circuit Charges	
a. Per foot of cable, installed under paving	\$ 0.19051
b. Per foot of cable, not installed under paving	\$ 0.06724

TRIP CHARGE

A \$150.00 trip charge per light will be charged when a Customer requests a disconnect or reconnect of service in order to accommodate the maintenance activities of the Customer or its designee(s) on their street lighting equipment.

ADJUSTMENTS

The bill will include the following adjustments:

1. The Renewable Energy Standard charge, Adjustment Schedule REAC-1.
2. The Power Supply Adjustment charges, Adjustment Schedule PSA-1.
3. The Transmission Cost Adjustment charge, Adjustment Schedule TCA-1.
4. The Demand Side Management Adjustment charge, Adjustment Schedule DSMAC-1.
5. Direct Access Customers returning to Standard Offer service may be subject to a Returning Customer Direct Access Charge, Adjustment Schedule RCDAC-1.
6. The Tax Expense Adjustor Mechanism charge, Adjustment Schedule TEAM.
7. The Court Resolution Surcharge, Adjustment Schedule CRS-1.
8. The System Reliability Benefit Adjustment Mechanism charge, Adjustment Schedule SRB-1.
9. Any applicable taxes and governmental fees that are assessed on APS's revenues, prices, sales volume, or generation volume.

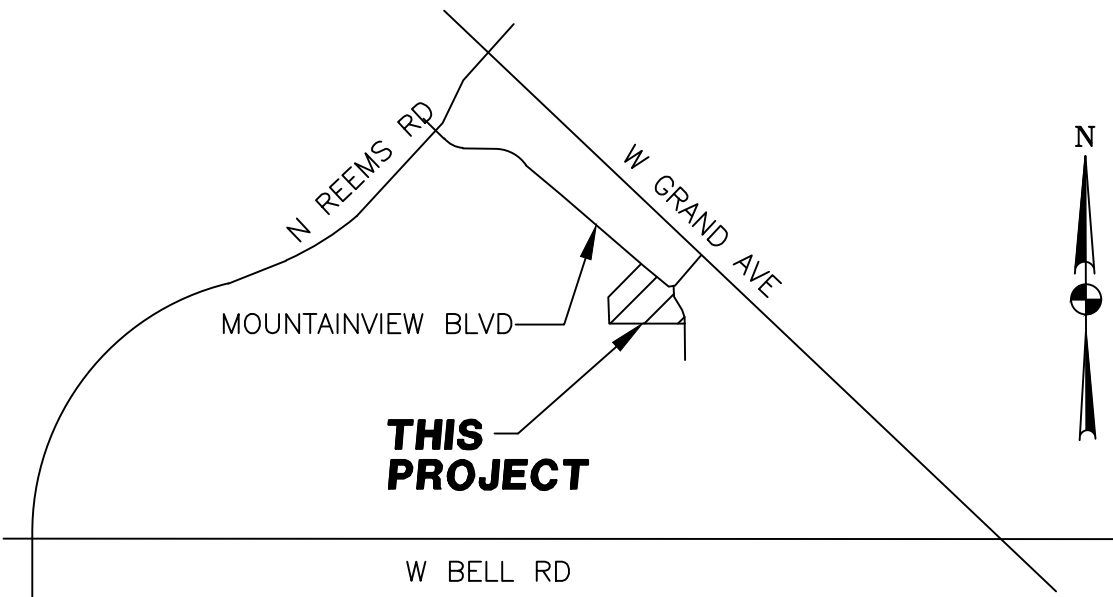


SERVICE DETAILS

1. Street lighting facilities installed under this rate schedule are of the type currently being furnished by Company as standard at the time service is initially requested. Standard facilities are those listed in the Company's Transmission and Distribution Construction Standards book.
2. The Customer's bill will not be reduced due to photocontrol or cable repair or replacement outages.
3. Non-standard facilities (non-standard being defined as any facility not listed in the Company's Transmission and Distribution Construction Standards book) do not qualify for this rate schedule. At the Company's discretion, such facilities may be served under another of the Company's rate schedules.
4. The Company will extend its standard street lighting system up to a distance of 300 feet for each additional lighting installation without cost at the request of the Customer. When the extension is underground, the customer will provide earthwork as specified in the Company's Service Schedule 3, Conditions Governing Extensions of Electric Distribution Lines and Services; or, at the applicant's request, the Company will provide such earthwork and the applicant will be required to pay a non-refundable contribution in aid of construction equal to the cost of such earthwork. Any additional extension required (over and above the first 300 feet) will be provided by Company for a contribution in aid of construction equal to the cost of the additional extension.
 - a. Extensions to isolated areas requiring a substantial extension of the electric distribution system, as opposed to an extension of the street lighting system, will require a special study to determine the terms and conditions under which the Company will undertake such an extension.
5. APS provides electric service under the Company's Service Schedules. These schedules provide details about how the Company serves its Customers, and they have provisions and charges that may affect the Customer's bill. In addition, service may be subject to special terms and conditions as provided for in a Customer contract, maintenance, or service agreement.

PROSE SURPRISE
MOUNTAIN VIEW BLVD & WHITE HORSE TRAIL
STREET LIGHT DESIGN

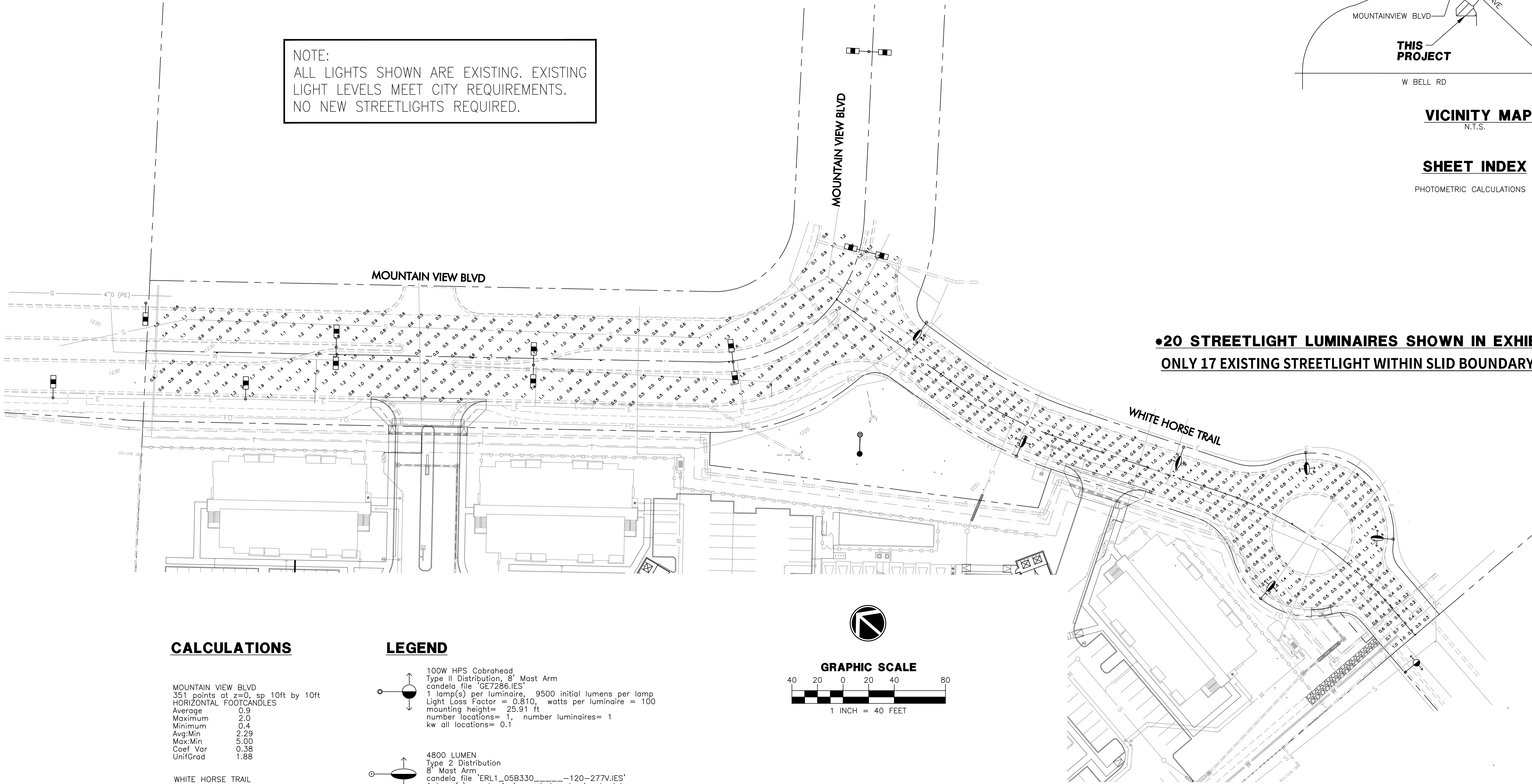
NOTE:
ALL LIGHTS SHOWN ARE EXISTING. EXISTING
LIGHT LEVELS MEET CITY REQUIREMENTS.
NO NEW STREETLIGHTS REQUIRED.



VICINITY MAP
N.T.S.

SHEET INDEX

PHOTOMETRIC CALCULATIONS SL1



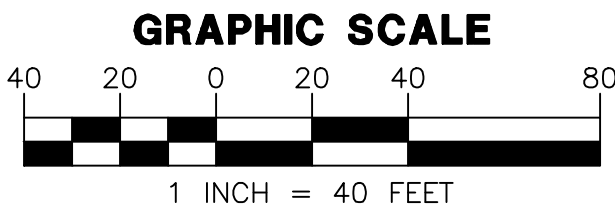
CALCULATIONS

MOUNTAIN VIEW BLVD
351 points at z=0, sp 10ft by 10ft
HORIZONTAL FOOTCANDLES
Average 0.9
Maximum 2.0
Minimum 0.4
Avg:Min 2.29
Max:Min 5.00
Coef Var 0.38
UnifGrad 1.88

WHITE HORSE TRAIL
314 points at z=0, sp 8ft by 8ft
HORIZONTAL FOOTCANDLES
Average 0.8
Maximum 1.9
Minimum 0.2
Avg:Min 3.84
Max:Min 9.50
Coef Var 0.43
UnifGrad 2.00

LEGEND

- 100W HPS Cobrahead
Type II Distribution, 8' Mast Arm
candela file 'GE7286.IES'
1 lamp(s) per luminaire, 9500 initial lumens per lamp
Light Loss Factor = 0.810, watts per luminaire = 100
mounting height= 25.91 ft
number locations= 1, number luminaires= 1
kw all locations= 0.1
- 4800 LUMEN
Type 2 Distribution
8' Mast Arm
candela file 'ERL1_05B330_120-277V.IES'
1 lamp(s) per luminaire, photometry is absolute
Light Loss Factor = 0.900, watts per luminaire = 39
mounting height= 27.25 ft
number locations= 6, number luminaires= 6
kw all locations= 0.2
- 7800 LUMEN
Type 2 Distribution
8' Mast Arm
candela file 'ERL1_08C330_120-277V.IES'
1 lamp(s) per luminaire, photometry is absolute
Light Loss Factor = 0.900, watts per luminaire = 71
mounting height= 33 ft
number locations= 13, number luminaires= 13
kw all locations= 0.9



ELECTRICAL ENGINEER

WRIGHT ENGINEERING CORPORATION
165 EAST CHILTON DRIVE
CHANDLER, AZ 85225
PHONE: (480) 497-5829
FAX: (480) 497-5807
CONTACT: ADAM BOWERS

OWNER

ALLIANCE RESIDENTIAL COMPANY
2525 E CAMELBACK RD, SUITE 500
PHOENIX, AZ 85016
PHONE: 602-778-2807
CONTACT: IAN SWIERGOL
ISWIERGOL@ALLRESCO.COM



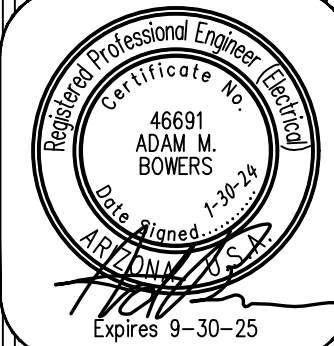
WRIGHT ENGINEERING
PROJECT NO:
23192
DESIGN BY: AJA
DRAWN BY: AJA
CHECKED BY: AMB

WRIGHT
engineering corporation
ELECTRICAL ENGINEERING AND DESIGN
165 EAST CHILTON DRIVE • CHANDLER, ARIZONA 85225
PHONE 480.497.5829 • FAX 480.497.5807
www.wrightengineering.us

PROJECT: TITLE:

SURPRISE, ARIZONA
PROSE SURPRISE
MOUNTAIN VIEW BLVD &
WHITE HORSE TR
STREET LIGHT COVER SHEET

NO.	DATE	SUBMITTALS/REVISIONS (DESCRIPTIONS)
1	MAY 2023	1ST SUBMITTAL



DRAWING NO:
SL1
OF 1

Prose Mountain

Street Lights:

- Street Light Pole
- 12 existing poles
- 17 existing lights

Note: Median
Streetlight poles has
2 lights

■ SLID Boundary

Note: Existing streetlights
outside SLID boundary not
shown



When recorded, return to:

Phyllis L. N. Smiley, Esq.
Curtis, Goodwin, Sullivan, Udall & Schwab, P.L.C.
501 East Thomas Road
Phoenix, Arizona 85012

Recording Number: 20081021315
Time of recording: 12/01/2008 12:38
Filename: Res2008165-8-1-1--
Affidavit: N
Official Records of
Maricopa County Recorder
Helen Purcell
Electronic Recording

RESOLUTION NO. 2008-165

CITY OF SURPRISE, ARIZONA
SURPRISE VALLEY STATION LIGHTING IMPROVEMENT DISTRICT

DO NOT REMOVE

This is part of the official document.

RESOLUTION NO. 2008-165

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA, DECLARING ITS INTENTION TO ESTABLISH A STREET LIGHT IMPROVEMENT DISTRICT TO PURCHASE ENERGY FOR LIGHTING THE PUBLIC STREETS AND PARKS IN THE AREA WITHIN THE CORPORATE LIMITS OF THE CITY OF SURPRISE, ARIZONA DESCRIBED ON EXHIBIT A, ATTACHED HERETO; DECLARING SUCH IMPROVEMENTS TO BE OF MORE THAN LOCAL OR ORDINARY PUBLIC BENEFIT AND THAT THE EXPENSES THEREOF BE PAID FOR BY THE LEVY AND COLLECTION OF AD VALOREM TAXES UPON THE ASSESSED VALUATION OF ALL REAL AND PERSONAL PROPERTY IN A CERTAIN DISTRICT TO BE KNOWN AS **"CITY OF SURPRISE, ARIZONA, SURPRISE VALLEY STATION LIGHTING IMPROVEMENT DISTRICT"**; AND ORDERING THAT SUCH IMPROVEMENTS BE PROVIDED FOR UNDER THE PROVISIONS OF SECTION 48-572, ARIZONA REVISED STATUTES

WHEREAS, the owners, exclusive of mortgagees and other lienholders, of all of the real property (hereinafter referred to as "Petitioner") in the hereinafter described District, acting pursuant to the provisions of Sections 48-615(A) and 48-617(A), Arizona Revised Statutes, have petitioned the Mayor and Council of the City of Surprise, Arizona (hereinafter referred to as "City"), to adopt a resolution of intention (hereinafter referred to as "Resolution") ordering the purchase of energy for the lighting of the public streets and parks (hereinafter referred to as "Improvements") for the real property legally described in **Exhibit B** (such area hereinafter referred to as "District") with such boundaries as shown in the map in **Exhibit A** attached hereto pursuant to the provisions of Section 48-576, Arizona Revised Statutes, giving the City immediate jurisdiction to order the Improvements pursuant to the provisions of Section 48-581, Arizona Revised Statutes, without the necessity of the publication or posting of this Resolution provided for in Section 48-578, Arizona Revised Statutes;

WHEREAS, the City has verified that Petitioner is the owner, exclusive of mortgagees and other lienholders, of all of the real property included within the boundaries of the District; and

WHEREAS, the Mayor and Council of the City hereby find and determine that they have jurisdiction to adopt this Resolution to order the Improvements pursuant to the provisions of Section 48-576, Arizona Revised Statutes, and have immediate jurisdiction to adopt this Resolution ordering the Improvements pursuant to the provisions of Section 48-581, Arizona Revised Statutes without the necessity of

publication and posting of this Resolution as provided for in Section 48-578, Arizona Revised Statutes;

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA, that:

Section 1. The City, after verifying ownership of the real property included within the boundaries of the District, hereby finds the Petitioner is the owner, exclusive of mortgagees and other lienholders, of all of the real property included within the boundaries of the District.

Section 2. The name of the District shall be "CITY OF SURPRISE, ARIZONA, SURPRISE VALLEY STATION LIGHTING IMPROVEMENT DISTRICT."

Section 3. The District is formed, and shall exist, pursuant to the provisions of Title 48, Chapter 4, Article 2, Arizona Revised Statutes, and Section 48-616, Arizona Revised Statutes.

Section 4. The public interest or convenience requires, and it is the intention of the Mayor and Council of the City to order the Improvement as so described above.

Section 5. The Improvement, in the opinion of the Mayor and Council of the City, is of more than local or ordinary public benefit and is of special benefit to the respective lots, pieces and parcels of real property in the District, and the Mayor and Council of the City hereby make and order the expense of the Improvements payable from the levying and collection of ad valorem taxes upon the assessed value of all real and personal property in the District to be known and designated as "City of Surprise, Arizona, Surprise Valley Station Lighting Improvement District" and hereby declare that the District is as legally described on **Exhibit B** attached hereto with the boundaries as shown in the map in **Exhibit A** attached hereto. Any public street or alley within the District shall be omitted from the assessment. Any lot belonging to the United States, the State, a county, city, school district or political subdivision or institution of the state or county within the District shall be omitted from the assessment.

Section 6. The Superintendent of Streets of the City shall not be required to post or cause to be posted notices of the Resolution of Intention. The Clerk of the City shall certify to the passage of this Resolution of Intention but shall not be required to cause the same to be published in a newspaper published and of general circulation in the City.

Section 7. The Mayor and Council of the City shall make annual statements and estimates of the expenses of the District, which shall be provided for by the levy and collection of ad valorem taxes upon the assessed value of all the real and personal property in the District; shall publish notice thereof; shall have hearings thereon;

and shall adopt them at the times and in the manner provided for incorporated cities and towns by the applicable portions of Sections 42-17101 et seq., 42-17151, 42-17152, Arizona Revised Statutes. The Mayor and Council of the City shall, on or before the third Monday in August of each year, fix, levy and assess the amount to be raised by ad valorem taxes upon all of the property of the District and collect, as Maricopa County, Arizona (the "County") taxes are collected, the amounts shown by the statements and estimates as adopted by the Mayor and Council of the City. All statutes providing for the levy and collection of State of Arizona and County taxes, including the collection of delinquent taxes and sale of property for nonpayment of taxes, shall be applicable to District taxes as provided to be levied under Section 48-616, Arizona Revised Statutes.

Section 8. The District shall not be authorized to issue bonds and no assessment for District purposes against the property within the District shall exceed One Dollar and Twenty Cents (\$1.20) per each hundred dollars of taxable valuation thereof in any year.

Section 9. The District shall not be authorized to engage in any activity other than as provided in Section 48-616, Arizona Revised Statutes, i.e., contracting for and purchasing of energy for street and public park lighting.

Section 10. The formation of the District shall not be considered as preventing the subsequent establishment of improvement districts for any other purpose authorized by law, including improvement districts for the purpose of constructing street lighting facilities within any part or all of the same territory as the District.

Section 11. The type of lighting facilities to be installed in the District and the locations thereof shall consist of those lighting facilities and locations described in the petition submitted by Petitioner, or as may be approved by the City.

Section 12. The rate to be paid for purchasing the energy for the District shall be the rate described in the petition submitted by Petitioner, or as may be approved by the Arizona Public Service Company.

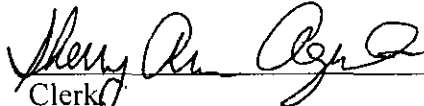
Section 13. Any resolutions or parts of resolutions in conflict with the provisions of this Resolution are hereby repealed.

PASSED, ADOPTED, AND APPROVED by the Mayor and Council, of
the City of Surprise, Arizona, this 13 day of November, 2008.



Mayor, City of Surprise, Arizona

ATTEST:



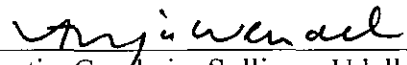
Clerk,
City of Surprise, Arizona

REVIEWED BY:



Superintendent of Streets,
City of Surprise, Arizona

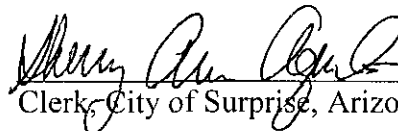
APPROVED AS TO FORM:



Curtis, Goodwin, Sullivan, Udall & Schwab, P.L.C.,
Special Counsel to the
City of Surprise, Arizona

CERTIFICATION

I hereby certify that the foregoing Resolution No. 2008-165 was duly passed and adopted by the Mayor and Council of the City of Surprise, Arizona, at a meeting held on Nov. 13, 2008, that the vote thereon was 7 ayes, 0 nays, and that the Mayor and 6 Council members were present thereat.


Clerk, City of Surprise, Arizona

F:\1656\3\documents\Surprise Valley Station SLIDResolution-Unanimous.doc

POINT OF COMMENCEMENT

PARKVIEW PL.

POINT OF
BEGINNING

GRAPHIC SCALE

(IN FEET)

1 inch = 120 ft.

MOUNTAIN VIEW BLVD.

NO. 87-735045, M.C.R.
20' WIDE MOUNTAIN BELL
EASEMENT, DOC.

S 43°46'43" W 564.37



Registered Professional Engineer (Civil)
 CERTIFICATE NO. 31682
 JAMES M. GRIFFIN
 Date Signed 10-22-08
 ARIZONA, U.S.A.
 Expires: 9/30/09

PAGE: 1 OF 1

EXHIBIT B:
SLID LEGAL DESCRIPTION

A PORTION OF THE NORTH HALF OF SECTION 33, T4N, R1W,
OF THE GILA AND SALT RIVER BASE AND MERIDIAN,
MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY
DESCRIBED AS FOLLOWS.

COMMENCING AT THE NORTH QUARTER CORNER OF
SECTION 33 AND THE SOUTH QUARTER CORNER OF
SECTION 28, TOWNSHIP 4 NORTH, RANGE 1 WEST;

THENCE SOUTH 00°09'44" WEST A DISTANCE OF 207.13 FEET;

THENCE SOUTH 43°46'43" WEST A DISTANCE OF 55.62 FEET
TO THE POINT OF BEGINNING;

THENCE SOUTH 46°14'10" EAST A DISTANCE OF 598.01 FEET;

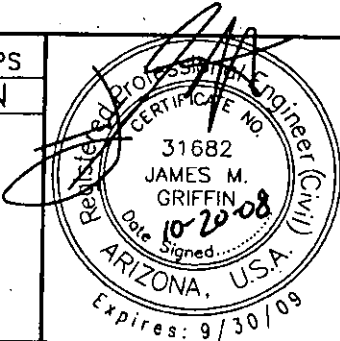
THENCE SOUTH 43°46'43" WEST A DISTANCE OF 564.37 FEET;

THENCE SOUTH 43°46'43" WEST A DISTANCE OF 55.00 FEET;

THENCE NORTH 46°13'17" WEST A DISTANCE OF 596.10
FEET;

THENCE NORTH 43°45'50" EAST A DISTANCE OF 55.00 FEET;

THENCE NORTH 43°45'50" EAST A DISTANCE OF 564.21 FEET;
TO THE POINT OF BEGINNING.

JOB NAME: SURPRISE VALLEY TRADER JOES & SHOPS			REV. <u>1</u>
PLAN TYPE: SLID LEGAL DESCRIPTION			REV. <u>2</u>
	GRIFFIN-JACOBS ENGINEERING, INC.	JOB NO: 0733	
	CIVIL ENGINEERING	SCALE: NTS	
	LAND PLANNING	DATE: OCT 2008	
	6843 N. 8TH AVE. PHOENIX, ARIZONA 85013 T. 602.212.1279 F. 602.212.1553	PAGE: 1 OF 1	

RESOLUTION NO. 2008-165

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA, DECLARING ITS INTENTION TO ESTABLISH A STREET LIGHT IMPROVEMENT DISTRICT TO PURCHASE ENERGY FOR LIGHTING THE PUBLIC STREETS AND PARKS IN THE AREA WITHIN THE CORPORATE LIMITS OF THE CITY OF SURPRISE, ARIZONA DESCRIBED ON EXHIBIT A, ATTACHED HERETO; DECLARING SUCH IMPROVEMENTS TO BE OF MORE THAN LOCAL OR ORDINARY PUBLIC BENEFIT AND THAT THE EXPENSES THEREOF BE PAID FOR BY THE LEVY AND COLLECTION OF AD VALOREM TAXES UPON THE ASSESSED VALUATION OF ALL REAL AND PERSONAL PROPERTY IN A CERTAIN DISTRICT TO BE KNOWN AS **"CITY OF SURPRISE, ARIZONA, SURPRISE VALLEY STATION LIGHTING IMPROVEMENT DISTRICT"**; AND ORDERING THAT SUCH IMPROVEMENTS BE PROVIDED FOR UNDER THE PROVISIONS OF SECTION 48-572, ARIZONA REVISED STATUTES

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Section 8. The District shall not be authorized to issue bonds and no assessment for District purposes against the property within the District shall exceed One Dollar and Twenty Cents (\$1.20) per each hundred dollars of taxable valuation thereof in any year.

Section 9. The District shall not be authorized to engage in any activity other than as provided in Section 48-616, Arizona Revised Statutes, i.e., contracting for and purchasing of energy for street and public park lighting.

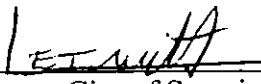
Section 10. The formation of the District shall not be considered as preventing the subsequent establishment of improvement districts for any other purpose authorized by law, including improvement districts for the purpose of constructing street lighting facilities within any part or all of the same territory as the District.

Section 11. The type of lighting facilities to be installed in the District and the locations thereof shall consist of those lighting facilities and locations described in the petition submitted by Petitioner, or as may be approved by the City.

Section 12. The rate to be paid for purchasing the energy for the District shall be the rate described in the petition submitted by Petitioner, or as may be approved by the Arizona Public Service Company.

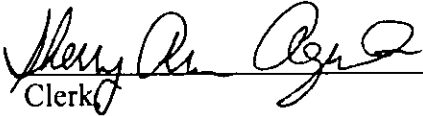
Section 13. Any resolutions or parts of resolutions in conflict with the provisions of this Resolution are hereby repealed.

PASSED, ADOPTED, AND APPROVED by the Mayor and Council, of
the City of Surprise, Arizona, this 13 day of November, 2008.



Mayor, City of Surprise, Arizona

ATTEST:



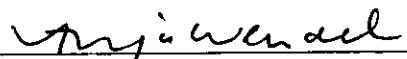
Clerk
City of Surprise, Arizona

REVIEWED BY:



Superintendent of Streets,
City of Surprise, Arizona

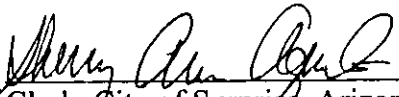
APPROVED AS TO FORM:



Curtis, Goodwin, Sullivan, Udall & Schwab, P.L.C.,
Special Counsel to the
City of Surprise, Arizona

CERTIFICATION

I hereby certify that the foregoing Resolution No. 2008-165 was duly passed and adopted by the Mayor and Council of the City of Surprise, Arizona, at a meeting held on Nov. 13, 2008, that the vote thereon was 7 ayes, 0 nays, and that the Mayor and 6 Council members were present thereat.



Clerk, City of Surprise, Arizona

F:\1656\3\documents\Surprise Valley Station SLIDResolution-Unanimous.doc

EXHIBIT A

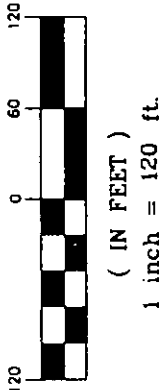
POINT OF COMMENCEMENT

N 1/4 COR. SEC. 33 AND
THE S 1/4 COR. SEC. 28,
T.4N., R.1W.

PARKVIEW PL.

POINT OF BEGINNING

GRAPHIC SCALE



S 00°09'44" W
207.13

S 46°14'10" E 1425.46

**U.S. HIGHWAY 60-70-89
(GRAND AVENUE)**

S 43°46'43" W
100.00

S 46°14'10" E 598.01

10' P.U.E.
BOOK 446, PAGE 25

S 43°46'43" W
55.62

SECTION LINE

REMAINING MOUNTAIN BELL
RIGHT-OF-WAY EASEMENT
DOC. NO. 87 565919, M.C.R.
NOTE: THIS PORTION OF THIS
EASEMENT WAS NOT QUIT
CLAIM DEED RELEASED BY
DOC. NO. 93 0892713, OR
EASEMENT RELEASE BY DOC.
2003-0241541

40'

N 43°45'50" E 564.21

MARICOPA COUNTY
MUNICIPAL WATER
CONSERVATION DISTRICT
NUMBER ONE 12' WIDE
EASEMENT DOC. NO. 97
0316282 M.C.R. &
INTERGOVERNMENTAL
AGREEMENT DOC. NO. 97
0231759 M.C.R.

S 00°09'44" W
790.11

NO. 87-735045, M.C.R.
20' WIDE MOUNTAIN BELL
EASEMENT, DOC.

S 43°46'43" W 564.37

12' ESMT
DOC. #97 0316282

8' ESMT BK 446
PG 25

S 46°13'17" E 597.86

N 46°13'17" W 596.10

S 43°46'43" W
55.00

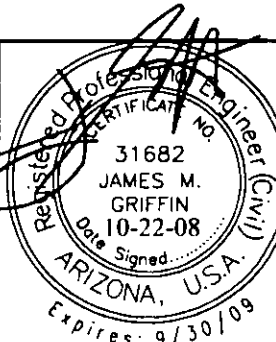
N 43°45'50" E
55.00

MOUNTAIN VIEW BLVD.

JOB NAME: SURPRISE VALLEY TRADER JOES & SHOPS
PLAN TYPE: SLID BOUNDARY EXHIBIT



**GRIFFIN-JACOBS
ENGINEERING, INC.**
CIVIL ENGINEERING
LAND PLANNING
6843 N. 8TH AVE.
PHOENIX, ARIZONA 85013
T. 602.212.1279 F. 602.212.1553



REV. **1**

REV. **2**

JOB NO: 0733

SCALE: 1"=120'

DATE: OCT 2008

PAGE: 1 OF 1

EXHIBIT B:
SLID LEGAL DESCRIPTION

A PORTION OF THE NORTH HALF OF SECTION 33, T4N, R1W,
OF THE GILA AND SALT RIVER BASE AND MERIDIAN,
MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY
DESCRIBED AS FOLLOWS.

COMMENCING AT THE NORTH QUARTER CORNER OF
SECTION 33 AND THE SOUTH QUARTER CORNER OF
SECTION 28, TOWNSHIP 4 NORTH, RANGE 1 WEST;

THENCE SOUTH 00°09'44" WEST A DISTANCE OF 207.13 FEET;

THENCE SOUTH 43°46'43" WEST A DISTANCE OF 55.62 FEET
TO THE POINT OF BEGINNING;

THENCE SOUTH 46°14'10" EAST A DISTANCE OF 598.01 FEET;

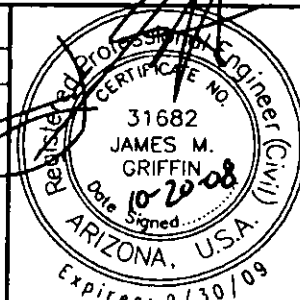
THENCE SOUTH 43°46'43" WEST A DISTANCE OF 564.37 FEET;

THENCE SOUTH 43°46'43" WEST A DISTANCE OF 55.00 FEET;

THENCE NORTH 46°13'17" WEST A DISTANCE OF 596.10
FEET;

THENCE NORTH 43°45'50" EAST A DISTANCE OF 55.00 FEET;

THENCE NORTH 43°45'50" EAST A DISTANCE OF 564.21 FEET;
TO THE POINT OF BEGINNING.

JOB NAME: SURPRISE VALLEY TRADER JONES & SHOPS			REV. <u>1</u>
PLAN TYPE: SLID LEGAL DESCRIPTION			REV. <u>2</u>
	GRIFFIN-JACOBS		JOB NO: 0733
	ENGINEERING, INC.		SCALE: NTS
	CIVIL ENGINEERING		DATE: OCT 2008
	LAND PLANNING		PAGE: 1 OF 1
6843 N. 8TH AVE.			
PHOENIX, ARIZONA 85013			
T. 602.212.1279 F. 602.212.1553			

SURPRISE VALLEY, LLC
SURPRISE, AZ

October 28, 2008

Curtis, Goodwin, Sullivan, Udall & Schwab, P.L.C.
Attn: Phyllis L. Smiley
501 East Thomas Road
Phoenix, AZ 85012-3205

RE: Surprise Valley Station Street Lighting Improvement District – Surprise, AZ

Dear Ms. Smiley:

The members of Surprise Valley, LLC are in agreement with the revised boundaries of the Site Lighting Improvement District.

Regards,



John Michael Bodnar
Vice President of Manager



**RATE SCHEDULE E-58
CLASSIFIED SERVICE
STREET LIGHTING SERVICE**

AVAILABILITY

This rate schedule is available in those portions of cities, towns and unincorporated communities in which Company does a general retail electric business and where Company has installed a multiple or series street lighting system of adequate capacity for the service to be rendered.

APPLICATION

This rate schedule is applicable to service for lighting public streets, alleys, thoroughfares, public parks and playgrounds from dusk to dawn by use of Company's facilities where such service for the entire area is contracted for from the Company by the city, town, other governmental agencies, or a responsible individual for unincorporated communities. Dusk is defined as the time between sunset and full night when a photocontrol senses the lack of sufficient sunlight and turns on the lights. Dawn is defined as the time between full night and sunrise when a photocontrol senses sufficient sunlight to turn off lights.

RATES

The bill shall be computed at the following rates for each type of standard facility and/or service utilized to provide street lighting, plus any adjustments incorporated in this schedule:

I. FIXTURES (Includes Mounting Arm, if Applicable)

	Lumen	Watts	kWh	RATES	
				Investment by Company	Investment by Others
A. Acorn	9,500 HPS	100	41	\$ 23.90	\$8.14
	16,000 HPS	150	69	26.53	10.29
B. Architectural	9,500 HPS	100	41	13.58	6.48
	16,000 HPS	150	69	15.86	8.67
	30,000 HPS	250	99	18.82	11.13
	50,000 HPS	400	153	23.22	16.01
	14,000 MH	175	72	19.00	10.41
	21,000 MH	250	101	21.57	12.84
	36,000 MH	400	159	26.97	17.66
	8,000 LPS	55	30	19.74	8.67
	13,500 LPS	90	50	23.28	10.46
	22,500 LPS	135	72	26.59	12.76
	33,000 LPS	180	90	31.99	15.03
C. Cobra/Roadway	5,800 HPS	70	29	7.71	4.56
	9,500 HPS	100	41	9.08	5.585
	16,000 HPS	150	69	11.37	7.79
	30,000 HPS	250	99	13.71	10.12
	50,000 HPS	400	153	18.60	14.46



**RATE SCHEDULE E-58
CLASSIFIED SERVICE
STREET LIGHTING SERVICE**

I. FIXTURES (Includes Mounting Arm, if Applicable) (cont):

				RATES	
				Investment by Company	Investment By Others
C. Cobra/Roadway (cont.)	14,000 MH	175	72	\$13.22	\$9.01
	21,000 MH	250	101	15.45	11.21
	36,000 MH	400	159	20.34	15.57
	8,000 FL	100	38	15.19	4.45
D. Decorative Transit	9,500 HPS	100	41	32.76	9.81
	16,000 HPS	150	69	32.57	10.96
	30,000 HPS	250	99	37.50	14.15
E. Flood	30,000 HPS	250	99	18.20	11.31
	50,000 HPS	400	153	22.57	15.69
	21,000 MH	250	101	19.43	11.95
	36,000 MH	400	159	23.69	16.21
F. Post Top	Colonial Gray	8,000 FL	100	16.37	4.62
		9,500 HPS	100	9.36	5.87
	Colonial Black	9,500 HPS	100	10.78	6.08
	Decorative Transit	9,500 HPS	100	28.68	9.04
G. FROZEN					
	4,000 INC	295	103	8.64	4.83
	7,000 MV	175	73	11.19	6.42
	11,000 MV	250	96	14.02	8.55
	20,000 MV	400	150	22.01	12.47

NOTES:

1. Investment by Company. These rates are applicable where the Company provides the initial investment to purchase and install all facilities necessary for street lighting service. The Company will own, operate, and maintain the street lighting system.
2. Investment by Others. These rates are applicable in those instances where the requesting entity or individual purchases and installs the street lighting facilities at their own expense and in accordance with Company specifications. These rates will also apply in the instance where the customer provides a non-refundable advance to the Company to cover the Company's cost of purchasing and installing the street lighting system. The Company retains ownership of the street lighting system and provides operation and maintenance for all facilities.
3. Listed kWhs reflect the assigned monthly energy usage for each type of fixture and are used to determine any applicable transmission, system benefit, distribution, energy and adjustment charges.
4. HPS = High Pressure Sodium
5. MH = Metal Halide
6. LPS = Low Pressure Sodium
7. FL = Fluorescent
8. INC = Incandescent. Incandescent lighting charges are applicable and available only to those customers being served and those installations in service on November 1, 1986.
9. MV = Mercury Vapor. Mercury Vapor lighting charges are applicable and available only to those customers being served and those installation in service on November 1, 1986 in accordance with A.R.S. §49-1104(A).



**RATE SCHEDULE E-58
CLASSIFIED SERVICE
STREET LIGHTING SERVICE**

II POLES (cont)

				RATES		
				Height	Investment by Company	Investment By Others
C. Direct Bury	Round Steel		19 ft.	\$16.27	\$2.24	
			30 ft.	12.70	2.35	
			38 ft.	15.50	2.41	
		Self Support	40 ft.	19.09	3.02	
		Stepped	49 ft.	57.40	7.91	
	Square Steel	4"	34 ft.	14.02	2.43	
		5"	20 ft.	13.31	2.20	
			30 ft.	13.87	2.29	
			38 ft.	15.06	2.61	
		Decorative Transit			41 ft 6	18.08
	Decorative Transit			47 ft.	22.52	3.31
	Steel Distribution Pole (for lighting only)			35 ft.	20.79	2.74
D. Post Top	Decorative Transit Anchor Base			16 ft.	30.97	4.26
	Gray Steel/Fiberglass			23 ft.	10.74	1.77
	Black Steel			23 ft.	11.84	1.95
E. Existing distribution pole suitable for streetlight use					1.31	--
F. FROZEN	Wood Poles	30 ft.			7.90	1.37
		35 ft.			7.90	1.31

NOTE: The monthly rate for all new poles includes up to 300 feet of overhead secondary wire, or up to 300 feet of underground secondary wire if the customer provides earthwork and conduit (excluding the underground to overhead transition).

III. ANCHOR BASE

		RATES		
		Height	Investment by Company	Investment By Others
A. Flush		4 ft.	8.75	1.20
		6 ft.	10.44	1.81
B. Pedestal		8 ft.	11.96	2.08
		For 32" Round Steel Pole only 4 ft. 6"	8.29	1.44

IV. CHARGES FOR OPTIONAL OR ADDITIONAL EQUIPMENT

		RATES
		Company Owned
Underground Circuit Charges:		
a.	Per foot of cable, installed under paving	0.1388
b.	Per foot of cable, not installed under paving	0.04936



**RATE SCHEDULE E-58
CLASSIFIED SERVICE
STREET LIGHTING SERVICE**

ADJUSTMENTS

1. The Environmental Portfolio Surcharge shall be applied to every retail electric service as set forth in the Company's Adjustment Schedule EPS-1 or successor schedules as approved by the Arizona Corporation Commission.
2. The bill is subject to the Power Supply Adjustment factor as set forth in the Company's Adjustment Schedule PSA-1 pursuant to Arizona Corporation Commission Decision No. 67744 and Arizona Corporation Commission Decision No. 69663.
3. The bill is subject to the Transmission Cost Adjustment factor as set forth in the Company's Adjustment Schedule TCA-1 pursuant to Arizona Corporation Commission Decision No. 67744.
4. The bill is subject to the Environmental Improvement Surcharge as set forth in the Company's Adjustment Schedule EIS pursuant to Arizona Corporation Commission Decision No. 69663.
5. The bill is subject to the Competition Rules Compliance Charge as set forth in the Company's Adjustment Schedule CRCC-1 pursuant to Arizona Corporation Commission Decision No. 67744.
6. Direct Access customers returning to Standard Offer service may be subject to a Returning Customer Direct Access Charge as set forth in the Company's Adjustment Schedule RCDAC-1 pursuant to Arizona Corporation Commission Decision No. 67744.
7. The bill is subject to the Demand Side Management Adjustment charge as set forth in the Company's Adjustment Schedule DSMAC-1 pursuant to Arizona Corporation Commission Decision No. 67744.
8. The bill is subject to the applicable proportionate part of any taxes or governmental impositions which are or may in the future be assessed on the basis of gross revenues of APS and/or the price or revenue from the electric energy or service sold and/or the volume of energy generated or purchased for sale and/or sold hereunder.

SPECIAL PROVISIONS

1. Street lighting facilities installed under this rate schedule are of the type currently being furnished by Company as standard at the time service is initially requested. Standard facilities are those listed in the Company's Transmission and Distribution Construction Standards book.
2. The Company cannot guarantee that streetlighting facilities will always operate as intended. Therefore, the customer will be responsible for notifying the Company when the streetlighting facilities are not operating as intended. The Company will use reasonable efforts to complete normal maintenance (replacement of lamps, photocontrols or fixtures) within ten (10) working days from notification by customer; however, if the maintenance requires cable replacement or repairs, the Company shall use reasonable efforts to complete said repairs within twenty (20) working days.
3. The customer's bill will not be reduced due to lamp, photocontrol or cable repair or replacement outages.



**RATE SCHEDULE E-58
CLASSIFIED SERVICE
STREET LIGHTING SERVICE**

NON-STANDARD FACILITIES

Non-standard facilities (non-standard being defined as any facility not listed in the Company's Transmission and Distribution Construction Standards book) do not qualify for this rate schedule. At the Company's discretion, such facilities may be served under another of the Company's rate schedules.

EXTENSION OF STREET LIGHTING SYSTEM

The Company will extend its standard street lighting system up to a distance of 300 feet for each additional lighting installation without cost at the request of the customer. When the extension is underground the customer will provide earthwork as specified in Section 6.1.2 of the Company's Schedule 3, Conditions Governing Extensions of Electric Distribution Lines and Services; or, at the customer's request, the Company will provide such earthwork for a contribution in aid of construction equal to the cost of such earthwork. Any additional extension required (over and above the first 300 feet) will be provided by Company for a contribution in aid of construction equal to the cost of the additional extension.

Extensions to isolated areas requiring a substantial extension of the electric distribution system, as opposed to an extension of the street lighting system, will require a special study to determine the terms and conditions under which the Company will undertake such an extension.

TERMS AND CONDITIONS

Service under this rate schedule is subject to the Company's Schedule 1, Terms and Conditions for Standard Offer and Direct Access Services and the Company's Schedule 10, Terms and Conditions for Direct Access. These schedules have provisions that may affect the customer's bill. In addition, service may be subject to special terms and conditions as provided for in a customer contract or service agreement.

FIDELITY NATIONAL TITLE INSURANCE COMPANY

Title No.: FT08008884

CONDITION OF TITLE REPORT

FIDELITY NATIONAL TITLE INSURANCE COMPANY, a California corporation,

herein called the Company,

SUBJECT TO THE TERMS, LIMITATIONS AND CONDITIONS OF THE APPLICATION FOR THIS CONDITION OF TITLE REPORT, WHICH APPLICATION, OR COPY THEREOF, IS ATTACHED HERETO AND MADE A PART HEREOF

REPORTS

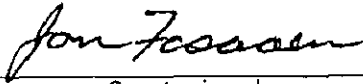
To the party named in Schedule A, that as disclosed by the Title Instruments, the ownership of and the defects, liens and encumbrances against the Interest in the Land are as shown in Schedule B.

Any claim or other notice to the Company shall be in writing and shall be addressed to the Company at the issuing office or to:

Fidelity National Title Insurance Company Claims Center
P. O. Box 45023
Jacksonville, Florida 32232-5023
Attn: Claims Administration

THIS REPORT IS NOT VALID AND THE COMPANY SHALL HAVE NO LIABILITY HEREUNDER UNLESS THE APPLICATION REFERRED TO ABOVE, OR COPY THEREOF, IS ATTACHED HERETO.

Fidelity National Title Insurance Company



Countersigned

CONDITION OF TITLE REPORT
SCHEDULE A

Fee:

Date of Report: August 1, 2008 at 07:30 AM

1. Name of Party:
CITY OF SURPRISE, a municipal corporation
2. The Interest referred to in the Application is:
A Fee
3. The Land referred to in the Application is described as follows:
SEE EXHIBIT "ONE" ATTACHED HERETO AND MADE A PART HEREOF

LEGAL DESCRIPTION

EXHIBIT "ONE"

The land referred to in this policy is described as follows:

Lot 4, GRAND VILLAGE CENTER SOUTH, according to Book 565 of Maps, page 21, records of Maricopa County, Arizona, more particularly described as follows:

A portion of the North half of the Section 33, Township 4 North, Range 1 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, more particularly described as follows:

COMMENCING at the North quarter corner of Section 33 and the South quarter corner of Section 28, Township 4 North, Range 1 West;

Thence South 00 degrees 09 minutes 44 seconds West a distance of 207.13 feet;

Thence South 43 degrees 46 minutes 43 seconds West a distance of 55.62 feet to the POINT OF BEGINNING;

Thence South 46 degrees 14 minute 10 seconds East a distance of 598.01 feet;

Thence South 43 degrees 46 minutes 43 seconds West a distance of 564.37 feet;

Thence North 46 degrees 13 minutes 17 seconds West a distance of 597.86 feet;

Thence North 43 degrees 45 minutes 50 seconds East a distance of 564.21 feet to the POINT OF BEGINNING.

CONDITION OF TITLE REPORT

SCHEDULE B

Fidelity National Title Insurance Company reports that Title Instruments, on the date hereof, disclose:

1. Ownership of the Interest is in the name of:
SURPRISE VALLEY, LLC, an Alabama Limited Liability Company
2. The following defects, liens and encumbrances (which are not necessarily shown in their order of priority) against the Interest:
 1. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b) or (c) are shown in the public records.
 2. Property taxes, which are a lien not yet due and payable, including any assessments collected with taxes to be levied for the year 2008.
 3. Any rights, liens, claims or equities, if any, in favor of:

Maricopa County Municipal Water Conservation District Number One District.
 4. Water Rights, claims or title to water, whether or not shown by the public records.
 5. The rights, if any, of the State of Arizona or any legal subdivision thereof, or of the public, in and to any portion of said land which may lie within any right of way or purported right of way of Grand Avenue, whether established by instruments of record or by the use of said land for public road or street purposes.
 6. The rights of others in and to the airspace over said property by virtue of proximity to airport.
 7. All matters as set forth on Park Place Map of Dedication of Parkeview Place recorded in Book 370 of Maps, page 31.
 8. Easements, covenants, conditions and restrictions as set forth on Final Plat of Park Place recorded in Book 371 of Maps, page 16, and Final Plat of Park Place Amended, recorded in Book 446 of Maps, page 25.
 9. Easements, covenants, conditions and restrictions as set forth on Final Plat for Grand Village Center South recorded in Book 565 of Maps, page 21.
 10. Easement(s) for the purpose(s) shown below and rights incidental thereto as set forth in a document:

Purpose: Right of Way for communication and other facilities

Recording No: Document No. 87565919;

Thereafter Release of Easement over a Portion of said property, as set forth in instrument recorded in Document No. 2003-0241541.
 11. Easement(s) for the purpose(s) shown below and rights incidental thereto as set forth in a document:

Purpose: telephone and telegraph purposes

Recording No: 87735045
 12. Any action that may be taken by the Arizona Department of Transportation to acquire right of way and access for State Highway, as disclosed by Resolution of Establishment recorded in Document No. 88039634 and in Document No. 90207198.
 13. Terms and Conditions contained in that certain Intergovernmental Agreement and Mutual Grant of Easements, as set forth in instrument, recorded in Document No. 97-0231759.

SCHEDULE B
(Continued)

14. Terms and Conditions contained in that certain Memorandum of Park Place Amended Development Agreement, as set forth in instrument recorded in Document No. 97-0316279.
15. Easement(s) for the purpose(s) shown below and rights incidental thereto as set forth in a document:

Purpose: ingress and egress for the transmission and distribution of
water, wastewater, electrical power and communication facilities
Recording No: 97-0316282

16. Declaration of Reciprocal Restrictions, but omitting any covenants or restrictions, if any, including but not limited to those based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, or source of income, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law, as set forth in the document

Recording No.: 97-0543499;

Thereafter Supplement and Amendment to Declaration recorded in Document No. 99-0311412;

Thereafter Tract Declaration and Second Supplement to Declaration recorded in Document No. 00-0252033

17. Terms and Conditions contained in that certain Instrument for the purpose(s) shown below and rights incidental thereto as set forth in Access Easement Agreement:

Purpose: vehicular and pedestrian ingress and egress
Recording No: 99-0311413

18. All matters as set forth in that certain instrument entitled, Territory in the Vicinity of a Military Airport Luke Air Force Base, Arizona, which states: "This property is located within territory in the vicinity of a military airport and may be subject to increased noise and accident potential.", as set forth in instrument recorded in Document No. 2001-0743413.

19. Terms and Conditions contained in that certain Easement Agreement for the purpose(s) shown below and rights incidental thereto as set forth in a document:

Purpose: vehicular and pedestrian ingress and egress to and from the
Adjacent Owner Property
Recording No: Document No. 20041442520 and rerecorded in Document No. 20061222046.

20. Terms and Conditions contained in that certain Parkview Sewer Agreement for the purpose(s) shown below and rights incidental thereto as set forth in a document:

Purpose: sewer and wastewater services
Recording No: Document No. 2006-0324073

21. Terms and Conditions contained in that certain Parkview Sewer Development Reimbursement Agreement, as set forth in instrument recorded in Document No. 2006-0400421, and Assignment and Assumption Agreement, as set forth in Document No. 20061448955.

SCHEDULE B
(Continued)

22. The following matters disclosed by Survey of said land, as set forth in instrument recorded in Document No. 2000-0525713, made by RICHARD D. TAYLOR, Registered Land Surveyor, Certificate No. 19857, Job No. 1668:

a) Right of Way for sanitary sewer and lines located in the Northwesterly corner, just outside the public utility easement.

23. A deed of trust to secure an indebtedness in the amount shown below,

Amount:	\$4,100,000.00
Dated:	October 4, 2006
Trustor/Grantor	SURPRISE VALLEY, LLC, an Alabama Limited Liability
Company	
Trustee:	FIDELITY NATIONAL TITLE INSURANCE COMPANY
Beneficiary:	RENASANT BANK, a Mississippi Banking Corporation
Loan No.:	None
Recording Date:	October 4, 2006
Recording No:	Document No. 20061317205

24. This report is for informational purposes only and is not to be considered as a commitment to issue any form of title insurance policy. Liability is hereby limited to the amount of the fee paid therefore.
3. The following matters are disclosed by name only and the Company, without additional information, is unable to determine whether any or all of these matters are defects, liens or encumbrances against the Interest:
- None

Printed: 8/12/2008 11:03:45 AM UMST
Searched: 8/12/2008 11:02:00 AM

TITLEPOINT
Tax Search
Maricopa, Arizona
Assessor's Parcel 503-59-923 6
Tax Year: 2007-2008
Payment as of: 08/02/2008

Order: FT08008884
Co: Security Title Agency
Dept: Title CRN: 1901200061
TO: 01
Created By: Morales, Cathy

Printed By: cmorales

APN:	503-59-923 6								
Plat Book	Page	Block	Lot(s)	Subdivision	Section	Township	Range	QQ	Acres
565	21		4		33	4N	1W		
Described As:	GRAND VILLAGE CENTER SOUTH MCR 565-21								
Address:									
City:									
Billing Address:	200 UNION HILLS DR 100 BIRMINGHAM, AL 35209								
Assessed Owner(s):	SURPRISE VALLEY LLC								
Search As:	Lot 4 Map 565/21								
	APN Arb 503-59 Parcel 923								
	Lot 4 of Book 565 of Page 21								
	Sec 33 T 4N R 1W								

Use Code:	0021	Primary	Secondary	Conveyance Date:	10/04/2006
VACANT COMMERCIAL URBAN SUBDIVIDED	Land AV:	202,710.00	263,040.00	Conveying Instrument:	061317204
	Imp. AV:				
	Land FCV:	1,266,938.00	1,644,000.00		
	Imp. FCV:				
	Exemptions:				
Region Code:				Square Footage	
Flood Zone:				Land:	337410
Zoning Code:				Improvements:	
				Tax Defaulted:	
School Districts				Total Tax:	20,370.50
Elem:					
High:					

Installment	Amount	Penalty	Due Date	Status	Payment Date	Balance
1st	10,185.25	0.00	11/01/2007	PAID	10/15/2007	0.00
2nd	10,185.25	0.00	05/01/2008	PAID	02/26/2008	0.00
						0.00

Due Thru 9/2008	Due Thru 10/2008	Due Thru 11/2008
\$0.00	\$0.00	\$0.00

Imp Dist	Back Taxes
0	0

Special Districts

Account	Special District Description
14710	MCMWCDD
30002	WEST MARICOPA EDUCATION CENTER

Open Orders				
Company	Department	Title Unit	Order No.	Date Created
Security Title Agency	Title	01	FT08005101	06/21/2008
Fidelity National Title	MCP - Phoenix	01	FT08005101	06/12/2008
Fidelity National Title	Phoenix	01	20008977	11/09/2007

THIS INFORMATION IS PROVIDED FOR CUSTOMER SERVICE PURPOSES ONLY. PROPERTY INSIGHT DOES NOT

Page 1 of 2

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FINAL PLAT OF
PARK PLACE AMENDED
A RESUBDIVISION OF PART OF PARK PLACE AS RECORDED IN BOOK 371 OF MAPS.
PAGE 18, A.C.S. SITUATED IN A PORTION OF THE SW 1/4 SECTION 22 AND PART OF THE
N 1/2 OF SECTION 33, ALL IN T.4-N.-R.1-W., G. & S.R. & M., MARICOPA COUNTY,
ARIZONA.

ENGINEER

Steve Insomniac Company, Inc.
2211 N. 1st Street, Suite 77
Phoenix, Arizona 85016-4930
Telephone: (602) 252-4668
Fax: (602) 252-4668

**NOTICE OF PARK PLACE AMENDED
DEVELOPMENT AGREEMENT**

[illegible]

MAJORITY COMMISSION MEMBERS WHO
CONSIDER THIS DISTRICT NUMBER ONE,
a political subdivision of the State of Arizona,
to Thomas E. G. Smith
as Assistant Secretary

PAINTED PLAZA JOINT VENTURE, an Arkansas joint venture partnership
 by: SUN CITY/SPRING ARKANE LIMITED PARTNERSHIP,
 an Arkansas limited partnership
 by: *James L. Hickey Jr.* *James L. Hickey Jr.* *James L. Hickey Jr.*
 as General Partner *as General Partner* *as General Partner*
 by: *James L. Hickey Jr.* *James L. Hickey Jr.* *James L. Hickey Jr.*
 as General Partner *as General Partner* *as General Partner*

BY THE COASTAL LAND HOLDING COMPANY
an artificial person
BY *Thomas B. Pitt*
Secretary

3200 City Building, 145 West 14th Street
New York, N.Y. 10011

U.S. WEST COMMUNICATIONS
ABANDONMENT

[illegible]

**NOTICE OF
INTERGOVERNMENTAL AGREEMENT**

The City of Turlock ("City") and Merced County established Water Conservation Joint Powers ("JPA") entered into an Intergovernmental Agreement ("IGA") dated NOV. 6, 1997 and related to the

Tony's Attorney's Office on 10/26/82, 11/1/82, 11/15/82, 11/22/82, 12/1/82, 12/8/82, 12/15/82, 12/22/82, 1/5/83, 1/12/83, 1/19/83, 1/26/83, 2/2/83, 2/9/83, 2/16/83, 2/23/83, 3/2/83, 3/9/83, 3/16/83, 3/23/83, 3/30/83, 4/6/83, 4/13/83, 4/20/83, 4/27/83, 5/4/83, 5/11/83, 5/18/83, 5/25/83, 6/1/83, 6/8/83, 6/15/83, 6/22/83, 6/29/83, 7/6/83, 7/13/83, 7/20/83, 7/27/83, 8/3/83, 8/10/83, 8/17/83, 8/24/83, 8/31/83, 9/7/83, 9/14/83, 9/21/83, 9/28/83, 10/5/83, 10/12/83, 10/19/83, 10/26/83, 11/2/83, 11/9/83, 11/16/83, 11/23/83, 11/30/83, 12/7/83, 12/14/83, 12/21/83, 12/28/83, 1/4/84, 1/11/84, 1/18/84, 1/25/84, 2/1/84, 2/8/84, 2/15/84, 2/22/84, 2/29/84, 3/6/84, 3/13/84, 3/20/84, 3/27/84, 4/3/84, 4/10/84, 4/17/84, 4/24/84, 5/1/84, 5/8/84, 5/15/84, 5/22/84, 5/29/84, 6/5/84, 6/12/84, 6/19/84, 6/26/84, 7/3/84, 7/10/84, 7/17/84, 7/24/84, 7/31/84, 8/7/84, 8/14/84, 8/21/84, 8/28/84, 9/4/84, 9/11/84, 9/18/84, 9/25/84, 10/2/84, 10/9/84, 10/16/84, 10/23/84, 10/30/84, 11/6/84, 11/13/84, 11/20/84, 11/27/84, 12/4/84, 12/11/84, 12/18/84, 12/25/84, 1/1/85, 1/8/85, 1/15/85, 1/22/85, 1/29/85, 2/5/85, 2/12/85, 2/19/85, 2/26/85, 3/5/85, 3/12/85, 3/19/85, 3/26/85, 4/2/85, 4/9/85, 4/16/85, 4/23/85, 4/30/85, 5/7/85, 5/14/85, 5/21/85, 5/28/85, 6/4/85, 6/11/85, 6/18/85, 6/25/85, 7/2/85, 7/9/85, 7/16/85, 7/23/85, 7/30/85, 8/6/85, 8/13/85, 8/20/85, 8/27/85, 9/3/85, 9/10/85, 9/17/85, 9/24/85, 10/1/85, 10/8/85, 10/15/85, 10/22/85, 10/29/85, 11/5/85, 11/12/85, 11/19/85, 11/26/85, 12/3/85, 12/10/85, 12/17/85, 12/24/85, 12/31/85, 1/7/86, 1/14/86, 1/21/86, 1/28/86, 2/4/86, 2/11/86, 2/18/86, 2/25/86, 3/4/86, 3/11/86, 3/18/86, 3/25/86, 4/1/86, 4/8/86, 4/15/86, 4/22/86, 4/29/86, 5/6/86, 5/13/86, 5/20/86, 5/27/86, 6/3/86, 6/10/86, 6/17/86, 6/24/86, 7/1/86, 7/8/86, 7/15/86, 7/22/86, 7/29/86, 8/5/86, 8/12/86, 8/19/86, 8/26/86, 9/2/86, 9/9/86, 9/16/86, 9/23/86, 9/30/86, 10/7/86, 10/14/86, 10/21/86, 10/28/86, 11/4/86, 11/11/86, 11/18/86, 11/25/86, 12/2/86, 12/9/86, 12/16/86, 12/23/86, 12/30/86, 1/6/87, 1/13/87, 1/20/87, 1/27/87, 2/3/87, 2/10/87, 2/17/87, 2/24/87, 3/2/87, 3/9/87, 3/16/87, 3/23/87, 3/30/87, 4/6/87, 4/13/87, 4/20/87, 4/27/87, 5/4/87, 5/11/87, 5/18/87, 5/25/87, 6/1/87, 6/8/87, 6/15/87, 6/22/87, 6/29/87, 7/6/87, 7/13/87, 7/20/87, 7/27/87, 8/3/87, 8/10/87, 8/17/87, 8/24/87, 8/31/87, 9/7/87, 9/14/87, 9/21/87, 9/28/87, 10/5/87, 10/12/87, 10/19/87, 10/26/87, 11/2/87, 11/9/87, 11/16/87, 11/23/87, 11/30/87, 12/7/87, 12/14/87, 12/21/87, 12/28/87, 1/4/88, 1/11/88, 1/18/88, 1/25/88, 2/1/88, 2/8/88, 2/15/88, 2/22/88, 2/29/88, 3/6/88, 3/13/88, 3/20/88, 3/27/88, 4/3/88, 4/10/88, 4/17/88, 4/24/88, 5/1/88, 5/8/88, 5/15/88, 5/22/88, 5/29/88, 6/5/88, 6/12/88, 6/19/88, 6/26/88, 7/3/88, 7/10/88, 7/17/88, 7/24/88, 7/31/88, 8/7/88, 8/14/88, 8/21/88, 8/28/88, 9/4/88, 9/11/88, 9/18/88, 9/25/88, 10/2/88, 10/9/88, 10/16/88, 10/23/88, 10/30/88, 11/6/88, 11/13/88, 11/20/88, 11/27/88, 12/4/88, 12/11/88, 12/18/88, 12/25/88, 1/1/89, 1/8/89, 1/15/89, 1/22/89, 1/29/89, 2/5/89, 2/12/89, 2/19/89, 2/26/89, 3/5/89, 3/12/89, 3/19/89, 3/26/89, 4/2/89, 4/9/89, 4/16/89, 4/23/89, 4/30/89, 5/7/89, 5/14/89, 5/21/89, 5/28/89, 6/4/89, 6/11/89, 6/18/89, 6/25/89, 7/2/89, 7/9/89, 7/16/89, 7/23/89, 7/30/89, 8/6/89, 8/13/89, 8/20/89, 8/27/89, 9/3/89, 9/10/89, 9/17/89, 9/24/89, 10/1/89, 10/8/89, 10/15/89, 10/22/89, 10/29/89, 11/5/89, 11/12/89, 11/19/89, 11/26/89, 12/3/89, 12/10/89, 12/17/89, 12/24/89, 12/31/89, 1/7/90, 1/14/90, 1/21/90, 1/28/90, 2/4/90, 2/11/90, 2/18/90, 2/25/90, 3/4/90, 3/11/90, 3/18/90, 3/25/90, 4/1/90, 4/8/90, 4/15/90, 4/22/90, 4/29/90, 5/6/90, 5/13/90, 5/20/90, 5/27/90, 6/3/90, 6/10/90, 6/17/90, 6/24/90, 7/1/90, 7/8/90, 7/15/90, 7/22/90, 7/29/90, 8/5/90, 8/12/90, 8/19/90, 8/26/90, 9/2/90, 9/9/90, 9/16/90, 9/23/90, 9/30/90, 10/7/90, 10/14/90, 10/21/90, 10/28/90, 11/4/90, 11/11/90, 11/18/90, 11/25/90, 12/2/90, 12/9/90, 12/16/90, 12/23/90, 12/30/90, 1/6/91, 1/13/91, 1/20/91, 1/27/91, 2/3/91, 2/10/91, 2/17/91, 2/24/91, 3/2/91, 3/9/91, 3/16/91, 3/23/91, 3/30/91, 4/6/91, 4/13/91, 4/20/91, 4/27/91, 5/4/91, 5/11/91, 5/18/91, 5/25/91, 6/1/91, 6/8/91, 6/15/91, 6/22/91, 6/29/91, 7/6/91, 7/13/91, 7/20/91, 7/27/91, 8/3/91

BASIS OF BEARING

CERTIFICATION

I, James A. Brown, hereby certify that I am a Registered Land Surveyor in the State of Alabama, and am duly qualified to survey and map land under my commission during the term of one year, and that the survey is true and complete as shown, that of the measurements shown are true and correct, and that the same are sufficient to locate the survey to be returned.

JAMES A. BROWN

 JAMES A. BROWN, Surveyor

 Notary Public

that appeared in the City of Suriname Planning and Housing Commission the

[illegible]

Henry Eric Morgan

DEDICATION

[illegible][illegible]

[Handwritten signature]

1. Long & Thomas by themselves or jointly on 13.7.1925
 2. Long & Thomas by themselves or jointly on 13.7.1925

ACKNOWLEDGEMENT

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... 1980, before the underground literary public.

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... the purpose thereof consisted in raising the name of ...

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Page 75 of 634

UNANIMOUS PETITION
FOR FORMATION
OF
CITY OF SURPRISE, ARIZONA
SURPRISE VALLEY STATION LIGHTING IMPROVEMENT DISTRICT

STATE OF ARIZONA
COUNTY OF MARICOPA
CITY OF SURPRISE

We, the undersigned ("Petitioner"), are the owners, exclusive of mortgagees and other lien holders, of all of the real property with the limits of the area and district legally described in **Exhibit B**, attached hereto, and with such boundaries as shown in the map attached hereto as **Exhibit A** ("District").

We hereby petition the Mayor and Council of the City of Surprise, Arizona ("City") to establish a street light improvement district pursuant to A.R.S. §§ 48-571 et seq., as amended, and specifically, A.R.S. §§ 48-615 – 48-617, for the purpose of purchasing energy for the lighting of public streets and parks within the described District and maintenance of such lighting facilities.

It is hereby requested, that the City Council after verifying that the petition is signed by all of the real property owners, exclusive of mortgagees and other lienholders within the District, and making a finding of such fact, adopt a Resolution of Intention to order the proposed improvements pursuant to A.R.S. § 48-576 ("Improvements"), and request that the City Council assume immediate jurisdiction and order the Improvements pursuant to A.R.S. § 48-581, without the necessity of publication and posting of the Resolution of Intention provided for in A.R.S. § 48-578.

We respectfully request that the District be established as follows:

I. District. The name of the District to be formed shall be "CITY OF SURPRISE, ARIZONA SURPRISE VALLEY STATION LIGHTING IMPROVEMENT DISTRICT";

II. Authority. The District shall be formed and shall exist, pursuant to the terms and provisions of Title 48, Chapter 4, Article 2, Arizona Revised Statutes, as amended, and subject to A.R.S. § 48-616, as amended;

III. Expenses of the District. The Mayor and Council of the City shall make annual statements and estimates of the expenses of the District, which shall be provided for the levy and collection of taxes upon all the real and personal property in the District, shall publish notice thereof, shall have hearings thereon and shall adopt them at the times and in the manner provided for incorporated cities and towns by the applicable portions of A.R.S. § 42-17101 et seq., §§ 42-17151 – 42-17152, as amended, and the Mayor and Council of the City shall, on or before the third Monday in August of each year, fix, levy and assess the amount to be raised by taxes levied and assessed upon all of the property of the

District and collect, as Maricopa County, Arizona ("County") taxes are collected, the amounts shown by the statements and estimates as adopted by the Mayor and Council of the City. Taxes shall be levied and assessed on the basis of ad valorem taxes upon the assessed value of all the property real and personal in the District.

All statutes providing for the levy and collection of State of Arizona ("State") and County taxes, including the collection of delinquent taxes and sale of property for nonpayment of taxes, shall be applicable to District taxes as provided to be levied under A.R.S. § 48-616, as amended.

IV. Maximum Assessment. The District shall not be authorized to issue bonds and no assessment for District purposes against the property within the District shall exceed One Dollar Twenty Cents (\$1.20) upon each hundred dollars of taxable valuation in any year.

V. Purpose. The District shall be authorized to engage in any activity as provided in A.R.S. § 48-616, as may be amended from time to time, i.e., contracting for and purchasing of energy for street and public park lighting;

VI. Non-Exclusive. The formation of the District shall not be considered as preventing the subsequent establishment of improvement districts for any other purpose authorized by law, including improvement districts for the purpose of constructing street lighting facilities within any part or all of the same territory as the District; and

VII. Public Property. Any public street or alley within the area proposed for the District shall be omitted from the assessment. Any lot belonging to the United States, the State, County, City, school district or political subdivision or institution of the State or County that is included within the proposed District shall be omitted from the assessment.

VIII. Public Need. Public convenience and necessity require the adoption of the Resolution.

Petitioner hereby further REPRESENTS and WARRANTS to the City:

That on the date hereof, as shown on the assessment roll for State and County taxes, the real property to be in the District is owned by the Petitioner or, if a person listed on such assessment roll is no longer the owner of real property in the District, that the name of the successor owner has become known and has been verified by recorded deed or other similar evidence of transfer of ownership to be the Petitioner;

That the real property to be included in the District will be benefited from the Improvement;

Petitioner ACKNOWLEDGES, COVENANTS to the City and AGREES:

That the Improvements be ordered and expenses of the District be paid for by the levy and collection of ad valorem taxes upon the assessed value of all the real and personal property in the District;

That the Petitioner shall, at its sole cost and expense, provide to Arizona Public Service Company ("APS") such lighting facilities as may be required by APS and the City. Letters from APS and the City Engineer approving the lighting facilities plans are attached hereto in **Exhibit C**;

That the rate to be paid by the City for purchasing energy for the District shall be the rate described on **Exhibit D** attached hereto, or as may be approved from time to time;

That, pursuant to A.R.S. § 42-17257, as amended, the City must first be authorized by the Arizona Department of Revenue to assess, levy and collect taxes relating to the District;

That Surprise Valley, LLC, or any successor shall pay to the City, upon demand, all costs and expenses of the District, including all costs and expenses reasonably related to creating the District and all costs and expenses of purchasing energy for street and public park lighting for the District until such time as the City is actually collecting taxes relating to the District in an amount sufficient to pay all costs and expenses of the District; and

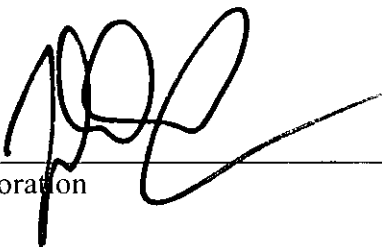
WHEREFORE, Petitioner respectfully prays that this Petition be properly filed as provided by law; that the Mayor and Council of the City adopt the Resolution; and undertake such other orders, acts, procedures and relief as are proper, necessary and appropriate to the purposes of forming the District and to the execution of the purposes for which the District shall be organized as the Mayor and Council of the City deem proper and necessary.

PETITIONER FOR CITY OF SURPRISE, ARIZONA

SURPRISE VALLEY STATION LIGHTING IMPROVEMENT DISTRICT:

[ALL PROPERTY OWNERS WITHIN THE PROPOSED DISTRICT MUST SIGN. IF PROPERTY IS JOINTLY OWNED, SUCH AS BY HUSBAND AND WIFE, BOTH MUST SIGN.]

Property Owner:

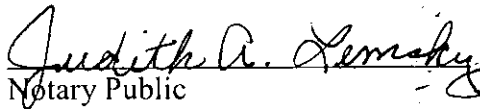

an ~~Arizona~~ Corporation on
ALABAMA

By: John Michael Bodnar
Vice President

Its: OF MANAGER
Authorized Representative

STATE OF ARIZONA)
) ss.
COUNTY OF MARICOPA)

The foregoing instrument was acknowledged before me this 7 day of July, 2008, by John Michael Bodnar, who executed the foregoing on behalf of Surprise Valley, LLC, an ~~Arizona~~ Corporation, being authorized so to do for the purposes therein contained. ALABAMA


Notary Public

My Commission Expires:

1-19-11

SURPRISE VALLEY, LLC
SURPRISE, AZ

October 28, 2008

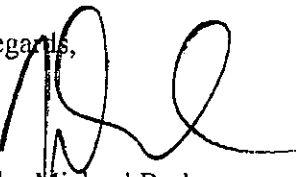
Curtis, Goodwin, Sullivan, Udall & Schwab, P.L.C.
Attn: Phyllis L. Smiley
501 East Thomas Road
Phoenix, AZ 85012-3205

RE: Surprise Valley Station Street Lighting Improvement District – Surprise, AZ

Dear Ms. Smiley:

The members of Surprise Valley, LLC are in agreement with the revised boundaries of the Site Lighting Improvement District.

Regards,



John Michael Bodnar
Vice President of Manager

The Law Offices of
**CURTIS, GOODWIN, SULLIVAN,
UDALL & SCHWAB, P.L.C.**

501 East Thomas Road
Phoenix, Arizona 85012-3205

Michael A. Curtis
Susan D. Goodwin
Kelly Y. Schwab
Phyllis L.N. Smiley
Ian D. Quinn

Telephone (602) 393-1700
Facsimile (602) 393-1703
E-mail psmiley@cgsuslaw.com
www.cgsuslaw.com

William P. Sullivan
Larry K. Udall
Anja K. Wendel
Michelle Swann

Of Counsel
Joseph F. Abate
Thomas A. Hine

REFER TO FILE NO. 1656-3 Tab 68

December 1, 2008

ARIZONA DEPARTMENT OF REVENUE
Property Division, GIS
1600 West Monroe, 8th Floor
Phoenix, Arizona 85007

Re: Notice of New Taxing District

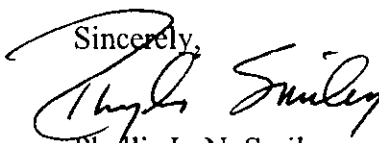
To Whom It May Concern:

Pursuant to A.R.S. § 42-17257, the City of Surprise hereby notifies you of the establishment of a new taxing district, hereinafter referred to as "City of Surprise, Arizona, Surprise Valley Station Lighting Improvement District" for the purposes of assessment and tax levying.

Enclosed is a certified copy of Resolution No. 2008-165, establishing the district.

If you have any questions, please contact us at (602) 393-1700.

Sincerely,



Phyllis L. N. Smiley
Anja K. Wendel
For the Firm

PLNS/aeH

Enclosures: Resolution, with attached:
Legal Description
Map of Affected Area

cc: Ms. Sherry Aguilar, City Clerk (w/o Enclosure)
Mr. Robert Nilles, Finance Administrator (w/o Enclosure)
Mr. Ryan Simms, Bodnar Investment Group (w/o Enclosure)

F:\1656\3\documents\Surprise Valley Station SLID AZDeptRev - notice - unanimous FINAL 12-1-08.doc

The Law Offices of
**CURTIS, GOODWIN, SULLIVAN,
UDALL & SCHWAB, P.L.C.**

501 East Thomas Road
Phoenix, Arizona 85012-3205

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Larry K. Udall
Anja K. Wendel
Michelle Swann

Of Counsel
Joseph F. Abate
Thomas A. Hinc

REFER TO FILE NO. 1656-3 Tab 88

December 1, 2008

Mr. Ryan Simms, CPA
Bodnar Investment Group
3755 Corporate Woods Drive
Vestavia Hills, AL 35242

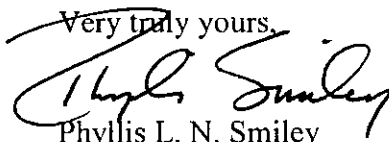
RE: City of Surprise, Arizona, Surprise Valley Station Lighting Improvement District

Dear Ryan:

Enclosed for your files is a certified copy of Resolution 2008-165 adopted by the City of Surprise establishing the City of Surprise, Arizona, Surprise Valley Station Lighting Improvement District. The Resolution was adopted by the City Council on November 13, 2008. We are notifying the County Assessor, Arizona Department of Revenue, and Arizona Public Service Company that the Resolution creating the District was adopted and are in the process of having the Resolution recorded with the Maricopa County Recorder. We will send you a copy of the recorded document when we receive it.

Please feel free to contact us if you have any further questions or concerns regarding this matter.

Very truly yours,



Phyllis L. N. Smiley
Anja K. Wendel
For the Firm

PLNS/aeH

Enclosures: Resolution 2008-165 with attached:
Legal Description
Map of affected area

cc: Ms. Sherry Aguilar, City Clerk, City of Surprise (w/o Enclosures)
Mr. Robert Nilles, City Finance Director (w/o Enclosures)

The Law Offices of
**CURTIS, GOODWIN, SULLIVAN,
UDALL & SCHWAB, P.L.C.**

501 East Thomas Road
Phoenix, Arizona 85012-3205

Michael A. Curtis
Susan D. Goodwin
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Larry K. Udall
Anja K. Wendel
Michelle Swann

Of Counsel
Joseph F. Abate
Thomas A. Hine

REFER TO FILE NO. 1656-3 Tab 68

December 1, 2008

Mr. Randy Edwards
Section Leader, Outdoor Lighting Department
Arizona Public Service Company
P.O. Box 53933
Mail Station 3532
Phoenix, Arizona 85072-3933

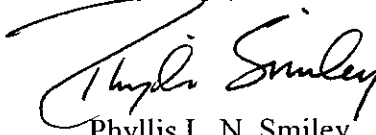
Re: Notice of New Lighting Improvement District

Dear Randy:

The City of Surprise has adopted the resolution establishing the City of Surprise, Arizona, Surprise Valley Station Street Lighting Improvement District. Enclosed, for your files, is a copy of Resolution No. 2008-165, establishing the district.

If you have any questions please contact us at (602) 393-1700.

Very truly yours,



Phyllis L. N. Smiley
Anja K. Wendel
For the Firm

PLNS/eah

Enclosure: Resolution No. 2008-165, with attached:
Legal Description
Map of Affected Area

cc: Ms. Sherry Aguilar, City Clerk (w/o Enclosure)
Mr. Robert Nilles, Finance Administrator (w/o Enclosure)
Mr. Ryan Simms, Bodnar Investment Group (w/o Enclosure)

F:\1656\3\documents\Surprise Valley Station Slid APS - Notice FINAL 12-1-08.doc

The Law Offices of
**CURTIS, GOODWIN, SULLIVAN,
UDALL & SCHWAB, P.L.C.**

501 East Thomas Road
Phoenix, Arizona 85012-3205

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Phyllis L.N. Smiley
Ian D. Quinn

Of Counsel
Joseph F. Abate
Thomas A. Hine

REFER TO FILE NO. 1656-3 Tab 68

December 1, 2008

MARICOPA COUNTY ASSESSOR
301 West Jefferson, Suite 113
Phoenix, AZ 85003-2113

Re: Notice of New Taxing District

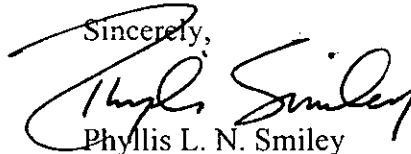
To Whom It May Concern:

Pursuant to A.R.S. § 42-17257, the City of Surprise hereby notifies you of the establishment of a new taxing district, hereinafter referred to as "City of Surprise, Arizona, Surprise Valley Station Street Lighting Improvement District" for the purposes of assessment and tax levying.

Enclosed is a certified copy of Resolution No. 2008-165, establishing the district.

If you have any questions, please contact us at (602) 393-1700.

Sincerely,



Phyllis L. N. Smiley
Anja K. Wendel
For the Firm

PLNS/aeH

Enclosures: Resolution No. 2008-165, with attached:
Legal Description
Map of Affected Area

cc: Ms. Sherry Aguilar, City Clerk (w/o Enclosure)
Mr. Robert Nilles, City Finance Administrator (w/o Enclosure)
Mr. Ryan Simms, Bodnar Investment Group (w/o Enclosure)

RESOLUTION NO. 2008-165

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA, DECLARING ITS INTENTION TO ESTABLISH A STREET LIGHT IMPROVEMENT DISTRICT TO PURCHASE ENERGY FOR LIGHTING THE PUBLIC STREETS AND PARKS IN THE AREA WITHIN THE CORPORATE LIMITS OF THE CITY OF SURPRISE, ARIZONA DESCRIBED ON EXHIBIT A, ATTACHED HERETO; DECLARING SUCH IMPROVEMENTS TO BE OF MORE THAN LOCAL OR ORDINARY PUBLIC BENEFIT AND THAT THE EXPENSES THEREOF BE PAID FOR BY THE LEVY AND COLLECTION OF AD VALOREM TAXES UPON THE ASSESSED VALUATION OF ALL REAL AND PERSONAL PROPERTY IN A CERTAIN DISTRICT TO BE KNOWN AS **"CITY OF SURPRISE, ARIZONA, SURPRISE VALLEY STATION LIGHTING IMPROVEMENT DISTRICT"**; AND ORDERING THAT SUCH IMPROVEMENTS BE PROVIDED FOR UNDER THE PROVISIONS OF SECTION 48-572, ARIZONA REVISED STATUTES

WHEREAS, the owners, exclusive of mortgagees and other lienholders, of all of the real property (hereinafter referred to as "Petitioner") in the hereinafter described District, acting pursuant to the provisions of Sections 48-615(A) and 48-617(A), Arizona Revised Statutes, have petitioned the Mayor and Council of the City of Surprise, Arizona (hereinafter referred to as "City"), to adopt a resolution of intention (hereinafter referred to as "Resolution") ordering the purchase of energy for the lighting of the public streets and parks (hereinafter referred to as "Improvements") for the real property legally described in **Exhibit B** (such area hereinafter referred to as "District") with such boundaries as shown in the map in **Exhibit A** attached hereto pursuant to the provisions of Section 48-576, Arizona Revised Statutes, giving the City immediate jurisdiction to order the Improvements pursuant to the provisions of Section 48-581, Arizona Revised Statutes, without the necessity of the publication or posting of this Resolution provided for in Section 48-578, Arizona Revised Statutes;

WHEREAS, the City has verified that Petitioner is the owner, exclusive of mortgagees and other lienholders, of all of the real property included within the boundaries of the District; and

WHEREAS, the Mayor and Council of the City hereby find and determine that they have jurisdiction to adopt this Resolution to order the Improvements pursuant to the provisions of Section 48-576, Arizona Revised Statutes, and have immediate jurisdiction to adopt this Resolution ordering the Improvements pursuant to the provisions of Section 48-581, Arizona Revised Statutes without the necessity of

publication and posting of this Resolution as provided for in Section 48-578, Arizona Revised Statutes;

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA, that:

Section 1. The City, after verifying ownership of the real property included within the boundaries of the District, hereby finds the Petitioner is the owner, exclusive of mortgagees and other lienholders, of all of the real property included within the boundaries of the District.

Section 2. The name of the District shall be "CITY OF SURPRISE, ARIZONA, SURPRISE VALLEY STATION LIGHTING IMPROVEMENT DISTRICT."

Section 3. The District is formed, and shall exist, pursuant to the provisions of Title 48, Chapter 4, Article 2, Arizona Revised Statutes, and Section 48-616, Arizona Revised Statutes.

Section 4. The public interest or convenience requires, and it is the intention of the Mayor and Council of the City to order the Improvement as so described above.

Section 5. The Improvement, in the opinion of the Mayor and Council of the City, is of more than local or ordinary public benefit and is of special benefit to the respective lots, pieces and parcels of real property in the District, and the Mayor and Council of the City hereby make and order the expense of the Improvements payable from the levying and collection of ad valorem taxes upon the assessed value of all real and personal property in the District to be known and designated as "City of Surprise, Arizona, Surprise Valley Station Lighting Improvement District" and hereby declare that the District is as legally described on **Exhibit B** attached hereto with the boundaries as shown in the map in **Exhibit A** attached hereto. Any public street or alley within the District shall be omitted from the assessment. Any lot belonging to the United States, the State, a county, city, school district or political subdivision or institution of the state or county within the District shall be omitted from the assessment.

Section 6. The Superintendent of Streets of the City shall not be required to post or cause to be posted notices of the Resolution of Intention. The Clerk of the City shall certify to the passage of this Resolution of Intention but shall not be required to cause the same to be published in a newspaper published and of general circulation in the City.

Section 7. The Mayor and Council of the City shall make annual statements and estimates of the expenses of the District, which shall be provided for by the levy and collection of ad valorem taxes upon the assessed value of all the real and personal property in the District; shall publish notice thereof; shall have hearings thereon;

and shall adopt them at the times and in the manner provided for incorporated cities and towns by the applicable portions of Sections 42-17101 et seq., 42-17151, 42-17152, Arizona Revised Statutes. The Mayor and Council of the City shall, on or before the third Monday in August of each year, fix, levy and assess the amount to be raised by ad valorem taxes upon all of the property of the District and collect, as Maricopa County, Arizona (the "County") taxes are collected, the amounts shown by the statements and estimates as adopted by the Mayor and Council of the City. All statutes providing for the levy and collection of State of Arizona and County taxes, including the collection of delinquent taxes and sale of property for nonpayment of taxes, shall be applicable to District taxes as provided to be levied under Section 48-616, Arizona Revised Statutes.

Section 8. The District shall not be authorized to issue bonds and no assessment for District purposes against the property within the District shall exceed One Dollar and Twenty Cents (\$1.20) per each hundred dollars of taxable valuation thereof in any year.

Section 9. The District shall not be authorized to engage in any activity other than as provided in Section 48-616, Arizona Revised Statutes, i.e., contracting for and purchasing of energy for street and public park lighting.

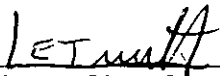
Section 10. The formation of the District shall not be considered as preventing the subsequent establishment of improvement districts for any other purpose authorized by law, including improvement districts for the purpose of constructing street lighting facilities within any part or all of the same territory as the District.

Section 11. The type of lighting facilities to be installed in the District and the locations thereof shall consist of those lighting facilities and locations described in the petition submitted by Petitioner, or as may be approved by the City.

Section 12. The rate to be paid for purchasing the energy for the District shall be the rate described in the petition submitted by Petitioner, or as may be approved by the Arizona Public Service Company.

Section 13. Any resolutions or parts of resolutions in conflict with the provisions of this Resolution are hereby repealed.

PASSED, ADOPTED, AND APPROVED by the Mayor and Council, of
the City of Surprise, Arizona, this ____ day of _____, 2008.



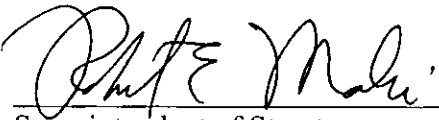
Mayor, City of Surprise, Arizona

ATTEST:



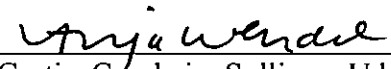
Clerk,
City of Surprise, Arizona

REVIEWED BY:



Superintendent of Streets,
City of Surprise, Arizona

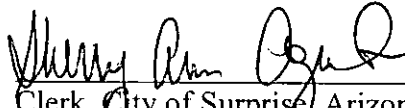
APPROVED AS TO FORM:



Curtis, Goodwin, Sullivan, Udall & Schwab, P.L.C.,
Special Counsel to the
City of Surprise, Arizona

CERTIFICATION

I hereby certify that the foregoing Resolution No. 2008-165 was duly passed and adopted by the Mayor and Council of the City of Surprise, Arizona, at a meeting held on Nov. 13, 2008, that the vote thereon was 7 ayes, 0 nays, and that the Mayor and 6 Council members were present thereat.

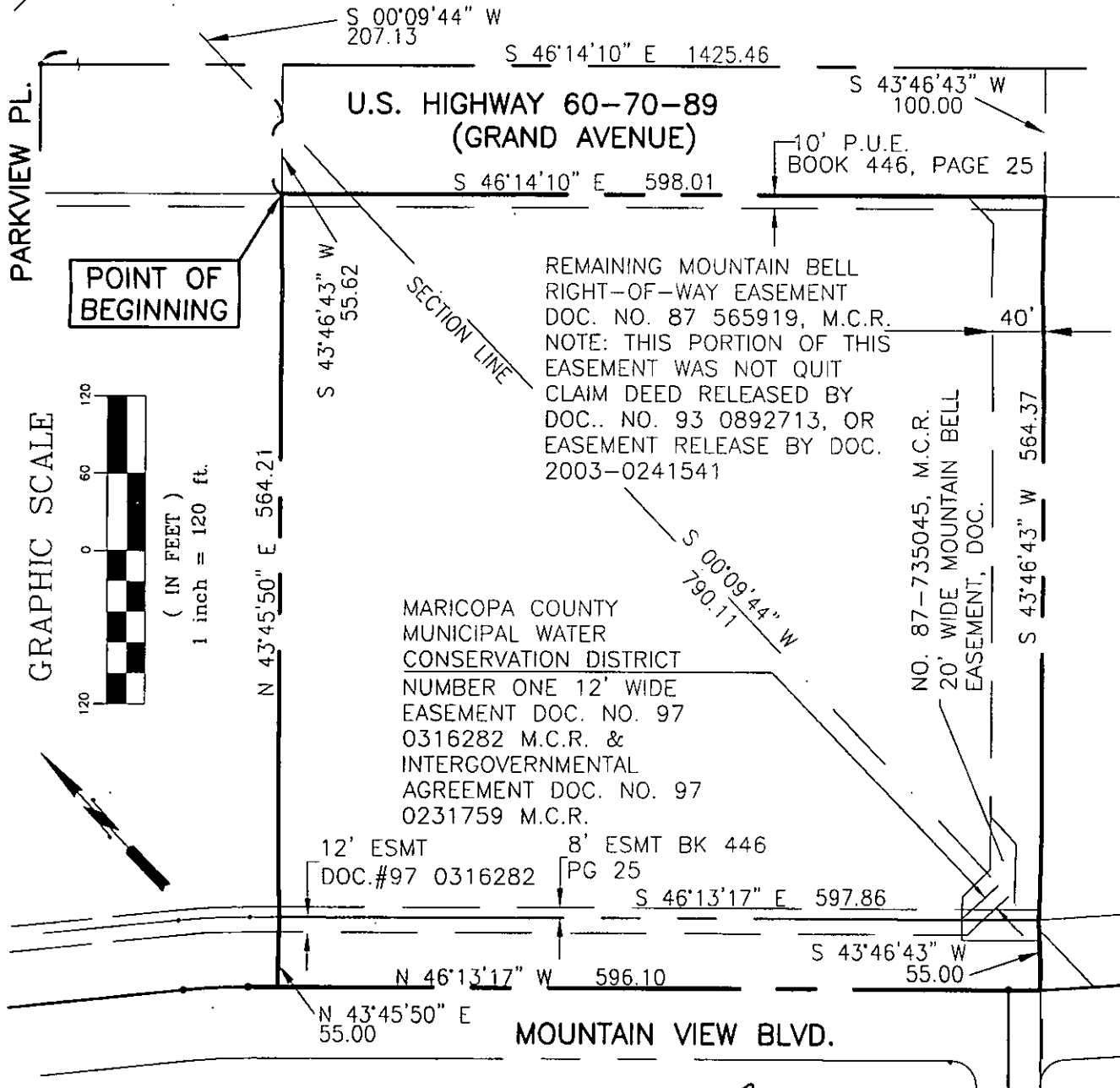

Clerk, City of Surprise, Arizona

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POINT OF
COMMENCEMENT

N 1/4 COR. SEC. 33 AND
THE S 1/4 COR. SEC. 28,
T.4N., R.1W.

EXHIBIT A

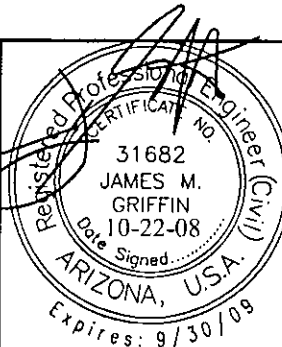


JOB NAME: SURPRISE VALLEY TRADER JOES & SHOPS
PLAN TYPE: SLID BOUNDARY EXHIBIT



**GRIFFIN-JACOBS
ENGINEERING, INC.**

CIVIL ENGINEERING
LAND PLANNING
6843 N. 8TH AVE.
PHOENIX, ARIZONA 85013
T. 602.212.1279 F. 602.212.1553



REV. 1

REV. 2

JOB NO: 0733

SCALE: 1"=120'

DATE: OCT 2008

PAGE: 1 OF 1

EXHIBIT B:
SLID LEGAL DESCRIPTION

A PORTION OF THE NORTH HALF OF SECTION 33, T4N, R1W,
OF THE GILA AND SALT RIVER BASE AND MERIDIAN,
MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY
DESCRIBED AS FOLLOWS.

COMMENCING AT THE NORTH QUARTER CORNER OF
SECTION 33 AND THE SOUTH QUARTER CORNER OF
SECTION 28, TOWNSHIP 4 NORTH, RANGE 1 WEST;

THENCE SOUTH 00°09'44" WEST A DISTANCE OF 207.13 FEET;

THENCE SOUTH 43°46'43" WEST A DISTANCE OF 55.62 FEET
TO THE POINT OF BEGINNING;

THENCE SOUTH 46°14'10" EAST A DISTANCE OF 598.01 FEET;

THENCE SOUTH 43°46'43" WEST A DISTANCE OF 564.37 FEET;

THENCE SOUTH 43°46'43" WEST A DISTANCE OF 55.00 FEET;

THENCE NORTH 46°13'17" WEST A DISTANCE OF 596.10
FEET;

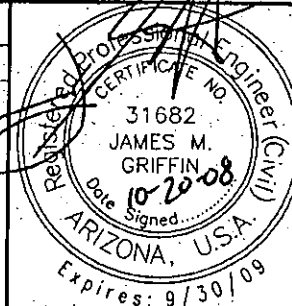
THENCE NORTH 43°45'50" EAST A DISTANCE OF 55.00 FEET;

THENCE NORTH 43°45'50" EAST A DISTANCE OF 564.21 FEET;
TO THE POINT OF BEGINNING.

JOB NAME: SURPRISE VALLEY TRADER JOES & SHOPS
PLAN TYPE: SLID LEGAL DESCRIPTION



GRIFFIN-JACOBS
ENGINEERING, INC.
CIVIL ENGINEERING
LAND PLANNING
6843 N. 8TH AVE.
PHOENIX, ARIZONA 85013
T. 602.212.1279 F. 602.212.1553



REV. <u>1</u>
REV. <u>2</u>
JOB NO: 0733
SCALE: NTS
DATE: OCT 2008
PAGE: 1 OF 1

The Law Offices of
**CURTIS, GOODWIN, SULLIVAN,
UDALL & SCHWAB, P.L.C.**

501 East Thomas Road
Phoenix, Arizona 85012-3205

Michael A. Curtis
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William P. Sullivan
Larry K. Udall
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Michelle Swann

Of Counsel
Joseph F. Abate
Thomas A. Hine

REFER TO FILE NO. 1656-3

December 1, 2008

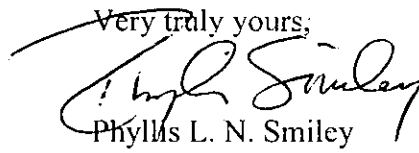
Ms. Linda Stevens
Deputy Clerk
City of Surprise
12425 West Bell Road, Suite D-100
Surprise, Arizona 85374

RE: City of Surprise, Arizona, Surprise Valley Station Lighting Improvement
District

Dear Linda:

The enclosed letter from John Michael Bodnar, Vice President of Surprise Valley, LLC, was inadvertently attached to the resolutions which you returned to us. This letter should have been attached to the Petition that was signed by the property owners. It is the LLC's consent to the change in the boundaries of the Street Lighting Improvement District. Please make sure that it is properly filed in the City's records with the Petition.

If you have any questions regarding this matter, please feel free to contact us.

Very truly yours;

Phyllis L. N. Smiley
For the Firm

PLNS/aeH

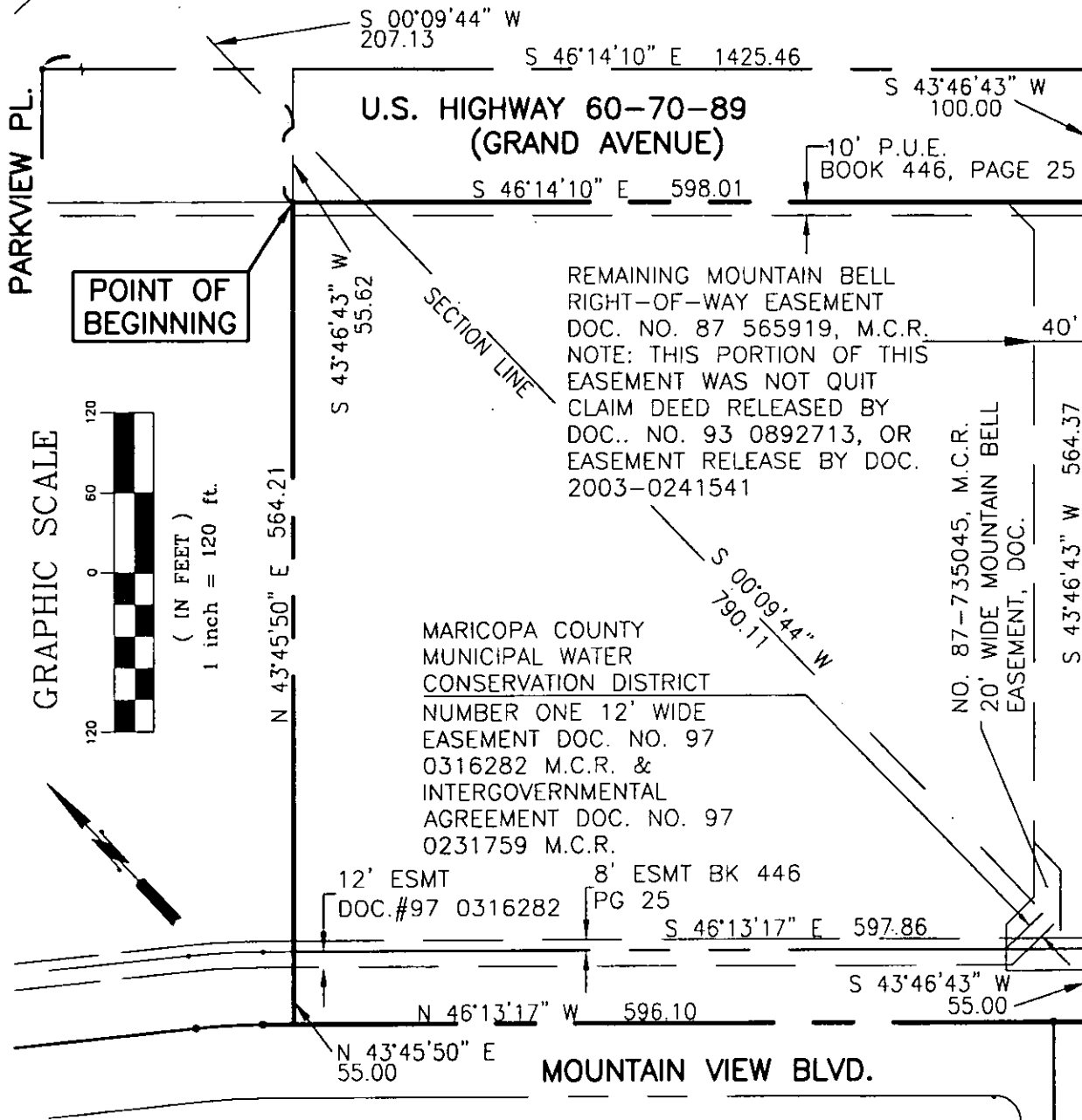
Enclosures: John Michael Bodnar letter, dated October 28, 2008

F:\1656\3\letters\StevensL Surprise Valley Station SLID FINAL 12-1-08.doc

POINT OF
COMMENCEMENT

N 1/4 COR. SEC. 33 AND
THE S 1/4 COR. SEC. 28,
T.4N., R.1W.

EXHIBIT A

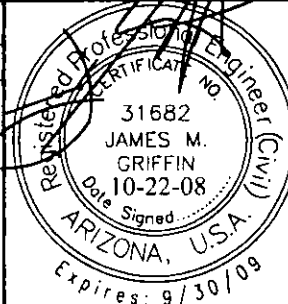


JOB NAME: SURPRISE VALLEY TRADER JOES & SHOPS
PLAN TYPE: SLID BOUNDARY EXHIBIT



GRIFFIN-JACOBS
ENGINEERING, INC.

CIVIL ENGINEERING
LAND PLANNING
6843 N. 8TH AVE.
PHOENIX, ARIZONA 85013
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REV. 1

REV. 2

JOB NO: 0733

SCALE: 1"=120'

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PAGE: 1 OF 1

EXHIBIT B: SLID LEGAL DESCRIPTION

A PORTION OF THE NORTH HALF OF SECTION 33, T4N, R1W,
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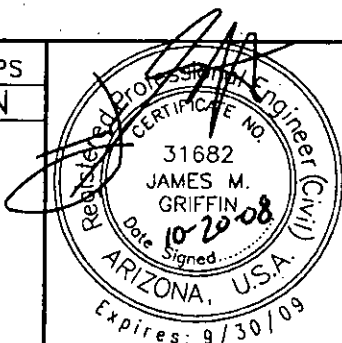
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TO THE POINT OF BEGINNING.

JOB NAME: SURPRISE VALLEY TRADER JOES & SHOPS		
PLAN TYPE: SLID LEGAL DESCRIPTION		
	GRIFFIN-JACOBS ENGINEERING, INC.	
	CIVIL ENGINEERING LAND PLANNING 6843 N. 8TH AVE. PHOENIX, ARIZONA 85013 T. 602.212.1279 F. 602.212.1553	
	REV. <u>1</u>	
	REV. <u>2</u>	
		JOB NO: 0733
		SCALE: NTS
		DATE: OCT 2008
		PAGE: 1 OF 1

THE UNIVERSITY OF CHICAGO

Also **discussing** **reports**

the Commission, that comply with State and City statutes and regulations¹ governing the use of public property.

[illegible]

6.01 **CORRECTION**

The United Kingdom shall ensure, after its existing regulations and laws, by the State Inspector of Consular Office to perform work relating to street light installation in the City Night-Off-way.

One project underground utilities (light of way) permit and one driveway permit for each street light pole shall be submitted by the contractor prior to construction.

WORKING / 'AS RUN' PLANT

Acceptance of the underlying improvements on the part of those with a no choice option "immediately" is better than none whatsoever, according to the report by the Task Force.

3-03 LIGHT HOUSE

Light power used in industrial plants, as reflected in various energy efficiency to be achieved, is being studied and for proper practice when the introduction is complete.

1. **Introduction**

Various estimates will be obtained by the Company.

100%
Customer Support

Landscape signs by installed land and include a large and distinctive. Contractors shall ensure that the landscape shall be free of dead, old or anything that would impact the subject of the right before he leaves the site.

Landscape furnished with multi-lingual symbols shall be reviewed or recommended to include the vehicles supplied by the state's utility company.

LOG **MEMO**

Writing should be handwritten per Library Standards.
#177 0000000000

2000

PULL ROOSTS are installed horizontally and are the easiest to install.

Company website:

5.09 TRENCH
Excess shall be included for the 100% Contingency estimate.

Combustion's a complex

and the violation of overall
 8.10 CONCLUSION:
 Criminal need be indicted if the state, Quebec, need be 1
 Certain Unlawful Public Inquiries Canada to seek Criminal must be U.S. State
 and maintain the adequate use

4.1.2 CONCLUSIONS

A-17 **CORRECTIONAL**

Comments shall be per (Jury) Standard.

Information about your information

B. 7.3 IDENTIFICATION

Is the Operator's identity in future at great risk? Indicate "Yes" or "No".

Y 1 D

The developer shall be responsible for providing all personnel and equipment to successfully perform the following work.

Plan a strategy

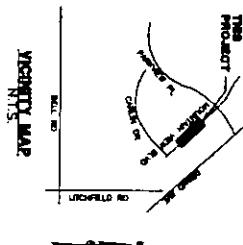
This Contractor used equipment for work for a period of 24 days during the time of the suspension for the Engineering Manager, during suspended workweeks. When the Contractor was suspended, the equipment was being used for other work. The Contractor is not willing to let the DOE at the time of testing data equipment. The Contractor is in addition that the various levels that the suspended state and the Contractor.

■ (c) (5) DPP

- 1500 WPS SMOCKER STREET LIGHT (3 REQUIRED)
- EXISTING SMOCKER STREET LIGHT
- PLASTER LIGHT
- NEW WOODWORK
- NEW PLASTER
- 1" ALUMINUM CONDUIT

DIRECTOR'S NOTE

- [illegible]



CITY OF SALT LAKE
Based on the existing information, this
check can be used for payment of
the amount due to the City of Salt Lake.
The undersigned is authorized to pay for
the City of Salt Lake.

[Signature]

Not subject to audit or review by
any other agency.

RECEIVED
MAY 03 1961
COMMUNIST REVOLUTION


 800-368-7272 ext. 200
 (802) 243-1100
 1-800-87-AIDS-17
 www.hivinfo.org

SURPRISE, ARIZONA
TRADER JOES SITE

COVER SHEET

08015

Page 96 of 634



WRIGHT
ENGINEERING
CORPORATION

STREETLAW
Case Number: 2005-04
Project Name: TRADER JIVE AND SHOP
Regulating Authority: 2005-022
Regulating Authority 2
Date Received: 2005



The Law Offices of
**CURTIS, GOODWIN, SULLIVAN,
UDALL & SCHWAB, P.L.C.**

501 East Thomas Road
Phoenix, Arizona 85012-3205

Telephone (602) 393-1700
Facsimile (602) 393-1703
E-mail psmiley@cgsuslaw.com
www.cgsuslaw.com

Michael A. Curtis
Susan D. Goodwin
Kelly Y. Schwab
Phyllis L.N. Smiley
Ian D. Quinn

William P. Sullivan
Larry K. Udall
Anja K. Wendel
Michelle Swann

Of Counsel
Joseph F. Abate
Thomas A. Hine

Refer to File No. 1656-3 Tab 68

December 5, 2008

Ms. Sherry Aguilar
City Clerk
City of Surprise
12425 West Bell Road, Suite D-100
Surprise, Arizona 85374-9704

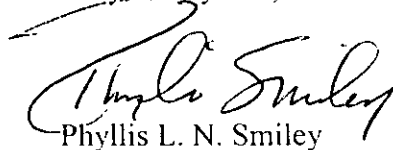
Re: City of Surprise, Arizona, Surprise Valley Station Lighting
Improvement District

Dear Sherry:

Enclosed for your files is the original recorded Resolution 2008-165, establishing the City of Surprise, Arizona, Surprise Valley Station Lighting Improvement District. We will notify the City Finance Director when we receive approval of the taxation from the Arizona Department of Revenue.

It was a pleasure working with you. Please feel free to contact us if you have any questions or concerns regarding this matter.

Very truly yours,



Phyllis L. N. Smiley

Anja K. Wendel

For the Firm

PLNS/aeh

Enclosures: Recorded Resolution No. 2008-165

cc: Mr. Robert Nilles, Finance Director, City of Surprise (w/out enclosure)
Michael D. Bailey, Esq., City Attorney (w/out enclosure)

The Law Offices of
**CURTIS, GOODWIN, SULLIVAN,
UDALL & SCHWAB, P.L.C.**

501 East Thomas Road
Phoenix, Arizona 85012-3205

Telephone (602) 393-1700
Facsimile (602) 393-1703
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Larry K. Udall
Anja K. Wendel
Michelle Swann

Of Counsel
Joseph F. Abate
Thomas A. Hine

Refer to File No. 1656-3 Tab 68

December 5, 2008

Mr. Ryan Simms, CPA
Bodnar Investment Group
3755 Corporate Woods Drive
Vestavia Hills, AL 35242

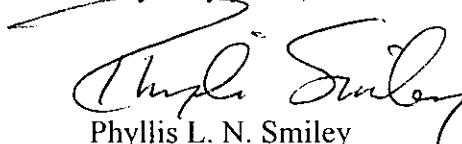
Re: City of Surprise, Arizona, Surprise Valley Station Lighting Improvement
District

Dear Ryan:

Enclosed for your files is a copy of the recorded Resolution 2008-165,
establishing the City of Surprise, Arizona, Surprise Valley Station Lighting Improvement
District. We have not yet received approval from the Arizona Department of Revenue, but will
notify the City's Finance Director when we do.

It was a pleasure working with you. Please feel free to contact us if you would
like to establish another lighting improvement district or require our services on another matter.

Very truly yours,



Phyllis L. N. Smiley
Anja K. Wendel
For the Firm

PLNS/aeH

Enclosure: Copy of recorded Resolution 2008-165

cc: Ms. Sherry Aguilar, City Clerk, City of Surprise (w/o Enclosure)
Mr. Robert Nilles, Finance Administrator (w/o Enclosure)
Michael D. Bailey, Esq., City Attorney (w/o Enclosure)

F:\1656\3\documents\Surprise Valley Station Developer recd resolution letter FINAL 12-5-08.doc

CURTIS, GOODWIN, SULLIVAN,
UDALL & SCHWAB, P.L.C.

MEMORANDUM

PRIVILEGED
COUNSEL - CLIENT

TO: Ms. Sherry Aguilar, City Clerk, City of Surprise

FROM: Phyllis L. N. Smiley, Curtis, Goodwin, Sullivan, Udall & Schwab, P.L.C.,
City Attorneys

DATE: October 30, 2008

RE: Surprise Valley Station Street Lighting Improvement District,
Resolution 2008-165

As we discussed on the telephone, enclosed with this memorandum are the revised exhibits to be attached to the Petition and the Resolution for the Surprise Valley Station Street Lighting Improvement District. The remainder of the documents needed for the Council Packet were sent to you on September 10, 2008 by Federal Express. The corrected exhibits include the right-of-way which should have been included in the first submission. We did not require the property owner to obtain a new title report as the only additional property included within the Street Lighting Improvement District ("SLID") boundaries is owned by the City.

We are enclosing a letter from the property owner, Surprise Valley, LLC., acknowledging the addition of the right-of-way into the boundaries of the SLID and agreeing to its inclusion in the SLID. This letter is necessary because the petition signed by the property owner did not include the three street lights located in the right-of-way and the SLID will be responsible for the costs incurred for energizing these lights.

If you have any questions on these documents or require further information, please feel free to contact us.

PLNS/aeH

Enclosures: Revised Exhibits A and B
Letter from Surprise Valley, LLC, dated October 28, 2008

cc: Ms. Misty Leslie, Assistant City Attorney (w/o enclosures)
Mr. Nicholas D. Mascia, Developmental Engineer (w/o enclosures)
Ms. Cindy Coen, Permit Technician II (w/o enclosures)
File 1656-3 Tab 68

F:\1656\3\memos\AguilarS Surprise Valley SLID FINAL 10-30-08.doc

CURTIS, GOODWIN, SULLIVAN,
UDALL & SCHWAB, P.L.C.

PRIVILEGED
COUNSEL - CLIENT

MEMORANDUM

TO: Ms. Sherry Aguilar, City Clerk, City of Surprise

FROM: Phyllis L. N. Smiley, Curtis, Goodwin, Sullivan, Udall & Schwab, P.L.C.,
Special Counsel to the City of Surprise

DATE: September 10, 2008

RE: City of Surprise, Arizona, Surprise Valley Station Lighting Improvement District

Enclosed for placement on the September 11, 2008 Council Agenda are the following:

1. Council Agenda Action Form;
2. Resolution No. 2008-165 (five originals, signed by our office).

Enclosed for the City Clerk's file are the following:

1. Unanimous Petition with Exhibits:
 - A. Legal Description
 - B. Map
 - C. Street Light Design Plans with Engineer's Design Approval and
APS Facilities Approval
 - D. APS Electric Rates
2. Condition of Title Report for property within the District dated August 1, 2008.

After the Resolution is adopted, please immediately forward it to us for recording.

AW/mjw

Enclosures: As noted

cc: Mr. Robert Nilles, City Finance Administrator (w/o Enclosures)
Mr. Bob Maki, City Engineer (w/o Enclosures)
Ms. Cindy Coen, Permit Technician II (w/o Enclosures)
Mr. Michael Bailey, City Attorney (w/o Enclosures)
Ms. Linda Stevens, Deputy City Clerk (w/o Enclosures)
File 1656-3 Tab 68

F:\1656\3\documents\Surprise Valley Station - AguilarS memo to place on agenda -rev 9-10-08.doc



**CITY OF SURPRISE
COUNCIL AGENDA ACTION FORM**

Meeting Type: Regular Meeting

Council Meeting Date: September 25, 2008

Submitting Department: City Clerk

Contact Person: Sherry Aguilar, City Clerk

District: Citywide

Internal: XXX

☐ Consent ☒ Regular ☐ Public Hearing Report Only

Agenda Wording:

Discussion, consideration and action to approve Resolution No. 2008-165, a Resolution of the Mayor and Council of the City of Surprise, Arizona, declaring its intention to create a lighting improvement district pursuant to A.R.S. § 48-616 for the purpose of purchasing energy for lighting the public streets for the Surprise Valley Station Lighting Improvement District, legally described in Exhibit B and with boundaries as shown on the map in Exhibit A; declaring such street light improvements to be of more than local or ordinary public benefit and that the expenses of the district be paid for by the levy and collection of ad valorem taxes upon the assessed valuation of all real and personal property in the Surprise Valley Station Lighting Improvement District; and, pursuant to A.R.S. § 48-581(A), ordering the proposed improvements.

Motion:

Motion to approve Resolution No. 2008-165, creating the City of Surprise, Arizona Surprise Valley Station Lighting Improvement District, finding the street lighting improvements to be of more than local or ordinary public benefit, providing that expenses for the district be paid for by the levy and collection of ad valorem taxes upon the assessed valuation of all real and personal property in the district and ordering the proposed improvements.

Background:

The City has verified that the Petition for the proposed streetlight improvement district contains the signatures of all the real property owners in the district, exclusive of mortgagees and other lien holders.

The City and Arizona Public Service Company ("APS") have approved the street layout and facilities design. The electric rates are established by APS tariff.

Financial Impact Statement:

Any financial impact on the City is anticipated to be minimal, as the Developer and District will be bearing the costs and expenses of the District and street light improvement facilities.

Attachments:

On file for review in the City Clerk's Office: Unanimous Petition for Formation of City of Surprise, Arizona, Surprise Valley Station Lighting Improvement District; Fidelity National Title Insurance Company Title Report, dated August 1, 2008.

Signatures of Submitting Officers:

Mayor / Council

Department Head/Designee

Legal Review

Budget Authorization

City Manager/Designee

Human Resources (If Applicable)

City Clerk's Office Only:**Council Action:****Motion/Second**

Shafer _____
Elkins _____
Bails _____
Sullivan _____
Arismendez _____
Johnson _____
Allen _____

Results:

For _____
Against _____
Passed _____
Failed _____
Continue _____
Tabled _____
Absent _____

Distribution After Council Meeting:

City Clerk's Office

Meeting Requirements:

☐ Powerpoint ☐ Overhead (Elmo) ☐ Flip Chart ☐ White Board ☐ Easel

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

Sherry Ann Aguilar, City Clerk

#19



CITY OF SURPRISE

Main Agenda

November 13, 2008 @ 6:00:00 PM

[← Back](#) [Print](#)

Council Meeting Date:	November 13, 2008	Contact Person:	Robert Maki, Engineering Dept.
Submitting Department:	City Clerk	District:	1
Staff Recommendations:	Approve		

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

Agenda Wording:

Consideration and action on Resolution No. 08-165; a resolution of the Mayor and Council of the City of Surprise, Arizona, declaring its intention to create a lighting improvement district pursuant to ARS 48-616 for the purpose of purchasing energy for lighting the public streets for the Surprise Valley Station Lighting Improvement District, legally described in Exhibit B and with boundaries as shown on the map in Exhibit A; declaring such street light improvements to be of more than local or ordinary public benefit and that the expenses of the district be paid for by the levy and collection of ad valorem taxes upon the assessed valuation of all real and personal property in the Surprise Valley Station Lighting Improvement District; and, pursuant to ARS 48-581 (A), ordering the proposed improvements. (Trader Joe's)

Motion:

I move to approve Resolution No. 08-165.

Background:

The city has verified that the petition for the proposed streetlight improvement district contains the signatures of all the real property owners in the district, exclusive of mortgagees and other lien holders.

The city and Arizona Public Service (APS) have approved the street layout and facilities design. The electric rates are established by APS tariff.

Financial Impact Statement:

Any financial impact on the city is anticipated to be minimal, as the developer and district will be bearing the costs and expenses of the district and street light improvement facilities.

ATTACHMENTS:

Click to download

- ☐ RESOLUTION AND EXHIBITS
 - ☐ UNANIMOUS PETITION
 - ☐ APS RATE SCHEDULE
 - ☐ FIDELITY NATIONAL TITLE INSURANCE COMPANY TITLE REPORT
-

External Attachment Links:

Meeting Requirements:

Powerpoint x Video White Board Other x

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

Nicholas Mascia

=====

City Clerk's Office only

Council Action

Motion/Second:

Results:

Truitt	_____	For	<u>7</u>
Longabaugh	_____	Against	<u>0</u>
Alton	_____	Passed	<u>✓</u>
Williams	<u>M</u>	Failed	_____
Villanueva	_____	Continue	_____
Johnson	<u>S</u>	Tabled	_____
Hall	_____	Absent	_____

Recording requested by:

City of Surprise
City Clerk's Office
16000 N Civic Center Plaza
Surprise, Arizona 85374

SLID SurpriseValSta-6-1-1--
Yorkm

RESOLUTION 2019-35
SURPRISE VALLEY STATION
STREET LIGHTING IMPROVEMENT DISTRICT

RESOLUTION # 2019-35

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA, DECLARING ITS INTENTION TO ENLARGE "CITY OF SURPRISE, ARIZONA *SURPRISE VALLEY STATION* LIGHTING IMPROVEMENT DISTRICT" AND ORDERING SUCH ENLARGEMENT.

WHEREAS, on *November 13, 2008*, the Mayor and City Council of the City of Surprise passed and adopted Resolution No. *2008-165*, ordering the formation of the "City of Surprise, Arizona *Surprise Valley Station* Lighting Improvement District", for the purpose of purchasing electricity for the lighting of the public streets and parks within the District;

WHEREAS, the owners, exclusive of mortgagees and other lienholders, of a parcel of property which adjoins the District (hereinafter referred to as "Petitioner") in the hereinafter described District, acting pursuant to the provisions of Sections 48-615(A) and 48-617(A), Arizona Revised Statutes, have petitioned the Mayor and Council of the City of Surprise, Arizona (hereinafter referred to as "City"), to enlarge the District to include said property legally described in Exhibit A with such boundaries as shown in the map in Exhibit B attached hereto pursuant to the provisions of Section 48-576, Arizona Revised Statutes, giving the City immediate jurisdiction to order the improvements pursuant to the provisions of Section 48-581, Arizona Revised Statutes, without the necessity of the publications or posting of this Resolution provided for in Sections 48-578, Arizona Revised Statutes;

WHEREAS, the City has verified that Petitioner is the owner, exclusive of mortgagees and other lienholders, of all of the real property added to the boundary of the District, and;

WHEREAS, the Mayor and Council of the City hereby find and determine that they have jurisdiction to adopt this Resolution to enlarge the District by annexing the property shown in Exhibit A and B into the District and have immediate jurisdiction to adopt this Resolution ordering the Improvements pursuant to the provisions of Section 48-581, Arizona Revised Statutes without the necessity of publications and posting of this Resolution as provided for in Section 48-578, Arizona Revised Statutes;

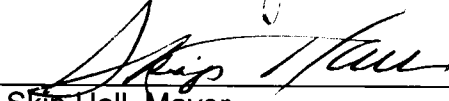
NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Surprise, Arizona, as follows.

Section 1. *District Enlargement.* The City of Surprise, Arizona *Surprise Valley Station* Lighting Improvement District shall be enlarged by the addition of the property described in Exhibit A and Exhibit B, which are incorporated by reference thereto into this Resolution. The annual tax levied upon the District will remain in full force and effect, and, commencing in fiscal year 2019/2020 will apply to the District as enlarged by this Resolution.

Section 2. *Recording and Filing of this Resolution.* A certified copy of this Resolution shall be recorded in the office of the Maricopa County Recorder. Certified copies of this Resolution shall also be filed with the Arizona Department of Revenue and the Maricopa County Assessor's office pursuant to Arizona Revised Statutes 42-17257.

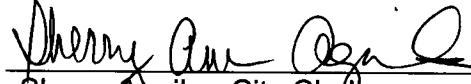
Section 3. *Further Annexation.* In order that all of the District lies adjacent to the existing District, this Governing Board includes the new portion, as shown in Exhibit C.

APPROVED AND ADOPTED this 7 day of May, 2019.



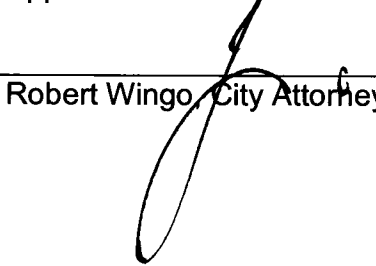
Skip Hall, Mayor

Attest:



Sherry Aguilar, City Clerk

Approved as to form:



Robert Wingo, City Attorney

EXHIBIT A



LEGAL Description Christopher Todd Communities on Mountain View SLID

Job No. 18-089.2

March 6, 2019

A portion of the north half of Section 33, Township 4 North, Range 1 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona;

COMMENCING at an aluminum cap flush at the northwest corner of said Section 33, from which an aluminum cap in handhole bears south 89 degrees 25 minutes 09 seconds east, 2622.59 feet;

thence along the north line of said Section 33, South 89 degrees 25 minutes 09 seconds East, 1958.63 feet;

thence South 0 degrees 34 minutes 51 seconds West, 538.04 feet;

thence South 52 degrees 03 minutes 18 seconds East, 185.74 feet to the beginning of a curve, concave Southwest, having a radius of 500.00 feet;

thence Southeasterly 50.91 feet along the arc of said curve to the right through a central angle of 5 degrees 50 minutes 01 seconds;

thence South 46 degrees 13 minutes 17 seconds East, 596.32 feet;

thence South 46 degrees 22 minutes 33 seconds East, 82.53 feet to the beginning of a non-tangent curve, concave Northeast, from which the radius point bears North 42 degrees 34 minutes 29 seconds East a distance of 1715.58 feet;

thence Southeasterly 139.94 feet along the arc of said curve to the left through a central angle of 4 degrees 40 minutes 25 seconds;

thence South 52 degrees 05 minutes 55 seconds East, 434.89 feet;

thence South 43 degrees 46 minutes 43 seconds West, 666.96 feet;

thence North 46 degrees 13 minutes 17 seconds West, 629.76 feet;

thence North 43 degrees 46 minutes 43 seconds East, 123.53 feet;

thence North 46 degrees 13 minutes 17 seconds West, 185.00 feet;

EPS Group, Inc. • 1130 N. Alma School Road, Suite 120 • Mesa, AZ 85201
Tel (480) 503-2250 • Fax (480) 503-2258

S:\Projects\2018\18-089\Legal Survey\Legals\18-089.2 SLID.docx

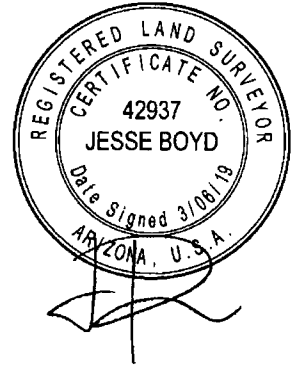


thence South 43 degrees 46 minutes 43 seconds West, 65.00 feet;

thence North 46 degrees 13 minutes 17 seconds West, 671.72 feet;

thence North 43 degrees 45 minutes 27 seconds East, 533.57 to
the POINT OF BEGINNING.

Contains 861,660 square feet 19.7810 acres, more or less



POINT OF COMMENCEMENT
NORTHWEST CORNER
SEC. 33, T.4N., R.1W.
3" ALUMINUM CAP FLUSH

NORTH QUARTER CORNER
SEC. 33, T.4N., R.1W.
3" ALUMINUM CAP
IN HANDHOLE

(BASIS OF BEARING)
NORTH LINE NW QTR SEC 33 S89°25'09"E 2622.59'
1958.63' 663.96'

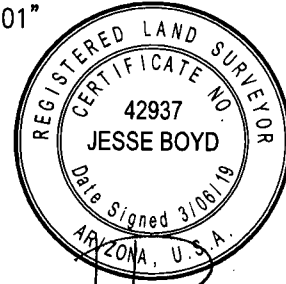
POINT OF BEGINNING
S00°34'51"W 538.04'

S52°03'18"E
185.74'

L=50.91', R=500.00', Δ=5°50'01"

N43°45'27"E
533.57'

W MOUNTAIN VIEW
BOULEVARD
S46°13'17"E
596.32'



671.72'
N46°13'17"W

S46°22'33"E
82.53'

L=139.94', R=1715.58', Δ=4°40'25"

S43°46'43"W
65.00'

N46°13'17"W
185.00'

S52°05'55"E
434.89'

N43°46'43"E
123.53'

629.76'
N46°13'17"W

666.96'
S43°46'43"W



200 0 200 400
scale feet

I OF I

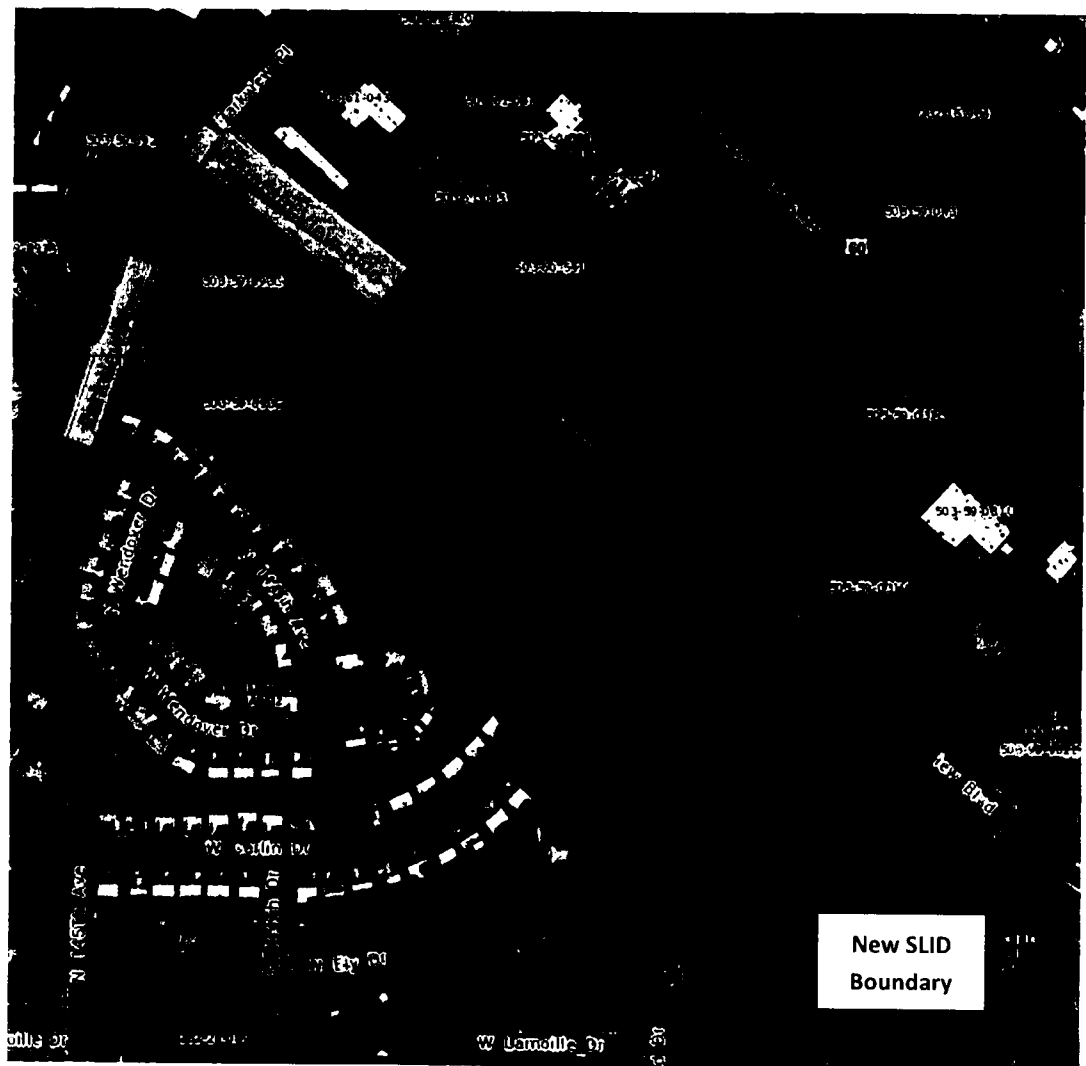
www.epsgroupinc.com

18-089.2

EXHIBIT B

CHRISTOPHER TODD COMMUNITIES ON MOUNTAIN VIEW
SLID





STREET LIGHT IMPROVEMENT DISTRICT PETITION

TO THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE:

We, the undersigned, are all or a majority of the real property owners, exclusive of mortgagees and other lienholders, adjoining the district named below. We petition the City Council of the City of Surprise, Arizona, to enlarge the District to include said property legally described in Exhibit A with such boundaries as shown in the map in Exhibit B attached hereto. This petition includes a charge for maintaining the lighting facilities.

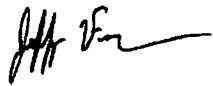
It is hereby requested that, in compliance with the Arizona Revised Statutes, the City Council adopt a Resolution of Intention to enlarge the existing District, and that unless protests are received pursuant to A.R.S. §48-579 sufficient to bar further proceedings, the City Council proceed with the improvements petitioned for herein.

Public convenience, necessity and welfare will be promoted by the establishment of the District and the real property within the District will be benefited by the District. Additional street lighting facilities may be installed and included in the District, at no investment cost to the District, as directed by the City and as approved by Arizona Public Service and the City Engineer.

WHEREFORE, we respectfully ask that this Petition be properly filed and that the Mayor and Council of the City adopt the Resolution and take such other action as is proper, necessary and appropriate to enlarge the District and to fulfill the purposes for which the District is organized, as the Mayor and Council believe is proper and necessary.

The name of the existing street light improvements district to be enlarged:
Surprise Valley Station

PETITIONERS: Please print and sign your name

PRINT BUSINESS/ PETITIONER'S NAME	ADDRESS OF PROPERTY OWNED WITHIN DISTRICT	ASSESSOR PARCEL #	SIGNATURE
Village Main Townhomes, L.P./	14155 W. Mountain View Blvd Surprise, AZ 85374	503-61-042	



**RATE SCHEDULE E-58
CLASSIFIED SERVICE
STREET LIGHTING SERVICE**

AVAILABILITY

This rate schedule is applicable to those portions of cities, towns and unincorporated communities in which the Company does a general retail electric business and where the Company has installed a multiple or series street lighting system of adequate capacity for the service to be rendered.

DESCRIPTION

E-58 is a rate that is applicable for lighting public streets, alleys, thoroughfares, public parks and playgrounds from dusk to dawn by use of Company's facilities.

TIME PERIODS

Dusk: Time between sunset and full night when photocontrol senses the lack of sufficient sunlight and turns on the lights.
Dawn: The time between full night and sunrise when a photocontrol senses sufficient sunlight to turn off lights.

CHARGES

The monthly bill will consist of the following charges, plus adjustments.

I. FIXTURES (Includes Mounting Arm, if Applicable)

	Lumen	Watts	kWh	CHARGES	
				Investment by Company	Investment by Others
A. Acorn	3,835 LED	75	26	\$21.63	\$7.59
	4,796 LED	75	26	\$17.38	\$6.46
	5,003 LED	100	35	\$23.45	\$8.71
	5,904 LED	100	35	\$23.03	\$8.60
	6000 IND	85	29	\$19.24	\$5.14
B. Architectural	6,200 IND	85	29	\$10.13	\$3.93
	8,400 IND	100	34	\$10.69	\$4.36
	10,200 IND	120	41	\$11.75	\$4.99
	13,000 IND	150	52	\$12.98	\$5.93
	20,500 IND	200	69	\$14.78	\$7.37
	22,500 IND	265	91	\$17.63	\$9.28
	3,300 LED	43	15	\$10.24	\$3.79
	3,800 LED	32	12	\$7.73	\$2.92
	3,900 LED	32	12	\$9.96	\$3.51
	4,050 LED	63	22	\$18.63	\$6.52
	4,100 LED	45	16	\$10.34	\$3.89
	4,800 LED	41	15	\$8.27	\$3.27
	5,000 LED	41	15	\$9.61	\$3.62

ARIZONA PUBLIC SERVICE COMPANY
Phoenix, Arizona
Filed by: Jessica E. Hobbick
Title: Manager, Regulation and Pricing
Original Effective Date: August 1, 1986

A.C.C. No. 5993
Canceling A.C.C. No. 5869
Rate Schedule E-58
Revision No. 54
Effective: February 1, 2018



**RATE SCHEDULE E-58
CLASSIFIED SERVICE
STREET LIGHTING SERVICE**

	CHARGES				
	Lumen	Watts	kWh	Investment by Company	Investment by Others
	5,100 LED	60	21	\$10.18	\$4.19
	5,300 LED	67	24	\$10.47	\$4.48
	5,800 LED	94	32	\$17.81	\$5.16
	5,890 LED	89	31	\$20.56	\$7.66
	6,000 LED	62	22	\$18.63	\$6.52
	6,000 LED	67	24	\$19.89	\$6.99
	6,400 LED	89	31	\$17.89	\$5.10
	6,810 LED	101	35	\$18.89	\$7.50
	7,100 LED	62	22	\$19.70	\$6.80
	7,400 LED	127	44	\$20.42	\$6.34
	7,500 LED	73	26	\$20.08	\$7.18
	7,700 LED	86	30	\$18.41	\$7.02
	8,200 LED	88	31	\$10.45	\$4.97
	8,200 LED	95	33	\$11.87	\$5.48
	8,300 LED	72	25	\$17.93	\$6.54
	8,300 LED	106	37	\$12.45	\$5.91
	8,500 LED	88	31	\$11.69	\$5.30
	9,020 LED	139	48	\$22.94	\$9.47
	9,200 LED	139	48	\$25.60	\$7.30
	9,900 LED	130	45	\$13.82	\$6.84
	10,000 LED	93	32	\$21.43	\$7.96
	10,000 LED	113	39	\$13.26	\$6.28
	10,600 LED	126	44	\$22.56	\$9.09
	11,100 LED	108	38	\$12.76	\$6.07
	11,500 LED	108	38	\$13.16	\$6.18
	12,300 LED	203	70	\$25.48	\$8.85
	12,900 LED	119	41	\$22.31	\$8.82
	13,260 LED	202	70	\$27.11	\$12.12
	13,620 LED	202	70	\$28.49	\$9.24
	14,000 LED	171	59	\$26.07	\$11.08
	15,000 LED	136	47	\$24.93	\$9.94
	15,400 LED	144	50	\$25.21	\$10.22
	18,300 LED	162	56	\$16.13	\$8.22
	19,200 LED	257	89	\$26.87	\$13.38
	20,000 LED	258	89	\$26.87	\$13.38
	20,300 LED	193	67	\$17.17	\$9.26
	21,000 LED	193	67	\$24.77	\$11.28
C. Cobra	6,200 IND	75	26	\$10.54	\$3.77
	6,400 IND	85	29	\$8.97	\$3.78
	8,000 IND	88	30	\$10.47	\$4.04
	8,400 IND	100	34	\$9.70	\$4.24
	10,200 IND	120	41	\$10.44	\$4.81

ARIZONA PUBLIC SERVICE COMPANY
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A.C.C. No. 5993
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Rate Schedule E-58
Revision No. 54
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**RATE SCHEDULE E-58
CLASSIFIED SERVICE
STREET LIGHTING SERVICE**

				CHARGES		
		Lumen	Watts	kWh	Investment by Company	Investment by Others
C. Cobra		13,000 IND	150	52	\$11.50	\$5.73
		15,250 IND	200	69	\$13.86	\$7.25
		22,500 IND	250	86	\$18.55	\$9.06
	Gray/Bronz	3,500 IND	55	19	\$10.50	\$3.27
		6,000 LED	95	33	\$17.05	\$5.13
		8,700 LED	142	49	\$19.17	\$6.53
		9,600 LED	157	54	\$20.40	\$7.04
		11,600 B-LED	181	62	\$19.03	\$7.44
	Gray/Bronz	3,300 LED	43	15	\$9.00	\$2.79
	Gray/Bronz	5,300 LED	67	23	\$10.45	\$3.54
	Gray/Bronz	8,300 LED	106	37	\$13.55	\$4.94
	Gray/Bronz	10,500 LED	130	45	\$15.08	\$5.69
	Gray/Bronz	20,000 LED	258	89	\$26.21	\$10.27
D. Decorative Transit		5,300 LED	75	26	\$28.44	\$6.12
		8,300 LED	100	34	\$30.45	\$6.97
		8,147 LED	75	26	\$35.76	\$11.36
		9,522 LED	100	35	\$36.14	\$12.09
		10,500 LED	150	52	\$32.69	\$8.52
		14,896 LED	150	52	\$39.98	\$14.29
	Double	8,147 LED	75	26	\$64.74	\$18.96
	Double	9,522 LED	100	35	\$64.67	\$19.58
	Double	14,896 LED	100	52	\$70.67	\$22.32
	Copper	6,000 IND	85	29	\$18.87	\$5.09
	Gray/Black	8,000 IND	88	30	\$14.86	\$4.62
	Gray/Black	4,350 LED	86	30	\$13.48	\$4.44
E. Flood		14,470 LED	148	51	\$23.93	\$9.95
		16,000 LED	125	43	\$23.17	\$9.19
F. Pendant		8,678 LED	75	26	\$26.36	\$8.85
		13,964 LED	100	35	\$27.84	\$9.88
G. Post Top		4,350 LED	86	30	\$13.43	\$5.69
		6,400 LED	30	30	\$13.43	\$5.69
		6,600 LED	83	29	\$13.33	\$5.59
H. Roadway		3,300 LED	43	15	\$9.46	\$3.58
		3,800 LED	32	12	\$7.24	\$2.79
		3,900 LED	32	12	\$9.18	\$3.30
		4,100 LED	45	16	\$9.56	\$3.68
		4,800 LED	41	15	\$7.76	\$3.13
		5,000 LED	41	15	\$9.12	\$3.49
		5,100 LED	60	21	\$9.69	\$4.06
		5,300 LED	67	24	\$9.98	\$4.35
	8,200 LED	88	31	\$9.72	\$4.77	

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	8,200 LED	95	33	\$11.36	\$5.34
	8,300 LED	106	37	\$11.74	\$5.72
	8,500 LED	88	31	\$11.18	\$5.16
	9,900 LED	130	45	\$13.31	\$6.70
	10,000 LED	113	39	\$12.75	\$6.14
	11,100 LED	108	38	\$12.03	\$5.88
	11,500 LED	108	38	\$12.65	\$6.04
	18,300 LED	162	56	\$15.23	\$7.98
	19,200 LED	257	89	\$19.11	\$11.32
	20,000 LED	258	89	\$19.11	\$11.32
	20,300 LED	193	67	\$16.27	\$9.02
	21,000 LED	193	67	\$17.01	\$9.22

FROZEN	4,000 INC	295	103	\$10.54	\$5.89
	7,000 MV	175	73	\$13.65	\$7.83
	11,000 MV	250	96	\$17.09	\$10.43
	20,000 MV	400	150	\$26.84	\$15.21
FROZEN ACORN	9,500 HPS	100	41	\$29.14	\$9.93
	16,000 HPS	150	69	\$32.35	\$12.55
FROZEN ARCHITECTURAL	9,500 HPS	100	41	\$16.56	\$7.90
	16,000 HPS	150	69	\$19.77	\$19.34
	30,000 HPS	250	99	\$22.95	\$13.57
	50,000 HPS	400	153	\$28.32	\$19.53
	14,000 MH	175	72	\$23.17	\$12.70
	21,000 MH	250	101	\$26.31	\$15.66
	36,000 MH	400	159	\$32.89	\$21.54
	8,000 LPS	55	30	\$24.08	\$10.58
	13,500 LPS	90	50	\$28.39	\$12.76
	22,500 LPS	135	72	\$32.43	\$15.56
	33,000 LPS	180	90	\$39.01	\$18.33
	5,800 HPS	70	29	\$9.40	\$5.56
FROZEN COBRA ROADWAY	9,500 HPS	100	41	\$11.07	\$6.81
	16,000 HPS	150	69	\$13.86	\$9.50
	30,000 HPS	250	99	\$16.72	\$12.35
	50,000 HPS	400	153	\$22.69	\$17.63
FROZEN COBRA ROADWAY	14,000 MH	175	72	\$16.12	\$10.99
	21,000 MH	250	101	\$18.84	\$13.67
	36,000 MH	400	159	\$24.81	\$18.99
	8,000 FL	100	38	\$18.53	\$5.43
FROZEN DECORATIVE TRANSIT	9,500 HPS	100	41	\$39.95	\$11.96
	16,000 HPS	150	69	\$39.72	\$13.36
	30,000 HPS	250	99	\$45.74	\$17.26
FROZEN FLOOD	30,000 HPS	250	99	\$22.20	\$13.79
	50,000 HPS	400	153	\$27.53	\$19.14
	21,000 MH	250	101	\$23.69	\$14.58
	36,000 MH	400	159	\$28.89	\$19.76
FROZEN Colonial Gray	8,000 FL	100	38	\$19.97	\$5.64

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POST TOP	Colonial Gray	9,500 HPS	100	41	\$11.42	\$7.16
	Colonial Black	9,500 HPS	100	41	\$13.15	\$7.41
	Decorative	9,500 HPS	100	41	\$34.97	\$11.03

NOTES:

1. Investment by Company. These rates are applicable where the Company provides the initial investment to purchase and install all facilities necessary for street lighting service. The Company will own, operate, and maintain the street lighting system.
2. Investment by Others. These rates are applicable in those instances where the requesting entity or individual purchases and installs the street lighting facilities at their own expense and in accordance with Company specifications. These rates will also apply in the instance where the Customer provides a non-refundable advance to the Company to cover the Company's cost of purchasing and installing the street lighting system. The Company retains ownership of the street lighting system and provides operation and maintenance for all facilities.
3. Listed kWhs reflect the assigned monthly energy usage for each type of fixture and are used to determine any applicable transmission, system benefit, distribution, energy, and adjustment charges.
4. HPS = High Pressure Sodium
5. MH = Metal Halide
6. LPS = Low Pressure Sodium
7. FL = Fluorescent
8. INC = Incandescent. Incandescent lighting charges are applicable and available only to those Customers being served and those installations in service on November 1, 1986.
9. MV = Mercury Vapor. Mercury Vapor lighting charges are applicable and available only to those Customers being served and those installation in service on November 1, 1986 in accordance with A.R.S. §49-1104(A).
10. LED = Light Emitting Diode
11. IND = Induction



**RATE SCHEDULE E-58
CLASSIFIED SERVICE
STREET LIGHTING SERVICE**

II. POLES

				CHARGES	
			Height	Investment by Company	Investment by Others
A. Anchor Base Mounted (Flush)	Round Steel	1 Simplex Adapter	12 ft.	\$13.11	\$1.81
			22 ft.	\$14.75	\$2.03
			25 ft.	\$15.97	\$2.21
			30 ft.	\$18.34	\$2.52
			32 ft.	\$19.27	\$2.55
		2 Simplex Adapters	12 ft.	\$13.98	\$1.93
			22 ft.	\$16.06	\$2.22
			25 ft.	\$16.75	\$2.31
			30 ft.	\$19.47	\$2.68
			32 ft.	\$20.77	\$2.87
	Square Steel	5"	13 ft.	\$15.03	\$2.06
			15 ft.	\$13.43	\$1.85
			23 ft.	\$15.93	\$2.19
			25 ft.	\$17.51	\$2.41
			28 ft.	\$19.44	\$2.67
			32 ft.	\$19.33	\$2.66
	Concrete		12 ft.	\$44.79	\$6.17
Fiberglass		12 ft.	\$37.93	\$5.22	
Decorative Transit	4"	16 ft.	\$36.98	\$5.10	
Decorative Transit	6"	30 ft.	\$71.39	\$9.83	
Hinged Poles	Square	15 ft.	\$14.21	\$1.16	
	Round	19 ft.	\$12.85	\$1.05	
B. Anchor Base Mounted (Pedestal)	Round Steel	1 Simplex Adapter	12 ft.	\$12.61	\$1.73
			22 ft.	\$14.26	\$1.96
			25 ft.	\$15.46	\$2.13
			30 ft.	\$17.85	\$2.47
			32 ft.	\$18.75	\$2.58
		2 Simplex Adapters	12 ft.	\$13.47	\$1.85
			22 ft.	\$15.05	\$2.06
			25 ft.	\$16.24	\$2.23
			30 ft.	\$18.97	\$2.60
			32 ft.	\$20.26	\$2.79
		3 Bolt	32 ft.	\$23.28	\$3.20
	Square Steel	5"	13 ft.	\$14.54	\$2.01
			15 ft.	\$14.86	\$2.03
			23 ft.	\$15.43	\$2.13
			25 ft.	\$17.02	\$2.36
			28 ft.	\$18.91	\$2.60
			32 ft.	\$19.63	\$2.69



**RATE SCHEDULE E-58
CLASSIFIED SERVICE
STREET LIGHTING SERVICE**

II POLES (cont)

			CHARGES			
			Height	Investment by Company	Investment by Others	
C. Direct Bury	Round Steel		19 ft.	\$19.84	\$2.74	
			30 ft.	\$15.49	\$2.87	
			38 ft.	\$18.90	\$2.94	
		Self	40 ft.	\$23.28	\$3.69	
		Stepped	25 ft.	\$53.55	\$4.37	
			32 ft.	\$56.40	\$4.60	
			49 ft.	\$70.00	\$9.65	
		Square Steel	4"	34 ft.	\$17.09	\$2.96
			5"	20 ft.	\$16.23	\$2.68
	30 ft.			\$16.92	\$2.79	
	38 ft.			\$18.36	\$3.19	
	8"		28 ft.	\$30.64	\$2.49	
			32 ft.	\$32.03	\$2.62	
	Decorative Transit		41 ft 6	\$22.05	\$3.24	
	Decorative Transit		47 ft.	\$27.47	\$4.04	
	Steel Distribution Pole (for lighting only)		35 ft.	\$25.36	\$3.34	
D. Post Top	Decorative Transit Anchor Base		16 ft.	\$37.77	\$5.19	
	Gray Steel/Fiberglass		23 ft.	\$13.10	\$2.15	
	Black Steel		23 ft.	\$14.44	\$2.38	
	E. Existing distribution pole suitable for streetlight use			\$1.59	--	
F. FROZEN	Wood Poles	30 ft.	\$9.64	\$1.67		
		35 ft.	\$9.64	\$1.59		

NOTE: The monthly rate for all new poles includes up to 300 feet of overhead secondary wire, or up to 300 feet of underground secondary wire if the Customer provides earthwork and conduit (excluding the underground to overhead transition).

III. ANCHOR BASE

		CHARGES		
		Height	Investment by Company	Investment by Others
A. Flush		4 ft.	\$10.67	\$1.47
		6 ft.	\$12.73	\$2.21
B. Pedestal		8 ft.	\$14.59	\$2.54
	For 32' Round Steel Pole only	4 ft. 6"	\$10.12	\$1.75



**RATE SCHEDULE E-58
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STREET LIGHTING SERVICE**

IV. CHARGES FOR OPTIONAL OR ADDITIONAL EQUIPMENT

		CHARGE
		Company Owned
Underground Circuit Charges:		
a.	Per foot of cable, installed under paving	\$0.17000
b.	Per foot of cable, not installed under paving	\$0.06000

V. DETERMINATION OF CHARGES FOR NEW EQUIPMENT

Monthly charges for new lighting fixtures, poles and other equipment not included in Sections I, II, or III above will be determined by the Company using the following method:

Step 1 Determination of Charges for each Charge Type							Monthly Fixed Charge Rate
Charge Type	Monthly Charge		Cost Inputs Equipment Cost		PV Factor		
1	Carrying Cost (fixtures)	=	(installed)	x	NA	x	1.518%
			Equipment Cost				
2	Carrying Cost (poles)	=	(installed)	x	NA	x	1.296%
			Equipment Cost				
3	Fixture Replacement Cost	=	(installed)	x	0.257	x	1.518%
	Pole, Anchor		Equipment Cost				
4	Replacement Cost	=	(installed)	x	0.110	x	1.296%
5	Lighting O&M	=	O&M Cost (lifecycle)	x	0.427	x	1.518%
Charge Type	Monthly Charge		kWh Input		\$/kWh		
6	Generation	=	kWh per month	x	0.06760		
7	T&D, RCS, SB	=	kWh per month	x	0.02738		



**RATE SCHEDULE E-58
CLASSIFIED SERVICE
STREET LIGHTING SERVICE**

Step 2 **Determination of Total Monthly Charge**
The total monthly charge will be the summation of the charges for each applicable charge type

<u>Equipment</u>	<u>Charge Type</u>
Fixture - IBC	1,5,6,7
Fixture - IBO	3,5,6,7
Pole, Anchor Base - IBC	2
Pole, Anchor Base - IBO	4

TRIP CHARGE

A \$100.00 trip charge per light will be charged when a Customer requests a disconnect or reconnect of service in order to accommodate the maintenance activities of the Customer or its designee(s) on their street lighting equipment.

ADJUSTMENTS

The bill will include the following adjustments:

1. The Renewable Energy Standard charge, Adjustment Schedule REAC-1.
2. The Power Supply Adjustment charges, Adjustment Schedule PSA-1.
3. The Transmission Cost Adjustment charge, Adjustment Schedule TCA-1.
4. The Environmental Improvement Surcharge, Adjustment Schedule EIS.
5. The Demand Side Management Adjustment charge, Adjustment Schedule DSMAC-1.
6. The Lost Fixed Cost Recovery Adjustment charge, Adjustment Schedule LFCR.
7. Direct Access Customers returning to Standard Offer service may be subject to a Returning Customer Direct Access Charge, Adjustment Schedule RCDAC-1.
8. Any applicable taxes and governmental fees that are assessed on APS's revenues, prices, sales volume, or generation volume.

SERVICE DETAILS

1. Street lighting facilities installed under this rate schedule are of the type currently being furnished by Company as standard at the time service is initially requested. Standard facilities are those listed in the Company's Transmission and Distribution Construction Standards book.



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CLASSIFIED SERVICE
STREET LIGHTING SERVICE**

2. The Customer will be responsible for notifying the Company when the streetlighting facilities are not operating as intended. The Company will use reasonable efforts to complete normal maintenance (replacement of lamps, photocontrols or fixtures) within ten (10) working days from notification by Customer. If the maintenance requires cable replacement or repairs, the Company will use reasonable efforts to complete said repairs within twenty (20) working days.
3. The Customer's bill will not be reduced due to lamp, photocontrol or cable repair or replacement outages.
4. Lighting equipment which is not specified in this rate schedule will be billed at the rates corresponding to the most similar equipment, as determined by the Company.
5. Non-standard facilities (non-standard being defined as any facility not listed in the Company's Transmission and Distribution Construction Standards book) do not qualify for this rate schedule. At the Company's discretion, such facilities may be served under another of the Company's rate schedules.
6. The Company will extend its standard street lighting system up to a distance of 300 feet for each additional lighting installation without cost at the request of the Customer. When the extension is underground the customer will provide earthwork as specified in the Company's Service Schedule 3, Conditions Governing Extensions of Electric Distribution Lines and Services; or, at the applicant's request, the Company will provide such earthwork and the applicant will be required to pay a non-refundable contribution in aid of construction equal to the cost of such earthwork. Any additional extension required (over and above the first 300 feet) will be provided by Company for a contribution in aid of construction equal to the cost of the additional extension.
 - a. Extensions to isolated areas requiring a substantial extension of the electric distribution system, as opposed to an extension of the street lighting system, will require a special study to determine the terms and conditions under which the Company will undertake such an extension.
7. APS provides electric service under the Company's Service Schedules. These schedules provide details about how the Company serves its Customers, and they have provisions and charges that may affect the Customer's bill. In addition, service may be subject to special terms and conditions as provided for in a Customer contract or service agreement.

CHRISTOPHER TODD COMMUNITIES ON MOUNTAIN VIEW

MOUNTAIN VIEW BLVD & PARKVIEW PL

STREET LIGHT DESIGN

STREET LIGHTING REQUIREMENTS

5.00 GENERAL NOTES:
THE FOLLOWING INFORMATION IS PROVIDED TO EMPHASIZE CRITICAL WORK AND IS INTENDED TO SUPPLEMENT THE SPECIFICATIONS. SHOULD THERE BE A CONFLICT WITH THE SPECIFICATIONS, THIS DOCUMENT SHALL TAKE PRECEDENCE.
ALTERNATES SHALL BE PRE-APPROVED BY THE CITY ENGINEERING MANAGER. APPROVAL OF ALTERNATE PRODUCTS SHALL BE ON AN EQUAL BASIS WITH THE PRODUCT SPECIFIED AND SHALL BE SUBMITTED A MINIMUM OF TEN (10) DAYS PRIOR TO BID OPENING. STRUCTURAL CALCULATIONS SHALL BE FURNISHED FOR ALTERNATE PRODUCTS AND CERTIFIED BY A STRUCTURAL ENGINEER, REGISTERED IN THE STATE OF ARIZONA. LUMINAIRES AND LAMPS SHALL MEET OR EXCEED THE PHOTOMETRIC, ELECTRICAL, AND MECHANICAL REQUIREMENTS FOR THE SPECIFIED PRODUCTS.
THE CONTRACTOR SHALL COMPLY WITH STATE AND CITY STATUTES, AND MANUFACTURER'S RECOMMENDATIONS.
THE SUBMITTAL PACKAGE SHALL CONSIST OF THREE (3) COPIES OF EQUIPMENT/MATERIAL TO BE INSTALLED AND SHALL BE BOUND/STAPLED IN A FOLDER AND SUBMITTED AT THE TIME OF PERMIT APPLICATION.
PRIOR TO SUBMITTING A PROPOSAL, THE BIDDER SHALL EXAMINE ALL GENERAL CONSTRUCTION DRAWINGS AND VISIT THE CONSTRUCTION SITE TO BECOME FAMILIAR WITH EXISTING CONDITIONS UNDER WHICH HE WILL OPERATE AND WHICH WILL IN ANY WAY AFFECT THE WORK UNDER THE CONTRACT. NO SUBSEQUENT ALLOWANCE WILL BE MADE IN THIS CONNECTION IN THE BEHALF OF THE CONTRACTOR FOR ANY ERROR OR NEGLIGENCE ON HIS PART.
PRIOR TO ORDERING ANY MATERIALS OR DOING ANY WORK, THE CONTRACTOR SHOULD VERIFY DIMENSIONS AT THE SITE. IMMEDIATELY REPORT DIFFERENCES TO THE ENGINEERING MGR AND SHOULD NOT PROCEED WITH WORK UNTIL THE ENGINEERING MGR. RENDERS A DECISION. NO EXTRA CHARGES OR COMPENSATION WILL BE ALLOWED FOR DIFFERENCES IN ACTUAL DIMENSIONS AND DIMENSIONS INDICATED ON THE DRAWINGS.

5.01 GENERAL:
THE ELECTRICAL CONTRACTOR SHALL COMPLY WITH ALL LICENSING REQUIREMENTS SET FORTH BY THE STATE REGISTRAR OF CONTRACTORS OFFICE TO PERFORM WORK RELATING TO STREET LIGHT INSTALLATION IN THE CITY RIGHT-OF-WAY.
ONE PROJECT UNDERGROUND UTILITIES (RIGHT OF WAY) PERMIT AND ONE STREETLIGHT PERMIT FOR EACH STREET LIGHT POLE SHALL BE OBTAINED BY THE CONTRACTOR PRIOR TO CONSTRUCTION.

5.02 WORKING / "AS BUILT" PLANS:
ACCEPTANCE OF THE COMPLETED IMPROVEMENTS WILL NOT BE GIVEN UNTIL A 1/4" PHOTO MYLAR REPRODUCIBLE "AS BUILT" PLANS HAVE BEEN SUBMITTED TO AND APPROVED BY THE CITY ENGINEER.

5.03 LIGHT POLES:
LIGHT POLES SHALL BE INSTALLED PLUMB, BE ADJUSTED TO PROVIDE PROPER ALIGNMENT TO THE ROADWAY BEING LIGHTED AND BE PROPERLY GROUNDING WHEN THE INSTALLATION IS COMPLETE.

5.04 EMBEDEDMENT:
DIRECT BURIED POLES SHALL BE SET IN A TWELVE (12) INCH AUGURED HOLE DEPTH AS SPECIFIED IN UNDISTURBED EARTH. POLE SHALL BE SET PLUMB IN TWO DIRECTIONS 90 DEGREES APART. HAND TAMPING OF ADE BACKFILL WITH PNEUMATIC OR VIBRATING EQUIPMENT IS THE ACCEPTABLE METHOD OF COMPACTION. BACKFILL SHALL BE COMPACTED TO 85% OF MAXIMUM DENSITY AS DEFINED BY ASTM D-2922 AND D-3017. A GROUND ROD SHALL BE INSTALLED ADJACENT TO PULL BOX TO PROVIDE PROPER GROUNDING. A LEAD IN COPPER BOND WIRE (60) SHALL BE INSTALLED IN 1" CARBON LIQUIDTIGHT FLEXIBLE NONMETALLIC CONDUIT (OR EQUAL) FOR POLE GROUNDING.
SURPLUS EXCAVATION SHALL BE DISPOSED OF BY THE CONTRACTOR.

5.05 LUMINAIRES:
LUMINAIRES SHALL BE INSTALLED LEVEL AND INCLUDE A LAMP AND PHOTOCELL. CONTRACTOR SHALL ASSURE THAT THE LUMINAIRES SHALL BE FIRE OF LUST, DIRT OR ANYTHING THAT WOULD IMPAIR THE OUTPUT OF THE LIGHT BEFORE HE LEAVES THE SITE.
LUMINAIRES FURNISHED WITH MULTI-TAP BALLASTS SHALL BE REWIRED OR RECONNECTED TO MATCH THE VOLTAGE SUPPLIED BY THE ELECTRIC UTILITY COMPANY.

5.06 WIRING:
WIRING SHALL BE INSTALLED PER UTILITY STANDARDS.

5.07 GROUNDING:
EACH POLE SHALL HAVE A 6" X 5/8" COPPER CLAD GROUND ROD DRIVEN ADJACENT TO PULL BOX. A #6 BARE COPPER LEAD FROM THE GROUND ROD IN PULL BOX TO LANDING LUG IN STREET LIGHT POLE. HAND HOLE.

5.08 PULL BOXES:
EXCAVATION FOR PULL BOXES AND MATERIAL SPECIFICATION SHALL BE PER THE ELECTRIC UTILITY COMPANY STANDARDS.

5.09 TRENCH:
TRENCH SHALL BE INSTALLED PER THE UTILITY COMPANY STANDARDS.
THE USE OF A COMMON ELECTRIC UTILITY COMPANY TRENCH IS PERMITTED. IT IS THE CONTRACTOR'S RESPONSIBILITY TO CONTACT THE UTILITY COMPANY FOR COORDINATION OF TRENCHING AND THE INSTALLATION OF CONDUIT.

CONDUIT SHALL BE INSTALLED AT THE DEPTH SPECIFIED ON THE PLANS. CONDUIT SHALL BE 1 INCH CARBON LIQUIDTIGHT FLEXIBLE NONMETALLIC CONDUIT OR EQUAL. CONDUIT MUST BE J-PLATED AND SUITABLE FOR UNDERGROUND USE.

CONNECTIONS SHALL BE PER UTILITY STANDARDS.

5.12 LIGHT POLE IDENTIFICATION:
THE CONTRACTOR SHALL FURNISH AND INSTALL A NUMBER ON EACH LIGHT POLE. STREET LIGHT POLE IDENTIFICATION AND SPECIFICATIONS WILL BE PROVIDED BY THE CITY OF SURPRISE.

IT IS THE CONTRACTOR'S RESPONSIBILITY TO RESTORE ALL PROPERTY, LANDSCAPING, PAVING AND DRIVEWAYS THAT ARE DISTURBED DURING STREET LIGHT CONSTRUCTION TO THEIR ORIGINAL CONDITION IN CONFORMANCE WITH "MAG" SPECIFICATION SECTION 107.9.

THE DEVELOPER SHALL BE RESPONSIBLE FOR FURNISHING ALL PERSONNEL AND EQUIPMENT TO SUCCESSFULLY PERFORM THE FOLLOWING TEST.

PRIOR TO ACCEPTANCE, THE DEVELOPER SHALL ENERGIZE AND OPERATE THE ENTIRE ROADWAY LIGHTING SYSTEM FROM SUNSET TO SUNRISE FOR TWO CONSECUTIVE DAYS WITHOUT INTERRUPTION OR FAILURE. IF A LAMP OR BALLAST SHOULD FAIL, IT SHALL BE IMMEDIATELY REPLACED.

THE CONTRACTOR SHALL GUARANTEE ALL WORK FOR A PERIOD OF ONE YEAR FROM THE DATE OF FINAL ACCEPTANCE BY THE ENGINEERING MANAGER. ACCEPTANCE OF WORKMANSHIP, FAILURE, MALFUNCTION OF MATERIALS AND/OR EQUIPMENT DUE TO FAULTY OR IMPERFECT WORKMANSHIP. THIS GUARANTEE IS TO BE IN WRITING TO THE CITY AT THE TIME OF ISSUING FINAL ACCEPTANCE. WORK FOUND TO BE DEFECTIVE WITHIN THE WARRANTY PERIOD SHALL BE REPLACED WITHOUT COST TO THE CITY.

GENERAL ENGINEERING NOTES:

1. ALL CONSTRUCTION MUST CONFORM TO MARICOPA ASSOCIATION OF GOVERNMENT (MAG) SPECIFICATIONS AND DETAILS AND LATEST REVISIONS UNLESS OTHERWISE STATED ON PLANS.
2. THE ENGINEER WILL NOT BE RESPONSIBLE FOR CONSTRUCTION MEANS, METHODS, TECHNIQUES, SEQUENCES, OR PROCEDURES OR FOR SAFETY PRECAUTIONS OR PROGRAMS UTILIZED IN CONNECTION WITH THE WORK, AND THEY WILL NOT BE RESPONSIBLE FOR THE CONTRACTOR'S FAILURE TO CARRY OUT THE WORK IN ACCORDANCE WITH THE CONTRACT DOCUMENTS.
3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR IDENTIFYING ALL OVERHEAD AND UNDERGROUND UTILITY LOCATIONS WHERE CONSTRUCTION OCCURS. SPECIAL CARE SHALL BE TAKEN TO ENSURE THAT ALL UTILITIES ARE AVOIDED. UTILITY LOCATIONS SHOWN ON THE PLANS ARE APPROXIMATE AND NOT FOR CONSTRUCTION PURPOSES. ANY DAMAGE TO EXISTING UTILITIES SHALL BE REPAIRED AND REPLACED AT THE CONTRACTOR'S EXPENSE. THE CONTRACTOR SHALL COMPLY WITH ALL CURRENT ARIZONA UNDERGROUND FACILITIES LAMPS (ARIZONA REVISED STATUTES TITLE 40, CHAPTER 2, ARTICLE 8.5, SECTION 40-380.21-32) CALL ARIZONA 811 FOR FIELD LOCATION BY DIAL 811.
4. THE CITY OF SURPRISE ENGINEERING SERVICES OF PUBLIC WORKS SHALL BE NOTIFIED FORTY-FOUR (48) HOURS PRIOR TO COMMENCEMENT OF ANY CONSTRUCTION WORK AT 623-222-6150.
5. THE ENGINEER AND APPLICABLE AGENCY MUST APPROVE, PRIOR TO CONSTRUCTION, ANY ALTERATION OR VARIANCE FROM THESE PLANS. ANY VARIATION FROM THESE PLANS SHALL BE PROPOSED AND RESUBMITTED FOR REVIEW AND APPROVAL.
6. THE CONTRACTOR SHALL PROTECT AND MAINTAIN ALL EXISTING UTILITIES ON THE SITE. ANY DAMAGE TO EXISTING UTILITIES, WHETHER SHOWN OR NOT ON THE DRAWING, SHALL BE REPAIRED/REPLACED AT THE CONTRACTOR'S EXPENSE. EXISTING SURFACE FEATURES AND FENCING SHALL BE REPLACED IN KIND.
7. ANY INSPECTION BY THE CITY, COUNTY, OR THE ENGINEER, SHALL NOT IN ANY WAY RELIEVE THE CONTRACTOR FROM ANY OBLIGATION TO PERFORM THE WORK IN STRICT COMPLIANCE WITH THE APPLICABLE CODES AND AGENCY REQUIREMENTS.
8. THE CONTRACTOR IS TO LOCATE ALL EXISTING LANDSCAPING, LANDSCAPING IRRIGATION LINES, PROPERTY MONUMENTS, FENCING OR SURFACE FEATURES PRIOR TO CONSTRUCTION. ANYTHING DISTURBED DURING CONSTRUCTION SHALL BE REPLACED IN KIND AT THE CONTRACTOR'S EXPENSE.
9. NOTHING CONTAINED IN THE CONTRACT DOCUMENTS SHALL CREATE, NOR SHALL BE CONSTRUED TO CREATE, ANY CONTRACTUAL RELATIONSHIP BETWEEN THE ENGINEER AND THE CONTRACTOR OR ANY SUBCONTRACTOR.
10. ALL CONSTRUCTION WATER USED WITHIN THE CITY OF SURPRISE WATER SERVICE AREA REQUIRES APPROVAL BY THE CITY OF SURPRISE PUBLIC WORKS DEPARTMENT AND MAY BE SUBJECT TO VOLUME AND TIME RESTRICTIONS. PLEASE SEE THE CITY OF SURPRISE CONSTRUCTION WATER GUIDELINES FOR ADDITIONAL INFORMATION. THE GUIDELINES CAN BE OBTAINED FROM THE PUBLIC WORKS DEPARTMENT AT 623-222-6000.
11. TRAFFIC CONTROL SHALL BE MAINTAINED IN ACCORDANCE WITH MAG SPECIFICATION 401, THE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES, AND THE TEMPORARY WORK ZONE TRAFFIC MANAGEMENT POLICY (LATEST EDITION).
12. PRIOR TO FINAL APPROVAL AND ACCEPTANCE OF THE WORK, THE DEVELOPER/CONTRACTOR WILL BE REQUIRED TO CLEAN AND REPAIR ADJACENT (OFF-PROJECT) ROADWAYS USED OR DAMAGED DURING THE COURSE OF CONSTRUCTION.
13. EMERGENCY VEHICLE ACCESS (E.V.A.) MUST BE PROVIDED BY THE DEVELOPER/CONTRACTOR THROUGHOUT THE PROJECT SITE. E.V.A. ROADS AND SIGNAGE SHALL BE MAINTAINED BY THE DEVELOPER/CONTRACTOR AT ALL TIMES. SIGNAGE SHALL BE POSTED AT THE POINT OF ENTRY TO THE SITE AND AT ALL LOCATIONS WHERE A CHANGE IN DIRECTION OCCURS.
14. THE PLANS SHALL COMPLY WITH THE AMERICANS WITH DISABILITIES ACT'S ACCESSIBILITY GUIDELINES. AS PUBLISHED IN THE FEDERAL REGISTER ON SEPTEMBER 15, 2010.

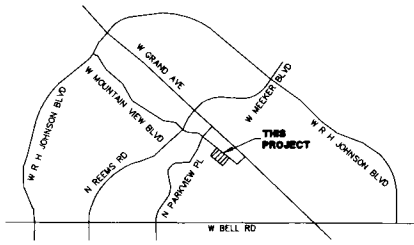
UTILITIES WITHIN OR AFFECTED BY THE PROJECT		
UTILITY CONTACT	DATE SUBMITTED	
ARIZONA PUBLIC SERVICE	9/28/2018	
CENTURY LINK	9/28/2018	
CDX COMMUNICATIONS	9/28/2018	
COS WATER	9/28/2018	
SOUTHWEST GAS	9/28/2018	

NOTE

THE ELECTRICAL/MAINTENANCE COSTS OF ALL STREET LIGHTS ON LOCAL AND COLLECTOR STREETS ARE TO BE PAID BY THE ADJACENT PROJECT OR THE ADJACENT DEVELOPER'S STREET LIGHT IMPROVEMENT DISTRICT (SLID). THE ELECTRICAL / MAINTENANCE COSTS OF ALL STREET LIGHTS ON ARTERIAL STREETS ARE TO BE BILLED TO THE CITY OF SURPRISE'S ENERGY BILL.

LED NOTE

LED TECHNOLOGY IS CHANGING RAPIDLY. THE FIXTURES SHOWN ON THESE PLANS MAY NOT BE APPLICABLE AT TIME OF CONSTRUCTION. CONTRACTOR TO COORDINATE WITH APS AND UTILIZE THEIR CURRENT SPECIFICATION AT THE TIME OF BIDDING AND CONSTRUCTION.



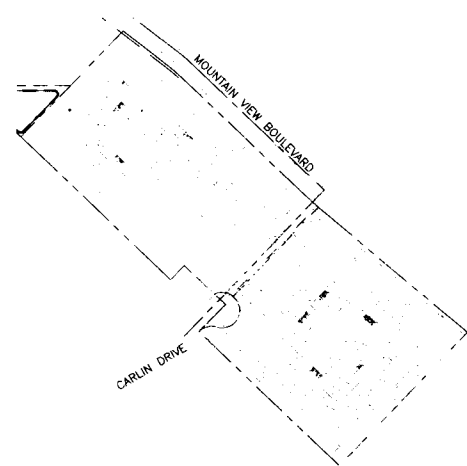
VICINITY MAP

NO SCALE



SHEET INDEX

STREET LIGHT COVER SHEET	SHEET SL1
STREET LIGHT PLAN	SHEET SL2
STREET LIGHT DETAILS	SHEET SL3
PHOTOMETRIC CALCULATIONS	SHEET PH1



KEY MAP
N.T.S.

CITY OF SURPRISE APPROVAL

THIS SET OF PLANS HAS BEEN REVIEWED FOR COMPLIANCE WITH CITY REQUIREMENTS PRIOR TO ISSUANCE OF PERMITS. THE CITY NEITHER ACCEPTS NOR ASSUMES ANY LIABILITY FOR ERRORS OR OMISSIONS. THIS COMPLIANCE APPROVAL SHALL NOT PREVENT THE CITY ENGINEER FROM REQUIRING CORRECTIONS OF ERRORS OR OMISSIONS IN PLANS FOUND TO BE IN VIOLATION OF LAW OR ORDINANCES.

OWNER
HERITAGE HOMES
8800 E RAINBOW DR, SUITE 300
SCOTTSDALE, AZ 85260
PHONE: (480) 515-8251
CONTACT: JASON JARVIS

CITY OF SURPRISE ENGINEER

DATE

STREET LIGHTING (APS AREA)													
KEY NO.	SYMBOL	STREET TYPE	OFFSET BEHIND B/C	QUANTITY	POLE				LUMINAIRE				APS STANDARD CODE NO.
					POLE HEIGHT	FOUNDATION	SIZE	MOUNTING HEIGHT	LUMENS	WATTAGE	I.E.S. DIST.	VOLTAGE	
1		COLLECTOR	PER PLANS	5	34'-0"	DIRECT BURY	8'-0"	39'-6"	7,800	71W	TYPE B3	+	8030.58
2		LOCAL	PER PLANS	1	30'-6"	DIRECT BURY	6'-0"	25'-11"	6,800	58W	TYPE D3	+	8040.58

*PER UTILITY COMPANY REQUIREMENTS

WRIGHT ENGINEERING
PROJECT NO:
181336
DESIGN BY: K.J.H.
DRAWN BY: SAM
CHECKED BY: WTW

WRIGHT
engineering corporation
ELECTRICAL ENGINEERING AND DESIGN
155 EAST 4TH AVENUE, SUITE 100
PHOENIX, ARIZONA 85001
PHONE: 602.497.5823 • FAX: 602.497.5807
www.wrighteng.com

PROJECT: TITLE:
**C.T.C. ON MOUNTAIN VIEW
BLVD & PARKVIEW PL**
STREET LIGHT COVER SHEET

NO.	DATE	SUBMITTAL/REVISION (DESCRIPTION)
1	10/01/2018	1.01 INITIAL
2	10/01/2018	2.01 FOR SUBMITTAL

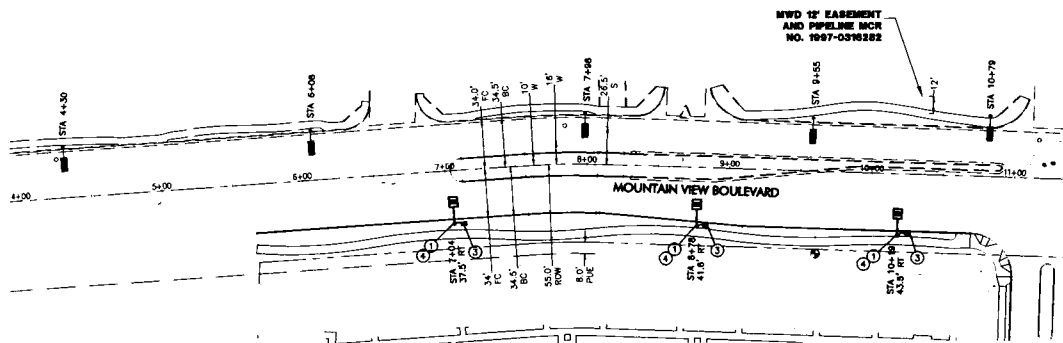


DRAWING NO:
SL1
OF 4

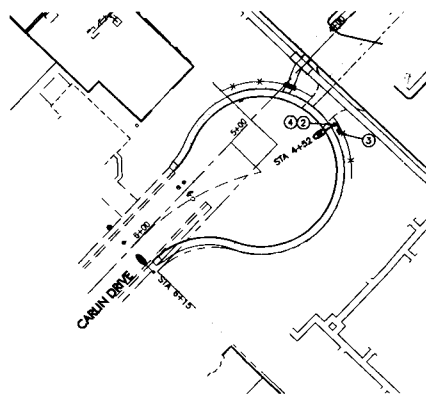
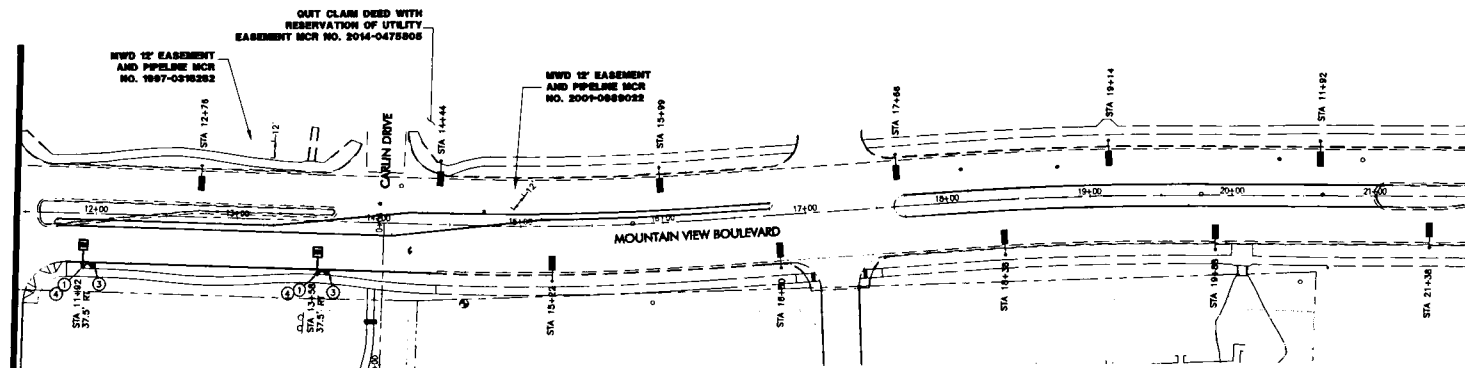


THESE DRAWINGS AND SPECIFICATIONS ARE THE SOLE PROPERTY OF WRIGHT ENGINEERING CORPORATION AND MAY NOT BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS WITHOUT THE WRITTEN PERMISSION OF WRIGHT ENGINEERING CORPORATION.

MATCH LINE 'A' SEE ABOVE



MATCH LINE 'A' SEE BELOW

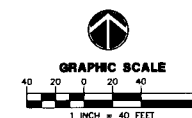


LEGEND

- 71W LED SHOEBOX STREET LIGHT
- 58W LED COBRAHEAD STREET LIGHT
- EXISTING 150W HPS SHOEBOX STREET LIGHT
- EXISTING 100W HPS COBRAHEAD STREET LIGHT
- PULL BOX
- NEW CONDUIT RUN
- FIRE HYDRANT

CONSTRUCTION NOTES

1. INSTALL (2) 71W LED (7,800 LUMEN) LUMINAIRE (SEE LUMINAIRE TABLE), PHOTOCELL, 39'-6" DIRECT BURIED POLE (1940.30), 6" X 8" MAST ARM (58) PER APS DETAIL 8030 (SEE SHEET SLS). INSTALL (2) #14 THIN/THIN FROM LUMINAIRE TO FUSE HOLDER IN POLE. ALL WIRING, FUSING, AND GROUNDING PER APS DETAILS AND SPECIFICATIONS.
2. INSTALL (2) 58W LED (8,800 LUMEN) LUMINAIRE (SEE LUMINAIRE TABLE), PHOTOCELL, 25'-11" DIRECT BURIED POLE (1940.30), 6" MAST ARM (58) PER APS DETAIL 8040 (SEE SHEET SLS). INSTALL (2) #14 THIN/THIN FROM LUMINAIRE TO FUSE HOLDER IN POLE. ALL WIRING, FUSING, AND GROUNDING PER APS DETAILS AND SPECIFICATIONS.
3. INSTALL APS PULL BOX NEXT TO POLE. INSTALL 1" CONDUIT WITH (2) #14 TYPE THIN/THIN AND (1) #14 BARE BOND FROM PULL BOX TO FUSE HOLDER IN STREET LIGHT PER APS DETAILS AND SPECIFICATIONS.
4. ASSURE THERE IS A 1" CLEARANCE FROM THE EDGE OF THE SIDEWALK TO FACE OF THE POLE.



WRIGHT ENGINEERING CORPORATION
1500 N. 10TH AVENUE
SUITE 200
PHOENIX, ARIZONA 85016
TEL: 602.998.1100
FAX: 602.998.1101
WWW.WRIGHT-ENG.COM

WRIGHT ENGINEERING
PROJECT NO:
18136
DESIGN BY: KJH
DRAWN BY: SMH
CHECKED BY: WTW

WRIGHT
engineering corporation
ELECTRICAL ENGINEERING AND DESIGN
1500 N. 10TH AVENUE, SUITE 200
PHOENIX, ARIZONA 85016
TEL: 602.998.1100
FAX: 602.998.1101
WWW.WRIGHT-ENG.COM

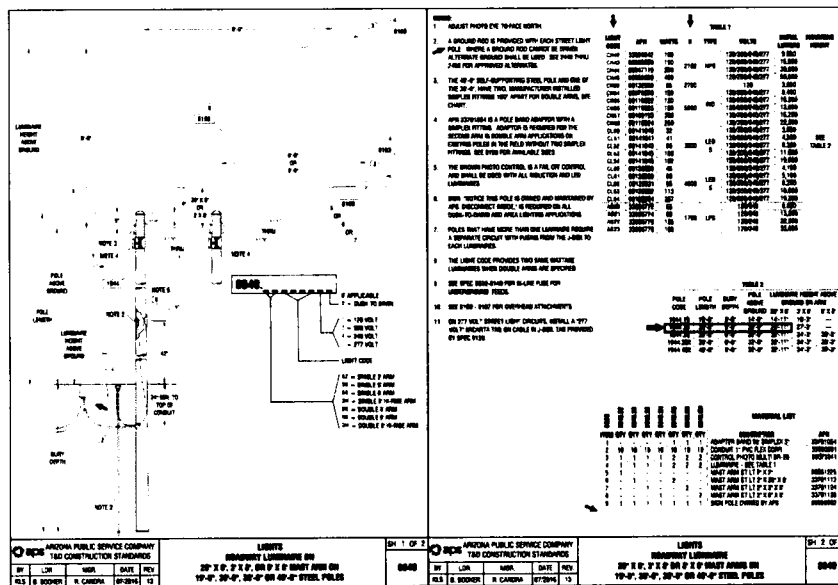
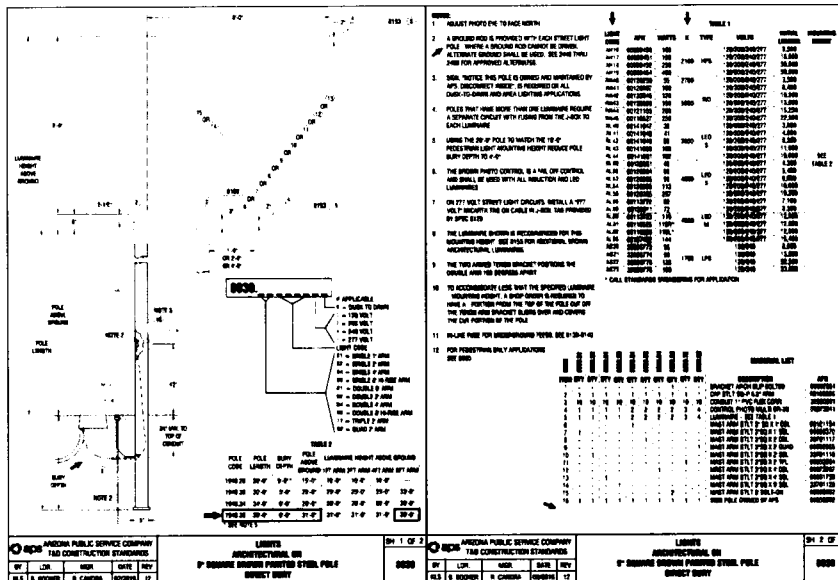
PROJECT TITLE:
**SURPRISE, ARIZONA
C.T.C. ON MOUNTAIN VIEW
MOUNTAIN VIEW BLVD & PARKVIEW PL
STREET LIGHT PLAN**

NO.	DATE	SUBMITTAL/REVISIONS (DESCRIPTIONS)
1	NOV 2018	1ST SUBMITTAL
2	DEC 2018	2ND SUBMITTAL

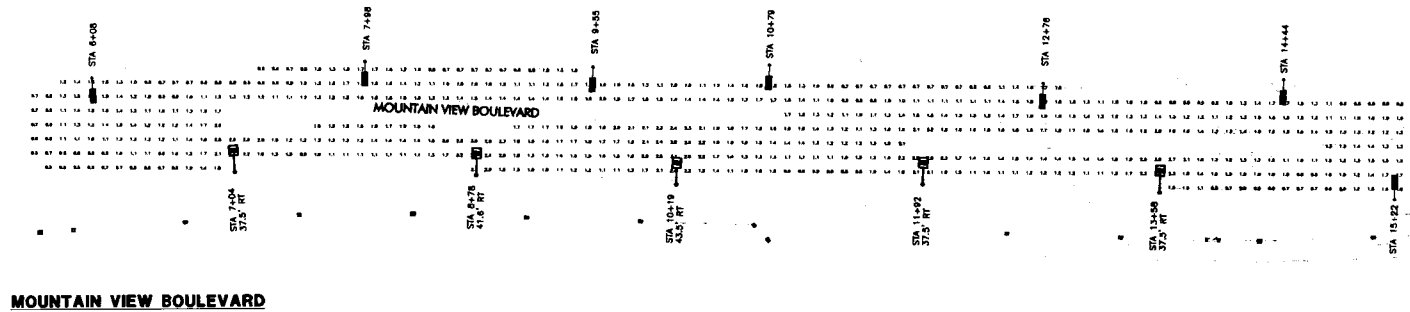


DRAWING NO:
SL2
OF 4

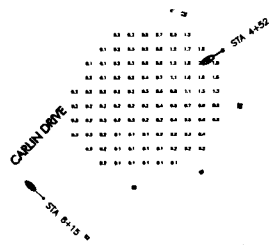
11/20/18 18136-CTC - Mountain View, AZ 18136-01.dwg



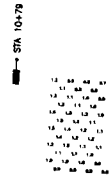
PROPOSED PHOTOMETRICS



MOUNTAIN VIEW BOULEVARD



CARLIN DRIVE



INTERSECTION

CALCULATIONS

MOUNTAIN VIEW BOULEVARD
 603 points at ± 0.0 ft by 10 ft
 HORIZONTAL FOOTCANDLES
 Average 1.4
 Maximum 3.1
 Minimum 0.5
 Avg Min 2.75
 Max Min 6.20
 Coef Var 0.53
 Uniform 1.82

INTERSECTION
 43 points
 HORIZONTAL FOOTCANDLES
 Average 1.5
 Maximum 3.1
 Minimum 0.7
 Avg Min 1.56
 Max Min 2.14
 Coef Var 0.19

CARLIN DRIVE
 92 points at ± 0.0 ft by 10 ft
 HORIZONTAL FOOTCANDLES
 Average 0.5
 Maximum 2.1
 Minimum 0.1
 Avg Min 2.02
 Max Min 21.00
 Coef Var 1.00
 Uniform 2.12

LEGEND

- GE LIGHTING SOLUTIONS - EAST CLEVELAND OH USA test report no. 17041221 17041321 17041322 17041324 17041325
 luminaire: LEDA E21A
 candela file: ERL1_080330 - .IES
 1 lamp(s) per luminaire, photometry is absolute
 Light Loss Factor = 0.900, watts per luminaire = 71
 mounting height = 39.5 ft
 number locations = 10, number luminaires = 10
 kw all locations = 0.7
- GE LIGHTING SOLUTIONS - HENDERSONVILLE NC USA test report no. 17072713 17072714 17072715
 luminaire: LEDA 7572-V1
 candela file: ERL1_070330 - .IES
 1 lamp(s) per luminaire, photometry is absolute
 Light Loss Factor = 1.000, watts per luminaire = 58
 mounting height = 25.917 ft
 number locations = 1, number luminaires = 1
 kw all locations = 0.1
- GE Lighting Systems - Hendersonville, NC, USA (not specific to a single catalog number)
 luminaire: HPS 50-150
 candela file: GE7286.IES
 1 lamp(s) per luminaire, 9500 initial lumens per lamp
 Light Loss Factor = 1.000, watts per luminaire = 100
 mounting height = 30 ft
 number locations = 1, number luminaires = 1
 kw all locations = 0.1
- candela file: GE8501.IES
 1 lamp(s) per luminaire, 18000 initial lumens per lamp
 Light Loss Factor = 0.810, watts per luminaire = 150
 mounting height = 39.5 ft
 number locations = 25, number luminaires = 25
 kw all locations = 3.8

WRIGHT
 engineering corporation
 4000 W. WRIGHT AVENUE, SUITE 100
 LEE'S EIGHT CHURCH DRIVE • CHANDLER, ARIZONA 85226
 PHONE: 480-957-5575 • FAX: 480-957-1807

PHOTOMETRIC CALCULATION
 SHEET FOR INFORMATION ONLY

PROJECT NAME:
 CTC ON MOUNTAIN VIEW
 PUBLIC STREET LIGHTING
 MOUNTAIN VIEW BLVD & PARKVIEW PL

WRIGHT ENG.
 PROJECT NO: 18198

DESIGN BY: KJH **PH1**

CHRISTOPHER TODD ON MOUNTAIN VIEW

Street Lights:

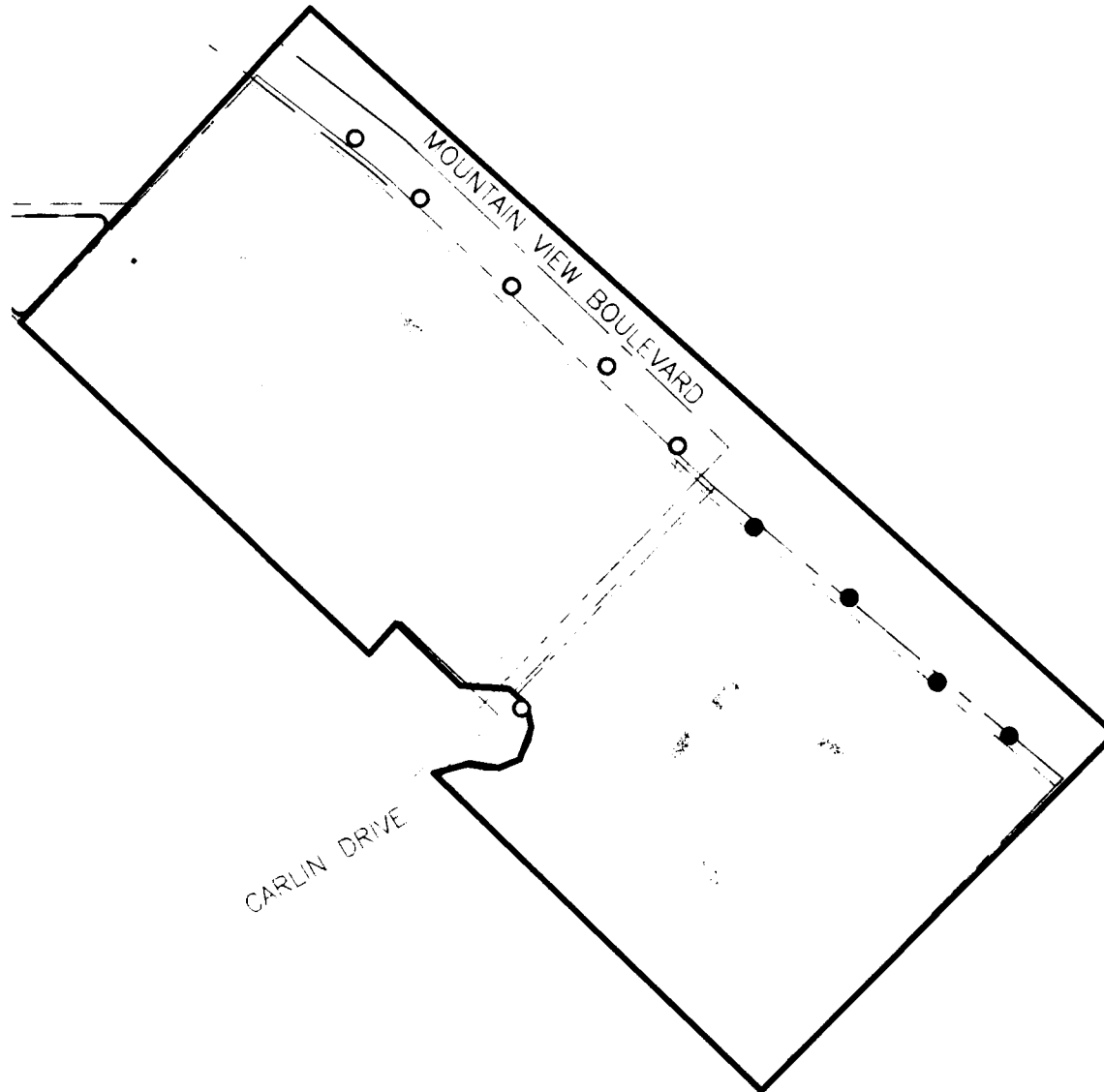
○ Street Light Pole

6 new poles

● Street Light Pole

4 existing poles

▭ SLID Boundary



6

CITY OF SURPRISE
Regular City Council Meeting



Council Meeting Date: May 7, 2019
Submitting Department: Public Works
Staff Recommendations: None

Contact Person: Mike Gent, DIRECTOR - PW
District: District 2

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

Consideration and action declaring City's intention to enlarge the "Surprise Valley Station Lighting Improvement District" an existing lighting improvement district pursuant to A.R.S. § 48-616 for the purpose of purchasing facilities and energy for lighting the public streets and parks; Resolution #2019-35.

Motion:

I move to approve Resolution #2019-35.

Background:

The Surprise Valley Station SLID was formed in 2008 (Resolution 2008-165). Since the time of formation, new parcels have been formed in and around the original SLID boundary. We request enlarging the existing SLID to include the new parcels. The city has verified that the Petition for the proposed street light improvement district enlargement contains the signatures of all of the real property owners in the enlargement area of the district, exclusive of mortgages and other lien holders. 6 new lights and 4 existing (non-energized) lights are proposed within this enlargement which are local and collector roads and will be billed to the Surprise Valley Station.

Objective Analysis:

A SLID is a neighborhood partnership and very common practice in which property owners in a defined area agree to pay the costs to operate and maintain their immediate area's street lights through a property tax. All new developments in the City of Surprise require a SLID. This action will enlarge an existing SLID boundary to include the remainder of the parcels not within the SLID and extend existing boundaries to roadway centerlines. The District is paid for by the levy and collection of an equal apportionment of taxes based on the number and classification of properties within the District. The enlargement of the SLID will only affect the parcels joining into the District, as the valuation of the property may be increased.

Policy Compliant:

Surprise Municipal Code requires that street lighting that serves a defined area be paid for through revenues obtained from the specific area being served by such street lighting. In these instances, a Street Light Improvement District (SLID) is formed. The city strives to assure that residents are subject to only one SLID and that the boundaries of each SLID accurately reflect the service area. This item is consistent with these objectives.

Financial Impact:

Any financial impact on the City is anticipated to be minimal, as the ratio of the new lights to existing lights is very small.

Budget Impact:

This is an enlargement of an existing SLID, therefore no impact to the budget is anticipated. A separate fund for this District is currently in place to track the revenue and expenses.

FTE Impact:

This action does not change the full time equivalent count.

ATTACHMENTS:

1. 01 Res. 2019-35 Expand Surprise Valley Station SLID-FINAL
 2. 02 SLID Petition - Approved
 3. 03 Mountain View - Street Light Plans - Approved
 4. 04 Christopher Todd on Mountain View Council Map
-



CITY OF SURPRISE Regular City Council Meeting

Council Meeting Date: August 20, 2024
Submitting Department: Public Works
Staff Recommendations:

Contact Person: Kristin Tytler, Department Director
District: District 5

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

Consideration and action pertaining to the conditional acceptance and maintenance of certain streets and public utility improvements at Alta Surprise, generally located at the northwest corner of North Litchfield Road and West Statler Boulevard; Resolution #2024-121.

Motion:

I move to approve Resolution #2024-121.

Background:

The Public Works Department conducted the final inspection of the public improvements for Alta Surprise on or about April 11, 2024, totaling 5,152 SY (approximately 1,497 LF) and determined that the infrastructure was compliant and acceptable to the City. The infrastructure includes asphalt pavement, storm drains and wastewater lines. Domestic water lines are located within the City of Surprise water jurisdiction.

Objective Analysis:

The improvements to this property provide access and conveyance to the property, storm drains to convey stormwater to retention basins, sewer lines to convey wastewater from the property to the city's public system and water lines to convey domestic water to the property. This action will accept the required infrastructure.

Policy Compliant:

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

Financial Impact:

Acceptance of streets, storm drain, sewer and water infrastructure increases the city's asset base and adds to future maintenance commitments. The total acceptance value of the infrastructure included with this item is \$967,376.67.

Budget Impact:

Funding for the infrastructure maintenance now and in the future will be supported from the city's Transportation Operations, Stormwater Operations, Wastewater Operations and Water Operations Funds. The anticipated incremental additional maintenance expense associated with the acceptance of these infrastructure items will be incorporated into future years' budgets.

FTE Impact:

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

ATTACHMENTS:

1. 01_Res 2024-121 - Infrastructure Acceptance Alta Surprise_FINAL
 2. 02_Notice of Completion Alta Surprise
 3. 03_Inspector Project Sign Off Form Alta Surprise
 4. 04_Linear Foot Verification Alta Surprise
-

RESOLUTION # 2024-121

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA, TO CONDITIONALLY ACCEPT THE PUBLIC IMPROVEMENTS AT ALTA SURPRISE, GENERALLY LOCATED AT THE NORTHWEST CORNER OF NORTH LITCHFIELD ROAD AND WEST STATLER BOULEVARD.

WHEREAS, the Mayor and City Council ("Council") of the City of Surprise approved a final plat entitled "Wood Partners at Surprise Center" on February 15, 2022;

WHEREAS, as a condition of the preliminary plat, approval of the final plat, and in compliance with the City Code, Wood Partners, the developer of Alta Surprise (the "Developer"), installed certain public improvements, including roadway improvements which consist of concrete sidewalks, curbs and gutters, as well as asphalt/paving, and the Developer also installed sewer lines, water lines, and drainage infrastructure. The roadway improvements, sewer lines, water lines, and drainage infrastructure are all collectively referred to as "Public Improvements";

WHEREAS, pursuant to Surprise Municipal Code ("SMC") Chapter 108, Article III, Section 108-3.5, the Developer shall maintain all Public Improvements for a period of two years, beginning from the date of conditional acceptance of said improvements by the Council ("Conditional Acceptance");

WHEREAS, the Developer dedicated to the City the Public Improvements generally located at the northwest corner of North Litchfield Road and West Statler Boulevard;

WHEREAS, on or about April 11, 2024, the City of Surprise Public Works Department completed an inspection of the Public Improvements described in this resolution and found the improvements to be in substantial compliance with the approved plans and specifications;

WHEREAS, the City of Surprise acknowledges that the Developer's two-year warranty period will begin upon the Council's conditional acceptance of the Public Improvements; and

WHEREAS, after the conclusion of the Developer's two-year warranty period, the City of Surprise will complete a final acceptance inspection, and upon clearance, will accept the Public Improvements, release the warranty assurance, and begin maintenance of the Public Improvements.

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

Section 1. The City of Surprise conditionally accepts the Public Improvements generally located as depicted on the map attached as Exhibit A and listed on Exhibit B.

Section 2. Upon clearance and final acceptance of the Public Improvements at the conclusion of the two-year warranty period, the City will release the warranty and begin maintenance of the Public Improvements.

APPROVED AND ADOPTED this _____ day of _____, 2024.

Skip Hall, Mayor

Attest:

Approved as to form:

Kristi Passarelli, City Clerk

Robert Wingo, City Attorney

Exhibit A
Map of Infrastructure

EXHIBIT A

Alta Surprise

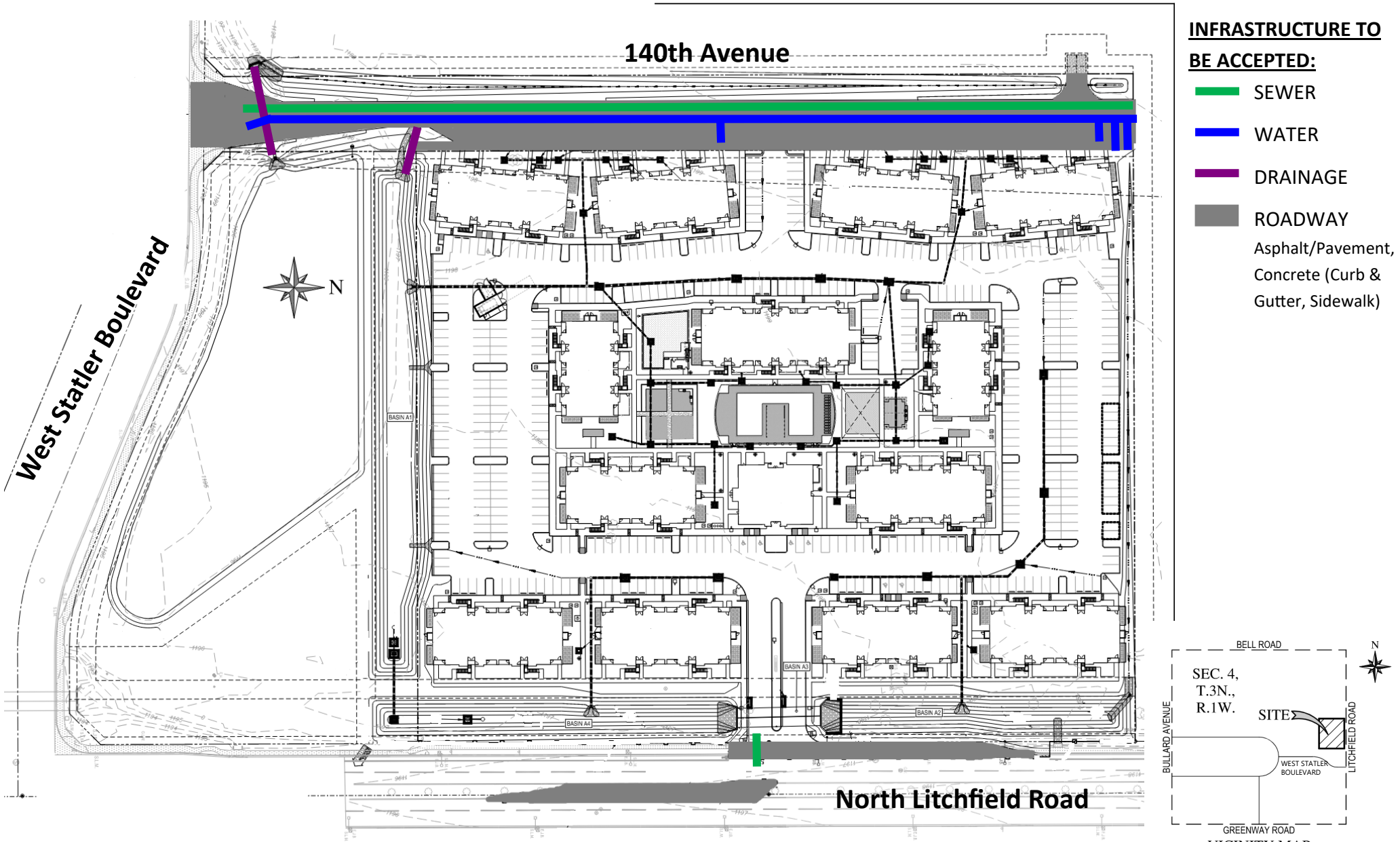


EXHIBIT B

List and Cost of Improvements



EXHIBIT B

ENGINEERING DIVISION
PUBLIC WORKS
CITY OF SURPRISE
16000 N. CIVIC CENTER PLAZA
SURPRISE, AZ 85374
T. 623-222-6150

Memorandum

To: City of Surprise City Council
From: Public Works – Engineering Services
Date: 07/10/2024
Re: Alta Surprise

The public improvements for the above project have been completed and are tentatively scheduled for conditional acceptance by Council. The amounts for the infrastructure have been provided by a third party and not the City of Surprise. The following are the infrastructure improvements included with this acceptance and the corresponding valuation that the City will be accepting:

City Paving	\$166,568.00
City Concrete	\$161,943.40
City Sewer	\$189,089.33
City Water	\$179,412.80
City Drainage	\$270,363.14
Total	\$967,376.67

April 25, 2024

Wood Partners
8777 E. Via de Ventura, Suite 201
Scottsdale, AZ 85258

RE: NOTICE OF COMPLETION AND COUNCIL ACTION REQUIREMENT FOR ALTA SURPRISE – FS21-607

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

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

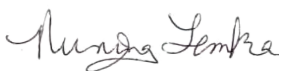
*For the Warranty Assurance, a notice of the required assurance amount and acceptable formats will be sent via email once actual construction costs have been submitted by the applicant.

The warranty period starts upon council acceptance for a period of two (2) years; please ensure warranty assurance will not expire prior to this date. The applicant will be notified of the council date as soon as it is scheduled and the warranty financial assurance is required to be submitted to the city 10 calendar days prior to the council date. If a warranty financial assurance is not received within 10 calendar days, council action and start of the warranty period will be delayed, at a minimum, an additional two (2) weeks.

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

If you have any questions or concerns, you can reach me at 623-222-6148 or at nuning.lemka@surpriseaz.gov.

Sincerely,



Nuning Lemka, P.E.
City Engineer

cc: Ravi Sharma, PW Engineering Manager
Eric Boyles, Transportation Director
Amanda Correia, Finance Senior Accountant
Warren Bert, GIS Manager

Robert Fields, PW Field Engineering Supervisor
Erick Martin, Finance
Michael Boule, Water Resource Management Director



PROJECT SIGN OFF FORM
PUBLIC WORKS - ENGINEERING SERVICES, INSPECTIONS

Date Submitted: 4-8-24 _____ Commercial X Commercial w/Offsite Residential

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

11-20-23 Date of Punch-List Walk 2-6-24 Date Punch-List Completed

Case Number: FS21-607

Project Name: Alta Surprise

Project Developer/Builder: (Name/Email, Address)

Wood Partners

8777 EAST VIA DE VENTURA, SUITE 201 SCOTTSDALE, ARIZONA 85258

Permit No: <u>E22P-0120</u>	Permit Type: <u>Private Concrete</u>
Permit No: <u>E22P-0121</u>	Permit Type: <u>Box Culvert</u>
Permit No: <u>E22P-0123</u>	Permit Type: <u>Storm Drain</u>
Permit No: <u>E22P-0124</u>	Permit Type: <u>Fireline</u>
Permit No: <u>E22P-0125</u>	Permit Type: <u>Grading</u>
Permit No: <u>E22P-0127</u>	Permit Type: <u>City Concrete</u>
Permit No: <u>E22P-0129</u>	Permit Type: <u>City Sewer</u>
Permit No: <u>E22P-0132</u>	Permit Type: <u>City Water</u>
Permit No: <u>E22P-0126</u>	Permit Type: <u>City Paving</u>
Permit No: <u>E22P-0073</u>	Permit Type: <u>SWPPP</u>

Additional Comments:

SUPPORTING DOCUMENTATION REQUIRED:

- | | |
|--|---|
| ☒ Copy of Punch List | ☒ AOC |
| ☒ Final Certification Letter from Engineer of Record | ☒ Asphalt Concrete Ticket w/ Name of Contractor |
| ☒ Complete Geotechnical Testing Packet | ☒ As built Documents (PDF copy) |
| ☒ Sewer Pressure Testing Results | ☒ Updated asbuilt CAD files |
| ☒ Sewer Manhole Vacuum Testing Certification | ☒ Fireline Sign-off (commercial) |
| ☒ Sewer Manhole Insecticide Certification | |
| ☒ Sewer Videos with Operators Notes (inc. re-videos) | |

Other _____ (Specify)

APPROVAL:

Civil Inspector: James Marichalar

Date: 4-8-24

Civil Engineering Supervisor: _____

Date: _____

Digitally signed by Rob Fields
DN: cn=Rob Fields, o, ou, email=Robert.Fields@surpriseaz.gov, c=US
Date: 2024.04.11 14:34:34 -0700

[illegible]



CITY OF SURPRISE Regular City Council Meeting

Council Meeting Date: August 20, 2024
Submitting Department: Police
Staff Recommendations:

Contact Person: Benny Pina, POLICE CHIEF
District: Citywide

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

Consideration and action pertaining to the approval of a modification to the Memorandum of Understanding with the U.S. Department of Justice, U.S. Marshals Service to provide additional funding for overtime expenses associated with the participation of one Surprise Police Officer in the JLEO Task Force and approval of a Fiscal Year 2025 budget amendment moving budget in the amount of \$2,600; Resolution #2024-126.

Motion:

I move to approve Resolution #2024-126.

Background:

The Surprise Police Department will receive \$2,600 in additional funding from the U.S. Department of Justice, U.S. Marshals Service to cover overtime expenses associated with the participation of one Surprise Police Officer in the Joint Law Enforcement Operations (JLEO) Task Force from October 13, 2023, to September 30, 2024.

Objective Analysis:

Acceptance of this additional funding will provide reimbursement of overtime expenses for one Surprise Police Officer's participation in the activities of the JLEO task force.

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:

Acceptance of this MOU modification will provide additional funding to be used solely for overtime expenses incurred as a result of participation in the JLEO Task Force. There is no city-match requirement; however, all employee related expenses associated with this overtime will be absorbed by the Police Department's current operating budget.

Budget Impact:

The FY2025 adopted budget did not include appropriations for revenue and expenses related to the

FFY2024 U.S. Marshals JLEO IGA. Acceptance of this IGA modification will require an amendment to the Fiscal Year 2025 budget by moving budget authority of \$2,600 from General Contingency to project G31366 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. usm607a - Surprise071224
 2. 24.08.13 Resolution 2024-126 DOJ US Marshals Service OT JLEO IGA Accepted (1)
-

INSTRUCTIONS: See last page for detailed instructions.

SECTION 1: OBLIGATION

DOCUMENT CONTROL #: M-24-D08-O-000130

SECTION 2: PARTICIPATING AGENCIES

The United States Marshals Service will modify funding provided pursuant to the
Memorandum of Understanding (MOU) in place between:

Surprise Police Department

and

District of Arizona (08)

All other terms and conditions of the MOU remain the same.

SECTION 3: APPROPRIATION DATA

FISCAL YEAR	ORGANIZATION	FUND	PROJECT	SOC / PURPOSE
2024	D08	AFF-B-OP	JLEOTFS4	25205 - TFO Overtime

Current Funded Amount: **\$8,000.00**

Adjusted Amount: **\$2,600.00**

Revised Amount: **\$10,600.00**

SECTION 4: DESCRIPTION OF MODIFICATION

Adjustment of JLEO funds; reallocating funding for FY24

SECTION 5: CONTACT INFORMATION

DISTRICT/RFTF CONTACT:

Name: Alicia Wynn

Phone: 602-824-7996

E-mail: alicia.wynn1@usdoj.gov

STATE/LOCAL CONTACT:

Name: Amanda Correia

Phone: 623-222-1848

E-mail: Amanda.Correia@surpriseaz.gov

SECTION 6: AUTHORIZATION

USMS Representative - Certification of Funds:

Signature: CASSANDRA HUGHES

Digitally signed by CASSANDRA HUGHES
Date: 2024.07.12 13:24:07 -0700

Date: _____

Cassandra Hughes - SPSS

Chief Deputy or RFTF Commander - Obligation Approval:

Signature: THOMAS SMITH

Digitally signed by THOMAS SMITH
Date: 2024.07.12 17:01:59 -0700

Date: _____

Thomas Smith - ACDUSM

Reimbursement of overtime work shall be consistent with the Fair Labor Standards Act. Annual overtime for each state or local law enforcement officer is capped at the equivalent of 25% of a GS-1811-12, Step 1, of the general pay scale for the RUS. Reimbursement for all types of qualified expenses shall be contingent upon availability of funds and the submission of a proper request for reimbursement which shall be submitted monthly or quarterly on a fiscal year basis, and which provides the names of the investigators who incurred overtime for the Task Force during the quarter; the number of overtime hours incurred, the hourly regular and overtime rates in effect for each investigator.

Departmental Representative - Acknowledgement:

Signature: _____ Date: _____

[Type Name and Title]

RESOLUTION # 2024-126

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA APPROVING A MODIFICATION TO THE MEMORANDUM OF UNDERSTANDING WITH THE U.S. DEPARTMENT OF JUSTICE (DOJ), U.S. MARSHALS SERVICE TO PROVIDE ADDITIONAL FUNDING FOR OVERTIME EXPENSES FOR ONE SURPRISE POLICE OFFICER INVOLVED IN THE JOINT LAW ENFORCEMENT OPERATIONS TASK FORCE, AND AMENDING THE FISCAL YEAR 2025 BUDGET BY MOVING BUDGET AUTHORITY OF \$2,600 FROM GENERAL CONTINGENCY TO PROJECT G31366 WITHIN THE GRANTS FUND.

WHEREAS, the Department of Justice, U.S. Marshals Service and the City of Surprise Police Department entered into a Memorandum of Understanding (MOU) on or about March 13, 2023 for the term of October 13, 2023, to September 30, 2024;

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

WHEREAS, all other terms and conditions of the MOU remain in full force and effect except as amended by the modification;

WHEREAS, the FY2025 budget was adopted by Council Resolution #2024-94 on June 4, 2024;

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, 2024 through June 30, 2025.

Section 2. The Joint Law Enforcement Operations Task Force Modification Document between the City of Surprise Police Department and the Department of Justice, U.S. Marshals Service, attached as *Exhibit B*, is 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.

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 # 2024-126
Exhibit A

1. Appropriation - This allocation below represents a movement of budget authority in the amount of \$2,600 from General Contingency to project G31366 in the Grants fund to cover projected expenditures associated with overtime expenses for an officer to participate in Task Force activities. 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	#G31366 FFY24 JLEO	E	3,900	2,600	6,500
Grants	Police	#G31366 FFY24 JLEO	R	3,900	2,600	6,500
Contingency	General Operations	Contingency	E	78,412,100	(2,600)	78,409,500
Contingency	General Operations	Other	R	78,093,200	(2,600)	78,090,600
Expense Total				78,416,000	-	78,416,000
Revenue Total				78,097,100	-	78,097,100

RESOLUTION # 2024-126

Exhibit B

INTERGOVERNMENTAL AGREEMENT MODIFICATION BETWEEN
THE CITY OF SURPRISE AND U.S. DEPARTMENT OF JUSTICE (DOJ), U.S.
MARSHALS SERVICE

(BEGINS ON THE NEXT PAGE)



CITY OF SURPRISE Regular City Council Meeting

Council Meeting Date: August 20, 2024

Contact Person: Kendra Pettis, DIR -
SPORTS/TOURISM

Submitting Department: Sports and Tourism
Staff Recommendations:

District: Citywide

Consent: Yes

Regular: No

Public Hearing: No

Report/Discussion: No

Agenda Wording:

Consideration and action to approve a Cell Tower License Agreement with DISH Wireless L.L.C. to locate on an existing structure at the Surprise Stadium Campus; Resolution #2024-134.

Motion:

I move to approve Resolution #2024-134.

Background:

The City has a vacant cell tower structure located at the Surprise Stadium Campus that DISH Wireless L.L.C. would like to obtain a license agreement for the purpose of erecting a tower and installing, maintaining, and operating wireless facilities.

Objective Analysis:

The objective of this agreement is to expand wireless telecommunications within the City and to increase rental revenues for the City of Surprise without impacting current operations at the Surprise Stadium Campus.

Policy Compliant:

The agreement is compliant with City Policy.

Financial Impact:

With the approval of the agreement, the City will receive approximately \$20,400 of annual revenue through the license rental payments as well as the opportunity to generate additional revenue through an annual escalation increase in which rent shall be increased annually upon each anniversary of the commencement date by three and one-half percent (3.5%) for the initial term of the agreement and four percent (4%) annually for any additional terms.

Budget Impact:

There will not be a budget impact as there are no additional expenditures needed to perform this agreement.

FTE Impact:

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

ATTACHMENTS:

1. PXPHX00515B_Aproved_MOL_20240716065015
 2. PXPHX00515B_AprovedExecutableLease_20240716065010_Signed by Dish
 3. 24.08.13 Dish Cell Tower Resolution_Draft (1)
-

Upon Recording, Return to:
Requested By: DISH Wireless
Prepared By: DISH Wireless

DISH Wireless L.L.C.
Attention: Lease Administration
5701 S. Santa Fe Dr.
Littleton, CO 80120

Re: PXPXH00515B

(Space above for Recorder's Office)

MEMORANDUM OF CELL TOWER LICENSE AGREEMENT

This Memorandum of Cell Tower License Agreement ("**Memorandum**") is made this ____ day of _____, 20__, by and between City of Surprise, an Arizona municipal corporation ("**City**"), and DISH Wireless L.L.C., a Colorado limited liability company ("**Licensee**"), having a place of business at 9601 South Meridian Boulevard, Englewood, Colorado 80112. Licensee and City are at times collectively referred to hereinafter as the "**Parties**" or individually as the "**Party**." This Memorandum is summarized as follows:

1. Licensee and City entered into a Cell Tower License Agreement ("**Agreement**") with an effective date of _____, 20__, for the purpose of installation, operation, maintenance, and management of a wireless communications facility. All of the foregoing, in addition to the provisions set forth in the Agreement between the Parties, are incorporated by reference and made a part herein.
2. City, or one of its affiliates, is the owner of a certain portion of real property located at 15795 N Parkview Place, Surprise, AZ 85374, being more particularly described in **Exhibit A**, attached hereto and made a part herein (the "**Property**").
3. City has leased to Licensee and Licensee has leased from City, space for Licensee's equipment installation on the Property in the locations as described or depicted in **Exhibit B**, attached hereto and made a part hereof (the "**Premises**"), that includes certain right of ways or grants of easements for access and utilities as provided in the Agreement (which may or may not be described or depicted in **Exhibit B**) which easements are in effect, or may be acquired, or granted, throughout the term of the Agreement as renewed

or extended subject to the terms and conditions as set forth in the Agreement.

4. The Agreement has an Initial Term of ten (10) years commencing on the **Commencement Date**, as defined in the Agreement. Licensee shall have the right, at its election, to extend the term of the Agreement, by two (2) term of five (5) years each or in any other such manner as prescribed in the Agreement. If all options to renew are exercised, the Agreement will have a term of twenty (20) years from the Commencement Date.
5. It is expressly understood and agreed by all Parties that the sole purpose of this Memorandum is to give record notice of the Agreement; it being distinctly understood and agreed that said Agreement constitutes the entire agreement between City and Licensee with respect to the Premises and is hereby incorporated by reference. The Agreement contains and sets forth additional rights, terms, conditions, and obligations not enumerated within this Memorandum which govern the Agreement. This Memorandum is for information purposes only and nothing contained herein may be deemed in any way to modify or vary any of the terms or conditions of the Agreement. In the event of any inconsistency between the terms of the Agreement and this Memorandum, the terms of the Agreement shall control. The rights and obligations set forth in the Agreement shall be binding upon and inure to the benefit of the Parties and their respective heirs, representatives, successors, and assigns.

[Reminder of page intentionally left blank. Signature page follows.]

IN WITNESS WHEREOF, the Parties have caused their duly authorized representatives to execute this Agreement as of the Effective Date.

THE CITY

City of Surprise, an Arizona municipal corporation

By: _____
_____, Director

Printed Name: _____

Date: _____

APPROVED AS TO FORM:

City Attorney's Office

LICENSEE

DISH Wireless, a Colorado limited liability company

By: _____

Date: _____

CITY'S ACKNOWLEDGMENT

STATE OF _____)
) SS :
COUNTY OF _____)

On the ____ day of _____, in the year 2024 before me, the undersigned, personally appeared _____, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(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 capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

(Signature and office of individual taking acknowledgment.)

LICENSEE'S ACKNOWLEDGMENT

STATE OF _____)
) SS:
COUNTY OF _____)

On the ____ day of _____ in the year 2024 before me, the undersigned, personally appeared _____, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(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 capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

(Signature and office of individual taking acknowledgment.)

EXHIBIT A – Licensed Area and Easements

LEGAL DESCRIPTION

The following property situated in Maricopa County, Arizona:

Parcel 11, as shown on that plat entitled “The Orchards” recorded April 20, 2001 in Book 560 Page 47 as Instrument No. 2001-0322286, in Maricopa County, Arizona.

Parcel No. 501-17-728

This being a portion of the property conveyed to City of Surprise, Arizona, a municipal corporation from Orchards Development Enterprises, L.L.C., an Arizona limited liability company; Lincoln Heritage Life Insurance Company, an Illinois corporation; Londen Insurance Group, Inc., an Arizona corporation; Bell & Reems Investment, L.L.C., an Arizona limited liability company; Maricopa County Treasurer; and unknown owners and claimants in Final Order of Condemnation dated March 3, 2003 and recorded March 10, 2003 as Instrument No. 2003-0294693.

N PARKVIEW PL

N BULLARD AVE

EXISTING 65'-0" MONOPOLE. SEE SHEET A-2.1 FOR ELEVATIONS.

64'-1"-3"

EXISTING COMPOUND BY OTHERS (TYP)

EXISTING BASEBALL FIELD (TYP)

PROPOSED EQUIPMENT LEASE AREA. SEE SHEET A-1.2 FOR DETAILS.

64'-1"

EXISTING TREE (TYP)

1150'-9"

EXISTING PARKING LOT (TYP)

N/F:
CITY OF SURPRISE
PARCEL ID: 501-17-728
ZONING: PAD





THE CITY OF SURPRISE, ARIZONA
16000 North Civic Center Plaza, Surprise, AZ 85374

CELL TOWER LICENSE AGREEMENT (Agreement Number PXPXH00515B)

Site Name: PXPXH00515B

This Cell Tower License Agreement ("Agreement") is entered into by and between the City of Surprise, an Arizona municipal corporation (the "City"), and , DISH Wireless L.L.C., a Colorado limited liability company having a place of business at 9601 S. Meridian Blvd., Englewood, Colorado 80112 ("Licensee"). The City and Licensee may each be referred to herein as a "Party," or, collectively, the "Parties."

RECITALS

WHEREAS, the City owns real property located at 15795 N Parkview Place, Surprise, AZ 85374, identified as Parcel No. 501-17-728 in the Maricopa County recording system, and commonly known as 15795 N Parkview Place, Surprise, AZ 85374 ("Property");

WHEREAS, the City owns an existing structure on the Property ("Tower"), to which a third-party contractor may license space for use. Such Tower is identified in Exhibit A;

WHEREAS, the City desires to expand wireless telecommunications coverages to its citizens, residents and the traveling public for the purposes of public safety, economic development, and general coverage of and access to wireless services;

WHEREAS, Licensee wishes to lease a portion of the Property for the purpose of erecting a tower and installing, maintaining, and operating certain wireless facilities; and

WHEREAS, the City is willing to lease a portion of the Property to Licensee subject to the terms and conditions contained in this Agreement.

AGREEMENT

NOW, THEREFORE, in consideration of the foregoing recitals, the mutual agreements contained herein, and other good and valuable consideration the receipt of which is hereby acknowledged, the Parties hereby agree as follows:

1. LICENSE

- 1.1. Licensed Area. The City hereby grants to Licensee a limited, nonexclusive, revocable license to use a portion of the Property and space on the Tower, as further described in **Exhibit A** ("Licensed Area"), herein incorporated by this reference, together with non-exclusive easements for the term of this Agreement (a) ingress and egress across other portions of the Property for access to the Licensed Area, with a minimum of a twenty-four (24) hour advanced notice to the City of Surprise Sports and Tourism Department and (b) the installation and maintenance of utility wires, poles, cables (including fiber optic cable), conduits, and pipes over, under or along the Property (collectively, the "Easements"), the location of said Easements also being described in **Exhibit A**, herein incorporated by this

reference, for the sole purpose of the Permitted Use (as defined in Section 1.2). The Licensed Area and Easements include only the area identified in Exhibit A, and does not include any surrounding area or properties. There shall be no unilateral replacements of Exhibit A. Any changes to Exhibit A shall be made through a formal written amendment to this Agreement.

- 1.2. Permitted Use. The Licensed Area may be used by Licensee for the sole purpose of the lawful transmission and reception of communications signals in all frequencies authorized by applicable governmental authorities and the installation, construction, maintenance, operation, repair, replacement, and upgrade of communications fixtures, antennas, and related equipment, cables, accessories, and other improvements (collectively, the "Facilities"), which are further shown on the site plan attached hereto as **Exhibit B** (the "Site Plan"), herein incorporated by reference (collectively referred to as the "Permitted Use"). The Site Plan shall include all improvements to the Licensed Area, including, without limitation, the installation or collocation of Licensee's or any sublicensee's Facilities.

2. TERM; DUE DILIGENCE; COMMENCEMENT DATE; TERMINATION; AMENDMENTS; ASSIGNMENT

- 2.1. Term; Renewal. This Agreement is effective upon the date the last party signs this Agreement ("Effective Date"). The initial term of this Agreement shall be for ten (10) years beginning on the Effective Date unless terminated sooner according to the terms of this Agreement beginning on the first day of the month following the Licensee's Commencement of Construction, as hereinafter defined (the "Commencement Date"). "Term" shall include the initial term and any renewed term of this Agreement. This Agreement shall automatically be extended by Licensee for one additional five (5) year term. By mutual agreement of the Parties, the Term may be extended for an additional five (5) year Term ("Second Renewal"). Second Renewal is voluntary and the City nor the Licensee shall be under no obligation to renew for any additional term. The Second Renewal request by the Licensee shall be submitted to the City for review and approval a minimum of terminate ninety (90) days prior to the renewal of the then-current Term.
- 2.2. Due Diligence. For a period of twelve (12) months commencing on the Effective Date (the "Due Diligence Period") and subject to Section 2.3, Licensee and its agents, employees and independent contractors shall have the non-exclusive right and privilege to enter upon the Property to perform, or cause to be performed site inspections, which shall include, but not be limited to, test borings of the soil, environmental audits, engineering studies and to conduct a survey of the Licensed Area and the Easement. For such purposes, the City shall provide any necessary keys or access codes to the Property if needed for ingress and egress. Licensee shall not unreasonably interfere with the City's use of the Property in conducting these activities and must schedule access times with the City of Surprise Sports and Tourism department with a minimum of a twenty-four (24) hour advanced notice. Licensee shall have the right, at its sole cost and expense, to have the Licensed Area and the Easements surveyed and to obtain a title commitment for a leasehold title policy covering the Licensed Area and the Easements from the title insurance company of its choice. In addition, Licensee will be responsible and liable for personal injury or property damage caused by the acts, omissions, negligence, and/or willful misconduct of Licensee and its officers, agents, employees, sublicensees, and/or contractors or subcontractors during such Due Diligence Period arising under or related to this Agreement.
- 2.3. Regulatory Approvals. During the Due Diligence Period, Licensee shall use commercially reasonable efforts to obtain all regulatory approvals for the Permitted Use, including, without limitation, rezoning of the Licensed Area for the Permitted Use and a building permit for construction of the Improvements. The City agrees to cooperate with Licensee with the

timely review and/or execution of any documents required to obtain all regulatory approvals.

- 2.4. Commencement of Construction. Licensee shall commence construction within one year of the Effective Date. "Commencement of Construction" or "Commence Construction" shall mean commencement of any and all preliminary site work (including, without limitation, clearing, grubbing, grading, soil borings, and other site work which qualifies).
- 2.5. Holdover. If Licensee remains in possession of the Licensed Area after the end of the Term, Licensee shall be deemed to be occupying the Licensed Area on a month-to-month basis ("Holdover Term"), subject to all terms and conditions of this Agreement. The Holdover Term may be terminated by the City upon thirty (30) days' written notice to Licensee. During the Holdover Term, Licensee shall be subject to one hundred fifty percent (150%) of the Rent due, as described in Section 3. Said Holdover Term fee shall be subject to annual rate increases, as described in section 3.2.
- 2.6. Termination by the City. The City may terminate this Agreement upon written notice to Licensee for either of the following: (a) for any Default (as defined in Section 11) that has not been cured within the applicable cure period; (b) upon ninety (90) days' prior written notice to Licensee if the City is prohibited from leasing the Property for the Permitted Use by any new governmental ordinance or regulation; or (c) if the Commencement of Construction is not within one year in accordance with Section 2.4.
 - 2.6.1. Termination Due To MLB/Team Needs. Licensee understands and acknowledges the significance of the City's relationship with Major League Baseball, the Kansas City Royals team, and the Texas Rangers team, including their presence on the Surprise Recreation Campus. The City may terminate this Agreement upon providing Licensee with ninety (90) days' prior written notice that: (a) Licensee's use of the Licensed Area substantially interferes with the operations of the MLB, the Kansas City Royals, or the Texas Rangers and Licensee is unable to cure such interference within thirty (30) days of receipt of written notice; or (b) the accommodation of an improvement to the Property by or on behalf of the MLB, the Kansas City Royals, or the Texas Rangers permanently interferes with Licensee's use of the Premises. In such a case, the City will reasonably work with Licensee to find a new location within the Property that may accommodate Licensee's need. Under no circumstances will the City be liable to Licensee or any third party due to the termination contemplated in this subsection nor the inability to determine a new collocation for Licensee's Facilities.
- 2.7. Termination by Licensee. Licensee may immediately terminate this Agreement upon written notice to the City for any Default (as defined in Section 11) that has not been cured within the applicable cure period. Licensee may also terminate this Agreement (a) upon thirty (30) days' written notice by Licensee to the City, if Licensee is unable to obtain or maintain through no fault of Licensee, any license, permit or other state or federal governmental approval necessary for the construction and/or operation of Licensee's Facilities; or (b) for any reason upon one (1) year's advance written notice from Licensee to the City.
- 2.8. Conflicts of Interest. Ariz. Rev. Stat. § 38-511 is applicable to this Agreement and this Agreement may be terminated in accordance therewith.
- 2.9. Amendments. This Agreement may only be amended with the signed, written approval of both parties, except as otherwise described herein.
- 2.10. Assignment. Licensee may not assign this Agreement without the written approval of the

City, except to an affiliate entity of Licensee. For purposes of this Agreement, an "affiliate entity of Licensee" shall mean any person or entity which Licensee or its respective partners, directly or indirectly, through one or more intermediaries, controls, is in common control with, or is controlled by.

3. RENT

- 3.1. Monthly Fee. "Rent" in the amount of One Thousand Seven Hundred and 00/100 Dollars (\$1,700.00) subject to annual rate increases and Holdover Term fees, shall commence on the Effective Date ("Commencement Date") and shall be due and payable to the City. The first Rent payment shall be made within ninety (90) business days of the Commencement Date, with subsequent rent payable by the first day of each month. Rent shall be remitted to the address shown for the City in this Lease Agreement, or such other address as the City may direct by notice in writing to Licensee at least thirty (30) days prior to the Rent becoming due. Rent shall be prorated for any partial month or upon termination of this Agreement, based upon the number of days in the final month.
- 3.2. Annual Rate Increase. Throughout the Term of this Agreement, Rent shall be increased annually upon each anniversary of the Commencement Date by three and one-half percent (3.5%) for the initial term of the agreement and four percent (4%) annually for any additional terms.
- 3.3. Taxes. Licensee shall pay all applicable taxes, including, but not limited to, any applicable City transaction privilege tax and all real, leasehold, and personal property taxes assessed on or any portion of such taxes attributable to the Licensed Area and Licensee's Facilities. Licensee shall reimburse the City for all tax increases on the Licensed Area, including, but not limited to, all taxes levied upon Licensee's Facilities.

4. SUBLICENSES

- 4.1. Sublicense. Licensee may sublease, subject to approval by the City which shall not be unreasonably withheld, all or a portion of the Licensed Area to sublicensee(s), subject to all terms and conditions of this Agreement and only for the Permitted Use. Licensee shall include language in any sublease agreement that references this Agreement and binds sublicensee to the same terms and conditions that Licensee is subject to under this Agreement. Upon request, Licensee shall provide the City with a list of all sublicensees of this Agreement, including their names, contact information, locations and collocations of any sublicensee Facilities installed, and any sublease agreements between Licensee and the sublicensee. No sublicensee may collocate any sublicensee Facilities to the Licensed Area without obtaining a permit from the City.
- 4.2. Sublicensing Fee. In addition to all other amounts set forth in Section 3, Licensee shall pay to the City as additional Rent: (a) three hundred dollars (\$300.00) per month per sublicensee, or (b) a monthly amount equal to twenty percent (20%) of the rent paid per sublicensee per month to Licensee, whichever is greater, for subleasing and/or use of the Licensed Area or a portion thereof ("Sublicensee Fee"). The Sublicensee Fee shall be paid at the same time as the Rent payments under this Agreement. Further, the Sublicensee Fee is also subject to the annual escalator of three and one-half percent (3.5%) for the first two (2) terms and four percent (4%) annually for any additional terms. The City shall have the right to audit all subleases and related transactions entered into by Licensee for use of the Licensed Area.

5. CONDITION; MAINTENANCE; WARRANTIES

- 5.1. Condition of Licensed Area. Licensee is responsible for the study and inspection of the Licensed Area and for determining the fitness for use intended by Licensee. The City expressly disclaims all warranties of the Licensed Area, including, but not limited to, warranties of merchantability, warranties for fitness for a particular purpose, and absence of hazardous conditions associated with the Licensed Area. Licensee accepts the Licensed Area in "AS-IS" condition, without representation or warranty of any kind by the City, its officers, officials, agents, or employees, and subject to all laws governing the use of the Licensed Area for the purposes stated herein. Further, the City does not warrant that the Tower nor the Property will serve the Purpose contemplated herein; it is Licensee's duty to determine whether the Tower and Property will be sufficient for their Purpose. The City also does not warrant that the Tower will be adequate to accommodate Licensee's Facilities; it is Licensee's duty to inspect, analyze, and have professionals determine whether the Tower can safely accommodate Licensee's Facilities.
- 5.2. Licensee Maintenance. Licensee shall keep and maintain the Licensed Area in commercially reasonable and safe condition during the Term, at Licensee's sole expense. The City shall maintain the Property in compliance with all Applicable Law. Notwithstanding the foregoing, the City neither assumes, nor shall it have any responsibility for, the condition of the Licensed Area and the City shall not be responsible for the construction, maintenance, upkeep, or repairs necessary to keep the Licensed Area safe and serviceable for the intended uses. In consideration for permitting Licensee to utilize the City's Tower for collocation purposes under this Agreement, Licensee will be responsible for maintaining the Tower, however Licensor represents and warrants that it will keep the Property in compliance with Applicable Law.
- 5.3. Return of Licensed Area. Upon the end of the Term or termination of this Agreement, Licensee shall return the Licensed Area to the same condition that existed prior to the execution of this Agreement, ordinary wear and tear excepted, including, without limitation, removal of all surface and subsurface materials (for subsurface materials, to a depth of four (4) inches); however, Licensee shall leave in place all underground power runs and/or other electrical lines within the Licensed Area and the Property. Licensee shall continue to pay Rent until Licensee has made a full physical return of the Licensed Area to the City.
- 5.4. Utilities. Licensee is responsible for obtaining and paying for all utilities related to its use of the Licensed Area, including, without limitation, electric service. Licensee is responsible for setting up its own accounts with utility providers for its use of the Licensed Area.
- 5.5. Transfer of Licensed Area. The City may abandon, sell, lease, assign, or otherwise legally transfer the Licensed Area or any portion thereof. Any transfer of the Licensed Area shall be subject to this Agreement. The City shall give Licensee no less than one hundred eighty (180) days' notice of its intent to sell, lease, assign, or otherwise legally transfer the Licensed Area or any portion thereof.
- 5.6. Condemnation. In the event the City receives notification of any condemnation proceedings affecting the Licensed Area, the City will provide notice of the proceeding to Licensee within forty-eight (48) hours. If a condemning authority takes all of the Licensed Area, or a portion thereof that Licensee determines renders the Licensed Area unsuitable for Licensee, this Agreement will terminate as of the date the title vests in the condemning authority.
- 5.7. Proprietary Function. The Parties acknowledge that the City is entering into this Agreement solely in its proprietary capacity. This Agreement is not subject to Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012, the Federal Communication Commission (FCC) Declaratory Ruling and Third Report and Order under FCC 18-133, Arizona Revised Statutes (A.R.S.) § 9-581 *et seq.*, or A.R.S. § 9-591 *et seq.*

Notwithstanding the foregoing, any applications submitted for governmental approvals (regulatory approvals only; this does not include proprietary approvals) are subject to Applicable Law.

6. IMPROVEMENTS

- 6.1. Improvements to Licensed Area. Licensee or its sublicensees shall not make any improvements to the Licensed Area, including, but not limited to, placement and/or installation of Licensee's and/or any sublicensees' Facilities, except as otherwise shown on the Site Plan attached hereto as **Exhibit B** (the "Site Plan"). The Facilities to be attached to the tower as shown on the Site Plan, are hereby approved by The City. The addition of any Facilities required on the Licensed Area shall not be installed on the tower without the City's consent. In the event, that the City consents to the additional Facilities, the sublicensee will submit to the City for the City's approval engineering plans for the additional facilities.
- 6.2. Repairs; Replacements. Notwithstanding Section 6.1, Licensee may make reasonable repairs and/or replacements to certain existing Facilities so long as the repairs and/or replacements use the same or substantially similar (like for like) equipment or parts as the Facilities being repaired and/or replaced and do not: (a) materially increase the number of Facilities within the Licensed Area; (b) increase the size of the Facilities being repaired or replaced by more than ten percent (10%) of the original size when installed (including, but not limited to, the height of the tower improvement); and (c) change the location of the Facilities on the tower. Licensee shall provide the City with all documents showing such repairs and replacements. Access to make such repairs and/or replacements must be coordinated with the City pursuant to Section 8.1. Nothing herein is intended to prevent Licensee from complying with any applicable federal, state, and/or local law, rule, or regulation.
- 6.3. Permits and Approvals. The zoning processes, building permit processes, and similar regulatory requirements that apply to Licensee's use of the Licensed Area are completely separate from the processes set forth in this Agreement. Licensee's satisfaction of any requirement of this Agreement does not substitute for compliance with any other regulatory requirement. Similarly, Licensee's satisfaction of any other regulatory requirement does not substitute for compliance with any requirement of this Agreement.
To the extent that regulatory requirements and requirements of this Agreement are the same, compliance with regulatory requirements shall constitute compliance with this Agreement and vice versa.
- 6.4. City Inspections. Licensee shall order City inspections of any applicable Facilities during and upon completion of installation of the Facilities.
- 6.5. Construction and Installation Work. All of Licensee's construction and installation work shall be performed at Licensee's sole cost and expense, in a good and workmanlike manner, and in compliance with all applicable laws, rules, orders, ordinances, directions, regulations, and requirements of federal, state, and local authorities.
- 6.6. Ownership of Facilities. Upon the end of the Term or earlier termination of this Agreement, Licensee shall remove all Facilities within the Licensed Area within ninety (90) calendar days, except as otherwise described in this Agreement. Said removal includes, but is not limited to, removal of all surface and subsurface improvements and materials installed by Licensee and its sublicensees. The City acknowledges that Licensee's Facilities installed by Licensee shall remain the personal property of Licensee and Licensee may remove the same at any time during the Term. The parties may agree on a transfer of ownership of any improvements in writing signed by both parties and/or as described in this Agreement.

- 6.7. Stealth Design. The City may require certain design, construction, and/or paint schemes for any Improvements.
- 6.8. City Facilities. The City may collocate facilities or other equipment onto the tower Improvement(s), at no cost to the City; provided that, Licensee shall have the right to approve the facilities or equipment to be installed by the City, shall designate where such facilities or equipment may be installed, and such approval(s) shall not unreasonably be withheld by Licensee. No City facilities or equipment may interfere with any other tenants collocated on the tower Improvements subject to provisions within this Agreement. The City will pay all costs associated with collocating its facilities or other equipment onto the tower, including its respective portion of electric costs and the costs to install and maintain its facilities/equipment.

7. INTERFERENCE

- 7.1. Interference. "Interference" means any type of interference, whatsoever, including but not limited to: blocking or impeding access to a location or destination/physical interference; electrical interference; mechanical interference; radio frequency (RF) interference; and interference with the use or enjoyment of real property.
- 7.2. No Interference. All of Licensee's Facilities shall only be used in a lawful manner that will not cause any Interference including, but not limited to, Interference with: (a) any existing or future public safety communication systems (including, without limitation, fire, police, or other emergencies) or any existing or future activities, work, projects, or other operations by the City ("City Operations"); (b) the access to the Licensed Area; (c) any use or enjoyment of the Property; or (d) the activities of any other lessee, licensee, or other user or occupant of the Property existing as of the Effective Date. Licensee's use of the Licensed Area is subject and subordinate to all public safety communications systems and City Operations and any Third-Party Facilities (as described in Section 7.3 below).
- 7.3. Third-Party Facilities. Licensee shall not operate Licensee's Facilities in any manner that causes Interference with third-party wireless facilities, telecommunications systems, communications equipment, support structures, and any other related equipment that exist prior to installation of Licensee's Facilities ("Third-Party Facilities"). If at any time the City receives notice or becomes aware that Licensee's Facilities or the Improvements are causing any Interference with Third-Party Facilities, Licensee shall immediately remedy such Interference in accordance with Section 7.4.
- 7.4. Remedy Interference. If it is determined, by the City in its sole and final discretion, that Licensee's Facilities are the cause for any Interference as described in this Section 7, Licensee shall: (i) remedy such Interference as soon as possible but no later than seventy-two (72) hours after determination that such Interference is caused by Licensee's Facilities, or (ii) cease operation of Licensee's Facilities and/or Licensee's use of the Licensed Area until such Interference is eliminated. If such Interference is not remedied within the 72-hour period, the City may take all necessary and reasonable steps, at Licensee's sole cost and expense, to eliminate the Interference, including, but not limited to, shutting off the power to the Improvements, Licensee's Facilities, and/or the Licensed Area. If Licensee cannot eliminate its Interference, the City may immediately terminate this Agreement, except for Licensee's obligation to pay rent or any costs due and owing, if any, up to the date of termination.
- 7.5. No City Liability for Interference. The City and its council members, officials, officers, boards, commissions, agents, and employees, shall not be liable to Licensee, any of Licensee's customers/clients, or any sublicensee or their respective customers/clients, for any Interference with Licensee's/sublicensees' Facilities, the Improvements, or Licensee's use of the Licensed Area, whatsoever.

- 7.6. The City's Interference. The City shall not use, nor shall the City permit its lessees, licensees, invitees or agents to use, any portion of the Property adjacent to the Licensed Area in any way which interferes with the wireless communications signals from the Facilities or access to the Licensed Area by Licensee and its employees, contractors, subtenants, and licensees, subject to the pre-existing rights described in paragraphs 7.2 and 7.3 above. Such interference shall be deemed a Default and subject to Section 11 of this Agreement.
- 7.7. No Third Party Beneficiaries. None of the provisions of this Agreement shall be for the benefit of, or enforceable by, any third party, including, without limitation, any customers/clients of Licensee or any sublicensee or their respective customers/clients. No third party shall obtain any right under any provisions of this Agreement or shall by reason of any such provision make any claim in respect of any debt, liability, or obligation (or otherwise) against any party hereto.

8. ACCESS; SAFETY

- 8.1. Access to Licensed Area. Unless there is a condition on the Licensed Area or with the Facilities constituting an emergency, Licensee shall coordinate all access to the Licensed Area, which shall not be unreasonably withheld, with the City of Surprise Sports and Tourism department with a minimum of a twenty-four (24) hour advanced notice. The City shall provide such contact information for the Sports and Tourism Department standby personnel. An emergency, as defined for this Section 8.1 only, means a disruption to Licensee's network that requires immediate attention. Notwithstanding the foregoing, Licensee acknowledges that certain times throughout the year the City hosts significant events, such as MLB Spring Training, in which access may be limited. During the normal Spring Training season, which operates typically from late February to early April, Licensee's access will be limited to City approval, except for cases of emergency. Any work performed during the Spring Training season shall be performed in a manner as to not disturb the operations of the MLB, the Kansas City Royals, or the Texas Rangers.
- 8.2. RF Letter. Licensee shall provide an "RF Letter" confirming its compliance with FCC Radio Frequency 47 CFR §1.1310 and all other applicable radio frequency ("RF") emissions laws and regulations (collectively, the "Guidelines") in effect as of the Effective Date. Licensee shall conduct an initial test for compliance with the Guidelines prior to placing Licensee's Facilities on the Licensed Areas before the Licensee's Facilities are activated. Licensee shall perform additional tests upon any significant change in Licensee's Facilities. All such testing shall be performed by a qualified radio engineer. If the tests show noncompliance with applicable Guideline exposure limits in effect, then the noncompliant Licensee's Facilities shall be shut down (except for work necessary to bring it back into compliance) until subsequent tests again show compliance with the Guidelines. The City may, at its expense, perform tests to determine compliance of any Licensee's Facilities with the Guidelines, as amended from time to time.
- 8.3. Emergency Contact. Licensee shall require its sublicensees to post a 24-hour Network Operations Center (NOC) contact number for all Facilities within the Licensed Area (at a conspicuous, easily-identifiable, ground-level location) for emergency purposes. The NOC numbers shall be manned twenty-four (24)/ seven (7) by qualified individuals for these purposes.
- 8.4. Signage. Licensee shall not install any signs in the Licensed Area other than safety warning signs, signs required by law, or other signs as are requested or approved by the City. Licensee shall bear all costs pertaining to the erection, installation, maintenance, and removal of all signs installed by Licensee.
- 8.5. City Emergency Access. The City shall have twenty-four (24)/ seven (7) access to the

Licensed Area for any purpose, including, but not limited to, access by public safety personnel. Except in the event of an emergency, the City shall contact Licensee prior to entering the Licensed Area.

- 8.6. Building and Safety Codes. Licensee shall comply with all applicable federal, state, and local laws, rules, and regulations, including all building and safety codes.
- 8.7. Backup Power Supplies. Licensee and sublicensees are not permitted to use any backup power supplies, including, without limitation, gas powered generators and/or other battery systems, without the prior written approval of the City.
- 8.8. Emergency Shut-Off. Intentionally Deleted.

9. LIMITATION OF LIABILITY; INDEMNIFICATION

- 9.1. Intentionally Omitted.
- 9.2. Indemnification. To the fullest extent permitted by law, Licensee shall indemnify, defend and hold harmless City, from and against any and all claims, demands, suits, actions, proceedings, loss, cost and damages of every kind and description, including any reasonable attorneys' fees and/or litigation expenses (hereinafter referred to as "Indemnities"), to which any such Indemnities may become subject, under any theory of liability whatsoever ("Claims"), insofar as such Claims (or actions with respect thereof) relate to, arise out of, or are caused by or in connection with; (i) loss or damage to any property or interest of City, (ii) any damages, injury to person or property, or death of any person arising out of any acts, errors, omissions, work, or services of Licensee, its employees, sublicensees, agents, representatives, or subcontractors, their employees, agents, or representatives, (iii) any use or occupancy of the Licensed Area by Licensee, its personnel, employees, agents, contractors or subcontractors, except to the extent such claims are caused by the intentional misconduct or sole negligence of any Indemnities or persons acting under any Indemnities; (iii) any worker's compensation claims, unemployment compensation claims or unemployment disability compensation claims of employees of Licensee or claims under similar such laws or obligations; (iv) any interference, whatsoever, caused, directly or indirectly, by Licensee or its sublicensees to a Third-Party Facility that exists prior to installation of Licensee's Facilities on the Licensed Area, and/or (v) failure by Licensee or sublicensee(s) to comply with all applicable, existing or future, federal, state, and/or local laws, rules, or regulations. These indemnification obligations shall not extend to any loss, damage, injury, or death to the extent caused by the negligence or willful misconduct of City, or its employees.

10. INSURANCE

- 10.1. Insurer Qualifications. Without limiting any obligations or liabilities of Licensee, Licensee shall purchase and maintain, at its own expense, hereinafter stipulated minimum insurance with insurance companies duly licensed by the State of Arizona with an A.M. Best, Inc. rating of "A- VII" or above with policies and forms satisfactory to the City. Failure to maintain insurance as specified herein may result in termination of this Agreement at the City's option. The City in no way warrants that the above-required minimum-insurer rating is sufficient to protect Licensee from potential insurer insolvency.
- 10.2. No Representation of Coverage Adequacy. By requiring insurance herein, the City does not represent that coverage and limits will be adequate to protect Licensee. The City reserves the right to review any and all of the insurance policies and/or endorsements cited in this Agreement, but has no obligation to do so. Failure to demand such evidence of full compliance with the insurance requirements set forth in this Agreement or failure to identify any insurance deficiency will not relieve Licensee from, nor be construed or deemed a waiver of, its obligation to maintain the required insurance at all times during the

performance of this Agreement.

10.3. Insurance Requirements.

10.3.1. Licensee shall procure and maintain for the Term of this Agreement, insurance against claims for injury to persons or damage to property which may arise from or in connection with the performance of the work hereunder by Licensee, its agents, representatives, employees, subcontractors, or sublicensees.

10.3.2. The insurance requirements herein are minimum requirements for this Agreement and in no way limit the indemnity covenants contained in this Agreement. The City in no way warrants that the minimum limits contained herein are sufficient to protect Licensee, or any sublicensee, from liabilities that might arise out of the performance of the work under this Agreement by Licensee, its agents, representatives, employees, subcontractors, or sublicensees, and Licensee is free to purchase additional insurance.

10.3.3. Coverage provided by Licensee may not be limited to the liability assumed under the indemnification provisions of this Agreement.

10.3.4. Sublicensees. Any and all sublicensees are subject to the same terms and conditions and insurance requirements applicable to Licensee under this Agreement. Licensee's certificates of insurance shall list the "City of Surprise" as an additional insured.

10.4. Minimum Scope and Limits of Coverage. Licensee shall provide coverage with limits of liability not less than those stated in this Agreement below:

10.4.1. *Commercial General Liability – Occurrence Form.*

The policy shall include bodily injury, property damage, personal injury, and broadform contractual liability coverage.

General Aggregate	\$4,000,000
Each Occurrence	\$2,000,000
Fire Legal Liability	\$50,000
Personal and Advertising Injury	\$1,000,000

10.4.2. *Business Automobile Liability.*

The policy shall include coverage for bodily injury and property damage for any owned, hired, and/or non-owned vehicles used in the performance of this Agreement.

Combined Single Limit (CSL)	\$1,000,000
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10.4.3. *Workers' Compensation and Employers' Liability.*

The policy shall include workers' compensation statutory employers' liability coverage pursuant to State of Arizona requirements.

10.4.4. *Intentionally Omitted*

10.4.5. *Environmental/Pollution Liability.*

The policy shall include environmental and/or pollution liability coverage.

Each Claim	\$1,000,000
Annual Aggregate	\$2,000,000

10.4.6. Licensee shall secure insurance coverage sufficient to protect all of Licensee's Facilities and other Improvements under this Agreement from any and all losses, whatsoever.

10.5. Additional Requirements. All insurance policies required under this Agreement shall: (a) be written on an occurrence form; (b) be endorsed to include the "City of Surprise" as an additional insured; (c) contain a waiver of subrogation against the City of Surprise and its

council members, boards, commissions, officials, officers, agents, employees, and subcontractors; (d) be primary and non-contributory with respect to all other sources; (e) include the "City of Surprise" as the additional insured on the respective certificates of insurance. Licensees shall provide the City with all applicable endorsements to evidence the foregoing requirements. Further, all certificates of insurance for policies required under this Agreement shall identify this Agreement by Agreement Number in the policy description.

- 10.6. Verification of Coverage. Licensee shall furnish the City with a certificate of insurance and an endorsement for each policy. **All of the required insurance documents shall be in effect and received and approved by the City's Risk Management division before Licensee takes possession of all or a portion of the Licensed Area and before any work begins under this Agreement, and shall remain in effect for the Term of this Agreement.** Failure to maintain the insurance policies as required by this Agreement, or to provide evidence of renewal, shall be a material breach of this Agreement. The City reserves the right to require complete, certified copies of all insurance policies required by this Agreement at any time.

Risk Management Division, contact information:

City of Surprise
16000 N. Civic Center Plaza
Surprise, AZ 85374
Attn: Risk Manager

E-mail: riskmanagement@surpriseaz.gov

- 10.7. Notice of Cancellation. Each insurance policy required by this Agreement shall provide the required coverage and be specifically endorsed to provide that such coverage shall not be cancelled without at least thirty (30) days' prior written notice to the City. Licensee shall provide the City with at least thirty (30) days' advance written notice if the insurance is not in compliance with the requirements set forth in Section 10.4. Such notice shall be sent directly to the City's Risk Management division.
- 10.8. Modifications to Coverage. Any modification or variation from the insurance requirements in this Agreement will be approved by the City in its sole discretion, whose decision is final. Such actions will not require a formal Agreement amendment, but may be made by administrative action signed by the City's Risk Manager or their designee.

11. DEFAULT

- 11.1. Each of the following occurrences shall be an event of "Default":

- 11.1.1. Default made by Licensee or the City of any of the covenants, agreements, conditions, or undertakings herein to be kept, observed, and performed that continues for thirty (30) days or the cure of which has not been diligently commenced within thirty (30) days after written notice is given by non-defaulting Party to the defaulting Party.
- 11.1.2. If Licensee should voluntarily file any petition, or have an involuntary petition filed on its behalf, under any chapter or section of the Federal Bankruptcy Code or any similar law, state or federal, whether now or hereafter existing, or shall file an answer admitting insolvency or inability to pay its debts; provided however, that Licensee shall not remain in default if it continues to comply with the terms of the Agreement:
- 11.1.3. If a trustee or receiver shall be appointed for Licensee or for a major portion of its property or its Facilities.
- 11.1.4. If any court shall have taken jurisdiction of a major portion of the property or the Facilities of Licensee in any involuntary proceeding for dissolution, liquidation or winding

up of Licensee and such jurisdiction shall not be relinquished or vacated within sixty (60) days.

11.1.5. If Licensee makes an assignment for the benefit of its creditors.

12. RIGHT OF REENTRY

- 12.1. Upon the occurrence of any Default that is not cured within the applicable cure period, and at any time after the expiration of the applicable cure period, the City shall have the right, at its election, to reenter the Licensed Area and to expel, remove and put out Licensee and all persons occupying or upon the same under Licensee, using such force as may be necessary in so doing, and again to possess the premises and take full possession of and control over the Licensed Area. No reentry by the City shall be deemed an acceptance of a surrender of this Agreement, nor shall it absolve or discharge Licensee from any liability under this Agreement. Upon such reentry, all rights of Licensee to occupy the Licensed Area shall cease and terminate.
- 12.2. Upon the occurrence of any Default by Licensee and at any time thereafter, the City shall have the right, at its election, with or without reentry, to give written notice to Licensee stating that this Agreement shall terminate on the date specified by such notice, and upon the date specified in such notice, this Agreement and all rights of Licensee hereunder shall terminate. Upon such termination, Licensee shall quit and peacefully surrender to the City the Licensed Area. Notwithstanding the foregoing, Licensee shall have a period of ninety (90) days to remove all Facilities and other Improvements in accordance with Section 6.6. Upon termination, Licensee shall immediately discontinue, and shall ensure that all of its sublicensees discontinue, any and all transmission of communication signals, whatsoever, from Licensee's and sublicensees' Facilities and other Improvements.
- 12.3. Licensee shall reimburse the City the cost of repairing any damage to the Licensed Area, other than normal wear and tear, if not repaired in accordance with Section 6.6. The City shall provide an itemized list of all damage with the cost of repair for each item.

13. REMEDIES

- 13.1. The City's Remedies. In addition to all other rights set forth under this Agreement, the City may pursue any remedy at law or in equity, including, but not limited to, injunctive relief, civil trespass, and withholding other City permits and authorizations until Licensee complies with the terms of this Agreement or any applicable law. Such City remedies are cumulative and may be pursued in the alternative. The City's remedies set forth in this Agreement are not exclusive. Election by the City of one remedy does not preclude the use of other remedies.
- 13.2. Licensee's Remedies. Licensee's sole remedies for any breach of this Agreement by the City shall be an action for equitable or injunctive relief, an action to compel specific performance, or to terminate this Agreement.
- 13.3. Each right and remedy provided for in this Agreement shall be cumulative and in addition to every other right or remedy provided for in this Agreement now or hereafter existing at law or in equity or by statute or otherwise; and the exercise or beginning of the exercise of any one or more of such rights or remedies shall not preclude the simultaneous or later exercise of any or all other rights or remedies provided for in this Agreement or now or hereafter existing at law or in equity or by statute or otherwise. For the avoidance of doubt, notwithstanding the foregoing, Licensee's remedies are limited as described in Section 13.2 of this Agreement.
- 13.4. If during any one period of twelve (12) consecutive months, the City or Licensee has served

three (3) written notices of different Defaults upon the defaulting Party, and such Defaults remain uncured after the notice and cure period or the defaulting Party has not commenced any action to cure the Default, the fourth Default shall be deemed an incurable Default and the non-defaulting Party shall be entitled to terminate this Agreement.

- 13.5. In the event either Party shall be in Default of this Agreement, which Default remains uncured during any applicable cure period provided herein, the non-defaulting Party may at any time, with further notice, cure such breach for the account and at the expense of the defaulting Party. If the non-defaulting Party at any time, by reason of such breach, is compelled to pay or elects to pay any sum of money or to do any act that will require the payment of any sum of money, or is compelled to incur any expense, the actual sum or sums so paid by the non-defaulting Party, with interest not to exceed eight percent (8%), shall be paid by the defaulting Party within fifteen (15) business days of an itemized written demand.
- 13.6. Any prevention, delay or stoppage due to strikes, lockouts, labor disputes, acts of God, inability to obtain labor or materials or reasonable substitutes therefor, governmental restrictions, governmental regulations, governmental controls, enemy or hostile governmental action, governmental shutdown, civil commotion, fire or other casualty, and other causes beyond the control of the Party obligated to perform (a "Force Majeure Event"), shall excuse the performance by such Party for a period equal to any such prevention, delay or stoppage.

14. MISCELLANEOUS

- 14.1. Recitals. The Recitals set forth above are hereby incorporated by reference, as if fully set forth herein.
- 14.2. Applicable Law. This Agreement is governed by the laws of the State of Arizona and any suit pertaining to this Agreement, or interpretation and/or enforcement thereof, shall be brought only in the State courts in the State of Arizona in Maricopa County.
- 14.3. Compliance with Laws. Both Parties shall comply with all applicable federal, state, and local laws, rules, statutes, and regulations relating to its uses of the Licensed Area and the permitted uses of the Licensee's Facilities on the Licensed Area. No required approval herein for Improvements shall be deemed to prevent Licensee's compliance with any applicable law, rule, statute, or regulation related to Licensee's use of the Licensee's Facilities on the Licensed Area.
- 14.4. Authority. Each person executing this Agreement on behalf of any party hereto warrants that they have the right and authority to execute this Agreement, and that all the procedures and approvals that are necessary and required to enable them to properly execute this Agreement and to bind the person or entity whom they represent in accordance with the terms hereof have been followed and/or secured. Each party agrees to execute and deliver all documents and to perform all further acts as may be reasonably necessary to carry out the provisions of this Agreement.
- 14.5. Public Records. Licensee acknowledges that this Agreement and the City are subject to laws regarding open public records, including, without limitation, Arizona public record laws under A.R.S. Title 39 and the Freedom of Information Act (FOIA).
- 14.6. Liens. Licensee shall not do or allow or cause anything to be done whereby the Licensed Areas may be encumbered by a construction lien or any other type of lien. Notice is hereby given that the City will not be liable for any labor or materials furnished to Licensee on credit, and that no construction or other lien for any such labor or materials shall attach to or

affect the City's interest in and to the Licensed Area. If any lien is filed against the Licensed Area, Licensee shall discharge the lien or bond the lien off in a manner reasonably satisfactory to City within thirty (30) days after Licensee receives written notice that the lien has been filed. Licensee shall immediately provide the City a copy of any written notice when received. Licensee shall indemnify, defend, and hold harmless the City from all claims, demands, costs, and liabilities, including reasonable attorney's fees and costs, in connection with or arising out of any such lien or claim of lien.

- 14.7. Hazardous Substances. Neither Licensee nor any contractors engaged by Licensee shall produce, dispose, transport, treat, use, generate, or store any Hazardous Substances on, under, about, or within the Property or Licensed Area in violation of the Arizona Hazardous Waste Management Act, A.R.S. § 49-901, et seq., the Resource Conservation and Recovery Act, 42 U.S.C. § 6901, et seq., or the Toxic Substances Control Act, 15 U.S.C. § 2601, et seq., or any other federal, state, county, or local law or regulation. Licensee and any of Licensee's contractors may not use the Licensed Area in a manner that would require a permit or approval related to Hazardous Substances from the Arizona Department of Health Services or any governmental agency other than City. Licensee will pay, indemnify, defend, and hold City harmless against any loss or liability incurred by reason of any Hazardous Substance produced, disposed of, or used by Licensee or any contractor engaged by Licensee and must immediately notify City of any Hazardous Substance at any time discovered or existing upon the Licensed Area. Licensee and any of Licensee's contractors will ensure that any on-site or off-site storage, treatment, transportation, disposal, or other handling of Hazardous Substance will be performed by persons who are properly trained, authorized, licensed, and otherwise permitted to perform those services.
- 14.8. Environment. Licensee shall comply with all applicable federal, state, and local laws, rules, and regulations governing the protection of the environment and/or employee health and safety. Licensee shall indemnify, defend, and hold the City and each council member, officer, official, board, commission, employee, and agent thereof from claims resulting from Licensee's violation of any applicable environmental or employee health and safety laws and/or if Licensee causes a release of any regulated substance to the environment. Nothing in this Section shall limit the other indemnification or insurance requirements in this Agreement.
- 14.9. Oil, Gas, and Mineral Rights. The City owns all rights to oil, gas, and minerals found on, in, above, or below the Licensed Area. Nothing here shall be deemed a transfer of the City's right to oil, gas, and/or mineral found on, in, above, or below the Licensed Area.
- 14.10. Attorney's Fees. If attorney's fees are available under this Agreement, attorney's fees may only be sought upon a non-appealable judgment on the merits and only at the discretion of the court.
- 14.11. Notice. All notices, requests, demands, rent payments, and other communications hereunder shall be in writing and shall be deemed given if: (i) personally delivered; (ii) mailed, certified mail, return receipt requested; or (iii) sent by overnight carrier to the following address, on the date received:

If to the City:
 City of Surprise
 16000 N. Civic Center Plaza
 Surprise, AZ 85374
 Attn: WRM Director

Facsimile: 623-222-7001

with a copy to:
 Surprise City Attorney's Office
 16000 N. Civic Center Plaza
 Surprise, AZ 85374

Facsimile: 623-222-1101

If to Licensee:
 DISH Wireless L.L.C.
 Attn: Lease Admin/
 PXPXH00515B
 5701 S. Sante Fe Drive
 Littleton, CO 80120

- 14.12. Time of the Essence. Time is of the essence in each and every provision of this Agreement.
- 14.13. Binding on Successors. The terms and conditions of this Agreement will run with the Licensed Area is binding upon, and inures to the benefit of, the parties and their respective heirs, executors, administrators, successors, and assigns.
- 14.14. Recording. A memorandum of this Agreement shall be executed by the City and Licensee to be recorded in the official records of Maricopa County, Arizona at the sole cost and expense of Licensee.
- 14.15. Independent Contractor. Nothing contained in this Agreement shall be deemed or construed by the parties hereto or by any third person to create the relationship of principal and agent, partnership, joint venture, or any association between the City and Licensee other than as contracting parties, or landlord and tenant.
- 14.16. Severability. The provisions of this Agreement are severable. To the extent that any provision is held to be invalid by a court of competent jurisdiction, such holding will not affect any other provision of the Agreement which may remain in effect without the invalid provision.
- 14.17. Conflicts. In the event there is a conflict between this Agreement and any Exhibits attached hereto or any external documents, this Agreement shall control.
- 14.18. Waiver. No provision may be waived except in a writing signed by both parties. The failure by a party to enforce any provision of this Agreement or to require performance by the other party will not be construed to be a waiver, or in any way affect to the right of either party to enforce such provision thereafter.
- 14.19. Counterparts. This Agreement may be executed in several counterparts, each of which shall constitute an original and all of which together constitute but one and the same agreement. The original execution pages of counterpart copies of this Agreement may be attached to any one such copy to form a single, complete document.
- 14.20. Construction. This Agreement shall be construed and interpreted according to its plain meaning, and no presumption shall be deemed to apply in favor of, or against, the party drafting the Agreement. The parties acknowledge and agree that each has had the opportunity to seek and utilize legal counsel in the drafting of, review of, and entry into this Agreement. The headings, captions, and numbers in this Agreement are solely for convenience and shall not be considered in construing or interpreting any provision in this Agreement. Wherever appropriate in this Agreement, personal pronouns shall be deemed to include other genders and the singular to include the plural, if applicable.
- 14.21. Entire Agreement. This Agreement represents the entire agreement of the parties with respect to its subject matter. All previous agreements, whether oral or written, entered into prior to this Agreement are hereby revoked and superseded by this Agreement. No representations, warranties, inducements, or oral agreements have been made by any of the parties except as expressly set forth in this Agreement. This Agreement will be construed and interpreted according to its plain meaning, and no presumption will be deemed to apply in favor of or against the party drafting the Agreement. The parties

acknowledge and agree that each has had the opportunity to seek and utilize legal counsel in drafting, reviewing, and entering into this Agreement.

- 14.22. Licensee's Title Insurance. In connection with Licensee's title insurance, the City agrees to
- (a) execute an owner's affidavit substantially in the form required by Fidelity National Title Insurance Company and
 - (b) provide the City council's written approval of the City entering into this Agreement.

SIGNATURES ON THE FOLLOWING PAGE(S).

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement on the date the last Party signs.

THE CITY

City of Surprise, an Arizona municipal corporation

By: _____
_____, Director

Printed Name: _____

Date: _____

APPROVED AS TO FORM:

City Attorney's Office

LICENSEE

DISH Wireless L.L.C., a Colorado limited liability company

DocuSigned by:
By: Satish Sharma
827E043470024E6...

8/1/2024 | 07:17 AM MDT
Date: _____

EXHIBIT A – Licensed Area and Easements

LEGAL DESCRIPTION

The following property situated in Maricopa County, Arizona:

Parcel 11, as shown on that plat entitled “The Orchards” recorded April 20, 2001 in Book 560 Page 47 as Instrument No. 2001-0322286, in Maricopa County, Arizona.

Parcel No. 501-17-728

This being a portion of the property conveyed to City of Surprise, Arizona, a municipal corporation from Orchards Development Enterprises, L.L.C., an Arizona limited liability company; Lincoln Heritage Life Insurance Company, an Illinois corporation; Londen Insurance Group, Inc., an Arizona corporation; Bell & Reems Investment, L.L.C., an Arizona limited liability company; Maricopa County Treasurer; and unknown owners and claimants in Final Order of Condemnation dated March 3, 2003 and recorded March 10, 2003 as Instrument No. 2003-0294693.

RESOLUTION # 2024-134

**A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY
OF SURPRISE, ARIZONA APPROVING A CELL TOWER
LICENSE AGREEMENT BETWEEN THE CITY OF SURPRISE
AND DISH WIRELESS L.L.C.**

WHEREAS, DISH Wireless L.L.C. ("DISH") provides telecommunications services within the State of Arizona and offers its services to Surprise residents;

WHEREAS, the City owns an existing structure on or around the Surprise Recreation Campus, to which a third-party contractor may license space for use;

WHEREAS, the City desires to expand wireless telecommunications coverages to its citizens, residents and the traveling public for the purposes of public safety, economic development, and general coverage of and access to wireless services;

WHEREAS, DISH Wireless L.L.C. ("DISH") wishes to obtain a license agreement for the existing structure for the purpose of erecting a tower and installing, maintaining, and operating certain wireless facilities;

WHEREAS, the City is willing to provide a license for the property subject to the terms and conditions contained within the Cell Tower License Agreement;

WHEREAS, the Mayor and City Council of the City of Surprise find that entering into this Cell Tower License Agreement is in the best interest of the City and its residents.

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

Section 1. The City of Surprise hereby agrees to enter into the Cell Tower License Agreement between the City of Surprise and DISH Wireless L.L.C. which is attached hereto as Exhibit A.

Section 2. The City Manager or their designee is authorized to execute any documents and instruments, on behalf of the City of Surprise.

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



CITY OF SURPRISE Regular City Council Meeting

Council Meeting Date: August 20, 2024

Contact Person: Donna Meuse, Human Resources
Director

Submitting Department: Human Resources
Staff Recommendations:

District: Internal

Consent: Yes

Regular: No

Public Hearing: No

Report/Discussion: No

Agenda Wording:

Consideration and action pertaining to approval of an amendment to the Employment Agreement with City Attorney.

Motion:

I move to approve the Second Amendment to the Employment Agreement with City Attorney.

Background:

The current City Attorney was appointed (initially as interim) by City Council in October 2015. The terms and conditions of the City Attorney's employment, similar to all Council appointed City officials, are set by contract. The current version of the employment agreement with the City Attorney was negotiated and entered into on January 3, 2017, and amended in September 2021. During the most recent annual evaluation period, the City Attorney has requested two amendments to the terms and conditions of his employment related to base salary and paid time off (PTO).

Objective Analysis:

If approved, the amendment will temporarily reduce the City Attorney's current regular PTO bank by 140 hours. Additionally, the amendment will increase the City Attorney's current base salary by 4.4 percent.

Policy Compliant:

This item is consistent with Sec. 2-143 of the Surprise Municipal Code which provides that the terms and conditions of employment of the city attorney will be set forth in a written contract approved by majority vote of the city council. The proposed Amendment Agreement has been reviewed and approved as to form by independent outside counsel.

Financial Impact:

If approved, there will be an ongoing increase of approximately \$15,400 to personnel costs in the City Attorney's Office. In FY2025, this cost can be fully offset by salary savings generated from vacancies within the City Attorney's Office.

Budget Impact:

The City Attorney's Office FY2025 General Fund operating budget includes sufficient budget authority for the increased personnel expense.

FTE Impact:

This item does not impact the department's FTE count.

ATTACHMENTS:

1. Signed 24.08.07 Second Amendment to the Employment Agreement with City Attorney (wjs080824)-1
-

Second Amendment to
the
Employment Agreement with City Attorney

This Second Amendment ("Amendment") to the Employment Agreement with City Attorney dated January 3, 2017 ("Employment Agreement"), is made and entered into this _____ day of August, 2024, by and between the City of Surprise, Arizona, a municipal corporation ("City") and Robert Wingo ("Attorney"), both of who understand and agree as follows:

WHEREAS, Attorney has faithfully and competently performed the duties of City Attorney since October 2015, meeting all expectations of city council;

WHEREAS, since that time, Attorney has successfully assisted with and resolved various complex, substantial, and significant legal matters for the City;

WHEREAS, Attorney's base salary will be increased to compensate for Attorney's exceptional performance;

WHEREAS, per Attorney's request, Attorney will forfeit 140 hours of Paid time off (PTO) from Attorney's regular PTO bank thereby partially offsetting the cost to the City for the increase in Attorney's base salary for approximately 1.5 years; and

WHEREAS, City and Attorney intend to ratify and confirm the remainder of the Employment Agreement other than base salary and PTO reduction as set forth herein.

NOW THEREFORE, in consideration of the promises, conditions and covenants contained herein, the City and Attorney agree that the Employment Agreement, as amended by the First Amendment entered into on September 7, 2021, shall be amended as follows :

1. Attorney's current base salary shall be increased by 4.4 percent effective September 2, 2024.
2. Attorney's regular PTO bank shall be reduced by 140 hours at the time Attorney's base salary is increased. This reduction shall have no effect on Attorney's PTO accrual rate or maximum accrual of 560 regular PTO hours.

Except as expressly provided for in this Amendment, all provisions, terms, paragraphs, subsections, and conditions of the Employment Agreement, dated January 3, 2017, as amended by the First Amendment entered into on September 7, 2021, are hereby ratified, shall remain unmodified, and in full force and effect. Furthermore, except as expressly provided in this Amendment, all benefits to Attorney under the Employment Agreement or City policies and procedures, whether previously accrued or accruing, shall not be reduced or diminished by this Amendment.

IN WITNESS WHEREOF, the parties have caused this Amendment to be executed as of this _____ day of August 2021.

City of Surprise

Attorney

Mayor Skip Hall

Robert Wingo

Approved as to Form:

William J. Sims
Special Counsel for City of Surprise



CITY OF SURPRISE Regular City Council Meeting

Council Meeting Date: August 20, 2024
Submitting Department: Legal
Staff Recommendations:

Contact Person: Robert Wingo, CITY ATTORNEY
District: Citywide

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

Consideration and action pertaining to an amendment to the Surprise Municipal Code, Sections 2-61 and 2-65 regarding placement of items on agendas and convening special meetings; Ordinance # 2024-28.

Motion:

I move to approve Ordinance #2024-28.

Background:

At the June 18, 2024, Regular City Council Meeting, Councilmember Hastings, seconded by Councilmember Judd, requested discussion of potential amendments to the Surprise Municipal Code pertaining to the means by which items are placed on an agenda. The matter was subsequently presented at the August 6, 2024, Work Session with the inclusion of consideration of an additional amendment to the provision of convening special meetings.

Objective Analysis:

Currently, in order to place an item on an agenda, two council members must submit a signed written request to the City Clerk no later than five business days prior to the meeting. The Mayor is the only individual who may convene a special meeting under the current code.

This amendment would allow two council members to place an item on an agenda by submission of the written request to the City Clerk by the close of business on the Friday preceding the meeting. Furthermore, in addition to the Mayor, the amendment would authorize three council members to convene a special meeting.

Policy Compliant:

Amendments to City Code are a legislative action by City Council in accordance with Arizona state law.

Financial Impact:

There is no anticipated financial impact related to this item.

Budget Impact:

There is no anticipated budget impact related to this item.

FTE Impact:

There is no anticipated FTE impact related to this item.

ATTACHMENTS:

1. 24.08.07 Ordinance #-2024-28
-

ORDINANCE NO. 2024-28

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA, AMENDING CHAPTER 2, ARTICLE II, DIVISION 3, SECTIONS 2-61 AND 2-65 OF THE SURPRISE MUNICIPAL CODE, PERTAINING TO CITY COUNCIL AGENDAS AND CONVENING SPECIAL MEETINGS; PROVIDING FOR SEVERABILITY; REPEALING CONFLICTING ORDINANCES; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, on August 6, 2024, City Council at a duly noticed Work Session discussed and considered certain amendments to the Surprise Municipal Code pertaining to agenda items and calling special meetings;

WHEREAS, City Council determined that two or more councilmembers should be able to place items on an agenda under a more reasonable timeframe than five business days; and

WHEREAS, City Council also determined that in addition to the Mayor, three or more councilmembers should be authorized to convene a special meeting if necessary.

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

Section 1. In General.

Chapter 2, Article II, Division 3, Section 2-61, Subsection (c)(3), of the Surprise Municipal Code, is hereby amended to read as follows:

(3) Upon a written request ~~signed~~ by two council members ~~and~~ submitted to the city clerk no less ~~LATER~~ than THE CLOSE OF BUSINESS OF THE FRIDAY PRECEDING ~~five business days prior to~~ the proposed meeting date. IN THE EVENT ONE REQUEST IS SUBMITTED ON BEHALF OF TWO OR MORE COUNCIL MEMBERS, THE CITY CLERK WILL VERIFY THE REQUEST WITH EACH COUNCIL MEMBER IDENTIFIED IN THE REQUEST.

Chapter 2, Article VII, Division 3, Section 2-65, Subsection (c) of the Surprise Municipal Code, is hereby amended to read as follows:

(c) Special meetings may be convened by the mayor OR AT LEAST THREE COUNCILMEMBERS at any time.

Section 2. Providing for Repeal of Conflicting Ordinances.

All ordinances and parts of ordinances in conflict with the provisions of this Ordinance or any part of the Code adopted herein by reference, are hereby repealed.

Section 3. Providing for Severability.

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance or any part of the Code adopted herein by reference, 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 4. Effective Date.

This Ordinance shall become effective as prescribed by applicable law.

ADOPTED AND APPROVED this ____ day of _____, 2024.

Skip Hall, Mayor

ATTEST:

Sherry Aguilar, City Clerk

APPROVED AS TO FORM:

Robert Wingo, City Attorney



CITY OF SURPRISE Regular City Council Meeting

Council Meeting Date: August 20, 2024
Submitting Department: City Clerk
Staff Recommendations:

Contact Person: Kristi Passarelli, City Clerk
District: District 2

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

Consideration and action pertaining to a recommendation to the Arizona Department of Liquor Licenses and Control (DLLC) on Application No. 299903, requested by Ryan Winter Anderson, for Arizona Traditions Community Center for Series 14 Liquor License. Arizona Traditions Community Center is located at 17221 N Citrus Road, Surprise, AZ 85374.

Motion:

I move to recommend approval of application No. 299903 to the Arizona Department of Liquor Licenses and Control.

Background:

The City has received an application for a new Series 14 liquor license for Arizona Traditions Community Center is located at 17221 N Citrus 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. Finance - ARIZONA TRADITIONS COMMUNITY CENTER_1722 N CITRUS
 2. Fire - 17221 N Citrus AZ Traditions Community Center liquor license
 3. CD - ARIZONA TRADITIONS COMMUNITY CENTER REPORT
 4. PD - Arizona Traditions Club House
 5. ARIZONA TRADITIONS COMMUNITY CENTER MAP
-



MEMO

Date: 07/19/2024

To: Kristi Passarelli, City Clerk

Charles Vasquez, Deputy City Clerk

From: Stephanie Cheshire, Bus Compliance Specialist

RE: Liquor License Application – Arizona Traditions Community Ctr -1772 N Citrus Road

Business License Status:

- ☒ Application link emailed on 07/19/24 .
- ☐ 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

07/19/2024

Arizona Traditions Community Ctr.

17221 n Citrus Road

Surprise, AZ 85374

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



July 17, 2024

To: Charles Vasquez, Deputy City Clerk

From: Keith Tanner, Fire Marshal

Subject: Liquor License Application

Applicant: Arizona Traditions Community Center
17221 N Citrus Road, Surprise, AZ

The Surprise Fire-Medical Department recently reviewed plans included with the Liquor License Request for the above referenced location to ensure compliance with the applicable fire codes within the tenant space. Based on the plans submitted we have no comments at this time.

If you have any questions feel free to contact me.

Keith Tanner, Fire Marshal
Community Risk Reduction Division



COMMUNITY DEVELOPMENT DEPARTMENT

Date: August 2, 2024
To: Kristi Passarelli, City Clerk
From: Lloyd Abrams, Community Development Director
James Stewart, Zoning Specialist
Re: Liquor License Application for:

**Agent, Ryan Winter Anderson
Arizona Traditions Community Center
17221 N. Citrus Rd.
SURPRISE, AZ. 85374**

New Series 14 (New Application – Club)- Application # 299903

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

1. Arizona Traditions Community Center (Series 7) – 17221 N. Citrus Rd.
2. Great Eagle Golf Club (Series 7) – 17091 W. Bell Rd.
3. Great Eagle Golf Club (Series 12) – 17091 W. Bell Rd.

The immediate area is comprised of the Arizona Traditions Community Center. The property is zoned PAD C-2 which is consistent with the proposed use.

Commercial and residential growth is expected to remain static.

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

S U R P R I S E P O L I C E D E P A R T M E N T
B I N G O 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: August 5, 2024

New Series 14
Application # 299903

APPLICANT:

Arizona Traditions Community Center
17721 N Citrus
Surprise, Arizona 85374

FINDINGS:

- 1) *Evidence concerning the nature of the proposed business, its potential market and its likely customers.*
Arizona Tradition is seeking this license as a private only club for Arizona Tradition residents only. Market will be for residents and their guests.
- 2) *Effect of vehicular traffic in close proximity.*
N/A
- 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.*
There have been no major incidents at the clubhouse. There have been various incidents within the community and disorderly subjects at the guard shack, but nothing noted at the clubhouse.
- 4) *Comparison of hours of operation of the proposed premises to the existing businesses in close proximity.*
Arizona Traditions Club will be from 11 AM to 7 PM, during the week and open from 3 PM to 7 PM on the weekends. There is a current liquor license at the Golf Club that is open during golfing hours.
- 5) *Appropriateness of series license requested.*
This series 14 license will be appropriate for their organization per state guidelines for private clubs.

Submitted by Officer Chris Tovar #2059

ARIZONA TRADITIONS
COMMUNITY CENTER

PAD
ARIZONA TRADITIONS

PAD
HAPPY TRAILS

SITE

**PAD
SURPRISE FARMS**



CITY OF SURPRISE Regular City Council Meeting

Council Meeting Date: August 20, 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
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Agenda Wording:

Consideration and action pertaining to a recommendation to the Arizona Department of Liquor Licenses and Control (DLLC) on Application No. 296751, requested by Howard Everett Magee, for Carioca Shell #5 for Series 10 Liquor License. Carioca Shell #5 is located at 15470 W Cactus Road, Surprise, AZ 85379.

Motion:

I move to recommend approval of application No. 296751 to the Arizona Department of Liquor Licenses and Control.

Background:

The City has received an application for a new Series 10 liquor license for Carioca Shell #5 is located at 15470 W Cactus Road, Surprise, AZ 85379. 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. Finance - CARIOCA SHELL #5_15470 W CACTUS RD
 2. Fire - 15470 W Cactus Rd Carioca Shell No. 5 Liquor License
 3. CD - CARIOCA SHELL #5 REPORT
 4. PD - Carioca Shell #5
 5. CARIOCA SHELL #5 MAP
-



MEMO

Date: 07/19/2024

To: Kristi Passarelli, City Clerk

Charles Vasquez, Deputy City Clerk

From: Stephanie Cheshire, Bus Compliance Specialist

RE: Liquor License Application – Carioca Shell #5 -15470 W Cactus Rd

Business License Status:

- ☐ Application link emailed on .
- ☐ License # , current and valid for .
- ☒ Applied for license but is still pending and waiting on approval.



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



July 17, 2024

To: Charles Vasquez, Deputy City Clerk

From: Keith Tanner, Fire Marshal

Subject: Liquor License Application

Applicant: Carioca Shell #5
15470 W Cactus Rd, Surprise, AZ

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

If you have any questions feel free to contact me.

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



COMMUNITY DEVELOPMENT DEPARTMENT

Date: August 1, 2024
To: Kristi Passarelli, City Clerk
From: Lloyd Abrams, Community Development Director
James Stewart, Zoning Specialist
Re: Liquor License Application for:

**Agent, Howard Everett Magee
Carioca Shell #5
15470 W. Cactus Rd.
SURPRISE, AZ. 85379**

New Series 10 (New Application – Beer and Wine Store)- Application # 296751

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

1. Arco AM/PM (Series 10) – 15433 W. Cactus Rd. (Expired)

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

Commercial growth will increase while residential growth is expected to remain static.

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

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: August 1, 2024

Application Number – 296751
Series #10 – New License

APPLICANT:

Carioca Shell #5

15470 W Cactus Road
Surprise, Arizona 85379

FINDINGS:

- 1) *Evidence concerning the nature of the proposed business, its potential market and its likely customers.*
This Shell store is a brand-new build. Shell is a convenience store and gasoline sales. Surprise residents of all ages and people travelling in the area should be the primary customers.
- 2) *Effect of vehicular traffic in close proximity.*
Lots of expansion is taking place west of this location along Cactus Road, in addition to the preexisting adequate roadways.
- 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. New construction.
- 4) *Comparison of hours of operation of the proposed premises to the existing businesses in close proximity.*
There are a few businesses across the street including Wendy's restaurant, who's drive thru is open until midnight. There is also a Salad and Go drive thru restaurant that is open until approximately 10 PM. The other business here is a bank with normal daytime hours and a preschool, which closes by early evening.
- 5) *Appropriateness of series license requested.*
A series 10 license is appropriate and applicable for the Carioca Shell #5 per state guidelines for liquor retailers to sell beer & wine in their unopened packages.

Submitted by Master Officer Jason Washburn #2043

CARIOCA SHELL #5

PAD
PRASADA

PAD
MARLEY PARK

SITE

PAD
GREER RANCH

PAD
RANCHO GABRIELA



CITY OF SURPRISE Regular City Council Meeting

Council Meeting Date: August 20, 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. 296995, requested by Charles Huellmantel, for Quiktrip #1430 for Series 10 Liquor License. Quiktrip #1430 is located at 12294 N Prasada Parkway, Surprise, AZ 85388.

Motion:

I move to recommend approval of application No. 296751 to the Arizona Department of Liquor Licenses and Control.

Background:

The City has received an application for a new Series 10 liquor license for Quiktrip #1430 is located at 12294 N Prasada Parkway, 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. Finance - Quiktrip #1430 - 12294 N Prasada Pkwy
 2. Fire - Quiktrip #1430 12294 N Prasada Pkwy liquor license
 3. PD - QT #1430 12294 N Prasada Pkwy
 4. CD - QUIKTRIP # 1430 REPORT
 5. QUIKTRIP # 1430 MAP
-



MEMO

Date: 7/29/2024

To: Kristi Passarelli, City Clerk

Charles Vasquez, Deputy City Clerk

From: Courtnee Chavez, Business Compliance Specialist

RE: Liquor License Application – QuikTrip #1430 - 12294 N Prasada Pkwy

Business License Status:

- ☒ Application link emailed on 7/29/24 .
- ☐ 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

7/29/2024

QUIKTRIP #1430
4705 S 129TH E AVE
TULSA, OK 74134

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



July 30, 2024

To: Charles Vasquez, Deputy City Clerk

From: Keith Tanner, Fire Marshal

Subject: Liquor License Application

Applicant: Quiktrip #1430
12294 N Prasada Pkwy

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: August 7th, 2024

Application # 296995
New Series
Series 10 (Beer & Wine Store)

APPLICANT:

Quicktrip #1430
12294 N Prasada Pkwy
Surprise, Arizona 85388

FINDINGS:

- 1) ***Evidence concerning the nature of the proposed business, its potential market and its likely customers.***
Quicktrip 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 close proximity.***
There should not be a major effect on vehicular traffic in proximity. This area is under development and roads in the area are being created and widened to accommodate the anticipated growth.
- 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. New construction.
- 4) ***Comparison of hours of operation of the proposed premises to the existing businesses in close proximity.***
The business hours of operation is open 24 hours a day. There is currently no other retail currently in the immediate vicinity, however, there is major retail development taking place.
- 5) ***Appropriateness of series license requested.***
Most convenience stores have series 10 licenses. This license request is appropriate for this Quicktrip.

Submitted by Officer C. E. Tovar #2059



COMMUNITY DEVELOPMENT DEPARTMENT

Date: August 9, 2024
To: Kristi Passarelli, City Clerk
From: Lloyd Abrams, Community Development Director
James Stewart, Zoning Specialist
Re: Liquor License Application for:

Agent, Perry Charles Huelmantel
Quiktrip #1430
12294 N. Prasada Pkwy.
SURPRISE, AZ. 85388

New Series 10 (New Application – Beer and Wine Store)- Application # 296995

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

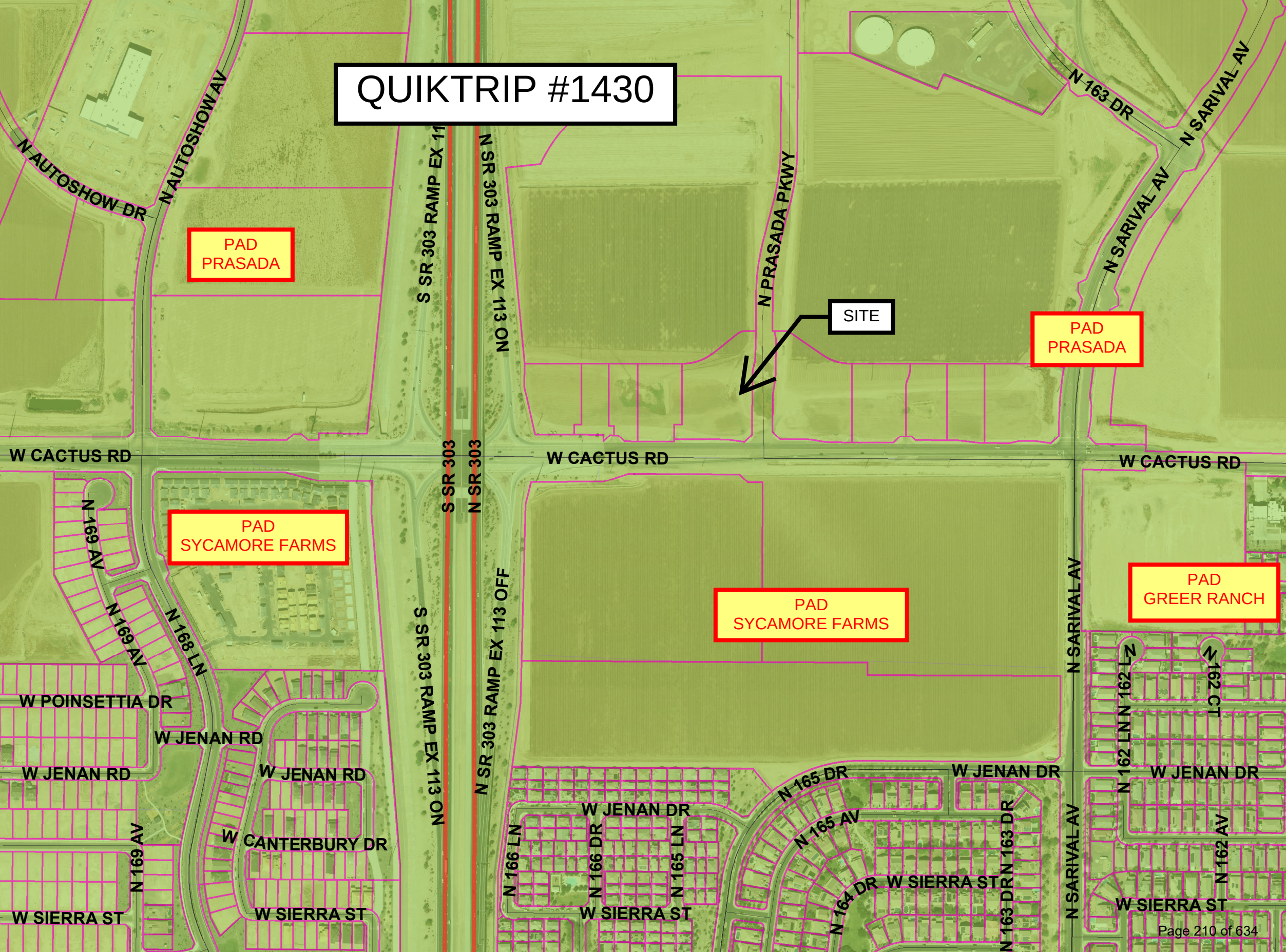
1. None at this time.

The immediate area is comprised of commercial establishments. The property is zoned PAD (PGV-RC) which is consistent with the proposed use.

Commercial growth will increase in this area.

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

QUIKTRIP #1430



PAD
PRASADA

PAD
PRASADA

SITE

PAD
SYCAMORE FARMS

PAD
SYCAMORE FARMS

PAD
GREER RANCH



CITY OF SURPRISE Regular City Council Meeting

Council Meeting Date: August 20, 2024

Contact Person: Lloyd Abrams, Director -
Community Development

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 Zone Change for the Surprise Foothills Southwest 40 project to rezone approximately 40 acres from Rural Residential (RR) to Residential Medium Density (R-2) generally located east of 243rd Avenue, south of Deer Valley Road and north of Beardsley Road; Ordinance #2024-25.

Motion:

I move to [approve/deny] Ordinance #2024-25.

Background:

Mark Reddie with RVi Planning + Landscape Architecture, the applicant, on behalf of Rick Merritt, Georgetown Holdings, LLC, property owner, requests to rezone approximately 40 acres from Rural Residential (RR) to Residential Medium Density (R-2).

Objective Analysis:

This project will allow for the rezone of approximately 40 acres from Rural Residential to Residential Medium Density (R-2).

Policy Compliant:

The requested rezone, as outlined and detailed in the rezone document, is consistent with the 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 - FS24-0117 Surprise Foothills Southwest 40 Rezone - Staff Report
 2. 01 - FS24-0117 Surprise Foothills Southwest 40 Rezone - Vicinity Map
 3. 02 - FS24-0117 Surprise Foothills Southwest 40 Rezone - Existing Zoning Map
 4. 03 - FS24-0117 Surprise Foothills Southwest 40 Rezone - Proposed Zoning Map
 5. 04 - FS24-0117 Surprise Foothills Southwest 40 Rezone - Rezone Document
 6. 05 - FS24-0117 Surprise Foothills Southwest 40 Rezone - Luke AFB Comments
 7. 06 - FS24-0117 Surprise Foothills Southwest 40 Rezone - Citizen Outreach Report
 8. 07 - FS24-0117 Surprise Foothills Southwest 40 Rezone - Affidavit of Posting
 9. 08 - FS24-0117 Surprise Foothills Southwest 40 Rezone - Draft Ordinance
 10. 09 - FS24-0117 Surprise Foothills Southwest 40 Rezone - P&Z Recommendation
 11. FS24-0117 Surprise Foothills Southwest 40 Rezone - PowerPoint
-

ZONE CHANGE

REPORT TO THE CITY COUNCIL

Case: FS24-0117

Project Name: Surprise Foothills Southwest 40 - Rezone

Council District: 1 – Acacia

City Council Date: August 20, 2024

Planner: Chris Sexton, Planner II

Owner: Rick Merritt, Georgetown Holdings, LLC

Applicant: Mark Reddie, RVi Planning + Landscape Architecture

Request: Zone Change from Rural Residential (RR) to Residential Medium Density (R-2).

Site Location: Generally located east of 243rd Avenue, south of Deer Valley Road, and north of Beardsley Road.

Site Size: 40 gross acres (approx.)

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

Support/Opposition: See attached Citizen Participation Report.

Commission Recommendation: The Planning & Zoning Commission recommended approval, subject to stipulations 'a' through 'c'.

Project Description:

Mark Reddie with RVi Planning + Landscape Architecture, the applicant, on behalf of Rick Merritt, Georgetown Holdings, LLC, property owner, requests to rezone approximately 40 acres from Rural Residential (RR) to Residential Medium Density (R-2).

Background:

June 08, 1989: The subject property was annexed into the City of Surprise under Ordinance #89-05.

March 31, 2022: The applicant met with staff to discuss the subject proposal during a regularly scheduled Concept Review Meeting under case CR22-0100.

December 29, 2023: The applicant submitted for a Concept Review Waiver.

January 31, 2024: The applicant submitted for a rezone under the subject case.

May 9, 2024: The applicant held a neighborhood outreach meeting to discuss the project.

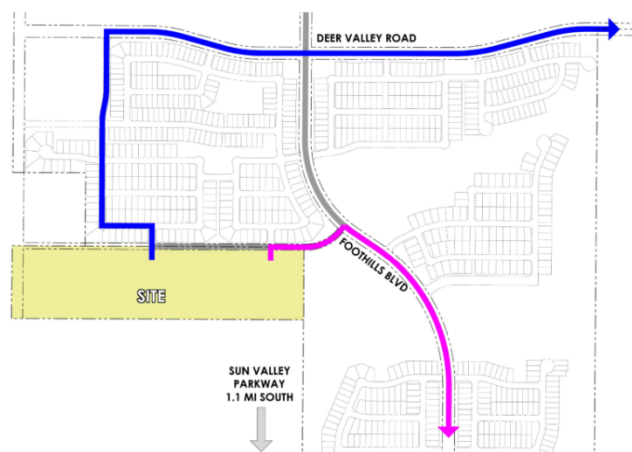
Analysis and Discussion:

The applicant requests a rezone of approximately 40 acres from Rural Residential (RR) to Residential Medium Density (R-2).

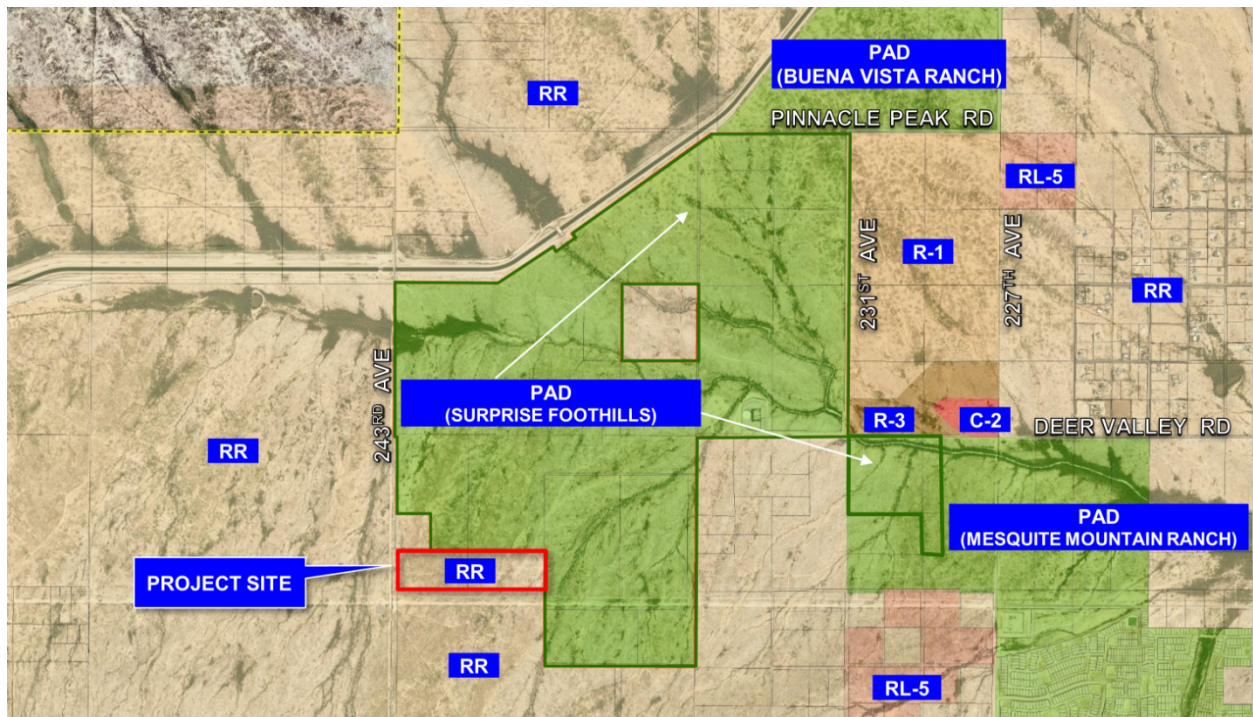
The applicant intends to develop this project in conjunction with the Surprise Foothills Planned Area Development (PAD). The request is to rezone the subject property to a current Land Development Ordinance (LDO) zoning district since, in accordance with Section 101-1.2 of the LDO, the establishment of new PAD zoning districts is not permitted.

Access

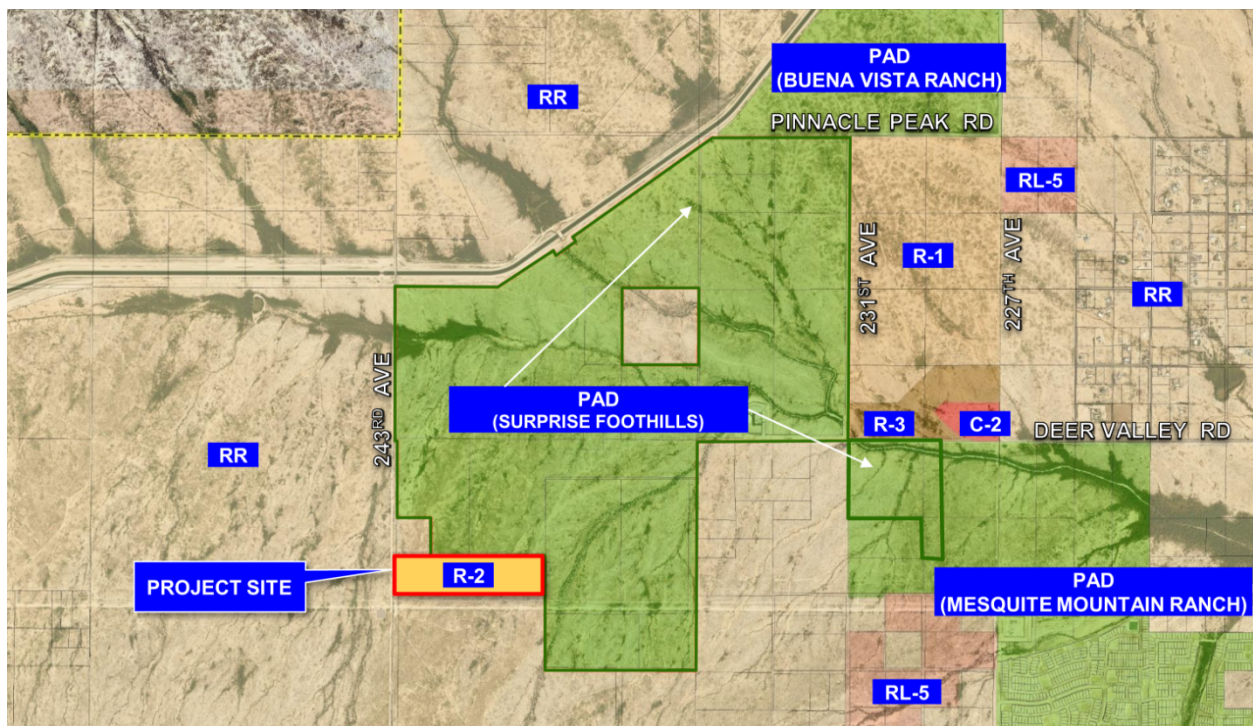
Two points of access will be provided for the initial development of this property. One point of access will connect east to Foothills Boulevard, which ultimately connects down to Sun Valley Parkway. The second point of access will be north through the proposed platted development to Deer Valley Road.



The exhibits below show the current and proposed zoning of the site.



Existing Zoning



Proposed Zoning

The development of the project site will be subject to review and approval of preliminary plat(s) and/or site plan(s), in which parking, setbacks, landscaping and, if applicable, site design will be reviewed in accordance with the requirements prescribed by the City's Land Development Ordinance (LDO) requirements and the adopted Planning and Engineering Design Standards (PEDS). The table below reflects the current LDO requirements for the R-2 zoning district.

Table 106-2d - Residential Medium Density (R-2) Zoning district				
Lot Categories	A ⁴	B ⁴	C	D
General Plan Compatibility	Urban	Suburban	Suburban	Suburban
Lot Area (sf)	3,500-4,949	4,950-7,999	8,000-11,999	≥12,000
Min Lot Width (sf)	40	45	70	80
Min. Front setback ¹ (ft)	10	12	12	15
Max. Front setback (ft)	25	25	25	30
Min. Rear setback ¹ (ft)	10	15	20	20
Min. Side setback ¹ (ft)	5 & 7 ²	5 & 8 ²	5 & 10	10
Min. Street side setback ¹ (ft)	10	10	10	10
Max. Bldg. Height (ft)	35	35	35	35
Open space (% of gross acres of residential development) ³	25%	20%	20%	20%
Notes: 1. <i>Garage</i> face and embellishments shall be <i>setback</i> a minimum of twenty feet (20') measured from any opposing property line, except rear <i>alley</i> loaded <i>garages</i> , which shall be <i>setback</i> nine feet (9') from <i>alley</i> edge line. 2. May be reduced to 0' <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 <i>open space</i> on a subdivision or development site basis rather than on a <i>lot-by-lot</i> basis. Subdivisions with more than one lot category will provide the higher percentage of open space. 4. Residential projects shall contain no more than fifty percent (50%) of lots less than forty-eight feet (48') wide as calculated across whole subdivisions or preliminary plat and will include mitigating designs outline in Chapter 108 of this ordinance.				

Utility and Services Table:

Electric:	APS
Water:	City of Surprise
Wastewater:	City of Surprise
School District:	Wickenburg 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 as would be permitted under the requested zone change.

The proposed rezone is in compliance with the General Plan in that it promotes and facilitates the build out of vacant and underutilized land through infill, reuse, revitalization, and redevelopment activities for appropriate rural, suburban, or urban housing development.

105 **Reviewing Agencies:**

106 The request was routed to external agencies, including Luke Air Force Base (AFB) and
107 Maricopa Water District (MWD), who indicated no objections to the request.
108

109 Luke AFB noted that this project is subject to the Graduated Density Concept (GDC), and
110 that compliance with the GDC is to be determined by considering the entirety of the project
111 area (40-acres). Luke AFB respectfully requests the opportunity to comment as
112 preliminary plats or site plans become available as the number of lots has not been
113 defined. Luke AFB has indicated the rezone will not have a negative impact on Luke AFB
114 operations.
115

116 The project is located outside the boundaries of the MWD therefore does not impact
117 MWD.
118

119 **Citizen Outreach:**

120 The applicant held a neighborhood outreach meeting on May 9, 2024, at Willow Canyon High
121 School. The meeting was advertised per the requirements of the LDO. There were no
122 attendees present at the meeting.
123

124 A detailed summary of the outreach meeting can be found in the attached Citizen
125 Participation Report.
126

127 **Summary:**

128 The proposed rezone is consistent with the manner and intent of the Surprise General Plan
129 2035 and the Surprise Municipal Code. If approved, the rezone will be allowed to be
130 developed in accordance with the requirements of the City of Surprise.
131

132 **Findings:**

- 133 • The proposed rezone is consistent with, and will advance the goals and policies of,
134 the Surprise General Plan 2035.
135 • The proposed rezone is consistent with the applicable City of Surprise regulations.
136 • The reviewing agencies had no objections.
137

138 **Commission Recommendation:**

139
140 Based on the findings noted above, the Commission moved to recommend **approval** of case
141 **FS24-0117** to the City Council subject to stipulations 'a' through 'c' as follows:
142

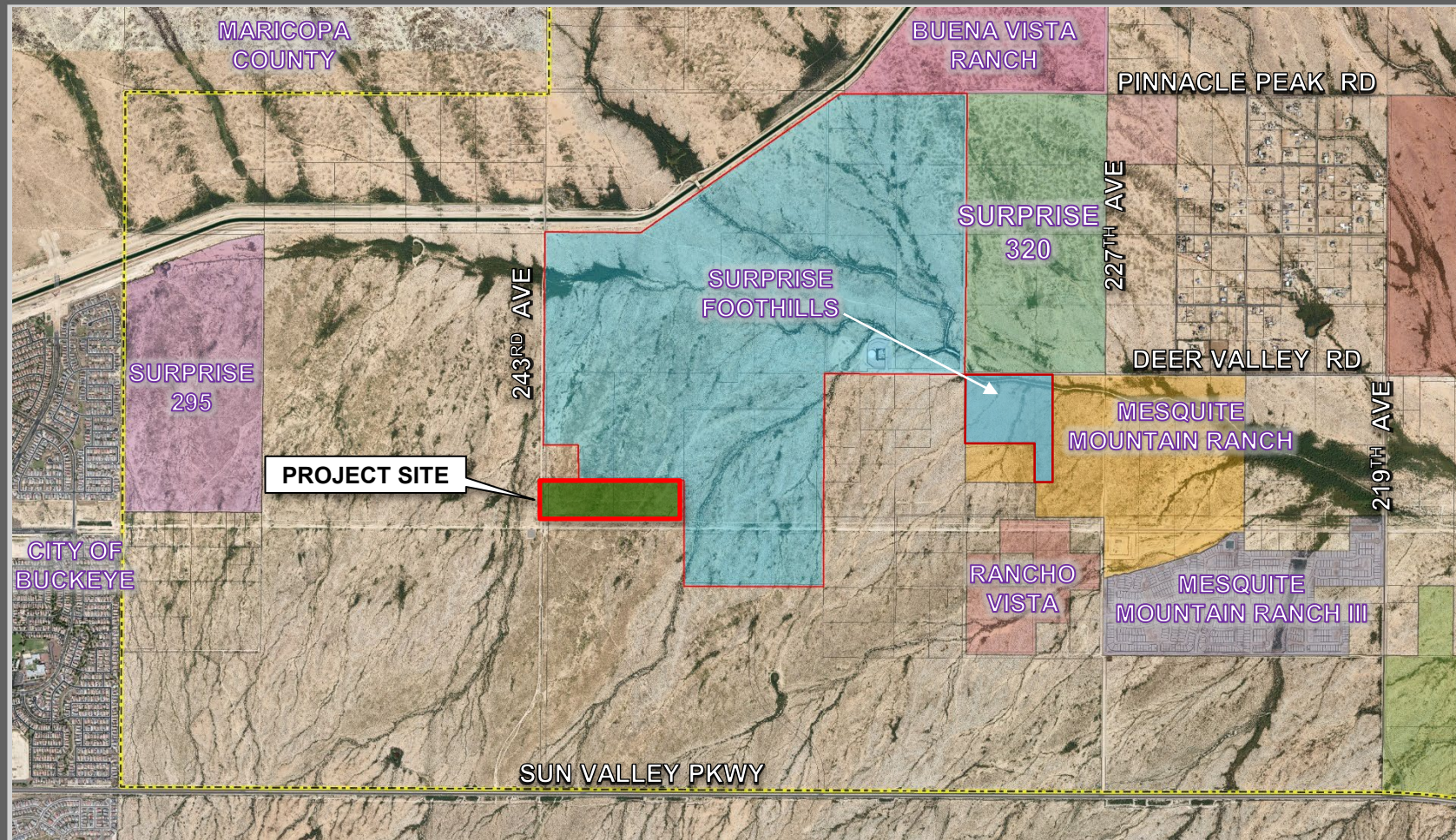
- 143 a. Development and use of the site shall be consistent with the Rezone Narrative entitled
144 "Surprise Foothills Southwest 40", prepared by RVi Planning + Landscape
145 Architecture," received April 29, 2024.
146
147 b. Non-compliance with the stipulations of approval of this case will be treated as a
148 violation in accordance with the applicable provisions of the Surprise Municipal Code.
149

c. The rezone is subject to having access to the amenities as set forth in the Surprise Foothills PAD.

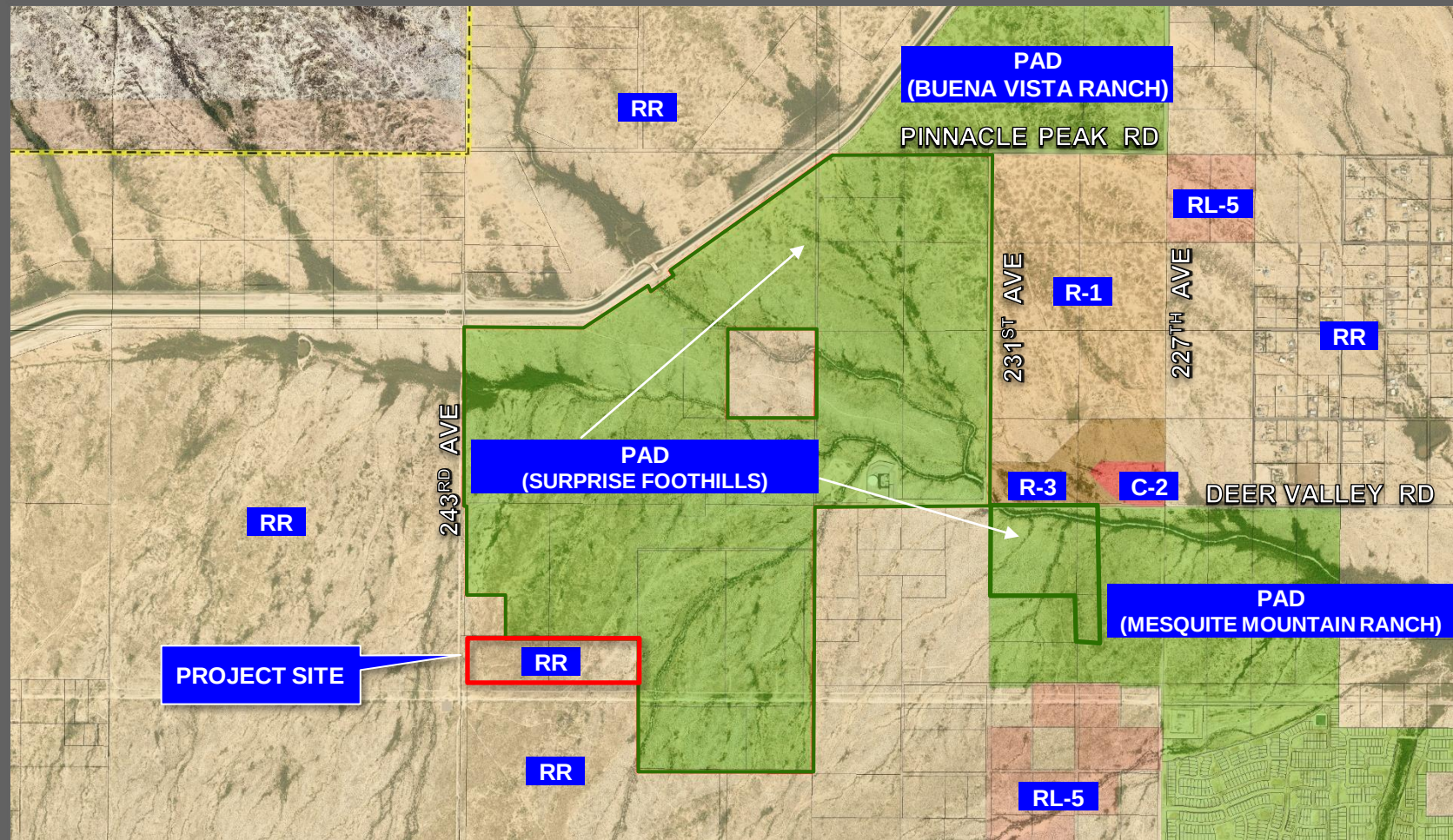
However, should the City Council wish to deny the request, the Council should make its own findings and base its decision on those alternative findings.

Attachments:

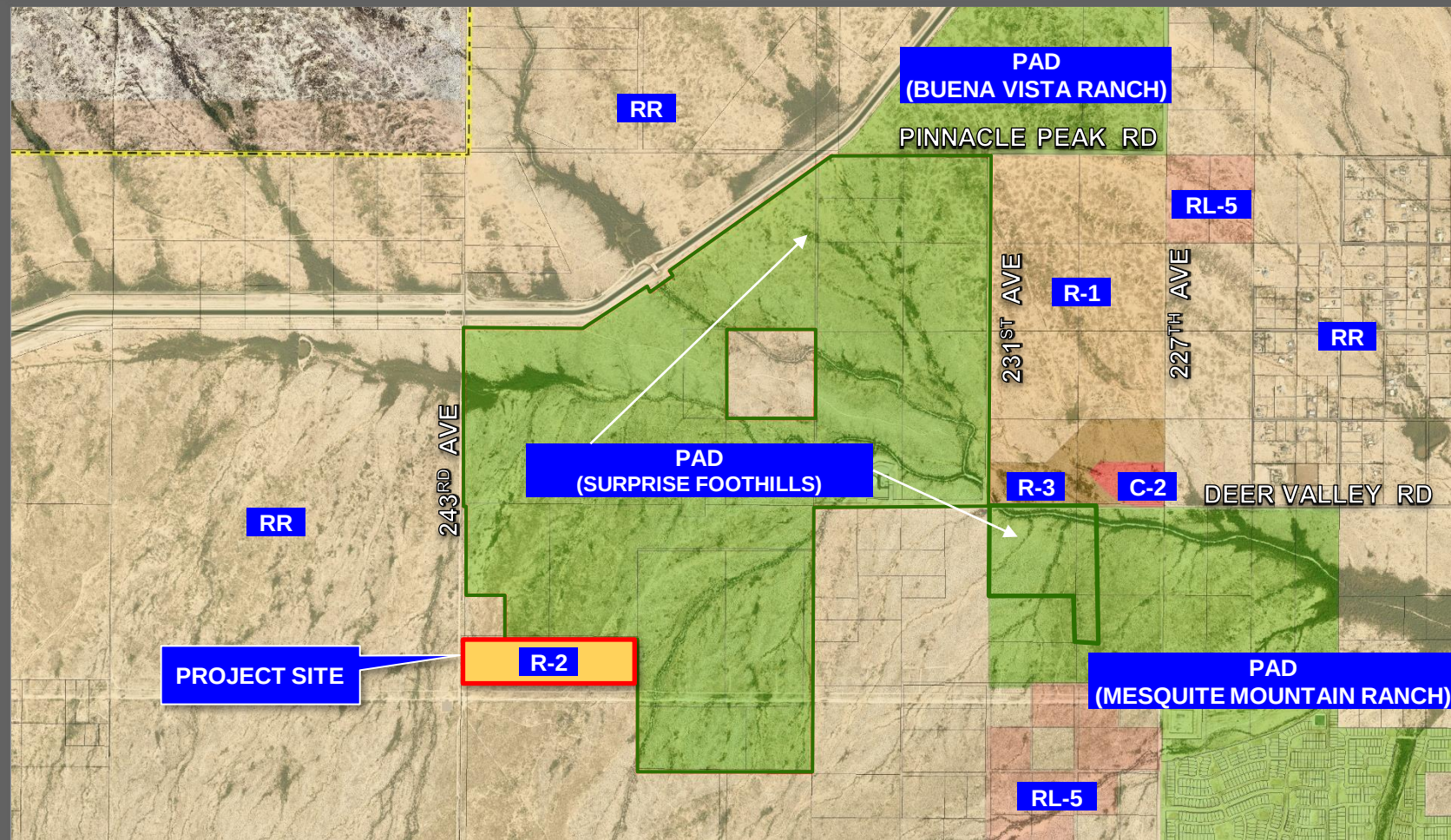
01 Vicinity Map
02 Existing Zoning Map
03 Proposed Zoning Map
04 PAD Amendment Document
05 Luke AFB comments
06 Citizen Outreach Report – REDACTED
07 Affidavit of Site Posting
08 Ordinance 2024-25
09 P&Z Recommendation
PPT



FS24-0117 VICINITY MAP



FS24-0117 EXISTING ZONING



FS24-0117 PROPOSED ZONING

SURPRISE FOOTHILLS SOUTHWEST 40

REZONING NARRATIVE

Site Analysis | Proposed Zoning and Conceptual Land Use Plan | Regulatory Development Standards

CASE #: FS24-0117

1ST SUBMITTAL: JANUARY, 2024

2ND SUBMITTAL: APRIL, 2024



PRESENTED BY:



APPLICANT TEAM

LAND PLANNING

RVi Planning + Landscape Architecture

Mark Reddie / Jessica Miller
4900 N. Scottsdale Road, Suite 1200
Scottsdale, AZ 85251
Phone: 480.586.2349
Email: mreddie@rviplanning.com / jmillier@rviplanning.com

CIVIL ENGINEER

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2051 West Northern Avenue Suite 100
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Phone: 602.819.0039
Email: fkoo@woodpatel.com

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United Civil Group

Keith Winney
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Email: kwinney@unitedcivilgroup.com

LEGAL

Gilbert Blilie, PLLC

Jeff Blilie
701 North 44th Street
Phoenix, AZ 85008
Phone: 480.429.3030
Email: jblilie@gilbertblilie.com

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1. PROJECT INTRODUCTION

RVi Planning & Landscape Architecture, on behalf of Georgetown Holdings, is pleased to submit this rezoning application for Surprise Foothills Southwest 40 to change the zoning from Rural Residential (RR) to Residential Medium Density (R-2) in accordance with the City of Surprise Land Development Ordinance (LDO).

The site was originally included within the recent major Surprise Foothills PAD amendment (FS22-1259), but due to the elimination of the PAD zoning district in the newly adopted Surprise LDO, these particular parcels were pulled from the application and will be hard zoned to conform to the City's current regulations, while maintaining general consistency with Surprise Foothills to allow for a seamless integration of the property upon development.

The subject site is approximately 40 acres along 243rd Avenue just southwest of the Surprise Foothills Planned Area Development (PAD). The APNs associated with this request are 503-82-004M and 503-82-004N.

This rezoning narrative will provide the framework for future development of the Subject Site consistent with the remainder of the Surprise Foothills property. In the following sections, additional information will be provided as it relates to the following items:

- Site Analysis
- Proposed Zoning and Conceptual Land Use Plan
- Regulatory Development Standards

The proposed development complies with the 2035 General Plan and does not include deviations to the land use and regulatory development provisions outlined in the Surprise Land Development Ordinance (LDO) and Planning and Engineering Design Standards (PEDS) Manual.

2. SITE ANALYSIS

Site Location and Zoning

The subject site is currently zoned RR and is vacant. To the south and west the site is wrapped by State Trust Land. To the north is a small Rural Residential Parcel, with the Surprise Foothills PAD wrapping the remainder of the site to the north and east. There are many other entitled PADs within a few miles of the site, including Buena Vista Ranch, Surprise 320, Mesquite Mountain Ranch, and Surprise 295. See

Figure 1: Regional Vicinity Map.

General Plan Land Use Designation

The City of Surprise 2035 Land Use Map designates the Subject Site as Neighborhood Character Area as depicted in *Figure 2: General Plan Land Use Map*. The proposed development plan is in conformance with the 2035 General Plan land use designation and character area and no General Plan amendment is required. *Table 1: Existing and Surrounding Land Uses* provides a breakdown of the existing surrounding land uses and zoning. The nature of the surrounding area is reserved for residential and neighborhood commercial development which is consistent with the proposed rezoning for the Subject Site. See *Figure 3: Existing Zoning Map*.

TABLE 1: EXISTING AND SURROUNDING LAND USES

LOCATION	GENERAL PLAN	EXISTING ZONING	LAND USE
North	Neighborhoods	Rural Residential (RR), Surprise Foothills Planned Area Development (PAD)	Vacant, SFR
South	Neighborhoods	State Trust Land	Vacant
West	Neighborhoods	State Trust Land	Vacant
East	Neighborhoods	Surprise Foothills Planned Area Development (PAD)	OS

Existing Pre-Development Conditions

The site is currently native desert range land. Access to the site will be provided off of 243rd Avenue and through the Surprise Foothills Community via local connections to the curvilinear Foothills Boulevard that will connect from Pinnacle Peak Road down to Sun Valley Parkway. See **Figure 4: Regional Transportation Plan**.

Ex. Roads, Rights-of-Way, and Utilities/Constraints: Currently, no partial or fully improved roadway network exists adjacent to the Subject Site except for Sun Valley Parkway, which is currently a four-lane divided roadway with access limited to median breaks at approximately one-mile intervals. All other roadways in the study area are unimproved and without full right-of-way dedication necessary for development according to the Surprise 2035 General Plan's roadway classification map.

There are several existing WAPA utility easements totaling approximately 300-feet in width on the southern portion of the site, oriented in an east/west direction. These power line easements house existing 500 KV power lines.

School Districts: The Subject Site is in Wickenburg Unified School District #9 (WUSD). The closest K-8 school is the Festival Hills Elementary School located at 26252 W Desert Vista Blvd, Buckeye, Arizona, 85396. The closest high school Wickenburg High School, located in Wickenburg at 1090 South Vulture Mine Road. There are two K-8 schools planned within the larger Surprise Foothills project, one south of Deer Valley Road and one north of Deer Valley Road, to serve this property as well as all of Surprise Foothills.

Electricity: APS is the service provider in the area. There is no existing service for this site, although APS has approved two new sub-station locations to help serve the northwest Surprise area. Both sub-stations are located approximately five miles directly east and west of the Subject Site. These improvements are planned to be built as development occurs in this area. An additional substation will be constructed on the east side of 227th Avenue directly north of the wash that intersects Mesquite Mountain Ranch.

Fire, Police, and Refuse Service: Surprise Foothills Southwest 40 is within the municipal service area of the City of Surprise. As such, Surprise will provide

fire, police, and residential refuse service to the property. The closest fire stations include Stations 303 or 306, both located approximately 12-14 +/- miles from the site. Buckeye also has Fire Station #704, approximately 5 +/- miles from the property. There is a fire station planned as a part of the Surprise Foothills development just southwest of the property, and a fire station planned as part of the Ana Mandara development approximately 4 +/- miles to the southeast. Additionally, fire station #304 is at the SWC of 163rd Avenue and Happy Valley Road, as well as two fire stations planned at the NEC of Norfolk and 183rd Ave, and at Deer Valley Road and 195th Ave.

Water and Sewer Service Facilities Plans: The subject property is within Special Planning Area 3 (SPA-3) in the City of Surprise, Arizona.

The adjacent land owner has recently completed phase one of the Surprise Foothills Water Supply Facility, just west of the original 231st Avenue and Deer Valley Road alignment intersection on the north half of the Subject Site. The Surprise Foothills Water Supply Facility will serve potable water to the Subject Site and Owner is working with the city to address subsequent phases of the Surprise Foothills Water Supply Facility.

The Owner has secured sewer capacity in the SPA-3 Water Reclamation Facility for approximately 60% of the entire Surprise Foothills development and is working with the City to address the expansion of the SPA-3 Water Reclamation Facility in order to accommodate the balance of the Subject Site. Sewer service will be obtained through the Deer Valley Road sewer line (previously installed by the Owner) that exists within Deer Valley Road and terminates at 231st Avenue.

Preliminary water and sewer reports that included the subject property were provided and approved with the recent Surprise Foothills Major PAD Amendment (FS22-1259). This property belongs to Phase 1 within the originally approved **Waterworks Water Master Plan Appendix B Water Demand Tables**, as parcel 15. This property belongs to the Surprise Foothills project within the originally approved **Table 2 of the Wastewater Model Report**, within the SFR-1 zoning category. These reports have been included with this submittal package as a separate attachment for reference purposes.

Drainage: The proposed project lies within the area which has been the subject of extensive hydrologic analysis performed by the Flood Control District of Maricopa County. A master drainage study was prepared with the original Surprise Foothills PAD zoning case which included this property, and will be the basis of future development plans.

Luke Air Force Base Compatibility Analysis: The Graduated Density Concept for Luke Air Force Base is best described as providing guidelines for dense development up to and surrounding the “high noise or accident potential zone,” commonly referred to the 65 Ldn line, as defined in A.R.S. § 28-8461, which may limit future operations of the U.S. This Graduated Density Concept 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 two dwelling units per acre from the 65 DNL to a ½ mile zone (Zone A).
- A maximum of four dwelling units per acre from the ½ mile to 1 mile zone (Zone B).
- A maximum of six dwelling units per acre from the 1-mile to 3-mile zone (Zone C).

The subject site was considered as part of the review and analysis of the Surprise Foothills PAD, which is located between 1-3 miles from the 65 LDN noise contour line, permitting a maximum density of 6 du/ac across the development.

The Applicant received an e-mail from Mark James, Planning Manager with Luke Air Force Base Community Initiatives dated February 28, 2022, based on a review of the entire proposed Surprise Foothills development. The e-mail indicated that the proposed development should not have a negative impact on Luke AFB flight operations but recommends a notification program to notify prospective residents of proximity to Luke AFB operations.

See **Figure 5: Luke Air Force Base Graduated Density Analysis** for the location of the various noise contours and density restrictions associated with them overlaid on the Surprise Foothills Southwest 40 property.

3. PROPOSED DEVELOPMENT PLAN

In accordance with the Surprise LDO, the proposed project seeks to establish the R-2 residential zoning district. No deviations are proposed as part of this application and all development will follow the LDO and PEDS Manual as prescribed.

Conceptual Development and Open Space Plan

The R-2 zoning district for this property was chosen with regards to the significant utility constraints covering the southern half of the site. The lot sizes allowed in this district will provide for reasonable densities and a more functional design that is cohesive with the rest of the Surprise Foothills development. See **Figure 6: Proposed Zoning Map**.

Two points of access will be provided for the initial development of this property. One will be connecting east to Foothills Boulevard, which connects down to Sun Valley Parkway. The other will be north through the existing platted development to Deer Valley Road. These access points are shown in **Exhibit 7: Site Access**.

The overall Surprise Foothills development will include numerous opportunities for active and passive recreation through natural open space/wash corridors, the various power corridor easements, developed parks and trails throughout the community, and direct access to the CAP canal regional trail system and the regional paths as defined by the City of Surprise Parks and Recreation Master Plan. **Figure 8: Development and Open Space Plan** shows the conceptual network of usable open space to be provided throughout the development. The precise location and size of each park, usable open space, and private amenities are subject to change during the platting process.

Residential – Medium Density (R-2)

The Residential Medium Density (R-2) zoning district allows for a variety of housing opportunities including detached and attached buildings, single-family dwellings, two-family dwellings, and three-family dwellings. The proposed zoning will allow for the development of all R-2 lot categories.

General Development Standards

All general development standards within the Surprise LDO will shall govern the Subject Site, including the City of Surprise Planning and Engineering Design Standards (PEDS), as referenced in Chapter 107, Article 1. The Articles within the PEDS shall apply where applicable, based on the specific zoning and land use, and will govern the general site design and development, open space design, circulation design, landscape, and streetscape design, and building form and architecture of a development in addition to those listed within the LDO.

4. CONCLUSION

The Surprise Foothills PAD was designed to appeal to a broad range of residential development types and neighborhood commercial to serve the residents of the PAD. This rezoning application was designed to add the ability for contiguous development to the original Surprise Foothills PAD with a compatible zoning district, and to encourage future development consistent with the City's 2035 General Plan, and current market demands for the area. The project team has coordinated with City staff regarding the regional transportation system in a rapidly growing area of the City of Surprise. The proposed project evaluated all the existing and proposed conditions of the site and surround area to ensure compatibility within this growing area of Surprise.

FIGURE 1: REGIONAL VICINITY MAP

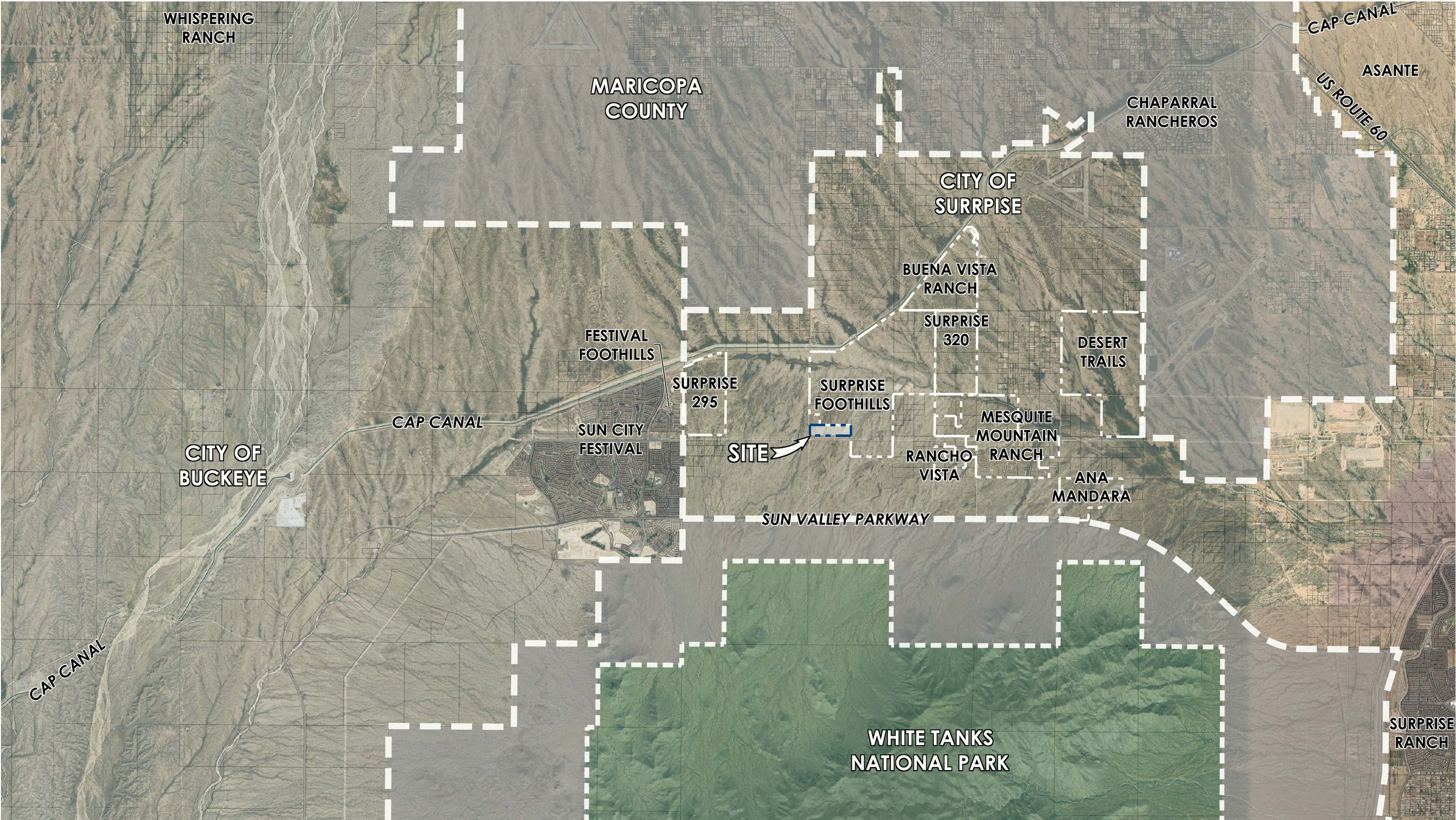


FIGURE 2: GENERAL PLAN LAND USE MAP

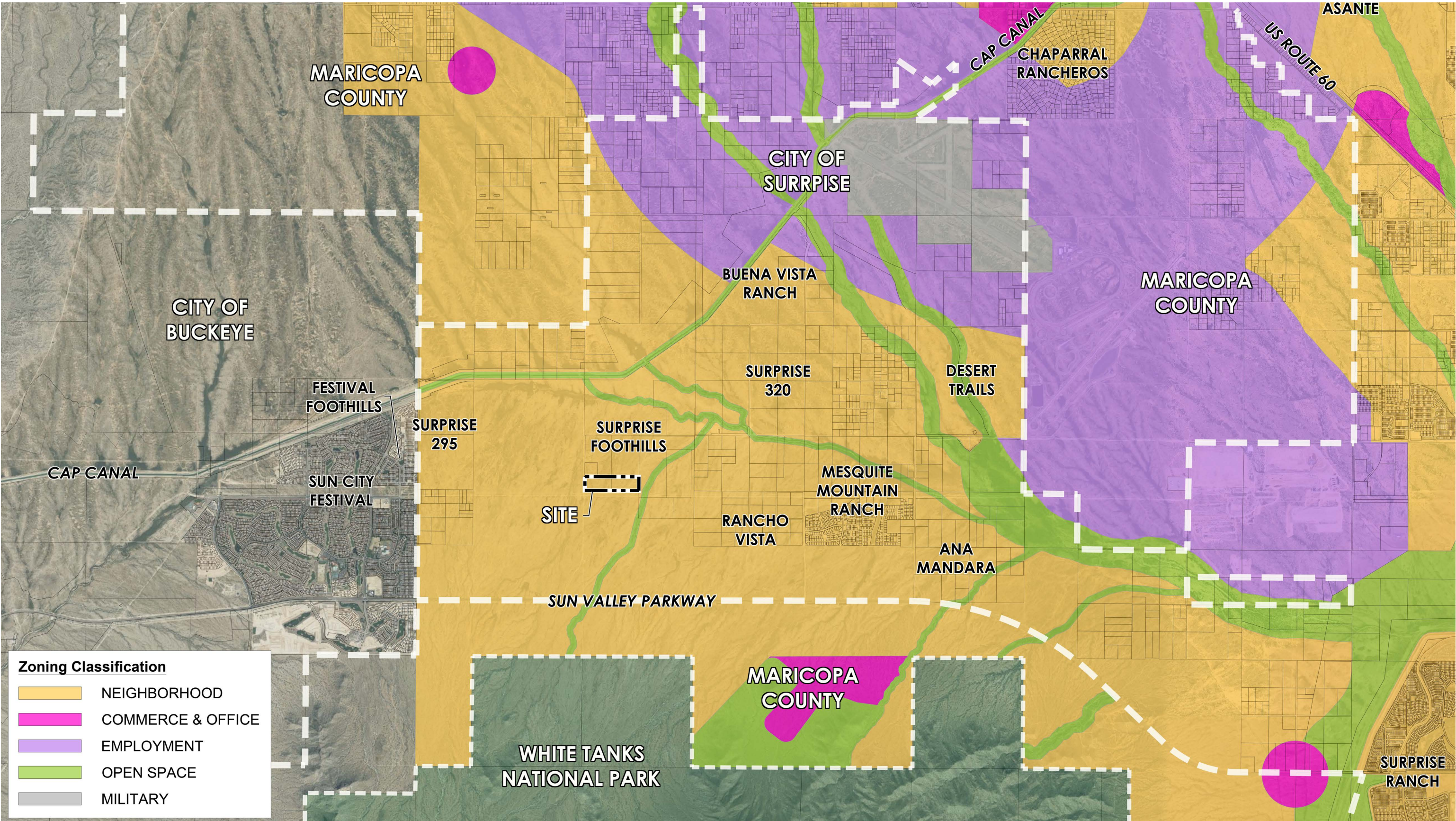


FIGURE 3: EXISTING ZONING MAP

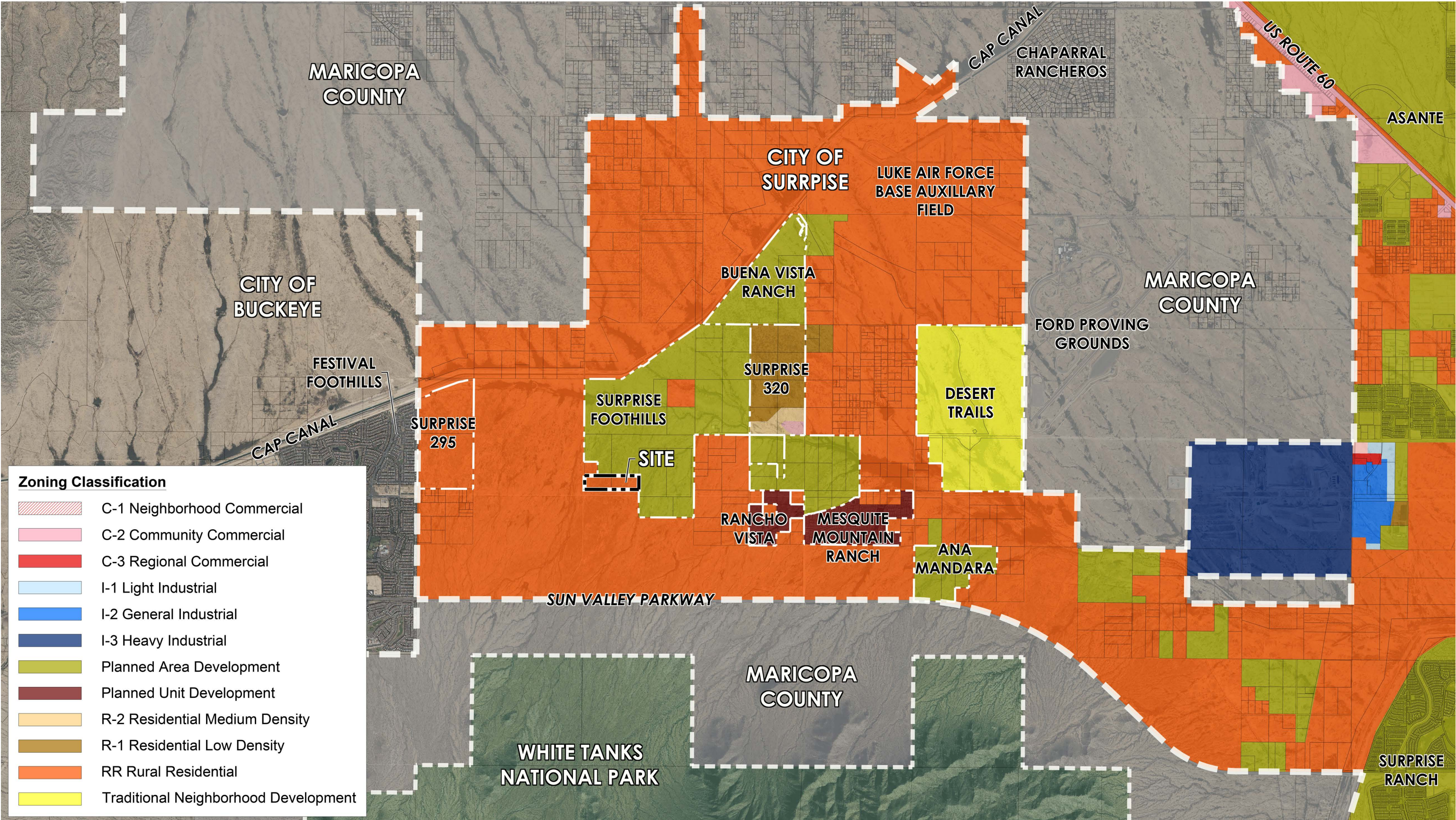


FIGURE 4: REGIONAL TRANSPORTATION PLAN

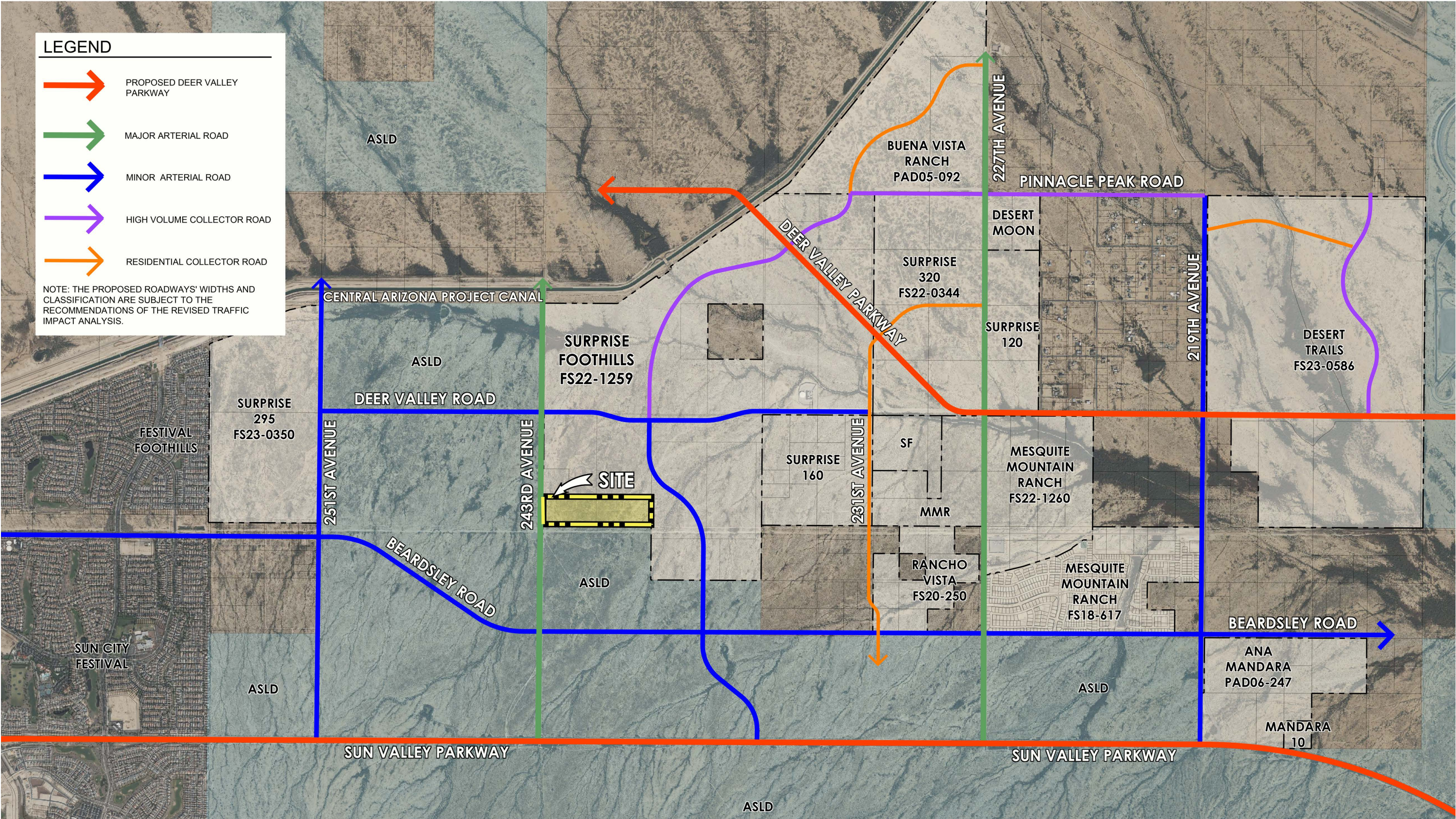


FIGURE 5: LUKE AIR FORCE BASE GRADUATED DENSITY ANALYSIS

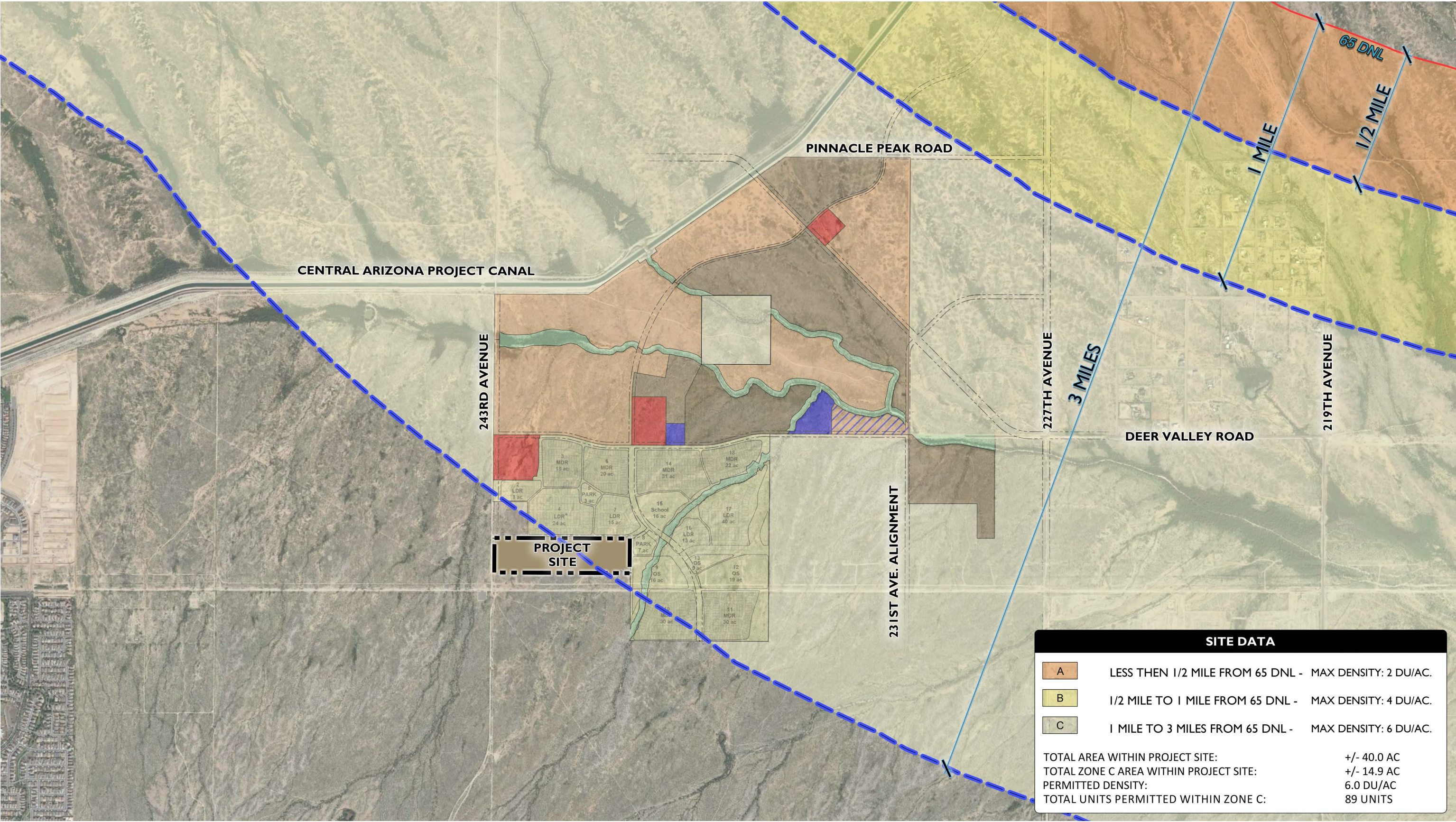


FIGURE 6: PROPOSED ZONING MAP

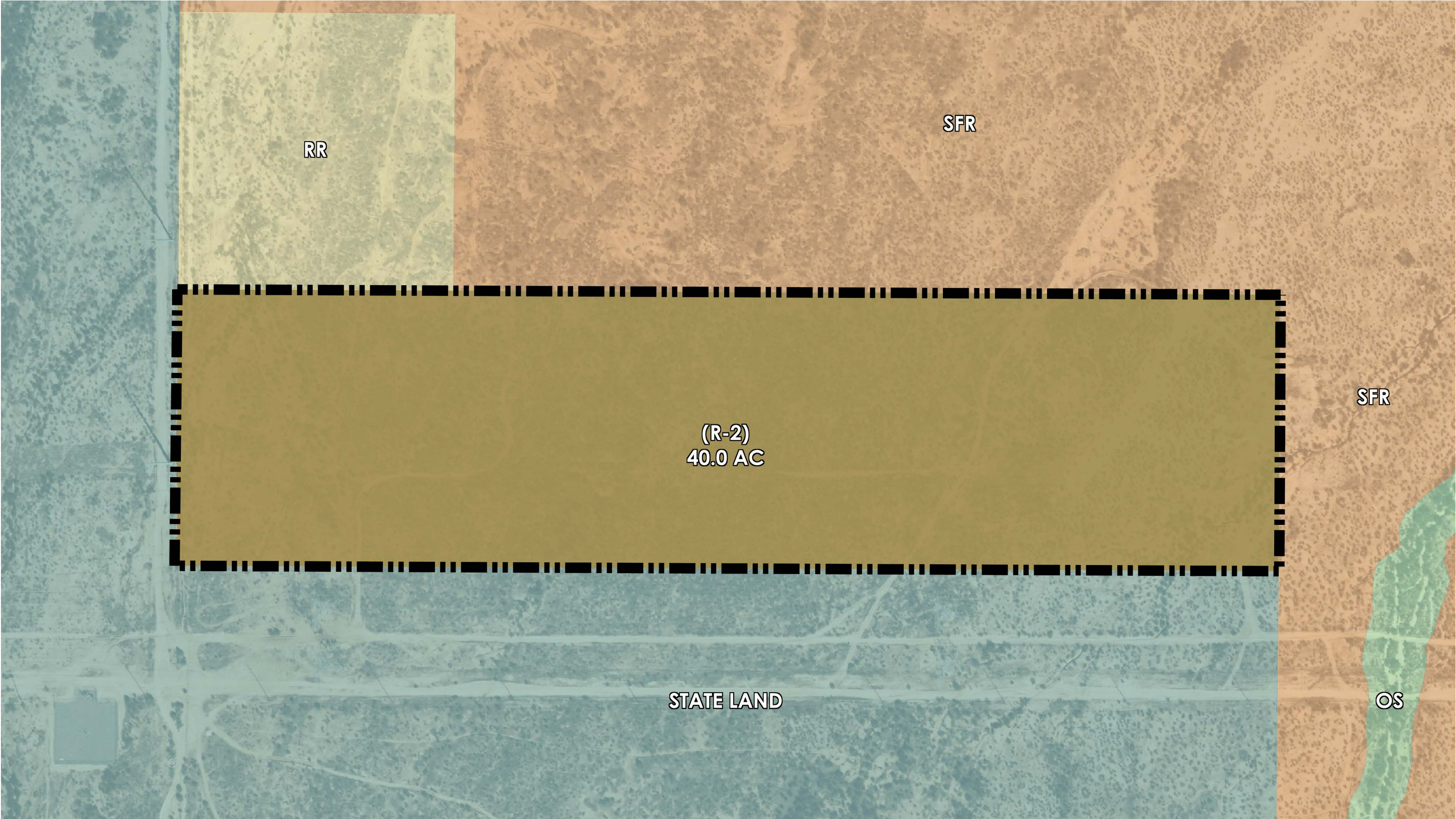


FIGURE 7: SITE ACCESS

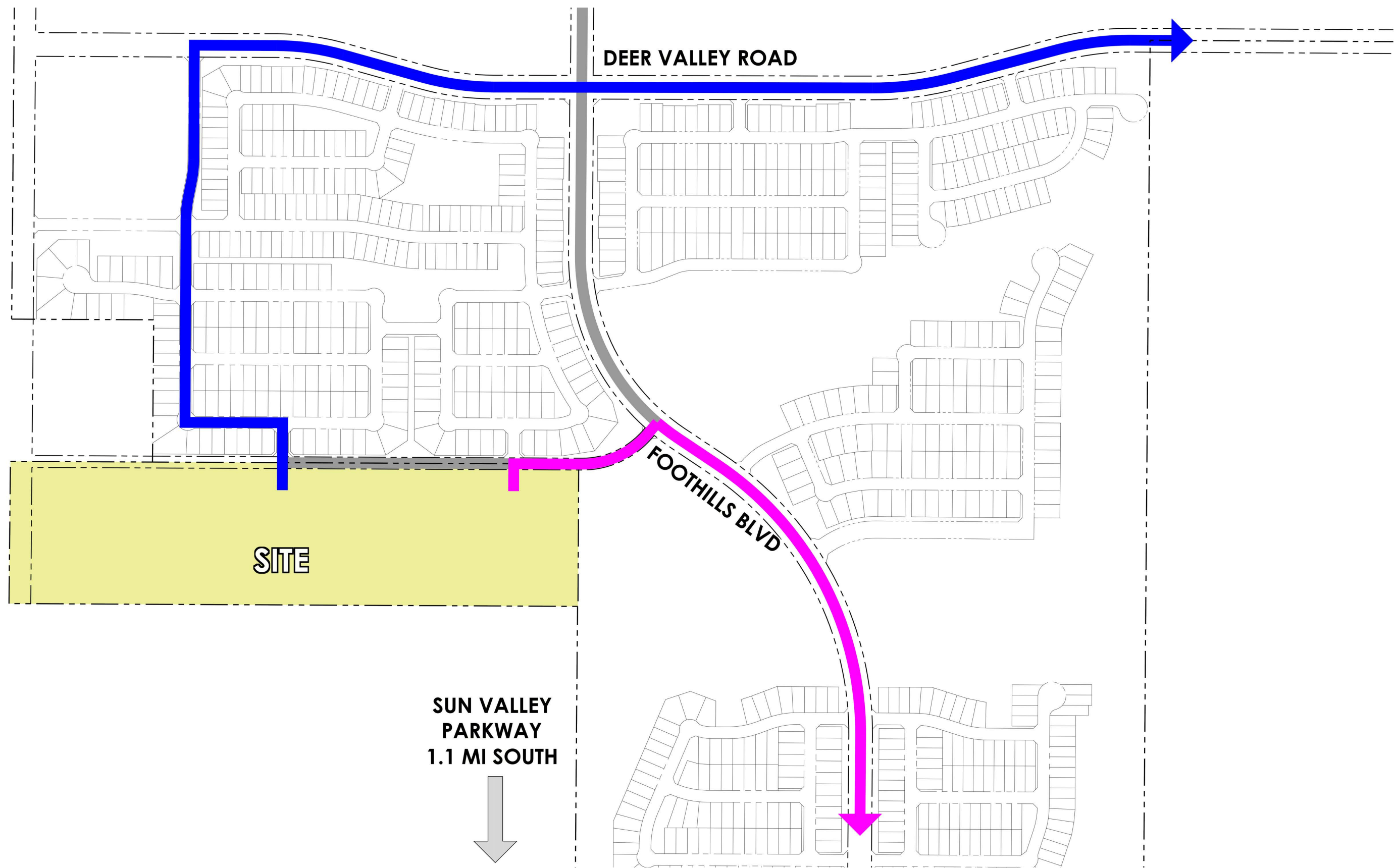
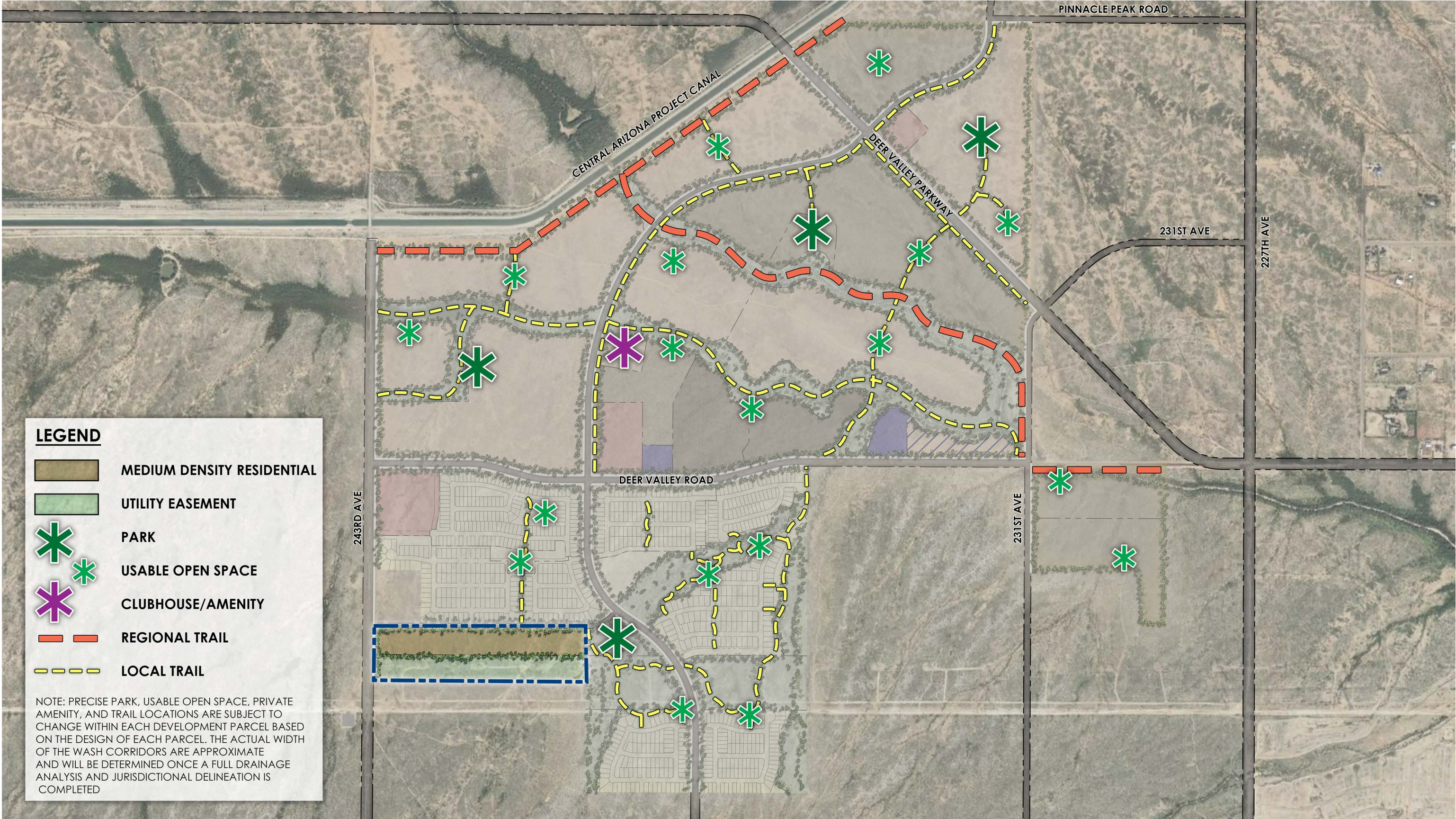


FIGURE 8: DEVELOPMENT AND OPEN SPACE PLAN



Christina Sexton

From: RAHN, JENNIFER L CIV USAF AETC 56 FW/CVE <jennifer.rahm@us.af.mil>
Sent: Friday, February 2, 2024 12:45 PM
To: Tierney Farago
Cc: 56 FW/CIT Community Initiative
Subject: RE: FS24-0117 Surprise Foothills Southwest 40 New Digital Submittal 01.31.24

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 design review application for Surprise Foothills Southwest 40. The proposal is to rezone 40-acres from rural residential to medium density residential. The application also requests adding the 40-acres to the existing Surprise Foothills PAD. The site is located generally near Deer Valley Road and 243rd Avenue in Surprise, AZ. The site is 3 miles outside the Luke AFB Aux-1 2004 65 Ldn, "high noise or accident potential zone" as identified by A.R.S. § 28-8461 and is outside 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. At this time, the number of lots has not been defined. Areas outside of 3 miles are not calculated for GDC. However, Luke AFB respectfully requests the opportunity to comment as site plans become available.

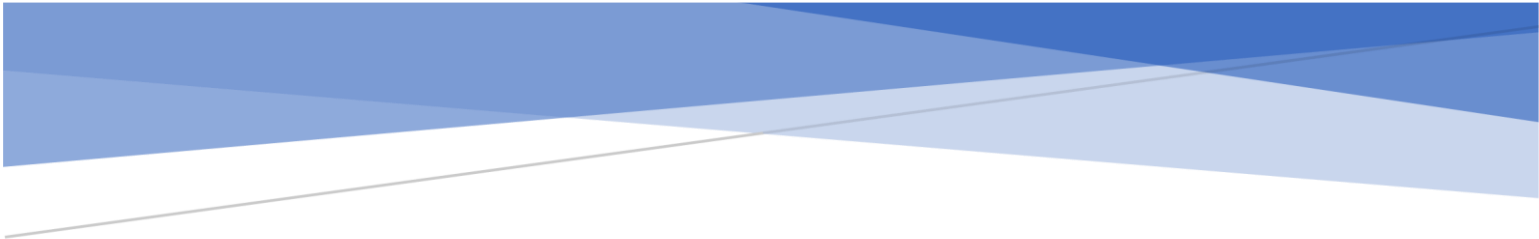
The rezone and addition into the Surprise Foothills PAD, as described, will not have a negative impact on Luke AFB flight operations. Although the site will be located outside the "territory in the vicinity of a military airport," it may be subjected to approximately 170 over flights per day. We also recommend a strong notification program on the part of the applicant to inform any potential occupants about Luke AFB operations.

Respectfully,

Jenn Rahn

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

From: Tierney Farago <Tierney.Farago@surpriseaz.gov>
Sent: Wednesday, January 31, 2024 1:06 PM
To: 56 FW/CIT Community Initiative <56FW.CIT.CommunityInitiative@us.af.mil>; Alex Garza (Maricopa Assoc of



CITIZEN PARTICIPATION REPORT

Surprise Foothills Southwest 40 Rezoning

Surprise, AZ
May, 2024
FS24-0117



Introduction

Every Type 3 development application (which includes rezoning applications) in the City of Surprise requires a neighborhood meeting. As such, these applications also require a Citizen Participation Report designed to detail the results of the citizen participation effort prior to the notice of public hearing. The following sections document the public outreach as it relates to Surprise Foothills Southwest 40, case number FS24-0117.

Public Outreach

One neighborhood meeting was held for this project on May 9th, 2024 in accordance with City LDO requirements. Notices for the neighborhood meeting were mailed to residents and neighborhood associations fifteen (15) days prior by City staff in accordance with the LDO. The meeting details have been included below. Additionally, two on-site signs were posted on the property in accordance with the sign posting requirements.

Location: Willow Canyon High School – Collaborative Commons
17901 W Lundberg St.
Surprise, AZ 85388

Date and Time: Thursday May 10th, 2024 – 6:00 PM

The following exhibits are included as part of the Citizen Participation Report:

- Site posting affidavit and photos as **Exhibit A: Sign Posting Affidavit & Photos**

Summary of Neighborhood Outreach Efforts

The neighborhood meeting was held at a public place in general vicinity of the subject site in compliance with the recommendations of City staff. At 6pm the only attendees present were city staff. The applicant waited until 6:30pm and, as there were no additional attendees, concluded the public meeting.

Ongoing Coordination

Throughout the processing of the rezoning application, the development team will engage with all interested parties to provide up to date information and tracking to the schedule public hearings, as needed. To date, no additional phone calls or email conversations have occurred as it relates to either application.

Exhibit A: Sign Posting Affidavit and Photos

AFFIDAVIT OF POSTING

Application No: FS24-0117
Applicant Name: RVi Planning
Location: S of SEC 243rd Ave & Deer Valley Rd
Date Site Posted: 04/19/24

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]
Applicant/Representative Signature

4/19/2024
Date

This instrument was acknowledged before me on 04/19/24, by Tyler Walker. 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: May 9, 2024

Time: 6:00 P.M.

Location: Willow Canyon High School
Collaborative Commons
17901 W Lundberg St.
Surprise, AZ 85388

Planning & Zoning

Date: TBD

Time: 6:00 P.M.

Location: Council Chambers
16000 Civic Center Plaza
Surprise, AZ 85374

City Council

Date: TBD

Time: 6:00 P.M.

Location: Council Chambers
16000 Civic Center Plaza
Surprise, AZ 85374

Surprise Case #: FS24-0117

A rezoning application for Surprise Foothills Southwest 40 to change the existing zoning from Rural Residential (R-R) to Residential Medium Density (R-2) on parcels 503-82-004M and N, comprising approximately 40 gross acres.

VICINITY MAP



Please call to confirm dates: 623-222-3011 www.surpriseaz.gov

April 19, 2024 at 11:50 AM

Page 242 of 634

Surprise AZ 85387

Notice of Public Hearing

City of Surprise

Neighborhood Meeting

Date: May 9, 2024

Time: 6:00 P.M.

Location: Willow Canyon High School
Collaborative Commons
17901 W Lundberg St.
Surprise, AZ 85388

Planning & Zoning

Date: TBD

Time: 6:00 P.M.

Location: Council Chambers
16000 Civic Center Plaza
Surprise, AZ 85374

City Council

Date: TBD

Time: 6:00 P.M.

Location: Council Chambers
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April 19, 2024 at 11:50 AM

Page 243 of 634
N 2nd Ave
Surprise AZ 85387

Notice of Public Hearing

City of Surprise

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Date: May 9, 2024

Time: 6:00 P.M.

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17901 W Lundberg St.
Surprise, AZ 85388

Planning & Zoning

Date: TBD

Time: 6:00 P.M.

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Time: 6:00 P.M.

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Surprise, AZ 85388

Planning & Zoning

Date: TBD

Time: 6:00 P.M.

Location: Council Chambers
16000 Civic Center Plaza
Surprise, AZ 85374

City Council

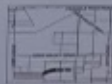
Date: TBD

Time: 6:00 P.M.

Location: Council Chambers
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Surprise, AZ 85374

Surprise Case #: FS24-0117

VICINITY MAP



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Please call to confirm dates: 623-222-3011 www.surpriseaz.gov

AFFIDAVIT OF POSTING

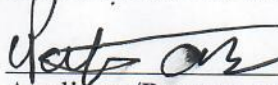
Application No: FS24-0117
Applicant Name: RVi Planning
Location: S of SEC 243rd Ave & Deer Valley Rd
Date Site Posted: 06/06/24

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).

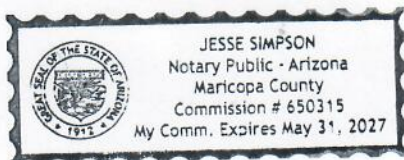
Such notice shall be clearly legible and placed at a prominent location on the site – Generally adjacent and perpendicular to the public right-of-way. It shall be the *responsibility of the applicant* to erect and to maintain the sign on the subject property and to maintain the hearing information on the sign until final disposition of the case.

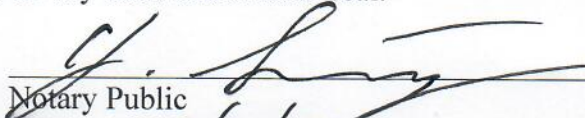
It shall also be the *responsibility of the applicant* to remove the signs within one week after the final disposition of the case.

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.

 6/6/2024
Applicant/Representative Signature Date

This instrument was acknowledged before me on 06/06/24, by Patrick Anspaugh. I witness whereof I hereunto set my hand and official seal.




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: May 9, 2024

Time: 6:00 P.M.

Location: Willow Canyon High School
Collaborative Commons
17901 W Lundberg St.
Surprise, AZ 85388

Planning & Zoning

Date: July 18, 2024

Time: 6:00 P.M.

Location: Council Chambers
16000 Civic Center Plaza
Surprise, AZ 85374

City Council

Date: August 20, 2024

Time: 6:00 P.M.

Location: Council Chambers
16000 Civic Center Plaza
Surprise, AZ 85374

Surprise Case #: FS24-0117

VICINITY MAP



A rezoning application for Surprise Foothills Southwest 40 to change the existing zoning from Rural Residential (R-R) to Residential Medium Density (R-2) on parcels 503-82-004M and N, comprising approximately 40 gross acres.

Please call to confirm dates: 623-222-3011 www.surpriseaz.gov

June 6, 2024 at 8:48 AM
+33.674864, -112.582048
N 243rd Ave
Surprise AZ 85387
United States

Notice of Public Hearing City of Surprise

Neighborhood Meeting

Date: May 9, 2024

Time: 6:00 P.M.

Location: Willow Canyon High School
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Time: 6:00 P.M.

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Surprise, AZ 85374

City Council

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Surprise, AZ 85374

City Council

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Location: Council Chambers
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VICINITY MAP



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June 6, 2024 at 8:54 AM

+33.675053, -112.574260

Surprise AZ 85387

United States

Notice of Public Hearing City of Surprise

Neighborhood Meeting

Date: May 9, 2024

Time: 6:00 P.M.

Location: Willow Canyon High School
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Surprise, AZ 85388

Planning & Zoning

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Time: 6:00 P.M.

Location: Council Chambers
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Surprise, AZ 85374

City Council

Date: August 20, 2024

Time: 6:00 P.M.

Location: Council Chambers
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Surprise, AZ 85374

Surprise Case #: FS24-0117

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VICINITY MAP



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June 6, 2024 at 8:54 AM

+33.675053, -112.574260

Surprise AZ 85387

United States

ORDINANCE # 2024-25

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA, APPROVING A REZONE FROM RURAL RESIDENTIAL (RR) TO RESIDENTIAL MEDIUM DENSITY (R-2), GENERALLY LOCATED EAST OF 243RD AVENUE, SOUTH OF DEER VALLEY ROAD, AND NORTH OF BEARDSLEY 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 east of 243rd Avenue, south of Deer Valley Road, and north of Beardsley Road;

WHEREAS, the subject site is zoned Rural Residential (RR);

WHEREAS, the proposed Rezone to Residential Medium Density (R-2), satisfies the requirements set forth in Chapter 106-2.4 of the Surprise Municipal Code;

WHEREAS, this Rezone is in harmony with the purposes and intent of the zoning ordinance and the Surprise General Plan; and

WHEREAS, on July 18, 2024, the Planning and Zoning Commission recommended approval of the Surprise Foothills Southwest 40.

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 "Surprise Foothills Southwest 40" is rezoned from Rural Residential (RR) to Residential Medium Density (R-2) subject to the following stipulations:

- a. Development and use of the site shall be consistent with the Rezone Narrative entitled "Surprise Foothills Southwest 40", prepared by RVi Planning + Landscape Architecture," received April 29, 2024.
- b. Non-compliance with the stipulations of approval of this case will be treated as a violation in accordance with the applicable provisions of the Surprise Municipal Code.
- c. The rezone is subject to having access to the amenities as set forth in the Surprise Foothills PAD.

Section 2. *Amendment of Zoning Map.* The City of Surprise zoning map is herewith amended to reflect the change in districts referred to in Section 1 above.

Section 3. *Codification.* This Ordinance is not of a general nature and shall not be codified.

Section 4. *Repeal of Conflicting Ordinances.* All ordinances or parts of ordinances in conflict with the provisions of this ordinance or any part of the code adopted herein by reference are hereby repealed, upon the effective date of this Ordinance.

Section 5. *Severability.* If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

Section 6. *Effective Date.* This ordinance shall become effective at the time and in the manner prescribed by law.

PASSED AND ADOPTED this _____ day of _____ 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 R-2 Zoning Area
Surprise Foothills Southwest 40

Parcel No. 1

The South half of the Southwest quarter of the Northwest quarter of Section 21, Township 4 North, Range 3 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona;

EXCEPT that all coal and other minerals, as reserved in the Patent;

EXCEPT the West 55 feet thereof.

Parcel No. 2

The South half of the Southeast quarter of the Northwest quarter of Section 21, Township 4 North, Range 3 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona;

EXCEPT that all coal and other minerals, as reserved in the Patent.

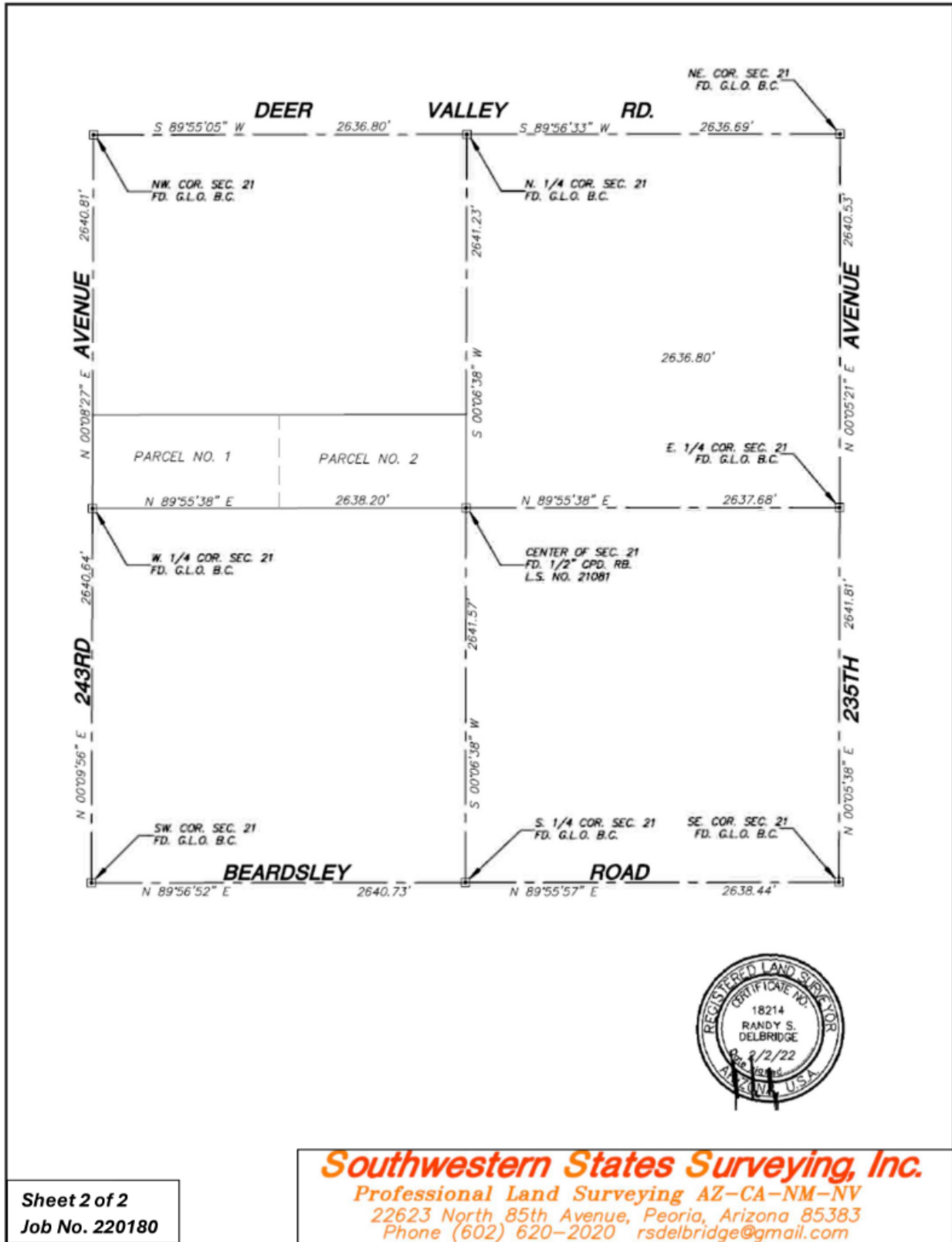
Area = 39.1577 Acres



Sheet 1 of 2
Job No. 220180

Southwestern States Surveying, Inc.
Professional Land Surveying AZ-CA-NM-NV
22623 North 85th Avenue, Peoria, Arizona 85383
Phone (602) 620-2020 rsdelbridge@gmail.com

EXHIBIT B
DEPICTION OF THE PROPERTY TO BE RE-ZONED



Ordinance No. 2024-25
RFLS #9537
Rev 06/23



COMMUNITY DEVELOPMENT
Planning Division
16000 N. Civic Center Plaza
Surprise, AZ 85374
Phone: 623-222-3154

Planning and Zoning Commission Recommendation
FS24-0117 Surprise Foothills Southwest 40 - Rezone

On July 18, 2024, the Planning and Zoning Commission recommended that City Council approve the rezone case known as “Surprise Foothills Southwest 40 Project - Rezone” Case# FS24-0117. The Commission discussed:

- Rezone aligns with PAD
- Lot sizes
- Points of access for the rezone
- Access to amenities

The motion was as follows:

Chair Holland made a motion to add a stipulation ‘c’ the rezone is subject to having access to the amenities as set forth in the Surprise Foothills PAD. Vice Chair Chapman seconded the motion. Motion passed with 5 votes in favor.

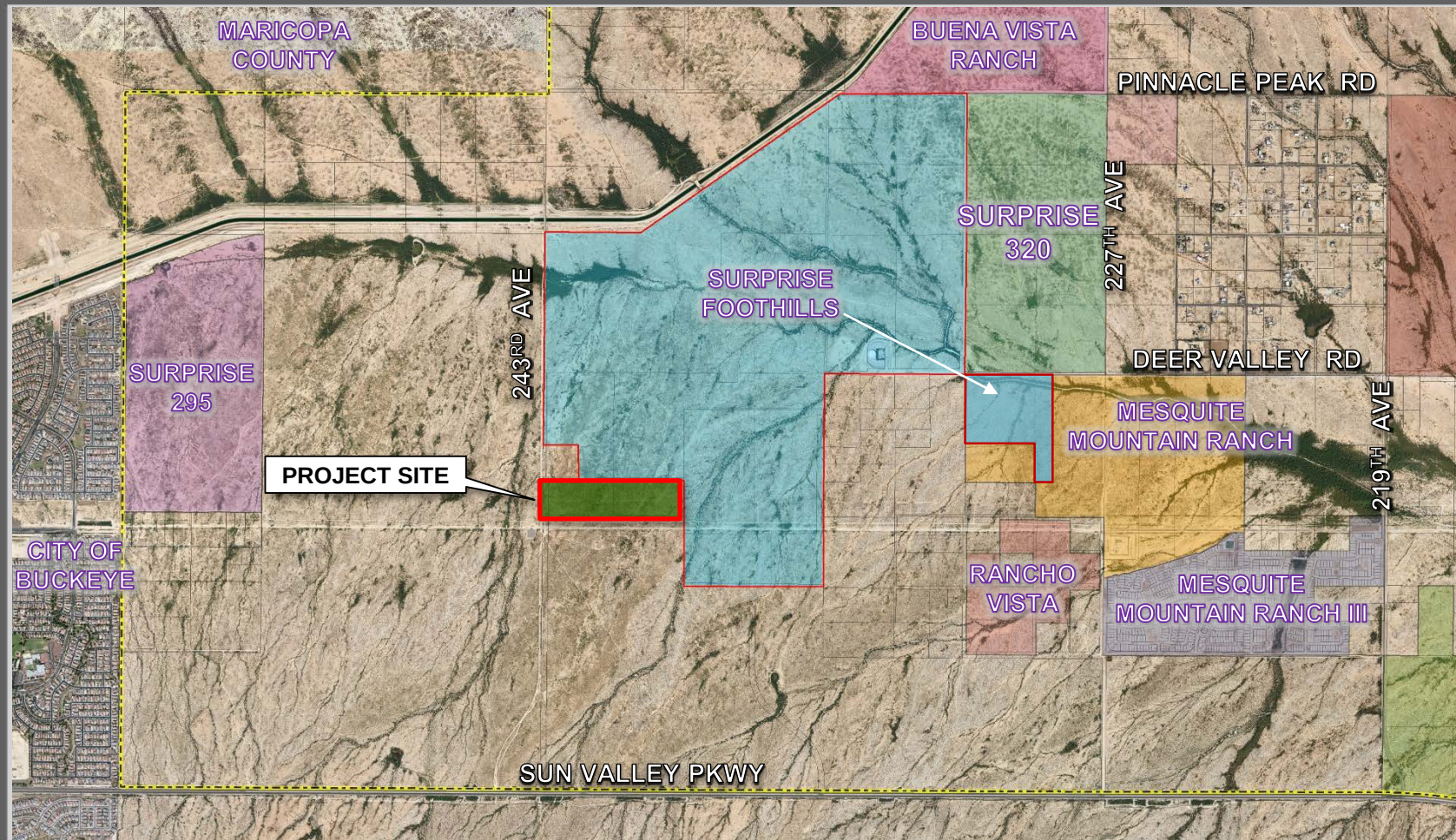
Vice Chair Chapman made a motion to approve the Surprise Foothills Southwest 40 Project Case #FS24-0117, subject to stipulations ‘a’ through ‘c’. Commissioner Leonard seconded the motion. Motion passed with 5 votes in favor.



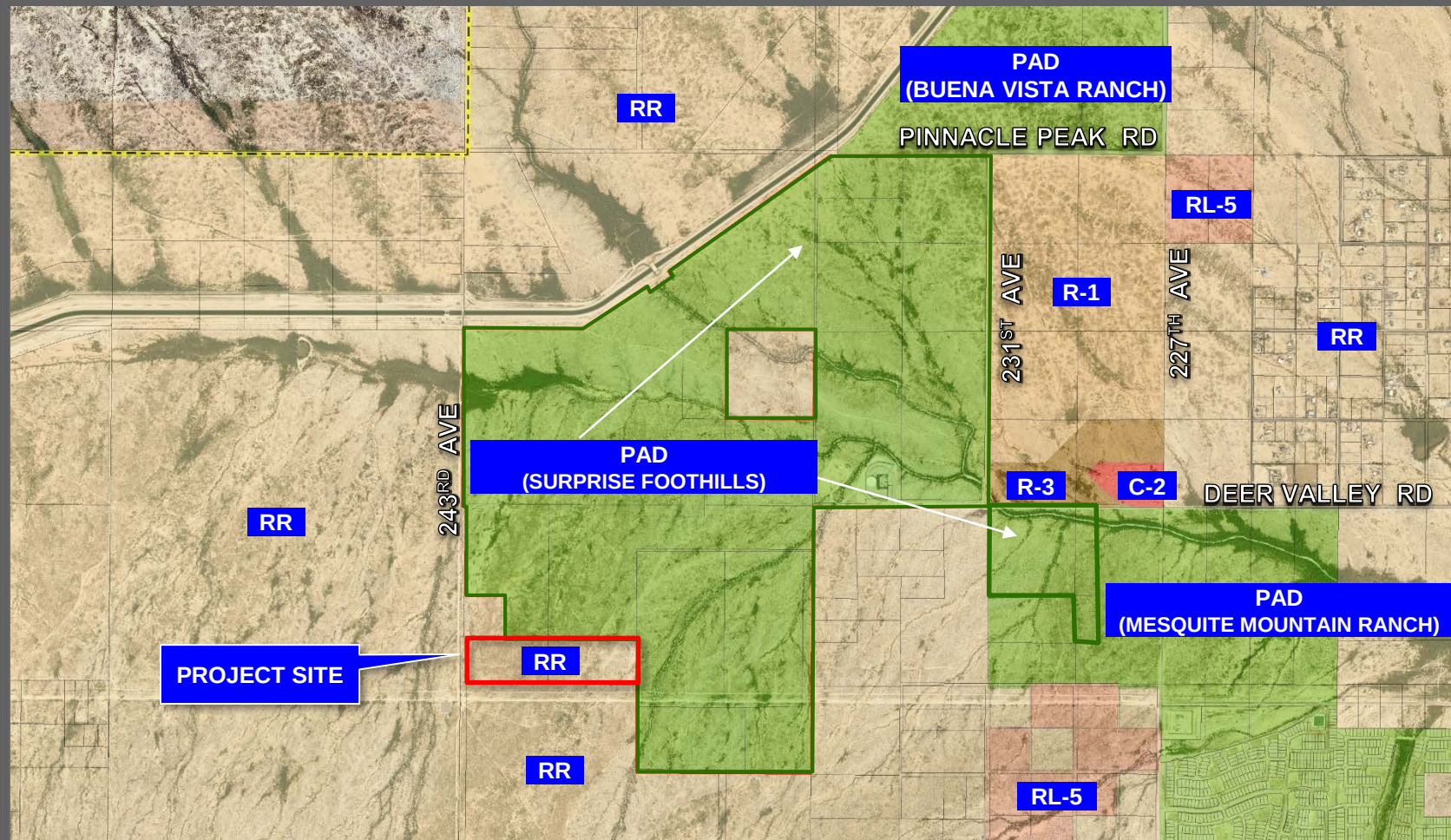
FS24-0117

Surprise Foothills Southwest 40

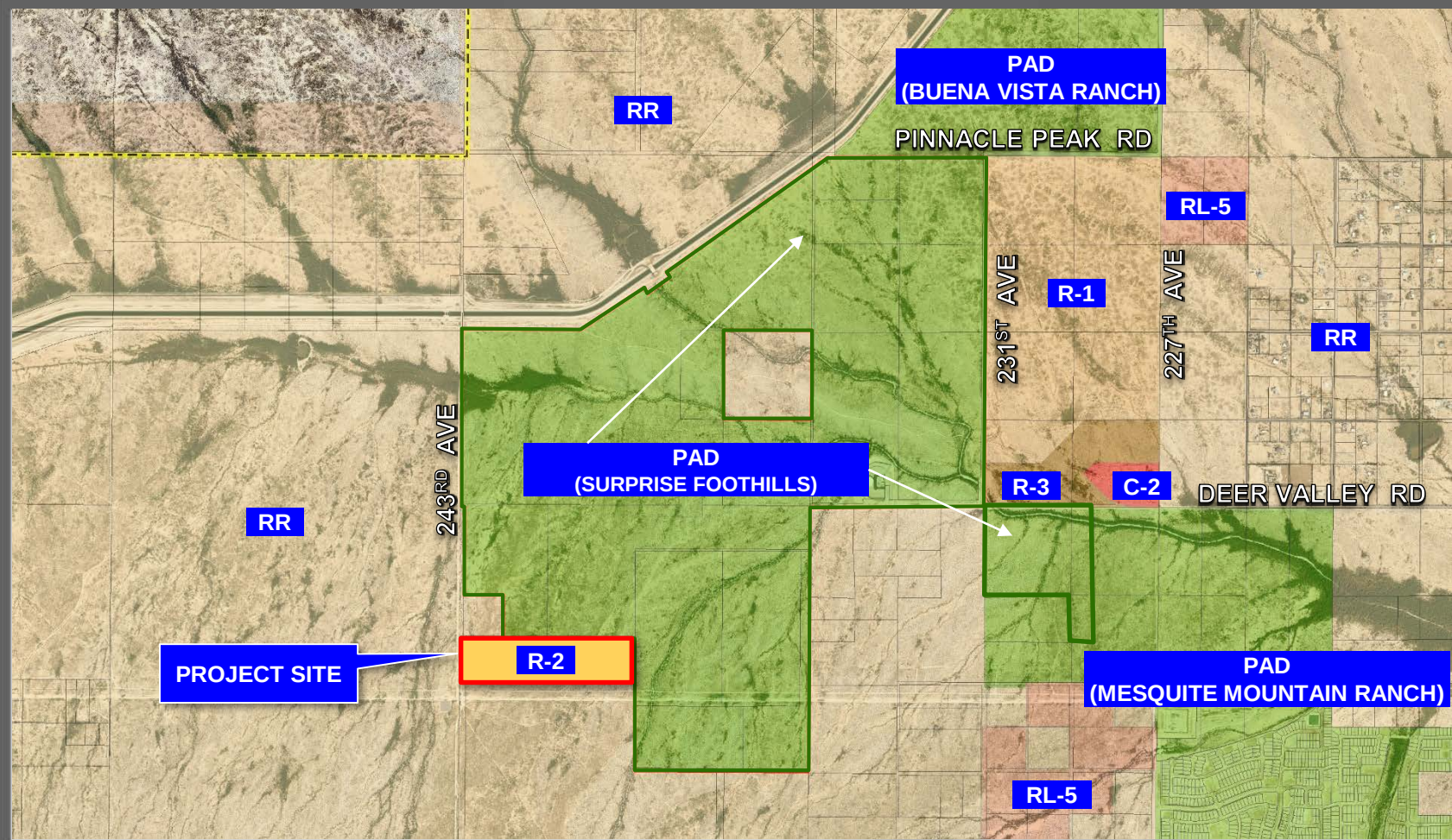
City Council
August 20, 2024



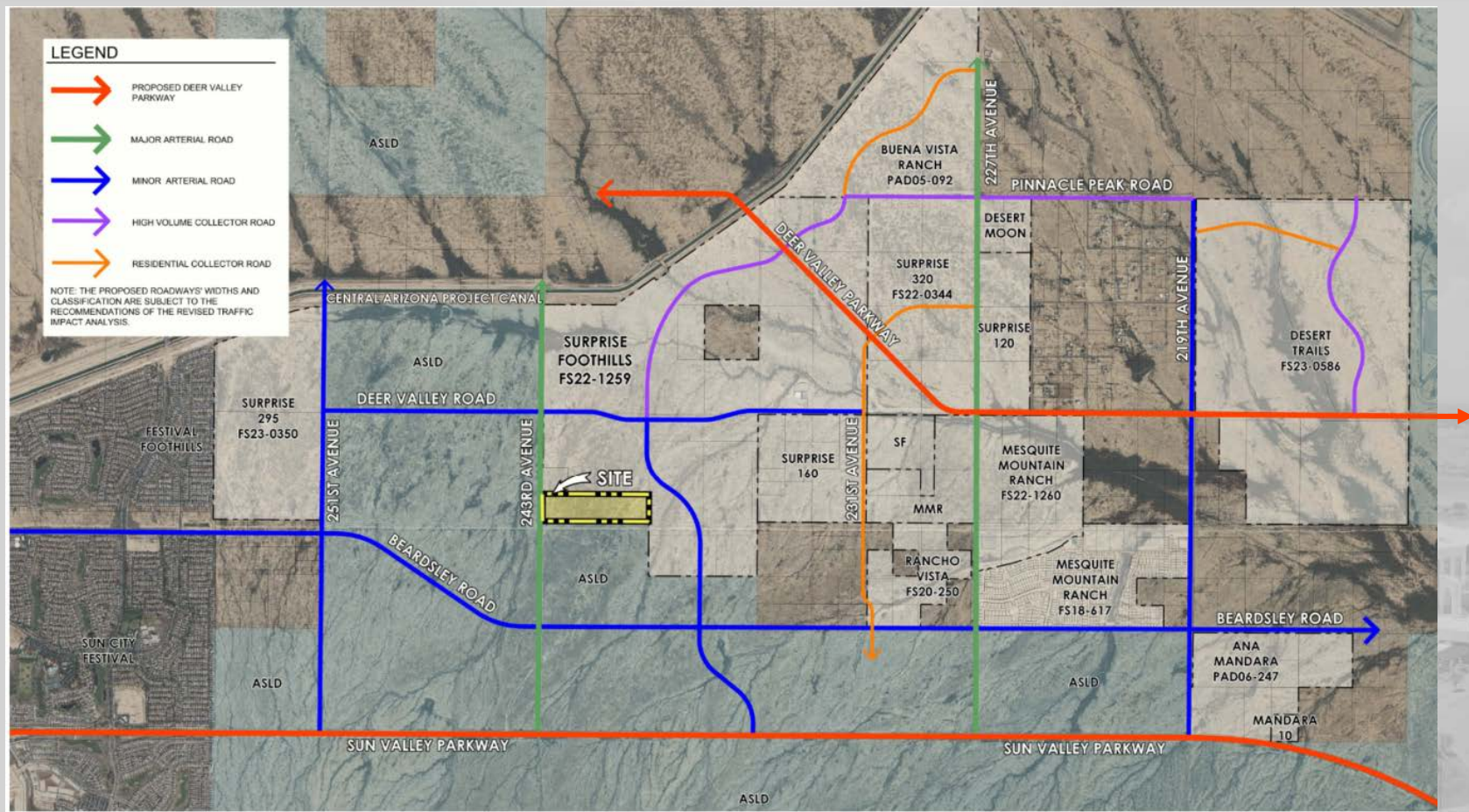
FS24-0117 VICINITY MAP



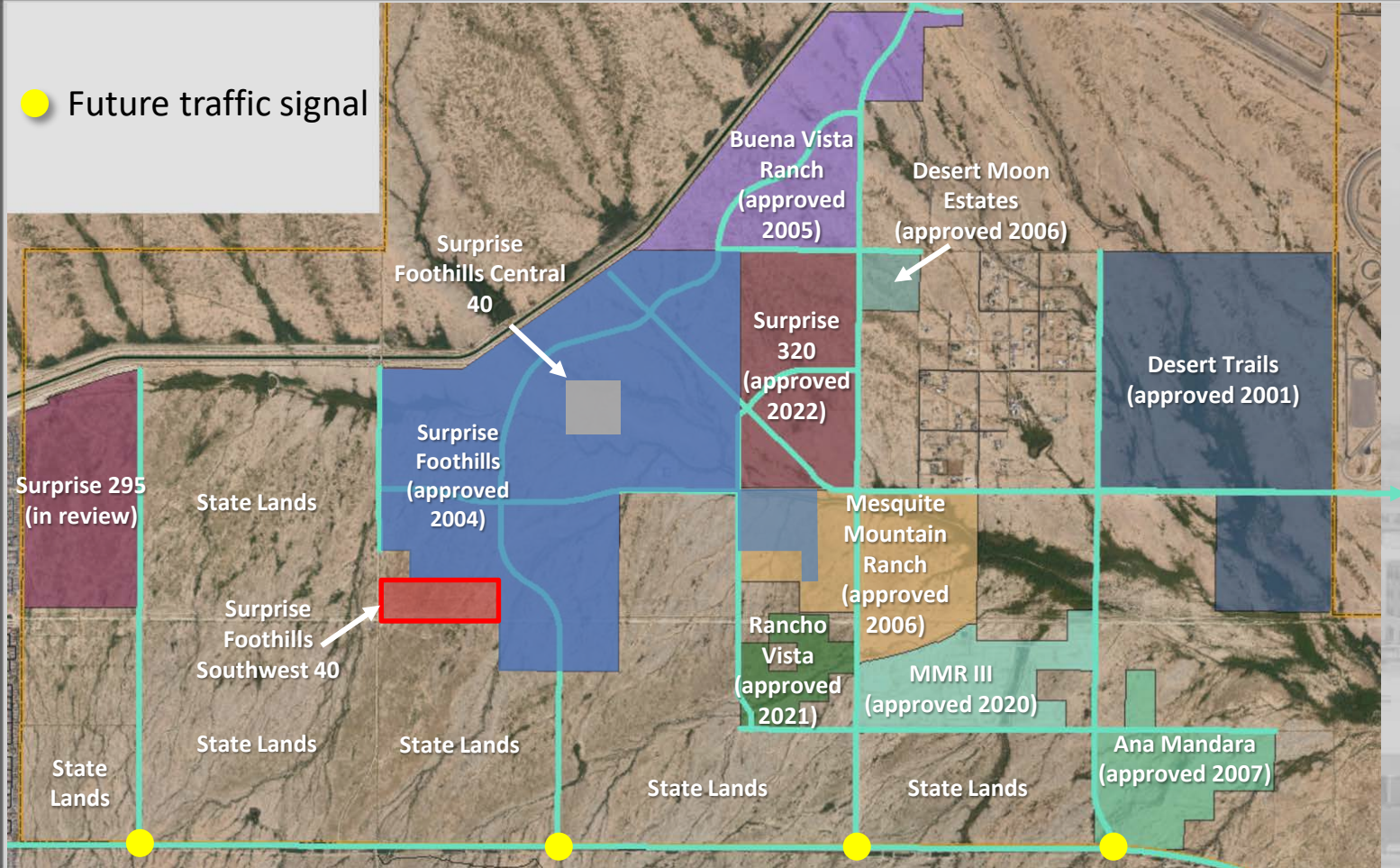
FS24-0117 EXISTING ZONING



FS24-0117 PROPOSED ZONING



● Future traffic signal



ROADWAYS

***FOR VISUALIZATION PURPOSES
ONLY*
NO DEVELOPMENT PLANS AT THIS
TIME**

243RD AVENUE

POWERLINE EASEMENT

POWERLINE POLE LOCATIONS

LOTING



OUTREACH



Neighborhood Meeting:

Site Posting, 300' Mailers, & Newspaper Publishings

- May 9th (In-Person) – Willow Canyon HS
 - No attendees

Planning & Zoning Recommendation

City Council approve subject to stipulations
'a' through 'c'

- a. Development and use of the site shall be consistent with the Rezone Narrative entitled "Surprise Foothills Southwest 40", prepared by Rvi Planning + Landscape Architecture," received April 29, 2024.
- b. Non-compliance with the stipulations of approval of this case will be treated as a violation in accordance with the applicable provisions of the Surprise Municipal Code.
- c. The rezone is subject to having access to the amenities as set forth in the Surprise Foothills PAD.

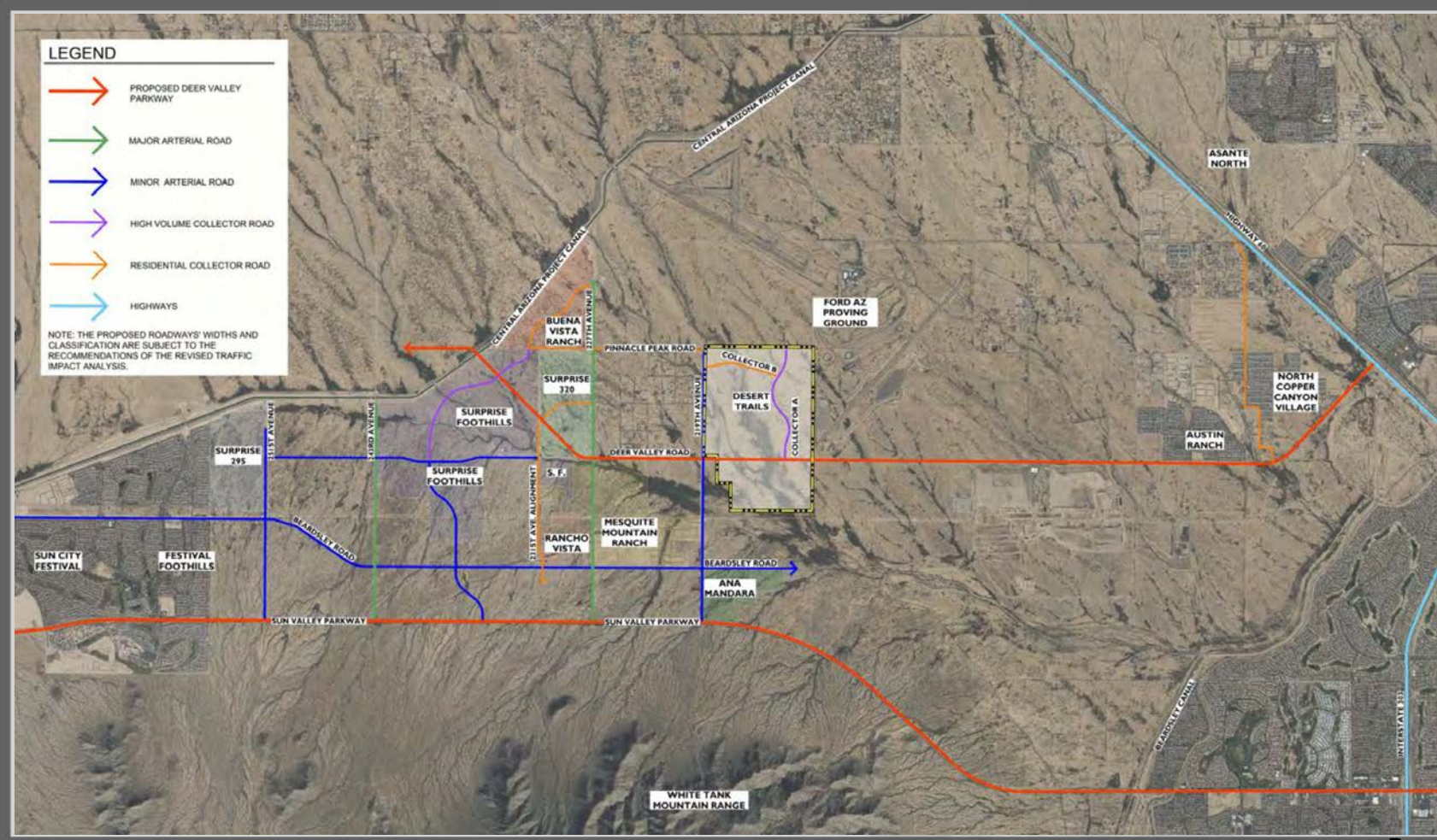


SURPRISE
ARIZONA

**QUESTIONS OR
COMMENTS?**

Thank You







CITY OF SURPRISE Regular City Council Meeting

Council Meeting Date: August 20, 2024

Contact Person: Lloyd Abrams, Director -
Community Development

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 Zone Change for the Surprise Foothills Central 40 project to rezone approximately 40 acres from Rural Residential (RR) to a combination of Residential Low Density (R-1) and Residential Medium Density (R-2) generally located north of Deer Valley Road and east of Foothills Boulevard (future alignment); Ordinance #2024-24.

Motion:

I move to [approve/deny] Ordinance #2024-24.

Background:

Mark Reddie with RVi Planning + Landscape Architecture, the applicant, on behalf of Monson Cowley, Cowley Companies, property owner, requests to rezone approximately 40 acres from Rural Residential (RR) to a combination of Residential Low Density (R-1) and Residential Medium Density (R-2).

Objective Analysis:

This project will allow for the rezone of approximately 40 acres from Rural Residential to a combination of Residential Low Density (R-1) and Residential Medium Density (R-2).

Policy Compliant:

The requested rezone, as outlined and detailed in the rezone document, is consistent with the 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 - FS24-0118 Surprise Foothills Central 40 Rezone - Staff Report
 2. 01 - FS24-0118 Surprise Foothills Central 40 Rezone - Vicinity Map
 3. 02 - FS24-0118 Surprise Foothills Central 40 Rezone - Existing Zoning Map
 4. 03 - FS24-0118 Surprise Foothills Central 40 Rezone - Proposed Zoning Map
 5. 04 - FS24-0118 Surprise Foothills Central 40 Rezone - Rezone Document
 6. 05 - FS24-0118 Surprise Foothills Central 40 Rezone - Luke AFB Comments
 7. 06 - FS24-0118 Surprise Foothills Central 40 Rezone - Citizen Participation Report
 8. 07 - FS24-0118 Surprise Foothills Central 40 Rezone - Affidavit of Posting
 9. 08 - FS24-0118 Surprise Foothills Central 40 Rezone - Draft Ordinance
 10. 09 - FS24-0118 Surprise Foothills Central 40 Rezone - P&Z Recommendation
 11. FS24-0118 Surprise Foothills Central 40 Rezone - PowerPoint
-

ZONE CHANGE

REPORT TO THE CITY COUNCIL

Case: FS24-0118

Project Name: Surprise Foothills Central 40 - Rezone

Council District: 1 – Acacia

City Council Date: August 20, 2024

Planner: Chris Sexton, Planner II

Owner: Monson Cowley, Cowley Companies

Applicant: Mark Reddie, RVi Planning + Landscape Architecture

Request: Zone Change from Rural Residential (RR) to Residential Low Density (R-1) and Residential Medium Density (R-2).

Site Location: Generally located north of Deer Valley Road and east of Foothills Boulevard (future alignment).

Site Size: 40 gross acres (approx.)

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

Support/Opposition: See attached Citizen Participation Report.

Commission Recommendation: The Planning & Zoning Commission recommended approval, subject to stipulations 'a' through 'c'.

Project Description:

Mark Reddie with RVi Planning + Landscape Architecture, the applicant, on behalf of Monson Cowley, Cowley Companies, property owner, requests to rezone approximately 40 acres from Rural Residential (RR) to a combination of Residential Low Density (R-1) and Residential Medium Density (R-2).

Background:

June 08, 1989: The subject property was annexed into the City of Surprise under Ordinance #89-05.

March 31, 2022: The applicant met with staff to discuss the subject proposal during a regularly scheduled Concept Review Meeting under case CR22-0100.

December 29, 2023: The applicant submitted for a Concept Review Waiver.

January 31, 2024: The applicant submitted for a rezone under the subject case.

May 9, 2024: The applicant held a neighborhood outreach meeting to discuss the project.

Analysis and Discussion:

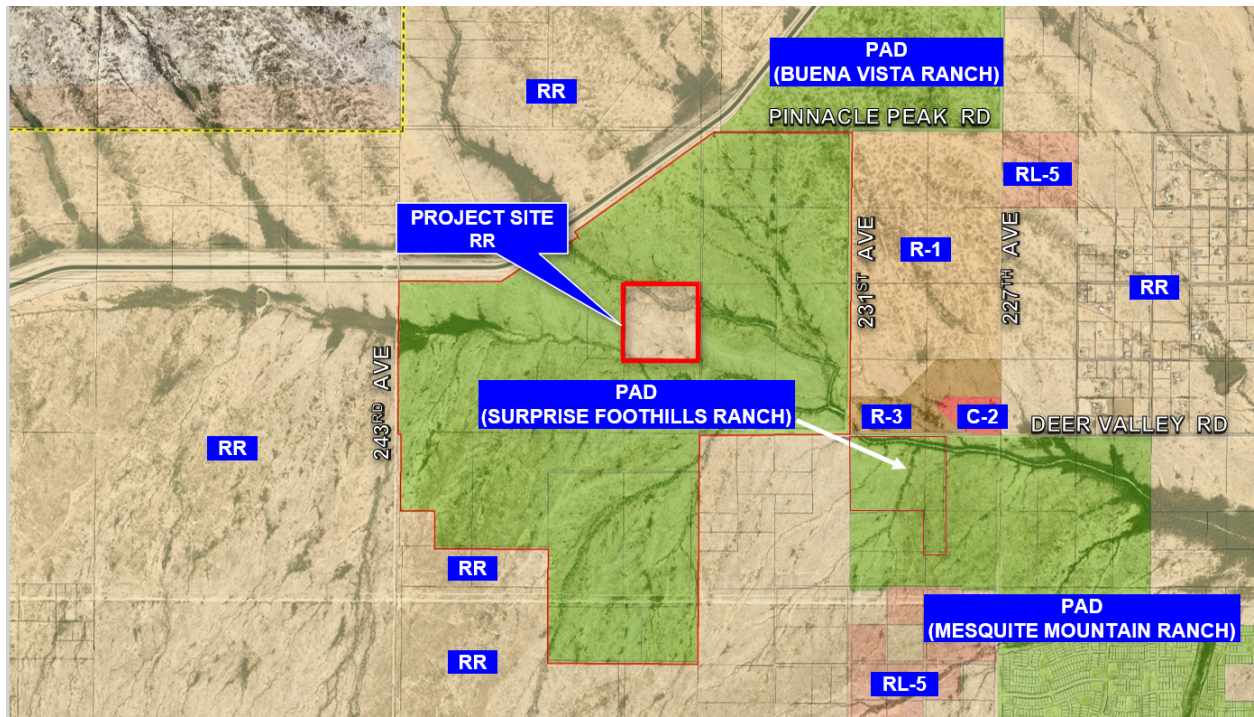
The applicant requests a rezone of approximately 40 acres from Rural Residential (RR) to a combination of Residential Low Density (R-1) and Residential Medium Density (R-2).

The subject property is surrounded by the Surprise Foothills Planned Area Development (PAD). As such, the applicant intends to develop this project in conjunction with the PAD. The request is to rezone the subject property to current Land Development Ordinance (LDO) zoning district, since, in accordance with Section 101-1.2 of the LDO, the establishment of new PAD zoning districts is not permitted.

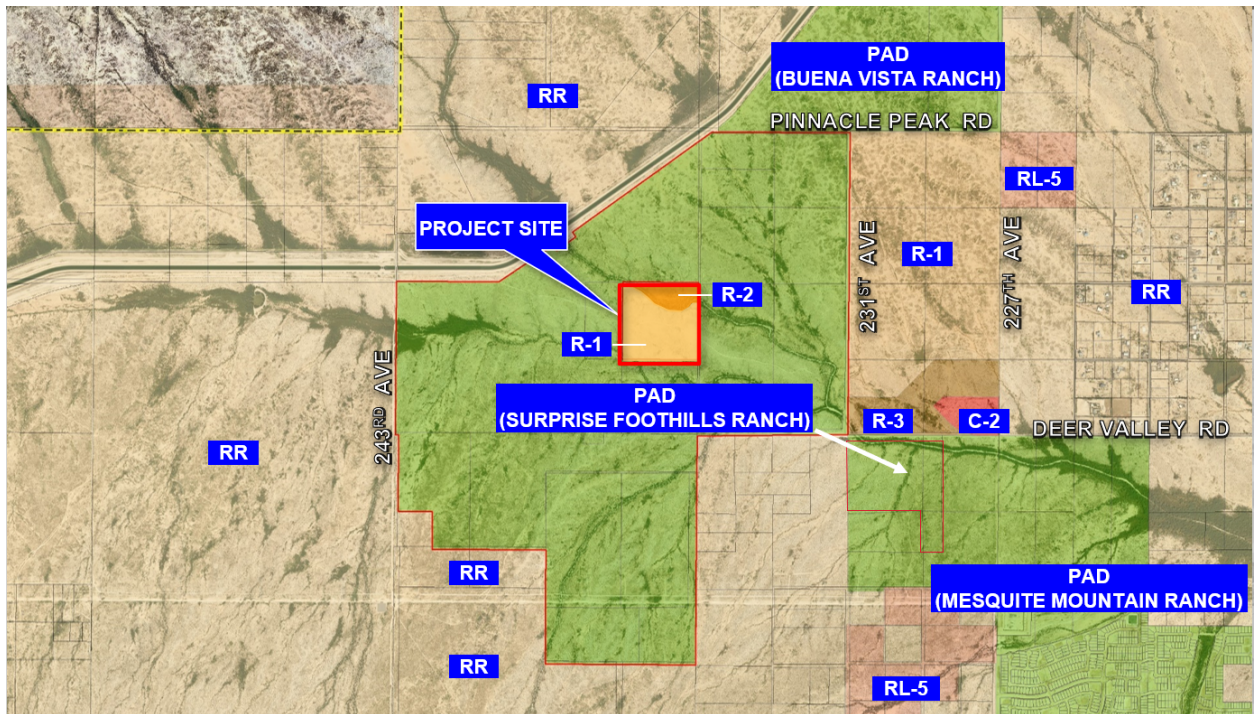
Access

Currently, no roadway network exists adjacent to the subject parcel. Ultimately, access to the site will be provided through the Surprise Foothills community via local connections to the proposed 235th Avenue that will connect from Pinnacle Peak Road down to Sun Valley Parkway. The project will provide two (2) points of access per Fire and Transportation requirements.

The exhibits below show the current and proposed zoning of the site.



Existing Zoning



Proposed Zoning

The development of the project site will be subject to review and approval of preliminary plat(s) and/or site plan(s), in which parking, setbacks, landscaping and, if applicable, site design will be reviewed in accordance with the requirements prescribed by the City's Land Development Ordinance (LDO) requirements and the adopted Planning and Engineering Design Standards (PEDS). The table below reflects the current LDO requirements for the R-1 and R-2 zoning districts.

Table 106-2c - Residential Low Density (R-1) Zoning district						
Lot Categories	A ³	B	C	D	E	F
General Plan Compatibility	Suburban	Suburban	Suburban	Suburban and Rural	Rural	Rural
Lot Area (sf)	4,950-7,999	8,000-11,999	12,000-17,999	18,000-27,999	28,000-43,559	≥ 43,560
Min Lot Width (sf)	45	60	80	90	100	130
Min. Front setback ¹ (ft)	12	12	15	20	20	30
Max. Front setback (ft)	25	25	30	35		
Min. Rear setback ¹ (ft)	15	20	20	25	30	30
Min. Side setback ¹ (ft)	5 & 8	5 & 10	10	10 & 15	20	20
Min. Street side setback ¹ (ft)	15	15	15	15	20	20
Max. Bldg. Height (ft)	35	35	35	35	35	35
Max Lot coverage		45%	40%	30%	30%	25%
Open space (% of gross area of residential development) ³	20%	20%	20%	15%	15%	10%

Notes:

1. Garage face and embellishments shall be setback a minimum of twenty feet (20') measured from any opposing property line; except rear alley loaded garages, which shall be setback six feet (6') from edge of alleyline.
2. The City requires open space on a development/subdivision basis rather than on a lot-by-lot basis. Subdivisions with more than one lot category will provide the higher percentage of open space.
3. Residential projects shall contain no more than fifty percent (50%) of lots less than forty-eight feet (48') wide as calculated across whole subdivisions or preliminary plat and will include mitigating designs outline in Chapter 108 of this ordinance.

Table 106-2d - Residential Medium Density (R-2) Zoning district				
Lot Categories	A ⁴	B ⁴	C	D
General Plan Compatibility	Urban	Suburban	Suburban	Suburban
Lot Area (sf)	3,500-4,949	4,950-7,999	8,000-11,999	≥12,000
Min Lot Width (sf)	40	45	70	80
Min. Front setback ¹ (ft)	10	12	12	15
Max. Front setback (ft)	25	25	25	30
Min. Rear setback ¹ (ft)	10	15	20	20
Min. Side setback ¹ (ft)	5 & 7 ²	5 & 8 ²	5 & 10	10
Min. Street side setback ¹ (ft)	10	10	10	10
Max. Bldg. Height (ft)	35	35	35	35
Open space (% of gross acres of residential development) ³	25%	20%	20%	20%

Notes:

1. Garage face and embellishments shall be setback a minimum of twenty feet (20') measured from any opposing property line, except rear alley loaded garages, which shall be setback nine feet (9') from alley edge line.
2. May be reduced to 0' 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 fifty percent (50%) of lots less than forty-eight feet (48') wide as calculated across whole subdivisions or preliminary plat and will include mitigating designs outline in Chapter 108 of this ordinance.

Utility and Services Table:

Electric:	APS
Water:	City of Surprise
Wastewater:	City of Surprise
School District:	Wickenburg 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 as would be permitted under the requested zone change.

The proposed rezone complies with the General Plan in that it promotes and facilitates the build out of vacant and underutilized land through infill, reuse, revitalization, and redevelopment activities for appropriate rural, suburban, or urban housing development.

Reviewing Agencies:

The request was routed to external agencies, including Luke Air Force Base (AFB) and Maricopa Water District (MWD), who indicated no objections to the request.

Luke AFB noted that this project is subject to the Graduated Density Concept (GDC), and that compliance with the GDC is to be determined by considering the entirety of the project area (40-acres). Luke AFB respectfully requests the opportunity to comment as preliminary plats or site plans become available as the number of lots has not been defined. Luke AFB has indicated the rezone will not have a negative impact on Luke AFB operations.

The project is located outside the boundaries of the MWD therefore does not impact MWD.

Citizen Outreach:

The applicant held a neighborhood outreach meeting on May 9, 2024, at Willow Canyon High School. The meeting was advertised per the requirements of the LDO. There were no attendees present at the meeting.

A detailed summary of the outreach meeting can be found in the attached Citizen Participation Report.

Summary:

The proposed rezone is consistent with the manner and intent of the Surprise General Plan 2035 and the Surprise Municipal Code. If approved, the rezone will be allowed to be developed in accordance with the requirements of the City of Surprise.

Findings:

- The proposed rezone is consistent with, and will advance the goals and policies of, the Surprise General Plan 2035.
- The proposed rezone is consistent with the applicable City of Surprise regulations.
- The reviewing agencies had no objections.

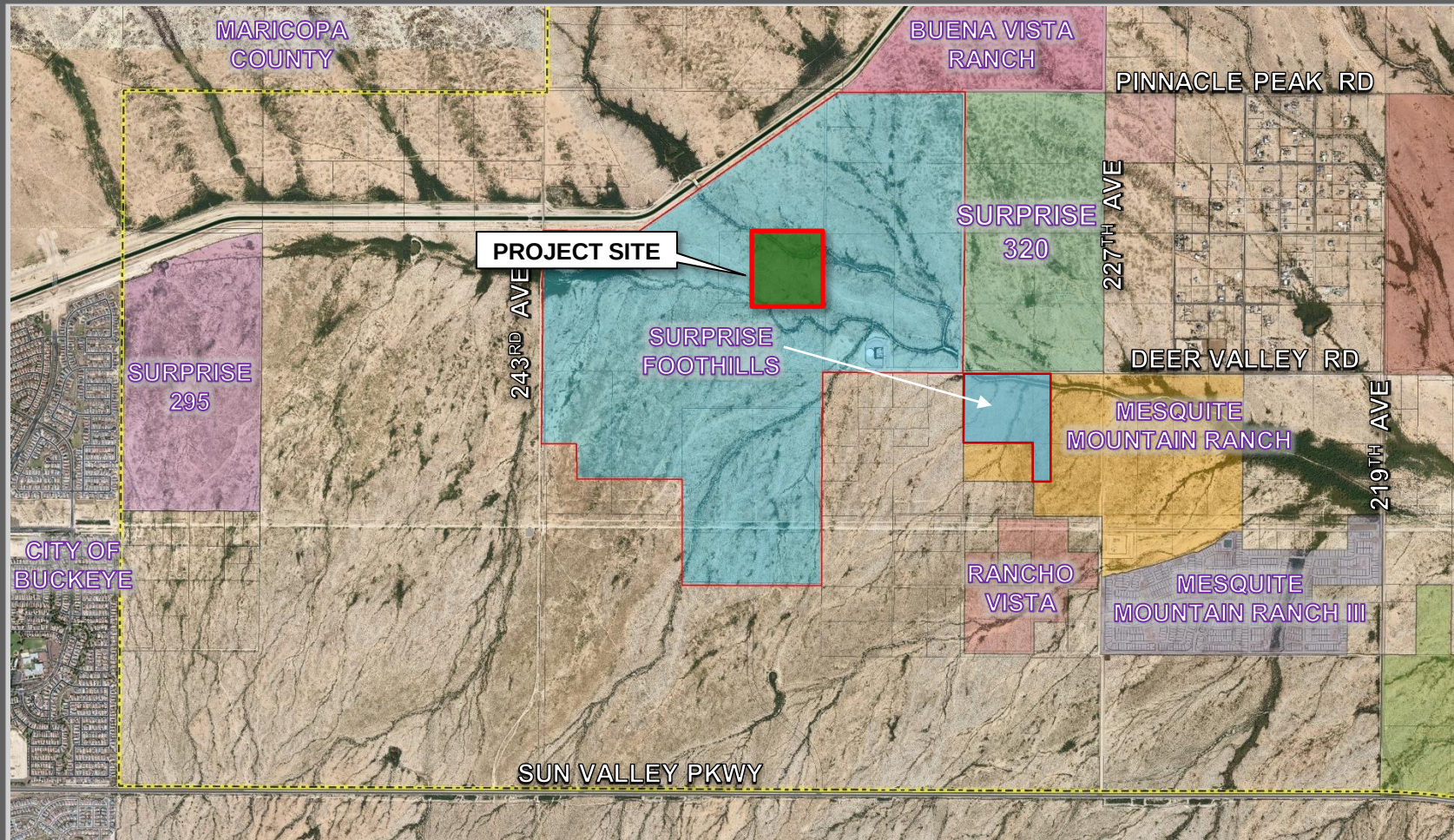
Commission Recommendation:

Based on the findings noted above, the Commission moved to recommend **approval** of case **FS24-0118** to the City Council subject to stipulations 'a' through 'c' as follows:

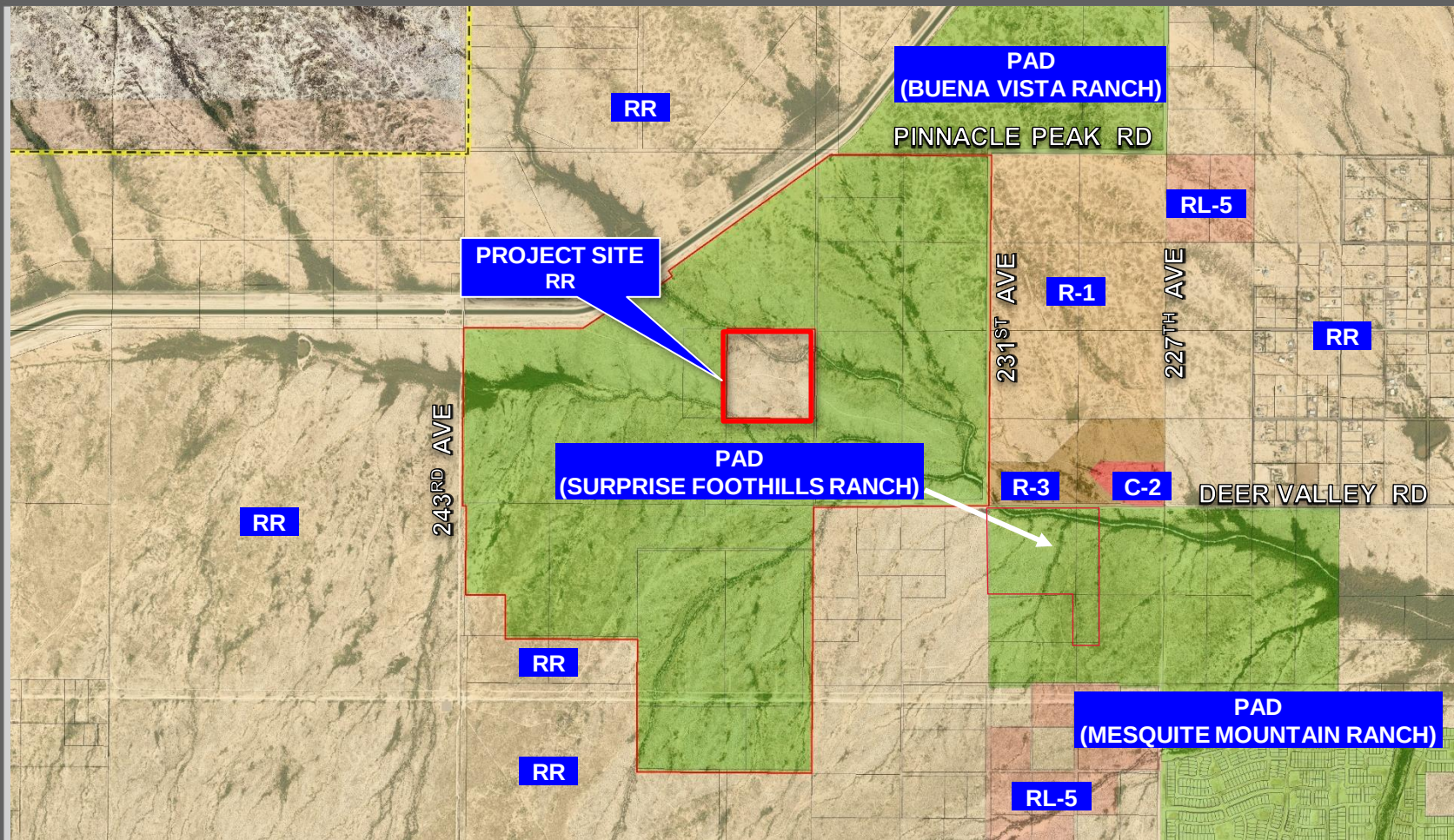
- a. Development and use of the site shall be consistent with the Rezone Narrative entitled "Surprise Foothills Central 40", prepared by RVi Planning + Landscape Architecture," received April 29, 2024.
- b. Non-compliance with the stipulations of approval of this case will be treated as a violation in accordance with the applicable provisions of the Surprise Municipal Code.
- c. The rezone is subject to having access to the amenities set forth in the Surprise Foothills PAD.

However, should the City Council wish to deny the request, the Council should make its own findings and base its decision on those alternative findings.

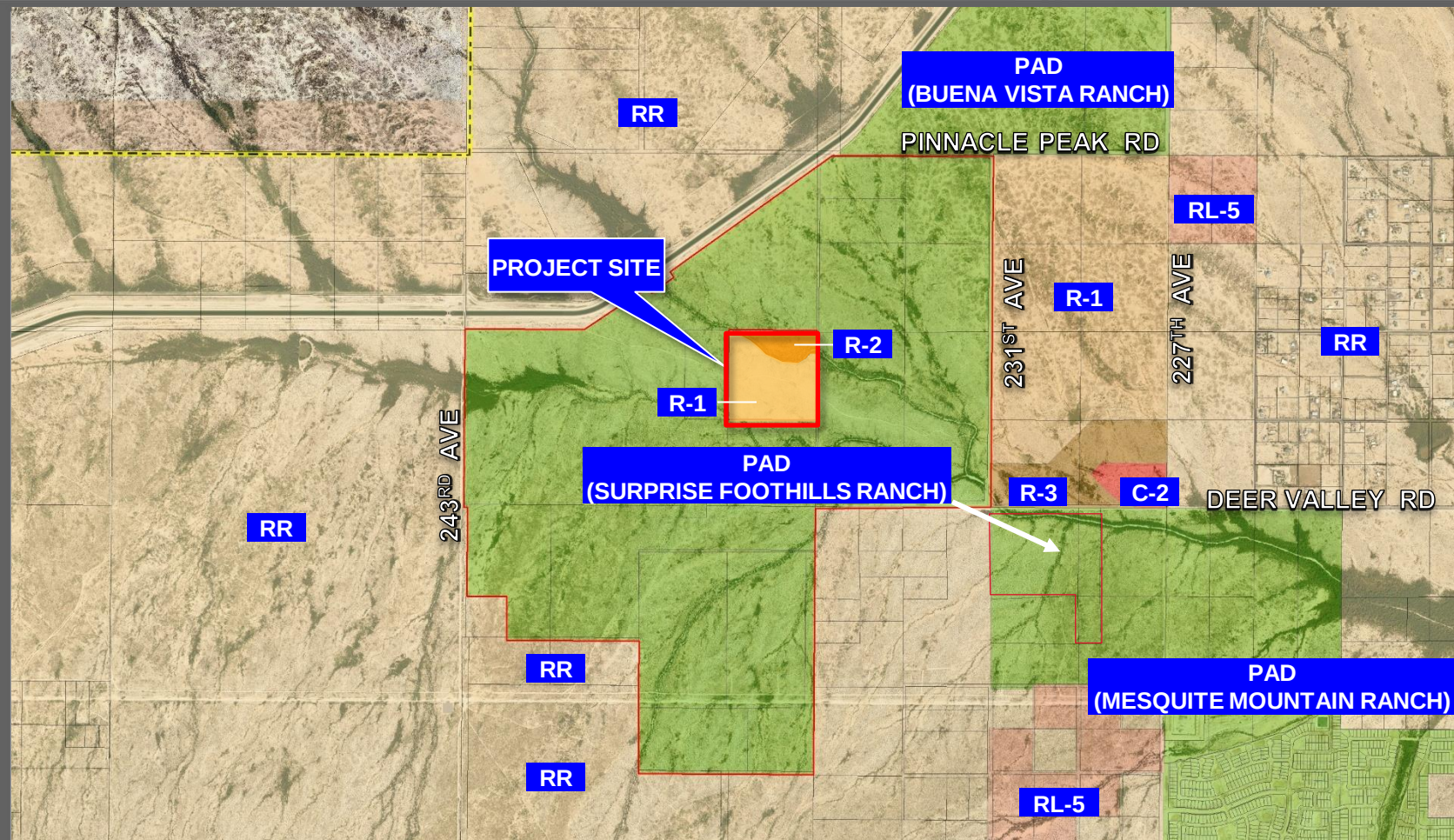
148 **Attachments:**
149 01 Vicinity Map
150 02 Existing Zoning Map
151 03 Proposed Zoning Map
152 04 Rezone Document
153 05 Luke AFB comments
154 06 Citizen Outreach Report – REDACTED
155 07 Affidavit of Site Posting
156 08 Ordinance 2024-24
157 09 P&Z Recommendation
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FS24-0118 VICINITY MAP



FS24-0118 EXISTING ZONING



FS24-0118 PROPOSED ZONING

SURPRISE FOOTHILLS CENTRAL 40

REZONING NARRATIVE

Site Analysis | Proposed Zoning and Conceptual Land Use Plan | Regulatory Development Standards

CASE #: FS24-0118

1ST SUBMITTAL: JANUARY, 2024

2ND SUBMITTAL: APRIL, 2024



PRESENTED BY:



Planning + Landscape Architecture

APPLICANT TEAM

LAND PLANNING

RVi Planning + Landscape Architecture

Mark Reddie / Jessica Miller

4900 N. Scottsdale Road, Suite 1200

Scottsdale, AZ 85251

Phone: 480.586.2349

Email: mreddie@rviplanning.com / jmiller@rviplanning.com

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 Conceptual Development and Open Space Plan 3

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1. PROJECT INTRODUCTION

RVi Planning & Landscape Architecture, on behalf of Cowley Companies, is pleased to submit this rezoning application for Surprise Foothills Central 40 to change the zoning from Rural Residential (RR) to a combination of Residential Low Density (R-1), and Residential Medium Density (R-2) in accordance with the City of Surprise Land Development Ordinance (LDO).

The site was originally included within the recent major Surprise Foothills PAD amendment (FS22-1259), but due to the elimination of the PAD zoning district in the newly adopted Surprise LDO, this particular parcel was pulled from the application and will be hard zoned to conform to the City’s current regulations, while maintaining general consistency with Surprise Foothills to allow for a seamless integration of the property upon development.

The subject site is approximately 40 acres nestled in the center of the Surprise Foothills Planned Area Development (PAD), a quarter mile north of Deer Valley Road and east of the 235th Avenue alignment. The APN associated with this request is 503-83-031C.

This rezoning narrative will provide the framework for future development of the Subject Site consistent with the remainder of the Surprise Foothills property. In the following sections, additional information will be provided as it relates to the following items:

- Site Analysis
- Proposed Zoning and Conceptual Land Use Plan
- Regulatory Development Standards

The proposed development complies with the 2035 General Plan and does not include deviations to the land use and regulatory development provisions outlined in the Surprise Land Development Ordinance (LDO) and Planning and Engineering Design Standards (PEDS) Manual.

2. SITE ANALYSIS

Site Location and Zoning

The subject site is currently zoned RR and is vacant, entirely surrounded by the largely undeveloped Surprise Foothills PAD. There are many other entitled PADs within a few miles of the site, including Buena Vista Ranch, Surprise 320, Mesquite Mountain Ranch, and Desert Trails. See *Figure 1: Regional Vicinity Map*.

General Plan Land Use Designation

The City of Surprise 2035 Land Use Map designates the Subject Site as Neighborhood Character Area as depicted in *Figure 2: General Plan Land Use Map*. The proposed development plan is in conformance with the 2035 General Plan land use designation and character area and no General Plan amendment is required. *Table 1: Existing and Surrounding Land Uses* provides a breakdown of the existing surrounding land uses and zoning. The nature of the surrounding area is reserved for residential and neighborhood commercial development which is consistent with the proposed rezoning for the Subject Site. See *Figure 3: Existing Zoning Map*.

TABLE 1: EXISTING AND SURROUNDING LAND USES

LOCATION	GENERAL PLAN	EXISTING ZONING	LAND USE
North	Neighborhoods	Surprise Foothills Planned Area Development (PAD)	MDR, OS
South	Neighborhoods	Surprise Foothills Planned Area Development (PAD)	SFR, MDR, MHDR, OS
West	Neighborhoods	Surprise Foothills Planned Area Development (PAD)	SFR, OS
East	Neighborhoods	Surprise Foothills Planned Area Development (PAD)	SFR, OS

Existing Pre-Development Conditions

The site is currently native desert range land and is intersected by two branches of the Trilby Wash. Access to the site will be provided through the Surprise Foothills Community via local connections to the curvilinear proposed 235th Avenue that will connect from Pinnacle Peak Road down to Sun Valley Parkway. See **Figure 4: Regional Transportation Plan**.

Existing Roads and Rights-of-Way: Currently, no partial or fully improved roadway network exists adjacent to the Subject Site except for Sun Valley Parkway, which is currently a four-lane divided roadway with access limited to median breaks at approximately one-mile intervals. All other roadways in the study area are unimproved and without full right-of-way dedication necessary for development according to the Surprise 2035 General Plan's roadway classification map.

School Districts: The Subject Site is in Wickenburg Unified School District #9 (WUSD). The closest K-8 school is the Festival Hills Elementary School located at 26252 W Desert Vista Blvd, Buckeye, Arizona, 85396. The closest high school Wickenburg High School, located in Wickenburg at 1090 South Vulture Mine Road. There are two K-8 schools planned within the larger Surprise Foothills project, one south of Deer Valley Road and one north of Deer Valley Road, to serve this property as well as all of Surprise Foothills.

Electricity: APS is the service provider in the area. There is no existing service for this site, although APS has approved two new sub-station locations to help serve the northwest Surprise area. Both sub-stations are located approximately five miles directly east and west of the Subject Site. These improvements are planned to be built as development occurs in this area. An additional substation will be constructed on the east side of 227th Avenue directly north of the wash that intersects Mesquite Mountain Ranch.

Fire, Police, and Refuse Service: Surprise Foothills Central 40 is within the municipal service area of the City of Surprise. As such, Surprise will provide fire, police, and residential refuse service to the property. The closest fire stations include Stations 303 or 306, both located approximately 12-14 +/- miles from the site. Buckeye also has Fire Station

#704, approximately 5 +/- miles from the property. There is a fire station planned as a part of the Surprise Foothills development just southwest of the property, and a fire station planned as part of the Ana Mandara development approximately 4 +/- miles to the southeast. Additionally, fire station #304 is at the SWC of 163rd Avenue and Happy Valley Road, as well as two fire stations planned at the NEC of Norfolk and 183rd Ave, and at Deer Valley Road and 195th Ave.

Water and Sewer Service Facilities Plans: The subject property is within Special Planning Area 3 (SPA-3) in the City of Surprise.

The adjacent owner has recently completed phase one of the Surprise Foothills Water Supply Facility, just west of the original 231st Avenue and Deer Valley Road alignment intersection on the north half of the Subject Site. The Surprise Foothills Water Supply Facility will serve potable water to the Subject Site and Owner is working with the city to address subsequent phases of the Surprise Foothills Water Supply Facility.

The Owner has secured sewer capacity in the SPA-3 Water Reclamation Facility for approximately 60% of the entire Surprise Foothills development and is working with the City to address the expansion of the SPA-3 Water Reclamation Facility in order to accommodate the balance of the Subject Site. Sewer service will be obtained through the Deer Valley Road sewer line (previously installed by the Owner) that exists within Deer Valley Road and terminates at 231st Avenue.

Preliminary water and sewer reports that included the subject property were provided and approved with the recent Surprise Foothills Major PAD Amendment (FS22-1259). This property belongs to Phases 3 and 4 within the originally approved **Waterworks Water Master Plan Appendix B Water Demand Tables**, split between parcels 30, 31, 36 and 37. This property belongs to the Surprise Foothills project within the originally approved **Table 2 of the Wastewater Model Report**, within the SFR-1 zoning category. These reports have been included with this submittal package as a separate attachment for reference purposes.

Drainage: The proposed project lies within the area which has been the subject of extensive hydrologic analysis performed by the Flood Control District of Maricopa County. A master drainage study was prepared with the original Surprise Foothills PAD zoning case which included this property, and will be the basis of future development plans. Wash areas will be preserved during the platting stage in accordance with the General Plan.

Luke Air Force Base Compatibility Analysis: The Graduated Density Concept for Luke Air Force Base is best described as providing guidelines for dense development up to and surrounding the “high noise or accident potential zone,” commonly referred to the 65 Ldn line, as defined in A.R.S. § 28-846I, which may limit future operations of the U.S. This Graduated Density Concept 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 two dwelling units per acre from the 65 DNL to a ½ mile zone (Zone A).
- A maximum of four dwelling units per acre from the ½ mile to 1 mile zone (Zone B).
- A maximum of six dwelling units per acre from the 1-mile to 3-mile zone (Zone C).

The subject site was considered as part of the review and analysis of the Surprise Foothills PAD, which is located between 1-3 miles from the 65 LDN noise contour line, permitting a maximum density of 6 du/ac across the development.

The Applicant received an e-mail from Mark James, Planning Manager with Luke Air Force Base Community Initiatives dated February 28, 2022, based on a review of the entire proposed Surprise Foothills development. The e-mail indicated that the proposed development should not have a negative impact on Luke AFB flight operations but recommends a notification program to notify prospective residents of proximity to Luke AFB operations.

See **Figure 5: Luke Air Force Base Graduated Density Analysis** for the location of the various noise contours and density restrictions associated with them overlaid on the Surprise Foothills Central 40 property.

3. PROPOSED DEVELOPMENT PLAN

In accordance with the Surprise LDO, the proposed project seeks to establish residential zoning districts throughout the site to be consistent with the LDO. No deviations are proposed as part of this application and all development will follow the LDO and PEDS Manual as prescribed.

Conceptual Development and Open Space Plan

The zoning districts for this property were specifically chosen to blend into the surrounding Surprise Foothills PAD land uses to ensure a seamless development of the entire community. See **Table 2: Proposed Zoning Districts** and **Figure 6: Proposed Zoning Map**.

This parcel will ultimately be integrated with Surprise Foothills during the platting process. The project will provide two distinct point of access per Fire & Transportation requirements. A preliminary lotting layout of this parcel has been provided as **Exhibit 7: Site Access**, showing the planned access connections west to Foothills Boulevard and east to 231st Avenue.

The overall Surprise Foothills development will include numerous opportunities for active and passive recreation through natural open space/ wash corridors, the various power corridor easements, developed parks and trails throughout the community, and direct access to the CAP canal regional trail system and the regional paths as defined by the City of Surprise Parks and Recreation Master Plan. **Figure 7: Development and Open Space Plan** shows the conceptual network of usable open space to be provided throughout the development. The precise location and size of each park, usable open space, and private amenities are subject to change during the platting process.

TABLE 2: PROPOSED ZONING DISTRICTS			
PARCEL	ZONING DISTRICT	GROSS ACRES	LAND USE %
1	R-2	8.88	22%
2	R-1	31.06	78%
TOTAL		39.94	

Residential – Low Density (R-1)

The Residential Low Density (R-1) zoning district provides areas for single-family homes on varying lot sizes and a mix of densities together with schools, parks, and other public services necessary for suburban residential neighborhoods.

Residential – Medium Density (R-2)

The Residential Medium Density (R-2) zoning district allows for a variety of housing opportunities including detached and attached buildings, single-family dwellings, two-family dwellings, and three-family dwellings. The proposed zoning will allow for the development of all R-2 lot categories.

General Development Standards

All general development standards within the Surprise LDO will shall govern the Subject Site, including the City of Surprise Planning and Engineering Design Standards (PEDS), as referenced in Chapter 107, Article 1. The Articles within the PEDS shall apply where applicable, based on the specific zoning and land use, and will govern the general site design and development, open space design, circulation design, landscape, and streetscape design, and building form and architecture of a development in addition to those listed within the LDO.

4. CONCLUSION

The Surprise Foothills PAD was designed to appeal to a broad range of residential development types and neighborhood commercial to serve the residents of the PAD. This rezoning application was designed to fill in the exception parcel from the original PAD with compatible zoning districts, and to encourage future development consistent with the City's 2035 General Plan, and current market demands for the area. The project team has coordinated with City staff regarding the regional transportation system in a rapidly growing area of the City of Surprise. The proposed project evaluated all the existing and proposed conditions of the site and surround area to ensure compatibility within this growing area of Surprise.

FIGURE 1: REGIONAL VICINITY MAP

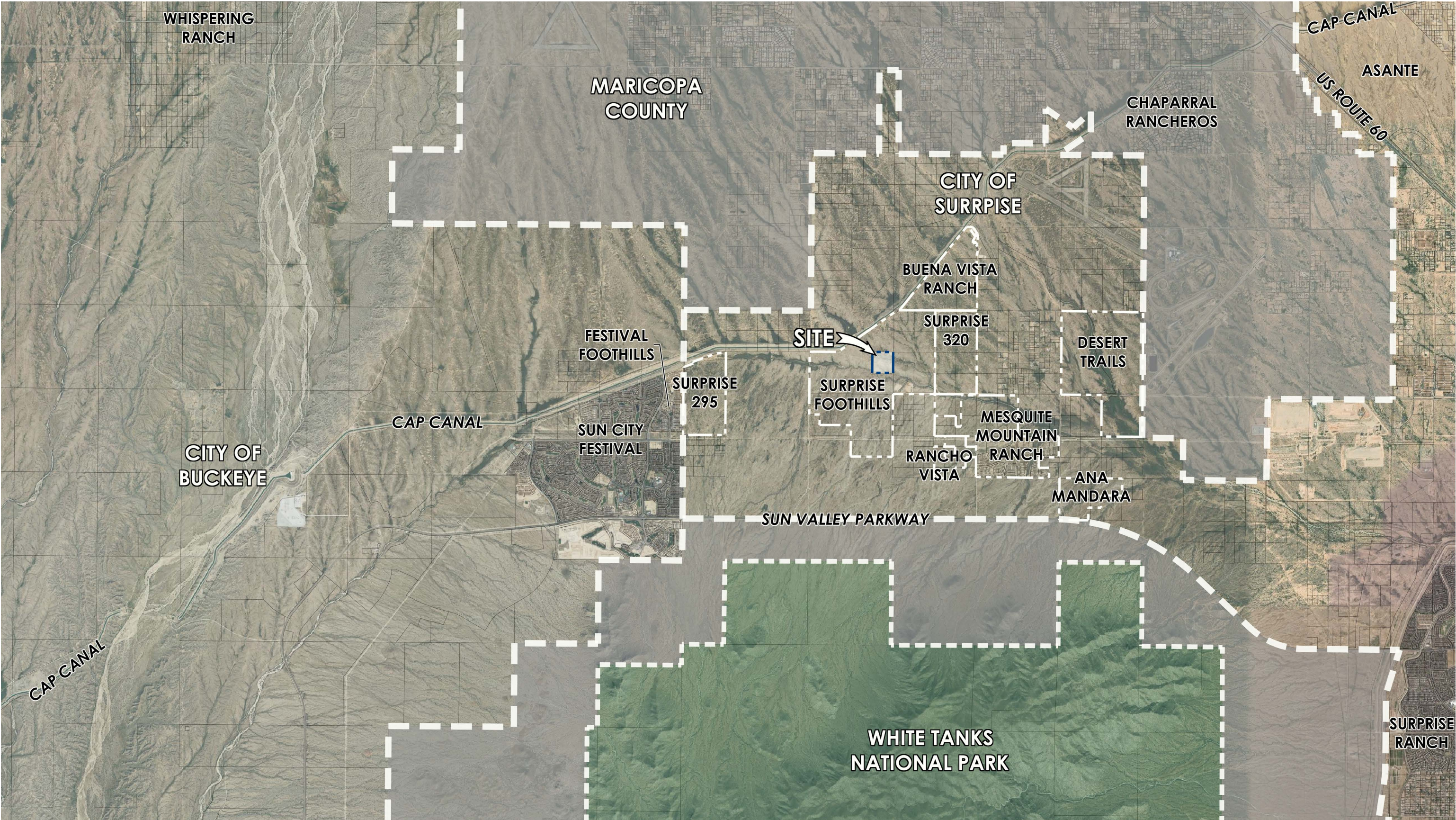


FIGURE 2: GENERAL PLAN LAND USE MAP

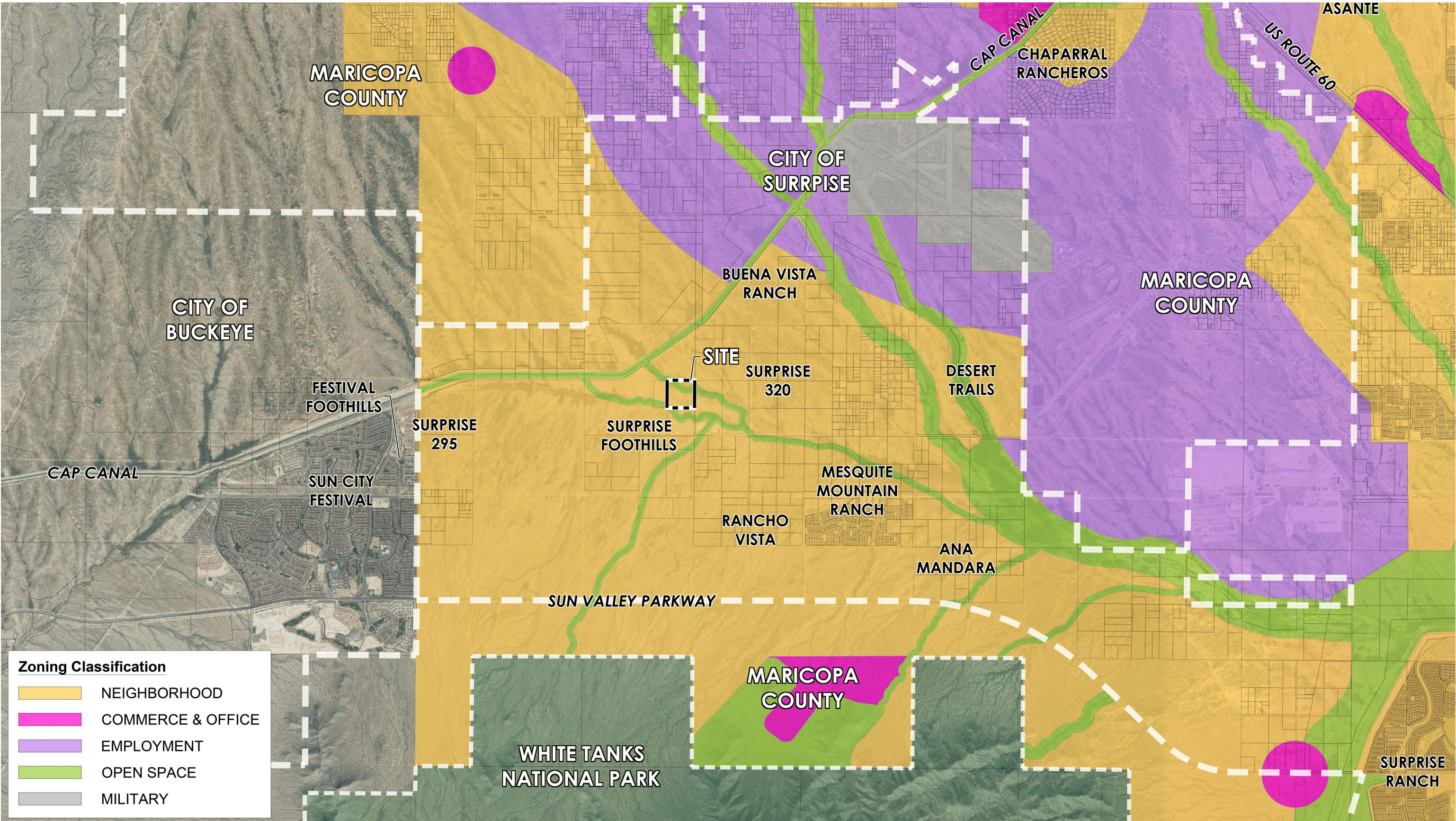


FIGURE 3: EXISTING ZONING MAP

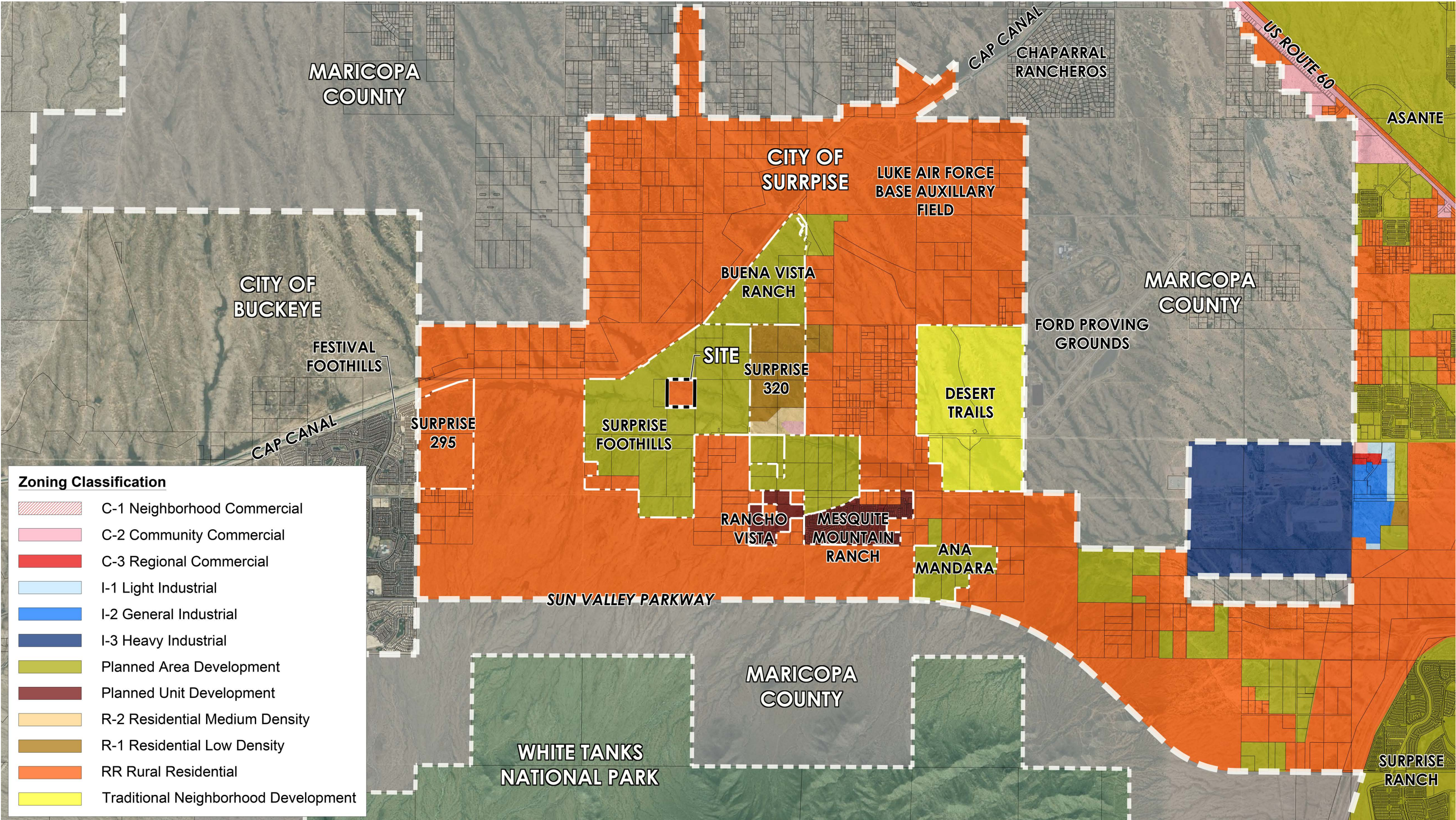


FIGURE 4: REGIONAL TRANSPORTATION PLAN

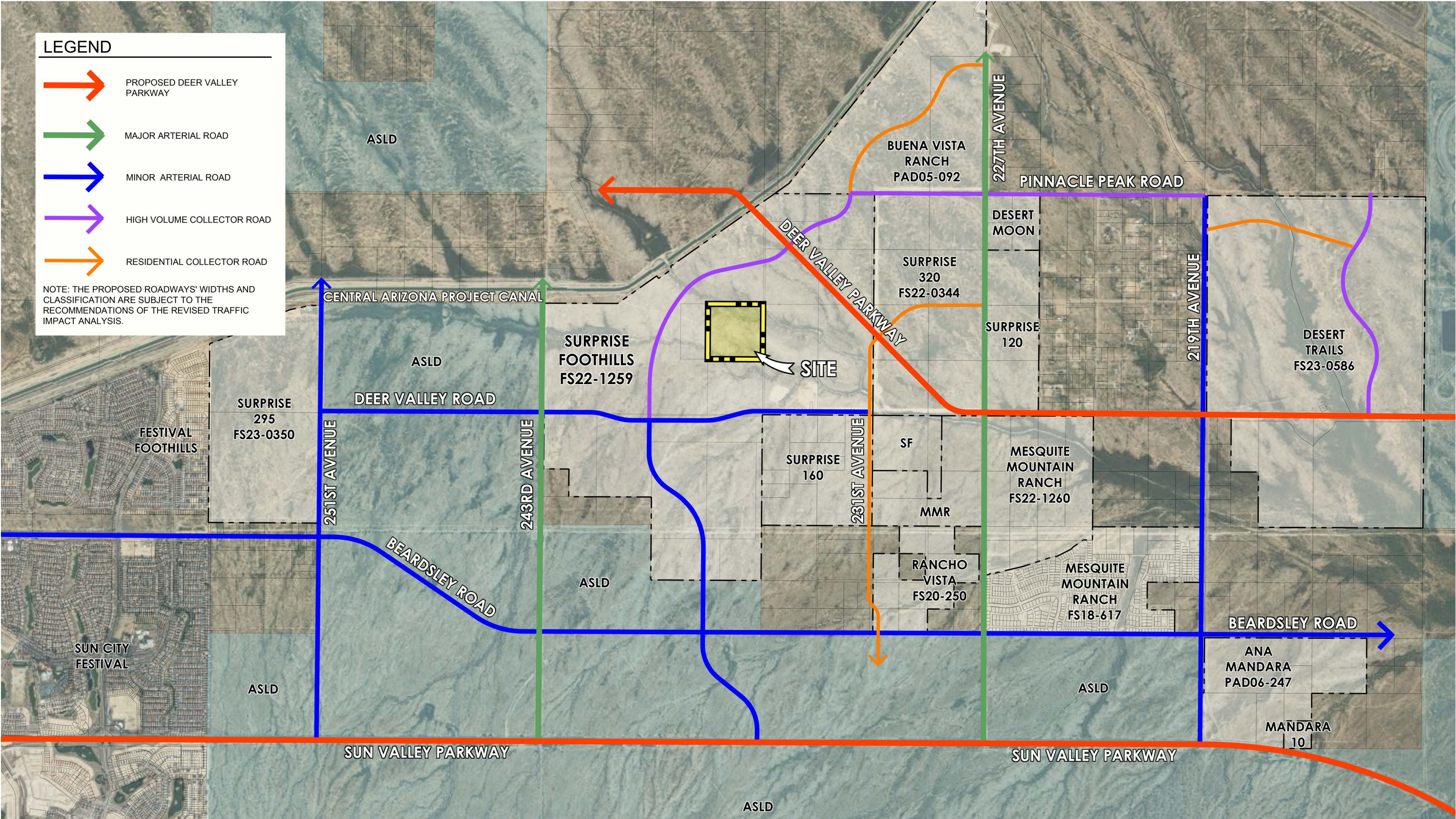


FIGURE 5: LUKE AIR FORCE BASE GRADUATED DENSITY ANALYSIS

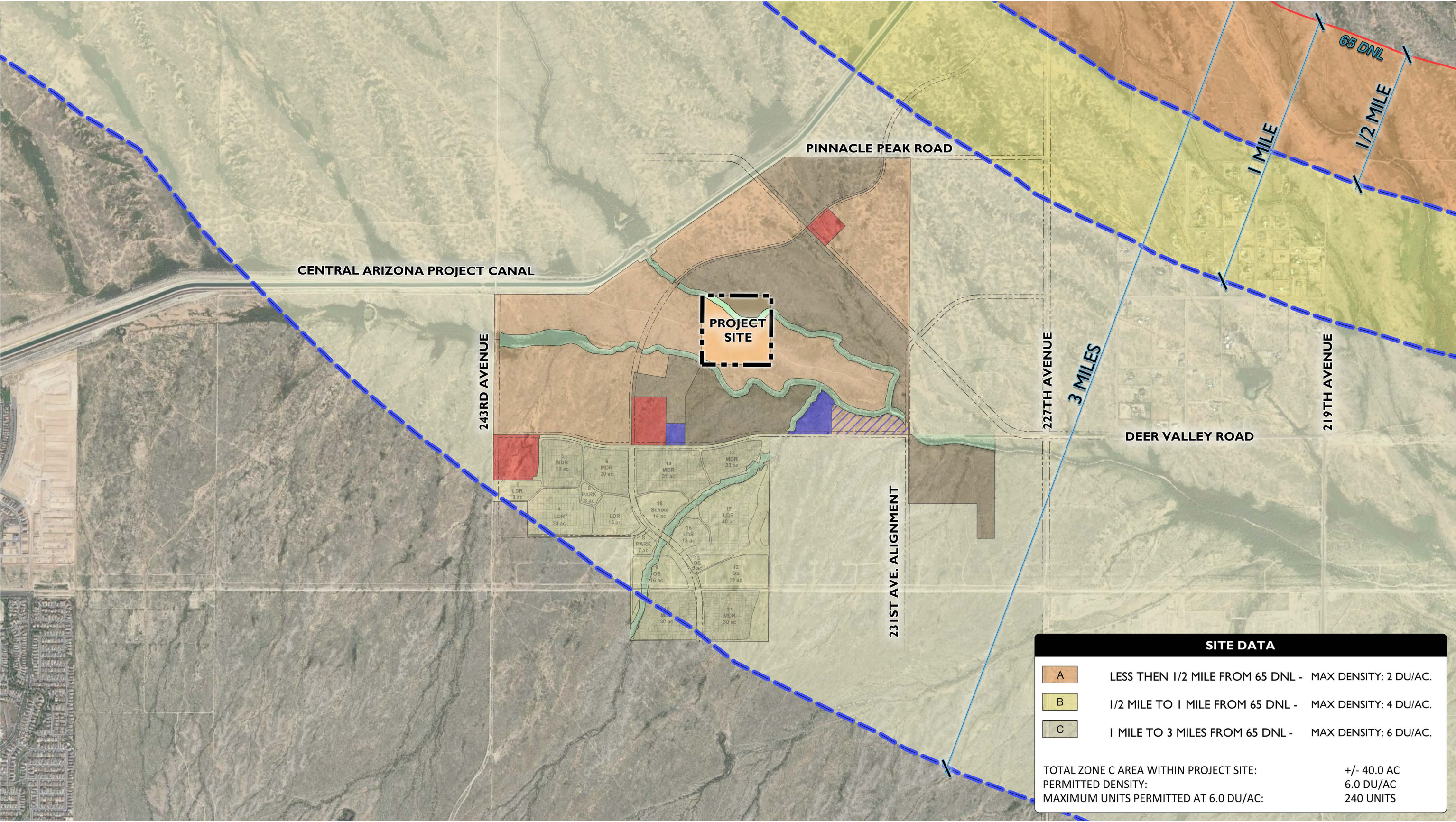


FIGURE 6: PROPOSED ZONING MAP

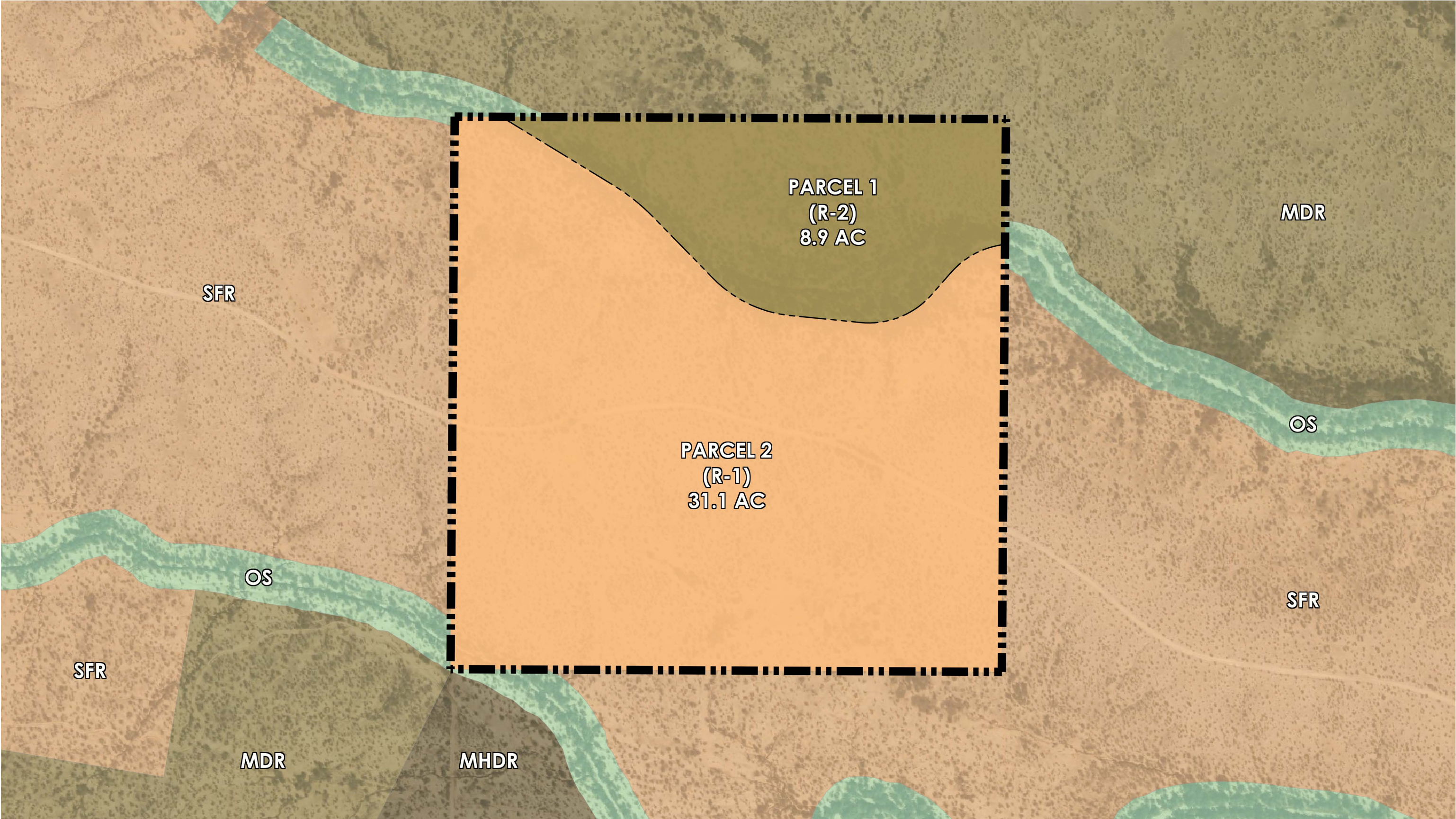


FIGURE 7: SITE ACCESS

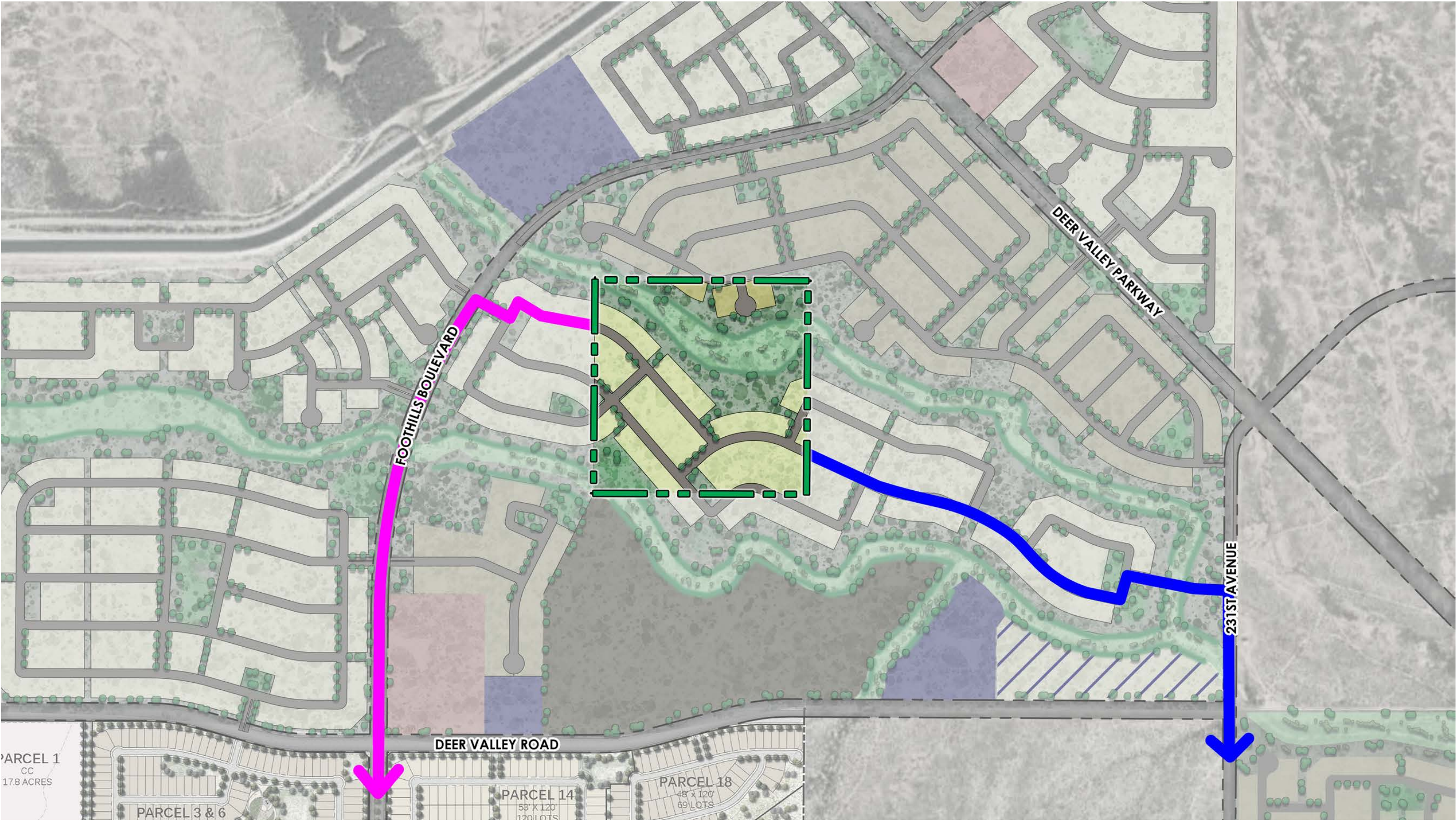
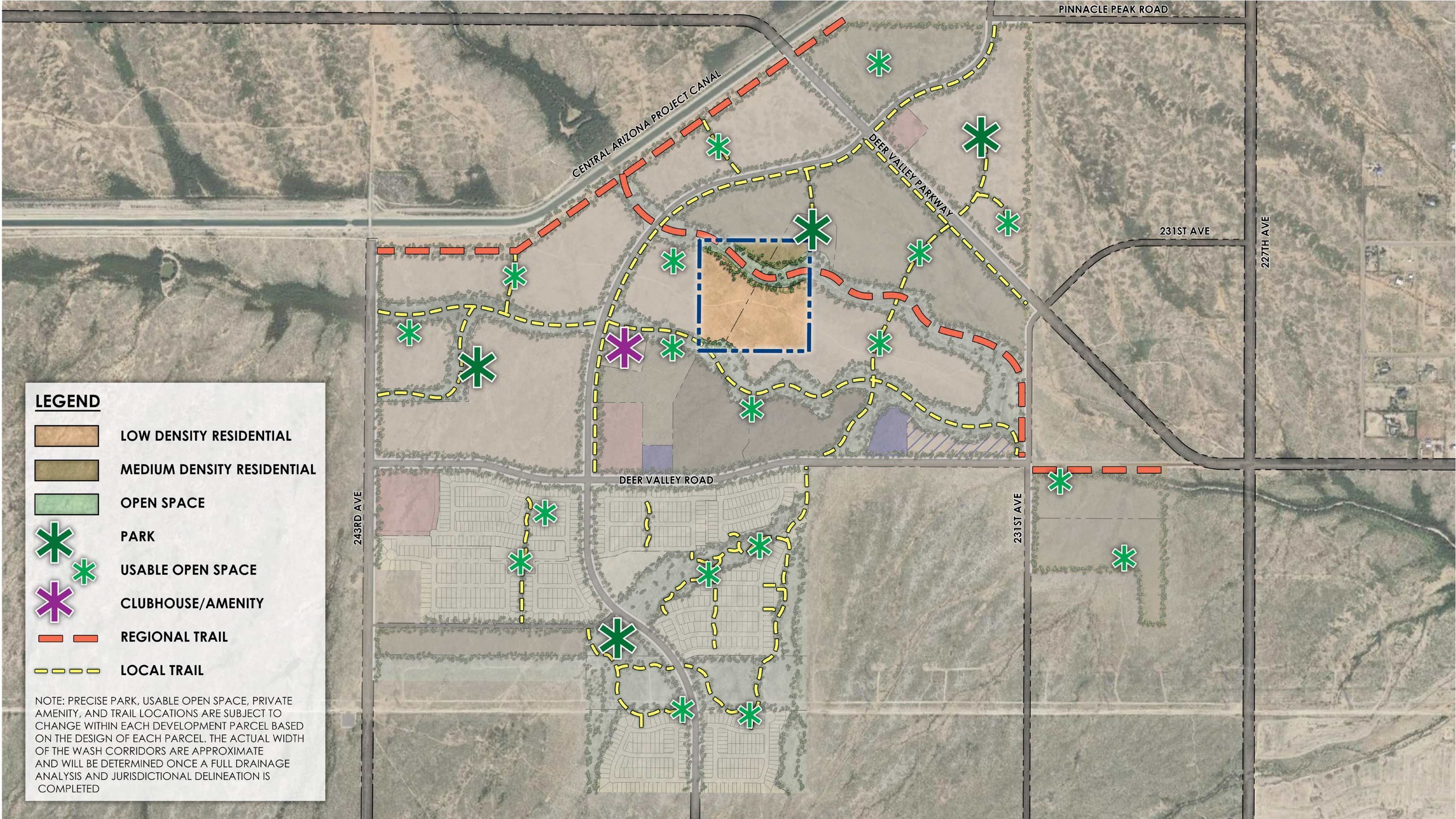


FIGURE 8: DEVELOPMENT AND OPEN SPACE PLAN



Christina Sexton

From: RAHN, JENNIFER L CIV USAF AETC 56 FW/CVE <jennifer.rahm@us.af.mil>
Sent: Tuesday, February 6, 2024 12:49 PM
To: Nichole Flores
Cc: 56 FW/CIT Community Initiative
Subject: RE: FS24-0118 Surprise Foothills Central 40 - New Digital Submittal 01.31.24

*****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 design review application for Surprise Foothills Central 40. The proposal is to rezone 40-acres from rural residential (RR) to low density (R-1) and medium density residential (R-2). The application does not request adding the 40-acres to the existing Surprise Foothills PAD, but the site will remain consistent with the Surprise Foothills PAD. The site is located generally near Deer Valley Road and 243rd Avenue in Surprise, AZ. The site is 1.84 miles outside the Luke AFB Aux-1 2004 65 Ldn, "high noise or accident potential zone" as identified by A.R.S. § 28-8461 and is outside 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. At this time, the number of lots has not been defined nor the proposed density. Luke AFB respectfully requests the opportunity to comment as site plans become available.

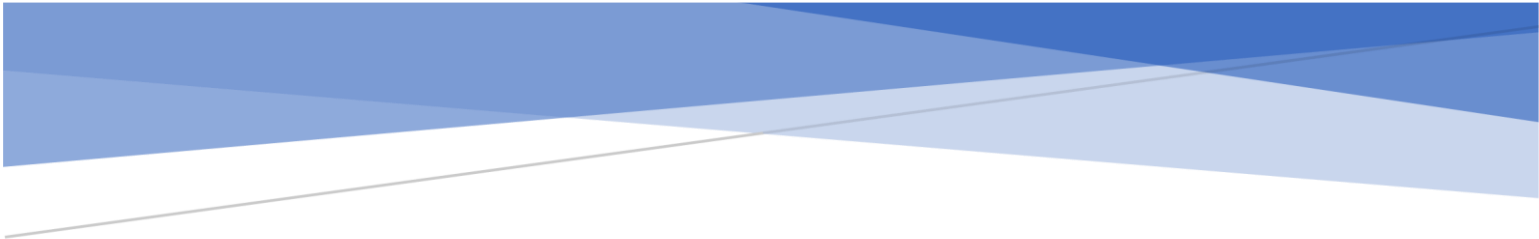
The request to rezone, as described, will not have a negative impact on Luke AFB flight operations. Although the site is located outside the "territory in the vicinity of a military airport," it may be subjected to approximately 170 over flights per day. We also recommend a strong notification program on the part of the applicant to inform any potential occupants about Luke AFB operations.

Respectfully,

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, January 31, 2024 1:30 PM
To: 56 FW/CIT Community Initiative <56FW.CIT.CommunityInitiative@us.af.mil>; 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)



CITIZEN PARTICIPATION REPORT

Surprise Foothills Central 40 Rezoning

Surprise, AZ
May, 2024
FS24-0118



Introduction

Every Type 3 development application (which includes rezoning applications) in the City of Surprise requires a neighborhood meeting. As such, these applications also require a Citizen Participation Report designed to detail the results of the citizen participation effort prior to the notice of public hearing. The following sections document the public outreach as it relates to Surprise Foothills Central 40, case number FS24-0118.

Public Outreach

One neighborhood meeting was held for this project on May 9th, 2024 in accordance with City LDO requirements. Notices for the neighborhood meeting were mailed to residents and neighborhood associations fifteen (15) days prior by City staff in accordance with the LDO. The meeting details have been included below. Additionally, two on-site signs were posted on the property in accordance with the sign posting requirements.

Location: Willow Canyon High School – Collaborative Commons
17901 W Lundberg St.
Surprise, AZ 85388

Date and Time: Thursday May 10th, 2024 – 6:00 PM

The following exhibits are included as part of the Citizen Participation Report:

- Site posting affidavit and photos as **Exhibit A: Sign Posting Affidavit & Photos**

Summary of Neighborhood Outreach Efforts

The neighborhood meeting was held at a public place in general vicinity of the subject site in compliance with the recommendations of City staff. At 6pm the only attendees present were city staff. The applicant waited until 6:30pm and, as there were no additional attendees, concluded the public meeting.

Ongoing Coordination

Throughout the processing of the rezoning application, the development team will engage with all interested parties to provide up to date information and tracking to the schedule public hearings, as needed. To date, no additional phone calls or email conversations have occurred as it relates to either application.

Exhibit A: Sign Posting Affidavit and Photos

AFFIDAVIT OF POSTING

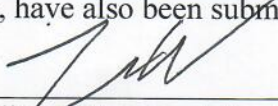
Application No: FS24-0118
Applicant Name: RVi Planning
Location: NWC Deer Valley Rd & 231st Ave
Date Site Posted: 04/19/24

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.

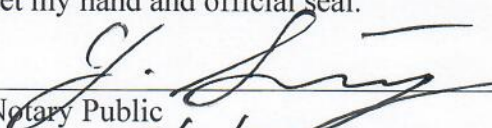
It shall also be the *responsibility of the applicant* to remove the signs within one week after the final disposition of the case.

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.

 4/19/2024
Applicant/Representative Signature Date

This instrument was acknowledged before me on 04/19/24, by Tyler Walker. I witness whereof I hereunto set my hand and official seal.




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: May 9, 2024

Time: 6:00 P.M.

Location: Willow Canyon High School
Collaborative Commons
17901 W Lundberg St.
Surprise, AZ 85388

Planning & Zoning

Date: TBD

Time: 6:00 P.M.

Location: Council Chambers
16000 Civic Center Plaza
Surprise, AZ 85374

City Council

Date: TBD

Time: 6:00 P.M.

Location: Council Chambers
16000 Civic Center Plaza
Surprise, AZ 85374

Surprise Case #: FS24-0118

VICINITY MAP



A rezoning application for Surprise Foothills Central 40 to change the existing zoning from Rural Residential (R-R) to a combination of Residential Low Density (R-1) and Residential Medium Density (R-2) on parcel 503-83-031C, comprising approximately 40 gross acres.

Please call to confirm dates: 623-222-3011 www.surpriseaz.gov

Notice of Public Hearing

City of Surprise

Neighborhood Meeting

Date: May 9, 2024

Time: 6:00 P.M.

Location: Willow Canyon High School
Collaborative Commons
17901 W Lundberg St.
Surprise, AZ 85388

Planning & Zoning

Date: TBD

Time: 6:00 P.M.

Location: Council Chambers
16000 Civic Center Plaza
Surprise, AZ 85374

City Council

Date: TBD

Time: 6:00 P.M.

Location: Council Chambers
16000 Civic Center Plaza
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Date: May 9, 2024

Time: 6:00 P.M.

Location: Willow Canyon High School

Collaborative Commons

17901 W Lundberg St.

Surprise, AZ 85388

Planning & Zoning

Date: TBD

Time: 6:00 P.M.

Location: Council Chambers

16000 Civic Center Plaza

Surprise, AZ 85374

City Council

Date: TBD

Time: 6:00 P.M.

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City of Surprise

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Date: May 9, 2024

Time: 6:00 P.M.

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17901 W Lundberg St.
Surprise, AZ 85388

Planning & Zoning

Date: TBD

Time: 6:00 P.M.

Location: Council Chambers
16000 Civic Center Plaza
Surprise, AZ 85374

City Council

Date: TBD

Time: 6:00 P.M.

Location: Council Chambers
16000 Civic Center Plaza
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VICINITY MAP



Please call to confirm dates: 623-222-3011 www.surpriseaz.gov

AFFIDAVIT OF POSTING

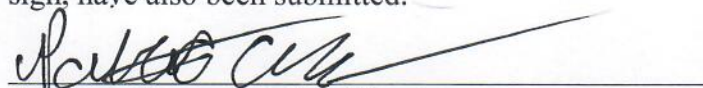
Application No: FS24-0118
Applicant Name: RVi Planning
Location: NWC Deer Valley Rd & 231st Ave
Date Site Posted: 06/14/24

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.

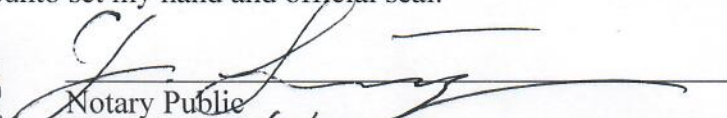
I confirm that the site has been posted as required above, for the case noted above. A picture of the site posting, and photos of any subsequent changes/updates made to the sign, have also been submitted.


Applicant/Representative Signature

6-14-24
Date

This instrument was acknowledged before me on 06/14/24, by Patrick Anspaugh. I witness whereof I hereunto set my hand and official seal.




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: May 9, 2024

Time: 6:00 P.M.

Location: Willow Canyon High School
Collaborative Commons
17901 W Lundberg St.
Surprise, AZ 85388

Planning & Zoning

Date: July 18, 2024

Time: 6:00 P.M.

Location: Council Chambers
16000 Civic Center Plaza
Surprise, AZ 85374

City Council

Date: August 20, 2024

Time: 6:00 P.M.

Location: Council Chambers
16000 Civic Center Plaza
Surprise, AZ 85374

Surprise Case #: FS24-0118

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VICINITY MAP



Please call to confirm dates: 623-222-3011 www.surpriseaz.gov

June 14, 2024 at 9:42 AM
+33.687560, -112.568977
Surprise AZ 85396
United States

Notice of Public Hearing

City of Surprise

Neighborhood Meeting

Date: May 9, 2024

Time: 6:00 P.M.

Location: Willow Canyon High School
Collaborative Commons
17901 W Lundberg St.
Surprise, AZ 85388

Planning & Zoning

Date: July 18, 2024

Time: 6:00 P.M.

Location: Council Chambers
16000 Civic Center Plaza
Surprise, AZ 85374

City Council

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VICINITY MAP



Please call to confirm dates: 623-222-3011 www.surpriseaz.gov

June 14, 2024 at 9:51 AM
+33.687241, -112.565657
Surprise AZ 85396
United States

Notice of Public Hearing City of Surprise

Neighborhood Meeting

Date: May 9, 2024
Time: 6:00 P.M.
Location: Willow Canyon High School
Collaborative Commons
17901 W Lundberg St.
Surprise, AZ 85388

Planning & Zoning

Date: July 18, 2024
Time: 6:00 P.M.
Location: Council Chambers
16000 Civic Center Plaza
Surprise, AZ 85374

City Council

Date: August 20, 2024
Time: 6:00 P.M.
Location: Council Chambers
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Surprise, AZ 85374

Surprise Case #: FS24-0118

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VICINITY MAP



Please call to confirm dates: 623-222-3011 www.surpriseaz.gov

June 14, 2024 at 9:43 AM
+33 687560 112 568977
Surprise AZ 85396
United States

Notice of Public Hearing City of Surprise

Neighborhood Meeting

Date: May 9, 2024
Time: 6:00 P.M.
Location: Willow Canyon High School
Collaborative Commons
17901 W Lundberg St.
Surprise, AZ 85388

Planning & Zoning

Date: July 18, 2024
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16000 Civic Center Plaza
Surprise, AZ 85374

City Council

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VICINITY MAP



Please call to confirm dates: 623-222-3011 www.surpriseaz.gov

June 14, 2024 at 9:51 AM
+33 687241 112 565657
Surprise AZ 85396
United States

ORDINANCE # 2024-24

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA, APPROVING A REZONE FROM RURAL RESIDENTIAL (RR) TO RESIDENTIAL LOW DENSITY (R-1) AND RESIDENTIAL MEDIUM DENSITY (R-2), GENERALLY LOCATED NORTH OF DEER VALLEY ROAD AND EAST OF FOOTHILLS BOULEVARD (FUTURE ALIGNMENT).

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 north of Deer Valley Road and east of Foothills Boulevard (future alignment);

WHEREAS, the subject site is currently zoned Rural Residential (RR);

WHEREAS, the proposed Rezone to Residential Low Density (R-1) and Residential Medium Density (R-2), satisfies the requirements set forth in Chapters 106-2.3 and 106-2.4 of the Surprise Municipal Code;

WHEREAS, this Rezone is in harmony with the purposes and intent of the zoning ordinance and the Surprise General Plan; and

WHEREAS, on July 18, 2024, the Planning and Zoning Commission recommended approval of the Surprise Foothills Central 40;

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 “Surprise Foothills Central 40” is rezoned from Rural Residential (RR) to Residential Low Density (R-1) and Residential Medium Density (R-2) subject to the following stipulations:

- a. Development and use of the site shall be consistent with the Rezone Narrative entitled “Surprise Foothills Central 40”, prepared by RVi Planning + Landscape Architecture,” received April 29, 2024.
- b. Non-compliance with the stipulations of approval of this case will be treated as a violation in accordance with the applicable provisions of the Surprise Municipal Code.
- c. The rezone is subject to having access to the amenities set forth in the Surprise Foothills PAD.

Section 2. *Amendment of Zoning Map.* The City of Surprise zoning map is herewith amended to reflect the change in districts referred to in Section 1 above.

Section 3. *Codification.* This Ordinance is not of a general nature and shall not be codified.

Section 4. *Repeal of Conflicting Ordinances.* All ordinances or parts of ordinances in conflict with the provisions of this ordinance or any part of the code adopted herein by reference are hereby repealed, upon the effective date of this Ordinance.

Section 5. *Severability.* If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

Section 6. *Effective Date.* This ordinance shall become effective at the time and in the manner prescribed by law.

PASSED AND ADOPTED this _____ day of _____ 2024.

Skip Hall, Mayor

Attest:

Approved as to form:

Kristi Passarelli, City Clerk

Robert Wingo, City Attorney

EXHIBIT A
LEGAL DESCRIPTION FOR PROPERTY

**DESCRIPTION FOR R-1 ZONING AREA
SURPRISE FOOTHILLS CENTRAL 40**

A portion of the Southeast quarter of Section 16, Township 4 North, Range 3 West of the Gila and Salt River Base and Meridian, being more particularly described as follows:

COMMENCING at the East quarter corner of the Southeast quarter of said Section 16, being marked with a General Land Office brass cap, said point also being South 89 degrees 44 minutes 06 seconds East 1318.00 feet from the Northwest corner of the Northeast quarter of the Southeast quarter of said Section 16, being marked with a 1/2" rebar with a cap stamped L.S. 21081;

Thence, along the East line of the Southeast quarter of said Section 16, South 00 degrees 25 minutes 30 seconds West 299.28 feet to the POINT OF BEGINNING;

Thence, continuing along said East line South 00 degrees 25 minutes 30 seconds West 1021.06 feet to the Southeast corner of the Northeast quarter of the Southeast quarter of said Section 16;

Thence, along the South line of the Northeast quarter of the Southeast quarter of said Section 16, North 89 degrees 43 minutes 00 seconds West 1318.17 feet to the Southwest corner of the Northeast quarter of the Southeast quarter of said Section 16;

Thence, along the West line of the Northeast quarter of the Southeast quarter of said Section 16, North 00 degrees 25 minutes 57 seconds East 1319.92 feet to the Northwest corner of the Northeast quarter of the Southeast quarter of said Section 16;

Thence, along the North line of the Northeast quarter of the Southeast quarter of said Section 16, South 89 degrees 44 minutes 06 seconds East 111.50 feet;

Thence South 58 degrees 36 minutes 36 seconds East 312.51 feet to a point of curvature;

Thence along a tangent curve to the right, having a radius of 500.00 feet, through a central angle of 14 degrees 15 minutes 52 seconds, an arc length of 124.48 feet to a point of tangency;

(CONTINUED ON SHEET 2)



JOB NO.: 240111
SECTION: 16
TOWNSHIP: 4 NORTH
RANGE: 3 WEST
DATE: JANUARY 29, 2024
SHEET 1 OF 4



ALLIANCE
LAND SURVEYING, LLC
7900 N. 70th AVENUE
SUITE 104
GLENDALE, AZ 85303
TEL (623) 972-2200
FAX (623) 972-1616
www.alliancelandsurveying.com contactus@azals.com

DESCRIPTION FOR R-1 ZONING AREA SURPRISE FOOTHILLS CENTRAL 40

(CONTINUED FROM SHEET 1)

Thence South 44 degrees 20 minutes 44 seconds East 203.87 feet to a point of curvature;

Thence along a tangent curve to the left, having a radius of 300.00 feet, through a central angle of 39 degrees 58 minutes 42 seconds, an arc length of 209.33 feet to a point of tangency;

Thence South 84 degrees 19 minutes 26 seconds East 168.72 feet to a point of curvature;

Thence along a tangent curve to the left, having a radius of 200.00 feet, through a central angle of 54 degrees 28 minutes 29 seconds, an arc length of 190.15 feet to a point of tangency;

Thence North 41 degrees 12 minutes 05 seconds East 69.33 feet to a point of curvature;

Thence along a tangent curve to the right, having a radius of 200.00 feet, through a central angle of 42 degrees 40 minutes 59 seconds, an arc length of 148.99 feet to the POINT OF BEGINNING.

Comprising 31.063 acres or 1,353,126 square feet, subject to all easements of record.

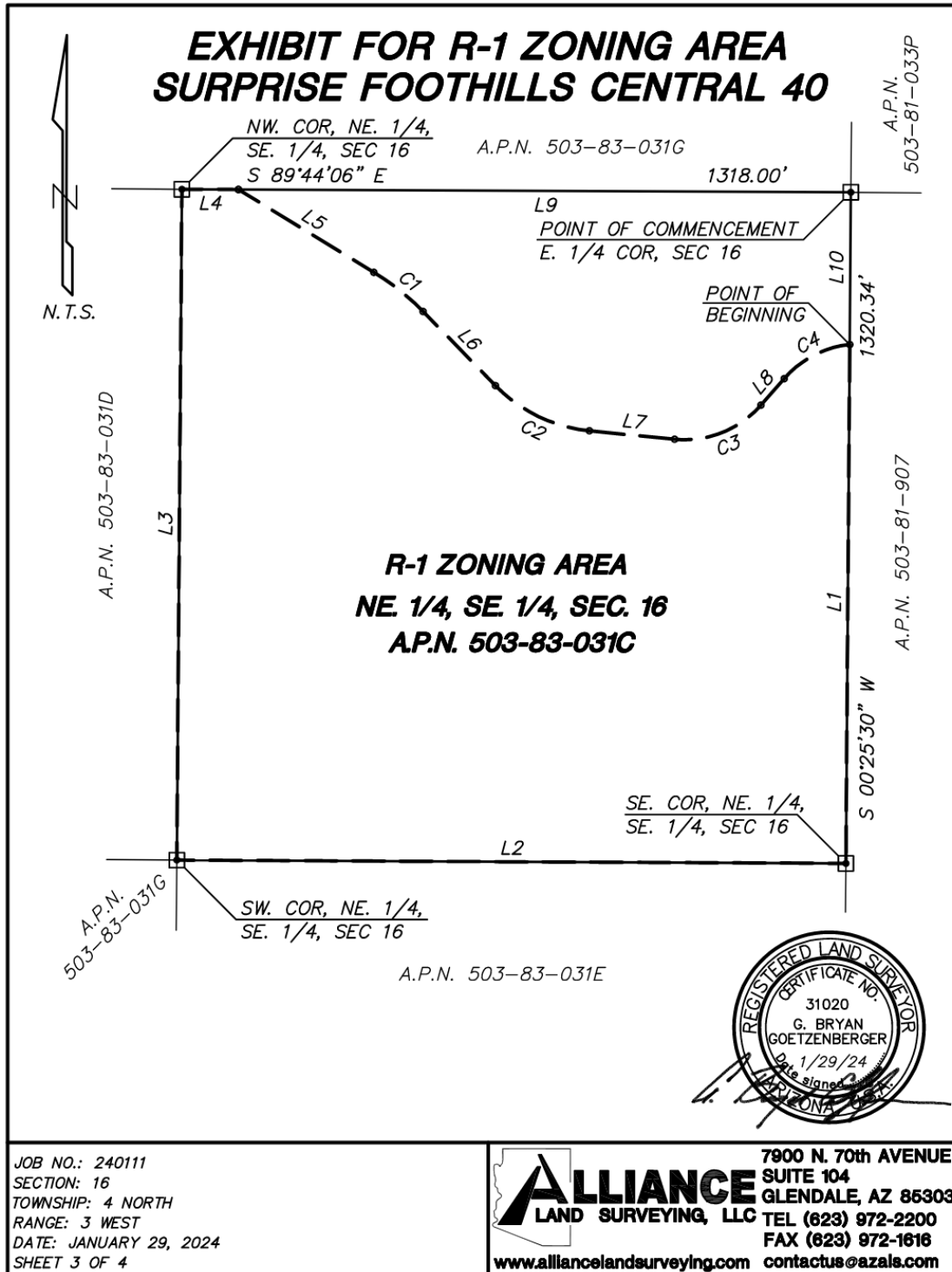


JOB NO.: 240111
SECTION: 16
TOWNSHIP: 4 NORTH
RANGE: 3 WEST
DATE: JANUARY 29, 2024
SHEET 2 OF 4



ALLIANCE
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SUITE 104
GLENDALE, AZ 85303
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FAX (623) 972-1616
www.alliancelandsurveying.com contactus@azals.com

EXHIBIT B
DEPICTION OF THE PROPERTY TO BE RE-ZONED



Ordinance No. 2024-24
RFLS #9536
Rev 06/23

TABLES FOR R-1 ZONING AREA SURPRISE FOOTHILLS CENTRAL 40

LINE	BEARING	DISTANCE
L1	S 00°25'30" W	1021.06'
L2	N 89°43'00" W	1318.17'
L3	N 00°25'57" E	1319.92'
L4	S 89°44'06" E	111.50'
L5	S 58°36'36" E	312.51'
L6	S 44°20'44" E	203.87'
L7	S 84°19'26" E	168.72'
L8	N 41°12'05" E	69.33'
L9	S 89°44'06" E	1206.50'
L10	S 00°25'30" W	299.28'

CURVE	RADIUS	ARC LENGTH	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	500.00'	124.48'	14°15'52"	S 51°28'40" E	124.16'
C2	300.00'	209.33'	39°58'42"	S 64°20'05" E	205.11'
C3	200.00'	190.15'	54°28'29"	N 68°26'20" E	183.07'
C4	200.00'	148.99'	42°40'59"	N 62°32'34" E	145.57'



JOB NO.: 240111
SECTION: 16
TOWNSHIP: 4 NORTH
RANGE: 3 WEST
DATE: JANUARY 29, 2024
SHEET 4 OF 4



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www.allianceandsurveying.com

7900 N. 70th AVENUE
SUITE 104
GLENDALE, AZ 85303
TEL (623) 972-2200
FAX (623) 972-1616
contactus@azala.com



COMMUNITY DEVELOPMENT
Planning Division
16000 N. Civic Center Plaza
Surprise, AZ 85374
Phone: 623-222-3154

Planning and Zoning Commission Recommendation
FS24-0118 Surprise Foothills Central 40 - Rezone

On July 18, 2024, the Planning and Zoning Commission recommended that City Council approve the rezone case known as “Surprise Foothills Central 40 Project - Rezone” Case# FS24-0118. The Commission discussed:

- Rezone aligns with PAD
- Lot sizes
- Points of access for the rezone
- Access to amenities

The motion was as follows:

Chair Holland made a motion to add a stipulation ‘c’ the rezone is subject to having access to the amenities set forth in the Surprise Foothills PAD. Commissioner Keating seconded the motion. Motion passed with 5 votes in favor.

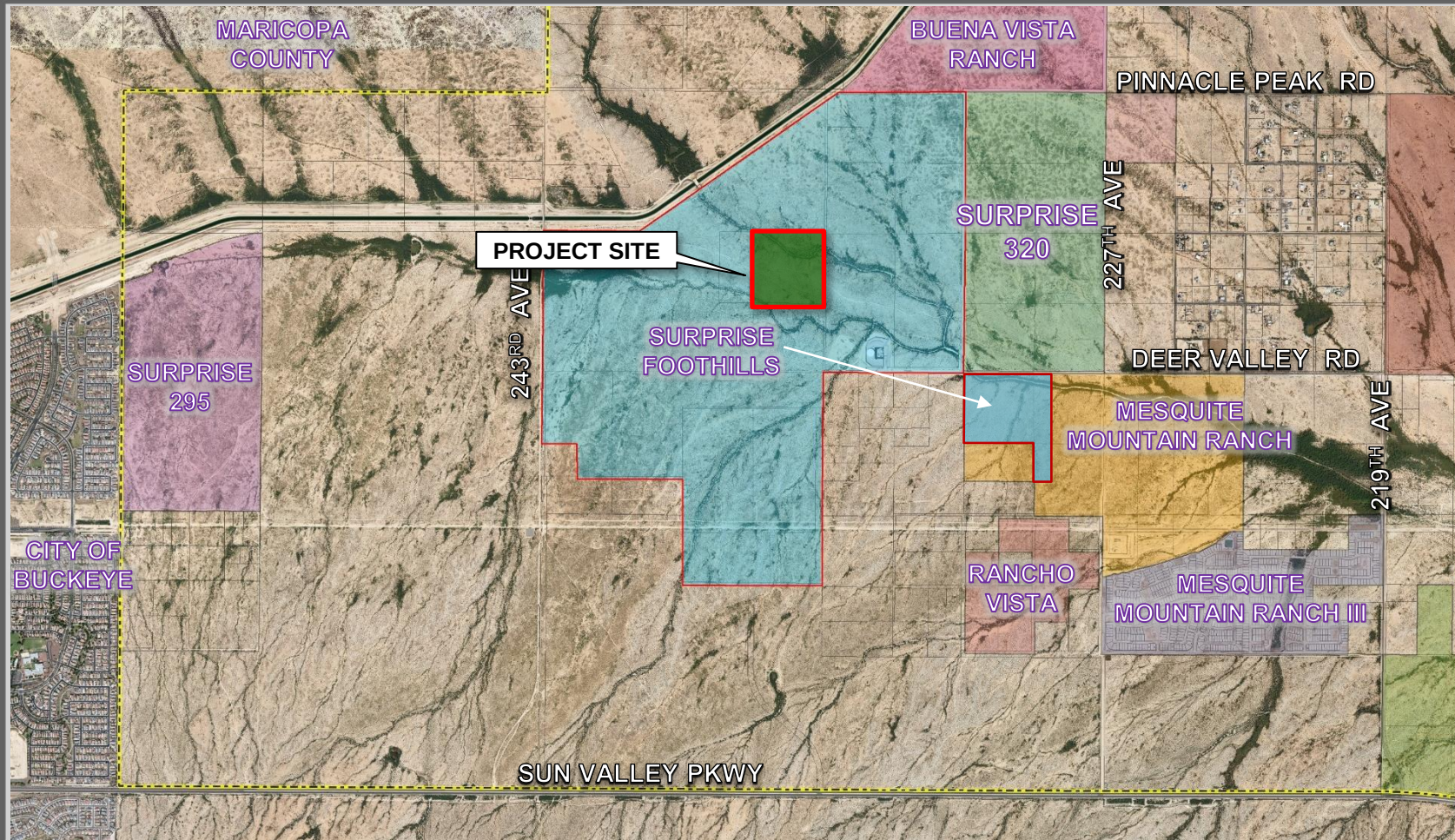
Commissioner Keating made a motion to approve the Surprise Foothills Central 40 Project Case #FS24-0118, subject to stipulations ‘a’ through ‘c’. Commissioner Bash seconded the motion. Motion passed with 5 votes in favor.



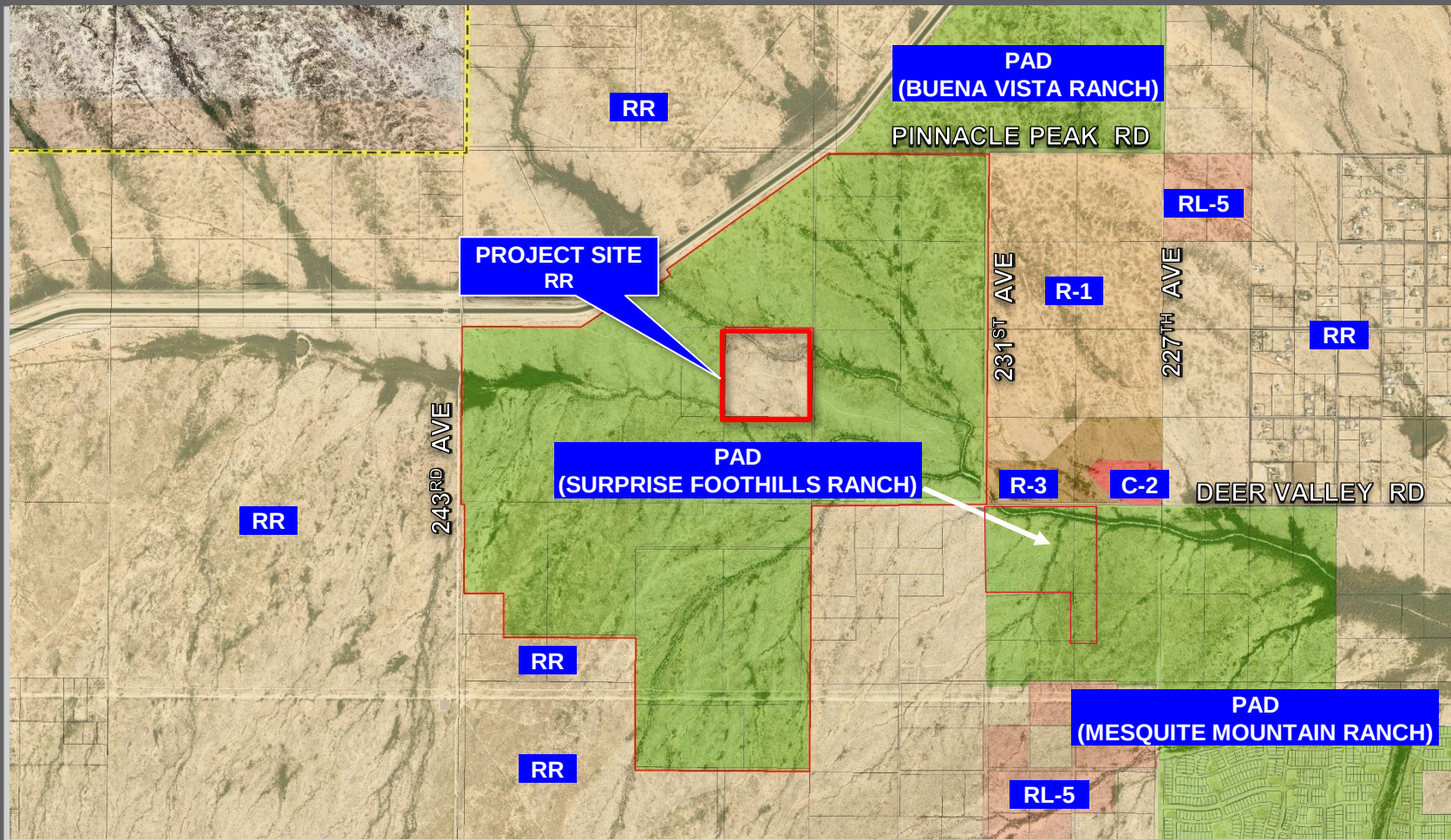
FS24-0118

Surprise Foothills Central 40

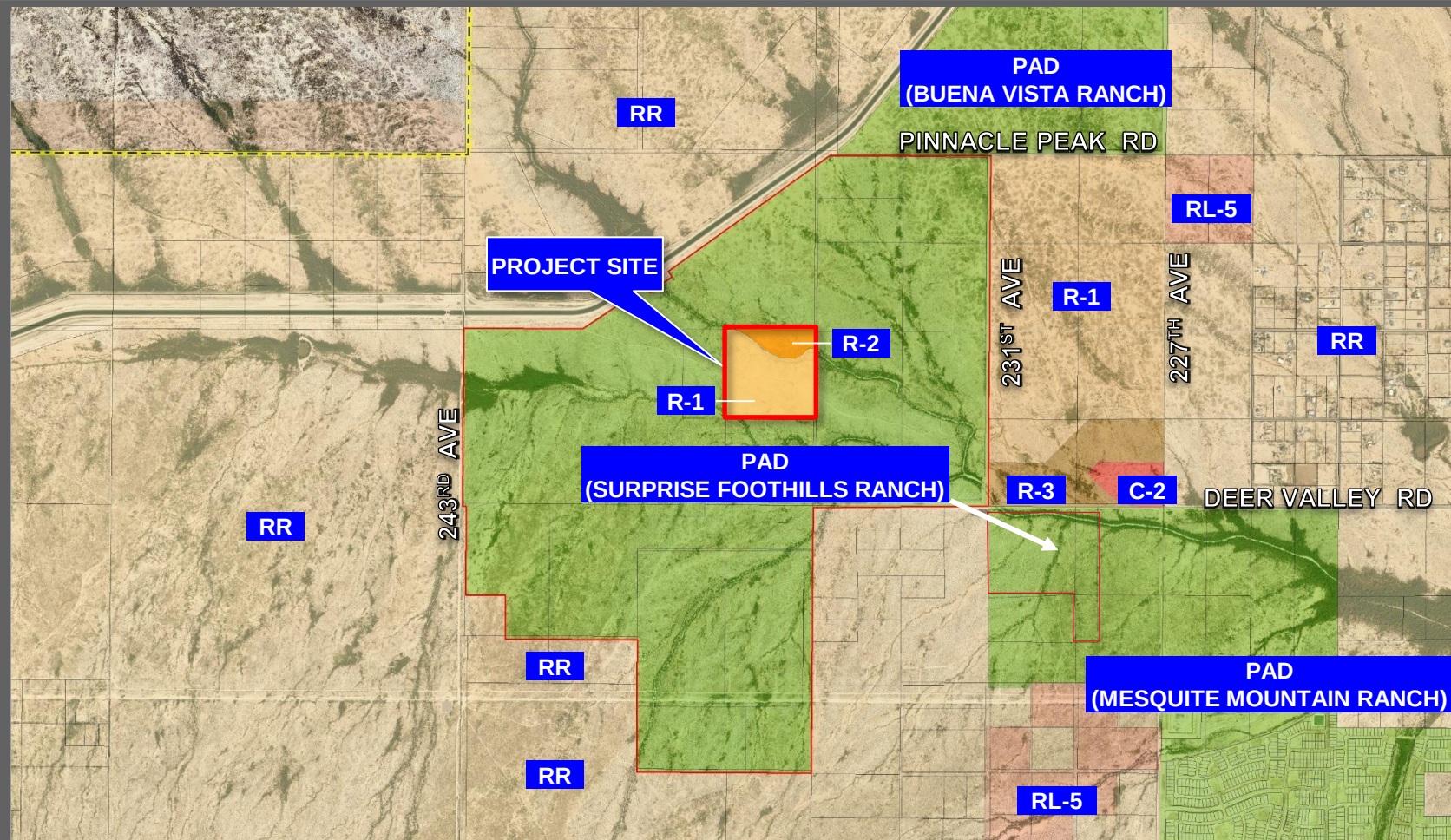
City Council
August 20, 2024



FS24-0118 VICINITY MAP

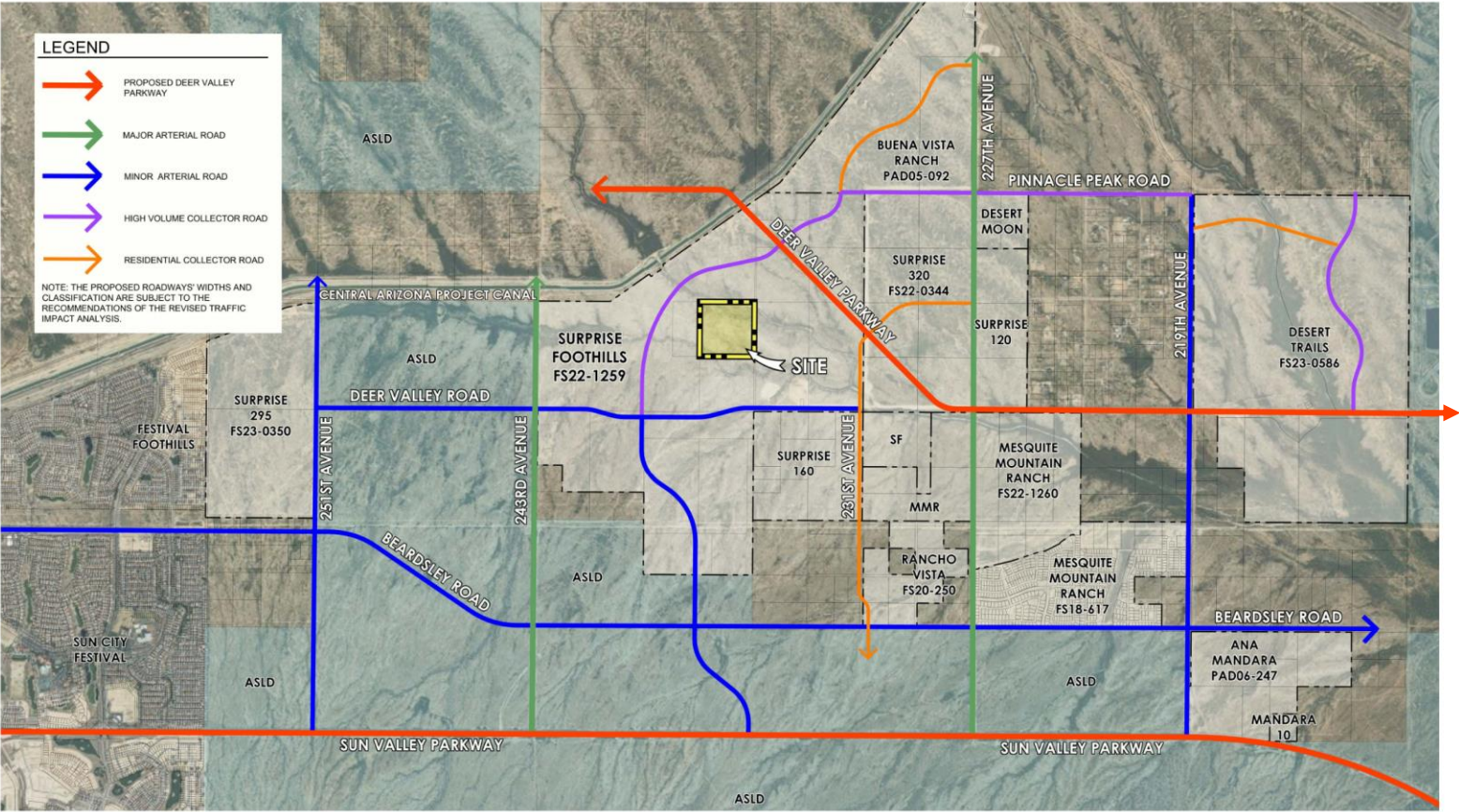


FS24-0118 EXISTING ZONING

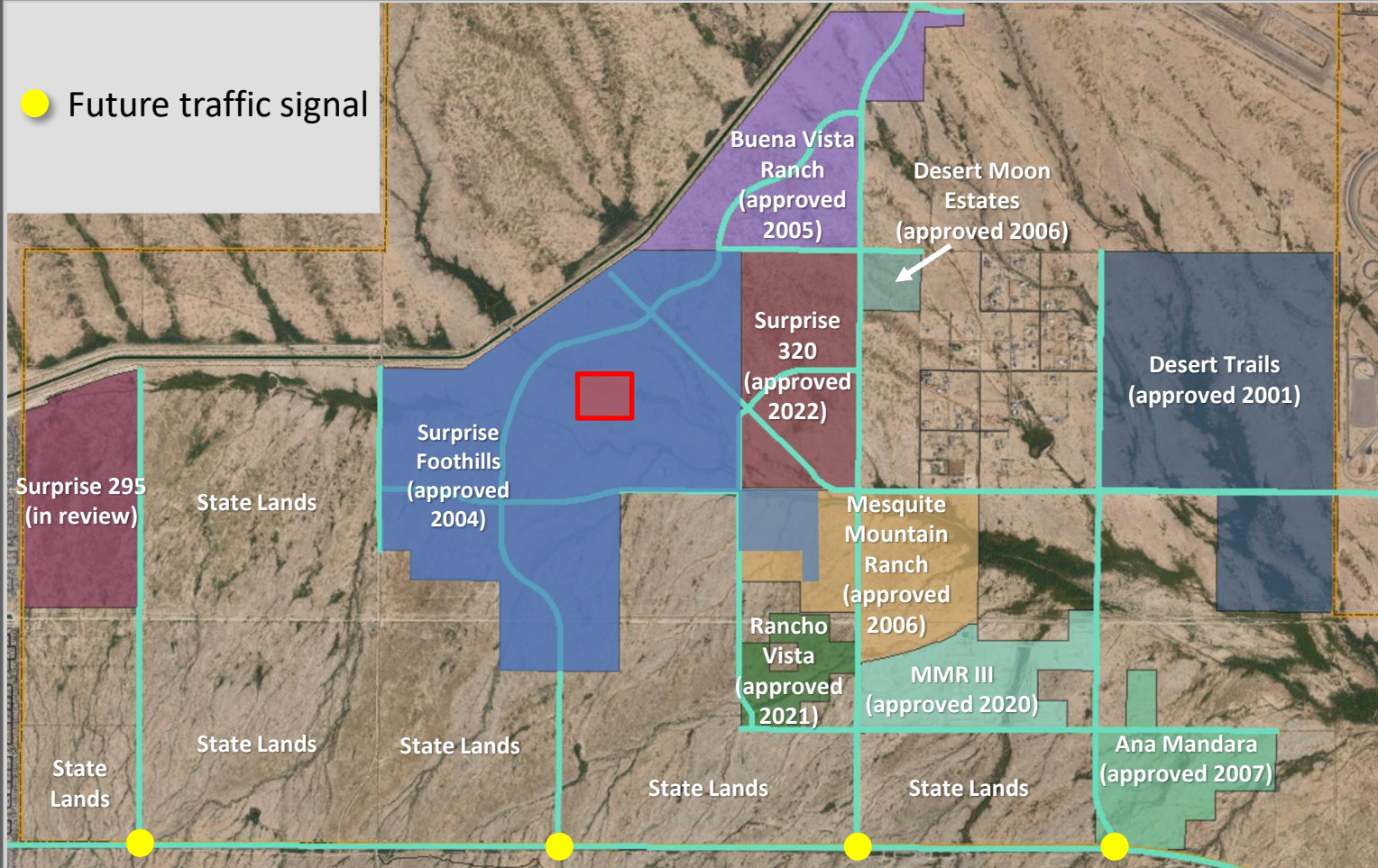


FS24-0118 PROPOSED ZONING

FIGURE 4: REGIONAL TRANSPORTATION PLAN

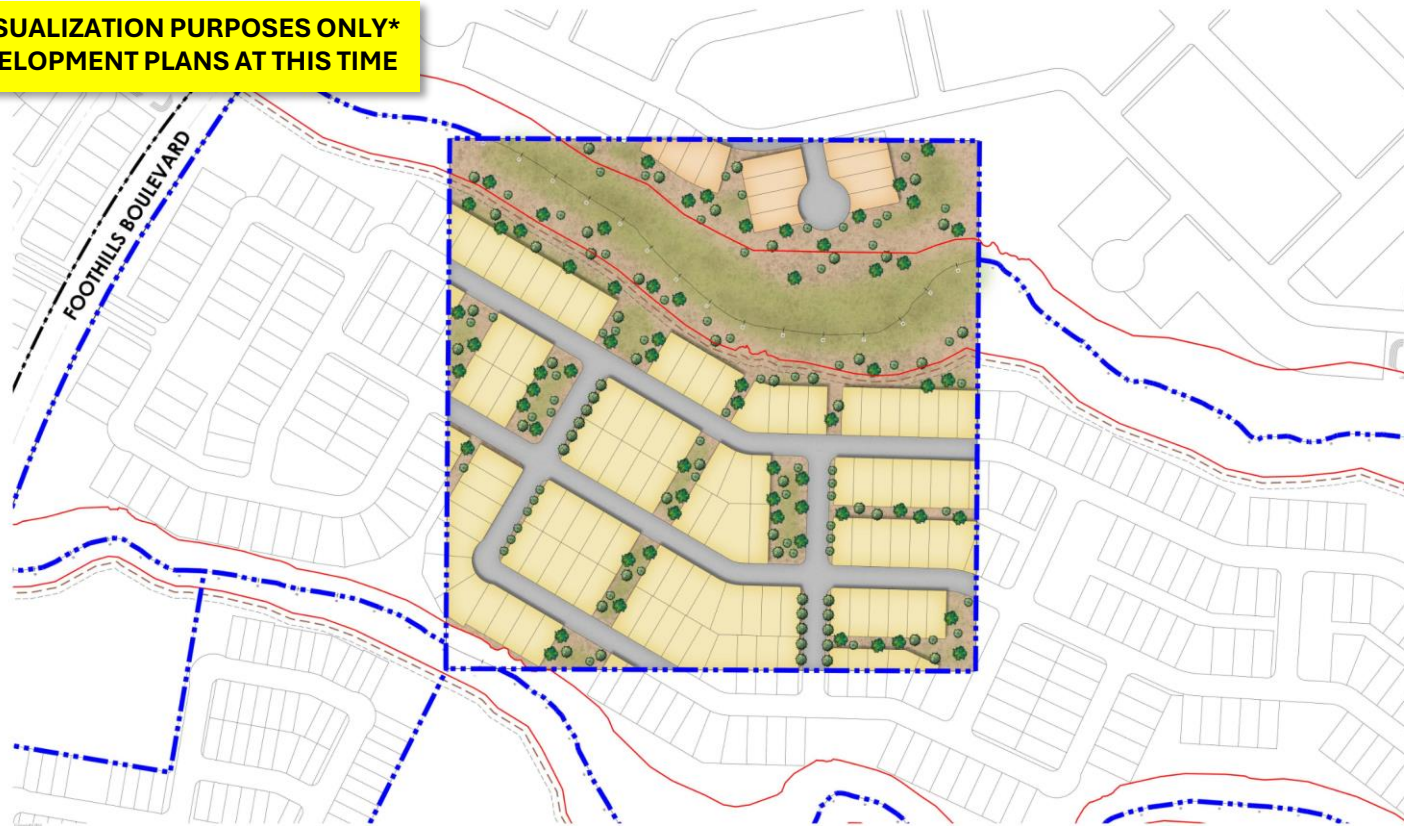


● Future traffic signal



ROADWAYS

FOR VISUALIZATION PURPOSES ONLY
NO DEVELOPMENT PLANS AT THIS TIME



SURPRISE FOOTHILLS CENTRAL 40 • CONCEPTUAL SITE PLAN

📍 SURPRISE, AZ
📅 2024-07-09
21000088.4
▲ COWLEY COMPANIES



CONCEPTUAL LOTTING



OUTREACH



Neighborhood Meeting:

Site Posting, 300' Mailers, & Newspaper Publishings

- May 9th (In-Person) – Willow Canyon HS
 - No attendees

Planning and Zoning Commission Recommendation:

Recommend Approval subject to stipulations 'a' through 'c'

- a. Development and use of the site shall be consistent with the Rezone Narrative entitled “Surprise Foothills Central 40”, prepared by Rvi Planning + Landscape Architecture,” received April 29, 2024.
- b. Non-compliance with the stipulations of approval of this case will be treated as a violation in accordance with the applicable provisions of the Surprise Municipal Code.
- c. The rezone is subject to having access to the amenities set forth in the Surprise Foothills PAD.



SURPRISE
ARIZONA

QUESTIONS OR COMMENTS?

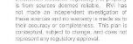
Thank You





📍 SURPRISE, AZ

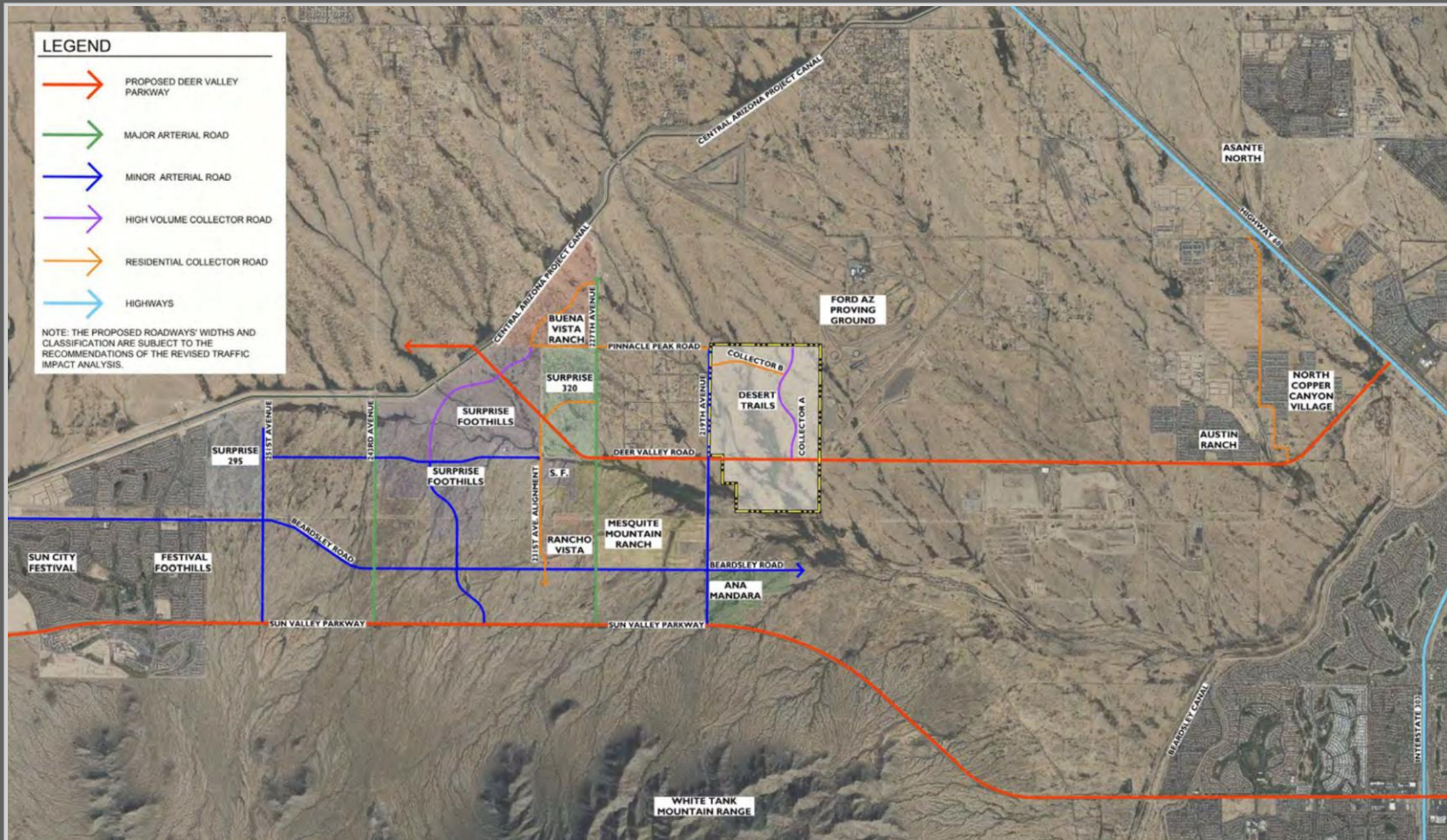
2024-03-20
2102D085.4
ELLIOTT D. POLLACK & COMPANIES



LEGEND

-  PROPOSED DEER VALLEY PARKWAY
-  MAJOR ARTERIAL ROAD
-  MINOR ARTERIAL ROAD
-  HIGH VOLUME COLLECTOR ROAD
-  RESIDENTIAL COLLECTOR ROAD
-  HIGHWAYS

NOTE: THE PROPOSED ROADWAYS' WIDTHS AND CLASSIFICATION ARE SUBJECT TO THE RECOMMENDATIONS OF THE REVISED TRAFFIC IMPACT ANALYSIS.





CITY OF SURPRISE Regular City Council Meeting

Council Meeting Date: August 20, 2024

Contact Person: Lloyd Abrams, Director -
Community Development

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 the annexation of approximately 4.07 acres of county land, generally located south of the southeast corner of 163rd Avenue and 162nd Drive; Ordinance # 2024-15.

Motion:

I move to approve Ordinance #2024-15.

Background:

David Hughes with EPS Group, Inc., representing the property owner, seeks annexation of undeveloped land generally located south of the southeast corner of 163rd Avenue and 162nd Drive. The annexation proposal is for one (1) parcel, consisting of approximately 4.07 acres of unincorporated land with Maricopa County.

The property is currently zoned Maricopa County Community Commercial with a Commercial Plan of Development Overlay Zone (C-3 CUPD). The property will assume the similar zoning district of Regional Commercial (C-3) as outlined in the Land Development Ordinance (LDO). Concurrent with the annexation, the owner is seeking a rezone from Rural Residential (RR) to Regional Commercial (C-3), under case FS23-0992, for the 0.41 vacant parcel to the west of the subject parcel. Ultimately, both parcels will be combined and developed as a self-storage facility. As part of the overall annexation process, a Pre-Annexation Development Agreement between the property owner and the city is also being prepared to allow for like development standards, as previously approved by Maricopa County.

Objective Analysis:

Positive impacts include adding additional property to the incorporated limits, which will generate additional property and potential development fees. Negative impacts could include providing services in a 4.07-acres area where the City did not have to previously serve.

Policy Compliant:

Annexation of the property is compliant with City Council policy by expanding the range of influence of the City. The Surprise General Plan 2035 shows the subject property as lying within the Neighborhood Character Area, which supports commercial development.

Financial Impact:

At this time, there are no financial impacts associated with this item. If the City Council moves forward to annex the property, financial impacts could include costs to provide services to an area where city services were not previously provided. Annexation could result in future development fee, sales tax, and property tax revenue.

Budget Impact:

At this time there are no budget impacts associated with this item. If the City Council moves forward to annex property into the City limits, there could be budget impacts if city services are provided to an area which the City did not previously provide service. If the area is annexed, that could result in future development fees, and sales and property taxes.

FTE Impact:

At this time there would be no additional FTEs associated with this item. If the City Council moves forward to annex property into the City limits, staff does not believe any future FTEs would be needed based on the potential annexation.

ATTACHMENTS:

1. 00-FS23-0991 162nd Drive Self Storage - Annexation - Staff Report
 2. 01 - FS23-0991 162nd Drive Self Storage - Annexation - Vicinity Map
 3. 02 - FS23-0991 162nd Drive Self Storage - Annexation Narrative
 4. 03 - FS23-0991 162nd Drive Self Storage - Assessor Annexation Report
 5. 04 - FS23-0991 162nd Drive Self Storage - AZ Department of Revenue ValueTransmittal Report
 6. 05 - FS23-0991 162nd Drive Self Storage Annexation - Draft Ordinance
 7. 06 - FS3-0991 162nd Drive Self Storage - Signed Annexation Petition
 8. 07 - FS23-0991 162nd Drive Self Storage - Citizen Participation Report - REDACTED
 9. 08 - FS23-0991 162nd Drive Self Storage - Affidavit of Sign Posting
 10. FS23-0991 162nd Drive Self Storage - Annexation
-

ANNEXATION

REPORT TO THE CITY COUNCIL

Case: FS23-0991

Project Name: 162nd Drive Self Storage - Annexation

Council District: 1 - Acacia

City Council Date: August 20, 2024

Planner: Chris Sexton, Planner II

Owner: Lawrence G Hancock

Applicant: David Hughes with EPS Group, Inc.

Request: Annexation of approximately 4.07 acres

Site Location: Generally located south of the southeast corner of 163rd Avenue and 162nd Drive

Site Size: 4.07 acres (approx.)

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

Actions: **Approve:** Approval of the proposed annexation will increase the corporate limits of the City of Surprise which, in turn, will allow the property to be developed in accordance with the City of Surprise General Plan and Surprise Municipal Code.

Deny: Denial of the proposed annexation will result in the continuation of a long-standing county jurisdiction.

Introduction:

David Hughes with EPS Group, Inc., representing the property owner, seeks annexation of an undeveloped land generally located south of the southeast of 163rd Avenue and 162nd Drive. The annexation proposal is for approximately 4.07 acres, consisting of one (1) parcel with one (1) property owner of unincorporated land adjacent to the Surprise City limits.

43 **Project Description**

44 David Hughes with EPS Group, Inc., representing the property owner, seeks annexation
45 of undeveloped land generally located south of the southeast corner of 163rd Avenue and
46 162nd Drive. The annexation proposal is for one (1) parcel, consisting of approximately
47 4.07 acres of unincorporated land with Maricopa County.

48
49 The property is currently zoned Maricopa County Community Commercial with a
50 Commercial Plan of Development Overlay Zone (C-3 CUPD). The property will assume
51 the similar zoning district of Regional Commercial (C-3) as outlined in the Land
52 Development Ordinance (LDO). Concurrent with the annexation, the owner is seeking a
53 rezone from Rural Residential (RR) to Regional Commercial (C-3), under case FS23-
54 0992, for the 0.41 vacant parcel to the west of the subject parcel. Ultimately, both parcels
55 will be combined and developed as a self-storage facility. As part of the overall annexation
56 process, a Pre-Annexation Development Agreement between the property owner and the
57 city is also being prepared to allow for like development standards, as previously approved
58 by Maricopa County.

59
60 The parcel associated with this proposed annexation boundary includes:

- 61 • 503-57-004D
62

63 **BACKGROUND:**

64 **December 7, 2021:** The City Council approved a General Plan Amendment to change the
65 land use designation from Commerce and Office to Neighborhood Character Area under
66 Resolution# 2021-175, case FS21-251.

67
68 **May 25, 2023:** Staff met with the applicant to discuss the project during a regularly scheduled
69 Concept Review meeting under CR23-0377.

70
71 **November 15, 2023:** The applicant filed a related request for an annexation for one
72 undeveloped parcel in Maricopa County, under case FS23-0991.

73
74 **November 15, 2023:** The applicant filed a rezone request for the adjacent westerly parcel,
75 under case FS23-0992.

76
77 **January 17, 2024:** The applicant held a neighborhood outreach meeting to discuss the
78 project.

79
80 **May 7, 2024:** The City Council held a non-public hearing for the Intent to Annex, Resolution
81 #2024-60, directing staff to file the blank petition under a separate case, FS23-0991.

82
83 **June 4, 2024:** The City Council held a public meeting the last ten days of the thirty day waiting
84 period regarding the blank petition.

Neighborhood Outreach:

The applicant held a neighborhood outreach meeting on January 17, 2024, that was properly advertised per the requirements of the Land Development Ordinance (LDO). The meeting took place in-person at Asante Preparatory Academy. During this meeting, there were four attendees that expressed their comments and concerns regarding infrastructure, number of and size of storage units, operation of the self-storage and vehicular access. See the attached Citizen Participation Report for a detailed summary of the meeting.

A summary of both outreach meetings is provided in the attached Citizen Participation Report.

Arizona Revised Statute Description:

Arizona Revised Statutes require the filing of a blank annexation petition. The blank petition relating to the subject property was recorded with the Maricopa County Recorder's Office on May 13, 2024. Arizona Revised Statutes also require that no signatures be obtained during a 30-day waiting period immediately following the filing of the blank petition, and that a public hearing must be held during the last 10 days of the 30-day waiting period. Once the public hearing is held and the 30-day waiting period has ended, signatures may be collected. State statute further requires that an excess of 50% of the landowners and assessed valuation for all real and personal property sign the petition in order to validate the petition. State statute also allows up to one year following the end of the 30-day period to obtain the required number of signatures.

UTILITY AND SERVICES TABLE:

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

Summary:

The proposed annexation includes one parcel, approximately 4.07 acres, and requires a signature from the representative of one ownership group after the Arizona Revised Statute's required 30-day waiting period that concluded on June 12, 2024. The applicant provided the signature for 162nd Drive Self Storage to be eligible for annexation by the City of Surprise. The signed petition is attached to this staff report to be considered by City Council.

<u>Annexation Details</u>	<u>A.R.S. Requirements</u>	<u>Provided</u>	<u>Percentage provided</u>
Real Property - 1 parcel (one owner)	1 signature	1 signature	100%
Total Assessed Value - \$8,063	\$8,063	\$8,063	100%

124 The parcel to be annexed complies with all requirements for size, shape, and contiguity
125 set forth in the Arizona annexation statutes.
126

127 Attachments:

128 00 Staff Report

129 01 Vicinity Map

130 02 Annexation Narrative

131 03 Assessor Annexation Report

132 04 AZ Department of Revenue Value Transmittal Report

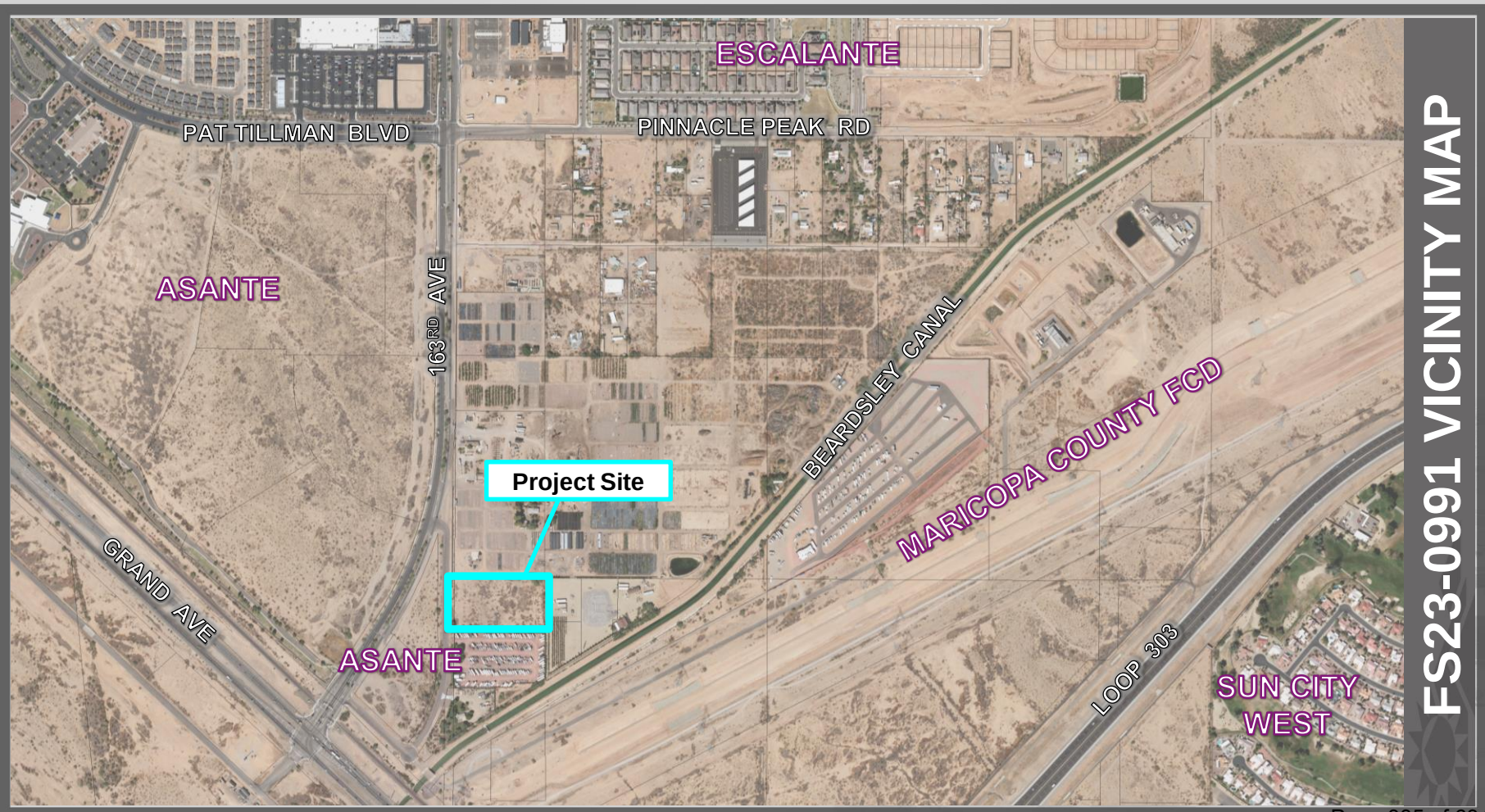
133 05 Ordinance 2024-15

134 06 Signed Annexation Petition

135 07 Citizen Outreach Summary – REDACTED

136 08 Affidavit of Posting

137 PPT
138



162nd Drive Self Storage

Case No. FS23-0991

Annexation Document

S/SEC of 163rd Avenue and 162nd Drive

1st Submittal: November 14, 2023

2nd Submittal: February 6, 2024

3rd Submittal: February 26, 2024



Developer

Adams Property Group
2298 Mt. Pleasant Street
Charleston, SC 29403
Tel: 843.941.4001
Contact: George Harb

Applicant

EPS Group, Inc.
1130 N. Alma School Road, Suite 120
Mesa, AZ 85201
Tel: 480.503.2250
Contact: David Hughes

Legal Counsel

Gilbert Blilie PLLC
701 N. 44th Street
Phoenix, AZ 85008
Tel: 480.429.3030
Contact: Jeff Blilie

Contents

Introduction	3
Description of Request.....	3
Surrounding Land Uses	3
General Plan Compliance.....	3
Annexation Tables.....	4
Existing Zoning	5
Site Access.....	5
Conclusion.....	5
Appendix	5

Introduction

EPS Group, Inc., on behalf of the Adams Property Group (Developer), submits this Annexation request for a 4.07-acre property located south of the southeast corner of 163rd Avenue and 162nd Drive within the unincorporated limits of Surprise, Arizona. The site is currently undeveloped, vacant land and is identified as Maricopa County Assessor Parcel Number (APN): 503-57-004D.

Description of Request

This request is to annex the 503-57-004D property into the City of Surprise. The purpose of this request is to allow the development of a Class-A self-storage facility with a mix of traditional and climate-controlled storage. The proposed project will be developed on the subject site and 503-57-004C to the west and will serve the greater area and future residents of the City of Surprise.

Subject Property Data	
A.P.N.(s)	503-57-004D
Current Land Use	Undeveloped
Existing General Plan Land Use Designation	Neighborhood
Current Zoning District	C-3 CUPD (Maricopa County)
Post Annexation Zoning District	C-3
Gross Area	4.07 Acres

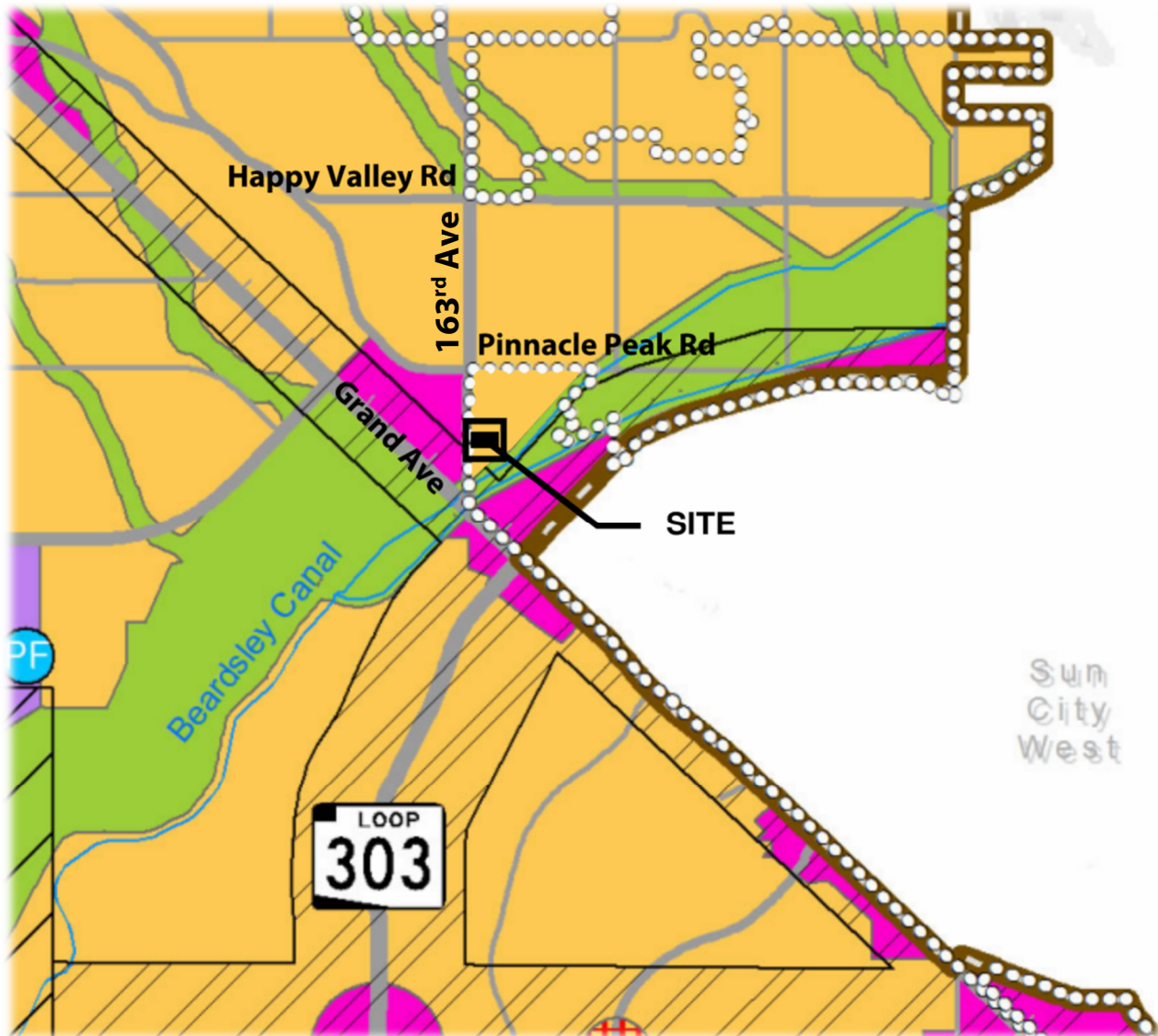
Surrounding Land Uses

This development is proposed on undeveloped desert land and is more specifically located south of the southeast of 163rd Avenue and 162nd Drive. Surrounding uses of the subject property are listed in the table below.

Surrounding Existing Use and Zoning Designations		
	Existing Use	Existing Zoning
North	Sunrise Nursery / Future Single Family Residential Subdivision (FS22-1217)	R-1 (City of Surprise)
East	Rural Large-Lot Residences	RU-43 (Maricopa County)
South	RV Storage Facility	RU-43 (Maricopa County)
West	Undeveloped Desert	RR (City of Surprise)

General Plan Compliance

This development is within the Neighborhood land use area of the City of Surprise General Plan, which encourages non-residential development to occur near primary roadways or oriented toward arterial corridors. The proposed Class A self-storage site is ideally located along 162nd Drive, near the busy intersection of 163rd Avenue and Grand Avenue.



Annexation Tables

APNs to be Annexed	
APN	Property Owner
503-57-004D	Lawrence G Hancock

Property Owners Contacted		
APN	Property Owner	Support, Oppose, or No Response
503-57-004D	Lawrence G Hancock	Support

Existing Zoning

The proposed Class-A self-storage facility consists of two parcels, APN 503-57-004C zoned RR within the City of Surprise; and the annexation subject site APN 503-57-004D zoned C-3 CUPD within the unincorporated limits of Maricopa County. The developer and City of Surprise have entered a Pre-Annexation Agreement, which will allow the development to retain all approved County zoning standards per Case No. Z2018106. Upon annexation of the -004D parcel, the City will zone the 4.07-acre area with the most equivalent zoning district of C-3 and subsequent to the annexation, the entire 4.48-acre site will be formally rezoned to C-3 with a PUD overlay. A separate rezone request is currently under City review under Case Number FS23-0992.

Site Access

Primary access to the facility shall be through the future single-family residential community to the north (FS22-1217). 162nd Drive connects with the residential collector, Country Club Terrace, to the north of the site which has full movement access at a future traffic signal on 163rd Avenue. This stretch of roadway improvements to the north of the subject site, 162nd Drive and Country Club Terrace to 163rd Avenue, are also a part of the City of Surprise's CIP for 163rd Avenue which is currently under development.

As part of the pre-annexation agreement between the developer and the City of Surprise, the developer shall be responsible for the following interim and temporary improvements to the 163rd Avenue and 162nd Drive intersection if the future traffic signal is not in place at the time of development.

- a. Flexible delineators shall be installed within 163rd Avenue to prevent traffic from turning left (heading southbound) from 162nd Drive onto 163rd Avenue.
- b. Necessary restriping shall be provided to the 162nd/163rd intersection to indicate that left turns from 162nd Drive onto 163rd Avenue are not permitted.
- c. Signage shall be provided at the 162nd/163rd intersection stating that left turns from 162nd Drive onto 163rd Avenue are not permitted.

Conclusion

We look forward to working with staff to bring a high-quality development into the City of Surprise.

Appendix

Appendix A	Annexation Legal Description
Appendix B	Annexation Map
Appendix C	Post-Annexation Map
Appendix D	Approved Maricopa County Zoning Documents

Appendix A

EXHIBIT "A"
162ND DRIVE SURPRISE STORAGE
ANNEXATION
LEGAL DESCRIPTION

Job No. 23-0035

NOVEMBER 13, 2023

THE NORTH HALF OF THE NORTH HALF OF LOT 3 (NORTHWEST QUARTER OF THE SOUTHWEST QUARTER) OF SECTION 18, TOWNSHIP 4 NORTH, RANGE 1 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA.

EXCEPT THE WEST 55 FEET THEREOF.

SAID PORTION OF LAND CONTAINING 177,120 SQUARE FEET, OR 4.0661 ACRES, MORE OR LESS, AND BEING SUBJECT TO ANY EASEMENTS, RESTRICTIONS, AND/OR RIGHTS-OF-WAYS OF RECORD OR OTHERWISE.

THIS DESCRIPTION SHOWN HEREON IS NOT TO BE USED TO VIOLATE SUBDIVISION REGULATIONS OF THE STATE, COUNTY AND/OR MUNICIPALITY, OR ANY OTHER LAND DIVISION RESTRICTIONS.



Nov 13, 2023 9:36am S:\Projects\2023\23-0035\Land Survey\Legals\23-0035 ANNEXATION.dwg
fclark

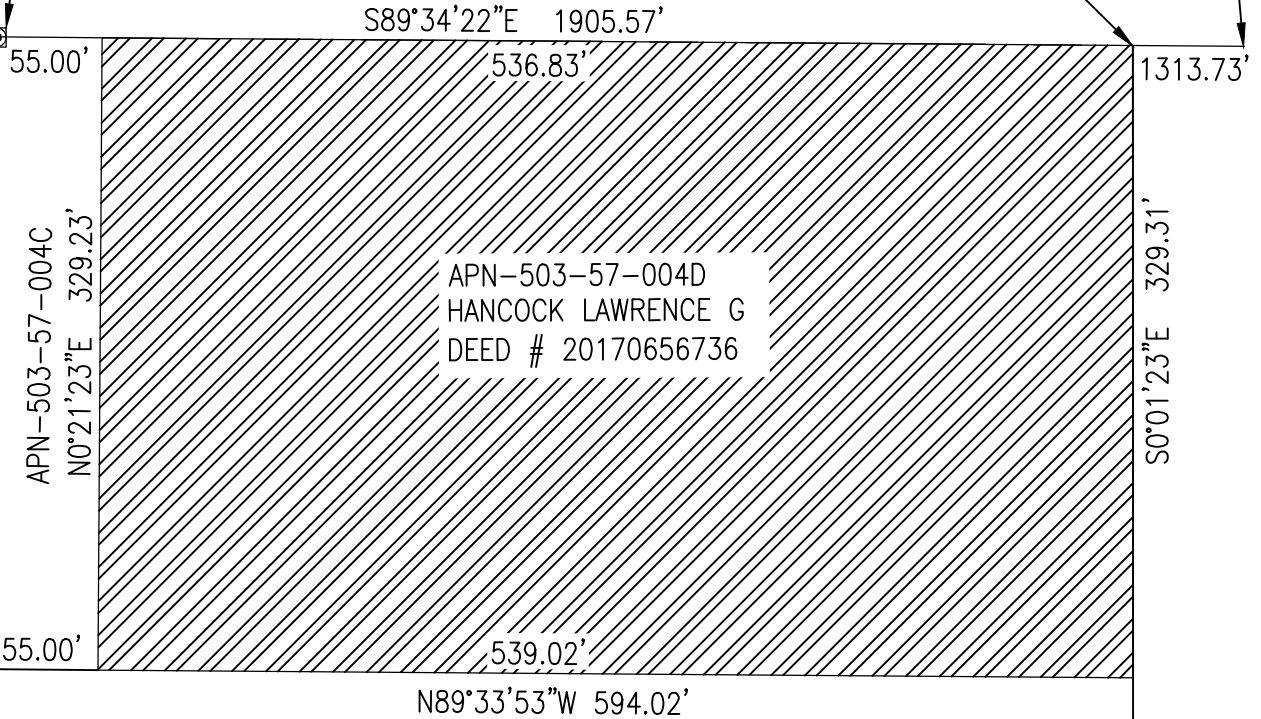
N 162ND DRIVE

N00°21'23"E 2633.76'

WEST QUARTER CORNER OF
SEC 18, T4N, R1W
FOUND BRASS CAP,
IN HANDHOLE

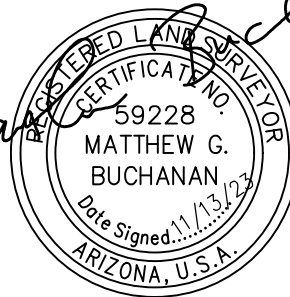
CENTER OF
SEC 18, T4N, R1W
FOUND ALUMINUM CAP

NORTHEAST CORNER OF
GLO LOT 3



SOUTHWEST CORNER OF SEC
18, T4N, R1W CALCULATED
FROM WITNESS CORNER
STAMPED "10 FT W.C. T4N,
R2W R1W S13 S18 S19 S24
LS 21080 2008"

APN-503-57-004J
SCHULTZ ENTERPRISES
WEST LLC
DEED # 20160265063



23-0035

162ND DRIVE SUPRISE STORAGE
ANNEXATION

EXHIBIT "B"



1130 N. Alma School Rd.
Ste. 120 Mesa, AZ 85201
T:480.503.2250 | F:480.503.2258
www.epsgroupinc.com

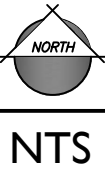
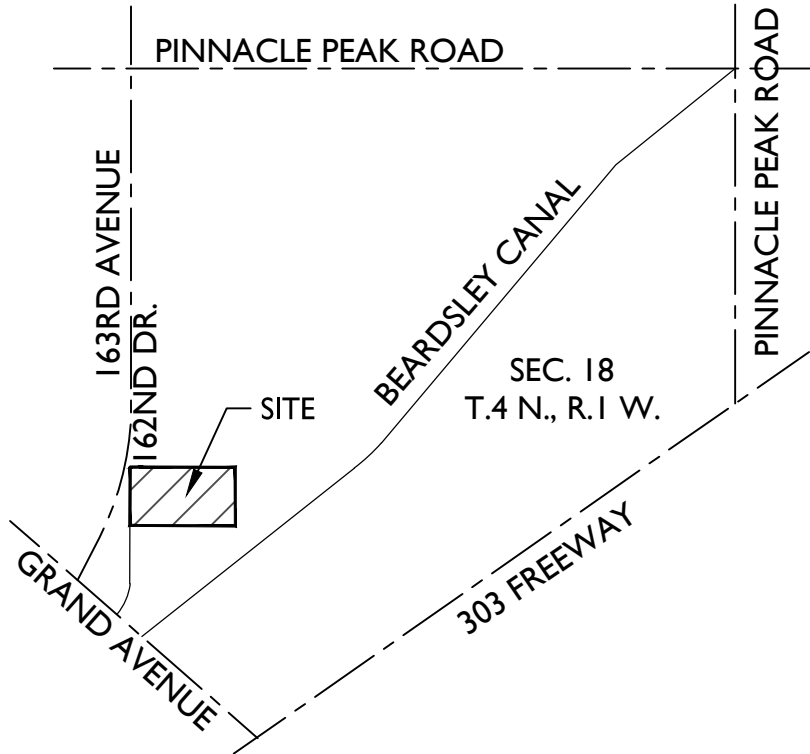
Appendix B

23-0035 - I62nd Drive Self Storage

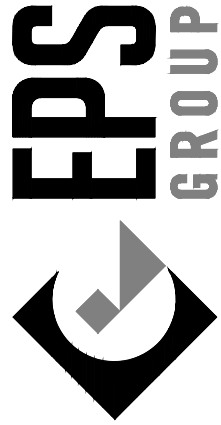
dhughes Feb 03, 2024 1:21pm S:\Projects\2023\23-0035\Planning\Drawings\Entitlements\23-0035 - Annexation Map.dwg



VICINITY MAP



1130 N. Alma School Road, Suite 120
Mesa, AZ 85210
T: 480.503.2250 | F: 480.503.2258
www.epsgroupinc.com



PROJECT TEAM

PROPERTY OWNER:
LAWRENCE G HANCOCK
17162 W GAMBIT TR
SURPRISE, AZ 85387

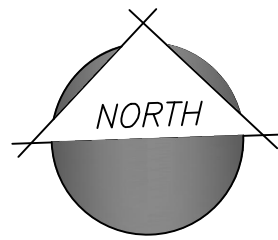
PLANNING & ENGINEERING:
EPS GROUP, INC.
1130 N ALMA SCHOOL RD., STE 120
MESA, AZ 85201
TEL: (480) 503-2250
CONTACT: DAVID HUGHES
EMAIL: david.hughes@epsgroupinc.com

DEVELOPER:
ADAMS PROPERTY GROUP
2298 MT. PLEASANT ST
CHARLESTON, SC 29403
TEL: (865)-567-1439
CONTACT: GEORGE HARB
gharb@adamspropgroup.com

LEGAL COUNSEL:
GILBERT BLILIE PLLC
701 N. 44TH STREET
PHOENIX, AZ 85008
TEL: (623)-606-0532
CONTACT: JEFFREY BLILIE
jblilie@gilbertblilie.com

PROJECT DATA

APN(s): 503-57-004D
EXISTING LAND USE: UNDEVELOPED
PROPOSED LAND USE: SELF-STORAGE
SITE ACREAGE: 4.07 ACRES
EXISTING GENERAL PLAN: NEIGHBORHOOD
EXISTING ZONING: C-3 CUPD (MARICOPA COUNTY)
POST-ANNEXATION ZONING: C-3



Revisions:



Designer: DH
Drawn by: NM

Preliminary
Not For
Construction
Or
Recording

Job No.
23-0035

Sheet No.
1
of 01

Project: I62nd Drive Self Storage
Maricopa County, Arizona
ANNEXATION MAP

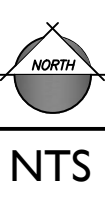
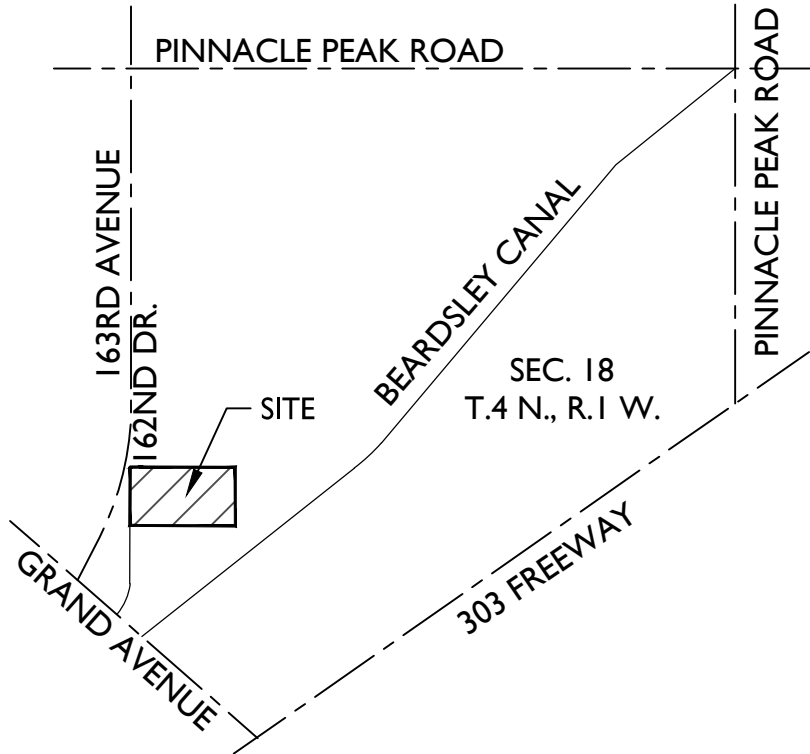
Appendix C

23-0035 - I62nd Drive Self Storage

dhughes Feb 03, 2024 1:49pm S:\Projects\2023\23-0035\Planning\Drawings\Entitlements\23-0035 - Post-Annexation Map.dwg



VICINITY MAP

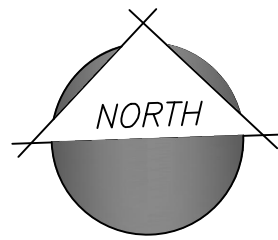


PROJECT TEAM

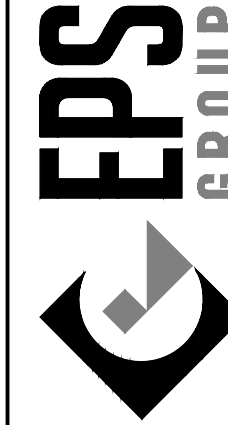
PROPERTY OWNER: LAWRENCE G HANCOCK 17162 W GAMBIT TR SURPRISE, AZ 85387	PLANNING & ENGINEERING: EPS GROUP, INC. 1130 N ALMA SCHOOL RD., STE 120 MESA, AZ 85201 TEL: (480) 503-2250 CONTACT: DAVID HUGHES EMAIL: david.hughes@epsgroupinc.com
DEVELOPER: ADAMS PROPERTY GROUP 2298 MT. PLEASANT ST CHARLESTON, SC 29403 TEL: (865)-567-1439 CONTACT: GEORGE HARB gharb@adamsproppgroup.com	LEGAL COUNSEL: GILBERT BLILIE PLLC 701 N. 44TH STREET PHOENIX, AZ 85008 TEL: (623)-606-0532 CONTACT: JEFFREY BLILIE jblilie@gilbertblilie.com

PROJECT DATA

APN(s):	503-57-004D
EXISTING LAND USE:	UNDEVELOPED
PROPOSED LAND USE:	SELF-STORAGE
SITE ACREAGE:	4.07 ACRES
EXISTING GENERAL PLAN:	NEIGHBORHOOD
EXISTING ZONING:	C-3 CUPD (MARICOPA COUNTY)
POST-ANNEXATION ZONING:	C-3



1130 N. Alma School Road, Suite 120
Mesa, AZ 85210
T: 480.503.2250 | F: 480.503.2258
www.epsgroupinc.com



162nd Drive Self Storage

Maricopa County, Arizona

POST-ANNEXATION MAP

Project:

Revisions:



Designer: DH
Drawn by: NM

Preliminary
Not For
Construction
Or
Recording

Job No.
23-0035

Sheet No.
1
of 01

Appendix D



Planning & Development Department

February 10, 2021

Rod Jarvis
Earl & Curley
3101 N. Central Avenue, Suite 1000
Phoenix, Arizona 85012

SUBJ: Maricopa County Case Number Z2018106

On February 10, 2021 the Maricopa County Board of Supervisors (BOS) approved your request for a zone change from Rural-43 to C-3 CUPD WHSC zoning district for a commercial outdoor storage and self-storage facility. The site consists of approximately 4 acres and is generally located approximately 390' southeast of the intersection of 163rd Ave. and 162nd Dr. in the Surprise area.

- a. Development of the site shall be in substantial conformance with the Zoning Exhibit entitled "Z2018106 Surprise Storage – Zoning Exhibit", consisting of 1 full-size sheet dated October 6, 2020, and stamped received October 21, 2020 except as modified by the following conditions.
- b. Development of the site shall be in substantial conformance with the Narrative Report entitled "Storage Surprise Narrative Report", consisting of 21 pages, dated October 6, 2020 and stamped received October 21, 2020 except as modified by the following conditions.
- c. The following C-3 CUPD zoning district standards shall apply:
 1. Maximum Height: 33' (Compliance with Wickenburg Highway Scenic Corridor)
 2. Front Yard Setback (west property line): 0'
 3. Side Yard Setback (south property line): 0'
 4. Street-side Yard Setback (north property line): 25', 0' after dedication of Williams Dr. r/w
 5. Rear Yard Setback (east property line): 0'
 6. Maximum Lot Coverage: 75%
 7. Screening: 7' – 9' (h) masonry block wall for north, east and west property lines. 7' – 9' (h) CMU to be constructed within the Williams Dr. R/W reservation. Northern 25' on western property line and northern 25' on eastern property line.
 8. Site Enclosure: Storage may occur within the 0' setbacks. Storage products and materials may exceed the height of the enclosure.
 9. Sight visibility triangles: No sight visibility triangles
- d. The following Planning Engineering conditions shall apply:

1. Drainage review of planning and/or zoning cases if for conceptual design only and does not represent final design approval nor shall it entitle applicants to future designs that are not in conformance with Section 1205 of the Maricopa County Zoning Ordinance and the Maricopa County Drainage Policies and Standards.
 2. All development and engineering design shall be in conformance with Section 1205 of the Maricopa County Zoning Ordinance and current engineering policies, standards and best practices at the time of application for construction.
 3. All obstructions, including the wall and the pods, shall be removed upon required dedication of the 25-foot Williams Drive half-street right-of-way to MCDOT at the owner's expense.
 4. Drywell shall be installed with at least a 50-foot spacing in order to avoid drywell interference.
 5. A minimum of 33,500 cubic feet of onsite stormwater retention plus a foot of freeboard meeting the Drainage Policies and Standards of Maricopa County is required.
- e. All habitable buildings are subject to noise attenuation as per ARS § 28-8482(B).
 - f. Use of the existing 6' (h) block wall along the southern perimeter for self-storage structures shall require a 4 hour fire-rated wall at the property line.
 - g. The CUPD overlay is applied to restrict the use of the site. Until such time as the site is served by sewer, uses on the site shall only be those acceptable to the Maricopa County Environmental Services Department (MCESD) that can be accommodated by septic systems. A public water system and public sewer system shall be required prior to establishment of any non-residential use that requires potable water.
 - h. Noncompliance with any Maricopa County Regulation shall be grounds for initiating a revocation of this Zone Change as set forth in the Maricopa County Zoning Ordinance.
 - i. The property owner/s and their successors waive claim for diminution in value if the County takes action to rescind approval due to noncompliance with conditions.
 - j. 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 owner 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 property shall revert to the zoning that existed on the date of application. It is, therefore, stipulated and agreed that either 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 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.

Please feel free to call me if you have any questions at 602-372-0318.

Sincerely,

Rachel Applegate

Rachel Applegate, Senior Planner
Maricopa County Planning and Development

Parcel Number	Tax Year	PUC
503-57-004d	2024	0014

Property Use	Tax Area Code	McrNum
VACANT RESIDENTIAL RURAL NON-SUBDIVID	890000	

Lot	Block	Tract

Owner Name	In Care Of	Mailing Address
HANCOCK LAWRENCE G		17162 W GAMBIT TR

Mailing Suite	City State Zip	Country
	SURPRISE AZ 85387	USA

Situs Address	Situs City Zip	Exempt Status
Exempt Type	Centrally Valued (CVP)	Land FCV
	N	265,400

		265,400
		265,400

Improvement FCV	CVP PP FCV	Total FCV
0	0	265,400
0	0	265,400

Total Assessed FCV	Total Net FCV	Total LPV
39,810	39,810	53,755
39,810	39,810	53,755

Total Assessed Value LPV	Exempt Assessed Value	Net Assessed Value LPV
8,063	0	8,063
8,063	0	8,063

Building Sq Ft	Parcel Sq Ft	IWCDAcreage
	179,511	0
		0

IWDDAcreage	Total Acreage	Pers Prop Owner Name
0	4.121	
0	4.121	
Pers Prop FCV	Pers Prop Net Assessed	Split Parcel
0	0	N
0	0	

Asmt Ratio
0.1500

Land LC1	Land Ratio1
2.R	1
Land LC2	Land Ratio2
	0

Land LC3	Land Ratio3
	0
Land LC4	Land Ratio4
	0
Impr LC1	Impr Ratio1
	0
Impr LC2	Impr Ratio2
	0
Impr LC3	Impr Ratio3
	0
Impr LC4	Impr Ratio4
	0
Prcl Stat	Construction Year
Active	

STATE OF ARIZONA

Department of Revenue
Local Jurisdiction District
Telephone (602) 716-6843



Katie Hobbs
Governor

Robert Woods
Director

May 23, 2024

Ms. Christina Sexton
City of Surprise
16000 N. Civic Center Plaza
Surprise, AZ 85374

RE: Valuation Transmittal for Docket # 07-2254-00, FS23-0991 (162nd Drive Self Storage)

Dear Ms. Sexton:

According to information provided by the taxpayer(s) and based on unit values established by the Centrally Valued Properties Unit, the estimates of value for properties located in the proposed annexation areas are as follows:

<u>Taxpayer #</u>	<u>Taxpayer Name</u>	<u>Full Cash Value</u>	<u>Assessed Value</u>
54641	SOUTHWEST GAS CORPORATION (T&DO)	\$0.00	\$0.00
56729	QWEST CORPORATION	\$0.00	\$0.00
57610	SALT RIVER PROJECT T&D (G,T&D)	\$0.00	\$0.00

Please direct any inquiries you may have regarding this estimate to my email address:
fvillaverde@azdor.gov

Sincerely,

Flo Villaverde
Program Project Specialist 1
Local Jurisdictions

ORDINANCE # 2024-15

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA EXTENDING AND INCREASING THE CORPORATE LIMITS OF THE CITY OF SURPRISE, MARICOPA COUNTY, STATE OF ARIZONA PURSUANT TO THE PROVISIONS OF ARIZONA REVISED STATUTES TITLE 9 CHAPTER 4 ARTICLE 7 AND AMENDMENTS THERETO BY ANNEXING THERETO CERTAIN TERRITORY CONTIGUOUS TO THE EXISTING CITY LIMITS OF THE CITY OF SURPRISE, CONSISTING OF 4.07 ACRES LOCATED ON THE NORTH HALF OF THE NORTH HALF OF LOT 3 (NORTHWEST QUARTER OF THE SOUTHWEST QUARTER) OF SECTION 18, TOWNSHIP 4 NORTH, RANGE 1 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, STATE OF ARIZONA, AND ESTABLISHING EQUIVALENT CITY OF SURPRISE ZONING.

WHEREAS, a petition in writing accompanied by a map or plot of said real property having been filed and presented to the Mayor and Council of the City of Surprise, Arizona, signed by the owners of more than one-half in value of the real and personal property and more than one-half of the persons owning real and personal property as would be subject to taxation by the City of Surprise in the event of annexation within the territory and land hereinafter described in the attached **Exhibit A** (the "Annexation Area") and as shown by the last assessment of said property which said Annexation Area is contiguous to the City of Surprise, and not now embraced within its limits, asking that the Annexation Area be annexed to the City of Surprise, and to extend and increase the corporate limits of the City of Surprise so as to embrace the same;

WHEREAS, the Mayor and City Council of the City of Surprise, Arizona are desirous of accepting said petition and extending and increasing the corporate limits of the City of Surprise to include said territory;

WHEREAS, the said petition sets forth a true and correct description of all the exterior boundaries of the entire Annexation Area proposed to be annexed to the City of Surprise and had attached thereto at all times an accurate map of the Annexation Area, as shown in **Exhibit B**, desired to be annexed;

WHEREAS, no alterations increasing or reducing the territory sought to be annexed have been made after the said petition had been signed by any owner of real and personal property within the Annexation Area;

WHEREAS, the provisions of A.R.S. § 9-471, and amendments thereto, have been fully observed;

WHEREAS, proper and sufficient certification and proof of the foregoing facts are now on file in the office of the City Clerk of the City of Surprise, Arizona, together with a true and correct copy of the original petition referred to herein, which is on file in the office of the County Recorder for Maricopa County, Arizona;

WHEREAS, the Annexation Area described in **Exhibit A** and depicted on **Exhibit B** includes approximately 4.07 acres of improved property owned by Lawrence G Hancock;

WHEREAS, the subject property is within the Annexation Area having zoning in Maricopa County, as shown in **Exhibit C**, the Mayor and City Council, pursuant to A.R.S. § 9-471(L), shall adopt and apply to this area the City of Surprise zoning districts that permit densities and uses no greater than those permitted by the Maricopa County zoning immediately before annexation;

WHEREAS, the City Council has reviewed the Staff Reports and supporting materials which discuss the proposed annexation to be considered by the Council, and now finds that the annexation of the Annexation Area would be beneficial to Surprise by ensuring that all future development would be controlled by and be consistent with the objectives and policies of the Surprise General Plan 2035, the requirements of the Surprise Land Development Ordinance ("LDO"), all future land development ordinances, and all other applicable City of Surprise codes and regulations; and

WHEREAS, the City Council finds that annexation of the Annexation Area would not require any current expenditures in the City's Capital Improvement Plan ("CIP") because the site has been previously constructed within Maricopa County under Maricopa County's jurisdiction.

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

Section 1. That the Annexation Area described in the attached **Exhibit A** be and the same hereby is annexed to the City of Surprise and that the present corporate limits be and the same hereby are extended and increased to include the Annexation Area described in Exhibit A contiguous to the present City limits.

Section 2. That a copy of this Ordinance, together with an accurate map of the territory hereby annexed as shown in **Exhibit B**, is certified by the Mayor of the City of Surprise shall be recorded in the office of the County Recorder of Maricopa County, Arizona and that a copy of this ordinance shall be provided to the Clerk of the Board of Supervisors of Maricopa County, Arizona.

Section 3. That the property described in **Section 1** of this Ordinance with Maricopa County zoning as shown in **Exhibit C** shall be designated with equivalent City of Surprise zoning as shown in **Exhibit C** upon the effective date of this Ordinance.

Section 4. That the City of Surprise zoning map is herewith amended to reflect the change in districts referred to in **Section 3**, above.

Section 5. This Ordinance shall take effect, and the annexation of the subject property shall become final, thirty days after this Ordinance is adopted.

Section 6. This Ordinance is not of general application throughout the City and therefore is not required to be codified.

Section 7. That the provisions of this Ordinance are not severable, and the entirety of this Ordinance shall become null and void and of no effect in the event any provision is finally determined to be illegal or invalid by a court of competent jurisdiction or if any provision should be invalidated by a referendum vote.

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 OF 162ND DRIVE SELF STORAGE

EXHIBIT "A"
162ND DRIVE SURPRISE STORAGE
ANNEXATION
LEGAL DESCRIPTION

Job No. 23-0035

NOVEMBER 13, 2023

THE NORTH HALF OF THE NORTH HALF OF LOT 3 (NORTHWEST QUARTER OF THE SOUTHWEST QUARTER) OF SECTION 18, TOWNSHIP 4 NORTH, RANGE 1 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA.

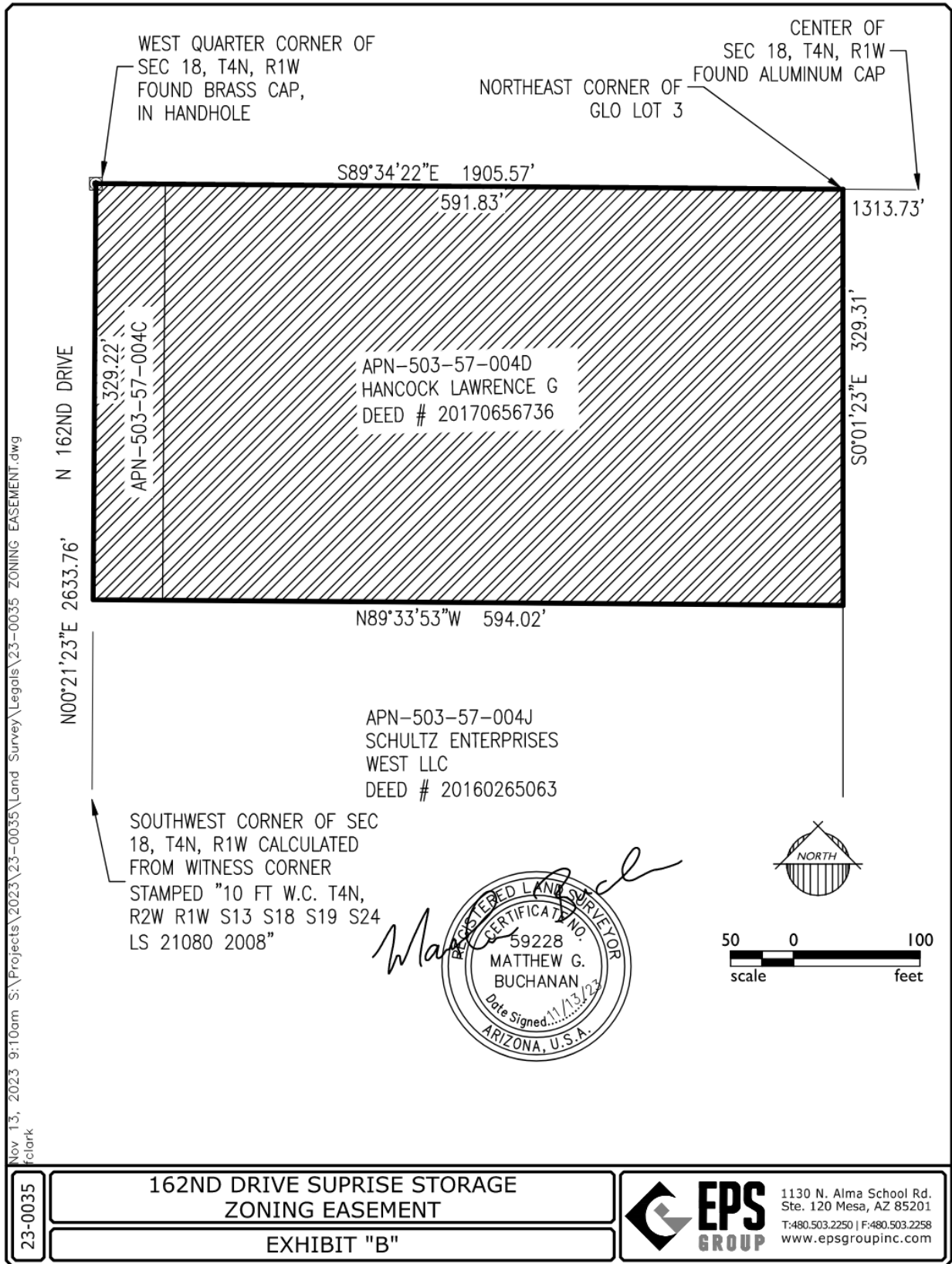
EXCEPT THE WEST 55 FEET THEREOF.

SAID PORTION OF LAND CONTAINING 177,120 SQUARE FEET, OR 4.0661 ACRES, MORE OR LESS, AND BEING SUBJECT TO ANY EASEMENTS, RESTRICTIONS, AND/OR RIGHTS-OF-WAYS OF RECORD OR OTHERWISE.

THIS DESCRIPTION SHOWN HEREON IS NOT TO BE USED TO VIOLATE SUBDIVISION REGULATIONS OF THE STATE, COUNTY AND/OR MUNICIPALITY, OR ANY OTHER LAND DIVISION RESTRICTIONS.



EXHIBIT B
MAP DEPICTION OF 162ND DRIVE SELF STORAGE



Ordinance No. 2024-15
RFLS #9438
Rev 06/23

EXHIBIT C

Zoning Table

APN	Owner	Pre-annexation Maricopa County Zoning	Post-annexation Surprise Zoning
503-57-004D	Paragon Management, Inc.	General Commercial with a Commercial Plan of Development Overlay (C-3 CUPD)	Regional Commercial with PUD Overlay (C-3 w/PUD)

Recording requested by:

City of Surprise
City Clerk's Office
16000 N Civic Center Plaza
Surprise, Arizona 85374

Res202460Annex-7-1-1--
Hoyp

Resolution 2024-60

**Blank Petition for Annexation located South of the
Southeast Corner of 163rd Ave and 162nd Drive
in Maricopa County, Arizona**

RESOLUTION # 2024-60

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA DIRECTING THE RECORDING OF A BLANK PETITION FOR ANNEXATION PURSUANT TO A.R.S. § 9-471 TO INITIATE THE PROCESS OF ANNEXING CERTAIN PROPERTY THAT ADJOINS AND IS CONTIGUOUS TO THE CITY OF SURPRISE CONSISTING OF APPROXIMATELY 4.07 ACRES LOCATED SOUTH OF THE SOUTHEAST CORNER OF 163RD AVENUE AND 162ND DRIVE IN MARICOPA COUNTY, ARIZONA

WHEREAS, it has been proposed that the City of Surprise annex certain property of the north half of the north half of Lot 3 (northwest quarter of the southwest quarter) of Section 18, Township 4 North, Range 1 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, more particularly described in the attached **Exhibit A**;

WHEREAS, the area to be annexed adjoins the exterior boundary of the City of Surprise for at least 300 feet and is otherwise contiguous to the City; and

WHEREAS, A.R.S. § 9-471(A)(1) requires that the City file, in the office of the Maricopa County, Arizona Recorder, a blank petition setting forth the legal description, attached hereto as **Exhibit A**, and an accurate map of the exterior boundaries of the territory proposed to be annexed, attached hereto as **Exhibit B**.

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

Section 1. The City Clerk shall record with the Office of the Maricopa County Recorder a blank annexation petition containing the legal description of the property, attached hereto as **Exhibit A**, and an accurate map of the exterior boundaries of the territory proposed to be annexed, attached hereto as **Exhibit B**. The City Clerk shall also record a sworn affidavit verifying that no part of the territory proposed to be annexed is already subject to an earlier filing for annexation.

Section 2. The City Clerk shall call a public hearing for the purpose of consideration of the proposed annexation, said hearing to be noticed for a date between twenty (20) to thirty (30) days after filing the blank annexation petition, in accordance with A.R.S. § 9-471 (A)(3).

[SIGNATURES TO FOLLOW ON THE NEXT PAGE]

APPROVED AND ADOPTED this 7th day of May, 2024.



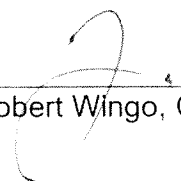
Skip Hall, Mayor

Attest:



Kristi Passarelli, City Clerk

Approved as to form:



Robert Wingo, City Attorney

EXHIBIT "A"
162ND DRIVE SURPRISE STORAGE
ANNEXATION
LEGAL DESCRIPTION

Job No. 23-0035

NOVEMBER 13, 2023

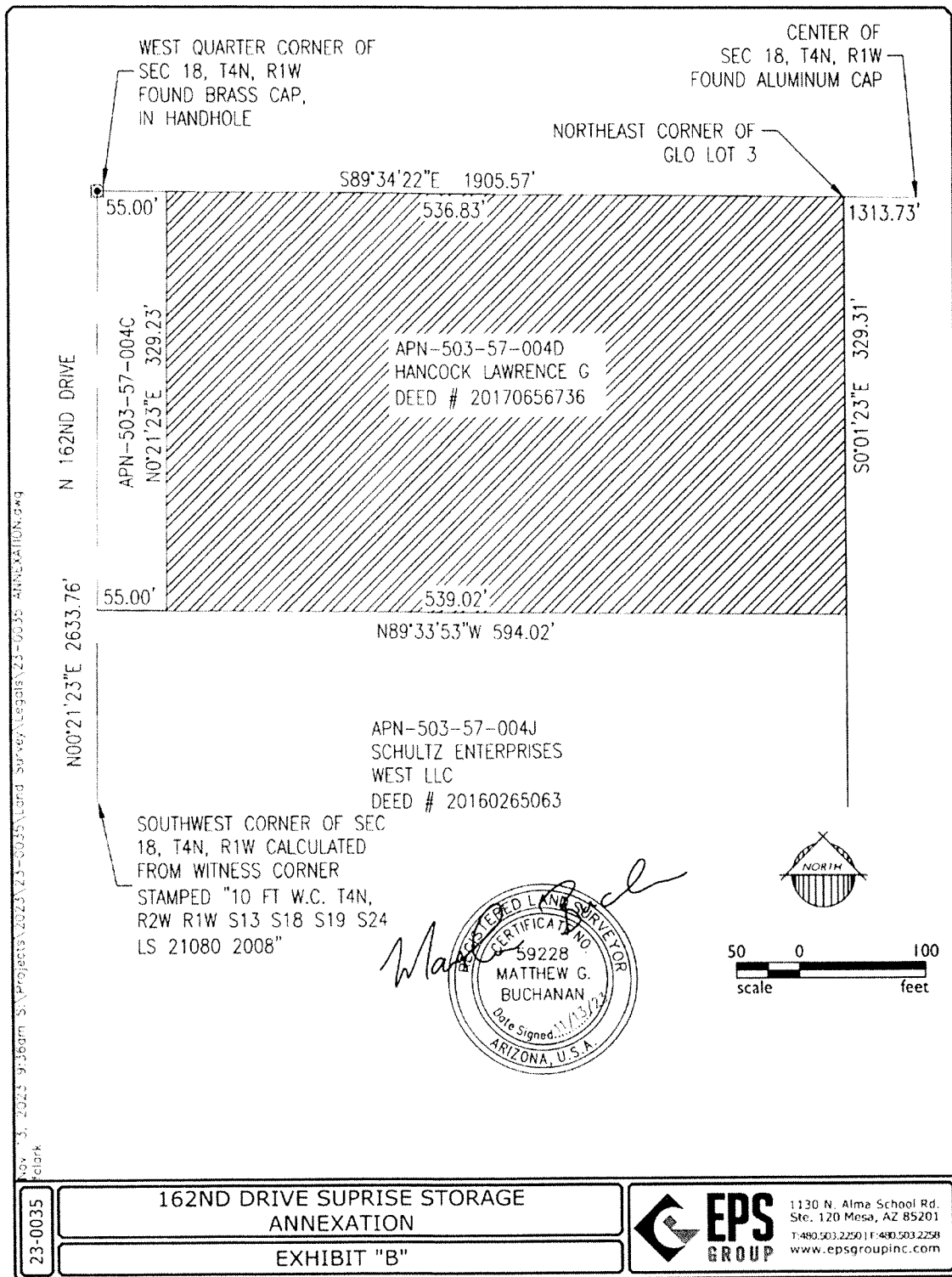
THE NORTH HALF OF THE NORTH HALF OF LOT 3 (NORTHWEST QUARTER OF THE SOUTHWEST QUARTER) OF SECTION 18, TOWNSHIP 4 NORTH, RANGE 1 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA.

EXCEPT THE WEST 55 FEET THEREOF.

SAID PORTION OF LAND CONTAINING 177,120 SQUARE FEET, OR 4.0661 ACRES, MORE OR LESS, AND BEING SUBJECT TO ANY EASEMENTS, RESTRICTIONS, AND/OR RIGHTS-OF-WAYS OF RECORD OR OTHERWISE.

THIS DESCRIPTION SHOWN HEREON IS NOT TO BE USED TO VIOLATE SUBDIVISION REGULATIONS OF THE STATE, COUNTY AND/OR MUNICIPALITY, OR ANY OTHER LAND DIVISION RESTRICTIONS.





ANNEXATION PETITION

TO THE HONORABLE MAYOR AND COUNCIL OF THE CITY OF
SURPRISE, ARIZONA:

We, the undersigned, the owners of one-half or more of the real and personal property that also represents one-half or more of the value of the real and personal property that would be subject to taxation by the City of Surprise in the event of annexation within the territory proposed to be annexed, which is hereafter described, said territory being contiguous to the corporate limits of the City of Surprise, with the exterior boundaries of the territory proposed to be annexed shown on the map attached hereto, marked "Exhibit "B" and made a part hereof, request the City of Surprise to annex the following described territory, provided that the requirements of A.R.S. §9-471, and amendments thereto are fully observed.

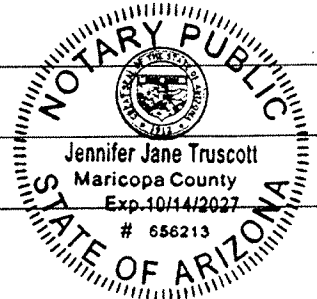
The description of the territory proposed to be annexed as part of the Surprise Case #FS23-0991, not already within the present limits of the City of Surprise and located in Maricopa County, Arizona, is as described and attached hereto, marked Exhibit "A" and made part thereof:

DATE	NAME OF PROPERTY OWNER	MAILING ADDRESS	PHONE NO	PARCEL NUMBER OR LEGAL DESCRIPTION
6/13/24	Lawrence Hancock	17162 W Gambett	TEL 925-250-2895	503-57-004D

[Signature]

Witnessed / signed by me on 7-19-24

[Signature]



AFFIDAVIT REGARDING ANNEXATION

Personally appears before me, Lloyd Abrams, who, first being duly sworn, deposes and says as follows:

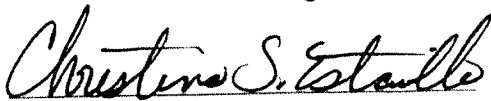
1. I make this affidavit of my own personal knowledge.
2. I am the duly appointed Community Development Director of the City of Surprise, Arizona and I am qualified to make this affidavit on behalf of and for the City.
3. I have made a diligent search of the records of the Office of the Clerk of the City of Surprise and of the Office of the Maricopa County Recorder for any annexation filing which might involve territory sought to be annexed in the City of Surprise Annexation Petition, which is filed herewith, with exhibits, in the Office of the Maricopa County Recorder.
4. I hereby affirm, pursuant to A.R.S. §9-471(A)(6), that no part of the territory associated with **Surprise Case #FS23-0991** for which the attached Annexation Petition is filed is already subject to an earlier filing for annexation.

FURTHER AFFIANT SAYETH NOT.



(Lloyd Abrams, Surprise Community Development Director)

SWORN TO AND SUBSCRIBED before me
this 13th day of May, 2024



Notary Public for the State of Arizona

My commission expires: Feb. 18, 2026



D-1

Citizen Participation Report

162nd Drive Self Storage

S/SEC of 163rd Avenue and 162nd Drive

Annexation (Case No. FS23-0991)

Submitted to:
City of Surprise

June 28, 2024

Parties Affected by Annexation Applications

Individual Neighborhood Meeting Invitations were sent by the City of Surprise in addition to posting an ad in the newspaper. These letters were sent to all property owners within 300' of the approximately 4.48-gross acres generally located at the southeast corner of 163rd Avenue and 162nd Drive. The letters invited the property owners to attend the meeting and included all of the information required by the city to explain the annexation application.

Notification and Information Procedures

We will meet all City noticing requirements for annexing the subject property. These include notice of Public Hearing letters to be sent to surrounding property owners within 300' of the Property and other interested stakeholders. The notification letters will include case information as well as our contact information.

We posted the site on our 162nd Drive frontages with signs informing of the proposed annexation request within the required timeframes. We have worked with City staff on the exact location and number of posted signs. Photographic evidence and the affidavit of posting are provided in **Appendix 1 - 4**.

Response Procedures

We will continue to respond to all input and comments received from parties affected by our application. We will also provide our responses to City Staff for their records. We will follow-up as necessary to ensure proper responses are provided and information is shared regarding the status of the request to interested stakeholders.

Schedule of Completion

November 14, 2023 – Formal Application Submittal and submitted a Citizen Participation Plan to reflect outreach strategies to engage property owners and residents.

January 2, 2024 - Posted notifications on site (3 signs) at least 15 days in advance of the Neighborhood Meetings.

The City of Surprise published notification with local newspapers, press release, City website, and social media and mailed letters to property owners and neighbors at least 15 days in advance of the Neighborhood Meeting.

This Citizen Participation Report includes a list of attendees and an accurate account of the items discussed such as opposition, proposed alternatives solutions (by either neighbors or applicant), responses to proposed solutions, and any mutual agreements reached during the meeting. The Sign-In List is provided in **Appendix 5**.

January 17, 2024 – Held Neighborhood Meeting at the Asante Preparatory Academy at 6:00 PM.

April 2024 – Public Notice: Site Posting, newspaper, website, and mailers between 15-30 days

May 7, 2024 – 1st City Council meeting to present a Resolution of Intent to Annex (FS24-0991)

May 8, 2024 – Began the blank petition with the City Clerk's office and send out letters to the County Board of Supervisors, Board of Revenue and Assessor's Office (Begins the 30-day waiting period)

June 4, 2024 – 2nd City Council meeting for the blank petition (day 27 of 30-day waiting period)

June 2024 – Public Notice: Site Posting, newspaper, website, and mailers between 15-30 days

August 20, 2024 – Public Hearing at City Council to consider Annexation (FS24-0991)

Status Procedure

We will update city staff via email and telephone calls if any important issues come about as we continue our public outreach. If additional public outreach occurs after the submittal of the Public Outreach Plan, we will provide updates to inform city staff and council members.

CITIZEN PARTICIPATION PLAN RESULTS

Details and Techniques Used to Involve the Public

As part of the Public Outreach Process, the Applicant's representatives have not received any inquiries on the request except as found at the Neighborhood Meeting and through returned Canvassing letters.

Summary of Concerns, Issues and Problems & How They will be Addressed

The interactions we had with community members at the 1/17/2024 neighborhood meeting were inquisitive in nature and primarily to discuss and further describe the request. The Neighborhood Meeting Minutes are provided in **Appendix 6**.

APPENDIX

- Appendix 1: 1st Public Notice Sign Posting Photographic Evidence & Affidavit
- Appendix 2: 2nd Public Notice Sign Posting Photographic Evidence & Affidavit
- Appendix 3: 3rd Public Notice Sign Posting Photographic Evidence & Affidavit
- Appendix 4: 4th Public Notice Sign Posting Photographic Evidence & Affidavit
- Appendix 5: Neighborhood Meeting Sign-In Sheet
- Appendix 6: Neighborhood Meeting Minutes

APPENDIX 1

AFFIDAVIT OF POSTING

Application No: FS23-0991

Applicant Name: EPS Group Inc.

Location: 22231 N 162nd Dr. (site next to this address)

Date Site Posted: 01/02/24

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] Jan 2, 2024
Applicant/Representative Signature Date

This instrument was acknowledged before me on 01/02/24, by
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 17, 2024

Time: 6:00 P.M.

Location: Asante Preparatory Academy
Media Center
23251 N 166th Drive
Surprise, AZ 85387

Planning & Zoning

Date: TBD

Time: 6:00 P.M.

Location: Surprise City Hall
Council Chambers
16000 N Civic Center Plaza
Surprise, AZ 85374

City Council

Date: TBD

Time: 6:00 P.M.

Location: Surprise City Hall
Council Chambers
16000 N Civic Center Plaza
Surprise, AZ 85374

Project Case Number: FS23-0991 &
FS23-0992

Project Description: Annexation of 4.07 Acres (AC) and Rezone of 4.48 AC from Regional Commercial (C-3) and Rural Residential (RR) to C-3 with a PUD Overlay.

For more information, call: 623-222-3011 www.Surpriseaz.gov

VICINITY MAP



January 2, 2024 at 10:59:58 AM
N 162nd Dr
Surprise AZ 85387
Page 375 of 634

Notice of Public Hearing

City of Surprise

Neighborhood Meeting

Date: January 17, 2024

Time: 6:00 P.M.

Location: Asante Preparatory Academy
Media Center
23251 N 166th Drive
Surprise, AZ 85387

Planning & Zoning

Date: TBD

Time: 6:00 P.M.

Location: Surprise City Hall
Council Chambers
16000 N Civic Center Plaza
Surprise, AZ 85374

Project Case Number: FS23-0991 &
FS23-0992

City Council

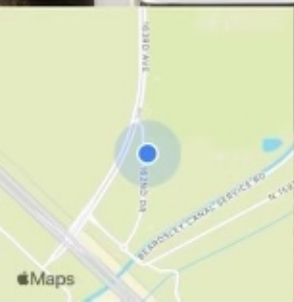
Date: TBD

Time: 6:00 P.M.

Location: Surprise City Hall
Council Chambers
16000 N Civic Center Plaza
Surprise, AZ 85374

Project Description: Annexation of 4.07 Acres (AC) and Rezone of 4.48 AC from Regional Commercial (C-3) and Rural Residential (RR) to C-3 with a PUD Overlay.

For more information, call: 623-222-3011 www.Surpriseaz.gov



January 2, 2024 at 11:00:10 AM
N 162nd Dr
Surprise AZ 85387
Page 376 of 634

Notice of Public Hearing

City of Surprise

Time: 6:00 P.M.

Location: Asante Preparatory Academy
Media Center
23251 N 166th Drive
Surprise, AZ 85387

Planning & Zoning

Date: TBD

Time: 6:00 P.M.

Location: Surprise City Hall
Council Chambers
16000 N Civic Center Plaza
Surprise, AZ 85374

Project Case Number: FS23-0991 &
FS23-0992

City Council

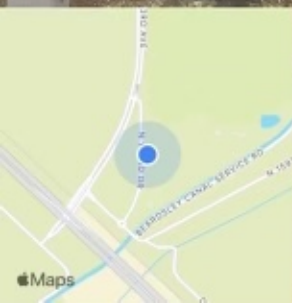
Date: TBD

Time: 6:00 P.M.

Location: Surprise City Hall
Council Chambers
16000 N Civic Center Plaza
Surprise, AZ 85374

Project Description: Annexation of 4.07 Acres (AC) and Rezone of 4.48 AC from Regional Commercial (C-3) and Rural Residential (RR) to C-3 with a PUD Overlay.

For more information, call: 623-222-3011 www.Surpriseaz.gov



January 2, 2024 at 11:05:02 AM
22231 163rd Ave
Surprise AZ 85387

Notice of Public Hearing

City of Surprise

Neighborhood Meeting

Date: January 17, 2024

Time: 6:00 P.M.

Location: Asante Preparatory Academy
Media Center
23251 N 166th Drive
Surprise, AZ 85387

Planning & Zoning

Date: TBD

Time: 6:00 P.M.

Location: Surprise City Hall
Council Chambers
16000 N Civic Center Plaza
Surprise, AZ 85374

City Council

Date: TBD

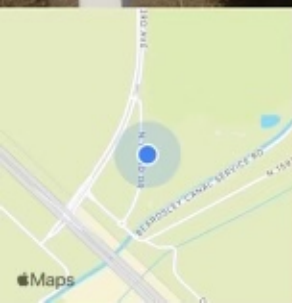
Time: 6:00 P.M.

Location: Surprise City Hall
Council Chambers
16000 N Civic Center Plaza
Surprise, AZ 85374

Project Case Number: FS23-0991 &
FS23-0992

Project Description: Annexation of 4.07 Acres (AC) and Rezone of 4.48 AC from Regional Commercial (C-3) and Rural Residential (RR) to C-3 with a PUD Overlay.

For more information, call: 623-222-3011 www.Surpriseaz.gov



January 2, 2024 at 11:06:30 AM
22231 163rd Ave
Surprise, AZ 85387

Notice of Public Hearing

City of Surprise

Neighborhood Meeting

Date: January 17, 2024

Time: 6:00 P.M.

Location: Asante Preparatory Academy
Media Center
23251 N 166th Drive
Surprise, AZ 85387

Planning & Zoning

Date: TBD

Time: 6:00 P.M.

Location: Surprise City Hall
Council Chambers
16000 N Civic Center Plaza
Surprise, AZ 85374

City Council

Date: TBD

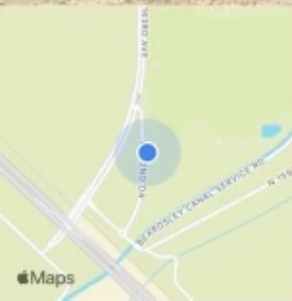
Time: 6:00 P.M.

Location: Surprise City Hall
Council Chambers
16000 N Civic Center Plaza
Surprise, AZ 85374

Project Case Number: FS23-0991 &
FS23-0992

Project Description: Annexation of 4.07 Acres (AC) and Rezone of 4.48 AC from
Regional Commercial (C-3) and Rural Residential (RR) to C-3 with a PUD Overlay.

For more information, call: 623-222-3011 www.Surpriseaz.gov



January 2, 2024 at 11:09:21 AM
22231 163rd Ave
Surprise, AZ 85387

Page 379 of 634

Notice of Public Hearing

City of Surprise

Neighborhood Meeting

Date: January 17, 2024

Time: 6:00 P.M.

Location: Asante Preparatory Academy
Media Center
23251 N 166th Drive
Surprise, AZ 85387

Planning & Zoning

Date: TBD

Time: 6:00 P.M.

Location: Surprise City Hall
Council Chambers
16000 N Civic Center Plaza
Surprise, AZ 85374

City Council

Date: TBD

Time: 6:00 P.M.

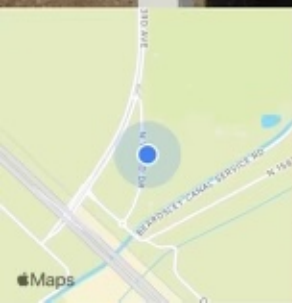
Location: Surprise City Hall
Council Chambers
16000 N Civic Center Plaza
Surprise, AZ 85374

Project Case Number: FS23-0991 &
FS23-0992

Project Description: Annexation of 4.07 Acres (AC) and Rezone of 4.48 AC from Regional Commercial (C-3) and Rural Residential (RR) to C-3 with a PUD Overlay.

For more information, call: 623-222-3011 www.Surpriseaz.gov

VICINITY MAP



January 2, 2024 at 11:07:57 AM
N 162nd Dr
Surprise AZ 85387

APPENDIX 2

AFFIDAVIT OF POSTING

Application No: FS23-0991 & FS23-0992

Applicant Name: EPS Group Inc.

Location: 22231 N 162nd Dr. (site next to this address)

Date Site Posted: 04/02/24

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.

Patrick Anspaugh _____ Date 4/2/24
Applicant/Representative Signature

This instrument was acknowledged before me on 04/02/24, by Patrick Anspaugh. I witness whereof I hereunto set my hand and official seal.



Jesse Simpson
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

City Council (FS23-0991) (Introduction)

Date: May 7, 2024

Time: 6:00 P.M.

Location: Surprise City Hall
Council Chambers
16000 Civic Center Plaza
Surprise, AZ 85374

Planning & Zoning (FS23-0992)

Date: May 16, 2024

Time: 6:00 P.M.

Location: Surprise City Hall
Council Chambers
16000 Civic Center Plaza
Surprise, AZ 85374

City Council (FS23-0991) (Blank Petition)

Date: June 4, 2024

Time: 6:00 P.M.

Location: Surprise City Hall
Council Chambers
16000 Civic Center Plaza
Surprise, AZ 85374

City Council (FS23-0991/FS23-0992) (Approval/Denial)

Date: June 18, 2024

Time: 6:00 P.M.

Location: Surprise City Hall
Council Chambers
16000 Civic Center Plaza
Surprise, AZ 85374

Project Case Numbers: FS23-0991 (Annexation) &
FS23-0992 (Rezone)

Project Description: Annexation of 4.07 Acres (AC) and Rezone of 4.48 AC from
Regional Commercial (C-3) and Rural Residential (RR) to C-3 with a PUD Overlay.

For more information, call: 623-222-3011 www.Surpriseaz.gov

VICINITY MAP



Apr 3, 2024 at 7:08:53 AM
N 162nd Dr
Surprise AZ 85387
United States

Notice of Public Hearing

City of Surprise

City Council

City Council (FS23-0991)
(Introduction)

Date: May 7, 2024

Time: 6:00 P.M.

Location: Surprise City Hall
Council Chambers
16000 Civic Center Plaza
Surprise, AZ 85374

**Planning & Zoning
(FS23-0992)**

Date: May 16, 2024

Time: 6:00 P.M.

Location: Surprise City Hall
Council Chambers
16000 Civic Center Plaza
Surprise, AZ 85374

City Council (FS23-0991)
(Blank Petition)

Date: June 4, 2024Time: 6:00 P.M.

Location: Surprise City Hall
Council Chambers
16000 Civic Center Plaza
Surprise, AZ 85374

City Council
(FS23-0991/FS23-0992)
(Approval/Denial)

Date: June 18, 2024Time: 6:00 P.M.

Location: Surprise City Hall
Council Chambers
16000 Civic Center Plaza
Surprise, AZ 85374

Project Case Numbers: FS23-0991 (Annexation) & FS23-0992 (Rezone)

Project Description: Annexation of 4.07 Acres (AC) and Rezone of 4.48 AC from Regional Commercial (C-3) and Rural Residential (RR) to C-3 with a PUD Overlay.

For more information, call: 623-222-3011 www.Surpriseaz.gov



Apr 3, 2024 at 7:09:08 AM
N 162nd Dr
Surprise AZ 85387
United States
Page 384 of 637

Notice of Public Hearing

City of Surprise

City Council (FS23-0991) (Introduction)

Date: May 7, 2024

Time: 6:00 P.M.

Location: Surprise City Hall
Council Chambers
16000 Civic Center Plaza
Surprise, AZ 85374

Planning & Zoning (FS23-0992)

Date: May 16, 2024

Time: 6:00 P.M.

Location: Surprise City Hall
Council Chambers
16000 Civic Center Plaza
Surprise, AZ 85374

City Council (FS23-0991) (Blank Petition)

Date: June 4, 2024

Time: 6:00 P.M.

Location: Surprise City Hall
Council Chambers
16000 Civic Center Plaza
Surprise, AZ 85374

City Council (FS23-0991/FS23-0992) (Approval/Denial)

Date: June 18, 2024

Time: 6:00 P.M.

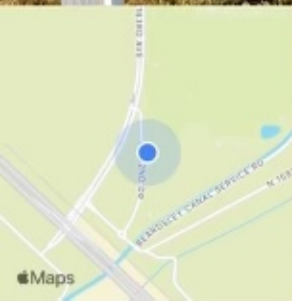
Location: Surprise City Hall
Council Chambers
16000 Civic Center Plaza
Surprise, AZ 85374

Project Case Numbers: FS23-0991 (Annexation) &
FS23-0992 (Rezone)

Project Description: Annexation of 4.07 Acres (AC) and Rezone of 4.48 AC from
Regional Commercial (C-3) and Rural Residential (RR) to C-3 with a PUD Overlay.

For more information, call: 623-222-3011 www.Surpriseaz.gov

VICINITY MAP



Apr 3, 2024 at 7:15:37 AM
N 162nd Dr
Surprise, AZ 85387
United States

Notice of Public Hearing

City of Surprise

City Council (FS23-0991) (Introduction)

Date: May 7, 2024

Time: 6:00 P.M.

Location: Surprise City Hall
Council Chambers
16000 Civic Center Plaza
Surprise, AZ 85374

Planning & Zoning (FS23-0992)

Date: May 16, 2024

Time: 6:00 P.M.

Location: Surprise City Hall
Council Chambers
16000 Civic Center Plaza
Surprise, AZ 85374

City Council (FS23-0991) (Blank Petition)

Date: June 4, 2024

Time: 6:00 P.M.

Location: Surprise City Hall
Council Chambers
16000 Civic Center Plaza
Surprise, AZ 85374

City Council (FS23-0991/FS23-0992) (Approval/Denial)

Date: June 18, 2024

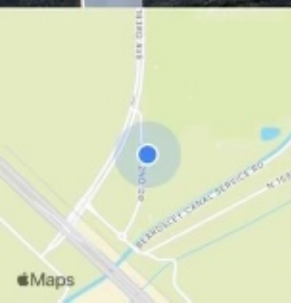
Time: 6:00 P.M.

Location: Surprise City Hall
Council Chambers
16000 Civic Center Plaza
Surprise, AZ 85374

Project Case Numbers: FS23-0991 (Annexation) &
FS23-0992 (Rezone)

Project Description: Annexation of 4.07 Acres (AC) and Rezone of 4.48 AC from
Regional Commercial (C-3) and Rural Residential (RR) to C-3 with a PUD Overlay.

For more information, call: 623-222-3011 www.Surpriseaz.gov



Apr 3, 2024 at 7:15:58 AM
N 162nd Dr
Surprise AZ 85387
United States

Notice of Public Hearing

City of Surprise

City Council (FS23-0991) (Introduction)

Date: May 7, 2024

Time: 6:00 P.M.

Location: Surprise City Hall
Council Chambers
16000 Civic Center Plaza
Surprise, AZ 85374

Planning & Zoning (FS23-0992)

Date: May 16, 2024

Time: 6:00 P.M.

Location: Surprise City Hall
Council Chambers
16000 Civic Center Plaza
Surprise, AZ 85374

City Council (FS23-0991) (Blank Petition)

Date: June 4, 2024

Time: 6:00 P.M.

Location: Surprise City Hall
Council Chambers
16000 Civic Center Plaza
Surprise, AZ 85374

City Council (FS23-0991/FS23-0992) (Approval/Denial)

Date: June 18, 2024

Time: 6:00 P.M.

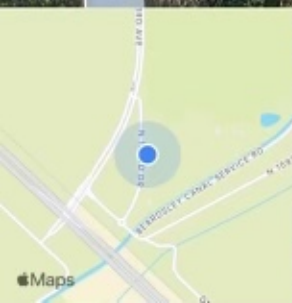
Location: Surprise City Hall
Council Chambers
16000 Civic Center Plaza
Surprise, AZ 85374

Project Case Numbers: FS23-0991 (Annexation) &
FS23-0992 (Rezone)

Project Description: Annexation of 4.07 Acres (AC) and Rezone of 4.48 AC from
Regional Commercial (C-3) and Rural Residential (RR) to C-3 with a PUD Overlay.

For more information, call: 623-222-3011 www.Surpriseaz.gov

VICINITY MAP



Apr 3, 2024 at 7:20:59 AM
22231 163rd Ave
Surprise AZ 85387
United States

Notice of Public Hearing

City of Surprise

City Council (FS23-0991) (Introduction)

Date: May 7, 2024

Time: 6:00 P.M.

Location: Surprise City Hall
Council Chambers
16000 Civic Center Plaza
Surprise, AZ 85374

Planning & Zoning (FS23-0992)

Date: May 16, 2024

Time: 6:00 P.M.

Location: Surprise City Hall
Council Chambers
16000 Civic Center Plaza
Surprise, AZ 85374

City Council (FS23-0991) (Blank Petition)

Date: June 4, 2024

Time: 6:00 P.M.

Location: Surprise City Hall
Council Chambers
16000 Civic Center Plaza
Surprise, AZ 85374

City Council (FS23-0991/FS23-0992) (Approval/Denial)

Date: June 18, 2024

Time: 6:00 P.M.

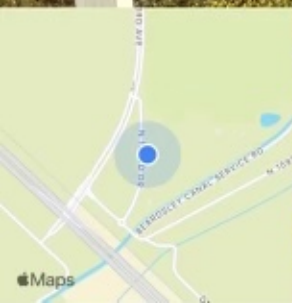
Location: Surprise City Hall
Council Chambers
16000 Civic Center Plaza
Surprise, AZ 85374

Project Case Numbers: FS23-0991 (Annexation) &
FS23-0992 (Rezone)

Project Description: Annexation of 4.07 Acres (AC) and Rezone of 4.48 AC from
Regional Commercial (C-3) and Rural Residential (RR) to C-3 with a PUD Overlay.

For more information, call: 623-222-3011 www.Surpriseaz.gov

VICINITY MAP



Apr 3, 2024 at 7:20:46 AM
22231 163rd Ave
Surprise AZ 85387
United States

APPENDIX 3

AFFIDAVIT OF POSTING

Application No: FS23-0991 & FS23-0992

Applicant Name: EPS Group Inc.

Location: 22231 N 162nd Dr. (site next to this address)

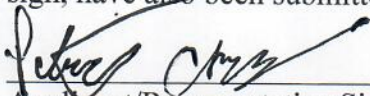
Date Site Posted: 05/03/24

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.

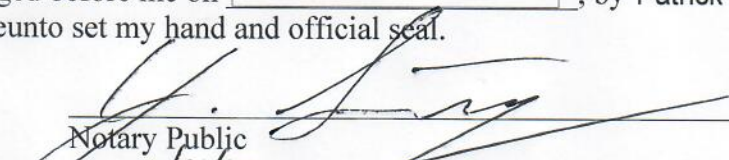
It shall also be the *responsibility of the applicant* to remove the signs within one week after the final disposition of the case.

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.

 5-3-27
Applicant/Representative Signature Date

This instrument was acknowledged before me on 05/03/24, by Patrick Anspaugh. I witness whereof I hereunto set my hand and official seal.




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

City Council (FS23-0991) (Introduction)

Date: May 7, 2024

Time: 6:00 P.M.

Location: Surprise City Hall
Council Chambers
16000 Civic Center Plaza
Surprise, AZ 85374

Planning & Zoning (FS23-0992)

Date: June 6, 2024

Time: 6:00 P.M.

Location: Surprise City Hall
Council Chambers
16000 Civic Center Plaza
Surprise, AZ 85374

City Council (FS23-0991) (Blank Petition)

Date: June 4, 2024

Time: 6:00 P.M.

Location: Surprise City Hall
Council Chambers
16000 Civic Center Plaza
Surprise, AZ 85374

City Council (FS23-0991/FS23-0992) (Approval/Denial)

Date: June 18, 2024

Time: 6:00 P.M.

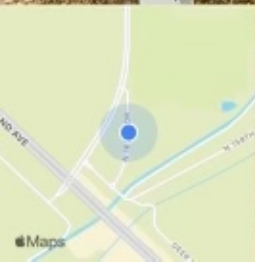
Location: Surprise City Hall
Council Chambers
16000 Civic Center Plaza
Surprise, AZ 85374

Project Case Numbers: FS23-0991 (Annexation) &
FS23-0992 (Rezone)

Project Description: Annexation of 4.07 Acres (AC) and Rezone of 4.48 AC from
Regional Commercial (C-3) and Rural Residential (RR) to C-3 with a PUD Overlay.

For more information, call: 623-222-3011 www.Surpriseaz.gov

VICINITY MAP



May 3, 2024 at 11:27 AM

22231 16000 Ave

Page 391 of 634
Surprise AZ 85387

Notice of Public Hearing

City of Surprise

City Council (FS23-0991) (Introduction)

Date: May 7, 2024

Time: 6:00 P.M.

Location: Surprise City Hall
Council Chambers
16000 Civic Center Plaza
Surprise, AZ 85374

Planning & Zoning (FS23-0992)

Date: June 6, 2024

Time: 6:00 P.M.

Location: Surprise City Hall
Council Chambers
16000 Civic Center Plaza
Surprise, AZ 85374

City Council (FS23-0991) (Blank Petition)

Date: June 4, 2024

Time: 6:00 P.M.

Location: Surprise City Hall
Council Chambers
16000 Civic Center Plaza
Surprise, AZ 85374

City Council (FS23-0991/FS23-0992) (Approval/Denial)

Date: June 18, 2024

Time: 6:00 P.M.

Location: Surprise City Hall
Council Chambers
16000 Civic Center Plaza
Surprise, AZ 85374

Project Case Numbers: FS23-0991 (Annexation) &
FS23-0992 (Rezone)

Project Description: Annexation of 4.07 Acres (AC) and Rezone of 4.48 AC from
Regional Commercial (C-3) and Rural Residential (RR) to C-3 with a PUD Overlay.

For more information, call: 623-222-3011 www.Surpriseaz.gov

VICINITY MAP



May 3, 2024 at 11:27 AM

2223-1163rd Ave
Surprise AZ 85387

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Notice of Public Hearing

City of Surprise

City Council (FS23-0991) (Introduction)

Date: May 7, 2024

Time: 6:00 P.M.

Location: Surprise City Hall
Council Chambers
16000 Civic Center Plaza
Surprise, AZ 85374

Planning & Zoning (FS23-0992)

Date: June 6, 2024

Time: 6:00 P.M.

Location: Surprise City Hall
Council Chambers
16000 Civic Center Plaza
Surprise, AZ 85374

City Council (FS23-0991) (Blank Petition)

Date: June 4, 2024

Time: 6:00 P.M.

Location: Surprise City Hall
Council Chambers
16000 Civic Center Plaza
Surprise, AZ 85374

City Council (FS23-0991/FS23-0992) (Approval/Denial)

Date: June 18, 2024

Time: 6:00 P.M.

Location: Surprise City Hall
Council Chambers
16000 Civic Center Plaza
Surprise, AZ 85374

Project Case Numbers: FS23-0991 (Annexation) &
FS23-0992 (Rezone)

Project Description: Annexation of 4.07 Acres (AC) and Rezone of 4.48 AC from
Regional Commercial (C-3) and Rural Residential (RR) to C-3 with a PUD Overlay.

For more information, call: 623-222-3011 www.Surpriseaz.gov

VICINITY MAP



May 3, 2024 at 11:30 AM

N 162nd Dr
Surprise AZ 85387

Page 393 of 634

Notice of Public Hearing

City of Surprise

City Council (FS23-0991) (Introduction)

Date: May 7, 2024

Time: 6:00 P.M.

Location: Surprise City Hall
Council Chambers
16000 Civic Center Plaza
Surprise, AZ 85374

Planning & Zoning (FS23-0992)

Date: June 6, 2024

Time: 6:00 P.M.

Location: Surprise City Hall
Council Chambers
16000 Civic Center Plaza
Surprise, AZ 85374

City Council (FS23-0991) (Blank Petition)

Date: June 4, 2024

Time: 6:00 P.M.

Location: Surprise City Hall
Council Chambers
16000 Civic Center Plaza
Surprise, AZ 85374

City Council (FS23-0991/FS23-0992) (Approval/Denial)

Date: June 18, 2024

Time: 6:00 P.M.

Location: Surprise City Hall
Council Chambers
16000 Civic Center Plaza
Surprise, AZ 85374

Project Case Numbers: FS23-0991 (Annexation) &
FS23-0992 (Rezone)

Project Description: Annexation of 4.07 Acres (AC) and Rezone of 4.48 AC from
Regional Commercial (C-3) and Rural Residential (RR) to C-3 with a PUD Overlay.

For more information, call: 623-222-3011 www.Surpriseaz.gov

VICINITY MAP



May 3, 2024 at 11:30 AM

N 162nd Dr

Page 394 of 600

Surprise AZ 85387

Notice of Public Hearing

City of Surprise

City Council (FS23-0991) (Introduction)

Date: May 7, 2024

Time: 6:00 P.M.

Location: Surprise City Hall
Council Chambers
16000 Civic Center Plaza
Surprise, AZ 85374

Planning & Zoning (FS23-0992)

Date: June 6, 2024

Time: 6:00 P.M.

Location: Surprise City Hall
Council Chambers
16000 Civic Center Plaza
Surprise, AZ 85374

City Council (FS23-0991) (Blank Petition)

Date: June 4, 2024

Time: 6:00 P.M.

Location: Surprise City Hall
Council Chambers
16000 Civic Center Plaza
Surprise, AZ 85374

City Council (FS23-0991/FS23-0992) (Approval/Denial)

Date: June 18, 2024

Time: 6:00 P.M.

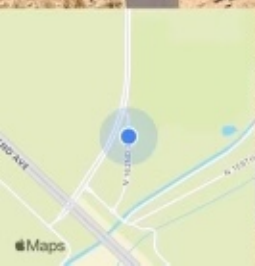
Location: Surprise City Hall
Council Chambers
16000 Civic Center Plaza
Surprise, AZ 85374

Project Case Numbers: FS23-0991 (Annexation) &
FS23-0992 (Rezone)

Project Description: Annexation of 4.07 Acres (AC) and Rezone of 4.48 AC from
Regional Commercial (C-3) and Rural Residential (RR) to C-3 with a PUD Overlay.

For more information, call: 623-222-3011 www.Surpriseaz.gov

VICINITY MAP



May 3, 2024 at 11:33 AM
N 162nd Dr
Surprise AZ 85387

Notice of Public Hearing

City of Surprise City Council

City Council (FS23-0991)
(Introduction)

Date: May 7, 2024

Time: 6:00 P.M.

Location: Surprise City Hall
Council Chambers
16000 Civic Center Plaza
Surprise, AZ 85374

Planning & Zoning
(FS23-0992)

Date: June 6, 2024

Time: 6:00 P.M.

Location: Surprise City Hall
Council Chambers
16000 Civic Center Plaza
Surprise, AZ 85374

City Council (FS23-0991)
(Blank Petition)

Date: June 4, 2024

Time: 6:00 P.M.

Location: Surprise City Hall
Council Chambers
16000 Civic Center Plaza
Surprise, AZ 85374

City Council
(FS23-0991/FS23-0992)
(Approval/Denial)

Date: June 18, 2024

Time: 6:00 P.M.

Location: Surprise City Hall
Council Chambers
16000 Civic Center Plaza
Surprise, AZ 85374

Project Case Numbers: FS23-0991 (Annexation) & FS23-0992 (Rezone)

Project Description: Annexation of 4.07 Acres (AC) and Rezone of 4.48 AC from Regional Commercial (C-3) and Rural Residential (RR) to C-3 with a PUD Overlay.

For more information, call: 623-222-3011 www.Surpriseaz.gov



May 3, 2024 at 11:32 AM

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APPENDIX 4

AFFIDAVIT OF POSTING

Application No: FS23-0991 & FS23-0992

Applicant Name: EPS Group Inc.

Location: 22231 N 162nd Dr. (site next to this address)

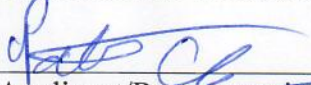
Date Site Posted: 06/20/24

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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.

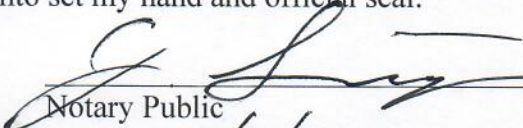
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I confirm that the site has been posted as required above, for the case noted above. A picture of the site posting, and photos of any subsequent changes/updates made to the sign, have also been submitted.

 06-20-24
Applicant/Representative Signature Date

This instrument was acknowledged before me on 06/20/24, by Patrick Anspaugh. I witness whereof I hereunto set my hand and official seal.




Notary Public 5/21/27
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

City Council (FS23-0991) (Introduction)

Date: May 7, 2024

Time: 6:00 P.M.

Location: Surprise City Hall
Council Chambers
16000 Civic Center Plaza
Surprise, AZ 85374

Planning & Zoning (FS23-0992)

Date: August 1, 2024

Time: 6:00 P.M.

Location: Surprise City Hall
Council Chambers
16000 Civic Center Plaza
Surprise, AZ 85374

City Council (FS23-0991) (Blank Petition)

Date: June 4, 2024

Time: 6:00 P.M.

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For more information, call: 623-222-3011 www.Surpriseaz.gov



June 20, 2024 at 7:09 AM

+32.689407,-112.409170

N 162nd Dr

Surprise, AZ 85387

United States

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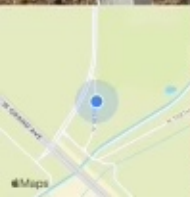
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VICINITY MAP



June 20, 2024 at 7:14 AM

+33 659088 112 409232

N 162nd Dr

Surprise, AZ 85374

United States



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June 20, 2024 at 7:19 AM

+33 688672,-112.409135

22231 163rd Ave

Page 403 of 634

United States



Notice of Public Hearing

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June 20, 2024 at 7:19 AM

+33.688672 -112.409135

22231 163rd Ave

Surprise, AZ 85387

United States



APPENDIX 5



Sign-In Sheet Neighborhood Meeting

Please provide all information so that we can provide you with future updates and notifications of meetings and/or hearing.

Name	Karen Cote	Phone	[REDACTED]
Address	[REDACTED]		
Email			
Name	Larry Harrock	Phone	
Address	[REDACTED]		
Email			
Name	Maureen Chapman +	Phone	[REDACTED]
Address	[REDACTED]		
Email	[REDACTED]		
Name	Please e-mail us the	Phone	continued
Address	Sketches. Thanks!! & continued	SUCCESS!	
Email			
Name		Phone	
Address			
Email			
Name		Phone	
Address			
Email			
Name		Phone	
Address			
Email			
Name		Phone	
Address			
Email			

APPENDIX 6

Meeting Minutes

Project Name: 1652nd Drive Self Storage
Project No.: 23-0035

Date: January 17, 2024

Meeting Location: Asante Prep Academy and Online – GoToMeeting
Meeting Date: January 17, 2024
Meeting Time: 6:00 – 7:00 PM

Development Team Attendees:

Jeff Blilie	Beus Gilbert Mcgroder, PLLC	jblilie@gilbertblilie.com
David Hughes	EPS Group	david.hughes@epsgroupinc.com

Public Attendees:

See attached attendance list.

Meeting Summary:

A neighborhood meeting was held at the above listed date, time and place to discuss a proposed annexation and Rezone request for future self-storage facility, located south of the southeast corner of 163rd Avenue and 162nd Drive, within the proposed annexation boundary of the City of Surprise. Jeff Blilie, along with EPS Group, hosted the meeting and gave a presentation. Following the presentation, a Question & Answer Session was in held in which members of the public were able to ask questions and give comments, to which the Development Team responded to. The public's comments and concerns are described below.

Questions Asked:

- Is the developer paying for the street improvements for 163rd Avenue.
 - The City will be improving 163rd Avenue now & the surrounding developers will pay at a later time.
- How many storage units are proposed for this facility?
 - There will be about 700 units.
- How large will the units be?
 - They will be various sizes, some will be the traditional roll-up units and some will be indoor/climate controlled units.

Meeting Minutes

Project Name: 1652nd Drive Self Storage

Date: January 17, 2024

Project No.: 23-0035

- Will there be a resident manager?
 - There will be 24 hour on site security.
- What is the timeline?
 - An estimate of around 1 to 2 years. We will need to finish the rezone and annexation applications, then proceed into site plan and permitting reviews. Also, the new improvements to 163rd Avenue will need to be constructed first.
- Is there vehicular access into the buildings?
 - No, tenants will need to park, then enter the buildings.

Conclusion:

The meeting was adjourned around 7:00 PM when no other questions or comments were requested.

The above is the author's recollection of items discussed and the decisions reached. If there are any corrections or additions to be made, please contact the author. These meeting notes shall become part of the project file.

AFFIDAVIT OF POSTING

Application No: FS23-0991 & FS23-0992

Applicant Name: EPS Group Inc.

Location: 22231 N 162nd Dr. (site next to this address)

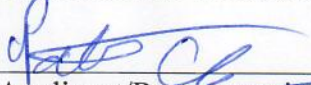
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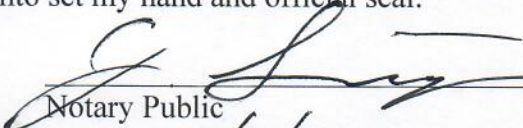
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 06-20-24
Applicant/Representative Signature Date

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Notary Public 5/21/27
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).*

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(Introduction)

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Council Chambers
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Planning & Zoning
(FS23-0992)

Date: August 1, 2024

Time: 6:00 P.M.

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City Council (FS23-0991)
(Blank Petition)

Date: June 4, 2024

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For more information, call: 623-222-3011 www.Surpriseaz.gov



June 20, 2024 at 7:09 AM

+31 689407-112.409170

N 162nd Dr

Page 411 of 634

United States

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VELOCITY MAP



P.T.S.



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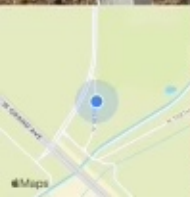
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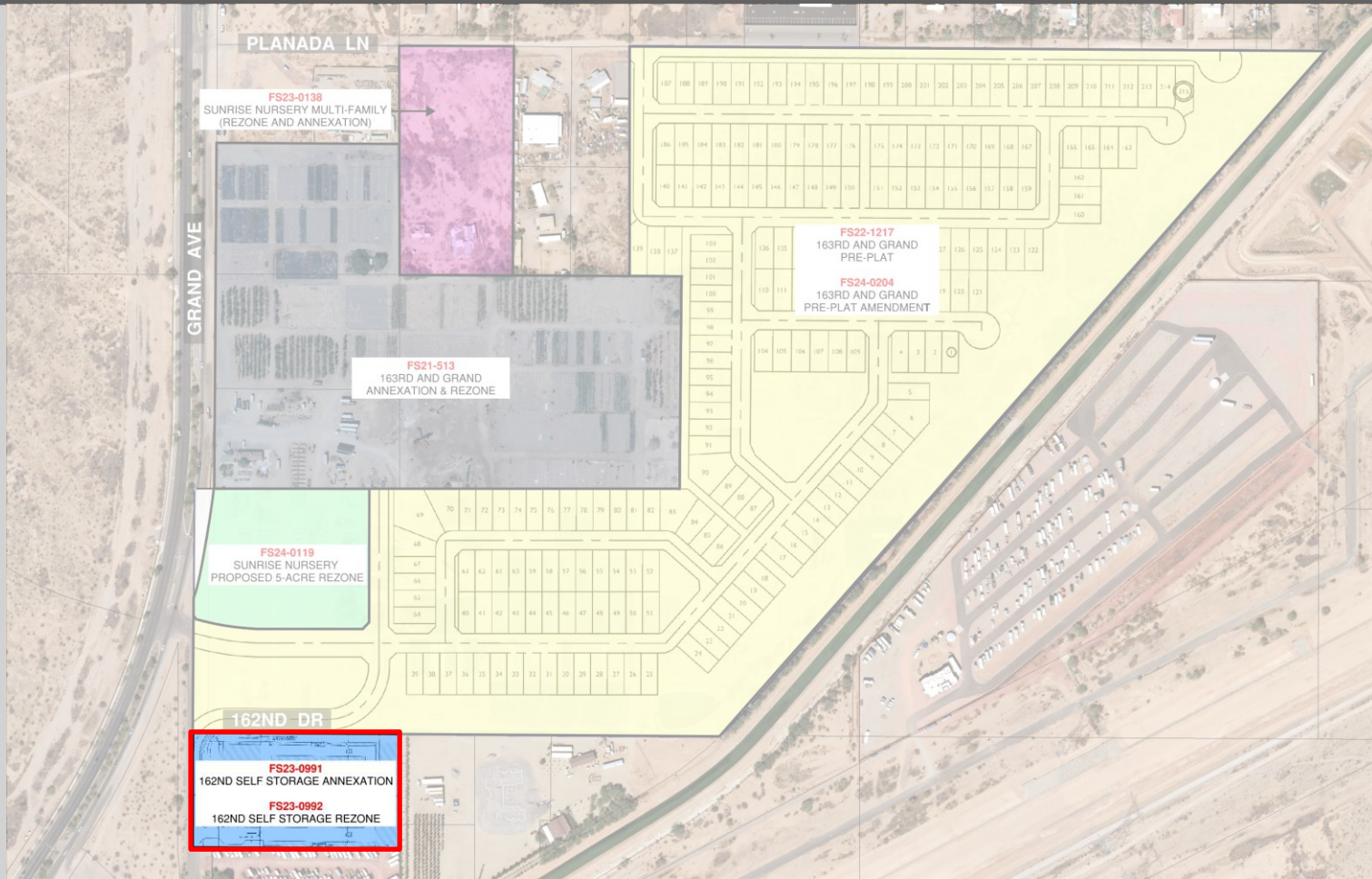


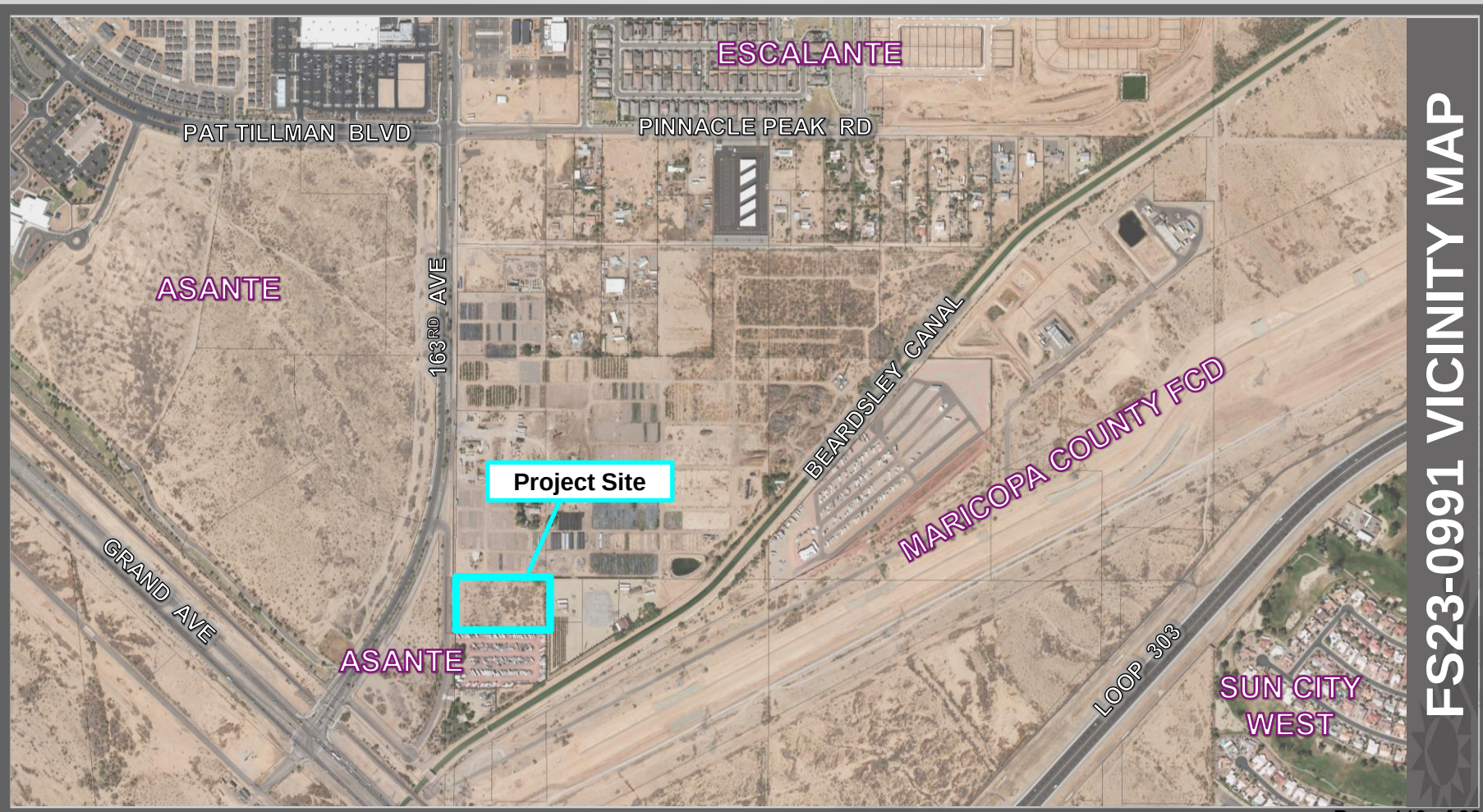


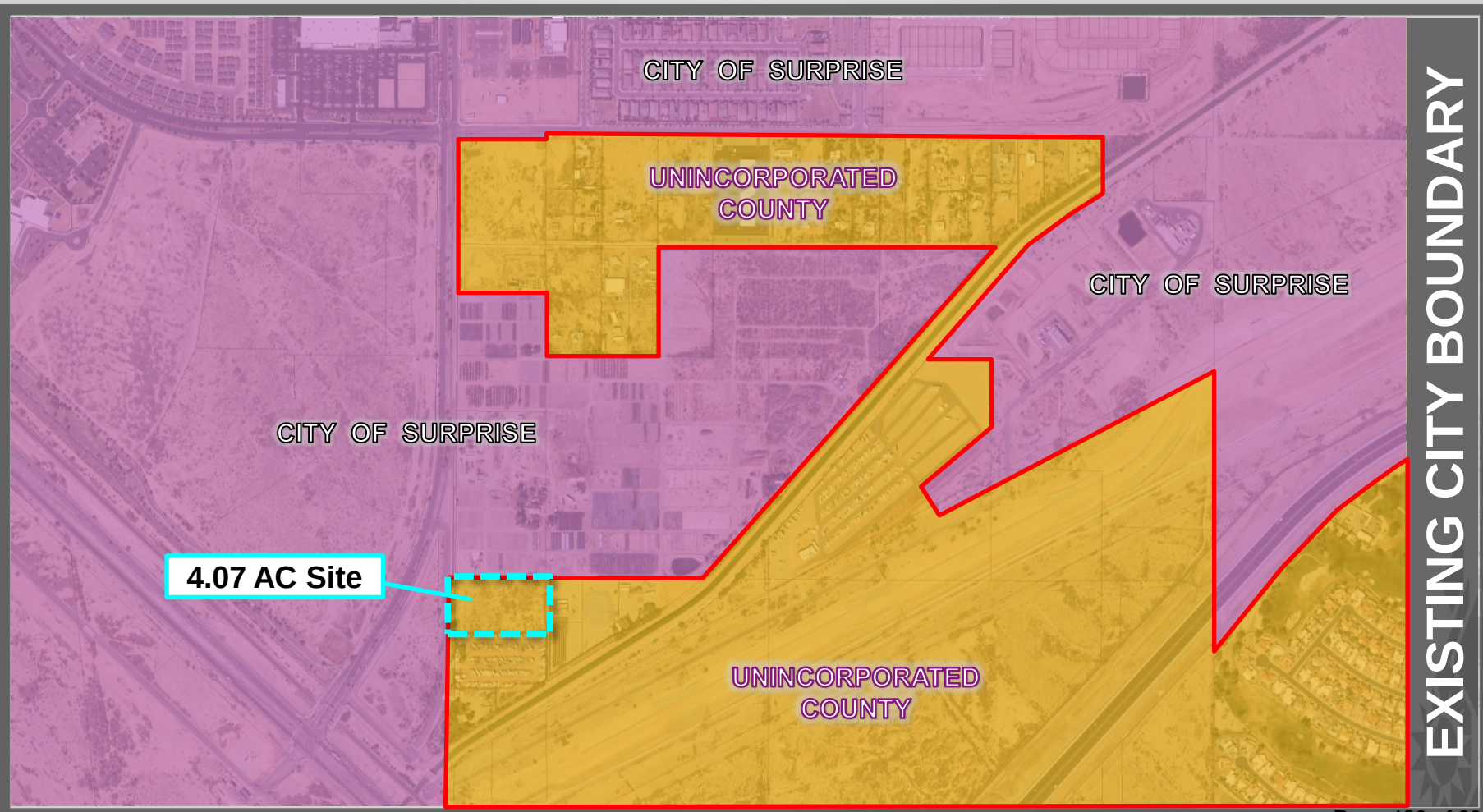
FS23-0991
162nd Drive Self Storage
Annexation

City Council
August 20, 2024

AREA DEVELOPMENT MAP







CITY OF SURPRISE

UNINCORPORATED
COUNTY

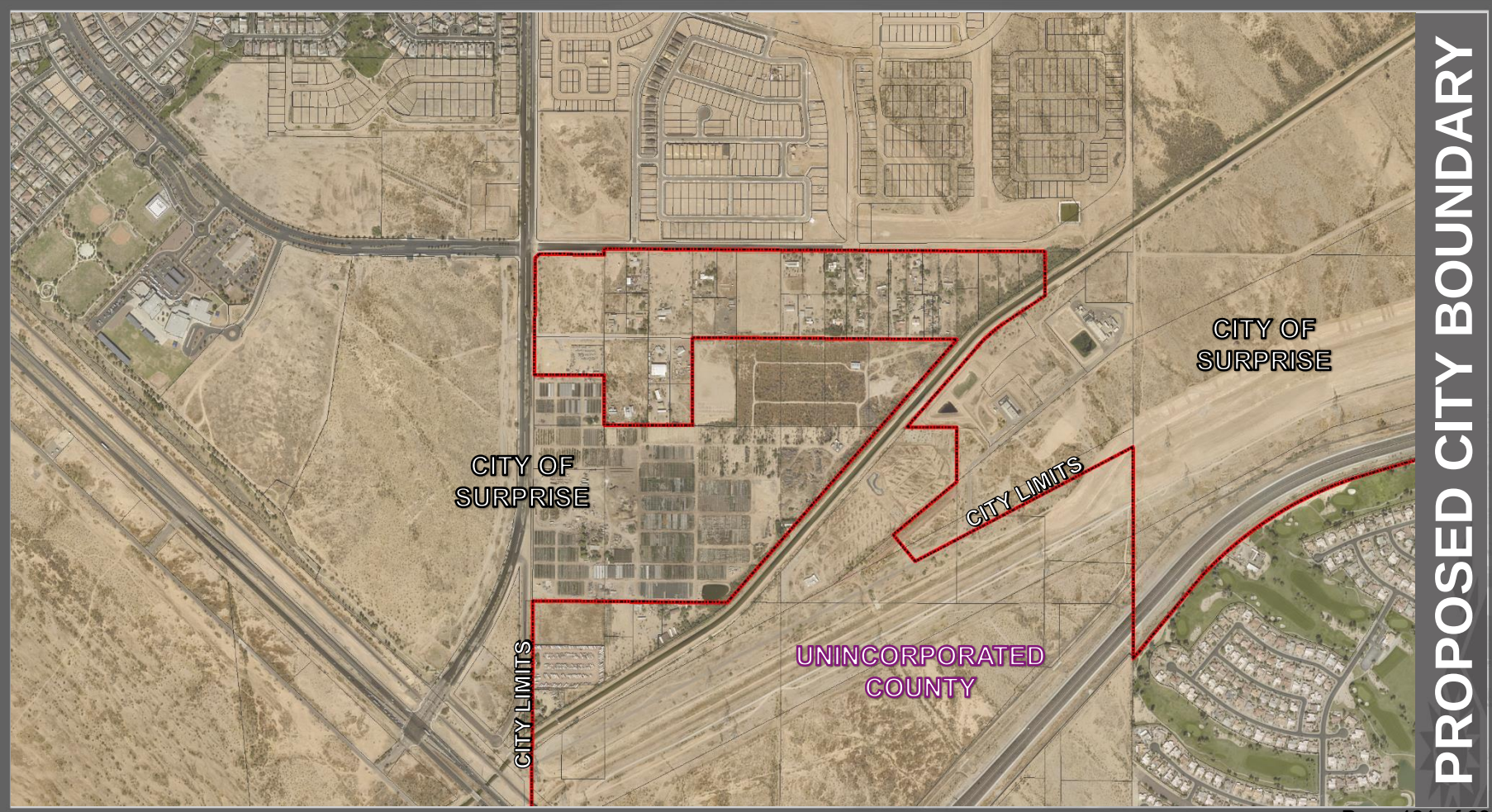
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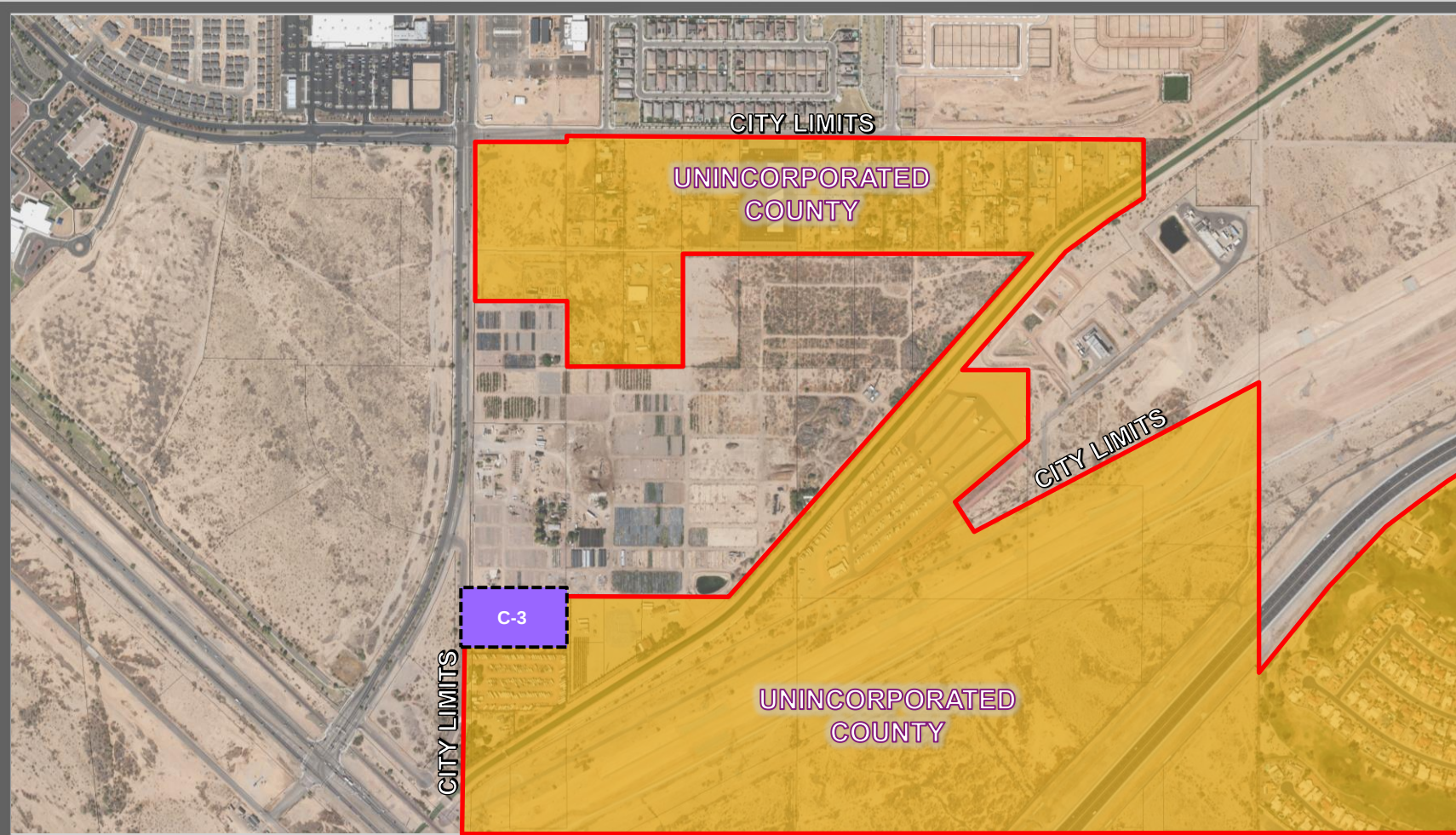
4.07 AC Site

UNINCORPORATED
COUNTY

EXISTING CITY BOUNDARY



PROPOSED CITY BOUNDARY



POST ANNEXATION ZONING

Annexation Steps

Resolution for the Intent to Annex:

- Approve Resolution for Blank Petition
- City Council meeting – May 7, 2024

File Blank Petition:

- Begins 30-day waiting period
- Reach out to County Assessor and Dept of Revenue
- May 14, 2024 – petition filed

Public Hearing (Discussion Only):

- City council holds public hearing to discuss the annexation

Obtain Property Owner Signature:

Public Hearing to approve/deny annexation  **Tonight**

Concurrent Cases

Planning and Zoning Commission and City Council

➤ **FS23-0992 Rezone**

✓ Rezoning: RR to C-3



SURPRISE
ARIZONA

QUESTIONS OR COMMENTS?

Thank You



CITY OF SURPRISE Regular City Council Meeting

Council Meeting Date: August 20, 2024

Contact Person: Lloyd Abrams, Director -
Community Development

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 Zone Change of 0.41 acres from Rural Residential (RR) to Regional Commercial (C-3), on one (1) undeveloped parcel, located south of the southeast corner of 163rd Avenue and 162nd Drive; Ordinance #2024-13.

Motion:

I move to [approve/deny] Ordinance #2024-13.

Background:

David Hughes with EPS Group, Inc., the applicant, on behalf of Lawrence Hancock with Adams Property Group, the owner, requests a Rezone of approximately 0.41 acres on one (1) undeveloped parcel from Rural Residential (RR) to Regional Commercial (C-3), generally located south of the southeast corner of 163rd Avenue and 162nd Drive.

Objective Analysis:

The subject rezone is in harmony with the purposes and intent of the Surprise Municipal Code, in addition to other applicable City of Surprise regulations. All city reviewing departments have reviewed the request and expressed no concerns.

Policy Compliant:

The subject rezone is consistent with the Surprise Municipal Code 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 - FS23-0992 162nd Drive Self Storage Rezone - Staff Report
 2. 01 - FS23-0992 162nd Drive Self Storage Rezone - Vicinity Map
 3. 02 - FS23-0992 162nd Drive Self Storage Rezone - Existing Zoning Map
 4. 03 - FS23-0992 162nd Drive Self Storage Rezone - Proposed Zoning
 5. 04 - FS23-0992 162nd Drive Self Storage Rezone - Rezone Document
 6. 05 - FS23-0992 162nd Drive Self Storage Rezone - Citizen Participation Report - Redacted
 7. 06 - FS23-0992 162nd Drive Self Storage Rezone - Affidavit of Sign Posting
 8. 07 - FS23-0992 162nd Drive Self-Storage Rezone - Draft Ordinance
 9. 08 - FS23-0992 162nd Drive Self Storage Rezone - P&Z Recommendation
 10. FS23-0992 162nd Drive Self Storage Rezone - PowerPoint
-

Case: FS23-0992

Project Name: 162nd Drive Self Storage - Rezone

Council District: 1 – Acacia

Meeting Date: August 20, 2024

Planner: Chris Sexton, Planner II

Owner: Lawrence Hancock, Adams Property Group

Applicant: David Hughes, EPS Group, Inc.

Request: Rezone from Rural Residential (RR) to Regional Commercial (C-3)

Site Location: Generally located south of the southeast corner of 163rd Avenue and 162nd Drive

Site Size: 0.41 acres (approx.)

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

Support/Opposition: See attached Citizen Participation Report

Commission Recommendation: The Planning and Zoning Commission recommended approval, subject to stipulations 'a' and 'b'.

32 **Project Description:**

33 David Hughes with EPS Group, Inc., the applicant, on behalf of Lawrence Hancock with
34 Adams Property Group, the owner, requests a rezone of approximately 0.41 acres on one
35 (1) undeveloped parcel from Rural Residential (RR) to Regional Commercial (C-3),
36 generally located south of the southeast corner of 163rd Avenue and 162nd Drive.
37

38 **Background:**

39 **December 7, 2021:** The City Council approved a General Plan Amendment to change the
40 land use designation from Commerce and Office to Neighborhood Character Area under
41 Resolution# 2021-175, case FS21-251.
42

43 **May 25, 2023:** Staff met with the applicant to discuss the project during a regularly scheduled
44 Concept Review meeting under CR23-0377.
45

46 **November 15, 2023:** The applicant filed a related request for an annexation for one
47 undeveloped parcel in Maricopa County, under case FS23-0991.
48

49 **November 15, 2023:** The applicant filed the rezone request under case FS23-0992, the
50 subject case.
51

52 **January 17, 2024:** The applicant held a neighborhood outreach meeting to discuss the
53 project.
54

55 **May 7, 2024:** The City Council held a non-public hearing for the Intent to Annex, Resolution
56 #2024-60, directing staff to file the blank petition under a separate case, FS23-0991.
57

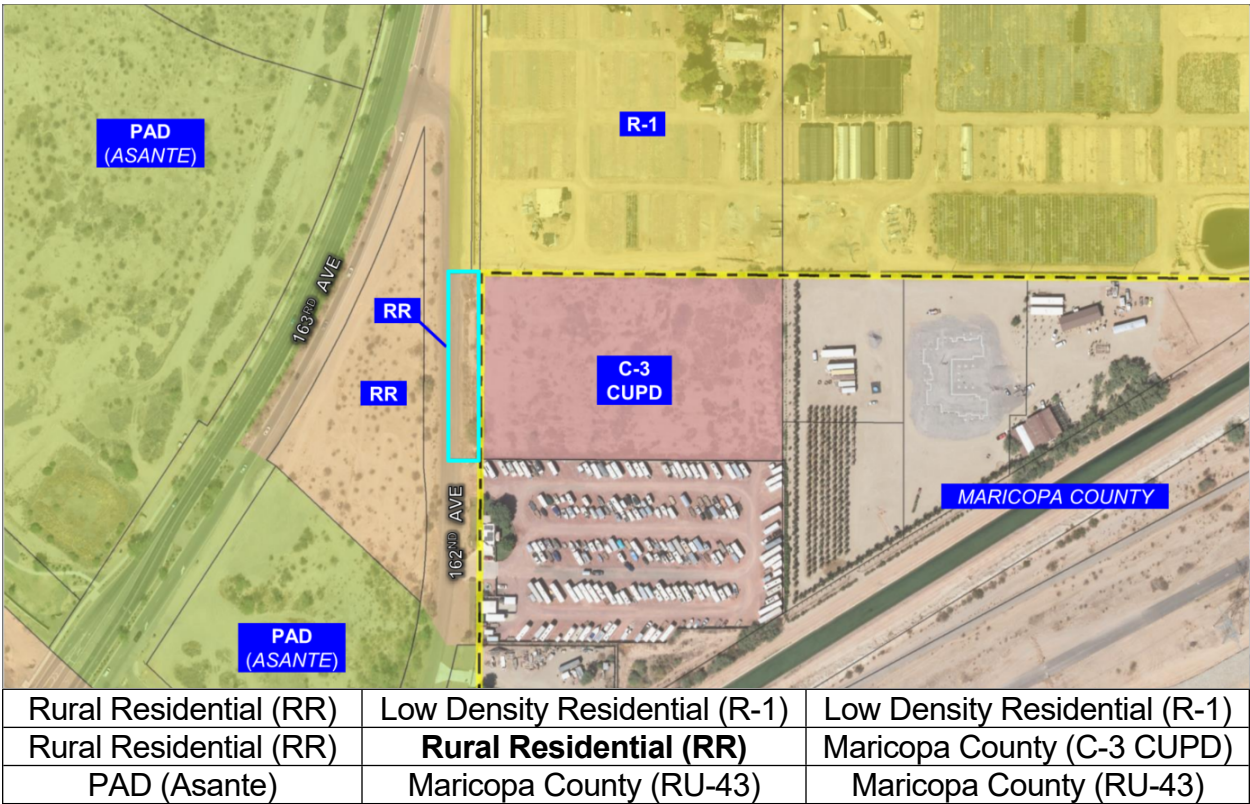
58 **June 4, 2024:** The City Council held a public meeting the last ten days of the thirty day waiting
59 period regarding the blank petition.
60

61 **Neighborhood Meeting Summary:**

62 The applicant held a neighborhood outreach meeting on January 17, 2024, that was properly
63 advertised per the requirements of the Land Development Ordinance (LDO). The meeting
64 took place in-person at Asante Preparatory Academy. During this meeting, there were four
65 attendees that expressed their comments and concerns regarding infrastructure, number of
66 and size of storage units, operation of the self-storage and vehicular access. See the
67 attached Citizen Participation Report for a detailed summary of the meeting.
68

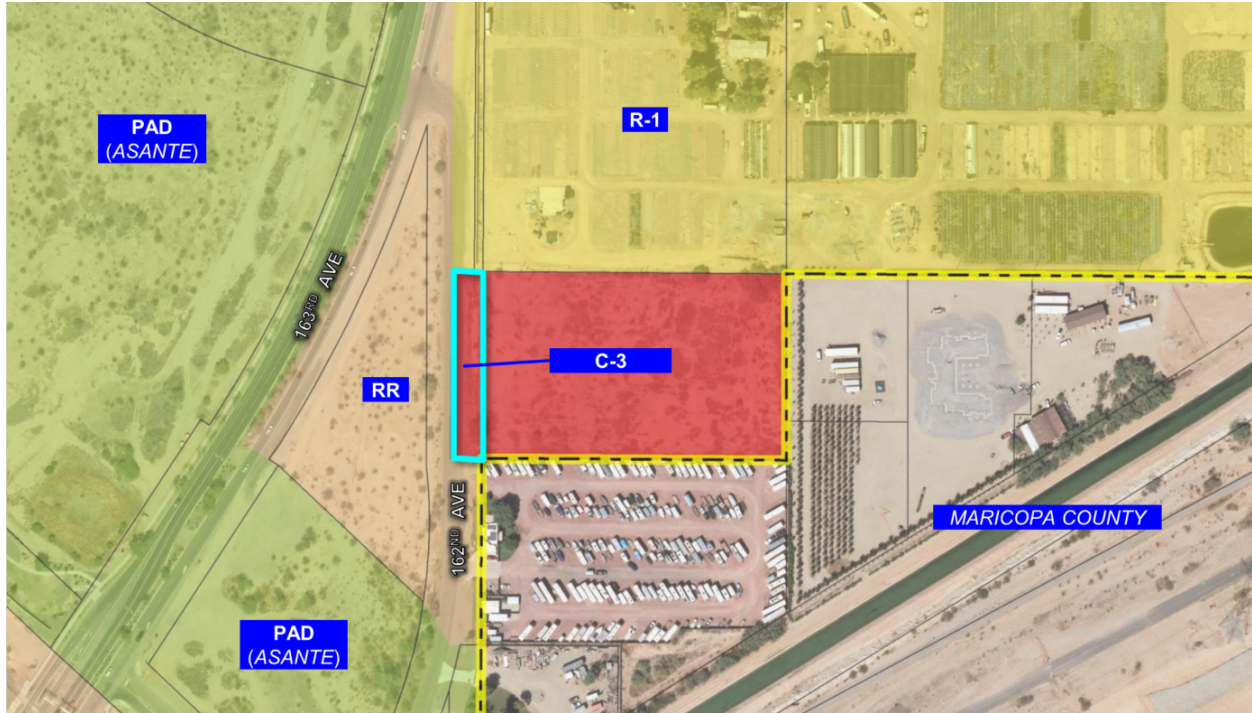
70 The existing and proposed zonings are shown below.

Existing Zoning



71

Proposed Zoning



Rural Residential (RR)	Low Density Residential (R-1)	Low Density Residential (R-1)
Rural Residential (RR)	Regional Commercial (C-3)	Maricopa County (C-3)
PAD (Asante)	Maricopa County (RU-43)	Maricopa County (RU-43)

Analysis and Discussion:

The subject request is for a rezone of approximately 0.41 acres on one (1) undeveloped parcel from Rural Residential (RR) to Regional Commercial (C-3), generally located south of the southeast corner of 163rd Avenue and 162nd Drive.

At the time of this report, the 4.07 parcel, located to the east of the subject parcel, is located within Maricopa County jurisdiction, outside of city limits. The current zoning of that parcel under County jurisdiction is General Commercial with Commercial Plan of Development Overlay Zone (C-3 CUPD). In conjunction with this rezone application, the applicant submitted an annexation request under case FS23-0991 to incorporate the larger 4.07 acre parcel into the City of Surprise. If the annexation is approved by the Mayor and City Council, the larger parcel will assume like zoning of Regional Commercial (C-3), which is the city's equivalent zoning to Maricopa's County zoning district.

Ultimately, both parcels are intended to be combined and developed as a self-storage facility. The site will be developed in accordance with the requirements of the City of Surprise.

Roadways:

Access to the subject site will be available through the future single-family residential community to the north. 162nd Drive connects with the residential collector, Country Club Terrace, to the north of the site which has full movement access at a future signal on 163rd Avenue.

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 and the Transit Oriented Development (TOD) Sub Character area. The proposed development adheres to the General Plan Development Guidelines common to all Community Commercial types. The Neighborhood Character Area supports commercial developments near residential neighborhoods that utilize well connected street and trail networks to encourage pedestrian and bicycle travel between uses and minimize the need for motor vehicle trips. In addition, the project adheres to the design guidelines of the character area which allows for regional commercial and commercial office development which encourages non-residential development to occur near primary roadways or oriented towards arterial corridors.

Reviewing Agencies:

In addition to the standard city reviewing agencies, Maricopa Water District and Luke AFB were included in the routing of this request. These agencies indicated no objections to the request.

Summary:

The proposed rezone request is for the development of a future self-storage facility. The project is consistent with the manner and intent of the Surprise Municipal Code and Surprise General Plan 2035. If approved, the site will be developed in accordance with the requirements of the City of Surprise. A separate but related annexation request is under review (FS23-0991).

Findings:

- The proposed rezone is consistent with the Surprise General Plan 2035.
- The proposed rezone is consistent with the City of Surprise.
- The reviewing agencies have indicated no objections to the request.

128 **Recommendation:**

129 Based on the findings, the Commission moved to recommend approval of case **FS23-0992**
130 to the City Council subject to stipulations 'a' and 'b' as outlined below:

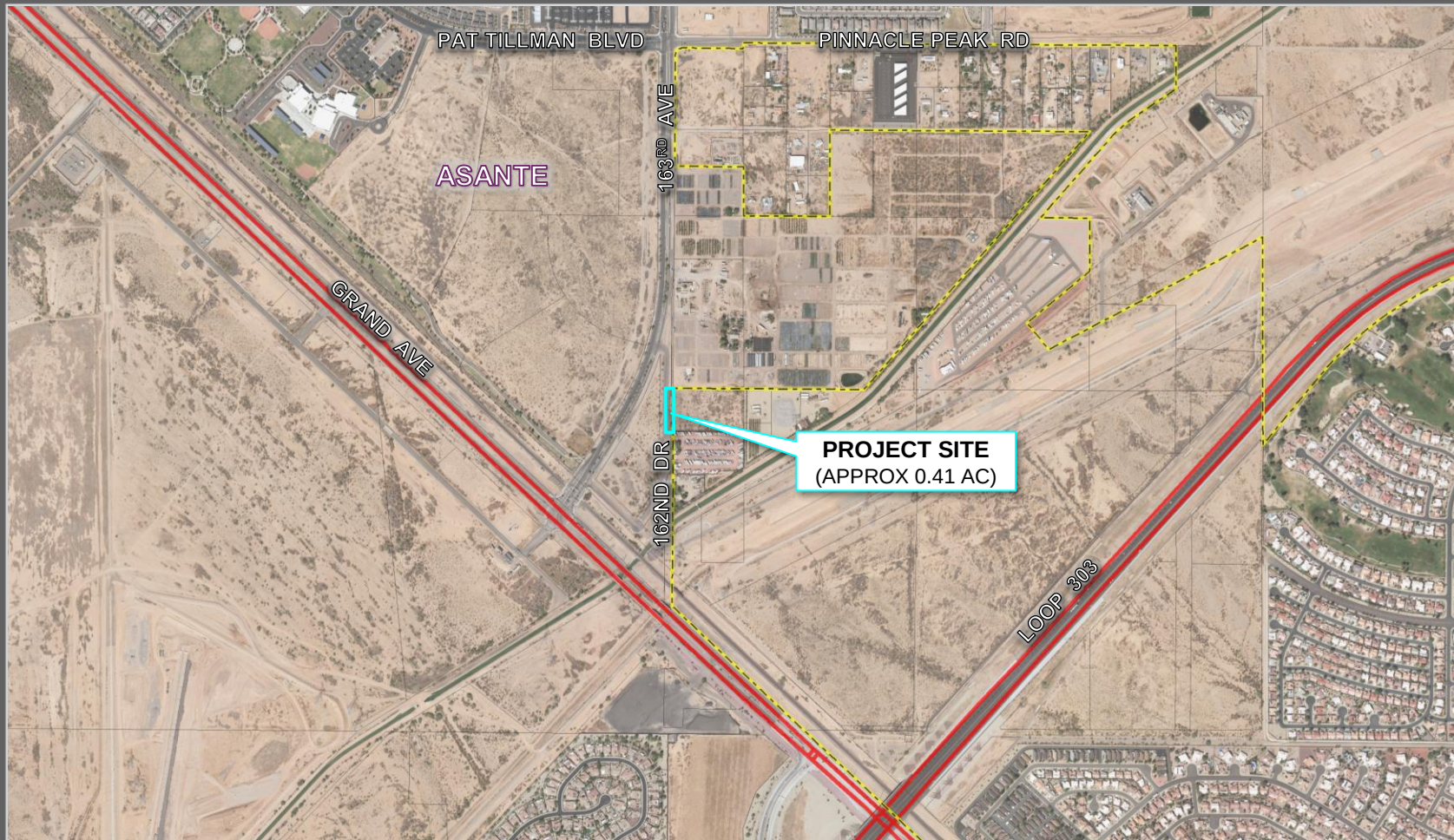
- 131
- 132 a. Development and use of the site shall be consistent with the rezone narrative entitled
133 "162nd Drive Self Storage Rezone Document", prepared by EPS Group, Inc. dated
134 July 1, 2024.
- 135
- 136 b. Non-compliance with the stipulations of approval of this case will be treated as a
137 violation in accordance with the applicable provisions of the Surprise Municipal Code.
- 138

139 However, should the Council wish to **deny** the request, the Council should make its own
140 findings and base its decision on those alternative findings.

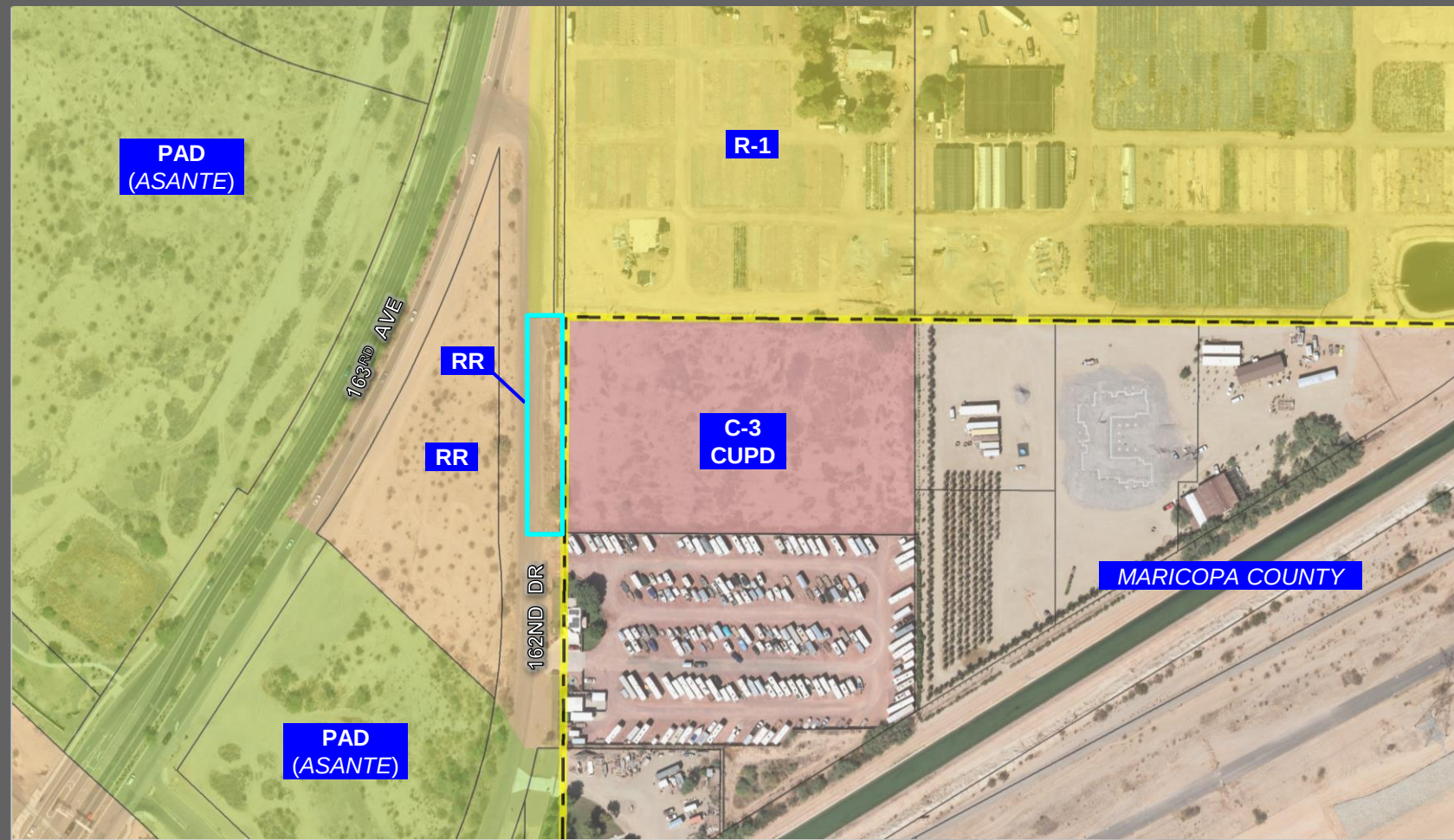
141

142 **Attachments:**

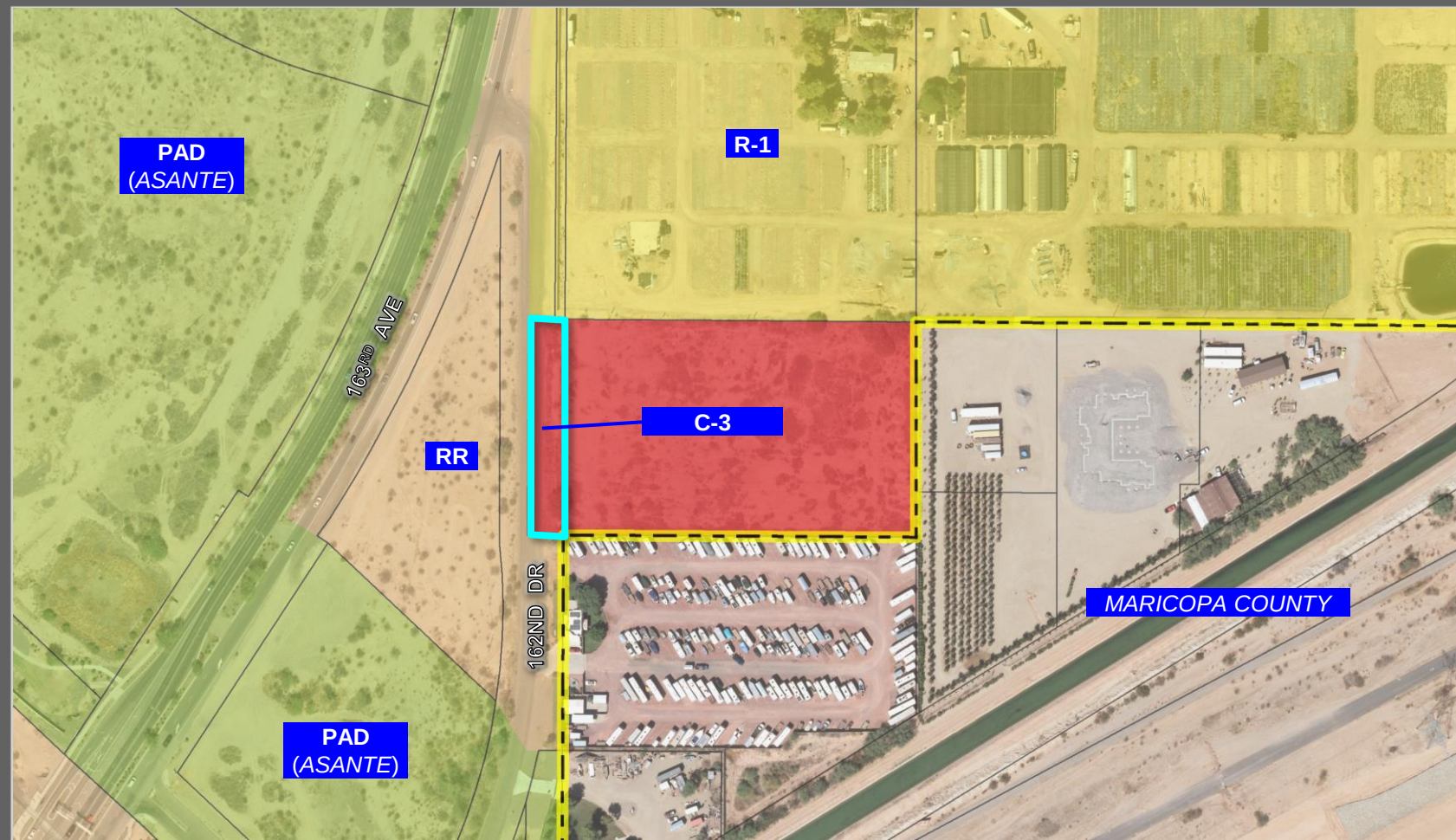
143 00 Staff Report
144 01 Vicinity Map
145 02 Existing Zoning Map
146 03 Proposed Zoning Map
147 04 Zoning Document
148 05 Citizen Participation Report - REDACTED
149 06 Affidavit of Posting
150 07 Ordinance 2024-13
151 08 P&Z Recommendation
152 PPT



FS23-0992 VICINITY MAP



FS23-0992 EXISTING ZONING



FS23-0992 PROPOSED ZONING

162nd Drive Self Storage

Case No. FS23-0992

Rezone Document

S/SEC of 163rd Avenue and 162nd Drive

1st Submittal: November 14, 2023

2nd Submittal: February 26, 2023

3rd Submittal: July 1, 2024



Developer

Adams Property Group
2298 Mt. Pleasant Street
Charleston, SC 29403
Tel: 843.941.4001
Contact: George Harb

Applicant

EPS Group, Inc.
1130 N. Alma School Road, Suite 120
Mesa, AZ 85201
Tel: 480.503.2250
Contact: David Hughes

Legal Counsel

Gilbert Blilie PLLC
701 N. 44th Street
Phoenix, AZ 85008
Tel: 480.429.3030
Contact: Jeff Blilie

Contents

Introduction	3
Purpose of Request	3
Description of Proposal	3
Surrounding Land Uses	3
General Plan Compliance	4
Rezoning	4
Site Access	5
Water	6
Conclusion	6
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Introduction

EPS Group, Inc., on behalf of the Adams Property Group (Developer), submits this Rezone request for a proposed Class-A self-storage facility located south of the southeast corner of 163rd Avenue and 162nd Drive in Surprise, Arizona. This application requests the review of the proposed 0.416-acre *162nd Drive Self Storage* rezone case.

Purpose of Request

The site consists of an undeveloped parcel, APN 503-57-004C, located within the jurisdiction of the City of Surprise. The developer is seeking to develop a mix of traditional and climate controlled self-storage on the subject site and the adjacent, undeveloped parcel to the east, APN 503-57-004D, which will serve the greater area and future residents of the City of Surprise. In order to accommodate this use, this application requests the rezone of the 0.416-acre subject property from RR to C-3.

Description of Proposal

The proposed Class A self-storage facility shall have three climate-controlled storage buildings on the west side, east side and in the center. Entries into these building will be off the main drive aisle loop which circles the center building. The building sides adjacent to the main drive aisle loop will be lined with traditional roll-up storage units. There will also be two buildings of traditional roll-up units along the north and south of the main drive aisle loop. The entrance into the facility shall be from the southwest corner of the property where customers can park and enter the leasing office on the south side of the west building. The total number of storage units proposed will be in the range of 700-750 units. Please see the attached *Conceptual Site Plan*.

Subject Property Data	
A.P.N.(s)	503-57-004C
Current Land Use	Undeveloped
Existing General Plan Land Use Designation	Neighborhood
Current Zoning District	RR
Proposed Zoning District	C-3
Gross Area	0.416 Acres

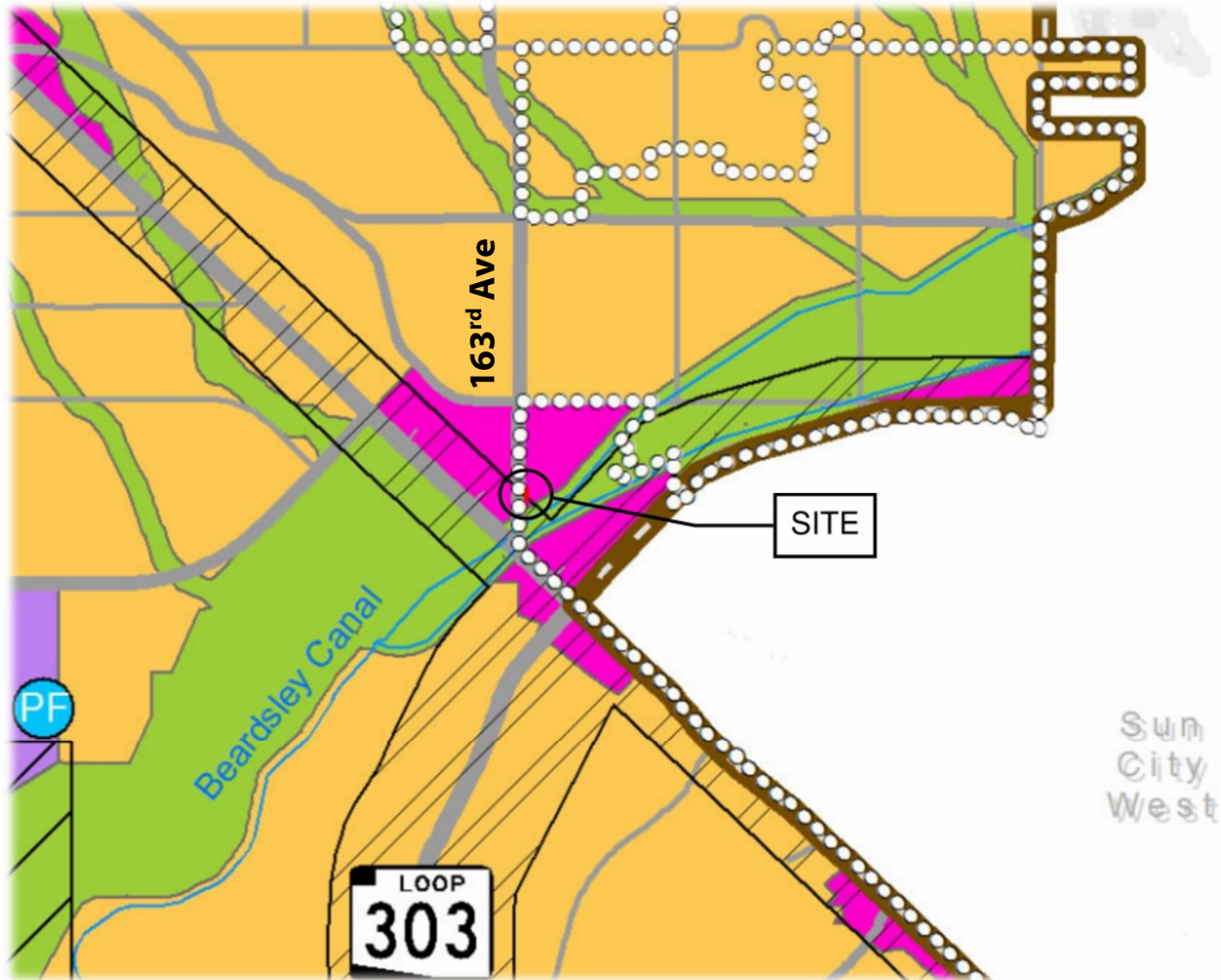
Surrounding Land Uses

The subject property of this proposal is on undeveloped desert land and is more specifically located south of the southeast of 163rd Avenue and 162nd Drive. Surrounding uses of the subject property are listed in the table below.

Surrounding Existing Use and Zoning Designations		
	Existing Use	Existing Zoning
North	Sunrise Nursery / Future Single Family Residential Subdivision (FS22-1217)	R-1 (City of Surprise)
East	Undeveloped Desert	C-3 CUPD (Maricopa County)
South	RV Storage Facility	RU-43 (Maricopa County)
West	Undeveloped Desert	RR (City of Surprise)

General Plan Compliance

This development is within the Neighborhood land use area of the City of Surprise General Plan, which encourages non-residential development to occur near primary roadways or oriented toward arterial corridors. The proposed Class A self-storage site is ideally located along 162nd Drive, near the busy intersection of 163rd Avenue and Grand Avenue.



Rezoning

The subject site consists of APN 503-57-004C currently zoned RR within the City of Surprise. This proposal requests the rezone of the site to C-3. This will align the zoning district with the adjacent parcel to the east, APN 503-57-004D, which together form the development site of the proposed Class-A self-storage facility. The developer and City of Surprise have entered a Pre-Annexation Agreement, which will allow both parcels to retain all approved Maricopa County zoning standards per Case No. Z2018106.

On February 10, 2021, the Maricopa County Board of Supervisors approved the rezoning of the subject property from RU-43 to C-3 CUPD for a commercial outdoor storage and self-storage facility per zoning case Z2018106. The current proposal has removed the outdoor storage portion of the previously approved plan and proposes

the mix of traditional roll-up and climate-controlled storage as mentioned above. The Developer and City have a Pre-Annexation Agreement in place to apply the same development standards which were approved under Z2018106 to the subject site. The previously approved development standards per Z2018106 are listed in the table below:

C-3 PUD Development Standards As approved by Maricopa County Case No. Z2018106	
Standard	C-3 PUD
Lot Area	6,000 SF
Lot Width	329'
Lot Coverage	75%
Height	33'
Front Yard (west property line)	0'
Street-Side Yard (north property line)	25' 0' setback after dedication of Williams Dr. right-of-way
Side Yard (south property line)	0'
Rear Yard (east property line)	0'
Parking Spaces	2 standard parking and 1 ADA due to outdoor storage use and limited visitors at site.
Screening	7– 9' (h) masonry block wall for north, east, and west property lines. 7'– 9' (h) CMU to be constructed within the Williams Dr. R/W reservation. (Northern 25' on western property line and northern 25' on eastern property line.)
Site Enclosure	Storage may occur within the 0' setbacks. Storage products and materials may exceed the height of the enclosure.
Sight Visibility Triangle	No sight visibility triangles

Site Access

Primary access to the facility shall be through the future single-family residential community to the north (FS22-1217). 162nd Drive connects with the residential collector, Country Club Terrace, to the north of the site which has full movement access at a future traffic signal on 163rd Avenue. This stretch of roadway improvements to the north of the subject site, 162nd Drive and Country Club Terrace to 163rd Avenue, are also a part of the City of Surprise's CIP for 163rd Avenue which is currently under development. Please see the attached conceptual site plan for more information.

As part of the pre-annexation agreement between the developer and the City of Surprise, the developer shall be responsible for the following interim and temporary improvements to the 163rd Avenue and 162nd Drive intersection if the future traffic signal is not in place at the time of development.

- Flexible delineators shall be installed within 163rd Avenue to prevent traffic from turning left (heading southbound) from 162nd Drive onto 163rd Avenue.
- Necessary restriping shall be provided to the 162nd/163rd intersection to indicate that left turns from 162nd Drive onto 163rd Avenue are not permitted.
- Signage shall be provided at the 162nd/163rd intersection stating that left turns from 162nd Drive onto

163rd Avenue are not permitted.

Water

Water for this development will be served by the City of Surprise. This development will connect to an 8-inch water line in 162nd Drive in the northwest corner of the project site. The 8-inch water line will be a part of the City's 163rd Avenue CIP which includes 162nd Drive and Country Club Terrace improvements within the development to the north. If there are any existing wells onsite, they will be field verified and abandoned.

Conclusion

We look forward to working with staff to bring a high-quality development into the City of Surprise.

Appendix

Appendix A	Approved Maricopa County Zoning Documents
Appendix B	Rezone Legal Description
Appendix C	Existing Zoning Map
Appendix D	Proposed Zoning Map
Appendix E	Conceptual Site Plan

Appendix A



Planning & Development Department

February 10, 2021

Rod Jarvis
Earl & Curley
3101 N. Central Avenue, Suite 1000
Phoenix, Arizona 85012

SUBJ: Maricopa County Case Number Z2018106

On February 10, 2021 the Maricopa County Board of Supervisors (BOS) approved your request for a zone change from Rural-43 to C-3 CUPD WHSC zoning district for a commercial outdoor storage and self-storage facility. The site consists of approximately 4 acres and is generally located approximately 390' southeast of the intersection of 163rd Ave. and 162nd Dr. in the Surprise area.

- a. Development of the site shall be in substantial conformance with the Zoning Exhibit entitled "Z2018106 Surprise Storage – Zoning Exhibit", consisting of 1 full-size sheet dated October 6, 2020, and stamped received October 21, 2020 except as modified by the following conditions.
- b. Development of the site shall be in substantial conformance with the Narrative Report entitled "Storage Surprise Narrative Report", consisting of 21 pages, dated October 6, 2020 and stamped received October 21, 2020 except as modified by the following conditions.
- c. The following C-3 CUPD zoning district standards shall apply:
 1. Maximum Height: 33' (Compliance with Wickenburg Highway Scenic Corridor)
 2. Front Yard Setback (west property line): 0'
 3. Side Yard Setback (south property line): 0'
 4. Street-side Yard Setback (north property line): 25', 0' after dedication of Williams Dr. r/w
 5. Rear Yard Setback (east property line): 0'
 6. Maximum Lot Coverage: 75%
 7. Screening: 7' – 9' (h) masonry block wall for north, east and west property lines. 7' – 9' (h) CMU to be constructed within the Williams Dr. R/W reservation. Northern 25' on western property line and northern 25' on eastern property line.
 8. Site Enclosure: Storage may occur within the 0' setbacks. Storage products and materials may exceed the height of the enclosure.
 9. Sight visibility triangles: No sight visibility triangles
- d. The following Planning Engineering conditions shall apply:

1. Drainage review of planning and/or zoning cases if for conceptual design only and does not represent final design approval nor shall it entitle applicants to future designs that are not in conformance with Section 1205 of the Maricopa County Zoning Ordinance and the Maricopa County Drainage Policies and Standards.
 2. All development and engineering design shall be in conformance with Section 1205 of the Maricopa County Zoning Ordinance and current engineering policies, standards and best practices at the time of application for construction.
 3. All obstructions, including the wall and the pods, shall be removed upon required dedication of the 25-foot Williams Drive half-street right-of-way to MCDOT at the owner's expense.
 4. Drywell shall be installed with at least a 50-foot spacing in order to avoid drywell interference.
 5. A minimum of 33,500 cubic feet of onsite stormwater retention plus a foot of freeboard meeting the Drainage Policies and Standards of Maricopa County is required.
- e. All habitable buildings are subject to noise attenuation as per ARS § 28-8482(B).
 - f. Use of the existing 6' (h) block wall along the southern perimeter for self-storage structures shall require a 4 hour fire-rated wall at the property line.
 - g. The CUPD overlay is applied to restrict the use of the site. Until such time as the site is served by sewer, uses on the site shall only be those acceptable to the Maricopa County Environmental Services Department (MCESD) that can be accommodated by septic systems. A public water system and public sewer system shall be required prior to establishment of any non-residential use that requires potable water.
 - h. Noncompliance with any Maricopa County Regulation shall be grounds for initiating a revocation of this Zone Change as set forth in the Maricopa County Zoning Ordinance.
 - i. The property owner/s and their successors waive claim for diminution in value if the County takes action to rescind approval due to noncompliance with conditions.
 - j. 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 owner 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 property shall revert to the zoning that existed on the date of application. It is, therefore, stipulated and agreed that either 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 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.

Please feel free to call me if you have any questions at 602-372-0318.

Sincerely,

Rachel Applegate

Rachel Applegate, Senior Planner
Maricopa County Planning and Development

Appendix B

EXHIBIT "A"
162nd DRIVE SURPRISE STORAGE
REZONE
LEGAL DESCRIPTION

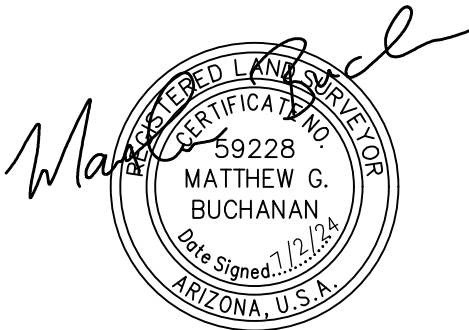
Job No. 23-0035

JULY 2, 2024

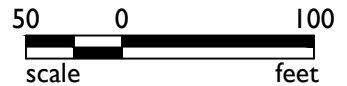
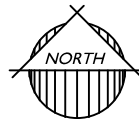
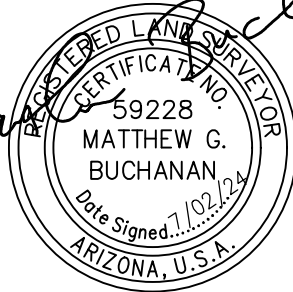
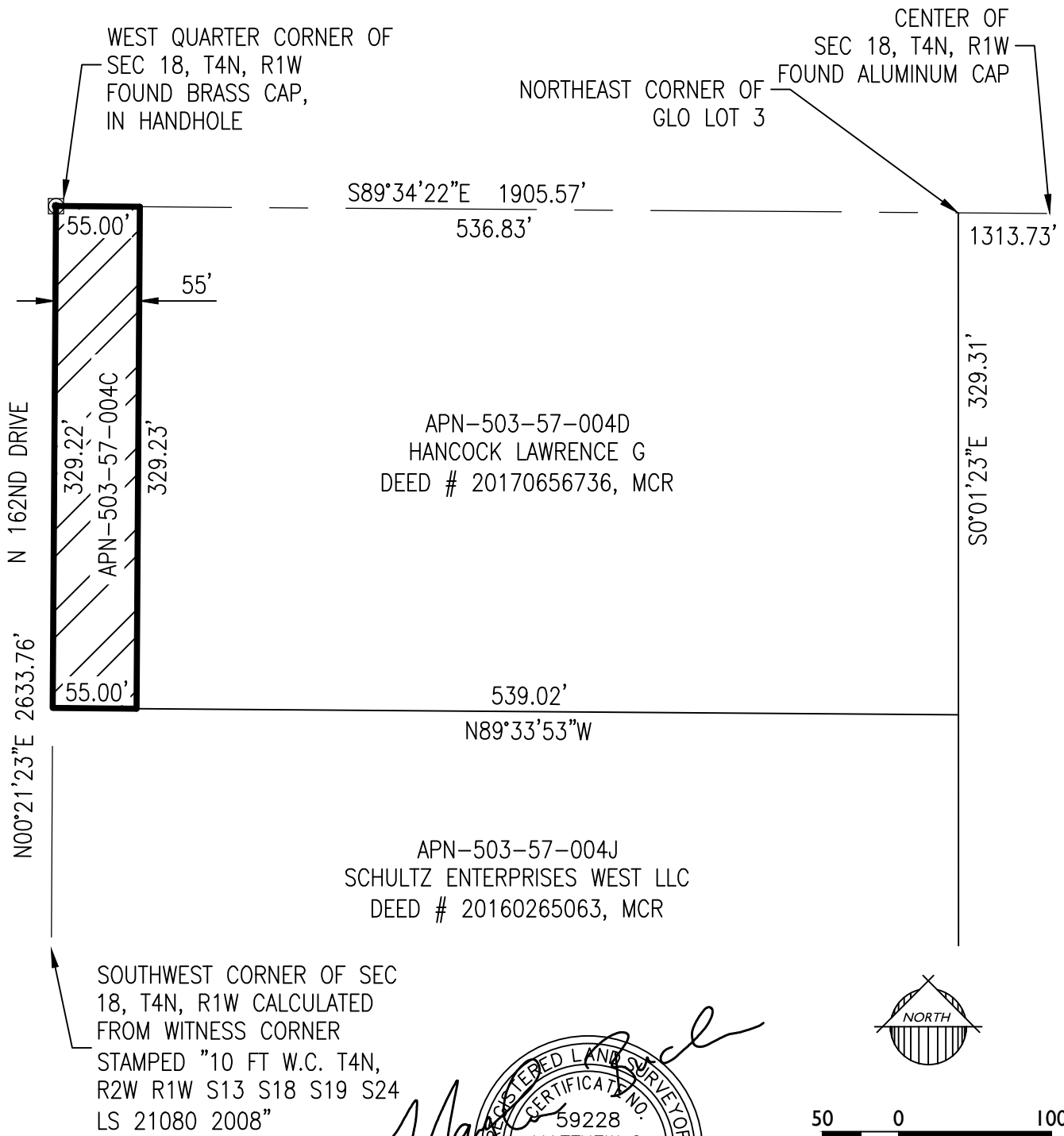
THE WEST 55 FEET OF THE NORTH HALF OF THE NORTH HALF OF LOT 3 (NORTHWEST QUARTER OF THE SOUTHWEST QUARTER) OF SECTION 18, TOWNSHIP 4 NORTH, RANGE 1 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA.

SAID PORTION OF LAND CONTAINING 18,107 SQUARE FEET, OR 0.4157 ACRES, MORE OR LESS, AND BEING SUBJECT TO ANY EASEMENTS, RESTRICTIONS, AND/OR RIGHTS-OF-WAYS OF RECORD OR OTHERWISE.

THIS DESCRIPTION SHOWN HEREON IS NOT TO BE USED TO VIOLATE SUBDIVISION REGULATIONS OF THE STATE, COUNTY AND/OR MUNICIPALITY, OR ANY OTHER LAND DIVISION RESTRICTIONS.



Jul 02, 2024 2:08pm S:\Projects\2023-0035\Land Survey\Legals\23-0035 ZONING EASEMENT.dwg
mbuchanan



23-0035

162ND DRIVE SUPRISE STORAGE
REZONE EXHIBIT

EXHIBIT "B"



1130 N. Alma School Rd.
Ste. 120 Mesa, AZ 85201
T:480.503.2250 | F:480.503.2258
www.epsgroupinc.com

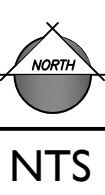
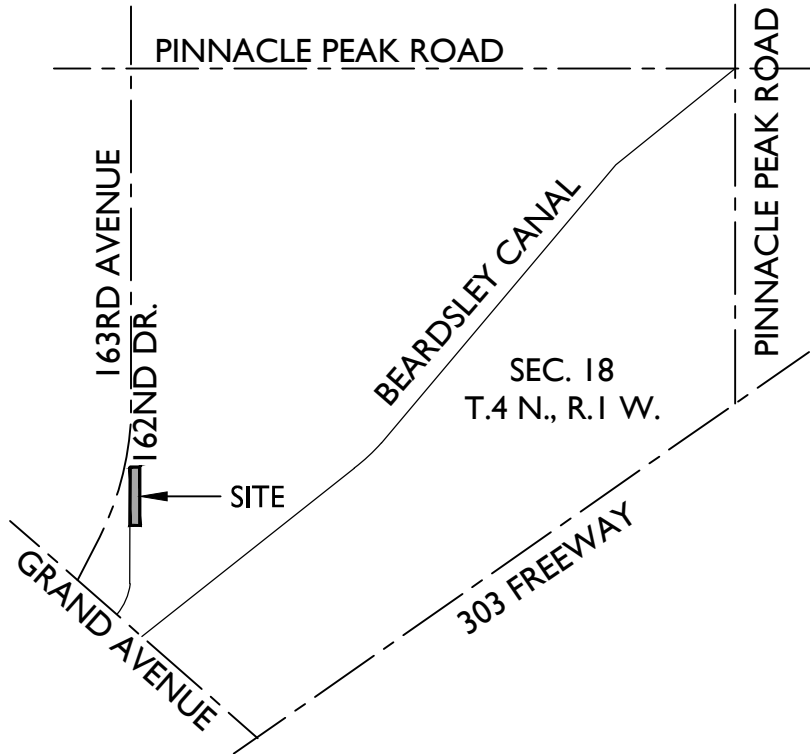
Appendix C

23-0035 - I62nd Drive Self Storage

dhughes Jul 08, 2024 9:05am S:\Projects\2023\23-0035\Planning\Drawings\Entitlements\23-0035 - Existing Zoning Map.dwg



VICINITY MAP



NTS

PROJECT TEAM

PROPERTY OWNER:
LAWRENCE G HANCOCK
17162 W GAMBIT TR
SURPRISE, AZ 85387

PLANNING & ENGINEERING:
EPS GROUP, INC.
1130 N ALMA SCHOOL RD., STE 120
MESA, AZ 85201
TEL: (480) 503-2250
CONTACT: DAVID HUGHES
EMAIL: david.hughes@epsgroupinc.com

DEVELOPER:
ADAMS PROPERTY GROUP
2298 MT. PLEASANT ST
CHARLESTON, SC 29403
TEL: (865)-567-1439
CONTACT: GEORGE HARB
gharb@adamspropgroup.com

LEGAL COUNSEL:
GILBERT BLILIE PLLC
701 N. 4TH STREET
PHOENIX, AZ 85008
TEL: (623)-606-0532
CONTACT: JEFFREY BLILIE
jblilie@gilbertblilie.com

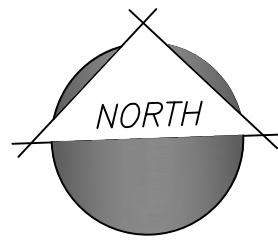
PROJECT DATA

APN(s):
EXISTING LAND USE:
PROPOSED LAND USE:
EXISTING GENERAL PLAN:
EXISTING ZONING:

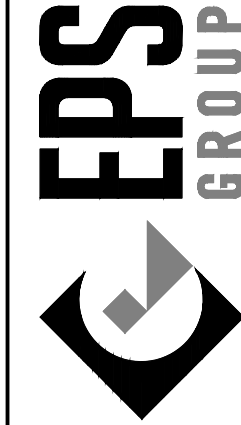
503-57-004C
UNDEVELOPED
SELF-STORAGE
NEIGHBORHOOD
RR

GROSS AREA:

+/- 0.416 ACRES



1130 N. Alma School Road, Suite 120
Mesa, AZ 85210
T: 480.503.2250 | F: 480.503.2258
www.epsgroupinc.com



Project: I62nd Drive Self Storage

Revisions: EXISTING ZONING MAP

Revisions:



Designer: DH
Drawn by: NM

Preliminary
Not For
Construction
Or
Recording

Job No.
23-0035

Sheet No.
1
of 01

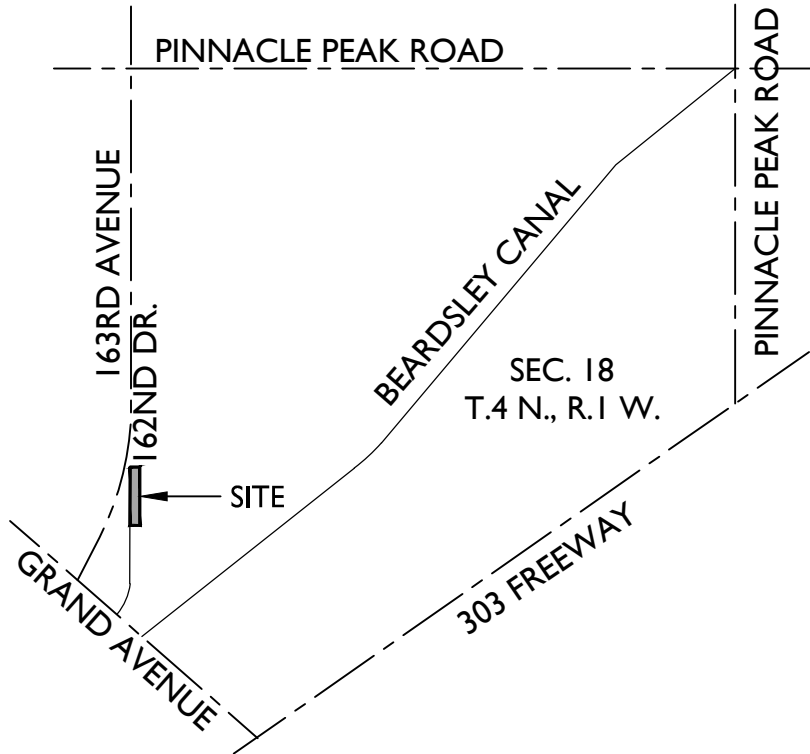
Appendix D

23-0035 - I62nd Drive Self Storage

dhughes Jul 08, 2024 9:04am S:\Projects\2023\23-0035\Planning\Drawings\Entitlements\23-0035 - Proposed Zoning Map.dwg



VICINITY MAP



PROJECT TEAM

PROPERTY OWNER:
LAWRENCE G HANCOCK
17162 W GAMBIT TR
SURPRISE, AZ 85387

PLANNING & ENGINEERING:
EPS GROUP, INC.
1130 N ALMA SCHOOL RD., STE 120
MESA, AZ 85201
TEL: (480) 503-2250
CONTACT: DAVID HUGHES
EMAIL: david.hughes@epsgroupinc.com

DEVELOPER:
ADAMS PROPERTY GROUP
2298 MT. PLEASANT ST
CHARLESTON, SC 29403
TEL: (865)-567-1439
CONTACT: GEORGE HARB
gharb@adamspropgroup.com

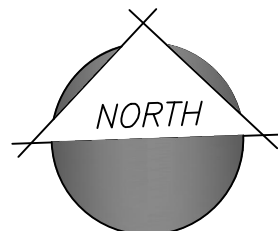
LEGAL COUNSEL:
GILBERT BLILIE PLLC
701 N. 4TH STREET
PHOENIX, AZ 85008
TEL: (623)-606-0532
CONTACT: JEFFREY BLILIE
jblilie@gilbertblilie.com

PROJECT DATA

APN(s): 503-57-004C
EXISTING LAND USE: UNDEVELOPED
PROPOSED LAND USE: SELF-STORAGE

EXISTING GENERAL PLAN: NEIGHBORHOOD
EXISTING ZONING: RR
PROPOSED ZONING: C-3

GROSS AREA: +/- 0.416 ACRES



1130 N. Alma School Road, Suite 120
Mesa, AZ 85210
T: 480.503.2250 | F: 480.503.2258
www.epsgroupinc.com

Project:

Revisions:

Call or text me at least two full working days before you begin construction.

800-800-8000 or 1-800-800-8000
In Maricopa County: 602-953-1100

Designer: DH
Drawn by: NM

Preliminary
Not For
Construction
Or
Recording

Job No.
23-0035

Sheet No.
1
of 01

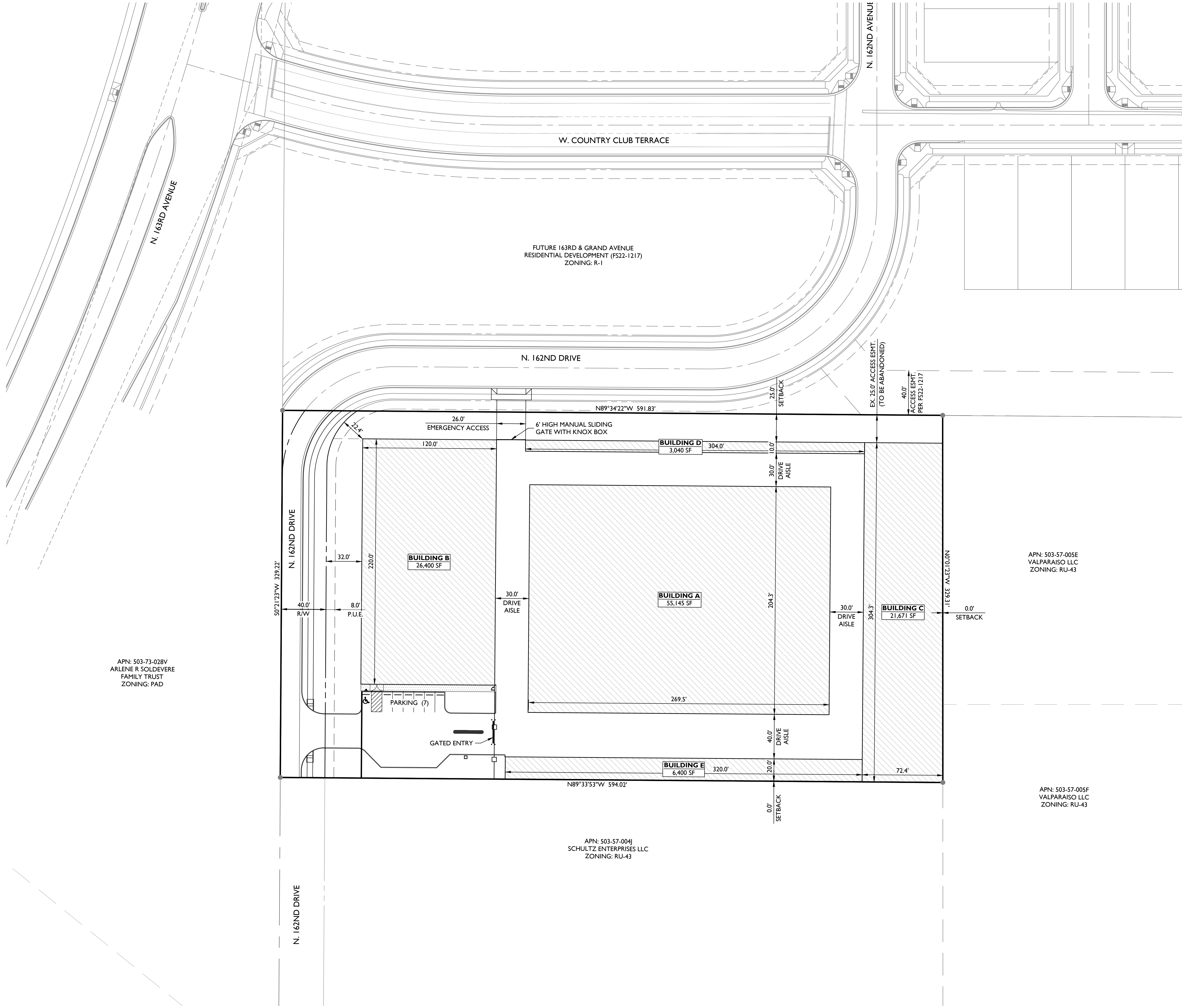
162nd Drive Self Storage
Maricopa County, Arizona

PROPOSED ZONING MAP

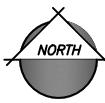
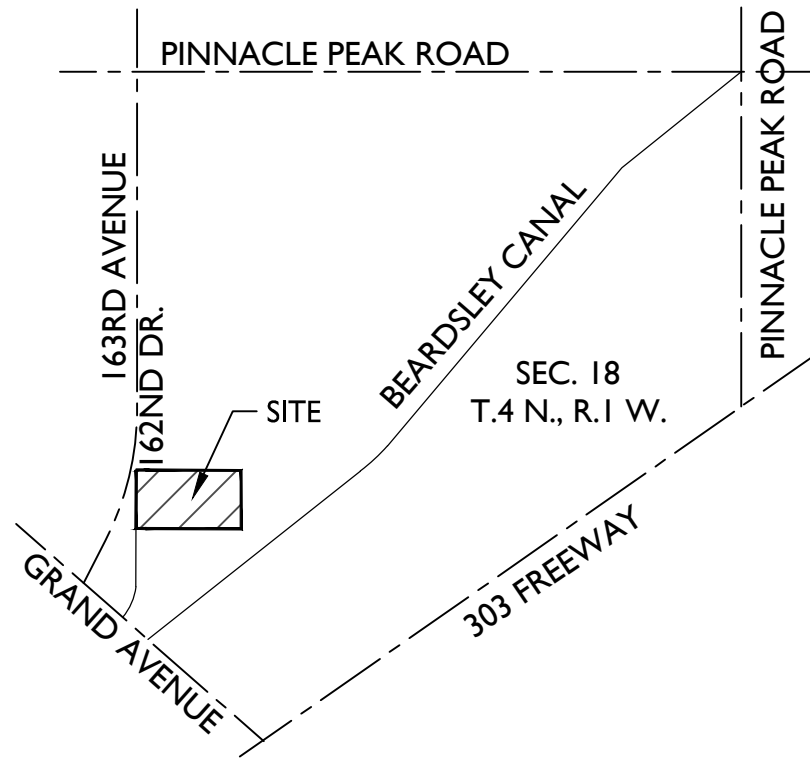
Appendix E

23-0035 - I62nd Drive Self Storage

dhughes Feb 06, 2024 3:51pm S:\Projects\2023\23-0035\Planning\Drawings\Entitlements\23-0035 - Rezone Site Plan.dwg



VICINITY MAP



NTS

PROJECT TEAM

PROPERTY OWNER:
LAWRENCE G HANCOCK
17162 W GAMBIT TR
SURPRISE, AZ 85387

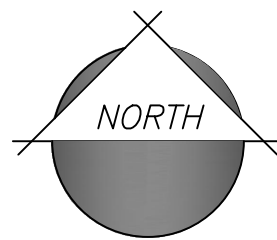
PLANNING & ENGINEERING:
EPS GROUP, INC.
1130 N ALMA SCHOOL RD., STE 120
MESA, AZ 85201
TEL: (480) 503-2250
CONTACT: DAVID HUGHES
EMAIL: david.hughes@epsgroupinc.com

DEVELOPER:
ADAMS PROPERTY GROUP
2298 MT. PLEASANT ST
CHARLESTON, SC 29403
TEL: (865)-567-1439
CONTACT: GEORGE HARB
gharb@adamspropgroup.com

LEGAL COUNSEL:
GILBERT BLILIE PLLC
701 N. 44TH STREET
PHOENIX, AZ 85008
TEL: (623)-606-0532
CONTACT: JEFFREY BLILIE
jblilie@gilbertblilie.com

PROJECT DATA

APN(s):	503-57-004C & 503-57-004D
EXISTING LAND USE:	UNDEVELOPED
PROPOSED LAND USE:	SELF-STORAGE
EXISTING GENERAL PLAN:	NEIGHBORHOOD
EXISTING ZONING:	C-3 WITH PUD OVERLAY
GROSS AREA:	± 4.48 ACRES
NET AREA:	± 4.17 ACRES
BUILDING AREA:	
A	55,145 SF
B	26,400 SF
C	21,671 SF
D	3,040 SF
E	6,400 SF
TOTAL	112,656 SF
BUILDING COVERAGE	62% OF NET AREA
PARKING PROVIDED	7 SPACES (1 ADA)



1130 N. Alma School Road, Suite 120
Mesa, AZ 85210
T: 480.503.2250 | F: 480.503.2258
WWW.EPSGROUPINC.COM

Project:

162nd Drive Self Storage

Maricopa County, Arizona

Revisions:

Call at least two full working days before you begin excavation.

Small text: 811 (911 for non-emergencies) or 1-800-480-8111 In Maricopa County: (602)263-1100

Designer: DH

Drawn by: NM

Preliminary

Not For Construction Or Recording

Job No.

23-0035

SP01

Sheet No.

1 of 1

Citizen Participation Report

162nd Drive Self Storage

S/SEC of 163rd Avenue and 162nd Drive

Rezone (Case No. FS23-0992)

Submitted to:
City of Surprise

April 15, 2024

Parties Affected by Annexation Applications

Individual Neighborhood Meeting Invitations were sent by the City of Surprise in addition to posting an ad in the newspaper. These letters were sent to all property owners within 300' of the approximately 4.48-gross acres generally located at the southeast corner of 163rd Avenue and 162nd Drive. The letters invited the property owners to attend the meeting and included all of the information required by the city to explain the rezoning application.

Notification and Information Procedures

We will meet all City noticing requirements for rezoning the subject property. These include notice of Public Hearing letters to be sent to surrounding property owners within 300' of the Property and other interested stakeholders. The notification letters will include case information as well as our contact information.

We posted the site on our 162nd Drive frontages with signs informing of the proposed rezoning request within the required timeframes. We have worked with City staff on the exact location and number of posted signs. Photographic evidence and the affidavit of posting are provided in **Appendix 1 and Appendix 2**.

Response Procedures

We will continue to respond to all input and comments received from parties affected by our application. We will also provide our responses to City Staff for their records. We will follow-up as necessary to ensure proper responses are provided and information is shared regarding the status of the request to interested stakeholders.

Schedule of Completion

November 14, 2023 – Formal Application Submittal and submitted a Citizen Participation Plan to reflect outreach strategies to engage property owners and residents.

January 2, 2024 - Posted notifications on site (3 signs) at least 15 days in advance of the Neighborhood Meetings.

The City of Surprise published notification with local newspapers, press release, City website, and social media and mailed letters to property owners and neighbors at least 15 days in advance of the Neighborhood Meeting.

This Citizen Participation Report includes a list of attendees and an accurate account of the items discussed such as opposition, proposed alternatives solutions (by either neighbors or applicant), responses to proposed solutions, and any mutual agreements reached during the meeting. The Sign-In List is provided in **Appendix 3**.

January 17, 2024 – Held Neighborhood Meeting at the Asante Preparatory Academy at 6:00 PM.

April 2024 – Public Notice: Site Posting, newspaper, website, and mailers between 15-30 days

May 16, 2024 – Public Hearing at P&Z for rezone case (FS24-0992) for recommendation

June 2024 – Public Notice: Site Posting, newspaper, website, and mailers between 15-30 days

June 18, 2024 – Public Hearing at City Council to consider Rezone (FS24-0992)

Status Procedure

We will update city staff via email and telephone calls if any important issues come about as we continue our public outreach. If additional public outreach occurs after the submittal of the Public Outreach Plan, we will provide updates to inform city staff and council members.

CITIZEN PARTICIPATION PLAN RESULTS

Details and Techniques Used to Involve the Public

As part of the Public Outreach Process, the Applicant's representatives have not received any inquiries on the request except as found at the Neighborhood Meeting and through returned Canvassing letters.

Summary of Concerns, Issues and Problems & How They will be Addressed

The interactions we had with community members at the 1/17/2024 neighborhood meeting were inquisitive in nature and primarily to discuss and further describe the request. The Neighborhood Meeting Minutes are provided in **Appendix 4**.

APPENDIX

- Appendix 1: 1st Public Notice Sign Posting Photographic Evidence & Affidavit
- Appendix 2: 2nd Public Notice Sign Posting Photographic Evidence & Affidavit
- Appendix 3: Neighborhood Meeting Sign-In Sheet
- Appendix 4: Neighborhood Meeting Minutes

APPENDIX 1

AFFIDAVIT OF POSTING

Application No: FS23-0991

Applicant Name: EPS Group Inc.

Location: 22231 N 162nd Dr. (site next to this address)

Date Site Posted: 01/02/24

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] Jan 2, 2024
Applicant/Representative Signature Date

This instrument was acknowledged before me on 01/02/24, by
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 17, 2024

Time: 6:00 P.M.

Location: Asante Preparatory Academy
Media Center
23251 N 166th Drive
Surprise, AZ 85387

Planning & Zoning

Date: TBD

Time: 6:00 P.M.

Location: Surprise City Hall
Council Chambers
16000 N Civic Center Plaza
Surprise, AZ 85374

City Council

Date: TBD

Time: 6:00 P.M.

Location: Surprise City Hall
Council Chambers
16000 N Civic Center Plaza
Surprise, AZ 85374

Project Case Number: FS23-0991 &
FS23-0992

Project Description: Annexation of 4.07 Acres (AC) and Rezone of 4.48 AC from Regional Commercial (C-3) and Rural Residential (RR) to C-3 with a PUD Overlay.

For more information, call: 623-222-3011 www.Surpriseaz.gov

VICINITY MAP



January 2, 2024 at 10:59:58 AM
N 162nd Dr
Surprise AZ 85387

Notice of Public Hearing

City of Surprise

Neighborhood Meeting

Date: January 17, 2024

Time: 6:00 P.M.

Location: Asante Preparatory Academy

Media Center

23251 N 166th Drive

Surprise, AZ 85387

Planning & Zoning

Date: TBD

Time: 6:00 P.M.

Location: Surprise City Hall

Council Chambers

16000 N Civic Center Plaza

Surprise, AZ 85374

Project Case Number: FS23-0991 &
FS23-0992

City Council

Date: TBD

Time: 6:00 P.M.

Location: Surprise City Hall

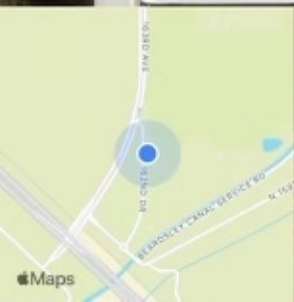
Council Chambers

16000 N Civic Center Plaza

Surprise, AZ 85374

Project Description: Annexation of 4.07 Acres (AC) and Rezone of 4.48 AC from Regional Commercial (C-3) and Rural Residential (RR) to C-3 with a PUD Overlay.

For more information, call: 623-222-3011 www.Surpriseaz.gov



January 2, 2024 at 11:00:10 AM
N 162nd Dr
Surprise, AZ 85387
Page 462 of 634

Notice of Public Hearing

City of Surprise

Time: 6:00 P.M.

Location: Asante Preparatory Academy
Media Center
23251 N 166th Drive
Surprise, AZ 85387

Planning & Zoning

Date: TBD

Time: 6:00 P.M.

Location: Surprise City Hall
Council Chambers
16000 N Civic Center Plaza
Surprise, AZ 85374

Project Case Number: FS23-0991 &
FS23-0992

City Council

Date: TBD

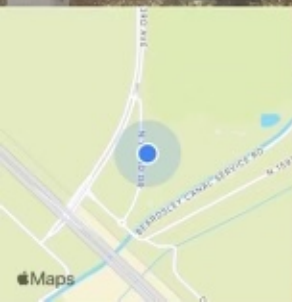
Time: 6:00 P.M.

Location: Surprise City Hall
Council Chambers
16000 N Civic Center Plaza
Surprise, AZ 85374



Project Description: Annexation of 4.07 Acres (AC) and Rezone of 4.48 AC from Regional Commercial (C-3) and Rural Residential (RR) to C-3 with a PUD Overlay.

For more information, call: 623-222-3011 www.Surpriseaz.gov



January 2, 2024 at 11:05:02 AM
22231 163rd Ave
Surprise AZ 85387

Notice of Public Hearing

City of Surprise

Neighborhood Meeting

Date: January 17, 2024

Time: 6:00 P.M.

Location: Asante Preparatory Academy
Media Center
23251 N 166th Drive
Surprise, AZ 85387

Planning & Zoning

Date: TBD

Time: 6:00 P.M.

Location: Surprise City Hall
Council Chambers
16000 N Civic Center Plaza
Surprise, AZ 85374

City Council

Date: TBD

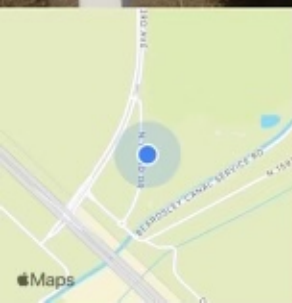
Time: 6:00 P.M.

Location: Surprise City Hall
Council Chambers
16000 N Civic Center Plaza
Surprise, AZ 85374

Project Case Number: FS23-0991 &
FS23-0992

Project Description: Annexation of 4.07 Acres (AC) and Rezone of 4.48 AC from Regional Commercial (C-3) and Rural Residential (RR) to C-3 with a PUD Overlay.

For more information, call: 623-222-3011 www.Surpriseaz.gov



January 2, 2024 at 11:06:30 AM
22231 163rd Ave
Surprise, AZ 85387

Notice of Public Hearing

City of Surprise

Neighborhood Meeting

Date: January 17, 2024

Time: 6:00 P.M.

Location: Asante Preparatory Academy
Media Center
23251 N 166th Drive
Surprise, AZ 85387

Planning & Zoning

Date: TBD

Time: 6:00 P.M.

Location: Surprise City Hall
Council Chambers
16000 N Civic Center Plaza
Surprise, AZ 85374

City Council

Date: TBD

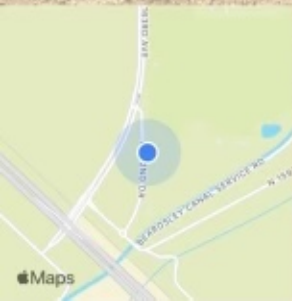
Time: 6:00 P.M.

Location: Surprise City Hall
Council Chambers
16000 N Civic Center Plaza
Surprise, AZ 85374

Project Case Number: FS23-0991 &
FS23-0992

Project Description: Annexation of 4.07 Acres (AC) and Rezone of 4.48 AC from
Regional Commercial (C-3) and Rural Residential (RR) to C-3 with a PUD Overlay.

For more information, call: 623-222-3011 www.Surpriseaz.gov



January 2, 2024 at 11:09:21 AM
22231 163rd Ave
Surprise, AZ 85387
Page 465 of 634

Notice of Public Hearing

City of Surprise

Neighborhood Meeting

Date: January 17, 2024

Time: 6:00 P.M.

Location: Asante Preparatory Academy
Media Center
23251 N 166th Drive
Surprise, AZ 85387

Planning & Zoning

Date: TBD

Time: 6:00 P.M.

Location: Surprise City Hall
Council Chambers
16000 N Civic Center Plaza
Surprise, AZ 85374

City Council

Date: TBD

Time: 6:00 P.M.

Location: Surprise City Hall
Council Chambers
16000 N Civic Center Plaza
Surprise, AZ 85374

Project Case Number: FS23-0991 &
FS23-0992

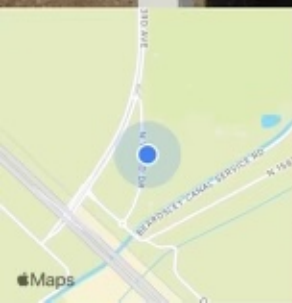
Project Description: Annexation of 4.07 Acres (AC) and Rezone of 4.48 AC from Regional Commercial (C-3) and Rural Residential (RR) to C-3 with a PUD Overlay.

For more information, call: 623-222-3011 www.Surpriseaz.gov

VICINITY MAP



NTS



January 2, 2024 at 11:07:57 AM
N 162nd Dr
Surprise AZ 85387

APPENDIX 2

AFFIDAVIT OF POSTING

Application No: FS23-0991 & FS23-0992

Applicant Name: EPS Group Inc.

Location: 22231 N 162nd Dr. (site next to this address)

Date Site Posted: 04/02/24

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.

Patrick Anspaugh _____ Date 4/2/24
Applicant/Representative Signature

This instrument was acknowledged before me on 04/02/24, by Patrick Anspaugh. I witness whereof I hereunto set my hand and official seal.



Jesse Simpson _____
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

City Council (FS23-0991) (Introduction)

Date: May 7, 2024

Time: 6:00 P.M.

Location: Surprise City Hall
Council Chambers
16000 Civic Center Plaza
Surprise, AZ 85374

Planning & Zoning (FS23-0992)

Date: May 16, 2024

Time: 6:00 P.M.

Location: Surprise City Hall
Council Chambers
16000 Civic Center Plaza
Surprise, AZ 85374

City Council (FS23-0991) (Blank Petition)

Date: June 4, 2024

Time: 6:00 P.M.

Location: Surprise City Hall
Council Chambers
16000 Civic Center Plaza
Surprise, AZ 85374

City Council (FS23-0991/FS23-0992) (Approval/Denial)

Date: June 18, 2024

Time: 6:00 P.M.

Location: Surprise City Hall
Council Chambers
16000 Civic Center Plaza
Surprise, AZ 85374

Project Case Numbers: FS23-0991 (Annexation) &
FS23-0992 (Rezone)

Project Description: Annexation of 4.07 Acres (AC) and Rezone of 4.48 AC from
Regional Commercial (C-3) and Rural Residential (RR) to C-3 with a PUD Overlay.

For more information, call: 623-222-3011 www.Surpriseaz.gov

VICINITY MAP



Apr 3, 2024 at 7:08:53 AM
N 162nd Dr
Surprise AZ 85387
United States

Notice of Public Hearing

City of Surprise

City Council

City Council (FS23-0991)
(Introduction)

Date: May 7, 2024

Time: 6:00 P.M.

Location: Surprise City Hall
Council Chambers
16000 Civic Center Plaza
Surprise, AZ 85374

Planning & Zoning
(FS23-0992)

Date: May 16, 2024

Time: 6:00 P.M.

Location: Surprise City Hall
Council Chambers
16000 Civic Center Plaza
Surprise, AZ 85374

City Council (FS23-0991)
(Blank Petition)

Date: June 4, 2024

Time: 6:00 P.M.

Location: Surprise City Hall
Council Chambers
16000 Civic Center Plaza
Surprise, AZ 85374

City Council
(FS23-0991/FS23-0992)
(Approval/Denial)

Date: June 18, 2024

Time: 6:00 P.M.

Location: Surprise City Hall
Council Chambers
16000 Civic Center Plaza
Surprise, AZ 85374

Project Case Numbers: FS23-0991 (Annexation) & FS23-0992 (Rezone)

Project Description: Annexation of 4.07 Acres (AC) and Rezone of 4.48 AC from Regional Commercial (C-3) and Rural Residential (RR) to C-3 with a PUD Overlay.

For more information, call: 623-222-3011 www.Surpriseaz.gov



Apr 3, 2024 at 7:09:08 AM
N 162nd Dr
Surprise AZ 85387
United States
Page 470 of 634

Notice of Public Hearing

City of Surprise

City Council (FS23-0991) (Introduction)

Date: May 7, 2024

Time: 6:00 P.M.

Location: Surprise City Hall
Council Chambers
16000 Civic Center Plaza
Surprise, AZ 85374

Planning & Zoning (FS23-0992)

Date: May 16, 2024

Time: 6:00 P.M.

Location: Surprise City Hall
Council Chambers
16000 Civic Center Plaza
Surprise, AZ 85374

City Council (FS23-0991) (Blank Petition)

Date: June 4, 2024

Time: 6:00 P.M.

Location: Surprise City Hall
Council Chambers
16000 Civic Center Plaza
Surprise, AZ 85374

City Council (FS23-0991/FS23-0992) (Approval/Denial)

Date: June 18, 2024

Time: 6:00 P.M.

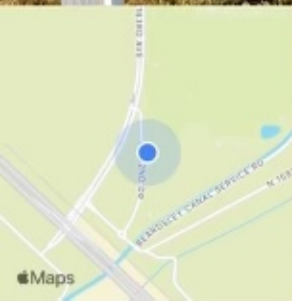
Location: Surprise City Hall
Council Chambers
16000 Civic Center Plaza
Surprise, AZ 85374

Project Case Numbers: FS23-0991 (Annexation) &
FS23-0992 (Rezone)

Project Description: Annexation of 4.07 Acres (AC) and Rezone of 4.48 AC from
Regional Commercial (C-3) and Rural Residential (RR) to C-3 with a PUD Overlay.

For more information, call: 623-222-3011 www.Surpriseaz.gov

VICINITY MAP



Apr 3, 2024 at 7:15:37 AM
N 162nd Dr
Surprise, AZ 85387
United States

Notice of Public Hearing

City Council (FS23-0991)
(Introduction)

Date: May 7, 2024

Time: 6:00 P.M.

Location: Surprise City Hall
Council Chambers
16000 Civic Center Plaza
Surprise, AZ 85374

Planning & Zoning
(FS23-0992)

Date: May 16, 2024

Time: 6:00 P.M.

Location: Surprise City Hall
Council Chambers
16000 Civic Center Plaza
Surprise, AZ 85374

City Council (FS23-0991)
(Blank Petition)

Date: June 4, 2024

Time: 6:00 P.M.

Location: Surprise City Hall
Council Chambers
16000 Civic Center Plaza
Surprise, AZ 85374

City Council
(FS23-0991/FS23-0992)
(Approval/Denial)

Date: June 18, 2024

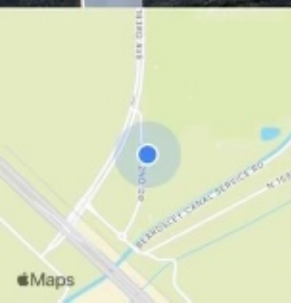
Time: 6:00 P.M.

Location: Surprise City Hall
Council Chambers
16000 Civic Center Plaza
Surprise, AZ 85374

Project Case Numbers: FS23-0991 (Annexation) & FS23-0992 (Rezone)

Project Description: Annexation of 4.07 Acres (AC) and Rezone of 4.48 AC from Regional Commercial (C-3) and Rural Residential (RR) to C-3 with a PUD Overlay.

For more information, call: 623-222-3011 www.Surpriseaz.gov



Apr 3, 2024 at 7:15:58 AM
N 162nd Dr
Surprise AZ 85387
United States
Page 472 of 682

Notice of Public Hearing

City of Surprise

City Council (FS23-0991) (Introduction)

Date: May 7, 2024

Time: 6:00 P.M.

Location: Surprise City Hall
Council Chambers
16000 Civic Center Plaza
Surprise, AZ 85374

Planning & Zoning (FS23-0992)

Date: May 16, 2024

Time: 6:00 P.M.

Location: Surprise City Hall
Council Chambers
16000 Civic Center Plaza
Surprise, AZ 85374

City Council (FS23-0991) (Blank Petition)

Date: June 4, 2024

Time: 6:00 P.M.

Location: Surprise City Hall
Council Chambers
16000 Civic Center Plaza
Surprise, AZ 85374

City Council (FS23-0991/FS23-0992) (Approval/Denial)

Date: June 18, 2024

Time: 6:00 P.M.

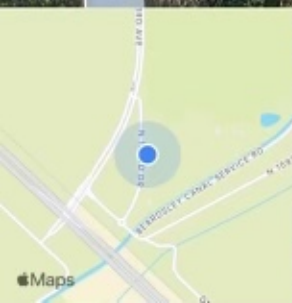
Location: Surprise City Hall
Council Chambers
16000 Civic Center Plaza
Surprise, AZ 85374

Project Case Numbers: FS23-0991 (Annexation) &
FS23-0992 (Rezone)

Project Description: Annexation of 4.07 Acres (AC) and Rezone of 4.48 AC from
Regional Commercial (C-3) and Rural Residential (RR) to C-3 with a PUD Overlay.

For more information, call: 623-222-3011 www.Surpriseaz.gov

VICINITY MAP



Apr 3, 2024 at 7:20:59 AM
22231 163rd Ave
Surprise AZ 85387
United States

Notice of Public Hearing

City of Surprise

City Council

City Council (FS23-0991)
(Introduction)

Date: May 7, 2024

Time: 6:00 P.M.

Location: Surprise City Hall
Council Chambers
16000 Civic Center Plaza
Surprise, AZ 85374

Planning & Zoning
(FS23-0992)

Date: May 16, 2024

Time: 6:00 P.M.

Location: Surprise City Hall
Council Chambers
16000 Civic Center Plaza
Surprise, AZ 85374

City Council (FS23-0991)
(Blank Petition)

Date: June 4, 2024

Time: 6:00 P.M.

Location: Surprise City Hall
Council Chambers
16000 Civic Center Plaza
Surprise, AZ 85374

City Council
(FS23-0991/FS23-0992)
(Approval/Denial)

Date: June 18, 2024

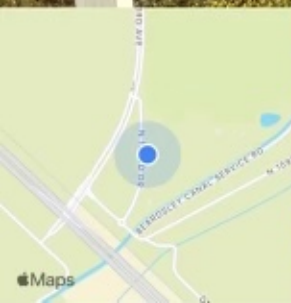
Time: 6:00 P.M.

Location: Surprise City Hall
Council Chambers
16000 Civic Center Plaza
Surprise, AZ 85374

Project Case Numbers: FS23-0991 (Annexation) & FS23-0992 (Rezone)

Project Description: Annexation of 4.07 Acres (AC) and Rezone of 4.48 AC from Regional Commercial (C-3) and Rural Residential (RR) to C-3 with a PUD Overlay.

For more information, call: 623-222-3011 www.Surpriseaz.gov



Apr 3, 2024 at 7:20:46 AM
22231 163rd Ave
Surprise AZ 85387
United States

APPENDIX 3



Sign-In Sheet Neighborhood Meeting

Please provide all information so that we can provide you with future updates and notifications of meetings and/or hearing.

Name	Karen Cote	Phone	
Address			
Email			
Name	Larry Harrock	Phone	
Address			
Email	(Donald Arsenault)		
Name	Maureen Chapman §	Phone	
Address			
Email			
Name			
Address			
Email			
Name		Phone	
Address			
Email			
Name		Phone	
Address			
Email			
Name		Phone	
Address			
Email			
Name		Phone	
Address			
Email			
Name		Phone	
Address			
Email			

APPENDIX 4

Meeting Minutes

Project Name: 1652nd Drive Self Storage
Project No.: 23-0035

Date: January 17, 2024

Meeting Location: Asante Prep Academy and Online – GoToMeeting
Meeting Date: January 17, 2024
Meeting Time: 6:00 – 7:00 PM

Development Team Attendees:

Jeff Blilie	Beus Gilbert Mcgroder, PLLC	jblilie@gilbertblilie.com
David Hughes	EPS Group	david.hughes@epsgroupinc.com

Public Attendees:

See attached attendance list.

Meeting Summary:

A neighborhood meeting was held at the above listed date, time and place to discuss a proposed annexation and Rezone request for future self-storage facility, located south of the southeast corner of 163rd Avenue and 162nd Drive, within the proposed annexation boundary of the City of Surprise. Jeff Blilie, along with EPS Group, hosted the meeting and gave a presentation. Following the presentation, a Question & Answer Session was in held in which members of the public were able to ask questions and give comments, to which the Development Team responded to. The public's comments and concerns are described below.

Questions Asked:

- Is the developer paying for the street improvements for 163rd Avenue.
 - The City will be improving 163rd Avenue now & the surrounding developers will pay at a later time.
- How many storage units are proposed for this facility?
 - There will be about 700 units.
- How large will the units be?
 - They will be various sizes, some will be the traditional roll-up units and some will be indoor/climate controlled units.

Meeting Minutes

Project Name: 1652nd Drive Self Storage

Date: January 17, 2024

Project No.: 23-0035

- Will there be a resident manager?
 - There will be 24 hour on site security.
- What is the timeline?
 - An estimate of around 1 to 2 years. We will need to finish the rezone and annexation applications, then proceed into site plan and permitting reviews. Also, the new improvements to 163rd Avenue will need to be constructed first.
- Is there vehicular access into the buildings?
 - No, tenants will need to park, then enter the buildings.

Conclusion:

The meeting was adjourned around 7:00 PM when no other questions or comments were requested.

The above is the author's recollection of items discussed and the decisions reached. If there are any corrections or additions to be made, please contact the author. These meeting notes shall become part of the project file.

AFFIDAVIT OF POSTING

Application No: FS23-0991 & FS23-0992

Applicant Name: EPS Group Inc.

Location: 22231 N 162nd Dr. (site next to this address)

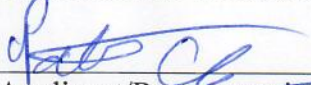
Date Site Posted: 06/20/24

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.

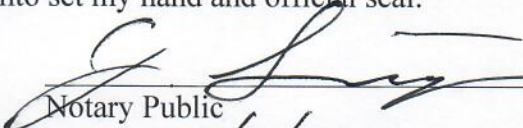
It shall also be the *responsibility of the applicant* to remove the signs within one week after the final disposition of the case.

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.

 06-20-24
Applicant/Representative Signature Date

This instrument was acknowledged before me on 06/20/24, by Patrick Anspaugh. I witness whereof I hereunto set my hand and official seal.




Notary Public 5/21/27
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

City Council (FS23-0991) (Introduction)

Date: May 7, 2024

Time: 6:00 P.M.

Location: Surprise City Hall
Council Chambers
16000 Civic Center Plaza
Surprise, AZ 85374

Planning & Zoning (FS23-0992)

Date: August 1, 2024

Time: 6:00 P.M.

Location: Surprise City Hall
Council Chambers
16000 Civic Center Plaza
Surprise, AZ 85374

City Council (FS23-0991) (Blank Petition)

Date: June 4, 2024

Time: 6:00 P.M.

Location: Surprise City Hall
Council Chambers
16000 Civic Center Plaza
Surprise, AZ 85374

City Council (FS23-0991/FS23-0992) (Approval/Denial)

Date: August 20, 2024

Time: 6:00 P.M.

Location: Surprise City Hall
Council Chambers
16000 Civic Center Plaza
Surprise, AZ 85374

Project Case Numbers: FS23-0991 (Annexation) &
FS23-0992 (Rezone)

Project Description: Annexation of 4.07 Acres (AC) and Rezone of 4.48 AC from
Regional Commercial (C-3) and Rural Residential (RR) to C-3 with a PUD Overlay.

For more information, call: 623-222-3011 www.Surpriseaz.gov



June 20, 2024 at 7:09 AM

+32.689407,-112.409170

N 162nd Dr

Surprise, AZ 85387

Page 481 of 634

United States

Notice of Public Hearing

City of Surprise

City Council (FS23-0991) (Introduction)

Date: May 7, 2024

Time: 6:00 P.M.

Location: Surprise City Hall
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June 20, 2024 at 7:09 AM

+33.689407, -112.409170

N 162nd Dr

Page 482 of 634

United States

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June 20, 2024 at 7:14 AM

+33 689088,-112.409232

N 162nd Dr

Surprise, AZ 85387

Page 483 of 634

United States

Notice of Public Hearing

City of Surprise

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June 20, 2024 at 7:14 AM

+33 659088 112 409232

N 162nd Dr

Surprise, AZ 85387

United States

Notice of Public Hearing

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City Council

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(Introduction)

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June 20, 2024 at 7:19 AM

+33 6 88672, -112.409135

22231 163rd Ave

Page 485 of 634

United States



Notice of Public Hearing

City of Surprise

City Council (FS23-0991) (Introduction)

Date: May 7, 2024

Time: 6:00 P.M.

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Surprise, AZ 85374

Planning & Zoning (FS23-0992)

Date: August 1, 2024

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For more information, call: 623-222-3011 www.Surpriseaz.gov



June 20, 2024 at 7:19 AM

+33.688672 - 112.409135

22231 163rd Ave

Surprise, AZ 85387

United States



ORDINANCE # 2024-13

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA, APPROVING A REZONE FROM RURAL RESIDENTIAL (RR) TO REGIONAL COMMERCIAL (C-3) FOR 162ND DRIVE SELF STORAGE, GENERALLY LOCATED SOUTH OF THE SOUTHEAST CORNER OF 163RD AVENUE AND 162ND DRIVE.

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 south of the southeast corner of 163rd Avenue and 162nd Drive;

WHEREAS, the subject site is currently zoned as Rural Residential (RR);

WHEREAS, this rezone is in harmony with the purposes and intent of the zoning ordinance and the Surprise General Plan; and

WHEREAS, on August 1, 2024, the Planning and Zoning Commission recommended approval of the 162nd Drive Self Storage rezone.

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 162nd Drive Self Storage, is rezoned from Rural Residential to Regional Commercial (C-3) subject to the following stipulations outlined in Section 2 herein:

Section 2. Stipulations of Approval. The rezoning are subject to the stipulations of approval as outlined below:

- a. Development and use of the site shall be consistent with the rezone narrative entitled "162nd Drive Self Storage Rezone Document", prepared by EPS Group, Inc. dated July 1, 2024.
- b. Non-compliance with the stipulations of approval of this case will be treated as a violation in accordance with the applicable provisions of the Surprise Municipal Code.

Section 3. 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 4. Codification. This ordinance is not of a general nature and will not be codified.

Section 5. Repeal of Conflicting Ordinances. All ordinances or parts of ordinances in conflict with the provisions of this ordinance or any part of the code adopted herein by reference are hereby repealed, upon the effective date of this Ordinance.

Section 6. Severability. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

Section 7. Effective Date. This ordinance shall become effective at the time and in the manner prescribed by law.

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 OF THE 162ND DRIVE SELF STORAGE

EXHIBIT "A"
162nd DRIVE SURPRISE STORAGE
ZONING
LEGAL DESCRIPTION

Job No. 23-0035

NOVEMBER 13, 2023

THE NORTH HALF OF THE NORTH HALF OF LOT 3 (NORTHWEST QUARTER OF THE SOUTHWEST QUARTER) OF SECTION 18, TOWNSHIP 4 NORTH, RANGE 1 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA.

EXCEPT THE WEST 55 FEET THEREOF.

TOGETHER WITH:

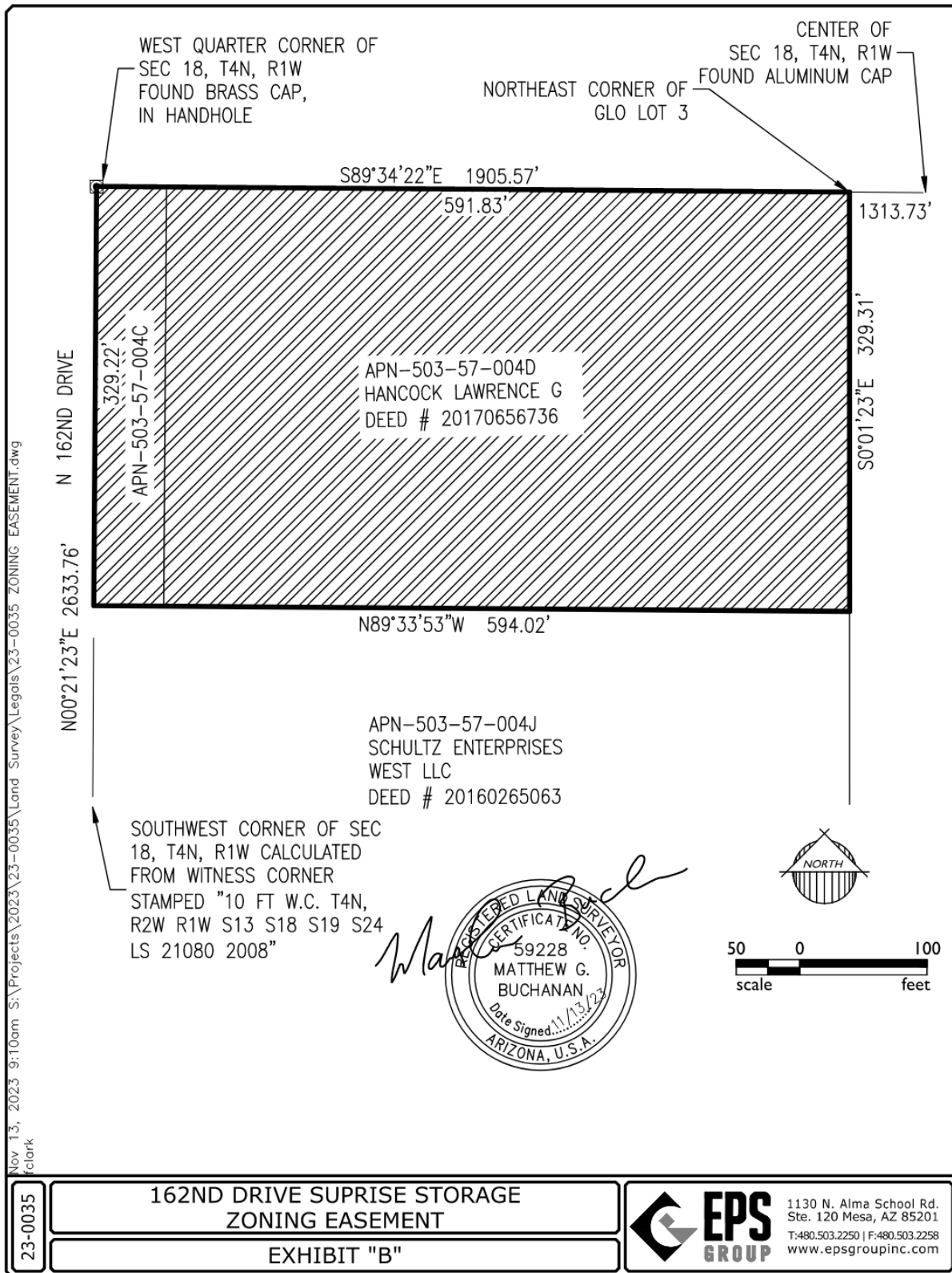
THE WEST 55 FEET OF THE NORTH HALF OF THE NORTH HALF OF LOT 3 (NORTHWEST QUARTER OF THE SOUTHWEST QUARTER) OF SECTION 18, TOWNSHIP 4 NORTH, RANGE 1 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA.

SAID PORTION OF LAND CONTAINING 195,227 SQUARE FEET, OR 4.4818 ACRES, MORE OR LESS, AND BEING SUBJECT TO ANY EASEMENTS, RESTRICTIONS, AND/OR RIGHTS-OF-WAYS OF RECORD OR OTHERWISE.

THIS DESCRIPTION SHOWN HEREON IS NOT TO BE USED TO VIOLATE SUBDIVISION REGULATIONS OF THE STATE, COUNTY AND/OR MUNICIPALITY, OR ANY OTHER LAND DIVISION RESTRICTIONS.



EXHIBIT B
DEPICTION OF THE 162ND DRIVE SELF STORAGE



Ordinance No. 2024-13
RFLS #9437
Rev 06/23



COMMUNITY DEVELOPMENT
Planning Division
16000 N. Civic Center Plaza
Surprise, AZ 85374
Phone: 623-222-3154

Planning and Zoning Commission Recommendation
FS23-0992 – 162nd Drive Self Storage Rezone

On August 1, 2024, the Planning and Zoning Commission recommended that City Council approve the Rezone case known as “162nd Drive Self Storage,” Case# FS23-0992. The Commission did not have a discussion. The motion was as follows:

Commissioner Keating motioned to recommend approval of the Rezone for 162nd Drive Self Storage subject to stipulations “a” - “b” as outlined in the staff report. Commissioner Bash seconded the motion. Motion passed with 5 votes in favor.

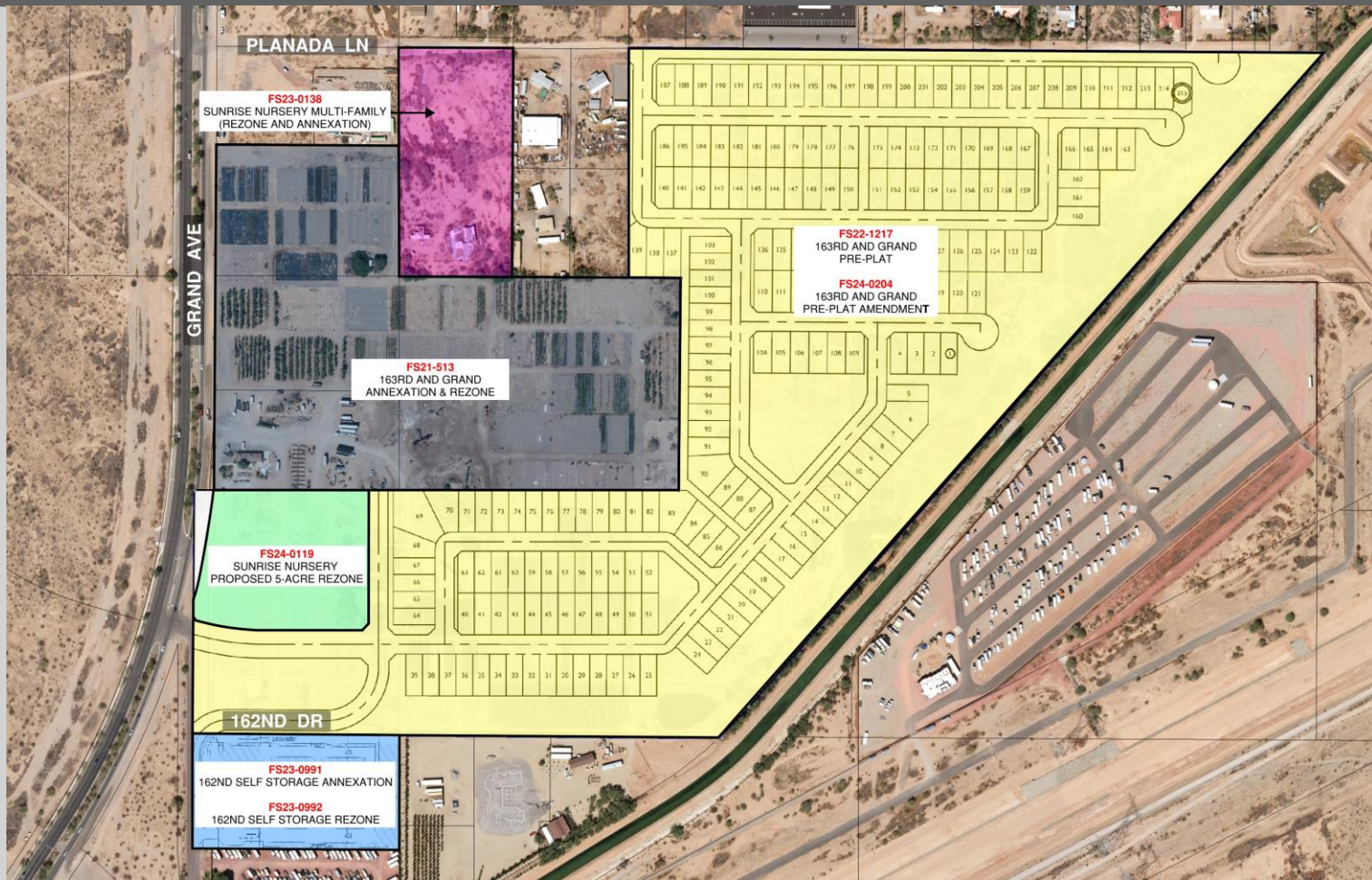


FS23-0992

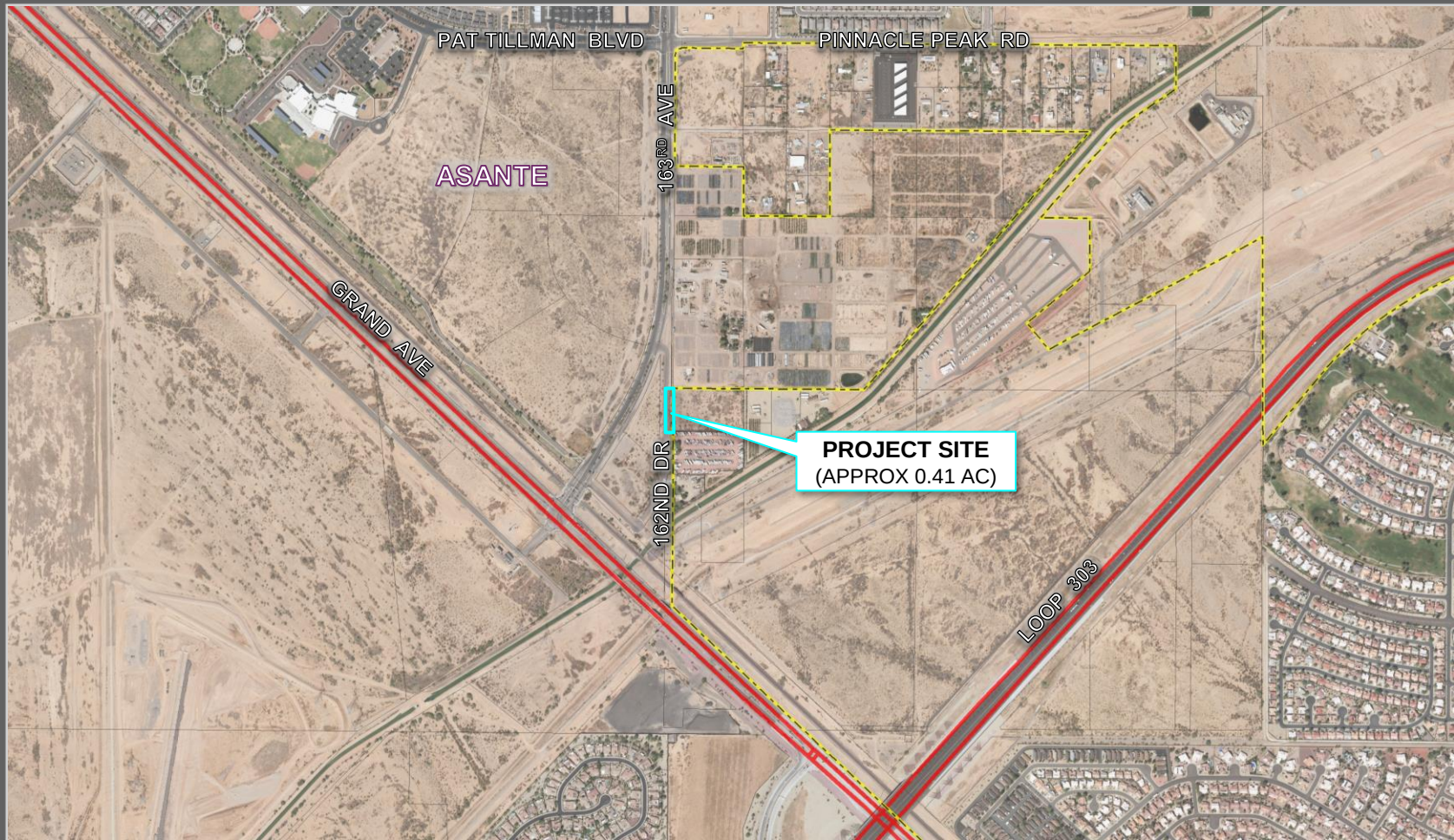
162nd Drive Self Storage

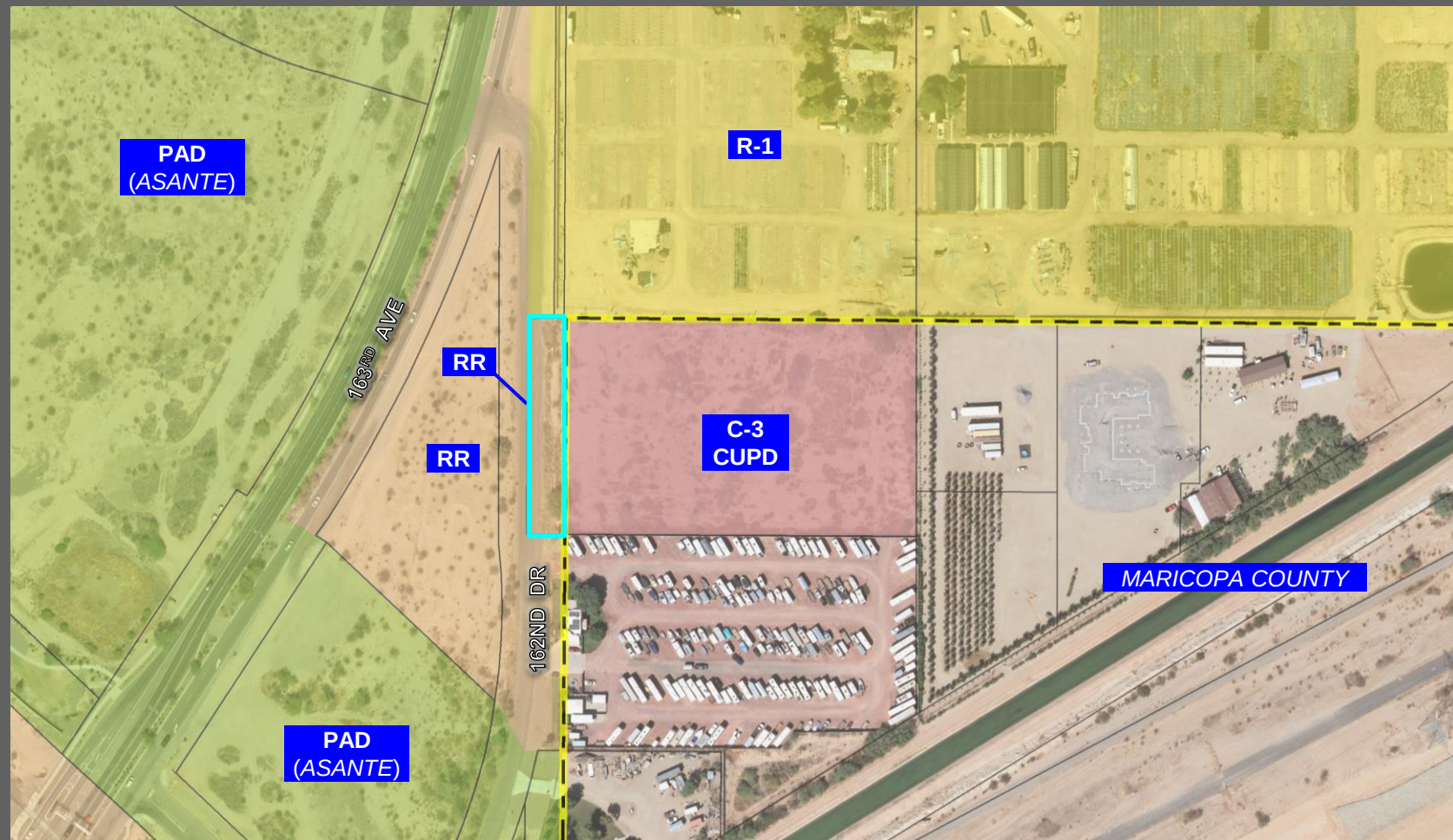
Rezone

City Council
August 20, 2024

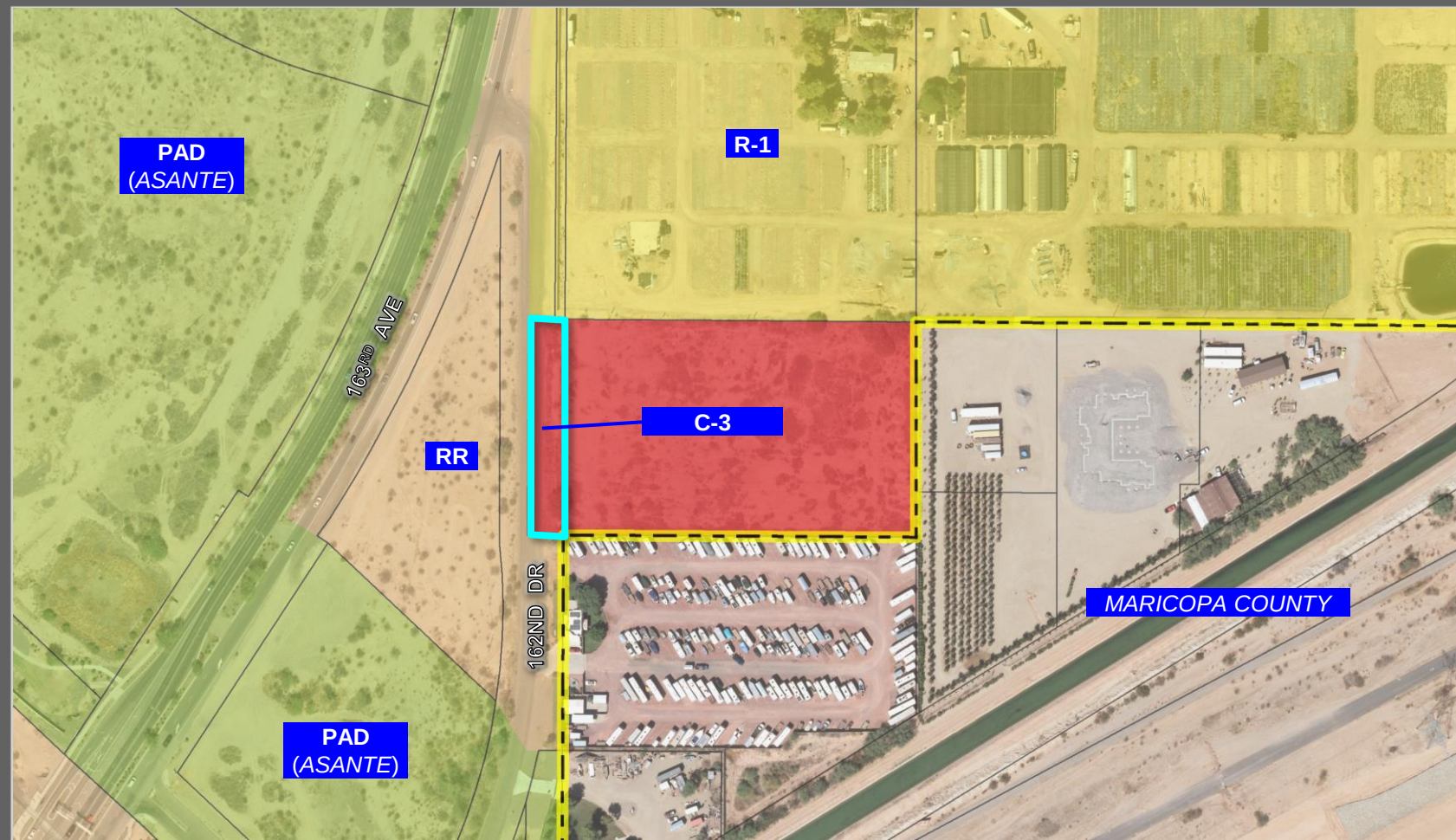


AREA DEVELOPMENT MAP





FS23-0992 EXISTING ZONING



FS23-0992 PROPOSED ZONING





APN(s)	503-07-00AC & 503-07-00AD
EXISTING LAND USE	UNDEVELOPED
PROPOSED LAND USE	SELF-STORAGE
EXISTING GENERAL PLAN	NEIGHBORHOOD
EXISTING ZONING	C-3 WITH PUD OVERLAY
GROSS AREA:	± 4.48 ACRES
NET AREA:	± 4.17 ACRES
BUILDING AREA:	
A	15,145 SF
B	26,400 SF
C	31,671 SF
D	3,040 SF
E	6,450 SF
TOTAL	77,706 SF
BUILDING COVERAGE	62% OF NET AREA
PARKING PROVIDED	7 SPACES (1 ADA)

LEGAL COUNSEL:
GILBERT BLUE PLLC
701 N. 44TH STREET
PHOENIX, AZ 85008
TEL: (602) 406-0532
CONTACT: JEFFREY BLUE
jblue@gilbertblue.com

[illegible]



OUTREACH

- Citizen Participation Meeting - January 17, 2024
 - Asante Preparatory Academy
 - 4 attendees
- Site Posting, 300' Mailers, & Newspaper Publishing's
- Questions/Concerns:
 - Number and size of storage units
 - Access
 - Operations of self-storage
 - Timeline of construction

P&Z Recommendation To City Council

Approval subject to stipulations 'a' and 'b'

- a. Development and use of the site shall be consistent with the Rezone Narrative entitled "162nd Drive Self Storage Rezone Document", prepared by EPS Group, and received July 1, 2024
- b. Non-compliance with the stipulations of approval of this case will be treated as a violation in accordance with the applicable provisions of the Surprise Municipal Code



SURPRISE
ARIZONA

**QUESTIONS OR
COMMENTS?**

Thank You



CITY OF SURPRISE Regular City Council Meeting

Council Meeting Date: August 20, 2024

Contact Person: Lloyd Abrams, Director -
Community Development

Submitting Department: Community Development District: District 1

Staff Recommendations:

Consent: No

Regular: Yes

Public Hearing: No

Report/Discussion: No

Agenda Wording:

Consideration and action pertaining to approval of the Surprise Storage Pre-Annexation Development Agreement; Resolution #2024-127

Motion:

I move to approve Resolution #2024-127.

Background:

The property is currently located in unincorporated Maricopa County and within the City's municipal planning area. The property currently has C-3 PUD zoning and site plan approval from the County for a storage facility.

The owner realizes and acknowledges herein the benefits of being located within the municipal boundaries of the City and receiving City services including, but not limited to, City fire protection services and being connected to the City's water and wastewater systems. Given the significant financial and other tangible and intangible benefits associated with being located within the City's corporate boundaries, in exchange for the City's annexation of the Property, the Owner offers and agrees to the following, as more fully set in the agreement: develop and/or contribute to the development of 162nd Drive adjacent to the Property; contribute financially to the extension of 162nd Drive and Country Club Drive north of the Property; contribute financially to the traffic signal at 163rd and Country Club Drive; and pay all required and applicable City impact fees associated with the development of the Property.

Objective Analysis:

Potential Positive Impacts Include: Growth is paying for itself; the City is not fully administering the fees; infrastructure is being built in an area of the City needing public infrastructure.

Potential Negative Impacts: The City will be required to operate and maintain more infrastructure.

Policy Compliant:

The action is compliant with Council policy relative to growth paying for itself.

Financial Impact:

The City will be responsible for the operating and maintenance costs of the public infrastructure upon acceptance. The acceptance of infrastructure increases the City's asset base and adds to future maintenance commitments. At the same time, development of the self-storage facility in the City will provide revenue from permit fees, an increase in the property tax received annually from the parcel, and one-time revenue from construction sales tax.

Budget Impact:

None at this time; however, the anticipated incremental additional maintenance expense associated with the public infrastructure will be incorporated in future budgets.

FTE Impact:

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

ATTACHMENTS:

1. 1 Resolution 2024-127
 2. 2 Surprise Storage signed PADA
 3. 3 - Surprise Storage PADA- Presentation
-

RESOLUTION # 2024-127

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA, APPROVING THE PRE-ANNEXATION DEVELOPMENT AGREEMENT BETWEEN THE CITY OF SURPRISE AND LAWRENCE HANCOCK PERTAINING TO PROPERTY GENERALLY LOCATED SOUTH OF THE SOUTHEAST CORNER OF 163RD AVENUE AND 162ND DRIVE.

WHEREAS, the City of Surprise (the “City”) is authorized to annex unincorporated property pursuant to Arizona Revised Statutes (“A.R.S.”) § 9-471;

WHEREAS, the City is also authorized to enter into development agreements, pursuant to A.R.S. § 9-500.05, for development of property setting forth, among other things, conditions, terms, restrictions, and requirements for annexation;

WHEREAS, Lawrence Hancock owns approximately 4.07 acres of land in unincorporated Maricopa County, Arizona, generally located south of the southeast corner of 163rd Avenue and 162nd Drive, as more particularly described on Exhibit “A” (the “Property”) to the Pre-Annexation Development Agreement (the “Agreement”) that is the subject of this Resolution and is attached as Exhibit “A” hereto;

WHEREAS, Lawrence Hancock has petitioned the City to annex the Property to become incorporated within the City;

WHEREAS, City staff and Lawrence Hancock have agreed upon the subject Agreement for future development of the Property, which sets forth, among other things: (1) conditions, terms, restrictions, and requirements for annexation of the Property into the City of Surprise; and, (2) upon Lawrence Hancock’s satisfaction of all applicable legal requirements, consideration by the Planning and Zoning Commission and the City Council of a request to rezone the Property from C-3 CUPD to C-3; and (3) other matters related to future development of the Property; and

WHEREAS, the City of Surprise and Lawrence Hancock now desire to obtain City Council approval for entry into the Agreement, attached as Exhibit “A,” for the purpose of setting forth certain obligations and commitments relative to the future annexation and development of the Property.

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

Section 1. The Pre-Annexation Development Agreement between the City and Lawrence Hancock, attached hereto as Exhibit “A,” is hereby approved;

Section 2. The Mayor is hereby directed to execute the Agreement on behalf of the City and any other documents necessary to effectuate the intent of this Resolution.

APPROVED AND ADOPTED this ____ day of _____, 2024.

Skip Hall, Mayor

Attest:

Approved as to form:

Kristi Passarelli, City Clerk

Robert Wingo, City Attorney

EXHIBIT A

Pre-Annexation Development Agreement

After recording, return to:
City Clerk
City of Surprise, Arizona
16000 N. Civic Center Plaza
Surprise, AZ 85374

With a copy to:
Jeffrey M. Blilie
Gilbert Blilie PLLC
701 North 44th Street
Phoenix, AZ 85008

**PRE-ANNEXATION DEVELOPMENT AGREEMENT
(Surprise Storage)**

THIS PRE-ANNEXATION DEVELOPMENT AGREEMENT (“**Agreement**” or “**PADA**”) is entered into as of the 29th day of July, 2024 by and between the **City of Surprise**, an Arizona municipal corporation (the “**City**”), and **Lawrence Hancock**, an unmarried man (“**Owner**”). City and Owner shall collectively be referred to herein as the “**Parties**,” and individually as the “**Party**.”

RECITALS:

A. This Agreement pertains to the approximately 4.53 acres generally located at the southeast corner of the Williams Field Road alignment and 162nd Drive and legally described in Exhibit A (the “**Property**”).

B. The Property is currently located in unincorporated Maricopa County (“**County**”) and within the City’s municipal planning area.

C. Owner completed the entitlement process for the Property in Maricopa County and was granted zoning and site plan approval from the County for a storage facility (“**Entitlements**”).

D. The County’s Entitlements are incompatible with the permitted uses under the City’s Land Development Ordinance (“**LDO**”).

E. Owner has not constructed any structures or infrastructure on the Property and the Property remains vacant and undeveloped.

F. Owner realizes and acknowledges herein the benefits of being located within the municipal boundaries of the City and receiving City services, including, but not limited to, City fire protection services and being connected to the City’s water and wastewater systems.

G. Given the significant financial and other tangible and intangible benefits associated

with being located within the City's corporate boundaries, in exchange for the City's annexation of the Property, Owner offers and agrees to the following, as more fully set forth below: develop and/or contribute to the development of 162nd Drive adjacent to the Property; contribute financially to the extension of 162nd Drive and Country Club Drive north of the Property; contribute financially to the traffic signal at 163rd and Country Club Drive; and pay all required and applicable City impact fees associated with the development of the Property.

H. The Parties seek to enter this PADA pursuant to the provisions of A.R.S. § 9-500.05, including among other things: (i) conditions, terms, restrictions and requirements for the annexation of the Property by the City; (ii) conditions, terms, restrictions and requirements for the provision of municipal services; and (iii) other matters related to the annexation and development of the Property.

AGREEMENT:

NOW, THEREFORE, in consideration of the foregoing premises and mutual promises set forth in this Agreement, the Parties state, confirm and agree as follows:

1. **Annexation**. Owner agrees to diligently process an application to annex the Property into the City pursuant to and consistent with applicable state law, and consistent with the terms and conditions of this Agreement.

2. **Maricopa County Zoning**. The City agrees that the Property, as described in **Exhibit B**, with existing Maricopa County zoning and Entitlements of C-3 CUPD (Commercial Unit of Planned Development), shall retain like zoning under the City's C-3 zoning district following the annexation and rezoning of said Property into the City. Upon approval of the annexation and rezoning, the Parties agree that Owner may develop an indoor storage facility in accordance with those Entitlements, but subject to the City's standard site plan review and approval processes.

3. **Water and Sewer Services**. Following annexation of the Property into the City, the City agrees to provide City water and wastewater service to Property subject to the following conditions.

a. Owner shall have paid the then-current water system, wastewater, and water resources impact fees for water and sewer capacity needed to develop the Property prior to receiving any water or wastewater service from the City.

b. Owner shall have extended water and sewer lines to the Property in accordance with the City approved water and sewer master plans for the Property, prior to receiving any water, wastewater, or fire services from the City.

c. Owner shall comply with all other applicable municipal requirements, and pay all other applicable municipal fees and costs associated with connecting to the City's water and wastewater systems, including any and all required ongoing fees and costs associated with receiving City services.

4. **Owner's Roadway Improvements.** The City is currently constructing improvements to 163rd Avenue, in and around the Property. These improvements include the design and construction of a traffic signal at the current location of 163rd Ave. and 162nd Dr., as well as the reconstruction of the existing alignment of 162nd Dr. These improvements are necessary to improve access and general traffic movement and patterns in the area, meet minimum traffic signal queueing lengths, and meet the minimum lane geometry for sightline visibility. In exchange for the City's annexation of the Property, Owner shall be responsible for the following roadway improvements:

a. Owner obligations are defined as the following:

- i. **162nd Dr.** Prior to the City issuing the first permit within the Property, Owner shall:
 - A. Dedicate the right-of-way within the Property for 162nd Dr., as further described in **Exhibit C:**
 - B. Design and construct the 162nd Dr. half-street improvements adjacent to the Property; and
 - C. Reconstruct the west-half pavement of 162nd Dr. adjacent to the Property, to bring up to current City standards (see City of Surprise Engineering Development Standards).

In the event any improvements to 162nd Dr., south of the Property, move forward prior to Owner moving forward with its adjacent 162nd Dr. half-street improvements, and such improvements also include construction of Owner's half-street improvements, prior to the City issuing the first permit within the Property, Owner shall immediately dedicate to the City all required and necessary rights-of-way for 162nd Dr. adjacent to the Property; and immediately pay or otherwise reimburse the party responsible for Owner's portion of the 162nd Dr. improvements.

- ii. **163rd Ave. and Country Club Intersection.** Pay its Proportionate Share (as defined herein) of 50% of the construction costs of all associated roadway improvements for the intersection of 163rd Ave. and Country Club Dr. (as further described in the 163rd Ave. US60 to Pat Tillman 100% Plan Set). "Proportionate Share" is calculated by dividing the Property acreage by the benefited area acreage. The benefited area is attached hereto as **Exhibit D.**
- iii. **Country Club Dr.** Dedicate the right-of-way within the Property for Country Club Dr., as further described in **Exhibit E.** Pay its Proportionate Share of the construction costs of all associated roadway improvements for the construction of Country Club Dr. from 163rd Ave. to 162nd Dr., (as further described in the 163rd Ave. US60 to Pat Tillman 100% Plan Set). "Proportionate Share" is

calculated by dividing the Property acreage by the benefited area acreage. The benefited area is attached hereto as Exhibit D.

- iv. 163rd Ave. and Country Club Dr. Traffic Signal. Pay its Proportionate Share of 50% of the total cost of the new traffic signal at the intersection of 163 Ave. and Country Club Dr., (as further described in the 163rd Ave. US60 to Pat Tillman 100% Plan Set). "Proportionate Share" is calculated by dividing the Property acreage by the benefited area acreage. The benefited area is attached hereto as Exhibit D.
- v. Timing for Dedications and Payments. All dedications of right-of-way and payments, described in Section 4 shall be made prior to the Owner receiving a permit from City of any type or nature within the Property. All construction costs identified in Section 4 shall be based on the City's contractor prepared Guaranteed Maximum Price (GMP) for each improvement.

5. **Municipal Services**. Following annexation of the Property into the City, the City shall provide all municipal services to the Property in a manner consistent with those municipal services then-provided to property located within the municipal limits of the City.

6. **General Provisions**.

6.1 **Term**. This Agreement shall become effective on the date first above written and shall automatically terminate on the tenth (10th) anniversary of such date.

6.2 **Notices and Filings**. All notices, filings, consents, approvals and other communications provided for herein or given in connection herewith shall be validly given, filed, made, delivered or served if in writing and delivered personally, emailed, sent by overnight carrier or sent by certified United States Mail, postage pre-paid, return receipt requested if to:

City: City of Surprise
16000 N. Civic Center Plaza
Surprise, AZ 85374
Attn: City Manager
Email: bob.wingenroth@surpriseaz.gov

With a copy to: City of Surprise
16000 N. Civic Center Plaza
Surprise, AZ 85374
Attn: City Attorney
Email: robert.wingo@surpriseaz.gov

Owner: Lawrence Hancock
17162 W Gambit Trail
Surprise, AZ 85387
Email: lhancockproperties@gmail.com

With a copy to:

Gilbert Blilie, PLLC
701 N. 44th Street
Phoenix, AZ 85008
Attn: Jeffrey Blilie
Email: jblilie@gilbertblilie.com

or to such other address or addresses as may hereafter be specified by notice given by any of the above for itself to the others. Any notice or other communication shall become effective upon the earliest of the following: (a) actual receipt by that Owner; or (b) two (2) business days after deposit with the United States Postal Service.

6.3 Default. Failure or unreasonable delay by any Party to perform or otherwise act in accordance with any term or provision hereof shall constitute a breach of this Agreement by such Party. Any failure to pay money not cured within ten (10) business days after written notice is received by the non-paying Party shall constitute a default under this Agreement by the non-paying Party. Any other breach not cured within thirty (30) calendar days after written notice is received, shall constitute a default by the breaching Party under this Agreement; provided, however, that if the failure is such that more than thirty (30) calendar days would reasonably be required to perform such action or comply with any term or provision hereof, then the breaching Party shall have such additional time as may be necessary to perform or comply so long as the breaching Party commences performance or compliance within said thirty (30) calendar day period and diligently proceeds to complete such performance or fulfill such obligation after written notice is received by the breaching Party. Any notice of a breach shall specify the nature of the alleged breach and the manner in which said breach may be satisfactorily cured, if possible. Each Party shall have all rights and remedies for any breach that is not cured within the applicable cure period, except that each Party waives any right to seek recovery of, or recover, any indirect, consequential (including lost profits), exemplary, punitive, or other monetary damages of any kind, other than actual damages.

6.4 Dispute Resolution. In the event that there is a dispute hereunder which the Parties cannot resolve between themselves, the Parties agree that there shall be a forty-five (45) day moratorium on litigation during which time the Parties agree to attempt to settle the dispute by nonbinding mediation before commencement of litigation. The mediation may be held under the commercial mediation rules of the American Arbitration Association or other rules mutually agreed upon by the Parties or otherwise required by the selected mediator. The matter in dispute shall be submitted to a mediator mutually selected by the Parties. In the event that the Parties cannot agree upon the selection of a mediator within seven (7) days, then within three (3) days thereafter, the City and Owner shall request the presiding judge of the Superior Court in and for the County of Maricopa, State of Arizona, to appoint an independent mediator. The mediator selected shall have at least five (5) years' experience in mediating or arbitrating disputes relating to development. The cost of any such mediation shall be divided equally between the Parties. The results of the mediation shall be nonbinding on the Parties, and any Party shall be free to initiate litigation subsequent to the moratorium.

6.5 Choice of Law, Venue and Attorney's Fees. Any dispute, controversy, claim or cause of action arising out of or related to this Agreement shall be governed by Arizona law. The venue for any such dispute shall be Maricopa County, Arizona, and each Party waives the right to object to venue in Maricopa County for any reason.

6.6 Assignment. The provisions of this Agreement are binding upon and shall inure to the benefit of the Parties, and all of their successors in interest and assigns; provided; however, that Owner's rights and obligations hereunder may be assigned, in whole or in part, only to a person or entity that has acquired title to the Property and only by a written instrument recorded in the Official Records of Maricopa County, Arizona, expressly assigning such rights and obligations. In the event of an assignment by Owner, all of Owner's rights and obligations hereunder shall terminate effective upon the assumption by Owner's assignee of such rights and obligations and the execution of an addendum that recognizes the assignment.

6.7 Third Parties. No term or provision of this Agreement is intended to benefit of any person or entity not a party hereto, and no such other person or entity shall have any right or cause of action hereunder.

6.8 Waiver. No delay in exercising any right or remedy shall constitute a waiver thereof; and no waiver of any breach shall be construed as a waiver of any preceding or succeeding breach of the same or any other covenant, or condition of this Agreement.

6.9 Further Documentation. The Parties agree in good faith to execute such further or additional instruments and documents and to take such further acts as may be necessary or appropriate to fully carry out the intent and purpose of this Agreement.

6.10 Fair Interpretation. The Parties have been represented by counsel in the negotiation and drafting of this Agreement and this Agreement shall be construed according to the fair meaning of its language.

6.11 Headings. The headings of this Agreement are for purposes of reference only and shall not limit or define the meaning of any provision of this Agreement.

6.12 Counterparts. This Agreement may be executed in any number of counterparts, each of which shall be an original but all of which shall constitute one and the same instrument.

6.13 Entire Agreement. This Agreement, together with the following Exhibit attached hereto (which is incorporated herein by this reference) constitutes the entire agreement between the Parties.

- | | | |
|-----|-------------------|--|
| (a) | <u>Exhibit A:</u> | Legal Description of the Property |
| (b) | <u>Exhibit B:</u> | Description of the Existing Entitlements |
| (c) | <u>Exhibit C:</u> | Legal Description for Owner's Portion of 162 nd Dr. |
| (d) | <u>Exhibit D:</u> | Depiction of the Benefitted Area |
| (e) | <u>Exhibit E:</u> | Legal Description of Owner's Portion of Country |

Club Dr.

All prior and contemporaneous agreements, representations and understandings of the Parties, oral or written are superseded by and merged in this Agreement.

6.14 Time. Time is of the essence of this Agreement and with respect to the performance required by each Party.

6.15 Recitals. The Recitals are incorporated as if fully set forth herein.

6.16 Conflict. This PADA is subject to A.R.S. § 38-511.

[SIGNATURES APPEAR ON THE FOLLOWING PAGES]

IN WITNESS WHEREOF, the Parties have executed this Agreement as of the date first above written.

CITY:
CITY OF SURPRISE, an Arizona municipal corporation

By _____
Mayor Skip Hall

Date _____

APPROVED AS TO FORM:

City Attorney

ATTESTED:

City Clerk

STATE OF ARIZONA)
) ss.
County of Maricopa)

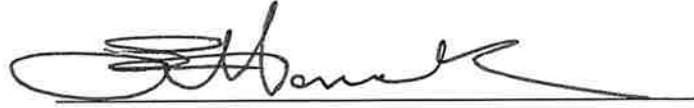
On this _____ day of _____, 2024, before me personally appeared Skip Hall, the Mayor of the City of Surprise, an Arizona municipal corporation, for and on behalf thereof, whose identity was proven to me on the basis of satisfactory evidence to be the person who he or she claims to be, and acknowledged that he or she signed the above/attached document.

[Affix notary seal here]

Notary Public

OWNER:

LAWRENCE HANCOCK, an unmarried man



Date: 7/29/24

STATE OF ARIZONA)
) ss.
County of Maricopa)

On this 29 day of July, 2024, before me personally appeared Lawrence Hancock, whose identity was proven to me on the basis of satisfactory evidence to be the person who he or she claims to be, and acknowledged that he or she signed the above/attached document.


Notary Public

EXHIBIT A

Legal Description of the Property

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

PARCEL NO. 1 The North Half of the North Half of Lot 3 (Northwest Quarter of the Southwest Quarter) of Section 18, Township 4 North, Range 1 West of the Gila and Salt River and Meridian, Maricopa County, Arizona. EXCEPT the West 44 Feet thereof; EXCEPTING and RESERVING, to the United States, all coal and other mineral s in the land as set forth in Patent to said land recorded in Book 193 of Deeds, Page 279.

PARCEL NO. 2 The West 55 feet of the North Half of the North Half of Lot 3 (Northwest Quarter of the Southwest Quarter) of Section 18, Township 4 North, Range 1 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona. EXCEPTING and RESERVING, to the United States, all coal and other mineral s in the land as set forth in Patent to said land recorded in Book 193 of Deeds, Page 279

EXHIBIT B

Description of the Existing Entitlements

[see following pages]



Planning & Development Department

February 10, 2021

Rod Jarvis
Earl & Curley
3101 N. Central Avenue, Suite 1000
Phoenix, Arizona 85012

SUBJ: Maricopa County Case Number Z2018106

On February 10, 2021 the Maricopa County Board of Supervisors (BOS) approved your request for a zone change from Rural-43 to C-3 CUPD WHSC zoning district for a commercial outdoor storage and self-storage facility. The site consists of approximately 4 acres and is generally located approximately 390' southeast of the intersection of 163rd Ave. and 162nd Dr. in the Surprise area.

- a. Development of the site shall be in substantial conformance with the Zoning Exhibit entitled "Z2018106 Surprise Storage – Zoning Exhibit", consisting of 1 full-size sheet dated October 6, 2020, and stamped received October 21, 2020 except as modified by the following conditions.
- b. Development of the site shall be in substantial conformance with the Narrative Report entitled "Storage Surprise Narrative Report", consisting of 21 pages, dated October 6, 2020 and stamped received October 21, 2020 except as modified by the following conditions.
- c. The following C-3 CUPD zoning district standards shall apply:
 1. Maximum Height: 33' (Compliance with Wickenburg Highway Scenic Corridor)
 2. Front Yard Setback (west property line): 0'
 3. Side Yard Setback (south property line): 0'
 4. Street-side Yard Setback (north property line): 25', 0' after dedication of Williams Dr. r/w
 5. Rear Yard Setback (east property line): 0'
 6. Maximum Lot Coverage: 75%
 7. Screening: 7' – 9' (h) masonry block wall for north, east and west property lines. 7' – 9' (h) CMU to be constructed within the Williams Dr. R/W reservation. Northern 25' on western property line and northern 25' on eastern property line.
 8. Site Enclosure: Storage may occur within the 0' setbacks. Storage products and materials may exceed the height of the enclosure.
 9. Sight visibility triangles: No sight visibility triangles
- d. The following Planning Engineering conditions shall apply:

1. Drainage review of planning and/or zoning cases if for conceptual design only and does not represent final design approval nor shall it entitle applicants to future designs that are not in conformance with Section 1205 of the Maricopa County Zoning Ordinance and the Maricopa County Drainage Policies and Standards.
 2. All development and engineering design shall be in conformance with Section 1205 of the Maricopa County Zoning Ordinance and current engineering policies, standards and best practices at the time of application for construction.
 3. All obstructions, including the wall and the pods, shall be removed upon required dedication of the 25-foot Williams Drive half-street right-of-way to MCDOT at the owner's expense.
 4. Drywell shall be installed with at least a 50-foot spacing in order to avoid drywell interference.
 5. A minimum of 33,500 cubic feet of onsite stormwater retention plus a foot of freeboard meeting the Drainage Policies and Standards of Maricopa County is required.
- e. All habitable buildings are subject to noise attenuation as per ARS § 28-8482(B).
 - f. Use of the existing 6' (h) block wall along the southern perimeter for self-storage structures shall require a 4 hour fire-rated wall at the property line.
 - g. The CUPD overlay is applied to restrict the use of the site. Until such time as the site is served by sewer, uses on the site shall only be those acceptable to the Maricopa County Environmental Services Department (MCESD) that can be accommodated by septic systems. A public water system and public sewer system shall be required prior to establishment of any non-residential use that requires potable water.
 - h. Noncompliance with any Maricopa County Regulation shall be grounds for initiating a revocation of this Zone Change as set forth in the Maricopa County Zoning Ordinance.
 - i. The property owner/s and their successors waive claim for diminution in value if the County takes action to rescind approval due to noncompliance with conditions.
 - j. 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 owner 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 property shall revert to the zoning that existed on the date of application. It is, therefore, stipulated and agreed that either 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 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.

Please feel free to call me if you have any questions at 602-372-0318.

Sincerely,

Rachel Applegate

Rachel Applegate, Senior Planner
Maricopa County Planning and Development

EXHIBIT C

Legal Description of Owner's Portion of 162nd Dr.

[see following pages]

EXHIBIT "C"
162ND DRIVE SURPRISE STORAGE
OWNERS PORTION OF 162ND DRIVE
LEGAL DESCRIPTION

Job No. 23-0035

JULY 23, 2024

THE WEST 40 FEET OF THE NORTH HALF OF THE NORTH HALF OF LOT 3 (NORTHWEST QUARTER OF THE SOUTHWEST QUARTER) OF SECTION 18, TOWNSHIP 4 NORTH, RANGE 1 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA.

SAID PORTION OF LAND CONTAINING 13,169 SQUARE FEET, OR 0.3023 ACRES, MORE OR LESS, AND BEING SUBJECT TO ANY EASEMENTS, RESTRICTIONS, AND/OR RIGHTS-OF-WAYS OF RECORD OR OTHERWISE.

THIS DESCRIPTION SHOWN HEREON IS NOT TO BE USED TO VIOLATE SUBDIVISION REGULATIONS OF THE STATE, COUNTY AND/OR MUNICIPALITY, OR ANY OTHER LAND DIVISION RESTRICTIONS.



SHEET 1 OF 2

IAW

EXHIBIT "C"

CENTER SEC, 18, T4N, R1W
FND. ALUMINUM CAP FLUSH

W 1/4 COR SEC
18, T.4N, R.1W
FND BRASS CAP
IN A HANDHOLE

S89°34'22"E 1905.57'

FND REBAR- NO IDENTIFICATION

OWNERS PORTION OF 162ND DRIVE

N I 162ND DRIVE

N0°21'23"E 2633.76'

329.22'

APN: 503-57-004C

S0°21'23"W 329.23'

APN: 503-57-004D
HANCOCK LAWRENCE G.
2017-0656736, MCR

FD REBAR AND CAP
KLEIN 42137

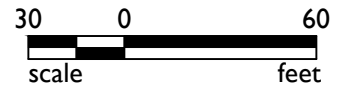
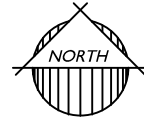
40.00'

N89°33'53"W 594.02'

SW CORNER OF GLO LOT 3
SEARCHED FOR NOT FOUND,
CALCULATED POSITION

1316.88'

SW CORNER SEC, 18, T4N, R1W
CALCULATED FROM WITNESS CORNER
STAMPED "10 FT W.C. T4N, R2W R1W S13
S18 S19 S24 LS 21080 2008"



Jul 23, 2024 9:58am S:\Projects\2023\23-0035\Land Survey\Legals\23-0035 Exhibit C.dwg mbuchanan

23-0035

Drawn by: IAW Reviewed by: MGB Sheet Scale: 1" = 60'

Sheet No: 2 of 2

162ND DRIVE SURPRISE STORAGE
OWNERS PORTION OF 162ND DRIVE

EXHIBIT "C"



1130 N. Alma School Rd.
Ste. 120 Mesa, AZ 85201
T:480.503.2250 | F:480.503.2258
www.epsgroupinc.com

EXHIBIT D

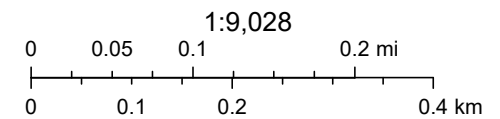
Depiction of the Benefitted Area

[see following pages]

[due to font size this Exhibit was not recorded, please contact the City Clerk for a copy]

[illegible]

☐ Override 1



Page 527 of 634

EXHIBIT E

Legal Description of Owner's Portion of Country Club Dr.

[see following pages]

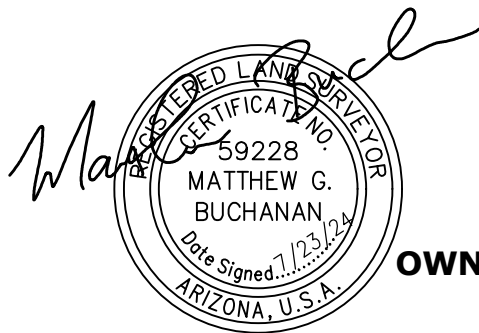


EXHIBIT "E"
162nd DRIVE SURPRISE STORAGE
OWNERS PORTION OF COUNTRY CLUB DRIVE
LEGAL DESCRIPTION

Job No. 23-0035

JULY 23, 2024

A PORTION OF THE NORTH HALF OF THE NORTH HALF OF LOT 3 (NORTHWEST QUARTER OF THE SOUTHWEST QUARTER) OF SECTION 18, TOWNSHIP 4 NORTH, RANGE 1 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS;

COMMENCING AT THE WEST QUARTER CORNER OF SAID SECTION 18, SAID CORNER BEING MARKED BY A BRASS CAP IN A HANDHOLE FROM WHICH THE CENTER OF SAID SECTION 18, BEING MARKED BY AN ALUMINUM CAP FLUSH, BEARS SOUTH 89 DEGREES 34 MINUTES 22 SECONDS EAST, 1905.57 FEET BEING THE **BASIS OF BEARINGS**;

THENCE, ALONG THE NORTH LINE OF SAID NORTH HALF OF THE NORTH HALF OF LOT 3, SOUTH 89 DEGREES 34 MINUTES 22 SECONDS EAST, 40.00 FEET TO THE **POINT OF BEGINNING**;

THENCE, CONTINUING ALONG THE NORTH LINE OF SAID NORTH HALF OF THE NORTH HALF OF LOT 3, SOUTH 89 DEGREES 34 MINUTES 22 SECONDS EAST, 27.17 FEET TO THE BEGINNING OF A NON-TANGENT CURVE CONCAVE TO THE SOUTHEAST, SAID CURVE HAVING A RADIUS OF 60.00 FEET AND RADIAL BEARING OF SOUTH 32 DEGREES 49 MINUTES 14 SECONDS EAST;

THENCE, SOUTHWEST ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 59.50 FEET THROUGH A CENTRAL ANGLE OF 56 DEGREES 49 MINUTES 22 SECONDS TO A POINT ON A NON-TANGENT LINE BEING 40.00 FEET EAST OF, AND PARALLEL WITH THE WEST LINE OF SAID NORTH HALF OF THE NORTH HALF OF LOT 3;

THENCE, ALONG SAID PARALLEL LINE NORTH 00 DEGREES 21 MINUTES 23 SECONDS EAST, 50.25 FEET TO THE **POINT OF BEGINNING**.

SAID PORTION OF LAND CONTAINING 404 SQUARE FEET, OR 0.0093 ACRES, MORE OR LESS, AND BEING SUBJECT TO ANY EASEMENTS, RESTRICTIONS, AND/OR RIGHTS-OF-WAYS OF RECORD OR OTHERWISE.

THIS DESCRIPTION SHOWN HEREON IS NOT TO BE USED TO VIOLATE SUBDIVISION REGULATIONS OF THE STATE, COUNTY AND/OR MUNICIPALITY, OR ANY OTHER LAND DIVISION RESTRICTIONS.

SHEET 1 OF 2

IAW

Jul 23, 2024 10:00am S:\Projects\2023\23-0035\Land Survey\Legals\23-0035 Exhibit E.dwg
mbuchanan

EXHIBIT "E"

CENTER SEC, 18, T4N, R1W
FND. ALUMINUM CAP FLUSH

W 1/4 COR SEC
18, T.4N, R.1W
FND BRASS CAP
IN A HANDHOLE -
POINT OF
COMMENCEMENT

POINT OF
BEGINNING

FND REBAR- NO IDENTIFICATION
S89°34'22"E 1905.57
(BASIS OF BEARINGS)

40.00'

L1
L2

S32°49'14"E
(RADIAL)

OWNERS PORTION OF
COUNTRY CLUB DRIVE

55'

40'

OWNERS PORTION OF 162ND DRIVE

N 162ND DRIVE

N0°21'23"E 2633.76'

APN: 503-57-004C

APN: 503-57-004D
HANCOCK LAWRENCE G.
2017-0656736, MCR

LINE TABLE

LINE	BEARING	LENGTH
L1	S89°34'22"E	27.17'
L2	N00°21'23"E	50.25'

CURVE TABLE

CURVE	LENGTH	RADIUS	DELTA
C1	59.50'	60.00'	56°49'22"

FD REBAR AND CAP
KLEIN 42137

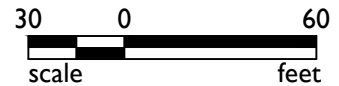
987.66'

N89°33'53"W 594.02'

SW CORNER OF GLO LOT 3
SEARCHED FOR NOT FOUND,
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1316.88'

SW CORNER SEC, 18, T4N, R1W
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STAMPED "10 FT W.C. T4N, R2W R1W S13
S18 S19 S24 LS 21080 2008"



Drawn by: IAW Reviewed by: MGB Sheet Scale: 1" = 60'

Sheet No: 2 of 2

162ND DRIVE SURPRISE STORAGE
OWNERS PORTION OF COUNTRY CLUB DRIVE

EXHIBIT "E"



1130 N. Alma School Rd.
Ste. 120 Mesa, AZ 85201
T:480.503.2250 | F:480.503.2258
www.epsgroupinc.com



Resolution #24-127

Surprise Storage PADA

City Council
August 20, 2024



VICINITY MAP



Agreement Obligations

- Owner:
 - Develop and/or contribute to the development of 162nd Drive, adjacent to the property;
 - Contribute financially to the extension of 162nd Drive and Country Club Drive;
 - Contribute financially to the traffic signal at 163rd Drive and Country Club Drive; and,
 - Pay all required and applicable City impact fees associated with the development of the property
- City:
 - Process the parcel annexation



SURPRISE
ARIZONA

QUESTIONS OR COMMENTS?

Thank You



CITY OF SURPRISE Regular City Council Meeting

Council Meeting Date: August 20, 2024
Submitting Department: Arts, Culture & Library
Department
Staff Recommendations:

Contact Person: Julie Akerly, Acting Director
District: Citywide

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

Agenda Wording:

Consideration and action pertaining to approval of an amendment to the Surprise Municipal Code Chapter 2, Sec. 2-299 to update the mission, powers, responsibilities, and duties of the Arts and Cultural Advisory Commission; Ordinance #2024-14.

Motion:

I move to approve Ordinance #2024-14.

Background:

The Arts and Cultural Advisory Commission recommends updates to their mission, powers, duties, and responsibilities to incorporate culture, align with the advisory responsibilities of other City commissions, and to update recommendation structures to account for the formation of the Arts and Culture Division.

Objective Analysis:

To update the mission, powers, duties, and responsibilities of the arts and cultural advisory commission to incorporate culture, align with advisory responsibilities of other commissions, and update recommendation structures to include City arts and culture leadership.

Policy Compliant:

This item is compliant with City and Council policies.

Financial Impact:

There is no financial impact related to this item.

Budget Impact:

There is no anticipated budget impact related to this item.

FTE Impact:

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

ATTACHMENTS:

1. Ord 2024-14 Code Update_FINAL
 2. 040124 Signed SACAC Minutes
 3. Council Presentation - SACAC Updates
-

ORDINANCE # 2024-14

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA, AMENDING CHAPTER 2, ARTICLE VIII, SECTION 2-299, ARTS AND CULTURAL ADVISORY COMMISSION, SUBSECTION (A), MISSION, AND SUBSECTION (D), POWERS, DUTIES AND RESPONSIBILITIES; INCLUDING SEVERABILITY; ESTABLISHING AN EFFECTIVE DATE; AND REPEALING CONFLICTING ORDINANCES.

WHEREAS, the City Council, by Ordinance No. 2014-14, established the City of Surprise Arts and Cultural Advisory Commission to spur cultural growth through education and advocacy, and to assist the city to create and implement a plan for the placement of public art within the community; and

WHEREAS, the Arts and Cultural Advisory Commission's mission, powers, duties, and responsibilities are set forth in Sec. 2-299(a) through (d) of the Surprise Municipal Code and need to be supplemented to incorporate culture, align with advisory responsibilities of other commissions, and update recommendation structures to include City arts and culture leadership.

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

Section 1. Sections 2-299(a) through 2-299(d) within Chapter 2, Article VIII of the Surprise Municipal Code are hereby amended as described on attached Exhibit A, and incorporated by this reference.

Section 2. All ordinances, resolutions or codes in conflict with the provisions of this Ordinance or Code adopted by this Ordinance are repealed.

Section 3. If any section, subsection, sentence, clause, phrase or portion of this Ordinance or any part of these amendments to the municipal code adopted herein is for any reason held to be invalid or unconstitutional by decision of any court of competent jurisdiction, such decision will not be read to affect the validity of the remaining portions thereof.

Section 4. This ordinance will become effective at the time and manner prescribed by law.

SIGNATURES ON THE FOLLOWING PAGE

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

Sec. 2-299. - Arts and cultural advisory commission.

(a) *Mission.* To ~~spur~~ ENCOURAGE ARTS AND cultural growth through education and advocacy, and to ~~assist the city to create and implement a plan for the placement of public art within the community.~~ PROMOTE THE DEVELOPMENT OF RELATED OPPORTUNITIES AND RESOURCES, AS WELL AS THE CREATIVE, SOCIAL, AND COMMUNITY BENEFITS THEY PROVIDE.

(b) *Bylaws.* Unless otherwise delineated within this section, the bylaws contained in section 2-295 apply.

(c) *Composition.* SEVEN (7) members will represent a cross section of stakeholders in the community, including ~~local artists~~ SURPRISE RESIDENTS THAT HAVE EXPERIENCE IN ARTS AND CULTURE SERVICES, PROGRAMMING AND/OR COMMUNITY ENGAGEMENT.

(d) Powers, duties and responsibilities. The commission will:

- ~~1. Develop and present to city council an art master plan that will identify suitable art projects for city buildings or property, including location, and size.~~
 - ~~2. Assist and advise the city council, through the city manager, on establishing policies, rules, and methods pertaining to the siting, presentation, acquisition, maintenance, and promotion of public art as part of the City of Surprise One and One-Third Percent Public Art Program.~~
 - ~~3. Identify and make recommendations to the city council, through the city manager, relating to public art in specific city capital projects. The commission may provide consultation, through the city manager, to departments pertaining to whether and when to site public art in, or whether to include an artist in the design of, specific city capital projects.~~
 - ~~4. Recommend to city council, through the city manager, appropriate public art projects for expenditure of one and one-third percent public art program funds.~~
 - ~~5. Recommend an art in private development program, outlining requirements for inclusion of public art in development projects.~~ (6) Serve as arts advocates through art awareness activities.
1. ADVOCATE FOR THE SUPPORT AND GROWTH OF ARTS AND CULTURE IN SURPRISE TO RESIDENTS, STAKEHOLDERS, THE CITY STAFF, AND THE CITY COUNCIL.
 2. SERVE AS A LIAISON FOR THE COMMUNITY BY PASSING ON CITIZENS' RECOMMENDATIONS AND OPINIONS TO ARTS & CULTURE LEADERSHIP.
 3. PROVIDE SUGGESTIONS AND/OR MAKE RECOMMENDATIONS PERTAINING TO SHORT-TERM AND LONG-TERM PLANS AS PREPARED BY ARTS & CULTURE LEADERSHIP.
 4. ADVISE ARTS & CULTURE LEADERSHIP ON GENERAL POLICY RELATING TO ARTS AND CULTURE OPERATIONS. THE RECOMMENDATIONS OF THE

COMMISSION SHALL BE ADVISORY ONLY AND SHALL NOT BE BINDING UPON
CITY STAFF OR CITY COUNCIL.

(Ord. No. 2014-14, § 5(Exh. A), 11-23-14; Ord. No. 2016-15, § 1, 8-2-16)

CITY OF SURPRISE
Arts and Cultural Advisory Commission
16000 N. Civic Center Plaza
Surprise, Arizona 85374
Monday, April 1, 2024 @ 6:00 PM
Community Room
Meeting Minutes

A. Call to Order

B. Roll Call

Chair Kathie Morgan, Vice-Chair Taylor Ingro, Commission members, Crystal Kupper, Dr. Charlotte Pullins, Margaret Lieu and Susan deJong

Absent: Rhiannon Miatt

Staff: Julie Akerly – Arts & Culture Manager and Heather Donaldson – Arts, Culture & Library Management Analyst, Sr.

C. Pledge of Allegiance

D. Staff Reports

Ms. Akerly, Arts & Culture Manager, reported on the following items:

- The winning library bookmarks will be presented to Council at tomorrow night's meeting
- Charter School Exhibit reception taking place on April 10, 2024 at City Hall, and we are looking for volunteers
- Building permit has been submitted for the Bounce and Swing art piece
- FY25 city budget will be released in April and open for public comment

E. Arts and Cultural Advisory Commission Agenda

CALL TO THE PUBLIC:

None

REGULAR AGENDA ITEMS – NON PUBLIC HEARING:

1. Consideration and action pertaining to the March 4, 2024 Arts & Cultural Advisory Commission meeting minutes.

Vice Chair Ingro moved to approve the March 4, 2024 Arts & Cultural Advisory Commission meeting minutes. Commissioner Lieu 2nd. 6 Yes votes. Motion carried.

2. Consideration and action pertaining to updates to the SACAC's mission, powers, duties, and responsibilities.

Ms. Akerly provided the Commission with the FY24 recommended updates to the Arts and Cultural Advisory Commission Mission, Powers, Duties, and Responsibilities along with next steps which will require approval by City Council to amend the ordinance.

- Mission
 - To encourage arts and cultural growth through education and advocacy, and promote the development of related opportunities and resources, as well as the creative, social, and community benefits they provide.
- Bylaws
 - Unless otherwise delineated within this section, the bylaws contained in section 2- 295 apply.
- Composition
 - Seven (7) members will represent a cross section of stakeholders in the community, including residents that may have experience in arts and culture services, programming and/or community engagement.
- Powers, duties and responsibilities. The commission will:
 - Advocate for the support and growth of arts and culture in Surprise to residents, stakeholders, the city manager, and the city council.
 - Serve as a liaison to the community by passing on citizens' recommendations and opinions to Arts & Culture leadership.
 - Provide suggestions and/or make recommendations pertaining to short-term and long-term plans as prepared by Arts & Culture leadership.
 - Advise the Arts & Culture Manager on general policy relating to arts and culture operations. The recommendations of the commission shall be advisory only and shall not be binding upon the arts and culture division, city manager or city council.

Commissioner Kupper moved to approve the recommendation of updates to the SACAC mission, powers, duties and responsibilities to the Surprise City Council with the amendment of the phrase "Arts & Culture Manager" in the fourth bullet point to reference "Arts & Culture leadership." Commissioner Pullins 2nd. 6 Yes votes. Motion carried.

Commissioners requested to include the draft of their mandates in email agenda updates.

3. Report and discussion of FY25 Traffic Cabinet Artwork panel review.

Ms. Akerly and Commissioner Kupper provided the Commission with an update on the Traffic Cabinet Artwork panel and discussed the following items:

- Goals of the project
- Eligibility
- Traffic cabinet locations along Bell Road
- Review process and scoring criteria
- Request for qualifications (not proposals)
- Artist finalists and alternates chosen
- Next steps

4. Presentation and discussion of FY24 Arts and Culture Division programs and goals.

Ms. Akerly provided the Commission with an update of the Arts & Culture division programs and goals and discussed the following items:

- Event audience reach
- Arts and culture division goals
 - Solidify our unique cultural identity
 - Increase access to programs and resources
 - Elevate the arts and culture sector in Surprise
 - Build internal capacity
- Solidifying our unique cultural identity
 - Make Surprise a more dynamic, connected, and creative city
- Increasing access to programs and resources
 - Develop clear, transparent and accessible communications
 - Make city government more accessible, welcoming and responsive to artists, organizations and community members
 - Make arts and culture available and accessible to all residents
- Elevating arts and culture sector in Surprise
 - Sustain arts and culture organizations, artists, and culture bearers
 - Make Surprise a place that creatives want to live and cultural organizations want to invest their resources
- Building internal capacity
 - Programs and priorities
 - Evaluate and update internal processes and systems
 - Build a team culture of creativity, dreaming, collaboration, patience, and wellness

F. Other Business and Future Agenda Items

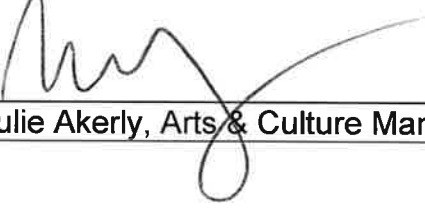
- FY25 SACAC calendar approval

G. Current Events and Reports

- Multiple commissioners attended the State of the City event
- Multiple commissioners attended the Boards & Commissions Dinner
- Commissioner Kupper participated in the Traffic Cabinet artist selection panel
- Commissioner deJong attended a tour of the home studio of local artist Joe Tyler as well as the Lunchtime Theater
- Chair Morgan attended the AZ Speaks series

ADJOURNMENT:

Motion to adjourn at 7:07p.m. – Commissioner Lieu. Commissioner deJong 2nd. 6 Yes votes. Motion Carried.

	 Kathie Morgan, Chair
ATTEST:	 Heather Donaldson, Management Analyst – Sr.
CERTIFICATION: I, Julie Akerly, Arts & Culture Manager for the City of Surprise Arts, Culture & Library Department, Maricopa County, Arizona, do hereby verify that these are the true and correct minutes of the Arts and Cultural Advisory Commission meeting held on April 1, 2024.	
	 Julie Akerly, Arts & Culture Manager



SACAC UPDATES:

Mission, Powers, Responsibilities, Duties

Arts, Culture, and Library Department

PURPOSE

- Include culture
- New arts and culture division
- Align with other commissions

PROCESS

- SACAC developed recommended updates
- Voted to make recommendation at April 1, 2024 meeting

MISSION

To encourage arts and cultural growth through education and advocacy, and promote the development of related opportunities and resources, as well as the creative, social, and community benefits they provide.

COMPOSITION

Seven (7) members will represent a cross section of stakeholders in the community, including Surprise residents that have experience in arts and culture services, programming and/or community engagement.

POWERS, DUTIES, RESPONSIBILITIES

- **Advocate** for the support and growth of arts and culture in Surprise
- Serve as a **liaison** to the community by passing on citizens' recommendations and opinions
- Provide suggestions and/or make **recommendations** pertaining to short-term and long-term plans
- **Advise** Arts and Culture leadership on general policy relating to arts and culture operations



CITY OF SURPRISE Regular City Council Meeting

Council Meeting Date: August 20, 2024

Contact Person: Jeanine Jerkovic, DIRECTOR -
ECON DEV

Submitting Department: Economic Development

District: Citywide

Staff Recommendations: None

Consent: No

Regular: Yes

Public Hearing: No

Report/Discussion: No

Agenda Wording:

Consideration and action pertaining to approval of the Greater Phoenix Economic Council FY2025 Annual Contract.

Motion:

I move to approve the fiscal year 2025 agreement with Greater Phoenix Economic Council in an amount not to exceed \$76,092.

Background:

The Greater Phoenix Economic Council (GPEC) is a public-private partnership founded in 1989 to leverage resources to attract and grow business to Greater Phoenix. Their goal is to develop a high-performance economy by attracting high-quality investments and jobs. The annual agreement with GPEC provides Surprise with the opportunity to partner with GPEC to attract quality jobs to the community, to receive marketing services that reach a targeted national and international industry and site selection audience, and to engage with local industry leaders in initiatives to enhance the overall regional competitiveness. Surprise was an inaugural community member of GPEC and has been a member since 1990.

Over the history of our membership, GPEC has assisted Surprise with the location of several local employers such as Tricolor Automotive, Rinchem, Central Garden & Pet, Seattle Tacoma Box Company (SeaCa), Janus International, RioGlass Solar, Brentwood Industries, Gestamp Solar Steel, Campcorp Structures, Cobalt Rehabilitation Hospital, and IRIS USA.

Objective Analysis:

The City agrees to pay \$76,092 for services to be provided by GPEC pursuant to the Agreement during the fiscal year ending on June 30, 2025. This amount is based on approximately \$.4897 per capita, based upon the 2022 Office of Economic Opportunity population estimate, listing the City's population as 155,384. The membership fee payment proposed might typically adjust with our latest population count, estimated at 160,273. However, please note it is the same as FY2024, because Surprise Economic Development staff requested a temporary freeze in consideration of the community's FY2025 budget. The FY2025 payment for services would otherwise be \$78,486 based on a population of 160,273. This will likely adjust accordingly for

FY2026 at the standard per capita rate based upon population numbers at that time.

Policy Compliant:

The action item is consistent with Council policy and in alignment with the City Council Strategic Plan's Economic and Cultural Vitality strategic priorities.

Financial Impact:

The amount of the FY2025 proposed contract is based on \$.4897 per capita, using the 2022 Office of Employment and Population Statistics, Arizona Department of Administration, estimating the City's population as 155,384.

Budget Impact:

The amount has been budgeted as part of the Economic Development Department annual FY2025 budget.

FTE Impact:

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

ATTACHMENTS:

1. Surprise FY25 draft
 2. Exhibit A_Action Plan FY25_Small-compressed
 3. Exhibit B FY25 Metrics
 4. Exhibit C Target Industries
 5. Exhibit D FY25 Reporting draft
 6. Exhibit E FY25 City default
 7. Exhibit F FY25 Regional Cooperation Protocol Policy
 8. Community Benefits Report - Surprise (1)
 9. 08.20.24 - City of Surprise Council Meeting
-

AGREEMENT BETWEEN THE GREATER PHOENIX ECONOMIC COUNCIL AND THE CITY OF SURPRISE

The City Council of the CITY OF SURPRISE, an Arizona municipal corporation (the “City”), has approved participation in and support of the regional economic development program of the GREATER PHOENIX ECONOMIC COUNCIL, an Arizona non-profit corporation (“GPEC”). The purpose of this agreement (“Agreement”) is to set forth the regional economic development program that GPEC agrees to undertake, the support that the City agrees to provide, the respective roles of GPEC and the City, and the payments of the City to GPEC for the fiscal year July 1, 202~~24~~²⁵ - June 30, 202~~35~~³⁵ (“FY202~~35~~³⁵”).

NOW, THEREFORE, in consideration of the mutual promises contained herein, the City and GPEC agree as follows:

I. RESPONSIBILITIES OF GPEC

- A. MISSION:** Attract and grow quality businesses and advocate for Greater Phoenix’s competitiveness.
- B. GOALS:** GPEC is guided by and strategically focused on two specific long-range goals:
 - 1. Marketing the region to generate qualified business/industry prospects in targeted economic clusters.
 - 2. Leveraging public and private allies and resources to locate qualified prospects, improve overall competitiveness, and sustain organizational vitality.
- C. RETENTION AND EXPANSION POLICY:**
 - 1. GPEC’s primary role is developing the Greater Phoenix region’s market intelligence strategy for high wage, base industry clusters in coordination with representatives of GPEC member communities.
 - 2. Retention and expansion of existing businesses within GPEC member communities is primarily a local issue.
 - 3. GPEC will support its member communities’ efforts to retain and expand existing businesses through coordinating regional support and providing research on key retention and expansion projects.
 - 4. GPEC will advise its member communities when an existing company contacts GPEC regarding a retention or expansion issue, subject to any legal or contractual non-disclosure obligations.
- D. ACTION PLAN AND BUDGET:** In accordance with the Mission, Goals and Retention Policy set forth above and subject to the availability of adequate funding, GPEC will implement the Action Plan and Budget adopted by GPEC's Board of Directors, a copy of which has been delivered to the City, receipt of which is hereby acknowledged. A summary of the Action Plan is attached hereto as **Exhibit A** (“GPEC Action Plan”). GPEC will inform the City of any changes in the adopted Action Plan which materially affect or alter the priorities

established therein. Such notification will be in writing and will be made prior to implementation of such changes. Notwithstanding the foregoing, the City acknowledges and agrees that GPEC may, after providing the City with reasonable notice, in GPEC's reasonable judgment in accordance with its own practices and procedures, substitute, change, reschedule, cancel or defer certain events or activities described in the Action Plan as required as a result of changing market conditions, funding availability, unforeseen expenses or other circumstances beyond GPEC's reasonable control. GPEC will solicit the input of the City on the formulation of future marketing strategies and advertisements. The Action Plan will be revised to reflect any agreed upon changes to the Action Plan.

- E. PERFORMANCE TARGETS:** Specific performance targets, established by GPEC's Executive Committee and Board of Directors, are attached hereto as **Exhibit B** ("GPEC Performance Measures") and will be used to evaluate and report progress on GPEC's implementation of the Action Plan. In the event of changing market conditions, funding availability, unforeseen expenses or other circumstances beyond GPEC's reasonable control, GPEC may revise these performance targets with the City's prior written approval, or with the prior written approval of a majority of the designated members of GPEC's Economic Development Directors Team ("EDDT"). GPEC will provide monthly reports to the City discussing in detail its progress in implementing the Action Plan as well as reporting the numerical results for each performance measurement set forth in Exhibit B. GPEC will provide a copy of its annual external audit for the preceding fiscal year to the City no later than December 31, 2024. Monthly Activity reports, substantially in the form of **Exhibit D** ("Reporting Mechanism for Contract Fulfillment") attached hereto, are to be submitted to the address listed under paragraph IV.P.

In the event GPEC fails to meet any benchmark, GPEC will meet with the EDDT within 30 calendar days to provide an explanation of the relevant factors and circumstances, and to present a plan for improving performance in order to achieve the target(s) within the term of this Agreement. Failure to meet a performance target will not, by itself, constitute an event of default hereunder unless GPEC (i) fails to inform the City of such event, or (ii) fails to meet with EDDT to present a plan for improving its performance during the balance of the term of the Agreement. Such an event of default allows the City to terminate this Agreement pursuant to paragraph IV.J below.

II. RESPONSIBILITIES OF THE CITY

- A. STAFF SUPPORT OF GPEC EFFORTS:** To the extent permitted by law and/or the City's internal policies, the City will provide staff support to GPEC's economic development efforts as follows:
1. The City will respond to leads or prospects referred by GPEC in a professional manner within the time frame specified by the lead or prospect if, in the City's sole discretion, the City desires to compete. When available, the City agrees to provide its response in the format developed jointly by EDDT and GPEC;
 2. The City will provide appropriate local hospitality, tours and briefings for prospects visiting sites in the City;
 3. The City will provide an official economic development representative to represent the City on the EDDT, which advises GPEC's President and CEO;

4. The City will cooperate in the implementation of GPEC/EDDT process improvement recommendations including the use of common presentation formats, exchange of information on prospects with GPEC's staff, the use of shared data systems, land and building data bases and private sector real estate industry interfaces;
5. The City will attempt in good faith to respond to special requests by GPEC for particularized information about the City within three business days after the receipt of such request;
6. In order to enable GPEC to be more sensitive to the City's requirements, the City will, at the City's sole option, deliver to GPEC copies of any City approved economic development strategies, work plan, programs and evaluation criteria. GPEC may not disclose the same to the other participants in GPEC, their representatives, or any other third parties without the express written permission of the City Manager;
7. The City will utilize good faith efforts to cause an economic development professional representing the City to attend all marketing events and other functions to which the City has committed itself;
8. The City agrees to work with GPEC to improve the City's competitiveness and market readiness to support the growth and expansion of the targeted industries as identified for the City in **Exhibit C** ("Targeted Industries");

B. RECOGNITION OF GPEC: The City agrees to recognize GPEC as the City's officially designated regional economic development organization for marketing the Greater Phoenix Region.

III. ADDITIONAL AGREEMENTS OF THE PARTIES:

A. PARTICIPATION IN MARKETING EVENTS AND PROVISION OF TECHNICAL ASSISTANCE: Representative(s) of the City, at the City's own expense, are entitled to participate in GPEC's marketing events. GPEC will provide no funding or otherwise share in any way the expense with the City's expense related to participating in any GPEC marketing events. When requested and appropriate, GPEC will use its best efforts to provide technical assistance and support to City economic development staff for business location prospects identified and qualified by the City and assist the City with presentations to the prospect in the City or their corporate location.

B. COMPENSATION:

1. The City agrees to pay ~~\$763,092~~¹~~343~~ for services to be provided by GPEC pursuant to the Agreement during the fiscal year ending on June 30, 2023~~5~~. This amount is

¹ The City of Surprise has opted-in to a one fiscal-year budget freeze for FY25 and will remain at the FY24 contract amount at **\$76,092**. The FY25 payment for services ~~should-would otherwise~~ be **\$78,486** based on a population of **160,273**. The temporary freeze for FY25 at FY24 levels of per capita funding is a one-time freeze and will adjust accordingly for FY26 at standard per capita rate based on population numbers at that time.

based on approximately \$.4897 per capita, based upon the 2021~~13~~ Office of Economic Opportunity population estimate, listing the City's population as ~~149,160,273~~~~710~~. The payment by the City may, upon the mutual and discretionary approval of the board of directors of GPEC and the City Council, be increased or decreased during the term of this Agreement consistent with any changes in the per capita payments by other municipalities which support GPEC.

2. Funding of this Agreement is subject to the annual appropriations of funds for this activity by the City Council pursuant to the required budget process of the City. The City cannot assure that the budget item for funding this Agreement will be approved in the future. In such event, the City may terminate this Agreement.
3. Nothing herein precludes the City from contracting separately with GPEC for services to be provided in addition to those to be provided hereunder; and
4. GPEC will submit an invoice for payment due under this agreement pursuant to Paragraph III.B.1 on an annual basis within 30 days of City Council approval of Agreement.

C. COOPERATION:

1. The parties acknowledge that GPEC is a cooperative organization effort among GPEC and its member communities. Accordingly, the City and GPEC covenant and agree to work together in a productive and harmonious manner, and to cooperate in furthering GPEC's goals for FY2023~~5~~. The City and GPEC further covenant and agree to comply with the Regional Cooperation Protocol, attached hereto as **Exhibit F**, in all material respects.
2. The City agrees to work with GPEC, as necessary or appropriate, to revise the performance measures, and/or benchmarks, and/or goals for the FY2024~~6~~ contract.
3. The City agrees to work with GPEC during FY2023~~5~~ to develop a revised public sector funding plan, including a regional allocation formula FY2024~~6~~, if determined to be necessary or appropriate.

IV. GENERAL PROVISIONS:

- A. COVENANT AGAINST CONTINGENT FEES:** GPEC warrants that no person or selling agent has been employed or retained to solicit or secure this contract upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee. For a breach or violation of this warranty, the City has the right to terminate this Agreement without liability or, in its discretion, to deduct the commission, brokerage or contingent fee from its payment to GPEC.
- B. PAYMENT DEDUCTION OFFSET PROVISION:** GPEC recognizes the provisions of the City Code of the City of Surprise which require and demand that no payment be made to any contractor as long as there is any outstanding obligation due to the City, and directs that any such obligation be offset against payment due to GPEC.

- C. **ASSIGNMENT PROHIBITED:** No party to this Agreement may assign any right or obligation pursuant to this Agreement. Any attempted or purported assignment of any right or obligation pursuant to this Agreement is void and no effect.
- D. **INDEPENDENT CONTRACTOR; NO AGENCY:** Nothing contained in this Agreement creates any partnership, joint venture or agency relationship between the City and GPEC. The parties acknowledge that the services provided under this Agreement are being provided as an independent contract, not as an employee or agent of the City. City has no right to control GPEC beyond the results of GPEC's services contemplated pursuant to this Agreement. GPEC has no authority, express or implied, to act on behalf of City in any capacity whatsoever as an agent. GPEC has no authority, express or implied, under to this Agreement to bind City to any obligation whatsoever.
- E. **INDEMNIFICATION AND HOLD HARMLESS:** GPEC agrees to indemnify, defend, hold, protect and save harmless the City and any and all of its Council members, officers and employees for, from and against any and all actions, suits, proceedings, claims and demands, loss, liens, costs, expense and liability of any kind and nature whatsoever, arising out of this Agreement for injury to or death of persons, or damage to property, including property owned by City, brought, made, filed against, imposed upon or sustained by the City, its officers, or employees in and arising from or attributable to or caused directly or indirectly by the negligence, wrongful acts, omissions or from operations conducted by GPEC, its directors, officers, agents or employees acting on behalf of GPEC and with GPEC's knowledge and consent.
- Any party entitled to indemnity must notify GPEC in writing of the existence of any claim, demand or other matter to which GPEC's indemnification obligations would apply, and must give to GPEC a reasonable opportunity to defend the same at its own expense and with counsel reasonably satisfactory to the indemnified party.
- Nothing in this Subsection E may be deemed to provide indemnification to any indemnified party with respect to any liabilities arising from the fraud, negligence, omissions or willful misconduct of such indemnified party.
- F. **INSURANCE:** GPEC must procure and maintain for the duration of this Agreement, at GPEC's own cost and expense, insurance against claims for injuries to persons or damages to property which may arise from or in connection with this Agreement by GPEC, its agents, representatives, employees or contractors, in accordance with the Insurance Requirements set forth in **Exhibit E** ("Insurance Requirements"), attached hereto. The City acknowledges that it has received and reviewed evidence of GPEC's insurance coverage in effect as of the execution of this Agreement.
- G. **GRATUITIES.** The City may, by written notice to GPEC, terminate the right of GPEC to proceed under this Agreement upon one (1) calendar day notice, if it is found that gratuities in the form of entertainment, gifts, or otherwise were offered or given by GPEC, or any agent or representative of GPEC, to any officer or employee of the City with a view toward securing a contract or securing favorable treatment with respect to the awarding or amending, or the making of any determinations with respect to the performance of such contract; provided that the existence of the facts upon which the City makes such findings may be reviewed by any competent court consistent with Subsection L. In the event of such termination, the City is entitled to pursue all legal and equitable remedies against

GPEC available to the City. Activities by an officer or employee of the City while engaged in official business with GPEC, including travel shall not be deemed a gratuity.

H. EQUAL EMPLOYMENT OPPORTUNITY. During the performance of this Agreement, GPEC agrees as follows:

1. GPEC will not discriminate against any employee or applicant for employment because of race, color, religion, gender, sexual orientation, national origin, age or disability. GPEC will take affirmative action to ensure that applicants are employed, and that employees are treated during employment without regard to their race, color, religion, gender, sexual orientation, national origin, age or disability. Such action will include, but is not limited to, the following: employment, upgrading, demotion or transfer, recruitment or recruitment advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship. GPEC agrees to post in conspicuous places, available to employees and applicants for employment, notices setting forth the provisions of this nondiscrimination clause.
2. GPEC will, in all solicitations or advertisements for employees placed by or on behalf of GPEC, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, gender, sexual orientation, national origin, age or disability.
3. GPEC will cause the foregoing provisions to be inserted in all subcontracts for any work covered by this Agreement, provided that the foregoing provisions do not apply to Agreements or subcontracts for standard commercial supplies or new materials.
4. Upon request by the City, GPEC will provide City with information and data concerning action taken and results obtained in regard to GPEC's Equal Employment Opportunity efforts performed during the term of this Agreement. Such reports will be accomplished upon forms furnished by the City or in such other format as the City may prescribe.

I. COMPLIANCE WITH FEDERAL AND STATE LAWS REQUIRED.

1. GPEC understands and acknowledges the applicability of the Immigration Reform and Control Act of 1986 and the Drug Free Workplace Act of 1989 and agrees to comply therewith in performing under any resultant agreement and to permit City inspection of its records to verify such compliance.
2. GPEC warrants to the City that, to the extent applicable under A.R.S. §41-4401, GPEC is in compliance with all federal immigration laws and regulations that relate to its employees and with the E-Verify Program under A.R.S. §23-214(A). GPEC acknowledges that a breach of this warranty by GPEC under this Agreement is a material breach of this Agreement subject to penalties up to and including termination of this Agreement. The City retains the legal right to inspect the papers of any employee of GPEC who works on this Agreement to ensure compliance with this warranty.

3. The City will not consider GPEC in material breach of the foregoing warranty if GPEC establishes that it has complied with the employment verification provisions prescribed by 8 USCA § 1324(a) and (b) of the Federal Immigration and Nationality Act and the e-verify requirements prescribed by Arizona Revised Statutes § 23-214(A).

4. GPEC hereby certifies that it does not, and will not, participate in during the term of this contract, a boycott of Israel in accordance with Arizona Revised Statute §35-393.01. GPEC hereby agrees to indemnify and hold harmless the City, its agents and employees from any claims or causes of action relating to the City's action based upon reliance upon this representation, including the payment of all costs and attorney fees incurred by the City in defending such an action.

~~C-5.~~ In accordance with Arizona Revised Statutes § 35-394, GPEC hereby certifies and agrees that GPEC does not currently and shall not for the duration of this Agreement use 1) the forced labor of ethnic Uyghurs in the People's Republic of China, 2) any services or goods produced by the forced labor of ethnic Uyghurs in the People's Republic of China, and/or 3) any suppliers, contractors or subcontractors that use the forced labor or any services or goods produced by the forced labor of ethnic Uyghurs in the People's Republic of China. If GPEC becomes aware during the term of this Agreement that GPEC is not in compliance with this Section, then GPEC shall notify the Town within five (5) business days after becoming aware of such noncompliance. If GPEC does not provide the Town with written certification that GPEC has remedied such noncompliance within one hundred eighty (180) days after notifying the Town of such noncompliance, this Agreement shall terminate, except that if the Agreement termination date occurs before the end of such one hundred eighty (180) day remedy period, this Agreement shall terminate on such contract termination date.

J. TERMINATION. This Agreement will expire on June 30, 2023~~5~~ unless otherwise extended by the Parties. In addition to the termination provisions otherwise set forth in this Agreement, including Section III(B)(2) above, City has the right to terminate this Agreement if GPEC fails to duly perform, observe or comply with any covenant, condition or agreement on its part under this Agreement and such failure continues for a period of 30 days (or such shorter period as may be expressly provided herein) after the date on which written notice requiring the failure to be remedied is given to GPEC by the City; provided, however, that if such performance, observation or compliance requires work to be done, action to be taken or conditions to be remedied which, by their nature, cannot reasonably be accomplished within 30 days, no event of default will be deemed to have occurred or to exist if, and so long as, GPEC commences such action within that period and diligently and continuously prosecutes the same to completion within 90 days or such longer period as the City may approve in writing. The foregoing notwithstanding, in the event of circumstances which render GPEC incapable of providing the services required to be performed hereunder, including, but not limited to, insolvency or an award of monetary damages against GPEC in excess of its available insurance coverage and assets, the City may immediately and without further notice terminate this Agreement.

K. RESPONSIBILITY FOR COMPLIANCE WITH LEGAL REQUIREMENTS. GPEC's performance hereunder must materially comply with all applicable federal, state and local

health, environmental, and safety laws, regulations, standards, and ordinances in effect during the performance of this Agreement.

- L. INSTITUTION OF LEGAL ACTIONS.** Any legal actions instituted pursuant to this Agreement must be filed in the County of Maricopa, State of Arizona, or in the Federal District Court in the District of Arizona, in Phoenix, Arizona. In any legal action, the prevailing party in such action will be entitled to reimbursement by the other party for all costs and expenses of such action, including reasonable attorneys' fees as may be fixed by the Court.
- M. APPLICABLE LAW.** Any and all disputes arising under any Agreement to be awarded hereunder or out of the proposals herein called for, which cannot be administratively resolved, will be tried according to the laws of the State of Arizona, and GPEC agrees that the venue for any such action will be in the State of Arizona as set forth above.
- N. CONTINUATION DURING DISPUTES.** GPEC agrees that, notwithstanding the existence of any dispute between the parties, each party will continue to perform the obligations required of it during the continuation of any such dispute, unless enjoined or prohibited by an Arizona court of competent jurisdiction.
- O. CITY REVIEW OF GPEC RECORDS.** GPEC must keep all Agreement records separate and make them available for audit by City personnel upon request.
- P. NOTICES.** Any notice, consent or other communication required or permitted under this Agreement must be in writing and is deemed received at the time it is personally delivered, on the day it is sent by facsimile transmission, on the second day after its deposit with any commercial air courier or express service or, if mailed, three (3) days after the notice is deposited in the United States mail addressed as follows:

If to City: Bob Wingenroth
 City Manager
 City of Surprise
 16000 N. Civic Center Plaza
 Surprise, Arizona 85374
 (623) 222-3300
 FAX: (623) 222-3301

And to: Robert Wingo
 City Attorney
 Surprise City Attorney's Office
 City of Surprise
 16000 N. Civic Center Plaza
 Surprise, Arizona 85374
 (623) 222-1120
 FAX: (623) 222-1101

If to GPEC: Chris Camacho
President and Chief Executive Officer
Greater Phoenix Economic Council
Two North Central Avenue, Suite 2500
Phoenix, Arizona 85004-4469
(602) 256-7700
FAX: (602) 256-7744

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

- Q. TRANSACTIONAL CONFLICT OF INTEREST.** All parties hereto acknowledge that this Agreement is subject to cancellation by the City pursuant to the provisions of Section 38-511, Arizona Revised Statutes.
- R. NONLIABILITY OF OFFICIALS AND EMPLOYEES.** No councilmember, official or employee of the City will be personally liable to GPEC, or any successor in interest, in the event of any default or breach by the City or for any amount which may become due to GPEC or successor, or on any obligation under the terms of this Agreement. No member, official or employee of GPEC will be personally liable to the City, or any successor in interest, in the event of any default or breach by the GPEC or for any amount which may become due to the City or successor, or on any obligation under the terms of this Agreement.
- S. NO WAIVER.** Except as otherwise expressly provided in this Agreement, any failure or delay by any party in asserting any of its rights or remedies as to any default, will not operate as a waiver of any default, or of any such rights or remedies, or deprive any such party of its right to institute and maintain any actions or proceedings which it may deem necessary to protect, assert or enforce any such rights or remedies.
- T. SEVERABILITY.** If any provision of this Agreement is found invalid or unenforceable by a court of competent jurisdiction, the remaining provisions of this Agreement will not be affected thereby and will be valid and enforceable to the fullest extent permitted by law, provided that the fundamental purposes of this Agreement are not defeated by such severability.
- U. CAPTIONS.** The captions contained in this Agreement are merely a reference and are not to be used to construe or limit the text.
- V. NO THIRD PARTY BENEFICIARIES.** No creditor of either party or other individual or entity has any rights, whether as a third-party beneficiary or otherwise, by reason of any provision of this Agreement.
- W. DISCLOSURE OF CONFIDENTIAL INFORMATION IF REQUIRED BY LAW.** To the extent permitted by law recognizing that the City is subject to Arizona Public Records laws set forth in the Arizona Revised Statutes, Title 39, this Agreement allows the Parties to disclose Confidential Information, as defined below, to each other under the following terms. In the opinion of the Parties to this Agreement: (1) the Confidential Information is the proprietary property of the Parties and is strictly confidential and privileged pursuant to, among other laws, A.R.S. §§ 44-401, et seq., (2) the release of the Confidential

Information provided could cause harm to the Parties' competitive position, (3) the Confidential Information is potentially personal and private, and (4) the Confidential Information is exempt from disclosure under the Arizona Public Records and Open Meeting Laws, A.R.S. § 39-121, et seq. The Agreement does not license, assign, or convey any intellectual property or proprietary rights from any Party to any other Party.

"Confidential Information" means non-public information, know-how, or trade secrets in any form, that:

1. Are designated as being confidential; or
2. A reasonable person knows or reasonably should understand to be confidential.

The City must comply with and may be subject to certain disclosure requirements under the Arizona public records law (A.R.S. § 39-101, et seq.). The City may disclose Confidential Information if required to comply with a court order or other government demand that has the force of law. Prior to disclosure, the Party must:

1. Seek the highest level of protection available; and
2. Give GPEC reasonable prior notice of the request for records and identified responsive documents to allow them to seek a protective order, unless such notice is not permitted under law.

X. ENTIRE AGREEMENT, WAIVERS AND AMENDMENTS. This Agreement may be executed in up to three (3) duplicate originals, each of which is deemed to be an original. This Agreement, including ten (10) pages of text and the below-listed exhibits which are incorporated herein by this reference, constitutes the entire understanding and agreement of the parties.

Exhibit A – GPEC Action Plan
Exhibit B – GPEC Performance Measures
Exhibit C – Targeted Industries
Exhibit D – Reporting Mechanism for Contract Fulfillment
Exhibit E – Insurance Requirements
Exhibit F – Regional Cooperation Protocol

This Agreement integrates all of the terms and conditions mentioned herein or incidental hereto, and supersedes all negotiations or previous agreements between the parties with respect to all or any part of the subject matter hereof.

All waivers of the provisions of this Agreement must be in writing and signed by the appropriate authorities of the City or GPEC, and all amendments hereto must be in writing and signed by the appropriate authorities of the parties hereto.

[SIGNATURES APPEAR ON FOLLOWING PAGE]

|

IN WITNESS WHEREOF, the parties hereto have executed the Agreement this _____ day of _____, 202~~2~~4.

CITY OF SURPRISE, a municipal corporation

By: _____
Honorable Skip Hall, Mayor

ATTEST:

By: _____
Its: City Clerk

APPROVED AS TO FORM:

By: _____
Its: City Attorney

GREATER PHOENIX ECONOMIC COUNCIL,
an Arizona nonprofit corporation

By: _____
Chris Camacho
President & Chief Executive Officer

GREATER PHOENIX ECONOMIC COUNCIL

Action Plan FY25

 Greater Phoenix
Economic Council
gpec.org // 602.256.7700



Letter from **Chris Camacho** *President & CEO*

Dear Partners and Stakeholders,

As we enter the third and final year of GPEC's FY23-FY25 Strategic Plan, I am filled with optimism for the future of Greater Phoenix.

Over the past year, we have made great progress in executing against our vision of a future economy grounded in innovation, dynamism, anti-fragility and equity. Through intentional planning and collaboration across GPEC's public and private partners, Greater Phoenix has become a dynamic ecosystem where startups, legacy companies and the vibrant impacts of arts and culture intersect to drive growth and connectivity.

This intersection is key to our success and sets us apart as a region that others across the U.S. look to for inspiration. We now have the opportunity to fortify the region by focusing on emerging and innovation-driven sectors, furthering this prominence nationally and internationally as global eyes shift towards Greater Phoenix.

Our unique public-private model is instrumental in ensuring our work has a tangible impact on our communities while building a stronger economic future. It allows us to collaborate effectively, leveraging strengths and resources to create a region where everyone has the opportunity to succeed. I want to extend my gratitude to our community partners, board members and private sector investors for their dedication to advancing Greater Phoenix's prosperity.

The tactics outlined in this action plan will forward Greater Phoenix as a leading market that drives innovation, fosters creativity and creates equitable opportunities. Thank you for your continued partnership and dedication to our shared vision.



The tactics outlined in this action plan will forward Greater Phoenix as a leading market that drives innovation, fosters creativity and creates equitable opportunities.



Our Mission

To attract and grow quality businesses, and advocate for Greater Phoenix's competitiveness.



Our Values

The GPEC Way

- ➔ We are an inclusive, diverse family
- ➔ We are change agents
- ➔ We lead from the front
- ➔ We promote intellectual curiosity
- ➔ We remain on the edge
- ➔ We are tenacious
- ➔ We are agile and adapt to change
- ➔ We are committed to selfless service

Our Vision

Be the leading market driving innovation in a dynamic, anti-fragile and equitable economy that enables all residents to benefit and prosper.

FY23-25 Strategic Plan Goals

GOAL 1

Lead an ambitious shared vision for the region's economic future

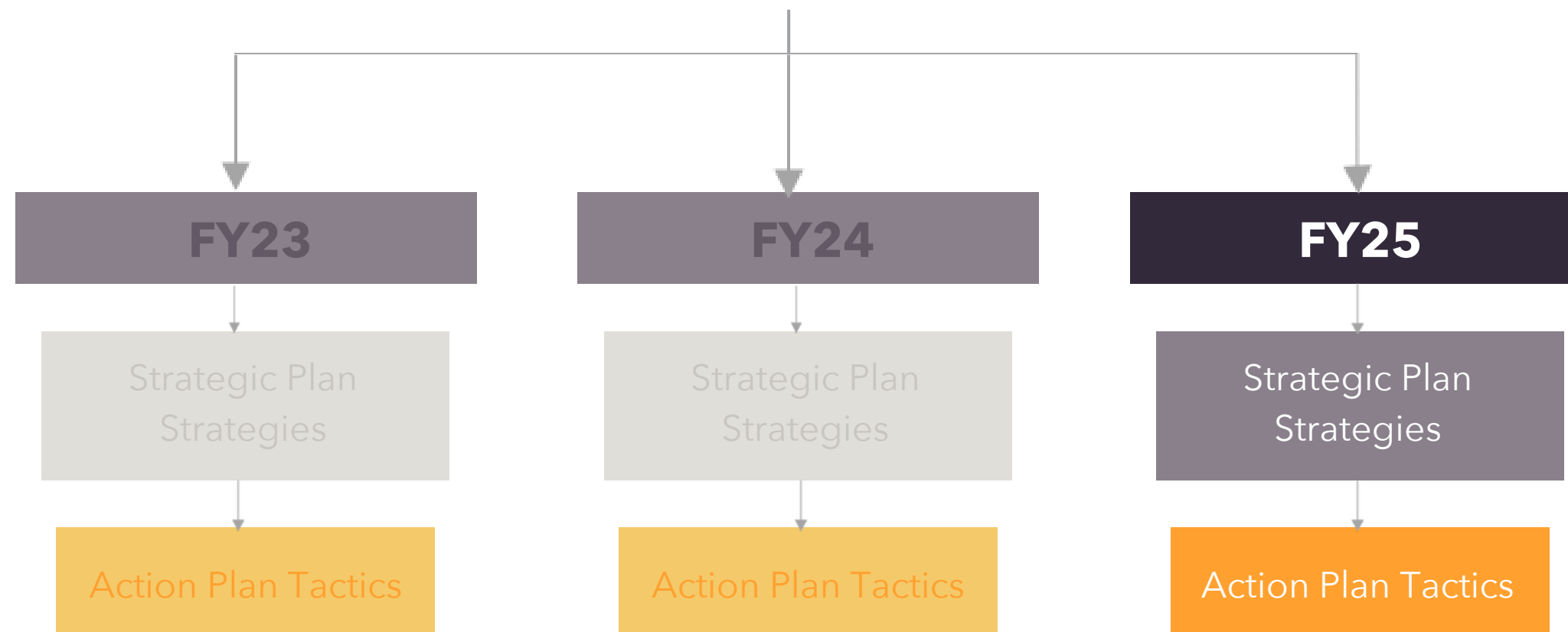
GOAL 2

Enhance the foundation of the future economy with a focus on emerging and innovation-driven industry sectors

GOAL 3

Expand organizational capacity to serve the Greater Phoenix economic ecosystem and meet the needs of the market

Three-year Strategic Plan Goals



FY25: Strategic Plan Goal 1

Lead an ambitious shared vision for the region's economic future

Strategy 1:

Convene the community to articulate a vision for the region's future and inspire action around key economic imperatives

Tactics:

- Illustrate the past-present-and future of the region with a proactive pro-growth, pro-community vision
- Engage local champions to advocate for an innovation economy that drives long-term competitiveness and prosperity
- Align with partner organizations to generate or support coordinated action that drives outcomes addressing regional imperatives

Strategy 2:

Drive conversations around policy priorities that enhance the pillars of an innovation economy such as infrastructure, education and workforce development, smart and agile land use, and a capital-friendly environment

Tactics:

- Ensure federal dollars from key investment programs flow to support opportunity cluster development in Greater Phoenix
- Execute on current grant awards
- Support critical economic development initiatives such as Prop 479, programs enhancing grid capacity and sustainability, water resiliency, and air quality

FY25: Strategic Plan Goal 1

Lead an ambitious shared vision for the region's economic future

Strategy 3:

Be a leading voice regionally and nationally on economic development priorities and strategies

Tactics:

- Continue to assess and share regional health metrics through the economic monitor tool and thought leadership series to educate regional partners on areas of opportunity
- Develop and disseminate data-based, clear, and concise narratives addressing water, energy-grid stability, air quality and other key components of a strong economic development foundation
- Engage media and key multipliers out of market to familiarize audiences nationally and internationally with the Greater Phoenix region value proposition



FY25: Strategic Plan Goal 2

Enhance the foundation of the future economy with a focus on emerging and innovation-driven industry sectors

Strategy 1:

Fortify business attraction efforts to remain best-in-class and execute on sector-focused strategies

Tactics:

- Intensify outreach in key global regions including Europe and the APAC region
- Elevate the GPEC team specialization on industries such as Aerospace, Biosciences, and Climate Technologies
- Support unique programming and tools that promote soft-landing for foreign companies new to the market
- Enhance and evolve community partnerships to anticipate the future of land use needs

Strategy 2:

Enhance the perception of the Greater Phoenix market as a premier location for people and businesses to live, grow and work

Tactics:

- Brand as a premier location for future-focused industries, identifying opportunity industries that are targets for growth
- Strategically enhance marketing to drive global recognition for the region

FY25: Strategic Plan Goal 2

Enhance the foundation of the future economy with a focus on emerging and innovation-driven industry sectors

Strategy 3:

Lead on data analytics and cutting-edge research capabilities to provide intelligence to clients and stakeholders

Tactics:

- Develop strategies to incorporate AI and data integrations to enhance analysis capabilities and dissemination of key market activities
- Bolster core capabilities and internal platforms to drive lead prospecting and conversions
- Leverage unique partnerships to enhance data analysis and reporting to grow audience

Strategy 4:

Intensify support for regional entrepreneurship with a focus on equity, capital strategies and innovation in collaboration with regional partners

Tactics:

- Align with startup ecosystem partners to coordinate additional resources and programming for local companies
- Increase awareness of growth markers and key investments into local companies



FY25: Strategic Plan Goal 3

Expand organizational capacity to serve the Greater Phoenix economic ecosystem and meet the needs of the market

Strategy 1:

Grow capacity through increased investment and diversified funding to provide resources that enable execution against strategic economic initiatives

Tactics:

- Clearly and consistently demonstrate stakeholder value and engagement with GPEC initiatives
- Leverage relationships to connect with new investors outside of the GPEC network
- Seamlessly integrate new partners in the region

Strategy 2:

Coordinate with key stakeholder groups to enable an agile response to the needs of Greater Phoenix

Tactics:

- Focus on high-value engagement opportunities with stakeholders such as strategic councils, roundtables and international delegation visits
- Align GPEC Ambassador programming with industry targets
- Continue to utilize the Community Partnership Program the generate creative solutions and embody a collaborative metro region
- Highlight the region as a leader for innovative technologies to address global issues



FY25: Strategic Plan Goal 3

Expand organizational capacity to serve the Greater Phoenix economic ecosystem and meet the needs of the market

Strategy 3:

Evaluate organizational metrics to measure impact beyond business attraction

Tactics:

- Evaluate marketing and branding metrics as well as how to capture value outside of core metrics including the importance of arts, culture, and lifestyle enhancements

Strategy 4:

Invest in and fortify internal capabilities through recruitment and professional development to maintain a best-in-class economic development team anchored in innovation

Tactics:

- Continue to seek national recognition for the region, organization, and individuals as leaders in their field
- Formalize processes for professional development, onboarding, and ongoing trainings

Strategy 5:

Evaluate best practices and bylaws to ensure the GPEC’s Board of Directors remains high-caliber and activated to support the organizational mission

Tactics:

- Leverage the GPEC board and other stakeholder expertise to educate and execute on policy priorities

Metrics and Budget Overview

GPEC calculated the metrics for FY25 based on historical performance and recent trends in office and industrial prospect activity.

	Contract	Target	Stretch
Payroll (in Millions)	\$421.10	\$467.88	\$514.67
Jobs	7,201	8,002	8,802
High-Wage Jobs	3,813	4,236	4,660
Average High-Wage Salary	\$70,235	\$78,039	\$85,843
Qualified Prospects	233	259	285
Qualified International Prospects	43	48	53
GPEC Assists	10	12	14
Community ROI (1)	23:1	25:1	27:1
Stakeholder Satisfaction with Business Attraction (2)	7.0	7.3	7.6
Stakeholder Satisfaction with Competitive Position (2)	7.0	7.3	7.6

Revenues	Proposed FY2025	Approved FY2024	YOY Var. \$	YOY Var. %
City/County Contract Revenue	\$3,027,872	\$2,863,157	\$164,715	6%
Pledge Revenue	\$4,307,850	\$4,020,525	\$287,325	7%
New Pledges	\$425,000	\$425,000	\$ -	0%
In-Kind Contributions	\$140,500	\$140,500	\$ -	0%
Special Events & Programs	\$130,000	\$202,000	\$(72,000)	(36%)
Sponsorship Income	\$280,000	\$320,000	\$(40,000)	(13%)
Grant Income	\$279,122	\$ -	\$279,122	0%
Other Income	\$14,560	\$1,000	\$13,560	1356%
TOTAL REVENUE	\$8,604,904	\$7,972,182	\$632,722	8%

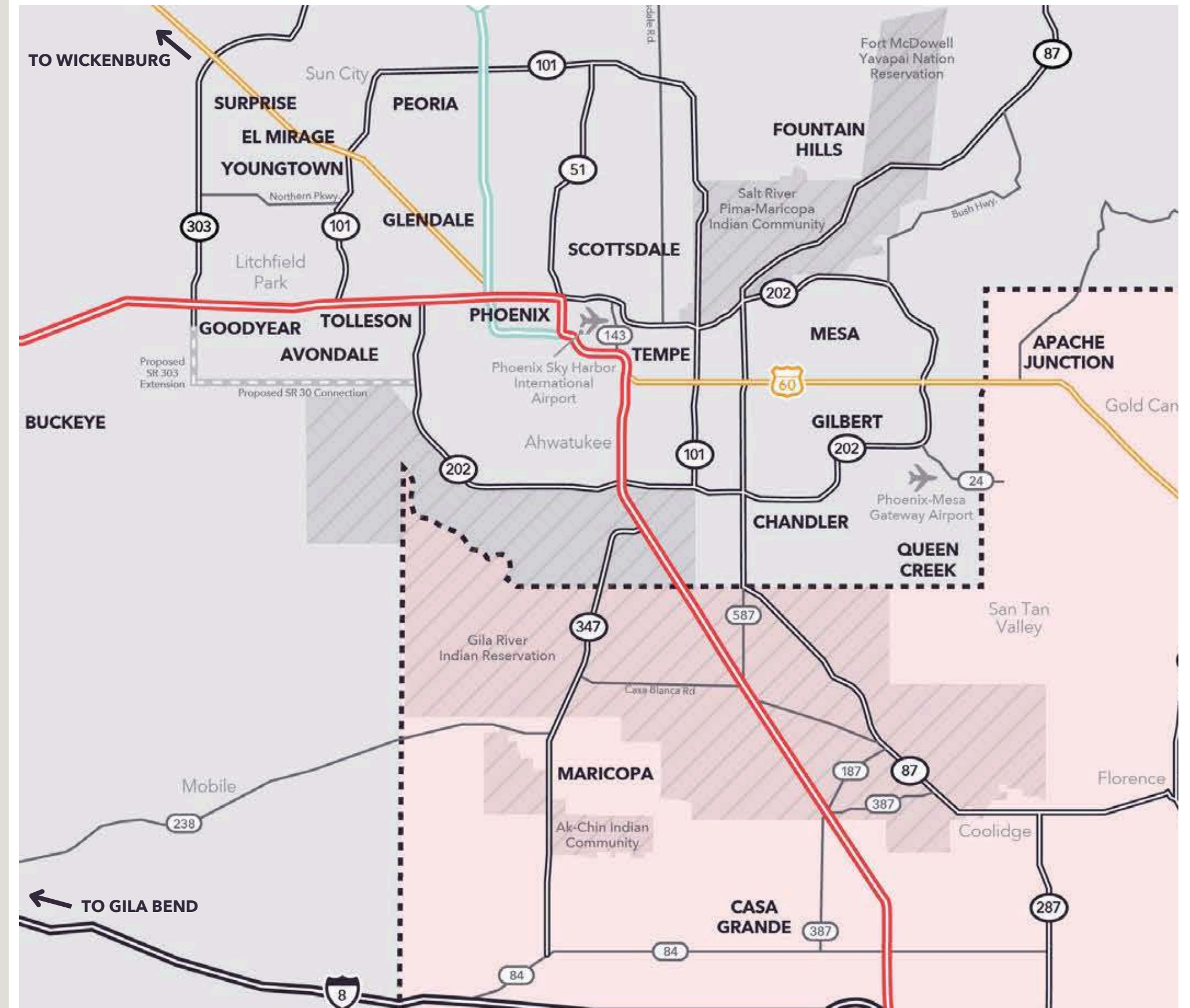
Expenses	Proposed FY2025	Approved FY2024	YOY Var. \$	YOY Var. %
Business Development	\$831,973	\$772,695	\$59,278	8%
Marketing & Communications	\$586,823	\$538,268	\$48,555	9%
Research & Analytics	\$331,034	\$297,988	\$33,046	11%
Engagement	\$168,197	\$168,197	\$(0)	(0%)
Regional Initiatives	\$279,185	\$245,365	\$33,820	14%
Operations	\$504,784	\$467,681	\$37,103	8%
Personnel	\$5,265,200	\$4,972,596	\$88,934	2%
Facilities	\$490,988	\$577,001	\$(86,013)	(15%)
Special Events & Programs	\$439,122	\$249,000	\$190,122	76%
TOTAL EXPENSES	\$8,897,305	\$8,288,791	\$608,515	7%
NET INCOME/(LOSS)	\$(292,401)	\$(316,609)	\$24,207	(8%)

1 ROI is calculated as a ratio of direct revenue from GPEC locates divided by funding from GPEC member communities
2 Average result from respondents of EDDT and Board of Directors end-of-year surveys

Our Communities

Include 22 member communities,
Maricopa and Pinal counties

- Apache Junction
- Avondale
- Buckeye
- Casa Grande
- Chandler
- El Mirage
- Fountain Hills
- Gila Bend
- Gilbert
- Glendale
- Goodyear
- Maricopa
- Mesa
- Peoria
- Phoenix
- Queen Creek
- Scottsdale
- Surprise
- Tempe
- Tolleson
- Wickenburg
- Youngtown



Investors

Visionary Level



Champion Level



Accelerator Level



Builder Level

- [Air2o](#)
- [American Airlines](#)
- [Arizona Coyotes](#)
- [Arizona Diamondbacks](#)
- [Array Technologies](#)
- [Bank of America](#)
- [Banner Health](#)
- [Benchmark Electronics, Inc.](#)
- [BMO Harris Bank](#)
- [BOK Financial](#)
- [Brookfield Residential](#)
- [CBRE](#)
- [Chicanos Por La Causa](#)
- [Clayco](#)
- [Cousins Properties, Inc.](#)
- [Creighton University](#)
- [Desert Financial Credit Union](#)
- [Dignity Health](#)
- [DMB Associates](#)
- [Dorsey & Whitney](#)
- [DSV](#)
- [EMD Electronics](#)
- [Empire Southwest](#)
- [Equity Land Group](#)
- [Holdings/Arizona Land Consulting](#)
- [Ernst & Young](#)
- [Freeport McMoRan Inc.](#)
- [Global Credit Union](#)
- [Goodmans Interior Structures](#)
- [Goodwill of Central and Northern Arizona](#)
- [Grand Canyon University](#)
- [Helios](#)
- [Hensel Phelps](#)
- [Honeywell](#)
- [HonorHealth](#)
- [IdealabX](#)
- [Intel Corporation](#)
- [JE Dunn Construction](#)
- [Kitchell](#)
- [M Culinary](#)
- [Mayo Clinic](#)
- [MidFirst Bank](#)
- [Modern Industries](#)
- [Mortenson](#)
- [Oaktree Capital Management](#)
- [Olsson](#)
- [ON Advertising](#)
- [Perkins Coie LLP](#)
- [Phoenix Suns and Phoenix Mercury](#)
- [Pivotal Group](#)
- [Quarles & Brady](#)
- [Sherman & Howard](#)
- [Snell & Wilmer LLP](#)
- [U.S. Bank](#)
- [Valley Metro](#)
- [Valley of the Sun United Way](#)
- [Vitalant](#)
- [Weitz Company](#)
- [Western Alliance Bank](#)

Advocate Level

- [Alston Construction](#)
- [Archicon L.C. Architecture](#)
- [Arizona Israel Technology Alliance](#)
- [Baker Development](#)
- [Bell Bank](#)
- [Blue Cross Blue Shield of Arizona](#)
- [Bridge Relocation](#)
- [Concierge](#)
- [Bristol Myers Squibb](#)
- [BRPH](#)
- [Brycon Construction](#)

- [Burns & McDonnell](#)
- [CapRock Partners](#)
- [CG Schmidt](#)
- [Colliers International](#)
- [Commonwealth Land Title](#)
- [National Commercial Services](#)
- [Cresa](#)
- [Crescent Crown](#)
- [Distributing](#)
- [Cushman & Wakefield](#)
- [Davis Architecture](#)
- [De Rito Partners](#)
- [Deloitte](#)
- [Deutsch Architecture Group](#)
- [DFDG Architecture](#)
- [Dircks Moving & Logistics](#)
- [DLR Group](#)
- [DP Electric](#)
- [DPR Construction](#)
- [El Dorado Holdings](#)
- [EmployBridge](#)
- [Enterprise Bank & Trust](#)
- [Equality Health](#)
- [Everest Holdings](#)
- [FCL Builders](#)
- [FirstBank](#)
- [Flinn Foundation](#)
- [Gammage & Burnham](#)
- [GCON](#)
- [Gensler](#)
- [Global Roofing Group](#)
- [Gray Construction](#)
- [Graycor Construction](#)
- [Green Maple Law Group](#)
- [Haydon Building Corp](#)
- [HDR](#)
- [Hines](#)
- [Holualoa Companies](#)
- [HotFoot Recruiters](#)
- [Howard Hughes Corporation](#)
- [Hunt, Guillot & Associates, LLC](#)
- [Immedia](#)
- [Irgens](#)
- [JLL](#)
- [Land Advisors Organization](#)
- [Lee & Associates](#)
- [Lincoln Property Company](#)
- [Mack Real Estate Group](#)
- [Mastek](#)
- [Meritage Homes](#)
- [Nationwide Realty Investors](#)
- [Off Madison Ave](#)
- [Okland Construction](#)
- [OneAZ Credit Union](#)
- [Opus Development Company](#)
- [Page](#)
- [Partners Personnel](#)
- [Pathward](#)
- [Phoenix Children's Hospital](#)
- [Phoenix Raceway](#)
- [Polsinelli](#)
- [Professional Piping Systems](#)
- [Pureflow Inc.](#)
- [Reseco Advisors, LLC](#)
- [Resolution Copper](#)
- [Rexco](#)
- [Rider Levett Bucknall](#)
- [RK Logistics Group](#)
- [RSM](#)
- [Ryan Companies US Inc.](#)
- [Silicon Valley Bank](#)
- [Skanska](#)
- [SmithGroup](#)
- [Social Television Network \(STN\)](#)
- [Southwest Airlines](#)
- [Southwest Gas Corporation](#)
- [Spencer Fane LLP](#)
- [StarPoint Properties](#)
- [Sunbelt Holdings](#)

- [Sundt Construction](#)
- [Suntec Concrete](#)
- [Systems Evolution, Inc.](#)
- [Companies \(SEI\)](#)
- [Taiwan Semiconductor Manufacturing Company](#)
- [Terracon](#)
- [The PENTA Building Group](#)
- [The Plaza Companies](#)
- [The Wood Veneer Hub](#)
- [Trammell Crow Company](#)
- [Transwestern Commercial Services](#)
- [University of Arizona](#)
- [USAA](#)
- [Verizon Wireless](#)
- [ViaWest Group](#)
- [Wespac Construction, Inc](#)
- [WestPac Wealth Partners](#)
- [Wexford Science + Technology](#)
- [Willmeng Construction](#)
- [Wist Office Products](#)
- [Supporter Level](#)
- [Air Products and Chemicals, Inc.](#)
- [Arizona Community Foundation](#)
- [Atmosphere Commercial Interiors](#)
- [Avnet Inc.](#)
- [BNSF Railway](#)
- [Caliber Companies](#)
- [Carvana](#)
- [Cawley Architects](#)
- [Chicago Title Insurance Company - Arizona](#)
- [City of Hope](#)
- [Clune Construction](#)
- [Comcast Business](#)
- [Commercial Properties, Inc.](#)
- [Conceptually Social](#)
- [CornerStone Staffing](#)
- [CoStar Group](#)
- [Cypress Office Properties](#)
- [Desert Investment Management](#)
- [Exro Technologies](#)
- [Globe Corporation](#)
- [Industrial Storage](#)
- [Keyser](#)
- [KTAR](#)
- [Macerich](#)
- [Merit Partners](#)
- [Meta](#)
- [Midwestern University](#)
- [Mohr Partners](#)
- [MSS Business](#)
- [Transformation Advisory](#)
- [National Bank of Arizona](#)
- [Newmark](#)
- [Northrop Grumman](#)
- [Pinnacle Bank](#)
- [Prologis](#)
- [RED Development](#)
- [Sunstate Equipment Company](#)
- [The Austin Company](#)
- [Trinity Capital Investments](#)
- [Union Pacific Railroad](#)
- [VanTrust Real Estate LLC](#)
- [WhiteHaven](#)



Connect. Engage. Listen. Share.

Engage with us year-round for timely updates on the innovative ways we're advancing Greater Phoenix, together.

EXHIBIT B
GPEC PERFORMANCE MEASURES
FY 2025

Specific performance targets as established by the GPEC Executive Committee and Board of Directors:

1. Payroll Generated	\$421.10M
2. Total Number of Jobs Created	7,201
3. Total Number of High-Wage Jobs¹	3,813
4. Average High-Wage Salary	\$70,235
5. GPEC Assists²	10
6. Number of Qualified Prospects	233
7. Number of Qualified International Prospects	43
8. Community Return on Investment³	23:1

Footnotes:

1. High Wage Jobs: High wage jobs are those that are over 130% of the Phoenix MSA Median Wage (currently \$60,164).
2. GPEC Assists: Companies that located in the region, for which GPEC provided assistance, that do not qualify as a locate due to project size for example; and would otherwise be listed as “non-reported locates.”
3. ROI is calculated as a ratio of direct revenue from GPEC locates to all member communities divided by funding from GPEC member communities

EXHIBIT C

TARGETED INDUSTRIES

FY2025

GPEC and our member communities have identified targeted industries on a local and regional level, incorporating these industries into a regional economic development plan. For fiscal year 2025, GPEC will continue its emphasis on the following: Advanced Business Services; Aerospace & Defense; Battery & Energy Storage; Emerging Technologies; Healthcare and Biomedical; Manufacturing & Logistics; Mission Critical Operations; Semiconductor Ecosystem; and Software.

Member communities will target the following:

Apache Junction

Manufacturing (focus on electronic equipment & components and electric & autonomous vehicles), distribution/logistics, retail, and hospitality/entertainment/tourism

Avondale

Healthcare; hospitality/tourism; manufacturing & logistics, technology; retail & entertainment; and technology

Buckeye

Advanced business services; renewable energy; high tech (data center and services); environmental technology/sustainability; standard and advanced manufacturing; medical and educational institutions; logistics/transportation/distribution; small business/incubator; aerospace/aviation; and ag-tech

Casa Grande

Advanced manufacturing; automotive technology; transportation/logistics; healthcare/medical services; aviation/aerospace; and hospitality/entertainment

Chandler

Advanced business services; corporate/regional headquarters; healthcare; advanced manufacturing; software development; aerospace/aviation; automotive technology; and applied research

El Mirage

Business Services; standard and advanced manufacturing; transportation; warehousing/distribution; heavy industrial; food, fiber, and natural products; and aerospace aviation

Fountain Hills

Assembly (small scale), biosciences, financial services, healthcare, hospitality, retail and start ups

Gila Bend

Clean technology (manufacturing/central station generation/R&D); warehousing/transportation/distribution; military supply chain; tourism/hospitality; standard manufacturing; agriculture/agri-biotechnology; food, fiber and natural products; aerospace/aviation; and heavy industrial

Gilbert

Aerospace/aviation and defense; advanced business and professional services; finance and insurance; healthcare and education services; information communication technology; manufacturing; clean and renewable technology; and related corporate/regional headquarters

Glendale

Advanced business services; aerospace, aviation and defense; healthcare and bioscience; manufacturing; technology and innovation

Goodyear

Advanced business services; advanced manufacturing; medical manufacturing; aerospace, aviation and defense; corporate and regional headquarters; entrepreneurial/start-ups; technology; healthcare and biomedical (treatment, medical diagnostics, research & development); and higher education

Maricopa (City)

Professional and business services; healthcare services; small business and entrepreneurship; higher education and education technology; agribusiness/agrisciences; and visitor/hospitality commerce; semiconductor; EV manufacturing; high tech; and research and development

Mesa

Standard and advanced manufacturing including medical device; research & development; automotive technology and aerospace/aviation/defense; advanced business services; cybersecurity; information technology; healthcare/life sciences; mission critical operations; tourism; regional and corporate centers; and climate tech

Peoria

Advanced business and financial services; aerospace/airport; advanced manufacturing; bioscience and healthcare; technology and innovation; innovation; and research and development

Pinal County

Advanced Manufacturing; Aerospace, Aviation and Defense; Electric Vehicle Technology & Manufacturing; Healthcare; Bio/Life Sciences; Transportation, Distribution & Logistics; Natural and Renewable Resources (Mining, Agriculture, Solar); and Tourism/Hospitality

Phoenix

BioSciences/healthcare; advanced business services; advanced manufacturing; sustainable enterprises; emerging industries, EV and their supply chains; higher education; trade and FDI; circular economy; food system entrepreneurship and innovation

Queen Creek

Advanced Manufacturing; agritainment/destination tourism; healthcare; I.T./software; and business services

Scottsdale

IT services and software; financial and insurance services and technology; healthcare services and innovation; logistics Management; tourism; and corporate headquarters

Surprise

Advanced business services; advanced manufacturing and rail-served industry; corporate/regional headquarters innovation/entrepreneurship/emerging technology; medical, healthcare and life science technologies, services; signature retail; specialty services for global companies/FDI; tourism and hospitality

Tempe

Advanced business services (financial services); high tech/software (R&D, data center and services); high-tech/next generation electronics; aerospace R&D/aviation; bioscience (research, drug development,

treatment, medical diagnostics); corporate/regional headquarters; sustainability (environmental); advanced materials/plastics; software as a service; clean tech, renewable energy and manufacturing

Tolleson

E-Commerce/fulfillment centers; resort/tourist-oriented development; expanded retail opportunities; small manufacturers with some related retail and offices

Wickenburg

Resort/tourist-oriented development; healthcare with an emphasis on behavioral health; transportation & distribution; expanded retail opportunities; senior industries, equestrian and rodeo industries

Youngtown

Youngtown is in the throes of developing a commerce park. The park will target second-stage small manufacturers with some related retail and offices.

EXHIBIT D
FY 2025
REPORTING MECHANISM FOR CONTRACT FULFILLMENT

Monthly Activity Report - Month, Year

BUSINESS ATTRACTION PERFORMANCE METRICS:

GPEC Progress Toward Goals

Targeted Opportunities	Annual Contract Goal	Actual YTD	Goal YTD	% of Goal YTD
PAYROLL GENERATED (MILLIONS)				
NUMBER OF JOBS				
NUMBER OF HIGH-WAGE JOBS				
AVERAGE HIGH WAGE SALARY				
QUALIFIED PROSPECTS				
QUALIFIED INTERNATIONAL PROSPECTS				
GPEC ASSISTS				
COMMUNITY RETURN ON INVESTMENT				

KEY BUSINESS ATTRACTION ACTIVITIES AND OTHER GPEC ACTIVITIES

GPEC continues to target high-wage industries (Advanced Business Services; Aerospace & Defense; Battery & Energy Storage; Emerging Technologies; Healthcare and Biomedical; Manufacturing & Logistics; Mission Critical Operations; Semiconductor Ecosystem; and Software)

EXHIBIT E

INSURANCE REQUIREMENTS

The City's insurance requirements are minimum requirements for this Agreement and in no way limit the indemnity covenants contained in this Agreement. The City in no way warrants that the minimum limits required of GPEC are sufficient to protect GPEC from liabilities that might arise out of this Agreement for GPEC, its agents, representatives, employees or Contractors and GPEC is free to purchase such additional insurance as may be determined necessary.

A. Minimum Scope and Limits of Insurance. GPEC shall provide coverage at least as broad as the categories set forth below with limits of liability in amounts acceptable to the City.

1. **Commercial General Liability** - Occurrence Form
(Form CG 0001, ed. 10/13 or any replacements thereof)

General Aggregate/ per Project
Products-Completed Operations Aggregate
Personal & Advertising Injury
Each Occurrence
Fire Damage (Any one fire)
Directors and Officers
Medical Expense (Any one person) Optional

2. **Automobile Liability** - Any Auto or Owned, Hired and Non-Owned Vehicles
(Form CA 0001, ed. 10/13 or any replacement thereof) Combined Single Limit
Per Accident for Bodily Injury and Property Damage

3. **Workers' Compensation and Employers' Liability**
Workers' Compensation Statutory
Employers' Liability

B. Self-insured Retentions. Any self-insured retentions must be declared to and approved by the City. If not approved, the City may request that the insurer reduce or eliminate such self-insured retentions with respect to City, its officers, officials, agents, employees and volunteers.

C. Other Insurance Requirements. The policies are to contain, or be endorsed to contain, the following provisions:

1. Commercial General Liability

a. The City, its officers, officials, agents, employees and volunteers are to be named as additional insureds with respect to liability arising out of: activities performed by or on behalf of GPEC, including the City's general supervision of GPEC; products and completed operations of GPEC; and automobiles owned, leased, hired or borrowed by GPEC.

b. GPEC's insurance shall include broad form contractual liability coverage.

c. The City, its officers, officials, agents, employees and volunteers shall be additional insureds to the full limits of liability purchased by GPEC, even if those limits of liability are in excess of those required by this Agreement.

d. GPEC's insurance coverage shall be primary insurance with respect to City, its officers, officials, agents, employees and volunteers. Any insurance or self-insurance maintained by City, its officers, officials, employees or volunteers shall be in excess of GPEC's insurance and shall not contribute to it.

e. GPEC's insurance shall apply separately to each insured against whom claim is made or suit is brought, except with respect to the limits of the insurer's liability.

f. Coverage provided by GPEC shall not be limited to the liability assumed under the indemnification provisions of this Agreement.

g. The policies shall contain a waiver of subrogation against City, its officers, officials, agents, employees and volunteers for losses arising from work performed by GPEC for the City.

2. Workers' Compensation and Employers' Liability Coverage. The insurer shall agree to waive all rights of subrogation against City, its officers, officials, agents, employees and volunteers for any and all losses arising from work performed by the Contractor for the City.

D. Notice of Cancellation. Each insurance policy required by the insurance provisions of this Agreement shall provide the required coverage and shall not be suspended, voided, canceled by either party, reduced in coverage or in limits except after thirty (30) calendar days' prior written notice has been sent to City at the address provided herein for the giving of notice. Such notice shall be by certified mail, return receipt requested.

E. Acceptability of Insurers. Insurance is to be placed with insurers duly licensed or approved unlicensed companies in the State of Arizona and with a "Best's" rating of not less than A-:VII. City in no way warrants that the above required minimum insurer rating is sufficient to protect GPEC from potential insurer insolvency.

F. Verification of Coverage. GPEC shall furnish City with Certificates of Insurance (ACORD form or equivalent approved by City) and with original endorsements effecting coverage as required by this Agreement. The certificates and endorsements for each insurance policy are to be signed by a person authorized by that insurer to bind coverage on its behalf. Any policy endorsements that restrict or limit coverage shall be clearly noted on the Certificate of Insurance.

All certificates and endorsements are to be received and approved by City before work commences. Each insurance policy required by this Agreement must be in effect at or prior to commencement of work under this Agreement and remain in effect for the duration of the project.

All certificates of insurance required by this Agreement shall be sent directly to City at the address and in the manner provided in this Agreement for the giving of notice. City's Agreement/Agreement number, GPEC's name and description of the Agreement shall be provided on the Certificates of Insurance. City reserves the right to require complete certified copies of all insurance policies required by this Agreement, at any time.

G. Approval. During the term of this Agreement, no modification may be made to any of GPEC's insurance policies which will reduce the nature, scope or limits of coverage which were in effect and approved by the City prior to execution of this Agreement.

Regional Cooperation Protocol Policy

Greater Phoenix Economic Council and Economic Development Directors Team

The foundation of this policy is built on trust and the spirit of regional cooperation among the entities involved. GPEC and the Economic Development Directors of its member communities agree and acknowledge that it is important that they work together as partners on projects involving the communities which GPEC represents, regardless of the source of the lead, as follows:

1. Demonstrate a commitment to the positive promotion of the Greater Phoenix, specifically, GPEC member communities, as a globally competitive region.
2. Maintain the highest standards of economic development prospect handling, including confidentiality, without jeopardizing a prospect's trust to secure the probability of a regional locate. Partners agree to respect the prospect's request for confidentiality but also agree to notify each other as to the existence of a project with a confidentiality requirement when able and shall make a good-faith effort to involve the appropriate state, regional or local partners at the earliest possible time.
3. Unless otherwise restricted, agree to coordinate through GPEC for any prospect considering a project in Maricopa County or in any of the communities that GPEC represents, understanding that GPEC is in a unique position to represent and speak on regional economic development issues and on characteristics of the region's economy. Likewise, GPEC acknowledges that communities are in the best position to speak about local incentives and efforts surrounding the local economy.
4. For projects that originate with a GPEC member community, GPEC will be available for confidential research access, topical expertise or as a service provider, to add value to the community in securing the project. Additionally, GPEC will not e-track the project unless the community lead makes such a request to do so.
5. Provide accurate and timely information in response to specific requests by all prospects. When a client has narrowed sites to specific GPEC member communities, GPEC will make a good faith effort to inform those affected EDDT members first. EDDT members agree to provide information solely on their own community when the information requested is site-specific (i.e., cost of land, taxes, development fees, utility availability and cost, zoning process timing, permit timing and local incentives). When site-specific information related to other GPEC communities is requested, EDDT members agree to (i) direct GPEC prospects back to GPEC or (ii) direct non-GPEC generated prospects to contact the affected communities directly, and as a courtesy, contact the affected communities.
6. Agree that regardless of the lead source, public locate announcements shall be coordinated among the company, GPEC member community, and GPEC to reflect inclusiveness and cooperation of all partners (subject to any confidentiality requirements).
7. GPEC and EDDTs will advocate for a robust operating budget for the state economic development agency, and champion sound statewide economic development programs and policies.
8. Discourage the proactive offering of local, municipal financial incentives for existing jobs to companies with current operations in another GPEC community.
9. Inform GPEC member community when a company visits or physical site visit within that community will occur. Economic Development Directors will be the primary point of contact for the company when community information is needed.
10. In the event that a project working with GPEC or any member community is discovered to have an

existing presence within the region, the member community will notify the economic development director of the project's current home community, notwithstanding prohibition due to a non-disclosure agreement.

11. Agree that the consideration of a future community to GPEC's membership will be brought before EDDT for discussion in advance of any board consideration. EDDT will make a recommendation on the addition of a new community to GPEC's President and CEO.
12. Formalize a process to convene GPEC and Economic Development Directors of GPEC member communities biannually, and cooperate in the exchange of information and ideas reflecting practices, procedures and policies relating to prospect handling and regional economic development.
13. Work collectively to maintain a high level of trust and integrity by and between GPEC and the Economic Development Directors of GPEC member communities, utilizing differing views as an opportunity to learn.
14. When conducting market intelligence initiative objective, GPEC staff will coordinate with EDDT to ensure coordination and communication.
15. When a Prospect Information Form (PIF) is issued by the state economic development agency GPEC will coordinate the region's response. All PIF submissions will be directed to GPEC's attention and GPEC will assemble the response and return to the state economic development agency.
16. It is understood GPEC will or may host annual executour(s) and/or other marketing familiarization tour(s) to promote the regional communities. GPEC will make every attempt to provide as much interaction time between the executour guests and EDDTs. It is understood EDDTs will inform GPEC of any upcoming executour(s) and/or other marketing familiarization tours scheduled by their office.
17. Partners agree to enter into a mediation process if there is evidence that this Protocol has not been observed in a material respect or a professional conflict arises that cannot be settled. This mediation process will be convened by the EDDT Chair, who may, at his/her discretion, consult or involve GPEC's President and CEO in addition to others with topical expertise central to the conflict.

City of Surprise Community Benefits Report

49:1
Revenue Return

Surprise Investment

\$76,092

Funding Request for FY25

\$76,092

Previous Funding for FY24

AZ Office of Economic
Opportunity 2022 population

Return on Investment

(5-Yr Trend)

\$49

of direct revenue¹ for every
\$1 invested

\$96

of total revenue² for every \$1
invested

\$215.9M

in new consumer spending
generated by new Surprise
jobs and employed Surprise
residents. An addition of
\$188.4 million created by
multiplier effects results in
total consumer spending of
\$404.3 million.

\$17.1M

in new Surprise direct
revenues (boosted to \$33.7
million when including related
multiplier effects of \$16.6
million).

GPEC has assisted 228 locates in Greater Phoenix in the last five years, including 3 in Surprise, creating 253 jobs and \$29.48 million in capital investment.



Results Through Regional Success

The City of Surprise benefits from site location projects and GPEC activities that occur across the region. Economic development projects create value by generating public and private revenues.

Commute patterns and retail studies show that employees of 'locates' live and spend their incomes in all Greater Phoenix communities. Thus, when a company selects a Greater Phoenix location, all communities benefit with increased tax revenues. GPEC-assisted locates have created 2,988 jobs regionwide for Surprise residents over the past five years.

¹ Includes property, sales and utility taxes, as well as state-shared and other local revenues.

² Includes direct revenues plus those generated by related supplier and consumer jobs.

³ Estimates are from the Greater Phoenix Consensus Impact Model. In 1999, GPEC and our members developed the region's first-ever consensus-based revenue and economic impact model. Based on nationally accepted multiplier data provided by IMPLAN, the model is customized to calculate economic and revenue benefits for GPEC's members and the State of Arizona.

Community Leadership

Leadership is critical to ensuring the success of your community, GPEC and the region's economic vitality.

Engagement Opportunity	Surprise Involvement
GPEC Board of Directors	Scott Phillips (Carefree Partners) Scott Spurgeon (WEST-MEC)
GPEC Executive Committee	Scott Phillips (Carefree Partners)
Economic Development Directors Team (EDDT)	Jeanine Jerkovic Mike Hoover Kirsten Hall Russell Baker Brian Sandusky, PhD
Mayors and Supervisors	Mayor Skip Hall
Certified Ambassadors	Jeanine Jerkovic Mayor Skip Hall Kirsten Hall

About GPEC

Established in 1989, the Greater Phoenix Economic Council (GPEC) actively works to attract and grow quality businesses and advocate for the competitiveness of Greater Phoenix. As the regional economic development organization, GPEC works with 22 member communities including Surprise, Maricopa and Pinal Counties and more than 200 private investors to accomplish its mission and serve as a strategic partner to companies across the world as they expand or relocate.

Regional Results Summary

	FY24	FY23	5 Year Total
Payroll Generated (\$M)	\$513.96	\$560.06	\$2,859.8
Jobs	7,431	7,731	45,725
Hi-Wage Jobs	3,987	5,019	25,414
Average Salary	\$69,164	\$72,443	\$62,542
Qualified Prospects	260	246	1,295
Assisted Locates	49	37	228
Capital Investment (\$M)	\$3,040.6	\$29,653.5	\$53,192.7

Strategic Collaboration

The City of Surprise advances GPEC's mission of attracting quality companies to the region by:

- Responding to prospect requests for proposals
- Participating in prospect community visits
- Hosting Fam Tours, tailored events for high-level decision-makers
- Prospecting at trade shows, conferences and sales missions to expand the project pipeline

Competitive Intelligence

GPEC offers the City of Surprise access to the following unique tools and expertise:

- Comprehensive demographic, labor, targeted industry information and marketing assistance
- CoStar real estate database
- MetroComp operating cost-comparison software for 50 markets
- Greater Phoenix Consensus Impact Model analysis
- Customized research requests

GPEC FY23-25 Strategic Plan

Greater Phoenix will be the leading market driving innovation in a dynamic, anti-fragile and equitable economy that enables all residents to benefit and prosper. The FY23-25 strategic plan will drive to that outcome through three overarching goals:

- Lead an ambitious shared vision for the region's economic future
- Enhance the foundation of the future economy with a focus on emerging and innovation-driven industry sectors
- Expand organizational capacity to serve the Greater Phoenix economic ecosystem and meet the needs of the market

City of Surprise Council Meeting

TUESDAY, AUGUST 20TH, 2024

Our Mission

To attract and grow quality businesses, and advocate for Greater Phoenix's competitiveness.

Our Values

The GPEC Way

- We are an inclusive, diverse family
- We are change agents
- We lead from the front
- We promote intellectual curiosity
- We remain on the edge
- We are tenacious
- We are agile and adapt to change
- We are committed to selfless service

GPEC & City of Surprise

Regional Results

Regional Results Summary

	FY24	FY23	5-Year Total
Payroll Generated (in millions of dollars)	\$513.96	\$560.06	\$2,859.8
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Qualified Prospects	260	246	1,295
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228

locates in Greater Phoenix GPEC has assisted in the last five years, including

3

locates in Surprise, creating

253

jobs including

\$29.48M

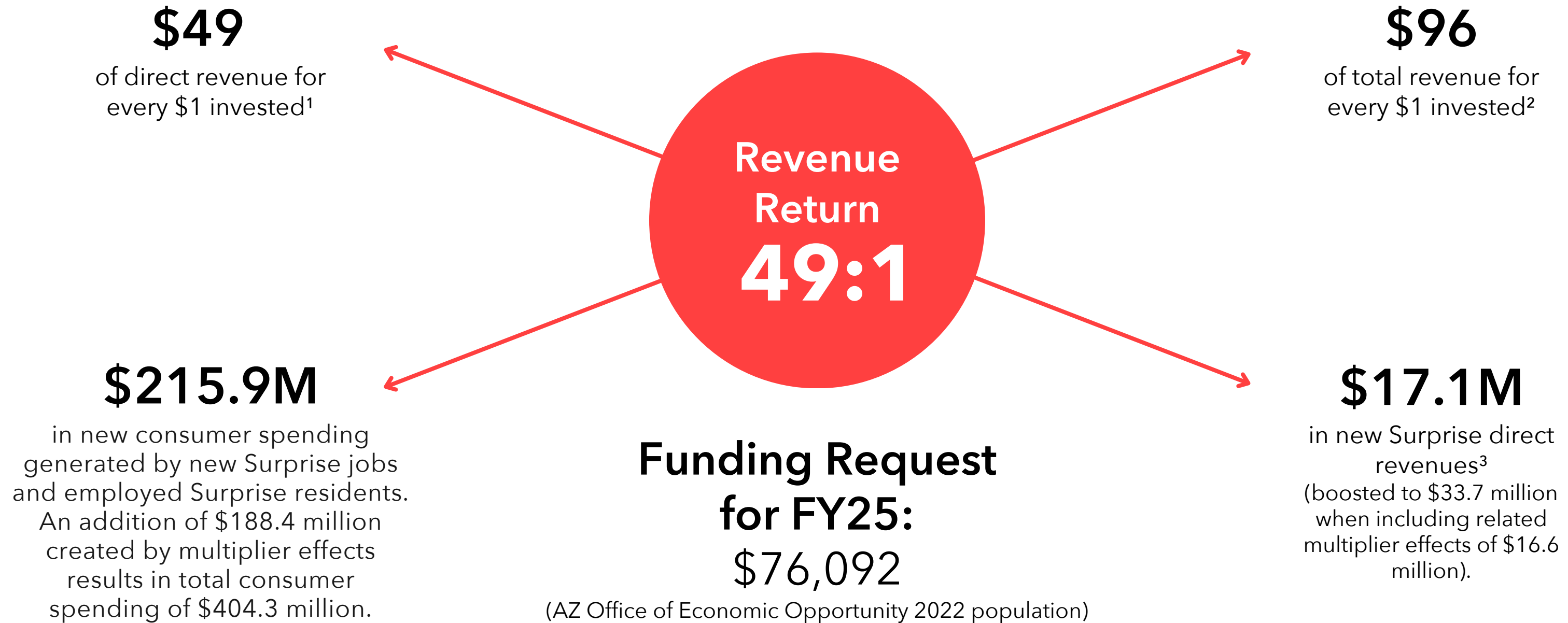
in capital investment

*Numbers as of August 7

Recent West Valley Announcements



City of Surprise 5-Year Trend on Revenue Return



¹ Includes property, sales and utility taxes, as well as state-shared and other local revenues. | ² Includes direct revenues plus those generated by related supplier and consumer jobs. |

³ Revenue estimates are from the Greater Phoenix Consensus Impact Model. In 1999, GPEC and our members developed the region's first-ever consensus-based revenue and economic impact model. Based on nationally accepted multiplier data provided by IMPLAN, the model is customized to calculate economic and revenue benefits for GPEC's members and the State of Arizona.

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Commute patterns and retail studies show that employees of “locates” live and spend their incomes in all Greater Phoenix communities.

When a company selects a Greater Phoenix location, all communities benefit with increased tax revenues.

The City of Surprise and GPEC Partnership

Strategic Collaboration

The City of Surprise advances GPEC's mission of attracting quality companies to the region by:

- Responding to prospect requests for proposals
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- Hosting Fam Tours, tailored events for high-level decision-makers
- Prospecting at trade shows, conferences and sales missions to expand the project pipeline

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- CoStar real estate database
- MetroComp operating cost-comparison software for 50 markets
- Greater Phoenix Consensus Impact Model analysis
- Customized research requests

Community Partnership Program

Community Asset Tour

Board of Directors & Community Partners Strategy and Planning Session

Collaboration for City of Surprise Growth



FY25 Action Plan

FY23-25 Strategic Plan Goals

GOAL 1

Lead an ambitious shared vision for the region's economic future

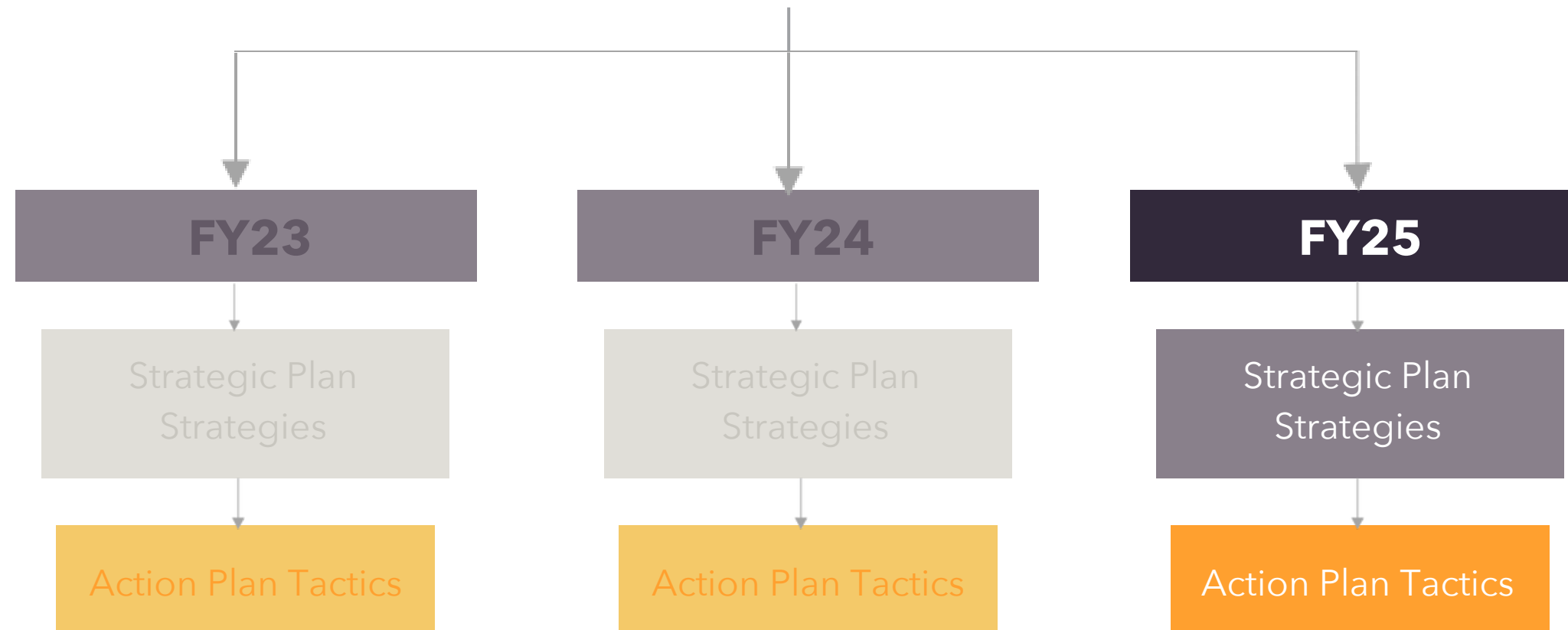
GOAL 2

Enhance the foundation of the future economy with a focus on emerging and innovation-driven industry sectors

GOAL 3

Expand organizational capacity to serve the Greater Phoenix economic ecosystem and meet the needs of the market

Three-year Strategic Plan Goals





Business Development Update



FY24 Quick Overview

Prospect Stats



49
Companies Located in FY24



\$3B
in Capital Investment



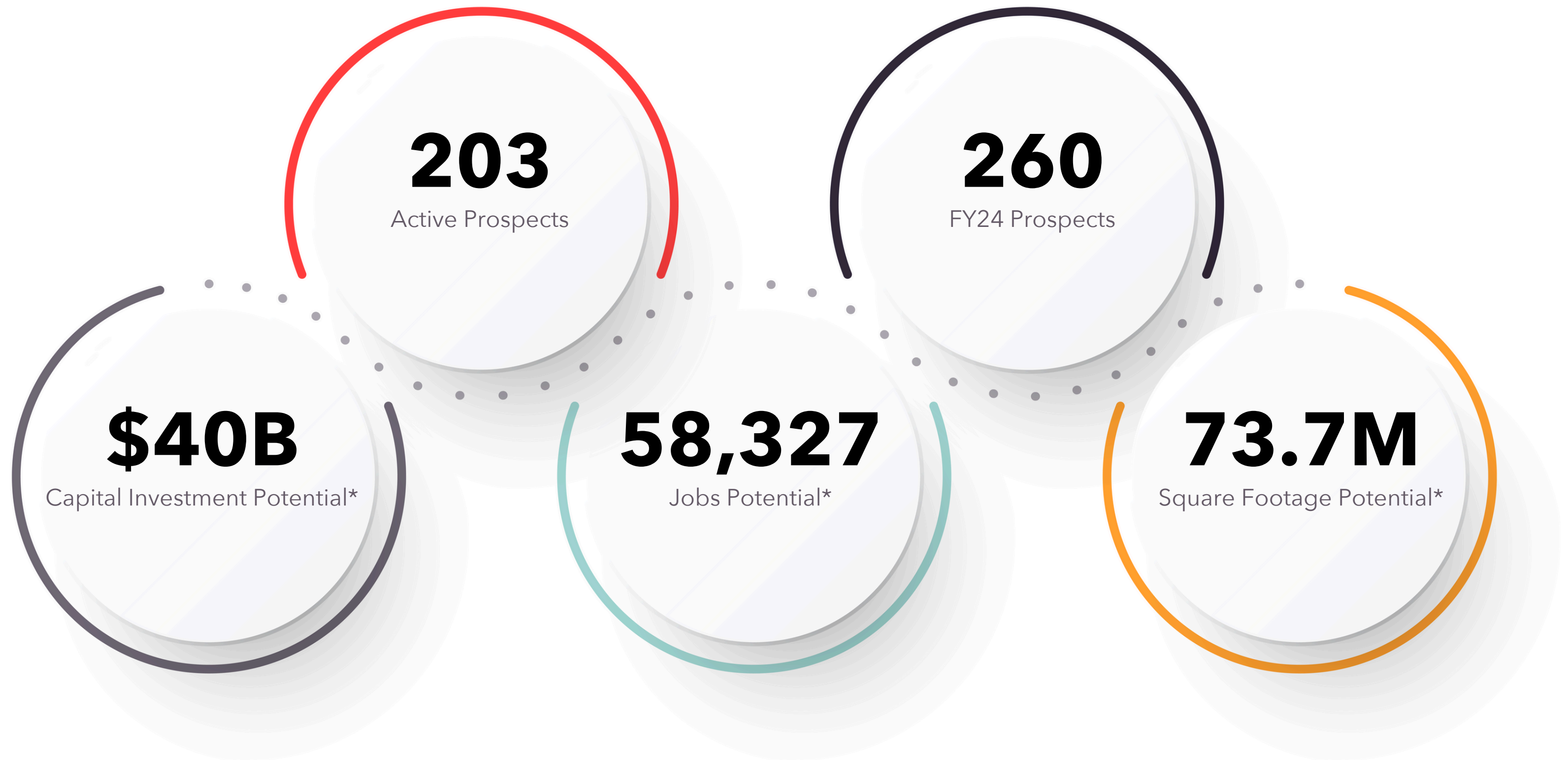
7,431
Jobs Created in the Region



\$86,802
Avg. High-Wage Salary

Numbers as of June 30th.

YTD FY24 Prospect Activity



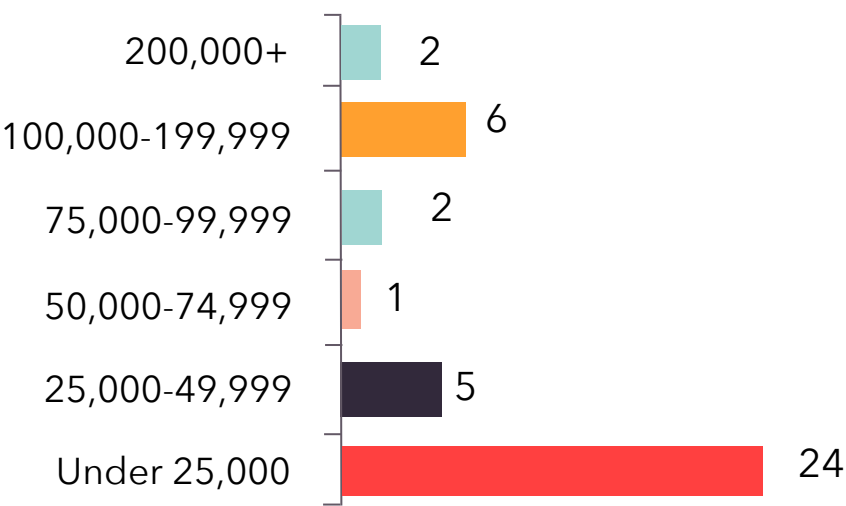
*FY24 prospect potential. Numbers as of June 30th.

Active Prospects by Type and Operation

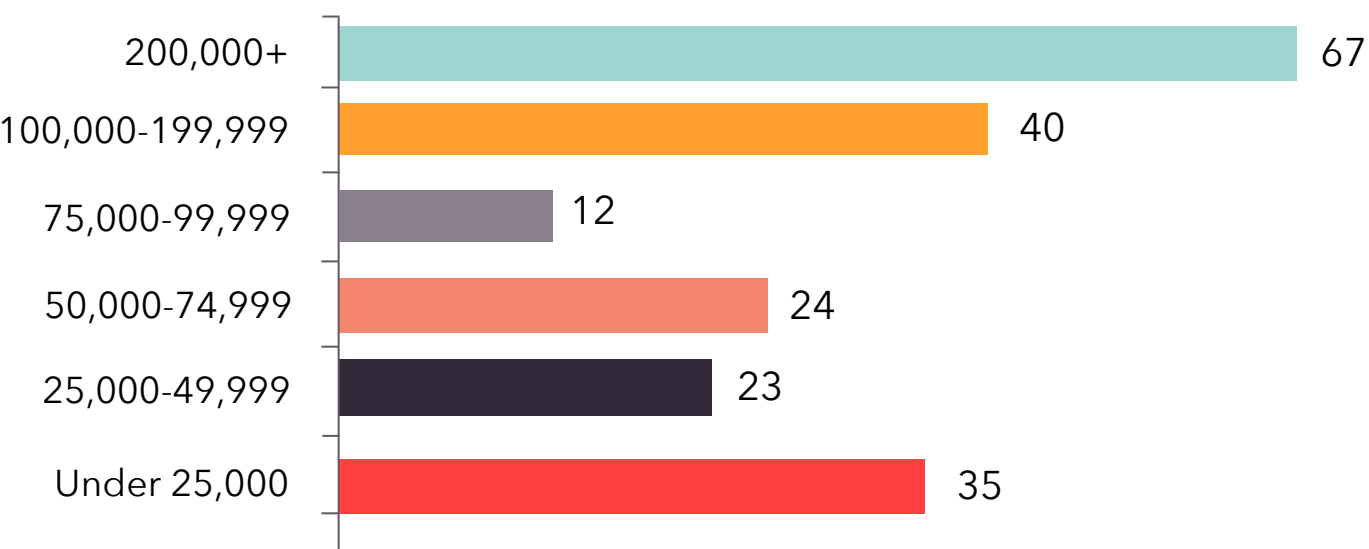
Operation Type Highlights

- 84 Light Manufacturing
- 66 Advanced/High Tech Manufacturing
- 30 Heavy Manufacturing
- 28 Warehouse/Distribution
- 15 Advanced Administration/Back Office
- 13 Headquarters Offices
- 12 R&D
- 6 Data Centers
- 4 Health Services
- 2 Entry Level Admin/Call Center

Office Prospects (40)



Industrial Prospects (220)

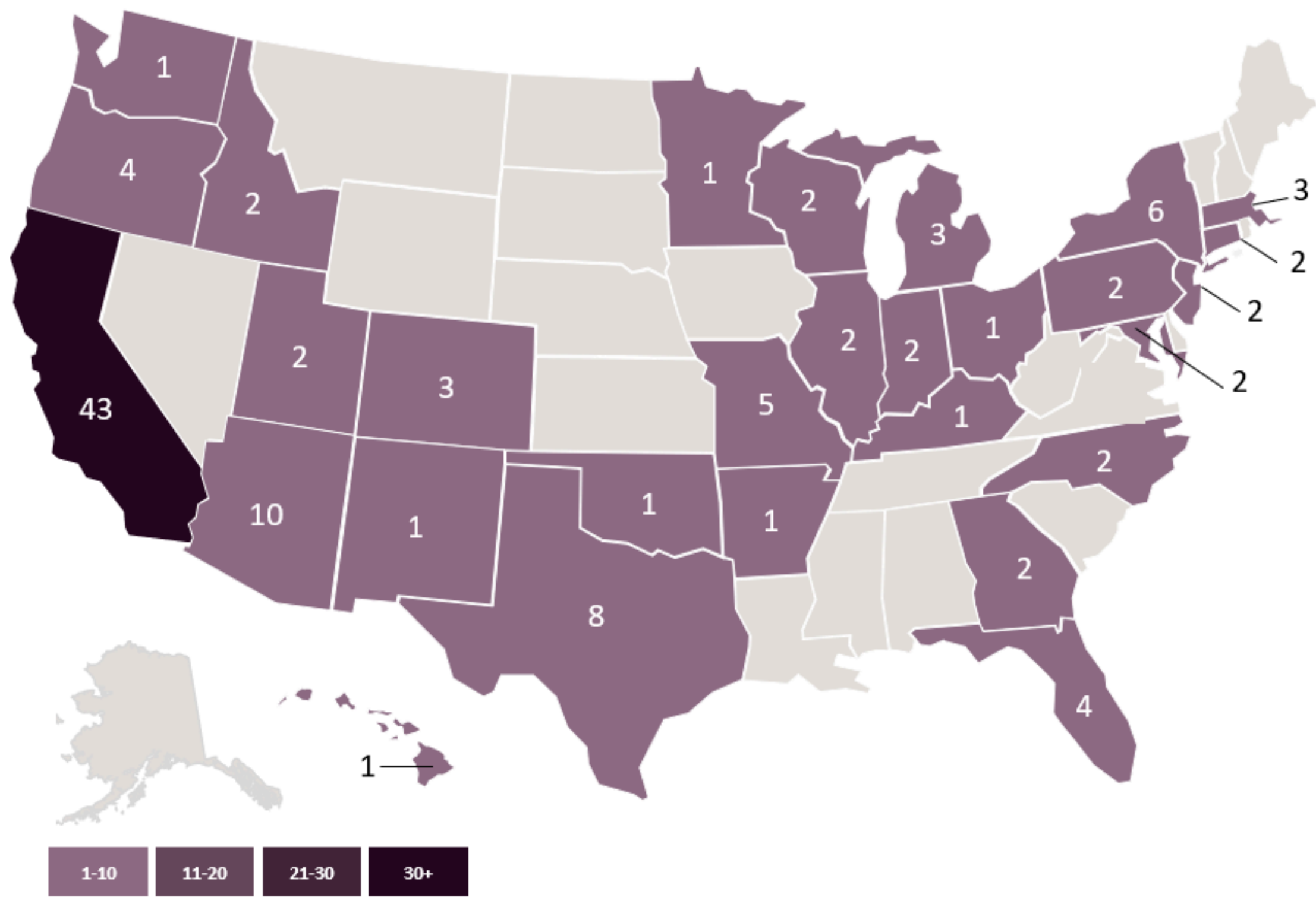


Numbers as of June 30th.

YTD FY24 Prospects by HQ Location

- 17% of prospects are from California
- 27% of prospects are international including from:
 - Canada
 - Taiwan
 - Japan
 - Germany
 - Netherlands
 - Singapore
 - South Africa
 - Peru
 - Denmark
 - Turkey

International	70
Unknown	71
Grand Total	260



Numbers as of June 30th.

Greater Phoenix Greater Together



CITY OF SURPRISE Regular City Council Meeting

Council Meeting Date: August 20, 2024

Contact Person: Trever Fleetham, PLANNER
SENIOR

Submitting Department: Community Development District: District 1

Staff Recommendations:

Consent: No

Regular: Yes

Public Hearing: No

Report/Discussion: No

Agenda Wording:

Consideration and action directing the recording of a blank petition for annexation in accordance with A.R.S. 9-471 of approximately 10.8 acres generally located at the southeast corner of 163rd Avenue and Pinnacle Peak Road; Case #FS24-0505; Resolution #2024-124.

Motion:

I move to approve Resolution #2024-124.

Background:

Walter Wong, property owner, and Carey & Lauren Morgan, property owners, seek annexation of undeveloped land generally located at the southeast corner of 163rd Avenue and Pinnacle Peak Road. The annexation proposal is for two (2) parcels, consisting of approximately 10.84 acres of unincorporated land with Maricopa County zoning district, Rural Zoning District – One Acre Per Dwelling Unit (RU-43). If annexed, the property will assume the similar zoning district of Rural Residential (RR) as outlined in the Land Development Ordinance (LDO). The owners have applied for rezone requests under separate cases. The Resolution for the Intent to Annex directs City Staff to begin the annexation process pursuant to A.R.S. § 9-471.

Objective Analysis:

Positive impacts include adding additional property to the incorporated limits which will generate additional property and potential development fees for the City. Negative impacts could include providing services to a 10.84-acre area where the City did not have to previously serve.

Policy Compliant:

No action is being taken at this time. However, if the City Council moves forward to annex property into the City limits the annexation would be deemed policy compliant by expanding the range of influence of the City.

Financial Impact:

At this time, there are no financial impacts associated with this item. If the City Council moves forward to annex property into the City limits there could be financial impacts to the City to provide services to

an area that the City did not provide services in the past. If the area is annexed that could result in future development fees, sales and property taxes.

Budget Impact:

At this time, there are no budget impacts associated with this item. If the City Council moves forward to annex property into the City limits there could be minor budget impacts to the City to provide services to an area that the City did not provide services in the past. If the area is annexed that could result in future development fees, sales and property taxes.

FTE Impact:

At this time, there would be no additional FTEs associated with this item. If the City Council moves forward to annex property into the City limits staff does not believe any future FTEs would be needed based on the potential annexation.

ATTACHMENTS:

1. 01 - FS24-0505 Wong & Morgan Annexation - Resolution
 2. 02 - FS24-0505 Wong & Morgan Annexation - Legal Description
 3. 03 - FS24-0505 Wong & Morgan Annexation - Intent to Annex - Vicinity Map
 4. FS24-0505 Wong & Morgan Annexation - Intent to Annex Presentation
-

RESOLUTION # 2024-124

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA, DIRECTING THE RECORDING OF A BLANK PETITION FOR ANNEXATION PURSUANT TO A.R.S. § 9-471, PERTAINING TO CERTAIN PROPERTY THAT ADJOINS AND IS CONTIGUOUS TO THE CITY OF SURPRISE CONSISTING OF APPROXIMATELY 10.8 ACRES LOCATED AT THE SOUTHEAST CORNER OF 163RD AVENUE AND PINNACLE PEAK ROAD IN MARICOPA COUNTY, ARIZONA.

WHEREAS, it has been proposed that the City of Surprise, Arizona (the "City"), annex certain property within the Northwest Quarter of Section 18, Township 4 North, Range 1 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, more particularly described in the attached ***Exhibit A***;

WHEREAS, the area to be annexed adjoins the exterior boundary of the City for at least 300 feet and is otherwise contiguous to the City, as required by A.R.S. § 9-471(H); and

WHEREAS, A.R.S. § 9-471(A)(1) requires that the City file, in the Office of the Maricopa County Recorder, a blank petition setting forth the legal description, attached hereto as ***Exhibit A***, and an accurate map of the exterior boundaries of the territory proposed to be annexed, attached hereto as ***Exhibit B***.

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

Section 1. The City Clerk shall record with the Office of the Maricopa County Recorder a blank annexation petition containing the legal description of the property, attached hereto as ***Exhibit A***, and an accurate map of the exterior boundaries of the territory proposed to be annexed, attached hereto as ***Exhibit B***. The City Clerk shall also record a sworn affidavit verifying that no part of the territory proposed to be annexed is already subject to an earlier filing for annexation.

Section 2. The City Clerk shall call a public hearing for the purpose of consideration of the proposed annexation, said hearing to be noticed for a date between twenty (20) to thirty (30) days after filing the blank annexation petition, in accordance with A.R.S. § 9-471(A)(3).

[SIGNATURES TO FOLLOW ON THE NEXT PAGE]

APPROVED AND ADOPTED this ____ day of _____, 2024.

Skip Hall, Mayor

Attest:

Approved as to form:

Kristi Passarelli, City Clerk

Robert Wingo, City Attorney

EXHIBIT A

EXHIBIT "A"

DESCRIPTION

ANNEXATION

A portion of that real property described in Warranty Deed 1996-0040121 and a portion of that real property described in Warranty Deed 2019-0301258, records of Maricopa County, Arizona being located in the Northwest Quarter of Section 18, Township 4 North, Range 1 West of the Gila and Salt River Meridian, Maricopa County, Arizona described as follows:

COMMENCING at the Northwest Corner of said Section 18 from which the West Quarter Corner of said Section lies South 00°10'13" West 2633.87 feet;

Thence along the north line of said Northwest Quarter of Section 18 South 89°48'52" East 574.70 feet;

Thence departing said line South 00°12'07" East 40.00 feet to the southeast corner of that real property as described in the City of Surprise Annexation Ordinance 20-10 recorded as Instrument 2020-00435965, records of said County, being a point on the east line of said real property described in Warranty Deed 1996-040121 and the POINT OF BEGINNING;

Thence along said east line South 00°16'05" East 619.48 feet to the southeast corner of said real property and the northeast corner of said real property described in Warranty Deed 2019-0301258;

Thence along the east line of last said real property South 00°16'05" East 283.91 feet to the southeast corner of said real property, being also the most westerly northeast corner of that real property described in the City of Surprise Annexation Ordinance 2022-04 recorded as Instrument 2022-0287430, records of said County;

Thence along the south line of said real property described in Warranty Deed 2019-0301258 and the north line of last said Annexation Ordinance North 89°49'47" West 526.87 feet to a point on the east line of that real property described in the City of Surprise Annexation Ordinance 88-24 recorded as Instrument 1988-594510, records of said County;

Thence along said east line North 00°10'13" East 284.49 feet to the common line between said real property described in Warranty Deed 1996-0040121 and said real property described in Warranty Deed 2019-0301258;

Thence continuing along said east line North 00°10'13" East 584.00 feet to the southwest corner of said real property described in the City of Surprise Annexation Ordinance 20-10;

Thence along the southerly lines of said Annexation Ordinance 20-10 the following four courses;

Thence North 45°10'39" East 42.42 feet;

Thence South 89°48'52" East 15.00 feet;

Thence North 00°10'13" East 5.00 feet;

Thence South 89°48'52" East 474.96 feet to the POINT OF BEGINNING.

Containing 10.84 acres, more or less.

Attached is EXHIBIT "B" and by this reference is made a part hereof.

End of description



EXHIBIT B

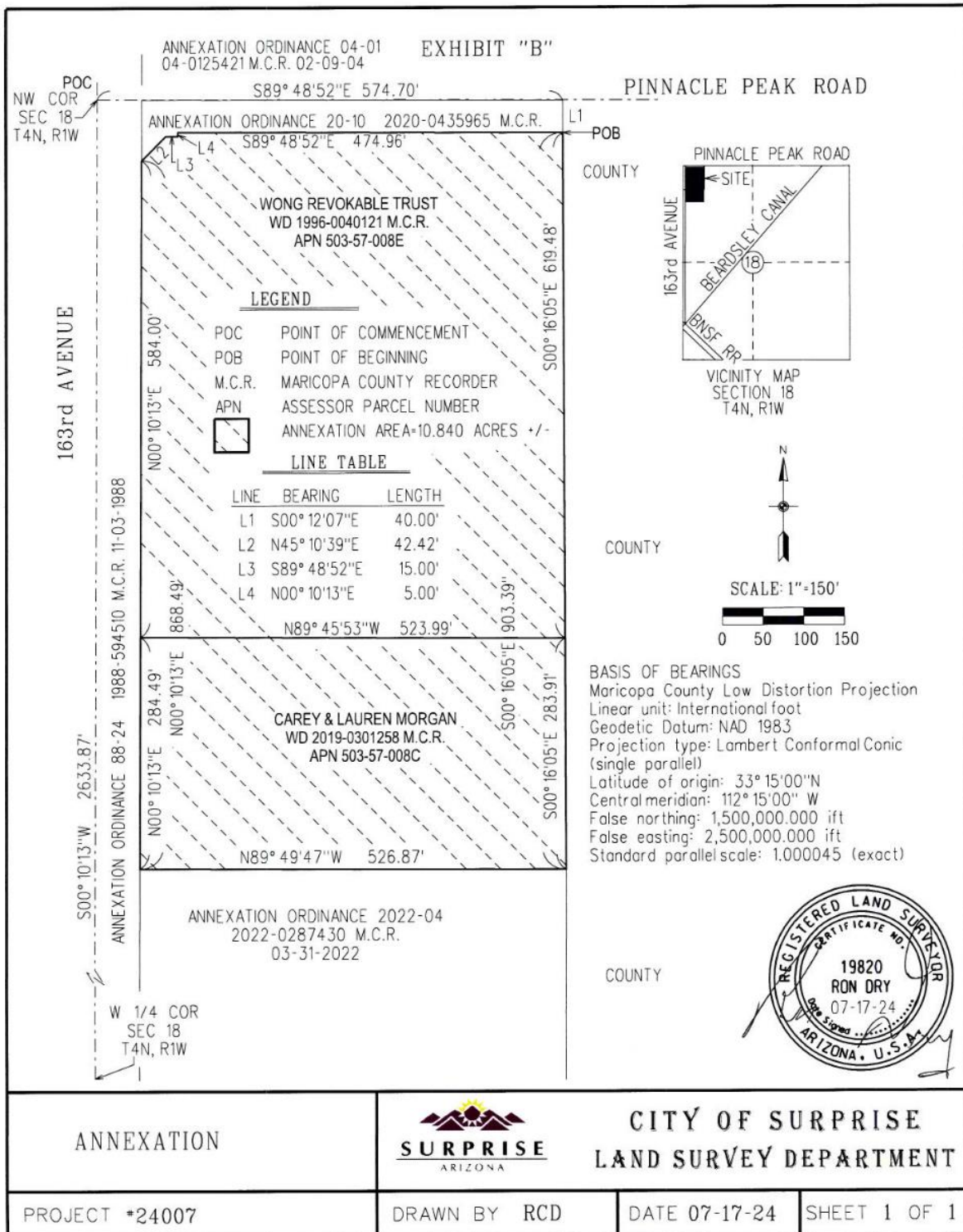


EXHIBIT "A"

DESCRIPTION

ANNEXATION

A portion of that real property described in Warranty Deed 1996-0040121 and a portion of that real property described in Warranty Deed 2019-0301258, records of Maricopa County, Arizona being located in the Northwest Quarter of Section 18, Township 4 North, Range 1 West of the Gila and Salt River Meridian, Maricopa County, Arizona described as follows:

COMMENCING at the Northwest Corner of said Section 18 from which the West Quarter Corner of said Section lies South 00°10'13" West 2633.87 feet;

Thence along the north line of said Northwest Quarter of Section 18 South 89°48'52" East 574.70 feet;

Thence departing said line South 00°12'07" East 40.00 feet to the southeast corner of that real property as described in the City of Surprise Annexation Ordinance 20-10 recorded as Instrument 2020-00435965, records of said County, being a point on the east line of said real property described in Warranty Deed 1996-040121 and the POINT OF BEGINNING;

Thence along said east line South 00°16'05" East 619.48 feet to the southeast corner of said real property and the northeast corner of said real property described in Warranty Deed 2019-0301258;

Thence along the east line of last said real property South 00°16'05" East 283.91 feet to the southeast corner of said real property, being also the most westerly northeast corner of that real property described in the City of Surprise Annexation Ordinance 2022-04 recorded as Instrument 2022-0287430, records of said County;

Thence along the south line of said real property described in Warranty Deed 2019-0301258 and the north line of last said Annexation Ordinance North 89°49'47" West 526.87 feet to a point on the east line of that real property described in the City of Surprise Annexation Ordinance 88-24 recorded as Instrument 1988-594510, records of said County;

Thence along said east line North 00°10'13" East 284.49 feet to the common line between said real property described in Warranty Deed 1996-0040121 and said real property described in Warranty Deed 2019-0301258;

Thence continuing along said east line North 00°10'13" East 584.00 feet to the southwest corner of said real property described in the City of Surprise Annexation Ordinance 20-10;

Thence along the southerly lines of said Annexation Ordinance 20-10 the following four courses;

Thence North 45°10'39" East 42.42 feet;

Thence South 89°48'52" East 15.00 feet;

Thence North 00°10'13" East 5.00 feet;

Thence South 89°48'52" East 474.96 feet to the POINT OF BEGINNING.

Containing 10.84 acres, more or less.

Attached is EXHIBIT "B" and by this reference is made a part hereof.

End of description



ANNEXATION ORDINANCE 04-01
04-0125421 M.C.R. 02-09-04

EXHIBIT "B"

POC
NW COR
SEC 18
T4N, R1W

S89° 48'52"E 574.70'

PINNACLE PEAK ROAD

ANNEXATION ORDINANCE 20-10 2020-0435965 M.C.R.

L1
POB

S89° 48'52"E 474.96'

WONG REVOKABLE TRUST
WD 1996-0040121 M.C.R.
APN 503-57-008E

LEGEND

POC POINT OF COMMENCEMENT
POB POINT OF BEGINNING
M.C.R. MARICOPA COUNTY RECORDER
APN ASSESSOR PARCEL NUMBER
ANNEXATION AREA=10.840 ACRES +/-

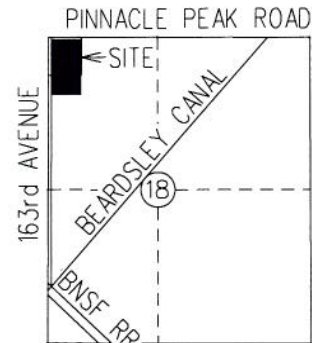
LINE TABLE

LINE	BEARING	LENGTH
L1	S00° 12'07"E	40.00'
L2	N45° 10'39"E	42.42'
L3	S89° 48'52"E	15.00'
L4	N00° 10'13"E	5.00'
	N89° 45'53"W	523.99'

CAREY & LAUREN MORGAN
WD 2019-0301258 M.C.R.
APN 503-57-008C

ANNEXATION ORDINANCE 2022-04
2022-0287430 M.C.R.
03-31-2022

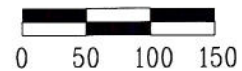
W 1/4 COR
SEC 18
T4N, R1W



VICINITY MAP
SECTION 18
T4N, R1W



SCALE: 1"=150'



BASIS OF BEARINGS

Maricopa County Low Distortion Projection
Linear unit: International foot
Geodetic Datum: NAD 1983
Projection type: Lambert Conformal Conic
(single parallel)
Latitude of origin: 33° 15'00"N
Central meridian: 112° 15'00" W
False northing: 1,500,000.000 ift
False easting: 2,500,000.000 ift
Standard parallelscale: 1.000045 (exact)



ANNEXATION



CITY OF SURPRISE
LAND SURVEY DEPARTMENT

PROJECT #24007

DRAWN BY RCD

DATE 07-17-24

SHEET 1 OF 1



FS24-0505 VICINITY MAP



FS24-0505
Wong & Morgan
Annexation

City Council
August 20, 2024



FS24-0505 VICINITY MAP



EXISTING CITY BOUNDARY



PROPOSED CITY BOUNDARY

Annexation Steps

Resolution for the Intent to Annex:

- City Council meeting – August 20, 2024 ← **Tonight**

File Blank Petition:

- Begins 30-day waiting period
- Reach out to County Assessor and Dept of Revenue

Public Hearing:

- City Council holds public hearing to discuss the annexation
- Held in last 10 days of 30-day waiting period

Obtain signatures on annexation petitions

- Applicant has 1 year to complete petition

Public Hearing:

- City Council holds public hearing for final annexation ordinance



SURPRISE
ARIZONA

**QUESTIONS OR
COMMENTS?**

Thank You



CITY OF SURPRISE
Regular City Council Meeting

Council Meeting Date: August 20, 2024
Submitting Department: Police
Staff Recommendations:

Contact Person: Benny Pina, POLICE CHIEF
District: Internal

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

Consideration and action pertaining to approval of a Fiscal Year 2025 budget amendment by moving budget in the amount of \$300,000, and amending the Fiscal Year 2025 Contract Awarding Authority List for office renovation expenses within the Police Department; Resolution #2024-128.

Motion:

I move to approve Resolution #2024-128.

Background:

The Surprise Police Department Criminal Investigations Division (CID) currently needs additional office space that would allow the CID Commander to be housed in the division. The added office space will also be used for a lieutenant or sergeant and/or creation of a digital evidence processing laboratory.

Objective Analysis:

Acceptance of this amendment will allow the police department to proceed with this renovation and cover the inflationary costs associated with the project.

Policy Compliant:

This action is consistent with City and Council Policy.

Financial Impact:

This resolution will increase the project's one-time expense by \$300,000.

Budget Impact:

This action allows for a movement of budget authority in the amount of \$300,000 from General Capital Projects Contingency to project P31140 in the General Capital Projects Fund to support the one-time expense for office renovation within the Criminal Investigations Division (CID) to increase the department's efficiency to investigate crimes.

FTE Impact:

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

ATTACHMENTS:

1. RES2024-128 CID Renovation Budget Amendment080524 Final
-

RESOLUTION # 2024-128

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA, AMENDING THE FISCAL YEAR 2025 BUDGET BY MOVING BUDGET AUTHORITY OF \$300,000 FROM GENERAL CAPITAL PROJECTS CONTINGENCY TO PROJECT P31140 IN THE GENERAL CAPITAL PROJECTS FUND AND AMENDING THE FISCAL YEAR 2025 CONTRACT AWARDING AUTHORITY LIST BY ADDING \$300,000 TO CAAL #25116, FOR AN OFFICE RENOVATION WITHIN THE POLICE DEPARTMENT.

WHEREAS, the Police Department Criminal Investigations Division (CID) is in need of additional office space that will house the division commander, lieutenant and/or the creation of a digital evidence processing laboratory. This purchase requires a movement of budget authority of \$300,000 from the General Capital Projects Contingency to General Capital Projects Fund;

WHEREAS, this action is necessary for the City to increase the efficiency to investigate crimes;

WHEREAS, this action will allow the City Criminal Investigations Division Commander to be housed in the division;

WHEREAS, the FY2025 budget, including the FY2025 Contract Awarding Authority List, was adopted by Council Resolution #2024-94 on June 04, 2024;

WHEREAS, this action will necessitate a budget amendment;

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, 2024, through June 30, 2025.

Section 2. That the statements and schedules attached as *Exhibit B* and incorporated by reference are adopted, amending the Fiscal Year 2025 Contract Awarding Authority List of the City of Surprise, Arizona for the fiscal year July 1, 2024 through June 30, 2025.

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 # 2024-128
Exhibit A

1. Appropriation - This action allows for a movement of budget authority in the amount of \$300,000 from General Capital Projects Contingency to project P31140 in the General Capital Projects Fund to support the one-time office renovation within the Criminal Investigations Division (CID). 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	#P31140 CID Office Space Renovation	E	122,300	300,000	422,300
General Capital Projects Fund	General Operations	Contingency	E	9,868,300	(300,000)	9,568,300
Expense Total				9,990,600	-	9,990,600

RESOLUTION # 2024-128
Exhibit B

1. Contract Awarding Authority List – Council approved \$300,000 for the purpose of renovating the Criminal Investigations Division (CID) included on the Fiscal Year 2025 Contract Awarding Authority List. This amount was based on current construction and equipment costs.

Reference #	Description	Current Amount	Increase/ (Decrease)	Amended Amount
25116	P31140 - CID Office Space Renovation	\$135,000	\$300,000	\$435,000



CITY OF SURPRISE Regular City Council Meeting

Council Meeting Date: August 20, 2024
Submitting Department: Legal
Staff Recommendations:

Contact Person: Robert Wingo, CITY ATTORNEY
District: Citywide

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

Consideration and action authorizing the City Attorney, or his designees, to take any and all action necessary, including but not limited to initiating litigation, to recover the City of Surprise's loss of long-term storage credits, and any damages related thereto, from water stored in the Maricopa Water District's groundwater savings facility.

Motion:

I move to authorize the City Attorney, or his designees, to take any and all actions necessary, including but not limited to initiating litigation, to recover the City of Surprise's loss of long-term storage credits, and any damages related thereto, from water stored in the Maricopa Water District's groundwater savings facility.

Background:

Objective Analysis:

Policy Compliant:

Financial Impact:

Potential financial impacts include the cost of litigation and/or other means of pursuing recovery of lost long-term storage credits and the costs of purchasing replacement credits, costs of which are undetermined at this time.

Budget Impact:

Potential budget impacts include the cost of litigation and/or other means of pursuing recovery of lost long-term storage credits and the costs of purchasing replacement credits, costs of which are undetermined at this time.

FTE Impact:

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

ATTACHMENTS:



CITY OF SURPRISE
Regular City Council Meeting

Council Meeting Date: August 20, 2024
Submitting Department: Legal
Staff Recommendations:

Contact Person:
District: Citywide

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

Consideration and action to recess into executive session for discussion and consultation with the City Attorney to consider its position and receive legal advice pertaining to contemplated litigation regarding the City's loss of long-term storage credits from water stored in the Maricopa Water District's groundwater savings facility pursuant to A.R.S §§ 38-431.03 and 04.

Motion:

I move to recess into executive session for the purpose noticed.

Background:

Objective Analysis:

Policy Compliant:

Financial Impact:

There is no anticipated financial impact related to this item.

Budget Impact:

There is no anticipated budget impact related to this item.

FTE Impact:

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

ATTACHMENTS:
